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PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, February 4, 1986*

The House met at 12 o'clock noon.

The Reverend James M. Demske, S.J., president, Canisius College, Buffalo, NY, offered the following prayer:

God of our fathers, God of all nations, You have created us and all that is good. You provide us with the help we need to make our way in a bewildering world.

We ask you now to give us Your blessing. Look with favor on these men and women, your servants and the servants of the Nation.

Help them to uphold the principles of this great land. Assist them so they may be worthy successors of those giants of the past who have led our country for over 200 years.

Help them to renew in our people the spirit of peace and justice, unity and compassion.

Help them to strengthen our dedication to the values upon which this Republic was founded, the values of family, diligence, dignity, freedom under law, and the inalienable rights of life, liberty and the pursuit of happiness for all.

We ask these blessings in Your holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the bill on the Private Calendar.

STEVEN McKENNA

The Clerk called the bill (H.R. 1598) for the relief of Steven McKenna.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

WELCOME, FATHER DEMSKE

(Mr. NOWAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NOWAK. Mr. Speaker, it is a distinct pleasure for me to join in welcoming our guest chaplain today, Father James M. Demske, S.J., who is celebrating his 20th anniversary as president of my alma mater, Canisius College in Buffalo, NY.

As one of the longest-tenured college presidents in New York State, Father Demske has guided Canisius through a period of extensive growth, while strengthening the college's reputation for high quality education.

Under his leadership, enrollment at Canisius has increased substantially, and its campus renovated to meet the changing demands of a diversified student body.

Father Demske has also strongly encouraged greater depth in curriculum, as illustrated by an expanded masters program in education and the creation of the M.B.A. and pre-law programs.

As a prominent member of the western New York community, Father Demske plays an active role in numerous civic organizations. He is also a noted author, having published five books on a wide range of topics.

Mr. Speaker, I would like to share with my colleagues a feature article, which appeared in the January 1986 issue of Western New York magazine.

It details the profound contribution Father Demske has made to our community. I join his many friends in congratulating him on his anniversary and in wishing him continued good health and success.

WESTERN NEW YORKER OF THE YEAR: REV. JAMES M. DEMSKE, S.J.

(By Mary Ann Lauricella)

The 1986 Western New Yorker of the Year is a businessman whose bustling facility, among the top 10 percent of the area's largest employers, annually pumps $50 million into the local economy.

He is Rev. James M. Demske, S.J., a Jesuit priest who is marking his 20th year at the helm of Canisius College.

From the early days in 1966 when he returned to his home town of Buffalo to become Canisius's 22nd president, Father Demske has had a remarkable rapport with the citizens of Western New York. The traditional conflict between "town and gown," separating institutions of higher learning from the communities in which they are located, simply never happened. Part of the reason, perhaps, is that Canisius College's entire campus is smack in the middle of the city. There is little doubt that Father Demske's leadership is the other reason.

"Canisius rises and falls with the Buffalo community. We are so much a part of each other," Father Demske said. "The challenge for all of us in higher education is to work together for the good of this area. It's to everybody's advantage. As Buffalo has been losing population, our recruiting effort has been more difficult. We see tough sledding in admissions until 1994-95."

Father Demske notes that the higher education industry, now dubbed "high ed" (as in "high tech"), has taken its place as a key element in the Western New York economy.

"We have taken up the slack in employment created by the dramatic cuts made in heavy industry," he said, adding that Canisius now has 600 employees.

"Maybe it will be brainpower that will eventually turn this area around," he said, pointing out that the city that once exported the innovations of Pierce Arrow and Curtiss-Wright "still has creative thinkers who can build its future business."

Under Father Demske's leadership, Canisius has expanded its offerings to help provide the tools to build that future. The college's Institute for Management Development and courses in computer science, management information systems, and educational computing are examples. The master of business administration program (MBA), strong since its inception in 1968, also is set

for expansion. Currently being considered as possible new areas of concentration for the MBA program are accounting, taxation, and public administration. Next year Canisius will begin construction that will triple the size of its library.

Not only does Father Demske believe in responding to the community's educational needs, he likes to anticipate them.

"Languages are a pet hobby of mine, but an area that is largely neglected," he said. "In this country—and right here in our community—our inability to handle foreign languages is bad for business. When the Japanese, German, French, and others come here, they speak Engish, but we can't speak their languages. The Canisius Language Department is ready to grow as the demand increases, and I hope it will increase."

Father Demske is most proud of Canisius alumni, and he takes delight in naming chief executive officers and other successful men and women across the nation.

"Our alumni are in key positions, and this is paving the way for a broader recognition of Canisius—and that redounds to Buffalo. The positive side of the brain drain that occurs when these people leave our area is that they are spreading the Canisius name and influence around."

Blessed with an extremely loyal alumni corps from both the undergraduate and graduate divisions, Father Demske counts more than 100 sons and daughters of graduates in the present freshman class. He is on a first-name basis with thousands of alumni, maintaining a busy travel schedule to attend alumni events in many cities each year.

Born in Buffalo, young Jim Demske graduated from St. Joseph's Collegiate Institute. He received summa cum laude honors when he graduated from Canisius College in 1947, the same year he entered the Society of Jesus. He pursued graduate studies in Austria and earned his doctorate in philosophy from the University of Freiburg in West Germany.

He was director of Jesuit seminarians at Bellarmine College in Plattsburgh, New York, when he was tapped for the Canisius presidency. Father Demske also is the author of five published books.

While the Canisius president could fill his days writing scores of academic articles and reviews, he chooses to give time and energy to Buffalo causes and projects. He views such activities as his bond with the community.

"I am very happy to spend time on worthwhile community projects and boards, and I feel a certain responsibility to do so," he said. "Actually, these experiences are very valuable to me, especially those which give me the opportunity to be involved with budgetary procedures and to observe management techniques. I am always encouraged by the competence and good will of the people with whom I work on these committees."

Father Demske is a trustee of Western New York Educational Television and is a director of Buffalo General Hospital, Buffalo Fine Arts Academy, Empire of America Federal Savings Bank, Automobile Club of Western New York, and the Buffalo Philharmonic Orchestra. His father, the late Albert J. Demske, was an original member of the Philharmonic Orchestra. Father Demske, who says music is one of his most rewarding hobbies, plays the same instrument his father played, the trombone.

Father Demske, who also has given special service to the United Way of Buffalo and Erie County, the Buffalo Urban League, Hospice Buffalo, and the Erie County Fiscal Review Commission, recalls that one of his first board memberships was the Buffalo Area Chamber of Commerce.

"I feel I profited a lot from it," he said. He has high regard for the roster of Chamber leadership and believes that the Chamber's challenge is "to constantly add more new blood."

Father Demske sums up his own management philosophy in three words: "Answer your mail."

He explained, "What that really means is that you pay attention to everyone who wants to consult with you. You 'answer your mail' by making decisions, meeting deadlines, giving employees real goals and a real share in the organization. It's simple and obvious, yet so many managers don't do it."

A businessman who believes in keeping close to people, he said that this parallels the Jesuit philosophy of education, which advocates personal contact with students.

Strongly committed to his priesthood, Father Demske says Mass daily and often rearranges his business calendar to visit with someone who is ill or to spend time with a grieving family.

Father Demske puts in strenuous business days, inspired by a religious principle he learned long ago in the seminary: do the best you can during the day, then leave the rest to God.

The Canisius president will be honored guest at the Western New Yorker of the Year luncheon February 13 in the Hyatt Regency-Buffalo. He will receive a portrait of himself from the cover of the January 1986 issue of Western New York Magazine from Ross B. Kenzie, chairman of the Buffalo Area Chamber of Commerce and chairman of Goldome, who was 1985 Western New Yorker of the Year.

Guest speaker will be Gene F. Jankowski, president of CBS Broadcast Group in New York City, a Canisius alumnus.

(Mary Ann Lauricella, a former president of the Canisius College Alumnae Association, is corporate communications officer for Empire of America Federal Savings Bank.)

HONORING REV. JAMES M. DEMSKE, S.J., PRESIDENT, CANISIUS COLLEGE, ON HIS 20TH ANNIVERSARY AS PRESIDENT

(Mr. LAFALCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, it is a pleasure to take this opportunity to commend Rev. James M. Demske, S.J., president of Canisius College, for his outstanding leadership in the academic community. Father Demske took office as Canisius president in July 1966, and since that time, the college has grown significantly under his stewardship. Some brief evidence of his success is in order.

Student enrollment increased from 3,300 to more than 4,500, with women, minorities, and nontraditional students attending in greater numbers.

Because large numbers appreciated a Canisius education, additional facilities had to be built. Father Demske took the lead in having six new buildings constructed, with older facilities also undergoing modernization.

Graduate education prospered. Canisius has had 850 students graduate with M.B.A. degrees since the masters of business program began in 1972. In addition, the education department now offers eight masters degree programs, all accredited by the National Council for the Accreditation of Teacher Education.

Because of Father Demske's perceptive academic abilities, his good business sense and, above all, his moral vision, the college is, perhaps as never before, a cohesive institution of learning, stressing strong ties to the western New York area because of its board of trustees and advisory councils; nurturing respect and understanding because of the firm and humane leadership of this scholar-priest who has received every accolade of an admiring community.

For all these reasons, I take great pleasure, as an alumnus of Canisius College, to congratulate the Reverend James M. Demske of the Society of Jesus for his outstanding service to Canisius College, its students and alumni, and the entire western New York area and beyond.

APPOINTMENT AS MEMBERS OF U.S. GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of 22 United States Code 1928a, the Chair appoints as members of the U.S. Group of the North Atlantic Assembly the following Members on the part of the House:

Mr. FASCELL of Florida, Chairman;
Mr. ROSE of North Carolina, Vice Chairman;
Mr. BROOKS of Texas;
Mr. ANNUNZIO of Illinois;
Mr. HAMILTON of Indiana;
Mr. GARCIA of New York;
Ms. OAKAR of Ohio;
Mrs. BURTON of California;
Mr. BROOMFIELD of Michigan;
Mr. O'BRIEN of Illinois;
Mr. BADHAM of California; and
Mr. REGULA of Ohio.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor and the cooperation of all the Members is requested.

□ 1210

THE STRANGE VISIT OF JONAS SAVIMBI TO THE UNITED STATES

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYMALLY. Mr. Speaker, I rise to protest the visit of Jonas Savimbi to the United States. If our Government chooses to support this man and his movement through military aid, we will be committing an incredible blunder in Africa, and we will be sending a message to Africa as chilling as that sent recently by South Africa when its influence was a key factor in the toppling of the Lesotho Government. Our Government should not be in the position of helping to prop up the racist regional policies of South Africa.

If we do support Savimbi, we will place ourselves in the curious position of supporting a Marxist government in Mozambique and helping to topple the same kind of government in Angola. Africa is a continent that is coming into its own. Many of these countries have recently emerged from the bonds of physical colonialism, but most are far from free of the bonds of economic colonialism. Those on the continent are looking not for countries that will work out their global political rivalries on African soil but rather they are looking for true allies: those who will help these countries gain economic stability.

Let us not be counted among Africa's enemies. Let us help to make Angola a decent place for all Angolans to live.

PERSECUTION OF CATHOLIC CHURCH CONTINUES IN NICARAGUA

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. LAGOMARSINO. Mr. Speaker, the persecution of the Catholic Church continued in Nicaragua last week with the detention and interrogation of Msgr. Oswaldo Mondragon. Held by the state security authorities for an hour and a half, Monsignor Mondragon was charged with being the head of a special anti-Sandinista internal front.

This action came as the Communist Sandinista regime leader, Daniel Ortega called on Cardinal Obando Y Bravo to stop championing "Somocismo" and to end this pro-Yankee and defamatory criticism of Nicaragua. Cardinal Obando is the same church leader Somoza called "Commandante Obando."

The Nicaraguan Episcopal Conference stated last week that the Sandinista government's "slander campaign" against the church has taken on an "official nature." The bishops, in their statement, rejected "all slanderous charges against the clergymen on the part of people who, because of their physical or psychological conditions, have been deprived of their freedom."

[See full report of these activities under extension of remarks.]

The Sandinista regime's persecution of the Catholic Church in Nicaragua coincides with its direction of Radio Venceremos, the propaganda arm of the Salvadoran guerrillas, which last week applauded the loss of the space shuttle *Challenger* and its crew.

ECONOMY IN LIMBO PENDING ACTION ON TAX BILL

(Mr. ERDREICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ERDREICH. Mr. Speaker, how can we pass a law without passing a law? Only tax writers could come up with this outrageous end-run around our Constitution.

Article I of our Constitution says Congress shall make all laws by both Houses passing a bill and the President signing it. But here, in 1986, that clear mandate has been tossed aside.

The President's pending tax reform bill, now sitting in a Senate committee after passing the House in December, has effective dates of last September for some parts of the Tax Code, and January 1, 1986, for many other parts.

The pendency of the bill, with these outdated dates, stifles economic activity, keeps many jobs-creating decisions in limbo, while we wait for final congressional action.

For example, pending changes, affecting some municipal bonds, put a cloud on those and are delaying industrial development and new housing in Alabama and across America.

Pass a law without passing a law? It has been done by the pending tax reform bill, with its backdated dates, and it should not be allowed.

I ask my colleagues to join with me in urging the President, Treasury Secretary Baker, Chairmen ROSTENKOWSKI and PACKWOOD of the Tax Committees, to announce effective dates for any tax change to be January 1, 1987.

All of us may have differences about some or all of the President's pending tax changes. But let's at least agree not to trample our Constitution while we debate the substance of the tax reform bill.

TRIBUTE TO ASTRONAUT GREGORY JARVIS

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. LEVINE of California. Mr. Speaker, as America pays tribute to the individual sacrifice of the space shuttle *Challenger* crew, we remain gripped by memories of the people who gave their lives for our Nation. Three of the *Challenger* astronauts, Gregory Jarvis, Judith Resnik, and Ronald McNair, at one time lived or worked in my congressional district. Residents in my district had the good fortune to know each of them. The community also had a special tie to Christa McAuliffe whose sister lives in the district.

Though no words can be adequate, for the next 4 days I would like to pay tribute to each of these three crew members from my area.

Gregory Jarvis lived in Hermosa Beach. He worked as an engineer at Hughes Aircraft. He was chosen among 600 applicants at Hughes to participate in the shuttle flight. Known for his quick smile and remembered as an all-American boy, Jarvis apparently never let go of his boyish enthusiasm. Shortly after being selected to fly on the shuttle along with his Hughes colleague John Harrison Konard, Jarvis admitted he and Konrad were acting, as he put it, "like little kids."

With just the right dose of humor and humility, Jarvis appreciated his select role as an astronaut as he carried the pride of a nation with him into space. He once remarked, "You look at an astronaut, who is just about a perfect human being, and here you are, your hair falling out, and they call you * * *. You're being placed in a position where you are one of a very small set of people who can share this experience."

We will miss hearing about the experience of space travel from Gregory Jarvis, because we know that he would have treasured every minute of it.

MANY FEDERAL PROGRAMS A DRAIN ON GOVERNMENT RESOURCES, SAY SOME EDITORS

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, congratulations are in order

to the editorial staff at the Washington Post. You see, on their January 23 editorial page, the Post finally acknowledged what many of us have been arguing all along. "The President cannot be completely denied the domestic spending cuts he seeks to reduce the deficit—nor should he be."

And the Post is not alone. Editorial boards across the country are recognizing that, indeed, many Federal programs are merely a drain on Government resources. Last week the St. Louis Globe-Democrat stated: "The budget is bursting with programs that should have been eliminated or drastically cut years ago."

It has been said, Mr. Speaker, that with the advent of Gramm-Rudman, Congress will need to make some difficult choices in the months ahead. However, I submit to you that not all choices will be hard. The Small Business Administration is one example. The Post considers the SBA "suspect" and "an exercise in Federal nostalgia." I say "welcome," Washington Post, to the mainstream of American thought.

MASS MURDER IN HAITI

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the mass murder of innocent children, women and men, continues unabated in Haiti. In the last 48 hours, more than 500 innocent citizens have been killed and this Government has not helped matters with its ambivalence about the Government of Haiti.

What is needed in Haiti, Mr. Speaker, is not military intervention. No intervention by force is needed, but moral intervention, political intervention, financial intervention, all of which are at the command of this Government. We can by peaceful intervention help the citizens of Haiti to get the kind of democratic government that they deserve.

Mr. Speaker, it has been said over and over again that we do not know what the alternative will be in Haiti. We do not know what the opposition is like. The opposition is there. There are many intelligent people, many experienced people, who can take over the Government of Haiti, but they would be foolish to raise their heads in the atmosphere of murder that exists there today.

I think that we can take peaceful steps which are greater than those we have taken so far. We can recall our Ambassador in Haiti in protest of the mass murders taking place there. We can make it clear that there will be no more financial aid for the Duvalier government. We can call on the Organization of American States to condemn the mass murder in Haiti. We can call on the United Nations to condemn the mass murder in Haiti.

We can maximize the moral intervention that is needed to change things in Haiti. Military force is not needed. Intervention by the Marines is not needed. The maximization of our moral intervention is definitely needed to stop the mass murder in Haiti.

PRESIDENT SHOULD CONVENE A DOMESTIC ECONOMIC SUMMIT

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. SLATTERY. Mr. Speaker, tonight President Reagan will deliver his State of the Union Address. I hope when the President speaks to the Nation that he offers to convene a domestic economic summit.

I hope when he speaks of bipartisanship that he offers to seek a historic budget compromise with Members of both parties in both Houses.

I hope when he speaks of the budget that he speaks of shared sacrifice, shared benefits and a common spirit of patriotism.

I hope when he speaks of the Congress that he offers the olive branch of cooperation and compromise.

We face the danger of legislative gridlock, economic chaos, and automatic budget cuts that we all prefer to avoid.

Mr. Speaker, surely if the President can meet the Russians in Geneva, he can meet the bipartisan leadership of this Congress at Camp David. By working together, Democrats, Republicans, liberals, conservatives, the Congress, and the President, we can deal with the deficits that trouble us all and build the kind of strong economic future that we all want for America.

IN RECOGNITION OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, during the past recess, I participated in a ceremony recognizing the joint People's Republic of China-United States participation in the Tropical Ocean-Global Atmosphere [TOGA] Program. TOGA is an international scientific research program directed at the study of the interaction of the tropical oceans and global atmosphere.

I am sure that you are familiar with the mysterious phenomenon, El Nino, the pacific ocean current responsible for the unprecedented geographical distress and damage occuring worldwide. It is precisely this mystery, and the desire to provide a capability to predict it, that inspired this landmark United States-Chinese research mission.

I bring this to your attention today, not only to pay tribute to this unique mission, but also to recognize the people who have played a major role in its development—the National Oceanic and Atmospheric Administration. Diligently administered by Dr. Tony Calio, NOAA has established itself as an effective, responsible agency committed to producing outstanding work in the management and exploration of the world's oceans and atmosphere. The United States-China mission, but one activity in whch NOAA is engaged, exemplifies this agency's dynamism.

Not simply concerned with global interests, NOAA has always been sensitive to the need's of my State as well. Through the leadership of Dr. Calio, NOAA has recently deployed a three-meter weather data buoy between the islands of Maui and Hawaii. This inter-island buoy is transmitting essential data on weather and ocean conditions on a trial basis, and will complement a network of four deepwater ocean buoys that have been deployed in Hawaiian waters since Hurricane Iwa brought havoc to Hawaii in 1983.

As citizens of this great Nation and as residents of this Planet, we are awestruck by the devastating powers of nature. Nevertheless, we are fortunate to have NOAA, an agency devoted to the study of those powers, making continuing progress toward unraveling the mysteries of nature.

PRODUCT LIABILITY LEGISLATION NEEDED

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. RICHARDSON. Mr. Speaker, there is a product liability crisis in this country, a crisis that has caused the unavailability and unaffordability of liability insurance. It affects businesses and consumers and the Nation's court system as well.

This atmosphere of crisis has caused complaints to flood into Congress about insurance cancellations, large rate increased, and adverse effects on businesses and services.

As the debate regarding the crisis unfolds, it appears that the sources of this problem are complex and diverse. State regulations, the judicial system, industry practices, and inadequate Federal enforcement protection against health and safety hazards have all been cited as contributing to this crisis.

□ 1225

I will be introducing comprehensive legislation shortly to try and address this problem of product liability. A solution to the crisis will require a very

high degree of cooperation that is sometimes and hopefully will be brought to any issue that is controversial.

THE TRADE DEFICIT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks).

Ms. KAPTUR. Mr. Speaker, last week the Commerce Department ended all of the speculation about just how high a trade deficit with the world our country would suffer in 1985. The numbers are in—a $150 billion difference between merchandise Americans sold overseas and what foreign firms sold here—the worst on record. This marks a major decline in U.S. competitiveness in world markets. Jobs in America are being lost every day—2.5 million of them since 1981.

I hope the President will address this issue tonight in his State of the Union. We cannot be successful in this national challenge without Presidential leadership.

While our manufacturing base withers, so does much of our strategic defense capability. Why should Japan sell $50 billion more goods in our market than we sell in theirs; Europe $27 billion more here; Canada $22 billion more; $13 billion more Taiwanese goods here than United States goods there; and the list goes on.

Let's make 1986 the year we put America back on track. Mr. President, why won't you help us?

THE TRADE DEFICIT

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, the two previous speakers have indicated a serious problem that this Nation is facing in the trade area.

Mr. Speaker, I am today introducing legislation to extend temporarily the Trade Adjustment Assistance Act.

In the hectic final days of the first session of the Congress, we allowed key portions of this vital program to expire.

As a result, thousands of victims of foreign imports no longer receive weekly assistance benefits.

First they lost their jobs due to imports.

Then they lost their benefits because we failed to act.

The bipartisan support for this program makes it likely that it will be reauthorized in some form, either in the pending budget reconciliation bill or as part of another bill.

Until that happens, however, import victims are receiving no weekly benefits.

While we legislate, they wait.

The bill I'm introducing would correct this inequity while allowing time for us to act on a long-term program extension.

The bill would extend the trade adjustment assistance program through March 15 of this year. In addition, the measure would restore benefits to dislocated workers who saw those benefits cut off December 19 when Congress failed to act.

I intend to introduce this legislation this afternoon and I urge that Members who would like to cosponsor the measure to kindly contact me.

GRAMM-RUDMAN AND THE STATE OF THE UNION

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, in tonight's State of the Union Address, I hope the President will ignore the advice given him by his public relations consultants and also given the House Republicans last weekend during their retreat to Baltimore. That advice was to ignore the chaos threatening our country as a result of the Gramm-Rudman law and to not become bogged down in the debate over the budget cuts already scheduled to take place before this year is out.

Mr. Speaker, while the deficit must be addressed, the meat-axe approach of the Gramm-Rudman law has created the greatest managment crisis in the history of our Nation and our Government. Under that plan, the Federal Government support for education will virtually collapse. The Government will be forced to lay off thousands of workers in critical service areas such as drug enforcement, space research, national defense, health care and other important services like customs oversight and crime prevention.

In my own district, farmers are given an added burden to the already difficult farm emergency caused by the Reagan economic policies.

Mr. Speaker, the challenge to the Republican Party this year is not to hide from the critical issues that face our Nation but to face those issues. The challenge to Mr. Reagan tonight is to provide leadership, not showmanship.

TIMELINE FOR IMPLEMENTATION OF PROOF OF ELIGIBILITY REQUIREMENTS FOR PROGRAMS UNDER INDIAN EDUCATION ACT

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the concurrent resolution (H. Con. Res. 276) concerning the timeline for the implementation of proof of eligibility requirements for programs under the Indian Education Act.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. JEFFORDS. Mr. Speaker, reserving the right to object, I do so only for the purpose of allowing the gentleman from Michigan to explain what this resolution is about.

Mr. KILDEE. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Speaker, I ask the House to favorably consider the concurrent resolution, a statement of the sense of the Congress regarding a problem that has arisen concerning the Indian Education Act. The act, passed in 1972, is the only Federal Indian Education Program which positively impacts Indian students who live in urban settings or who are affiliated with nonfederally recognized, State recognized, or terminated tribal groups. As such, it is vital to these groups. It has been a primary positive influence on the educational experience of these children.

On November 25, 1986, the Department of Education sent a letter to all superintendents of public school districts which have Indian Education Act programs. It stated that the Department would begin to require particular proofs of eligibility from each parent or school district. Only these stipulated proofs would be acceptable. In addition, the Department rescinded the policy of allowing compliance through a good faith effort to obtain the information. Such attempts would no longer be sufficient. Regardless of the reason that the stipulated proofs could not be obtained, a child without them would be deemed by the Department to be ineligible.

Many of you have expressed concern with the policy and specific content of this letter. I join you in this concern. I have expressed my reservations with this letter to the Department. However, this resolution does not address those issues. It is totally neutral on the policy and procedural questions of the November 25 letter, neither accepting the Department's position or arguing against it. It solely addresses a more immediate question which arose last week: When must a school district have these new requirements of proof fully implemented?

Beginning in December, questions regarding the timeline for the implementation of the November 25 letter met with a uniform and apparently reasonable response from Department

of Education officials. Congressional offices and program personnel were told that while school districts would have to start to implement the letter immediately, they did not have to have it implemented for each student until the fiscal year 1987 application period. In other words, for the fiscal year 1986 application—school year 1986-87, schools could count all students for whom they had eligibility forms, whether or not they had complete information as required by the November letter. However, Department officials made plain that in 1987, they would only consider students complying with the November 25 requirements as eligible.

Regardless of one's view of the policy of the letter, this position could be hailed by all as reasonable and fair. The obtaining of the required documentation will be a time-consuming affair, involving expense and effort. Contacts across State boundaries and with a number of different Federal and tribal agencies will be required, and the timelines for responses will vary. Additionally, substantial technical assistance from the Department is needed to provide guidance on compliance requirements. The Department acknowledges this, for it is even now working on a question and answer memorandum to explain the new requirements and assist school districts in complying. This document will not be ready for some time.

Applications are due on February 13, 1986, for the fiscal year 1986 programs. Now it appears that the Department has not been candid in its description of its implementation policy. While it tells callers that there is a 1-year implementation period, it refuses to put this in writing. Apparently, this is because the auditors do not want to be bound by this interpretation. The Department program officials state that if a school district submits a count on all students for 1986, along with the number of students still requiring additional documentation, a description of the efforts underway to obtain documentation and a timeline for compliance—they suggest the fiscal year 1987 application date—this will be sufficient for them. As long as the school district only counts students with completed forms in 1987, they will "say no more." However, if the school district is one of the one-third of these programs that is audited every year, the program people will not back up their statements. If the auditors want to take a different position and demand immediate full compliance, the program officials will "wash their hands of the matter." The school districts may have to repay the money.

The Indian Education Act serves approximately 322,000 students in 42 States. Particularly in school districts serving urban and State recognized, nonfederally recognized Indian students, the new requirements will mean a substantial decrease in student populations.

In many cases, uncertainty about the program or a decreased eligible population will keep school districts from applying. The students who suffer the most damage will be those whom the program was designed to protect.

Such a situation should not be tolerated. The Department should clearly adopt in public what it has sired behind the scenes.

This concurrent resolution urges the Department to do just this. It asks the Department to clearly state that full implementation of the proof requirements of the letter will not be required until the 1987 application is due. It also asks for a clear statement that students for whom there are 506 forms which the school district is working to obtain documentation are eligible. It should also be stated that a lack of success in good faith efforts to obtain this documentation shall not render the student ineligible for purposes of the fiscal year 1986 grant. Current regulations are quite sufficient to protect against abuse for this period.

This resolution is needed to protect this vital program.

I ask the Members to support this effort.

Mr. JEFFORDS. Mr. Speaker, further reserving the right to object, it is my understanding that this in no way will tell the administration that they should not continue to consider this option; however, to impose it at this particular time would be unfair and inappropriate; is that correct?

Mr. KILDEE. The gentleman is absolutely correct. This is not addressing whether these requirements are good or bad or should be modified or not. It merely asks them to give some assurance that they will not be fully implemented until fiscal year 1987.

Mr. JEFFORDS. Further reserving the right to object, it is my understanding there is no budgetary impact as a result of requiring this shift in timing.

Mr. KILDEE. None whatsoever.

Mr. JEFFORDS. Mr. Speaker, further reserving the right to object, I have checked with my side of the aisle and there is no objection to this particular resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 276

Whereas in 1972 the Congress enacted part A of the Indian Education Act, to enable public school districts to meet the "special educational and culturally related academic needs of Indian students";

Whereas this program was specifically structured to assure services for Indian students who are not eligible for other Federal services provided to Indians;

Whereas these Indian students are predominantly urban, or affiliated with terminated, State-recognized, or nonfederally recognized tribal groups;

Whereas on November 25, 1985, the Department of Education sent to the superintendents of public school districts having Indian Education Act programs a letter setting forth a requirement that only specific forms of information could be used to verify eligibility for Indian Education Act programs;

Whereas this Departmental letter rescinds the current policy of "good-faith" compliance with eligibility and proof requirements;

Whereas the initial evidence is that, for many school districts, immediate implementation of this "proof" requirement for all students will be extremely difficult, because of difficulties in communicating requirements to parents, gaps in information, distance from home reservations and Federal officials or tribal entities who are in a position to verify information, problems involved in obtaining responses from these groups, and other factors;

Whereas the promulgation of these standards was done by administrative letter, not by regulation, with no prior notice or opportunity for comment;

Whereas this letter was sent only 11 weeks prior to the date upon which applications for fiscal year 1986 grants for these programs must be submitted, creating an unreasonable burden on a number of districts;

Whereas there is evidence that requiring absolute compliance with the November 25, 1986, letter for all students for the fiscal year 1986 grants will lead to a substantial (up to two-thirds) reduction in the eligible student count in a substantial number of districts, mainly among the students whom this program was specifically designed to assist;

Whereas the Department informed con gressional offices and school districts until recently that while immediate implementation of the November 25, 1986, letter must be begun, the Department would not require absolute compliance for all students until the application for the fiscal year 1987 grants; and

Whereas there now seems to be a problem in securing the necessary evidence of this implementation policy from the Department: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the proofs of eligibility set forth in the Department of Education letter dated November 25, 1985, will not be applied for all students for the Indian Education Act grants distributed for fiscal year 1986,

(2) school districts may count students for whom they are still seeking to obtain information for the fiscal year 1986 grant period (academic year 1986-1987), upon identification in their application of the number of such students and the efforts being made to achieve full compliance, and such students shall not be subsequently ruled ineligible for the fiscal year 1986 grant period if the efforts to obtain proof prove unsuccessful, and

(3) the Department of Education shall take all necessary actions to clearly adopt this interpretation and to inform superin-

tendents of school districts who received the November 25, 1985, letter of this interpretation immediately.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNUAL REPORT OF TOURISM POLICY COUNCIL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read, and together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of today, Tuesday, February 4, 1986.)

TECHNICAL CORRECTIONS TO FOOD SECURITY ACT OF 1985 AMENDMENTS

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2036) to make certain technical corrections to amendments made by the Food Security Act of 1985, and for other purposes, as amended.

The Clerk read as follows:

S. 2036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CROSS COMPLIANCE FOR 1986 THROUGH 1990 CROPS OF WHEAT.

Paragraph (2) of section 107D(n) of the Agricultural Act of 1949 (as added by section 308 of the Food Security Act of 1985 (Public Law 99-198)) is amended to read as follows:

"(2) The Secretary may require that, as a condition of eligibility of producers on a farm for loans, purchases, or payments under this section, the acreage planted for harvest on the farm to any other commodity for which an acreage limitation program is in effect not exceed the crop acreage base for that commodity.".

SEC. 2. CROSS COMPLIANCE FOR 1986 THROUGH 1990 CROPS OF FEED GRAINS.

Paragraph (2) of section 105C(n) of the Agricultural Act of 1949 (as added by section 401 of the Food Security Act of 1985 (Public Law 99-198)) is amended to read as follows:

"(2) The Secretary may require that, as a condition of eligibility of producers on a farm for loans, purchases, or payments under this section, the acreage planted for harvest on the farm to any other commodity for which an acreage limitation program is in effect not exceed the crop acreage base for that commodity.".

SEC. 3. AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES.

The fifth paragraph of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) (as amended by section 1711(a) of the Food Security Act of 1985 (Public Law 99-198)) is amended by—

(1) in the third sentence, striking out "community committee" and inserting in lieu thereof "local committee"; and

(2) striking out the fourth and fifth sentences and inserting in lieu thereof the following new sentences: "Each local administrative area shall have one local committee consisting of at least three members elected to 3-year terms in a local election to be held every third year, except that there may be more than one local committee per administrative area in counties that, as of the date of enactment of the Food Security Act of 1985, have more than three local committees. Only one local administrative area shall hold an election in any given year in each county. Only farmers within a local administrative area who are producers who participate or cooperate in programs administered within their area shall be eligible for nomination and election to the local committee for that area: *Provided,* That the foregoing requirement of this sentence shall not apply to any county that, on the date of enactment of the Food Security Act of 1985, had less than three local administrative areas. Only farmers who are participating or cooperating producers within an area shall be eligible to vote in the election in that area.".

SEC. 4. DETERMINATION OF CROP ACREAGE BASES.

Subsection (b)(1)(B)(ii) of section 504 of the Agricultural Act of 1949 (as added by section 1031 of the Food Security Act of 1985 (Public Law 99-198)) is amended by striking out "paragraph (1)(A) and paragraph (1)(B)(i)" and inserting in lieu thereof "clause (i)".

The SPEAKER pro tempore. Is a second demanded?

Mr. WALKER. Mr. Speaker, I demand a second.

Mr. CHAPPIE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Is the gentleman from California opposed to the bill?

Mr. CHAPPIE. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes and the gentleman from California [Mr. CHAPPIE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is emergency legislation that makes technical amendments to the Food Security Act that passed in December.

Mr. Speaker, if you might recall, we were working under terrific time constraints on the farm bill in December, and worked through the day and through the night on several occasions. Inadvertently, some sections were either added or deleted from the bill contrary to the intention of the conferees, and the understanding of the House and the other body. We correct those errors under this bill.

First, as to the issue of limited cross compliance, instead of making it discretionary, as intended, inadvertently our language made it mandatory. The Department of Agriculture has requested that we give them that discretion as intended by the conferees, and we do so in this bill to satisfy their request.

Second, there was a provision for ASC county committees, that is the Agricultural Stabilization and Conservation Committees. The intent of conferees was that you could have in one county more than three local committees. We go back and correct the farm bill to reflect that agreement.

In section 4 of the amended bill, we have a provision on the acreage bases under which appropriate rules will be applied to wheat and feed grain producers in the determination of crop bases which govern the acreage to be planted. We provided, in conference, for a 5-year period in which you average out the bases. Inadvertently an additional 2-year rule was added to the legislation.

Basically, the intent of the bill is to make these three technical corrections to comply with the intent of the conferees and the understanding of the House and the other body when they approved the farm bill. In the case of the cross compliance, we are acting at the request of the administration.

I reserve the balance of my time.

□ 1240

Mr. CHAPPIE. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Texas, the distinguished chairman of the Committee on Agriculture, and to rise in support of H.R. 4084, which makes some very needed technical corrections in the 1985 farm bill.

This legislation makes it clear that it was the intent of the conference committee that the Secretary of Agriculture have full discretion to determine whether to require cross compliance for all commodities.

Because of some problems with conflicting language, the Secretary has announced that he will require cross compliance for wheat and feed grains as well as cotton and rice, but that he will reverse his decision of given clear discretionary authority over all four crops.

I am opposed to cross compliance of any kind, because I do not feel that this is at all fair to farmers who grow a wide diversity of crops and are hit hard by cross compliance requirements.

Thus, the Secretary's promises are most encouraging, and I believe it is vital that we give him the discretion he needs to ensure fairness to our farmers.

The bill also corrects a problem regarding acreage-based calculations for

wheat, feed grains, cotton, and rice. It was the intent of the conference committee that only a 5-year average be used in calculating bases; but a provision requiring the use of a 2-year average for cotton and rice has been interpreted as applying to wheat and feed grains as well.

I do not support the 2-year rule, because it is unfair to farmers who suffer low productivity in a single year due to special circumstances such as drought or floods.

This will be a very valuable amendment to the bill for many farmers in my district, and I strongly urge the adoption of the bill.

Mr. CHAPPIE. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Speaker, I rise in support of the bill. However, I will take this time to make the Members aware of some problems that exist in the farm bill with respect to Gramm-Rudman and the dairy provisions.

When we were dealing, in the farm bill, and looking toward Gramm-Rudman, it was anticipated that we would take about a 10-cent assessment for this first knock by Gramm-Rudman in order to save the taxpayers the appropriate amount of money.

That would require a dollar for dollar. In order words, a dollar of the income of the farmer would be translated into a dollar of savings for the taxpayer.

However, under the wording of Gramm-Rudman, it appears that it may require in lieu of that a deduction from income of all farmers of 4.3 percent. The ramifications of that are that the dairy farmers will lose about $350 million of income to save the taxpayers $40 million, or about an 8-to-1 differential.

This program, as it will affect dairy, will be much different than it affects the small grain farmers where the tradeoff is about $1 saved for the taxpayer for $1 taken from the small grain farmers. However, for the small dairy farmer, this is $8 taken away from him to save the taxpayers $1.

I want to raise the awareness of the body in hopes that perhaps at some future time we will have an appropriate piece of legislation to take into consideration this situation for our dairy farmers now that we have taken care, hopefully, of the problems that have affected other programs at this very difficult time.

This is a time of confusion, it is a time when our farmers are not sure what is happening to them, and unfortunately I do not believe the Members or the Representatives are sure of what is happening to them.

Mr. CHAPPIE. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, we have some real problems in this bill, and I am not certain that they are the fault of the committee; I am not certain they are the fault of this House or the Congress, but the fact is that as I understand it, we not only have problems in this bill, but we are going to have several other problems paraded to the floor by the committee over the next several weeks, other problems that arose during the consideration of the farm bill at the end of the last session.

This particular problem seems to arise from the fact that, for whatever reason——

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield briefly for a question?

Mr. WALKER. I will be glad to yield to the gentleman.

Mr. DE LA GARZA. Would the gentleman prefer that we discuss the issue as he brings up the issue, or should I refrain and let him make his statement and then have a colloquy?

Mr. WALKER. Let me just point out that, from my perspective let me say to the chairman, and then I do want to have a colloquy with the gentleman and see whether or not we can work it out in a way that at least is somewhat satisfactory here.

As I understand the situation that we now have, because of a miswriting of the bill as it left the conference or it left the Congress, we now have a situation of policy being reflected in a way not intended by the committee.

The problem, however, is that the way the language was written coming out of the House and out of the Congress, resulted in calculations under Gramm-Rudman of about $100 million of difference.

So that in calculating for Gramm-Rudman, we now have a $100 million mistake; and so by passing this bill what we will essentially be doing is adding $100 million worth of obligation for somebody else to absorb under Gramm-Rudman.

Now it seems to me that the first thing that I want to clarify, and let me clarify this with the chairman: Could the chairman tell me, is it the intent of this committee that this bill comply in all ways with the provisions of the Balanced Budget Act passed at the end of the last session?

Mr. DE LA GARZA. Yes, it does.

Mr. WALKER. So in other words the bill we are bringing to the floor right now is meant to comply completely with Gramm-Rudman? There is no attempt to get around Gramm-Rudman with this particular bill; is that correct?

Mr. DE LA GARZA. None whatsoever.

If the gentleman would yield briefly at this point.

Mr. WALKER. I would be glad to yield.

Mr. DE LA GARZA. Our committee has met its obligation with respect to budget reductions and reconciliation every year, and we intend to meet our obligation under Gramm-Rudman also. There was never, and never has been, and never will be, any intent to get around that fact.

Mr. WALKER. I thank the gentleman, and I understand his point, and I just want to make certain that the administration understands that, for purposes of administering this bill, this bill is in no way meant to move us out of compliance with any provisions of Gramm-Rudman.

What we have said then is, that if we pass this bill and we get $100 million worth of additional exposure, the administration is going to have to find $100 million someplace else to pull out, the question becomes where is that going to be?

Mr. HUCKABY. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman.

Mr. HUCKABY. Will the gentleman explain to us, the members of the Committee on Agriculture, who do not understand where this $100 million is coming from where this extra cost is; how did he compute it?

Mr. WALKER. I must say to the gentleman that I came to the floor today and was briefed on the bill only in short detail. My understanding is that that is a calculation that comes out of OMB.

The problem with considering this bill under the suspension calendar is, we have no report under the CBO, it probably would be more valuable to bring this bill out under a procedure where CBO would give us a report so that we would have something firm to operate from.

I checked all the materials I can; CBO has issued no projection on the bill, so that we do not have that report. The best I can come up with is that OMB has some problems with it, and that it may be somewhere in the vicinity of $100 million.

Mr. HUCKABY. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. HUCKABY. Did OMB tell the gentleman in writing that this bill would cost $100 million?

Mr. WALKER. I have nothing in writing from OMB. As I explained to the gentleman, I found out about this problem about 10 minutes ago, coming to the House floor. That we had a problem with the bill.

I am trying to clarify right now just exactly what is going on. Is the gentleman contending that there is absolutely no cost whatsoever associated with this bill in terms of additional budget exposure?

Mr. HUCKABY. Yes, I am. In fact, I would even go further and suggest that if this bill is not passed, it will cost the Treasury more money than the status quo.

Mr. WALKER. I appreciate the gentleman's statement, because then it seems to me that the legislative history—and let me see if I can make that: Under the legislative history of this bill, that not 1 additional dollar shall be spent by anyone providing for this bill to go into effect? Is that the legislative history that we are making here?

Mr. DE LA GARZA. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the chairman.

Mr. DE LA GARZA. The legislative history is that the confereese between the House and the Senate met, and in the recorded colloquies of the members of the conference and in the statement of managers, it is stated that certain items were included.

There was a mistake, several mistakes made in the drafting of the recorded conference agreements.

□ 1250

Mr. WALKER. I understand the point that we have a problem with drafting, but the statement has been made here a minute ago that there is no additional cost to this bill. I want to make legislative history here to make certain that that is absolutely what we do. And if I can be assured that the passage of this bill will not result in the obligation of anyone spending 1 additional taxpayer dollar as a result of the passage of this bill, then I do not have any problem. If, however, I cannot get that assurance, then there is indeed cost associated with this bill that would have to come out of the hide of somewhere else.

Is that what I am being told, that not 1 additional dollar will have to be spent under the provisions of this bill?

Mr. DE LA GARZA. No, the gentleman is not being told that. But I would tell the gentleman that what we have here is the final product that was costed out by OMB and CBO, and that the President signed, and that the Secretary of Agriculture recommended that the President sign. We go back to that.

Mr. WALKER. If I may reclaim my time because my time is short and I do not believe I am going to get any more, the problem becomes that there was indeed a mistake made, and I think that this bill probably does reflect what the committee intended. However, in the meantime Gramm-Rudman has been implemented. We now have Gramm-Rudman being implemented by the administration under the assumption of law under which they had to operate, which means that with that assumption in place that the costs of this bill are now going to have to come out of someone else's hide. We have no understanding on this floor at this point as to whose hide it is going to come out of. Is it going to come out of the hide of the farmers? What in fact is going to happen under the provisions of this bill? I cannot receive any assurance that it is a no-cost bill. It obviously does have some costs associated with it. So while I am sure we are correcting a mistake, the fact is the mistake is being corrected at the expense of someone else, and under Gramm-Rudman, which the gentleman agrees this bill complies with, we have got a problem.

Mr. CHAPPIE. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. I thank my colleague for yielding.

Mr. Speaker, I appreciate this opportunity to express my support for the amendment before the House. During a recent meeting with producers in my district, several concerns came to light over certain provisions in the 1985 farm bill.

The No. 1 concern by producers in Kansas is the implementation of cross compliance. Many of the farmers I visited with indicate they see the wisdom and necessity of cross compliance. However, the lateness of the farm bill forced many Kansas producers to make fall planting decisions based on last year's rules. In fact, the majority of the spring cropping plans have been made as well.

The new farm bill also contains provisions that significantly changes the formula for establishing crop bases, which, as I said before, torpedoes the planting decisions farmers made based on what this Congress was telling them last September.

This legislation is a technical amendment. We are not trying to change the farm bill or break the budget, but simply make the letter of the law be consistent with the intent of Congress. The Secretary of Agriculture has assured me that this change will allow him to address the concerns of our farmers. The administration and the other body support this amendment. I urge my colleagues in the House to do so as well.

Mr. Speaker, many times when you pass a farm bill, there are many hurdles that you have to jump, the other thing you have to do is conduct very strong oversight responsibilities and correct the mistakes that have been made, that are always made, in terms of legislation. The No. 1 concern by producers in my district is this problem of cross compliance.

Many of the farmers that I have visited with really appreciate the necessity of cross compliance. However, this bill was very late. Our crops were in the ground. So I think we need to do exactly what this bill says and make that discretionary with the Secretary of Agriculture.

Now I would like to address the concerns raised by my colleague from Pennsylvania, if I could have his attention. This problem of the $100 million is dealt with in the list of amendments that we went through in the conference. These were cost-saving amendments. But they were considered in the context of the bill, and in the full cost estimate of the bill.

No doubt, if you are sitting down there in the Office of Management and Budget or the White House or some place else, and you are scratching around trying to find savings on all of the spending around here, you can change the Farm Program. You could lower the target price, you could lower the loans, you could do something with the acreage base, whatever. But that would not be fair. This fits under the cost estimates of the bill as reported by the farm bill conference.

Now, yes, OMB will say if we do not change that acreage base we will save $100 million or thereabouts. They do not go on, as my colleague from Louisiana has pointed out, and say what it will cost the farmer and the Treasury if we do not implement it. But the fact remains that this amendment does fit under the cost estimate as estimated by the farm bill conference. So these are technical amendments. It is shown in the conference transcripts. There is not going to be any great blood-letting or hemorrhaging in regards to Gramm-Rudman.

Mr. Speaker, I would ask the chairman of the committee, the gentleman from Texas, if he would engage me in a colloquy at this time: On the ACS Committee amendment, is it the intent of this amendment to allow flexibility for those counties throughout the Nation that have elected to be a one "community" committee county to continue on that basis?

Mr. DE LA GARZA. The gentleman is correct.

Mr. CHAPPIE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this bill.

You know, now we have the responsibility both administratively and legislatively to make this farm bill work in the best possible way.

Cross compliance out in the area where people planted barley last fall, not knowing what the farm bill would be, this is very, very important. As the last speaker just pointed out, these amendments today are in conjunction and fully within the budget as set up by this farm bill. I think it is very important that we make the change both to the 5-year average and also that we consider in the days ahead additional adjustments, maybe using some of the payment-in-kind grain to alleviate the problem of reduction in the deficit payment. The 17½ percent unpaid diversion for corn is a real problem in

our country as is the substitution of nonprogram crops like dry edible beans, potatoes, and popcorn. I think this is a definite step forward.

I commend the committee, both the chairman and the ranking minority member, for bringing this bill up so expeditiously.

Mr. CHAPPIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. ROBERT F. SMITH].

Mr. ROBERT F. SMITH. Mr. Speaker, I rise to offer my support for this bill and to urge each of you to join me in approving it quickly. Our action is needed to correct problems created by the new national farm bill for many Northwest winter wheat growers, specifically those in my own Oregon Congressional District.

As the name of this bill implies, it seeks to correct technical errors in the new farm bill caused, I believe, by the haste of our work to complete the massive farm policy legislation before Christmas.

In specific, language differences between the actual farm bill and our conference instructions have allowed USDA to pursue far more rigid wheat grower participation requirements than was intended by this Congress.

The combination of USDA's choice of the more stringent 1986 wheat cross-compliance language, and the fact that wheat growers have already planted their winter wheat, have prevented many Northwest growers from participating under USDA's current plan on a level equal to other wheat growers in the Nation.

The announcement of the 1986 Wheat Program came after the winter wheat crop had been planted, denying those growers the chance to meet the announced program's specifications. It is entirely appropriate in those circumstances to waive the modified cross-compliance provision for the 1985–86 crop.

As many of you know, wheat growers in the Northeast will soon begin spring planting. It's important that they know the rules of the game before the seed is in the ground.

I think this Congress did as well as any Congress could in rushing our 1986 farm policy to law, but problems caused by our enthusiasm and haste will linger until, we make these corrections. The responsibility for corrections belongs here, in the Congress. I urge you to join me in solving this problem today.

Mr. CHAPPIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. SCHUETTE].

Mr. SCHUETTE. Mr. Speaker, I, too, rise in strong support of this bill.

Mr. CHAPPIE. Mr. Speaker, I yield 3 minutes to the ranking minority member, the gentleman from Illinois [Mr. MADIGAN].

Mr. MADIGAN. I thank the gentleman for yielding.

Mr. Speaker, if I may have the attention of the distinguished chairman of the committee for the purpose of engaging him in a colloquy, I would like to establish whether or not certain statements that I would make as part of this RECORD would be agreed to by the gentleman from Texas as being correct both in fact and in substance.

First of all, we are proposing to make, I understand, two changes here, and I would ask the gentleman if he agrees with that, that we are really making two changes.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the chairman of the committee.

Mr. DE LA GARZA. I thank the gentleman for yielding.

Three, Mr. Speaker.

Mr. MADIGAN. Three changes.

Would the gentleman describe very briefly what those three changes are?

Mr. DE LA GARZA. If the gentleman would yield further, the first one addresses the issue of cross-compliance. Whereas in the written text of the Food Security Act of 1985, it is made mandatory for wheat and feed grains, the Department of Agriculture has requested that we make it discretionary.

Second, in the matter of the ASC Committees, again we give the authority for there to be more than one community committee in administrative areas that had more than three such committees on the date the farm bill was passed.

The third change relates to the 5-year averaging for wheat and feed grain bases. There was an additional 2-year limitation that was inadvertently applied, in the language of the farm bill, for wheat and feed grain. The House amendment will delete the 2-year provision.

Mr. MADIGAN. I thank the gentleman.

Now let me establish, if I may, with regard to the first issue, cross-compliance, that that is a change that the administration has asked us to make. Is that not correct?

Mr. DE LA GARZA. The gentleman is correct.

Mr. MADIGAN. With regard to the remarks of the gentleman from Pennsylvania regarding the potential for this bill costing more, is it not a fact that if we do not make the change that the administration is requesting with regard to cross-compliance that that is going to cost more?

Mr. DE LA GARZA. I am not certain that it necessarily will cost more. I do not know where the gentleman from Pennsylvania got his figures from.

Mr. MADIGAN. Let me ask the gentleman this: Is it possible that the changes being requested by the administration can cost more—is that possible?

Mr. DE LA GARZA. There always is that possibility; yes, I would have to agree to that.

Mr. MADIGAN. Is it not also the fact that we enacted Gramm-Rudman and it was signed into law before this bill was enacted and signed into law? I just make that as a point of reference. The gentleman does not have to respond.

Mr. DE LA GARZA. I do not remember the sequence, but I will take the gentleman's statement as a matter of fact.

Mr. MADIGAN. With regard to the question of bases, which is the real matter of dispute here, I am advised by our counsel that the language that appeared in the conference report is not the language that we agreed to in the conference committee. And I note that the counsel to the chairman is nodding in agreement with that.

Does the gentleman from Texas agree that the language in the conference report with regard to bases is not the language that was agreed to by the conferees?

Mr. DE LA GARZA. The gentleman is correct.

The SPEAKER pro tempore. The time of the gentleman from Illinois [Mr. MADIGAN] has expired.

Mr. DE LA GARZA. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois.

Mr. MADIGAN. I thank the chairman for yielding.

So what is really the point of contention here, relates to the provision relating to bases. There is no objection about the cross-compliance provision because the administration is asking us to support that provision.

With regard to the provision on bases, what we are trying to do is to make a technical correction that will get the language of this bill into the form that the conferees thought it had agreed upon. The Office of Management and Budget is resisting our efforts to make that technical correction because, it appears to me, if they can take advantage of the mistake that was made in the printing of the conference report, they can save $100 million. Is that not what is at issue here?

Mr. DE LA GARZA. Well, it may well be, if the gentleman would yield further. But I have had no communication at all from OMB, and I must insist that I continue under our assumption from our economists in the committee, from the CBO, that this puts us in the status quo. It may be that OMB has come up with figures, but I have no knowledge of that.

Mr. MADIGAN. Well, if the gentleman will allow me to continue, and I thank him for yielding, let me just summarize by saying this: We have identified three things that would be changed by these technical amendments: The ASCS Committee, the makeup of which may be a problem for some Members of this body and the other body but which is not in contention as far as any budget considerations are concerned; the cross-compliance change which is being requested by the administration and is sup-

ported by both bodies of the Congress; and the bases issue which is a technical correction that would simply get us back to the language that we thought we had agreed to in the conference report, and for that reason, it seems to me should be considered the purest technical correction of all. But, the latter technical amendment is in dispute here and it appears to me that as an objection that would take advantage of a mistake that was made in the printing of the conference report.

That is what is at issue here.

Now if people want to vote for what they thought they were voting for when they voted for the passage of the farm bill conference report, then they would certainly support these technical corrections.

I thank the gentleman for yielding.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I would be happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I think the gentleman makes a valid point. There is still $100 million to work with. But the gentleman from Texas just a moment ago made a reference to a CBO report on this. One of the problems this gentleman has in the whole consideration of the bill is that there is no CBO report. CBO has not even commented on this bill. We have no idea what the costs of this bill are. That is one of the problems. We ought to see a CBO report that the gentleman has just stated.

Mr. MADIGAN. My reference was to OMB and what may be characterized as its attempt, in my judgment, to take advantage of a technical mistake that was made in the printing of the conference report.

The gentleman is talking about CBO, and perhaps the chairman has some response to that.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DE LA GARZA. Mr. Speaker, I yield 1 additional minute to the gentleman from Illinois [Mr. MADIGAN].

Mr. MADIGAN. I thank the gentleman for yielding.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman.

Mr. DE LA GARZA. I thank the gentleman for yielding.

My reference to CBO is that we have nothing from CBO beyond what was costed out for the farm bill, and to my knowledge there is no additional cost under the bases provision before us today. Now if OMB comes up and wants to take advantage, as my distinguished colleague says, that is something else. But we are back to ground zero where the farm bill was costed out and where we took off from and where we bring it back to.

Mr. MADIGAN. If the gentleman will allow me to reclaim my time, that is right. What we are doing is inserting a technical amendment to the Food Security Act that returns the language to what we said the bill would cost and what everybody said the bill would cost at the time we adopted the conference report. If we do not make these technical corrections, then OMB gets to nickel-and-dime the action of the House for $100 million, taking us below what the bill was going to cost at the time we passed the conference report.

□ 1305

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from California.

Mr. PANETTA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is not only that point, which I think is a crucial point considering the little time that was available to put the bill together, but the fact is we are probably talking about 1987 expenditures here, and that will be subject to Gramm-Rudman in 1987 at that point. So we are not talking about eliminating any funds that are not going to be included in sequestration.

Mr. DE LA GARZA. Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from Louisiana [Mr. HUCKABY].

Mr. HUCKABY. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I commend the gentleman from Illinois, the distinguished ranking minority member on the committee, for the points that he made.

If I might have the attention of the gentleman from Pennsylvania, on the area of cross compliance I would suggest that this is actually going to save money as such by implementing this, and it was clearly the conferees' intent if one looks at the record of what was said between Congressman FOLEY and myself and Senator DOLE and Senator HELMS, I think there is no doubt about that. And by having the discretion to do this, the Department is actually saving money, otherwise they are going to have to pay farmers to plow up land that they would not have to do.

On the basis we have the actual sheets that were submitted to the typists, a simple 1(a) was inserted, a typographical error that then referred to wheat. That is how this whole thing came about over a weekend when the bill was being put together. These were the two technical errors that are being corrected as far as the farm programs are concerned.

And let me point out that the 1985 farm bill met the budget reconciliation requirements of the 1985 budget. This was considered agriculture's part, so to speak, of reconciliation which Congress unfortunately never did pass, but we made our cuts from the existing 1984 base line had we not implemented this as such. So I do not think there is a budgetary question there as such.

In the 1985 farm bill, the House version, we treated wheat and feed grains bases the exact same way of what this technical language is clarifying this and taking us back to. So there are no additional costs that have not been accounted for as far as changing the bases in 1985, and then as far as cuts that will come in 1986 and in impacting Gramm-Rudman in 1987. Of course, agriculture will be on a level-playing field just like everyone else as such.

I would suggest to the gentleman that it is extremely difficult, virtually impossible, to predict and anticipate farmers' planting intentions and then what they are actually going to plant, so as one can arrive at a cost here that would be reflected in 1987.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. HUCKABY. I would be happy to yield.

Mr. WALKER. Mr. Speaker, I just got off the phone with the Senate Agriculture Committee, and staff over there tells me that indeed what we are involved in here is a fight over whose interpretation we are going to accept of what took place in the conference committee, and that indeed while it may not be simply a technical error, there are people, at least from the Senate side, who believe that we are engaged in an issue to determine policy in this particular bill under the guise of being a technical correction and that indeed this is a matter of some dispute.

Not having been in the committee, I cannot reflect on that. The only point I would make to the gentleman is that what I do know is in dispute, what is actual fact is, is $100 million.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, let me conclude with this: We cannot refer to any outside sources, and we cannot be interpreting at this point in this place, the words in the statement of managers and the colloquy that is in the RECORD between the conferees, House and Senate, based on what some Senate staff now thinks occurred to the contrary.

Second, and I direct this directly to my distinguished colleague from Pennsylvania, our committee, this committee, the Committee on Agriculture of the House of Representatives, has been, I would say with respect to all the others, most responsible in the budgetary process. Even now under Gramm-Rudman, of the $11.7 billion that must be sequestered, we have

been allocated $1.3 billion, which is roughly 10 percent, whereas we impact on the total budget around 3 percent, and commodity support programs impact around 1 percent of the total budget. And we have in the past 5 years reduced Federal expenditures, in a very responsible way I might add, close to $40 billion.

We will continue to share our responsibility. Under Gramm-Rudman, we will do the responsible thing and work to avoid sequestration. Unfortunately, because of failures in other areas, it may go to sequestration.

But we have always sought to make savings where the savings should be made. We have contributed, and in no way do we come here trying to get around Gramm-Rudman or trying to do that that is improper or incorrect or trying to do something not open and above board, as the gentleman from Pennsylvania well knows. That is what our activities and our actions have always been on the floor of this House. We are not going to change that at this point.

Mr. MARLENEE. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to my distinguished colleague from Montana.

Mr. MARLENEE. Mr. Speaker, when we addressed the farm bill in the conference committee, many of those late-night sessions and extended sessions were to bring the bill into the responsible spending arena. And we were under budget at that time, were we not?

Mr. DE LA GARZA. Yes.

Mr. MARLENEE. And the estimates that we had included all of the things that we thought we had including this $100 million that was in contention. So even with that, we were within budget, were we not?

Mr. DE LA GARZA. The gentleman is correct.

Mr. MARLENEE. Mr. Speaker, then I do not see it as a question of what we are spending. This bill does not pertain to spending, but merely corrections in technical amendments.

Mr. DE LA GARZA. Mr. Speaker, the gentleman is correct.

Mr. STALLINGS. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to my distinguished colleague from Idaho.

Mr. STALLINGS. Mr. Speaker, I rise in support of this technical amendment to the Food Security Act of 1985.

Mr. DE LA GARZA. Mr. Speaker, again I ask the Members of the House to give us your support in this legislation, which is technical amendments, and which is needed because human, unintended mistakes were made. I assure the Members and give them our continued pledge that we will be responsible in budgetary matters, as we have been throughout the process in the past years.

Mr. Speaker, I yield back the balance of my time.

Mr. CHAPPIE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the Senate bill, S. 2036, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 319, nays 64, not voting 51, as follows:

[Roll No. 14]

YEAS—319

Ackerman	Darden	Hefner
Addabbo	Daschle	Heftel
Akaka	Daub	Hendon
Alexander	Davis	Hertel
Andrews	de la Garza	Hiler
Annunzio	Dellums	Hillis
Anthony	Derrick	Hopkins
Applegate	DeWine	Horton
Aspin	Dicks	Howard
Atkins	Dingell	Hoyer
AuCoin	Dixon	Hubbard
Barnes	Donnelly	Huckaby
Barton	Dorgan (ND)	Hunter
Bateman	Duncan	Hutto
Bedell	Durbin	Hyde
Beilenson	Dymally	Jacobs
Bennett	Dyson	Jeffords
Bentley	Early	Jenkins
Bereuter	Eckart (OH)	Johnson
Berman	Eckert (NY)	Jones (NC)
Bevill	Edgar	Jones (OK)
Boehlert	Edwards (CA)	Jones (TN)
Boggs	Edwards (OK)	Kanjorski
Boner (TN)	Emerson	Kaptur
Bonior (MI)	English	Kasich
Bonker	Erdreich	Kastenmeier
Borski	Evans (IA)	Kennelly
Bosco	Evans (IL)	Kildee
Boucher	Fascell	Kindness
Boulter	Fazio	Kleczka
Boxer	Feighan	Kolbe
Breaux	Fiedler	Kolter
Brooks	Fish	Kramer
Brown (CA)	Flippo	Lantos
Brown (CO)	Florio	Leach (IA)
Bruce	Foglietta	Leath (TX)
Bryant	Foley	Lehman (CA)
Burton (IN)	Ford (MI)	Lehman (FL)
Bustamante	Ford (TN)	Lent
Byron	Frenzel	Levin (MI)
Callahan	Frost	Levine (CA)
Campbell	Fuqua	Lewis (FL)
Carper	Gallo	Lightfoot
Carr	Gaydos	Lipinski
Chandler	Gejdenson	Lloyd
Chapman	Gephardt	Lott
Chappell	Gilman	Lowry (WA)
Clinger	Gonzalez	Lujan
Coats	Goodling	Luken
Coleman (MO)	Gordon	Lundine
Coleman (TX)	Gradison	Madigan
Combest	Gray (PA)	Manton
Conyers	Guarini	Marlenee
Cooper	Gunderson	Martin (IL)
Coughlin	Hall, Ralph	Martin (NY)
Courter	Hamilton	Martinez
Coyne	Hammerschmidt	Matsui
Craig	Hatcher	Mazzoli
Crockett	Hawkins	McCain
Daniel	Hayes	McCloskey
McCurdy	Ridge	Studds
McEwen	Rinaldo	Stump
McGrath	Roberts	Sundquist
McHugh	Robinson	Swift
McKernan	Rodino	Swindall
McKinney	Roemer	Synar
Mica	Rogers	Tauke
Mikulski	Rose	Tauzin
Miller (CA)	Roth	Taylor
Miller (OH)	Roukema	Thomas (CA)
Mineta	Rowland (CT)	Thomas (GA)
Mitchell	Rowland (GA)	Torres
Moakley	Roybal	Torricelli
Mollohan	Rudd	Towns
Moody	Russo	Traficant
Morrison (CT)	Sabo	Traxler
Morrison (WA)	Savage	Udall
Murphy	Saxton	Valentine
Myers	Schuette	Vander Jagt
Natcher	Seiberling	Vento
Neal	Sharp	Visclosky
Nelson	Shaw	Volkmer
Nichols	Shelby	Vucanovich
Nowak	Shuster	Walgren
Oakar	Sikorski	Watkins
Oberstar	Siljander	Waxman
Obey	Sisisky	Weaver
Olin	Skeen	Weber
Ortiz	Skelton	Weiss
Owens	Slattery	Wheat
Panetta	Slaughter	Whitehurst
Pashayan	Smith (FL)	Whitley
Pease	Smith (NE)	Whittaker
Penny	Smith (NJ)	Whitten
Pepper	Smith, Denny (OR)	Williams
Perkins	Smith, Robert (OR)	Wilson
Pickle	Snowe	Wirth
Porter	Solarz	Wolf
Price	Spence	Wolpe
Pursell	Spratt	Wortley
Quillen	St Germain	Wright
Rahall	Staggers	Wyden
Rangel	Stallings	Wylie
Ray	Stenholm	Yatron
Regula	Strang	Young (AK)
Reid		Young (FL)
Richardson		Young (MO)

NAYS—64

Anderson	Fawell	Molinari
Archer	Fields	Monson
Armey	Frank	Moorhead
Badham	Gekas	Mrazek
Bartlett	Gibbons	Nielson
Bates	Gingrich	Packard
Bilirakis	Green	Petri
Bliley	Hansen	Ritter
Broomfield	Henry	Schaefer
Broyhill	Holt	Scheuer
Carney	Hughes	Schneider
Chappie	Ireland	Schroeder
Cheney	LaFalce	Schumer
Cobey	Lagomarsino	Sensenbrenner
Coble	Lowery (CA)	Shumway
Conte	Lungren	Smith, Robert (NH)
Dannemeyer	Mack	Solomon
DeLay	McCandless	Walker
DioGuardi	McCollum	Yates
Dornan (CA)	McDade	Zschau
Downey	Meyers	
Dreier	Miller (WA)	

NOT VOTING—51

Barnard	Grotberg	Moore
Biaggi	Hall (OH)	Murtha
Boland	Hartnett	O'Brien
Burton (CA)	Kemp	Oxley
Clay	Kostmayer	Parris
Coelho	Latta	Roe
Collins	Leland	Rostenkowski
Crane	Lewis (CA)	Schulze
Dickinson	Livingston	Smith (IA)
Dowdy	Loeffler	Snyder
Dwyer	Long	Stangeland
Fowler	MacKay	Stark
Franklin	Markey	Stokes
Garcia	Mavroules	Stratton
Glickman	McMillan	Sweeney
Gray (IL)	Michel	Tallon
Gregg	Montgomery	Wise

□ 1330

The Clerk announced the following pair:

On this vote:

Mr. Hartnett and Mr. Oxley for, with Mr. O'Brien against.

Mr. BATES and Mr. HUGHES changed their votes from "yea" to "nay."

Mr. ROSE and Mr. WYDEN changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3456, CONSUMER PRODUCT SAFETY AMENDMENTS OF 1985

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 99-469) on the resolution (H. Res. 371) providing for the consideration of the bill (H.R. 3456) to amend the Consumer Product Safety Act to extend it for 3 fiscal years, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HEALTH PLANNING AMENDMENTS OF 1985

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 359 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 359

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3010) to amend the Public Health Service Act to revise and extend the health planning authority under that Act, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield 45 seconds to the gentleman from Florida [Mr. NELSON] to speak on an unrelated subject.

CONSTRUCTION OF MEMORIAL TO DECEASED ASTRONAUTS IS PROPOSED

ASTRONAUT MEMORIAL

Mr. NELSON of Florida. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to announce to the House the formation of an effort to build a permanent memorial to our seven astronauts, the previous astronauts who have died, and perhaps the cosmonauts. Such memorial would be built at the Kennedy Space Center.

I am asking Mr. Walter Cronkite to be the honorary chairman of this effort. It would be an effort that would be entirely constructed by private donations and I will report to the House as the details become available.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 359 is an open rule providing for the consideration of H.R. 3010, the Health Planning Amendments of 1985. the rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. It further provides that the bill shall be considered for amendment under the 5-minute rule and that each section of the bill shall be considered as having been read.

The rule waives points of order against the bill for failure to comply with section 402(a) of the Budget Act. Mr. Speaker, when the Rules Committee considered this measure, a waiver of section 402(a) of the Budget Act was necessary. Section 402(a) of the Congressional Budget Act prohibited consideration of any bill authorizing the enactment of new budget authority for a fiscal year unless that bill was reported on or before May 15 preceding the beginning of such fiscal year.

H.R. 3010 authorizes the enactment of new budget authority first effective in fiscal year 1986 to carry out certain programs under the Public Health Service Act. Since the bill was not reported by May 15, 1985, it violated section 402(a) of the Congressional Budget Act and a waiver was necessary.

However on February 1, the provisions of Gramm-Rudman which replaced section 402(a) of the Budget Act went into effect. Section 212 of Gramm-Rudman replaced section 402(a) of the Budget Act with language prohibiting the consideration of measures providing new credit authority which is not subject to the enactment of appropriations. Therefore, the waiver of the reporting date requirement included in the rule is no longer necessary.

Finally, Mr. Speaker, the rule provides for one motion to recommit.

H.R. 3010 provides for a 1-year extension of authorizations for the health planning program and grants States greater flexibility in establishing their certificate of need programs. The bill also repeals sanctions levied on States not participating in State planning, raises the certificate of need thresholds for planning requirements for fiscal year 1986 and terminates the health planning law on October 1, 1986.

Mr. Speaker, I know of no controversy surrounding this resolution. The rule is a fair one. Therefore, I urge that we adopt it so that we may proceed to consideration of this legislation.

□ 1340

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 359 is an open rule under which the House will consider legislation ending our experiment in Federal health planning at the end of this fiscal year by repealing it outright.

Mr. Speaker, it is a rare occasion indeed when the House is given a chance to vote affirmatively on repeal of anything, let alone a repeal of this type.

The bill made in order by this rule, H.R. 3010, brings to an end the sweeping authority Congress mistakenly gave to State and local health systems agencies when it force fed Federal funds to the States and created the National Health Planning Program in 1974.

Mr. Speaker, H.R. 3010 reauthorizes the Federal Health Planning Program only through fiscal 1986, and terminates the program on October 1.

The bill limits total program funding at the current level of $64.9 million, $28.1 million of which was contained in the Labor and Health and Human Services appropriations enacted last December. The Committee on Energy and Commerce estimates that H.R. 3010 will require appropriations of

$28.1 million in 1986 in order to meet the authorization level.

Mr. Speaker, this rule contains one waiver, a Budget Act waiver that is really no longer needed. H.R. 3010 authorizes enactment of new budget authority for fiscal 1986, and the act used to require that bills containing new budget authority be reported from committee by May 15 of the year before the budget authority becomes effective.

In this case, the waiver is purely technical in nature and should not cause any controversy.

The May 15 reporting date requirement of the Budget Act has been repealed, by the Balanced Budget and Emergency Deficit Control Act of 1985, the so-called Gramm-Rudman-Hollings law. The effective date of this repeal was February 1.

When the Committee on Rules reported this resolution, it was anticipated that it would be considered by the House before February 1. The waiver was included for this reason, and this will be the last time we have a rule waiving the May 15 reporting requirement.

Mr. Speaker, H.R. 3010 makes several changes in the current health planning law to give States greater flexiblity, but its primary purpose is to repeal the program at the end of the year. House Resolution 359 will facilitate our consideration of the repeal, and I urge its adoption.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no futher requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 359 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3010.

□ 1345

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3010) to amend the Public Health Service Act to revise and extend the health planning authority under that act, with Ms. KAPTUR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, H.R. 3010, the Health Planning Amendments of 1985 would provide authorizations for the health planning program for this fiscal year, fiscal year 1986. At the end of this fiscal year the program would be terminated and the law repealed.

H.R. 3010 was reported by the Committee on Energy and Commerce with a strong, bipartisan vote of 22 to 2. Both supporters and opponents of the current health planning system voted for the bill.

The proponents see this bill as an opportunity to consider the long-term future of health planning and certificate of need in the context of the Medicare capital legislation which the House will take up later this year. Those Members who have criticized and voted against the program in the past supported this bill because it prohibits Congress from extending the program through the appropriations process. By repealing the health planning law on October 1, 1986, this bill forces the Congress to evaluate the long-term need for the program when we consider the Medicare capital legislation this spring and summer.

During this fiscal year, H.R. 3010 will provide States with considerable new flexibility.

State participation would be voluntary.

Hospital capital expenditure thresholds could be significantly higher.

Those States opting for Federal funds could decide whether to have local planning agencies and determine the role those agencies would have in the State certificate-of-need process.

Authorizations are a freeze at the level of fiscal year 1985 appropriations.

This 1-year authorization for a streamlined health planning program is necessary because fiscal year 1986 is the time to decide on the long-term future of controls on hospital capital expenditures. Under the Social Security reform bill of 1983, October 1, 1986, is a deadline by which Congress must either change the payment system for capital or all States will be required to have mandatory hospital capital expenditure review programs, like the current State certificate-of-need programs, in order for hospitals to get Medicare reimbursement for their capital expenditures. This decision on Medicare payments for capital under the prospective payment system should be coordinated with our final resolution of how health planning and certificate-of-need programs function and what they should cover.

This legislation will maintain the stability of our health planning program for this fiscal year while we make these broader decisions about Medicare and the way we control hospital capital expenditures.

This bill has broad, bipartisan support. I urge all Members to support the bill.

Mr. MADIGAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of H.R. 3010, the Health Planning Amendments of 1985.

The legislation authorizes the continuation of the Federal Health Planning Program for 1 year. This program has been very controversial since it was established more than 10 years ago. Many have argued that regulation of the size of health facilities should not be a Federal function. Others have argued that regulation is needed because the normal laws of supply and demand do not apply to health care because insurance is a buffer between the purchaser and provider. My guess is that there is merit to both arguments. However, I am convinced that the current health planning law is outmoded and should be repealed at the end of this fiscal year.

Current health planning law was enacted at a time when reimbursement to hospitals was made on a cost basis. If a hospital incurred a bill, it simply forwarded it to the insurance source for payment. Without incentives to control expansion, it was perceived necessary to establish a regulatory mechanism to put the brakes on capital spending. Beginning in 1983, Medicare began to pay for hospitals' operating expenses on a prospective basis. This reduced the incentive for hospitals to provide costly, marginally effective services, while operating costs were paid on a prospective basis, capital expenditures were allowed to be paid on a cost basis.

Medicare capital costs are scheduled to be paid on a prospective basis at the beginning of fiscal year 1987. The need for the current health planning law will have diminished when that occurs.

If there is a need for any type of health planning program for fiscal year 1987 and beyond, it should be completely restructured to take into consideration the major changes in financing health care which have taken place in the last several years and which will take place in the next few years.

In the meantime, the current law should be repealed at the end of this fiscal year.

I urge my colleagues to support this bill.

□ 1350

Mr. WAXMAN. Madman Chairman, I am pleased to yield 5 minutes to a

very distinguished member of our subcommittee, the gentleman from Alabama [Mr. SHELBY].

Mr. SHELBY. Madam Chairman, I rise in support of H.R. 3010, legislation reauthorizing the Health Planning Program through fiscal year 1986. This legislation extends the current health planning law with several changes only through October 1, 1986, when Congress must act on the inclusion of capital reimbursement in the Medicare prospective payment system. My colleague from Illinois [Mr. MADIGAN] offered an amendment in committee to repeal title 15 of the Public Health Service Act as of October 1, 1986. I supported this amendment and believe it is appropriate to repeal the program at the end of this fiscal year. In addition, the members of the Labor, HHS Appropriations Committee confirmed their support of the repeal amendment by appropriating only $28 million which is sufficient funding through October 1, 1986.

Since its enactment in 1975, the utility of health planning has been in question. While some States have found the health planning mechanism effective in holding down costs, Medicare spending nationwide has actually increased from $14 billion in 1975 to close to $50 billion in 1985. In my State of Alabama, it was determined that local review of hospital expenditures was costing more than it was saving the State. Therefore, the State of Alabama has chosen not to use Federal funds for local health planning activities.

Rather, the State health department approves or disapproves health expenditures in what I believe to be a more expeditious manner.

As many of you know, health planning has continued to be funded under a continuing resolution since the beginning of fiscal year 1983. It is inappropriate that unauthorized programs about which Members of this and the other body cannot reach consensus continue to be funded indefinitely.

For these reasons, I join my colleagues in supporting this legislation which would continue health planning through the fiscal year and then provide for its repeal.

Mr. WAXMAN. Madam Chairman, I am pleased to yield 3 minutes to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. Madam Chairman, I thank the gentleman from California for yielding time to me.

Madam Chairman, I wish to commend the Energy and Commerce Committee for its wisdom in presenting this bill for our consideration. Health planning, under the provisions of Public Law 93-641, has been with us since 1975. Prior to that, comprehensive health planning existed around the country as a part of Public Law 89-749.

Although I do not wish to categorize these programs as failures, I would remind the Committee that during these years, we noted some of the greatest cost increases ever experienced in the health sector. As a matter of fact, until relatively recently, the rate for health care has been triple that of the consumer price index. While I will not speculate on the cause and effect nature of the relationship, I would point out that in 1984, as funding and the activity level of health planning agencies diminished, the rate of cost increases in health fell to twice the rate of the CPI.

At a time of great turmoil in the health care industry, I believe it is our obligation to finally begin removing the heavy hand of Government. For too many years, we have regulated, interfered, and tampered with physician, hospital, and other provider services and reimbursement. I support the passage of this legislation because I see it as the first step in permitting the health care delivery system of our Nation to continue its evolution without the intrusion of Federal regulation.

We should all recognize that major innovations must continue to appear in the health industry. Their development, introduction and widespread use should not be impeded by Federal regulations. Late in December, we considered a reconciliation bill which had major provisions affecting the reimbursement of hospitals, physicians, and other providers under Medicare and Medicaid. As we make such dramatic changes in our health programs, I believe, we should take concurrent steps to unfetter this industry and allow it to function freely.

As a family physician who was involved with health system agencies for several years, I can tell you they did not function as was intended.

Madam Chairman, I urge the Committee to vote in favor of this bill which will relieve the health care industry of this burden and allow it to progress in its quest for quality services at reasonable cost for all Americans.

Mr. MADIGAN. Madam Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Madam Chairman, I thank the gentleman for yielding.

I rise in support of this bill, especially in the repeal of a program that I think has been ineffective.

Mr. WALGREN. Madam Chairman, I would like to add my voice today to those in support of H.R. 3010, an extension of the Health Planning Program, but I do so very gingerly.

In adopting the Madigan amendment that would repeal the Federal health planning law on October 1, 1986, the House Energy and Commerce Committee would shortsightedly end a process of demonstrated usefulness. In my view, health planning may be needed more today than ever and, at the very least, should not be scrapped without a replacement that will effectively focus on preventing duplication of medical facilities.

COMPETITION CANNOT REPLACE PLANNING

I am puzzled by the forces and the thinking that have combined to vote down health planning. Admittedly, the Government is turning to far more strict (some would say "highhanded") mandates of medical cost control based on prospective payments for individuals served. But in our rush away from health planning, we should stop to remember that these new efforts to contain costs work at cross-purposes to the savings that can be secured by preventing duplication of facilities. Prospective payments based on cost provide no incentive to prevent multiplication of facilities beyond a community's needs.

Health planning has been seen as inconsistent with "competition" as a way to hold down costs and I suspect this trend may be more responsible for the lack of support for health planning than any other factor. The reality is that health care is dominated by unavoidable factors that are contrary to the notion of competition. The sick want to turn to a familiar, trusted provider and say "help me." Community identification and professional reputation control—not comparative economics. The sick do not "comparison shop" for bargains. While no one should say "never" to any constructive proposals (specific competitive projects should be fostered), "competition" has a long way to go in health care before we should eliminate helpful processes like health planning.

With cost containment and deficit reduction drives at "full throttle," with the imposition of prospective payment in Medicare and in many Medicaid and private programs, with the increasing trend toward mergers and corporate "marketing" of health care and especially with the growing use of "high tech" medicine, it is even more compelling to have in place a communitywide planning system.

COORDINATION RESULTS IN COST SAVINGS

Health planning is a mechanism for coordinating facilities, which in turn holds down costs. Health care is expensive. We now spend 10 percent of our national wealth on health care, $1 billion a day. No one can deny the logic that without coordination of facilities, competing medical providers will naturally build more health facilities than can be used if each is to provide comprehensive services. With medical technology exploding in complexity, there are substantial savings that can only be reached through communitywide planning.

The evidence is that, without restrictions, hospitals add beds, purchase complex equipment, and provide service capacity—all of which are underused. In the two States which have totally deregulated capital expenditure reviews, there have been documented large increases in new hospitals and hospital beds despite existing capacity. Studies estimate that every $1 spent on health planning has prevented $8 of duplicated investment in medical facilities. It should come as no surprise to

us that it is health planning that is the good investment.

PLANNING ENHANCES ACCESS

Another reason to support health planning is to try to distribute resources so that everyone will have access to quality health care. We are far from that goal. Urban hospitals serving large numbers of indigent patients are struggling for survival. Teaching hospitals are searching for ways to compete under DRG's. Twelve percent of the population has no health insurance. Some rural areas do not have doctors, dentists, or health clinics. The average nursing home patient today receives only 12 minutes of nursing care per day.

With the aging of the population, even more gaps will emerge. We will need 1.2 million more nursing home beds by the year 2000. The White House Conference on Aging predicted, over the next 14 years, a shortfall of 75,000 long-term care nurses; 20,000 geriatric nurse practitioners; and 250,000 RN's. Our need for community health nurses to provide home health care for the elderly will double in the next 4 years.

Health planning provides a framework for an overall evaluation of available services on a communitywide basis, identifying gaps and preventing an overconcentration of effort. Admittedly, a "free-market" approach is also a way to fill the gaps, but the market approach distorts available services by "overemphasizing" the more profitable and "deemphasizing" the less profitable services. There are critical gaps, such as long-term care, that will never be filled by free-market forces and we would be naive to expect these needs to be met without overall planning efforts.

PLANNING INVOLVES THE COMMUNITY, ENHANCES CONFIDENCE

Finally, health planning is the only element of the health care system based on a cross-section of those who have a stake in health care—providers, consumers, Government, the business community. Acting alone, physicians, patients, or corporate planners do not take a communitywide perspective. Absentee corporate managers do not worry about community considerations; but the line they "write off" on their balance sheet while meeting in a boardroom in a distant city may represent critical community needs. We all pay a high price for medical care. It is essential that our medical system maintain public confidence. If it does not, we will withhold necessary funds from it and many could then fail to find needed medical treatment. Involving local people in designing the system helps maintain that public confidence and needed resources.

Our health planning system has helped to foster the twin goals of cost-containment and access to quality care. In my view, our stake in health planning could not be greater. Thus, I will cast my vote today for this bill because it is all we've got at this point, but in my view, it is minimal.

Mr. DELAY. Madam Chairman, I rise in support of the "sunset" principle of H.R. 3010, the Health Planning Amendments of 1985. The National Health Planning and Resources Development Act required States to institute certificate-of-need laws providing for review and approval or disapproval of such proposals if expenditures exceeded specified limits. Congress intended this review process to prevent inappropriate investment in the health care industry and thus keep cost down.

Obviously the program was not a success. The health systems agencies which review proposed investment are a hindrance to flexible response by health care providers. The process of seeking approval from such an agency is burdensome, costly and causes needless delays. As a Texas legislator I worked to dismantle the Texas Health Facilities Commission. Clearly to abolish the Federal portion of this flawed program is a positive step.

Nevertheless I support H.R. 3010 with reservations. In light of present budgetary constraints it is illogical to authorize and appropriate $28.1 million in new expenditures to a program which is scheduled to "sunset" effective October 1, 1986. Over $36 million was forwarded funded from the previous year and is currently at the program's disposal.

Deficit spending is out of control and there is an immediate need to act on this economically dangerous situation. The goals of the Gramm-Rudman-Hollings amendment are clear. It is unfortunate that the committee felt that an additional $28.1 million was needed for a program about to close its doors. But this seems to be the budget fight that we have been engaged in all along. We will only be able to control the deficit when we learn to control spending.

Mr. WAXMAN. Madam Chairman, we have no further requests for time, and I yield back the balance of our time.

Mr. MADIGAN. Madam Chairman, I have no further requests for time, and I yield back the balance of our time.

The CHAIRMAN. Pursuant to the rule, each section of the bill is considered as having been read for amendment under the 5-minute rule.

The Clerk will designate section 1.

Mr. WAXMAN. Madam Chairman, I ask unanimous consent that the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of H.R. 3010 is as follows:

H.R. 3010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: REFERENCE TO ACT.

(a) SHORT TITLE.—This Act may be cited as the "Health Planning Amendments of 1985".

(b) REFERENCE TO ACT.—Whenever in this Act (other than in section 9(a)) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. HEALTH SYSTEMS AGENCIES.

(a) STAFF EXPERTISE.—The first sentence of section 1512(b)(2)(A) (42 U.S.C. 3001-1(b)(2)(A)) is amended—

(1) by striking out "shall have a staff" and inserting in lieu thereof "shall, to the extent practicable, have a staff", and

(2) by striking out "at least".

(b) STAFF SIZE.—The first sentence of section 1512(b)(2)(B) is amended—

(1) by striking out "five," each place it occurs and inserting in lieu thereof "three,",

(2) by striking out "rounded to the next highest" and inserting in lieu thereof "rounded to the nearest", and

(3) by striking out "one hundred thousand" each place it occurs and inserting in lieu thereof "three hundred thousand".

SEC. 3. CERTIFICATE OF NEED REVIEW.

(a) REVIEW BY HEALTH SYSTEMS AGENCIES.—Section 1513(f) (42 U.S.C. 3001-2(f)) is amended by striking out "(f) To" and inserting in lieu thereof "(f)(1) Except as provided in paragraph (2), to" and by adding at the end the following:

"(2) If a State health planning and development agency for a State establishes a system under section 1523(a)(4) for review by health systems agencies of applications for certificates of need, each health systems agency in such State shall make such review only to the extent authorized by and in accordance with such system."

(b) ROLE OF STATE AGENCY.—Section 1523(a)(4) (42 U.S.C. 300m-2) is amended by inserting before the last sentence the following: "The State Agency of a State may establish a system describing the extent to which and the manner in which health systems agencies may review applications for certificates of need. Under such system applications for certificates of need which are of the same or similar type shall be reviewed in the same manner.".

SEC. 4. DESIGNATION OF HEALTH SYSTEMS AGENCIES.

(a) CONDITIONAL DESIGNATION.—Section 1515(b) (42 U.S.C. 3001-4(b)) is amended—

(1) in paragraph (2)—

(A) by striking out "(which, except as otherwise provided in this paragraph, may not exceed 24 months)" in the first sentence, and

(B) by striking out the second, third, and fourth sentences;

(2) by inserting before the period at the end of paragraph (3) the following: "if the Secretary determines, in accordance with subsection (c)(1)(B), that the entity is not complying with the provisions of such agreement";

(3) by striking out "subparagraph (A)(ii), an agreement with an entity for designation" in subsection (c)(1)(B) and inserting in lieu thereof "subsection (b)(3) or subparagraph (A)(ii) of this paragraph, an agreement with an entity for conditional designation or designation"; and

(4) striking out "an agreement" in the third sentence of subsection (c)(1)(B) and inserting in lieu thereof "an agreement under subsection (b) or this subsection".

(b) SECRETARY'S AUTHORITY.—Section 1515(c)(3)(B) is amended—

(1) by striking out "for a period not to exceed twelve months" in the first sentence, and

(2) by striking out the second sentence.

(c) TECHNICAL AMENDMENT.—Section 1515(d) is amended by striking out "another entity" and inserting in lieu thereof "an entity".

SEC. 5. PLANNING GRANTS.

SEC. 5. (a) GRANT AMOUNT.—Section 1516(c) (42 U.S.C. 3001-5(c)) is amended—

(1) by striking out paragraph (2),

(2) by striking out "(c)(1) Except as provided in paragraph (2), the" and inserting in lieu thereof "(c) The" and by striking out "subparagraph (A), (B), or (C)" and inserting in lieu thereof "paragraph (1), (2), or (3)",

(3) by redesignating subparagraph (A) as paragraph (1) and by redesignating clauses (i) and (ii) of such subparagraph as subparagraphs (A) and (B),

(4) by redesignating subparagraph (B) as paragraph (2), by redesignating clauses (i) and (ii) of such subparagraph as subparagraphs (A) and (B), by redesignating subclauses (I) and (II) of clause (ii) as clauses (i) and (ii), by striking out "clause (ii)" and inserting in lieu thereof "subparagraph (B)", and by striking out "clause (i)" and inserting in lieu thereof "subparagraph (A)", and

(5) by redesignating subparagraph (C) as paragraph (3) and by redesignating clauses (i) through (iv) of such subparagraph as subparagraphs (A) through (D), respectively.

(b) CONFORMING AMENDMENTS.—Section 1516(d) is amended—

(1) by striking out "subsection (c)(1)" each place it occurs and inserting in lieu thereof "subsection (c)(3),"

(2) by striking out "subparagraph (A)(ii)" in paragraph (3)(A) and inserting in lieu thereof "paragraph (1)(B),"

(3) by striking out "subsection (C)" in paragraph (3)(B)(ii) and inserting in lieu thereof "paragraph (3)", and

(4) by striking out "subsection (c)(3)(C)" each place it occurs in paragraph (3)(B)(iii) and inserting in lieu thereof "subsection (c)(3)".

SEC. 6. DESIGNATION OF STATE AGENCIES.

(a) CONDITIONAL DESIGNATIONS.—

(1) Section 1521(b)(2) (42 U.S.C. 300m(b)(2)) is amended—

(A) by striking out subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by inserting before the period at the end of subparagraph (B) (as so redesignated) the following: "if the Secretary determines, in accordance with paragraph (3)(B) that the State Agency is not complying with the provisions of such agreement".

(2) Section 1521(b)(3)(B) is amended—

(A) by striking out "subparagraph (A)(ii)" in first sentence and inserting in lieu thereof "paragraph (2)(C) or subparagraph (A)(ii) of this paragraph", and

(B) by striking out "an agreement" in the third sentence and inserting in lieu thereof "an agreement under paragraph (2) or this paragraph".

(b) SECRETARY'S AUTHORITY.—Section 1521(b)(4)(B) in amended—

(1) by striking out "for a period not to exceed twelve months" in the first sentence, and

(2) by striking out the second sentence.

(c) SANCTION.—Section 1521(d) is repealed.

SEC. 7. STATE AGENCY FUNCTIONS.

The first sentence of section 1523(a)(6) (42 U.S.C. 300-2(a)(6)) is amended by striking out "Review" and inserting in lieu thereof "Review, to the extent feasible and".

SEC. 8. DEFINITIONS.

(a) PROVIDER.—Section 1531(3) (42 U.S.C. 300n(3)) is amended (1) by inserting "or" at the end of subparagraph (C), (2) by striking out "; or" at the end of subparagraph (D) and inserting in lieu thereof a period, and (3) by striking out subparagraph (E).

(b) INSTITUTIONAL HEALTH SERVICES.—Section 1531(5) is amended by striking out "$250,000" each place it occurs and inserting in lieu thereof "$500,000".

(c) CAPITAL EXPENDITURE.—Section 1531(6) is amended by striking out "$600,000" each place it occurs and inserting in lieu thereof "$1,000,000".

(d) MAJOR MEDICAL EQUIPMENT.—Section 1531(7) is amended by striking out "$400,000" each place it occurs and inserting in lieu thereof "$500,000".

SEC. 9. STATES WITHOUT HEALTH SYSTEMS AGENCIES.

(a) ELIGIBILITY FOR GRANT UNDER SECTION 1516.—Section 935(b) of P.L. 97-35 (42 U.S.C. 3001-5nt) is amended by striking out "for fiscal year 1982".

(b) SECTION 1536.—Section 1536 (42 U.S.C. 300n-5) is amended by inserting "(a)" before "Upon" and by adding at the end the following:

"(b)(1) Upon application of a State which has had an application approved under subsection (a), the Secretary shall reestablish in accordance with paragraph (2) the health service areas within the State and designate health systems agencies for such areas in accordance with section 1515.

"(2) The health service areas in a State making such an application which were in existence on the date the application under subsection (a) was approved shall be reestablished by order of the Secretary, except that if the application under this subsection requests the Secretary to designate different health service areas, the Secretary shall designate, in accordance with section 1511, different health service areas for the State.".

SEC. 10. AUTHORIZATIONS OF APPROPRIATIONS.

SEC. 10. Section 1537 (42 U.S.C. 300n-6) is amended to read as follows:

"AUTHORIZATIONS

"SEC. 1537. The following amounts are authorized to be appropriated:

"(1) For grants and contracts under section 1516(a), there are authorized to be appropriated $42,000,000 for fiscal year 1986.

"(2) For grants and contracts under section 1525(a), there are authorized to be appropriated $21,400,000 for fiscal year 1986.

"(3) For grants and contracts under section 1534(a), there are authorized to be appropriated $1,500,000 for fiscal year 1986.".

SEC. 11. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1985.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 10, line 1, insert:

SEC. 12. REPEAL.

Effective October 1, 1986, title XV of the Public Health Service Act is repealed.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAXMAN: Page 9, strike out lines 13 through 23 and insert in lieu thereof the following:

"SEC. 1537. For grants and contracts under sections 1516(a), 1525(a), and 1534(a) there is authorized to be appropriated $28,100,000 for fiscal year 1986.".

Mr. WAXMAN (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Madam Chairman, I am joining with the gentleman from Illinois [Mr. MADIGAN] in offering this amendment.

Our amendment would reduce the authorizations for fiscal year 1986 from $64.9 million to $28.1 million. We take this action because $28.1 million is the amount that the Congress appropriated for health planning for this fiscal year in the Labor-HHS appropriations bill which was signed into law in December 1985.

There has been some confusion about why the Energy and Commerce Committee reported a bill with $64.9 million when the appropriations for this fiscal year are so much lower. I would like to take a moment to explain.

The Energy and Commerce Committee ordered this bill reported on November 5, 1985. The committee's bill authorized $64.9 million because that was the amount that was appropriated in fiscal years 1982 through 1985. We wanted a freeze on last year's appropriations.

The committee also had two other goals in mind. First, we wanted to maintain the stability of the current State and local planning agencies for this fiscal year so that Congress could consider the long-term future of planning in the context of Medicare capital legislation—which we will consider this spring. Second, the committee wanted the Congress to decide by legislation—not by the continuing resolution—to extend the planning program. Since the program had been funded by continuing resolutions for 3 years, the committee inserted the repeal language to assure that authorizing legislation would be required to continue the program.

Since the committee's action, the Appropriations Committees took a similar position. In December, they provided sufficient funds to keep all State and local agencies operational for fiscal year 1986. The amount needed was only $28.1 million because State and local agencies have grant cycles which are not consistent with the fiscal year. For instance, all State agencies are now operating under their July 1, 1985 grant, which was made from fiscal year 1985 appropriations. On July 1, 1986, they will not receive the usual 12-month grant, but a

3-month grant to carry them until September 30, 1986.

If fiscal year 1986 grants were for the usual 12-month cycle, then $64.9 million would have been appropriated. Our committee's bill included this higher amount because we didn't know the exact amount of appropriations that were necessary to fund all agencies until September 30, 1986. Now that we have that figure from Appropriations, there is no reason why we need to authorize more than $28.1 million for fiscal year 1986.

Under these circumstances, our amendment today is consistent with the Energy and Commerce Committee's action.

I urge all Members to support the amendment.

Mr. MADIGAN. Madam Chairman, I rise in support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. WAXMAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 10, after line 3, add the following new section:

SEC. 13. CONSTRUCTION.

"Notwithstanding any other provision of law, nothing in this Act shall be construed as superseding any of the balanced budget provisions set forth in section 3(7) of the Congressional Budget and Impoundment Control Act of 1974, as amended by Public Law 99-177.

Mr. WALKER (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Madam Chairman, this is an amendment much the same as the one I offered the other day on the House floor, which essentially is aimed at assuring that nothing in the bill can be regarded as not being in compliance with the sections of the Gramm-Rudman law passed at the end of the last Congress which relate to the balanced budget.

This is, in fact, language that simply nails that down. There is authorized spending within the bill.

I would hope, as the other day, there would be no particular controversy about the amendment.

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the chairman.

Mr. WAXMAN. Madam Chairman, I thank the gentleman for yielding.

Is it fair to say that what the gentleman's amendment proposes to do, it says that nothing in this bill would supersede the Gramm-Rudman Act. Should that act come into force, then nothing in this bill would in any way affect what would otherwise be the result of that action?

Mr. WALKER. Yes; it relates specifically to the targets that we have for deficit reduction in each year getting us to a balanced budget and nothing in this act would be deemed as more important than meeting those particular targets. That is the intent of the amendment.

Mr. WAXMAN. I thank the gentleman for that further explanation.

I have no objection to the amendment, not that I support it, but I certainly have no objection to it.

Mr. WALKER. Madam Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore. [Mr. ROSE] having assumed the chair, Ms. KAPTUR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3010) to amend the Public Health Service Act to revise and extend the health planning authority under that act, pursuant to House Resolution 359, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

□ 1405

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McCANDLESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 390, nays 3, not voting 41, as follows:

[Roll No. 15]

YEAS—390

Ackerman	Dorgan (ND)	Kindness
Addabbo	Dornan (CA)	Kleczka
Akaka	Downey	Kolbe
Alexander	Dreier	Kolter
Anderson	Duncan	Kostmayer
Andrews	Durbin	Kramer
Annunzio	Dymally	LaFalce
Anthony	Dyson	Lagomarsino
Applegate	Early	Lantos
Armey	Eckart (OH)	Leach (IA)
Aspin	Eckert (NY)	Leath (TX)
Atkins	Edgar	Lehman (CA)
AuCoin	Edwards (CA)	Lehman (FL)
Badham	Edwards (OK)	Lent
Barnard	Emerson	Levin (MI)
Barnes	English	Levine (CA)
Bartlett	Erdreich	Lewis (FL)
Barton	Evans (IA)	Lightfoot
Bateman	Evans (IL)	Lipinski
Bates	Fascell	Lloyd
Bedell	Fawell	Lott
Beilenson	Fazio	Lowery (CA)
Bennett	Feighan	Lowry (WA)
Bentley	Fiedler	Lujan
Bereuter	Fields	Luken
Berman	Fish	Lundine
Bevill	Flippo	Lungren
Biaggi	Florio	Mack
Bilirakis	Foglietta	MacKay
Bliley	Foley	Madigan
Boehlert	Ford (MI)	Manton
Boggs	Ford (TN)	Markey
Boland	Frank	Marlenee
Boner (TN)	Franklin	Martin (IL)
Bonior (MI)	Frenzel	Martin (NY)
Bonker	Frost	Martinez
Borski	Fuqua	Matsui
Bosco	Gallo	Mazzoli
Boucher	Gaydos	McCain
Boulter	Gejdenson	McCandless
Boxer	Gekas	McCloskey
Breaux	Gephardt	McCollum
Brooks	Gibbons	McDade
Broomfield	Gilman	McEwen
Brown (CA)	Gingrich	McGrath
Brown (CO)	Gonzalez	McHugh
Broyhill	Goodling	McKernan
Bruce	Gordon	McKinney
Bryant	Gradison	Meyers
Burton (IN)	Gray (PA)	Mica
Bustamante	Green	Michel
Byron	Gregg	Mikulski
Callahan	Guarini	Miller (CA)
Campbell	Gunderson	Miller (OH)
Carney	Hall, Ralph	Miller (WA)
Carper	Hamilton	Mineta
Carr	Hammerschmidt	Mitchell
Chandler	Hansen	Moakley
Chapman	Hatcher	Molinari
Chappell	Hawkins	Mollohan
Chappie	Hayes	Monson
Cheney	Hefner	Moody
Clinger	Heftel	Moorhead
Coats	Hendon	Morrison (CT)
Cobey	Henry	Morrison (WA)
Coble	Hertel	Mrazek
Coleman (MO)	Hiler	Murphy
Coleman (TX)	Hillis	Myers
Combest	Holt	Natcher
Conte	Hopkins	Neal
Conyers	Horton	Nelson
Cooper	Howard	Nichols
Coughlin	Hoyer	Nielson
Courter	Hubbard	Oakar
Coyne	Huckaby	Oberstar
Craig	Hughes	Obey
Crockett	Hunter	Olin
Daniel	Hutto	Ortiz
Dannemeyer	Hyde	Owens
Darden	Ireland	Oxley
Daschle	Jacobs	Packard
Daub	Jeffords	Panetta
Davis	Jenkins	Pashayan
de la Garza	Johnson	Pease
DeLay	Jones (NC)	Pepper
Dellums	Jones (OK)	Perkins
Derrick	Jones (TN)	Petri
Dickinson	Kanjorski	Pickle
Dicks	Kaptur	Porter
Dingell	Kasich	Price
DioGuardi	Kastenmeier	Pursell
Dixon	Kennelly	Quillen
Donnelly	Kildee	Rahall

Rangel	Sisisky	Torricelli
Ray	Skeen	Towns
Regula	Skelton	Traficant
Reid	Slattery	Traxler
Richardson	Slaughter	Udall
Ridge	Smith (NE)	Valentine
Rinaldo	Smith (NJ)	Vander Jagt
Ritter	Smith, Denny (OR)	Vento
Roberts	Smith, Robert (NH)	Visclosky
Robinson	Smith, Robert (OR)	Volkmer
Rodino	Snowe	Vucanovich
Roemer	Solarz	Walgren
Rogers	Solomon	Walker
Rose	Spence	Watkins
Roth	Spratt	Waxman
Roukema	St Germain	Weaver
Rowland (CT)	Staggers	Weber
Rowland (GA)	Stallings	Weiss
Roybal	Stangeland	Wheat
Rudd	Stark	Whitehurst
Russo	Stenholm	Whitley
Savage	Strang	Whittaker
Saxton	Studds	Whitten
Schaefer	Stump	Williams
Scheuer	Sundquist	Wilson
Schneider	Swift	Wirth
Schroeder	Swindall	Wolf
Schuette	Synar	Wolpe
Schumer	Tallon	Wortley
Seiberling	Tauke	Wright
Sensenbrenner	Tauzin	Wyden
Sharp	Taylor	Wylie
Shaw	Thomas (CA)	Yates
Shelby	Thomas (GA)	Yatron
Shumway	Torres	Young (AK)
Shuster		Young (FL)
Sikorski		Young (MO)
Siljander		Zschau

NAYS—3

Archer	Penny	Sabo

NOT VOTING—41

Burton (CA)	Hartnett	Nowak
Clay	Kemp	O'Brien
Coelho	Latta	Parris
Collins	Leland	Roe
Crane	Lewis (CA)	Rostenkowski
DeWine	Livingston	Schulze
Dowdy	Loeffler	Smith (FL)
Dwyer	Long	Smith (IA)
Fowler	Mavroules	Snyder
Garcia	McCurdy	Stokes
Glickman	McMillan	Stratton
Gray (IL)	Montgomery	Sweeney
Grotberg	Moore	Wise
Hall (OH)	Murtha	

□ 1425

Mr. DELAY and Mr. DANNEMEYER changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BATES. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3010, the bill just passed.

The SPEAKER pro tempore (Ms. KAPTUR). Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON ISSUANCE OF ORDER ON EMERGENCY DEFICIT CONTROL MEASURES FOR FISCAL YEAR 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—H. DOC. NO. 160

Mr. FOLEY. Madam Speaker, I ask unanimous consent that the message of the President pursuant to section 252(a)(5) of the Public Law 99-177, together with all the related communications transmitted to the Speaker by Federal departments and establishments pursuant to OMB directive 86-7, January 16, 1986, promulgated pursuant to Public Law 99-177, be printed as one House document in such form as may be determined by the Speaker, and that the Speaker be authorized and directed to refer such message and the accompanying communications as if the communications had been submitted as part of the message.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection

The SPEAKER pro tempore. The message is referred to all standing committees established pursuant to clause 1, rule X, and to the Permanent Select Committee on Intelligence.

(For message, see proceedings of the Senate of yesterday, Monday February 3, 1986, at page 1397.)

INTRODUCTION OF THE EMERGENCY SUPERFUND EXTENSION ACT

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, on Thursday, January 30, the Washington Post printed a story about the imminent shutdown of the Superfund Hazardous Wastesite Cleanup Program. According to the article, the trust fund supporting cleanup activities is fast diminishing because the EPA's taxing authority expired last October. Since no new taxes are being collected to replenish the trust fund, the EPA has no option but to significantly reduce its cleanup effort.

So today I am introducing a bill designed to extend—on a temporary basis—the taxing authority required by the EPA to keep Superfund alive and running on schedule.

My bill has two simple features. First, it extends the current taxing authority for 180 days beginning today. Since the tax is structured to raise $300 million per year, this interim taxing authority can be expected to generate about half that amount. Second, the bill provides temporary borrowing authority for the EPA to supplement the tax revenues by borrowing up to $450 million from general revenues. This authority is also constrained by the same 180-day limitation. In addition the bill requires repayment of all borrowings once a regular Superfund reauthorization bill is enacted.

Allow me to explain why we need borrowing authority. As Members are aware, the Superfund Act of 1980 was a 5-year, $1.6 billion program. The Hazardous Wastesite Cleanup Program was and still is supported by a dedicated tax that was geared to raise $300 million each year. When Congress began its deliberations on a reauthorization bill early last year, three levels of funding were being proposed: The White House sought $5 billion; the Senate passed a bill raising $7.5 billion; and as you know, the House-passed bill seeks to raise $10 billion.

During the session ended last December, Congress enacted—and the President signed—the fiscal year 1986 HUD-independent agencies appropriations bill. this legislation included spending of up to $900 million from the trust fund for Superfund cleanups.

Consequently, merely extending the existing tax leaves a considerable funding gap necessary to maintain programmatic spending at the most conservative of the three spending levels. In order to insure a properly managed program, we must provide the EPA limited borowing authority.

Finally, allow me to reiterate that this legislation only extends the taxing authority necessary to carry on cleanup activities for 180 days. It does not provide Congress any room to avoid reaching a final solution on the pending Superfund reauthorization before the end of this session.

Mr. Speaker, Superfund cannot be allowed to shut down. In too many communities across this country, people are depending on Superfund to rid their lands and drinking waters of poisonous wastes. If Superfund is allowed to come to a standstill, only Congress can be blamed and we cannot permit this to happen.

I hope my colleagues will join me in supporting this bill.

CONSUMERS SHOULD SHOP AROUND FOR BEST CREDIT CARD RATES

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ST GERMAIN. Mr. Speaker, in recent months, the House Banking Committee has been at the forefront of the effort to reduce costly credit card interest rates—rates averaging 19 percent at a time when banks only pay 7 to 8 percent to borrow money. On October 29, we focused national attention on the issue through a Banking

subcommittee hearing on skyrocketing credit card interest rates.

Committee members have joined others in the Congress in introducing legislation which could significantly reduce credit card interest rates from their current levels, or which would require credit card issuers to clearly state their annual fees, finance charges, and grace periods so that consumers can make an informed choice when selecting a credit card.

As committee chairman, I have been highly critical of the financial industry's practice of force-feeding consumers credit cards through mass mailings of unsolicited pre-approved MasterCard, Visa, or other applications. Lured by the prospect of a $5,000 line of credit, the consumer doesn't even notice the accompanying 18-, 19-, 20-percent interest rate—or the substantial annual fee—until it's too late. Consumers are overpaying to the tune of millions of dollars a year—money that could be going into their pockets rather than into the bloated coffers of our Nation's banks and other institutions. It is estimated that reducing credit card interest rates to the 1980 level of 17.13 percent would save consumers up to $700 million annually.

The financial industry is doing its best to keep rates high. While it's quick to climb onto the free marketplace bandwagon when lobbying the Congress with its insurance, securities, and real estate wish lists, the industry pays lipservice to the concept when it comes to the consumer. Is it just a coincidence that the Citicorps, Chases and Bank of Americas have all kept their interest rates close to 20 percent? Or have they made a gentleman's agreement not to steal each others customers by lowering rates? Indeed, why compete for customers when it means offering reasonable credit card interest rates, low bank service fees and minimum balance requirements, and red-carpet treatment for the masses?

Our efforts are being heard, however. Barely a week goes by without the press reporting a bank here, a thrift there that has voluntarily lowered its credit card interest rates. Suddenly, 14-, 15-, 16-percent interest rates are being advertised alongside the heavy hitters. While some institutions may be rushing to lower rates to head off Congress at the legislative pass, others are realizing that it makes good economic sense to be competitive. When my colleague from New York, Mr. SCHUMER, issued a list of 30 financial institutions nationwide offering the lowest credit card interest rates, the institutions were bombarded with inquiries from thousands of consumers.

I want to take this opportunity to urge everyone, and especially my fellow Rhode Islanders, to comparison shop before selecting a credit card. Many of us think nothing of going from store to store until we find the best buy—why not do the same when choosing a bank? For years the financial industry has profited from a complacent clientele. But I assure you, once consumers flex their economic muscles, banks will be falling over each other to offer the lowest interest rates.

I applaud the many Rhode Island banks, thrifts, and credit unions offering credit cards at interest rates lower than the national average. For example, the Rhode Island Hospital Trust, with 36 branches around the State, is offering credit cards at 17.8-percent interest with a $15 annual fee, while the Eastland Bank, with branches in Cranston, Cumberland, Johnston, North Providence, North Smithfield, Providence, Smithfield, and my hometown of Woonsocket, boasts a 17-percent interest rate with a $21 annual fee. The Washington Trust Co. in Westerly even gives customers a choice—pay off your bill in full each month and pay a $15 annual fee with no interest charge, or pay in part and pay a 15.5-percent interest charge with no annual fee.

Rhode Island credit unions are offering rates as low as 15 percent—with no annual fees. Take the Westerly Community Credit Union in Westerly, or the Davisville State Chartered Credit Union in Davisville.

Across the border in Massachusetts, banks are also climbing aboard the bandwagon. Quincy's State Street Bank offers credit cards at 16.5 percent with a $20 annual fee, the Bank of New England at 16.8 percent with a $21 annual fee, Shawmut Bank at 16.98 percent with a $24 annual fee, and the Bank of Boston at 17 percent with a $21 annual fee.

However, more needs to be done. To illustrate what many institutions are actually charging, the following list is provided:

CREDIT CARD INTEREST RATES

Institution	Finance charge (percent)	Annual fee
RHODE ISLAND Banks/Thrifts		
Old Stone Bank	19.8	$20
People's Trust Co	19.8	20
Fleet National Bank	18.0	20
Greater Providence Deposit & Trust	18.0	20
Citizen's Savings Bank	18.0	15
Rhode Island Hospital Trust	17.8	15
Eastland Bank	17.0	21
Washington Trust Co	15.5	None
RHODE ISLAND Credit Unions		
Telephone Credit Union (Providence)	20.0	15
Rhode Island State Employees Credit Union (Providence)	20.0	None
Marquette (Woonsocket)	18.0	25
Hasbro Employee's Federal Credit Union (Pawtucket)	18.0	None
Westerly Community Credit Union (Westerly)	15.0	None
Davisville State Chartered Credit Union (Davisville)	15.0	None
NATIONWIDE		
Montgomery Ward	21.6	None
Sears	21.0	None
J.C. Penney	21.0	None
Citicorp	19.8	20
Continental Illinois	19.8	20
Bank of America	19.8	18
Manufacturer's Hanover	17.8	20
Bank of New England	16.8	21
First National Bank of Cleveland	15.7	18
Texas American Bank	14.4	None

Today, when inflation is at an all-time low, when the cost of money is under 8 percent, and when the prime rate is holding steady at 9.5 percent, it is outrageous that the credit card holder is being forced to bear the brunt of the industry's greed.

But, the consumer can fight back.

His or her most powerful weapon is awareness. I urge consumers to contact more than one financial institution before choosing a credit card issuer. I urge consumers to contact local consumer groups which may offer comparison figures on credit card interest rates in their areas—back in Rhode Island, the Rhode Island Public Interest Research Group is embarking on a statewide survey of these rates. And, I urge consumers to compare advertised credit card interest rates.

Like E.F. Hutton, when the consumer speaks, the marketplace listens.

U.S. STEEL IMPORTS FROM COUNTRIES THAT HAVE NO RAW STEELMAKING CAPABILITY

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOLTER. Mr. Speaker, last year over 9,000 tons of steel entered this country from 16 nations that apparently have no raw steelmaking capacity. According to a Congressional Research Service study, most of the imports were carbon steel, but it is both interesting and disturbing to note that several hundred tons, were of high value alloy or stainless steel. This suggests that some nations are transshipping steel through third parties to avoid voluntary restraint agreements.

In light of these developments, I am introducing legislation today that would prohibit the importation of steel products manufactured in countries that have only marginal steelmaking capacity. It is essential to the domestic steel industry that transshipment of steel products be stopped.

I am incorporating the CRS study into the RECORD, and I urge my colleagues to support this legislation.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, January 10, 1986.

To: Hon. Joseph Kolter.
From: David J. Cantor, Specialist in Industry Economics, Economics Division.
Subject: U.S. Steel Imports From Countries That Have No Raw Steel-Making Capability, First Ten Months 1985.

This memorandum responds to your request for information on U.S. steel imports in the first ten months of 1985 from countries that apparently have no raw steel-making capability. The identification of these countries is based on information in the directory of steel companies and plants, Iron and Steel Works of the World, 1983 8th Edition.[1]

In the first ten months of 1985, 16 countries that apparently have no steel-making capacity exported approximately 9,100 tons of steel mill products to the United States. These imports represent about 0.04 percent of the total U.S. steel mill imports, about 20.4 million tons, in this period. The 16 countries and the quantities of their steel exports to the United States are presented in table 1.

Virtually all the steel imports from these 16 countries are carbon steel. Approximately 8,560 tons, or about 94 percent of the total, were carbon steel products. Interestingly, more than 550 tons were of alloy steel or stainless steel products; Niger exported 533 tons of alloy steel wire rod to the United States, and Suriname exported about 21 tons of stainless pipe and tubing. These facts are of interest, because the commodities involved are high value products that have relatively stringent tolerances with respect to quality. Thus, the data indicate that at least two countries that are not identified as having steel-making capability produce relatively more specialized products.

Table 1. U.S. steel imports from countries identified as having no raw steel-making capability, January-October 1985

Country:	*Tonnage*
Antigua	1,698
Bahamas	4,220
Barbados	38
Belize	181
Bhutan	55
Guinea	13
Kiribati	30
Laos	174
Macao	909
Mali	23
Montserrat	33
Netherlands Antilles	401
New Caledonia	604
Niger	552
Suriname	21
Swaziland	162
Total	9,114

Source: U.S. Department of Commerce, Bureau of the Census data as compiled by: American Iron and Steel Institute. Imports of Steel Mill Products by Country of Origin. October 1985. Washington, 1985.

The product exports to the United States, both carbon and otherwise, cover a wide spectrum. Belize, Bhutan, and Guinea, for example, export cold-rolled strip. Manufacture of this product involves rolling of hot-rolled strip under extreme pressure; that is, this product is an example of a relatively high value product. Antigua and Montserrat export cold rolled sheet, coated sheet, and galvanized sheet to the United States. Tin plate is imported from Macao and New Caledonia. Pipe and Tubing products enter from Mali, Suriname, and Swaziland. All of these examples cover higher value steel products. At the other end of the spectrum, carbon wire rod is imported from the Bahamas.

While no imports of steel mill products entered the United States from the Cayman Islands or Fiji in the first ten months of 1985, these two countries did export steel to the United States in 1984. Neither of them is identified as having new steel-making capability.

The source for the data presented herein is the American Iron and Steel Institute (AISI). AISI compiles its import statistics from data collected by the U.S. Department of Commerce, Bureau of the Census.

I trust this information is responsive to your request. If you have other questions, please call me at 287-7740.

[1] Serjeantson, Richard, Raymond Cordero, and Henry Cooke, ed. Iron and Steel Works of the World. 1983 8th Edition. Surrey, Metal Bulletin Books Ltd., 1983. 840 p.

THE TRADE DEFICIT

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, building on what my colleague, the gentlewoman from Ohio [Ms. KAPTUR] said, last year's unprecedented $148.5 billion trade deficit is further proof that the manufacturing part of our economy is not sharing in the recovery. Despite 3 years of economic recovery, manufacturing has only recaptured 60 percent of the jobs lost in the last recession. There is no mystery as to why this is happening. Over the past 3 years, imports have exceeded exports by around $340 billion. That $340 billion translates into 2 million jobs shipped overseas. In effect, our Government has been conducting a jobs program for foreign manufacturers.

The Reagan administration awakened to this reality too late. It took them years to realize what most of us knew all along: A dollar overvalued by 30 percent or more was bleeding much of our economy. Finally, in September they took action to bring the dollar back down to Earth. Since then, the dollar has dropped on average about 12 percent. However, to really make a dent in the trade deficit by year's end, we've got to knock the dollar down by another 12 percent. The administration still doesn't seem to realize this. It appears to believe that its belated action last September saved the day and brought this country back from the brink of protectionism. They're fooling themselves. This attitude serves only to postpone free trade's day of reckoning.

Similarly, Mr. Speaker, the administration continues to administer the trade laws half-heartedly. True, it has finally discovered the tool of self-initiation to combat unfair trade. However, it continues to use this tool sparingly. Furthermore, it continues its policy of abandonment of workers and firms injured by imports. At a time of 148.5 billion dollars' worth of import-inflicted pain, this position is not only irresponsible, it's just plain shortsighted.

Mr. Speaker, if the administration is going to continue to abdicate its responsibility, it's up to us to start legislating.

AMERICAN ECONOMY IN 1991: A CHOICE BETWEEN PROSPERITY AND DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Madam Speaker, I want to talk today on the 1991 American economy, a choice between prosperity and disaster. I do so to put in context the difference between the efforts over the last 20 years to try to control spending and this year's, I think, very decisive turning point in American history.

Many people back home in Georgia have asked me: "Why is there so much talk about Gramm-Rudman? Why is there so much talk about cutting the budget, controlling spending, looking at what the President will say tonight, and looking at what the President will send up in tomorrow's budget?"

I think in order to understand why Washington is finally concerned about the budget you have to look at the context of this year's debate.

In 1980 the U.S. Government owed $1 trillion. Now $1 trillion is a lot of money. That is not billion now, that is trillion.

Six short years later the U.S. Government owed $2 trillion. In fact, we owe so much money as a Government that of this year's Federal budget 15 percent will be spent just on interest on the debt.

Now that is not paying off any of the debt; 15 percent of the U.S. budget goes just to pay the interest on the debt.

In fact, interest on the debt is now the third largest item in the U.S. budget after Social Security and defense.

To put it differently, interest on the U.S. debt is larger, more extensive, than the costs of the Army and the Marine Corps combined.

By 1990 it has been estimated if things keep going, 41 cents out of every Federal income tax dollar will be spent on interest on the debt. Or, as Congressman TOBY ROTH of Wisconsin puts it, every family of 4 in Wisconsin pays $34 every week to the Federal Government, not for health care, not for defense, not for welfare, it pays $34 a week, the average family of 4, just for interest on the debt.

This is potentially dangerous because the American debt is currently being absorbed by the savings of

Japan, Europe, and the upper class of the Third World.

The fact is that if the Japanese and European investors became frightened of inflation, became worried about the American dollar, if they withdrew their backing for American bonds, we would have a crisis. We would face massive inflation or a severe panic in the 19th century sense. That is, literally, there would be no money available. Americans today do not save enough money to pay for everything they want to do. The result is we are living better than we are earning, we are consuming more than we are producing, and the difference is being made up on loans to us from Europe and Japan.

This is the opposite of the traditional American dream. Traditionally Americans paid off the mortgage and gave their children and grandchildren the family farm.

Today we are selling off the family farm but we are leaving our children and grandchildren the mortgage.

The question, put in a longer perspective, is which 1990's do we want? Do we want to keep drifting from $1 trillion in national debt in 1980 to $2 trillion in national debt in 1986, to $4 trillion in national debt in the mid-1990's? Do we want to see 41 cents and then 50 cents and then 60 cents of every income tax dollar going just to pay interest on the debt? Do we want to go back to the years of Jimmy Carter of 13 percent inflation, 22 percent interest rates, a time when the American dollar was decaying so rapidly that Italian hotels would not accept it because it was not stable; a time of rising unemployment and rising inflation?

But the alternative is real change. If we are to avoid a fiscal crisis in the 1990's, if we are to avoid crushing the American dollar with debt, if we are to avoid giving our children and grandchildren the mortgage while we sell off the farm, then we must make a decisive turn. We must move toward a balanced budget, we must fight inflation, we must work for lower interest rates, for more jobs, and for higher take-home pay.

The importance of placing the challenge of Gramm-Rudman at the vision level of dealing with the larger questions really came home to me in talking with Bill Knight, editor of the Griffin Daily News, Bill Knight is a good friend of mine, a graduate of West Georgia College, a man who for many years now has served as news editor of a small-town daily newspaper. He said to me, "What is Gramm-Rudman going to mean to Spalding County, to Griffin, Georgia?" He meant in the tradition of the liberal welfare state and of the news media, "tell me about the cuts, walk through step by step which group is going to suffer which loss, lay out an agenda of pain."

And I stopped myself I suddenly realized that asking the tactical question of what is going to happen to each liberal welfare state program is exactly the wrong level to discuss the issue of America's economic future.

What is at stake is not one more loan, one more public housing project, one more welfare check, one more research grant; what is at stake is the larger fundamental question of the nature of the American economy throughout the end of this century, of the legacy we will give our children and grandchildren or the inheritance we will steal from them.

To understand this, just let me suggest that all effective human activity occurs at four levels, and there are hierarchies. At the very top level is vision; what do you think you are doing? Do we think we are simply borrowing from our kids? Or do we think we are trying to get our Governmental house in order to give our kids a better future?

To put it differently, at the vision level, anyone who has ever gone shopping knows that if your vision is of going to buy a bathing suit for the summer you look very differently than if your vision is going to a formal dinner party and you have to buy a formal dress or a tuxedo.

So what is the vision that underlies the choices of 1986? Once you complete discussing the vision you say, "I want to go in a particular direction, toward the liberal welfare state or toward the conservative opportunity society." What then are your choices?

At the second level comes strategy, how are you going to get there? The strategy of the liberal welfare state has been simple. It says that we will improve America by raising taxes, to hire more professionals, to open more offices, to do a better job, whether it is law enforcement, education, health care, defense, welfare, building inner cities. The more power we have in Washington the more smart bureaucrats we could hire, the better off we would be. That was the central theme of the liberal welfare state.

The conservative opportunity society is somewhat different. It says that the strategy to get to a better America is to have a limited government, which balances its budget, brings down interest rates, stabilizes the dollar, an fights inflation, and leaves you with takehome pay in your pocket; that encourages private business to build new factories, create new jobs, and buy new technology so that we can compete with Germany, Japan, and Korea.

Below the strategy level is the level of operations or projects. What specific thing would you do?

For example, this last weekend many of our colleagues in the House on the Democratic side appropriately rode an Amtrak train, a Government-subsidized train, to go to a retreat. The Republicans rode private buses that were chartered that were not in any way subsidized by the taxpayer.

Fundamentally different visions of how the world should work, a different strategy, a different operation or project.

At the very bottom on this list is tactics. What do you do every day? How do you actually implement your new approach or your new ideas?

So let us go back and look at the question, at the vision level: What will Gramm-Rudman mean to Griffin, GA?

□ 1440

The true meaning, I think, of our efforts to move toward the balanced budget, to control spending, to lower interest rates, to increase take-home pay, to create the savings to build new factories and buy new machines so we can compete with foreign companies, the real meaning is that in 1991, if you look down the road and say, "What if we finish the process, what if we get to the balanced budget we want, what would that be like?"

Paul Volcker, Chairman of the Federal Reserve System, suggested in public testimony last year that every $50 billion decrease in the deficit would lead to a 1-percent drop in interest rates. From a high of a $220 billion to a balanced budget then, using Volcker's own rule of thumb, would mean that in 1991 a 5-percent prime rate for loans. It would mean in 1991, 8 percent to 9 percent home mortgage money.

Now, if we could get down to a 5-percent prime rate, that would mean that the U.S. dollar would be more competitive with the Japanese yen and the German mark. That would mean that American textile companies, American auto companies, American manufacturing could compete head to head with the Japanese and the Germans with a lot better chance of our workers keeping their jobs. It would also help our exports. It would help our farmers, because it would mean that American wheat could compete successfully with Canadian, Argentine, Australian, and European Common Market wheat.

Lower interest rates, lower inflation, combined with an effort to get to a balanced budget by controlling spending so we have lower taxes, so working Americans have take-home pay in their pockets, that will allow us to build new factories and to invest in new tools and technology. And that means that in 1991, with a successful balanced budget effort, young people will have better jobs with higher take-home pay, competing effectively with imports. Young couples in 1991 in Griffin, GA will be able to use their higher take-home pay to buy a better

car at that 5-percent prime rate. After all, if you can afford to spend more on the car and less on the loan, you can buy a lot nicer car. You will be able to buy a house at 8 or 9 percent mortgage loans. And by getting to a balanced budget by controlling spending, by not raising taxes, they will actually have the take-home pay to be able to buy that house and buy that car.

Today, many young couples cannot afford the car, let alone the house. Today, as the distinguished majority leader of this body said in a New York Times editorial article, "All too many young people literally are not in a position where they can have the kind of life their parents had in the 1950's."

But it is not just good for young people to be able to have a balanced budget to fight inflation and to have a lower interest rate. For our parents and grandparents also recognize that getting to a balanced budget and fighting inflation and lowering interest rates are vitally important to their lives. Fighting inflation helps keep senior citizens' savings valuable. Under Jimmy Carter's 13-percent inflation rate, the value of the dollar would have been cut in half in just 5 years. Think of that. A couple that retired at 65 that had $10,000 in a savings bank would have had by the time they were 70 only $5,000 left just from the decline in the value of the dollar due to inflation.

The fact is that higher inflation steals from the elderly who have saved. It literally robs from the prudent. High deficits impose a huge burden, furthermore, on the children and grandchildren of retired Americans.

Most senior citizens know that people are living longer, that we are having a shift from 13 workers per retired person under Franklin Roosevelt to only 2 workers per retired person at the end of this century. That is common knowledge. People everywhere, of every age, from every group and every geography recognize that there is a shakiness to the long-term stability of our pension systems.

Senior citizens know that if huge deficits, high taxes, and inflation crush our economy, if we cannot modernize our jobs and our factories to keep up with Japan and Germany, if we do not have the jobs and we do not have the ability to produce, then Social Security, Medicare and Federal retirement funds will all be threatened. The generation now retiring grew up through the Depression. They know from their own personal experience that if the national economy collapses economically, then retirement systems collapse along with it. They know that a healthy Social Security System requires a healthy America, that a healthy Federal retirement system requires a healthy America, that if we are going to have a decent, stable retirement for everyone, we better have a growing and dynamic and productive economy for their children and their grandchildren.

Thus, everyone young and old have a reason to fear continuing to go deeper and deeper in debt, a reason to fear $4 trillion in national debt in the 1990's and what that would do to America.

Thus, everyone has a reason to want a program that controls spending, fights inflation, lowers interest rates and achieves a balanced budget.

The question then is how to shrink the deficit and achieve a balanced budget.

The answer in Washington from most politicians is raise taxes. Oh, most of them know that raising taxes will hurt the economy and may lead to a recession. Most of them know that raising taxes will weaken savings and lessen investment in new jobs and new factors. Most of them know that raising taxes will weaken our ability to compete with imports and, thus, raising taxes will increase the pressure for protectionism even at the threat of the world market collapsing.

With all these bad effects, why then do people in Washington want to raise taxes? The fact is that most Washington politicians, most Washington congressional staff, most Washington lobbyists and most Washington news media want to raise your taxes to avoid changing their behavior and their assumptions.

Keeping the liberal welfare state in its current form is simply easier than changing the habits of our current Government.

But before we raise taxes a dime, there are a number of steps we should take.

First, we should reform the Pentagon. We should not raise an additional $692 in taxes because we cannot get the Pentagon to buy an $8 toilet seat at K mart instead of a $700 customized toilet seat. We should not raise a dollar in taxes to pay for surplus bases and facilities, many of them dating from World War II, many of them clearly obsolete, a few of them dating even from the Indian wars. We should not raise a dime in taxes to pay for a Pentagon staff that is so large and so overcrowded that it spills over into Crystal City and throughout the Washington area. We should not raise taxes a dime to pay for too many generals and admirals per fighting unit. The fact is that today there are more generals and admirals per 100,000 people in uniform than there were at the height of World War II or Korea. You should not have to pay a dime more in taxes until we in Washington reform the Pentagon.

Second, we should reform the Civil Service before we raise taxes. There are virtually no American citizens who dealt with the Federal bureaucracy who does not agree that the simple rule that we should be able to fire the 1-percent least competent, least able, least willing to work, those who are rude, those who do not show up, those who do not care, that that 1 percent, if they were dismissed, would in fact improve the efficiency of the Federal Government. Not only would it cost less, we would get better government, a better Civil Service and more professionalism. And I suspect that 90 percent of the civil servants know people in their offices who they think do not do an honest day's work for a day's pay, do not commit themselves the way they should and are, in fact, cluttering up and making less effective the office.

In addition, we should drastically revise the Procurement Act which Congress passed which makes it impossible to buy the kind of computerization and data automation which is appropriate. It is an ironic truth that there is so much paperwork now involved in buying a computer, by the time you define what you need, go out and look at the possibilities, make the offering, look at the bid, choose the bid, negotiate the contract, get the contract approved, and sign the contract, it is literally impossible to buy today's computer by today's Government. Today's Government is buying computers which are on the average two generations of computing ability out of date.

In addition, we should not raise taxes as long as there are unnecessary departments. Let me suggest that it would be very appropriate for a leaner, more decentralized American Government with more responsibility back at the State and local level, to do without a Department of Housing and Urban Development, to do without a Department of Energy, to look seriously at rethinking many of the current Government bureaucracies in this city, which are in effect high-rises for red-tape surrounding the Smithsonian.

□ 1450

When we were told over the weekend at the Republican conference in Baltimore that under the provisions currently passed to try to get to a balanced budget it is impossible in having automatic spending cuts to cut a single one, to close a single one of the 13,000 offices in the U.S. Department of Agriculture, I thought that was a clear commitment to precisely the kind of mindless spending cuts which characterized the liberal welfare state.

The fact is that in the age of the telephone and the automobile we would be far better off to have 12,500 offices in the U.S. Department of Agriculture fully manned and fully expensed than to have 13,000 offices, each with their own razor cut of expenses.

Imagine, if you will, that over 4 years of inch-by-inch shrinking the expenses but keeping all 13,000 offices, you would eventually end up in some places with people who had no electricity, no telephone, could mail no letters, could buy no paper, but, by George, we had not closed the office.

It is a sign of the kind of bindless straitjacket that has come to characterize the liberal welfare state and, all too often, has come to characterize the civil service system 100 years after it was founded.

Third, before we raise taxes we need a new approach to poverty. When Bill Moyers, Lyndon Johnson's former press secretary, discovers that the welfare state is breaking up the black family, when he spends 2 hours pointing out that if you are poor and in poverty the odds are that 61 percent of the children in your community will be born outside of marriage, when he interviews people who say, yes, they do not do any work, yes, their major job in life is having children, and, yes, they walk off and leave each child with the woman that they had it by, and, gosh, no, they had no intention of getting married and they have no intention of taking care of their children but they sure were glad that woman gave them some of her welfare money, and that made it desirable to have 6 different women, each having a child by that man, it was clear, even to Bill Moyers, that the Great Society had failed.

The fact is that we need a new approach that is compassionate and effective. We need workfare but we need, I think, a new kind of workfare, a workfare that has a very large day-care component, that makes sure that those single heads of household female families have a real place there for their children to be taken care of and that many of those women get jobs taking care of children.

We also need to look at Bob Woodson's approach to having public housing systems that manage themselves; that is, we have a large public housing program where the tenants themselves run the project.

We have discovered, for example, that the first thing they do is not ask for more money, they simply require that the maintenance man live in the project so that he knows that if he does a lousy job, somebody is going to come knocking on his door that night and get him to come back and fix the sink he did not fix in the first place. Overnight, maintenance improved dramatically by that simple commonsense example of what self-management does once it replaces a bureaucracy.

In addition, we need to look at things such as the title I voucher program that would give checks to the individual citizens in that housing project so that they would have a real negotiating ability to go to their massive local teachers-union, public-bureaucracy-dominated school system.

Imagine the first time that a public housing project with 3,000 children discovers that it has $1.8 million in voucher checks to negotiate with the school board. I suspect at that point we will see attention paid to poor children in a way we have not seen since the bureaucratization of public education and the unionization of teachers.

But we need to reform welfare before we raise taxes a dime to pay for the current system that even Bill Moyers has concluded is breaking up the family, trapping children in poverty, and destroying all too many Americans.

Fourth, we need to cut out unnecessary programs.

I mentioned earlier the famous Amtrak ride to Greenbrier, the opportunity for apparently 100 of our colleagues to ride at the taxpayers' expense in a fine 15-car private train to a weekend in which, apparently, according to the newspapers, a quarter million dollars have been raised by lobbyists in order to have the right kind of opportunity to worry about cutting Government spending.

Let me suggest there are places where we need public railroads for passengers. Washington to New York to Boston is the most obvious example. But when we have train trips which are so expensive that it would literally be cheaper to give every single person who walks in an airline ticket and not let them pay for their train ticket—we literally are now paying more in subsidies for some train trips than the cost of the airplane ticket would be—that is a commitment to waste money that is irrational.

The current bureaucratic-structure legal services is irrational. We now pay public service lawyers to file lawsuits against public hospitals in the name of people in poverty so that we can then pay the public hospitals to hire a lawyer to fight the lawsuit in the public court so that we can then pay the public court to hear the public-service lawyer argue with the publicly paid lawyer for the hospital, so that either way we end up paying. That is the kind of mindless irrationality that does not make sense.

It is true that if we are really going to change things before we raise taxes, we would have to look, for example, at New York and Chicago subway rules.

Mr. PEASE. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be glad to yield to the gentleman from Ohio.

Mr. PEASE. I appreciate the gentleman yielding.

I was watching the proceedings on television and I just happened to notice the gentleman mentioning the train trip down to Greenbrier this past weekend.

Is it the gentleman's impression that that was paid for at taxpayer expense?

Mr. GINGRICH. No, it is my impression that the actual maintenance of that whole line is paid for by the taxpayer.

Mr. PEASE. Is it the gentleman's impression that the operating expenses of that crew and the fuel, and that sort of thing, were paid for at taxpayers' expense?

Mr. GINGRICH. It is this gentleman's impression—and I would be glad for my colleague from Ohio to offer evidence to the contrary—that it is very unlikely that anyone has paid for the full cost of the 15-car train, as distinct from what a highly subsidized public bureaucracy called Amtrak charges.

Mr. PEASE. I see. Well, I am sure the gentleman would not want to leave the impression in the minds of any viewers that there might be of this proceeding that the operating costs were paid for out of taxpayer funds.

Mr. GINGRICH. What I said—and I would be glad to repeat, and I would be glad to have the gentleman correct me if he has evidence to the contrary—is that Amtrak is a publicly subsidized system, that the actual Amtrak service which runs through there—I believe a train to Cincinnati—is very heavily subsidized, that the Amtrak bureaucracy is subsidized, that the Amtrak work force is subsidized, that the Amtrak rails, the way they maintain the whole system, has been subsidized, and that I doubt very much if the true cost of that train and its amortization were paid for by the people who made the trip.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be glad to yield.

Mr. SCHEUER. Does my colleague know of any form of public transportation that is not subsidized? Unless you expected us to go down there by horseback, there is no way that we could have gotten there without riding public transportation, and whether it was by bus, by train or by airline, they all enjoy various levels and degrees of public subsidy.

Mr. GINGRICH. I would be delighted to answer that. In the first place, the Heritage Foundation, in a recent report called "Slashing the Deficit," points out that Amtrak subsidizes every passenger mile an average of 24 cents per passenger mile now; that intercity bus, by contrast, is subsidized one-tenth of 1 cent per mile. That is a difference of 240 times as much subsidy for an Amtrak train. Now, that is a pretty huge difference.

Mr. SCHEUER. Well, we could hardly have gone there by inner-city bus.

Mr. GINGRICH. Well, I think that is a question of choices. You could have certainly flown there.

Mr. SCHEUER. We live with the inner city; we Democrats live with the inner city 365 days a year. We were getting away from that.

Mr. GINGRICH. No, no—there is a "t" in there.

Mr. SCHEUER. You Republicans needed some exposure to the problems of the inner city.

Mr. GINGRICH. If I could reclaim my time, there is a "t" in there—intercity," that is, between two cities, Greyhound, Trailways.

Mr. SCHEUER. Yes.

Mr. GINGRICH. Second, I would point out to the gentleman that public highways are primarily built through public user fees, the opposite of the train system; that is, if you buy gasoline, you are paying a gasoline tax. I would say also to the gentleman that virtually all of the cost of the airlines are paid for by the airlines through passenger taxes. And, in fact, the Airline Transport Association——

Mr. SCHEUER. There are mail subsidies for carrying the mail. We have been doing that with the airlines for 50 years.

Mr. GINGRICH. Well, if you want to make the case that you were carrying an enormous amount of mail to Greenbrier, I would be certainly willing to consider that.

Mr. SCHEUER. I will ask my distinguished colleague, who we all respect and admire, and for whom we have a real affection, is my distinguished collegue criticizing us because of the fact that having traveled on Amtrak, that we traveled on Amtrak because Amtrak enjoys a public subsidy, as does every single other form of public transport?

Mr. GINGRICH. No, no; what I was saying was that I could not imagine a more appropriate symbol. In fact, I said earlier I could not imagine a more appropriate symbolic weekend than for each party to go to a retreat where it worried about the problems of Gramm-Rudman and balancing the budget and cutting spending than that we took a privately leased bus company to Baltimore and that the Democratic Party in the House took a publicly subsidized Amtrak system to West Virginia. I thought it was a perfectly appropriate symbolic example. Your party legitimately believes in public subsidies. You were involved in doing something you honestly believed in. And I think that the train to Greenbrier is a perfect symbol of the difference between our two approaches.

Mr. PEASE. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. One last time, and then I would like to resume my comments.

Mr. PEASE. I appreciate the gentleman's yielding. I do not want to eat up a lot of his time.

I did not even go to Greenbrier myself. The only reason I took the floor at all was to make sure that the gentleman was not suggesting that the operating expenses of that particular trip were paid for by the taxpayers.

Mr. GINGRICH. I am not totally sure it is to the gentleman's advantage to emphasize the way at least the news media reported the amount of money raised from lobbyists as a way of paying for the train, but I will stipulate that it was clearly not.

Mr. PEASE. The gentleman is getting off the track there.

Mr. GINGRICH. I certainly would not want to suggest that there was any direct taxpayer subsidy of that particular train, as distinct from the general subsidy which made that train possible.

Mr. PEASE. That is fine. As long as the gentleman is willing to do that, that is fine.

Mr. GINGRICH. I appreciate the gentleman from Ohio clarifying that.

I will yield briefly to the gentleman from Pennsylvania.

Mr. WALKER. I think the important thing is that the people who rode the train, though, even if the lobbyists picked up the tab of the full cost of the ticket, the fact is that there is a portion of that cost that is also underwritten by the taxpayers, given the nature of the system, so that two people ended up paying the cost of the travel, one, the taxpayer, and the other, the lobbyists. And I think the gentleman is right in making his point.

Mr. GINGRICH. Since the gentleman is here, as I understand it, the gentleman is having a problem in Lancaster, PA, where in fact the Amtrak bureaucracy has decided to cut out very full trains in order to save the money which they are using for very long-distance trains that are clearly not profitable.

Mr. WALKER. The gentleman is absolutely correct. We have a line that runs from Harrisburg, PA, to Philadelphia, PA, that is one of the heaviest traveled lines in the entire country. There is massive travel aboard the line. Many of the trains are standing room only. Amtrak literally cut out standing room only trains on the line in order to preserve long-distance railroads where they are not carrying very many passengers, and their justification is that under their accounting procedures carrying 3 people 100 miles is the same as carrying 300 people 1 mile, that their accounting system breaks down that way. It is a completely nuts system; it is designed only for one thing and that is to be sure that they get plenty of subsidies. In fact, Amtrak has become a subsidy junkie system, and it is high time that this Congress institute the kinds of reforms that ensure that they are running trains where people want to go rather than running trains where they think people ought to go.

Mr. GINGRICH. If I could resume, the point I am making—to go back to No. 4, which is to cut out unnecessary programs—is that, as long as we are paying 24 cents per passenger mile—and, to clarify, that means that if 100 people were to take a train trip 100 miles, that that would be some 10,000 passenger miles, or $2,400 in subsidy. Even so, people who think they are paying their way—in fact, if you came from Atlanta and brought 100 people from Atlanta to Washington, that would mean, based on the Heritage Foundation study, that you are getting subsidized $14,000 indirectly. And I was not in any way suggesting that the Democrats were getting an unfair or a particular political break by Amtrak. I am saying that anybody who travels in a long-distance train outside of the Washington-to-Boston corridor is probably getting a massive subsidy. And why should we tax some poor person out here who is working in order to keep a 24-cent-a-mile subsidy for their wealthy cousin who decides that, out of amusement, they want to ride the train?

Mr. WALKER. If the gentleman will yield for just one additional statistic, which I think helps make the gentleman's point: If you take a look at intercity travel across this country, three-tenths of 1 percent of all of that travel is done aboard Amtrak trains. So that, in other words, you have 99.7 percent of all travel being done in transportation other than Amtrak, which suggests that a large portion of the American people never ride Amtrak trains but they sure are paying for part of the ticket.

Mr. GINGRICH. And my point is not to pick on Amtrak. As I started to say, before the gentleman from Ohio spoke, we need to be rethinking the subway work rules of New York and Chicago, many of which date back to the 1920's, which we now subsidize so that they can avoid it; we need to rethink all of the major offices that we currently have open. As we go through an age of change, I think there are a lot of things the Federal Government should not do that it is currently doing out of habit or out of past commitment.

Fifth, we should get out of things the Federal Government does not do well.

Again, the Heritage study, slashing the deficit, proposed that National and Dulles Airports are not appropriate activities for the Federal Government. We spend $35 million a year right now subsidizing National and Dulles Airports. Everywhere else in America, airports are run by cities or

by private companies or by local regional authorities.

□ 1505

It has been suggested that we might get as much as $2.3 billion for selling either to Virginia or to some regional consortium those two airports. In fact, the Heritage Foundation has 122 pages of specific proposals covering $112 billion in changes in the Federal Government.

I am not here to defend every one of those proposals. I am here to say that if, in the very first year of moving toward a balanced budget, we are looking for a $20 billion tax increase, which is the number normally used in this city, then we ought to be able to find that $20 billion in every fifth Heritage proposal. I would rather find $20 billion in ways of changing what we are doing than find $20 billion out of the take-home pay of working Americans.

Sixth, we want more revenue, not more taxes. Let me cite two examples. Fiber-optic cable is likely to be the most powerful system for information communications in the 21st century. Fiber-optics uses light rather than electricity to carry information. It is already being used extensively by AT&T; that will continue to expand.

In the tradition of the liberal welfare state, Governor Cuomo has asked the U.S. Government to give New York State the right-of-way for the interstate highway between Manhattan and Buffalo, correctly saying that it would be possible to build on that median area between the two roadways on that Interstate System, the two sets of lanes, what he called "the Erie Canal" of the information industrial age.

It seems to me that if we need more revenue, what the Government should be doing is looking seriously at the notion of leasing the median area of interstate highways so that AT&T, MCI, Sprint, IBM, and others could go ahead and pay us a percentage of gross revenue for the rental of the fiber-optic cable which they would be eager to bid on. If we could get $2 billion a year by the mid-nineties out of the gross revenues of communications companies in return for giving them right-of-way, it would seem to me that is a lot better than getting the same $2 billion out of the pockets of working Americans through raising taxes.

The second example I will cite touches a much larger area. Cocaine is a national disaster. Cocaine is more than just "Miami Vice"; cocaine is in fact an addiction which one recent article pointed out now has young children dying in New York City as they withdraw because their mothers are addicts. Cocaine is also a grave threat, as any Floridian will tell you, because we have made cocaine just illegal enough to raise the price; we have made cocaine just illegal enough to make it profitable for people to sell it, but we have not made it illegal enough to drive it out of business. In fact, under the liberal-welfare-state model, we have done the most irrational of all things: We have said to weak Third World governments like Colombia and Bolivia, "Why don't you wipe out the most profitable export industry you have, because we haven't got the guts to wipe out the addiction which leads us to buy the cocaine you produce?" We have said to countries whose governments, military forces, and police forces are clearly incapable of imposing their will, "Our FBI and our Drug Enforcement Agency can't police south Florida. Why don't you police the jungles of Colombia and of Bolivia?"

As an historian, I would suggest that this is the most dangerous of all worlds, because what we are doing is creating a new class of millionaires outside the law who are quite cheerful about corrupting local law enforcement, and again, anyone from south Florida will tell you just how big a threat this has become and just how dangerous it is to the survival of society.

So one source of new revenue I would suggest is simple: We should have as a law that anyone who is convicted of dealing in cocaine has confiscated all of his property; that is, not just a car that was used in the cocaine dealing, but they should know the minute they decide to deal in cocaine that they risk losing their savings account, their home, their car, and all of their assets, including those which, while they have been dealing, they put in their spouse's name.

Furthermore, it does not do any good just to dry up the dealers. All that does, if you leave the users out there, is increase the number of new dealers because you increase the value of the product again, and in a classic "Wealth of Nations"—Adam Smith sense, the new market leads to new supplies.

We also have to make it far more expensive to be a cocaine user. It should alarm every American when it is estimated that as many as 15 of the players playing in the Super Bowl may have been using cocaine.

I would suggest that another part of this bill should read that every first offender would be fined 10 percent of gross assets, a second offender 20 percent, and a third offender 30 percent.

That means that the first time a rock star or a professional football or baseball player is picked up the fine is not $500 and a giggle; it may well be a million dollars if they are worth $10 million. I suggest that cocaine would then rapidly dry up as a drug of choice.

During the interim, while it was being dried up, the confiscation from the dealers and the fines of the users should be divided, with 50 percent going to the general treasury and 50 percent going to help pay for the FBI and the Drug Enforcement Agency.

All of these suggestions reforming the Pentagon, reforming the welfare state, reforming the civil service, rethinking what government does, privatizing some assets, finding more revenue rather than raising taxes, all of this will require new ideas, new approaches, and a lot of hard work.

I think it is very important that we should be very candid about this. Change is scary, change is difficult, change is demanding.

It really struck me, though, what is wrong with Washington when I went back home to the Atlanta airport, because my district is in the prosperous Sun Belt. Georgia tied for second in 1985 with all the States as having the highest income increase. Yet one weekend recently I flew home to my airport. Hartsville International Airport in Atlanta, and that was the weekend that Eastern Air Lines announced a 20-percent pay cut for nonunion employees. I talked to a woman who had been working for Eastern for 19 years, who is in her late thirties, who had two children, and who knew what that 20-percent cut would mean to their lifestyle. Then suddenly it hit me. For as long as I have been in Congress, Eastern Air Lines has been having to change to survive. When I started running for Congress, Southern Airways was an Atlanta-based firm. Then it became Republic, and now Republic is being purchased by Northwest.

In my district CBS Records has the largest tape and disk plant in the world. Yet that plant is facing enormous change because the record industry is discovering that technology is leading to the collapse of cost so that nowadays there are people driving around the countryside in mobile homes reproducing cassette tapes cheaper than CBS can sell them for. So CBS is changing.

Southware, a very profitable and prosperous company 10 years ago, produces copper wire and aluminum wire and has had a difficult time as inflation ended and we went through a period of declining prices for heavy industry. The Ford plant in my district has had to change a great deal to compete with foreign imports. Doctors in my district faced with Medicare changes are having to change. Senior citizens concerned about new deductibility, new red tape, and new approaches have had to change.

Change, change, change. Everywhere I turn in a prosperous Sun Belt district I see change.

Yet the one thing Washington politicians can do that the people of my district cannot do is avoid change by rais-

ing taxes. Textile workers would avoid change if they could raise taxes and apply them to their own jobs. Eastern Air Lines workers, medical doctors, senior citizens, CBS workers, Ford employees, none would change if they could simply get more money from their neighbors and their fellow citizens.

Government is the only institution that since 1969 has run a deficit without having a recession. Government is the only institution that for 17 years has passed on the cost of change to everybody else while avoiding change itself. In fact, it can be argued that Government increased everybody else's change precisely because it refused to change itself.

Now, if we block tax increases and force Washington to rethink the Federal Government, the question will come up: "Aren't we going to make mistakes?" And the answer, in all honesty, is, "Of course we are."

To change is to risk. To choose is to take chances. The whole purpose of elections every 2 years is to have a House of Representatives which reports back home and asks for advice. We should confront the reality of change, the likelihood of mistake, and the possibility of error by going back home and saying to every citizen, "You should ask us to account for our activity." Every complaint is a possible new insight into how to do it better. Our slogan should become: "Let us work together to change the Government and get to a balanced budget, stop inflation, and increase prosperity so our children and our grandchildren can have a better future."

I am going to have a Gramm-Rudman complaint line, an opportunity for anyone who thinks that either we are being dumb or the bureaucracy is being dumb or a mistake has been made to call in and let us know. I am going to encourage my friends and neighbors to help me think through the changes necessary in the liberal welfare state to create an opportunity society and work toward a balanced budget.

If they cannot raise taxes, many Washington politicians say that it is just too hard to think, invent, and create a new approach to government. These politicians say that if they cannot raise taxes, they will simply collapse and let the mindless automatic spending cuts called sequestering take effect October 1.

Automatic spending cuts should occur only as a last resort. Frankly, automatic spending cuts are better than continuing the deficit and are the only threat strong enough to force politicians to control spending. However, the challenge to us is to pass reforms necessary to change the liberal-welfare-state Government so we can have both reasonable services and take a step to move toward a balanced budget.

□ 1515

Congressman STEVE BARTLETT of Dallas points out that cutting research education grants may affect the college professor who is about to get the grant. Cutting aid to help educate handicapped Americans hurts people who need the money right now.

We need to make the choices. We in the Congress need to focus on setting priorities.

Mindless automatic spending cuts on October 1 will be a sign that we have failed to do our job. We can do our job without tax increases and in time to avoid sequestering.

In closing, let me remind you what is at stake. For 17 years liberal welfare state politicians have bought this year's election with money borrowed from our children and grandchildren. The liberal welfare state was not built by taxing the rich to give to the poor. The liberal welfare state was built by borrowing money from our children and our grandchildren to give to current voters.

We have not had a balanced budget in 17 years. This policy of borrow and borrow, spend and spend, replaced the tax and tax, spend and spend policy of earlier Democrats.

Under an earlier generation, we simply raised taxes, but beginning in the sixties the middle class rebelled against more and more taxes, so for 17 years the result has not been to control spending, but to borrow more.

This is a new policy. It may shock most Americans to realize that this policy of borrowing, indebtedness and inflation, has not been seen in 200 years. Indeed, the Constitutional Convention was called by Washington, Madison, Hamilton and others, precisely because the weak Articles of Confederation had led to a weak government, inflation, a collapse in currency and a national debt so devalued that the term "not worth a continental" was a joke that entered American life.

American paper money and American notes were tragically devalued. Our Founding Fathers instilled in us such a deep respect for balanced budgets, stopping inflation and limited government, that Americans paid down the national debt through balanced budgets from 1789 to 1812. Then after the War of 1812, we had 18 surpluses in 21 years and almost paid off the debt by 1836. Then after the Civil War, we had 28 straight surpluses and we paid off 60 percent of the national debt by 1893.

Finally, after World War I, we went back to balancing the budget by controlling spending. The first budget director, Charles Dawes, cut the size of government by one-third in 1 year, 1921.

Lowering taxes, encouraging growth in the private sector jobs and having limited revenues and limited government paid down the national debt and created a base for prosperity.

The challenge to us in 1986 is simple. Do we keep selling off the farm and give our children and grandchildren the mortgage? Do we risk financial disaster by borrowing more money until the pyramid collapses, or do we get our house in order, set priorities and invent new approaches and make the shift from a liberal welfare state to an opportunity society?

I frankly tell Federal retirees that in order to get to a balanced budget for their children's future they may not get a COLA until 1992, but if we can keep inflation down and genuinely move to a balanced budget, is that not worth it?

I tell college students that rather than borrow money to loan them a subsidized loan so that when they grow up they pay off first their own loan and then a giant national debt, it would be far better for them to pay the entire cost of the note. I want them to be able to borrow the money, but I want them to know up front what it is going to cost.

Finally, I say to the voters back home, to my citizens, do you want me to raise taxes? Do you want me to tell you what government really costs or do you want me to just keep borrowing from your children and grandchildren?

I think those are the choices that we face.

Mr. GRAY of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the very distinguished chairman of the Budget Committee.

Mr. GRAY of Pennsylvania. Mr. Speaker, I thank the gentleman.

I just happened to have overheard the gentleman's comment about the last 17 years, which I think the gentleman described as spending, spending and borrowing, borrowing. I am glad to hear the gentleman use that phrase, because as chairman of the House Budget Committee, I have used it very often, particularly to describe the last 5 years.

Now, I would imagine that the gentleman in talking about the increased deficit also is talking about the last 5 years.

Mr. GINGRICH. Absolutely.

Mr. GRAY of Pennsylvania. Where we have gone from $50 billion deficits to now the OMB and CBO say it is over $200 billion for the 2d year in a row and the national debt, as the gentleman well knows, has gone from $914 billion in 1980 to today now is over $2 trillion.

Mr. GINGRICH. The distinguished chairman will be delighted to know that at the very beginning of this talk

I said that it was shocking that in 1980 we were at $1 trillion in debt and that today we are $2 trillion in debt. I would even be willing to say that it has been a bipartisan failure of will and nerve and creativity.

Mr. GRAY of Pennsylvania. I just would like to compliment the gentleman with regard to that statement, because clearly, when one looks at the fact that the national debt has been doubled in just 5 years, whereas from George Washington up to and including Jimmy Carter we never got over $1 trillion; the gentleman's statement about spending, spending, and borrowing, borrowing, is a very accurate description.

I would also just simply add that as chairman of the Budget Committee that if we compare what the Congress has actually done with the requests from the administration each year for the last 5 years, we have actually appropriated less money than was requested by the President.

So it seems to me we have got a major problem and I would join with the gentleman in saying that I hope that in 1986, without the great sequestor riding in from the West, that Members of Congress will do what we were sent here to do, which is make the tough decisions and begin to dry up the sea of red ink.

I would also hope that the administration would be a part of that and institute a fiscal policy so that over the next 3 years that debt will not get any larger.

I heard the gentleman's comment and I want to commend him on the description of the policies as spend-spend, borrow-borrow. Certainly those are disastrous policies and I join with the gentleman in saying that I hope we can turn around, particularly those policies as they have doubled the national debt in the last 5 years.

Mr. GINGRICH. I could not agree more with the distinguished chairman of the Budget Committee. I would just say that I think it is precisely because the debt time bomb has now grown so large that there has been, I think, a bipartisan, nonideological, remarkably broad coalition that has gotten us into the mess we are in.

I have been saying and I mean it with all affection for our friend in the other body, Senator GRAMM, that we are proving with Gramm-Rudman that we want to balance the budget in the worst possible way; but I think that it may have been the only possible way, that this large cumbersome mechanism that scares all of us may have been the only thing that would get our attention enough.

I like very much a recent essay by Mr. Krauthammer in which he pointed out that it is the equivalent of a person on a diet who locks the refrigerator and mails the key to Yuma, AZ, and knows that while they could get the key to break back in and eat food, it would be such a long trip that it would not be worth the effort. I think we are in that shape.

We have a bipartisan basis with I might say plenty of blame on both sides, conservatives fail I think to reform the Pentagon, liberals failed to reform the welfare state, and between us we made a mess.

The challenge to us is to recognize, and I think the challenge to every American citizen, and this is the only point I would like to make in closing after the comments of the distinguished gentleman from Pennsylvania [Mr. GRAY], and that is that what is at stake here if not just your hundred dollars more. It is not just your grant. It is not just your pet project.

I was frankly disgusted today to see one major interest group run a full-page ad about everything that they think is going to be wrong with the President's budget tomorrow and they did not include a single alternative change that would have cut spending somewhere else. They listed seven things they wanted the Government to give them that they were not going to get and they did not list a single place to pay for it and they did not offer to pay for it themselves.

So my closing comment for 1986 as we begin this budget and the way that I think we need to see this budget process is to walk in at the decision level and tell me, do you want to get to the prosperous 1990's and give your children a balanced budget, healthy America, low-interest rates, low inflation, the kind of economic growth and jobs and technology that lets us compete with Japan and Germany? Then we will have to get this place in order; or are you willing to take the risk that if we borrow another billion dollars we do not have a catastrophe, we do not collapse, we do not decay.

Now, I am willing to say that I am going to stand up here and I am going to vote to make major changes and go back home and let people decide whether or not they want to hire somebody going down the road to a balanced budget or whether they want to hire somebody who is going to walk away from our children and grandchildren, borrow all we can, send them the bill while we have the pleasure.

I think that is fundamentally wrong. I think it goes against everything that made America what it is. I think we can do the job and I think 1986 is the turning point in getting this country back on the track to prosperity.

NARCOTICS COMMITTEE STUDY MISSION TO THE SOUTHWEST BORDER AND MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. RANGEL] is recognized for 60 minutes.

Mr. RANGEL. Mr. Speaker, from January 12 to 19, 1986, the Select Committee on Narcotics Abuse and Control, which I chair, conducted a study mission to our southwest border and Mexico. We held hearings in three U.S. border cities—El Paso, TX; Tucson, AZ; and San Diego, CA—to examine the illicit narcotics traffic from Mexico to the United States. We also looked into the law enforcement and drug abuse problems created in the border States by the influx of drugs from Mexico.

In Mexico City, the committee met with United States Ambassador John A. Gavin and Embassy officials to review United States narcotics control policy and activities in Mexico. Following the Embassy briefings, the committee met with the Mexican Attorney General, Sergio Garcia Ramirez, and the President of Mexico, Miguel de la Madrid, to discuss illicit narcotics crop eradication in Mexico and other elements of United States-Mexican cooperation in narcotics control efforts. The committee also conducted a field inspection of opium poppy eradication efforts in Culiacan, Mexico.

Mr. Speaker, it is my sad duty to report that drug trafficking is totally out of control along our border with Mexico. Ever-increasing amounts of illicit narcotics are freely smuggled from Mexico into the United States by air, land, and sea. U.S. Embassy officials in Mexico estimate that Mexico now supplies 42 percent of the heroin and 30 to 35 percent of the marijuana consumed in the United States.

The most surprising and most disturbing information we learned is that an estimated 30 to 35 percent of the cocaine entering the United States now transits Mexico. The amount of cocaine smuggled into the United States via Mexico has risen dramatically because of enhanced enforcement pressure in Florida and the southeast and also because of increased cocaine production in South America.

Our southwest border hearings and meetings in Mexico confirm what the select committee saw in South America last summer: Illicit narcotics producing and smuggling far outpace crop eradication efforts in source countries and U.S. interdiction and enforcement capabilities.

Nowhere is this more true than on our southwest border. Our understaffed and insufficiently equipped Federal enforcement forces are virtually powerless to stop the increasing flow of drugs across the Mexican border. The situation is so bad that some Federal, State, and local officials who testified before the committee have almost given up hope of getting a handle on the drug traffic. They told

us that even if they were given a massive infusion of manpower and equipment they did not believe they could make a substantial impact on the tidal wave of drugs cascading into the United States from Mexico. The smugglers would simply increase drug production in response to increased enforcement efforts, they said. Other drug enforcement witnesses agreed that narcotics smuggling across the border was out of control but were optimistic that they could be much more effective with increased resources.

It is obvious from our hearings and field investigations in El Paso, Tucson, San Diego, Mexico, and South America that our current efforts to control illicit drug supplies through source country eradication, interdiction, and enforcement are failing miserably. The drug pipelines to the United States are loaded, and we expect bumper crops of illicit narcotics this year. The select committee estimates that as much as 150 tons of cocaine, 12 tons of heroin, and 30,000 tons of marijuana will enter the United States in 1986. Even if we were to substantially increase the resources of our drug enforcement and interdiction agencies—DEA, Customs, and Coast Guard—we can expect to get clobbered by illicit drugs for the next several years.

We cannot abandon our efforts to control the production and traffic of illicit narcotics. If anything, we should redouble our commitment in this area.

We must, however, take immediate steps to defend our children and families against the massive onslaught of drugs engulfing our communities. During our study mission, the witnesses unanimously agreed that drug abuse prevention and education efforts must be an integral part of any solution to the drug problems plaguing the Southwest and the rest of our Nation. Many witnesses called for comprehensive, school-based drug abuse prevention programs and urged the Federal Government to provide stronger leadership and support in this area.

Congress and the executive branch must do much more to make drug abuse prevention and education a larger component of our overall drug strategy. At present, the Department of Education allocates only $3 million for drug abuse education out of a budget of over $18 billion. This is clearly an inadequate response to the threat drugs pose to our children. Testimony before the select committee in Chicago, Boston, New York City, and Washington, DC, as well as the Southwest, has emphasized the need for strong Federal guidance and assistance to help States establish effective drug education programs.

In a recent address at Howard University, Education Secretary William J. Bennett called upon our Nation's schools to combat the growing use of drugs by students. I have invited Secretary Bennett to testify before the select committee as to what the role of the Federal Government should be in fostering school-based education programs. I hope he will agree an expanded Federal effort is needed.

I also plan to introduce legislation in the near future to authorize Federal grants to States for the establishment of drug abuse education programs in the schools covering grades K–12. This legislation will also mandate the Federal Government to collect and disseminate to the States information on effective drug abuse education curriculums and other proven drug abuse prevention strategies. It will also require the Federal Government to provide technical assistance to States in the development of statewide drug education programs.

Education alone is not the answer to drug abuse, just as eradication and enforcement by themselves cannot solve our drug problems. Now, however, is the time to capitalize on the strong consensus that exists throughout our country for a nationwide drug abuse education effort. We can no longer afford to give drug abuse education anything but top priority. The health and well-being of our children and the future of our country depend on our success.

□ 1530

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Speaker, I thank my colleague and wish to congratulate the chairman and the ranking member, the gentleman from New York [Mr. GILMAN], for their leadership and their zeal in organizing this study mission on which I accompanied them. It was an extraordinarily interesting and revealing experience.

It became perfectly clear to us that the drugs that emanate from the Southwest, the heroin and marijuana that originate in Mexico and the cocaine that is manufactured in South American countries and transit Mexico, are absolutely crossing our borders freely and spreading death and destruction from our largest cities to the smallest hamlets across the length and breadth of America. The witnesses made it clear that nothing that they could see coming down the pike, no programs, no funding, no new initiatives are going to change this unless and until we embark on a massive drug education program at the school level. This view came from first class, dedicated, highly competent, and experienced law enforcement professionals. It was the first time in my experience, and I have served on this committee with its chairman, the gentleman in the well, since its very inception, that law enforcement professionals themselves have said we will never achieve success in our efforts to rid our cities, our towns, our hamlets of drugs unless we target the demand. Not the best drug eradication efforts in the world; not the best drug interdiction efforts in the world at our borders will succeed until we have turned around the minds of our kids and convinced them that drugs are going to take them on a trip through the sewers and through the tortures of hell.

This was the interesting and the fascinating part of this trip to me. Let me just quote from one or two of the law enforcement officials who appeared before the committee.

Col. Ralph Milstead, who is the director of the State of Arizona Department of Public Safety and is a very impressive drug professional with decades of experience, told us:

> Ultimately there will be no victory in the war on drugs until Americans attitudes undergo a fundamental shift. The solution lies not in reducing supply, but in reducing the demand for drugs. The time has come for an intensive nationwide program designed to combat the demand side of the problem. These programs must focus on the prevention of drug abuse through education aimed at the new generation of potential users and their parents.

Listen to what Tucson Police Chief Peter Ronstadt, an equally competent and impressive law enforcement professional told us:

> If our Nation's youth was educated on the hazards of drug abuse and encouraged to reject such activity, and the effort was successful, the market for illegal drugs would dwindle to nothing within a generation.

□ 1540

And the enormously impressive, educated, talented Governor of New Mexico, Toney Anaya, testified:

> We cannot effectively stop the supply of drugs while the demand remains so high.

Now, these law enforcement professionals were as one in saying that we absolutely need to accompany the interdiction programs on the fields of the countries of Latin America, the Golden Triangle, and Laos, Burma, Thailand, Turkey, and wherever the drugs are coming from—with drug education programs.

Unless police efforts are accompanied by efforts to turn around the youth of America and get them to feel that life itself is a high, all of the eradication efforts on those foreign fields, all of the interdiction efforts in the airspace above our country and the waters surrounding our country, and in the vast 2,000-mile open border between ourselves and Mexico will only come to naught.

Nobody suggested that we reduce our eradication efforts, or that we reduce our interdiction efforts. Obviously we cannot do that. But the wit-

nesses were perfectly clear in their view that, absent turning off the magnet in our towns, in our hamlets, and in our cities, it is a hopeless effort.

They did make the point that this drug industry, which is now a $120 billion industry, was making the illegal traffickers so rich and affluent that they can afford to equip themselves with the finest in jet transportation, in speedboats of all kinds, in trucks and all kinds of land vehicles, in all kinds of sophisticated telecommunications, and in sophisticated firepower so that in many cases they are better equipped than our own Government agencies.

Now it is true, in the last couple of years since we have passed legislation on the subject of posse comitatus that we are getting a significant and welcome degree of cooperation from the Navy and the Coast Guard, and this has helped things some. But with all of that and with all of the billions that we have spent in the past decade, let us say, it is a case of having to run faster to decrease the pace at which we are falling behind.

Drugs of every description are plentiful in their purest form in history in every community in America where there is a demand for them.

So I want to pay tribute to these law enforcement officials who represent the best in the law enforcement fraternity. I think we can honor them by listening to their message, which for the first time was: We need crop eradication on the fields of Laos, Burma, Thailand, Mexico, Colombia, and elsewhere, and we need interdiction at our borders; but unless this is accompanied by a massive program of drug education that has the support of American parents, the American school system, American churches, American community groups, and American civic leaders, our efforts are doomed to fail.

I think we can make it. I think if we can achieve the right kind of focus on convincing our kids that life is a high, that life is full of promise, that this is an opportunity society, that if they work hard and achieve at school, in their studies, in their extracurricular activities and in sports, if they win the respect of their colleagues, and if they acquire literacy skills and numeracy skills and job skills that the free enterprise system will respect; they will have the kind of a life that is truly a high.

We have to convince them, and I think we can convince them that retreating into the nether—netherworld of drug addiction as an escape, as a copout, is going to expose them to the tragedy, the heartbreak, the misery of death, of destroyed lives, of wrecked careers, of horribly wounded and disappointed parents and family and the destruction of their greatest hopes and aspirations.

I want to thank my chairman and express my deepest respect to him and my admiration for him in his efforts to bring this problem to the forefront of the consciousness of the American people. And I want to thank my colleague from New York [Mr. GILMAN] for his wonderful supportive efforts.

Mr. RANGEL. The gentleman has said it and said it well, and you should get some degree of comfort in knowing that over the last two decades, where you have written, you have spoken, you have pointed out how important it is to deal with the question of demand, to see now in the city of New York, our police chief now here in the Nation's Capital, the U.S. Attorney's Office spending almost as much time in the classrooms with the children as they are apprehending the drug traffickers.

We are just trying to say, and the gentleman said it eloquently, that if law enforcement can swallow the heavy feeling of pride and reach out and ask that someone assist in educating the children, then certainly I think this Nation would want the Congress to respond as partners and not as separate branches of government.

The gentleman has said it well, and we are indebted to the contributions that he has made over the years as well as on our recent trip.

Mr. SCHEUER. I thank the chairman.

Mr. RANGEL. Mr. Speaker, I now will recognize the gentleman from New York that is not only the ranking minority member on the committee, but someone who we have come to work with as working partners. I do not think that there is any committee, standing or select, that operates without any regard to the party label that the Member brings to the committee; and certainly in the years that this gentleman has fought against drugs, either from your own hometown or the jungles of South America or in Thailand, certainly the gentleman has made a contribution in this fight that makes me proud not only to be the Chair, but to be a Member serving with you.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I would like to associate myself at this time with the remarks of the distinguished gentleman from New York [Mr. RANGEL], who as chairman of our Select Committee on Narcotics Abuse and Control has taken the burden of waging war against narcotics traffickers and dealers wherever they may be found on his own broad shoulders. The committee's southwest border study mission was an enlightening one, indeed, and I appreciate Select Committee Chairman RANGEL making this opportunity available to us today to discuss our findings and their ramifications.

The Select Committee's three hearings, in El Paso, TX, Tucson, AZ, and San Diego, CA, brought forth unanimity of opinion from our law enforcement agencies that their resources and manpower cannot ever hope to compete with those of the narcotics traffickers. Time and again the committee heard of the valiant efforts waged by Drug Enforcement Administration officials, the Immigration and Naturalization Service, Customs, and Coast Guard in attempts to interdict contraband and illegal aliens. In all cases, testimony indicated that indeed, more could be done with additional funding and agents, yet it was also widely acknowledged that producers at source countries would merely increase the amounts of heroin, marijuana, and cocaine now flooding our country.

One theme which has emerged from our border hearings, which was noted at previous committee hearings, was the need to step up our efforts and increase school-based drug prevention programs at the elementary school level. It is my pleasure to join Chairman RANGEL in introducing such comprehensive legislation that will allocate funding for this specific narcotic education purpose. It has been said that the best offense is a good defense, yet in many schools throughout our Nation, our children are woefully unprepared to fight the evergrowing onslaught of drug abuse.

Other findings from the committee's border mission focused on the eradication efforts in Mexico and our Nation's efforts to decrease the amount of Mexican grown heroin and marijuana that cross our open 1,900-mile-long common border. Estimates just released indicate that 42 percent of the heroin in this country is of Mexican origin, and that fully one-third of the marijuana is produced there as well. And, despite the fact that Mexico does not produce cocaine, between 30 and 35 percent of the cocaine in the United States is shipped through Mexico. This information comes to us as the direct result of successful efforts to interdict and deter shipments to southwest Florida. The problem remains; it has merely moved west.

Our difficulties with Mexico escalate as we now try to deal with the additional problem of cocaine crossing our Mexican-American border. Yet opium eradication efforts now underway in Mexico indicate just how difficult that proposition is. Members of the Select Committee traveled to the Culiacan region in the Mexican state of Sinaloa, in order to inspect opium poppy fields and the eradication program in that area. What we found was a compelling sight—rough, hilly terrain in which farmers have displayed great ingenui-

ty in planting and irrigating small fields with opium poppies whose distinctive coloring has been mutated in an effort to decrease air detection by eradicators. Pilots flying eradication missions face certain danger when attempting to spray these fields, and their skills are always tested as they are forced to twist and turn around steep mountains in which patches of opium poppy have been planted.

Our task is not an easy one, and neither is theirs. The committee was able to meet with the Mexican Attorney General as well as with President de la Madrid. During those discussions, we were able to impress upon them the absolutely vital nature of our mission—that of the futures of both our nations. I fully trust the commitment of these two gentlemen, but question whether that trickle down determination will get to the lower echelons of the Mexican Goverment. Owing to widespread corruption, each day brings new news of resignations and firings among Mexican officials. It will take time to make significant inroads, but additional commitment is needed. This extends as well to the Mexican investigation of the brutal murder of our DEA agent, Enrique Camarena. Our Mexican friends must know that we will cling to this case as tenaciously as ever, until his murderers are brought to certain justice.

Mr. Speaker, the southwest border mission instilled in the members of our committee a renewed commitment to fighting our war on drugs. Our hosts during each of our hearings were members of the Congressional Border Caucus, whom I believe also came away with a better understanding of this complex border problem. United States Ambassador Gavin in Mexico City has coordinated a cohesive group of individuals who are in an excellent position to review eradication efforts throughout Mexico, which I anticipate will bring about renewed results. Yet, unless and until our own Federal Government is willing to concretely act in concert with these efforts, outlining a real strategy, our battle against this growing menace will be meaningless. It is going to take a strong commitment by both of our nations, the United States and Mexico, to win this battle in our worldwide war on narcotics traffickers. And it is going to take all member nations of the international community, working together, to win this war.

□ 1550

I thank the gentleman for yielding.

Mr. RANGEL. Mr. Speaker, I want to thank the gentleman for his dedication and his contribution in this area.

Mr. Speaker, I am about to yield to the distinguished gentleman from Florida, Mr. CLAY SHAW, but I would just like to say how little did I know in the 1960's when I was talking about what had happened to my community in the inner city of Harlem in New York when I said that this epidemic could and would spread; how little did I know that it would hit places like Fort Lauderdale, places like Miami, where today certainly one of our most beautiful States has now become a battleground between international drug traffickers and law enforcement agencies, with our kids and our citizens caught in this crossfire.

The gentleman from Florida not only does an outstanding job in order to try to eradicate this from his own home State and his own hometown but is really going out across the Nation, indeed, around the world, to see that this does not happen to other communities.

As chairman of the committee, I am just proud to have someone with the outstanding ability of the gentleman from Florida, with all of the problems that he faces, to see the time and the energies that he brings in trying to control this epidemic which has hit our great Nation.

I yield to the gentleman from Florida, Mr. CLAY SHAW.

Mr. SHAW. I thank the chairman.

I would like to add my compliments to the gentleman for putting together this very hard, very compact, but very necessary trip.

This committee has gone down into South America and examined the problems there. As other speakers have indicated, at this time we went to the border cities in the United States, in the Southwestern United States, and then only for 2 days we went down into Mexico.

That gave me a view of the drug problem that I had never seen before. I went down to the Southwestern United States as a "supply sider," so to speak, with regard to how to get a grip on the drug problem. I still feel there is a lot more we can do in the interdiction and eradication area which deals with the supply side of the problem. But I came back after talking to the law enforcement officials, seeing firsthand what was going on in Mexico, very cognizant of the need for a stepped up effort in education. I think the chairman pointed out, and some other speakers did today at length at times, the tremendous frustration that has been voiced by law enforcement officials. For the first time we saw that the law enforcement officials were talking to us about getting to the demand side, getting to the education side. We are not going to be able to ever stop people from jumping off of bridges, but we can let our young people know that going to drugs is like jumping off a bridge, so at least they know the consequences. The vast majority of them would not touch drugs if they fully understood the real implication of what was going on.

I must say, too, I came back somewhat distressed about the vastness of the total problem. In El Paso, early in the morning at sunrise, I went to the border with the border patrol and observed Mexicans coming across by the thousands, freely, into the United States, crawling through holes in gigantic steel fences. There were gigantic holes that they had carved up for their own free passage.

In San Diego I went into the mountains and saw through nightscopes the Mexicans coming over the mountains into the United States.

The vastness of this border, the fact that it is literally unprotected, amplifies the problem and makes it even greater. We need more detection on the American-Mexican border. We need to do more. The concept of open borders is a good one when you are talking about it, but in reality it is creating problems in the United States. It is costing us jobs. It is also costing us the lives of our young people and our old people alike who are getting hooked on the drugs coming in at a more rapid rate from and through Mexico. This problem we talked about, we went down into Mexico, to the border cities. We talked to the commandantes in those areas. We found cooperation barely as far as being able to work with us. But then we closed that gap somewhat by going down into Mexico City. I think we saw a dedicated President who was speaking his mind freely to us and who is basically an honest man. But we find corrupt officials when we get away from the very top of the Mexican Government, outside of Mexico City itself, where we found poppy fields all over the mountaintops. It was one of the most enlightening experiences that I have ever seen to go down there and see these little patches here, there, and yonder, most of them less than an acre, but they had intricate watering devices, up on top of the mountains, areas totally unaccessible by road today.

This led you to believe that these peasants who are scraping this type of crop out of the mountains are not going to have any type of crop substitution available to them. You cannot grow tomatoes or other vegetables in those areas where there are no roads. There is a tremendous problem there, and it is going to take tremendous dedication by the Mexican Government over and above the dedication we have already seen if we are going to be able ever to get a handle on it.

I was very impressed to see the skill and agility of the Mexican pilots coming down over the mountains, putting the herbicides on the poppy plants themselves. But then flying back you could see hundreds of little fields, little patches of poppy, all throughout the mountain range. We

were in the Chihuahua Mountains at the time. We also flew back, on the way, over a large field within 50 yards of a major highway that had to be at least 100 acres or perhaps much more than 100 acres of marijuana. It was clearly visible from the helicopter we were traveling in. It is a vast problem. But I think all of us came back with renewed spirit as far as—we have to do several things. One, we have to step up our interdiction efforts. We have to put surveillance along the southwestern border of the United States similar to what we have done in south Florida. We need to do actually more in south Florida. South Florida has been a model that was repeatedly brought up to us at our hearings. The Governor of Texas, the Governor of New Mexico—both said that the Florida experience is creating problems in the Southwestern United States because the drug dealers are finding that it is easier to penetrate the border in the Southwestern United States than it is in south Florida where this interdiction effort has been.

So we have to spread that to that part of the world. We have to step up our eradication efforts. It is most important that we get the complete cooperation of the Mexican Government and that we go after the corruption in the Mexican Government wherever we find it.

Most of all, I think the message all of us have brought up today and I think perhaps is the most important, we have to step up our education efforts. This came up time and time again. We must not turn away from our efforts on the supply side but the demand side; there we must attack.

Again, Mr. Chairman, I very much enjoyed being with the committee in a most enlightening experience in the Southwestern United States and Mexico City. I think we all profited greatly by it. I think the legislative business of this House has been enriched by the experience those of us had who traveled with the committee on this venture.

Mr. RANGEL. I thank the gentleman from Florida.

I am certain that the House will soon be able to evaluate and perhaps support the legislation that we will be introducing as a result of this trip.

Mr. Speaker, this Select Committee went into the border States at the request, indeed the invitation, of what is called the Border Caucus Group of Congressmen who represent the United States in the districts that are on that border. The chairman of that caucus is our own "RON" COLEMAN who shared with us some concern that whenever we felt frustrated about the drugs that were pouring across the border, sometimes we tried to take the easy political answer, talking about travel advisory notices that affect the travel of people, our citizens, into Mexico, or to close the borders, which sounds as though it is an economic sanction, or to take another look at our trade agreements or things to punish the people of Mexico.

But I think as we have heard from other Members of this august body we learned a lot from this trip. We have learned, as "RON" COLEMAN has pointed out, that that line between Mexico and the United States may be on the map, but indeed in El Paso we did not find that line as it relates to the cultural exchange, the economic exchanges, and the strong and close feelings that people have for each other on both sides of the border.

So we have a very serious problem and a very delicate political problem.

Mr. Speaker, I want to thank the distinguished gentleman from Texas [Mr. COLEMAN] for bringing to the attention of the select committee some of the problems he is faced with every day. I want to thank him for hosting us while we were in El Paso and for participating in our hearings on the recent trip.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. I thank the distinguished chairman.

Mr. Speaker, I do appreciate very much the opportunity to join with my distinguished colleague, Mr. CHARLES RANGEL of New York, in this special order.

□ 1605

I think many of us who grew up along the border, who have lived all our lives along the border, were most appreciative that the gentleman would take the time of yourself and your distinguished committee to visit our region and truly understand on a firsthand basis the problems that we feel are almost indigenous to our region, our many unique problems.

But I would say to the chairman and to my colleagues that the emerging growth really in drug trafficking in our area has indeed become a menace that is really reaching paramount proportions and proportions which we all feel need to be addressed, not just by a political party or by one administration, but indeed by all Americans, because without a concerted effort on the part of all of us, this is a war we cannot win.

And what is the final answer when you are dealing in a war? It seems to me that, No. 1, we have got to all agree we are going to pay the amount of dollars necessary to see to it that at least our equipment is available, our manpower is available for its use.

And truly, Mr. Chairman, it is my personal belief that we have not done either at this stage.

I think it is apparent from various statements already made by those who preceded me, as well as from the intelligence sources that we had an opportunity to hear when the gentleman was going along the border with his distinguished committee, that that routes and methods now preferred by drug smugglers are increasingly taking them into Texas and New Mexico, Arizona and California. I think all of us recognize this westward shift is really coming as a result of the south Florida efforts that our colleague, Congressman SHAW just a moment ago spoke about. I think it ought to serve notice, and particularly those of us charged with the responsibility in the Congress of the United States for the funding of those who would interdict, detect, and apprehend narcotics smugglers that this ongoing war has just shifted to a new front. We have not won a battle yet. Indeed, I wonder whether or not we can win any battle.

I suggest to my colleagues and to the chairman of the Select Committee on Narcotics that we are not going to win any battles unless we are willing to provide the resources with which we can finally begin to make a true dent in this menace that we find coming into our Nation, our country, and that is affecting very seriously and very grievously so many—particularly of our young people—all across this great land.

You know, I think there is not much question that despite the amount of money and resources that the Federal, State, and local law enforcement agencies have invested so far in order to try to find out—really that is all we have done is find out the total extent of the problem—that drugs continue to be readily available all across the United States today. In fact, in some cases we found that they are cheaper to come by now than they were a decade ago. I think that all of us who understand supply and demand would also understand then that some of those narcotics have become more read,ly available. In fact, there is a larger supply and thus, the decreasing costs.

To a larger extent, I think, and despite the strenuous efforts really on the part of many, the problem has grounded rapidly in the expanding market that exists in this country today. I am delighted to hear my colleagues who came to my region in west Texas and El Paso and who went throughout this trip with your select committee, Mr. Chairman, to begin to be placing a great deal more importance than ever I have heard by Members of this body on the subject of education. Until drugs and to the harms which are attendant to them are fully recognized, I fear that the profit motive for drug smuggling will continue to lure more and more contraband of this kind into the United States. Until the marketplace is somehow thwarted by public awareness which diminishes the demand for them, efforts to control illegal narcot-

ics entering this country will continue to face that up hill struggle.

So really, Mr. Chairman, my statement is you cannot win this war against drugs ever unless and until you agree that you fight them on all fronts.

I think it is wrong for us to believe this war can be won by only attacking the issue of education. I think it is wrong to believe we can win this war by only attacking the front in terms of interdiction and arrest and sentencing and the filling up of our jails.

I suggest, Mr. Chairman, to you and my colleagues that we have to begin finally to understand we can attack simultaneously on many fronts. I think the dramatic testimony received by your select committee, Mr. Chairman, painted a picture which represents the efforts to control drug production abroad and to interdict supplies at our border has fallen woefully short. Even assuming the impossible, adequate funding of all branches of our drug enforcement and interdiction agencies, those unlimited supplies of illicit narcotics will continue to filter into the United States in epidemic proportions until we do begin the necessary part of educating our children, and indeed our families which has got to be the basis on which education comes after all.

I concur fully with you, Chairman RANGEL, when you speak of the overwhelming need to step up those education programs on the evils of drug abuse at the levels of our schools. I submit that that cannot be the only level, that we have a educate adults, parents, all Americans as to the severity of the threat which our children and our families will have to face if we are not willing to understand as a family unit and, therefore, as a national unit, the devastation and the sadness that the use of drugs can bring.

So, Mr. Chairman, let me say to you that I feel very confident that the hearings you held, that you at least have left a legacy along that southwestern border of the United States that I would call a total and complete success, so long as people will remember and pay just a small amount of attention to the efforts of your entire committee and to the efforts that you have made in beginning to believe that this war on drugs is a multifaceted war and that we can win it—and we can because there are few things that we in America cannot do—we can win it with education and a belief that the family as a unit is as important as it has always been in America.

Mr. Speaker, I thank the chairman very much for taking this special order on this issue.

Mr. RANGEL. Mr. Speaker, I thank the gentleman from Texas again. I thank the gentleman's staff for preparing the way for our committee. We thank the caucus for their kind invitation. No one can say it better than CLAY SHAW did, that we appreciate now more than ever the problems exist on that border, and the gentleman has said it well, that we cannot win a war unless we declare it and, if we declare it, it means we are going to have to put up the resources.

We do not intend to build a wall between the United States of America and the nation of Mexico. So it just seems to us that we are going to have to understand that, if we are going to have the relationship that we have enjoyed over these years, we are going to have to work closer with our members and on the Board of States.

We thank the gentlemen for his patience with us. We learned a lot from the trip. It only means that we are going to have to work a lot more closely in terms of not only interdiction and eradication, but certainly in the area of education, because that is imminent, and the rest of it we will just hope will be coming as a victory down the line. I thank the gentlemen for his contribution.

Mr. Speaker, TOM LEWIS, the leadership on the Republican side has decided that there were so many legislative obligations that he could no longer serve with the Select Narcotics Committee. But, Mr. Speaker, that did not stop him because of the type of commitment he has had over the years, again not for the problems that he faces in his district in the State of Florida, but because of his commitment that it should not spread throughout the United States and indeed in other countries. So, while we lost the gentlemen in the very technical sense in terms of committee membership, we never lost the distinguished gentleman from Florida, and we are glad to have him to make a contribution to this special order.

I yield to the gentleman from Florida [Mr. LEWIS].

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Mr. LEWIS of Florida. Thank you, Mr. Chairman. And let me begin today by commending you and also the ranking minority member of the Select Committee, Congressman GILMAN, for the outstanding and tremendous work that you have done over the years, both from a foreign policy viewpoint, as well as this important study mission to the southwest border.

I am grateful, very grateful, to you and Congressman GILMAN and the other members of the committee, for the attention you have given to our current foreign policy and its effects on the production of dangerous illegal drugs in Mexico and throughout the world.

Unfortunately, I was unable to join the select committee on this mission, a mission that I believe will be crucial in its impact on the drug problem facing us and our neighbor, Mexico.

Mr. Chairman, as you know and have seen firsthand, the dimensions of our problems with illicit narcotics in Florida are staggering.

Over the recess, I took time to meet with my ad hoc law enforcement task force. The members of the task force are local law enforcement officials from south Florida. The task force has worked over the past 2 years to improve communication between Federal, State, and local law enforcement officials in the war on illegal drugs.

This particular ad hoc committee was set up in response to the select committee during one of its hearings about 2 years ago in West Palm Beach.

Despite the efforts of these officials, the drug flow into Florida has increased.

We continue to hear from some sources that the illicit drug trade is being curtailed. But the law enforcement officials will tell you, and I have discussed with them, that this is simply not true. These are the people who are on the front lines in the war on drugs, and they ought to know.

Our efforts to enlist the aid of countries where these drugs are produced have not yet met with very much success. The stories we read in the papers tell us much, such as this article in the Washington Times. The headline, for instance, is particularly distressing. It states: "Mexican Agent Slain on Order From Mexican Police."

According to the paper:

> The order to kill Enrique Camarena Salazar, an agent of the U.S. Drug Enforcement Adminstration, was made last February by high-ranking Mexican Federal Judicial Police officials fearful they were about to be exposed as being on the payroll of Mexican drug traffickers, DEA sources say.

The article goes on to state:

> The veteran DEA agent had discovered and was ready to report that much of the $140 million in drug eradication money funneled into Mexico by the United States over the past 10 years had been misappropriated.

Mr. Chairman, if what this article says is true, then we need to carefully examine our current policy. Obviously, we are not getting the results we need. We must take more effective and more realistic steps to deal with the source of the drug problem.

The war on illicit drugs is a war we must win if our Nation is to remain healthy and strong. The drug problem is an insidious menance that is destroying the lives of addicts and those around them. We have tried several different modes of attack, but none has yet achieved victory of the drug dealers and their accomplices. We must continue to try new tactics to send the drug runners and pushers into headlong retreat.

Mr. Chairman, the tremendous work and leadership that you have provided the select committee is certainly commendable and it is not as noticed as it should be. This committee works hard

and it brings forth the problems that we have not only on the southwest border of this great country but in South America and in Southeast Asia and over from the Mideast. All of these things you and your committee have brought forth. It certainly is a step in the right direction to have a committee that is working to bring forth the factual information that we need, working with the heads of the various countries and stating to them that they must start to recognize the backtracking that this drug trafficking will have upon their own countries if they do not step forward and help us to eradicate this problem.

So, Mr. Chairman, I was very proud to serve with you on the committee. I look forward to serving with you again on the committee because I believe there is much work to be done. Being from south Florida, I feel an obligation to my constituency and the people of Florida to do what I can, as one individual, to help stamp out this terrible, terrible problem that we have that is corrupting our police and our politicians and destroying families.

Mr. Chairman, I want to thank you for allowing me to take part in this special order. Again I commend you and the committee for the tremendous work that you are doing.

Mr. RANGEL. Mr. Speaker, the Nation, the Congress, and the committee is indebted to the gentleman from Florida [Mr. LEWIS] for his contribution.

Mr. Speaker, the gentleman from California [Mr. HUNTER] serves not only as a member of the Select Narcotics Committee but he too is a member of the Border Caucus. He represents that area that we had our last hearing in, San Diego. Notwithstanding the fact that his mother had a personal health setback, he and his staff stayed with us, prepared the hearing for us and brought us the witnesses that made our trip so successful. He, unlike some of us, understood the problems that the people in San Diego were having, and on the other side of the border, the problems that our friends in Mexico were having; and, notwithstanding, that did not stop us from completing our mission as we saw it on behalf of America. I want to thank the gentleman for the contribution he made, notwithstanding the personal hardships that he was going through, and I yield to the gentleman from California.

Mr. HUNTER. I thank my chairman for yielding.

Mr. Speaker, I think there is no Member of this House who does not prize an introduction by the gentleman from New York because he is so eloquent and so sincere, and I appreciate the kind words.

Let me, just to start out, answer a question that is often posed to Members of this Congress when we take trips and that is: Did you do anything? Was it worth it?

I saw an AP release from Mexico City that I think in and of itself, with all of the other fine things that this committee did and the chairman did in working all the dimensions of the drug problem along the border, I think that this short release illustrates one very signficant value that this trip had. Let me just quote it. It is AP, Mexico City.

> The chief of security at Mexico City's Northern Prison, where Rafael Caro Quintero is jailed, has been removed following reports that the reputed drug baron was seen dining at fancy restaurants in the city.
>
> David Rodriguez Tejeda presented his resignation, apparently after disagreements with his superiors, and was replaced by Pedor Gil Gongora, the newspaper Excelsior quoted sources in the prisons office as saying:

And it goes on and discusses some other problems that apparently Mr. Quintero had, like trying to beat up the guards, which is not usually allowed in prisons.

But it ends up by saying:

> The Attorney General's office on Monday denied the report by U.S. Rep. Charles B. Rangel, D-N.Y., that Caro Quintero was seen outside the prison at luxury restaurants, at least once with federal officials and once at a birthday party in his honor.

The upshot of this report is that the committee went down and the chairman of the committee very appropriately brought up the fact that Mr. Quintero has been given exceptionally fine treatment by the prison, apparently, and that he has been allowed, even after he has been charged with murdering an American DEA agent, to go out and roam the streets and to go to fancy restaurants.

The one message that you brought out, aside from whether or not the resignation of the chief of security was justified—and I think it was, I think the facts will show—the message that you brought to Mexico City was that the people of the United States are watching this prosecution, "the eyes of America are upon you at this moment," I think is the message that you brought, and I think that that was very important because it gives some extra value to the safety and the lives of all of our people who are involved in drug interdiction. They know that we as Members of Congress and the people of this country, as citizens of the country, are very concerned about what happens to them and about what happens to people who would do harm to them. And I think that you brought a real message to Mexico that was of great, great value beyond the hearings that we held.

Let me say a couple other things about the hearings. I have never seen such lengthy hearings on practically any subject, especially on the beautiful day that we were in San Diego. We could have been at Sea World or the zoo or some place having a good time. I remember we had the longest list of witnesses I have ever seen. We went through the lunch hour. In fact, we had witnesses through lunch hour. We had a few sandwiches brought in. We kept going. And I think we elicited some great testimony.

One thing that occurred to me, in listening to my colleagues and to you, Mr. Chairman, talk about the problems about interdiction, and with our ability to persuade other countries to eradicate their narcotics fields and their poppy fields, is that we have some persuading here to do on the House floor.

In talking with some prosecutors during the hearings, I brought up the subject of mandatory penalties, major mandatory penalties, maybe as much as 20 years, for people who bring large quantities of narcotics across international borders, and it was mentioned to me by some of them that we used to have mandatory penalties, no probation, no parole, heavy-duty sentences. In the 1960's we had those, and for some reason we did away with them in the 1970's.

One reason that was given for doing away with them is that judges do not like mandatory penalties because that takes away their discretion, and I think you are a former prosecutor and you have an opinion on that as well. I think the real reason why mandatory penalties were done away with is because too many American citizens with some juice, with some pull, with some status, had members of their families being prosecuted for sale of narcotics, perhaps. I think maybe too many American celebrities in the Stacy Keach mold were prosecuted, were apprehended.

And because of that it was very, very difficult, I think, for our judicial system to be able to put up with sending important people to jail for long periods of time.

I hope we can reverse that situation, Mr. Chairman. I hope that can come down hard on this other track that the gentleman from Texas [Mr. COLEMAN] has mentioned, as well as the dimension of educating people and trying to bring about a real knowledge in this society, especially among our younger people at the grade school level, that narcotics are bad, that they will kill you.

Let me just commend you and the committee for the hard work that they did. As far as the value of this committee goes, if anybody ever wants to doubt that this committee has an enormous value to this Congress and to the American people, I will be happy to relate to them the effect that you have had on this prosecution, which is extremely important, that is ongoing right now in Mexico City.

I thank you, Mr. Chairman, and I thank the other members of the com-

mittee who spent their time coming to my district and going along the border and holding these very arduous and long hearings.

Mr. RANGEL. I thank the gentleman.

Mr. TOWNS. Mr. Speaker, as you are aware, in January members of the Select Committee on Narcotics Abuse and Control joined Mexico's President Miguel de la Madrid and his Attorney General Sergio Garcia Ramirez in a 3-day conference and inspection trip to Mexico. The trip followed an 8-day Narcotics Committee mission to U.S. border States to examine narcotics problems in this region.

At President de la Madrid's invitation, we visited Meixco and were briefed on Mexico's progress in its cooperative effort with the United States to halt international narcotics trafficking. In contrast to our relationship with the South American or Southeast Asian countries, our extensive border with Mexico makes it imperative for both countries to achieve a high level of cooperation in halting drug trafficking. Mexico is also well aware of this situation.

Like us, Mexico has suffered the social, economic, criminal, and political consequences of drug trafficking. At his briefing, de la Madrid emphasized Mexico's successes during the past years at drug eradication and control. It is unquestionable that the more successful they are in obtaining this objective, the narrower the gap for drug transit between our two countries. The committee members came back deeply impressed with de la Madrid's and Garcia's commitment to fight drug problems. This commitment still needs to reach the lower levels of their State and Federal Government, however. We want to assist them; we need to assist them and it's to our advantage to do so.

Admittedly, they have had their problems in the past but they do recognize them and they intend to do something about them. The Mexicans are prepared to increase the effectiveness and efficiency of their drug eradication program, including the fight against corruption at all governmental levels. We went to Mexico to see and to learn what they have been doing, to listen to their plan of action and to find out how we can help.

Mr. Speaker, I think it's appropriate at this point to place into the RECORD a piece of correspondence I received, not from one of my constituents, but from a resident of Tucson, AZ. Perhaps other members have received a similar postcard:

What the sam hill are you doing in Mexico when we are trying to reduce expenses? We already know about our drug problems—don't you? Why not the death penalty for smugglers? Why not? They kill us—cost us a lot of money and are corrupting our society. Let's stop fooling around and let's get results!

There are several good points of discussion in this postcard but let me just highlight two of them. The first is the assumption that "we already know about our drug problem." Do we, really? We know the terrible effects of drug addiction in our society. Which of us can plead ignorance of the consequences of drug abuse in our country, our neighborhoods, our schools, our families? We are all too familiar with the high crime rate within our cities, and communities, much of it due to the use and sale of illegal drugs.

But we are not inured to it. We haven't given up fighting against it. But to fight it, we need to understand it. Then we can combat it at all levels—from growers, to distributors to users. We need to attack it from both ends: From the demand and the supply side. If we but the candle of drug abuse at both ends, we may eliminate it at a faster pace. And this, my friend from Tucson, is what we've been trying to do.

We still don't know enough about the drug problems to develop perfect solutions for control. Probably the major reason is that it's not an American problem with a complete cycle within our borders. Narcotic trafficking is a complex international problem involving well-organized criminal syndicates supported by a combination of economic, social, geographic, political, and human factors in the many countries involved. As de la Madrid stated:

No government alone can successfully combat the relentless demand for drugs in the world today. No country can halt this insidious drug trafficking in the light of the seductive profits to be made by those in economic need or in search of a criminal bonanza.

It is this aspect of the problem that we have yet to grasp.

One example of the complex situation is a very simple reality or economics, which has already received some attention in the press. For many farmers in developing countries, it is much more profitable to grow crops of poppies and marijuana than any other agricultural crop. The committee's past investigative trips to Andean countries confirmed this problem. An acre of opium poppy plants can bring a farmer $4,000 to $6,000 a year. For every government effort in control and crop eradication, the farmer ingenuously comes up with alternatives to keep his bonanza, from genetically changing the color and size of the plant to installing water sprinkling systems down the mountain slopes.

Dealing with this reality, however, is not so simple. Crop eradication has a hard time competing with a gain of $4,000.

The second point, in my Arizona friend's note, is "let's stop fooling around and let's get results." Let's see some of the concerns we have in this area. During our meeting with President de la Madrid, he repeated his call for a summit of Latin American narcotics enforcement chiefs to coordinate the international effort against drug trafficking. This would be a major step forward. For the first time, there would be a general exchange of ideas, problems, knowledge, and strategies. Hopefully, there would be some concerted action which followed such a meeting in lieu of sporadic arrangements which now exist between countries. President de la Madrid's initiative deserves recognition and support from us as well as from other countries. The international criminal chain involved in the planning, financing, production, distribution, and consumption of illicit drugs can only be broken up by more effective international law enforcement coordination.

Not all our efforts, however, can go into the initiative. Much needs to be done within our own country. Once the drug reaches our borders, what happens to it? Who gets the profits? Obviously, not the drug addicts who pay for a highly diluted, illicit drug. These are the losers in our society. We need programs to help them, to help us fight the demand of abusive drugs both as preventive and rehabilitative measures. We also need programs and resources to investigate, expose, and prosecute the criminal elements profiting from the marketing of narcotics in this country. We need tougher sentences against convicted traffickers. We must support our States' efforts to develop programs for education, treatment, and counseling. We must save our young people before they join the list of drug abusers.

Mr. Speaker, our factfinding trip to Mexico was rewarding. We needed to obtain realistic information about the problems confronting the Mexican Government and their enforcement efforts and we obtained it. The committee is now better able to develop and discuss policy options to assist us in the war against international drug control. With Mexico as the second largest supplier of heroin to the United States and the third largest supplier of cocaine, we obviously need new policy options in this area.

Mexico has certainly done its part. Many Mexican law enforcement personnel have lost their lives in the fight against drugs. In 1984, 34 members of the judicial police and Mexican Army and Navy were killed. In 1985, that number rose to 54. In 1985, 7,363 acres of marijuana were destroyed and 383,253 pounds of marijuana confiscated in Mexico. In the same year, the acreage of opium poppies destroyed rose to 16,168—an increase of 95 percent.

Let's develop our own approaches which will complement those of the Mexican Government and other nations striving to get a handle on the international drug problem. Only then can we hope for a workable solution to the present crisis.

Mr. GUARINI. Mr. Speaker, it gives me great pride to join with Chairman RANGEL of the Select Committee on Narcotics Abuse and Control, to share with our fellow Members our experiences from the committee's recent factfinding mission to the border States and Mexico.

Since 1981 I have been intimately involved in the war against drug abuse as a member of the House Select Committee on Narcotics Abuse and Control. Substance abuse has grown to be the single largest problem facing our Nation. Like a cancer from within, this $110 billion illegal business has destroyed human life and potential, ravaged families, increased crime in our neighborhoods, and depleted scarce community health resources.

The massive scale and profit potential of the illicit narcotics market is so great that our enemy has become extremely resourceful, well-funded, and in control of sophisticated equipment. Because of this, we find the war to intercept drugs coming into this country moving to new fronts. As the specially created South Florida Task Force has become more effective in battling the influx of cocaine and marijuana from South America into Florida, many smugglers have moved their landing op-

erations to the gulf States and the Mexican border.

As a result, the congressional border caucus asked the Narcotics Committee to hold hearings at various cities along the United States-Mexican border. What we saw and what we learned was that our borders are out of control in regard to the influx of illicit narcotics and illegal aliens, and we are finding that these two problems have become extensively intertwined. As we lose control of our borders, the threat of terrorism becomes more and more inevitable.

For the most part, this study mission of the Narcotics Committee was impressed by the dedicated work being done by both Federal and local law enforcement officials along the border. These men and women work under intense pressures against great odds. They are overwhelmed by the task that confronts them and yet they continue. We must do all we can to beef up our Coast Guard, Federal Aviation Administration, Customs Service, Immigration and Naturalization Service, and Border Patrol units. For example, the use of dogs by customs officials is an effective way of detecting narcotics. An increased number of trained dogs and handlers is needed to meet the growing drug-smuggling problem along the border.

Although steps should be taken to strengthen our law enforcement deterrence, what we heard in the hearings the Narcotics Committee held in El Paso, Tuscon, and San Diego was a new realization by law enforcement officials about the problems they are confronting because of the rapid and staggering increase in the flow of narcotics across the border. During previous hearings, law enforcement officials at all levels of government told our committee that they needed additional resources to stop the influx of drugs across the border. This was not what we heard this year.

While they made some suggestions about how they could improve their efforts, they emphasized that the main effort to stop the flow of narcotics across the border cannot rest with the law enforcement community.

The problem has grown so large and pervasive that the only way to decrease the flow of drugs is to work at developing education programs which will convince children and adults alike of the harmfulness and destructive powers of illicit narcotics. Law enforcement officials cannot control the supply as it crosses the border, so we must try to end the demand.

We heard from many groups which have developed educational programs within their school districts. This program should begin as early as kindergarten. It is important for children to know the harmful effects of drugs and to develop the ability to say no to them. At the present time, our Federal education budget is $17 billion, but only $3 million is devoted to education about drugs. This is a pitifully small sum. If we are going to do more to reduce the demand for drugs we have to educate our citizens not to be susceptible to them.

Witnesses at our hearings also stressed the need to work with the producing countries to eradicate narcotics while the plants are still in the field. Today we are faced with a southern neighbor who is doing nothing to stop an estimated 1½ million of its citizens each year from entering our country illegally. We have seen the percentage of heroin and marijuana coming into the United States from Mexico climb from 10 percent to over 35 and 40 percent, respectively. To make matters worse, Mexico is becoming a major transshipment point for cocaine coming from South America into the United States. The Mexicans must face their share of the responsibility and take action.

This is one reason why the Narcotics Committee has done everything it can to increase and improve U.S. relations with drug-producing countries. During the mid-1970's the amount of drugs flowing from Mexico into the United States decreased tremendously. At our insistence, the Mexican Government began an extensive and effective drug eradication program, destroying opium poppies and marijuana by aerial spraying. By the end of the 1970's the Mexican commitment to this eradication started to slip. In the 1980's the Mexican eradication program has been almost nonexistent. As a result, we are faced with a massive increase in drugs coming across the United States-Mexican border.

At the same time, we must continue to work with our Central and South American neighbors to bring the production of marijuana, coca, and opium poppies under control. If they do not, the United States has the right under our laws to cut off all foreign aid to such countries. The problem has become so serious that we must begin to consider this harsh alternative.

Our factfinding mission to the border States and Mexico gave us broader insight into the narcotics problem plaguing our country. It is becoming increasingly clearer that our country must attack its drug problem by promoting eradication at the source, interdiction, education and prevention.

Mr. HUGHES. Mr. Speaker, the 1984 national strategy for prevention of drug abuse and drug trafficking, issued by President Reagan in September 1984, identifies drug abuse prevention as the first and key element to long-term success.

In declaring National Drug Abuse Education Week in 1983, President Reagan called for expanded drug abuse awareness efforts.

Indeed, everyone recognizes that no matter how successful our Drug Enforcement Program is, no matter how great the cooperation of other nations in controlling the production and traffic in drugs within their territory, there will be no substantial reduction of the drug abuse problem and its attendant crime until the demand for drugs is substantially reduced.

Right now, the demand for drugs is about as high as it has ever been. Close to 30 million Americans are using roughly 15,000 tons of marijuana annually. Imports of cocaine have tripled in the last 5 years. Cocaine abuse has moved from an occasional problem to the major problem for treatment programs around the country. Heroin use has slowly climbed during the past 5 years to well over 4 tons. The abuse of pills—stimulants, depressants, tranquilizers, and pain killers—continues unabated. An estimated 300 million dosage units of these drugs are siphoned out of legitimate medical use to be diverted to the black markets operating throughout the Nation. And now a new menace, synthetic drug analogs, are being developed by Dr. Frankenstein-like chemists in laboratories around the country.

Every sector of our society is contaminated with the presence of drug abuse, and the corruption and crime that it brings with it.

Recognizing that controlling the demand for drugs is the key, what has the Federal Government done? Shockingly, almost nothing, next to nothing. According to the statistics prepared by Dr. Carlton Turner, Director of the White House Drug Abuse Policy Office, the total Federal expenditure for drug abuse prevention and education in fiscal year 1986 is $21.67 million—that's before the 4.3-percent Gramm-Rudman cuts.

I am sure that supporters of the administration will be quick to point out that this generous sum is close to a 40-percent increase over fiscal year 1983 outlays. But they won't tell you that outlays for every one of the last 4 years has been lower than the fiscal year 1982 outlay of $22.66 million.

In 1983 the President promised expanded drug abuse prevention efforts. Yet the high water mark of Federal spending for drug abuse prevention by this administration had been in 1982! Spending for prevention slowly began to increase in 1983 yet it has never even reached the 1982 level. This is a disgraceful betrayal of the President's promise.

A closer look at a breakdown of the drug abuse prevention spending shows that one-third of it, some $8 million, is spent by the Department of Defense on preventing drug abuse in the military. Less than $14 million is spent in the civilian side for drug abuse prevention.

That level of spending is less than 50 cents per drug user.

No doubt, some one will point to Alcohol, Drug Abuse and Mental Health Block Grant Program to show that the Federal commitment is actually much greater. Unfortunately, the analysis of this program by the Drug Abuse Policy Office is not encouraging. For fiscal year 1986, total spending for drug abuse: treatment, diagnosis, research, and prevention and education was in the range between $65 million and $244 million. Only a small fraction of that rather small sum actually is spent in helping to prevent drug abuse.

The Department of Education spends $3 million, spread over our entire Nation, on training to prevent drug abuse.

Our lack of commitment to drug abuse prevention is clear when it is compared to Federal spending for drug law enforcement over the past 5 years. Drug law enforcement is extremely important, and I have initiated efforts to maintain adequate appropriations for a number of critical enforcement programs that had been cut back by administration budget officials.

Federal outlays for drug enforcement have increased by almost $600 million in the past 5 years—they have increased by almost 70 percent. If the growth of drug law enforcement has been at the expense of drug abuse prevention, our budget planners have made a grave error.

If we estimate 30 million drug abusers, a ball park figure, we are spending 50 cents for each abuser for prevention—$15 million—and $50 each on enforcement—$1.5 billion. We

are spending 50 cents to convince the user to say no to drugs or to stop using drugs, and $50 to try to keep the traffickers from selling the drugs to the users once they say yes. Our enforcement effort has not kept the drugs out. It seems to me that we must do a better job to try to get the potential users to say no, and that will take a little more money.

At our Crime Subcommittee hearings on drug abuse prevention and treatment, we found that the directors of drug abuse treatment programs around the country were continually turning away drug addicts, desperate for treatment, because they did not have the funds to take them in for detoxification and treatment. In New Jersey 3 years ago, over 12,000 addicts were unable to get treatment because the funds were not available—80 percent of those addicts were heroin addicts—at high risk of acquiring and spreading the deadly disease AIDS. Witnesses from Illinois and New York echoed these concerns. A year later the Narcotics Committee held similar hearings with similar findings.

We are not meeting critical needs in the drug abuse treatment and prevention area. The people in need are the people that the Drug Enforcment Program is designed to protect.

To point out this disparity is not to diminish the importance of drug enforcement. I have always strongly supported the drug enforcement budget. But every year, when Peter Bensinger, Bud Mullen, or John Lawn has appeared before the Crime Subcommittee for the annual DEA authorization, each of them has always suggested that we must spend greater resources on demand reduction efforts. Bud Mullen and Jack Lawn, perceiving the terrible vacuum here, brought the DEA directly into the prevention area through their innovative High School Coaches Program. But obviously that is not their central priority.

Over a year ago we tried to create a drug czar who could intercede in the crazy-quilt budget process for drug abuse prevention and control, and point out that if we have only $1½ billion to spend, a bigger portion of it than a mere $20 million ought to be spent on prevention. The effort to establish a drug czar has consistently been resisted by the administration. The drug czar we now have has authority only in the enforcement area, and even in that area we have seen little evidence of the high level direction and coordination Congress has sought.

Today, it is clear that we must renew our efforts to create a Drug Abuse Prevention and Control Program that is not lopsidedly underfunding the programs that everyone agrees are the most important to achieve long-term success.

It should be a truism that until we can significantly reduce the demand for drugs, the traffickers will continue to take the highly profitable risks to elude our drug enforcement efforts and bring their poison to market. But until we put our scarce resources where they will make the greatest positive difference, we must continue to pressure the administration to change its priorities.

Mr. FAUNTROY. Mr. Speaker, I join my colleagues on the Select Committee on Narcotics Abuse and Control in urging the U.S. Congress to gravely consider the enormous dangers to the Republic, to the structure of all our democratic institutions, to the tragedy in the private lives of our citizens of the ever present and ever threatening menace of substance abuse.

The report brought back by the select committee from their recent study trip should make all of us aware of how pernicious this terrible problem continues to be in spite of the effective efforts of Congress and the administration.

The dichotomy is defined in two terms: supply and demand. While we in the Congress have applied great skill and dedication to attacking and eliminating supply, the demand side of the dilemma continues to grow within the world—and in particular, the American population. Therefore, our battle, our war on drugs, must be expanded to more emphasis on the demand side.

In this last session of the 99th Congress, I urge all the Members of the Congress to join with the Select Committee on Narcotics in supporting new and more vigorous efforts at public drug prevention education. Not only have we an adult abuser population that reaches across all social and economic strata of our communities, but we have ever growing assaults on our youth and on our children. Education in prevention is the only hope we have for preventing a new generation of children and youth joining the present tragic numbers of abusers. We must, through our district offices, alert, recruit, train community volunteers in drug prevention education and we must through our enlightened information such as this morning's report from the study trip support prevention and treatment programs that can originate through Federal auspices. The time is now and our emergency is grave.

I want again to commend the dedicated work of the Select Committee on Narcotics Abuse and Control for their thorough, detailed examination of our national and international narcotics problem.

I urge my colleagues in the House to join the war on drugs and let us make this next year the year that turns around the battle.

Mr. BATES. I am pleased to add my comments to this special order, initiated by Congressman RANGEL, chairman of the Select Committee on Narcotics Abuse and Control. Recently, the committee held a field hearing in my home city of San Diego, CA, and I was invited to sit on the panel for that hearing. From the hearing testimony and from my own research on narcotics smuggling and abuse, some alarming facts have emerged. In my statement today, I shall offer some statistics concerning narcotics use and trafficking and will outline my five-point plan for combatting this crisis.

NARCOTICS STATISTICS

During the past year, 1985, a total of approximately 10,081 metric tons of marijuana, cocaine, and heroin-related drugs was consumed. Each metric ton equals 2,200 pounds, or more than 1 ton. This means, Mr. Speaker, that 10 tons of these drugs were consumed last year in this Nation.

There were some 22,907 hospital-related emergencies as a result of the use of marijuana, cocaine, and heroin products during the same year. That averages out to more than 60 such hospital emergencies each day, Mr. Speaker, and that level is simply unacceptable.

Drug trafficking is big business. For each pound of marijuana, an illicit dealer can make $750. When you multiply that amount by the estimated 10,000 metric tons of marijuana consumed in this country in a year, that works out to be a very lucrative line of work. Cocaine retails on the black market for $100,000 per kilogram, and there is a $37,500 per kilgram price for heroin-related drugs.

Mr. Speaker, in one of this Nation's larger cities, students in the public schools were surveyed to discover their history with respect to drug usage—58 percent of the students had used or were using marijuana; 32 percent had used or were using cocaine; and 7 percent had used or were using heroin-related drugs. I find these figures to be alarming, Mr. Speaker, and I have proposed a five-point program to attack the problem.

JIM BATES' FIVE-POINT ANTIDRUG PLAN

1. Education.—Education is the key element of my plan. Substance abuse programs, including information on alcohol abuse, should be started in the elementary schools. Students must be made aware of the dangers of drug and alcohol use before peer pressure exerts its maximal influence in the middle school years.

2. Eradication.—An aggressive effort to eradicate the raw materials of the drug trade must be undertaken. The costs of such a plan are high, and the endeavor requires the cooperation of the Nation in which drugs are produced, but the effort is well worth it, Mr. Speaker. I believe that it is possible to work with the leaders of the 14 main drug producing nations, and we must continue to work with these leaders until the eradication effort meets our goal.

3. Sanctions.—If the leaders of a drug-producing nation are unwilling to cooperative in our eradication efforts, I propose that we place economic and foreign aid sanctions on uncooperative nations. The authority for this already exists, but sanctions have been used eratically and have not been successful.

4. Take control over the chemicals which are used to manufacture so-called designer drugs.—Currently, the use of these chemicals is legal, and designer drugs are harming many of our citizens. We must regulate the use of the potentially harmful chemicals.

5. Take the profit away from the black market in drugs.—From wholesale to retail, the markup in drug prices ranges from 200 to 40000 percent. We must study all possible options for taking this enormous profit from the illicit drug market to the mainstream in the form of Federal revenues. I support mandatory sentencing for those who deal in illicit drugs. This is only one of many tactics which could be used in the effort to take the black market drug profit away. Innovative proposals are called for, and those of us who have some input into the law enforcement arena should join together and devise some new approaches.

Mr. Speaker, with the implementation of my five-point program, I am confident that we could alleviate much of the drug crisis we now face. I look forward to joining Chairman RANGEL in mutual efforts to solve this Nation's

drug problem. His leadership serves as a positive model for all who are concerned about this issue.

Thank you, Mr. Speaker.

GENERAL LEAVE

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

THE WELFARE SYSTEM IN THIS COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. FORD] is recognized for 10 minutes.

Mr. FORD of Tennessee. Mr. Speaker, I reserved this time tonight to briefly address the body and say to the American people that we have seen and heard a lot about poverty in America and we witnessed, just less than a week ago, maybe 10 days ago, the CBS documentary, "The Vanishing Family Crisis in Black America." It has focused national attention on a very disturbing phenonemon. The fastest growing type of black family today is that headed by single teenage mothers. Typically, pregnancy results in the teenage mother dropping out of school, never to return, and beginning a life on welfare. I hope that programs like the CBS documentary and newspaper articles such as the recent series in the Washington Post will prompt a national dialog about ways to reverse the disturbing trend. I believe that the Subcommittee on Public Assistance and Unemployment Compensation, which I chair, will hold such dialogs and begin a critical review of our welfare system.

I understand tonight, according to print media, that our President in his State of the Union Message will address the issue of the welfare system in this country. While I do not believe that our meager safety-net programs are to blame for the rise in single-parent black families, I am concerned that welfare is apparently a dead end for so many of our young people in this Nation.

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Welfare systems should provide families with more than just subsistence. It should provide the opportunity and incentives to become self-sufficient.

In looking at new date, such opportunities and incentives appear to be lacking in our current welfare system. I am submitting for the record the editorial page that appeared in yesterday's issue of USA Today and which contained a number of articles about welfare and welfare reform.

First, there is an editorial that appeared in the paper along with one by columnist Barbara Reynolds, who had a column on that particular page. Jack Levin also talked about the issue, and this is entitled "Lesson Is Clear—But Wrong."

We also have John Goodman in an opposing view: "Get Government Out of the Welfare Mess."

Then we had Bill Moyers once again who put together the documentary on CBS the other night, and this is entitled: "Story of Black Family Needed To Be Told."

Mr. Speaker, those editorials to which I have referred are as follows:

[From USA Today, Feb. 3, 1986]

GOVERNMENT MUST KEEP HELPING POOR

Like nearly one-fourth of all our children—and half of all black children—Shaquna Henderson was born poor.

She is being raised on welfare by an unwed, Newark, N.J., 17-year-old whose mother and grandmother also had babies as teen-agers. Odds are she will become a fourth-generation statistic, another nameless, faceless person living a life of despair, another member of the underclass.

We can't afford to let that cycle continue.

Shaquna is one of nearly 13 million born into poverty annually: 8.1 million whites, 4.3 million blacks, and 2.3 million Hispanics. They are the progeny of conditions we are just beginning to admit, much less understand.

Government assistance programs help relieve human misery. But they can wreck families when they aid only households headed by single parents. And too often, they don't provide incentives to escape the bonds of poverty.

In his State of the Union speech to Congress Tuesday, President Reagan is expected to call for a study to overhaul welfare. That is a step in the right direction.

The White House says the goal will be to make the system more pro-family and to provide incentives for people to get out of the cycle. That's a good approach: It could make a difference in Shaquna's life and millions of others.

No subject has been so heaped in rhetorical garbage as welfare. Conservatives claim the public pocketbook is empty; liberals claim it is bottomless. But poverty is not a black problem. nor a white problem. It's not a big-city problem, nor a rural problem. It is a national problem.

The statistics show we haven't made much progress:

14.7 percent of the population was poor by federal standards in 1966 when the War on Poverty was beginning.

In 1984, 14.4 percent was still below the poverty line of $10,609: 9.5 million blacks and 23 million whites.

And it's time for some straight talk, some real answers, some permanent solutions. The fact is that though welfare programs consume half the U.S. budget, many don't work.

Some would simply scrap welfare. That would be wrong; Government must help the poor help themselves.

Instead, we must strengthen the welfare programs that work. The goal should be to help meet immediate needs for food, housing, clothing, and medical care. But welfare must also emphasize education, job training, and provide incentives for independence.

Innovation should be encouraged, like the workfare programs that require welfare beneficiaries in 20 states to accept training and jobs. The sub-minimum wage for teenagers deserves a fair test.

Every level of government, every individual, every religious and social institution in the USA has a stake in this problem, and a share of the responsibility.

It won't be cheap. But if we don't act, there'll be new generations of Shaquna Hendersons. And one way or the other, we will all pay the price for that cycle of despair.

[From USA Today, Feb. 3, 1986]

MIDDLE CLASS MUST HELP UNDERCLASS

(By Barbara Reynolds)

WASHINGTON.—If I make the wrong turn driving home, I see hundreds of black drug addicts waiting to feed their habits. A few blocks from home, I swallow hard at the sight of black men begging coins.

I have the urge one day to careen down my block—Paul Revere-like—loudly blasting the horn at the black architects, lawyers, and school teachers: The sky is falling out there. Are we doing our part?

Their answer, in most cases, is yes. But since those in the black middle class have the resources and are the first potential victims if the system fails we must become full-time messiahs.

First, we must be resigned to being the invisible class, the group the media don't cover. They don't see the many single black mothers, who—either because of death, divorce, or by choice—are rearing their children in dignity and serving as role models for their communities.

The only thing worse than being ignored might be to be discovered. Each time the media, and the Moynihans, have discovered a slice of Black Americana, they have distorted it.

For example, abandoned by my mother at 2 and with my father off in the war, I was doing all right until at school I was told I was from a broken home. That label almost broke my spirit.

Then, my step-grandmother, who raised me, instead of being awarded a Purple Heart, was labeled The Black Matriarch.

Secondly, although Washington's black middle class might prefer those quiet Presbyterian churches, we shouldn't stray too far from that old-time religion of self-help.

Without any fanfare, our extended families found room for all the unwanted children. Nat Turner, who nearly burned down the plantation, practiced self-help, as did Thurgood Marshall, who filed the desegregation lawsuits.

And so did Dr. Martin Luther King, Jr.

Third, we can't turn away from government intervention. Affirmative action helped unplug a racist system that barred blacks from an economic lifestyle enjoyed by millions of others in the USA.

As black scholar W.E.B. DuBois once said, "If we don't lift them up, they will pull you down." That is a poignant warning, not just for the black middle class, but for the rest of the nation as well.

[From USA Today, Feb. 3, 1986]

LESSON IS CLEAR—BUT WRONG

(By Jack Levin, Guest Columnist)

BOSTON.—In a recent CBS Report on "The Vanishing Family," Bill Moyers put the

black family on trial again. He took television cameras into Newark's subculture of poverty to observe young black welfare mothers and the unemployed young men who had fathered their children but apparently felt no responsibility to provide child support.

Moyers' poignant report will no doubt be used to bolster the argument that the black community is destroying itself. From that point of view, the lesson we're supposed to learn is as clear as it is wrong. Change the values of impulsive, oversexed young men, and you will restore the vitality of their family life as well as the entire black community.

This is a tempting misconception because it lets the rest of us off the hook. If members of the black underclass must change themselves, then we can forget about centuries of racial discrimination and about providing educational opportunities and jobs with a future. The "real villain" is the one-parent black family.

But why did these young men choose separation from the family? Why have pregnant young women so fatalistically accepted their role as single parents?

The answer is economic rather than moral. Given the continuing presence of racism, the black underclass male does not represent an economic resource in the family. Indeed, his presence may even be a liability, making his children ineligible for welfare payments.

It is too easy to think in middle-class terms about the male's role in the family. We may assume that an able-bodied male automatically contributes to the economic well-being of his children. We may also believe that he achieves a sense of self-respect from his participation in family life.

This is not always the case in the ghetto, where unemployment is more often the rule than the exception, and where most jobs are dead-end and demeaning when they exist at all.

But, in order to see this, we must be willing to peer into the opposite end of the camera lens. Family instability increases as poverty and discrimination increase. Economic necessity produces family structure, not the other way around.

GET GOVERNMENT OUT OF THE WELFARE MESS

(By John Goodman)

DALLAS.—The USA's welfare system is a disaster. It is creating poverty, not destroying it. It subsidizes divorce, unwed teen-age pregnancy, the abandonment of elderly parents by their children, and the wholesale dissolution of the family.

Over the last decade, there has been a steady, almost unbroken increase in the number of people living in poverty. It is common knowledge that there are more people living in poverty today than when the War on Poverty was started in 1965.

The reason? We pay people to be poor.

According to one estimate, there are 5.7 million people on the poverty roles, simply because they are attracted to poverty by the generosity of public charity. This is about one-sixth of the total poverty population.

According to the same study, any further increase in spending on federal poverty programs will significantly boost the poverty rate:

Every additional $4,000 (1980 prices) in federal welfare spending has the effect of putting one more person on welfare.

Every additional $1 billion of federal aid increases the total poverty population by 250,000 welfare people.

The most gruesome outcome of our welfare system is the effect it has had on black families, especially black children.

Black teen-agers today have the highest pregnancy rate found among all industrial nations. In inner cities, practically no teen-age mother gets married.

In 1960, 20 percent of black children were born in single-parent households. Today, that figure has risen to an astonishing 60 percent.

Twenty years ago, our welfare efforts were based on the notion that people were trapped in poverty because of a lack of economic opportunity.

Today's poverty is something else. It is poverty by choice. People choose poverty over non-poverty because they perfer the benefits of the welfare system to its alternatives.

Unfortunately, it is to the financial advantage of many young women to get pregnant, stay single, and live on Aid to Families with Dependent Children, food stamps, public housing, Medicaid, and other welfare programs.

The most compassionate thing Congress can do for black America is to stop subsidizing the dissolution of the black family. We must cut back on welfare spending that creates perverse incentives.

Private charities have always been better at providing relief where it is truly needed. The private sector also outperforms government in creating jobs.

The welfare state is destroying the black family. Only the private sector can save it.

[From USA Today, Feb. 3, 1986]

(Bill Moyers, guest columnist)

STORY OF BLACK FAMILY NEEDED TO BE TOLD

NEW YORK.—In 1965, President Lyndon Johnson made an eloquent address at Howard University on the social and economic problems facing our nation's black people. The response was enthusiastic. It was the first time any president had addressed the issues affecting blacks beyond legal discrimination.

The White House released the report compiled by Daniel Patrick Moynihan, then assistant secretary of labor, which had been the basis for the speech. A furor followed.

While the president had dealt in eloquent generalities, the statistics in the Moynihan report were alarming and controversial. Academicians attacked their validity. Black leaders who had praised the president's speech had second thoughts. They feared the report would be ammunition in the hands of those opposing civil rights progress.

Moynihan was excoriated, maligned, and misunderstood. The issue was put back in the closet, the lock turned, and the key thrown away.

The nation paid a great price for our retreat. Black people in particular paid a dear price.

Over the years, I saw the trends accelerate. I saw a great sad, dramatic social issue building. Two years ago, I began to see that this issue was being addressed by small groups of blacks themselves.

It was a story that needed to be told.

Beyond race, beyond ideology, beyond politics, a new national dilemma was being created. A class of people trapped in the ghetto had begun to feed upon itself. These people do not live this way because they are black. They were forced into this condition because of racism and economics.

The migration of southern blacks to northern cities starting in the '40s, ran head on into de facto segregation. They couldn't find housing, and they weren't qualified for many of the jobs that existed. Then the jobs that were available moved to the suburbs.

What Moynihan had seen as a trend had by the '70s become a condition. The black man without a job ceased to be a strong husband and father. When he lost his job, he lost his economic utility and lost his bearing. Black women became the breadwinners, children raised in unstable homes dropped out of school and a culture with once-strong family ties began to come apart.

According to one projection, by 2000, 70 percent of black families will be headed by women, and only 30 percent of black men will be employed.

That can't be ignored—just as it shouldn't have been ignored the first time.

The response to my program on CBS has been overwhelming. Most people realize there's been a fatal combination of forces at work. And no one is arguing that it will be solved by abandoning these people.

The response has gone beyond ideology, beyond politics. It is a sense of the need for reconciliation on this issue that no one wanted to talk about.

Mr. Speaker, we have also had other articles appear in other newspapers, including the Washington Post. We have had the Carl Rowan report: "Just More Slander of the Black Family."

We have had William Raspberry's column in recent weeks. We had that article, as well as one by Dorothy Gilliam in the Washington Post dealing with "Teen Pregnancy: A Priority Problem."

In addition, we have one by Richard Cohen: "Family Disintegration: It's Economics Not Genes."

Mr. Speaker, the editorials of which I have spoken are as follows:

[From the Washington Post, Feb. 3, 1986]

TEEN PREGNANCY: A PRIORITY PROBLEM

(By Dorothy Gilliam)

Last week, I wrote of the fact that nearly 60 percent of all black children today are born out of wedlock, mostly to teen-age mothers, and discussed the poverty and disintegrating black family structure that has resulted. Readers' response to these deep and tragic problems was heartening.

But in the wake of new sensitivity generated by dramatic media attention to the plight of the black underclass, which threatens the future of rich and poor blacks and the fabric of the broader society as well, people are craving solutions, not just anecdotes and analysis. "What," they ask, "is being done?" And they wonder: "What can I do to make a difference?"

I decided to contact several major organizations to find out what they are doing to deal with the problem.

Dorothy I. Height, president of the National Council of Negro Women, said her organization considers the issue a "priority project" and supports projects that range from training community women to support pregnant teenagers to holding prevention-oriented rap sessions with high school students. "But if all of us worked 24 hours a day," she said, "we'd all be playing catch-up."

National Urban League president John E. Jacob addressed another aspect of the prob-

lem. He said the preventive and service programs run by 60 of his organization's 113 affiliates include a national male responsibility project and a program in the District to train single female heads of households to use computers.

"Our programs pale in terms of the enormity of the problem, but they demonstrate that there are strategies to address it," he said. "We hope they will encourage other social, government, private and voluntary organizations to understand there is a role they can play, and if they employ similar kinds of strategies this problem can be solved."

Delta Sigma Theta sorority, an organization of college women and alumnae, wanted to go on record as establishing programs in 150 cities to provide support services to black female heads of households in general as well as education and training for teenage mothers.

The Deltas' chapter in Potomac has "adopted" the nearby community of Tobytown. Taking a sister-to-sister approach, chapter members work with parents and children in that impoverished black community.

The special ingredient in the program run by the Children Defense Fund, a leading child advocacy organization, is comprehensiveness. Last year it launched a nationwide, broad-based adolescent pregnancy prevention project in collaboration with several other groups. Beginning on Feb. 26, the organization will sponsor a three-day national teen pregnancy prevention conference at the Washington Hilton Hotel.

"We hope [to] pick up on the momentum that is building nationwide to come to grips with this complex phenomenon, which affects the futures of hundreds of thousands of young women, men and children each year," said president Marian Wright Edelman.

But the problem's complexity makes it too big for these organizations alone. Individuals must become more involved in how children learn about sex, and must insist that schools, churches and social agencies address the issue in a nonjudgmental way. Like the Deltas, caring individuals can create support systems, providing exposure and opportunities so young girls don't feel so unloved that they think only having a baby will fill the void.

Moreover, middle-class blacks can ask such organizations as the Urban League to organize ways for them to interact on a one-on-one basis with isolated young people in areas such as Congress Heights, using the facilities of schools and churches.

"We have not yet tapped the magnitude of the black community's capacity to help these young men and women," said Jacob.

In Thursday's column, I also quoted George Washington University's Sol Levitan, who suggested possible incarceration for those young black men who father children and fail to provide support. Levitan objected, saying the statement was made in the context of his acknowledgement of the need for jobs, training and welfare reform. I agree with him on the urgency of young black men taking personal responsibility, but not with his solution.

The point is this: While we in the black community lack the capacity to solve this problem alone (jobs, training, education and opportunity will require participation from government, other sectors and people of good will), we must take the lead, for it is our priority problem. We need to talk about it in kaffeeklatsches, block meetings, community forums and church socials.

Ironically, February is Black History Month. But unless blacks address this problem, the strengths of the past will be eclipsed by the weaknesses of the future.

[From the Washington Post]

MOYNIHAN'S WARNING

(By William Raspberry)

One of the nice things about his new book, "Family and Nation," is that Sen. Daniel Patrick Moynihan, who, more than most of us, has the right to boast about his prescience, largely resists the temptation.

Instead, he takes advantage of our present national interest in the deteriorating black family to remind us of what he was saying 20 years ago (and what a lot of other thinkers have said before and since): that family stability is so important to the health of the nation that we had better start looking at our national policies in terms of their impact on the family.

"From the wild Irish slums of the 19th century eastern seaboard to the riot-torn suburbs of Los Angeles," Moynihan said in 1965, "there is one unmistakable lesson in American history: a community that allows a large number of young men to grow up in broken families, dominated by women, never acquiring any set of rational expectations about the future—that community asks for and gets chaos.

"Crime, violence, unrest, disorder—most particularly the furious, unrestrained lashing out at the whole social structure—that is not only to be expected; it is very near to inevitable. And it is richly deserved."

How can it be that a man of such profound insight should find himself so thoroughly on the defensive from attacks by black leaders? I suppose it was partly because they thought he placed too much emphasis on statistics and too little on the racism that played a major role in creating those statistics. But the numbers themselves were arresting: 9.2 percent unemployment for black males, more than twice the white rate.

We know now that he was right to sound the alarm at what joblessness was doing to families, and to black families in particular. But even today we are only starting to grasp the particular damage spawned by black male joblessness. And I'm not sure that some of Moynihan's observations would be any more welcome today than they were 20 years back.

"Early on," he wrote then, "I had sensed the disparate impact [federal manpower-training and antipoverty] programs seemed to have on male, as against female, opportunity. Visiting a training site, one would encounter men on a dim shop floor banging away at automobile fenders, women in fluorescent-lit classrooms learning to operate business machines.

"This pattern carried over into at least some of the poverty programs. In Project Head Start—one of the most promising efforts to bring hope to slum children—we were even so paying women (qualified, professional women, to be sure) up to $9.20 an hour to look after the children of men who wouldn't make $1.50 an hour." The women's movement might have some trouble accepting the implications of that observation.

Were we unable to welcome Moynihan's warning for the simple reason that, coming from a white man, it sounded like an indictment of the black family, rather than a call for its rescue? Certainly Moynihan wasn't the only one who saw the problem.

Howard University's E. Franklin Frazier, writing in 1950, had argued that "the widespread family disorganization among Negroes has resulted from the failure of the father to play the role in family life required by American society" and that "the mitigation of this problem must await those changes in the Negro and American society which will enable the Negro father to play the role required of him."

Similar assessments had come from Kenneth Clark and, later, Martin Luther King.

Theirs is now the conventional wisdom, as is the notion, propounded a few years back by Michael Novak, that impoverished families eventually suffer damage that cannot be cured by income alone. But their call for a national "family policy," as Moynihan and Novak understand, is not so much a remedy as a criterion against which remedies must be judged.

If the special attention lately given the plight of the black family is expanded to include the white family, which is also far less stable than it once was, it might help us to understand, right across political lines, the crucial importance of strengthening the American family.

As Moynihan put it: "The prospect that the needs of the families might be the means for bringing liberals and conservatives together on matters of policy is intriguing and real."

[From the Washington Post, Feb. 4, 1986]

FAMILY DISINTEGRATION: IT'S ECONOMICS NOT GENES

(By Richard Cohen)

Before I could write this column I had to call my parents in Florida. I had to ask if I could write that my maternal grandfather, seemingly the storied immigrant of American mythology, tried to abandon his family. After coming to America, he was pressured by relatives here to do the right thing. Only reluctantly did he send for his wife and children. That's how my mother came to America.

My paternal grandfather was hardly a myth maker, either. He, too, came to the United States with a promise to make enough money to send for his family. He, too, let time slip by until the women he had left behind—an arranged marriage in any case—must have seemed less and less attractive. Under pressure from relatives, he too finally sent money for the passage.

I cite these stories from my own family lore by way of saying that the behavior now associated with inner-city black men has been seen before. I raise it, further, with the absolute confidence that what was true for my family was true for many others. You don't have to go back far in any family, especially one that was once poor, to find the relative who went out for a pack of cigarettes and never came back. In time, the kids called a different man "daddy."

It is important to dredge up the worst of your family's history because increasingly people are citing the apparent disintegration of the poor black family as proof that there is something awfully wrong with young black men—something in the genes. For instance, in a Playboy magazine article, Hodding Carter III quotes a fellow guest at a Washington dinner party as saying, "You have to face the fact that some people are culturally and genetically unsuited for democracy." I have heard the same sort of thing. This so-called facing of the facts is nothing new. When enough "facts" get faced, people wind up getting lynched.

The awful truth is that no one can totally explain what is happening to the poor black

family. No one really knows the precise cause of the high rate of out-of-wedlock births, or if there is only one cause. There are studies to show that welfare is a factor, studies to show that it is not, and just guesses at what would happen if (as some have suggested) welfare were abandoned altogether. Like the archetypal immigrant family where one son becomes a cop and another a crook, there is no explaining why welfare launched many blacks into the middle class and kept others hooked on the dole.

Of course, it's too simple to compare my grandfathers with ghetto kids of today. They have come from different cultures, different eras and, besides, my grandfathers reluctantly wound up doing what's called "the right thing." (A cousin, though, did not; the family he left behind in Europe eventually perished in the Holocaust.) Many others—as countless of the poor have always done—abandoned their families, raising new ones whose decendants now make sanctimonious remarks about the innate immorality of blacks.

If ghetto youth and my grandfathers had something in common, it was that economics played a role in their thinking. My grandfathers struck out for America thinking life here would be better for them. It wasn't. It was worse, and one of them never could find work that lasted. The family that he was not allowed to abandon eventually came apart anyway—his wife died, so his daughter was sent to live with relatives and two boys were put into an orphanage.

Things change, but they also remain the same. The lifestyle of poor urban blacks is also a product of culture and economic reality—unemployment, poverty and, yes, it's intended antidote, welfare. When people are poor, when they simply cannot cope with life, they behave in ways that may be immoral but that make sense to them. This is not how blacks behave. It is how people behave. The "gene" for immorality is carried within us all.

In a different era, people wondered about men such as my grandfather. They said their poverty and exotic ways were in their "blood." The American mythology of immigrant success later washed over the dismal reality and cleaned it up. But the harsh truth is that the poverty that ravages the poor black family of today also blighted the white poor of yesterday as well—maybe not identically, maybe not as extensively, but certainly as tragically. When it comes to immorality, the house we all live in is made of glass. Throw stones at your peril.

Mr. Speaker, also appearing in the Washington Post was Marian Wright Edelman. She indicated this in her article:

The attention the media are paying to the problem of teen-age pregnancy is a welcome development. But too often, the glare of the spotlight leads us only to look for quick fixes and simplistic answers to what is a very complex problem. In the case of teen pregnancy, the danger is that this can lead to a new cycle of blaming the victim and greater race and class polarization.

At the outset, it is important to correct the impression left by the media that the number and rates of black teen births are increasing. They are not. Between 1978 and 1983 black teen births declined by 5 percent, while the rate for white teens rose 2 percent. The crisis that threatens to cripple black economic progress and lock generations of black children into poverty is the growing percentage of black babies born to unmarried women of all ages—a trend reflected among whites as well.

The article goes on to say this:

A single parent under 25 is nine times as likely to be poor as a young woman living on her own without children. Three-quarters of all single mothers under 25 live in poverty. With over half of all teen mothers today raising their children alone, and with those married facing higher rates of separation and divorce, the costs of teenage parenthood—to the parents, to the children and to society in terms of money spent and productivity lost—are too great to ignore.

Mr. Speaker, I will submit at this point the complete text of the editorial by Marian Wright Edelman, as follows:

[From the Washington Post, Feb. 2, 1986]

(By Marian Wright Edelman)

WHAT WE CAN DO. . .

The attention the media are paying to the problem of teen-age pregnancy is a welcome development. But too often, the glare of the spotlight leads us only to look for quick fixes and simplistic answers to what is a very complex problem. In the case of teen pregnancy, the danger is that this can lead to a new cycle of blaming the victim and greater race and class polarization.

At the outset, it is important to correct the impression left by the media that the number and rates of black teen births are increasing. They are not. Between 1978 and 1983 black teen births declined by 5 percent, while the rate for white teens rose 2 percent. The crisis that threatens to cripple black economic progress and lock generations of black children into poverty is the growing percentage of black babies born to unmarried women of all ages—a trend reflected among whites as well.

A single parent under 25 is nine times as likely to be poor as a young woman living on her own without children. Three-quarters of all single mothers under 25 live in poverty. With over half of all teen mothers today raising their children alone, and with those married facing higher rates of separation and divorce, the costs of teenage parenthood—to the parents, to the children and to society in terms of money spent and productivity lost—are too great to ignore.

Teen pregnancy is a problem because we no longer live in an America in which 18- and 19-year-old men can earn enough to support a family, and because we have never had an America in which the average single woman with children could earn a decent wage at any age. In 1970, three teen births out of 10 were to single mothers. In 1983, this number had increased to more than five out of 10. Young men, increasingly unable to fulfill their traditional breadwinner role, are less willing to accept their responsibilities as fathers.

In 1984, 65 percent of teen workers and 29 percent of workers in their early 20s could not make wages sufficient to bring an intact, one-income family with a child out of poverty. Among teen black males, 44 percent were unemployed.

The black community is addressing the crisis among its young children. Children having children was on the cover of Ebony a year before it was on the cover of Time. Over the past three years, almost every major black organization has made teen-age pregnancy, youth self-sufficiency and strengthening black families major priorities.

But this important focus on self-help is not enough. Teen-age pregnancy and parenthood are intimately intertwined with poverty and economic opportunity. Short-lived or underfunded efforts to help families and children achieve self-sufficiency have exacerbated the problem. Shrinking government help now promises to further deprive the deprived.

Preventing teen pregnancy requires investing in comprehensive efforts that bolster the motivation as well as the capacity of teens to prevent early sexual activity and pregnancy. We must give teens hope, opportunity, information and skills.

We must help teens build their academic skills. Youth who are behind a grade or who have poor basic skills or poor school attendance are at high risk of becoming parents too early.

To give low-income teens hope of earning decent incomes, we must help them develop good work attitudes, occupational knowledge and specific job-related skills.

A teen's self-sufficiency and vision of a viable future depend on the self-esteem built through both academic and nonacademic experiences. Opportunities for both are too often lacking in many low-income communities.

All teens need education on sexuality and parenthood and help in integrating that information into their thoughts about the future.

The relatively poor health status of high-risk teens and their poor access to the health-care system mean we must take steps to give them the full range of primary health care, as well as access to contraception if they are sexually active.

These steps cannot be taken overnight. They need to be adapted to the needs of different communities and target populations. They will take commitment, resources and patience.

The danger is that our search for answers will instead turn to punitive solutions that simply hurt the poor. There are those who look at a family cluster with a one-year-old infant, a 15-year-old mother and a 30-year-old grandmother, and stridently preach that the problem is due to welfare-bred dependency. Do away with welfare and the problem will disappear, they proclaim. They seem to forget that sex came before Aid to Families with Dependent Children.

While welfare does not cause teen pregnancy or birth, it is true that our current welfare system does not encourage formation of two-parent families. Most states do little to help single mothers gain the skills and experience they need to get decent jobs, and half of the states exclude two-parent families from welfare. We must improve the welfare program, and give recipients the chance to get the necessary skills and employment training and child care they need to get off welfare.

Such policy initiatives go only part of the way. We also need a national and community climate that conveys to children and youth that early sexual activity, pregnancy and parenthood are undesirable. American adults need to transmit some clear message to the young. At least for very young teens—boys and girls—the society can help them say no to sexual activity before they are ready to become responsible parents. And our society can and must give the clear message—and back it up with action—that if teens wait, the payoff in education and employment and good health will be worthwhile.

Mr. Speaker, I would hope that our colleagues would join with us on the Subcommittee on Public Assistance as we review this critical issue. Hopefully we can make recommendations that will be necessary for the Congress and for this great Nation to take whatever action is necessary.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. FORD of Tennessee. I am happy to yield to my distinguished colleague, the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I want to congratulate my colleague on the Ways and Means Committee, the chairman of the Public Assistance Subcommittee, for bringing this to the attention of the Congress today, because people should know that long before those long lists of columnists and journalists started dealing with this problem the gentleman from Tennessee was trying to point out to the committee and the House and indeed to the entire Congress that indeed it is not genes but it is economics and it is not race but it is a question of joblessness.

The gentleman's bill on which we have been successful in the House—although we have a struggle on the other side because people are talking about dollars—allows for a poor father who has a job to be able to stay in that family with the mother of his children and at the same time receive some help, just a little bit of help, so he can maintain some pride and dignity in that household and not be chased out because some States say, "You are working, so you are not entitled to a little support from your Government." It just seems to me that if we are going to follow what the President is suggesting, if we really have confidence that it is the breakdown of the family that is breaking down our communities and causing these terrible things to happen, then this Congress ought to be on record, with the President's support, as saying that we are anxious not to just help the child who is dependent or the mother who is connected with the child but that family.

The gentleman's legislation is not just progressive; it really is that type of thing that enhances the family. I want to congratulate the gentleman for that effort. Perhaps these explosions, no matter how embarrassing they are and no matter how sometimes they are not accurate in the reporting, might allow America to know that this is happening to all communities, in the cities, in rural areas, and to young people and older people who are not married. And then maybe we can get the type of help that the gentleman has advocated. I thank the gentleman for his great contribution.

Mr. FORD of Tennessee. Mr. Speaker, I would just like to thank my colleague for those kind and gracious words concerning our efforts to solve the problems and the issues with which America is faced today. But I would like to call the attention of the Members to the fact that it was the leadership of the gentleman from New York [Mr. RANGEL] with the Family Economic Security Act, the UP Program, and the AFDC for the Unemployed-Parent Program that was the birth child for this, and HAROLD FORD associated himself with the gentleman in the Family Economic Security Act, as well as other amendments that have been before not only the Ways and Means Committee but this body here in the House of Representatives.

So I applaud the gentleman and thank him for his leadership in this area. I certainly look forward to working with the gentleman in the coming months hopefully so we can bring about legislation. That would not say that the Federal Government will supply all of the answers and bring about solutions to this problem. I am the first to admit that, yes, we must carry this beyond the halls of Congress and we must go back into the communities and make sure that we get the religious institutions and other institutions within the community, including the family structure itself, on the right road, because I think we have that responsibility, that when we have seen 27 States in this Nation that have said we are not going to opt out under the Federal law to let a father who is unemployed live in the household with his children and then at the same time we see teenage pregnancy reaching epidemic proportions in this Nation, that we are not ready to address the problem.

There are many of those who would like to say that we ought to do away with the welfare system and, therefore, we will do away with many of the teenage pregnancy problems that we are faced with today, but I remind my friends here in the Congress and the American public that two-thirds of the welfare recipients in this Nation are children. So we are talking about the AFDC, aid to families with dependent children. We are trying to assist children. I am one of the first who is willing to bring about something that will break the cycle of welfare dependency, but I do not think that we can overlook our involvement and where we are as it relates to social programs and addressing the real issues in these urban areas where we find black teenage unemployment reaching epidemic proportions at crisis levels.

Until we are ready to address some of these issues, I think it is going to be very difficult for us to face this social issue and deal with this social issue.

Mr. Speaker, once again I think that we can accomplish this if we are willing to do so.

Mr. OWENS. Mr. Speaker, will the gentleman yield?

Mr. FORD of Tennessee. I yield to the gentleman from New York.

Mr. OWENS. Mr. Speaker, I just want to congratulate the gentleman from Tennessee for the tremendous amount of work he has done in the past on this issue and on his present proposal. I also congratulate the gentleman on brining to the floor the discussion and debate on this very important documentary that was shown on CBS television.

That started a process of debate rolling that I think should be expanded. We should discuss the issues. There are many components of the problem of the vanishing black family. There are many components of the problem of teenage pregnancy. Certainly more can be done by the churches in terms of the moral component, and communities can do more in terms of the self-help component. But I think, above all, our Government policies have to be changed.

We must recognize that the problems begin with unemployment. The black community, certainly the inner-city black community, is the victim of a long-term unemployment which began shortly after World War II and which never let up.

We have gone through periods of prosperity and periods of recession, but it does not matter; in the inner-city community it has been a recession or almost a depression that has continued unabated, and that has left the residue of hopelessness and it has left a residue of a situation in families where the mothers of teenage mothers never had the opportunity to have men in the family who served as role models.

All of this has come to rest now on the inner cities, and we run the risk of blaming the victims. The victims are not articulate enough to speak for themselves, and we run the risk of blaming them if we do not look at the bigger picture.

□ 1640

The bigger picture begins with the policies of the Federal Government. It begins with policies related to Aid to Dependent Children which does not allow the father to remain in the family and, most of all, the policies which insist that the Government is not responsible for being the employer of last resort.

Somehow we must provide jobs for both the fathers of these children and the mothers of these children. When you begin to solve the unemployment problem, you will have taken a giant step toward solving the problem of teenage pregnancies.

Mr. FORD of Tennessee. Mr. Speaker, I thank my colleague, the gentleman from New York, for the contribution he has made to this special order tonight in saying to our colleagues and

saying to the Nation that we welcome an opportunity for a national dialog. I certainly would hope that after the State of the Union message tonight that we would be headed in a direction to open the committee and bring witnesses in and travel around this Nation and help to identify those problems and come back with some meaningful solutions to those problems.

THE CRISIS IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I do not mean to use the entire 60 minutes. I merely want to use enough time to remind the American people that there is a desperate uprising in Haiti. For those of you who do not know it, Haiti is a small republic just 90 minutes away from Miami by air, just 600 miles away from the United States coastline.

Haiti has an uprising of desperate, hungry people. It began with the riot on warehouses containing food and probably it began before that even in the demonstrations that were led by schoolchildren a little more than 2 months ago, demonstrations by schoolchildren that led to a situation where at least four—the Government has admitted that at least four schoolchildren were shot to death, and the Government proceeded to close down the schools. When the schools were closed down, and they still are closed because this is a government so corrupt and which has failed to provide for the needs of the people for so long that it is afraid of its own children. The schools are closed and when the schools were closed the children of those schools were deprived of the single nutritious meal that they have each day. The school lunch program operates very successfully in parts of Haiti because the school lunch program is operated by private organizations. It is not operated by the Government. That school lunch program which provided a hot meal, a nutritious meal once a day, when that was closed down many parents have been left with no alternative. There is no other way to find a decent meal for their children and hence the desperate uprising which led to first an attack on the warehouses and an attempt by hungry people to get food. These are parents who have been pushed to the point where they have no choice except the choice of allowing their children to die or seeking the food that is available.

The dictatorship in Haiti exists primarily because we allow it to exist. Haiti has been called a puppet regime of the United States Government. Basically for all the years that it has existed, it has been exactly that.

When the uprising took place, there was a confused response from our Government. At first we heard an announcement that the dictator of Haiti, Jean-Claude Duvalier, had fled the country. A few hours later we heard a correction that, no, he had not fled. We had been confused. The information was wrong and he was still in power.

I think the confusion is representative of the ambivalence that our country has toward the Government of Haiti. It recognizes the fact, first of all, that the Government of Haiti stands for all the things this Government is against. The Government of Haiti wantonly violates human rights. The Government of Haiti is corrupt from one end to the other. Nobody in this Capitol who has visited Haiti or who has known or watched Haiti over the years is willing to make a case for an honest government in Haiti. They all agree that it is very corrupt. They all agree that the Government is parasitic. There is a small group of people who make use of the millions of dollars of aid that come primarily from this country, but also from European countries. At least $100 million flows through Haiti from this country and European countries in terms of aid. That sustains a corrupt government that pockets most of the money or spreads it out in ways which buy allegiance.

The weak, the confused response of the Reagan administration, is just indicative of what has been happening over the years. We are not comfortable at all with this crude dictatorship that wantonly violates human rights, that refuses to have free elections, that plays with us in terms of its certification. Every year when it comes time to certify that Haiti has lived up to the requirements of human rights that our foreign aid assistance mandates, they begin to play with us. The Government will announce that they are going to have elections, that they are going to begin a process of phasing in elections. They will announce that they are going to allow political parties to exist, but the minute the certification is granted they will clarify that and say no political party can exist unless it begins by signing a statement that it recognizes the fact that Jean-Claude Duvalier is President for life. No political party can exist unless it follows certain dictates of this despotic government.

So the weak response of the Reagan administration is nothing new. The ambivalent response, the confused response, is part of the problem.

We should be more direct and call for the upholding of human rights in Haiti just as we have insisted it must take place in the Philippines. We have insisted that it must take place in Nicaragua. We have insisted that all over the world you do not get American aid unless you live up to the dictates in our own foreign aid law. We require certain human rights requirements to be met.

Haiti has been exempted for too long. Recently it was announced by the State Department that Haiti would not be receiving the last part of the aid for this fiscal year because of the fact that it had not met human rights requirements.

There is $8 million of a total part of $50 million being withheld. That was sort of kept a secret and only recently when the uprising took place was it announced that the Haitian Government would not receive that money.

This is not a very forceful approach to condemning and demonstrating our dissatisfaction with a despotic government. It seems to me we could be far more forceful. We could be far more forceful without resorting to military force.

There are a number of peaceful intervention measures that we should be taking with respect to the Haitian Government. Given the fact that hundreds of people have been murdered over the weekend, and I disagree with the press figures that have been stated which say only about 55 people have been killed. I find it very unusual that our own Government cannot come forward, given the fact that we pay as taxpayers to maintain an elaborate network, an intelligence network throughout the world, and certainly we have adequate intelligence networks on an island like Haiti which is only 600 miles from our coastline. We certainly know what is going on in Haiti.

I do not understand why we cannot give some public estimate of just how many people have been killed in the last 48 hours in Haiti, over the weekend plus the last 48 hours.

The numbers that I get from people who are in contact with people in my district, and I represent the 12th Congressional District, which has the largest concentration of Haitians outside of Haiti. In this country no other congressional district has as many people from Haiti as immigrants or Americans of Haitian descent as the 12th Congressional District.

We have a variety of contacts that reach into Haiti. The church organizations, the business organizations and just plain families are there. We get our information in that way and the information is that the number of deaths is far closer to 500. I would say that 500 is a conservative estimate because of the estimates I get from them are far greater. My conservative estimate, based on the information I get, is that the number of deaths is at least 500 over the weekend in the last few days.

We must recognize the situation as the urgent emergency situation that it is. We can certify that not many Americans or no Americans have been killed yet, although I have heard reports of a few Americans that have been arrested and at least one having been tortured; but the State Department has insisted that no Americans have been in jeopardy, although there are 6,000 Americans in Haiti. They insist they are not in jeopardy, and we will accept their information.

Although no Americans have been killed, human beings are being killed. Innocent women, children, citizens of that country are being murdered and that deserves some response from the United States of America.

The response need not be to send in the Marines. That is not the response I am asking for and nobody should offer that as a solution. It would only make matters in Haiti far more complicated than they are already.

The response should be to maximize, use all of the peaceful intervention options that we have to let the Government of Haiti know that the U.S. Government firmly disapproves of what they are doing, that it will not tolerate the Duvalier regime and its corruption any longer, and to let the whole world know, let the states of the Western Hemisphere know, let the states of Western Europe and the rest of the world know that we are no longer going to back that regime.

Duvalier is no longer the puppet government that we will recognize and prop up.

We can do that, we can communicate this message, send it very forcefully by withdrawing, recalling the American Ambassador. The American Ambassador in Haiti can be recalled and that sends a strong message; he can be recalled in protest.

I have been told that, well, he is a good Ambassador. He has given us good service there and communicates with the people there and therefore the Ambassador should not be recalled. The recalling of an ambassador is a symbolic gesture. I am sure that the information we get, the efficiency and the effectiveness of the Embassy need not be affected merely by recalling the Ambassador in protest. It lets the Haitian Government, it lets the Haitian people and people all over the world, the refugees and the rest of the civilized world know that we do not approve, that we strongly dissent, and we are prepared to take peaceful action.

In addition to recalling our Ambassador, we can certainly bring to the Organization of American States the fact that hundreds of people are being murdered on the streets of Haiti by their own Government. It is a Government which everybody has agreed is a corrupt and parasitic Government.

We can certainly bring it to the attention of the United Nations. There are a number of things that we can do to indicate our indignation. We should do them all, short of military intervention.

There is no need to have gunboat diplomacy in this case. It would only make things worse.

I think that if the people of Haiti, if the opposition in Haiti is sent a clear message that the United States no longer will prop up and support the puppet regime of Jean-Claude Duvalier, then that opposition will know how to react.

It is said over and over again that one of the problems with changing things in Haiti is the fact that nobody knows what the opposition looks like. There is no strong opposition. There is no organized opposition. The opposition is interested in surviving. They do not dare raise their heads and show a structure and show strength. It is the easiest way to immediately become targeted and wiped out. So the opposition cannot function in a situation where the United States has not made it clear that it will no longer support the present government.

Once we make our intentions clear, once we have clearly stated and once our actions have shown that we no longer support the Duvalier regime, then you will see emerging that opposition which will lay the basis for a set of free elections in Haiti.

The Government of Haiti could be a decent government. It can be a government run by people who have experience, who have education. There are people who exist in large numbers, both in Haiti and Haitian citizens, who are spread throughout the world as refugees.

This would not be a difficult situation, but we must take the first step.

My problem is and the question to be asked is, where is the moral indignation of America?

First of all, why is it that we do not know more about what is going on in Haiti, just how murderous this regime has become? The moral indignation should be there because this set of mass murders is no different than any other. Why should mass murder in Haiti be any different from the murders that resulted from the invasion of Afghanistan?

Why should the oppression of the Haitian people be any different from the oppression of the Polish people?

Why should the lives of Haitians be considered expendable?

Why should there be a concern only for the lives of Americans who might be in Haiti and no concern about the large numbers, the hundreds of people, Haitians, who are being murdered?

I do not think this expressed the sentiment of America. I think once our people know and we fully understand what a corrupt and filthy parasitic regime we have allowed to exist and cooperated with just 600 miles from our shores, just 90 minutes away, that there will be a moral indignation running in this country to demand that our Government do more to get rid of the present leadership in Haiti and certainly to cut off our support for that leadership.

□ 1655

There has been a long history of collusion and propping up the puppet regimes of Haiti. I do not say that this is only a Reagan administration problem because previous administrations, Democratic and Republican, have always been much, much too cooperative with the Duvalier regime, either under the present Jean-Claude Duvalier, who is called Baby Doc, or the previous Duvalier, Francois Duvalier, who was called Pappa Doc. There is a great deal of concern and people happy about the fact that Baby Doc is not as repressive and oppressive as Pappa Doc and only, you know, 500 people have been killed so far. They say if Pappa Doc was around, it might have gotten much closer to 5,000.

I do not take any comfort in the fact that Jean-Claude, the younger Duvalier, is less repressive and kills fewer people than "Pappa Doc" would have killed. There is no comfort to be taken in that if you believe in the sanctity of human life. If you believe in the sancitity of human life, you will speak out as forcefully against murder, mass murder in Haiti as we do against mass murder in El Salvador, or mass murder in Nicaragua or elsewhere in this hemisphere or on the globe.

What we have done by allowing the Duvalier regime to continue to exist by cooperating with that regime, both the former Duvalier and present Duvalier, what we have done is kept a cancer alive in the hemisphere. We have protected that cancer and guaranteed that it would spew out more poison, other poisons into the Western Hemisphere.

As a result of the problems in Haiti, we have ourselves as a nation behaved in some ways which have bordered on barbarity. We have allowed, officially allowed boats loaded with Haitians, with people falling over the sides into the ocean, bound for the shores of Florida, illegally bound for the shores of Florida, caring, desperate people who wanted to get away from the oppressive and corrupt Duvalier regime, large numbers of people who sacrificed their lives because they see nothing to hope for in Haiti, desperately trying to leave, and we have allowed those boats to be turned back, overloaded and knowing that they would capsize in many cases and that large numbers of people would end up overboard in the sea. We have done that as a civilized nation, and that is part of the result of our allowing Haiti to exist as such a

corrupt regime and propping it up, and the poison has infected us and we have allowed ourselves to participate in situations whereby those Haitians that made it finally and illegally to our shores, large numbers who came and did land on the shores of Florida, once they were rounded up, they have been incarcerated under inhumane conditions. We have conditions worse than any Soviet gulag where haitian immigrants have had to live in that because they came here illegally, seeking some refuge away from the Duvalier government. We have done this officially, and our immigration authorities have participated in the incarceration of men, women and children which bordered on the nature of concentration camps almost as bad as Hitler's. We have done this. We have done it because, obviously, the sanctity of Haitian life, the sanctity of Haitian life is not equal to the sanctity we place on other human life.

I think we make a great mistake. I think we cheapen all of our lives by allowing human beings to be treated as the Haitians have been treated, by allowing our own Government to participate in this kind of treatment as a part of the effort to prop up the Duvalier regime. We have not allowed Haitians to be accepted as political refugees. They cannot get political refugee status because our argument is that they are coming here only for economic relief, they are not trying to escape an oppressive government. We will not accept that fact that Duvalier, the Duvalier regime, is an oppressive government. We will not accept that fact because, after all, they are not Comunists, and the only governments we will label as being oppressive, the only people we will allow to be refugees are people who are fleeing Communistic regimes.

The people of Haiti have made it quite clear, the opposition has made it quite clear that they are not interested in communism. As a result of their not being interested in communism, should we penalize them? Should we say well, you are oppressed, but since nobody there is considering communism as an alternative, we will live quietly with the Duvalier regime.

I think that this is an abomination in terms of our own foreign policy. We should, we can take more rigorous action. We should take more rigorous, peaceful action. It is not only to save the women, the men, and children of Haiti, it is also to save our own civilization. We cannot sit by and allow these kinds of things to happen to human beings. They are Haitian, they are black, but they are still human beings.

I want to close by linking the desperate uprising in Haiti to some events which have captured the attention of all Americans in the last week. We are all mourning still the death of the seven astronauts, who, in the process of participating in our exploration of space program had their lives wiped out. We mourn their lives because they were human beings. We mourn them because they were exploring on a frontier that we have all agreed should be explored. We mourn them because somebody loved them and their lives would have contributed greatly to their own families as well as to the continued exploration of space had they been allowed to live.

We mourn them at the same time that we rejoice in the fact that the satellite, *Voyager,* the satellite which is unmanned and also out there in space has recently sent back a series of unprecedented photographs of the planet Uranus, and they have shown us that there are many more moons associated with Uranus than we ever felt, there are other kinds of information sent back, conclusive information by this satellite, *Voyager,* plus other satellites that have been repeatedly sent back information about the planets confirming what we have already known in many cases, and certainly allowing us to expand our theories in other cases.

My linkage with the Haitian situation and the loss of life in Haiti is this: None of the pictures, none of the photographs that have come back from outer space have shown us a single living creature. All of the evidence gathered from outer space, whether it is dust scooped up from the planet, from the Moon or another planet, the analysis of the gases in the air around the planet, all of the evidence shows that life does not exist out there in that tremendously large universe, much larger than we had ever imagined before. All those planets and their moons, and the comets, and the asteroids, everything out there is dead. Nothing is alive, no life of any kind, let alone human life. There are no hearts out there, there are no souls, there are no brains out there. Mankind stands alone in the entire universe.

Think about that for a moment in terms of loss of life anywhere, loss of human life anywhere. We are so precious, we are so valuable, we are so alone in this vast universe that even loss of life is a loss of something rare and very precious. There is probably more gold out there, and more uranium and more of any kind of precious metal than we can imagine that we have here on Earth, but what we know is that there is no human being out there.

Therefore, every human being's life is sacred. Therefore, we should strive to protect every human being's life, whether he be American or Haitian. Therefore, we have definitely embarked on the right course when we have insisted that our human rights requirements be attached always to our foreign aid requirements.

Every human being is holy. This planet may seem crowded to us, but when you stop and think about the fact that we have not only the planet, but mankind is lord of the entire universe and we have the entire universe to deal with. Each person then can have a piece of that universe. If you think of them that way, each person becomes a kind of a lord of the universe. Any life, any human life is so valuable that we should not stand idly by and not use all of the means available to protect that human life.

□ 1750

I am calling today on us to use peaceful means; no intervention by force, no gunboat diplomacy, no marines, let us use all of the peaceful sanctions at our command to end the bloodshed in Haiti. Let there be no more hundreds of people dying, let a clear message be communicated from our Government, from the American people, that we firmly disapprove, we will take actions to isolate the Haitian Government, we will do whatever is necessary in a peaceful way to guarantee that that government does not continue as it is.

In the name of Martin Luther King, in the name of all of the Judeo-Christian traditions that we stand for, we will not sit by idly and allow more bloodshed in Haiti.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GROTBERG (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

Mr. LIVINGSTON (at the request of Mr. MICHEL), for today and the balance of the week, on account of official business.

Mr. LATTA (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. MCCANDLESS) to revise and extend his remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, on February 5.

Mr. GINGRICH, for 60 minutes, on February 6.

(The following Members (at the request of Mr. VISCLOSKY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FORD of Tennessee, for 10 minutes, today.

Mr. OWENS, for 60 minutes, today.
Mr. MICA, for 30 minutes, on February 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. O'NEILL, today, at the request of Mr. VISCLOSKY, and to include therein extraneous material.

(The following Members (at the request of Mr. MCCANDLESS) and to include extraneous matter:)

Mr. STRANG.
Mr. LAGOMARSINO.
Mr. DENNY SMITH.
Mr. BROYHILL.
Mr. PORTER.
Mr. COBLE.
Mr. GREEN.
Mr. LENT.
Mr. MCCANDLESS.
Mr. HOPKINS.

(The following Members (at the request of Mr. VISCLOSKY) and to include extraneous matter:)

Mr. WHEAT.
Mr. GARCIA.
Mr. LAFALCE.
Mr. STARK in two instances.
Mr. UDALL.
Mr. DARDEN.
Mr. WILLIAMS in two instances.
Mr. HOWARD.
Mr. EDWARDS of California.
Mr. VENTO.
Mr. EDGAR.
Mr. DIXON in two instances.
Mr. HOYER.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2466. An act to make miscellaneous changes in laws affecting the U.S. Coast Guard, and for other purposes, and,

H.R. 4027. An act extending the waiver authority of the District of Columbia Revenue Bond Act of 1985 to certain revenue bond acts of the District of Columbia, and for other purposes.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, January 28, 1986, the Chair declares the House in recess until approximately 7:35 p.m.

Accordingly (at 5 o'clock and 6 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 7 o'clock and 45 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 274 AND THE ORDER OF THE HOUSE OF JANUARY 30, 1986, TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas [Mr. WRIGHT]; the gentleman from Washington [Mr. FOLEY]; the gentleman from Missouri [Mr. GEPHARDT]; the gentleman from Arkansas [Mr. ALEXANDER]; the gentleman from Massachusetts [Mr. BOLAND]; the gentleman from California [Mr. EDWARDS]; the gentlewoman from Ohio [Ms. OAKAR]; the gentleman from Illinois [Mr. MICHEL]; the gentleman from Mississippi [Mr. LOTT]; the gentleman from California [Mr. MOORHEAD]; the gentleman from California [Mr. LAGOMARSINO]; and the gentleman from Wyoming [Mr. CHENEY].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Kansas [Mr. DOLE]; the Senator from South Dakota [Mr. ABDNOR]; the Senator from Wisconsin [Mr. KASTEN]; the Senator from Washington [Mr. GORTON]; the Senator from Oklahoma [Mr. NICKLES]; the Senator from Georgia [Mr. MATTINGLY]; the Senator from Pennsylvania [Mr. SPECTER]; the Senator from West Virginia [Mr. BYRD]; the Senator from California [Mr. CRANSTON]; the Senator from Ohio [Mr. GLENN]; and the Senator from Connecticut [Mr. DODD].

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 8 p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-141)

The PRESIDENT. Mr. Speaker, Mr. President, distinguished Members of the Congress, honored guests and fellow citizens, thank you for allowing me to delay my address until this evening. We paused together to mourn and honor the valor of our *Challenger* heroes. And I hope that we are now ready to do what they would want us to do—go forward America, reach for the stars. We will never forget those brave seven, but we shall go forward.

Mr. Speaker, before I begin my prepared remarks, may I point out that tonight marks the 10th and last State of the Union Message that you have presided over, and on behalf of the American people, I want to salute you for your service to Congress and the country.

I have come to review with you the progress of our Nation, to speak of unfinished work, and to set our sights on the future. I am pleased to report the state of our Union is stronger than a year ago, and growing stronger each day. Tonight, we look out on a Rising America—firm of heart, united in spirit, powerful in pride and patriotism—America is on the move!

But, it wasn't long ago that we looked out on a different land—locked factory gates and long gasoline lines, intolerable prices and interest rates turning the greatest country on Earth into a land of broken dreams. Government growing beyond our consent had become a lumbering giant, slamming shut the gates of opportunity, threatening to crush the very roots of our freedom.

What brought America back? The American people brought us back—with quiet courage and common sense; with undying faith that in this Nation under God the future will be ours, for the future belongs to the free.

Tonight the American people deserve our thanks—for 37 straight

months of economic growth; for sunrise firms and modernized industries creating 9 million new jobs in 3 years; interest rates cut in half and inflation falling from over 12 percent in 1980 to under 4 today; and a mighty river of good works, a record $74 billion in voluntary giving last year alone.

Despite the pressures of our modern world, family and community remain the moral core of our society, guardians of our values and hopes for the future. Family and community are the costars of this Great American Comeback. They are why we say tonight: Private values must be at the heart of public policies.

What is true for families in America is true for America in the family of free nations. History is no captive of some inevitable force. History is made by men and women of vision and courage. Tonight, freedom is on the march. The United States is the economic miracle, the model to which the world once again turns. We stand for an idea whose time is now: Only by lifting the weights from the shoulders of all can people truly prosper and can peace among all nations be secure.

Teddy Roosevelt said a nation that does great work lives forever. We have done well, but we cannot stop at foothills when Everest beckons. It is time for America to be all we can be.

We speak tonight of an *Agenda for the Future*, an agenda for a safer, more secure world. We speak about the necessity for actions to steel us for the challenges of growth, trade, and security in the next decade and the year 2000. And we will do it—not by breaking faith with bedrock principles, but by breaking free from failed policies.

Let us begin where storm clouds loom darkest—right here in Washington, DC. This week, I will send you our detailed proposals; tonight, let us speak of our responsibility to redefine Government's role: Not to control, not to command, not to contain us; but to help in times of need; above all, to create a ladder of opportunity to full employment—so all Americans can climb toward economic power and justice on their own.

But, we cannot win the race to the future shackled to a system that can't even pass a Federal budget. We cannot win that race held back by horse-and-buggy programs that waste tax dollars and squander human potential. We cannot win that race if we are swamped in a sea of red ink.

Mr. Speaker, you know, I know and the American people know the Federal budget system is broken. It does not work. Before we leave this city let's you and I work together to fix it. Then we can finally give the American people a balanced budget.

Members of Congress, passage of Gramm-Rudman-Hollings gives us an historic opportunity to achieve what has eluded our national leadership for decades—forcing the Federal Government to live within its means.

Your schedule now requires that the budget resolution be passed by April 15th—the very day America's families have to foot the bill for the budgets you produce.

How often we read of a husband and wife—both working, struggling from paycheck to paycheck to raise a family, meet a mortgage, pay their taxes and bills. Yet, some in Congress say taxes must be raised. Well, I'm sorry, they're asking the wrong people to tighten their belts. It's time we reduced the Federal budget and left the family budget alone. We do not face large deficits because American families are undertaxed; we face those deficits because the Federal Government overspends.

The detailed budget we submit will meet the Gramm-Rudman-Hollings target for deficit reductions; meet our commitment to ensure a strong national defense; meet our commitment to protect Social Security and the truly less fortunate; and, yes, meet our commitment not to raise taxes.

How should we accomplish this? Not by taking from those in need. As families take care of their own, Government must provide shelter and nourishment for those who cannot provide for themselves. But we must revise or replace programs enacted in the name of compassion that degrade the moral worth of work, encourage family breakups, and drive entire communities into a bleak and heartless dependency.

Gramm-Rudman-Hollings can mark a dramatic improvement. But experience shows that simply setting deficit targets does not assure they'll be met. We must proceed with Grace Commission reforms against waste. And tonight, I ask you to give me what 43 Governors already have—give me a line-item veto this year. Give me the authority to veto waste, and I'll take the responsibility, I'll make the cuts, I'll take the heat.

This authority would not give me any monopoly power, but simply prevent spending measures from sneaking through that could not pass on their own merit. And you can sustain, or override, my veto—that's the way the system should work. Once we've made the hard choices, we should lock in our gains with a balanced budget amendment to the Constitution.

I mentioned that we will meet our commitment to national defense. We must meet it. Defense is not just another budget expense. Keeping America strong, free, and at peace is solely the responsibility of the Federal Government; it is Government's prime responsibility. We have devoted 5 years trying to narrow a dangerous gap borne of illusion and neglect. And we have made important gains. Yet the threat from Soviet forces, conventional and strategic, from the Soviet drive for domination, from the increase in espionage and state terror remains great. This is reality. Closing our eyes will not make reality disappear.

We pledged together to hold real growth in the defense spending to the bare minimum. My budget honors that pledge. I am now asking Congress to keep its end of the bargain. The Soviets must know that if America reduces her defenses, it will be because of a reduced threat, not a reduced resolve.

Keeping America strong is as vital to the national security, as controlling Federal spending is to our economic security. But, as I have said before the most powerful force we can enlist against the Federal deficit is an ever-expanding American economy, unfettered and free.

The magic of opportunity—unreserved, unfailing, unrestrained—isn't this the calling that unites us? I believe our tax rate cuts for the people have done more to spur a spirit of risk-taking and help America's economy break free than any program since John Kennedy's tax cut almost a quarter century ago.

Now history calls us to press on, to complete efforts for an historic tax reform providing new opportunity for all and ensuring that all pay their fair share—but no more. We've come this far. Will you join me now and we'll walk this last mile together?

You know my views on this. We cannot and we will not accept tax reform that is a tax increase in disguise. True reform must be an engine of productivity and growth and that means a top personal rate no higher than 35 percent. True reform must be truly fair and that means raising personal exemptions to $2,000. True reform means a tax system that at long last is pro-family, pro-jobs, pro-future, and pro-America.

As we knock down the barriers to growth, we must redouble our efforts for freer and fairer trade. We have already taken actions to encounter unfair trading practices and to pry open closed foreign markets. We will continue to do so. We will also oppose legislation touted as providing protection that in reality pits one American worker against another, one industry against another, one community against another, and that raises prices for us all. If the United States can trade with other nations on a level playing field, we can out-produce, outcompete, and out-sell anybody, anywhere in the world.

The constant expansion of our economy and exports requires a sound and stable dollar at home and reliable exchange rates around the world. We must never again permit wild currency swings to cripple our farmers and other exporters. Farmers, in particular, have suffered from past, unwise

Government policies, and they must not be abandoned with problems they did not create and cannot control. We've begun coordinating economic and monetary policy among our major trading partners. But there's more to do, and tonight I am directing Treasury Secretary Jim Baker to determine if the nations of the world should convene to discuss the role and relationship of our currencies.

Confident in our future, secure in our values, Americans are striding forward to embrace the future. We see it not only in our recovery, but in 3 straight years of falling crime rates, as families and communities band together to fight pornography, drugs, and lawlessness, and to give back to their children the safe and, yes, innocent childhoods they deserve.

We see it in the renaissance in education with rising S.A.T. scores for 3 years—last year's increase the greatest since 1963. It wasn't Govenment and Washington lobbies that turned education around—it was the American people who, in reaching for excellence, knew to reach back to basics. We must continue the advance by supporting discipline in our schools; vouchers that give parents freedom of choice; and we must give back to our children their lost right to acknowledge God in their classrooms.

We are a Nation of idealists, yet today there is a wound in our national conscience; America will never be whole as long as the right to life granted by our Creator is denied to the unborn. For the rest of my time, I shall do what I can to see that this wound is one day healed.

As we work to make the American Dream real for all, we must also look to the conditions of America's families. Struggling parents today worry how they will provide their children the advantages their parents gave them. In the welfare culture, the breakdown of the family, the most basic support system, has reached crisis proportions—in female and child poverty, child abandonment, horrible crimes and deteriorating schools. After hundreds of billions of dollars in poverty programs, the plight of the poor grows more painful. But the waste in dollars and cents pales before the most tragic loss—the sinful waste of human spirit and potential.

We can ignore this terrible truth no longer. As Franklin Roosevelt warned 51 years ago before this chamber: Welfare is "* * * a narcotic, a subtle destroyer of the human spirit." And we must now escape the spider's web of dependency. Tonight, I am charging the White House Domestic Council to present me by December 1, 1986, an evaluation of programs and a strategy for immediate action to meet the financial, educational, social, and safety concerns of poor families—I am talking about real and lasting emancipation, because the success of welfare should be judged by how many of its recipients become independent of welfare.

Further, after seeing how devastating illness can destroy the financial security of a family, I am directing Secretary of Health and Human Services, Dr. Otis Brown, to report to me by year-end with recommendations on how the private sector and Government can work together to address the problems of affordable insurance for those whose life savings would otherwise be threatened when catastrophic illness strikes.

Tonight, I want to speak directly to America's younger generation—because you hold the destiny of our Nation in your hands. With all the temptations young people face, it sometimes seems the allure of this permissive society requires superhuman feats of self-control. But the call of the future is too strong, the challenge too great, to get lost in the blind alleyways of dissolution, drugs, and despair.

Never has there been a more exciting time to be alive—a time of rousing wonder and heroic achievement. As they said in the film, "Back to the Future": "Where we're going, we don't need roads."

Today, physicists peering into the infinitely small realms of sub-atomic particles find reaffirmations of religious faith; astronomers build a space telescope that can see to the edge of the universe and, possibly, back to the moment of creation.

So, yes, this Nation remains fully committed to America's space program. We are going forward with our shuttle flights. We are going forward to build our space station. And we are going forward with research on a new Orient Express that could, by the end of the next decade, take off from Dulles Airport and accelerate up to 25 times the speed of sound, attaining low-earth orbit or flying to Tokyo within 2 hours.

And the same technology transforming our lives can solve the greatest problem of the 20th century. A security shield can one day render nuclear weapons obsolete and free mankind from the prison of nuclear terror. America met one historic challenge and went to the Moon. Now, America must meet another—to make our strategic defense real for the citizens of planet Earth.

Let us speak of our deepest longing for the future—to leave our children a land that is free and just in a world at peace. It is my hope that our fireside summit in Geneva can lead to a more stable relationship. Surely no people on Earth hate war or love peace more than we Americans.

But we cannot stroll into the future with child-like faith. Our differences with a system that openly proclaims, and practices, an alleged right to command people's lives and to export its ideology by force are deep and abiding.

Logic and history compel us to accept that our relationship be guided by realism—rockhard, clear-eyed, steady, and sure. Our negotiators in Geneva have proposed a radical cut in offensive forces by each side, with no cheating. They have made clear that Soviet compliance with the letter and spirit of agreements is essential. If the Soviet Government wants an agreement that truly reduces nuclear arms, there will be such an agreement.

But arms control is no substitute for peace. We know peace follows in freedom's path and conflicts erupt when the will of the people is denied. So we must prepare for peace not only by reducing weapons but by bolstering prosperity, liberty, and democracy however and wherever we can.

We advance the promise of opportunity every time we speak out on behalf of lower tax rates, freer markets, and sound currencies around the world. We strengthen the family of freedom every time we work with allies and come to the aid of friends under siege. And we can enlarge the family of free nations if we will defend the unalienable rights of all God's children to follow their dreams.

To those imprisoned in regimes held captive, to those beaten for daring to fight for freedom and democracy—for their right to worship, to speak, to live and prosper in the family of free nations—we say to you tonight: You are not alone Freedom Fighters. America will support you with moral and material assistance; your right not just to fight and die for freedom, but to fight and win freedom—in Afghanistan, Angola, Cambodia, and Nicaragua.

This is a great moral challenge for the entire free world. Surely, no issue is more important for peace in our own hemisphere, for the security of our frontiers, for the protection of our vital interests—than to achieve democracy in Nicaragua and to protect Nicaragua's democratic neighbors.

This year I will be asking Congress for the means to do what must be done for that great and good cause. As Scoop Jackson, the inspiration for our Bipartisan Commission on Central America, once said, "In matters of national security, the best politics is no politics."

What we accomplish this year, in each challenge we face, will set our course for the balance of the decade, indeed for the remainder of the century. After all we've done so far, let no one say this Nation cannot reach the destiny of our dreams. America believes, America is ready, America can win the race to the future—and we shall.

The American Dream is a song of hope that rings through the night

winter air. Vivid, tender music that warms our hearts when the least among us aspire to the greatest things—to venture a daring enterprise; to unearth new beauty in music, literature, and art; to discover a new universe inside a tiny silicon chip or a single human cell.

We see the dream coming true in the spirit of discovery of Richard Cavoli. All his life he has been enthralled by the mysteries of medicine, and Richard, we know that the experiment that you began in high school was launched last week, yet your dream lives, and as long as it is real, work of noble note will yet be done, work that could reduce the harmful affects of x rays on patients, and enable astronomers that view of the golden gateways to the farthest stars.

We see the dream glow in the towering talent of a 12-year-old, Tyrone Ford, a child prodigy of gospel music. He has surmounted personal adversity to become an accomplished pianist and singer. He also directs the choirs of three churches and has performed at Kennedy Center. With God as your composer, Tyrone, your music will be the music of angels.

We see the dream being saved by the courage of a 13-year-old, Shelby Butler, honor student and member of her school safety patrol. Seeing another girl freeze in terror before an out-of-control school bus, she risked her life and pulled her to safety. With bravery like yours, Shelby, America need never fear for our future.

And we see the dream born again in the joyful compassion of a 13-year-old, Trevor Ferrell. Two years ago, age 11, watching men and women bedding down in abandoned doorways on television, Trevor Ferrell left his suburban Philadelphia home to bring blankets and food to the helpless and homeless and now 250 people help him fulfill his nightly vigils. Trevor, yours is the living spirit of brotherly love.

Would you four stand up for a moment.

Thank you. You are heroes of our hearts. We look at you and know it is true in this land of dreams fulfilled where greater dreams may be imagined nothing is impossible. No victory is beyond our reach. No glory will ever be too great.

So now, it is up to us, all of us, to prepare America for that day when our work will pale before the greatness of America's champions in the 21st century.

The world's hopes rest with America's future. America's hopes rest with us. So let us go forward to create our world of tomorrow—in faith, in unity, and in love.

God bless you and God bless America.

(Applause, the Members rising.)

At 8 o'clock and 33 minutes p.m., the President, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The ambassadors, ministers, and chargés d'Affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses dissolved.

Accordingly, at 8 o'clock and 36 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

RECESS

The SPEAKER. The Chair declares a brief recess.

Accordingly (at 8 o'clock and 37 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 39 minutes p.m.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. HUBBARD. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

ADJOURNMENT

Mr. HUBBARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.) the House adjourned until tomorrow, Wednesday, February 5, 1986, at 3 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees and delegations traveling under authorizations from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the third and fourth quarters of calendar year 1985 in connection with foreign travel pursuant to Public Law 95-384.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegation to Switzerland and Austria, Sept. 22–25, 1985:											
Delegation expenses	9/24	9/25	Austria						552.39		552.39
Committee total									552.39		552.39

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, Jan. 27, 1986.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Geo. W. Crockett, Jr., MC	8/22	8/25	Austria		399.00		456.47				855.47
	8/30	9/1	Italy		260.00		20.72				280.72
Commercial transportation							1,388.00				1,388.00
Committee total					659.00		1,865.19				2,524.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER W. RODINO, JR., Chairman, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Larry Coughlin	10/12	10/12	Sweden				20.64		16.99		37.63
	10/12	10/17	U.S.S.R.		200.00		2,959.31		245.00		3,404.31
Hon. Jerry Lewis	10/5	10/8	Korea		312.00		3,588.00				3,900.00
Hon. Louis Stokes	11/7	11/10	Barbados		492.00						492.00
Transportation (DOD)							1,586.81				1,586.81
George Allen	11/23	11/26	West Germany		270.00						270.00
	11/26	11/27	United Kingdom		132.00						132.00
	11/27	11/30	West Germany		270		3,054.00				3,324.00
Robert Kripowicz	11/24	11/27	Colombia		352.00		1,363.00		18.00		1,733.00
Terry R. Peel	11/24	11/27	Colombia		352.00		1,363.00		59.00		1,774.00
William E. Schuerch	10/5	10/10	Korea		416.00		2,846.00				3,262.00
Total					2,796.00		16,780.76		338.99		19,915.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMIE WHITTEN, Chairman, Jan. 28, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
G. Carter Baird	10/26	10/31	England		527.00		2,296.00		52.32		2,875.32
	10/31	11/5	Germany		410.75						410.75
	11/5	11/7	France		231.25						231.25
Thomas E. Crosson	10/26	10/31	England		589.00		2,090.00		181.76		2,860.76
	10/31	11/15	Germany		1,225.25						1,225.25
Edwin C. Eads	12/6	12/11	Japan		791.25		2,096.04				2,887.29
	12/11	12/14	Philippines		247.50				30.49		277.99
John A. Friel, Jr	11/10	11/15	Germany		412.50		2,185.00		28.70		2,626.20
	11/15	11/19	Italy		352.50						352.50
	11/19	11/22	Sicily		243.75						243.75
Jerry M. Graves	12/6	12/11	Japan		644.25		2,143.22		20.00		2,807.47
	12/11	12/14	Korea		349.50						349.50
Lisa M. Grob	11/10	11/15	Germany		393.75		2,065.00		17.62		2,476.37
	11/15	11/22	England		696.00						696.00
Walter G. Harlow	10/19	11/1	Germany		1,020.75		1,931.00		29.61		2,981.36
Francis J. King	11/10	11/15	Germany		393.75		2,065.00		6.79		2,465.54
	11/15	11/22	England		714.75				10.91		725.66
Roy T. Mason	10/19	10/26	Germany		552.00		2,065.00		4.10		2,621.10
	10/26	11/1	England		579.00						579.00
Richard L. Mohler	11/10	11/15	Germany		412.50		2,185.00		41.00		2,638.50
	11/15	11/19	Italy		352.50						352.50
	11/19	11/22	Sicily		243.75						243.75
Timothy A. Nestor	10/19	10/26	Germany		552.00		2,065.00		8.10		2,625.10
	10/26	11/1	England		579.00						579.00
Douglas D. Nosik	11/10	11/15	Germany		412.50		1,888.49		32.97		2,33.96
	11/15	11/19	Italy		376.00						376.00
Joseph D. Powell	10/19	10/22	Germany		261.75		1,931.00		11.74		2,204.49
Richard D. Robillard	10/19	11/1	Germany		1,020.75		1,931.00		22.96		2,974.71
A.M. Statham	10/26	10/31	England		633.00		2,090.00		37.50		2,760.50
	10/31	11/5	Germany		392.00						392.00
	11/5	11/7	France		250.00						250.00
	11/7	11/15	Germany		666.75				82.50		749.25
Robert F. Stockman	10/26	10/31	England		645.25		2,090.00		25.60		2,760.85
	10/31	11/15	Germany		1,225.25				50.49		1,275.74
Bernard J. Trescavage	12/6	12/11	Japan		735.00		2,096.04		4.10		2,835.14
	12/11	12/14	Philippines		247.50				19.10		266.60
R.W. Vandergrift, Jr	10/26	10/31	England		602.00		2,296.00		36.64		2,934.64
	10/31	11/5	Germany		367.50				22.57		390.07
	11/5	11/6	England		198.00				12.00		210.00
	12/7	12/11	Japan		553.50		2,049.00		61.80		2,664.30
	12/11	12/14	Philippines		250.00				21.00		271.00
B. Alan Weaver	10/26	10/31	England		633.00		2,090.00		102.60		2,825.60
	10/31	11/5	Germany		392.00						392.00
	11/5	11/7	France		250.00						250.00
	11/7	11/15	Germany		666.75						666.75
Carlton A. Weiss	12/6	12/11	Japan		644.25		2,143.22		22.00		2,809.47

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1985—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/11	12/14	Korea		349.50				12.00		361.50
Committee total					24,286.50		43,791.01		1,008.97		69,086.48

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMIE WHITTEN, Chairman, Jan. 28, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Staff visit to the United Kingdom, Oct. 12–13, 1985:											
Lou Finch	10/12	10/13	United Kingdom		154.24						154.24
Visit to United Kingdom, Belgium, Germany, and France, Nov. 8–13, 1985:											
Hon. Duncan L. Hunter	11/8	11/9	United Kingdom		132.00						132.00
	11/9	11/10	Belgium		96.00						96.00
	11/10	11/11	Germany		105.00						105.00
	11/11	11/12	France		125.00						125.00
Military transportation							2,434.25				2,434.25
Commercial transportation							1,615.00				1,615.00
Dr. John E. Mansfield	11/8	11/9	United Kingdom		132.00						132.00
	11/9	11/10	Belgium		96.00						96.00
	11/10	11/11	Germany		105.00						105.00
	11/11	11/13	France		250.00						250.00
Military transportation							2,434.25				2,434.25
Commercial transportation							641.25				641.25
Delegation expenses	11/11	11/13	France						1,085.21		1,085.21
Visit to the Bahamas, Nov. 17, 1985:											
Hon. Herbert Bateman	11/17	11/17	Bahamas		14.61						14.61
Military transportation							3,353.89				3,353.89
Dr. John E. Mansfield	11/17	11/17	Bahamas		14.61						14.61
Military transportation							3,353.89				3,353.89
Staff visit to Turkey and Federal Republic of Germany, Nov. 12–23, 1985:											
Michael A. West	11/12	11/16	Turkey								
	11/16	11/23	Germany		557.00						557.00
Commercial transportation							902.00				902.00
Committee total					1,781.46		14,734.53		1,085.21		17,601.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, Jan. 27, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Walter Fauntroy	10/6	10/10	Korea		208.00		[3] 3,657.67				3,865.67
Hon. A.A. McCandless	10/6	10/11	Korea		312.00		[4] 2,001.00				2,313.00
Barry M. Hager	10/4	10/10	Korea		520.00						520.00
	10/10	10/13	Malaysia		232.00		[3] 3,161.00				3,393.00
Howard Lee	10/4	10/10	Korea		520.00						520.00
	10/10	10/14	Taiwan		388.00		[3] 3,769.00				4,157.00
Francis Record	10/6	10/12	Korea		624.00		[3] 1,841.22				2,465.22
Committee total					2,804.00		14,429.89				17,233.89

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial air.
[4] Military.

FERNAND J. ST GERMAIN, Chairman, Jan. 7, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Peter M. Storm	10/5/85	10/9/85	Korea	371.000	416.00						416.00
	10/9/85	10/13/85	Philippines	5,971.20	320.00						320.00
Commercial transportation							2,126.00				2,126.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1985—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					736.00		2,126.00				2,862.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM H. GRAY III, Chairman, Jan. 13, 1986.

REPORT OF EXEPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
S. Andross	10/1	10/7	Switzerland		738.00						738.00
Commercial transportation							3,002.21				3,002.21
Mervyn Dymally	11/8	11/11	Barbados		991.11						991.11
Commercial transportation							1,285.00				1,285.00
Dante Fascell	11/7	11/10	Barbados		[3] 193.10						193.10
Military transportation							1,586.81				1,586.81
R.M. Finley	11/7	11/10	Barbados		[3] 209.75						209.75
Military transportation							1,586.81				1,586.81
Grant-Fohl	11/7	11/10	Barbados		495.55						495.55
Military transportation							1,586.81				1,586.81
V. Johnson	11/7	11/10	Barbados		[3] 259.00						259.00
Military transportation							1,586.81				1,586.81
R.S. Oliver	11/7	11/10	Barbados		495.55						495.55
Military transportation							1,586.81				1,586.81
Committee total					3,382.06		12,221.26				15,603.32
R.S. Oliver	11/17	11/20	Switzerland		512.00						512.00
	11/21	11/26	Hungary		540.00						540.00
Commercial transportation							3,585.00				3,585.00
A.N. Owens	11/7	11/10	Barbados		495.00						495.00
Military transportation							1,586.81				1,586.81
M. Tavarides	11/13	11/17	Turkey		472.00						472.00
Commercial transportation							4,227.00				4,227.00
H. Weinberg	11/13	11/17	Turkey		472.00						472.00
Commercial transportation							4,227.00				4,227.00
Committee total					2,491.00		13,625.81				16,116.81
Grand total for 4th quarter											31,720.13

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refunds of unused per diem.

DANTE B. FASCELL, Chairman, Jan. 30, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
John Seiberling	10/7	10/10	Barbados	791.67	[3] [4] 293.00					791.67	293.00
Jeffrey Farrow, staff	10/7	10/10	Barbados	791.67	[4] 393.00					791.67	393.00
Manase Mansur, staff	10/7	10/10	Barbados	791.67	[4] 393.00					791.67	393.00
Committee total					$1,079						$1,079

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Returned $100 of per diem received.
[4] Military transportation.

MO UDALL, Chairman, Jan. 15, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Garner J. Cline, staff	10/6	10/9	Germany		324.00						324.00
Commercial transportation							[3] 433.00				433.00
Michael J. Remington, staff	11/23	12/1	Switzerland		1,024.00						1,024.00
Commercial transportation							1,552.00				1,552.00
Committee total					1,348.00		1,985.00				3,333.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Airfare from London to Berlin and return was the only transportation expense.

PETER W. RODINO, JR., Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Glenn R. DeLaney	11/9	11/15	Japan	215,064	1,044.00		1,995.00				3,039.00
Lawrence G. Mallon	10/6	10/12	England		868.00		976.67				1,844.67
Committee total					1,912.00		2,971.67				4,883.67

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Jan. 17, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Nelson		10/11	United States				2,959.31				2,959.31
	10/12	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Lujan		10/11	United States				2,959.31				2,959.31
	10/12	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Brown		10/11	United States				2,959.31				2,959.31
	10/12	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Young		10/11	United States				2,959.31				2,959.31
	10/12	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Torricelli		10/11	United States				2,959.31				2,959.31
	10/12	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Walker		10/11	United States				2,959.31				2,959.31
	10/12	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Ritter		10/11	United States				2,959.31				2,959.31
	10/12	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Stafford		10/11	United States				2,959.31				2,959.31
	10/12	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Slayton		10/11	United States				2,959.31				2,959.31
	10/12	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Hanson		10/11	United States				2,959.31				2,959.31
	10/11	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Byerly		10/11	United States				2,959.31				2,959.31
	10/11	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Trippett		10/11	United States				2,959.31				2,959.31
	10/11	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Dawson		10/11	United States				2,959.31				2,959.31
	10/12	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
W. Smith		10/11	United States				2,959.31				2,959.31
	10/12	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Roberts		10/11	United States				2,959.31				2,959.31
	10/12	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Clement		10/11	United States				2,959.31				2,959.31
	10/12	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Tessieri		10/11	United States				2,959.31				2,959.31
	10/12	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Romanchak		10/11	United States				2,959.31				2,959.31
	10/12	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63
	10/12	10/17	U.S.S.R.		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Hoyt		10/11	United States				2,959.31				2,959.31
	10/12	10/12	Sweden			163.94	20.64	135.71	16.99	299.65	37.63

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1985—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	10/12	10/17	U.S.S.R		200.00			157.86	245.00	157.86	445.00
	10/17		United States								
Ventre		10/26	United States				1,995.00				1,995.00
	10/27	11/2	Japan		710.00						710.00
	11/2		United States								
Coodley		10/30	United States				1,834.00				1,834.00
	10/31	11/3	France		375.00						375.00
	11/3	11/6	England		396.00		50.00				446.00
	11/6	11/9	Belgium		288.00				100.00		388.00
	11/9	11/10	France		125.00						125.00
	11/10		United States								
Radabaugh		10/30	United States				1,834.00				1,834.00
	10/31	11/3	France		375.00						375.00
	11/3	11/6	England		396.00		50.00				446.00
	11/6	11/9	Belgium		288.00				100.00		388.00
	11/9	11/10	France		125.00						125.00
	11/10		United States								
Hanson		12/6	United States				1,633.00				1,633.00
	12/7	12/7	Germany								
	12/7	12/11	Sweden		300.00						300.00
	12/11		United States								
Committee total					7,175.00		64,015.05		177.00		76,370.86

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON FUQUA, Chairman, Jan. 24, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Dave McCurdy	10/12	10/19	Europe		398.00						398.00
Commercial air							2,358.00				2,358.00
John G. Kelliher	10/12	10/19	Europe		205.45						205.45
Commercial air							2,358.00				2,358.00
Committee total					603.45		4,716.00				5,319.45

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LEE H. HAMILTON, Chairman, Jan. 27, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DESSA VRTIKAPA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 2 AND AUG. 16, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Dessa Vrtikapa	8/3	8/6	Yugoslavia		324.00						
	8/6	8/8	Tunisia		216.00						
	8/8	8/10	Morocco		216.00						
	8/10	8/12	Algeria		384.00						
	8/12	8/14	Spain		216.00						
	8/14	8/16	Portugal		216.00						
Committee total					1,572.00		4,447.29				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DESSA VRTIKAPA, Sept. 16, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO COLOMBIA, PERU, ECUADOR, BOLIVIA, BRAZIL, ARGENTINA, AND URUGUAY, EXPENDED BETWEEN AUG. 3 AND AUG. 19, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Vivian E. Jones [3]	8/3	8/6	Colombia		458.00						458.00
Mary Alyce Jones	8/7	8/8	Ecuador		216.00						216.00
James Rowan	8/8	8/12	Peru		432.00						432.00
George Dalley	8/12	8/12	Bolivia								
	8/13	8/14	Brazil		216.00						216.00
	8/14	8/17	Argentina		372.00						372.00
	8/16	8/16	Uruguay								
	8/17	8/19	Brazil		216.00						216.00
Military air transport							7,536.10				7,536.10

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO COLOMBIA, PERU, ECUADOR, BOLIVIA, BRAZIL, ARGENTINA, AND URUGUAY, EXPENDED BETWEEN AUG. 3 AND AUG. 19, 1985—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					1,910.00						9,446.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Per person.

GEORGE A. DALLEY, Sept. 19, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRELAND, SWITZERLAND, ITALY, AND YUGOSLAVIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 8 AND AUG. 22, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Wright	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		475.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		381.49
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Hon. Gene Snyder	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		381.49
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Hon. John Paul Hammerschmidt	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.49		381.49
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Hon. Matthew J. Rinaldo	8/8	8/11	Ireland		438.58		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		381.49
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Hon. Charlie Rose	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
DOD transportation							1,311.08				1,311.08
Hon. Mickey Leland	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		381.49
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Hon. Byron Dorgan	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		381.49
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Hon. Clay Shaw	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/13	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		381.49
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Hon. Sala Burton	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		381.49
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Hon. Harry Reid	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		659.11
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Hon. Bill Richardson	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		381.49
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Hon. Gerry Sikorski	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		381.49
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Hon. Bart Gordon	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		381.49
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation/commercial airline							3,652.55				3,652.55
Jack Russ	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		381.49

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRELAND, SWITZERLAND, ITALY, AND YUGOSLAVIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 8 AND AUG. 22, 1985—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Marshall Lynam	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		381.49
	8/18	8/22	Italy		476.00		322.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Katherine Mitchell	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		381.49
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Phil Duncan	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		381.49
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Jimmie Lee Bodiford	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		381.49
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Maureen Fletcher	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		381.49
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Scott Lawson	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
	8/11	8/13	Switzerland		228.00		49.67		37.70		315.37
	8/13	8/16	Italy		417.00				58.35		475.35
	8/16	8/18	Yugoslavia		150.00		152.09		79.40		381.49
	8/18	8/22	Italy		476.00		32.24		150.87		659.11
DOD transportation							3,873.19				3,873.19
Eleanor Kelley	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
DOD transportation							2,362.88				2,362.88
Kevin Peterson	8/8	8/11	Ireland		438.00		50.58		72.18		560.76
DOD transportation							1,015.04				1,015.04
									1,593.80		1,593.80
Committee total					34,013.00		83,667.40		9,419.54		127,099.94

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM WRIGHT, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, WILLIAM J. BRENNAN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 13 AND AUG. 14, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
William J. Brennan	8/13	8/14	Canada	213.74	158.00		854.22				1,012.22
Committee total					158.00		854.22				1,012.22

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM J. BRENNAN, Sept. 10, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRAZIL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 14 AND AUG. 23, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
William V. Alexander	8/14	8/22	Brazil	3,477,300	519.00						519.00
William J. Miles	8/14	8/22	Brazil	3,477,300	519.00						519.00
Dorothy L. Thomas	8/14	8/22	Brazil	3,477,300	519.00						519.00
Dwight Talburt	8/14	8/22	Brazil	3,477,300	519.00						519.00
Committee total											2,076.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM ALEXANDER, Oct. 15, 1985.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HONG KONG, THAILAND, CHINA, BURMA, INDIA, PAKISTAN, AND ITALY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 17 and SEPT. 3, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Daniel J. Buck	8/18	8/21	Hong Kong		456.00		74.51		97.49		628.00
	8/21	8/24	China		396.00				42.73		438.73
	8/24	8/28	Thailand		540.00		111.84				651.84
	8/26	8/26	Burma						14.07		14.07
	8/28	8/30	India		238.00						238.00
	8/30	8/30	Pakistan								
	8/30	9/3	Italy		522.00		406.43		63.26		991.69
Judith Wolverton Glazier	8/18	8/21	Hong Kong		456.00		74.51		97.49		628.00
	8/21	8/24	China		396.00				42.73		438.73
	8/24	8/28	Thailand		540.00		111.84				651.84
	8/26	8/26	Burma						14.07		14.07
	8/28	8/30	India		238.00						238.00
	8/30	8/30	Pakistan								
	8/30	9/3	Italy		522.00		406.43		63.26		991.69
Military transportation							7,781.54				
								7,781.54			
Committee total					4,304.00		16,748.64		435.10		21,487.74

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANIEL J. BUCK.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CYNTHIA TATE-BALL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 26 AND AUG. 31, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Cynthia Tate-Ball	8/26	8/31	Ethiopia	215.31	98.00					1,076.54	490.00
Returned 2 days of per diem										430.62	−196.00
Actual per diem used											294.00
Commercial transportation:											
Roundtrip Frankfurt/Ethiopia							1,561.00				1,561.00
1 way Frankfurt/Washington							395.00				395.00
Committee total											2,250.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CYNTHIA TATE-BALL, Oct. 24, 1985.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2648. A communication from the President of the United States, transmitting a request for supplemental appropriation language for fiscal year 1986 for the Department of Agriculture, pursuant to 31 U.S.C. 1107 (H. Doc. No. 99-159); to the Committee on Appropriations and ordered to be printed.

2649. A letter from the Principal Deputy Assistant Secretary of Defense, transmitting a supplemental report of development and procurement schedules for each weapon system for which authorization is required, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

2650. A letter from the Director, Federal Emergency Management Agency, transmitting a report on the administration of the Strategic and Critical Materials Stock Piling Act, pursuant to the act of June 7, 1939, chapter 190, section 11(a) (93 Stat. 324; 95 Stat. 382); Executive Order 12155, section 1-105; to the Committee on Armed Services.

2651. A letter from the Secretary of Defense, transmitting a report providing the budget data representing a 3-percent growth per year over the enacted fiscal year 1986 base for the fiscal years 1987 to 1990 after allowing for inflation, pursuant to the fiscal year 1986 Department of Defense Authorization Act; to the Committee on Armed Services.

2652. A letter from the Assistant Secretary of Education, transmitting a report on the progress being made toward the provision of a free appropriate public education for all handicapped children, pursuant to 20 U.S.C. 1418(f)(1) (Public Law 91-230, section 618(f)(1) (89 Stat. 792, 97 Stat. 1362)); to the Committee on Education and Labor.

2653. A letter from the Secretary of Education, transmitting final regulations for the 1986-87 Pell Grant Program family contribution schedule—family size offset tables, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

2654. A letter from the Secretary of Education, transmitting final regulations for the Indian Education Program—formula grants—local educational agencies and tribal schools, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

2655. A letter from the Comptroller General of the United States, transmitting notification of an instance in which a Federal agency did not implement the Comptroller General's recommendations concerning contract protests under 31 U.S.C. 3554, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Government Operations.

2656. A letter from the Chairman, National Credit Union Administration, transmitting a report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2657. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report with respect to its competition advocacy program, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2658. A letter from the President, Overseas Private Investment Corporation, transmitting a report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2659. A letter from the Secretary of Education, transmitting a report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on a Government Operations.

2660. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2661. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2662. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2663. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

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2666. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2667. A letter from the Director, Office of Personnel Management, transmitting the fiscal year 1985 report on the implementation of the Federal Equal Opportunity Recruitment Program, relative to minorities and women, pursuant to 5 U.S.C. 7201(e); to the Committee on Post Office and Civil Service.

2668. A letter from the Chairwoman, U.S. International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1987; to the Committee on Ways and Means.

2669. A letter from the General Accounting Office, transmitting a report entitled, "Social Services: Quality of Services Generally Rated High by Clients Sampled" (GAO/HRD-86-8); jointly, to the Committees on Government Operations and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEILENSON: Committee on Rules. House Resolution 371. Resolution providing for the consideration of H.R. 3456, a bill to amend the Consumer Product Safety Act, to extend it for three fiscal years, and for other purposes (Rept. 99-469). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and serverally referred as follows:

By Mr. FOLEY (for himself, Mr. DE LA GARZA, Mr. BEDELL, Mr. BRUCE, Mr. EMERSON, Mr. EVANS, of Illinois, Mr. GLICKMAN, Mr. HUCKABY, Mr. MARLENEE, Mr. ROBERTS, Mr. ROBERT F. SMITH, Mr. STALLINGS, Mr. STANGELAND, and Mr. VOLKMER):

H.R. 4105. A bill to provide for an equitable method of establishing 1986 and 1987 farm program payment yields for the purposes of the wheat, feed grain, upland cotton, and rice programs; to the Committee on Agriculture.

By Mr. BATES:

H.R. 4106. A bill to direct the Secretary of Transportation to commence negotiations for obligation of funds appropriated for construction of the San Diego East Urban Line Extension Light Rail Trolley under the Urban Mass Transportation Act of 1964: to the Committee on Public Works and Transportation.

By Mr. CLINGER:

H.R. 4107. A bill to amend the Internal Revenue Code of 1954 to reinstate the Superfund taxes for the 180-day period beginning on February 3, 1986, and for other purposes; to the Committee on Ways and Means.

By Mr. DORNAN of California (for himself, Mr. WEBER, Mr. WORTLEY, and Mr. ARMEY):

H.R. 4108. A bill to provide additional assistance for the Nicaraguan democratic resistance forces; jointly, to the Committees on Appropriations and Foreign Affairs.

By Mr. KLECZKA (for himself, Mr. HORTON, Mr. MURPHY, Mr. MOAKLEY, Mr. SAVAGE, Mr. COLEMAN of Texas, Mr. FUSTER, Mr. MRAZEK, Mr. FAZIO, Mr. GEJDENSON, Mr. BRUCE, Mr. TRAFICANT, Mr. STOKES, Mr. FRANK, Mr. MOODY, Mr. KOSTMAYER, Mr. MILLER of Ohio, Mr. KANJORSKI, Mr. PEASE, and Mr. UDALL):

H.R. 4109. A bill to extend trade adjustment assistance to workers and firms until March 15, 1986; to the Committee on Ways and Means.

By Mr. KOLTER:

H.R. 4110. A bill to prohibit the importation of steel products manufactured in countries that have only marginal raw steel production capability; to the Committee on Ways and Means.

By Mr. McGRATH (by request):

H.R. 4111. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to exclude certain payments in retired judges from the Social Security wage base; to the Committee on Ways and Means.

By Mr. MITCHELL:

H.R. 4112. A bill to provide for equity in the establishment of patent fees; to the Committee on Judiciary.

By Mr. STARK:

H.R. 4113. A bill to amend the Internal Revenue Code of 1954 to increase the fuel economy requirements under the gas guzzler tax; to the Committee on Ways and Means.

By Mr. WEAVER (for himself and Mr. LOWRY of Washington):

H.R. 4114. A bill to authorize the establishment of a national scenic area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural, and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of this objective, and for other purposes; jointly, to the Committee on Interior and Insular Affairs and Agriculture.

By Mr. WILLIAMS:

H.R. 4115. A bill to make certain amendments to the Job Training Partnership Act; to the Committee on Education and Labor.

H.R. 4116. A bill to extend the Volunteers in Service to America [VISTA] Program under the Domestic Volunteer Service Act of 1973; to the Committee on Education and Labor.

By Mr. BEILENSON (for himself, Mr. MORRISON of Connecticut, Mr. GREEN, Mr. WHITEHURST, Mr. SEIBERLING, and Mr. FAZIO):

H.R. 4117. A bill to amend the Internal Revenue Code of 1954 to reduce the Federal deficit by increasing the tax on gasoline and other motor fuels during periods of lower crude oil prices; to the Committee on Ways and Means.

By Mr. EARLY:

H.R. 4118. A bill to designate the building commonly known as the Old Post Office in Worcester, MA, as the "Harold D. Donohue Federal Building"; to the Committee on Public Works and Transportation.

By Mr. FISH (for himself and Mr. EDWARDS of California):

H.R. 4119. A bill to amend title VIII of the act commonly called the Civil Rights Act of 1968, to revise the procedures for the enforcement of fair housing, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself, Ms. MIKULSKI, Mr. HENRY, Mr. MATSUI, Mr. SAXTON, Mr. VISCLOSKY, Mr. MARTIN of New York, Mr. MURPHY, Mr. BEDELL, Mr. HORTON, Mr. APPLEGATE, Mr. BADHAM, Mr. TALLON, and Mr. OLIN):

H.J. Res. 511. Joint resolution to designate the week of September 7, 1986, as "National Independent Retail Grocer Week"; to the Committee on Post Office and Civil Service.

By Mr. COUGHLIN:

H.J. Res. 512. Joint resolution designating August 12, 1986, as "National Neighborhood Crime Watch Day"; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ (for himself, Mr. ST GERMAIN, Mr. FAUNTROY, Mr. LUNDINE, Ms. OAKAR, Mr. VENTO, Mr. GARCIA, Mr. MITCHELL, Mr. SCHUMER, Mr. FRANK, Mr. LEHMAN of California, Mr. MORRISON of Connecticut, Mr. COOPER, Ms. KAPTUR, Mr. ERDREICH, Mr. LEVIN of Michigan, Mr. CARPER, Mr. TORRES, Mr. KLECZKA, Mr. KANJORSKI, Mr. MANTON, Mr. LOWRY of Washington, and Mr. FUSTER):

H.J. Res. 513. Joint resolution to express the disapproval of the Congress with respect to the proposed deferral and rescission of budget authority for housing and community development programs of the Department of Housing and Urban Development; to the Committee on Appropriations.

By Mr. LOWERY of California (for himself and Mr. DERRICK):

H.J. Res. 514. Joint resolution designating the month of November 1986 as "National Alzheimer's Disease Month"; to the Committee on Post Office and Civil Service.

By Mr. FORD of Michigan (for himself, Mr. STOKES, and Mr. CONTE):

H. Con. Res. 278. Concurrent resolution expressing the sense of the Congress that February 28, 1986, should be designated "National Trio Day" and that the achievements of the Trio programs should be recognized; to the Committee on Post Office and Civil Service.

By Mr. PICKLE:

H. Con. Res. 279. Concurrent resolution to express the sense of the Congress that any tax reform provisions relating to tax-exempt municipal bonds take effect no earlier than January 1, 1987; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARMEY:

H.R. 4120. A bill to direct the Secretary of the Army to convey certain real property in the vicinity of the Lewisville Dam in Denton County, Texas, to the persons from whom the United States acquired the property; to the Committee on Public Works and Transportation.

By Mr. KEMP:

H.R. 4121. A bill for the relief of Natasha Susan Middelmann, Samantha Abigail Middelmann, Naomi Katrina Orloff Middelmann, and Hannah Emily Middelmann; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 468: Mr. VANDER JAGT.
H.R. 604: Mr. HALL of Ohio.
H.R. 796: Mr. MCHUGH and Mr. NATCHER.
H.R. 864: Mr. BARTLETT.
H.R. 945: Mr. BUSTAMANTE.
H.R. 979: Mr. FAWELL.
H.R. 1140: Mr. BARTON of Texas, and Mr. CONYERS.
H.R. 1327: Mr. VENTO, Mr. HALL of Ohio, and Mr. COUGHLIN.
H.R. 1400: Mr. PERKINS, Mr. APPLEGATE, Mr. BARNES, and Mr. NOWAK.
H.R. 1918: Mr. KOSTMAYER.
H.R. 2127: Mr. SPENCE.
H.R. 2164: Mr. MCCAIN.
H.R. 2189: Mr. FAZIO.
H.R. 2280: Mr. FORD of Tennessee and Mr. SEIBERLING.
H.R. 2526: Mr. TOWNS and Mr. CROCKETT.
H.R. 2578: Mr. ARCHER, Mr. COLEMAN of Texas, Mr. LUNGREN, and Mr. SHAW.
H.R. 2620: Mr. BERMAN, Mr. HAWKINS, Mr. MOODY, and Mr. BONIOR of Michigan.
H.R. 2700: Mr. FORD of Tennessee.
H.R. 2701: Mr. WISE.
H.R. 2943: Mr. OLIN, Mr. ANDREWS, Mr. SISISKY, Mr. TOWNS, Mr. REID, Mr. BUSTAMANTE, Mr. VENTO, Mr. GEPHARDT, Mr. STENHOLM, Mr. HAYES, Mr. DELAY, Mr. KRAMER, Mr. TAUKE, Mr. SHUMWAY, and Mr. TALLON.
H.R. 2952: Mr. JACOBS.
H.R. 2953: Mr. MARTINEZ and Mr. CROCKETT.
H.R. 2957: Mr. EVANS of Illinois.
H.R. 2958: Mr. EVANS of Illinois.
H.R. 2977: Mr. ROWLAND of Connecticut, Mr. ARMEY, Mr. FROST, and Mr. LOEFFLER.
H.R. 3024: Mr. GEKAS, Mr. AKAKA, Mr. TAUKE, and Mr. MORRISON of Washington.
H.R. 3090: Mr. HAYES and Mr. ST GERMAIN.
H.R. 3099: Mr. CONYERS, Mrs. BYRON, Mr. HANSEN, Mr. LEHMAN of Florida, Mr. TOWNS, and Mr. DONNELLY.
H.R. 3121: Mr. MORRISON of Connecticut.
H.R. 3194: Mr. YATRON and Mr. KOLTER.
H.R. 3260: Mr. COELHO, Mr. SIKORSKI, Mr. JEFFORDS, and Mr. CLINGER.
H.R. 3371: Mr. COBEY.
H.R. 3521: Mr. STALLINGS, Mr. RAHALL, Mr. BLILEY, Mr. BEVILL, Mr. NATCHER, Mr. JENKINS, Mr. TAUZIN, Mr. SCHUETTE, Mr. OBERSTAR, Mr. KRAMER, Mr. SCHAEFER, Mr. YATRON, Mr. ROBERTS, Mr. HORTON, Mr. DERRICK, Mr. BARNARD, Mr. JACOBS, Mr. GUNDERSON, Mr. MORRISON of Washington, Mr. MOAKLEY, Mr. CONTE, and Mr. COMBEST.
H.R. 3630: Mr. APPLEGATE, Ms. OAKAR, Mr. TORRES, Mr. PURSELL, Mr. GEJDENSON, Mr. CLAY, and Mr. KOSTMAYER.
H.R. 3764: Mr. EVANS of Illinois.
H.R. 3765: Mr. EDGAR and Mr. EVANS of Illinois.
H.R. 3798: Mr. QUILLEN.
H.R. 3803: Mr. SEIBERLING, Mr. MRAZEK, Mr. GEKAS, Mr. MITCHELL, and Mr. MARTINEZ.
H.R. 3833: Mr. FAZIO.
H.R. 3835: Mr. FOGLIETTA, Mr. SAVAGE, and Mr. STARK.
H.R. 3868: Mr. VOLKMER, Mr. BEREUTER, and Mr. WEBER.
H.R. 4037: Mr. SHARP.
H.R. 4045: Mr. GLICKMAN, Mr. WOLPE, Mr. CAMPBELL, Mr. KILDEE, Mrs. SCHROEDER, Mr. LEACH of Iowa, Mr. WIRTH, and Mr. MCKINNEY.
H.R. 4054: Mr. EDGAR, Mr. FAUNTROY, Mr. HAYES, Mr. RODINO, Mr. FRANK, Mr. RICHARDSON, Mr. WEAVER, Mr. FOGLIETTA, Mr. GONZALEZ, Mr. TORRES, Mr. SEIBERLING, Mr. MURPHY, Mr. BERMAN, Mr. LEHMAN of Florida, Mr. MATSUI, Mr. LOWRY of Washington, Mr. REID, Mr. HEFTEL of Hawaii, Mr. LAGOMARSINO, Mr. TOWNS, Mr. LAFALCE, Mr. RAHALL, Mr. SMITH of Florida, Mr. HALL of Ohio, Mr. NIELSON of Utah, Mr. MORRISON of Connecticut, Mr. TAUKE, Mr. WOLPE, Mr. SOLARZ, Mr. GLICKMAN, Mr. BEREUTER, Mr. HOWARD, Ms. MIKULSKI, Mr. FAZIO, Mr. TRAXLER, Mr. ACKERMAN, Mr. WAXMAN, Mr. BUSTAMANTE, Mr. GARCIA, Mr. CLAY, Mr. FUSTER, Mrs. COLLINS, Mrs. BOXER, Mr. KOLTER, Mr. MITCHELL, Mr. BIAGGI, Mr. CONYERS, Mr. SWIFT, Mr. ATKINS, Mr. MAVROULES, Mr. RANGEL, Mr. HOYER, Mr. STOKES, Mr. VENTO, Mr. DYMALLY, Mr. KILDEE, Mr. LEVIN of Michigan, Mr. BRUCE, Mr. PERKINS, and Mr. OWENS.
H.R. 4078: Mr. CARR, Mr. KILDEE, and Mr. STALLINGS.
H.R. 4079: Mr. CARR, Mr. COELHO, Mr. DORGAN of North Dakota, Mr. KILDEE, and Mr. STALLINGS.
H.R. 4080: Mr. JONES of North Carolina, Mr. LIGHTFOOT, Mr. DAUB, and Mr. TOWNS.
H.R. 4087: Mr. CHANDLER, Mr. LUJAN, Mrs. BURTON of California, and Mr. NELSON of Florida.
H.J. Res. 7: Mr. MCKINNEY, Mr. HILLIS, Mr. DUNCAN, Mr. MARTIN of New York, Mr. STRANG, and Mr. KOLBE.
H.J. Res. 233: Mr. JACOBS.
H.J. Res. 254: Mr. ENGLISH and Mr. SHUMWAY.
H.J. Res. 289: Mr. CLINGER.
H.J. Res. 345: Mr. FROST, Mr. FOGLIETTA, Mr. WORTLEY, Mr. WYDEN, Mr. LEVINE of California, Mr. YOUNG of Missouri, Mr. KOSTMAYER, Mr. VANDER JAGT, Mr. STOKES, Mr. SUNIA, Mr. JONES of North Carolina, and Mr. HAYES.
H.J. Res. 439: Mr. MACKAY, Mr. WYLIE, Mr. YOUNG of Alaska, and Mr. MCHUGH.
H.J. Res. 469: Mr. THOMAS of Georgia.
H.J. Res. 475: Ms. OAKAR, Mr. DWYER of New Jersey, Mr. SMITH of Florida, Mr. DAUB, Mr. DYSON, Mr. FAZIO, Mr. WOLF, Mr. MAVROULES, Mr. DENNY SMITH, Mr. RAHALL, Mr. VENTO, and Mr. TOWNS.
H.J. Res. 480: Mr. ERDREICH, Mr. TAUKE, Mr. PURSELL, Mr. BROYHILL, Mr. WORTLEY, Mr. WILSON, Ms. SNOWE, Mr. KLECZKA, Mr. MOORE, Mr. NATCHER, and Mr. DAUB.
H.J. Res. 481: Mr. LEVINE of California, Mr. WOLPE, Mr. FOLEY, Mr. DARDEN, Mr. HORTON, Mr. REID, Mr. BORSKI, Mr. WALGREN, Mr. BONIOR of Michigan, Mr. HOWARD, Mr. KEMP, Mr. WIRTH, Mrs. COLLINS, Mr. DUNCAN, Mr. MURPHY, Mr. HAMMERSCHMIDT, Mr. DE LUGO, Mr. EARLY, Mr. ADDABBO, Mr. TRAXLER, Mr. HATCHER, Mr. BEVILL, Mr. MADIGAN, Mr. DYMALLY, Mr. SHUMWAY, Mrs. BOXER, Mr. AKAKA, Mr. BARNES, Mrs. BENTLEY, Mr. BERMAN, Mr. BONER of Tennessee, Mr. BOUCHER, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CAMPBELL, Mr. COELHO, Mr. CONTE, Mr. CONYERS, Mr. DANIEL, Mr. DOWDY of Mississippi, Mr. DURBIN, Mr. ERDREICH, Mr. FEIGHAN, Mr. FISH, Mr. FRANK, Mr. GRAY of Illinois, Mr. GREEN, Mr. HEFNER, Mr. HENRY, Mr. KOLTER, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEWIS of California, Mr. MCCOLLUM, Mr. MCEWEN, Mr. MARKEY, Mr. MATSUI, Mr. NEAL, Mr. O'BRIEN, Mr. ORTIZ, Mr. PERKINS, Mr. SCHUETTE, Mr. PRICE, Mr. ROSE, Mr. SABO, Mr. SCHEUER, Mr. SHARP, Mr. SKELTON, Mr. DIXON, Mr. DYSON, Mr. DEWINE, Mr. ACKERMAN, Mr. LOWRY of Washington, Mr. PANETTA, Mr. FOGLIETTA, Mr. SISISKY, Mr. SAXTON, Mr. DASCHLE, Mr. FAZIO, Mr. MAVROULES, Mr. MANTON, Mr. RAHALL, Mr. MARTINEZ, Mr. MOLLOHAN, Mr. MCMILLAN, Mr. EMERSON, Mr. RICHARDSON Mrs. LLOYD, Mr. BROOKS, Mr. STRANG, Mr. HUTTO, Mr. MACK, Mr. MACKAY, Mr. TALLON, Mr. THOMAS of California, Mr. BRYANT, Mr. HUGHES, Mr. HOPKINS, Mr. EVANS of Illinois, Mr. LEVIN of Michigan, Mr. SYNAR, Mr. HALL of Ohio, Mr. GUARINI, Mr. BEDELL, Mr. MAZZOLI, Mr. LOTT, Mr. DE LA GARZA, Mr. CARR, Mr. SILJANDER, Mr. GONZALEZ, Mr. TORRICELLI, Mr. WYLIE, Mr. YOUNG of Florida, Mr. FASCELL, Mr. VALENTINE, Mr. HUBBARD, Mr. REGULA, Mr. WHEAT, Mr. SHAW, Mr. HANSEN, Mr. GARCIA, Mr. GRAY of Pennsylvania, Mr. FRANKLIN, Mrs VUCANOVICH, Mr. LEHMAN of California, Mr. MOAKLEY, Mr. DERRICK, Ms. OAKAR, Mr. OBERSTAR, Mr. SWINDALL, Mr. FORD of Michigan, Mr. JONES of North Carolina, Mr. LELAND, Mr. KILDEE, Ms. FIEDLER, Mr. FUQUA, and Mr. WAXMAN.
H.J. Res. 499: Mr. GREEN, Mr. LEVIN of Michigan, Mr. HERTEL of Michigan, Mr. MCCLOSKEY, Mr. ACKERMAN, Mr. RANGEL, Mr. SHUMWAY, Mr. SMITH of New Jersey, Mr. HAWKINS, Mr. ANTHONY, Mr. FROST, Mr. ANDERSON, Mr. ASPIN, Mr. BOLAND, Mr. LIVINGSTON, Mr. NEAL, Mr. MARTIN of New York, Mr. MADIGAN, Mr. DIOGUARDI, Mr. EDWARDS of Oklahoma, Mr. STRATTON, Mr. MILLER of California, Mr. ATKINS, Mr. DOWNEY of New York, and Mr. DERRICK.
H.J. Res. 501: Mr. ROGERS.
H.J. Res. 506: Mr. BURTON of Indiana, Mr. HORTON, Mr. MARTIN of New York, Mr. VOLKMER, and Mr. STOKES.
H.J. Res. 508: Mr. GREGG, Mr. MACK, Mr. MATSUI, Mr. FAZIO, Mr. DE LA GARZA, Mr. ROWLAND of Georgia, Mr. HORTON, Mr. DENNY SMITH, Mr. LEWIS of California, Mr. GORDON, Mr. MANTON, Mr. LELAND, Mr. YOUNG of Missouri, Ms. OAKAR, Mr. RALPH M. HALL, Mr. MCCANDLESS, Mr. BENNETT, Mr. BOLAND, Mr. ANTHONY, Mr. CARNEY, Mr. SYNAR, Mr. SPRATT, Mr. FASCELL, Mr. MOAKLEY, Mr. GRADISON, Mr. DWYER of New Jersey, Mr. LAGOMARSINO, Mr. TRAXLER, Mr. STRANG, Mr. LIVINGSTON, Mr. REID, Mr. SMITH of Florida, Mr. PASHAYAN, Mr. O'BRIEN, Mr. BLILEY, Mr. STOKES, Mr. MONTGOMERY, Mr. LOWRY of Washington, Mr. EVANS of Illinois, Mr. KANJORSKI, Mr. LIPINSKI, Mr. BONER of Tennessee, Mr. FUSTER, Mr. BILIRAKIS, and Mr. DERRICK.

H.J. Res. 510: Mr. FAZIO, Mr. SHUMWAY, Mr. OBERSTAR, and Mr. DE LA GARZA.

H. Con. Res. 221: Mr. RAHALL, Mr. OWENS, and Mr. BARTON of Texas.

H. Res. 369: Mr. MCCLOSKEY, Mrs. KENNELLY, Mr. BEREUTER, Mr. LEATH of Texas, Mr. FASCELL, Mr. HEFTEL of Hawaii, Mr. WILLIAMS, Mr. VALENTINE, Mr. YOUNG of Alaska, Mr. GUNDERSON, Mr. BUSTAMANTE, Mr. VENTO, Mr. ASPIN, Mr. PASHAYAN, Mr. MCCOLLUM, and Mr. DERRICK.

SENATE—*Tuesday, February 4, 1986*

(Legislative day of Monday, January 27, 1986)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our guest Chaplain today is the Reverend Lloyd John Ogilvie, senior pastor, First Presbyterian Church, Hollywood, CA. He is sponsored by Senator MARK O. HATFIELD.

PRAYER

The Reverend Lloyd John Ogilvie, D.D., senior pastor, First Presbyterian Church, Hollywood, CA, offered the following prayer:

Let us pray.

Almighty God, Lord of our lives and of our beloved Nation, as we begin this new day filled with awesome responsibilities and soul-sized issues, we are irresistibly drawn into Your presence by the magnetism of Your love and by our need for Your guidance. We come to You at Your invitation. Our longing to know Your will is motivated by Your prevenient and greater desire to guide and inspire us. In the quiet of intimate communion with You, the tightly-wound springs of pressure and stress are released and a profound inner peace invades our minds. We hear again the impelling cadences of the drumbeat of Your spirit calling us to press on in the battle for truth, righteousness, and justice. Our minds snap to full attention, and our hearts salute You as sovereign Lord. You have given us minds capable of receiving Your mind, imaginations able to envision Your plan and purpose, and wills ready to do Your will. Anoint our minds with the liberating assurance that whatever You give us the vision to conceive, and the power to believe, we can completely trust You to help us achieve. Lord of the impossible, fill our minds with Your spirit. Go before us to show us the way, behind us to press us forward, beside us to give us courage, above us to protect us, and within us to give us supernatural wisdom and discernment.

Continue to bless our President and be with him especially today, as he prepares for his State of the Union Address. Continue to bless the Cabinet, the House of Representatives, and the men and women of the Senate as together they serve You as partners in solving the problems which confront us and grasp the full potential of Your destiny for our great Nation. In Your all-powerful name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

BIRTHDAY GREETINGS TO REVEREND HALVERSON

Mr. DOLE. Mr. President, let me first extend to our good friend and daily adviser, Reverend Halverson, best wishes for a happy birthday.

I yield to the Senator from Oregon.

GREETINGS TO THE GUEST CHAPLAIN

Mr. HATFIELD. Mr. President, I thank the majority leader for yielding to me at this moment, so that I might express my appreciation for the opening prayer this morning offered by a long-time friend, one whom I greatly admire, the Reverend Lloyd John Ogilvie.

Mr. President, Reverend Ogilvie is not only a pastor of a dynamic congregation at the Hollywood Presbyterian Church, his services and his programs are televised to many parts of this country during the week. He is the author of many books, and he has the gift of insight coupled with truth and inspiration.

It is indeed a great honor to have him here this morning to open the Senate, and I am grateful that the leadership made this possible.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. DOLE. I yield.

Mr. BYRD. Mr. President, I join in commending the guest minister, who has given such a beautiful and meaningful and helpful prayer.

BIRTHDAY GREETINGS TO REVEREND HALVERSON

Mr. BYRD. Mr. President, I also congratulate our Chaplain on his birthday. He is a man who is always smiling and always visiting with his Senate flock, praying with us in our offices and ministering goodwill toward all. We congratulate him on his birthday, and I hope that he will take to his heart the multiplication table of happiness.

Count your garden by the flowers,
never by the leaves that fall;
Count your days by the sunny hours,
not by remembering clouds at all;
Count your nights by stars,
not shadows;
Count your life by smiles,
not tears;
And on this beautiful February morning,
Count your age by friends, not years.

(Mr. MCCONNELL assumed the chair.)

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each. I will yield 3 minutes of my time in a moment to the distinguished President pro tempore, the Senator from South Carolina.

Following the leaders' times, we have three special orders, for not to exceed 15 minutes each, for Senators HUMPHREY, PROXMIRE, and BAUCUS.

There will be routine morning business not to extend beyond 11 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

Following morning business, the Senate will resume the consideration of the unfinished business, S. 638, the Conrail bill.

I am advised by Senator METZENBAUM that he will raise a constitutional point of order. He is prepared to do that between 11 and 12 and have a vote before the policy luncheons or immediately following the policy luncheons. We will take a whip check to determine the attendance on each side.

There will be a recess from 12 noon until 2 p.m. for the weekly party caucuses; and then, as I have indicated, following the caucuses, we will return to the consideration of the Conrail measure. It is hoped that we can complete that in the early afternoon and return to the consideration of TV in the Senate.

This evening, we should assemble at 7:30 p.m., so that we can go as a group to the House of Representatives, to hear the President's State of the Union Address.

JORDAN ARMS SALE

Mr. DOLE. Mr. President, last evening I received a letter from Secretary of State Shultz on the administration's proposed arms sale to Jordan. I want to share the contents of the letter with the Senate, and I ask unanimous consent that the text of the letter be printed in the RECORD at the end of this statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. DOLE. The key part of the Secretary's letter states that the administration "will not issue any letter of offer and acceptance [LOA] under the proposal—for a Jordan arms sale—without informing Congress in writing at least 30 days in advance of its plans to proceed with this sale. This period would run only while Congress is in session." In effect, the administration is saying that it will not implement a sale without giving the Congress sufficient notice in advance to take any action it deems necessary.

The administration's decision not to proceed with the sale at this time is both wise and necessary—wise because it preserves one of the most important points of leverage we have at our disposal to encourage Jordan and the other main parties in the Middle East to work toward good-faith negotiations; necessary because it was clear that there was overwhelming skepticism in the Congress—skepticism which, frankly, I share—about the impact of a sale at this time.

I want to commend the Senators who have worked hardest on this issue—including the Chairman of the Foreign Relations Committee, Senator LUGAR; Senators HEINZ, KENNEDY, BOSCHWITZ, and METZENBAUM—for their efforts and for the spirit of reasonableness and cooperation they've shown. With their help, I believe we've come up with a resolution of this issue which meets the needs of all parties and which will maximize the prospects for realistic negotiations in the Middle East.

EXHIBIT 1

THE SECRETARY OF STATE,
Washington, DC, February 3, 1986.

Hon. ROBERT DOLE,
U.S. Senate.

DEAR SENATOR DOLE: This letter is to advise you as to the Administration's plans with respect to the Jordan arms sale proposal forwarded to Congress on October 21, 1985. As you know, S.J. Resolution 228, which was signed by the President, provides that no letter of offer for advanced arms to Jordan will be valid prior to March 1 "unless direct and meaningful peace negotiations between Israel and Jordan are underway."

Assistant Secretary Murphy has just completed highly sensitive discussions with Prime Minister Peres and King Hussein on how to get direct negotiations started. We can expect further consultations with both governments in an effort to bridge the remaining differences. In continuing these consultations, we will actively pursue opportunities to advance the peace process. While there is no guarantee these discussions will soon achieve the common goal of direct negotiations, I believe that further Congressional action on a resolution of disapproval at this time would severely damage the ongoing process.

Accordingly, the President has authorized me to inform you that the Administration will only proceed with the Jordan arms sale after affording Congress adequate time to further review and debate fully the issues involved. Thus, in view of the intent of Congress regarding the peace process, the Administration will not issue any Letter of Offer and Acceptance (LOA) under the proposal without informing Congress in writing at least thirty days in advance of its plans to proceed with this sale. This period would run only while Congress is in session.

It is clear from our recent discussions that King Hussein remains firmly committed to pursuing the initiative he began last year. He has taken courageous steps toward peace and as a result has endured bloody violence from those determined to thwart his efforts. The long-standing U.S. commitment to Jordan's security remains an important factor in providing Jordan the kind of support it needs to pursue the long and difficult road to peace with its neighbor, Israel.

I am sure we both agree that the central issue at this time is how we may best enhance the prospects of direct negotiations between the parties. I look forward to continuing to work closely with you as we proceed towards this goal.

Sincerely,

GEORGE P. SHULTZ.

Mr. DOLE. Mr. President, I shall distribute copies of the letter to all Senators within the hour.

Mr. President, I yield 3 minutes to the distinguished President pro tempore.

Mr. THURMOND. I thank the able majority leader.

1985 IMPORT FIGURES

Mr. THURMOND. Mr. President, recently the Commerce Department released figures showing that in 1985 the United States suffered the highest international trade deficit in the history of our Nation. In 1984, when our trade deficit reached $123 billion, we were assured by our trading partners that steps would be taken to reverse this trend. Yet, last year the trade deficit soared by $25 billion to reach the extraordinary level of $148.5 billion. Even more disturbing is the December 1985 trade deficit. In December, the deficit of $17.4 billion was not only the highest of the year, but it was $5.4 billion greater than the average for the first 11 months of 1985. It appears that our trade situation is getting worse instead of better.

Unfortunately, the new figures also constitute more bad news for the American textile worker. Textile imports for 1985 reached a new record level of $21.3 billion, an increase of nearly 10 percent over 1984. This is the fifth consecutive year that textile and apparel imports have reached new record levels. No wonder plants continue to close and workers continue to lose their jobs. I wish that I could cite figures to show that the situation is improving—but, I cannot. For the month of December 1985, textile imports were up an astonishing 41.2 percent over December 1984.

Mr. President, I want to repeat that sentence.

For the month of December 1985, textile imports were up an astonishing 41.2 percent over December 1984. That is correct, a 41.2-percent increase. Textile imports shot up from 622 million square yard equivalents in December 1984, to 879 million square yard equivalents in December of 1985.

Mr. President, the textile industry in our Nation cannot survive if this continues. I remind my colleagues that the Defense Department ranks textiles second only to steel in importance to national security. As textile imports capture increasing portions of our domestic market, our national security is compromised. It is my hope that the administration will wake up and take aggressive action to reverse this dangerous trend. The American textile and apparel industry is the backbone of our economy. One out of every ten manufacturing jobs in our country is in this vital industry. Our status as a world power depends on it. We cannot afford to let this industry become extinct. I urge my colleagues to continue to fight to lower our trade deficit and preserve American jobs.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

Mr. BYRD. I reserve my time with the consent of the Chair and all Senators.

And I yield the floor.

RECOGNITION OF SENATOR HUMPHREY

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire is recognized for not to exceed 15 minutes.

Mr. BYRD. Mr. President, does the distinguished Senator need any additional time?

Mr. HUMPHREY. No.

TRIBUTE TO CHRISTA McAULIFFE

Mr. HUMPHREY. Mr. President, each of us recalls from our school years one or two special teachers from among the many who had us in their charge. We recall one or two who were special, because of their enthusiasm and devotion to their profession and to their students.

They were teachers who encouraged their students to dream, to reach out, and to make their dreams come true. A week ago today, Mr. President, such a teacher lost her life while seeking to make her own dream come true.

This has been a week of mourning for our brave astronauts who died in the catastrophe above the Atlantic Ocean. Each Member of the Senate extends the most heartfelt and profound condolences to the families of those heroic seven who perished pushing back the frontiers of space.

Christa McAuliffe was one of those heroes.

Christa's dream was to take her extraordinary enthusiasm and love for teaching into space. Christa wanted to teach her students back home in Concord, NH—and students from around the globe—from the classroom of space. And Christa wanted to inspire those students to reach beyond conventional limits and to soar to new heights.

Mr. President, too often we forget the great devotion teachers show their students. Teachers give themselves in so many ways often unseen except by their students. Too often, we forget about that sacrifice. Christa McAuliffe did not plan to sacrifice her life in space flight. But she must have considered the possibility of an accident. Yet her natural enthusiasm and her wish to inspire students impelled her onward.

When President Reagan announced that the first civilian to fly in the space shuttle would be a teacher, Christa McAuliffe was one of 11,400 applicants. She wanted to show that space is not beyond the reach of ordinary people. She said that she felt a great responsibility and excitement because she was representing a profession she loved. She hoped to elevate her profession in the eyes of the world, reminding us all that the role of teaching is to inspire youth to learn.

Christa was prepared to teach in space. She had prepared her lessons so that all students—young and old alike—would benefit from her experiences on the space shuttle. The lesson we learned from the brief flight of the shuttle *Challenger* was not the lesson Christa intended. Instead Christa McAuliffe and her six brave companions taught us a lesson far more lasting than that we might have watched from space, had the mission followed the flight plan. Instead, she taught the timeless lesson that our lives are defined by how we live them. Christa's lesson was one of cheerful enthusiasm and determination to live fully for herself and for others.

Mr. President, one of the questions each American asked himself in the hours following the demise of the spacecraft *Challenger* was whether the manned space program should be continued. What answer might Christa McAuliffe give us, could she teach us one last lesson? For the answer, one need only recall her television interviews. One need only recall her cheerful face. One need only recall her enthusiasm. One need only recall her eagerness to take her profession to new heights.

The finest memorial we can build to the memory of the *Challenger* astronauts, including Christa McAuliffe, is to go on. We must continue with faith in ourselves, our country, and our future. That would be Christa's answer. And she would say it with enthusiasm and with an earnest grin.

Mr. President, I yield the floor.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

NOW WE CAN VERIFY A TEST BAN TREATY, LET'S NEGOTIATE IT

Mr. PROXMIRE. Mr. President, this Senator has persisted in arguing that no arms control agreement between the superpowers will have any meaning until we negotiate a mutual, verifiable end to all nuclear weapons testing. In past speeches I have not fully answered the prime announced objection to a nuclear weapons test ban treaty. There is one absolute necessity that such a treaty must meet. Opponents have contended that this is the real obstacles, the one stumbling block that prevents negotiations of this critical treaty. What is this obstacle? It is this. The key requirement is summed up in the word verifiable. We must be able to determine whether the Soviet Union is cheating or complying with the treaty. Without verification each superpower will assume its adversary is cheating. If the adversary is in fact cheating, then the treaty becomes an irresponsible adventure in unilateral disarmament.

President Reagan has specifically asserted that this country should not negotiate a test ban treaty with the Soviet Union because we could not verify it. The latest issue of Science and Technology provides strong evidence that the President's objection is wrong. In the article Charles Archambeau writes that recent advances in seismic verification provide a far better assurance of effective verification than ever before. Archambeau points out that seismic methods have "taken a quantum leap forward that could change the situation dramatically." Until recently seismologists relied on a relatively narrow band of frequencies. These were the lower ones. The general opinion was that high frequency waves could not reach distant monitoring stations because they would fade. They would suffer such deterioration that background noise generated in the Earth or the monitoring equipment would lose them.

What are the new developments that have changed this situation? First, we have learned that high-frequency compressional waves reach out to distances up to 2,000 kilometers in many continental areas. Second, we have developed instruments with very low-internal noise that can record very high-frequency waves. Third, we have found that high-frequency seismic background noise is very low in large areas in the interior of continents. Fourth, the Soviet Union has indicated their willingness to permit the location of seismic monitoring stations within the Soviet Union. These stations could be internationally monitored. They could also be regularly and thoroughly inspected. Fifth, the Washington Post reported on August 10, 1985, that the Norwegian Regional Seismic array of 26 seismometers can detect an explosion of about one-half kiloton at the Soviets central test site 2,600 miles away. An explosion smaller than one-half kiloton would have little or no military significance. Sixth, Secretary Gorbachev has recently announced that he favors negotiating on the spot inspection to strengthen verification. An agreement between the superpowers to permit on-the-spot inspection would allow the United States to follow up any suspicious explosions with on-the-spot inspections.

Mr. President, this Senator has many times argued on the floor of this body that a mutual verificable superpower agreement to stop nuclear weapons testing is the quintessential heart of any effective arms control agreement. Without it the reduction or limitation of nuclear arms will have little significance. Why? Here is why: Both superpowers could reduce their nuclear arsenals by 90 percent. But if they came on with more devastating, more penetrating, more accurate, more reliable nuclear weapons, their effective capability to deliver a lethal punch on the adversary would not diminish at all. We would be playing a numbers game. If we had a reduction of 90 percent of our nuclear arsenal, but because the tests have made it possible for us to improve the quality of our nuclear arsenals and the Soviet Union has done the same, the devastating effect would be exactly the same as before, no progress.

Mr. President, in the past 20 years the United States has, in fact, diminished both the number and megatonnage of its nuclear weapons. But it has greatly increased the ability of this country to deliver a nuclear blow on the Soviet Union. The total cessation of nuclear testing by both superpowers would provide the essential basis for a mutual reduction in nuclear power on both sides that would have real meaning. It would also assure both nuclear powers that the adversary had not developed a tested and therefore a reliable weapon that could provide an incentive for a pre-emptive first strike.

So there we have it, Mr. President. There is every reason to expect that varification would work reliably. Of course, there is always at least a remote risk that some testing might escape detection. But in this nuclear

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world we have no risk-free option. With effective verification in place arms control certainly provides far and away the most promising way to nuclear peace.

As I have said before, both superpowers have solemnly promised to negotiate a comprehensive test ban treaty on all nuclear weapons explosions; on all nuclear weapons explosions, both superpowers have pledged in treaties formally signed and, in the case of the limited test ban treaty of 1963, ratified by this U.S. Senate. We promised. We should keep our word. We should advance the cause of peace. We should, at long last, negotiate a mutual, verifiable, comprehensive and total nuclear weapons test ban treaty with the Soviet Union.

MYTH: MARCOS CAN SNATCH VICTORY OUT OF THE JAWS OF DEFEAT

Mr. PROXMIRE. Mr. President, the myth of the day is that Ferdinand Marcos will emerge victorious from the election in the Philippines.

It's a myth no matter how the election turns out.

If Corazon Aquino wins, of course, Mr. Marcos will not be victorious.

But even if Mrs. Aquino loses the election, Mr. Marcos will not emerge victorious.

Let's face it, Mr. President, Ferdinand Marcos has lost the support of his people. That fact is as plain as the swelling crowds that now turn out to hear Cory Aquino wherever she stops to speak.

Ferdinand Marcos' time has passed. Just the very fact that he faces strong electoral opposition after more than 10 years of dictatorial rule shows that his power is slipping—and slipping badly.

Let's face it, Mr. President, successful dictators do not worry about elections. But Mr. Marcos is worried. In fact, his campaign is running scared.

Now there seems to be this delusion in the administration and among some of my colleagues in the Congress that if Marcos wins with a tolerable level of ballot corruption, he can emerge victorious.

Let's not kid ourselves, Mr. President. It will not matter if the corruption is kept to a dull roar. It will not matter if the corruption would not affect the margin of victory.

If the election is at all corrupt, in the end it will not be accepted by the Philippine people as valid. The opposition coalition behind Cory Aquino will not make a pledge for national unity and rally around the President-elect, as is the custom after Presidential elections in this country.

The Communist insurgency in the Philippines will not simply fold its tents and go home after Marcos' election.

It is time to face up to the facts, Mr. President. Under Marcos, the Philippines play at democracy. They play at it. They do not practice it.

Unfortunately, too many policymakers in this country are viewing the upcoming Philippines election through the prism of United States democratic values and tradition.

But reality tells a different story.

The Philippines is undergoing a revolution and the Communist are trying to exploit this with violence of their own.

The Filipino people are in the process of revolting against an oppressive and corrupt regime. And for the moment, they are going through the motions of an election to overthrow that regime.

If Cory Aquino wins, the revolution may stop with the election depending on how well Mrs. Aquino and her advisers are able to turn her grassroots campaign into an effective government.

But if Cory Aquino loses, do not swallow for a minute the myth that Marcos will be victorious and the revolution will end. It will not, it will go on.

THE AFGHAN CONFLICT AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, in the 6 years since the Soviet invasion of Afghanistan, that conflict has developed into a quagmire. Casualty figures mount as each side has escalated its commitment to military victory. No end appears to be in sight; Soviet withdrawal depends upon the elimination of domestic resistance to a Soviet-supported Afghan Government.

Recent news of the war supports increasing reports that the conflict now extends beyond the battlefield. Bombing strikes designed primarily to destroy crops have forced wholesale evacuations of villages. The time-honored customs of farmers who care little for the war are being destroyed.

Human rights groups report that the Soviet military has now begun to include the minds and religious beliefs of the Afghan people as targets of its diabolical strategy. The latest victim of this bloody conflict is Afghanistan's ethnic identity. Soviet leaders are seeking to undermine nationalistic military resistance by eroding its foundation, which is Afghan culture.

Children are being taken from their villages for education in the Soviet Union, where Marxist doctrine is substituted for traditional learning. Meanwhile, the Soviet-supported Government in Afghanistan has replaced the religious leaders of many communities for men who distort traditional Islamic doctrine in order to comply with Communist ideology.

What can we do about this method of warfare, Mr. President? Are we powerless to object to a form of aggression that apparently seeks to deny the very existence of a national and religious group? America certainly deplores the seemingly endless conflict in this region. President Reagan and Soviet leader Gorbachev emphasized at their summit meeting last year the importance of resolving this problem. But what can we do to voice our disapproval of the violation of very basic human rights? The first step toward clearing up any uncertainty about American opposition to these tactics, is the ratification of the Genocide Convention. This treaty outlaws acts committed against groups on the basis of their religion, race, ethnicity, or nationality. Ratification will cast America unequivocally against actions threatening the very substance of a nation's identity. Why should we hesitate to take a stand against the worst of all crimes against humanity?

RECOGNITION OF SENATOR BAUCUS

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for not to exceed 15 minutes.

Mr. BAUCUS. Mr. President, I thank the Chair.

1985 ANNUAL TRADE STATISTICS

Mr. BAUCUS. Mr. President, last Thursday was judgment day.

We all know what judgment day is. It is the day of reckoning. The moment of truth.

That moment was reached last Thursday when then Commerce Department released figures showing that America's trade deficit in 1985 reached $148.5 billion—an all-time high.

That moment was reached when we found that the December deficit alone was $17.4 billion—the highest 1-month deficit on record.

That moment was reached when we learned what our trade deficit with Japan alone reached $49.7 billion—another record.

Those figures leave no question that this administration has failed to address the trade problem.

Those figures remind us that the administration first did nothing to address the trade problem, then offered too little, too late.

They remind us that this administration sees the trade problem as a political problem to sweep under the rug, not as an economic problem that we must confront head on.

Those figures are inescapable. They reveal the stark failure of the Reagan administration's policies. In fact, they reveal the lack of trade policies.

The day of judgment has arrived for this administration, and we should not forget it.

THE CHALLENGE TO COMPETE

These figures are not just a national disgrace. They are also a national challenge.

They are a challenge for America to compete.

And that challenge demands a commitment from all of us.

It demands that Congress draft a tax bill that enhances America's competitiveness—not a bill that discourages savings and capital formation.

It demands that we find ways to improve America's work force, by strengthening our educational system and restructuring worker-management relations.

Perhaps most important, it demands a commitment from each and every American to compete better each and every day.

CONCLUSION

Mr. President, the trade figures released last Thursday show just how far we must travel to overcome our trade problems.

We need an administration whose trade policy is not appalling apathy.

But, in the end, we must compete our way out of this trade problem.

In the end, we will determine our own fate.

As Shakespeare once wrote, "The fault, dear Brutus, is not in our stars—but in ourselves."

As we confront the challenge to compete, we will find the answer in ourselves.

And when we have found that answer, we will experience a rebirth of competitive spirit that will make us proud of our annual trade statistics once more.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 11 a.m. with statements therein limited to 5 minutes.

DEFICIT REDUCTION THROUGH TAX REFORM

Mr. LEVIN. Mr. President, recently, Mike Blumenthal, the chairman and chief executive officer of Burroughs Corp., spoke to the Tax Foundation's annual conference. He set forth the compelling reasons why we should reduce the deficit by a combination of spending cuts and revenue increases, and give up the impracticability of a tax reform bill which raises taxes for some, lowers taxes for others, and is, thereby, endowed with the dubious virtue of revenue neutrality. His words are worthy of a broader currency and I am asking unanimous consent that they be inserted in the RECORD.

I also ask unanimous consent that the results of a nationwide poll conducted by Opinion Research Corp. be inserted in the RECORD following my remarks. This polling data clearly indicates that an overwhelming majority of Americans—68 percent to 22 percent—believe that revenues raised through tax reform should be used to reduce the deficit by billions of dollars instead of being dispersed in tax cuts averaging $200 for the average American.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ECONOMIC REALITY AND THE ROLE OF TAXES

(By W. Michael Blumenthal)

This Annual Conference takes place at a lively moment. For not only is it "that time of year" again, when all you tax practitioners are entering the peak season for dispensing advice to those of us ordinary mortals looking for some measure of protection from the sticky fingers of the IRS. It is also tax reform time—again.

For a full year now, we have been debating—again—how to reform the income tax system. First there was Treasury I, then Treasury II, and as of this week, we finally have a real bill, painfully crafted by Chairman Rostenkowski of Ways and Means and about to be presented to the full House for debate and disposition.

Let us be clear about it. If this bill, or one closely resembling it, is finally enacted in 1986, it will represent the most significant change in our income tax system in the last several decades.

In principle, that ought to be a development devoutly to be wished. After all, who would seriously question that a fundamental overhaul is long overdue? Who would not wish to lighten the tax load on the lowest income groups? Who would doubt that there is ample room to make the code simpler, fairer and less perverse?

Who would object to the desirability of "levelling the playing field," of reducing or eliminating the many distortions, loopholes and special deals that undermine the confidence of Americans in the fiscal honesty and integrity of their government, and that contribute to the growth of the underground economy where no taxes are paid at all?

The Ways and Means Committee draft has much to recommend it along these lines.

For example, four individual tax brackets are not as good as three, but a lot better than fifteen.

Removing six million taxpayers at the bottom of the income ladder from the tax rolls altogether is certainly a good thing.

Raising individual exemptions for the 63% of taxpayers who do not itemize is also a big step forward.

The lowering of marginal tax rates sounds good.

And I, at least, welcome a limit on tax shelters, as well as the concept of a minimum tax for business and for individuals alike.

Yet, if you pose the "ultimate" question—if you press me on what I think of the current tax reform efforts, whether by the Administration or by Mr. Rostenkowski, my short answer, lamentably, would have to be: "Not Much!"

We have all long known the fundamental truth that differential views on taxes have much to do with "whose ox is being gored." Or, as my good friend and former boss, George Ball, puts it, with the idea that, ". . . behind every expression of general principal, there normally lies a very specific special interest."

Yet my own skepticism about the tax bill has nothing to do with that kind of crass thinking.

For one thing, the Burroughs' tax department informs me that we will probably do neither better nor worse under Ways and Means than at the present, and perhaps even a shade better after the transition year.

And since I have never gone in much for shelters personally, my own tax bill will certainly be lower than it is now—same 15% under the President's proposals, or a more modest 5.9% according to the Rostenkowski draft.

My reservations rest on more fundamental grounds. First and foremost, I fear that the tax debate diverts national attention from the single most urgent issue confronting the country. The devastating imbalance in the federal budget. It delays coming to grips with this problem and increases the risks and costs of eventually dealing with it, as inevitably we must.

Second, to the extent to which the budget mess has led to an overvalued dollar and lessened competitiveness of American industry in world markets, the tax bills not only do nothing to reverse this trend—they probably make matters somewhat worse. After all, shifting some of the tax burden from individuals to business will hardly make us more competitive on the world scene.

Third, the tax proposals are fundamentally pro-consumption and antisavings and investment. That, too, strikes me as contrary to the priority needs of the U.S. economy. Our savings rate is one of the lowest in the developed world. We need more, not less, incentives to reverse the trend.

Fourth, we are in a race to maintain—or to regain—our technological leadership, and that means heavy investment in R&D and in new plant and equipment. The tax bills seem to go in the opposite direction.

And fifth, the tax proposals are supposedly "revenue neutral"—that is, they are designed to raise no additional revenues for the Treasury. I hope we will look closely at the fine print to see whether or not that is indeed the case—since true tax reform is rarely possible without the lubricating facilities of a cut. But even if fair arithmetic substantiates the claim of revenue neutrality, the fundamental problem here remains untouched. Though neither the Administration nor the Congress is ready to admit it, the fact is that we need more revenue and we need it urgently.

There simply is no credible solution to the budget problem without new taxes. And the tax bills evade this issue altogether.

Can anyone question that all our energies should be urgently focused on the budget? The deficit stands at $200 billion or more a year—as far as the eye can see. In 205 years, we accumulated our first trillion dollars of national debt. Now we are adding our next trillion in less than five.

The deficit eats up half of our savings pool each year—and it raises real interest rates far above where they would be if the budget were in better balance.

High interest rates have attracted a record inflow of foreign funds and the resulting overvalued dollar has burdened us

with a staggering trade deficit which will reach upwards of $130 billion in 1985. These numbers are so large as to defy comprehension. Yet, we would fail to understand their implications only at our peril.

Take, for example, the meaning and likely consequences of our excess foreign borrowings, making us now a major capital-importing nation for the first time in many decades. Though real interest rates are at a postwar high of 5-6% compared to 2-3% on the average in the '60s and '70s, it is this inflow of capital which has kept our interest rates from going higher yet. Some would argue that this is a good thing, a sign of strength and of international confidence in the U.S. economy.

Far from being an indication of strength, it is, in fact, merely a measure of our dangerous fiscal profligacy.

In 1984, more than half of all federal borrowing was financed from abroad. Put another way, indebtedness to foreigners financed 40% of all U.S. net investment in plant, equipment and housing during that year.

Surely, we must realize that when foreign demand for dollars and dollar denominated securities is saturated, when the risk for them of holding yet more dollars begins to exceed the likely returns, there is bound to be a painful pulling back. Then, unless the Fed prints money and puts us back on the inflationary track, interest rates will go higher still and we risk sliding into a worse recession than any we have experienced since the end of World War II.

To tolerate this kind of foreign borrowing by means of an overvalued currency and a hundred billion dollars or more in annual trade deficits, is sheer folly. It means the permanent loss of vital U.S. industries and jobs—jobs that will never be regained.

Of some 47 million jobs added to the nonfarm labor force since the 1950's, only five million were in goods producing fields. That statistic alone should give us food for thought. Even more startling, however, is the fact that non-farm jobs have actually declined by a million and a half since 1981.

Perennial trade deficits of the magnitude we experience today spawn the kind of pervasive protectionism that now permeates the Congress.

We labored for forty years to build an open, non-protectionist environment in the postwar world, knowing that we must, at all costs, avoid the mistakes of the interwar period. A reversal now would lower the standard of living for all, and the political consequences in the developing world would constitute a threat to stability in Latin America, Africa and Asia, and ultimately, to the security of developed and developing countries alike.

A prominent member of Congress told me the other day that he despaired of explaining all this to his constituents. The numbers are too big, the issues too complex. "What do I say to them," he asked, "nobody seems to care. How can I drive the point home?"

It's not really that difficult. He might tell them that we are borrowing $900 each year for each man, woman and child, half of it from abroad. He might mention that each year's delay means $20 billion in new interest costs, more shifts from high to low paying jobs, the loss of half a million housing starts, one to one and a half million U.S. built cars, two million manufacturing jobs gone forever.

He could also explain that in mortgaging our assets abroad, we are perpetrating the ultimate generational fraud—forcing our children tomorrow to pay the bill for what we spend today.

"Remember," he might add, "that leveraging is great on the way up, but it can be devastating on the way down."

Neither the Administration nor the Congress, unfortunately, appear ready to face up to reality and to concentrate on effective measures out of our dilemma. Instead, we are being presented with the Gramm-Rudman-Hollings automatic debt reduction measure, an empty gesture, which even its authors have recognized for what it is.

Senator Rudman has called it "a bad idea whose time has come." Congressman Panetta has labeled it a Black Hole, and his colleague, Mr. Gradison has opined that ". . . when logic fails, you try illogic." Representative Leath of Texas had added, "It's a disastrous way to govern—but I am for it!"

They, of course, know quite well that the bill is neither automatic nor effective. It is not automatic because it can be changed at will when it begins to bite. And it cannot be effective because social security, contractual obligations, and veteran's pensions, to name just a few items, have already been bracketed out.

In any case, that kind of shadow play is hardly the answer. The real solution to our budget dilemma is painfully clear. What is missing is merely the political will to get on with the job.

The numbers speak for themselves. Entitlements and transfer payments to the middle class, plus defense expenditures and interest on the debt, account for some 80% of all that the federal government spends. Though nothing can be exempt, the remainder leaves only limited room for sufficient reductions to close the budget gap.

What is needed, then, is a package deal of entitlement and defense spending cuts, with a corresponding saving on debt interest payments thrown in. But even that, difficult as it is, won't be enough. New sources of revenue—new taxes—will inevitably have to be part of the solution.

That, ladies and gentlemen, is the real priority tax issue, the issue which is being ignored and swept under the rug. That is the issue which we should, and must, face.

Let me end on a more philosophical note. I have argued that the current tax reform efforts leave me unimpressed because they fail to come to grips with what I view as the most urgent priority problems of the U.S. economy: solving our budget dilemma and maintaining U.S. technological leadership and international competitiveness.

Coming as it does, from a former Secretary of the Treasury, that kind of thinking may surprise you. After all, I too did battle for a better and fairer tax system while in office, for the elimination of loopholes and special deals, for greater simplicity and fairness. And in the late Larry Woodward, in Jerry Kurtz, Don Lubick, Emil Bobby Shapiro and others, I learned from a superb group of knowledgeable experts who instructed me in the rationale for, and pursuit of, these worthwhile goals.

Why then, you might ask, am I not now cheering the effort on? Why criticize a significant move in the direction of reform?

The reason is simple enough. I see our tax system—any tax system—as a vital policy instrument to achieve key economic and social goals.

Equity, efficiency, and simplicity are worthwhile attributes of such a system, but they are not the only goals to be achieved. Fiscal intregrity, price stability, high employment, growth, and the maintenance of international competitiveness are, in my book at least, of equal importance.

I decidedly do not believe in the practicality of a "neutral" tax system—one in which the emphasis is on the collection of revenues, pure and simple. We do not live in the kind of world where such a pure system can function, and we never will.

Direct payments and subsidies may well be a cleaner way than tax expenditures to achieve desired goals. And where they can be implemented, I am, of course, for them. But if use of the tax system is the only practical political way to achieve certain important social and economic goals, then I do not shy away from using that route to get the job done.

At any point, we are inevitably faced with trade-offs between the goals of equity, simplicity, efficiency and economic need, and today is no different in that regard. Thus, I feel that to focus on tax reform as the foremost issue of economic policy for the United States in 1985 is to deal with the wrong issue, in the wrong way, and at the wrong time.

POLL QUESTIONS ON DEFICIT AND TAXES CONDUCTED BY OPINION RESEARCH CORP., PRINCETON, NJ

Question No. 1. Which do you believe is more important for the economic well-being of the country as a whole—reducing the federal deficit to help balance the budget, or reducing the amount of federal income taxes?

	Precent
Reducing deficit	59
Reducing taxes	31
No opinion	10

Question No. 2. What should Congress do with the billions of dollars that can be raised by closing some of the federal income tax loopholes—give most Americans an income tax cut of about $200, or reduce the federal deficit by billions of dollars?

	Percent
Give tax cuts	22
Cut deficit	68
No opinion	10

The questions were asked of a national sample of 1,009 adults (age 18 and over) in telephone interviews during the period of January 10-13, 1986. ORC was founded in 1938 and is now a subsidiary of Arthur D. Little, Inc. The firm has offices in Chicago, New York, San Francisco, Washington, DC and Princeton, NJ. ORC has conducted surveys for virtually every U.S. government agency including the Departments of Defense, Treasury, State, HHS, Labor, Transportation and Agriculture and many of the Fortune 500 companies.

The House passed bill calls for tax cuts which average $52 for taxpayers with incomes of $10,000 or less; $208 for taxpayers with incomes between $10,000 and $20,000; and $214 for taxpayers with incomes between $20,000 and $30,000. Information from the Library of Congress indicates that as of 1983 (the last year for which it has data) 78.3% of the taxpayers had incomes of $30,000 or less.

Information which the Treasury supplied to me relative to Michigan indicated that the President's tax proposal would have meant a tax cut of $192 for a median family of four.

VISIT TO ISRAEL, CYPRUS, GREECE, AND IRELAND—JANUARY 1986

Mr. SIMON. Mr. President, I returned a few days ago from a productive and informative trip to Israel, Cyprus, Greece, and Ireland—areas of the world that have had turbulent political histories but which are home to remarkable and resilient people. The immigrants from those countries have made a unique and invaluable contribution to American society.

As a member of the Immigration and Refugee Subcommittee, I went to Israel in part to survey the situation of the Ethiopian Jewish refugees, many of whom were assisted in resettling in Israel by the airlift operation Moses. I also toured the United Nations Relief and Works Agency programs in the Gaza Strip. During my trip I was also fortunate enough to have the opportunity to meet with a number of Israeli and Palestinian leaders. I met with Israeli Prime Minister Shimon Peres, Finance Minister Yitzhak Moday, Defense Minister Yitzhak Rabin, Foreign Minister Yitzhak Shamir, Minister Ezer Wiezman, as well as other members of the Knesset including Abba Eban, the former foreign minister who now heads the Foreign Relations Committee of the Knesset, and former Ambassador to the United States Simcha Dinitz. In addition I met with Palestinian leaders from the West Bank including the mayor of Nablus, the largest city on the West Bank, and a member of the Jordanian Parliament.

I returned with the impression that we must do everything we can to help move the peace process forward rapidly. King Hussein should seize the opportunity that now exists for direct peace negotiations with Israel; time is working against the solution of the complex and volatile problems in the Middle East. Further delay can only increase the prospect of violence. During the next few weeks I will be meeting with individuals both in and out of government to explore ways that we in the United States can help promote dialog.

There are indications that a meeting between Prime Minister Peres and King Hussein may take place within the coming weeks. Both sides want it; it is a matter of constructing the setting so that both sides can find it politically acceptable to meet. Finding solutions to the problems that confront Israel and Jordan will not be simple, but with good will on both sides my belief is that the greatest obstacle is getting the two sides to meet around one table. And there is growing hope that can soon take place.

I had a good meeting with Prime Minister Peres and I am convinced of his earnest and sincere desire for peace. He also has the personal chemistry that would mesh well with King Hussein if the two of them could get together. During our meeting he said that Egypt and Israel were close to working out the Taba dispute. I applaud Israel's willingness to submit the dispute to international arbitration. It represents a step toward the resolution of the differences between Egypt and Israel and it signals to Jordan that Israel and an Arab country can work together.

Prime Minister Peres welcomed continued American participation in facilitating the peace process, a view shared by all the other Israeli leaders with whom I talked.

Palestinian leaders from the West Bank with whom I spoke are also eager for a peace settlement.

The important thing is for the dialog to begin quickly. The opportunities for peace that are present today may not be present in the near future. The United States should do everything possible to encourage the dialogue between Israel and Jordan. The decisions must rest with Israel and Jordan, not the United States, not the U.S.S.R., not Syria, not anyone else.

I was impressed with the economic austerity measures that Finance Minister Moday has instituted for Israel. These measures have resulted in a one-third reduction of Israel's outstanding trade deficit over the last 2 years. During the same time real wages for Israeli citizens have fallen by 25 percent, yet Israel has demonstrated its resolve to continue to take the difficult steps to put its economic house in order. We should assist them in any way that we can—and we can learn from their splendid example. While our economic problems are not as grave as Israel's, we are heading down the same path.

Defense Minister Rabin and other Israeli Defense personnel expressed the willingness of Israel to take any measure both internally and externally to assist in combating international terrorism. They also reaffirmed Israel's commitment to continue to supply the United States with critical intelligence information regarding the Middle East.

Minister Rabin also emphasized a view I share, that it would not serve American interests and would increase tensions in the Middle East for the United States to supply sophisticated arms to countries that have not entered into peace agreements with Israel. He pointed out that Israel's air superiority was a critical factor in the victory in the Yom Kippur war in 1967 and was a factor in Jordan's failure to enter the war against Israel in 1973. In view of the critical stage that we are now approaching in the peace process it would be particularly unwise to supply new arms to Jordan at this juncture. Once a treaty is signed and there is the assurance that the arms will not be used against Israel, we can consider augmenting the defense of Jordan against possible Syrian aggression though the major deterrent to Syria clearly is the threat of Israeli response.

I visited some of the resettlement facilities in Israel for the Ethiopian Jews who fled. There are about 15,000 Ethiopian Jews in Israel.

The first absorption center I visited was the Mevaserrit Zion near Jerusalem. The program includes comprehensive recording of family history, emergency medical treatment, intensive language training in Hebrew, training in conceptual thinking since many of them had no formal education, training in Israeli life and culture, and vocational training.

I also visited the Hofim youth village near Acre. The village is an absorption and training center for orphaned Ethiopian Jewish children. It provides language and academic training as well as a supportive environment in which they can grow and develop.

I was most favorably impressed by the comprehensive assistance and care that the Ethiopian refugees are receiving. Among the many compassionate and talented people that I met were three Americans, Neale Katz, Steve Donshik, and Rabbi Nahum Cohen who has moved to Israel to assist the Ethiopian refugees. The United Israel Appeal and the American Jewish community should be commended for the generous humanitarian assistance that they have provided. The United States can be justly proud of its $25 million contribution that we made to the UIA this year to assist in the relocation efforts. Our refugee assistance programs in the United States can benefit by studying the example of the programs in Israel.

Ambassador Tom Pickering, one of this Nation's most able diplomats, helped arrange our visit in Israel. While we were there I also had the privilege of meeting with fellow Illinoisian, Robert Asher, president of the American-Israeli Public Affairs Committee, who was visiting in Israel at the same time. Mr. Asher's exceptional leadership in solidifying the close ties between the United States and Israel, should be a matter of pride to Americans.

During our time in Israel my wife Jeanne and I also visited to the Memorial Yad Vashem to lay a wreath at the flame that burns for the memory of those who died in the Holocaust. It was a deeply moving experience. No matter how familiar you may be with the tragic and brutal history of the Holocaust, a visit to the memorial is a reminder of how depraved humanity can become with the wrong leadership. It reminds us of the need to vigilently oppose all forms of discrimination. The memorial also vividly portrays

historical reasons for the need for the existence of Israel, its continuing importance as a homeland and a refuge for an oppressed people.

I toured the United Nations Relief and Works Agency [UNRWA] facilities for Palestinian refugees in the Gaza Strip. There are over 350,000 Palestinian refugees in Gaza. UNRWA is mandated by the U.N. General Assembly to provide education, health and relief services to Palestinian refugees.

In 1984 education accounted for over 60 percent of UNRWA's budget and in 1985 this trend continues. Over 20 percent of the Palestinians registered with UNRWA are under 20 years of age so the emphasis is on education for young people though there are also vocational programs for adults.

I toured Gaza's refugee housing, schools, hospitals, and vocational training programs. I was favorably impressed by the commitment and dedication of the staff, and the desire of the people to improve their lives. This is a valuable program and the United States contribution to it should be maintained.

There is both a humanitarian and a pragmatic reason that the United States should maintain assistance to this program based on a realistic assessment of our interests in the Middle East. UNRWA provides assistance to Palestinian refugees throughout the Middle East. We have an interest in promoting political stability and tempering political extremism in the Middle East. Educational and vocational programs develop skills and give people a sense of dignity and hope.

Gaza is a small strip of land loaded with economic problems, a strip of land that neither Israel nor Egypt was eager to assume responsibility for, but a strip of land that could become extremely important in assisting to resolve the Palestinian question when Israel and Jordan meet to work that out.

I also met with Alouph Hareven of the Van Leer Foundation in Jerusalem, a group that is working on the important work of improving Jewish-Arab relations. They work with the education ministry of the Israeli Government and receive a small amount of AID funds. Further encouragement of this fine foundation would be in the long-range best interest of everyone.

In Cyprus, on January 10 and 11, with the gracious assistance of Ambassador Richard Boehm and his staff, I met with President Spyros Kyprianou; Dr. Vassos Lyssarides, president of the parliament; Mr. Rauf Denktash, leader of the Turkish-Cypriots; Glafkos Clerides, Leader of the Democratic Rally party; and Foreign Minister George Iacovou, as well as other leaders. I also met with a most impressive business leader, George E. Paraskevaides, whom a prominent Greek-American leader, Andrew Athens, had recommended that I see. It was an important extra visit because this business executive has a keen sense of what can and cannot be done in that area of the world.

Cyprus remains a divided country with Turkish-Cypriots in the northern part of the island and Greek-Cypriots in the south. Recently, Secretary-General Javier Perez de Cuellar has paid close personal attention to the situation in Cyprus and has held extensive discussions with both Turkish and Greek Cypriots in an attempt to resolve the differences that continue to divide the island. Unfortunately, these talks have not produced an agreement. In February 1986, U.N.-sponsored talks are scheduled to resume; I hope these talks will move the two sides to an agreement. The problems are not insoluble.

But time is working against a solution in Cyprus. The longer the island remains divided, the less likely a permanent solution can be found. In the interim, however, small gestures of understanding can help. For example, Mr. Denktash's talented son, Raif, was recently killed in an auto accident. Several prominent Greek-Cypriot leaders made the effort to attend the funeral. It is small gestures like these that can help ease the tension which currently exists in Cyprus.

The major obstacle standing in the way of an agreement is the presence of nearly 20,000 Turkish troops on the island. There are fears on both sides. The Turkish-Cypriots feel that the Turkish troops are needed to protect what they perceive as the threat of Greek control over Cyprus. The Greek-Cypriots, on the other hand, feel that the Turkish troops' presence on the island is part of Turkey's larger designs on the island. The troops' presence is now the single biggest roadblock to a settlement.

During a meeting with one of the Greek-Cypriot leaders, an idea emerged which has the possibility of moving the two sides closer to an agreement.

It is an idea that needs some refinement but good enough and potentially strong enough that I have forwarded it to the Secretary-General of the United Nations. After it is refined it should come from the Secretary-General if he believes it has some potential, rather than come from a Member of the Senate, but I hope the idea will be pursued.

It is no secret that some of the Cypriot officials feel that the U.S. Defense Department has a decided tilt toward Turkey. I share that opinion because I have observed the same tilt. Because of that tilt, there is the opinion among some leaders that the United States is not interested in vigorously pushing for a resolution of the Cyprus problem. My own observation through three administrations is that when a defense appropriation bill is up I can get glowing pledges of our concern and willingness to lead to resolve the problem, but once the bill passes that interest languishes. It is in the interest of Cyprus, the United States, Greece and Turkey that we must rapidly and vigorously resolve this question. The United States should do more to push for resolution of the Cyprus problem.

We were also able to discuss the Cyprus-Americans Scholarship Program which has given several hundred Cypriot students—both Greek and Turkish—an opportunity to study at a wide range of American universities since its inception in 1981. This year, the United States will contribute $7.5 million to this program that will provide several hundred full and partial scholarships. Mr. President, this is the kind of activity which, unfortunately, we do not see enough of. If we are concerned about the increasing influence of the Soviet Union, one of our most effective defenses against this is to provide scholarships. The Agency for International Development deserves to be congratulated for organizing and continuing this program. Unfortunately in most areas of the world the Soviets today provide more scholarships than we do.

The United States also will contribute $7.5 million to the United Nations High Commissioner for Refugees in Cyprus. We spent nearly an entire day with Director Said Halim touring the facilities which the UNHCR helps administer including an impressive hospital, a newly built school for the deaf, and several other social welfare projects in both the Greek and Turkish sides. In the midst of the current division, the UNHCR is an especially evident example of how important small gestures of goodwill are on the island.

Some of the UNHCR projects also could be the basis for an improved relationship between the two sides. For example, the school for the deaf indicated to us that they would be happy to take students from the Turkish-Cypriot side. It is a small step, but significant. While the diplomatic solution gets resolved, some small steps of reconciliation and friendship can be taken by both sides that will be helpful once a diplomatic solution is found.

After our stay in Cyprus, we continued on to Greece, where, because of the diligent efforts of Ambassador Robert Keeley, we met with Prime Minister Andreas Papandreou, opposition leader Constantine Mitsotakis, and Minister of Public Order Kostas Tsimas as well as several other Greek officials. During my conversations with Prime Minister Papandreou and Mr. Mitsotakis, we discussed possible solutions to the Cyprus situation.

The idea which emerged in Cyprus—which I have since passed along to the Secretary-General of the U.N.—was discussed with the two Greek leaders.

Neither the Prime Minister nor the opposition leader had been presented with this idea. While they both would like to see neither Greek nor Turkish troops on the island permanently, their reactions were encouraging. One of the encouraging things about this idea was that neither of them had been on record in the past opposing it. This left open the possibility that the two might agree on this suggestion since they both reacted cautiously but favorably when I raised it with each of them.

One issue raised during my conversations with both leaders was that of American military bases in Greece. During the past few years, there had been statements from the Prime Minister which led many to fear that Greece might discontinue an agreement with the United States to maintain bases in Greece. In September 1983, Prime Minister Papandreou signed an agreement which permitted the United States to continue to maintain bases in Greece for 5 years. The question now being asked in Greece is: "Will the Government agree to continue to allow U.S. bases in Greece?" Mr. Mitsotakis felt it was important that Greece take a position soon to ensure that Greece's long and valuable friendship with the United States remain strong. I got the impression that Prime Minister Papandreou wants to improve relations with the United States. Many leaders I spoke with felt that an agreement could be reached that would allow the United States to maintain bases in Greece after the current agreement expires. That, however, will depend on the desire of both the Greek and American governments to work hard to understand each other's sincere national concerns.

We had a good meeting with Kostas Tsimas, Minister of Public Order who has jurisdiction over airport security. It was clear during our conversation that there has been significant progress in airport security in Greece. Greek officials have been working with officials of the Federal Aviation Administration stationed in Europe and Mr. Tsimas informed us that Greece will soon be sending 20 to 25 airport security personnel to the United States for a special training program that will further improve the security situation in the Athens airport. American Embassy personnel told me that they were impressed by what has been done to provide security at the airport. Not only did my visit with Mr. Tsimas impress me, but as we went through security at the Athens airport, I was also impressed by great care they were taking, more than at most international airports. My impression is that anyone who wants to travel through the Athens airport does not need to have fears, any more than at any airport anywhere in the world, probably less so.

There have been diligent efforts on the part of Greek officials to make the Athens airport safe and secure.

But the primary focus of our Athens visit was the situation in nearby Cyprus. Mr. President, now is not the time to allow the situation in Cyprus to languish and deteriorate further. We should stand ready to assist the Secretary-General's important work in this area in any way we can. It is my hope that through his good offices and with the cooperation of the United States Government, if needed, a solution can be found, a good one for both Greek and Turkish Cypriots. A solution in Cyprus will remove a large thorn in the side of Greek-American and Turkish-American relations. As one Greek official mentioned to me in a meeting, "Cyprus is the No. 1 problem between Greece and Turkey. If it were solved, the relations between Greece and Turkey would improve and the relations of both countries with the United States would dramatically improve." So, not only will a solution to the Cyprus problem be beneficial to Cypriots, it will also strengthen our long and important alliances with Greece and Turkey.

After Greece, we went on to Ireland where we met with Department of Foreign Affairs Assistant Secretary Eamonn O'Tuathail who oversees the recent Anglo-Irish agreement and Mr. Hugh Quigley, former Executive Director of Cooperation North, an organization which helps bring people from the North together with those from the South to build bridges of understanding. We also received the capable help of Deputy Chief of the U.S. Mission, Mr. Thomas Gawecke.

The agreement which Ireland and Great Britain recently signed is a significant step forward in an ongoing problem over Northern Ireland. The agreement establishes a joint commission on Northern Ireland which will work on matters such as the administration of justice, security, economic development, and other relevant issues. While this is an important step for the well-being of Northern Ireland, it is symbolic of something even more important: The ability of Catholic Ireland and Protestant Great Britain to work together to solve problems which are of concern to both. The outpouring of support which came from the U.S. Congress in November 1985 demonstrates how strongly we would like to see an end to the violence and bloodshed which has riddled Northern Ireland for so many years. It was clear during my meeting with the Irish officials that there is a sincere effort being made to see that the agreement works.

In this period of cooperation between the two sides, the United States should do all it can to ensure that the harmony continues. The President's offer of an aid package to Ireland, can only help to improve the situation there. We in Congress should do all we can to support this kind of package.

I came away from Ireland more hopeful of an eventual peaceful settlement than when I arrived. The forces of goodwill are at work, and we should be encouraging them.

JUSTICE POTTER STEWART

Mr. MATHIAS. Mr. President, the funeral of Justice Potter Stewart was held in the Washington Cathedral on December 11, 1985. The service was conducted by the Right Reverend John T. Walker, bishop of Washington, and by the Reverend Canon Charles S. Martin.

During the service eulogies were delivered by the Vice President of the United States, by the Chief Justice of the Supreme Court, by the Honorable Lloyd Cutler, and by Prof. Zeph Stewart.

Together, these particular friends of Potter Stewart touched upon his professional life, his friendships, and his family, and thereby gave an extraordinary view of this unusual man. This would be interesting in any case, but since it helps to establish benchmarks for excellence in public service it has a special value for the Senate. As we consider and debate the confirmation of Presidential nominees in the future, it will be useful to have a record of the standard set by Potter Stewart.

I ask unanimous consent that the speeches of Vice President BUSH, Chief Justice Burger, Mr. Cutler, and Professor Stewart be included in the RECORD.

There being no objection, the eulogies were ordered to be printed in the RECORD, as follows:

REMARKS BY VICE PRESIDENT GEORGE BUSH—EULOGY FOR POTTER STEWART

We were friends for many years, Potter and I, Andy and Barbara—The Bushes and then the Stewarts. We were neighbors on Palisades Lane, and there were a lot of Sunday afternoon lunches between us and a lot of laughter.

When I was appointed to the U.N., China and the C.I.A., Potter swore me in—and he swore me in twice as Vice President. I was always flattered that it was Potter holding the Bible and leading me through the oath.

We were not, as Richard Nixon now and then insisted, roommates at Yale. Potter belongs to the famous Class of '37, a class that was an outstanding part of a generation that did a lot of this century's heavy lifting.

The Stewarts were New England moved to Ohio—anti-slavery and pro-Union. Potter's great grandfather was a steamboat pilot on the Mississippi. He'd have been proud of Potter's forceful, though erratic, approach to driving his car on our street.

His grandfather volunteered for the Union Army. His father was an eminent

trial lawyer who took it on himself to act as public defender for the poor, and Potter's mother campaigned for U.S. membership in the League of Nations.

And so, you see, a long river of history and idealism flowed through Potter's veins. He inherited a very personal sense of patriotism and moral purpose.

But he wasn't stuffy, not by a long shot. He was keenly funny—he was elected class wit at Hotchkiss with 43 votes (the next closest wit got 4).

All his life, Potter loved sports and politics. He was never nominated for most valuable player in sports. He could have gone all the way in politics. He felt the Cincinnati Reds were invincible and he loved speculating on elective politics—always discretely of course—on the politics, not the Reds.

Potter spent World War II on a Navy tanker that sailed in mostly silent waters. But it carried 100 octane gasoline. Potter described his feelings: "Mostly boredom, mixed with occasional terror."

Potter spent the lonely hours of midnight watch thinking about his future.

And he decided on public service. Then he went home and called a pretty girl and met her under the "clock at the Biltmore", and soon Andy was his wife, and his life was beginning again.

It was a life well lived. Potter knew professional success early; more important, he was a personal success.

Their family is an example of the success of love. Their children and their children brought Potter and Andy joy and knowledge that the river of personal history would continue.

And when he left the court, when he walked away from the bench he'd graced with rigorous intellectual honesty for 23 years, he said a very sane thing. He said he wanted to spend more time with his family. Hardly a shocking desire, but one that was surprising nonetheless because it was so . . . well-balanced. Let me explain:

In Washington, in our time, public men and public women, most of whom get more than their share of attention and honors and most of whom are important and celebrated, often find it difficult to keep their eye on the most important things, the enduring things, the things that really count.

One can find oneself being a public hero and a private failure, giving less and less attention to the family and the children and the life that goes on in the home. Potter put his family first.

One who has long watched the highest court of our nation said, simply: "He was one of the great ones."

And that is one question from which there will be no dissent, ever.

EULOGY BY THE CHIEF JUSTICE FOR JUSTICE POTTER STEWART AT THE WASHINGTON CATHEDRAL

Much has already been said and written and more will be written about Potter Stewart's work and career. Whether it was his initial study in law school or in undergraduate school or his studies in England that gave him a keen interest and appreciation of the history of English Common Law, I am not certain.

Discussions in Conference and over the lunch table showed that he was intimately familiar with the genesis and history of the Fourth Amendment, and indeed all of the Bill of Rights. He knew that at times, in our early colonial history, soldiers and police and customs officers were often very high handed in their enforcement of the law. He shared an 18th-Century Englishman's concern for the protection of the privacy of the person and home of every individual.

At least an equal level, he was concerned about the First Amendment, and particularly free speech and freedom of the press. It would be difficult to single out any Justice in any period and say he or she came to oral arguments and to conferences better prepared than others. His careful preparation in advance of oral argument manifested itself in many ways. The intensity and vigor presentation was usually tempered by a touch of humor. All of us who served with him have heard him say that "this fellow across the table," meaning one of the Justices "maybe is dead wrong on that first case this morning but he is right on the second and third case," and so relations must be conducted accordingly.

I suspect that it was his early experience in journalism, followed by his being the editor of his college publication, that gave him a special insight into the subject of press freedom. But he was in no sense an absolutist with respect to the freedom of speech and press.

The subject of capital punishment disturbed him greatly, as it disturbs all judges and his positions in this field in no sense meant that he was an advocate of capital punishment as the appropriate response of society to the great amount of crime. As a legislator, he might not have supported capital punishment, but as a *judge*, he felt bound to enforce and apply the Constitution of the United States, which clearly authorizes legislative bodies to prescribe capital punishment. Potter Stewart contributed much in charting a new course with respect to this sensitive, difficult and painful subject.

When I first came to the Court in 1969, I had urged the American Bar Association to reexamine the Canons of Judicial Ethics, and I was requested to designate a member of the Court to serve on the Bar Commission dealing with this subject. Potter Stewart accepted this assignment and his balanced view of the responsibilities of a judge and his proper concern for the appearance of justice made him a most valuable member of that body. It was appropriate that a justice with his roots in Ohio should have a major voice in reexamining and restating those standards, for it was Chief Justice Taft, an early predecessor of Potter Stewart on the Court of Appeals for the Sixth Circuit, who had authored the Canons of Judicial Ethics.

In common with others in the legal profession, he had grave reservations about making sweeping revisions of procedure in criminal justice on a case by case basis. I think he would have preferred to rely on the rule-making process where the generality of experience could be taken into account, rather than have sweeping new rules made on the basis of one hard or difficult case.

His dissents on some of these may well be influential in the future. I know I speak for all Justices in saying we missed him on his retirement and we will sorely miss his friendship in the years ahead.

REMARKS OF HON. LLOYD CUTLER—DECEMBER 11, 1985

Dean Acheson once said that there were few men in public life he had known really well and still wholly admired. He made that remark about George Marshall. I would say the same about Potter Stewart.

When we attended Yale College and Yale Law School, most of us thought that Potter's future would be in national elective politics. How right or wrong we were will never be known. In 1954, after he won his first election to the Cincinnati City Council, he was offered a chance to become a Sixth Circuit judge. After a weekend of characteristic deliberation, he took it. Four years later Mr. Justice Burton of Ohio retired. Potter was a natural choice for the seat. His track record on the court of appeals had demonstrated a keen analytical mind, an even judicial temperament, a respect for legal tradition, and a sensitivity to the rights of the underprivileged.

It was this last quality that created Potter's only confirmation problem. Because the October 1958 Term was about to begin, President Eisenhower sent Potter's nomination to the Senate along with a recess appointment. Potter had written a Sixth Circuit opinion that carried the principle of *Brown* v. *Board of Education* beyond what southern Democratic senators of that era could politically accept. He had also voted to grant a writ of habeas corpus to a black prisoner because of an unusually hasty nighttime trial without opportunity for counsel. This was the occasion for Potter's best, if not his best known, aphorism: "Swift justice demands more than just swiftness." The southern Senators held up Potter's confirmation for almost the entire Term, leaving him in the dread dilemma of all recess appointees on the bench—having to make decisions that could defeat his own confirmation.

Potter survived that predicament, winning confirmation in May 1959 by a vote of 70-17. The only southerner to vote for him was Senator Smathers of Florida. Six days later came the unkindest cut of all. Smathers took the floor to say that he had missed the debate and that if he had heard Senator Russell's speech against Potter before voting, he would have voted nay. Such were the political imperatives for a moderate southern Democrat in 1959.

Potter remained steadfastly committed to a judicial career, but as the Vice President and Potter's fellow justices know, he never lost his interest in elective politics. He, Dick Moore, Bill Orrick and I loved to put other political junkies to shame by betting they could not name all the presidential and vice presidential candidates of the two major parties who ran during their lifetimes, without making at least three mistakes. I forget who originated this question, but except for Potter, none of us succeeded in answering on the first try with less than four mistakes. Potter didn't miss a single one. You can still make money on that question, even in this town.

The Chief Justice has told you how satisfying it was to be a judicial colleague of Potter's. I would like to say a word about how much he was admired by the lawyers who argued before him.

Potter believed that most close cases turned on the quality of the oral argument, and he contributed enormously to that quality. Within the first ten minutes he would often ask: "Counsel, to prevail in this case, don't you have to persuade us that . . ."—and then he would state the central issue without the self-serving spin that most lawyers put into the "Questions Presented" portion of their briefs. He did so without suggesting how he would answer himself, and in many cases I believe he was not ready to answer until after the argument was over.

Potter's opinions were unusually informative to the lawyers in the case. As Learned Hand said of Cardozo: "He never disguised the difficulties, as lazy judges do who win the game by sweeping all the chessmen off the table: like John Stuart Mill, he would often begin by stating the other side better than its advocate had stated it himself." When he ruled against you, you at least knew why.

Many trial and appellate lawyers have a tendency to stereotype judges as disposed for or against the government, or big corporations, or poor people, and we are prone to tailor our arguments to our analysis of the judge. Sometimes even experienced Supreme Court advocates fall into this habit. But this was never a good way to persuade Potter Stewart. Perhaps his finest judicial quality was his imperviousness to labelling. The most perceptive students of the Court found him difficult to categorize as activist of passivist, as liberal or conservative, as leaning toward or away from any particular political or social view. They cannot find these characteristics because he removed them from his judicial work.

Despite our grief today, we all rejoice that after Potter's retirement from the Court in 1981, he enjoyed at least a few of the autumn years with Andy, Harriet, Potter and David, and could give full attention to watching his grandhcildren grow. All of us who loved Potter and respect the Court he served so well will miss him—especially the lawyers.

REMARKS BY ZEPH STEWART AT THE WASHINGTON CATHEDRAL, DECEMBER 11, 1985

I have been extraordinarily lucky. Most of you have known Potter only at certain times and in certain aspects of his life. My vivid memories cover a sweep of sixty years.

As a brother six years younger, I think that my first recollection of him was when he was about ten. At once I became his accomplice, his dupe, his admiring audience, and our trust and love never altered.

What a show he provided for his younger brother and for his not altogether admiring family in his youth! Those who have known him only in the more serious and careful character of his later career could hardly imagine the fun and tricks and mimicry that made every day with him a comic drama when we were boys. What I was seeing, I now realize, were the sources of that energy and wit that were later tamed to the service of his profession and country and that fueled his capacity for work and showed through in his marvelous aphorisms.

But in those days he was a master of practical jokes, the more daring the better. If they were to risky, he enlisted my aid. It was I, too young to foresee the turmoil, whom he persuaded to put the dead frog in the salad bowl. There were other adventures that I shudder even now to recall.

And he could always play a part. He almost convinced me, when I was seven, that he was dying of thirst as he rolled in agony on the floor, begging for water. In another image I see him as the magician, with a top hat and a wand and looking, as always, immensely pleased with himself. He could do vividly dramatic readings, frightening me with renditions of "The Cremation of Sam McGee." And then there was the period when he always carried a pack of trick cards. "Cut, cut!" he would say, holding out the pack whenever I came near him.

As we grew older, and he became a father to me in some ways as well as a brother, it was always fun to be with Potter. The tricks and superficial comedy were gone, but the liveliness and imagination that had inspired them ripened into an unfailing sense of humor, a capacity too—to see both sides of things. He came to be very serious—his abilities pushed him into serious responsibilities—but for those who knew him best his quick and observant mind, and his eye for the comic, were a constant delight.

And it was these above all that he shared with his family and his close friends. His bright glance to one of us, the flash of his smile, the special wink across a room showing that his heart was enjoying something with us—the memory of these will brighten our lives forever.

Potter never lost his sense of the comic and the dramatic, but he was never blinded by them either. I remember that years ago he was amused by the imagery of a poem by Robert Louis Stevenson, some simple stanzas from "A Child's Garden of Verses", and he read them to me with a flourish. But then he copied down these verses and carried them in his wallet for the rest of his life. In their simplicity and whimsy they reflected the unpretentious courage of his own attitude at the end of life:

Must we to bed indeed? Well then
Let us arise and go like men,
And face with an undaunted tread
The long black passage up to bed.

Farewell, O brother, sister, sire!
O pleasant party round the fire!
The songs you sing, the tales you tell,
Till far tomorrow, fare ye well!

AGAINST INCREASES IN FOREIGN AID

Mr. CRANSTON. Mr. President, the preliminary budget figures provided to the Hill indicate that the administration is preparing to ask for more than a $1 billion increase over last year's authorization level of $12.5 billion for foreign aid. And it looks like the request is going to come in more than $2 billion over last year's appropriations level.

One is tempted to dismiss this extraordinary request as either a zealously padded wish list or someone's idea of a bad joke.

But at a time when the American people are being asked to accept cuts in crucial domestic programs across the board—programs many Americans count on to meet some of their most basic needs—I see nothing funny about the administration's proposal. It is absolutely other worldly to think Congress is going to increase the dollars we send overseas to foreign governments by some 15 percent when we are making deep cuts at home.

I have long opposed Reagan administration efforts to steadily increase those portions of the foreign military assistance budget which amount to little more than dollars for dictators. Last year, I joined with Senator KASSEBAUM and other colleagues on the Foreign Relations Committee in an unsuccessful effort to resist any increase above a freeze at the prior year's total foreign aid spending level.

I join the majority of members of this body in advocating appropriate levels of assistance for key NATO allies—such as Greece—and parties to the Camp David process—such as Israel and Egypt. I do not favor cuts in these programs.

I also reject isolationist calls to abandon important relationships which provide the United States with military base rights and other services. But that does not mean we should mindlessly increase our foreign aid budget. I am sick and tired of seeing bureaucrats propose to borrow money from our kids and send it overseas to placate troublesome regimes—and that is exactly what we are doing when we use deficit financing to increase foreign aid.

Do the American people really want to double military aid to the Philippine dictatorship? Do the American people really think it is worth spending upward of $500 million a year to prop up the tiny Salvadoran army? Do the American people really want to send another $100 million to the ragtag band of Contra terrorists who have failed to hold 1 inch of Nicaraguan soil? Do the American people really like the idea that the administration is pouring some $3.2 billion over a 5-year period into the coffers of the Pakistani dictator General Zia?

I think not.

While I do not advocate pulling the plug on all these programs, I do think the administration must be more prudent in the use of American taxpayer dollars.

Last year I voted against the administration budget, as amended by the Senate majority, because it did not provide deep enough cuts in the deficit.

The administration's plan to increase foreign aid is topsy-turvey economic thinking.

At a time when we are facing huge slashes in military and domestic programs, we should be cutting foreign aid spending, not increasing it.

I oppose any across-the-board increases and I will work for meaningful reductions.

I will oppose any increase above and beyond the total $12.5 billion which Congress authorized last year; if urgent national security interests require increases in one or two programs, I will press for offsetting cuts so that we do not exceed last year's ceilings.

What is needed now is some new realism on the part of the White House. Regrettably, there is no evidence of such realism in the absurd administration budget proposal for foreign aid.

LEAVE OF ABSENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the junior

Senator from Massachusetts [Mr. KERRY], have the leave of the Senate to be officially absent. Senator KERRY is a member of the American delegation that will observe the election to be held February 7, in the Philippine Islands.

Mr. President, I further ask unanimous consent that the senior Senator from Massachusetts [Mr. KENNEDY], have the leave of the Senate to be officially absent. The Senator is traveling in Europe in his capacity as a member of the Senate Arms Control Observer Group.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. METZENBAUM. Mr. President, what is the pending business?

The PRESIDING OFFICER. Morning business is closed.

CONRAIL SALE AMENDMENTS SALE OF 1985

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will now resume consideration of the unfinished business, S. 638, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 638) to amend the Regional Rail Reorganization Act of 1973 to provide for the transfer of ownership of the Consolidated Rail Corporation to the private sector, and for other purposes.

The Senate resumed consideration of the bill.

Mr. METZENBAUM. Mr. President, is the Senator from Ohio correct in his understanding that the pending business is the substitute amendment of the Senator from Missouri?

The PRESIDING OFFICER. That is the pending question.

Mr. METZENBAUM. Mr. President, I rise to indicate that at the conclusion of my remarks, I will raise a constitutional point of order to the substitute. The Constitution clearly provides that all bills for raising revenue shall originate in the House.

Mr. President, this measure never should have been brought to the floor of the U.S. Senate. It violates the Constitution. There cannot be much question about the facts.

The Treasury Department indicated that it will result in the loss of $174 million in revenues over the next 5 years. CBO takes issue with that, because it says that it will result in the loss of $400 million.

There are 12 provisions in the memorandum of intent and in the bill that bestow special favorable tax treatment to Norfolk Southern. I placed those in the RECORD last week.

For example, sections 106 and 132 provide special tax treatment for ESOP.

Another example is paragraph 6(e) of the memorandum of intent that this bill authorizes, a provision which has not received much attention during this debate. That provision relates to the fact that the House tax reform proposal contains an amendment to section 382 of the Tax Code that would have the result of limiting Conrail's tax writeoffs to the purchaser price. But paragraph 6(e) of the memorandum of intent warrants that the tax basis of Conrail cannot be reduced as a result of the sale of Conrail to Norfolk Southern, and section 106 of the bill permits Norfolk Southern to sue the United States if the warranty is breached. So what happens is that we have effectively, by contract, immunized Norfolk Southern from the tax changes.

I am not talking about the merits or the lack of merits of our doing that. That is not the issue before the Senate at this point. We addressed ourselves in part to some of that last week, and some of those issues were not raised because it was quite obvious that the Senate had concluded that it was prepared to act, regardless of any of the specific provisions. What I am doing is raising the issue having to do with a constitutional question.

Frankly, Mr. President, if the House follows tradition, it will place this measure right back on our doorstep. This bill is clearly unconstitutional. As a matter of fact, it is so unconstitutional—and I will get into that at a later point—that the proponents have recognized that, and they have inserted an exculpatory clause, but I will discuss that subsequently.

This bill affects and violates that clause of the Constitution which unequivocally says that all bills for receiving revenue shall originate in the House of Representatives. Everybody around Washington knows that nothing causes the House to get up on its hind legs more than some feeling that the Senate has invaded its prerogatives. That is not anything new. The House is very jealous of its prerogatives. Beginning with the First Congress, the House has closely guarded its constitutional prerogative to originate revenue measures. As a routine matter, any measure that affects revenue is blue-slipped or returned to the Senate without consideration.

Last year, to give an example, this body passed an extension to the cigarette tax. What happened? The House returned it, jealous of its prerogative.

In 1977, the House refused to consider a Senate bill to authorize the President to extend certain privileges and immunities, including exemptions from customs duties and importation taxes, to the Organization for African Unity. The House, instead, passed an identical bill and sent it to the Senate.

The House Parliamentarian noted that the Senate bill "possibly infringed upon the House's prerogative." He further explained that, "The Senate bill clearly affected revenue, since it granted a limited immunity from taxation." He pointed out that it did not directly raise revenue.

I want to make it clear that the House has interpreted the constitutional provision about raising revenue to mean anything that affects revenue, and this bill certainly affects revenue.

In 1980, the Senate, by unanimous consent, agreed to await initial House action so that the Senate could vote on a House-numbered concurrent resolution disapproving most-favored-nation trade status, even though the Senate had been considering a Senate concurrent resolution to the same effect. According to the Parliamentarian of the House, the Senate awaited action by the House to preserve the constitutional prerogative of the House to originate revenue-affecting legislation.

In 1928, the House refused to consider a Senate concurrent resolution which would have interpreted the Senate's position on the Tariff Act as it applied to rice.

Representative Green of Iowa described the position of the House at the time:

If it has any effect whatever it would have the effect desired by the party who introduced it to change the duty and this would change the revenue.

How such a proposition ever got through the Senate is more than I can imagine. I can not understand how this body for a moment could think the House would receive such a resolution.

This was a measure that did not even require the President's signature, yet the House was unwilling to consider it.

Mr. President, I think it is almost a certainty that this matter will be blue-slipped as it goes through its procedures, if it ever gets to the floor of the House.

Mr. President the Senate Commerce Committee realized that there was a constitutional problem with the Conrail sale bill. The Danforth substitute added a new provision in an attempt to deal with the problem. It reads as follows:

Any provision of this act which, pursuant to article I of the Constitution, provides for raising revenue shall only be effective upon the enactment into law of a bill which has

originated in the House of Representatives, enacting such provisions.

I ask this question: Do any of my colleagues, 99 of them, really think that the House is going to accept language of that kind, which would be a precedent for the Senate to send over revenue-raising measures, day in and day out, and putting in that language? Does anyone really think that the House is going to sit back idly while the Senate sends over a precedent-setting measure which would provide that any provision of this act which provides for raising revenue shall only be effective upon the enactment into law of a bill which has originated in the House of Representatives enacting such provision? What a wonderful way for us to send over revenue measure after revenue measure after revenue measure. And I do not think anyone in this body thinks that the 435 Members of the House are just going to be indifferent to that kind of procedure.

As a matter of fact, Mr. President, I checked with Members of the House to determine whether they believe this addition will permit them to consider the Senate-passed measure.

Representative PETE STARK indicated to me last week in a letter the following:

I note that the chairman of the Senate Commerce Committee has proposed some substitute language for S. 638 that contains as a final section, admission of the fact that the Senate bill is originating revenue provisions, in violation of the origination clause of the Constitution, article I, section 7, clause 1.

Representative STARK went on to say:

I believe that there are precedents which point to procedural problems in the House taking up any such Senate-originated bill.

Representative STARK concluded:

I believe that Senate passage of this bill . . . will be subject to successful parliamentary challenge.

Mr. President, this measure clearly violates the Constitution which each Senator is sworn to uphold.

Therefore, I raise a point of order that——

Mr. DANFORTH. I wonder if before the Senator does that, a point of order, as I understand it, will not be debatable.

Mr. METZENBAUM. The Senator from Missouri is correct.

Mr. DANFORTH. Would it seem reasonable to the Senator from Ohio that the other side of the issue be heard from before raising the point of order?

Mr. METZENBAUM. For what period of time?

I remember the Senator from Missouri the other day gave me a minute on two or three issues. How much time does he want me to make available to him?

Mr. DANFORTH. If I gave the Senator a minute on two or three issues, I would say 2 minutes on this issue.

Mr. METZENBAUM. Mr. President, reserving my right to the floor, I ask unanimous consent that the Senator from Missouri be accorded the opportunity to be heard for 3 minutes, which is only a great indication of my total generosity.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, as always, I am most grateful to the Senator from Ohio.

Mr. President, first of all I think that it cannot reasonably be said that this is a revenue-raising measure as represented by the Senator from Ohio.

The Supreme Court has spoken on this issue and in a case of United States versus Norton, the Supreme Court said that the limitation in the Constitution for bills originating in the House of Representatives is confined to, in the words of the Supreme Court, bills to levy taxes in the strict sense of the word and has not been understood to extend to bills for other purposes, which, incidentally, create revenue.

Mr. President, this is not a bill to create revenue. It is not a bill to have any effect on revenue. The Senator from Ohio has pointed to the Treasury view that if we enacted this, there would be some tax loss, but that does not arise from any changes in the tax laws whatever. That arises from the fact that there would be a consolidation and the possibility of consolidated returns being filed between a taxpaying corporation and one that will apparently be generating tax losses.

The specific provisions relating in any way to taxes in this bill are either a restatement of present law or are the kinds of representations of warranties that are found in most merger transactions. It is in fact impossible to merge two large corporations without having any anticipation in the agreement of tax consequences.

This certainly is not a tax bill in any way, shape, or form, certainly not as defined by the U.S. Supreme Court in a number of cases including United States versus Norton.

Therefore, I would hope that the Senate would determine the point of order will not be well-taken.

Mr. METZENBAUM. Mr. President, I point out to my colleague from Missouri that I am not familiar with the Norton decision, but if the House acts in a manner in which it normally acts the issue will never get to the Supreme Court nor to any other court because once the House blue-slips a measure that brings it to a conclusion, there is no longer a bill pending. However, if it is pending it becomes de facto a nullity. There is nothing more that will occur in connection with it.

I should point out that on this question of raising revenue or affecting revenue, I repeat what was said by the House Parliamentarian, that having to do with the fact that the Senate bill could not possibly infringe upon the House's prerogative.

I further explained that the Senate bill clearly affected revenues since it granted a limited immunity from taxation. He pointed out that it did not directly raise revenues and yet he still said that it would not conform with the rules and with their procedures and with the law; therefore, it was blue-slipped. The authority for that statement is to be found in W.H. Brown, in the Procedure of the House of Representatives which is an authoritative work on their rules.

The fact is that this bill does affect revenue. If it did not affect revenue, my colleague from Missouri would not have gone to the length of putting in the exculpatory clause. He put it in for the very reason that he was concerned about the fact that it would not fly, and when he was concerned that it would not fly, what did he do? He put in a clause saying that it would not be applicable until such time as the House had acted on the subject.

I want to repeat and then I will conclude my statement. If this procedure is permitted by the House, then the House is smart enough to recognize that it will be the first of many bills that will be sent over to them with a similar exculpatory clause. The House prerogatives are so proudly held by Members of that body that I have no doubt in my mind, as PETE STARK has indicated, and others have indicated to me orally, that the constitutional point will be raised and the matter will be blue-slipped.

I think that my raising the point of order today is for the purpose of saying to my colleagues this is what is going to happen. I can count. I understand that I will not prevail on this issue. But I will say to those who will vote against me and who will say that it is not a valid constitutional point of order and you will, before the year is over, be in a position in which you will have to acknowledge that in this instance the point of order of the Senator from Ohio was well taken and indeed there was a constitutional question.

Mr. President, I raise the point of order that the substitute is in violation of article I, section 7, clause 1 of the Constitution.

The PRESIDING OFFICER. Under the precedents of the Senate, constitutional points of order are not ruled on by the Chair but are submitted to the Senate for its determination.

Since the Senate is operating under cloture, this point of order submitted to the Senate must be decided without debate.

The question is, Is the point of order well-taken?

Mr. METZENBAUM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DANFORTH. Mr. President, I move to table the point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table the point of order.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, as I understand it, the yeas and nays have been ordered in connection with the motion to table the point of order?

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the motion of the Senator from Missouri [Mr. DANFORTH] to table the point of order of the Senator from Ohio [Mr. METZENBAUM]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from New York [Mr. D'AMATO] are necessarily absent.

I also announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Indiana [Mr. LUGAR], and the Senator from Alaska [Mr. MURKOWSKI] are absent on official business.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from Iowa [Mr. HARKIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Maryland [Mr. SARBANES], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Massachusetts [Mr. KERRY] are absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 70, nays 17, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—70

Abdnor	Evans	Mitchell
Andrews	Garn	Moynihan
Armstrong	Goldwater	Nickles
Baucus	Gore	Nunn
Bentsen	Gorton	Packwood
Biden	Gramm	Pressler
Bingaman	Grassley	Pryor
Boren	Hatch	Quayle
Boschwitz	Hatfield	Roth
Bradley	Hawkins	Rudman
Byrd	Hecht	Sasser
Chafee	Heflin	Simpson
Chiles	Helms	Stafford
Cohen	Hollings	Stevens
Danforth	Humphrey	Symms
DeConcini	Johnston	Thurmond
Denton	Kasten	Trible
Dixon	Laxalt	Wallop
Dodd	Leahy	Warner
Dole	Long	Weicker
Domenici	Mathias	Wilson
Durenberger	Mattingly	Zorinsky
Eagleton	McClure	
East	McConnell	

NAYS—17

Burdick	Heinz	Proxmire
Cranston	Lautenberg	Riegle
Exon	Levin	Rockefeller
Ford	Melcher	Simon
Glenn	Metzenbaum	Specter
Hart	Pell	

NOT VOTING—13

Bumpers	Kassebaum	Murkowski
Cochran	Kennedy	Sarbanes
D'Amato	Kerry	Stennis
Harkin	Lugar	
Inouye	Matsunaga	

So the motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DANFORTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The majority leader.

Mr. DOLE. Mr. President, I know we have policy luncheons starting at noon for both Democrats and Republicans. There may not be other amendments. I know Senator SPECTER wishes to make a 5-minute statement. There may be others who would like to speak. Then we shall recess until 2 p.m. If there are amendments, I hope they can be offered as quickly as we come back at 2 o'clock and we can dispose of this bill early this afternoon and then go back to debating TV in the Senate. I think we have some real potential there of really putting something together.

Will there be any other amendments, Mr. President?

Mr. METZENBAUM. I have none, Mr. President.

Mr. DOLE. It may be that there will be no additional amendments. I thank the distinguished Senator from Ohio, who indicated last week that if we could wait until today, he would be accommodating. He certainly has been and I appreciate it.

Mr. BYRD. Mr. President, I seek recognition.

The PRESIDING OFFICER. The Democratic leader.

Mr. BYRD. Mr. President, does the distinguished majority leader feel that if Mr. SPECTER is going to speak for 5 minutes, we could go ahead and vote passage before the conferences? We do not have further amendments on this side.

Mr. DOLE. Mr. President, I am going to give the Senator from Pennsylvania 5 minutes here but so we may pin down passage or final disposition of the Conrail matter, I wonder if we might agree that when we come back in at 2 o'clock, there be 20 minutes of debate equally divided, with no further amendments, with the vote on passage to occur at 2:20 p.m.

Mr. DANFORTH. Mr. President, what would the leader's view be of when to dispose of Senator SPECTER's amendment?

Mr. DOLE. I think Senator SPECTER is going to speak. There may not be an amendment.

Mr. SPECTER. If the distinguished Senator will yield, I do not plan to offer an amendment.

Mr. DANFORTH. Mr. President, would the leader then anticipate that if we come back at 2 and we vote at 2:30, there be a half hour equally divided between Senator METZENBAUM and myself?

Mr. DOLE. A half hour is fine. Is 15 minutes on a side satisfactory to the Senator from Pennsylvania?

Mr. SPECTER. That is satisfactory to this Senator.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none.

Mr. DOLE. I ask unanimous consent that the Senator from Pennsylvania may proceed for 5 minutes, notwithstanding the previous order that we recess at noon.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for working out this plan.

I urge my colleagues, on final passage, to vote against the sale to Norfolk Southern because of the antitrust considerations, and because the offer proposed by Morgan Stanley is superior to the offer proposed by Norfolk Southern.

I urge my colleagues to reject the proposed sale to Norfolk Southern on the merits because of the very strong reasons which have been advanced on this floor in opposition to the sale to Norfolk Southern. There are many who prefer the Morgan Stanley offer, but who do believe that there ought to be a sale. Those Senators may be inclined to vote for Norfolk Southern

simply to have a sale to someone. It is obvious to this Senator, at this time, that there are sufficient votes to carry the day for Norfolk Southern. However, I urge all Senators who would prefer the Morgan Stanley offer to vote against the sale to Norfolk Southern so that there may be a significant vote in this body which will enable us to continue this fight in the House of Representatives.

Mr. President, those of us who oppose the sale to Norfolk Southern have just begun to fight. We believe that we have a very strong case and we further believe that, in the series of votes taken in this body, there is a substantial voting record to show dissatisfaction with the Norfolk transaction by a majority of the Senators.

There have been three key votes cast, Mr. President, on this issue. One involves this Senator's amendment for the Morgan Stanley proposal, the second involves the amendment relating to the antitrust problem, and the third relates to the budget waiver issue. Among those three votes, some 56 U.S. Senators on one or more of those votes expressed an objection and a dissatisfaction with the sale to Norfolk Southern. Fifty-six Senators voted against the Norfolk Southern offer on one of those three amendments. The great difficulty has been that we could not pool all of these Senators at the same time. Some voted against the Morgan Stanley offer because they did not like Morgan Stanley's offer, and they did not like the Norfolk Southern offer. Some voted against the Norfolk proposition on the antitrust matter but will ultimately feel that they want a sale notwithstanding the antitrust problems.

When President Reagan entered this battle, Mr. President, it was said that the Norfolk offer had difficulties, if in fact it was not in serious trouble. In the House of Representatives there will be a different tone and a different texture to the consideration of the Conrail sale. A strong vote against Norfolk Southern, or as many votes as we can muster against Norfolk Southern, I suggest to my colleagues will be very, very important as this matter progresses through to the House of Representatives. Therefore I urge those Senators who voted in favor of the Morgan Stanley proposition, but who may believe that a lesser sale, or a bad sale, is better than no sale, to vote no on final passage.

There have been those who have said that if this body produced only 20 votes against the Norfolk sale, then the matter was in trouble in the House; that if it produced 30 votes in opposition to the Norfolk sale, then it was on an even keel in the House; and if we could produce 40 votes in opposition to the Norfolk sale, then the matter would go to the House of Representatives with a balance against the Norfolk sale. The Morgan Stanley proposal received 39 votes, and several Senators were absent who had stated their intention to vote in favor of the Morgan Stanley offer had they been present. So we would have reached the early forties or the mid-forties.

But this battle is not over. This is only one House of the Congress. This is a House where it was expected in advance that the tilt would be in favor of Norfolk Southern for all of the obvious reasons. But this fight has just begun.

I have conferred with ranking House Members who are prepared to battle this tooth and nail, and the vote on final passage in this body is very significant in setting the stage as to what may happen in the House of Representatives.

Even though Senators feel that Conrail should be privatized and that there should be a sale, I urge them to vote no so that we can carry this battle forward to the House of Representatives. We can defeat the sale to Norfolk Southern and we can set the stage perhaps for the Morgan Stanley offer, or a private sale of Conrail.

I thank the Chair and I yield the floor.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, at 12:03 p.m., the Senate recessed until 2 p.m., whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. MATTINGLY].

CONRAIL SALE AMENDMENTS OF 1985

The Senate continued consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I suggest the absence of a quorum not to be charged against either side.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, as I understand it, we are in a unanimous-consent agreement with respect to the Conrail debate, 15 minutes on a side, a final vote to occur at 2:30; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. METZENBAUM. Mr. President, I suggest to my colleagues, so that we not deprive each side of the 15 minutes, that we ask unanimous consent that we immediately commence the debate and that the vote occur one-half hour after we commence it so that nobody be deprived of those few minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DANFORTH. Mr. President, reserving the right to object, the majority leader asked that we have a brief period before getting into the 30-minute time period with the quorum time not to be charged to either side.

Mr. METZENBAUM. I am concerned about the fact that the order also provides, although that time would not be charged to either side, there was to be a vote at 2:30, so all I am suggesting is—and I have no objection to what the majority leader provided, but I am just suggesting that when we do get into the Conrail debate, there then be a half hour for debate under the original arrangement and that the time for the vote actually be delayed those few minutes.

Mr. DANFORTH. All right.

Mr. METZENBAUM. I ask unanimous consent to that effect, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I ask unanimous consent that I may proceed for not to exceed 5 minutes as if in morning business.

Mr. METZENBAUM. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. I thank all Senators.

Mr. President, it is pretty clear at this point that the Senate is going to approve a bill to permit the Secretary of Transportation to sell Conrail to the Norfolk Southern. As I detailed on other occasions, when you add up the asset value, $3 billion, the tax benefits, as much as $400 million, the cash that Conrail has in the bank, $900 million, the ability to take those assets, depreciate them, and offset other income earned by Norfolk Southern; when you consider that Conrail is earning over $400 million a year, what we are doing is paying the Norfolk Southern to buy Conrail. That should be pretty obvious to anybody. After all, the taxpayers put $7 billion into the Consolidated Rail Corporation since 1976, and it seems to me that everybody ought to think just one more time before they vote on this measure, because they are going to have to explain why they are paying another railroad to buy Conrail.

We all know what this is going to mean to shippers—the reduction in competition. We know how it is going to further hurt exporters and, for that matter, areas where import-sensitive industries are located, and in more distant U.S. markets where they try to sell their products.

Mr. President, let us not kid ourselves. This is a gravy train that is rolling out of the station, and it is going to make a difference down the track in the ability of many American industries to compete.

When I was growing up you could drive through towns in my area of Pennsylvania where there would be signs saying, "1 million auto bodies made here," "5 million tons of steel made here." Up in Michigan, the signs would say "7 million automobiles produced so far this year." About the only signs that our kids are going to see are how many hamburgers were sold to date.

America's standard of living and strength is based on her capacity to produce, not to consume. By the end of this century, when we find ourselves dependent on imports for steel, apparel, footwear, machine tools, semiconductors, electronic equipment, forgings, communications equipment, and so forth, someone will ask, "How did this happen?" I suppose the answer will be that economists all along told us that what we were doing was fine, even though they never proposed anything.

People will say: "Well, maybe it was the strong dollar; maybe it was because those people did not do anything to reduce the budget deficit"; and they would be partly right. Maybe they will say: "Those people talked a good game on protecting American industries against unfair trade, but they never really did anything"; and they probably would be partly right. Maybe they will look back and say: "We passed some legislation that allowed further concentration in the railroad industry and, for that matter, maybe in other industries, and that did not help matters"; and they will be partly right.

Maybe what I am really saying is that this body is looking at the doughnut, and all we are seeing is the hole. We are missing the big picture, and the big picture is that, while each time we make a decision, we think we are doing something positive and important, we actually are making a series of decisions that, in the aggregate, do not make sense and will make matters worse.

Mr. President, the sale of Conrail to Norfolk Southern will not help build a stronger America. It will make matters worse in the industrial heartland.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DANFORTH. Mr. President, I believe that we are ready for the half-hour period to commence.

The PRESIDING OFFICER. The time will commence.

Who yields time?

Mr. GLENN and Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The time has to be yielded by the floor managers.

Mr. GLENN. Mr. President, the distinguished Senator from Ohio [Mr. METZENBAUM] indicated that I would control time on this side.

The PRESIDING OFFICER. The Chair states that the floor managers control the time.

Mr. DANFORTH. Mr. President, how much time does the Senator from Ohio desire?

Mr. GLENN. Five minutes.

Mr. DANFORTH. I yield 5 minutes to the Senator from Ohio.

Mr. GLENN. Mr. President, I ask unanimous consent that the time come out of the opposition to Conrail, the time controlled by Senator METZENBAUM.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I rise in opposition to S. 638, and urge my colleagues to join me in voting against the sale of Conrail to Norfolk Southern. This legislation is not in the best interests of the United States, of Ohio, our transportation system, or the taxpayers.

I think most of us would like to see the Government get out of the railroad business, but we want to do it in a way that is practical, fair, and preserves competition. Instead, we are being asked by the proponents of a Norfolk Southern purchase of Conrail to rush to judgment without the benefit of a deliberate and thorough consideration of the anticompetitive impact of this merger. I do not think the U.S. Senate should operate in this manner.

As my colleagues well know, a year ago the Department of Justice found that the acquisition of Conrail by Norfolk Southern would violate the antitrust laws and stated that divestitures must be made to provide long-term viable competition before the Department would approve the transaction. During the past year, Norfolk Southern has drawn up three divestiture plans to meet DOJ's concerns. The Department has given tentative approval to the last divestiture plan, yet has withheld its conclusive approval until an independent consultant thoroughly investigates the plan. We learned during debate that as of January 21, the Department of Justice had not even hired their independent consultant. So our Attorney General is not yet ready to give his final approval to the plan, yet he has told the U.S. Senate to go ahead with their approval. That is getting the cart before the horse, if I ever heard it. Congress should not be expected to operate in the dark on any issue, let alone one which involves billions of taxpayers' dollars and serious antitrust implications. We have a number of former attorneys general in the Senate of the United States. Would any of them have recommended that their legislatures go ahead while they were considering antitrust implications? I cannot believe they would. Yet, that is exactly the situation we find ourselves in here today.

Mr. President, despite the latest divestiture plan, serious questions remain about the resulting impact on Ohio rail services and related jobs. There are continuing doubts about the financial ability of the Guilford and Pittsburgh & Lake Erie railroads to acquire the divested Norfolk Southern lines and effectively compete with a Norfolk Southern-Conrail giant. Serious concerns continue to be voiced about the dependence of the final divestiture plan on trackage rights and reciprocal switching arrangements. The Department of Justice only recently, on January 8, requested important information from the Guilford and Pittsburgh & Lake Erie railroads—information about employment, financing, and equipment that is crucial in determining the viability of the divestiture plan. Mr. President, we deserve to have answers to these questions—before we vote on this legislation.

Approval of a Norfolk Southern takeover of Conrail would do a great disservice to the United States, Ohio, and to other States served by Conrail. I have discussed this issue in detail with Ohio Governor Celeste, Attorney General Celebrezze, mayors and other local officials, railroad employees, and shippers in Ohio. I respect their views and have appreciated their input on this crucial issue. I am convinced that a Norfolk Southern-Conrail merger would have an adverse impact on Ohio—with a major loss of competition and jobs.

The Ohio Department of Transportation conducted a detailed study to determine the impact of the pending Conrail sale on Ohio's freight rail transportation system and its economy. Ohio would be particularly affected because the overlap in rail service currently provided by Conrail and Norfolk Southern is greater than in any other State. The study determined that the sale of Conrail to Norfolk Southern would adversely affect Ohio's transportation system and its economy. The Ohio Department of Transportation has also reviewed the latest divestiture plan. The department concluded that the latest plan is an improvement compared to the earlier versions, but there remain key deficiencies in the Ohio portion of the plan that must be addressed.

Ohio is adversely affected more than any other State by this particular plan.

Mr. President, not only Ohio but all other American taxpayers also deserve a fair shake in this deal. They have in-

vested $7 billion in Conrail, and have helped build it into a viable, competitive, and profitable railroad. Conrail recently announced another record year of earnings for 1985, $440 million, while paying higher industry scale wages for the entire year. This follows $500 million net income in 1984. Conrail has a cash balance of $910 million. A recent article in Business Week cites Wall Street analysts as valuing Conrail's worth at at least $2 billion. Yet, if this sale goes through, the taxpayers will actually lose money because of the tax impact of the sale.

Estimates of the revenue loss differ, but we know from the Department of Treasury that it would be at least $174 million. Two rival offers have been presented for the purchase of Conrail, each offering a larger price. Why are we in such a hurry to sell Conrail to Norfolk Southern? I ask my colleagues: Is this any way to run a railroad—by setting up a system that is going to affect the long-term health of commerce and shipping in the United States? We do not have a pressing deadline, or an emergency which compels us to rush this legislation through the Senate. We must stop what may in retrospect come to be viewed as an irresponsible approval of the largest railroad combination in the Nation.

I urge my colleagues to vote against S. 638.

Mr. President, we should get the Department of Justice ruling first. Is this merger going to violate antitrust or is it not? Who knows? No one in this body can answer that. I do not know that; you do not know that—until the Department of Justice gives their ruling to us. That is what we should wait for.

I hope my colleagues will defeat this proposal.

Mr. METZENBAUM. Mr. President, I yield the Senator from South Dakota 2 minutes.

Mr. PRESSLER. Mr. President, last Thursday I offered a regional railroad and shipper protection amendment to the Conrail legislation which was agreed to by the Senate. As I said at the time, the compromise amendment was offered with the clear understanding that it was intended to be the beginning of a process which was to lead to legislation that truly addressed the anticompetitive problems faced by the Midwestern and other regional carriers and shippers. In an attempt to truly address those problems, we have been negotiating with the Department of Transportation since last Thursday to resolve the issues we left on the negotiating table last week.

I was hoping to get unanimous consent today to offer a conforming amendment on this issue. Unfortunately, we have been unable to reach an acceptable agreement with the Department and I must oppose the legislation as it stands. I said last Thursday that the amendment we passed was a good starting point, but that we had a long way to go before the concerns of the Midwest and the West were resolved. Unfortunately, after a very encouraging start with the amendment, we have been unable to move 1 inch from that point. I am still hopeful that this issue can be addressed by our colleagues in the House of Representatives and the conference committee on which I hope to serve, but it has not been resolved in the Senate.

As it stands today, the Midwest remains inadequately protected from the east coast transportation monopoly we are about to create. I regret that I will have to vote against this bill. I truly thought we could work something out.

But failing that, I must in good conscience vote against this measure and I would urge my colleagues who are similarly concerned about the problems this transaction will create for the Midwest and the West to join me in opposition to the bill.

Among the issues still unresolved include the burden of proof on the petitioning railroads, the scope of the traffic covered by the amendment and the scope and type of relief to be granted. Interestingly enough, many are concerned that we are going to have to reregulate the railroad industry to correct these kinds of problems. Maybe this is simply indicative of some of the very fundamental flaws of this proposal. This system will be too big and too powerful to control without a very real return to regulation. Short of that, many railroads in the Midwest and other parts of the country will suffer.

Mr. President, the Midwest should not be required to pay the price for this transaction. As it is presently designed, that is exactly what will happen. I will not hold up the vote on this bill, but I will certainly vote against its passage and I urge my colleagues to do the same. This is not good national transportation policy.

Mr. President, since this debate seems to be drawing to a close, I would like to end by making a comment regarding the distinguished floor manager, the chairman of our Commerce Committee. Although we have disagreed on the merits of this legislation, he has been an extremely fair and unbiased chairman, and has once again proven his able leadership on this issue. We are fortunate to have him leading the Commerce Committee, and I thank him for his cooperation throughout.

Mr. METZENBAUM. Mr. President, does the Senator from Ohio have 8 minutes remaining?

The PRESIDING OFFICER. The Senator from Ohio has 7 minutes remaining.

Mr. METZENBAUM. Mr. President, in a few minutes the Senate will pass the Conrail sale bill. Chalk up another defeat for the American taxpayers.

This is a fatally flawed bill. That is why those of us opposed to the sale have offered several amendments and why we have debated this measure for the last 2 weeks.

I have numerous additional amendments pending, covering such crucial issues as the tax warranties and representations, Conrail's debt, and employee protection. But the Senate is clearly determined to pass this bill without changes.

Accordingly, I will not offer the amendments. I believe we have accomplished much of what we set out to do. We have highlighted the reasons why this bill should not become law.

Before voting, however, I would like to point out once again what this bill truly represents.

First, it is a budget buster. According to the Treasury Department it will result in a loss of $174 million in revenue between 1986 and 1990. CBO estimates the tax loss will be $400 million during that period.

The President termed this bill, "A test to see if Congress is serious about meeting the challenge of Gramm-Rudman-Hollings." The President was right. It was a test, and the Senate failed. We voted to waive the Budget Act.

I believe the bill is unconstitutional because it affects revenues. Even though the Senate has voted that it does not violate the Constitution, I do not believe that we have heard the end of the matter.

In addition, this bill represents much more than a sale of Government assets to the private sector. It is a merger of questionable legality. The Antitrust Division of the Justice Department conditioned the sale of Conrail to the Norfolk Southern on the divestiture of Conrail and Norfolk Southern assets to other railroads.

Even though the Antitrust Division has given preliminary approval to the latest divestiture plan, many significant questions still must be answered in the so-called phase II study.

But the fact of the matter is, Mr. President, the Antitrust Division has not even begun the phase II study yet.

Every single rail labor union opposes the sale of Conrail to Norfolk Southern. There is no labor agreement between Norfolk Southern and the rail unions governing labor protection or compensation after the sale.

We still have absolutely no idea how many jobs will be lost because of this merger.

Norfolk Southern says about 2,240 jobs will be eliminated. Morgan Stanley predicts that job loss could reach as high as 8,000 jobs throughout the Northeast and Midwest.

Nine hundred and one workers in my own State of Ohio will lose their jobs

because of yard closings and track abandonments.

We know that Conrail's workers and retirees will get the short end of this deal. Norfolk Southern plans to pay them a lump sum of $375 million for the employee stock option plan, and for the wages deferred between 1981 and 1984.

That is less than half of what they are due.

Finally, Mr. President, this sale represents a failure on the part of Government to protect the public trust. The taxpayers of this country invested over $7 billion in Conrail, and it is now a very substantial going concern. Conrail has $915 million in the bank, and assets totaling $3.5 billion.

At the agreed upon price of $1.2 billion, we are literally giving it away.

We have talked long and hard in this body about the need for the Government to use competitive bidding. I offered an amendment that would have required the Secretary to solicit new, sealed, competitive bids for the sale of Conrail.

My amendment was defeated by a vote of 64 to 32.

We had two other bids on the table. The Morgan Stanley Group would pay us $200 million more than Norfolk Southern and would have given labor a better deal. The Allen Co./First Boston Group would have paid us $1.64 billion, nearly half a billion more than Norfolk Southern.

There is absolutely no question in my mind that we could have negotiated a better deal for Conrail than that which we have from Norfolk Southern. There is absolutely no reason why we should not have attempted to get a better deal.

Therefore, I intend to vote against this bill. I trust that the House of Representatives will come up with a better arrangement or defeat the bill in its entirety by reason of the constitutional proscription.

Mr. President, I have about 30 editorials in my hand opposing the sale of Conrail to Norfolk Southern. Some of them are headed "Will Conrail be Railroaded," "Let Conrail be Conrail," "Hold the Line on Conrail," et cetera.

I ask unanimous consent to have these editorials printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Ohio News Bureau Inc., Jan. 27, 1986]

WILL CONRAIL BE RAILROADED?

Sen. Howard Metzenbaum's filibuster to delay Senate consideration of the sale of Conrail to Norfolk Southern Corp., aided by an unusual hour's worth of participation by Sen. John Glenn, didn't work last week. The Senate voted, 90-7, to end the filibuster and may consider this week limiting debate on the issue to 100 hours.

But the end of the filibuster does nothing to answer the nagging question that Metzenbaum and others have been posing: Why is the administration so determined to rush forward with the sale of this government-owned railroad to a competing railroad company when other groups are offering more?

Last week, an investment group led by Morgan Stanley & Co. of New York sweetened its bid to $1.4 billion, which is $200 million higher than Norfolk Southern's offer. A third group which includes First Boston Corp., has offered $1.65 billion.

The administration, specifically Transportation Secretary Elizabeth Dole, favors Norfolk Southern on the theory that its deep financial resources ensure that it could withstand a financial downturn and still keep the trains running. But how can it be determined that these investment groups could not, especially given Conrail's recent profitable performance?

A sale to Norfolk Southern has dire implications for Cleveland and the rest of the state. Norfolk Southern has said it would close the Collinwood railyard, eliminating jobs for the 300 Conrail workers there. And while it says it will compensate the workers for Conrail stock they took to keep the railroad running during troubled times, Norfolk Southern gives no specific per-share price that it's willing to pay (See story, page 1).

Last week, Gov. Celeste correctly compared this proposal to another fiasco approved by the administration: the sale of the Enduro steel finishing mill in Massillon (part of the LTV-Republic Steel merger) to an undercapitalized bidder. Norfolk Southern has said it would sell duplicating lines in Ohio to small regional rail companies. But could these companies hope to compete against a merged Conrail-Norfolk Southern?

We can only hope that the Senate takes the reasoned approach and commits the time to study all the offers. The government should get out of the railroad business, but not at the cost of monopoly and economic suffering.

[From the Akron (OH) Beacon Journal, Jan. 28, 1986]

LET CONRAIL BE CONRAIL

The Reagan administration's proposal to sell Conrail to Norfolk Southern as provided in Senate Bill 638 is a raw deal for the American taxpayer.

After the U.S. Department of Transportation bungled the bidding with their premature disclosure of a "fair price" for Conrail, the administration has tenaciously clung to their initial selection of Norfolk Southern without regard to the facts concerning Conrail's viability, Norfolk Southern's fitness as a potential owner of Conrail, or a fair return to the taxpayer.

The basic premise upon which the administration justifies its actions is false. Conrail is viable as a stand-alone enterprise and is not in need of "rescue" by Norfolk Southern or anyone else.

Contrary to predictions of the administration, Conrail's profitability showed continued strength in 1985. Conrail continues to reinvest in capital improvements totaling over $500 million annually, enabling Conrail to create and maintain vigorous competition as a result of continuing productivity improvements from these investments. Freight shippers and receivers all share in these savings.

By contrast, Norfolk Southern proposes to spend more than $800 million less over the next five years. What are they going to do with all that money? Line their deep pockets, I suppose.

The anti-competitive threat posed by a Norfolk Southern takeover of Conrail is real. They are not new to railroading in the Northeast, having already flogged off their subsidiary, Erie Lackawanna, on the U.S. taxpayers only 10 years ago.

They have earned an unenviable record in pricing of coal movements to their on-line utilities which they perceive as largely captive. They have handled deregulation irresponsibly. Freight rates measured in terms of revenue per ton mile since January 1981 have increased 6.8 percent on Norfolk Southern, while in the same period, Conrail's have declined 2.3 percent. I can think of no better basis upon which to predict the effects of a raid by Norfolk Southern on Conrail.

Taxpayers spent $3 billion just to acquire Conrail from the bankrupt railroads over 10 years ago. How could anyone reasonably conclude that today's Conrail is worth only $1.2 billion? There is another offer by Morgan Stanley and Co. (this administration would prefer to ignore it) which offers nearly $800 million more in net proceeds to the federal government.

All conscientious Americans support deficit reduction as an urgent national priority. We must closely follow the proceedings in the 99th Congress to see that our government gets a fair price from a responsible buyer who is committed to the preservation of effective competition in the Northeast and Midwest.—R. Paul Carey, Columbus.

[From the Cleveland (OH) Plain Dealer, Feb. 2, 1986]

HOLD THE LINE ON CONRAIL

The final Senate vote approving the sale of Conrail to the Norfolk Southern Corp. is expected to come Tuesday. It appears the combined forces of President Reagan, the wife-husband team of Transportation Secretary Elizabeth Dole and Senate Majority Leader Robert, and the Republican Senate majority are prepared to ignore the best interests of the northeastern United States and the federal treasury in their haste to remove Conrail from government control. But the Senate vote will not end the battle to preserve the integrity of the rebuilt freight railroad. The sale must yet face examination in the House of Representatives—and that is where it should be stopped.

What price are the president, the Doles and the Senate willing to pay for this political victory? Forget for the moment that the NS offer on its face is $200 million less than that of the investment firm of Morgan Stanley & Co., Inc., which would allow Conrail to stand as an independent, competitive rail company; that the tax write-offs the sale would garner for NS would take several hundreds of millions more dollars from the treasury; that it would mean the loss of as many as 7,000 jobs in Ohio and thousands more in neighboring states.

Consider instead what it could do to the competitive pricing structure of freight rail transportation. The legislation allowing Conrail's sale to NS wraps what would then be the nation's largest railroad in the complete body armor of antitrust protection; this despite the fact that Reagan's Justice Department is so uncomfortable with the anti-competitive aspects of the sale that it says it will seek an examination by an as-yet unchosen private consulting firm to aid in its as-yet uncompleted analysis. Should the sale go through with this antitrust proviso—and NS insists upon it—the newly created mega-railroad would be immune from any antitrust review by the courts or the Inter-

state Commerce Commission. Such exemption from judicial review would be a first in rail merger history. Sale opponents argue—and with no evidence to the contrary—that this immunity could be extended to the two small railroads that the administration claims will provide competitive relief. The potential costs of that antitrust immunity to shippers in Ohio and neighboring states could be staggering.

Congress and the president are right in maintaining that Conrail should be sold. But so far, the bidder with the lesser offer remains at the front of the line. When Congress bailed out Chrysler Corp., it did not insist that it be sold to General Motors. Rather, the regenerated automaker was allowed to re-enter the marketplace standing alone. Such should be the fate of Conrail, which shows every sign of being equal to the challenge of survival. The Morgan Stanley offer would allow Conrail to be Conrail. It remains the best offer.

[From the Philadelphia (PA) Inquirer, Dec. 18, 1985]

CONGRESS AND CONRAIL: THE PUBLIC-OFFER OPTION

The U.S. Senate took a prudent course in postponing indefinitely a vote on the sale of Conrail to Norfolk Southern Corp. Thus the issue will be carried over until next year, when there will be time for both the Senate and the House to take an unhurried look at other options.

Foremost among those options is the proposal of a consortium headed by Morgan Stanley & Co., a New York investment firm. Conrail would be converted from government to private ownership through a stock offering to the general public and continue to operate as an independent railroad. The perils of diminished competition in rail service, inherent in a sale to Norfolk Southern, would be avoided.

When Transportation Secretary Elizabeth Hanford Dole recommended to Congress 10 months ago that Conrail be sold to Norfolk Southern, the apparent strategy was to move on a fast track. Within weeks the Senate Committee on Commerce, Science and Transportation held hearings and there was talk of a Senate vote by April. But doubts about the deal soon surfaced and kept growing through spring, summer and fall. Several tentative dates for a Senate vote came and went with no action. The House public works and transportation subcommittee, heard extensive testimony that a sale to Norfolk Southern was incompatible with the public interest.

Norfolk Southern ought to bow out gracefully by withdrawing its offer instead of forcing the issue. The decks should be cleared for a close look at the Morgan Stanley proposal by Congress when it reconvenes in January.

The Morgan Stanley consortium expanded last month from 32 to 41 investors and more may be added. It includes endowment funds of major universities (Princeton, Harvard, Dartmouth, Columbia, Stanford) and the Metropolitan Museum of Art in New York, the Pennsylvania Public School Employees Retirement System and other pension funds and investment firms, insurance companies, corporations and one railroad, CSX, which was created through merger of the Chessie System and Seaboard Coast Line.

There are numerous aspects of the complex arrangement that need to be examined closely by Congress—including the amount of prospective profits that would go to the consortium instead of U.S. taxpayers. Whether the Morgan Stanley proposal is fair and practical in all its component parts, or could be made so by changing some of its provisions, is what Congress needs to determine by thorough examination that will inspire public confidence.

[From the Chambersburg (PA) Public Opinion, Nov. 25, 1985]

CONRAIL SUITOR IS WEAKENING

The tide has begun to turn for Conrail, the giant rail carrier that serves Pennsylvania industry and the entire Northeast. Judging from recent setbacks for Norfolk Southern Corp., the private carrier that is trying to buy the taxpayer-owned railroad for a song, Conrail may remain—where it should be—in public hands after all.

The choices are twofold:

Allow Norfolk Southern to acquire Conrail, thereby stifling competition, driving up rail costs, discontinuing necessary but unprofitable lines and hurting the state's manufacturing industries or,

Keep Conrail as an independent corporation with public stock ownership, thereby allowing taxpayers to keep their $7 billion investment instead of selling it at the bargain-basement rate of $2 billion.

For the steel, paper and chemical industries, for consumers of electric power and for the taxpayers, transforming Conrail into a private monopoly could be an economic disaster.

And it appears no one is mollifed by Norfolk Southern's proposal that provides for "divestitures and trackage rights" to two smaller, financially weak regional carriers.

"It defies common sense," said a Conrail executive, "that these two railroads could provide innovation and competition that would make up for the loss of an independent railroad."

We're concerned most of all at this point about the investigative process leading to merger approval by the U.S. Justice Department. It was all done in secret, which was unusual considering the ramifications of so huge a merger in the transportation industry.

What is needed at the very least is a thorough public scrutiny of the arrangement before it comes to a vote in the U.S. Senate. Secrecy won't do when altering the shape of the Northeast's rail transportation system.

In spite of such last-gasp efforts, however, there are signs that Norfolk Southern is close to throwing in the towel. Robert B. Claytor, chief executive officer, admitted the quest for Conrail has been extremely time-consuming and expensive for his company. He vowed to pull out "unless Congress gives a clear indication (of approval)."

Our two senators and House representative should convince their colleagues to hold their ground until all the pros and cons of such a merger are examined.

The next obvious step would be for Congress to vote to keep Conrail—owned by taxpayers who built and sustained this vital rail service in the first place.

[From the Toledo Blade, Dec. 10, 1985]

DERAIL CONRAIL SALE

Congress may not get around to voting on the proposed sale of Conrail to the Norfolk Southern system before the end of this year. Some senators have warned that if the vote is not taken before Christmas, Conrail may never be sold to Norfolk Southern. From Ohio's standpoint, that would be good news.

The Senate failed to vote last week and may not be able to do so before the end of the year. Norfolk Southern has been hinting it will pull out of the deal unless progress is made before the end of the year.

One doubts Norfolk Southern will do that simply out of pique. After all, this is a big-stakes poker game. Probably no domestic issue before Congress has caused such a cannonade of press releases, most of which serve to muddy the issue even more.

But when all is said and done, the Reagan administration has not built a convincing case for the fire sale of Conrail to the Norfolk Southern system other than its desire to see a government entity converted to private enterprise and perhaps eliminate a little budgetary red ink.

Those would be worthy objectives, but not at the expense of turning Ohio and some of its neighboring states over to the tender mercies of a railroad combine that would control most of the trackage. In Ohio the merger would own more than 60 per cent of the tracks.

Governor Celeste and a number of other Ohio officials are cool, or in some cases opposed, to a Conrail-Norfolk Southern merger, believing it would have an adverse effect on rail service, rail employment, and other economic activities within the state.

The Government's plan for disposing of Conrail contemplates that two regional lines might take over some of the Conrail track. However, there is no assurance that they could attract enough business to provide shippers with a viable alternative to the merged Conrail-Norfolk Southern giant.

Looking at the proposed sale from a less parochial standpoint, one cannot be certain that the Department of Transportation is getting as much as it should for Conrail—$1.2 billion, part of which Norfolk Southern would be able to recoup from the cash Conrail has on hand and other assets.

There is another plan which involves selling Conrail to private investors, with the Government getting just as much money as under the Norfolk Southern merger. In any case, it is difficult to merge Conrail with either Norfolk Southern or the Chessie system and still preserve rail competition in the eastern United States.

We see no hurry for the Senate to act. The old axiom still applies to Conrail: If it ain't broke, don't fix it.

[From the Cleveland Plain Dealer, Sept. 9, 1985]

GET TOGETHER ON CONRAIL

Evidence continues to mount that the sale of Conrail to the Norfolk Southern Corp. would be a bad deal for Ohio and the nation. Yet the state's congressional delegation, never known for its unity, vacilliates on deciding what stance it should take. Political in-fighting and perceived snubs among the Democrats, as well as the complexities of the $1.2 billion sale, appear to have left the delegation unable to come to grips with what may be the most important sale of government property in which it will ever take part.

Some House members are waiting to see whether labor will support the Norfolk Southern sale or throw its weight behind the public offer of Morgan Stanley & Co., Inc. Others question, with some reason, Morgan Stanley's ability to run a railroad or the depth of its financial base. Yet others see the disposition of Conrail in no larger light than the number of jobs that it would affect in their districts. All are legitimate

concerns. Yet, the piecemeal approach so far taken by the 23 individuals the state sends to Washington will do little to affect the final decision.

What is at stake? According to a study done for the state of Ohio, a dozen categories of shipments could be hurt by the merger. Farm products, ores, coal, food, chemicals, clay products and primary metals are high on that list. Those categories represent the labors and interests of thousands of Ohioans and their employers. The potential for higher shipping rates and lower service quality that the Norfolk Southern deal would carry would affect not only businesses now in the state, but could prevent other businesses from locating here.

Proponents of the Norfolk Southern purchase have maintained that divestiture of some trackage to Guilford Transportation Industries Inc., of Massachusetts, and the Pittsburgh & Lake Erie Railroad would provide competitive balance. The Interstate Commerce Commission, in a report released last week, branded that idea as so much hogwash. While Guilford, which has staged a remarkable comeback for the three Northeastern shortlines it operates under the innovative and dedicated leadership of financier Timothy Mellon, is eager to take on the trackage, the ICC found that it would not appear to be "a financially viable carrier." The P&LE, meanwhile, already totters on the edge of bankruptcy. The ICC finds that new lines for that road "will not enable it to reverse its already precarious financial position." And, should Congress ignore the ominous implications of the ICC report and approve the Norfolk Southern bid, the Justice Department still would have to make a final decision as to whether the arrangement would meet the requirements of antitrust law.

Yet, bad as the deal appears, approval in the Republican-dominated Senate appears almost certain. If the deal is to be stopped, it will happen in the House. And that's where Ohio's delegation could shine, if only it would. Rep. Dennis Eckart has taken an early leadership role in support of the Morgan Stanley offer. Rep. Louis Stokes, dean of Ohio's representatives, opposes the Norfolk Southern plan but questions the Morgan Stanely bid. Others stand scattered around the issue.

Stokes says he wants to convene the delegation to find where its heart is. He correctly observes that a unanimous position carries more clout. A unified delegation would carry no little weight on Capitol Hill. The sooner it finds unity, the better it will be for Ohio, Conrail and the nation.

[From the Toledo Blade, Sept. 20, 1985]

SAVING CONRAIL

Disposing of Conrail, the government-owned rail line serving the northeastern and midwestern United States, has become one of the most hotly disputed domestic issues before Congress.

Secretary of Transportation Elizabeth Dole, summoning all her persuasive powers, is trying to sell Conrail for $1.2 billion to Norfolk Southern, one of the two railroad giants in the eastern United States.

This move is opposed strongly by CSX Corp., Norfolk Southern's major competitor, whose economic interests in the matter are clear. The Dole plan also is opposed by several states, including Ohio.

Governor Celeste put the matter simply: "Ohio would bear the brunt of the impact. Of the 1,800 jobs that could be eliminated, about 800, or 44 per cent, would be in Ohio. And about 50 per cent of the facilities that would be shut down are in Ohio."

The Toledo area stands to lose approximately 100 jobs if the Norfolk Southern-Conrail merger is approved. But Ohio transportation officials also fear that it would mean more than just a job loss. Conrail has been a well-run railroad under its current management, and it has been a factor in the expansion of businesses along its lines.

The prospect under a Norfolk Southern-Conrail merger is for poorer service in this region, far from the heart of Norfolk Southern's main territory. The configuration of eastern railroads is such that the swallowing up of Conrail by either of the two major competing lines would pose a real threat to rail competition.

There is an alternative. The Morgan Stanley investment firm has put together a group of investors to purchase the Government's interest in Conrail and return it to private ownership through public stock offerings.

This plan is not without risk because Conrail, while currently profitable, serves a region that has had more than its share of economic setbacks in recent years. Any economic downswing in the Middle West or Northeast would immediately be reflected in Conrail's financial statements.

The Government would get the same amount of money or, as some proponents assert, more from the sale of Conrail by means of the Morgan Stanley plan as it would from the proposed Norfolk Southern mergers. And the delicate balance of competition among the three major eastern railroads might be better preserved.

From the standpoint of competition and from the admittedly parochial standpoint of saving jobs and railroad service in Ohio, it would be best to preserve Conrail as an independent entity.

The Morgan Stanley plan holds out promise of both, whereas the absorption of Conrail into the Norfolk Southern system does neither. Congress should give Conrail a chance to make it on its own as a private entity.

[From the Akron Beacon Journal, Sept. 8, 1985]

SOUND ALTERNATIVE OFFER TO CONRAIL MERGER PLAN

Seven months ago, we argued that the proposed sale of Conrail to the Norfolk Southern Corp. was a good idea. We took that position for one reason: We were concerned about the long-term stability of rail service in the Northeast and Midwest.

Conrail, the government-owned product of seven failed railways, is healthy today. The management is sound; last year, the railway turned a profit of $500.2 million. But, we wondered, would it be in good shape in five, 10 or 25 years—if, as many have proposed, a public offering of Conrail stock was made and the railway was entirely on its own.

Would Conrail survive in the same market where the original seven railways died? Wouldn't this promise years of uncertainty for rail users in Northeast Ohio and elsewhere?

Norfolk Southern is strong financially and an experienced rail company. But our support for the sale—proposed by the U.S. Department of Transportation—was not unqualified. We were concerned about the lack of competition in rail service that would result from a merger of Norfolk Southern and Conrail.

Without appropriate anti-trust measures—such as the sale of some Norfolk Southern lines to small competitors—the plan would likely do more harm than good to regional economies, including Northeast Ohio.

And in recent months, we've become convinced that the Transportation Department plan does not go far enough to preserve competition. For instance, a report prepared by Interstate Commerce Commission staffers concluded this week that Norfolk Southern's plan to sell rail lines in Ohio to Guilford Transportation Industries and Pittsburgh and Lake Erie Railroad would not lead to a competitive market.

According to the report, the two railways would eventually be driven out of business by a combined Norfolk Southern and Conrail railway.

In addition, other developments have brightened the prospects for the survival of an independent Conrail.

The New York investment firm of Morgan Stanley has organized a group of 32 blue-chip investors to back a proposal to purchase the government's interest in Conrail and return the railway to the private sector through a series of public stock offerings over five years.

The Morgan Stanley plan is by no means perfect. The investors include CSX Corp., Norfolk Southern's major competitor—although no one investor could own more than 10 percent of Conrail

But it appears the investors are committed to Conrail's future. Conrail's superb management team would be kept, and a recent study by the U.S. Railway Association concluded that Conrail can survive on its own. Beyond that, the Morgan Stanley plan will add $600 million to government coffers. Morgan Stanley has offered the same amount as Norfolk Southern for Conrail—$1.2 billion—but it will not benefit from the $600 million in tax breaks that will go to Norfolk Southern.

Most important, however, the Morgan Stanley offer preserves Conrail's independence and thus competition in the Northeast and Midwest. And that, according to a study commissioned by the Ohio Department of Transportation, would be good for Ohio. The study concluded that the merger would result in higher rates and poorer service for Ohio's shippers. In addition, 800 railroad jobs would likely be lost in the state.

That is not to say a combined Norfolk Southern-Conrail railway would not be stronger financially than an independent Conrail. It would, but at significant cost. Ultimately, the decision will be up to Congress. Lawmakers would be wise to go with the Morgan Stanley offer. It involves risks. But the rewards are well worth it.

[From the Youngstown Vindicator, Feb. 12, 1985]

CONRAIL SALE: NO BARGAINS FOR TAXPAYERS?

Transportation Secretary Elizabeth Dole prefers to sell Conrail to the Norfolk Southern Railroad for $1.2 billion. That would be no disaster since none of the other bidders has come up with a better deal. But the competition is very far from over.

A major fight is brewing in Congress over the proposed purchase, with competition, shippers, Conrail's management and its unions, rejected suitors, as well as state and cities served by the involved carriers raising a variety of objections and alternatives.

As one of the spurned investors summed up: "When you figure everybody's role, the whole country is going to be involved."

And why shouldn't it? The effects will certainly be far-reaching for the 76,000 employees of Conrail and Norfolk Southern and their service areas.

CSX Corp., which did not make what observers call a serious bid for Conrail, preferring a "split-up," has vowed all-out opposition to the selection of Norfolk Southern, its chief rival.

Curiously, Norfolk Southern was the only finalist in the Conrail bidding currently running a railroad. The also-rans included Alleghany, a holding company based in New York, and an investment group headed up by J.W. Marriot Jr., the hotel executive.

Alleghany had the support of rail union leaders, a strange stance in the view of some observers, given Alleghany's connections with the operations of the ill-fated Penn Central which brought about Conrail into being in the first place.

Conrail's management itself is reluctant to be the object of a sale to private suitors. Something of an irony in itself, since it is the ward of an administration loyal to a free enterprise philosophy and determined to get Conrail into the public sector where, most everybody agrees, it belongs.

It's all very interesting, considering that in 1975, five years after the Penn Central and its relatives in the Northeast went bankrupt, Uncle Sam stepped in to give the orphaned system a new life as "Conrail." that transfusion, incidentally, cost the taxpayers roughly $7 billion. And yet, in government circles at least, Conrail is considered a "success story."

Since 1981, it has been clear that Conrail would have to leave the shelter of federal protection and return to private owners. But the answers to the big questions of when and how are still far from answered.

Putting the thing up for highest bid hasn't produced satisfactory numbers in our book. That's because Congress has tied a lot of strings to any such deal in order to try to recoup the government's enormous "bailout" investment. The selling process is now almost four years old and a final solution is not at hand. But with the Dole decision, the effort has at least entered a new phase.

Conrail's management still is pushing for a public stock offering. Since there is a good chance that the rail system could be sold for much more than $1.2 billion offered, why not? There's a good chance Congress will go that route.

If it doesn't, the sale to Norfolk Southern is likely to win Capitol Hill confirmation. If that proves to be the case, the Transportation Department is counting on the sale of certain Conrail and Norfolk Southern lines to regional railroads to satisfy antitrust objections.

To allay Justice Department concerns about anti-competitive effects on the Greater Youngstown district, the Pittsburgh and Lake Erie and the Grand Trunk Western railroads propose to link some divested lines to their won in a network that would reach from Buffalo to St. Louis.

Other selling points for the Dole decision are some crucial commitments. Five years after the sale, the successful bidder must maintain Conrail's business "substantially as it is now being conducted." No dividends can be taken out unless a cash balance of at least $500 million would remain, and Conrail tax benefits valued at $1.24 billion would have to be waived.

Considering the time and money expended, Conrail is hardly an example of a model bailout. On the othe hand, why sell it prematurely?

Ironically, as economist Robert Samuelson has observed, Conrail's lasting success was its earlier failure. It forced Congress into relaxing railroad regulation. At the same time, it forced management and unions to make changes that had to be made—for survival's sake.

[From the Chicago Tribune, Aug. 23, 1985]

THE SALE OF CONRAIL

The dispute in Congress over which of two bidders will be allowed to purchase the Consolidated Rail Corp. (Conrail) from the federal government seems on the verge of becoming sidetracked.

Conrail is the government-financed amalgamation of railroads in the Northeast and Midwest that evolved from a wave of bankruptcies more than a decade ago. The administration has quite correctly insisted on selling its majority interest in Conrail as quickly as possible to recover some of the more than $7 billion invested in saving the railroad network and to help offset the burgeoning national debt. The Department of Transportation selected the Norfolk Southern Corp., a well-run and highly profitable railroad, as the winning bidder at $1.2 billion in cash.

Since then, Morgan Stanley & Co. has put together a consortium to engineer a public buyout of the government's 85 percent share and reorganize Conrail as an independent private sector railroad once again.

The Morgan Stanley proposal is in the best long-range interests of the public, and Congress should act on it as quickly as possible. Both offers expire at the end of this year.

For one thing, the sale of Conrail to Norfolk Southern would create a giant network that would monopolize rail traffic in the eastern third of the United States. Conrail already is the largest single interchanger of rail traffic in the nation.

Norfolk Southern executives have argued that Conrail could not long exist as a viable independent railroad, but the United States Railway Association, an agency Congress created to oversee Conrail, disputes that claim: "Conrail can generate a positive cash flow for the foreseeable future." A recent USRA report also warns that the proposed merger would divert substantial amounts of traffic from four Midwestern railroads that are only marginally profitable. Those railroads include the Chicago & North Western, Illinois Central Gulf and Soo Line, which is in the process of acquiring the Milwaukee Road.

That will put the federal government in the position of resolving the railroad financial crisis of the Northeast by shifting it to the Midwest.

[From the New York Times, Aug. 20, 1985]

SELL CONRAIL TO CONRAIL

The Federal Government wants to sell Conrail, the freight railroad patched together in 1976 from the wreckage of seven bankrupt private roads. Who should be allowed to buy it?

Sell it to us, clamors the Norfolk Southern Railroad, we can provide important operating efficiencies, plus the deep pockets needed to ride out hard times. The Transportation Department agrees, and is pressing Congress to authorize the sale for $1.2 billion.

No, no, insists a group of investors organized by the Morgan Stanley Company and backed by the railroad's management and unions. Selling to the Norfolk Southern would be anticompetitive. We'll pay the same amount and make Conrail a private, independent and competitive corporation.

Judging by the hyperbole of the contestants, one might almost think the whole future of the Northeast turned on the choice. In fact, both sides are almost certainly capable of providing adequate freight rail service. But that doesn't mean there is no difference between the competing claims. An independent Conrail would make for a healthier transportation system.

When Conrail began life, it was incompetently managed, bled by cynical unions and outmaneuvered at the Interstate Commerce Commission by savvy truckers. The hulk, it appeared, would forever remain a ward of the state.

The analysts have been proved wrong. Congress spent $7 billion to modernize the rail system and buy out the most unproductive workers. Regulatory reform gave Conrail the chance to scrap its most unprofitable lines and raise rates for goods that could not be transported by truck. And management, headed by Stanley Crane, has built a system that is profitable and insulated against recession with a fat bank account and low operating costs.

It wasn't surprising, then, when a dozen investors responded enthusiastically to the Transportation Department's offer to sell Conrail to the bidder who would provide the best service to the railroad's customers. Secretary Elizabeth Dole chose Norfolk Southern, one of the two big East Coast railroads. But she hasn't persuaded Congress to go along. And when Conrail's management and unions sided with an offer by the Morgan Stanley group, the stage was set for a fierce battle.

The Norfolk Southern is a well-managed railroad that could make good use of the Conrail system to lower its operating costs by more than $100 million a year and permit it to compete even more strongly against the other big Eastern railroad, the CSX. The question is whether the merger would also serve the interests of freight customers.

The United States Railway Association, the independent agency that oversees Conrail, notes that much of the Norfolk's gains in efficiency would come at the expense of small Middle Western railroads that are already in trouble. The merger could thus force further rail consolidation and eliminate carriers serving hundreds of shippers.

There's a stronger reason for keeping Conrail independent: the chance to maintain a third, financially viable Eastern railroad. Conrail is known for innovation and marketing efforts in the Northeast. Why eliminate the only successful railroad whose profit centers and management focus are in the Northeast?

The structure of American railroads is changing rapidly. Some will grow, some will shrink and some will disappear as the system responds to the demands of competition. A private, independent Conrail would preserve options for the Northeast and let the decisions be made by the market.

[From the Wall Street Journal, Aug. 8, 1985]

THE GREAT CONRAIL WAR

We flipped a coin the other day: Tails and Elizabeth Dole would sell Conrail to Bob Claytor of Norfolk Southern, as she wishes; heads she would have to sell it to Tom Saunders of Morgan Stanley. Our quarter came up heads. So sell Conrail to Tom. Or

call everyone together for a more official coin toss. Sell it to anyone—just sell it.

But after more serious deliberation we knew that nothing in government can be that simple. The secretary of transportation is no longer just selling a piece of troublesome government property. All of a sudden, she has been caught in the middle of an old-fashioned railroad war. Other railroads, investment bankers, shippers, rail-union leaders, governors and lesser politicians—federal, state and local—have lined up behind either Mr. Claytor or Mr. Saunders, the two gangs facing each other across the tracks just like in the movies. Chortling as they watch from a safe distance are Washington's statists, who don't want to sell the railroad and hope the two gangs will wipe each other out. Those are the guys we don't like.

Just this week, the Interstate Commerce Commission, that hoariest of all regulatory meddlers, reentered the melee with a new study requested by Rep. Jim Florio. It purports to find that an NS takeover would result in more "traffic diversion" from other roads than NS had estimated. Horrors! That sounds like competition, something the ICC has long been entrusted with preventing. Rep. Florio, whose fiefdom is the House Subcommittee on Commerce. Transportation and Tourism, probably will be pleased with the ICC's findings. He has little enthusiasm for selling Conrail.

Taxpayers, however, have a strong interest. They've already contributed a cool $7 billion over the past decade to keep Conrail rolling. Conrail finally is making a profit, but it also is facing the loss of some of its high-sulfur coal business, if environmentalists get their way, and paying union wages once more. Most taxpayers can find better things to do with their money than risk it on the future of Conrail.

Which brings us to the two competing bids. At one level we have a battle of the managers of three railroads. Conrail, Norfolk Southern and its larger competitor, CSX. CSX, because of its size and location, faced antitrust objections to any bid of its own, but sure didn't want NS to get Conrail. Neither did Conrail's able chieftain, Stanley Crane, so long as there was a chance his team could retain control.

Morgan Stanley came in originally at the behest of Mr. Crane, but then set about to organize a public buyout of the government's 85% interest (employees own the other 15%). Mr. Saunders, with a little help ($100 million worth) from CSX, managed that brilliantly. He put together 32 investors willing to match Norfolk Southern's $1.2 billion cash offer. It is a highly diversified bunch, including such plungers as Columbia University ($25 million), the Metropolitan Museum of Art ($5 million), NYNEX Corp. ($25 million), Nomura Securities International ($70 million), Ezra K. Zilkha ($25 million) and Morgan Stanley itself ($50 million). He also put together a political coalition of shippers, certain Western railroads with "gateway" interests to the Northeast, and interested politicians.

Morgan Stanley seemingly has met Mrs. Dole's requirement that bids come only from single entities. But the plan is to reoffer the Conrail stock publicly, restricting any one purchaser (CSX, for example) to 10%.

Goldman Sachs, Mrs. Dole's adviser, suggested the single-entity requirement on the grounds that such a restriction would make it less likely the railroad would go bust again and end up back in the government's lap. Mrs. Dole picked Norfolk Southern from among the bidders (which initially did not include Morgan Stanley) because it is a well-managed railroad with "deep pockets."

Norfolk Southern's investment bank is Shearson Lehman Bros., which is blasting away at Mr. Saunder's claim that his buyout is a better deal for the taxpayers. Mr. Saunders argues that more tax revenues would be lost by Norfolk's depreciation of Conrail assets, a complex thesis. Morgan Stanley is also offering the government some warrants exercisable at $48 a share, an optimistic level. Railroad analysts Graeme Ann Lidgerwood of Kidder Peabody and Joel Price of Donaldson Lufkin are skeptical of what they see as Morgan Stanley's too-rosy scenario for Conrail's future earnings.

So is Mrs. Dole. She wonders how much cash an independent Conrail could muster to meet all the commitments it is undertaking, like paying union wages, rewarding investors and taking care of property the taxpayers have paid so dearly to rehabilitate.

But mainly, she wants to sell the railroad. Congress ordered the sale four years ago, so we assume that's what Congress wants. Taxpayers made clear what they want when they reelected Ronald Reagan. Both Mr. Claytor and Mr. Saunders, whatever the merits of their arguments, are willing to take the risks of buying the railroad. The only way opponents of the sale can block it is through obfuscation and delay. That, above all, is what should not be allowed to happen. Put the Claytor-Saunders choice up for a vote in Congress in September and may the best man win.

[From the Philadelphia Inquirer, Aug. 8, 1985]

WEIGHING SALE OF CONRAIL: A PUBLIC-OFFERING OPTION

Six months have passed since Transportation Secretary Elizabeth H. Dole announced that she would recommend to Congress that Conrail be sold to the Norfolk Southern Corp., but a persuasive case has yet to be made that she was on the right track. Although Senate and House committees have held numerous hearings—with more to be held, at least by the House, when Congress returns from its August recess—crucial questions about a sale to Norfolk Southern remain unanswered, or not answered satisfactorily.

They include, beyond questions about the adequacy of Norfolk Southern's bid and the value of tax benefits it would receive, a more fundamental issue of antitrust implications. The Justice Department has ruled that acquisition of Conrail by Norfolk Southern would be unacceptably anticompetitive unless portions of their systems were divested to smaller railroads. It would be premature for Congress to consider approval of a sale to Norfolk Southern before the Justice Department has evaluated the divestiture proposals.

The U.S. Railway Association, created by Congress in 1976 to monitor Conrail operations, reported last week that several regional railroads in the Midwest "will lose substantial volumes of traffic" if Conrail is acquired by Norfolk Southern. A basic and still unresolved question is whether a number of railroads would have any realistic chance of survival even if Norfolk Southern, in buying Conrail, sold some lines to competitors.

Overriding the debate about whether Conrail should be sold to Norfolk Southern is the larger question of whether Conrail should be sold to *any* railroad. The Railway Association said in its report that "Conrail's future viability as an independent entity is reasonably assured. . . . By the end of this year Conrail will have been profitable for five consecutive years, and it has again been reasonably and credibly forecast to be profitable through the remainder of this decade."

The association's findings strengthen a proposal made in May by a consortium headed by Morgan Stanley & Co., a New York investment firm, and including major universities and pension funds. The consortium has offered to buy Conrail and then make most or all of the stock available for purchase by the general public under an arrangement that would maintain the Conrail system as an independent, stockholder-owned railroad.

Earlier Transportation Department officials had argued that a public offering would be too risky or impractical because investors might have doubts about buying Conrail as an independent railroad. The consortium's offer has made those doubts moot. Investors not only are willing to buy Conrail as an independent railroad—at a price that at least matches Norfolk Southern's offer and probably exceeds it when tax considerations are taken into account—but are confident that the stock could be resold at a profit.

Many questions about details of the Morgan Stanley proposal have been raised in congressional hearings. It will need to be scrutinized much more closely when Congress returns in September. In broad perspective, though, maintaining Conrail as an independent system with its stock sold in a public offering has emerged as a credible alternative to selling it to Norfolk Southern or any other railroad. Congress must give full consideration to the public offering option before making a decision on Conrail's future.

[From the Baltimore Sun]

RAIL VICTORY FOR BALTIMORE

Baltimore and the Chessie Railroad have been closely bound together since the dawn of American railroads. It is fitting then that Chessie has chosen to renew and strengthen that association as it moves aggressively to meet intense competition for freight traffic to the Midwest.

Rather than sit back and let arch-rival Norfolk Southern take business away from Chessie's operational headquarters in Baltimore, the local railroad responded yesterday by slashing its rates substantially. Once again, it will be cheaper for a shipper to use the Port of Baltimore instead of NS's home town of Norfolk. And it could become even more advantageous to use Baltimore as Chessie implements a cost-saving program of double-stacking cargo containers on rail cars.

The rate reduction announced yesterday (the state will absorb half the cost) could be as high as 20 percent: if double-stacking is successful, it could cut shipping costs another 40 percent. Baltimore's popularity as a port of call could grow by leaps and bounds.

In recent years, port companies have complained about Chessie's high rates and indifferent attitude. But that was before the federal government decided to sell Conrail, the other railroad serving Baltimore, to Norfolk Southern. A Conrail-NS merger would cost Chessie considerable business and lead to a reduction in jobs along Chessie's least-profitable line, the B&O.

Chessie wants Congress to overrule the Reagan administration and sell Conrail to private investors. To gain the endorsement of Maryland officials, Chessie agreed to discuss service improvements for the Port of Baltimore. Its concessions have thrilled local officials. It was no surprise, then, that Governor Hughes announced his strong support for selling Conrail yesterday.

We applaud both the governor's actions and Chessie's decision to enhance its competitive position in Maryland Norfolk Southern officials have failed repeatedly to give assurances that the Port of Baltimore would not be harmed by a Conrail-NS consolidation NS never offered to negotiate issues Chessie was eager to do so.

Chessie also has decided to enlarge its operational headquarters in Baltimore and to increase its corporate presence in Maryland. Moreover, the railroad is willing to spend $4 million on tunnel improvements to enhance the movement of larger double-stacked containers. This is a long-term commitment by Chessie to the city and the state.

The lower rail charges will be only marginally profitable for Chessie. But the new rates—and the added efficiency of using double-stacked rail cars—could produce considerably more business for Chessie in the long run. And that would be very good news for Baltimore.

[From the Cleveland (OH) Plain Dealer, July 14, 1985]

NO TO NORFOLK SOUTHERN

The word in some quarters around Capitol Hill is that the proposed sale of Conrail to the Norfolk Southern Corp. is, if you'll pardon the transported metaphor, dead in the water. If so, its demise should be cause for some rejoicing among nearly every interest dependent upon rail transporation in the Northeast United States. The proposal, put forward last winter by Transportation Secretary Elizabeth Dole, does not properly serve Ohio, the region or the nation. Although it would meet the well-intended congressional mandate to remove the federal government from the railroad business, the sale amounts to a giveaway of a very valuable property. It could serve only to limit competition severely—and thus prove unnecessarily costly to those industries dependent on rail freight transport.

The transaction's complexities are keeping legions of accountants busy to determine its ramifications. But the more that congressional calculators tally the tax benefits the sale would give Norfolk Southern, the more the announced $1.2 billion purchase price shrinks is its true return to the federal treasury. Granted, no sale, proposed or conceived, would recover anywhere near the $7 billion that taxpayers have provided to seed and cultivate the systems return to competitive excellence. Yet the tax write-offs the acquisition could provide for Norfolk Southern—estimated by one congressman to approach the full purchase price—could amount to a handsome payment to Paul by a deficit-ridden Peter.

The worst feature of the proposal is the potential it has to destroy the competitive balance of rail freight in the northeastern United States. Although Norfolk Southern and the Justice Department say that competition would be maintained through a complicated series of divestitures, such does not appear to be the case. Opponents say that Justice used a non-standard antitrust yardstick to measure the sale, one that underestimated the competitive problems and overestimated the efficacy of divestitors. Indeed, the two regional railroads most often mentioned as recipients of the shed lines—Guilford Transportation Industries and the Pittsburgh & Lake Erie Railroad—already operate on restricted budgets. How they would be expected to take over and use the Conrail castoffs is beyond the ken of many analysis. The weight of the added trackage might well be more than either could bear, and would mean the end of whatever competition they might afford. Shippers then would be left to the questionable mercies of Norfolk Southern's rate-setters. Congressional staff are re-examing the Justice study.

Finally, the sale would mean the loss of jobs in Ohio—not only for the 300 employees of Cleveland's Collinwood Yards whose work would be tranferred to Bellevue, O., but for hundreds and perhaps thousands of others whose livelihoods are wrapped in services that the merged lines would not use. And the loss of jobs is the last thing Ohio needs.

If Conrail's future does not lie to absorption by Norfolk Southern, then what should be done with it? Some Sen. Howard Metzenbaum among them, say Conrail is a money-making proposition that the government should retain indefinitely. The inference is that it should be sold only if it started to lose money. But then who would want it?

More and more, the proper course seems to be some form of public stock offering along the lines of that proposed by the banking firm of Morgan Stanley & Co., Inc. That proposal would see the investment house buy the railroad for each and tax revenues—the combined values of which it places at about $1.8 billion—then return ownership to the private sector through a series of stock sales. Conrail then would be left to find for itself in the marketplace—a situation that its management led by L. Stanley Crane, says it eagerly anticipates. Secretary Dole has opposed the public offer concept as unworkable and too time-consuming in selecting the Norfolk Southern bid she said she wanted the system to go to a railroad company with parties deep enough to carry it though projected income troughs and keep it off the dole.

But a public offering—whether Morgan Stanley's or one set up by the government itself—seems workable. Supporting point to the recent public sale of the $8 billion British Telecom by Reagan soul-mate Prime Minister Margaret Thatcher as proof that a giant government entity can be privatized successfully in a timely fashion. And, as far as pocket depth and dedication are concerned. Norfolk Southern Chairman Robert B. Claytor told the House Transportation subcommittee last month that should the tax advantages be stripped (he places them at less than $100 million) or the deal delayed past December, has company would reconsider its offer.

Congress is indicating it will not be hurried into a decision on Conrail's fate. It should not be too many questions, too many dollars and too many jobs are involved to yield to Secretary Dole's desire for a quick Conrail fix—especially one that might ultimately cripple the regions transportation system. If Norfolk Southern can't wait, too bad. The nation can—and should.

[From the Indianapolis News, June 20, 1985]

STEAL OF THE CENTURY

When the Reagan administration first began looking for ways to rid itself of the financially troubled Conrail train line, dumping it to the Norfolk Southern Corp. probably seemed like a good idea. Now it's time to think again.

When the president took office in 1981, Conrail seemed to be a losing proposition destined to be a drain on the taxpayers. Since the federal government decided to create the company out of six bankrupt lines in 1976, Conrail regularly had lost money and had needed massive federal handouts just to keep going.

In fact, "massive" might be an understatement. Since 1976, Conrail has received $7 billion in federal investment—almost all of it coming before 1982.

Then Norfolk Southen came along with an offer of $1.2 billion for Conrail and a promise to operate the railroad line for five years. It's easy to understand why Reagan's Transportation Department jumped at the offer. It seemed like an opportunity to cut some big losses.

But, as more than one observer has said, "This is a case where the facts have outrun the decision." Ironically, the Reagan administration refuses to re-think the deal with Norfolk Southern, even though it no longer makes sense for the government, the taxpayers or Conrail. It makes sense only for Norfolk Southern.

The irony is that Conrail is now a successful, *profitable* business—in part because of reforms made by the Reagan administration. In fact, Conrail can be considered a model example of the virtues of deregulation.

Now that Conrail is more able to control its rates, schedules and labor force, the company is running more efficiently and making money. Lots of money.

Last year alone, Conrail netted $500 million. This year is expected to be almost as successful. The company hasn't lost money since 1981 and now has a book value of $4 billion.

Good times have left a tangible mark. Conrail has $1.05 billion in cash on hand now. More than $800 million is in a cash reserve, roughly $200 million can be found in excess funding for pension commitments.

If the proposed deal goes through, all this cash goes to Norfolk Southern, which means Norfolk Southern practically recoups the purchase price simply by assuming Conrail's assets.

What's more, the deal carved out between the Department of Transportation and Norfolk Southern would offer the latter some incredible tax exemptions—enough to save the company hundreds of millions of tax dollars a year.

Besides giving Norfolk Southern a financial advantage over its competitors, these tax breaks would have the practical effect of offering a government subsidy to Norfolk Southern stockholders.

Finally, selling Conrail to Norfolk Southern would give that railroad a near monopoly of the track and traffic in the Northeast and northern Midwest. In Northeast Indiana, for example, Norfolk Southern would control 96 percent of the market.

There are movements afoot in Congress and elsewhere to sell Conrail's stock in a public offering. At least one group of investors, organized by Morgan Stanley & Co., has met Norfolk Southern's offer of $1.2 bil-

lion—and promised to make 60 percent of Conrail's stock available to the public.

This seems to be a much better idea than letting Norfolk Southern buy a near monopoly with Conrail's—and the taxpayers'—own money. The Reagan administration should stop the sale and find another buyer. And if the administration doesn't, Congress should.

CONRAIL'S FUTURE—A PUBLIC OFFERING STILL LOOKS LIKE THE WAY TO GO

Besides hauling from New York City (except where otherwise indicated), what do these investors, both individual and institutional, have in common? Citicorp Capital Investors Ltd. Columbia University Compagnie de Banque et d'Investissements, Geneva, Switzerland. CSX Corp., Richmond, Va. Diversified Capital, Chicago. The Dreyfus Corp. Fisher Brothers Financial & Development Co. The Gottlieb Corp., Kansas City, Mo. Harbert Corp., Birmingham, Ala. Harvard Management Co. (Harvard University). Boston KR Capital Advisors Inc. George S. Livanos, Lausanne, Switzerland Wm. W. Lowry & Associates Inc., Atlanta. Morgan Stanely & Co. Nomura Securities International Inc. Nynex Corp., White Plains, NY. T. Rowe Price Associates Inc., Baltimore. Princeton University, Princeton, NJ. Rockefeller & Co./Spears, Benzak, Salomon & Farrell Inc. Fayez Sarofim & Co., Houston. Soros Fund Management Co. The Taubman Investment Co., Bloomfield Hills, Mich. U.S. Steel and Carnegie Pension Fund Inc., Ezra K. Zilkha.

The key word is Conrail. Despite widespread skepticism in official circles, and with a tight deadline looming. Morgan Stanley has just succeeded in unveiling the impressive list of investors cited above, all of whom have made a commitment to participate in the purchase (and eventual resale to the public) of the Consolidated Rail Corp. from its present owner, the U.S. government. Overnight, they thereby have organized one of the most unusual syndicates ever seen on Wall Street. Willy-nilly they also have set back the return to private hands of the nationalized railroad, which had been proceeding with all the dazzling speed of an old coal burner chugging up a steep incline by months if not years.

As a great admirer of Maggie Thatcher's hugely successful program of privatization (after the triumphant divestiture of British Telecommunications late last year, both British Airways and British Gas, enormous deals in their own right are slated to go on the block), as well as a perennial critic of "lemon socialism," we ordinarily would be viewing such a development with editorial alarm. This time, however, we're not so sure.

True, we're less than happy about lining up on the issue against the Norfolk Southern, sole survivor of the protracted bargaining process with the Department of Transportation which eliminated a dozen other bidders, and owner and operator of one of the largest and most profitable carriers in the country. Were even more uncomfortable about finding ourselves in the same caboose with lawmakers burdened with ludicrous track records and suspect dedication to removing Uncle Sam from anyone's throttle.

Even at the cost of some further delay, however, we welcome Morgan Stanley's initiative last December Barron's went on record as urging the sale of Conrail via a public offering and nothing that has happened since has changed our mind. On the matter in view of what has happened since that route looks increasingly attractive. As might have been expected, the transaction between Norfolk Southern and DOT has triggered knee-jerk cries of "giveaway," as well as more serious allegations of the same kind by Conrail's current management which of course has a vested interest in keeping its job.

While vigorously denying such claims. Norfolk Southern, by failing to produce pro forma financial statements projecting the probable results of the merger, has done little or nothing to rebut them. Other terms of the deal, notably some makeshift arrangements designed to meet antitrust objections from the Department of Justice also have come under hostile scrutiny.

Par for the course, perhaps and the way the political game is played. Antitrust and other spurious considerations aside, however, we can't help concluding that the deal struck by DOT and Norfolk Southern is apt to lead to less competition on the nation's railroads rather than more. It would eliminate the rivalry—indirect as well as head-to-head—that currently exists between Norfolk Southern and Conrail. It would quietly revive intercarrier agreements on rates and routes that might go toward undercutting the deregulation that has greatly benefited both railroads and shippers. And it would threaten a management team that not only has shown that it can run a railroad but also has been up front about pushing aggressively for greater freedom to manage. More than ever, a public offering—which would bypass most of these obstacles—strikes us as the way to go.

In so saying, we're well aware of how slow the going to date has been. Since the bidding for Conrail began in earnest two years or so ago, the United Kingdom has successfully sold off perhaps a half-a-dozen major chunks of the public sector, in the process raising billions of pounds sterling. DOT has succeeded merely in raising interest in Conrail from a few devisory bids (and a serious one of $500 million) to $1.2 billion and in narrowing the bid of hopeful buyers from more than a dozen to the chosen instrument. Since the last time we looked ("Preferred Route—Conrail Should be Sold Via a Public Offering." *Barron's*, Dec. 17, 1984), DOT has picked Norfolk Southern as the winner, and the Senate Commerce Committee has endorsed the choice. Further debate—and perhaps a filibuster or two—is likely before the full Senate gives the deal the nod while prospects for approval in the House seem uncertain at best. Most recently, Morgan Stanley has weighed in with a long list of prestigious interested parties (which will doubtless gain new luster in weeks to come) and a bid of $1.2 billion-plus.

How big a "plus" has swiftly become a matter of controversy. Besides the $1.2 billion which both bidders have agreed to put up, Morgan Stanley has proposed the issuance to the government of 10-year warrants to purchase one million shares of Conrail common stock (25 milion shares are currently outstanding). In addition, by eliminating federal income tax losses which it claims would arise from the purchase of Conrail by Norfolk Southern, Morgan Stanley estimates that its offer would be worth at least $600 million more, discounted for the time value of money, to Uncle Sam.

Not surprisingly, Norfolk Southern disagrees. Through Shearson Lehman Brothers, its investment bankers and advisers on the deal, it last week issued statements challenging Morgan Stanley's projections. In particular, it put a value of just $24 million on the warrants, and only on the assumption that Conrail stock rose by 20% (in which case, it noted, the investors would profit handsomely). Moreover, by its own estimates, under the Norfolk Southern offer the present value of the tax cost, if any, "is substantially less than $100 million. It is not the $600 million which Morgan Stanley purports."

Gentlemanly disputes between investment bankers, of course, are far from unusual, and one is well advised to view all such numbers skeptically. Nonetheless, to a disinterested observer, a few points are clear. Ten-year warrants to buy one million shares of almost any security at the current market price have a ponderable value. Much can happen in a decade, including a possibly advantageous link-up with carriers in other parts of the country. Potential merger aside, if Congress should meet the cautious projections by the U.S. Railway Association, let alone its own more optimistic ones, it could show its shareholders solid gains in the right market.

As to the alleged tax benefits, of which so much has been made (even Rolling Stone has carried a piece on the issue, headlined—naturally—"How to Steal a Railroad"), outside observers do well to skirt that mine field. Still, "substantially less than $100 million," as Shearson Lehman puts it, strikes us as at least a starting point. Without pro forma financials, which Norfolk Southern refuses to provide, all such estimates will remain up for grabs.

Dollars and cents aside, the Morgan Stanley proposition looks attractive on other scores. Late last week the Railway Labor Executives Association, after a preliminary appraisal of the plan, announced that it "warrants review by Congress." Antitrust considerations usually leave us cold. Alan Greenspan, adviser to presidents, once described such laws in these pages as "bad history, worse economics." Nonetheless, the Department of Justice has voiced objections to the pending sale, and the efforts now afoot to meet them look dubious. One involves the proposed sale or lease of strategic Conrail or Norfolk Southern trackage to rail carriers with shaky finances. More seriously, in the view of Bruce B. Wilson, now a Conrail vice president-law and a former trust-buster, the authorization for the sale, by requiring the railroad to "maintain or reestablish" certain joint rates and through routes, would undercut the thrust toward rail derregulation. "DOT is selling," said Wilson succinctly, "not just a railroad but a fundamental change in transportation policies."

In eloquent testimony before a Senate committee, Wilson thrust the point further, "Since its inception Conrail has taken the lead in making the rail industry more competitive and responsive to shipper needs. In 1980, Conrail led the fight for the Staggers Act and ever since has been aggressive in its efforts to enhance the competition the act sought to bring to the rail industry. In 1981, Conrail withdrew from the rate bureaus in which rates had been set collectively for over one hundred years. To this day, it remains the only railroad to have done so. In 1981, Conrail began its challenge to the equalized joint rate system under which every route between two points, regardless of cost or efficiency, is priced the same. Against the strenuous opposition of those who benefit from the anticompetitive scheme, Conrail has fought for the right to price the services independently and therefore competitively. Today, Conrail leads the industry in developing computer technology

to * * * such independent pricing. Way to go.

[From the Press, May 29, 1985]

CONGRESS SHOULD DERAIL CONRAIL SALE

It's time for Congress to put the brakes on U.S. Transportation Secretary Elizabeth Dole's plan to sell Conrail to Norfolk Southern Corp. for $1.2 billion.

Now that an investment banking firm, Morgan Stanley & Co., has offered to pay the government the same amount of money, Congress would be foolish to approve the sale of Conrail to Norfolk Southern

It would be foolish because a sale to Norfolk Southern would result in the private railroad company realizing more than $600 million in tax writeoffs.

A sale to Morgan Stanley would not involve tax writeoffs. Most of Morgan Stanley's money would be raised through a public stock offering.

The new financial package was presented earlier this month to Dole. Her reaction was less than encouraging. She said, "I believe we have chosen the best future course for Conrail. Conrail will be better off in the hands of an experienced railroad company."

It would be difficult for the management team at Norfolk Southern to duplicate the performance of the people that are currently running Conrail. Allowing a public stock sale to take place would be one way to reward them for turning what was once a debt-ridden company into a profitable enterprise.

One of the reasons Dole had rejected the idea of a public stock sale was that she said no one had ever presented her with evidence that a public sale of such magnitude could ever be undertaken.

Morgan Stanley is now willing to assume all the risks involved with a public stock sale.

The Morgan Stanley plan deserves more serious consideration than the short shrift the Reagan administration is giving it. As Rep. James Florio, D-1st, said, "Now that there is a specific and tangible alternative to Norfolk Southern, the review will be more thorough."

We would hope so.

[From the Omaha World-Herald, June 18, 1985]

INVESTORS' CONRAIL PROPOSAL COULD BE BETTER ALTERNATIVE

Congress might have a better alternative to selling Conrail to the Norfolk Southern Corp.: Selling the line to a group of private investors.

Conrail is the government-owned rail line that was formed in 1976 after six railroads in the Northeastern United States went bankrupt. During the past nine years, the government has spent billions of dollars upgrading the system. It now wants to sell.

Transportation Secretary Elizabeth Dole has recommended selling Conrail to Norfolk Southern for $1.2 billion. A group of investors organized by Morgan Stanley & Co., an investment house, has offered to match the Norfolk Southern bid. Congress must approve the sale.

Selling Conrail to Norfolk Southern would create the country's largest railroad.

The proposed merger could reduce competition. Executives of the Chicago and North Western have said the merger would divert traffic from Chicago, where the C&NW connects with Conrail, to Kansas City, where Norfolk Southern has an east-west line.

Grain industry spokesmen in the Midwest said creation of a Conrail-Norfolk Southern system could, by reducing competition, lead to higher freight rates.

The point was underscored in a Justice Department review of the proposed sale. "The merger would have a significant adverse impact on competition for the transport of commodities to and from a number of locations in several states," the department said.

Clearly, the Norfolk Southern plan has drawbacks. The Morgan Stanley plan deserves careful consideration.

[From the Dayton Daily News, June 26, 1985]

NEW OFFER TO BUY CONRAIL COULD BE BEST COMPROMISE

Finding itself with a money-maker on its hands, Washington has decided strong corrective action is called for. It wants to sell Conrail.

It bought the lines that make up the rail cargo system in 1975 because the alternative seemed to be a massive reduction in available rail service. It poured $7 million of the public's money into a rebuilding, and now Conrail is a state-of-the-art, very profitable railroad. It is by all accounts, including that of *Barron's*, the business newspaper, a very well run one.

There seems to be a bipartisan consensus that Conrail must be sold. The idea of the government running a railroad somehow bothers us Americans, and the idea of the government running a railroad still drives us crazy. It conflicts with our most deeply held prejudices.

Transportation Secretary Elizabeth Dole has selected the $1.2 billion bid of Norfolk Southern Railroad, one of Conrail's two competitors. She says NS has the financial means and expertise to keep Conrail running through good times and bad. She has submitted the bid to Congress, which is mulling things over.

Other options are available. The management and employees of Conrail want the railroad to be gradually sold on the stock market. That way, the current structure could stay in place. Given that labor concessions have helped save Conrail and that management has done a good job, this idea has considerable appeal.

Mrs. Dole has resisted it firmly, insisting that NS's resources are necessary. Now comes another offer, this one from a syndicate put together by Morgan Stanley & Co., which was Conrail's financial advisor in the original effort to go to the stock market. The syndicate includes CSX Corp., which is Conrail's other competitor, but, unlike what opponents of the NS proposal say of that one, this one would not involve a merger of the two systems.

The deal seems—depending on tax uncertainties—to offer the government half again as much money as NS. And it includes a provision whereby the government could buy back stock after five years at a special rate, which seems fair, given how much the public has put into Conrail.

The deal looks like it may meet the major concerns of the Conrail people and of the Department of Transportation: It could keep the current operation intact and provide the kind of financial base that DOT is looking for. So far Secretary Dole hasn't moved from support of NS.

However, she shouldn't be afraid to change her mind, and Congress shouldn't be afraid to overrule her.

BUT CONRAIL AIN'T BROKE

The state of Iowa has officially opposed the sale of the government-owned Conrail to the Norfolk Southern system. Also opposed are many members of Congress who must decide for or against the Reagan administration's proposal. The Iowa Transportation Commission, like those of three neighboring states, went on record for private ownership of Conrail, but not NS ownership.

Although the Iowa DOT did not endorse a proposal put together by the Morgan Stanley investment bankers, that offer is the only other game in town. The investors would match Norfolk Southern's $1.2 billion price but would sweeten the deal by foregoing some tax benefits NS wants.

Supporters of the NS offer maintain that Conrail won't be able to cope with falling freight traffic in the declining industrial Northeast, and must be merged with a strong system based in a more prosperous region.

Conrail's management—which has almost literally brought the railroad up from the grave—says its profits prove its viability as an independent member of the "Big Six" of American railroading.

Opponents also argue that the merger, by making NS/Conrail into much the biggest of a new "Big Five," would upset the competitive applecart. In most of the Conrail area, they say, there would be no railroad systems left that could provide the degree of competition NS now does.

Iowa—which has no Conrail tracks and no major Norfolk Southern lines—is rightly concerned with another aspect of competition.

Conrail now interchanges much freight with Midwestern railroads, which carry it to Omaha or Kansas City for interchange with western roads. Norfolk Southern has its own tracks to those cities, and could be expected to take over much of Conrail's western traffic, to the detriment of railroads serving Iowa, especially the North Western.

A plausible case can be constructed for both sides of the argument. But it would seem reasonable to give the Morgan Stanley investors and Conrail's present management a chance.

If Conrail runs into trouble down the road, then will be time to consider dismantling and merging it. There is much to be said for the old caution: If it ain't broke, don't fix it. Conrail ain't broke—in either sense of the word.

[From the Washington Post, Aug. 7, 1985]

NORFOLK SOUTHERN STUDY DISPUTED; ICC STAFF SAYS FIRM UNDERESTIMATES IMPACT OF CONRAIL SALE

(By Nell Henderson)

An Interstate Commerce Commission staff report had concluded that Norfolk Southern Corp. underestimated the amount of traffic that other railroads would lose if it acquires Conrail.

Norfolk Southern's study of possible traffic shifts yielded "highly conservative, understated results," according to the report, released yesterday by the House subcommittee on commerce, transportation and tourism.

"It is obvious that an insufficient number of factors were considered in the model to result in a fair assessment of [traffic] diversion," said the ICC staff, in response to a request from subcommittee Chairman James J. Florio (D-NJ.)

Congress must approve the Reagan administration's proposal to sell the government's 85 percent share of Conrail to Norfolk Southern for $1.2 billion. The Senate is expected to approve the merger this fall, but Florio has expressed misgivings about the sale and is planning to hold more hearings on it in September.

Norfolk Southern said yesterday it had not seen the study and therefore could not respond.

The ICC added several caveats to its analysis and acknowledged that there were "flaws in the data available."

The agency focused only on traffic diversion from other carriers to a combined Norfolk Southern-Conrail system, and ignored traffic gains to those carriers.

The study used information from more than a dozen railroads, and therefore had to compare traffic studies using different base years, different computer models and different methods of analysis.

Because of these problems, "it became necessary in several instances to assume a 'worse case scenario,'" where "the benefit of the doubt was given to the carrier claiming the possible diversion," the report said.

Nevertheless, the ICC staff "concludes that a substantial amount of traffic may be diverted from other carriers to the new NS-Conrail system if the proposed sale is approved."

The ICC study estimates that traffic worth $304 million would be diverted from other railroads to a combined Norfolk Southern-Conrail system, while Norfolk Southern projects that $176 million would be diverted. But the study warns that such a "grand total" of the individual estimates "should be considered only as an extremely generalized 'order of magnitude.'"

More specifically, for example, the ICC study concludes that the Atchison, Topeka & Santa Fe Railway Co. will lose $20.6 million in traffic to a combined Norfolk Southern-Conrail system, while Norfolk Southern estimates $14.5 million.

Estimates of diverted traffic "are highest for coal, auto and auto parts, and grain," the study said.

[From the New York Times, June 4, 1985]

CONRAIL GIVE-AWAY

(By Tom Wicker)

On its face, the Reagan Administration's proposed sale of Conrail looks like a bad deal for the taxpayers and a steal for the Norfolk Southern Corporation, the chosen buyer. Beneath the surface, this complex transaction looks even worse—a government giveaway that could severely reduce freight-hauling competition and further damage already hard-pressed industries.

If the sale is approved by Congress, Norfolk Southern will pay only $1.2 billion for 85 percent of the stock of a freight line that:

Has been the beneficiary of $7 billion in Federal investment since 1976;

Has a book value now in excess of $4 billion;

Has been profitable since 1981—neting $500 million, just under half the purchase price, in 1984 alone.

Has $1.05 billion cash on hand—$850 million in a cash reserve and about $200 million in excess funding for its pension commitments.

Conrail, resurrected by the Government in 1976 from the remnants of six bankrupt railroads, including the Penn Central, serves the industrial Northeast and runs as far west as Chicago and St. Louis; if its 15,000 miles of tracks were added to Norfolk Southern's 18,000 in the Southeast and Middle West, the largest freight hauler in the nation would be created.

Senator Arlen Specter, Republican of Pennsylvania, has warned that the merged lines—with more than 1,200 miles of parallel trackage—would command "approximately 60 percent of the rail market in Michigan, 96 percent of the market in northeast Indiana, 70 percent of the southern Michigan steel traffic, 85 percent of the Cleveland grain traffic and 94 percent of the eastbound New England-New York-Texas corridor rail traffic."

Citing a Department of Justice study that predicted "a very serious anti-competitive effect," Mr. Specter told the Senate that the steel industry would be particularly hard hit by removal of the present competition between Conrail and Norfolk Southern, as rising freight costs forced rising prices. The Department of Justice, he said, had found that such effects would be felt in 21 states and 100 freight markets.

Elizabeth Dole, the Secretary of Transportation, whose department negotiated the proposed sale, has said the anti-competitive effect would be averted by Norfolk Southern selling off Conrail lines that parallel its own. The corporation, she said, also has agreed to operate Conrail for at least five years—rather than immediately selling off its assets—and to keep at least $500 million cash on hand.

But the low price and the competitive advantage to Norfolk Southern are not the only aspects of this complex deal that need Congressional scrutiny. Conrail has net depreciable assets, for example, valued for tax purposes at more than $3.1 billion; with these in hand, Norfolk Southern would be able to save hundreds of millions a year in taxes.

But remember that Norfolk Southern is buying those assets for only $1.2 billion. That means the corporation can subtract a smaller annual depreciation loss from its earnings than Conrail has been subtracting, thus running up Conrail profits—on paper, at least. Those increased profits—probably fully sheltered—could make Norfolk Southern stock considerably more attractive.

Conrail still owes the Federal government $3.2 billion but, astonishingly, the Government has agreed to forgive this debt. Even more astonishingly, the Department of Transportation has arranged with the Internal Revenue Service that this $3.2 billion gift will not be charged as taxable income to Norfolk Southern.

Is there an alternative? A group of investors organized by Morgan Stanley and Company has made another offer but at the same $1.2 billion price—although the Morgan Stanley group says its offer would be an interim step toward making 60 percent of Conrail's stock available to the public.

Senator Specter has introduced bills that would stop the sale to Norfolk Southern and substitute a public stock offering—a step favored by Conrail's well-regarded management, and which might bring in $1.5 or $1.6 billion. But Mrs. Dole believes that would not promise Conrail users the stability that Norfolk Southern's experienced management would provide.

Or Congress could simply refuse to sell Conrail to anybody. If the line kept on making money, its price would surely rise.

[From the Jamestown (NY) Post-Journal, Aug. 24, 1985]

DECISION IS STRAIGHT DOWN THE LINE—CONRAIL: DON'T SELL IT?

(By Dan Kane)

The sale of Conrail seems to have boiled down to two choices for Congress—sell it to railroad giant Norfolk-Southern or to the investors' group put together by Morgan Stanley Inc.

Area state legislators however, say Congress should consider a third choice—don't sell.

"My proposal is that the federal government keep Conrail until a major part of the taxpayers' money is refunded to the government and then work out an equitable sale," Assemblyman William L. Parment, D-North Harmony, said this week.

When Conrail was formed in 1975 from several failing rail lines, Congress initially agreed the railroad would be returned to the private sector when it began turning a profit. After five years of severe losses, Conrail started to come back and last year was $500 million in the black.

Now that Congress has decided to sell the railroad the deals offered don't appear too sweet to area legislators—especially Norfolk-Southern's.

Parment blasted the Reagan Administration for accepting what he considered "a horrendously low bid" for Conrail.

"My question to (Transportation Secretary) Elizabeth Dole is why should anybody rationally sell a railroad that is worth $7 billion for $1.2 billion—actually $600 million?" he asked.

Because Conrail has about $600 million in cash assets, he said, once the ledger is balanced Norfolk-Southern would be buying the railroad for half its proposed bid.

All of this flies in the face of the taxpayers, Parment said, who invested $7 billion to keep Conrail afloat. "The taxpayers' investment of some $7 billion is being written off—that's a terrible deal," he said.

"If they did a deal like that in city hall they'd lynch them there," Parment added.

"The question is why leave a good thing?" Assembly Majority Leader Daniel B. Walsh, D-Franklinville, said. "In every other country in the world you've got government involved in transit."

State Sen. Jesse J. Present, R-Jamestown, also said Congress should reconsider releasing Conrail from under its wing.

"I've normally supported private enterprise," he said, "but in this case I'm not so sure. Private enterprise didn't do too good a job with it."

As for the law Congress passed requiring Conrail's sale, he said: "I don't know that just because the law said get rid of it (Congress should). They could possibly change the law."

All three legislators expressed fears a sale to Norfolk-Southern could lead to the demise of the Southern Tier line from Jamestown to Hornell.

Present said he confronted Norfolk-Southern officials at a recent lobbying effort in Albany as to what kind of guarantees the railroad giant could offer this area.

"I could never—and I asked repeatedly—get an answer as to . . . continued mainline service in our area," he said. "They said they couldn't assure me of anything."

Walsh and Parment spoke of Norfolk-Southern's poor track record in the area. The railroad had dropped part of the Erie Lackawanna—which is now Conrail's South-

ern Tier line—back in the early '70s when Hurricane Agnes hit.

Parment said the state is continually having difficulty getting Norfolk-Southern to eliminate some track switches in Dunkirk. "Norfolk-Southern has not been cooperative," he said.

But Conrail also has ruffled the feathers of officials and shippers in this area. In 1982 the state was forced to sue Conrail to keep the Southern Tier line operating.

And when Bush Industries recently announced they would build a factory in the area, Conrail left it up to the state and the county to foot the bill for a rail spur out to the plant.

Last month the state Department of Transportation endorsed Norfolk-Southern's bid after it made several guarantees to improve service in the state. Most of those guarantees were enhancements to sections in Buffalo and New York City.

But the Southern Tier was basically left out. The only guarantee Norfolk-Southern made to the area was that they would continue service for seven years. Morgan Stanley has also made this guarantee.

Norfolk-Southern also tried to get the Assembly to pass a resolution endorsing the railroad's bid. Neither house moved on the measure.

But with the recent state DOT endorsement, and the new enhancements to the state, Present said he expects the resolution will come back to the Assembly at their next regular session.

"Unless it's resolved down in Washington," he said.

[From the Plain Dealer, Nov. 29, 1985]

BEHIND A PRETTY FACE

The antitrust division of the Justice Department has scanned the most recent proposal from the Norfolk Southern Corp. for the purchase of Conrail and has found a face it can live with, if not love. The division's lawyers, their marching orders from the Reagan administration firmly in hand, have concluded that the latest Norfolk Southern proposal "appears on its face, to address the competitive concerns that must be addressed" before the sale receives department approval. Someone should remind those eager-to-please lawyers about the relative depth of beauty in relation to skin, because what lies under the latest Norfolk Southern face appears no more attractive than earlier proposals.

The competitive concerns referred to are of major consequence to Ohio and regional rail shippers. Norfolk Southern's first proposal failed to address adequately the loss of competition that would result from its purchase of Conrail. That proposal called for transferring certain lines to Guilford Transportation Industries and the Pittsburgh & Lake Erie Railroad, and depending on other modes of transportation—mainly trucking—to provide alternate and economically competitive shipping. But the Interstate Commerce Commission found both those small railroads lacking in their ability to provide real competition.

So, how did the revised proposal address the question of maintaining competition? Norfolk Southern would reduce slightly the fees it would charge these two lines to use its track, while offering them yet more miles of track access.

Conrail, whose officers say it can operate competitively on its own, holds that the tentative approval of the Justice Department amounts to a lick-and-spit analysis, Guilford, Conrail notes, has failed to provide attractive, competitive service—or much traffic—in the past when it has had access to Conrail tracks. And, noted Conrail President Stuart M. Reed, "There has as yet been none of the normal scrutiny any merger—but especially one as large as Norfolk Southern/Conrail—would otherwise undergo." Among other anomalies, Conrail says, was the secrecy with which antitrust considered, then tentatively approved, the new proposal.

Transportation Secretary Elizabeth Dole has tried to rush this sale from the day that she announced the government's intentions toward Norfolk Southern. The tattered arguments used to justify the move betray the haste with which they were conceived and put forth. But such haste has not played well among the members of Congress in whose hands the future of Conrail rests—especially those from the Northeast, where already shaken economies could be further damaged by a Norfolk Southern rail monopoly-in-all-but-name. While a Republican majority in the Senate might get the sale approved in that chamber, mounting evidence indicates it will die in the House. Secretary Dole would better serve the nation by withdrawing the Norfolk Southern deal and setting about to sell Conrail in a public offering.

CONRAIL SALE A BARGAIN IN THE MAKING

(By Ernest Holsendolph)

Sometime soon, perhaps next week, somebody will come within reach of the biggest bonanza in transportation: the purchase of Conrail for a fraction of its value.

All the bets are on one of the three remaining candidates, Norfolk & Southern Railroad, itself the product of one of the biggest mergers in rail history.

Conrail is the rail industry's new silk purse fashioned over the last decade from a dreary sow's ear called Penn Central.

What a difference $7 billion makes. That's how much the federal government has sunk into the old bankrupt operation, and that investment, a lot of cost-cutting plus the sacrifice of 12% of the wages by the employees over the last three years, have largely made the reorganized company profitable. The Reagan Administration has indicated it will let Conrail go for just over $1 billion. A chronic loser for years, the railroad expects 1984 profits, when finally tallied, to reach $500 million.

The endorsing of Norfolk & Southern as the Reagan administration's nominee for purchaser of the Conrail operation, of course, would be only a step upward the prize.

Noises from Capitol Hill have already made plain that before Congress gave the necessary concurrence, a lot of political thrashing must take place and nothing seems likely to come to pass quickly.

In a sense, the time-honored Washington weapon of delay may give L. Stanley Crane, Conrail's chairman, what he really wants: more time to shape his government-owned company into a stronger force in the rail industry, able to manage its own destiny.

Meanwhile, I think Rep. Dennis Eckart, D-11, of Mentor, raises a point worth considering when he says the future of thousands of jobs is cast in doubt by the prospective merger of the biggest railroad in the Northeast with Norfolk & Southern. He says up to 7,600 jobs in northern Ohio alone could be jeopardized.

It is a terrible prospect for the workforce. Many of the potential thousands who could lose jobs are among the 39,000 total Conrail workers who have survived the Long March since 1976, when the bankrupt employer of 100,000 souls was forced to cut drastically to return to solvency.

Washington-based rail experts say ongoing negotiations between Conrail and the employees shortly may well see a restoration of the wages foregone during the period of austerity, a sensible reward for the workers' part in fostering the turnaround, but that reward could be a questionable tradeoff if many more jobs are to be sacrificed.

Norfolk & Southern executives, who behave as if they have already heard assurances they will win the endorsement of Transportation Secretary Elizabeth Dole, dismiss Eckart's alarms as uninformed speculation.

They stick to previous assertions that only 1,250 miles of Conrail's 32,200-mile system are duplicative in this region and thus subject to trims or elimination.

The likely targets in this region, officials say, are the Cleveland to Buffalo line, the Bellevue, O., to Connellsville, Pa., line and the Fort Wayne to Valparaiso line in Indiana.

Some 2,500 jobs exist along those lines, but the company says surplus personnel would likely be shifted to other posts.

"We lose that many by attrition annually," said Robert Fort, a Norfolk & Southern spokesman.

He also said people who had to be dismissed would be protected by the provisions of the New York Dock Railroad agreement, which, among other things, assures workers about six-years severance pay if they lose their jobs.

Perhaps.

Ohio workers for both railroads need no reminder that Norfolk & Southern itself is the product of two companies with towering reputations for toughness and efficiency, reputations which were *not* earned by the needlessly duplicating facilities or giving away the store.

Thus, it seems safe to assume that the new owners will continue the work begun by L. Stanley Crane; namely, the task of shaping and pruning Conrail to conform to the real needs of its market.

The difference will be that the merged company will bring a lot of duplicate service yards, routes and overhead personnel.

Some independent students of Conrail and Norfolk & Southern operations say a merger probably would have no short-term fallout, such as an immediate program of cuts, but the long-term impact could be considerable, with a lot of jobs eliminated.

Many of the watchers are sure, for instance, that most vestiges of the old Nickel Plate Railroad, including service facilities, would disappear and other duplicate rail lines and facilities elsewhere in Ohio, Indiana and Illinois would be very vulnerable.

The administration wants to sell Conrail whole to one buyer, spurning suggestions by the Conrail management in Philadelphia to sell the railroad to the public through a new stock offering.

To the Department of Transportation the stock sale proposal sounds like a less decisive way to dispose of Conrail than the outright purchase by a going concern, such as another railroad, and Conrail supporters admit privately that the stock offering idea at best is meant to be little more than a means to keep the talking going, thereby heading off the final disposition.

Delay seems almost assured.

Only a miracle could have such a large deal consummated quickly over the objections of strong factions in Congress and the platoons of lawyers poised off-stage to fight on behalf of other would-be buyers and the shippers and local politicians who stand to lose or gain.

Only a miracle could head off Conrail's 10th birthday next year as a ward of the government, albeit a more cheerful ward.

Mr. METZENBAUM. Mr. President, how much time does the Senator from Ohio have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that I be permitted to yield to the Senator from Pennsylvania 2 minutes, and I ask my colleague from Missouri if he would mind if the Senator from Pennsylvania had an additional 3 minutes in order that he may make his full statement. I ask unanimous consent that that take effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, if the Senator from Ohio will yield, I already negotiated 5 minutes from the Senator from Missouri, and so with the 2 minutes from the Senator from Ohio, I have a total of 7 minutes.

Mr. President, I urge my colleagues to vote "no" on the sale of Conrail to Norfolk Southern for many reasons. Most of them I have already elaborated upon in the series of floor statements last week and the week before. During the course of the next 6½ minutes I shall summarize them briefly.

When the proposal to sell Conrail came upon the public scene, this Senator immediately knew that there would be an enormous impact on the State of Pennsylvania. In 1984 this Senator set out on a series of hearings across the State—some six in number—and found almost a unanimous view among Pennsylvanians that Conrail should not be sold to Norfolk Southern because 15,000 jobs would be placed at risk; 2,300 shippers would be potentially disadvantaged; the railroad repair yards in Hollidaysburg, Enold, Conway, and Altoona would be jeopardized; the Port of Philadelphia would be at risk with diversions to the South; and the corporate headquarters in Philadelphia would be at risk as the corporate headquarters merged in Washington, DC had found out as the result of the merger which produced the Norfolk Southern system.

Following this series of hearings in Pennsylvania, the distinguished Senator from Illinois [Mr. DIXON] and this Senator collaborated as cochairmen of the Northeast-Midwest Senate coalition to have a series of hearings in Washington, DC, under the banner of the Northeast-Midwest Senate coalition. Again the region was virtually united in opposition to the prospective sale of Conrail to Norfolk Southern because of the devastation to the region by the absence of competition, the loss of jobs, and other very substantial regional problems.

Beyond these issues, and beyond the very decisive interest of Pennsylvania in defeating the sale of Conrail to Norfolk Southern, this Senator then undertook an analysis in the Judiciary Committee of the antitrust implications of this proposed merger. It soon became apparent to this Senator that there would be a very serious national consequence of lack of competition in violation of the antitrust laws by a merger of the 15,000-mile Conrail line with the 18,000-mile Norfolk Southern line. This Senator made inquiries relating to the proceedings before the Interstate Commerce Commission where the Department of Justice was opposing the merger of the Santa Fe and Southern Pacific Railroads for violation of the antitrust laws. With that standard in mind, it was apparent that the Norfolk/Conrail merger also violated the antitrust laws and seriously damaged competition.

The Department of Justice then said that the merger would be violative of the antitrust laws unless there could be a divestiture which could provide the requisite competition. The three divestiture proposals produced to date, to Guilford and the Pittsburgh & Lake Erie, are totally without merit in providing that kind of competition.

Then the Morgan Stanley investment group came into the picture and made an alternative offer. This offer would satisfy the objective of returning Conrail to the private sector and, as a matter of fact, would produce $200 million more in purchase price, with a savings to the Treasury of an additional $400 million which would not be lost by Norfolk tax write-offs.

This Senator then produced a bill providing for the sale to Morgan Stanley. There is no question, Mr. President, that the sale to Norfolk Southern is a steal when the taxpayers of the United States have invested $7 billion in Conrail, when Norfolk Southern will be able to write off more than $3 billion in assets, and when Norfolk Southern is offering at least $600 million less than the Morgan Stanley offer.

Mr. President, as this Senator has discussed this matter with his colleagues on Capitol Hill and in the Senate, it is apparent that there is tremendous concern in this body about the sale of Conrail to Norfolk Southern. In three votes, one on this Senator's amendment on a sale to Morgan Stanley, a second on the budget issue, and a third on the antitrust issue, some 56 Senators voted against certain aspects of the sale of Conrail to Norfolk Southern. As a tactical matter, it was not possible to amass those 56 votes at one time. Had that been doable, the sale to Norfolk Southern would have been defeated.

I urge my colleagues to vote against Norfolk Southern on the merits. But for any of my colleagues who are of a mind that Conrail ought to be sold into the private sector, and for those Senators who preferred the sale to Morgan Stanley, I urge those colleagues to vote no on final passage. It has been said that if there are only 20 votes against Norfolk Southern in the Senate, then there is a tremendous momentum in the House of Representatives. If there are 30 against Norfolk Southern, it is an even match. But if we can amass 40 or more, then the momentum would be in our favor.

Those of us who oppose the sale of Conrail to Norfolk Southern have just begun to fight.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPECTER. I ask unanimous consent for an additional 1 minute.

Mr. DANFORTH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DANFORTH. Mr. President, on whose time?

The PRESIDING OFFICER. The only remaining time belongs to the Senator from Missouri.

Mr. SPECTER. Mr. President, I withdraw the request.

Mr. DANFORTH. Mr. President, I have already given the Senator from Pennsylvania 5 minutes and another minute of the Senator from South Dakota. We would like a little time on this side.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, it is time for Congress to get the Federal Government out of the business of running railroads. We have before the Senate today a measure which is by far the strongest available alternative to do just that.

S. 638, sponsored by Senator DANFORTH and myself, is the end product of many months of prudent deliberation, bid solicitation, and negotiation to carry out the congressionally mandated sale of Conrail to the private sector. It is sound legislation which represents a careful balance of all interests involved. Most importantly, it fulfills our desire to ensure viable rail service in the Northeast region. S. 638 clearly deserves our resounding approval.

Ten years ago, when Congress implemented the plan to create Conrail as a for-profit Government operation, we had hoped that it would one day become self-sustaining. Although Conrail's financial picture has improved in recent years, it clearly is in no position on its own to guarantee stability and certainty to shippers who rely on Northeast rail services.

Congress realized this fact when it passed the Northeast Rail Services Act of 1981. This act directed the Department of Transportation to sell Conrail to the private sector, with all best efforts to keep it as an entity. It delegated to DOT the responsibility for finding a responsible buyer, with a view toward ensuring financial strength, continued rail service, and consistent with these first two concerns, maximum return to the Federal Government.

Subsequent to passage of the 1981 act, DOT began the formal process of finding a buyer for Conrail by hiring an investment banker and proceeding to solicit bids. During 1983 and the first part of 1984, the Department and Goldman Sachs contacted more than 100 corporations. This competitive bidding process resulted in the submission of 15 bids by June 1984.

Secretary Dole then began an extensive analysis of the bids to determine which of them best met the criteria set forth by Congress. She also negotiated with the bidders, a process which lasted for some 9 months. In February of last year, she announced her decision to select Norfolk Southern Corp. to purchase Conrail.

Mr. President, I have no doubt that this long and deliberative process has produced the best buyer for Conrail.

Yet there are those who will stand here on the floor today and put forth the premise that we should not sell to Norfolk Southern. Or perhaps they will say that we shouldn't sell Conrail at all.

I could not disagree with them more.

The sale to Norfolk Southern, a proposal which is the product of years of careful deliberation and negotiation, is clearly the strongest alternative in meeting public policy goals with respect to Conrail's future. It is the only alternative which provides a future of stability and growth for rail services amid the uncertainties of the Northeast transportation market.

Opponents of the Norfolk Southern purchase have pointed to Conrail's recent profits, its cash reserve, and its positive financial outlook as evidence that the company could operate as a stand-alone entity. "Why sell it to another railroad?" they say.

The fact is there is a great deal of uncertainty about Conrail's ability to survive as a single entity. It is true that Conrail's profit picture has improved since 1981. However, its net income would not have been nearly as high if the company had been in the private sector these past several years. It would not have had the benefits of State tax exemptions, of special abandonment authority, of wage deferrals. It would not have had the benefit of labor protection costs which were picked up by the Federal Government.

Furthermore, even Conrail itself has predicted that its net income will have dropped in 1985 when the figures are in.

Likewise, much of Conrail's cash reserve has nothing to do with its ability to operate as a stand-alone entity. It comes not from railroad operation revenues, but from other sources such as tax leases and fewer expenses because of its status as a Federal entity.

Thus, the recent financial history of Conrail does not lead to the conclusion that Conrail's financial future is secure.

Furthermore, this rosy financial outlook for Conrail, which opponents of S. 638 have painted, cannot possibly reflect the eventuality of a recession or a continuing decline in market share. Conrail's market share has been steadily declining in recent years. Between 1977 and 1984, Conrail's tonnage declined 27.9 percent and its carloads by 37.3 percent. Given increasing truck competition, there is no reason to believe that this trend will not continue.

With the prospect of a declining revenue base, would a stand-alone Conrail provide us with certainty and stability for rail service in the Northeast? I don't see how it could.

One thing's certain. A stand-alone Conrail would have to continue to downsize itself in order to compete in the private sector. It would have to further reduce expenses by abandoning lines and laying off employees. Already, the railroad has announced its intention to abandon some 2,100 miles of track and lay off 2,000 employees. And it has predicted that some 2,500 more employees will have to be laid off by 1989.

The best way to hedge against the future uncertainties of the Northeast transportation market is to ensure that Conrail is in the hands of a financially strong parent company. A sale to Norfolk Southern would bring the additional financial resources needed for Conrail to weather the storm during the down years. It will also provide the Conrail system with the opportunity to grow through access to new markets and new sources of revenue.

Again, the choice is clear. Certainty or doubt? Stability or instability?

Opponents of S. 638 will argue that concerns about the competitive impacts of a sale of Conrail to Norfolk Southern have not been adequately addressed and thus a sale to Norfolk Southern should not be approved.

Considering the amount of time and effort that the U.S. Department of Justice has spent analyzing the competitive effects of this proposal, I find this argument to be unsupportable.

In 1984, at the request of the Secretary of Transportation, the Justice Department conducted a 5-month study of the purchase that included contacts with more than 200 shippers. On January 29, 1985, Justice advised Secretary Dole that Norfolk Southern would have to divest lines in the corridor bound on the east by Buffalo and Pittsburgh and on the west by Chicago and St. Louis in order for the sale plan to avoid being anticompetitive. In compliance with this requirement, Norfolk Southern agreed to divest lines to two smaller railroads—Guilford Transportation Industries and the Pittsburgh & Lake Erie.

Last fall, the Department met with Norfolk Southern to discuss and review possible modifications to the plan. NS modified the plan and, on November 19, Justice announced its preliminary approval of the modified divestiture proposal.

This divestiture plan would leave nearly all major communities in the corridor with at least two railroads. Many large cities—Chicago, Detroit, Buffalo, Indianapolis, Pittsburgh, Cincinnati, and St. Louis among them—would continue to be served by at least three railroads.

The competitive concerns raised by the Justice Department have been met, and competition in the Northeast will be preserved.

Opponents to S. 638 will also argue that a sale to NS will cause significant traffic diversions from other carriers because NS would provide single-line service that would compete with joint-line service provided by other railroads, and would cancel joint-line service with connecting railroads.

First of all, single-line service offers shippers a speedier, more efficient service at lower cost. These benefits are, of course, passed on to consumers. If there are some diversions of traffic from other railroads to Norfolk Southern, it's because shippers are choosing the best available service. We shouldn't be discouraging that.

Other railroads offering joint-line service will still be able to compete. Perhaps this means they will have to lower their rates and provide better service. Is that so bad?

Second, Norfolk Southern is not likely to cancel joint-line service with other railroads. The Interstate Commerce Commission has recently adopted regulations to prevent this from happening. In addition, Norfolk Southern, as part of its sale agreement, has agreed to reestablish or maintain joint-line service with a number of smaller railroads in the Northeast and Midwest.

Both the DOT and the Justice Department have studied the traffic diversion issue carefully, and they are satisfied that the level of diversions would not adversely affect the ability of any railroads to provide effective competition. In fact, even the worst-case estimates on revenue loss provided by the affected railroads do not rise to the standard used by the Interstate Commerce Commission in determining

whether railroads affected by a merger need protection.

Yet some will say that we should wait for final approval from the Justice Department before acting on S. 638.

There is no reason to delay. The only task remaining before a final Justice Department decision on the sale to Norfolk Southern is a final review by an outside consultant. This, according to Doug Ginsburg, the head of the Antitrust Division, is just to make sure "all of the i's are dotted and the t's are crossed." Otherwise, Justice is satisfied with the plan. The Department is satisfied about the sale's effects on competition. Mr. Ginsburg himself told the Senate Judiciary Committee members at an informal meeting 2 months ago that the Senate should not defer voting on the NS purchase.

We have even set up a mechanism to ensure that final consummation of a sale to Norfolk Southern does not occur without the Justice Department's final approval. According to the provisions of S. 638, Conrail may not be sold to NS unless Justice is satisfied the plan addresses its competitive concerns. In essence, the Justice Department has veto power over this sale, more than was ever envisioned by the 1981 act.

Mr. President, Conrail and Norfolk Southern are two largely complementary rail systems. This purchase plan will not result in a demise of competition in any area or region. The Justice Department has applied the same criteria it has used to evaluate other rail mergers and is satisfied to this effect. Its study has been thorough. And the Department still holds veto power over the sale. Thus, we should not allow concerns about competition to derail this proposal.

Opponents of S. 638 are also ignoring the many procompetitive aspects of the sale of Conrail to Norfolk Southern. Remember, the NS purchase would bring new financial strength and stability to the Conrail system, thus greatly enhancing its ability to serve shippers in the Northeast. This is an area where Conrail's traffic is decreasing at an annual rate of 3.6 percent. The merger with Norfolk Southern will shore up Conrail's vulnerability and help it compete with other forms of transportation in the highly precarious Northeast market.

The sale would enable NS to compete more effectively with CSX Corp. throughout parts of the Northeast. Currently, NS lines do not extend north of Washington, DC, or east of Pittsburgh and Buffalo. Thus, shippers in the South who desire single-line rail service to cities such as Baltimore, Philadelphia, Rochester, and Wilmington must go through CSX. When NS acquires Conrail, it will be able to compete effectively with CSX in service to these areas.

Currently, there is no single-line rail service between the South and the New York and New England areas. Most of this traffic now moves by truck. Yet the NS purchase of Conrail would enable the railroad to provide single-line service and compete with trucking in these areas.

In addition, the Justice Department-approved divestiture plan would create new competition in single-line rail service between the Northeast and the Midwest. Currently, only Conrail offers that service. Under the divestiture plan, both Norfolk Southern/Conrail and Guilford Transportation Industries would compete for it.

Competition within parts of the Northeast and Midwest would also be enhanced by Norfolk Southern's agreement to reestablish and maintain numerous joint routes with smaller railroads.

Financial stability, new single-line service between major markets, and the reestablishment and maintenance of joint routes—all of these factors ensure that a Norfolk Southern acquisition of Conrail will effectively increase competition, not reduce it. That's good for the railroads. That's good for shippers. That's good for the American public.

We've heard a great deal from opponents of this purchase about how it would result in massive job losses. Ten thousand jobs could be eliminated, they say.

That figure of 10,000 has absolutely no basis in fact—merely plucked out of the air. No one has produced a reliable estimate anywhere near this high.

Once again, let's look at the financial strength and stability—the increased business opportunities—that this sale will bring to Conrail. It's the best alternative for rail labor.

There will be some initial job losses. But Norfolk Southern estimates that there'll be no more than 1,200 of them over a 3-year period. That's less than the number of employees NS loses through attrition alone. It is also incredibly low when you compare it to the number of jobs Conrail has eliminated in past years and expects to eliminate in the future. Since 1976, Conrail employment has dropped from 99,000 to 39,000, a decline of 63 percent. And Conrail predicts it would eliminate another 4,500 jobs under its new 5-year plan.

Norfolk Southern has also agreed to provide labor protection amounting to a guarantee of 6 years, pay protection to any NS or Conrail employees who lose their jobs as a result of the purchase. Employees who lose their jobs for reasons other than the purchase will also be eligible for benefits. And the provisions of S. 638 will entitle all employees who lose their jobs as a result of the purchase to first rights of hire on other railroads.

Railroad employees have every reason to support the Norfolk Southern purchase. It is clear that they face an uncertain future with a stand-alone Conrail. The NS purchase will provide the stability and foundation for growth that is so important to ensuring job security for rail labor.

Opponents of the sale to NS have complained about the purchase price of $1.2 billion. But let's remember that this price was attained through the competitive bidding process—through the marketplace. In addition, the Federal Government is getting more than just the purchase price. Norfolk Southern will forfeit $2.1 billion in tax benefits which Conrail now enjoys. And the railroad has agreed to numerous 5-year financial and service covenants.

Some opponents also argue that Norfolk Southern will obtain certain tax benefits as a result of lost revenues, and that these will significantly offset the purchase price. Well, any alternative will result in lost tax revenues. And we are now finding that earlier estimates of revenue loss to Norfolk Southern were exaggerated.

But the purchase price and other factors in the purchase agreement are not the most important benefits to the Federal Government. And we shouldn't allow the debate on S. 638 to center only on the question of whether the Government is getting enough money for Conrail.

The most important "return" to the Federal Government is a viable private-sector rail system in the Northeast.

Can Morgan Stanley and a stand-alone Conrail guarantee that? The answer is "No."

True, the Morgan Stanley bid is some $200 million higher than the bid from Norfolk Southern. True, it avoids some of the competition questions initially raised by an NS bid. But what are we getting for it?

I've discussed the problems that a stand-alone Conrail would have. With concerns about competition fully addressed by the Justice Department, certainly it is worth a great deal to the Federal Government, after all its prior investment in Conrail, to see with the greatest amount of certainty that this railroad will succeed and flourish in the private sector. Certainly it is better to have Conrail in the hands of a financially strong parent company that has the incentive and the desire to ensure its long-term prosperity.

Will waiting for a better offer for Conrail ensure a viable rail system for the Northeast? The answer is "No."

First, who is to say that waiting would produce a better offer. In the meantime, what will happen to Conrail's financial health? If we don't act now, we would be faced with no sale at all and the prospect of continued Fed-

eral operation, and the problems that a stand-alone Conrail would bring.

The 1981 act mandated that the Federal Government get out of the railroad business. So let's do what we set out to do. The Secretary of Transportation's selection of Norfolk Southern as the purchaser is based on years of extensive study, bid solicitation, and negotiation. Her proposal is sound, and we need wait no longer to act.

The people at Morgan Stanley and at Conrail have indicated that Conrail must be sold and must be sold now. Shippers and employees need certainty about the future of rail service in the Northeast region. The Norfolk Southern proposal will ensure that the Northeast rail system is maintained as a competitive option to other modes of transportation. It provides a foundation for stability and growth. For these reasons, it deserves our overwhelming approval.

Mr. DANFORTH. Mr. President, I want to thank all of my colleagues for their cooperation in the passage of this important legislation. In 1981 when this body enacted the Northeast Rail Service Act we set in motion the return of Conrail to the private sector.

Secretary of Transportation Elizabeth Dole has done a masterful job in finding a buyer for the railroad which guarantees strong, viable rail service in the Northeast for decades to come. Norfolk Southern has exhibited great patience with the careful scrutiny given it as a potential buyer. The Commerce Committee, the Judiciary Committee, and my House counterparts have made this the most tested merger in railroad history. As a result of these in depth investigations, we can all be assured that no stone has been left unturned.

The votes on the Senate floor during the last 2 weeks indicate the results of the hard work by all of my colleagues. Together we have demonstrated that the Senate can take a complex issue and work its will. We have shown a willingness to tackle the tough issues and set time certain for our action. A week ago Thursday, by a vote of 90 to 7 the Senate showed its determination to get on with finalizing the Conrail sale. Last Wednesday the full Senate again decided to deal with the tough issues by not misusing the Budget Act to avoid prompt action. By a vote of 68 to 31 the Senate found that the $1.2 billion raised by this sale was not a violation of the Budget Act, nor were any hypothetical tax effects in the future justification for delay.

Mr. President, the key vote was on the Specter amendment to substitute the 11th-hour alternative to Norfolk Southern as a buyer of Conrail—the investor group put together by Morgan Stanley and opponents to the sale of Conrail to Norfolk Southern. The Senate decisively rejected that proposal by a vote of 53 to 39.

Opponents to the sale then tried to thwart the workability of the sale by removing the traditional antitrust protection given by the Interstate Commerce Commission to ordinary railroad mergers. My colleagues agreed with me that there was no need to make Conrail unsalable to Norfolk Southern by assuring years of litigaton by opponents over whether or not the Congress had adequately considered the competitive effects of the transaction. In fact, most of us find this sale to be procompetitive. Not only has Norfolk Southern agreed to reopen many joint routes and rates, lower switching charges and resolve many State and local problems, but has also agreed to the largest divestiture ever required as a part of a railroad merger. That divestiture creates new rail-to-rail competition in the Northeast and Midwest which has not existed for decades. By a vote of 56 to 37 the Senate recognized that the sale of Conrail to Norfolk Southern was procompetitive and needed no second guessing by the courts to make it so.

On January 30, with hundreds of amendments printed in the RECORD by opponents of the sale, an amendment to start the sale process all over again was rejected 64 to 32. Following that vote, the Senate once again demonstrated that action, not delay, is to be the hallmark of this second session of the 99th Congress. By a vote of 70 to 27 we invoked cloture to move forward for final consideration of S. 638.

Mr. President, after that vote, an amendment was offered to treat Norfolk Southern differently for tax purposes than other businesses. Norfolk Southern, as part of its agreement to buy Conrail, had already agreed to give up $1.8 billion of Conrail operating loss carry forwards and $300 million of Conrail investment tax credits. This represents a value of over $800 million to the U.S. Treasury because Norfolk Southern, as the largest taxpayer in the railroad industry, has the tax capability to use those tax benefits. By a vote of 64 to 32 the Senate rejected that amendment. The majority recognized the significance of Norfolk Southern's agreement to forego use of those Conrail tax benefits and recognized the fairness of treating Norfolk Southern the same as any other taxpayer.

Today we considered whether or not this bill we have worked so hard on was a revenue raising measure which should have originated in the House. I argued it was not because the constitutional revenue raising restriction has been narrowly construed by the Supreme Court. Moreover, this legislation is in the nature of a contract between the Government and a buyer of Conrail. The Government, of course, gets paid and the payment will help our budget requirement under last year's reconciliation bill, and Gramm-Rudman-Hollings. It does not raise taxes. My colleagues agreed and rejected the constitutional objection by a vote of 70 to 17.

During the course of our consideration my colleague, Senator PRESSLER, offered an amendment which was accepted by a voice vote. The Pressler amendment gave Midwestern railroads assurance that the combined Norfolk Southern-Conrail system would keep gateways open to the extent of maintaining joint rates. The adoption of that amendment should take care of opposition to the sale by a few of the Midwestern railroads.

Finally, Mr. President, I want to thank my distinguished colleague on the committee, the ranking minority member, Senator HOLLINGS. Without his hard work and considerable experience, this final passage of the bill would not have been possible.

The point was made by Senator SPECTER that a strong vote against this sale could be read as momentum in the House, and so on. I really think that a vote to pass the bill is a strong vote for this very long and extended process that has been going on for some years now.

We have a number of Senators who are not in the Senate today who have previously indicated their support for the bill. As a matter of fact, Senator COCHRAN, Senator KASSEBAUM, and Senator MURKOWSKI are all absent.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. DANFORTH. Yes.

Mr. HOLLINGS. Also Senator KENNEDY and Senator INOUYE are necessarily absent, but they want to be recorded as being in favor of the passage of S. 638.

Mr. DANFORTH. That is right. That is the same announcement I would like to make for Senator KASSEBAUM, Senator COCHRAN, and Senator MURKOWSKI. Senator LUGAR is not in the Senate. I do not have authorization to announce a position one way or another for him but, based on his previous votes, I think I could guess how he would have voted on this bill.

Finally, I would like to express my appreciation to the staff people who have worked so hard over a long period of time to make this moment possible. I would especially like to single out Pamela Garvie, Mary McAuliffe, Mary Pat Bierle of the majority staff, Linda Morgan and Ralph Everett of the minority staff; Kevin Curtin, the committee's legislative draftsman, and Tom Dwyer, of my personal staff.

Mr. HOLLINGS. Mr. President, in order to complete that record, I wish to particularly congratulate Secretary Dole on the outstanding job she did. I said at the time of her presentation before the Commerce Committee that it was by far and away the most thor-

ough and persuasive presentation—brilliant, I called it at the time—of any presentation made by any Cabinet officer in my 20 years here on the Hill.

I say that because there was a reference earlier in the debates that somehow the Commerce Committee had been somewhat negligent in their job. I think, on the contrary, I know this Senator protected the minority side and has responded to every request made from every member on that committee for hearings. When Senator PRESSLER wanted further hearings, we provided for them. Our distinguished chairman has been most deliberate and comprehensive in his treatment of the entire measure because it is an initiative, it is something new. We are doing this in the interest of not making money—certainly not losing it—we are doing it in the interest of the traveling public and the taxpayers of America. I believe that Senator DANFORTH has done an outstanding job.

Mr. LEVIN. Mr. President, I will vote against final passage of S. 638, legislation authorizing the sale of Conrail to Norfolk Southern [NS]. Last week, when I voted against tabling the Morgan Stanley alternative to S. 638, I explained my reasons for opposing the Norfolk Southern proposal to purchase Conrail. I would like to briefly reiterate my reasons.

During the past year I have worked closely with the Michigan Department of Transportation [MDOT] and representatives of Michigan railroads to determine the impact of the administration's proposal on the State. While I recognize that the sale of Conrail will affect the Nation as a whole, I determined at the outset that the advice of the transportation analysts in my State would have a great influence on my own decision because they are closer to the problems raised by a merger between Norfolk Southern and Conrail and have the expertise to properly evaluate it. After having met with all the interested parties and hiring an independent consultant to evaluate the issues surrounding the sale and the latest divestiture agreement, MDOT informed me that the department could not support the sale to Norfolk Southern because, even under the latest divestiture agreement, the merger would have serious anticompetitive consequences in the State. The Michigan Department of Transportation is probably in the best position to assess the impact of a merger between Conrail and Norfolk Southern upon shippers, railroads, and consumers in my State, and I am inclined to give great weight to their views.

Mr. President, there is a possibility that further negotiations between MDOT, Grand Trunk, and Norfolk Southern, will produce an agreement which mitigates the negative impact of the sale upon the rail transportation system in Michigan. I certainly hope that is the case and intend to encourage such negotiations. However, at this time I cannot support S. 638.

Mr. MITCHELL. Mr. President, I shall vote today in favor of the sale of Conrail to the Norfolk Southern Railroad.

Congress' paramount concern in returning Conrail to the private sector where it belongs has to be the long-term survival of the Northeast's railway network. Norfolk Southern is a strong railroad, pledged to integrate Conrail into its current operations and capable of ensuring stable service for the region.

I was not convinced that competing offers for Conrail would enable the system to survive any future economic downturn. The entire industry currently faces shrinkages of freight traffic, routes, and labor.

Maine also stands to receive a unique benefit from the sale to Norfolk Southern. As a result of track divestitures required by the Justice Department as a precondition to the sale, Guilford Industries will purchase direct routes to Chicago and St. Louis. This offers the potential for new markets and new opportunities for Maine.

Guilford's westward extension also provides an opportunity for increased traffic on its overall system, leading to more stable employment on the Maine Central Railroad. I have been greatly disturbed by recent layoffs of Maine Central employees. I understand that such layoffs reflect a trend in the railroad industry, and a decline in freight traffic. Nonetheless, I regard Guilford Industries as public trustees of the opportunity which Conrail's sale will open for them. The people of Maine look to Guilford to make use of it in the interest of the overall Maine community.

I am pleased that the Bangor & Aroostook was able to sign a 15-year agreement with Norfolk Southern and a 5-year agreement with Guilford Industries to preserve existing rates and routes over the merged Norfolk Southern-Conrail system. These agreements are in the interest of Maine shippers and satisfy concerns which I had over potential anticompetitive effects of the merger.

In making my decision, I took note of the fact that the sale of Conrail to Norfolk Southern was supported not only by the Reagan administration and Transportation Secretary Elizabeth Dole, but also by Governor Brennan, the Bangor & Aroostook and Maine Central Railroads, numerous Maine shippers, and the editorial boards of the Portland Press Herald and the Bangor Daily News. I also read carefully letters and telegrams from other Maine citizens, taking into account their concerns.

The Conrail sale will introduce a new era for the American railroad industry and a new economic opportunity for the State of Maine. Even if the terms of the sale are not perfect, as few things in life are, the Conrail sale is in the best interests of New England. As with all new opportunities, what happens next depends on what we make of it.

Mr. RIEGLE. Mr. President, I would like to address an item of concern to the chairman of the Commerce Committee regarding the effects of this legislation on rail service in Michigan.

One of the areas identified in the Department of Justice survey of rail markets that may be adversely affected by the merger with Norfolk Southern is in southeastern Michigan. While the proposed divestiture plan provides a partial solution to this problem, all of the concerns have not been addressed. Specifically, one solution that has been suggested is that the Ann Arbor Railroad be given trackage rights over the existing Conrail line from Ann Arbor to Detroit. In this way, a neutral carrier would be able to offer competing service, connecting to Grand Trunk Western, Norfolk Southern, and CSX, and providing shippers with alternatives to the existing system. While incorporation of this proposal in the divestiture plan would be helpful to shippers in this one part of Michigan, it is by no means the comprehensive solution to the issues that have been raised by the Michigan Department of Transportation.

I want to ask the chairman's assistance in seeking to address the concerns that have been raised by the Ann Arbor Railroad, and that is work with us to ensure that the final divestiture plan contain either this proposal or something similar that will offer shippers in this area of Michigan a greater choice in service.

Mr. DANFORTH. I have consistently taken the position that any railroad or shipper that has concerns with the Norfolk Southern purchase should talk with the Norfolk Southern to try to resolve them. In fact, a number of concerns have been worked out in just this manner. For instance, with respect to the situation in Michigan, Norfolk Southern already has agreed to open joint routes with the Ann Arbor and the Grand Trunk, which previously were canceled by Conrail. Moreover, pursuant to the Justice Department's mandate, Norfolk Southern and Guilford have carefully worked out trackage rights in parts of Michigan.

As for the Ann Arbor's specific request for trackage rights into Detroit, I should point out that the Justice Department has not recommended the granting of such rights to address any competitive issues. Further, at this point in time it is impossible to know

the exact impact on either Norfolk Southern or Guilford of extending the Ann Arbor's market, but at the very least it could have a significant negative impact on Guilford's ability to attract automobile traffic from the Detroit area.

It is apparent to me that the best solution for dealing with both the general and specific concerns raised by the Senators from Michigan is to have Norfolk Southern try to resolve them through negotiations with the interested parties. I can assure Senator RIEGLE and Senator LEVIN that I will assist them in getting Norfolk Southern to sit with the Ann Arbor or any other carrier or shipper in your State to try to resolve their concerns.

Mr. LEVIN. Mr. President, I join Senator RIEGLE in expressing concern about the impact of acquisition of Conrail by Norfolk Southern on the Ann Arbor Railroad. The Ann Arbor is a small, but important railroad in my State that is emerging from bankruptcy. The trustee of the Ann Arbor Railroad has informed me that under the latest divestiture plan, the railroad could be greatly weakened. As a way of restoring some competitive balance in the Detroit area, the Ann Arbor has proposed that it be granted trackage rights between Ann Arbor and Detroit. Apparently, negotiations with Norfolk Southern concerning this arrangement have not been fruitful.

This proposal has merit because it would provide shippers along this corridor with greater competition. Under the latest divestiture plan, the Guilford rail system [GTI] would be granted access to Wayne and Washtenaw Counties. However, Guilford would not have access to shippers, including the auto companies, located between Ann Arbor and Detroit. Competition would be enhanced by providing shippers between Ann Arbor and Detroit with an additional carrier.

Granting the Ann Arbor trackage rights between Ann Arbor and Detroit does not fully address the anticompetitive aspects of a sale to Norfolk Southern in my State, but it would be an important step toward that goal. As a result, I want to join Senator RIEGLE in urging the chairman of the Commerce Committee, Senator DANFORTH, to work with us as the bill progresses in the House to ensure that the Ann Arbor Railroad's trackage rights proposal is given serious consideration.

Mr. DODD. Mr. President, I will vote against final passage of S. 638, legislation approving the sale of Conrail to the Norfolk Southern Corp. [NS]. During the course of the Senate's consideration of this legislation, I have supported the Morgan Stanley proposal. If it is the will of the Senate, however, that the sale to NS be approved, I did not support amendments designed to lessen the prospects for such an outcome. I do believe that, through some means, Conrail should be returned to the private sector and the Government should realize the financial benefits of a sale, especially in light of the magnitude of the Federal budget deficit.

Over the past year, I have maintained that my ultimate decision with respect to the disposition of Conrail would be determined by an assessment as to what I perceived to be in the best interests of rail shippers and labor in my State of Connecticut. In addition, I continue to believe that these concerns must be addressed in a manner which returns Conrail to the private sector for the maximum financial return to the Federal Government. Based upon these considerations, it is my assessment that the Morgan Stanley proposal represents a better means for providing shippers with competition and choice and insulates labor from the job consolidations which must necessarily follow a combination with another railroad. The Morgan Stanley proposal provides greater compensation to the Government and reaffirms the notion embodied in the Northeast Rail Services Act for maintaining an independent Conrail if the railroad demonstrated financial viability.

While I do not mean to suggest that there exists a unanimity of opinion among the affected interests in my State on this question, the vast majority of the shippers I have spoken with over the past year are pleased with Conrail and remain wary of the reduced competition which could result from the sale to NS. For example, reduced competition among eastern railroads could result in higher costs for moving coal from Appalachia to east coast ports and, therefore, higher electric utility rates for New England consumers.

In comparing the two proposals, I am convinced also that the Government gets a better return on its investment over the years in Conrail through the Morgan Stanley proposal as revised within the last week. This is no small consideration as we continue to grapple with deficits of incredible proportions and begin consideration in the Senate of tax reform. If this is the year we bring fairness to our tax laws, what kind of signal do we send by having our first action take the form of sanctioning an arrangement which according to even the conservative estimates involves the transfer of substantial, unearned tax writeoffs. While all the factors I have mentioned have been important in framing my decision, I must admit that the overriding reason for my preference for the Morgan Stanley proposal is the overwhelming support which it enjoys from labor. An independent Conrail preserves a greater number of jobs and employees retain a greater financial interest and stake in their futures through the Morgan Stanley proposal.

Mr. President, I have great admiration for Secretary Dole and it would be my hope that if we are successful in slowing this process down just a little, the Department might be willing to take a look once again at the feasibility and benefits to be derived from a public offering. Further, I continue to be impressed with the service being provided in Connecticut by the Boston & Maine and I am confident that this record of quality will continue regardless of the outcome of this matter. As to Conrail, abandonments and layoffs must be avoided at all costs and I have been assured that they will pay closer attention in the future to not only the needs of current users, but also the future viability of an area as a potential generator of rail traffic in making these decisions. And finally, to those who state that an independent Conrail cannot survive given the precarious economy in the Northeast, I want to reiterate my continuing faith in the people and the economy of my State and region. I believe that this service can and will be available and play a strong role in expanding our economic choices and opportunities.

ANTITRUST ASPECTS OF THE CONRAIL SALE

Mr. BIDEN. Mr. President, the essence of the debate over the purchase of Conrail by Norfolk Southern is whether or not competition in the transportation sector of our economy will be enhanced or harmed. It is extremely important that Members of the Senate have had adequate opportunity to review the antitrust aspects of this sale. In particular, a hearing before the Judiciary Committee, which was unanimously called for by resolution of the committee, was to focus on the divestiture agreements mandated by the Justice Department's original opinion letter, submitted to the Secretary of Transportation on January 29, 1985, and on the process by which those agreements were analyzed to determine compliance with the antitrust laws.

It is essential to keep in mind the initial evaluation of former Assistant Attorney General for Antitrust Paul McGrath:

> We have concluded that, without appropriate divestitures, the proposed merger would violate both Clayton Act and Interstate Commerce Act merger review standards. The merger would have a significant adverse effect on competition for the transport of commodities to and from a number of locations in several States * * *. The Department of Justice therefore would oppose the proposed merger unless its competitive problems are remedied through a prior or concurrent divestiture of assets that is approved by the Attorney General.

From that point, after almost 8 months of study, the Justice Department still had serious, if not insurmountable, problems with this trans-

action. As late as September 25, Douglas Ginsburg, now the head of the Antitrust Division, wrote Secretary Dole that: "Based on the information we have obtained to date * * * it does not appear that the proposed divestiture will establish a rail carrier in the designated corridor capable of providing long-term, viable competitive service." He set out a number of concerns, not the least of which were the financial viability of both Guilford Transportation Industries and Pittsburgh & Lake Erie Railroad, and the fact that the operating plan seemed to provide no assurance that either acquiring railroad could actually provide the combined Norfolk Southern-Conrail with real and effective competition.

Despite all these grave doubts, here we are today, engaged in debate on this legislation, even though the Justice Department has only given a cursory stamp of approval to this sale. About all we still have to go on is a statement by Mr. Ginsburg that "the latest Norfolk Southern plan appears on its face to address the competitive problems" that Justice had originally seen in the acquisition. We have no analysis from the Justice Department—let me repeat that—we have, up to this moment, nothing more from the Justice Department than the press release that was made available back at the end of November. In fact, the detailed private study of the final divestiture agreements, which must be completed before the Antitrust Division can even determine whether or not the antitrust laws will be violated, has not even yet begun.

In my view, compliance with the antitrust laws should be the key element in determining whether or not this sale of Conrail, or any other sale of Conrail, should be approved by the Congress. Effective competition in the pricing of transportation is one of the keys to reasonable costs for American manufactured goods and ultimately, to the economic prosperity of the Northeastern region of the country.

I said previously that I was not so concerned with the technicalities of routes and trackage as with the integrity of the antitrust review process. There have been a lot of doubts about the enthusiasm for antitrust enforcement generally in this administration and it was not clear even back in April just how the Justice Department was going to approach their responsibilities here.

Unfortunately, I still have virtually no confidence in the process. I don't know whether this is a good deal for the United States, for the Northeastern States, or for the State of Delaware. I don't know if the antitrust laws have been complied with or just manipulated. I don't know how the Justice Department came to their decision or whether I ought to trust it.

I voted for cloture on the motion to proceed to debate S. 638 because I believed that it is not necessarily useful to block the substantive debate on this matter. But there are many questions that have not been answered to my satisfaction. For example, 16 State attorneys general, including the distinguished Charles Oberley from the State of Delaware, found significant antitrust problems that were not identified by the Justice Department. Among other issues loom the possible diversion of traffic from smaller railroads and the market power which might be exercised by the combined Norfolk Southern-Conrail giant. We have had no public analysis of the viability of the proposed spinoffs to Guilford Transportation and Pittsburgh & Lake Erie Railroad, as well intended as those negotiations may have been. No subpoenas have been issued, no depositions have been taken in an attempt by the Department to evaluate the impact this merger might have.

For these reasons, I voted a few days ago to deny this merger immunity from the antitrust laws. It is also the reason I voted against the invocation of cloture at this time. I believe the Senate would be better served by postponement of final consideration of this legislation until such time as the Justice Department has completed its mandated responsibilities. When the Congress voted several years ago in the Northeast Rail Service Act to assign jurisdiction over this sale to the Department of Justice, rather than the Interstate Commerce Commission, this Senator did not intend that anything less than a complete and thorough job be done. But I do not now have the confidence that these responsibilities have been fulfilled. I am not confident that the sale of Conrail to Norfolk Southern Corp., complies with the antitrust laws of the United States and I therefore intend to cast my vote against this bill.

Mr. DECONCINI. Mr. President, it had been my intention to submit this statement last week in response to the amendment introduced by Senator LAUTENBERG. Mr. President, I fully understand and sympathize with the reasons for my distinguished colleague's introduction of his proposed amendment to the 3R Act. Indeed, I believe that the problems he has so carefully identified in the Northeast United States are extremely serious and nationwide in scope.

It is because diminishing railroad competition is a nationwide problem that I, along with Senator SIMPSON, have introduced S. 447, the "Railroad Antimonopoly Act." S. 447 would amend the Sherman Act by making it unlawful for a rail carrier, with the effect of monopolizing or with the intent or effect of substantially lessening competition, to deny use to any shipper of any rail facility which is the sole facility over which the shipper can ship by rail. The bill provides for injunctive relief and, in certain circumstances, for monetary damages.

I am seeking an antitrust mechanism rather than an amendment to existing regulatory legislation dealing with railroads, such as the Interstate Commerce Act or the 3R Act. I believe that this antitrust-based approach is consistent with—in fact is largely dictated by—the major steps taken by Congress over the last decade to deregulate America's railroad industry. Of course, in the 1960's and even early into the 1970's the railroad industry was pervasively regulated by the ICC. Every aspect of railroad business was governed in one form or another by that agency, in the manner of a public utility. Frequently, the simplest form of railroad rate activity, whether an increase or decrease, was subject to bitter ICC struggles between shippers and competing carriers. An individual railroad's ability to price in a sensible and flexible manner was increasingly impeded, if not completely frustrated. The result was large scale inefficiency and even financial collapse of major rail carriers. A regulatory scheme intended to protect the shipping public was, in the long run, operating to the detriment of the Nation's shippers and the public at large.

It was against this background that Congress passed the 4R Act of 1976 and the Staggers Act of 1980. Because of these important regulatory reforms, railroads today largely are free to operate in the same manner as unregulated businesses in the general economy. No one, least of all myself, questions that this is an extremely positive development.

However, there is a major category of shippers who have not enjoyed the fruits of deregulation, namely the Nation's captive rail shippers. These are shippers of commodities such as coal, grain, and many chemicals, that are best suited for rail transportation, but who are located at places served by a single rail carrier. The result of this monopoly of service is obvious; the level of competition and the level of price are inversely related. The lower the former, the higher the latter.

In the unregulated economy generally, the antitrust laws are the mechanism for insuring the maintenance of competition. Unfortunately, there are anomalies in the current application of the antitrust laws to railroads that prevent those laws from working effectively. During the period when railroads were pervasively regulated, most of the Nation's antitrust laws were still evolving. Both legislatively and judicially it was apparent that, given the existence of pervasive regulation, application of the antitrust laws and their principles to the railroad industry was unnecessary, perhaps even

counterproductive. Consequently, Congress chose to exempt railroad mergers from Clayton and Sherman Act review.

Similarly, Congress exempted the railroads from private injunctive relief under the antitrust laws for matters within ICC jurisdiction. The Federal courts, moreover, consistently have held that railroads are not liable for monetary damages for antitrust injury based on rates contained in tariffs filed with the ICC. Thus, the railroad industry, through a scheme based on pervasive regulation, was able to acquire considerable market power which was not subject to traditional antitrust oversight.

Today of course, that pervasive regulation and oversight has been lifted. However, not all the antitrust exemptions have been lifted and, much more important, the acquired market power, permitted upon the assumption of pervasive regulation, remains. Given this situation, it is entirely appropriate to address today's problem of captive shippers through modifications to the Nation's antitrust laws. The bill seeks to rectify the situation whereby railroads have been protected from full application of the antitrust laws so that henceforth railroads will be treated just as other unregulated industries in the general economy.

The Senate Judiciary Committee has heard testimony from numerous shippers who have described the need for this type of approach in addressing railroad market power. I strongly support the concept of promoting rail competition through trackage rights, as suggested by Senator LAUTENBERG in the context of the proposed Conrail sale and, indeed, on a nationwide basis.

On December 23, 1985, the New York Times ran an excellent editorial relating to railroads and captive shippers. I, in turn, wrote them a letter which they also published expressing my support and also mentioning that my bill S. 447 might go a long way toward resolving several of the issues they had discussed. I ask unanimous consent that a copy of the Times editorial and my letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOW TO KEEP COMPETITION WORKING ON THE RAILROADS

To the Editor: "Next Steps in Rail Deregulation," your thoughtful editorial of Dec. 23, should be read by every member of Congress and everyone in the executive branch with any responsibility in the transportation area.

Truly, as you stated, we should aim at replacing regulation with the forces of competition, and at replacing monopoly, where it exists, with joint use of monopoly rail trackage and related facilities.

The Staggers Rail Act of 1980 (a deregulatory step that was needed) left some regulatory power with the Interstate Commerce Commission and provided some limited protection for shippers in those areas where rail service is essential and where there is no rail competition. Regrettably, the I.C.C. has chosen not to exercise even its limited authority to protect captive shippers and shows no intention of doing so.

Neither do shippers have the protection provided by antitrust laws. Railroads are largely exempt from the nation's antitrust laws that govern the behavior of most other businesses and industries.

The steps proposed by the editorial toward easing off regulation by making rail shipping ever more competitive are all worthy of consideration.

The thrust of the editorial's three steps is toward more competition and less regulation, and with that I agree entirely. But, protection of captive rail shippers depends on your proposal that Congress "might require rail companies to lease their tracks and terminals to competitors at reasonable rates." If that were accomplished, the effect would indeed stimulate more competition.

Congress need not explore far, as the editorial suggests, in order to find a way to accomplish this. A solution is provided in the Railroad Antimonopoly Act (S. 447), introduced early in 1985 by Senator Alan K. Simpson and myself, and in the House by Representative John F. Seiberling and several others (H.R. 1140).

Hearings have been held in both houses, and the bill has been refined to repond to suggestions and criticism by both supporters and opponents. It would bring the railroads substantially within the ambit of the antitrust laws. It would be a major step away from regulation and toward competition.

Over the last year and a half this proposal has developed an amazing depth and breadth of support, including Eastern and Western coal producers, chemical manufacturers and producers of raw materials for chemicals, fertilizer producers, agricultural producers, processors and their associations, consumer groups, state officials, state regulators, an investor-owned electric utility, two national associations of consumer-owned electric utilities and a number of their members, and the Port Authority of New York and New Jersey.

Our national railroad system is a vital national resource. The network of rails it truly an essential facility, but both consumers and the national interest will suffer if the railroads and the I.C.C. cling, as you say, "to the outdated rationale that the railroads need every last penny to stay in business."

DENNIS DECONCINI,
U.S. Senator from Arizona.

[From the New York Times, Dec. 23, 1985]

NEXT STEPS IN RAIL DEREGULATION

When Congress relaxed price controls for freight railroads in 1980, it sought an artful balance. It wanted to give railroads incentives to rebuild their collapsing systems. But it wanted also to protect shippers from being gouged by rail monopolies. Some of these shippers now complain that the balance has tilted in favor of railroads, and they make a good case. If deregulation is to work for everyone, the reforms of 1980 need fine tuning.

Most cargo shipping is vigorously competitive. In setting prices, truckers and airlines must keep a close eye on the competition. Railroads, too, are held in check for some products in some regions. If they try to overcharge the large manufacturers of high-value products like machinery or auto parts, they risk losing the business to another railroad or an enterprising trucker.

But railroads exert great market power in carrying bulk commodities on underserved routes. So Congress put some limits on the railroads' freedom to set their own rates. Where a shipper can show that a rail company dominates a transportation market, the Interstate Commerce Commission is empowered to intervene. And if the commission finds a railroad's total revenues to be adequate and its prices unreasonable, the shipper can be granted rate relief.

By and large, this partial deregulation has worked well. Railroads are posting good profits. More important, they are investing billions to modernize their systems. And many shippers are getting better service for the same old rates. But some shippers, notably power companies buying coal from Western mines, have been seriously overcharged. And I.C.C. has so far denied them relief. The commission, it appears, clings to the outdated rationale that the railroads need every last penny to stay in business.

A coalition of commodity shippers, electric utilities, labor unions and consumer groups urges legislation, to reduce the I.C.C.'s discretion, forcing it to come down harder on strong railroads. Things may have to come to that if the commission refuses to tighten its guidelines for rate relief. But the dreary history of price regulation makes very clear that prices set by regulators can never be entirely fair or efficient.

The long-term goal of reform should be to keep easing off regulation by making the shipping industry ever more competitive. At least three steps could be taken toward that end:

Congress should authorize construction of pipelines to carry mixtures of pulverized coal and water from mines to powerplants. Such coal slurry pipelines have been blocked at state level by railroad lobbying. If Congress preempts authority over pipelines, the mere threat of their construction would discourage rail overcharges.

The I.C.C. or Congress, if necessary, should halt rail mergers that reduce the number of carriers serving shippers of bulk commodities.

Congress should explore ways to stimulate more competition among existing rail systems. For example, it might require rail companies to lease their tracks and terminals to competitors at reasonable rates.

The first goal of rail deregulation—a more productive, financially stable system—has been achieved. The next goal should be insuring that railroads share the benefits with consumers.

ALLEN & CO. OFFER FOR CONRAIL

Mr. BRADLEY. Mr. President, I would like to submit for the record an outline of a proposal recently made by Allen & Co. for the purchase of Conrail. I must add that this offer has not undergone the scrutiny necessary to examine the competitive and business implications of such a sale. Hence, it is impossible to take a position for or against this offer. I feel that is nonetheless important for all the Senators to recognize that another alternative to the NS proposal exists. If the Morgan Stanley and Allen & Co. offers are any indication, the bids for Conrail are only going up.

The proposal follows:

MAJOR ELEMENTS OF THE CONRAIL ACQUISITION CORPORATION'S OFFER TO PURCHASE CONRAIL

The Conrail Acquisition Corporation (the "Company") proposes to purchase 85 million U.S. Government Conrail shares for $1.65 billion.

Allen and Company and The First Boston Corporation will underwrite this effort.

On January 8, 1986, the Company filed a registration statement with the Securities and Exchange Commission. This filing precedes a public offering of 85 million Company shares, which would be exchanged for Conrail stock in the event the purchase is consummated.

Selling Conrail to the Company will result immediately in a publicly-owned, independent Conrail. Unlike the Morgan Stanley proposal, there would not be an interim group of investors with deferred public offerings.

Conrail stock will thereafter be listed on the New York Stock Exchange, subject to a restriction that no single investor will own or control more than 5% of outstanding shares within the first three years.

To the maximum extent possible, the Company proposes to retain existing Conrail management to operate the railroad.

The Company is prepared to accept the public interest covenants requested by the Department of Transportation in a form substantially similar to that agreed to by Norfolk Southern.

The Company proposes to pay Conrail employees $300 million in settlement of wage claims, the amount being financed by crediting a like value in ITC carryovers against the employees' 1985 wages.

The Company will relinquish net operating loss carryovers.

The Company will offer to purchase the Conrail ESOP's 15% shares for $247 million. If the ESOP chooses to retain its shares, labor will be entitled to two seats on the Company's Board.

The total value of the Company's financial package, including payments to the government and to labor, and subtracting the cost of the ITC transfer, is $1,907 billion.

Mr. HART. Mr. President, the Senate is considering legislation to sell the Government's interest in Conrail. The sale of Conrail was authorized by the Northeast Rail Service Act of 1981, contained in that year's budget reconciliation legislation. I opposed that legislation, and I oppose the bill before us today. These matters have to be judged on their merits. And, on the merits, this bill is flawed.

In considering this legislation, the Senate was presented with three options. The committee bill recommends that we sell Conrail to the Norfolk and Southern Co. Our distinguished colleague from Pennsylvania, Senator SPECTER, urged us to sell Conrail as a stand-alone entity to an investor group established by Morgan Stanley. Or we could defer the sale of Conrail, which is currently making a profit for the Federal Government, until a better deal comes along. That's the option we should support.

Norfolk and Southern has been aptly described as the "Cadillac" of American railroads. Its efficiency, management, and financial position are not in doubt. Nor is the question whether Norfolk and Southern could handle the added responsibilities involved in taking over Conrail's operations. It could. But there are larger issues at stake—relating to the deficit, national rail policy, and antitrust concerns. On these matters, I have concluded the proposed sale is deficient.

The Department of Transportation set the price of $1.2 billion for Conrail. The net liquidation value of Conrail is much higher. Morgan Stanley is offering $200 million more. If the Government were actually getting $1.2 billion for Conrail, by selling it to the Norfolk and Southern Co., some might argue that we take the money and run. But analyses by the Congressional Budget Office and others demonstrate conclusively that we will actually receive much less. If the sale were consummated, we would be giving Norfolk and Southern more than an undervalued railroad. We would be giving it a substantial amount of Conrail's cash, and generous, though unused, tax advantages. According to some estimates, the sale of Conrail would actually cost the Government $174 million in the outyears. Thus, the sale would increase the Federal deficit.

The underlying legislation waives the statutory right of the Interstate Commerce Commission to examine the antitrust consequences of the sale. However, the Department of Justice has reviewed the proposal. Twice, it has found it lacking. The combined Conrail-Norfolk and Southern system would exercise tremendous market power. Members of the Association of State attorneys-general criticized the legislation on this basis. We have heard from shippers who are terribly concerned about getting their goods to market if the sale goes forward. And although the Department of Justice has not yet completed its review of the sale, we are asked to go forward. That would be a mistake.

The alternative proposed by Senator SPECTER was superficially more attractive. In recent weeks, Morgan Stanley has increased its offer for Conrail by $200 million, for a gross purchase price of $1.4 billion. Since this offer has been put forward by an investor group, and not exclusively by a rail competitor, antitrust concerns are not at issue. Finally, under the Specter alternative, Conrail would have retained its identity as a "stand-alone" entity.

But important considerations raised by the Morgan Stanley proposal led to its defeat.

Before bids were sought for Conrail, the Department of Transportation made the mistake of publicizing an investment firm's estimate of Conrail's value. This may have been inadvertent, but it had the effect of placing a ceiling on the bids DOT solicited at $1.2 billion. A week or so before this vote, Morgan Stanley increased its bid by $200 million. It was hard not to be left with the impression that the total sale price could have been higher had DOT acted with greater care.

Implicit in the sale to Morgan Stanley is that the investor group would resell the stock to the public in 5 years. Shouldn't the taxpayers of this country—who have, after all, committed billions of dollars to rescue this railroad—benefit from the total yield of the Conrail sale?

Consequently, both proposals raise a variety of questions that have not been resolved. The issues are complex. They involve matters of rail policy, competition, antitrust, tax policy, and whether the sale of a Government asset can actually be used to reduce the deficit. Deferring the sale will provide the Federal Government with a continuing stream of revenue, until these problems can be addressed. That's the preferred course.

With the submission of the President's budget, the Congress and the country is about to begin a debate involving "privatization" and the sale of Government assets. This will be, in my judgment, a healthy debate. We must constantly reexamine the roles of government—at the Federal, State, and local levels—and be prepared to share or shift those responsibilities. The States and cities can do more and deliver more services; so can the private sector.

But as this debate has established, the simple sale of a Government asset cannot be automatically deemed, or strictly viewed, as a deficit reduction measure. If the President's budget document is premised, in part, on the sale of Government assets to meet the Gramm-Rudman deficit reduction target of $144 billion for fiscal year 1987, those savings will not be realized. The philosophy of privatization deserves to be considered. But it is no substitute for the kinds of difficult choices we must make—regarding defense, revenues, and genuine discretionary spending cut—to reduce the deficits fairly and effectively.

Mr. PRESSLER. Mr. President, last Thursday, I offered a regional railroad and shipper protection amendment to the Conrail legislation which was agreed to by the Senate. As I said at the time, the compromise amendment was offered with the clear understanding that it was intended to be the beginning of a process which was to lead to legislation that truly addressed the anticompetitive problems faced by the Midwestern and other regional carriers and shippers. In an attempt to truly address those problems, we have been negotiating with the Department of Transportation since last Thursday to resolve the issues we left on the negotiating table last week.

I was hoping to get unanimous consent today to offer a conforming amendment on this issue. Unfortu-

nately, we have been unable to reach an acceptable agreement with the Department and I must oppose the legislation as it stands. I said last Thursday that the amendment we passed was a good starting point, but that we had a long way to go before the concerns of the Midwest and the West were resolved. Unfortunately, after a very encouraging start with the amendment, we have been unable to move 1 inch from that point. I am still hopeful that this issue can be addressed by our colleagues in the House of Representatives and the conference committee on which I hope to serve, but it has not been resolved in the Senate.

As it stands today, the Midwest remains inadequately protected from the east coast transportation monopoly we are about to create. I regret that I will have to vote against this bill. I truly thought we could work something out.

But failing that, I must in good conscience vote against this measure and I would urge my colleagues who are similarly concerned about the problems this transaction will create for the Midwest and the West to join me in opposition to the bill.

Among the issues still unresolved include the burden of proof on the petitioning railroads, the scope of the traffic covered by the amendment, and the scope and type of relief to be granted. Interestingly enough, many are concerned that we are going to have to reregulate the railroad industry to correct these kinds of problems. Maybe this is simply indicative of some of the very fundamental flaws of this proposal. This system will be too big and too powerful to control without a very real return to regulation. Short of that, many railroads in the Midwest and other parts of the country will suffer.

Mr. President, the Midwest should not be required to pay the price for this transaction. As it is presently designed, that is exactly what will happen. I will not hold up the vote on this bill, but I will certainly vote against its passage and I urge my colleagues to do the same. This is not good national transportation policy.

Mr. President, since this debate seems to be drawing to a close, I would like to end by making a comment regarding the distinguished floor manager, the chairman of our Commerce Committee. Although we have disagreed on the merits of this legislation, he has been an extremely fair and unbiased chairman, and has once again proven his able leadership on this issue. We are fortunate to have him leading the Commerce Committee, and I thank him for his cooperation throughout.

Mr. BRADLEY. Mr. President, I rise to state my objections to the proposed sale of Conrail to Norfolk Southern. I am concerned about the anticompetitive nature of the sale and the lack of serious consideration of other competitive offers.

Mr. President, a Norfolk Southern purchase of Conrail would create the Nation's largest railroad system and reduce the number of major railroads east of the Mississippi from three to two. This fact has stirred fears of monopoly in the minds of a majority of those who depend on railroad service in New Jersey, as well as many U.S. Senators.

I am concerned that the Justice Department has not yet finished its review of the potential anticompetitive aspects of this unprecedented rail merger. If we allow the sale to go forward, we will be creating the largest transportation conglomerate in the United States without having answered the very fundamental questions that are required to be answered in any rail merger. In this matter, there is no independent ICC consideration as is customary in a proposed rail merger, and as is currently underway in the pending merger between the Santa Fe and Southern Pacific Railroads.

The Department of Justice was asked to evaluate the antitrust implications of the proposed sale but the final study has not been completed. The Senate has only been given what the Department of Justice calls a preliminary approval. This preliminary approval was made in short order following a proposal put forward by Norfolk Southern in November. It is obvious that the Department of Justice has not performed the kind of analysis needed to give the Senate assurance that the antitrust considerations have adequately been considered.

Mr. President, I believe the criteria which Congress should use in evaluating any proposed sale of Conrail are: Will the sale leave Conrail in the strongest financial position after the sale? Will the sale preserve service to shippers and communities which depend on Conrail's service? Will the sale foster competitive rail service? And, consistent with these criteria, will the sale maximize taxpayers' monetary return? The debate on the Senate floor has not convinced me that the sale of Conrail to Norfolk Southern will meet these criteria.

Some supporters of the sale to Norfolk Southern argue that Conrail cannot exist as an independent railroad without a massive infusion of Federal funds. The study by the USRA and the current financial records of Conrail do not support this assessment. The constantly increasing offers from potential buyers of Conrail also challenge this view. Norfolk Southern has offered $1.2 billion for Conrail which has over $900 million in cash, $3 billion in assets, and made $440 million last year. In addition, Norfolk Southern could use Conrail's tax shelters to depreciate $3.5 billion of their assets. Although I have never argued that the price of Conrail is the major issue, I do feel that other offers should be given serious consideration.

Other supporters of the Norfolk Southern sale, as well as supporters of the Morgan Stanley offer, argue that because Conrail is in such good financial shape, now is the time to sell it to the private sector. If this is true, then I believe there is no need to rush through the sale to Norfolk Southern. The offers should be thoroughly examined by the Justice Department and competitors should be permitted to bid up the price in open competition.

Mr. President, virtually all of the shippers in my State, as well as the ports of Philadelphia and New York and New Jersey, oppose the sale to Norfolk Southern. They are the people most directly affected by this sale. They fear the reduction of competition and the impact it will have on rates and services.

Until the Justice Department has thoroughly examined this sale, I believe the administration cannot adequately respond to their concerns. As a result, I must vote against the legislation before us.

Mr. DURENBERGER. Mr. President, the legislation before the Senate today presents those of us from the Midwest with some rather difficult choices. Neither Conrail nor Norfolk Southern serve the States of Minnesota, Iowa, North Dakota, South Dakota, or Nebraska. But our constituents have expressed concern that the combination of these two systems would adversely impact the carriers who do serve our States. And, knowing the importance of rail service to Minnesota's rural communities, I do not take those concerns lightly.

At first it was hard to see how the merger of two east coast railroads could possibly impact Minnesota shippers. But then I read the conditions put on the sale by the Department of Transportation in 1984. Those conditions were obviously designed to protect taxpayers, Conrail shippers, employees, and competitors.

But I couldn't see any protection for the Soo-Milwaukee, Chicago North Western, ICG, or Grand Trunk Western railroads and their shippers. So I talked to the Department and to the Norfolk Southern. I knew Minnesota and the upper Midwest would get a sympathetic ear from the Federal Railroad Administrator, John Riley. When he worked for me in 1978–83, John was instrumental in saving rail service to hundreds of Minnesota rail shippers and preserving hundreds of miles of Milwaukee Railroad trackage in Minnesota.

Now, Mr. President, I can say that substantial improvements have been

made to this legislation in response to Midwestern concerns. And I believe those improvements are sufficient to warrant the Senate's adoption of this legislation.

Of particular importance to Minnesota, the Norfolk Southern has personally assured me that it will honor any shippers contract Conrail had entered into prior to the sale. In short, no Minnesota shipper would see their rates increase as a result of this transaction.

The Norfolk Southern has also entered into an agreement with the Soo-Milwaukee system to maintain current rates and to keep the Louisville gateway—one of the Midwest's important access points to the Southeast—open. In response to this agreement, the Soo-Milwaukee has now announced its support for this legislation. By adopting the Pressler/Durenberger amendment on Thursday, similar protection has been extended to all other Midwestern rail carriers including the Chicago Northwestern Railroad Co. I am hopeful that the gateway concessions and diversion protection included in the amendment will insure that the new system created by this legislation does not use its new found market power to adversely impact smaller regional carriers.

So, while there may still be a slight diversion of traffic off of the rail systems of Midwestern carriers as a result of the sale of Conrail to Norfolk Southern, I am convinced that the concessions and agreements made by the Norfolk Southern adequately protect the interests of Minnesota shippers and carriers.

Mr. President, in spite of these assurances and agreements, there are still some Members of the Senate who oppose this legislation. Those leading the opposition to this bill make the case that a public offering, such as the one outlined by the Morgan Stanley Co., is preferable to selling Conrail to the Norfolk Southern. And to aid them in their fight, they have enlisted the support of Midwestern shippers, rail employees and anyone else who is willing to listen to Morgan Stanley's siren song.

Mr. President. I know a little bit about railroads. I was raised with them. My grandfather spent 50 years of his life with the old Great Northern. I know their importance to rural communities, having fought side-by-side with Minnesota shippers, employees, and residents in a valiant and successful effort to save the Milwaukee Railroad and preserve rail service to rural Minnesota. Our biggest obstacles in that effort were the Milwaukee's poor cash-flow postion, the pressure by the shareholders of the Milwaukee Land Co. to liquidate the railroad, and mother nature, not necessarily in that order.

There wasn't a great deal we could do about the ravages a savage winter storm waged on the Milwaukee. All we could do was hope that the snow could be cleared from the tracks and service restored.

By working together, the States, the shippers, the employees and those of us who represented the Midwest in Congress were able to assist the Milwaukee in improving its cash-flow. We did that with a combination of financial assistance from the state and Federal Government, concessions from employees and firm contracts from shippers.

But it took a Federal court judge with vision and an Interstate Commerce Commission with the public interest in mind to prevent the Milwaukee Land Co. from liquidating the Milwaukee Railroad. And that battle taught me two things: first, rail transportation is an essential public service which should be preserved at all costs; and second, a handful of narrow-minded investors should never be allowed to maximize short-term profits at the expense of a sound transportation system.

And that is what this debate is really about. For the very group of investors who tried to force the Milwaukee Railroad into liquidation are the strongest supporters of Morgan Stanley's offer. They have absolutely no interest in Conrail, the railroad, its shippers, or its employees. Morgan Stanley's investors have no interest in running a railroad. They'll let Stan Crane do that. They are in this to drain Conrail's cash reserves and maximize dividends. If that means deferring maintenance, laying off employees, abandoning branch lines, and gouging shippers, it makes no difference to them. Why, they are even willing to offer an extra $200 million for Conrail, knowing all the while that the money will come not from their hefty bank accounts, but from Conrail's shippers and employees.

Finally, Mr. President, I am disappointed by railway labor's support for the Morgan Stanley proposal. I hold this Nation's rail labor organization in the highest regard. My grandfather once laid rack for the Great Northern and retired on a rail pension. I helped put myself through school by working summers in a rail car repair shop. I think the unions' support for the Morgan Stanley offer is premised on their fear of the loss of 10,000 jobs. But Mr. President, it is Conrail, not Norfolk Southern, which poses the greatest risk to railroad employment. It is Conrail which has eliminated 50,000 rail freight jobs in the last 10 years and it is Conrail which has stated that another 6,000 jobs will be eliminated in the next few years. According to the Secretary of Transportation only 1,200 jobs, not 10,000 jobs, will be at risk as a result of a Conrail-Norfolk Southern merger, and those employees will receive full wage protection for up to 6 years. When forced to choose between the claims of the Secretary and her Federal Railroad Administrator, and the claims of a group of profit-motivated investors with a track record of railroad busting, I will take the word of the public servant.

Mr. President, I have had little difficulty in coming to the conclusion that the sale of Conrail to the Norfolk Southern is in the public interest and that the Morgan Stanley offer is not. That is the position taken by the Federal Railroad Administrator, the Secretary of Transportation, the President, the Senate Commerce Committee, and a host of others. It is a position I agree with.

Mr. DIXON. Mr. President, I would like to begin my remarks by restating a point I have made a number of times during the course of this debate: I want to sell Conrail; I believe it is important to return that railroad to the private sector this year. While I support an early sale of Conrail, however, and while I do believe such a sale should be one of our most important transportation policy objectives for this year, my support for a sale is not a commitment to subordinate my responsibilities as a Senator just to approve any sale.

I believe that all Senators have a responsibility to ensure that the sale we approve is in the public interest. "In the public interest," however, is a vague test. To be given meaning, it must be put into practical terms. One practical consideration is price. Any sale must provide the Government with the maximum reasonable return possible on the billions the Government has invested in Conrail. Another important practical consideration is competition. A sale, to be approved, must ensure that competitive considerations—as exemplified in our Nation's antitrust laws—are handled properly. Shippers, States, cities, ports, labor, and railroads that connect and compete with Conrail need and deserve to be protected from monopoly power—to be sure that a sale does not diminish their competitive options.

I would like to be able to tell my colleagues that S. 638 and the sale proposal it recommends is in the public interest, but I cannot. Selling Conrail to Norfolk Southern, as it proposes, costs the Government over $600 million when compared with the proposal put forward by the Morgan Stanley group. Morgan Stanley offers $200 million more in cash than Norfolk Southern. According to the Congressional Budget Office, it will provide over $400 million more in tax revenue than Norfolk Southern. Finally, Morgan Stanley provides the Government with stock warrants, so that the

Government would share in the benefits of a successful sale.

It is difficult to understand, Mr. President, why the Senate should support selling Conrail to the low bidder. What makes it even more difficult are the anticompetitive problems raised by a Conrail-Norfolk Southern merger. Hundreds of shippers, 25 State attorneys general, ports, labor, and a number of railroads that connect and compete with Conrail and Norfolk Southern have presented compelling evidence of the antitrust problems left unresolved by S. 638. Even the Department of Justice has admitted that the merger raises serious antitrust concerns.

Justice has sought to resolve the problems through divestiture of certain rail lines by a combined Conrail-Norfolk Southern system. The divestiture proposals, however, have been woefully inadequate. The fact that we are now considering the third divestiture proposal is conclusive evidence of the problems with the first two. The third proposal is really no better. It cannot be better; it shares the same fundamental flaws as the first two proposals. It relies on two what can only be called very small and extremely marginal railroads to provide effective long-term competition to a Conrail-Norfolk Southern monopoly. This cannot work. It will not work; and there is no way it can be made to work.

I hope my colleagues will join me, therefore, in opposing this fatally-flawed legislation. This legislation is not worthy of Senate approval. It deprives the Government of over $600 million. It creates a rail monopoly in the East that will affect the entire country. Only when this legislation is defeated will the Senate be able to act on a sale proposal that is in the public interest. I urge the defeat of S. 638.

Mr. GRASSLEY. Mr. President, when the Conrail sale to Norfolk Southern was first announced by the Secretary of Transportation, Elizabeth Dole, I thought that finally we would be returning this railroad, to which taxpayers have devoted over $7 billion, to the private sector where it belongs.

Other than the Iowa tax dollars that have been put into this railroad, which I might say is a considerable amount of money, one would not think that the sale of Conrail would have a great impact on our State, but would only affect the Northeast part of our country.

The issue then came before the Budget and the Judiciary Committees which I serve on. We decided during the Budget Committee considerations to include the proposed $1.2 billion from the sale in our revenue projections.

The Judiciary Committee focused on possible antitrust considerations of the sale of Conrail and the special provisions written into the contract of the sale to the Norfolk Southern Railroad.

Several months ago, I asked the Iowa Department of Transportation, which is considered one of the best in the country, to study the proposed sale of Conrail to determine its impact on the State of Iowa and Iowa's railroads and shippers.

The Iowa Department of Transportation met with the Minnesota, Wisconsin, Nebraska, and North Dakota State Departments of Transportation to discuss their mutual concerns with the proposed sale of Conrail to Norfolk Southern and its impact on the Midwest. These five States developed a joint resolution that stated what they thought was the impact of the proposed Conrail merger on the Upper Midwest. I shall ask to have this report printed in the RECORD, along with a letter and memorandum from the Iowa DOT.

Over the past few months, I have met with several of the railroads that serve our State. I met with officials of Iowa's largest railroad, the Chicago Northwestern, which carries over 60 percent of the rail traffic in our State. I talked with them about the possible impact and their concerns about the sale of Conrail to Norfolk Southern. They had conducted an independent study of the sale and the effects it would have on Chicago Northwestern.

According to this report, the Chicago Northwestern could lose about $60 million a year in revenues because of possible diversions of rail service from the Chicago gateway to the Kansas City gateway.

The Chicago gateway line of the Chicago Northwestern, which goes through the heart of Iowa, makes up only 7 percent of the C&NW rail line, but produces 47 percent of its revenues. Consequently, diverting traffic in such magnitude could jeopardize existing rail service to Iowa.

A diversion of 60 million dollars' worth of traffic, or even $25 million, as stated in the letter I am submitting from the Governor of Missouri, could have a devastating effect on Iowa rail service.

I was also concerned about the impact on Iowa's other railroads, such as the Soo-Milwaukee and the Heartland Railroad which the State of Iowa just put $15 million into and the Federal Government put $6 million into to rehabilitate the old Rock Island Railroad line across our State. I was concerned about these investments that our State and Federal Governments had made in this railroad and the effects it would have on the future of this new shortline railroad. With the help of the Department of Transportation, and working with Norfolk Southern Railroad, we were able to provide protection for this railroad.

There has been some interest in the Norfolk Southern and Chicago Northwestern railroads working out an agreement, and we have tried to help them arrive at a satisfactory arrangement for both parties. This has proven unsuccessful so far.

I commend the Secretary of Transportation and her staff for their efforts to accommodate the request by Congress for a recommendation on how the Government should get out of the railroad business. Unfortunately, the present proposal is not in the best interests of Iowa and the Midwest.

I am also concerned about the amounts of money that have been offered for this railroad. The Iowa DOT has indicated that even with the extra money offered by the Morgan Stanley group, taxpayers are still not getting enough money for this property.

If we start the President's privatization program by accepting insufficient bids for the Government assets that we plan to sell, then we will send the wrong signal to those companies planning to bid on other future sales planned by our Government.

For the above reasons, I have decided to vote against this sale of Conrail to Norfolk Southern. I urge the Secretary to review the concerns that the Midwest States have raised to insure that the taxpayers will get the best price for this piece of property and that no Midwest railroad will be hurt by the sale.

Mr. President, I ask unanimous consent that the materials I referred to be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

IOWA DEPARTMENT
OF TRANSPORTATION,
Ames, IA, July 19, 1985.

HON. CHARLES GRASSLEY,
U.S. Senator, Hart Senate Office Building, Washington, DC

DEAR SENATOR GRASSLEY: The Iowa Transportation Commission unanimously adopted a position at its July 16, 1985 meeting to oppose sale of Conrail to the Norfolk Southern. The Commission is deeply concerned that the acquisition will endanger the financial health of midwest railroads which are vital to Iowa's economy.

DOT staff analyzed all available information over the past eight months prior to taking this issue to the Commission for discussion. The Commission considered their position at two meetings and listened to over four hours of presentations by Federal Railroad Administrator John Riley, four midwest railroads, Conrail and Morgan Stanley officials, and DOT staff before taking the following action:

"We recognize the Norfolk Southern is a fine, successful railroad, but we conclude the proposed sale of Conrail to the Norfolk Southern is not in the best interests of the midwest states—or of the nation. The merger will have devastating effects on competition in the midwest and upon the fine carriers providing essential rail service to the midwest.

We support efforts to return ownership of Conrail to the private sector as an independent railroad. We respectfully urge the ad-

ministration and the Congress to pursue a sale more in the best interests of the taxpayers who have made such a huge investment in Conrail, and a sale that will insure competition among the several railroads providing essential, efficient service to the midwest and to the entire nation."

Five states—Nebraska, North Dakota, Minnesota, Wisconsin and Iowa—have now approved the enclosed position on the sale of Conrail. The Commission urges your support of the midwest states joint position. I'm also enclosing our analysis and background materials. Please give me or Les Holland a call if you have questions or need more information.

Sincerely,

WARREN B. DUNHAM,
Director.

MIDWEST STATES JOINT POSITION ON CONRAIL

In response to the proposed sale of Conrail to the Norfolk Southern Corporation and after review of available data and considerable debate of its impacts and implications, the States of Iowa, Minnesota, Wisconsin, Nebraska, and North Dakota have reached agreement on a joint position concerning the proposed sale.

POSITION STATEMENT

The above-named states jointly oppose the proposed sale of Conrail to the Norfolk Southern Corporation (NS). While the Midwestern states support efforts to return Conrail stock to the private sector, we cannot accept a Conrail sale to the NS. The NS plan, which constitutes a major merger of two large competitive rail systems, will create serious adverse impacts on the Midwest and raises additional concerns which are national in scope. This plan is anticompetitive and will have effects on rail service availability well beyond the combined service areas.

The NS estimates it would gain 233 million dollars through traffic diversions from other railroads. The majority of this 230 million dollars would come from Midwest railroads. This will have major detrimental financial effects on Midwest regional railroads. These effects will directly impact the economy of our region now and in the future.

The Midwest states have worked diligently to foster reasonable rail service and an efficient and effective rail system. After many years of dealing with bankruptcies such as the Rock Island and the Milwaukee Road, with deferred maintenance, and with thousands upon thousands of miles of abandonments, the Midwest cannot tolerate a Conrail solution, such as the NS proposal, which would create even more problems for the Midwest. The nation, including the citizens of the Midwest states, has contributed to salvaging the Conrail of today through federal taxes. Neither the nation nor the Midwest should be further burdened as a result of its sale.

We are aware that NS and the regional railroads have been discussing a variety of ways in which the NS proposal could be structured to produce a less harmful effect on regional railroads and upon the Midwest economy. However, there is no evidence that any measure of conditions can meet the public interest criteria including preservation of competition and rail service.

The USDOT and USDOJ have done an incomplete job of studying the impacts of the NS and other proposals. USDOJ has used different criteria for evaluation of antitrust implications than it has used for other proposed mergers; and USDOT has essentially ignored the impact on Midwest railroads and rail service.

There is excellent evidence that Conrail can continue to stand alone. The United States Railway Association (USRA), Conrail management and others conclude that Conrail is standing and can continue to "stand-alone". Conrail has demonstrated this fact by generating profits during recent economic recessions. In terms of profits, it has outperformed many Midwest railroads. Conrail is a viable railroad, privately operated and managed. It also is a leader in a new deregulated environment. In view of this, all stand-alone options such as the Morgan Stanley bid (or others) should be given careful review and consideration. The states support a stand-alone Conrail as a viable alternative superior to the NS plan. It will satisfy national concerns without additional burden to any region of the country.

PUBLIC INTEREST CRITERIA

The states have utilized five basic public interest criteria in reviewing the NS/Conrail proposal and formulating our position:

I. Maintaining rail competition.

II. Maintaining local service.

III. Promoting financial stability of the railroads.

IV. Minimizing employment loss.

V. Minimizing Public and Government Costs.

Focusing on these five criteria, the following narrative highlights the states' rationale.

I. Maintaining rail competition.

It is in the public interest to maintain and enhance rail competition. The sale of Conrail to the NS and the resultant traffic diversions would have far ranging negative effects on competition, nationally and in the Midwest.

The NS indicates that it expects to realize gross revenue gains from traffic diversions of $233.9 million annually. The majority of these diversions will come from Midwest carriers like the C&NW, ICG Soo/Milwaukee and Grand Trunk.

The C&NW operates about 7,000 miles of track, the Grand Trunk System 1,700 miles, the Soo/Milwaukee about 7,700 miles, and the ICG about 6,500 miles. The majority of these system miles are located in our Midwest states. The Midwest depends upon these railroads to provide service and competition. None of these railroads can afford a reduction in revenue at this time. For example, the C&NW estimates its gross revenue losses due to NS/Conrail diversions at nearly $60 million annually; the NS estimate is somewhat lower at $45 million. In either case, the loss is substantial. The diversion would be significant and costly to the C&NW. C&NW lost money the last quarter of 1984 and again in the first quarter of 1985. If this diversion takes place, it will decrease C&NW's ability to compete with other carriers and may force reductions in service or even irreversible financial problems for C&NW.

The ICG is struggling to survive and is in the process of making drastic cuts in its system right now. An NS/Conrail merger would result in loss of $28 million gross revenue annually for the ICG. The Soo Line has taken on the reorganized Milwaukee Road and requires all of its assets, revenue, and other resources to develop a smoothly running system out of the merged companies. The estimated $21 million annual gross revenue loss due to an NS/Conrail merger would be a stifling burden of the Soo/Milwaukee. The Grand Trunk (GT) has struggled to show marginal profits in recent years. The loss of an estimated $35 million in annual gross revenues could drive the GT into bankruptcy.

These railroads are all regional carriers providing not only good rail service but vital rail competition in the Midwest. It is undisputed that an NS/Conrail merger would be potentially devastating to these railroads. The net effect on rail service and competition in the Midwest can only be harmful to the Midwest's economic base.

In the NS/Conrail service area the creation of a "super system" raises legitimate concerns about competition now and in the future. The Justice Department has already raised similar concerns and suggested divestiture of certain NS/Conrail lines. However, the Justice Department study was incomplete, and not consistent either with its analysis of other rail mergers, nor with its standard merger guidelines. Certainly the implications upon competition in the Midwest have not been evaluated by any agency. The divestitures currently under consideration show evidence of being grossly inadequate to the preservation of competition even if it is ultimately concluded that the Pittsburgh and Lake Erie and Guilford railroad will be viable.

The NS/Conrail "mega merger" would result in the largest rail system in America. It is likely to precipitate an industry environment that is defensive and would inhibit meaningful competition.

There is excellent evidence Conrail can stand alone. It can continue its role as a competitor in the Northeast and Midwest. Its continuation would avoid the drastic traffic diversion and the financial burden on Midwest Carriers that an NS/Conrail merger would cause.

II. Maintaining local rail service

An important goal of the Midwest States is to maintain economically viable local rail service to a transportation dependent economy.

In the Midwest, the same negative financial impacts that will affect the Midwest regional carriers' ability to provide service and compete will also affect their ability and willingness to provide local rail service.

The attempt to build an NS/Conrail giant will force smaller regional railroads to react to the loss of revenue and traffic by curtailing service, deferring maintenance, and abandoning lines. Therein lies another serious adverse impact of the NS/Conrail proposal on local rail service. These impacts will be felt in an area stretching from New York to Nebraska and North Dakota. All states involved have had to deal with many thousands of miles of abandoned lines—and abandonments continue. No state, community, or shipper should be subjected to a government-sponsored merger which burdens them with needless additional loss of rail service.

There has been no review of this likely result of an NS/Conrail merger. The stand-alone alternative inherently provides a better result with respect to maintenance of local rail service. The public interest demands that every effort be made to solicit viable stand alone proposals.

III. Promoting the financial stability of railroads

The financial stability of railroads is an important factor in providing a balanced transportation network. It is argued that NS's acquisition of Conrail will insure the long term financial viability of Conrail; the NS alledgedly has "deep pockets".

The Midwest States question this premise. Indeed, NS did not develop its financial stability by throwing good money after bad. Conrail would have to stand on its own merits as a contributor to NS profits. If it cannot, NS surely cannot be expected to subsidize the Conrail portion of its system.

Whatever questionable stability an NS acquisition might offer Conrail, the Midwest sees a broader issue. An NS/Conrail merger will not promote financial stability. Instead, such a merger will cause greater financial burdens for many railroads, particularly regional carriers in the Midwest. In the Midwest the economic stability of several of these railroads will be threatened because of the major traffic diversions at key locations like Chicago with the resultant revenue losses. The NS has been negotiating with other railroads on agreements or conditions to mitigate the impacts of traffic diversions. However, we see no indication that such conditions will 1) be in place and 2) effectively ease the impacts over the long term. In addition, divestiture of unwanted lines to carriers with limited resources could very well overextend these carriers causing further problems in many Midwest and Northeastern States as well. Again, the public interest demands that more effort be focused on exploring stand alone alternatives.

A stand-alone Conrail would allow Conrail to continue to improve itself as an efficient, effective competitor and transportation service provider.

IV. Minimizing employment loss

The Midwest States are in support of a stand-alone Conrail because it causes virtually no loss of employment. In contrast, the NS has estimated that its merger with Conrail involves elimination of about 1,200 jobs. The Railroad Labor Executive Association in their reply statement in the Conrail Study proceedings estimated an NS/Conrail merger would mean railroad employment loss of nearly 5,000 including many jobs on Midwestern railroads. Neither figure includes secondary job losses certain to occur in areas of the Midwest. The employment losses resulting from an NS/Conrail merger would be needless sacrifice. The stand-alone alternative involves no job losses.

V. Minimizing public and government costs

Conrail is the result of public funding. The Midwest States believe that a Conrail solution should minimize government and public costs. Over $7.5 billion was spent buying, rehabilitating and consolidating rail systems, upgrading and purchasing rolling stock, and managing the process.

In view of this high public investment, the NS bid of $1.2 billion is hardly a premium offer. In fact, it seems very likely that a public offering would net the government more than the NS offer. The Congressional Budget Office estimates a sale of Conrail to the NS would net the government only about $240 million. Certainly such evidence necessitates a closer look at all other options. Further, a profitable stand-alone Conrail could be structured to repay some of the government funding thereby allowing the taxpayer to recoup considerably more than $1.2 billion.

Specific to the Midwest, a NS/Conrail merger will cause financial harm to the Midwest carriers. The diminished competition and reduced local service will raise transportation costs. Also, with fewer rail lines, trucks become the prime transportation mode for all shippers. The additional truck traffic on the Midwest highway system will cause an increase in highway funding needs.

A stand-alone Conrail would result in lower overall public and government costs. It could very well net the government a higher direct payment and, at the same time, avoid the indirect costs associated with a sale to NS. Again, the public interest demands that more effort be focused on exploring stand alone alternatives.

SUMMARY

We recognize the Norfolk Southern is a fine, successful railroad, but we conclude the proposed sale of Conrail to the Norfolk Southern is not in the best interests of the Midwest States—or of the nation. The merger will have devastating effects on competition in the Midwest and upon the fine carriers providing essential rail service to the Midwest.

We support efforts to return ownership of Conrail to the private sector as an independent railroad. We respectfully urge the administration and the Congress to pursue a sale more in the best interests of the taxpayers who have made such a huge investment in Conrail, and a sale that will insure competition among the several railroads providing essential, efficient service to the Midwest and to the entire nation.

BRIEFING PAPER ON CONRAIL SALE

[Rail and Water Division, June 12, 1985]

I. HISTORY

Conrail created by Congress in 1973 after bankruptcy of Penn Central and several other Northeast railroads.

Consolidated six bankrupt Northeast railroads into one company—"Conrail." Began operation in 1976.

Owned 85% by U.S. government; 15% by employees.

U.S. poured $7 billion in tax dollars into Conrail for bankruptcy and employee claims, acquisition, operating subsidies, and rehabilitation.

Conrail's management cut work force in half, made major improvements in physical plant, greatly increased productivity.

Profits have steadily increased. In 1984, Conrail made $500 million net profit.

II. PROCEDURES FOLLOWED TO SELL CONRAIL

Fifteen offers received by U.S. DOT by June 1984.

Offers narrowed to three finalists in September 1984.

On January 4, 1985, Conrail management submitted proposal to sell Conrail stock in a public offering. Secretary Dole rejected.

On Februray 8 1985, Secretary Dole announced DOT preference for Norfolk Southern proposal.

DOT used no Interstate Commerce Commission review on normal public input to merger before making decision.

U.S. Department of Justice reviewed Norfolk Southern offer and declared that it would be anticompetitive unless certain lines divested. These divestitures now included in plan.

On May 14, 1985, the Morgan Stanley investment firm announced a competing proposal to buy U.S.'s Conrail stock. Stock will then be resold, over time, to the public.

Congress makes decision. Doesn't have to follow anyone's recommendation. However, House of Representatives has requested an ICC review and recommendation.

III. MAJOR FEATURES OF COMPETING PROPOSALS

The Norfolk Southern and Morgan Stanley offers are similar in many respects, but differ in many key respects. The major features of each plan are presented below:

Norfolk Southern	Morgan Stanley
$1,200,000,000 cash to United States	Same.
Surrender of Conrail accumulated tax benefits.	Do.
Employees brought to industry wage levels.	Do.
Guaranteed $375,000,000 per year capital expenditures for 5 years.	Do.
Guaranteed $500,000,000 minimum cash balance.	Do.
Conrail would merge with Norfolk Southern.	Conrail would "stand alone" as competitor of Norfolk Southern.
Conrail would be owned 100 percent by Norfolk Southern. Employee interests bought out.	Diverse investor group with no individual investor permitted to own more than 10 percent of stock. Employees retain interest.
Norfolk Southern could shelter its profits with Conrail depreciation.	No non-Conrail income sheltered.
No stock warrants	Warrants issued to United States for one million shares Conrail stock.

IV. ARGUMENTS OFFERED BY NORFOLK SOUTHERN

Conrail too weak financially to "stand alone."

Norfolk Southern has "deep pockets" and could bail out Conrail if it became unprofitable.

Tax loss to U.S. government from the transaction is likely to be only $100 million.

Conrail needs to expand beyond Northeast. Norfolk Southern needs to get into the Northeast.

Job losses from merger likely to be only 2,500.

Norfolk Southern negotiating agreements with Midwest railroads to alleviate their concerns.

Morgan Stanley offer provides for dividend distribution six months sooner than NS, and does not require funds of dividends if guarantees not met.

Morgan Stanley offer proposes using up to $375 million of Conrail cash to pay employee claims.

V. ARGUMENTS OFFERED BY MORGAN STANLEY AND OTHER OPPONENTS OF NORFOLK SOUTHERN

Why create public policy problems which must be fixed (i.e. impacts on Midwest and other railroads, job losses, anticompetitive effects, tax losses) if it is possible to preserve the status quo?

Conrail can stand alone. Investor confidence and several studies show this.

Norfolk Southern would divert Conrail traffic to Kansas City gateway, bypassing Chicago. This would result in revenue losses of approximately $100 million per year for Iowa railroads. Negotiations to prevent this are stalled, with little hope offered of resolution.

Norfolk Southern's record in retention of unprofitable operations not good. "Deep pockets" theory false.

Norfolk Southern offer actually worth only $600 million to U.S. after subtracting estimated $600 million tax shelter and job loss effects.

Job losses from merger estimated at 10,000.

Merger is anticompetitive. Could lead to other "mega-mergers" in response.

Norfolk Southern offer also allows use of Conrail cash for settlement of employee claims—up to $300 million.

In addition to the physical assets to be acquired for $1.2 billion, Norfolk Southern will also acquire Conrail's $800 million cash balance.

VI. BOTTOM LINE FOR IOWA

Revenue losses of approximately $100 million/year to Iowa's railroads.

CNW, Soo/Milwaukee, and ICG will have to reduce service.

Increase in abandonments likely due to revenue losses.

Job losses in Iowa due to cutbacks in railroad labor forces.

Iowans, as U.S. taxpayers, would benefit more from Morgan Stanley proposal.

VII. ACTIONS BY IOWA DOT

Eight-state upper Midwest DOT meetings held May 10 and May 31.

Position papers due within two weeks. No formal position taken yet.

Will attempt to form multi-state coalition with common position.

IOWA DEPARTMENT OF TRANSPORTATION,
July 15, 1985.

Memorandum to: Transportation Commissioners.
From: Warren B. Dunham.
Subject: Sale of Conrail.

One of the key issues in the debate on Conrail is the financial viability of Conrail as an independent railroad. Proponents of the sale of Conrail to the Norfolk Southern argue that Conrail cannot survive without merger with another railroad. Opponents argue the opposite.

Our staff has prepared two documents addressing this question, which are attached. One compares Conrail (adjusted to "private company" status) with our own midwestern private railroads. The second analyzes the future financial performance of Conrail, with particular emphasis on whether an independent Conrail could afford to pay stockholders dividends and still meet the covenants imposed by the U.S. DOT on cash balances and capital expenditures.

The conclusion of the documents are summarized below:

COMPARISON OF "PRIVATE STATUS" CONRAIL WITH MIDWESTERN RAILROADS

In 1984 Conrail (after conversion to "private status") was over three times as profitable as all four midwestern railroads combined (CNW, ICG, Milwaukee, and Soo). Conrail achieved these results operating on only 15,468 roadway miles compared to the combined 21,745 roadway miles of the four midwestern railroads.

Conrail out performed all of the four midwestern railroads on almost all indicators of private company financial performance.

Conrail is more financially viable than midwestern railroads, and is in the midrange of all Americal railroads.

CONRAIL LONG-TERM ECONOMIC PROSPECTS

The 1984 profitable performance of Conrail is not an aberration, but rather represents the continuation of a long-term trend to financial viability based upon changes in productivity of a permanent nature.

Financial projections by Morgan Stanley show that an independent Conrail can pay full dividends, and exceed all U.S. DOT convenants for capital spending and minimum cash balances. These projections are based upon a 1-year recession in 1987.

Cash flow analysis shows that a privately owned Conrail could weather a 2-year economic recession and make full dividend payments without violating any covenants imposed by the U.S. DOT for minimum capital expenditures or cash balances.

IOWA DEPARTMENT OF TRANSPORTATION,
Ames, IA, July 15, 1985.

Memorandum to: DOT Commissioners.
From: Les Holland, Director, Rail and Water Division.
Subject: Financial Viability of Conrail as an Independent Railroad.

I. INTRODUCTION

In the current debate over the sale of Conrail, one key factor that is the subject of much debate is the financial viability of Conrail as an independent railroad. Proponents of the sale of Conrail to the Norfolk Southern argue that Conrail cannot survive without being merged with another railroad. This is indeed the major argument offered by the Norfolk Southern in support of its merger bid. Opponents of the Norfolk Southern argue that Conrail is financially healthy and can survive without a merger. This paper will analyze the available facts on this question, with particular emphasis on a comparison of Conrail with the privately-owned Midwestern railroads.

Another key factor in the Conrail debate is the impact that the proposed sale would have upon Midwestern railroads. Midwestern railroads could lose over $100 million per year in revenues if Conrail is sold to Norfolk Southern. Should the viability of Midwestern railroads be put in jeopardy in order to allegedly protect the viability of Conrail? The answer to this question depends at least in part on the relative strength of Conrail versus the Midwestern railroads. If Conrail is weaker than the Midwestern railroads, some might argue that the revenue transfer is justified in order to stabilize the national railroad system. However, if Conrail is stronger than the Midwestern railroads, the revenue transfer would be a case of the "rich robbing from the poor", would be destabilizing to the railroad system of the Midwest and the nation, and could not be justified.

II. NEED FOR A STANDARD OF COMPARISON

One problem with the current debate over the financial viability of Conrail is that there is no objective measurement of what constitutes financial viability. Amidst all of the hyberbole that is being traded by both sides, there has emerged no clear answer to the question of what standard is being used. Proponents of the sale of Conrail to Norfolk Southern argue that Conrail is not financially viable. However, they have presented no evidence that Conrail will be forced into bankruptcy or have to greatly diminish service under any set of circumstances.

From a public policy standpoint, a "base line" for comparison of financial viability may be the performance of the private railroads serving the Midwest. These are not rich railroads, but nonetheless have proven profitable enough to be able to consistently provide good service and maintain their physical plant. They do not appear to be headed toward bankruptcy under current conditions (no NS/Conrail merger). If Conrail's performance matches or exceeds the performance of these railroads, there is no argument for extraordinary measures (with far-reaching impacts on other regions) to protect Conrail's viability.

III. CONRAIL PERFORMANCE VS. MIDWESTERN RAILROAD PERFORMANCE

Presented in the attached table are 1984 financial performance indicators for Conrail and the major "Granger" railroads: the Chicago and North Western, the Illinois Central Gulf, the Milwaukee Road, and the Soo Line.[1] Included also for comparison are the 1984 performance indicators of two of the richest railroads in the United States: the Burlington Northern and the Norfolk Southern.

Conrail's 1984 data has been modified to *include* the full estimated impacts (according to the United States Railway Association) of a return to industry wage levels, and payment of labor protection, state taxes, and federal income taxes. Thus, Conrail's performance is stated as if it had operated as a private sector company on par with all other railroads. It is also assumed that under these conditions Conrail's debt to the United States government is forgiven and that Conrail's tax credit and operating loss carryforwards are forfeited, conditions accepted by the U.S. Department of Transportation as a condition of sale of Conrail to the private sector. For balance sheet indicators, it is also assumed that Conrail cash is equivalent to $500 million, with the balance assumed to have been used in a transfer to the private sector for settlement of employee claims and payment of "excess cash" to the U.S. government.

The analysis indicates that in 1984 Conrail substantially out performed the private Midwestern railroads, even after adjusting Conrail data for inclusion of all known effects of conversion to private ownership. Several items are worthy of note:

After Tax Income. Conrail's 1984 after-tax income of $308 million is over three times the combined after-tax income ($93 million) of the four Midwestern railroads. Conrail was able to make this profit operating on only 15,468 roadway miles compared to the combined 21,745 roadway miles of the four Midwestern railroads.

Capital Expenditures Per Road Mile Operated. Conrail has consistently invested heavily in its system. The 1984 expenditure of $556 million ($35,945/mile) puts Conrail at or near the top of the railroad industry in investment in its physical plant, exceeding the relative expenditure of even rich railroads such as the Burlington Northern and Norfolk Southern. It is significant to note that this high level of capital spending is not caused by extraordinary one-time expenditures, such as in the case of the C&NW, but is expected to continue. In excess of $500 million per year for each of the next five years in capital expenditures has been projected by Conrail management and by the Morgan Stanley investment firm representing the private investors wishing to purchase Conrail.

Operating Ratio. Through numerous efficiency measures, Conrail has cut its operating costs. Its 1984 "private status" operating ratio (operating expenses/operating revenues) of 89% (after raises in labor rates and other costs) is significantly better than any of the Midwestern railroads. It does not approach the 79% operating ratios of the Burlington Northern and Norfolk Southern, among the best in the industry, but it is in the middle of the industry's operating efficiency range, as shown by the attached chart. According to the Association of American Railroads, the average 1984 Class I railroad operating ratio was 87.5%.

Rate of Return. (Interstate Commerce Commission Method) Conrail "private status" rate of return on average net investment used for transportation purposes of 5.3% outperformed all of the Midwestern railroads except the C&NW. The 1984 nationwide average of all Class I railroads was 5.69%, according to the Association of American Railroads.

[1] The Grand Trunk Western, although not analyzed here, is another impacted Midwestern railroad that has similar financial performance indicators.

After Tax Return on Average Net Worth (Return on Stockholders' Equity). Conrail's after-tax return on net worth (return on stockholders' equity) of 8.3% outranks all of the midwestern railroads. This return is different than the ICC return on transportation investment largely because the ICC return does not include interest income or expense. For example, CNW's interest expense on its substantial debt, not included as an expense in the ICC rate of return, cuts its actual rate of return significantly in the "real world" calculation of rate of return on stockholders' equity. Conrail has very little debt, and substantial interest income, so it performs better in this standard "stock market" calculation than in the regulatory ICC calculation.

Current Ratio. Conrail's "private status" current ratio (current assets/current liabilities) of 1.26 assumes that $346 million in Conrail cash is used in the ownership transfer transaction to pay employee claims and pay the U.S. Government "excess cash". Thus, the current ratio is calculated assuming Conrail had a cash balance of $500 million on December 31, 1984, instead of the actual $846 million. Even after this use of all cash in excess of $500 million, Conrail's current ratio would have exceed that of most of the Midwestern railroads, and would have been similar to the Burlington Northern's ratio of 1.32.

Long-Term Debt/Total Capitalization Ratio. Conrail's "private status" long-term debt/total capitalization ratio assumes that the U.S. Government's loan to Conrail (in the amount of $850.9 million) and preferred stock are forgiven in exchange for Conrail forfeiting its operating loss and investment tax credit carryforwards. As Conrail has no other major debt except its equipment obligations, a privately-owned Conrail will have one of the best debt ratios in the railroad industry. The end-of-1984 "private status" long-term debt/total capitalization ratio of .18 is significantly lower than commonly accepted railroad debt ratios, leaving substantial leeway for Conrail to finance capital needs at competitive interest rates, if the need arises.

IV. CONCLUSION

Conrail's 1984 performance, as adjusted for "private company" status, shows that Conrail is more financially viable than any of the midwestern railroads which are being asked to sacrifice their financial viability to protect Conrail's. Conrail has demonstrated its ability to generate healthy profits, make capital expenditures at or near the top of the industry, and operate more efficiently than midwestern private railroads. A privately-owned Conrail would have healthy reserves to meet current obligations, and would have one of the best debt structures of any major American railroad.

Conrail's management has projected that in future years, Conrail will experience similar levels of traffic, revenues, and capital expenditures as occurred in 1984. This projection was presented in a June 1985 "Five Year Outlook", which will be analyzed in a future memo.

Based upon 1984 data, however, staff concurs with the following conclusion of the United States Railway Association in its April 1985 report "Outlook for Conrail": "Conrail's steady record of cost and profit improvement since 1980, culminating in equalling or outperforming several of its competitors in 1984, is sufficient to establish a rebuttable presumption of financial viability."

Given the facts presented in this memo, staff sees no support for a public policy that would harm midwestern railroads through a Norfolk Southern/Conrail merger to ostensibly protect the viability of Conrail. Conrail does not need to be merged with another railroad to be viable, as its financial performance places it on a par with or exceeding the performance of other viable private railroads.

ATTACHMENT A

1984 FINANCIAL PERFORMANCE INDICATORS

[In millions of dollars except for ratios and miles]

	Conrail [1]	C&NW	ICG	Milwaukee	Soo	BN	NS
Miles of road operated	15,468	7,418	6,676	3,023	4,628	27,583	17,809
Pretax income	435	24	72	(8)	29	951	839
Income taxes	127	3	10		11	400	357
After-tax income	308	21	62	(8)	18	551	482
Capital expenditures	556	292	72	28	29	619	474
Capital, expenditures per road mile operated (dollar/mile)	35,945	39,364	10,762	9,328	6,311	22,445	26,600
Average net investment used for transportation purposes	4,849	1,041	1,751	638	462	5,895	5,198
Operating ratio (percent)	89	93	93	99	93	79	79
Rate of return on average net investment used for transportation purposes (percent)	5.3	5.5	3.1	0.4	2.7	9.3	6.2
Average net worth	3,709	447	1,134	300	272	3,314	4,332
After-tax return on average net worth (percent)	8.3	4.7	5.5	(2.6)	6.6	16.5	11.1
Current ratio	1.26	1.00	1.05	.78	1.99	1.32	2.05
Long-term debt/total capitalization ratio	.18	.54	.27	.57	.26	.25	.16

[1] Conrail results are stated as if Conrail had been transferred to private ownership on January 1, 1984, and include full-year effects of return to industry wage scales, and payment of labor protection and State and Federal income taxes. Data assumes $346 million of Conrail cash was used in transaction, Conrail's operating loss and investment tax credits were surrendered, and Conrail's debt to U.S. Government was forgiven. Estimates of impact of return to private status are from U.S. Railway Association.

SOURCES OF DATA[1]

1. Miles of Road Operated: Annual Report to the Interstate Commerce Commission (R-1), Schedule 700, Line 57(d).

2. Pretax Income: R-1 Reports, Schedule 210, Line 48(b).

3. Income Taxes: R-1 Reports, Schedule 210, Line 53(b).

4. Capital Expenditures: Total Capital expenditures for railroad purposes reported in each corporation's Annual Report to Stockholders.

5. Average Net Investment Used For Transportation Purposes: Interstate Commerce Commission, Section of Financial Analysis, using data from railroad-submitted R-1 Reports. Calculations are not yet official, in the sense that revenue adequacy hearings are still to be held in August 1985.

6. Operating Ratio: R-1 Reports, Schedule 210, Line 14(b)/Line 13(b).

7. Rate or Return on Average Net Investment Used For Transportation Purposes: Interstate Commerce Commission, Section of Financial Analysis, using data from railroad-submitted R-1 Reports. Calculations are not yet official, in the sense that revenue adequacy hearings are still to be held in August 1985.

8. Current Ratio: R-1 Reports, Schedule 200, Line 14(b)/Line 40(b).

9. Long-term Debt/Capitalization Ratio: R-1 Reports, Schedule 200, Line [41(b) + Line 42(b) + Line 43(b) +Line 44(b) + Line 46(b) + Line 47(b)] / [Line 61(b) + Long-Term Debt Total].

[1] Except for Conrail data which was normalized to private company status. See attached sheet for explanation of Conrail normalization calculations.

[Ref. No. 930]

IOWA DEPARTMENT OF TRANSPORTATION

July 11, 1985.

Memorandum to: DOT Commissioners.

From: Les Holland, Director, Rail and Water Division.

Ref: Conrail Long-Term Economic Prospects.

A financial comparison of an independent "private status" Conrail versus Midwestern railroads showed that in 1984, Conrail (adjusted to "private status" basis) was over three times as profitable as all four Midwestern railroads combined, and that it out performed these railroads in almost every measure of financial viability.

There are obvious questions that arise from a one-year analysis: Can Conrail survive in the long term? Was 1984 an aberration, or was it a good indicator of what can be expected from an independent, privately-owned Conrail?

There are two ways to begin to answer these questions. The first is to look at the past trends of Conrail traffic and profitability. The second is to examine financial forecasts for Conrail for the years to come.

I. Trends in Conrail Traffic and Profitability

A. *Traffic.*—Conrail serves an area of the country—the industrial Northeast and Midwest—which has been declining in relation to other regions, for many years. Conrail, like other railroads, has also been the subject of intense competition from other traffic modes which led to a decline in rail traffic nationwide for many years. (See attachment A). As a result of these two factors, Conrail's historic traffic base showed a long-term trend of erosion until deregulation reforms allowed by the 1980 Staggers Act began to take effect in the early 1980's. (Attachment B not reproducible for the RECORD). After Staggers, Conrail's aggressive marketing and operating efficiency improvements halted the long-term trend toward decline and stabilized Conrail's traffic base, in the midst of the worst recession the United States had experienced in 40

years. This traffic base is projected by Conrail management and by the independent United States Railway Association to continue essentially unchanged for the next five years, except for cyclical declines which may be expected if another economic recession occurs. (See attachment C).

Conrail has recently demonstrated that it can respond quickly to cyclical traffic declines to maintain viability. The first quarter of 1985 was a bad quarter for the railroad industry nationwide. Conrail's revenues declined $52 million from 1st quarter 1984. However, Conrail's expenses declined $46 million (compared with 1st quarter 1984 expenses adjusted for the payment of comparable wages and state taxes). Although $17 million of the expense reduction was due to efficiency reductions and lower fuel prices, $29 million in savings were achieved from volume variable cost reductions.

In the long term, Conrail's traffic base, like any railroad's, is heavily dependent on the economic future of the region it serves. If the region experiences slight or no economic growth, Conrail's traffic base may be expected to continue essentially stable. However, if the region suffers actual economic shrinkage through major plant closings and economic dislocations, Conrail's traffic base could decline.

If traffic does show a long-term trend toward decline, Conrail (whether operating independently or owned by another railroad) can be expected to make adjustments to its system to cut expenses in response to a decreased need to provide sevice. This point is made by the United States Railway Association in its April 1985 Report, "Outlook for Conrail":

"The latter caution [about long-term rail traffic in the Conrail region] is not intended to suggest that Conrail's financial viability is necessarily threatened by the possibility of traffic declines . . . . Under current law, Conrail has the management flexibility to respond efficiently, over time, to changes in its market fortunes . . . . The viability of the Conrail system would be less affected than the scope of its service. Under current law, in other words, the consequence of prolonged traffic decline is service contraction, or disinvestment, in order to preserve the viable parts of the system. Cross-subsidy of unprofitable service thus is limited by the need for aggregate profitability sufficient to maintain the entire network. This dynamic has long been the norm for American industry, including the customers of its railroads, but it is still a recent phenomenon for the railroads themselves."

One argument offered by Conrail's supporters is that the fate of Conrail may affect the long-term future of the Northeast and Midwest. Conrail is committed to the region, they argue, and would put all of its resources there. The Norfolk Southern, on the other hand, may create economic problems for the Conrail region by eliminating rail competition, shifting railroad jobs away from the region through long-term consolidation employment reductions, and through the siphoning of Conrail resources into ventures in other regions which may produce a higher rate of return for the Norfolk Southern.

B. *Profits.*—Conrail has shown a record of increasing net profits in the face of declining or stable traffic, and essentially stable revenues. (Attachment D not reproducible for the RECORD).

Conrail has achieved these results through improvements which appear to be permanent:

Getting out of the passenger train business.

A reduction in the labor force from initially over 80,000 to a present work force of approximately 40,000.

Abandonment of thousands of miles of unprofitable branch lines.

Aggressive utilization of the marketing tools provided by the Staggers Rail Act of 1980.

Massive capital investments in track and equipment to improve the efficiency of its system.

Conrail's total productivity is projected by Conrail management to continue to improve by 2%/year of each of the next five years due to further planned efficiency improvements. In addition, Conrail will share in any productivity improvements from changes in work rules which are now being negotiated by the national railroad industry with railroad labor unions. (Preliminary indications are that negotiated work rule changes may allow increases in labor productivity of up to 8% in some areas.)

Considering Conrail's demonstrated trend toward improved financial performance and the relatively permanent nature of the underlying causes for this improvement, staff feels that the 1984 Conrail financial results are not an aberration, but rather part of a consistent trend of improving financial viability.

II. Forecasts of Future Conrail Financial Performance

A. Can Conrail Survive a Public Offering?

One of the key questions in the debate about whether Conrail stock should be sold to the public, or to another railroad, is the question of Conrail cash flow. Proponents of the sale of Conrail to the Norfolk Southern argue that Conrail cannot generate enough cash to pay all of its expenses and taxes and still have enough left over to pay its loans, make substantial capital improvements, and pay stockholder dividends. They say that something will have to be sacrificed, and argue that the thing to be sacrificed will be the viability of Conrail, for the benefit of stockholders who would "bleed Conrail dry" with excessive dividend payments.

Are these allegations true? This section of the memo will analyze cash flow projections for Conrail in an attempt to answer this question.

Before approaching a detailed analysis, however, it is worthy to comment on the basic premise suggested by such allegations: that the investors in Conrail stock in a public offering would wish to "bleed Conrail dry" through excessive dividend payments.

It is well known in the financial community that appreciation of stock value is a preferable method of earning income through stock ownership than is payment of dividends, because dividends are fully taxable and long-term capital gain is not. For this and other reasons, all corporations balance the needs of their stockholders for cash income with the long-term needs of the corporation. If a corporation's Board of Directors is short-sighted and distributes the assets of the corporation to its stockholders in a way that materially harms the long-term earning ability of the corporation, it will have hurt not only the corporation, but it will have diminished the value of stock held by its stockholders.

B. Conrail Cash-Flow Projections:

Several cash-flow projections have been prepared for Conrail, all of which are based upon financial projections initially compiled by Conrail management. To date, Iowa DOT staff has received the following cash flow projections for Conrail:

Outlook for Conrail: 1985-1988.—April 1985, United States Railway Association. This projection is based upon the Five Year Outlook (1984-1988) prepared by Conrail management in June 1984, which assumed a two-year recession in 1986-1987. The USRA projection includes the effects of returning to industry wage scales, and payment of labor protection and state taxes. However, it does not include the payment of Federal income taxes or stockholder dividends, or cash used in a sale transaction. (See Attachment E).

Morgan Stanley Cash-Flow Projection.—May 14, 1985. This projection is based on the USRA projections, as revised by Morgan Stanley to take into account a changed outlook for the economy, and changes in Conrail's budget. It projects a recession only in 1987, reflecting widespread opinion that there will be no recession in 1986. It includes all effects of a transfer to private ownership: industry wage raises, labor protection, state taxes, Federal income taxes, stockholder dividends, and cash used in the sale transaction. (See Attachment F).

Conrail Management Five-Year Outlook (1985-1989).—June 1985. Volume projections contemplate limited or no growth. It includes all effects of a transfer to private ownership except payment of stockholder dividends and cash used in a sale transaction. (See Attachment G).

The only one of the above cash-flow projections which includes all effects of a public stock offering is the Morgan Stanley projection. It concludes that Conrail can, indeed, be viable as an independent railroad, make dividend payments averaging $121 million per year, capital expenditures of $500 million per year, and increase ending cash balances over the period.

It is useful to consider, however, if the conclusions reached by Morgan Stanley could be reached under a different set of projections—particularly the most pessimistic projections, those used by the USRA. While few are seriously suggesting that the US will now experience a recession in 1986, the USRA projections are helpful in examining the question: could a privately-owned independent Conrail survive a two-year recession?

Attachment H is a staff analysis which uses the USRA's more pessimistic projections, and modifies them to include the effects of payment of Federal income taxes, stockholder dividends, and cash necessary for the Morgan Stanley transaction costs.

The "two-year recession" analysis shows several things:

Dividend Pay-out Reduced.—If *all* of the original USRA projections are assumed, including an ambitious $2.3 billion 4-year capital spending program, then Conrail could pay out $214 million in dividends over the 4-year period. This is $179 million less than the dividends projected by the Morgan Stanley group.

Capital Spending.—Capital spending of $2,309 million over the 4-year period is quite ambitious, and is equivalent to $909 million more than the minimum capital spending covenant of $350 million per year imposed by the US DOT.

Trade-Offs Possible.—If $179 million of capital spending were cut from the original USRA-projected capital spending program, then all of the dividends originally projected by the Morgan Stanley group could still be paid out as planned. This would still leave a capital spending program averaging

$532 million per year. *In no year would capital spending have to fall below the minimum covenant of $350 million per year in order to achieve full dividend pay-out.* Alternatively, given Conrail's excellent debt structure, Conrail management might choose to finance some additional capital spending or lease/purchase equipment rather than outright purchase it. If this was done, both capital spending and dividend pay-outs could continue at projected levels through the recessionary period. Another option would be to reduce the level of dividend payout, as dividends are not guaranteed for any stockholder. All of these "trade-offs" are quite common in American industry, particularly in recessionary periods.

It is worthy to note at this point that although a 2-year recession might require a privately-owned Conrail to trim capital spending down to a 4-year average of $532 million/year, this is still a very high level of capital spending, as noted in the previous paper. Also, most railroads reduce their levels of capital spending somewhat when traffic is down, partly because less capital spending is needed when there is less wear and tear on the physical plant.

Projections of capital spending by Conrail management under current conditions are based upon continued ownership by the US Government, where no dividend pay-out is necessary. *These projections are bound to be higher* than that of a privately-owned company, as alternative uses of cash such as dividend payouts, acquisitions, and the repurchasing of shares are not now available to Conrail's management. Since only a certain amount of cash balance is useful to the corporation as a buffer against bad times, it is natural that the remainder will be projected to go into capital spending.

Thus, *any* sale of Conrail to the private sector is likely to reduce the capital spending that would occur without such a sale, as some funds which could otherwise go to capital spending, will have to be taken away from the corporation to give investors a return on their investment. In this regard, it is noteworthy that although Norfolk Southern has criticized the public stock offering option as potentially reducing the capital expenditures originally projected by Conrail management, NS has *not* pledged to spend those amounts itself.

III. Conclusions

After a review of Conrail traffic and profit trends and cash-flow projections for Conrail's future, staff has the following conclusions:

The 1984 profitable performance of Conrail is not an aberration, but rather represents the continuation of a long-term trend to financial viability based upon changes in productivity of a permanent nature.

Financial projections by Morgan Stanley show that an independent Conrail can pay full dividends, and exceed all US DOT covenants for capital spending and minimum cash balances. These projections are based upon a 1-year recession in 1987.

Cash-flow analysis shows that a privately-owned Conrail could weather a 2-year economic recession and make full dividend payments without violating any covenants imposed by the US DOT for minimum capital expenditures or cash balances.

ATTACHMENT A

U.S. total class I freight tonnage

	Million
1972	2,469
1973	2,628
1974	2,632
1975	2,346
1976	2,046
1977	2,044
1978	2,306
1979	2,462
1980	2,434
1981	2,377
1982	1,979
1983	1,932
1984	2,113

Source: Association of American Railroads.

ATTACHMENT C

TABLE 2–2.—CONRAIL'S BASE CASE TRAFFIC FORECAST: ANNUAL TONNAGE

[Millions of tons—From USRA, April 1985]

Commodity	1983	1984 [1]	1985 [2]	1986	1987	1988	Percent change 1984–1988
Farm products	9.3	8.4	9.4	9.0	9.3	9.7	15.5
Coal	63.3	65.1	62.8	63.0	66.4	70.0	7.5
Transportation equipment	7.7	8.6	8.3	7.3	7.4	8.9	3.5
TOFC	11.1	12.1	13.2	10.1	10.3	11.2	−7.4
Primary metal related [3]	30.1	34.7	34.9	31.6	33.1	39.0	12.4
Construction related [4]	15.9	18.1	16.8	13.7	12.7	13.2	−27.1
All other	45.3	45.0	45.3	40.0	39.0	40.2	−10.7
Total	182.7	192.0	190.7	174.7	178.2	192.2	.1

[1] Estimated actual.
[2] Conrail budget.
[3] Metallic ore, coke, primary metal products, and scrap.
[4] Nonmetallic minerals, lumber, and stone-clay-glass.

Conrail management five-year outlook, June 1985

[Tonnage—millions]

1984	192
1985	182
1986	186
1987	190
1988	190
1989	189

ATTACHMENT E

TABLE 3–3.—SOURCES AND USES OF CASH BASE CASE

[Current dollars in millions]

Sources	1984	1985	1986	1987	1988	Period total
Income before nonoperating income	450	404	210	269	476	1,809
Nonoperating income	50	24	−3	−7	−17	47
Net income	500	428	207	262	459	1,856
Noncash items	195	214	247	254	265	1,175
Funds from operations	695	642	454	516	724	3,031
Property sales	95	75	40	30	30	270
Total sources	790	717	494	546	754	3,301
Uses:						
Capital programs:						
Track rehabilitation	285	294	205	231	332	1,347
A&I	113	135	115	122	152	637
Equipment	152	128	95	203	297	875
Total capital	550	557	415	556	781	2,859
Less financing	157	137	85	199	275	853
Capital—net	393	420	330	357	506	2,006
Equipment debt installments	128	130	112	119	132	621
Working capital changes	−44	42	35	40	45	118
Total uses	477	592	477	516	683	2,745
Change in cash	313	125	17	30	71	556
Cash on hand ($533 million as of Dec. 31, 1983)	846	971	988	1,018	1,089	NA

From United States Railway Association, April 1, 1985, "Outlook for Conrail."

ATTACHMENT F

SUMMARY PROJECTIONS

[After Giving Effect to the Public Offering Proposal—in millions of dollars]

	1985 [1]	1986	1987	1988
Tonnage (millions of tons)	185	191	178	192
Income statement:				
Revenues	$3,294	$3,560	$3,497	$4,056
Adjusted operating income [2]	391	487	264	479
Other—net	41	11	9	12
Pretax income	432	498	273	491
Income taxes	[3] (65)	(137)	(33)	(132)
Net income	[3] 367	361	240	359
Cash-flow:				
Sources:				
Net income	367	361	240	359
Non-cash items	276	386	291	394
Funds from operations	643	747	531	753
Uses:				
Capital expenditures	(552)	(500)	(500)	(500)
External equipment financing	110	75	135	135
Debt repayments	(130)	(110)	(110)	(115)
Cash used in transaction	(375)			
Dividends	(30)	(121)	(121)	(121)
Other—net	50	5	(10)	(15)
Total uses	(927)	(651)	(606)	(616)
Ending cash balance	562	658	583	720

[1] Revised to reflect actual IQ 1985 results.
[2] Operating income reflects industry scale wages, payment of state taxes and labor protection payments in all years.
[3] Net income in 1985 assumes Conrail become taxable at seven 1985; hence taxes are booked for a half year's income only.

From Morgan Stanley proposal for purchase of Conrail.

ATTACHMENT G

FIVE-YEAR OUTLOOK 1985–89: SOURCE AND USE OF FUNDS

[In millions of dollars]

	1984	1985	1986	1987	1988	1989
Beginning cash	$533	$846	$995	$1,049	$1,153	$1,271
Sources:						
Net income	500	457	331	363	385	399
Noncash items	195	211	333	363	391	409
Funds from operators	695	668	664	726	776	808
Property sales, etc	82	74	40	40	40	40
Working capital changes	64	(18)	(30)	(35)	(40)	(45)
Total sources	841	724	674	731	776	803
Uses:						
Capital—net of financing	400	445	488	490	517	520
Debt installments	128	130	132	137	141	145
Total uses	528	575	620	627	658	665
Increase in cash	313	149	54	104	118	138
Ending cash	846	995	1,049	1,153	1,271	1,409

From Conrail management "Five-Year Outlook."

ATTACHMENT H

USRA ASSUMPTIONS ADJUSTED FOR MORGAN STANLEY TRANSACTION COSTS, FEDERAL INCOME TAXES AND DIVIDENDS

[In millions of dollars]

	1985	1986	1987	1988	Period (total)
Income statement:					
Adjusted operating income	$404	$210	$269	$476	$1,359
Nonoperating income	24	(3)	(7)	(17)	(3)
Pre tax income	428	207	262	459	1,356

USRA ASSUMPTIONS ADJUSTED FOR MORGAN STANLEY TRANSACTION COSTS, FEDERAL INCOME TAXES AND DIVIDENDS—Continued

[In millions of dollars]

	1985	1986	1987	1988	Period (total)
Income taxes	(107)	(17)	(31)	(103)	(248)
Net income	321	190	231	356	1,108
Cash-flow:					
Sources:					
Net income	321	190	231	356	1,108
Noncash items	321	264	285	368	1,228
Property sales	75	40	30	30	175
Total sources	717	494	546	754	2,511
Uses:					
Working capital changes	(42)	(35)	(40)	(45)	(162)
Capital expenditures	(557)	(415)	(556)	(781)	(2,309)
External equipment financing	137	85	199	275	696
Equipment debt installments	(130)	(112)	(119)	(132)	(493)
Cash used in transaction	(375)				(375)
Dividends	(30)	[1] (83)	[1] (30)	[1] (71)	(214)
Total uses	(997)	(560)	(546)	(754)	(2,857)
Ending cash balance	566	500	500	500	NA

[1] Dividend payments limited by covenant to maintain minimum cash balance of $500 million.

Iowa Department of Transportation, Rail and Water Division, July 11, 1985.

EXECUTIVE OFFICE,
STATE OF MISSOURI,
September 26, 1985.

Hon. JAMES BAYNE,
Secretary, Interstate Commerce Commission, Washington, DC.

DEAR SECRETARY BAYNE: I would like to submit this letter in support of the proposed purchase of Conrail by the Norfolk Southern Corporation.

The Norfolk Southern Corporation (NS) presently operates almost 17,700 miles of track, mainly serving that portion of the United States east of the Mississippi River and west of St. Louis to Kansas City and Iowa. The Norfolk & Western (separate entity under NS holding company) operates over 1,199 miles in Missouri comprising 11.9 percent of Missouri's rail system. In 1984, the Norfolk & Western either originated, terminated or passed through 334,942 carloads totaling 11,957,515 tons of freight in Missouri or 10 percent of all cars handled in Missouri and 5.7 percent of all freight transported in Missouri for that year. Conrail is a border terminal railroad in Missouri, serves only the St. Louis Gateway, and provides a key interchange with western rail traffic moving east.

Based on a review of documents filed by the numerous parties of record to this proceeding it is not expected that the purchase of Conrail by NS will result in any significant adverse impacts in Missouri. All existing Norfolk and Western lines in Missouri will remain in operation and while the volume of traffic and patterns of service could change somewhat, there would be no interruption or discontinuance of rail service to rail users located on those lines in Missouri. One potentially significant increase would occur in overhead or pass through traffic as approximately 25,000 cars presently interchanged with Conrail by the Chicago and North Western at Chicago would instead be interchanged at Kansas City via the Norfolk and Western. Another Missouri benefit of the Norfolk and Western purchase would be the improved quality of shipper service following the purchase, because of the increased size on the Norfolk and Western Railroad system and its overall improved financial situation.

There would be no rail line abandonments in Missouri as a result of the purchase. Further, no negative impacts to either employment or rail labor are foreseen as a result of the Norfolk and Western purchase. While certain other rail carriers may indeed see some erosion in their traffic base as a result of this proposed purchase, this must be viewed in light of the inevitable fact that any change to the rail industry status quo results in such a situation. The Norfolk Southern purchase proposal presents the best option for the long term retention/viability of the Conrail System and would effectively eliminate the potential for Conrail to become the next "Rock Island situation".

The expansion of single line service to rail shippers would result in greater direct access to both origins and destinations on the entire combined system. Such expanded single line service should result in the following: improved transit times, reduction in terminal switching and handling, improved utilization of equipment, and more competitive service.

In conclusion, there are no anticipated negative ramifications for rail service in Missouri, while the opportunities presented would be consistent with objectives of maximizing both the efficiency and quality of service provided to rail users. Such improvements are viewed as strengthening Missouri's rail system and should further solidify Missouri's key role in the national rail network. I strongly endorse the Norfolk Southern proposal to purchase the Conrail system.

Sincerely,

JOHN ASHCROFT,
Governor.

Mr. BINGAMAN. Mr. President, I rise today in support of the plan to sell the Government's interest in Conrail to the Norfolk Southern Corp. The sale of Conrail to Norfolk Southern will significantly strengthen Conrail, not only as a result of the operating efficiencies that are predicted to result from the merger but because the combined entity will be larger and financially stronger than a stand-alone Conrail. In light of Conrail's short history of operating profits and the long-term decline in its traffic base, the added strength of Norfolk Southern will help to assure that the Federal Government is not called upon in the future to bail out this railroad again. This approach will benefit consumers.

The Norfolk Southern plan will provide Conrail's employees and shippers the best possible assurance of long-term survival and stability. It brings Conrail better routes, more volume and a better chance of weathering future economic downturns without cutting service and sacrificing jobs.

The other proposal the Senate has considered in this Conrail debate is a plan by the investor group Morgan Stanley and Co., for a public offering of Conrail's stock. Morgan Stanley's plan is premised upon large dividend payouts to investors. This would jeopardize Conrail's working capital and encourage maintenance deferral as well as leverage of assets and disinvestment. The difference between the Norfolk Southern proposal and the Morgan Stanley proposal is the difference between a buyer committed to rail service and the long-term viability of Conrail and investors who are interested principally in a quick return on their investment.

The Justice Department spent a considerable amount of time looking at the competitive effects of this sale. The Department made a series of recommendations including divestitures, trackage rights and switching agreements in order to maintain competition in the Conrail region. These are proper safeguards. I believe the fear that a Conrail-Norfolk Southern system would be a regional monopoly is overstated. A careful look at the facts of the Norfolk Southern proposal demonstrates that the proposed sale and accompanying divestitures would enhance competition and benefit shippers and consumers throughout the Nation. Furthermore, the safeguards provided by the Justice Department maintain competition and ensure consumer protection.

My support for the sale, however, is not without my concern regarding the impact this sale would have on employment in the area Conrail serves. As I understand the proposal, the Norfolk Southern offer would affect a maximum of 1,800 employees. It would also, however, produce new hirings, both on the combined system, the divested lines, that could total as many as 600, thus resulting in a net employment impact of 1,200. This is a significant number but it is less than the average annual attrition rate of the Norfolk Southern-Conrail. In recognition of the hardships the merger may cause certain employee protections have been addressed. Norfolk Southern has guaranteed 6 years of full salary to any employee adversely affected by the merger. Further, Norfolk Southern has committed not to revise in any way the Conrail pension plan for 5 years unless the Conrail plan is folded into the Norfolk Southern pension plan. I hope these provisions will help to allay fears that Conrail employees would lose their pension benefits.

I also realize that the Norfolk Southern takeover of Conrail may not be perfect for all shippers. It does, however, offer the best chance for maintaining adequate freight rail service in the Northeast and provides $1.2 billion in revenues for the Federal Government. For these and the reasons I have already stated, I support the Norfolk Southern proposal and I encourage my colleagues to support it.

Mr. PELL. Mr. President, I cast my vote today against the sale of Conrail to the Norfolk Southern primarily because that sale simply does not appear

to be in the best interests of my constituency.

To be sure, there are substantial national interest considerations involved, but they also argue strongly, to my mind, for holding off on the proposed sale, and examining all the alternatives—including leaving Conrail as it is.

Like many others, I have strong misgivings about the antitrust implications of the proposed transaction and believe that the Senate would have been better advised to have awaited further clarification of this issue.

Likewise, I am well aware of the voluminous arguments which have been made to the effect that the proposed Norfolk Southern sale will not yield the best return to the Federal Government.

But in the final analysis, the compelling argument against the proposed sale is the high probability that it would result in a substantial escalation in electrical utility rates for virtually the whole State of Rhode Island.

Because of the economies of water transportation to southern New England, coal provides 50 percent of the energy used to generate electricity for Rhode Island. But the key link is competitive rail service from the mines of Appalachia to the mid-Atlantic ports where our coal boats bargain for the most favorable dockside price.

The merger of Conrail with Norfolk Southern would reduce that competition and almost certainly lead to increased costs of transportation by as much as 25 percent and possibly more. The resulting increase in utility rates would be painful and pervasive and could in fact have a seriously deleterious effect on the economy of the whole State.

For these reasons, I opposed the bill, and like many others, I will be watching the deliberations of the House of Representatives on this matter with great interest.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri has the only time available.

Mr. DANFORTH. Mr. President, how much time is available?

The PRESIDING OFFICER. There are 2 minutes remaining.

Mr. DANFORTH. Mr. President, I yield 30 seconds to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise to thank David Starr and Dick Woodruff of my staff who have been extremely helpful in connection with this matter, and also to compliment the managers of the bill, both the majority and minority members.

I wish to publicly say that I believe the leader of the Senate, Senator DOLE, has been fair in the manner in which this matter has been brought before this body. I believe everybody has had an opportunity to be heard and to offer amendments that they wanted to offer. I am very pleased about that.

Last, but not least, I wish to say I do not think any Cabinet member with whom I have ever worked, regardless of political party, has ever been more gracious, more willing to sit down and talk, and more available to discuss the pros and cons of a proposed piece of legislation.

Although I am still not convinced as to the merit of the Secretary's position, I do respect the fact that the will of the Senate will be worked shortly and, therefore, I want to say thanks to all who have been involved in this debate for the last 2 weeks.

If not inappropriate at this time, I ask for the yeas and nays in connection with final passage, not that it is necessary to have the yeas and nays with respect to the substance.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, let me take just 1 minute. I know we want to dispose of this matter. I have been fairly inactive in this debate for an obvious reason. In any event, I think we have concluded a very constructive debate. I would hope there would be a solid vote for passage of this legislation.

We are to receive the budget from the President tomorrow. There are a lot of privatization items in that budget. This is sort of the centerpiece. This will in effect, I believe, indicate whether we are willing to sell assets that belong to the Government, particularly in this case where we are selling it to a viable purchaser.

I do not believe we have reached the point where we ought to go out and just get whoever the highest bidder may be. We have to look at the public interest generally and the needs of all the people who use railroads.

I want to thank all Members for their participation, whether they were for or against some of the amendments or final passage.

Mr. President, we have heard many arguments in favor and against the sale of Conrail. However, the number of issues which have been discussed should not divert our attention from the two main points which are involved.

First, there is no overwhelming reason why the Federal Government should remain in the railroad business. We made the decision in 1981 that we should return Conrail to the private sector as soon as it was able to be operated profitably.

The Government has spent literally billions of dollars to make Conrail viable. It is now at least marginally profitable, although not as profitable as the Conrail management would have us believe. It is time for us to return it to the private sector.

However, there is a second point which we should keep in mind. Although there is no compelling reason for the Government to retain ownership of Conrail, we do have a compelling interest in making as certain as possible that the public interest in a viable rail transportation network is served. That simply means that we cannot just say, "let's sell these assets to the highest bidder and let shippers who depend on this system hope that it will still be there a year or two later." We have spent a lot of the people's money to build Conrail back into a solid system. We do not want to be in the position of having to buy it and rebuild it again.

Therefore, we should sell Conrail to the purchaser which has the best chance to assure continued viability of Conrail. That, simply, is Norfolk Southern. Norfolk Southern has the expertise and financial resources to assure that those who depend on Conrail today will be able to depend on it in the future. With a confidence that the public transportation interest is satisfied, we can, with some satisfaction, take the $1.2 billion cash purchase price and apply it to the Federal deficit.

Mr. President, I would also like to address a couple of additional issues that have been discussed before but which may bear one more effort.

PURCHASE PRICE

The question of whether the $1.2 billion purchase price is adequate has received substantial attention. The debate has revolved around tax benefits, level of Conrail's profits and other items.

Unfortunately, the discussion has moved the debate away from the most important factors. Quite simply, the marketplace has set the value of the Government's interest in Conrail at $1.2 billion and this price has been confirmed by an expert independent financial advisor as a fair price based on the value of Conrail's assets and its future profits.

The Department of Transportation actively solicited bids from every conceivable purchaser with the financial capability and expertise to purchase and operate Conrail. The Department hired a well-respected investment banking firm, Goldman, Sachs, to act as financial advisor on the sale of Conrail and help determine whether bids received adequately reflected the true value of Conrail. After 15 bids were received, the offers were narrowed to six. DOT then began serious negotiations which eventually resulted both in a substantially higher purchase price and stronger covenants to better

assure the continuation of Conrail's operations.

It is difficult to believe that any significantly more attractive purchase agreement can realistically be negotiated, consistent with the public interest in continuation of the transportation services now provided by Conrail.

CONRAIL PROFITABILITY

Another argument that has been offered as a reason to oppose the sale to Norfolk Southern is that the substantial net income Conrail has generated recently indicates that the $1.2 billion purchase price is inadequate.

Conrail has publicized $440 million in net income generated in 1985. Unfortunately, Conrail failed to note that this figure does not reflect debt service obligations, capitalized maintenance and new capital investments. The accurate figure assuming the unprecedented $78 million announced for December is accurate, $64 million for all of last year. This compares with $249 million as of the end of 1984.

I believe that we can say that Conrail is capable of being run profitably, assuming that the economy does not suffer an anticipated reversal. However, it would be inaccurate to say that Conrail is a wildly profitable enterprise which the Government should retain or sell for a much higher price.

Mr. President, I urge my colleagues to approve S. 638 so that the sale of Conrail to Norfolk Southern can be consumated.

I, too, commend the Secretary of Transportation because I want to go home tonight.

[Laughter.]

The PRESIDING OFFICER. All time has expired.

Without objection, the amendment in the nature of a substitute, as amended, is agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill is before the Senate and open to amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered and the clerk will call the roll.

Mr. METZENBAUM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. METZENBAUM. Mr. President, was the substitute amendment an amendment to the committee amendment? That was not my understanding.

The PRESIDING OFFICER. Without objection, the substitute was agreed to and the bill has been read the third time.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

I also announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Indiana [Mr. LUGAR], and the Senator from Alaska [Mr. MURKOWSKI], are absent on official business.

I further announce that, if present and voting, the Senator from Indiana [Mr. LUGAR] would vote "yea."

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

I further announce that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Massachusetts [Mr. KERRY] are absent on official business.

I further announce that, if present and voting, the Senator from Hawaii [Mr. INOUYE] and the Senator from Massachusetts [Mr. KENNEDY], would each vote "yea."

The PRESIDING OFFICER (Mr. ARMSTRONG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 39, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—54

Armstrong	Goldwater	Moynihan
Bentsen	Gore	Nickles
Bingaman	Gramm	Nunn
Boren	Hatch	Packwood
Boschwitz	Hatfield	Pryor
Bumpers	Hawkins	Quayle
Chafee	Hecht	Rudman
Cohen	Helms	Sasser
D'Amato	Hollings	Simpson
Danforth	Humphrey	Stennis
DeConcini	Johnston	Stevens
Denton	Kasten	Symms
Dole	Laxalt	Thurmond
Domenici	Long	Trible
Durenberger	Matsunaga	Wallop
Eagleton	Mattingly	Warner
East	McClure	Weicker
Garn	Mitchell	Wilson

NAYS—39

Abdnor	Ford	Melcher
Andrews	Glenn	Metzenbaum
Baucus	Gorton	Pell
Biden	Grassley	Pressler
Bradley	Harkin	Proxmire
Burdick	Hart	Riegle
Byrd	Heflin	Rockefeller
Chiles	Heinz	Roth
Cranston	Lautenberg	Sarbanes
Dixon	Leahy	Simon
Dodd	Levin	Specter
Evans	Mathias	Stafford
Exon	McConnell	Zorinsky

NOT VOTING—7

Cochran	Kennedy	Murkowski
Inouye	Kerry	
Kassebaum	Lugar	

So the bill (S. 638), as amended, was passed as follows:

S. 638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Conrail Sale Amendments Act of 1985".

FINDINGS

SEC. 2. The Congress finds that—

(1) the Northeast Rail Service Act of 1981 (45 U.S.C. 1101 et seq.) provided for an orderly return of Conrail freight service to the private sector;

(2) the provisions of the Northeast Rail Service Act of 1981 were successful in removing Conrail's obligations beyond railroad freight service and in otherwise preparing Conrail for an orderly return to the private sector;

(3) acting under section 403 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 763), the Board of Directors of the United States Railway Association twice found Conrail to be a profitable corporation;

(4) acting under section 401 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761), the Secretary engaged an investment banker and arranged, through open competitive bidding and negotiation, to sell the interest of the United States in the common stock of Conrail;

(5) the Secretary's Plan for the sale of Conrail provides for sale of the interest of the United States in the common stock of Conrail to Norfolk Southern Corporation;

(6) the Secretary found that sale of the interest of the United States in the common stock of Conrail to Norfolk Southern Corporation best meets the sale criteria of (A) leaving Conrail in the strongest financial position after the sale, (B) preserving patterns of service to shippers and communities in the region Conrail serves, and (C) maximizing return to the Federal Government consistent with the criteria specified in clauses (A) and (B);

(7) amendments to the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) and related laws are needed to permit the sale of the interest of the United States in the common stock of Conrail to Norfolk Southern Corporation and to permit cancellation of the interest of the United States in Conrail debt and preferred stock; and

(8) the Secretary's Plan satisfies the requirements of the Northeast Rail Service Act of 1981, including the intent, goals, and objectives relating to the sale of the interest of the United States in the common stock of Conrail and the requirements of section 401(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761(e)).

PURPOSE

SEC. 3. It is therefore declared to be the purpose of the Congress in this Act to return Conrail to the private sector by directing and facilitating implementation of the Secretary's Plan for the sale of the interest of the United States in the common stock of Conrail.

DEFINITIONS

SEC. 4. (a) In this Act, unless the context otherwise requires, the term—

(1) "Conrail" means the Consolidated Rail Corporation;

(2) "Definitive Agreements" means any and all agreements existing or to be developed between the United States and Norfolk Southern Corporation, including all representations and warranties made therein, to implement the Memorandum of Intent described in paragraph (4)(A);

(3) "Secretary" means the Secretary of Transportation; and

(4) "Secretary's Plan" means (A) the Memorandum of Intent between the United States and Norfolk Southern Corporation signed February 8, 1985, and (B) the divesti-

tures by the Norfolk Southern Corporation of certain rail tracks, rights, and facilities, and any transactions or agreements related or incidental to such divestitures, in connection with the implementation of attachment A to the letter from the Department of Justice attached to the Memorandum of Intent as exhibit E.

(b) Section 102 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 702) is amended—

(1) by redesignating paragraphs (6) through (18) as paragraphs (7) through (19), and paragraphs (19) through (21) as paragraphs (21) through (23), respectively;

(2) by inserting after paragraph (5) the following paragraph:

"(6) 'Definitive Agreements' means any and all agreements existing or to be developed between the United States and Norfolk Southern Corporation, including all representations and warranties made therein, to implement the Memorandum of Intent described in paragraph (20)(A);"; and

(3) by inserting after paragraph (19), as so redesignated, the following paragraph:

"(20) 'Secretary's Plan' means (A) the Memorandum of Intent between the United States and Norfolk Southern Corporation signed February 8, 1985, and (B) the divestitures by the Norfolk Southern Corporation of certain rail tracks, rights, and facilities, and any transactions or agreements related or incidental to such divestitures, in connection with the implementation of attachment A to the letter from the Department of Justice attached to the Memorandum of Intent as exhibit E;".

(c) Section 1135(a) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1104(a)) is amended—

(1) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (10), respectively;

(2) by inserting after paragraph (5) the following paragraph:

"(6) 'Definitive Agreements' means any and all agreements existing or to be developed between the United States and Norfolk Southern Corporation, including all representations and warranties made therein, to implement the Memorandum of Intent described in paragraph (9)(A);"; and

(3) by inserting after paragraph (8), as so redesignated, the following paragraph:

"(9) 'Secretary's Plan' means (A) the Memorandum of Intent between the United States and Norfolk Southern Corporation signed February 8, 1985, and (B) the divestitures by the Norfolk Southern Corporation of certain rail tracks, rights, and facilities, and any transactions or agreements related or incidental to such divestitures, in connection with the implementation of attachment A to the letter from the Department of Justice attached to the Memorandum of Intent as exhibit E;".

TITLE I—AMENDMENTS TO THE REGIONAL RAIL REORGANIZATION ACT OF 1973 AND THE NORTHEAST RAIL SERVICE ACT OF 1981

Subtitle A—Regional Rail Reorganization Act of 1973 Amendments

LIMIT ON AUTHORITY TO PURCHASE STOCK

SEC. 101. Section 216(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 726(b)) is amended by adding at the end thereof the following paragraph:

"(5) The authority of the Association to purchase debentures or series A preferred stock of the Corporation under this section shall terminate upon the consummation of the sale of the interest of the United States in the common stock of the Corporation under the terms of the Secretary's Plan.".

RESPONSIBILITY OF CONRAIL DIRECTORS

SEC. 102. Section 301(i) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 741(i)) is amended by inserting immediately after "required by law" the following: ", taken to implement the Secretary's Plan,".

APPLICABILITY OF REGIONAL RAIL REORGANIZATION ACT OF 1973 TO CONRAIL AFTER SALE

SEC. 103. Section 301 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 741) is amended by adding at the end thereof the following subsection:

"(k) GOVERNING PROVISIONS AFTER SALE.—The provisions of this Act shall not apply to the Corporation and to activities and other actions and responsibilities of the Corporation and its directors after consummation of the sale of the interest of the United States in the common stock of the Corporation under the terms of the Conrail Sale Amendments Act of 1985, other than with regard to—

"(1) section 102 of this Act;

"(2) section 201(d) of this Act;

"(3) section 203 of this Act, but only with respect to information relating to proceedings before the special court established under section 209(b);

"(4) section 216(f)(8) of this Act, but only as such authority applies to activities related to the employee stock ownership plan and related trusts prior to or in connection with consummation of the sale of the interest of the United States in the common stock of the Corporation, including activities related to the sale, exchange, valuation, or disposition of the assets of the employee stock ownership plan and related trusts, or of Conrail Equity Corporation, in connection with the Secretary's Plan;

"(5) sections 216(f)(11) and 216(f)(12) of this Act, as amended by the Conrail Sale Amendments Act of 1985;

"(6) section 217(e) of this Act;

"(7) subsection (i) of this section, but only as such authority applies to service as a director of the Corporation prior to consummation or in connection with implementation of the sale of the interest of the United States in the common stock of the Corporation;

"(8) section 305 of this Act, but only as to the effect, and continuing administration, of supplemental transactions consummated prior to consummation of the sale of the interest of the United States in the common stock of the Corporation;

"(9) section 308 of this Act, but only in abandonment actions when such authority has been relied on to file a notice or notices of insufficent revenues prior to consummation of the sale of the interest of the United States in the common stock of the Corporation;

"(10) section 401(a) of this Act, as amended by the Conrail Sale Amendments Act of 1985;

"(11) section 402 of this Act, as amended by the Conrail Sale Amendments Act of 1985;

"(12) section 408(c) of this Act, as amended by the Conrail Sale Amendments Act of 1985;

"(13) section 701 of this Act, but only as may be necessary to identify employees eligible for benefits under agreements entered into under such section;

"(14) section 702(e) of this Act;

"(15) section 704(b) of this Act;

"(16) section 709 of this Act;

"(17) section 710(b)(1) of this Act;

"(18) section 711 of this Act;

"(19) section 714 of this Act, but only with regard to disputes or controversies specified in such section that arose prior to consummation of the sale of the interest of the United States in the common stock of the Corporation; and

"(20) section 715 of this Act, as amended by the Conrail Sale Amendments Act of 1985.".

IMPLEMENTATION OF THE SECRETARY'S PLAN

SEC. 104. (a) Section 401(a)(3) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761(a)(3)) is amended to read as follows:

"(3) The Secretary is authorized and directed to implement the Secretary's Plan, in accordance with paragraph (4) of this subsection. Such implementation of the Secretary's Plan and the coordinated operation of the Corporation's properties with those of Norfolk Southern Corporation and its affiliates as a single rail system is deemed approved by the Commission under chapter 113 of title 49, United States Code.".

(b) Section 401(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761(a)) is amended by adding at the end thereof the following paragraphs:

"(4) The Secretary shall implement the Secretary's Plan by negotiating, executing, delivering, and performing the Definitive Agreements, which shall conform to the Memorandum of Intent described in section 102(20)(A) of this Act. The Secretary shall, 45 calendar days before the date on which the Secretary anticipates that the interest of the United States in the common stock of the Corporation will be sold to Norfolk Southern Corporation, transmit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives a notification of any alteration from the Memorandum of Intent described in section 102(20)(A) of this Act which will be made in the Definitive Agreements. After the date of such sale, the Secretary shall transmit to such Committees notification of any intent to waive compliance with any substantive covenant, agreement or obligation contained in the Definitive Agreements, and the Secretary may not waive such compliance until a period of 45 calendar days has expired after the date of such transmittal.

"(5) The Secretary shall not transfer the interest of the United States in the common stock of the Corporation except concurrently with a divestiture by Norfolk Southern Corporation of rail assets and rights approved by the Attorney General.

"(6) The sale of the interest of the United States in the common stock of the Corporation shall be deemed to be consummated at the date title to the common stock passes to Norfolk Southern Corporation and the United States receives the cash purchase price.".

RAILROAD PURCHASERS AND OFFER FOR SALE OF SHARES TO EMPLOYEES

SEC. 105. Subsections (d) and (e) of section 401 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761(d) and (e)) are repealed.

CANCELLATION OF DEBT AND PREFERRED STOCK

SEC. 106. Section 402 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 762) is amended to read as follows:

"DEBT AND PREFERRED STOCK

"SEC. 402. (a) RECAPITALIZATION.—In connection with the sale of the interest of the United States in the common stock of the Corporation under section 401 of this Act, and consistent with the Secretary's Plan, the Secretary may take all action necessary to cause the Corporation to be recapitalized such that the interest of the United States, or any agent or instrumentality thereof, and all other commitments or obligations of the Corporation to the United States or any agent or instrumentality thereof arising out of such interest, in any debt (including accrued interest and contingent interest thereon) and preferred stock (including accrued and unpaid dividends thereon) of the Corporation shall be cancelled or retired, and contributed to the capital of the Corporation. The Secretary shall cause the recapitalization authorized by this section to be effective as of the consummation of the sale of the interest of the United States in the common stock of the Corporation.

"(b) BREACH OF REPRESENTATIONS.—(1) Norfolk Southern Corporation or any successor corporation thereto may bring suit for any breach of representations contained in paragraph 6(e) of the Memorandum of Intent described in section 102(20)(A) of this Act (hereinafter referred to as the 'Representations') in the United States Claims Court or a district court of the United States. If such an action is brought, the Claims Court or district court shall determine the amount by which the United States income tax (including interest and penalties whether or not such penalties are assessed as a tax under the Internal Revenue Code of 1954) assessable against the Corporation or against Norfolk Southern Corporation for any year exceeds the amount of such tax which would have been assessable for such year had such Representations not been breached (hereinafter referred to as the 'Offset Amount').

"(2) The Representations shall be considered breached and Norfolk Southern Corporation shall be entitled to bring suit upon the first occurrence of any of the following that is inconsistent with the Representations: (A) the issuance by the Internal Revenue Service of a statutory notice of deficiency (90-day letter), (B) the assessment of the United States income tax, or (C) any claim by the United States in a suit or other judicial proceeding against Norfolk Southern Corporation or the Corporation.

"(3) The right to bring suit pursuant to this section shall not be subject to any waiting period applicable to tax proceedings or to any requirements for payment of any tax as a condition to instituting any suit based on a breach of the Representations.

"(4) Any judgment for money damages relating to breach of the Representations shall only be awarded as an offset in any court or administrative proceeding against the tax liability of Norfolk Southern Corporation or the Corporation, or both, to which such breach relates; except that if any such tax liability resulting from such breach has been paid, the judgment shall to that extent be an offset against any United States income tax liability of the Norfolk Southern Corporation or the Corporation, or both. If any portion of the tax resulting from a breach of the Representations has been paid, then the Offset Amount shall include interest on such payment from the date paid at the rate from time to time specified in the Internal Revenue Code of 1954 for interest payable on refund claims.

"(5) It shall not be a defense to an action brought under this section that Norfolk Southern Corporation knew, or should have known, of the falsity of the Representations or that there exists no carryover basis procedure as contemplated by the last sentence of the Representations.

"(6) For purposes of this section, tax liability of Norfolk Southern Corporation shall include the tax liability of Norfolk Southern Corporation and its affiliated group, within the meaning of section 1504 of the Internal Revenue Code of 1954.".

APPLICABILITY OF CERTAIN LAWS TO SALE OF CONRAIL

SEC. 107. Section 408 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 768) is amended—

(1) by repealing subsection (b);

(2) by amending subsection (c) by striking "No transfer" and all that follows through "subject to" and inserting in lieu thereof "Except as provided in section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105), the Secretary's Plan and the Definitive Agreements and their negotiation, execution, and implementation shall not be subject to administrative or"; and

(3) by adding at the end of subsection (c) the following sentence: "The issuance in private placement of notes or other securities in accordance with exhibit B to the Memorandum of Intent (described in section 102(20)(A) of this Act) in the Secretary's Plan shall not be subject to the provisions of subtitle IV of title 49, United States Code.".

LABOR PROTECTION

SEC. 108. (a) Section 701(d)(2) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797(d)(2)) is amended by striking "the last day of the eighteen-month period beginning on".

(b)(1) Title VII of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797 et seq.) is amended by adding at the end thereof the following section:

"PROTECTION AFTER SALE

"SEC. 715. After consummation of the sale of the interest of the United States in the common stock of the Corporation pursuant to the Secretary's Plan, any employee of Norfolk Southern Corporation, the Corporation, any rail affiliate of either company, and any transferee of the rail tracks, rights, and facilities divested in accordance with the Secretary's Plan, who is adversely affected in his employment by the implementation of the Secretary's Plan shall receive from his employer protection under the labor protective conditions set forth in New York Dock Railway—Control—Brooklyn Eastern District Terminal (354 ICC 399 (1978), modified upon further consideration, 360 ICC 60 (1979)). The arbitration provisions of section 4 of New York Dock shall apply to the formation of any implementing agreements that may be necessary in connection with the implementation of the Secretary's Plan, including any resulting coordinations.".

(2) The table of contents of the Regional Rail Reorganization Act of 1973 is amended by inserting immediately after the item relating to section 714 the following item:

"Sec. 715. Protection after sale.".

PREFERENTIAL HIRING

SEC. 109. Section 703 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797b) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting immediately after subsection (a) the following subsection:

"(b) IMPLEMENTATION OF SECRETARY'S PLAN.—Any employee of any railroad who is deprived of employment as a result of the implementation of the Secretary's Plan shall have the first right of hire for a vacancy for which he is qualified on any Norfolk Southern Corporation rail subsidiary, except where such vacancy is covered by (1) an affirmative action plan, or a hiring plan designated to eliminate discrimination, that is required by Federal or State statute, regulation, or Executive order, or by the order of a Federal court or agency, or (2) a permissible voluntary affirmative action plan. For purposes of this subsection, a railroad shall not be considered to be hiring new employees when it recalls any of its own furloughed employees.".

CROSS CRAFT EMPLOYMENT

SEC. 110. (a) Title VII of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797 et seq.) is amended by inserting immediately after section 703 the following section:

"CROSS CRAFT EMPLOYMENT

"SEC. 703A. Any employee of Norfolk and Western Railway Company, Southern Railway Company, or the Corporation who is deprived of employment as a result of the implementation of the Secretary's Plan shall have the first right of hire for any vacancy for which such employee is qualified at the entry level of any Norfolk Southern Corporation rail subsidiary, without regard to craft or class or the provisions of section 703 of this Act. Such employee shall retain his seniority rights to return to his original craft or class whenever a vacancy occurs. For purposes of this section, a railroad shall not be considered to be hiring new employees when it recalls any of its own furloughed employees.".

(b) The table of contents of the Regional Rail Reorganization Act of 1973 is amended by inserting immediately after the item relating to section 703 the following item:

"Sec. 703A. Cross craft employment.".

Subtitle B—Northeast Rail Service Act of 1981 Amendments

SPECIAL COURT JURISDICTION

SEC. 121. (a) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is amended—

(1) by inserting "or the Conrail Sale Amendments Act of 1985" immediately after "subtitle" wherever it appears;

(2) in subsection (a), by striking "or" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following paragraphs:

"(5) brought by the United States or any agency or instrumentality thereof seeking to enforce the Secretary's Plan or the Definitive Agreements;

"(6) brought by Norfolk Southern Corporation seeking to enforce the Secretary's Plan or the Definitive Agreements;

"(7) brought by a party who filed a complaint with the Secretary under subsection (e) of this section, and who is aggrieved by (A) a determination of the Secretary under paragraph (1) of such subsection that the party has not suffered direct economic injury, or (B) a decision of the Secretary under paragraph (2) of such subsection that a covenant has not been violated;

"(8) brought by a party which is a signatory to an ancillary agreement entered into in accordance with the Secretary's Plan or the

Definitive Agreements and which is seeking to enforce such ancillary agreement; or

"(9) brought to determine the value of the interest of the employee stock ownership plan and related trusts, or of the beneficiaries thereof, in the preferred stock of the Conrail Equity Corporation.

For purposes of any action brought under paragraph (5) of this subsection, a violation of any covenant contained in the Secretary's Plan or the Definitive Agreements shall be deemed to constitute immediate and irreparable harm for purposes of awarding injunctive relief to the United States.".

(b) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is amended by adding at the end thereof the following subsection:

"(e)(1) Any party who suffers direct economic injury as a result of an alleged violation of a covenant contained in the Definitive Agreements may file a complaint with the Secretary seeking enforcement of such covenant. If the Secretary determines that the complainant has demonstrated to the Secretary that it has suffered direct economic injury, the Secretary shall investigate the complaint.

"(2) If the Secretary decides to investigate a complaint under paragraph (1) of this subsection, the Secretary shall give reasonable notice of such decision to investigate to the alleged violator of such covenant and the complainant, and shall make a final decision on such complaint within 60 days after the date on which it was filed.

"(3) If the Secretary finds that (A) the covenant in question has been violated, and (B) the complainant suffered direct economic injury as a result of such violation, the Secretary shall enter an order directing the violator of such covenant to comply with such covenant.

"(4) On appeal, any decision by the Secretary under this subsection shall be upheld, unless such decision is found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.".

APPLICABILITY OF OTHER LAWS

SEC. 122. Section 1168(a) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1116(a)) is amended by striking "service transfers" and inserting in lieu thereof "sale of the interest of the United States in the common stock of Conrail or transfer of the rail properties and freight service responsibilities of Conrail".

Subtitle C—Employee Stock Ownership Plan

RESPONSIBILITY OF EMPLOYEE STOCK OWNERSHIP PLAN FIDUCIARIES

SEC. 131. (a) Section 216(f)(8)(A) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 726(f)(8)(A)) is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following clause:

"(iv) for or in connection with any action taken to implement the Secretary's Plan, including any sale, exchange, valuation, or disposition of the plan and related trust assets, or the assets of Conrail Equity Corporation, in connection with implementation of the Secretary's Plan and any determination of the terms on which any such sale, exchange, valuation, or disposition is effected.".

QUALIFICATION, REVIEW, AND VALUATION OF EMPLOYEE STOCK OWNERSHIP PLANS

SEC. 132. Section 216(f) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 726(f)) is amended by adding at the end thereof the following paragraphs:

"(11) The employee stock ownership plans of the Corporation and related trusts maintained, amended, or adopted in implementing the Secretary's Plan shall be deemed to meet the qualification requirements of sections 401 and 501, respectively, of the Internal Revenue Code of 1954, notwithstanding (A) that such plans may not meet the requirements of section 415 of the Internal Revenue Code of 1954, or (B) that participants in such plans may be entitled to withdraw a portion of the shares allocated to their accounts prior to the expiration of the period generally imposed by the Internal Revenue Service for qualified plans. Such qualification shall relate only to the contributions, allocations, and withdrawals of shares provided for in the Secretary's Plan with respect to the plans and related trusts maintained, amended, or adopted in implementing the Secretary's Plan. Such contributions and allocations shall in no event be treated as having exceeded the maximum annual addition permitted under section 415 of the Internal Revenue Code of 1954 (but not for purposes of applying section 404(j) of the Internal Revenue Code of 1954) for purposes of calculating any limitation under section 415 with respect to contributions and allocations not described in the Secretary's Plan, including contributions and allocations to plans and related trusts of the Corporation and any affiliated corporation. The continued qualification of such plans with respect to all other contributions, allocations, and withdrawals shall be subject to all provisions of existing law, as amended from time to time. No inference shall be drawn from this paragraph as to whether an amount is a contribution deductible under section 404 of the Internal Revenue Code of 1954 rather than a non-deductible capital expenditure.

"(12) Except as provided in section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105), the issuance and sale or contribution of securities by Norfolk Southern Corporation to fulfill arrangements with the Corporation's employees in implementing the Secretary's Plan and the distribution of shares from the Corporation's employee stock ownership plans and related trusts maintained, amended, or adopted in implementing the Secretary's Plan shall not be subject to the registration and prospectus delivery requirements of the Securities Act of 1933, any approval requirement under subtitle IV of title 49, United States Code, or the laws of any State with respect to the issuance and sale of securities.".

TITLE II—TECHNICAL AND CONFORMING AMENDMENTS

REGIONAL RAIL REORGANIZATION ACT OF 1973 AMENDMENTS AND REPEALS

SEC. 201. The following provisions of the Regional Rail Reorganization Act of 1973 are repealed or amended as specified:

(1) Subsections (a) and (b) of section 214 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 724(a) and (b)) are repealed, and such section 214 is amended by striking "(c) ASSOCIATION.—".

(2) Subsection (f) of section 217 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 727(f)) is repealed, without prejudice to the continued availability of funds appropriated prior to the date of enactment of this Act pursuant to section 217(f)(1)(C) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 727(f)(1)(C)).

(3) Section 404 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 764), and the item relating to such section in the table of contents of such Act, are repealed.

(4) Section 405 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 765), and the item relating to such section in the table of contents of such Act, are repealed.

(5) Section 406 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 766), and the item relating to such section in the table of contents of such Act, are repealed.

(6) Section 407 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 767), and the item relating to such section in the table of contents of such Act, are repealed.

(7) Subsections (a) and (d) of section 408 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 768 (a) and (d)) are repealed.

(8) Section 409 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 769), and the item relating to such section in the table of contents of such Act, are repealed.

(9) Section 410 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 769a), and the item relating to such section in the table of contents of such Act, are repealed.

(10) Section 411 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 769b), and the item relating to such section in the table of contents of such Act, are repealed.

(11) Section 412 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 769c), and the item relating to such section in the table of contents of such Act, are repealed.

(12) Section 713 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797l), and the item relating to such section in the table of contents of such Act, are repealed.

AMENDMENTS AND REPEALS OF OTHER RAIL LAWS

SEC. 202. The following provisions of law are repealed or amended as specified:

(1) Section 1154 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1107), and the item relating to such section in the table of contents of such Act, are repealed.

(2) Section 1161 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1110), and the item relating to such section in the table of contents of such Act, are repealed.

(3) Section 1166 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1114), and the item relating to such section in the table of contents of such Act, are repealed.

(4) Subsection (c) of section 1167 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1115(c)) is repealed.

(5) Subsection (b) of section 1168 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1116(b)) is repealed.

(6) Section 501(8) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821(8)) is amended—

(A) by striking "(A)";

(B) by striking "(i)" and inserting in lieu thereof "(A)", and by striking "(ii)" and inserting in lieu thereof "(B)"; and

(C) by striking all after "utilization;".

(7) Section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825) is amended—

(A) in subsection (a)(1), by striking all after "railroad" through "1981)"; and

(B) in subsection (b)(2)(C), by striking all after "costs" the second time it appears through "subsidy".

(8) Subsection (b)(1) of section 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 829(b)(1)) is repealed.

(9) Section 511(e) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(e)) is amended by striking "(1)", and by striking all after "time" and inserting in lieu thereof a period.

(10) Section 402 of the Rail Safety and Service Improvement Act of 1982 (45 U.S.C. 825a) is repealed.

(11) Section 1005(b)(1) of the Rail Passenger Service Act (45 U.S.C. 655(b)(1)) is amended by striking "the Consolidated Rail Corporation,".

(12) Section 10362(b)(7)(A) of title 49, United States Code, is amended by striking "by the Consolidated Rail Corporation or".

(13) Section 332(d) of title 49, United States Code, is amended by striking ", the Consolidated Rail Corporation,".

TITLE III—MISCELLANEOUS PROVISIONS

COMMON CARRIER STATUS OF CONRAIL AFTER SALE

SEC. 301. (a) Conrail's status as a common carrier by railroad under section 10102(4) of title 49, United States Code, shall not be affected by virtue of sale of the interest of the United States in Conrail's common stock. Purchase of Conrail stock shall not alone be the basis of a determination that the acquiring entity has become a common carrier by railroad under section 10102(4) of title 49, United States Code.

(b) The Definitive Agreements shall contain a binding commitment by Norfolk Southern Corporation to continue to operate Conrail in full compliance with the provisions of section 10731(e) of title 49, United States Code.

CONSUMMATION OF SALE

SEC. 302. The sale of the interest of the United States in the common stock of Conrail shall be deemed to be consummated on the date title to the common stock passes to Norfolk Southern Corporation and the United States receives the cash purchase price.

CONTRACTS

SEC. 303. (a) Except as provided in subsection (b) of this section, nothing in this Act shall affect—

(1) Conrail's obligation to carry out its transportation contracts and equipment leases, equipment trusts, and conditional sale agreements, in accordance with their terms; and

(2) the obligation of any transferee of divested assets to carry out transportation contracts and equipment leases, equipment trusts, and conditional sale agreements to which such assets are subject, in accordance with their terms.

(b) If a divestiture carried out pursuant to the Secretary's Plan precludes Conrail from providing a transportation service for which it has contracted without a right of termination that may be exercised in the event of the sale of the interest of the United States in the common stock of Conrail and the divestiture will result in a change or modification in the movement of the traffic involved, the transferee of the divested rights and properties and Conrail shall provide the contracted-for service on terms and conditions which, to the maximum extent possible, conform to the terms and conditions in the contract.

REGIONAL RAILROAD GATEWAY PROTECTION

SEC. 304. Subtitle IV of title 49, United States Code, is amended by inserting a new section 10735 as follows:

"§ 10735. Regional railroad gateway protection

"(a) For purposes of this section, unless the context requires otherwise:

"(i) 'Affected Carrier Routing(s)' means the freight route(s) of a Midwest Regional Carrier designated by the Interstate Commerce Commission under subsection (c) of this section pursuant to a finding under subsection (b) of this section as the route(s) from which the relevant diversions have occurred;

"(ii) 'Base Revenues' means the total railroad freight revenues a railroad collected during the last full calendar year prior to the enactment of the Conrail Sale Amendments Act of 1985 multiplied by a fraction the numerator of which is the United States Bureau of Labor Statistics, Consumer Price Index for Urban Wage Earners and Clerical Workers, all items (1967=100) for 1986 and the denominator of which is the United States Bureau of Labor Statistics, Consumer Price Index for Urban Wage Earners and Clerical Workers, all items (1967=100) for the year concerning which a complaint is brought under this section;

"(iii) 'Exempt Joint Rate' means a transportation charge for deregulated railroad freight traffic specified in an agreement to which both a Midwest Regional Carrier and Norfolk Southern/Conrail are parties;

"(iv) 'Midwest Regional Carrier' means a Class I rail carrier: (A) not affiliated with or operated as a part of another United States Class I rail carrier, (B) the total freight revenues of which do not exceed 3.6 percent of total United States rail freight revenues, and (C) the principal freight routes of which connect its service territory with the Chicago Terminal District;

"(v) 'New tariff joint rate' or 'new exempt joint rate' means any tariff joint rate which is created through selective rate adjustments, excluding general rate increases or decreases.

"(vi) 'Norfolk Southern/Conrail' means the Norfolk Southern Corporation, its rail affiliates, and the Consolidated Rail Corporation;

"(vii) 'Shortline railroad' means a rail carrier which, together with any affiliates, earned rail operating revenues of less than $90,000,000 in 1984;

"(viii) 'Tariff joint rate' means a rate on regulated railroad freight traffic on file with the Interstate Commerce Commission to which tariff rate both a Midwest Regional Carrier and Norfolk Southern/Conrail are parties; and

"(ix) 'Through revenues' mean the entire transportation charge exclusive of any lawful agreement any party may have for refund or discount of charges to shippers.

"(b) Upon receipt of a complaint from a Midwest Regional Carrier prior to the tenth anniversary of the date enactment of the Conrail Sale Amendments Act of 1985, the Interstate Commerce Commission shall conduct a proceeding, except with respect to product and geographic competition for which Norfolk Southern/Conrail shall have the burden of proof in which the complaining Midwest Regional Carrier shall have the burden of proving:

"(i) that it suffered a cumulative diversion of its railroad freight revenues to Norfolk Southern/Conrail from the date the sale of the interest of the United States in the common stock of the Consolidated Rail Corporation to Norfolk Southern Corporation is consummated through the date the complaint is filed in excess of 3.5 percent of its Base Revenues;

"(ii) that the diversion of railroad freight revenues referred to in paragraph (b)(i) of this section resulted from an anticompetitive practice (or practices) of Norfolk Southern/Conrail and not from fair and effective competition from Norfolk Southern/Conrail that benefits shippers and consumers, such as superior service or lawful lower rates; and

"(iii) that the diversion of railroad freight revenues referred to in paragraph (b)(i) of this section did or will result in a loss of essential railroad freight services.

"(c) If the Interstate Commerce Commission finds that, in a proceeding conducted under this section, the criteria set forth in subsection (b) of this section have been met, the Interstate Commerce Commission shall, in every case, designate Affected Carrier Routings and cause Norfolk Southern/Conrail to maintain, keep in effect, or concur in the establishment or re-establishment of tariff joint rates or exempt joint rates via such Affected Carrier Routings as follows:

"(i) Norfolk Southern/Conrail tariff joint rates and exempt joint rates via Affected Carrier Routings (A) in existence on the date the sale of the interest of the United States in the common stock of the Consolidated Rail Corporation to Norfolk Southern Corporation is consummated, (B) applicable to traffic moving between origins and destinations on Norfolk Southern/Conrail and shortline railroads connecting with it and origins and destinations on the Affected Carrier Routing, shortline railroads connecting with it, and connecting lines beyond it, and (C) applicable to traffic moving via Chicago, shall be maintained or restored and shall remain in effect: *Provided, however,* That either Norfolk Southern/Conrail or the Midwest Regional Carrier, or both, may take any or all Rail Carrier Cost Recovery increases in tariff joint rates, or increases in rates according to another index agreed upon between them, or, in the case of exempt joint rates, either may increase its share of through revenue as may be necessary to maintain the ratio of Norfolk Southern/Conrail's share of through revenues to the Midwest Regional Carrier's share of through revenue on the Affected Carrier Routing that exists on the date the sale of the interest of the United States in the common stock of the Consolidated Rail Corporation to Norfolk Southern Corporation is consummated.

"Whenever Norfolk Southern/Conrail establishes a new tariff joint rate or exempt joint rate on traffic moving between origins and destinations on Norfolk Southern/Conrail and origins and destinations on an Affected Carrier Routing, shortline railroads connecting to it, and connecting lines beyond it, Norfolk Southern/Conrail shall concur in the application of the same tariff joint rate or exempt joint rate via Norfolk Southern/Conrail—Chicago—Affected Carrier Routing between the same origin and destination points: *Provided, however,* That the actual mileage traversed via Norfolk Southern/Conrail—Chicago—Affected Carrier Routing shall not exceed 110 percent of the mileage traversed by the routing cited by the new tariff joint rate or exempt joint rate established by Norfolk Southern/Conrail.

"(iii) Revenues from traffic on routes governed by paragraph (c)(ii) of this section shall be divided among the carriers according to the standard divisions of railroad revenue customarily applicable to such routes.

"(iv) On routes governed by paragraph (c)(ii) of this section, either Norfolk Southern/Conrail or the Midwest Regional Carri-

er, or both, may take any or all Rail Carrier Cost Recovery increases in tariff joint rates, or increases in rates according to another index agreed upon between them, or, in the case of exempt joint rates, either may increase its share of through revenue as may be necessary to maintain the ratio of Norfolk Southern/Conrail's share of through revenues to the Midwest Regional Carrier's share of through revenue on the Affected Carrier Routing that exists on the date the sale of the interest of the United States in the common stock of the Consolidated Rail Corporation to Norfolk Southern Corporation is consummated.

"(v) Nothing in this section or subtitle IV of title 49, United States Code, shall require Norfolk Southern/Conrail or any Midwest Regional Carrier to maintain any tariff joint rate or any Affected Carrier Routing established or re-established under this section beyond the fifteenth anniversary of the date of enactment of the Conrail Sale Amendments Act of 1985.

"(d) The Interstate Commerce Commission shall expedite consideration of any complaint filed under this section. The Interstate Commerce Commission shall conclude evidentiary proceedings by the end of the fourth month after the filing of such complaint. The Interstate Commerce Commission shall issue a final decision by the end of the sixth month after the filing of such complaint.

"(e) Nothing in this section shall require Norfolk Southern/Conrail to receive revenues lower than 110 percent of its variable cost for performing its part of the service as calculated by using Interstate Commerce Commission Rail Form A.

"(f) Nothing in this section shall preclude either Norfolk Southern/Conrail or any Midwest Regional Carrier from entering into otherwise lawful refund or discount arrangements with shippers singly or collectively with respect to any railroad traffic subject to this section.

"(g) Nothing in this section shall preclude either Norfolk Southern/Conrail or any Midwest Regional Carrier from seeking under this substitle or other proper legal authority to discontinue its operations over or to abandon service over particular lines.

"(h) The Interstate Commerce Commission shall not suspend any rate or tariff of any railroad during the pendency of any proceeding under this section.

"(i) Nothing in this section shall invalidate or supercede, in whole or in part, any traffic protective agreement Norfolk Southern/Conrail has entered into or enters into with any other railroad.

"(j) The Interestate Commerce Commission shall establish evidentiary standards sufficient to give petitioners a fair and reasonable opportunity to meet their burden of proof.".

CONGRESSIONAL OVERSIGHT OF COMPLIANCE

SEC. 305. The Secretary shall, no later than January 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives a report setting forth each certificate which Norfolk Southern Corporation and Conrail provided to the Secretary, during the preceding year, certifying compliance with the covenants contained in the Definitive Agreements.

SEPARABILITY

SEC. 306. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 307. (a) Except as provided in subsection (b) of this section, the provisions of and amendments made by this Act shall take effect on the date of enactment of this Act.

(b) Sections 108(a), 201 and 202 of this Act shall take effect on the date of consummation of the sale of the interest of the United States in the common stock of Conrail.

(c) Any provision of this Act which, pursuant to article I, section 7 of the Constitution, provides for raising revenue shall only be effective upon the enactment into law of a bill which has originated in the House of Representatives enacting such provision.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, let me again thank the distinguished managers of the bill and their staffs, and all Members who participated in this, I think, rather historic action. Obviously, I applaud those who voted in the affirmative, but I also understand nearly everyone who voted in the negative. It has been a good effort, and we hope now the House will follow suit.

This matter was considered on January 21, 22, 23, 27, 28, 29, 30, and February 4—a total of 8 days. We were on the bill 29 hours. There were 12 rollcall votes. Eighteen amendments were considered—seven agreed to, seven tabled, two withdrawn, and two not acted upon. So it has been a rather busy time.

Mr. SPECTER. Will the majority leader yield to me?

Mr. DOLE. Yes; I would be happy to yield.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader.

I compliment the distinguished floor manager, the Senator from Missouri, for his conduct in the management of the bill to sell Conrail to Norfolk Southern. I compliment the distinguished majority leader for his judicious, impartial, and very fair treatment of this issue during the entire course of the proceedings, considering all the factors.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I now ask there be a period for the transaction of routine morning business not to extend beyond 3:40 p.m., with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mr. DOLE. Let us make that 15 minutes—until about 3:25.

The PRESIDING OFFICER. Is there objection to the request of the majority leader for a period for the transaction of morning business not to extend beyond 3:25? Hearing none, it is so ordered.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LONG. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

TV AND RADIO COVERAGE OF SENATE PROCEEDINGS

Mr. MATHIAS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A resolution (S. Res. 28) to improve Senate procedures.

The Senate resumed consideration of the Senate resolution.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the final committee amendment be divided into its component sections.

Mr. LONG. Mr. President, reserving the right to object, I feel strongly that I want to support the motion, but I want to be sure I understand what the motion is.

Would this mean that the final amendment, which strikes quite a bit of language, would be divided by sections? For example, assuming we ask for a vote on each one, would that mean that we would vote first on section 9, then on section 10, then on section 11, then on section 12, then on section 13, then on section 14, then on section 15, and then on section 16? Is that what this would mean?

Mr. MATHIAS. That is the purpose of this request. That is what the practical result of it would be.

Mr. LONG. I feel confident that I agree with this. But I want to ask, if I may, and I want the parliamentarian to advise the Chair, if he would——

The PRESIDING OFFICER. Will the Senator withhold for just a moment?

Mr. LONG. Yes.

The PRESIDING OFFICER. The Chair thanks the Senator from Louisiana for his forebearance. Would the Senator care to state his inquiry again?

Mr. LONG. Yes. Would that mean, then, that we would have a separate vote on sections 9, 10, and the following sections?

The PRESIDING OFFICER. Yes, the Senator is correct. The pending business is the first committee amendment. It is the Chair's understanding that the Senator from Maryland seeks unanimous consent to divide the various provisions of the last committee amendment.

Mr. LONG. May I ask this question: Under the rules, there are a number of committee amendments which strike language. Where those committee amendments are not consecutive—in other words, if you look at page 5, line 18, there is a committee amendment. Would that mean, then, that if someone insisted on it, we would vote separately on that, or would we vote on all the stricken language simultaneously; that is, throughout the entire bill?

The PRESIDING OFFICER. Unless by unanimous consent, each amendment would be voted on separately.

Mr. LONG. Unless by unanimous consent?

The PRESIDING OFFICER. Unless by unanimous consent.

Mr. LONG. Unless by unanimous consent. For example, on page 5, let us take the language stricken on page 5. Do I understand that unless unanimous consent is obtained, that committee amendment would be voted on with everything else in the bill all at the same time by one vote?

The PRESIDING OFFICER. No. Upon the demand of any Senator, the individual components of the amendment would be voted on and require unanimous consent to do otherwise.

Mr. LONG. I thank the Chair. I do not object to the request.

The PRESIDING OFFICER. Without objection, the request of the Senator from Maryland is agreed to.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. JOHNSTON. Mr. President, the question at issue in this debate about TV in the Senate is, I submit, not about the public's right to know. Everyone, certainly this Senator included, believes that the public has a maximum right to know, to participate, to see, to hear, and indeed to be involved to the fullest extent possible in the proceedings of the U.S. Senate.

The reason that we do not allow full participation at some times and in some events of the Senate is because the participation of the media, particularly television, at sometimes is a disruptive force in itself. For example, when we have a committee meeting in a very small room, for example, the appropriations room, S. 128, we do not allow, we cannot allow the television lights because it would be disruptive of the meeting itself.

The real question, Mr. President, is to what extent and in what way would television in this Chamber change the U.S. Senate and are those changes for the better? Those who say that it would not change the U.S. Senate, I believe, if there are any who make that argument, are blind both to human nature and to the political process and certainly to the realities of politics in the 1980's. Politics in the 1980's is spelled t-e-l-e-v-i-s-i-o-n.

That is the way it is run. That is the way people are elected.

In the old days, of course, Mr. President, at least in my State, it was the stump speech where candidates would move around from town to town with maybe as many as six or seven speeches in a day. Huge crowds would turn out. They would have bands and singers in the old gubernatorial campaigns.

I might say, Mr. President, I saw a film just the other night on Huey Long. The film was put out by public television, a very well done documentary on Huey Long. Among other things, it showed the old stump speeches. You could see the vast crowds which were assembled in, obviously, a small town in front of a court house, with the farmers there in their overalls and straw hats hanging on every word. This was communication in politics back in the 1920's and 1930's.

That has changed and changed drastically and readily, Mr. President.

My first election was in 1963, and I have hardly ever seen a stump speech. I have not seen one for over a decade. They just are not any more. In fact, it is very hard for most Senators, certainly for this Senator, to command a huge crowd back in my home State. I can put out a statement that I was going to be appearing at the municipal auditorium and please come out and hear a fiery speech and there would not be very many people who would come out, which is probably an indication of a lack of charisma of the present speaker.

But I dare say that most Members of this Chamber would find exactly the same result. The reason is that the public does not have to come down to the municipal auditorium to hear a speech. The public can see it on television.

Almost every night, some different political speaker—whether it be the President tonight coast to coast, whether it be the Democrat's reply thereto, or whether it be a host of other media whereby Senators are on television, on C-Span, on their local stations back home—is able to get over their message quietly and in the comfort of the listener's living room or den. Listeners can sit down and hear the message.

So, politics and media are almost synonymous, Mr. President.

To ask whether or not television in this body would be intrusive or would change this body is really, therefore, a silly question. It is absolutely an absurd question.

Of course, it would change it. It would change it in very dramatic ways.

Mr. President, I have a good friend who is at times what is called a headhunter in business. That is to say, he is hired by companies, at very handsome fees, I might add, to go out and find executives to fill very important posts. He actually wrote a book on this endeaver.

He asked me one day, "What do you think is the most important thing that people look for when they seek a new job?"

Of course, obviously first came to mind, money, but I knew it must not be money because otherwise he would not have asked the question with the same kind of anticipation. So I said, "Well, it must not be money."

He said, "That is right."

I said, "It cannot be working conditions. That is too obvious, too."

He said, "That is right; it is not working conditions."

I said, "It must therefore be job satisfaction."

He said, "No, it is not even job satisfaction." He said, "The most important thing in getting people to take a job is recognition."

Of course, I smiled because being in the ultimate business of recognition—that is, politics—I knew precisely what he was talking about.

Mr. President, we Senators, for good or for ill, are in the recognition business because it is that unusual situation where massaging one's ego by seeing his voice, face, and message on the airwaves is also good for his reelection because by coming across on television, particularly national television, it is walking, talking, breathing, hearing speech proof positive that your Senator or our Senator or one of us is participating importantly in affairs of the day.

It is an interesting phenomenon, Mr. President, that when people from back home see us on television, they have a definite reaction, good or bad. When they see you in person, they usually say something like, "You looked good on television." They see somebody else and they might say he did not look so good. Anyway, they have a definite reaction.

Interestingly, when you ask them what the subject was that you were talking about, you almost never can

get a correct answer because the public gets an impression, generally speaking, rather than delving into the details of what you say, which is to say that the medium, the appearance, is almost more important than the subject matter.

To put it another way, Mr. President, this is the day of beta endorphin. Everyone is after his share of beta endorphin. Beta endorphin is supposed to be that natural drug which the mind produces when doing the things which the mind likes most.

Eating food produces beta endorphin. Some other bodily functions produce beta endorphin.

We find that drugs—heroin, all of these things—produce beta endorphin. The greatest discovery recently is that jogging produces beta endorphin.

But, Mr. President, there is no rush, there is no feeling, there is no sensation quite like appearing on national television because to get that feeling and say the message to the whole Nation is an elixir, an opiate, a drug more powerful than most anything in the Nation. Indeed, each Member of this body, when he or she has a chance to sup or drink from that cup of beta endorphin called national TV will rush to the occasion and drink to the full.

Mr. President, one needs no statistical proof of this. It can be proved again and again any time there are hearings on Capitol Hill with television. Everyone in this body knows that.

In my Budget Committee, for example, if you want to get not a full attendance at the Budget Committee but an attendance on time—you want to be on time because your rank in asking questions in the Budget Committee is determined by when you show up—let the networks be present. You will find that Senators do not appear at their usual time of 10:30 for a 10 o'clock meeting, but they will be there at about a quarter to 10 because there is their chance to get on national television. And just maybe hidden among those obscure little questions that the staff sometimes passes to us there will be a zinger that will appear on Dan Rather's program, the CBS Evening News or on the nightly news. Just maybe you will get there.

As soon as the television has left, the Senators will also leave. I must even confess, Mr. President, that I am guilty of doing the same thing.

Of course, I am there; I go there merely as a clinical experience so I shall be able to relate to my colleagues on the floor of the Senate what the action of the Senators is when the TV camera is there.

The fact of the matter, of course, Mr. President, is that all of us will do most anything to get on television. As I say, it is proved over and over again.

Mr. President, just what is going to happen if we have television here, in the Senate? Gavel-to-gavel coverage will guarantee, I suppose, that C-SPAN will be covering the upper body. And let me say, Mr. President, that I am a very strong fan of C-SPAN. I think it is one of those great happenings—I guess C-SPAN started in the late 1970's or early 1980's, but it is one of the greater accomplishments of this decade, because people can see things across the country in-depth.

Sometimes, they have the Budget Committee hearings on there and the American public is able to see, for the first time, what it is that really goes into the making up of a budget. Or they will have the Tax Committee or the Finance Committee having hearings. I think it is a great thing.

So the proceedings in the U.S. Senate would be covered on C-SPAN. And there are C-SPAN junkies out there across the country by the hundreds of thousands who cannot wait to see the House of Representatives. They tell me there are some real media stars that have been created over there in the House of Representatives in the 1-minute programs that they have before the session starts. That is all it has taken to create some superstars in the House, a 1-minute special order in the morning.

Mr. President, if they can create superstars with 1 minute in the morning, what could we do with the amount of time we have now? If I, right now, were on television, oh, my goodness, there would be people across the country crazy enough to listen to what I have to say right now, hundreds of thousands of them. Can you imagine? And they would be there and I would feel that surge of beta endorphin, as I knew the public was hanging on my every word out there.

I would probably say something for the old folks about how strong I am for Social Security and how much for national defense and for the balanced budget. I would throw in a couple of other popular zingers. I would find a way to work in the beauties of Louisiana and its food and, oh, I could talk for a long time on that. Under the rules, I could go on and on and on.

Mr. President, many of us go on and on anyway. All it takes is a few members of the written press—not many. I do not know whether we have the top members of the written press up there now, but that is all it takes for some of us to go on and on even without television.

But just what would we do with television? Why, Mr. President, you have to be very, very naive to think for one minute that this body would not be radically and fundamentally changed. The question is, Is that change for the better?

There are two rules or two things that distinguish this body from any other legislative body that I know of in the world. Those are unlimited debate, No. 1, and nongermane amendments, No. 2.

We had a long conversation here yesterday about nongermane amendments and it is the bane of our existence frequently that we have nongermane amendments, because there is the vehicle on which we have to vote every year on abortion about 20 times and spend a huge amount of time on that, and the other issues which are nongermane and not connected to the issue at hand. It is one of those things, indeed, that keeps us here on weekends and all night and late at night and, in general, contributes to a sometimes unpleasant existence in the Senate. But, Mr. President, if we did away with nongermane amendments, then the power of committee chairmen to keep bottled up a piece of legislation for the whole session so it could never be heard in either body at any time would be absolute. In fact, that is precisely and exactly what the situation is in the House of Representatives.

I remember one particular year, I passed a piece of legislation here, on the floor of the Senate, after invoking cloture three times and consuming weeks and weeks of debate. I showed that the American public was for that particular piece of legislation by margins of over 70 percent, and most of the Members of the House were for it. But, lo and behold, it could not move in the House because the committee chairman did not want it to move. So even though they did the courtesy of having some hearings, it just never came up for a vote and it did not move. And we could not find a way around that.

Mr. President, that is the one way that the rights of the minority—and I do not mean just Democrats or Republicans—or maybe even the rights of the majority are protected in this body, nongermane amendments. Indeed, the Gramm-Rudman bill, so cussed and discussed, is a product of a nongermane amendment. Whether you think Gramm-Rudman is good or bad, and we could—we have debated and will debate that for many hours more—it was important for this body to be able to deal with the question of deficits in some reasonable and sensible way.

It is true that this resolution does not say we will do away with nongermane amendments. This resolution does not say that we will do away with unlimited debate.

But, Mr. President, in my view, what will happen if we put television in the Senate is we will find that the television tail is wagging the Senate dog because, as millions of people hone in on the floor of the Senate during a filibuster, for example, or when nonger-

mane amendments are brought up and delay the body for a long time, and when the Senate is seen in some of its worst moments—late at night, people tired, streaming out of the cloakrooms with ties askew and wiping sleep from their eyes—then the American public will say, "Why don't we get a more efficient system?" And efficiency to the American public will appear to be the thing that the Nation needs.

Mr. President, I have great confidence in the American public, but I also know that there is no way the American public can understand the folkways of the Senate, its history, the importance of nongermane amendments, the importance of unlimited debate, unless they are either well schooled in history—and let us face it, most Americans are not—or unless they are real students of this place.

If we are going to allow for unlimited debate, then fatigue is a part of that. You cannot use it effectively without the fatigue factor. That is what it is. That constitutes the sanction of unlimited debate, both the fatigue factor and the factor of time—that is, not being able to bring up anything else while that matter is pending.

(Mr. EVANS assumed the chair.)

Mr. JOHNSTON. So as the American public would demand efficiency, there would be attempts to change the filibuster rule and the rule on nongermane amendments. Indeed, Mr. President, that is already being talked about. Senator BYRD has one proposal, which I think, frankly, is a step forward—not because of TV but it is a step forward to have a 60-vote invocation to cut off nongermane amendments without going all the way to cloture.

The next step, Mr. President, is going to be on unlimited debate. Unlimited debate, whether in a filibuster or in an ordinary bill, is simply incompatible with television. Television really demands short speeches. The President, they say, is going to talk tonight only 20 minutes. I imagine that will be the shortest State-of-the-Nation speech in history. The time of that has been moved up to accommodate the networks who have their special programs. If the President is letting the television dictate not only when he talks but how long he talks, you can imagine what it would do in the Senate, having much less appeal on national TV than does the "Great Communicator."

Why, Mr. President, we would soon have our rules so as to maximize the ability of each Senator to get on television. We would have rules to ensure that Democrats have the same opportunity to get time as do Republicans; that speeches may not exceed a certain length of time, because you would be asking for unanimous consent in order to accommodate the television. But do you think it would be as easy to get unanimous consent? Do you think on a bill like—well, let us say when we repealed those provisions that had eliminated the minimum Social Security. Everyone here will remember a few years ago that at the behest of the administration we eliminated the minimum Social Security payment. It was terribly unpopular.

There was an outcry across the land. The Senate later came in almost without debate and unanimously repealed it.

Now, let us turn back that clock and imagine the television cameras are in this body. How many of us would have to make a speech on that Social Security issue? Why, even if you did not want to make a speech, you would have to come over here and make it. There would be the C-SPAN addicts back home who would be saying, "Well, I saw your colleague on television. Where were you when the time came to stand up for the old folks? You weren't there." So you would be there. That would not happen but about once. And your staff would say, "Senator, I have looked at the schedule and you have such and such bill coming up this afternoon. We have written out a little speech. You have to go over there and give it." And it is not going to be one of these things where you say the first couple lines of the speech and hand it in. Oh, no. It is going to have to be where you make the speech in person, probably after practicing it and, I might add, probably after having put on television makeup. Some of us are not as beautiful as we wish we were. It is amazing what television makeup will do. So we would put on the television makeup. We would practice our speeches instead of meeting with constituents or whatever. We would come over and make the speech, which would be irrelevant to the business of today. That is, the bill was going to pass anyway overwhelmingly, maybe unanimously. But we would have to come and make the speech.

That is the first species of bill, and that is one that is not really controversial, that is going to pass overwhelmingly.

Now, if that would be so, what about the truly controversial measure that has high impact? Why, Mr. President, this body would go on hour after hour with speeches, with the television cameras grinding and Senators thinking how their standing up for a particular issue might look on their next TV ad. Because even though this trial period says that you cannot use the tape of what you say on TV in the television ads, do not think that is going to survive when the permanent rule is adopted.

Let me tell you, Mr. President, if I have to suffer through television in the Senate, I am sure going to vote to allow a tape of what I say to be used in my television ads. Why, all of us will. Of course.

Just accidentally you might have a good day, you might make a great speech, waving your arms and standing up for whatever that issue is. They frame you just right. I can see the ad now: "When it came time for BENNETT JOHNSTON to speak up for the old folks, he was there on the Senate floor. Listen to this." And then it would switch to the Senate. And there I would be in a blue suit. They say a blue suit, a white shirt, and a red tie is what looks best on television. I would be delivering this speech which I would have practiced after having spent a lot of time writing it. My PR man and I would be writing these speeches. And if I would do it, as humble as I am and as insulated from ego and all of those things, you can imagine what some of my colleagues would do.

Mr. President, what I am trying to say is human nature is so clear. You cannot repeal the laws of human nature. You cannot repeal the laws that say the first rule of politics is get on television, the second rule of politics is get on television, and the third rule of politics is look good on television if you can. But do not forget the first two rules. You have got to get there first. As it was, I think it was Huey Long who used to say, "I don't care what they say about me as long as they are talking about me."

Somebody said that. Well, that rule, as applied to the 1980's is, "I don't care what I am saying. They probably wouldn't understand it anyway. Just get me on television because then they will know I was saying something and somehow I was serving the public good."

Now, Mr. President, there are so many reasons, both personal and public policy, that dictate against television. From a personal level, it is just the terrible schedule to which we would subject ourselves. We would get caught in this situation of having TV where we would be here late at night, no time to do the Senate's business, just speeches ad nauseum on the Senate floor.

But once you get television, there is no way you can get out from under it. Who, once we get television in the Senate, is going to be willing to rise up and say, "Take the public's eye away from what we are doing." You could not say that, Mr. President. It just would not work. The public would say, "You don't want me to see what you're doing when I am paying your salary and the business of the Government is going on there? Finally we are seeing those terrible shenanigans that go on the floor of the Senate"—as in the unlimited debates where debate can

sometimes be disconnected and even silly and inane.

The worse it is, the more they would want to see. And if it was good, they would still want to see it. So once you get it, you are stuck with it.

It is like that rule—I see my dear friend from Maryland—which says the public has a right to see what mailings we have on our newsletters. I hear colleagues say, "Why did we ever do that to ourselves? I am sure sorry about that." But do you think anybody is going to suggest that we repeal that rule? Of course not. Once the public's eye is on the subject matter, it will remain.

If the situation is bad enough, we will not take the television away. We will change the rule to accommodate the television. That is the very point, it seems to me: That sooner or later we are going to have to change those rules on unlimited debate and change the rules on nongermane amendments. When we do that, we fundamentally change the nature of this body, fundamentally change the constitutional scheme of this Nation.

It is said, I believe, if I recall it correctly, that the Senate is the saucer where the passions of the Nation are cooled. I think that is correct. Where there is a hot issue of the day, sometimes it can slip through the House with fantastic speed, and it comes over here to the Senate, and frequently the issue is indeed cooled, slowed down, where we have the time to think about it and talk about it, and rash action therefore is avoided. It is not efficient. It is sometimes frustrating.

As somebody said, it is a terrible form of government, but better than all the rest, and I do not know how else you can do it without those two fundamental rules—unlimited debate and nongermane amendments. We might change both around the edges a bit, but I do not know how you can maintain this body as it is.

The public thinks that the job of the Senate is to sit on the floor of the Senate, listen to debate, and vote, as we used to do in the Louisiana Legislature. In the Louisiana Legislature, the Senate started to 10 a.m. All Senators would be in their seats at 10 a.m., and you would stay right there and vote all day and listen to the debate, because that is where the whole thing took place. Everyone knows that it does not all take place here on the floor of the Senate.

Here I am, making this wonderful speech, which is not even being heard on television, and yet only three Senators are here. I know that the other 97 are back in their offices listening to every word on their squawk boxes.

Seriously, Mr. President, the fact is that the real purpose of the Senate is going on somewhere else, and it ought to. Senators should not have to come and listen, hour by hour and minute by minute, to everything that is being said on the floor of the Senate. They should be free to be in their committees, to be working with their staffs, and doing the other things that are usually of a higher priority. But if the television were in the Senate, then the public would begin to look for their Senator on the floor. While the resolution says that the camera shall pan only to, I think, the speaker and the President of the Senate, it would be very difficult to capture only one person at a time on the floor of the Senate.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. MATHIAS. The whole effort of this resolution is to establish a test period to determine that very question. I am not a TV producer. I cannot give the Senator the kind of assurance he wants. But if we go into a test period with the clear understanding that we cannot send the signals except on inhouse, closed circuit, then at least we have the answers to these kinds of imponderable questions that are just matters of opinion on one side or the other today.

Mr. JOHNSTON. I appreciate the Senator's comment on that, but let me tell him my problem with the test period.

During the test period, according to the resolution, there will be inhouse, closed-circuit television. It may not be used for broadcast around the country, and it may not be used for political ends.

Mr. President, that is going to the rifle range without real bullets. If you are not going to be seen out there, what difference does it make if there is a television camera up there? None. That is no test at all. If you are going to have a test, the only way to have the test is with live television and all the other intrusiveness which television brings.

That is the point: It is not the question of television lights or the location of a television camera or a few television crewmen up there that constitute the intrusion. It is the ability to have your face and voice and your thoughts out across America.

While, on the one hand, that serves the public interest and the public's right to know, it is going to fundamentally change the way we do our business. If it were to be done, I would hope, at the very least, that we would allow it only when there is unanimous consent, so that time is under tight control. I would not even favor it under that circumstance.

That has a lot of surface appeal, to say that we will do it when we have unanimous consent. The problem with it is that I think it would be very hard to get unanimous consent, both because some people would not want television and because others would want too much television.

If you had a hot issue of the day, everyone in the Chamber would insist on reserving some time in the unanimous-consent agreement. Who wants a unanimous-consent agreement where you have 70 Senators with 15 or 20 minutes each? That would defeat the whole purpose of the unanimous-consent agreement. But if we are going to have television in the Senate, I would hope that we would at least give ourselves the chance to do it with unanimous consent, so that it would be under controlled time.

Once we started television in the Senate, if we had those kinds of constraints, I think it could well lead to absolute chaos and extend the time of meeting in this body by a factor of—who knows what? Maybe it would double it; maybe it would triple it. I do not know where there would be the hours to have double time or triple time, but it would clearly extend the time of meeting in this body by a huge factor.

Also, with a test period, once you make the expenditure to get the camera and the lights—I do not know how much it would cost; $3 million, $4 million or $5 million—once you start that, I do not think there is anything to cut off the cameras.

Mr. MATHIAS. Mr. President, will the Senator yield on that point?

Mr. JOHNSTON. I yield.

Mr. MATHIAS. We, obviously, have not made any such arrangements. We do not have the authority from the Senate to do it. But the contemplation would be some kind of lease arrangement, which would not be the expenditure of a sum of money such as $3 million or $4 million.

Mr. JOHNSTON. I am glad to hear that. I think it makes a lot of sense to have a short-term lease.

In fact, I would hope that our test period would be not even to have the equipment. If we are going to have it inhouse and not broadcast, why not just pretend we have television? What difference does it make if you have a little camera up there, if it is not shooting real bullets, if it is not really recording your voice and your message for presentation to the public?

Mr. MATHIAS. Mr. President, will the Senator yield on that point?

Mr. JOHNSTON. I yield.

Mr. MATHIAS. The advantage of it would be so the Senator could really answer his first question. If he is talking, can the camera in fact so zero in on him that he is the sole figure on the screen and so that we can really tell whether or not that focus can be maintained.

Mr. JOHNSTON. I must say that is a matter——

Mr. MATHIAS. That can only be done if you can go back to your office

and look on your closed-circuit television screen and actually see the way it would be.

Mr. JOHNSTON. I must say I have some slight curiosity.

Mr. MATHIAS. The Senator would look wonderful. He ought to try it. He would look just simply great.

Mr. JOHNSTON. I know. Is the Senator not a bit afraid I might look wonderful, and if I can make a speech this long without television, if in fact I did, and I doubt seriously that I would look very good, but if I did, can you imagine how long I could speak and how long other Senators, who might look better than I, could speak?

Mr. MATHIAS. Oh, yes. But in every American home, no matter how humble, there will be a switch and the point at which you have spoken too long, the finger will move to the switch and every American will vote with his fingertip.

So I am not too concerned about the length. People will learn that there is a terminal point that is reached.

Mr. JOHNSTON. I know the Senator is correct. But you know such is human nature that each Senator would think they would not turn me off, not with the message I have to make; they are going to wait for that next speaker, and they would be here on the floor of the Senate knowing how good that technology is and knowing how good their makeup artist was back there that they would think they would look good even if they did not look good.

Mr. MATHIAS. They would find out sooner or later that they are not that good.

Mr. JOHNSTON. It might take them to the next election time to find that out.

You know, actually the fact of the matter is they could make themselves look good by insuring that whatever they said was destined to be popular out there. There is a way to be on the popular side of all questions.

Mr. LONG. Will the Senator yield at that point?

Mr. JOHNSTON. I certainly will yield.

Mr. LONG. May I just give an illustration of what this proves to the Senator from Louisiana.

I harken back to the situation where our astute and courageous friend from North Carolina, Mr. EAST, took the floor to speak against the cigarette tax. The Senator I believe recalls that. It was some years ago. We had some measure before us that involved the cigarette tax issue.

The Senator recalls everybody wanted to go home. They wanted to vote for the tax and go home.

The Senator from North Carolina, Mr. EAST, was in the minority, but he represents a tobacco producing State. So the Senator took the floor as an inexperienced junior Senator. He took the floor to do the best he could to state the attitude of the people of North Carolina on that subject.

The Senator from Louisiana did not stay around to hear him. The Senator from Louisiana went to his little hideaway, turned on the squawk box to hear what was going on in that Chamber. He climbed on that couch, when it was 9 or 10 o'clock, and sought to get much needed rest. He heard the Senator from North Carolina making his speech on and on. He thought, boy, if the Senate was on television, that man would talk all night, because those people in North Carolina would say, "Go to it, JOHN; go to it JOHN; fight them, JOHN" and they would send all the wires and letters in to carry on the fight. The Senator would have had just bushels of telegrams and people would be hauling in long stacks of telephone communications and wires, "fight for North Carolina, keep up the fight."

And I may say to the Senator, if anybody got tired hearing JOHN EAST speak against the cigarette tax in North Carolina, he would not be upset that he thought it was about time to go to bed, turn the thing off and turn it back on in the morning and see if JOHN was still at it, still carrying on the fight.

I can recall the days when my father, the late Huey Long, would take his case to the people of Louisiana, New Orleans, for example, go on radio about 6 o'clock, start saying, "Call all your friends. This is Huey Long, and I am going to be talking for quite a while. There will be nothing important the next few minutes. Call all your friends, tell them what is going on, tell them about the corruption down at city hall," one thing and another.

He would be at it until past midnight. I can recall as a youngster that I would meet with some other young fellows. We played poker with matchsticks. When we got tired of that, we would go somewhere to get a hamburger, then drive out to the lake front, have a beer on the way, and go out and swim in the lake and go somewhere else and there was Huey still at it. He would keep going on and on. It did not bother us he was still talking. Once in a while we would go somewhere and we would hear his voice or pass some house and hear it.

Lots of people went to bed. It did not make them mad, especially if they agreed with him. If they did not agree with him, they probably did not listen long anyway. People interested continued to listen.

Does the Senator see any reason someone would get mad at him if he is speaking for Louisiana and he is getting a lot of encouragement from constituents?

Suppose they are trying to close Fort Polk. The Senator is up there making a speech. People in some part of the State might not care about Fort Polk and not bother to listen. They know the Senator is fighting for his State.

Does the Senator think someone would get mad at him because they get tired and go to bed?

Mr. JOHNSTON. The Senator is absolutely correct. You know, sometimes even a battle that is doomed to fail, that is going to be foredoomed to failure, Senators look best in fighting and losing, especially if they fight hard and long and go down valiantly and bravely.

So what the Senator is saying, I mean we know what the special interest of the different States are. I can name my different friends.

My friend here I know it is rice and there is no way that the people of Arkansas could hear too much about the good job that Senator PRYOR does for rice. You know, he helped mold that rice provision in the ag bill. They would like to hear, I am sure, hours from him fighting for rice.

And my friend next to me, Senator LEAHY, fought, I know, for milk, and almost singlehandedly put in some provisions in that ag bill on milk.

I can go right down the Senate and identify with every Senator what it is that he has fought for most for his State.

Mr. LONG. Will the Senator just let me interrupt him? Let me follow this a moment. Suppose Senator PRYOR is fighting for the rice people. Some fellow tunes in. He is a cotton farmer. Does the Senator think that cotton farmer will get mad at Senator PRYOR because he is fighting for the rice farmer?

Mr. JOHNSTON. No. He is going to send a wire to RUSSELL LONG, his Senator, "Say something for cotton."

Mr. LONG. The point I have in mind is that the cotton farmer in Arkansas or the forestry man, the tree farmer, would probably say, "Old DAVID really made a fight. He really made one terrific fight for those rice farmers.

"I have no doubt that when the time comes when we cotton farmers are under fire, he will make equally as hard a fight for us."

The timber man will say, "I know there are more of us tree farmers than rice farmers. I have no doubt when the tree farmers have their back to the wall, you can count on DAVID PRYOR to keep them up all night and all the next day fighting for the tree farmers."

Can the Senator see any reason why it would be other than that, why they would say do not vote for him because he tried to help the rice farmers? No. They would say he looks after his constituents.

Mr. JOHNSTON. The Senator is absolutely correct.

You know, this body in addition to being a great legislative body is considered by the American people to a large extent to be an extension of the theater. And in fact many of the great Senators who have occupied this body have been great theatrical personalities.

Senator Dirksen, for example, made I do not know how much money he made, but he made a big hit with his recordings. You remember he had his voice and they used to have the Ev and Charley show which was very good on television. He was a wonderful theatrical personality.

The historical figures through the years from Clay and Calhoun you read in your history books. These people in the battles they fought and the history they made right here in this body was theater as well as history, and I would love myself to be able to go take the tapes of that television camera which was not there and listen to those debates of Clay and Calhoun.

Maybe they could have avoided the Civil War if they had had television at that time because they would never come to an agreement about anything. They would still be here talking.

Mr. LONG. Maybe they would stir the war up a lot quicker if they had been on television.

Mr. JOHNSTON. It would have been fundamentally different. So Americans would like to look at this place as theater.

I think about some Members that I served with through the years. Hubert Humphrey was a great speaker.

Gosh, how many people would like to turn on their television and hear TED KENNEDY? I could see our friend Senator KENNEDY walk into this body now, and you can hear the whispers around the galleries when he begins to speak. Now if television were here, that would be all the more reason. I think C-SPAN ratings could go up a good bit if we had television here.

The problem is that as the ratings went up, so would the length of the speeches. They would start out too long but, as the ratings went up, they would be interminable.

Mr. LONG. Could the Senator advise me about this aspect of it? Let us assume that the Senator had enough actor in his blood to be a good performer, which he is—he is a good performer, whether he has any acting potential or not. So the Senator has that going for him. And let us say, for the sake of argument, that the Senator starts making his fight for the disadvantaged people of Louisiana. It could be any group.

Now, let us assume the Senator is on this floor day in and day out talking about the trappers, the muskrat trappers are getting the worst of it, and then the otter trappers and the trappers that are trapping those alligators are getting the worst of it. He is making this fight day in and day out, at least a speech a day, at considerable length. Then the people turn on the television at every opportunity, the trappers in south Louisiana turn it on and expect to see BENNETT JOHNSTON carry on his fight for the trapper. Then somebody asks the question: "Where in the devil is RUSSELL LONG? Why doesn't he say something? I don't even see him sitting there, but when he is there, he is sitting like a bump on a log and hasn't even opened his mouth."

Can the Senator predict what would happen next?

Mr. JOHNSTON. My prediction is that RUSSELL LONG would be here on the floor making a valiant fight. But the problem, I believe, then would be that the distinguished senior Senator from Louisiana would have a hard time finding time on the schedule of the Senate to make that speech because every other Senator would be over here trying to make his or her speech. I believe we would have to lengthen out the day and, in fact, lengthen out the week. There would be no chance of being off on Friday early in the session. Oh, no, we would be here with the television cameras grinding away, making great histrionic performances, even if it did not amount to much in terms of the business of the Senate.

Mr. LONG. The Senator knows, does he not, that we are really not getting much done these days compared to what it used to be. It used to be we would call up the appropriation bills, every last one of them, and would not have to resort to a continuing resolution. Nowadays, almost every session we have to pass many appropriation bills by continuing resolution.

The Senator knows what that means. It means the individual items do not receive the attention they are entitled to receive for lack of time; is that not right?

Mr. JOHNSTON. The Senator is exactly correct. And if I may recall the closing days of this last session, as the Senator remembers, we got out on December 21, which is about a month or actually 2 months later than they had originally scheduled. The only way we got out was to get the continuing resolution out in a shorter time actually than we figured we would. That was the only way we could do that.

I had the duty of being the minority floor manager of that bill. The only way we could do it was we stayed here late at night and we began to just rush the amendments through, with very little debate, discouraged debate, made motions to table, and did all those things, stepped on a few Senator's feet, but in the process we finally got out of here on December 21 at about 7 p.m., which was bumping right on the underside of Christmas. And I guess we could have filled up the Christmas holiday and gone until New Year's Day.

But the fact of the matter is it was hard enough even then without the intrusion of television. Now, just what would it be if we had television? It would not be December 21. We would not be able to go back and see our constitutents at any time during January. We would be here, slaves to the boob tube, making our speeches interminably, defending ourselves before the folks back home to show that we are an active Senator on the floor making speeches.

Mr. LONG. The Senator knows, does he not, that anytime we bring a major controversial piece of legislation before the Senate the key points in controversy are discussed over and over and over again by the various Senators. There is just a great deal of repetition. He knows this, I believe, and he can either confirm it or not, but I think he knows it. If the Senator is preparing a speech even now without television, if he had a good point to make in favor of some of his constituents, be it the Teamsters or be it the hod carriers or the bricklayers, whoever it may be, if he had this speech that is going to be good for his constituents and there is something in that bill that very vitally affects him; it does not keep him from saying this good point that could be made just because somebody else said it. He will go right on and say it again.

You ask him, "Why, if someone said it, why do you say that? That has already been said."

I have never heard anybody ask that, but suppose they did. "Why did you say that? That has already been said." Well, the Senator would say: "Anything that is that good deserves to be said over and over," would he not? That is what the Senator would do.

Has the Senator ever known a case of a Senator to decline to make a good point for his side because somebody had already said it?

Mr. JOHNSTON. Well, some Senators have the grace, on occasion, not to say a point that has been said over and over again and sometimes not to make even a good speech, maybe even one that has not been made, because they figure the die is already cast and it is going to pass overwhelmingly.

But not if we have television in the Senate. There will never be a good point that will not be repeated over and over again. There will not even be a bad speech that will be written and not stated. There will never be a speech that is put into the RECORD and not stated. It will be stated in painful detail, down to the last syllable of recorded time. And I can tell you that that time will last much later and much longer than it is right now.

I see my distinguished colleague from Maryland on his feet. By the way, I believe the distinguished Senator from Maryland would be very good on television.

Mr. LONG. He would be good anywhere.

Mr. JOHNSTON. He may be one of those who is an inherent Shakespeare-an actor. The words would roll off his tongue and the thoughts would come out of his mind and he would mobilize the English language and also, in the process, mobilize a lot of C-SPAN junkies out there. And even he, in all of his humility, might want to see his face on the tube.

Mr. MATHIAS. Except for one thing, if the Senator will yield, that I am not going to be around here all that long. I am not working for myself. I am just working for the Senate.

Mr. JOHNSTON. The Senator might change his mind.

Mr. MATHIAS. Too late; too late.

Mr. JOHNSTON. As the specter of television looms on the scene. And if the Senator saw on that test run how he might look, he may clamor to run for just another one term. In fact, I believe the Senator might become a hero of the airways were he here.

Mr. MATHIAS. The Senator tempts me to verse. I do not want to interrupt the flow of his thought, but the idea of being able to recite poetry in the Senate, even without television, is a very strong medicine. The Senator from Louisiana proved it by his sterling verse yesterday. I wonder if he would let me just respond to his verse of yesterday.

Mr. JOHNSTON. I would be very pleased to hear the Senator from Maryland.

Mr. MATHIAS. Well, I do not know that the Senator from Louisiana was on the floor when this occurred, but I would point out that there were two noteworthy events that occurred this past weekend. They are linked together in a way that may not be immediately obvious to everyone.

On February 1, the President issued the first sequester order under the Gramm-Rudman-Hollings Act. On February 2, Ground Hog Day was celebrated.

Now, the latter event, as you know, is a harmless, happy, sentimental event of traditional folklore.

Mr. LONG. We saw our shadow on that day.

Mr. MATHIAS. That is right. But the former event could be tradition with a lot more devastating consequences.

Few of us actually rely on the prognostications of the groundhog to predict the weather, but unfortunately under Gramm-Rudman-Hollings, we will rely on uncertain economic data with automatic budgetary consequences bypassing national and rational responsible decisionmaking. It was for this reason that some of my colleagues joined with me in offering a resolution. Senate Resolution 312, to substitute the careful deliberations culminating in the reconciliation bill for the mechanized nondefense cuts in the sequestering. Yesterday we learned from some well-chosen couplets of the junior Senator from Louisiana that we were joined in our efforts by the authors of Senate Resolution 320, a resolution that seeks the same outcome by the same method.

So it is to them, I say to the senior Senator from Louisiana, and particularly to the bard of the bayous, that I dedicate this little verse:

AN ODE TO THE BARD OF THE BAYOU

Senator JOHNSTON inquired, "What's in a name?"
Especially when the resolution's the same.
So 312 and 320 are now one resolution,
Targeted toward a better solution.
We'll all owe these gentlemen our undying thanks,
For together we'll lower our debt to the banks.
Listen, all Senators hope is not lost;
Senators joined can surely cut costs.
Let us get rid of this mechanical sequester;
So the Senate is more than just a court jester.
Our plan, for the deficit, will make a large dent,
Rather than cutting by "anonymous consent."
Give us reconciliation for nondefense,
And we'll congratulate you for good common sense.
The people will be the ultimate winners,
As Senators turn into statesmen from sinners.
We thank our colleagues from the minority,
They deserve praise, no matter who had priority.
Together, we know, there's much we can do
With Green Mountain Pat and the "Bard of the Bayou."

Mr. JOHNSTON. Mr. President, I think that is an exceedingly fine poetic verse.

Mr. MATHIAS. Actually, that one verse is why I might have had, with some reluctance, this proceeding televised.

Mr. JOHNSTON. The Senator has almost persuaded me to have television so we could have that forever preserved for posterity. I would have the first little cassette available to grab close to my betamax and I would watch that every evening when I got out of a hard day at the Senate. I would get out the proliferous words of the Senator from the cornfields of Maryland and listen to that poetry. That is, of course, after I watch the remainder of C-SPAN that day. Of course, I would not get home in the early evening if television were here in the Senate to watch the replay of C-SPAN. This would be about 2 a.m. when all the Senators thought that most of the people had gone to bed. Then they could start the replay because that is about the time when we would get home if we had television in the Senate.

But the poem was very good and I would hope that I could get a copy of that to take back to all my friends and constituents.

Mr. MATHIAS. I am sure the Senator can have as many copies as he likes.

Mr. JOHNSTON. Mr. President, the distinguished Senator from Louisiana missed the early part of my speech. I fear he may not have been available where there was a squawk box.

Mr. LONG. Mr. President, I regret to say that I did miss that. I was talking to the minority leader on a matter having to do with this measure. It was my great misfortune not to hear the distinguished Senator's speech. I would appreciate it if the Senator would bring me up to date and summarize some of the material he has covered. I know he has been making a very thoughtful speech on it.

Mr. JOHNSTON. Well, Mr. President, I hope I am able to recall the details of it because as I heard it come off my lips I was even surprised at some of it. There were some things I said even before I thought. I know they will be recorded for posterity here in the CONGRESSIONAL RECORD.

Mr. President, one of the things I said, and I would like to know what the Senator thinks about this, is I questioned whether or not we should ever have television in the Senate unless we also had a unanimous-consent agreement. For obvious reasons, that seems like a minimum condition for having television in the Senate.

Mr. LONG. If the Senator will yield on this point, I would ask the Senator, Did he know in the orignial proposal by Senator BYRD there was language to the effect?

I will ask a page to bring me a copy of the resolution.

On page 2 it says, under section 3:

Provided that during any television and/or radio broadcasts, time shall be divided and controlled in such ways as to assure equal time to both the majority and minority parties.

The Senator will notice there is a line stricken through that.

Mr. JOHNSTON. What page is that?

Mr. LONG. Page 2, starting at line 3. The language has been stricken. There has been a line drawn through it. What it said before it was stricken was, as the Senator can see,

Provided that during any television and/or radio broadcasts, time shall be divided and controlled in such a way as to assure equal time to both the majority and minority parties.

Mr. JOHNSTON. If the Senator will yield, that really does not get to the point because that protects the majority and minority party, but you might have one-half of the time immemorial,

with no time agreement. So if somebody on their side makes a 2-hour speech, somebody on our side would then have 2 hours, or some series of people, and there would be no way to control it.

I am not nearly as worried about not getting half the time as I am worried about half of the time being twice too long.

Mr. LONG. That language was proposed by Mr. BYRD when he introduced the resolution. That is what it means to me the way it appears. This was offered by himself, Mr. GORE, and Mr. BUMPERS.

So the resolution went to the committee with a proposal for limiting debate. That is certainly what that means. The committee struck it.

I cannot find words to fully express my disappointment at that. We spent all this time in these years asking the committee to give us some rules and some thoughtful suggestions as to how we could control this to prevent the abuse that Senators fear and I fear. After 4 years, somebody suggested something and they knocked it out in the committee.

What the Senator fears above all is that the Senate will not be able to get its job done. We would at least have been protected to a considerable degree by a provision which was stricken.

Mr. JOHNSTON. What I was saying earlier today, if the distinguished Senator will yield, was that even if you had said that you can have television in the Senate only when there is unanimous consent, I would even oppose that. I might have to take it if there are too many Senators. We have to abide by the rules, however improvidently they may be set. But even by unanimous consent I would oppose it because it seems to me it would be very, very difficult to get a unanimous consent.

Right now on a bill that is not terribly controversial you can usually get it heard with 2 hours on a side or maybe 3 hours on a side or whatever and finish it up during the day, maybe with each amendment to be 30 minutes with 15 minutes on a side. But if it involved the right to be seen and heard on television, I think it would be uncommonly difficult to get unanimous-consent agreements. It is hard enough right now. Senators want to be protected in their right to speak. But if it involved television, it seems to me unanimous-consent agreements would be very, very hard, because the rule would be when they send out the hotline the administrative assistant, or if not the administrative assistant, the pressman, would call back over and say, "Protect Senator JOHNSTON. He wants 1 hour to speak."

Then they would get off to write up a speech for you to make on any subject.

Mr. LONG. One of the things that bothers me about that is that it is difficult to see how that could be geared to the cloture rule. Suppose we controlled time by invoking cloture. If we do that, as the Senator so well knows, every Senator has 1 hour available to him. He can use the hour for discussing any amendment he wants to discuss, but he only has the 1 hour. It seems to me that it would be inappropriate, if cloture had been voted, to have this provision, because every Senator can speak for 1 hour. Under those circumstances, I do not see why you would need any further control.

Time would be controlled, but it would not be controlled for the purpose of assuring an equal amount of conversation by Democrats and by Republicans. It could be controlled to assure that every Senator would have his 1 hour. I see no problem with that.

I wonder what the Senator thinks about that.

Mr. JOHNSTON. The problem I see with it is that we would be invoking cloture for the television and not for the business of the Senate. I think we should invoke cloture only when we need to get on and get a bill passed, when we have had enough debate and when Senators are being dilatory. We should not have to invoke cloture in order to contain the excessive desires of Senators to be seen on the boob tube.

What I have said is that it would be the television tail wagging the Senate dog. I think everything would then be focused on how to maximize the coverage of television rather than how best to do the business of the Nation. I think anybody who says it is not going to dramatically and fundamentally change the way we do business either does not know human nature or does not know politics, or chooses not to see what I see is the obvious.

Mr. GORE. Will the Senator yield?

Mr. JOHNSTON. Yes, Mr. President, I certainly do.

Mr. GORE. I made a similar point yesterday, Mr. President, but I would like to repeat it in a different form.

The concerns raised by both Senators from Louisiana may be well founded, they may not be well founded. They consist of speculation and opinion informed by experience in the Senate.

There has been an experiment in the other body. Human nature is not markedly different in the other body than it is in this one.

Mr. JOHNSTON. But the rules are fundamentally different, Mr. President.

Mr. GORE. The rules, as I was about to say, are indeed fundamentally different. In spite of those differences, on many, many occasions, the other body takes up legislation under what is referred to as an open rule, with no time limit on debate whatever. In such situations, Members desiring to speak say their piece. Then, when the debate naturally winds its way toward a conclusion, there is either a vote or, more typically, a unanimous-consent agreement to vote as of a certain hour.

The experience in the other body has been that the introduction of television coverage has not made it any more difficult to get such unanimous-consent agreements, has not made the debates longer, and, in fact—perhaps ironically—the experience of the other body indicates that after television was introduced to that Chamber, the number of hours spent in debate was less than before television was introduced.

Doubtless, a great portion of time consumed in debate, both before and after television was introduced in the other body, consisted of debate under time restrictions of the kind allowed in the House rules. My point is that a great portion of it also consisted of unlimited debate.

What Members of the other body found was that the presence of television coverage introduces a discipline of its own because Members who make speeches which may sound mellifluous to them may find that the same speech sounds long-winded, at time irrelevant to someone else. I have not heard any such speeches in the short time I have been a Member of this body.

Mr. JOHNSTON. Mr. President, the Senator has not been on the floor very much?

Mr. GORE. My point is that when the Members of the other body make speeches that are quite lengthy and run on, they hear from their constituents. This feedback imposes a new kind of discipline and, in my opinion, the reduction in the amount of time consumed in debate after the introduction of television into the other body is the result of this new kind of discipline.

We have an opportunity in this body, Mr. President, to experiment with television in order to ascertain whether or not the different rules of the Senate might produce a different result here than the one which was produced in the other body. The resolution before us does not provide the broadcasting signal to the networks or to C-SPAN or to any other broadcasters. It allows us to get some experience with it in a closed-circuit form to see whether or not we believe rules changes are needed prior to implementation.

Mr. JOHNSTON. If the Senator will allow me, Mr. President, to me, a test that does not send the signal out there to America is no test at all, because it is not the instrusiveness of the lights or the camera that makes the difference, it is the fact that that signal is going out across America. That is the

thing that is going to make Senators speak more often and perhaps longer—at least more often and on every subject.

Mr. GORE. If the Senator will yield further, I understand that point. This resolution in no way precludes the Senate from deciding at the end of this proposed test period to have a second test period, more venturesome, which makes the signal available to the public only on an experimental basis.

Indeed, when the other body introduced television to its proceedings, it had just such a test period, 90 days in duration. I, personally, speaking only as one Senator, would not oppose having such a second experimental period commencing at the end of this proposed period. It might be beneficial.

My point is that nothing in this resolution prevents us from doing that. Nothing in this resolution prevents us from making sweeping rules changes or more modest rules changes at the time that we end the test period and decide to go one step further.

Mr. JOHNSTON. Mr. President, I say to the Senator that he has put as good a face on a bad case as I can imagine, which is one reason, by the way, that he would be, as they say back home, a dynamite speaker on television. I guess if I were the Senator from Tennessee, I would be for television, but I am not going to look so good.

I must say to the Senator from Tennessee that there are such fundamental differences in the House and the Senate.

I know occasionally there will be a bill with an open rule, but that is a great exception where you have unlimited debate, particularly on the tough questions. I might also say there is not—oh, maybe there is one Presidential candidate in the House, but there must be 10 actual and 50 potential Presidential candidates in the Senate just waiting to be made by the television tube.

Now, that may or may not be in the public interest, but for those of us who want to occasionally get home to have dinner with and see the family, it would certainly extend our hours of work to be in the Senate and participate in the making of the President, 1988.

Mr. GORE. If the Senator will yield further, again, the Senator's speculation may or may not be accurate. Only a test period would prove whether or not the Senator's predictions are accurate.

I would like to make two points in response. First of all, I sometimes have the feeling that concerns about the televising of the Senate are based upon an assumption that body is going to be watching and the attraction of coming to the Chamber to make a speech for benefit of the television cameras would be so overwhelming as to make it impossible for any Senator to resist.

The actual experience in the other body has been very different. Experience has shown that it is very rare for one of the television networks to use a clip from a particular speech. Many who may have in mind a large audience for a speech that they give are so frequently disappointed that they just stop giving speeches for that purpose and begin giving speeches only when they really care about the subject and feel that they have something to contribute to the debate.

Mr. JOHNSTON. If I may, let me interrupt the Senator at that point.

Mr. GORE. Surely.

Mr. JOHNSTON. First of all, I have seen many, many House Members speaking with regularity as part of the evening news. I think it is a known phenomenon that a number of House Members have been made real TV personalities among the C-SPAN group. I do not know what the C-SPAN audience is.

Mr. GORE. Twenty-three million potential.

Mr. JOHNSTON. It is rather extensive. And those who watch C-SPAN are usually the intelligentsia. So it is an important audience and many Members—I will not name their names; you can name them—have been made folk heroes. The 1-minute time they have reserved for House Members I know was abused at one time. I do not know how they reined them in. But the Senator will recall that they had to put some kind of cap on that because it was being so abused, and all of that over a 1-minute time period where they could speak out on whatever they wished.

So I think it would be quite different in the Senate, again where your debate does not have to be germane. I think the House debate has to be strictly germane, does it not, on an open rule?

Mr. GORE. Yes.

Mr. JOHNSTON. That is a fundamental difference. You could not get up on a nongermane amendment and speak to the issue of the day that is concerning people in Tennessee. The Senator can bring up his amendment. It may be true that a lot of Senators, let us say, if they were not directly affected by Conrail or directly affected by its antitrust provisions, might not want to get up and make a big speech. But if they could put an abortion amendment on there or a—well, you can name the multitude of issues that are important issues of the day—if they could attach those amendments so that they could be speaking to the issue and in the way that they wanted to, then I would suggest the premium on being on television would be much greater than it is in the House.

(Mr. DURENBERGER assumed the chair.)

Mr. GORE. Again, only a test period would determine which of us is correct about that particular argument. Let me move, though, to the second point that I wanted to make because I think it also is fundamental. Do we want to diminish the prominence and the ability of the Senate to influence thought in this country and to share with the American people not only what decisions we make but the method by which we go about making them?

One of the purposes of the Senate in the Constitution is to be the premiere debating forum in this land. If our reason for keeping broadcast coverage away from the Senate is a fear that if more Americans pay attention to what we are doing, we will have to change the way we go about it, then that is a view of the Senate that I do not think I share. I think we should seek ways to enhance the prominence of the Senate. In an age when television did not exist, this question did not present itself. The Senate and the House were equally prominent, equally accessible to the dominant communications medium of that age. And the American people had equal access to the arguments that were presented on the floor of the House and on the floor of the Senate.

That has changed dramatically. As the Senator from Louisiana said a moment ago, he has frequently seen Members of the House on the evening television news debating the issues before America. The Senator from Louisiana rarely has seen Members of the Senate debating the same issues except in front of the phony bookcase with the flag on either side or the phony picture of the Capitol down in the recording studio or up in the radio and television press gallery. If the issues debated on the floor of the Senate were accessible to the American people, then the Senate could regain its equal stature with the House in the minds of the American people.

To pretend that the only way we influence decisions in this country and the only way we influence the future of America is by putting our imprint in black and white on the laws which are passed by both House and the Senate and sent to the President is to ignore reality because many decisions are made in this country long before they are reduced to writing and brought to the elected representatives of the people for their concurrence or rejection.

The decisions are made as the American people consider the questions and as they debate among themselves the values and principles involved. If we are to play the role envisioned in the Constitution for the Senate, we must debate these issues in full view of the

American people, in the full hearing of the American people and not hidden away in an area that is never penetrated by lightness or television or radio and leave the field to the House of Representatives.

Mr. JOHNSTON. Mr. President, I must say that I find the Senator's statement that the Constitution envisions television in the Senate to be a rather novel argument.

Mr. GORE. Will the Senator yield? I do not think I said that. I said the Constitution envisions the Senate as the primary debating body in this country. Given the fact that television is now the dominant medium of communication in America, we are failing to fulfill the role envisioned in the Constitution if we ignore the fact of television.

Mr. JOHNSTON. There is no doubt that what the Senator says is correct about the fact of television.

As I said earlier, politics in America today is spelled t-e-l-e-v-i-s-i-o-n. It is not spelled the way it used to be, with stump speeches and speeches out there in Americana. It starts and ends with television.

Mr. GORE. Government is spelled the same way.

Mr. JOHNSTON. Not government. Serious decisions are made in different ways. The really serious decisions about most of the legislation we pass here is made in committee, where you can really deal with the intricacies of the legislation. On Conrail, we had a meaningful debate on the floor of the Senate.

Generally speaking, the real business is not done here on the floor. If it were done here on the floor, we could not have the present rules of the Senate allowing for unlimited debate, because we would not have time.

What I am saying is that if we were to allow television here, then the play would indeed be the thing. The reality would be television, and the reality would no longer be the intricacies of amendments and bills but would be the image, the degree of charisma that was related on the Senate floor.

The first rule of politics is, "Get reelected"; and I guess that is the second and third rule, too. In order to get reelected, you have to get on television. I fear that television in the Senate would mean that instead of being legislators, we would try to be TV stars.

I should like to address myself to one point the Senator made. It is a strong point and an important one. The Senator talks about the trial period. That has a great deal of appeal on the surface, because the Senator says: "Well, for a period of 6 months, let's get our faces out there in America. Then, if it doesn't work, we will stop it, or if it needs changing, we will change it."

My answer to that is that there would be no way to stop it. It is like the rule about where we state how much we have spent on mailings. We have talked about that privately, and everybody says: "Why did we do that to ourselves? That was a great mistake." Does the Senator think anybody will change it? Of course not.

Mr. GORE. There will not be any mailings after March 15.

Mr. JOHNSTON. That is probably right.

Once you start television here, who would have the courage to get up here and say, "Stop it"? Even if it were a great mistake, nobody is going to say, "We will take away that right of the American people." Can you imagine the number of people who would have become C-SPAN junkies to the Senate and who might, for some crazy reason, be interested in the folk ways and some of the inane debates we have in the Senate? You could never take that away from them. They would flood us with cards and letters.

Mr. GORE. Frankly, I am surprised that it has been stopped until now.

I guess I have to say that, in my mind, it would be no more difficult to stop television in the Senate after such an experiment that it is now, if the public opinion in favor of televising the Senate is the force which will prove to be unstoppable. That force exists today. The public opinion polls are overwhelming.

I understand the Senator's point, and I wanted to respond briefly to the earlier one, because a very similar argument was made before. I am speaking now of the argument that if we open up the Senate to television coverage and more people are aware of what the Senate is doing, that will change the character of debate.

A little over 200 years ago, there was a debate in the House of Commons. The question before the House was: Should newspaper reporters be allowed to cover the proceedings of the House of Commons?

There was a violent argument, and those opposed to opening up the proceedings to newspaper reporters said it will change the character of debate. One of them said: "The day may come when our speeches will be printed and hawked about the streets."

The statement proved to be prophetic, because our statements in the U.S. Senate are now printed and occasionally hawked about the streets.

Mr. JOHNSTON. And that is not sufficient?

Mr. GORE. But would the Senator from Louisiana turn back the clock and prevent newspaper reporters from having access to these debates, so that we could talk only to ourselves, so that our behavior on the floor would not be influenced by considerations of how our statements might appear to those outside this Chamber?

Mr. JOHNSTON. Would the Senator allow me to select which newspaper reporters?

Mr. GORE. I appreciate the humor of the response. But, seriously, in philosophical terms, the argument is very similar. I wonder it the Senator sees that similarity?

Mr. JOHNSTON. It may be the same argument in philosophical terms. Of course, the answer is that neither I nor any colleague I know of would want to keep the print media out. It may be the same in philosophical terms, but it is not the same in practical terms; because, again, television is the medium of politics, and television is the medium of the impression rather than of serious debate.

It has come to be, I think, that the print media goes into a question much more deeply than does television, with the exception of C-SPAN and maybe a few programs. The whole nightly news is about 20 minutes of news and 10 minutes of ads, or something like that proportion. About 7 or 8 minutes of the news is probably human interest stories.

Looking in on various human interest stories, it is the print media where you get the serious news.

Mr. GORE. And C-SPAN, the Senator also said.

Mr. JOHNSTON. And C-SPAN, that is correct.

Mr. GORE. And C-SPAN is a large part of what we are debating here because, as the Senator said, the evening television newscasts have only snippets and the coverage of the Senate debates on the evening television newscasts would consist of very short segments. The main coverage would be by C-SPAN and by other outlets that we may not know about yet that might choose to take advantage of a gavel-to-gavel signal.

Schools, for example, might wish to view the debates. But the point I was making is, if the Senator agrees that C-SPAN is in that rare category of serious indepth journalism that gives you all the facts and does not just treat its subjects emotionally and in terms of ephemeral images, then the Senator must be reassured about the fact that C-SPAN has already announced that it will provide gavel-to-gavel coverage on a second C-SPAN channel as soon as the Senate gives the go ahead.

Mr. JOHNSTON. I praised C-SPAN here at some length. I do not know whether I would say that it would be indepth coverage because I do not know that covering the proceedings on the floor of the Senate is necessarily indepth.

Mr. GORE. It would depend on us.

Mr. JOHNSTON. It would depend on us, but actually what goes on here on the floor of the Senate is some-

times where the action is. More frequently, the action is somewhere else.

Mr. GORE. Of course, committee meetings are already open to television coverage for the most part.

Mr. JOHNSTON. That is right.

Mr. GORE. It does not seem to have done much damage there.

Mr. JOHNSTON. It has not done, I do not think, any damage, other than the heat of the light sometimes makes it a little too much, and it clearly has affected the conduct of Senators on a hearing which otherwise would be rather desultory; if not desultory, at least would be efficient in the sense that the speakers could make their statements and questions would be crispy and to the point. You put the television there and I will say this, it increases attendance and it makes people show up on time, especially in those committees like the Budget Committee where your order of asking questions is determined by what time you get there.

Mr. GORE. That is not all bad, is it?

Mr. JOHNSTON. I think maybe the business of the committee could be done better with fewer questions and fewer Senators to show up, but at least on the surface to get people there on time and greater numbers, it is supposed to be better. But every Senator who uses up his full allowance of time to ask questions and it is frequent as it was in our last Budget Committee meeting when by the time we finished the first round of questions by that time—it was a 2 o'clock meeting—it was 4 o'clock by the time we finished and television was packing up and all the Senators had left and only one witness had testified. I mean, we had our James Miller, Director of OMB, and he was the only one who could testify. We also had Ruddy Penner and Mr. Boucher from GAO, and neither one of those got on before 4 o'clock.

Whether that was for good or for evil that people showed up on time and asked all their questions, it dramatically changed the way Senators reacted. It made them speak longer and it made all of them speak.

The point is I think you put TV here it is going to make Senators speak longer, and I fear all of them will want to speak.

Mr. GORE. Mr. President, will the Senator yield?

Mr. JOHNSTON. Certainly.

Mr. GORE. Some people argue for full access by television to the Senate Chambers according to rules which would allow individual stations and/or networks to bring their own cameras into the gallery whenever they chose, along with their own lights and whatever paraphernalia they felt was essential to their journalistic enterprise.

I argued as a Member of the other body and I have argued here as a member of the Rules Committee that it would be a mistake for the Senate to offer untrammeled access of that kind for reasons that parallel the concerns expressed by the Senator from Louisiana about what happens at some committee hearings.

If we had a situation where a horde of cameras would come in and focus their lights and lenses on a particular subject as it was debated, then the cameras themselves would influence the Senate's sense of priorities.

Mr. JOHNSTON. Under this resolution is it not true that that signal, through how many cameras are run by the Senate, is electronically and simultaneously available to all the networks and everyone in the world who wants it?

Mr. GORE. That is correct. But the point I am making is this: here inside this Chamber there would be no difference that any Senator could perceive.

Mr. JOHNSTON. The lights would be a little hotter, would they not?

Mr. GORE. No; they would be of equal intensity throughout the entire time the Senate was in session.

Mr. JOHNSTON. I mean, could they have television with these lights?

Mr. GORE. No. Excuse me. Let me make my point a little more clearly. I did not mean to say there would be no difference in the lighting after television compared to now. The lights would be brighter after television. The point I was making was different. Gavel to gavel during every moment of that time the Senate Chamber would appear the same. There would be no distortion of the Senate's proceedings according to the priorities of the television networks. When a particular Senator got up to speak they would not come rushing in. When a particular subject was brought up for debate, they would not come rushing in or leave at the whim.

Mr. JOHNSTON. They would already be there. They need not rush. They would be there every instant of the day so that every Senator who spoke would know that all the networks were already there.

Mr. GORE. But Senators would not know that the television cameras or that the people working for the networks were going to pay particularly close attention to the statement he or she was making at that time. In the committee context, when the television cameras come in, it does sometimes affect behavior. I think it wears off, as a matter of fact, as Members realize that it is a kind of a run-of-the-mill thing, but here on the Senate floor there would be no perceptible expression of interest on the part of a news editor. There would be no way of telling what was of a particular interest and concern. I raise that. It may sound like a convoluted point, but I raise it because I think it is one of the keys to the experience of the House of Representatives.

Mr. JOHNSTON. Does not the Senator know that every word that he would speak on the floor of the Senate would be available out there at least for 17 million Americans? I think that is the figure he said.

Mr. GORE. Twenty-three million.

Mr. JOHNSTON. Twenty-three million who are available for C-SPAN. I do not know what percentage of those who use C-SPAN, but let us say it is 3 or 4 million. I can tell you the Senator from Louisiana rarely has an audience of 3 or 4 million, and the ability to get an audience like that and speak to them at all times is enough, I can tell the Senator, to make a lot of Senators speak a tad longer and more often.

Mr. GORE. Let me finish the point I was going to make and then come back to that.

I think one of the keys to the favorable impact of television on the proceedings of the House of Representatives has been that it is noninstrusive. Its presence is even. It does not perturb the proceedings of the other body. It is always present and, therefore, Members get used to it and begin to ignore it.

Coming to the point just made by the Senator from Louisiana if you knew that 2 or 3 million people were tuned into C-SPAN's coverage of the Senate as you spoke, you would also know if you reflected on it that only a fraction of them lived in Louisiana. You would know that they represented a broad cross section of all walks of life. You would know that they came to the issue being debated at any given time with no special expertise, only open minds and common sense.

The knowledge that such a cross section of American citizens was paying attention to the words spoken in this Chamber could only have a beneficial effect. Because, if, for example, an individual Senator wanted to play to the audience, so to speak, to which audience would that Senator play? The only audience available at the time would be such a diverse cross section of Americans that their only common denominator would be common sense. If its impact then was to encourage Senators to play to the common sense of the American people, that would be a very beneficial result, as it has been in the House of Representatives.

Mr. JOHNSTON. I can tell the Senator that I strongly disagree with him. It is occasionally true that issues here on the floor of the Senate can be as well understood by broad cross sections appealing only to common sense. More frequently, the debates here involve what would appear to people out there in America as being esoteric considerations, technical considerations which Senators would understand, but which Americans may not. Therefore,

I think one of your first results of television in the Senate would be that Senate debate would be not calculated to sway other Senators so much as to go out there on the airwaves to this cross section, maybe even hoping for network coverage, and based on commonsense considerations.

Now I do not mean to downgrade commonsense. But I am saying that when the length of what a Senator says is likely to be changed, the frequency with which he speaks is likely to be changed by television and the content of what he says is likely to be changed by television, because it would be a speech to them as opposed to our colleagues, I say that that is not a positive development. It may have a slight positive effect in maybe informing people of the issues of the day, but it would detract from the ability of this body to do its business when the water is already up to our noses in terms of being able to finish the work of this Senate in time to get home for Christmas.

In fact, it would not take many more days when you just could not finish at all and they would be banging the gavel down on December 31, saying, "Under the rules of this Senate, this Congress has come to an end." Sorry; bang; goodbye.

Mr. GORE. I do not want to interject too much because the Senator may wish to complete the statement he began earlier. But just to make two brief points, first of all, I have often found it extremely helpful if Senators debating technical or esoteric issues can translate them into commonsense terms, to use the phrase we have bandied about here, because I personally find it much easier to understand them when they are so expressed and I do not think I am alone in this Chamber in that regard.

Second, and in conclusion as far as I am concerned—I will not further interrupt the Senator—I want to emphasize just one more time the experience of the House with respect to the length of the debates, because the Senator from Louisiana just said again that the impact would be to lengthen speeches on the floor of the Senate. It may well be that the rules here would override human nature, would override the disciplining effect of television broadcast coverage. But the only way to find out is by having a test period and trying it out. The American people want it by an overwhelming percentage. The majority of Senators want it, apparently.

What is proposed here is such a modest step to try it out, first on closed circuit; see exactly what it is like; see which arguments are correct and which are not correct. I just hope that our colleagues will approve this modest experiment.

Mr. JOHNSTON. Mr. President, the Senator, as I say, makes a very powerful argument which I think runs counter to the experience of modern politics and counter to human nature. As the boob tube comes to the Senate, I think it is going to change us dramatically for the ill.

I hope, if we do get television here in the Senate, we do two things: first of all, we make our experimental period a real test where the signal goes out to America, because a test that just has the lights and the camera and no people to see it is no test at all. That is not going to affect the way Senators speak, if they know that nobody is going to see them. It is the fact that they are speaking to all those millions of people out there and might get on the nightly news that would affect the way they do it.

Second, in addition to having a real test, I hope we could say "Only by unanimous consent." And it may be that television with unanimous consent—that is, when you have a time agreement—could work well. It certainly would be fair to all concerned and it would not prevent us from getting our business done. It may prevent you from getting unanimous consent but, once you got it, at least you would have time under control.

Mr. GARN. Mr. President, I rise today to add my voice to those calling for the adoption of Senate Resolution 28, to provide for a test period of live television and radio coverage of the proceedings of the Senate. I have been a supporter of the concept of televised proceedings of the Senate—most recently, cosponsoring Senate Resolution 66 in the 98th Congress introduced by Howard Baker, a leading advocate on this issue during his tenure in the Senate—throughout my service in this body. In fact, in January 1975, as a "days-old" Member of this body, I joined our former colleague, the late Senator Lee Metcalf, as a cosponsor of Senate Resolution 39, providing for radio and television coverage of Senate proceedings. It might even have been the first thing I ever cosponsored as a Senator. On several occasions since then, I have supported other similar resolutions, none of which the Senate saw fit to act upon.

In May 1979, I introduced a resolution of my own to provide for radio and television coverage of the then-expected debate on the SALT II Treaty. When no action was forthcoming on that measure, I introduced the same language as an amendment to another bill, but withdrew it in favor of continuing negotiations on the conduct of the SALT debate. As we all know, that debate was never held, and when that issue died, so did the question of televising the debate, since it was only directed then at that specific issue. But there was widespread support for broadcasting that debate. I believe if the Senate had, in fact, taken up the SALT II Treaty, we would have done it under the gaze of television cameras. The reason was a compelling one—it would have been the most significant discussion of foreign policy and national security issues in modern times. It would have been a debate, the outcome of which would have been a critical policy determination affecting the very security of every man, woman, and child in this country. A decision of that magnitude demands the understanding and support of the American people. The Senate's debate would have provided them with that understanding and formed the basis for that support.

The Senate is now at a time when virtually every act begins to take on a similar weight in its impact on the American people. The annual budget debate bears the same sort of potential for lasting impact on all Americans that the SALT II Treaty bore in 1979. All this talk of tax reform and Gramm-Rudman-Hollings will certainly have as widespread an effect on the country's inner peace as an issue involving world peace.

My point, Mr. President, is that we are talking about basically the same sort of thing now that we were in 1979, when there was such broad support for televising the SALT II debate. The issues haven't changed that much; they've simply been put into a broader context as part of the bigger picture. And certainly the need for the public to be informed has not lessened.

If we have learned anything in the last several months of public discussion about the budget, it is that no program, whether it is conceived by the President or enacted by the Congress, can succeed if it lacks public support. And we all know that no program of the vastness and complexity needed to address the problems we face will emerge from this legislative process in the same form it came into it. The essence of the process is to find, through painstaking effort, the common points on which the majority can agree. No matter how strongly we individually feel about our own ideas going into the debate, we accept the outcome as the best that can be hoped for and allow it to become the law of the land. The only way we can do that in good conscience is to have gone through the debate, made our best efforts to win our points, but in the end, accepting the will of the majority. Why should we expect any less of the public? Why should we not give them the opportunity to participate—even if only as observers—in the democratic process of building a consensus? I believe we should, and I believe we will have a greater chance for public policy to succeed if the public has, in effect, been there at its creation.

Many of our colleagues are worried about presenting a less than favorable image of the Senate if we allow floor

proceedings to be televised. I understand their concerns. They're worried that the public won't understand what they see on the Senate floor—the empty seats, the private conversations, the apparent lack of attention, the hodge-podge of activity on the periphery, as Senators mingle and cluster in small groups, and staff members go about their duties. All of this can be confusing and distracting—to those who are unfamiliar with the Senate's proceedings. What those with these concerns are forgetting is that the reason these appear to be strange goings-on to people is because they haven't seen them before. They haven't had a chance to sit in the gallery and watch the Senate proceedings enough to learn that all of these unexpected activities serve a purpose, that is part of the legislative process. Our colleagues who raise these concerns are raising them in an environment where proceedings of the Senate have not been televised. There is no evidence, from the experience of other legislative bodies which have televised their proceedings, that these concerns remain of any real consequence. There's nothing wrong with being seen as we are. To raise those concerns as objections to televising proceedings, one would have to raise them as reason to eliminate the public galleries. Thousands of people sit up there every year, and watch what happens on the floor. Has that ever caused any problems? Certainly not. In fact, those people who have sat there are far more likely to understand the nature of the Senate as an institution, and that understanding, I believe, forms the basis for them to accept it as the real human institution it is. They are far more likely to respect its proceedings because of that insight. At least they are far less likely to misunderstand it, or expect too much of it. I'm very proud of the fact that the Senate is a collection of people trying their best to do the difficult job of establishing the basic guidelines for governing a vast, complex Nation in challenging and difficult times. When the public understands that, we will all be better for it, and the institution and each of us as part of it, will gain from that greater closeness to the people we are elected to serve.

For these reasons, Mr. President, I support Senate Resolution 28 which will provide gavel-to-gavel coverage of Senate proceedings on a test basis. I understand the other resolutions introduced on this issue, with the exception of Senate Resolution 81 introduced by Senator ARMSTRONG, will not provide for gavel-to-gavel coverage, but will instead leave the decision on when to televise the proceedings and when not to televise to the majority and minority leaders as well as the floor managers of the bill up for consideration. These other resolutions may also provide for approval by the chairman and ranking minority member of this committee. The decision to televise would involve too many people under these proposals, each with their own reasons as to why or why not an issue is worthy of television coverage. I believe that decision should be left with the public, who could exercise the agency to watch the proceedings when he or she so desires. Viewers will be in front of their televisions when an issue is debated that specifically affects them—for example, tax reform—and they will turn to another channel when the floor issue has no specific impact on them—for example, the conveyance of a parcel of land to an individual State. However, the public should have the right to view what they want, no matter what the issue is. We have nothing to hide; gavel-to-gavel coverage is the best remedy and will open the Senate to the full light of day.

Some of us are critical at times of the media, when we believe they have only superficially covered what transpires on the floor of the Senate. We are even more wounded when we believe press accounts have been unduly selective, or even biased, in their coverage. This resolution will not eliminate that concern. But it will provide that the entirety of what goes on here is available to the public. Those who watch the proceedings can draw their own conclusions about what takes place. Furthermore, the media, knowing that their own viewers have access to the entire proceedings, will have an added incentive to ensure that they are presenting as truly accurate and complete a picture as possible within the limits of their medium, of what has taken place.

Mr. President, whatever the disadvantages, real or imagined, I believe they are outweighed by the positive good that will be done for the Senate as an institution, as a result of increased awareness and understanding on the part of the public as to what this body is really all about.

I therefore urge my colleagues to join in adopting Senate Resolution 28. This issue is too important not to receive some action this session by the Senate. I have enough confidence in this institution, and in my colleagues, to believe the result will be positive and beneficial to our democratic process.

Mr. ANDREWS. Mr. President, I rise today in support of Senate Resolution 28 which would permit radio broadcasts of Senate floor proceedings and the installation of television cameras for an experimental period of closed-circuit TV broadcasts.

The constitutional guarantee of free speech is as much the right to speak as it is the right to be heard. For too long, the public has been denied the right to hear and see the Senate work its legislative will. For too long, the people have heard only empty silences from within the Senate Chamber.

Mr. Chairman, today we have the opportunity to bring the Senate into the 20th century; to bring the light of public scrutiny and, yes, even accountability, into the Senate Chamber; and most important of all, to bring the people closer to their elected representatives.

Almost a decade ago, as a Member of the House, I enthusiastically supported legislation to open that Chamber to the people through the medium of television. Critics warned of chaos and upheaval. Their predictions have obviously fallen short of the mark. The House saw the need to bring the people into the legislative process. They did and they were right. It is now our turn.

Over 200 years ago, Thomas Jefferson argued that an enlightened informed public were the true guardians of freedom and liberty. He wrote that:

> I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with . . . discretion, the remedy is not to take (power) from them, but to inform (them).

It is high time the Senate heeded Jefferson's words.

The public has a right to know how the Senate functions and the Senate has an obligation to see that the public's right to know is protected.

Mr. President, it is time to lift the dark cloak of silence under which the Senate does its work. The House has opened its doors. Government in the sunshine is mandated for our Federal commissions and agencies. The Senate can do no less.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDENT OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. DOLE. Mr. President, I would like to inquire of the minority leader if he is in a position to pass any or all of the following calendar items: Calendar 388, S. 582; Calendar 439, S. 386; Calendar 499, S.J. Res. 226; Calendar 500, S.J. Res. 234; Calendar 501, S.J. Res. 239; Calendar 502, S.J. Res. 247; Calendar 503, S.J. Res. 249; and Calendar No. 504, S.J. Res. 254.

Mr. BYRD. Mr. President, we are clear on this side of the aisle to act on all of those items.

Mr. DOLE. Then, Mr. President, I ask unanimous consent, as in morning business, that the calendar items just

identified be considered en bloc and passed en bloc, and all committee reported amendments and preambles be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL APPROPRIATIONS TO THE SMITHSONIAN INSTITUTION

The Senate proceeded to consider the bill (S. 582) to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution for carrying out the purposes of said act, which had been reported from the Committee on Rules and Administration, with an amendment:

On page 2, line 4, strike "the sum", through and including "1990" on line 6, and insert the following: "the sum of $843,000 for fiscal year 1986, $893,000 for fiscal year 1987, and $943,000 for fiscal year 1988".

SEC. 2. Subsection (a) of section 2 of the National Museum Act of 1966 is amended in the matter preceding clause (1) by striking out "The Director of the National Museum under the direction of the" and inserting in lieu thereof "The".

So as to make the bill read:

S. 582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b) of the National Museum Act of 1966 (20 U.S.C. 65a) is amended to read:

"(b) There is hereby authorized to be appropriated to the Smithsonian Institution the sum of $843,000 for fiscal year 1986, $893,000 for fiscal year 1987, and $943,000 for fiscal year 1988".

SEC. 2. Subsection (a) of section 2 of the National Museum Act of 1966 is amended in the matter preceding clause (1) by striking out "The Director of the National Museum under the direction of the" and inserting in lieu thereof "The".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONVEYANCE OF CERTAIN REAL PROPERTY TO ERNEST AND DIANNA PRITCHETT

The bill (S. 386) to confirm a conveyance of certain real property by the Southern Pacific Transportation Co. to Ernest Pritchett and his wife, Dianna Pritchett, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 3, the conveyance described in section 2(a) of this Act involving certain real property in Jackson County, Oregon, forming a part of the right-of-way granted by the United States to the California and Oregon Railroad Company under the Act entitled "An Act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon", approved July 25, 1866 (14 Stat. 239), is confirmed in Ernest Pritchett and his wife, Dianna Pritchett, the grantees in such conveyance, and their successors in interest, with respect to all interests of the United States in the rights to the real property described in section 2(b) of this Act.

SEC. 2. (a) The conveyance confirmed by this Act was made by a deed dated July 23, 1982, by the Southern Pacific Transportation Company to Ernest Pritchett and his wife, Dianna Pritchett, and recorded on October 20, 1982, in the official records of Jackson County, Document Numbered 82-15174.

(b) The real property referred to in the first section of this Act is a parcel of land in the northwest quarter of section 26, township 36 south, range 4 west, Wiliamette meridian, county of Jackson, State of Oregon, more particularly described as follows:

Commencing at the west quarter corner of such section 26;

thence south 80 degrees 46 minutes 45 seconds east along the southerly line of such northwest quarter of section 26 a distance of 1082.50 feet to a point in a line parallel with and distant 100 feet northeasterly, measured at right angles, from the original located center line of Southern Pacific Transportation Company's main track (Siskiyou branch), and also the true point of beginning of the parcel to be described;

thence north 65 degrees 2 minutes 35 seconds west along such parallel line 1191.92 feet to the westerly line of such section 26;

thence south zero degrees 12 minutes 52 seconds west along such westerly line 55.05 feet to a point in a line parallel with and distant 50 feet northeasterly, measured at right angles, from such center line;

thence south 65 degrees 2 minutes 35 seconds east along last such parallel line, as last such parallel line being also the northeasterly line of that certain parcel of land described in deed dated June 23, 1883, from Frederick G. Birdsey to Oregon and California Railroad Company, recorded July 28, 1883, in deed book 10, page 463, records of such county, a distance of 1060.35 feet to such southerly line;

thence south 89 degrees 46 minutes 45 seconds east along such southerly line 119.49 feet to the true point of beginning, containing an area of 1.293 acres, more or less.

SEC. 3. (a) Nothing in this Act shall—

(1) diminish the right-of-way referred to in the first section of this Act to a width of less than 50 feet on each side of the center of the main track or tracks established and maintained by the Southern Pacific Transportation Company on the date of enactment of this Act; or

(2) validate or confirm any right or title to, or interest in, the land referred to in the first section of this Act arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance by the Southern Pacific Transportation Company before the date of enactment of this Act.

(b) There is reserved to the United States all oil, coal, or other minerals in the land referred to in the first section of this Act, together with the right to prospect for, mine, and remove such oil, coal, or other minerals under such rules and regulations as the Secretary of the Interior may prescribe.

WORLD HEALTH WEEK AND WORLD HEALTH DAY

The joint resolution (S.J. Res. 226) to designate the week of April 6, 1986, through April 12, 1986, as "World Health Week," and to designate April 7, 1986, as "World Health Day," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 226

Whereas the health of a nation depends upon the health of its people;

Whereas improvement of the health of the people of our Nation contributes to world health, and world health contributes to the health of our Nation—a principle enunciated in the Constitution of the World Health Organization and accepted by the United States;

Whereas the United States is an active member of the World Health Organization and has both benefited from and contributed to the achievements of the Organization;

Whereas the countries of the world, acting through the World Health Organization, are committed to the goal of "Health for All by the Year 2000";

Whereas primary health care is recognized as a key to the attainment of "Health for All by the Year 2000";

Whereas health education and health awareness, prevention, and treatment of common diseases and illnesses, basic sanitation, and adequate nutrition are essential elements of primary health care;

Whereas the World Health Organization has established April 7 of each year as World Health Day to call attention to what individuals and governments can do to further the health of human beings everywhere, and the American Association of World Health has sponsored and assisted in this endeavor; and

Whereas it has been the custom for the President to call attention to World Health Day each year in the form of a public message: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 6, 1986, through April 12, 1986, is designated as "World Health Week" and April 7, 1986, is designated as "World Health Day" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

NATIONAL BURN AWARENESS WEEK

The joint resolution (S.J. Res. 234) to designate the week of February 9, 1986 through February 15, 1986, as "National Burn Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

71-059 O-87-5 (Pt. 2)

S.J. RES. 234

Whereas the burn problem in the United States is the worst of any industrialized nation in the world;

Whereas burn injuries are one of the leading causes of accidental death in the United States;

Whereas every year approximately two million people are victims of burn injury in the United States;

Whereas of these injuries, seventy thousand are hospitalized and account for nine million disability days annually;

Whereas approximately twelve thousand people die from burn injuries;

Whereas the rehabilitative and psychological impact of burns are devastating;

Whereas children, the elderly, and the disabled are most likely to suffer serious burns;

Whereas it is estimated that approximately 75 percent of all burns could be prevented by proper education of children and adults; and

Whereas there is a need for an effective national program that deals with all aspects of burn prevention: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of February 9, 1986 through February 15, 1986 is designated as "National Burn Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States and all Federal, State, and local government officials to observe such week with appropriate programs and activities.

NATIONAL MATERNAL AND CHILD HEALTH WEEK

The joint resolution (S.J. Res. 239) designating the week beginning on June 1, 1986, as "National Maternal and Child Health Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 239

Whereas, the future of this Nation depends on the children of today, and therefore, each child is a valuable national resource;

Whereas, serving the health care needs of mothers and children not only improves their immediate health, but expands their potential for significant contributions to the Nation as a whole;

Whereas, for the past fifty years, title V of the Social Security Act, now known as the Maternal and Child Health Services Block Grant, has been an important vehicle for meeting this worthy national purpose;

Whereas, title V, from its inception, has brought the needs of mothers and children to national attention, and has promoted further development of legislation and support for the many health and welfare needs of mothers and children;

Whereas, title V has shared with the States the financing and organizing of comprehensive systems of preventive and primary health services to low-income women and children, comprehensive health services for disabled, handicapped, and chronically ill children, and services for a variety of special needs;

Whereas, the title V programs represent a long-standing commitment to preventive health services, which have been highly successful in improving the health of mothers and children, and in reducing infant mortality and morbidity; and

Whereas, in this time of increasing demands and limited resources, a national commitment must be reaffirmed to the vulnerable members of society who are served by the title V maternal and child health programs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 1, 1986, is designated as "National Maternal and Child Health Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate programs, ceremonies, and activities.

NATIONAL THEATRE WEEK

The joint resolution (S.J. Res. 247) to designate the week of June 1 through 7, 1986, as "National Theatre Week", was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 247

Whereas many Americans have devoted much time and energy in advancing the cause of theatre;

Whereas the theatres of America have pioneered the way for many performers and have given them their start in vaudeville and stage;

Whereas theatre is brought to Americans through high schools, colleges and community theatre groups as well as through professional acting companies;

Whereas citizens of America have been called upon to support the theatre arts in the Nation's interest; and

Whereas many individuals and organizations are hailing the strength and vitality of the theatres of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 1 through June 7, 1986, shall be proclaimed as "National Theatre Week" throughout the country and that the President of the United States is authorized to issue a proclamation calling upon the citizens to support this effort with assistance to theatres throughout the country.

TIME OF REMEMBRANCE FOR VICTIMS OF TERRORISM

The joint resolution (S.J. Res. 249) to proclaim October 23, 1986, as "A Time of Remembrance" for all victims of terrorism throughout the world, was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, are as follows:

S.J. RES. 249

Whereas the problem of terrorism has become an international concern that knows no boundaries—religious, racial, political, or national;

Whereas thousands of men, women, and children have died at the hands of terrorists in nations around the world, and today terrorism continues to claim the lives of many peace-loving individuals;

Whereas October 23, 1983, is the date on which the largest number of Americans were killed in a single act of terrorism—the bombing of the United States compound in Beirut, Lebanon, in which two hundred and forty-one United States servicemen lost their lives;

Whereas many of these victims died defending ideals of peace and freedom; and

Whereas it is appropriate to honor all victims of terrorism, and in America to console the families of victims, and to cherish the freedom that their sacrifices make possible for all Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 23, 1986, be proclaimed as "A Time of Remembrance", to urge all Americans to take time to reflect on the sacrifices that have been made in the pursuit of peace and freedom, and to promote active participation by the American people through the wearing of a purple ribbon, a symbol of patriotism, dignity, loyalty, and martydom. The President is authorized and requested to issue a proclamation calling upon the departments and agencies of the United States and interested organizations, groups, and individuals to fly United States flags at half staff throughout the world in the hope that the desire for peace and freedom take firm root in every person and every nation.

Mr. DENTON. Mr. President, on December 13, 1985, along with my distinguished colleague Senator PATRICK J. LEAHY, I introduced a joint resolution proclaiming October 23, 1986, as a "Time of Remembrance" for all victims of terrorism throughout the world. The resolution has now been favorably reported by the Judiciary Committee.

Mr. President, over the last year, we have seen several acts of terrorism that resulted in the death of American citizens.

In June, the bloody terrorist assault on an outdoor cafe in El Salvador left four United States marines and two other Americans dead.

Also in June, the hijacking of TWA Flight 847 resulted in the death of Robert Dean Stethem, a member of the U.S. Navy.

Again, in October, we learned of the despicable and cowardly slaying of Leon Klinghoffer on board the *Achille Lauro.*

Most recently, we learned of the death of Scarlett Marie Rogenkamp, a passenger aboard EgyptAir Flight 648.

We are continually reminded by events such as these that America and its citizens are the primary target of international terrorists.

I know that we can do nothing to bring back the brave people who have lost their lives to terrorism, nor can we mitigate the losses suffered by their loved ones. We can, however, take the time to remember and honor the victims of terrorism throughout the

world, and to let their friends and loved ones know that our remembrance of the victims will serve to strengthen our resolve to fight terrorism with all of our strength.

Mr. President, I am confident that we will win the fight against terrorism. We will because, as my good friend and colleague from Vermont, Mr. LEAHY, has said, "Our love and strength is greater than their hate."

The Senator from Vermont made that statement on April 3, 1985, the day that he, I, and 35 other original cosponsors introduced Senate Joint Resolution 104, a joint resolution proclaiming October 23, 1985, as the second "Time of Remembrance" for all victims of terrorism throughout the world. The first "Time of Remembrance" was observed on October 23, 1984, the first anniversary of the tragic death of 241 U.S. servicemen in the terrorist bombing of the marine barracks in Beirut.

The originating and driving organization behind the effort is No Greater Love, a national, nonprofit, nonpolitical, humanitarian organization dedicated to providing programs of care and friendship to children whose parents were killed while serving our country. During past year's "Times of Remembrance," No Greater Love sponsored commemorative ceremonies at Arlington National Cemetery.

The ceremonies were of international significance and success. Letters of support and appreciation were received from diplomatic officials, Governors, private organizations, and individuals throughout the Nation and around the world. It is because of the tremendous response, and because of the continuing tragedy of worldwide terrorism, that we introduced Senate Joint Resolution 249 in an effort to make "A Time of Remembrance" an annual occurrence.

Senate Joint Resolution 249 proclaims October 23, 1986, as "A Time of Remembrance." It urges:

All Americans to take time to reflect on the sacrifices that have been made in the pursuit of peace and freedom and to promote active participation by the American people by the wearing of a purple ribbon, a symbol of patriotism, dignity, loyalty, and martyrdom.

It also requests the President to issue a proclamation:

Calling upon the departments and agencies of the United States and interested organizations, groups, and individuals to fly United States flags at half mast throughout the world in the hope that the desire for peace and freedom may take firm root in every person and every nation.

Mr. President, I hope by designating October 23, 1986, as the "Time of Remembrance" we will call attention to the worldwide tragedy of terrorism.

I urge my colleagues to approve this joint resolution.

Thank you, Mr. President.

NATIONAL YEAR OF THANKSGIVING

The joint resolution (S.J. Res. 254) to designate the year of 1987 as the "National Year of Thanksgiving," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 254

Whereas the celebration of a Thanksgiving season has been a national tradition observed by the people of the United States from the days of the early settlers to the present time;

Whereas many of the great leaders of the Nation, including Presidents George Washington and Abraham Lincoln, recognized the importance of setting aside a time of Thanksgiving, and Presidential proclamations have established the last Thursday of November as a day of Thanksgiving;

Whereas in 1941, Thanksgiving was established as a permanent national holiday;

Whereas in 1987, the United States will celebrate the bicentennial of the United States Constitution and the opening of the one-hundredth Congress;

Whereas the United States Constitution has adapted to changing times and remains a living document;

Whereas it is appropriate to give thanks for the everyday freedom that the people of the United States so often take for granted;

Whereas the people of the United States should take time to appreciate a land of plenty, a Nation of vast human and natural resources; and

Whereas the people of the United States should better understand the history of the rich American heritage: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the year 1987 is designated as the "National Year of Thanksgiving", and the President is authorized and requested to issue a proclamation calling upon the governors of the several States, the chief officials of local governments, and the people of the United States to observe such year with appropriate ceremonies and activities.

Mr. DOLE. Mr. President, I move to reconsider the votes on the above items.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BILLS INDEFINITELY POSTPONED

Mr. DOLE. Mr. President, I ask unanimous consent that Calendar No. 434, S. 686, and Calendar No. 437, S. 1517, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANK BRIBERY AMENDMENTS ACT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar 487, H.R. 3511, the Bank Bribery Amendments Act, submitted by the Senator from Texas and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3511) to amend title 18, United States Code, with respect to certain bribery and related offenses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment:

On page 2, strike line 13, through and including "(figure 1);" on line 15, and insert "person, intending to be influenced or rewarded in connection with any business or transaction of such institution;"

So as to make the bill read:

H.R. 3511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bank Bribery Amendments Act of 1985".

SEC. 2. CHAPTER 11 AMENDMENT.

Section 215 of title 18, United States Code, is amended to read as follows:

"§ 215. Receipt of commissions or gifts for procuring loans

"(a) Whoever—

"(1) corruptly gives offers, or promises anything of value to any person, with intent to influence or reward an officer, director, employee, agent, or attorney of a financial institution in connection with any business or transaction of such institution; or

"(2) as an officer, director, employee, agent, or attorney of a financial institution, corruptly solicits or demands for the benefit of any person, or corruptly accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business or transaction of such institution; shall be fined not more than $5,000 or three times the value of the thing given, offered, promised, solicited, demanded, accepted, or agreed to be accepted, whichever is greater, or imprisoned not more than five years, or both, but if the value of the thing given, offered, promised, solicited, demanded, accepted, or agreed to be accepted does not exceed $100, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) As used in this section, the term "financial institution" means—

"(1) a bank with deposits insured by the Federal Deposit Insurance Corporation;

"(2) an institution with accounts insured by the Federal Savings and Loan Insurance Corporation;

"(3) a credit union with accounts insured by the National Credit Union Share Insurance Fund;

"(4) a Federal home loan bank or a member, as defined in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422), of the Federal home loan bank system;

"(5) a Federal land bank, Federal intermediate credit bank, bank for cooperatives, production credit association, and Federal land bank association;

"(6) a small business investment company, as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662);

"(7) a bank holding company as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841); or

"(8) a savings and loan company as defined in section 408 of the National Housing Act (12 U.S.C. 1730a).

"(c) This section shall not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.".

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

Mr. DOLE. Is there a committee amendment?

The PRESIDING OFFICER. There is a committee amendment.

Mr. DOLE. I move adoption of the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I rise to support passage of H.R. 3511, a bill to amend the bank bribery statute. This bill has passed the House of Representatives and has been reported by the Committee on the Judiciary as amended without objection. It is supported by the American Bankers' Association and representatives of other financial institutions.

The bill cures some significant defects in the current law. The efforts of the 98th Congress to revise the bank bribery provisions in the Comprehensive Crime Control Act resulted in far too broad an offense. Because the offense does not require a corrupt or bad purpose, it reaches all kinds of otherwise legitimate and acceptable conduct. Thus, under the present law, a person may commit a Federal crime for engaging in activities recognized by all to be normal, legitimate business conduct. H.R. 3511 corrects this error by inserting a corrupt intent standard. I believe this standard correctly reflects what Congress always intended: to proscribe corrupt practices but not legitimate business activity.

I am pleased to have worked with Senators DECONCINI and BIDEN in an effort to address Senator METZENBAUM's concern regarding the need for clarifying guidelines. I believe Senator METZENBAUM's amendment reflects a fair resolution to that concern.

The guidelines referred to in the amendment are, indeed, merely to provide guidance and should not in any way be regarded as adding to or detracting from the intent standard set forth in the legislation. Additionally, we all agree that the guidelines are separate and distinct from any prosecutorial guidelines the Department of Justice may choose to develop. Based on these understandings, I do not object to Senator METZENBAUM's amendment.

I am pleased that we have all worked together to move this important legislation forward.

Mr. DECONCINI. Mr. President, I am pleased to join with the Chairman [Mr. THURMOND], the ranking member [Mr. BIDEN], and other members of the Judiciary Committee in bringing H.R. 3511 to the consideration of the Senate. The legislation we consider today is the result of many hours of negotiation and discussion. We have reached a compromise which, while not the result I would have preferred, does achieve a solution to a problem we created 2 years ago in the Comprehensive Crime Control Act of 1984.

On May 22, 1985, I introduced S. 1214 to address the problem presented by the 1984 act. S. 1214 was identical to H.R. 2617, introduced in the House by Representatives GEKAS, GLICKMAN, and MCCOLLUM. This House bill became H.R. 3511 when it passed the House Judiciary Committee. S. 1214 and H.R. 3511 take a similar approach to the problem and I recommend that the Senate approve H.R. 3511.

Section 1107 of the 1984 Comprehensive Crime Control Act amended section 215 of title 18 to strengthen the Federal prohibition against offering or receiving bribes in connection with the business of a bank or other financial institution. I believe, however, that the language of the section encompasses a wide range of accepted business practices that were not the intended target of the statute.

Many routine banking activities are now potential violations under the law since the statute covers all situations where financial institution employees, directly or indirectly, seek or accept "anything of value" from anyone "in connection with any transaction or business of such financial institution." The statute fails to draw necessary distinctions between recognized business conduct and conduct that may constitute a danger to customers or investors. The receipt of advertising and promotional items of nominal value and the testimonial dinner recognizing the community services of a financial institution executive are just two examples of activities that could be construed to be covered by this statute.

Unless modified, this statute threatens to chill legitimate interaction between financial institution employees, customers, and professionals who serve these institutions. The impact of this unnecessarily broad language could impair the business operations of financial institutions resulting in a detriment to their customers, stockholders, and the general public. The sweeping and overbroad terms of the statute equally condemn those involved in legitimate business activity and those intent upon obtaining an illegal gain from the business of banking and suggest no ground for distinguishing between them. No limiting purpose is set forth in the legislative history. Finally, the statute enacted last year contains no mens rea or knowledge requirement.

H.R. 3511 amends title 18 to make a distinction between the conduct Congress intended to proscribe and legitimate business activities. I support any effort to penalize those who would subvert the fiduciary relationship that America's financial institutions have with its customers and the public at large. I believe that we can accomplish this purpose without calling into question legitimate conduct. The proposed language would modify the section to apply only to conduct undertaken with an "intent" to corruptly influence any transaction of a financial institution. These changes will ensure that the common law, State and Federal statutory definitions of bribery as the "corrupt intent to influence" remains unchanged.

AMENDMENTS NO. 1583

(Purpose: To clarify standards of conduct which violate the prohibitions contained in the act.)

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of Mr. METZENBAUM.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. METZENBAUM, proposes an amendment numbered 1583.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, after line 3, insert the following:

"(d) The Justice Department shall consult with the Federal regulatory agencies with responsibility for regulating financial institutions as defined in this Act in order to establish a unified set of guidelines for identifying conduct which is prohibited by this section. The Department and such regulatory agencies shall make such guidelines available to the public. Compliance or noncompliance with the standards contained in such Act shall be relevant but not dispositive in determining whether a violation of this section has occurred."

Mr. METZENBAUM. Mr. President, the intention of this amendment is to provide some standards for the banking industry in determining the type of conduct that qualifies as criminal bribery. In 1984, Congress passed a comprehensive revision of the Criminal Code. Concern has been raised

that the provision dealing with bank bribery might have been interpreted to reach even generally accepted behavior which does not rise to the level of criminal conduct. For example, the current provision could be interpreted to prohibit taking bank employees to lunch or providing minor gratuities to employees with no intention to induce the employee to act in violation of any fiduciary duty to the financial institution.

H.R. 3511, which has been passed by the House, attempts to deal with this problem by adding the requirement that the defendant "corruptly" gives or accepts something of value. While I agree this is an improvement, the bill is still somewhat unclear as to precisely which conduct is subject to criminal prosecution. Although the current bill is not so vague as to raise a constitutional problem, it would be more effective in deterring undesirable conduct if it were coupled with guidelines for identifying prohibited conduct.

In order to give more guidance to the industry, and encourage self-regulation by the management of financial institutions, this amendment requires the Justice Department in consultation with the Federal banking supervisory agencies to develop guidelines regarding standards in this area. These standards would not be a substitute for the legal standard in the bill. However, compliance or noncompliance with these standards would be relevant in determining whether a violation of the prohibitions contained in the act has occurred. The final determination of whether a violation of the statutory standard has occurred is up to the courts and the jury in its factfinding role. Consequently, a violation of a guideline is relevant to this determination but not dispositive.

It is not the purpose of the amendment to create a defense if a person has no knowledge of the standards of conduct. Lack of knowledge of such standards would not establish that acceptance of things of value was done without the criminal intent required by the act.

These standards, combined with the cooperation of financial institutions, should reduce the need for criminal prosecutions by clarifying acceptable standards of conduct and by promoting self-regulation by the banking industry.

The amendment I am offering represents the results of negotiations between myself and Senators DECONCINI, THURMOND, and BIDEN in consultation with the Department of Justice and representatives of the financial institutions affected by this legislation.

Mr. DECONCINI. Let me say to Senator METZENBAUM, the purpose of the amendment he is offering is to provide guidance to the financial institutions, to the U.S. attorneys throughout the country and to judges and juries as to what conduct the Congress intends to prohibit. I believe that he is concerned the term "corruptly" is not well understood in the financial industry. Because of the lack of precedent of the use of this term in analyzing banking practices, he believes that all concerned are in need of clarification. He proposes then that the Jutice Department consult with the appropriate Federal agencies with responsibility for regulating the financial institutions covered by the bank bribery statute, 18 U.S.C. 215 as we would amend it.

Mr. METZENBAUM. Yes, Mr. President, I am concerned about the meaning of "corruptly" in the context in which it is used in H.R. 3511. I believe that guidelines, drafted by those with expertise in the banking and financial industries, will serve the interests of all concerned. These guidelines will assist the employees of financial institutions in determining what business conduct is legitimate and what is proscribed by the statute. The guidelines will serve to assist the Justice Department and its prosecutors in determining what conduct and activities should be subject to investigations and prosecutions. The guidelines will serve to assist judges and juries in determining whether violations of the statute have occurred.

Mr. DECONCINI. It is my understanding, though, that these guidelines are meant to be merely just that—guidelines—and are not meant to become part of the statute itself. I say this for two reasons. First, I am concerned about the precedent that I do not want to set by creating a Federal criminal statute which depends on guidelines to give it meaning. Federal criminal statutes should not have guidelines, the violation of those guidelines being a criminal act. Second, I am concerned about the lack of flexibility and discretion that might come about if fixed standards are developed in these guidelines. We want to make sure that all, including the factfinder parties, look to the statute itself and the "corruptly" language contained therein, in determining whether a violation has occurred. The guidelines required by this amendment are meant to be "relevant" in determining whether a violation has occurred, but are not meant to dispose of the question. Regardless of whether a defendant's actions have violated the guidelines or not, the Government must still prove he undertook such actions "corruptly." Conversely, even if a defendant's actions did not violate the guidelines, the Government will still have the opportunity to prosecute and convict if the defendant's actions violate the statute and were undertaken with corrupt intent.

Mr. METZENBAUM. Senator DECONCINI is correct in his analysis of the intent of this amendment. The guidelines to be developed by the appropriate financial institution regulatory agencies are meant to guide not restrict the parties involved. The factfinder in prosecutions brought under section 215 should look to these guidelines for assistance in determining whether a defendant's actions were undertaken corruptly or not but should not rely on the guidelines as disposing of the question. I am in agreement with Senator DECONCINI that we should not leave it to the regulatory agencies to determine what conduct violates the law, but should merely allow them to offer this guidance to those who must make this determination.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1583) was agreed to.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 3511), as amended, was passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the following nominations on the Executive Calendar: Calendar No. 643, H. Lawrence Garrett III; Calendar No. 644, under the Air Force; Calendar Nos. 645, 646, 647, and 648 under the Army; and all nominations placed on the Secretary's desk with the exception of Foreign Service nomination of Edwin G. Corr.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the nominations just identified be considered en bloc and confirmed en bloc.

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

H. Lawrence Garrett III, of Virginia, to be general counsel of the Department of Defense.

IN THE AIR FORCE

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, and 8373, title 10, United States Code:

To be major general

Brig. Gen. Charles R. Cargill, xxx-xx-xxxx xxx-...FV, Air Force Reserve.
Brig. Gen. Leonard W. Hegland, xxx-xx-x... xxx-...FV, Air Force Reserve.
Brig. Gen. Arthur H. Hutton, xxx-xx-xxxx xxx-...FV, Air Force Reserve.
Brig. Gen. Byron E. Mills, Jr., xxx-xx-xxxx xxx-...FV, Air Force Reserve.
Brig. Gen. Roger P. Scheer, xxx-xx-xxxx xxx-...FV, Air Force Reserve.

To be brigadier general

Col Joseph R. Albi, xxx-xx-xxxx FV, Air Force Reserve.
Col. William L. Carpenter, xxx-xx-xxxx FV, Air Force Reserve.
Col. Roger G. Knight, xxx-xx-xxxx FV, Air Force Reserve.
Col. Michel Levant, xxx-xx-xxxx FV, Air Force Reserve.
Col. Edmund X. Loughran, xxx-xx-xxxx xxx-...FV, Air Force Reserve.
Col. Allen S. Mason, xxx-xx-xxxx FV, Air Force Reserve.
Col. Harvey J. McCarter, xxx-xx-xxxx FV, Air Force Reserve.
Col. Clark O. Olander, xxx-xx-xxxx FV, Air Force Reserve.
Col. Angelo J. Perciballi, xxx-xx-xxxx FV, Air Force Reserve.
Col. Glenn W. Redmond, xxx-xx-xxxx FV, Air Force Reserve.
Col. Donald C. Roth, xxx-xx-xxxx FV, Air Force Reserve.
Col. James E. Simon, xxx-xx-xxxx FV, Air Force Reserve.
Col. George T. Wier, xxx-xx-xxxx FV, Air Force Reserve.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. William G.T. Tuttle, Jr., xxx-... xxx-xx-xx... U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Robert Arter xxx-xx-xxxx, age 56, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Frederick F. Woerner, Jr., xxx-... xxx-xx-x... U.S. Army.

The U.S. Army Reserve officer named herein for appointment as a Reserve commissioned officer of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. Rudolph E. Hammond, xxx-xx-x... xxx-...
Brig. Gen. Alfred W. Porter, Jr., xxx-xx-x... xxx-...
Brig. Gen. Robert P. Sy, xxx-xx-xxxx.

To be brigadier general

Col. David M. Adamson, xxx-xx-xxxx.
Col. Michael M. Berzowski, xxx-xx-xxxx.
Col. Robert J. Bopp, xxx-xx-xxxx.
Col. Joseph H. Brooks, xxx-xx-xxxx.
Col. James W. Holsinger, Jr., xxx-xx-xxxx.
Col. James R. Land, xxx-xx-xxxx.
Col. John R. McWaters, xxx-xx-xxxx.
Col. Thomas E. Potter, xxx-xx-xxxx.
Col. Thomas C. Stones, xxx-xx-xxxx.
Col. William W. Wells, xxx-xx-xxxx.
Col. Eugene J. Yonno, xxx-xx-xxxx.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3385, and 3392:

To be major general

Brig. Gen. Willard K. Carey, xxx-xx-xxxx.
Brig. Gen. James D. Delk, xxx-xx-xxxx.
Brig. Gen. Lawrence P. Flynn, xxx-xx-xxxx xxx-...

To be brigadier general

Col. Neal R. Christensen, xxx-xx-xxxx.
Col. John H. Cox, xxx-xx-xxxx.
Col. Arnaldo J. DeJesus, xxx-xx-xxxx.
Col. John M. L. Dempsey, xxx-xx-xxxx.
Col. Richard Evans, xxx-xx-xxxx.
Col. Robert L. Gooderl, xxx-xx-xxxx.
Col. Richard E. Haynes, xxx-xx-xxxx.
Col. Robert L. Lawson, xxx-xx-xxxx.
Col. Chris R. Mechling, xxx-xx-xxxx.
Col. Robert L. Sentman, xxx-xx-xxxx.
Col. Jan P. Wepster, xxx-xx-xxxx.
Col. Barry W. Young, xxx-xx-xxxx.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, FOREIGN SERVICE, MARINE CORPS, NAVY

Air Force nominations beginning James E. Carne, and ending Marilyn A. Walker, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 1985.

Air Force nominations beginning Maj. Terry O. Bernhardt, and ending Maj. Betyann Herreros, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 1985.

Air Force nomination of Paul R. Mumford, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 1985.

Air Force nominations beginning Scott K. Kellogg, and ending Philip J. Zinser, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 1985.

Air Force nominations beginning Thomas F. Abbott, and ending Harvey A. Schwertner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 1985.

Air Force nominations beginning Roy L. Aanerud, and ending Wilbur T. Workman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 1985.

Air Force nominations beginning Paul R. Mumford, and ending Norma J. Borgford, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 21, 1986.

Air Force nominations beginning Michael A. Abbott, and ending Darren L. Zwolinski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 21, 1986.

Army nominations beginning Ronald G. Bernoski, and ending Walter C. West, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 1985.

Marine Corps nominations beginning Susan A. Aivaz, and ending Bernard F. Mimms, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 1985.

Marine Corps nominations beginning Charles F. Laughinghouse, and ending William D. York, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 21, 1986.

Navy nominations beginning Keith J. Allred, and ending William T. Wofford III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 21, 1986.

Navy nominations beginning Jerry Mata Aguinaldo, and ending Victor G. Yurkouic, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 21, 1986.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

URGING THE STATES AND TERRITORIES TO ESTABLISH THEIR OWN COMMISSIONS ON THE BICENTENNIAL OF THE U.S. CONSTITUTION

Mr. DOLE. Mr. President, I send a concurrent resolution to the desk on behalf of Senator THURMOND, Senator STEVENS, and Senator KENNEDY, and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con Res. 104) urging the States and territories to establish their own commissions on the bicentennial of the U.S. Constitution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. THURMOND. Mr. President, I strongly support the pending resolution urging each State and territory to establish its own commission to plan for the celebration of the bicentennial of our Nation's great Constitution. I am pleased to have introduced this resolution along with Senators KENNEDY and STEVENS.

In 1983, Congress authorized the establishment of the Commission on the Bicentennial of the United States Constitution to promote and coordinate activities to commemorate the bicentennial. I am privileged to serve as a member of the Commission, along with my distinguished colleagues Senators KENNEDY and STEVENS, and 20 other fine Americans. The Commission has now been in existence for about 6 months, and under the able leadership of its chairman, Chief Justice Warren E. Burger, is rapidly working to ensure that the bicentennial will be a meaningful and successful national experience.

Mr. President, the Commission has recognized that it will need the assistance and participation of many entities, public and private, to properly prepare for the bicentennial. The participation of the 50 States and the territories will be of critical importance to the success of the Constitution bicentennial celebration.

To date, only 20 States have established their own commissions on the bicentennial of the United States Constitution.

The resolution before the Senate today would commend these 20 States, and urge the other States and territories to establish bicentennial commissions to promote and coordinate activities at the State and local level. Such State and territorial commissions would help to ensure the maximum possible participation of our citizens in the bicentennial. Additionally, they would provide our Federal Commission invaluable assistance in planning National and State activities.

Mr. President, I urge my colleagues to support this resolution urging State and territorial participation in the bicentennial of the United States Constitution.

● Mr. KENNEDY. Mr. President, I commend my colleagues for approving a concurrent resolution commending those 20 States which have established commissions on the Bicentennial of the Constitution, and urging all other States to establish such commissions.

In 1983, Congress created a national Commission on the Bicentennial of the United States Constitution, of which I am honored to be a member. In the 7 months since the national commission members were appointed, we have been encouraged by the many State, local, and private organizations which already have embarked on numerous and varied projects to commemorate the Constitution's bicentennial.

If we are to plan a fitting commemoration for the bicentennial of the U.S. Constitution in the time remaining before September 17, 1987, it is essential that every State take the lead in planning bicentennial events for its citizens. With the help of commissions in every State, we can plan a truly memorable Constitution bicentennial.

The challenge to all of us involved in the bicentennial commemoration is to revitalize our Constitution for the future, by providing the country and our people with a deeper understanding of its meaning in the light of the 200 years of our experience.

The constitutional ideas of majority rule, protection of minorities, equality of citizens, restraint on the power of government, and desire for a fundamental law are as old as Magna Carta and as current as the struggle for democracy in Chile and for an end to apartheid in South Africa.

As we enter this period of constitutional commemoration, I hope that our country as a whole and each of us as individuals will give thought to ways in which our founding document and our present institutions relate to the fundamental freedoms that shape our lives. As we honor the extraordinary vision and wisdom of the framers of the Constitution, let us add to this commemoration our own visions for our Nation's and our planet's future. In this way we can contribute to a deeper understanding of America's founding charter, and assure that the next 200 years are even greater than the first.●

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 104) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 104

Whereas, on September 17, 1987, the United States will celebrate the 200th birthday of its great Constitution;

Whereas the bicentennial of the United States Constitution is a momentous event in our Nation's history and merits the participation of all our citizens;

Whereas in 1983 the Congress authorized, in Public Law 96-101, establishment of the Commission on the Bicentennial of the United States Constitution to encourage and coordinate the Nation's celebration of the bicentennial;

Whereas to guarantee the broadest participation in the bicentennial, it is important that many entities, public and private, join the Commission on the Bicentennial in planning for the bicentennial;

Whereas of particular importance is the active participation of the States and territories in planning for the bicentennial;

Whereas to date, 20 States have established their own commissions on the bicentennial of the United States Constitution: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress commends those States and territories which have established commissions on the bicentennial of the United States Constitution and urges all of the States and territories to establish such commissions, and to work with the Federal Commission on the Bicentennial to ensure that the bicentennial will be a meaningful and successful national experience.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Sanders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL TOURISM COUNCIL, MESSAGE FROM THE PRESIDENT—PM 105

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with section 302 of the International Travel Act of 1961, as amended (22 U.S.C. 2124a), I hereby transmit the fourth annual report of the Tourism Policy Council, which covers fiscal year 1985.

RONALD REAGAN.

THE WHITE HOUSE, *February 4, 1986.*

MESSAGES FROM THE HOUSE

At 2:10 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announcing that the House has passed

the following bill, in which it requests the concurrence of the Senate:

H.R. 4061. An act to amend title 5, United States Code, to expand the class of individuals eligible for refunds or other returns of contributions from contingency reserves in the Employees Health Benefits Fund; to make miscellaneous amendments relating to the Civil Service Retirement System and the Federal Employees Health Benefits Program; and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 276. A concurrent resolution concerning the timeline for the implementation of proof of eligibility requirements for programs under the Indian Education Act.

The message also announced that pursuant to the provisions of section 1928a of title 22 of the United States Code, the Speaker appoints as members of the United States Group of the North Atlantic Assembly the following Members on the part of the House: Mr. FASCELL, Chairman, Mr. ROSE, Vice Chairman, Mr. BROOKS, Mr. ANNUNZIO, Mr. HAMILTON, Mr. GARCIA, Ms. OAKAR. Mrs. BURTON of California, Mr. BROOMFIELD, Mr. O'BRIEN, Mr. BADHAM, and Mr. REGULA.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 2466. An act to make miscellaneous changes in laws affecting the United States Coast Guard, and for other purposes; and

H.R. 4027. An act extending the waiver authority of the District of Columbia Revenue Bond Act of 1985 to certain revenue bond acts of the District of Columbia, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

At 3:51 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 974. An act to provide for protection and advocacy for mentally ill persons.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 276. A concurrent resolution concerning the timeline for the implementation of proof of eligibility requirements for programs under the Indian Education Act; to the Select Committee on Indian Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4061. An act to amend title 5, United States Code, to expand the class of individuals eligible for refunds or other returns of contributions from contingency reserves in the Employees Health Benefits Fund; to make miscellaneous amendments relating to the Civil Service Retirement System and the Federal Employees Health Benefits Program; and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOLE (for Mr. MURKOWSKI), from the Committee on Veterans' Affairs, without amendment:

S. Res. 331. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted.

By Mr. STAFFORD, from the Committee on Environment and Public Works:

J. Craig Potter, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

(The above nomination was reported from the Committee on Environment and Public Works with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Wayne D. Angell, of Kansas, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1980; and

Manuel H. Johnson, of Virginia, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 1986.

(The above nominations were reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HART (for himself and Mr. MOYNIHAN):

S. 2041. A bill to repeal the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or to be discharged.

By Mr. ABDNOR (for himself, Mr. ANDREWS, Mr. BOSCHWITZ, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. NICKLES, Mr. BOREN, Mr. BURDICK, Mr. DURENBERGER, Mr. MELCHER, Mr. GRASSLEY, Mr. PRYOR, Mr. KASTEN, and Mr. HEFLIN):

S. 2042. A bill to amend the Agricultural Act of 1949 to provide for an equitable method of establishing farm program payment yields for the 1986 and 1987 crops of wheat, feed grains, upland cotton, and rice; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOLE (for Mr. MURKOWSKI (for himself and Mr. GARN)):

S. 2043. A bill to provide assistance benefits to dependent children of certain deceased members of flight crews of space flight vehicles of the National Aeronautics and Space Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. THURMOND (for himself, Mr. BIDEN, Mr. DENTON, and Mr. LAXALT) (by request):

S. 2044. A bill to amend Chapters 37 and 123 of Title 28 of the United States Code, and Chapter 301 of Title 18 of the United States Code; to the Committee on the Judiciary.

By Mr. HELMS (for himself and Mr. LUGAR) (by request):

S. 2045. A bill to amend the Commodity Exchange Act to reauthorize appropriations to carry out such act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOSCHWITZ (for himself, Mr. HOLLINGS, Mr THURMOND, Mr. DURENBERGER, Mr. BOREN, Mr. PRYOR, Mr. WILSON, Mr. ZORINSKY, Mr. QUAYLE, Mr. DOLE, and Mr. LUGAR):

S.J. Res. 263. Joint resolution to designate the week of September 7-13, 1986, as "National Independent Retail Grocer Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for Mr. MURKOWSKI):

S. Res. 331. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mr. ARMSTRONG (for himself, Mr. GARN, Mr. BAUCUS, Mr. KASTEN, Mr. HUMPHREY, Mr. BENTSEN, Mrs. KASSEBAUM, Mr. HATCH, Mr. BOREN, Mrs. HAWKINS, Mr. SIMON, Mr. D'AMATO, Mr. MCCLURE, Mr. COHEN, Mr. QUAYLE, Mr. DECONCINI, Mr. MELCHER, Mr. GRASSLEY, Mr. ROTH, Mr. SPECTER, Mr. HELMS, Mr. HEINZ, Mr. PELL, Mr. LUGAR, Mr. GORTON, Mr. WILSON, Mr. STAFFORD, and Mr. MITCHELL):

S. Res. 332. Resolution to honor the *Challenger* Space Shuttle astronauts; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for Mr. THURMOND (for himself, Mr. STEVENS, and Mr. KENNEDY)):

S. Con. Res. 104. Concurrent resolution urging the States and Territories to establish their own Commission on the Bicentennial of the U.S. Constitution; considered and agreed to.

By Mr. GRAMM:

S. Con. Res. 105. Concurrent resolution to express the sense of the Congress that any

tax reform provisions relating to tax-exempt municipal bonds take effect no earlier than January 1, 1987; to the Committee on Finance.

By Mr. McCONNELL:

S. 2038. A bill to amend the Federal rules of civil procedure regarding dispute resolution; to the Committee on the Judiciary.

ALTERNATIVE DISPUTE RESOLUTION PROMOTION ACT

Mr. McCONNELL. Mr. President, I rise today to introduce the "Alternative Dispute Resolution Promotion Act of 1986." This bill addresses the growing crisis of confidence in our civil justice system. In my opinion, it helps chart a course back to a sensible balance between free and unfettered resort to the courts and recognition of the need for a more pragmatic, responsible approach for dealing with civil disputes.

Hardly a day goes by that we do not hear or read of the dramatic increase in the number of lawsuits filed, of the latest multimillion verdict, or of another small business, child care center, or municipal corporation that has had its insurance canceled out from under it. Just this week, I learned that the Louisville and Jefferson County metropolitan sewer district has had its insurance canceled. Despite its best efforts, it has not been able thus far to find additional insurance. Those businesses and corporations that are able to retain their insurance are often met with increases in premium costs of 100 percent, 200 percent or more.

Why are insurance rates increasing so dramatically? Why are the courthouses so crowded, despite the addition of over 100 Federal judges in the last 8 years? Because, quite simply, everyone is suing everyone, and most are getting big money. I know of one case in Louisville in which the parents of a young girl allowed her to help her uncle cut heavy duty reinforcing wire for concrete construction. The wire had been rolled into a coil for shipment, and would naturally recoil when rolled out and released. Yet the uncle let this 9-year-old girl hold down the wire, and while he looked away, the construction wire sprang back and struck the girl. The parents, who were fully aware of what the girl was doing, nevertheless sued the manufacturer for $750,000 for failing to warn the 9-year-old girl of the danger. Fortunately, the jury in that case returned a verdict of zero against the company. Yet despite an offer of settlement by the defendant, the case dragged on for 2 years, ending with a 3-day trial, and the legal fees were tens of thousands of dollars.

Nor is this an isolated incident: Consider these examples:

A burglar accidentally fell through a painted-over skylight while he was stealing lights from the roof of a public school. He sued the school district and recovered $260,000 in damages plus a continuing income.

In New York City, a man attempted suicide by jumping in front of a subway train. The man was injured but did not die; he sued, claiming the driver should have put the brakes on faster. The New York Transit Authority paid $650,000.

In Cleveland, an associate professor of political science compiled a study ranking American cities in terms of their "quality of life." He gave the city of Tulsa, Okla., poor marks. The city went into U.S. District Court and sued the professor for $26 million in damages.

Many cases like these could be resolved without filing a lawsuit, or could be settled much earlier than the present adversarial-oriented system allows.

Mr. President, when grievances are legitimate, and cannot be settled by negotiation or arbitration, an injured party has every right to seek redress in court. No one would disagree with that. But the courts ought not be used to find a deep pocket for every injury regardless of responsibility. Nor should legitimate grievances that must be brought to court become the object of years of discovery and other legal machinations, most devoted as much to generating large fees as to furthering the case.

Yet without a doubt, our present civil justice system promotes litigation, almost for litigation's sake. What is most disturbing about this state of affairs is that so little good comes from so much litigation. Indeed, this crisis will most likely reserve its harshest consequences for American consumers. When obstetricians withdraw from their profession, the quality of health care for all of us suffers. When drug manufacturers remove a product from the market, those most vulnerable are denied their only means of help. And when firms announce price increases primarily to cover rising insurance costs, it is all of us who will pay more through higher prices.

The problem is even starker when viewed from a statistical perspective. The number of lawsuits in recent years has increased almost geometrically. Between 1978 and 1983, some 12 million cases were filed in State courts. From 1940 to 1984, civil cases in Federal courts increased from 35,000 to over 260,000 a year. Federal product liability suits more than doubled from 1978 to 1984. As the number of cases filed has increased, the dollar amount of settlements and awards has increased as well. In 1983, there were 360 personal injury cases with awards of $1 million or more—13 times as many as in 1975. The average product liability award has increased from $345,000 to over $1 million in the last 10 years, while the average medical malpractice award approached $950,000 last year.

These figures simply can't be justified. But they can be explained, for the true beneficiaries of the litigation explosion are the lawyers. Some figures indicate that as often as not, more than half the money transferred by these lawsuits goes to plaintiffs' lawyers. In asbestos litigation $62,000 of the average award of $101,000 goes to lawyers. This month's ABA Journal even featured "the new plaintiffs' elite bar" on its cover. Like the hovering hoard of lawyers picking apart the remains of the Jarndyce estate in Dickens' classic, Bleak House, the lawyers in todays courts often end up the only winners.

Mr. President, the bill I've introduced today seeks to help end the mad romance we as Americans have developed with the civil litigation process. Quite simply, my bill requires lawyers to advise their clients of the alternatives to litigation, alternatives such as extra-judicial dispute resolution techniques. It also permits a party to a lawsuit to make an offer of settlement or to engage in alternative dispute resolution techniques, with sanctions for unreasonably failing to accept such an offer.

Part of the concept for this legislation comes from the revision to Federal rule of civil procedure 68 as proposed by the advisory committee of the Judicial Conference of the United States. That body has recognized that the purpose of promoting settlement that rule 68 meant to serve has largely been unfulfilled. The legislation I present today embodies all of the suggested changes, but goes on to encourage not only offers of settlement, but also offers to resolve the matter with other techniques. This may be an important path to quicker, more efficient resolution. Rather than engaging in a cat and mouse game of outrageous settlement demand followed by miserly counteroffer, parties to litigation will be encouraged to put their cards on the table, look each other in the eye, and put an end to the matter.

If the court determines that the settlement offer or the ADR offer was unreasonably rejected, the court would have the power to impose monetary sanctions. The court's sanction authority will expressly permit attorney fees to be awarded against either party. Mr. President, this is an important feature of the bill. The Supreme Court has recently acknowledged, in Marek versus Chesney, decided June 27, 1985, that a party who unreasonably refuses a settlement offer is liable for the additional court costs that resulted, and that this amount should include the extra attorney fees. This bill will make it clear that those fees are available in all litigation.

Recently, writing in a Washington newspaper, Mr. Stephen Green wrote that the United States has become a lawyer's paradise. But that paradise may well become anything but idyllic for the rest of us. As Mr. Green noted:

The explosion in litigation and jury awards has brought wealth to lawyers. But the consequences for the rest of the nation have been severe. Unless reform is forthcoming, confidence in the civil courts will continue to decline, and the judicial system will be perceived as merely a spoils system for the bar.

We in the Senate have an obligation to see that reform is forthcoming. My bill will require, for the first time, that the parties to a lawsuit are fully aware of their options, and that they have the opportunity to exercise their options in a timely way.

I do not mean to imply that most lawyers are unethical, or that they needlessly multiply the cost of lawsuits. I am a lawyer myself, as are many of us here in this body. But by the nature of the adversarial process, and the ethical code under which lawyers operate, we cannot expect the legal profession to solve this problem without guidance and prodding.

If we can wean ourselves of this unrelenting, adversarial battle called litigation, we can expect some real relief from the ever rising cost of insurance, as well as of goods and services. Perhaps we can also step back just a bit, to a more realistic view of our own rights and obligations that come from living in a complex world. Fundamental civil justice reform is important to each of us, and I am considering other proposals in addition to that introduced today. This new approach alone will not solve all the problems, but it will begin the process, and will help us shut off the fuel firing the engines of litigation.

Mr. President, I would ask unanimous consent that the text of the bill be printed in its entirety at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, This Act may be cited as the "Alternative Dispute Resolution Promotion Act of 1986".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) the traditional litigation process is unsuited to the timely, efficient, and inexpensive resolution of disputes among businesses and individuals involved in civil disputes;

(2) alternative dispute resolution techniques, including mini-trials, mediation, and arbitration offer more cost-effective resolution of such disputes and contribute to efficient use of resources in the Nation's economy; and

(3) the Federal Government has an interest in encouraging the use of such alternatives to the civil litigation process, to increase efficiency in interstate commerce, and to not impede economic output with prolonged litigation.

(b) It is the purpose of this Act to encourage the use of such alternative dispute resolution techniques, and to encourage the disposition of civil disputes in the most economic and efficient manner possible.

ALTERNATIVE DISPUTE RESOLUTION OPTIONS

SEC. 3. (a) The Federal Rules of Civil Procedure are amended by inserting between Rule 16 and part IV, the following:

"Rule 16.1. Advice and Certification by Counsel

"(a) ALTERNATIVE DISPUTE RESOLUTION OPTIONS.—At any time after 90 days and before 180 days after service of the summons, each attorney who has made an appearance in the case and who represents one or more of the parties to the action shall, with respect to each party separately represented, advise the party of the existence and availability of alternative dispute resolution options, including extrajudicial proceedings such as mini-trials, and third party mediation, court supervised arbitration, and summary jury trial proceedings.

"(b) NOTICE.—Each such attorney shall, not later than 180 days after an action is commenced, file notice with the court certifying that the attorney has so advised his client or clients, and indicating whether his client will agree to one or more of the alternative dispute resolution techniques.

"(c) ORDER BY THE COURT.—In the event all parties to an action agree to proceed with one or more alternative dispute resolution proceedings, the court shall be notified of such acceptance of such offer and shall enter an appropriate order governing the conduct of such alternative proceedings. Entering an order governing such further proceedings shall constitute a waiver by each party subject to the order of the right to proceed further in court.

"(d) DECISION INADMISSIBLE.—Neither the acceptance nor the refusal of any party to the action to engage in such alternative dispute resolution proceedings shall be admissible as evidence in any further proceedings in such action. In the event an offer made pursuant to this rule is rejected, the court shall proceed with the action as if no such offer had been made."

PROCEDURE FOR ALTERNATIVE DISPUTE RESOLUTION

SEC. 4. (a) Rule 68 of the Federal Rules of Civil Procedures is amended to read as follows:

"Rule 68. Offer of Settlement and Alternative Dispute Resolution

"(a) OFFER OF RESOLUTION.—At any time more than 60 days after the service of the summons and complaint, but not less than 90 days (or 75 days in the case of a counter-offer) before trial, any party may serve upon any other party, but shall not file with the court, a written offer to—

"(1) settle a claim for such money, property, or other relief as the offeror shall specify in the offer, and enter into a stipulation dismissing the claim; or

"(2) allow judgment to be entered accordingly.

Alternatively, or in conjunction with such offer, any party may serve upon any other party an offer to engage in such extra-judicial alternative dispute resolution techniques as the offeror may desire, or such judicially supervised alternative dispute resolution techniques as are available in the court in which the action is pending. The offer shall remain open for 60 days unless a written withdrawal is served on the offeree prior to acceptance by such offeree. An offer that remains open may be accepted or rejected in writing by the offeree. An offer that is neither withdrawn nor accepted within 60 days shall be deemed rejected. The fact that an offer is made but not accepted does not preclude a subsequent offer. Evidence of an offer is not admissible except in proceedings to enforce a settlement or to determine sanctions under this Rule.

"(b) SANCTIONS FOR DELAY.—If, upon a motion by the offeror within 10 days after the entry of judgment, the court determines that an offer of settlement or an offer to engage in alternative dispute resolution was rejected unreasonably, resulting in unnecessary delay and needless increase in the cost of the litigation, it shall impose an appropriate sanction upon the offeree. In making such determination the court shall consider all the relevant circumstances at the time of the rejection, including (1) the then apparent merit or lack of merit in the claim that was the subject of the offer, (2) the closeness of the questions of fact and law at issue, (3) whether the offeror had unreasonably refused to furnish information necessary to evaluate the reasonableness of the offer, (4) whether the suit was in the nature of a test case, presenting questions of far-reaching importance affecting non-parties, (5) the relief that might reasonably have been expected if the claimant prevailed, and (6) the amount of the additional delay, cost, and expense, including the additional attorney fees, that the offeror reasonably would be expected to incur if the litigation should be prolonged.

"(c) GUIDELINES FOR SANCTIONS.—In determining the amount of any sanction to be imposed under this Rule the court also shall take into account, (1) the extent of the delay, (2) the amount of the parties' costs and expenses, including any reasonable attorney fees incurred by the offeror as a result of the offeree's rejection, (3) the interest that could have been earned at the prevailing market rates on the amount that a claimant offered to accept, to the extent that the interest is not otherwise included in the judgment, and (4) the burden of the sanction on the offeree. Unless the court specifically finds that such burden so far outweighs the other circumstances, including the interests of encouraging settlements and avoiding needless and protracted litigation that are sought to be furthered by this Rule, the court shall impose a sanction in an amount not less than the added court costs and fees incurred as a result of the failure by the offeree to accept the offer that is the subject of the motion.

"(d) EXCEPTION.—This Rule shall not apply to class or derivative actions under Rules 23, 23.1 and 23.2.".

(b) The table of Rules for the Federal Rules of Civil Procedure is amended by—

(1) inserting between the item relating to Rule 16 and part IV, the following:

"16.1. Advice and Certification by Counsel.

"(a) Alternative Dispute Resolution Options.

"(b) Notice.

"(c) Order by the Court.

"(d) Decision Inadmissible.".

(2) amending the item relating to Rule 68 to read as follows:

"68. Offer of Settlement and Alternative Dispute Resolution.

"(a) Offer of Resolution.

"(b) Sanction for Delay.

"(c) Guidelines for Sanctions.".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HART (for himself and Mr. MOYNIHAN):

S. 2041. A bill to repeal the Balanced Budget and Emergency Deficit Control Act of 1985; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

GRAMM-RUDMAN REPEAL ACT

Mr. HART. Mr. President, the English poet Samuel Taylor Coleridge once wrote of "that willing suspension of belief for the moment, which constitutes poetic faith." For longer than a moment, indeed now for 5 months, we have suspended belief in many of the fundamental principles which underlie our society, our Constitution, and our commitment to progressive government. The belief that Gramm-Rudman will solve the deficit crisis is poetic faith, and reveals a troubling lack of faith in our capacity to steer this Nation effectively and with a larger vision.

From the time this proposal emerged last October, those of us who opposed Gramm-Rudman focused our criticism on four fundamental flaws.

First, while we recognize that reducing the deficit is critically important, this law makes a number of economic assumptions with no basis in theory, reality or fact.

The year 1991 was arbitrarily chosen as the optimal time to reach a balanced budget. Why 1991, instead of a year later or earlier? Why a balanced budget, instead of a full employment budget, a deficit at an expressed percentage of GNP, or some other justifiable target? Examine the expert testimony of a variety of witnesses—ranging from Herbert Stein and Paul McCracken to the Nobel Laureate Franco Modigliani—and you will not find a single empirical justification for either the goal or the date by which it is to be achieved.

Second, Gramm-Rudman cedes broad powers in setting spending priorities to the President and to the executive branch. Congress should know better. The Budget Act was passed amidst a constitutional crisis. It was a defense against a profound usurpation of congressional power by President Nixon, whose unilateral actions, referred to as "impoundments," were struck down by the Supreme Court. Barely a decade later, in an act of amnesia, Congress has willingly surrendered the power of making choices to a new process of impoundment, this time calling it sequestration.

Impoundment violates the Constitution just as much in the 1980's as it did in the 1970's—and I believe the Court will rule Gramm-Rudman illegal. But even if the courts uphold this law, I don't believe that the American people should rest content while a computer decides where their tax dollars are spent. Those decisions should be made by elected men and women—and those men and women should be held accountable.

Third, the automated budget-cutting mechanism provided by Gramm-Rudman offends the first principle of responsible government—making choices. All budget cuts are not created equal. Some programs contribute to our current well-being, others to our future prosperity; some are outdated, outworn or purely political—and these should be terminated. But that logic is lost on Gramm-Rudman. To paraphrase Anatole France, this law, in its majestic equality, provides that we will cut equally from muscle and fat, from the powerless and powerful, from productive minds as well as comfortable constituencies.

Our deficit situation is serious, and this will be a searching time for the Congress and the country, because we do have to make choices. We must decide whether student loans are more important than Amtrak; whether food stamps are more important than subsidies to corporate farms, and then budget accordingly. Making these kinds of decisions requires leadership and it requires courage. A statutory auto-pilot incapable of making distinctions provides us neither.

Finally, Gramm-Rudman provides precisely the wrong prescription for the defenses of our Nation. For 5 years we've engaged in a buildup in search of a strategy. We have a bigger military, but none of us say with assurance it is a better military, or that we're better protected. We have more nuclear weapons; but have we really strengthened the conventional forces that are the best deterrent to nuclear war? The cuts mandated by Gramm-Rudman—falling especially hard on operations, maintenance, readiness, and soldiers's pay—will prevent an intelligent reordering of our military priorities. In that sense, Gramm-Rudman threatens our Nation's security, and impairs our ability to project American power and influence in a troubled and dangerous world.

For 5 years, in the absence of Presidential leadership and congressional initiative, deficits have grown larger; our rhetoric and frustration have heightened, and the public's patience has waned. Gramm-Rudman was an accident waiting to happen.

It may have been cathartic to pass this law. But catharsis belongs in theater, not public policy. It is time to repeal this misguided law, and adopt a deficit reduction strategy that yields—not just a balanced budget—but a balanced economy and a balanced society.

The alternative to Gramm-Rudman is not doing anything. In recent days, the Senate Democratic Conference approved a statement of principles which will help guide the way. This statement recognizes that defense restraint, a reformed tax code that produces additional revenues, domestic spending cuts, and a strategic plan for investing in our future must all play a role in budgeting for America's future. Surely a fiscal blueprint reflecting these values will steer this Nation in promising directions that Gramm-Rudman will never see.

As cochairman of the Senate Democratic Task Force on the Budget, and as a member of the Budget Committee, I will be working to produce a Democratic alternative that will serve our society and our economy well. The time of suspending belief has passed, the real work must begin anew.

The legislation I have introduced, cosponsored with Senator MOYNIHAN, repeals Gramm-Rudman except for the provisions included as regards the Social Security trust funds. During the debate on the bill, Congress was belatedly informed that the administration borrowed money from the Social Security trust funds to finance Government operations.

Thanks to the leadership of our colleague, Senator MOYNIHAN, the premature redemption of interest-bearing securities held by the Social Security trust fund was publicized and halted. More important, the money was returned and interest payments lost to the fund were restored. Senator MOYNIHAN deserves our appreciation for his work on this issue. This solitary contribution of Gramm-Rudman is retained by my bill.

Mr. President, I ask unanimous consent that the bill I am introducing today be printed at this point in the RECORD, and I urge the support of all of my colleagues, regardless of their party and regardless of their ideology, for this measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Gramm-Rudman Repeal Act".

SEC. 2. REPEAL.

Except as provided in section 3, the Balanced Budget and Emergency Control Act of 1985 (title II of Public Law 99-177) is repealed.

SEC. 3. EXCEPTION.

Section 272 of the Balanced Budget and Emergency Deficit Control Act of 1985 (relating to restoration of trust fund investments) and section 275 of such Act (to the extent that it relates to section 272 of such Act) shall not be included in or affected by the repeal of such Act and shall be effective as if this Act had not been enacted.

SEC. 4. EFFECTIVE DATE; EFFECT OF REPEAL.

(a) EFFECTIVE DATE.—The repeal made by section 2 of this Act shall be effective as of the date of the enactment of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EFFECT OF REPEAL.—Provisions of law amended or repealed by the Balanced Budget and Emergency Deficit Control Act of 1985 are hereby restored or revived and shall be effective as if such Act had not been enacted.

By Mr. ABDNOR (for himself, Mr. ANDREWS, Mr. BOSCHWITZ, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. NICKLES, Mr. BOREN, Mr. BURDICK, Mr. DURENBERGER, Mr. MELCHER, Mr. GRASSLEY, Mr. PRYOR, Mr. KASTEN, and Mr. HEFLIN):

S. 2042. A bill to amend the Agricultural Act of 1949 to provide for an equitable method of establishing farm program payment yields for the 1986 and 1987 crops of wheat, feed grains, upland cotton, and rice; to the Committee on Agriculture, Nutrition, and Forestry.

EQUITABLE FARM PROGRAM PAYMENT YIELD ACT

Mr. ABDNOR. Mr. President, I rise to introduce a bill. The purpose of this bill is to avert a potentially horrendous injustice to America's farmers.

The provision in the Food Security Act of 1985 which addresses the method by which program payment yields are to be established would have the effect of reducing target prices by 20 percent. I cannot believe it was the intent of either House of Congress or the conference committee to play a shell game on America's financially embattled farmers. While the 1985 Farm Act as it now stands would freeze target prices it would dramatically reduce the eligible bushels upon which payments are made—the effect would be to cut income support payments. This "now you see it, now you don't" slight-of-hand legislation must be corrected.

This bill I introduce tells the Department of Agriculture precisely how this Congress wants—and always did want—program payment yields established. This bill is wholly consistent with the accepted philosophy established during the debate on the 1985 farm bill—to freeze income supports you must freeze both target prices and per acre payment yields. This bill would freeze payment yields for the 1986 and 1987 crop years at 1985 levels.

Mr. President, this Chamber knows me as a fiscal conservative—no one wants to balance this budget more than I do, and I would suspect many of my colleagues on both sides of the aisle reconciled our commitment to reduce Federal spending by voting for a farm bill that did no better or no worse by America's farmers. If the administration's interpretation of the program payment yield formula in the 1985 act is not changed, South Dakota wheat and corn farmers will lose an estimated $11.6 million and, according to Department of Agriculture sources, the Nation's farmers will lose over $1 billion during the next 3 years.

One of the most difficult things a farm-State Senator has to do is vote for a farm bill—any farm bill. But I voted for the 1985 farm bill because it was the responsible thing to do. I felt then—and I feel now—that the Food Security Act of 1985 represents a foundation upon which good farm policy can be built; but it's nothing more than a downpayment. I'm hopeful that many in this Chamber, especially those who voted against the farm bill, will join me in making this farm bill law accurately reflect the intent of Congress.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 506(b)(2) of the Agriculture Act of 1949 (as added by section 1031 of the Food Security Act of 1985 (Public Law 99-198)) is amended—

(1) by inserting "(A)" after the paragraph designation; and

(2) by adding at the end thereof the following new subparagraph:

"(B) Notwithstanding paragraph (1) or subparagraph (A), the farm program payment yield for the 1986 or 1987 crop year may not be established at a level that is less than the farm program payment yield established for the 1985 crop year.".

Mr. ANDREWS. Mr. President, I am proud to join my colleague and good friend from South Dakota in bringing to the attention of my colleagues a matter that I first raised on this floor last Thursday.

For almost 9 months, the Senate—first in committee and then on the floor—hammered out a farm bill that resulted in a target price freeze for the first 2 years. We all acknowledge that. The press reported it. It was good reporting because it was what we were doing. It was what we were talking about in the debate in the committee and then later on the floor.

However, the way the Department of Agriculture is proposing to interpret this law in determining yields for the 1986 and 1987 crops makes a mockery of that freeze for many of our wheat and feed grain farmers.

Many of our most efficient farmers are walking out of the local ASCF offices with drops in their program payment yields of 10, 15, and up to 20 bushels.

They accepted the necessity of a freeze in dollars. But how do we explain to them that this farm bill, which we called fair and equitable, will in fact devastate many of our best farmers by back dooring them in a totally insidious way that was not intended by any of the individuals in this body or in the other body, I am sure, at the time they were developing this legislation?

The problem arises because the change USDA wants to implement goes far beyond the original intent of the Senate. In the past, farmers could prove their actual production yields by providing county agents with their elevator receipts. These proven yields were calculated by using a rolling 5-year average. It requires at least 3 years of actual yield data before a proven yield is included in a farmer's payment calculation. During these 3 years, the farmer is assigned a yield based in part on his county average.

In the 1985 farm bill, Congress sought to stop farmers from increasing their yields by preventing them from supplying new proven yield figures. This came about because we wanted to make sure that when the Office of Management and Budget figured the budget impact, they could not forecast into that budget impact changes in yield figures.

In effect, we said to them: "We are going to base these yields on a 5-year period, so you know the cost in those outyears, and you're not going to give us any phony baloney figures that would tend to indicate to the general public that the costs of this program were very much in excess of what they actually were."

So, to accomplish this, the 1985 farm bill does indeed calculate 1986 and 1987 program payment yields on the 1981-85 average, dropping the high and low years.

However, USDA is saying that for a period where the farmer is supplying actual yields in order to build up the required 3 years of data, they will ignore those numbers and base the average on the assigned yields based on county averages.

Thus, farmers who started proving their yields during this period are experiencing dramatic drops in their calculated yields. A farmer who started proving his actual yields in 1982 would have been supplying such numbers for 3 years, and his 1985 payment yield would have been calculated based on those 3 years of proven yields. But now, USDA will throw out all those years, numbers which were perfectly good in the past, and substitute assigned yields based on county averages. Mr. President, I have talked to members of the conference committee and this Congress to stop escalating yields. But nowhere was there any consensus to undermine the floor protection that this bill was designed to provide for our farmers. Our intent was to protect the farmer's right to use proven yields, and at the same time to put a cap on their growth.

From the standpoint of making legislative history, the discussion we had on this floor last Thursday indicated in the debate between a number of

members of the conference committee that this reduction in yield was not at all in mind when they hammered out this conference report.

The legislation which Senator ABDNOR and I are introducing today will leave in place the provisions that prevent farmers from adding new proven yields. This bill simply says that 1986 and 1987 program payment yields can not be less than the 1985 crop levels. It removes the large and totally unfair penalty that confronts that segment of our farmers that started proving their yields between 1981 and 1985 and are now facing huge losses because of an unforseen method of applying this provision.

Mr. President, perhaps even more important than the arithmetic we are discussing is the matter of the principle of fair play and the principle of protecting the public's right to know.

As you know, when we are discussing any piece of major legislation we have the advice and shall we say the surveillance of many, many people from different groups that favor or oppose certain parts of that legislation.

During the course of debate of the farm bill, representatives of all the farm organizations, all the commodity groups, the bankers, the Farmers Home, and the rest who have an interest in the farm economy read and reread and studied and restudied that particular language.

At no time during any point of that debate was any mention made that there was a loose gear in that particular machinery that was going to change the way that yields were figured.

I think in fair play to the public we have to maintain the legislative intent that was so clear, Mr. President. If at any time during that debate discussion had been held that we were indeed and in fact back dooring the farmer by lowering by 10 or 15 percent his yields, and through that lowering by 10 or 15 percent his payment, that should have been made clear to the farmer at that point in time, so he could have known about it, so his representatives, those of us on both sides of the aisle in this body and the other, could have reacted to it. It was not done.

I resent, Mr. President, legislation by bureaucrat. I resent the fact, Mr. President, that some unelected expert down in the bowels of the Department of Agriculture can come up and tell us what that intent was.

I realize that you can play on words and look at farm program payment yields and the intent of Congress, of individuals on both sides of the aisle. As I mentioned, it was that that meant the yields from which farm program payments were figured. This is clearly what we had in mind. That is clearly the impact. But that is not the way it worked out.

As a result, we have a breach of faith with the farm community. As a result we have an imperfect interpretation of a piece of very serious legislation. As a result of that we have an income depleting result to the average farmer that can lower that farmer's income by 15 percent through a mechanism neither that farmer could possibly have been aware of nor those of us who debated, studied, and then passed on that bill.

So, in the interest not only of our farm economy, Mr. President, but also in the interest of credibility and fairplay, I would hope that this body and the other body as swiftly as possible adopt this particular amendment.

Mr. NICKLES. Mr. President, today I join my good friend and colleague, Senator JAMES ABDNOR from South Dakota, on behalf of the Nation's farmers to correct a serious shortfall with the 1985 farm bill—one which could cost Oklahoma producers approximately $18 million to $25 million.

If unchanged, new farm bill formulas will result in many Oklahoma producers facing cuts in the program yield used to compute benefits. In my discussions with Oklahoma ASCS officials, they have indicated some wheat producers could be faced with up to a 12-bushel drop in their per acre yields. For a 500-acre wheat farmer, that figures out to approximately $8,200. That is serious business.

The farm bill formula in question calculates program yields by averaging the yields from the last 5 years, excluding the high and low yields. The changes we are promoting would prevent the formula from dropping the program yield below last year's level. Similar legislation is to be introduced in the House.

Oklahoma, the third largest wheat producing State, could lose over $20 million in farm income from the wheat program alone unless the farm bill is modified. This farm bill already calls for a reduction in income support over the next 5 years.

The bill we offer today simply allows farmers to receive the income support they deserve, given the production history of their farm. It will correct an inequity created by a formula contained in a farm bill that fails to recognize the economic struggle faced by the American farmer.

Through good management, many Oklahoma farmers have proven their farm is more productive than the county average yield. A producer who has proven his farm yields 40 bushel wheat isn't going to be happy if some farm bill formula drops his program yield to 28 bushels per acre. Such a situation is grossly unfair to the farmer who has practiced good management skills. Our bill will correct this inequitable flaw in the 1985 farm bill.

On behalf of the Nation's farmers, I urge my colleagues to join me in support of this measure.

By Mr. DOLE (for Mr. MURKOWSKI, for himself and Mr. GARN):

S. 2043. A bill to provide educational assistance benefits to dependent children of certain deceased members of flight crews of space flight vehicles of the National Aeronautics and Space Administration; to the Committee on Commerce, Science, and Transportation.

"CHALLENGER" DEPENDENTS EDUCATION BENEFITS ACT

● Mr. MURKOWSKI. Mr. President, I rise today to introduce on behalf of myself and Senator GARN the *Challenger* Dependents' Education Benefits Act.

The tragic explosion of the space shuttle *Challenger* on Tuesday stunned the Members of Congress as it stunned the Nation. Now the Congress, the Nation, and the families of the *Challenger* crew must begin the slow process of recovery from our loss and begin to look to the future.

Neither the Nation nor the families can look to the future without looking to the education of their children. For the future is the legacy our generation bequeaths to the next. As a part of that inheritance we have an obligation to provide the education needed to make use of the opportunities the future will bring. The President had highlighted that this shuttle trip would include a teacher—an ordinary American, but one with a profession that symbolizes our quest for knowledge and excellence. The exhaustive search for the teacher to symbolize such excellence resulted in the selection of Christa McAuliffe being part of the *Challenger's* ill-fated crew. Mrs. McAuliffe was to have taught lessons to the Nation, and the world, from the shuttle capsule during the space flight. Because of the emphasis on education of this particular shuttle mission, it is very fitting that an education fund for the surviving children of the crew members be set up as a living memorial to their dedication and sacrifice. To provide a lasting commitment of the Nation's recognition of the *Challenger's* crew, this education fund would be set up not only for the children of the *Challenger* crew, but be in place to ensure that should there ever be another in-flight space tragedy, an education would be provided for the children of the crew.

Two of the *Challenger's* crew, Comdr. Michael Smith and Lt. Col. Ellison S. Onizuka were on active duty in the Armed Forces. As a result, their children are already eligible for education benefits from the Veterans' Administration [VA] under the Dependents Education Act. Each child will be eligible to receive $376 a month for up

to 45 months of post secondary education. Commander Smith and Lieutenant Colonel Onizuka died in the service of our country. Education for their children can only partially repay their sacrifice on our behalf.

The children of the other crew members on the same mission, who made the same sacrifice on our behalf, are not eligible for such education benefits. NASA space flight crews carry the flag of the United States into the vastness of an only partially and imperfectly charted space. In the early days of the space program the requirement for test pilot skills insured that most NASA flight crews were active duty military personnel. In the event of fatal accident, such as the Apollo fire in January 1967, their survivors received the benefits provided to all survivors of military personnel.

Years of progress have changed the character of the space program. More and more ordinary citizens will participate in missions of the future. But the space program is still a pioneering effort, and our space flight crews still face the risks and dangers American pioneers have faced for centuries. The tragic *Challenger* accident of January 28 is dramatic evidence that this danger still exists.

Yet for the surviving children of the nonmilitary members of the crews, NASA has no provision for education or other benefits and, of course, these survivors are not covered by any VA benefit. Civilian space shuttle crew members are in a unique position. They are not on active military duty, and should not be treated as such. However, because of the great risks still associated with space flight, there must be a special consideration given to the families of those who are chosen to represent our Nation in perfecting the pioneering effort into space.

Therefore, Mr. President, I rise today to introduce legislation that would fill that gap. My bill would establish an education program in memory of the *Challenger* crew that would provide an education benefit to the dependent children of space flight crew members who die in the performance of a space flight mission. The benefit would be the same as that provided to the survivors of in-service deaths of military personnel. Funds would be provided by NASA, but the program would be administered by the VA. The VA has, in place, the procedures and organization to administer such a program.

Eligibility for payments would be limited to surviving dependent children of flight crews who die as the result of performance of duty as space flight crews. The program is specifically designed as a benefit for dependents of those whose deaths occur during a space flight mission. While the possibility of a fatal accident exists in mission training or in the day-to-day performance of duty, it is only while on a space flight mission that the crew assumes the unique risks that come with pioneering a new frontier on behalf of the Nation. Thus coverage would begin on the launch pad when the crew enters the launch vehicle and end when they leave the vehicle after their return to Earth.

Mr. President, if enacted, this legislation would provide a small, but significant, benefit to the survivors of the *Challenger* crew. It would emphasize the President's desire that this flight emphasize the importance of education and our Nation's commitment to excellence for our next generation.

I join with the rest of the Nation in the hope that *Challenger's* crew are the last pioneers of space to lose their lives in that pursuit, but should there be others who die as our Nation's representatives in the operation of spacecraft, their dependent children's future education would be assured.

The courage of the crew of the *Challenger* is a credit to the entire Nation. It is in recognition of that courage that I propose the *Challenger* Dependent's Education Benefits Act. I urge my colleagues to join me in supporting this tribute to the men and women who go forth to conquer our last frontier.●

By Mr. THURMOND (for himself, Mr. BIDEN, Mr. DENTON, and Mr. LAXALT (by request):

S. 2044. A bill to amend chapters 37 and 123 of title 28 of the United States Code, and chapter 301 of title 18 of the United States Code; to the Committee on the Judiciary.

UNITED STATES MARSHALS SERVICE ACT

Mr. THURMOND. Mr. President, on behalf of the administration, I am today introducing the United States Marshals Service Act of 1985.

The role of the U.S. Marshal has evolved significantly from the role envisioned in 1789 when the position was created. Many may still regard the U.S. Marshal in his other traditional role as process server and courtroom guard. However, as the lead story of the Washington Post, December 16, 1985, clearly indicates, the modern U.S. Marshal has many new duties and responsibilities.

On December 15 the U.S. Marshals Service's Fugitive Investigative Strike Team, with the support of the Washington DC Police Department, successfully performed a sting operation at the D.C. Convention Center that resulted in the arrest of over 100 fugitives. The arrests came after the Marshals Service had sent the fugitives invitations to a fake football ticket giveaway party. The scam went off without incident and was one of the most successful of its kind ever staged. I want to commend the U.S. Marshals Service and the D.C. Police for their creativity and a job well done.

Mr. President, as my colleagues can see, the U.S. marshals of today play a vital role in the Federal Fugitive Apprehension Program as well as such other important law enforcement initiatives, as the Witness Security Program and the National Drug Asset Forfeiture Program. In the nearly 200 years of service to this Nation, the U.S. Marshals Service has become a crucial part of the Federal justice system.

The legislation I am introducing by request would statutorily establish the United States Marshals Service as a bureau within the Department of Justice. It would also clarify certain ambiguities as to the Service's status as part of the executive branch and establish a clear statutory basis for the powers and duties of the Marshals Service.

Mr. President, I ask unanimous consent that the bill, the letter of transmittal, the accompanying section-by-section analysis, and the article from the Washington Post be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United States Marshals Service Act of 1985."

SEC. 2. Sections 561, 562, 564, 565 and 566 of Title 28, United States Code, are amended to read as follows:

§ 561. United States Marshals Service

(a) There is hereby established a United States Marshals Service as a bureau within the Department of Justice under the authority and direction of the Attorney General. The United States Marshals Service (hereinafter referred to in this title as the "Service") shall be headed by a Director appointed by the Attorney General.

(b) The Director of the United States Marshals Service (hereinafter referred to in this title as the "Director") shall exercise the powers and duties set out in this title and as may be vested in the Director pursuant to statute or by delegation of the Attorney General.

(c) The President shall appoint, by and with the advice and consent of the Senate, a United States Marshal for each judicial district of the United States, except that any Marshal appointed for the Northern Mariana Islands may at the same time serve as Marshal in another district. Each United States Marshal shall be an official of the Service and shall serve under the direction and subject to the coordination of the Director.

(d) Each Marshal shall be appointed for a term of four years. On expiration of that term, unless a Marshal shall resign or be removed by the President, a Marshal shall continue to perform the duties of that office until a successor is appointed and qualified or until a person is designated to act as Marshal in accordance with Section 562.

(e) The Director shall designate places within a judicial district for the official station and offices of each Marshal. Each Marshal shall reside within the district for which such Marshal was appointed, except that—

(1) the Marshal for the District of Columbia and for the Southern District of New York may reside within 20 miles thereof; and

(2) any Marshal appointed for the Northern Mariana Islands who at the same time is serving in the same city in another district may reside in such other district.

(f) The Director is authorized to select, appoint, employ, and fix compensation for Deputy Marshals and such officials and employees as shall be necessary to carry out the powers and duties of the Service and may designate such Deputy Marshals as law enforcement officers, in accordance with the policies and procedures the Director shall establish. Deputy Marshals, officials, and employees are subject to disciplinary action, including removal, by the Director.

(g) The Director shall supervise and direct the United States Marshals Service in the performance of its duties, including criminal investigations, and in accounting for public moneys. Each official of the Service shall report any official proceedings, receipts, and disbursements and the condition of the office under the purview of such official as the Director requires.

(h) The Director may delegate to any other official of the Service the authority to carry out the functions of the Director.

(i) There are authorized to be appropriated such sums as may be necessary to exercise the powers and duties of the United States Marshals Service.

"§ 562. Vacancies

(a) In the case of a vacancy in the office of United States Marshal, the Attorney General may designate a person to perform the functions and act as Marshal. The Attorney General shall not designate to act as Marshal a person whose appointment by the President to that office the Senate has refused to give its advice and consent.

(b) Such person designated by the Attorney General may serve until the earliest of the following events:

(1) the entry into office of a United States Marshal appointed by the President, pursuant to Article II, Section 2 of the constitution;

(2) the expiration of the thirtieth day following the end of the next session of the Senate; or

(3) if such designee of the Attorney General is appointed by the President pursuant to section 561(c), said designee may serve until the expiration of the thirtieth day following the refusal of the Senate to give its advice and consent to the appointment by the President.

§ 564. Powers as Sheriff

An official of the Service, in executing the laws of the United States within a State, may exercise the same powers which a sheriff of the State may exercise in executing the laws thereof.

"§ 565. Expenses of United States Marshals Service

The Service is authorized to—

(a) establish procedures and to pay for:

(1) the actual and necessary expenses associated with the offices established under section 561;

(2) the expense of transporting prisoners, including the transporting between the United States and foreign countries persons charged with crime, and including the cost of necessary guards and the travel and subsistence expenses of prisoners and guards;

(3) the lease, acquisition, maintenance, and operation of aircraft and the lease and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for any current fiscal year and including the operation and maintenance for official use of vehicles seized and forfeited to the U.S. Government;

(4) supervision of United States prisoners in non-federal institutions;

(5) the purchase of firearms and ammunition and attendance at firearms matches and law enforcement competitions;

(6) payment of rewards and the purchase of evidence and payments for information;

(7) other necessary expenditures as required by law; and

(b) enter into contracts and cooperative agreements, as authorized by the Attorney General, including contracts for security guard services and contracts for the service of government process in lieu of service by U.S. Marshals or Deputy Marshals.

"§ 566. Powers and duties

(a) The United States Marshals Service is authorized to provide for the safety and security of the Federal courts of the United States and provide other assistance in accordance with the policies established by the Attorney General.

(b) Except as otherwise provided by law or Rule of Procedure, the United States Marshals Service shall execute all lawful writs, process and orders issued under the judicial authority of the United States, in accordance with the policies established by the Attorney General, and shall command all necessary assistance to execute its duties.

(c) The Director, United States Marshals, and other law enforcement officers of the United States Marshals Service may carry firearms and may make arrests without warrant for any offense against the United States committee in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

(d) The United States Marshals Service is authorized to conduct and investigate fugitive matters, domestic and foreign, as directed by the Attorney General, and probation, parole, mandatory release, and bond default violators."

SEC. 3. Title 28, United States Code, is amended—

(a) by striking out sections 567, 568, 569, and 570;

(b) by renumbering sections 571, 572, 573, 574, 575, and 576 to read 567, 568, 569, 570, 571, and 572, respectively; and

(c) by adding the following new section:

"§ 573. Authorization for Certain Witness Security Expenses:

The expenses incurred for the use of facilities in the protection of witnesses, and planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites shall be paid from appropriations available to the Marshals Service."

SEC. 4. Section 1921 of Title 28, United States Code, is amended to read as follows:

"§ 1921. United States Marshals' fees

(a)(1) The United States Marshals or Deputies shall routinely collect, and a court may tax as costs, fees for the following.

(A) serving a writ of possession, partition, execution, attachment *in rem*, or libel in admiralty, warrant, attachment, summons, complaints, or any other writ, order or process in any case or proceedings;

(B) serving a subpoena or summons for a witness or appraiser;

(C) forwarding any writ, order, or process to another judicial district for service;

(D) the preparation of any notice of sale, proclamation in admiralty, or other public notice or bill or sale;

(E) the keeping of attached property (including boats, vessels, or other property attached or libeled), actual expenses incurred, such as storage, moving, boat hire, or other special transportation, watchmen's or keepers' fees, insurance, and an hourly rate including overtime for each Deputy Marshal required for special services, such as guarding, inventorying, and moving;

(F) copies of writs or other papers furnished at the request of any party;

(G) necessary travel in serving or endeavoring to serve any process, writ, or order, except in the District of Columbia, with mileage to be computed from the place where service is returnable to the place of service or endeavor; and

(H) overtime expenses incurred by Deputy Marshals in the course of serving or executing civil process.

(2) The Marshals shall collect, in advance, a deposit to cover the initial expenses for special services required under subparagraph (E), and periodically thereafter such amounts as may be necessary to pay such expenses until the litigation is concluded. This paragraph applies to all private litigants, including seamen proceeding pursuant to section 1916 of this title.

(3) For purposes of subparagraph (G), if two or more services or endeavors, or if any endeavor and a service, are made in behalf of the same party in the same case on the same trip, mileage shall be computed to the place of service or endeavor which is most remote from the place where service is returnable, adding thereto any additional mileage traveled in serving or endeavoring to serve in behalf of that party. If two or more writs of any kind, required to be served in behalf of the same party on the same person in the same case or proceeding, may be served at the same time, mileage on only one such writ shall be collected.

(b) The Attorney General shall from time to time prescribe by regulation the fees to be taxed and collected under subsection (a). Such fees shall to the extent practicable, reflect the actual and reasonable cost of the service provided.

(c)(1) The United States Marshals Service shall collect a commission of 3 per centum of the first $1,000 collected and 1½ per centum on the excess of any sum over $1,000, for seizing or levying on property (including seizures in admiralty), disposing of such property by sale, setoff, or otherwise, and receiving and paying over money, except that the amount of the commission shall be within the range set by the Attorney General. If the property is not disposed of by Marshal's sale, the commission shall be in such amount, within the range set by the Attorney General, as may be allowed by the court. In any case in which the vessel or other property is sold by a public auctioneer, or by some party other than the Marshal or his Deputy, the commission authorized under this subsection shall be reduced by the amount paid to such auctioneer or other party. This subsection applies to judicially ordered sales and execution sales,

without regard to whether the judicial order of sale constitutes a seizure or levy within the meaning of State law.

(2) The Attorney General shall prescribe from time to time regulations which establish a minimum and maximum amount for the commission collected under paragraph (1).

(d) The United States Marshals may require a deposit to cover any of the fees and expenses prescribed under this section.

(e) Without regard to the provisions of 31 U.S.C. § 3302, the United States Marshals Service is authorized to credit amounts from fees and expenses collected (including amounts for overtime expenses) for the service of civil process, including complaints, summonses, subpoenas, and similar process and seizures, levies, and sales performed by the Marshals to its current appropriation account (Salaries and Expenses, United States Marshals) for the purpose, only of carrying out those activities.

SEC. 5. Chapter 301 of Title 18, United States Code, is amended to add the following new section:

"§ 4013. Support of United States Prisoners in non-Federal institutions

(a) The Attorney General or his designee is authorized to make payments from appropriations available to the United States Marshals Service for:

(1) the necessary clothing;

(2) medical aid and necessary guard hire; and

(3) payment of rewards for assistance in the capture or information leading to the capture of a federal fugitive.

(b) entering into contracts or cooperative agreements with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisition of equipment, supplies, or materials required to establish acceptable conditions of confinement and detention services in any state or local jurisdiction which agrees to provide guranteed bed space for federal detainees within that correctional system, in accordance with regulations issued by the Attorney General and which are comparable to the regulations issued under 18 U.S.C. § 4006, except that amounts made available for this purpose shall not exceed the average per-inmate-cost of constructing similar confinement facilities for the federal prison population; and, provided further that the availability of such federally assisted facility shall be assured for housing federal prisoners and the per diem rate charged for housing such federal prisoners shall not exceed allowable costs or other conditions specified in the contract or cooperative agreement."

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS,
Washington, DC, December 3, 1985.

Hon. GEORGE BUSH,
President of the Senate,
U.S. Senate,
Washington, DC.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal entitled the "United States Marshals Service Act of 1985" which represents an essential step in the efforts of the Department of Justice to upgrade and professionalize the United States Marshals Service.

This proposal would statutorily establish the United States Marshals Service as a bureau within the Department of Justice and explicitly provide the necessary operational and administrative authorities required for the effective and efficent operation of the Service. It would amend Chapters 37 and 123 of Title 28, United States Code.

As you may know, the role of U.S. Marshals has undergone a significant evolution in the nearly 200 years since creation of these positions in 1789. Their mission has been greatly expanded to include such responsibilities as the witness security program, the federal fugitive apprehension program, the national drug asset forfeiture program (in which the U.S. Marshals Service maintains drug-related assets seized for forfeiture), and the Cooperative Agreement Program (in which the Service funds local jail improvements in exchange for guaranteed federal prisoner jail space). Moreover, historic responsibilities such as the service of civil process and attendance at civil court proceedings have been greatly modified. In addition, new techniques and technologies applied to the administration of justice have required a coordinated national perspective and concomitant changes in the organizational and operational procedures of the Service.

These and other factors have created over the years a unique position in the federal justice system for the U.S. Marshals Service. It has become a critical linchpin in the justice process. It maintains judicial and witness security, safeguards and transports prisoners, apprehends those who flee from the judicial process or escape from custody, maintains drug-related property *in rem* pending forfeiture by the Court, and contracts with local jurisdictions to provide funds for the improvement of local jail facilities for housing federal prisoners. Unfortunately, the antiquated statutory basis for the missions, organization, and administration of the Service has not evolved with the responsibilities of the Service and remains essentially in the same form as it has been since the early days of the Republic. Consequently, we believe the continued success and future effectiveness of the Service can be substantially advanced by modern legislation which clearly establishes and supports the U.S. Marshals Service and its missions.

This proposal incorporates much needed legislative change to eliminate ambiguities regarding the Service's status as part of the executive branch and to establish a clear statutory basis for the powers and duties of the Marshals Service. The major provisions of the proposed legislation are as follows.

The proposed amendment to 28 U.S.C. section 561 would codify the establishment of the United States Marshals Service as a bureau of the Department of Justice and provide for the appointment of its Director by the Attorney General. This section also authorizes appropriations to fund the activities of the Service as a discrete item within the Department of Justice budget. Section 561 also sets forth the procedures relating to the appointment by the President of U.S. Marshals, with the advice and consent of the Senate, and provides the necessary authority for administration and management of the Service by the Director. Section 562 of the bill provides for appointment by the Attorney General of acting Marshals in the event of a vacancy. The current system of Court-appointment of interim United States Marshals has led to unseemly conflict and troublesome management and administrative problems. Presently, there is no standard or limitation established regarding the Court's appointment to vacant Marshals' positions. Because his interim appointment resulted from an action of the Court, such an interim Marshal is often lacking in responsiveness to the objectives of the Service.

Section 564 restates the historic, broad authority of the U.S. Marshal while modifying the language to make clear its application to all law enforcement officers of the Marshals Service.

The proposed section 565 consolidates within one major section many of the funding and procedural authorities necessary for the efficient operation of the Service. It provides permanent statutory authority for the Service to lease and acquire motor vehicles and aircraft, transport prisoners, extradite fugitives to the United States, supervise federal prisoners in non-federal institutions, to expend funds for the purchase of firearms and ammunition and pay rewards to informants who aid the Government. It also specifically provides the contracting authority necessary to carry out the Service's law enforcement and court security missions. Under current 28 U.S.C. section 569(b), the U.S. Marshals Service may command all necessary assistance in performance of its duties, the so-called *posse comitatus*, authority and may specially deputize. The amendment will explicitly authorize the contracting currently performed under the broad authority of *posse comitatus* and will assure the ability of the Service to obtain the assistance necessary to carry out its court security and service of process functions in the most efficient manner possible.

The proposed section 566 requires the United States Marshals Service to provide for the safety and security of the federal courts and enforce court orders in accordance with policies established by the Attorney General. The current language of this section has led to confusion regarding management of the resources of the United States Marshals, especially regarding attendance at court proceedings by Service officials and other judicially requested services.

Section 3 of the bill provides for appropriate renumbering of certain sections of title 28, U.S.C., and adds a new section 573. This section would authorize payment of the costs of certain witness security program activities.

The proposed amendment to 28 U.S.C. section 1921 will allow the Attorney General to modify the U.S. Marshals' fees which are now inflexibly prescribed by law at extremely low rates. Under the amendment, the fees to be set by the Attorney General would permit the recovery of the actual costs of serving non-Federal process, writs, and orders. Currently, the costs of these services are not adequately recovered through fees collected by the Service and the difference is paid from general federal revenues. Establishment of realistic fees based on prior year costs is the most effective method for meeting continually rising expenses and for determining appropriate user charges. Moreover, allowing the Service to credit such fees to its current appropriation account will help defray operating expenses for these activities. This is consistent with the principle that Government programs having particular benefits for identifiable recipients should be self-sustaining to the extent practical.

Finally, the proposed new section 18 U.S.C. 4013 establishes permanent authority for the Cooperative Agreement Program. Under this program, federal funds are provided to state and local authorities to improve their jail facilities and conditions in

exchange for the housing of federal prisoners. These institutions confine, clothe, and provide medical care for certain unsentenced federal inmates, certain sentenced federal prisoners awaiting transportation to permanent incarceration facilities, and certain federal prisoners called to non-federal facilities for judicial purposes.

Enclosed with the proposed legislation is a section-by-section analysis for your review. We look forward to prompt consideration of this legislation by the Congress.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to submission of this legislation to the Congress.

Sincerely,

JACK E. PERKINS
(For Phillip D. Brady,
Acting Assistant Attorney General).

SECTION-BY-SECTION ANALYSIS: U.S. MARSHALS SERVICE ACT OF 1985

SECTION 2. This section amends existing provisions of Chapter 37 of Title 28, United States Code.

Amended section 561 establishes the United States Marshals Service as a bureau within the Department of Justice under the authority and direction of the Attorney General. It provides for a Director appointed by the Attorney General and establishes the administrative and management authority necessary for the efficient and effective operation of the Service.

This section also provides for the appointment by the President, by and with the advice and consent of the Senate, of United States Marshals for each judicial district of the United States, except for the Northern Mariana Islands wherein the Marshal may at the same time serve as Marshal in another district. Administrative authorities contained in the amended section 561 relate to the selection and appointment of law enforcement and staff support personnel, the supervisory authority of the Director, the accounting for funds collected by the Marshals, and the appropriation of such sums as may be necessary to exercise the powers and duties of the U.S. Marshals Service.

Amended section 562 provides for the appointment of an acting Marshal by the Attorney General in the case of a vacancy in such office. It also assures the temporary nature of such interim appointment by prohibiting the designation of any person whose appointment by the President to that office has been rejected by the Senate and by providing for the automatic termination of such interim appointments under specified circumstances.

Amended section 564 restates the historic authority of United States Marshals, in executing the laws of the United States, to exercise the same powers as a sheriff of a State and modifies the language to provide that such authority is also shared by other law enforcement officials of the United States Marshals Service.

Amended section 565 consolidates into one section an enumeration of the various activities for which the Service is authorized to expend funds and authorizes the Service to enter into contracts and cooperative agreements for the provision of security guards and for the service of civil process.

Amended section 566 specifies the duties of the Service with respect to the protection of the Federal courts and the execution of writs and process in accordance with policies established by the Attorney General. It also authorizes officials of the Service to carry firearms, conduct investigations relating to the apprehension of fugitives, and to make arrests.

Section 3 makes necessary renumbering changes in title 28 and adds a new section 573. Section 573 authorizes the expenditure of funds from the appropriations available to the Marshals Service for facilities required in the protection of witnesses.

Section 4 amends section 1921 of Title 28, United States Code, to allow the Attorney General to set fees collected from non-Federal entities by United States Marshals in civil and criminal matters at levels reflecting the actual cost of the service provided. It also permits the Service to credit such fees collected to its current appropriation and use such funds to defray operating expenses for these activities.

Section 5 amends Chapter 301 of Title 18, United States Code, to authorize payment from appropriated funds for the necessary clothing and medical care for federal prisoners in non-federal institutions and for the payment of rewards in connection with the capture of federal fugitives. It also provides and codifies the authority for the Cooperative Agreement Program under which the Service provides funds for state and local jail construction or modernization in exchange for the housing of federal prisoners.

[From the Washington Post, Dec. 16, 1985]

FOOTBALL PARTY PROVES A BUST—101 WANTED BY POLICE ARE BLITZED BY OFFER OF GAME TICKETS

(By John Ward Anderson)

You are the lucky recipient of two free tickets to the Washington Redskins-Cincinnati Bengals game, the letters read, and to collect your prize all you have to do is attend a pregame brunch at the Washington Convention Center.

About 100 gleeful persons responded yesterday. Garbed in scarves, gloves, overcoats and caps that read "Riggo's Rangers," most had visions of lounging in the windy stands, socking down a few beers and hotdogs and cheering on the home team to victory.

It turns out they had overdressed for the occasion. While they waited for their tickets in a small room at the Convention Center, eating pastries and drinking coffee next to posters that urged "Let's party!", an emcee in white tails and top hat announced that he had a "surprise": They were under arrest.

The ticket winners stopped singing "Hail to the Redskins" as 28 deputy U.S. marshals and D.C. police officers, dressed in flak jackets and carrying shotguns, marched in, handcuffed them, and put them on a bus that went to D.C. Superior Court instead of to RFK Stadium.

It was an elaborate sting called Operation Flagship, and law enforcement officials said it netted 101 fugitives wanted in connection with more than 170 outstanding criminal arrest warrants in the Washington area.

"They went for it hook, line and sinker," said an exuberant Herbert M. Rutherford III, U.S. marshal for the District. "There was everything from laughs to tears. They were totally caught off guard" by the scam, which officials said was perhaps the largest and most successful of its kind ever staged.

D.C. police Chief Maurice T. Turner Jr. said the suspects are "responsible for a large percentage of the criminal offenses in our communities" and that their arrests "will no doubt have an impact on our daily crime rate."

The sting idea was conceived about three months ago, Rutherford said, and letters from a fictitious company called Flagship International Sports Television Inc. were sent about seven weeks ago to more than 3,000 persons with outstanding warrants.

The name of the company stands for FIST, the acronym for the Marshal Service's Fugitive Investigative Strike Team.

The correspondence that lured the unsuspecting targets to the Convention Center announced the birth of "Washington, D.C.'s allsports [television] channel" and informed the recipients that their names had been selected from a "computer clearinghouse list" of area residents.

The letters promised that a drawing would be held at the Convention Center "for 10 lucky winners to receive 1986 Washington Redskins Season tickets! In addition, a Grand Prize Drawing for a one-week, all-expenses-paid trip to Super Bowl XX in New Orleans, Louisiana, will be given to a lucky person and three of their guests!"

"I'm going to sue for false advertising!" one person yelled from inside a bus parked near the old D.C. Superior Court building, where the targets of the sting were taken for processing.

Others from the bus joined in a chorus of screams, some venting their frustration, many proclaiming their innocence and a few finding humor in their plight:

"Are we going to the game after we get out?"

"Tell them we appreciate the invitation!"

"I thought I was going to the Super Bowl!"

"I'll tell you what kind of a party it was," said one suspect, still sporting a blue and white patch announcing: Hello, My Name Is . . . .

"As soon as they invited me in there they put a 12-gauge shotgun in my face and said, 'Freeze.' "

Officials said the roundup nabbed people wanted in connection with 15 warrants for assault, five for robbery, six for burglary, four for escape, 19 for bond default or bail violation, 18 for narcotics violations, 59 for probation or parole violation, two for fraud or embezzlement, one for a weapons violation and 41 for a variety of charges from rape to arson to forgery.

Officials said the arrests were made without incident and that no one was injured in the operation, which started at 9 a.m. and ended about two hours later. They said two handguns were confiscated along with an undetermined amount of narcotics.

Police arrested five persons who were later released when it was discovered that they were not wanted on a warrant, according to D.C. police spokesman Lt. William White III.

He said the persons, including the son of a man wanted in the District for murder, had gone to the Convention Center with a letter sent to someone else and were released after their true identities were confirmed.

More than 160 police and deputy marshals took part in the operation, many posing as ushers, caterers, cleaning personnel and Flagship officials. When the suspects entered the Convention Center, they registered at a booth, then were led in groups ranging from 12 to 18 persons to a small party room on the second floor.

The emcee, a deputy marshal in a chicken costume, and another dressed as an Indian made a promotional pitch for the fake company and kept the suspects entertained until the emcee said the code word—"surprise"—at which point marshals and police hiding nearby jumped out and made the arrests.

Stanley E. Morris, director of the U.S. Marshals Service, said there are "more than a quarter of a million fugitives from justice at large on any given day" in the United States, and that "stings are a safe, clean, creative way to inexpensively get these people off the streets." He said the D.C. operation cost about $22,100.

Officials said that in many cases a suspect has moved and marshals are unable to locate him or her. However, the officials said, mail frequently will be forwarded to the suspect's new home.

In addition, according to one deputy, it is much safer to arrest a suspect away from home when he or she does not expect it.

"These people weren't going to the Convention Center to do business," the deputy said. "They were going to a party to have a good time."

[From the Washington Post, Dec. 17, 1985]

THAT PARTY WAS A REAL GRABBER

Everybody knows there's no such thing as a free brunch. Well, almost everybody knows. Some 101 glaring exceptions showed up at the Washington Convention Center Sunday morning to do what Washingtonians do best: hail the Redskins and mingle with other canape-and-freebie snatchers. From the looks of the invitation, it's a wonder that another 100 finagling members of Congress, lobbyists, publicists and media groupies didn't turn up as well—guests of Operation Flagship, the elaborate sting pulled off by U.S. marshals and the police.

The guests who did come, as we all know now, arrived in full home-game regalia for what they thought would be a gala party, two tickets to the Redskins game and a drawing for 1986 season tickets and a one-week, all-expenses-paid trip to Super Bowl XX in New Orleans. But the big surprise was that 28 marshals and police officers arrested them. The arrested included 101 fugitives wanted in connection with more than 170 outstanding criminal arrest warrants in this area. These persons were responsible, as Police Chief Maurice T. Turner, Jr. noted, "for a large percentage of the criminal offenses in our communities." Their arrest, he said, "will no doubt have an impact on our daily crime rate."

That remains to be seen, but let us hope so. It is important to note here that these party guests were not entrapped into committing any crime. They were merely inveigled into making themselves available to law officers looking for them on the basis of the following: 15 warrants for assault, five for robbery, six for burglary, four for escape, 19 for bond default or bail violation, 18 for narcotics violations, 59 for probation or parole violation and 41 for a variety of charges from rape to arson to forgery. Some party.

It was reportedly the brainchild of Toby Roche, chief deputy U.S. marshal at the U.S. District Court in Washington. Also credited for directing the bash is Robert Leschorn, senior inspector of the Marshal Services Enforcement Operations Division. Maybe the guests didn't have a good time—but more than a few can count on doing some.

Mr. BIDEN. Mr. President, I join, by request, with Chairman THURMOND in introducing this bill that will establish the U.S. Marshals Service as a recognized Bureau within the Department of Justice. Surprisingly, the U.S. Marshals Service has functioned under various directives of the Attorney General without specific statutory or budgetary authority like the Federal Bureau of Investigation or Federal Bureau of Prisons.

The U.S. Marshals Service mission has been expanded greatly over its 200-year history. Many may still think of the U.S. marshal as a court room guard and process server. However, today's U.S. Marshals Service is a recognized law enforcement agency that has become an important element in the Federal criminal justice process. Their mission includes judicial and witness security, transportation of prisoners, apprehension of Federal fugitives, contracts with local jurisdictions for local jail improvements for housing Federal prisoners, and responsibility for maintaining and securing property and assets seized for forfeiture in narcotics cases.

Their work in apprehension of dangerous fugitives, under their Fugitive Investigative Strike Team Program, has been very successful. This was documented in their highly successful "Sting Operation" in Washington, DC, last December. In that efficient and professional law enforcement operation that involved both U.S. marshals and local D.C. police, 101 fugitives were arrested. These fugitives had outstanding charges for such things as rape, arson, burglary, escape from custody, narcotics trafficking, assault, and other offenses. All were arrested without a shot being fired as the fugitives came to the Washington Convention Center by invitation for brunch and free tickets to the Redskin-Cincinnati Bengals football game.

Since November 1981, when the fugitive investigative strike team was established, over 11,000 arrests have been made through cooperative Federal, State, and local enforcement efforts spearheaded by the U.S. Marshals Service.

Mr. President, this legislation we introduce today proposes to update the statutory authority necessary for the U.S. Marshals Service to carry out their expanded responsibilities. In addition to establishing the U.S. Marshals Service statutorily in the executive branch, the legislation will spell out existing authorities such as contract authority for civil process and adjusting fees for servicing non-Federal process, writs, and orders. Currently, the costs of these services are not adequately recovered through inflexible and outdated rates proscribed by law.

This bill includes a number of improvements that I believe will enhance the continued success and future effectiveness of the U.S. Marshals Service. There are several items in the bill such as continuing the appointment of the Director of the U.S. Marshals Service as an appointment by the Attorney General instead of the President and the procedures for filling vacancies in U.S. marshals' offices on an interim basis which will require careful review during consideration of this bill in the Judiciary Committee. However, I believe that we will all agree we need to update the statutory authority for the U.S. Marshals Service and, in order to get the legislative process under way, I join with Chairman THURMOND in introducing, by request, the United States Marshals Service Act of 1986.

By Mr. HELMS (for himself and Mr. LUGAR):

S. 2045. A bill to amend the Commodity Exchange Act to reauthorize appropriations to carry out such act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FUTURES TRADING ACT

Mr. HELMS. Mr. President, on behalf of Senator LUGAR and myself, I introduce, by request, a bill authorizing appropriations for the Commodity Futures Trading Commission. The bill is short, at least in comparison with the 1982 CFTC reauthorization measure, and generally makes minor changes to the Commodity Exchange Act, in addition to authorizing the appropriation of such sums as may be required by the Commission for each of the fiscal years 1987 through 1992.

The only issue in the bill that may generate some notoriety is that of leverage. In response to the concerns of some Senators and Congressmen, the Commission has proposed that it cease to regulate leverage contracts, leaving any such regulation to the States. I am sure, however, that the issue of leverage will be carefully examined by the committee before any material changes affecting it are made.

Mr. President, I ask unanimous consent that an explanation of the bill and a document showing the changes in existing law that would be made by the bill, both prepared by the Commission, be printed in the RECORD following the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Futures Trading Act of 1986".

TITLE I—ENFORCEMENT AND APPELLATE REVIEW

SEC. 101. FRAUDULENT PRACTICES.

Clause (2) of the first sentence of section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by striking out "on or subject to the rules of any contract market,".

SEC. 102. EXTRATERRITORIAL SERVICE OF SUBPOENAS.

Section 6(b) of the Commodity Exchange Act (7 U.S.C. 15) is amended—

(1) in the fourth sentence, by striking out "or any State" and inserting in lieu thereof ", any State, or any foreign country or jurisdiction"; and

(2) by inserting after the fourth sentence the following new sentence: "A subpoena issued under this section may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States in such manner as the Federal Rules of Civil Procedure prescribe for service of process in a foreign country.".

SEC. 103. EX PARTE APPOINTMENT OF TEMPORARY RECEIVERS.

The proviso of the first sentence of section 6c of the Commodity Exchange Act (7 U.S.C. 13a-1) is amended by inserting before the close parenthesis within the parenthetical phrase the following: ", and other than an order appointing a temporary receiver to administer such restraining order and to perform such other duties as the court may consider appropriate".

SEC. 104. COURT OF APPEALS REVIEW.

The Commodity Exchange Act is amended by adding after section 23 (7 U.S.C. 26) the following new section:

"SEC. 24. (a)(1) Except in cases in which judicial review of Commission action is otherwise expressly provided for in this Act, any person adversely affected by a final order of the Commission or by any rule adopted by the Commission under this Act may obtain review of the order or rule only in the United States court of appeals for the circuit in which the person resides or has its principal place of business.

"(2) To obtain the review, the person must file in the court within 30 days after notice of the order, or the promulgation of the rule, a written petition requesting that the order be modified or set aside in whole or in part or that the rule be set aside.

"(b) On the filing of the petition, the clerk of the court shall transmit a copy of the petition to the Commission.

"(c) On receipt of the petition, the Commission shall file in the court the record on which the order complained of is entered (in accordance with section 2112 of title 28, United States Code) or in the case of the rule under review, the rulemaking record of the Commission (including all written submissions), the transcript of any oral presentations made during the course of the rulemaking, and any other materials prescribed by the court.

"(d) No objection to the order or rule of the Commission shall be considered by the court unless the objection shall have been presented to and heard before the Commission.

"(e) On the filing of the petition, the court may affirm the issuance of the order or the adoption of the rule, set aside or modify the order, or set aside the rule.

"(f) The findings of the Commission as to the facts shall be conclusive if supported by substantial evidence.".

TITLE II—LEVERAGE TRANSACTIONS

SEC. 201. DEFINITIONS.

Section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) in the first proviso of the third sentence (relating to the definition of the term "commodity"), by striking out ", and transactions subject to regulation by the Commission pursuant to section 19 of this Act"; and

(2) in the sixteenth sentence (relating to the definition of the term "commodity trading advisor")—

(A) by striking out the comma after "a contract market" and inserting in lieu thereof "or"; and

(B) by striking out "or any leverage transaction authorized under section 19,".

SEC. 202. PENALTY FOR MANIPULATION OF PRICES.

The first sentence of section 9(b) of the Commodity Exchange Act (7 U.S.C. 13(b)) is amended—

(1) by striking out the comma after "4h" and inserting in lieu thereof "or"; and

(2) by striking out ", or section 19".

SEC. 203. PENALTY FOR PROHIBITED TRANSACTIONS.

The first sentence of section 9(d) of the Commodity Exchange Act (7 U.S.C. 13(d)) is amended by striking out "or any transaction for the delivery of any commodity under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract, or under any contract, account, arrangement, scheme, or device that the Commission determines serves the same function or functions as such a standardized contract, or is marketed or managed in substantially the same manner as such a standardized contract,".

SEC. 204. PENALTY FOR USE OF NONPUBLIC INFORMATION.

Section 9(e) of the Commodity Exchange Act (7 U.S.C. 13(e)) is amended by striking out each place it appears the following: ", or in any transaction for the delivery of any commodity under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract, or under any contract, account, arrangement, scheme, or device that the Commission determines serves the same function or functions as such a standardized contract, or is marketed or managed in substantially the same manner as such a standardized contract".

SEC. 205. RELATION TO OTHER LAWS.

Section 12(e)(2) of the Commodity Exchange Act (7 U.S.C. 16(e)(2)) is amended by striking out "or 19".

SEC. 206. LEVERAGE TRANSACTIONS.

Section 19 of the Commodity Exchange Act (7 U.S.C. 23) is repealed.

SEC. 207. PRIVATE RIGHT OF ACTION.

Section 22(a)(1)(C) of the Commodity Exchange Act (7 U.S.C. 25(a)(1)(C)) is amended—

(1) by inserting "or" after the semicolon at the end of clause (i);

(2) by striking out clause (ii); and

(3) by redesignating clause (iii) as clause (ii).

TITLE III—REGISTERED FUTURES ASSOCIATIONS

SEC. 301. DISCIPLINARY ACTIONS.

Subsection (h) of section 17 of the Commodity Exchange Act (7 U.S.C. 21(h)) is amended to read as follows:

"(h)(1)(A) If any registered futures association takes any final disciplinary action against any member of the association or any person associated with such a member or denies admission to any person seeking membership in the association, or bars any person from being associated with a member, the association shall promptly file notice thereof with the Commission.

"(B) The notice shall be in such form and contain such information as the Commission, by rule, may prescribe as necessary or appropriate to carry out the purposes of this Act.

"(2)(A) Any action with respect to which a registered futures association is required by paragraph (1) to file notice shall be subject to review by the Commission—

"(i) on the motion of the Commission; or

"(ii) on application by any person aggrieved by the action filed within—

"(I) 30 days after the date the notice was filed with the Commission and received by the aggrieved person; or

"(II) such longer period as the Commission may determine.

"(B) Application to the Commission for review, or the institution of review by the Commission on the motion of the Commission, shall not operate as a stay of the action unless the Commission otherwise orders, summarily or after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of the submission of affidavits or presentation of oral arguments).

"(C) The Commission shall establish for appropriate cases an expedited procedure for consideration and determination of the question of a stay.".

SEC. 302. COMMISSION REVIEW OF ASSOCIATION ACTION.

Subsection (i) of section 17 of the Commodity Exchange Act (7 U.S.C. 21(i)) is amended to read as follows:

"(i)(1) In a proceeding to review a final disciplinary action taken by a registered futures association against a member thereof or a person associated with a member, after appropriate notice and opportunity for hearing (which hearing may consist solely of consideration of the record before the association and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the sanction)—

"(A) if the Commission finds—

"(i) on the basis of the record in the proceeding before the association and such other matters as may be presented to the Commission, that the member or person associated with a member has engaged in such acts or practices or has omitted such acts;

"(ii) that the acts or practices, or omissions to act, are in violation of the rules of the association as have been specified in the determination of the association; and

"(iii) that the rules of the association are and were applied in a manner consistent with this Act,

the Commission, by order, shall so declare and, as appropriate, affirm the sanction imposed by the association, modify the sanction in accordance with paragraph (2), or remand the case to the association for further proceedings; or

"(B) if the Commission does not make any such finding, the Commission shall by order—

"(i) set aside the sanction imposed by the association; and

"(ii) if appropriate, remand the case to the association for further proceedings.

"(2) If, after a proceeding conducted in accordance with paragraph (1), the Commission finds that any penalty imposed on a member or person associated with a member is excessive or oppressive, with due regard for the public interest, the Commission shall by order cancel, reduce, or require the remission of the penalty.

"(3) In any proceeding to review the denial of membership in a registered futures association or the barring of any person from being associated with a member, if the Commission, after appropriate notice and hearing (which hearing may consist solely of consideration of the record before the association and opportunity for the presentation of supporting reasons to affirm,

modify, or set aside the sanction), determines that—

"(A) the specific grounds on which the denial or bar is based exist in fact;

"(B) the denial or bar is in accordance with the rules of the association; and

"(C) the rules are and were applied in a manner consistent with this Act,

the Commission shall by order dismiss the proceeding or set aside the action of the association and require the association to admit the applicant to membership in the association or to permit the person to be associated with a member.

"(4) Any person (other than a registered futures association) aggrieved by a final order of the Commission entered under this subsection may file a petition for review with a United States court of appeals in accordance with section 6(b).".

SEC. 303. RULE REVIEW PROCEDURES.

Section 17(j) of the Commodity Exchange Act (7 U.S.C. 21(j)) is amended by striking out the third sentence.

SEC. 304. ALTERATION OR SUPPLEMENTATION OF ASSOCIATION RULES.

Section 17(k) of the Commodity Exchange Act (7 U.S.C. 21(k)) is amended—

(1) in paragraph (1), by striking out "title" and inserting in lieu thereof "section"; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2)(A) The Commission may in writing request that any registered futures association adopt any specified alteration or supplement to the rules of the association with respect to any of the matters specified in this paragraph.

"(B) If the association fails to adopt the alteration or supplement within a reasonable time, the Commission is authorized by order to alter or supplement the rules of the association—

"(i) in the manner requested under subparagraph (A); or

"(ii) with such modification as the Commission considers necessary if, after appropriate notice and opportunity for hearing, it appears to the Commission that the alteration or supplement is necessary or appropriate in the public interest—

"(I) to assure fair dealing by the members of the association;

"(II) to assure a fair representation of the members of the association in the administration of the affairs of the association; or

"(III) to effectuate the purposes of this section.

"(C) The alterations or supplements may specify changes with respect to matters such as—

"(i) the basis for, and procedure in connection with, the denial of membership or the barring from being associated with a member or the disciplining of members or persons associated with members, or the qualifications required for members or natural persons associated with members or any class of members;

"(ii) the method of adoption of any change in or addition to the rules of the association;

"(iii) the method of choosing officers and directors;

"(iv) safeguards with respect to the financial responsibility of members;

"(v) the manner, method, and place of soliciting business by members, including the content of the solicitations; and

"(vi) the form and manner of handling, recording, and accounting for orders, transactions, and accounts of customers by members.".

TITLE IV—MISCELLANEOUS AMENDMENTS

SEC. 401. CERTAIN PROHIBITED TRANSACTIONS.

Section 9(d) of the Commodity Exchange Act (7 U.S.C. 13(d)) is amended—

(1) in the first sentence, by inserting before the period at the end thereof the following: "if nonpublic information is used in the investment transaction, if the investment transaction is prohibited by rule or regulation of the Commission, or if the investment transaction is effected by means of any instrument regulated by the Commission, except that the prohibitions specified in this sentence shall not apply to any transaction or class of transactions that the Commission, by rule or regulation, has determined would not be contrary to the public interest or otherwise inconsistent with the purposes of this section"; and

(2) by striking out the second and third sentences.

SEC. 402. AUTHORIZATION FOR APPROPRIATIONS.

Subsection (d) of section 12 of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended to read as follows:

"(d) There are authorized to be appropriated to carry out this Act such sums as may be required for each of the fiscal years during the period beginning October 1, 1986, and ending September 30, 1992.".

EXPLANATION OF S. 2045

TITLE I—ENFORCEMENT; APPELLATE REVIEW

Fraudulent practices

Section 101 of the bill would amend the Commodity Exchange Act to make explicit that the proscription against fraud and other abusive practices in Section 4b applies to the offer or sale of all commodity futures contracts and therefore that persons may be held liable for fraud under Section 4b in connection with the marketing of illegal, off-exchange futures contracts in violation of Section 4(a) of the Act.

Section 4b of the Act generally proscribes fraud and other abusive practices in connection with commodity futures contracts made, or to be made, "on or subject to the rules of any contract market". By this section, Congress has specifically sought to protect customers from fraudulent activity in connection with futures transactions. However, the language in Section 4b quoted above could be misinterpreted as limiting these protections only to those customers who are defrauded in connection with the purchase or sale of futures contracts traded on Commission-designated contract markets. Such a misinterpretation could result in the anomalous situation where purveyors of illegal, off-exchange futures contracts who also commit fraud could not be charged under Section 4b. In addition, such persons would be immune from conviction under Section 9(b) of the Act, which makes it a felony knowingly to violate Section 4b. Section 101 would eliminate the "on or subject to" phrase from the law so as to assure that the courts interpret Section 4b consistent with Congressional intent.

The history of the Commodity Exchange Act is totally consistent with this clarifying proposal. That history reflects an ever-increasing Congressional concern that the public be protected from fraudulent and other unlawful activities and that there be appropriate law enforcement tools available to vindicate those public interests. In 1921, Congress first declared that futures trading in grains could lawfully occur only on federally-designated commodity exchanges. In 1936, Congress expanded the list of federally-regulated commodities, and at the same time, enacted Section 4b of the Commodity Exchange Act to outlaw fraud and other abuses in connection with commodity futures trading. As enacted in 1936, Section 4b governed only the conduct of commodity exchange members, but in 1968 Congress broadened the scope of Section 4b to cover fraud committed by "any person" acting for another in connection with commodity futures trading.

In 1974, Congress again amended the Act to expand its coverage to futures trading in virtually all commodities and to create the Commission to administer and enforce the Act. The Commission was given broad enforcement authority both to enjoin and to prosecute fraudulent conduct. As part of the 1974 amendments, Congress also established a Commission reparations program by which customers could prosecute claims for damages arising out of violations of the Act, such as Section 4b. Congress' actions in 1974 also preserved customers' existing rights to seek damages in court for violations of Section 4b. In 1978, Congress again amended the Act, this time to give the states power to enjoin violations of Section 4b, as well as other provisions of the Act, in federal district court, and to seek money damages for their citizens for these violations.

Finally, in 1982, Congress reconfirmed that all futures trading must take place on designated exchanges by recodifying existing provisions of the Act into Section 4(a). In 1982 Congress also empowered the states to proceed in state court against CFTC registrants who violate Section 4b and the other anti-fraud provisions of the Act and the Commission's regulations.

These other anti-fraud provisions contain no limiting language to suggest that they apply only to fraud committed in connection with otherwise lawful contracts. For example, Section 4o of the Act makes it unlawful for a commodity trading advisor or commodity pool operator to defraud any client or participant or to engage in any transaction, practice or course of business which operates as a fraud or deceit. Similarly, Commission regulations proscribing fraud in connection with foreign futures contracts, leverage transactions, and commodity options contain no such limiting language as that contained in Section 4b of the Act. See 17 C.F.R. §§ 30.02, 31.3, 32.9 and 33.10.

Moreover, the Commission has never interpreted Section 4b so as to limit its application to exchange-traded futures contracts. Instead, the Commission has repeatedly alleged fraudulent activity in violation of Section 4b in injunctive actions involving the illegal, off-exchange sale of commodity futures contracts and the courts have entered injunctions against further violations of Section 4b in these cases.[1] Nevertheless, a

[1] See, e.g., *CFTC* v. *FITC*, C.A. No. 85-1555 (N.D. Cal.) (preliminary injunction June 6, 1985); *CFTC* v. *National Monetary Corp.*, No. 85-72570 (E.D. Mich.) (preliminary injunction July 22, 1985); *CFTC* v. *International Silver Bullion*, No. 84 C 10501 (N.D. Ill.) (temporary restraining order January 11, 1985). In each of these cases, the Commission charged the unlawful sale of off-exchange futures contracts as well as violations of Section 4b. However, the courts did not analyze the language of Section 4b in these cases.

court could read the provisions of section 4b narrowly, and deny its application to off-exchange operators. In two recent decisions in private litigation, federal district courts held Section 4b inapplicable to foreign futures contracts because these contracts were not sold on or subject to the rules of a United States contract market.[2]

As the Commission has stated, the requirement that a futures contract be executed on a designated contract market is what makes the contract legal, not what makes it a futures contract. In re Stovall, Comm. Fut. L. Rep. (CCH) ¶ 20,941 (CFTC 1979). Indeed, because the sale of off-exchange futures contracts has been declared both by the Congress and the Commission as illegal per se, such activity should be viewed in and of itself as perpetuating a fraud upon the public. Congress should act now to amend Section 4b to clarify that purveyors of off-exchange futures contracts may not defend fraudulent conduct on the basis of a narrow reading of Section 4b. The Commission, the States and public customers should be able, in actions brought under the Commodity Exchange Act, to proffer evidence of fraudulent conduct against these purveyors of off-exchange futures contracts so that Congressional intent can be fully effectuated against an activity which has been unlawful since 1921.

Extraterritorial service of subpoenas

Section 102 of the bill would amend Section 6(b) of the Commodity Exchange Act expressly to empower the Commission to serve administrative subpoenas on persons located outside the United States in order to assure the attendance of such persons in connection with Commission investigations and administrative proceedings conducted in this country, including those commenced by the service of complaints abroad. The amendment would also apply to subpoenas for the production in the United States of books and records and other documents located abroad. Section 102 would thus provide the explicit legislative authority in Section 6(b) which the Court of Appeals for the District of Columbia found lacking in *CFTC* v. *Nahas*, 738 F.2d 487 (D.C. Cir. 1984).

The *Nahas* case arose from the judicial enforcement of a Commission subpoena issued as part of the investigation of the events in the silver markets between 1979 and 1980. Nahas, a dual citizen of Lebanon and Brazil, was served with a subpoena in Brazil directing him to give testimony and to produce documents concerning his involvement in the United States silver markets. When Nahas failed to respond to the subpoena, the Commission instituted proceedings to enforce the subpoena in the United States District Court. Those proceedings resulted in an adjudication of contempt when Nahas failed to comply with the court's order enforcing the subpoena. *CFTC* v. *Nahas*, [1982-84] Comm. Fut. L. Rep. (CCH), ¶ 21,940 (D.D.C. 1983).

However, the Court of Appeals vacated the orders of the District Court. The Appeals Court held that section 6(b) of the Act does not authorize the enforcement of an investigatory subpoena served on a foreign citizen in a foreign country. The Court also found that the legislative history of section 6(b) "does not indicate that Congress intended to clothe the Commission with the power to serve investigatory subpoenas extraterritorially." 738 F.2d at 493. The Court emphasized, however, that its ruling "does not pose a question about the authority of Congress; rather it poses a question about the congressional intent embodied in [Section 6(b)]." 738 F.2d at 495. Indeed, the Court specifically invited the Commission to seek congressional clarification of its investigatory powers. Id. at n.17 [3]

The Commission has consistently viewed its regulatory authority under the Act as extending to all market participants regardless of their nationality or location. However, if widely accepted, the *Nahas* decision may impede or defeat enforcement of Commission subpoenas directed to foreign nationals in the future, thereby effectively creating a safe haven for would-be violators of the Act who can insulate their activities simply by conducting transactions on American exchanges from abroad. In the Commission's view, such a result is fundamentally inconsistent with the intent of Congress in passing the Act and wholly ignores the increasingly international nature of United States futures markets. The proposed amendment would clarify the uncertainty created by the *Nahas* decision and would complement the Commission's existing regulatory program for market surveillance.

Under the Commission's market surveillance program, the primary source of information regarding positions held by both domestic and foreign market participants is the Commission's large trader reporting system. In addition to the large trader reporting system, the Commission may issue a "special call" for specific information concerning any account whether or not the account contains reportable positions.

Commission communications concerning the large trader reporting system and Commission special calls both may be served on any foreign trader or broker by serving the United States futures commission merchant FCM through which trades are executed. 17 C.F.R. § 15.05(b). The FCM must then promptly notify the foreign trader or broker by TELEX or a similarly expeditious means. Failure to respond to the special call may result in a prohibition against further trading except to offset existing open futures contracts. Failure to respond may also result in the imposition of sanctions under Section 6(b) of the Act, including a civil penalty of up to $100,000 for each violation of the Act.

However, the large trader reporting system and special call procedures do not necessarily provide, nor are they calculated to provide, all of the information that may be necessary to ascertain whether a foreign trader or foreign broker has violated the Act or the Commission's regulations. Rather, such a determination often requires the taking of testimony through deposition and/or the analysis of documents, the type of evidence obtained pursuant to subpoena. It is in the area of the Commission's ability to investigate the possible violations of the Act by foreign market participants that the effects of the *Nahas* decision will be the greatest.

If allowed to stand uncorrected, the *Nahas* decision may foreclose the Commission from investigating the conduct of foreign market participants irrespective of the magnitude of their involvement in U.S. markets, so long as the trader or other witness remains outside the territorial United States. Thus, even though the foreign participant's conduct is clearly subject to the requirements of the Act,[4] and despite the existence of sufficient contacts with the United States to establish in personam jurisdiction as a matter of due process, the foreign participant may only be subject to the Commission's subpoena power if service can be made in the territorial United States. Congress should act to avoid this result.

Ex Parte Appointment of Temporary Receivers

Section 103 of the bill would amend Section 6c of the Act to empower the Commission to seek in federal district court the ex parte appointment of a temporary receiver pending a hearing to decide whether a permanent receiver should be appointed or such other hearing as the court may order. The bill would enhance the Commission's existing authority to obtain ex parte restraining orders to prohibit suspected law violators from destroying books and records or removing funds or other property.

Section 6c of the Act authorizes the Commission to bring an action in federal district court to enjoin unlawful conduct. Prior to enactment of the Futures Trading Act of 1982, Section 6c prevented the Commission from obtaining a restraining order or injunction on an ex parte basis. During the 1982 reauthorization process, the Commission requested that Congress lift the prohibition on ex parte restraining orders. The Commission noted that prior notice to persons suspected of violating the law might result in their destroying books and records or dissipating customers' funds. Congress agreed and amended Section 6c to permit the courts to issue ex parte restraining orders: (a) to prohibit any person from destroying, altering or disposing of, or refusing to permit authorized representatives to the Commission to inspect, any books and records or other documents and/or (b) to prohibit any person from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets or other property.

This new authority of the Commission has worked well, but has also created a dilemma. As Section 6c is presently written, there is no express power for the court to appoint a receiver on an ex parte basis to assure that books and records and assets will be fully protected. A receiver may be appointed only after notice and a hearing on the application for the appointment of a receiver. The period between the issuance of the ex parte restraining order and the hearing on the application can be as long as fif-

[2] See *deAtucha* v. *Comex*, Comm. Fut. L. Rep. (CCH) ¶ 22,580 (S.D.N.Y. 1985); and *Kleinberg* v. *Bear Stearns & Co.*, Comm. Fut. L. Rep. (CCH) ¶ 22,613 (S.D.N.Y. 1985). *Cf. Palmer Trading Co., Inc.* v. *Shearson Hayden Stone, Inc.*, Comm. Fut. L. Rep. (CCH) ¶ 20,900 (S.D.N.Y. 1979) (Section 4b held not to apply to London commodity options).

[3] In contrast to Section 6(b), the *Nahas* court cited (738 F.2d at 496) the explicit authority conferred on the U.S. Department of Justice, under 15 U.S.C. 1312(d)(2), and on the Federal Trade Commission, under 15 U.S.C. 57b-1(c), to serve "civil investigative demands" in connection with antitrust investigations, "upon any person who is not to be found within the territorial jurisdiction of any court of the United States, in such manner as the Federal Rules of Civil Procedure prescribe for service in a foreign country." The amendment to the Act contained in Section 101 of the bill is patterned on this quoted language.

[4] The applicability of the provisions of the Act to persons and conduct outside the United States has been upheld. *Tamari* v. *Bache & Co. (Lebanon) S.A.L.*, 730 F.2d 1103 (7th Cir. 1984); *Psimenos* v. *E.F. Hutton & Co., Inc.*, 722 F.2d 1041 (2d Cir. 1983); *Cresswell* v. *Prudential-Bache Securities, Inc.*, 580 F. Supp. 55 (S.D.N.Y. 1984); *Alpa S.A. Agroindustrial Alemano* v. *ACLI International, Inc.*, 573 F. Supp. 1070 (S.D.N.Y. 1983).

teen to twenty days. During this often critical period, the books and records and assets might be substantially disposed of or dissipated.

For example, in many instances in which the Commission is taking law enforcement action against an off-exchange boiler-room, the Commission will seek and obtain an exparte restraining order to protect the books and records and to freeze the assets of the off-exchange operation. Nevertheless, no independent person is in place to ensure that the books and records and assets are protected.[5] These assets could include open positions in the legitimate futures markets, which would go unmanaged after the issuance of the ex parte restraining order until a receiver has been appointed. Margin calls may be made to these futures accounts, but because the assets are forzen and no one is in place to manage the operation, the margin calls are not met. The futures commission merchant carrying the accounts might liquidate profitable positions to meet margin calls on unprofitable positions regardless of whether it is in the best interests of the operation or its customers. Further, during the period of the ex parte freeze of assets, the salaries of the employees of the operations cannot be paid. Often the employees quit, further limiting the ability of the operation to preserve any assets it may have. The appointment of a temporary receiver could eliminate much of this disruption to the firm's operations.

The amendment to Section 6c of the Act proposed by the bill will allow the Commission to seek the ex parte appointment of a temporary receiver.[6] The temporary receiver would be appointed to administer the ex parte order over books, records and assets and to perform such other duties as the court may specify. The temporary receiver would remain in place pending the hearing on the application for the appointment of a permanent receiver, or pending such other hearing as the court may order. The temporary receiver would be in place to protect the books, records and assets of the defendant, to carry on day-to-day operation of the firm, e.g., paying salaries and other legitimate expenditures, and to meet margin calls or liquidate unprofitable positions. The temporary receiver would then be protecting the assets of the operation which ultimately could be distributed to the firm's customers.

Court of Appeals Review

Pursuant to specific sections of the Commodity Exchange Act, many Commission orders are subject to judicial review only in the United States Courts of Appeals. However, the Act is silent with respect to other types of final Commission action, and thus judicial review of those actions would initially occur in the United States District Courts. Section 103 of the bill would add a new Section 24 to the Act to provide that all these other final Commission actions would also be reviewable only in the Courts of Appeals.[7] New Section 24 would therefore make judicial review of all final Commission rules or orders similar to that of other independent regulatory agencies.[8]

The amendment would also promote administrative and judicial efficiency and assure a more prompt and definitive resolution of controversies arising under the Act than is available in the District Court.[9]

A primary function of the United States District Courts is to serve as the initial fact finders in litigated disputes. In contrast, the Courts of Appeals generally serve the function of reviewing the record compiled below and determining whether the proper legal standards have been applied to the factual record. Appellate courts do not, as a rule, consider evidence not contained in the lower court record. For this reason, the Federal Rules of Appellate Procedure do not provide for litigants to obtain routine discovery concerning their cases.

In a variety of contexts, the Commission plays a role in contested proceedings analogous to that of a District Court. The Commission considers the evidence presented to it, makes findings of fact, and applies the relevant law in issuing its orders. In other situations the Commission itself acts as an appellate tribunal, assessing the record made before the trier of fact. In all of these cases, the Commodity Exchange Act presently provides that an aggrieved party may seek review of the Commission's decision only in the Courts of Appeals. This is the case, for example, under Section 6(b) of the Act, 7 U.S.C. § 9, with respect to review of Commission decisions to deny, suspend, or revoke the registration of a commodities professional. Section 6(b) specifically provides that the Commission's factual findings, if supported by the weight of the evidence, shall be conclusive.[10] Thus, while a Court of Appeals will review the record to assure that there is factual support for the Commission's order, it will not reopen the record to consider additional evidence, nor will it reevaluate the existing evidence to make its own findings of fact. This reviewing function is thus equivalent to the role of a Court of Appeals in reviewing the factual findings of a District Court.[11]

In other instances, however, the Act does not provide Court of Appeals judicial review for actions taken by the Commission. These Commission actions can be divided into three broad categories. The first involves adjudicatory-type proceedings similar to those for which Court of Appeals review is already provided under present law. Examples are Commission action in reviewing exchange disciplinary actions, Section 8c, 7 U.S.C. § 12c, and in reviewing registered futures association disciplinary actions, Sec-

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[5] In at least one case, it is suspected that a defendant disposed of books and records and transferred the assets of a defendant after the court has issued an ex parte restraining order. In that case, *Commodity Futures Trading Commission* v. *FITC, Inc.*, No. C-85-1555 (N.D. Cal. 1986), the receiver's report estimated that several tens of thousands of dollars worth of silver, gold and other assets disappeared between the period of the entry of the ex parte freeze order and the appointment of the receiver.

Typically, in these cases where the Commission is successful in obtaining an ex parte freeze order, large amounts of precious metals and other assets are left unattended in unsecure safes, vulnerable to theft by principals of these operations or by third parties during the period between that order and the appointment of a receiver. *See Commodity Futures Trading Commission* v. *Braizer Corporation, Inc.*, Civ. No. 84-2066 (C.D. Cal. 1984).

[6] The concept of the ex parte appointment of a temporary receiver is not new and has been upheld as constitutional in highly regulated fields to protect the public interest in emergency situations. See, e.g., *Fahey* v. *Mallonee*, 322 U.S. 245 (1946) (upholding the authority of the Federal Home Loan Bank Board to appoint a receiver or conservator of a savings and loan association on an exparte basis pending a subsequent hearing). Courts have standards in place by which to consider requests for the ex parte appointment of temporary receivers which will ensure that that remedy will not be used indiscriminately. See, e.g., Civil Rule 232 for the United States District Court for the Eastern District of California.

[7] Section 103 will not amend those sections of the Act which already provide for Court of Appeals review.

[8] Among those agencies whose statutes contain a general Court of Appeals review provision governing their rules or orders are the following: Securities and Exchange Commission, 15 U.S.C. § 77i (Securities Act); 15 U.S.C. § 77vvv(a) (Trust Indenture Act); 15 U.S.C. § 78y (Securities Exchange Act); 15 U.S.C. § 79x (Public Utility Holding Company Act); 15 U.S.C. § 80a-42 (Investment Company Act); 15 U.S.C. § 80b-13 (Investment Advisers Act); Federal Labor Relations Authority, 5 U.S.C. § 7123; Federal Reserve Board, 12 U.S.C. § 1848; Federal Trade Commission, 15 U.S.C. § 21(c) (Clayton Act); 15 U.S.C. § 45(c), 15 U.S.C. § 57a(e)(1)(A) (FTC Act); Federal Energy Regulatory Commission, 15 U.S.C. § 717r (Natural Gas Act); 15 U.S.C. § 3416(b) (Natural Gas Policy Act); 16 U.S.C. § 8251 (Federal Power Act); Consumer Product Safety Commission, 15 U.S.C. § 2060; Food and Drug Administration, 21 U.S.C. § 371; Federal Communications Commission, 28 U.S.C. § 2342(1), 47 U.S.C. § 402(a); Federal Maritime Commission, 28 U.S.C. § 2342(3); Nuclear Regulatory Commission, 28 U.S.C. § 2342(4), 42 U.S.C. § 2239; Interstate Commerce Commission, 28 U.S.C. § 2342(5), 28 U.S.C. § 2321; National Labor Relations Board, 29 U.S.C. § 160(f); Occupational Safety and Health Administration, 29 U.S.C. § 660; Federal Mine Safety and Health Review Commission, 30 U.S.C. § 816; and Environmental Protection Agency, 33 U.S.C. § 1369(b) (Federal Water Pollution Control Act); 42 U.S.C. § 7607 (Air Quality Act).

[9] Section 103 of the bill is drafted to cover only review of Commission action taken under the substantive provisions of the Act. Thus, certain types of Commission determinations would not be subject to direct Court of Appeals review under the amendment. These would include orders, such as those issued pursuant to the Freedom of Information Act, for which another statute explicitly provides for District Court review. See 5 U.S.C. § 552(a)(4)(B); *Commercial Envelope Manufacturing Co.* v. *SEC*, 450 F.2d 342 (2d Cir. 1971). With these exceptions, all judicially reviewable Commission action taken under the Act would be reviewable only in the Courts of Appeals. Of course, no court review would be available if a petitioner failed to satisfy traditional prerequisites for judicial review, such as ripeness and exhaustion of administrative remedies. See, e.g., *Investment Company Institute* v. *Board of Governors*, 551 F.2d 1270, 1275 n.6, 1278 (D.C. Cir. 1977); *Gearhart & Otis, Inc.* v. *SEC*, 348 F.2d 798, 800-01 (D.C. Cir. 1965).

[10] A similar provision is found in Section 6(a) of the Act, 7 U.S.C. § 8(a), which concerns Commission orders suspending or revoking contract market designations. Other sections of the Act provide for Court of Appeals review of Commission orders pursuant to the procedures described in Sections 6(a) and 6(b). Among these are Section 6, 7 U.S.C. § 8 (refusal to designate as contract market); Section 6(c), 7 U.S.C. § 13b, (cease and desist orders); Section 14(e), 7 U.S.C. § 18(e), (reparation orders); and Section 17o(4), 7 U.S.C. § 18o(4), (orders declining to review registration decisions of registered futures associations). In addition, Section 8a(9) of the Act, 7 U.S.C. § 12a(9), provides for limited Court of Appeals review of Commission emergency actions.

[11] Statutes providing for direct Court of Appeals review of agency orders typically contain a "weight of the evidence" standard of review, such as that in Section 6(a) and 6(b) of the Act, or a "substantial evidence" standard like that contained in proposed Section 24. District Court review under the Administrative Procedure Act generally consists of determining whether the agency findings are "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," 5 U.S.C. § 702(2)(A), although determinations based on formal hearings "on the record" are reviewed under a "substantial evidence" test pursuant to 5 U.S.C. § 706(2)(E). Nevertheless, there is an "emerging consensus . . . that the distinction between the arbitrary and capricious standard and substantial evidence review is largely semantic, and that 'in the review of rules of general applicability made after notice and comment rulemaking, the two criteria . . . tend to converge.'" *Pacific Legal Foundation* v. *Department of Transportation*, 593 F.2d 1338, 1343 n.35 (D.C. Cir.), cert. denied, 444 U.S. 830 (1979), quoting *Associated Industries of New York State* v. *United States Department of Labor*, 487 F.2d 342, 349-50 (2d Cir. 1973).

tion 17(i), 7 U.S.C. § 21(i).[12] The second group involves Commission actions that are akin to general rulemaking, particularly when the proceedings involve public notice and comment. These actions include contract market designations pursuant to Section 5 of the Act, 7 U.S.C. § 7, approval or disapproval of contract market rules under Section 5a(12), 7 U.S.C. § 7a(12), and alteration of contract market rules under Section 8a(7), 7 U.S.C. § 12a(7). Finally, the Commission frequently issues regulations of general applicability pursuant to its statutory authority, such as those governing exchange trading of commodity options, 17 C.F.R. Part 33. In the absence of a specific provision directing that judicial review of these categories of Commission action be in the Courts of Appeals, review would, in the first instance, take place in the District Courts. See Administrative Procedure Act, 5 U.S.C. §§ 702, 704.

There are several reasons why it would be preferable for judicial review of all final Commission rules and orders to occur initially in the Courts of Appeals, as is already the case for other regulatory agencies. First is the matter of administrative efficiency and, in particular, the saving of Commission staff resources. Any case that is initially litigated in a federal District Court could eventually be appealed to a Court of Appeals and thus would entail a two-step litigation process. In each of the three categories described above, the factual record has been fully developed, and the Commission has enunciated the basis for its decision. Under those circumstances, nothing would be gained by subjecting the decision to trial-level review, followed by review in the Court of Appeals. Rather, the action would be well suited for Court of Appeals review in the first instance. Such an appeal procedure would also save judicial resources, as well as those of the party challenging the Commission's action.[13]

A related advantage of Court of Appeals review is the likelihood of obtaining a definitive ruling on a contested matter more promptly. Injecting an additional level of judicial review merely delays the time in which important issues of commodities law are resolved. Moreover, a Court of Appeals ruling has a binding effect upon the entire circuit, and thus Court of Appeals review will promote a more consistent body of commodities law. A District Court ruling, in contrast, has very limited precedential effect. Consequently, District Court review might require the Commission, or, for that matter, members of the industry, to relitigate identical issues with unwanted frequency.

Finally, avoiding District Court litigation will diminish the opportunity for attempts at unwarranted intrusion into the mental processes of Commission members. While such intrusion should not be permitted, see generally *United States* v. *Morgan*, 313 U.S. 409, 421-22 (1941), the Commission might be required to expend resources to fight such discovery attempts at the District Court level under the discovery provisions of the Federal Rules of Civil Procedure. There would be a strong presumption against any effort to seek such discovery at the Court of Appeals level. For the foregoing reasons, Congress should enact proposed Section 24 of the Act.

TITLE II—LEVERAGE TRANSACTIONS

Title II of the bill would amend the Commodity Exchange Act to exclude entirely leverage transactions from regulation under the Act. Under this amendment the Commission would neither be required nor authorized to regulate leverage transactions as a distinct form of commodity instrument.

BACKGROUND

In the Commodity Futures Trading Commission Act of 1974, the Commission was first given exclusive regulatory jurisdiction over gold and silver leverage transactions. In 1978 Congress banned leverage transactions in agricultural commodities and extended the Commission's exclusive leverage jurisdiction to all other commodities in addition to gold and silver. Between 1974 and 1982, the commission adopted three regulatory measures for leverage transactions: two temporary moratoria on the entry of persons into leverage businesses involving gold and silver bullion or coins (17 C.F.R. § 31.1 (1985)) or other commodities (17 C.F.R. § 31.2 (1985)), and an antifraud rule (17 C.F.R. § 31.3 (1985)).

With the enactment of the Futures Trading Act of 1982 Congress significantly amended the Commission's authority to regulate leverage contracts. Previously, the Commodity Exchange Act required that any leverage transaction determined by the Commission to be a contract for future delivery within the meaning of the Act be regulated as such.[1] The 1982 Act, however, repealed this provision.[2] In its place Congress enacted a new section 19(c) specifically to require the Commission to regulate leverage transactions in gold or sliver bullion or bulk coins or in any other commodities, except those subject to the 1978 prohibition on agricultural leverage transactions. New section 19(c) also vested in the Commission the authority to prohibit any leverage transaction for the delivery of any commodity that was not permitted by the rules, regulations and orders of the Commission in effect on December 9, 1982, if the Commission determines that any such transactions would be contrary to the public interest.

As a result of the direction given by Congress in 1982, the Commission in 1984 and 1985 issued interim final leverage regulations applicable to both long and short leverage transactions in gold and silver bullion and coins, copper, platinum and certain foreign currencies. The Commission is now proposing that Congress eliminate the regulation of leverage transactions from the Act.

STATUTORY PROPOSAL

The amendments proposed by Title II of the bill would remove from the Act virtually all references to leverage transactions.[3] The amendments would thus eliminate what the Commission perceives as the historical and unjustified statutory distinction between leverage and futures contracts. In the Commission's view leverage transactions are legally and economically indistinguishable from futures contracts and therefore do not warrant separate statutory treatment.

Under the amendment the Commission would remain authorized to bring law enforcement proceedings against those firms marketing off-exchange futures contracts, including leverage contracts, and the states, in addition to initiating or participating with the Commission in such enforcement proceedings, could enact and enforce legislation prohibiting the marketing of those contracts. However, if Title II is enacted, the Commission believes that those firms which the Commission has registered under its existing regulations as leverage transaction merchants could appropriately be afforded a sufficient period of time to modify their businesses so as to be in full compliance with the law. Therefore, language could be included in the Committee reports accompanying the legislation expressing the intent of Congress that the Commission refrain from taking any enforcement action against such firms based solely on their continuing to offer or sell leverage contracts or service existing accounts during the period from enactment of the bill until, for example, January 1, 1988.

In this connection, the Commission points out that Title II would not necessarily terminate the business of these firms. Specifically, it may be possible that the current leverage firms could, albeit with some modifications to their operations, continue in business by undertaking the marketing of cash and/or installment sale transactions. While this business would be subject to any existing state regulation, such cash and installment transactions would be permissible even in states that had adopted the North American Securities Administrators Association Model State Commodity Code.[4] Support for this view of leverage operations as being not too dissimilar from cash or installment sales is suggested by the recent Congressional testimony submitted on behalf of Monex International, Ltd. That testimony stated that in the marketing of leverage contracts, delivery is encouraged by the leverage dealer with the result that many leverage customers intend to and ultimately do take (or make) delivery. As a result leverage dealers maintain large stocks of physical commodities to satisfy their customers' delivery needs. It was also stated that leverage dealers are in direct competition with, among others, firms which offer cash-and-carry transactions, precious metals dealers, and coin shops.[5] In light of this testimony,

[12] Section 302 of Title III of the bill specifically proposes to amend Section 17(i) so as to have Commission review of registered futures associations disciplinary actions subject to court of appeals review under Section 6(b) of the Act.

[13] The Senate Report accompanying the Securities Act Amendments of 1975, Pub. L. No. 94-29, 89 Stat. 97, 158-60 (1975), which, *inter alia*, expanded Section 25 of the 1934 Act, 15 U.S.C. § 78y, to provide direct Court of Appeals review of many SEC rules, explained several of the advantages of placing review in the Courts of Appeals: "[T]he Committee [on Banking, Housing, and Urban Affairs] believes the bill would expedite final resolution of the major policy determinations the Commission will be called upon to make with respect to the national market system and the rationalization of the self-regulatory system . . . . The Court of Appeals appears to provide the most appropriate forum for this review in light of the fact that the District Court's fact finding function is rarely necessary and the questions subject to review are likely to end up in the higher court anyway." S. Rep. No. 75, 94th Cong., 1st Sess. 37 (1975).

[1] *See* § 217 of the Commodity Futures Trading Commission Act of 1974, 7 U.S.C. § 15a(a) (1976), and Section 19(d) of the Commodity Exchange Act, 7 U.S.C. § 23(d) (Supp. V 1981).

[2] In repealing this provision, Congress noted that the Commission retains authority to take appropriate action under any other provision of the Act against off-exchange futures transactions, including transactions "masquerading" as leverage contracts. *See* H.R. Rep. No. 964, 97th Cong., 2d Sess. 51 (1982).

[3] Certain references to leverage transactions would be retained. Thus, under Section 8a of the Act, 7 U.S.C. 12a, prior violations of the Act's leverage provisions in Section 19 would continue to constitute a statutory disqualification from registration with the Commission. Nor does Title II seek to amend the references to leverage transaction merchant in the Bankruptcy Code, Chapter 7 of Title 11 of the United States Code.

[4] In general, the Model Code is designed as a modern bucket shop law to prohibit the types of

and assuming it also generally describes the businesses of the other few firms operating pursuant to the interim leverage rules, it is not entirely unreasonable to suggest that these leverage businesses, with some modifications to their operations, could conduct themselves in accordance with the Model Code.

TITLE III—REGISTERED FUTURES ASSOCIATIONS

The basis for the amendments proposed by Title III of the bill was set forth at pages 145-153 of the Commissions December 1985 Report to Congress under Section 237 of the Futures Trading Act of 1982 regarding the National Futures Association (NFA). A copy of these pages follows, to which have been added bracketed references to the relevant sections in Title III of the bill.

COMMISSION OVERSIGHT—LEGISLATIVE PROPOSALS

In order to facilitate the Commission's continuing oversight program for NFA and NFA's implementation of key self-regulatory functions, the Commission is proposing legislative amendments designed to insure that the Commission's oversight powers under the Act with respect to NFA are more closely comparable to those regarding the contract markets, the other self-regulatory organizations under the Commission's jurisidiction.

[Sec. 304—Alteration or Supplementation of Association Rules]

A critical component of this oversight process is the authority provided under the Act with respect to those organizations' rules. Specifically, within limits and subject to procedures established by the Act, the Commission is empowered (i) to approve or disapprove new rules proposed by NFA or the contract markets, (ii) to abrogate existing rules, or (iii) to request, and ultimately to order, alterations in and supplementations to the rules of the self-regulatory organizations.

These rule-related authorities reflect the underlying structure of self-regulation as embodied in Federal commodity statutes since 1922—that exchange and industry officials be permitted to govern their own affairs as regulators of first resort, but subject to the authority of a Federal overseer to intervene, where appropriate, to protect the larger public interest. The Commission is therefore empowered to review all NFA rules (including NFA's Articles of Incorporation and Bylaws) and changes thereto before they can be made effective. The Commission is further directed to disapprove any such rule which it finds to be inconsistent with NFA's statutory charter or otherwise in violation of the Act or the Commission's regulations.

This need for Federal oversight is magnified in the case of NFA because NFA membership is mandatory for individuals and firms doing business in exchange-traded futures and options. By comparison, membership in a contract market is voluntary and not essential to a registrant who wishes to conduct a futures or option business. Indeed, to the extent Congress has exempted the self-regulatory activities of registered futures associations from the antitrust laws, it is precisely because Congress has also established statutory mechanisms for the oversight and impartial review by a Federal agency of the activities of these private organizations.

Despite similar policy foundations, however, differences exist in the specific legal mandates underlying the Commission's rule oversight authority for NFA on the one hand and designated contract markets on the other. The most significant difference involves the Commission's power to alter or supplement the rules of a self-regulatory organization. Specifically, under the current statutory formulation, the Commission's authority with respect to the exchanges is significantly broader than that with respect to NFA.

Section 8a(7) of the Act permits the Commission, subject to various required procedures, to alter or supplement rules of the contract markets where such changes are "necessary or appropriate for the protection of persons producing, handling, processing, or consuming any commodity traded for future delivery on [a] contract market . . . or for the protection of traders or to insure fair dealing in commodities traded for future delivery on such contract market." The Act then provides examples of rules falling within this category, including those relating to terms and conditions of contracts, trading requirements, financial safeguards, and the manner of accounting for customers' orders, transactions, and accounts.

During the past ten years, the Commission needed to invoke its authority to alter or supplement or to disapprove exchange rules under Sections 8a(7) or 5a(12), respectively, on only five occasions. (These two authorities—disapproval and alteration or supplementation—were sometimes used simultaneously, as was the case where repeal or disapproval of the rule in question would have resulted in an unacceptable gap in exchange rules governing a particular subject.) Each of these proceedings, however, involved matters of critical importance, such as the listing of delivery months for futures contracts or the procedures for establishing settlement prices, where the Commission believed it necessary to exercise its authority to assure fair dealing by the self-regulatory organizations.

The Commission's correlative authority with respect to NFA is considerably more narrow. Section 17(k)(2) authorizes Commission's alteration and supplementation of NFA rules, again subject to required procedures, only where "necessary or appropriate in the public interest or to effectuate the purposes of this section [authorizing the establishment of registered futures organizations such as NFA]" with respect to three specified, largely procedural, areas:

(A) the basis for, and procedure in connection with, the denial of membership or the barring from being associated with a member or the disciplining of members or persons associated with members, or the qualifications required for members or natural persons associated with members or any class thereof;

(B) the method of adoption of any change in or addition to the rules of the association; [and]

(C) the method of choosing officers and directors.

The difference in standards between the Commission's authority with respect to rules of NFA and the exchanges appears to result in several anomalies. For instance, while the Commission is authorized to require alteration in an exchange's rules regarding minimum financial requirements for member futures commission merchants, the Commission apparently would not be authorized to require such changes to be made in identical rules promulgated by NFA. Current statutory language also appears to exclude Commission alteration of NFA rules concerning sales practices, despite the fact that NFA has primary responsibility for this area and is required by the Act to establish and implement a comprehensive sales practice program.

Should a need for subsequent mandatory alteration arise, the Commission's only alternative would, therefore, be either to abrogate any applicable NFA rules in their entirety or to revoke NFA's registration under the Act; neither of these alternatives is a practical approach. Similarly, if the Commission were to determine that shortcomings in NFA's self-regulatory program could be rectified only by actually supplementing (rather than altering or deleting) NFA's existing rules, the Commission would similarly lack the power under the Act, at least as it is now constituted, to compel NFA to make such a change.

The Commission therefore proposes that Section 17(k) be amended to make the Commission's authority to alter or supplement NFA rules parallel to, and no less broad than, the Commission's comparable authority with respect to the self-regulatory activities of the contract markets. The use of such mandatory provisions is viewed by the Commission only as a last resort. Indeed, the authority that would be provided by this amendment is not likely to be invoked in view of the cooperative relationship that has been fostered between the Commission and NFA during the past three years. It is nonetheless possible that a situation could arise in the future where such measures would be essential for the Commission effectively to protect the public interest, as has occurred in the few cases involving the contract markets during the first ten years of the Commission's existence. In any event, before acting to change rules of either NFA or of an exchange, the Commission would still be required to first request that the self-regulatory organization adopt the rule change voluntarily, and provide the affected organization with notice and an opportunity for a hearing.

Notably, this policy of placing exchanges and registered industry self-regulatory organizations on an equal footing for purposes of Commission rule oversight is similar to the approach followed in the securities field. Section 19(c) of the Securities Exchange Act of 1934 authorizes the Securities and Exchange Commission to "abrogate, add to, and delete from" the rules of either a national securities exchange or a regis-

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off-exchange commodity transactions which have been fraught with customer abuses. Nevertheless the Code does permit the marketing of any commodity contract for the purchase of precious metals which requires, and under which the purchaser receives, within seven calendar days from the payment of any portion of the purchase price, physical delivery of the quantity of precious metals purchased by the payment. In this regard, physical delivery is deemed to have occurred if, within the seven day period, the precious metals purchased are delivered, in segregated or fungible bulk form, into the possession of a depository (other than the seller) which is either a financial institution or other specified entity.

In addition, the Model Code permits the offer and sale of any contract under which the purchaser receives, within 28 calendar days from the payment of any portion of the purchase price, physical delivery of the total amount of the commodity to be purchased under the contract.

[8] "See Regulation and Trading of Leverage Contracts and Dealer Options: Hearings Before the Subcommittee on Conservation Credit and Rural Development of the House Committee on Agriculture," 99th Cong., 1st Sess. 294, 295, 298, 299 (1985) (statement on behalf of Monex International, Ltd.).

tered securities organization (such as the National Association of Securities Dealers) within specified limits, under identical procedures and standards.

[Sec. 303—Rule Review Procedures]

A similar, though less troubling, disparity is found in the statutory procedures concerning the Commission's authority to review and approve or disapprove new rules proposed by NFA and exchanges. While Section 17(j) of the Act requires that the Commission act on NFA rule proposals within 30 days unless a longer period is requested by either NFA or the Commission, no such limitation exists in Section 5a(12), which establishes rule review procedures with respect to the exchanges. In practice, the 30-day provision in Section 17(j) has not had a tangible impact on Commission review of NFA rules and the difference appears to be purely technical.

A similar 30-day requirement formerly applied to the Commission's review of exchange rules under Section 5a(12) but was repealed in 1982 when both Sections 5a(12) and 17(j) were substantially amended to establish the current, more streamlined rule review procedure. The legislative history of those amendments does not indicate any reasons why the otherwise parallel rule review procedures should differ in this relatively insignificant respect. The Commission therefore proposes that the NFA rule review process be made consistent with the similar provision governing other self-regulatory organizations.

DISCIPLINARY PROCEEDINGS—LEGISLATIVE PROPOSALS

As described earlier in this Report, NFA's disciplinary system for violations of its rules by members or their associated persons includes a summary procedure called a "member responsibility action" which can and has been used by NFA to obtain expeditious compliance with its rules and provide immediate protection to customers. To provide only a few examples, NFA has used the MRA procedure to prevent the further solicitation of customers where a member firm was not in compliance with applicable disclosure requirements, to order the transfer of customers' accounts where member futures commission merchants and introducing brokers could not demonstrate compliance with capital requirements, and to prevent the dissipation of customer funds.

[Sec. 301—Disciplinary Actions]

The Commission generally regards the MRA as a powerful and appropriate tool for self-regulatory bodies such as NFA to obtain immediate compliance. However, an impediment to the effective use of the MRA procedure—and to NFA's disciplinary program as a whole—results from the provisions of Section 17(h) of the Act. Specifically, Section 17(h) presently provides that any person who is the subject of an NFA disciplinary action may appeal that action to the Commission and that any such appeal has the effect of automatically staying the effectiveness of the NFA action. The Commission can lift the stay, but only after notice and opportunity for a hearing, which may consist of affidavits and oral agreement. As a result, the effectiveness of NFA's MRA procedure—which, by its very nature, is designed for use in instances where immediate action is necessary to protect the markets, customers, or other NFA members—can be dramatically reduced by providing the respondent an automatic stay merely upon the filing of an application for Commission review, no matter how serious the situation being remedied by the MRA or how insubstantial the purported basis for Commission intervention. Similarly, the effectiveness of any sanctions imposed as a result of formal NFA disciplinary procedures are likely to be diminished if a suspended or expelled member can forestall that result merely by filing an appeal with the Commission.

The appeal provisions of Section 17(h) were not intended to undermine the effectiveness of a self-regulatory compliance system, but rather to insure fundamental fairness for members of the Association against possible arbitrary action. As a result, the incidental effect of the current wording of Section 17(h), which is to weaken the effectiveness of NFA's disciplinary procedures, should be remedied. The Commission, therefore, recommends that Section 17(h) be amended to make the automatic stay provisions of that section inapplicable to NFA disciplinary actions, including member responsibility actions.

Such an amendment would put appeals of NFA disciplinary actions on an equal footing with appeals of exchange-imposed sanctions, where a stay can be granted by the Commission but is not a matter of statutory entitlement. Furthermore, appeals to the Securities and Exchange Commission from disciplinary sanctions imposed by the National Association of Securities Dealers do not delay the effectiveness of the penalties assessed by the NASD unless the SEC orders otherwise. Indeed, while the current provisions of Section 17(h) were originally patterned after those portions of the Securities Exchange Act of 1934 that governed appeals of NASD disciplinary actions to the SEC, that statute has since been amended to make the granting of a stay discretionary with the SEC and to otherwise facilitate the disciplinary action review process. The Commission, therefore, recommends that similar amendments be made to Sections 17(h) and 17(i) of the Commodity Exchange Act, as discussed below.

While Section 17(h) should be amended to eliminate the automatic stay of NFA disciplinary actions, the Commission's proposal would provide, in Section 17(h)(2), that the Commission is to establish an expedited procedure for the consideration and determination of applications for a stay. The Commission believes that this provision will provide a safeguard for persons who are subject to NFA disciplinary actions comparable to the present automatic stay provisions while ameliorating the unintended consequences of existing law.

Section 17(h) should also be amended to make explicit NFA's duty to file notice of any final disciplinary action promptly with the Commission. While NFA's rules already require NFA to notify the Commission whenever it takes disciplinary action, that obligation should be codified in the Act.

[Sec. 302—Commission Review of Association Action]

Under the Commission's proposal, both Sections 17(h) and 17(i) would be amended to make explicit that Commission review of NFA disciplinary actions is available only with respect to final actions, precluding the disruption of the NFA disciplinary process by untimely appeals to the Commission and, ultimately, the courts. (Similar restrictions on the review of Commission enforcement actions are embodied in the judicial doctrine of "exhaustion of administration remedies.") Section 17(i) should also be amended to authorize the Commission to review only the record before NFA and the submissions of the parties. The actual standards for Commission review of any NFA decision would, however, remain essentially unchanged.

Finally, Section 17(i)(3), which relates to denial of membership in NFA (or to association with a NFA member), should be amended to make the standards for Commission review of a NFA decision similar to those governing NFA disciplinary actions. (NFA disciplinary actions and the provisions for Commission review thereof are applicable only to persons who are already NFA members or associated with such a member.) As with the other suggested amendments to Sections 17(h) and 17(i), the Commission would be authorized to review the record of the proceeding before NFA without having to hear and consider new evidence. These provisions, therefore, would resemble the procedures already established for Commission review of adverse registration determinations made by NFA. (The Commission has recently delegated to NFA the authority to, among other things, deny, suspend, or revoke registration.) In those latter cases, which are governed by the "statutory disqualification" provisions of Sections 8a(2)–8a(4) of the Act and to which Section 17(i) does not apply, the Commission considers the record made before NFA and whether NFA's decision was consistent with applicable requirements but does not engage in time-consuming fact-finding. The Commission believes that a comparable standard should be applied to the review of NFA membership determinations.

TITLE IV—MISCELLANEOUS AMENDMENTS

(Certain Prohibited Transactions)

Section 9(c) of the Act makes it a felony for a Commissioner or Commission employee to participate, directly or indirectly, in commodity futures, option or leverage transactions or, with certain limited exceptions, in investment transactions in an actual commodity. In view of the vast increase in types of commodities on which futures contracts are now traded, in Title IV of the bill, the Commission is proposing changes to Section 9(d) to eliminate certain of these restrictions. The amendments are designed to enable the Commission to administer Section 9(d) flexibly so as to assure that transactions that do not pose any conflict of interest concerns are not subject to the broad prohibitions contained in the present law. The proposed amendments should also obviate the need for the Commission to seek additional amendments to Section 9(d) in the future as the commodity markets continue to expand into new areas.

The first change to Section 9(d) effected by the bill would be to limit the restrictions on investment transactions in actual commodities to cover only those transactions which involve the use of nonpublic information or which are effected by means of a Commission-regulated instrument, such as a commodity futures contract.[1] This proposal is consistent with Congressional revisions enacted in 1982. At that time Congress amended Section 9(d) to permit Commissioners and employees to invest in U.S. Government Securities, certificates of deposit or similar financial instruments so long as no nonpublic information is used and the transaction is not effected by an instrument regulated by the Commission. In the Com-

[1] Investments transactions in actual commodities permitted under existing law would continue to be permitted under the amendments proposed in Title IV.

mission's view, there is no reason why the philosophy underlying this 1982 amendment should not apply to investments in other commodities. So long as nonpublic information is not used and the commodity options or futures markets are not employed, the Commission believes the conflict of interest concerns underlying Section 9(d) are greatly diminished and its employees should be free to invest in actual commodities. The bill generally would permit these types of investments.

However, the bill does prohibit those investment transactions in actual commodities that are specified by Commission rule. The Commission believes this provision to be necessary in order that the Commission will be able to adopt rules to avoid the appearance of conflicts of interest in certain instances. For example, various stock indexes are both the subject of futures contracts and options on futures contracts. Investment in these indexes would still be prohibited if effected through commodity futures and options contracts, since these are instruments regulated by the Commission. Some of these indexes, however, also underlie options traded on a national securities exchange. The Commission questions whether it would be appropriate to permit its employees to acquire an interest in these stock indexes by use of instruments which resemble Commisison-regulated options.

The second change effected by the bill would be to empower the Commission to develop appropriate exceptions to the absolute restrictions against participation in futures and options transactions. These exceptions would be made only when the Commission determined that they pose no conflict of interest concerns and are otherwise consistent with Congressional intent in enacting Section 9(d), such as modest holdings in large mutual funds that hedge their portfolio in the futures market. Of course, notwithstanding the adoption of any such exceptions that would permit Commission personnel to engage in certain transactions, all Commissioners and employees would continue to remain subject to the criminal provisions of Section 9(e) of the Act. That provision bars any Commissioner or employee from divulging confidential information which may tend to affect market prices to any other person with the intent to assist that person to participate in commodity transactions.

REAUTHORIZATION

Section 12(d) of the Commodity Exchange Act authorizes the appropriations of such sums as are required to carry out the provisions of the Act through the fiscal year ending September 30, 1986. Section 402 of this bill extends the authorization for such appropriations for six years, until the fiscal year ending September 30, 1992, at which time the Congress will review the operations of the Commission in order to determine whether to authorize appropriations for the activities of the Commission beyond that date.

CHANGES IN EXISTING LAW

Changes in the Commodity Exchange Act made by the Futures Trading Act of 1986 are shown as follows (deleted provisions are enclosed in brackets, new matter is printed in italic, and provisions that are unchanged are shown in roman):

COMMODITY EXCHANGE ACT

SEC. 2. (a)(1)(A) * * * The word "Commodity" shall mean wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, Solanum tuberosum (Irish potatoes), wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products, and frozen concentrated orange juice, and all other goods and articles, except onions as provided in Public Law 85-839, and all services, rights, and interests in which contracts for future delivery are presently or in the future dealt in: *Provided,* That the Commission shall have exclusive jurisdiction, except to the extent otherwise provided in subparagraph (B) of this paragraph, with respect to accounts, agreements (including any transaction which is of the character of, or is commonly known to the trade as, an "option", "privilege", "indemnity", "bid", "offer", "put", "call", "advance guaranty", or "decline guaranty"), and transactions involving contracts of sale of a commodity for future delivery, traded or executed on a contract market designated pursuant to section 5 of this Act or any other board of trade, exchange, or market [, and transaction subject to regulation by the Commission pursuant to section 19 of this Act]: *And Provided further,* * * *

* * * The term "commodity trading advisor" shall mean any person who, for compensation or profit, engages in the business of advising others, either directly or through publications, writings or electronic media, as to the value of or the advisability of trading in any contract of sale of a commodity for future delivery made or to be made on or subject to the rules of a contract market [,] *or* any commodity option authorized under section 4c, [or any leverage transaction authorized under section 19,] or who, for compensation. or profit, and as part of a regular business, issues or promulgates analyses or reports concerning any of the foregoing; but such term does not include (i) any bank or trust company or any person acting as an employee thereof, (ii) any news reporter, news columnist, or news editor of the printed or electronic media, or any lawyer, accountant, or teacher, (iii) any floor broker or futures commission merchant, (iv) the publisher or producer of any print or electronic data of general and regular dissemination, including its employees, (v) the fiduciary of any defined benefit plan which is subject to the provisions of the Employee Retirement Income Security Act of 1974, (vi) any contract market, and (vii) such other persons not within the intent of this definition as the Commission may specify by rule, regulation, or order: *Provided,* That the furnishing of such services by the foregoing persons is solely incidental to the conduct of their business or profession: *Provided further,* That the Commission, by rule or regulation, may include within this definition, any person advising as to the value of commodities or issuing reports or analyses concerning commodities, if the Commission determines that such rule or regulation will effectuate the purposes of this provision.

SEC. 4b. It shall be unlawful (1) for any member of a contract market, or for any correspondent, agent, or employee of any member, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce, made, or to be made, on or subject to the rules of any contract market, for or on behalf of any other person, or (2) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery, made, or to be made, [on or subject to the rules of any contract market,] for or on behalf of any other person if such contract for future delivery is or may be used for (a) hedging any transaction in interstate commerce in such commodity or the products or byproducts thereof, or (b) determining the price basis of any transaction in interstate commerce in such commodity, or (c) delivering any such commodity sold, shipped, or received in interstate commerce for the fulfillment thereof—

(A) to cheat or defraud or attempt to cheat or defraud such other person;

(B) willfully to make or cause to be made to such other person any false report or statement thereof, or willfully to enter or cause to be entered for such person any false record thereof;

(C) willfully to deceive or attempt to deceive such other person by any means whatsoever in regard to any such order or contract or the disposition or execution of any such order or contract, or in regard to any act of agency performed with respect to such order or contract for such person; or

(D) to bucket such order, or to fill such order by offset against the order or orders of any other person, or willfully and knowingly and without the prior consent of such person to become the buyer in respect to any selling order of such person, or become the seller in respect to any buying order of such person. * * *

SEC. 6. * * *

(b) If the Commission has reason to believe that any person (other than a contract market) is manipulating or attempting to manipulate or has manipulated or attempted to manipulate the market price of any commodity, in interstate commerce, or for future delivery on or subject to the rules of any contract market, or has willfully made any false or misleading statement of a material fact in any registration application or any report filed with the Commission under this Act, or willfully omitted to state in any such application or report any material fact which is required to be stated therein, or otherwise is violating or has violated any of the provisions of this Act or of the rules, regulations, or orders of the Commission thereunder, it may serve upon such person a complaint stating its charges in that respect, which complaint shall have attached or shall contain therein a notice of hearing, specifying a day and place not less than three days after the service thereof, requiring such person to show cause why an order should not be made prohibiting him from trading on or subject to the rules of any contract market, and directing that all contract markets refuse all trading privileges to such person, until further notice of the Commission, and to show cause why the registration of such person, if registered with the Commission in any capacity, should not be suspended or revoked. Said hearing may be held in Washington, District of Columbia, or elsewhere, before the Commission, or before an Administrative Law Judge designated by the Commission, which Administrative Law Judge shall cause all evidence to be reduced to writing and forthwith transmit the same to the Commission. For the purpose of securing effective enforcement of the provisions of this Act and for the purpose of any investigation or proceeding under this Act, any member of the Commission or any Administrative Law Judge or other officer designated by the Commission may administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of

any books, papers, correspondence, memoranda, or other records that the Commission deems relevant or material to the inquiry. The attendance of witnesses and the production of any such records may be required from any place in the United States [or any State], *any state, or any foreign country or jurisdiction* at any designated place of hearing. *A subpena issued under this section may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States in such manner as the Federal Rules of Civil Procedure prescribe for service of process in a foreign country.* In case of contumacy by, or refusal to obey a subpena issued to, any person, the Commission may invoke the aid of any court of the United States within the jurisdiction in which the investigation or proceeding is conducted, or where such person resides or transacts business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records. Such court may issue an order requiring such person to appear before the Commission or member or Administrative Law Judge or other officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in the judicial district wherein such person is an inhabitant or transacts business or wherein such person may be found. * * *

SEC. 6c. Whenever it shall appear to the Commission that any contract market or other person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of any provision of this Act or any rule, regulation, or order thereunder, or is restraining trading in any commodity for future delivery, the Commission may bring an action in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such act or practice, or to enforce compliance with this Act, or any rule, regulation or order thereunder, and said courts shall have jurisdiction to entertain such actions: *Provided*, That no restraining order (other than a restraining order which prohibits any person from destroying, altering or disposing of, or refusing to permit authorized representatives of the Commission to inspect, when and as requested, any books and records or other documents or which prohibits any person from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets, or other property, *and other than an order appointing a temporary receiver to administer such restraining order and to perform such other duties as the court may consider appropriate*) or injunction for violation of the provisions of this Act shall be issued ex parte by said court. Upon a proper showing, a permanent or temporary injuction or restraining order shall be granted without bond. * * *

* * * * *

SEC. 9. * * *

(b) It shall be a felony punishable by a fine of not more than $500,000 or imprisonment for not more than five years, or both, together with the costs of prosecution, for any person to manipulate or attempt to manipulate the price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any contract market, or to corner or attempt to corner any such commodity, or knowingly to deliver or cause to be delivered for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of any commodity in interstate commerce, or knowingly violate the provisions of section 4, section 4b, section 4c(b) through section 4c(e), section 4h[,] *or* section 4o(1)[, or section 19] of this Act, or knowingly to make any false or misleading statement of a material fact in any registration application or report filed with the Commission, or knowingly to omit in any application or report any material fact that is required to be stated therein. * * *

* * * * *

(d) It shall be a felony punishable by a fine of not more than $100,000 or imprisonment for not more than five years, or both, together with the costs of prosecution, for any Commissioner of the Commission or any employee or agent thereof, to participate, directly or indirectly, in any transaction in commodity futures or any transaction of the character of or which is commonly known to the trade as an "option," "privilege," "indemnity," "bid," "offer," "put," "call," "advance guarantee," or "decline guaranty," [or any transaction for the delivery of any commodity under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract, or under any contract, account, arrangement, scheme, or device that the Commission determines serves the same function or functions as such a standardized contract, or is marketed or managed in substantially the same manner as such a standardized contract,] or for any such person to participate, directly or indirectly, in any investment transaction in an actual commodity *if nonpublic information is used in the investment transaction, if the investment transaction is prohibited by rule or regulation of the Commission, or if the investment transaction is effected by means of any instrument regulated by the Commission, except that the prohibitions specified in this sentence shall not apply to any transaction or class of transactions that the Commission, by rule or regulation, has determined would not be contrary to the public interest or otherwise inconsistent with the purposes of this section.* [Such prohibition against any investment transaction in an actual commodity shall not apply to (1) a transaction in which such person buys an agricultural commodity or livestock for use in such person's own farming or ranching operations or sells an agricultural commodity which such person has produced in connection with such person's own farming or ranching operations nor to any transaction in which such person sells livestock owned by such person for at least three months, (2) a transaction entered into by the trustee of a trust established by such person over which such person exercises no control if such transaction is entered into solely to hedge against adverse price changes in connection with such farming or ranching operations or is a transaction for the lease of oil or gas or other mineral rights or interests owned by such person, or (3) a transaction in which such person buys or sells, directly or indirectly (except by means of an instrument regulated by the Commission), a United States Government security, a certificate of deposit, or a similar financial instrument if no nonpublic information is used by such person in such transaction. With respect to such excepted transactions, the Commission shall require any Commissioner of the Commission or any employee or agent thereof who participates in any such transaction to notify the Commission thereof in accordance with such regulations as the Commission shall prescribe and the Commission shall make such information available to the public.]

(e) It shall be a felony punishable by a fine of not more than $100,000 or imprisonment for not more than five years, or both, together with the costs of prosecution—(1) for any Commissioner of the Commission or any employee or agent thereof who, by virtue of his employment or position, acquires information which may affect or tend to affect the price of any commodity futures or commodity and which information has not been made public to impart such information with intent to assist another person, directly or indirectly, to participate in any transaction in commodity futures, any transaction in an actual commodity, or in any transaction of the character of or which is commonly known to the trade as an "option", "privilege", "indemnity", "bid", "offer", "put", "call", "advance guaranty", or "decline guaranty" [, or in any transaction for the delivery of any commodity under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract, or under any contract, account, arrangement, scheme, or device that the Commission determines serves the same function or functions as such a standardized contract, or is marketed or managed in substantially the same manner as such a standardized contract]; and (2) for any person to acquire such information from any Commissioner of the Commission or any employee or agent thereof and to use such information in any transaction in commodity futures, any transaction in an actual commodity, or in any transaction of the character of or which is commonly known to the trade as an "option", "privilege", "indemnity", "bid", "offer", "put", "call", "advance guaranty", or "decline guaranty" [, or in any transaction for the delivery of any commodity under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract, or under any contract, account, arrangement, scheme, or device that the Commission determines serves the same function or functions as such a standardized contract, or is marketed or managed in substantially the same manner as such a standardized contract].

SEC. 12. * * *

[(d) There are hereby authorized to be appropriated to carry out the provisions of this Act such sums as may be required for each of the fiscal years during the period beginning October 1, 1982, and ending September 30, 1986.]

(d) There are hereby authorized to be appropriated to carry out this Act such sums as may be required for each of the fiscal years during the period beginning October 1, 1986, and ending September 30, 1992.

(e) Nothing in this Act shall supersede or preempt—

(1) criminal prosecution under any Federal criminal statute;

(2) the application of any Federal or State statute, including any rule or regulation thereunder, to any transaction in or involving any commodity, product, right, service,

or interest (A) that is not conducted on or subject to the rules of a contract market, or (B) (except as otherwise specified by the Commission by rule or regulation) that is not conducted on or subject to the rules of any board of trade, exchange, or market located outside the United States, its territories or possessions, or (C) that is not subject to regulation by the Commission under section 4c [or 19] of this Act; * * *

SEC. 17. * * *

[(h) If any registered futures association takes any disciplinary action against any member thereof or any person associated with such a member or denies admission to any person seeking membership therein, or bars any person from being associated with a member, such action shall be subject to review by the Commission, on its own motion, or upon application by any person aggrieved thereby filed within thirty days after such action has been taken or within such longer period as the Commission may determine. Application to the Commission for review, or the institution of review by the Commission on its own motion, shall operate as a stay of such action until an order is issued upon such review pursuant to subsection (i) of this section unless the Commission otherwise orders, after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of affidavits and oral arguments).]

(h)(1)(A) If any registered futures association takes any final disciplinary action against any member of the association or any person associated with such a member or denies admission to any person seeking membership in the association, or bars any person from being associated with a member, the association shall promptly file notice thereof with the Commission.

(B) The notice shall be in such form and contain such information as the Commission, by rule, may prescribe as necessary or appropriates to carry out the purposes of this Act.

(2)(A) Any action with respect to which a registered futures association is required by paragraph (1) to file notice shall be subject to review by the Commission—

(i) on the motion of the Commission; or

(ii) on application by any person aggrieved by the action filed within—

(I) 30 days after the date the notice was filed with the Commission and received by the aggrieved person; or

(II) such longer period as the Commission may determine.

(B) Application to the Commission for review, or the institution of review by the Commission on the motion of the Commission, shall not operate as a stay of the action unless the Commission otherwise orders, summarily or after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of the submission of affidavits or presentation of oral arguments).

(C) The Commission shall establish for appropriate cases an expedited procedure for consideration and determination of the question of a stay.

[(i)(1) In a proceeding to review disciplinary action taken by a registered futures association against a member thereof or a person associated with a member, if the Commission, after appropriate notice and opportunity for hearing, upon consideration of the record before the association and such other evidence as it may deem relevant—

[(A) finds that such member or person has engaged in such acts or practices, or has omitted such act, as the association has found him to have engaged in or omitted, and

[(B) determines that such acts or practices, or omission to act, are in violation of such rules of the association as have been designated in the determination of the association, the Commission shall by order dismiss the proceeding, unless it appears to the Commission that such action should be modified in accordance with paragraph (2) of this subsection. The Commission shall likewise determine whether the acts or practices prohibited, or the omission of any act required, by any such rule constitute conduct inconsistent with just and equitable principles of trade, and shall so declare. If it appears to the Commission that the evidence does not warrant the finding required in clause (A), or if the Commission determines that such acts or practices as are found to have been engaged in are not prohibited by the designated rule or rules of the association, or that such act as is found to have been omitted is not required by such designated rule or rules, the Commission shall by order set aside the action of the association.

[(2) If, after appropriate notice and opportunity for hearing, the Commission finds that any penalty imposed upon a member or person associated with a member is excessive or oppressive, having due regard to the public interest, the Commission shall by order cancel, reduce, or require the remission of such penalty.

[(3) In any proceeding to review the denial of membership in a registered futures association or the barring of any person from being associated with a member, if the Commission, after appropriate notice and hearing, and upon consideration of the record before the association and such other evidence as it may deem relevant, determines that the specific grounds on which such denial or bar is based exist in fact and are valid under this section, the Commission shall by order dismiss the proceeding; otherwise the Commission shall by order set aside the action of the association and require it to admit the applicant to membership therein, or to permit such person to be associated with a member.]

(i)(1) In a proceeding to review a final disciplinary action taken by a registered futures association against a member thereof or a person associated with a member, after appropriate notice and opportunity for hearing (which hearing may consist solely of consideration of the record before the association and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the sanction)—

(A) if the Commission finds—

(i) on the basis of the record in the proceeding before the association and such other matters as may be presented to the Commission, that the member or person associated with a member has engaged in such acts or practices or has omitted such acts;

(ii) that the acts or practices, or omissions to act, are in violation of the rules of the association as have been specified in the determination of the association; and

(iii) that the rules of the association are and were applied in a manner consistent with the Act,

the Commission, by order, shall so declare and, as appropriate, affirm the sanction imposed by the association, modify the sanction in accordance with paragraph (2), or remand the case to the association for further proceedings; or

(B) if the Commission does not make any such finding, the Commission shall by order—

(i) set aside the sanction imposed by the association; and

(ii) if appropriate, remand the case to the association for further proceedings.

(2) If, after a proceeding conducted in accordance with paragraph (1), the Commission finds that any penalty imposed on a member or person associated with a member is excessive or oppressive, with due regard for the public interest, the Commission shall by order cancel, reduce, or require the remission of the penalty.

(3) In any proceeding to review the denial of membership in a registered futures association or the barring of any person from being associated with a member, if the Commission, after appropriate notice and hearing (which hearing may consist solely of consideration of the record before the association and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the sanction), determines that—

(A) the specific grounds on which the denial or bar is based exist in fact;

(B) the denial or bar is in accordance with the rules of the association; and

(C) the rules are and were applied in a manner consistent with this Act,

the Commission shall by order dismiss the proceeding or set aside the action of the association and require the association to admit the applicant to membership in the association or to permit the person to be associated with a member.

(4) Any person (other than a registered futures association) aggrieved by a final order of the Commission entered under this subsection may file a petition for review with a United States court of appeals in accordance with section 6(b).

(j) Every registered futures association shall file with the Commission in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest, copies of any changes in or additions to the rules of the association, and such other information and documents as the Commission may require to keep current or to supplement the registration statement and documents filed pursuant to subsection (a) of this section. A registered futures association shall submit to the Commission any change in or addition to its rules and may make such rules effective ten days after receipt of such submission by the Commission unless, within the ten-day period, the registered futures association requests review and approval thereof by the Commission or the Commission notifies such registered futures association in writing or its determination to review such rules for approval. [The Commission shall approve such rules within thirty days of their receipt if Commission approval is requested under this subsection or within thirty days after Commission determines to review for approval any other rules unless the Commission notifies the registered futures association of its inability to complete such approval or review within such period of time.] The Commission shall approve such rules if such rules are determined by the Commission to be consistent with the requirements of this section and not otherwise in violation of this Act or the regulations issued pursuant to this Act, and the Commission shall disapprove, after appropriate notice and opportunity for hearing, any such rule which the Commission

determines at any time to be inconsistent with the requirements of this section or in violation of this Act or the regulations issued pursuant to this Act. If the Commission does not approve or institute disapproval proceedings with respect to any rule within one hundred and eighty days after receipt or within such longer period of time as the registered futures association may agree to, or if the Commission does not conclude a disapproval proceeding with respect to any rule within one year after receipt or within such longer period as the registered futures association may agree to, such rule may be made effecitve by the registered futures association until such time as the Commission disapproves such rule in accordance with this subsection.

(k)(1) The Commission is authorized by order to abrogate any rule of a registered futures association, if after appropriate notice and opportunity for hearing, it appears to the Commission that such abrogation is necessary or appropriate to assure fair dealing by the members of such association, to assure a fair representation of its members in the administration of its affairs or effectuate the purposes of this [title] *section.*

[(2) The Commission may in writing request any registered futures association to adopt any specified alteration or supplement to its rules with respect to any of the matters hereinafter enumerated. If such association fails to adopt such alteration or supplement within a reasonable time, the Commission is authorized by order to alter or supplement the rules of such association in the manner theretofore requested, or with such modifications of such alteration or supplement as it deems necessary if, after appropriate notice and opportunity for hearing, it appears to the Commission that such alteration or supplement is necessary or appropriate in the public interest or to effectuate the purposes of this section, with respect to—

[(A) the basis for, and procedure in connection with, the denial of membership or the barring from being associated with a member or the disciplining of members or persons associated with members, or the qualifications required for members or natural persons associated with members or any class thereof;

[(B) the method for adoption of any change in or addition to the rules of the association;

[(C) the method of choosing officers and directors.]

(2)(A) The Commission may in writing request that any registered futures association adopt any specified alteration or supplement to the rules of the association with respect to any of the matters specified in this paragraph.

"(B) If the association fails to adopt the alteration or supplement within a reasonable time, the Commission is authorized by order to alter or supplement the rules of the association—

"(i) in the manner requested under subparagraph (A); or

"(ii) with such modification as the Commission considers necessary if, after appropriate notice and opportunity for hearing, it appears to the Commission that the alteration or supplement is necessary or appropriate in the public interest—

"(I) to assure fair dealing by the members of the association;

"(II) to assure a fair representation of the members of the association in the administration of the affairs of the association; or

"(III) to effectuate the purposes of this section.

"(C) The alterations or supplements may specify changes with respect to matters such as—

"(i) the basis for, and procedure in connection with, the denial of membership or the barring from being associated with a member or the disciplining of members or persons associated with members, or the qualifications required for members or natural persons associated with members or any class of members;

(ii) the method of adoption of any change in or addition to the rules of the association;

(iii) the method of choosing officers and directors;

(iv) safeguards with respect to the financial responsibility of members;

(v) the manner, method, and place of soliciting business by members, including the content of the solicitations; and

(vi) the form and manner of handling, recording, and accounting for orders, transactions, and accounts of customers by members.

[SEC. 19. (a) No person shall offer to enter into, enter into, or confirm the execution of, any transaction for the delivery of any commodity specifically set forth in section 2(a) of this Act prior to the enactment of the Commodity Futures Trading Commission Act of 1974 under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract, or under any contract, account, arrangement, scheme, or device that the Commission determines serves the same function or functions as such a standardized contract, or is marketed or managed in substantially the same manner as such a standardized contract.

[(b) No person shall offer to enter into, enter into, or confirm the execution of any transaction for the delivery of silver bullion, gold bullion, or bulk silver coins or bulk gold coins, under a standardized contract described in subsection (a) of this section, contrary to any rule, regulation, or order of the Commission designed to ensure the financial solvency of the transaction or prevent manipulation or fraud: *Provided,* That such rule, regulation, or order may be made only after notice and opportunity for hearing.

[(c) The Commission shall regulate any transactions under a standardized contract described in subsection (a) of this section involving commodities described in subsection (b) of this section or any other commodities (except those commodities described in subsection (a) of this section) under such terms and conditions as the Commission shall prescribe by rule, regulation, or order made only after notice and opportunity for a hearing. The Commission may set different terms and conditions for such transactions involving different commodities. Notwithstanding any other provision of this section, the Commission may prohibit any transaction for the delivery of any commodity under a standardized contract described in subsection (a) of this section that is not permitted by the rules, regulations and orders of the Commission in effect on December 9, 1982, if the Commission determines that any such transactions would be contrary to the public interest.]

SEC. 22. (a)(1) Any person (other than a contract market, clearing organization of a contract market, licensed board of trade, or registered futures association) who violates this Act or who willfully aids, abets, counsels, induces, or procures the commission of a violation of this Act shall be liable for actual damages resulting from one or more of the transactions referred to in clauses (A) through (D) of this paragraph and caused by such violation to any other person—

(A) who received trading advice from such person for a fee;

(B) who made through such person any contract of sale of any commodity for future delivery (or option on such contract or any commodity); or who deposited with or paid to such person money, securities, or property (or incurred debt in lieu thereof) in connection with any order to make such contract;

(C) who purchased from or sold to such person or placed through such person an order for the purchase or sale of—

(i) an option subject to section 4c of this Act (other than an option purchased or sold on a contract market or other board of trade); or

[(ii) a contract subject to section 19 of this Act; or]

[(iii)] *(ii)* an interest or participation in a commodity pool; or

(D) who purchased or sold a contract referred to in clause (B) hereof if the violation constitutes a manipulation of the price of any such contract or the price of the commodity underlying such contract. • • •

SEC. 24. (a)(1) Except in cases in which judicial review of Commission action is otherwise expressly provided for in this Act, any person adversely affected by a final order of the Commission or by any rule adopted by the Commission under this Act may obtain review of the order or rule only in the United States court of appeals for the circuit in which the person resides or has its principal place of business.

(2) To obtain the review, the person must file in the court within 30 days after notice of the order, or the promulgation of the rule, a written petition requesting that the order be modified or set aside in whole or in part or that the rule be set aside.

(b) On the filing of the petition, the clerk of the court shall transmit a copy of the petition to the Commission.

(c) On receipt of the petition, the Commission shall file in the court the record on which the order complained of is entered (in accordance with section 2112 of title 28, United States Code) or in the case of the rule under review, the rulemaking record of the Commission (including all written submissions), the transcript of any oral presentations made during the course of the rulemaking, and any other materials perscribed by the court.

(d) No objection to the order or rule of the Commission shall be considered by the court unless the objection shall have been presented to and heard before the Commission.

(e) On the filing of the petition, the court may affirm the issuance of the order or the adoption of the rule, set aside or modify the order, or set aside the rule.

(f) The findings of the Commission as to the facts shall be conclusive if supported by substantial evidence.

• Mr. LUGAR. Mr. President, I am pleased to join the chairman of the Senate Committee on Agriculture, Nutrition, and Forestry in introducing, by request, a bill to reauthorize the Commodity Futures Trading Commission. This agency is responsible for regulating our futures markets and the sale of agricultural and nonagricultural commodities at such markets.

The reauthorization of the Commodity Futures Trading Commission provides an opportunity for Congress to review the activities of the Commission and to reexamine and refine its regulatory authority. For many years our futures markets have played an important role in the economy by facilitating hedging and pricing activities. It is vital to the well-being of most businesses and to the entire economy of this Nation that the futures industry continue to receive efficient and effective oversight.

In recent years, the futures industry has experienced phenomenal growth in both the use of existing contracts and the development of new trading instruments. While at one time the industry was mostly limited to agricultural goods, this is not the case today. Futures markets trade products as diverse as corn, lumber, heating oil, gold, and Treasury bills.

The Commodity Exchange Act was amended in 1982 to give the CFTC far greater powers to regulate such a growth-oriented industry. In addition, the industry's self-regulatory body, the National Futures Association, was given more authority to assist with various aspects of the regulatory process. State and local officials were given full authority to control the sale of off-exchange instruments. The reauthorization process will focus primarily upon these enforcement powers and whether they are inadequate given the continued growth or so restrictive that price discovery and commercial hedging activity is threatened.●

By Mr. BOSCHWITZ (for himself, Mr. HOLLINGS, Mr. THURMOND, Mr. DURENBERGER, Mr. BOREN, Mr. PRYOR, Mr. WILSON, Mr. ZORINSKY, Mr. QUAYLE, Mr. DOLE, and Mr. LUGAR):

S.J. Res. 263. Joint resolution to designate the week of September 7-13, 1986, as "National Independent Retail Grocer Week;" to the Committee on the Judiciary.

NATIONAL INDEPENDENT RETAIL GROCER WEEK

● Mr. BOSCHWITZ. Mr. President, I am pleased to introduce legislation today designating September 7-13, 1986 as "National Independent Retail Grocer Week." I am honored to have been joined in this effort by several of my distinguished colleagues, Mr. HOLLINGS, Mr. THURMOND, Mr. DURENBERGER, Mr. BOREN, Mr. PRYOR, Mr. WILSON, Mr. ZORINSKY, Mr. QUAYLE, Mr. DOLE, and Mr. LUGAR.

Independent retail grocers exemplify the small business entrepreneur in the grocery industry. They deliver the highest quality products at the least expense to the American consumer.

Most independent retail grocers operate on a 1- to 2-percent profit margin while providing fresh fruits, vegetables, dairy products, and quality meat, poultry, and fish to their customers. When consumers in New York pick up a head of lettuce from California, they often do not stop to think how it got from the field to the market, for less than $1. Independent retail grocers work hard to keep the American consumers well fed, while providing employment for over 1 million people. It is only right and fitting we should honor them with this joint resolution.

Mr. President, I urge my colleagues to join me in honoring independent retail grocers and to designate "Independent Retail Grocer Week."●

ADDITIONAL COSPONSORS

S. 209

At the request of Mr. D'AMATO, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 209, a bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States.

S. 402

At the request of Mr. PRESSLER, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 402, a bill to amend the Communications Act of 1934 to provide for specialized equipment for telephone service to certain disabled persons.

S. 670

At the request of Mr. PELL, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 670, a bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, and to give to employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1090

At the request of Mr. HELMS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1090, a bill to amend section 1464 of title 18, United States Code, relating to broadcasting obscene language, and for other purposes.

S. 1093

At the request of Mr. MATHIAS, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 1093, a bill to amend the patent law to restore the term of the patent grant in the case of certain products for the time of the regulatory review period preventing the marketing of the product claimed in a patent.

S. 1134

At the request of Mr. COHEN, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1134, a bill to amend title 5, United States Code, to provide administrative civil penalties for false claims and statements made to the United States by certain recipients of property, services, or money from the United States, by parties to contracts with the United States, or by Federal employees, and for other purposes.

S. 1544

At the request of Mr. ROTH, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1544, a bill to extend the Trade Adjustment Assistance Program to place such program on a sound financial basis and to reform such program to emphasize the retraining of workers.

S. 1817

At the request of Mr. TRIBLE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1817, a bill to suspend temporarily most-favored-nation treatment to Romania.

S. 1912

At the request of Mr. DANFORTH, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1912, a bill to provide for a 6-month extension of certain temporary provisions relating to the Internal Revenue Code of 1954.

S. 1952

At the request of Mr. GARN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1952, a bill to provide for the striking of medals to commemorate the Young Astronaut Program.

S. 1980

At the request of Mr. THURMOND, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 1980, a bill to amend title 17, United States Code, regarding the conveyance of audiovisual, work and for other purposes.

S. 2026

At the request of Mr. ROTH, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Rhode Island [Mr. PELL], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 2026, a bill to extend the trade adjustment assistance programs.

SENATE JOINT RESOLUTION 256

At the request of Mr. TRIBLE, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Joint Resolution 256, a joint resolution designating August 12, 1986, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 262

At the request of Mr. WALLOP, the names of the Senator from Nebraska [Mr. EXON], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Joint Resolution 262, a joint resolution to authorize and request the President to issue a proclamation designating June 2 through 8, 1986, as "National Fishing Week."

SENATE CONCURRENT RESOLUTION 39

At the request of Mr. DODD, the name of the Senator from Maryland [Mr. MATHIAS] was added as a cosponsor of Senate Concurrent Resolution 39, a concurrent resolution expressing the support of the Congress for Costa Rica's neutrality and urging the President to support such neutrality.

SENATE RESOLUTION 28

At the request of Mr. ROTH, his name was added as a cosponsor of Senate Resolution 28, a resolution to improve Senate procedures.

SENATE RESOLUTION 227

At the request of Mr. PELL, the names of the Senator from Maine [Mr. COHEN], the Senator from Arizona [Mr. GOLDWATER], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Resolution 227, a resolution urging a joint United States-Soviet effort to achieve worldwide disease immunization by 1990.

SENATE RESOLUTION 298

At the request of Mr. WEICKER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Resolution 298, a resolution expressing support and encouragement of the Senate for the United States Disabled Ski Team at the 1986 World Disabled Ski Championships to be held in Salem, Sweden, on April 6 through 17, 1986.

SENATE RESOLUTION 303

At the request of Mr. HEINZ, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Resolution 303, a resolution to express the sense of the Senate with respect to proposals currently before the Congress to tax certain employer-paid benefits and other life-support benefits.

SENATE RESOLUTION 320

At the request of Mr. JOHNSTON, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Resolution 320, a resolution affirming, in part, and disaffirming, in part, the order issued by the President under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 1986, and instructing the appropriate committees of the Senate to report certain changes in the laws within their jurisdiction.

SENATE CONCURRENT RESOLUTION 104—URGING THE ESTABLISHMENT OF BICENTENNIAL OF THE U.S. CONSTITUTION COMMISSIONS IN THE STATES AND TERRITORIES

Mr. DOLE. (for Mr. THURMOND, for himself, Mr. STEVENS, and Mr. KENNEDY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 104

Whereas, on September 17, 1987, the United States will celebrate the 200th birthday of its great Constitution;

Whereas the bicentennial of the United States Constitution is a momentous event in our Nation's history and merits the participation of all our citizens;

Whereas in 1983 the Congress authorized, in Public Law 96-101, establishment of the Commission on the Bicentennial of the United States Constitution to encourage and coordinate the Nation's celebration of the bicentennial;

Whereas to guarantee the broadest participation in the bicentennial it is important that many entities, public and private, join the Commission on the Bicentennial in planning for the bicentennial;

Whereas of particular importance is the active participation of the States and territories in planning for the bicentennial;

Whereas to date, 20 States have established their own commissions on the bicentennial of the United States Constitution: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress commends those States and territories which have established commissions on the bicentennial of the United States Constitution and urges all of the States and territories to establish such commissions, and to work with the Federal Commission on the Bicentennial to ensure that the bicentennial will be a meaningful and successful national experience.

SENATE CONCURRENT RESOLUTION 105—RELATING TO TAX-EXEMPT MUNICIPAL BONDS

Mr. GRAMM submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 105

Whereas on December 17, 1985, the House of Representatives passed H.R. 3838, entitled the "Tax Reform Act of 1985", which includes amendments to the provisions of the Internal Revenue Code of 1954 that relate to the exclusion from gross income for Federal income tax purposes of the interest payable on bonds issued by or on behalf of the States and their political subdivisions;

Whereas if enacted in their current form and substance these amendments, in general, would be effective as to bonds which are issued after December 31, 1985, and would impose new restrictions and requirements relating to the investment, uses, and expenditure of the proceeds of tax-exempt bonds, and the use of facilities financed with such proceeds in order to qualify the interest thereon for exclusion from gross income for Federal income tax purposes;

Whereas such amendments would additionally require that the interest payable on certain bonds be treated as a tax preference item in the computation of the alternative minimum tax imposed by section 55 of the Internal Revenue Code of 1954, and would further impose taxes on the interest on bonds held by property and casualty insurance companies under circumstances and in amounts and beginning at times made confusing by the Committee Report of the House Ways and Means Committee;

Whereas the above factors and effective dates have caused serious and dangerous disruptions in all areas of State and local government financing and construction activities throughout the United States in that H.R. 3838 is being treated and applied as law prior to the consideration of its provisions and impact by the Senate; and

Whereas the Congress considers this to be a matter of imperative public necessity and is adopting this concurrent resolution for the purpose of assuring the States and their local bond issuing agencies and the lenders and buyers of tax-exempt bonds that the effective dates under any new tax legislation approved by the Congress will be prospective only and that, until the provisions of tax reform legislation are finally agreed to and until such dates are finally established by enacted law, which dates shall conform to this concurrent resolution, State and local government financing activities will be permitted to proceed under current law without concern for adverse retroactive effect: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress agrees, and instructs its committees and any conferees, that the Congress will not approve any provisions in H.R. 3838 or in similar legislation that would adversely affect the tax-exempt status of the bonds or other obligations of the States or their political subdivisions and instrumentalities which comply with current law and which are issued prior—

(1) January 1, 1987, or

(2) any later date provided in enacted law.

Mr. GRAMM. Mr. President, today I have submitted a concurrent resolution requiring Congress to set a January 1, 1987, implementation date regarding tax reform proposals affecting tax exempt bonds, particularly city, county, and school district bonds. The House-passed "Tax Reform Act of 1985" currently calls for a retroactive implementation date of January 1, 1986, for measures affecting such bond issues—title VII, section 703, effective dates.

The mere presence of the January 1, 1986 date in H.R. 3838 has had a substantial chilling effect on bond financing. Legal counsel, preparing required bond opinions, are qualifying their opinions in such a fashion that cities, counties, and school districts are being legally precluded from offering marketable bond issues. This is in large part due to the retroactivity of the bond provisions found in the House-passed bill.

The practical effect of qualified bond counsel opinions is already being felt. Last year, Texas sold approximately $20 billion in bonds, which was more than one-eighth of all bonds of this nature placed nationally. This year, during the first 3 weeks of the

month of January, approximately $450 million in bonds went to market in Texas, and only $90 million were sold. Not only does this show a substantial decrease in bond offerings, which are down by approximately 60 percent from the previous year, but also dramatically indicates the very serious problem that has now presented itself regarding actual bond sales.

The impact of the House-passed provisions of H.R. 3838 continue to delay much needed bond financed projects throughout the country. In Texas, several large municipal programs, such as improvements at the Dallas/Fort Worth Airport, construction of a garage at the Dallas Love Field, and numerous school construction projects have been literally halted because of the retroactive date. This week, the Texas Water Development Board announced that the $1.2 billion Texas comprehensive water conservation plan had been delayed as a direct result of the effective date in the House bill. While the projects that I have discussed are only a few of the projects affected in Texas, numerous other projects both in Texas and around the country are suffering a similar fate. The detrimental results are obvious.

I therefore urge my colleagues to join with me in supporting this concurrent resolution.

SENATE RESOLUTION 331—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. DOLE (for Mr. MURKOWSKI), from the Committee on Veterans' Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 331

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rules XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1986, through February 28, 1987, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $887,069.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1987.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1986, through February 28, 1987, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 332—TO HONOR THE CHALLENGER SPACE SHUTTLE ASTRONAUTS

Mr. ARMSTRONG (for himself, Mr. GARN, Mr. BAUCUS, Mr. KASTEN, Mr. HUMPHREY, Mr. BENTSEN, Mrs. KASSEBAUM, Mr. HATCH, Mr. BOREN, Mrs. HAWKINS, Mr. SIMON, Mr. D'AMATO, Mr. MCCLURE, Mr. COHEN, Mr. QUAYLE, Mr. DECONCINI, Mr. MELCHER, Mr. GRASSLEY, Mr. ROTH, Mr. SPECTER, Mr. HELMS, Mr. HEINZ, Mr. PELL, Mr. LUGAR, Mr. GORTON, Mr. WILSON, Mr. STAFFORD, and Mr. MITCHELL) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 332

Whereas words cannot adequately express our deep sense of regret and sorrow to the families of those brave men and women who have lost their lives pursuing the exploration of space,

Whereas in the words of President Reagan, "The future does not belong to the faint-hearted. It belongs to the brave. The Challenger crew was pulling us into the future, and we will continue to follow them.",

Whereas space exploration holds limitless promise for greater knowledge and the advancement of all mankind,

Whereas without the courage of our space pioneers, our last great frontier would remain beyond our reach,

Whereas, those who are fearlessly dedicated to space exploration should be considered no less than modern-day heroes,

Whereas in this time of sorrow for the astronauts who have perished we are conquering a new horizon in modern space exploration—the remarkable discovery of new celestial bodies orbiting the planet Uranus,

Whereas we mourn the tragedy of today, we recognize that space exploration holds continued promise for the future,

Be it resolved, That it is the sense of the Senate that—

(1) seven of the newly discovered celestial bodies orbiting the planet Uranus should be named after those individuals who have lost their lives in the quest of space. They are the men and women who died aboard spaceshuttle Challenger, on January 28, 1986—Michael Smith, Francis (Dick) Scobee, Judith Resnik, Ronald McNair, Ellison Onizuka, Gregory Jarvis, and Christa McAuliffe, and;

(2) the Senate recommends to the International Astronomical Union that the celestial bodies be so named.

Mr. ARMSTRONG. Mr. President, today I am submitting a sense of the Senate resolution to honor those Americans who recently lost their lives in the quest of space. I speak of those seven who were so tragically killed on January 28 in the devastating explosion of the space shuttle *Challenger*. The contribution of these seven Americans to the U.S. Space Program and their loss to that program cannot and will not be in vain. To remind us daily of their contribution and their sacrifice, my resolution would recommend to the International Astronomical Union that their names be honored in the heavens and that 7 of the 10 satellites or 10 rings recently found to exist around the planet Uranus—the third largest planet in the solar system—be named for each of these great Americans.

Recently, January 24, 1985, during the deep space mission of *Voyager II*, NASA's unmanned research space craft, 10 satellites and 10 rings were discovered around the planet Uranus—in Greek the planet known as the God of the Heavens. These satellites and rings have yet to be named.

The process for naming celestial phenomena rests with a board made up of members of the International Astronomical Union. Frequently, the discoverer and the discovering country have been credited with the naming of the majority of celestial phenomena in the last two centuries. According to astronomical practice, the satellites and rings around Uranus will be listed in numerical order until names are selected.

The suggestion that these recent finds by NASA be named in honor of those lost in the course of the U.S. Space Program came from Coloradan Bob Palmer, a TV newscaster and long-time friend, who mentioned the idea to one of my staff last week. I want to give Bob the recognition in having the idea, and I endorse it heartily.

Mr. President, I believe that the dedication of these satellites and rings to the memory of the contribution and tragic loss of Christa McAuliffe, Francis "Dick" Scobee, Michael Smith, Judith Resnik, Ellison Onizuka, Ronald McNair, and Gregory Jarvis is appropriate and necessary. I ask the Senate to give it favorable consideration.

America is still the land where today's dreams are tomorrow's reality. I believe that with the courage of those who have dedicated their lives to the quest of space, school children of today will be able to explore, firsthand, the satellite and rings of Uranus and remember the pioneers that bravely went before them.

As President Reagan said last week:

The future doesn't belong to the faint-hearted. It belongs to the brave. The Challenger crew was pulling us into the future and we'll continue to follow them.

AMENDMENTS SUBMITTED

BANK BRIBERY AMENDMENTS ACT

METZENBAUM AMENDMENT NO. 1583

Mr. BYRD (for Mr. METZENBAUM) proposed an amendment to the bill (H.R. 3511) to amend title 18, United States Code, with respect to certain bribery and related offenses; as follows:

On page 4, after line 3, insert the following:

"(d) The Justice Department shall consult with the Federal Regulatory Agencies with responsibility for regulating financial institutions as defined in this act in order to establish a unified set of guidelines for identifying conduct which is prohibited by this section. The Department and such regulatory agencies shall make such guidelines available to the public. Compliance or noncompliance with the standards contained in such act shall be relevant but not dispositive in determining whether a violation of this section has occurred."

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that a public hearing has been scheduled before the Subcommittee on Public Lands, Reserved Water and Resource Conservation of the Committee on Energy and Natural Resources on Friday, February 21, 1986, at 10 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC 20510. Testimony will be received on the following bills:

S. 416, to amend the act establishing Voyageurs National Park, Minnesota, to allow certain State leaseholders of lands within the Park to continue to lease such lands for up to 20 years.

S. 530 and H.R. 1343, to authorize the use of funds from rental of floating drydocks and other marine equipment to support the National Maritime Museum in San Francisco, California.

S. 1766, to designate the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park in honor of J. Glenn Beall, Sr.

S. 1819, to amend the Wild and Scenic Rivers Act to designate certain segments of the Cache la Poudre River and the South Fork of the Cache la Poudre River in Colorado as a component of the National Wild and Scenic River System.

H.R. 105, to provide for the inclusion of the Washington Square area within Independence National Park, and for other purposes.

H.R. 934, to provide certain authority to reduce erosion within the Cuyahoga Valley National Recreation Area, and for other purposes.

H.R. 1390, to authorize additional long-term leases in the El Portal administrative site adjacent to Yosemite National Park, California, and for other purposes.

H.R. 1963, to increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and for other purposes, and to provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, Pennsylvania.

Those wishing to testify should contact the Subcommittee on Public Lands, Reserved Water and Resource Conservation of the Committee on Energy and Natural Resources, room SD-308, Dirksen Senate Office Building, Washington, DC 20510. Oral testimony may be limited to three minutes per witness. Witnesses may be placed in panels, and are requested to submit 25 copies of their testimony 24 hours in advance of the hearing, and 50 copies on the day of the hearing. For further information, please contact Patty Kennedy of the subcommittee staff at (202) 224-0613.

Mr. President, I would like to announce for the information of the Senate and the public that a public hearing has been scheduled before the Subcommittee on Public Lands, Reserved Water and Resource Conservation of the Committee on Energy and Natural Resources on Tuesday, March 4, 1986, at 10 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC 20510. Testimony will be received on the following bills:

S. 1021 and H.R. 1795, to exempt certain land in the State of Mississippi from a restriction set forth in the Act of April 21, 1806.

S. 1568, to declare that the United States holds certain lands in trust for the Reno Sparks Indian Colony.

S. 1617, to provide for more effective management of lands of the United States which are subject to conflicting claims or deposits, and to require the Secretary of the Interior to report annually thereon.

S. 1638 and H.R. 1593, to direct the Secretary of the Interior to release on behalf of the United States certain restrictions in a previous conveyance of land to the town of Jerome, Arizona.

S. 1690, for the transfer to certain interests in lands in Dona Ana County, New Mexico to Dona Ana County, New Mexico, for the use as a fairgrounds.

S. 1888, to provide for a program of clean-up and maintenance on Federal public lands, national parks, recreation areas, and for other purposes.

S. 1963, to direct the Secretary of the Interior to convey certain lands in Socorro County, New Mexico, to the New Mexico Institute of Mining and Technology.

S. 2031, to authorize the Secretary of the Interior to release restrictions on certain property located in Calcasieu Parish, Louisiana, and for other purposes.

Those wishing to testify should contact the Subcommittee on Public Lands, Reserved Water and Resource Conservation of the Committee on Energy and Natural Resources, room SD-308, Dirksen Senate Office Building, Washington DC 20510. Oral testimony may be limited to 3 minutes per witness. Witnesses may be placed in panels, and are requested to submit 25 copies of their testimony 24 hours in advance of the hearing, and 50 copies on the day of the hearing. For further information, please contact Patty Kennedy of the subcommittee staff at (202) 224-0613.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will hold an oversight hearing on the fiscal year 1987 budget requests on Indian programs on February 18, 1986, commencing at 10 a.m., in room 628 of the Dirksen Senate Office Building. The committee will receive testimony from the Department of the Interior, the Department of Health and Human Services, the Department of Education, and the Department of Housing and Urban Development. Those wishing to testify should contact Peter S. Taylor, staff director of the committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ANDREWS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 4, in executive session, to begin markup on the staff proposal on defense reorganization.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WILDLIFE MANAGEMENT OPTIONS

● Mr. DURENBERGER. Mr. President, the American people have an unsatiable hunger and enthusiasm for outdoor recreation activities. Each year more and more Americans spend a greater portion of their leisure time enjoying the out of doors through hiking, camping, hunting and fishing, and related activities. As our demands and expectations for quality experiences has grown, so has our commitment to conservation.

Traditionally, sportsmen have contributed to their sport, either hunting or fishing, through license fees and taxes on equipment and ammunition. At the Federal level targeted tax receipts have gone into either the Wallop-Breaux or Pittman-Robertson funds to support Federal conservation activities. At the State level, revenues from licenses have virtually supported fish and game departments.

Historically, we have used the Tax Code to encourage or discourage certain types of activities. I would like to draw my colleagues attention to a new

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and growing tax mechanism used by the States to enhance their fish and wildlife programs. Since 1977, 31 States have provided space on their State income tax forms for donations to a fund which is then used to develop and assist nongame species management as well as habitat acquisition and improvement activities. Such donations are then tax deductible on both State and Federal returns the following year.

It is clear from the amount of revenues raised that this program has been more than successful. I ask that a recent article from the New York Times of the State's checkoff program be inserted in the RECORD at the conclusion of my remarks.

Mr. President, outdoor enthusiasts throughout this country are to be commended for their commitment to resource management. Their involvement reaffirms our responsibility as stewards of this Nation's vast wealth of natural resources to preserve them for the use and enjoyment of present and future generations.

The article follows:

TAX OPTION AIDS WILDLIFE GROUPS

(By Nelson Bryan)

Through license purchases, hunters and fishermen provide most of the operating revenues of state fish and game departments, but in recent years significant support of those agencies has also come from so-called nonconsumptive outdoor enthusiasts such as hikers, backpackers, canoeists, campers and bird watchers among them.

It began in 1977 when Colorado provided space on state income tax forms for donations to a fund to be used to assist nongame species. Today, 33 states have legislated such a check-off program, or some variation of it, and in 1984, when 31 states were involved, more than $8.9 million were collected through such programs. Georgia was the last state to join and its plan takes effect in 1989. Such donations are tax deductible on both state and Federal returns the following tax year.

Some states have followed Colorado's lead in restricting the funds to non-game species, but others have taken a broader approach, using, as an example, some of the monies for acquisition or improvement of habitat utilized by a wide variety of creatures, both game and non-game. Colorado uses some of this special fund for habitat acquisition, but only when matched by monies from the sale of hunting and fishing licenses.

New York state is now in its fourth year of its "Return a Gift to Wildlife" program and in the first three years more than $5 million were donated. The state's annual income from such a source is the highest in the nation, says Herb Doig, assistant commissioner for fish, wildlife and marine resources of the state's Department of Environmental Conservation.

Mr. Doig says that in 1983—the first year of such contributions (from the '82 tax year) in New York state—22 percent of the 360,904 who donated $1,748,000 to the fund also held current hunting, fishing or trapping licenses, or combinations thereof, and of that 17 percent of the millions of noncontributors also held such licenses. "This suggests that those who do buy such licenses are more apt to be among those who support fish and wildlife programs," he says.

In 1984 in New York state, 346,500 contributed $1,708,000, and in 1985 313,000 gave $1,555,000.

The Department of Environmental Conservation in New York state recently announced 45 projects costing $2.4 million to be paid for by the wildlife gift fund. Among the most expensive are $450,000 for a biological survey of the state's watersheds, such information being computerized; $229,000 for fish and wildlife programs and coordination and management for New York City, and $100,000 for protecting and managing heronries in New York City Harbor and Staten Island. Also included is the publication of a state breeding bird atlas, involving 232 species, in cooperation with the Cornell Laboratory of Ornithology.

The $229,000 project includes environmental impact analyses and protection of wetlands and working with park rangers. This will, says Mr. Doig, "help people to better understand what fish and wildlife managment is all about."

Not all the monies so received are spent in the same year. An example of this would be funds set aside for land acquisition. In some states—New Jersey is one—such funds are specifically earmarked for non-game wildlife. In New York state, they go into the Conservation Fund where they may be used as the Department of Environmental Conservation determines. This department successfully sought to have that written into the law, Mr. Doig says, adding that: "Our philosophy is a little different from a number of other state agencies.

"We feel that you have to look at fish and wildlife resources as a total entity," he said, adding that "you shouldn't manage game and non-game species in isolation."

"Some game species are enjoyed visually and psychologically just as non-game species are, he said." He noted, however, that his department's practice has been to not use the monies for projects directly linked to hunting or fishing, such as the stocking of trout or pheasants.

The Department of Environmental Conservation budget runs to more than $200,000,000 annually, but that covers everything from dealing with toxic substances to environmental impact assessments. The Department's fish and wildlife budget varies from $40 to $50 million a year, depending on, says Mr. Doig, "capital expenditures, money used for land acquisition and that sort of thing."

Statistics on the checkoff programs are kept by the International Non-Game Association of North America. Carl Becker, a member of the Association, cautions that one must be careful when comparing the support given to such programs by the taxpayers of the various states, because population, tax structure and the check-off procedures vary greatly.

In 1984 when more than $8.9 million was raised, New York led with $1,708,000 and Minnesota was second with $643,000. In that year, the average contribution per taxpayer nationwide was $5.54. Delaware led the list with $8.98 per donor and New York taxpayers were below the average with $4.93. In the same year, Minnesota led the nation with the greatest percentage, 11.2, of taxpayers contributing.●

A RESOURCES STRATEGY FOR NATO

● Mr. GOLDWATER. Mr. President, David Abshire, who is our Permanent Representative on the North Atlantic Council, published a paper back in October 1985, entitled "A Resources Strategy for NATO."

It is exceedingly well done, very thorough, and is something that anyone who is interested in NATO should read. I ask that it be printed in the RECORD.

The article follows:

A RESOURCES STRATEGY FOR NATO

(By David Abshire)

NATO must obtain considerably improved resources for its own defence but its individual members, with competing economic and social demands, already feel stretched. As a consequence, its military strategy, including that of deterrence, is at risk. Ambassador David Abshire has highlighted the problem that the Alliance has no strategy to deal with its proper resources. Yet, if one existed, individual national efforts could be channelled into common directions and achieve a far more credible defence, as "the whole is greater than the sum of the parts".

As a newcomer to NATO in the fall of 1983, I suggested in a speech to the Atlantic Treaty Association that NATO needed a Resources Strategy. The United States was always talking to Europeans about increased input, without much analysis of NATO's true output. The Europeans often talked about better output, but with little real attention as to how to obtain it. Both sides had lost sight of the classic concept of strategy as a way to marshall, manage and harmonize resources for the achievement of specific goals. It is ironic that they did so. Business schools have adopted such a concept of strategy; development economics had incorporated it, even sports teams talk about it. These all came from a concept that was originally military. NATO, however, did not have a strategy for the effective use of its resources, and the lack of a Resources Strategy put its military strategy, even its deterrent strategy, at risk.

The major challenge to NATO today is development of an effective strategy to manage its resources. Meeting that challenge offers the only chance first, of restoring the public defense consensus on defense spending, second, of improving the conventional element of the NATO deterrent—the area in need of most immediate attention, and third, of avoiding another transatlantic crisis stemming from some action such as Congressional troop withdrawal amendments.

In the last 18 months, the Alliance has come to grips with the need to bolster its conventional defense and to recognize the need for a Resource Strategy. Some may not use my terminology, but the concept has featured as an important element in the last two defense ministerial communiques. Moreover, NATO has moved aggressively to put the framework for such a strategy in place. Over the past five months in particular, NATO has been engaged in an intensive effort to achieve a better understanding of where we are and where we need to go.

The goal of NATO's Resources Strategy is simple: to improve NATO's conventional defense effectiveness, and to do so by getting improved output for our investment, whether dollar, pound, mark, franc, guilder, etc.

This is a classical approach to strategy dealing with the harmonization of means and ends.

NATO's Resources Strategy should not be viewed as a stereotyped plan, like the Schlieffen Plan or the U.S. Industrial Mobilization Plan of 1940. It is, above all, a state of mind and method—an attitude and an approach that examines creatively all trade-offs, multiplier effects, investment advantages and incentives, and basic resources such as emerging technology and highly trained manpower (both civilian and military) that are available to NATO for bolstering its deterrent. It emphasizes long-range, integrative thinking and integrates and harmonizes categories that are normally isolated, truncated, or compartmentalized. Finally, it stresses raising key issues to the political level where hard choices and difficult trade-offs must be made.

THE ELEMENTS

The conceptual military framework

The starting point of NATO's Resources Strategy is having a central concept of what must be done. In the past, NATO's planning horizon has been relatively short-term, 5 to 8 years or so. As a consequence, when creative ideas emerged, new technologies became available, and novel operational concepts were advanced, NATO was not fully equipped to capitalize on their potential. West German Defense Minister Manfred Wörner expressed his frustration with this problem when he felt barraged by a host of new ideas—Airland Battle, Follow-On Forces Attack, Emerging Technologies and others. How did all of these things fit together? Wörner asked. How did they relate to what NATO was already doing? Clearly, NATO needed a better intellectual and conceptual framework to guide NATO's thinking, direct its planning, and discipline its resources management.

That Conceptual Military Framework for the 1990's became the first element, the core, of what I call a Resources Strategy.

NATO's defense ministers charged the Military Committee, together with the Major Commanders, to respond to Minister Woerner's challenge. The Committee and Supreme Allied Commander General Bernard Rogers have done so with a bold, innovative approach looking 15-20 years into the future. Their Conceptual Military Framework is designed to discipline NATO's military thinking, tactics, and technologies to the battlefield of the 1990s and beyond.

The Conceptual Military Framework defines the tasks required of Alliance forces. Their definition—and agreement by ministers as to their importance—provides the base from which NATO's efforts to maximize the impact of Alliance resources can begin. Those agreed tasks are:

1. Defeat of the lead echelon of the attacking force;
2. A capability to attack follow-on forces;
3. Winning the air battle;
4. Sea control;
5. Projection of maritime power;
6. Protection of allied shipping; and
7. Safeguarding rear areas.

The Threat Estimate

The Alliance must also determine how it stacks up against the potential adversary. Thus, a dynamic estimate of the military balance is the second element of my Resources Strategy.

Based on a variety of NATO assessments, Allies—on the ambassadorial and ministerial level—have reached agreement on the estimate of the threat. NATO's assessment does not play down the magnitude of the problem, as some have done in the past in general. The Allies agree that the gap between NATO and the Warsaw Pact is widening.

At the conventional level, NATO's problem is not that it is universally weak, but that its strength is uneven. There were—and are—some weak points in its conventional forces as well as critical shortages. Warning time has been reduced. Soviet tactics are changing and are being modeled on Guderian's and others' concepts of deep penetration. In short, NATO's ability to implement its strategy of flexible response is possibly in jeopardy.

Critical Deficiencies

A major part of NATO's efforts over the last six months has been to determine its critical deficiencies in very specific terms. This is the third component of my Resources Strategy. Among the most serious problems are:

NATO's shortfall in standing ground forces provides the Alliance with only a limited ability to prevent a breakthrough. This shortcoming exacerbates Alliance dependence on adequate warning and the question of how the Alliance will respond to ambiguous warnings.

Too many differences in the levels of training, equipment, manning and availability of mobilization reserve forces. Some are simply not adequate to the task. Nor does NATO have effective enough means to defeat, disrupt or destroy the enemy's reserves.

Serious deficiencies in the numbers of suitable aircraft, modern munitions, and supporting systems for effective offensive counter air operations. Moreover, a favorable air situation depends on early reinforcement, and NATO has not had sufficient infrastructure to receive the airplanes and support coming from the United States. Furthermore, NATO would find it difficult to distinguish between friendly and hostile aircraft.

The capabilities of Portugal, Greece and Turkey are another serious deficiency.

In the maritime area, anti-submarine warfare, anti-air warfare, and mine countermeasures.

Finally, insufficient stocks of simple, but essential things, such as ammunition and petrol.

A unique problem, which some people would not include in a list of conventional shortcomings, is Chemical Warfare and an effective deterrent to the use of chemical weapons. In the absence of a comprehensive and verifiable ban on chemical weapons which NATO is fully committed to seeking, the Alliance needs not only good defensive chemical capabilities, but also a chemical deterrent. Today, with no deterrent in kind for preventing the use of chemical weapons, NATO would have to consider a nuclear response to a chemical attack. At a time when all of NATO's efforts are designed to push back as far as possible the moment at which nuclear weapons would be called for, this situation is unacceptable. Many members of the U.S. Congress have come to appreciate the necessity of a CW deterrent. As a result, they now favor binary munitions production by the U.S. and, since forward deployment is not now needed, they also support provision for those systems in NATO's crisis management plans.

Earlier this spring NATO achieved consensus agreement on these areas as needing immediate attention. The question is: what does NATO do about them?

Already there have been some concrete results. At the December 1984 ministerial meeting infrastructure funding was doubled. That decision will enable NATO to take care of 90% of the minimum operational requirements and 70% of the shelters needed to protect aircraft reinforcements coming from North America. Ministers also agreed to expand critical ammunition stocks. More recently, the agreement between Secretary of Defense Weinberger and Defense Minister Woerner on a system for the identification of friends and foes represents an important move in the resolution of that problem.

Goals, Priorities and Planning

Better planning is the fourth element of my Resources Strategy. Efforts to improve NATO planning were intensified at the Spring 1985 Defense Ministers Meeting in Brussels. Ministers were presented with a report containing an extensive list of recommendations for remedying the identified deficiencies, and equally important, for strengthening NATO's defense planning.

The minister's communique noted that their adoption of these comprehensive recommendations constituted "a plan of action" for the Alliance. They agreed to give special emphasis to the areas of deficiencies, both in national and alliance planning.

At this stage, NATO's action plan is essentially a plan for an action plan. Devising specific remedial actions and them implementing them requires imagination and considerable political determination. At the same time, while giving special emphasis to key deficiencies, nations and the alliance must continue to maintain adequate capabilities in other areas. NATO cannot allow additional deficiencies to develop.

COALITION SOLUTIONS FOR COALITION PROBLEMS

As an Alliance, NATO must think about fighting, working, and planning as a coalition. Of course, NATO would prefer not to fight, but to deter. Deterrence, however, is also a coalition demand. Coalition solutions for coalition problems is the fifth component of my resources strategy.

An effective coalition is not just the sum of individual nations' planning, programming, budgeting, provisioning, training and commanding. Rather, it is all of the allies doing those things together so that a synergy among their efforts is created, and the whole becomes greater than the sum of the parts.

A good example of what a coalition approach can accomplish is the NATO Airborne Early Warning and Control program. Thirteen members of the then-fifteen nation Alliance joined together to acquire an advanced surveillance, detection and command/control capability for air defense operations. The Allies bought the system and delivered the aircraft together, and are flying them with multinational flight and maintenance crews from what in all aspects is a NATO airbase at Geilenkirchen, West Germany. This exceptional program came together because Allies put Alliance needs for air defense and political solidarity above purely nationalistic demands.

While common funding might be the best approach for the large, expensive requirements, other approaches should not be ruled out to meet other needs. Another coalition approach, for example, is common production. Perhaps the consolidated European production of the imaging infrared Maverick and the Multiple Launch Rocket

System will become excellent examples of collaborative production.

Another example could be a European initiative to develop a modern automated facility for the production of ammunition. Ammunition shortages remain NATO's most dramatic deficiency. Although NATO has made real progress on this issue in the last five months, if the Europeans joined together, exploiting advances in robotics and other technologies, they could greatly increase their efficiency and provide a significantly enhanced wartime production surge capability and mobilization potential.

Another approach toward coalition solutions is specialization. NATO already has specialization to a certain degree in the maritime field where the United States and Britain provide blue-water capabilities and other Allies concentrate on shallow-water tasks. Under budgetary pressures, however, the Alliance may be moving toward a kind of *de facto* specialization as individual Allies decide that they can no longer afford to assume particular roles or missions.

Rather than specialization by default, NATO must examine possibilities for specialization systematically and exploit each Ally's "comparative advantage." There is also a synergy between specialization in military roles and specialization of industrial capability, and NATO should take a look at the positive benefits of moving in that direction.

TECHNOLOGY MANAGEMENT

Technology is one of the West's greatest assets, and effective technology management is the sixth element of my Resources Strategy.

NATO has neither protected its technology adequately nor shared it effectively. The flow of vital western technology to the East that aids the Soviets in their military buildup in turn forces NATO to take more expensive measures in response. That is hardly an effective use of resources.

Equally, NATO may also be paying a price if an over-emphasis on protection prevents Allies' appropriately sharing technology. Severely restricting technology sharing reduces the rate at which the West can incorporate beneficial technology into operational systems on the battlefield on an Alliance-wide basis. That, too, is not effective Resources Strategy. It is imperative, therefore, to harmonize technology protection and technology sharing.

The job, however, does not end there. NATO must also exploit new technologies more effectively. First, relatively mature technology must be introduced into the battlefield as effectively as possible. Through Secretary of Defense Weinberger's emerging technologies initiative three years ago, NATO is examining how to do that. It has identified a group of sixteen projects in areas such as stand-off weapons, battlefield and rear echelon surveillance capability, and a NATO identification system. The goal of this effort is to determine how NATO, on a joint basis, can expeditiously incorporate these high-leverge systems and technologies into Alliance inventories. Second, NATO must look farther into the future. NATO has a mandate from its ministers to examine technologies at the leading edge of science—bio-technology, artificial intelligence, and many more—in order to determine how these technologies can help meet expected needs beyond the year 2000. The goal is to put together cooperative ventures in bringing these technologies to a level of maturity so that, in 5 to 15 years, NATO could use them in future weapons development.

ARMAMENTS COOPERATION

An important area that combines coalition solutions and effective technology management is armaments cooperation, the seventh element of my Resources Strategy.

In October of 1983, I decided to make improved armaments cooperation as a major task for the U.S. mission to NATO. I can hardly count the number of people—some long-time NATO hands—in and out of government who told me such an effort was unwise and doomed in advance.

How greatly things changed since then! Armaments cooperation has been recognized as perhaps the best long-term way to insure better resource use. The United States executive branch has moved remarkably to get its house in order, beginning with Secretary Weinberger's strong commitments at the December 1983 Ministerial and crystallizing in his 1985 Memorandum in which he describes the U.S. goal as "greater integration of military requirements with Alliance-wide defense industrial cooperation." A Defense Department steering group has been formed, under the chairmanship of Deputy Secretary of Defense Taft, whose goal is to promote more allied arms cooperation.

Congress has become a partner in this effort. Last year Congressman Sam Stratton introduced legislation in the House and this year Senator Quayle introduced it in the Senate that will help cut through some of the bureaucratic red tape when cooperative armaments projects are involved. Moreover, recent legislation introduced by Senators Sam Nunn, John Warner, and William Roth represents a further critical opportunity for the Alliance.

THE NEW NUNN AMENDMENT

One year ago, Senator Nunn offered an amendment that threatened the withdrawal of American forces from Europe if NATO did not improve its conventional defense. That amendment was a measure of Senate frustration with the Alliance and Capitol Hill's perception of NATO's unwillingness to meet fundamental responsibilities. When Senator Nunn visited NATO last March, he was impressed by the turn-around in its attitude and the commitment to solving its problems. That visit prompted him to offer an amendment that fences off $50 million for each of the American armed services to be used *only* for collaborative projects. Another $50 million will be used for side-by-side competitive testing between American and European systems.

A major intent of the amendment is to provide an incentive for America's military services to collaborate at an early point in the weapons development process. Examples of what the services could do include initiating cooperative research programs on high-leverage technologies as remote sensors and computer software, sharing costs for feasibility studies of the most promising joint projects, or participating beyond the feasibility study in the NATO Frigate Replacement Program.

While the U.S. military was one of Congress's targets, Europe was another. NATO's European members must consider pooling their individual national resources to collaborate with the United States. Such a development would encourage both greater rationalization of Europe's technological capabilities and more efficient use of its resources.

In Europe, progress has been slower toward getting its house in order. There is still too much duplication: 11 firms in 7 Alliance countries building anti-tank weapons; 18 firms in 7 countries designing and producing ground-to-air weapons; 16 companies in 7 countries working on air-to-ground weapons.

There is too much nationalism. A recent Financial Times editorial asked whether the European Fighter Aircraft would become a "political aircraft," an unhappy compromise in which the overriding aim will not be to satisfy military requirements, but to meet the aspirations of national defense lobbies. This question captures the dynamic all too often at work in the NATO procurement process.

There is not enough collaboration. Collaboration, if managed efficiently, can yield substantial economies. An example was recently pointed out by Supreme Allied Commander Atlantic, Admiral Wesley McDonald. Admiral McDonald said that the development of NATO's proposed Frigate for the 1990s, now in the design stage, would increase naval standardization and result in lower building costs. If this project is brought to fruition, NATO could build as many as 125 frigates for the price of about 100 that could be built otherwise.

Despite these problems, things are changing. Secretary General Carrington is committed to getting action. NATO has begun a re-examination of the arms cooperation process to decide whether the Conference of National Armaments Directors is doing its business as effectively as possible, how the process can be improved, and where important changes could be made.

Developments within the Independent European Program Group (IEPG) are another positive sign. The IEPG's recent chairman, Dutch State Secretary Jan van Houwelingen, has made the group a real player in the armament cooperation area. No one believed the IEPG would ever meet at the ministerial level, but IEPG Defense Ministers completed their second meeting in June 1985 and have additional meetings scheduled.

ECONOMICS AND SECURITY

The eighth component of my Resources Strategy is a better understanding of the relationship between economics and security. Europe's general economic situation makes its resource choices more difficult. European decision-makers are faced with high unemployment, sluggish job creation, slow growth, disaggregated markets, an inadequate high technology sector, and extremely demanding social welfare burdens.

A strong economy is a prerequisite for a strong defense, and Europe's lagging economic recovery and its basic structural economic problems are impediments to increasing defense expenditures. A full economic revival of Europe is a long term security need for the entire Alliance if we are to keep a viable transatlantic partnership.

PARTNERSHIP AND LEADERSHIP

If Europe is to experience both sustained economic growth and enhanced security, the governments of all Alliance members must make tough decisions. Perhaps those decisions will be easier if those making them realize that one of their greatest advantages is the strength and cohesion that derives from membership in the Atlantic Alliance. Partnership and leadership, then, are the last elements in the Resources Strategy. We must do the job together, not just those of us whose daily business is Alliance security—in defense ministries, foreign ministries, of foreign policy research institutes. I also mean finance and trade ministries; legislators throughout the Alliance have an important role, but for that they need to know

what NATO is doing and the progress we have made. To generate the fundamental public support that will ultimately determine our success or failure, we have to get NATO's story to NATO's people.

Those of us at NATO intend to demonstrate that we are better stewards of our resources than we have been in the past. In doing so, we can then, justifiably, ask for the additional resources we will need in the future. We can also rebuild the defense consensus on a bipartisan, indeed multipartisan basis. NATO has new ideas, a process for implementing them, an emerging Resources Strategy, and momentum. We cannot let up.●

A TRIBUTE TO SFC. LEWIS STEWART AND THE ROOSEVELT HIGH SCHOOL JUNIOR ROTC OF GARY, IN

(By request of Mr. DOLE, the following statement was ordered to be printed in the RECORD.)

● Mr. LUGAR. Mr. President, today I offer a tribute to a dedicated and unselfish civil servant, Sfc. Lewis Stewart, who provides the leadership and direction for the Roosevelt High School Army Junior ROTC of Gary, IN. For the past 18 years Sergeant First Class Stewart has devoted his time, talent, and effort to the development of the youth of Gary, IN, and I feel it appropriate that his work be recognized by the highest body in this land.

The Gary Roosevelt High School Army Junior ROTC Program began in 1951. Since 1968 they have acquired over 250 honors and awards for the crack military performances of both its male and female drill teams. They have made their mark not only in the State of Indiana, but also in our country. A few of their accomplishments include presentations before the city council of Gary, IN, the Indiana General Assembly, and the NBC television network. Former participant, Ens. Isiah Owens became the first black graduate of the U.S. Naval Academy from the city of Gary, IN. Cadet Lt. Col. Dennis Stewart was nominated both for the U.S. Military Academy and the Air Force Academy and received a scholarship to the Wentworth Military Academy. Many other former participants attribute their success to the discipline, and leadership education provided them during their tenure with the Gary Roosevelt Army Junior ROTC.

The male drill team has received the Charles F. Thomas Memorial Award at Western Kentucky University where they captured first place among 24 teams from the States of Indiana, Kentucky, and Tennessee. The female drill team received the Spraker Trophy for outstanding performance at the Ninth Annual National High School Drill Competition which was held at Georgetown University in Washington, DC.

Consistent performance year after year and the acquisition of national acclaim for one Junior ROTC Program out of thousands in our country has not happened by chance. Outstanding leadership and guidance must be present to continue the development of a program of this nature. Sfc. Lewis Stewart has served as a tireless leader, counselor and developer of human potential in hundreds of students seeking the road to success in Gary, IN. Along with Mr. Robert Jones, principal of the Gary Roosevelt High School, Sergeant First Class Stewart has diligently kept this JROTC Program in the forefront. With an unbeatable combination of experience, knowledge, energy, and a boundless sense of commitment an outstanding effort has resulted.

We must not lose sight of the fact that the future of our Nation depends greatly upon the willingness and abilities of individuals such as Sfc. Lewis Stewart who devote their lives to the development of our country's greatest of natural resources, our human capital.●

ARE OFFICERS INCOMPETENT?

● Mr. GOLDWATER. Mr. President, for many months now, Senator NUNN of Georgia and I have been discussing the proposed changes in the setup of our military and, from time to time, we have made speeches or put things in the RECORD. I think my colleagues will be interested to know that we propose to start hearings on the legislation that we practically completed around February 7. However, to keep my colleagues posted on the current thinking on this very popular subject, I am again inserting something for the RECORD, published in the Air University Review of September-October 1985.

This is an article by Maj. Forrest E. Waller, Jr., who is chief of the western branch, Regional Estimates Division, Headquarters, U.S. Air Force Intelligence. He has served in Thailand and served with the general staff. He has also been a professor of political science at the U.S. Air Force Academy.

I ask that this article, entitled "Are Officers Incompetent?" be printed in the RECORD.

The article follows:

ARE OFFICERS INCOMPETENT? MILITARY REFORM'S CASE AGAINST THE OFFICER CORPS

(Maj. Forrest E. Waller, Jr.)

Nearly every prominent political group in America has found cause to distrust the military. Whigs and Jeffersonians believed the military a threat to liberty. Jacksonians believed the military an opponent of democracy. Nineteenth-century industrialists considered the military an impediment to economic prosperity. Progressives and liberals considered it an obstacle to social justice. During most periods, "almost everyone" has thought the military a threat to peace. Distrust of the military has been so continuous, in fact, that historians have come to regard it as one of the principal characteristics of traditional American civil-military relations.[1] The source of that distrust has been, in part, sociological. Historically, the American military has been a group separate from the mainstream of American society and, for influential circles in American politics, an alien group worthy of suspicion.

In contemporary America, however, an evolution in that traditional attitude seems to be occurring with the appearance in American politics of a movement dedicated to military reform. Composed of prominent members of the Congress, media, and national security community, the military reform movement has criticized American national defense in general and the U.S. Armed Forces in particular. Among the movement's chief concerns about the armed forces is the professionalism of the officer corps. Military reformers believe that the officer corps, far from being a separate group alien to the American mainstream, has plunged into its center by adopting the dominant occupational model in civilian society. In the view of military reformers, that civilian emphasis in the officer corps poses a different sort of danger to society, military incompetence. Stated boldly, military reformers believe that the American officer corps has too many civilianized military managers and too few authentic soldiers.

This unconventional view of the military raises a series of questions.

What is the military reform movement's case against the officer corps?

What evidence supports this case, and how sound is it?

What conclusions can one draw about the reform movement and the officer corps in light of the case and evidence?

THE CASE

The military reform movement constructs its case against the officer corps by reasoning from two firm convictions about the nature of competent military institutions. The first is that the purpose of military institutions is fundamentally unlike anything found in civilian society. What civilian society at large tolerates or expects from its military institutions, it does not condone or promote in other institutions.

The second conviction derives from the first. A military institution's unique purpose as an organization for violence demands a unique set of values among military officers, which civilian habits of mind and professional perspectives can adulterate. Thus, one of the officer corps' first obligations is to understand the unique role that military institutions play and to adopt a single-minded professional perspective congruent with that role.

Military reformers adhere to the "institutional" view of military service and the "traditional" definition of military professionalism. They are related notions. The institutional view maintains the following: (a) military service is a "calling," characterized by norms and values subordinating individual, personal interest to a "presumed higher good"; (b) military personnel make up a social group distinct from society at large and earn admiration insofar as they observe norms demanding sacrifice and dedication (that is, insofar as they observe norms deemed loftier than those allegedly found in most of society); and (c) military service takes place within a paternalistic setting that inspires trust and a sense of community among military personnel.

Similarly, the traditional definition of military professionalism holds that the corps of officers responsible for conducting organized violence in society's behalf is a true professional body having a unique expertise, responsibility, and sense of identity. Further, military institutions perform a "higher service" for society than most other institutions; hence, military service is a calling, not just another job. In order to maintain the professional standing of the group, officers must concentrate on the business of officership—warfare—and resist the temptation to adopt other professional perspectives.

In the view of military reformers, the institutional view of military service and the traditional definition of professionalism create a system of values and commitments conducive to skill in military operations. Military reformers imply that those values and commitments are the basis of competency in an officer corps. They are not alone in that belief.

Many senior American military officers (and, of course, military traditionalists) accept the traditional definition of military professionalism. However, many junior officers do not. Junior officers are more prone to view military service as an occupation rather than a calling. Thus, they tend to have perspectives and habits of mind inconsistent with traditional views of military professionalism. Sometimes the inconsistencies are disturbing. Military traditionalists accuse the armed services themselves of having created and perpetuated occupational attitudes by encouraging officers to flirt with irrelevant professional perspectives from civilian society.

Members of the military reform movement are more specific. The services, they allege, have diluted the professional qualifications of the American officer corps by making skill in management the preeminent quality of good officership. By exaggerating the importance of expertise in management, the reformers suggest, the services have tempted the officer corps to provide services that society does not need (or can find elsewhere more cheaply), to delude themselves about the nature of war and the characteristics of military leadership, and to confuse or discard essential military skills and habits of mind for irrelevant ones from civilian society. In brief, reformers say, the officer corps has become incompetent as it members have become civilianized.

According to military reformers, the exaggerated emphasis on management skill in the American officer corps leads to other unhealthy consequences in addition to incompetence. One key effect is to undermine the quality of combat units. Allegedly, people are no longer led in the military. They are "messaged." When people are treated as "resources" and billet cyphers, military service becomes dehumanized (i.e., it loses the paternalistic quality characteristic of an institution), and military institutions lose their attributes of trust and social community. In addition, exaggerated emphasis on skill in management allegedly leads to demoralizing personnel turbulence and turnover. It diverts resources from training for war to administration, procurement, and other support services. The Congressional Military Reform Caucus believes that the overall effect of those influences is clear: "We now have less unit cohesion, less quality in our combat units, and less ability to attract and retain qualified people than ever before."

Military reformers assert that the services' exaggerated emphasis on expertise in management leads to an ethic for military service that is incompatible with the military's institutional norms. The managerial mind-set is said to promote recruitment policies that encourage fee-for-service voluntarism. The primary principle of such voluntarism is personal interest, not personal sacrifice. Recruits animated by such interest are difficult, if not impossible, to mold into truly coherent military units capable of accepting sacrifices of combat. Military reformers believe that units composed of such personnel will disintegrate under the strain of battle. Ultimately, military reformers question whether those soldiers will fight.

Furthermore, reform advocates believe, the excessive emphasis on management skill in the military has so colored the officer corps' vision of its work that officers consider a successful career to be little more than the outcome of good management.

The crucial word for this phenomenon is "careerism," which means, in essence, the desire to be rather than to do. It is the desire to have rank, rather than to use it; the pursuit of promotion without a clear sense of what to do with a higher rank once one has attained it.

Like the incentives offered to attract military recruits, careerism allegedly feeds on self-interest, not on self-subordination to an institutional norm.

The operative principle of careerism is "ticket punching." Ticket punching entails securing credentials for advancement as rapidly as possible while avoiding mistakes and risks that could blemish those credentials. This principle emphasizes short-term high perfomance, then pursuit of the next credential needed for promotion, promotion itself, and then a new cycle of credential-seeking for the next rank. This career profile often is associated with aggressive young executives in the business community and is increasingly criticized for its harmful consequences in industry. Not surprisingly, military reformers detect in it harmful consequences for the military, too.

Careerism is said to destroy the officer evaluation system for promotion and to trivialize the legitimate functions of officership. Most important, careerism destroys the bond of trust between officers and enlisted persons inasmuch as officers searching for attractive credentials use their subordinates rather than lead them. As more and more officers with the careerist attitude and the managerial ethic succeed, reformers say, the more room there is at the top for like-minded officers. Consequently, careerism is said to be contagious and self-perpetuating.

Finally, reformers indicate, the heavy emphasis on expertise in management in the officer corps moves officers toward a rationale or logic hostile to effective weapon development.

A manager's logical analysis arises from the world of economic competition, not physical combat. When a businessman's methods are applied to planes, tanks, and guns, they can lead to fatal mistakes.

Managerial logic judges weaponry by "economic" criteria: cost per ton-mile, bomb load per air-mile, cost exchange ratios between weapons and their targets, and other indices of efficiency. Managerial logic supposedly confuses efficiency in the laboratory with effectiveness on the battlefield. Weapon developments guided by managerial logic frequently increase the vulnerability of American forces; they are often inconsistent with important human factors in combat; or they are too difficult to maintain, too expensive to operate, or too fragile to use regularly at maximum performance. In the opinion of military reformers, those problems increase the hazard of combat to American forces, reduce the effectiveness of individual combatants, and jeopardize military readiness.

The military reform movement's case against the officer corps makes American officers and their professionalism appear minatory, not because the officer corps is hostile to American values but because it is incompetent, self-serving, and unprepared for war. According to military reformers, the record of the American military since the Inchon landing is the most impressive proof of the harm that modern officership has caused. The performance of U.S. forces in Vietnam, Koh Tang Island, Desert One, and Lebanon are evidence of incompetence that reformers attribute directly to the officer corps. What military reformers recommend is a restoration of balance among the abilities needed in the military (i.e., an end to the exaggerated emphasis on management skills and values among officers in favor of more traditional ones). In short, military reformers want an officer corps with fewer managers and more real soldiers.

THE EVIDENCE

Frequently, military reformers cite no evidence as they state their case against the officer corps. When they do, reformers tend to cite evidence of a particular kind, expert testimony. If the military reform movement's case were exclusively a philosophical one describing a particular view of ideal officership, then the evidence that military reformers provide would justify no complaint. Military reform's case, however, is more than an argument for an ideal. Military reform's case purports to describe what officers do, what officers' qualifications are, how officers view their work, and how successful officers are in the performance of their duties. Military reform's case against the officer corps is largely sociological, and the movement's evidence is primarily a compilation of anecdotes.

Military reformers may be prisoners of the medium in which they present their case, the popular press. Journalism relies heavily on interview and expert testimony. Reformers who are journalists maintain, believably, that journalism is "a way to learn" about the sociology of the officer crops for people who are not social scientists. The weakness of journalism as a methodology is that it is arbitrary. Many journalists acknowledge that subjectivism is a characteristic of their craft. For reformer-journalists who are also members of a political movement, subjectivism appears to be an insurmountable obstacle. The evidence of reformers' confinement is the list of experts whom military reformers cite. Most of the experts are other military reformers.

It would be a mistake, however, to conclude that the military reform movement is ignorant of scientific military sociology. Indeed, the movement is so beholden to a particular sociological work that it is difficult to explain why military reformers fail to cite it as the inspiration of their movement. That work is Crisis in Command by Richard A Gabriel and Paul L. Savage. In the mid-1970s, Gabriel and Savage criticized officers in the U.S. Army because of the Army's performance in Vietnam. According to the authors, aggressive careerism in the Army's officer corps led to the disintegration of primary group social bonds in combat units. As a result of that disintegration, the authors said, American forces collapsed under the strain of combat. Gabriel

and Savage prescribed an antidote for the problem: a heavy dose of military reform to restore institutional-traditional values in the officer corps.

Crisis in Command is a famous study and a controversial one. In 1977, about the same year military reformers began to construct the foundation of their movement, the Inter-University Seminar on Armed Forces and Society examined Gabriel and Savage's study and published its findings. The examiners rejected Gabriel and Savage's evidence and their explanation of disintegration in American combat units. Paradoxically, military reformers appear to have embraced the outlook and recommendations in Crisis in Command just as social scientists discredited its evidence and conclusions.

Military reformers are also aware of the work that social scientists have done in comparing military and civilian institutions, although they seldom cite it. Military reformers have borrowed the idea of "civilianization" from military sociology. Civilianization in the military is manifest in several ways: the changing qualifications of officers and officer occupational distributions that promote support services rather than operations; the similarity of attitudes on domestic and foreign political questions among military elites (senior officers) and business elites (managers); and, most important, the similarity between military and civilian occupational structure and organizational forms. Unlike military reformers, however, the sociologists who document those manifestations are careful to tell the reader that they are partial in scope and varied in degree.

For example, studies documenting the migration of officers out of operations show that the occupational concentrations of officers in operations vary dramatically among the services and over time. In 1973, the percentage of officers working in operations was 70 percent in the Marine Corps, 57 percent in the Army, 45 percent in the Air Force, and 30 percent in the Navy. By 1982, the occupational concentrations of officers in operations had changed significantly. The Marine Corps still had the highest concentration of officers in operations (53 percent), and the Navy still had the lowest (21 percent). The Air Force and Army had exchanged places (42 percent and 30 percent, respectively). The striking change in the ground services may have been due, in part, to the extensive technological modernization that the Army and Marine Corps underwent in the 1970s and the resultant demand that modernization created for technical specialists.

Of equal interest is the relative stability of occupational concentrations in the Air Force. In some circles, the Air Force is regarded as the most technologically advanced of the services and the sociological pacesetter for the armed forces. The occupational stability in the Air Force implies that military forces experience a slower rate of sociological change as they mature technologically. On balance, the data also suggest that the circumstances of the officer corps' occupational concentrations are different enough among the services and over time to warrant distinctions and qualifications which the case against the officer corps does not make.

The study of elite attitudes has demonstrated strong similarity between senior military officers and civilian managers. However, it also has revealed important differences. The attitudes of military and civilian elites are most dissimilar on matters pertaining to national security and defense. The difference is great enough for observers to warn of the potential for grave disagreement over national security issues between elite groups. Military and civilian elites may be much alike, but their differences ought to leaven, as they presently do not, the reformers' notion of civilianization.

The most important evidence of civilianization in the military is the "convergence" of military and civilian occupation forms and organizational structures. To the degree that military personnel work like civilians work or work in organizations resembling civilian organizations, one can say "civilianization" has occurred. Numerous studies have addressed the convergence phenomenon, and scholars disagree about nearly every aspect of it. They disagree about the implications of convergence, the manner in which it is occurring, even about whether an aggregate convergence phenomenon exists. As one researcher has written, "The convergence phenomenon today has the status of an interesting hypothesis in military sociology." The military reform movement has assumed that convergence is a fact and, thus, has exaggerated the strength of its case.

A few military reformers assert that the real proof of incompetence in the American officer corps is to be found in American military history. They cite American military failures since the Inchon landing as proof. That "proof" is inherently biased. First, it is selective. Reformers imply inaccurately that American military history since Inchon is one of unrelieved operational failure. They never attempt to establish a balance between success and failure. They never attempt to establish a balance between success and failure. Second, they arbitrarily set the historical boundary at Inchon perhaps because it is too difficult to explain how American military operations in World War II could have had so many examples of failure and still yielded such a resounding success. Moreover, the central assumption of the reformers' proof is that military officers are ultimately responsible for that which occurs on the battlefield. In reality, authority and responsibility are far more diffused than reformers seem to understand. In the American military system today, civilian political authority decides questions of force structure, force employment, equipment selection, and even tactical objectives. An informed investigation of responsibility for failure in American military operations since Inchon would doubtless come to a more evenhanded distribution of blame than the one military reformers have published.

Finally, the reformers' historical interpretation of military competence has patent conceptual flaws. Military reformers have yet to define military competence. They have merely identified examples of what they consider incompetence. Military activity is a complex and heterogeneous enterprise. It occurs in two dimensions: a vertical dimension, in which hierarchical actions take place to prepare for and conduct warfare; and a horizontal dimension, in which simultaneous, interdependent tasks occur at each level of the hierarchy. It is possible to judge military effectiveness on the basis of performance in the vertical dimension by evaluating the political, strategic, operational, and tactical proficiency of organizations and groups. It is possible to judge effectiveness in the horizontal dimension by evaluating training, logistics, intelligence, industrial production, and combat. Obviously, evaluations along those dimensions will be complex and will detect friction and competition between the various factors. Events that the reformers have tagged as "incompetence" could easily have explanations having nothing to do with ability of field officers. The emphasis of the reform historians on an undefined operational ideal does not advance our understanding of military effectiveness or provide us a useful conceptual framework with which to judge it.

In the final analysis, the military reform movement's school of military history shares the same disabilities as all monocausal interpretations of history. It is simplistic and unsupportable. In the mid-1970s, many reputable American and European historians rejected monocausal schools of history as bad scholarship. Paradoxically, military reform historians chose that same period to invent a new one.

A case against the managerial emphasis in the officer corps, whatever its degree, could be made if one demonstrated clearly that it led to unacceptable consequences in the armed services. The military reform movement asserts that the managerial emphasis impedes the social integration of recruits, encourages careerism, and produces ineffective weaponry.

It is a matter of conjecture that the material incentives offered recruits under a system of voluntary service inhibit the formation of social bonds among combatants. There is no reason to believe that material benfits hinder integration any more than the alternatives to voluntary service do. What military reformers fail to understand is that all inducements to military service appeal to self-interest. Whether it is compulsory service with the threat of imprisonment or selective service with the prospect of personal reward, both appeal to selfish concerns. Inasmuch as that is the case, the only legitimate complaints about recruitment incentives pertain to the size, quality, representation, and cost of the recruited force. Hypothetically at least, a system of voluntary service helps social integration by reducing the rate of turnover among first-term enlistees and by making it easier to get rid of recruits who prove unsatisfactory.

While it is conjecture that current recruitment incentives impede social cohesion in military units, there is no doubt that careerism exists in the officers corps. Senior officers have expressed their concern about careerism. Military reformers document the concern of more junior officers. Military reform's explanation of careerism, however, is unsatisfactory. Reformers, again, are content to assert but not to prove their assertions factual. They do not show causal links between careerism and the degree of management emphasis in the officer corps, and they do not prove that careerism creates any harmful consequences. Sociological studies of officer qualifications and career patterns suggest, in fact, that management skills are not decisive factors in the selection and promotion of flag rank officers. Those studies bring into question nearly everything reformers have written about careerism.

Although reformers have suggested that the emphasis on management in the American military, whatever its degree, leads to ineffective weaponry, the basis of their argument on this point is unclear:

The failing of managerial defense is usually described as its inability to distinguish between efficiency, in the economic or technological sense, and effectiveness on the battlefield. That covers the point, but too

crudely. The real problem is the use of an oversimplified, One-dimensional form of analysis, often based on simulations and hypotheses, in place of more complicated judgments, based on data from combat or realistic tests that take into account the eight or ten qualities that must be combined to make a weapon effective.

This is essentially a criticism of systems analysis. What is unclear is the manner in which ineffectiveness derives from systems analysis. Military reform's view may be that the methodology of systems analysis leads to ineffective weapons or that military systems analysts are incompetent. The first view is inconsistent with the best work that military reformers have done, which uses classic systems analysis techniques and shows intense interest in economic and technological efficiency. The second view is inconsistent with information that reformers themselves provide.

In reality, the differences between military reformers and military analysts probably has less to do with particular tools or competence than with their opinions regarding the best manner in which to wage war and the proper apportionment of resources to prepare for war. There is evidence to support that interpretation of their differences. Military reformers are virtually unanimous about the need of the U.S. Armed Forces to adopt tactical doctrine based on maneuver warfare, and they eagerly anticipate the resources that this doctrine will release to other categories of expenditure. The military reform movement is, after all, a political movement. Clearly, politics will be prominent among the movement's motives. If those observations are valid, then the source of difference between military reformers and military analysts will be found in doctrinal and political preferences, not in the degree of management emphasis in the armed forces or the collective competence of officers.

Military reform's case against the officer corps does not resonate with strength, but neither is it clearly wrong. That judgment is based largely, but not exclusively, on military reform's evidence. A strong case would have a clear and useful framework from which to proceed, would exhaust available evidence, and would select a rigorous standard of proof for that evidence. An incorrect case would be trivial on its merits or demonstrably false. None of those characterizations apply to military reform's case against the officer corps. The sociological evidence (military reform's case is clearly sociological) supports both an interesting hypothesis about civilianization and concern (but not alarm) about the structure and dynamics of sociological change in the officer corps. The sociological and historical evidence does not support a general judgment of incompetence in the officer corps, nor does it support the charge that the armed services place too much emphasis on management skills and values. In these areas, military reformers are guilty of judging the officer corps by using unhelpful labels and ignoring military culture. To reformers, military management is management, a scientific methodology developed by civilians for civilian enterprise. In reality, military management is to management what military music is to music. The languages are similar, but the cultural objectives (and outcomes) are not.

That the case against the officer corps does not resonate with strength does not mean that military reform's recommendation to create an officer corps with a different balance of skills is a bad one. It simply may mean that a workable, although imperfect, balance already exists. Military reform's appeal for more traditional values and attitudes among officers would be significantly stronger if reformers could show that those values contribute importantly to a competent officer corps. There is little reason to think that they do. Military reformers forget that the founders of American military professionalism, the officers whose views of officership became tradition, were the ones who preferred wars of attrition to wars of maneuver. Reformers forget that military traditionalists were the ones who recognized the contribution that high technology could make to armed might and who decided to make the United States armed services the most technologically advanced in the world. By those two standards of military reformism, traditional values and attitudes correlate with incompetence.

Modern officership, while not the cause for consternation that reformers say, is not necessarily a cause for celebration either. The work of modern officers seems to be increasingly rationalized in an inadvertent and, perhaps, unavoidable sociological process associated with technological modernization, doctrinal preferences for deterrence, and the necessity to advise civilian authority. For much of the officer corps, this rationalization process has stimulated new motives for service and new personal loyalties. Those motives and loyalties make the traditional view of military professionalism and even the more modern view based on an unlimited liability clause increasingly irrelevant and unreal. In short, a thoroughly contemporary view of military professionalism appears to be aborning in the modern Armed Forces of the United States. With it may come new ideas about the obligations of service, the obligations of institutions, and the anticipation of reward. Ultimately, military reform's case against the officer corps reminds us that the proper interest of military officers is officership and that officers do not define military professionalism by themselves. In that respect, military reform's case against the officer corps is helpful.●

OIL IMPORT FEE

● Mr. BOREN. Mr. President, I rise today to provide my colleagues with some additional information that I hope they will find helpful when the time comes for the Senate to vote on an oil import fee.

Yesterday, a barrel of "Brent crude" from the North Sea could be purchased on the spot market for $16.82. A barrel of West Texas intermediate went for $17.40. This morning the opening bid for North Sea oil was $15.95. West Texas intermediate is expected to sell for less than $16.75 by the end of the day. This is not a market reaction to a normal price fluctuation of a commodity. We are witnessing an overt attempt to bring the world supply of oil under control by driving the price to unrealistically low levels. I suggest that those who believe we have seen the last of OPEC read an article by Mohammed Akcem, and economist at the Saudi fund for development in Riyadha, that appeared in the November 11, 1985 issue of the Wall Street Journal. A more recent article from the Oil Daily put it bluntly:

There is no reason why the Saudis cannot sweat it out until they get the concessions they are looking for, . . .

I ask that both of these articles be printed in the RECORD.

The articles follow:

[From the Wall Street Journal, Nov. 11, 1985]

FROM OPEC TO GOPEC

(By Mohammed Akacem)

By the end of this decade and probably sooner, the "poor" members of the Organization of Petroleum Exporting Countries (those with a small resource base and a large population) will probably exit the organization. They will have exhausted their resource to the point where they have enough only for their own internal consumption and the building of their industries. Then, after they leave, we will see a new mini OPEC—or GOPEC—consisting solely of the Gulf members whose resource base is similar and who, through the establishment of the Gulf Cooperation Council (GCC, which comprises Saudi Arabia, Kuwait, Qatar, Oman, the United Arab Emirates and Bahrain), already have the political and economic structures to work out internal disputes.

GOPEC will not include Iran and Iraq, which are not part of the GCC and whose presence would inject elements of the same instability that hobbles OPEC today. This stands to become even truer once their now five-year-old war ends, when a rush of additional oil into a market that cannot absorb it would rend OPEC politically if it had to try to discipline Iran and Iraq internally. With both nations on the outside of the cartel, as for example Mexico is today, GOPEC actually could better control them by strategically flooding the market itself and eliminating windfall revenues for Tehran and Baghdad.

With six producers instead of 13, and all of them located in the same region, GOPEC will find it easier to agree on policy as well as to share information. The six will possess a significant portion of the world oil reserves (as of January 1984, 41% vs. about 66% for all OPEC). All of the six, natural-source economics suggests, will be comfortable with a relatively slow depletion rate of oil because their ability to absorb new capital is limited. But more important, the large resource base should also dictate a stable growth of oil prices over time (consistent with world inflation, oil demand, etc.) and not the sharp jumps as experienced in 1973-74 and 1979. Then, of course, it was in large measure these same Gulf producers who triggered the hikes, but they have learned a lesson. A repeat of that pricing policy will, as the GOPEC producers know, bring about a new round of conservation measures, accelerate the process of de-energization of industry worldwide, and may further stimulate the production of oil substitutes.

The nations that must exit OPEC do not share that perspective, and therein lies the "cancer" that is killing the cartel. The present membership started with vastly different levels of oil reserves and financial needs. Strategies for the rate of depletion and the rapidity of price increases thus were not consistent from day one. From day one, what was acceptable to one member was not necessarily acceptable to another. Today we

witness a group that appears to be going through the motions of meeting for the sake of doing so; once home, all do as they please. This cannot go on.

Nevertheless, the transition to GOPEC will not be an abrupt one. Until it is realized, OPEC must transcend some political differences within the group. Some members that need revenue now as opposed to tomorrow are evidently exceeding their production quotas. This cheating will continue until the cost of doing so becomes considerable for everyone.

The policy, then, should be to assist those members of OPEC that need help with their balance of payments in order to prevent them from having to resort to discounting or dumping their crude in the spot market. Of course the problem of deciding who needs help, and how much of it, would have to be dealt with by the group as a whole. One assumes that the benefits of the support program, in terms of unanimity on pricing and production goals, would outweigh the costs to the group. The success and duration of such a plan will determine just how much longer OPEC exists in its present form.

When the dissolution does occur, GOPEC will be more involved in the world market of petrochemicals. Thus its role will extend beyond the production and sale of crude oil. Some of the members have invested considerably in downstream operations. This will mean stiffened competition for Western refineries because the GOPEC producers will enjoy lower feedstock costs.

Thus it is important for the future cartel that the present OPEC membership, once it deals with its immediate fractiousness, address the strong protectionist tide currently sweeping across Europe and the U.S. The Common Market is talking about a 13½% tariff on petrochemicals from the Middle East, and in the U.S., the so-called Gibbons Bill in the House, aimed at alleged Saudi "dumping," is the opening wedge in what could be a sustained attack on a vital export business of the GOPEC that is to come.

(Mr. Akacem is an economist at the Saudi Fund for Development in Riyadh, and formerly taught economics at the University of Colorado in Boulder.)

[From the Oil Daily, Feb. 3, 1986]

OPEC'S PRICE GAMBLE FINDS LITTLE SUPPORT, MAY REVEAL INTERNAL RIFT

(By Peter Williams)

LONDON.—OPEC's gamble that plunging oil prices would force other producers to help it revive world markets has won little support so far and could expose a rift between the group's wealthy and poor member states, oil analysts say.

Almost every producer faces diving income from oil sales following the recent collapse in world prices, and poorer OPEC members may try to lead the group back to its traditional policy of holding up prices by squeezing supplies, they said.

OPEC ministers' decision last month to defend their dwindling share of world sales accelerated the dive in prices.

"(OPEC's) policy of expanding market share by waging a price war isn't a success so far," said Humphrey Harrison an analyst with stockbrokers Fielding, Newson Smith.

Spot market levels for North Sea Brent, a barometer of world trends, have crashed a third in the last two months and the week before last fell to a six-year low of $17 per barrel.

Since then, prices have staged a patchy recovery, briefly topping $20. But news that U.S. crude oil stocks had risen at a time when winter demand normally eats into them gave further evidence of a world oil glut and sent prices tumbling again.

YAMANI STRATEGY

Saudi Oil Minister Sheikh Ahmed Zaki Yamani has led OPEC's campaign to force other producers, chiefly Britain and Norway, to curb their output, currently running close to capacity.

Yamani has warned that prices could soon fall below $15 if non-OPEC producers did not cooperate with the group.

Analysts say soaring Saudi output—up to some 4.5 million barrels per day from 2 million b/d last August—has been a major factor in the glut which triggered the price crash.

OPEC technical experts met in Vienna last week to prepare for Monday's meeting of a special ministerial committee formed to devise a new marketing strategy, OPEC sources said.

But the battle lines are not strictly defined between OPEC and non-OPEC nations. Many of the 13 OPEC members have widely differing interests and Yamani's threat to let prices go below $15 is aimed as much at OPEC states which regularly produce above quota as at the U.K. and Norway, they said.

Most of OPEC's Persian Gulf producers still have big financial reserves and spare production capacity. So Saudi Arabia and Kuwait are much keener to pressure non-OPEC producers by letting prices fall than OPEC members such as Nigeria, Venezuela and Indonesia, which with large populations and major debts face severe economic consequences.

CONTROL OF OPEC?

Some analysts even see Saudi Arabia, with a quarter of the world's reserves and a capacity of upwards of 10 million b/d, as now in effective control of the cartel, with the poorer nations relegated to the position of bystanders.

"There is no reason why the Saudis cannot sweat it out until they get the concessions they are looking for," said Mehdi Varzi, analyst with stockbrokers Grieveson, Grant.

He estimated that with its huge, unused production capacity, Saudi Arabia can maintain its income even with falling prices by pushing more and more crude onto the market.

"I'm convinced if non-OPEC producers don't bite the bullet, the Saudis will sit back in March and let prices fall below $15 a barrel, as Yamani has warned," said Varzi.

Production costs for wealthy gulf Arab states are a matter of cents per barrel, while Britain and Norway face the huge cost of finding and pumping oil from under the hostile North Sea.

London seems to have little fear of losing a price war and reaction from the U.K. government has been negative. "Decisions on production levels are entirely in the hands of the production companies," Prime Minister Margaret Thatcher told Parliament last week.

Norway, despite its greater reliance on oil income, also has given few signs it would be willing to cooperate with OPEC. But OPEC can take some comfort from other developments from outside the organization.

Egypt, an important non-OPEC producer, said last week it would temporarily cut its production by 100,000 to 150,000 b/d. It currently exports one-third of its 870,000 b/d output. However, some analysts say Egypt has had considerable trouble selling its crude at official prices recently, making an output cut inevitable.

Soviet crude exports, an important if erratic source of supplies to Western European refineries, have almost dried up since December. But traders say this is due more to lack of pricing accord between Moscow and its contract customers than to any deliberate policy of withholding supplies to support prices.

I think the most important question to be asked, Mr. President, is what will be the impact of unrealistically low energy prices here at home? Will the Nation flourish as a result of these low energy prices? Perhaps in the short run. Perhaps the price of gasoline will indeed decline, but for how long? Adjusting for inflation a gallon of gasoline costs about what it did in 1952. Is it reasonable to expect it will stay at those levels very long? At what point will our consumption of basic energy begin to increase?

It is obvious to me that indeed history repeats itself. We are seeing a virtual repeat of the 1960's as far as the domestic energy industry is concerned. I do not need to remind my colleagues of the economic havoc that resulted in the 1970's from our inability to secure the stability of our own energy industry during the 1960's. Resource Programs Inc., a New York investment firm reports that capital raised for oil and gas programs in 1985 was 54 percent less than in 1984. Mr. President, where do we expect to find the fuels to fire our economy if we don't even develop our own resources. Can we really expect to rely on a group of Middle Eastern nations to produce and deliver, on a consistent and reasonable basis, that growing quantity of imported oil we need to meet our basic energy requirements?

Recently, an article appeared in Business Week that chronicled the impact of falling oil prices on our own energy industry. The article specifically focused on my hometown of Seminole, OK. I hope my colleagues will take the time to read that article. The individuals mentioned in that article are my friends, people I grew up with and with whom I attended school. These people are not like the characters of the television show "Dallas." They are people like you and me, trying to make a living and raise a family. These are the people who are going to be hurt first by this dramatic fall in the price of oil, not the corporate executives of Exxon or Mobil, but the independent producer and the people he employs. Mr. President let me warn my colleagues that my constituents in Oklahoma may be hurting now, but it is only a matter of time until that terrible burden is passed on to the average American energy consumer. We must act now to avoid such a drastic and unnecessary occurrence.

Mr. President, I ask that the following articles be printed in the RECORD: "Casualties Start To Pile Up in the Patch"—Business Week; "Oil's Declining Capital"—Tulsa World; and "Oil Contracts Plunge" from today's Wall Street Journal.

The articles follow:

[From Business Week, Feb. 10, 1986]

CASUALTIES START TO PILE UP IN THE OIL PATCH

James M. Nicklos heaves a sigh: "I thought someday my 11-year-old son would be in business with me. Now he talks about being a doctor." In the oil-boom years of the late 1970s, the Houston family's 15 drilling rigs each earned as much as $12,000 a day. But by last fall only three rigs were operating—and at just $4,000 a day. Some $45 million in debt and weary of battling the banks for the last three years, Nicklos finally pulled the plug on the company his grandfather founded 51 years ago. He filed for bankruptcy and in December sold his remaining reserves to Entex Inc., the big Houston gas utility, for about $7.5 million.

Nicklos Oil & Gas Co. is not the first casualty in the oil patch—nor will it be the last. The rest of the world may be cheering, but the recent break in oil prices is reverberating like a death rattle throughout major segments of the industry. The price drop has demolished the economics of new drilling and hastened the dismantling of an elaborate energy-finding industry hurriedly assembled in the 1970s—and leveraged to the hilt. As far as most oilmen are concerned, all this will mean a replay of the 1970s oil shock sometime in the 1990s.

Already, one of the premiere oil-field service giants has fallen. Global Marine Inc., which borrowed heavily at the peak of the market to expand its offshore drilling fleet, filed for Chapter 11 on Jan. 27. "We stayed alive 'til '85," quipped its ashen-faced chairman, C. Russell Luigs, when he made the announcement. "But now it's 1986." The company, which owns the nation's largest fleet of deep-water rigs, had a 1985 loss of $220 million and was carrying $1.1 billion in long-term debt.

MASSIVE CLOUT

For the major oil companies, the price drop will be painful but not fatal. Salomon Bros. analyst Paul D. Mlotok figures a decline from $25 to $20 per bbl. means a 30% earnings dip on average for the six largest international oil companies. The earnings drop will be much greater for such debt-heavy majors as Phillips, Texaco, and Unocal. But their still-sizable cash flows, sales of some remaining assets, and cuts in exploration spending could protect even their dividends.

On the plus side, "downstream" profits in refining and marketing should improve. Most refining analysts expect the prices of gasoline, fuel oil, and other refined products to drop much more slowly than crude costs because of massive refinery cutbacks in recent years and a general shortage of capacity for high-octane unleaded gas. That would benefit the majors most, since they are all net buyers of imported crude.

The consolidation of the U.S. oil industry that began in the 1980s will continue, as the majors use their massive financial clout to pick up bargain-price reserves from debt-strapped independents. Last year, Exxon, Shell, and Amoco each bought some $600 million worth of existing U.S. oil and gas reserves, and analyst Thomas A. Petrie of First Boston Corp. expects their buying to reach $1 billion this year. Houston investment banker William E. Strevig says that in the fourth quarter, reserve sales hit a record $4 billion—despite a steady fall in the acquisition price of oil in the ground to about $6 a bbl. from a 1982 peak of $12. As bank lenders tighten the screws on insolvent independents, more—and better—properties are coming on the market, says Strevig.

All this could well accelerate a trend that began in 1984 when the 10 largest companies increased their share of U.S. oil and gas reserves for the first time in a decade. By the end of last year these companies had 50% of domestic reserves, up from just 43% in 1983.

As the big get bigger, of course, the small will disappear. David W. Wilson, president of the Independent Petroleum Association of Mountain States, which represents 1,500 independent drillers, says the industry could undergo a washout like that of the 1960s—when half the independents were wiped out. Already, they're bracing for the worst. "Many of them won't even answer the phone," says Wilson. "They're afraid it's their bankers." Jaye F. Dyer, president of Minneapolis-based Dyco Petroleum Corp., seconds that view. "It's grim," he moans. "People are giving up." Dyco, which recently merged with Diversfied Energies Inc., has cut its exploration and begun buying existing reserves. Last year it bought the producing properties of Bracken Exploration Co., which sold off nearly everything to pay its debt. "There wasn't enough left to have a decent party," says Dyer, who picked up 10 free drilling rigs in the deal.

All this is bad news for local banks, which are already hurting from lower real estate values—partly caused by falling oil prices—and shaky agricultural loans. "For Texas banks, it will take a minimum of two to three years to work out of these problems," says James J. McDermott of bank analysts Keefe, Bruyette & Woods Inc. BancTexas Group, for one, has hired an investment banker and is looking for buyers. But, says Frank W. Anderson, an analyst at Weber, Hall, Sale & Associates in Dallas, "I don't see any evidence of bank failures."

WIPED OUT

But the decimation in the oil patch even extends to debt-free independents. Sunny South Oil & Gas Inc. in Houston, for example, is cashing out. It once had 100 employees and $120 million a year in revenues. But Sunny sold its reserves last year and is liquidating. Rather than drill marginally profitable wells, its owners are putting their money into Treasurey bills. "In this business, you're a dead duck unless you keep drilling," says Executive Vice-President John O. Kiser.

For many independents, it is too late to cash out. The latest price drop has wiped out much of the value remaining in some properties—particularly so-called stripper wells. About one-eighth of the nation's nearly 9 million bbl. of daily crude production comes from these pump-driven wells that average just 3 to 4 bbl. a day. If world prices continue to fall into the teens, the operating costs of many of these wells will exceed revenues. Steven M. Cantrell, a third-generation independent in Ada, Okla., says that even at $20 a bbl., "I will lose about a third of my production."

The lost cash flow means less money available to look for new oil. If prices drop to $15, "most independents won't survive," says Abe Phillips, president of Coors Energy Co., a subsidiary of Adolph Coors Co. "Drilling would just dry up" in the Rocky Mountains, where the climate is rugged, the geology tough, and the discoveries small.

IN LIMBO

Meanwhile, the price of natural gas—the main source of income for most independents—is dropping below the finding costs of even the most efficient U.S. explorers. In some cases, spot-market gas prices have dipped to $1.25 per Mcf as pipelines scramble to keep their delivered costs competitive with residual oil—an alternative boiler fuel that Northern industries and utilities can easily switch to when it becomes economical. As the pipelines that supply them cancel more and more high-priced contracts with producers, that gas will be freed up, adding to the already glutted spot market. If the trend continues, the already capitalized finding costs of many exploration companies will exceed the market value of their reserves, forcing companies to write off billions of dollars from their balance sheets.

Even major oil companies with ample cash flow have slammed on the brakes. Atlantic Richfield Co. just announced it plans to sell off some of its oil properties and eliminate 2,000 jobs. Others are on hold. "Our budget is in limbo," says Larry W. Funkhouser, exploration vice-president with Chevron Corp. "I've told my people, 'If you don't need to do it, wait.' " Funkhouser expects the industry, which in recent years has spent some $6 billion to lease offshore drilling tracts from the federal government, to let large numbers of those leases expire undrilled over the next two years.

This new doubt about frontier exploration makes it all the more difficult for the support companies, such as Global marine, to survive. "Service companies will be dropping like flies," declares Robert L. Parker Sr., chairman of Parker Drilling Co. in Tulsa. This hard-pressed company, which recently renegotiated $183 million in debt, now has work for just 40% of its rigs. It currently has 2,700 employees vs. a peak of 6,000 in 1981. At Baker International Corp., in Orange, Calif., President James D. Woods says that late last year, in anticipation of further oil-price declines, his company laid off 500 of its more than 20,000 employees and began planning layoffs and plant consolidations for 1986. Now, he says, "we may have to consider an acceleration of the closedowns of some plant and field locations." At Western Co. of North America, another debt-laden and loss-plagued offshore driller, Chairman H. E. Chiles says glumly: "We could last another year or two."

In an effort to hang on, many of the larger oil-field service companies, such as Oceaneering International Inc. and Weatherford International Inc., are moving operations and even corporate staff to overseas areas where drilling is still active. That way costs can be charged against foreign profits. Others are desperately seeking joint ventures—even with archrivals—to further pare overhead costs (BW—Nov. 4).

But for many companies, no amount of retrenchment will do the trick. Somehow, the industry must service the massive debt it took on to fund its breakneck buildup in the 1970s and its acquisition binge in the early 1980s. "I think the banks are in a lot more trouble than is acknowledged," says W. H. Helmerich III, president of debt-free land driller Helmerich & Payne Inc. Mere liquidation is no answer, he notes, because there is absolutely no market for drilling rigs—

even at 10¢ on the dollar. "I had one operator offer me seven rigs—five of them working—for $2.75 million. He had paid $33 million for them.

PAINFUL CURE

The solution, Helmerich and others say, is inescapable: Scrap vast amounts of relatively new equipment and let companies die. Coming on top of the consolidation that has already taken place, that will be painful indeed. Employment in oil-field equipment manufacturing has shrunk by 60% from its 1981 high. The Oil and Gas Journal's tally of the industry's 400 largest companies now includes players with less than $300,000 in assets—one-tenth the size of the 1983 minimum. Enrollment in the petroleum engineering program at Texas A&M University has plummeted to 678, from 1,750 in 1982. By 1990, A&M will be turning out only 50 to 75 graduates, predicts Professor W. Douglas Von Gonten.

So, as consumers root for cheaper oil, the oil and gas industry slips into a tailspin. But with no end to the glut in sight, no one can say for sure when—or even if—this downward spiral will lead to another national energy squeeze.

[From the Tulsa (OK) World, Jan. 31, 1986]

OIL'S DECLINING CAPITAL

Oil prices, driven down by a growing world oil glut, have in turn drastically affected public investment in oil and gas programs.

Resource Programs, Inc., a New York investment consultant firm, reports that capital raised for oil and gas programs in 1985 was 54 percent less than in 1984.

That means there will be fewer wells drilled this year. The magazine World Oil predicts a 4 percent decline in exploratory wells drilled, continuing the decline from previous years.

The drying up of drilling capital is a natural marketplace reaction to the oil and gas glut. The problem is that the world oil glut, like the earlier oil scarcity, is to a great extent artificially produced by foreign oil producers, chiefly the Middle East.

The U.S. domestic industry is not spending money to find new reserves but is busy using capital to buy underpriced established reserves.

In the absence of geo-political considerations, none of this free-market adjustment would be undesirable.

But the political facts are that once the U.S. drilling industry is depressed refineries shut down (due to increased imports of refined products) and the country will once again find itself at the mercy of foreign suppliers.

For now, American consumers can bask in low gasoline and related product prices.

Sooner or later, however, foreign producers will dry up the glut. Then high prices will return with a vengeance because the U.S. will have grown more dependent on foreign oil than ever before.

[From the Wall Street Journal, Feb. 4, 1986]

OIL CONTRACTS PLUNGE AS DOUBT GROWS OPEC CAN STABILIZE PETROLEUM PRICES

(By MIchael Siconolfi)

Oil prices plunged on spot and futures markets, carrying commodity futures to an eight-year low amid growing doubt that the Organization of Petroleum Exporting Countries can stabilize oil prices.

A special meeting in Vienna, Austria, of a five-member OPEC ministerial committee adjourned yesterday after members failed to agree on OPEC's "fair share" of world oil markets. The committee was scheduled to meet again today.

The lack of results from the 2½-hour session sent crude oil prices into a free fall on futures and spot, or noncontract, markets. Spot prices for West Texas Intermediate, the benchmark U.S. crude, tumbled $1.50 a barrel to $17.35, the lowest since 1979, when spot-market quotes for that crude became available.

On the New York Mercantile Exchange, crude for March delivery plunged to $17.05 a barrel before firming to close at $17.36, down $1.47 a barrel. Contracts for more distant delivery, which trade within exchange-imposed daily limits, dropped the $1-a-barrel limit and froze, with few traders willing to buy at those prices in anticipation of still greater declines. The unlimited heating-oil contract for March delivery plummeted 4.42 cents a gallon to 50.86.

"It's getting a little scary here," said John Hill, energy analyst for Merrill Lynch Futures Inc., New York. "There's no reason for the price drop to stop" based on technical factors, he said, adding that prices could go "much lower." Nauman Barakat, analyst for Smith Barney, Harris Upham & Co., New York, said, "If anything, this (OPEC) meeting has been more destabilizing" than reassuring to traders.

The deflationary mood spilled into other commodity markets, depressing grains, metals and other futures; many traders expect falling oil prices to curb inflation. An index of nonfinancial commodity futures compiled by the Commodity Research Bureau plunged to 216.6, shattering the eight-year low of 217.2 set last September. The index base of 100 was set in 1967.

"When you see this kind of wrench in the petroleum (prices), you don't get a lot of people standing up to buy," said Robert Lekberg, an analyst in Chicago with Shearson Lehman Brothers Inc.

The trend carried precious metals sharply lower; platinum futures led the declines, dropping $16.70 an ounce for April delivery on the Nymex. Light volume in platinum exaggerated the price declines; also, platinum futures are traded near the oil ring, making them especially sensitive to energy-price trends, said Bernard Savaiko, senior precious metals analyst for Pain Webber Inc., New York. As a result, he said, "The tired bulls exited the same door on the same day."

Last month, many analysts had worried that falling oil prices would send tremors through the banking system, driving investors into gold futures as a hedge against uncertainty.

Yesterday, however, traders "concentrated on the deflationary aspects of lower oil prices," said Mr. Savaiko. At least temporarily, he added, traders were "overlooking concerns about details in the banking system."

In crude oil markets, more domestic refiners joined the trend by cutting their posted, or buying, prices of crude. Texaco Inc.'s Texaco Refining & Marketing Inc. unit said it slashed the posted price of West Texas Intermediate $1 a barrel, to $24.50. Nearly every major refiner has cut posted prices in the past few weeks in response to market pressures.

Several factors contributed to yesterday's bearish mood. Traders noted a reiteration last weekend by Ahmed Zaki Yamani, Saudi Arabia's oil minister, that non-OPEC producers must cut their output if oil prices are to be stabilized. Britain has consistently refused to reduce North Sea oil output. And Mexico's announcement over the weekend of an average $4-a-barrel cut in its oil prices didn't help.

Also, Wood Mackenzie & Co., Edinburgh stockbrokers specializing in North Sea oil, predicted in a report yesterday that the price of British North Sea crude oil could fall to $5 a barrel without forcing a substantial cutback in production. Many analysts had been predicting cutbacks once oil prices hit the low teens.●

DIRECTOR CASEY'S WORLDWIDE INTELLIGENCE BRIEFING

● Mr. GOLDWATER. Mr. President, on Wednesday, January 29, 1986, the Committee on Armed Services began its series of nine full committee hearings in review of the Department of Defense authorization request for fiscal year 1987. At that time the committee received a worldwide intelligence briefing from Hon. William J. Casey, Director of the Central Intelligence Agency.

The principal purpose of Mr. Casey's briefing was to identify long-term worldwide and regional trends—military, political, economic, and social—that now or will in the future effect U.S. security interests, policies, and missions. The information and assessments that were presented will help to establish the broad framework in which U.S. defense budget and program decisions should be made.

Based on Director Casey's testimony it is clear that the international security environment confronting the United States has become more dangerous. As Director Casey states:

During 1985, the pattern of challenges and threats to our strategic interests broadened, sharpened and intensified.

According to Mr. Casey, the principal threat to U.S. interests remains the Soviet Union. This threat has become increasingly pervasive and complex:

The backdrop of growing Soviet military power, the Soviet network of assets and facilities abroad, and Soviet promotion of disorder in the Third World are together creating an increasingly interrelated threat of growing proportions. Growing Soviet global reach, Soviet basing facilities, developing military infrastructures, Soviet military air lanes, and growing Soviet or Soviet client proximity to target countries and to sea lane choke points are all combining to confront the United States with rising challenges for the future.

Mr. President, I commend Mr. Casey's remarks to all Senators and ask that the full text of Mr. Casey's statement be printed into the RECORD.

The remarks follow:

WORLDWIDE BRIEFING

(Senate Armed Services Committee, January 29, 1986; House Armed Services Committee, January 30, 1986; House Permanent Select Committee on Intelligence, February 4, 1986.)

Intelligence must not only report developments around the world as they occur. It

must also step back to discern patterns, linkages, and strategies that may work to endanger the United States and its interests. During 1985, the pattern of challenges and threats to our strategic interests broadened, sharpened and intensified.

The main thrust still comes from the Soviet Union, which is increasingly posing a many dimensioned global challenge to the United States and the Free World. This threat resides:

(1) in the military might the Russians are piling up on the Eurasian land mass,

(2) in its steady acquisition of geopolitical bridgeheads in Asia, Africa and Latin America, and

(3) in the development, linking and use of these bridgeheads for growing Soviet naval and air operation and to further enlarge the Soviet geopolitical position.

The Soviets continue the modernization and expansion of their military forces both conventional and strategic. The conventional weapons threat from the Warsaw Pact countries was the first element of this threat to emerge. It has been intensified in recent years and has now progressed to the point where the Pact enjoys huge military advantages, and is now developing more exotic arms for the future.

In the European Central Region, the Pact maintains a three-to-one advantage in tanks and artillery, and more than two-to-one in armored vehicles and aircraft.

While NATO has historically had the qualitative edge in military weapons, this edge is eroding.

The newest Soviet tanks are at least the equal of those in NATO's arsenal. In some aspects, such as firepower and armor protection, they are superior.

The fielding of more self-propelled artillary is boosting the maneuverability, survivability, and tactical nuclear firepower of Soviet ground forces. Soviet bridging equipment to cross the rivers of Europe is so good that our army has reverse engineered to field models of Soviet design.

Soviet aircraft are among the world's finest. Newer fighters and fighter-bombers have improved performance, large payloads, and better avionics—though the latest US aircraft still maintain leads in sortie rate and avionics.

The Soviets have developed and used in Afghanistan fuel-air explosives which inflict massive destruction without crossing the nuclear threshold.

We know that the Soviets are working to acquire the technology to develop aircraft and cruise missiles employing stealth features, and remotely piloted vehicles for attacking armored vehicles. At the same time they are developing their own anti-tank warheads with increased penetration ability, precision guided munitions with enhanced accuracy, and a new generation of fighters, some with multiple target look-down/shoot-down capability.

The Soviet Union maintains the world's largest chemical warfare capability—with an agent stockpile nearly three times larger than ours. The Soviet armed forces are trained and equipped to operate on battlefields contaminated by nuclear and chemical weapons.

These Soviet developments add up to a dominance in land warfare which requires the West to count on its maritime reinforcement capability to counter and on its strategic forces to deter.

Some of the Soviets' greatest strides have been in submarine production. In the last three years, they have introduced three new types of nuclear attack submarines which are quieter, faster and able to dive deeper than ours. They have also launched a 65,000 ton aircraft carrier, and in their naval deployment and naval exercises have brought US-Soviet competition into Atlantic and Pacific waters where until now we have enjoyed a near monopoly.

The second element of Soviet military power to emerge is its strategic force and over the last 10 years it has at least caught up and probably surpassed ours. By the mid-1990s, nearly all of the Soviets' currently deployed intercontinental nuclear attack forces—land- and sea-based ballistic missiles and heavy bombers—will be replaced by new and improved systems. The number of deployed strategic force warheads will increase by a few thousand over the next five years, with the potential for greater expansion in the 1990s.

The Soviets are protecting their missile force by making much of it mobile. They have already deployed their first new mobile ICBM and will soon begin deploying a second.

Follow-on missile programs—with improved accuracy, greater throw weight potential and probably more warheads—will begin flight-testing in the 1986-90 time period.

Major improvements are also under way in Soviet ballistic missile submarines and bomber forces.

We expect the Soviets to complete improvements to their operational ABM defenses at Moscow by 1987. This provides them with all the components necessary for a much larger, widespread ABM defense, including transportable engagement radars, above-ground launchers, and a new high-acceleration short-range interceptor.

The distinction between missions for surface-to-air missiles (SAMs) and ABMs is becoming increasingly blurred as the result of technology improvements to SAMs such as the SA-X-12. That system's capabilities against tactical ballistic missiles gives it the potential to function in a missile defense role.

The Soviets have long been working on technologies basic to our own Strategic Defense Initiative. Their work on directed-energy and kinetic-energy weapons goes back many years with more than 10,000 engineers involved.

We estimate that between 1980 and 1983, the cost of the Soviet space program nearly doubled. The costs of their military space activities alone are about the same as those for their strategic offensive forces. Soviet space systems are likely to be an integral part of any strategic missile defense system the Soviets might develop and deploy.

The five-year plan which Gorbachev will soon propose to the Party Congress will call for an 80 percent increase in the investment in machine building. There will also be ambitious goals for high tech support industries. This will include the microelectronics and computers essential for developing the more complex weapons systems the Soviets plan for the next decade. We believe the current high level of military spending will continue to grow at the rate that has prevailed for the past ten years.

Even at a time of economic difficulty and a reordering of domestic priorities, Soviet defense programs have been protected. For example, during the next five year plan we expect ICBM production to increase substantially over the 1981-85 plan, submarine production to be up about 20-25 percent, and tank production to jump well over 50 percent. There will be some 4,000 figthers and helicopters and a few hundred new strategic bombers produced during this period. While the number of aircraft are somewhat lower than in the preceding five-year period, the new aircraft will be substantially more technically advanced and capable. Thus, the prospect is for continuation of the steady 20-year expansion and modernization of Soviet strategic and conventional forces. The cumulative effect of this buildup is so great that the United States has only begun to catch up.

Because of accumulated earlier investment and defense industrial capacity, the number of weapons systems that they will be able to buy over the next five years will be substantially greater than what they acquired the past five years.

Despite the much increased US spending for arms of the past five years, only recently has the US begun to catch up with Soviet weapons acquisition; until then, we simply were not falling behind as fast as we had been.

The important thing is not how much the Soviets spend on arms, but the quantity and quality of arms they get for their money. When you compare US and Soviet procurement of major weapons systems, from 1974-1984, the Soviet advantage in:

ICBMs and SLBMs is roughly about 3 times.

IRBMs and MRBMs is roughly about 6 times.

Surface-to-Air missiles is roughly about 9 times.

Long and Intermediate Range Bombers is more than 50 times.

Fighters is roughly about twice.

Helicopters is more than twice.

Submarines is more than twice.

Tanks is more than 3 times.

Artillery pieces is more than 10 times.

The steady growth of Soviet weapons procurement from the high level of the last decade will give the Soviets a massive cumulative inventory of weapons, and they will continue to substantially modernize their forces in the next five years and buy larger numbers of weapons.

This huge military force and its continued growth may never be used against the United States or NATO—although the Soviets clearly are prepared to use it if their vital interests are threatened. The mere existence of this force not only validates the Soviet Union as a superpower, but has an intimidating effect on countries around the world helping the Soviets expand their presence, influence, and power. It represents the backdrop for an aggressive challenge being played out worldwide, but most particularly on the ground in the Third World and in the vicinity of critical sea lanes.

The Soviet Union has acquired bridgeheads in Cuba, Cambodia, South Yemen and Ethiopia, Angola, Nicaragua, and Afghanistan. Gorbachev, since coming to power, has moved sharply to strengthen the Soviet hold on these bridgeheads. In the last six months alone, he has extended a $600 million credit to Nicaragua, $1 billion in new economic assistance to Vietnam, and completed the supply of $1.5 billion in military equipment to Angola. Soviet and Cuban troops have become more active in Angola, Nicaragua, and South Yemen, and Soviet forces have been reinforced and pursued more aggressive tactics in Afghanistan. Each of these countries has become an outpost for Soviet intelligence collection, propaganda and subversion in its respective region. Several have undertaken on their

own to destabilize neighboring regimes. Virtually all are strategically located either near important strategic choke points or in areas of almost certain regional conflict.

As the map indicates, the USSR now has Marxist-Leninist allies or clients spread around the globe. It has naval and air basing rights close to sea lane choke points vital to the Free World. These strategic positions which the Soviets have acquired around the world are being linked, moreover, in a growing logistic and infrastructure network.

Let me illustrate by describing the Soviet complex in the Caribbean and its links. The Soviets have created in Cuba the strongest military force in the Western Hemisphere, with the exception of our own. Over the last few years the Soviets have given Cuba massive infusions of MIG-23 and MIG-27 aircraft, T-62 tanks, multiple launch rocket systems, infantry combat vehicles, anti-aircraft guns, helicopter gunships, SA-2 and SA-6 surface to air missiles, fast torpedo and missile attack boats and Foxtrot-class submarines. The Soviets have also provided Cuba with more than 250,000 tons of other military assets over the last four years. In addition, the Soviets themselves have at their own military bases in Cuba 4,500 troops and advisers, the largest intelligence collection and electronic monitoring capability outside the Soviet Union, protective submarine pens, electronic warfare systems, advanced surface to air missile systems, and squadrons of MIG-21 and MIG-23 fighters.

Even more worrisome than this military bastion on our doorstep are the growing logistic networks that the Soviets have sponsored in both Cuba and Nicaragua. In Cuba at least three, and probably more, airfields are capable of hosting Soviet TU-95 Bear heavy bombers capable of carrying nuclear air-to-surface missiles. TU-95 Bear Reconnaisance and ASW aircraft routinely fly from the Kola Peninsula in the Soviet Arctic to Cuban airfields. In Nicaragua, aircraft revetments to handle high performance fighters have been completed at Sandino airfield in Managua. The runways at Puerto Cabezas and Bluefields on the Atlanic coast and Montlimar on the Pacific have been extended to host MIG fighters.

Cuban construction crews are completing the new airfield at Punte Huete outside Managua, which with a 10,000 foot runway will be the largest military airbase in Central America capable of accommodating Soviet jet fighters, heavy transport aircraft, and TU-95 bombers.

There will be a short, direct sea connection between the Cuban base and its extension in Nicaragua this year when the Bulgarians complete a major port facility at El Bluff on the Caribbean coast near Bluefields.

This, in conjunction with the Pacific ports of Corinto and San Juan del Sur, where the Soviets intend to install a dry dock, will provide the Soviets with secure port facilities on both the Atlantic and Pacific Oceans in close proximity to the Panama Canal. In addition, a Soviet team reportedly has surveyed the construction of a second canal between the Atlantic and Pacific across the San Juan River and Lake Nicaragua.

We see similar links and components of this network snaking around the globe. In the South Atlantic, Soviet naval and naval air forces operate astride Western shipping lanes. These forces depend on a growing infrastructure manned and protected by nearly 2,000 Soviet Bloc advisors, 35,000 Cuban military, and local Angolan government army of 100,000. You will note from the map that this node is linked to the Cuban segment of the network.

The Mediterranean segment of this Soviet global network in anchored at Libya and Syria. About 6,000 Soviet Bloc advisors support facilities in those countries, which include air, naval and air defense facilities.

Similarly, this network threatens Western sea lanes in the Red Sea-Arabian Sea and Indian Ocean from bases in Ethiopia and South Yemen. Over 7,000 Soviet and Cuban military personnel and about a quarter million Ethiopian military support this segment, as well as Soviet Bloc personnel in South Yemen and Mozambique.

Finally, Soviet naval and air forces operating out of Cam Ranh Bay and Da Nang in Indochina not only command the economic lifelines of Japan, Taiwan and South Korea, but linked with Soviet naval and air bases in Siberia are a threat to US bases in the Philippines, so critical to our position in the Pacific Ocean. Thousands of Soviet military personnel man the infrastructure of this second largest Soviet military complex outside the Warsaw Pact.

Beyond the consolidation and linking of positions in these Soviet outposts, there is the spread of Soviet subversion—with active measures, with support to insurgent forces, by destabilizing countries friendly to the West, and by exploitation of economic hardship and political instability. All this is supported by a flood of weapons pouring out of the great arms depot at Nikolaev on the Black Sea to pro-Soviet regimes and insurgent groups all over the world.

To build the foundation and further project this far-flung program, Moscow maintains an extensive military advisory presence in 29 Third World countries. This presence ranges from 5 military specialists in Benin to about 6,000 in Vietnam. There are something like 3,000 in Syria, about 2,000 in Ethiopia, Libya and Afghanistan, and 1,200 in Angola and South Yemen, and 800 in Mozambique. In some of these countries—Ethiopia, Angola, Afghanistan—Soviet officers exercise command and control and in others they have great leverage and influence.

The Soviets and their surrogates provide support to Communist or radical insurgents in some ten countries. They help some seven Socialist-oriented client regimes suppress insurrections of their own. All this involves 335,000 combat troops, over 65,000 advisors, extensive political and military training, a heavy flow of weapons, and various levels of political support. The 335,000 combat troops occupying other countries include 120,000 Soviet soldiers in Afghanistan, over 130,000 Vietnamese in Cambodia and 45,000 in Laos, and over 40,000 Cubans in Africa.

The principal Soviet targets in supporting insurgencies are:

El Salvador and Guatemala, supported from Cuba and Nicaragua;

Chile, in which Cuba, Nicaragua, the Soviet Union and several East European countries have been training and providing weapons for violent opposition and funding of the Communist party;

Colombia, where three insurgent groups receive support from some combination of Moscow, Cuba and Nicaragua;

Namibia, where weapons and military training for the insurgents of the Southwest Africa Peoples Organization comes from the Soviet Union, Libya and Cuba; and

Sudan, Somalia, Chad, and Zaire, where Libya, Ethiopia and Cuba help insurgents.

Yemen and Oman from time to time where the Soviets and Cubans support rebels, and we expect developments in South Yemen to renew this.

During the decade of the 70s, people all over the world were flocking to join Communist insurgencies. This has been reversed and today some half million people around the world are fighting in resistance movements against Communist regimes. In Afghanistan, there is virtually a nation in arms fighting against 120,000 troops; In Angola, Savimbi has some 60,000 fighters in all parts of Angola. In Ethiopia, Eritrean and Tigrean rebels fight the Marxist Mengistu government and the largest army in Africa with its Cuban and Soviet advisors. In Indochina, 50,000 insurgents fight 170,000 Vietnamese soldiers. In Nicaragua, 20,000 resistance fighters are in a standoff with 120,000 Sandinista troops and militia.

In this contest, the Soviets have proclaimed the Brezhnev doctrine which says once Communist always Communist. There is every indication that Gorbachev has adopted and is applying that doctrine vigorously with renewed and increased weapons and Soviet and Cuban involvement against the growing effectiveness of the Mujahedin in Afghanistan, Savimbi in Angola, and the Contras in Nicaragua. We are witnessing a sudden and forceful application of this doctrine in South Yemen right now. The Soviets succeeded in establishing a Marxist regime and a Russian naval and communications center in that country in the 1970s. Recently, Ali Nasser, the President of that country, began to draw away a little from the Soviets and seek some help elsewhere. Two weeks ago, the more pro-Soviet elements in his government and President Ali Nasser had a shootout and a civil war broke out between military and tribal elements loyal to the President and those loyal to the more pro-Soviet elements. The Vice President was out of the country and he flew to Moscow. The Soviets sat and watched for a few days evacuating Soviet citizens from the country. Neighboring countries, North Yemen and Ethiopia, moved to help the South Yemen government. After a few days, it appeared that the rebels were gaining the upper hand, the South Yemen Politburo met and declared the Vice President in Moscow the head of a new government, Moscow warned North Yemen and Ethiopia not to help the government forces and Soviet fliers in MIG-21s given to South Yemen joined in pounding beleaguered government forces and Soviet transport planes started bringing in weapons for rebel forces. This follows the examples of Amin of Afghanistan in 1979 and Bishop in Grenada in 1982, as warning that leaders installed by the Communists seek relations with the West at their peril.

Now I'd like to turn briefly to areas of great instability where US and Western political and strategic interests are at risk and which offer the potential of enormous gain to the Soviets. The Philippines, Sudan and elsewhere in southern and central Africa are prime examples.

These soft spots may have largely indigenous causes, but they offer tempting opportunities to the apparatus I have been describing. The most critical situation is that of the Philippines where a Communist-led insurgency, the NPA, controls an increasing proportion of the country's villages and rural areas. It has shown an ability to conduct urban violence in the second and third cities, Davao and Cebu, and substantial preparation and potential for bringing vio-

lence into Manila itself. Whatever the outcome of the February election we are likely to face rising challenges to US interests in the Philippines. The Soviets have been very careful to date, dealing with Philippine establishment figures there, not openly associating itself with the NPA—but definitely in touch covertly with various revolutionary groups. If the NPA's fortunes improve, as seems likely, we can expect the Soviet role to grow. Meanwhile, political and insurgent pressures on US basing facilities are likely to grow. The Soviet base at Cam Ranh Bay is only 120 minutes away from our bases at Clark Field and Subic Bay.

Another soft spot is Sudan. Its severe political and economic disarray is compounded by Libya's strenuous efforts to gain predominant influence there. At the moment, insurgents of the Sudanese People's Liberation Army (SPLA) are supported primarily by Ethiopia. Recent reporting suggests that the Soviets may be increasing their contact with the SPLA and providing some arms assistance through the Ethiopians. We believe that East Germans and Cubans have been training Sudanese insurgents inside Ethiopia. Resulting pressures have led the Sudanese to withdraw from joint military exercises with us, revoke access rights for US forces, and question the future status of prepositioned US. military equipment. Additionally, the Libyans have been given rights of air passage over Sudan enabling the Soviets to hook up more easily their presence in Libya and Ethiopia. US interests will be further jeopardized if radical elements pull off a successful coup in Khartoum, or if the general situation becomes one of near anarchy, or if a weak elected government should draw closer to Libya. Stronger Libyan and Soviet influence and presence in Sudan would face Egypt with a hostile force on the west and the south—and pro-Soviet elements in the Sudan, Ethiopia, and South Yemen would hover over the southern approaches to the Suez Canal.

This combination of subversive aggression and soft spots around the world has been gravely compounded by the radical Arab states of Syria, Libya and Iran. All of them share the common objective of expelling the United States from the Middle East, the Persian Gulf and Southwest Asia. They all have radically diverging interests, personalities, and style, but they share critical characteristics. They oppose nearly all aspects of US policy in the region. They want to weaken or destroy moderate Arab leadership. They are in active opposition to the US peace process. And they practice and sponsor terrorism to attain political goals.

The activities of these states are not necessarily or always directed by the USSR, but their policies serve Soviet interests by damaging both Western interests and moderate forces. The Soviets provide major military support to two of the three—Syria and Libya.

Syria is the most effective of the three. While its goals are more limited than the other two, its leadership is tactically brilliant and generally successful—qualities which hardly describe Iran or Libya.

Iran's attentions are largely consumed by the Gulf war and by Shia politics in the Gulf. But it does have broader long-term interests in propagating Shia fundamentalism in the world. Its role in Lebanon was a critical factor in stimulating the US exodus from that country in the face of unremitting Shia attack.

In Libya, Qadhafi's interests and ambitions parallel those of the USSR in so many respects that the disruptive effects are not measurably different from what they would be, with Qadhafi a total surrogate of Moscow's. No other state outside the Soviet Bloc has a geographic range of subversive activity to match that of Libya. Qadhafi's ambitions are mirrored in subversive meddling which now ranges from Chile to the Caribbean, to South Africa, across the Middle East to East Asia, Indonesia, and New Caledonia in the Southwest Pacific.

Libya has significant military forces. Its threat to its immediate neighbors of Chad, Sudan, Egypt, and Tunisia is very real. Libya is the greatest stockpiler of weapons in the world with billions of dollars worth, including hundreds of T-72 tanks (far more, for example, than Poland has), and hundreds of sophisticated Soviet jets.

Qadhafi's explicit ambitions with respect to Malta and the air and air defense weapons the Soviets have provided make Libya a threat to the Mediterranean sea lane.

I will not dwell in detail on international terrorism this afternoon, but I do wish to stress the relationship of the USSR and its associates to terrorism.

The USSR and its Eastern European allies support a host of Near East and other Third World terrorist groups. The Eastern European hand is the more pronounced, the Soviet hand more disguised. Their combined support takes many forms: training, arming, the providing of communications and documentation, safehaven, and so on. Many of the most notorious terrorist leaders—including Carlos and Abu Nidal—have for years circulated fairly freely in Eastern Europe.

These problems we have highlighted this morning by no means exhaust the threats that will increasingly confront the US. I can assure you that the Intelligence Community is deeply involved on a priority basis with alerting policymakers to hazards and opportunities in numerous other categories. These include, for example, developments concerning Soviet domestic problems, the Iran-Iraq war, China, Japan, the Korean Peninsula, LDC debtors, nuclear proliferation, CW proliferation, BW proliferation, technology transfer, drug trafficking, oil futures, ecological problems, resource problems, and so on.

All these questions will continue to receive our close attention. But in planning US defenses and military assistance, we believe, now and in the future, the broad, linked threats that I have stressed today demand and deserve the closest attention. The backdrop of growing Soviet military power, the Soviet network of assets and facilities abroad, and Soviet promotion of disorder in the Third World are together creating an increasingly interrelated threat of growing proportions. Growing Soviet global reach, Soviet basing facilities, developing military infrastructures, Soviet military air lanes, and growing Soviet or Soviet client proximity to target countries and to sea lane choke points are all combining to confront the United States with rising challenges for the future.

We are assiduously working to negotiate with the Soviets mutual arms restraints that can be verified. We fervently hope that this can be accomplished in a way that makes us all safer. But we must remember that even with a 50 percent reduction in offensive missiles, the Soviets will retain the ability of disarm us with a preemptive strike. Nor can we forget that moving to eliminate nuclear weapons requires improvements in non-nuclear defenses, correction of existing imbalance in conventional forces and an end to incursions into third countries by super powers and their surrogates.

Finally, we have a tendency too often to focus on specific events as they come along, and to be skeptical about drawing linkages and relationships between events. In this view of the world in 1986 and the threats awaiting us in the future, I have tried to lay out for you how US intelligence sees the challenges which our country will have to face in the years ahead. It is only through understanding these emerging patterns and relationships that the United States can shape effective strategies for meeting these challenges.

Thank you for your attention. I have with me Larry Gershwin, NIO for Strategic Programs; Doug MacEachin, Director of Soviet Affairs; George Montgomery, Assistant NIO for General Purpose Forces; and Bob Vickers, NIO for Latin America. My colleagues and I will be pleased to entertain any comments or questions you may have.

ELECTION PROHIBITION

● Mr. MATHIAS. Mr. President, I would like to bring to the attention of all Senators who will be candidates in primaries and general elections in 1986 a letter that Senator FORD and I have sent to them regarding the limitation or prohibition of certain Senate allowances and facilities during the 60-day period preceding a primary or general election.

I ask that a copy of this letter dated January 27, 1986, be printed in the RECORD.

If any Senator has questions regarding the topics covered in this letter; this is, official travel and mobile offices, Senate Recording Studio, and mass mailing, staff should contact the Rules Committee staff on x40284 or x40277.

The letter follows:

U.S. SENATE,
COMMITTEE ON RULES
AND ADMINISTRATION,
Washington, DC, January 27, 1986.

DEAR SENATOR: This notice is to remind you that the use of certain Senate allowances and facilities is limited or prohibited during the 60-day period immediately preceding a primary or general election in which you may be a candidate. Any Senator whose state law provides for a method of nomination other than a primary election should contact the Rules Committee staff for guidance. Generally, the restrictions apply whenever the Senator is a candidate for any office; however, restrictions on official travel apply only when the Senator is a candidate for the Senate or other federal office.

OFFICIAL TRAVEL AND MOBILE OFFICES

Official travel.—The statutory authority for reimbursing Senators or members of his or her staff for official travel expenses [2 U.S.C. 58(e)] from the official office expense account specifies that they: ". . . shall not be reimbursed for any per diem expenses or actual travel expenses (other than actual transportation expenses) for any travel occurring during the sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator is a candi-

date for public office (within the meaning of section 431(b) of this title), unless his candidacy in such election is uncontested."

(Note: Section 431(b), cited above, now 2 U.S.C. 431(2) defines a federal candidate under the Federal Election Campaign Act of 1971, as amended.)

The only allowable reimbursements to Senators and/or their staff for official travel during the time period specified will be for the expense of transportation, i.e. airfares, trainfares, buses, mileage for privately-owned autos, rental autos, taxis, etc. Reimbursements for other expenses are specifically prohibited.

Mobile offices.—The statutory authority for Senators to be reimbursed from the contingent fund of the Senate for rental payments and operating costs for one mobile office for use only in the state he or she represents [2 U.S.C. 59(e)] specifies: "no reimbursement shall be made . . . for rental payments and operating costs of a mobile office of a Senator which are attributable to or incurred during the 60-day period ending with the date of any primary or general election (whether regular, special, or runoff) in which that Senator is a candidate for public office, unless his candidacy in such election is uncontested."

Untested candidacies.—The above restrictions do not apply when the Senator's candidacy is uncontested. An uncontested candidacy is established when the Rules Committee receives written certification from the appropriate state official that the Senator's candidacy is uncontested under state law. A Senator who is running for re-election from a state which permits write-in votes on election day without prior registration by the candidate is subject to the above restrictions, unless a written statement from the appropriate state official is submitted setting forth election results which establish that there was, in fact, no election contest for his office. Upon receipt of such notification, vouchers for reimbursements of previously prohibited items will be in order for payment.

RECORDING STUDIO

The use of the Senate Recording Studio by candidates for election to the Senate, or to any public office, is prohibited by paragraph 6 of Rule XL of the Standing Rules of the Senate, which states:

"(a) The radio and television studios provided by the Senate or by the House of Representatives may not be used by a Senator or an individual who is a candidate for nomination for election, or election, to the Senate less than sixty days immediately before the date of any primary or general election (whether regular, special or runoff) in which that Senator is a candidate for public office or that individual is a candidate for Senator."

(b) This paragraph shall not apply if the facilities are to be used at the request of, and at the expense of, a licensed broadcast organization or an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954."

Questions concerning the above prohibitions should be directed to the Rules Committee staff on x-0284 or 0277.

MASS MAILING

The franking statute (39 U.S.C. 3210(a)(6)) does not permit Members of Congress to use the frank for sending mass mailings (as defined by statute) within the 60-day period before any primary or election in which the Member is a candidate for public office.

Paragraph 1 of Rule XL of the Standing Rules of the Senate states:

"A Senator or an individual who is a candidate for nomination for election, or election, to the Senate may not use the frank for any mass mailing (as defined in section 3210(a)(6)(e) of title 39, United States Code) if such mass mailing is mailed at or delivered to any postal facility less than sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator is a candidate for public office or the individual is a candidate for Senator."

Each Member is responsible for submitting the material for mass mailing to the Senate Service Department far enough in advance of the deadline so that it can be prepared, printed, and delivered to the Postal Service in compliance with the above limitation.

Sincerely,

CHARLES MCC. MATHIAS, JR.,
Chairman.
WENDELL H. FORD,
Ranking Minority Member.●

COMBINING FORCES FOR ECONOMIC PURPOSES

● Mr. McCONNELL. Mr. President, few issues will occupy more of our time this year then tax reform. We are facing a host of decisions on tax provisions that will have a dramatic affect on individuals, families, small businesses, and large corporations.

Late last year, Roger W. Schipke, a senior vice president with General Electric Corp., delivered an address at the University of Louisville which I believe deserves the attention of the Senate. While I am convinced that the concept of a corporate minimum tax merits our serious consideration, the views expressed by Roger and the experience of General Electric should not go unnoticed.

In Kentucky, Mr. President, General Electric employs nearly 17,000 people at nine plants throughout the State. In Louisville alone, General Electric's annual payroll in some $400 million. General Electric is an important contributor to Kentucky's economic health and I, for one, am committed to supporting an economic policy that helps corporations like General Electric maintain a competitive edge in world markets. A strong corporate America is a perequisite for assuring economic opportunity for all Americans.

Mr. President, I ask that Mr. Schipke's remarks be printed in the RECORD.

The remarks follow:

COMBINING FORCES FOR ECONOMIC PURPOSES
BY ROGER W. SCHIPKE

Thank you for inviting GE to be a part of Speed School's 60th Anniversary celebration. Like most anniversaries, it's a time to look back with pride, and forward with hope . . . and maybe a little anxiety. Anxiety, because of the rate and magnitude of technological, social and political change that cloud our view of the future.

Tonight, I'd like to look into some of the clouds and discuss a subject that may make you a little uncomfortable. My subject is the future of American business and how it can affect nearly every fiber of our society. The picture of our future is complicated, because I'm attempting to link what seem to be opposing views.

For example, I represent a company that doesn't pay taxes . . . and I want to talk about a tax policy that's good for everyone.

I represent a company that nets over half a billion a year in service business . . . and I want to make the case for manufacturing.

I come to you from the Major Appliance Business . . . an older business, targeted by foreign competition . . . and yet I reject the idea of protectionism.

I head up a Group that earlier this year announced the end of microwave oven manufacturing in our Columbia, Maryland, facility . . . and just last week, the phasing out of room air conditioner manufacturing here in Louisville. Yet I'm here tonight to talk about jobs.

It is my contention—and the Chairman of GE, Jack Welch, holds the identical philosophy—that these are consistent and connected . . . and so are the following:

Deficit and dollar,
Dollar and trade imbalance,
Trade imbalance and tax policy,
Tax policy and investment/R&D,
Investment/R&D and productivity,
Productivity and world competitiveness,
World competitiveness and manufacturing jobs,
Manufacturing jobs and services jobs,
Jobs and standard of living, and
Standard of living . . . and you and me.

" . . . Pursuing any of these trade tax or deficit issues in isolation has the potential to destroy our international competitiveness." That may sound like a Chinese menu of platitudes . . . or the index of the Harvard Business Review . . . but it is not. It is a list of concerns and objectives that are being pursued and treated in Washington and in the business community. Each of these is backed by a constituency . . . several are backed by proposed laws . . . all need to be addressed. There are linkages between them all . . . some more obvious than others . . . Focusing on one or a few of them without an eye to the consequences on the others . . . is wrong.

Ignoring these lingkages . . . pursuing any of these trade or tax or deficit issues in isolation has the potential to destroy our international competitiveness.

Let's talk about a few . . . not all . . . of these linkages. Starting with tax policy and investment . . .

Since Mr. Reagan's tax plan went into effect in 1981 . . . with its provisions for investment tax credit and accelerated cost recovery . . . General Electric and its finance subsidiary have invested 18 billion dollars in the factories . . . utilities . . . airlines and railroads of America . . . creating or preserving at least 250,000 jobs.

In addition to those jobs . . . that tax policy allowed GE to modernize and automate its own factories to become more competitive in world markets. That competitiveness allowed us to swim upstream against the import flood . . . and achieve a 2.6 billion dollar trade surplus last year alone.

Tax incentives to invest . . . and compete . . . and win . . . work. They worked for my company and for America. Here in Louisville, we've invested over $60 milion in our dishwasher facility from 1981-1983 and since 1983 we've grown our market share

over 30% and preserved every job in our dishwasher plant.

The question I have for you tonight is: Why . . . when the linkage between the '81 tax policy and productive investment is so clear . . . do all of today's tax reform proposals abandon incentives to invest? Why are we spiking the ball in mid-field?

Why are we abandoning an initiative that works? That's not a rhetorical question . . . I simply can't understand it.

Is it because of political overreaction to anecdotes about corporations dodging taxes? Or is it because policy makers . . . in Washington and in the ranks of the business community . . . are focusing on other . . . altogether desirable objectives in isolation . . . but ignoring linkages. That, I suspect, is what led many sensible and well-intentioned leaders to the concept of "a level playing field" created by tax equality.

I would suggest that the objective of a domestic level playing field in the midst of an international trade war is one that would be most appropriately advocated by the Flat Earth Society. The only leveling of the field I see is being done by streamrolling imports, flattening American manufacturing. And the tax proposals now on the table . . . along with this awful budget deficit . . . will accelerate that streamroller.

Some claim that the new proposal will bring about "greater growth and more jobs." There is a theoretical argument to be made for that . . . but there is concrete evidence that . . . for manufacturing—the greater growth and more jobs will happen overseas. Every one of the reform proposals are fundamentally biased against investment. Why? Because well-intentioned people are trying to fix real problems without looking at the source of those problems or the consequences of their solutions. They are not addressing the linkages.

I have heard it said that federal tax policy should not be used to affect industrial policy. My question is "Why not?" We allow deductions to encourage charitable contributions . . . furthering social objectives. Churches are aided by tax laws . . . as is housing . . . and a hundred other worthy causes.

No . . . I suspect the fundamental reason for this is the human tendency to say "I'm paying taxes . . . so why shouldn't the big corporations?" I certainly understand that. And here's where we get into the so-called level playing field argument. I say let's have tax reform. Let's simplify. Let's root out abuse . . . but not at the expense of provisions that are in all our interest. By what yardstick can the investment that created 250,000 jobs and billions in taxes be considered anything other than smart national policy?

But look what's happening in the debate over tax reform. While we argue over the taxation of big corporations . . . our faces towards each other, our backs are to the threat. The threat . . . to all of us . . . is not in this room . . . or in this country. It is foreign competition. We're arguing with each other as if the only events of economic significance occur between the Atlantic and Pacific Oceans.

There's a world trade war raging and we're fighting a civil war.

Here you might say: "We are not fighting a world war . . . you are. You're the one concerned with international manufacturing competition. Most Louisville businesses are services and mostly domestic ones."

The argument ignores the linkage between services and manufacturing . . . and, unfortunately, it's often ignored today in America.

Service businesses are prospering here in Louisville. They're healthy . . . profitable . . . and growing. Yet their success is clearly linked to . . . and dependent upon . . . manufacturing industries. Without companies like Ford, Brown & Williamson and GE as a base, Louisville's service industry wouldn't look half as good. The linkage between services and manufacturing . . . if not always apparent . . . is always real.

There is . . . as well . . . a direct link between the budget deficits . . . the dollar . . . and the trade imbalance that an overvalued dollar causes. If those linkages are so clear . . . and I believe the twenty-year trend lines of U.S. imports and exports make that case compelling . . . why do we insist on attacking the effect rather than the cause . . . with all kinds of protectionist legislation rather than getting back to the linkage of dollar and deficit . . . and doing something to correct it?

The budget deficit and the dollar are linked. But I'm not going to dwell on the deficit . . . central as it is to every issue. It's obvious Washington has to do something about it. The case I want to make tonight is for something we can do . . . and that is to protect the incentives that allow companies to win in world markets.

Why should you . . . with problems of your own . . . care how American manufacturers do in world markets? Some people have gone so far as to say "Let's give up on manufacturing and turn to a service economy." We think they're linked . . . At Appliance Park . . . our dishwasher plant, an old plant complete with smokestacks . . . is not what is envisioned on the high tech and services dreamscape . . . but we're as proud as hell of it. Because if you walk through Building 3 today and our Buildings 4 and 5 tomorrow, you return to the golden era of American competitiveness . . . the era that brought the nation the jobs . . . the schools . . . the health care . . . the standard of living we have today. American industry can still do things like that . . . but not without investment!

Several years ago we reached the moment of truth . . . either invest to become more productive and achieve higher quality . . . or fold the tent. The '81 tax bill helped us put 60 million dollars into our dishwasher plant and lay plans for a one billion dollar investment program in our other plants . . . A big bet . . . but we're going to win . . . and so will the city of Louisville.

I'm sure Stewarts' Rodes, Krogers' and the Galleria understand the linkage between investment in manufacturing and the survival of service businesses. Every time we invest in Appliance Park, everyone from service business like electricians to suppliers like Jones Plastics benefit. And there's a ripple effect in the Louisville economy.

Every time we save a manufacturing job . . . not only do we win . . . the service industry wins . . . even the treasury wins. In the same three-year period that period that GE deferred federal income taxes . . . GE employees paid about $5 billion in federal income taxes . . . and we paid another $4.5 billion in state, local and other federal taxes . . . none of which would have been paid if the Appliance Parks of our world didn't win . . . If they didn't invest.

Just ask the people of International Harvester—would they rather have flat taxes or a plant to work in.

GE can invest to become more competitive because we have a strong sheet . . . But there are thousands of businesses in this country that do not have strong balance sheets. Many of them were . . . in fact . . . in desperate trouble a few years ago . . . and were saved. The $192 million the General Electric Company lent Chrysler and the $200 million we lent Eastern Airlines could have been lost if those companies failed . . . but they didn't. We bet on America and won.

But we couldn't have made the bets without the incentives. Removing them will escalate the after-tax cost of investment in state-of-the-art equipment by as much as 15 to 20 percent . . . hurting manufacturing productivity at the very moment the noncompetitive dollar is squeezing industrial margins hardest. This will level the playing field all right . . . right over large segments of American manufacturing.

Investment is a fundamental economic challenge of our time. We are in an international trade battle. The dollar has us badly wounded . . . and the destruction of the incentives to invest . . . and the competitiveness to which that investment is linked . . . could hasten the demise of much of manufacturing . . . and the services that depend on it.

There is clear linkage between trade imbalance and tax policy as well . . . but it seems not to be considered by well-intentioned congressional committees that spend their morning sessions coming up with protectionist measures to combat imports as a solution to the trade imbalance . . . and afternoon sessions drafting tax bills that limit R&D and investment—the keys to exports—to worsen that imbalance.

American companies have to stop going to table stakes poker games with too few chips.

This country needs some leadership on this issue and it needs it now . . . from each of us. Any accountant in Washington can construct a tax bill or a budget or a trade policy that grinds down the competitiveness of a nation to fill in revenue holes. What we need are leaders . . . leaders with a vision . . . a sense of priorities . . . a sense of balance. Any of us who approaches any of these issues owes it to our companies . . . and to the country . . . to consider the linkages . . . the consequences of our positions. Higher taxes . . . lower taxes . . . protectionism . . . export financing . . . all may make sense in isolation . . . but when put on the same table they sometimes don't fit.

What we need are leaders who understand the hidden realities . . . who understand the increasing number of paradoxes and linkages that confront us in business today that go beyond the simplicity of "either-or."

We can win this struggle we're in. I know we can win it because I've seen the competitiveness of my company and other companies grow . . . and I've seen the victories we've won all over the world . . . in part because of the incentives to invest and compete that the administration put in place in 1981.

That's when we had a vision of the linkages and where they led . . . right back to our standard of living. Where is that vision now? Why would we decide to reverse an R&D and investment course that works so well?

But enough of my advocacy. I'd like to ask for yours.

When you hear talk about manufacturing . . . make the linkage between manufacturing and services . . . and the jobs that go along with both.

When you hear pleas for a level playing field . . . make the argument that unless it is level on a worldwide basis it can never be level at all.

And while Washington has responsibilities to help this nation compete . . . so does this community.

It's not enough to complain about bloat and fat in the federal budget when we have it in our own budget.

Or to complain about government bureaucracy when we're up to our ears in staff.

Or to demand incentives to invest and then fail to invest aggressively.

Or to approach Washington as a pack of clamoring special interest groups with little thought for a coherent policy that's best for us all.

I've talked a lot about linkages tonight because it is we in business who are in a position to see linkages that are not always visible in Washington . . . and the one that I see most clearly is: we're all in this together.●

FEDERAL REMEDIES AGAINST FRAUD

● Mr. COHEN. Mr. President, a great deal of misinformation has been provided recently to certain Members of the Senate concerning legislation designed to strengthen Federal remedies against fraud. Most recently, this misinformation appeared on page S 299 of the January 23 CONGRESSIONAL RECORD in a statement entitled "The New Federal Bureaucracy Power Grab." I rise today to correct the numerous misstatements and inaccuracies in this statement which unfortunately reflects much of the erroneous information that has been circulated about the bills in question.

Both bills, S. 1134 and S. 1562, are designed to address what many of us believe to be a very serious problem—fraud against the Government. While I certainly share the belief expressed in the RECORD statement that most people are honest, I do not believe that means we should turn a blind eye to those who engage in fraudulent activity. Frankly, I am surprised that anyone would oppose attempts to fortify our efforts to punish and deter fraud.

S. 1134, the Program Fraud Civil Remedies Act, which I introduced along with Senators ROTH, LEVIN, NUNN, CHILES, GRASSLEY, GORE, and BOREN, would provide agencies with an administrative remedy for false claim and statement cases under $100,000 which the Justice Department has declined to litigate. This legislation was recently reported by the Governmental Affairs Committee with only one dissenting vote, and is strongly supported by the General Accounting Office, the Justice Department, the Inspectors General, the Administrative Conference of the United States, and the Federal Bar Association.

Judicial remedies are available to penalize and deter fraud against the Government. For small-dollar cases, however, the cost of litigation often exceeds the amount recovered, thus making it economically impractical for the Justice Department to go to court. A 1981 General Accounting Office report "Fraud in Government Programs: How Extensive Is It? How Can It Be Controlled?" reviewed more than 77,000 fraud cases committed against the Government during a 3-year period and found that, of those cases referred to the Justice Department, less than 40 percent were prosecuted. The result, according to the Justice Department, is that the Federal Government loses tens, if not hundreds, of millions of dollars to fraud each year.

In one case, for example, the Defense Department discovered that a contractor who operated a parts store on 10 different military bases was illegally inflating parts prices. While the total alleged fraud amounted to over $50,000, on single base was defrauded for more than $6,000. Each of the cases was presented to a separate U.S. attorney, but was declined at each office because the dollar value was too low. Unfortunately, as the GAO study indicates, this case is not an isolated example.

The solution we have proposed would allow agencies to adjudicate fairly and expeditiously those small-dollar cases that are now falling through the cracks of our judicial system. I want to emphasize, Mr. President, that S. 1134 would not create a new category of offenses. Rather, it would provide an administrative alternative, patterned largely after the civil False Claims Act, that would capture only that conduct already prohibited by Federal civil and criminal laws.

The benefits of such an administrative remedy are numerous. First, it would allow the Government to recover money that, up until now, has been irretrievably lost to fraud. Second, it would establish a more expeditious and less expensive procedure to recoup losses, compared with the extensive investments of time and resources required to litigate in Federal court. Finally, and administrative remedy would serve as a deterrent against future fraud by dispelling the perception that small-dollar frauds against the Government may be committed with impunity.

The beauty of such a remedy, moreover, is that we already know it can work. Under the Civil Monetary Penalties Law [CMPL], the Department of Health and Human Services is authorized to impose penalties and assessments administratively against healthcare providers who knowingly or with reason to know submit false claims for services. Since implementation of the CMPL, HHS has been able to recover over $15 million resulting from 117 settlements and litigated cases.

Before responding to the specific criticisms raised by opponents of S. 1134, I would like to provide a brief description of how the bill would work. Under S. 1134, a typical case would begin with an investigation conducted by the agency's investigating official, usually the Inspector General. The IG's findings would be transmitted to the agency's reviewing official—someone separate from the IG's office—who would independently evaluate the allegations to determine whether or not there is adequate evidence to believe that a false claim or statement has been submitted.

If so, the matter would be referred to the Justice Department for consideration. This procedure ensures that the Department will have an opportunity to review the charges and elect, if it so chooses, to litigate in Federal court. If the Department declines litigation and does not veto administrative action, the agency may commence administrative proceedings against the person alleged to be liable. The reviewing official would notify the person of the charges and of his or her right to a hearing.

An administrative law judge—an independent, trained hearing examiner—would conduct the hearing to determine whether or not the person is liable and the mount of penalty and assessment, if any, to be imposed. The hearing itself would be conducted pursuant to the due process safeguards of the Administrative Procedure Act, which entitles the person to a written notice of the allegations, the right to be represented by counsel, and the right to present evidence on his or her own behalf. The bill even goes beyond these APA protections by granting the person limited discovery rights.

Although this bill has been carefully drafted, there is, as I mentioned, a campaign underway to distort its provisions. Typical of this misinformation is the contention in the January 23 RECORD statement that this legislation "could penalize every citizen of the United States for honest mistakes."

Mr. President, this assertion is simply not true. Under S. 1134, the Government would not only have to prove that a claim is false, but also that the person either "knows or has reason to know" that the claim is false. The committee report accompanying S. 1134 specifically states that this knowledge standard, which is adopted, in part, from the pattern jury instructions and is consistent with certain circuit court decisions, would not cover "errors resulting from mere negligence, mistake, momentary thoughtlessness, or inadvertence."

Criticisms of the burden of proof standard in S. 1134—"preponderance of the evidence"—are also off base. The preponderance standard is the standard applied in most civil litigation and administrative proceedings and is used to establish fraud under Federal securities laws and to recover treble damages under the antitrust statutes. It is clearly the appropriate

standard for program fraud administrative proceedings.

On the issue of testimonial subpoenas, the statement again misses the mark by characterizing the subpoena authority as "unlimited" and "unprecedented." Neither is the case.

Under S. 1134, an Inspector General may subpoena a witness when the subpoena is necessary to the investigation. The bill was amended in committee to provide other significant limitations to safeguard against abuse. First, the Justice Department is given veto authority over its use. S. 1134 requires that the investigating official, prior to issuing a subpoena, must first notify the Attorney General, who then has 45 days within which to disapprove the subpoena. Second, S. 1134 limits the use of this authority only to the 18 statutory Inspectors General, appointed by the President and confirmed by the Senate, on a nondelegable basis.

In addition to these safeguards, S. 1134 provides due process protections for those individuals subpoenaed to testify. These protections afford persons subject to testimonial subpoenas a notice of the date, time and place at which the testimony will be taken; the right to be accompanied, represented and advised by an attorney; an opportunity to examine and, within certain limits, to make changes in the transcript of the recorded testimony; and the right to a copy of the transcript. The bill also specifies that the testimony is to be taken in the judicial district in which the subpoenaed person resides or transacts business, or in any other place agreed to by the person and the investigating official taking the testimony. The person subpoenaed would be paid the same fees and mileage paid to witnesses in U.S. district court.

Contrary to the assertions of opponents of this bill, there is ample precedent for granting investigatory testimonial subpoena authority to executive departments and regulatory agencies. The American Law Division of the Congressional Research Service compiled a list of more than 65 statutes that provide such authority, ranging from the broad power granted to the Department of Health and Human Services for investigations of claims for Social Security retirement and disability benefits to the authority given to the Department of Agriculture for investigations under the Horse Protection Act.

Another criticism contained in the RECORD statement concerns the application of this legislation to false statements unrelated to a claim. This provision of S. 1134 is strongly supported by the Inspectors General. While the Government may not suffer direct monetary damage, false statements adversely affect the integrity of Government programs, in some cases, by allowing persons to participate when they are not eligible. Inclusion of false statements in this legislation is particularly important in the contract fraud area where contractors have been found to falsely certify small business size status, minority business status, allowability of overhead costs, and the accuracy of cost and pricing data, according to the Defense Department Inspector General.

Mr. President, enactment of an administrative remedy to small-dollar fraud cases is long overdue. The fact that the Justice Department declines prosecution in most cases where the Government does not sustain a significant monetary loss is an open invitation to those individuals tempted to defraud the Federal Government. Until Federal agencies are given the power to bring administrative proceedings in such cases, these "nickel and dime" frauds will continue unabated. The Program Fraud Civil Remedies Act will help combat fraud without in any way compromising the rights of individuals accused of wrongdoing.

Mr. President, I ask that letters from the General Accounting Office, the Inspectors General, and other organizations endorsing S. 1134 be entered in the RECORD.

The letters follow:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, DC, October 21, 1985.

B-204345.

Hon. WILLIAM S. COHEN,
Chairman, Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, U.S. Senate.

DEAR MR. CHAIRMAN: This is to express our continued support for the enactment of legislation to authorize federal agencies to levy administrative penalties for certain false claims and statements made to the United States. We firmly believe such legislation would further strengthen the government's overall ability to combat fraud, waste and abuse within government programs.

As you know, we have testified in support of bills similar to S. 1134, the Program Fraud Civil Penalties Act of 1985, before the Senate Governmental Affairs Committee on two previous occasions. In 1982 we expressed our support of S. 1780, and in 1983 we supported the enactment of S. 1566. Our position stems from a 1981 report entitled "Fraud in Government Programs:—How Extensive Is It—How Can It Be Controlled?" (AFMD-81-57; May 7, 1981), in which we recommended that the Congress consider enacting legislation giving agencies the authority to administratively impose civil money penalties against persons who defraud the government. Our study showed that the Department of Justice declined to prosecute about 61 percent (7,800) of 12,900 fraud cases referred for prosecution. In many of those cases Justice declined to prosecute on the grounds that the cases involved small dollar amounts, had no prosecutive merit, or jury appeal. We believed, and continue to believe, that the establishment of an administrative penalty system could provide the government with a viable alternative remedy in such cases. Such a system would not only strengthen the government's ability to recover misappropriated funds, but also serve as a deterrent against others committing similar offenses.

We are pleased to see that the bill under consideration by the Congress—S. 1134—has received strong support from the Justice Department and the Inspector General community. In Justice's testimony before your subcommittee this past June, it recognized that the administrative resolution of fraud cases involving small amounts of money would offer the government an efficient and effective alternative to litigating such cases in federal courts, usually a lengthy and costly process. Representatives from the Inspector General community also provided numerous examples during their testimony of where S. 1134 would be most appropriately used. The Deputy Inspector General of the Department of Defense (DOD) cited a case in which a contractor operated a parts store on 10 different military bases. He illegally inflated parts prices on each contract. While the total fraud amounted to over $50,000, no single base was defrauded for more than $6,000. Each case was presented to nine separate United States Attorneys, and was declined at each office because the dollar value was too low. Seeking an administrative penalty such as provided for in S. 1134 would be a viable alternative remedy in such a case.

Your subcommittee has made several notable changes to the proposed legislation since our 1983 testimony on S. 1566, the predecessor of S. 1134, such as: (1) modifying the standard of liability to authorize the imposition of penalties when a person submits claims or statements that he knows *or has reason to know* are false; (2) clarifying the effect of a finding of liability under an administrative proceeding, as not automatically requiring a contractor's suspension or debarment; (c) clarifying that the assessment for false claims applies to double the amount *falsely* claimed rather than double the amount claimed; and (4) separating the position of investigating officials and reviewing officials so as to ensure independent prosecutorial review. Although we have not had time to thoroughly review the other subcommittee amendments, we consider the above changes, primarily designed to further insure that the administrative penalty system is fairly and objectively administered, to be improvements over the prior bill.

We commend your particular interest and efforts in this area, and we look forward to working with Congress in insuring the enactment of legislation authorizing agencies to levy administrative penalties, as a means of combating fraud, waste and abuse within government programs.

Sincerely yours,

MILTON J. SOCOLAR,
(for Comptroller General of the United States).

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AND
INTERGOVERNMENTAL AFFAIRS,
Washington, DC, November 4, 1985.

Hon. WILLIAM S. COHEN,
Chairman, Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, U.S. Senate, Washington, DC. 20510

DEAR MR. CHAIRMAN: The Department of Justice strongly supports S. 1134, the Program Fraud Civil Remedies Act, as it was reported from the Oversight of Government Management Subcommittee. Both you and Senator Roth are to be commended for your leadership in moving forward with this im-

portant piece of legislation, and we urge you to expedite action at the full committee so that the bill can come to the floor of the Senate in this session.

The Department, the Inspectors General and this Committee have long recognized the need to develop some alternate dispute resolution mechanism for small fraud cases. Because of limited Justice Department resources and the growing caseload burden in the federal courts, it often is not cost effective to file suit in district court to collect on small-dollar frauds. Consequently, unless these cases are simply to be written off, we must develop a mechanism, such as S. 1134, which provides the government with a meaningful remedy.

We believe that the Committee has crafted an excellent bill, preserving all necessary due process protections without unduly complicating and delaying the adjudication process. The bill closely tracks the False Claims Act, the Civil War-era statute which the government has relied upon to bring civil and criminal fraud prosecutions, and follows the better-reasoned holding of the courts under that statute. Notably, we believe that S. 1134 adopts a reasonable compromise in imposing liability on a person who "knows or has reason to know" that a claim was false. This standard would prohibit a corporate officer from avoiding liability by insulating himself from knowledge of the truth or falsity of the claims he is submitting. The bill correctly holds persons claiming money from the government to the duty to make "such inquiry as would be reasonable and prudent to conduct under the circumstances." Persons doing business with the United States should be under an obligation to make reasonable efforts to ensure that the claims which they submit are accurate.

We also believe that the bill properly requires the United States to prove a violation by a preponderance of the evidence—the traditional standard of proof in civil litigation. Raising the burden to that of clear and convincing evidence, as some have suggested, would, in our view, place an unwarranted burden on the government. For instance, the burden of proof in civil treble damage actions filed under the antitrust laws has always been a preponderance of the evidence. There is no justification for imposing any greater burden on the government in a program fraud proceeding.

Finally, Mr. Chairman, the Department of Justice and the Administration continue to object to section 804(a)(1)(C) of the bill, authorizing the Inspectors General to compel the testimony of witnesses. We do not believe that there is a demonstrable justification for such extraordinary powers and we are seriously concerned with the potential this provision creates for interference with ongoing criminal investigations. While we recognize that the proponents of S. 1134 have made efforts to accommodate our concerns on this issue, the proposed procedure for Department of Justice review of testimonial subpoenas is simply unworkable. Our views on this issue are set out in detail in the deputy Attorney General's letter of August 26, 1985.

Sincerely,

PHILLIP D. BRADY,
Acting Assistant Attorney General.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,
Washington, DC, October 21, 1985.

Hon. WILLIAM S. COHEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR COHEN: The Committee on Governmental Affairs is soon to consider S. 1134, the "Program Fraud Civil Remedies Act of 1985," reported out by the Subcommittee on Oversight of Government Management. The members of the Legislation Committee of the President's Council on Integrity and Efficiency (PCIE), representing the seventeen statutory Inspectors General, wish to express our unanimous and enthusiastic support for this important legislation. This bill would establish an administrative mechanism to impose civil monetary penalties and assessments for fraudulent claims and statements made to the United States. As the Federal officials who are charged with the formidable task of preventing and detecting fraud and abuse in our respective agencies, we strongly believe that the civil monetary penalties authority will provide an invaluable tool in efforts to combat fraud against the United States.

Experience has shown that the Justice Department does not possess the resources necessary to prosecute all meritorious civil fraud cases referred to it by the Inspectors General and by others. Further, certain cases may lack prosecutive merit for a variety of reasons—for example, loss to the Government is small or impossible to calculate or there is insufficient jury appeal. The result is that often the United States does not have the opportunity to recoup its losses, both actual damages and consequential damages, such as the cost of detection and investigation.

The bill to be considered by the Committee, S. 1134, offers an alternative to judicial remedies for fraud—an alternative that promises numerous benefits to the public. First, the authority would act as a powerful deterrent, particularly in those types of cases in which the Justice Department does not usually pursue civil action or criminal prosecution. Second, an administrative mechanism for resolution of fraud cases is both expeditious and relatively inexpensive. Third, an administrative alternative will relieve the Department of Justice of the burden of referrals of "smaller" fraud cases, thereby freeing that Department to more effectively allocate its own resources to the most significant cases. Finally, the proposed civil monetary penalties authority would provide a means of recovering sums that, heretofore, have been irretrievably lost to fraud.

In conclusion, we strongly urge the Committee to act favorably and expeditiously on S. 1134. At a time when every dollar lost to fraud adds to the existing budget deficit, we feel it is imperative to do whatever can be done for the taxpayers, and for the beneficiaries of Federal programs, in order to make sure that every Federal dollar is properly spent. We believe S. 1134 is one important means of moving toward that objective.

Sincerely yours,

RICHARD P. KUSSEROW,
Inspector General; Chairman, Legislation Committee, President's Council on Integrity and Efficiency.

Members of Legislation Committee:

Sherman M. Funk, Inspector General, U.S. Department of Commerce.

John V. Graziano, Inspector General, U.S. Department of Agriculture.

James R. Richards, Inspector General, U.S. Department of Energy.

Joseph Sherick, Inspector General, U.S. Department of Defense.

Mary F. Wieseman, Inspector General, Small Business Administration.

DEPARTMENT OF DEFENSE,
Washington, DC, November 14, 1985.

Hon. WILLIAM S. COHEN
Chairman, Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Your staff has requested that I provide additional views on the Bill S. 1134, the "Program Fraud Civil Penalties Act of 1985." I understand this Bill is scheduled for markup by the Senate Governmental Affairs Committee in the near future.

I strongly support this legislation. Many frauds against Federal programs are not prosecuted because the Department of Justice often does not have sufficient resources to devote to fraud cases covered by this Bill. Since the Government has traditionally relied upon judicial proceedings to recover for false claims and statements, if a case is not prosecuted in Federal court the Government is left without any effective remedy.

The Program Fraud Civil Penalties Act would allow Departments such as the Department of Defense to impose an administrative penalty for false claims and statements, and to recover damages. The Department of Health and Human Services obtained similar statutory power in 1981 which has been highly successful in combating false claims in the Medicare and Medicaid programs. The Bill would allow a similar authority to be used in areas such as Defense procurement fraud.

Contrary to the assertions of certain contractors and organizations who oppose this Bill, it does not create a new category of offenses, nor does it deny due process. The Bill is designed to place an administrative penalty upon conduct which is already prohibited by Federal criminal and civil statutes relating to false claims and statements. Furthermore, the Supreme court has repeatedly upheld other remedial statutes which have contained due process provisions similar to S. 1134.

Sincerely,

JOSEPH H. SHERICK,
Inspector General.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES,
Washington, DC, October 18, 1985.

Hon. WILLIAM S. COHEN,
Chairman, Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR COHEN: This is in response to your letter of October 9, requesting the comments of the Administrative Conference on S. 1134, the Program Fraud Civil Remedies Act of 1985.

We understand that the bill is at present in mark up and its details are subject to revision. Accordingly, we shall address only the major features of the bill.

S. 1134 would provide an administrative procedure for imposing civil penalties for false claims and statements made to the United States in connection with agency programs. It would cover a broad range of agencies and programs and be administered by the respective agencies. The procedure would be available only for relatively small

cases, i.e., those in which an amount involved in the claim was $100,000 or less. The maximum penalty would be $10,000 for each false claim or statement, plus twice the amount of any claim or portion of a claim. The procedure prescribed by the bill would include an initial investigation of the suspected false claim or statement by an investigative official who reports his findings to a reviewing official. If the reviewing official determines there is adequate evidence to indicate liability for civil penalties, he would refer the case for a formal adjudicative hearing under the Administrative Procedure Act, 5 U.S.C. §§ 554, 556 and 557, presided over by an administrative law judge of the agency. (We understand that proceedings in the military departments would not be governed by the Administrative Procedure Act but by procedures prescribed in the bill and generally similar to those in the APA. We have not studied these provisions of the bill, and we limit our comments to those proceedings governed by the APA.) If the administrative law judge determines on a preponderance of the evidence that the respondent had made a false or fraudulent claim or settlement, he could impose the appropriate penalty. The respondent could obtain review of the ALJ decision by the agency head or his delegate and judicial review of an adverse agency determination in the United States Court of Appeals. Such review would be on the administrative record in accordance with the substantial evidence rule, 5 U.S.C. § 706(e).

As you know, in 1972 the Administrative Conference adopted its Recommendation No. 72-6, Civil Money Penalties as a Sanction, 1 CFR § 305.72-6 (copy enclosed). In Part B of that recommendation we urged that agencies consider the possible advantages to their enforcement programs of a procedure for administrative imposition of civil money penalties for regulatory violations, and we suggested some of the factors the presence of which in the regulatory scheme would argue for such administrative imposition. The preamble of the recommendation explains the basis for our urging consideration of administrative imposition:

"Under most money penalty statutes, the penalty cannot be imposed until the agency has succeeded in a de novo adjudication in federal district court, whether or not an administrative proceeding has been held previously. The already critical overburdening of the courts argues against flooding them with controversies of this type which generally have small precedential significance.

"Because of such factors as considerations of equity, mitigating circumstances, and the substantial time, effort and expertise such litigation often requires in cases usually involving relatively small sums (an average of less than $1,000 per case), agencies settle well over 90% of their cases by means of compromise, remission or mitigation. Settlements are not wrong per se, but the quality of the settlements under the present system is a matter of concern. Regulatory needs are sometimes sacrificed for what is collectible. On the other hand, those accused sometimes charge that they are being denied procedural protections and an impartial forum and that they are often forced to acquiesce in unfair settlements because of the lack of a prompt and economical procedure for judicial resolution. Moreover, several agency administrators warn that some of the worst offenders, who will not settle and cannot feasibly be brought to trial, are escaping penalties altogether."

At the time the recommendation was adopted comparatively few statutes provided for administrative, as opposed to judicial, imposition of civil penalties.[1] However, in recent years, in response in part, perhaps, to the Conference recommendation and, certainly, to the increasingly urgent need to alleviate the burden on the Federal courts, Congress has frequently provided for administrative imposition under procedures similar to those set forth in S. 1134.[2] In 1979 the Conference in its Recommendation No. 79-3, Agency Assessment and Mitigation of Civil Penalties, 1 CFR § 305.79-3 (copy enclosed) reaffirmed its support of administrative imposition and welcomed the increased use of such procedures since its 1972 recommendation.

Part B, Paragraph 1 of the Conference recommendation lists some of the factors the presence of which argue for a system of administrative imposition. Among these factors, an anticipated large volume of cases, the relatively small penalties involved, the importance of speedy adjudication, and the unlikelihood that issues of law will arise calling for judicial resolution, all seem common to the range of cases covered by S. 1134. In addition, in many cases the availability of an effective and credible civil penalty remedy may enable an agency to forego a harsher remedy, such as debarment or disqualification from the program. Another factor cited in the recommendation is the availability of an impartial forum in which cases can be efficiently and fairly decided. We have confidence that the procedure provided in S. 1134, and on-the-record adjudicatory hearing before an administrative law judge, offers such a forum. Furthermore, we note that the procedural system provided in the bill (except that which would apply to the military departments, as to which we have reserved comment) fully complies with Paragraph 2 of Part B of our recommendation.

Accordingly, we believe that the general features of S. 1134 are consistent with Conference Recommendations 72-6 and 79-3 and that they merit the favorable consideration of Congress.

Sincerely yours,

MARK S. FOWLER,
Acting Chairman.

FEDERAL BAR ASSOCIATION,
Washington, DC, November 1, 1985.

Re: S. 1134.

Senator WILLIAM S. COHEN,
Chairman, Senate Subcommittee on Oversight of Government Management, Hart Senate Office Building, Washington, DC.

DEAR SENATOR COHEN: The D.C. Chapter of the Federal Bar Association through its Committee on the Administrative Judiciary has reviewed S. 1134, the Program Fraud Civil Remedies Act of 1985, and on behalf of the Chapter's 5,000 federal lawyers supports its enactment.

The provisions for selection, appointment, salary and tenure of the administrative adjudicators who will hear and decide civil fraud cases are in accord with longstanding safeguards of the status and decisional autonomy of administrative law judges under the Federal Administrative Procedure Act. Further, the guarantees of procedural due process spelled out in S. 1134 insure that constitutional requirements of fundamental fairness will be observed by the agencies engaged in its enforcement.

We appreciate the opportunity afforded us to participate in the formulation of one of the most important legislative initiatives of the 99th Congress. We believe this bill will significantly strengthen and reinforce the government's efforts to prevent waste, fraud and abuse in federal programs.

Sincerely yours,

JOSEPH B. KENNEDY,
Chairman, Committee on the Administrative Judiciary, Federal Bar Association, District of Columbia Chapter.

THE FEDERAL ADMINISTRATIVE LAW JUDGES CONFERENCE,
Washington, DC, November 25, 1985.

Subject: S. 1134—Program Fraud Civil Remedies Act of 1985.

Mr. JEFFREY A. MINSKY,
Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR MR. MINSKY: I am pleased to inform you that, on November 22, 1985, the Executive Committee of the Federal Administrative Law Judges Conference (FALJC) formally voted to endorse and support S. 1134, the Program Fraud Civil Remedies Act of 1985, as it appears in the Committee print dated November 15, 1985.

The FALJC endorsement is embodied within the terms of the enclosed resolution which was adopted by this organization's Executive Committee on November 22.

Please continue to advise us of the Bill's progress. If we may assist you in any way to gain enactment, do not hesitate to call.

Judge NORMAN ZANKEL,
Chairman, Legislative Committee.

RESOLUTION

Be it Resolved that:

The Federal Administrative Law Judges Conference endorses and supports S. 1134, the Program Fraud Civil Remedies Act of 1985, with the understanding that (as provided in the November 15, 1985 print of the Senate Subcommittee on Oversight of Government Management) the hearing officers who will conduct the administrative hearings are either Administrative Law Judges appointed pursuant to 5 USC 3105 or persons who possess Administrative Law Judge qualifications; and who will enjoy the safeguards of the status and decisional autonomy of Administrative Law Judges under the federal Administrative Procedure Act; and further provided that such administrative hearings will be conducted pursuant to the requirements of the federal Administrative Procedure Act to insure that constitutional requirements of procedural due process and fundamental fairness will be observed by the agencies and departments engaged in enforcement of program fraud legislation.

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[1] The report of the Conference's consultant concluded that only four statutory schemes provided for "true administrative imposition," i.e., without a *de novo* judicial determination. Goldschmid, "An Evaluation of the Present and Potential Use of Civil Money Penalties as a Sanction by Federal Administrative Agencies," 2 ACUS 896, 907-08.

[2] See e.g., Migrant and Seasonal Agricultural Worker Protection Act, § 503, 29 U.S.C.A. § 1853; Medicare and Medicaid Amendments of 1981, P.L. 97-35, Tit. xxi, 42 U.S.C. § 1320a-7a; Communications Act Amendments of 1978, § 2, 47 U.S.C. § 503(b); Toxic Substances Control Act, § 16, 15 U.S.C. § 2615.

CAMPAIGN FINANCE REFORM

● Mr. BOREN. Mr. President, 2 months ago, the Senate, for the first time in 8 years, voted on legislation

dealing with campaign finance reform. While the 84-7 vote against tabling was not conclusive and final action on the proposal, at the very least it conveyed to the Nation that the U.S. Senate is serious about making reforms in the congressional electoral process.

I was very pleased with the expeditious scheduling of hearings on S. 1806—cosponsored by 10 other Senators: GOLDWATER, HART, LEVIN, KASSEBAUM, RUDMAN, STENNIS, DECONCINI, CHILES, BINGAMAN, and BYRD. The Rules and Administration Committee, under the leadership of the distinguished chairman from Maryland, Senator MATHIAS, held a hearing of Members of Congress on January 22. Hopefully, further hearings will be held by early March so that the committee will have time to report out a comprehensive package reform in time for Senate and House consideration.

I want to reemphasize my hope that, through these appropriate channels, the Senate will have a chance to vote on a bill early in the spring.

I feel it is only fair that I reiterate my resolve that, if a bill does not progress to the floor of this House, I intend to bring up my bill again and again and again, until the full Senate is given the opportuntiy to speak publicly on this issue of conscience.

Mr. President, in the interest of keeping my colleagues apprised of public opinion and thought on this issue, I ask that the following editorials from 33 States be printed in the RECORD.

The editorials follow:

[From the Norman (OK) Transcript, Oct. 30, 1985]

ONE SMALL STEP

A few U.S. senators, including Oklahoma's David Boren, this month waded into the ongoing controversy over the role of special interest money in political campaigns. Their intent is to limit the influence of a growing number of so-called political action committees, which have pushed the cost of campaigning beyond reason in recent years.

Sen. Boren has submitted a bill that would restrict the amount of money House and Senate Candidates may accept from the special interests represented by these PACs. Two of his Senate colleagues, Republican Charles McC. Mathias of Maryland and Democrat Paul Simon of Illinois, have proposed limited public financing of Senate campaigns.

Of the two bills, the Oklahoma Democrat's measure represents the more straightforward approach. It would impose a $100,000 cap on the amount a House candidate could receive in PAC contributions in any one election cycle. The limit for Senate candidates would be from $175,000 to $750,000, depending on the size of a state's population. The bill also would reduce from $5,000 to $3,000 the amount a single PAC could contribute to a candidate, while raising from $1,000 to $1,500 the amount an individual could contribute.

Sens. Mathias and Simon would create a voluntary income tax checkoff system similar to the existing checkoff for presidential campaigns. Extending public financing to Senate campaigns is a good idea, but the senators do not go far enough. They would apply the financing only to general elections for the Senate, leaving untouched Senate primaries, all House elections and the ability of PACs to independently spend unlimited amounts for or against candidates.

Mr. Simon contends that reform must be accomplished "one step at a time." To be sure, congressional resistance to any reform that might restrict the generosity of special interests is such that only the most studied and diplomatic approach has a chance of succeeding.

Yet, if we are to realize just one small step at this time, Mr. Boren's proposal offers the more meaningful gain. It goes straight to the heart of the problem—the PACs. These supposedly independent groups put some $103 million into congressional campaigns last year. That's eight times as much as candidates received from PACs in 1974.

The Oklahoma senator who does not accept PAC money, correctly observes that PACs are "eroding the public confidence in the electoral process, increasing the danger of actual or apparent corruption of the political process, driving up the cost of campaigns and leading to increased difficulty in reaching a national consensus."

The primary obstacle to reform, obviously, is that a great many lawmakers have come to rely upon PACs money. And they become more reliant each year, as PACs raise the cost of staying in office.

[From the Anchorage (AK) Daily News, Dec. 2, 1985]

MONEY AND POWER: A BIG VOTE TUESDAY

In Washington, political action committees are like the weather: Everybody talks about them but nobody does anything about them. Members of Congress would rather endure the storms PACs create than take a chance on changing the political climate.

But now Sen. David Boren, D-Oklahoma, is sponsoring an amendment to reverse the steady growth of PAC power in Congress. The amendment is schedule for a Senate vote Tuesday.

PACs—political action committees created by businesses, labor unions, trade organizations and other interests group to give money to political candidates—have been steadily gaining importance in Washington since the inadequate reforms of the Nixon era. In 1976, there were 1,000 PACs; today there are 4,009, and political action committee contributions have increased five-fold. They constituted more than one-quarter of all the money raised in Congressional races in 1984—$104 million.

None of this, of course, is lost on the people on the receiving end of these contributions. Sen. Barry Goldwater pointed out in recent Congressional testimony, "The massive involvement of PACs in federal elections is distorting the election process."

In the current House of Representatives, more than 150 members received half or more of their campaign funds from PACs. Meanwhile, 23 of the 33 senators elected in 1984 each raised $500,000 or more from political action committees.

Needless to say, political contributions go where they can make the most impact; in the past six months, the 50 members of the House and Senate tax-writing committees have received more than $10 million from PACs.

Defenders of political action committees say their campaign contributions do not buy votes. But no one denies that political contributions do buy access, and too often, he who has access has the last word. Consider Texas Congressman John Bryant's observation: "Any time someone, whether a person or a PAC, gives you a large sum of money, you can't help but feel the need to give them extra attention, whether it is access to your time or, subconsciously, the obligation to vote with them."

Sen. Boren's amendment will not eliminate PACs. But it will limit the amount of money a candidate can accept from all political action committees in each election. It will lower the individual PAC contribution limit from $5,000 to $3,000, and close some of the loopholes that allow PACs to serve as conduits for other groups without counting such contributions toward the PAC's limit.

Money talks in Washington but it shouldn't be permitted to overwhelm other voices. That's why it's important that Sens. Ted Stevens and Frank Murkowski support Sen. Boren's amendment Tuesday.

[From the Trenton (NJ) Times, Dec. 3, 1985]

UPSETTING THE TROUGH

"As far as the public is concerned, it is the PACs and the special interests they represent, and not the people, who set the country's political agenda . . . To make representative government work the way the framers designed it, elected officials must owe their allegiance to the people and not to the wealth of groups who speak only for selfish fringes . . ."

That's not some wild-eyed populist radical speaking. That statement was made recently by Senator Barry Goldwater (R-Arizona), who, like other responsible political leaders of both parties, has seen the insidious influence on Congress of unlimited campaign contributions made by political action committee (PACs). In the 1974 election, there were 608 PACs and they contributed a little over $12.5 million to congressional candidates. Today they number 4,000; and in the 1984 elections they made more than $100 million in contributions.

And, of course, the astronomical growth of PACs didn't stop there. "The special access and influence enjoyed by PACs," says Common Cause, "will continue to increase until Congress takes decisive action to contain the PAC system." That system, which allows any candidate to receive as much money as he can tote to the bank, is already a scandal. Perhaps, as some defenders of the present system contend, not all congressmen are influenced in their voting by PAC dollars, but there is ample evidence that those dollars buy political access for powerful lobbies, and that in itself distorts the ability of congressmen to represent all of their constituents equally.

In the words of Rep. Barbara Mikulski, D-Maryland, the present system, which allows the formation of as many PACs respresenting a single special interest as the traffic will bear—each contributing up to $5,000 per candidate—is threatening to create a "coin-operated Congress."

Fortunately there is bi-partisan legislation, the Boren-Goldwater Bill, that would put a lid on the amount of PAC money congressional candidates can accept. It is expected to be voted on today in the Senate. How it comes out will be the true test of every member of that body.

[From the Albuquerque (NM) Journal, Dec. 7, 1985]

CONGRESS STILL FOR SALE

Perhaps some congressmen feel they are worth more than the proposed limits placed on campaign contributions by political action committees as proposed in the Boren-Goldwater amendment. Perhaps some simply hope to defer any action until after next year's congressional elections. Whatever the reasoning of Sen. Pete Domenici, R-N.M., and others opposed to the limitation, perhaps Sens. David Boren, D-Okla., and Barry Goldwater, R-Ariz., should feel fortunate that the amendment was sent to the Rules and Administration Committee instead of being defeated.

The proposal, while not doing away with PAC contributions, would at least limit their growing influence in U.S. politics. It calls for capping the amount of money House candidates can accept from PACs at $100,000, with Senate candidates limited to a range on contributions between $175,000 and $750,000, depending on the size of their states. It also would lower to $3,000 from $5,000 the amount of money PACs may give federal candidates.

The proposal deserves passage. PAC intrusion into this country's democracy has become too pervasive.

In the 1974 general election, 608 PACs contributed $12.5 million to congressional candidates. In the 1984 elections, there were 4,000 PACs. House candidates in last year's general election received $74.3 million in PAC contributions, according to a study by Common Cause. That compares to $58.1 million in the 1982 general election. Combine House and Senate races in 1984, and PACs contributed $113 million, some 25 percent more than in 1982. Incumbents in both the House and Senate are vastly favored by PACs; 70 percent of PAC contributions went to incumbents last year.

Had this amendment's restrictions been in effect in last year's general election, PAC contributions to Senate candidates would have been halved, to $14 million from $28 million.

But more disturbing than the willingness of special-interest political action groups to contribute huge sums of money to congressional candidates is the willingness of the candidates to accept this money—and to accept it so shamelessly. Even if it is true that the congressmen are not being bought, that perception certainly exists. It is a perception that damages the credibility of politicians and that contributes to skepticism about the U.S. political process.

While some might argue the free speech restraints of the amendment are disturbing, the consequences of unlimited PAC spending are drastic. And there is legal precedent for such limitations. The Supreme Court ruled last year that Congress cannot limit independent spending by PACs on behalf of publicly funded presidential candidates—that is money not given directly to a candidate but spent on the candidate's behalf through advertising and other expenditures. But the ruling did not affect limits on the amounts of money PACs may contribute directly to candidates, a separate provision. In 1976, the court upheld limits on campaign contributions on the grounds the limits prevent corruption. But it struck down limits on campaign spending by candidates or individuals. It would appear that Boren's proposal thus would pass constitutional muster.

Combine legal precedent with ethical considerations and it is a good bill. Boren should, as he has promised, try and try again until it passes.

[From the Kansas City (MO) Times, Dec. 6, 1985]

MOMENTUM AGAINST PAC'S

The Senate dodged an up-or-down vote on the growing controversy over huge contributions by political action committees to congressional candidates. But it became obvious after Tuesday's showdown that time has run out for ignoring or delaying action on this horrendous problem. Advocates of reform succeeded in putting the Senate on course toward reworking campaign finance laws.

The vote on the PAC issue showed that an overwhelming majority of the Senate, when forced to cast a recorded vote on special interest contributions, either favors limitations or does not have the courage to vote against them. That was evident in the 84-7 tally against tabling the reform legislation. Adoption of that motion would have killed the measure.

Second, the Senate skirmish, brought on by an amendment of Sen. David Boren of Oklahoma, ensures more public exposure on campaign financing. The leadership promised hearings would be held in 1986, possibly as early as next month.

The commitment came after opponents of PAC restrictions concluded they could not defeat the Boren proposal. Sen. Boren said he would pursue his amendment, which remains alive, if the committee has not acted by March 1. The senator is attempting to cap contributions which House and Senate candidates receive from interest groups and otherwise tighten campaign rules.

While this amendment has merit, the committee study could provide a much more comprehensive examination of all troublesome aspects of campaign finances, including negative advertising and public financing of congressional races. Action on campaign financing is rare in Congress. It has been a decade or so since the Senate took up the subject.

One obvious reason: The present statutes heavily favor incumbents. The Federal Election Commission notes that House and Senate members received 70 percent of the $113 million in PAC donations to candidates who sought federal office in 1984. That is a 29 percent increase over 1982.

No one is saying PACs should be abolished. They can play a role in campaigns. Unfortunately, their activities have gotten out of hand. Sen. Barry Goldwater of Arizona, a strong supporter of reform, sums up the problem this way: It is the "PACs and the special interest groups they represent who set the country's political agenda and control nearly every candidate's positions on the important issues of the day."

It's a sad commentary. The Senate and House, had best set about protecting the political and legislative process from special interest groups without further delay.

[From the Janesville (WI) Gazette, Nov. 13, 1985]

PAC-LIMIT PROPOSAL DESERVES SUPPORT

Financing of congressional election campaigns has become a national disgrace. The role of special interest groups has been felt more and more in each election. The time for real reform is long past due.

A proposal establishing for the first time an overall aggregate limit on the total amount of political action committee (PAC) money a congressional candidate could accept will be offered by Sen. David Boren (D-Okla.)

Common Cause, a strong supporter of curbing PAC influence, reports that Boren's proposal is supported by a bipartisan coalition of senators spanning the political spectrum. Principal sponsors in addition to Boren are: Barry Goldwater, R-Ariz.; Gary Hart, D-Colo.; Nancy Kassebaum, R/Kan.; and Carl Levin, D-Minn.

Since 1974, when Congress passed a system of public financing for presidential elections but left the door open for special interest money to flood their own campaigns, the problems with the congressional campaign finance system have mounted. In 1974, 608 PACs gave congressional candidates a total of $12.5 million. By 1984 that total had skyrocketed: House and Senate candidates received more than $100 million from 4,000 PACs for their 1985 election campaigns.

Other graphic evidence of big PAC bucks: From Jan. 1 through June 30 of this year, the 56 members of the congressional tax-writing committees received $3.7 million from those special interest groups. Common Cause says that's three times more than the $1.1 million that PACs gave these same members during the first six months of 1983.

Senate Majority Leader Robert Dole, R-Kan., has said that PACs make "it much more difficult to legislate. We may reach a point where everybody is buying something with PAC money. We cannot get anything done."

In addition to the aggregate PAC limits, the Boren bill would lower the current PAC contribution limit from $5,000 to $3,000 per election; raise the individual contribution limit from $1,000 to $1,500; close loopholes which allow PACs to evade the contribution limit; tighten the definition of independent expenditures; and provide candidates who have been targeted by independent expenditure advertisements the opportunity to respond.

Major reform of congressional financing methods is way overdue. The Boren bill designed to accomplish just that is sorely needed. The time for action is now.

[From the Keene (NH) Sentinel, Dec. 9, 1985]

SENATE SHAME

In searching for just the right word to describe the U.S. Senate's maneuver December 3 to sidetrack a PAC-limit bill, "sleazy" comes to mind. "Dishonest" also fits. If a highschool student council behaved the way the Senate behaved that day, the faculty adviser would be fired.

The senators hope their constituents won't understand their trickery. In fact, they took steps that will allow them to misrepresent what they did, should anyone ask. Bear with us while we try to prevent them from getting away with it.

First a little background.

The United States Congress is for sale—or at least some of its members are. Business and labor political-action committees have become a key part of campaign financing. Without them, some senators and congressmen would certainly be back on the ranch today. When the PACs' special interests are threatened—by tax proposals or consumer-protection legislation or labor-union reform or whatever—the PACs call in their chips.

It's impossible to prove that any given senator voted a certain way because he received a lot of money from interested PACs.

But everyone knows it happens. The correlations between PAC contributions and votes are too consistent to be the work of chance.

There have been a lot of proposals to limit PAC influence; New Hampshire Senator Warren Rudman made one a year or so ago. The only way PAC-induced corruption can be curbed is through legislation. But legislation must be passed by the very senators and congressmen who constitute the problem.

So what do they do when one of their colleagues puts a PAC-limit bill in the hopper? They weasel. That's what happened December 3.

The bill, in the form of an amendment, was introduced by Senator David Boren, an Oklahoma Democrat. It was a modest enough proposal: It would have put an overall limit on the amount of PAC money any individual congressional candidate could accept. The cap would be $100,000 per campaign for the House, and between $175,000 and $750,000 per campaign for the Senate, depending upon the population of the state.

Boren's amendment wouldn't have stopped PAC corruption, but it would have worked against purely PAC candidates—that is, candidates bought and paid for by wealth special interests.

Before the debate on Boren's proposal began December 3, Senator Robert Dole announced candidly, "We'll get rid of it one way or the other." He was right.

What the senators did first was agree that only one vote would be taken—either a vote on killing the amendment or a vote on the amendment itself.

Next, Senator John Heinz, the multi-millionaire Republican from Pennsylvania, made a motion to kill the amendment, meaning that the vote on his motion would be the only vote permitted.

Then he invited his colleagues to vote against his motion so they could tell the people back home that they voted for PAC limits.

As it turns out, seven senators voted with Heinz to kill the PAC amendment, including New Hampshire's Gordon Humphrey. Eighty-four Senators voted not to kill the bill—the majority of them with their fingers crossed behind their backs.

Because the senators had agreed to take only one vote they could not, then, go on to vote on the amendment itself. So the reform proposal is dormant for now—and the senators are free to go back to the PAC trough, while telling their constituents that they voted to curb PAC abuses.

The maneuver was shameful. But, where their pocket books are concerned, many members of this Senate are beyond shame.

[From the Medford (MA) Daily Mercury, Dec. 19, 1985]

TOO MUCH PAC MONEY

It is reliably reported that at least one member of the Senate who will be up for re-election in 1990 already has started raising money for that campaign. That might be seen as an act of simple prudence, given the rise in the average cost of winning a Senate seat: from $609,000 to $2.9 million in a mere eight years.

Bearing those things in mind, consider this remark by Sen. David L. Boren of Oklahoma: "It's like getting hooked on a drug. Once you're on it, it's harder to kick the habit." He was referring to the contributions that members of Congress receive, and have come to rely on, from the Political Action Committees (PACs).

Add to that this comment by Fred Wertheimer, the president of Common Cause, who speaks of the PAC "fear factor" he perceives as distorting judgments on Capitol Hill: "It's part of the daily psyche around here. Everybody always asks, how the hell are the PACs going to react to this?"

There may be some exaggeration for effect in that statement. But the PACs do exercise tremendous influence on the electoral process and subsequent legislation. Small wonder: from 600 special interest committees providing $12.5 million to congressional campaigns in 1974 the figure grew by 1984 to 4,000 PACs and more than $100 million.

To their credit, many members of Congress seem to be more and more concerned about this—about how it hurts the congressional image, how it hurts the congressional image, how it influences decisions, how it diverts the energies of members from issue-discussion to fund-raising. To their discredit, they have let the situation get out of hand in spite of warnings and exhortations in recent years, and appear unlikely to bite the bullet of reform in the financing of campaigns.

Legislation aimed at reform is before Congress. Senator Boren has introduced a bill that would limit total PAC contributions to $100,000 for a House candidate, $175,000 to $750,000 for a Senate candidate depending on the state's size; it would also cut the amount any PAC could give to a candidate, and raise the allowable individual contribution. Financing of Senate campaigns with public funds is called for in another bill. These measures should at least serve as springboards for discussion. Something constructive must be done.

[From the Lakeland (FL) Ledger, Dec. 10, 1985]

MORE POLITICAL PARALYSIS

One consequence of having a Congress bought and paid for by special interests is that it becomes incapable of solving the nation's most crucial problems. A political paralysis sets in.

Example: the $211 billion deficit. Congress tinkered a little, but there were too many commitments to be kept to various interests of serious spending cuts in the most likely areas. Too many members are in hock to too many big corporate political action committees and other groups for Congress to seriously contemplate attacking the problem in the direction of spending cuts or tax increases.

But now an ingenious political solution is in the offing, one that will allow congressmen to make all manner of pre-election speeches about the evils of deficit spending and give them leave to issue iron-clad promises to reduce the budget . . . some day.

But "some day" won't arrive until after the next election, and maybe not until the one after that.

The solution-by-procrastination to Congress's problem-called the Gramm-Rudman anti-deficit plan—seems to be working so well that the Senate decided last week to take the same approach on the subject of political campaign financing.

A group of reformers led by Sen. David Boren, D-Okla., had proposed an amendment limiting the amount of PAC money that individual candidates could accept. Florida Sen. Lawton Chiles, D-Lakeland, was among the reform group; the other Florida senator, Paula Hawkins, R-Winter Park, was not.

But just as the moment for a roll-call vote was at hand, the Senate ducked the issue. On the one hand, it went on record in support of campaign financing reform and limitations on PAC contributions; on the other hand, it put off the decision until sometime next year. No one would be surprised to see it pigeonholed again, since nearly one-third of the Senate—including Florida's Hawkins—will be getting ready to run for re-election. By then, 1987 will seem soon enough.

That's the beauty of political paralysis. Its victims can always hope that the disease will go away by itself . . . in a year or two.

[From the Lenoir News-Topic, Dec. 13, 1985]

A LID FOR LOBBIES

Last Tuesday, for the first time in years, the U.S. Senate was about to stand up and be counted on the subject of controlling PACs, the political action committees that pour out special interest money to members of Congress. Which senators support even modest limits on all that special interest peddling? There's still no way to tell, for no such vote took place. The senators ducked. They voted, in an 84-7 blur, in favor of embarrassed obfuscation.

Even that, however, amounts to progress, for until hours before the vote, it appeared likely that a majority would, without embarrassment, bury the bill. Yet it lives on, and the key is that word embarrassment. Festering public impatience is making its mark. If it persists, the senators know they can run but not hide. At some point, they will have to be counted. That's the day real reform can begin, and with luck, it could come by March 1.

The cost of campaigns has increased dramatically because of television and direct mail. Much of the increase has been covered by PACs, seeking single-shot influence on issue after issue. Just Saturday the Federal Election Commission reported that political action committees provided fully 26 percent of the campaign funds for seats in Congress last year.

How can their influence be contained? Some people think costs can be controlled by fiat. They cannot. Television costs what television costs. Hence a second approach is to insist that television give free time to candidates. After all, the argument goes, broadcasters ought to pay, in some form, for their license to use public airwaves. That approach seems just as misguided. Perhaps broadcast licenses should be paid for, but why confuse that with campaign finance? And if one believes in public subsidy for campaigns, then let the subsidy come from all the public, not just television stations.

Public finance seems to us the soundest approach. There's nothing speculative about it; it works well in presidential campaigns. Indeed, in 1974, the Senate passed and the House came close to passing just such a system, and there's every reason to try again. Sens. Charles Mathias of Maryland and Paul Simon of Illinois are doing just that and deserve support. But their bill is given little chance of success in this session.

All the more reason also to press for legislation with a chance in 1986—namely, Sen. David Boren's proposal at least to limit the amount of money PACs can give to candidates. That's the bill the Senate was supposed to vote on last week. Instead, it will now be examined, with the Mathias-Simon bill, by the Rules Committee.

Such hearings can do good—if they don't drag on. If there is no vote by March 1, Boren threatens guerrilla warfare: He'll do everything he can to force a vote, using every piece of legislation that comes along as a vehicle. The rest of us, wielding that weapon of embarrassment, can help.

[From the Quad-City Davenport (IA) Times, Dec. 1, 1985]

PICKING AT THE PAC

Senators soon will have opportunity to show their opposition to the influence of special interest money from political action committees (PACs). A bipartisan Senate group is supporting the Boren amendment to finally place a cap on the money that Senate candidates can receive from the PACs. This effort comes rather late but at least it can stop the runaway contributions from special interests.

Consider that in 1974, there were 608 PACs giving candidates for Congress $12.5 million. Last year there were 4,000 PACs dropping $100 million into the laps of Senate and House candidates. Naturally, incumbents gathered the lion's share of these special interest dollars and added to their election advantage.

The Boren amendment, named for sponsor Sen. David Boren, D-Okla., would still leave a lot of PAC money on the candidates' table, but it would serve to head off this spiraling campaign spending. The amendment would set a $100,000 limit of PAC contributions in a House race and from $175,000 to $750,000 in a Senate race, depending on the size of the State. Each PAC could donate $3,000 instead of the $5,000 allowed now. In return, individual gifts would increase from $1,000 to $1,500. The amendment also would close some of the loopholes by which some PACs currently are evading the contribution limit.

Senators who accept these special interest dollars say they are not influenced by them. But the public isn't convinced—and for good reason. "The bill," said Fred Wertheimer of Common Cause, "is directed at the primary threat now facing our system of free elections and that is the influence and power, both real and perceived, of PACs with their selfish and narrow vision of what is good for the country."

Rep. Mike Synar, D-Okla., a critic of PACs, spelled out the problem. "If the phone is ringing in my office and I have four lines," said Synar, "and my staff tells me there is a PAC on there that gave us $10,000 and just an individual constituent, which phone do you think I'm going to punch in?" PACs unquestionably buy political access. They too easily can make recipients beholden to private interests.

Yes, pass the Boren amendment. Rein in campaign spending that is out of control. Give the people some tangible assurance that they, and not special interests, come first.

[From the Morgantown (WV) Dominion-Post, Nov. 13, 1985]

LIMITING PAC'S

Members and leaders of the two major political parties have been concerned about the amount of money funneled into campaigns by political action committees of one kind or another. The total has grown steadily in the last ten years after campaign fund reform became a major issue in the early 1970s. Now political action committees and their funds have become a major concern.

Sen. David Boren of Oklahoma plans to offer a proposal which, incidentally, is supported by a bi-partisan coalition of senators spanning the political spectrum to the first available legislative vehicle on the Senate floor.

Archibald Cox, chairman of Common Cause, said of the Boren amendment "it strikes at the heart of the evil because it is the increasing dependence upon PAC money and the cumulative impact of numerous PACs representing identical special economic interests that is distorting the political system."

Without decisive congressional action, a Common Cause release noted, the PAC problem will continue to grow. In the first six months of 1985, the 28 incumbent Senators facing re-election in 1986 received an average of $208,194 in PAC funds. This is more than twice the average of $96,528 in PAC funds received during a similar period in 1983 by the 29 incumbent Senators seeking re-election in 1984. A Common Cause study found that 29 Senate candidates in 1984 ended up receiving more than $500,000 each from PACs.

Under the Boren amendment, overall PAC limits for candidates would be figured on a state's population—from $175,000 for Senate candidates in the least populated states to a maximum of $750,000 per Senate candidate in the most populous states. Candidates for the House, according to the proposal, could accept no more than $100,000 for all PACs in each election cycle. If approved, the amendment would go into effect in 1988.

Sen. Boren said at a press conference that he was introducing the legislation, patterned after a bill he offered in 1979, because the time has arrived when it is necessary to place limits on the alarming growth of PACs. He cited statistics showing that in the 1984 elections, 165 members of Congress received half of their contributions from PACs, which have grown in number from 600 in 1974 to 4,009 at the end of 1984, according to the Federal Election Commission. And, the financial activity of PACS rose 10-fold between 1972 and 1982, increasing from $8.5 million to $83.6 million. It's time to place some limits.

[From the Nashville Tennessean, Nov. 13, 1985]

MAJOR REFORM BADLY NEEDED IN U.S. CAMPAIGN FINANCING

With the rising number of political action committees giving growing amounts of money to congressional candidates, there is high concern that unless something is done, representative government may be severely eroded.

In 1974 the Congress approved a system of public financing for presidential elections which has worked quite well. But it left the door ajar for special interest money to be funneled into members' own campaigns. And what seemed to be fairly harmless at first has now turned into a money monster.

In 1974, about 600 political action committees gave Congress a total of $12.5 million. By 1984 there were an estimated 4,000 PACs who provided more than $100 million for congressional candidates running that year.

According to Common Cause, the self-styled citizens lobby, in the first six months of 1985 the 28 incumbent senators facing re-election next year received an average of $208,194 in PAC funds.

Also, according to Common Cause, political action funds to members of the House Ways and Means and Senate Finance Committees during the first six months of this year amounted to $3.7 million—three times more than the same members received during the first six months of 1983.

The reason is simple. The committees have been considering tax reform legislation and special interest groups anxious to keep their hundreds of millions in tax breaks have been pouring the money in with the obvious intent of influencing the tax legislation that will result.

It will only be after the tax reform legislation is written that citizens will have some idea of how much the political action committees did influence it.

Virtually all members of the House and Senate accept PAC contributions almost routinely since the cost of election campaigns—even for House seats—has skyrocketed. But those same members have similar arguments: that even though they take PAC money, it is not the ultimate or even major influence on their votes.

But if the political action committees didn't think their funds would have some effect on voting, it is certain they wouldn't be doling out large sums of money for purely philanthropic reasons.

Both the Senate majority and minority leaders have expressed their concerns in the past over the role of the PACs in congressional elections. Senate Minority Leader Robert Byrd, D-W.Va., introduced legislation to establish an overall limit. Similar legislation was introduced in the House. But such bills got nowhere.

Now, Sen. David Boren, D-Okla., has proposed an amendment to establish a limit on the total amount a congressional candidate could accept. Under that amendment, overall limits for Senate candidates would vary according to state populations. The cap would be $175,000 for Senate candidates in the least populous states to a maximum of $750,000 in the most populous states.

Candidates for the House could accept no more than $100,000 from all PACs in each election cycle.

The amendment would also adjust the limits of PACs for each election; close some loopholes which permit evasion of contribution limits and tighten the definition of independent expenditures.

Short of public financing of congressional elections, which doesn't appear to be possible anytime soon, the best medicine may well be that of Senator Boren, who would put a cap on the money flow as well as a brake on influence buying. It is a needed reform that Congress could and should approve.

[From the Johnson County (KS) Daily News, Dec. 4, 1985]

CONTROLLING PAC'S

Political Action Committees are no small time devices and in fact collected a record $113-million last year for political groups and candidates and may set a new mark in future years if things go on as before.

The U.S. Senate has taken up a bill that would curb their activities in future years.

The measures would put a lid on collections and is long overdue. It is something little short of remarkable that the country has been spared a first class scandal growing out of various actions of the PAC's.

There is little or no control of the committees and controls did exist in earlier years but negative court decisions and the failure of Congress to produce legislation are responsible for existing conditions.

The Senate tried two years ago and made a serious effort, but its good intentions were thwarted by a filibuster.

Corporations have been free to sweeten political pots as never before, even though such contributions were forbidden by federal law. It was a good idea to keep a check on who was given what in the political field and still must be considered as such to this day.

The Federal Elections Commission gives some idea of what the PACs can do out from under the yoke of federal law. The 1983–1984 campaign saw contributions made to 3,064 business, labor and other groups.

It must be hoped that the Senate will get around to meaningful restrictions and the House will follow through in due course. That may be asking for the moon, but there is no harm in trying and there is need of doing just that in ensuing months.

[From the Hammond (IN) Times, Nov. 13, 1985]

CONGRESS IS "PAC-ING" IT IN

The alarming growth of political action committees (PACs) funding congressional campaigns is a scandalous threat to the nation's electoral system.

A torrent of special interest money has filled the coffers of many congressional members since PACs arrived on the political scene more than 10 years ago. In 1974, 608 PACs gave congressional candidates a total of $12.5 million. By 1984, House and Senate candidates accepted more than $100 million from 4,000 PACs to help fund their 1984 campaigns. A Common Cause study found 29 Senate candidates received more than $500,000 each from PACs.

Meanwhile, a Democratic Study Group report revealed the small campaign contributor, defined as one donating less than $100 to a candidate, is rapidly disappearing from the political scene.

Sen. David Boren, D-Okla., is one of few members of Congress who refuses to accept PAC contributions. He has introduced legislation which would limit the amount of PAC contributions congressional members may accept.

"It's no wonder Congress has trouble voting in the national interest when election campaigns are being financed by more and more special interest groups," Boren said.

We agree with him. We also like Boren's PAC legislation.

Boren's bill would limit PAC contributions to House candidates to $100,000 per election cycle. PAC contributions to Senate candidates would vary in accordance with state population, with a low of $175,000 and an overall cap of $750,000. The current PAC contribution limit per candidate would be lowered from $5,000 to $3,000.

While we think Boren's legislation still permits too much PAC influence on candidates, it is nonetheless a start toward attacking a campaign finance system which is eroding public confidence in the electoral process and making it difficult for our leaders to reach a consensus on national issues.

A good example of potentially dangerous PAC influence on legislation is in the area of tax reform. According to Common Cause, 56 members of the congressional tax-writing committees received $3.7 million from PACS this year, which is three times more than the $1.1 million PACs gave these same members in 1983. It's frightening to think how many of these PACs are special interest groups anxious to preserve their hundreds of millions of dollars in tax breaks.

Although Boren's legislation doesn't completely alleviate the problem of special interest influence on congressional members and candidates, it is still a mechanism for slowing the growth of PACs. Without decisive congressional action, the PAC problem will continue to grow at its alarming pace.

[From the Enid (OK) Morning News, Dec. 8, 1985]

PAC LIMITATIONS VITAL

The Senate has kept Sen. David Boren's proposal to limit political action committees campaign contributions alive.

That's encouraging because reform is needed.

Senators voted 84–7 this week against a motion to kill the Oklahoma lawmaker's bill. The vote was misleading by its overwhelming appearance because senators were not forced to take a stand on the politically-sensitive issue.

But by agreeing to consider the measure next year, lawmakers have at least taken a step toward reducing the influence of special interest groups.

Boren perceives the growing influence of political action committees as the primary threat facing our representative form of government. He joined forces with Sen. Barry Goldwater, R-Ariz., in introducing the legislation that would limit the overpowering influence of PACs on congressional campaigns, and consequently on congressional decision-making.

As we have noted previously, the proposal has merit. PACs have grown to the point where the special interests they represent often overshadow the influence of voters and individual campaign contributors.

A decade ago there were 608 PACs that contributed a total of $12.5 million to federal candidates. Last year, 4,000 PACs gave more than $100 million.

In the meantime, individual candidates' dependence on PAC funds has grown, with the dependence especially pronounced among incumbents. Some 150 present House members, for instance, received more than half of their campaign funds last year from PACs.

The political action committee dollars buy valuable political access for special interests.

The inevitable result is that decisions on major national issues tend to be based less on what is best for the country than on how the PACs stack up.

The Boren-Goldwater proposal would limit to $100,000 the total amount a House member could accept from PACs. Senate candidates would face limits ranging from $175,000 to $750,000, depending on state population.

If these limits had been in place last year, they would have cut PAC funding for senatorial candidates in half.

The limits sought by Boren and Goldwater would curb special-interest influence in Congress and elevate the importance of individual contributions and the broader public interest they represent.

Boren will face a tough battle when his proposal is taken up next year. If he succeeds in shepherding this important measure into law, it will be a major achievement for Oklahoma's senior senator.

[From the Lynchburg (VA) News & Daily Advance, Dec. 12, 1985]

SENATE WADDLES AROUND LID ON LOBBIES

(By Robert Wimer)

Political action committees have, in effect, made Christmas a year-round affair for members of Congress. The committees don't restrict financial gifts to their favorite congressman or woman to the Yuletide season—or to the election campaign season, for that matter.

Depending on the lawmaker's seniority and committee memberships, the PAC-money flow is dictated more by legislation in which the special interests have a stake than by the calendar or other seasonal considerations.

Several members of the Senate sought last week to reduce the power of special interest groups in political campaigns with a bill to curb the influence of political action committees. After two days of debate, they came up short in a vote that skillfully skirted the issue.

An overwhelming vote of 84–7 against killing the proposal offered by Sens. David L. Boren, D-Okla., and Barry M. Goldwater, R-Ariz., resulted in the measure's being sent to a committee for further study. Better (for the senators) and worse (for the public), the decision saved them from having to vote to cut PAC contributions on which they depend for re-election money. At the same time, the delay will let them point to their vote as recognition of the need for campaign financing reform.

So for the time being, they get it both ways. Boren said he would not wait indefinitely for the matter to be studied. Nor should he.

Boren's campaign finance reform bill did not seek to eliminate financial gifts from the special interests; it merely sought to limit the contributions. It would have limited House candidates to $100,000 in PAC money and Senate candidates to between $175,000 and $750,000 per campaign depending on the size of their states. The formula for senators would boil down to $35,000 times the number of congressional districts. Under that formula, then, Virginia senate candidates would be limited to $350,000 in PAC money.

The measure also would have cut the amount a PAC could legally contribute to a single candidate from $5,000 to $3,000. The effective date for these measures would have been Dec. 3, 1986, with the 1988 election cycle the first to have been affected.

Those who doubt that political action committee contributions are made by groups seeking special protection from federal law or proposed legislation need look no further than Congress' two tax-writing committees. Common Cause reports that contributions to the 56 members of the House Ways and Means and Senate Finance committees totaled $3.7 million during the first six months of this year. That's more than three times the amount the same committee members received during the first six months of 1983.

In case you've been living under a rock for the past six months, those two committees have been considering tax reform legislation that has more than a passing interest for groups anxious to preserve hundreds of millions of dollars in tax breaks.

Some have argued persuasively that denying PAC contributions to candidates would be to limit individual freedoms of speech and expression; that the committees and their contributions give certain groups a voice they would not otherwise have. In short, PAC members say there's nothing wrong with getting a congressman's attention with a little money.

But aren't they buying his attention? The PACs do give those groups a voice, but at what cost? Should votes in Congress on decisions supposedly made in the interests of what is best for the nation be for sale?

Political action committees exist for one reason: the pursuit of a narrow special interest. Realtors, bankers, contractors, farmers, liberals and conservatives all have PACs. When the members of a PAC judge a candidate they do so on the basis of how that person has voted or acted on issues of concern to the PAC. That judgment is rarely made on the basis of whether the candidate's overall record has been in the best national interest.

Is that fair? Is that what the framers of the Constitution had in mind when they set up a government of, by and for the people?

I don't think so. Contributions from political action committees give the special interests a disproportionate influence over Congress and the legislation that comes before it. That influence is being bought with campaign cash.

Congress needs to come to grip with the public perception that its votes are for sale to the highest bidder. It shouldn't take a Senate committee long to reach that conclusion. And the senators could oblige by not ducking on the next vote that would put limits on PAC contributions.

[From the Salina (KS) Journal, Dec. 3, 1985]

UN-PAC CONGRESS

The "Pac-man" jokes about the U.S. Congress' dependence on contributions from political action committees were at first mildly amusing.

The dependence is not funny anymore. It's time to un-PAC Congress.

The Senate has the opportunity to begin doing so this week.

Senators are scheduled to vote today on a bill that would for the first time impose a lid on how much money congressional candidates can accept from PACs.

The bill would restrict House candidates to $100,000 in PAC contributions during each two-year election cycle. Senators would have flexible limits of $175,000 to $750,000, depending on the population of the state they represent, and thus the number of potential voters they must reach.

The restrictions are needed. Congress is rapidly becoming what Rep. Barbara Mikulski fears: "a coin-operated Congress. Instead of two bits, you put in $2,500 and pull out a vote."

PACs are not just groups of individuals concerned about the best possible government. They are groups of individuals organized to insure that their specific cause or group wins favor in legislation.

Those who say PAC money is not tied to specific votes ignore the reality in which PACs keep careful score of how Congressional representatives vote on bills in which the PAC is interested and then hand out bucks to friends.

Cutting back on PAC money will be tough.

Many senators have stashed away hefty campaign chests thanks to big PAC contributions. Checks from PACs in record amounts have been sliding across senators' office thresholds this year.

Common Cause, which supports the PAC limits, recently reported that the 28 incumbent senators facing reelection in 1986 received an average of $208,194 each in PAC funds during just the first six months of 1985.

If that rate continues, the campaigning senators will receive more than twice as much PAC money as the incumbent Senate candidates did in the 1984 race.

Some impressive names in the Senate are lined up in support of the proposal: Barry Goldwater, Gary Hart, Carl Levin, and John Stennis, as well as Kansas' own Nancy Kassebaum.

The names don't insure passage, however, the Senate as a whole will still have to summon the guts to push back from the feasting table and decline those huge helpings from PACs' groaning boards.

[From the Huntington (WV) Herald-Dispatch, Nov. 17, 1985]

THE PAC MENACE

A decade ago, in 1974, members of the House and Senate enacted a system of public financing for presidential elections but left the door open for special interest money to flood their own campaigns.

In the years since, problems with the congressional campaign finance system have grown steadily more acute.

In 1974, 608 political action committees (generally called "PACs" for short) gave congressional candidates a total of $12.5 million. By 1984, those numbers had skyrocketed, with House and Senate candidates receiving a total of more than $100 million from about 4,000 PACs.

And without decisive congressional action, the PAC menace will continue to grow.

In the first six months of this year, the 28 incumbent members of the Senate facing reelection in 1986 received an average of $208,194 in PAC funds. This is more than twice the average of $96,528 in PAC money received during a similar period in 1983 by the 29 incumbent Senators seeking reelection in 1984.

The very real danger is that these free-spending special interest groups—each with its own ax to grind—will drown out the voice of the ordinary voter.

A number of key lawmakers have tried—unsuccessfully, thus far—to tame the PACs. In 1981, for example, Sen. Robert C. Byrd, D-W.VA., introduced legislation that would have placed a "cap" on the amount of PAC money any individual lawmaker could accept.

Now Sen. David Boren, D-Okla., supported by a bipartisan coalition of his fellow senators, has announced that he intends to offer a similar measure, one that would take effect with the 1988 congressional election cycle.

It's already too late to do anything about PAC's and the 1986 election.

But Boren's proposal represents the kind of action clearly needed if the PAC menace is to be brought under control. Had it been in effect during the 1984 elections, PAC contributions to Senate candidates would have been cut in half.

Under the Boren amendment, overall PAC limits for Senate candidates would vary according to state population. Candidates for the House could accept no more than $100,000 from all PACs in each election cycle, and the limit on PAC contributions to a single candidate for an election would be reduced from the current $5,000 to $3,000.

These limits would dramatically reduce the amounts of PAC money received by congressional candidates and would stop the extraordinary growth of PAC influence on our democratic process.

As Dr. Robert T. Hall of Charleston, executive director of Common Cause/West Virginia, aptly puts it: "The Boren amendment gives the Senate an historic opportunity to take major steps to improve our political campaign system. Voting in favor of the proposal will show that our senators are firmly opposed to the inordinate influence of special interest money."

[From the Gary, IN, Post-Tribune, Dec. 9, 1985]

KEEP CAMPAIGNING FOR REFORM

Well, members of the U.S. Senate last week wiggled out of taking a stand on limiting the amount of money congressional candidates can receive from political action committees. But at least the proposed PAC contribution limitation bill wasn't killed.

Proponents and opponents of the bill struck a compromise that calls for a thorough study of the issue leading up to floor debate early next year.

The major objection to the vote involved the bill being brought to the floor without hearings before the Rules and Administration Committee. This, however, is an issue Congress must tackle soon. Conducting a study could result in a more comprehensive and better bill. The thing is to make sure Congress doesn't drop the issue.

Federal Election Commission statistics show that PAC contributions jumped from $8 million in 1974 to $113 million in 1984. Incumbents got $4.50 for every $1 going to challengers last year. Soon it will be impossible to find willing challengers. And as PAC money has increased, individual campaign contributions have dropped. People feel they no longer have any control over the election process.

PACs aren't all bad. People should have a way to pool resources to promote mutual interests; that is often the only way concerns get a hearing. But PACs have gotten out of control, thanks to big-money groups.

And PACs aren't the only problem. PACs have flourished because campaign costs have soared. A whole regimen of campaign reform is needed if the people are to ever again feel that they have a part to play in American politics.

This is the kind of issue that officials don't like to face because it means putting conscience and the good of the country above self-interest. But it is one they must not ignore.

[From the Post-Register, Idaho Falls (ID), Nov. 27, 1985]

LIMITING PACS' CONTRIBUTIONS WILL LIMIT THEIR CONTROL

If only the words of Barry Goldwater and none of the other testimony were used in the argument to control political action committees' contributions to congressional candidates, it would be reason enough to support the pending legislation.

Goldwater said, "As far as the public is concerned, it is the PACs and the special interests they represent, and not the people, who set the country's political agenda and control a candidate's position on the important issues."

The Senate is scheduled to debate and vote on the Boren-Goldwater amendment Dec. 2 and 3. It would place a limit of $100,000 on the amount a House candidate can accept from all PACs in one election cycle and up to $750,000 for a Senate race. It provides for runoffs and when multiple candidates qualify, lowers the current PAC contribution limit from $5,000 to $3,000 and raises the individual limit from $1,000 to $1,500.

It is not expected to solve all campaign funding problems and is not overly restrictive, but it does put reasonable limits on PAC contributions. It should be passed.

PAC contributions and political campaign spending is completely out of control. The voice of the people with elected officials is overshadowed by PAC's lobbyists who buy

access to congressmen with contributions. Individual donations become meaningless.

Even if done through PACs, individual contributions represent only a special interest goal, not even an overall political philosophy.

The bill's co-sponsor, Sen. David Boren of Oklahoma says, ". . . we must focus our immediate attention on this problem which threatens the integrity of our election process."

Therein lies the purpose of this legislation—to limit undue influence of PACs on the election and congressional voting process.

People who make their contributions through PACs are delegating their voice to those lobbyists and PAC representatives. Goldwater claims PAC contributions are discouraging voter turnout. If in fact they are, people are not only delegating their voice, they are delegating their vote to PACs.

When senators themselves are of the opinion that the election process is in jeopardy and PACs' representatives are unduly influencing congressmen's votes, then it is time to limit the dangerous role PACs are playing

There is another advantage to limiting contributions. Candidates would no longer be able to afford starting the campaign years ahead of the election. The campaign time frame would automatically be limited.

Idaho's two senators hold front row seats in the PAC contribution convention line.

They too should follow the lead of "Mr. Conservative," a senator who is more concerned about the republic and the political process than his own political well-being and fortune.

It is time to change the course politics and elections are taking—control by PACs. The Senate could do that to some degree by limiting PAC contributions.

[From the Daily Local News, West Chester (PA), Dec. 3. 1985]

SENATORS ARE FACING DECISION ON ELECTION REFORM MEASURE

A most important vote will be held in the U.S. Senate today—a vote which could have repercussions in future congressional election campaigns and on congressional decisionmaking.

The vote will be on a proposal to limit the amount of money special interest groups can donate to a congressional candidate. The bipartisan proposal to curb the spending was drafted by Sens. David Boren, an Oklahoma Democrat and Barry Goldwater, an Arizona Republican.

The proposal should be passed by the Senate. A yes vote will curb the pressure and diminish the influence special interest groups have on those we elect to draft and enact the laws which govern us.

The number of, and power wielded by political action committees (PACs) has increased dramatically in recent years. In 1974, there were 608 PACs which contributed $12.5 million to congressional candidates. In its recent report, the Federal Election Commission reviewed 4,347 PACS which gave $113 million into campaign coffers during the 1983-84 election cycle.

Most of the money contributed by these special interest groups—$80.6 million or 70 percent—went to Senate and House members seeking reelection according to the commission, Challengers received only 16 percent of the PAC funds while candidates vying for open seats received the remaining 11 percent.

The commission said the National Conservative Political Action Committee topped all special interest groups in spending, shelling out much of its $19.3 million in the last election cycle on negative advertising opposing liberal incumbents. The second biggest PAC spender was the Fund for the Conservative Majority, with $5.4 million. Third was the National Congressional Club, organized by Sen. Jesse Helms, R-NC., with $5.3 million.

While these top three PACs spent their money independently, the biggest contributors to congressional candidates during the past election cycle included the Realtors PAC, with $2.4 million; the American Medical Association, $1.8 million; the National Association of Home Builders, with $1.6 million; the National Education Association, $1.5; and the United Auto Workers, with $1.4 million.

The Election Commission report showed corporations continue to outspend labor in PAC contributions. Corporate PACs gave $32.2 million to congressional candidates, while labor contributed $28.1.

Common Cause, a citizens' lobby in Washington, reports that despite denials, members of Congress are influenced by PAC contributions. There is little doubt PAC funds buy political access. As an example, Common Cause notes in the first six months of 1985, PACs gave three times more money to members of the congressional tax-writing committees than they did in the first six months of 1983. They want preferential tax treatment in any tax reform bill, according to Common Cause, and they're getting it. The House Ways and Means Committee recently adopted several new special provisions to benefit very special groups of people.

The Boren-Goldwater amendment would limit PAC contributions to $100,000 for House candidates and $175,000 to $750,000 for Senate candidates, depending on the state's population. Such a proposal would have cut PAC contributions in the 1984 congressional elections from $28 million to $14 million.

Sen. Goldwater succinctly stated the need for election spending reform when he co-authored the amendment facing the Senate vote today. He said, "The bill is directed at the primary threat now facing our system of free elections and that is the influence and power, both real and perceived, of political action committees with their selfish and narrow vision of what is good for the country."

[From the Lansing (MI) State Journal, Nov. 18, 1985]

TOUGHER PAC LIMITS VITAL

Political reformers have been warning for years that Political Action Committees (PACs) must be reigned in on their contributions to members of Congress if we are to restore integrity and public confidence in the election process.

Right now there is growing perception that the Congress is being bought by big-money PAC interests of all kinds. That perception may not be far off if one considers the facts from such groups as Common Cause. The national citizens lobby notes, for example, that in the last national election cycle, 163 members of the U.S. House received over half of their campaign contributions from PACs. It was further noted that 36 percent of the House members in the same period received over half of their contributions from single-issue PACs.

PACs, of course, represent special-interest lobbies designed to persuade members of Congress to vote the right way on issues of importance to them. Under present law the PACs are limited to one $5,000 contribution to each candidate in any one year. But the number of PACs has proliferated at such an enormous rate that the thing has become a gold mine for candidates.

Common Cause notes that this increased flow of cash has also increased the average cost of House elections by 230 percent in the last eight years. PACs also tend to favor incumbents and the candidate without any is battling uphill all the way.

U.S. Sen. David Boren, D-Oklahoma, backed by such prestigious leaders as Sen. Barry Goldwater, R-Ariz., are now pushing a reform bill that merits passage. It would put some tougher controls on PAC operations:

Limiting to $100,000 the aggregate amount any House candidate can receive from all political action committees in one election year. The limit for the Senate would vary with state population with a cap of $750,000 per senator. Additional money would be allowed in the event of runoff elections.

The plan would lower the current PAC contribution per candidate from $5,000 to $3,000 and raise the individual personal contributions from $1,000 to $1,500. The plan also would close some loopholes in the law that have increased the amount candidates can receive.

Boren pointed out that similar reform legislation has been introduced several times during the last few years and Congress has always refused to act. There have been arguments that Congress should wait and hope for better public financing methods in elections or "wait until after the next election."

Boren rightly says that's not acceptable. He said: "The implications of a growing tide of PAC influence is so great today that we must focus our immediate attention on this problem which threatens the integrity of the election process."

He is right. Goldwater, a senior veteran of the Senate and certainly one of its most respected members, had this to say in support of the Boren bill: "As far as the public is concerned, it is the PACs and the special interests they represent, and not the people, who set the country's political agenda and control a candidate's position on important issues.

"To make representative government work the way the framers designed it, election officials must owe their allegiance to the people and not the wealth of groups who speak only for selfish fringes of the whole community."

That says it all. Boren's bill would take effect at the end of 1986, on time to impact the 1988 elections. The time to act is now.

[From the Lincoln (NE) Star, Nov. 21, 1985]

BUYING OF ELECTIONS NEEDS TO BE STOPPED

If Sens. David Boren, D-Okla., and Barry Goldwater, R-Ariz., have their way, the 1988 elections would be conducted under new campaign spending regulations. It would be about time.

Common Cause, a Washington-based consumer advocate group, reports on the Political Action Committee spending limits that Boren and Goldwater are pushing in the Senate. Goldwater has testified that in the 1984 congressional races, PAC contributions accounted for 25 percent of total spending.

"As far as the public is concerned," Goldwater said, "it is the PACs and the special interests they represent, and not the people, who set the country's political agenda and control a candidate's position in important issues. To make representative government work the way the framers designed it, elected officials must owe their allegiance to the people and not the wealth of groups who speak only for selfish fringes of the whole community."

Boren noted that PACs do not represent a broad-based constituency, even though their membership may so indicate. Usually, he said, the real decisions about allocating PAC money are made by a handful of lobbyists in Washington and not by the PAC contributors.

The Boren-Goldwater measure, also, would require equal time to answer negative advertising on television.

In our democracy, it is not an easy thing to limit campaign contributions. But in recent years, the election spending tide has begun to run heavily toward massive financial outlays.

Right now in Nebraska, candidates are seeking to determine their potential financial support before deciding on whether to enter the 1986 race for governor. Candidate abilities will still count in that race but we are not sure that ability will be the primary factor in the outcome.

The Nebraska governorship could well go in 1986 to the candidate with the biggest war chest. We are talking about individual campaigns that will cost in the million dollar range and up—a lot of money for a state with a population of only 1.6 million people.

In national and local elections at all levels, the dominant question frequently is the comparative financial strengths of opposing candidates. That is not, as Goldwater said, what our founding fathers intended.

We realize that times have changed and politics is no exception but we had better preserve the freedom of our elective system or we shall lose it. The electorate is not free to vote its convictions when it has been deluged by a slick marketing blitz financed by millions of dollars from special interest groups.

If the country does not control campaign spending, our free system of elections will become a total farce. Then, we would simply be selling public office to the highest bidder.

We hope Congress takes this issue seriously and adopts a reasonable control program.

[From the York (PA) Dispatch, Dec. 21, 1985]

WORDS ARE CHEAP

If you listen to the oratory in the U.S. Senate, you'll find the solutions to all the nation's ills.

Some senator can solve the budget problem. Another can tackle terrorism. His pal has special insights about the Arab-Israeli challenge. Still another offers the key to disarmament.

Well, when you sift through the words you soon realize that you've heard it all before.

Words are cheap, particularly in politics.

What action does this august body of government offer to back up its pious words?

The Senate had its chance, in recent days, to rise above common politics, to do away with selfishness, to set an example to all.

What did it do?

The senators convinced the nation that they're still political, still petty.

You see, the Senate was to vote on reform legislation that would limit the contributions Political Action Committees make to office holders and candidates.

But, the clever politicians side-stepped a vote. After all, who wants to choke off a supply of ready-campaign funds?

PACs are beginning to own Congress. If that is true, as many believe, then representative democracy is a sham.

What chance do you have to win the ear or vote of a congressman who gets huge chunks of money from a variety of PACs?

The Federal Election Commission reports that Senate and House incumbents received 70 percent of the $113 million PACs gave to candidates seeking federal office in 1984.

PACs are the special interests that want things, including tax laws, their way, often at your expense.

Only a few senators, only a handful of representatives have avoided taking PAC money. We salute Congressman Bill Goodling for being among them.

And we worry about the purity of our democracy.

In our judgment, money from the highly-organized, highly-sophisticated special interests can suffocate representative government.

The nation needs reform legislation—urgently.

[From the Arkansas Gazette, Little Rock, AR, Dec. 8, 1985]

WAIT JUST ONE MORE ELECTION

Campaign finance reform was waylaid for another season in the United States Senate last week and the perpetrators were able to make a nifty escape and be on hand to show their sympathy.

The Senate quietly laid to rest a measure by Senators David Boren of Oklahoma and Barry M. Goldwater of Arizona and others that would have put ceilings on the contributions of political action committees (PACs) in Senate and congressional races in 1988 and raised the ceilings on individual giving. A sign of the growing public clamor for reining in the burgeoning influence of special interests in Congress was that hardly anyone opposed the measure on its merits but rather on procedural grounds: It had not received the thorough scrutiny and blessings of the Senate Rules Committee.

The truth is that Congress has gotten addicted to PAC gifts, which have multiplied five times in 10 years. The self-interest that killed the bill was bipartisan. PACs favor incumbents of both parties but lean toward incumbents of the party in power, which happen to be Democrats in the House and Republicans in the Senate.

So Republicans particularly were on the spot in the Senate as Boren-Goldwater came to a vote. They were saved by those wise in the parliamentary craft. Senator Robert Dole of Kansas, the Republican leader, arranged for the measure to be pulled down with assurances that the Rules Committee would consider the subject, sometime next year. Then Senator John Heinz (Rep., Pa.) arranged for those who wanted the bill killed to be actually recorded in its favor. He moved that the bill be tabled and urged his colleagues to vote against his motion, which they did 84 to 7. Thus the measure died.

Arkansas Senators Dale Bumpers and David Pryor had been bona-fide supporters of the bill.

It would have put a ceiling of $100,000 on the amount of PAC gifts a candidate for the House of Representatives could receive. Senate candidates would have been allowed more, the exact amount depending on the population of the state. The cap on the amount a PAC could give a candidate would have been cut from $5,000 to $3,000 and the ceiling on an individual's contribution would have been raised from $1,000 to $1,500. It also would have assured a candidate a chance to respond to negative attacks by a PAC conducting an "independent" campaign against him that claimed not to be associated with an opposing candidate.

The common defense of PACs is that they broaden participation in political financing although the financing of the PACs themselves is often mysterious. The "voluntary assessments" by businesses and associations bring in money from persons who have no say and often no information about how the money is ultimately doled out in Washington.

"It is the PACs and the special interests they represent, and not the people, who set the country's political agenda and control a candidate's position on important issues," Senator Goldwater said. "To make representative government work the way the framers designed it, elected officials must owe their allegiance to the people and not to the wealth of groups who speak only for selfish fringes of the whole community."

The notion that the subject simply had not been studied was a little silly. The House passed a similar bill in 1979 but it was blocked in the Senate by a filibuster. PAC bills have been killed in each subsequent session of Congress. Senators always are persuaded to wait until after the next election. For alcoholics there always is another crisis to be gotten through, and for members of Congress always another election.

[From the Sioux Falls (SD) Argus Leader, Dec. 3, 1985]

CONGRESS SHOULD LIMIT SPECIAL INTERESTS' CLOUT

It's too bad Scott Heidepriem gave in.

Heidepriem, a state legislator and Republican candidate for the U.S. House, changed his mind last week about accepting campaign donations from special interest groups.

The Miller lawyer, in a moment of idealism, had said he wanted to run his primary campaign without contributions from political action committees, known euphemistically as PACs. Last week reality set in. Heidepriem changed his mind. He said he would accept PAC money out of financial necessity.

The turnabout isn't surprising. PACs have become so engrained in financing campaigns that many incumbents—mostly those we could do without—probably couldn't survive without them. Worse, PAC contributions increasingly are making the whole political system suspect.

Common Cause, a public interest lobby group, notes that in 1974, 608 PACs gave $12.5 million to congressional candidates. In 1984, 4,000 PACs gave more than $100 million. Those contributions give donor groups access and influence that most citizens do not enjoy.

Rep. Mike Synar, D-Okla., a PAC critic, summed it up well: "If the phone is ringing in my office and I have four lines, and my staff tells me there is a PAC on there that gave us $10,000 in the last election and (the other is) just an individual constituent, which phone do you think I'm going to punch in?"

That's not how the system is supposed to work. But Congress has an opportunity to change the situation.

The Senate is scheduled to vote today on a proposal by Sen. David Boren, D-Okla., and Sen. Barry Goldwater, R-Ariz., to limit the amount of PAC money congressional candidates could accept. Under the amendment, House candidates could accept no more than $100,000; the limit for Senate candidates would be $175,000 to $750,000, depending on a state's population.

It's an overdue reform that would limit the legal but corrupting influence of PACs. The proposal deserves quick approval in both houses of Congress.

[From the Transcript-Telegram, Holyoke, MA, Nov. 29, 1985]

LIMITING PAC POWER

In the "we'll-believe-it-when-we-see-it" category belongs the recent proposal to limit amount of money Political Action Committees can contribute to a congressional candidate.

U.S. Sens. David Boren, D-Okla., and Barry Goldwater, R-Ariz., propose limiting to $100,000 the amount of money each candidate for a seat in the House of Representatives could receive and between $175,000 and $750,000 for Senate candidates depending on the size of the state. Those seem highly reasonable amounts.

No one should doubt the power of PACs. Of the current senators and representatives, more than 150 House members received half or more of their campaign funds from PACs while 23 senators each raised $500,000 or more in PAC contributions, according to Common Cause, the independent, non-profit congressional watchdog agency.

In dollars: last year 4,000 or so PACs gave more than $100 million to congressional elections. A decade ago, PACs numbered 608 and contributed $12.5 million. Another congressional election year is ahead and conservatively $125 million to $150 million could pass from the PACs' coffers to those of the candidates.

In essence, the Congress appears for sale. "We could become a coin-operated Congress," said U.S. Rep. Barbara Mikulski, D-Md. "Instead of two bits, you put in $2,500 and pull out a vote."

Ironically, many senators and representatives abhor the way many of their colleagues feed off the action committees and many see voters sway one way or another depending on the size of the lobbyist's purse. But they consistently have avoided taking the tough stand of limiting contributions. The last time Congress had a chance to vote on such a measure was in 1977 and, of course, it was rejected.

More and more, special interests are undermining national interests. There really is only one way to return the electoral process back to the electorate and that is to diminish the stronghold that PACs are beginning to have over those we elect.

The Boren-Goldwater bill is a start.

[From the Idaho Statesman, Boise, ID, Dec. 7, 1985]

SENATE TAKES EASY WAY OUT

Senate Majority Leader Robert Dole is right: Campaign financing in this country "cries out for reform."

So what did he and 83 of his colleagues do when Sen. David Boren, D-Okla., presented a positive step toward reform? They showed how crassley hypocritical politicians can be.

With 34 Senate seats up for election next year, incumbent senators are not about to vote for a bill like Sen. Boren's that would limit the amount they could receive from political action committees. But to show the folks back home they favor "reform," the Senate, by an 84-7 vote, took the curious route of voting against an amendment to kill the bill, knowing it would then be shelved. Thus, senators can say they voted for PAC reform without risk.

Sen. Boren's bill recognizes that PAC money controls congressional elections. On average more than half the money senators spend on their campaigns comes from PACs.

Under Sen. Boren's bill, House candidates could receive no more than $100,000 from PACs, and senators would be limited to between $175,000 and $750,000, depending on the population of their state. In addition, the amount individuals can give candidates would be raised from $1,000 to $1,500. And the amount each PAC could give a single candidate would be lowered from $5,000 to $3,000.

The bill needs work, but its intent is right. Limiting the amount PACs can give candidates would force them to solicit more from individuals, who ought to be able to give more than even $1,500. Under such a limit, reducing how much each PAC can give a candidate would allow more PACs to donate under the candidate's PAC limitation.

The Supreme Court has ruled that limiting campaign contributions does not violate First Amendment free speech rights. PACs still could give unlimited amounts to committees working for or against candidates, as can individuals.

Sen. Boren, who is not seeking re-election next year, has set a fine example: He's never accepted any PAC money as a legislator, governor or senator.

While full disclosure, which is now required from both candidates and PACs, will continue to be crucial, reducing the impact of PACs is also a priority.

[From the Christian Science Monitor, Boston, MA, Nov. 29, 1985]

MONEY-RUN POLITICS

The House and Senate members who headed home this week for the Thanksgiving recess should think about an image problem they left behind in Washington. From the home districts, it gets harder and harder to tell the politicians from the agents of the special interests whom the legislators are supposed to keep in line.

A kind of corporatizing of the Washington community is occurring, a blurring of roles, a stepping across of lines between campaign work for candidates and other roles including legislative, lobbying, law, public relations, political think tank, and even journalistic.

The savaging of tax reform legislation in recent weeks, a feeding frenzy for special interests, really exposed Washington's evolving political culture. It actually brought together the top campaign aides from the 1984 Reagan and Mondale campaigns to form bipartisan lobbying teams to defeat parts of the legislation. The ethic seems to be that you pick a candidate or a party for the campaign, and when it's over you make money.

Part of the problem—and only part—is the role of political-action committees. PACs funnel money into campaigns. They are vehicles for influence—for example, for individuals who may later want to affect wine-industry estate tax laws, or public-interest groups that want to alter the course of environmental legislation.

PACs are neither good nor bad per se. The Supreme Court has protected them. But they're having an impact on the financial structure of politics, on the way politics is conducted, and on who participates. PACs are putting a financial floor under political operatives which distances Washington from the small individual contributor and voter—from regular folks.

In the last three elections, 1980 to 1984, small contributions declined by 17 percent, the House Democratic Study Group (DSG) reports. The greater proportion of PAC funds goes to Democrats, largely because PACs tend to support likely incumbent winners. PAC funds averaged $151,000 for House Democratic incumbents in 1984, compared with $145,000 from individual contributors. The proportion was reversed for nonincumbents. The trend is toward more PAC support and less individual financial support for House and Senate elections.

Some $100 million a year is now flowing into campaign coffers through PACs.

To get a lid on things, the DSG suggests granting a 100 percent tax credit for individual political contributions, up to a total of $100 a year. The House Ways and Means Committee, in its new tax reform bill, just wiped out the current 50 percent tax credit on annual giving up to $50. This might suggest that the tax credit incentive has dim prospects. But advocates like Michael Malbin, campaign finance expert at the American Enterprise Institute and an originator of the concept, contend that a 100 percent credit is more defensible than the 50 percent credit. As written, the DSG proposal would be revenue neutral; that is, would not cost the Treasury anything, compared with present law. If linked to a PAC contributions limit, such as proposed by Sen. David Boren of Oklahoma, it could prove far more attractive to the politicians who must pass it.

Senator Boren has proposed a limit of $100,000 on contributions House candidates can accept from PACs, and a limited range of $175,000 to $750,000 for Senate candidates, depending on state size. It is important to note that the PAC limit is not an overall limit on campaign spending. Limits on total spending would work to the advantage of the large groups spread across the United States which have other ways to seek influence than money. "Limits end up pushing out mid-size groups, but still leave the biggest ones to pursue their interests in forms other than contributions," Mr. Malbin says. "You have to be large and well organized to give in-kind help—providing campaign consultants, for instance."

In combination, a 100 percent tax credit for individual giving and limits on the PAC share would give an incentive for politicians to go after individual contributions in a way they now do not have to.

Sen. Robert Dole has said there's no such thing as a "poor PAC." He's right. Legislation linking tax credit incentives and PAC limits (although a cost-of-living escalator clause should be added to the Boren proposal) should help adjust the balance of political forces to help little people.

It will be the Senate's turn to take up tax legislation next. Senate Finance Committee chairman Bob Packwood, long a supporter of the full campaign contribution tax credit, has an opportunity to lead this fight to help realign elected politicians with the people they represent.

[From the Daily Camera, Boulder, CO, Dec. 16, 1985]

EITHER WAY, WE LOSE TO PAC'S

In case you were wondering about the fate of the Senate amendment to limit political action committee spending, it was temporarily defused at the last minute.

The Boren amendment, as it is called (Sen. David L. Boren, D-Okla.), may be back early next year and then it may not.

Everything was moving along as planned, with a floor vote too close to call, when it became apparent to opponents that the folks back home might not like it if they voted against campaign reform, so the bill was side-tracked for further hearings and study by the lopsided vote of 7-84.

This way the opponents can look good back home and still get their PAC money on schedule.

Sen. Phil Gramm, the Darth Vader of politics, was an exception. "The truth is, I'm proud of the PACs and the people who support me," said the man who enjoyed PAC contributions totalling $1.3 million in his last campaign.

Common Cause isn't proud of what the PACs are doing to political campaigning in the United States. The citizens' lobby had planned to use the vote as the centerpiece of a campaign against PAC influence regardless of the outcome.

But the move to defuse left Common Cause with nothing to demonstrate their point.

For the record, Congressional Quarterly gave credit for the scam to Majority Leader Robert Dole, who was concerned about offering a for-or-against vote.

We share the same concern as Common Cause on this one. PAC spending puts distance between voters and their elected representatives, it lessens responsibility, as the Gramm-Rudman scandal shows, and the big dollar totals put advertising ahead of issues in campaigning.

The advantage to incumbents is outrageous. The Federal Elections Commission reported that in the 1983-84 election cycle, PACs contributed more than $105 million, and 72 percent went to incumbents.

That just isn't fair, and we will continue to gripe about it until something is done.

[From the Portsmouth Herald, Portsmouth, NH, Dec. 9, 1985]

SENATE DUCKS ISSUE

Politics will never be simon pure. No matter what kind of reforms are instituted at national or any other levels, there will be influence peddling, and money will talk, sometimes in a very loud voice.

But that doesn't mean that reforms cannot be attempted, and sometimes they do succeed to some extent. That's about all we can hope for in this imperfect world.

Certainly it is high time to take a good hard look at the PACs (Political Action Committees) and their inordinate influence on congressmen and candidates for Congress.

The U.S. Senate has shamefully avoided this issue by agreeing to put it off until next year, or Lord knows when.

In the words of N.H. Sen. Warren Rudman the PAC measure was "sent to legislative Siberia."

We are happy to report that Sen. Rudman is on the side of the angels, at least in this matter of PAC money, how dangerous it can be. Sen. Rudman is squeaky clean on this issue, and we applaud him for it. He's not a naive man, and we're sure he knows that no reform is ever complete, but that doesn't mean an effort shouldn't be made.

So Rudman is right in criticizing the Senate for its delay until next year action on an amendment seeking to curb the influence of political action committees (PACs) by limiting the amount of PAC money House and Senate candidates could accept in election campaigns.

The amendment is offered by U.S. Sen. David Boren, D-Okla., and is co-sponsored by Rudman.

There was some legislative maneuvering that Rudman explains. Voting 84 to 7, the Senate rejected an attempt to table the PAC amendment.

But the vote, Rudman points out, was preceded by an agreement to put off further consideration of the amendment until hearings are held on campaign finance laws next year.

Sen. Rudman said the vote against tabling was thus relatively meaningless. "In short, the fix was in and the measure sent to legislative Siberia. Hopefully, those of us who are in favor of this amendment and other campaign finance reform measures can mount a rescue mission. But unfortunately, it is clear the amendment will not be acted upon this year."

Let's make it clear that the Boren amendment is not a hopelessly idealistic measure. It still allows pretty hefty contributions. But it seeks to limit PAC contributions to candidates for the House of Representatives to $100,000 per election. The limit for the Senate candidates would range from $175,000 to $750,000, depending on the site of the state.

As Sen. Rudman says, "It is high time the Congress confronted the issue of campaign financing and the inordinate amount of influence that special interest political action committees exercise upon the political process.

"Despite numerous attempts this is the first time during my five years in the Senate that a proposal seeking to lessen that influence has made it to the Senate floor. And it's a downright shame that we opted to put off the issue until next year rather than tackling it when we had the chance."

[From the Harrisburg (PA) Sunday Patriot News, Nov. 17, 1985]

CONTROL RUNAWAY ELECTION FINANCING

The influence of campaign contributions from political action committees (PACs) on American politics and government is becoming increasingly apparent and disturbing.

This is particularly true in regard to Congress. A study by Common Cause found that incumbent House candidates received 44 percent of their contributions from PACs in the 1984 election, up from 37 percent in 1982, even while the overall amount of campaign spending declined 5.4 percent. This is one indication that national politics is coming to rely less on contributions from individuals and more on contributions from special interests.

This trend threatens to pervert the system of representative government with its corrosive damage to the public interest in favor of special interests. Nowhere is this more evident than on the issue of tax reform. In the first six months of 1985, the members of the House Ways and Means and Senate Finance committees, which write tax legislation, received $3.7 million in PAC contributions nearly a year and one-half before the next election. That most of this money is intended to influence votes on tax reform is demonstrated by the fact that this is three times as much PAC money as members received in the comparable period in 1983.

Sen. Bob Packwood, R-Oreg., chairman of the finance committee and thus a major player in any tax-reform legislation that reaches President Reagan's desk, was the recipient of nearly $700,000 of PAC money in the first six months of this year. Packwood is up for re-election in 1986. Rep. Sam Gibbons, D-Fla., second-ranking majority member of the House committee, leads his colleagues with more than $150,000 in PAC contributions.

In ten years, from 1974 to 1984, the contributions of PACs to congressional candidates has grown from less than $13 million to more than $100 million. Elizabeth Drew, Washington correspondent of *The New Yorker* and author of "Politics and Money: The New Road to Corruption," has written that the cost of special-interest campaign contributions shows up "as we go about our daily lives, buying food, gasoline, and medicine, and as we pay our taxes . . . We are paying in the declining quality of politicians and of the legislative product, and in the rising public cynicism."

It can be changed. Sen. David Boren, D-Ok., has introduced a proposal, supported by Sen. Barry Goldwater, R-Ar., among others, which would for the first time limit the amount of PAC money any one candidate could receive. Candidates for the House could accept no more than $100,000 in any one election, while Senate candidates would be restricted to $175,000 in the least populated states to a maximum of $750,000 in the most populous. In addition, the limit on PAC contributions would be lowered from the current $5,000 to $3,000 for each election, while the individual limit on contributions would be raised from $1,000 to $1,500. The bill includes a number of other changes that would plug loopholes in the existing law and address problems raised by primary contests and attacks on candidates through independent expenditures.

Boren's proposal goes a long way toward addressing some of the more obvious abuses in the existing system of campaign funding. It is not a panacea because it does not address the problem posed by candidates who use their personal wealth to, in effect, buy elections. The Supreme Court appears to have put that issue beyond the reach of a legislative remedy, at least for now. Nevertheless, the Boren bill is tough enough that if it had been in effect in 1984 it would have reduced the amount of PAC money going to Senate candidates by half.

"The public knows that something is very wrong," Drew wrote in her book. "As the public cynicism gets deeper, the political system gets worse. Until the problem of money is dealt with, the system will not get better." The Boren bill does something about it.

[From the Pasco (WA) Tri-City Herald, Dec. 6, 1985]

TOO MUCH INFLUENCE EXERTED BY PAC'S

What one reform-minded political scientist calls "the pernicious influence of special PAC money" on state and national elections is cause for worry.

The U.S. Senate is debating a bill that would limit the total amount of political-action committee (PAC) money a candidate could accept. Petitions for Initiative 88, which would limit contributions to candidates for state offices, are being circulated by Common Cause.

Congress in 1972 enacted a system of public financing for presidential elections, but did nothing about its own finance problems. One result has been such a flood of money from special-interest PACs that cynics have suggested Congress should put up a "For Sale" sign.

In 1974, candidates for Congress got $12.5 million from 608 PACs, in 1984 candidates for the House and Senate got $100 million from 4,000 PACs.

No one can doubt that, absent congressional action, the contributions—and influence—if PACs will increase.

PAC spending in state election campaigns is not nearly the scale of national elections. But PACs, as well as corporations and individuals with large sums to spend, can and do wield considerable influence in state politics.

Initiative 88 is an attempt at limiting the amount a candidate could accept from an organization or individual. The idea is to force candidates to work hard to broaden their base of support, to make them beholden to the many rather than to a few.

The Senate proposal sponsored by Sens. David Boren, D-Okla., and Barry Goldwater, R-Ariz., is similar in concept to Initiative 88. It would reduce the limit on PAC contributions from $5,000 to $3,000 per election, raise the individual contribution limit from $1,000 to $1,500 and close most of the many loopholes in the present law.

Both plans deserve support. They can make both state and national offices more responsive to the people.

[From the San Antonio Light, Dec. 8, 1985]

SENATE INACTION ON PAC'S ALLOWS PROBLEM TO GROW

Last week, for the first time in eight years, lawmakers faced up to the campaign-finance monster—and blinked. An amendment proposed by Sen. David Boren, D-Okla., limiting the amount congressional candidates could accept from political action committees was buried in parliamentary maneuvers without ever coming up for a vote. The bill was co-sponsored by Sen. Barry Goldwater, R-Ariz. For what it's worth, Senate leaders promised to hold hearings early next year to consider comprehensive changes in federal campaign finance laws.

It's a signifiant issue. Indeed, Sen. Boren believes that the enormous growth of campaign contributions from special-interest political action committees (PACs) and candidates' increasing reliance on such contributions jeopardizes "the integrity of the entire election process."

In Sen. Goldwater's words, "As far as the public is concerned, it is the PACs and the special interests they represent, and not the people, who set the country's political agenda and control a candidate's position on important issues. To make a representative government work the way the framers designed it, elected officials must owe their allegiance to the people and not to the wealth of groups who speak only for selfish fringes of the whole community."

In 1974, contributions from 600 PACs to candidates for Congress totaled $12.5 million. In 1984, 4,000 PACs gave those candidates more than $100 million. A recent report by the House Democratic Study Group showed that the explosion in PAC giving has been accompanied by a decline in individual contributions—especially small ones. In 1984, two of five House members seeking re-election received more than half their money from PACs.

"What has happened, plainly," columnist David Broder has pointed out, "is that more and more members of Congress are taking the easy way out and going to the PACs rather than to their own constituents for campaign funds."

The Boren-Goldwater amendment would have limited the amount of contributions House candidates could accept from PACs to $100,000 in a campaign. The limit for Senate candidates would have been between $175,000 and $750,000, depending on the population of their states. The proposal also would have decreased the amount an individual could contribute to congressional candidates from $1,000 to $1,500, while reducing from $5,000 to $3,000 the amount a political action committee could give to a single candidate for federal office.

We would be the first to concede that the Boren-Goldwater amendment limiting PAC contributions isn't a panacea. It doesn't address, for example, the central problem of excessive campaign spending, regardless of the source. But at least it recognizes that without some action, the PAC problem will continue to grow. In Sen. Majority Leader Robert Dole's words, "We may reach a point where everybody is buying something with PAC money. We cannot get anything done."

[From the Topeka (KS) Capital-Journal, Dec. 8, 1985]

UNDUE INFLUENCE

Members of Congress no longer march to the beat of the electorate. Instead, they listen to the jingle of PAC money. PACs contributed more than $100 million to Senate and House candidates last year.

The result is that special interest concerns often outweigh the national good when it comes time for decisions to be made. No wonder, then, that Congress has been at an impasse on many important issues, including the budget deficit.

Last week, the Senate considered a proposal to limit PAC contributions. The legislation has bi-partisan sponsorship, including that of Kansas Republican Nancy Kassebaum.

It is encouraging that the senators soundly defeated (84-7) a motion to table the proposal. Now hearings are scheduled for next year, possibly in January.

That doesn't mean reform is anywhere near reality, however. It only means that it still has a pulse. Majority Leader Robert Dole withheld any guarantee of action, saying it may require study by a special commission.

PACs, heady with their newfound power to influence votes, are not going to be easy to get under control. But Congress, if its members truly want to serve their country, needs to rein in this runaway horse.

[From the Reidsville (NC) Review, Nov. 26, 1985]

TOO MUCH PAC MONEY

It is reliably reported that at least one member of the Senate who will be up for re-election in 1990 already has started raising money for that campaign. That might be seen as an act of simple prudence, given the rise in the average cost of winning a Senate seat: from $609,000 to $2.9 million in a mere eight years.

Bearing those things in mind, consider this remark by Sen. David L. Boren of Oklahoma: "It's like getting hooked on a drug. Once you're on it, it's harder to kick the habit." He was referring to the contributions that members of Congress receive, and have come to rely on, from the Political Action Committees (PACs).

Add to that this comment by Fred Wertheimer, the president of Common Cause, who speaks of the PAC "fear factor" he perceives as distorting judgments on Capitol Hill: "It's part of the daily psyche around here. Everybody always asks, how the hell are the PACs going to react to this?"

There may be some exaggeration for effect in that statement. But the PACs do exercise tremendous influence on the electoral process and subsequent legislation. Small wonder: from 600 special interest committees providing $12.5 million to congressional campaigns in 1974 the figure grew by 1984 to 4,000 PACs and more than $100 million.

To their credit, many members of Congress seem to be more and more concerned about this—about how it hurts the congressional image, how it influences decisions, how it diverts the energies of members from issue-discussion to fund-raising. To their discredit, they have let the situation get out of hand in spite of warnings and exhortations in recent years, and appear unlikely to bite the bullet of reform in the financing of campaigns.

Legislation aimed at reform is before Congress. Senator Boren has introduced a bill that would limit total PAC contributions to $100,000 for a House candidate, $175,000 to $750,000 for a Senate candidate depending on the state's size; it would also cut the amount any PAC could give to a candidate, and raise the allowable individual contribution. Financing of Senate campaigns with public funds is called for in another bill. These measures should at least serve as springboards for discussion. Something constructive must be done.

[From the Chattanooga (TN) Times, Dec. 9, 1985]

THE BOREN BILL: BUSINESS AS USUAL

In a series of parliamentary maneuvers, the Senate decline Tuesday to approve a bill to minimize the influence exercised by political action committees. Oh sure, the Senate at least endorsed the bill in principle, so maybe we should be thankful for small favors. And its leaders did promise hearings early next year to consider far-reaching changes in federal campaign finance laws. Still, the message that came through loud and clear from the Senate was: business as usual.

Under the proposal by Sen. David Boren, D-Okla., no PAC could give more than $3,000 to a single federal candidate, down from $5,000; but the limit for individual contributions would increase from $1,000 to $1,500. House candidates could not accept more than $100,000 from a PAC, but the limit for Senate candidates would depend on the size of their states. Since most PAC donations go to incumbents of both parties, it's not hard to see why officeholders are reluctant to tamper with the arrangement. Indeed, said Sen. William Proxmire, D-Wis., it would take a "miracle" to pass a bill to change the system. Hence the action to avoid a direct vote on the measure, at least for the time being.

Maybe miracles are not impossible. Sen. John Heinz, R-Pa., offered a motion to kill the bill but then invited senators to vote against his motion to indicate that they supported the Boren bill in principle. They did, 84 to 7.

Sen. Boren took that as a victory. "It was," he said, "a statement by the Senate

that the country is badly in need of campaign reform." That sentiment was echoed by Senate Majority Leader Robert Dole, R-Kan.: "The system cries for reform." We agree. It ought to be a high priority item next year.

The question is, does Congress have the courage to reform itself, or does it intend to continue collecting from PACs donations that seem to increase geometrically from one election year to the next? More to the point, how can Congress fail to perceive that special interest contributions include the pressure, implicit as well as explicit, for special consideration?

According to Sen. Barry Goldwater, R-Ariz., a cosponsor of the Boren bill, the number of PACs has jumped from 1,000 in 1976 to more than 4,000 this year. And PAC contributions accounted for more than a fourth of all money raised for the 1984 elections. PACs are distorting the democratic process in this country. Congress' disregard for the public interest in this matter is a scandal.

[From the Columbia (SC) Record, Nov. 15, 1985]

TRACKING PAC'S

A bipartisan effort is gearing up in the Senate which would bring about a long overdue reform in the way congressional campaigns are financed.

A proposal by Sen. David Boren, D-Okla., would establish for the first time an overall aggregate limit on the total amount of money a congressional candidate could accept from political action committees.

Some respected heavy hitters from both sides of the aisle are behind the legislation which means that it stands a good chance of survival. But even with the likes of Sens. Barry Goldwater, R-Ariz., Gary Hart, D-Colo., and John Stennis, D-Miss., aboard as co-sponsors, it would be foolhardy to underestimate the clout and cunning of the PAC-masters.

Since 1974, when Congress passed a system of public financing for presidential elections but left the door open for special interest money to flood legislators' own campaigns, the problems with the congressional campaign finance system have grown ever more acute. In 1974, 608 PACs gave candidates for Congress a total of $12.5 million. Last year, those numbers had skyrocketed: House and Senate candidates received over $100 million from 4,000 PACs for the '84 election campaigns. Yes, the time has surely come to cry, "Enough."

Under the Boren proposal, overall PAC limits for Senate candidates would vary according to state population—from $175,000 for Senate candidates in the least populated states to a maximum of $750,000 per Senate candidate in the most populous. Candidates for the House could accept no more than $100,000 from all PACs in each election cycle.

In addition to the aggregate PAC limits, the Boren bill would lower the current PAC contribution from $5,000 to $3,000 per election, raise the individual contribution limit from $1,000 to $1,500, close loopholes which would allow PACs to evade the contribution limit, tighten the definition of independent expenditures and provide an opportunity to respond to candidates who have been targeted by independent expenditure advertisements.

Those who support PACs argue that PACs spur wider participation in the political process by making voters more aware of the issues. Yes, that's true. However, a far more compelling argument is that made by detractors who point out that PACs put candidates in such thrall to special interests as to make them potentially subject to corrupting influences.

The narrow, particular interest of one group—be it organized labor, big business, the National Rifle Association or handgun controllers—must not be permitted to distort and dominate the electoral process at the expense of those candidates seeking a broad mandate.

The time has come to put the national interest ahead of the special interests. That is precisely what the Boren bill proposes to do.

[From the Brattleboro (VT) Reformer, Dec. 12, 1985]

SENATE DELAYS PAC REFORM

If the U.S. Senate had any self-respect, its embarrassing inability in recent weeks to cut the deficit, deny tax breaks to favored industries or scale back farm subsidies would make it yearn for reform of campaign-financing practices. By changing the system of legalized bribes, otherwise known as campaign contributions, the lawmakers would be in much better shape to take actions opposed by the most generous contributors, the special interests' political actions committees.

But the Senate is lamentably all too willing to continue this system precisely the way it is. The senators indicated this week when they voted to put off at least until next year any action on a mild proposal that would have slightly limited the influence of business and union PACs. It could be worse. The Senate might have flatly rejected the bill of Senator David Boren, an Oklahoma Democrat, but a decent respect for the opinion of mankind kept the lawmakers from being straightforward in their reluctance to clean up campaign financing.

Mr. Boren's bill was co-sponsored by an impressive lineup of both Democratic and Republican veterans who understand the corrupting effect that the current system has on their institution. While the measure would not stike the problem at its roots by substituting private financing for a system of largely public funding of campaign costs, it would put strict limits on the amounts of PAC money that House and Senate candidates can accept. For House races, the maximum would be $100,000; for Senate races, the limit would depend on the population of the state, with a range from $175,000 to $750,000. If this law had been in effect in 1984, it would have cut PAC contributions to senators in half.

One reason public financing would be preferable even to such caps in PAC money is that unless candidates somehow controlled the cost of campaigning, the limits on PACs would oblige candidates to spend even more time than they do now raising funds from individuals. The advantage in greater reliance on individuals' contributions is that they are customarily not as likely as PAC money to be tied directly to pending legislation. The disadvantage is that shaking the trees for John Q. Public's donation is a tedious and humiliating enterprise that leaves candidates little time to focus on the issues.

On balance, though, it would be a step forward to have some controls on the kind of special-interest contributions who, for instance, had ponied up $3.7 million in donations to members of Congress's two tax-writing committees by July 1 of this year—even though there is no election until next fall. That's known as a long-term investment. For the short-term and long-term good of the Senate, it should take the earliest opportunity next year to put Senator Boren's PAC cap on the books.

[From the Jackson (MS) Clarion-Ledger, December 1985]

CAMPAIGN FINANCING: U.S. SENATE VOTES TO RUN WITH THE PAC

Advocates of campaign financing reform in the U.S. Senate appear to have lost the battle, but they're proclaiming that they shall return—sometime next year, that is.

A proposal by Sen. David Boren, D-Okla., to limit the amount of campaign money congressional candidates can accept from political action committees has been sent to committee for further study.

Because a vote to table (read that kill) the proposal was defeated by an 84-7 vote last week, supporters of the measure are claiming victory.

The vote actually delays a final Senate decision on the issue because the proposal now goes to the Senate Rules and Administration Committee. But various campaign financing reform plans have previously languished in committee.

Boren's plan would cut from $5,000 to $3,000 the amount a PAC can give to a congressional candidate. His proposal also would restrict each House candidate to $100,000 in total PAC money during each two year election cycle, while each Senate candidate's limit would range from $175,000 to $750,000, depending on state populations.

Voting against tabling the proposal allowed Senators a chance to sidetrack the issue without actually having to cast their votes against it.

The vote was a victory all right, for PACs—the thousands of business, labor and other special interest groups organized to funnel money to political candidates.

PAC money is a touchy subject in Congress because the majority of PAC money goes to incumbents.

Getting elected to Congress takes bundles of cash these days. Political campaigns aren't cheap.

PACs came into being during the post-Watergate era when corporations were banned from making political contributions. Since 1974, PAC contributions to congressional campaigns have increased from $8 million to $113 million last year.

The problem with PACs is that incumbent candidates are less inclined to keep close ties with constitutents when they can stay in Washington and watch the PAC money roll in.

Sen. John Stennis, an advocate of limiting PAC campaign contributions, says average citizens may "feel like they won't get any attention (from Congress) with all these bigwigs sending in money."

The vote shows that PACs still have Congress' attention. The average citizens are going to have to wait until next year when Boren's proposal, hopefully, shall return.

[From the Long Island (NY) Newsday, Nov. 29, 1985]

CURBING THE POWER OF PACS

Any legislation that appeals to such diverse political philosophers as Sens. Barry Goldwater and Gary Hart surely must have some merit, and the Senate's bill to limit the influence of political action committees has more than most.

The conservative Arizona Republican and the liberal Colorado Democrat are among the sponsors of a measure introduced by

Sen. David Boren (D-Okla.) that would cap total PAC contributions in general elections. The limit would be $100,000 for House candidates and from $175,000 to $750,000 for Senate candidates, depending on their state's population.

The bill would also lower from $5,000 to $3,000 the limit on a candidate's campaign contributions from a single PAC, while raising the limit on individual contributions from $1,000 to $1,500. That should help restore a better balance; PAC donations have grown enormously in recent years while personal contributions have declined.

Some members of Congress don't think the measure goes far enough. And it would be better to have public financing for congressional elections similar to the system that now applies to presidential campaigns. But that doesn't seem to have a chance.

Earlier proposals for limiting PACs have passed the House only to die in the Senate. Meanwhile, the problem has gotten worse: In 1974, 608 PACs gave candidates for Congress a total of $12.5 million, according to Common Cause. For their 1984 campaigns, House and Senate candidates received over $100 million from 4,000 PACs.

Anyone who doubts that PAC money brings access should look at the huge amounts handed to members of the House Ways and Means and Senate Finance Committees this year and the flagrant—and all too often successful—lobbying on the tax reform bill.

Small wonder so many Americans feel that their votes count for little compared to the influence of special interests. Passing the PAC bill might help change their minds.

[From the Bartlesville (OK), Examiner-Enterprise, Dec. 2, 1985]

A Crucial Vote

Sen. David Boren's proposal to limit the amounts of political action committee money congressional candidates may accept has been put on a fast track in the Senate. We don't know whether that bodes ill or well for the measure. But getting this issue before the full Senate is a victory of sorts. The last time the Senate considered and voted on the issue was in 1977.

The Senate has agreed to debate the measure on Dec. 2 and to vote on it the following day. It should be viewed as a crucial vote. Another opportunity to curb the growing influence of PACs could be a long time coming.

The Oklahoma Democrat, one of a very few members of Congress who refuse to accept PAC money, has been joined in his effort by several of his Senate colleagues—Barry Goldwater (R-Ariz.); Gary Hart (D-Colo.); Nancy Kassebaum (R-Kan.); Carl Levin (D-Mo.); Lawton Chiles (D-Fla.); Dennis DeConcini (D-Ariz.); Warren Rudman (R-N.H.); and John Stennis (D-Miss.). This influential group should give the bill a fighting chance.

The proposal has become known as the Boren-Goldwater amendment. Under the measure, overall PAC contribution limits for Senate candidates would vary according to state population—from $175,000 in the least populated states to a maximum of $750,000 per candidate in the most populous states. Candidates for the House could accept no more than $100,000 from all PACs in each election cycle.

These limits, which would affect the 1988 election cycle, would significantly reduce the amounts of special interest money received by congressional candidates. For example, had the limits been in place in 1984, PAC contributions to Senate general election candidates could have totaled no more than $14 million—half the $28 million actually given candidates.

PAC influence is growing dramatically and distorting the political process. A recent study by the Democratic Study Group shows that the small contributor—one donating less than $100 to a candidate—is rapidly disappearing from the political scene.

"It's no wonder," Mr. Boren observed, "that Congress has trouble voting in the national interest when election campaigns are being financed more and more by special interests." Adds Sen. Goldwater: "To make representative government work the way the framers designed it, elected officials must owe their allegiance to the people and not to the wealth of groups who speak only for selfish fringes of the whole community."

There is a need to act quickly. The alarming growth of these special interest contributions raises the prospect of the PAC system becoming so well entrenched in the political process that it cannot be removed.

[From the Madison (WI) Wisconsin State Journal, Dec. 19, 1985]

Senate Dodges Vote on Limiting PACs

The U.S. Senate is often called the world's "greatest deliberative body."

That may be, but its members are equally adept at dodging sticky debates and roll calls.

The "dodgers" outnumbered the "debaters" when the Senate backed away from a vote to curb the role of political-action committees in elections.

At question was a plan offered by Sen. David Boren, D-Okla., to limit special-interest contributions to congressional candidates, who received a record $113 million from 4,347 PACs during the last election cycle.

Boren's plan would have limited PAC donations to House candidates to $100,000 in a campaign. The cap for Senate candidates would have ranged from $175,000 to $750,000, depending on the population of their states. (In Wisconsin, a limit of $315,000 was planned.)

The Boren proposal reached the floor in the form of an amendment to a unrelated bill dealing with low-level nuclear waste. Seizing on the particulars of how the plan surfaced, opponents used parliamentary tactics to shelve the idea for this year while promising to give it new life at some future, unspecified date.

The Senate's fast shuffle left the campaign-finance system intact for the 1986 election cycle, but, on the bright side, a vote against killing the amendment means the idea of reform was not sent into permanent exile.

In fact, the 84-7 vote was viewed with some optimism by those who believe PACs are having a corrosive effect on congressional elections.

"They ducked it," said Fred Wertheimer, chairman of Common Cause, a self-styled citizens' lobby, "(but) the failure of the Senate to (kill) the PAC limit amendment shows that the PAC scandal in Congress is now a powerful issue in the country, and senators know it. Senators did not want to go on record in support of PACs."

Even a disappointed Boren conceded the vote against killing his plan was "a statement by the Senate that the country is badly in need of campaign reform."

It remains to be seen whether senators follow up on their promises to wake up the sleeping Boren plan for hearings next spring.

If not, let's hope the public is not caught napping.

[From the Meas (AZ) Tribune, Nov. 16, 1985]

Measure To Limit Contributions From PAC's Vital

U.S. Sen. Barry Goldwater perceives the growing influence of political action committees as the primary threat facing our representative form of government, and he's trying to do something about it.

Goldwater has joined forces with Sen. David Boren, D-Okla., in introducing a bill to limit the overpowering influence of PACs on congressional campaigns, and consequently on congressional decision-making.

Since Congress last grappled with the issue of campaign finance reform eight years ago, PACs have grown to the point where the special interests they represent overshadow the influence of voters and individual campaign contributors.

A decade ago there were 608 PACs that contributed a total of $12.5 million to federal candidates. Last year, 4,000 PACs gave more than $100 million.

Meanwhile, individual candidates' dependence on PAC funds has grown, with the dependence especially pronounced among incumbents. House members running for reelection last year received an average of 44 percent of their funding from special interest PACs. Some 150 current House members received more than half their campaign funds from PACs.

Under current federal law, a PAC can give $5,000 to an individual candidate before each primary and general election—or $10,000 total per political season. But it is not uncommon now for a single special interest to have many PACs funneling money into candidates' campaign coffers.

Those PAC dollars buy valuable political access.

Says U.S. Rep. Mike Synar, D-Okla., "If the phone is ringing in my office and I have four lines, and my staff tells me there is a PAC on there that gave us $10,000 in the last election and (the other is) just an individual constituent, which phone do you think I'm going to punch in?"

The inevitable result is that decisions on major national issues are based less on what is best for the country than on how the PACs stack up.

Says Sen. Dale Bumpers, D-Ark., "Money is the number one political problem our country is facing . . . You can't have a sensible debate about how much is enough for defense when those PACs are contributing so much."

The Goldwater-Boren bill would limit to $100,000 the total amount a House candidate could accept from PACs. Senate candidates would face limits ranging from $175,000 to $750,000, depending on state population.

If these limits had been in place last year, they would have cut PAC funding for senatorial candidates in half.

Limiting PAC contributions not only will curb special-interest influence in Congress, it also will elevate the importance of individual contributors and the broader public interest they represent.

The full Senate is scheduled to vote on the Goldwater-Boren bill Dec. 3. If Goldwater succeeds in shepherding this important measure into law, it will be a major

crowning achievement for Arizona's senior senator as he concludes his final term.

[From the Modesto (CA) Bee, Nov. 15, 1985]

PUTTING A CAP ON PAC'S

A cynic could easily conclude that in the business of campaign finance reform no sooner is one hole plugged up than another crack appears. In part that problem stems from constitutional free speech guarantees, as interpreted by the Supreme Court, virtually precluding expenditure limits, and thus severely curtailing any broad effort to bring the monster under control. In part it derives from the limitless ability of special interest groups, campaign consultants and politicians to devise ways around the reforms that are enacted.

The results are dramatic. In the decade since Congress enacted its post-Watergate reforms, special interest political action committees, PACs, in 1974 an almost negligible force in campaign finance, have become far and away the most important element in electoral politics. In 1974 the 608 PACs then in existence gave a total of $12.5 million to congressional candidates. In 1984, 4,000 PACs contributed more than $100 million.

No one doubts the influence that the money commands. "We may reach a point," said Senate Majority Leader Robert Dole, "where everybody is buying something with PAC money." A great many people, witnessing the tax and budget debates of the past couple of years, would argue that the point has already been reached.

Now some members of the Senate, spurred by Common Cause, want to try reform again. In a bi-partisan measure sponsored by Sen. David Boren of Oklahoma, they propose to put a legal limit on the aggregate amount any candidate for Congress can accept in PAC money—$100,000 for candidates for the House; $175,000 to $750,000, depending on the size of the state, for candidates for the Senate. In addition the bill would lower the amount each PAC is allowed to contribute to any particular campaign from $5,000 to $3,000, raise individual contribution limits (imposed in past reform efforts) from $1,000 to $1,500, and close loopholes through which PACs have evaded the existing contribution limits.

Those are hardly draconian measures; yet the numbers should suggest how enormous PAC influence has become. Common Cause estimates that if the proposed limits had been in force for the 1984 campaign, total PAC contributions to Senate candidates would have been cut in half.

There's ground for concern that, in limiting PAC contributions to candidates, the Boren proposal will expose politicians to "independent" hit campaigns which, under the Supreme Court's rulings, cannot be subject to expenditure limits. To compensate, the Boren measure would require that such advertising be labeled as "not subject to any campaign law contribution limits" and that candidates who are its targets be provided equal time by broadcasting stations that air its messages.

Again one can think of objections, both legal and practical. If Congress can compel TV stations to carry politicians' replies to negative political advertising, what's to stop it from mandating reply time to any attack, real or imagined, from any source? Conversely, there's absolutely no way that, short of public financing, financial parity can be guaranteed; a targeted candidate who's limited in what he can take from PACs, could easily be overwhelmed by material from a political organization—corporate, labor, right-to-life—that isn't. As long as the public is not willing to pay for campaigns from tax money, private interests will fill the gap.

Still, the proposal deserves to pass. By now it ought to be eminently clear that campaign finance reform, like much else in politics, is a process in which there are few totally satisfactory answers, let alone final ones. This is just another step, but it should be taken.

[From the Herald, New Britain, CT, Dec. 3, 1985]

LIMITATION ON PAC'S NEEDED

The Senate expected to vote tomorrow on a bill that would limit the amount of money PACs—political action committees—can contribute to congressional campaigns.

The bill, sponsored by Sen. David Boren (D-Okla.), would not solve the PAC problem, but it would be a good start. It merits a positive vote.

There is nothing wrong with individuals who share a common interest in an issue banding together to support a candidate or a cause. That's democracy. The problem is the increasing influence of PACs—influence that is paid for with huge sums of money.

PACs don't "buy" congressmen—they buy access. That's okay to a point. But many PACs are concerned with just one issue. Their money gives them clout, not the number of people they represent who support or oppose a cause or candidate.

As Washington Post political columnist David Broder noted recently, in 1974, 600 PACs contributed $12.5 million to congressional candidates; a decade later, 4,000 PACs gave over $100 million.

Further, a report by the House Democratic Study group found that two out of five House candidates in 1984 received more than half their campaign contributions from PACs, while the number of individual contributers dropped.

As Sen. Barry Goldwater (R-Ariz.) said, "It's not good to have all this money flying around here."

Boren's bill would limit the amount PACs could give to candidates and the amount candidates could accept from PACs. The ceiling for PAC contributions would be lowered from $5,000 to $3,000. For House races, candidates could accept no more than $100,000; for Senate contests, the limit would be between $175,000 and $750,000 depending on the size of the state.

The Senate should put aside self-interest and approve the Boren bill.

[From the Syracuse Herald-Journal, Nov. 26, 1985]

FOR SALE: THIS SIGN MUST NOT BE HUNG OUT ON CONGRESS

Our political process is sinking under the weight of special interest money.

If you don't believe it, take note of the fact that in the last congressional election, 1984, PACs gave more than $100 million to congressional candidates. In the first six months of 1985, the 28 incumbent senators who face re-election in 1986 received an average of $208,194 in PAC funds. And there's plenty more where that came from.

That's "influence money," plain and simple. Dollars open political doors and the more dollars that are showered on the members of the Senate and House of Representatives, the more doors the donors expect opened for them.

Anyone who believe or claims otherwise is being naive or is lying.

The Senate will have an opportunity to cure what is becoming a frightening distortion of the electoral system when it votes Dec. 3 on proposed legislation sponsored by Senators David Boren, D-Ok., and Barry Goldwater, R-Ariz., that would place limits on the amount of PAC money a congressman or senator can accept.

The legislation would limit total PAC contributions to House candidates to $100,000 per candidate in any election cycle and, for Senate candidates, to an amount based on his state's population, starting at $175,000. The individual PAC donation limit would be lowered from $5,000 to $3,000 and the limits on what individual supporters could legally give would be increased from $1,000 to $1,500.

Other loophole-closers also have been written into the bill.

If our congressmen are willing to reject this legislation and accept the awesome pressures put on them by the PACs and their money, all the time claiming they are not affected by it, they should at least accept the possibility that public cynicism has put a "for sale" sign on all of their backs, whether or not it's deserved.

Frankly, we doubt a legislator who accepts millions and millions of dollars from special interests will be able to withstand those pressures. Thus it is reasonable to assume that unless drastic changes are made, and soon, the government of the United States will be of, for and by the highest bidder.

That was not the dream of our founding fathers.

[From the Newark, (OH) Advocate, Dec. 8, 1985]

PAC'S GROW TOO FAT, AT EXPENSE OF VOTERS

Congressmen for sale?

Most of them would deny it hotly, but most of them also have no qualms about accepting donations from political action committees (PAC), special interest groups that try to influence what laws are—and aren't—passed.

Now, nine Senators have banded together to limit the amount of PAC contributions Congressmen can accept. "The bill is directed at the primary threat now facing our system of free elections, and that is the influence and power, both real and perceived, of political action committees with their selfish and narrow vision of what is good for the country," said Sen. Barry Goldwater, R-Ariz., one of the bill's two sponsors.

PACs emerged in 1974, after Congress banned contributions from corporations. That year, 600 PACs donated $12.5 million to Congressional candidates. Today, there are 4,000 PACs, and they gave more than $100 million in the '84 election.

Some more facts:

In the current Congress, more than 150 House members received half or more of their campaign funds from PACs.

Of the 33 Senators elected in '84, 23 raised $500,000 or more in PAC contributions, and two of them received more than $1 million.

In the last election, incumbents got 66 cents of every PAC dollar.

Congressmen deny being influenced by PACs, but imagine, for example, a turnip PAC. If the turnip PAC gives a congressman $500,000 for his campaign, he's going to feel—and, in fact, BE—indebted to them. He's not likely to pass legislation that will hurt turnip farmers—especially if he hopes to be re-elected. After all, the turnip PAC

could give that money to his opponent next time.

The result of all this is that money is doing the influential talking, not the voters. Individual campaign contributions have dropped 15 percent in the past 10 years.

Some congressmen fear this trend will hasten the day when fewer and fewer congressmen will depend on contributions from their home states, and an increasing number will depend on funds from PACs, many directed and controlled from outside the candidates' states.

The proposed bill would curb that trend, forbidding House candidates to accept more than $100,000 in total PAC contributions. Senate candidates would be limited to $175,000 to $750,000, depending on state population.

On Tuesday, the Senate voted down a motion to kill the bill and sent it instead to the Rules and Administration Committee. The committee's chairman, Charles McC. Mathias, R-Md., has vowed that the issue will be discussed when the Senate reassembles in January.

Now is the time to write your U.S. Representatives and Senators: The bill would help end the PAC's corrupting influence on politicians and would ensure that voters themselves have more of a voice in the nation's policies.

[From the Erie (PA) Daily Times, Dec. 12, 1985]

ENDORSING PAC'S CRACKDOWN

Special interest poured a record $113 million into the 1983-84 election, with most of it going to incumbent members of Congress.

Which makes it more than a joke when someone says we have the best legislators money can buy.

Senate and House members seeking reelection received $80.6 million—70 percent—of the money contributed by special interest political action committees (PACs). Does anybody really believe this was done without hopes of some kind of a return?

All of which makes it encouraging that the Senate has now voted in principle to curb the growing influence of PACs on congressional campaigns.

By 84 to 7, the Senate rejected a motion to table, and thereby kill, legislation that would limit the amount of PAC campaign contributions that House and Senate candidates could accept. The vote technique kept the measure alive and put all but a handful of senators on record as favoring changing the campaign-finance laws.

The lopsided vote was preceded by an agreement reached between Senate Republican leaders and the legislation's chief sponsor, Sen David L. Boren (D-Okla.), to put off further consideration of campaign-finance changes until after hearings on the subject next year.

The Boren bill would limit PAC contributions to both House and Senate candidates. Some of the specifics of the Boren plan have been criticized—most notably by Sen. John Heinz (R-Pa.). We hold no special brief for the Boren formula, but we do think reform is necessary. If Sen. Heinz has a better plan, let's hear it.

In the meantime, we have been encouraged by the Senate's strong signal in favor of reform.

Sen Charles McC. Mathias, Jr. (R-Md.), Rules Committee chairman, has promised Boren to hold hearings on his measure as early as January.

Fred Wertheimer, president of Common Cause and a strong proponent of the Boren bill, said he was encouraged by the Senate vote. "While they ducked the issue for the present by what they did," he told the *Washington Post.* "it's coming back. They could not kill the issue. People did not want to be recorded in favor of what is becoming a national scandal."

PAC contributions by special interest have been a growing concern because of allegations that the corporations, unions and groups giving the money have undue influence on the vote of members of Congress. It is not something which at present makes you proud of the system.●

ORDERS FOR WEDNESDAY

RECESS UNTIL 12 NOON

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 12 noon, Wednesday, February 5, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Mr. President, I further ask unanimous consent that, following the two leaders under the standing order, there be special orders in favor of the following Senators for not to exceed 15 minutes each: Senators McCONNELL and PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that following the special orders just identified, there be a period for the transaction of routine morning business, not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, let me indicate we are coming in at a later hour tomorrow because the Rules Committee will be meeting on a number of committee funding resolutions and many of our colleagues will be there appearing on behalf of their various committees.

RESUME CONSIDERATION OF SENATE RESOLUTION 28

Mr. President, following routine morning business, the Senate will resume consideration of Senate Resolution 28, television in the Senate.

We could have rollcall votes. Let me indicate that I think we are making progress. In my view, it may be possible to work out some arrangement where we could have certain rules changes to accompany the other provisions of the resolution. It may take a little while. I know the distinguished minority leader has been meeting with Members on his side, I have been meeting with some of the Members on our side. We can use that time in the morning—I know I can—to work with additional Members on my side.

RECESS UNTIL 7:25 P.M.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 7:25 p.m., this evening.

There being no objection, the Senate, at 6 p.m., recessed until 7:25 p.m.

At 7:25 p.m., the Senate reassembled when called to order by the Presiding Officer [Mr. GRAMM].

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES—MESSAGE OF THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 141)

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the Hall of the House of Representatives.

Thereupon, at 7:40 p.m., the Senate, preceded by the Sergeant at Arms, Ernest E. Garcia; the Assistant Secretary of the Senate, Lynda Nersesian; and the President pro tempore [Mr. THURMOND], proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, Ronald Reagan.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

RECESS

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 8:37 p.m. the Senate recessed until tomorrow, Wednesday, February 5, 1986, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate February 4, 1986:

INTER-AMERICAN FOUNDATION

Richard Thomas McCormack, of Pennsylvania, to be a member of the Board of Directors of the Inter-American Foundation for the remainder of the term expiring September 20, 1988, vice J. William Middendorf II.

DEPARTMENT OF JUSTICE

Henry K. Oncken, of Texas, to be U.S. attorney for the southern district of Texas for the term of 4 years vice Daniel K. Hedges, resigned.

William I. Berryhill, Jr., of North Carolina, to be U.S. marshal for the eastern dis-

trict of North Carolina for the term of 4 years; reappointment.

Bruce R. Montgomery, of Tennessee, to be U.S. marshal for the eastern district of Tennessee for the term of 4 years, reappointment.

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

David Alan Heslop, of California, to be a member of the National Council on Educational Research for a term expiring September 30, 1986, vice George Charles Roche III, resigned.

SECURITIES INVESTOR PROTECTION CORPORATION

David F. Goldberg, of Illinois, to be a director of the Securities Investor Protection Corporation for a term expiring December 31, 1987, reappointment.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 4, 1986:

DEPARTMENT OF DEFENSE

H. Lawrence Garrett III, of Virginia, to be general counsel of the Department of Defense.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE AIR FORCE

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, and 8373, title 10, United States Code:

To be major general

Brig. Gen. Charles R. Cargill, xxx-xx-xxxx xxx-... FV, Air Force Reserve.
Brig. Gen. Leonard W. Hegland, xxx-xx-x... xxx-... FV, Air Force Reserve.
Brig. Gen. Arthur H. Hutton, xxx-xx-xxxx xxx-... FV, Air Force Reserve.
Brig. Gen. Byron E. Mills, Jr., xxx-xx-xxxx xxx-... FV, Air Force Reserve.
Brig. Gen. Roger P. Scheer, xxx-xx-xxxx FV, Air Force Reserve.

To be brigadier general

Col. Joseph R. Albi, xxx-xx-xxxx FV, Air Force Reserve.
Col. William L. Carpenter, xxx-xx-xxxx FV, Air Force Reserve.
Col. Roger G. Knight, xxx-xx-xxxx FV, Air Force Reserve.
Col. Michel Levant, xxx-xx-xxxx FV, Air Force Reserve.
Col. Edmund X. Loughran, xxx-xx-xxxx FV, Air Force Reserve.
Col. Allen S. Mason, xxx-xx-xxxx FV, Air Force Reserve.
Col. Harvey J. McCarter, xxx-xx-xxxx FV, Air Force Reserve.
Col. Clark O. Olander, xxx-xx-xxxx FV, Air Force Reserve.
Col. Angelo J. Perciballi, xxx-xx-xxxx FV, Air Force Reserve.
Col. Glenn W. Redmond, xxx-xx-xxxx FV, Air Force Reserve.
Col. Donald C. Roth, xxx-xx-xxxx FV, Air Force Reserve.
Col. James E. Simon, xxx-xx-xxxx FV, Air Force Reserve.
Col. George T. Wier, xxx-xx-xxxx FV, Air Force Reserve.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be Lieutenant General

Maj. Gen. William G.T. Tuttle, Jr., xxx-... xxx-xx-... U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Robert Arter, xxx-xx-xxxx age 56, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Frederick F. Woerner, Jr., xxx-... xxx-xx-x... U.S. Army.

The U.S. Army Reserve officer named herein for appointment as a Reserve commissioned officer of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. Rudolph E. Hammond, xxx-xx-x... xxx-...
Brig. Gen. Alfred W. Porter, Jr., xxx-xx-xx...
Brig. Gen. Robert P. Sy, xxx-xx-xxxx

To be brigadier general

Col. David M. Adamson, xxx-xx-xxxx
Col. Michael M. Berzowski, xxx-xx-xxxx
Col. Robert J. Bopp, xxx-xx-xxxx
Col. Joseph H. Brooks, xxx-xx-xxxx
Col. James W. Holsinger, Jr., xxx-xx-xxxx
Col. James R. Land, xxx-xx-xxxx
Col. John R. McWaters, xxx-xx-xxxx
Col. Thomas E. Potter, xxx-xx-xxxx
Col. Thomas C. Stones, xxx-xx-xxxx
Col. William W. Wells, xxx-xx-xxxx
Col. Eugene J. Yonno, xxx-xx-xxxx

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3385, and 3392;

To be major general

Brig. Gen. Willard K. Carey, xxx-xx-xxxx
Brig. Gen. James D. Delk, xxx-xx-xxxx
Brig. Gen. Lawrence P. Flynn, xxx-xx-xxxx xxx-...

To be brigadier general

Col. Neal R. Christensen, xxx-xx-xxxx
Col. John H. Cox, xxx-xx-xxxx
Col. Arnaldo J. DeJesus, xxx-xx-xxxx
Col. John M. L. Dempsey, xxx-xx-xxxx
Col. Richard Evans, xxx-xx-xxxx
Col. Robert L. Gooderl, xxx-xx-xxxx
Col. Richard E. Haynes, xxx-xx-xxxx
Col. Robert L. Lawson, xxx-xx-xxxx
Col. Chris R. Mechling, xxx-xx-xxxx
Col. Robert L. Sentman, xxx-xx-xxxx
Col. Jan P. Wepster, xxx-xx-xxxx
Col. Barry W. Young, xxx-xx-xxxx

IN THE AIR FORCE

Air Force nominations beginning James E. Carne, and ending Marilyn A. Walker, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 1985.

Air Force nominations beginning Maj. Terry O. Bernhardt, and ending Maj. Bettyann Herreros, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 1985.

Air Force nomination of Paul R. Mumford, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 1985.

Air Force nominations beginning Scott K. Kellogg, and ending Philip J. Zinser, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 1985.

Air Force nominations beginning Thomas F. Abbott, and ending Harvey A. Schwertner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 1985.

Air Force nominations beginning Roy L. Aanerud, and ending Wilbur T. Workman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 1985.

Air Force nominations beginning Paul R. Mumford, and ending Norma J. Borgford, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 21, 1986.

Air Force nominations beginning Michael A. Abbott, and ending Darren L. Zwolinski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 21, 1986.

IN THE ARMY

Army nominations beginning Ronald G. Bernoski, and ending Walter C. West, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 1985.

IN THE MARINE CORPS

Marine Corps nominations beginning Susan A. Aivaz, and ending Bernard F. Mimms, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 1985.

Marine Corps nominations beginning Charles F. Laughinghouse, and ending William D. York, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 21, 1986.

IN THE NAVY

Navy nominations beginning Keith J. Alfred, and ending William T. Wofford III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 21, 1986.

Navy nominations beginning Jerry Mata Aguinaldo, and ending Victor G. Yurkouic, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 21, 1986.

EXTENSIONS OF REMARKS

A MEMORIAL TRIBUTE TO RONALD McNAIR

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. COBLE. Mr. Speaker, I was invited to participate in a January 31, 1986, program at North Carolina A&T State University, Greensboro, NC. This program was a memorial tribute to Dr. Ronald McNair—"a great Aggie." Mr. Speaker, I would like to share with my colleagues my comments on that day:

Last Wednesday morning when I awoke I found this message at my door:

"DEAR CONGRESSMAN: Please accept my grief for the members of the shuttle, one of whom was a North Carolinian."

This message was written by one of my neighbors. I thanked her for her concern, and I assured her that two of those aboard the shuttle Challenger had North Carolina connections. I explained that Ron McNair was an alumnus at A&T State University. She was not familiar with A&T, and I doubt that she knows my surname, but she wanted me to know that the explosion that occurred the previous day was a personal tragedy.

Oftentimes we become stronger by having been victims of misfortune, sorrow, and loss. Misfortune, sorrow, and loss bring us together as one this morning to honor the memories of Dr. Ronald McNair and his colleagues who perished last Tuesday.

I walked a mile with Pleasure
She chatted all the way,
But I was none the wiser
For all She had to say.

I walked a mile with Sorrow
Not one word uttered She,
But, oh how much I learned from Her
When Sorrow walked with me.

We have walked hand in hand with sorrow since Tuesday. But as we honor Dr. Ron McNair today, my wish is that the memory of his life will illuminate around, and inspire within, those who become involved in the arts of teaching and learning on this great campus.

Ron McNair was a gallant patriot and great American as the Governor observed. He valiantly gave his life for his country, and I am pleased to join you in honoring him today.

TRIBUTE TO JOHN HUME

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. HOWARD. Mr. Speaker, on January 15 the Catholic University of America awarded an honorary degree to one of the greatest statesment in Ireland's long and far too often tragic history, the leader of the Social Democratic and Labour Party in Northern Ireland, John Hume.

It is almost 17 years since the breakout of the current troubles in Northern Ireland and in those years John Hume has worked endlessly in trying to find a peaceful solution to the troubles. His commitment to nonviolence has shown that it can be the only path from which change can come about.

In his address at Catholic University he reaffirmed his strong commitment to peace, justice and reconciliation in Northern Ireland and of the inspiration he has drawn from the civil rights movement in the United States.

Mr. Speaker, I wish to commend the Catholic University for the honor and tribute that they have paid to John Hume for his leadership and cause. His address, portions of which are excerpted below, is of interest to all Americans who share his commitment to peace and a final settlement of the conflict in Northern Ireland.

STATEMENT OF JOHN HUME

It is a great honor for me to accept this Honorary Degree from an educational institution of such high standing and prestige as the Catholic University of America. It is also a great pleasure for me to receive this award and to speak to you in an institution which has such a distinguished record of service in a whole range of fields corresponding to my own background and to the causes which I have sought to serve in my political life.

Coming from Ireland, which over 40 million Americans are proud to claim as the land of their birth or ancestry, let me salute the work and achievement of Catholic University in documenting, in studying, in celebrating the heritage of those Americans. Irish studies were initiated here in 1896. The first Department of Irish Studies in any university in the U.S.—only seven years after this institution opened its doors and over the intervening period, right up to the present day, the scholars who have graced these halls have made a contribution to the study of the rich linguistic, cultural and literary heritage bequeathed to us by the different major strands and traditions that have gone to make up the Irish nation.

We are gathered here today at the beginning of the International Year of Peace and on the birthday of a great American, Martin Luther King, a man of world stature, whose principle of non-violence in the struggle for justice has been an inspiration and guiding light to me personally in my approach to the resolution of conflict, whether in Ireland or the international sphere.

You are, in this country heirs to beneficiaries of great traditions and principles of constitutional government which stand out as of particular value and indeed, as a standard of emulation and application in our own affairs in Ireland today.

In America, there has always been respect for this idea of unity in diversity and whatever the controversies may be about the value and application today of the old melting-pot concept, there is, I understand, increasing acceptance of the idea of cultural pluralism. Again not without difficulty yesterday or devoid of controversy today, you have achieved religious toleration and established the separation of Church and State. Written on your smallest coin in this country is your message of greatest value, the cement of your society—E Pluribus Unum—from many, one. The essence of unity is the acceptance of diversity. The tragedy of divided people everywhere, as in Ireland, is that they have pushed difference to the point of division and have not yet learned the lesson that is the essence of unity in every democratic society in the world is to accept and respect diversity.

The story of Northern Ireland is the story of a conflict between the aspirations of ordinary men and women—600,000 Nationalists, 900,000 Unionists—who have been trapped by a tragic error of history which saw their hopes and fears as mutually exclusive and irreconcilable within an Irish state but which obliged them nonetheless to live and compete side-by-side in one corner of Ireland. These two communities in Northern Ireland, Catholic and Protestant, Nationalist and Unionist, both behave like threatened minorities and only by regarding them and only by removing the fears which they both feel can a just and durable solution be found.

The American civil rights movement in the 60's gave birth to ours. The philosophy of non-violence which sustained your struggle was also part of ours. Our own history and our own circumstances gave a special power to the counsel of Reverend Martin Luther King that violence as a way of achieving justice is both impractical and immoral.

The world in the 60's responded with sympathy to our non-violent movement for civil rights as it did to yours. But whereas here in the United States the structures of your democracy were resilient enough to encompass the challenge of civil rights, in the unstable political environment of Northern Ireland, our struggle was perceived as a threat to the very survival of the society itself and as such was resisted by the institutions of the State.

In the ensuing clash, the Unionist majority, through the imposition of direct rule from London, lost their local parliament which they had come to regard as the symbol of their independence and as the guarantor of their heritage. Though many would still wish to regard Northern Ireland as their exclusive homeland, they lack the power and indeed the freedom to shape their destiny as they once hoped. Though they dominate the security institutions of the State still, they have not found security as a people. This insecurity has led them to oppose change, even when that change is constructive.

Nevertheless through pressure on the British Government including the presence of sympathetic opinion in America and the world at large, we were able to make, through non-violent methods, major progress on a number of fronts, especially on the original demands of our Civil Rights Movement. These included one-man, one-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

vote, fair allocation of publicly provided housing and an end to job discrimination.

While we made these very worthwhile advances, affecting the lives of ordinary men and women, we encountered, as I have said, a blockage from the unionist parties, to our legitimate calls and efforts to secure for the nationalist people we represent effective political, symbolic and administrative expression of their identity, including a fair share in the exercise of political power in the executive, as well as the legislative branch of government. Moreover, the reforms we secured were not, regrettably, generously and openly offered by the majority party but had to be imposed on them by the British Government and Parliament.

Against the background of the resulting clashes and in impatience at the results achieved by peaceful, political methods, the philosophy of non-violence was rejected by a minority in my own community who followed the old law of an eye for an eye, who in the end were inevitably brutalised by the process in which they engaged, who in their savage anger and barbarous deeds have come to reflect themselves all of the hatred and sectarianism they had sought to overthrow and who, in their pursuit of violence, demeaned the cause we hold dear and lost us many good allies around the world. Sustained by their violence this terrorist group is beset by the illusion that they can, one day, impose their will on Ireland as a whole.

This violence, together with the unionist intransigence which gave it birth and the too long continued inadequacies of British policies in tackling the underlying political problem, has left us a bitter harvest. The human losses and economic costs have been enormous. The most tragic loss is that of the deaths of over 2,400 men, women and children. These deaths, in an area with a population of 1½ million, are equivalent in proportionate terms to the killing of approximately 350,000 in the United States. In addition, almost 25,000 people have been injured or maimed. Thousands are suffering from psychological stress because of the fear and tension generated by murder, bombing, intimidation and the impact of security countermeasures. In Northern Ireland, we now have the highest number of prisoners per head of population in Western Europe—in an area where twenty years ago, serious crime was practically unknown. The lives of tens of thousands have been deeply affected. The effect on society has been shattering. There is hardly a family that has not been touched to some degree by death, injury or intimidation.

When a society produces alienation in the individual, when it cannot provide for the equality and the differences of its citizens, "when the social system does not build security but induces peril," that society must be reshaped and transformed through new institutions which accommodate diversity and promote the best basis for reconciliation. This is the only way forward in Northern Ireland.

Like Martin Luther King, we the Social Democratic and Labour Party had a dream, like Theobald Wolfe Tone, the father of Irish republicanism, our vision has been "to substitute for the denomination of Catholic, Protestant and Dissenter the common name of Irishman." Our chosen strategy encompassed Reform, Reconciliation, and Reunification along a path of steady progress, continually narrowing the gap between the reality and the dream, using the political means of dialogue, persuasion, negotiation, accommodation, compromise. Violence can never heal the deep wounds that divide a people. Only a healing process can in time end the division in Ireland.

Our analysis is that the first necessary step in that healing process is the creation of total equality of treatment of all the citizens of Northern Ireland, nationalists and unionists alike, from basic civil rights to full expression of their identity.

On the basis of that equality on that, because reconciliation can only be based on equality, comes the process of reconciliation, the second element, in my party's long-term programme, the breaking down of barriers between the different sections of our people. No one can underestimate the difficulty of that task. It will take time, but it is a task that involves everyone and that will lead, coming to the third major element, to the only Irish unity that really matters, the only unity that all prepartition leaders spoke of, a unity that respects diversity and legitimises differences. That is a process and objective that no one need fear because everyone must be part of the building process. Those who claim that their role and objective in politics is to preserve, protect and develop the Protestant tradition in Ireland have surely much more interest in a process such as this than standing forever apart, paranoid about the future precisely because they have refused to grasp the nettle of settling their relationships with the people with whom they share the island of Ireland.

The process of reform and reconciliation could best be tackled through a framework corresponding to the framework of the problem and thus, through the British-Irish framework, through an approach that dealt and deals with the three major dimensions of the problem—relations between the two communities in Northern Ireland, relations between both parties, the nationalist and unionist traditions in Ireland as a whole and relations between Ireland and Britain. A promising start along these lines was made following discussions between the Irish and British Governments in 1980 but these efforts suffered a major setback in 1981 and 1982, as a result of the trauma arising from the campaign and deaths of the hunger-strikers imprisoned in Northern Ireland. As a consequence in that atmosphere three years ago, we faced a bleak situation and prospect, with alienation greatly accentuated and more widespread among all sections of the nationalist community and with the political situation apparently in a state of deadlock and paralysis.

My Party took a fresh initiative at that stage, designed to break the logjam and to carry our analysis into the realm of practical politics. We put forward the proposal which came to fruition as the New Ireland Forum, a deliberative body of elected representatives from the four major constitutional nationalist parties in Ireland, both North and South, representing over 90% of the nationalist population of Ireland. The purpose was to set out a modern up-to-date and formal statement or blueprint, setting out the principles and structures on the basis of which the constitutional nationalist dream of a new Ireland could be achieved.

The Report of the New Ireland Forum was adopted as policy by the Irish Government and taken as the basis for a process of negotiation with the British Government which after 18 months and not without some setbacks along the way, led to the signature of a formal international agreement between the two countries about Northern Ireland, on 15 November last, at Hillsborough in Northern Ireland, by the Irish Taoiseach, Dr. Garret FitzGerald and the British Prime Minister, Mrs. Margaret Thatcher.

The Agreement is a major achievement of democratic, non-violent politics. It is a significant step forward on the road to lasting peace and stability. No one amongst us feels it is the final solution.

Northern Ireland continues to be governed, as unionists still wish, by the British Government. The Agreement rather adds a dimension which by giving institutional recognition to the Irish identity of those of the nationalist tradition, without detriment to the identity, of unionists, will enable nationalists to participate fully in the affairs of Northern Ireland without prejudice to their aspiration to Irish unity.

The Agreement has secured the support of substantial majorities of the population in Britain and in the Republic of Ireland. It has been greeted with satisfaction by a majority of nationalists in Northern Ireland although there is, among many, a consciousness that much depends on its practical implementation, with firmness and fairness, by both Governments. Internationally, there has been unprecedented support including again from President Reagan and from both Houses of Congress.

But, surprise, surprise, there has been a strong negative and hostile reaction among unionists in Northern Ireland. The unionist political parties have embarked on a determined effort to set the Agreement at nought, if necessary, as their spokesmen express, by making Northern Ireland ungovernable. One may regard this opposition from a community used to ascendency, to having all power in their own hands, as understandable, even as inevitable: it is certainly not justifiable or justified. The Agreement takes nothing away from the legitimate rights or concrete interests from unionists, nor does it diminish in any way their political, cultural or spiritual heritage.

Particular opposition has been expressed to the Irish Government having a role in regard to the affairs and administration of Northern Ireland. But this attitude ignores the identity and aspirations of the people I represent, who constitute about 40% of the area's population. If there is an apprehension that the role of the Dublin Government represents the thin end of a wedge pushing towards a united Ireland against the wishes of a majority, the answer is in the second major feature of the Agreement itself. This recognises, in a binding international instrument, that which is a matter of fact, that Irish unity would only come about with the agreement of a majority of the people of Northern Ireland; and that the present wish of a majority there is for no change in that status. In this Article the two Governments also declare that, if in the future, a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, they will introduce and support in the respective Parliaments legislation to give effect to that wish. Thus the Article of the Agreement devoted to the status of Northern Ireland recognises the identity and aspirations of both traditions there. It also makes it clear that Britain has no interest of her own, strategic or otherwise, in remaining in Ireland and that Irish unity is a matter for those Irish people who want it to persuade those Irish people who don't, thus removing any justification whatsoever for the use of violence. You cannot unite people at the point of a gun.

When they are ready to do so, I and my party stand ready to meet them and engage in discussions on how we share our future together. We must begin the process of breaking down the barriers between us, barriers of prejudice and distrust which are at the heart of the conflict that has disfigured Ireland for centuries. We have a choice. We can live together or live apart. We have lived apart for too long and we have seen the bitter consequences. Or we can live together with all the painful readjustments that this will require. It is the only road to peace and stability. For whatever happens we will be sharing the same piece of earth for a long, long time.

We are, whether in Ireland or globally, with Martin Luther King:

"We still have a choice today: non-violent co-existence or violent co-annihilation."

INTRODUCTION OF VARIABLE GASOLINE TAX BILL

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. BEILENSON. Mr. Speaker, I am introducing a bill today which would raise the Federal excise tax on gasoline and other motor fuels at the rate the price of oil declines. This approach would take advantage of falling oil prices to generate badly needed Federal revenue without raising prices at the pump above current levels.

Under this bill, for every dollar that the price of oil declines from the January 1 price of $27 a barrel, 2.4 cents would be added to the tax on a gallon of gasoline—2.4 cents is the gallon equivalent of $1 a barrel. If the price of oil begins rising again, the gasoline tax would be lowered in inverse proportion to the higher oil price.

The intent of this bill is to raise Federal revenue without raising gasoline taxes. If this additional gasoline tax is levied at the same rate that the price of oil falls, drivers should find that they are paying no more for gasoline than they paid in January. Since gasoline prices do not yet reflect the recent decline in oil prices to about $20 a barrel—and may not for a while—if we imposed this tax right now we could practically ensure that motorists would not see any increase in the cost of gasoline.

It is anticipated that Congress and the President are going to have to reduce the fiscal year 1987 deficit by about $40 billion in order to comply with the $144 billion maximum deficit amount specified under Gramm-Rudman. Few, if any, of us believe that we can—or should—cut Federal spending by that amount this year. One way or another, we are going to have to raise revenues. A gasoline tax that takes effect only as the price of oil goes down is the most painless way available to reduce the deficit.

Although the amount of revenue this bill would raise depends on the price of oil, it could be quite substantial. Since each penny per gallon of tax raises about $1 billion in revenues a year, a drop in the price of oil to $17 a barrel—if it remains at that level for a year—would produce about $24 billion. That amount is enough to fulfill more than half of our fiscal year 1987 deficit reduction requirement. Even if the price of oil stabilizes at $21 a barrel, we would still cut the deficit by about $14 billion.

Not only would this gasoline tax help reduce the deficit, it would also strengthen our economy by lowering the soaring U.S. trade deficit—one-third of which is attributable to the import of oil and petroleum products—and by decreasing our vulnerability to an inevitable future world oil storage.

Although we have made some progress in lowering our dependency on imported oil in the last few years, the United States still imports more than one-quarter of all the oil consumed here. If we do not act, even more oil will have to be imported to meet the growing demand that will be generated by relatively inexpensive gasoline. As oil imports increase, the already dangerously steep trade deficit will grow even worse.

Furthermore, the U.S. future economic stability and strength depends on lessening its dependence on imported oil. Regardless of shortrun trends in oil prices, it is virtually assured that in the longrun supplies will tighten and prices will rise. We can begin preparing for that day right now by using a tax to keep gasoline prices from falling. By maintaining an incentive to reduce gasoline usage, we will lower—or at least stabilize—our oil consumption, and that will lead to more stability in oil supplies and prices in the years to come.

A gasoline tax is a fairer and more efficient way to raise revenue from oil than an oil import fee, which has been proposed more frequently here in Congress.

With an import fee, domestic producers would raise their prices to match the higher price of imported oil. All oil would rise in price, but almost three-quarters of that extra price would go as an inexcusable windfall profit to domestic oil companies. With a gasoline tax, on the other hand, all of the additional price would be used to reduce the deficit.

An oil import fee, as with any trade protection measure, would cause resentment and retaliation from trade partners—and most of the oil we import comes from neighbors and other friendly countries such as Mexico, Canada, Venezuela, Britain, and the Netherlands. It would also reduce incentives for our own oil industry to improve its efficiency and its international competitiveness. A gasoline tax would avoid these problems.

Furthermore, an import fee would raise prices for all oil products, increasing the economic costs across the board, from home heating to manufacturing. Those who heat their homes with oil would unfairly bear the double burden of higher heating and driving costs. Manufacturers who use oil would find it harder to compete in world markets. A gasoline tax, however, would only affect transportation costs.

Finally, an oil import fee would be more difficult to administer than a gasoline tax. A 9 cents a gallon gasoline tax is already in place and, while the simplest gasoline tax would be a straightforward add on to the existing tax, pegging the add on to the price of oil, as this bill would do, would not be complicated.

The oil price on which this new variable gasoline surtax would be based is the weighted average international price of crude oil, which is compiled and published on a weekly basis by the Energy Information Administration. On January 1, that price was $27.10, which was rounded to $27 for use as the base price in this bill. The Secretary of the Treasury would determine whether the gasoline tax should be increased or decreased for a calendar quarter by calculating the average weighted average international price of crude oil for the 3-month period ending with the second month in the preceding calendar quarter and comparing it with the $27 a barrel base price.

For every 50 cents change in the price of oil from $27 a barrel in one specified 3-month period, the tax would be raised or lowered by 1.2 cents. If the price of oil does not rise or fall by 50 cents or more during that period, there would be no change in the tax during the following calendar quarter. This surtax would only apply if the price of oil falls by 50 cents or more below $27 a barrel.

For example, if this bill were to take effect today, the Secretary of the Treasury would look at the average price of oil during the months of December 1985, January 1986, and February 1986. If the average price for that period is $26.67, the gasoline tax would stay at 9 cents a gallon during the second calendar quarter—April through June. If, during the months of March through May the average price of oil is $23.77, the gasoline tax would rise by 7.2 cents a gallon, to 16.2 cents, during the third calendar quarter—July through September.

It's reasonable to expect that gasoline prices would fall at the same rate as the price of oil—although there is normally some lag-time between changes in oil prices and changes in gasoline prices—therefore, the additional tax would be very close in size to the drop in gasoline prices.

Unlike the existing 9 cents a gallon Federal tax on gasoline, whose proceeds are credited to the highway trust fund, the revenues resulting from the additional tax would go to the general fund and, therefore, would be used to help reduce the budget deficit.

Finally, this tax would apply to gasohol and to diesel fuel sold at the pump, as well as to gasoline. Gasoline which is used for noncommercial aviation, however, would be exempt to avoid the inequity of a tax imposed on aircraft which use gasoline but not on that which use jet fuel.

No one likes the idea of imposing a tax of any sort—and a gasoline tax has traditionally been one of the least popular types of taxes around—but the plain fact is that some new revenue measures are going to be necessary if we are to meet the stringent deficit reduction measures established by Gramm-Rudman. And the falling price of oil gives us a golden opportunity—probably the only opportunity available—to reduce the deficit painlessly.

Oil played a big role in our economic woes over the last decade, but we can use it now to help solve the economic problems facing us today. The declining oil prices coming our way are a gift that we cannot afford to squander at a time of unacceptably high budget and trade deficits. This proposed gasoline tax can cut our budget deficit, reduce our trade deficit, and leave our children a more energy-secure future. It's an opportunity not to be missed.

Mr. Speaker, I urge my colleagues to join me in this effort to reduce the budget and trade deficits by supporting this proposed variable gasoline tax.

DR. MARTIN LUTHER KING, JR.

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. EDGAR. Mr. Speaker, on January 19, I had the pleasure and honor of speaking at the celebration of Martin Luther King, Jr.'s birthday at Salem Baptist Church in Jenkintown, PA.

The pastor of Salem Church, Dr. Robert Johnson-Smith, has written a series of moving letters to Dr. King on the anniversary of King's birthday. I would like to take this opportunity to share the most recent letter to Dr. King with my colleagues:

TO MARTIN LUTHER KING, JR.

DEAR MARTIN: It doesn't seem possible that five years have passed since I wrote you letter number 3. You remember that I informed you that Jimmy Carter was President of the United States and that your father and Andy Young had played a significant part in his election? Ronald Wilson Reagan is now our President. In this brief letter, I cannot even begin to tell you of the changes that have taken place. I should, however, try to make you know who Ronald Reagan is. He was at one time the Governor of California and before that he had several different jobs. He was best known as a movie actor. No, he never won an oscar. He was never even nominated for one. His movies were always rated B or less. He was married at one time to Jane Wyman, the actress, but his second wife is named Nancy. That's enough about the man Reagan. Let me share with you just a few things about Reagan, the President. It is not clear as yet as to the legacy President Reagan will leave. At the present time, however, a few things are crystal clear. He has allied himself on the side of those who are against civil rights, affirmative action and voter registration. He has tried to set the clock back insofar as to the rights of blacks, minorities and the poor are concerned. It is hard to believe what is going on in America today. Poverty is increasing amid abundance.

The above is not to say that we have not made some gains. Bill Gray is still in Congress and he is now the Chair of the House Budget Committee. Wilson Goode is Mayor of Philadelphia. Harold Washington is Mayor of Chicago, Coleman Young is the Mayor of Detroit, Tom Bradley is still the Mayor of Los Angeles and Douglas Wilder is Lt. Governor of Virginia.

Your friend Jessie Jackson ran for the President of the United States in the last presidential election and I was among those who said very early—Run Jessie, Run.

You certainly are interested in knowing that your birthday is now a national holiday. This is a unique situation. The only other person with a national holiday is George Washington, the first President of the United States. You are the only other American so honored. Moreover, it is my understanding that at least one other country of the world has designated your birthday as a national holiday. Congratulations Martin—you deserve these honors.

This is the first year that your birthday is a national holiday. President Reagan opposed the bill making your birthday a national holiday, but he reluctantly signed it when he knew that Congress had the votes to override his veto. He is an amazing man. I do not despair of him, I do not get angry with him, he does not upset me. I just accept the fact that we are in the movies now and movies have conclusions. This is 1986 and of course, there is 1988 that is on the way.

On Tuesday, January 14th, Bill Gray invited some of us to have breakfast with Bishop Desmond Tutu of South Africa. Let me inform you that Bishop Tutu was awarded the Nobel Peace Prize in 1984 because of his gallant struggle against apartheid in South Africa. I distinctly remember that even in 1965 you strongly urged the United States to order sanctions against this cruel and brutal government of South Africa. Your voice was ignored just as it was about Vietnam.

On Wednesday, the day of your birth, January 15th, I attended a luncheon sponsored by the Philadelphia Martin Luther King, Jr. Association for Non-Violence. I was one of the sponsors of this event. At least 1,500 persons gathered for this event. Bishop Tutu was our guest speaker. He is a brilliant and charismatic speaker. The highlight of his speech was his tribute to you as the person who set the spark for freedom ablaze in the hearts of millions of people in South Africa. He said that yours was the voice that gave them a sense of their personhood. He said that they too now have a dream. Moreover, he said that those who love freedom in South Africa are now singing even in the midst of the brutality, inhumanness and cruelty of their present heartbreak and despair—"We shall overcome." Martin, the Bishop paid a great tribute to you. The tribute is richly deserved by you. Bishop Tutu concluded by saying that if America should place sanctions against South Africa, apartheid would end immediately.

Martin, I am not one for writing long letters. Forgive me if this one is too long. But I would like for you to say hello to some of our mutual friends there. Say hello to Bill Gray, Jr. Tell him what I said about Bill III. Say a word to Marshall Shepherd, Sr., Luther Cunningham, Sam Williams, Adam Powell, Jr., Witney Young, Duke Ellington, Billie Holiday, Roy Wilkins and Nat King Cole. And to your parents. We miss them.

If you get the chance, say a warm greeting to our daughter Estelle Anne. You remember how much she thought of you. Tell her that we miss her very much.

By the way, have you seen David the Shepherd King? Or Amos with his plumbline? Have you talked with Hosea about love? What did Jeremiah mean about fire shut up in his bones? Do you now have a better understanding about Daniel's stone hued out of the mountain or Ezekiel's wheel in the midst of a wheel? Has Paul told you about his thorn in his flesh? Have you seen the nail prints in the Master's hands—What about the crown of thorns—The spear broken side—That all must be exciting.

Thanks for reading this fourth letter, Martin. Our thoughts are with you.

HUD SALUTES PUEBLO AND OTHER OUTSTANDING PUBLIC HOUSING AUTHORITIES

HON. MICHAEL L. (MIKE) STRANG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. STRANG. Mr. Speaker, in early December, the Secretary of HUD, Samuel R. Pierce, Jr., presided over a ceremony that recognized the outstanding work being done in some public housing authorities in our Nation. The Secretary singled out for special recognition the significant achievements of 28 local public housing authorities in improving life for public housing residents. Specific recognition was give to often unheralded public housing officials for their efforts to improve the physical condition of their projects, improve management capability, create public/private initiatives, and improve community perception and resident satisfaction.

I am very proud that the Housing Authority of the city of Pueblo, CO, in my congressional district, received an award for its innovative program to improve the quality of life of low-income elderly residents. The Pueblo Housing Authority, under the expert direction of its executive director, Jack Quinn, purchased and restored the historic 62-year-old Vail Hotel and converted it into 56 units of low-income housing for the elderly. The goal of the authority was to maintain the historic structure of the building while providing housing for elderly residents. The authority acquired and restored the Vail Hotel with a combination of community development block grant and public housing development funds from the Department of Housing and Urban Development and funds from the Colorado State Division of Housing. This project has become a focal point for downtown redevelopment and community pride.

I was pleased to participate in this ceremony and would like to commend Secretary Pierce for this program honoring creative and innovative approaches that set examples for other PHA's across the country.

Mr. Speaker, because public housing authorities are so seldom recognized for the good work most of them do day in and day out, the winners of these HUD National Public Housing Agency Performance Awards deserve our support and appreciation. I am including a list of the award recipients and Secretary Pierce's eloquent remarks about them for the RECORD.

AGENCY PERFORMANCE AWARD WINNERS

Award Category: Sustained Performance

Small: Housing Authority of the City of Salem, OR. Housing Authority of the City of New Boston, TX (runner-up).

Medium: Housing Authority of the City of La Crosse, WI. Housing Authority of the City of Wheeling, WV (runner-up).

Large: Tacoma Housing Authority, WA. Springfield Housing Authority, MA (runner-up).

Award Category: Greatest Improved Performance

Albany Housing Authority, GA.

Housing Authority and Community Services Agency of Lane County, OH (runner-up).

Award Category: Specific Activity

Raleigh Housing Authority, NC (energy conservation).

Metropolitan Development and Housing Agency Nashville, TN (energy conservation).

Lorain Metropolitan Housing Authority, OH (energy conservation).

Springfield Housing Authority, MA (resident services and maintenance).

Housing Authority of the City of High Point, NC (maintenance).

Housing Authority of Plainfield, NJ (resident services).

Deland Housing Authority, FL (housing recycling).

Housing Authority of Baltimore City, MD (PHA resident relations).

Baltimore Resident Advisory Board, MD (PHA resident relations).

Albany Housing Authority, GA (PHA resident relations).

Trumbull Metropolitan Housing Authority, OH (computers).

Jersey City Housing Authority, NJ (resident organization).

Jersey City Resident Association, NJ (resident organization).

Ripley Arnold Resident Organization, Fort Worth, TX (resident organization).

Dayton Metropolitan Housing Authority, OH (modernization).

Housing and Redevelopment Authority of Duluth, MN (congregate housing).

Tacoma Housing Authority, MA (management).

Housing Authority of Bergen County, NJ (management).

Springfield Metropolitan Housing Authority, OH (management).

Pueblo Housing Authority, CO (innovative programs).

FIRST ANNUAL PUBLIC HOUSING AGENCY PERFORMANCE AWARDS CEREMONY

(Remarks by Samuel R. Pierce, Jr., Secretary)

Thank you. I appreciate those kind words, and I appreciate the chance to be here on this very special day.

Special because it shows, again, the caliber of America's public housing management;

Special because it shows, again, how HUD embodies this nation's greatest treasure: America's ability to care.

You know, that great writer, Henry David Thoreau, once said: "Be not simply good. Be good for something."

Well, thanks to you, the performance of this Nation's Public Housing Agencies has, overall, indeed been very good. But even more, it has been—and will remain—very good for something.

Each of you here today has strived to help public housing help the needy, the disabled, and the elderly—yes, the most vulnerable among us.

Each of you here today strived to reaffirm the very concept upon which public housing rests:

That a good home, in a good environment, combined with temporary rent relief, would allow families to more quickly enter the economic mainstream;

And that together, acting as Americans, we could use public housing to achieve what Franklin Roosevelt spoke about a half-century ago. "Our aim," he said then, "is to create a society in which no one is left out."

And, finally, each of you here today—and moreover, each of the agencies you represent—you have said to all of us: As we follow . . . as American follows . . . in Lincoln's words, "the better angels of our nature," we can be lifted by our dreams.

Dreams, yes—and let me say: You are making them reality.

For me, this reality—this exposure to your work—began as early as January 1981, when this Administration was forming its public housing policies.

We knew, of course, that we didn't like some of the programs we were inheriting. Now, admittedly, a lot of this was philosophical—which is not to say merely political. One of the big factors in our election, after all, was the President's view of the proper role of the Federal government in our national life. Taking office, we meant to accent that view—and in the five years since then, I believe we have.

But even philosophy took a back seat, back then, in how most of us regarded the public housing program. Better than anyone, you are familiar with what grabs headlines for public housing—you know, as I do, that happy tenants in crime-free, graffiti-less buildings don't rank high on the list. Unfortunately, too often it is your less industrious, less conscientious, more irresponsible colleagues who make the news. And I'll confess it: Too often, they formed for us—wrongly formed—the image of what we thought we were inheriting.

Well, today, let me say: Quoting from the musical Porgy and Bess, we soon discovered that "It ain't necessarily so." Sure, there are bad—even rotten—apples in the public housing barrel. And yes, this Administration, like those that came before, has had its share of disastrous newsprint. But we found that the standard for the industry—the news, sadly, not judged fit to print—was that, in most places, public housing is pretty much on a par with other housing in the community.

For evidence, I present these ceremonies, today.

The fact that these performance awards came out of intense competition, rather than from a handful of unique situations, provides ample testimony to the fact that much of the industry is healthy. It is healthy because, increasingly, PHAs have become responsive and responsible. And that is true, accordingly, because of managers like you—men and women who know that Americans want a ladder, not crutch; and that public housing exists to serve the people—not the other way around.

There are, I would guess, probably three basic factors that have combined to produce today's recipients—these "winners," if you will—and the many authorities that challenged them in each award category.

The first factor is that the PHA takes pride in doing a good job. And by PHA, I mean the entire staff, not just the executive director.

To be sure, the competence and commitment of the "head guy" are obviously critical, and I doubt if any of you would be here if these traits didn't describe your own executive director. But unless the Authority is very small, the executive director also needs and depends on competence and commitment at the project level—the place where people live. For only here can we make public housing good housing. And only here can we keep it so.

The second factor—the second element common to you award recipients—is a city government that sees public housing as just another part of the community, not a Federal enclave. Here, its residents are just one part of the great diversity of people who call a community home. Here, public housing is just one part of the range of housing a community wants and needs.

You know, so often we find that good public housing follows where good city government leads. Well, if the long history of public housing has taught us anything—and if there is one lesson to be drawn from you—it is that the Federal government cannot impose any standards where the local government does not agree—or does not care. Indeed, I'll take it one step further. So often, we've found that the less the Federal government imposes, the more the local government cares.

Then there is the third "success" factor central to you PHA recipients—the population living in public housing. In some places, they are active participants in the management of their housing; in others, they actually take on responsibility for management. These actions are commendable, of course, and we certainly encourage them. But what I'm getting at here, as an element basic to good public housing, is a tenant population comprised, simply, of good citizens . . . people who take care of their housing . . . who try to be good neighbors . . . people who raise any neighborhood's quality of living, and who make their neighborhood a community.

It was the great Nineteenth Century British Prime Minister, Benjamin Disraeli, who said: "Man is not the creature of circumstances. Circumstances are the creatures of men." Well, good citizens are not the creatures of good public housing. Good public housing is the creature of good citizens.

For some of today's recipients, this winning combination—this convergence of factors—may have always been present. To you, good public housing in your community means "business as usual"—how could you imagine it otherwise? What we're awarding, then, is your success in maintaining or even improving the quality of the operation you inherited.

Others among you have achieved success by reconstructing your program. Here, what we're awarding is your willingness to, first, admit publicly that your program was not working for the benefit or either residents or taxpayers and, secondly, to do something about it. The award recognizes not only the small successes needed before "improvement" can be claimed: it also recognizes the difficulty of persevering when the inevitable setbacks happen.

And then there are still others who decided to experiment—to see how the program works under slightly different assumptions about management. Most of these involve persuading people to take on an unusual idea and make it work. The Austrian statesman Metternich said: "It is useless to close the gates against ideas. They overlap them." Well, for you, today's award honors your acceptance of the risk involved in pursuing that idea . . . and in experimenting with the system to make a positive difference—however large or small—in the lives of people . . . and in public housing's life.

You know, seeing you here, if you'll forgive a moment of self-congratulation, I believe that HUD's record in public housing is a fine record—and the entire HUD community should be proud of it. But just as importantly, each of you—yes, the award-recipients in this room—you, too, should be proud of it . . . for you've been a major part of it.

You haven't simply led—you've triumphed. You haven't invested just time from your career—you've invested the best

of yourselves and the finest of the human spirit. I am very proud of each one of you, and proud to be your colleague.

That is why, in closing, let me again congratulate you on the magnificient success of your agencies—agencies which, in turn, we are honored to honor now.

More than forty years ago, amid the great tumult of World War II. Winston Churchill said of the Allies' victory at El Alamein: "Now, this is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning."

Well, ladies and gentlemen, how well those words apply to you.

Because: Each of your endeavors; each of your agencies; and, yes, each of your ends; is always a beginning.

Your work goes on . . . daily, quietly, often without fanfare or applause:

Molding creative approaches to meeting human needs;

Making today as bright as possible for public housing residents, and making tomorrow that much brighter than today.

For half a century now, public housing has enriched the fabric of thousands of communities. Its agencies have helped open wide the door of opportunity, and show—as this morning, we reaffirm again—that the best government for the people is that government closest to the people—assisting . . . caring . . . proving, in President Reagan's words, that "America is not about Promises. America is about Promise."

On behalf of the President, my congratulations.

On behalf of our Department, my heartfelt best wishes.

And in an even broader sense, on behalf of the millions of people touched by public housing, let me express to you—yes, the best and the brightest of PHA's—my deep and personal thanks for all you have done to provide quality shelter, human dignity, and most importantly, hope.

Thank you.

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the CONGRESSIONAL RECORD. I strongly believe that the people of the Second Congressional District of Arizona have a right to know where I stand on the issues decided by this body, and I have found that printing my record here is the best way to provide that information.

This is not an all inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for more specifics.

The votes are described as follows:

KEY

1. Rollcall Number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of the vote;
5. The outcome of the vote;
6. The vote total;
7. My vote, in the form Y=yes, N=no, and NV=not voting;
8. The vote totals of the Arizona delegation (yes—no—not voting);
9. The date.

1. Election of Speaker. Nominees for Speaker of the House of Representatives for the 99th Congress were Thomas P. O'Neill Jr., D-Mass., the Speaker since 1977, and Robert H. Michel, R-Ill., minority leader since 1981. O'Neill was elected 247-173: Y(1-4-0), Jan. 3, 1985.

2. H. Res, 1, Indiana 8th District Seat. Adoption of the resolution to provide that neither Republican Richard D. McIntyre nor Democrat Frank McCloskey be seated as a member of the 99th Congress, pending a Committee on House Administration investigation of the contested race. Adopted 238-177: Y(1-4-0), Jan. 3, 1985.

3. H. Res. 2. Idaho 2nd District Seat. Adoption of the resolution to administer the oath of office to Richard Stallings, D-Idaho. Adopted 407-0: Y(5-0-0), Jan. 3, 1985.

4. H. Res. 7. House Rules. Frost, D-Texas, motion to order the previous question (thus ending debate and the possibility of amendment) on the resolution to adopt the rules of the House of Representatives for the 99th Congress as proposed by the Democratic Caucus. Motion agreed to 238-176: Y(1-4-0), Jan. 3, 1985.

5. H. Res. 7. House Rules. Lott, R-Miss., motion to recommit the resolution to adopt the rules of the House for the 99th Congress to a select committee for the purpose of directing the Rules Committee to study the congressional budget process, committee operations and the House broadcasting system. Motion rejected 176-237: N(4-1-0), Jan. 3, 1985.

6. H. Res. 7. House Rules. Adoption of the resolution to adopt the rules of the House of Representatives for the 99th Congress as proposed by the Democratic Caucus. Adopted 235-174: Y(1-4-0), Jan. 3, 1985.

8. H. Res. 52. Indiana 8th District Seat. Wright, D-Texas, motion to refer to the Committee on House Administration the resolution to seat Republican Richard D. McIntyre as a member of the 99th Congress, pending an investigation of the contested race by the Committee on House Administration. Motion agreed to 221-180: Y(1-4-0), Feb. 7, 1985.

13. H.R. 1096. African Relief. Wolpe, D-Mich., motion to suspend the rules and pass the bill to authorize $175 million in fiscal year 1985 for disaster and refugee aid for African countries affected by drought and famine. Motion agreed to 391-25: Y(3-2-0), Feb. 26, 1985.

14. H.R. 607. Cost-Savings Disclosure Awards. Schroeder, D-Colo., motion to suspend the rules and pass the bill to authorize the President and agency inspectors general to grant cash awards to employees who disclose waste, fraud and abuse. Motion agreed to 413-1: Y(5-0-0), Feb. 26, 1985.

16. H.R. 1035. Emergency Farm Credit. Adoption of the rule (H. Res. 79) providing for House floor consideration of the bill to authorize advance Commodity Credit Corporation crop loans to farmers, to authorize $3 billion in Farmers Home Administration (FmHA) loan guarantees for restructured private loans to farmers, to revise rules for the FmHA loan guarantees and to authorize low-interest federal disaster loans to farmers in certain circumstances. Adopted 331-91: Y(1-4-0), Feb. 27, 1985.

17. H.R. 1035. Emergency Farm Credit. Passage of the bill to authorize advance Commodity Credit Corporation crop loans to farmers, to authorize $3 billion in Farmers Home Administration (FmHA) loan guarantees for restructured private loans to farmers, to revise rules for the FmHA loan guarantees and to authorize low-interest federal disaster loans to farmers in certain circumstances. Passed 318-103: Y(2-3-0), Feb. 27, 1985.

19. H.R. 1189. Emergency Farm Credit Appropriations. Adoption of the rule (H. Res. 85) providing for House floor consideration of the bill to appropriate $1 billion for Farmers Home Administration (FmHA) guarantees of restructured farm loans by private lenders, restricted to farmers with debt-to-asset ratios of at least 75 percent, to increase by $17 million appropriations for FmHA salaries and expenses, and to provide $500,000 for a study of the impact of agricultural trade embargos. Adopted 260-149: Y(2-3-0), Feb. 28, 1985.

20. H.R. 1189. Emergency Farm Credit Appropriations. Passage of the bill to appropriate $1 billion for Farmers Home Administration (FmHA) guarantees of restructured farm loans by private lenders, restricted to farmers with debt-to-asset ratios of at least 75 percent, to increase by $17 million appropriations for FmHA salaries and expenses, and to provide $500,000 for a study of the impact of agricultural trade embargos. Passed 294-115: Y(2-3-0), Feb. 28, 1985.

21. H.R. 1251. Interstate Highway Funds. Passage of the bill to release to the states more than $7 billion in Interstate highway construction funds for the second half of fiscal 1984 and all of fiscal 1985. Passed 392-4: Y(5-0-0), Feb. 28, 1985.

23. H. Res. 97. Indiana 8th District Seat. Alexander, D-Ark., motion to refer to the Committee on House Administration the resolution to seat Republican Richard D. McIntyre as a member of the 99th Congress, pending an investigation of the contested race by the Committee on House Administration. Motion agreed to 168-167: Y(1-4-0), March 4, 1985.

24. H.R. 1096. African Famine Relief. Frost, D-Texas, motion to order the previous question (thus ending debate and the possibility of amendment) on the rule (H. Res. 92) providing for House floor consideration and passage of the bill, together with a Senate amendment, to authorize $175 million in non-food aid for emergency relief to Africa, to authorize $100 million to offset interest on restructured private farm loans guaranteed by the Farmers Home Administration (FmHA), to increase the FmHA loan guarantee program by $1.85 billion and revise certain eligibility rules, and to authorize advances to eligible farmers of Commodity Credit Corporation commodity price-support loans. (The rule provided that a vote for the rule also constituted a vote on agreeing to the Senate amendment and on passage of the bill.) Motion agreed to 239-185: Y(1-4-0), March 5, 1985.

25. H.R. 1096. African Famine Relief. Adoption of the rule (H. Res. 92) providing for floor consideration of the bill, together with a Senate amendment, to authorize $175 million in non-food aid for emergency relief to Africa, to authorize $100 million to offset interest on restructured private farm loans guaranteed by the Farmers Home Administration (FmHA), to increase the FmHA loan guarantee program by $1.85 billion and revise certain eligibility rules, and to authorize advances to eligible farmers of Commodity Credit Corporation commodity price-support loans. The rule provided that a vote for the rule also constituted a vote on

agreeing to the Senate amendment and on passage of the bill. Adopted (thus clearing the bill for the President) 255-168: Y(1-4-0), March 5, 1985.

28. H. Res. 20. Select Committee on Hunger. Adoption of the resolution re-establishing the Select Committee on Hunger in the 99th Congress. Adopted 286-124: Y(2-3-0), March 7, 1985.

29. H. Res. 22. Select Committee on Narcotics Abuse and Control. Adoption of the resolution re-establishing the Select Committee on Narcotics Abuse and Control in the 99th Congress. Adopted 310-94: NV(2-2-1), March 7, 1985.

31. H.R. 1025. Anadromous Fish Conservation. Jones, D-N.C., motion to suspend the rules and pass the bill to reauthorize at $7.5 million annually for fiscal 1986-88 section 4 of the Anadromous Fish Conservation Act, which established a federal-state cost-sharing program for research, development and management to support anadromous fish. Motion agreed to 268-133: Y(1-3-1), March 19, 1985.

32. H.R. 1028. Interjurisdictional Fisheries Research. Jones, D-N.C., motion to suspend the rules and pass the bill to replace the Commercial Fisheries Research and Development Act (Public Law 88-309) with the Interjurisdictional Fisheries Research Act, a federal-state program of fishery research, and authorize $7.85 million annually for fiscal 1986-88. Motion rejected 252-149: Y(1-3-1), March 19, 1985.

33. H. Res. 100. House Committee Funding. Adoption of the resolution authorizing $48 million in fiscal 1985 for the investigative expenses of House committees. The resolution covers about half of committee costs in 1985. Adopted 254-158: Y(2-3-0), March 26, 1985.

34. S.J. Res. 71. MX Missile Authorization. Passage of the joint resolution to approve authorization of $1.5 billion to procure 21 MX missiles in fiscal 1985. Passed 219-213: N(4-1-0), March 26, 1985.

36. H.J. Res. 181. MX Missile Appropriation. Passage of the joint resolution to approve appropriation of $1.5 billion to procure 21 MX missiles in fiscal 1985. Passed 217-210: N(4-1-0), March 28, 1985.

38. H. Res. 121. Indiana 8th District Seat. Wright, D-Texas, motion to refer to the Committee on House Administration the resolution to seat Republican Richard D. McIntyre as a member of the 99th Congress representing the 8th District of Indiana. (The effect of the Wright motion was to delay a decision on seating McIntyre pending a recount by a House Administration Committee task force.) Motion agreed to 241-183: Y(1-4-0), April 2, 1985.

39. H.R. 1239. African Famine Relief. Adoption of the conference report on the bill to appropriate $784 million in fiscal 1985 for food and non-food aid to African countries suffering from famine. Adopted 400-19: Y(3-2-0), April 2, 1985. (The Senate subsequently adopted the conference report by voice vote, thus clearing it for the president.)

40. H.R. 1373. Phillip Burton Wilderness. Vento, D-Minn., motion to suspend the rules and pass the bill to name a previously designated 25,370-acre wilderness area within the Point Reyes National Seashore in California as the "Phillip Burton Wilderness." Motion agreed to 342-69: Y(3-2-0), April 2, 1985.

41. H.R. 1869. Automobile Record-keeping Requirements. Rostenkowski, D-Ill., motion to suspend the rules and pass the bill to repeal rules requiring detailed "contemporaneous" logs of business and personal use of automobiles and other equipment to qualify for business tax deductions, and to lower limits on business tax breaks for expensive automobiles. Motion agreed to 412-1: Y(5-0-0), April 2, 1985.

42. H. Con. Res. 107. Unfair Trade Practices of Japan. Rostenkowski, D-Ill., motion to suspend the rules and adopt the concurrent resolution to urge the president either to persuade the Japanese to buy more U.S. goods or to approve tariffs, quotas or other restraints to block Japanese imports. Motion agreed to 394-19: Y(4-1-0), April 2, 1985.

44. H.R. 1714. NASA Authorization, Fiscal 1986. Walker, R-Pa., substitute amendment to the Meyers, R-Kan., amendment, to reduce the authorized spending level for research and program management from $1,345,000,000 to $1,300,000,000. (The Meyers amendment would have reduced the authorized spending level for space shuttle production and operation capability from $1,011,500,000 to $976,500,000, and increased the authorized spending level for space transportation capability development from $444,300,000 to $459,300,000.) Adopted 288-127; Y(3-0-2), April 3, 1985. (The Meyers amendment, as amended by the Walker substitute, subsequently was adopted by voice vote.)

45. H.R. 1714. NASA Authorization, Fiscal 1986. Walker, R-Pa., amendment to allow the National Aeronautics and Space Administration to charge higher prices than the bill would have allowed to private companies and foreign countries that use the space shuttle for satellite launches. Adopted 206-201: N(3-1-1), April 3, 1985.

46. H.R. 1714. NASA Authorization, Fiscal 1986. Separate vote at the request of Penny, D-Minn., on the Morrison, D-Conn., amendment to freeze spending for the National Aeronautics and Space Administration at the fiscal 1985 level of $7,510,700,000. Adopted 369-36: Y(4-0-1), April 3, 1985. (The Morrison amendment earlier had been adopted by voice in the Committee of the Whole. Penny requested a second, recorded vote.)

47. H.R. 1714. NASA Authorization, Fiscal 1986. Passage of the bill to authorize $7,510,700,00 in fiscal 1986 for the National Aeronautics and Space Administration $586,000 in fiscal 1986 for the Office of Space Transportation in the Department of Transportation, and to set a pricing policy for the space shuttle. Passed 395-3: Y(4-0-1), April 3, 1985.

48. S.J. Res. 15. Helsinki Human Rights Day. Fascell, D-Fla., motion to suspend the rules and pass the joint resolution to designate May 7, 1985, as "Helsinki Human Rights Day," and to request the President to raise the issue of Soviet and East European human rights violations at every available opportunity. Motion agreed to 390-0: Y(5-0-0), April 16, 1985.

49. H. Con. Res. 110. Extradition of Accused Taiwanese. Solarz, D-N.Y., motion to suspend the rules and adopt the concurrent resolution to express the sense of Congress that Taiwan should cooperate in the extradition of any Taiwanese involved in the murder of Henry Liu, a U.S. citizen of Chinese descent, killed in California in 1984. Motion agreed to 387-2: Y(4-1-0), April 16, 1985.

50. H.R. 1210. National Science Foundation Authorization, Fiscal 1986. Walker, R-Pa., amendment to limit authorized spending for the National Science Foundation to the fiscal 1985 level of $1.5 billion. Adopted 407-4: Y(5-0-0), April 17, 1985. (The amendment earlier had been modified by a Science and Technology Committee substitute that adjusted spending priorities for the foundation but kept spending within the $1.5 billion ceiling. The bill subsequently was passed by voice vote.)

REV. JAMES M. DEMSKE, S.J.

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. LAFALCE. Mr. Speaker, this recent statement of Rev. James M. Demske's tenure as president of Canisius College for the past 20 years sums up the profound impact that this scholar-priest has had on his college and the people of western New York. I commend to my colleagues his record of accomplishment, briefly stated as follows:

"A great fellow for all people and all times . . ."—*Buffalo Courier Express,* January 1, 1972.

When the Courier Express heralded Fr. Demske as its Good Fellow of the Year for 1971 that New Year's morning, it stated that he merited the recognition as few people had.

In 1985, as the Rev. James M. Demske, S.J. marks his 20th Jubilee as president of Canisius, he merits that recognition as no other person has.

Fr. Demske has been part of Canisius—counting from the time he was an undergraduate—for 46 of his 63 years. His tenure as president is nearly three times that of any of his illustrious predecessors, and his imprint on all aspects of Canisius life is indelible.

Father Demske's association with his alma mater runs deep, but he was a Buffalonian before he was a Canisian.

Born in the Kensington area of Buffalo to Augusta and Albert Demske, he attended St. James Parochial School and St. Joseph's Collegiate Institute. He entered Canisius in 1939.

A dedicated scholar, he also had many extra-curricular interests. He wrote for the Griffin and the Azuwur, acted in Little Theater, was a member of the Sodality, and played the trombone.

He inherited a substantial musical talent—one he still will exhibit, if pressed—from his mother, a church-choir singer, and his father, one of the original members of the Buffalo Philharmonic Orchestra.

Drafted into the Army in 1943, he put his college career on hold for three years. During that time he attended officer's training school, served in North Africa and Italy, and attained the rank of captain.

He returned to Canisius in 1946, graduating a year later summa cum laude with a major in the classics.

The Society of Jesus then became his life. Fr. Demske entered the Society on July 30, 1947, embarking on a 10-year program of religious study and training. He spent two years at St. Andrew-on-Hudson, a seminary in Poughkeepsie, and two years at Woodstock College in Maryland, where he received the Licentiate in Philosophy.

After teaching three years at St. Peter's College in Jersey City, N.J., he entered the University of Innsbruck, Austria, to study for a Licentiate in Sacred Theology. He was

ordained to the priesthood at Innsbruck in 1957 and received his S.T.L. a year later.

Fr. Demske then went on to receive his Ph.D. from the University of Freiburg im Breisbau, West Germany, in 1962. His doctoral thesis on the theme of death in the works of the German philosopher Martin Heidegger was published in German and English.

After completing his formal studies, Fr. Demske served as director of Jesuit Seminarians at Bellarmine College in Plattsburgh for three years.

The Rev. James M. Demske, S.J., was appointed 22nd president on July 31, 1966. Canisius has made significant advances under his leadership.

The College added 30 new majors and programs. Including the MBA, and bachelor's degrees in the immensely popular fields of computer science, physical education, communication, and marketing.

It established the Martin Luther King Scholarship Program for promising black students. By 1985, 263 students had studied at the College under this program.

The College expanded its Board of Trustees, adding a majority of laymen to the board, which substantially broadened the College's base of managerial expertise and community support.

Six new buildings were built or acquired, including the Churchill Academic tower and The Koessler Athletic Center, adding 351,500 square feet of space to the physical facilities.

The number of women students increased dramatically. They now make up 48 percent of the student body.

The endowment fund grew from less than a million in 1965 to $7.8 million in 1985.

FR. DEMSKE SERVES ON THE FOLLOWING BOARDS

Association of Jesuit Colleges and Universities
Commission on Independent Colleges and Universities of New York State
Western New York Consortium of Higher Education
Independent College Fund of New York
Buffalo General Hospital
Empire of America, FSB
Studio Arena Theater
WNED-TV
Buffalo Fine Arts Academy
Buffalo Philharmonic Orchestra
Buffalo Urban League
Hospice Buffalo

BOOKS BY FR. DEMSKE

Introductory Metaphysics, in collaboration with Avery Dulles, S.J., and Robert J. O'Connell, S.J. (New York: Sheed and Ward, 1955)

Encounters with Silence, a translation of a work by the German theologian Karl Rahner, S.J. (Westminster, Maryland: Newman Press, 1960)

Sein Mensch und Tod, a study of the philosophy of Martin Heidegger (Freiburg, Germany: Herder, 1963)

Being, Man and Death, a revised English version of the Heidegger study (University Press of Kentucky, 1970)

A Promise of Quality: The First One Hundred Years of Canisius College, on the occasion of the College's centennial (Princeton University Press, 1970)

A FURTHER LOOK AT CANISIUS COLLEGE'S PAST 20 YEARS

	1965	1985
Undergraduate degrees awarded	280	649
Number of faculty	136	170

A FURTHER LOOK AT CANISIUS COLLEGE'S PAST 20 YEARS—Continued

	1965	1985
Library holdings:		
Volumes	108,479	260,000
Microforms	350	30,000

FR. DEMSKE IS LISTED IN

Who's Who in America
Who's Who in the East
Who's Who in the United States
The American Catholic Who's Who
Who's Who Among Authors and Journalists
Who's Who in American Colleges and University Administrations
Contemporary Authors
Leaders in Education

ACID PRECIPITATION CONTROL TECHNOLOGY RESEARCH AND DEMONSTRATION ACT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. SCHEUER. Mr. Speaker, today I am introducing a bill calling for a major new 5-year joint program by industry and the Federal Government to develop and demonstrate new, lower cost controls to prevent acid rain.

This bill begins to move acid rain research away from its seemingly endless quest for irrefutable proof of unresolvable issues and toward the development of efficient, low-cost methods for reducing the emissions which cause acid rain. As hearings before the House Science and Technology Subcommittee on Natural Resources, Agriculture Research, and Environment, which I chair, have demonstrated, innovative control technologies may offer new ways to address the serious environmental threat of acid rain while significantly lowering the social and economic costs associated with currently available control strategies.

Although a control technology research and demonstration program is not a substitute for mandated emission reductions, we need to be developing these technologies now so that we can move expeditiously to implement appropriate, cost-effective reductions program.

The bill I am introducing today, the "Acid Precipitation Control Technology Research and Demonstration Act," directs the President to appoint a "panel on acid rain technology," headed by a Cabinet-level appointee, to select projects for research and demonstration. Control technologies eligible for funding under the act would be expected to reduce sulfur dioxide or nitrogen oxide emissions on a commercial scale in a more efficient manner and at less cost than existing technologies. Special consideration will be given to projects aimed at reducing emissions at facilities which are currently dependent on high-sulfur coal.

The bill parallels the recommendations recently made to President Reagan by Drew Lewis, the President's special envoy on acid rain. Although the special envoy's report proposed a $5 billion program, the bill I am introducing does not contain a specific funding level in view of the current budgetary situation. The issue of appropriate funding levels will be explored in upcoming hearings.

I urge my colleagues to join with me in sponsoring this legislation so that we can break the deadlock on acid rain and get on with the task of developing more efficient, less-costly means of controlling sulfur dioxide and nitrogen oxide emissions.

H.R. —

A bill to amend the Acid Precipitation Act of 1980 to provide for a program of research and demonstration for acid precipitation control technology

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Acid Precipitation Control Technology Research and Demonstration Act."

SECTION 101. This Act may be cited as the "Acid Precipitation Control Technology Research and Demonstration Act."

SEC. 102. The Acid Precipitation Act of 1980 (Title VII of Public Law 96-294) is amended by adding after section 706 the following new section:

"RESEARCH AND DEMONSTRATION PROGRAM

"SEC. 707. (a)(1) The Congress finds that—

"(A) acid rain is a serious environmental problem in both the United States and Canada;

"(B) acid rain is a serious transboundary problem;

"(C) at the present time, there are only a limited number of potential avenues for achieving major reductions in acidic air emissions; and

"(D) there is a need both to broaden the range of options currently available for control of acidic air emissions and to reduce their costs as mandatory emission reductions are imposed.

"(2) The purposes of this section are to—

"(A) expand the scale of research activities designed to develop new technologies for commercial application in the near term for the reduction of acidic air emissions and to reduce the costs and improve the effectiveness of existing technologies;

"(B) augment existing bilateral research and consultative arrangements with the Government of Canada on acid rain; and

"(C) establish a commercial technology demonstration program to be funded jointly by industry and the Federal Government, to be targeted towards demonstrations that both advance current knowledge and make maximal reductions in U.S. acidic air emissions.

"(b)(1) The President shall appoint the head of a department of cabinet rank to head an oversight panel for the research demonstration program under this section and to select the projects to be co-funded by the Federal Government. The panel shall be known as the "Panel on Acid Rain Technology". The Environmental Protection Agency, the Department of Energy, and the members and staff of the Acid Precipitation Task Force shall provide the panel with technical assistance necessary to select demonstration projects. The President shall include as members of the Panel officials from the Department of State and from State governments, and shall invite the Government of Canada to send a representative to sit on the panel.

"(2) The Panel shall make annual reports to the Congress detailing projects receiving support, knowledge gained, efficiencies obtained, and emissions removed or avoided.

"(c) Control technologies eligible for partial Federal funding under this section include those that may be expected to eliminate substantial portions of sulfur dioxide or nitrogen oxide emissions from either new or existing sources in applications of commercial scale. Projects with projected sulfur dioxide reductions of less than 55 percentum are not considered to offer substantial reductions for the purposes of this section.

"(d) Proposals for projects to be funded under this section must include a technical description of the nature of the project, the size of anticipated emission reductions, and a financial plan detailing the source or sources and amount of industry support.

"(e) The Federal share of project costs may be established on a project-by-project basis by the Panel. In no case shall the Federal Government assume more than 65 percent of the costs of any individual project.

"(f) The Panel shall report to the Congress 60 days prior to approving any project if the Federal share for such project is $100,000,000 or greater.

"(g) The Panel shall evaluate proposals for the use of Federal funds under this section on the basis of the following criteria:

"(1) Projects should be chosen that have the potential for largest emissions reductions, measured as a percentage of sulfur dioxide or oxides of nitrogen removed.

"(2) Among projects with similar potential, Federal funding should go to those that reduce emissions at the smallest cost per ton.

"(3) More consideration should be given to projects that demonstrate retrofit technologies applicable to the largest number of existing sources, especially existing sources that, because of their size and location, contribute to transboundary air pollution.

"(4) Special consideration should be given to technologies that can be applied to facilities currently dependent on the use of high-sulfur coal.

"(h) The Joint Chairmen of the Acid Precipitation Task Force shall establish a bilateral advisory and consultative group on transboundary air pollution together with appropriate officials of the Canadian government to provide a forum for ongoing discussion, and to provide advice to the members of the Task Force, the Secretary of State, the President, and the Congress.

"(i) There are authorized to be appropriated, in addition to sums appropriated to the Department of Energy for clean coal technology under Public Law 99-190, such sums as may be necessary for meeting the Federal share of project costs for demonstration control projects described in this section in each of the fiscal years 1987 through 1991."

SEC. 103 (a) Section 704 (c)(4) of the Acid Precipitation Act of 1980 is amended by inserting "primary" before "basis".

(b) Section 704 of such Act is amended by inserting the following subsection after (c), and redesignating subsections (d) through (f) as subsections (e) through (g):

"(d) The following shall be considered a secondary basis on which requests for authorizations and appropriations may be made for the fiscal years 1987 through 1991, in addition to the requests made on the basis of the comprehensive plan, and represent research areas that the Congress believes are deserving of additional attention:

"(1) Developing improved methods for monitoring the dry deposition of acidic particles, and implementation of a dry deposition monitoring network sufficient to serve the entire North American continent.

"(2) Acquiring additional process-level data from differing watershed types to aid in determining current and potential effects of acid deposition on surface waters in the future; developing and empirically testing models for predicting watershed response to acid deposition; and developing an adequate acid deposition data base on watershed characteristics to exercise the models for selected North American sensitive areas.

"(3) Pursuing further research on surface water acidification, emphasizing quantification of the relationships between changes in surface water chemistry and both rates and types of changes in aquatic biota.

"(4) Accelerating ongoing research into the potential links between forest decline and acid rain as a causal or contributing factor.

"(5) Devoting increased attention to the effects of acid rain on materials, and improving the quantification of current damage, resources at risk, and the prognosis for future damage.

"(6) Investigating further the mobilization, transport and flux of heavy metals, including but not limited to lead, mercury, cadmium and arsenic, in acidified surface waters, with additional attention to the role of these metals in aquatic and forest damage.

THE NEED FOR COMBAT-REALISTIC TESTING OF WEAPONS

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. DENNY SMITH. Mr. Speaker, I would like to call to my colleagues attention a recent editorial in the New York Times. The editorial discusses an important issue: The need for realistic testing of weapons to ensure that our soldiers get the best equipment possible.

I hope my colleagues will find these views useful.

[From the New York Times, Feb. 4, 1986]

THE FOLLY OF UNTESTED WEAPONS

Early in the Pacific war against Japan, American submarines failed repeatedly to hit their targets because their torpedoes ran beneath them. In Europe, soldiers died needlessly because their bazookas lacked the explosive power to disable German tanks. In Vietnam, fire and explosion caused the loss of at least 60 percent of the 5,000 downed American aircraft. And in the 1973 Mideast war, flammable hydraulic fluid killed Israeli tankers inside American M-60 tanks.

Realistic weapons tests are even more essential now, because ever more complex weapons are increasingly likely to go wrong. American weapons, by avowed Pentagon policy, need to be of the highest quality to offset the superior numbers of the Warsaw Pact forces. Yet the Pentagon's weapons procurement bureaucracies still resist realistic tests that would inconvenience favored projects. Test of both performance and survivability in combat often fall far short of likely battlefield conditions.

To test survivability, American planes and vehicles need to be loaded with combat munitions and shot at with live Soviet ammunition. Yet no such program existed until Col. James Burton, an Air Force officer with the Office of the Secretary of Defense, recently persuaded the Army and Air Force to subject their major planes and vehicles to his Joint Live Fire Test Program. The Navy refuses to let its ships be tested.

But even though the Army agreed to test its Bradley Fighting Vehicle, it does not seem reconciled to the verdict. After tests last December, the Army refused to release the results, contending that only minor modifications were necessary. Yet Colonel Burton last week told a House subcommittee hearing—held at the request of Representative Charles Bennett—that the atmosphere inside the vehicle became "simply intolerable" after each hit—due to ammunition fires or the triggering of the fire extinguisher.

Since the Army cannot want the Bradley evacuated whenever it comes under fire, it will surely find useful Colonel Burton's conclusion that "moving ammunition, fuel and extinguishers out of the troop compartment would provide the greatest combat casualty reductions."

Not only survivability but also the performance of new weapons is often tested under conditions that bear little resemblance to those on a battlefield. And even then, as happened during testing of the Sergeant York gun, the results are not always accurately represented. The Pentagon prefers to test parts of vehicles, or run computer simulations. When the Army held a competition in 1982 to choose an anti-tank weapon, not a single round was fired against a tank.

Congress has made the Pentagon set up an independent office to test the weapons produced by the three services. But having a staff of 17 monitor 140 major new weapons is no sign of seriousness. If Congress does not want the flaws in America's weapons to emerge in battle, it had better insure that they are discovered beforehand.

THE MEDVID CASE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. PORTER. Mr. Speaker, I want to belatedly commend Representative FRED ECKERT for his superb editorial on the case of Miroslav Medvid. Representative ECKERT spoke for many of us who were not satisfied by the report by the INS on the issue. I commend it to all Members attention.

[From the Wall Street Journal, Nov. 21, 1985]

THE MEDVID CASE: AMERICAN HONOR LOST

(By Fred J. Eckert)

In the early evening of Oct. 24, on board the Soviet grain freighter Marshal Konev, docked in the Mississippi River just outside New Orleans, a 25-year-old Ukrainian seaman approached the ship's rail and looked down.

He was standing 40 feet above the river. It was dark, stormy and raining.

Miroslav Medvid was ready to jump ship and defect to America. He was wearing short pants, a sweater and tennis shoes. He held a container protecting personal papers valuable to him.

He jumped, from three stories high, into deep, turbulent water. The shore was more than the length of a football field away. He struggled to reach American soil. He struggled to reach freedom.

Miroslav Medvid reached American soil. He did not reach freedom.

Five days later Anatoly Dobrynin, the Soviet ambassador, emerged from a meeting with Secretary of State George Shultz at the State Department to tell reporters: "It's settled. He's coming home."

One persistent reporter asked: "If Seaman Medvid really wanted to return to the Soviet Union, why did he jump ship and why did he do so many other things that so clearly indicated he wanted to defect?"

Mr. Dobrynin said: "I am not a sailor." Then he chuckled. And then he turned his back and walked away.

RETURN TO A NIGHTMARE

For the Soviet ambassador, the sad case of the Ukrainian seaman is something to laugh about. But for young Miroslav Medvid, his life has turned into a nightmare, a nightmare inflicted upon him by the incompetence and insensitivity of low-level U.S. officials. A nightmare caused by the feeble fears and limp leadership of high-level U.S. government officials.

After Mr. Medvid jumped ship and swam to share, he encountered Joseph and Wayne Wyman in the parking lot of their jewelry store. The Wymans say he was very excited and nervous, and that he kept looking over his shoulder to see if he was being followed. The Wymans and Mr. Medvid could not understand anything they said to each other.

The Wymans guessed Mr. Medvid might be Russian and concluded that they were witnessing an attempted defection. They also concluded that he was asking them to take him to the police. Wayne Wyman drove him to a police station. Mr. Medvid was so grateful that he tried to kiss Wayne's hand.

The police took Mr. Medvid to the Harbor Police, who in turn handed him over to the Border Patrol, a part of the U.S. Immigration and Naturalization Service. The police say Mr. Medvid smiled and laughed and seemed very happy.

The Border Patrol set up a three-way telephone interview with Mr. Medvid, a Border Patrol agent and Irene Padoch, a New York-based translator who works part time for INS. She is the only American ever to have spoken with the Ukrainian seaman in Ukrainian. She has testified that she told officials at the scene that Mr. Medvid said he didn't want to return to the ship and did want political asylum. It is standard INS procedure to tape and transcribe such a sensitive conversation—but it was not done in the case.

For reasons that have yet to be explained, U.S. Border Patrol officials told two employees of Universal Shipping Agencies, the private shipping company that serviced the Soviet ship, to turn Mr. Medvid back to the Soviets. The two men hired a launch and set off for the ship. Raymond Guthrie, the launch pilot, said: "I felt sorry for the seaman. He was kicking and screaming. He didn't want to go back." And Mr. Medvid ran his fingers across his throat—a gesture indicating he feared harm would come to him.

When the launch came abreast the Soviet ship at about 2 a.m., a Soviet officer spoke to Mr. Medvid. The seaman became even more frightened. He again dived into the river and swam to shore. Soviet officers and the two U.S. shipping-company employees grabbed him, Mr. Medvid screamed, kicked, punched and bit, but he couldn't get free. They handcuffed him, with handcuffs that had been turned over to these private citizens—and, it turns out, to Soviet authorities, too—by the U.S. Border Patrol. Mr. Medvid then began to bang his head against rocks along the shore. He was overpowered again. Finally, he was returned to the Marshal Konev.

Under well-established U.S. government procedure, Mr. Medvid should have been detained for several days until he had time to complete all necessary interviews and applications. But he wasn't.

No Soviet ship sails abroad without KGB agents on board. Now the KGB was free to interrogate and intimidate the young sailor. Free to threaten him with retaliation against family and friends. Free to do whatever it wished.

It was not until Mr. Medvid had been back on the ship for more than 12 hours that the State Department was informed of the matter. One would think that procedures in such a sensitive matter should call for prompt notification to higher-ups. They do—but they weren't followed.

Four days later the State Department issued a statement that ends by saying, "The United States Government considers this matter closed." The statement opens by assuring us that from the moment the department "was first informed of this case, the Department of State has been attempting to determine the intentions of Soviet Seaman Miroslav Medvid."

One would think that a review of Mr. Medvid's actions would make it clear what his intentions were—but nowhere in the State Department "case closed" statement is there a single reference to Mr. Medvid's actions prior to his return to the ship.

The department assures us that it "immediately" dispatched "a Russian-speaking Foreign Service Officer." But Mr. Medvid is Ukrainian, not Russian! And the State Department does not mention in its report that it had rebuffed offers of Ukrainian language translators. The department says it provided "an expert Russian interpreter . . . to ensure there would be no difficulty in communicating with Seaman Medvid." No difficulty for him to communicate in a language that Ukrainians resent? Maybe. Maybe not.

Yes, a team of U.S. officials and a U.S. doctor did communicate with Mr. Medvid aboard the Marshal Konev and later aboard a U.S. Coast Guard cutter. But, no, they never once spoke with Mr. Medvid without Soviet agents present. And never once in his own language.

"We insisted," the State Department boasts in its statement, "on a non-threatening environment in which to conduct the interview." Baloney! Wouldn't it have been more non-threatening if Mr. Medvid has been permitted to speak to U.S. officials without Soviet agents glaring at him and listening to his every word?

We are assured by the State Department that "Medvid appeared to be in generally good condition." Oh? Did the physical examinations given him include blood and urine tests to detect the presence of drugs? Well, no. This despite the fact that we had intercepted a communication between the Soviet Embassy and the captain of the Marshal Konev in which the embassy instructed the captain to administer certain specified drugs to Mr. Medvid.

"Generally good condition?" But U.S. officials observed that Mr. Medvid's wrist had been slit. No mention of that in the official statement! That came out days later in a congressional hearing. Was Mr. Medvid asked if he had attempted suicide? Did we conclude he had been tortured? Such questions aren't raised in the report.

The State Department does mention that Mr. Medvid was examined by a U.S. psychiatrist who found him competent to decide whether he wanted to defect or not. But the department does not mention that the psychiatrist believed that Mr. Medvid knew what he was doing when he jumped ship and that he believed he had been threatened and that he believed the threats involved Mr. Medvid's parents, and possibly a threat against their lives.

The State Department report has it that we gave this man every chance to defect and that later we afforded him a nice "non-threatening environment" in which to think things over.

The truth, of course, is that a frightened sailor who had been dragged back to the Soviets has very good reason to be leery of Americans—and even more good reason when later they permit Soviets to stand watch over him while they promise him that this time he really can be free.

CONGRESSMEN INCENSED

But the State department report was enough to convince the White House to echo that the case was closed. It was also enough to incense this member of Congress and many of my colleagues. Some of us asked the president to order an investigation (which he did do) and to detain the ship and give Mr. Medvid another chance at freedom (which he did not do).

We should have announced the immediate suspension of those government employees responsible for this fiasco—pending dismissal proceedings. Mr. Medvid should have come off the ship and into U.S. custody even if we would have had to physically remove him. We should have detained him until the effects of the drugs inside him had dissipated. And we should have demonstrated to him that most Americans are not as dumb and insensitive as the Border Patrol agents who handed him back the first time and not as feeble and deferential toward the Soviets as the U.S. officials who handed him back the second time. And we should have let him meet with Ukrainian-Americans, including those who say they are related to him. We should have done all this not only to give Miroslav Medvid another chance for freedom but also to give ourselves a chance to atone for disgrace and dishonor.

We should have, But we didn't.

Somewhere out on the high seas the Marshal Konev is carrying Ukrainian Seaman Miroslav Medvid to the hell that awaits him back in the Soviet Union. The ship is also carrying away a full load of American grain. And pieces of America's reputation, pride and honor.

STUDENTS SPEAK OUT ON TOXIC WASTES

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. SEIBERLING. Mr. Speaker, I have received quite a few letters from high school students in my district who are concerned about the proper disposal of toxic wastes. Recent studies indicate that people living in the Great Lakes region on the average have more toxic substances present in their bodies than do people who live elsewhere. I want to share with my colleagues a particularly insight-

ful letter expressing the concerns of students at R.B. Chamberlin High School in Twinsburg, OH, regarding the disposal of hazardous wastes.

The text of the letter, from David J. Snodgrass, follows:

DEAR SIR: Normally I let those more qualified by age and experience take the lead on difficult issues, but this once I feel I must speak my mind. Through a Cleveland Plain Dealer newspaper story in Dec., I learned that I have 20% more toxic waste in my body than someone who lives somewhere else in the Nation. Though the actual amount is minuscule, it still unsettles me. Being a wrestler, I take my health very seriously, and this story has made me aware of a health hazard I can not work to eliminate in any way but this letter. It is for my sake as well as my family's that I ask you to use your vote in our legislature to urge our producers of toxic wastes to find alternate ways of disposing of their byproducts. Some ways I can see are: (1) Chemical treating, (2) Desert vault storage, (3) Recycling.

Thank you for your time.

Sincerely,

DAVID J. SNODGRASS.

DR. WILLIAM PATRICK FOSTER AND THE FLORIDA A&M UNIVERSITY MARCHING BAND

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. FUQUA. Mr. Speaker, one of my close friends and one of the Nation's outstanding leaders in the field of music education was recently awarded the coveted Sudler Intercollegiate Marching Band Trophy. Dr. William P. Foster, has been director of bands at Florida A&M University since 1946, and has led them to the ultimate music award in having the Sudler Trophy presented to the Florida A&M University Marching Band. Those taking part in honoring Dr. Foster and the marching band included the university's president, Dr. Frederick S. Humphries, the Honorable Bob Graham, Governor of the State of Florida, Mr. Louis Sudler, businessman, patron of the arts, and donor of the Sousa Foundation award that bears his name, and Dr. Al G. Wright, John P. Sousa Foundation president.

This high level of achievement could not have been accomplished by Dr. Foster and the band without the assistance of Dr. Foster's dedicated staff. I would also like to pay tribute to those individuals. They are: Dr. Julian E. White, associate director of bands, Prof. Charles S. Bing, assistant director of bands, Prof. Lindsey B. Sarjeant, arranger, Prof. Shaylor L. James, director of percussion, Mr. Joe Bullard, announcer, and Mr. Donald Beckwith, equipment manager.

I would like to take the liberty of sharing with my colleagues a succinct and informative article that appeared in newspapers throughout the country, which was written by Mr. Michael Rachlin, FAMU's information specialist.

DR. WILLIAM PATRICK FOSTER AND THE FLORIDA A&M UNIVERSITY MARCHING BAND

(By Michael Rachlin)

TALLAHASSEE, FLA.—What do you do when the organization you've headed for the past 40 years is named the best in the country? When the local newspaper runs an editorial thanking you for being a citizen of your town? When the governor and cabinet, and the senate of your state pass resolutions in your honor, the Rotary Club gives you a special recognition, and 350 former members of your outfit from all across the U.S. turn up to "roast" you—at a seated dinner planned for 275 guests?

If you happen to be Dr. William Patrick Foster, director of music and bands at Florida Agricultural and Mechanical University, you smile a lot.

"I'm highly elated," said the man who made FAMU's "Marching 100" synonymous with marching band excellence. "I so appreciate the tremendous response from all over, and can't begin to express my gratitude for all the plaudits and accolades heaped on me, and on the band."

The centerpiece of Homecoming Week at FAMU was the presentation of the John Philip Sousa Foundation's coveted "Sudler Trophy," considered the Heisman of marching band awards.

The annual award is made to a "college or university marching band which has demonstrated the highest of musical standards and innovative marching routines" and contributed to raising the performance standards of college marching bands over an extended period.

The winner is chosen by balloting college marching band directors throughout the country, and the award has been made only three times before: to the University of Michigan, the University of Illinois and the Ohio State University marching bands.

On hand for the halftime presentation were Florida Governor Bob Graham; Dr. Al G. Wright, Sousa Foundation president; and the award's donor, Chicago businessman and arts patron Louis Sudler.

"I heard the greatest band in the United States today," said Sudler, who praised Foster and the 'Marching 100' for their originality and sensitivity to what marching bands are all about, and held them up as an example of enthusiasm and dedication.

The band—and Foster—have come a long way since the day in 1946 when he faced the 45 returning World War II veterans on the practice field of what was then Florida A&M College; but Foster had a dream even then.

"I wanted to see 100 bandsmen; proud, uniformed, marching like drum-majors or a crack drill-team—and playing to the highest musical standard anywhere."

From that vision came the name, the "Marching 100," which has remained unchanged, though the band now numbers more than 215 members.

But the high point of the numerous activities that made up "Sudler Week" at FAMU was, for Foster, the band alumni's grand reunion banquet and roast.

"The response was incredible," he said. "And most wonderful of all was to be able to renew friendships formed so many years ago. Why, there were six or seven there from that first band."

On the inside page of the banquet program is the band motto—the ideas that Foster has distilled into a few, simply-stated, but challenging guiding principles: highest quality of character, achievement in academics, attainment in leadership, perfection of musicianship, precision in marching and dedication to service.

One of Foster's former bandsmen who attributes much of his success to those principles is Colonel Bernard D. Hendricks, U.S. Army. Hendricks, who commands FAMU's Army ROTC Unit, served as local chairman for the Band Alumni Reunion Committee.

Recalling his years with the "Marching 100," Hendricks said, "I learned more from Dr. Foster and the band staff about achieving a standard of excellence, and about the importance of completing a mission, than from any other experiences, courses or activities that I had in college."

"The closeness and comaraderie of the bandmembers seemed much deeper than even those of fraternity brothers. We were family. The friendships I formed then have stood the test for 22 years," he added.

William Patrick Foster is a man of many names. Known as "Bill" to his professional colleagues, "Pat" to his immediate friends, and "The Law" to nearly four decades of bandmembers, Foster is a man of iron discipline, who embodies the best characteristics of leadership and professionalism.

"He *was* 'The Law,'" Hendricks said. "He created an image of being the epitome of leadership. His character, his dress, his speech, his facial expressions and body language all reinforced that image. And he never did anything to detract from what he represented. He always used formal forms of address to the band members, never used profanity—he never even raised his voice."

In his forty-odd years as a band director, Foster has appeared as an adjudicator, conductor, clinician, lecturer and consultant in more than 30 states and at 35 colleges and universities. He is the author of the textbook *Band Pageantry*, considered to be the bible on marching bands; 18 articles and four published marching band shows.

Honors are not new to Foster. He has twice before been commended by legislative resolutions in Florida—in 1977 and in May of this year—for his lifetime of superior achievement and service. He has received distinguished service awards from the University of Kansas, his alma mater; and from Florida A&M University and the Kappa Kappa Psi fraternity.

He was the first recipient of the U.S. Achievement Academy Hall of Fame Award and is past president of the Florida Music Educators Association and the College Band Directors National Association.

The "Marching 100," for which Foster has created more than 200 band pageants, has appeared in three films, three national commercials, numerous magazine and newspaper articles, network television shows "60-Minutes," "20/20," and "PM Magazine," and in 34 nationally televised performances including the Super Bowl.

With all that—and the Sudler Intercollegiate Marching Band Trophy—what does Foster forsee for himself and the "Marching 100?"

"Perhaps more of the same," he says, disarmingly. "I am an extreme optimist, you know. I am always planning a long way in the future. . ."

TRIBUTE TO GEORGE ELMORE

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. MICA. Mr. Speaker, I rise today in tribute to a gentleman from my home State on the occasion of his selection as business leader of the year for 1985. Mr. George

Elmore epitomizes those qualities that we value so highly and need so desperately in this country. He is, first, a self-made man who made it the hard way—through work and dedication. He is a philanthropist, a leader in his community and, in short, a role model for success.

Mr. Speaker, I take special pride in seeing this honor awarded to George. No one deserves it more. The leadership displayed by he and his wife, Wilma, has enriched our State in countless ways. To provide my colleagues with some measure of their contributions, I would direct their attention to the following article published in the Fort Lauderdale News and Sun Sentinel.

PALM BEACH COUNTY'S ELMORE GIVING BACK TO COMMUNITY

(By Jim McNair)

George Elmore's story of success as a businessman isn't rooted in an inherited company, a rapid rise through employee ranks or big profits from land deals. His career as the owner of one of Florida's biggest road contracting firms, Hardrives of Delray Inc., was launched by the paving industry's most elemental tool: the shovel.

Elmore was 10 years old when he shoveled gravel for his uncle's small paving company in his hometown of Newcastle, Pa. It was a rural area, and the roads were mostly gravel. Hay fever made it hard for the boy to work in the fields, so laboring for his uncle in driveways and parking lots became the way for him to spend the idle months between school years.

"Whether you were out shoveling gravel or at home mowing grass, what's the difference? Either way you learn the work ethic," said Elmore, who at 55 still puts in long hours as though he had just gone into business. On Wednesday, for example, after spending most of the day attending local governmental meetings, he arrived back at his office at 5 p.m. and spent three hours cleaning out his in-box. On many mornings, Elmore, the News/Sun-Sentinel's Business Leader of the Year for 1985, starts the day with one of the many local organizations he supports or belongs to.

In spite of his civic involvement, Elmore might not be as well known in Palm Beach County as such a prominent businessman might seem to be. For one, he's very shy. He likes to give, but he doesn't make monetary contributions as a means to further his reputation. He's very philosophical about the reciprocal nature of people and their community.

"You need to put back into the community what the community has done for you," Elmore said. "Hopefully, through my involvement with Florida Atlantic University or Junior Achievement, some person will learn the basics of starting a business or managing a business or have the desire to expand upon a dream, and that'll keep this country ticking."

Whether Elmore will take credit for his contributions or not, those on the receiving end of his philanthropy—his money, his time or his advice—can't say enough good about him.

"He's fantastic. He's the personification of a businessman," said Shannon Sadler, executive director of the Palm Beach County Community Foundation, for which Elmore serves as a director. "We looked for the consummate businessman from the south end of the county, and that was George Elmore. He's helping us strengthen our representation in the south end."

Last year, Elmore established the Hardrives Fund for the Community Foundation. The fund will ultimately reach $50,000, the interest from which will go toward school or Junior Achievement programs and projects that promote one of Elmore's favorite topics—the free-enterprise system.

At FAU, Elmore's contributions are important if not visible, Adelaide Snyder, vice president of university relations and development, said Elmore has helped sponsor benefit concerts and given money to enlarge the auditorium stage and build the 18-acre botanical garden across from the theater. He also contributed $200,000 in 1982 for the Eminent Scholar Chair in Science program. In 1983, he was elected president of the university foundation, of which he remains a director, and he participated in the search process that led to the appointment of Dr. Helen Popovich as FAU president in 1983.

"He's very forthright and frank and very honest. The lack of pretentiousness is one of his standouts," Snyder said. "You can count on his commitment to do something if he says he will. He'll be there if he says he'll do it. Don't even check."

Elmore, whose company employs about 300 people and does "millions of dollars" worth of business annually, was another story altogether when he left Pennsylvania at 17 to join his older brother Robert in Fort Lauderdale. Robert had moved his Hardrives Co. paving operation in 1946 from Pittsburgh to Fort Lauderdale, where he operates. George arrived a year later, and his shoveling skills were once again put to the test.

George Elmore never became much more than a job foreman working for his brother. In 1953, following his discharge from the Army, he and his wife of three years, Wilma, founded a Hardrives operation in Palm Beach County where he wouldn't encroach on his brother's territory.

"If I remember right, we sold our car and traded it in on a pickup truck. We took our savings, which I believe was a couple thousand dollars, and borrowed $5,000 from my father," Elmore said. With the pickup, a dump truck, roller and grader, the Elmores used their house as an office and the back of a gas station as an operating base. Work officially began with the paving of a driveway in Boynton Beach for $125.

It wasn't until three years later that Hardrives of Delray built its first street—for a developer. Only when the company had a bigger capital base did it begin to bid on public streets and roads in the early 1960s. But there was always plenty of work.

"We have been busy our entire company life," Elmore said. "The smaller you are, the more efficient and competitive you are, and when we needed work we always were able to find a job. We have not fluctuated like a lot of construction companies have."

Nowadays about half of Elmore's jobs come from government contracts. If the roads and lots his company has built bore his name, he would be better known here than Henry Flagler and Addison Mizner. He says his six or seven segments of Interstate 95 (about half of the stretch from Boca Raton to West Palm Beach) are his company's best work because of the safety features. He also laid much of Military Trail and Congress Avenue and the western portions of Glades Road, Atlantic Boulevard, Boynton Beach Boulevard, Hypoluxo Road and Lantana Road.

As Hardrives' reputation grew, Elmore was coaxed out of his private world to become a voice for the road contracting industry. In about 1970, he joined the board of directors for the Florida East Coast Chapter of the Associated General Contractors of America. Four years later he was elected the chapter's president, assuming leadership responsibilities that came more naturally than he might have thought.

"It was a learning experience for George, and I think a lot of people associated with him would say it turned his mode of operation completely around. Instead of being in the background, he's at the forefront of a lot of things," said Barkley Henderson, executive vice president of the contractors' group.

Although roadbuilders are principal elements in the rapid urbanization of Florida, Elmore is one contractor sympathetic with conservation. He takes what he calls a common-sense approach to his work, giving the developer a road while working around trees. At Fox Trail subdivision next to Lion Country Safari and Caloosa subdivision off Beeline Highway, the streets meander around native cypresses and oaks.

"The two have to work together," he said. "I'm not raping the ground, which we in the construction industry always seem to be accused of. You've got to be able to work with the environment. But you've got to work with the developer, too, whoever's paying the bills.

Sitting behind a large wood desk in an office of no immense size, Elmore contemplated the past aloud. It would have been beyond his wildest dreams 30 years ago, he said, to imagine that he'd be where he is today. He's a happy man.

He said, "If you're not happy with your job, it's work, and I don't think there's ever been a day when I wasn't happy with my job."

BILL WOULD STRENGTHEN MIMIMUM TAX

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. CHANDLER. Mr. Speaker, over the past several months a great deal of energy has been expended in an effort to reform a complex and, at times, bewildering Tax Code. During this time, I've developed an increasing appreciation for a number of incentives that exist in the current code—incentives that encourage charitable giving, capital investment, retirement income planning and employer-provided health care benefits, to name a few. I've also developed an increasing appreciation for the frustration experienced by a number of taxpayers who willingly surrender a large portion of their earnings to the Internal Revenue Service, while others, with larger incomes, and a number of profitable corporations, avoid paying their share of taxes or avoid paying taxes altogether.

It is this frustration, Mr. Speaker, not a philosophical commitment to broadening the base or lowering rates, that motivates so much of the public support for tax reform.

There is a problem, and it should be addressed by this Congress.

But this debate seems rather academic against the backdrop of astronomical and unconscionable deficits, Mr. Speaker. And it is

the Nation's fiscal crisis, not the need for tax reform, which should absorb the energies of this Congress.

The issue of fairness in our tax laws can be addressed by this Congress, and the deficit must be addressed. But reaching agreement with the other body and the administration on a comprehensive tax reform of the magnitude of the administration's proposal or the House-passed bill is hardly realistic in a year in which we are obligated to reach a deficit target of $144 billion.

In the meantime, the entire economy is held hostage as small businesses and investors and farmers and laborers and corporations wait to see just what form tax reform will take.

There's a way out, Mr. Speaker, and it is relatively simple. Today, our colleague from New York [Mr. GREEN] and the gentleman from Iowa [Mr. TAUKE] have joined me in introducing a bill to strengthen the individual and corporate minimum taxes. The revenue derived from the new provisions would be used to increase the individual exemption amount, removing some low-income taxpayers from the tax rolls and providing the greatest relief to those with the most modest means. The increase in the individual exemption makes the proposal revenue neutral.

Mr. Speaker, the American people don't want massive changes in the Tax Code. They don't want the rules changed, yet again, in the middle of the game. They want people who aren't paying taxes to pay taxes. This bill would accomplish that and would remove the cloud of doubt that hangs over our economy.

Mr. Speaker, I would like to include a synopsis of the bill at this point in the RECORD.

ALTERNATIVE MINIMUM TAX

I. Tax Imposed = Greater of (Super Minimum Tax or Tentative Minimum Tax) − Regular Tax. [Sec. 55(a)].

II. Tentative Minimum Tax = [22.5% (20% for corporations) × (Alternative Minimum Taxable Income − Exemption Amount)] − Alternative Minimum Tax Foreign Tax Credit. [Sec. 55(b)(1)].

A. Alternative Minimum Taxable Income = Taxable Income as Adjusted + Items of Tax Preference. [Sec. 55(b)(2)].

1. Taxable Income as Adjusted = Regular tax taxable income with the following adjustments:

a. Depreciation: Straight line method. [Sec. 56(a)(1)(A)].

b. Long-term contracts: Percentage completion method. [Sec. 56(a)(2)(A)].

c. Net operating loss: Alternative tax net operating loss. [Sec. 56(a)(3)].

d. Itemized deductions: [1]Alternative tax itemized deductions only: [Sec. 56(b)(1)].

(i) state and local taxes. [Sec. 56(d)(1)(A)].

(ii) losses. [Sec. 56(d)(1)(B)].

(iii) charitable deductions. [Sec. 56(d)(1)(C)].

(iv) medical deductions. [Sec. 56(d)(1)(D)].

(v) qualified interest. [Sec. 56(d)(1)(E)].

(vi) deduction for estate tax. [Sec. 56(d)(1)(F)].

(vii) expenses incurred in connection with the determination, collection, or refund of any tax. [Sec. 56(d)(1)(G)].

e. Circulation and research and experimentation expenditures: [1] Capitalize and amortize. [Sec. 56(b)(2)(A)].

f. Mining exploration and development costs: [1] Capitalize and amortize. [Sec. 56(b)(3)(A)].

g. Excess farm losses: Not deductible. [Sec. 58(a)].

h. Excess passive activity loss: Not deductible. [Sec. 58(b)].

2. Items of Tax Preference include:

a. Capital gains: Net capital gain taxes at 20% (28% for corporations). [Sec. 57(a)(1)].

b. Depletion: Depletion taken over basis. [Sec. 57(a)(2)].

c. Intangible drilling costs: Excess intangible drilling costs over net income from oil and gas properties. [Sec. 57(a)(3)].

d. Incentive stock options: Fair market value over exercise price. [Sec. 57(a)(4)].

e. Bad debts of financial institutions: Percentage method over experience method. [Sec. 57(a)(5)].

B. Exemption Amount: [Sec. 55(d)].

1. Individuals: $30,000 for joint return; $25,000 for single; $15,000 for married-separate. [Sec. 55(d)(1)(A)].

2. Corporations: $40,000. [Sec. 55(d)(2)].

3. Phasedown: For individuals with taxable income in excess of $175,000. [Sec. 55(d)(1)(B)].

C. Alternative Minimum Tax Foreign Tax Credit=The regular tax foreign tax credit computed as if the regular tax was the tentative minimum tax and as if the regular taxable income was the alternative minimum taxable income. [Sec. 59(a)].

III. Super Minimum Tax=2%×Expanded Alternative Minimum Taxable Income. [Sec. 60(a)] Expanded Alternative Minimum Taxable Income=Alternative Minimum Taxable Income with the following adjustments:

A. Include excluded income of residents living abroad. [Sec. 60(b)(1)].

B. Include tax-exempt interest. [Sec. 60(b)(2)].

C. Include FSC income by shareholders. [Sec. 60(b)(3)].

IV. Credit For Prior Year Minimum Tax Liability=Net Minimum Taxes imposed for post-1985 years (unless previously credited) limited to the excess (if any) of regular tax liability reduced by other credits over greater of Tentative Minimum Tax or Super Minimum Tax. [Sec. 53].

V. Regular Tax Credits limited to the excess (if any) of regular tax liability over greater of Tentative Minimum Tax or Super Minimum Tax. [Sec. 26].

[1] Only applies to individuals.

MINORITY BUSINESS: A SUCCESS STORY IN THE BRONX

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. GARCIA. Mr. Speaker, the vast majority of new jobs are created by small businesses. Small business plays a crucial role in America's economy and nowhere is that role more important than in acting as the frontline of inovation and revitalization of our cities. It is of the utmost concern to neglected neighborhoods to have the availability of jobs; especially jobs to disadvantaged individuals who live in these areas.

Minority business plays a crucial part in this frontline effort. In addition to relieving economically hard-hit areas, minority business shows that low-income groups are more interested in economic development and self-improvement than welfare or food stamps.

Minority businesses have come to play an important role in the development of our inner cities and are making growing contributions to the national economy. With this in mind I would like to introduce you to a highly successful entrepreneur of the Bronx, Mr. John Mariotta. Mr. Mariotta is chairman and chief executive officer of Wedtech Corp. of the Bronx, NY, and was named the 1985 National Minority Entrepreneur of the Year for his outstanding work. His is a success story that illustrates the achievements and importance of minority business.

The following is an article, appearing in Minority Business Today, honoring Mr. Mariotta's accomplishments:

MARIOTTA SEEKS GROWTH IN MANUFACTURING

A company with a bright and prosperous future is Wedtech Corp. of Bronx, N.Y.

Headed by John Mariotta, Wedtech's chairman and chief executive officer, the firm has grown from 15 to more than 800 employees with annual gross sales of $100 million, up from $150,000 in sales when the company first opened 20 years ago.

CHANGING PERCEPTIONS

Mariotta has been credited with almost singlehandedly changing the common perception that most people have about minorities living in the south Bronx.

"We're proving that minorities in the south Bronx are more interested in economic development and self-improvement than welfare or food stamps," said Mariotta, noting that most of his employees were low-income residents of the area whom he trained for high-tech jobs in the defense industry.

EMPLOYEES COMMENDED

Mariotta credited his employees for his firm's outstanding success and his recognition as one of the 1985 Minority Entrepreneurs of the Year. "I could not accept this award without thanking my employees for their fine efforts," Mariotta said upon receiving the award from Vice President Bush. Wedtech was nominated for the national award by the Latin American Manufacturers Association, a trade organization funded by MBDA.

Mariotta founded Wedtech in 1965 under the corporate name, Welbilt Electronic Die Corp.

EXCELLENT STANDARDS

The firm specializes in manufacturing precision products for aircraft, missiles, tanks, armored personnel carriers, helicopters and other such weapons systems for the U.S. Department of Defense. Wedtech's quality control standards have been excellent. The firm has never had a manufactured product rejected by the Defense Department." "And we're one of only two companies in the country that have received the Defense Department's award for quality excellence," Mariotta said.

HIGH-TECH SYSTEMS

Wedtech's products for the Defense Department have ranged from simple precision-machined parts to the most demanding high-performance systems. Since 1982, the corporation has had a $31 million contract to manufacture six-horsepower military standard engines.

Wedtech's 500,000 sq.-ft. plant in the Bronx also manufactures a wide variety of high-tech, state-of-the-art products used in satellites and semiconductors. Its plant is

equipped with the latest in technology, including the nation's largest and most sophisticated laser-cutting system.

UNIQUE PROCESS

The corporation also has developed a unique patented coating process for metal parts that is expected to revolutionize the precision-machine parts industry.

In 1984, *Inc.* magazine listed Wedtech as one of the fastest-growing small public companies. During that year, the corporation went public and its stock is currently traded on the American Stock Exchange. The firm raised more than $30 million as the result of its public stock offering in 1984.

PUBLIC CORPORATION

Mariotta said his decision to go public was made out of necessity. "The banks wouldn't lend us any money, so we decided to sell stock in the company. Today, the banks lend us money."

COMPETITIVE PRODUCT

Mariotta credited Wedtech's overwhelming success to its ability to produce a quality product at a price offered cheaper than its competitors. "We offer a quality product at a cheaper price," he said. "That is what America is all about."

ERIE'S RAINBOW CLUSTER

HON. BOB EDGAR

OF PENNYSLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. EDGAR. Mr. Speaker, I would like to bring my colleagues' attention to an excellent article written by Jim Thompson of the Erie Daily Times which was recently published in the Interpreter. So much seems to be going wrong in our urban areas, that his article titled "Erie's Rainbow Cluster" is a breath of fresh air. In it he reports the efforts of Henderson Church to bring hope to the deteriorating eastside section of Erie, PA. I ask my colleagues to join me in recognizing the good work of both Jim Thompson and the South East Erie Ministries.

The article follows:

ERIE'S RAINBOW CLUSTER

(By Jim Thompson)

Don't tell Doug Thompson and Beth Nelson that urban missions in mixed racial and ethnic neighborhoods can't work.

The co-pastors of Henderson Church serve a deteriorating eastside section of Erie, and industrial city of 125,000 in the corner of Pennsylvania that borders on Lake Erie. Their church is 65 years old and shingle-sided.

Unemployment in Erie has been well above the state and national averages for four years and still lingers near 10 percent. Joblessness among young Blacks is a staggering 36 percent, and the cycle of poverty has become a way of life for many.

Eastside Erie is not a pretty area. On nearby Buffalo Road, many businesses are boarded up. The area contains the city's highest concentration of public housing projects. Crime and drug-related problems are increasing.

More than 60 percent of the households are headed by single women. Children account for more than 50 percent of the population—a mix of Whites, Blacks, Hispanics and Asians. It's not an urban ghetto in the worst sense of the world, but it's definitely a pocket of severe poverty and personal strife.

Standing alone as a ray of hope is Henderson Church and its urban mission programs, all of which are part of South East Erie Ministries (SEEM), an urban missions agency of the Western Pennsylvania Annual Conference.

Together Henderson and SEEM operate a five-building complex that includes the old but brightly painted sanctuary and an adjacent house. Squeezed into these buildings are offices, meetings rooms, a food pantry, a Head Start program and Scouting facilities; the new San Juan Hispanic Church created by remodeling a former auto body shop; and The Rufuge, a large residence converted into a temporary crisis shelter for women and children. A multipurpose center a few blocks away is home for a preschool and programs for youth. The new Rainbow Connection used clothing store is housed in an abandoned gasoline station, renovated by volunteer work teams.

A TWO-WAY STREET

With all of this activity going on, "sometimes the programs overshadow the church," Beth Nelson explains. But SEEM has developed a two-way street. With 215 members, Henderson has an average Sunday attendance of 140 with a seating capacity of only 150. "Most churches will do one major project in the lifetime of the church," Beth believes. "Here, a small church has really put its lifeblood into its programs, and they give life back to the church."

Henderson does it through the Rainbow Choir, a racially mixed group that reflects the diversity of the congregation. This group sings in the Gospel tradition with the hand clapping fervor of an old-time revival camp. No less exciting is the Pot of Gold children's choir, 20 kids who literally bring the congregation to life.

Then there is the informality of Henderson. A visitor is almost sure to find Doug and Beth in casual work clothes on a weekday visit. And they'll probably be working, too.

At the peak of the church's emergency food bag program early in 1984, the pastors and a group of volunteer helpers packed almost 600 bags of groceries a month for families in need. The number dwindled to 20 bags last summer, not because the need had lessened, but because the funds necessary to stock the food pantry had run out.

There is the constant need for building maintenance and never quite enough hands or cash.

On a given day, Beth might be helping SEEM secretary Leoda Bryant prepare a direct-mail financial appeal. Or she might be helping to move up to 30,000 pounds of food that will fill monthly grocery bags for the poor.

Doug may be working with the preschool teacher, Cynthia Drew; or you might find him helping Mabel Jones, an 18-year SEEM employee, at the Rainbow Connection. And, of course, he and Beth share the duties of the Henderson ministry.

Though Doug has been at the church for eight years to Beth's five, both serve as co-pastors, sharing equally the pastors' duties and sermons. There is no gender gap, no church hierarchy, just the unique qualities that Beth and Doug bring to their respective roles.

THE NEED IS GREAT

The SEEM center itself is a 15-year-old yellow brick structure literally in the backyard of a large public housing project. Some graffiti appears on the outside walls and upkeep of the grounds is a problem. There is a recreation program but only money for a part-time staff.

These programs, as successful as they have been, "are only the tip of the iceberg," Doug reports. "What we need is an Upward Bound program that sticks with these kids from kindergarten until they reach adulthood and are successfully employed." Of the SEEM recreation program, he feels, "We would have people in there 24 hours a day if we had the funds."

"Nobody deserves to be poor," Doug says. "We are one family. Everyone deserves the same opportunity regardless of who they are, their color, how much money they have, or how good or how bad they think they are."

What hurts him the most, Doug shares, is to see young Black men, many in their late 20s and early 30s, "whose lives consist of drinking wine, smoking marijuana and playing basketball. When you realize that's all they have, it hurts." He says, "It hurts too when you see young girls getting pregnant because their dreams of a good education and career have somehow slipped through the safety net of poverty. And the Black men who can find nothing better than minimum-wage jobs or worse, discover they can't live with their families because they would lose their basic means of support, public assistance."

"Some church people might be quick to make judgments when they see these situations," Beth shares, "but they can't understand what poverty is in this system unless they view it here, firsthand, and not from the prosperity of the White world."

Doug stresses, however, that the ministry of Henderson Church centers on the biblical values of family, industry and service. "It just has to be judged in the context of the situation. You can't expect an outcast of the system to respond the way a person would in a tranquil, secure suburban setting."

Part of the ministry also is to educate the church and all the Christian family "to be concerned about the plight of the poor and to open their doors and hearts to all people; to lift up the biblical meaning of the word grace as we were taught by Jesus Christ," according to Doug.

HISPANIC HOPE AND HELP

Alberto Pons came to Erie from Guatemala in 1981, responding to the need for a Protestant Hispanic ministry. He now is a full-time United Methodist minister with one of the most attractive buildings in the Southeast Erie area.

The San Juan Hispanic Church was "birthed" by the congregation at Henderson. The new structure—built on the frame of an old auto body shop—and Henderson share a common backyard, a site the three ministers hope someday will house a shared recreation center and social hall. All they need is the money, and they've overcome that problem many times before. One unique aspect of the Hispanic church is that Henderson's financial support was given freely.

Alberto Pons started his ministry with a small Sunday afternoon congregation at Tenth Street Chruch in Erie, but he was attracted to Henderson because it was the center of the interracial and mixed-ethnic ministry in the city's eastside. Henderson already has sponsored four Cuban refugees from a camp in Georgia.

Before the San Juan Church opened early in 1985, the Spanish-speaking congregation and Henderson's English-speaking congregation shared the Henderson sanctuary. The two congregations alternated services and Sunday school hours. They also experimented with a dual-language service.

Alberto has a small congregation, but he has touched the lives of many of the 3,000 Spanish-speaking residents of Erie. He has worked with about 400 Hispanics and steadily is building his ministry and his church.

Between Henderson and San Juan is The Refuge, a haven that provides emergency shelter for up to 15 women and children. The Refuge also is a counseling center for persons in family crisis situations, as well as a training ground for young missionaries who plan to devote their lives to helping others. One of these is the center's new director, Diane Weisz. Ms. Weisz is a U.S.-2 missionary.

There is nothing fancy about the structure or the furnishings of The Refuge, but each room and each bunk bed and handsewn quilt has its own story of Christian caring. For those who come for help, there is no redtape. Henderson and SEEM always have operated on trust, whether it's a weekend meal, a couple of bags of groceries or a place to stay until the storm is over.

The concept of Christian service is emphasized in all of the SEEM programs. One of the most meaningful has been a summer training "Youth in Missions" program. Young people from throughout the conference spend a week as counselors at the SEEM Day Camp in a rural Erie United Methodist park where hundreds of children from the neighborhood have had their first outdoor experience away from the asphalt playgrounds of the city.

It is impossible to tell the whole SEEM story in one brief glimpse. The joy, the shared grief, the relentless struggle against poverty and discrimination go on there every day.

MANY SHARE IN THE SUPPORT

The success of SEEM would not be possible without the support and direct help of others.

Support comes from 12 United Methodist churches in the Erie area, local groups, individuals and the Western Pennsylvania Conference Board of Missions.

"We have financial gifts, work groups from the churches, many volunteers and special contributors," the pastors report. "There have been hundreds of people donating thousands of hours."

The Rev. J. Howard Wright, Erie-Meadville District superintendent, says: "We are completely committed to continuing the urban ministry in Erie. The highest priority will be to assure long-term financial support and the best leadership possible."

Another booster is Sam Zeisloft, president of the SEEM board of directors and manager of capital equipment purchasing for Hammermill Paper Company in Erie.

"Especially helpful," he reports, "are 'Advance Special' gifts made regularly by churches throughout western Pennsylvania."

Henderson and SEEM are a living testimony to the church in action and the United Methodist Missional Priority for this quadrennium. "Developing and Strengthening the Ethnic Minority Local Church: For Witness and Mission."

Beth and Doug's ministry is based on the belief that all people are creatures of God and deserve nothing less than all that can be shared and all the love that God gave humanity through Jesus Christ.

Walter Porter, who drives the church van, said he found Henderson and SEEM after a fruitless search for a church "where there wasn't a social or class structure." He says, "It doesn't really matter if you don't have a nice suit or a family. Here everyone feels welcome and everyone is equal. We're all just children of God."

PERSECUTION OF CATHOLIC CHURCH IN NICARAGUA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. LAGOMARSINO. Mr. Speaker, today, I made a 1-minute speech describing the continuing campaign of persecution by the Communist Sandinista regime against the Catholic Church in Nicaragua. The following is a full account of the latest reports of the persecution of both Cardinal Obando y Bravo and also a lower ranking Church official in Nicaragua. I urge my colleagues to consider carefully the systematic, orchestrated campaign of repression that the Sandinistas are carrying out against the church in Nicaragua:

ORTEGA CALLS CARDINAL SOMOZIST

[Begin Ortega recording].—Cardinal Obando y Bravo is acting covertly—like the Somozist bishops used to—because he is championing Somozism, which is what Reagan wants. Reagan wants to reinstate Somozism in Nicaragua. Obando y Bravo is not behaving like a pastor, a bishop. A bishop should not take sides but should be on everyone's side. Cardinal Obando y Braveo has taken Reagan's side; he is supporting the aggression. We have never heard Cardinal Obando y Bravo condemn the counterrevolution's crimes. I have told him this. We have discussed it. I asked him: Why don't you say anything about the counterrevolution's crimes? Government officials have admittedly made mistakes and committed abuses. However, why don't you criticize Reagan's crimes against Nicaragua like you criticize [words indistinct]? Why don't you denounce the crimes committed against Nicaraguan children, peasants, and workers? Why don't you say anything? Not a word. See how you are behaving.

No one is persecuting him, no one at all. No one has put him into prison. Why? Because that's not how the revolution will fight Cardinal Obando y Bravo's behavior. He is hurting himself, because the people realize that Cardinal Obando y Bravo has assumed a political stance, [words indistinct] religion. However, he has an opportunity to change his behavior. How?

If he wants to use his moral authority to raise a voice in Nicaragua, he can change his ways by denouncing the contras' crimes. Why doesn't he [words indistinct] U.S. Congress clearly and say: Gentleman, I urge you to stop supporting the mercenary forces. Stop giving the counterrevolutionaries money [words indistinct] who kill Nicaraguan peasants and workers and wreak destruction. Things would be different if he did that. He has the opportunity to do something good [words indistinct] Nicaragua. He has done nothing for Nicaragua so far. [end recording]

President Ortega made the preceding remarks in response to a peasant who asked how Obando y Bravo will be treated when he returns to Nicaragua after having answered Reagan's call to mount a campaign of lies against the revolution. The revolutionary government is not incurring religious persecution in Nicaragua, Ortega said. Cardinal Obando y Bravo practices religious persecution against those priests and church activists who favor social change, he said.

To close, Commander Ortega urged the people to be wary of relaxing their defensive tasks to counter foreign intervention and said that Obando y Bravo's campaign is part of an overall scheme to bolster the counterrevolution.

[Begin recording]—We cannot let down our guard, because Reagan is fighting to obtain more funds for the contras. There are even plans—they say they have another way—to send aid to the contras if those funds are disapproved. We cannot let our guard down, because the contras have not roamed around here lately. Why? Because the U.S. Government—its President—is intent on destroying Nicaragua. He is currently mounting a full campaign in the U.S. Congress to get more millions approved for the counterrevolution; more dollars of the U.S. people—that Congress approves—so that those criminals and terrorists can come to kill peasants, destroy Nicaraguan peasants' homes, [words indistinct], schools and health centers; kill teachers, nurses, and doctors; and destroy tractors. And as someone said here, there are some political figures—such as Cardinal Obando y Bravo—who are lending themselves to that campaign. Reagan called Cardinal Obando y Bravo, and he rushed to the United States and began a campaign against Nicaragua. [end recording]

BISHOPS SEE SLANDER CAMPAIGN

(By Filadelfo Martinez)

[Text].—Managua, 26 Jan (ACAN-EFE)—The Nicaraguan Episcopal Conference stated today that the Sandinist Government's "slander campaign" against the church has taken on an "official nature." The Episcopal Conference's permanent secretary released a communique issued by the bishops following yesterday's interrogation of Msgr. Oswaldo Mondragon by State Security authorities.

Guillermo Aguilera, charged with being the head of a special anti-Sandinist internal front, said 2 days ago that Father Mondragon was allegedly involved in a terrorist plot called "Scorpion." According to Aguilera, who was presented to the international press, the "Scorpion" plan included carrying out a series of terrorist attacks against public places and the embassies of socialist countries. Aguilera said that he was told to recruit Father Mondragon.

The clergyman, who is the director of the Minor Seminary and is the parish priest for El Calvario Church in Managua, was interrogated yesterday for 90 minutes by members of the Nicaraguan State Security and released immediately.

The Nicaraguan bishops said today that the government's campaign against the ecclesiastical personnel became official when Communique No. 4 was issued by the Press and Information Directorate 4 days ago. That official declaration stated that during a recent visit to the United States Cardinal Miguel Obando y Bravo began a campaign of "attacks and slander," accusing the Sandinist authorities of persecuting the church. The Managua government added that to date Cardinal Obando y Bravo had not said

a single word regarding the "mercenary aggression" that has already caused more than 1,000 victims.

The Episcopal Conference charged today that one of the most frequently used tactics in the campaign against the church is accusing the Catholic hierarchy of "persecuting the clergymen." The Conference clarified that in his recent statements Cardinal Obando y Bravo did mention the problems that affect the life of the Catholic Church in Nicaragua. "His willingness to continue insisting on the dialogue, despite the many attacks he has suffered," is proof of the good will that exists to find a solution to the tensions with the government, the bishops said. The Episcopal Conference reported that between 24 December 1984 and 28 October 1985, 10 meetings have been held between representatives of the church and the government. The bishops have also written letters to government authorities expressing their willingness to talk, and on several occasions these letters have gone unanswered, the Episcopal Conference added.

On 30 December 1985 the Church hierarchy made its last request for a dialogue between Cardinal Obando y Bravo, president of the Episcopal Conference, and President Daniel Ortega. At that time the Sandinist Government suggested that the new meeting of the government-church commission be held in February. "At this meeting, Cardinal Obando y Bravo may meet privately with the companero president, if he so wishes," Rene Nunez, Nicaraguan minister of the Presidency, said in a message.

In their communique issued today, the bishops rejected "all slanderous charges against the clergymen on the part of people who, because of their physical or psychological conditions, have been deprived of their freedom." However, the communique issued by the church hierarchy does not mention Father Mondragon specifically. In conclusion, the Episcopal Conference reaffirmed that in their pastoral activities the bishops are motivated only by their faith in the Gospel, which urges the search for welfare for all and the defense of the rights of all Nicaraguans.

THIS CONGRESSMAN CAN SAY NO

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. DORNAN of California. Mr. Speaker, my Republican colleague from the great State of New York, FRED ECKERT, has been a shining example of the kind of leadership needed to get the budget under control. It is not that he has invented some magic formula or has thought of new schemes to generate revenue. Mr. ECKERT has merely showed his colleagues how easy it is to say "no" to special interest groups. And getting Members of Congress to say "no" is about as difficult as getting children to take castor oil. But the cleansing effects are the same.

Mr. ECKERT's leadership on this issue was highlighted recently when Reader's Digest ran a story about Mr. ECKERT by Donald Lambro, an acknowledged expert on the budget. I would like to submit a copy of that article for the historical RECORD and would urge my colleagues to read it. By doing so I am sure they would glean the wisdom that comes with saying "no".

THIS CONGRESSMAN CAN SAY NO

(By Donald Lambro)

Rep. Fred Eckert (R., N.Y.) had scarcely arrived in Washington in January 1985 before he was visited by officials of the General Railway Signal Co., which employs hundreds of his constitutents in upstate New York. Distraught that President Reagan had proposed the elimination of Amtrak subsidies, the officials implored, "Reduce the federal deficit. But cut somewhere else—leave Amtrak alone."

"That's what everybody says," an exasperated Eckert finally responded after listening patiently to the plea of General Railway, a major Amtrak supplier. "Is it really prudent to subsidize inefficiency, to go on pouring $700 million a year into a railroad that benefits only two percent of inter-city travelers?"

Convinced that it was not, Eckert voted in the House Energy and Commerce Committee to reduce Amtrak subsidies by 15 percent, or $100 million in 1986. Though the amendment was defeated, Eckert vowed he would move on the House floor to end the entire subsidy.

When Eckert ran for Congress in 1984, he pledged to vote to cut the estimated $215-billion federal deficit by reining in runaway government spending. Most of his colleagues have made similar pledges, only to back off when the political heat became too intense. The examples are endless:

Rep. Bill Alexander (D., Ark.) warns that the deficit "looms like dark clouds on the horizon, portending a dim future for your children and your grandchildren." Such concern apparently slipped Alexander's mind in August 1985, when he and a private party flew to Rio de Janeiro in an Air Force jet, on a junket that cost taxpayers $56,000 in air travel alone. In July 1985, Alexander also voted against abolishing the $206 million Economic Development Administration, a 1960s-era program that has financed countless boondoggles disguised as unemployment-reducing measures.

Sen. Strom Thurmond (R., S.C.) demands "immediate, strong and decisive steps to reduce the federal deficit." Those steps do not include, however, spending reductions for the New Deal-era Rural Electrification Administration (REA), which subsidizes loans to already successful electric and telephone cooperatives. Thurmond and other professed economizers shuffled aside Administration plans to save taxpayers $5.1 billion by phasing out REA over the next five years.

Rep. Don Young (R., Alaska) insists that "everybody's going to have to make cutbacks" to stave off national bankruptcy. But when the Grace Commission suggested saving $1.2 billion over three years by requiring boat owners to pay modest user fees for Coast Guard services, Young fought elements of the scheme. So, in fact, did every other member of the House Merchant Marine and Fisheries Committee. The plan died.

"We really need to reduce these deficits," House Democratic leader Jim Wright of Texas says repeatedly. Yet Wright has fought every attempt to cut or eliminate funds for the Synthetic Fuels Corp., a $17.5 *billion* white elephant that has yet to produce a thimbleful of commercially viable fuel.

Although new to Congress, Fred Eckert has battled excessive government spending before, first at age 28 as the elected town supervisor of Greece, N.Y., a suburb of Rochester, and later for nine years in the state senate. There, he earned statewide recognition for pushing through a controversial pension-reform bill that saved state taxpayers hundreds of millions of dollars.

Once in Washington, Eckert realized that he faced an age-old political dilemma: he must either vote his conscience in the interests of his country as a whole, or placate local and special-interest groups to ensure his re-election.

For example, when President Reagan proposed eliminating revenue sharing from the budget—to save $4.6 billion a year—Eckert heard outraged complaints from local officials, including the supervisor of his own hometown. If Greece loses its yearly revenue-sharing money, fumed Eckert's successor, "you might as well turn off the lights and throw away the keys."

Eckert's blunt response: "I ran that town government without federal revenue sharing for three years, and every other mayor or supervisor in the United States did the same. Somebody's got to say there is no revenue to share, and that Uncle Sam is really borrowing this money to give it away to well-off communities like Beverly Hills and Palm Beach."

Pressure on Eckert has been especially heavy from college administrators and students opposing any cuts in student aid—a program that benefits many middle- and upper-income families. When the Administration proposed limiting subsidized loans to families earning $32,500 or less, a student from the Rochester Institute of Technology called the limit "ridiculously low and quite absurd." A community-college president warned Eckert that the limit would have "drastic consequences" on college-bound students.

Far from it, Eckert replied. The Department of Education had estimated that thousands of families with incomes exceeding $100,000 benefited from the program. Federal student-aid costs have quadrupled since 1978, and the cumulative default on loans—totaling $4.2 billion to date—has doubled in three years. When the issue reached the House floor, Eckert supported cuts to refocus aid on the "truly needy," but they were voted down.

Eckert has heard again and again from special-interest constituencies, asking him to spare their favored federal programs. Each time, Eckert has said no:

To the vice president of a major Rochester company who urged that no cuts be made in the Job Corps, Eckert pointed out that each jobtraining slot cost $15,200 a year, or three times the annual cost of sending a student to an average four-year public university.

To a school-lunch-program manager from Batavia, N.Y., who wrote that proposed cutbacks would be "devastating," Eckert replied that $650 million a year in meal subsidies "serves children of parents who are not in the needy-income level." The cutbacks Eckert favored touched no poor or lower-income students.

Eckert has disappointed local businessmen who urged him to back continued funding of the Small Business Administration (SBA) and Export-Import Bank loan programs. Eckert favored an amendment that would have eliminated both programs, thereby cutting the deficit by $9 billion over three years. But it was rejected by House members responding to grass-roots pressure.

"I cannot justify creating government-subsidized loans for people to go into businesses in competition with others who do not have the government's support to fall back on," he says of SBA. As for the Export-Import Bank, he told a group of businessmen in Rochester that he considered Ex-Im's subsidized loans nothing more than "corporate welfare," which has largely benefited a handful of Fortune 500 corporations.

In the last eight years, the Urban Development Action Grant program has showered nearly $40 million in grants on Rochester. But Eckert says this $440-million-a-year program, which nationwide has helped to build 254 hotels and motels, 103 restaurants and 223 shopping centers, is indefensible. "It's another example of federal welfare designed to benefit corporate giants at the expense of the forgotten taxpayer."

A long-established tradition says that freshman Congressman are supposed to be seen, not heard, to "go along to get along." Yet in October 1985, Eckert begged his colleagues in the House to come to grips with the runaway deficit. They were silent as Eckert wound up his impassioned plea: "The spending goes on and on. And so does the deficit. We wait in vain for effective action from Congress."

Meanwhile, Eckert is not relying on his Congressional colleagues. Convinced that President Reagan has wielded his veto pen far too rarely—only 39 times in his first term—Eckert sent the Chief Executive copies of Grover Cleveland's collected veto messages. The 19th-century President, the all-time veto champ, rejected 414 bills in his first term in office. Noting that throughout history Presidents have been able to make their vetoes stick 96 percent of the time, Eckert urged Reagan to "shift to an aggressive strategy of confronting Congress with the power of your veto. The veto is a powerful political weapon, but only if Congress knows a President will use it."

"If we ever hope to regain control over government spending," Eckert adds, "it's time for all of us in Congress to begin saying no for a change."

FLO HYMAN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. DIXON. Mr. Speaker, it is with a grave sense of loss that I rise today to pay tribute to a remarkable young woman, whose dedication and outstanding competitiveness enabled her to become one of the premier female volleyball players in the world.

Flo Hyman was an instrumental force in transforming women's volleyball in this country from a casual, recreational activity into an international acclaimed program. Her exceptional play helped lead the U.S. women's volleyball team to a silver medal in the 1984 Summer Olympics. On Saturday, January 25, while playing professionally in Japan, Flo succumbed to a heart attack during a match, and suddenly the world of women's volleyball, lost not only her aggressive style of play but also her warmth.

Miss Hyman, a graduate of Inglewood, CA, Morningside High School, was a three-time all-American at the University of Houston and was named the outstanding collegiate player of 1976. Flo's powerful spike was likened to Dr. J.'s slam dunk and her spin serve was compared to a Fernando Valenzuela screwball.

One only had to observe Flo in game situations to understand how she became a celebrity in the world of volleyball. She was tenacious and fearless on the court, yet gentle and compassionate off.

Mr. Speaker, I would like to extend my heartfelt condolences to Flo's father, brothers, sisters, and friends. Flo Hyman was a role model for all of us, primarily our young athletes, proving that determination and sacrifice will reward those striving for success. America and the international sports community will miss Flo.

THE HONORABLE EDWARD SEAGA OUTLINES HIS ECONOMIC STRATEGY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. RICHARDSON. Mr. Speaker, the Honorable Edward Seaga, Prime Minister, Jamaica, recently delivered this speech in Korea outlining his economic strategy for Jamaica.

It is a thoughtful, positive statement, and I am inserting it in the RECORD.

STATEMENT TO THE JOINT ANNUAL MEETING OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPING AND THE INTERNATIONAL MONETARY FUND ON BEHALF OF THE COMMONWEALTH CARIBBEAN GROUP OF COUNTRIES

(By Hon. Edward Seaga, P.C., M.P., Governor for Jamaica)

We are guests on this occasion of the Government and people of the Republic of Korea.

It is rightly said that there are few countries in the world able to host the annual meeting of the World Bank and International Monetary Fund, because of the demanding logistics of accommodating some 10,000 visiting officials, financial leaders and dignitaries, with precision, attention and care. Of those countries able to meet these demanding standards, it is understandable that developing countries are the rare exception. Indeed there are only very few previous instances of these meetings being hosted in developing countries.

It speaks volumes, therefore, for the Government and people of the Republic of Korea that this annual meeting has been staged here and that the arrangements have been made with the customary precision and care associated with the Korean people. I speak for many, I am certain, in offering not only appreciation for the warmth of the hospitality extended to us, but also in admiration of the accomplishments of the Korean people of which this is but a symbol of their achievements.

I am equally certain that the pride which we of the world feel in these accomplishments is not restricted to the developing achievements of Korea but can be extended to the family of South East Asian nations which have similarly made giant strides over the past three decades to reach a point of take-off to the achievement of sustainable economic growth and stability, the ultimate goal of all our plans and policies.

This group of newly industrialised countries [NIC's] as they are known, are a pointed reminder to us all of what can be achieved by even the battered and war-torn nations among us, mostly devoid of natural resources, as in fact is true of the leading luminaries in this constellation of brilliance.

I say "devoid of natural resources" in a pointed and specific way because the success of these nations point to a direction which we must all examine in understanding both the "why" and the "how" so we may learn from experience, and shape our future from the wisdom of the past.

The prevailing wisdom of these institutions, particularly the IMF, emphasise adjustment programmes through tight demand management. The result is severe austerity which, in the final analysis, cuts services and reduces growth. This austere path carries social and political costs which are often counterproductive to the final objective of achieving adjustment without sacrificing stability.

Because of these consequences, the question inevitably arises: Is there another way, is there an alternative which could avoid the counterproductive features—sharp reduction of services for health, education, and so on, coupled with dramatic reductions in staffing levels, increased costs of basis needs, and ultimtely a reduction of standards of living which is too sudden for the people to bear without a demoralising impact.

It is here that the consequence on the human element in the process of adjustment turns negative in the form of protest action and other forms of non-support for the programme of change.

Oddly enough, so important is the programme of adjustment, so vital is the need for stabilisation, that every force within the political and social system needs to be harnessed to ensure success, to keep the lifeline of credit open without which conditions would be incalculably worse. Yet the severity of austerity in the programme design, carries its own seeds of counterproductive action which limits success. It is as if the prevailing wisdom dictates that since there is no path of painless change, it matters not how painful the process may be. But it does matter—it matters to the human element which in the final analysis is in fact the target of the adjustment programme. We do not adjust economic systems; we adjust the lives of people who make these systems work. It is short sighted in the least to ignore the human element.

These intense social and political costs often lead countries with IMF programmes, in search of an easier path, to query the ultimate benefit of the programme, and in doing so, to mistakenly denounce the whole adjustment process.

Too often, it is not recognised that when economic circumstances dictate the need for IMF programmes, at that point the level of adjustment required is inevitably drastic and no moderated course of change will then suffice to restore economic health.

But at the same time, accepting the need for drastic levels of change, does not automatically imply an equally drastic pace of change, and this is the essential factor overlooked in the framing of the time-table for adjustment.

The difference is one of approach but is critical to the end result, determining whether change proceeds with meaningful population support because the level of aus-

terity is more manageable in human terms, or whether the inhuman features of severe austerity eventually prejudice any positive achievements by the emergence of negative forces which are unmanageable and counterproductive.

It is here that the seeds of success or failure of IMF programmes are generally sewn.

The reasoning behind the need for severe austerity and drastic change is the short term nature of IMF agreements—a maximum of three years. These short term programmes are invariably extended to twice and three times the length of the initial period as a result of the inability of the countries involved to meet the targets dictated by policy prescriptions for rapid short term change.

What is worse, every year of extension of these programmes simply extends original targets set on the same course of a drastic pace of change. Inevitably, what begins as a three year adjustment programme has to struggle to accomplish the same ends over seven years or more, with a hugh toll in human suffering and non-support for programme targets. Yet if these programmes were originally designed to be achieved over seven years they could be achieved with much greater people-support and less social cost producing a welcome change of goodwill for IMF programmes.

Whether the current IMF policy to impose drastic short term change, rather than gradual medium term adjustment, is successful, can readily be ascertained if we note that this policy of shoret term arrangements has few real success stories to show to its credit. Something is lacking, and I repeat the observation, that what is at fault, is the pace more so than the substance of adjustment.

What is even more disturbing is the dramatic fall in requirement for fund resources from SDR 9.2 billion in 1983 to SDR 6.4 billion in 1984.

These arguments point to the direction of a solution: Extend the maximum programme period available. The three year extended fund facility [EFF] should be extended to a seven year programme with an easier path of adjustment to enable the human element to be a more important factor in the process of change, working with the programme of adjustment, not against it.

Wherever whole nations of people are involved in the process of achieving monumental change, it must inevitably be a timely one. The countries of Southeast Asia, of which Korea is but an example, grew from battered war-torn impoverished levels to the success stories of today, not in three years of monumental change, but in three decades. The change required of countries with IMF programmes today are no less monumental. But the great difference is that the period of adjustment allowed is but a fraction of the time, too short to carry the support of the people who are, after all, the real targets of change. The result is that the human element becomes a negative force rather than a positive resource.

I return to where I began: The newly industrialized countries of Southeast Asia together with Japan, the industrial giant, have clearly established by their success what can be accomplished by economies which are virtually devoid of natural resources but which have made their people their base of resource. Many other countries with deep economic problems are better off potentially, having both natural and human resources. If these two resource bases can be made to work in concert productively, not in opposition counterproductively, what greater things yet they may achieve.

I trust the IMF will not fail to recognize this lesson to be learned.

One more point must be made: To adopt an extended programme of adjustment requires no extra funding since the terms of a three year programme generally allow for much longer periods of repayment of the drawings provided by the programme.

Indeed, because the period of the programme of adjustment is much shorter than the repayment period, repayment generally continues long after the programme ceases during which the fund no longer has any surveillance role. I say no more in regards to this particular point which I believe will not be lost to the management of the fund.

Not only are the extended fund facility three-year programmes of the IMF too short, but the compensatory fund facility [CFF] programmes need similar rethinking.

At a time when the base of the problem of so many debtor countries is the dramatic fall in export earnings—resulting from the collapse in primary commodity prices and markets, it is incomprehensible that the compensatory fund facility, which was devised to deal with such cases, is, in fact, a source of little assistance, falling from SDR 3.4 billion in 1983 to a mere SDR 0.8 billion in 1984. We support the view that quotas under the CFF should be eliminated and conditionalities softened to make the resources of the CFF more available.

Finally, I turn to another resource flow that is currently a negative drain rather than positive gain in the transfer of resources from the developed to the developing world. The whole purpose of global development strategy is to increase not decrease these flows.

Yet last year, debtor countries experienced a negative flow of resources to commercial bank creditors, and this is likely to be increasingly so as long as commercial banks restrain new lending as they now do.

I need hardly repeat here the many calls for reviews of international debt obligations. It is wrong to believe that the debt problem has been really contained. It has been contained in global accounting terms, but at great cost to growth and to the human services which are intolerable and not sustainable in the medium term.

A major step could be taken to restore a positive flow of resources to debtor countries from commercial banks if the repayment of commercial loans were rolled-over by the banks into trade credits for raw materials and capital goods imports.

Furthermore, the commercial banking community would hold more secure paper against current indebtedness in the form of trade credits, than is the case in the longer term notes which are currently prejudiced by threats of defaults of unilateral deferral.

This programme of roll-overs of current debt payment and rescheduled payments, would constitute invaluable additional credit support to debtor nations without a requirement for new money to be found.

Perhaps, if for no other reason than that at this critical period when the choice exists between perpetuating intolerable levels of human suffering in order to service debt, and calls increase for unilateral limitation or cancellation of debt, the commercial banking community would be well advised to seek the goodwill which can be generated by a programme of re-lending the proceeds of repayment so as not to be regarded as champions of the concept of honoring the primacy of debt over all other considerations.

This is as valuable a collateral in terms of international security as the enhanced value of gradually substituting trade credits for term loans would realise in banking security. It would be a welcome sign of recognition by the banking system that, in the light of the prevailing crisis, this is no time to reduce exposure when all other players on the stage are seeking new ways to increase involvement and are themselves making new commitments. This is no time for any player to fall out if we are to ensure that the performance proceeds to a satisfying end.

In conclusion, let me voice the hope that too much reliance will not be placed on global figures of performance whether in world trade or global growth. Experience has told us that global accounts mask serious underlying areas of weaknesses.

Last year, world trade grew by an astounding 8.8% up from a very weak 2.1% in 1983. By that account most debtor countries should have experienced revived export earnings to enable them to better service debt limitation or cancellation.

The fact is, of this 8.8% increase in world trade most of the performance was a result of increased trade among the industrial group and a small number of developing countries.

Increased world trade by itself is no panacea. Nor indeed, will global growth be such a panacea.

What is required is to devise programmes which target resources to the specific areas of need in a manner which can be utilised, case by case.

It is in this light that the proposals in this presentation are made, none of which require additional funding, only relaxation of present policies to enable the better and more meaningful utilisation of what exists.

In summary, let us clearly recognise that the path forward poses no easy, painless way to restore economic health.

But a balance must be struck so that what we gain in improved financial health is not lost in reduced growth.

The IMF has played an important role in enabling countries with severe deficits to buy time in the process of recovery while the World Bank assists these economies to be restructured to achieve sustained growth.

The policy reforms on which these institutions base their lending programmes are essential disciplinary measures to lay a super foundation for economic health.

But the road to recovery is not a short one, for many it is a path that stretches well into the medium term future. For this reason, the commitment of national populations is essential to the programme of adjustment and recovery. No sustained march to these goals can be achieved without the prospect of total commitment and support of the human resources of the nation.

This support can be forthcoming if the programmes of change adopt a more human face; if the process of change is measured in terms which people can more readily absorb, and if this process recognises that in the final analysis change is not merely a process which generates a greater yield from each machine; it is moreso, above all, the means by which we adjust and restructure the beliefs, the attitudes and values of the men behind the machine.

I thank you.

HELPING OUT AFRICA

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. GARCIA. Mr. Speaker, I am inserting in the RECORD an op-ed piece from today's Washington Post by Donald McHenry and Lawrence Eagleburger, both former high ranking State Department officials, on Africa. The two are now cochairmen of the Committee on African Development Strategies.

Their essay is a glimpse of a longer report entitled, "Compact for African Development," prepared by the Overseas Development Council and the Council on Foreign Relations. The Committee on African Development Strategies is a joint project of the two organizations. The gist of the report and article is that it will take more than handouts to cure Africa of its present crisis. It will take a long-term strategy to deal with such issues as rapid population growth, famine, and rampant poverty. Mr. McHenry and Mr. Eagleburger have taken a first, important step toward dealing with these problems. Perhaps most important for those who believe that Africa is too far away to worry about, they have rightly stated that Africa's "coming to grips with its present crisis" is not only of humanitarian concern but a "long-term security interest" to the United States. I urge my colleagues to read their article.

AFRICA: 'HANDOUTS' DON'T WORK

The rains have fallen on most of those areas of Africa that were hardest hit by drought, but rain alone is not resolving the crisis that the people of Africa confront. The drought has only accelerated the pace of declining living standards in that part of the world, but the decline has been going on for more than a decade.

Today per-capita incomes in much of Africa are lower than they were 25 years ago. The continuing decline in living standards is generating social and political unrest in a region noteworthy for its political tensions, and, as such, is a major area of East-West confrontation.

From Cape Town to Khartoum, East and West have distinct foreign policy interests. In recent times the Western industrial nations have won considerable good will in Africa. The reason for this is that in Africa's hour of need it has been the West, not the Soviet block, that has sought to help with emergency aid, long-term economic assistance and sound economic policy advice.

But while the political stability of Africa is a matter of national self-interest for the United States, and indeed a factor in assessing global security, it is a goal that will not be easily reached. We have to face the grim realities of modern Africa, recognizing that the rains are doing no more than slowing the drop in living standards, not reversing this bitter trend. Only with major external support and with firm political resolve by the governments of Africa is it likely that per capita incomes in this region will stabilize by 1990. Only then will there be hope of some actual improvement in living standards in the final decade of this century.

The critical element in stabilizing the economic situation—and here we are talking about nothing less than seeking to end chronic malnutrition for tens of millions of Africans, as well as reviving economic activity—is the will of African leaders to come to grips with their domestic troubles and the things that cause those troubles. Leaders have to recognize that they must put policies into place that stimulate production, create jobs, enable farmers to grow more food and generate savings for investment. In many countries the decision to change policies is fraught with political risks—risks that must be taken.

It is very much in our own self-interest to help the governments of Africa take those risks. Simply stated, this means we can help the governments reduce the risks by providing them with external support. This should not be "handouts," or money to build another vast congress hall, sports stadium or oversized airport. Africa has already got far too many "white elephant" projects.

The support we give must be money directly linked to policy reforms in the recipient countries and specifically earmarked for high-priority investments that will have high rates of return. In other words, the cash we provide must be tied to programs that will raise living standards. They must be carefully planned and monitored to make certain they are used for the designated purposes and not to make rich people richer.

It is interesting to note that one of the little-noticed acts of Congress before the last Christmas vacation was directly concerned with providing this sort of support. Congress approved an appropriation of $75 million as a U.S. contribution this year to a special financing facility for Africa managed by the World Bank that is designed to support just such meaningful policy changes. The United States was reluctant to join this venture a year ago when 21 countries endowed the special fund with $1.3 billion.

Congress rightly recognized that if we want to tie aid to policy reform and ensure that aid is used in a leveraged manner in delicate political areas, then a good way of doing it is to push the cash through proven and effective multilateral channels such as the World Bank, rather than through bilateral vehicles such as USAID, which are often perceived to be influenced by foreign policy issues. Congress, foreseeing the Gramm-Rudman-Hollings bill, mandated that the administration transfer the $75 million contribution to the World Bank by Dec. 31, 1985. That the administration has not done this raises certain legal considerations. We can only encourage it to transfer these badly needed funds soon.

But this special facility for Africa, which now appears to be working and generating the stimulus for important policy reforms in a growing number of African nations, has a life span of just three years. It was a response to an emergency, and, wisely, most industrial governments are reluctant to create yet another international bureaucracy. The aim of most donors to the facility is that its work should be continued by the International Development Association, the concessional lending affiliate of the World Bank.

In January the 34 governments that provide funds to IDA started negotiations on the future funding of IDA. Last time around, these governments agreed upon $9 billion for three years to go through IDA to the very poorest countries in the world. The new agreement will be for the three years beginning July 1, 1987. The amount needed this time around will inevitably have to be greater if IDA is to assume the role of the African facility as well.

IDA represents an important instrument for African development strategies that directly serve U.S. interests. It is critical that the United States go to these negotiations in a spirit of leadership concerned with strengthening IDA and its future role in Africa in particular.

The fact is that the dramatic population growth in Africa, the mounting ecological pressures, the very heavy debts of most African countries and the murderous impact of the recent drought, are all being accompanied by an actual decline in long-term capital flows to the continent. This must be reversed if the governments of Africa are to come to grips with their awesome problems. U.S. leadership in ensuring such a reversal will not only be of great humanitarian importance but will also heavily influence long-term security interests for the West.

ALTHOUGH OIL PRICE PLUMMETS, THERE IS STILL A NEED FOR AUTO FUEL EFFICIENCY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. STARK. Mr. Speaker, today I am introducing legislation which will increase the fuel economy requirements under the gas guzzler tax. The gas guzzler tax, included in the 1978 Energy Tax Act, was designed to encourage the manufacture and purchase of more fuel-efficient automobiles.

One might argue that the 1978 Energy Tax Act was enacted as a response to the severe oil crisis of its time and that the present situation is very different. Though this is true—the price of oil has dropped below $20 a barrel, thus gas is less than a dollar a gallon in some areas—how long will it last? The United States cannot be assured of an infinite supply of oil. One simply does not exist.

Something the United States can do however, is make the most efficient use of the oil we do have. That is why I supported the 1978 energy tax and why today I am introducing legislation which would increase the fuel economy requirements for the gas guzzler tax. I encourage such measures now because I never want my children, grandchildren, or the generations to come to live through another energy crisis like the one we faced in the late 1970's.

We in Congress have a responsibility to act now while the energy situation is relatively stable. The relative quiet gives us a magnificent opportunity to plan energy development in a noncrisis atmosphere. We must remember what most people forget: Lead times in energy require very long-range planning and investment. Already we're seeing patterns like those that led to the 1970's energy crisis.

In 9 of the past 10 years, the United States used more natural gas than was found in this country.

After dropping for 4 years, the United States crude oil imports rose 8 percent last year. Approximately one-third of our oil supplies now comes from abroad, the same level as before the energy crisis.

Conservative estimates put the U.S. energy demand at 20 to 25 percent higher by the year 2000 than it is today.

My bill is not a drastic measure. Beginning in 1989 it simply increases the fuel economy requirements under the present gas guzzler tax 1 mile per gallon a year for 5 years. The amount of tax, as it has in the past, does not continue to increase. The sole intent of the bill is to encourage car manufacturers to design more fuel efficient cars.

I strongly urge my colleagues to support this legislation. It is a smart yet easy way to continue striving toward energy independence.

REAL PROBLEMS OF UNEMPLOYMENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. MILLER of California. Mr. Speaker, we all know now that the real problems of unemployment extend well beyond the lack of a weekly paycheck. The evidence is there for all to see: we have heard it repeated at a number of hearings held by my House Select Committee on Children, Youth, and Families; we have read it repeatedly in a number of scholarly publications; and we can see it every day on the streets of America.

The complications, Mr. Speaker, are many: Beyond the loss of income, families suffering from joblessness experience rising rates of domestic violence, of child abuse, of divorce, of alienation, and anomie. The emotional stress is enormous, and it exacts a very heavy toll. It puts families at risk. Former wage earners become depressed; alcoholism, abuse, and even institutionalization increase. In one community in Michigan, the reports of child abuse have increased 450 percent in 4 years, and that community is experiencing heavy increases in joblessness.

It is worth noting, Mr. Speaker, that individual communities are trying to cope with the problem. A good example can be found in my own Contra Costa County, in California.

The State Employment Development Department has worked closely with local organizations in Contra Costa. One result has been the Support LIne for Unemployed Workers. Another example is ASK for US—Assistance, Support, and Know-how for Unemployment Survival.

Many of these concepts originated within our communities and were initially developed by groups such as the Contra Costa crisis and Suicide Intervention Service and by the Countywide Unemployment Resources Task Force.

ASK for US and the support line are unique: They lend an ear and they offer options to the caller. They provide the kind of outlet that can sometimes make a life-and-death difference. Their efforts are crucial in areas such as Richmond and North Richmond, CA, where unemployment rates may range between 15 and 25 percent. In Richmond, more than 3,000 people have been served; it is impossible to measure the concrete benefits. But it's obvious to all concerned that these innovative approaches are working. They provide a positive alternative to the kind of emotional isolation and extreme stress that can lead to violence, alcoholism, abuse, and even suicide. They give each client the personal attention that is required, they publish information on how to apply for unemployment benefits and how to look for new jobs. And they serve as a referral service for low-cost or no-cost mental health counseling.

I hope we'll see an expansion of these kinds of services. They serve an invaluable function: They go beyond the rhetoric, they convert that rhetoric into reality. They don't simply talk about the sanctity of human life and the importance of family life; they actually help save families. And that, I am sure we all agree, is providing a major contribution to our society. We owe them a debt of gratitude.

IN MEMORY OF OUR ASTRONAUTS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. DYMALLY. Mr. Speaker, on Sunday, February 2, 1986, I was invited by Rev. Jerome Fisher, pastor, Little Zion Baptist Church, Compton, CA, to offer a prayer in memory of our lost astronauts.

I was privileged to offer the following prayer which was written by Mrs. Brenda S. Young, of my staff, and a member of Spirit of Peace Baptist Church, Capitol Heights, MD:

Today our hearts are deeply saddened as we still mourn the loss of the astronauts. We pray for those brave souls who reached for the stars and perished in the line of duty for their country. We pray for strength and courage for the families and friends who remain. We will always feel their lives touching ours, their voices speaking to us in the familiar things they touched, worked with and loved. They will live on in the hearts of all those whose lives they touched. They will finally shine as stars in God's heaven.

May they rest in peace.

ARMS SALE TO JORDAN: THE BURDEN IS ON HUSSEIN

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. WOLPE. Mr. Speaker, I welcome the administration's decision not to proceed with a major arms sale to the Kingdom of Jordan. Last fall, overwhelming majorities in both the House and Senate passed legislation—signed into law by the President—postponing consideration of weapons sales to Jordan pending further diplomatic efforts designed to encourage direct, meaningful and substantive peace talks between Jordan and Israel. Nevertheless, the intervening months have been marked by an absence of real progress in obtaining a commitment from Jordan to begin face-to-face talks with Irseal. Under these circumstances, the administration reached the right conclusion to defer indefinitely the proposed arms sale.

The weapons that were proposed to be sold by the United States to Jordan are among the most sophisticated in our possession, including 40 F-20 or F-16 advanced fighters, an array of missiles, and 32 M-3 Bradley fighting vehicles. The total cost of the package—over $1 billion—exceeded half of the fiscal year 1986 military assistance package to Israel. The threat these weapons pose to Israel's air superiority—and hence its security—is obvious, and extremely troubling.

But it is the political environment surrounding this contemplated arms sale that remains pivotal. Recently, Assistant Secretary of State Richard Murphy held extended discussions with both Prime Minister Shimon Peres and King Hussein in an effort to reach agreement on direct Israeli-Jordanian talks. In a speech in London, Prime Minister Peres reiterated, as he stated in an address to the United Nations last fall, Israel's desire for unconditional, face-to-face talks, its willingness to consider an international umbrella for the talks under appropriate circumstances, and its openness to representation from Palestinians dedicated to peace and coexistence with Israel.

It is King Hussein, once again, who is struggling with the open door extended by Israel. The fate of any progress toward peace—and hence any further access by Jordan to American military equipment—is clearly in his hands. For the past year, King Hussein and the PLO have been engaged in a fruitless minuet of bankrupt diplomacy. The PLO has not only refused to renounce terrorism and its complete rejection of Israel, but has continued to aid and abet the most outrageous and reprehensible criminal acts, as in the piracy of the *Achille Lauro.* The recurring question for King Hussein—the question he can no longer avoid—is whether he is prepared, at last, to join Israel—alone, or with other, responsible, Palestinian partners—in a dialog for peace.

And even if such a development should occur, this should not necessarily trigger a massive United States arms sale to Jordan. King Hussein has also improved his ties with Syria. Syria has deployed new and dangerous missiles that provide cover for terrorist activities in southern Lebanon and alter the strategic situation on the Golan Heights. A major rationale offered by the administration last fall for the weapons sale to Jordan was that the Kingdom needed to be strengthened against Syria. But if Jordan and Syria are reestablishing an alliance, then it can only be Israel that is directly threatened by this weapons sale. Providing arms to Jordan in this environment will further shift the military balance against Israel's security interests on its eastern and northern borders.

The burden is on King Hussein to demonstrate his true intentions—with Israel, with the PLO, and with Syria. This is the moment of truth. Only when his intentions are abundantly and unambiguously clear can we fully evaluate whether, and to what extent, the concept of further arms sales to Jordan should be entertained at all.

SAN DIEGO LIGHT RAIL TROLLEY EXTENSION PROJECT

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. BATES. Mr. Speaker, today I am introducing legislation which aims to enforce the intent of Congress to provide $20.6 million for the construction of the San Diego Light Rail Trolley Extension project.

In each of the past 3 years, Congress has approved funding for the trolley project in San Diego. The Urban Mass Transit Administration, however, has repeatedly failed to take the necessary steps to release the funds appropriated by Congress.

It is time for the administration to acknowledge the will of Congress and let work on the extension of the San Diego Trolley begin. Congress has voted to provide funds in fiscal years 1984, 1985, and 1986 totaling $20.6 million, demonstrating its desire to fund this successful mass transit project. This bill will direct the Urban Mass Transit Administration to initiate the negotiations necessary for construction of the trolley project.

The trolley has been proven economically successful in its current southern route to the Mexican border, with high fare-box recovery rate and a greatly improved transportation situation. The Federal funds will be spent on extending the trolley from downtown San Diego eastward along a very congested transportation corridor. San Diegans look forward to the relief that this project will provide along a major route into the downtown area.

The local and State authorities have already set aside funds to cover most of the project costs. The Federal funding is a small portion of the money required for completion of the trolley, but it is a very important portion nonetheless. In order to meet San Diego's long-term transit and development objectives, the funding that has been appropriated by Congress for the trolley extension must be released. I therefore hope that the full House will join me in calling on the administration to release these funds.

A TRIBUTE TO MARYANNE LEHRER

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. LENT. Mr. Speaker, this past Sunday, February 2, 1986, an outstanding constituent of mine from Oceanside, NY, Mrs. Maryanne Lehrer, was honored as "Woman of the Year" at the Annual Brotherhood Breakfast held at the Oceanside Jewish Center, sponsored by the Rocky Marciano Lodge No. 2226 O.S.I.A. and the Trophy Lodge No. 2059 B'nai B'rith. Many local officials and respected members of the local community were present at the occasion to pay tribute to Maryanne: Clergyman Father Austin and Rabbi Benjamin Blech; presiding supervisor of the town of Hempstead, Thomas Gulotta, Assemblymen Gregory Becker and Arthur Kremer, U.S. Senator ALFONSE D'AMATO.

President Martin Shor, B'nai B'rith Lodge No. 2059, and President Mike Pizzani along with Chairman Jerry Di Filippi of the O.S.I.A. Lodge No. 2226, presided over the ceremony. This overwhelming display of community support is well-deserved recognition for Maryanne who has done so much to promote exellence in education in our public schools.

Throughout her career, she has worked with diligence and love for the betterment of our children, and I was proud to join those present at the Brotherhood Breakfast in recognizing Maryanne's outstanding accomplishments.

A member of the Oceanside Board of Education since 1977, Maryanne was selected by her fellow board members to serve two terms as vice president and two terms as president of the board. In addition, she serves as chairman of the board's legislative committee. Maryanne serves as liaison from the Fourth Congressional District to the Federal Relations Network of the National School Board Association and is a member of the executive board and legislative committee of the Nassau/Suffolk School Board Association.

Maryanne's knowledge of Congress, its committees, and the legislation is impressive and extensive. When tax reform was introduced, Maryanne was the first to my office to protest eliminating the deduction for State and local taxes would hurt education. When the Balanced Budget Act was passed last month, she was the first to Washington to protest cuts in Federal aid to education. Her skills and experience make Maryanne an effective activist for education, and I have relied on her on many occasions as a sounding board on educational matters of interest to our local community schools.

A leader in many civic and youth-oriented programs, Maryanne has received much-deserved praise for her activities. She has been elected to Kappa Delta Phi and is a lifetime member not only of the New York Parent Teachers Association, but the National PTA as well. She is the founder of the Long Island Food and Hunger Awareness Program, and is active in the Nassau/Suffolk Autistic Society, the Epilepsy Foundation, the Women's American ORT, and the American Cancer Society.

I'd like to offer Maryanne my warmest congratulations on being selected "Woman of the Year." And on behalf of the people of Oceanside and the entire Fourth Congressional District, I'd like to extend my best wishes for her continued efforts to promote better education throughout the community.

GAS RESEARCH INSTITUTE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. DINGELL. Mr. Speaker, 1986 will mark the 10th year since the establishment of Gas Research Institute. GRI manages a comprehensive program of research and development on behalf of the natural gas transmission and distribution companies. The research program includes over 400 active projects encompassing technologies for the supply and use of gaseous fuels, gas industry operations, and basic research. The objective of the program is to maintain a modern technology base for the mutual benefit of the gas industry and its consumers.

The period between 1976, when GRI was founded, and today has been a time of trauma and wrenching transition throughout the energy industries. We have passed through a period when the energy crisis was the most prominent issue of the day and are again in a period of energy complacency. Today, energy surpluses and falling prices dominate the news, and energy policy commands very little attention.

Natural gas remains an important component in the national energy mix. In 1984, gas served 25 percent of U.S. primary energy requirements, including 21 percent of the industrial demand and 28 percent of residential and commercial energy needs.

Although there is an appearance of energy surplus today, the marginal energy requirements of the United States continue to be met with imported energy. Even at current prices and low import levels, oil imports represent a large portion of the trade deficit, which is one of the most intractable problems facing Congress and the Nation. Most analysts expect future energy imports to increase as domestic petroleum production declines. Low world energy prices are likely to encourage greater oil consumption that will, in turn, be met by further increases in imports.

To the extent that the burden of energy requirements is carried by domestic resources, this energy contribution to the trade deficit is minimized. Gas represents a large domestic resource with few environmental problems, and it is important for gas to carry the greatest share of the national energy requirement that is economic. If gas is to remain an attractive option for homeowners, industry, and other energy users, technologies for the production, delivery, and use of gas must keep pace with the efficiency, economy, and convenience of other energy forms in our increasingly high-technological society.

Through its continued support of GRI, despite the institutional and financial problems of recent years, the natural gas industry, its customers, and its regulators have demonstrated a determination to maintain that essential technology base and technological progress. The GRI Program has had concrete success in introducing practical new gas technologies throughout the energy system. GRI has worked closely with equipment manufacturers to ensure that new concepts are transformed effectively into products in the marketplace.

The gas industry is now in the midst of a transformation into a more competitive industry. It is clear, however, that gas cannot continue to play its proper role in the competitive energy system unless the technologies for its production, delivery, and use remain current.

I am encouraged that the gas industry recognizes this imperative and continues to support the GRI Progam and that the 1986 progam will continue the exemplary work of the past decade.

JTPA AMENDMENTS OF 1986

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce several amendments to the Job Training Partnership Act. These amendments are not intended to be all inclusive but to initiate the debate on the subject.

These amendments include:

(1) A 90 percent intrastate hold harmless requirement using an average of the two proceding program years as a base to ensure against significant shifts in allocations,

(2) Provisions to ensure coordination with and to avoid duplication of services and assistance made available under the Carl D. Perkins Vocational Education Act and the Adult Education Act,

(3) Allowing the Governor to redesignate service delivery areas each year due to reduced allocations, and

(4) A series of technical changes.

GROSS OPM MISMANAGEMENT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. SHAW. Mr. Speaker, I recently received a letter from Mrs. Audrey Law of Tamarac, FL, concerning the impact of the new balanced budget process on COLA increases for retired civil service employees. She attached the stub from her most recent Federal retirement benefits check. It contained a brief but highly provocative message from the U.S. Office of Personnel Management. We should all take special notice of the fact that the OPM's message does not refer at any time to the real reason Federal retiree COLA's were adjusted: The politically courageous and bipartisan move to enact a balanced budget process. OPM's vaguely worded explanation is as follows:

Congress passed a last minute change in law which suspended any cost-of-living adjustment in civil service retirement benefits. To assure timely January payments and still comply with the law, we've had to make adjustments hurriedly. If your January payment includes an erroneous COLA resulting from these last minute changes, the overpayment will not be collected.

This eloquent prose appeared under the heading of "Reason for Adjustment." To a Federal retiree reeling from the unanticipated loss of their COLA this was not a comforting message. I can understand why Federal employees have been writing us about this. I cannot understand nor do I find it proper for OPM to rationalize the change in this manner. In a budget process that routinely funds Government by continuing resolution, this is not the first time that a Government agency has been asked to change their financial plans. We in the Congress, are expected to enact legislation in accordance with the needs of the American people. We are not bound to do so in a manner that is convenient to the planning needs of OMB.

The fact of the matter is that the OPM's computers couldn't be reprogrammed fast enough to assure that COLA increases would not go out in December checks. This administrative and bureaucratic mumbo-jumbo simply has to come to an end. After Social Security and Medicare, the civil service retirement system is the largest entitlement program in the Federal budget with costs upward of $20 billion annually. As Members of Congress, we have the apparent luxury of knowing that the cut in funding for our legislative offices is directly attributable to the much-needed effort to achieve a balanced budget. Federal retirees and other groups should have been given an explanation conveying that vital message.

CENTRAL AMERICAN PEACE EFFORTS AND ADMINISTRATION POLICIES TOWARD NICARAGUA

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. MARKEY. Mr. Speaker, as we prepare to consider another administration request for aid to the Nicaraguan contras, the administration will once again assure the Congress of its support for the Contadora peace efforts. Yet, a senior diplomat from one of our Central American allies recently said, "The problem is that the United States and Contadora are going in diametrically opposed directions." (Washington Post, Jan. 16, 1986.)

Administration policies are directly undermining Contadora efforts in two ways. First, the administration refuses to renew direct negotiations with Nicaragua—contrary to the requests of all eight Latin American countries comprising the Contadora Group and Contadora Support Group, as well as the five Central American foreign ministers. Earlier this month, the Contadora Group said that United States-Nicaraguan negotiations must be resumed "to avoid presenting a grave risk to Latin America's peace and stability."

Second, the administration has pressured its Central American allies to obstruct a Contadora settlement. In 1984 our allies initially approved a proposed Contadora treaty and then backed away when the United States objected. According to a National Public Radio report, "A similar process could be underway again." Honduran President Jose Azcona apparently reversed his position on bilateral United States-Nicaraguan negotiations after "a day and a half of high-level talks in Washington where he was promised new economic aid for his impoverished nation." (NPR, Jan. 24, 1986.)

Mr. Speaker, I am including more excerpts from the NPR report with this statement. I urge my colleagues to study them and consider how we in Congress can best promote a peaceful settlement in Central America.

EXCERPTS FROM A REPORT BY TOM GJELTEN OF NATIONAL PUBLIC RADIO, BROADCAST ON "MORNING EDITION" ON JANUARY 24, 1986

The new declaration (issued by the Contadora and Contadora support countries and endorsed by the Central American foreign ministers) . . . concludes with a strongly worded call for the renewal of peace talks between the United States and Nicaragua, which were broken off a year ago. Those talks, the declaration says, cannot be further postponed without risk to peace and stability in all of Latin America. Brazilian Ambassador (to the United States) Correa da Costa says the negotiations are vital to the Contadora process.

(Correa da Costa:) "If a fresh impetus is to be injected in the process, I think that bilateral contacts ought to be encouraged, and that's what the ministers of the Support Group and the Contadora Group meant. This is a very important step in the direction of a peaceful settlement."

. . . U.S. allies in Central America approved the Contadora principles when they were first drafted in 1984, backing off only after the U.S. signalled its objections to the treaty; and a similar process could be underway again. The Honduran foreign minister signed the latest Contadora document in Guatemala with its call for bilateral U.S.-Nicaraguan discussions, and the President-Elect of Honduras, Jose Azcona, praised the declaration at the time of the signing. But last weekend Azcona took a position that seemed to conflict with the Contadora statement.

(Azcona:) "It seems to me that the relations between the United States and Nicaragua are quite tense, and I don't think bilateral negotiations would be useful at this time. They could take away from the importance of the Contadora group."

Azcona's statement closely followed the State Department's official position. He made it after a day and a half of high-level talks in Washington where he was promised new economic aid for his impoverished nation.

Bruce Bagley of the School for Advanced International Studies says that the need of U.S. aid makes it virtually impossible for governments like Honduras to take a position in Contadora negotiations that varies with official U.S. policy.

(Bagley:) ". . . All of those countries have difficulty acting independently of the United States. If the U.S. continues to object to the settlement through Contadora, then Contadora will not be able to progress."

A CONGRESSIONAL TRIBUTE TO DONALD B. ROBERTSON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to Donald B. Robertson, the vice president of the Metropolitan Stevedore Co. of Wilmington, CA, who retired from his position on December 31.

Mr. Robertson was born in Stockton, CA, and attended school in northern California. In 1938, Mr. Robertson joined the California Stevedore and Ballast Co. in the payroll department. From 1943 to 1946, Mr. Robertson served as a purser in the American merchant marine, sailing in various war zones including the South Pacific. Following the war, Don returned to California Stevedore & Ballast Co. He worked there for 2 years, before transferring to Metropolitan Stevedore Co., which at

one time was a subsidiary of California Stevedore & Ballast.

Mr. Robertson managed the insurance affairs of Metropolitan Stevedore for 19 years, before being named vice president of the company in February of 1967. Mr. Robertson has been prominent in the stevedoring industry for his work with insurance matters, and I am sure that his presence will be sorely missed by all who worked with him over the years.

Donald and his wife, Gloria are avid sailors, and active members of the Long Beach, Huntington Harbor, and Fourth of July Yacht Clubs. I am sure that following his retirement they will enjoy their sailing and boating as much as possible.

My wife, Lee, joins me in wishing Donald Robertson, his wife Gloria, a former Miss Tasmania; their three children, Stewart, Debbie, and James; and their two grandchildren, Erin and Russell, all the best in the years ahead.

CHINATOWN

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. GREEN. Mr. Speaker, as one who represents New York City's Chinatown area, I would like to bring to the attention of my colleagues that February 9 marks the beginning of the Chinese New Year.

Year 4684 on the Chinese calendar is the Year of the Tiger, the animal representing wealth and power—including the power to attack legendary demons. Americans are exceedingly charmed by the colorful and exciting Chinese New Year celebrations with public parades, parties, and costumes. I expect to take part in some of the celebrations.

Although people of Chinese ancestry live in many communities in New York, and have emigrated from various areas of the Far East, Chinatown remains the center of commerce and society. Its restaurants are deservedly a delight for all New Yorkers and out-of-town visitors. What many people may not know is that the Chinese community is responsible for creating a substantial and growing garment industry in Manhattan.

I am proud to represent Chinatown in the House of Representatives and look forward to working with the community throughout the Year of the Tiger.

NATIONAL INDEPENDENT RETAIL GROCER WEEK

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. CAMPBELL. Mr. Speaker, I am pleased to announce that today I am introducing legislation designating September 7–13, 1986, as "National Independent Retail Grocer Week." I am honored to have been joined in this effort by several of my distinguished colleagues, including Ms. MIKULSKI, Mr. HENRY, and Mr. MATSUI.

Independent retail grocers exemplify the small business entrepreneur in the grocery industry. They deliver the highest quality products at the least expense to the American consumer.

Most independent retail grocers operate on a 1 to 2 percent profit margin while providing fresh fruits, vegetables, dairy products, and quality meat, poultry, and fish to their customers. When consumers in New York pick up a head of lettuce from California, they often do not stop to think about how it got from the field to the market, for less than $1. Independent retail grocers work hard to keep the American consumer well fed, while providing employment for over 1 million people. It is only right and fitting that we should honor them with this resolution.

A fine example of this historic tradition is found in the R.L. Jordan Co., located in my own Fourth Congressional District in South Carolina. Mr. Jordan started his first grocery store in the 1950's. That one store operation has grown to include many grocery and convenience stores throughout South Carolina, North Carolina, and Georgia. The stores operated under the name, Hot Spot, employ over 350 people and serve as an integral part of many small communities including Lockhart, SC., and Waxhaw, NC. Entrepreneurs like Mr. Jordan have not hesitated to update their facilities to keep pace with increasing and ever-changing consumer trends. It is this spirit and dedication that we salute by commemorating the achievements of Mr. Jordan, his employees, and thousands of independent retail grocers like him across this country.

Mr. Speaker, I urge my colleagues to cosponsor "National Independent Retail Grocer Week."

DR. GEORGE C. CAUBLE, JR., HONORED

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. DARDEN. Mr. Speaker, on February 6 the Acworth Kiwanis Club will honor one of the outstanding citizens of the Seventh District of Georgia—Dr. George C. Cauble, Jr.

Dr. Cauble exemplifies the family doctor and counselor. He has practiced medicine in Acworth since 1948, and during those 38 years has been company physician for the Coats & Clark mill there. For many years, he donated his medical skills to the North Cobb High School athletic program, providing free physicals and care for injured players.

Dr. Cauble's contributions to the welfare of his community have not stopped with his work as a physician. He has been a leader in many civic and community groups and is active in the First Baptist Church of Acworth. He also is a former member of the Acworth City Council.

Mr. Speaker, Acworth and the Seventh District of Georgia have a great friend in Dr. George C. Cauble, Jr. I join with his many friends in thanking him for his many years of unselfish giving to that community.

LOWELL WEEKS, "MR. WATER" OF COACHELLA VALLEY

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. McCANDLESS. Mr. Speaker, Lowell O. Weeks, who has been the guiding force in the development of sensible, farsighted water policy in the Coachella Valley of California, will be retiring after 35 years with the Coachella Valley Water District. For 30 of those past years, he has been the district's general manager/chief engineer.

In 1950, when Lowell was hired by the CV Water District, it had 45 employees whose main jobs were water conservation, irrigation, drainage, and stormwater protection. With Lowell at the helm, the district became involved in urban water and wastewater reclamation, and grew to its present strength of more than 400 employees. The operation of the Coachella branch of the All American Canal and the completed portions of the irrigation distribution system were the main focus of the district back in 1950. Now, the district is the largest county water district in the State, and certainly one of the most diverse in the Nation in terms of services provided.

Last year, the district served irrigation water from the Colorado River to 58,504 acres, supplied urban water from 50 wells to more than 39,000 customers and operated seven wastewater reclamation plants. In irrigation, the district is a showcase throughout the world. It pioneered in underground distribution and drainage systems, the use of radio-controlled traveling screens for removal of aquatic weeds and debris, the use of telemetry control of the canal and the use of weed-eating fish for biological control of aquatic weeds.

In urban water, the district is working out exchange agreements for the importation of water for ground water recharge to assure that urban water will be available for future generations.

Lowell Weeks either conceived of, or was instrumental in, making all the progress that changed the Coachella Valley Water District from an irrigation district to what is, in effect, a public utility. He is a remarkable man, and the entire Coachella Valley owes him a large debt of gratitude.

In wishing him well in his retirement, I ask my colleagues to join me in saluting Lowell O. Weeks for a job well done.

TRIBUTE TO VICTOR ADORIAN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. DIXON. Mr. Speaker, few people have had the effect on the development of Marina del Rey over the past two decades as has Victor Adorian.

As director of the Los Angeles County Department of Beaches and Harbors, Vic has

overseen the marina's harbors, 6,000 boat slips, and 78 miles of county coastline.

Over the past 20 years, Vic has held several positions of responsibility for the county related to management of Marina del Rey's resources. These were monumental challenges given that 8 million residents of Los Angeles County use its beaches and facilities, and that the marina is the world's largest man-made recreational boating facility.

During Vic's tenure, Marina del Rey has seen its greatest growth in public use and access. Through his efforts, this community has achieved a unique balance among the interests of local government, environmentalists, developers, residents, recreational boaters, and visitors. These diverse concerns were brought together through Vic's leadership—he recognized that most of the marina's problems and challenges were people problems and he has always been sensitive but strong in resolving them.

I reflect on his great accomplishments as Vic is embarking upon new challenges. Although retiring from his position as director of the county's department of beaches and harbors, Vic has agreed to continue for several months as a consultant. After that I understand he will devote more time to trout fishing in the rivers of Northwest America.

Vic is highly regarded by Members of Congress representing the region, individuals at the local, State, and Federal level of government, and specifically the Army Corps of Engineers that worked so closely with him on projects related to the marina.

I know that the people of Los Angeles—especially Marina del Rey—are grateful for Vic's leadership and contributions. We wish him well in all his future endeavors.

THE WILLIAM MARCONI LODGE OF LEECHBURG

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. KOLTER. Mr. Speaker, today I rise with pride to offer a grand salute to the William Marconi Lodge of Leechburg, now celebrating its 75th anniversary.

Located at 135 River Street, Leechburg, in my Fourth Congressional District of Pennsylvania, the lodge was formed in 1911 at a special meeting in Grosser Hall, with 34 people attending. A charter was granted and the first meeting was also held that year.

Named the "William Marconi Lodge of Mutual Benefit," after Marconi, the Italian inventor of the wireless who was granted honorary membership.

The lodge grew and prospered. Its members fought in our wars, marched in our holiday parades, and some gave their lives to defend freedom and America.

Now as always, the lodge is a social center for the descendants of immigrants, coal miners, steelworkers, railroaders, and builders, and for the craftsmen themselves.

The ladies auxiliary, formed in 1947, also has a long, illustrious and worthy history.

On behalf of the people of my Fourth District involving the counties of Armstrong, Butler, Indiana, Westmoreland, Lawrence, and Beaver, I stand before the U.S. House of Representatives and bring honor to the William Marconi Lodge of Leechburg on its 75th anniversary. Thank you.

TAX REFORM

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. TAUKE. Mr. Speaker, today, I have joined my colleagues Congressmen GREEN and CHANDLER in introducing a tax reform proposal which we believe accurately reflects and will realize what the American people mean when they talk of the need for tax reform. The American people want a tax system which ensures that everyone, individuals, and corporations, shoulders a share of the tax burden. They are angry over reports on the number of profitable corporations using the tax system to avoid any or almost any tax liability. They are angry over reports about wealthy individuals paying less in taxes then they do on their hard-earned dollars. The American people want a tax system that relieves the tax burden of low-income families and lightens the burden of middle-income families.

Briefly described, the tax reform measure we have introduced today substantially tightens the alternative minimum tax, imposing a minimum tax of 22.5 percent on individuals and 20 percent on corporations, imposing a 2-percent superminimum tax on corporations and individuals, and increasing the number of tax preferences which are added to the income base for determining alternative minimum tax liability. The revenues raised through this tightening of the alternative minimum tax are applied to increasing the personal exemption.

We have several reasons for introducing this bill. We wish to offer our colleagues an opportunity to register, in their cosponsorship of our proposal, their support for this approach to tax reform as opposed to the measure which passed the House, H.R. 3838. We know many Members voted the second time around for the rule to allow the consideration of H.R. 3838 in the interest of keeping tax reform alive, not because they supported the provisions of H.R. 3838. Many of our colleagues may have planned to vote for the rule the second time, but vote no on final passage, an opportunity denied them by passage on a voice vote.

We filed a version of our tax reform proposal as a substitute to H.R. 3838 but were precluded from offering this substitute on the House floor by the rule for the consideration of H.R. 3838.

We are hopeful, as well, that the Senate Finance Committee will consider a proposal similar to the one we have introduced as an alternative to H.R. 3838. Your cosponsorship of this proposal will send a clear signal to the Senate of your serious concern about or outright opposition to H.R. 3838's approach to realizing the goals of tax reform—simplicity, fairness, reduction in the tax burden of lower- and middle-income families, and economic growth.

We realize that our tax reform proposal will produce a more modest increase in the personal exemption than would H.R. 3838. And we realize that many Americans are hoping for a tax reform proposal which will lower their tax rates. But consider the price tag for these items.

What if the cost of that greater exemption and those lower rates were the loss of their jobs and another recession? That is the price tag carried by H.R. 3838. The House passage of H.R. 3838 is already having a very negative effect on investments by businesses and individuals. School systems, municipal governments, hospitals, and many other agencies and institutions cannot obtain clear tax-exempt bond opinions, and many worthwhile projects and programs are now on hold.

An analysis of H.R. 3838 by the U.S. Chamber of Commerce revealed that "implementation of the bill would result in significantly lower rates of economic growth." The study estimates that the enactment of H.R. 3838 would result in a cumulative decline in the real gross national product of $145 billion between 1986 and 1991. As a result, unemployment in 1991 would be 1.3 percent higher, and the deficit would be $25.3 billion higher than it would be if H.R. 3838 were not enacted.

I believe that many Members share my grave concerns over H.R. 3838. They share my belief, as well, that what the American people want is not necessarily a complex overhaul of the tax system which could undermine our productivity and competitiveness, cost them their jobs, and trigger another recession. What they want is simpler—it's a tax reform proposal which will ensure that profitable corporations and wealthy individuals are shouldering part of the tax burden that they feel weighing on them. That is what my colleagues and I are offering in our substitute—simplicity, fairness, and an increase in the personal exemption. We urge you to join us in cosponsoring this legislation.

GRAMM-RUDMAN THREATENS COMMUNITIES

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. PEPPER. Mr. Speaker, the National Association of Housing and Redevelopment Officials during the last 50 years has worked in partnership with the Federal Government to create jobs, strengthen neighborhoods, and build houses. Today, no partnership exists. The Reagan administration with its huge budget deficits and Gramm-Rudman is systematically destroying every accomplishment of the last 50 years.

In a recent address, Mr. Melvin J. Adams, president of NAHRO, eloquently summarized the achievements made by his organization in conjunction with the Federal Government and how, now they are crumbling. I believe my colleagues would benefit from a careful reading of Mr. Adam's statement delivered February 2, to the Legislative Conference of NAHRO.

SPEECH TO LEGISLATIVE CONFERENCE—NATIONAL ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS

(By Melvin J. Adams, President)

Home. Neighborhood. Jobs. These are the foundations of family values, the strength of America. Home, neighborhood and jobs also describe our mission: we build homes, we strengthen neighborhoods, we create jobs. These are the goals for which Americans have always striven: a decent home in a decent neighborhood, a good job in a great community.

Our mission of home, neighborhood and jobs is 50 years young. Government, all three levels, and our private sector partner have many accomplishments in this brief period of time.

We have built the best urban-designed developments in America. These exist in cities large and small, in every part of this country.

We have revitalized thousands of neighborhoods.

We have built well-designed, inexpensive housing for low-income families and the elderly.

We have done an outstanding job of managing low-income housing under the most unbelievable financial and procedural constraints. Although we have learned a lot and improved since then, development built in the 1930s still provide good housing.

Secretary Pierce recognized this when he said, "For half a century now, public housing has enriched the fabric of thousands of communities."

We leveraged private dollars and created economic development long before these terms were invented.

We were the first to take responsibility for relocating displaced families into decent housing. In the process, we spotlighted the cancer of poverty which led to the war on poverty. This was a very successful war, notwithstaning what after-the-fact critics might claim.

And perhaps most important, we have involved neighborhood people and project residents in the decisionmaking process both as volunteers and as employees. Our concern for each person as a human being helped them to develop pride, dignity and self respect.

Each of us knows hundreds if not thousands of people we have helped. For example, in Miami, a 65-year-old gentleman, Raphael Gonzalez, moved into our congregate project in 1976. His doctor told him he had less than 12 months to live. The congregate services and the concern we provided gave his life a new purpose. Six months later, we hired him to help others in the project. Today, 10 years later, he is still active.

Some people tell us that there is no housing problem. They tell us that our neighborhoods do not need help. They have stopped telling us that there is no room at the inn; now they say we should tear down the inn.

These people tell us poverty is not a problem. Maybe they do not read the right newspaper. I know that the Los Angeles Times, the Miami Herald, and the Chicago Tribune have run comprehensive series on the growth of poverty, and how children suffer the most. I know that the Denver Post and the Lexington (KY) Herald-Leader described studies showing the growth of poverty in their states.

Maybe we should get these people out of their offices and into the real world. I was going to suggest that those who live in Washington venture beyond the beltway, but if they would open their eyes at conditions within the beltway—even a few blocks from this hotel—they would see the real world. Anyone at this conference could show them that poverty is alive and healthy and growing, that there are millions of people ill-housed and without homes, that our neighborhoods need help, that our public housing is underfunded and overregulated.

Today, a smaller percentage of our population own their own homes than at any time in the last 17 years, while the construction of affordable rental housing is insignificant.

We must build on our past successes and adapt to changing times. For example, we have provided affordable housing through a combination of lowered interest rates, creative financing, Federal rent subsidies, and reduced development costs. Today the mix will have to change but all the ingredients are still needed.

The program of strengthening America through home, neighborhood and jobs must continue.

We need to provide homes for the ill-housed and the homeless. And NAHRO has documented the need and the solution.

We need to let public housers manage housing rather than forcing them to produce mountains of paper. And NAHRO has recommended a program to achieve this.

We need to adequately finance public housing operations and modernization. And NAHRO has shown how this should be done through adequate Federal funding and by permitting housing authorities to generate more income.

We need to continue the Section 8 existing and moderate rehabilitation programs. And NAHRO has been a leader in the so-far successful fight to prevent the destruction of these programs through legislative and administrative changes and reduced funding. The programs ain't broke. They don't need fixing.

We need to continue the UDAG program which has done so much to create jobs and generate additional local and Federal taxes. And NAHRO has successfully joined forces with other organizations to protect UDAG appropriation and to make the selection criteria more politically acceptable.

We need to strengthen the community development program which has been the only hope of protecting America's neighborhoods against slum and blight. And NAHRO has documented how this can be done through adequate appropriations and effective financing mechanisms.

We need to strengthen our professionalism, and for 51 years NAHRO has and continues to be the leader in this effort. NAHRO's professional development program and NAHRO's new Management Evaluation and Improvement System are pertinent examples. MEIS will be of great value to all housing authorities, large and small, especially in these critical times. Each of us should study it carefully and use it to improve our operations.

Our great and vital programs face the most critical challenges to their survival that they have ever faced. In the last five years our programs have been cut by 60 percent. Our essential programs cannot afford any further cuts; we have already lost some bone and muscle. I believe that during the next five years the Administration will propose eliminating community development, UDAG, additions of any kind to subsidized housing, CIAP, all rehabilitation and at least 50 percent of public housing operating subsidies. I am not crying wolf. The wolf is at the door, and some of our Federal friends are trying to remove the hinges.

All of us are concerned by the much too large Federal deficit. However, the deficit would be in a more realistic context if the Federal Government had both an operating budget and a capital budget. Do you know any corporation or state or local government that pays for all capital improvements in the year they are built? Do you know any individual who pays cash for a house and for all consumer goods he or she buys? Of course you do not. But that is how the Federal budget portrays such capital items as public housing.

The Federal deficit is a threat to the strength of these United States of America. But the greatest threat to the strength of America is the Administration's plan to reduce the deficit to zero by 1991 without raising taxes and without cutting all entitlement programs, while at the same time increasing the defense budget each year by three percent after inflation.

If defense, social security and interest on the national debt are off limits, Gramm-Rudman leaves us with $300 billion of unprotected Federal programs. In mid-January, the budget deficit for this fiscal year was estimated at $220 billion, a "mere" 20-percent increase from the estimate 30 days earlier when Gramm-Rudman was passed. (Parenthetically, I wonder what HUD's Inspector General would say about us if we were to estimate income and expenses with such accuracy!) This means that under Gramm-Rudman, $70 billion will have to be cut from the $300 billion of unprotected programs in FY 1987. And remember that by 1991, an additional $140 billion will have to be cut. Also remember, that if the rosy projections of low inflation and high economic growth fail to materialize, and they will, the deficit will be higher.

In 1991, what would we be able to do with HUD's share of the Federal budget? We would quit our efforts to protect America's neighborhoods against the cancerous spread of slum of blight. We would shut down most of the 1.3 million units of public housing, a $75 billion asset, homes for almost 4,000,000 people. Would some Federal officials then say that these 4,000,000 Americans preferred to sleep in the street? We would see unemployment spiral. The present critical crisis facing rural American would pale by comparison to the crisis that would confront urban America.

But other vital programs would also be mortally wounded: the FBI and its crime prevention programs; the Coast Guard and its drug interdiction and immigration control programs; the IRS and its capacity to collect taxes; the Custom Service and its program to prevent terrorists from entering this country; the Immigration and Naturalization Service and its program to prevent illegal immigration; the Agricultural Department and its just-enacted program to save our farm community; the National Park Service and the priceless heritage for which it is responsible; the Environmental Protection Administration and the critical program it should administer to eliminate toxic dump sites that threaten our water supply; the FAA and its air safety program; and many, many more.

Can you imagine what life in America would be like under these conditions? A conservative economic commentator, Raymond De Voe, of Legg Mason Wood Walker said, "If (Gramm-Rudman) stands, it could win a

battle by balancing the budget and lose the way by wrecking the economy, promoting social chaos, and emasculating the military."

But surely the American people will not let this happen. Rather, the American people will force its Federal Government to abandon this phony solution to the deficit problem and embrace the only real solution.

The real solution to the deficit is crystal clear. To reduce the deficit, we must raise taxes, and we must thoughtfully reduce the defense budget. There is a bipartisan consensus among Republicans and Democrats in both the House and the Senate that this is the solution. In my community—and I am sure this is true in most communities—this same bipartisan consensus exists. This consensus exists among columnists of all philosophical persuasions. As president of NAHRO, I am proud we have publicly called for a tax increase to reduce the deficit.

Nobody enjoys paying taxes. But Americans are realists. We know it is now time to start paying the bill for these government services that are essential to a modern, socially-responsible society.

So when we leave Washington, we must document the impact of Gramm-Rudman and the President's budget proposals in our own communities. We must carry the message to every sector of our communities and to our representatives in Washington that the minimum level of acceptable support for Federal housing and community development programs has been reached. The proposed draconian budget cuts will destroy America's program of home, neighborhood, and jobs, the program that promotes the general welfare and preserves the domestic tranquility. As Representative Gephardt has said, "Gramm-Rudman will cut not fat but muscle, bone and brain from government."

We must make it clear that it is time for this nation to pay for essential programs and services through a tax increase rather than continuing to mortgage the future of our children and our children's children. We must make it clear that it is time to stop playing silly games that impose mindless, across-the-board cuts on programs that are essential to the well being of our people. We must toil in our vineyards as if the future of our great country is in the balance. Because, my good friends, it is.

BIG EIGHT COUNCIL ON BLACK STUDENT GOVERNMENT

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. WHEAT. Mr. Speaker, 8 years ago on the campus of the University of Missouri-Columbia about 150 black student leaders embarked on an ambitious project. Dismayed at the lack of unity among black college students, they established the Big Eight Council on Black Student Government to provide a regional forum to address student concerns.

Beginning February 7, the organization will return to the University of Missouri-Columbia for its annual conference and celebrate its eighth anniversary. I am proud to share with my colleagues in the House of Representatives the many accomplishments of this organization.

The Big Eight Council on Black Student Government was established under the guidance of Chancellor Herbert Schooling and Vice Chancellor Walter Daniel in 1978. It was, and remains, the only organization of its kind in the United States. From a limited beginning, the group has grown in size and scope.

In 1978, some Big Eight schools did not have a campus organization for miniority students. Under the guidance of the Council on Black Student Government, students at Kansas State were able to start a campus organization. The Kansas State organization has developed into a viable campus group and last year it hosted the annual Big Eight Council on Black Student Government conference.

Under the banner of "A People United, Will Never Be Divided," the group has enriched the collegiate educational experience for hundreds of students. The organization assists students in making the often traumatic transition to college life. It actively recruits students for all of the Big Eight schools and works with the Big Eight faculty to develop campus activities and programs to facilitate positive cultural exchanges between all students.

The leaders of the organization are developing plans to broaden the scope of the group. The Big Eight Council on Black Student Government hopes to move beyond addressing student concerns to becoming involved in political education, scholarship programs, and cooperative educational programs.

The organization has rightfully gained national recognition as one of the strongest black student organizations on major college campuses in the United States. All Big Eight schools—Missouri, Kansas, Kansas State, Oklahoma, Oklahoma State, Nebraska, Colorado, and Iowa State—have hosted the annual conference, a testimony to the efforts of all participating schools to strengthen the link between the campuses.

The group is to be commended for its numerous meritorious achievements. It is my hope the Big Eight Council on Black Student Government will enjoy continued success in the challenging years ahead.

CENTRAL BUSINESS DISTRICT OF LONDON NAMED TO HISTORIC REGISTER

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. WYLIE. Mr. Speaker, last month, the National Register of Historic Places formally recognized the diligent efforts of many Madison County area residents in restoring and refurbishing its historic central business district. The people in the community have exhibited great pride in their ambitious endeavors to revitalize the five-block area of downtown London, OH.

This Federal designation, made official December 17, 1985, is the culmination of a determined effort by many community leaders to restore and rebuild the central business district, which contains over 37 buildings and offices.

The central business district of London is significant as an historic example of commercial and governmental architecture in a small Ohio county seat constructed from the middle of the 19th century to the Second World War. The dominant architectural theme is victorian Italianate with some Georgian/neoclassic influence coming later in the 20th century.

A majority of the buildings in the district are Italianate derivatives built after the fire of 1854 and before 1880. There have been two traumatic influences on the architecture of London. A fire destroyed almost all of the early buildings in the central business district in 1854 thus leading to the establishment of the victorian Italianate character of the second half of the century. More recently, the infamous 1974 Xenia tornado also swept over London decapitating several of the historic building's cornices and roofs. The adjacent Madison County Courthouse, already listed with the National Register, escaped damage.

Anchoring the upper end of the historic district, the courthouse built in 1892, is a monumental stone pile building in second empire style.

Several other buildings with historical significance are noteworthy. The sheriff's house and jail, built in 1892, is an eclectic Italian villa in dark red pressed brick. The tower is high victorian gothic with a two-stage guild hall roof.

The Union Exchange Building—1870—is a three-story rectangular commercial building sitting across from the courthouse. The original Phifer House Hotel and commercial block—1848—is, in all probability, the oldest building standing in the central business district. Its design has some interesting detail including a stepped parapet gable and truncated cornice.

Built in 1890, the Dungan Building is the only building in the central business district that strongly represents a Queen Anne style influence in commercial buildings. There is also evidence it is a renovation of an earlier structure built in 1860.

Langley's Candy Store—1870—has an unusual wood cut facade. The Michael Riley Building—1876—is the best-preserved Italianate facade in the central business district.

Toland Hall—1866—was London's only auditorium in the 19th century. An addition to the one-story building was added 4 years later.

The Pennsylvania Railroad Station—1895—has a main block with a smaller west wing and both show the influence of the famous Chicago architect Louis Henri Sullivan. The Cowling House—1850—was built after the arrival of the railroad. It is a three-story, T-shaped, Greek revival style building with a one-story addition.

As the city of London, OH, heads toward its 175th birthday celebration this August, I want to congratulate the many individuals whose dedicated, untiring efforts are so instrumental in the effort to restore the central business district.

Their efforts, which I applaud, will help preserve a unique heritage that should be maintained. Entry into the National Register will help to ensure the future survival and renewed vitality of this dynamic community. As the citizens of the community preserve their heritage and look toward the future, I extend my sincere congratulations. I am indeed honored to represent the people of London, OH.

NATIONAL INSTITUTE OF HANDICAPPED RESEARCH OPEN HOUSE

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. WALGREN. Mr. Speaker, as chairman of the Subcommittee on Science, Research and Technology of the House Committee on Science and Technology, I would like to invite Members and staff to an "open house" display by the National Institute of Handicapped Research [NIHR] today, from 10 a.m. to 4 p.m., in room 2318, Rayburn House Office Building. The purpose of the open house, is to exhibit technology to aid the handicapped and to acquaint Members and staff with the research programs of NIHR.

Since its creation in 1978, the Institute has been the focus of Federal activities in handicapped research and development. Included in the areas of technology to be exhibited is a demonstration of functional electrical stimulation enabling a paraplegic to stand and walk; examples of advanced devices for visually and hearing-impaired persons; robotics to assist severely disabled persons; the newest technology is artificial limbs and braces; high-tech wheelchairs; advanced communication devices, including talking computers; and the latest techniques developed for adapting the work site and classroom to accommodate the disabled.

The Committee on Science and Technology has had a special interest in how research and the application of scientific knowledge and technology can assist in alleviating the problems of the handicapped. As part of that continuing interest, we would like to offer this opportunity for others to learn more about the important role that NIHR plays in handicapped issues. Please take a few minutes to drop by the committee hearing room today and find out more about this worthwhile Federal agency.

THE DOMESTIC VOLUNTEER SERVICE AMENDMENTS OF 1986

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. WILLIAMS. Mr. Speaker, today I am introducing the Domestic Volunteer Service Act Amendments of 1986, a bill to extend, for 1 year, title I of the Domestic Volunteer Service Act of 1973.

In these times of constrained resources and pressing need, title I of the Domestic Volunteer Service Act is extremely important, Mr. Speaker, for it provides for the national volunteer antipoverty programs. These programs include Volunteers in Service to America [VISTA], service learning programs, and special volunteer programs.

Working in communities for a subsistence allowance, VISTA volunteers respond to the needs of the poor and disadvantaged with new initiatives to assist the homeless, the illiterate, the hungry, and the unemployed. Across America, the need for these programs has increased rather than diminished. Currently, 35.2 million Americans live in poverty and an additional 12 million live at its threshold. Not since the year VISTA was created has the need been so great.

Current authorization for the Domestic Volunteer Service Act expires September 30, 1986. I am introducing this legislation to authorize title I of this act at such sums as may be necessary for fiscal year 1987. This will afford the House and my colleagues on the Select Education Subcommittee adequate time to listen to witnesses describe recommended changes, to examine how well VISTA is currently functioning and determine what changes need to be made to the enabling statute. When that oversight process is complete, any changes will then be incorporated into a longer reauthorization package for committee and floor action later this year.

A HOMETOWN SALUTE TO MIKE DITKA

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1986

Mr. KOLTER. Mr. Speaker, I rise today to proudly draw attention to one of my very extraordinary constituents, Mike Ditka, coach of the world champion Chicago Bears.

Mr. Ditka, a native of the steel town of Aliquippa and star football player at Aliquippa High School and the University of Pittsburgh, exemplifies what true courage, true sportsmanship, and true success is all about.

Mike Ditka not only is someone that we can look to for an outstanding example on the football field but also in real life. He is a gracious winner and successful communicator.

Although we know all about his ability to persuade gym lockers to knuckle under, and of his mild mannered way with his players, I, seriously, commend him for not settling for second place and for despising the mediocre effort.

Coach Ditka is the epitome of all that my district stands for—hard work, sound judgment, relentless pursuit of a goal and a dream, and the audacity to demand that a professional effort not just be successful and winning, but darn near undefeated, or as close as one can get.

Aliquippa, in my Fourth District of Pennsylvania, is a town of Mike Ditkas searching for a way to better their lives and the lives of their families, and Mike has never forgotten where his roots are.

Coach Ditka has allowed the people of Aliquippa to share in his success, and that is his strongest attribute.

Today, before, the U.S. House of Representatives, I salute my friend and neighbor, Mike Ditka, coach of the Super Bowl champion Chicago Bears.

SENATE—*Wednesday, February 5, 1986*

(Legislative day of Monday, January 27, 1986)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Infinite God, we thank You for the political legacy our Founding Fathers gave us—for the incomparable system in the Constitution to preserve justice, truth, and freedom. Forgive us for our impatience when we expect the efficiency of a dictatorship, while we demand the liberty of a democracy. Thank You, Lord, for the God-given pluralism which draws people of every race, creed, and culture to this land of unprecedented opportunity. Preserve us, Lord, that pluralism will not polarize, that our diversity will not divide, that we will not allow controversy to be reduced to calamity. Grant the wisdom and grace which guided our forebears that we may continue to perfect, not plunder, the instruments of government which their vision produced. To the glory of Your name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, following the two leaders, who have 10 minutes each, if used, we will have special orders by Senators PROXMIRE and MCCONNELL for 15 minutes each and routine morning business not to extend beyond 1 p.m. Following routine morning business, the Senate will resume consideration of Senate Resolution 28, TV in the Senate. I am not certain about rollcall votes. It is possible we could have a vote this afternoon if we could pull this matter together. I think there is some indication of a willingness on both sides, by Members who have a little different view, some on rules, some on TV in the Senate.

Then also it would be my hope that the two Federal Reserve Board nominees which are pending can be disposed of this afternoon. I am not certain whether or not a rollcall vote would be required.

I hope we can do those two things, and any other Executive Calendar items that can be cleared. We passed a farm bill on Monday and sent it to the House. It is now back. There is one additional clarification that may need to be added to that and sent back to the House, but we will be checking with Members on both sides to see if we can do that. If so, we would like to take care of that today.

We would like to dispose of the smokeless tobacco bill that came over from the House today. It seems to me that it is a matter of some urgency from the standpoint of health concerns. I am not aware of any controversy over the bill except someone wanted to add the sports franchise bill to it.

COMMENDATION TO THE PRESIDENT

Mr. DOLE. Mr. President, I certainly commend the President of the United States for his outstanding State of the Union speech last evening. There is no equal to Ronald Reagan when it comes to delivering speeches. He demonstrated that again last night. We may find ourselves differing on specifics, but it was an outstanding presentation.

I was particularly pleased that the President noted this would be the last State of the Union speech the Speaker of the House, Mr. O'NEILL, will be privileged to listen to, and was also pleased about the gesture to the Speaker about the budget process being broke and the offer to work together with the rest of us to fix it. I interpret that as an indication we are off to a good start, that it may be the first step toward a bipartisan working relationship on the budget and maybe even other matters, tax reform, trade. I know there is already a bipartisan group in the Senate, I think 25 to 35 Democrats and Republicans joined together on a trade bill, so it might be, even though this is an election year, that we could accomplish a great deal on a bipartisan basis, and if not we will do the best we can.

I was impressed with the President's message, and I believe that, although others may have felt inclined to be critical of the content, generally it was a well-balanced speech. We now have a copy of the budget document. The distinguished minority leader and I were privileged to receive an autographed copy this morning from the President. We will be analyzing that and probably making suggestions, recommendations, offering some criticism maybe, but in any event I would hope that at least we analyze it before we start to criticize it. All in all, we have a lot of work to do, but if we can take care of TV in the Senate, the Genocide Convention, and a few other things by agreement, we may be right on schedule.

I doubt that there will be a session on Friday, but I hope to announce that definitely either late today or tomorrow morning.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. KASTEN). Under the previous order, the Democratic leader is recognized.

Mr. BYRD. I thank the Chair.

THE STATE OF THE UNION

Mr. BYRD. Mr. President, I join with the distinguished majority leader in saying that the President's speech last night was, indeed, a masterpiece so far as his eloquence and the beauty of his words and the presentation of the speech were concerned. It was very inspirational. It was a good State of the Union speech, but it was not the true state of the Union in several ways. It did not accurately portray the state of the Union in every respect. Without having the speech before me, I simply select one area, for example.

The President said something about trade and how we had already knocked down some of the trade barriers. That does not accurately portray the state of this Union with respect to trade. With a $148.5 billion trade deficit in the last year, the state of the Union is not good. There have been all too many occasions when this administration has opposed legislation, has opposed recommendations of the International Trade Representative, and has rejected petitions from industries that are, indeed, being injured by unfair trade practices on the part of some of our partners. Thousands and thousands of jobs—millions of jobs, as a matter of fact—have been exported to other countries, leaving our own skillful, talented, industrious dedicated American workers jobless. That is the real state of the Union.

Go into some of the plants in West Virginia, in Ohio. I have read only this morning about the Mack Truck plant in Maryland where there will be jobs lost. That is the real state of the Union.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

I will have more to say about this later, as I am sure others will have. But I think the President's budget is entitled to be considered. It should not be rejected out of hand. I want to see what is in it. There may be parts I can support and which others can enthusiastically support. There may be some I and others cannot support. Let us see what the budget proposes.

TV IN THE SENATE

Mr. BYRD. Mr. President, with respect to TV in the Senate, I think we are closer than we have ever been to TV in the Senate. I believe there is room for agreement among ourselves and between both sides on this question.

I am pleased to say that so far as Senator LONG is concerned, he and I have talked a number of times, and we stand together as of now. We have resolved our differences on this matter; and if it were left up to Senator LONG and me, we would act today.

The same is true with reference to the distinguished majority leader. The leader not only kept his commitment to bring this matter before the Senate, but also has established a working group on his side of the aisle, in an effort to help bring both sides together, and I have established the same on this side of the aisle.

The distinguished majority leader has listened to my urgings that we not go off TV in the Senate at the end of this week. If we have not completed work on Senate Resolution 28, star print, by the time the Senate goes out for the recess, I have urged the distinguished majority leader to bring us back on this subject when we return from the recess.

There is a purpose in that. I think there is something achievable here. It is not a charade. I am not interested in just having this matter up and talking about it for a few days because maybe there is nothing else that is very pressing, and then say: "OK, set this aside. We tried."

I believe we can achieve something this time. I think the majority leader believes that, too. He sincerely wants to see something done in this area. He wants rules changes and so do I. We may not be able to achieve everything, in the final analysis, that we hope to, but I say let us stay on this legislation; and if necessary, let us offer a cloture motion.

I have cloture motions that I am getting signed. I say this not as a threat but as an encouragement to those on both sides who are willing to sit down and try to work out a package to which we can all agree and simply come in here and adopt it. I think that reasonable men and women can do that. But if that cannot be done, I think we ought to go for cloture. If the Senate were to invoke cloture, that would mean, then, that the Senate would vote on every rules change that is proposed in Senate Resolution 28.

I hope Senators will understand this in the spirit in which I say it. This is no threat. It is simply to let it be very clear to everyone on the inside and on the outside of this institution that it is my determination to have the Senate speak its will one way or the other. If it rejects the package, the Senate will have spoken. If it accepts some of the package and rejects other parts, the Senate will have spoken. But I want to stay with it until the Senate's will is done, one way or the other.

I think it is about time we opened up this window to the American people. Why should they not see what goes on here? Why should they not hear what goes on here?

I know there are those who are concerned lest the people look at the Senate, and that it hurts itself in the people's view. I think just the opposite would happen. I think the Senate will get its act together. All Senators will be at their best when they come to this floor to speak.

I hope that every Senator will read Senate Resolution 28 and know what is in it. It provides for electronic voting. How utterly silly it is for us to spend weeks out of the year in doing nothing but answering rollcalls. We say that there will not be more than 15 minutes on any rollcall vote. The fact is that the Senate spends more than 20 minutes, as an average, on each rollcall vote. One year, we had 700 rollcall votes. I think I am right in the number.

Let us say it is 700, at 15 minutes each. Let us say we have an average of 15 minutes each on 700 rollcall votes. Ten minutes each is 7,000; 5 minutes each is 3,500. That is 10,500 minutes. Divide that by 60, and it comes out to 175 hours.

If we have an average of 6-hour days—12 noon to 6 o'clock—that is a pretty good working day on the floor, because we have plenty of additional work to do in committees and in our offices. So, with 175 hours and 6-hour days, that would be something like 30 days. With 5-day weeks, Monday through Friday, that would be 6 weeks spent in doing nothing but standing around, milling around, and voting yea or nay. That is 6, 5-day weeks in 1 year.

Why should we not have electronic voting? We have it in most State legislatures. Why not have it here? We could save enormous amounts of time.

So much for that. We will talk about these things later.

Senator STEVENS and I are going to get our groups of Senate colleagues together, and I hope we will be able to produce a package here that will see television come to the Senate definitely and without question.

We will see some rules changes that will enable this body to better conduct itself and discipline itself in public, and thus avoid much of the opprobrium and obloquy that are heaped upon the Senate, expedite the business here, and at the same time maintain the unique role of this institution under the Constitution. We ought to be able to do that.

We can do that. I think it is time that we move the Senate into the 20th century before we reach the 21st.

RECOGNITION OF SENATOR McCONNELL

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky is recognized for not to exceed 15 minutes.

THE LITIGATION ABUSE REFORM ACT OF 1986

Mr. McCONNELL. Mr. President, I am pleased to introduce today the Litigation Abuse Reform Act of 1986. This bill, like S. 2038, the alternative dispute resolution promotion bill I introduced on Monday, addresses a severe and growing crisis—the crisis of "hyperlexis." It is a new word, Mr. President. It means essentially too much litigation. In other words, the excessive and unrelenting resort to the litigation process to solve almost any problem imaginable.

The problem is serious, for resort to litigation, without restraint, threatens to choke off the vibrance of our economic well-being. As the American Legislative Exchange Council recently noted:

> Americans, for whatever reasons, are having a passionate love affair with the courts. Children sue their parents, guests their hosts, patients their doctors, citizens their elected officials and everybody sues the businessman. The full impact of this trend has not been realized, yet it has already created a major crisis in the areas of tort liability and liability insurance."

It has also created a crisis of confidence among Americans in our court system, in our legal profession, and for its indifference to the problem, or, for its inability to cope with it, in our Government.

Mr. President, the incidents that have led to this crisis are all too familiar. For example:

A gymnast in California is awarded $14.7 million after suffering a neck injury in a gymnastics accident. Who paid? The company that made the gym mat, on the theory that the company failed to warn the man of the potential danger. Of the damages awarded, $4 million was solely for pain and suffering. I repeat, solely for pain and suffering.

In the same case, the owner of the gym, who was considered to be 4 percent negligent, was forced to pay

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$590,000. Why? Because he bought the gym mat.

The Corning Glass Co. paid $804,892 to a homeowner after the man was injured by a shard of glass when a Corning Ware dish broke. Why? Because the company failed to warn the owner that the dishes might fall and shatter if stacked five deep, with their lids inverted, in the kitchen cabinet.

There are similar examples in every field. In fact, it seems that whenever there is a bad result in an operation, the doctor is sued. Whenever there is an industrial accident, the employer and a manufacturer are sued. As often as not, whenever a neighbor's child falls off the backyard swing, another neighbor is sued. In short, we are all suffering a progressively debilitating disease—the disease of hyperlexis, too much litigation.

The result of all this litigation is predictable enough: Higher prices for insurance, for goods and services, for medical care, and just about everything imaginable. But increased costs are only part of the problem. Fort Mitchell, KY recently lost its liability insurance, apparently because of the unpredictability of the liability exposure it and thousands of cities like it face in our courts. Others face a similar fate.

As Leo Levin, Director of the Federal Judiciary Center, recently wrote, "The cost of litigation has become a matter of serious public concern." In 1983, the portion of the gross national product attributable to legal services was $33 billion, up 58.6 percent in real dollars from 1973. In current, unadjusted figures, the increase was an incredible 244 percent, in just a 10-year period.

Nor are the costs merely a matter of dollars, Mr. President, for there is a social cost as well. One recent editorial in Financier, the Journal of Private Sector Policy, noted that:

> Leaders of the private sector have come increasingly to question the necessity of bearing the enormous full costs of litigation, which mount far beyond basic fees. Aggregate costs of delays, diversion of management time, disruption of business relationships, lost market opportunities and the freezing uncertainty of judicial decisions have aggravated the problem.

The fact of the matter is, the productive elements of our economy can only stand so much law. I recently received a letter from Mr. Sheeran Howard, the president of the Service Erection & Machine Co., in Louisville. Mr. Howard, whose sentiments are similar to those of millions of Americans, had this to say:

> Needless to say, we're quite concerned, considering our product liability insurance increased 400% over last year's premium. Our firm has grown from 10 to 15 employees in the 1950s to approximately 112 employees presently, and this problem, unless curtailed, will definitely hinder and perhaps even stop our growth potential.

Perhaps even more disturbing are the implications for a broad range of Americans, who may be locked out of our courts because of the rising costs of access to them. According to the report of the Ad Hoc Panel on Dispute Resolution and Public Policy of the U.S. Department of Justice, the rising cost of legal services and the time required to resolve a case means that courts are generally inaccessible to all but the most wealthy parties.

In short, Mr. President, we run the risk that our civil justice system will become, in the words of Mortimer B. Zuckerman, editor in chief of U.S. News & World Report, "a national lottery in which the winning names are the lawyers and certain plaintiffs who are picked by judges and juries, while each of us, every day, is the loser."

The bill I am introducing today is designed to open the debate on broadly based reform of this lamentable situation. Briefly, the bill seeks to impose rational restrictions on the award of damages in Federal courts and to impart a significant degree of predictability to the potential liability a defendant faces. It does this by putting a cap of $100,000 on the award of noneconomic damages, or "pain and suffering" awards. These are awards that are inherently unpredictable, and limited only by the whim of the jury. Importantly, this limitation will not—I repeat, will not—deprive any injured party of the first nickel in actual, economic damages, such as past or future medical expenses, or loss of earnings.

In addition, the bill would require periodic payment of awards of damages greater than $100,000, on a schedule approved by the court. It would eliminate the collateral source rule, requiring that damage awards be reduced by the amount of any other payment, such as insurance or worker's compensation, that a plaintiff has received as a result of his or her injury. These benefits, on top of the award of actual damages, are a windfall to the plaintiff. Though it may once have been important to exclude such benefits from the computation, in order to deter negligent conduct, that time has long since passed.

Finally, the bill will clarify the standard to be used for the award of punitive damages, and provide that such awards are to be paid to the court. Punitive damages were never intended to compensate the plaintiff, and their punitive effect will be just as great if paid to the court, while removing the incentive for lawyers to pursue large punitive awards.

Let me also point out that the bill has two other major provisions. One will limit the amount of contingency fees that an attorney may obtain in a case, based on the amount of the recovery. There is no point in watching an ever-growing portion of the awards in tort cases go to lawyers, many of whom have become fabulously wealthy, part of what the ABA trumpeted on the cover of its Journal this month as the new elite plaintiffs' bar. The other provision would clarify the standards for holding lawyers who file pleadings without a good faith belief in the substance of them liable for costs, including attorney fees. It would also create a new sanction against lawyers who initiate any civil action without a reasonable belief that there is a good ground for recovery of the relief requested, or merely to force a monetary settlement. This is perhaps the most egregious abuse of the civil justice system, and the bill would hold such attorneys responsible for treble costs, including the attorney fees necessary to resist the action.

Mr. President, the time to halt the litigation crisis is now. The bill I have introduced today may not have all the answers, but it is at least a good start. I am willing and eager to work with others interested in the problem to arrive at a consensus. The distinguished chairmen of the Commerce Committee and the Labor and Human Resources Committee have introduced other bills that approach separate parts of the problem or approach it from different perspectives. I am authorized to report that this bill, along with S. 2038, will be the subject of early hearings in the Judiciary Committee, beginning on February 21, 1986.

Mr. President, I ask unanimous consent that the text of the bill be printed in its entirety at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, This Act may be cited as the "Litigation Abuse Reform Act of 1986".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) there are serious problems with litigation in the Federal courts, and with the system under which tort claims are filed and resolved;

(2) the cost of litigation over the past 25 years has risen at a dramatic rate, and threatens to continue to rise at a similar rate for the foreseeable future;

(3) the size of judgments awarded in tort litigation has increased far beyond a reasonable or desirable level, and has far exceeded the level of awards reasonably necessary to compensate victims of accidents or injury for the economic loss they have incurred;

(4) the cost of litigation and the size of settlements and judgments in tort litigation have direct and undesirable consequences on interstate commerce, and on the availability of products and services nationwide;

(5) the uncontrolled increase in the size of settlements and awards for damages in litigation has created a crisis in the insurance industry nationwide, with necessary insur-

ance unavailable at costs reasonably affordable by consumers;

(6) there is a need for reasonable limits on the potential exposure for individuals and businesses to liability for damages resulting from the sale of products, the provision of services, or the ownership of property, all of which contributes to the net economic output of the Nation's economy, and to the general welfare; and

(7) the civil justice system and substantive tort law is unable to provide just compensation to deserving claimants without threatening to inflict grievous and lasting injury on the economy, thereby diminishing the general welfare of the Nation and of the several States.

(b) It is the purpose of this Act to limit the amount of damages awarded for injuries, and to provide changes in the tort system consistent with the need for restraint and uniformity in the use of litigation to provide compensation for accident or injury.

LITIGATION ABUSE REFORM

SEC. 3. (a) Part V of title 28, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 135—LIMITATIONS AND PROCEDURES REGARDING CIVIL DAMAGES

"Sec.
"2121. Applicability.
"2122. Periodic payments.
"2123. Application of collateral source benefits.
"2124. Limitation on damages for noneconomic losses.
"2125. Limitation on contingency fee agreements.
"2126. Limitation on awards of punitive damages.
"2127. Counsel's liability for excessive costs.

"§ 2121. Applicability

"(a) This chapter applies to any Civil action, in any court of the United States, alleging negligence, strict or product liability, intentionally tortious conduct, or malpractice by a physician, accountant, lawyer, architect, engineer, or other professional, in which damages for physical injury or physical or mental pain or suffering are sought.

"(b) This chapter preempts State law relating to such civil actions only to the extent that this chapter establishes a rule of law applicable to such action. Any issue arising in such an action that is not governed by such rule of law shall be governed by applicable State or Federal law.

"§ 2122. Periodic payments

"(a) In any civil action to which this chapter applies, if the court awards an individual future damages in excess of $100,000—

"(1) the payment of such future damages shall be made in such amounts and at such intervals as determined by the court, over a scheduled period of time or over the estimated lifetime of such individual;

"(2) such payments shall be made until the total amount of such award is paid to such individual, except that if such individual dies prior to the date on which the final payment is to be made, the party obligated to make the payments shall not be required to make any additional payments to the heirs or assigns of such individual unless directed to do so by the court; and

"(3) the court shall require that such periodic payments be made through the establishment of a trust fund or the purchase of an annuity.

"§ 2123. Application of collateral source benefits

"(a) In any civil action to which this chapter applies, the total amount of damages awarded to an individual shall be reduced, pursuant to the provisions of subsection (b), by any other payment which has been, or will be made to such individual to compensate for the same injury sustained as a result of the conduct of the judgment debtor under—

"(1) a Federal or State disability or sickness program;

"(2) a Federal, State, or private health insurance program;

"(3) an employer wage continuation program; or

"(4) any other source of payment intended to compensate such individual for such injury.

"(b) The amount by which an award of damages to an individual for an injury shall be reduced under subsection (a) shall be an amount equal to—

"(1) the total amount of any payments which have been, or will be made to such individual to compensate such individual for such injury, minus

"(2) the amount paid by such individual to the spouse, parent, or guardian of such individual to secure the right to the payments described in subsection (a).

"§ 2124. Limitation on damages for noneconomic losses

"(a)(1) Notwithstanding any other provision of law, in any civil action to which this chapter applies, the amount of damages for noneconomic losses resulting from the conduct of the judgment debtor shall not exceed $100,000.

"(2) For purposes of this subsection, the term 'noneconomic losses' means losses for pain, suffering, inconvenience, physical impairment, disfigurement, and other nonpecuniary losses.

"(b) Notwithstanding any other provision of State or Federal law regarding joint or several liability, a judgment debtor shall be liable only for that portion of an award for noneconomic losses for which the judgment debtor is individually responsible, as determined by the trier of fact.

"§ 2125. Limitation on contingency fee agreements

"(a) Except as provided in subsection (c), in any civil action to which this chapter applies and in which the plaintiff receives a settlement or an award of damages, the amount of payments to the plaintiff's attorney or attorneys shall be determined pursuant to this subsection. If the total award or settlement is—

"(1) not more than $50,000, the attorney's fee shall not exceed 35 percent of such amount;

"(2) more than $50,000 but less than $100,000, the attorney's fee shall not exceed $17,500 plus 30 percent of the excess over $50,000;

"(3) more than $100,000 but less than $200,000, the attorney's fee shall not exceed $32,500 plus 20 percent of the excess over $100,000; or

"(4) equal to or greater than $200,000, the attorney's fee shall not exceed $52,000 plus 10 percent of the excess over $200,000.

"(b) Notwithstanding the provisions of this section or any other provision of law, no award of punitive damages shall be included in the computation of the total settlement or award to a plaintiff for purposes of awarding an amount of attorney fees.

"(c)(1) Notwithstanding the provisions of subsection (a), in any civil action involving multiple claims, product liability, or personal injury, or in any civil action which has been certified as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure, the court shall, within 90 days after the action is commenced or is certified pursuant to Rule 23, make a determination regarding the likelihood of a substantial settlement, or an award of damages to the plaintiff in excess of $500,000. If the court determines that such a substantial settlement or award of damages is more probable than not, the amount of payments to the plaintiff's attorney or attorneys shall not exceed 10 percent of the total amount of the settlement or award, exclusive of interest.

"(2) In making a determination pursuant to paragraph (1), the court shall consider—

"(A) the nature and extent of the injuries complained of;

"(B) the alleged cause of and circumstances surrounding the injury;

"(C) the likely economic loss in light of the plaintiff's customary occupation and level of skill, education, or training;

"(D) the law applicable to the cause of action, including the applicability of available legal defenses; and

"(F) whether there is a single defendant or multiple defendants, and whether any potentially liable party is unknown, insolvent, or beyond the jurisdiction of the court.

"(c) The determination by the court regarding the likelihood of a substantial settlement or award of damages in excess of $500,000 shall not be subject to review in any court, by appeal or otherwise, whether by interlocutory motion or upon entry of a final judgment or order.

"§ 2126. Limitation on award of punitive damages

"(a) Notwithstanding any other provision of law, punitive damages shall not be awarded to any plaintiff in any action to which this chapter applies unless the plaintiff establishes by a preponderance of the evidence that the harm suffered by the plaintiff was the result of conduct, on the part of the defendant against whom punitive damages are sought, manifesting a conscious disregard for the safety of the plaintiff or a person the defendent reasonably should have anticipated would have been endangered by his conduct.

"(b) Mere negligent conduct shall not be sufficient to establish conscious disregard for the consequences of an act. A failure to exercise reasonable care in choosing among alternative produce designs, formulations, instructions or warnings, or a mere failure to warn of a product's conditions or propensities, shall not be sufficient to establish such conduct.

"(c)(1) Punitive damages awarded in any civil action to which this chapter applies shall be paid to the clerk of the court in which the action is pending.

"(2) Such awards of punitive damages shall be transmitted promptly to the Treasurer of the United States, for the use of the Administrative Office of the United States Courts and the Federal Judicial Center.

"§ 2127. Counsel's liability for excessive costs

"(a) In any civil action in which this chapter applies, any attorney or other person admitted to conduct cases in any court of the United States or any district court for the Virgin Islands, Guam, the Canal Zone, or the Northern Mariana Islands, whose conduct in the course of the proceeding is calculated for delay, or is determined by the court, after consideration of the circumstances, to have been in bad faith, shall be subject to pecuniary sanctions by the court. Such sanctions shall not be less than the

total amount of court costs, fees, and expenses, including attorney's fees reasonably attributable to the conduct.

"(b) In any proceeding in which the court finds that the action was initiated without a good faith belief by the attorney initiating the cause of action that there was a reasonable basis in law and in fact for recovery of the relief requested, or that the action was initiated merely for purposes of achieving a monetary settlement where there was no reasonable prospect for an award of damages, then such attorney shall be liable for treble costs, fees, and expenses, including attorney fees reasonably incurred to respond to or otherwise resist the action.".

(b) The table of chapters for part V of title 28, United States Code, is amended by adding at the end thereof the following:

"135. Limitations and Procedures Regarding Civil Damages ..... 2121".

EFFECTIVE DATE

SEC. 4. This Act and the amendments made by this Act shall be effective on the date of its enactment, and shall apply to all civil actions filed on or after such date, including any civil action in which the harm or the conduct complained of occurred before such effective date.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

THE ADMINISTRATION BRINGS MARX—GROUCHO AND HARPO—TO AFRICA

Mr. PROXMIRE. Mr. President, what is wrong with the American Export-Import Bank making a loan to a corporation jointly owned by the Angolan Government and Gulf Oil?

The Angolan Government owns 51 percent of this corporation. Gulf Oil, an American owned and managed corporation, owns the other 49 percent. The corporation has developed and operates Angolan oil fields. The Angolan Government receives from the corporation about $800 million annually in royalties and taxes. This income represents a prime support for the Government and its military forces.

What is wrong with that? The answer is: plenty. The military forces include about 30,000 Cuban troops. It also includes East German intelligence units. And who equips the Angolan Army? The Soviet Union. That is who. We pay for it; they equip it. The U.S.S.R. equips the Angolan Government with Soviet tanks and planes. As I said, we pay—the American people pay—for these Soviet planes and tanks. Here is how. The American-owned and operated Gulf Oil Co. is financed by a consortium of American banks and the U.S. Export-Import Bank, a Federal Government agency under the control of the Reagan administration. What has been the international political orientation of the Angolan Government? Angola has been a consistent, in fact a slavish supporter of the Soviet Union at the United Nations. It has consistently opposed the position of the United States. It is at this moment seriously challenged by native Angolan military forces led by Dr. Jonas Savimbi. Savimbi is also a Marxist. Savimbi has no ideological differences with the Communist Government of Angola. But he and his forces do oppose the Soviet Union. These Savimbi led revolutionaries have been supported by the South African Government.

The most recent $129 million U.S. taxpayer subsidized loan made by the United States Export-Import Bank to the Angolan Government was part of a $340 million line of credit to Angola by American banks led by Chase Manhattan. U.S. taxpayers' money and the credit of American banks are major factors in providing the funds necessary to pay Cuban troops to serve the Communist Government of Angola. Sixty percent of the $800 million received by Angola from the oil field developed with largely American credit goes for Communist Angola military purposes, including—and get this—paying for the foreign Communist troops, and maintaining the Russian supplied arsenal.

Mr. President, of all the blunders this country has made in foreign policy this subsidized loan to the all out Communist Government of Angola may be the worst. How did we make this mistake?

When the Director of the Export-Import Bank came before the Senate Banking Committee, I asked him how he possibly could justify making this loan to Communist Angola. His answer: "I had no choice." He pointed out that the law required the Exim Bank to make a loan when the loan was sound and the recipient was not a Communist country. But isn't Angola a Communist country? It is lead by a man named Santos. Santos is a Communist. He heads the one party allowed by law in Angola. No other party—no opposition is permitted. Santos is a totalitarian dictator. He not only champions Marxist dogma, he follows it to the letter. I have already pointed out that the foreign policy of Angola is in absolute unquestioning lockstep with the Soviet Union. Yes, Angola is a Communist country. So how can Mr. Draper, the Exim Director, deny it? Unfortunately, Mr. Draper can deny it. And even more unfortunately, from a strictly legal, technical standpoint, Mr. Draper is right. Under the law, a Communist country is only a Communist country if it is listed as such in the statute or specified as such by the President. Angola is not listed as a Communist country in the statutes. The President could admit that Angola is Communist and that would end the prospect of Angola receiving an additional Exim taxpayer subsidized loan.

Another Exim loan for Angola is pending right now. In fact, the President doesn't even have to designate Angola as a Communist country to prevent U.S. taxpayer subsidized loans going to it. He can simply announce that a loan to Angola is not in the national security interest of the United States. That would kill any loan to Angola.

So what is the administration doing? The Defense Department and the Central Intelligence Agency are reported to favor military assistance, perhaps as much as $300 million, to the Savimbi rebels who are struggling against the Angola Government. Several Congressmen have introduced legislation to provide U.S. taxpayer assistance to those same rebels. And what does the President propose that we do? The President has said publicly that he favors covert, that is, secret, under the table, assistance to the Angolan rebels.

Now how about this, Mr. President? Has there ever been an administration more ridiculously divided in foreign policy than this one? The American taxpayer will be in the outrageous position of finding his hard earned tax money spent to support both sides in a civil war between two Marxist lead forces. One, favored by the State Department and the National Security Agency, takes its military support from the Russians and the Cubans. It also receives American private and public financing to pay for support from Cuba and the Soviet Union. The other, favored by the CIA and Defense Department, would overthrow that government. These Communists, that is, the rebels, are Communist oriented more toward the Chinese brand of communism. The rebels also enjoy the support of the apartheid Government of South Africa.

So which Communists should we subsidize? The answer: a resounding and emphatic neither one. If ever this country should stay out, this is the time. Our assistance will simply elevate the level of violence, increase the killing, and ravage even further the economy of Angola.

What does this astounding disarray say about the quality of leadership of this President? In foreign and military policy, there should be no question who is the one leader of this country. Why hasn't he given us a unified Angolan policy? By refusing to bring the State Department, the Defense Department and the Central Intelligence Agency into line, the President has made this country's policy in Angola a classic example of incompetence. Not satisfied with a Marxist government in power and a Marxist revolution against the Marxist government, the Reagan administration now has

brought a policy that seems made by those other truly professional Marxists—Brother Harpo and Groucho. Hooray for Hollywood.

S. 2049—PROHIBITING EXIMBANK LENDING TO ANGOLA WHILE CUBAN AND RUSSIAN MILITARY PERSONNEL REMAIN THERE

Mr. PROXMIRE. Mr. President, I am sending a bill to the desk which will prohibit the Export-Import Bank from making any more loans to the Government of Angola until military personnel from Cuba, the Soviet Union, and other Eastern bloc nations are withdrawn from that troubled African country. Senator GARN, the chairman of the Banking Committee is cosponsoring this bill with me.

Angola, a strategically located African country, is three times the size of California, but has only 8 million people. This former Portuguese colony, however, is richly endowed with oil, minerals, and rich agricultural lands. In 1975 following a long struggle, Angola obtained its independence from Portugal. Immediately afterward a Marxist faction, supported by Cuban troops and Soviet military advisers and equipment, seized power and established a Communist regime in Angola. Since 1975 that Marxist faction, which calls itself the Popular Movement for the Liberation of Angola [MPLA], has continued to rely on Cuban troops and vast amounts of Soviet military hardware to hold onto power. Right now there are over 600 Russian and East German military advisers and over 30,000 Cuban troops in Angola. The U.S. Government has for over 10 years, under both Democratic and Republican administrations, refused to recognize the legitimacy of the present regime and we do not have diplomatic relations with it.

Today, over 10 years after coming under the control of the present Marxist government—Angola is even more impoverished than it was under Portuguese rule. The country, once a major exporter of agricultural goods, now must import vast quantities of food just to feed its own people. Despite the general deterioration of the country as a whole under the Communists, one industry has prospered—the oil industry. This is because a major American company, Gulf Oil (now owned by Chevron), has helped run Angola's oilfields.

In 1975, immediately after the Marxists came to power, Gulf struck a deal with them in order to stay in Angola and reap profits for itself and the new government. That government now uses most of its almost $1 billion annually in oil earnings to buy Soviet military equipment and to pay for the presence of the 30,000 Cuban troops it needs to cling to power. What is most astonishing about all of this is that the Reagan administration has encouraged Gulf to stay in Angola and has even authorized the Export-Import Bank to lend almost $250 million to help expand that country's oil production. So indirectly this administration is helping to subsidize the presence of Cuban troops in Angola.

When I first learned of this seemingly incredible situation I found it difficult to believe—so I asked William Draper, the Chairman of the Export-Import Bank, whether it was true. He told me it was and then in defense of the Bank, said it had to make subsidized loans to fund exports to Angola unless the Secretary of State or the President said it was in our national interest not to do so. I immediately wrote to the Secretary of State and asked how his Department concluded it was in our national interest to make Eximbank loans to Angola's Communist regime. Now hold on to your hat for here's the most amazing part of this whole story. In its December 9 reply the Department of State said the prohibition in section 2(b)(2) of the Eximbank Charter which forbids the Bank to engage in transactions of benefit to "Communist countries" did not apply to Angola—because Angola did not have a Communist government. This must surprise the Marxists who run that government, and the Soviet, East German, Czech and Cuban military personnel who prop it up.

That letter from the State Department convinced me that the Reagan administration policy in Angola makes no sense and is, in effect, at war with itself. On one hand you have the President saying publicly in November that he favors aid to Dr. Jonas Savimbi the leader of UNITA, the rebel group which is seeking to overthrow the present Marxist government of Angola. You have the State Department saying to me in the December 9 letter I referred to above that "it shares the sympathy of many Americans for Dr. Savimbi's fight against Soviet-supported aggression . . . and wishes to be supportive of UNITA." In the same letter it refuses to admit the present Angolan Government is Communist because, among other things, the Soviet Union does not exercise control over the regime in power. If this latter statement is true, then where is the Soviet-backed aggression in Angola that the State Department wants to help Dr. Savimbi fight?

What a mixed up policy! The President says he wants to overthrow the present Communist Government of Angola by giving American money to the rebels. At the same time his State Department contends that the Soviet puppet government is not Communist. Meanwhile you have President Reagan's National Security Council reviewing and endorsing Department of State decisions approving Eximbank loans to help Angola expand its oil production and earn additional revenues to pay Cuban troops. It does make you wonder if the President knows what his administration is doing.

Certainly members of the American business community are very confused about what this administration wants them to do in Angola, and you can't blame them. In a recent letter, in which he purported to speak for many businessmen, Mr. David Rockefeller, former chairman of the Chase Manhattan Bank, said:

> During the nearly 5 years of the Reagan administration, American corporations and banks have been encouraged to expand their trade and investment in Angola. With National Security Council approval, the U.S. Export-Import Bank has facilitated and fostered this extensive American commercial presence in Angola.

Since the administration's policy toward Angola is in chaos, I think we in Congress must help clear up the confusion. The bill I am introducing will ensure that the Export-Import Bank becomes a vehicle for weakening rather than strengthening Soviet and Cuban control over the present Angolan Government. It will also send a clear signal to our businessmen as to what course they should follow in their own dealings in Angola. The bill, as I said above, prohibits the Eximbank from guaranteeing, insuring, or extending credit "in connection with any export of goods or services to Angola until the President certifies to Congress that no Cuban, Russian, or other Soviet bloc military personnel remain in Angola." If the present Angolan Government contends that it is not a Soviet puppet regime, and that it wants to have American businessmen help it develop Angola's economy—then let it ask Cuban and Soviet troops to go home. Using our economic muscle to help free the people of Angola makes much more sense than getting involved in an open-ended military venture through either covert or overt aid to UNITA. That is the signal this bill will send, and I hope to have it passed this year as we renew the Export-Import Bank's Charter.

Mr. President, I ask unanimous consent that Senator GARN, the chairman of the Banking Committee, be listed as an original cosponsor and also Senator MCCONNELL from Kentucky be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2049

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That section 2(b) of the Export-Import Bank Act of 1945 is amended by adding at the end thereof the following:

"(11) The Bank may not guarantee, insure, or extend credit in connection with any export of goods or services to Angola until the President certifies to Congress that no Cuban military personnel or military personnel from any other controlled country, as defined pursuant to section 5(b)(1) of the Export Administration Act of 1979, remain in Angola.".

Mr. McCONNELL. Mr. President, I'm pleased to rise in support of this bill introduced by Senator GARN, Chairman of the Banking Committee and Senator PROXMIRE, ranking member of that committee. I was as surprised as my colleagues to learn the U.S. Export-Import Bank has no policy or regulations prohibiting loans to companies engaged in business in Angola. In fact, the Bank has guaranteed or loaned over $225 million to Chevron/Gulf over the last 5 years. The U.S. tax supported Export-Import Bank should not be involved in directly subsidizing a Marxist government which is only kept in power with the support of Cuban troops and Soviet military aid.

In 1975, when Portugal announced Angola's independence, rather than call for reconciliation of the interests of the various groups who had fought for this freedom, the MPLA called for Cuban and Soviet support. It was only through this direct intervention that the MPLA was able to gain control of the capital, Luanda, and declare itself the de facto Government of Angola.

The United States has never diplomatically recognized this government. And yet, the U.S. taxpayer has been asked to pay for Soviet military supplies and Angola's occupation by Cuban troops. The facts are that simple.

Angola is now dependent upon 35,000 Cuban troops. Recent estimates indicate the Soviets have provided close to $2 billion in military assistance in the last 2 years alone.

This Soviet-Cuban commitment guarantees the MPLA's military and political survival. This is as stark a truth as anyone could ask for. It is also an expensive commitment which the Angolans must pay for. In fact, Angola may be one of the few Soviet clients which actually does pay for military support. Oil is the source of the hard currency Angola uses to buy this Cuban protection and Soviet weapons. And the largest and richest discoveries have been made by American companies. These companies have relied upon Export-Import Bank loans to engage in partnerships with the National Oil Company of Angola. United States imports of Angolan oil, resulting from these partnerships amounted to $1 billion in 1984, or a little over half Angolan total production. United States companies are providing half Angola's annual income.

I have said in the past that I'm not inclined to interfere in the business practice or opportunities of the private sector. I continue to hold that view. Chevron can choose to contribute to financing the Marxist government of Angola, but the United States taxpayer does not have to. The United States Export-Import Bank should not guarantee or provide any loan to any business in Angola. We should not be contributing to Angola's hard currency reserves which pay for Cuban troops and Soviet military hardware.

During the last 2 weeks, Dr. Jonas Savimbi, leader of UNITA, has been meeting with senior members of this administration. I met with Dr. Savimbi this morning and share the President's view that Dr. Savimbi's quest for this country's freedom is laudable. He has struggled for 10 years to have a role in the Government of Angola. His efforts are respected and supported by many black leaders in the region, leaders who fear for their own national security with 35,000 Cuban troops and dozens of Mig's within easy striking distance.

What purpose is served by endorsing Savimbi's goal as we subsidize UNITA's enemy's coffers? The inconsistency is clear and must end.

This legislation will not reduce the Soviet's commitment to Angola nor will the Cubans withdraw their troops. What it will do is guarantee we are no longer paying for this intervention.

THE TERRIBLE CONSEQUENCES OF A REASONABLE ECONOMIC FORECAST

Mr. PROXMIRE. Mr. President, one of the most difficult dilemmas for the Congress is to determine economic policy on the basis of forecasts made by whatever administration happens to be in office, and by a Congressional Budget Office that also has a vested interest in a prosperous forecast. With few exceptions, the Congress has relied on the estimates of those two offices: OMB and CBO. Usually, they have been wrong. Frequently, they overestimate economic expansion. This is understandable. After all, a realistic but grim forecast could become or seem to become a self-fulfilling prophecy. If even the administration foresees a poor economic year, the word will go out that business and consumers should hold down their capital spending.

Employers will be reluctant to hire new personnel. So the forecast of a rocky future may tend to become a self-fulfilling prophecy. How about the stock market of a prognosticator? It has gone through the roof in recent weeks. Does not this give us a message on the economy? Answer: The message has been notoriously unreliable for many, many years. The stock market cannot really tell us what is going to happen.

For this reason, this Senator decided to give special consideration to one of the best private forecasts—the Fortune magazine economic forecast as it appears in the February 17 issue. This is the latest up-to-date Fortune forecast.

Fortune has more objectivity than Government forecasters and throughout the years it has had an excellent record. It is based on the judgment of distinguished and able economists. So what does Fortune foresee for the coming year—in fact, for the next 18 months? Here is what Fortune predicts:

First. GNP growth will slow down in the first half of 1986 to 1 percent. It will then step up to a rate of 2 percent in the second half into 1987. Fortune characterizes this forecast as a "lackluster" economy for the next 18 months. Such a level of economic growth would certainly bring on steadily growing unemployment.

Second. The Federal deficit will stay over $200 billion well into 1987 in spite of Gramm-Rudman. The Federal fiscal stimulus for the economy would be about the same as it is presently.

Third. In spite of the predicted slowdown in economic growth, Fortune predicts inflation (GNP deflator) will accelerate from 3.5 percent over the past year to 4 percent by the first half of 1987.

Fourth. Short-term interest rates probably will not go down much more than a point or so in the next few months though long-term rates may well drop somewhat further.

Fifth. Car sales will be down sharply in 1986. Furniture and appliance purchases should remain relatively robust through mid 1987. Soft good sales will climb slowly through the middle of 1987.

Sixth. After-tax income will grow twice as fast as it did last year, expanding at a 2.6 percent rate after inflation.

Seventh. If personal income rises as Fortune predicts, why will the economy slow down so sharply? Here is the answer, and this answer is crucial. Much of this year's income will go to rebuild savings. Fortune has observed that savings in 1985 fell to the lowest record ever, an astonishing and unsustainable level. Savings fell to 2 to 3 percent of personal income. Fortune expects savings to climb to around 5 percent of personal income. This would still be well below past norms.

Eighth. As a result, consumer purchases will rise less than half as fast as they did in 1985. That means a 1.3-percent annual rate. Fortune concludes: "The days of big spending are over."

Mr. President, there is nothing more clouded than the crystal ball of eco-

nomic forecasting. If anyone could reliably predict the economic future with any consistency, he could become a very rich man, very quickly. So why is this Fortune forecast likely to be any better than any other? Answer: It is based on an interesting and sensible thesis.

First, it assumes that most factors influencing the economy will either remain about the same or will be counterbalanced by contradictory developments. For example, oil prices may fall and take other energy prices with them. On the other hand, taxes may increase—under Gramm-Rudman—possibly through an oil import fee to eliminate the economic effect of the potential price cut.

The second point is critical. The Fortune forecast recognizes the decisive effect that a return at least partway to the traditional American savings pattern will bring.

Now consider the consequences if the Fortune forecast actually develops. It will not only mean that the deficit in fiscal 1986 will exceed $200 billion. It also means that the $144 billion deficit goal for 1987 will be obviously far out of reach. If the economy actually drifts into a recession, the Gramm-Rudman requirements are suspended. But with feeble GNP growth of 1 percent to 2 percent, Gramm-Rudman will absolutely require a massive reduction of about $60 billion in the deficit in 1 year. It will require that reduction at a time when the economy is staggering along at a pitifully slow pace. Revenue will be falling. Unemployment compensation costs and other costs will be rising. Especially deep spending cuts or hefty tax increases would be required to meet the Gramm-Rudman target. The sharp change in fiscal policy required could easily spin the economy into a recession. That would then suspend Gramm-Rudman and provoke a deficit that could easily exceed $300 billion in 1987.

This country has—thanks to the outrageous series of deficits of the past 5 years—stumbled into a terrible economic dilemma. Of course, the timing of a future recession cannot be known. But all of our experience has taught us that no one has repealed or can repeal the business cycle. Eventually a recession will come, maybe in 1987, maybe in 1988, maybe a little later. when it does, the Reaganomic chickens will come home to roost.

COULD THE REAGAN INITIATIVE ON UNDERGROUND NUKE TESTING ADVANCE ARMS CONTROL?

Mr. PROXMIRE. Mr. President, in December President Reagan wrote Secretary Gorbachev to propose that experts from the two superpowers meet to discuss methods of improving verification of compliance with the treaty restricting underground nuclear weapons tests. This is a welcome initiative by the President. It is also limited—very limited.

Secretary Gorbachev last August announced a unilateral cessation of all nuclear weapons tests by the Soviet Union for the rest of 1985. He invited President Reagan and the United States to join in the total cessation of nuclear weapons tests for the last 5 months of 1985.

Gorbachev also called for negotiations between the two superpowers to work for an agreement to permanently stop all nuclear weapons tests. Those negotiations had been pledged by both the United States and the Soviet Union in the 1963 Limited Test Ban Treaty. They were promised again by both the United States and the Soviet Union in 1974 in the treaty that limited underground nuclear weapons tests to 150 kilotons.

The Carter administration and the Reagan administration have both opposed negotiating a treaty that would permanently and totally stop nuclear weapons testing. Why does the present administration persist in opposing even trying to negotiate a treaty which this country has twice pledged to negotiate ending all nuclear tests? Why does the administration oppose this agreement that is the quintessential—centerpiece for ending the arms race? The administration has consistently given one reason. It is that we could not verify such a treaty.

The President's letter calling for experts from both countries to meet to discuss verification methods for monitoring the present compliance with the 150 kiloton limit on underground nuclear tests could be a first step in the long journey toward ratification of a comprehensive and total prohibition of all nuclear weapons tests.

On the other hand, it might not be a step in that direction. The conference proposed by President Reagan might begin to put to rest the administration's announced reason for opposing negotiating a treaty to end all nuclear weapons testing; that is, that we could not verify compliance with such an agreement.

Many arms control experts contend that such an agreement could be verified down to a level of explosion that would have no military significance. Even more experts agree that if our present monitoring capability were supplemented with the location of a number of monitoring stations within the Soviet Union—as well as within the United States, effective verification could be assured. Would that prospect of improved verification end opposition to negotiation of a treaty to stop nuclear weapons testing? Very probably not. President Carter was reportedly persuaded not to proceed to such negotiations by the technical experts. Why? It was not because Carter did not trust verification procedures. He argued that such a ban would inhibit progress toward improving nuclear weapons. This is a difficult argument for any U.S. President to resist.

Here is why: Our weapons technology is decisively ahead of the Soviet Union. Tests of new and more effective weapons would enable the United States to keep that advantage. Why throw that important military and technological edge away? Apparently that argument was effective with President Carter. Would it not be even more effective with President Reagan who needs an enormous amount of technological progress including proven new nuclear weapons changes to make his SDI or star wars dream come true? For that reason this Senator would not hold his breath until President Reagan agrees even to beginning negotiations that could lead to an agreement for a mutual and comprehensive end to all nuclear weapons testing.

So what is the arms control significance of the Reagan letter to Gorbachev proposing a meeting of United States and Russian experts to improve the verification of compliance with the present limit on the size of underground nuclear weapons tests? It may be a way of eliminating at least one important area of friction and disagreement between the two superpowers on arms control.

Some experts insist that the different geologic formations in the Soviet Union and the United States have caused United States monitoring of Soviet nuclear weapons explosions to exaggerate by as much as 20 percent the actual volume of Soviet nuclear weapons test explosions. The experts from both sides might be able to reconcile this. On the other hand, this may be a way of persuading some in the interested public that if there is difficulty monitoring a 150 kiloton explosion, verification of a much smaller but still militarily significant explosion banned by the exclusion of all testing would escape verification.

The greatest significance of this letter from the President to Secretary Gorbachev may develop some time after January 20, 1989—3 years from now when President Reagan leaves office. If the United States-Soviet Conference on verification of underground nuclear weapons explosions makes real progress in affirming the efficacy of verification that may well serve the next President of the United States. In the long run, arms control that has suffered serious set-backs in the past 5 years may nudge a little ahead with this Reagan initiative. Not now. But after January 20, 1989.

THE RESURGENCE OF SOVIET RIGHTS ABUSES AND THE NEED FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, a recent article in the Washington Post reported the arrest of Soviet Hebrew teacher, Vladimir Livshitz. It was the first arrest of a Jewish activist in several months and climaxed a number of actions against Hebrew teachers and students. This dampens hopes that official treatment of Soviet Jews has improved as a result of the United States-Soviet summit.

A recent article in the official Leningrad Pravda newspaper also revealed a startling development. The article linked the study of Hebrew to anti-Soviet behavior. In the past this link has been implied by Soviet officials, but never before had it been stated so directly.

These developments suggest that Soviet rights abuses improved only temporarily as a result of the summit. As soon as worldwide scrutiny diminished, the Soviet Union reverted to harassing Soviet Jews. This highlights the importance of focusing on international rights abuses and denouncing them vociferously. As the beacon of human rights, we must be on the forefront in diligently seeking out human rights abuses and protecting those discriminated against.

However, in the terrible event that we witness human rights abuses burgeon into genocide, we would want to have not only the authority to speak, but the ability to do something—the ability to aid the group being systematically eliminated. The Genocide Convention makes genocide an international crime and would provide the tools enabling us to act on behalf of an endangered population.

The anti-Semitism resurging in the Soviet Union reminds us that many people still face great injustice and even danger because of their race or religion. This should remind us of the critical need to pass the Genocide Convention.

MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, the myth of the day is that the Great Depression this country experienced in the 1920's and 1930's can never happen again. Never.

The run on banks, the massive unemployment, the stock market crash, the long, long lines in front of soup kitchens—those are visions of the past, so the thinking goes.

Thanks to the economic policies implemented by Franklin Roosevelt, the Federal Government is in a position now to make sure that this country never sinks as low as it did during the depression years of the 1920's and 1930's.

Well, Mr. President, a recent column in the New York Times by Lester Thurow, one of this Nation's leading economists, suggests that labeling the depression a never-again economic tragedy may be a myth this Nation cannot afford to cling to.

Sure, a depression of the magnitude we experienced in the 1920's and 1930's may well be a remote possibility. But evidence is surfacing now to suggest that those who say a depression could never occur again should reconsider that statement.

Why? Because of some of the disturbing trends Professor Thurow sees in our economy:

The loan portfolios of American banks include more than $500 billion in farm and Third World debt. These are the kind of loans that are prone to default. And the banks' situation is not helped by falling oil and real estate prices.

Government insurance funds are small compared to the losses that might occur in a major bank collapse, according to Professor Thurow, leading him to conclude that our banking system is as fragile today as it was in the 1920's.

The so-called economic recovery we have had the past year is being fueled on borrowed money. That is, money borrowed from overseas. This Nation's international debt was $100 billion by the end of last year, and by the end of this decade may hit an astonishing $600 billion. One day the lending will stop and the bill will come due. And when that day comes, we may see the international financial system crash the way the stock market did in the 1920's.

Again, Mr. President, a depression like the one we experienced in the 1920's and 1930's is still a far-off possibility.

But to accept the myth that it can never happen, and, as Professor Thurow writes, to pretend that Government does not have to act to prevent it from happening, is the surest prescription for ensuring that it will happen again.

I ask unanimous consent that Professor Thurow's article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times Jan. 22, 1986]

THE 1920'S AND 1930'S CAN HAPPEN AGAIN

(By Lester C. Thurow)

CAMBRIDGE, MASS.—I am often asked whether the financial panics of the 1920's and the Great Depression of the 1930's could happen again. For 20 years, I have answered that what happened then could not happen now. Today, I would not so answer.

The loan portfolios of American banks include more than $500 billion in farm and third-world debt, where default is easily imagined. As oil prices fall, what were good oil loans are rapidly becoming bad ones. Major banks are sinking under the weight of falling real estate values. Mergers and leveraged buyouts lead to firms that can barely meet interest obligations in boom periods and that could not meet them in a recession.

Give any banking system enough nonperforming loans and it will crack: It must pay interest to its depositors but has no income.

Government compounds the problem by refusing to recognize that it has a duty to insure honesty and a safe place to park one's money. Fraud has played a role in many of the banking collapses that have already occurred, and the citizens of Maryland and Ohio know that their money is not safe. Government insurance funds are minuscule in comparison with probable losses. The public thinks it has the full faith and credit of the Federal Government behind it, but legally it doesn't. The net result is a banking system that is surely as fragile today as it was in the 1920's.

Financial markets are filling up with instruments—junk bonds, index futures, bundled mortgages—and the participants understand what they are buying and selling just about as much as they do when they are playing a hand of poker. One can easily imagine a default, say in the junk bond market, that would bring the salability and hence liquidity of these instruments to an abrupt halt. Yet everyone—consumers, businesses, Government—continues to go into debt at record rates.

A nervous stock market booms while the economy sags. Stagnation, farm bankruptcies, financial speculation, nonperforming loans, large potential defaults, falling real estate values (remember the Florida land boom and bust of the 1920's)—the echoes of the Great Depression sound louder and louder.

In the 1980's, international debt and not the stock market is apt to be the hammer that shatters a fragile financial system. This country entered 1986 with $100 billion in international debt, borrowing $150 billion a year to finance its trade deficit and being able to violate the first commandment of a Swiss banker: "Never lend money to someone who must borrow money to pay interest." By 1989, America will owe more than $600 billion to the rest of the world and have to pay more than $60 billion in interest payments—a sum that will require the annual output of 1.5 million workers.

Just as no one could predict when the stock market would crash in the 1920's, so no one can predict when the foreign lending will stop in the 1980's. But stop it will, for no nation can forever borrow ever larger sums. Since the world's wealthiest nation has never been the world's largest debtor, and since the world's reserve currency has never been held by a debtor nation, no one knows the thickness of the financial ice upon which the world is skating, but any unwillingness to continue lending hundreds of billions of dollars, much less an abrupt shift out of dollars, would create an instant liquidity crisis.

Yet as my colleague Charles Kindleberger, an economist, has pointed out, there is today no international lender of last resort. Would conservative governments be willing to instantly lend hundreds of billions (Japan and West Germany to the United States; the United States to its banks) and effectively nationalize the world's financial markets in the event of a run on the dollar? To do so would be to violate the deeply held principle that free markets take care of themselves. But not to do so would be to watch the system collapse.

It is not hard to imagine that governments will do too little too late if what must be done involves massive interventions violating their own principles. Each government marches on as if it could still go it alone. But "every nation for itself" might have been the motto of the late 1920's.

Societies have a tendency to make fundamental mistakes at 60-year intervals, since everyone old enough to remember the previous mistake is by then either dead or senile. Sixty years ago, the world was marching toward financial disaster. To pretend it cannot happen again and that governments do not have to act to protect the integrity of the system is to guarantee that it will happen again.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 1 p.m. with statements therein limited to 5 minutes each.

HENRY "PAT" KERNS NAMED OUTSTANDING RETAILER OF THE YEAR

Mr. KASTEN. Mr. President, I would like to take this opportunity to congratulate Mr. Henry "Pat" Kerns of Kerns Carpets of Milwaukee for being named the 1986 Outstanding Retailer of the Year Award by the National Congress of Floor Covering Association.

The award was announced at the Chicago Floorcovering Association during the Largest International Floorcovering Exposition [LIFE] held January 4 to 8, in the Merchandise Mart, Chicago.

The Outstanding Retailer and Distributor of the Year Award is presented each year to a floor covering retailer and distributor in recognition of dedication and service to the floor covering industry and local and national trade associations. Now in its sixth year, the awards are highly regarded as a means of honoring those retailers and distributors who have worked to improve and professionalize the industry.

Kerns was nominated by the Retail Floorcovering Institute of which he was president in 1984-85 term. Criteria for the award include service to the association, service to the industry and service to the community.

Kerns Carpets has been doing business in Milwaukee since 1935. The business was founded by Milton Kerns, Henry's father, who still plays an active role at the age of 87. Kerns Carpets operates three stores in the Milwaukee area and caters to customers looking for high quality and good service.

Kerns is well known and highly respected in Wisconsin. He approaches his work with seriousness and dedication and these qualities are found in everything he sets his sights on.

Outside of the industry, Kerns serves as vice chairman of Mt. Sinai Medical Center, sits on the board of a savings and loan corporation, and is a fund raiser for the Milwaukee Jewish Welfare Fund. In 1967, Kerns received the Milwaukee Jewish Federation's Young Leadership Award.

It is with a sense of great pride, Mr. President, that I offer these words in connection with such an outstanding individual.

A TRIBUTE TO PRIME OSBORN

Mr. HEFLIN. Mr. President, it is with a great deal of sadness that I rise to note the recent passing of a distinguished native Alabamian and long time personal friend of many of us in this body, Prime F. Osborn III. Mr. Osborn was the former chairman and chief executive officer of CSX Corp., the holding company for Chessie Railroad System and Seaboard System Railroad, two of the largest rail systems in the country.

A native of Greensboro, AL, Mr. Osborn received his law degree from the University of Alabama in 1939, and then served as an assistant attorney general for Alabama for 2 years. After serving with distinction in the Army during World War II, he became a railroad attorney.

As vice president and general counsel of Atlantic Coast Line Railroad, Prime Osborn was the primary architect of that system's merger with the Seaboard Air Line Railroad in 1967. Three years later, he became president of the new Seaboard Coast Line. Later, as chairman of that company, he helped engineer its merger with the Chessie System Railroads. This resulted in the formation of CSX Corp., which he served as chairman until his retirement in 1982.

Prime Osborn was much more than a successful industrialist. He was a civic activist who contributed greatly to his native Alabama and his adopted home of Jacksonville, FL. He was an integral part of the efforts of a large number of civic organizations, including the Boy Scouts, Salvation Army, YMCA, the American Cancer Society, the National Conference of Christians and Jews, and countless others.

In 1970, Mr. Osborn was awarded an honorary doctor of laws degree by our mutual alma mater, the University of Alabama. He was also a member of the Alabama Academy of Honor and the Alabama Business Hall of Fame, and a recipient of the University of Alabama's Tutwiler Award. He had also received honorary degrees from Florida Southern College and Troy State University.

Mr. President, Prime Osborn was a kind, thoughtful human being. He was honest and dedicated, and throughout his life, set an outstanding example for all of us to follow. He will be sorely missed.

Mr. President, I ask unanimous consent that three newspaper articles be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Jacksonville Journal, Jan. 6, 1986]

OSBORN SERVICES HERE TOMORROW; BURIAL IN ALABAMA

Services for Prime F. Osborn III, retired chairman of CSX Corp. and a civic and philanthropic leader, will be at 10 a.m. tomorrow at St. Mark's Episcopal Church with the Rev. Barnum McCarty officiating.

Burial will be at 3 p.m. tomorrow in Greensboro, Ala., Mr. Osborn's birthplace. He died at his Ortega home late Saturday night after a long illness.

Mr. Osborn, 70, was the former chairman and chief executive officer of CSX Corp., holding company for Chessie Railroad System and Seaboard System Railroad, two of the largest railroads in the United States.

A graduate of the University of Alabama in 1939 with a law degree, Mr. Osborn served as an assistant attorney general in Alabama for two years.

He served in the Army in Hawaii, Guam, Saipan and Iwo Jima during World War II, rising to the rank of lieutenant colonel. He received the Bronze Star.

Mr. Osborn was named general solicitor for the Louisville & Nashville Railroad in Louisville, Ky., in 1951.

In 1957, he was named a vice president and general counsel of Atlantic Coast Line Railroad, a position he held for 10 years. He came to Jacksonville 25 years ago when Atlantic Coast Line moved its general offices here.

Considered the architect of the merger of the Seaboard Air Line Railroad and the Atlantic Coast Line in 1967, Mr. Osborn first served as vice president/law for the newly created Seaboard Coast Line Railroad.

He was named president of Seaboard in 1970 and later served as chief executive officer, and then chairman of the board and chief executive officer of Seaboard Coast Line Industries Inc.—the holding company that merged with Chessie System Railroads in 1980 to create CSX Corp.

He served as chairman of CSX Corp. in its Richmond, Va., headquarters from 1980 to 1982, when he retired and returned to Jacksonville.

Mr. Osborn was the recipient of a number of honors during his lifetime.

In 1970 he was awarded an honorary doctor of laws degree from the University of Alabama. He was also a recipient of the Alabama Academy of Honor Award, the University of Alabama Tutwiler Award and was named to the Alabama Business Hall of Fame.

He also was presented with honorary degrees by Florida Southern College and Troy State University in Alabama.

In October 1981, Mr. Osborn received the National Defense Transportation Award for his leadership in the formation of CSX Corp.

In May 1982, the University of North Florida Foundation Inc. and Seaboard System announced the establishment of the Osborn Eminent Scholar Chair in Transportation in UNF's Department of Transportation and Logistics.

Mr. Osborn was a member of the board of directors of Jacksonville University and Jacksonville Episcopal High School and was chairman of the national advisory board of the Salvation Army from 1979 to 1983. He spearheaded an effort that raised $27.3 million for Salvation Army causes and received the agency's William Booth Award.

He was president of the Jacksonville Chamber of Commerce in 1971 and a decade later was honored by the chamber with its Outstanding Jacksonville Citizen Award.

Mr. Osborn was president of the North Florida Council of the Boy Scouts of America from 1962 to 1966, and chairman of Scouting Region 6 from 1965–69 as well as a member of the National Executive Committee.

Lake Osborn in the Baden-Powell Scout Reservation near Melrose was named in his honor after he raised $560,000 for the reservation while he was council president.

Mr. Osborn was the recipient of Scouting's Silver Beaver, Silver Antelope and Silver Buffalo Awards.

He was a past president of the Rotary Club of Jacksonville, chairman of TPC Charities Inc., a member of the Florida Council of 100, the Governor's Advisory Council on Economic Development, a chairman of the Advisory Board of St. Vincent's Medical Center, chairman of the Florida Independent College Fund and major-gifts chairman of Jacksonville University's 50th anniversary fund drive.

Mr. Osborn was an Episcopalian, a communicant and a former senior warden of St. Mark's Episcopal Church. From 1963 to 1970 he was a member of the National Executive Council of the Episcopal Church.

He is survived by his wife, Grace Hambrick Osborn of Jacksonville; son, Cmdr. Prime F. Osborn IV of New Orleans; daughter, Mary Ann Osborn, of Cambridge, Mass.; and a sister, Mrs. Elizabeth Stinnett of Demopolis, Ala.

[From the Florida Times-Union, Jan. 7, 1986]

PRIME F. OSBORN III EARNED PLACE IN JACKSONVILLE'S HEART

A genuine humility so permeated the character of Prime F. Osborn III that it stood out in a remarkable career which took him to the pinnacle of the business world and brought him a long list of civic awards.

Whether he was acting in his capacity as chairman of one of the world's largest transportation companies or was working on a community problem, he was approachable, he was a participant rather than a figurehead, and his unfailing courtesy was shown to all, no matter what their stations in life.

"You are your brother's keeper," Mr. Osborn told a group of young business executives in Jacksonville 15 years ago, "and if you believe this biblical admonition, your Christian duty will lead you to answer the call of community service."

If a single designation could be used to characterize the 70-year lifespan of this remarkable man whose funeral services are being held at 10 a.m. at St Marks Episcopal Church, it might well be: "He was his brother's keeper."

He was driven not only to be the best in what he did but also to give his best to his family, community and nation.

"The kindest, most thoughtful man that I've ever known," said one longtime acquaintance, "and also the most sensitive. He was always available to listen to people's problems and never spoke ill of anyone."

"Here was a relatively easygoing man with a fine sense of humor," said another. "He had a good deal of depth, was broad-based and was very fair, as well as very competitive."

Said another who had been both a customer of a railroad Osborn directed and a competitor: "We found him one of the most straightforward, most forward-thinking men we ever dealt with. He was honest almost to a fault."

These words were spoken of a man who helped engineer two of the largest railroad mergers in the history of the United States, who was on speaking terms with the rich and famous, who belonged to some of the nation's most exclusive clubs, served as a director of Fortune 500 corporations and received prestigious national and community awards for public service.

Mr. Osborn gained a law degree from the University of Alabama in his native state that he served for two years as assistant attorney general. After five years of World War II service in the U.S. Army—most of it spent in the Pacific Theater of Operations—he went to work in Mobile as a railroad attorney.

He was the architect of the 1967 merger of the Atlantic Coast Line and Seaboard Air Line Railroads, becoming president of the Seaboard Coast Line in 1970. As chairman of Seaboard Coast Line Industries, he helped engineer its merger with Chessie System Railroads in 1980 to create CSX Corp. which he served as chairman until his retirement in 1982.

During his nearly 30 years in Jacksonville, he suited action to the admonition he delivered to the American Society of Mechanical Engineers when he addressed that group's 1966 meeting in New York City:

"If we are going to work against apathy, we must give of ourselves. Wherever you live, sell cookies for the Girl Scouts, promote the United Fund, join the Chamber of Commerce—yes—be a do-gooder."

He was involved, and involved effectively, in a great number of causes that battled poverty, disease, ignorance and bigotry. A few of these are the Boy Scouts, Salvation Army, YMCA, Florida and Jacksonville commissions on community relations, Cancer Society, Chamber of Commerce, Legal Aid, Safety Council, National Conference of Christians and Jews, the Southern Academy of Arts, Letters and Sciences.

Mr. Osborn received at least three honorary degrees, served in advisory capacity or on the boards of Sweet Briar College, Berry College, Purdue University and the University of the South in Sewannee, Tenn. The University of North Florida named a professorship in transportation after him.

Religion was a driving force in his life, showing not only in his extensive work as an Episcopal layman—including that done for Jacksonville Episcopal High School—but also in his civic endeavor.

"It is," said the presenter of the national Religious Heritage of America award Mr. Osborn received in 1973, "his selfless work for his church and community for which he has become distinguished."

His passing leaves not only a void in community service but an ache in the community's heart.

[From the Jacksonville Journal, Jan. 7, 1986]

PRIME FRANCIS OSBORN III: HE ENRICHED A MULTITUDE

Prime Francis Osborn III, who died at the age of 70 on Saturday night at his home in Jacksonville, was an Alabama cotton-farm boy who became the head of one of America's largest corporations. That would have been achievement enough for many people, but not for Mr. Osborn.

For him, success in business was primarily the key that gave him a rare opportunity to serve his fellow man. He grabbed that opportunity with tireless energy. "He was almost driven to try to help people," one of his friends recalled.

That "drive" was the offspring of deep religious convictions and a brilliant intellect. The religious, humanitarian, civic, educational and patriotic causes that he embraced—and usually led—were countless. The people whose lives were touched and enriched by his devotion to community service can only be described as a multitude.

Among the major beneficiaries of Mr. Osborn's dedication to others were the people of Northeast Florida. So strong is his enduring imprint on their lives that it is hard to believe that he was among us for such a brief period—25 years.

Mr. Osborn spent the early years of his life, he once recalled, as "just a guy who didn't have anybody to play with" but with "complete freedom to roam and run about" on his family's cotton farm nine miles from Greensboro, Ala. The family moved to Greensboro when he was 12.

A graduate in law from the University of Alabama (1939), and a decorated Army artillery officer in World War II, during which he rose to the rank of lieutenant colonel, Mr. Osborn became a railroad attorney after the war.

By 1957, he had become a vice president and general counsel of the Atlantic Coast Line Railroad, a position that brought him to Jacksonville when the ACL moved its headquarters here in 1960. During a series of successive mergers in which Mr. Osborn's legal and executive talents played a large role, the CSX Corp. was formed and Mr. Osborn was chairman of the CSX board of directors from 1980 to 1982, when he retired.

Throughout that career, however, Mr. Osborn shared his treasury of talents with his community. As early as 1947, he was chairman of laymen's work for the Episcopal Diocese of Alabama; from 1963 to 1970 he was a member of the National Executive Council of the Episcopal Church.

One of the first things he did when he moved to Greensboro was to join the Boy Scouts, although on the farm he had been (in his words) "what was called a Lone Scout" and kept up with Scouting by mail and "do-it-yourself projects."

Like his religious devotion, his work in Scouting never ended. He has been a member of Scouting's national executive committee and president of the North Florida Council of the Boy Scouts of America. After he raised $560,000 for the Baden-Powell Scout Reservation near Melrose, a lake on the reservation was named Lake Osborn in his honor.

Mr. Osborn had raised $27.3 million for Salvation Army causes, was awarded the organization's William Booth Award and had been on its national advisory board. He received the local Salvation Army's first "Service to Others" award Oct. 1.

In public and private education, Mr. Osborn was a leader. He had been president of the Duval County Taxpayers Association, the organization that successfully sued in the 1960s for full valuation of property for tax purposes, a court ruling that paved the

way for proper funding of Jacksonville's troubled high schools.

He was a trustee of Jacksonville University and a director of Jacksonville Episcopal High School, as well as other educational institutions, and held numerous honorary degrees. The University of North Florida Foundation established the Osborn Eminent Scholar Chair in Transportation in his honor.

Mr. Osborn was 1971 president of the Jacksonville Chamber of Commerce and had won its Outstanding Jacksonville Citizen Award.

Even after retirement from business, his service to Jacksonville continued. In July 1982, Mayor Jake Godbold named Mr. Osborn chairman of the committee to negotiate the contract for a "public-private" venture to build the city's convention center, now under construction at the old Jacksonville Terminal. The committee report said the convention center would be "a key factor of our city for many years to come," and that it should "become a paramount factor in Jacksonville's image.

When Mr. Osborn received (in 1976) the National Bicentennial Brotherhood Award of the Jacksonville chapter of the National Conference of Christians and Jews, the citation recognized "the abundance of his contributions to humanitarian causes, his profound love of country and his devotion to the ideals of brotherhood."

Mr. Osborn's placid demeanor occasionally showed a touch of anger, as when he gave a speech several times in 1969 when many U.S. citizens were describing American society as "sick" after the assassinations of Martin Luther King and Robert F. Kennedy the year before. Mr. Osborn said:

"The nation has seen trying times before. In 1865 . . . people thought this country was doomed to failure in its infant experiment. In 1930 we didn't have a poverty pocket; the entire country was a poverty pocket." Then he cited the nation's progress in civil rights, in Medicare legislation and in embarking on the war against poverty. At the time he spoke, he said, the United States was spending "10 percent of its gross national product on humanitarian ventures."

Services were to be held in Jacksonville today for Mr. Osborn, with burial in his native soil in Greensboro. But it would be wrong to say that he has left us, for so much of what he nurtured flourishes in his absence.

A TRIBUTE TO NINA MIGLIONICO

Mr. HEFLIN. Mr. President, the municipal government of the city of Birmingham has recently undergone a major transformation with the retirement of Nina Miglionico from the city council.

A native of Birmingham, Nina graduated from Howard College—now Samford University—and the University of Alabama School of Law. For more than three decades, she has been a practicing lawyer and tax consultant. Nina is a member of the Birmingham, AL, and American Bar Associations. In addition, she served as a member of the house of delegates of the American Bar Association from 1959 to 1961, and was the only woman among the 249 delegates.

Besides her work in the legal field, Nina Miglionico has been a very active advocate for Birmingham. She was appointed by President Kennedy and Johnson to serve on the President's Commission on the Status of Women. She was the first woman appointed to the Advisory Committee to the Commissioner of Internal Revenue.

In 1963, Nina was elected to the Birmingham City Council. She was so dedicated, conscientious, and competent that she was reelected five times—in 1965, 1969, 1973, 1977, and 1981. During her 22 years on the council, she was a leader in the city's efforts to improve and grow. She has been the recipient of the Women of Achievement Award for Alabama, given by the Federation of Business and Professional Women's Clubs, and was named Birmingham Woman of the Year in 1963. Miss Miglionico is also the immediate past president of the Alabama League of Municipalities.

Sometimes, here in the magnificent splendor of the Nation's Capital, we might lose sight of the dedication of the men and women who serve in local government. In reality, however, those public servants are just as important, if not more so, than we are. Their programs and innovations, being at the local level, have a more direct and immediate impact on the citizens of America than do those of any other level of government.

When Nina Miglionico was first elected to the city council, Birmingham was a city in the midst of turmoil. Today, it is a city of promise and potential, filled with new construction, renovation, and new industry, and fueled by an overall economic transition from a heavily industrialized base to a largely service-oriented economy. She has certainly played a major role in this evolution.

Mr. President, I commend Nina Miglionico for her years of service. I know her too well to think that she has completely retired from public life, for I am certain that she is just looking for another way to work to improve the city she loves.

THE 100TH ANNIVERSARY OF SOUTHERN PROGRESS CORP.

Mr. HEFLIN. Mr. President, I would like to take this opportunity to congratulate Progressive Farmer magazine, located in Birmingham, AL, on its centennial celebration and to reflect on the history and accomplishments of this outstanding magazine and its parent company, Southern Progress Corp.

Southern Progress Corp., the largest publisher of magazines and books for and about the South, has its roots in the rural South—in the Southern farmer, the backbone of American society. Part of this company's success can be attributed to its early foundation in farming—a tradition, running deep in our society, that represents solid family values, strong religious beliefs, and an unrelenting work ethic.

The story of Progressive Farmer begins with a farmer from Anson County, NC—Col. Leonidas L. Polk, who in 1885, observed that farmers were being completely ignored by the reconstruction government. No agricultural college or department of agriculture existed to educate the children of farm families. Colonel Polk made it his mission to fight for the progress of farmers through a newspaper devoted exclusively to "agriculture and all its problems."

Colonel Polk named his paper, Progressive Farmer, and published the first issue on February 10, 1886. Pushing for better schools and a better livelihood for farm families in the South, Polk accomplished part of his mission before his death: the establishment of a State department of agriculture and a new college of agriculture, now North Carolina State University.

As Progressive Farmer widened its audience, Polk continued his efforts to improve the lot of Southern farmers by becoming president of the National Farmers' Alliance and his States first commissioner of agriculture. From this weekly newspaper published by a North Carolina farmer emerged the Southern Progress Corp., the largest regional publisher in the Nation.

Today, Southern Progress Corp., continues to publish Progressive Farmer. It also publishes Southern Living, Creative Ideas for Living, and Southern Accents and operates a book publishing division, Oxmoor House, Inc. Building on the foundation established by Progressive Farmer, Southern Progress Corp., continues to promote progress; but a progress that recognizes the uniqueness of my region—the South.

I praise the Southern Progress Corp., for recognizing and preserving the culture and heritage of the South; a culture and heritage rich in meaning and tradition. As our society becomes more mobile and our native regions more homogeneous, it is imperative that we recognize that culture and heritage that is unique and distinct to my State and region.

Mr. President, I would like to tell my colleagues the unique history of the Southern Progress Corp. Progressive Farmer, the father of all the magazines, grew beyond the State of North Carolina after Colonel Polk's death in 1892. J.W. Denmark, Polk's son-in-law continued to publish Progressive Farmer until he sold it to Dr. Clarence Poe and four of his friends in 1903. Dr. Poe joined forces with Dr. Tait Butler, owner of the Southern Farm Gazette, and begin publishing Eastern and Western editions under the Progressive Farmer name in 1908.

In 1911, Progressive Farmer, moved its headquarters from Raleigh, NC, to Birmingham, AL, the center of the Progressive Farmer territory. Over its history, Agricultural Publishing Co., as the company was first known, and later, the Progressive Farmer Co., Southern Progress Corp.'s corporate predecessor, acquired 15 other publications and merged their subscription lists and advertising accounts with its own. By 1928, it was publishing five regional editions—Carolinas-Virginia, Georgia-Alabama-Florida, Texas-Oklahoma, Mississippi-Arkansas-Louisiana, and Kentucky-Tennessee.

Mr. President, I would also like to recognize an agriculture leader who was a product of Progressive Farmer, the second cousin of my distinguished colleague, the senior Senator from Georgia, SAM NUNN. Dr. Alexander Nunn worked at Progressive Farmer for 43 years, serving as assistant managing editor, editor of the Georgia-Alabama-Florida edition, executive editor, and finally as executive vice-president.

While at Progressive Farmer he developed a program that recognized outstanding farm families in America called the "Master family" and created a program to honor ministers who served rural congregations.

Dr. Nunn labored to help the American farmer not only through his work at Progressive Farmer but also by serving as an advisor to the agriculture community. In the early 1960's he represented the American cotton farmers as chairman of President Kennedy's Cotton Advisory Committee and also served as chairman of the State advisory committee for the Farmers' Home Administration in Alabama. Before his retirement from Progressive Farmer, the Federal Land Banks awarded Dr. Nunn the 50th anniversary medal for outstanding contributions to agriculture.

Progressive Farmer has been and continues to be widely read by America's farmers. I remember during one of my trips home an Alabama farmer told me, "Since I was a small boy Progressive Farmer has been part of my education as a Southern farmer. It's been sitting on my coffee table as long as I can remember."

As the South's economic and social patterns began to change, Southern Progress Corp., recognized this emerging new South and in 1966 began publishing probably its most famous magazine today, Southern Living, to meet the needs of a changing Southern people; a people becoming more urban and less rural. A part of Southern Living's success is its unique editorial format—a variety of articles covering Southern homes and gardens, travel and recreation, and foods and entertaining, as well as reviews of books about the South. One of my favorite sections is the "Southern Journal" which publishes essays and recollections of life in the South. Southern Living's editorial philosophy contributes to its regional success: Even in the modern, urban South, there is a uniqueness to the region that is well worth encouraging and preserving.

Oxmoor House, which has become one of the largest regional book publishers in the country, began in 1969. Its first art book, "Jericho, the South Beheld," was a collaboration between artist Hubert Shuptrine and poet and novelist James Dickey. Their sensitive impressions of the South resulted in a beautiful book with a press run of 150,000 copies, the largest in the history of publishing for a major art book. Since then, Oxmoor House has published such books as "A Southern Album" by Willie Morris and "South by Southeast" by Walter Cronkite, with paintings by Ray Ellis.

In 1976, Southern Progress purchased Decorating Craft Ideas, a publication devoted to crafts and decorating. In 1984 the name was changed to Creative Ideas for Living reflecting its broader editorial direction. Maintaining a nationwide circulation of 750,000, Creative Ideas for Living helps readers develop a personal creative style in decorating, fashion, and crafts.

The most recent magazine published by Southern Progress Corp., is Southern Accents which was purchased in October, 1985. It focuses on the architecture and interiors of fine Southern homes and reflects the lifestyle of its subscribers, covering such subjects as art collections, individual artists and their works, and travel.

In February, 1985, in its 99th year of existence, Southern Progress Corp. was purchased by Time, Inc., the world's largest magazine publisher for the largest purchase price by a magazine publishing company—$480 million.

I would also like to acknowledge and praise an individual who has been one of the driving forces behind the success of Southern Progress Corp.—Emory Cunningham.

Emory Cunningham has been with Southern Progress Corp., for 42 years, serving as editor, advertising manager, advertising director, and publisher. He became company president and chief executive officer in 1968, chairman of the board in 1984, and a vice-president of Time, Inc., in 1985.

One of his major accomplishments of which there have been many has been the creation of Southern Living magazine. As the South became more urbane, Emory Cunningham had the vision to create a magazine emphasizing the positive aspects of life in a modern, changing South. At the urging of Emory Cunningham, Progressive Farmer decided to launch Southern Living after publishing only one magazine for nearly 80 years. Southern Living has proven to be a huge success with a circulation now of over 2 million.

Under Emory Cunningham's leadership, this company has grown from one magazine to four magazines and a publishing company, which has become the fastest growing division at Southern Progress. In 1975, he was named magazine publisher of the year by the Magazine Publishers Association; it was the first time that particular honor had been given to a Southerner. His guidance and influence has certainly molded the thriving and prosperous company of Southern Progress Corp., that exists today.

And so, Mr. President, Southern Progress Corp., looks solidly toward a second century—a century that will reveal a continually, changing South; a South that will become more industrialized, more modern, and more urban. But just as it successfully survived those changes in the first hundred years, I say with confidence Southern Progress Corp., will continue to respond to these changes, while maintaining its early philosphy of being Southern and progressive. it is the uniqueness of the South—its traditions, its culture, and most of all, its people—and the ability of Southern Progress Corp., to celebrate her that will keep this corporation flourishing for the next 100 years.

Thank you, Mr. President.

AFFIRMATIVE ACTION

Mr. LEVIN. Mr. President, I recently read an important speech by the always perceptive Hyman Bookbinder, director of the Washington office of the American Jewish Committee. The speech was delivered in conjunction with the celebration of the Reverend Martin Luther King Jr.'s birthday at the King Memorial Center in Atlanta, GA, on January 15, 1986. Mr. Bookbinder urgently sounds the alarm about the importance of defeating attempts now underway to dismantle the whole system of goals and timetables and thus to weaken affirmative action programs. He adds his eloquent voice to the chorus of support for maintaining Executive Order 11246, and his remarks are worthy of consideration by the widest possible audience. I ask unanimous consent that it be inserted in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPEECH BY HYMAN BOOKBINDER

Martin Luther King once spoke as eloquently as anyone ever had about what employment opportunities mean for those deprived of such opportunities. He said, "In our society, it is murder, psychologically, to deprive a man of a job or an income. You are in substance saying to that man that he has no right to exist."

In the years since he spoke those words, it is indeed possible to point to some progress. There are Blacks in some industries and professions once closed to them. There are "equal opportunity" employers and agencies trying to improve their employment record. If we point to some progress, however, we have a special obligation to insist that progress simply has not been good enough. Not when last week's official figures tell us that Black unemployment is 2½ times that of white; that Black youth unemployment is over 40 percent; when we know that Black average wages are about 60% of white . . .

Even as we were winning legal battles for fair employment, in the Fifties and Sixties, Dr. King and others were telling us that legal victories alone would not suffice, that "affirmative action" would be required to make a reality of the legal victories. The phrase "affirmative action" started to appear explicitly in presidential speeches and executive orders, in agency regulations, in civil rights advocacy. There has never been an official document which offered a clear and complete definition of the term. But it has come to cover a wide range of special efforts designed to overcome resistance to progress for excluded groups. It has meant improved training and retraining programs, critical review of testing and qualifying systems, changes in recruiting and advertising campaigns, better labor market information—better education and counseling and upgrading arrangements.

They were not always thought of as "affirmative action" programs. But as officials of the President's Task Force on Poverty 20 years ago, Carl Holman, Sargent Shriver, and I did think of programs like Head Start, and Job Corps, and Upward Bound as the most helpful and sophisticated kinds of affirmative action.

In time, affirmative action encompassed systems for setting realistic goals for equal employment—especially for government contractors and public bodies . . . Such numerical criteria served both to measure progress or lack thereof, and also to serve as a prod to quicker progress.

Overall, these programs did do good—though not as much as we'd have liked. There was uneven enforcement and there was stubborn resistance. Cases were brought to the courts—and in some cases the remedies included even the use of quotas to undo the effects of documented, deliberate discrimination. These court-ordered quotas did cause serious, agonizing, acrimonious debates, even among erstwhile allies. The courts have yet to render final judgment on such quotas.

But today's crisis is not over quotas. It is over the attempt by over-zealous ideologues to dismantle the whole system of goals and timetables and thus to weaken affirmative action generally. The civil rights community is as united as it's ever been on defeating this Meese-Reynolds assault on Executive Order 11246. Even as we meet here, the White House is still debating the issue. Mr. Meese last weekend wanted the impression to get around he'd won the battle. I cannot believe it—and neither should you. The President would have to reject the advice he's been getting from 69 Senators and over 200 Congressmen, including the top leadership in both houses and both parties, the advice from the National Association of Manufacturers and other key business institutions, advice from key Cabinet members including Secretary of Labor Brock and Secretary of State Shultz, from the whole range of racial, ethnic, women's and religious groups.

The battle over the Executive Order can still be won. And it must be won.

The unity which had been eroding for about 10 years is now restored. During those 10 years, unfortunately, the civil rights community had been needlessly divided over the quota issue because of the differences which surfaced in connection with several highly publicized court cases—DeFunis, Bakke, Weber. Especially disturbing to many of us has been the impact on Black-Jewish relations. The Jewish community, it had been incorrectly asserted, was opposed to affirmative action.

But the present battle over the Executive Order has clarified things. Except in cases of court-ordered remedies following findings of discrimination, no significant elements in the civil rights community have advocated preferential quotas—and the Executive Order specifically prohibits such quotas. Goals-and-timetables are authorized, and with very few exceptions every part of the civil rights community supports them. It rejects the argument that goals and quotas are the same. I can state with assurance that the Jewish community overwhelmingly approves of this consensus. We continue to oppose rigid, inflexible, preferential quotas, but we support with enthusiasm the use of goals.

But I believe that we must go beyond this issue. Preoccupation with the goals/quota issue to the exclusion of the other aspects of affirmative action is a disservice to the goal of equal opportunity. We have lost too much valuable time and engaged in too much acrimony. This confusion and conflict over the proper use of arithmetic standards has kept us from working as hard as we should for the so-called "noncontroversial" aspects of affirmative action.

Let us face up honestly to two equally valid premises:

1. If tomorrow morning, by some inexplicable miracle, every American company or institution were suddenly entirely free of any prejudice and were determined forever to end discrimination, it would still take a long time before our labor force would reflect the mix of our general population. Too many would simply be unprepared for the new opportunities. But equally true:

2. If tomorrow morning, by some inexplicable miracle, every American sub-group—Blacks, Hispanics, women, etc.—had the same range of qualified individuals for the whole range of employment opportunities, it would similarly take a long time before our labor force would reflect the mix of our general population. Too many Americans and American institutions, unfortunately, would still be unprepared to abandon their prejudices and habits.

We must work simultaneously on both of the fronts which these two premises require. The two premises are, of course, related. Discrimination leads to despair and hopelessness, which in turn leads to abandonment of education and training. And this failure to be properly prepared for employment only reinforces the prejudices of those who are resisting progress.

A real, full-fledged affirmative action will require action on many fronts—

It will require special efforts which reflect the realities of current family disarray—of the epidemic of teenage pregnancies, of the drug culture, of the feminization of poverty;

It will require a hard look at our present education, training, and retraining program, both public and private;

It will require an evaluation of current recruiting and selection and testing methods;

It will require the best possible understanding of developing labor market needs in a high-tech era.

It will require a new look at the whole challenge—to see it as more than numerical goals, important as those are. It will require a commitment and an allocation of resources—in both the public and private sectors—to match some of our greatest commitments of the past: the Marshall Plan, the Space program, the fight against cancer and heart disease, the National highway system. Surely, the social and economic integration of all of our Americans is as critical a challenge as any of those earlier challenges. . .

We operate today, of course, in the context of huge budget deficits and Gramm-Rudman restrictions—but that cannot deter us from speaking the truth as we know it.

For me personally, today's challenge is a depressing *deja vu.* As we were putting together elements of the war on poverty 20 years ago, I was particularly struck with one statistic: half of all America's poor that year, we learned, had been poor from the day they'd been born. Breaking the cycle of poverty became our challenge.

Today, there is again a fact that we as a nation ignore at our peril. That fact is that every single day there are thousands—yes, thousands—of babies born into family and community situations who are quite likely to be poor and miserable for the rest of their lives. These are the babies—Black *and* White, but again disproportionately Black—who will never know more than one parent or ever have any working member in their immediate family, who will know only about welfare and food stamps for survival, who will drop out of schools before becoming functionally literate, who will be surrounded by drug and drinking and crime problems.

For these millions of babies born yesterday, today and tomorrow, the affirmative action they require must begin even before they are born. Neither quotas nor goals nor executive orders will be sufficient to make them ready for employment and independence if we do not pay attention now to their inevitable social disabilities.

So the task of affirmative action in employment is tremendous. It cannot be separated from the related tasks in housing, in health, in education, in family and community stability. It means concern for those born today, for those already dropped out of school, for those struggling in menial, minimal jobs, for those displaced by industrial change, and for the older workers not ready for secure retirement.

Our immediate task is to prevent scuttling of present affirmative action requirements. Let's win that one. But let's not ignore the broader challenges of affirmative action across the board. The Jewish community will be there, I can assure you, in a renewed and strengthened effort to make King's dream a reality.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TV AND RADIO COVERAGE OF SENATE PROCEEDINGS

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, Senate Resolution 28, which the clerk will state by title.

The legislative clerk read as follows:

A resolution (S. Res. 28) to improve Senate procedures.

The Senate resumed consideration of the Senate resolution.

Mr. DANFORTH. Mr. President, I am told that, beginning at quarter to 1 this afternoon and ending just now, about 8 after 1, for a period of about 23 minutes, the Senate was in a quorum call. This was a relatively short quorum call by Senate standards, a mere 23 minutes. All of us who have had the privilege of serving here have experienced quorum calls that have been on sometimes for hours. There was a study made by Senator PRYOR some time ago, in which he added up the amount of time the Senate had spent in quorum calls last year. I do not remember what that figures was, but it was a very, very large percentage of the Senate's time.

What is a quorum call, Mr. President? A quorum call is nothing, in essence. It is a time out. It is dead time on the floor of the Senate. Nothing is going on at all. Usually, there is not anybody on the floor at all. Sometimes one or two Senators are present on the floor, but nothing is being said on the floor of the Senate. This period of saying nothing and doing nothing can go on for 15 minutes, a half-hour, an hour, 2 hours, most of the day. Sometimes, quorum calls can go on for an hour or so and then be called off, and they will be off for, maybe, 30 seconds; then another quorum call will be commenced. The clerk, in his very slow, methodical way, will read the list of names. He will do so very, very slowly, so that he does not get to the end of the list before somebody is ready to do something.

(Mr. ARMSTRONG assumed the chair)

Mr. DANFORTH. Now, Mr. President, I have sometimes sat in the Presiding Officer's chair doing my office work, perhaps writing letters, reading some mail, and a quorum call has been in progress. It is wonderful for the Presiding Officer because it is time away from the telephone, time away from staff. It is one of those rare times when the Presiding Officer, whoever is lucky enough to preside during a quorum call, can concentrate totally on the work that has to be done without having somebody barge through the door with yet more things which have to be done. So there are certain blessings in quorum calls.

But occasionally, Mr. President, as I have sat in the President's chair, I have looked up at the balcony and I have seen people sitting there, real, live human beings, presumably people not from Washington, presumably people who have come here from Montana or Tennessee or Colorado or Missouri to see their Government, as we euphemistically say, "in action." There they sit, and if it is not a heavy day with a lot of people coming into the Senate the same people might sit there for the entire period of the quorum call. It is somewhat like attending a tractor pull or maybe even watching the grass grow—nothing really happens.

Now, Mr. President, some years ago when Senator Baker was our Republican leader and was the most articulate and energetic champion of television in the Senate, he used to say that if the Senate was televised, the television camera would be an extension of the gallery; that would be the purpose of televising the Senate, to extend the gallery so that millions of people could be tuned in to watch, again what we euphemistically call, "Government in action."

Now, Mr. President, supposing we had been on television for the 23 minutes beginning at quarter till 1 and ending at 8 minutes after 1, would the television camera have truly covered us gavel to gavel? Would the camera be running? Would that message be transmitted on television sets, wherever the television sets are—closed circuit for the time being but eventually when we really move to television in the Senate, television sets all over the land. People, for example, in Joplin would turn on their television set and what would they see? Now, my understanding of this proposed rules change is that the camera is to be focused either on the Senator who is talking or on the Presiding Officer. Suppose nobody is talking? Then on what does the camera focus? If nobody is talking, does the camera focus only on the Presiding Officer? And if it does, would that make the Presiding Officer self-conscious or nervous as he is dealing with his mail or reading his magazine?

Mr. GORE. Will the Senator yield?

Mr. DANFORTH. Certainly.

Mr. GORE. The answer to that question might be one of those things explored during the test period. I offer an answer that it could be trained on the desk of the Presiding Officer. It would be a fairly simple answer, but that should be explored during the test period. But I wanted to address the underlying argument which gives rise to the Senator's question.

We hear two inconsistent arguments, only one of them made by the Senator from Missouri but both of them made in opposition to televising the Senate. One argument is that we will not be able to get Senators to shut up; they will be coming over to the floor to make speeches constantly for the benefit of the television audience.

The second argument, just enunciated by my colleague from Missouri, is that the Senate will be embarrassed by long periods of silence during which no Senator will be prevailed upon to speak up and lend some excitement, or at least action, to the proceeding of the Senate.

Now, one of those arguments has to be wrong. There is no doubt that television will change this institution, but in my judgment that change will almost certainly be positive. It will almost certainly be for the better. It will almost certainly enhance the prestige of the institution and improve the ability of the American people to look to the Senate for some judgment on the issues of the day.

Mr. DANFORTH. Well, I appreciate that comment, and I really am making only one argument, not two; that is to say, I do not think the camera is going to cover nothing. If we have, say, an hour's quorum call, the camera is going to be pointed at somebody and under this rule, as I understand it, that somebody will be the Presiding Officer.

Now, what is going to happen is that a lot of people are going to want to be Presiding Officers. What better for a politician than to have your face on television for 1 solid hour and not have to make a position or cast a vote. So the Presiding Officer's role would be coveted by one and all.

On the other hand, those who were not able to serve as Presiding Officer would find it unbearable to turn on the TV and see their colleague's face on television for an hour without being on it themselves. So I think what would happen is that Senators would come flocking on to the floor anxious to utilize whatever time the camera was running.

Mr. BAUCUS. Will the Senator yield at that point?

Mr. DANFORTH. Therefore, when the Senator from Tennessee pointed out that this is going to change the conduct of the Senate, I think that is manifestly correct.

What is going to happen is that instead of silence being golden, there is going to be an intense desire on the part of politicians, whose very life blood is to be on television, to come over and speak or offer amendments on any subject that they can think of.

Mr. GORE. If the Senator will yield just briefly on this same point, in the other body the camera is turned off during the period of a vote and a legend is printed on the screen, "The House is voting" on such and such matter. Technically, the House is in session, of course, during the vote, but

because of the kind of technical problem cited by the Senator from Missouri the House takes that approach.

We could very easily, just as one suggested approach, do the same thing during a lengthy quorum call: Have a legend on the screen that said, "The Senate is in the midst of a quorum call." Then when the quorum call is suspended, the cameras could be turned back on, to focus on whoever seeks recognition.

Mr. BAUCUS. Mr. President, will the Senator yield?

Mr. DANFORTH. I yield.

Mr. BAUCUS. The Senator from Tennessee has raised an interesting point.

Last year, there were about 1,600 hours of quorum calls. I believe that would consume a 40-hour, 5-day week. That adds up to 8 weeks of quorum calls last year.

Following up on what the Senator from Missouri said, it seems to me that if we had that many hours of quorum calls last year and if we do not amend the pending resolution, which states that the camera must be on either the Senator speaking or the Presiding Officer, by definition there would be a mad rush of Senators, particularly on the majority side, to be Presiding Officer.

I do not think that is the proper solution, even though we have a very fine Presiding Officer at the moment. I noticed that he straightened out his tie a few minutes ago and combed his hair a little, and he presents a very good appearance on television and would be very well received back home, not only in the State of Colorado but also in Missouri, Montana, and Tennessee.

Probably the best solution would be to have fewer quorum calls and to cut down the time of quorum calls. It is my hope that if this resolution is adopted, it would have that effect. The Senate would not want to have so much dead time, so much dead space, because the Senate would not look good. People at home watching the proceedings on television would become very confused about all this dead time. Sometimes we have quorum calls that last hours, and people would not know what is happening, what is going on, if there is not continuous debate on an issue.

The Senator from Missouri has a very good point. The solution would not be a legend, not dead time, but to do something in the Senate to cut down the number of hours of quorum calls.

Mr. MATHIAS. Mr. President, will the Senator yield for a question?

Mr. DANFORTH. I yield.

Mr. MATHIAS. The point the Senator makes is an interesting one, but it calls to mind an observation once made by Dr. Samuel Johnson. Dr. Johnson said that the use of travel is that we may see the world as it is and not as we imagine it to be.

It seems to me that you could substitute "television" for "travel" and come out with the same wisdom. The use of television in the Senate will be so that the world will see the Senate as it is and not as the world imagines it to be.

There are going to be some dead times, some deadly boring times. Our visitors in the galleries observe that today, and I must say that I am amazed at their patience, that they sit here and wait for something to happen on the Senate floor, sometimes for hours.

Mr. DANFORTH. Maybe it is more interesting than speeches.

Mr. MATHIAS. That is like a minute of silence before the Super Bowl.

Be that as it may, that is the way it is. It seems to me that one of the virtues of television, as I see it, will be that you will absolutely reveal the Senate as it is. Is that not a virtue? That is my question.

Mr. DANFORTH. I think that television in the Senate is going to reveal the Senate not as it is but as it will become. This is exactly the point that the Senator from Tennessee was making. Television in the Senate will change the Senate—maybe for good, maybe for ill. It will change the Senate. It will change the Senate because it will change our way of behaving. What the Senate will be after television is different from what the Senate will be now.

Mr. President, I am not really trying to make a frivolous point by describing quorum calls. My point is this: It is in the nature of politicians to modify their behavior when they are on television. It is in the nature of politicians—I am not blaming us; I am just stating what I believe to be the effect—it is in the nature of politicians to alter their behavior in order to be on television and in order to maximize the possibility that their presence on television will make an impact.

Particularly with gavel-to-gavel coverage, it will be very much in the interest of Members of the Senate to say things that are colorful, to say things that are flamboyant, to say things that make nice 60-second bites or 30-second bites on the evening news. It is going to change our behavior.

The problem, I think, is simply this: Is any accommodation being made for that predicted change in behavior? Are we doing anything meaningful to build into our rules an accommodation for the change of behavior that I think is predictable? The answer to that question is, "Not yet."

Mr. President, I assume that eventually we are going to televise the Senate. This has been something we have been debating for some years, and I sense that it is picking up steam. I think it is picking up steam in the press. I know that editorial writers like it, and I am sure a lot of people in the public would enjoy seeing the Senate televised. So I assume that it is coming. But it is going to change behavior, and it is going to change behavior in a way which I think is reasonably predictable. It is going to change behavior in a way that, under present Senate rules, it will make it difficult for us to do our jobs.

Just yesterday, we passed the Conrail bill. The Conrail bill was on the floor of the Senate for 2 weeks—not full time, on and off. Maybe 5 or 6 days it was really on the floor. But it was a fairly lengthy debate on a bill which, while important, is hardly a large philosophical question or one that changes the direction of the country. I think that had that debate been televised, it would have been on the floor much longer. Had it been televised, I believe that Senators who did not speak or who did not speak at length would have spoken repeatedly.

Instead of half of dozen or so amendments being offered on the Conrail bill, my guest is that a dozen or two dozen amendments would have been offered, had that debate been televised.

At the end of 1985, we had a farm bill on the floor, a very contentious farm bill. It seemed to go on forever, weeks and weeks on the floor of the Senate, with long night sessions. I think that had that debate been televised, Senators who were relatively reserved in their presentations, some Senators who might not even have spoken at all, thinking that their points were made by others, would have taken the floor because their public would have demanded it of them. They would have felt compelled to appear on television, speaking on the farm bill. They would have felt compelled to offer amendments.

The problem in the Senate is not so much the quorum calls, although it is not a very efficient use of time to have long quorum calls during the heart of the day. I think the problem is the difficulty of getting our work done at all, the difficulty in proceeding with matters that are of great importance. I think the television is going to make that worse unless we can deal effectively with the underlying rules of the Senate.

I am not a great expert on the rules of the Senate. There are some people who are really masters of the subject. The chairman of the Rules Committee on the floor, the Democratic leader in particular, are just experts on the rules of the Senate.

It seems to me that as we proceed with the question of TV in the Senate we should be considering rules changes. We should be considering what measures we can take to make sure that the time that we spend on the floor of the Senate is productive

time and not waste time and not time of people who are just hamming it up before the television cameras.

I do not mean to cast aspersions against my colleagues or myself. We are all politicians. I would say it is only human nature that we are going to be speaking more, we are going to be offering amendments more frequently. I do not think we are geared up to do that.

Last year a number of us met on the question of the quality of life in the Senate, and we were very concerned that with all of the unpredictability and the late night sessions it was very hard, especially on family life, to do the work here in the Senate. I think that this television question is really going to make matters worse and not better.

Mr. BENTSEN. Mr. President, will the Senator from Missouri yield to me?

Mr. DANFORTH. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, I share a lot of the concerns of my friend from Missouri as to what this bill does in the way of changing the actions on the floor of the Senate.

I think you have to have greater public contact and greater public knowledge of what takes place here.

But I would hope that it would be in a logical presentation.

I look at what happened the other night insofar as the President's State of the Union Address, originally scheduled for 9 o'clock. Why did they schedule it for 9 o'clock? Because of the difference in times zones and they want a broad audience to reach across America, to get it in prime time, to cover the entire country.

About a week later it was 8 o'clock. Why did they change to 8 o'clock? I am not sure that I know, but I would not be surprised because you had a massive production by CBS entitled "Sins" and then you had another by NBC going on at 9 o'clock called "Peter the Great," and that was real competition for the viewing audience.

When do you think we do most of the work here in the Senate?

We have some fellows running for reelection. We have some who want to run for the Presidency. Would they not be trying to push the time schedule in their appearance so we do more night work here, that we try to cover the entire country, that they get the kind of exposure that they are seeking, that they have instant recognition and name identification, and save themselves all that effort of campaigning otherwise?

I think it would distort the kind of work we see here. We say that much of the work of the Senate is done in the committees. How many folks would you have left in the committees when you have a situation here where they can get on prime time and be exposed to the rest of the Nation?

We are seeing a deterioration in the management of the Senate because of the kinds of rules that we operate under. There was a time when those rules were applicable, and they were. But now with the hectic pace that we have here with the limitations on our time, you are seeing more and more instances where this body bends to the will of an individual Senator to satisfy something that he is interested in, not necessarily some great cause, even something that is limited to the public works project back in his State.

Time and time again that Senator is rewarded for that kind of an obstacle that he puts in the daily work of the Senate. I think television accelerates that kind of action.

Fellows will be rushing over here to make their presentations to try to get on prime time. I share the concern of my distinguished friend from Missouri and the Senators from Louisiana.

I question that we need the lure of the television camera as a part of the procedures of this Senate.

I do not think we should change the rules of the Senate just to enhance television coverage, but I must say, on the other hand, I think that this may be a time when we, in turn, can use a little leverage, to see that we bring the Senate into the 20th century when we are talking about having it as an organized legislative body of trying to do its job.

I am told by some of my friends that we have had a trial on this and it is working very well in the House, but the House is a much larger body. It is a body that has much tighter constraints on how they present their case, much greater limitations on time.

If I can look at a situation here, where you can have one man hold the floor, hours on end, tying up the television coverage, there is no question but what there would be more of us coming over here to make speeches on the floor. We understand that. Someone could have made our point but we have to come over and make it ourselves because we have to have our constituents back home understand that we were over here on the floor talking on that issue. Never mind the work back in the committee. Get over here and make your points on the floor of the Senate where you can get covered on the tube.

Television does a great job in educating the people in our country, but in many ways it has to be superficial. It, too, has its limitations.

A lot of these folks point out that this is a pilot program. Does anyone really believe that once we start the pilot program, once we spend the kind of money that is involved that we are going to pull all of that out and admit to a mistake that was done here in starting it? No. Once you start that program, it is going to be.

Then there are others who say, let us go ahead and start it, and then we can change the rules.

I have been listening to those kind of arguments ever since I have been here.

We have had committee after committee talk about changing these rules, modernizing these rules, and yet nothing moves forward. We cannot seem to get the job done.

I think here is a chance to put some pressure on to try to make TV make sense in the Senate, letting everybody have his chance but putting some kind of a limitation on debate, time constraints that would take effect.

We look at situations where we have nongermaneness on appropriation bills, but time and time again, the Chair gets overruled because we think that some particular interest group back home is keeping a chart and is going to mark down not that it is a procedural vote but that it is a substantive vote, so the rules that we do have are in disorder and not maintained.

Mr. President, you are going to see more and more of that if you have TV in the Senate, and it is going to be difficult for the public to understand the difference between a rule of procedure and a substantive issue, however, nongermane it may be to the subject that we are discussing at the present time.

I think we also have to look at the situation of spending more money at a time when we are talking about trying to cut back on this deficit. I do not think it is a very laudable example on the part of the Senate to try to further publicize itself by making this kind of an expenditure.

We are moving into a new era, and I think that is good. We like to think of ourselves as the world's greatest deliberative body and I think we put that one seriously in question.

But if you again get into the kind of debates that we have had in this Senate and further publicize some of the extraordinary things that happen here during that debate, I think some of them are going to look pretty foolish on the tube and, in turn, I do not think that will help the credibility of this great institution.

Frankly, I do not think we should squander this opportunity on the part of the Senate to try to use some leverage here in getting a change of the rules. If we do not get it done before we put the TV in, I doubt very seriously we are going to see it put in place after we have started TV.

Let me say that TV is the medium of choice by our society today. There is no question that these Senators are right when they say that we are going to get a lot more coverage. My concern is the quality of the coverage that we

are going to be subjected to in this kind of a situation.

I would strongly urge that we meet, that we have the leaders on both sides and those who have particular interest in this legislation, as we have been meeting, to try to promulgate those things that should be done to have this TV coverage in the Senate make sense and have it be done in an orderly manner and that we do not see some individual trying to monopolize the situation.

I am one who has used this body sparingly, this particular fall. I have tried to keep myself from coming over here unless it was a subject that I felt I had some experience in and was normally a subject of my committee. But I assure you, I, like the others, will have to be over here doing a lot more in the way of speaking on the floor and less work in the committee and in my priorities, deciding this one has to be a top priority. And that means less meetings with constituents who can tell me what is happening back home; that means less work in the committee, and more attention to the process over here.

So I say to my distinguished friends that I really would urge very strongly that we work together and try to put in some rules that are going to work.

Let me also talk for just 1 minute on the point that we are dictated in this body by some very complex rules, parliamentary maneuvers. Far from finding those instructive or uplifting, I think that the people would find them most confusing and not something that would add to the stature of this organization.

You find the time-consuming quorums and the question of would they finally span this Hall and see how few are really here to participate in these debates. I think that, in turn, would further detract from this organization.

One of the things we have done as we have gone along, we have talked about what we have to do in the way of communications how we allocate our resources. And we have done a very poor job in that regard.

I hope that we give some real management thought, management experience, to how we achieve the objectives of this organization and how we handle the debate, how we let both sides get full and due consideration and, in turn, not find the kind of situation that we have found time and time again where we go to 2, 3, or 4 o'clock in the morning and actually infringe on the quality of life of all of our membership.

You are finding more and more of our Members are choosing not to run for reelection. We have some very distinguished, able Members that are not choosing to run for reelection this time. There is no question in my mind but part of that decision process has been one that has been dictated by what they have been subjected to here in the constraints on their time. I think we ought to take into consideration as we talk about the effectiveness of this organization.

I would be happy to yield for a question.

Mr. PROXMIRE. I thought the Senator was through.

(Mr. WEICKER assumed the chair.)

Mr. BENTSEN. No.

I would like to also say to my colleagues that the provisions in section 15 dealing with the question of germaneness and section 16 dealing with cloture are changes that could have a very profound effect on this body. We have all endured the frustration of racing to the floor to vote on an amendment that has nothing to do with the legislation to which it is attached. We have all experienced the unnecessary delays of many hours while waiting to vote after a cloture motion has been passed.

How nice it would be to come to vote on an issue without dealing with extraneous, irrelevant matters. How nice it would be to vote to end debate and then have debate actually end. But how many of us have seen Senators who have called for quorum calls to be extended or to set at a specific time for them and how much they have infringed on the rights of the rest of the membership? How nice it would be if we could give more consideration to our colleagues when this comes to that.

There was a time when the current rules served this body well. However, now, even a short delay has the potential to disrupt the legislative schedule, requiring late nights, weekend sessions, and preventing us from dealing with the very important issues that face us.

Mr. President, in this session, we are going to have to look very closely at the budget. We will also be dealing with a massive tax revision package. I do not think I need to remind my colleagues of how many hours just these two issues will consume.

We will no longer have the luxury of pushing back deadlines to try to bring these things to an end or saying that we have imposed deadlines on ourselves this session. We do not have the option of staying in session until Christmas Eve. The 1987 budget decisions have to be made by October 1. Those are the kinds of things we are going to be facing. And I cannot help but believe, when we put television in, unless we have a major change in the rules, we are going to delay all that process.

Mr. LONG. Will the Senator yield?

Mr. BENTSEN. I am happy to yield to the Senator from Louisiana.

Mr. LONG. Mr. President, the Senator is aware, is he not, of the fact that when one has a large gallery or a large audience and he knows something about what he chooses to address himself to, there is a great temptation on those of us who serve in this body to get involved, join in the debate, especially when the folks back home want to know: "What has my Senator done? Is he representing my interest?"

Can the Senator tell me this: If we have that big tax bill in front of us, let us say we are debating the depletion allowance, does the Senator have any doubt the average Senator from a State that produces oil will feel that, if it is on television, he ought to be on his feet discussing that the depletion allowance would benefit his constituents if not necessarily for the benefit of the Senators?

Mr. BENTSEN. This Senator is sure going to be, you know that.

The other thing that concerns me—and I am for openness when it comes to debate and that type of thing. But I have also noticed what happened to us in our committee hearings. We have open hearings and talk about the public being there.

But you look at that long line waiting outside that committee room and, almost without exception, those people waiting to get in are lobbyists. And that is fine; we need to have them there. But it is really not the public that is there.

Then you watch as we try to work out some difference of opinion—and democracy only works with some compromise—and as someone offers something that they think will break a deadlock and you watch one of the Members respond to that and say, "Well, OK, I will come off my position and I will meet you halfway," and you watch about three or four of those folks get up and walk outside. You know where they have gone. They have gone out to get their telephone so they can call their constituents back home who, in turn, call you to object to that type of thing.

Once you get the TV going here, you are going to find it more difficult to achieve the compromises that have to be made to make legislation work and make democracy work. That concerns me, too.

Mr. LONG. The Senator has been in some of these open conferences. The Senator is familiar with the fact that, from time to time, when someone suggests a compromise and the discussion is moving in that direction, how the lobbyists go to work, either directly or indirectly, either by calling the folks back home or by talking to the Members or whoever they can, talking to your office staff, talking to your administrative assistants, whoever, to suggest that that would be a horrible thing to do.

Can the Senator see the possibility that the folks would be shouting that we are talking compromise, we are being sold out, we are being sold out,

that he is an idiot, or he is not fighting for us? Does that not put pressure on a person to carry on the fight and drag it out?

Mr. BENTSEN. No question about it; to take the arbitrary position and hold to that position. That makes it all the more difficult. The other problem, of course, if you are going to do that, you would want to delay it until you had the prime time. You would want to be sure if you are from the west coast you are going to be seen back on the west coast. That is a 3-hour difference. So surely it would be 9 or 10 o'clock here when Senators speak to be sure the folks back home are getting the message.

Mr. GORE. Will the Senator yield?

Mr. BENTSEN. I yielded for a question and statement by my friend from Louisiana and then I would be delighted to take a question from the Senator from Tennessee.

I yield for a question, not the floor.

Mr. GORE. And a brief statement?

Mr. BENTSEN. With the floor to be returned to me at the end.

Mr. GORE. The argument made by my distinguished colleagues, the Senator from Texas and the Senator from Louisiana, seems at times to come perilously close to the assertion that the more we keep the American people in the dark about what we are doing, the easier it is for us to resolve problems and achieve compromise. That argument was made 200 years ago when the House of Commons debated whether or not to change the rules to allow newspaper reporters to cover their proceedings. One member of Parliament said on that occasion, "The day will come when our words are printed and hawked about the streets." Indeed, that day did come. And I am certain that following the introduction of newspaper coverage of the House of Commons proceedings, those proceedings changed. The people of Great Britain were more aware of what the House of Commons was doing. But who among us would argue that change was for the worst, and who among us would extend the argument to propose that newspaper reporters should be banished from the press galleries in the Senate so that the American people might be deprived of information about what we are doing in order to facilitate the workings of the Senate?

I do not want to reduce the argument to absurdity. But in philosophical terms, it seems to me the essential thrust is the same. Either we have faith in the aspects of attention from the American people, either we have faith that wider knowledge of what the Senate does is a good thing, or we fear that it will be a bad thing.

I believe it would be a good thing. I have listened to the Senator from Texas eloquently describe some of the terrible difficulties experienced by Members of the Senate in trying to get this institution to work. All of the discussions about the quality of life here in the Senate have been extremely valuable.

But those arguments it seems to me should encourage us to experiment with change, to see whether or not we can encourage a better pattern of behavior here in the Senate. And it just might be that more knowledge on the part of the American people about what we are doing would be the essential ingredient to promote that beneficial change. That is my basic point of view about it. I thank my colleague for yielding.

Mr. BENTSEN. Let me say to my friend from Tennessee, you will never find me on the side of not letting people know more. I agree with that totally. But I am also of the opinion that to make this thing work then we have to change the rules. I believe that has to be done before we put it in. That comes from my experience here. Time and time again people say let us do it, and we will change those things that you want later. They do not get done. It is the inertia that you have here in the Senate. We get some good ideas offered about changing the rules. But getting it done is the problem.

When I first came here we had a situation. We were talking about budget allowances the other day, and how they are going to work. You had an allocation for brown sheets of paper, you had an allocation for white sheets of paper, you had an allocation for telegraph, and you had an allocation for telephone. A Senator had really no discretion in the resources that were assigned to him to do his job. That had been going on I suppose for 100 years. We finally got that done. I have now been here 15 years, and we are talking about taking the second step. I do not want to wait that 15 years.

The one thing I have learned is when you have some leverage here—you try to make some of those changes, and you try to progress—to use the leverage and get the changes made.

That is what I think we ought to be doing.

Mr. GORE. Would the Senator yield further?

Mr. BENTSEN. Get them changed before we put them on the tube, and when they try to tell me this is a temporary thing, I do not believe that. I do not believe this is a pilot program. I think once it is in, once we have spent the millions of dollars, they are in place. This body is not going to all of a sudden tear it all out and say we blew that amount of money. We made a big mistake. That is not going to happen.

When we finally get around to changing the rules I do not know when that will be. I have my full share of gray hair now. It will be a lot grayer, I have a hunch, before that would be accomplished.

So I think we ought to change now. I am willing to work with my colleagues. I am willing to work with the leaderships to bring that about, and in turn to see that we do not have to stay here each night to get on prime time on the west coast.

Mr. GORE. Will the Senator yield for another brief statement?

Mr. BENTSEN. With the understanding that the floor will be yielded back to me.

Mr. GORE. I appreciate his courtesy very much.

In the committee report, the committee makes the following two statements. First of all, the committee did not intend to break the linkage between rules changes, and the decision to broadcast the television signal to the public. Second, it is the intention of the committee that the rules changes be considered concurrently with the closed circuit television broadcast test.

I submit to my colleague the very serious possibility that the leverage of which he speaks may well be enhanced by the test period included in this resolution because at the end of the test period, the signal cannot be made available to the public except by subsequent action by the Senate.

If the desire for television is enhanced by a favorable experience during the test period, then the pressure to move toward television will be increased, yes. So also will the leverage of those Senators who are seeking rules changes. And incidentally, the use of the word leverage sometimes implies that there is one group of Senators who are in favor of rules changes, and another group of Senators who are in favor of television coverage. In fact, there are a great many Senators, perhaps a majority, who are in favor of both. I am in favor of every single one of the rules changes that has been recommended by the minority leader.

And there is no reason to suppose a competition or conflict between Senators who are enthusiastic about moving this modest step toward television coverage on the one hand and those who are in favor of rules changes on the other. In many cases, they are one and the same. And for that reason also I would argue that the leverage used in favor of rules changes may very well be greater at the end of the test period envisioned in this resolution.

Mr. BENTSEN. I would have to respectfully disagree with my friend from Tennessee because I think once you have television that it will be a relatively simple thing to extend it. And I think you have lost much of the leverage.

I would also say to my friend, I am for television in the Senate if we can get the rules changes but I am not for it unless we can get them because I do not think it is going to work effectively. I think it is going to distort the work of the Senate. I think it means we will take an awful lot longer, particularly on pieces of legislation, and Senators are more likely to come here to appear on the floor, be on the tube, and to speak to their constituencies back in their particular State.

We used to get out of here years ago by the 1st of September or before that. Now we see ourselves going up to Christmas Eve time and time again. I think we will just further complicate the process. I will continue to prioritize by saying that I think there ought to be rules changes first.

Mr. LONG. Will the Senator yield?

Mr. BENTSEN. Yes.

Mr. LONG. If those who would like to have television in the Senate would join forces with those who would like to have changes in the rules to make it a more efficient body, would that not suggest that there would be more votes to pass the measure than there would be otherwise?

Mr. BENTSEN. There is no question about that. If you satisfied everybody, you would have a lot more enthusiastic support in the Senate.

Mr. LONG. We have a resolution sponsored by Mr. BYRD and cosponsored by Mr. GORE and Mr. BUMPERS. That proposal was a proposal to put the Senate on television and also to make some rules changes of the types we have been discussing.

Many years ago we debated the matter of television in the Senate. Mr. Baker, the distinguished Senator from Tennessee, at that time was the majority leader. He entered into an agreement with us after we debated it for a while to send it to the Rules Committee and have them report back with the suggested rules that should accompany TV in the Senate. The Senator recalls that. He was here at the time, was he not?

Mr. BENTSEN. The Senator is correct.

Mr. LONG. There are those of us who have been saying all along. "If you want television, you ought to be able to give us some rules that would be appropriate under those circumstances."

Here we have a resolution sponsored by no less a person than our Democratic leader in the Senate. Certainly, he knows what the facts of life are. It is cosponsored by Mr. GORE and Mr. BUMPERS. At least at that time, those Senators themselves apparently shared the view that it was appropriate that we do what the Senate and the majority leader asked the Rules Committee to do at the time the Senator made his speech. Is that correct?

Mr. BENTSEN. The Senator is correct.

Mr. LONG. We ought to have some changes that would be appropriate if the Senate goes on television.

As far as the Senator being concerned about being kept here all night, we will still not be getting the job done. The appropriations bill ought to specify what each department would get, having looked at their problems individually. In the Senate, we have a formula that is called a continuing resolution, that says, "Well, you get what you got last year," or everybody gets 5 percent or 10 percent more.

On the bills that fail to spell out in detail what the Appropriations Committee wants them to receive, that are not always acted upon, we pass a continuing resolution year after year because the Senate does not do its job. We are stuck with that and we still stay here 12 months out of the year.

I can recall the time when my father was a Senator that the Senate was only in session 6 months and it got its job done, when Franklin D. Roosevelt was President of the United States. That is a far cry from the way we are doing business now.

It seems to the Senator from Louisiana that if you want to make some changes, now is the chance. Here you have the Rules Committee at long last reporting a resolution that has some needed changes in it. But do they recommend passing it? No; they recommend striking. I suggest to the Senator, is that not just exactly opposite from the direction we ought to be headed?

Mr. BENTSEN. That is not the priority that I would give to it. I think you have to have the rules ahead of time. If you do not get the rules ahead of time, I do not think the pressure will be there. That is my experience over the years in the Senate.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NICKLES). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LONG. I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk resumed the call of the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. LONG. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator may not reserve the right to object to call off the quorum.

Mr. LONG. I did not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, will the Senator permit me to make a brief statement?

Mr. SPECTER. I yield to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, Mr. MATHIAS wanted to make a statement, and I was hoping to get a larger attendance on the floor at the time, so I objected to calling off the quorum. I hope that the staff of the Rules Committee or a member of Mr. MATHIAS' staff will notify him that the quorum call has been called off, and he can be recognized, I believe, immediately after he returns to the Chamber, unless someone objects to his being recognized immediately.

He is here now. If the Senator has no objection, I will not object to calling off the quorum call.

The Senator from Pennsylvania asked that the quorum call be called off, and I asked that the Senator from Maryland be sent for.

Mr. MATHIAS. You sent for the Senator from Maryland, and the Senator from Maryland is here.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, I ask unanimous consent that I be permitted to speak for a brief period of time as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SPECTER at this point upon the introduction of legislation are printed under routine morning business.)

Mr. MATHIAS. Mr. President, for the past several days, we have been debating Senate Resolution 28, a measure that was introduced by the distinguished minority leader, the Senator from West Virginia, to authorize a test, just a test, a trial period of television coverage for the Senate with the signal limited to the in-house closed circuit together with radio broadcasting of the Senate proceedings.

I have found this discussion very interesting. A number of Members of the Senate have participated—Senator BYRD himself, and the distinguished senior Senator from Louisiana, who plays a leading role as he does whenever he is on the floor.

It has been at times a very lively debate. It has been the kind of debate that really ought to be seen by more people than those who can by reason of space limitation or time or distance come to the Senate galleries.

It has been a learned, authoritative discussion of Senate procedures and Senate rules and how they affect the decisions that are made by the Senate. It is the kind of discussion that would be of immense value to a much wider public.

The discussion of our one experience with live radio coverage and how that affected the transaction of Senate business was of intense interest to me at any rate.

All of this revealed a sense of history on the part of Members of the Senate, and it also revealed the way we bring our experiences, our individual experiences to the Senate floor and there put them into a common pool of knowledge and experience in order to make this what we hope it will always be, a great deliberative body.

It was a good experience, and it would have been a good experience for our constituents to participate in it through the electronic media, hopefully through live television, but at the very least through radio.

Another characteristic of our discussion was the insights that were provided on the standing rules by the procedures under which the Senate operates. This was a better discussion because of the participation of the minority leader, who is an ackownledged expert in parliamentary procedures in general and in the rules of the Senate in particular, and of the participation of the senior Senator from Louisiana who has a strong interest, a wide knowledge, and a zealous desire to protect the rights of Senators, a desire which I share with him and in which I support him.

What I think all of us want to do is to maintain the strong traditions of the Senate which allow Senators to exercise creativity and imagination and yet at the same time to incorporate new procedures that are necessary to bring the Senate into line with the enormous mass of business that has to be conducted today, business of a volume that was not even considered possible just a few years ago, and in line with the electronic age which has so recently opened but which has been so fully embraced by most persons outside this Chamber.

At the end of the debate on Monday the Senator from West Virginia counseled the Senate to be flexible in approaching the question of television and the possible corollary to the introduction of television, the changes that might be considered in the Standing Rules of the Senate.

Well, we may adopt some changes in rules as we go forward with this test of televising Senate floor proceedings. That remains to be seen.

But I was cheered by what I perceived to be a glimmer in Senator BYRD's eye. I was cheered by the remarks that were made by the majority leader, Senator DOLE, at the end of the debate on Tuesday. And I am yet hopeful that in one way or another we can find common ground to make the advance that needs to be made.

During the debate on Monday, it was mentioned—in fact, I think I mentioned it, among others—that 225 million Americans, some of whom at least might like to see what goes on in the U.S. Senate, maybe not all of them but some of them, were deprived of that opportunity even though it was physically possible for them to have that access.

When I mentioned 225 million Americans, I was thinking of the 1980 estimate of the population of the United States. I have since been educated by the Director of the Bureau of the Census. The population of this country had increased during the period from 1980 to 1985 by more than 5 percent. So there are now about 239 million Americans, each of whom may wish to see the Senate of the United States doing their business—may.

So I would say to the Senator from Louisiana that this is a more urgent matter than even I thought it was when I spoke on Monday.

Mr. LONG. Will the Senator yield at that point?

Mr. MATHIAS. I yield for a question.

Mr. LONG. The Senator from Louisiana would like to know if the Senator would be interested in making this agreement: That we resolve this matter by simply agreeing here and now that we will both arrange, if it be within our power, to see to it that on the first day the Senate goes in session, or the last day, to put it on television. I think it would be more appropriate for the first day because that would be a ceremonial occasion when we would be swearing in new Senators. If I am not here I can even look and see my successor sworn in. But give them a day. At that point, let anybody make any speech he wanted to; put the Senate on television, and it would not cost a thing, because I am sure the networks would be glad to bring their cameras in here and provide what additional lighting might be necessary at no cost to the taxpayers, and show the Senators sworn in on the opening day ceremony.

Then everybody could see what the Chamber looks like. They could all see the Senator from their State take his oath of office, those who have been reelected, and so forth. Anybody who wanted to see it could see it. Would that satisfy the Senator?

Mr. MATHIAS. Let me tell the Senator from Louisiana, any day he will agree to turn on the cameras, I am with him. I will agree. But I do not know that I will agree that we should turn them off again that evening.

The Senator made an interesting point, that the networks would bring their own cameras in for that day and it would not cost anything. That is probably true. In fact, the networks might be willing to keep their cameras on, on a gavel-to-gavel basis.

But that is why we are providing in this resolution for a different kind of system, into which the networks might ultimately plug, so they would have access to that signal but in which the cameras in the Senate would be directed, as has been explained during this debate, on the Member who is speaking, where the action is, and in accordance with the rules that would be established for the complete coverage of the Senate. But they would be cameras that would operate according to rules, clearly recognized rules, and not just cameras that were introduced on a random basis by anyone who wanted to bring them in.

Mr. LONG. While the Senator is on his feet, I would like to ask him about another matter that does concern the Senator from Louisiana. During this proposed test period, is it contemplated that the tapes made by anyone, either by the Senate staff or by individuals in Senators' offices, would be made available to be reshown on the evening news or the following morning news on television?

Mr. MATHIAS. Is the Senator referring to the test period, the pilot project?

Mr. LONG. Yes.

Mr. MATHIAS. No; absolutely not. The contemplation would be with these tapes that the only transmission would be to the in-house, closed circuit system which is visible only in Senators' offices.

Let me further say, because that is an interesting point, that it would be prohibited that these tapes even could be transferred to the Archives of the United States or to the Library of Congress. Because we agree that this is an experiment, these experimental tapes will not go to the Archives, and will not go to the Library of Congress. They will be retained by the Sergeant at Arms and their use limited to official purposes only during the test period. This would preclude the copying of the video signal by any person or any organization other than the Sergeant at Arms making official copies.

Mr. LONG. If the chairman will yield further, is that language in the bill itself or is that in a committee report or is it a conclusion drawn from something else in the bill or the committee report?

Mr. MATHIAS. I can show it to the Senator. It is in section 5, subsection (b), subsection (2), subsection (C), at the top of page 6, line 3:

> Video and audio recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

So he has no authority to do anything with them but to retain them.

Let me say that I would hope, if I could speculate with the Senator a little bit, if down the road sometime when these signals become public and they have been released—I am talking about live coverage to which there was

public access—that at that point we could agree that videotapes would become part of the official records of the Senate and copies would go to the Archives and copies would go to the Library of Congress. But that would not be possible during the pilot program.

Mr. LONG. Mr. President, it may be necessary to amend this language to be sure that no one would copy this and use it without authority. As far as the Senator from Louisiana is concerned, he would have no objection to what the Senator has suggested, that those tapes would be retained and made available to the Archives and available at the discretion of the Senate. It may very well be that Members might want copies of it or someone in the media might want copies of some of the tapes at a future date. I, offhand, do not know why, if the Senate saw fit to implement this by coverage on nationwide TV, they would object to the tapes of the trial period being shown, but if anyone had any objection to it, of course, he could ask that his part be excluded. I do not anticipate that would be the case, but, who knows, we would at least have the opportunity to pass judgment on whether we wanted to release those tapes or not.

Mr. MATHIAS. I would have no personal objection to whatever kind of assurance would make the Senator from Louisiana feel comfortable.

Mr. GORE. If the Senator will yield, section 5, subsection 2(b), at line 1 of page 6, says television coverage of Senate proceedings shall not be transmitted to any outside source.

So it would appear to be clearly prohibited by the language of the resolution as it currently reads.

Mr. LONG. Where is that?

Mr. GORE. It is at the very top of page 6, line 1, subsection 2(b).

Mr. MATHIAS. That is right. There should be no transmission. But I understood the question of the Senator from Louisiana to be what would happen in the case where someone wanted to copy the video tape.

Mr. GORE. If the Senator will yield further, the verb "transmitted" is subject to different interpretations. But I read it as a prohibition which also includes the prohibition of physically handing a videotape recording of the proceedings to an outside source. That too is transmitting to an outside source.

Mr. MATHIAS. There is a slight nuance of difference here because we are dealing with radio and with television. Even in the test period, there would be an electronic transmission of radio signals but none of television signals.

Mr. LONG. I thank the Senator.

Mr. MATHIAS. The question the Senator has asked raises again an archival value of both the audio and video copies of the floor proceedings of the Senate. I have already spoken on that subject a day or so ago, and do not want to repeat myself now. But I do think this whole question of some proper storage of the tapes, some permanent storage of the tapes, and their availability to scholars, students, and just ordinary citizens would provide a new resource to those who want to study this institution, those who want to understand how it was, why it was, and under what circumstances we did what we did at any given moment in history.

I think this will provide a new dimension for the analysis and understanding of how the Senate achieves its functions.

The question that has been raised by the Senator from Missouri and others is what changes would occur? But just the use of this archival function, I think, perceives some possibility of change. Courts today speculate on congressional intent. They use what evidence they have of congressional intent, which often is not very clear, some scattered statements in the CONGRESSIONAL RECORD, and perhaps a committee report. It would be very interesting to have the debate itself as a means of establishing congressional intent.

The courts, the regulatory agencies, the media, and, of course, most importantly, the citizens could be better informed and more appreciative of the role played in the Federal system by the U.S. Senate.

But that is the point I made before. And in this age of Gramm-Rudman-Hollings, I do not want to repeat myself and burden the RECORD with unnecessary words which increase the cost of printing the RECORD. But I think it is a point that is worth making more than once.

Mr. GORE. Will the Senator yield briefly?

Mr. MATHIAS. I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Tennessee.

Mr. GORE. Mr. President, I was simply going to make a brief comment on an exchange which occurred earlier. There has been speculation during this debate about the change within the institution which might be caused by television coverage. On two occasions I have tried to draw a parallel between this debate and the debate which occurred in the House of Commons when they opened up their press galleries to newspaper reporters.

I want to also draw the parallel to the debate which took place in the U.S. Senate in 1794 on the very same question because for the first 5 years after the adoption of our Constitution the House of Representatives was open to coverage by newspaper reporters.

In April 1789, in the very first session of Congress, the House of Representatives made the decision to open its sessions to the public and to the press.

The Senate, perhaps in preview of the situation which now exists where the House is open to television coverage and we are not, persisted for 5 long years—just 2 months shy of 5 years—in refusing to allow the printed press to cover its proceedings. The debate played out along the lines which in my view at least are parallel to parts of the current debate.

I found an interesting quotation from the editor of the National Gazette in February of 1793. A man named Philip Freno, who had grown extremely frustrated with the unwillingness of the Senate to allow newspaper reporters to print coverage of what the Senate was doing, and he had grown frustrated with the argument that coverage by the press would change the character of debate. He said Senators "disdain to be seen by vulgar eyes, the music of their voices is harmony only for themselves, and must not vibrate in the ravished ear of an ungrateful and unworthy multitude."

No Senator expressing opposition to television coverage has made an argument exactly like that one. But those who argued in favor of opening the proceedings of the Senate to coverage by the print media were saying something almost exactly like what we who favor television coverage are now saying on this occasion. We believe that the Senate will benefit from the wider access of the American people to our proceedings. And I would be delighted to yield to the chairman of the committee.

Mr. MATHIAS. If the Senator will yield for a moment, because his reference to the effect of opening the legislative proceedings to the print media brings to mind another historical reference that seems to be in point. In 1859, a man who was to be the next President of the United States, Abraham Lincoln, made the comment that, "to emancipate the mind is the great task that printing came into the world to perform"—"to emancipate the mind is the great task that printing came into the world to perform."

Now, if that was true in 1859 of printing, it is hard for us not to recognize that in 1986 it is true of television. It is a new medium of communication.

I think that as the Senator from Tennessee has suggested, this is an educational tool. You are just looking at one technology having succeeded—or supplement it perhaps is a better word than succeeding—one technology having been supplemented by another, and we are trying to bring that technology to bear on the problem of education.

I think this is extremely important.

Another President of the United States, Woodrow Wilson, once said that "no more vital truth was ever uttered than that freedom and free institutions cannot long be maintained by any people who do not understand the nature of their own Government."

If we put these two Presidential statements together, there is compelling logic for making this procedure available at this time. I did not mean to interrupt the Senator's remarks, but it seemed to be on point with what he was saying.

Mr. GORE. I am delighted to have had the opportunity to hear the Senator's view. He makes a powerful argument for moving just straightaway to full television coverage of the Senate.

This resolution is much more modest in scope, Mr. President. It does provide us with a test period during which we will have an opportunity to further explore all of the objections which have been raised to this resolution.

Mr. MATHIAS. Will the Senator yield for one more moment for a unanimous-consent request?

Mr. GORE. Yes, I do.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Senator from Rhode Island [Mr. CHAFEE] be added as a cosponsor to Senate Resolution 28.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, the public galleries around and above us in this Chamber provide seats for several hundred of our citizens and members of the press to observe firsthand the proceedings here. But the vast majority of this Nation's 200-plus million citizens will never visit this place. Indeed, if they all tried, the lines would extend for miles and the traffic would be jammed for days. The functioning of this institution would be severely impacted, but these citizens would be within their rights. Under present rules, most Americans will never see this body in action even though the business transacted here will have profound effect on their daily lives.

Critics of television coverage of the Senate charge that it will not reflect reality. Today, television, to most Americans, is the window to reality. It has brought us the horror of terrorist acts. It has brought us the joys of families reunited and missing children found. It is our source of information about miracles of science, and, certainly important to Members of this body, the drama of politics. Television has become the vehicle by which we know our world and make decisions about our future.

It is time that the U.S. Senate confront reality and become a part of it, for now this body certainly resides outside its realm.

I have long been on record as being in favor of radio and television coverage of Senate proceedings. I stand firm in the belief that allowing the electronic media to cover Senate debate would be in the best interests of the American people—and, yes, in the long term, the best interests of the U.S. Senate as well.

Mr. President, television is a reality. The Senate cannot continue to ignore this important medium that is so widely used by the American people as a primary source of news and information. The American public is interested in Senate activities, and they deserve to have the opportunity to see firsthand how their lawmakers conduct the business of the Nation.

In 1979, the House of Representatives opened its doors and began to provide television signals to the broadcast media. The experience in the House has been widely considered a success.

Here in the Senate, committee hearings have been broadcast and the Panama Canal Treaty debate was covered live on radio—both have been done with great success. I have seen little, if any, evidence during these episodes of the showboating or playing to the cameras that some argue will occur if we allow television coverage of the floor debate.

Due to the success of all these experiments, I believe the next logical step is to allow full radio and television broadcast coverage of Senate proceedings.

Mr. President, I have long been a proponent of permitting radio and television coverage of legislatures, courts, and other forums where the public's business is conducted. During my term as chief justice of the Alabama Supreme Court, we opened the doors of my State's courts to television cameras.

Permitting television coverage of both trials and appellate court proceedings in Alabama generated a trend which has led to broadcast coverage of many trials and hearings in other State courts.

Televised court proceedings can bring into conflict two constitutional guarantees; the first amendment which guarantees the freedom of the press, and the sixth amendment which guarantees the defendant a fair and impartial trial. Conversely, if photojournalism is allowed in the Senate Chamber, I can foresee no conflict between provisions in our Constitution.

Perhaps a review of the consideration given the issue of radio and photojournalism from a judicial system basis will be helpful to the Senate considering this issue.

In hearings before the Supreme Court of Alabama, the media made a strong case when it pointed out that photographing and broadcasting by television and radio of a church service did not affect the dignity of the service. It also pointed out that when sophisticated and advanced technology is employed, participants in the church service are not distracted, and the solemnity of the worship service remains unharmed.

The Supreme Court of Alabama approached the issue as to whether, in the majority of the cases, the use of camera, radio, and television instruments would interfere with a fair and impartial trial and with the effective administration of justice. It first considered radio. The court had previously recorded oral arguments for some time. It concluded that noiseless and effective broadcasting devices could be placed at designated locations which would record the proceedings accurately and clearly for later radio broadcasting without disturbing court proceedings.

It was apparent to the court that, in the vast majority of cases, radio recording devices would not detract from the dignity of the proceedings or cause prejudice to the parties any more than its own recording system.

Next, the court considered photojournalism. There was no doubt in the minds of the justices that problems could arise. They saw the constant popping of flashbulbs; the spotlighting of television lights in the eyes of witnesses, lawyers, jurists, and jurors; and the entangling of wires in chairs and tables as serious impediments to the effective administration of justice.

However, if the media used advanced camera technology, employed only overhead lighting, and restricted camera movement to designated areas, these problems could be minimized.

The justices also considered that if cameramen and other reporters conducted themselves in the same manner that was expected of spectators, then the resulting harm would be eliminated.

Pooling of television networks has been used effectively by the White House. The number of cameras in the balconies of the Senate Chamber can also be limited. The experience of the television coverage in the House of Representatives can be beneficial to the Senate in formulating rules and guidelines for the media coverage.

Drawing from my experience of participating and observing electronic journalism in courtrooms, and relating this to the facilities of the Senate, I foresee no real problems relative to the dignity of the proceedings.

I have mentioned still photography, as well as radio and television in my remarks about the considerations to be given to this area of media in courtrooms. The issue of still photography may be irrelevant to the resolution currently at hand, but I think eventually the issue of comprehensive media journalism will confront the Senate.

The U.S. Supreme Court has established that freedom of the press is not confined to newspaper or printed peri-

odicals, but is a right of wide import and "* * * in its historic connotations comprehends every sort of publication which affords a vehicle of information and opinion." *Lovell* v. *City of Griffin* 303 U.S. 444.

Personally, I am a strong advocate of first amendment rights and feel that all forms of reporting journalism should be allowed in the Senate Chamber. However, I fully realize that there are some who will disagree with my position and I respect their right to do so.

Mr. President, I must admit I have some reservations concerning the manner in which the rules and guidelines are formulated. I am opposed to giving the Rules Committee the final authority with respect to the placement of cameras, distribution of audio and video tapes, and other rules and regulations with further consideration or vote by the full Senate.

I hope that these concerns can be addressed as we consider the resolution.

It is time to open the Senate to the American people—those voters who send us to Washington to do the public's work. Therefore, I shall vote for the resolution with the profound hope that the reservations that I have addressed concerning its implementation will be corrected.

Thank you, Mr. President.

Mr. DIXON. Mr. President, the resolution now before the Senate is very limited. It provides for a test period where Senate proceedings would be broadcast over radio. It also provides for a closed-circuit test of televising Senate debate, as a first step in a process of fully opening the Senate to television and radio broadcasts.

I think these steps are long overdue. It is time to fully open the Senate to the public. This is a broadcast age. If the Senate wants to effectively communicate with the American public, it must open its proceedings to television and radio.

I share the view expressed by the distinguished minority leader, Senator BYRD. In debate on the Senate floor on this issue yesterday, he stated that:

> We cannot hold our own with the White House and the House of Representatives when it comes to news coverage of the important issues of the day.

Proceedings of the House of Representatives are on television. The White House has the ability to command the Nation's airwaves at a moments notice. Senator BYRD, who has considered this issue so carefully, said it all when he pointed out that:

> The Senate is fast becoming the invisible half of Congress.

Congress is now considering issues of tremendous importance to the future of our Nation. The House of Representatives affords the Nation an opportunity to see and hear the debate on these issues—issues which will affect the lives of every Ameican. The Senate should afford the American public that same opportunity. Most Americans do not have the opportunity to come to Washington to see the Senate in action, and if they did, the Senate galleries could only accommodate a few of them. Broadcasting offers millions of Americans the ability to observe Senate debate, and to increase their understanding of the issues before the Senate.

The public has a right to know how the Senate conducts its business, and the arguments for and against the issues that are raised on the floor. Television and radio broadcasting of Senate debate makes it possible for the public to exercise that right on what amounts to a first person basis. Broadcasting will enable the public to see and hear the Senate for themselves; they will no longer be totally dependent on someone's interpretation of what happened on the Senate floor.

While I personally am comfortable with the idea of opening the Senate to full radio and televising broadcasting now, I understand why Senate Resolution 28 takes such a careful approach, particularly with respect to television. Broadcasting Senate proceedings is in some respects a leap into the unknown for the Senate. I agree that it is important to proceed with caution. I don't think that broadcasting will change the essential character of the Senate, but I think it is only reasonable to consider broadcasting and related rules issues in a manner that will help to minimize any risk of undesirable change.

I think it is particularly important, Mr. President, not to consider broadcasting issues in isolation. I agree with the minority leader that there is a very strong case for making a number of changes in Senate rules before televising Senate proceedings.

The Senate is unlike other parliamentary bodies. It provides an almost unheard of degree of protection for the rights or minorities, and I would not be for any action that would tend to erode those rights or otherwise work to undermine the deliberative nature of the Senate. At the same time, it seems to me that we must act to make Senate operations more efficient. In particular, I think it is imperative to take action to reduce the excessive number of filibusters. The Senate simply cannot function if every issue is filibustered.

As an example, I count myself one of the strongest opponents of S. 638, legislation providing for the sale of Conrail to Norfolk Southern. However, I thought it very unwise to filibuster that issue. I do not make this statement to criticize any of my colleagues that felt otherwise. The Senate rules make such filibusters possible, and Senators have the right to act within the rules. I would only point out that the cloture votes on both the motion to proceed and the bill itself were very lopsided. In my view that indicates that the Senate did not see the Conrail issue as one that should be filibustered.

Mr. President, Senate Resolution 28, as introduced, contained a number of proposed rules changes. These changes would protect minority rights while increasing the ability of the Senate to act expeditiously on most issues. I will not take the time of the Senate to describe them in detail. I know my colleagues are familiar with them. Let me just say that I think that now is the time for resolving the issues raised by these proposed changes and that it does make sense to get these issues resolved before beginning full television broadcasting of Senate proceedings.

I would like to conclude by reiterating my support for opening the Senate to radio and television. I think this is a necessary step and one which is long overdue. I also support the efforts of those who are proposing rules changes. Rules reform is also an idea whose time has come. I look foward to the test period as provided for in Senate Resolution 28. I hope the test will be a short one. I believe it is important to create full public access to Senate debates as soon as possible.

Mr. HECHT. Mr. President I rise in opposition to Senate Resolution 28, which would provide for televised coverage of the proceedings of the U.S. Senate. While there are many meritorious arguments against the initiation of such coverage, I would like to focus on one which I believe to be particularly relevant today—specifically, the cost of such a procedure.

If Senate Resolution 28 passes and coverage begins, in addition to the $3.5 million start-up expense, it is estimated that the maintenance costs of the system would be in the neighborhood of $1 million annually. In this time of a record Federal deficit and the imminence of spending reductions resulting from the recently passed Gramm-Rudman Balanced Budget Act, I, quite frankly, do not see how spending for this purpose can be justified.

While I realize that some may consider the initial $3.5 million and subsequent annual $1 million cost for this initiative small amounts in the context of the entire Federal budget, when a thorough evaluation of the relative necessity of each Government program begins in recognition of the inevitability of spending cuts, I believe this program would be shown to be totally unnecessary. I, for one, Mr. President, would not care to see this additional unnecessary Government spending.

It is, therefore, with the practical purpose of deficit reduction in mind

that I urge my colleagues to reject Senate Resolution 28.

Mr. DOLE. Mr. President, I just wanted to express my hope that we might be able to move to the Executive Calendar very quickly, temporarily setting aside the pending business. I will not make that request, because I know the distinguished Senator from Louisiana [Mr. LONG] would want to be present. But we have some nominations that I think have been cleared all the way around. A number of Members on this side have an important meeting at 4 o'clock which deals with TV in the Senate. They cannot be both places after 4 o'clock, so we would very much like to consider the nominations for Members to the Board of Governors of the Federal Reserve System, Mr. Angell and Mr. Johnson, plus some other nominations that have been cleared. I understand the Senator from Wisconsin [Mr. PROXMIRE] would like to speak on the nominees but there will be no rollcall vote required. I would not think it would take too long to dispose of all the nominations on the Executive Calendar. Assuming we can do that, then we will come back to Senate Resolution 28. But we do have a meeting involving a number of Senators at 4 o'clock to discuss TV in the Senate, rules changes, and it is a rather important meeting. It may determine whether or not we are going to accomplish anything. So I would hope that we could do the others between now and that time.

A QUICK SIMPLE ROUTE TO PROCUREMENT REFORM

Mr. PRYOR. Mr. President, last week together with Senators ANDREWS, GRASSLEY, KASSEBAUM, and PROXMIRE, I introduced a new bill which we believe will provide a quick, simple, and inexpensive route to ending many of the procurement horror stories reported daily in the media. This bill will not require the writing of new volumes of procurement rules and regulations for an already paper-clogged bureaucracy. It will not require the hiring of a new army of Federal procurement regulators, supervisors and auditors. It will not require a huge new appropriation to implement. It will not contradict or overrule the legislation Congress has already passed to try to improve things.

On the other hand, the bill would expand the industrial base for defense and other Federal Government procurement. It would bring more competition to all Federal purchasing. It would introduce new businessmen and companies to Government procurement. It would reduce costs and improve quality. And, it would go a long way toward ending wired, rigged, illegal and improper contracts.

How could this legislation do all these things and still remain simple, quick and cheap? I wanted to take a few brief moments of the Senate's time to explain this legislation and how it would work. I particularly hope Senators' staff members will listen because this bill pertains to a new subject area for many Senators and staff.

Whenever the Federal Government wants to make a new purchase, the law requires a notice in a publication called the Commerce Business Daily. This document lists every procurement proposed to be made by the Federal Government; in it a businessman can see what the Government wants to buy and decide if he cares to bid for the contract. Sometimes these proposals are for competitions; sometimes they are for a restricted competition or for a noncompetitive, sole source contract. If a businessman sees solicitation for bids that he believes unfairly or even illegally prevents him from bidding, he may protest the proposed contract and have it overturned to allow him to offer a bid.

There is a second stage to this process: the point at which contracts are awarded to a bidder. Should a bidder believe that an improper decision was made by the agency awarding the contract, the businessman can protest the award in the hope that his own bid will be reconsidered and declared the winner.

If a protest is sustained at either the contract proposal or award stage, two parties generally benefit. The first is the businessman who wins a contract, or an opportunity to bid for one that previously excluded him. The other winner is the taxpayer. Why? Because the vast majority of the time the Government will be required to halt a procurement for an item that it was about to buy for too high a price or that is inferior in quality. As a technical matter, the Government will be on the losing end of the protest, but actually it and the taxpayer will be the beneficiary.

Clearly, an essential part of this process is the forum in which protests are heard. The arbitrator over these disputes must be independent. He must also have clear authority and a set of procedures designed to reach the heart of the matter quickly. Without any one of these key ingredients, the process might fail.

Since 1924, this forum has been centered in a special subdivision of the General Accounting Office called the GAO Protest Division. Unfortunately, this Division has not been able to do the job. It is hindered by ineffective procedures, unclear authority and an apparent lack of independence. The result has been a poor track record where the protester loses his case almost all of the time.

For example, the GAO is hampered by something called the presumption of agency correctness: a rule under which all Government agency presentations of fact must be assumed to be correct and which are, therefore, incontestable by the protester. If the Government agency can have a lock on any factual assertions it makes in a protest case, there should be little wonder why it can win almost all of the time.

Unfortunately, it gets worse in the GAO Protest Division: there is no transcript made of each side's verbal assertions; there is no testimony under oath and no authority for subpoenas. There is a constitutional argument over whether the GAO can enforce its decisions in those few times that it sides with the protester.

Let me be very clear about one thing: The concern that I have expressed about the GAO Protest Division does not involve the rest of the GAO. The GAO has many investigatory divisions that are independent, that have the right tools to do their job, and that actually do use those tools. I and many of my colleagues have the greatest respect for these investigatory divisions and have come to rely on them for their highly competent, thorough and independent studies and investigations. Just imagine, however, if these investigations were forced to obey the rule of "presumption of agency correctness": if the version of the facts presented by the agencies could not be contested, independent investigations would be impossible. That is just one of the many constraints that the GAO Protest Division works under.

Luckily, however, there is an alternative. It was recognized in 1984 when Congress passed the Competition in Contracting Act. Among many other things having to do with competition, that legislation recognized the independent reputation of a semiautonomous Board of Contract Appeals in the General Services Administration. The Competition in Contracting Act gave the GSA Board of Contract Appeals a small piece of contract protest business as an experiment. It gave this Board authority to rule on protests regarding any automated data processing protests against any Federal agency.

This experiment has been running for a year now. The GSA Board has confirmed the confidence put in it and has established a track record of finding in favor of the protester about half of the time. Unfortunately, even though the Competition in Contracting Act sought to strengthen the GAO Protest Division, in this past year the Division's unfortunate track record seems to be continuing. Estimates vary on how often it finds in favor of the protester, but none of these estimates exceed 20 percent; some are as low as 7 percent.

The bill I and my colleagues introduced last week is very simple: it would remove the limitation to automated data processing protests now on the GSA Board of Contract Appeals and would allow the Board to hear any kind of contract protest against any Federal agency, including the Department of Defense.

The bill would do nothing to the GAO Protest Division. That part of the GAO would remain in business. Why do we allow this redundancy? To allow for competition between the GAO Protest Division and the GSA Board of Contract Appeals in contract protest. The GAO would have a last chance to improve its track record; the GSA would not be able to rest on any past laurels.

There is an additional aspect to this bill that I want to mention here. Many of us in the Senate have expressed concern about the Government's unfortunate and expensive practice of hiring consultants. Very often consultants are paid by the taxpayer to tell us things we already know, things any bureaucrat can already tell us, things that are common knowledge and things that the Government wants to be told to justify what it wants to do. This bill, the Procurement Safeguard Act, will include consultants' contracts in its purview. Just as in material procurements, sweetheart deals for consultants, wired and rigged consultant contracts, and high cost sole source consultant contracts will be subjected to tougher scrutiny than they have had before. They will have to get past a dragnet of all their potential competitors.

Mr. LONG. Mr. President, will the Senator yield on that point?

Mr. PRYOR. I am glad to yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I hope that the Senator is not suggesting that there are not many situations where it is appropriate to hire a consultant and that it is not better to have someone on the paryroll for a week or two than to have them on the payroll all year long as a permanent employee.

Furthermore, there are consultants available who are better qualified than anyone in the Government. I am sure the Senator would be willing to agree that there are appropriate times for hiring consultants.

Mr. PRYOR. There is no question that there is an appropriate time to hire consulting firms and consultants to come in and advise not only this body but also agencies of Government. However, to be honest with the Senator from Louisiana, I think the whole consulting issue has really gotten out of hand.

I have seen facts and figures, for example, that the Department of Defense is spending as high as $10 million to $12 million each day, 7 days a week, for consultants. That may be necessary. But when HHS and when the Department of Defense and when all the agencies of government have almost an unlimited right to hire consultant firms and pay them any price, with no competition, then I think we need to really look at this issue.

Mr. LONG. The Senator is undoubtedly correct about that, but I refer the Senator to one of my pet complaints about these studies.

For years, many of us have felt that the answer to the welfare problem was in the direction the President pointed out last night, saying that the success of a welfare program should be judged by how many of its recipients were able to move from poverty, away from dependency, into constructive, useful lives in mainstream America. Yet, it has been the experience of this Senator that practically all the experiments conducted in the Department of Health, Education, and Welfare, now the Department of HHS, were experiments to try to show that it would tend to solve the problem if you paid the people for doing nothing, with no questions asked; that, in fact, if you just put people on the rolls, with enough to live confortably, and never look back, somehow or other their conduct will improve, notwithstanding the fact that all the evidence worked out the other way.

They insisted on having more and more studies—the same thing—not one study to get off the rolls, but studies to indicate that people would be more happy to receive a welfare check without doing anything, even though employment was available to them.

To try to get people to study what you want them to study in the national interest is different from the studies they are giving us in many departments, and I think the Senator knows that.

Mr. PRYOR. I do not think there is any question about that.

Here I am on the floor of the Senate this afternoon thinking about my neighbor from Louisiana, my close friend, who is going to leave a tremendous void and vacuum in this body. I was standing here thinking about my friend: What is he going to do come January 1, 1987? He does not want to practice law, and he says he does not want to be a Senator any more. But if my friend from Louisiana wanted to go out and make some easy money——

Mr. LONG. Easy what?

Mr. PRYOR. Easy money.

Mr. LONG. Oh, money. That is a very interesting statement.

Mr. PRYOR. All the Senator from Louisiana would have to do would be to hang up a little sign—probably not even do that, because of his eminence, but just put a little ad in the yellow pages: "Russell Long, Consultant." The Federal Government would be breaking down your doors to hire you as a consultant, and you would make 20 times the salary you make as a U.S. Senator right now, and probably would not have to work nearly as hard.

I think we need to take this issue and try to shine some light on and make it a little more competitive.

Mr. LONG. Mr. President, I find that hard to believe. Maybe I should inquire into it.

Mr. PRYOR. Let us go back a moment. I do not even know how the Senator from Louisiana has voted on the issue of whether or not we should go back into producing nerve gas. I do not want to talk about the merits or the demerits of that cause. But the Washington Post, 2 weeks ago, printed a story which said that last year the Department of Defense hired two consulting firms to give answers to Senators and Representatives on the issues of nerve gas production, whether or not we should produce it, and certainly to justify with those answers why we should go back into the nerve gas production business.

The Department of Defense chose two firms. They paid those firms $892,000 to fix up a little book—it is about 100 pages—as to why we should go back into the production of nerve gas, once again not debating the merits of the issue. I think that is awful.

I think we in the Senate knew this issue pretty well or we could have gone to the intelligence room and we could have gotten a briefing.

It would not have cost a penny to come up with those same answers. Yet you look down the roster of who these consulting firms were and one of them, I think, if I am not mistaken, had something like 15 to 20 retired colonels or generals. With no competition, they received almost a million dollars to prepare a little book.

Somehow or another that strikes me as wrong. I just hope that somehow or another this legislation or some other legislation or some other possible review could really be made. You know, I remember one time, I tell my friend from Louisiana, I was at a campaign speaking one night at the football stadium in south Arkansas. We had a fellow who was a Presidential candidate. Every other spring he would run for some office. It did not matter what office.

So he chose to run against the county clerk of our county. He got up at the football stadium that night and said, "Ladies and gentlemen, I want to be elected county clerk and I am going to do away with this hunt and peck system that my opponent who occupies that position in the courthouse right now has."

Someone in the audience says Mr. so and so, "What is the hunt and peck system?"

He said, "Oh, that means she hunts up a relative and pecks them out a paycheck,"

That is what this consulting business is. Thay are hunting them up a relative or hunting them out, if you want to say, a friend out there or someone that they have done business with before and, as they say, they peck them out a paycheck. I just think it is wrong.

Mr. President, the Procurement Safeguard Act would make use of a forum already in place with the tools on hand to do the job. Through enactment of this legislation we would give businessmen a real chance to benefit themselves, the Government and the taxpayer. These businessmen will not be timid, paper-clogged bureaucrats; they will be motivated by their own economic survival, and they will have a fair and effective forum for their case. That is why we call it the Procurement Safeguard Act: Businessmen will have a real chance to safeguard not only their own livelihood but also that of the Government, the Nation's taxpayers and the entire Government procurement system.

I hope Senators and their staff will take a close look at this legislation. I believe it deserves broad and bipartisan support. I would welcome any inquiries about it that Senators or staff may have, and I hope people will feel free to offer comments and make suggestions.

Mr. President, there are additional aspects of this bill which Members and staff should know. To provide that fuller explanation I ask unanimous consent that the text of the bill and a more detailed explanation be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Procurement Safeguard Act of 1986".

SEC. 2. PURPOSE.

The purpose of this Act is to ensure enforcement of the laws of the United States that foster and require economy and efficiency and fair, full, and open competition in contracting. Therefore, this Act establishes an alternative, independent forum for protest actions of an administrative adjucative nature, with the power and duty to issue subpoenas, take testimony under oath, conduct factfinding, order discovery, and issue such orders, rulings, and decisions as are necessary to enforce the laws of the United States that foster and require economy and full and open competition in contracting.

SEC. 3. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) ESTABLISHMENT OF ALTERNATIVE PROCEDURE.—Chapter 35 of title 31, United States Code, is amended by adding at the end thereof the following new suchapter:

"SUBCHAPTER VI—ALTERNATIVE PROCUREMENT PROTEST SYSTEM

"§ 3561. Definitions.

"In this subchapter—

"(1) 'protest' means a written objection by an interested party to a solicitation by a Federal agency for bids or proposals for a proposed contract for the procurement of property or services or a written objection to a proposed award or the award of such a contract;

"(2) 'interested party' means, with respect to a contract or proposed contract for the procurement of property or services, an actual or prospective bidder, offeror, subcontractor, supplier, or other party whose economic interest would be affected, directly or indirectly, by the award of the contract or by failure to award the contract;

"(3) 'board' means the board of contract appeals of the General Services Administration; and

"(4) 'Federal agency' has the meaning given such term by section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

"§ 3562. Protests by interested parties concerning procurement actions.

"Upon request of an interested party in connection with any procurement conducted by a Federal agency (including procurements conducted under delegations of procurement authority) filed in accordance with this subchapter, the board of contract appeals of the General Services Administrative shall review any decision by a contracting officer alleged to violate a statute, regulation, or other provision of law. An interested party who has filed a protest under subchapter V of this chapter with respect to a procurement or proposed procurement may not file a protest with respect to that procurement or proposed procurement under this subchapter. An interested party may not file a protest under this subchapter with respect to a procurement or proposed procurement conducted under the authority of section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759).

"§ 3563. Protests filed before contract award.

"(a) When a protest under this subchapter is filed before the award of a contract in a protested procurement, the board, at the request of an interested party and within 10 days of the filing of the protest, shall hold a hearing to determine whether the board should suspend the procurement authority of the Federal agency for the protested procurement on an interim basis until the board can decide the protest.

"(b) The board shall suspend the procurement authority of the Federal agency unless the Federal agency concerned establishes that—

"(1) absent action by the board, contract award is likely to occur within 30 days of the hearing; and

"(2) urgent and compelling circumstances which significantly affect interests of the United States will not permit waiting for the decision of the board.

"§ 3564. Protests filed within 10 days of contract award.

"(a) If the board receives notice of a protest under this subchapter after the contract has been awarded but within 10 days after notice of the contract award is received by each bidder or offeror on the contract, the board shall, at the request of an interested party and within 10 days after the date of the filing of the protest, hold a hearing to determine whether the board should suspend the procurement authority of the Federal agency for the challenged procurement on an interim basis until the board can decide the protest.

"(b) The board shall suspend the procurement authority of the Federal agency to acquire any property or services under the contract which are not previously delivered and accepted unless the Federal agency concerned establishes that urgent and compelling circumstances which significantly affect interests of the United States will not permit waiting for the decision of the board.

"§ 3565. Procedures and standards in protest proceedings.

"(a) The board shall conduct such proceedings and allow such discovery as may be required for the expeditious, fair, and reasonable resolution of the protest. The board shall review de novo any decision by a contracting officer alleged to violate a statute, regulation, or other provision of law. Such review shall be conducted under the preponderance of evidence standard applicable to review of contracting officer decisions by boards of contract appeals.

"(b)(1) Subject to any deadlines imposed by section 9(a) of the Contract Disputes Act of 1978 (41 U.S.C. 608(a)), the board shall give priority to protests filed under this subchapter. Except as provided in paragraphs (2) through (4), the board shall issue its final decision within 45 working days after the date of the filing of the protest, unless the board's chairman determines that the specific and unique circumstances of the protest require a longer period, in which case the board shall issue such decision within the longer period determined by the chairman.

"(2) If the major portion, as determined by dollar volume, of the protested procurement is to be performed outside the continental United States, then the board is authorized to extend the 45 working-day deadline set forth in paragraph (1) of this subsection for a period not to exceed 15 working days. The board shall issue its final decision within such extended period, unless the board's chairman determines that the specific and unique circumstances of the protest require a longer period, in which case the board shall issue such decision within the longer period determined by the chairman.

"(3) If the award of a contract is suspended pursuant to section 3563, the procuring agency may, subject to the approval of the board, elect to extend the 45 working-day deadline set forth in paragraph (1) of this subsection for a period not to exceed 15 working days. The agency shall request such an extension within 2 working days from the date the suspension is ordered, and the board shall rule on such request within 4 working days thereafter. The suspension shall remain in effect during the extended period for deciding the bid protest.

"(4) If a procurement is not suspended pursuant to section 3562, an interested party may, subject to the approval of the board, elect to extend the 45 working-day deadline set forth in paragraph (1) of this subsection for a period not to exceed 15 working days. The interested party shall request such an extension within 2 working days after the protest is filed or within 2 days after a request for suspension is denied, whichever is later, and the board shall rule on such request within 4 working days thereafter. Due consideration shall be given to the views of the agency. If more

than one interested party files a protest against the same procurement, then the board shall not order an extension unless the extension is agreed to by all interested parties.

"(c) The board may dismiss a protest the board determines is frivolous or which, on its face, does not state a valid basis for protest.

"§ 3566. Bases and consequences of decisions.

"(a) In making a decision on the merits of protests brought under this subchapter, the board shall accord full weight to the need for prompt and effective enforcement of Federal statutes, regulations, and policies furthering economic and efficient procurement and fair, full, and open competition.

"(b)(1) If the board determines that a challenged agency action violates a statute, regulation, or other provision of law, the board shall suspend, revoke, or revise the procurement authority of the Federal agency for the challenged procurement.

"(2) The board shall order the termination of awarded contracts or make such other orders and shall grant such other relief as may be necessary to ensure compliance with statutes and regulations, and to ensure full, open competition and economic, efficient contracting.

"(c) Whenever the board makes a determination described in subsection (b)(1), it may, in accordance with section 1304 of this title, further declare an appropriate interested party to be entitled to the costs of—

"(1) filing and pursuing the protest, including reasonable attorney's fees, and

"(2) bid and proposal preparation.

"§ 3567. Appeal of board decisions.

"(a) The final decisions of the board may be appealed by the head of the Federal agency concerned and by any interested party, including any interested party who intervenes in any protest filed under this subchapter, as set forth in the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).

"(b) If the board revokes, suspends, or revises the procurement authority of the Federal agency after the contract award or orders the termination of such contract, the affected contract shall not be presumed void ab initio as to any goods or services delivered and accepted under the contract before the suspension, revocation, or revision of such procurement authority, unless the board specifically rules that the contract was void ab initio.

"(c) Nothing contained in this subchapter shall affect the board's power to order any additional relief which it is authorized to provide under any statute or regulation.

"§ 3568. Authority to administer oaths and to issue subpoenas; court representation.

"(a) In connection with any protest action filed under the authority of this subchapter or any other action or proceeding before the board, any judge of the board or any hearing examiner duly designated by the chairman is empowered to administer oaths and affirmations and to issue subpoenas. Every subpoena shall be issued under the seal of the board and shall command each person to whom it is directed to attend and give testimony at a deposition or hearing and may command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein.

"(b) In case of contumacy or refusal to obey a subpoena or to answer questions of a judge or hearing examiner under oath, the board may invoke the aid of any district court of the United States within the jurisdiction of which the person guilty of such contumacy or refusal is found or resides, or transacts business, and such court shall have jurisdiction to order such person to appear before the board to produce evidence or give testimony or both. Any failure to obey such an order of the court may be punished as a contempt thereof by the court.

"(c) Except as provided in section 518 of title 28, United States Code, relating to litigation before the Supreme Court, attorneys designated by the chairman of the board may appear for, and represent the board in, any civil action brought in connection with any function carried out by the board pursuant to this subchapter.

"§ 3569. Rules, procedures, and operations.

"(a) Not later than 90 days after the date of enactment of this subchapter, the board shall adopt and issue such rules and procedures as may be necessary to the disposition of protests filed under the authority of this subchapter.

"(b) The board shall adopt a seal which shall be required for authentication purposes. The board shall adopt such internal procedures and form of organization as may be necessary for its day-to-day operations. The chairman, or his designee, may authorize travel and enter into contracts and other arrangements necessary for the board's day-to-day operations, but only to the extent and in such amounts as may be provided in advance by appropriations Acts. The chairman is authorized to establish such positions and to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of his office and of the board, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates, and the provisions of section 8(b) of the Contract Disputes Act of 1978 (41 U.S.C. 607(b)) relating to board members which are not subject to classification but whose rates of pay are set by statute.

"(c) The chairman of the board shall report to the Attorney General and to the appropriate committees of Congress any incident concerning a protest under this subchapter that may involve a violation of section 1505 of title 18.".

(b) CONFORMING AMENDMENT.—Section 3552 of title 31, United States Code, is amended by inserting "under subchapter VI of this chapter or" before "under section 111(h) of the Federal Property and Administrative Services Act of 1949".

(c) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end thereof the following:

"SUBCHAPTER VI—ALTERNATIVE PROCUREMENT PROTEST SYSTEM

"3561. Definitions.
"3562. Protests by interested parties concerning procurement actions.
"3563. Protests filed before contract award.
"3564. Protests filed within 10 days of contract award.
"3565. Procedures and standards in protest proceedings.
"3566. Bases and consequences of decisions.
"3567. Appeal of board decisions.
"3568. Authority to administer oaths and to issue subpoenas;
"3569. Rules, procedures, and operations.".

WHAT IS THE PROCUREMENT SAFEGUARD ACT, AND WHY IS IT NEEDED?

WHY IS IT NEEDED?

Competition has been the subject of several new laws to reduce excessive costs, to improve quality and to expand the industrial base for the Defense Department and the rest of the federal government. However, these new laws will be meaningless without enforement. In the private sector, firms that cannot compete effectively go out of business. No such automatic enforcement mechansism exists in government contracting. There, powerful forces combine to resist competition and to perpetuate what amounts to a non-market spending system.

One way to overcome bureaucratic and some industry resistance to competition is to bring the competitive pressures of the private sector into government contracting. How? By allowing businessmen to monitor the award of government business to their competitors and to step in and protest when violations of statutory and regulatory procurement rules are evident. For 60 years a forum for this process has existed inside the federal government in the Protest Division of the General Accounting Office. Here, government contractors are allowed to watch over each other and register protests against non-competitive government contract proposals and unjustified government awards of contracts.

Unfortunately, this mechanism in the GAO has not worked well. Although the GAO deserves its good reputation in its investigatory divisions, the GAO Protest Divison—the one discussed here—does not have a reputation for independence and aggressiveness among many of those in business and government who observe it closely.

Weaknesses in the GAO Protest Division were recognized by Congress when it enacted the Competition in Contracting Act of 1984. Among many things, that legislation attempted to strengthen the GAO's Protest Division, but it also went further than that. It contained an additional provision that allowed businessmen wanting to protest certain types of government contract proposals and contract awards to do so in a second administrative forum: the General Services Administration's Board of Contract Appeals. An experiment was initiated; the GSA Board was given authority to rule on protests against any federal agency's procurement decisions pertaining to automated data processing equipment. This expansion of the GSA Board's jurisdiction was scheduled to terminate in 1987, unless subsequently extended by statute. Thus, for ADP contract protests and until 1987, protesters were allowed to select between the GAO and the GSA Board for registering their complaints against government procurement decisions.

A major reason for the GSA Board's being selected for this experiment was the many differences between it and the GAO Protest Division. First, as pointed out by the Report of the House Government Operations Committee on the Competition in Contracting Act, the GAO Protest Division has a poor track record in the contract protest business. Of the 7,000 protests filed at the GAO between 1981 and 1983, decisions were made on 3,228: the rest were thrown out for one reason or another. Of these 3,228 decisions, the GAO Protest Division found in favor of the protest in 235 instances, 7.3% of the time. Only in 34 of these cases did the GAO back up its decision with a recommendation to cancel the protested bid proposal or con-

tract. Basically, the same pattern appears to be recurring even after the enactment of the Competition in Contracting Act, which sought to improve the GAO's record.

There are reasons why the GAO has maintained what appears to be such a poor track record. As one witness testified to the House Government Operations Committee: "* * * GAO does not conduct investigations to establish the validity of a bid protester's claims. * * * GAO's protest decisions must rely on the facts which the (government) agency chooses to disclose. * * * an agency need only deny that a protester's statement of facts is correct. In nine cases out of ten, the agency's denial will carry the day." Thus, there can be little, if any, dispute over the facts of a case in the GAO Protest Division; by definition the government almost always will win the factual argument, and, therefore, the case.

Furthermore, in the GAO there is no testimony under oath, and subpoenas against either the government or the protester cannot be issued. In short, a protester is at the mercy of his opponent's willingness to be complete and accurate in his assertions, which is a lot to ask of an interested party when billions of dollars are at stake.

There are additional problems. The GAO Protest Division process can take twice as long as that in the GSA Board. One key component of the GAO protest reforms implemented by the Competition in Contracting Act—the authority to suspend protested procurements—is under constitutional attack in the federal courts.

The GSA Board offers a sharp contrast to the GAO. Since the beginning of 1985 when the GSA Board was allowed to hear any bid protests, its track record has borne out a vote of confidence. Of 101 bid protests filed in the first 10 months of the Board's new, expanded operations, 10 protests were decided for the protester, 27 were dismissed in the protester's favor; 9 protests were denied, and 16 were dismissed in favor of the procuring agency; the rest remain pending. This record of finding in favor of the protester more than half of the time is in sharp contrast to the GAO's record of finding almost always against the protester.

One reason for this better track record is that the GSA Board replaces the GAO's procedural weaknesses with strengths. Most importantly, neither party has a lock on the facts. Rather than the GAO's "presumption of agency correctness", there is a discovery process, including testimony under oath and authority to issue subpoenas, to uncover the facts of the matter without prejudice and on the merits. Secondly, unlike the GAO, there is no dispute, constitutional or otherwise, over whether the GSA Board has the authority to enforce its opinions. All of its decisions are final and binding on the agency and can be reversed only by the United States Court of Appeals for the Federal Circuit.

Whether it be actual performance, procedures designed to get to the bottom of a matter, or the unquestioned authority to make decisions stick, the GSA Board is clearly preferable to the GAO if you are a potential government contractor and want to have a fair chance at overturning improper government agency procurement decisions. The issue is an extremely important and fundamental one. If waste is to be stopped, it must be subjected to the same forces that naturally operate in the market place: if you can't build it best and cheapest, you don't get the business. Exploiting the benefits of the GSA Board of Contract Appeals will bring those needed forces into government contracting. 60 years of business at the GAO Protest Division has only allowed problems to continue.

The only remaining question is, why limit the GSA Board to hearing only automatic data processing protests, and why shut even that business down in 1987? Removing these limitations are the two basic objectives of the Procurement Safeguard Amendment.

WHAT IS THE PROCUREMENT SAFEGUARD ACT?

The proposal would expand the jurisdiction of the General Services Administration's Board of Contract Appeals to allow it to hear any and all bid protests, rather than just those concerning automated data processing. The bill would not eliminate the GAO Protest Division; the GSA Board would be established as a second forum. Protesters would have a choice of one or the other (but could not go to both). The Procurement Safeguard Act would apply the virtues of competition to the business of bid protest itself. The GAO Protest Division would have pressure applied to improve its questionable performance, and the GSA Board would not be able to rest on its past laurels. What better device is there to increase competition in government contracting than to create competition in the enforcement of that competition?

Furthermore, the Procurement Safeguard Act would further increase the GSA Board's independence of its parent agency, the GSA, and the bill would augment the already preferable procedures now in use in the Board.

A brief section by section analysis follows:

Section 3561 is a definitions section; these definitions are technical, except for the definition of "interested party" (those permitted to file protests). An important expansion from previous definitions of the term is used: any party with a direct or indirect economic interest would be allowed to file a protest; this would include not just subcontractors but also private citizens. With this admittedly controversial definition, the number of procurement "policemen" searching for fraud would be tremendously expanded.

Section 3562 would establish the GSA Board as an alternate forum to the GAO Protest Division to hear any protest actions concerning violations of statutes or regulations for procurement or sale by federal agencies. Any Protester who has a protest filed with the GAO may not also file with the GSA Board.

Section 3563 establishes rules for when a protested procurement shall be suspended in order to prevent an illegal procurement from becoming an accomplished fact by the time a Board ruling against it is made.

Section 3565 specifies the GSA Board's existing practice of being neutral with regard to either party's version of the facts of a case. The "preponderance of evidence" standard is applied to disputes over facts. The section also establishes rules for extending the Board's 45 working day deadline for coming to a decision in the event of special circumstances, and the section gives the Board authority to dismiss patently frivolous or incompetent protests.

Section 3566 states that the Board "shall", not "may", suspend, revoke or revise the authority for any procurement found to violate any statute, regulation or other provision of law.

Section 3567 allows the Board's decisions to be appealed by any federal agency or protester in federal court.

Section 3568 makes explicit the Board's authority to issue subpoenas and to take testimony under oath.

Section 3569 permits the Board to write its own rules and procedures to implement this Act and to appoint its own judges and staff under current Civil Service requirements. The section also requires the Chairman of the Board to report to the Attorney General and Congress any incident involving attempts to bribe or otherwise improperly influence the deliberations of the Board.

Mr. MATSUNAGA. Mr. President, will the Senator from Arkansas yield for a question?

Mr. PRYOR. I am glad to yield to the Senator from Hawaii.

Mr. MATSUNAGA. If I heard the Senator correctly, the Senator said that if the senior Senator from Louisiana would accept a job as a consultant he would get 20 times the salary he is now.

Mr. PRYOR. It may be more than that, I say to my friend. It could be 40 times because there is no limit and there would certainly be no limit to the Senator from Louisiana.

Mr. MATSUNAGA. Maybe the Senator from Arkansas exaggerates a bit. Maybe it would be 10 times but not 20.

Mr. PRYOR. I would just say this to my friend from Hawaii and I think he would agree with the Senator from Arkansas, I think if a group came in to hire Senator LONG as its consultant, whether it was the Federal Government or a private group, I truly do not think that they would blink at whatever price he put on his fee.

Mr. MATSUNAGA. I am inclined very much to agree with the Senator from Arkansas that the Senator from Louisiana once he retires, and he has already announced that he will, can name his price.

Mr. PRYOR. He will be able to do that, I am sure.

Mr. LONG. If the Senator will yield, I fear the Senator is building his friend up for a great big letdown. I will report to the Senator, after I am out in that field of private enterprise, how it goes.

If it is all that good, I do not know why so many of us are staying around here.

Will the Senator tell me, how much money did he say that the Department of Defense was spending for consultants in certain areas?

Mr. PRYOR. Somewhere between $10 million and $12 million each day.

Mr. LONG. Each day?

Mr. PRYOR. Each day and that is on a 7-day-a-week basis.

Mr. LONG. Is that on all their business or on certain parts of it?

Mr. PRYOR. That is only on consulting firms that they hire to answer certain questions and do certain studies and make certain recommendations. The problem is we need some consultants.

The other problem is there is no ceiling on what they can charge the Gov-

ernment or a Government agency to do work for them.

There have been several books written in the past 4 to 5 years that I certainly recommend to the Senator's reading.

I remember the former Senator Magnuson of Washington. I had been here only a short time and I remember he was the one who started telling me about the number of consultants and how much we were expending in the area of consulting firms. I was just absolutely flabbergasted and I still am flabbergasted. There seems to be absolutely no control.

Mr. LONG. To be sure we do not misunderstand each other, will the Senator give me that figure on an annual basis? The numbers get so large I fear I could not conceive it to be that much.

I am not saying the Senator is wrong.

Could he please give me that figure on an annual basis? How much does that amount to on an annual basis?

Mr. PRYOR. It is estimated the Federal Government spends somewhere in the neighborhood of $2 billion to $3 billion each year on consultants, on asking questions or asking for studies, asking this type of service to be performed by a particular firm or by a group of firms. A lot of people call these people the beltway bandits. I usually do not. But I can see how they got their name.

I tried some years ago by legislation to do some things here. We probably made a correct first step or two. But still I would anticipate somewhere in the neighborhood of $2 billion to $3 billion we spend on Government consulting contracts. Most of these are sole sources. Most of them are noncompetitive.

Mr. LONG. Mr. President, if the Senator will permit me to say it, I find that utterly incredible. I once served on the Armed Services Committee. I admire and respect those able people who serve in uniform. But to pay all that money for someone to consult and advise I find totally incredible. Of course, to have to pay some very competent person or engineer or something to consult on something, that I can understand.

Mr. PRYOR. I think we all understand that.

Mr. LONG. But to pay out a figure like that I find hard to believe. That totals up to almost half as much money as the entire Aid to Families with Dependent Children Program at the Federal level.

Mr. PRYOR. I think that would be correct.

I do not want to mislead the Senator from Louisiana by making him think that this is the amount of money that the Department of Defense spends, but the Federal Government-wide I think the figure between $2 billion and $3 billion each year is just about correct. But the Department of Defense I understand is about $10 million to $12 million a day. That was the figure a couple years ago when I was doing an investigation.

Mr. LONG. I thank the Senator for bringing this information to the Senate. I hope he will follow up on it to give us a chance to vote on some corrective measure because the Senator has done a great job for us in ferreting out waste and extravagance and, while this might not be described as fraud, I think the taxpayers will regard it as that to find that much money was being spent for some type of consultant because basically what a consultant is is an adviser.

Mr. PRYOR. The Senator is correct.

Mr. LONG. You like to think the person you elected to the job as legislator or President and the person that they hire and we confirm in these jobs are qualified and competent for the job to begin with.

So assuming they are competent, to think that they need—how much is that, $3 billion or $4 billion worth of advice—is hard to believe.

Mr. PRYOR. It is a pretty scary figure and it is a pretty scary system because it really breeds a situation that invites fraud. It invites, let us say, the revolving door issue that raises its head again when a Federal agency grants a big consulting contract and all of a sudden the grantor next week is the grantee of that very contract.

Mr. LONG. Yes.

Mr. PRYOR. He is the beneficiary of that contract, that huge, enormous fee, and these are the concerns that I had raised about it.

I would like to say that the Senator from Georgia, Senator MATTINGLY, has done a lot of work on this also, and I tried to join him and others in this whole area. But sometimes the bureaucracy just keeps rolling on and on, and we come in and leave and come in and leave, and they sort of have the upper hand when the final gun is sounded.

I appreciate the Senator's comments and his thoughts on this.

Mr. LONG. I thank the Senator from Arkansas. He made a very useful statement to the Senate.

TV AND RADIO COVERAGE OF SENATE PROCEEDINGS

The Senate continued with the consideration of the resolution (S. Res. 28).

Mr. PRYOR. I know the Senator has been deeply interested in this issue of TV in the Senate, and I did not want to interrupt the deliberations of the Senate in that particular debate.

In fact, I remember one of the first times that I really started thinking about television in the Senate—probably I never did tell the Senator from Louisiana the circumstances—he made a phone call to me about 3 or 4 years ago, and somehow or another he has a very efficient staff because they tracked me down in Little Rock, AR, and I was in the dentist's chair.

My dentist said, "Senator PRYOR, Senator LONG, of Louisiana, is on the telephone and wants to talk to you."

They brought a telephone in there. He was doing some dentistry work and here I was in his dentist chair for about an hour.

The two of us talked—I never did tell you I was in the dentist chair—we talked about televising the Senate. And all the other patients in the office, the doctor and all the nurses and aides, they all gathered around because they knew on the other end of the line was Senator LONG, of Louisiana. And, of course, being from south Arkansas, they all knew about you.

I did tell you that I was interested in the issue. I will tell you the truth, I do not want to say that I have decided to vote for TV in the Senate. I have decided this: that if I do vote for TV in the Senate, it is going to be maybe for the wrong reason. If I ever vote for TV in the Senate, I think it is going to be for the reasons, I tell my friend from Louisiana, that if the American citizen and the American taxpayer could actually see us, it might make us be a better body. I do not know.

To be honest, until we change the rules, I believe it would be embarrassing. I do not know that there would be a revolution. I do not know that they would try to recall or impeach all 100 of us. But I believe they would be very shocked. Because, as we know, we do not run this place very well. And I am not casting any aspersions on the leadership, minority or majority. We spent probably 6 to 8 hours last week in nothing but quorum calls. I do not know how beneficial that is going to be to the American public to watch quorum calls. I do not know if that is going to be educational to the American public.

Mr. LONG. I hope, if we do pass the TV resolution—and I am not sure we should—but if we do pass it, I certainly hope that we will have some rules. I hope those rules would address themselves to the concern of the Senator from Arkansas because, as the Senator has just suggested, it is not too good a sight to show the U.S. Senate. We spend long hours where we are not doing much, and not in an organized fashion, either. So we could well improve our methods.

As the Senator knows, this thing of staying in session a solid year and still not passing the essential legislation that we should have passed is something that is a matter of concern to most of us, I would think. I know the Senator expressed his concern about it.

Mr. PRYOR. Yesterday, if I might mention to my friend, Senator LONG—of course, he is very aware of it—we did an absolutely astounding thing yesterday in the Senate. We had a vote before noon. We had a vote, I believe, either at 10:45 or 11:45. This body is just so unuse to transacting its business during the daylight hours, Senators could not get over the fact that that one bell was ringing, telling us to come over here and vote. Some Senators were not even here at that time. They were caught totally off guard because most of our votes come after 6 o'clock.

In fact, one of my colleagues has suggested that we even stop holding sessions of the Senate during the daylight hours; that maybe we could come down and have our committee hearings in the afternoon—I am not proposing this; this was just a suggestion—have our committee meetings in the afternoon, visit with our constituents, all have a nice dinner in the Senate dining room and, at 8 o'clock, come up here in the Senate Chamber, say from 8 to 10, and have a debate and invite the public and let them watch. That might be a better way, as long as there is some sort of stability and as long as we can know what to expect. I think that is what most of us want.

I believe the American taxpayer and the American public would be better served if we had a better schedule ourselves. That is my position.

Mr. LONG. I thank the Senator. I suggest that if the Senate is going to be on television, it ought to have a rule to say that whenever the Senate is on television you have to have a time limitation, you have to agree on what it is you want to vote on, you have to agree on how long you are going to discuss it, and you have to have an understanding as to who is going to make the speeches and only by unanimous consent can that be changed. Then I would hope someone would be here, as the Senator from Louisiana has a way of doing, and just sit here and object to anybody who tries to change the request. So often we get a unanimous-consent arrangement that looks like we are going to do something.

Mr. PRYOR. I hope, too, when we look at the possibilities of any rule changes or any custom or tradition changing around here—and I see the distinguished Democratic leader in the Chamber. No one knows more about custom, traditions, and rules than does this great Senator from the State of West Virginia.

Mr. BYRD. Will the Senator yield?

Mr. PRYOR. Yes.

Mr. BYRD. Not many Senators pay any attention to what I say on the subject.

Mr. PRYOR. That may be speaking as a minority of one, I might say to our leader.

I hope another rules change that we will consider is that when we get ready for a piece of legislation here, whether we are televised or not, that we will get a list of amendments and a list of Senators who will offer those amendments and, first, that they will be printed and on our desks and available for us to look at and, second, that when an amendment is called up—let us say the Senator from Louisiana, Senator LONG, has amendment No. 12 and they call up amendment No. 12. If the Senator from Louisiana is not here, if he is off making a speech downtown or wherever, you or that Senator has forfeited his right to offer that amendment.

If we do not get some kind of a rule like that, I believe we are making a very tragic mistake.

Mr. LONG. I want to ask the Senator a question, if I may.

Mr. PRYOR. Yes.

Mr. LONG. Has the Senator perused the CONGRESSIONAL RECORD to see what amendments have been proposed to be offered to this measure that is before us now?

Mr. PRYOR. I answer my friend that I have not. I am sorry that I have not.

(Mr. PRESSLER assumed the Chair.)

Mr. LONG. I say to the Senator, I hate to say this—this is sad, it is unfortunate, but it is true, and honest confession, I believe, is good for the soul—I hate to say it, but I have not done it. I do not know what they are going to offer as an amendment to this bill, and here I have been speaking on it for some time and engaging in the debate. That, may I say to the Senator, proves that, more often than not, the more we work, the more we slide backward.

There used to be a time, I say to the Senator from Arkansas—I believe while the Senator from Arkansas was here—when, if you had a bill you were going to consider here, that every amendment a Senator was thinking about offering was in print. So there the amendments were, and anybody could come in and sit at his desk and page through the amendments and see what Senators were planning to offer. And he might even think of a way of improving on the amendments.

Then, one day, a Senator, I believe it was the Senator from Tennessee—Mr. Baker—came up with the brilliant idea that we could save some money if we would not print the amendments; just print them in the CONGRESSIONAL RECORD. Well, from that time on, I hate to admit it, but, par for the course, the Senator from Louisiana has no idea what amendments might be offered so he is in no position to keep up with it.

For example, if you want to know what amendments have been printed, I assume you have to look at the RECORD and examine it every day the Senate has been in session and look to see what amendments might have been offered. I do not do it. The Senator says he does not do it.

I would like to take a poll and see how many Senators go and peruse this RECORD and see how many amendments have been offered—what they say, and where they are.

I believe that was a backward step. Just to take an example, maybe the Senator from Arkansas might have a good amendment he wanted to offer. And so he printed it and put it out on the desk, and someone talked him out of the idea. Maybe someone else would look at that amendment and look at the merits that the amendment contained and say, "Wait a minute. If you changed it in the following fashion, it would be a lot better amendment." And it may be that the combined thoughts of two or three Senators looking at that amendment out of 100 Senators looking at it—and they would all look at it under the old system—might come up with a very good amendment to that bill. It might be just exactly what the doctor ordered.

Now, Senators ought to benefit from the exchange of ideas. There we had it and it was disposed of because of one person—and I am not criticizing him. He is a fine gentleman and an outstanding American. If the Republicans elect a President, they could do a lot worse. He would make a good President if the Republicans saw fit to nominate him as their candidate.

I am not saying that we should elect a Republican. I am just saying if that should happen, the country would not do bad. He would be a good man.

When it was an ideal way to interchange information, we dispensed with it on the theory that the cost of printing was considerable. But I just say compared to the cost of all of these consultants, just the expense of a few consultants, and you could have all that service to see what the ideas were that the Senators had to offer, and have the amendment there.

Furthermore, suppose the Senator offered his amendment and you want to amend it. You come up with a bright idea how to amend it. If it were printed, you would know where to amend it—on page 3, line 2, after the word "State" insert the word "comma" and so and so or whatever. One could be assured that he had something to work from to prepare the amendment. But as it is now, when you look in the CONGRESSIONAL RECORD, I assume, I do not know where the amendments are, or if they have them here or not. But I assume the CONGRESSIONAL RECORD does not show what the page number and line is.

There are none I am informed at the desk at this point.

Frankly, Senator, I think one reason they are not out there is because people do not usually go to the desk to look for them. If the Senator wants to offer an amendment—I am sure some Senators do—here it would be printed, and put on the desk. Then offer it, and have it out there so we could look at it. If no one is going to look at it anyway, then they do not put the amendment at the desk as often.

I really think it would be a real mark of progress if we would go back to the old system where you would have the amendment printed, and at the desk. After all, in the event the Member does not use it, we could always recycle the paper.

Mr. PRYOR. I would like to tell my friend from Louisiana that I agree with him 100 percent on this issue. We do some strange things around here in the name of saving money. I have great respect for former President Carter, but one of the early things that he did in his administration, I must say, angered me. He sold the *Sequoia* that sat down here ever since the days of Herbert Hoover; he sold the *Sequoia*, that Presidential yacht, in order to save money.

I just noticed the other day that we have bought the *Sequoia* back. We are remodeling it and redoing it at Norfolk—I believe—at a cost of several million dollars to refurbish it. I think the people have taken everything off of it.

So not only have two Presidents now not had the availability, but it has ended up costing us more money in the long run. There is somewhat of a parallel between that and having printed unprinted amendments in the namesake of money. I did not plan to engage in the debate in any way on TV in the Senate.

I do appreciate the comments of the Senator from Louisiana. I have enjoyed very much my colloquy with him this afternoon.

I yield the floor.

Mr. LONG. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. SIMPSON. Mr. President, I am about to propose a unanimous-consent request. Before I do so, let me thank the minority leader, Senator PROXMIRE, and Senator GARN for their assistance in resolving this particular issue that is before us. Senator BYRD will express himself very clearly on this type of activity in the future, and I think it would be well and good to hear that, because of his long knowledge of the rules of this institution and how it operates.

With that, I ask unanimous consent that the Senate go into executive session to consider the nomination of Wayne D. Angell to be a member of the Board of Governors of the Federal Reserve System.

Mr. BYRD. Mr. President, I reserve the right to object. I will not object, but before I remove my reservation, I wish to say just a few things—not about the nominee. I do not know the nominee personally, and what I say in this instance will be equally true with respect to the next name on the calendar, for whose confirmation I believe the distinguished acting Republican leader will shortly ask unanimous consent that it be called up.

I have reference to both Mr. Wayne D. Angell and Mr. Manuel H. Johnson.

Mr. SIMPSON. Mr. President, after conferring with the minority leader, I would ask also that the Senate now turn to the nomination of Manuel H. Johnson, to be a member of the Board of Governors of the Federal Reserve System, and place those two nominations before us, in tandem.

Mr. BYRD. Mr. President, reserving the right to object, my point of order which I would have made would be for the reason that calling up these nominees is really not in order and certainly the Chair would be bound to support that statement if a point of order were made and the Chair were called upon to respond.

I shall read from the rule. This portion of the rule to which I shall call attention appears on page 37 of the Standing Rules of the Senate. It is paragraph 7(a)(1) of rule XXVI entitled Committee Procedure.

I shall read this paragraph:

> Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee were physically present.

Mr. President, that is the rule and a point of order, if I were to make it in this instance that the two persons whose names are now before the Senate were not reported out by the committee in accordance with that rule because they were not reported out at a time when the majority of the committee were physically present, if I were to make that point of order, I ask the Chair in a situation of that kind how would the Chair respond?

The PRESIDING OFFICER. The Chair would question the chairman of the committee as to whether there was a quorum physically present. If no quorum was present, the matter would be back before the committee as if it had never been reported.

Mr. BYRD. I thank the Chair.

Mr. President, I am on the Appropriations Committee. No matter is ever reported out of that committee, to my knowledge, when a majority of the committee is not physically present. Usually it takes quite a while to get a quorum because that is the largest committee around here, and it is frustrating to have to sit and wait on a quorum to appear.

But the rule is the rule, and I think the rule is there for good reason because if we do not abide by this rule, why have committees meet at all to report out matters? Just get on the telephone and if Senator A is in California, call him. "Do you care to report this item out," the chairman might say.

And the Senator will say, "No. You have been nice to me. Go ahead and report it."

And the next call would go to Senator so-and-so, who happens to be in London, England, "Would you have any objection to our polling this matter out of committee?"

"No, go ahead, Mr. Chairman."

It is pretty hard to stand up against a chairman and say "no," because the chairman is in such a commanding position that oftentimes that member of the committee is going to think, well, the chairman has been nice to me. I may want a little help sometimes on something. I am not going to object to it.

So as a consequence, the next thing we know there will be measures, matters, nominations, and so forth, that will be up before the Senate on which no majority ever met.

The rule is the rule. I did not put it there. It is there, and I believe there are good reasons.

As long as no one makes a point of order, of course, the Senate can go ahead and take up such matter. Nothing is ever said about it.

I feel, however, that something should be said about it and at this point.

I am on a second committee, which for the last 3 or 4 years, minus one, most nominations were reported out of the committee by polling.

Then I said to myself, why should we do this? The rule is there. We ought to abide by it. If we do not abide by it, why should other committees abide by it?

So, I informed my chairman and my ranking minority member that henceforth I would not agree to any polling out. There would have to be a majority of the members physically present

to report a matter or a nomination out of that committee. That has been my position, and the polling has stopped.

I am not sure that every Member of the Senate is fully aware of this requirement, but every Member should be aware of it, the leadership on both sides should be aware of it, and a majority of any committee must be present when a matter is reported therefrom—else the action is in violation of the rule I have read.

I think if a quorum is present, it may stimulate discussion, and it may result in a further examination of a nominee and, thus, in the final analysis, could determine that a particular nominee is not fit to serve in the particular office to which he has been nominated.

Whereas, just to do it over the phone, one by one, that kind of discussion and possibly further search and further probing may never occur. And we do have a responsibility under the Constitution to give our advice and consent to nominations, especially. And the same thing with respect to treaties. They could be similarly polled out.

So, Mr. President, I am not going to make a point of order in this instance. I do want to call it to the Senate's attention. I have done that. It is on the record. I hope that the chairmen and ranking members and members on both sides of all committees will henceforth be aware of this rule and be aware of the fact that it will be my intention to raise a point of order if measures, matters, or nominees are not reported out while a majority of such committee is physically present.

I am not going to stand here today and say that under no circumstances will I ever relent on this rule. There might be an exigency arise on some occasion, say, the day before the Senate is to ajourn sine die and the removal of an individual from office by an act of God or otherwise might necessitate prompt action to fill the vacancy. But, as a general proposition, this rule should be observed and followed.

Mr. PROXMIRE. Will the Democratic leader yield briefly?

Mr. BYRD. I do not have the floor. I merely reserved the right to object.

Mr. PROXMIRE. Will the assistant majority leader permit me to speak?

Mr. SIMPSON. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I wholeheartedly agree with Senator BYRD. He is 100 percent correct. I have erred in this respect when I was chairman of the Banking Committee years ago. I think it was a mistake.

The committees should meet and act after discussion and debate on these nominees. These nominees can be extremely important. I believe we get in a very, very unfortunate habit of approving virtually everybody by some kind of telephone poll when, as the Senator has pointed out so well, most Members have absolutely no idea of the qualifications, or lack of qualifications, of the people who are before us. So we are not fulfilling our duty in doing that.

I commend the leader in calling on us to do our duty. It is a good rule and I support him wholeheartedly.

Mr. BYRD. I thank the distinguished Senator.

Mr. SIMPSON. Mr. President, I really very much appreciate what the minority leader is saying. I think there is now an even greater awareness than ever before, after his remarks, as to what will be the future handling of these matters.

I appreciate very much his willingness to accommodate these two individuals. We have a key, critical meeting of the Board of Governors of the Federal Reserve System coming up on February 11. It is critical that these two new members be present. They will be dealing with setting monetary policy for the balance of the year. Senator BYRD acceded to that accommodation in a very fine fashion. We appreciate that deeply.

Let me share with the minority leader that I, too, am on the Judiciary Committee. We do not do much polling there any more. We did polling on the Environment and Public Works Committee and I objected to that at one time. I think it is wrong. We have all fallen into the trap and it is so easy to do so because the prevailing practice is to the contrary. Yet no one is apparently abused by that practice on many committees. It is done for reasons of practicality and moving forward the work of the Senate, which is already subject to so much delay. But most committees provide that a single member can object to the polling process. And if a member objects to a poll, immediately the chairman calls a meeting of the committee. That is the usual process. That was the case with these two nominees.

I believe the fact that Members feel restrained from objecting to polls simply reflects the degree to which we have adopted polling as the prevailing practice. Perhaps—and there is no one that can deal with or interpret the rules more adroitly than the senior Senator from West Virginia—we either should stick with that rule or maybe we should even do some unheard of thing like change the rule to fit the prevailing practice. I know that sounds weird, but maybe we ought to try that.

Mr. BYRD. Mr. President, further reserving the right to object, I hope it is not the prevailing practice. I know that it is not the practice on the Appropriations Committee on which I serve, nor is it done on the Judiciary Committee.

I would not have had this matter called to my attention had it not been in the Washington Post this morning in the business section which reads, in part, as follows:

> Committee members, polled by telephone, agreed 12-to-2, with one abstention, to recommend the Senate confirm Treasury Department official Manuel Johnson and Kansas economist Wayne Angell to the Federal Reserve Board.

It is not my desire to embarrass the nominees or any members. I, therefore, having established the record, remove my reservation.

The PRESIDING OFFICER. Is there objection? if not, the clerk will report.

FEDERAL RESERVE SYSTEM

The legislative clerk read the nomination of Wayne D. Angell, of Kansas, to be a member of the Board of Governors of the Federal Reserve System.

Mr. DOLE. Mr. President, let me thank my distinguished colleague for making it possible for bringing these nominations before the Senate today. I particularly appreciate the understanding of the members of the Banking Committee, the distinguished minority leader, and others.

I am particularly interested, of course, because one of the nominees is a long time friend of mine from the State of Kansas, Wayne Angell, to be a member of the Board of Governors of the Federal Reserve System. So it is a distinct pleasure.

We have never had a member of the Fed from Kansas. We think we are a rather important State. We are ideally situated. We have a lot of diversity in our State.

I believe, as I said before, that the strength Mr. Angell brings to the Fed will be his background in agriculture. I know of no one more capable than the Presiding Officer [Mr. ABDNOR] who could discuss some of the farm problems we are facing. All through the Midwest, Southeast, wherever, there are big, big farm problems. I happen to believe that the Fed may be able to be of some assistance, particularly if they are better informed and better educated, as I am certain they will be if this nomination is confirmed and they have the valued advice from Wayne Angell from the State of Kansas.

Mr. President, for me it is a great pleasure indeed to have the opportunity to recommend to the Senate a very distinguished Kansan, one who will serve the country well. Wayne Angell brings outstanding credentials to the job of central banking and regulation of financial institutions, and I know the Banking Committee and the Senate are pleased to expedite his nomination to the Federal Reserve Board.

UNIQUE EXPERIENCE

Mr. President, since 1979 Wayne has served as a director of the Federal Re-

serve Bank of Kansas City, so he is well-versed in the workings of the Federal Reserve System and understands the exceptional responsibilities which the Board of Governors must carry. In addition, Dr. Angell has extensive experience in banking with both banks and bank holding companies. Coupled with Wayne's business experience is his exceptional academic background, both at Ottawa University and in his own studies.

Those credentials make it clear that Wayne Angell will bring top-level skills to bear upon the problems faced by the Federal Reserve. Not only that, but Wayne has the unusual virtue of coupling a strong banking background with experience in agriculture. He has been active in farming since 1950—he understands the farm economy, its unique challenges and problems. No qualification could be more important for a position of high responsibility in determining the economic course of our Nation.

CRITICAL TIME

Mr. President, this is certainly a time when we need individuals of the highest caliber to serve at the Federal Reserve. Both Wayne Angell and Assistant Treasury Secretary Manual Johnson—the other outstanding Fed nominee before the Senate today, though unfortunately not a Kansan—will have their work cut out for them at the Fed. The course of monetary policy will not be smooth, given the conflicting domestic and international pressures that are at work in this late stage of economic recovery. At the President's request, Secretary Baker will undertake a major review of international monetary relations and volatility in exchange rates. That review could have major implications for Fed policy. At the same time, weakness in some sectors of the financial services industry is contending with pressures for further relaxation of the barriers separating different types of financial institutions. So all told, those nominees will have their work cut out for them.

Finally, let me note that we can do both of these gentlemen—and Chairman Volcker—a huge favor by acting to reduce the budget deficit, take some responsibility ourselves, and reduce the burden on the Federal Reserve to maintain the confidence of the financial community.

Again, I am proud to present Wayne Angell to this the Senate for confirmation to the Federal Reserve.

Mr. President, as I have pointed out, it is a critical time. I believe it is obviously a very important time in the life of Mr. Angell, and a very exciting time for his mother, who happens to be present today to witness and to listen to some of the debate of whether the nomination will be confirmed, and I am certain it will be.

So I am pleased it is before the Senate. Again, I thank all of my colleagues and I thank the minority leader for not interposing an objection so we might take action on these nominations before next Tuesday's FOMC meeting.

Mrs. KASSEBAUM. Mr. President, I am pleased today to express my unqualified support for Wayne Angell. I am completely convinced that his confirmation by the Senate and his service on the Board of Governors of the Federal Reserve will be beneficial to the Nation. Kansas is proud today to offer one of its most distinguished citizens as the next member of the Federal Reserve Board.

Wayne Angell can claim many titles. He is a farmer, a banker, a professor, a businessman, and a public servant. As a farmer and rancher, he is uniquely aware of the challenges facing agriculture in the 1980's. He has seen the turmoil on our farms and in our rural communities. As a banker, he understands the demands of the financial system. He has dealt firsthand with small businesses, farmers, and individual consumers. As a professor, he helps others to understand the world while seeking to better understand it himself. He knows the benefit of sharing knowledge. As a businessman, he recognizes the impact of macroeconomic decisions on the U.S. economy. Finally, through his extensive public service experience, especially his membership on the Kansas City Federal Reserve Bank's Board of Directors, he has the knowledge and broad perspective necessary to serve the Nation effectively.

During his confirmation hearing on January 23, Wayne Angell clearly and forcefully explained his economic philosophy and his view of the Federal Reserve Board's responsibilities. I believe his candor and his independence will prove to be vital assets during his tenure on the Board. I know that his hands-on experience in banking, education, and agriculture will be of benefit to the Board and the Nation.

Over the past decade, we have come to realize the increasing importance of the role played by the Federal Reserve. Decisions made by the Board of Governors can have serious and lasting effects on our economy and our constituents. Our duty to advise and consent on nominations requires that we carefully evaluate the professional qualities and personal integrity of each nominee. Wayne Angell meets and exceeds every test.

Our favorable action today will provide a strong voice for farmers, small businesses, and mainstreet America. Wayne Angell's confirmation as a member of the Federal Reserve Board underscores our commitment to realistic and thoughtful economic policies and our awareness of the needs of middle America. It is difficult to imagine a nomination easier to support.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we are called upon today to perform one of the most important of our senatorial duties—to vote for or against the confirmation of major Presidential nominees for positions in which they will serve for far longer than the President who nominated them. The Board of Governors to the Federal Reserve System is a major factor in this country's economy, and is vital to our banking and fiscal system.

As a member of the Senate Banking Committee, I have had the privilege of interviewing Mr. Angell and Mr. Johnson, both privately in my office and during their confirmation hearing.

Mr. President, I have found both nominees to be decent, honorable, and intelligent men, with broad experience in dealing with economic issues. During their tenures in their current positions they have performed ably enough, and during their hearings represented themselves well. Nonetheless, I disagree clearly and strongly with much of the content of their testimony—so much so, in fact, that I am compelled to vote against both.

In the past I have generally supported Presidential nominees even when I disagreed with their policies, provided that they were, as Mr. Angell and Mr. Johnson are, good and capable individuals. I believe that, as a whole, the President ought to be able to appoint the team he wishes, and that in the absence of gross incompatibility between the nominee and the position he or she is intended to occupy, I should support his choice.

I take exception, however, in the case of appointments to the Board of Governors of the central bank for two reasons. First, these are akin to judicial appointments rather than administrative ones. Members of the Board, as members of the Bench, occupy positions of authority within one of the most independent entities of our political system, and Congress must be confident of their ability to make wise decisions. Likewise, unlike administrative appointments, Federal Reserve appointees generally hold long terms, far longer than the lives of the administrations which appoint them. I believe, therefore, I can support only those nominees with whose policy views I substantially agree with, and that I must have faith in the overall perspectives and views which they hold.

Second, I also believe that the nominees to the Board do not consistently receive enough congressional attention, given the importance of their positions. The Federal Reserve Board plays a vital and essential role in the stability of not only our economy, but

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of the international economy as well, and, given its independence, Congress should be especially careful to make responsible and thoughtful choices. The Federal Reserve Board should not be subject to the vagaries of the current political climate.

Let me present my concerns about the two nominees under consideration.

With respect to Mr. Johnson, my main question has to do with his views on fiscal policy issues. Although the crux of his duties at the Board will have to do with monetary policy, I believe that at this time, when our fiscal policy causes such great concern here and abroad, one must have confidence in a member of the Board in all matters of macroeconomic policy. There are three points in particular with which I disagree.

First, economists widely, though not universally, would argue that borrowing by the Federal Government principally reduces private savings, while taxing principally reduces private consumption. This is a crucial distinction because it is one which Congress will again address, and soon. Mr. Johnson, however, does not subscribe to this basic economic tenet. During his confirmation hearing he assigned little importance to the different effects on the economy of financing our massive Federal budget deficits by borrowing versus taxing. I find this discrepancy in opinion disconcerting, for it suggests only a weak resolve to combat budget deficits.

Second, Mr. Johnson argues that the primary cause of the substantial inflows of foreign capital to the United States is the "dynamism" of our economy, rather than the vast borrowing needs induced by our budget deficits. The relative strength of our economy, and its safe haven character, are surely attractive to foreigners, but I am unprepared to attribute the sizable capital inflows principally to these conditions. To go further, by extension, Mr. Johnson's views would seem to imply that the strong U.S. dollar and inordinate trade deficits are also the result of a strong U.S. economy. I emphatically do not agree that a massive trade deficit is a sign of a nation's economic vitality.

In a similar vein, Mr. Johnson testified that ultimately it is the fact that foreign investment in the United States occurs that is crucial, and that it matters relatively little that the longrun effect of our capital account surplus changes the composition of the ownership of that investment. Unlike many, Mr. Johnson is not troubled by the increasing ownership of American capital investment by foreigners, which, to me, suggests he is not concerned about the longrun implications of this trend, namely, a profound redistribution of wealth away from our own citizens.

Beyond these three points, I have also been at odds with Mr. Johnson's views, as represented in a Treasury report, that found no association between budget deficits and interest rates. This is, Mr. President, another crucial point and one in which I am especially interested. The State of Washington is extremely sensitive to fluctuations in real interest rates, which have been abnormally high for several years. The State is still recovering from the devastating recessions we suffered in the early 1980's, the results of the reprehensible economic policies of the 1970's, and the required antidotes of the early 1980's.

During his hearing, Mr. Johnson was only mildly reassuring as he adopted an apologist's tone on this issue.

These are my concerns about Mr. Johnson. I would only add that I also recognize his notable familiarity with and understanding of international economics and the international debt situation. The Board will confront these issues repeatedly over the next several years, and Mr. Johnson's experience could well be constructive.

My concerns about Mr. Angell, on the other hand, have to do primarily with his views of monetary policy—the heart of his responsibilities at the Fed. I fear that the monetary policy views Mr. Angell professes could be disastrous if espoused by the Board as a whole.

Specifically, Mr. Angell asserts that the goal of monetary policy is not to keep the general price level (as measured by a broad based index such as the Consumer Price Index or GNP deflater) stable, but, rather, to stabilize commodity prices such as farm prices, metals prices, and the like. Furthermore, he makes the curious, even alarming, argument, that the Fed should permit "no cumulative errors" in the trends in these prices. In other words, should such prices fall by 10 percent in some year, the Fed should conduct a monetary policy designed ultimately to restore them to their previous price level. Mr. President, if followed literally, this could be a shockingly inflationary monetary policy.

I disagree with Mr. Angell's views for two reasons. First, and less importantly, the narrowness of such a base, combined with the fact that the prices of commodities are exceptionally volatile—thus making them rapidly moving targets—causes them to be highly unsuitable as a target for monetary policy which above all else ought to be stable.

Second, and more importantly, focusing on any subset of prices—commodities, services, or any other—ignores the fact that price changes for those commodities are caused at least as much by relative changes in the supply and demand conditions for those commodities vis-a-vis other commodities or services, as by general inflation or deflation. By way of example, I believe that the recent deterioration in farm prices has been caused by changes in the factors determining the supply and demand for those commodities—overproduction, perhaps, or Government policies, or increasing competition in international agricultural markets. I do not believe that the fundamental changes in the prices of agricultural commodities—or land or metals—are the result of deflationary monetary policy. But Mr. Angell apparently does.

During a period in which supply and demand conditions dictate a decline in commodity prices relative to the prices of other goods and services, following a monetary policy aimed at stabilizing such prices—as Mr. Angell advocates—would produce general inflation. Even if one believes that an easier monetary policy is currently justifiable in order to offset the effects of our deficit reduction efforts and Gramm-Rudman in general, for which I think there is a good argument, the risk posed by Mr. Angell's point of view is that it will introduce a permanent "inflationary bias" into the Board's deliberations.

In pushing for a commodity price goal, Mr. Angell presumably believes that he is representing the interests of the farmers, whose problems he cited repeatedly during the hearings. This is also troublesome for two distinct reasons. First, do we want members of the Federal Reserve Board to represent a constituency of any sort? Second, I believe that the outcome of his proposal for commodity price stability would not only create general inflation—from which we have painfully emerged—but it would also be ineffective at stabilizing farm incomes. Monetary policy, as we have all been taught, cannot alter the underlying conditions that have created misery on our farms—it cannot alter relative prices. A monetary policy designed to stabilize farm prices would result in increasing nonfarm prices, leading ultimately to the same relative price structure as we currently have—and the same misery—but at a higher absolute price level.

I hope fervently that I am wrong and that my fears are unfounded because I expect these nominees to be confirmed. I intend to have an amicable working relationship with both of them. I admire many things about both nominees but I cannot endorse the economic views which they have.

Mr. PROXMIRE. Mr. President, I join my good friend, Senator GORTON, in opposition to both nominees. I think that few people really appreciate how very significant these nominations are and the difference they can make in the economic policy of our country.

For years, the Chairman of the Federal Reserve Board has been deter-

mined by a vote of the business people and others. He is the second most powerful man in our country because he controls the Federal Reserve Board and controls the Open Market Committee, which is a little different than the Federal Reserve Board.

Now, Mr. President, we will be confirming two nominees who will provide a majority for the Reagan administration of the Federal Reserve Board for the first time. Of the seven members, four will be appointees of President Reagan, and, in my view, on the basis of having been on the committee for many years, and having heard the testimony of the nominees before the committee, I am convinced that they will tend to be voting with the administration and for a monetary policy which will be consistently easy, permissive, and inflationary.

I think we have to keep in mind the fact that one of these nominees, Mr. Angell, will be serving for 8 years. The other will be serving until the year 2000. Manuel Johnson is a young man. He will be only 50 years old in the year 2000. That is 14 years. Meanwhile, he and the other three colleagues appointed by President Reagan will have a majority on the Board.

I might point out that monetary policy is determined by the Open Market Committee, and the Open Market Committee has Reserve bank presidents on it in addition to the five Reserve Board members, and the five Reserve Board members are usually influenced very heavily by the Chairman, and that will continue to be the case. However, Chairman Volcker has less than 2 years to serve.

On the basis of the past nominations by the President to the Board, I think it is very likely that he will be succeeded in 1987 by someone like Manuel Johnson, someone who has the same views the administration has consistently had with respect to monetary policy, and that means, Mr. President, that inflation, here we come.

Mr. President, consider first Mr. Angell. In many ways, as my good friend from Washington has said, he is an attractive nominee. He has a Ph.D. in economics. He has taught economics for over 30 years. At the same time, he has had practical experience in the business world. For the last 10 years, he has been the chairman of a small bank in Kansas. He has also been an active farmer for over 30 years. It is very unusual to find that combination of academic and political experience in one nominee. We often complain about the fact that farmers are not represented as they should be on the Federal Reserve Board. Here is a man who has practical experience and right now is a farmer. He has a farm that he operates in Kansas and he understands the plight of the farmer better, perhaps, than anybody who served on the Federal Reserve Board in a long time.

Mr. Angell has also been active in politics and is an especially close friend of the majority leader whose judgment is highly valued by this body. Senator DOLE spoke for him just a few minutes ago. Most important, as far as this Senator is concerned, is his view that the principal job of the Federal Reserve is to combat inflation.

I might point out, Mr. President, after a look at Mr. Angell's political background, as I understand it he ran against Senator KASSEBAUM for the Senate in her last campaign, was defeated in the primary, and then became Senator KASSEBAUM'S campaign manager. As we know, he was a very effective campaign manager. Senator KASSEBAUM received the highest vote anybody has ever received in the history of the State for any office.

Despite these admirable qualities, why am I going to vote against Mr. Angell? I do not question his ability nor his sincerity in wanting to fight inflation. However, I do have serious doubts about whether the specific policies he advocates would, if carried out, actually help to bring down inflation. There is ample reason to believe they would have just the opposite effect—that they would increase and not decrease inflation.

What are these policies? Well, first of all, Mr. Angell believes the Fed is looking at the wrong targets. Instead of worrying about the money supply, the Fed should seek to stabilize the prices of a market-basket of selected commodities. If Mr. Angell had his way, the prices of these commodities would not be allowed to deviate by more than 10 percent from some base period. Thus if the price of these selected commodities were to fall, the Fed would flood the economy with dollars in order to stop the decline. If the price of the selected commodities began to rise, the Fed would slam on the brakes and contract the money supply to stop the commodity prices from rising.

From the hearings, it is clear that Mr. Angell is not talking about a broadly based price indicator such as the Consumer Price Index. He is talking about a relatively small number of basic, raw commodities. Of course, as we have seen in recent years, raw commodity prices are subject to wide fluctuations depending on a whole host of factors outside the control of economic policy.

There have been times when the Angell policy would have plunged the country into a deep recession. For example, when the OPEC nations banded together to quadruple oil prices in the early 1970's the Fed would have countered with a massive contraction of the money supply if they had been following Mr. Angell's prescriptions.

Likewise, when commodity prices fall because of a glut, Mr. Angell would have the Fed inject a massive amount of dollars into the economy to stop the price decline. Commodity prices have generally risen throughout most of the decade of the 1970's and early 1980's. But many economists forecast a general decline in commodity prices in the years ahead. Given Mr. Angell's notions, this will require the Fed to systematically inflate the money supply to stop commodity prices from falling.

Take the first three quarters of 1985 when commodity prices declined at an annual rate of over 11 percent. Had the Fed attempted to prevent this drop through monetary policy, it would have permitted an even larger increase in the money supply than the 12-percent growth it did allow, thus laying the groundwork for a future resurgence of inflation.

Most mainstream economists have dismissed the notion that the Fed could or should attempt to stabilize the prices of a selected number of raw commodities. If commodity prices continue on the path of their recent decline, Mr. Angell will be a consistent voice for monetary expansion.

The other notion of Mr. Angell that I find disturbing is his view that one of the primary duties of the Fed is to stabilize the exchange rate of the dollar. He has stated that his primary criticism of monetary policy over the last 6 years is that it allowed the dollar to appreciate by over 70 percent on foreign exchange markets. Had Mr. Angell been on the Board he presumably would have pushed for a far more expansive monetary policy. How else can the Federal Reserve stop the dollar from appreciating unless it floods the world with additional dollars? Had the Federal Reserve followed Mr. Angell's prescriptions, it never would have broken the back of inflation as it did. We might have been able to keep the dollar down but at the price of double digit inflation. Our exports would still have been priced out of world markets, not because of the appreciation of the dollar but because of rampant inflation at home.

The notion that the job of stabilizing the dollar is principally the job of the Fed is disturbing at another level. In effect, it absolves the President and the Congress of any responsibility over the fate of the dollar. It allows us to indulge ourselves in huge budget deficits while blaming the Fed if a rising dollar clobbers our export markets. We all know, or should know, better as to where the responsibility lies.

Mr. GRASSLEY. Mr. President, I rise in support of the nomination of Wayne Angell to be a member of the Board of Governors of the Federal Reserve System.

Mr. Angell is a Kansas banker, farmer, and economist. His firsthand knowledge of the suffering in the farm economy should bring a perspective that we need on the Federal Reserve Board. It's about time we had a farmer's input on decisions involving monetary policy and bank regulation.

More than any other group, farmers have paid the bill for Paul Volcker's decision to wring inflation out of the U.S. economy. Farm income has been battered by high interest rates and falling exports due to the high dollar. Congress' fiscal irresponsibility has been compounded by the Federal Reserve's overly tight monetary policy.

Bringing inflation down has been beneficial to most sectors of our economy, particularly to our senior citizens with fixed incomes and savings. But combined with continued high interest rates, it has caused havoc for farmers through deflated land values, continued high interest payments, and weakened exports caused by a resulting strong dollar.

Dr. Angell is sensitive to the devastation caused by high interest rates and I hope that he is able to persuade the Board of Governors that with Congress finally reducing the deficit through Gramm-Rudman, the Fed should cut the discount rate again. The Federal Reserve must be held accountable for its assurances that interest rates would drop if the Federal deficit were brought under control.

I am pleased to read of Dr. Angell's comments on the role of the Federal bank regulators in the farm economy. It's time someone sat down in front of the Banking Committee and was honest about what these overzealous regulators are doing to the rural economy.

The fact is that the regulators could be helping to solve the farm crisis and instead they are making it worse. In Dr. Angell's testimony before the Senate Banking Committee he spoke of "perverse regulators" and I couldn't agree more.

We face a real danger that credit to rural communities will dry up because bankers are forced by the regulators to extend credit only to the very safest borrowers. Bankers who should be spending their time working with troubled borrowers instead spend their days filling out forms for the Office of the Comptroller of the Currency.

Neither Dr. Angell nor I would deny the need for honest bank examinations, but punitive overregulation only serves the interests of bureaucrats who don't want to take responsibility for any failures.

Dr. Angell will be a fine addition to the Board of Governors, and I hope that the Senate will quickly confirm his appointment.

Mr. GLENN. Mr. President, I congratulate Manuel H. Johnson and Wayne D. Angell, the President's two nominees for membership on the Board of Governors of the Federal Reserve. I have followed the thorough hearings of the Banking Committee on these nominees and am confident that they have the intellectual soundness to perform their duties in a competent manner. I shall vote for confirmation and expect the nominations to be approved by a wide margin.

These nominations, however, mark an important watershed in the recent history of the Federal Reserve, and I do not want to let this incident pass without bringing it to my colleagues' attention. If the Senate approves Manuel H. Johnson and Wayne D. Angell, the President will have appointed four of the Federal Reserve's seven Governors.

The Democratic Business Council, a group of concerned Democrats representing a broad spectrum of American business, has previously urged the President to appoint people with the potential to be leading central bankers. I agree with this view. It is especially important in view of the fact that one of the two nominees before us could possibly become the next Chairman of the Fed.

One of the most important attributes of a central banker, in my view, is his or her independence. An independent Federal Reserve is what Congress wisely determined in 1913 was the way our central bank should work. This determination is just as valid today as it was 73 years ago. When I speak of independence, I mean independence from the President, and from the Congress, regardless of who made the appointment or voted for confirmation.

It is appropriate that the political system—Congress and the President acting together—be the forum for forging our Nation's economic priorities. Deciding how our tax revenues get spent is a political act; it is what our constituents sent us to Washington to do. If Americans do not like the way we set the Nation's priorities, they can express their displeasure at the ballot box.

The policies of the Fed, however, must be free from these political considerations. Managing the Nation's money supply is too sensitive a subject, and too dependent upon longer term considerations, to be subject to changing political forces.

I am reassured by the statements of the two nominees before us that they hold the same view of an independent Federal Reserve System. At his confirmation hearing, Mr. Angell stated that having an independent Fed is essential to achieving price stability. Mr. Johnson pointed to the record of countries whose central banks are subordinated to the political process. Those countries, he correctly reminded us, "really have unstable economies and have experienced rapid inflation rates at various points in time."

These are excellent statements, and speak well of our nominees. I hope time will prove that these nominees have the independence they believe is so important. Once you are in the driver's seat, things are different. Just believing in independence does not make independence happen. On the contrary, history shows that independence happens only when it is fiercely guarded.

It is not unusual for a single President to nominate a majority of the members of the Federal Reserve Board. Presidents Carter, Ford, Nixon, and Johnson all enjoyed this privilege. What is somewhat unusual is for a President to have both a majority of Board appointments and some strongly held ideas about how the Federal Reserve should operate. I was disturbed, for example, at the ferocity of the administration's attack on the Federal Reserve's rule on junk bonds—regardless of the pros and cons of the rule. It indicated that the administration believes the Fed should not be as independent as the Federal Reserve Act's framers believed.

I hold these views strongly and shall be keeping a close watch on the integrity of the Fed during my time in the Senate. I have no doubts about the qualifications of the two nominees before us, and I stand ready to cooperate with these nominees as they embark upon their important responsibilities.

MANUEL H. JOHNSON

The PRESIDING OFFICER. The clerk will state the nomination.

The legislative clerk read the nomination of Manuel H. Johnson, of Virginia, to be a member of the Board of Governors of the Federal Reserve System.

Mr. PROXMIRE. Mr. President, the nomination of Manuel Johnson also raises serious doubts about the Fed's ability to continue its strong anti-inflationary policy. He is the author of Treasury studies that purport to find no relationship—no relationship, mind you, Mr. President—between budget deficits and high interest rates. He continues to assert that the budget deficits have not been responsible for pushing up the dollar and destroying export markets, contrary to the views of most economists including Martin Feldstein, President Reagan's former chief economic adviser. He has contended that the Federal Reserve is to blame for high real rates of interest because of excessive variations in quarterly rates of monetary growth.

A respectable case can be made for some of these views. But taken all together, they constitute a most dangerous mindset for a Federal Reserve Board Governor.

If nothing else, Mr. Johnson is a committed supply side economist. In many ways, supply siders are like the big spending Keynesian liberals of the last 40 years. For a big spender, if he is a Keynesian, prosperity is achieved by deficit financed government spending. For a supply sider, the road to nirvana is through deficit financed tax cuts; in other words, through monetary policies.

It is interesting and ironic that both Keynesians and supply siders have a vested intellectual interest in minimizing the adverse effects of budget deficits. And when the deficits begin to push up interest rates, both Keynesians and supply siders have put pressure on the Fed to be more accommodative, that is to monetize the deficits. It is no accident that the greatest threat to the independence of the Fed comes from the extreme right and the extreme left.

One of the most important jobs of the Fed is to act as a counterweight to the President and the Congress. When the Congress and the President pursue unwise fiscal policies, the Fed must blow the whistle through monetary policy. But Mr. Johnson has a constitutional inability to recognize the pernicious effects of budget deficits on the economy. Therefore he is bound to be more accommodative as a Federal Reserve Board Governor. To be otherwise would be tantamount to repudiating the theories of supply side economics.

Had Mr. Johnson and other like-minded economists been controlling monetary policy in the early 1980's it is highly unlikely we would have realized the remarkable drop in inflation we achieved. Indeed, Mr. Johnson has acknowledged that his major difference with Chairman Volcker was during the last half of 1981 and the first half of 1982 when the Fed restricted monetary growth to 5 percent. Mr. Johnson says he would have favored a more expansive policy and attributes the Fed tight money policy for bringing on the 1981-82 recession.

Perhaps the Fed's policy did help cause the recession. But that is the price we had to pay for 15 years of fiscal and monetary excess. Up until the time of Volcker, the Fed had lost its credibility with the business and financial community. Inflationary expectations were rampant. Double digit inflation and sky-high interest rates were the norm. But the Fed changed all that through its couragous monetary policy. As a result, the rate of inflation dropped from 10 percent to less than 4 percent and stayed there. Interest rates come down. And with the credibility of the Fed restored, we have had one of the longest and sustained economic expansions in history.

It was not Reagonomics that brought about this economic miracle—it was Paul Volcker and the Fed.

Nobody—nobody, Mr. President—can argue that the policy of the administration, which was a policy of very expansive fiscal stimulation and a clearly inflationary policy; nobody can argue that that had anything to do with bringing inflation under control. Not even the President can make that argument.

It was obvious that it was only this tough policy that the Fed observed, that was vigorously protested by the administration and by many Members of the Congress—and it did put us through a very deep recession wringer in 1982—that broke the back of inflation.

By his own admission, Mr. Johnson would have opposed the Fed's decisive action at this critical time in our economic history. Had Mr. Johnson's view prevailed, in all likelihood we would still be suffering from a boom and bust economy with double digit interest rates and inflation rates that almost wrecked our economy in the late 1970's and early 1980's.

Should there be a similar historic turning point in monetary policy, it is not difficult to predict what side Mr. Johnson will be on.

As I say, he is going to be there a long, long time—14 years, until the year 2000. There are likely to be a number of turning points during that time and Mr. Johnson is going to be on the side, in the judgment of this Senator, of inflation.

Given his deep faith in supply side ideology, Mr. Johnson will be a persistent and articulate voice for monetary accommodation. That is why JACK KEMP and other supply siders are delighted with Mr. Johnson's nomination. And that is precisely why I oppose it.

We are now entering a period, Mr. President, in the judgment of this Senator, when the President of the United States, the Congress of the United States—Congresses in either party and even Presidents in either party, I must confess—constantly want easy money, want an accommodative, expansionary monetary policy. As we have seen in the past, Gramm-Rudman to the contrary notwithstanding, and it is my view that it is likely to collapse somewhere along the line, our fiscal policy is going to be expansionary.

That is why these are very historic, significant nominations. It means that in the future, it is going to be very hard to see where the resistance to inflation is going to come from with these two nominations.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the nominations.

The nominations were considered and confirmed.

Mr. DOLE. I move to reconsider the vote by which the nominations were considered and confirmed.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FARM BILL

Mr. DOLE. Mr. President, one thing we had hoped to do today was to take final action on the agriculture bill, cross compliance, which has been amended in a technical way by the House. It is now my understanding there is an objection to taking that up because there may be an amendment. I know there are a number of Members on both sides who may have amendments dealing with farm legislation, but we are trying to correct technical errors in the drafting of the farm bill. We had hoped to act on this today, and I hope that whoever is holding up action understands we should take action tonight. Maybe if we do it early in the morning, it will get back to the House before they recess for the so-called Lincoln Day recess because farmers will be at a loss to know how to proceed when they go to their ASC offices for the next 10 or 15 days. It is rather critical that this technical correction legislation pass, and I would hope that we can resolve the other matters at a later date. I know this Senator has some questions. I know the Presiding Officer, Senator ABDNOR, has some questions. In fact, he introduced a bill just a day or so ago. So there are a number of questions dealing with farm legislation, but this vehicle, S. 2036, was designed solely to make technical corrections. That is the way it left the Senate. That is the way it came back from the House with another technical correction. I hope that even before the day

is out we could act favorably. To do otherwise will adversely impact on farmers throughout the Midwest primarily.

COMMENDATION OF RODERICK A. DEARMENT

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration. I ask that the resolution be read.

The PRESIDING OFFICER (Mr. HUMPHREY). Is there objection? Without objection, it is so ordered. The clerk will read the resolution.

The legislative clerk read as follows:

S. RES. 334

Whereas, Roderick A. DeArment has served the United States Senate with honor and distinction since 1979, the Senate wishes to express its profound thanks and

Whereas, the said Roderick A. DeArment assumed considerable responsibilities as Chief Counsel and Staff Director of the Senate Finance Committee and most recently as Chief of Staff of the Office of Majority Leader; and

Whereas, he carried out these duties with skill, sensitivity and integrity, always pursuing the best interests of the Senate and the nation-at-large; and

Whereas, he played an integral role in drafting and enacting landmark tax legislation, and

Whereas, Roderick A. DeArment unstintingly gave of himself during his years of public service, and

Whereas, this dedication to duty, and exceptional service, has earned him esteem and affection throughout the Capitol; Now, therefore be it

Resolved, That Roderick A. DeArment is hereby commended for his years of hard work and service to the United States Senate.

Mr. LONG. Mr. President, may I be added as a cosponsor?

Mr. DOLE. Mr. President, I am happy to ask unanimous consent that the name of the Senator from Louisiana be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I ask unanimous consent that the name of the distinguished minority leader [Mr. BYRD] also be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, for the past 7 years, Rod DeArment has been a valued member of my staff—first on the Finance Committee, and most recently as chief of staff in the office of majority leader.

So, I offer this resolution with a sense of gratitude, but also a sense of regret.

Rod has always exemplified the best qualities a Senate staffer can possess. He is a tireless worker, who has often made personal sacrifices in order to carry out his duties. He is very knowledgeable about the critical issues that confront Congress, most especially in the area of tax law. He is patient with Members and staff. And he is loyal.

During the past year, Rod has been involved in negotiations dealing with a wide array of issues—from the budget to foreign policy. In each instance, Rod has provided wise counsel and the determination to reach a fair and acceptable compromise. As a result, Rod has deservedly earned many admirers among Senators and staff.

Serving on the staff of a major Senate committee and in the leader's office takes its toll. While I regret losing Rod, I wish him well as he takes on the new challenges he will find as a partner in the law firm of Covington & Burling.

Mr. ABDNOR. Mr. President, will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. ABDNOR. Mr. President, I should like to associate myself with the remarks about Rod DeArment. I never had the opportunity to serve on one of the committees that he has worked on, but I probably went to him for as much information and asked him to do as many things as anyone I have known. I have never worked with a more sincere gentleman, and I will miss him greatly. I do wish him well.

Mr. DOLE. Mr. President, I think we owe the same debt of gratitude to his wife, who was probably wondering where he has been all these evenings. I can vouch that he has been here or in some other office working for Members on both sides, and we appreciate her forbearance over the years.

Now, going out in the private sector, he will probably spend most of his time going back and forth to the bank, making big deposits, contributing to campaigns, possibly.

In any event, we wish him well. It has been a pleasure to work with him the past several years.

Mr. LONG. Mr. President, I am happy to see that the distinguished majority leader has offered this resolution to pay well-earned tribute to Rod DeArment. Rod has been an outstanding and devoted worker for the Senate Finance Committee. He provided great leadership for the committee and the staff. He is one of those dedicated people who give so much, far beyond anything the Government has a right to expect from one at that level.

I am sorry that we will be losing Rod here, but I know that his talent will be appreciated where he is going. At least, he will be properly rewarded so far as money is concerned for the work he does.

I wish him well, and I applaud the distinguished majority leader for seeing that this tribute, which is long overdue, is at last paid to one of our loyal and outstanding servants of the public interest.

Mr. DOLE. I thank the distinguished Senator from Louisiana, who is one of the most knowledgeable tax experts in the land and certainly the most knowledgeable in the Senate. He has had the privilege of working with people like Mike Stern and Rod DeArment. There comes a time when many decide to leave Government service; but, in the meantime, they provide a lot of selfless service to all of us, and we appreciate it.

I thank the Senator for his remarks.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 334) was agreed to.

The preamble was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, before I try to complete the business of the evening, let me add my words with respect to the retirement of Rod DeArment. We should not call it retirement. He is leaving the Senate. He has not even started to think of retiring.

He is a marvelous young man, and I wish him well. He has been a great help to me. He and Sheila Burke have made my job much easier. I admire him, and I know he will do well at anything he undertakes.

It has been a pleasure to work with him and to come to know him. I have enjoyed that relationship. I have been the beneficiary of his good counsel and his thoughtful advice and his steady demeanor. He has been a great addition to the Senate, and will surely be missed.

FEDERAL EMPLOYEES BENEFITS IMPROVEMENT ACT OF 1986

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 506, H.R. 4061, Federal Employees Benefits Improvement Act of 1986.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4061) to amend title 5, United States Code, to expand the class of individuals eligible for refunds or other returns of contributions from contingency reserves in the Employees Health Benefits Fund; to make miscellaneous amendments relating to the Civil Service Retirement System and the Federal Employees Health Benefits Program; and for other purposes.

The Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I urge my colleagues to support the passage of H.R. 4061, the Federal Employees Benefits Improvement Act of 1986.

With the exception of two provisions, this legislation is the same as

H.R. 3384, the Federal Employees Benefits Improvement Act of 1985, which the Senate passed on December 19, 1985. The President vetoed that legislation on January 17, 1986, because it contained the two provisions deleted from the legislation before us now.

The objectionable provisions eliminated the 75 percent cap on Government contributions to Federal health plans and authorized direct reimbursement for nurses and nurse-midwives under the Federal Employees Health Benefits Program. Neither provision is included in H.R. 4061, but there is language regarding the latter point—requiring the Office of Personnel Management to submit a report to Congress regarding the extension of direct reimbursement to health practitioners not currently covered under 5 U.S.C. 8902(k)(1).

I remain convinced, however, that the adoption of both provisions would be cost-effective, and look forward to working with the House and the President to accomplish these changes.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROVIDING FOR ADJOURNMENT OF THE CONGRESS

Mr. SIMPSON. Mr. President, I send a concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the concurrent resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 107) providing for an adjournment of the House from February 6, 1986 or February 7, 1986 to February 18, 1986, and for an adjournment of the Senate from February 6, 1986 or February 7, 1986 to February 17, 1986.

Mr. SIMPSON. Mr. President, I move adoption of the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to, as follows:

S. CON. RES. 107

Resolved by the Senate (the House of Representatives concurring), That when the House adjourns on Thursday, February 6, 1986, or Friday, February 7, 1986, pursuant to a motion made by the Majority Leader of the House, or his designee, in accordance with this resolution, it stands adjourned until 12 o'clock meridian on Tuesday, February 18, 1986, and that when the Senate adjourns on Thursday, February 6, 1986, or Friday, February 7, 1986, pursuant to a motion made by the Majority Leader of the Senate, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Monday, February 17, 1986, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House, after consultation with the Minority Leader of the House, and the Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT

Mr. SIMPSON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 974.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 974) entitled "An Act to provide for protection and advocacy for mentally ill persons", do pass with the following Amendments:

Strike out all after the enacting clause and insert:

TITLE I—MENTAL HEALTH ADVOCACY

SECTION 101. SHORT TITLE.

This title may be cited as the "Protection and Advocacy for Mentally Ill Individuals Act of 1985".

SEC. 102. DEFINITIONS.

For purposes of this title—

(1) The term "abuse" means any act or failure to act by an employee of a hospital, nursing home, board and care home, or community facility for mentally ill individuals which was performed, or was not performed, in a knowing, reckless, or intentional manner, and which caused, or may have caused, injury to a mentally ill individual, and includes—

(A) the rape or sexual assault of a mentally ill individual;

(B) the striking of a mentally ill individual;

(C) the use of excessive force when placing a mentally ill individual in bodily restraints; and

(D) the use of bodily or chemical restraints on a mentally ill individual which is not in compliance with Federal and State laws and regulations.

(2) The term "eligible system" means the system established in a State under part C of the Developmental Disabilities Assistance and Bill of Rights Act to protect and advocate the rights of individuals with developmental disabilities.

(3) The term "mentally ill individual" means an individual—

(A) for whom a diagnosis of mental illness has been made by a mental health professional qualified under the laws of a State;

(B) who is an inpatient in a hospital or nursing home or a resident in a board and care home or a community facility for mentally ill individuals; and

(C) for whom a legal guardian, conservator, or other legal representative has not been appointed unless the legal guardian, conservator, or other legal representative requests the eligible system for the jurisdiction in which such individual is located to treat the individual as a mentally ill individual.

(4) The term "neglect" means a negligent act or omission by any person responsible for providing services in a hospital, nursing home, board and care home, or community facility for mentally ill individuals which caused or may have caused injury to a mentally ill individual or which placed a mentally ill individual at risk of injury, and includes the failure—

(A)(i) in the case of individuals who need to be placed in inpatient mental health facilities, to place such individuals in optimum therapeutic settings and to provide mental health treatment and related support services appropriate to such individuals' level of functioning,

(ii) in the case of residents of public inpatient mental health facilities who have been inappropriately placed in such facilities, to discharge such residents, and, to the extent appropriate, to place them in optimum therapeutic settings and to provide mental health treatment and related support services appropriate to such individuals' level of functioning,

(iii) in the case of individuals who are discharged from, or are in need of placement in, inpatient mental health facilities, to inform them of available community-based facilities and programs providing mental health treatment and related support services and to provide them access to a sufficient number of adequately staffed and adequately funded community-based facilities and programs providing mental health and related support services, and

(iv) to otherwise establish or carry out an appropriate individual program plan or treatment or discharge plan for a mentally ill individual,

(B) to provide adequate nutrition, clothing, or health care for a mentally ill individual, or

(C) to provide a safe environment for a mentally ill individual.

For purposes of clauses (i) and (ii) of subparagraph (A), the term "optimum therapeutic setting" means the environment that is least restrictive of an individual's personal liberty and where the care, treatment, habilitation, or rehabilitation is particularly suited to the level of services necessary to properly implement an individual's treatment, habilitation, and rehabilitation. The optimum therapeutic setting for an individual may be a licensed and properly operated State hospital or other public residential care facility if the available community services fail to provide conditions which enhance the care, treatment, and general well being of the individual.

(5) The term "Secretary" means the Secretary of Health and Human Services.

(6) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Is-

lands, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(7) The term "board and care home" means a facility licensed or regulated by a State under section 1616(e) of the Social Security Act.

SEC. 103. PROTECTION AND ADVOCACY SYSTEM.

(a) ALLOTMENTS.—

(1) The Secretary shall make allotments to eligible systems to establish and administer a system—

(A) which meets the requirements of subsection (b), and

(B) which is designed to protect and advocate the rights of mentally ill individuals and investigate incidents of abuse and neglect of mentally ill individuals.

(2) An eligible system which receives funds under an allotment under paragraph (1) may use such funds to enter into contracts with entities for activities under the allotment but may not use such funds to contract with entities which—

(A) provide treatment or services (other than advocacy services) to mentally ill individuals, or

(B) are not public or nonprofit private entities.

(3) If an eligible system which receives an allotment under paragraph (1) is an agency of a State, other agencies of such State may not use more than a total of 5 percent of any such allotment for any fiscal year for administrative expenses related to the system established under the allotment.

(b) SYSTEM REQUIREMENTS.—

(1) A system established in a State under an allotment under subsection (a)(1) to protect and advocate the rights of mentally ill individuals shall—

(A) have the authority to—

(i) investigate incidents of abuse and neglect of mentally ill individuals;

(ii) pursue administrative, legal, and other appropriate remedies to ensure the protection of mentally ill individuals who are inpatients in hospitals, or nursing homes in the State or are residents of board and care homes or community facilities in the State for mentally ill individuals; and

(iii) pursue administrative, legal, and other appropriate remedies on behalf of individuals who were mentally ill individuals and who are residents of the State;

(B) be independent of any agency in the State which provides treatment or services (other than advocacy services) to mentally ill individuals;

(C) have access to hospitals, nursing homes, and board and care homes and community facilities for mentally ill individuals in the State;

(D) have access to all records of—

(i) any individual who is a client of the system if such individual or the guardian of such individual has authorized the system to have such access; and

(ii) any person—

(I) who by reason of the mental or physical condition of such individual is unable to authorize the system to have such access;

(II) who does not have a legal guardian or for whom the legal guardian is the State; and

(III) with respect to whom a complaint has been received by the system or with respect to whom there is reason to believe that such individual has been subject to abuse and neglect;

(E) establish a board—

(i) which will advise the system on policies and priorities to be carried out in protecting and advocating the rights of mentally ill individuals, and

(ii) which shall include attorneys, mental health professionals, individuals from the public who are knowledgeable about mental illness, a provider of mental health services, individuals who have received or are receiving mental health services, and family members of such individuals and at least one-half the membership of which shall be comprised of individuals who have received or are receiving mental health services or are family members of such individuals;

(F) have an arrangement with the agency of the State which administers the State plan under title XIX of the Social Security Act for the furnishing of the information required by subsection (c); and

(G) on January 1, 1987, and January 1 of each succeeding year, prepare and transmit to the Secretary and the head of the State mental health agency of the State in which the system is located a report describing the activities, accomplishments, and expenditures of the system during the most recently completed fiscal year.

(2) In the case of individuals who were mentally ill individuals, a system may pursue remedies under paragraph (1)(A)(iii) on behalf of such individuals only with respect to matters which occur within 90 days of the date of the discharge of such individual from a hospital, nursing home, board and care home, or community facility for mentally ill individuals.

(3) A system which has access to records which, under Federal or State law, are required to be maintained in a confidential manner by a provider of mental health services, shall, except as provided in paragraph (4), maintain the confidentiality of such records to the same extent as is required of the provider of such services.

(4)(A) Except as provided in subparagraph (B), a system which has access to records under paragraph (1)(D) may not disclose information from such records to the individual who is the subject of the information if the mental health professional responsible for supervising the provision of mental health services to such individual has provided the system with a written determination that disclosure of such information to such individual would be detrimental to such person's health.

(B) An individual to whom disclosure of information has been denied under subparagraph (A) may select, or the system, acting on behalf of such person, may select, another mental health professional to review such information and to determine if disclosure of such information would be detrimental to such person's health. If such mental health professional determines, based on professional judgment, that disclosure of such information would not be detrimental to the health of such person, the system may disclose it to such person.

(c) INFORMATION FOR SYSTEMS.—The Secretary and the agency of a State which administers its State plan under title XIX of the Social Security Act shall provide the system in the State established under an allotment under subsection (a) with a copy of each annual survey report and plan of corrections for cited deficiencies made pursuant to titles XVIII and XIX of the Social Security Act with respect to any hospital, nursing home, board and care home or community facility for mentally ill individuals in the State in which such system is located. A report or plan shall be made available within 30 days after the completion of the report or plan.

SEC. 104. ADMINISTRATION OF ALLOTMENTS.

(a) FORMULA.—

(1) Except as provided in paragraph (2) and subject to the availability of appropriations under section 105, the Secretary shall allot the amounts available for allotment under section 105 for a fiscal year on the basis of a formula prescribed by the Secretary which is based equally—

(A) on the population of each State in which there is an eligible system, and

(B) on the population of each such State weighted by its relative per capita income.

For purposes of subparagraph (B), the term "relative per capita income" means the quotient of the per capita income of the United States and the per capita income of the State, except that if the State is Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or the Virgin Islands, the quotient shall be considered to be one.

(2) Notwithstanding the formula for allotments prescribed by paragraph (1) and subject to the availability of appropriations under section 105—

(A) the amount of the allotment of an eligible system in each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico shall not be less than $125,000; and

(B) the amount of the allotment of an eligible system in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or the Virgin Islands shall not be less than $67,000.

(b) REALLOTMENT.—

(1) To the extent that all the funds appropriated under section 105 for a year and available for allotment in such fiscal year are not allotted to eligible systems because—

(A) one or more eligible systems have not submitted an application for an allotment for such fiscal year, or

(B) one or more eligible systems have notified the Secretary that they do not intend to use the full amount of their allotment,

the amount which is not so allotted shall be reallotted among the remaining eligible systems.

(2) The amount of an allotment to an eligible system for a fiscal year which the Secretary determines will not be required by the system during the period for which it is available shall be available for reallotment by the Secretary to other eligible systems with respect to which such a determination has not been made.

(3) The Secretary shall make reallotments under paragraphs (1) and (2) on such date or dates as the Secretary may fix (but not earlier than 30 days after the Secretary has published notice of the intention of the Secretary to make such reallotment in the Federal Register). A reallotment to an eligible system shall be made in proportion to the original allotment of such system for such fiscal year, but with such proportionate amount for such system being reduced to the extent it exceeds the sum the Secretary estimates such system needs and will be able to use during such period. The total of such reductions shall be similarly reallotted among eligible systems whose proportionate amounts were not so reduced. Any amount so reallotted to an eligible system for a fiscal year shall be deemed to be a part of its allotment under subsection (a) for such fiscal year.

(c) APPLICATION.—No allotment may be made to an eligible system unless an application therefor is submitted to the Secretary. Each such application shall contain—

(1) assurances that amounts paid to such system from an allotment under section 103 will be used to supplement and not to supplant the level of non-Federal funds available to the system to protect and advocate the rights of mentally ill individuals;

(2) assurances that the eligible system for which the application is submitted will have a staff which is trained or being trained to provide advocacy services to mentally ill individuals; and

(3) such other information as the Secretary may by regulation prescribe.

(d) PAYMENTS.—For each fiscal year, the Secretary shall make payments to each eligible system from its allotment under section 103. Any amount paid to an eligible system for a fiscal year and remaining unobligated at the end of such year shall remain available to such system for the purposes for which it was made for the next fiscal year.

(e) REPORT.—The Secretary shall include in each report required under section 107(c) of the Developmental Disabilities Assistance and Bill of Rights Act a separate statement—

(1) describing the activities, accomplishments, and expenditures of systems to protect and advocate the rights of mentally ill individuals supported with payments from allotments under section 103, including—

(A) a specification of the total number of mentally ill individuals served by such systems;

(B) a description of the types of activities undertaken by such systems;

(C) a description of the types of residential facilities for mentally ill individuals with respect to which such activities are undertaken;

(D) a description of the manner in which such activities are initiated; and

(E) a description of the accomplishments resulting from such activities;

(2) describing—

(A) systems to protect and advocate the established rights of mentally ill individuals supported with payments from allotments under this section;

(B) activities conducted by States to protect and advocate such rights;

(C) mechanisms established by residential facilities for mentally ill individuals to protect and advocate such rights; and

(D) the coordination among such systems, activities, and mechanisms; and

(3) making recommendations for activities and services to improve the protection and advocacy of the rights of mentally ill individuals and a description of needs for such activities and services which have not been met by systems established under allotments under section 103.

In preparing the statement required by this subsection, the Secretary shall use and include information submitted to the Secretary in the reports required under section 103(b)(1)(G).

(f) OTHER ASSISTANCE.—The Secretary shall provide training, technical assistance, and evaluation services to eligible systems with respect to activities carried out under an allotment under section 103. In any fiscal year, the Secretary shall obligate for assistance under this subsection an amount equal to 5 percent of the amount appropriated for such fiscal year under section 105.

(g) ADMINISTERING AGENCY.—The Secretary shall carry out this title through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration.

SEC. 105. AUTHORIZATIONS.

For allotments under section 103 and assistance under section 104(f), there are authorized to be appropriated $10,500,000 for fiscal year 1986, $11,000,000 for fiscal year 1987, and $11,525,000 for fiscal year 1988.

SEC. 106. OTHER ALLOTMENTS.

(a) SECTION 1916.—Section 1916(c) of the Public Health Service Act (42 U.S.C. 300x-4) is amended by adding at the end the following:

"(16) There is in the State a protection and advocacy system for mentally ill individuals which meets the requirements of section 103(b) of the Protection and Advocacy for Mentally Ill Individuals Act of 1985.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1986.

TITLE II—FAMILY SUPPORT GROUPS

SEC. 201. ALZHEIMER'S DISEASE.

(a) FAMILY SUPPORT GROUPS.—The Secretary of Health and Human Services (hereinafter in this section referred to as the "Secretary"), acting through the National Institute of Mental Health, the National Institutes on Health, the National Institute on Aging, and the Administration on Aging, shall promote the establishment of family support groups to provide, without charge, educational, emotional, and practical support to assist individuals with Alzheimer's disease or a related memory disorder and members of the families of such individuals. Such groups shall be established in university medical centers and in other appropriate health care facilities which receive Federal funds from the Secretary and which conduct research on Alzheimer's disease or provide services to individuals with such disease and in community based programs which receive funds from the Administration on Aging.

(b) NATIONAL NETWORK.—The Secretary shall provide for the establishment of a national network to coordinate the family support groups described in subsection (a).

(c) REPORT.—The Secretary shall report to Congress, not later than one year after the date of the enactment of this section, on family support groups and the network of such groups established pursuant to this section.

TITLE III

Nothing in this Act shall be construed as superceding any of the balanced budget provisions set forth in section 201(a)(7) of Public Law 99-177.

Amend the title so as to read: "An Act to assist the States to establish and operate protection and advocacy systems for mentally ill individuals and to promote family support groups for Alzheimer's disease patients and their families.".

Mr. SIMPSON. Mr. President, I move that the Senate disagree to the House amendment and request a conference with the House of Representatives on the disagreeing votes thereon, and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HATCH, Mr. WEICKER, Mr. STAFFORD, Mr. KENNEDY, and Mr. KERRY conferees on the part of the Senate.

Mr. SIMPSON. Mr. President, I yield to Senator BYRD on the next measure.

Mr. BYRD. Mr. President, I thank the distinguished acting leader.

ORDER CORRECTING LANGUAGE IN AMENDMENT NO. 1583, H.R. 3511

Mr. BYRD. Mr. President, I ask unanimous consent that in amendment No. 1583, adopted by the Senate yesterday to H.R. 3511, the Bank Bribery Amendments Act, the word "Act" be stricken the second time it appears in the amendment and the word "guidelines" be substituted in its place.

Mr. President, I make this request on behalf of Mr. METZENBAUM. I understand that this request is for the purpose of correcting a typographical error and that the intent was as this request states.

The PRESIDING OFFICER. Without objection, it is so ordered.

OLDER AMERICANS ACT AMENDMENTS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate now turn to Calendar No. 505, S. 1858, the Older Americans Act.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1858) to amend the Older Americans Act of 1965 to increase the amounts authorized to be appropriated for fiscal years 1985, 1986, and 1987 for commodity distribution, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President. As chairman of the Labor and Human Resources Committee, I would encourage my colleagues to vote for final passage of S. 1858, a bill which would amend the Older Americans Act of 1985 and allow for an increase in authorization levels for commodity distribution.

This nutrition program for the elderly has proven to be a valuable supplement to the Congregate and Home Delivered Meals Program funded under the Older Americans Act. It has allowed stretching of limited resources and has provided additional nutrition to the elderly of our Nation.

In a study by Arthur Anderson & Co., the cost effectiveness of nutrition support was documented. The Anderson survey showed that 55 percent of the sample patients were malnourished. These poorly nourished patients had three times the number of major complications, and the cost of their hospitalization was twice that of their well-nourished counterparts. In this time of increasing medical expenses coupled with an increasing elderly population, it would be more cost effective in the long run to invest our tax dollars in preventive programs, such as the nutrition component of the Older Americans Act.

Under current law, the Secretary of Agriculture is required by section 311

of the Older Americans Act to reimburse each State a certain sum per meal for every meal under the authority of this act.

S. 1858 would authorize funding of a reimbursement rate of approximately 56.76 cents per meal for fiscal years 1985, 1986, and 1987. This rate was established in 1985 by the Department of Agriculture based upon an estimated number of meals to be served and the amount of funds authorized and available for expenditure.

Although the cents per meal figure is increased each year by a cost-of-living factor, Congress has also capped the total level of the authorization. When the vouchers submitted by the States exceeded the authorized amounts, reimbursement to these States was reduced after meals were already consumed. This bill would establish a more consistent reimbursement system, and thus provide a short-term solution to the dilemma now faced by the States. A more long-term remedy will have to be developed when the OAA is reauthorized.

In recognition of the importance of the Older Americans Act in the lives of our 36 million older Americans, I encourage my colleagues to vote in favor of this legislation and expedite its passage.

AMENDMENT NO. 1584

(Purpose: To make certain technical corrections)

Mr. SIMPSON. Mr. President, I send an amendment to the desk on behalf of Senator GRASSLEY.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] for Mr. GRASSLEY proposes an amendment numbered 1584.

On page 2, line 2, strikeout "1985" and insert in lieu thereof "1986".

On page 4, line 11, insert beginning quotation marks before "(1)".

On page 4, line 15, insert beginning quotation marks before "(2)".

Mr. GRASSLEY. Mr. President, this bill, which I introduced on November 19, 1985 and the Committee on Labor and Human Resources ordered reported on December 17, 1985 will do several things for the Surplus Commodities Program authorized by the Older Americans Act and administered by the Department of Agriculture: (1) freeze the cents per meal contribution of the Department of Agriculture at 56.76 cents per meal for all 3 years of the period of the current authorization, 1985, 1986, and 1987; (2) provides $127.8 million for 1985, $144 million for 1986 and 1987; (3) would cause the Secretary to provide more timely estimates of meal numbers and reimbursement rates so as to reduce disruption in the program in the event the rate must be lowered; (4) includes a provision which would cause the Secretary to disseminate information on the bonus commodity programs of the Department.

I placed in the RECORD on November 19 a lengthy explanation of, and justification for, this bill. I will not repeat myself here, Mr. President. Members and staff have had an opportunity to review that statement. The report accompanying the bill has been available for review since Tuesday morning, February 4, 1986.

I would like to make several points at this time, however. First, this Surplus Commodities Program enables States and localities to serve to older people, a majority of whom are low income, a larger total number of meals, through Congregate and Home-Delivered Meals Programs, than they would otherwise be able to serve. Cutbacks in this program, which this bill will help to avert, result directly in cutbacks in the number of meals served through the main congregate and Home-Delivered Meals Program authorized under title III of the Older Americans Act. Second, we have heard a great deal of anecdotal evidence to the effect that some number, probably fairly substantial, of older people are being discharged from hospitals as a consequence of the Medicare prospective payment system earlier than they were discharged prior to implementation of this system. Essentially, it is alleged that, whereas prior to the implementation of the prospective payment system, older people could be kept in the hospital if they did not have a suitable situation outside of the hospital in which to recuperate, now hospitals must release them, often into communities in which there are not adequate support services to help them during their recuperation. The Older Americans Act network is one of the major organizational systems in the States and local communities which can, and do, help such older people. Area agencies on aging are reporting, according to a study conducted by the University of Texas Gerontology Center, greatly increased demands for home-delivered meals and other home-delivered services. This bill can help to maintain the Older Americans Act Meals Programs at more adequate levels than otherwise will be the case. Thirdly, I understand that the administration will make an effort, through a rescission and deferral request, to spend less than the Appropriations Committees made available for fiscal year 1986. Passage of this bill will demonstrate to the administration and to our colleagues that the Senate considers this program to be one of its higher priorities.

Thank you, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1584) was agreed to.

Mr. SIMPSON. Mr. President, I ask that the bill be advanced to third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1858, as amended) was ordered to be engrossed for a third reading and was read the third time.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of H.R. 2453, the House companion bill, and ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2453) to amend the Older Americans Act of 1965 to increase the amounts authorized to be appropriated for fiscal years 1985, 1986, and 1987 for commodity distribution, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SIMPSON. Mr. President, I move to strike all after the enacting clause and insert the text of S. 1858, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 2453) was passed, as follows:

H.R. 2453

That this Act may be cited as the "Older Americans Act Amendments of 1981".

COMMODITY DISTRIBUTION LEVEL OF ASSISTANCE PER MEAL

SEC. 2. (a) Section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030a(a)(4) is amended—

(1) by striking out "15 cents" and all that follows through "30 cents per meal for", and inserting in lieu thereof "56.76 cents per meal during fiscal year 1986 and during", and

(2) by striking out "June 30, 1975" and inserting in lieu thereof "September 30, 1986".

(b) Section 311(c)(2) of such Act is amended by inserting "(A)" after paragraph (2) and by adding at the end thereof the following new paragraph:

(B) In each fiscal year in which the Secretary of Agriculture determines that the amount appropriated under paragraph (1) in such fiscal year is not likely to be sufficient to pay the cents per meal established in accordance with subsection (a)(4) of this section (as modified by division (ii) of subparagraph (A) of subsection (c)(1)), the Secretary of Agriculture shall prepare, based upon the best estimates available, the amount of the reductions required in the

cents per meal level, and shall so notify the States of such reductions at the beginning of the second and third quarter of each fiscal year.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) There is authorized to be appropriated $127,800,000 for fiscal year 1985, in order to provide reimbursement at the level of 56.76 cents per meal during fiscal year 1985, determined under section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030a(a)(4), for meals served under section 311 of such Act in such fiscal year. For purposes of subsections (a) and (b) of section 311 of such Act, the sum authorized to be appropriated by this subsection shall be deemed to have been authorized to be appropriated for fiscal year 1985 by section 311(c)(1) of such Act. For purposes of subsection (c)(1)(B) of such Act, the date of the enactment of this Act shall be deemed to be the last day of each quarter of fiscal year 1985 for which reimbursement is claimed.

(b) Subparagraph (A) of section 311(c)(1) of the Older Americans Act of 1985 (42 U.S.C. 3030a(c)(1)(A)) is amended to read as follows:

"(A)(i) There are authorized to be appropriated $144,000,000 for fiscal year 1986 and $144,000,000 for fiscal year 1987 to carry out this section (other than subsection (a)(1)).

"(ii) The provisions of the second and third sentences of subsection (a)(4) shall not apply for fiscal years 1986 and 1987.".

INFORMATION REGARDING FEDERAL FOOD PROCESSING PROGRAMS

SEC. 4. Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended by adding at the end thereof the following new subsection:

"(d) In each fiscal year, the Secretary of Agriculture and the Secretary of Health and Human Services shall jointly disseminate to State agencies, area agencies on aging, and providers of nutrition services assisted under this title, information concerning—

(1) the existence of any federal commodity processing program in which such State agencies, area agencies, and providers may be eligible to participate; and

(2) the procedures to be followed to participate in the program.".

EFFECTIVE DATE

SEC. 5. This Act and the amendments made by this Act shall take effect on October 1, 1985.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I ask unanimous consent that S. 1858 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCURRENT REGISTRATIONS

Mr. SIMPSON. Mr. President, I wish to inquire of the minority leader if he is in a position to pass upon Calendar No. 341, S. 1002, and indefinitely postpone Calendar No. 480, S. 1516.

Mr. BYRD. Mr. President, I have no objection.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1002) to amend the Lanham Act to improve certain provisions relating to concurrent registrations.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1002) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(d) of the Act of July 5, 1946, commonly known as the Lanham Act (15 U.S.C. 1052(d)), is amended by adding at the end of the first full sentence thereof the following: "Use prior to any filing date of a pending application or registration shall not be required when the owner of such application or registration consents to the grant of a concurrent registration to the applicant.".

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. SIMPSON. Mr. President, as in executive session, I inquire of the minority leader if he is in a position to confirm the following nominations on the Executive Calendar: Calendar No. 649, Howard V. Adair; Calendar No. 650, Robert L. Pavlak; Calendar No. 651, Kernan H. Bagley; Calendar No. 652, Thomas C. Greene; Calendar No. 653, Melvin E. Jones; Calendar No. 654, Delaine Roberts; and Calendar No. 655, Mark N. Blitz.

Mr. BYRD. Mr. President, I reserve the right to object. May I ask the distinguished assistant Republican leader if each of these was reported from the committee at a time when a majority of the committee members were physically present?

Mr. SIMPSON. Mr. President, I would respond to the Democratic leader that I do not have any way of knowing the procedure used, whether that was done by polling out or by physical presence. I do know that any of these on that list that came from the Judiciary Committee were moved out of there by a majority vote of those physically present.

Mr. BYRD. That would pertain to six out of the seven, then.

Mr. President, I have no objection on the six who were reported out of the Judiciary.

DELAINE ROBERTS, OF WYOMING, TO BE U.S. MARSHAL FOR THE DISTRICT OF WYOMING

Mr. SIMPSON. Mr. President, while we await word from the Foreign Relations Committee on the procedure used to pass upon the nomination of Mark Blitz, it is appropriate for me to just take a moment then to remark on one of the individuals on this list, and that is Mr. Delaine Roberts, who is the U.S. Marshal for the Federal District of Wyoming. We have only one Federal judicial district in Wyoming.

Delaine Roberts has served very ably as U.S. Marshal for Wyoming for the past 4 years. I came to know him in 1978. He was the county sheriff at that time. He was one of the most respected men in that capacity, I think, in the country.

He serves as a national leader of the U.S. Marshals organization and is now here before us for a well-deserved reappointment. He is an extraordinarily capable peace officer. I am very pleased to have him serve for another term. He has proven his skills. He has been involved in some of the most significant apprehensions and anticriminal activities of any U.S. marshal in the United States. He is a truly fine person and a delightful friend. I am very pleased to see his reappointment take place.

Mr. President, in connection with Mark N. Blitz, I understand now that Mr. Blitz was polled out of the Foreign Relations Committee but there was unanimous consent of the committee to do so.

It comes again as one of those things, if we can deal with it as the Democratic leader was able to do on the previous nominations, and the message has gone out. But again, here, in this situation, this was the previous practice, and unanimous consent was given to this nominee.

Mr. BYRD. Mr. President, the fact that unanimous consent was given to the nominee by the committee does not cure the flaw in the committee procedure in reporting. A committee cannot, by itself, give unanimous consent to violate or waive a Senate rule.

It is a matter for the Senate to determine. Mr. President, I will not object in this instance but today is the last day. All Senators have been put on notice, and every committee should understand in the future that it has no power to waive or violate the Senate rule requiring a majority of the Members to be physically present at the time of reporting. A committee's unanimous consent is meaningless insofar as the Senate rule is concerned.

I will not make a point of order in this instance. I am confident that all Senators, on both sides of the aisle, will try to adhere to the rule in the future.

I do not object in this instance.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Executive Calendar nominations just identified be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations confirmed are as follows:

DEPARTMENT OF JUSTICE

Howard V. Adair, of Alabama, to be U.S. marshal for the southern district of Alabama for the term of 4 years.

Robert L. Pavlak, Sr., of Minnesota, to be U.S. marshal for the district of Minnesota for the term of 4 years.

Kernan H. Bagley, of Oregon, to be U.S. marshal for the district of Oregon for the term of 4 years.

Thomas C. Greene, of Alabama, to be U.S. marshal for the northern district of Alabama for the term of 4 years.

Melvin E. Jones, of Alabama, to be U.S. marshal for the middle district of Alabama for the term of 4 years.

Delaine Roberts, of Wyoming, to be U.S. marshal for the district of Wyoming for the term of 4 years.

UNITED STATES INFORMATION AGENCY

Mark N. Blitz, of Virginia, to be an Associate Director of the United States Information Agency, vice Ronald L. Trowbridge.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENVIRONMENTAL PROTECTION AGENCY

J. Craig Potter, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Mr. SIMPSON. Mr. President, there is one other person listed on the nominations Executive Calendar. And that is J. Craig Potter, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

I inquire about him since he is the last one that will fall under the procedure that the Democratic leader is interested in seeing carried out in the future.

I say that because as I look at it, I see him as the last remaining person on the Executive Calendar recommended by the committee for consideration. I believe that came out of the Environment and Public Works Committee. I am not certain whether that was polled or whether that was a majority vote of those present.

That Agency desperately requires all of the assistance we can give them.

This young man served with Senator McGee in his earlier years here. He is a distinguished, fine young man, and a capable attorney.

Was there a hold placed upon him?

Mr. BYRD. There is a hold on this nominee quite independently of whether or not it was polled out or voted out at such time as the committee reported the nomination. So there is a hold on this nominee for the time being.

Mr. SIMPSON. I wonder if the Democratic leader would accept the proposal that when that temporary hold should expire on J. Craig Potter he be cleared as the last of the persons involved in the debate—and a very valid debate on the issue of polling—and, if at that time there are no other holds of any kind, the Democratic leader would be disposed to clear this person under the debate we have had today and then go forward as the Democratic leader indicates with his objections unless this procedure is done more appropriately.

Mr. BYRD. Mr. President, the only way I can answer the distinguished Senator is that I have no knowledge of the purpose of the hold, why it is there. I would not want to attempt to answer the question at this time, that being the case.

Mr. SIMPSON. I am saying if that hold is the one that has brought Mr. Potter to a standstill here and if that is lifted, then I am asking, is the minority leader going to impose the hold he intended to impose on the other persons today and that he graciously withheld? That is what I am saying. He is the last remaining potential hostage.

Mr. BYRD. I did not realize that that nomination had been reported from the committee at the time, not conforming to the rules requiring a committee majority. I did not know that. I do not know whether this nominee would violate that rule or not. I only show a hold on the calendar. If we could, let us discuss that.

Mr. SIMPSON. Mr. President, I ask unanimous consent the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

STATE OF THE UNION—MESSAGE FROM THE PRESIDENT—PM 106

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to lie on the table:

To the Congress of the United States:

Thank you for allowing me to delay my address until this evening. We paused together to mourn and honor the valor of our seven Challenger heroes. And I hope we are now ready to do what they would want us to do—go forward America, reach for the stars. We will never forget those brave seven, but we shall go forward.

I have come to review with you the progress of our Nation, to speak of unfinished work, and to set our sights on the future. I am pleased to report the state of our Union is stronger than a year ago, and growing stronger each day. Tonight, we look out on a Rising America—firm of heart, united in spirit, powerful in pride and patriotism—America is on the move!

But, it wasn't long ago that we looked out on a different land—locked factory gates and long gasoline lines, intolerable prices and interest rates turning the greatest country on Earth into a land of broken dreams. Government growing beyond our consent had become a lumbering giant, slamming shut the gates of opportunity, threating to crush the very roots of our freedom.

What brought America back? The American people brought us back—with quiet courage and common sense; with undying faith that in this Nation under God the future will be ours, for the future belongs to the free.

Tonight the American people deserve our thanks—for 37 straight months of economic growth; for sunrise firms and modernized industries creating 9 million new jobs in 3 years; interest rates cut in half and inflation falling from over 12 percent in 1980 to under 4 today; and a mighty river of good works, a record $74 billion in voluntary giving last year alone.

Despite the pressures of our modern world, family and community remain the moral core of our society, guardians of our values and hopes for the future. Family and community are the co-stars of this Great American Comeback. They are why we say tonight: Private values must be at the heart of public policies.

What is true for families in America is true for America in the family of free nations. History is no captive of some inevitable force. History is made by men and women of vision and courage. Tonight, freedom is on the march.

The United States is the economic miracle, the model to which the world once again turns. We stand for an idea whose time is now: Only by lifting the weights from the shoulders of all can people truly prosper and can peace among all nations be secure.

Teddy Roosevelt said a nation that does great work lives forever. We have done well, but we cannot stop at foothills when Everest beckons. It is time for America to be all we can be.

We speak tonight of an *Agenda for the Future,* an agenda for a safer, more secure world. We speak about the necessity for actions to steel us for the challenges of growth, trade, and security in the next decade and the year 2000. And we will do it—not by breaking faith with bedrock principles, but by breaking free from failed policies.

Let us begin where storm clouds loom darkest—right here in Washington, D.C. This week, I will send you our detailed proposals; tonight, let us speak of our responsibility to redefine Government's role: Not to control, not to command, not to contain us; but to help in times of need; above all, to create a ladder of opportunity to full employment—so all Americans can climb toward economic power and justice on their own.

But, we cannot win the race to the future shackled to a system that can't even pass a Federal budget. We cannot win that race held back by horse-and-buggy programs that waste tax dollars and squander human potential. We cannot win that race if we are swamped in a sea of red ink.

Members of Congress, passage of Gramm-Rudman-Hollings gives us an historic opportunity to achieve what has eluded our national leadership for decades—forcing the Federal Government to live within its means.

Your schedule now requires that the budget resolution be passed by April 15th—the very day America's families have to foot the bill for the budgets you produce.

How often we read of a husband and wife—both working, struggling from paycheck to paycheck to raise a family, meet a mortgage, pay their taxes and bills. Yet, some in Congress say taxes must be raised. Well, I'm sorry, they're asking the wrong people to tighten their belts. It's time we reduced the Federal budget and left the family budget alone. We do not face large deficits because American families are undertaxed; we face those deficits because the Federal Government overspends.

The detailed budget we submit will meet the Gramm-Rudman-Hollings target for deficit reductions; meet our commitment to ensure a strong national defense; meet our commitment to protect Social Security and the truly less fortunate; and, yes, meet our commitment not to raise taxes.

How should we accomplish this? Not by taking from those in need. As families take care of their own, Government must provide shelter and nourishment for those who cannot provide for themselves. But we must revise or replace programs enacted in the name of compassion that degrade the moral worth of work, encourage family break-ups, and drive entire communities into a bleak and heartless dependency.

Gramm-Rudman-Hollings can mark a dramatic improvement. But experience shows that simply setting deficit targets does not assure they'll be met. We must proceed with Grace Commission reforms against waste. And tonight, I ask you to give me what 43 Governors already have—give me a line-item veto this year. Give me the authority to veto waste, and I'll take the responsibility, I'll make the cuts, I'll take the heat.

This authority would not give me any monopoly power, but simply prevent spending measures from sneaking through that could not pass on their own merit. Any you can sustain, or override, my veto—that's the way the system should work. Once we've made the hard choices, we should lock in our gains with a balanced budget amendment to the Constitution.

I mentioned that we will meet our commitment to national defense. We must meet it. Defense is not just another budget expense. Keeping America strong, free, and at peace is solely the responsibility of the Federal Government; it is Government's prime responsibility. We have devoted 5 years trying to narrow a dangerous gap born of illusion and neglect. And we have made important gains. Yet the threat from Soviet forces, conventional and strategic, from the Soviet drive for domination, from the increase in espionage and state terror remains great. This is reality. Closing our eyes will not make reality disappear.

We pledged together to hold real growth in defense spending to the bare minimum. My budget honors that pledge. I am now asking Congress to keep its end of the bargain. The Soviets must know that if America reduces her defenses, it will be because of a reduced threat, not a reduced resolve.

Keeping America strong is as vital to the national security, as controlling Federal spending is to our economic security. But, as I have said before, the most powerful force we can enlist against the Federal deficit is an ever-expanding American economy, unfettered and free.

The magic of opportunity—unreserved, unfailing, unrestrained—isn't this the calling that unites us? I believe our tax rate cuts for the people have done more to spur a spirit or risk-taking and help America's economy break free than any program since John Kennedy's tax cut almost a quarter century ago.

Now history calls us to press on, to complete efforts for an historic tax reform providing new opportunity for all and ensuring that all pay their fair share—but no more. We've come this far. Will you join me now and we'll walk this last mile together?

You know my views on this. We cannot and we will not accept tax reform that is a tax increase in disguise. True reform must be an engine of productivity and growth and that means a top personal rate no higher than 35 percent. True reform must be truly fair and that means raising personal exemptions to $2,000. True reform means a tax system that at long last is pro-family, pro-jobs, pro-future, and pro-America.

As we knock down the barriers to growth, we must redouble our efforts for freer and fairer trade. We have already taken actions to counter unfair trading practices and to pry open closed foreign markets. We will continue to do so. We will also oppose legislation touted as providing protection that in reality pits one American worker against another, one industry against another, one community against another, and that raises prices for us all. If the United States can trade with other nations on a level playing field, we can out-produce, outcompete, and out-sell anybody, anywhere in the world.

The constant expansion of our economy and exports requires a sound and stable dollar at home and reliable exchange rates around the world. We must never again permit wild currency swings to cripple our farmers and other exporters. Farmers, in particular, have suffered from past, unwise Government policies, and they must not be abandoned with problems they did not create and cannot control. We've begun coordinating economic and monetary policy among our major trading partners. But there's more to do, and tonight I am directing Treasury Secretary Jim Baker to determine if the nations of the world should convene to discuss the role and relationship to our currencies.

Confident in our future, secure in our values, Americans are striding forward to embrace the future. We see it not only in our recovery, but in 3 straight years of falling crime rates, as families and communities band together to fight pornography, drugs, and lawlessness, and to give back to their children the safe and, yes, innocent childhoods they deserve.

We see it in the renaissance in education with rising SAT scores for 3 years—last year's increase the greatest since 1963. It wasn't Government and Washington lobbies that turned education around—it was the American people who, in reaching for excellence,

knew to reach back to basics. We must continue the advance by supporting discipline in our schools; vouchers that give parents freedom of choice; and we must give back to our children their lost right to acknowledge God in their classrooms.

We are a Nation of idealists, yet today there is a wound in our national conscience; America will never be whole as long as the right to life granted by our Creator is denied to the unborn. For the rest of my time, I shall do what I can to see that this wound is one day healed.

As we work to make the American Dream real for all, we must also look to the condition of America's families. Struggling parents today worry how they will provide their children the advantages their parents gave them. In the welfare culture, the breakdown of the family, the most basic support system, has reached crisis proportions—in female and child poverty, child abandonment, horrible crimes and deteriorating schools. After hundreds of billions of dollars in poverty programs, the plight of the poor grows more painful. But the waste in dollars and cents pales before the most tragic loss—the sinful waste of human spirit and potential.

We can ignore this terrible truth no longer. As Franklin Roosevelt warned 51 years ago before this chamber: Welfare is ". . . a narcotic, a subtle destroyer of the human spirit." And we must now escape the spider's web of dependency. Tonight, I am charging the White House Domestic Council to present me by December 1, 1986, an evaluation of programs and a strategy for immediate action to meet the financial, educational, social, and safety concerns of poor families—I am talking about real and lasting emancipation, because the success of welfare should be judged by how many of its recipients become independent of welfare.

Further, after seeing how devastating illness can destroy the financial security of a family, I am directing the Secretary of Health and Human Services, Dr. Otis Bowen, to report to me by year-end with recommendations on how the private sector and Government can work together to address the problems of affordable insurance for those whose life savings would otherwise be threatened when catastrophic illness strikes.

Tonight, I want to speak directly to America's younger generation—because you hold the destiny of our Nation in your hands. With all the temptations young people face, it sometimes seems the allure of this permissive society requires superhuman feats of self-control. But the call of the future is too strong, the challenge too great, to get lost in the blind alleyways of dissolution, drugs, and despair.

Never has there been a more exciting time to be alive—a time of rousing wonder and heroic achievement. As they said in the film, *Back to the Future:* "Where we're going, we don't need roads."

Today, physicists peering into the infinitely small realms of sub-atomic particles find reaffirmations of religious faith; astronomers build a space telescope that can see to the edge of the universe and, possibly, back to the moment of creation.

So, yes, this Nation remains fully committed to America's space program. We are going forward with our shuttle flights. We are going forward to build our space station. And we are going forward with research on a new Orient Express that could, by the end of the next decade, take off from Dulles Airport and accelerate up to 25 times the speed of sound, attaining low-earth orbit or flying to Tokyo within 2 hours.

And the same technology transforming our lives can solve the greatest problem of the 20th century. A security shield can one day render nuclear weapons obsolete and free mankind from the prison of nuclear terror. America met one historic challenge and went to the Moon. Now, America must meet another—to make our strategic defense real for the citizens of planet Earth.

Let us speak of our deepest longing for the future—to leave our children a land that is free and just in a world at peace. It is my hope that our fireside summit in Geneva and Mr. Gorbachev's upcoming visit to America can lead to a more stable relationship. Surely no people on earth hate war or love peace more than we Americans.

But we cannot stroll into the future with child-like faith. Our differences with a system that openly proclaims, and practices, an alleged right to command people's lives and to export its ideology by force are deep and abiding.

Logic and history compel us to accept that our relationship be guided by realism—rockhard, clear-eyed, steady, and sure. Our negotiators in Geneva have proposed a radical cut in offensive forces by each side, with no cheating. They have made clear that Soviet compliance with the letter and spirit of agreements is essential. If the Soviet government wants an agreement that truly reduces nuclear arms, there will be an agreement.

But arms control is no substitute for peace. We know peace follows in freedom's path and conflicts erupt when the will of the people is denied. So we must prepare for peace not only by reducing weapons but by bolstering prosperity, liberty, and democracy however and wherever we can.

We advance the promise of opportunity every time we speak out on behalf of lower tax rates, freer markets, and sound currencies around the world. We strengthen the family of freedom every time we work with allies and come to the aid of friends under siege. And we can enlarge the family of free nations if we will defend the unalienable rights of all God's children to follow their dreams.

To those imprisoned in regimes held captive, to those beaten for daring to fight for freedom and democracy—for their right to worship, to speak, to live and prosper in the family of free nations—we say to you tonight: You are not alone Freedom Fighters. America will support with moral and material assistance your right not just to fight and die for freedom, but to fight and win freedom—in Afghanistan; Angola; Cambodia; and Nicaragua.

This is a great moral challenge for the entire free world. Surely, no issue is more important for peace in our own hemisphere, for the security of our frontiers, for the protection of our vital interests—than to achieve democracy in Nicaragua and to protect Nicaragua's democratic neighbors.

This year I will be asking Congress for the means to do what must be done for that great and good cause. As Scoop Jackson, the inspiration for our Bipartisan Commission on Central America, once said, "In matters of national security, the best politics is no politics."

What we accomplish this year, in each challenge we face, will set our course for the balance of the decade, indeed for the remainder of the century. After all we've done so far, let no one say this Nation cannot reach the destiny of our dreams. America believes, America is ready, America can win the race to the future—and we shall.

The American Dream is a song of hope that rings through the night winter air. Vivid, tender music that warms our hearts when the least among us aspire to the greatest things—to venture a daring enterprise; to unearth new beauty in music, literature, and art; to discover a new universe inside a tiny silicon chip or a single human cell.

The world's hopes rest with America's future. America's hopes rest with us. So let us go forward to create our world of tomorrow—in faith, in unity, and in love.

RONALD REAGAN.

THE WHITE HOUSE, *February 4, 1986.*

BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 1987—MESSAGE FROM THE PRESIDENT—PM 107

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975 was referred joint-

ly to the Committee on Appropriations and the Committee on the Budget:

BUDGET MESSAGE OF THE PRESIDENT

To the Congress of the United States:

The economic expansion we are now enjoying is one of the most vigorous in 35 years. Family income is at an all-time high; production and productivity are increasing; employment gains have been extraordinary; and inflation, which raged at double-digit rates when I took office, has been reduced dramatically. Defense capabilities, which had been dangerously weakened during the 1970s, are being rebuilt, restoring an adequate level of national security and deterrence to war. Moreover, an insupportable growth in tax burdens and Federal regulations has been halted.

Let me give you a few highlights:

Employment has grown by 9.2 million in the past three years, while the unemployment rate has fallen by 3.8 percentage points; during the three years preceding my administration, employment grew by only 5.5 million and the unemployment rate rose 0.8 percentage points.

The highest proportion of our adult population (60%) is now at work, with more blacks and other minorities employed (14 million) than ever before.

Inflation, which averaged 11.6% a year during the three years before I took office, has averaged only a third of that—3.8%—during the last three years.

Real GNP has grown at a 4.5% annual rate during the past three years, compared with only a 2.2% annual rate during the last three years of the previous administration.

The prime rate of interest, and other key interest rates, are less than half what they were when I took office.

Some 11,000 new business incorporations are generated every week, and since early 1983, investment in plant and equipment has risen 44% in real terms.

During the past three years, industrial production has risen by 25%.

During the same period, corporate profits increased 117% and stocks nearly doubled in value.

Federal tax revenues have returned to historic levels of approximately 19% of GNP, as tax rates have been cut across-the-board and indexed for inflation.

As a result of all of the above, real after-tax personal income has risen 10.6% during the last three years—an average increase of $2,500 for each American household.

This dramatic improvement in the performance of our economy was no accident. We have put in place policies that reflect our commitment to reduce Federal Government intrusion in the private sector and have eliminated many barriers to the process of capital formation and growth. We continue to maintain a steadfast adherence to the four fundamental principles of the economic program I presented in February 1981:

Reducing the growth of Federal spending;

Limiting tax burdens;

Relieving the economy of excessive regulation; and

Supporting a sound and stable monetary policy.

Conditions are now in place for a sustained era of national prosperity. But, there is a major threat looming on the horizon: the Federal deficit. If this deficit is not brought under control, we risk losing all we've achieved—and more.

We cannot let this happen. Therefore, the budget I am presenting has as its major objective setting the deficit on a downward path to a balanced budget by 1991. In so doing, my budget meets or exceeds the deficit reduction targets set out in the Balanced Budget and Emergency Deficit Control Act, commonly known for its principal sponsors as Gramm-Rudman-Hollings.

BUDGET SUMMARY

(In billions of dollars)

	1985	1986	1987	1988	1989	1990	1991
Receipts	734.1	777.1	850.4	933.2	996.1	1,058.1	1,124.0
Outlays	946.3	979.9	994.0	1,026.8	1,063.6	1,093.8	1,122.7
Surplus or deficit (−)	−212.3	−202.8	−143.6	−93.6	−67.5	−35.8	1.3
Gramm-Rudman-Hollings deficit targets		−171.9	−144.0	−108.0	−72.0	−36.0	0.0
Difference		30.9	−0.4	−14.4	−4.5	−0.2	−1.3

Note.—Totals include social security, which is off-budget.

At the end of the last session of Congress there emerged a bipartisan consensus that something had to be done about the deficit. The result—Gramm-Rudman-Hollings—committed both the President and the Congress to a fixed schedule of progress. By submitting this budget, I am abiding by the law and keeping my part of the bargain.

This budget shows, moreover, that eliminating the deficit is possible *without* raising taxes, *without* sacrificing our defense preparedness, and *without* cutting into legitimate programs for the poor and the elderly. A tax increase would jeopardize our economic expansion and might well prove counterproductive in terms of its effect on the deficit. We can hardly back away from our defense build-up without creating confusion among friends and adversaries alike about our determination to maintain our commitments and without jeopardizing our prospects for meaningful arms control talks. And frankly we must not break faith with those poor and elderly who depend on Federal programs for their security.

THE DEFICIT AND ECONOMIC GROWTH

Until the Second World War, the Federal budget was kept in balance or ran a surplus during peacetime as a matter of course. But in the early 1960's this traditional fiscal discipline and political rectitude began to break down. We have run deficits during each of the last 25 years. In the past ten years, they have averaged 2.5% of GNP. But last year the deficit was over 5% of GNP. This trend is clearly in the wrong direction and must be reversed.

Last year's deficit amounted to nearly $1,000 for every man, woman, and child in the United States. To eliminate the deficit solely by increasing taxes would mean imposing an extra $2,400 burden on each American household. But taxes are already higher relative to GNP than they were during the 1960s and early 1970s—before inflation pushed them to levels that proved insupportable. The American people have made it clear they will not tolerate a higher tax burden. Spending is the problem—not taxes—and spending must be cut.

The program of spending cuts and other reforms contained in my budget will lead to a balanced budget at the end of 5 years and will thus remove a serious impediment to the continuation of our economic expansion. As this budget shows, such reforms can be accomplished in an orderly manner, without resorting to desperate measures.

Inappropriate and outmoded programs, and activities that cannot be made cost effective, must be ended. Activities that are essential, but that need not be carried out by the Federal Government, can be placed in the private sector or, if they are properly public in nature, turned over to State and local governments. As explained in the Management Report I am also

submitting today, efficiencies can be realized through improved management techniques, increased productivity, and program consolidations.

The need to cut unnecessary Federal spending and improve management of necessary programs must be made a compelling guide to our policy choices. The result will be a leaner, better integrated, more streamlined Federal Government—stripped of marginal, nonessential and inappropriate functions and activities, and focusing its energies and resources entirely on its proper tasks and constitutional responsibilities. That way, resources will be allocated more efficiently—those things best done by government will be done by government; those things best done by the private sector will be directed by the marketplace.

The Balanced Budget and Emergency Deficit Control Act (Gramm-Rudman-Hollings) requires that spending be reduced in accord with a prescribed formula if projected deficits exceed the predetermined targets. This mechanism will operate in a limited fashion during the current fiscal year. However, we should avoid such across-the-board cuts in the future, and they will not be necessary if Congress adopts this budget. Achieving budget savings by taking into account relative priorities among programs is a much better way than resorting to an arbitrary formula. The latter could dangerously weaken vital programs involving the national security or public health and safety, while leaving marginal programs substantially intact.

If the spending cuts and other reforms proposed in this budget are approved, the Federal deficit will be reduced by $166 billion over the next three years. This represents about $700 for every individual American and about $1,900 for every household. I believe this is the appropriate way to deal with the deficit: cut excessive Federal spending rather than attack the family budget by increasing taxes, or risk a deterioration in our national security posture, or break faith with the dependent poor and elderly.

RESTRUCTURING AND RETURNING THE FEDERAL GOVERNMENT TO ITS PROPER ROLE

The task of reducing the deficit must be pursued with an eye toward narrowing the current wide scope of Government activities to the provision of those, but only those, necessary and essential services toward which all taxpayers should be contributing—and providing them as efficiently as possible. This is the underlying philosophy that I have used in shaping this year's budget. Let me explain:

High priority programs should be adequately funded.—Despite the very tight fiscal environment, this budget provides funds for maintaining—and in some cases expanding—high priority programs in crucial areas of national interest. Necessary services and income support for the dependent poor and the elderly receive significiant funding in this budget. So do other programs of national interest, including drug enforcement, AIDS research, the space program, nonmilitary research, and national security.

While national security programs continue to be one of my highest priorities, they have not been exempt from general budgetary stringency. Last summer I reluctantly agreed with Congress to scale back the planned growth of defense appropriations to a zero real increase for 1986 and only a 3% real increase each year thereafter. Congressional action on 1986 appropriations and the subsequent sequestration for 1986 under Gramm-Rudman-Hollings have cut defense budget authority well below last year's level. The budget I am submitting would return defense funding to a steady, well-managed growth pattern consistent with the program levels agreed to in last year's budget resolution and consistent with what the country needs in order to provide for our national security.

During the past 5 years, we have reversed the decline in defense spending and have made significant progress in restoring our military capabilities. The moderate increases that are now requested are necessary to maintain this progress and enable us to move forward with meaningful arms reduction negotiations with the Soviet Union.

Unnecessary programs are no longer affordable.—Some government programs have become outmoded, have accomplished their original purpose, represent an inappropriate area for Federal involvement in the first place, or are marginal in the current tight budgetary environment. If it would not be appropriate or feasible for the private sector or for State or local governments to assume such functions, this budget proposes that programs of this variety be terminated immediately, phased out in an orderly manner, or eliminated when their legal authority expires. Examples include Small Business Administration credit programs, Amtrak grants, Urban Development Action Grants, the Appalachian Regional Commission, the Economic Development Administration, the Interstate Commerce Commission, Maritime Administration loan guarantees, education subsidies for health professionals, the work incentives program, and subsidies for air carriers.

Many other programs should be reduced to a more appropriate scale.—Some Federal programs have become overextended, misdirected, or operate on too expansive a scale given the current tight budgetary environment. This budget proposes reforms to limit the costs and future growth of medicare and medicaid, subsidized housing, Civil Service pensions and health benefits, postal subsidies, interstate highway grants, the Forest Service, and many other programs.

The Government should not compete with the private sector.—Traditionally, governments supply the type of needed services that would not be provided by the private marketplace. Over the years, however, the Federal Government has acquired many commercial-type operations. In most cases, it would be better for the Government to get out of the business and stop competing with the private sector, and in this budget I propose that we begin that process. Examples of such "privatization" initiatives in this budget include sale of the power marketing administrations and the Naval petroleum reserves; and implementation of housing and education voucher programs. I am also proposing the sale of unneeded assets, such as loan portfolios and surplus real estate, and contracting out appropriate Federal services.

Many services can be provided better by State and local governments.—Over the years, the Federal Government has preempted many functions that properly ought to be operated at the State or local level. This budget contemplates an end to unwarranted Federal intrusion into the State and local sphere and restoration of a more balanced, constitutionally appropriate, federalism with more clearly delineated roles for the various levels of government. Examples include new consolidations of restrictive small categorical grant programs into block grants for transportation and environmental protection, at reduced Federal costs. Continued funding is maintained for existing block grants for social services, health, education, job training, and community development.

Administration of the agricultural extension service should be turned over to State and local governments. Also, the Federal Government should get out of the business of paying for local sewage treatment systems, local airports, local law enforcement, subsidies to State maritime schools, and local coastal management.

Remaining Federal activities should be better managed.—As we proceed with the deficit reduction process over the next several years, it is important that all remaining Federal operations be well managed and coordinated to avoid duplication, reduce costs, and minimize regulatory burdens imposed on the private sector. Management efficiencies must accompany the process of developing a leaner, more carefully focused Federal role. We can no longer afford unnecessary overhead and inefficiencies when we are scaling back the role and cost of the Federal Government.

Substantial savings in overhead costs have been achieved under provisions of the Deficit Reduction Act of 1984.

As described in my Management Report, more savings are possible, and these effects are incorporated in this budget. Outmoded, inefficient systems of agency cash and credit management are being replaced; administrative policies and procedures, approaches to automatic data processing, and agency field structures will be streamlined and upgraded; and waste, fraud, and abuse will be further reduced. All these initiatives, part of our Reform '88 program, will take advantage of efficiencies made possible by modern management techniques, improved communications, and new information technology. We shall run the Federal Government on a business-like basis—improving service delivery and reducing taxpayer costs.

Administration of Federal agencies will be made more efficient through the adoption of staffing standards, automation of manual processes, consolidation of similar functions, and reduction of administrative overhead costs. A program to increase productivity by 20% by 1992 in all appropriate Government functions is being instituted, and a major effort is proposed to revamp our outmoded management of a $250 billion Federal credit portfolio. This effort will include establishing prescreening, origination fees, administration and penalty charges, use of collection agencies, charging appropriate interest rates, and the sale of loan portfolios.

Our management improvement program will result in a leaner and more efficient Federal structure and is described in greater detail in my separate Management Report. Improving the management of the Government must be accorded a crucial role and the priority it deserves.

We must also reduce unnecessary costs and burdens on the nonfederal sector and have already made considerable progress in reducing the costs imposed on businesses and State and local governments by Federal regulations. These savings are estimated to total $150 billion over a 10-year period. We have reduced the number of new regulations in every year I have been in office and have eliminated or reduced paperwork requirements by over 500 million hours. In addition, regulations are now more carefully crafted to achieve the greatest public protection for the least cost, and wherever possible to use market forces instead of working against them.

Finally, user fees should be charged for services where appropriate.—Those who receive special benefits and services from the Federal Government should be the ones to bear the costs of those services, not the general taxpayer. Accordingly, this budget imposes fees and premiums for Federal guarantees of loans, and imposes user fees and charges for Federal cost recovery for meat and poultry inspection, National park and forest facilities, harbor and inland waterway use, Coast Guard and Customs inspections, and for many other services.

REFORM OF THE BUDGET PROCESS

Over the years, Federal spending constituencies have become increasingly powerful. In part because of their strong and effective advocacy, Congress has become less and less able to face up to its budgetary responsibilities. The Congressional budget process is foundering; last year it fell apart time and time again. The budget resolution and appropriations bills were months late in passing, and few real deficit reductions were achieved.

Gramm-Rudman-Hollings offers a significant opportunity to avoid many of these problems in the future. That act not only sets deficit targets leading to a balanced budget by 1991, it provides a mechanism for automatic spending cuts and incorporates certain reforms in the budget process itself. But Gramm-Rudman-Hollings does not go far enough in this regard. To meet the clear need for a greatly strenthened budget process, I propose a number of additional reform measures.

As before, I ask Congress to pass a balanced budget amendment and to the Constitution. In addition, I continue to seek passage of a line item veto—authority now possessed by 43 of the Nation's governors. I also urge, for 1988 and beyond, changing the budget resolution to a joint resolution subject to Presidential signature and establishing binding expenditure subcategories within the resolution budget totals. Moreover, I urge that serious study be given to proposals for multiyear appropriations and to the development of a capital budget.

As I have pointed out time and again, there's not a State in the Union that doesn't have a better budget process than the Federal Government. We can—and must—do better.

CONCLUSION

As I said in my address to Congress yesterday, the State of the Union is strong and growing stronger. We've had some extraordinarily good years, and our economy is performing well, with inflation coming under control. Economic growth and investment are up, while interest rates, tax rates, and unemployment have all come down substantially. Our national security is being restored. The proliferation of unnecessary and burdensome Federal regulations has been halted. A significant beginning has been made toward curbing the excessive and unsustainable growth of domestic spending. Improving the management of the Government has been given priority and is achieving results. I think most Americans would agree that America is truly on the move!

The large and stubbornly persistent budget deficit remains as a dark and threatening cloud on the horizon. It threatens our prosperity and our hopes for continued healthy economic growth.

Congress has recognized this threat. It has mandated a gradual, orderly movement to a balanced budget over the next 5 years. The proposals in this budget are a blueprint for achieving those targets while preserving legitimate programs for the aged and needy, providing for our national security, and doing this without raising taxes.

I realize it will be difficult for elected officials to make the hard choices envisioned in this budget. But we must find the political will to face up to our responsibilities and resist the pleadings of special interests whose "era of power" in Washington must be brought to an end—for taxpayers as a whole can no longer be expected to carry them on their backs. All this will call for statesmanship of a high order. We must all realize that the deficit problem is also an opportunity—an opportunity to construct a new, leaner, better focused, and better managed Federal structure. Let's do it.

I look forward to working with Congress on meeting these formidable challenges. It is our job. Let's get on with it.

RONALD REAGAN.

FEBRUARY 5, 1986

BUDGET RESCISSIONS AND DEFERRALS—MESSAGE FROM THE PRESIDENT—PM 108

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report seventy-seven new rescission proposals totaling $9,945,651,335, twenty-seven new deferrals of budget authority totaling $15,191,970,509, and fifteen revised deferrals of budget authority totaling $7,663,442,822.

The rescissions affect programs in the Departments of Agriculture, Commerce, Education, Health and Human

Services, Housing and Urban Development, Interior, Justice, Labor, Transportation, and Treasury, Funds Appropriated to the President, National Aeronautics and Space Administration, Office of Personnel Management, Appalachian Regional Commission, Corporation for Public Broadcasting, National Endowment for the Humanities, State Justice Institute, and the United States Railway Association.

The deferrals affect programs in the Department of Commerce, Defense — Military and Civil, Energy, Health and Human Services, Housing and Urban Development, Justice, Labor, Transportation, and Treasury, Funds Appropriated to the President, the Commission on the Ukraine Famine, the Railroad Retirement Board, and the United States Information Agency.

The details of these rescission proposals and deferrals are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *February 5, 1986.*

MESSAGES FROM THE HOUSE

At 2:50 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2036. A bill to make certain technical corrections to amendments made by the Food Security Act of 1985, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3010. An act to amend the Public Health Service Act to revise and extend the health planning authority under that Act.

ENROLLED BILL SIGNED

At 6:10 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1831. An act to amend the Arms Export Control act to require that congressional vetoes of certain arms export proposals be enacted into law.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3010. An act to amend the Public Health Service Act to revise and extend the health planning authority under that act; to the Committee on Labor and Human Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2329. A communications from the Comptroller General of the United States, transmitting, pursuant to law, a report on budget reductions for fiscal year 1986; to the Committee on the Budget.

EC-2330. A communication from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, a report on the suspension of deportation of certain aliens under 244(a)(1) and 244(a)(2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-2331. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on agreements under the NATO Mutual Support Act for fiscal year 1986; to the Committee on Armed Services.

EC-2332. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the storage and warehousing and motor vehicle operation and maintenance functions at the Naval Administrative Command, Great Lakes, Illinois to performance by contract; to the Committee on Armed Services.

EC-2333. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the Stockpile Report to the Congress for April-September 1985; to the Committee on Armed Services.

EC-2334. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-2335. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayment of certain offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-2336. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayment of offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-2337. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayment of offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-2338. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayments of offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-2339. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayments of offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-2340. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayment of offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-2341. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayment of offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-2342. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on compensatory royalty agreements for oil and gas entered into during fiscal year 1985 which involve unleased Government lands; to the Committee on Energy and Natural Resources.

EC-2343. A communication from the Chairperson of the U.S. Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1985; to the Committee on Environment and Public Works.

EC-2344. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during calendar year 1985; to the Committee on Governmental Affairs.

EC-2345. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2346. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, a report on the positions allocated to the Office in grades 16, 17, and 18; to the Committee on Governmental Affairs.

EC-2347. A communication from the Chairman of the Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, the annual report of the Commission for calendar year 1985; to the Committee on Governmental Affairs.

EC-2348. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report of the General Accounting Office for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2349. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during calendar year 1985; to the Committee on Governmental Affairs.

EC-2350. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2351. A communication from the Comptroller General of the United States,

transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2352. A communication from the President of the Overseas Private Investment Corporation, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2353. A communication from the Secretary of Education, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2354. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-125 adopted by the Council on January 14, 1986; to the Committee on Governmental Affairs.

EC-2355. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-126 adopted by the Council on January 14, 1986; to the Committee on Governmental Affairs.

EC-2356. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-128 adopted by the Council on January 14, 1986; to the Committee on Governmental Affairs.

EC-2357. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-129 adopted by the Council on January 14, 1986; to the Committee on Governmental Affairs.

EC-2358. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-130 adopted by the Council on January 14, 1986; to the Committee on Governmental Affairs.

EC-2359. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-127 adopted by the Council on January 14, 1986; to the Committee on Governmental Affairs.

EC-2360. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2361. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2362. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2363. A communication from the Chairman of the Administrative Conference of the United States, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2364. A communication from the Administrator of General Services, transmitting, pursuant to law, a report on the donation of Federal surplus personal property for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2365. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2366. A communication from the Managing Director of the Interstate Commerce Commission, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2367. A communication from the Postmaster General, transmitting, pursuant to law, the annual report of the U.S. Postal Service for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2368. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during calendar year 1985; to the Committee on Governmental Affairs.

EC-2369. A communication from the Inspector General of the Department of Housing and Urban Development, transmitting, pursuant to law, notice of a new computer matching system; to the Committee on Governmental Affairs.

EC-2370. A communication from the Acting Archivist of the United States, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2371. A communication from the Assistant Secretary of Education (Special Education and Rehabilitative Services), transmitting, pursuant to law, a report on the status of the annual report on progress being made toward the provision of a free appropriate education to all handicapped children; to the Committee on Labor and Human Resources.

EC-2372. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Handicapped Youth; to the Committee on Labor and Human Resources.

EC-2373. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—1986-87 Pell Grant Program Family Contribution Schedule—Family size Offset Tables; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-556. A resolution adopted by the City Council of Berea, Ohio, favoring the continuation of the general revenue sharing program; to the Committee on Finance.

POM-557. A resolution adopted by the Legislature of the Virgin Islands; to the Committee on Finance.

"RESOLUTION No. 1241—BILL No. 16-0276

"Whereas H.R. 1224 is proposed legislation that is presently in the Congress of the United States before the House of Representatives' Committee on Ways and Means; and

"Whereas the purpose of this federal legislation is to amend the Internal Revenue Code of 1954 to provide for the nonrecognition of gain on sales and exchanges of capital assets when the proceeds are reinvested in certain minority investment funds; and

"Whereas this legislation would provide tax benefits for persons reinvesting funds in a mutual fund or other investment company that primarily invests in minority business enterprises and which is owned, operated, and managed by a qualified minority company; and

"Whereas this legislation is designed to spur investment in minority enterprises, thereby providing investment and financial opportunities for minority enterprises in the United States Virgin Islands; Now, Therefore,

"Be it resolved by the Legislature of the Virgin Islands:

"Section 1. The Congress of the United States is hereby petitioned to enact H.R. 1224 so that financial benefits and incentives will inure to minority owned enterprises established in the Virgin Islands.

Section 2. The President of the Legislature of the Virgin Islands shall forward copies of this Resolution upon its passage to the Vice-President of the United States as presiding officer of the Senate, the Speaker of the United States House of Representatives, the Chairman of the House Committee on Ways and Means, and the United States Virgin Islands Delegate to the House of Representatives, Washington, D.C.

POM-558. A resolution adopted by the Senate of the State of Alabama; to the Committee on Veterans' Affairs.

"RESOLUTION

"Whereas, our nation's military veterans are a segment of our population to whom we are and shall forever remain indebted for their sacrifices on our behalf and in defense of our freedom; and

"Whereas, valiant and loyal Americans, one and all, our veterans and their needs must never be neglected and our nation is obligated to support their needs through specific and continuing benefits that remain secure against reduction and/or rescission; now therefore,

"Be it resolved by the Senate of Alabama, That we hereby memorialize President Ronald Reagan and The Congress to immediately cease all efforts to reduce and/or eliminate any veterans benefits and take immediate action to restore any and all benefits heretofore curtailed or eliminated.

"Be it further resolved, That copies of this resolution be dispatched to the President of the United States, to the presiding officers of the U.S. Congress and the Senate, to the Alabama Congressional Delegation and to the Director of the Veterans Administration in Washington, D.C.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment:

S. 1429. A bill to amend title 18, United States Code, to authorize prosecution of terrorists who attack U.S. nationals abroad, and for other purposes.

TERRORIST PROSECUTION ACT OF 1986

● Mr. SPECTER. Mr. President, today the Judiciary Committee filed for Senate consideration S. 1429, the Terrorist Prosecution Act of 1986, to provide for the prosecution and punishment of persons who, in furtherance of terrorist activities, commit violent attacks upon Americans outside the United States or conspire outside of the United States to murder Americans within the United States.

In 1984, terrorists destroyed the Marine Corps barracks in Beruit, taking the lives of over 240 U.S. marines. In the wake of this horrible tragedy, analysis revealed that the United States possessed no jurisdiction for the prosecution of those terrorists for their murders, should they be apprehended.

To remedy this problem, on September 25, 1984, I introduced S. 3018 to provide for U.S. jurisdiction over terrorist attacks against U.S. agents, officers, and employees.

The bill was reintroduced in the 99th Congress on June 27, 1985, as S. 1373. After receiving input from authorities on international law and meetings with administration officials, including newly appointed State Department Legal Adviser Judge Abraham Sofaer and Ambassador Robert Oakley, head of the Office of Counterterrorism and Emergency Preparedness, the bill was further modified and reintroduced as S. 1429 on July 10, 1985.

The modified bill expanded the jurisdiction of the United States for prosecution of terrorists who attack any national of the United States.

At the heart of this bill is the notion that international terrorists are criminals and ought to be treated as such—that they should be located promptly, apprehended, and brought to trial for their heinous crimes.

In 1984, Congress enacted new laws providing extra-territorial jurisdiction for hostage taking and aircraft sabotage, but there remains a critical gap in our arsenal against terrorism: murder of U.S. nationals outside our borders and not within the special jurisdiction of the United States, other than of specially designated Government officials and diplomats, is not a crime under U.S. law.

S. 1429 is urgently needed to fill this critical gap in our antiterrorism arsenal. A recent New York Times article on January 19, 1986, reported State Department Legal Advisory Judge Abraham Sofaer as noting "that no Federal law covers the murder of American citizens abroad, a lack that frustrated efforts to bring indictments against those responsible for slaying four off-duty American marines and two American businessmen in El Salvador last year."

This bill fills that gap without in any way contravening or conflicting with either international or constitutional law. While criminal jurisdiction is customarily limited to the place where the crime occurred, it is well-established constitutional doctrine that Congress has the power to apply U.S. law extra-territorially if it so chooses. See, for example, *United States* v. *Bowman,* 260 U.S. 94 (1922).

International law also recognizes broad criminal jurisdiction. If an alleged crime occurs in a foreign country, a nation still may exercise jurisdiction over the defendant, pursuant to the protective principle, if the crime has a potentially adverse effect upon its security or the operation of its governmental functions. This basis for jurisdiction over crimes committed outside the United States has been applied by the Federal courts in contexts ranging from drug smuggling to perjury. Clearly, then, the exercise of U.S. criminal jurisdiction also is justified to prosecute a terrorist who assaults or murders American nationals abroad. In addition to threatening a fundamental function of our Government—that of protecting its citizens—such attacks undoubtedly have an adverse effect upon the conduct of our Government's foreign affairs, and potentially threaten the security interests of the United States. Terrorist attacks further interfere with interstate and foreign commerce, threatening business travel and tourism, as well as trade relations.

The bill includes a statement of findings and purpose designed to make it clear the act is intended to cover acts of international terrorism, as opposed to bar room brawls or other violence which fails to trigger these national interests. Similarly, the bill specifies that no indictment may be returned under the act without the written approval of the Attorney General or his designee. The intention of this section is to further ensure that application of the law is limited to acts of national interest consistent with the findings and purpose set forth in the act. It is my sense that these provisions are adequate to satisfy this objective and, thus, the bill does not attempt to define terrorism. However, those seeking guidance on this issue can refer to the definition provided in the Foreign Intelligence Surveillance Act, title 50, section 1801(c).

Judge Sofaer told the Senate Committee on Security and Terrorism during hearings on July 30, 1985, that S. 1429 will fill a significant gap in current U.S. law, and is warranted by reality and logic, and consistent with international law. Ambassador Oakley concurred, emphasizing that the bill will be a useful tool in the foreign policy and diplomatic aspects of our antiterrorism effort. Also testifying in support of the bill were Dr. Raymond Cline, senior associate at the Center for Strategic and International Studies, and Leo Byron, a hostage of the TWA hijacking in June of 1985, accompanied by his wife, Carolyn, and daughter, Pamela, who were also on the plane.

S. 1429 was considered by the Subcommittee on Security and Terrorism on November 13, 1985. Senators JEREMIAH DENTON and PATRICK J. LEAHY, chairman and ranking minority member of the subcommittee, offered, on my behalf, an amendment in the nature of a substitute which included:

Adding a statement of findings and purpose which will be included in the chapter as part of the act. The purpose of this section is twofold: First, it outlines the basis for asserting this extra-territorial jurisdiction and second it makes it clear that the act is to apply only to terrorist activities. The latter is necessary to eliminate nonterrorist assaults, such as bar-room brawls.

Including conspiracy to murder an American outside the United States, and, in new subsection (c), conspiracy outside the United States to murder an American within the the United States.

Limiting the assault provision to acts done with intent to cause serious bodily harm or significant loss of liberty.

Removing the section expressly giving the United States jurisdiction "if the offender is present in the United States, irrespective of where the offense occurred or the nationality of the victim or the alleged offender," because the act, in fact, limits jurisdiction to acts committed outside the United States, and where the victim is a U.S. national.

Removing the FBI from list of agencies from whom the Attorney General may request assistance, because the list is not exclusive, and the FBI is not included in identical provisions in other laws.

Adding "no indictment for this section can be returned without the written approval of the Attorney General or his designee," to ensure application consistent with the act and to avoid using scarce enforcement resources on marginal cases.

On December 12, 1985, the full Judiciary Committee considered S. 1429. Senator LEAHY offered an amendment to strike section 2332(d): "In enforcing subsections (a), (b), and (c), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding." I accepted the amendment. This deletion ensures that the bill neither expands nor limits existing authority of the Attorney General in enforcing U.S. laws.

SECTION-BY-SECTION ANALYSIS

SECTION 1. The short Title is "Terrorist Prosecution Act of 1986."

SEC. 2. The Act is to be inserted in Title 18 under the Chapter dealing with terrorist acts against nationals abroad.

The congressional findings and purpose of the act, "Sec. 2331," are to be included in the chapter to eliminate any doubt that the act is to apply to terrorist activities and to outline the basis for jurisdiction in international and American law.

The crime itself will be proscribed in new section 2332 and includes murder, manslaughter, conspiracy to murder, and other violent attack of a national of the United States outside the United States.

In addition, subsection (c) makes it a crime to conspire outside the United States to commit murder within the United States of any U.S. national.

The penalties set forth in the act are as follows: for murder, manslaughter, and conspiracy to murder, the penalties are the same as those currently federally prescribed for these crimes when they occur in the United States—see 18 U.S.C. sections 1111, 1112, and 1117 respectively—for attempted murder, the penalty is imprisonment for not more than 20 years; for other violent attacks, the penalty is a fine of not more than $5,000 or imprisonment for not more than 3 years, or both; except that if a deadly or dangerous weapons is used, the penalty is a fine of not more than $10,000 or imprisonment for not more than 10 years, or both.

Subsection (d) provides that "National of the United States" is used as defined at 8 U.S.C. 1101(a)(22).

Subsection (e) provides that no indictment may be returned without the written approval of the Attorney General or his designee. It is expected that the Attorney General will establish investigative and prosecutive guidelines to carry out the purpose of new chapter 113A. In establishing the guidelines and when approving prosecutions under new section 2332, among the factors the Attorney General should consider in consultation with the Secretary of State are: the purpose of new chapter 113A; the adequacy of the handling of the matter by foreign authorities; the affect upon our relations with a foreign government; the resources available to investigate and successfully prosecute; the significance of the crime; and the nature of the terrorist group.

Mr. President, I ask unanimous consent that a statement by Senator HATCH in support of S. 1429 be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF S. 1429—(PROSECUTION OF TERRORISTS FOR ATTACKS UPON AMERICAN NATIONALS ABROAD)

I support S.1429 and the way it will be legally applied; however, I do not believe it works completely in the way that its sponsors claim that it works. First of all, Section 2331 of the proposed amendment aside from sub-section (F) is irrelevant to the bill. Subsection (B) is only somewhat pertinent. The drafters of the amendment apparently believe that it helps to define terrorism. In actuality, it does not. This leads to my second and more serious criticism. The terrorist acts as supposedly defined in section 2332 of the bill are not defined. It is merely a broad proscription of violence in the same way that the supplementary treaty on extradition between the U.S. and the U.K. sets out a broad proscription of violence. If we want merely to introduce the nationality principle to protect Americans from any harm or attack overseas, and to place their attackers under American jurisdiction as a result of that harm, then I see no problem. But this would be a controversial and precedent-setting extension of American jurisdiction.

If we are merely to penalize terrorist attacks, then the definition of terrorism as provided by the original bill in section 2(C), relying upon the definition of the Foreign Intelligence Surveillance Act, is much more preferable. The Foreign Intelligence Surveillance Act, and specifically its definition of terrorism, have recently been upheld in a second circuit decision: *U.S. v. Duggan*, 743 F.2D 59 (1984). The definition of terrorism is specifically upheld on pages 70-72 the *Duggan* opinion. The FISA definition of terrorism is a broad one and will most effectively serve the national interests of the United States by defining international terrorism. I see no reason to substitute general violence for a more specific definition, unless we wish to adopt *in Toto* the nationality principle.

The protective principle would in effect make a terrorist attack (undefined) upon any U.S. citizen an attack upon the national security of the United States. This is too broad a claim and blurs the focus of the protective principle and its traditional application in international law.

In sum, although I have some concerns as to a prosecution of terrorists bill that does not define terrorism, I strongly favor the development of the nationality theory of jurisdiction in our contemporary scientific and technological world. In these days of faster than sound commercial aircraft and instant communications, it not longer makes sense to view the world from an older jurisdictional perspective.

To protect Americans from acts of violence committed against them outside of the territorial boundaries of the United States is a good thing for maintaining an acceptable standard of security in an ever-shrinking globe. Therefore, I support the effect of S. 1429 and believe that. The end result is eminently satisfactory. ●

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GOLDWATER, from the Committee on Armed Services:

Mr. GOLDWATER. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations and ask that they be placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of January 27 and January 29, 1986, at the end of the Senate proceedings.)

MILITARY NOMINATIONS WHICH HAVE BEEN PENDING WITH THE SENATE ARMED SERVICES COMMITTEE THE REQUIRED LENGTH OF TIME AND TO WHICH NO OBJECTIONS HAVE BEEN RAISED

1. In the Air Force there is 1 promotion to the grade of lieutenant colonel (Jerry L. Ross). (Ref. No. 872)

2. In the Army there is 1 promotion to the grade of colonel (Sherwood C. Spring). (Ref. No. 873)

3. In the Marine Corps there is 1 promotion to the grade of colonel (Bryan D. O'Connor). (Ref. No. 874)

4. In the Air Force Reserve there are 6 appointments to the grade of colonel and below (list begins with Roy J. Barnes). (Ref. No. 877)

5. In the Army Reserve there are 1,774 promotions to the grade of colonel and below (list begins with Gilbert M. Horita). (Ref. No. 878)

Total 1,783.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCONNELL:

S. 2046. A bill to provide limits and procedures in certain civil cases; to the Committee on the Judiciary.

By Mr. KASTEN:

S. 2047. A bill to amend the Agricultural Adjustment Act to modify the minimum adjustments to prices for fluid milk under marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WEICKER:

S. 2048. A bill to encourage international efforts to designate the shipwreck of the R.M.S. *Titanic* as an international maritime memorial and to provide for reasonable research, exploration and, if appropriate, salvage activities with respect to the shipwreck; to the Committee on Foreign Relations.

By Mr. PROXMIRE (for himself, Mr. GARN, Mr. McCONNELL, and Mr. KASTEN):

S. 2049. A bill to prohibit Export-Import Bank loans to Angola; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. METZENBAUM (for himself and Mr. STAFFORD):

S. 2050. A bill to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DIXON (for himself and Mr. SIMON):

S. 2051. A bill to ensure payment of the regular duties imposed on imported ethyl alcohol and payment of the additional duty imposed on ethyl alcohol when imported for use in producing a mixture of gasoline and alcohol or used otherwise as fuel; to the Committee on Finance.

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. DeCONCINI, Mr. THURMOND, and Mr. ROCKEFELLER):

S. 2052. A bill to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself and Mr. KASTEN):

S. Res. 333. Resolution to express the sense of the Senate regarding the Urban Development Action Grant Program; to the Committee on Appropriations.

By Mr. DOLE (for himself, Mr. LONG, and Mr. BYRD):

S. Res. 334. Resolution commending Roderick A. DeArment for his faithful and exemplary service to the United States Senate; considered and agreed to.

By Mr. SPECTER (for himself, Mr. DENTON, Mr. BIDEN, Mr. DODD, Mr. MOYNIHAN, Mr. ANDREWS, Mr. BURDICK, Mr. RIEGLE, Mr. MCCONNELL, Mr. MATHIAS, Mr. BRADLEY, Mr. MATSUNAGA, Mr. HEINZ, Mr. GRASSLEY, Mr. LEVIN, Mr. SARBANES, Mr. ZORINSKY, Mr. BENTSEN, Mr. KENNEDY, Mr. D'AMATO, Mr. METZENBAUM, Mr. GORTON, Mrs. HAWKINS, Mr. NUNN, Mr. HEFLIN, Mr. SASSER, Mr. LEAHY, Mr. COHEN, Mr. CRANSTON, Mr. LAUTENBERG, Mr. LAXALT, Mr. EAGLETON, Mr. KERRY, and Mr. HARKIN):

S. Con. Res. 106. Concurrent resolution expressing the sense of the Congress with respect to certain amounts proposed by the President to be rescinded; to the Committee on Appropriations.

By Mr. SIMPSON:

S. Con. Res. 107. Concurrent resolution providing for an adjournment of the House from February 6, 1986 or February 7, 1986 to February 18, 1986, and for an adjournment of the Senate from February 6, 1986 or February 7, 1986, to February 17, 1986; considered and agreed to.

By Mr. LEVIN:

S. Con. Res. 108. Concurrent resolution expressing the sense of the Congress regarding East Timor; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL:

S. 2046. A bill to provide limits and procedures in certain civil cases; to the Committee on the Judiciary.

(The remarks of Mr. MCCONNELL and the text of the legislation appear earlier in today's RECORD.)

By Mr. KASTEN:

S. 2047. A bill to amend the Agricultural Adjustment Act to modify the minimum adjustments to prices for fluid milk under marketing ordered; to the Committee on Agriculture, Nutrition, and Forestry.

REPEAL OF INCREASES IN CLASS I DIFFERENTIALS FOR MILK

Mr. KASTEN. Mr. President, today I am introducing legislation to repeal the increases in class I differentials mandated by the 1985 farm bill.

Mr. President, I made the point during my statement against final passage of the farm bill that legislation increases in these differentials was the wrong thing to do, and I make that point again today.

For over 35 years we have had a system in this country for making changes in marketing orders for fluid milk. It provides for public hearings, with testimony from all interested parties and the opportunity for the Department of Agriculture to consider carefully the changes proposed.

Generally speaking, this system has worked well. The Senate recognized this fact during its consideration of the farm bill when it agreed to my amendment expressing the sense of the Senate that class I differentials should not be changed except through regulations issued by the Secretary of Agriculture.

But this amendment was thrown out in conference, and replaced by increases in the class I differentials for most Federal orders. My colleagues should not be misled into thinking that this was a minor, technical change in an obscure and unimportant area of farm policy. No: This was a major change in policy—and it was made without the benefit of hearings in the Senate Agriculture Committee or of debate on the Senate floor.

I was surprised and disappointed that a majority of my colleagues on the conference committee on the farm bill saw fit to disregard the point I made in a letter dated December 4, 1985. In that letter I said:

For the conference committee to accept the sweeping changes in milk marketing orders made by the House would make a mockery of the Senate's right—and its responsibility—to participate in the writing of farm legislation.

The Senate ought not to have agreed to the increased differentials without at least debating the issue; it ought to act now to correct this mistake, and repeal the differential increases before they go into effect in April.

My bill would restore the range of allowable differentials under Federal orders to what it was before enactment of the 1985 farm bill. It would give the Secretary discretion to set differentials within this range through the hearing process, except that the differentials would have to be computed on a nationwide basis relative to the distance from the center of the Minnesota-Wisconsin region, Eau Claire, WI.

By increasing the guaranteed minimum prices for dairy farmers in most of the major milk-consuming regions, Congress greatly reduced price uncertainty for the milk producers in those regions. At a time when we are trying to induce some dairy farmers to leave the industry through the whole-herd buyout program, that can mean only one thing. There will be less incentive for Southern and Southeastern dairy farmers to participate in the buyout program—which will put most of the burden for reducing production on Wisconsin and the upper Midwest.

This is not just unfair; it is economic nonsense. The upper Midwest is the most efficient, lowest cost-of-production region east of the rockies. By raising the differentials, Congress has encouraged milk production by giant factory farm operations in high cost of production regions, while giving the back of its hand to efficient, low cost-of-production family dairy farms in traditional dairy States like Wisconsin.

I urge my colleagues to join me in righting this injustice and correcting this blunder, by supporting my efforts to repeal the class I differential increases.

Mr. President, I want to take this opportunity to make a point about milk marketing orders in general. We should not let discussion of increasing class I differentials blind us to the fact that the milk marketing order system is in need of much more far-reaching reform.

We need to move toward deregulation in milk marketing, for the sake of dairy farmers in the upper Midwest and consumers across the country.

There is no reason why fluid milk must remain the most heavily regulated staple food in America. Dairy farmers in low cost of production States like Wisconsin and low-income consumers in the East and South would be the biggest gainers from a milk marketing policy that let the market work.

Rather than going out of our way to build up dairy industries in areas of the country where milk production is expensive, we ought to be encouraging the flow of milk south from Wisconsin and the upper Midwest.

I will be introducing more comprehensive legislation on this subject later this year. At this time, I want to serve notice that the debate on fluid milk marketing has not ended; it has just begun. The marketing order provisions of the 1985 farm bill were an injustice to tens of thousands of Wisconsin dairy farmers. I intend to fight to correct that injustice, and to work for a dairy policy that works for the greatest number of dairy farmers.

I ask unanimous consent to print the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8c(5)(A) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(A)) (as amended by section 131 of the Food Security Act of 1985 (Public Law 99-198)) is amended by striking out the second and third sentences and inserting in lieu thereof the following new sentence: "The minimum price differential for milk of the highest use classification adjusted under clause (1) of the preceding sentence (A) shall be computed on a nationwide basis relative to the distance from Eau Claire, Wisconsin to the point of deliv-

ery, and (B) may not exceed the price differential for milk of the highest use classification established under the order issued pursuant to this section for the Upper Midwest or $3.15, whichever is greater.".

By Mr. WEICKER:

S. 2048. A bill to encourage international efforts to designate the shipwreck of the R.M.S. *Titanic* as an international maritime memorial and to provide for reasonable research, exploration, and, if appropriate, salvage activities with respect to the shipwreck; to the Committee on Foreign Relations.

R.M.S. "TITANIC" MARITIME MEMORIAL ACT

● Mr. WEICKER. Mr. President, I would like to introduce today a bill that would designate the *Titanic* an international maritime memorial and that directs the United States to negotiate with other nations to establish international guidelines for research, exploration, and, if appropriate, salvage of the shipwreck. This bill is a companion bill to H.R. 3272, which was passed by the House of Representatives on December 2, 1985.

On April 14, 1912, the *Titanic* collided with an iceberg off Newfoundland and sunk 2½ miles to the ocean floor. Over 1,500 lives were lost, and the tragic event marked a turning point in maritime history. In the years following the sinking of the ship, many new regulations were implemented to provide increased safety at sea.

The *Titanic* was located by a joint United States-French research team on September 1, 1985. The RV. *Knorr,* operated by the Woods Hole Oceanographic Institution under the direction of Dr. Robert Ballard, found the shipwreck with an unmanned submersible.

The discovery of the *Titanic* means different things to relatives and friends, scientists, lawyers, naval architects, and ocean travellers. With these different interests comes the potential for conflicts on how to treat this unique shipwreck. The tremendous achievement of Dr. Ballard and his colleagues gives testimony to the sophisticated undersea technology used to locate and study the *Titanic.* An understanding of how to treat the shipwreck relies on legislation that will commemorate the lives lost and allow the rest of the world to see and learn from the tragic event. A survivor of the *Titanic,* who was 4 years old when she was lowered into a lifeboat, perhaps described it best: "I think my father's sister and brother like others who died in the *Titanic* would say, 'Do what you want with the ship as long as what you do benefits all people.'" This bill does just that.

Since the shipwreck lies in international waters, the bill seeks to promote a spirit of cooperation between countries that would create a common goal: To stimulate research and exploration activities regarding the *Titanic,* but to also encourage all persons to defer from physically disturbing the wreck or recovering artifacts until there has been fair opportunity to develop international guidelines or agreements. The bill directs the Secretary of State to consult with the Administrator of the National Oceanic and Atmospheric Administration when negotiating with interested nations. In addition, full participation in the guideline development process by other interested U.S. Federal agencies, academic and research institutions, and the public is encouraged. Semiannual reports from the Secretary of State and the Administrator of NOAA are to be presented to House Foreign Affairs Committee and Merchant Marine and Fisheries Committee, and the Senate Foreign Relations Committee and the Committee on Commerce, Science, and Transportation.

The legislation has the support of the administration and requires no authorization of funds. The State Department is currently soliciting comments on the legislation from interested countries, and preliminary results are favorable. The bill does not prohibit U.S. citizens from exploring or salvaging activities in the absence of similar restrictions on the citizens of all other interested nations.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "R.M.S. Titanic Maritime Memorial Act of 1986".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the R.M.S. Titanic, the ocean liner which sank on her maiden voyage after striking an iceberg on April 14, 1912, should be designated as an international maritime memorial to the men, women, and children who perished aboard her;

(2) the recent discovery of the R.M.S. Titanic, lying more than twelve thousand feet beneath the ocean surface, demonstrates the practical applications of ocean science and engineering;

(3) the R.M.S. Titanic, well-preserved in the cold, oxygen-poor waters of the deep North Atlantic Ocean, is of major national and international cultural and historical significance, and merits appropriate international protection; and

(4) the R.M.S. Titanic represents a special opportunity for deep ocean scientific research and exploration.

(b) PURPOSES.—The Congress declares that the purposes of this Act are—

(1) to encourage international efforts to designate the R.M.S. Titanic as an international maritime memorial to those who lost their lives aboard her in 1912;

(2) to direct the United States to enter into negotiations with other interested nations to establish an international agreement which will provide for designation of the R.M.S. Titanic as an international maritime memorial, and protect the scientific, cultural, and historical significance of the R.M.S. Titanic;

(3) to encourage, in those negotiations or in other fora, the development and implementation of international guidelines for conducting research on, exploration of, and if appropriate, salvage of the R.M.S. Titanic; and

(4) to express the sense of the United States Congress that, pending such international agreement or guidelines, no person should physically alter, disturb, or salvage the R.M.S. Titanic in any research or exploratory activities which are conducted.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the term—

(a) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration (NOAA);

(b) "person" means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government;

(c) "R.M.S. Titanic" means the shipwrecked vessel R.M.S. Titanic, her cargo or other contents, including those items which are scattered on the ocean floor in her vicinity; and

(d) "Secretary" means the Secretary of State.

SEC. 4. COMMENDATION.

The Congress of the United States highly commends the members of the joint international expedition which discovered the R.M.S. Titanic.

SEC. 5. INTERNATIONAL GUIDELINES.

(a) The Administrator is directed to enter into consultations with the United Kingdom, France, Canada, and other interested nations to develop international guidelines for research on, exploration of, and if appropriate, salvage of the R.M.S. Titanic, which:

(1) are consistent with its national and international scientific, cultural, and historical significance and the purposes of this Act; and

(2) promote the safety of individuals involved in such operations.

(b) In carrying out subsection (a), the Administrator shall consult with the Secretary and shall promote full participation by other interested Federal agencies, academic and research institutions, and members of the public.

SEC. 6. INTERNATIONAL AGREEMENT.

(a) The Secretary is directed to enter into negotiations with the United Kingdom, France, Canada, and other interested nations to develop an international agreement which provides for:

(1) the designation of the R.M.S. Titanic as an international maritime memorial; and

(2) research on, exploration of, and if appropriate, salvage of the R.M.S. Titanic consistent with the international guidelines developed pursuant to section (5) and the purposes of this Act.

(b) In carrying out the requirements of subsection (a), the Secretary shall consult with the Administrator, who shall provide research and technical assistance to the Secretary.

(c) The Secretary and the Administrator shall report semiannually to the Committee on Merchant Marine and Fisheries and the

Committee on Foreign Affairs in the House of Representatives and to the Committee on Foreign Relations and the Committee on Commerce, Science and Transportation in the Senate on the progress of the negotiations and consultations.

(d) Upon adoption of an international agreement as described in subsection (a), the Secretary shall provide notification of the agreement and recommendations for legislation to implement the agreement to the Committee on Merchant Marine and Fisheries and the Committee on Foreign Affairs in the House of Representatives and to the Committee on Foreign Relations and the Committee on Commerce, Science and Transportation in the Senate.

SEC. 7. SENSE OF CONGRESS REGARDING CONDUCT OF FUTURE ACTIVITIES.

It is the sense of Congress that research and limited exploration activities concerning the R.M.S. Titanic should continue for the purpose of enhancing public knowledge of its scientific, cultural, and historical significance: *Provided*, That pending adoption of the international agreement described in section 6(a) or implementation of the international guidelines described in section 5, no person should conduct any such research or exploration acitivity which would physically alter, disturb, or salvage the R.M.S. Titanic.

SEC. 8. DISCLAIMER OF EXTRATERRITORIAL SOVEREIGNTY

By enactment of this Act, the United States does not assert sovereignty, or sovereign or exclusive rights or jurisdiction over, or the ownership of, any marine areas or the R.M.S. Titanic.●

By Mr. PROXMIRE (for himself, Mr. GARN, Mr. MCCONNELL, and Mr. KASTEN):

S. 2049. A bill to prohibit Export-Import Bank loans to Angola; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. PROXMIRE and the text of the legislation appear earlier in today's RECORD.)

By Mr. METZENBAUM (for himself and Mr. STAFFORD):

S. 2050. A bill to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes; to the Committee on Labor and Human Resources.

HIGH RISK OCCUPATIONAL DISEASE NOTIFICATION AND PREVENTION ACT

● Mr. METZENBAUM. Mr. President, millions of American workers have been or continue to be exposed to toxic chemicals, wastes, fumes, dusts, and industrial processes. Such exposures increase substantially the risk that workers will suffer disabling or terminal disease conditions. In response to this intolerable situation, Senator STAFFORD and I have today introduced a bill to promote the prevention and early detection of occupational diseases through a system of identifying, notifying and counseling workers at risk. We believe that enactment of this important measure will save thousands of lives and millions of dollars in private and Federal health care spending.

Since Congress passed the Occupational Safety and Health Act of 1970, the Federal Government has made progress in regulating employee exposure to hazardous substances or processes in the workplace. Over the past 15 years, the Occupational Safety and Health Administration has issued permanent standards setting permissible exposure limits for more than 20 toxic substances. The Environmental Protection Agency and the National Institute for Occupational Safety and Health also have contributed to our knowledge of and ability to control hazardous occupational exposures.

But notwithstanding these efforts by the Federal Government, some 100,000 workers die and 340,000 more are disabled each year from occupational diseases. Three million men and women who have worked with benzene have an abnormally high chance of contracting leukemia; 2.5 million workers involved in the manufacture or installation of asbestos products are far more likely than other Americans to come down with lung cancer; hundreds of thousands of textile workers exposed to cotton dust are at increased risk of contracting brown lung disease; and millions of American workers exposed to chemicals that are still being studied will suffer from cancer, heart disease, respiratory ailments or reproductive disorders in numbers disproportionate to the rest of the population.

As a fundamental matter of public health policy, these men and women, to the extent such knowledge is available, should be informed of the illnesses that may result from their occupational exposures. Because occupational diseases generally have long latency periods, it often is possible to prevent or successfully treat disease conditions through medical intervention or counseling on personal health habits. Such early intervention and followup can help reduce the staggering costs of medical care in this country.

Our proposed legislation establishes a low-cost system for identifying, notifying and monitoring at risk worker populations. Identification and notification are the responsibility of the Secretary of HHS. This responsibility can be fulfilled in a cost-effective manner due to two factors: First, the Federal Government already possesses or has access to extensive medical and scientific data regarding identifiable worker populations that are at risk of developing diseases associated with hazardous occupational exposures; and second, Federal law already requires that the personnel or medical records of these workers—including former workers—be maintained by their employers and in some instances by the Federal Government as well. Workers who are identified and notified that they are at risk also are advised on how to initiate medical monitoring through their personal physicians or other medical and social service professionals. Regional health centers designated by the Secretary from among existing facilities will provide training and emergency backup assistance.

The bill includes an authorization of $25 million for each of the first 2 years following enactment. On this limited budget, the Secretary should be able to identify and notify over 500,000 workers per year. The Federal cost of this effort will be fully offset so long as even one notified worker out of 20—or 25,000 workers—acts soon enough to benefit from preventive intervention or treatment and as a result saves an average of $1,000 in health care costs. If, as is far more likely, the health care savings per worker are 5 to 10 times that amount, the bill will save hundreds of millions of dollars in Federal health care expenditures. Even more significant, of course, are the savings in human terms; avoiding the misery of disabling or fatal diseases for thousands of American workers.

A bill closely comparable to ours, H.R. 1309, is being considered before the House Subcommittee on Health and Safety. The House bill has support of the American Public Health Association, the American Lung Association, the American Psychological Association, the American Association of occupational Health Nurses, the United Autoworkers, the United Steelworkers, the Oil, Chemical and Atomic Workers, the AFL-CIO, and the Industrial Union Department of the AFL-CIO.

At the same time, in response to legitimate concerns and criticisms raised by the administration and the business community during the House subcommittee hearings, we have modified the House bill in several important respects:

The Metzenbaum-Stafford bill specifies that the Federal Government and its agents are immune from monetary liability for action taken—or not taken—to notify at risk populations;

Our bill makes clear that notification by the Secretary may not be used in any workers' compensation or tort law proceeding arising out of the hazardous occupational exposure;

Our bill eliminates the distinction between increased risk and high risk populations by adopting a single definition of populations at risk;

Finally, our bill changes the primary role of the health centers from one of offering direct monitoring and surveillance for millions of workers to one of providing training and technical assistance for local health care professionals.

Mr. President, I urge my colleagues to support this important initiative in the area of occupational health. It will save lives and it will save money.

Mr. President, I ask unanimous consent that the text of the bill I have just described, a bill entitled "The High Risk Occupational Disease Notification and Prevention Act of 1986," be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "High Risk Occupational Disease Notification and Prevention Act of 1986".

FINDINGS AND PURPOSE

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) many harmful substances and physical agents are in wide industrial and commercial use in the United States;

(2) a significant number of workers suffer disability or death or both from occupational diseases caused by hazardous occupational exposures;

(3) diseases caused by hazardous occupational exposures constitute a substantial burden on interstate commerce and have an adverse effect on the public welfare;

(4) workers have a basic and fundamental right to know that they have been exposed to an occupational hazard and are at risk of contracting an occupational disease;

(5) social and family services that reinforce health-promoting behavior can reduce the risk of contracting an occupational disease;

(6) there is a period of time between exposure and the onset of disease when it often is possible to intervene medically in the biological process of disease either to prevent or, by early detection, successfully treat many disease conditions;

(7) a significant number of identifiable occupational populations are at risk of developing diseases because of hazardous occupational exposures;

(8) by means of established epidemiological, clinical, and laboratory studies, it is possible to define and identify very specific worker populations at risk of contracting occupational diseases;

(9) there is no established national program for identifying, notifying, counseling, and medically monitoring worker populations at risk of occupational diseases;

(10) there is a lack of adequately trained medical and human service professionals, as well as appropriately staffed and equipped health facilities to recognize and diagnose occupational diseases;

(11) there is a need for increased research to identify and monitor worker populations at risk of occupational diseases; and

(12) through prevention and early detection of occupational disease the staggering costs of medical treatment and care in the United States can be substantially reduced.

(b) PURPOSE.—It is the purpose of this Act—

(1) to establish a Federal program to notify individual employees within populations at risk of occupationally induced disease that they are at risk because of a hazardous occupational exposure, and to counsel them appropriately;

(2) to authorize and direct the certification of occupational and environmental health facilities which have a primary purpose of educating and training physicians and social service professionals in local communities throughout the United States;

(3) to expand Federal research efforts to improve means of identifying and monitoring worker populations at risk of occupational disease; and

(4) to establish a set of protections prohibiting discrimination against employees on the basis of identification and notification of occupational disease risk.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) the term "employee" means—

(A) any individual employed by an employer; or

(B) any individual formerly employed by an employer as to whom any Federal agency maintains records pertaining to work history, or the employer maintains personnel records, medical records, or exposure records;

(2) the term "employer" means any person engaged in commerce or in an industry affecting commerce, or any agency of Federal, State, or local government;

(3) the term "insurance carrier" means any stock company, mutual company or association, or any other person or fund, or State compensation insurance fund, which is authorized under the laws of the United States to engage in the business of writing insurance;

(4) the term "Secretary" means the Secretary of Health and Human Services;

(5) the term "health care financing system" means a private or public system for financing health care in the United States, including public and private health insurance programs, and programs providing health insurance benefits under part A or B of title XVIII of the Social Security Act, medical assistance under a State plan approved under title XIX of such Act, and benefits based on disability under title II or XVI of such Act;

(6) the term "population at risk" means an employee population exposed to hazardous occupational exposures within which an associated disease occurs at a rate 30 percent greater than a comparable population not exposed to the hazardous occupational exposure;

(7) the term "hazardous occupational exposure" means—

(A) any harmful chemical, physical, or biological agent; industrial or commercial process or activity found in the workplace which is associated with the risk of disease, or

(B) any occupation which is associated with the risk of disease;

(8) the term "medical monitoring" means periodic medical examinations of employees who are at risk of occupational disease; and

(9) the term "Board" means the Risk Assessment Board established by section 4 of this Act.

RISK ASSESSMENT BOARD

SEC. 4. (a) ESTABLISHMENT.—(1) There is hereby established within the Department of Health and Human Services the Risk Assessment Board. The Board shall consist of five members. Board members shall be career or commissioned Public Health Service employees designated by the Secretary to serve terms of five years, except that initially one member shall be appointed for three years, two members for four years, and two members for five years. The Board shall include an epidemiologist, toxicologist, industrial hygienist, physician, and occupational health nurse. The Secretary shall designate one member to serve as Chairman of the Board.

(2) The Board shall report to the Assistant Secretary for Health.

(3) The Secretary shall provide a full-time staff necessary to carry out the functions of the Board.

(b) FUNCTIONS OF BOARD.—(1) The Board shall—

(A) review current medical and other scientific studies and reports concerning the incidence of disease associated with employment;

(B) report to the Secretary on the state of current research with respect to such diseases; and

(C) designate from this review employee populations at risk of disease associated with hazardous occupational exposures, including the size, nature, and composition of the populations at risk.

(2) In identifying populations at risk of disease, the Board shall consider the following factors based upon the best available scientific evidence—

(A) agents or processes that may be toxic based upon epidemiologic and clinical observations of human populations, or animal and laboratory studies;

(B) estimates of increased risk of death or disease in specific sites, systems or organs of the body in exposed human populations; and

(C) estimates of increased risk of death or disease in exposed human populations related to industrial classifications, job categories, and duration of exposure.

(3) If the Board determines that a class or category of employees is a population at risk of disease, it shall make such a finding and, within ten days of making such a finding, transmit a recommendation to the Secretary that the individuals within such population be notified under section 5 of this Act.

(4) In making determinations under this subsection, the Board shall not consider the factor of economic feasibility.

(c) PRIORITY.—The Board shall undertake, as its first priority, to review employee populations exposed to hazardous occupational exposures for which there exists a permanent standard under section 6(b)(5) of the Occupational Safety and Health Act of 1970. The Board shall transmit to the Secretary its findings and recommendations on no less than five of these employee populations within one year from the effective date of this Act.

(d) PROCEDURES.—(1) The Board shall provide notice and opportunity to interested persons for written submission of views prior to making the findings and recommendations described in subsection (b)(3) of this section.

(2) The notification required by paragraph (1) shall—

(A) be published in the Federal Register;

(B) set forth which classes or categories of employees are being considered for inclusion as an employee population to be notified, and a concise statement of the basis for their inclusion; and

(C) take into account the need for prompt action by the Board to meet the objectives of this Act.

EMPLOYEE NOTIFICATION AND COUNSELING

SEC. 5. (a) DETERMINATIONS OF THE SECRETARY.—(1) The Secretary shall determine whether a class or category of employees is a population at risk of disease based upon the findings and recommendations made by the Board under section 4 of this Act. The

Secretary shall review the findings and recommendations without further notice and without public comment.

(2) The Secretary shall make a determination required by this subsection based upon the findings and recommendations of the Board unless the Secretary concludes that—

(A) procedural requirements set forth in section 4(d) are not met, or

(B) to do so will endanger the health or safety of a class or category of employees.

(b) NOTIFICATION OF POPULATION AT RISK.—Upon a determination by the Secretary that a given class or category of employee is a population at risk of disease, the Secretary shall notify each individual within such population of the risk. In addition, the Secretary shall make use of public service announcements and other means of notification appropriate to reach the population at risk.

(c) CONTENTS OF NOTIFICATION.—The Secretary's notification shall include:

(1) An identification of the hazardous occupational exposure including the name, composition, and properties of known chemical agents.

(2) The disease or diseases associated with the hazardous occupational exposure.

(3) Any known latency periods from the time of exposure to time of the clinical manifestation of the disease.

(4) Counseling information appropriate to the nature of risk including, but not limited to—

(A) the advisability of initiating a personal medical monitoring program;

(B) the most appropriate type of medical monitoring for the disease associated with the risk;

(C) the name and address of the nearest occupational and environmental health center certified under this Act;

(D) the prohibitions against discrimination for notified employees, as established under section 8 of this Act;

(E) the availability of health insurance coverage for notified employees, as established under section 9 of this Act; and

(F) the telephone number of the hot line established under subsection (d) of this section.

(d) TELEPHONE INFORMATION.—The Secretary shall establish a telephone "hot line" for the employees notified under this section or their personal physicians, for the purpose of providing additional medical and scientific information concerning the nature of the risk and its associated disease.

(e) DISSEMINATION OF INFORMATION.—The Secretary shall prepare and distribute other medical and health promotion material and information on any risk subject to notification under this section and its associated disease as the Secretary deems appropriate.

(f) ACCESS TO INFORMATION.—In carrying out the notification responsibilities under this section, the Secretary shall have access to information and data contained in the records—

(1) of any Federal agency solely for the purpose of obtaining names, addresses and work histories of employees subject to notification under this section; and

(2) of any employer insofar as Federal access already is provided for under the Occupational Safety and Health Act of 1970 and the Mine Safety and Heath Act of 1977, and regulations promulgated pursuant thereto, including 29 Code of Federal Regulations 1910.20 and 42 Code of Federal Regulations 85a.

(g) COOPERATION WITH PRIVATE EMPLOYERS AND STATE AND LOCAL GOVERNMENTS.—In carrying out the notification responsibilities under this section, the Secretary is encouraged to cooperate to the extent practicable with private employers and State and local departments of health. The Secretary may certify a private employer or a State or local government to conduct notification under this section pursuant to standards issued by the Secretary.

(h) LIABILITY.—The Secretary and the agents of the Secretary, including any employer or government acting pursuant to subsection (g) of this section, shall not be liable under Federal law for monetary damages with respect to any omission or act performed pursuant to this section.

(i) JUDICIAL REVIEW.—(1) An employer, insurance carrier, or health care financing system adversely affected or aggrieved by a determination of the Secretary under this Act that a given class or category of employees is a population at risk is entitled to judicial review of that determination in the appropriate United States court of appeals upon a petition filed in such court by any such interested person. Any petition filed pursuant to this section shall be filed within 30 days after such determination by the Secretary.

(2) The court may set aside the determination of the Secretary under subsection (a) of this section only if the determination is found to be (A) arbitrary, capricious, or an abuse of discretion; (B) contrary to constitutional right, power, privilege, or immunity; (C) in excess of statutory jurisdiction, authority, or limitations; or (D) without observance of procedure required by law.

(3) The commencement of proceedings under this subsection shall not operate as a stay of the determination of the Secretary to notify employees unless the court specifically orders a stay based upon a determination by the court that the complaining party is highly likely to succeed on the merits.

OCCUPATIONAL AND ENVIRONMENTAL HEALTH CENTERS

SEC. 6. (a) SELECTION FROM AMONG EXISTING FACILITIES.—(1) Within 90 days after the effective date of this Act, the Secretary shall establish and certify 10 occupational and environmental health centers. The Secretary shall select the 10 health centers from among the educational resource centers of the National Institute for Occupational Safety and Health and similar facilities of the National Institute for Environmental Health Sciences, the National Cancer Institute, and other private or governmental organizations designated by the Secretary. At a later date, the Secretary shall establish and certify additional health centers from among the health care facilities described in this paragraph so as to obtain no less than one center per State throughout the United States.

(2) Such centers shall be selected on the basis of their ability and experience in the recognition, diagnosis, and treatment of occupationally related diseases in an ethical manner and their capacity to offer training in these areas to physicians and social service professionals, and shall be certified as such under criteria developed by the Secretary.

(b) FUNCTIONS OF CENTERS.—The centers shall provide education, training, and technical assistance to personal physicians and social service professionals who serve employees notified under section 5 of this Act. The centers shall also be capable of providing research resources, diagnosis, treatment, medical monitoring, and family services for employees notified under section 5 of this Act.

(c) COST OF TRAINING AND EQUIPMENT.—The Secretary shall be responsible for developing a training program and procuring specialized equipment required under the certification criteria developed pursuant to subsection (a).

RESEARCH, TRAINING, AND EDUCATION

SEC. 7. (a) IMPROVED METHODS OF MONITORING AND IDENTIFICATION.—The Secretary shall, primarily through the occupational and environmental health centers established under section 6, conduct research, training, and education aimed at improving the means of medical monitoring of employees exposed to occupational health hazards, and the means of identifying employees exposed to occupational hazards. Such research, training, and education shall include but not be limited to the following areas—

(1) studying the etiology and development of occupationally related diseases, and the development of disabilities resulting from such diseases;

(2) developing means of medical surveillance of employees exposed to occupational health hazards;

(3) examining the medical treatment of workers exposed to occupational health hazards, and means of medical intervention to prevent the deterioration of the health and functional capacity of employees disabled by occupational diseases;

(4) studying and developing medical treatment and allied social services of employees exposed to occupational health hazards;

(5) developing educational programs designed to train physicians and social service professionals to assist employees and their families in undertaking measures which ameliorate the effects of those diseases; and

(6) sponsoring epidemiological, clinical, and laboratory research to identify and define additional employee populations at risk of disease.

In conducting its research, training, and education under this subsection, the Secretary shall have access to prior and current employment, occupational, and health-related data and information maintained by agencies of the Federal Government.

(b) AUTHORITY TO EMPLOY EXPERTS AND CONSULTANTS.—In carrying out activities under this section, the Secretary is authorized to engage the services of experts and consultants, as he deems necessary.

EMPLOYEE DISCRIMINATION

SEC. 8. (a) DISCRIMINATION PROHIBITED.—No employer, insurance carrier, or other person shall discharge or in any manner discriminate against any employee on the basis that the employee is or has been a member of a population that has been determined by the Secretary to be at risk of disease.

(b) BENEFIT REDUCTION PROHIBITED.—If, following a determination by the Secretary under this Act, it is medically determined that an employee should be transferred to a less hazardous or nonexposed job, the employee shall maintain the earnings, seniority, and other employment rights and benefits as though the employee had not been removed from the former job.

(c) DISCRIMINATION IN MONITORING AND TREATMENT PROHIBITED.—No health care financing system shall in any way discriminate against an employee who has been notified by the Secretary under section 5 of this Act in the payment of the costs associated with a medical monitoring program, or any subsequent treatment, including treat-

ment required by a medical monitoring examination or the onset of disease.

(d) REVIEW OF DISCRIMINATION COMPLAINTS.—(1) Any employee who believes the employee has been discriminated against by any employer, insurance carrier, or health care financing system in violation of subsection (a), (b), or (c) of this section, may, within six months after such violation occurs, apply to the Secretary of Labor for a review of such alleged violation. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. If upon such investigation the Secretary of Labor determines that the provisions of subsection (a), (b), or (c) of this section have been violated, the Secretary shall bring an action in any appropriate United States district court. In any such action, the United States district courts shall have jurisdiction for cause shown to restrain violations of subsection (a), (b), or (c) of this section and order all appropriate relief under subsection (e) or (f) of this section.

(2) Within 90 days of the receipt of the application filed under this subsection, the Secretary of Labor shall notify the complainant of his determination under paragraph (1) of this subsection. If the Secretary finds that there was no such violation, the Secretary shall issue an order denying the application.

(e) REINSTATEMENT AND OTHER RELIEF.—Any employee who is discriminated against in violation of this section shall be restored to his or her employment and shall be compensated for—

(1) any lost wages (including fringe benefits and seniority);

(2) costs associated with his or her medical monitoring; and

(3) costs associated with bringing the allegation of violation.

(f) CIVIL PENALTIES.—Any person or institution that discriminates against an employee in violation of this section shall be liable for a civil penalty of not less than $1,000 or more than $10,000 for each violation.

ENFORCEMENT AUTHORITY

SEC. 9. (a) INJUNCTIVE RELIEF.—Whenever the Secretary determines that any person or institution is engaged or is about to be engaged in an act or practice constituting a violation of this Act or any rule or regulation promulgated under this Act, the Secretary may bring an action in the proper United States district court to enjoin such acts or practices, and upon a proper showing an injunction or permanent or temporary restraining order shall be granted without bond. The provisions of section 5(h) shall not limit the authority of the Secretary under this subsection.

(b) QUALIFICATION OF HEALTH CARE FINANCING SYSTEM.—Each health care financing system shall provide for appropriate testing, evaluation, and medical monitoring services to employees in order to carry out the purposes of this Act.

(c) ALLOCATION OF COSTS TO HEALTH CARE FINANCING SYSTEM.—The cost of testing, evaluation, and medical monitoring required by an employee as a result of a hazardous occupational exposure and subsequent notification by the Secretary that such an employee is in a population at risk, as determined under this Act, shall be included as a covered item in any health care financing system available to such employee through his employment, or as an optional covered item for an individual purchaser of health insurance.

(d) SUBROGATION.—Any treatment provided by a health care financing system to an employee for a subsequent disease that was subject to a notification under section 5 of this Act, may constitute an insurance subrogation claim against a workers' compensation program or insurance carrier.

(e) EFFECT ON OTHER LAWS.—The notification of an employee pursuant to this Act that the employee is in a population at risk and the initiation of medical evaluation and monitoring shall not constitute or in any way affect a claim for compensation, loss, or damage arising out of the hazardous occupational exposure, except that the results of such medical evaluation and monitoring may be introduced as evidence with respect to such a claim. Notification pursuant to this Act shall not be relevant in determining whether such a claim is timely under any applicable statute of limitations.

AUTHORIZATIONS

SEC. 10. There are authorized to be appropriated $25,000,000 for each of the fiscal years 1986 and 1987 to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 11. Except as may be otherwise provided therein, the provisions of this Act shall become effective 6 months after the date of enactment of this Act.●

● Mr. STAFFORD. Mr. President, I am joining today with Senator METZENBAUM in introducing the High Risk Occupational Disease Notification and Prevention Act of 1986.

There are several good reasons for enacting this bill.

The first is simple justice. Those whose lives, livelihoods, and health may be in jeopardy because of earlier exposures to poisonous chemicals should know it, because we all deserve to know what our risks are.

Equally important, that knowledge should be shared, because it can minimize or even eliminate the risk of actually contracting the disease for which a worker or his or her family may be at risk. Some diseases, especially cancers, which may be almost always fatal if undetected are almost never fatal if found and treated early. In yet other cases, a disease may never develop if proper precautions are taken. Workers exposed to asbestos, for example, run a tenfold greater risk of dying from lung cancer if they smoke than if they do not.

In a society such as ours where the dangers of toxic chemicals are almost invariably discovered long after workers and others have been exposed, some sort of notification program is a necessity if the loss of human life is to be minimized. Exposures ought to never happen, but it is a fact of life that they do. Given that fact of life, I believe we owe to those workers, their families, and society to establish a program proposed in this bill.

Mr. President, I urge my fellow Senators to review this bill carefully and join Senator METZENBAUM and me in cosponsoring this bill.●

By Mr. DIXON (for himself and Mr. SIMON):

S. 2051. A bill to ensure payment of the regular duties imposed on imported ethyl alcohol and payment of the additional duty imposed on ethyl alcohol when imported for use in producing a mixture of gasoline and alcohol or used otherwise as fuel; to the Committee on Finance.

PAYMENT OF DUTIES ON IMPORTED ETHYL ALCOHOL IN CERTAIN CASES

Mr. DIXON. Mr. President, the great crisis we face in the agricultural sector of our Nation forces us to look for new markets and new uses for our agricultural products The ethanol industry is one of the brightest spots on the horizon.

During the late 1970's, when we began to witness a shrinking foreign agricultural market and an increasing trade deficit, U.S. farmers began to enter a growing market for fuel additives made from grain such as ethanol, which is added to gasoline to boost octane.

The growth in the domestic ethanol industry, in fact, has helped cut oil imports by nearly 25 million barrels and reduced the trade deficit by $700 million.

To promote the domestic ethanol industry, Congress levied a 60-cent-per-gallon duty on imported ethanol. But imports, which are heavily subsidized by foreign governments, have circumvented the duty by blending ethanol with other fuel additives, since it is cheaper to remove the additives after the ethanol has reached this country than to pay the import duty.

In the past several months, the Congress has become increasingly aware of attempts to capitalize on loopholes in the law.

For this reason, I am today introducing legislation which would correct the situation. This bill was sponsored by Congressman DICK DURBIN, of Illinois, in the House of Representatives.

The legislation simply provides fair treatment for our U.S. ethanol industry and closes tariff loopholes which have allowed foreign ethanol producers to circumvent the 60-cent duty on their product.

The recent strides made by the domestic ethanol industry are threatened today by practices of certain ethyl alcohol marketers and traders designed to subvert the 60-cent-per-gallon duty that is imposed by statute on the importation of fuel ethanol. At present, there are at least three methods employed to avoid payment of duties: One, importation of ethanol mixed with gasoline; two, importation of fuel ethanol as industrial ethanol; and three, importation of fuel ethanol under the terms of the Caribbean Basin Initiative Act. This legislation addresses all three of these problems justly and effectively.

Ethanol which is imported as a fuel, or for fuel purposes, is subject to a

duty under item 427.50 of the Tariff Schedule of the United States, as well as an additional duty, imposed by the Congress, of 60 cents per gallon. However, ethanol which is imported as a mixture with gasoline is not subject to this additional duty. This loophole allows importers to bring in ethanol in imported gasoline stocks on which they need pay a duty of only 1.25 cents per gallon. This legislation will close this loophole by requiring the additional duty to apply to mixtures.

Further, in contrast to ethanol intended for use as a motor fuel, ethanol which is to be used industrially is not subject to the 60-cent-per-gallon duty. As it now stands, traders can import a shipment of ethanol for industrial purposes—avoiding the duty—and have up to 3 years to redeclare its use if it is, in fact, used for fuel rather than for industrial purposes as originally declared, without paying any interest or penalty. This translates into a 3-year interest-free loan to ethanol importers. My legislation would require that all imported ethyl alcohol be subject to the 60-cent import duty at the point of entry into the United States. However, this duty would be refunded upon proof that such product was not used, and can no longer be made suitable for use as fuel ethanol.

Finally, this bill would clarify the eligibility criteria for duty-free importation of ethanol under the Caribbean Basin Initiative [CBI] statute. Under the current interpretation of this statute, ethyl alcohol and ethyl alcohol mixtures which originate in non-CBI countries can be upgraded in CBI countries to fuel ethanol quality, and then imported duty-free into the United States. This practice of transshipments undermines the intent of the Caribbean Basin Initiative. Its purpose is to encourage indigenous projects which promote long-term economic development, not to establish operations to avoid payment of legitimate import duties.

The Department of the Treasury has already acknowledged the necessity of closing the importation loophole. Now they should close it completely in the interests of our trade policy, our agricultural industry, and our Illinois corn growers.

The agricultural sector of our great Nation has been gripped by a severe economic downturn, and this legislation is a first step in turning around the agricultural economy and protecting our farmers and agribusiness.

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. DECONCINI, Mr. THURMOND, and Mr. ROCKEFELLER):

S. 2052. A bill to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986; to the Committee on Veterans' Affairs.

CORRECTING THE AMOUNT OF THE SEQUESTRATION OF VA HOME LOAN GUARANTIES

Mr. CRANSTON. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I am today introducing, joined by the distinguished chairman of the committee [Mr. MURKOWSKI], as well as the Senators from Arizona [Mr. DECONCINI], South Carolina [Mr. THURMOND], and West Virginia [Mr. ROCKEFELLER], who also serve on the committee, S. 2052, a bill to establish a corrected amount for the guaranteed loan limitation amount being applied in fiscal year 1986 under the Gramm-Rudman law to VA home-loan guaranties under chapter 37 of title 38, United States Code. An identical measure is also being introduced today in the House of Representatives by Congressman RICHARD SHELBY, the distinguished chairman of the House Veterans' Affairs Committee's Subcommittee on Housing and Memorial Affairs.

BACKGROUND

Mr. President, chapter 37 of title 38 establishes the authority for the Veterans' Administration's home-loan guaranty program. Under this program, a veteran is entitled to a maximum loan guaranty of $27,500 for the purchase—including refinancing an existing loan—of a conventional home, a single-family residential unit in a condominium, or a farm residence, or a maximum guaranty of $20,000 for the purchase of a manufactured home. The VA loan guaranty is designed to substitute, in large measure, for the down payment that would otherwise be required when a veteran purchases a home. Under current law, the guaranty is limited to 60 percent of the loan amount or $27,500, whichever is the lesser, with regard to conventionally built homes and condominium apartments, and 50 percent or $20,000, whichever is the lesser, in the case of manufactured homes.

Lenders are thus assured of the substantial protection afforded by the VA loan guaranty and are generally willing to make loans to veterans without the necessity of a down payment or with a lower down payment than would otherwise be required. More than 11 million veterans have received more than $244 billion in guaranteed loans under this program since its inception in 1946.

The underlying premise of the measure we are introducing today is to protect this valuable assistance from being drastically and unduly curtailed pursuant to restrictions soon to be placed on it by the President's February 1, 1986, sequestration order issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, Public Law 99-177.

Under that act, generally known as Gramm-Rudman, the President—for the purpose of reducing outlays by amounts sufficient to reach certain specified reduced budget deficit levels in each of fiscal years 1986 through 1990 and a balanced budget in 1991—is required to sequester various forms of budgetary resources, including, for example, new budget authority and new loan guaranty commitments. For fiscal year 1986, the percentage reduction generally required to be applied to nondefense programs is 4.3 percent.

In their January 15, 1986 joint report required by section 251(a) of that act, the Directors of the Congressional Budget Office and the Office of Management and Budget apparently estimated that VA guaranteed loans would total approximately $12 billion. Specifically, the OMB Director's estimate was $12,084,543,000 and to CBO Director's was $11,888,500,000. The average of these two—$11,986,522,000—was used in their report and adopted by the Comptroller General in his definitive report required by section 251(b) of that act.

It also appears that they determined, and the Comptroller General agreed, that, to provide for sequestration of 4.3 percent of new loan guaranty commitments, a limitation reducing that amount, by $515,420,000, to $11.5 billion was required.

Unfortunately, that estimate of $12 billion is inaccurate by a very substantial amount. In section 1(b)(15) of the first concurrent resolution on the budget for fiscal year 1986, Senate Concurrent Resolution 32, VA guaranteed loans were estimated to total $17.6 billion in fiscal year 1986. And from information provided by the VA, that figure is far closer to what is expected in fiscal year 1986 than $12 billion, and I have been unable to determine why the $12 billion figure was used.

Based on information provided by the VA, the program is currently operating at a level far in excess of an annual total of $12 billion. Due largely to lower interest rates and a rapidly expanding market, activity in the VA's home-loan guaranty program is far ahead of where it was at this time last year, during the entirety of which the VA guaranteed $11.45 billion in home loans. Through the first quarter of fiscal year 1985, the VA guaranteed 40,084 loans at a total loan guaranty amount of almost $2.6 billion. During that same period in this fiscal year, the VA has issued guaranties for 62,466 loans—a 55.8-percent increase—totaling more than $4.2 billion. Clearly, assuming a program level of $12 billion in fiscal year 1986—a mere 4.7-percent increase over last year's operating level—is unrealistic.

Sequestration using the $12 billion level would have an extremely drastic impact on the VA loan guaranty program—reducing loan guaranties by approximately 30 percent.

In order to achieve such a reduction, the VA has informally advised that it is currently planning, effective March 1, not to approve any guaranty for a loan that either exceeds $90,000, is made to a veteran who has previously made some use of his or her loan-guaranty entitlement, or is made for the purpose of refinancing an existing VA-guaranteed loan. Should these restrictions fail to prevent the limitation from being exceeded, I am advised that the VA is considering suspending the issuance of all guaranties, beginning on the date that the limitation is reached, until the end of fiscal year 1986.

Mr. President, I am sure that no one in the Congress intended for the fiscal year 1986 sequestration to have such a huge, terrible impact on any program, let alone on this program of such importance to veterans, the housing industry, and our economy.

PROVISIONS OF THE BILL

Thus, without contesting or attempting to revise basic tenets of the Gramm-Rudman legislation, our bill would simply provide a correction in the so-called base amount to which sequestration would apply. To do this, our bill would provide that, for purposes of implementing the President's fiscal year 1986 sequestration order, the guaranteed loan limitation amount would be $17.6 billion—the program level projected by CBO for purposes of the fiscal year 1986 budget resolution—reduced, as required by Gramm-Rudman, by 4.3 percent.

Mr. President, I wish to emphasize for my colleagues at this point, that $17.6 billion is not intended to be the figure included in the bill as it may be reported by the Veterans' Affairs Committee or passed by the Senate. It is simply a reasonable figure used for the purpose of raising the issues involved by introducing the bill and obtaining the views of the administration and other interested parties.

In a letter that I have today sent to the VA, I am requesting the agency's best estimate of what the total amount of VA guaranteed loans would be in the absence of sequestration. I have also requested a revised estimate from CBO.

Upon receipt of these estimates, I plan to consult with various of my colleagues—including the cosponsors, other members of the Veterans' Affairs Committees in both bodies, the leadership of the Budget Committee, and others—as to what would be the appropriate amount to establish as the limitation on the program, based on the sequestration of 4.3 percent of a realistic estimate of what the program level would otherwise be. And I would expect that we should all be able to reach agreement when better information in the form of revised estimates becomes available. On the basis of these estimates and consultations—and, I would hope, such an agreement—I plan to seek prompt action on this legislation with a view toward enactment by March 1.

UNRESOLVED ISSUES

Mr. President, before closing, I would also like to emphasize that this legislation is not intended to resolve or express any view on certain questions regarding the legality of sequestration being made applicable to this program in fiscal year 1986 or of certain of the means by which the VA plans to implement sequestration. It simply provides for a corrected estimate to be used in carrying out the sequestration order—regardless of whether the order itself or the sequestering of VA loan guaranty commitments is determined to be lawful.

I raised these questions in my letter to Acting VA Administrator Everett Alvarez, which I will ask be printed at the conclusion of my remarks.

Briefly, in that letter, I questioned whether—in light of the fact that the sequestration of VA loan guaranty commitments in fiscal year 1986 will necessarily and directly cause an increase in outlays and, thus, in the fiscal year 1986 deficit through the loss of loan guaranty fees—the sequestration is authorized by provisions of the Gramm-Rudman law requiring sequestration to achieve reductions, not increases, in outlays and in the deficit. I also questioned the use of any restrictions—such as the withholding of approvals from those who have previously made some use of their entitlement or who seek to refinance existing loans—that would appear to conflict with the explicit prohibition in section 252(e) of Gramm-Rudman against denying any person eligibility for a benefit by reason of a Presidential sequestration order.

I look forward to receiving the agency's response on these issues and will consider what further action to take at that point.

CONCLUSION

Mr. President, I am delighted to note and wish to stress the bipartisan support for this bill which would prevent a clearly unintended evisceration of the VA home-loan guaranty program from being required beginning March 1. Thus, I urge my colleagues to examine the merits of this proposal and to join me in cosponsoring this measure. I ask unanimous consent that the text of the bill and the letter to which I previously referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of implementing any order issued by the President for fiscal year 1986 under a law providing for sequestration of new loan guarantee commitments, the guaranteed loan limitation amount applicable for fiscal year 1986 to loan guarantee commitments under chapter 37 of title 38, United States Code, is an amount equal to $17,600,000,000 reduced by 4.3 percent.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, February 5, 1986.

Mr. EVERETT ALVAREZ,
Acting Administrator of Veterans' Affairs, Washington, DC.

DEAR EVERETT: I am writing to request information regarding various issues that arise under the President's February 1, 1986, order, issued pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, sequestering FY 1986 budgetary resources, and the "Program, Project, Activity Detail" documents submitted by the VA to provide information regarding the impact of the order on each affected program, project, and activity.

In light of the fact that, unless modified by legislation, the order as issued will take effect on March 1, 1986, I would greatly appreciate your providing an expedited response to this letter. Also, in responding please provide numbered answers corresponding to the numbering of the following questions.

1. Regarding the VA's Loan Guaranty Revolving Fund, the VA's submission indicated that a limitation will be placed on the issuance of new loan guaranties in FY 1986. It stated that the FY 1986 base is $11,986,522,000 and that the amount being sequestered is $515,420,000.

(a) Will there be a specific limitation placed on the issuance of VA loan guaranties in FY 1986 and, if so, at what level will such a limitation be set?

(b) Please indicate specifically how it is planned that such a limitation will be implemented and whether implementation will result in any cases of refusal or withholding of guaranties of any loans as to which a guaranty would otherwise be granted under current laws and regulations.

(c) If any guaranties would be so refused or withheld, please provide an analysis explaining how the implementation of the order would be consistent with the provision in section 252(e) of the Act prohibiting any person who is eligible for a benefit from being denied eligibility by reason of a Presidential order under section 252.

(d) I question the President's authority to order the sequestration of VA loan guaranty commitments in FY 1986. According to the Directors of the Congressional Budget Office and the Office of Management and Budget, in their January 15 report under section 251(a) of the Act, and the Comptroller General of the United States, in his January 20 report under section 251(b), the net effect of the limitation would be to increase FY 86 outlays, and thus the FY 86 deficit, by $5,350,000. The reason, of course, is that the limitation would directly cause FY 86 receipts of loan-guaranty fees under section 1829 of title 38, United States Code, to decrease.

However, the authorities in the Act for sequestration are expressed in terms of reduc-

tions that would reduce outlays and the deficit. Thus, section 251(a)(3)(B) states that "the reductions [in non-defense programs] necessary to eliminate the other half of the . . . adjusted deficit excess, in the case of fiscal year 1986 . . . shall be made in outlays under [non-defense accounts). . . ." Section 251(a)(3)(G)(iv)(I) further requires that sequestrations "under . . . non-defense programs [other than those to which an exemption or special rule applies] shall be applied on a uniform percentage basis so as to reduce new budget authority, new loans guarantee commitments, new direct loan obligations, and [entitlement spending] . . . to the extent necessary to achieve any remaining required outlay reductions [under section 251(a)(3)(B), quoted above]."

Since the clearly stated mandate in the Act is to make reductions "in outlays" for the purpose of eliminating the FY 1986 adjusted deficit excess and to apply sequestrations "on a uniform percentage basis . . . to the extent necessary to achieve . . . required outlay reductions", there appears to be an absence of authority to sequester any budgetary resource where the effect is not to reduce outlays or the deficit during the fiscal year involved. In this connection, I would also note that the Act contains no authority or requirement to sequester budgetary resources in order to reduce any future year deficit.

In light of the foregoing, I would appreciate your providing me with a copy of any legal analysis prepared by the Administration in support of the sequestration of VA loan guaranty commitments.

(e) Please also advise what is the agency's best estimate of the total amount of FY 86 VA loan guaranty commitments that would be made in the absence of a sequestration.

2. Although $936,000 of the FY 1986 appropriation for the State veterans homes program and $128,000 of the FY 1986 appropriation for the State veterans cemeteries program would be sequestered, the OMB and CBO Directors' reports indicate that no FY 86 outlay savings would be achieved. In light of the issues raised in item 1(d) above, regarding the loan guaranty program, please provide me with a copy of any legal analysis that has been prepared supporting these sequestrations.

3. The VA's "Program, Project, Activity Detail" reflects a direct loan limitation in the case of each of the six VA insurance accounts.

(a) Do these limitations conflict with the U.S. Government's contractual obligation to veteran-policyholders?

(b) What are the VA's plans for implementing such limitations?

(c) Please explain how implementation would be consistent with the prohibition in section 252(e) of the Act against the denial of eligibility for a benefit.

4. Please advise how, consistent with section 252(e), the agency plans to implement the sequestration of appropriations for items that are provided in kind, such as burial flags, headstones, and grave markers.

5. With respect to the Medical care account, please provide for each program, project, or activity a breakdown showing the amounts in the base that are attributed to administrative and non-administrative expenses for purposes of the provisions of section 256 (b) and (k), under which certain administrative expenses are subject to a 4.3-percent reduction and non-administrative expenses to a maximum reduction of one percent in FY 86.

6. A February 4 VA "Fact Sheet" indicated that benefit payments under the Vietnam-era GI Bill and the dependents' and survivors' educational assistance program will be reduced by 8.7 percent; that subsistence allowances under the rehabilitation program for service-connected disabled veterans will be reduced by 13.1 percent; and that grants under the specially adapted housing and adaptive automobile assistance programs will be reduced by 8 percent. Please explain how these varying percentage reductions were determined pursuant to section 252(a)(1)(B) of the act.

7. Please provide a detailed description and explanation of the treatment of the Chapter 32 Post-Vietnam Era Veterans' Education Assistance program and the Chapter 30 New GI Bill under the February 1 Presidential order.

8. Please explain why, in the "Program, Project, Activity Detail" for the Direct Loan Revolving Fund, the amount shown as being sequestered is "−$43,000".

Since the need for this information is urgent, I request that, as soon as the information for any part of your response is available, you arrange for a member of your staff to provide it informally to the Committee's Minority General Counsel, Ed Scott (224-6262). I would also, of course, greatly appreciate your efforts to ensure that your formal response is expedited.

As always, I am grateful for your cooperation and assistance. With best personal regards,

Cordially,

ALAN CRANSTON,
Ranking Minority Member.

● Mr. MURKOWSKI. Mr. President, I am pleased to join Senator CRANSTON in sponsoring legislation to increase the baseline estimate of the fiscal year 1986 volume of activity within the Veterans' Administration's Loan Guaranty Revolving Fund, as required under Gramm-Rudman-Hollings.

I have been made aware of a serious problem which looms on a near horizon as a result of the January 15 "snapshot" of program activity within the Loan Guaranty Revolving Fund. The OMB and CBO estimates of the program activity level for fiscal year 1986 were in basic agreement with a dollar figure of approximately $12 billion in credit extension authority. Both OMB and CBO have since revised their estimates to reflect a rather dramatic increase over their original figures. It is now expected that the Loan Guaranty Revolving Fund will experience an activity level of approximately $18 billion as opposed to the $12 billion originally predicted. This significant increase in loan activity is the result of a sharp drop in VA mortgage interest rates during this past year. The current rate of 10.5 percent has made it possible for a great many veterans to qualify for a home loan or to refinance their existing loans at substantially reduced rates. Not only will veterans benefit, but the VA as well, with an enhanced portfolio of lower interest rate loans. Let me say that I'm extremely pleased with the anticipated growth in the housing industry.

In accordance with Gramm-Rudman-Hollings, the VA will be limited to $12 billion minus 4.3 percent in credit extension authority for fiscal year 1986. The VA estimates, that it may expend this limited amount of authority as early as March of this year. Should this occur, there would be three primary detrimental effects. First, eligible veterans would not be able to purchase a home with a VA loan guaranty for the balance of the fiscal year. Second, veterans would be prevented from refinancing their existing loans at a lower rate. This would prevent many veterans from getting out from under the burden of the high interest rates of the recent past. A great number of forecloses would undoubtedly be avoided if veterans were able to refinance their homes. The final negative effect of the poor and extremely low estimates of January 15 would be a reduction in revenue received by the Treasury. If the VA has to reduce the number of loans it may guaranty, then it also will reduce the revenue received as a result of the 1 percent origination fee charged to all veterans obtaining a VA guaranty. The lost revenue could exceed $50 million in fiscal year 1986.

Through this legislation, we are proposing that the baseline figure of program activity, from which a 4.3-percent reduction would still occur, be raised to the proper level of $17.6 billion. This is a technical action, which should in no way be construed as an attempt to undermine the Gramm-Rudman-Hollings procedures. I want to reiterate, that the program would still be susceptible to a sequester under Gramm-Rudman-Hollings, however, such a sequester should be based on an appropriate baseline figure, and not on the original OMB and CBO estimates. Our intention is simply to ensure that the sequestration is based on an accurate activity level, that veterans will continue to be afforded the opportunity to purchase homes under this program and that the Treasury receive the anticipated $50 million in additional revenue.●

ADDITIONAL COSPONSORS

S. 788

At the request of Mr. BRADLEY, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 788, a bill entitled the "Senior Citizens Independent Community Care Act."

S. 1290

At the request of Mr. MATHIAS, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. DIXON], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of S. 1290, a bill to prohibit discrimination in insurance on the basis of blindness or degree of blindness.

S. 1374

At the request of Mr. CHAFEE, the names of the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1374, a bill to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island.

S. 1381

At the request of Mr. QUAYLE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1381, a bill to amend the General Education Provisions Act to improve and expand the Assessment Policy Committee.

S. 1429

At the request of Mr. SPECTER, the names of the Senator from North Dakota [Mr. ANDREWS], the Senator from Oklahoma [Mr. BOREN], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 1429, a bill to amend title 18, United States Code, to authorize prosecution of terrorists who attack U.S. nationals abroad, and for other purposes.

S. 1848

At the request of Mr. HATCH, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1848, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish conditions for the export of drugs.

S. 1917

At the request of Mr. BRADLEY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1917, a bill to amend the Foreign Assistance Act of 1961 to provide assistance to promote immunization and oral rehydration, and for other purposes.

S. 1950

At the request of Mr. BRADLEY, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 1950, a bill to amend the Internal Revenue Code of 1954 to disallow deductions for advertising expenses for tobacco products.

S. 2020

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2020, a bill to amend title 5, United States Code, to expand the class of individuals eligible for refunds or other returns of contributions from contingency reserves in the employees health benefits fund; to make miscellaneous amendments relating to the civil service retirement system and the Federal Employees Health Benefits Program; and for other purposes.

S. 2039

At the request of Mr. RIEGLE, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 2039, a bill to amend the Agricultural Act of 1949 to authorize the Secretary of Agriculture to modify the definition of nonprogram crop to discourage any increase in the production of any commodity that would adversely affect the income of producers of that commodity.

S. 2042

At the request of Mr. ABDNOR, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2042, a bill to amend the Agricultural Act of 1949 to provide for an equitable method of establishing farm program payment yields for the 1986 and 1987 crops of wheat, feed grains, upland cotton, and rice.

SENATE JOINT RESOLUTION 246

At the request of Mr. DIXON, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 246, a joint resolution to designate May 25, 1986, as "Hands Across America Day," for the purpose of helping people to help themselves, and commending United Support of Artists for Africa and all participants for their efforts toward combating domestic hunger with a 4,000-mile human chain from coast to coast.

SENATE JOINT RESOLUTION 253

At the request of Mr. HATCH, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from South Carolina [Mr. THURMOND], the Senator from Oregon [Mr. PACKWOOD], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Michigan [Mr. RIEGLE], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Virginia [Mr. WARNER], the Senator from Florida [Mrs. HAWKINS], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Georgia [Mr. NUNN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Arkansas [Mr. PRYOR], the Senator from Maryland [Mr. SARBANES], the Senator from Michigan [Mr. LEVIN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from California [Mr. CRANSTON], the Senator from Hawaii [Mr. INOUYE], the Senator from Montana [Mr. BAUCUS], the Senator from Alaska [Mr. STEVENS], the Senator from South Dakota [Mr. ABDNOR], the Senator from Indiana [Mr. LUGAR], the Senator from Mississippi [Mr. COCHRAN], the Senator from Illinois [Mr. DIXON], and the Senator from Maryland [Mr. MATHIAS] were added as cosponsors of Senate Joint Resolution 253, a joint resolution to designate the week of March 2, 1986, through March 8, 1986, as "Women's History Week."

SENATE JOINT RESOLUTION 258

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Joint Resolution 258, a joint resolution designating "Baltic Freedom Day."

SENATE JOINT RESOLUTION 259

At the request of Mr. DIXON, the names of the Senator from Nebraska [Mr. EXON], the Senator from Michigan [Mr. RIEGLE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Indiana [Mr. QUAYLE], the Senator from Arkansas [Mr. BUMPERS], the Senator from Ohio [Mr. METZENBAUM], the Senator from Connecticut [Mr. DODD], the Senator from Michigan [Mr. LEVIN], the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 259, a joint resolution designating February 16, 1986, as "Lithuanian Independence Day."

SENATE RESOLUTION 28

At the request of Mr. CHAFEE, his name was added as a cosponsor of Senate Resolution 28, a resolution to improve Senate procedures.

SENATE RESOLUTION 297

At the request of Mr. DIXON, the names of the Senator from Nebraska [Mr. EXON], the Senator from Massachusetts [Mr. KERRY], the Senator from New York [Mr. D'AMATO], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Resolution 297, a resolution to call for an International Congress on Terrorism.

SENATE CONCURRENT RESOLUTION 106—DISAPPROVING REQUEST FOR RESCISSION OF JUVENILE JUSTICE FUNDS APPROPRIATED FOR FISCAL YEAR 1986

Mr. SPECTER (for himself, Mr. DENTON, Mr. BIDEN, Mr. DODD, Mr. MOYNIHAN, Mr. ANDREWS, Mr. BURDICK, Mr. RIEGLE, Mr. MCCONNELL, Mr. MATHIAS, Mr. BRADLEY, Mr. MATSUNAGA, Mr. HEINZ, Mr. GRASSLEY, Mr. LEVIN, Mr. SARBANES, Mr. ZORINSKY, Mr. BENTSEN, Mr. KENNEDY, Mr. D'AMATO, Mr. METZENBAUM, Mr. GORTON, Mrs. HAWKINS, Mr. NUNN, Mr. HEFLIN, Mr. SASSER, Mr. LEAHY, Mr. COHEN, Mr. CRANSTON, Mr. LAUTENBERG, Mr. LAXALT, Mr. EAGLETON, Mr. KERRY, and Mr. HARKIN) submitted the following concurrent resolution; which was referred to the Committee on Appropriations:

S. CON. RES. 106

Whereas one of the foremost purposes of the Juvenile Justice and Delinquency Prevention Act of 1974 is the separation of juveniles from adult offenders in correctional facilities;

Whereas reliable reports indicate that more than 6,300 juveniles remain incarcerated in adult jails nationwide;

Whereas in 1984 Congress reauthorized the Office of Juvenile Justice and Delinquency Prevention (OJJDP) through fiscal year 1988 to continue the important functions of this Office;

Whereas on December 13, 1985, the Justice Department imposed a freeze on funds of the Office, thereby eliminating all funding for State and local juvenile justice programs;

Whereas the funds of the Office are allocated to the States for operation of important juvenile justice services, including deinstitutionalization, drug rehabilitation, child safety, crime control, law-related education, child abuse prevention, runaway shelters, research, and delinquency prevention; and

Whereas such programs nationwide are experiencing irreparable harm as a result of this funding freeze, and many important programs have been halted as a result of this freeze: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the amounts appropriated by Public Law 98-411 and Public Law 99-180 for the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice that have been proposed to be rescinded in the special message transmitted by the President to the Congress on February 5, 1986, shall be made available immediately by the President for obligation and shall be expended for the purposes for which the appropriations originally were made.

Mr. SPECTER. Mr. President, I now submit a concurrent resolution in response to the formal proposal by the President, filed earlier today, February 5, 1986, and I do so immediately on the President's request for rescission because it involves the very important issue of the juvenile justice programs.

In my capacity as chairman of the Juvenile Justice Subcommittee of the Committee on the Judiciary, it has been this Senator's responsibility for the origination of the authorization and then, on the Subcommittee on Appropriations, on which this Senator serves, we have made the appropriations. The rescission of unspent juvenile justice funds appropriated for fiscal years 1985 and 1986, which the President has proposed today, would be catastrophic for very important programs involving juveniles.

This concurrent resolution which I am now submitting disapproves the administration's request and reemphasizes the intent of Congress to move forward on these very important programs. It is noteworthy that this legislation, which I filed today, already has 31 original cosponsors.

In December 1985, Congress passed, and the President signed into law, a bill providing level funding of $70 million for the Office of Juvenile Justice and Delinquency Prevention for fiscal year 1986. These funds are allocated to the States and organizations for operation of important juvenile justice services, including: deinstitutionalization, drug rehabilitation, child safety, crime control, law-related education, child abuse prevention, runaway shelters, missing children's efforts, child pornography prevention, delinquency research, and juvenile court programs. It would be hard to have a more important group of programs for a less well-represented group of constituents.

On December 13, 1985, the same day that President Reagan signed into law the appropriations bill which included OJJDP funding, the Justice Department imposed an "informal" freeze on certain programs, including juvenile justice. The Juvenile Justice Subcommittee, which I chair, immediately was deluged by calls from States and organizations which currently receive OJJDP grants, and had learned that all OJJDP funds had been frozen.

The freeze of OJJDP funds was—and is—a clear violation of the directive of Congress. Upon learning of the freeze, I wrote to Attorney General Edwin Meese and Office of Management and Budget Director James Miller strongly urging them to immediately unfreeze the OJJDP funds appropriated by Congress.

On December 18, 1985, I submitted Senate Resolution 278 expressing the Senate's disapproval of this informal freeze. Senate Resolution 278 passed the Senate by unanimous consent on the following day.

Today, however, the freeze on juvenile justice funds remains in effect. The Subcommittee on Juvenile Justice receives calls and letters almost every day from Governors' offices and juvenile programs nationwide which are experiencing irreparable harm as a result of this funding freeze. The unanimous sense of the Senate resolution, which we passed on December 19, 1985, simply has been ignored. Accordingly, this concurrent resolution disapproving of the formal rescission request is needed in order to help halt, once and for all, the freeze on juvenile justice funds.

Mr. President, it may be that the administration's freeze of this important funding program represents the initial effort in this field by the administration to respond to the Gramm-Rudman-Hollings bill. If so, this is the time for the Senate and the House of Representatives to state emphatically that it is the responsibility of Congress to make the preliminary allocations of which programs are important and which programs are to be funded.

Congress has spoken emphatically on this subject repeatedly. Stated simply, the programs for juvenile justice are a high priority which Congress has stated should be funded. There is no group more underrepresented than the children of America. The children of America have no political action committees. The children of America do not organize busloads of visitors to Washington, DC. The children of America cannot drive their automobiles to Washington or book passage on planes or take trains to Washington to lobby their Members of Congress.

The children of America are in urgent need of expressions by Members of the Senate and Members of the House of Representatives on these issues which are of tremendous importance. Congress has responded to the importance of these children's issues by insisting that the Office of Juvenile Justice and Delinquency Prevention be appropriately funded.

It was no task at all to secure 31 cosponsors immediately on this concurrent resolution, and it was no major task to have the resolution opposing the freeze passed by unanimous consent in the final hours of the 1st session of the 99th Congress.

We must speak out loudly, forcefully, and immediately when the administration seeks to sequester funds, what is really an impoundment, going back to the practices of the administration and the executive branch in the early 1970's. As best known to this Senator, this is the first effort by the Congress on a rescission, and we should respond to the administration that Congress is not going to put up with it, that we have established the priorities, and that the expenditures should be made.

Mr. President, this concurrent resolution is important not only for the purposes of funding juvenile justice programs, but also, it is important that Congress put the administration on clear notice that Congress intends to assert its prerogatives, to establish the priorities for the appropriation process. We intend to do that notwithstanding budget constraints, notwithstanding the mandate of Gramm-Rudman, once we have established what Congress believes to be the important programs, and certainly the juvenile justice programs stand at the top of any such list.

Pursuant to the Impoundment Control Act of 1974, as revised by the Supreme Court's 1984 decision in the Chadha case, the President's formal rescission request will lapse after 45 days if Congress does not affirmatively approve it. The Justice Department plans to continue the freeze on juvenile justice funds for the full 45 days, unless Congress acts within that time period. The concurrent resolution I submit today, disapproving of the proposed rescission, expresses congressional intent that the freeze be ended immediately. The freeze on juvenile justice funds already has been in effect for over 50 days and that, in my views, is 50 days too long. It has had disastrous effects on many juvenile justice programs. Another 45 days of this freeze would create a crisis in this Nation's Juvenile Justice Program.

The administration's asserted justification for proposing a complete elimination of juvenile justice funds is that the principle goals of our Nation's juvenile justice agenda have been accomplished. This is simply a laughable assertion. The goals of the Juvenile Justice Program were carefully considered by Congress in late 1984, and Congress reauthorized OJJDP through 1988. I am certain that none of my Senate colleagues needs to be told how very much more needs to be done by OJJDP to address the serious problems facing young Americans.

The administration also has indicated that termination of OJJDP would have a negligible impact on the Federal Criminal Justice Program.

As chairman of the Senate Juvenile Justice Subcommittee and cochairman of the Senate children's caucus, I could not disagree more. I have held numerous oversight hearings on OJJDP, and the proceedings repeatedly have highlighted the importance of preserving this Office. The testimony presented at subcommittee hearings illustrates the compelling need for the Federal Government to do more, not less, to address the problems facing young Americans today. Continued operation of OJJDP consistent with congressional intent is an important step toward this goal.

The specific examples of how drastically juvenile justice programs would be affected by the elimination of OJJDP are too numerous to mention here. I am including with my remarks, however, lists and letters from State and national juvenile justice programs which illustrate the extent of the negative impact from a rescission of OJJDP funding. In addition, numerous examples from the State of Alabama are included in the insightful remarks of my distinguished colleague, Senator DENTON, the ranking majority member of the Juvenile Justice Subcommittee.

A number of my colleagues have asked whether this request for a total rescission of OJJDP funds is a necessary result of the Balanced Budget and Emergency Deficit Control Act—Gramm-Rudman-Hollings Balanced Budget Act. It absolutely is not. Gramm-Rudman-Hollings mandates a sequestration for fiscal year 1986 only if Congress fails to meet the deficit reduction target—and even then, only a sequestration based on a uniform percentage cut. The Sequestration Report for fiscal year 1986, issued by the Congressional Budget Office and the Office of Management and Budget on January 15, 1986, calculates that uniform percentage to sequestrable nondefense programs is 4.3 percent in fiscal year 1986. The 4.3 percent sequestration figure, according to an internal Justice Department memorandum, would be applied to OJJDP as indicated in the following table, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	1986 appropriation	4.3-percent sequester
Juvenile justice formula grants	$42,935,000	$1,846,000
Juvenile justice discretionary grants:		
Special emphasis	14,311,000	615,000
Institute	7,726,000	332,000
Technical assistance	1,804,000	78,000
Concentration	824,000	35,000
Total	67,600,000	2,906,000

Mr. SPECTER. Mr. President, Gramm-Rudman, of course, also prohibits the elimination of any program, project, or activity of the Federal Government—section 252(d) of the act. Even if one argued—incorrectly in my view—that Justice Assistance is the protected "program, project, or activity" and that the administration therefore has the discretion to cut its component programs, including OJJDP, by greater percentages, the total elimination of the Juvenile Justice Program still is impossible to justify. According to the CBO and OMB sequestration report, the Office of Justice Programs/Justice Assistance in fiscal year 1986 has budget authority of $203,982,000; 4.3 percent of this amount is only $8,771,000. Thus, if across-the-board cuts occur and if OJJDP is not a "program, project, or activity"—two very big ifs—the total sequestration of $8.7 million for the entire Office of Justice Programs still is not even remotely close to the proposed rescission of $70 million in OJJDP funds.

The Gramm-Rudman Balanced Budget Act clearly reflects the paramount role of Congress in setting spending priorities. Section 252(e) of the act reads as follows:

> Nothing in the preceding provisions of this section shall be construed to give the President new authority to alter the relative priorities in the Federal budget that are established by law * * *.

I voted in favor of Gramm-Rudman because I believe a $220 billion deficit is intolerable and the Federal Government must spend within its means. Congress, however, decides spending and taxing priorities. Under Gramm-Rudman, the executive branch cannot make spending cuts unless and until Congress fails in its responsibility to establish the priorities and raise revenues to fund existing programs.

The two sections of Gramm-Rudman to which I referred reflect a fundamental principal: Congress has the authority and responsibility to set the priorities. The record of Congress is clear regarding juvenile justice as a priority. Congress repeatedly has rejected every single attempt by the administration to limit or eliminate OJJDP funding.

On October 29, 1981, the administration formally proposed deferral of OJJDP funds. In response, on December 15, 1981, the Senate passed Senate Resolution 260, which I introduced, expressing its disapproval of the deferral request.

Each year since 1983, the administration has requested zero funding for OJJDP, and each year Congress has provided level funding of $70 million. In the face of continued administration attempts to eliminate funding for this important Office, the Congress in 1984 reauthorized OJJDP for an additional 5 years.

Because Congress has repeatedly rejected the proposed eliminations of OJJDP and continued to fund the Office at this level, an effort has been made to eliminate the Office's functions de facto, by having it not spend the appropriated funds. Early in 1985, the administration requested reprogramming of $12.2 million in unspent fiscal year 1984 juvenile justice funds for other purposes. The Senate Committee on Appropriations adopted, and the full Senate passed, an amendment to the fiscal year 1985 supplemental appropriations bill which rejected this subterfuge and directed that these funds be preserved for OJJDP. Conference report language specifically directed that these funds be allocated to the States within the parameters of the law.

Shortly thereafter, the Senate was notified that the Administrator of OJJDP had failed to spend $13.665 million in appropriated funds. In December, Congress again appropriated $70 million for fiscal year 1986 and, in the conference report, directed OJJDP to spend the fiscal year 1985 carryover funds in fiscal year 1986, spend the fiscal year 1986 appropriation in fiscal year 1986, and submit to Congress quarterly reports regarding obligations and expenditures for the previous quarter and promised obligations and expenditures for the forthcoming quarter.

Mr. President, as I have emphasized, the informal freeze imposed in December by the administration on OJJDP remains in effect, even in light of the unanimous sense of the Senate disapproving of this freeze. A very serious situation has been created by this freeze: Numerous juvenile justice projects nationwide are likely to cease even if there is only a slight delay in the receipt of Federal funds.

There are thousands of people who administer, need, and benefit from juvenile justice programs nationwide. Funding of these programs is desperately needed. Approval of this concurrent resolution by the Senate will help insure the continuation of this important juvenile justice and delinquency program. I now urge my colleagues to support this concurrent resolution to

avert the impending crisis in juvenile justice funding.

Mr. President, I ask unanimous consent that letters regarding the freeze and rescission request be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL COALITION OF STATE JUVENILE JUSTICE ADVISORY GROUPS,
February 5, 1986.

Hon. RONALD REAGAN,
President, United States of America
The White House, Washington, DC.

DEAR MR. PRESIDENT: On behalf of the National Coalition of State Juvenile Justice Advisory Groups, I am compelled to convey to you the State Advisory Groups' continued deep concern about the Administration's freeze on Fiscal Year 1986 funds for the Office of Juvenile Justice and Delinquency Prevention. Congress appropriated $70 million for the OJJDP, and you signed this appropriation bill on December 13, 1985. That same day, the Office of Management and Budget recommended that all fiscal year 1986 OJJDP funds be "frozen", pending a request to rescind the entire fiscal year 1986 appropriation for OJJDP. The Department of Justice subsequently "froze" those funds. On December 19, 1985, the Senate unanimously passed Senate Resolution 278, which disapproved this informal "freeze" on OJJDP funds, as well as other Justice Program funds.

Shortly thereafter, states whose plans had been approved by OJJDP were notified that they would receive partial awards (one-half of their allocations). On Wednesday, January 15, I was informed that OMB was holding all fiscal year 1986 OJJDP funds, pending the rescission request, and that no awards would be made to the states until Congress acted on the rescission request.

Through both its appropriation for OJJDP and Senate Resolution 278, Congress has clearly indicated its intention of funding the OJJDP for FY 1986. I find it reprehensible that the Department of Justice and the Office of Management and Budget are so blatantly subverting the will of Congress.

The State Advisory Groups, which are responsible for meeting the mandates of the Juvenile Justice and Delinquency Prevention Act at the state level, are now in an extremely difficult position. Many projects will soon be forced to reduce or eliminate programs or cease operations entirely unless the FY 1986 funds are made available immediately. Some administrative entities responsible for administering the Juvenile Justice Program will also be forced to cut back staff and activities. Such actions will jeopardize states' ability to responsibly manage OJJDP funds already in the funding cycles, as well as states' ability to meet the mandates of the Act. This action by OMB and acquiescence by DOJ has been so sudden and unexpected that states will have no opportunity to even try to find state or local funds to assume some of the costs. Planning has become impossible, as have negotiations/agreements with State, County, and local governments to assist in the provision of community-based services to juveniles.

Over one-quarter of the Federal Fiscal Year has already passed. With OMB's action, it is likely that half the Fiscal Year will pass before states receive information about their FY 1986 allocations. I am sure you can appreciate the extreme difficulty states now face.

The State Advisory Groups request you to override the decision of OMB to hold the FY 1986 OJJDP funds and to withdraw the rescission request that would eliminate the entire FY 1986 appropriation. The State Advisory Groups appreciate any assistance you may provide in this matter.

If I can provide you with further information, please let me know.

Sincerely yours,

A.L. CARLISLE,
Chairman, National Coalition.

NATIONAL COALITION OF STATE JUVENILE JUSTICE ADVISORY GROUPS,
January 23, 1986.

Hon. ARLEN SPECTER,
Chairman, Subcommittee on Juvenile Justice, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: On behalf of the National Coalition of State Juvenile Justice Advisory Groups, I would like to thank you for your continuing efforts to ensure that states receive their FY 1986 appropriation for Juvenile Justice, recently approved by Congress and signed into law by President Reagan. As you know, OMB is now holding all Juvenile Justice funds, pending action by Congress on a proposed recommendation to rescind all FY 1986 funds. This freeze is causing extreme disruption to the states. We are already four months into the Fiscal Year, and, if the FY 1986 money is not made available soon, projects will be forced to cut back programs or to close. Entities responsible for administering JJDP funds may be forced to cut back, thus jeopardizing their abilities to responsibly manage the Juvenile Justice programs within the states. Some State Advisory Groups will not have sufficient funds to meet and, therefore, will be unable to fulfill their responsibilities.

If Massachusetts does not receive its money by mid-February, at least four of its projects will either have to drastically reduce services or close. Rhode Island must also receive its funds by February to avert crises for many of its projects. Some of New York's projects will be in jeopardy if funds are not received by March 1. If Alabama does not receive its funds within the next 30 days, at least 25 of its youth-serving facilities will close. These facilities have already cut back on available bed space and are in the process of determining lay-offs. In addition, based on the action of Congress to appropriate FY 1986 funds, many of these projects have borrowed money to continue operations until the FY 1986 funds are received. However, no one expected that these funds would not be made available for such a long time or perhaps not at all. These programs, particularly residential ones, cannot be shut down and then reopened at a moment's notice. If bed space is cut back or eliminated, juveniles must be placed elsewhere. In many cases, there is no "elsewhere". To disrupt or eliminate desperately-needed services to juveniles, with little or no notice, is unconscionable.

Of at least equal concern to the states is the disruption this freeze is causing in our planning processes. As you know, states operate under a three-year plan, which consists of priorities and operating strategies for the three-year period. Since the JJDP funds are insufficient to meet the mandates of the Act, it is necessary to obtain funds from state, county and local governments and from private sources. These efforts take a great deal of time, and, in some cases, a number of years. Funds from, state, county and local governments must be included in their budgets and then voted upon, a process which is seldom quick or easy. Legislatures are not always in session, budgets are usually submitted for a two-year period, and budget cycles have set time tables. Consequently, SAGs must allow time for continuation costs of projects and activities to be assumed by other sources.

Since the JJDPA requires system changes, legislation must often be introduced to accomplish such changes. Many states currently have legislation pending before their Legislatures. Such legislation is the result of much negotiation and various levels of commitment by State Departments, SAGs and others. SAGs are now in the position of not being able to fulfill commitments made, which jeopardizes legislation to improve services to juveniles and to enable states to meet the mandates of the Act. In addition, ongoing negotiations and future plans must be put on hold. It is difficult enough to change the juvenile justice system and to obtain resources for juveniles. This current action by the Administration may make it impossible.

The SAGs greatly appreciate all that you are doing to enable us to continue the progress we have made in improving the juvenile justice system and in providing services to juveniles.

Thank you again. If I can provide you with further information, please let me know.

Sincerely,

A.L. CARLISLE,
Chairman, National Coalition.

AD HOC COALITION FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION,
January 23, 1986.

Hon. ARLEN SPECTER,
Chairman, Senate Subcommittee on Juvenile Justice, Washington, DC.

DEAR SENATOR SPECTER: As you know, organizations participating in the Ad Hoc Coalition on Juvenile Justice and Delinquency Prevention share your alarm over the apparent continuing freeze on spending by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). We have recently received from Assistant Attorney General John R. Bolton a letter which asserts "the lack of even an informal 'freeze' in the Office of Justice Programs, including OJJDP.

Mr. Bolton's communication leaves us with some remaining questions, primarily: are OJJDP grants now in fact being processed?

While we appreciate Mr. Bolton's statement that "Juvenile Justice * * * and other discretionary grant awards requiring continuation funding have been processed and are receiving sufficient funds to carry them through any possible proposed rescission period," it is not evident that timely processing of grants continues at present.

Does Mr. Bolton's statement that these "awards were made" indicate that checks are being issued or only that paperwork has been completed?

Is the Office proceeding with "plans for obligations and expenditures for the next quarter" with reports to Congress, as directed in conference report language adopted Dec. 5 and 6 (Commerce-Justice-State Appropriation for FY 86)?

Is the Office acting expeditiously on Congress' instruction that "all of the remaining $4,366,858 previously appropriated for Juve-

nile Justice and Delinquency Prevention Program will be made available for obligation in fiscal year 1986 within the parameters of the law"?

As co-chairs of the Ad Hoc Coalition, we join you in deep concern that Congress' express intent—most recently in the conference report on Commerce-Justice-State apprioriations and in the Sense of the Senate Resolution disapproving the informal freeze of OJJDP funding—be carried out.

Sincerely,

DONALD W. MATHIS,
National Network of Runaway and Youth Services, Inc.
SHARON K. MARTIN,
YMCA of the U.S.A.

THE NATIONAL PTA,
Chicago, IL, January 28, 1986.

Hon. ARLEN SPECTER,
Chairman, Senate Juvenile Justice Subcommittee, Washington, DC.

DEAR SENATOR SPECTER: The National PTA appreciates your ongoing efforts to have the Department of Justice release funds appropriated by the Congress for Juvenile Justice and Delinquency Prevention, and strongly supports your forthcoming legislation to disapprove the expected Administration's request to rescind these funds. The continuing intransigence of the Department of Justice with respect to its freeze on Juvenile Justice monies underlines the especially urgent need for passage of your bill.

As National PTA Vice President for Legislative Activity, I wrote to the Attorney General on December 18 (as did many youth advocacy organizations and citizens across the country who are concerned about the welfare of our nation's youth) protesting the freeze and requesting immediate release of the OJJDP funds. On January 23, I received a response from Assistant Attorney General John R. Bolton (copy enclosed) that raises more questions than it answers, and is further evidence that the Administration continues to act contrary to Congressional intent and statutes.

In his letter, the Assistant Attorney General denies there is "even an informal 'freeze'" on OJJDP funds, and contends that awards are being processed on a normal schedule.

It is the understanding of the National PTA, however, that the Justice Department will not allow Formula Grant checks to be issued to states, although awards to several states should have already been made since all the required paperwork has been completed. If this refusal to issue checks does not constitute a freeze, then we wonder what does?

Other statements in the Justice Department letter raises concerns:

That several discretionary grant awards were made in December—Which awards have been made? Have checks been issued, or paperwork processed?

That "new competitive program actions, formally planned programs, and other potential obligation actions will be considered on a case by case basis—What does that mean?

In addition the National PTA would like to know the status of the $4,366,858 previously appropriated by the Congress, funds that Conferees on the FY 1986 appropriation bill expected the OJJDP to allocate in the current fiscal year. We expected that information on these monies as well as on the $70,282,000 would have been included in the Department's first quarterly report on OJJDP obligations and expenditures (due on January 1, 1986) that Conferees have required. We have been informed, however, that the Department did not submit this report as directed. Is there also a freeze at the Department on issuing required reports to the Congress?

The Assistant Attorney General sought to "assure" the National PTA, that "this Administration will continue to administer its funds in a responsible manner, consistent with applicable statutes." The National PTA is not assured. Responsibility in the expenditure of juvenile justice funds is not a hallmark of this Administration as evidenced by its failure to allocate under the JJDPA previously appropriated funds. Furthermore, we can find no statutory justification for the Justice Department's refusal to spend the monies appropriated under P.L. 99-180 in the absence of a formal rescission request. The Budget and Impoundment Control Act precludes such actions by the Executive Branch. There is no deficiency in the Juvenile Justice account, therefore, the Antideficient Act cannot be used to justify the freeze on OJJDP funds. What is deficient, we believe, is the Department's failure to implement the law and to comply with Congressional directives.

It's clear that binding legislation must be passed quickly to unfreeze OJJDP funds. Otherwise vital juvenile justice services to youth in need, their familes, and communities across the country will cease, contrary to the intent of Congress and applicable statutes.

National PTA commends you for your continuing leadership and advocacy on behalf of our nation's youth and the juvenile justice programs that serve them. We look toward a speedy enactment of your forthcoming legislation to disapprove the expected rescission of OJJDP funds so that our nation can continue to work toward the goals of the Juvenile Justice and Delinquency Prevention Act.

Sincerely,

MILLIE WATERMAN,
Vice President for Legislative Activity.

THE NATIONAL PTA,
Chicago, IL, December 18, 1985.

Hon. EDWIN MEESE III,
Attorney General, U.S. Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL MEESE: I am writing on behalf of the 5.6 million members of the National Congress of Parents and Teachers (National PTA) in regard to funding of the Office of Juvenile Justice and Delinquency Prevention. The National PTA is outraged to learn that a rescission has been proposed for this vital program and that all OJJDP monies have been impounded. It is our understanding also, that the Department of Justice did not appeal this rescission.

The National PTA, urgently requests that the Department of Justice immediately appeal this rescission and release for obligation all monies appropriated for OJJDP by the Congress. Inaction on the part of the Department in this regard would bring to a halt juvenile justice programs in the States and local communities throughout the country, thus threatening the well being of our youth and our communities. Such an outcome would be a total contradiction of the national resolve that juvenile justice and delinquency prevention is a federal priority. Congress passed and, last week, President Reagan signed into law the FY 1986 appropriations for the Department of Justice, including level funding of the OJJDP.

The Office of Juvenile Justice provides *the national leadership*, the incentives, and the seed money that is *absolutely necessary* for states to implement programs that will accomplish the goals of the Juvenile Justice and delinquency Act. The National PTA appeals to you to ensure that the historic federal leadership role in juvenile justice is maintained by appealing the OMB rescission and allowing OJJDP to continue its important responsibilities to our nation.

Sincerely,

MILLIE WATERMAN,
Vice President for Legislative Activity.

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, January 1, 1986.

MS. MILLIE WATERMAN,
Vice President for Legislative Activity, The National PTA, Washington, DC.

DEAR MS. WATERMAN: This is in response to your letter to the Attorney General concerning the Department's policy on the use of funds allocated to the Office of Juvenile Justice and Delinquency Prevention.

As you know, this Administration is in the process of considering its budget options for the Fiscal Year 1987 budget. This process includes fiscal year funds appropriated by the Congress. This internal review and consultation process is ongoing, and final decisions have not been made. Those decisions, once made, will be reflected in the Fiscal Year 1987 budget. You may be assured that any proposed actions with respect to Fiscal Year 1986 and prior year funds will be in accordance with all applicable law, including the Budget and Impoundment Control Act of 1974.

With regard to Office of Juvenile Justice and Delinquency Prevention funds, all pending OJP agency award actions, including those of OJJDP, recently were held for a few days in the context of potential Administration budget proposals. Agencies were advised to review the status of upcoming award activities and not to take actions which would have the effect of prematurely obligating funds.

The Office of Justice Programs has continued to process awards on a normal schedule and, until instructed otherwise, will continue to do so for all Victim Compensation and Assistance grants, Justice Assistance Fiscal Year 1985 and 1986 block applications, and OJJDP Fiscal Year 1986 Formula Grant applications. Juvenile Justice, Justice Assistance, RISS, and other discretionary grant awards requiring continuation funding have been processed and are receiving sufficient funds to carry them through any possible proposed rescission period. New competitive program actions, formally planned programs, and other potential obligation actions will be considered on a case by case basis.

The lack of even an informal "freeze" in the OJP agencies is evidenced by the fact that, of a total of 118 block and discretionary awards made during the First Quarter of FY 1986, 70 were made during the month of December (including six OJJDP awards). It was during the third week of December that the OJP review of grants occurred, and a significant number of awards were made during that week and the last week of the month.

Your concern about this matter is appreciated. However, I want to assure you that this Administration will continue to admin-

ister its funds in a responsible manner, consistent with applicable statutes.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General.

NATIONAL COALITION OF
STATE JUVENILE
JUSTICE ADVISORY GROUPS,
Cape Elizabeth, ME, December 18, 1985.

Hon. EDWIN MEESE,
Attorney General, Department of Justice, Washington, DC.

DEAR MR. ATTORNEY GENERAL: On behalf of the National Coalition of State Juvenile Justice Advisory Groups, I am compelled to convey my grave concern and deepest disappointment at the action of the Administration in regard to the proposed budget which recommends deletion of fiscal year 1986 funds for Juvenile Justice. It is unquestionable that this action flies in the face of repeated expressions of Congress that the Juvenile Justice program be continued.

Upon notice that this proposal would be submitted, the Office of Juvenile Justice and Delinquency Prevention placed a "hold" on all unobligated FY 1985 funds and all FY 1986 funds. Such an action, particularly in regard to FY 1986 appropriations, will place the states in an extremely difficult position. As you know, the fiscal year began October 1, 1985, and the funds in question are desperately needed by states to continue programs and operations. Because the funding cycle for some state programs begins in the first part of the current year, some state programs find themselves in serious jeopardy. Without the FY 1986 funds, many programs designed and developed to cover any period of time will be terminated without any ability to permit assumption of their costs by state and local governments. Many discretionary programs, moreover, are subject to immediate termination. In addition, most states cannot insure the integrity of Federal funds already in the cycles, absent the Administration funds provided by the Act. It appears to me outrageous not only that many important programs may be terminated, but that this action also jeopardizes the ability of the states to provide accountability for current Federal program funds.

This action is strongly reminiscent of the actions of former President Nixon when he impounded funds appropriated by the Congress. Congress's response at that time was to pass the Budget Impoundment and Control Act. I sincerely hope that you will reconsider this similar highhanded attempt to subvert the will of Congress.

Very truly yours,

A.L. CARLISLE,
Chair, National Coalition.

NATIONAL STEERING COMMITTEE OF
STATE JUVENILE JUSTICE ADVISORY GROUPS,
December 18, 1985.

Hon. EDWIN MEESE,
Attorney General, Department of Justice, Washington, DC.

DEAR MR. ATTORNEY GENERAL: On behalf of the National Coalition of the State Juvenile Justice Advisory Groups, I am compelled to convey my grave concern and deepest disappointment at the action of the Administration in regard to the proposed recision order which recommends total rescission of the FY 1986 appropriation for Juvenile Justice. It is incontrovertible that this action flies in the face of repeated expressions of Congressional intent that the Juvenile Justice program be continued.

Upon notice that this proposal would be submitted, the Office of Juvenile Justice and Delinquency Prevention placed a "hold" on all unobligated FY 1985 funds and all FY 1986 funds. Such an action, particularly in regard to the FY 1986 appropriation, will place the States in an extremely difficult position. As you know, the fiscal year began October 1, 1985 and the funds in question are desperately needed by states to continue programs and operations. Because the funding cycle for some state programs begins the first part of the calendar year, State programs find themselves in serious jeopardy. Without FY 1986 funds many programs designed and developed to provide services over a period of time will be terminated without any ability to permit assumption of their cost by States and local government. Many discretionary programs, moreover, are subject to immediate termination. In addition, most states cannot ensure the integrity of federal funds already in the cycle, absent the administrative funds provided through the Act. It appears to me outrageous not only that many important programs may be terminated but that this action also jeopardizes the ability of the States to provide accountability for current federal program funds.

This action is strongly reminiscent of the actions of former President Nixon when he impounded funds appropriated by the Congress. Congress' response at that time was to pass the Budget Impoundment and Control Act. I sincerely hope that you will reconsider this similar, high-handed attempt to subvert the will of Congress.

Very truly yours,

A.L. CARLISLE,
Chairman, National Steering Committee of State Juvenile Justice Advisory Groups.

AD HOC COALITION FOR
JUVENILE JUSTICE AND
DELINQUENCY PREVENTION,
Washington, DC, December 18, 1985.

Hon. EDWIN MEESE III,
Attorney General, United States Department of Justice, Washington, DC.

DEAR MR. ATTORNEY GENERAL: As Co-Chairmen of the Ad Hoc Coalition for Juvenile Justice and Delinquency Prevention, we are writing to express our strong opposition to the recent "freeze" placed on funding of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). We respectfully urge you to reverse this decision.

The Ad Hoc Coalition for Juvenile Justice, comprised of more than 40 national youth services organizations, has been a strong supporter of the Juvenile Justice and Delinquency Prevention Act. We are especially concerned of the effects which this freeze will have on efforts supported under the Act's formula grants to states provision.

Our purpose in writing at this time is not to argue the cost-effectiveness or success of the federal juvenile justice program. We will be making such a case to you at the appropriate time.

We are requesting, however, that you *immediately* lift the current freeze on OJJDP funds so that the legal mandates of the Act can be carried out. The intent of Congress, as recently as the December 4th action on OJJDP appropriations, is quite clear. The statutory mandates and enacted appropriations measures are to be carried out.

As our nation's leading law enforcement official, we are confident that you are committed to carrying out the law of the land, in this case, the JJDP Act as signed by the President. This current freeze clearly violates the letter and spirit of the law.

Again, we urge the immediate lifting of this freeze. We welcome the opportunity to meet with you and your staff to discuss ways that the Act can better protect the youths and communities that all of us are committed to protecting.

Sincerely,

SHARON MARTIN,
Co-Chair The Ad Hoc Coalition, YMCA of the USA.

DONALD W. MATHIS,
Co-Chair, The Ad Hoc Coalition, National Network of Runaway and Youth Services.

NATIONAL FUND
FOR RUNAWAY CHILDREN
Washington, DC, December 18, 1985.

Hon. EDWIN MEESE III,
Attorney General, U.S. Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL MEESE: The National Network of Runaway and Youth Services, comprised of more than 1200 member agencies across America is writing to you to oppose the recent freeze on funds which has been placed on programs administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). This highly-arbitrary and unsound decision is creating immediate havoc with state and local, public and private juvenile justice programs.

This freeze, which has not even been formally submitted to the Congress as a recision, is puzzling at best. Given the appropriations cut time line of March 1st by Gramm/Rudman, a freeze at this time places extreme and unanticipated hardship on programs including law enforcement, judges, probation, and a myriad of youth services agencies. This freeze is bad policy and should be lifted immediately.

As you well know, Congress has passed and President Reagan has signed both the reauthorization and appropriation legislation which provide for the Juvenile Justice and Delinquency Prevention Act. I strongly urge you to fulfill these statutory mandates and immediately lift the freeze on OJJDP. Thank you for your consideration of the National Network's position opposing the OJJDP freeze.

Sincerely,

JUNE BUCY,
Executive Director.

AMERICAN PROBATION AND PAROLE
ASSOCIATION,
January 21, 1986.

Senator ARLEN SPECTER,
SH-331 Hart Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: The American Probation and Parole Association supports the continuation of the Office of Juvenile Justice and Delinquency Prevention. It is the main vehicle by which the Federal Government demonstrates its support for the welfare of children who come into interaction with the justice system.

I support the concept of a balanced Federal budget and believe that it can be balanced through the elimination of many of the tax breaks which benefit the few and through increased frugality on the part of the Pentagon. I challenge you and your colleagues to continue to support juvenile justice and delinquency prevention through the models the Federal Government is able to establish through the Office.

In appreciation for your service, I remain
Very truly yours,
MALCOLM MACDONALD,
President.

YOUTH SERVICES ALLIANCE OF PENNSYLVANIA,
State College, January 29, 1986.

Senator ARLEN SPECTER,
331 Senate Hart Office Building, Washington, DC.

DEAR SENATOR SPECTER: I am writing to you on behalf of the thousands and thousands of Pennsylvania families and youths who have utilized the services of the more than eighty agencies making up the Youth Services Alliance of Pennsylvania. Please continue to do all that you can to maintain the Office of Juvenile Justice and Delinquency Prevention and the Pennsylvania Commission on Crime and Delinquency. The adults of tomorrow may not have much of a society to defend if we withdraw federal support for innovative, creative and effective involvement in youth and family rehabilation.

Very truly yours,
PETER L. STOLLERY,
Chairman.

CORA SERVICES,
January 28, 1986.

Hon. ARLEN SPECTER,
Hart Building,
Washington, DC.

DEAR SENATOR SPECTER: I write to you with much concern and support for your effort to make available the funding already allocated to Juvenile Justice Programs for fiscal 1986. The rescinding of such money would have a catastrophic effect on many critical services to children and youth that are already implemented, and could only be eliminated at the cost of significantly disruptive and self-defeating consequences.

The Cora Tip project is simply one instance. In line with Federal guideline emphasis on family advocacy and deterrence from formal court processes, CORA is experiencing considerable success in working with the highly vulnerable population of truant youth in Philadelphia. This demonstration project, supported by the city's Youth Services Coordinating Office, is financed by the Juvenile Justice money so threatened.

In addition to this immediate impact, I am also, as a member of the Pennsylvania State Advisory Committee on Juvenile Justice, in touch with the wide range of statewide services for youth that would be decimated by the rescinding of the projected federal monies. Such ruthless action would affect many neighborhood and community services for a volatile population of children and youth.

Finally, I write to you as a seasoned human service professional, with experience within both public and private juvenile justice systems, and currently as Administrator of one of the largest children and youth serving agencies in the state. Please convey to the President our serious concern that fiscal 1986 funding through the Juvenile Justice and Delinquency Prevention Act be maintained.

Sincerely,
Sr. M. CHARITY KOHL,
Administrator.

TEXAS COALITION FOR JUVENILE JUSTICE,
Dallas, TX, January 10, 1986.

Hon. EDWIN MEESE III,
Attorney General,
U.S. Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL MEESE: Texas Coalition for Juvenile Justice (TCJJ) is a non-profit, private volunteer organization with statewide membership. Our member organizations represent in excess of 1,000,000 persons. TCJJ does not receive nor has ever received any funds whose origins are from OJJDP. We do not perform legal or direct services. We sponsor community education of children's needs and services through conferences and workshops.

TCJJ hopes that you will lend the authority of your office to fighting juvenile offenses through support of adequate funding as appropriated to the Office of Juvenile Justice of Delinquency and Prevention.

We support the many successful services funded by OJJDP which have protected society by turning offenders away from lives as adult criminals.

Texas has used the funds from OJJDP wisely, and depends upon the continuity of the programs for the children and youth who can and have been rehabilitated.

We thank you for your consideration.

Sincerely,
JANE WETZEL,
President, TCJJ, Dallas.
BILL KING,
Vice President, TCJJ, Austin.
LOIS CARPENTER,
Advocacy Chair, TCJJ, Midland.

ECUMENICAL SOCIAL ACTION COMMITTEE, INC.,
Jamaica Plain, MA, January 31, 1986.

Senator ARLEN SPECTER,
Hart Senate Office Bldg.,
Washington, DC.

DEAR SENATOR SPECTER: My purpose in writing to you today is to strongly encourage you to introduce the proposed legislation which would protect and allocate funding for the Office of Juvenile Justice and Delinquency Prevention (OJJDP). In your role as Chairman of the Juvenile Justice Committee, I have been impressed by your support for groups such as runaway and homeless youth, helping to increase funding for the Runaway Youth Program several years ago when prospects for budget increases were considered very slim, as they are today.

Without a continuing allocation from OJJDP through our state Committee on Criminal Justice, the Ecumenical Social Action Committee will be forced to terminate a very successful delinquency prevention project based at the Curley Middle School in the Jamaica Plain neighborhood of Boston. Called *Project Promote*, the program targets 24 middle school students each year and works with them intensively through "behavior contracts" to achieve mid-year promotions to a higher grade, thus maintaining momentum and interest in school. Over the past two years, ESAC's *Project Promote* has successfully promoted and kept in school 90% of the students enrolled in the project. A press clipping is enclosed which provides more background on *Project Promote.*

Based on the program's success, the Massachusetts Committee on Criminal Justice has prioritized it for third year funding in 1986. A budget cut which affects the OJJDP will effectively terminate this valuable delinquency prevention program in March of this year, a time when students require continuing support to help them make the transition to new schools and new challenges. I am hoping we can count on your leadership this winter and spring on these and other human service budget issues which are of deep concern to us because of how they will affect our clients.

Sincerely,
ROBERT WOOLER,
Executive Director.

PROJECT PROMOTE: A SECOND CHANCE FOR CURLEY STUDENTS

(By Marsha Kabakov, Director of ESAC Youth Counseling Programs)

School can be a constant reminder of past failures for students who are behind in grade level. Once they are kept back from promotion there is usually no hope of rejoining their peers at graduation.

Responding to the low self esteem and low motivation faced by students who have been kept back, counselors from two local youth service agencies have joined with faculty from the Mary E. Curley Middle School to implement a program designed to give these youth a second chance to achieve success. The Project Promote Program has helped 32 Curley students move up in grade level at the mid point of the academic year. Counseling and tutorial staff from the Ecumenical Social Action Committee, [ESAC] and New England Home for Little Wanderers provided the support for this program effort.

"This has not been a free ride for these kids," said Marilyn Hyder, instructional support teacher at the Curley Middle School. Ms. Hyder was referring to the contractual agreements which counselors developed with each student, outlining the specific attendance, academic and behavioral requirements needed in order to be promoted mid-year. Students with histories of truancy, academic failure, and poor classroom conduct were given concrete goals to attain along with ongoing group counseling support to keep them focused on the process of changing their in-school performance.

"The students felt a new sense of obligation and responsibility," said Ms. Hyder, adding that, "the obligation was to themselves." She reported that teachers were enthusiastic because Project Promote offered them a new motivational tool.

Deborah Reid, ESAC counselor for the Project Promote program, noted that families reaped the benefits of their children's change in attitude at school. "We saw parents who had formerly been defensive or negative about their children's school failures, gain a new sense of pride from successful fulfillment of the Project Promote contract. We tried to enlist family support in helping students attend school and study harder. The parents also became invested in the process and it worked." One mother reported that this was the best year in her daughter's school history.

For Maggie Goodwin, supervisor of ESAC and New England Home in-school counseling programs at the Curley, the peers groups were a key element in Project Promote. Students met weekly with counselors to offer support and encouragement to each other. "We saw students destined to drop-out, really turn around their attitudes. The staff and faculty tried to give the kids a sense that we cared about them."

Project Promote coordinated its work with *Re-cap*, the Boston Public School Depart-

ment's Mechanism for promoting students mid-year. As a result, twenty Project Promote 8th grade "graduates" began high school this month, and twelve 6th and 7th graders are now 7th and 8th graders. Their families, teachers and counselors are very proud of their achievements.

Mr. MATHIAS. Mr. President, will the Senator yield for a question?

Mr. SPECTER. I do yield.

Mr. MATHIAS. The Senator has submitted a very important concurrent resolution, one that I am happy to cosponsor and support very enthusiastically, but I am wondering if the Senator would answer this question: Is there not a Gramm-Rudman issue involved in this concurrent resolution, because one of the most expensive costs of Government is sending people to jail? It is often said it is cheaper to send a son or daughter to Harvard than it is to keep them in jail. And that is true. The juvenile justice programs, which would be seriously impaired if not abolished in the absence of the success of the Senator's concurrent resolution, seek to reach young people before they get to the courtroom, before they become incarcerated in a penal institution.

Is that not a long-term economy for this country?

Mr. SPECTER. I am delighted to respond to the very erudite question from the distinguished Senator from Maryland and the answer is yes, there is a Gramm-Rudman-Hollings issue here, there is an issue of savings, there is an issue of deficit control, because an ounce of prevention is worth a pound of cure, and the dollar in the Office of Juvenile Justice and Delinquency Prevention has a greater cost effective ratio than 16-to-1.

If we are to finance crime prevention programs and if we are to take the juveniles out of the crime cycles, then we would be saving substantial money both in the short run and in the long run.

When this Senator was district attorney of Philadelphia I saw many personal background sheets—we called them "crimies" in the Philadelphia Police Department—where a child would be a truant at 7 or 8, would be charged with vandalism or shoplifting at 9 or 10, charged with burglary of a vacant building at 12 or 13, armed robbery at 17, and robbery-murder at 18.

The cost to society in terms of terror on the streets and the cost of incarceration is enormous.

The real answer for society is to take the juveniles out of the crime cycle, out of the crime picture, and that has not been done.

This program of juvenile justice is very modestly funded. When the budget came through for fiscal year 1981—and it had been at $100 million and an increase was recommended by the prior administration, President Carter—there was a tightening of the belt of the Judiciary Committee, where the distinguished Senator from Maryland served, and we took $70 million and have imposed economies and made it work. This program is cut to the bone now. There are very important cost savings by carrying this program forward.

So, in sum, the answer to the Senator's question is yes.

Mr. MATHIAS. I suspected that might be his answer, but I am glad that I put the question to him, because he provided such a refreshing and authoritative response.

Mr. SPECTER. Senator MATHIAS' questions can never be classified as hostile questions as sometimes there are questions in court proceedings.

I thank the Senator for his question and thank Senator MATHIAS for continuing support as he has worked on the subcommittee with me over these past 5 years plus.

I thank the Chair, and I yield the floor.

Mr. DENTON. Mr. President, I rise in strong support of Senate Concurrent Resolution 106, introduced by the distinguished chairman of the Judiciary Subcommittee on Juvenile Justice, Senator SPECTER, which disapproves the formal request for rescission of all 1986 funds for the Office of Juvenile Justice and Delinquency Prevention [OJJDP]. I am pleased to join as the first cosponsor of this effort.

Mr. President, on Friday, December 13, 1985, the very same day that President Reagan signed H.R. 2965 the Commerce, Justice, and State Departments appropriation bill, which appropriated 1986 funds for OJJDP, the Justice Department upon the informal recommendation of the Office of Management and Budget, froze all OJJDP funds for a 45-day period. On December 19, under the able leadership of Senator SPECTER, the Senate passed by unanimous consent Senate Resolution 278, as amended, which disapproved the formal freeze. A formal request for a rescission has now been filed with the Congress.

In some quarters Friday the 13th is viewed as a very unlucky day. Little did we know how unlucky this particular Friday the 13th would be for the Nation's children.

Since that Friday, my office has received countless calls and letters from various organizations in Alabama and nationwide, which presently are recipients of OJJDP grants. The communications relay the concern that an informal freeze or formal rescission of funds will lead to the destruction of numerous juvenile justice projects; a destruction which will slow, if not reverse, the tremendous strides made by the States in the deinstitutionalization of status offenders and the removal of juveniles from adult jail facilities. Officials in Alabama have indicated that the freeze or rescission will force the immediate shut down of approximately 90 percent of the juvenile justice projects in the State and will severely affect the State's compliance with the removal of juveniles from adult jail facilities.

Mr. President, in light of the current budget situation we are all fully aware of the need to trim individual budgets. I am sure that the juvenile justice community is ready and willing to carry its fair share of budget cuts. But we must not balance the budget by disproportionately burdening juvenile justice programs which include rehabilitation, deinstitutionalization, child safety, crime control, foster care, drug programs, law-related education, child abuse, runaway shelters, missing children, pornography, delinquency research, homeless children, and juvenile court programs. We must continue to keep the protection of this Nation's children a priority.

Therefore, I support Senate Concurrent Resolution 106, and I commend Senator SPECTER for his continued leadership since 1981 in the fight to prevent the zero funding, rescission or deferral of OJJDP funds. I urge my colleagues to support this concurrent resolution and move for its expeditious consideration.

Mr. President, I ask unanimous consent that copies of a number of letters from Alabamians concerned with juvenile justice be placed in the RECORD.

There being no objections, the letters were ordered to be printed in the RECORD, as follows:

MARSHALL COUNTY
ATTENTION HOMES, INC.,
Guntersville, AL, December 20, 1985.

Hon. JEREMIAH A. DENTON, Jr.,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR CONGRESSMAN: I have just received and reviewed the "State InfoLetter" dated December 13, 1985, concerning the OMB directive to not award any categorical or new block grants for Juvenile Justice programs. I know, as a member of the Alabama State Juvenile Justice Committee, that this money is desperately needed to comply with the JJDP act of 1974. Without said federal assistance many programs will be caused to terminate and, the children in this State will be the ones to suffer. I know, that as an Alabama Congressman, you do not want this to happen to our children who are in desperate need of the services provided them through federal assistance programs. From talking with many State and local officials, I know that I am not alone in my feelings concerning this matter.

I beg of you, in your busy schedule, to review what OMB is trying to do and provide all assistance possible in preventing this from happening.

Sincerely,

ROBERT T. GIBBS,
President, M.C.A.H., Inc.

SHELBY COUNTY SERVICES & ATTENTION HOMES, INC.,
Alabaster, AL, December 24, 1985.

Hon. JEREMIAH A. DENTON, Jr.,
U.S. Senator, Hart Senate Office Building, Washington, DC.
(Attention of Richard Holcomb)

DEAR HONORABLE SENATOR DENTON: More bad news. We were just informed by the Alabama Department of Economic and Community Affairs that we will probably not receive any of our 1986 funds through the Law Enforcement Planning Division. This money was suppose to start coming down in October 1985 and agencies like ours have received none of this LEPA money yet. I have had to borrow from my Capital Expenditure Account in order to pay the bills each month. Since I was cut $20,110.00 by The Department of Health and Human Services this year I certainly cannot stand a $39,513.00 cut again in the same year. We have worked so hard to build this new A-Home for the children. The Navy has assisted greatly, volunteers, civic groups and countless others have invested time and energy and money into this project and it looks like I am going to have no funds to operate it with once I have it built. Our County Commission, every city in our County and some outside our county contribute to our home and work to keep it going but they cannot pay for everything. We have already raised over $70,000.00 toward construction because there is no federal or state Brick and Mortar Money now. I have had to borrow from that building fund in order to operate. Please do not let them take our 1986 LEPA funds away this year also. It will be too large a burden to try to bear in one year. Please see what you can do to make sure this does not happen to me and all the other group homes and law enforcement agencies in the State of Alabama.

Please contact me if you need additional information. I have enclosed a copy of the newsletter that we received from Montgomery today.

Sincerely,

BRENDA LEE-RICE,
Project Director.

COOSA VALLEY YOUTH SERVICES,
Anniston, AL, December 26, 1985.

Hon. JEREMIAH DENTON,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DENTON: Coosa Valley Youth Services is a non-profit organization which operates a 27-bed maximum-security detention center for the criminal juvenile offender and a 10-bed group home for children having severe family problems. Both of our programs operate on a regional basis serving the following counties in northeast Alabama: Calhoun, Chambers, Cherokee, Cleburne, DeKalb, Etowah, Morgan, and St. Clair. We will also provide services to any other county in the State on a space available basis.

For FY 1985-86, our funding comes from the following sources:

Source	Amount	Percent of budget
Local government	$332,691	59
State government	149,300	27
Federal Government	81,428	14
Total	$563,419	100

The federal funds we receive come through the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Recently I learned the Office of Management and Budget has issued directives to the Justice Department that in effect has frozen the release of the FY 1986 appropriations authorized by Congress through H.R. 2965 and approved by the President on December 13, 1985.

While the federal funds for Coosa Valley represent only 14% of our projected revenue to "freeze" these funds or to not release them at all would create a major funding problem.

I fully realize that like many other federal programs, the original intent of OJJDP funds was to provide "seed" money with the state and local governments gradually assuming the cost of the programs. The table above clearly indicates that such is the case with the Coosa Valley program.

It has not been an easy task to get the state and local governments to participate financially at the level shown in the table. This level of effort has taken begging, pleading, compromise, and the filing of law suits against a county commission and the State of Alabama.

To possibly cut the OJJDP funds to Coosa Valley and to the State for FY 1985-86 plus sharply reduce revenue sharing to the counties would create a condition where many programs for troubled kids may close because local governments and the State could not come up with the necessary funds to replace lost federal funds.

Senator Denton, you have become a major supporter of "kid" programs through your work to establish a hot line for runaway and missing children. You have supported legislation and programs to fight child abuse. Your tireless efforts to support the welfare of children speaks highly of your compassion for kids.

It is because of this compassion that I humbly ask for your help in getting those funds authorized by Congress and approved by the President released from the Justice Department.

Through the help of the OJJDP funds, we are providing treatment programs kids can be placed in rather than being held in county jails. If you want to see an often-forgotten form of child abuse, talk with children who have been detained in county jails throughout the state or visit some of the jails which detain kids. Living conditions in animal humane shelters are better than some of the juvenile cells kids are placed in.

I will truly appreciate any attention you could give toward this problem and if there is anything I can do to assist you, please contact me.

Sincerely,

GEORGE A. GRAHAM,
Executive Director,
Coosa Valley Youth Services.

ALABAMA CRIMINAL JUSTICE INFORMATION CENTER,
Montgomery, AL, January 3, 1986.

Hon. JEREMIAH A. DENTON, Jr.,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DENTON: The Office of Management and Budget issued a directive on December 12, 1985. This directive in effect placed a freeze on new grants funded under the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Juvenile Justice is a serious problem not only in Alabama but across the country. Without these funds many good programs and projects will be adversely affected.

Please review the actions of OMB and provide any assistance possible to the OJJDP program.

Sincerely,

LARRY WRIGHT.

DISTRICT COURT OF SHELBY COUNTY,
Columbiana, AL, January 22, 1986.

Hon. JEREMIAH A. DENTON, Jr.,
U.S. Senate, Washington, DC.

DEAR SENATOR DENTON: I want to thank you for your support of Senate Resolution 278 of December 19, 1985. In fact, I have had occasion to thank you frequently the past several years for your consistent support of juvenile programs.

I am aware that Brenda Lee-Rice, the Project Director of Shelby Youth Services and Attention Home, Inc., has communicated with you concerning our predicament. The building presently housing the Attention Home has been placed on the market due to the owner's financial plight. Those of us who depend on the Attention Home know how critical it is to begin our building immediately. Just when we are beginning to make plans to secure our future, we learn that the Department of Justice and the Office of Management and budget have proposed the elimination or recission of O.J.J.D.P. Since such would mean a loss of almost $40,000.00 to Shelby Youth Services and Attention Home and that agency's total operating budget is less than $140,000.00 a year, we are very concerned.

I know that everyone must share the burden of a balanced budget. However, as Juvenile Court Judge, I want assurances that funds for juvenile programs will not be reduced disproportionately.

Again, let me commend you for your efforts to protect the children of this state. The members of the Board of Directors for Shelby Youth Services and Attention Home, Inc., are well aware of your stand and we are most grateful.

Sincerely,

PATRICIA M. SMITH,
District Court Judge.

Mr. HEFLIN. Mr. President, today I am joining with Senator ARLEN SPECTER and Senator JOE BIDEN in introducing a joint resolution disapproving the proposed rescission of funding for the Office of Juvenile Justice and Delinquency Prevention, The Bureau of Justice Assistance, and the Regional Information Sharing System. The Office of Management and Budget and the Department of Justice have apparently decided to let the ax fall on these three programs exclusively rather than make the across-the-board cuts that Gramm-Rudman-Hollings requires. This is a very disturbing situation and reflects a disregard for the vital importance of these programs to the crime-fighting efforts of State and local governments.

Deep cuts are difficult to make and all programs cannot be spared. Cuts should, however, be made fairly and not disproportionately impact on programs of proven effectiveness. Assistance for our law enforcement agencies fighting an ever rising tide of violent crime, and programs to provide a

safety net for abused, forgotten, and missing children have never been more desperately needed.

The Office of Juvenile Justice and Delinquency Prevention funds vitally needed programs, including rehabilitation of youthful offenders, drug abuse prevention, child safety, foster care, child abuse prevention, runaway shelters, assistance for missing and homeless children, prevention of child pornography, and delinquency research. OJJDP is funding a variety of programs in my home State of Alabama, including a fine program to fight child abuse in Huntsville. This program now serves as a model for the Nation and has inspired similar programs in other cities. If the Justice Department succeeds in eliminating the OJJDP Program, Alabama will lose three-quarters of a million dollars in desperately needed funding for programs like these. Because a freeze of funding was carried out in mid-December, Alabama has already been forced to borrow money to keep its essential juvenile justice programs afloat.

The Bureau of Justice Assistance has continued the excellent work of the law enforcement assistance administration in funding essential crime prevention programs. Elimination of the program will severely damage the growing partnership between Federal, State, and local criminal justice systems. The Bureau of Justice Assistance conducts research into all aspects of the criminal justice system for the benefit of the entire Nation. Sometimes the benefits of preventative programs are difficult to measure and they certainly don't attract a lot of public attention. If basic research programs in crime prevention are discontinued, however, the American people will feel the pinch.

The Regional Information Sharing System Program provides an essential link between Federal, State and local authorities by enabling them to work together on multijurisdictional investigations, specialized surveillance, investigative equipment sharing, and other activities. The value of this program can best be understood by considering the difficulty that a small sheriff's department has in keeping up with the latest information, sharing what they have learned and, as is becoming increasingly necessary, coordinating their activities with other law enforcement agencies across the country. The guile and sophistication of criminals is increasing, and the bulk of law enforcement falls on our State and local authorities. Our help is needed more than ever.

The Congress has spoken clearly on this issue. Funds have been appropriated for these programs and the President has signed these appropriations into law. State and local governments have relied in good faith on the money's availability. We cannot ignore our promises and abandon them now.

Mr. BIDEN. Mr. President, I rise as a cosponsor of this resolution which expresses the objection of both Houses of Congress to the administration's proposal to eliminate important State and local crime fighting programs. I would at this time, advise my colleagues that I intend to offer an amendment to this resolution that will add the Bureau of Justice Assistance and the Regional Information Sharing Systems Programs to the resolution.

As the ranking member of the Judiciary Committee I have worked each of the last 5 years to block the administration's efforts to eliminate the Juvenile Justice Program and to restore funding for State and local law enforcement programs. Most recently, in December 1985 I joined with Senator SPECTER and others to pass a Senate resolution that expressed our objection to the freezing of funds for these programs by the Department of Justice.

Let me first state that it is not appropriate for the Department of Justice to imply that this rescission of 1986 funds is a result of Gramm-Rudman-Hollings. Gramm-Rudman-Hollings is based on reducing all programs alike, and does not zero out some to preserve the funding of others. No, I'm afraid that this rescission request represents once again the administration's lack of support for State and local crime and drug fighting programs.

What particularly upsets me is that when Chairman THURMOND and I were working out the components of the comprehensive crime control bill in 1984, we had agreement with the administration and their support for a Justice Assistance Program. In fact Lowell Jensen, Associate Attorney General stated at the hearing on the comprehensive crime bill, "The Justice Assistance Act is an integral part of our comprehensive crime program * * *. We have learned that Federal seed money for carefully selected programs does work and that certain of these projects can have a significant impact on our criminal justice system * * *."

The Justice Assistance Program that we designed in 1984 was a good step toward providing Federal assistance to State and local agencies for crime programs of proven success. The program was developed with the fullest intention that law enforcement and the operation of criminal justice systems are primarily a State and local responsibility. This new program was developed with the lessons learned from the old LEAA Program. Using a modest annual investment, this program would enable State and local governments to make criminal justice improvements by implementing new and effective crimefighting techniques. Now, after Congress has appropriated funds and the States have set up administrative procedures to disburse these funds, the administration proposes to eliminate the program through a rescission request. This has the appearance of a doublecross that I cannot let happen to police, corrections, and court employees across this country.

JUVENILE JUSTICE PROGRAM

Over the past 5 years I have worked in both the Judiciary and Budget Committees to see that the Juvenile Justice Program was continued. It is no different this year. I have always felt that dollars spent in working to prevent juvenile delinquency will pay the best dividends in trying to reduce crime. This program has been in a constant fight for its survival under the Reagan administration. I have never understood the President's call for a war on crime and then ignoring the fact that 40 percent of all serious crime is attributed to juvenile offenders. Eliminating the Juvenile Justice Program is a pound-foolish approach to saving money, especially if this administration wants to back their rhetoric on crime with action.

REGIONAL INFORMATION SHARING SYSTEM

This is another program the administration has tried to eliminate in the past. This program has proven to be a valuable resource to State and local law enforcement in coordinating investigations that involve several different agencies. It seems misleading for the administration to talk about their cooperative approach to drug investigations with State and local agencies and then turn around and eliminate a valuable tool used in pursuing drug traffickers.

As the ranking member of the Judiciary Committee and one who has followed this issue closely, I ask my colleagues to support my amendment and the resolution. Now is not the time to abandon State and local criminal justice agencies.

SENATE CONCURRENT RESOLUTION 107—PROVIDING FOR AN ADJOURNMENT OF THE CONGRESS

Mr. SIMPSON submitted the following concurrent resolution, which was considered and agreed to:

S. CON. RES. 107

Resolved by the Senate (the House of Representatives concurring), That when the House adjourns on Thursday, February 6, 1986, or Friday, February 7, 1986, pursuant to a motion made by the majority leader of the House, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Tuesday, February 18, 1986, and that when the Senate adjourns on Thursday, February 6, 1986, or Friday, February 7, 1986, pursuant to a motion made by the majority leader of the Senate, or his designee, in accordance with

this resolution, it stand adjourned until 12 o'clock meridian on Monday, February 17, 1986, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House, after consultation with the minority leader of the House, and the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 108—REGARDING EAST TIMOR

Mr. LEVIN submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 108

Whereas an estimated 100,000 East Timorese out of a population of less than 700,000 have died since the invasion and occupation of East Timor by the Government of Indonesia, which began on December 7, 1985;

Whereas armed conflict persists in East Timor;

Whereas threats of food shortages and medical problems persist in some areas of East Timor;

Whereas international access to and the free flow of information from East Timor remain restricted;

Whereas the Roman Catholic Church in East Timor is denied full freedom of expression and is subject to intimidation by Indonesian authorities;

Whereas Indonesian authorities have placed many East Timorese against their will in resettlement areas where many of them are prevented from raising crops; and

Whereas Amnesty International issued a report in June 1985 which called attention to systematic violations of human rights in East Timor: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should take all appropriate measures to encourage the Government of Indonesia to—

(1) maintain and expand access to and guarantee freedom of movement in East Timor for humanitarian organizations so that such organizations can carry out their humanitarian operations to the fullest extent feasible;

(2) allow unhindered access to East Timor for journalists, church delegations, and human rights groups that seek to visit the territory;

(3) guarantee full freedom of expression for, and end intimidation of, the Roman Catholic Church in East Timor;

(4) allow qualified international observers to be present at trial proceedings that involve East Timorese political prisoners;

(5) allow an impartial international investigation of the conditions that exist in areas of East Timor where East Timorese have been resettled by Indonesian authorities; and

(6) work with the Government of Portugal and the Government of the United States to develop initiatives that address the sources of conflict in East Timor and that bring an authentic peace to East Timor.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. LEVIN. Mr. President, today I am submitting a concurrent resolution to express the sense of Congress concerning the situation in East Timor.

On December 7, 1985, we commemorated the attack on Pearl Harbor, a "day that will live in infamy." That same date marked the 10th anniversary of another "infamous day," namely, the Indonesian invasion and occupation of East Timor.

On that December day in 1975, just 4 months after Portugal had evacuated officials from its colony of East Timor, the Indonesian Army launched a full-scale invasion, ostensibly at the invitation of Timorese political parties. In July 1976, East Timor was forcibly annexed into the Indonesian political system. The consequences of the Indonesian invasion are by now well known. Numerous statements have been made in this Chamber and elsewhere over the past 10 years describing the tragic conditions on this island. But the major elements of this human tragedy bear repeating.

It has been estimated that in the last 10 years over 100,000 East Timorese—out of a population of less than 700,000 before the invasion—have died as a result of warfare, hunger, disease, and executions. Fighting between Indonesian troops and the resistance forces of Fretilin has led to horrendous suffering among the civilian population. Famine and its accompanying horrors, disease and malnutrition, have ravaged the Timorese countryside. In their attempt to eradicate the resistance forces and "normalize" the countryside, Indonesian troops have arbitrarily killed hundreds of noncombatant civilians. Prisoners in the army's custody have been tortured and sometimes extrajudicially executed. Arbitrary arrests and detention without trial have been carried out on a massive scale, and those arrested often "disappear."

To compound these violations of basic human rights, the Indonesians have continually denied or restricted access to East Timor by international relief agencies like the International Committee of the Red Cross, UNICEF, and Catholic Relief Services. Journalists, when allowed into the country, have been closely monitored and severely restricted in their movement. Human rights monitoring groups have been completely shut out. Indonesia denies nearly all the allegations made by the press and human rights groups, yet by imposing strict controls on access to East Timor and the flow of information out of it, they have merely succeeded in intensifying world concern about the situation there.

Despite the lack of access, human rights groups have managed to accumulate a large body of up-to-date information on East Timor. In June 1985, Amnesty International published a report entitled "East Timor: Violations of Human Rights." This report indicates that serious problems continue in East Timor, even though the intensity of the armed conflict with Fretilin may have abated somewhat. Although the hunger problem is less serious than it was 3 or 4 years ago, reports persist of food shortages and medical problems in some areas. Visits by humanitarian organizations are irregular and do not involve full access to all parts of the territory. Intimidation directed against the Roman Catholic Church remains a serious problem. The Amnesty report contained a list of 71 persons who had disappeared or were executed while in the custody of Indonesian security forces in the preceding 2 years. And, in general, the fundamental rights to freedom of expression, association, assembly, and movement continue to be systematically denied in East Timor.

The litany of abuses is familiar. But we cannot allow the consistency of Indonesian behavior in East Timor lull us into letting the issue be forgotten. The Universal Declaration of Human Rights makes it clear that the denial of basic human rights anywhere in the world is a matter of concern to all civilized people. East Timor may be a remote island, but we have an obligation to speak out for the rights of its long-suffering inhabitants.

There is one further point I think it is important to emphasize about the purpose of this resolution. We should remember that the United Nations still does not recognize Indonesia's claim to East Timor. In the eyes of virtually all the world's nations, the incorporation of East Timor into Indonesia was completely illegal. Our Government's official position is to accept East Timor's incorporation without asserting that a valid act of self-determination has taken place there. While I am disappointed that the U.S. Government has not taken a stronger stand on behalf of self-determination and human rights in East Timor, I also recognize the value of our relationship with Indonesia and the need to be sensitive to this. Unfortunately, the well-documented behavior of the Indonesian Army and Indonesian authorities in East Timor does nothing to enhance this relationship nor does it enhance the legitimacy of Indonesia's claim to the territory. The concurrent resolution I am submitting today is an expression of Congress' belief that human rights concerns can and must play a role in our foreign policy, and that genuinely friendly relations between our country and Indonesia are impossible so long as the repression of the people of East Timor continues.

Mr. President, this concurrent resolution will send a clear message to the Indonesians, and it will also indicate to the people of East Timor that we have not forgotten them. I urge my col-

leagues to join with me as cosponsors of this concurrent resolution.

SENATE RESOLUTION 333—RELATING TO THE URBAN DEVELOPMENT ACTION GRANT PROGRAM

Mr. LAUTENBERG (for himself and Mr. KASTEN) submitted the following resolution; which was referred to the Commtitee on Appropriations:

S. RES. 333

Whereas the economic development of urban communities large and small is an essential national objective;

Whereas the Congress has appropriated funding for the Urban Development Action Grant program in Fiscal Year 1986;

Whereas the Urban Development Action Grant program provides jobs, tax revenues and economic revitalization to areas of the nation with high unemployment, particularly among minorities; and

Whereas the Urban Development Action Grant program leverages private sector investment in our nation's urban communities; Now, Therefore, be it Resolved, That

(1) the proposed rescission of $220.1 million in available funds, including $206 million in Fiscal Year 1986 funds for the Urban Development Action Grant program is rejected.

● Mr. LAUTENBERG. Mr. President, today Senator KASTEN and I are submitting a sense of the Senate resolution expressing our opposition to the elimination of the Urban Development Action Grant Program. The administration has proposed that no further UDAG grants be funded and that $220.1 million of UDAG funding be rescinded. It is the purpose of this resolution to put the Senate on record in opposition to this rescission.

Mr. President, the Urban Development Action Grant Program has been a vital tool to our Nation's cities, large and small. UDAG has made the difference between the location of economic development projects in distressed cities or more affluent communities. The jobs produced and the taxes generated through this program have gone where they will do the most good: To cities with high unemployment and constrained tax bases.

The elimination of the UDAG program is short-sighted. UDAG is an investment program which leverages private sector commitment. In partnership with the public sector, the private sector uses UDAG to bring prosperity where there was blight.

Mr. President, the budget presented by the Reagan administration will put enormous pressure on local governments across America. We are telling our mayors to fight crime, provide public services and build the economies of their cities, but to do it alone. No longer, says the budget proposed by the administration, will the Federal Government be a partner in the plight of urban America. The elimination of the UDAG program is part of this general retreat.

Mr. President, it is one thing to praise the mayors of our Nation for their efforts at local decisionmaking and development. There are examples across our Nation of cities and neighborhoods brought back to life by the struggles of locally elected officials and private citizens. But, it is quite another thing to take away the tools that our mayors have to do the job. By eliminating the Urban Development Action Grant Program, we would be taking away one of the most effective tools the Federal Government ever provided to our cities.

Mr. President, I oppose this penny-wise and pound-foolish rescission and I urge my colleagues to join in an effort to reject this ill-conceived policy.●

SENATE RESOLUTION 334—COMMENDING RODERICK A. DEARMENT FOR HIS SERVICE TO THE SENATE

Mr. DOLE (for himself, Mr. LONG, and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 334

Whereas, Roderick A. DeArment has served the United States Senate with honor and distinction since 1979, the Senate wishes to express its profound thanks and

Whereas, the said Roderick A. DeArment assumed considerable responsibilities as Chief Counsel and Staff Director of the Senate Finance Committee and most recently as Chief of Staff of the Office of Majority Leader; and

Whereas, he carried out these duties with skill, sensitivity and integrity, always pursuing the best interests of the Senate and the nation-at-large; and

Whereas, he played an integral role in drafting and enacting landmark tax legislation, and

Whereas, Roderick A. DeArment unstintingly gave of himself during his years of public service, and

Whereas, this dedication to duty, and exceptional service, has earned him esteem and affection throughout the Capitol; Now, therefore be it

Resolved, That Roderick A. DeArment is hereby commended for his years of hard work and service to the United States Senate.

AMENDMENTS SUBMITTED

OLDER AMERICANS ACT AMENDMENTS

GRASSLEY AMENDMENT NO. 1584

Mr. SIMPSON (for Mr. GRASSLEY) proposed an amendment to the bill (S. 1858) to amend the Older Americans Act of 1965 to increase the amounts authorized to be appropriated for fiscal years 1985, 1986, and 1987 for commodity distribution, and for other purposes; as follows:

On page 2, line 2, strike out "1985" and insert in lieu thereof "1986".

On page 4, line 11, insert beginning quotation marks before "(1)".

On page 4, line 15, insert beginning quotation marks before "(2)".

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Thursday, February 27, 1986, at 9:30 a.m., to mark up Senate committees' funding resolutions for fiscal year 1986. The committee will also be considering other legislative and administrative business currently pending on its agenda.

For further information concerning this meeting, please contact Carole Blessington of the Rules Committee staff on X40278.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GARN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 5, in executive session to continue markup of the staff proposal on defense reorganization and to consider military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 5, to conduct a hearing in order to receive testimony on U.S. military posture in review of the fiscal year 1987 Department of Defense military authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GARN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, February 5, 1986, in order to receive testimony concerning the following nominations:

Danny J. Boggs, to be U.S. circuit judge for the 6th Circuit.

Walter J. Gex III, to be U.S. district judge for the Southern District of Mississippi.

Sidney A. Fitzwater, to be U.S. district judge for the Northern District of Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HEALTH INSURANCE PREMIUM REBATES

● Mr. D'AMATO. Mr. President, I rise today in support of S. 2020, which would permit payment of health insurance premium rebates to certain eligible Federal retirees. Although the Senate passed this provision late last year, it was included in a larger legislative package which was vetoed by President Reagan for reasons unrelated to this rebate provision.

Mr. President, this legislation simply corrects a problem with current law which has blocked these refunds. Current law permits rebates for Federal employees only, not for Federal retirees. This is unfair.

S. 2020 enjoys widespread bipartisan support. Also, S. 2020 addresses the concerns which prompted the President to veto the earlier rebate bill—by eliminating the language in that bill which lifted the existing cap on the Government's share of health insurance premiums.

Federal retirees have waited too long for this legislation. I urge my colleagues to join with me in supporting the prompt passage of S. 2020. ●

BALTIC FREEDOM DAY

● Mr. D'AMATO. Mr. President, I rise today to cosponsor a joint resolution (S.J. Res. 258) introduced by my distinguished colleague from Michigan, Senator RIEGLE, designating June 14, 1986, as "Baltic Freedom Day." These past 2 years I have been privileged to sponsor this remembrance which expresses Congress' continued outrage over the Soviet Union's obdurate subjugation, oppression, and russification of the Baltic people of Lithuania, Latvia, and Estonia.

June 14, 1986, will mark the 46th anniversary of the United States nonrecognition policy toward the Soviet's illegal occupation of Lithuania, Latvia, and Estonia. This is a policy we will adhere to until that day comes when the Soviet Union releases its Red hand from the throats of these choking Baltic States. I hope that we will continue to be as steadfast in this policy as our Baltic friends have been in their pursuit of freedom.

Lithuania, Latvia, and Estonia each proclaimed their independence in 1918 and for 22 years they nurtured their newly found freedom—a freedom previously denied them by more powerful, more aggressive neighbors. For centuries before 1918, control over the Baltic people had gone back and forth between Germany and Russia. In 1918, the Baltic people, however, took a stand on behalf of their self-determination, and, in 1920, the Soviet Union promised to recognize their independence.

The cultural life of the Baltic people blossomed and their system of education made tremendous strides. These embryonic Republics were developing into strong agrarian societies. Politically, minorities were guaranteed cultural and political rights. They were recognized throughout the world for their religious and lingual tolerance and for their desire to live in peace. The Baltic people loved their newly found freedom.

As time reveals all truths, however, it now is clear to us and to the world that the Soviet Union's promise in 1920, through legitimate peace treaties with each Baltic State, was as hollow as any they have made before or since that time. By signing those peace treaties, the Soviet Union promised to "voluntarily and forever" renounce its sovereign rights over the territories of Lithuania, Lativa, and Estonia and to recognize without reservation their "independence, autonomy, and sovereignty."

In 1940, the Soviet Union began its attempt to smother Baltic freedom. The Red army stormed into Lithuania, rolled over Latvia, and forced its way into Estonia and seized control of all three nations. The Soviets then established in each a puppet regime which unanimously passed a request for incorporation into the Soviet Union. Late in 1940, these requests were enacted in Moscow.

As we all know, for a state to govern its people, that state needs first to have the consent of its people—or that state will fall. This is part of a democratic foundation. For the time being, the Soviet Union may have control over the people of Lithuania, Latvia, and Estonia. But, without the consent of these freedom-loving people, the Soviet Union inevitably will become the object of its own folly. When the day comes, the Soviet Union will begin to feel the pain and the suffering it has so cruelly inflicted upon the Balts since their illegal and forced incorporation.

The Soviet's takeover began with a series of arrests and imprisonments that has swelled into the tens of thousands. On the evening of June 14, 1941, with terror gathering momentum, they began a massive deportation program. Between 1944 and 1949, hundreds of thousands of Baltic people were herded into freight cars and exiled to distant parts of the Soviet Union. Those countless native Balts who were considered potential foes of communism were branded enemies of the people and were replaced by new settlers from the Soviet Union.

The Soviet Union quickly centralized its governing authorities in each of the Baltic Republics and continued the russification process according to plan. All private institutions were nationalized; farms were collectivized; and the entire wealth of each of these would-be free peoples became state property. The Soviet Union assumed control over the production and distribution of all goods and products, over all means of transportation, over communications, printing, and the press. People were forbidden to leave their countries and were barred from all coastal towns and border areas.

Under Stalin, Khrushchev, Brezhnev, Andropov, Chernenko, and now Gorbachev, thousands of Lithuanians, Latvians, and Estonians have been slaughtered, deported, exiled, and imprisoned in slave-labor camps or committed to psychiatric institutions. These ruthless dictators have pursued a russification policy which has denied the Baltic people the most basic of human rights. What the Soviet's have done clearly flies in the face of the United Nations Universal Declaration on Human Rights and the Helsinki Final Act.

Despite repeated professions of support for the principles embodied in the final act, the Soviets have continued to blatantly violate the rights to self-determination guaranteed the Baltic people. As this act affirms, "All people always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social, and cultural development."

In recent years, Soviet disdain for the Helsinki accords is revealed in their stepped-up repression of Lithuanians, Latvians, and Estonians. Dr. Algirdas Statkevicices, a member of the Lithuanian Helsinki Monitoring Group, has been sentenced to compulsory psychiatric treatment for engaging in "anti-Soviet agitation and propaganda." Fathers Alfonsas Svarinckas and Sigitas Tamkanicias have been persecuted and imprisoned for their defense of believers' rights. In addition, Juris Brimeisters, a Latvian Social Democrat, is serving a 15-year sentence in a strict regime camp for his political convictions. We also must not forget Dr. Yuri Kukk, a courageous Estonian human rights activist, who died of a hunger strike in a transit prison where he had been placed as a result of "anti-Soviet agitation and propaganda."

While great, the degree and depth of Soviet denial of basic human and civil rights is not as deep as the Baltic people's desire for freedom and independence. The Balts' deeply rooted love of freedom and steadfast belief in the principles of independence have enabled them to endure Communist hegemony and suppression. They have lasted through years of Soviet subjugation, oppression, and russification. Their spirit will not be broken, and their struggle for self-determination will continue.

Mr. President, as Chairman of the Commission on Security and Cooperation in Europe, I am deeply concerned about the Soviet Union's continuing human rights violations in Lithuania, Latvia, and Estonia. We, the Congress and the Nation, are all concerned—and rightfully so. As a party to the United Nations Charter and as a signatory of the Helsinki accords, the Soviet Union has pledged its respect for human rights and fundamental freedoms. As such, the Soviet Union must accept the political and legal obligations that these agreements entail.

When we celebrate June 14, 1986, as "Baltic Freedom Day," it is fitting and proper that we remind the Soviet Union of these obligations. I urge my colleagues to join me in support of this resolution to reaffirm our love for freedom and our commitment to the principles of independence for all peoples, for ourselves, and especially for our Baltic friends who have been forced to live their absence.●

RESPONSE TO TERRORISM

● Mr. GRASSLEY. Mr. President, as the threat of worldwide terrorism intensifies, the recognition grows that we are increasingly vulnerable here in this country.

All too often, government responds to a problem only when it has reached critical proportions. Yet because of the severe psychological and political impact of terrorism, it is a problem well worth an ounce of prevention.

So far, our Government's dealings with terrorism have been little more than rhetoric cast from afar. If terrorism does spread to this land, we would need much more than well-aimed barbs to counter it. We would first of all need a clear national consensus to strike against terrorists. Second, we would need a policy to combat terrorism. And third, we would need practical operational know-how as a basis for our policy.

I would like to include in the RECORD an article which appeared in a recent issue of the San Francisco Examiner by an individual who has had 30 years of experience countering terrorism on behalf of the U.S. Government throughout the world. This article is an excellent exposé on what America needs, as a first step, to prepare for an unknown future.

The article follows:

[From the San Francisco Examiner, Jan. 14, 1986]

END TERRORISM

(By James Kolesnik)

WASHINGTON.— To end terrorism quickly—within three to five years—two major processes must first take place.

Our national leadership must adopt a coordinated, non-partisan approach to the problem. At the same time, the inordinate influence on government by individuals and private corporations with vested interests in the Middle East must be subordinated to the national interest.

The stakes are high and growing. The increasing tempo of terrorist attacks strongly suggests that they have decided the United States is all talk and no action—and therefore not to be feared.

Israel is another matter. Three recent episodes show that terrorist groups are increasingly unwilling to enter Israel and would rather deal with far less formidable targets, like unarmed persons with Jewish-sounding names or tourists lining up at an El Al ticket counter.

Americans, then, have become fair game. The victims are an 11-year-old girl and a 69-year-old invalid. There have been many others.

An obvious indication of the shift away from Israel and toward Jews, be they of American or other nationalities, came during the TWA hijacking, when the terrorists isolated the passengers with Jewish-sounding names from the others.

Then came the Achille Lauro piracy, where, once again, passengers with Jewish-sounding names were separated from the others. The only known victim was a wheelchair-bound New York passenger with a Jewish-sounding name.

The recent Vienna and Rome airport attacks were directed at passengers boarding the Israeli-flag airline, El Al, with indiscriminate killings intended to discourage travelers from using that airline.

Granted, terrorism in 1985 did not cause as many deaths as airplane crashes, or auto accidents in New York State. But terrorism is of profound political importance and causes psychological trauma which transcends the mere casualty-count or property destruction.

Government leaders view terrorism as a threat to political stability. The threat is real.

Government institutions are among the first to feel the effect. The M-19 guerrilla takeover of the Colombian supreme court building last year resulted in the death of six judges and dozens of others.

Surrounded by concrete barricades and replete with metal detectors, TV cameras and other gadgets, the State Department, the White House and Capitol Hill are in the process of becoming fortresses—a sad departure from the American tradition of open government.

Terrorism can also generate friction among otherwise close allies. The Italian government even fell briefly last year over a dispute that had pitted the U.S. against Italy over how to deal with a terrorist.

The financial burden is also enormous. Billions of private and public dollars have already been spent to counter terrorism, and billions more will be spent. Yet, despite major expenditures, terrorism is on the ascent.

What is needed is the establishment of a coordinated, non-partisan high level committee to determine policy and subsequent action.

Not only is a policy required, but unanimity of our leadership as well. Our indecision following terrorist acts aimed at us over the past few years was the result of divergent interests within government institutions, often fueled by economic considerations rather than the overall public good, and a lack of coordinated policy.

To counter this virtual stranglehold, I would recommend the forming of an anti-terrorist policy committee composed of our top national leaders—the president, the vice president, the speaker of the House, the Senate majority and minority leaders and the House majority and minority leaders.

That's all. There would be no other members. Experts would be called in as needed and only to give professional input when desired. Policy could only be made by the committee and would be implemented by the executive branch. All sessions would be completely informal—formal sessions could introduce polarity between the executive and legislative branches and between the two parties.

There would have to be complete and informal interaction among the members of the committee. Because these members would represent, directly or indirectly, all Americans, they would come up with policy guidelines that would benefit all Americans rather than narrow special interests.

Unanimity of decision is most crucial in defeating terrorism.

Israel has a political system not unlike ours, full of diversity and partisanship. But on the question of terrorism, it is of one mind. We must emulate that.

We must also reduce the inordinate influence upon decision-making by private companies and individuals with vested interests in the Middle East and elsewhere.

It has been my experience that representatives of some companies, which prefer to maintain the status quo rather than risk possible loss of lucrative contracts or becoming targets themselves, have had too easy access to decision makers.

In some instances, they have become the decision makers. For instance, Bechtel, the giant construction company, currently has two alumni serving in key administrative positions—Caspar Weinberger, secretary of defense, and George Shultz, secretary of state. Bechtel has extensive economic interests in the Middle East.

I am, of course, not accusing these cabinet officers of any impropriety. However, I am saying that they are human, and it would not be surprising if they were sympathetic to the views of their former employer—without purposely compromising American interests.

American firms have billions invested in the Middle East. They regularly seek the help of embassy personnel to which, of course, they are entitled. But that help is not always in the best interest of the American people.

Private interests too frequently clash with the overall American interest. Before this expulsion order, President Reagan had once before ordered Americans out of Libya, only to see 1,200 of them remain behind and lend critical assistance to Col. Moammar Khadafy.

Will they all return now? ●

NATIONAL BLACK HISTORY MONTH 1986

● Mr. RIEGLE. Mr. President, once again National Black History Month is being celebrated in the month of February. Events will be held in my home State of Michigan to celebrate the achievements of the many black people who have played an important role in our Nation's history.

From the War for Independence to our most recent conflicts, black Americans have served with distinction in the Armed Forces, risked their lives in defense of our country, and shared in

the developments of our national destiny. In 1986, as we pay tribute to the great black Americans, let us not overlook the contributions of many unheralded black citizens who have also played, and continue to play, a crucial and vital role in the history of our Nation.

As we all know, our society is by no means perfect. Discrimination, unfortunately, still exists today. Black Americans do not have to be reminded that the fight for racial justice did not end upon the signing of the Civil Rights Act in 1964. Black History Month provides an opportunity for black Americans to reflect on their past, and also to look to the future for continued positive change. We must realize that there is still much to be done in building a society based upon justice and racial equality.

On the national level, many domestic programs are again coming under attack—programs that have had a beneficial effect for minorities in my home State of Michigan. The road ahead will be long and arduous to preserve the gains we have made. The fight must continue until the battle is won for social and economic parity for all races.

As we celebrate Black History Month, my hope is that all Americans, young and old, rich and poor, will attain a deeper appreciation for the black experience.●

EXPANSION OF ASSESSMENT POLICY COMMITTEE OF THE NATIONAL ASSESSMENT OF EDUCATION PROGRESS

● Mr. GORTON. Mr. President, today I am happy to add my name as a cosponsor of S. 1381, a bill that recognizes the important role building principals play in our educational system. S. 1381 will expand the Asessment Policy Committee of the National Assessment of Education Progress [NAEP] to include one elementary school principal and one secondary school principal.

Congress established NAEP to enhance our Nation's ability to assess the achievement levels of students in reading, mathematics, and communications. The Assessment Policy Committee of NAEP is responsible for selecting the learning areas to be assessed, developing goals and assessment objectives, identifying the appropriate methodology for measuring educational progress, and determining the form and content of the assessment's reports. Additionally, the Assessment Policy Committee studies how to improve the ultimate use of the national assessment.

The Assessment Policy Committee presently includes all of the major professions involved in primary and secondary education except one—building principals. Yet study after study has shown that the building principal is the most influential person in the success of a school. These are the professionals that set the learning atmosphere in the school. Building principals are closest to students in terms of administering policy and curriculum. Their experience and training put them in a good position to assess the value of curriculum on a nationwide basis.

Building principals play a central role in our educational system, and have a great deal of experience in encouraging excellence in our schools and students. This group of professionals has much to add to our national effort to assess our educational programs, and should be included on the Assessment Policy Committee. I urge my colleagues to join me in cosponsoring this measure to recognize the value of elementary and secondary school principals in assessing the educational needs and achievements of our children.●

SOVIET PROPAGANDA OFFENSIVE AGAINST SDI IN THE WAKE OF CHALLENGER ACCIDENT

● Mr. WALLOP. Mr. President, I would like to bring to the attention of the American people and the U.S. Senate the carefully orchestrated, Soviet-backed propaganda offensive against the strategic defense initiative [SDI] in the wake of the space shuttle *Challenger* accident. It is curious indeed how quickly the United States thanked Gorbachev for his condolences on that tragic accident when in fact the real Soviet policy has been to use the accident as a means to try to discredit our astronauts, our peaceful research in space and our defensive SDI research program in the eyes of the world.

Mr. President, what good does it do for the Soviet Union to make symbolic gestures of seeming goodwill, such as naming two craters for two of our deceased astronauts, when at the very same time, the Soviets are engaged in a world-wide effort to utilize the accident as a means for verbal attacks on U.S. defense policy? Could they not even allow us a few days of mourning before they launched their anti-SDI propaganda offensive? Our flags were barely lowered to half-mast when the Soviet-backed Communists in El Salvador were exhorting the peoples of Central America to be happy over the tragedy.

Mr. President, in the past few days Tass, Pravda and Sovietskaya Rossiya have been printing a barrage of lies, disceptions and disinformation regarding the *Challenger* accident all designed to extract the maximum anti-SDI mile age from the tragedy. Tass suggested that the *Challenger* might have been carrying secret explosives, that the crash showed the dangers of SDI and that a similar crash could lead to nuclear war. Pravda said Friday that the tragedy of the space shuttle should teach everyone that "star wars is inadmissible" and described the SDI as the main obstacle to total disarmament by the year 2000 as proposed by the Soviet Union. Sovietskaya Rossiya questioned the reliability of SDI in view of the accident.

Mr. President, I could give you many more quotes but the point is that Gorbachev wants the American people to believe that the Soviets also are mourning our astronauts. Nothing could be further from the truth. The Soviets are gloating. They want to discredit SDI around the world and to use it to advance one of Gorbachev's main themes—that space should not be used for SDI. This Soviet propaganda offensive comes on the heels of Gorbachev's promise to us at Geneva to tone down his anti-Americanism. Once again, we got an empty, meaningless promise.

Mr. President, Soviet propaganda exploitation of the tragic *Challenger* accident and the deaths of our seven brave astronauts is despicable, tasteless and but one more example of the true nature of the Soviet system. I urge the American people to remember that even in a case like the *Challenger* accident, when civilized men everywhere are in sympathy with us, the Soviet Communists exploited our grief. I ask that an article from the Washington Times of Friday, January 31, 1986, be printed in the RECORD.

The article follows:

WE MOURN, MOSCOW CARPS

American flags still fly at half staff in memory of the seven astronauts who died aboard the Challenger space shuttle, and even Soviet strongman Mikhail Gorbachev sent ritual condolences. His propagandists, however, have been exploiting the tragedy for all its worth.

On Wednesday, the day after the Challenger disaster, Soviet Space Institute Director Roald Sagdeyev gloated that the shuttle's explosion might have been a good thing if it halted development of America's Star Wars defense.

On Thursday the KGB "news agency" TASS carried a story under a Washington dateline entitled "Challenger catastrophe a serious warning," parroting the identical line. "Experts says that the Challenger's explosion is a serious warning to those who are planning to deploy arms systems in space," it said. The story went on to allege that Challenger carried "explosive substances" for experimentation in the weightlessness of space.

Also on Thursday a Pravda editorial, though not mentioning the shuttle crash, renewed its attack on Star Wars with particular vigor, growling that "the ambitions of a handful of U.S. military-industrial complex bosses and their stooges must not be allowed to prevail over the vital interests of mankind."

On the same day Komsomolskaya Pravda, the Communist youth newspaper, accused the Pentagon of pressuring NASA for quick

results to advance Stars Wars. The newspaper asked: "What if another catastrophe occurs? What if lack of caution, technical defect, or sheer chance brings the world unforseen nuclear war?"

At last November's Geneva summit, Mr. Gorbachev promised to dilute the high octane anti-Americanism of Soviet propaganda and USIA Director Charles Wick returned from Moscow last week with news of what he called "a truce in the war of words." The cease-fire, you might say, is a bit one-sided.

Can't Mr. Gorbachev grant us even a week to mourn in peace?●

NAMING MOONS ORBITING URANUS

● Mr. D'AMATO. Mr. President, I am honored today to cosponsor Senate Resolution 332, a resolution offered by my good friend, the junior Senator from Colorado. This resolution expresses the sense of the Senate that 10 of the newly discovered celestial bodies orbiting the planet Uranus should be named after those brave Americans who have lost their lives in the quest for space exploration.

The tragic end to the space shuttle *Challenger* pained Americans deeply. To the public, space travel seemed as safe as riding a bus. In a fiery few seconds, however, the dangers of being an astronaut—a space pioneer—became acutely clear. The perils of space travel will not be taken for granted in the future.

For the first time, a civilian rode the shuttle, Christa McAuliffe, a New Hampshire school teacher. Americans watched in sadness as we saw the looks of excitement turn to horror on the faces of our school children. We mourn for the families of the seven *Challenger* crew members: Michael Smith, Francis Scobee, Judith Resnik, Ronald McNair, Ellison Onizuka, Gregory Jarvis, and Christa McAuliffe. They were courageous men and women, risking more than most Americans previously realized in unquestioned service to their Nation.

This tragedy, however, will not cripple the space program. In fact, I expect the shuttle program to emerge stronger and more capable. The public will take more interest in shuttle missions, and our efforts to succeed will be that much more energetic. It is important to remember that after the tragic death of three astronauts—Gus Grissom, Robert Chaffee, and Edward White—on the *Apollo* launch pad in 1967, the United States landed a man on the Moon just 2 years later.

It is important to honor those who have given their lives in pursuit of our last and greatest frontier. It is ironic that, while one space effort ended in disaster, another was shining in glory. The *Voyager 2* came within 50,000 miles of Uranus and provided more information about the seventh planet of our solar system in a few days than we previously had gathered since its discovery in 1781 by Sir William Herschel. One of the major discoveries was the several uncharted moons which orbit Uranus. Naming 10 of these new celestrial bodies after the seven *Challenger* crew members and the three men who died aboard *Apollo I* in 1967 is a fitting and inspiring tribute.

President Reagan summed it all up when he said, "The future does not belong to the faint-hearted. It belongs to the brave. The *Challenger* crew was pulling us into the future, and we will continue to follow them." I am proud to be an original cosponsor of this resolution, and I urge my colleagues to quickly adopt this measure.●

ORDERS FOR TOMORROW

RECESS UNTIL 10:30 A.M.

Mr. SIMPSON. Mr. President, I then ask unanimous consent that once the Senate completes its business today, it stand in recess until 10:30 a.m. on Thursday, February 6, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. SIMPSON. Mr. President, following the recognition of the two leaders under the standing order, I ask unanimous consent there be special orders for not to exceed 15 minutes each in favor of the following Senators: PRESSLER, MCCONNELL, PELL, and PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. SIMPSON. Further, Mr. President, I ask unanimous consent that following the special orders just identified, there be a period for the transaction of routine morning business not to extend beyond 12 noon, with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SIMPSON. At the conclusion, Mr. President, of routine morning business, the Senate will resume consideration of Senate Resolution 28, television in the Senate. Rollcall votes can be expected throughout the day. Also, the Senate could turn to any other legislative of Executive Calendar items that are properly cleared for action.

ROUTINE MORNING BUSINESS

Mr. SIMPSON. Mr. President, I now ask unanimous consent that the Senate be in morning business until 6:45. We await action on a message from the House, and the majority leader will have returned by that hour to complete the activity.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum while awaiting the majority leader.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FARM BILL

Mr. DOLE. Mr. President, I understand that we have a problem here with the farm bill. I understand Senators LEVIN and RIEGLE would like to offer an amendment. I might say, if it is any consolation, I agree with them. But if they offer that amendment, it is going to be opposed by Senator BOREN and others and that means a whole new farm debate. I also think it will spark an amendment on this side by Senator ABDNOR and we will be back in the whole farm debate again.

I hope that, in the morning, I shall have a chance to visit with Senators LEVIN and RIEGLE. I know what their amendment is; I think it is a good amendment and it ought to be done. Maybe we can figure out some way to do it later. There are four or five areas in the farm bill that are causing concern that we are not able to address. All we are seeking to address in S. 2036 is a technical correction, correcting drafting errors in the House, and we complied with that.

I hope we can clear the bill tomorrow so it can still go to the President. It is very important to probably hundreds of thousands of farmers throughout the country.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I apologize to the distinguished minority leader, the Presiding Officer, and the staff for not being here.

Mr. BYRD. Mr. President, no apology is needed. I have kept the Senator waiting on many occasions.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10:30 tomorrow morning.

The motion was agreed to and, at 6:45 p.m., the Senate recessed until Thursday, February 6, 1986, at 10:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 5, 1986:

FEDERAL RESERVE SYSTEM

Wayne D. Angell, of Kansas, to be a member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1980.

Manuel H. Johnson, of Virginia, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1986.

U.S. INFORMATION AGENCY

Mark N. Blitz, of Virginia, to be an Associate Director of the U.S. Information Agency.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF JUSTICE

Howard V. Adair, of Alabama, to be U.S. marshal for the Southern District of Alabama for the term of 4 years.

Robert L. Pavlak, Sr., of Minnesota, to be U.S. marshal for the District of Minnesota for the term of 4 years.

Kernan H. Bagley, of Oregon, to be U.S. marshal for the District of Oregon for the term of 4 years.

Thomas C. Greene, of Alabama, to be U.S. marshal for the Northern District of Alabama for the term of 4 years.

Melvin E. Jones, of Alabama, to be U.S. marshal for the Middle District of Alabama for the term of 4 years.

Delaine Roberts, of Wyoming, to be U.S. marshal for the District of Wyoming for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Wednesday, February 5, 1986*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, O God, for the gift of listening—listening to Your still small voice which calls us to justice and also comforts and calms, listening to the voice of nature which reminds through the seasons of the movement of time and life, listening to the voices of colleagues hearing not only their public words but their motivations and dreams, listening to the voice of friends who love us and stand with us in all the moments of life. O God, keep us from answering before we have heard and allow us to grow in mind and spirit by hearing the voice above us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McCAIN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McCAIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 227, nays 170, not voting 37, as follows:

[Roll No. 16]

YEAS—227

Ackerman	Biaggi	Chapman
Addabbo	Boggs	Chappell
Akaka	Boland	Coelho
Alexander	Boner (TN)	Coleman (TX)
Anderson	Bonior (MI)	Conyers
Andrews	Bonker	Cooper
Annunzio	Borski	Coyne
Applegate	Bosco	Crockett
Aspin	Boucher	Daniel
Atkins	Boxer	Darden
AuCoin	Breaux	Daschle
Barnard	Brooks	de la Garza
Barnes	Brown (CA)	DeLay
Bates	Bruce	Dellums
Bedell	Bryant	Derrick
Beilenson	Bustamante	Dicks
Bennett	Carper	Dingell
Berman	Carr	Dixon
Donnelly	Kasich	Reid
Dorgan (ND)	Kastenmeier	Richardson
Dowdy	Kennelly	Robinson
Downey	Kildee	Rodino
Durbin	Kleczka	Roe
Dymally	Kolter	Rose
Dyson	Kostmayer	Rowland (GA)
Eckart (OH)	LaFalce	Roybal
Edgar	Lantos	Rudd
Edwards (CA)	Lehman (CA)	Russo
English	Lehman (FL)	Sabo
Erdreich	Levin (MI)	Scheuer
Evans (IL)	Levine (CA)	Sharp
Fascell	Lipinski	Shelby
Fazio	Long	Sisisky
Feighan	Lowry (WA)	Skelton
Flippo	Luken	Slattery
Florio	Lundine	Smith (FL)
Foglietta	MacKay	Smith (IA)
Foley	Manton	Solarz
Ford (MI)	Markey	Spratt
Ford (TN)	Martinez	Staggers
Frank	Matsui	Stallings
Frost	Mavroules	Stark
Fuqua	Mazzoli	Stokes
Garcia	McCloskey	Studds
Gaydos	McCurdy	Swift
Gejdenson	McEwen	Synar
Gephardt	McHugh	Tallon
Gibbons	Mica	Thomas (GA)
Glickman	Mikulski	Torres
Gonzalez	Mineta	Torricelli
Gordon	Mitchell	Towns
Gradison	Moakley	Traficant
Gray (IL)	Mollohan	Traxler
Gray (PA)	Montgomery	Udall
Guarini	Moody	Valentine
Hall, Ralph	Morrison (CT)	Vento
Hamilton	Mrazek	Visclosky
Hatcher	Murphy	Volkmer
Hawkins	Natcher	Walgren
Hayes	Neal	Watkins
Hefner	Nelson	Waxman
Heftel	Nowak	Weaver
Hertel	Oakar	Weiss
Howard	Oberstar	Wheat
Hoyer	Obey	Whitley
Hubbard	Olin	Whitten
Huckaby	Ortiz	Wilson
Hughes	Owens	Wirth
Hutto	Panetta	Wise
Jeffords	Pease	Wolpe
Jenkins	Pepper	Wright
Jones (NC)	Perkins	Wyden
Jones (OK)	Pickle	Yates
Jones (TN)	Price	Yatron
Kanjorski	Rahall	Young (MO)
Kaptur	Rangel	

NAYS—170

Archer	Combest	Gilman
Armey	Conte	Gingrich
Badham	Coughlin	Goodling
Bartlett	Courter	Green
Barton	Craig	Gregg
Bateman	Dannemeyer	Gunderson
Bentley	Daub	Hammerschmidt
Bereuter	Davis	Hansen
Bilirakis	DeWine	Hartnett
Bliley	Dickinson	Hendon
Boehlert	DioGuardi	Henry
Boulter	Dornan (CA)	Hiler
Broomfield	Dreier	Hillis
Brown (CO)	Duncan	Holt
Burton (IN)	Eckert (NY)	Hopkins
Carney	Edwards (OK)	Horton
Chandler	Emerson	Hunter
Chappie	Evans (IA)	Hyde
Cheney	Fawell	Jacobs
Clay	Fiedler	Johnson
Clinger	Fields	Kindness
Coats	Fish	Kolbe
Cobey	Frenzel	Kramer
Coble	Gallo	Lagomarsino
Coleman (MO)	Gekas	Leach (IA)
Lent	Parris	Smith, Robert (NH)
Lewis (FL)	Pashayan	Smith, Robert (OR)
Lightfoot	Penny	Snowe
Lloyd	Petri	Snyder
Lott	Porter	Solomon
Lowery (CA)	Pursell	Spence
Lujan	Quillen	Stangeland
Lungren	Ray	Stenholm
Mack	Regula	Strang
Madigan	Ridge	Stump
Marlenee	Rinaldo	Sundquist
Martin (IL)	Ritter	Sweeney
Martin (NY)	Roberts	Swindall
McCain	Roemer	Tauke
McCandless	Rogers	Tauzin
McCollum	Roth	Taylor
McDade	Roukema	Thomas (CA)
McGrath	Rowland (CT)	Vander Jagt
McKernan	Saxton	Vucanovich
McKinney	Schaefer	Walker
McMillan	Schneider	Weber
Meyers	Schroeder	Whitehurst
Michel	Schuette	Whittaker
Miller (OH)	Sensenbrenner	Wolf
Miller (WA)	Shaw	Wortley
Molinari	Shumway	Wylie
Monson	Shuster	Young (AK)
Moorhead	Sikorski	Young (FL)
Morrison (WA)	Siljander	Zschau
Myers	Skeen	
Nielson	Slaughter	
Oxley	Smith (NJ)	
Packard	Smith, Denny (OR)	

NOT VOTING—37

Anthony	Grotberg	Nichols
Bevill	Hall (OH)	O'Brien
Broyhill	Ireland	Rostenkowski
Burton (CA)	Kemp	Savage
Byron	Latta	Schulze
Callahan	Leath (TX)	Schumer
Campbell	Leland	Seiberling
Collins	Lewis (CA)	Smith (NE)
Crane	Livingston	St Germain
Dwyer	Loeffler	Stratton
Early	Miller (CA)	Williams
Fowler	Moore	
Franklin	Murtha	

□ 1510

Messrs. SHUMWAY, COMBEST, and PACKARD, Ms. FIELDER, and Messrs. RITTER, SMITH of New Jersey, HORTON, McCOLLUM, and ROWLAND of Connecticut changed their votes from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill, joint resolutions, and a concurrent resolution of the following titles, in which

the concurrence of the House is requested:

S. 582. An act to amend the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said Act;

S.J. Res. 226. Joint resolution to designate the week of April 6, 1986, through April 12, 1986, as "World Health Week", and to designate April 7, 1986, as "World Health Day";

S.J. Res. 234. Joint resolution to designate the week of February 9, 1986 through February 15, 1986 as "National Burn Awareness Week";

S.J. Res. 239. Joint resolution designating the week beginning on June 1, 1986, as "National Maternal and Child Health Week";

S.J. Res. 249. Joint resolution to proclaim October 23, 1986, as "A Time of Remembrance" for all victims of terrorism throughout the world; and

S. Con. Res. 104. Concurrent resolution urging the States and territories to establish their own commissions on the bicentennial of the U.S. Constitution.

TRIBUTE TO ASTRONAUT JUDITH RESNIK

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, this week I have been paying tribute to members of the *Challenger* crew who had worked or lived in my district. History will fondly remember Judith Resnik for her pioneering efforts as one of the first women to venture into space. The record will show that she was an accomplished scientist who was chosen among thousands to fly aboard the space shuttle. During a shuttle flight in 1984, she deftly handled *Discovery's* remote control arm and showed the world that women belonged in space as much as did men.

What the record might not fully show is that Judith Resnik had a passion for life, and that she met each day as an adventure worth pursuing. I know that her California neighbors in Redondo Beach and her Xerox coworkers in El Segundo were inspired by her presence and determination.

She once remarked that she wanted "to do everything there is to be done." As a classical pianist, a gourmet cook, an electrical engineer, and an astronaut, she left no doubt that she had only begun to make good on her intention to become a renaissance woman.

It is appropriate that Judith should have been one of the few space explorers in our history. Every day, she reached for new and elusive knowledge and experience, doing so with wit, effectiveness, and extraordinary talent.

□ 1525

REMEMBER THE SIX AMERICAN HOSTAGES CAPTIVE IN THE MIDDLE EAST

(Mr. COBLE asked and was given permission to address the House for 1 minute.)

Mr. COBLE. Mr. President, as we begin a new calendar year, a dark cloud remains in the sky of international affairs. I refer to the six American hostages who remain captive in the Middle East.

Many observers insist that we should not discuss these hostages because it will delay their release. Our willingness to remain publicly silent has not accelerated the hostages' path to freedom. They continue to be deprived of their freedom, they continue to be enslaved.

I intend to use these 1-minute segments as my forum from which to remind the hostages, their families, and their loved ones that these Americans must be returned to the freedom they obviously deserve. I invite my colleagues to join me in this effort.

The time to remain silent on this matter has ended. The time to discuss it is now. I will frequently do just that.

THE STATE OF THE UNION

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, last night in his State of the Union Message, the President did not level with the American people. He said that happy days are here again—and ignored the serious problems and tough choices this country faces.

He left the bad news for today—this is the Federal budget that he is proposing. It is up to you to defend it, Mr. President, because some of us have seen it, and don't like it. If you depend on Pentagon dollars, you're in good shape. If you depend on domestic spending, forget it, you're in deep trouble. Hopefully, the Congress will realize that you can't get blood from stone when it examines funding for such fat items as education, health care, nutrition, and cancer research.

But if you happen to be a freedom fighter around the world and want foreign aid, have no fear, the money's here.

If the President wants to retain his popularity ratings, then he should continue these feel good speeches. If he wants to go down in history as a President who faced the challenges of the times, then he should work together in a bipartisan fashion with Congress to resolve the problems of the deficit, trade, agriculture, and arms control.

BALANCING THE BUDGET

(Mr. GREGG asked and was given permission to address the House for 1 minute.)

Mr. GREGG. Mr. Speaker, with the arrival of the budget, we have a chance to control this deficit, this deficit which is grasping at the future of our children. The tools for controlling this deficit are, of course, the Gramm-Rudman bill which we have passed earlier. These will be the tools which will keep the feet to the flame of this Congress.

It will be interesting to see whether or not this Congress is willing to live up to the rhetoric which we have heard so much of, the rhetoric proclaiming a desire for a balanced budget, because it is very clear that we have an obligation to the American people to fulfill that dream. We must fulfill the desires of accomplishing a balanced budget, and the first step is to pass the proposal of the President.

THE PRESIDENT'S BUDGET

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, the President is sending up some rather confusing messages to Congress. He says that he believes in spending restraint, but here is what he really says in his budget:

He says, "I would like to increase military spending 12 percent this year, 41 percent in the next 5 years. That is on top of a $150 billion increase in the last 5 years in defense."

On foreign aid, this conservative says: "I want to increase foreign aid 12 percent this year."

That is kind of confusing. It might be a little old-fashioned, but I think we ought to invest in America first.

The President asks us: "If not us, who? If not now, when?" It seems to me on spending restraint, he is saying, "Not me, not now, not on defense, not on foreign aid."

His message is not going to sell because it does not make any sense. He says to the American family, cut, cut, cut, and he says on defense and foreign aid, spend, spend, spend.

That is a message that does not make any sense to the American people and will not make any sense to the U.S. Congress.

WHO MAKES THE DECISIONS IN WASHINGTON?

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, although I work in Washington, I live in Texas. As I spend my time in Texas, I find the people of Texas, as the people

across the Nation, constantly raising one very important question: Who makes the decisions in Washington, their elected representatives or the bureaucrats?

Mr. Speaker, Gramm-Rudman has given us an excellent opportunity to give them an answer to that question, because if we accept the challenge of Gramm-Rudman, and if we protect the integrity of the President's budget while we demonstrate the integrity of the Congress, we will make the hard decisions. We will be in charge and we will avoid sequestering or across-the-board cuts.

It is only when we fail to do that, Mr. Speaker, that we will give the American people the answer that they do not want, that we are content to let the bureaucrats in Washington decide what will be the expenditure of their tax revenues.

Mr. Speaker, I think it is time that each and every Member of this House stand up and be counted.

WHERE WE'RE GOING, WE NEED GOOD ROADS

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, last night, during his State of the Union Address, the President quoted from a recent popular film and said, "Where we're going, we don't need roads."

He also said he wants to be fair to the American people. And yet, he wants to break the promise that was made 3 years ago when the gasoline tax was raised by 5 cents a gallon with the assurance that these new revenues would go into a trust fund to be used to build better freeways, better bridges, safer roads, and improved public transit.

And now the President wants to break that promise, he does not want to use all the money that is raised by the tax which he was so instrumental in pushing through. He wants to break the promise despite the fact that he knows, and has said repeatedly with respect to Social Security, that trust fund programs do nothing to contribute to the deficit.

"Where we're going, we don't need roads." the President said. And apparently he meant that literally as well as figuratively, because the budget that he submitted to the Congress today would devastate the Nation's highway program which is of such critical importance to a healthy economy.

So although I know the President is wrong when he says we don't need roads, I hope if his budget is adopted that he is right. Because under his budget, many of the roads in this country are going to dead-end.

STEALTH BOMBER

(Mr. BADHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADHAM. Mr. Speaker, I am one Member of this body who has been accessed to the so-called Black or Stealth Programs being undertaken by our Department of Defense for the preservation of the defense of this country.

This morning, in a perhaps prophetically placed area in this morning's Washington Post, on the comic page, Jack Anderson and Dale Van Atta are at it again. They said that "Experts familiar with the supposedly radar-undetectable aircraft say it is terribly slow, dangerously unstable, and enormously expensive."

As one who has followed this program from almost its inception, I have visited the site within the last year, and indeed within the last week, I have flown the simulator, I can say that that is wrong, wrong, wrong. The plane is not terribly slow, the plane is not dangerously unstable, and the plane is not enormously expensive. Any expert who would make this claim is not an expert at all, he is a fool.

The fact is with this plane that we need it, and we are well ahead in technology of anything that man has thus far dreamed.

Again, I say "terribly slow, dangerously unstable, enormously expensive," is wrong, wrong, wrong, and they are correctly placed on the comic page.

GODSPEED TO OUR COLLEAGUES, JOHN GROTBERG AND DELBERT LATTA

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, one of the things that we all enjoy most about this institution is the collegiality, the friendship, and understanding that regardless of party affiliation, ideology, or position on issues, we are all here for the same purpose: To serve the American people.

Today I rise on behalf of two of our most distinguished and respected colleagues who are not with us due to serious illness.

JOHN GROTBERG, our esteemed colleague from Illinois, is at the National Institutes of Health fighting a courageous decade-long battle with cancer. After having worked with him as a member of the Committee on Banking, Finance and Urban Affairs on savings bond legislation, I just know that his determination, strong will, and humor will carry him through these most difficult moments.

For DELBERT LATTA, the dean of my State's minority delegation, and my neighbor from Ohio's Fifth Congressional District, who is in Cleveland today recovering from triple bypass heart surgery, he is stable and doing well, and I look forward to the return of his combative spirit and infectious laugh here on the floor.

I know my colleagues join me in wishing these two fine men and Members of Congress Godspeed, JOHN and DELBERT. We anxiously await your return. The House needs you and our prayers are with you, your families, and your friends.

SUPERFUND PROGRAMS IN SERIOUS DANGER

(Mrs. JOHNSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON. Mr. Speaker, for all our talk, for all our concern, the Superfund Program is about to go under. Small countries in America that do critical testing for the Superfund Program received notice that their contracts will be canceled as of February 15. That is this month. That is in a few days. And without tests, no cleanups can be planned or carried out.

By April 1, EPA will start the process of laying off 1,500 skilled, highly trained workers whose layoffs, incidentally, will have a ripple effect on 7,000 Federal employees.

Mr. Speaker, by September 30, we will have to halt remedial cleanups on 150 Superfund sites: construction on 75 sites, and sites throughout the country, two in my district, six in my State, will be padlocked and contamination continue.

Mr. Speaker, we must be willing to put our money where our hearts and mouths have been. The House bill has been at the Speaker's desk since December 10. I urge the immediate appointment of House conferees and the sending of the House bill to the other body so that the conference deliberations can begin the compromises developed that will enable this critical national program to be funded and put back on its feet.

□ 1540

CALLING ON PRESIDENT REAGAN TO URGE THE SOUTH AFRICAN GOVERNMENT TOWARD PEACEFUL CHANGE

(Mr. CROCKETT asked and was given permission to address the House for 1 minute.)

Mr. CROCKETT. Mr. Speaker, last week, South African President P.W. Botha announced several conditional proposals to resolve South Africa's racial and political conflicts.

While his proposals fall far short of providing real change, they do offer

some momentum for peace in that troubled land.

Recognizing this fact, I and 21 original cosponsors have introduced a resolution calling on President Reagan himself to urge South Africa to indicate in two ways a desire for meaningful political negotiations with its black majority:

First, by unconditionally releasing Nelson Mandela, the imprisoned lawyer who is regarded by many black South Africans as the most respected symbol of their antiapartheid resistance; and

Second, by recognizing Mr. Mandela's organization, the African National Congress, as a legitimate representative of the black South African community.

I urge my colleagues to join us by cosponsoring this resolution for peaceful change in South Africa.

THE PRESIDENT HAS KEPT TO THE LAW

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Mr. Speaker, on behalf of my colleague from Illinois, JOHN GROTBERG, may I thank the gentlewoman from Ohio [Ms. KAPTUR], and I am here as a poor replacement for her colleague from Ohio, to comment, on behalf of the ranking member of the Budget Committee upon the President's budget and to remind this House that the President has kept to the law.

He has turned in the budget, as required, and while there may be complaints, and the desire of those to make certain changes, it will be up to this House to also obey the law and to produce its own budget.

The President's defense numbers are below that that were requested by his predecessor had his predecessor remained in office; and yet there are complaints about the defense numbers.

Out of a $1 trillion budget, $22 billion are cut from nondefense programs; and Social Security is not harmed, and there is no increase in taking money from the peoples' pocket.

Now we may wish to make changes; that is up to the Congress, but indeed, the President has kept to the law; let us just make sure we do and that we, instead of complaining, produce our own document.

OIL IMPORT FEES

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker. I rise today to oppose adoption of an oil import fee as part of the effort to reform taxes.

As a member of the Ways and Means Committee, I spent long hours working for a tax reform bill that would be in the interest of all Americans. Now the other body is coming up with its own equation for tax reform. So far, it adds up like this: To the corporations and to the very wealthy, more. Take away from the people of the Northeast and middle-income taxpayers. That's absolutely unacceptable.

Just last night, the President told us again that he will not raise taxes to balance the budget. Yet apparently, he is willing to raise taxes to unbalance the tax bill—to tip it in favor of the most powerful and well-off segments of society.

Mr. Speaker, there is simply no good argument for a tax on oil imports. It would be regressive. It would ask the poorest to foot the bill for the wealthiest. It would slow economic growth in the Northeast. And it would push prices up, providing and unjustifiable windfall for domestic oil producers. I urge my colleagues to join me in opposing such a measure.

PRESIDENT'S BUDGET ELIMINATES THE UDAG PROGRAM

(Mr. RIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIDGE. Mr. Speaker, I would like to call my colleagues' attention to this year's 1987 budget, introduced this morning, which includes a proposed rescission of over $206 million from the Urban Development Action Grant Program. This rescission virtually eliminates the entire UDAG Program.

I am not surprised at the effort to do so. UDAG's have been targeted by the administration for elimination before. I am very disappointed that they seek to eliminate these funds in this fashion after the program was substantially reduced last year.

My colleagues, we appropriated this reduced sum during our budget battle last year. Our communities have prepared applications and are prepared to compete for the funds in this limited but very successful program. They legitimately expected and anticipated that the program would exist at least through 1986, as those of us who supported it did as well.

The Federal Government has reduced its assistance to depressed communities severely over the last 5 years, and regrettably, the budget released this morning continues the trend for 1987.

Tomorrow I will be introducing a resolution of disapproval for this rescission. Over 30 Members of the House have joined with me and agreed to become original cosponsors of this resolution. If any other Members would like to join in this effort, please contact my office. We need and invite your support.

BUDGET DOCUMENT SHOWS ADMINISTRATION'S REAL PRIORITIES

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, last night the President spoke of his concern for the nuclear family, but today his budget speaks of its concern for the nuclear arsenal. This is a budget which details a 75-percent increase in the Star Wars Program, while at the same time detailing cuts in loans for kids to be able to go to college; and the elderly in this country, for working class families in this country.

We finally see in this document the real priorities of this administration, not the eye-watering concern for families, but to guarantee that the Pentagon not only will not have to suffer any cutbacks, but in fact will continue to pull up to the gravy train of the Federal trough that it has watered at for the past 5 years.

What we see now is the full, final form of the agenda that this administration has for this country; and that is to cut back all those programs in the 1960's, from Medicare to Medicaid, to loans for kids to be able to go to college, and to take that 25 percent of the Federal budget and to put it over in the Pentagon; to let this $2 trillion star wars project, including the x-ray laser—which requires at least 200 nuclear bombs being exploded in outer space to protect us against Soviet missiles—to in fact take the balance of this Federal Treasury.

□ 1550

TRIP REPORTS SHOULD REFLECT ACTUAL EXPENSES

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I want to pick up, in a sense, where the last gentleman left off because I do think that the Committee on House Administration is to be praised for the job it did in the bill it is bringing to the floor today. I do think we are implementing the process of moving toward a balanced budget.

However, those on our side of the aisle urged a "no" vote on today's Journal because in today's Journal there was an example of the kind of minor excesses when the Government gets involved in that make it difficult to balance the budget.

One Member had taken a trip which cost, according to one newspaper estimate, $50,000, going to Brazil. Yet in the trip report the trip was listed as costing only $2,076. We thought it was clearly inappropriate either because of the Member's decision or because the rules are not clear enough that when expenses are listed they should be the actual expenses of the trip.

Similarly, I would hope that if the Budget Committee does decide to use an Air Force plane for what will end up being a partisan Democratic tour, they will list explicitly what that Air Force plane costs and they will take it out of the Democratic campaign funds, not out of the Defense Department. I think we need honesty and clarity in what we in Congress spend when we travel, whether it is in the United States or around the world.

I thank the Speaker.

THE CONTINUING CRISIS IN HAITI

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, as the bloody crisis in Haiti continues information from both the Haitian Government and the news media becomes more and more sketchy. Unfortunately, information from our own State Department is also very sketchy. I would like to share publicly some of the information I am receiving from my constituency which has a large number of Americans of Haitian descent. At a time when reports from Port-au-Prince noted that only 55 Haitians had died, their figures showed that 1,000 people had been killed. People are afraid of going on the streets for fear of being shot; the hospitals are unable to cope with the wounded; they are no longer accepting patients; the morgues are full.

In Petit Goaves, my constituents say that the death toll has reached at least 200 in that small town. We invite the American Embassy and their officials or whatever American representatives are there in Haiti to go and check these figures out. At least 200 have died in this small town.

In St. Marc, the army is shooting people from helicopters. In Cap Haitien, a city of approximately 75,000 people, it has been cut off for about a week from the rest of Haiti.

Why is it necessary to attempt to detail these horrendous realities? It is important because our Government refuses to admit the urgency of the situation.

The least we can do is to request that within the next 24 hours the International Red Cross be allowed to enter Haiti to provide an objective review of that situation and also to assist the numerous civilian casualties.

The most we can do—we can do much more, and I repeat we should withdraw our Ambassador from Haiti to indicate our dissatisfaction with the situation and call for action by the Organization of American States.

MR. PRESIDENT, PLEASE END THE FANTASY

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, last night we heard Ronald Reagan describe his fantasies. Now comes the cruel reality of his budget. Truly the President's agenda for the future is a blueprint for danger and despair. His budget calls on us to sacrifice the health care of our poor and elderly citizens, in order to build more and more needless weapons of destruction. Medicare and Medicaid will be slashed by $70 billion over the next 5 years while the Pentagon's treasure chest swells by $120 billion. But the injustice does not stop there. Aid to education will be savaged; mass transit funding will be derailed; spending for food and nutrition programs will be cut; the list is almost endless.

What kind of the President would needlessly enhance the coffers of the Pentagon while average Americans remain sick, hungry, and uneducated?

Only a President who is frightfully out of touch with the priorities that will make our Nation secure and enhance our future.

Mr. President, please end the fantasy. Start being fair to the American people.

PLACING A "CHALLENGER" PLAQUE ON THE NEW SPACE STATION

(Mr. ANDREWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, today I have submitted a resolution to direct the Administrator of NASA to place a plaque on our Nation's space station upon its completion that would bear the names of the *Challenger's* crew. I am honored to be joined in this resolution by Mr. FUQUA, Mr. LUJAN, Mr. NELSON, and Mr. WALKER. The plaque will honor the seven brave Americans who gave their lives on a mission of our space program.

Its placement upon the space station reaffirms our dedication to and faith in the space program's future. It reaffirms our commitment to build the space station, as the President confirmed last night, we will go forward to the stars. We can look to the day in the next decade when the space station will be a reality and other dedicated astronauts will reveal a plaque in honor and remembrance of the men and women of the *Challenger* crew.

ADMINISTRATION'S ATTACK ON HOME OWNERSHIP

(Mr. MANTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANTON. Mr. Speaker, President Reagan's fiscal year 1987 budget calls for new "user fees" on Federal mortgage programs. President Reagan has found a creative way to avoid proposing new taxes—he calls them "user fees" instead. Whatever you choose to call them, these new taxes would be placed squarely on the backs of young, middle-income homebuyers. OMB admits that the President's user fee proposal will cost Fannie Mae alone more than $1 billion over 5 years.

If these new taxes on modest income homebuyers are not enough, the President's budget would also impose unreasonably low income limits on FHA borrowers. As a result, 40 percent fewer families in my State of New York would qualify for FHA-insured loans. For those who still qualify, closing costs would more than double due to yet another proposal by the President to increase mortgage insurance premiums.

If the President is searching for ways to cut the Federal deficit, these proposals make no sense. Federal mortgage programs operate at no loss to the Federal Government.

However, if the President is seeking to kill the dream of home ownership for millions of American families, these proposals are right on target.

ENSURING A FAIR AND STABLE CURRENCY EXCHANGE SYSTEM

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, I rise to commend President Reagan's statement about the international monetary system in last night's address. He stated, and I quote, "We must never again permit wild currency swings to cripple our farmers and other exporters."

He went on to state that he was directing the Secretary of the Treasury "Jim" Baker to determine if the nations of the world should convene to discuss the role and relationship of our currencies.

Many in the House are pleased to see that the administration finally recognizes that a problem exists. Just last September the President, in a number of statements, extolled the value of the dollar, the strength of the dollar, which had appreciated by 40 percent

on a trade-weighted basis throughout 1985.

The Democratic Trade Task Force which I chair adopted a report last year which included specific recommendations to get the dollar into proper balance with other currencies. They included an international monetary conference so that collectively we could deal with the problem, as well as establishing a strategic reserve fund to facilitate intervention to stabilize exchange rates.

Legislation along these lines has been sponsored by "STAN" LUNDINE, our colleague, is now out of the Committee on Banking and Currency and awaiting action on the floor.

Now that the President belatedly acknowledged there is a problem, I hope that his administration will support the Democratic Task Force and Mr. LUNDINE's bill so that together we can ensure a fair and stable exchange system.

HISTORIC PRESERVATION THREATENED BY THE PRESIDENT'S PROPOSED BUDGET

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOAKLEY. Mr. Speaker, last night President Reagan made history in his speech on the future of our country—a country rich in history and with a clear vision of the 21st century.

He spoke of "history, made by men and women of vision and courage."

He spoke of "breaking free from failed policies."

Unfortunately, the President's proposed budget proposes not to break free from failed policies, but policies that work. His budget proposes the destruction of the historic reminders of our forefathers vision and courage.

The President proposes to reduce by 79 percent funding for historic preservation. He proposes cutting construction funds for the National Park Service by $13.6 million.

In Massachusetts he proposed cutting $5.5 million in construction, all from historic properties. In Boston, Faneuil Hall, where the American Revolution was conceived, and whose old walls are in desperate need of repair, he rescinds almost the entire appropriation for restoration planning.

One of the best programs to come out of this administration was the rehabilitation of our national parks, it wasn't a failed program, it worked.

To let Faneuil Hall fall into disrepair, to let the Old State House crumble, is not a vision of the future, it's a vision of failed budgets of the past.

LET US REJECT THE DOUBLE STANDARD ON THE ISSUE OF GOVERNMENT WASTE

(Mr. WYDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYDEN. Mr. Speaker, one thing that all of us can agree on is that we are against Government waste. We are against waste in domestic programs. We are against waste in every area of Government. But I think what we saw last night begin to emerge was a double standard on the issue of Government waste. The President spoke at some length about waste in domestic programs. I agree with him. I think we can do better. I think there are some areas of waste in the domestic budget and we ought to root them out.

But what concerned me is that there was no mention last night of the $600 hammer, or the $7,000 coffee pot, or the wildly expensive toilet seats. Nor was there any mention of what the Oversight Subcommittee under Chairman DINGELL uncovered: $28 billion in unpriced orders in the Pentagon.

Mr. Speaker, and colleagues, let us go after waste in every area of the budget, the domestic budget and the Pentagon budget. Let us reject the double standard on the issue of Government waste. Let us root it out everywhere we can find it.

THE EMPTY BARREL EMITS STRANGE NOISES

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, we have heard them out here today. They attack the social welfare cuts in the President's budget, they attack defense spending, they attack our nuclear defense, they attack our ability to defend ourselves from nuclear attack. They attack the user fees, they attack, they complain, they complain, and they complain. They have no budget of their own. They have just complaints and attacks.

We will hear more of this in the days and weeks ahead. No one should take seriously, however, complainers who have no budget. The President has produced a budget, a budget that moves us toward balance in 1991.

Today's complainers—can they do better? Do they have a budget? I doubt it. They attack; they do not have the political courage to take a real stand.

□ 1605

LET US IMPROVE ON THE PRESIDENT'S BUDGET

(Mr. CARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARPER. Mr. Speaker, let me begin by saying I do not fully agree with all of the spending priorities incumbent in the President's budget proposal unveiled today. Neither, I suspect, do many Members of this Congress.

Having said that, however, I believe that we have an obligation, we have an obligation to the men and women who have elected us, an obligation to work diligently, to work earnestly, to work within our own caucuses and to work across party lines in order to fashion a more balanced budget plan before October 1 than the President proposed to us today.

I think most Americans know that we need to exercise some spending restraint in virtually every facet of our Government. I believe the great majority of Americans are willing to give up a little bit, as long as they believe that everyone else is doing the same. That everyone else includes us, too. We are our country's leaders. We lead in a variety of ways. Perhaps most importantly, we lead by our example.

Let us resolve this day, this month, this year that our individual and collective example is one that helps to lead us out of this sea of red ink rather than deeper into it.

LET US ALL SHARE THE SACRIFICE

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Well, Mr. Speaker, if you had listened to some of those who preceded me, you would believe that the administration or the President has decided to give the Defense Department carte blanche and cut everybody else.

That will come as a surprise to some of the people in my district who have already learned working in the Navy shipyard that they may lose their jobs over the next several months. The Long Beach Navy Shipyard, although it has accomplished very good deeds in the past few years, brought in the *New Jersey* under budget and early and has just sent out the *Missouri* for sea trials, has been informed that they will continue to have cutbacks in their work force, so it will be at the lowest level since World War II.

The strange thing is that although people do not want to lose their jobs and although they will fight to keep them, there has not been a massive criticism back there and saying that they have been singled out. They are willing to accept their bit of sacrifice if others are willing to accept theirs as well.

So instead of us standing up here and finger-pointing the very day after the President has given his address, before the ink is not even dry on the budget, maybe we ought to come up with our proposals to show there will be shared sacrifice.

The President has followed the law. He has brought up his budget. Obviously, he knew that people were going to take shots at it. After you get rid of the fun and folly of taking shots at the President here, let us get down to the hard business of trying to make sure there is shared sacrifice.

PRESIDENT'S BUDGET TAKES AWAY OUR MOST CHERISHED DREAM—HOME OWNERSHIP

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of California. Mr. Speaker, the President's 1987 budget calls for several changes in the popular FHA housing program as well as imposing user fees on other housing credit programs such as the Federal National Mortgage Association and the Federal Home Loan Mortgage Association.

The changes in the FHA program include an increase in the FHA mortgage insurance from 3.8 to 5 percent with the entire premium to be paid up front and intact. Currently, this premium can be financed.

The administration would further restrict home buyers from using FHA insurance by imposing an income limit of $40,000.

The effects of these changes will be disastrous for homeowners of modest means. If the President has his way in changing the FHA program, 46 percent fewer families will qualify for an FHA loan because of the income limit. For those who still qualify, the closing costs that have to be paid up front in many cases would triple, further disqualifying many home buyers.

Also included in the President's proposal is an increase in the Veterans' Administration home loan user fee from the current 1 to 3.8 percent. With the average VA loan in my State being just over $88,000, the home buyer's upfront guarantee cost would increase from $887 to $3,300. This would price many veterans out of the market.

At a time when the President is extolling the virtues and the importance of our families, he is taking away perhaps our most cherished dream, home ownership.

What good will it do to go to Tokyo in 2 hours if we do not have homes to come back to in the United States?

THE PRESIDENT'S PROPOSAL FOR CATASTROPHIC COVERAGE

(Mr. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLAUGHTER. Mr. Speaker, last night, the President directed the Secretary of Health and Human Services to issue recommendations by the end of the year on how the private sector and the Federal Government can work together to address the problems of affordable insurance for those whose life savings are threatened when catastrophic illness strikes. I am certainly in agreement that protecting our Nation's elderly from catastrophic health care costs is a worthwhile goal.

Last fall, three of my able colleagues—Mr. DREIER, Mr. SILJANDER, and Mr. CRANE—joined me in introducing the Health Care Savings Account Act, and since that time, some 18 of our colleagues have joined us in cosponsoring this legislation. It would not only provide catastrophic illness protection for those exercising the savings account option, but would decrease Government involvement in the health care industry by decreasing claims on the Medicare trust funds and increasing the involvement of the private sector in covering health care costs.

I believe this initiative would provide a substantial reduction in Federal spending, as individuals choose to rely more on their savings accounts and less on Government's Medicare. After a number of years under this proposal, the Government would be paying for the catastrophic benefits for senior citizens using savings accounts.

I am pleased that the President has decided to form a working group to study the various options to provide for castastrophic protection for Medicare beneficiaries, and I would encourage him to examine the Health Care Savings Account proposal to help meet this goal while at the same time putting the Medicare program on a sounder financial footing.

LET US DEBATE THE PRESIDENT'S BUDGET

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, last night the President talked most appropriately about the value of education. This morning his budget proposal would cut student loans.

He talked last night about the vital value of family; his programs very much infringe on family farms.

He talked last night about the important value of community; but his community development program budget would cut deeply into programs in communities.

And he talked about the virtue and value, and indeed it is both, of self-reliance; but his proposal today would cut training for the young.

Rather than merely decreeing verdicts on the President's budget from the District of Columbia, I hope each of us will take the President's budget home, inform the public and help spark an honest debate about the President's proposal.

This is a vital debate on priorities in America. And the key verdict is going to come in the communities from which each of us springs.

ACTIONS SPEAK LOUDER THAN WORDS

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, my mother always said that actions speak louder than words, and last night the President talked about values and families and communities. Yet, if you look at his budget, I honestly believe it is the most antifamily budget we could possibly see.

There is an absolute attack on the elderly. We can talk about catastrophic coverage. The average older person spends 8 days in the hospital, but he has devastated Medicare and Medicaid and assaulted once again the Federal retirement programs.

And there are the slashes in educational loans to our middle class and moderate income families who have a hard time sending their children to the colleges of their choice, and there is an attack on parents.

Who would ever believe that we would ask our veterans who want to get a veterans loan to pay a user fee? And for many of these people it is their first home.

Then we talk about defense. Well, I think that budget is indefensible. All of us support protecting our country and our allies, but the fact of it is that defense budget, that Pentagon spending, because much of it has nothing to do with defense, is 40 percent of the budget if you take out Social Security trust funds. And I believe the American people want to know what the specifics are of the President's budget.

□ 1615

FOR EXPENSES OF INVESTIGATIONS AND PROVIDING STUDIES BY STANDING AND SELECT COMMITTEES

Mr. GAYDOS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 368) providing amounts from the contingent fund of the House for the expenses of investigations and studies by standing and

select committees of the House in the 2d session of the 99th Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 368

Resolved, That (a) for the period beginning at noon on January 3, 1986, and ending on September 30, 1986, there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in subsection (b) for investigations and studies by each committee named in such subsection.

(b) The committees amounts referred to in subsection (a) are: Select Committee on Aging, $973,629; Committee on Agriculture, $997,226; Committee on Armed Services, $980,485; Committee on Banking, Finance and Urban Affairs, $1,907,113; Select Committee on Children, Youth, and Families, $482,694; Committee on the District of Columbia, $204,428; Committee on Education and Labor, $2,103,224; Committee on Energy and Commerce, $3,107,031; Committee on Foreign Affairs, $1,733,338; Committee on Government Operations, $1,783,573; Committee on House Administration, $666,131; Committee on House Administration—House Information Systems, $5,436,556; Select Committee on Hunger, $413,048; Permanent Select Committee on Intelligence, $43,047; Committee on Interior and Insular Affairs, $1,072,523; Committee on the Judiciary, $1,224,279; Committee on Merchant Marine and Fisheries, $1,296,746; Select Committee on Narcotics Abuse and Control, $443,832; Committee on Post Office and Civil Service, $977,585; Committee on Public Works and Transportation, $1,406,509; Committee on Rules, $392,256; Committee on Science and Technology, $1,449,276; Committee on Small Business, $636,796; Committee on Standards of Official Conduct, $100,422; Committee on Veterans' Affairs, $342,357; and Committee on Ways and Means, $1,969,721.

SEC. 2. (a) For the period beginning on October 1, 1986, and ending immediately before noon on January 3, 1987, there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in subsection (b) for investigations and studies by each committee named in such subsection.

(b) The committees and amounts referred to in subsection (a) are: Select Committee on Aging, $347,870; Committee on Agriculture, $356,302; Committee on Armed Services, $350,320; Committee on Banking, Finance and Urban Affairs, $681,398; Select Committee on Children, Youth, and Families, $172,463; Committee on the District of Columbia, $73,041; Committee on Education and Labor, $751,467; Committee on Energy and Commerce, $1,110,120; Committee on Foreign Affairs, $619,309; Committee on Government Operations, $637,258; Committee on House Administration, $238,004; Committee on House Administration—House Information Systems, $1,942,442; Select Committee on Hunger, $147,579; Permanent Select Committee on Intelligence, $15,381; Committee on Interior and Insular Affairs, $383,205; Committee on the Judiciary, $437,426; Committee on Merchant Marine and Fisheries, $463,318; Select Committee on Narcotics Abuse and Control, $158,578; Committee on Post Office and Civil Service, $349,284; Committee on Public Works and Transportation, $502,536; Committee on Rules, $140,150; Committee on Science and Technology, $517,816; Committee on Small Business, $227,523; Committee on Standards of Official Conduct, $35,880; Committee on Veterans' Affairs, $122,322; and Committee on Ways and Means, $703,767.

SEC. 3. Each committee for which an amount is made available under this resolution may use any of such amount for—

(1) procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946; and

(2) provision of assistance for members of professional staff in obtaining specialized training under section 202(j) of such Act.

Payments under paragraph (1) shall be made from amounts under the applicable provision of section 2 or section 3 (as the case may be) that is in effect when the contract involved is approved by the Committee on House Administration.

SEC. 4. The Committee on House Administration shall have authority to make adjustments in amounts under section 2, if necessary to comply with an order of the President issued under section 252(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 2.

SEC. 5. The Committee on House Administration, during the second session of the Ninety-ninth Congress—

(1) shall, through House Information Systems, develop, operate, maintain, and improve computer and information services for the House, including direct computer and information systems support for Members, committees, administrative offices, and other governmental entities, and shall conduct necessary investigations and studies of such services;

(2) is authorized to receive reimbursement for services under paragraph (1) and to expend amounts so reimbursed in accordance with policies of the committee; and

(3) is authorized to provide for professional development programs, office and personnel management consultation services, and periodic publication of handbooks, guides, bulletins, and other items necessary for the House.

SEC. 6. Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 7. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

Mr. GAYDOS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. GAYDOS

Mr. GAYDOS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GAYDOS: On page 4, line 19, strike out "section 2 or section 3" and insert in lieu thereof "the first section or section 2".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GAYDOS].

The amendment was agreed to.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 1 hour.

Mr. GAYDOS. Mr. Speaker, I yield the customary 30 minutes to the gentleman from California [Mr. BADHAM], the ranking minority member of the Subcommittee on Accounts, for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, the amendment is noncontroversial and technical in nature. During the preparation of the final version of this resolution by staff, a cross-referencing error occurred in writing the accounting provision in section 3. The amendment simply provides the correct references which should be "The first section or section 2" and not "section 2 or section 3."

Mr. Speaker, before I explain this resolution, I wish to thank all members of the Committee on House Administration, both Democrats and Republicans, for their careful review of the proposals which has been reported to the House and for their cooperation in expediting the consideration and reporting of this matter. The resolution which I shall now explain is the product of a bipartisan agreement. It was unanimously agreed to by the full committee at its meeting of January 30.

Due to the urgent need for the legislative branch to comply with the first Presidential sequestration order issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, Public Law 99-177, the Committee on House Administration has suspended its regular committee budget review process for the second session. In lieu of adhering to the regular review process, the committee has applied a uniform reduction percentage to the amount of funds provided for each committee during the first session in order to determine the amount of funds to be available to each committee for the second session. The application of this uniform reduction percentage was deemed to be consistent with the spirit and intent of Public Law 99-177. Notwithstanding this suspension of the regular committee budget review process, the Subcommittee on Accounts will continue to discharge its oversight responsibilities by periodically reviewing the expenditures of the respective committees during the second session.

Traditionally, the Committee on House Administration has provided funds to all standing and select committees, except that Committees on Appropriations and Budget, on a session-year basis, which is an approximate calendar year. This method of funding on a calendar-year basis is

done pursuant to House Rule XI, clause 5. However, in so doing, we are authorizing from appropriations for two different fiscal years. We attempt to authorize with knowledge of the appropriations for only the current fiscal year and with only an educated guess as to the appropriations for the next fiscal year. In other words, we provide funds for the period of noon on January 3 through September 30, which is the last 9 months of 1 fiscal year, and we also provide funds for the period of October 1, through noon of January 3, which is the first quarter of the next fiscal year.

This system of providing funds on a session- or calendar-year basis is based on the fact that members are elected and committees constituted for a 2-calendar-year cycle which is divided into two sessions.

However, this system of funding is not perfect and it always had the potential for trouble. The situation has been historically compounded by the fact that appropriations for "standing committees, special and select" have always been lower than the authorizations contained in the primary expense resolutions.

This year, in constructing the resolution, three factors combined to require this committee to make significant reductions in the amount of funds to be provided to the committees for the second session. The three important factors were:

First, the shortfall of funds in the 1986 fiscal year legislative branch appropriations;

Second, the sequestration of funds required by the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman);

Third, the high level of committee expenditures in the approximate first quarter of the 1986 fiscal year (October 1, 1985–January 2, 1986).

In other words, we start out, today, with a fiscal year 1986 appropriation that is over $1 million lower than the 1985 primary expense resolution. Gramm-Rudman then cuts this appropriation by 4.3 percent which is about another $2 million. Finally, we experienced a high level of committee spending between October 1, 1985, and January 2, 1986.

As a result, the resolution which I present for consideration today accomplishes the following purposes:

First, it reconciles the authorizations contained in the resolution with the current appropriation as sequestered by Public Law 99-177 (Gramm-Rudman);

Second, it enforces this reconciliation by guaranteeing that the applicable appropriation will not be exceeded. This enforcement is achieved by apportioning the amounts of funds into two periods: the remaining approximate 9 months of the 1986 fiscal year (January 3, 1986–September 30, 1986) and the approximate first 3 months of the 1987 fiscal year (October 1, 1986–January 2, 1987);

Third, in order to determine the amount to be provided to each committee for the second session, a uniform reduction percentage was applied to the amount of funds provided to each committee for the first session. The application of this uniform reduction percentage was deemed to be consistent with the spirit and intent of Public Law 99-177 (Gramm-Rudman);

Fourth, the resolution makes technical and conforming changes regarding training for professional staff and consultants necessitated by the apportionment of funds.

In dollars, this resolution's effects are as follows:

For the January 3, 1986–September 30, 1986, period, the total amount provided to committees is $32,143,825. This figure reflects a cut of approximately 10 percent of the pro rata amount of the 1985 authorization for the comparable period or $3,599,339.

For the October 1, 1986–January 2, 1987, period, the total amount provided to committees is $11,484,759. This figure reflects a cut of approximately 6.4 percent of the pro rata amount of the 1985 authorization for the comparable period or $785,282.

The total amount authorized for the second session is $43,628,584. This figure represents a total cut of approximately 9.1 percent from the total amount provided for the first session, or a total cut of $4,384,621.

In sum, this resolution is going to cause some hardships. It is tough and painful. Yet it administers the cuts in a fair and evenhanded manner. Since this resolution is consistent with the public policy implicit in the Gramm-Rudman law, its results are unavoidable and, therefore, I ask all of my colleagues to vote for its adoption.

Mr. BADHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when the House Administration Committee brought the 1985 committee funding resolution to the floor last year, Members on both sides of the aisle warned that the amount might be frozen in 1986. Instead, because of Gramm-Rudman-Hollings, we are required to reduce the overall committee budget figures this year.

We are doing things a bit differently this year. As you know, the House Administration Accounts Subcommittee normally spends the first 3 months of a session reviewing committee budget requests. We approve or amend those requests and then bring a funding resolution to the floor by March 31. This year, however, we are suspending our regular review process for this session. Rather than hearing arguments for increases from each committee, the Accounts Subcommittee is applying a uniform reduction rate for each committee.

The resolution before us today apportions the amount of authorized funds into two periods.

First, it provides funds for the period of January 3 through September 30, 1986. This period is approximately the remaining 9 months of the 1986 fiscal year. For this period, the resolution allocates the difference between the 1986 fiscal year appropriation, as altered by Gramm-Rudman-Hollings, of $44,940,720 and the amount of funds which have already been expended in the first quarter of the 1986 fiscal year. This is a 10.07-percent cut from the 1985 dollar figure for the same 9-month period.

Second, the resolution provides funds for the period of October 1, 1986 through January 3, 1987, which is the first quarter of the 1987 fiscal year. For this period, the resolution allocates the approximate quarterly pro-rata amount of the 1986 fiscal year appropriation, as reduced by Gramm-Rudman-Hollings, of $44,940,270 among the committees. This reduction is not good news to many members who want to expand committee jurisdiction, but we had no choice. This is the kind of reduction many of us have been arguing for over the years.

Finally, we are coming to the floor with a significant reduction.

I commend the chairman of the Accounts Subcommittee, my friend from Pennsylvania, Mr. GAYDOS, for his able leadership. Abiding by Gramm-Rudman-Hollings is not an easy task, but one that has to be done and the chairman has done a splendid job.

I support the resolution.

□ 1630

Mr. GAYDOS. Mr. Speaker, I yield such time as he may consume to the full committee chairman, the gentleman from Illinois [Mr. ANNUNZIO], who has been, for want of a better descriptive term, the guiding light in these difficult proceedings.

Mr. ANNUNZIO. I thank the gentleman from Pennsylvania for his kind remarks.

Mr. Speaker, the leadership on both sides of the aisle has agreed that every Member, every officer, and every committee should take its fair share of the reduced resources allocated to the House under Gramm-Rudman.

Every Member in this Chamber knows by now that Gramm-Rudman has changed our traditional procedures in funding the operations of the House of Representatives. The Subcommittee on Accounts, faced with processing a primary expense resolution, had a difficult task. What made it especially difficult was that it had to be done right away—before we spent ourselves into more trouble.

When you have a tough task to perform, leadership is absolutely essential. Such a leader is the Honorable JOE GAYDOS, chairman of the Subcommittee on Accounts.

I want to publicly commend Chairman GAYDOS; his subcommittee's ranking minority member, the Honorable ROBERT BADHAM; and the Honorable BILL FRENZEL, ranking minority member of the Committee on House Administration, for their careful consideration and expeditious effort in bringing this resolution to the floor today. All of us owe them a vote of thanks for their conscientious accomplishment of this task.

If they had hesitated, every day of delay would have made matters worse—deeper cuts in staff, oversight, consideration of legislation—all would have suffered more with each passing day.

Under this resolution (H. Res. 368), every committee has an equitable share of the Gramm-Rudman burden. I urge its support and immediate passage.

Mr. BADHAM. Mr. Speaker, I yield 5 minutes to the distinguished ranking Member of the full Committee on House Administration, the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. I thank the gentleman for yielding me this time.

Mr. Speaker, I think this is a particularly good decision that the committee brings to the House today. The subcommittee and the committee followed the dictates of Gramm-Rudman-Hollings as near as I can figure, in a very precise and regular way. It was the decision of all the Members of the committee, a unanimous decision. That decision was agreed to by the leadership on both sides of the House. I can only echo the statement of the distinguished gentleman from California in congratulating our distinguished subcommittee chairman, the gentleman from Pennsylvania [Mr. GAYDOS], and our full committee chairman, the gentleman from Illinois [Mr. ANNUNZIO], for having discharged the first duty of the House.

The first Gramm-Rudman cuts are going to fall on us. This is the first House action that ratifies and specifies how those cuts will be made. This, I believe, is an auspicious day for the House thanks to the leadership of this distinguished committee.

I think also, Mr. Speaker, that it is a good exercise for the House to be involved in budget cutting. They will see that the things they thought were so awful can probably be done without doing terrible violence to the functions that these important committees serve. So I think the committee has given everybody a little extra drill so that we Members of Congress can feel some of the pain, if pain is to be distributed, that some of our constituents would feel.

While in committee, I made mention in quite strong terms about how the cuts would fall with respect to majority and minority staff. Most of our committees have ratios far in excess of the 3-to-1 committee ratio required under the Legislative Reorganization Act of 1969. Our statutory staff is pretty well distributed on a 3-to-1 basis, but our investigative staff sometimes runs up 4, 5, 6, 7, 8 to 1.

Mr. Speaker, it goes without saying that if these cuts are laid upon investigative staff, on minority investigative staff, when the ratios are that high, that there is going to be a fairly good-sized ruckus raised about it. The committee chairmen have the jurisdiction; they are the ones that are going to have to make the cuts. They are going to have to make them fairly or they will be accountable on the floor of this House.

The committees in general are responding naturally. That is, they are trying to cut everything but personnel. My personal warning to committee chairmen is that this is only step one, and the October 1 Gramm-Rudman or House reaction to the threat of sequester is going to be far more severe than this one. If our committee chairmen or people that run our support groups are not careful to take advantage of attrition and begin to cut back on personnel, they are going to face a notch that is going to be indeed grim in October. They know how to do the job and I hope that they will do it.

I am a little nervous about this resolution with respect to October to December because of that large notch, however, it is absolutely certain that we must legislate or resolve again on this subject, and I know the committee will be ready to do it.

The distinguished chairman of the subcommittee is about to review the committee budgets which the committees will submit to us so that we will be ready to act when it is necessary when that second notch occurs. I would also like to suggest to the body that we are talking here about $42 million which is the investigatory staff of our committees and some of its expenses only.

The statutory staff costs are around $50 million; they will be subject to their own Gramm-Rudman reductions, and the use of the contingent fund by the committees is around half a million. That means we are not talking a $40 million budget; we are talking a $92.5 million budget. That does not, Mr. Speaker, take into account a number of other agencies. I will, at this point in the RECORD, insert a list of those institutions which are also spending money in the name of the Congress and are serving as our staff.

OFFICE OF TECHNOLOGY ASSESSMENT

1986 appropriation	$15,300,000
Gramm-Rudman cut	658,000

The administrative officer at OTA said these cuts will be made by cutting projects and outside contracts. No salary cuts necessary this year.

CONGRESSIONAL BUDGET OFFICE

1986 appropriation	$16,886,000
Gramm-Rudman cut	726,000

Cuts will be made in ADP programs; supplies; interns and equipment. No cuts in personnel at this time.

GENERAL ACCOUNTING OFFICE

1986 appropriation	$300,916,000
Gramm-Rudman cut	12,939,000

They have a freeze on hiring, no training, only essential travel and possible 1- to 3-day furloughs before September.

JOINT COMMITTEE ON PRINTING

1986 appropriation	$919,000
Gramm-Rudman cut	40,000

JOINT ECONOMIC COMMITTEE

1986 appropriation	$2,644,000
Gramm-Rudman cut	114,000

JOINT COMMITTEE ON TAXATION

1986 appropriation	$3,705,000
Gramm-Rudman cut	159,000

COMMITTEE ON APPROPRIATIONS

1986 appropriation	$4,375,000
Gramm-Rudman cut	183,825
Statutory staff salaries 1985	8,018,520
Available for 1986	8,234,000

COMMITTEE ON BUDGET

1986 appropriation	$296,000
Gramm-Rudman cut	12,728
Statutory staff salaries 1985	4,704,755
Available for 1986	4,982,000

JAN. 3, 1985 TO JAN. 3 1986

Committee	Committee expenses [1]	Statutory staff salaries	Contingent fund expenses [3]	Total by committee
Aging	1,395,059	([2])	0	1,395,059
Agriculture	1,326,918	1,502,610	22,408	2,851,936
Armed Services	1,324,888	1,452,261	27,242	2,804,391
Banking	2,556,128	1,178,599	11,037	3,745,764
Children, Youth and Families	671,738	([2])	0	671,738
District of Columbia	278,131	1,480,565	5,975	1,764,671
Education and Labor	2,875,899	1,596,822	25,314	4,498,035
Energy and Commerce	4,526,040	1,757,121	113,953	6,397,114
Foreign Affairs	2,573,231	1,800,053	20,516	4,393,800
Government Operations	2,582,230	1,142,993	9,667	3,734,890
House Administration	798,993	1,223,067	16,704	2,038,764
Intelligence	50,265	1,005,594	0	1,055,859
Interior	1,577,225	1,730,317	20,774	3,328,316
Judiciary	1,783,342	1,634,345	39,423	3,457,110
Merchant Marine and Fisheries	1,816,312	1,403,681	40,205	3,260,198
Narcotics Abuse and Control	599,996	([2])	0	599,996
Post Office and Civil Service	1,299,377	1,553,302	14,371	2,867,050
Public Works and Transportation	1,899,802	1,687,825	13,292	3,600,919
Rules	529,321	1,381,886	7,572	1,918,779
Science and Technology	2,139,099	1,546,345	26,608	3,712,052
Small Business	859,018	1,254,008	15,128	2,128,154
Standards	25,717	378,719	0	404,436
Veterans' Affairs	461,958	933,028	8,907	1,403,893
Ways and Means	2,836,402	1,752,092	39,525	4,628,019
Hunger	573,422	([2])	0	573,422
Subtotal	37,360,511	29,395,233	478,621	67,234,365
Appropriations	4,308,108	8,018,520	24,631	12,351,259
Budget	302,470	4,704,755	32,362	5,039,587
HIS	7,895,511	0	0	7,895,511
Total	49,866,600	42,118,508	535,614	92,520,722

[1] Includes costs such as equipment, domestic travel, investigative staff salaries. For appropriations and budget, only investigative staff salaries are included; no other committee costs are included. Figures as of 1/31/86. Late bills pending.

[2] Not authorized statutory staff. The Permanent Select Committee on Intelligence was authorized statutory staff allotment on 2/25/83 (H. Res. 58), thereby deleting salary costs from its committee funding request.

[3] According to the regulations of the Committee on House Administration, only standing committees may charge expenditures for legislative functions to the contingent fund; however, this has been interpreted to include Aging and Intelligence.

Mr. GAYDOS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. I thank the gentleman for yielding to me.

Mr. Speaker, this is really the first enforcement of Gramm-Rudman. I know we are reviewing a number of orders that are being prepared by the various agencies downtown. However, the order itself will not take effect under Gramm-Rudman in the first sequestration until March 1. but the resolution we are considering today will take effect before March 1.

In effect, the legislative branch is moving first to try to implement the enforcement under Gramm-Rudman. It requires, as everyone knows, a 4.3-percent cut. That translates into a 10-percent cut for the remaining 9 months of the fiscal year. It is implemented across the board in all committees because all of the committees are included in one account. For that reason, there is no distinction among the standing committees or the select committees. This cut is made across the board as intended by Gramm-Rudman.

I want to commend the chairman of the subcommittee and the chairman of the full committee, as well as the ranking minority members for coming together and taking this action immediately. It is important that the legislative branch set an example at this point.

As I mentioned earlier here, close to 50 of the 140-some-odd agencies that are responsible for reporting orders have yet to present those orders to Capitol Hill. They are in effect violating the terms of Gramm-Rudman. It is most important that the legislative branch step forward, set the right example, and this is obviously a needed step in terms of the implementation of this law.

For that, I commend the committee and urge the Members to support this resolution.

□ 1640

Mr. BADHAM. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. ROBERTS], a member of the committee.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to associate myself with the remarks made by my colleagues in regard to the noble effort and leadership of my friend, the gentleman from Pennsylvania [Mr. GAYDOS], and also of my colleague, the chairman of the full committee, the gentleman from Illinois [Mr. ANNUNZIO].

Well, I say to my colleagues, here we are. This is the first time that we have a program on the chopping block as we go down the difficult and rocky road of Gramm-Rudman-Hollings, and I am sure the rest of my colleagues who voted for this very drastic measure realize that.

I think it is a paradox of ironic proportions that we are first. This is the lifeblood of this place. This is the committee funding. We have our fingers, if you will, on the chopping block. We are part of the 25 percent of the program functions that are up for the cuts, as opposed to the 75 percent of the program that are exempted. This is the first time around. We will lose fingers this time around. I want to caution my colleagues that when we jump off the precipice in the second chapter, arms and legs will follow.

I think this is the proper way to go for the first step. It should be across the board. I am not king, as my colleague, the gentleman from California, has already indicated. I am not chairman, I am not even a sheriff on the House Administration Committee, so there was no attempt to determine priorities between committees.

As I said, this is good for the first step. But when we decide to jump off the next cliff and we see the shoals down below, it is my personal opinion—and I raised this issue before the full committee—that we can use Gramm-Rudman-Hollings for reform, if you will, and with adversity we might be able to raise some distinguishing factors as to who is funded and who is not.

I personally have some personal feelings about the number of committees and subcommittees that we have around the House—158 or maybe 160. I think there are far too many. I think the membership now spends over one-half its time supposedly in two places at the same time. I have a little concern about LSO's or, to put it more succinctly, all these caucuses. I think they are scandals at worst waiting for a place to happen or embarrassments at best. But I suggested before the full committee that we at least ought to take a look at select committees. We at least ought to take a look at our budget priorities.

It is too late this session; we would have to change House rules, I understand that, but I think we ought to investigate the relative merits of funding standing committees and select committees.

I have just a few items about special committees: four of them make up 7.2 percent of the committee budget. The special committees were authorized $3.4 million last year, and they spent $2.2 million. The special committees will get $3.1 million under the resolution to spend this year. The special committees have been growing, with the Select Committee on Hunger and the Select Committee on Families added just a year ago. The committees have no legislative function or power. They do have a special purpose. I am not trying to purge the select committees, but I doubt that their purpose is set in concrete forever, and I do think we ought to at least discuss the relevance of priorities between select committees and standing committees.

I know that the leadership is lukewarm at best to opening up this Pandora's box, but I want to serve notice that as we take the next step, it is going to be this Member's intent to force this issue and it is going to be this Member's intent during the next session of Congress on the floor of this House, if necessary, hopefully before the Rules Committee, to change the House rules and take a hard look at the select committees.

Mr. DAUB. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to my friend, the gentleman from Nebraska.

Mr. DAUB. Mr. Speaker, if there is any interruption in the time yielded to the gentleman, I will yield to him from time allocated to me, but I want to just briefly take this time to join in the gentleman's remarks in support of the very specific point he is making. I hope that our colleagues here in the House are listening to this.

Times are different. Times have changed. We can take part in this debate and take credit today, and the committee and the committee chairman should take credit for the leadership in what I call phase 1 of baby Gramm-Rudman. That is because we are not going to be in session long enough to do it right around here, and March 1 is going to come all too fast.

But this presents a learning curve for us. Let us go forward now, as the gentleman from Kansas has so well said, and use the next 6 months to think through the process of whether or not the select committees are really priorities around here. I am not saying that they do not do good work and that the staffs are not competent, but times have changed.

So I want the gentleman to know that he has my support for the efforts that he will make. These committees are not authorizing committees and they are not appropriating committees, but we spend a lot of money on them, and our staffs and the staffs of the full committees deserve better treatment than to have them laid off when select committees continue to have their budgets padded.

Mr. Speaker, I thank the gentleman from Kansas [Mr. ROBERTS] for his leadership.

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman from Kansas [Mr. ROBERTS] has expired.

Mr. GAYDOS. Mr. Speaker, I yield such time as he may consume to the

chairman of the full committee, the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. GAYDOS] for yielding me this time. I was asking the gentleman from Kansas to yield, but his time ran out, and I appreciate having this time.

I want the gentleman to know that I commend him on his statement on the select committees. Your chairman of the Committee on House Administration is aware that the select committees were established for the full period of the Congress. And in a full committee hearing, when this subject came up, I pointed out that there was nothing we could do about it this year, but that the committee would naturally look into select committees when we take up the funding resolutions for the first session of the next Congress.

On the subject of these select committees, remember that they are nonlegislative committees. What we must bear in mind is that, for instance, when we talk about the Committee on Hunger, the Committee on Agriculture has legislative jurisdiction; when we talk about the Committee on Narcotics, the Judiciary Committee has legislative jurisdiction. We must think seriously about renewing the activities of these select committees if the funding is not there under Gramm-Rudman.

The other point that I want to remind the Members about is that the full House votes to establish the select committees. This committee reviews the funding. So if you are going to do something about the select committees, you will have to have the cooperation of the entire House when it votes reestablishing these select committees next session.

But right now we are responsible for getting this funding resolution passed, so that all committees established by the House can continue their work, and so that the committees can function for the remainder of the year.

So again let me say that I appreciate the gentleman's concern about the select committees, but we must bear in mind that when the time comes, we are going to have to vote either to establish, or not to establish these committees. The responsibility of the Committee on House Administration is this: Once the House establishes these committees, we have the jurisdiction and the responsibility, as an order from the House, to fund these committees. That is something that the Members should bear in mind. Do not put us in the position of asking us not to fund the committees after the House has voted to establish the committees.

Mr. BADHAM. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. BROYHILL].

Mr. BROYHILL. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I have a question I would like to address to the chairman of the committee, to the subcommittee chairman, to the ranking minority member, or whoever might answer this question for me.

Our committee has a letter sent to us by Mr. Benjamin Guthrie, the Clerk of the House, in which he states that in order to ensure that the total of all compensation paid from the account does not exceed funds now available, the committee payroll for what I call the statutory positions may not exceed $1,655,191 for the period, October 1, 1985 through September 30, 1986. The gentleman, I am sure, is familiar with this letter.

Now, my question is this: Is the minority assured of utilization of one-third of that dollar figure?

□ 1650

Under the rule, the minority has 10 positions one-third of the 30 positions, the majority has 20.

On the minority, six of those are professional, four of those are clerical. The majority has double that number, 12 and 8.

Mr. Guthrie, under this letter dated February 3, has broken this down to dollar figures.

My question is, on a dollar basis is the minority assured that we can utilize one-third of those funds?

Now, I understand that is not in this bill, but does the committee have any jurisdiction over the allocation of those funds?

I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, if I may respond to my colleague, with whom I have been very close over the years, particularly during these hearings we have had pertaining to standing committee funding, of course, and I think my colleague has alluded to it, this is not included in this resolution, nor is it in the jurisdiction of our committee in setting up funds for standing committees.

We are talking about another aspect of the budget. It would be in the Appropriation Committee and would be subject to an agreement. As my friend well knows, and as has been reiterated so many times before our committee, between the majority and the minority members of the committee and that in turn is conditioned upon the funds that are made available to that committee for the particular purpose.

So I have to apologize and have to respond directly to my colleague, no matter how I would want to answer differently, I have to say "no comment" because we have no jurisdiction over it; but I do want to assure the gentleman that the committee, as in the past, will always be sensitive, and I think my colleague agrees with me when I make the statement on the record that we have listened attentively and respectfully to both the minority and any other complaints that are made before the committee by any other Member.

One Member in particular that yearly and regularly appears before the committee and is not on the committee and states his philosophical position on some of these matters.

The SPEAKER pro tempore. The time of the gentleman from North Carolina [Mr. BROYHILL] has expired.

Mr. GAYDOS. Mr. Speaker, I yield another minute to my colleague, the gentleman from North Carolina.

Mr. BROYHILL. Mr. Speaker, if the gentleman will yield further, could the gentleman tell me who does have jurisdiction over this to assure that the minority is going to be treated fairly in the allocation of these funds?

Mr. GAYDOS. I have been informed and my response would be on the record that it is subject to the House rules and the availability would be the amount of funding available to the committee. Until those rules are changed, I guess we will have to live with the situation as we find it.

I want to commend and compliment my colleague. He has never let a year go by where he has not officially put on record his position on this matter and argued, if I may use the term, eloquently in defense of his position.

Mr. BROYHILL. Well, perhaps I should not be commenting here without the gentleman from Michigan being here, but it is my understanding, coming from the staff, that although under the rules of the House the minority would get one-third of the positions, we might get less than 33 percent of the funds. That does not seem to be a very fair allocation of that $1,655,000.

So it appears as if I am going to have to make my fight and take it directly to the gentleman from Michigan.

Mr. GAYDOS. I wish I could respond in another manner to my friend, but that is how it is and the committee cannot change it.

Mr. BADHAM. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. Speaker, I have a question that I would like to direct to the distinguished chairman or to the subcommittee chairman and that is concerning our reading here of the various funding levels for the committees, both select and standing. Conspicuous by their absence are both the Appropriations and Budget Committee funding.

Could I have an explanation as to why those do not appear?

I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Under the rules, they are not covered and we have no jurisdiction.

Mr. McCAIN. Do we have any idea what their funding level would be?

Mr. GAYDOS. I could not say. The proper assumption would be at least 4.3 percent, according to Gramm-Rudman, but I could not answer that, either.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. McCAIN. Certainly.

Mr. PANETTA. Mr. Speaker, under the Gramm-Rudman order, they, too, would be obligated to come up with their 4.3-percent reduction and I am sure they will.

Mr. McCAIN. Mr. Speaker, I thank the gentleman.

Mr. BADHAM. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BOULTER].

Mr. BOULTER. Mr. Speaker, I just want to say how much I appreciate the work of the committee and the subcommittee and how much I support their work and what a good bill I think this is; but I hope that we might go further with this bill and comply with the true congressional intent of the Gramm-Rudman legislation and hopefully even avoid the automatic sequestration which would occur on March 1, 1986. That true congressional intent behind the bill is that the Congress make choices, make the hard decisions, and arrive at a balanced budget with all the wonderful benefits that would accrue from that balanced budget by 1991; but what is happening in the country, based on a lot of statements that are made by Members of Congress, is that the American people are beginning to equate this balanced budget plan, known as Gramm-Rudman, to automatic sequestration. If they do that because we are in effect doing it, I am afraid that the whole plan will unravel.

I hope that none of us want automatic sequestration to be the way we are going to govern this country. I do not want it that way.

We could achieve the $11.7 billion worth of savings that the Presidential sequestration order would provide for in such a way as to allow us to exercise our own discretion. I would just hope that this committee might be willing to publish or to ask the standing committees to publish and report on alternative methods of coming up with the same amount of savings that each committee will have to come up with under the Presidential sequestration order, but to do it exercising discretion.

Mr. GAYDOS. Mr. Speaker, if the gentleman will yield, let me respond to the gentleman. I will yield him more time if he so desires.

Let us refer that question to the gentleman from California [Mr. PANETTA].

Mr. BOULTER. Well, let me give one example which the gentleman from California [Mr. PANETTA] can comment on. I know the gentleman is on the Agriculture Committee.

If I understand this correctly, I suspect that the Agriculture Committee, for example, just as an example, has alternative means to come up with the same dollar savings that it would be required to come up with under the across-the-board cuts on March 1 under the President's sequestration order. For example, the gentleman may be thinking about not cutting deficiency checks by 4.3 percent and cutting deeper into some program like new farm ownership loans or something like that.

I am just suggesting that they ought to have that discretion on the Agriculture Committee and still come up with the same number of dollars' worth of savings, but do it with discretion.

The SPEAKER pro tempore. The time of the gentleman from Texas [Mr. BOULTER] has expired.

Mr. GAYDOS. Mr. Speaker, I yield 2 additional minutes to the gentleman from Texas.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. BOULTER. I am happy to yield.

Mr. PANETTA. Mr. Speaker, I thank the gentleman for yielding.

Obviously, the intent of Gramm-Rudman was to do across-the-board reductions. We are implementing Gramm-Rudman here and this is an across-the-board reduction.

The hope was that ultimately the committees and others could get together to determine whether indeed alternatives could be achieved in terms of the overall target.

It is clear that for the $11.7 billion reduction that is to be implemented on March 1, that the President has not submitted any alternatives to an across-the-board sequestration. The Senate has not submitted any alternatives to across-the-board sequestration.

It is my understanding that the House basically will go with that reduction on March 1 as well, for several reasons.

We are talking about $11.7 billion of a $48 billion shortfall in terms of the deficit number. Are we going to take the money for staffs and from this resolution?

As I understand, a recommittal motion is being designed to do that.

Are we going to redesign the $11.7 billion, when we really ought to be focusing, frankly, on 1987 and coming up with alternatives for that year?

Mr. BOULTER. Well, Mr. Speaker, if I may respond, actually in the morning I will be offering a resolution that simply substitutes another procedure for the automatic sequestration to get the $11.7 billion.

I understand what the gentleman is saying about the technicalities of Gramm-Rudman for 1986, and the gentleman is absolutely correct; but still, we can achieve the same savings and still do it by making the choices that we were hired to make; so I will be offering that resolution.

It just seems to me it would be a good idea for the standing committees to go ahead and start coming up with their own recommendations about how to achieve that $11.7 billion.

Mr. PANETTA. Mr. Speaker, if the gentleman will yield again, it seems that this responsibility really lies with the Budget Committee, for several reasons; one, because in redesigning the $11.7 billion the change may not fall within one committee's jurisdiction. We may very well decide that the change ought to involve a number of committees. We need a committee that looks at the overall picture, as opposed to just dropping this into each committee's jurisdiction to come up with an alternative.

I appreciate the gentleman's concern, but I think, very frankly, that the $11.7 billion is going to proceed to sequestration. The hope is that the President and the Congress can get together on trying to come up with a resolution that replaces sequestration for October.

Mr. BADHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, let me begin my remarks by making it very clear that I have nothing but respect and admiration for the members of this committee. I know the committee has worked very hard and done good work. Certainly it is not the members of the committee that we must contest here, but the committee system itself.

I will have to tell you, quite frankly, I am not enamored with the committee system. Many of my concerns have been already addressed. I would like to associate myself with the remarks made by the gentleman from Kansas, for they were indeed the remarks I was going to make.

It is hard for me to understand why we would treat the select committees with the same budget cutting knife that we treated the standing committees with.

It is hard for me to understand why two committees, very important committees, Appropriation and Budget, are not included in this process.

I know that is by and large outside the control of this committee, but all of this begins to show why the committee system is so confusing. We have too many committees and, indeed, we even have committees on committees.

But I would like to address another issue that is a big issue here. It is within the system of committees that we have in this House a situation of trespass against the rights of the minority by the majority. Now, there is nobody in the Nation who speaks more eloquently for minority rights outside

this House than the Members we find in the majority in this House.

My mother has always told me that actions speak louder than words. Quite frankly, Mr. Speaker, when you look at the committee system in this House and the manner in which it is used by the majority to deny the rights of the minority to equal access to the committees by way of fair ratios or, indeed, to equal sharing and the funding of the committees as they are distributed by the committees, and again, I respect the Chairman's point. It is not his responsibility, but we must resolve this trespass against fair sharing and equal rights in this House.

Mr. BADHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH], a member of the committee.

Mr. GINGRICH. Mr. Speaker, I rise first of all to say that it is a real honor to serve with the gentleman from Illinois and the gentleman from Pennsylvania. I think that in a bipartisan way working with the gentleman from Minnesota and the gentleman from California that this committee has done a remarkable job on this particular action. The spirit of Gramm-Rudman in trying to get to a balanced budget and the steps we are taking, this committee came right up to it. I have to say for every member of the committee when we had the meeting in which we really faced that decision, that everybody was unanimous in saying, "Let's do it right."

Also I want to commend the chairman and the chairman of the subcommittee, because they went beyond just the across-the-board cuts, made some decisions about priorities and began, frankly, to eliminate some programs, to change some behavior, to save money in ways that were difficult, that were painful, but that are necessary as we try to move toward a balanced budget.

I want to reassure the chairman both of the full committee and the subcommittee that while if the gentleman from Pennsylvania does offer a motion to recommit specifically only to ask other committees to set priorities for the March 1 sequester, just as the House Administration has, I would vote for that, to ask the other committees to offer their priorities, but I will vote for final passage.

I think this is a tremendously important first step. I would hope on the Republican side that every Member who cares about getting a balanced budget will join us and vote for this and recognize that the House Administration Committee has made a very real, a very serious step in the right direction.

□ 1705

I think today is a very important step in proving that the Gramm-Rudman process can work without an automatic sequester. It can work without the General Accounting Office doing the job for us.

The House Administration Committee did set priorities and did the job.

I thank the gentleman for yielding.

Mr. BADHAM. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman from California has 3 minutes remaining.

Mr. BADHAM. Mr. Speaker, I yield the remaining 3 minutes to the gentleman form Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time and also want to congratulate the committee for bringing forth the resolution we have before us today. You are doing the job that Gramm-Rudman said that we should do, and that is what you are legislating.

We are reforming Government, we are changing Government in order to implement that which we need to do to get to a balanced budget by 1991. You are doing absolutely the right thing. That is the direction we need to move.

The problem is that there is no intention by any of the other committees around here to do the same thing. March 1 is going to come and go and the rest of the committees of this House will have done nothing toward sequestering or changing Government in order to avoid sequester.

So what I am going to offer as a motion to recommit is to establish the need of those committees to bring forth, to publish how they would implement a $11.7 billion cut because I think it is important that we hear from them. The gentleman from California told us a little while ago that the agencies are preparing their report. You ought not leave this just up to the agencies. We ought to be exercising our responsibility. It is not good enough to say that the President does not have any authority to offer us alternatives or that we may not get any other alternatives from the other body. We have a job. We were elected by 500,000 people to come to this body and legislate. We were not sent here to sit around, sit on our duffs, and wait for sequester orders to go into effect.

That is what we will be doing unless we force the committees around here to take responsible action. So what the motion to recommit will say is that each committee ought to bring forth and publish how they would implement $11.7 billion in cuts on March 1. That is legislative, rather than sequestering, and it seems to me that that is what we should be all about.

I have heard a lot of talk coming from the leadership on the Democratic side, and I have seen them on the TV while I was home. What did I hear them say? They said, well, the problem with Gramm-Rudman is that it has an automatic process in it, that we ought to do the responsible thing, we ought to stand up as a Congress and legislate. I agree. And that is what we are doing with this bill here on the floor today, and we ought to say to the other committees of Congress: You have a duty to do the same thing, and that is what the motion to recommit would tell them.

Let us do the right thing. For example, a lot of you are hearing from your civil service retirees, I am certain, or your military retirees about the sequester order is going to cancel their cost-of-living increase. Well, it may be that the Post Office and Civil Service Committee has a better idea as to how you could do that without that kind of cut.

I am sure we are going to hear a lot of complaints over the years about the fact that that cut took place as a part of sequestering. Maybe they have a better idea as to how it should go into effect. Let us hear from them. Let us have that out on the floor. Let us legislate and not just sequester.

So what we ought to do in adopting the motion to recommit is simply say to all of the committees, be as responsible as your House Administration Committee is being. Be as responsible as the House Administration Committee is being in bringing a proposal to the floor on how you implement reform, rather than just cuts. Reforming Government is what we should be all about as we move into the Gramm-Rudman process. We ought to balance the budget by reforming, not just cutting.

So support the motion to recommit.

The SPEAKER pro tempore. All time of the gentleman from California [Mr. BADHAM] has expired.

Mr. GAYDOS. Mr. Speaker, by way of closing the debate, I yield such time as he may consume to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I thank the chairman of the subcommittee for yielding me this time.

Let me just again stress to the Members the importance of adopting this resolution as we have presented it here because it does represent an across-the-board reduction pursuant to Gramm-Rudman, and I think it is important as a first step to take.

With regard to the motion to recommit which requires each of the various committees to come up with alternatives in terms of the $11.7 billion, let me ask the House to please vote against that motion to recommit for several reasons. One, because we are dealing largely with a limited timeframe here. We are talking about March 1. The fact is that by the time the committees focus staff and effort in terms of coming up with alternatives, we will be beyond March 1.

Second, the President has not submitted any alternatives to the Gramm-Rudman cuts.

Third, the other body has not submitted any alternatives to the initial Gramm-Rudman cuts.

For that reason, our feeling is that the committees ought to take this staff time to focus on the fiscal year 1987 cuts. We do have the February 25 reports of all of the committees to the Budget Committee. These will contain their proposals for the fiscal year 1987 budget. These reports ought to be the primary focus of the committees' work.

We are looking at $11.7 billion of a $48 billion shortfall. Do we really want to have the committees focus their time and effort on alternatives to that number when we are looking at a $48 billion shortfall in any event?

Last, how can the committees come up with alternatives when they are dealing solely with just their area of jurisdiction? The $11.7 billion is a 4.3-percent across the board. How can each committee then decide on its priorities without looking at options under the jurisdiction of other committees?

For example, if we want larger cuts in defense, or if we want revenues, how does a committee bring that into its recommendations to the House? This is not something that can be implemented in any effective way by the committees, and for that reason I would urge a "no" vote on the motion to recommit and an "aye" vote on the resolution provided by the committee.

Mr. BADHAM. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I am happy to yield to the gentleman from California.

Mr. BADHAM. Mr. Speaker, I thank the gentleman for yielding.

This brings up something that has confused me about Gramm-Rudman, and apparently the gentleman is an authority.

If this were next year and we were early in the authorizing and appropriation business, and the House Administration Committee, as it has always been in history, the good guy, had come early with its getting to the Gramm-Rudman figure and all of that sort of thing, if we were to pass this sort of bill applying to fiscal year 1987, and if we came up to what we suspected the budget number ought to properly be, and then the amounts were appropriated, and then Gramm-Rudman went into effect by a sequestration order because other committees had not, is it not true that the House Administration Committee not only would not get a pat on the head for being a good guy, they would get a boot somewhere else on the anatomy and another cut; is that correct?

Mr. PANETTA. The gentleman has answered his own question.

Mr. MONTGOMERY. Mr. Speaker, there can be no exception for the legislative branch in accepting reductions as mandated by the passage of Gramm-Rudman for fiscal year 1986. The reduction for our committee totals $47,000. This may not sound like much but it should be noted that total expenses for the Committee on Veterans' Affairs are less than those of any other committee, besides Standards of Official Conduct. In fact, total expenses for most select committees are much greater than for the Committee on Veterans' Affairs.

In addition to the funding resolution reduction, our committee is required to absorb a cut of $25,000 in its statutory staff funding even though six of its authorized positions are not filled. In determining the level of this cut, it is my understanding that the December 1985 payroll was annualized and then reduced by the amount required under Gramm-Rudman. This procedure penalizes our committee because we had two senior staff members retire during 1985 and the vacancies had not been filled in December. Therefore, the statutory funding level was extremely low during the latter part of 1985 and resulted in a very low baseline for determining the 1986 level of funding.

The more equitable way to make the statutory staff reduction, I believe, would have been to reduce the number of authorized professional and clerical slots for committees until the required reduction in statutory pay was reached. By doing this, frugal committees who have held spending down over the years would not be penalized and those that have spent at the maximum levels would bear the brunt of the cuts, and that is the way it should be. Members' clerk hire funds were reduced from the ceiling allowed which is the fair way to proceed.

Mr. Speaker, our statutory payroll for the month of December was $72,000. Compare that with other committees whose statutory payrolls exceed $150,000 for that month. As I stated previously, the committees that have kept spending to a minimum suffer the most under the method used for determining the 1986 statutory funding levels.

I have called this unique situation to the chairman of the Legislative Subcommittee of the Committee on Appropriations, the Clerk, and the Committee on House Administration and I am hopeful that some relief will be provided to our committee.

Mr. GAYDOS. Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The previous question was ordered.

NOTION TO RECOMMIT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. WALKER. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WALKER moves to recommit House Resolution 368 to the Committee on House Administration with instructions that they report such resolution forthwith back to the House with the following language at the end of the bill:

"Not later than February 21, 1986, each standing committee of the House of Representatives funded in this resolution should, using the funds authorized in this resolution, study, prepare and publish with respect to authorizations and appropriations under each committee's jurisdiction its alternative recommendations at least equal to the deficit reduction levels contained in the Presidential order issued under section 252(b) of the Balanced Budget and Emergency Deficit Control Act for fiscal 1986 insofar as such order affects laws within the jurisdiction of each standing committee."

The SPEAKER pro tempore. The Chair will announce that there is no debate on this motion to recommit.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Pursuant to the provisions of clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the resolution.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 146, nays 255, not voting 33, as follows:

[Roll No. 17]

YEAS—146

Applegate	Dornan (CA)	Kramer
Archer	Dreier	Lagomarsino
Armey	Eckert (NY)	Leach (IA)
AuCoin	Edwards (OK)	Lent
Bartlett	Emerson	Lewis (FL)
Barton	Evans (IA)	Lightfoot
Bateman	Fawell	Lott
Bennett	Fiedler	Lowery (CA)
Bentley	Fields	Lujan
Bereuter	Fish	Lungren
Bilirakis	Gallo	Mack
Bliley	Gekas	Martin (IL)
Boehlert	Gilman	Martin (NY)
Boulter	Gingrich	McCain
Brown (CO)	Goodling	McCandless
Broyhill	Gregg	McCollum
Burton (IN)	Gunderson	McDade
Campbell	Hall, Ralph	McEwen
Carney	Hansen	McGrath
Chandler	Hartnett	McKernan
Chappie	Hendon	McMillan
Cheney	Henry	Michel
Cobey	Hiler	Miller (OH)
Coble	Hillis	Miller (WA)
Coleman (MO)	Hopkins	Molinari
Combest	Horton	Monson
Conte	Hunter	Moorhead
Coughlin	Hyde	Myers
Courter	Jacobs	Nielson
Craig	Jeffords	Oxley
Daub	Johnson	Packard
DeLay	Kasich	Parris
DeWine	Kindness	Pashayan
DioGuardi	Kolbe	Petri

Porter
Ritter
Roberts
Roemer
Roth
Rowland (CT)
Saxton
Schaefer
Schneider
Schuette
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Slaughter
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stenholm
Strang
Stump
Sundquist
Sweeney
Swindall
Tauke
Tauzin
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Weber
Whittaker
Wolf
Wortley
Young (FL)
Zschau

NAYS—255

Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
Badham
Barnard
Barnes
Bates
Bedell
Beilenson
Berman
Biaggi
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Brooks
Broomfield
Bruce
Bryant
Carper
Carr
Chapman
Chappell
Clay
Clinger
Coats
Coelho
Coleman (TX)
Conyers
Cooper
Coyne
Crockett
Daniel
Darden
Daschle
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dymally
Dyson
Eckart (OH)
Edgar
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Guarini
Hamilton
Hammerschmidt
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Holt
Howard
Hoyer
Hubbard
Huckaby
Hughes
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lipinski
Lloyd
Long
Lowry (WA)
Luken
Lundine
MacKay
Madigan
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McKinney
Meyers
Mica
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Panetta
Pease
Penny
Perkins
Pickle
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rogers
Rose
Roukema
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Scheuer
Schroeder
Seiberling
Sharp
Shelby
Sikorski
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Snyder
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (MO)

NOT VOTING—33

Bevill
Brown (CA)
Burton (CA)
Bustamante
Byron
Callahan
Collins
Crane
Dannemeyer
Dwyer
Early
Fowler
Franklin
Grotberg
Hall (OH)
Hutto
Ireland
Kemp
Latta
Leath (TX)
Lewis (CA)
Livingston
Loeffler
Moore
Murtha
O'Brien
Pepper
Rostenkowski
Schulze
Schumer
Smith (NE)
St Germain
Stratton

□ 1730

The Clerk announced the following pairs:

On this vote:

Mr. Franklin for, with Mrs. Collins against.

Mr. Kemp for, with Mr. Pepper against.

Messrs. DONNELLY, KOLTER, MORRISON of Washington, and KANJORSKI changed their votes from "yea" to "nay."

Messrs. ROBERTS, WHITTAKER, HENRY, NIELSON of Utah, McDADE, HORTON, KINDNESS, and KRAMER changed their votes from "nay" to "yea."

Mr. CHANDLER changed his vote from "present" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BADHAM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair will announce that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 11, not voting 38, as follows:

[Roll No. 18]

YEAS—385

Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Badham
Barnard
Barnes
Bartlett
Barton
Bateman
Bates
Bedell
Beilenson
Bennett
Bentley
Berman
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Breaux
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Burton (IN)
Campbell
Carney
Carper
Carr
Chandler
Chapman
Chappell
Chapple
Clay
Clinger
Coats
Cobey
Coble
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Daniel
Darden
Daschle
Daub
Davis
de la Garza
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dymally
Dyson
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Hendon
Henry
Hertel
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hyde
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lightfoot
Lipinski
Lloyd
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
MacKay
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Monson
Montgomery
Moody
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Perkins
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Strang
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky

Volkmer	Whitley	Wyden
Vucanovich	Whittaker	Wylie
Walgren	Williams	Yates
Watkins	Wilson	Yatron
Waxman	Wirth	Young (AK)
Weaver	Wise	Young (FL)
Weber	Wolf	Young (MO)
Weiss	Wolpe	Zschau
Wheat	Wortley	
Whitehurst	Wright	

NAYS—11

Armey	Jacobs	Miller (WA)
Cheney	Mack	Petri
Evans (IA)	Martin (IL)	Walker
Heftel	Miller (OH)	

NOT VOTING—38

Bereuter	Dwyer	Loeffler
Bevill	Early	Moore
Biaggi	Fowler	Murtha
Brown (CA)	Franklin	O'Brien
Broyhill	Grotberg	Pepper
Burton (CA)	Hall (OH)	Rostenkowski
Bustamante	Hutto	Schulze
Byron	Ireland	Schumer
Callahan	Kemp	Smith (NE)
Coelho	Latta	St Germain
Collins	Leath (TX)	Stratton
Crane	Lewis (CA)	Whitten
Dannemeyer	Livingston	

Mr. MILLER of Washington changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BEREUTER. Mr. Speaker, during the course of rollcall No. 18, my card did not record my vote because of my use of it. It was my intention to have voted "aye" on rollcall No. 18.

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMUNICATION FROM TIMOTHY J. WYNGAARD, REPUBLICAN POLICY COMMITTEE

The Speaker pro tempore laid before the House the following communication from Timothy J. Wyngaard of the Republican Policy Committee:

REPUBLICAN POLICY COMMITTEE,
Washington, DC, February 1, 1986.

Hon. THOMAS P. O'NEILL,
Speaker, U.S. House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to inform you of my intention to resign my position as one of the floor assistants to the Republican leader of the House.

Regards,

TIMOTHY J. WYNGAARD.

DESIGNATION OF MINORITY EMPLOYEES PURSUANT TO LEGISLATIVE PAY ACT OF 1929

Mr. MICHEL. Mr. Speaker, I offer a resolution (H. Res. 372), and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 372

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the six minority employees authorized therein shall be the following named persons, effective February 1, 1986, until otherwise ordered by the House, to-wit:

Hyde H. Murray, Walter P. Kennedy, William R. Pitts, Junior, Ronald W. Lasch, C. Jay Pierson, and Dave Gribbin, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95-94.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1745

BUDGET OF THE U.S. GOVERNMENT, FISCAL YEAR 1987—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-160)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

(For message, see proceedings of the Senate of today, Wednesday, February 5, 1986.)

SEVENTY-SEVEN RESCISSIONS AND TWENTY-SEVEN DEFERRALS UNDER THE IMPOUNDMENT CONTROL ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-161)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

(For message, see proceedings of the Senate of today, Wednesday, February 5, 1986.)

□ 1755

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, at the time that rollcalls 17 and 18 were held a few minutes ago, I was over in the Senate wing of the Capitol attending the commemoration of the sesquicentennial of the National Library of Medicine, which was authorized by the Congress. Since I was the sponsor of the resolution in the House, I was there participating in the ceremony. Regrettably, I was not able to get back by the time of the vote on those two votes.

On rollcall 17, the motion to recommit, had I been present, I would have voted "no."

On rollcall 18, on passage of the resolution, had I been present, I would have voted "yes."

ANALYSIS OF THE FISCAL YEAR 1987 DEFENSE BUDGET

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, for the interest of my colleagues, I would like to give my analysis of the fiscal year 1987 Defense budget.

Before I get into the detailed analysis, I would like to point out that the President is requesting a 12-percent increase in budget authority in the national defense function of the budget for fiscal year 1987 while recommending drastic reductions in various social programs that support human needs.

It is beyond me how the President can request huge sums for the production of MX missiles, star wars and other major weapons systems which add nothing or only marginally add to our national defense while reducing other important nondefense programs.

I believe my colleagues must be aware of how the President proposes to finance this large increase in the Defense budget. The President proposes to reduce or eliminate certain human need programs and incur a budget deficit of $144 billion for fiscal year 1987 and continue deficit financing in the foreseeable future.

FISCAL YEAR 1987 DEFENSE BUDGET

The Defense budget authority request for fiscal year 1987 for those items included in the annual Defense appropriation bill totals $299 billion. The fiscal year 1987 Defense budget request represents an increase of $28.4 billion more than the $270.6 billion appropriated in fiscal year 1986 and subsequently adjusted to reflect the effects of the Gramm-Rudman legislation. This increase requested for fiscal year 1987 represents a 10.5-percent increase over the adjusted fiscal year 1986 appropriations.

The budget authority appropriated in fiscal year 1986 amounted to $281.2 billion. The Gramm-Rudman legislation required the budget authority amount to be reduced by an additional $10.6 billion resulting in the lower fiscal year 1986 base amount. Since it appears these additional reductions will take

effect on March 1, 1986, all fiscal year 1987 comparisons are based on the lower fiscal year 1986 base amount.

The annual report of Secretary of Defense Weinberger alludes to a 3-percent increase in real budget authority for fiscal year 1987 but this increase is based on a zero growth total estimated for fiscal year 1986 before the effects of the Gramm-Rudman legislation were taken in account.

The Congress set aside $6.3 billion in unobligated balances in fiscal year 1986 to be used to finance the military pay raise, the military retirement requirements and certain other readiness items. The availability of these funds were not extended and therefore are not considered additional budget authority. Because these funds were designated to be used for pay raise increases and military retirement requirements, no supplemental appropriations are required in fiscal year 1986 for these purposes.

The Department of Defense estimates and includes $3.3 billion in their total figures for fiscal year 1987 to cover pay raise costs. The budget proposes a military pay raise of 4 percent, effective October 1, 1986, and a civilian pay raise of 3 percent effective January 1, 1987. This $3.3 billion in pay raise contingencies is not reflected in the $299 billion Defense appropriation bill budget authority request mentioned above.

The outlays estimated in the accounts covered in the annual Defense appropriation bill total $264.6 billion for fiscal year 1987 as compared with $252.1 billion in fiscal year 1986 after the Gramm-Rudman reductions are considered. Several of the account titles reflect lower outlay rates than were projected in last year's budget documents. The composite percentage total for the operation and maintenance accounts last year indicated that the spend out rate resulting from total available funds would total 77.2 percent in the first year and that spend out rate is now estimated to total 73 percent. The same figures for the research and development accounts result in spend out rates of 49.9 percent estimated last year in the first year as compared to current estimates of 46.6 percent reflected in the fiscal year 1987 budget documents. The rest of the accounts appear to be generally in line with last year's estimates.

The budget authority increase in fiscal year 1987 over fiscal year 1986 for the Defense appropriation bill alone is distributed by military service as follows after reducing the fiscal year 1986 amounts required by the Gramm-Rudman law:

[In billions of dollars]

	Fiscal year—		Increase
	1986	1987	
Army	69.5	76.9	+7.4
Navy	92.0	100.9	+8.9
Air Force	92.0	101.6	+9.6
OSD/defense agencies	15.5	19.4	+3.9

MILITARY PERSONNEL

Overall funding for active and reserve manpower requirements increases by about $2 billion to a total of $74.2 billion for fiscal year 1987. A summary table follows:

SUMMARY OF BUDGET REQUEST FOR ACTIVE AND RESERVE FORCES

(In millions of dollars)

	Fiscal year 1986			Fiscal year 1987	Change
	Enacted	Proposed sequestration and transfers	Total fiscal year 1986		
Active Forces	59,610	3,894	63,504	64,738	+1,234
Reserve Forces	8,296	358	8,654	9,465	+811
Total	67,906	4,252	72,158	74,203	+2,045

Included in the above amounts for military personnel are their pay and allowances, payments to the military retired pay fund, plus the funds required to move personnel between duty stations and the funds needed to provide subsistence to enlisted personnel.

The major increases in the military personnel budget result from the 14,000 increase in active duty end strengths and 52,000 increase in reserve component end strengths. The major funding proposals in the 1986 military personnel budget include sequestration of $0.234 billion in budget authority and $4.5 billion in transfers. The proposed $4.5 billion in transfers represents the Department's use of unobligated balances for the fiscal year 1986 military pay raise and retirement needs.

The Department has provided for a 4-percent military pay raise effective October 1, 1985, within the Defensewide contingency portion of the overall budget request. This pay raise request totals $2.6 billion.

ACTIVE DUTY

SUMMARY OF ACTIVE DUTY END STRENGTH

	1986 authorization	1987 request	Change, fiscal year 1986 to fiscal year 1987
Army	781,000	781,000	0
Navy	581,000	593,000	+12,000
Marine Corps	199,000	200,000	+1,000
Air Force	606,000	607,000	+1,000
Total, Defense active duty	2,167,000	2,181,000	+14,000

End strength for active duty forces is proposed to increase by approximately 14,000 in fiscal year 1987 to a total of 2,181,000. Retention and recruiting experience in recent years has been excellent. End strength goals have been achieved and quality has improved. The military departments still anticipate achieving their 1986 strength goals despite recruiting challenges due to sustained economic recovery and the decline in the population of military-age youth. Important issues to be addressed for fiscal year 1987 are the need for increases in military compensation, the level of personnel committed to overseas interests and changes in the military retirement system.

GUARD AND RESERVES

Summary of Guard and Reserve end strength

Guard and Reserves:	*Thousands*
1986 authorization	1,134
1987 request	1,186
Change fiscal year 1986 to fiscal year 1987	+52

End strength for the Guard and Reserves is proposed to increase by 52,000 to a total of 1,186,000 for fiscal year 1987. The proposed manpower increases result from new and upgraded equipment for the Reserves, including 3 additional frigates for the Naval Reserve and 7 C-5 and 12 C-141 aircraft for the Air Force Reserve and National Guard.

In the operation and maintenance area, the budget requests $85.8 billion in fiscal year 1987, an increase of $10.9 billion or 14.5 percent above the $74.9 billion appropriated for fiscal year 1986. The fiscal year 1986 appropriated amount takes into account the $3.9 billion recommended for sequestration in accordance with the Balanced Budget and Emergency Deficit Control Act of 1986. The fiscal year 1986 appropriated amount does not take into account proposed transfers of $2.5 billion into the O&M appropriations for foreign currency fluctuations and conventional force readiness initiatives. In addition, the administration has announced that it will be requesting a civilian pay raise of 3 percent effective January 1, 1987, which will require added budget authority of $0.7 billion in fiscal year 1987.

Accounting for inflation, real growth for the fiscal year 1987 request for O&M is up approximately 8 percent over the fiscal year 1986 amounts, adjusted for sequestration and transfers. It should be noted that in constant fiscal year 1987 dollars, the O&M accounts have grown by 33 percent from fiscal years 1981 to 1987, an average of 5.5 percent per year.

These appropriations finance the costs of operating and maintaining the Armed Forces, including the Reserve components and related support activities of the Department of Defense, except military personnel costs. Included are amounts for pay of civilians, contract services for maintenance of equipment and facilities, fuel, supplies, and repair parts for weapons and equipment. Financial requirements are influenced by many factors, including force levels such as the number of aircraft squadrons, Army or Marine Corps divisions, installations, military strength and deployments, rates of operational activity, and quantity and complexity of major equipment—aircraft, ships, missiles, tanks, et cetera—in operation.

The budget as proposed for fiscal year 1987 provides day-to-day support to meet the higher levels of readiness and force structure being recommended. For example, major increases in force structure include the growth in operational B-1B aircraft from 18 to 60, the growth in the Air Force of 2 active and 1 Reserve attack/fighter aircraft squadrons, the growth of 3 Navy attack/fighter aircraft squadrons, the growth of deployable naval ships by 13, the growth of 11 C-5B and 9 KC-10 aircraft for intertheater airlift.

In the readiness area, the Department plans, in fiscal year 1987, to sustain or improve the significant progress made over the past several years. For example, the Army plans a growth in flying hours per crew from 14 hours per month to 16.8 hours, the Army will maintain at 28 the number of battalions rotating through the National Training Center, the backlog in depot maintenance will remain level with no financial backlog anticipated in the ship overhaul program, and requested funds will result in a reduction in the backlog of real property maintenance and repair.

The Reserve Forces continue to grow and modernize with the addition of 7 C–5 and 12 C–141 aircraft, 3 FFG–7, and 1 FF–1052 class frigates, and the establishment of the first of 2 Naval Reserve airborne mine helicopter squadrons. Additionally, funding requested in the reserve O&M accounts will help reduce the backlog of clothing, equipment, and repair parts.

The proposed fiscal year 1987 budget requests a growth of 4,000 civilian personnel to continue and improve the Department's initiatives concerning spare parts management, improved health care and improving maintenance capabilities.

STOCK FUNDS

In fiscal year 1987 the Department is requesting a total of $1.2 billion for stock funds in the Department of Defense. This is $400 million lower than the amounts enacted in fiscal year 1986. These funds provide for repair parts and supplies for peacetime as well as wartime operations and are critical to our capability to sustain our military forces over protracted conflicts, as well as to provide adequate training during peacetime.

PROCUREMENT

The proposed fiscal year 1987 procurement budget is $95.8 billion, an increase of $3.1 billion or 3.3 percent over the $92.7 billion made available in fiscal year 1986 after the $4.7 billion Gramm-Rudman sequestration. The procurement budget represents "business as usual" with production rates for most programs sustained at the current or programmed level. Only two major programs, the HH–60 helicopter and the T–46 trainer aircraft, are proposed for termination.

The increase is in addition to the 26.4-percent increase in fiscal year 1981 over fiscal year 1980, the 30.5-percent increase in fiscal year 1982 over fiscal year 1981, the 23.5-percent increase in fiscal year 1983 over fiscal year 1982, the 6.5-percent increase in fiscal year 1984 over fiscal year 1983, and the 12.1-percent increase in fiscal year 1985 over fiscal year 1984. The relatively modest percentage increase in fiscal year 1987 compared to these prior years is largely accounted for by the completion in fiscal year 1986 of the B–1 Bomber Program, for which more than $5 billion was appropriated last year.

The fiscal year 1987 budget continues the trend, begun in fiscal year 1982, of procurement appropriations surpassing the operation and maintenance appropriations as the largest category in the budget. However, the difference is not as dramatic as in recent years. In fiscal year 1987, procurement is 31 percent of the budget while O&M is 28 percent of the budget.

The fiscal year 1987 budget proposes to delete a separate appropriation for Guard and Reserve equipment procurement which the Congress has provided for the past several years.

The budget includes a new appropriation for DOD Chemical Demilitarization Program, for which $120.1 million is included. The proposed appropriation will fund research, procurement, and operations related to chemical weapon disposal.

The fiscal year 1987 budget includes $41.1 million in production facilities for binary chemical weapons. The budget also proposes to initiate procurement of the Bigeye chemical bomb and to continue procurement of the GB–2 chemical artillery projectile.

The budget proposes to start seven multiyear procurement programs: UH–60 airframe, Stinger missile, Patriot missile, F–18 aircraft, MK–45 gun mount, Harm missile, and Defense Support Program.

ARMY PROCUREMENT

The Army consumes 19 percent of the procurement budget in fiscal year 1987, a total of $18.6 billion. This is an increase of $700 million, or 4 percent over the amounts made available in the current fiscal year after adjustment for the Gramm-Rudman sequestration.

The Army aircraft procurement budget is $3.3 billion, about the same as last year. The total number of aircraft to be procured is 240, including 18 EH–60A Quickfix helicopters, 144 AH–64 attack helicopters, and 78 UH–60A Blackhawk helicopters. This compares with a total of 246 aircraft funded last year.

The Army missile procurement budget is $2.4 billion, a decrease of $324 million, or 13 percent over last year. Over 89,000 missiles are budgeted, compared with about 94,000 in the current year. Included in the budget are 700 Patriot air defense missiles, 4,180 Stinger missiles, 12,000 TOW antitank missiles, and 456 Chaparral missiles. The budget also includes a continuation of the multiyear contract for the multiple launch rocket system, with 72,000 rockets to be procured. A "skip year" is proposed for the Laser Hellfire air-to-surface missile, with funding shown for fiscal years 1986 and 1988, but not for fiscal year 1987. The budget funds initial procurement of "air defense system, heavy" which is a partial replacement for the cancelled Divad air defense gun.

The budget for procurement of weapons and tracked combat vehicles is $4.4 billion, about the same as last year. The new budget provides for procurement of 870 Bradley fighting vehicles, and 840 M–1 tanks. The budget also provides for procurement of command post carriers, and artillery ammunition support vehicles. For weapons and other combat vehicles, the budget provides $250 million, including continued procurement of 81-millimeter and 120-millimeter mortars and initial procurement of a 105-millimeter towed howitzer for the light forces.

The Army ammunition procurement budget is $2.2 billion, a decrease of $120 million from last year. The budget for production base support decreases from $501.5 million to $353.9 million, but continues the production base modernization program which Congress initiated last year.

The other procurement, Army budget is $6.2 billion, an increase of $1.2 billion, or 24 percent. Most of the increase is for electronic and telecommunications equipment, which is funded at $3.7 billion, compared to $2.9 billion last year. There is a slight increase in other support equipment, and a level program for tactical and support vehicles.

NAVY PROCUREMENT

The Navy procurement request of $36.5 billion represents nearly 38 percent of the total procurement budget in fiscal year 1987. This is an increase of $2.7 billion, or 8 percent from the amounts made available in the current fiscal year after adjustment for the Gramm-Rudman sequestration.

The Navy aircraft procurement budget is $11.3 billion, an increase of $676.2 million, or 6 percent over last year after adjustment for the Gramm-Rudman sequestration. The total number of aircraft to be procured is 271 compared with 299 funded in the current year. Overall, the aircraft budget includes the procurement of 11 A–6E and 12 EA–6B aircraft, 42 AV–8B V/STOL aircraft for the Marine Corps, 120 F–18 aircraft, 15 F–14 aircraft, 14 CH–53E heavy lift helicopters, 17 SH–60B Seahawk helicopters, 7 SH–60F CV helicopters, 9 P–3C Orion aircraft, 6 E–2C Hawkeye aircraft, 6 SH–2F antisubmarine warfare helicopters, 9 C–2 COD aircraft, and 3 E–6A TACAMO aircraft. The aircraft modification budget decreases from $6.1 billion to $1.4 billion, and the spares and repair parts budget increases from $1.2 billion to $1.9 billion.

The Navy request for procurement of weapons is $6.1 billion, an increase of $1.1 billion, or 22 percent, over the amount provided for last year after adjustment for the Gramm-Rudman sequestration. A total of $1.1 billion is requested for the procurement of 21 Trident II ballistic missiles. A total of 324 sea-launched Tomahawk cruise missiles are requested, up from the 249 provided last year. The total number of tactical missiles, which includes a variety of airborne and shipborne weapons, decreases by 20 percent, from the 10,241 total units funded last year to 8,156 units in the current budget. There also is a 41-percent decrease in funding for torpedoes and other related equipment, a category which includes the funding of MK–48 ADCAP, MK–46 and MK–50 torpedoes, along with the vertical launched ASROC system.

The shipbuilding and conversion budget is approximately $11 billion, an increase of $695.9 million, or 7 percent from last year after adjustment for the Gramm-Rudman sequestration. A total of 24 vessels—new construction and conversion—are being requested, which includes the procurement of one Trident submarine, 4 SSN–688 attack submarines, 2 Aegis cruisers, 3 DDG–51 destroyers, 4 MSH–1 coastal mine hunters, 2 T–AO fleet oilers, 3 Surtass ships, and 1 AOE multipurpose stores ship.

The other procurement, Navy budget is $6.5 billion, an increase of 8 percent over last year after adjustment for Gramm-Rudman sequestration. The increase is spread across the entire spectrum of budget activities in this multifaceted appropriation.

The Marine Corps procurement budget is $1.6 billion, about the same as last year.

AIR FORCE PROCUREMENT

The Air Force consumes 41 percent of the procurement budget in fiscal year 1987, a total of $39 billion. This is an increase of $0.8 billion, or 2 percent over the amounts made available in the current fiscal year after adjustment for the Gramm-Rudman sequestration. Air Force procurement budget growth has moderated, compared to previous years, a fact accounted for in large measure by the completion of funding for the B–1B bomber.

The Air Force aircraft procurement budget is $19.1 billion, which is $3 billion less than appropriated last year. This appropriation is

the largest of all procurement appropriations, almost twice any other. The new budget provides for procurement of 359 aircraft, an increase from the 333 funded in the current year. The only new Air Force aircraft in the 1987 budget is the C–17A airlift aircraft, for which advance procurement funding of $0.2 billion is proposed. Two programs are proposed for termination: The T–46A trainer aircraft and the HH–60 search and rescue helicopter. Most other aircraft are funded at the same or higher quantities than last year. These include 48 F–15 aircraft, 216 F–16 aircraft, 20 air defense fighters, 8 KC–10 tanker aircraft, 5 MC–130H special mission aircraft, 21 C–5B cargo aircraft, and 3 TR–1/U–2 aircraft. The Aircraft Modification Program increases by 13 percent to $3.1 billion. Major programs in this category include the B–52 bomber, tactical aircraft, cargo aircraft, and tanker aircraft. The aircraft spares budget decreases 4 percent to $3.5 billion due primarily to savings that have resulted from spare parts acquisition reforms.

The Air Force missile procurement budget is $9 billion, an increase of $1.1 billion, or 14 percent over the amount appropriated last year. The budget includes $1.5 billion for 21 MX missiles. The budget proposes Air Force procurement of 51 powered GBU–15 glide bombs, and includes an increase of $0.5 billion for procurement of 260 new medium air-to-air missiles [Aamram]. Also, the budget includes 76 ground launched cruise missiles, 4,700 Maverick missiles, 2,130 Harm missiles, 379 Sparrow missiles, and 1,710 Sidewinder missiles. Modification of missiles remains level at $146.5 million while missile spare and repair parts decrease by 20 percent to $334.2 million. Other support programs increase by 13 percent to $4 billion. This category includes a number of space programs. The budget proposes continued funding of $29 million for the space defense system [Asat].

The other procurement, Air Force budget is $10.9 billion, an increase of $2.7 billion, or 34 percent over last year. The munitions and associated equipment budget increases by 36 percent to $1.5 billion. The budget for vehicular equipment increases by 15 percent to $332 million. Electronics and telecommunications equipment increases by 34 percent to $3.2 billion, and other base maintenance and support equipment increases by 34 percent to $5.8 billion.

DEFENSE AGENCIES

Defense agencies procurement, which represents about 1.5 percent of the total DOD procurement budget, totals $1.5 billion in the fiscal year 1987 budget. This is an increase of $250 million over the fiscal year 1986 level. Funding of procurement items for OSD, Defense Nuclear Agency, Defense Communications Agency, Defense Logistics Agency, Defense Intelligence Agency, and other intelligence and related agencies are included in this appropriation.

DEFENSE PRODUCTION ACT PURCHASES

The budget includes an appropriation request of $30 million for Defense Production Act purchases, about the same as provided in fiscal year 1986.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The fiscal year 1987 budget request for RDT&E of $41.9 billion is $8.2 billion more than was provided for this purpose in fiscal year 1986, after adjustment for Gramm-Rudman sequestration. This is a 24-percent increase over last year. In constant dollars, the 1987 RDT&E budget shows a 20-percent real growth over the 1986 appropriation, when the administration's projected defense inflation rate of 4 percent is considered. Within the overall RDT&E Program, the budget request for basic research and advanced development is up 33 percent in constant dollars over last year after adjustment for Gramm-Rudman, strategic programs are up 20 percent, tactical programs are up 19 percent, intelligence and communications are up 11 percent, and program support is up 13 percent.

A significant increase in funding over last year is requested for continuation of the strategic defense initiative [SD]. The $4.8 billion in the budget is a 75-percent increase over the $2.75 billion provided for fiscal year 1986, and follows $1.4 billion provided for fiscal year 1985. SDI funds were exempted by the President from sequestration under Gramm-Rudman, resulting in proportionately higher reductions for other programs. SDI remains a long-range research program intended to determine whether it is feasible to develop a defense against strategic ballistic missiles.

In strategic programs, ICBM modernization includes $331 million to continue MX and $1.38 billion to continue the small ICBM and its mobile launcher. The Air Force has also requested $119 million for continued development of the B–1 bomber, although fiscal year 1986 was the last year for production funding of that aircraft. The Navy budgeted $1.6 billion for the Trident II missile system, and projects that $1.2 billion will be required in fiscal year 1988 for that program.

Major Army tactical programs being continued include tactical missile system, $88 million; remotely piloted vehicles, $92 million; and field artillery ammunition, $107 million. The Navy budget request includes continuation of such tactical programs as JVX $387 million; F–14 upgrade, $268 million; and advanced light weight torpedo, $149 million. Air Force tactical programs being continued include C–17, $612 million; joint surveillance and target acquisition radar system, $356 million; and advanced tactical fighter, $294 million.

New starts requested for fiscal year 1987 include the Army's lightweight air defense system, $22 million; the Navy's naval airship, $10 million; and the Air Force's hardened target munition, $15 million.

As in previous years, the Air Force is budgeted to receive the largest portion of DOD's RDT&E funds. This year, the relative shares are: Air Force, 41 percent; Navy, 25 percent; Defense agencies, 20 percent; Army, 13 percent.

INTELLIGENCE AND COMMUNICATIONS

The budget request for intelligence, tactical intelligence and related activities, and communications contains increases for a number of programs. To a great extent these increases are a continuation of initiatives started in recent years. While some new programs are proposed, the budget request continues to reflect acceptance by the Department of Defense of the need to moderate the initiation of new programs in order to adequately fund existing programs.

Department of Defense

[By fiscal years; in billions of dollars]

Unobligated balances:	
1975	16.7
1976 (transition quarter)	21.0
1977	20.0
1978	21.3
1979	23.0
1980	24.2
1981	26.5
1982	34.6
1983	43.4
1984	51.6
1985	61.5
1986 estimate	59.9
1987 estimate	60.3
Unexpended balances:	
1975	44.0
1976 (transition quarter)	51.4
1977	62.6
1978	73.6
1979	83.9
1980	92.2
1981	112.8
1982	142.2
1983	172.1
1984	205.1
1985	244.3
1986 estimate	262.4
1987 estimate	299.7

THE PHILIPPINES: A NATION AT THE CROSSROADS

(Mr. COUGHLIN asked and was given permisson to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, at the end of this week an event of major consequence will take place in a nation of great importance to us—the Philippines. I speak, of course, of elections that will occur in that country on February 7.

Mr. Speaker, the United States has a long history of friendship with the people of the Philippines. As the colonial power there during much of the first half of this century, America has played an important part in helping the Philippines become what it is today. Longstanding economic ties have contributed to the well-being of both nations. Filipinos and Americans have spilled blood together on the same fields of combat, and indeed now share the same security concerns, as represented by our military facilities there. Over the years, millions of Filipino-Americans have contributed to the progress and wealth of our Nation and strengthened our mutual cutural bonds.

With such a strong heritage of friendship and cooperation, Americans have looked upon events in the Philippines in recent years with some consternation. The economic stagnation of that country has led to the growth of a Communist insurgency that is increasingly threatening to the interests of the Philippine and the American

people alike. Allegations of widespread corruption in the political system have led to calls for the restoration of public confidence in the government. Reports of human rights abuses by security forces have contributed to a breakdown in respect for law and order.

In this context, the upcoming Philippine election represents a nation at the crossroads. The Philippine people will have an opportunity to demonstrate the direction in which they want their country to go. The events of later this week will clearly guide the future of the Philippines for years to come. Whatever the final outcome, I believe this election will result in changes in the way the government and the people there interact that will be evident for decades.

Members of this body and throughout the U.S. Government may have opinions about the desirability of one or another candidate in the Philippine elections, but in the end, the Philippine people must decide what the fate of their land will be. It is our obligation to respect their wishes and deal responsibly with whatever government is popularly elected. Our most important bond is that which we share with the Philippine people.

Of course, popularly elected means just that. Unfortunately, the history of Philippine elections, like those of many other great countries, seems to have had its share of black marks. Recent allegations of campaign improprieties and rumors of impending fraud must give all interested observers a cause for alarm. For it is clear that if the popular will of the Philippines is thwarted, the turbulence in that country will become even greater.

Given these circumstances, the visit of a congressional delegation that will monitor the Philippine elections, headed by our colleagues RICHARD LUGAR and JOHN MURTHA, has the potential to play an important role. Obviously, with some 90,000 polling places, it is unlikely that the delegation will be able to pass judgment on the overall fairness of the elections. The Philippine Commission on Elections and the Independent National Citizens Movement for Free Elections [NAMFREL] will be in the best position to do this. But the presence of the delegation should help send a strong message that the United States unequivocally supports an honest outcome in the February 7 voting.

It is quite possible, Mr. Speaker, that in the long run the future of the Philippines, and of United States-Filipino relations, is on the line with these events. All Filipinos should know that this body, and this Government, is deeply committed to promoting democracy around the world. I know that all of my colleagues join me in wishing the Philippine people a truly successful and legitimate election.

APPOINT SUPERFUND CONFEREES NOW

(Mr. LENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LENT. Mr. Speaker, I rise today to join the gentlelady from Connecticut [Mrs. JOHNSON] to call my colleagues' attention to a very important matter, that is, the funding of the Superfund Program.

The Superfund is about to go broke. Cleanup activities are grinding to a halt. The prospect of massive layoffs hangs over the EPA.

No money has been collected for the Superfund since September 30, 1985, the day the taxing authority expired. While EPA has been able to keep a barebones program going for the past few months, we now face a total shutdown of the program due to Congress' failure to ensure future funding for Superfund.

Today's Washington Post criticizes Congress' handling of this important reauthorization—and rightfully so. It has been almost 2 months since both bodies passed Superfund legislation, yet as of today, conferees have not even been appointed.

Mr. Speaker, work is underway at only one of the six Superfund sites in my district—and that work is about to stop because Congress has failed to act. I call upon you, Mr. Speaker, to name our conferees for this important conference. I, for one, have been ready and willing to participate in the conference since December 10 of last year—the day the House voted out Superfund.

Mr. Speaker, don't let this program die. Appoint conferees now so that we can get on with expanding and improving a 5-year Superfund Program.

The Washington Post editorial follows:

[From the Washington Post, Feb. 5, 1986]

SUPERFUND PARALYZED

Who could be against a program called Superfund? Bills extending the expiring program passed the Senate last year 86 to 13 and the House 391 to 33. But these majorities belie the reality. The extension still has not been enacted, and the program is languishing. You have here Congress at its worst, too divided and weak to produce a timely compromise, seemingly incapable of meeting the simplest deadline.

No one opposes the Superfund objective of keeping the contents of industrial dumps from poisoning the water supply. But there are great disputes over how serious the danger is and how to attack it; how large the program ought to be; how to finance it; how prescriptive Congress should be on matters from the number of sites to be cleaned up each year to what is meant by clean.

The Senate Environment and Public Works Committee, sensibly led by Robert Stafford of Vermont, produced a bill last March. Not until June did the two other Senate committees with partial jurisdiction finish up. The administration objected to the work of these panels (too costly, wrong funding system) and thought it could strike a better deal by waiting until the old program was about to expire Sept. 30. The leadership brought up other bills first; the Senate didn't pass its Superfund bill (pretty much as it came from the committees) until Sept. 26.

In the House, meanwhile, no committee acted until Energy and Commerce produced a bill in late July. The environmental groups didn't like the measure, and turned to House Public Works. It did not report its version, which the environmental groups did like, until November. It took another month for these and the three other committees with jurisdiction to agree on a common bill. The House passed it Dec, 10. As with the Senate bill, the White House threatened—still threatens—a veto. An effort to settle just the funding dispute as the session ended 10 days later foundered, taking with it the year's big reconciliation bill.

The Environmental Protection Agency, sensing trouble, began throttling down the program in August. When work on any site came to a convenient stopping place, the site was put on hold. Now officials doubt that even this method will see them through.

The administration had resisted a simple extension of the old program for another year, on grounds that it made no sense to take the pressure off Congress. It has now reversed itself and will accept such an extension. Congress ought to pass one—and rethink the way it handles these issues. The program has lost a year. If the executive branch performed this shoddily, just think of the indignant speeches that would resound in Congress. And rightly so.

WHO WILL BE THE FIRST TO VIOLATE GRAMM-RUDMAN?

(Mr. PANETTA asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. PANETTA. Mr. Speaker, obviously the House and Senate will be preoccupied with the concern over the implementation of Gramm-Rudman, and the key question that I guess everyone will be looking at is: Who will be the first to violate its terms?

It appears that 40 percent of the executive agencies will be the first to violate its terms. They are responsible for submitting a breakdown on the report that is essential to the March 1 order and have failed to provide that report to date. The requirement under Gramm-Rudman is that all of the executive agencies provide, by February 1, a breakdown of the order as to how the cuts will be implemented in the various projects, programs, and activities.

As of this date, 50 of the 146 agencies have in fact failed to provide that report. A bigger problem is they happen to represent a majority of the savings that would be achieved by Gramm-Rudman such as the Department of Defense, Department of Agri-

culture, Department of Housing and Urban Development, the Judiciary, and a number of others. They have failed to provide the report that we need in order to determine whether in fact they will implement Gramm-Rudman accurately.

I recognize the complexity of the law and the difficulty in trying to implement a new law, but surely if the legislative branch can proceed to implement it as we will today by passing a 10-percent reduction on committees, then surely the executive branch can do the same.

LEGISLATIVE BRANCH

Senate.
House of Representatives.
Congressional Budget Office.
Architect of the Capitol.
Library of Congress.
Government Printing Office.
General Accounting Office.
United States Tax Court.
Copyright Royalty Tribunal.

THE JUDICIARY

Supreme Court of the United States.
United States Court of Appeals for the Federal Circuit.
Court of Customs and Patent Appeals.
United States Court of International Trade.
Court of Claims.
Court of Appeals, District Courts, and other Judicial Services.
Administrative Office of the United States Courts.
Federal Judicial Center.
Bicentennial Expenses, The Judiciary.

EXECUTIVE OFFICE OF THE PRESIDENT

Compensation of the President.
The White House Office.
Executive Residence at the White House.
Official Residence of the Vice President.
Special Assistance to the President.
Council of Economic Advisers.
Council on Environmental Quality and Office of Environmental Quality.
Council on Wage and Price Stability.
Office of Policy Development.
National Security Council.
Office of Administration.
Office of Management and Budget.
Office of Science and Technology Policy.
Office of the United States Trade Representative.
Property Review Board.
Special Action Office for Drug Abuse Prevention.

FUNDS APPROPRIATED TO THE PRESIDENT

Appalachian Regional Development Programs.
Disaster Relief.
International Security Assistance.
International Development Assistance (AID).
Overseas Private Investment Corp. (OPIC).
International Commodity Agreements.
International Monetary Programs.
Military Sales Programs.
Petroleum Reserves.
Public Works Acceleration.
Department of Agriculture.
Department of Commerce.
Department of Defense—Military.
Department of Defense—Civil.
Department of Education.
Department of Energy.
Department of Health and Human Services.
Department of Housing and Urban Development.
Department of Interior.
Department of Justice.
Department of Labor.
Department of State.
Department of Transportation.
Department of Treasury
Environmental Protection Agency.
General Services Administration.
National Aeronautics and Space Administration.
Office of Personnel Management.
Small Business Administration.
Veterans Administration.

OTHER INDEPENDENT AGENCIES

Action.
Administrative Conference of the United States.
Advisory Committee on Federal Pay.
Advisory Council on Historic Preservation.
American Battle Monuments Commission.
Architectural and Transportation Barriers Compliance Board.
Arms Control and Disarmament Agency.
Board for International Broadcasting.
Central Intelligence Agency.
Civil Aeronautics Board.
Commission on Fine Arts.
Commission on Civil Rights.
Committee for Purchase from the Blind and other Severely Handicapped.
Commodity Futures Trading Commission.
Community Services Administration.
Consumer Product Safety Commission.
Corporation for Public Broadcasting.
District of Columbia.
Equal Employment Opportunity Commission.
Export-Import Bank of the United States.
Farm Credit Administration.
Federal Communications Commission.
Federal Deposit Insurance Corporation.
Federal Election Commission.
Federal Emergency Management Agency.
Federal Home Loan Bank Board.
Federal Labor Relations Authority.
Federal Maritime Commission.
Federal Mediation and Conciliation Service.
Federal Mine Safety and Health Review Commission.
Federal Trade Commission.
Harry S Truman Scholarship Foundation.
Historical and Memorial Agencies.
Intelligence Community Staff.

INTRAGOVERNMENTAL AGENCIES

Advisory, Commission on Intergovernmental Relations.
International Trade Commission.
Interstate Commerce Commission.
Japan-United States Friendship Commission.
Legal Services Corporation.
Marine Mammal Commission.
Merit Systems Protection Board.
National Archives and Record Administration.
National Capital Planning Commission.
National Commission on Libraries and Information Science.
National Council on the Handicapped.
National Credit Union Administration.
National Foundation on the Arts and the Humanities.
National Institute of Building Sciences.
National Labor Relations Board.
National Mediation Board.
National Science Foundation.
National Transportation Safety Board.
Native Hawaiians Study Commission.
Neighborhood Reinvestment Corporation.
Nuclear Regulatory Commission.
Occupational Safety and Health Review Commission.
Office of the Federal Inspector for the Alaska Natural Gas Transportation System.
Panama Canal Commission.
Pennsylvania Avenue Development Corporation.
Postal Service.
Railroad Retirement Board.
Securities and Exchange Commission.
Selective Service's System.
Smithsonian Institution.
Temporary Study Commissions.
Other Temporary Commissions.
Temporary Study Commissions.
Tennessee Valley Authority.
United States Holocaust Memorial Council.
United States Information Agency.
United States Institute of Peace.
United States Metric Board.
United States Railway Association.
United States Synthetic Fuels Corporation.
Water Resources Council.
Inter-American Foundation.
National Endowment for the Arts.
Department of Army/Cemeterial Expense.
The Wilson Center.
Commission on the Ukraine Famine.
Peace Corps.
United States Soldiers and Airmen's Home.
Advisory Commission on Intergovernmental Relations.
Institute of Museum Services.
National Endowment for the Humanities.
National Center for Study of African-American History and Culture.

THE POLITICS OF DEFENSE IS BEST WHEN IT IS NO POLITICS

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, it was a thrilling moment last night for this 100-percent Irish American with all of my grandparents from the poor, little, beautiful County of Donegal to see two Irish Americans who made good, one from the farmlands of Iowa and Illinois and the other from the streets of Boston, sitting up there last night in these positions of power and prestige, the two most important singular positions in the leading nation of the free world, agree that you would do something about the budget.

I did note, Mr. Speaker, that you nodded in affirmation when the President of the United States also said that defense was not a political issue, and then he quoted one of the greatest Democrats of the post-World War II period, Senator "Scoop" Jackson, when he said, "The politics of defense is best when it is no politics."

Now we are going to have some absolutely exciting, knock-down, drag-out battles on defense here if the words earlier of the distinguished gentleman from Massachusetts [Mr. MARKEY] are any indication.

So let me suggest to all my colleagues, since most of you are lawyers and I am not, that when you deal on an issue without the facts you are, perforce, by nature, crippled in those arguments.

There are only 60 out of 435 Members of this House, by a pretty hard count, over in the Armed Services room, who have benefited themselves of CIA and DIA [Defense Intelligence Agency] top secret briefings on what the Soviets are doing with their SDI Program.

How can any lawyer, knowing full well of the need to have complete information in order to make a sound judgment, fail to make himself available for these briefings?

Top secret clearances are a gift given to Members of this body by the people of the United States, that must be used to the fullest extent possible. A realistic portrayal of our national security interests is crucial when we Members of Congress make decisions which can affect the future of our great Nation.

Let us, all of us, get briefed on this House floor in a closed, Sergeant at Arms guarding the doors, meeting as soon as we can come back from this break.

National security and defense cannot be political issues.

CONGRESS SHOULD SPEND NECESSARY TIME TO LEGISLATE RESPONSIBLY

The SPEAKER pro tempore (Mr. HUBBARD). Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, since we did not have time a few minutes ago to really debate the motion to recommit that was on the floor, I think it is important for the Members to understand just exactly what took place here and what the vote meant that finally took place on the House floor.

We ended up voting in a way to suggest that the majority of Members of this Congress are in favor of sequestering rather than legislating. In other words, the Members have voted now that they think it is better under Gramm-Rudman to allow an across-the-board meat-ax approach rather than allowing the legislative process to move forward and being selective in what we do, selecting priorities ourselves so that we can assure that as we move toward a balanced budget we do so by reform.

The Members who voted no on the motion to recommit were really saying the meat-ax approach to government is the best approach to government. I think they were wrong. I think that vote will come back to haunt them, and I think that we have now defined who is who around this body when it comes to discussing this issue.

We have heard a lot of discussion over the last several weeks from people who say Congress has to be more selective, we have got to have a budget process that works in a way that assures that the priorities are selected and we do not use meat axes.

A majority of this House just voted in favor of a meat-ax approach, and I think they were wrong.

Why did they do it?

Well, the gentleman from California gave an explanation why you ought to vote against the motion to recommit here a little while ago. He said, first of all, you should vote against it because we have limited time, we do not have enough time for each of the committees to come forward with their particular proposals.

Well, let me tell you something. We have enough time to take 10 days of recess. We are going to close up the House tomorrow night and we are going to go home for a recess. We have got enough time for 10 days of recess this month but we do not have enough time to do any job of legislating what needs to be done in order to make Gramm-Rudman work right, in order to make the balanced budget real.

We can go home on recess, we can take a recess so that the Budget Committee can take a military airplane and fly all over the country, supposedly dealing with the budget, we have got enough time for that, but we do not have enough time to stay here and do the work of budgeting that needs to be done in order to reform the House processes and thereby select priorities on the part of what we do.

We were told that the President has not sent us any alternative. Well, the President sent us up the sequester order. The President is not going to send us an alternative. The President sent us a sequester order. It is up to us now to act.

We were told that the other body has not sent us any alternative. Just because the other body does not act responsibly, is that any reason why we should not take up the matter here in this House?

What if we would select our own priorities for the $11.7 billion and send it to the other body? I think that would be the best way to take it up. Why should we try to hang out our own dirty laundry, and so on, and say, well, simply because they have got a lot of dirty laundry out on the line, we ought to hang ours out too. I just do not agree with that. I think it is high time that we show responsibility here and do the job of legislating.

We were also told that we ought to focus on the 1987 cuts rather than fooling around with $11.7 billion in 1986.

That is wrong, too. If we would make the cuts here in 1986 and make them right, that would help impact on 1987. It would allow the job in 1987 to be done better. And, instead, what we voted to do is to do nothing, simply allow sequestering to take place, across the board meat ax.

And we have also heard that the other reason you should vote against the motion to recommit is because the committees would be solely dealing in their own areas and they would not have the big picture. Well, if the opposition had read the amendment, what it said in the amendment was that each of the committees were supposed to come up with alternatives to the sequester order as it affected the laws within the jurisdiction of that committee and as it affected the amounts of money that were already in the sequester order with regard to those laws, so that in fact the committees did have a baseline from which to work, they know how much money is being sequestered under the provisions that are under their committee, and they could have in fact worked with a known number.

So the arguments used in favor of a vote against recommittal, in other words, the arguments for voting against recommittal were in fact totally phony arguments, and the whole issue was that there are some in this body who would like to see the Balanced Budget Act undermined by sequestering, and they do not want to do the job that we were elected to do.

I will tell you, I do not think that any of us in this body were elected to come here and sit around and wait for automatic spending cuts to go into effect. I think we were elected to come here and take the responsibility to do our job and do it right, and that is selecting priorities. I think that is what the American people expect of us. That is what we should be doing. That is what we just voted not to do.

I would hope, as the American people hear their Member of Congress over the next couple of weeks back home telling them how terrible sequestering is, when the civil service retirees come in and tell them how terrible this is, check their voting record. They may have voted wrong today.

LEGISLATION TO INCREASE THE VA LOAN GUARANTEE LIMITATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. SHELBY] is recognized for 5 minutes.

Mr. SHELBY. Mr. Speaker, there are many of us who take great pride in the benefits which this Nation has bestowed on the men and women who served in the Armed Forces of the United States. Since 1944, one of those benefits, the GI Home Loan Program, has assisted more veterans than prob-

ably any other veterans' program. It has made it possible for veterans and their families to find decent housing at a time in their lives when it may otherwise have been impossible. Long before consumer protection became so important that an agency of the United States was established to encourage protection of the American public, the VA was in the forefront of efforts to assure that veteran-homebuyers got a fair bargain for their housing dollar.

Today, Mr. Speaker, the housing market is enjoying a cyclical boom thanks to relatively low home mortgage interest rates. Right now, many veterans are applying for financial assistance that the VA Home Loan Program offers. In addition, many other veterans who have previously bought homes when interest rates were at 14 and 15 percent are looking at the prospect of refinancing their loans at 10½ percent rates. Mr. Speaker, this is a good time for the veteran-homebuyer.

We in the Congress have always thought of veterans' benefits as entitlements. It is not for nothing that the phrase "GI bill of rights" was coined. Yet today, without any deliberate action on the part of the Congress, that VA is faced with the prospect of shutting down its home loan guaranty operation for fiscal year 1986 sometime in June. Veterans who can finally afford to take advantage of their GI home loan benefit will be told, "Sorry, we've had to curtail operations for the next 3 months or so." The reason that this is happening is even stranger. According to published reports, the Office of Management and Budget, working with the Veterans' Administration and the Congressional Budget Office, estimated that the VA would only guarantee 180,000 loans in this fiscal year. The 1986 budget, submitted last year at this time, estimated that the VA would guarantee 220,000 loans. It now appears that even that number is conservative; and that if the present trend continues, the VA may guarantee close to 250,000 loans if interest rates do not change drastically.

Mr. Speaker, I am advised that legislation is required to correct the mistaken estimates of OMB and CBO. This is because their estimates were incorporated in the January 15 report made to the Comptroller General which formed the basis for the Presidential sequestration order.

Let me emphasize what this legislation does is correct an estimating error. It does not repeal sequestration; and, in fact, it includes a provision to reduce the revised loan ceiling by 4.3 percent. Moreover, by increasing the loan guaranty ceiling, the deficit for the current fiscal year will actually be reduced because the VA collects 1 percent of the principal amount of every loan that it guarantees. This could mean a savings of $30 to $40 million this fiscal year. On January 29, 1986, I wrote to the Directors of CBO and OMB and to the Administrator of Veterans' Affairs asking them for revised estimates of the VA's loan guaranty activity during fiscal year 1986. I anticipate that these revised estimates will be available in the next 10 days, at which time we can reexamine the ceiling in this legislation. In the meantime, I think it is appropriate to call for a limit which is equal to that which was provided for in Senate Concurrent Resolution 32, the concurrent resolution on the budget for fiscal year 1986 which was agreed to by both Houses in August of last year.

Mr. Speaker, we have no alternative but to correct the error made by CBO and OMB, and that is all that this legislation would do.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. SHELBY. I yield to the gentleman from Mississippi, the chairman of the full committee.

Mr. MONTGOMERY. Mr. Speaker, I certainly want to thank the gentleman for pointing out to our colleagues today this real problem pertaining to GI home loans, one of the great programs we have had for veterans. It seems we ought to be able to make this correction.

The gentleman is chairman of that Subcommittee of Home Loans, serving also on the Veterans' Affairs Committee, and I want to personally thank him as chairman of the Committee on Veterans' Affairs for pointing out this situation. We have tried to keep not having quality points added on the veterans' loans. And still the veterans' loans are the best buy of loans out there now, and we want to keep it like that. Thanks to the gentleman, I believe we can.

□ 1810

Mr. SHELBY. I appreciate the gentleman's statements here tonight, and I want to assure him that I am going to work with you as chairman of the committee and the other people here in the House to see that we correct this estimating error.

LET US REDUCE THE DEFICIT IN A LEGISLATIVE MANNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. COBEY] is recognized for 5 minutes.

Mr. COBEY. Mr. Speaker, like most of the Members in this body, over the Christmas break I was home having town meetings, having office hours, and I had visits from many, many people that were concerned about the Gramm-Rudman-Mack legislation, the Emergency Deficit Reduction Act, and how that would apply to funding that they were concerned about. In particular, I received visits from many Federal retirees, including military retirees, that had been promised cost-of-living raises this year in the budget. They had been notified and then received notice that these cost-of-living raises were going to be withheld and may not even occur in the fiscal year.

Now, I would think that almost all of us want to make sure that we get away from this tremendous problem that we have had of deficit spending. It has caused enormous problems for our country. The total debt is around $2 trillion now; we have to do something about it. But, as the gentleman from Pennsylvania pointed out earlier, we need to do it in a legislative manner, in a responsible manner. I, for one, voted for the Gramm-Rudman-Mack legislation. I did it really out of frustration and almost desperation with the current deficit situation.

I did it with reluctance because of this sequestering mechanism; this meat-ax approach that brought about these automatic reductions across the board. That is not the way we should do business. We need to legislate. We have time; the President issued his sequester order on February 1. He had to do this to comply with the law. But we have until March 1 to move and determine within each standing committee that has jurisdiction as to how these cuts can be made. How these reductions can be made which total $11.7 billion. It does not have to be across the board. We could consider the Federal retirees; we could take another look at that. Maybe we might decide in fairness, since they were led to believe that they would get their cost-of-living raises, that perhaps we could restore all or part of that cost-of-living raise. The fact that this afternoon the House rejected the motion to recommit by the gentleman from Pennsylvania [Mr. WALKER] it is leading us away from that opportunity. He was trying to give us an opportunity to legislate instead of sequester.

I do not know if we are going to have time to turn this around because, as he also pointed out, we are going on a 10-day recess tomorrow. I do not think the people of America will understand this. They expect us to be on the job. They are on the job every day; they are working hard. I know we work hard when we are here, but our country needs us right now. We need to legislate; we need to be selective; we need to debate and do what is right instead of this across-the-board, meat-ax approach to the budget.

If we have this automatic sequestering I think it is a tragic admission to the people of America that we are not really capable of doing our job. We are going to turn it over to an automatic pilot.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

I want to thank the gentleman for his vote for the motion to recommit. I think he now has a story to tell his Federal retirees and his military retirees. He can now tell them that when it came time for the House to select whether or not we would simply allow that sequester order to go into effect and take away their cost of living or whether or not we would try to find some other alternatives within the committee structure here, he voted to try to find other alternatives.

The majority of the House did not agree with him, but he voted to try to find some other alternatives as the route to a balanced budget. I think you have an awful good story at this point to tell your retirees in your district. I think a lot of other Members who voted that direction have a good story to tell their retirees. But I would say that the vast majority of Members of this House who voted instead to sequester, they I think have to live with the fact that they have now voted for meat-ax government and I think that the gentleman makes an excellent point.

Mr. COBEY. I appreciate your remarks. I wish that we had not rejected your motion to recommit because it is going to be difficult for the Members that voted against this motion but also it is difficult for me to explain why the Congress would not take the responsible approach. I thank the gentleman and I thank the Speaker.

THE CONTADORA PEACE INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 30 minutes.

Mr. MICA. Mr. Speaker, I come here to talk tonight about Nicaragua. I am tempted to talk a little bit about Gramm-Rudman and the actions that just took place here in the House and the debate that preceded this time, and to say that the comments that were made that there is going to be a great story to tell retirees as a result of the vote that was just taken here, in my estimation would just be that: a story.

I guess I should reserve a special order to give at least on Congressman's view of what happened on Gramm-Rudman, and who really is trying to protect senior citizens and Federal retirees, and who really is trying to set a stage to tell stories. As someone who has introduced legislation for 8 consecutive years to balance the budget, it does concern me the way this entire discussion has been framed late today. But I think I will confine my remarks to Nicaragua at this point and say this: As a member of the House Foreign Affairs Committee and a Member of Congress, I have supported aid to the Contras in Nicaragua. I have for a number of reasons, and I guess maybe the earliest reason that I can cite is that when the Sandinistas first came to power, their leadership came to this Congress, and, as a newly elected Member of Congress, presented to us through their intermediaries and directly, a list of the types of activities that they envisioned for their government. In fact, the principles that their government was founded on, supposedly, in their revolution. Free elections, a pluralistic society, a respect for religion. The entire list, the types of things that I feel all Americans would support.

In the previous administration, not the present administration, it became very clear that every principle that had been exposed during the revolution where the Sandinistas took over was not only not being adhered to, but in many, many cases, going in totally the opposite direction.

□ 1820

The previous administration thus cut off aid approved to the Sandinista government by this Congress because of those concerns, human rights among them.

Now we come to a situation where we have Contras, Nicaraguans, fighting for Nicaragua, and in the starkest terms, if you will, you have a government that is moving in a Marxist direction, a Moscow-Communist direction, and many Nicaraguans are trying, I think sincerely, to see that a more democratic form of government is established or at least that the principles of the original revolution are adhered to.

Now, obviously there is a problem in communicating what the goals of the Contras are, and among their numbers there are some of the so-called Somocistas who perhaps would like to see a return to a dictatorship. But I have a very strong feeling, along with those I have met with, with individuals who number now some 20,000, that the overall goal of the great majority of the members is that they are fighting because they would like to see a democratic form of government or a more democratic form of government in Nicaragua.

But having said all of this and having a solid record of supporting the activities of the Contras in Nicaragua, I want to take this opportunity to say that this year, as I have done every year, I will try to reassess our position and reassess where this Nation is going and say to the President and to my colleagues as a supporter of the Contra aid that I think there is no greater time than right now for an increased diplomatic effort led by the Contadora group. Secretary Shultz indicated this morning that he will meet next week with the Contadora leaders to discuss any possibility of success in their negotiations, and my message to the President and to my colleagues would be that everything that is possible that could be done should be done to seek a negotiated settlement and to move those discussions forward.

By this I mean to say that I do not back away from the idea that we do need some prodding and we may need a Contra force in existence to get the Sandinistas to the negotiating table. You must negotiate, I believe, be it in Nicaragua or in the Middle East or anywhere else, from the strongest possible position you can. But to be strong and to enter negotiations without a sincerity of purpose is, I think, hypocritical. I think to tie your negotiators' hands in such a way and to put them on such a leash that they cannot truly negotiate is hypocritical.

I have great concerns that the leash or the negotiating power of those who are dealing with the Contadora group may not be as sincere or as long a leash as we should be giving them at this most critical time. We do have nations that sincerely want to negotiate and bring about a peaceful settlement. We—and in saying this, I think I can speak with credibility as one who supported the Contras—must support just as sincerely the Contadora process.

So in that light, last week I submitted a letter to the President saying essentially what I have covered here today, that we should move forward and be strong, but we should also be sincere and we should do everything we possibly can to negotiate an appropriate peaceful settlement.

Mr. Speaker, I submit at this point for the RECORD the text of my letter to the President, as follows:

CONGRESS OF THE UNITED STATES,
Washington DC.

President RONALD REAGAN,
The White House,
1600 Pennsylvania Avenue,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to ask you to put the power, prestige and good offices of the U.S. clearly and unequivocally behind the upcoming efforts of the Contadora Group to seek a negotiated end to the bloodshed in Central America.

On June 11, 1985, in a letter to Representative Dave McCurdy, you emphasized your determination to seek a political solution through the diplomatic initiatives of the Contadora nations. We believe that Contadora has reached a crossroads: in one direction lies the death of the peace process and a rising level of bloodshed; in the other direction lies a renewed Contadora process, with the strong support of the democracies of Latin America and our democratic allies around the world.

The signers of this letter have differing viewpoints about contra funding. However, we share the conviction that the time has come for a major diplomatic initiative by the U.S., in support of Contadora, and we believe we share with you the belief that any negotiated solution must provide for an end to any Nicaraguan support for foreign forces, full security guarantees for Nicara-

gua's neighbors, and the creation of open, pluralistic political institutions within Nicaragua that would protect human rights and allow the Nicaraguan people to choose their own political destiny.

Recently, in Guatemala City, at the suggestion of the Contadora Group, the Central American nations, including Nicaragua, accepted these fundamental principles, which would apply to all Central American nations and initiated plans for a new diplomatic effort to incorporate them into a legally binding, verifiable treaty. Mr. President, we share your skepticism about the ultimate willingness of the Sandinistas to effectively accept these principles, and we share your outrage at the abuse of human rights that are a daily occurrence in Nicaragua.

However, we believe, as do the overwhelming majority of democratic nations in Latin America and throughout the world, that the Sandinistas should now be tested by a diplomatic initiative, supported by the democracies of the region and throughout the world, to determine, in clear and decisive terms, whether a diplomatic solution based on the Contadora principles is viable.

In the spirit of your letter of June 11, 1985, we ask you:

1. To announce that you are postponing any decision on what kind of contra funding to request until the Central American summit meeting, in March, which is designed to seek a major breakthrough in the Contadora negotiations.

2. To announce your willingness to meet with the Contadora Heads of State, if they so request, to explore any actions the U.S. might take to facilitate a diplomatic solution based on the Contadora principles; and to fully consult with the Latin American democracies, and Congress, after the Central American summit, to determine the possibility of the Sandinistas accepting and implementing a final, verifiable Contadora Treaty that would include the full protection of Nicaragua's neighbors and the protection of human rights and political and religious freedoms for the Nicaraguan people.

3. To support the creation of a bipartisan delegation, including leading supporters and opponents of contra funding, accompanied by senior Administration officials of your choosing, to meet with officials in any nation you deem appropriate, to explore how the U.S. can best support Contadora and whether, and under the circumstances, the Sandinistas might sign a final Contadora Treaty in line with the principles of Contadora and your letter of June 11, 1985.

We believe that the recent actions in Guatemala provide a potentially historic opportunity for our country to be a positive and constructive force for peace, supporting the democracies of Latin America and the world behind an end to the bloodshed on terms that promote our national ideals and protect our national security.

We ask you, in the spirit of a bipartisan peace initiative, to give our proposals the most careful consideration.

We are, most respectfully,

Jim Slattery, Buddy MacKay, John Bryant, John Spratt, Bill Richardson, Albert G. Bustamante, Jim Copper, Ronald Coleman, Marvin Leath, Bart Gordon, Dave McCurdy, Ike Skelton, Charlie Whitley, Richard A. Gephardt, Michael A. Andrews, Charlie Stenholm, Paul E. Kanjorski, Linday Boggs, Dan Mica, James Jones, Jim Chapman, Doug Barnard, Jr., Dan Glickman, Robin Tallon Butler Derrick, Richard H. Stallings, Wes Watkins, J. Roy Rowland, Alan Mollohan.

Mr. Speaker, I think it is interesting to note, too, that the atmosphere and the attitude has changed. Secretary Shultz noted to the committee today that no one now sincerely questions where the Sandinistas are heading. There was some question before that maybe they were not really becoming a Communist or Marxist-oriented state. No one questions that now. The only question that we hear now on the Hill is—how do we approach this? Do we or do we not fund the rebels, the freedom fighters, if you will? Do we or do we not put more emphasis on the Contadora group? What other avenues are there, or what indirect back channels can be used to solve this problem? And, finally, how sincere really are we about approaching this diplomatically?

I do not lay total blame on the administration or on the United States. I do feel—and I personally believe this—that there is a great reluctance on the part of the Sandinista regime to do too much in the way of negotiations. But at this critical point, for us to show our sincerity, for us to truly put forth every proposal we can may have the effect of drawing out the Sandinistas and ultimately leading to some type of a peaceful solution.

We are not asking and I am not asking, even as one who supported the Contras, for an immediate military victory and an overthrow of the government, but I would ask, at least basically, that we start moving back to the principles that the Sandinistas espoused when the revolution began—a very basic principle of some elections in that country and some moves toward a more pluralistic society, because those were indeed the true foundations of that revolution.

I feel—and I guess this would be a rationale for my votes in favor of the Contra aid—that is the Sandinista regime continues on its present course, the type of government and the grip that they would have on their people that would evolve would foreclose any possibility of a free or democratic type of election in the future.

It is the long-term future that we are discussing, but at the same time we are expressing concerns over the short-term horrors of war, the horrors of this battle that continues and that really tugs at our heartstrings and that we would like to see stopped, but not at the expense, at least in my mind, of saying that we throw in the towel or we give up on the destiny of all the Nicaraguan people to choose their own lifestyle and their own government, locking them into a dictatorship, a Marxist or, as I said before, a Moscow- or Communist-oriented government for an eternity without any hope of change or without any hope for their people.

As I conclude, I would point out that was not the original intent of the Sandinista revolution. It was not what hundreds, if not thousands, were led to believe when they fought to overthrow Somoza and to make changes in that country. Many thought indeed that they may not have turned to a pure form of American democracy but that they would turn certainly toward a more democratic form of government.

So, Mr. Speaker, I just ask my colleagues to join with me in calling upon the President, Secretary Shultz, and all those involved in the negotiations to do everything they can to put forth a sincere and concerted effort to bring about not only a military involvement in Nicaragua but a diplomatic solution that can help us all.

Mr. Speaker, the struggle in Nicaragua is of ongoing concern to all thoughful Americans who care about freedom and the security of our Nation. Today I want to renew my support for the Contadora initiative as a means to promote peace and democracy in Central America. Talking is always better than fighting, and diplomacy is always a better way to settle tensions than war.

In January 1983, the foreign ministers of Mexico, Venezuela, Colombia, and Panama, met on Contadora Island. These nations set the ambitious goal of negotiating a comprehensive agreement on Central American political, economic, and security issues.

More recently, in July of 1985, Congress gave its support to the Contadora peace process by approving the expenditure of $2 million for implementation expenses if Central American countries should reach an objective. And just a few weeks ago, the President of Guatamala hosted the Presidents of six Central American countries in an effort to further the developments of the Contadora initiative.

I firmly believe that the Contadora process merits our continued support. I believe that the administration should more forcefully pursue diplomatic efforts and work toward a cohesive and comprehensive policy in Central America. The Contadora process offers the hope of reduced regional conflicts while diminishing the possibility of an undesirable unilateral U.S. military action in Central America. Furthermore, the Contadora process offers the hope of reducing the flow of refugees across our borders. For all of these reasons, I hope my colleagues will join me in encouraging the continued efforts of the Contadora group to find a peaceful solution to the present turmoil in Central America.

A TRIBUTE TO RAYMOND J. O'CONNOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. BROYHILL] is recognized for 15 minutes.

Mr. BROYHILL. Mr. Speaker, Raymond J. O'Connor resigned as Chairman of the Federal Energy Regulatory Commission effective January 31. He will be missed greatly because

few Federal officials in recent history have done so much in such a short time to provide reliable and affordable energy supplies for the real people of this Nation.

The Federal Energy Regulatory Commission is not well known outside the natural gas and electric utility worlds it oversees. What FERC does, however, matters greatly to the nearly 46 million residences heated by natural gas, the 4 million industrial and commercial users of natural gas, and virtually all electricity consumers.

During Mr. O'Connor's 2-year tenure as FERC Chairman, the Commission took sweeping action to reform and update Federal regulation of natural gas and electricity. In the realm of natural gas, the Commission issued rules, Orders Nos. 436 and 436A, to provide consumers with better access to low-cost supplies of natural gas. The beauty of the Commission's action is that it emphasizes competition not regulation. When all consumers are able to choose among suppliers, no one supplier can force any single consumer to pay higher prices.

Transportation of natural gas will continue to be a monopoly in many cases, but even here the Commission has taken action that will promote efficient and reasonable pricing. First, the Commission has required pipelines to unbundle their rates and to charge consumers only for the services these consumers actually use. Second, the Commission has made it clear that it will allow competing pipelines to be built, so long as the pipeline itself is willing to accept the risks of such a new venture. In my own State of North Carolina which is served by only one pipeline, these initiatives promise lower prices and more reliable service.

These most sweeping revisions in natural gas transportation policy in 45 years have been controversial. The transition has been difficult. Nonetheless, Mr. O'Connor refused to back away from making the changes he thought the public interest required.

While Mr. O'Connor was leading FERC's landmark changes in natural gas pipeline regulation, the Commission has also initiated a historic review of the structure and regulation of the electric utility industry. Almost every observer of the electric power industry agrees that current regulatory practices are not entirely successful. The failure of regulation to balance electricity prices, supply and demand is evident in regional price and supply distortions. Even with our return to a stable economic environment, electric utilities are uncertain of their ability to meet future electricity demand due to the long lead times and regulatory and financial disadvantages associated with new construction programs.

The comprehensive review of the effectiveness of FERC's regulatory practices initiated by Mr. O'Connor is long overdue. The risks associated with projecting future demand for electric service are excellent reasons for investigating the possibility of inserting a more free market approach into the regulation of electric utilities. Mr. O'Connor recognized that it is crucial for accurate price signals to be sent to customers and for utilities to be provided appropriate incentives to respond to future uncertainties.

The work at FERC under O'Connor's leadership should serve Congress well. It will provide the solid information so crucial for meaningful congressional review of the problems facing the electric utility industry.

I would be remiss if I failed to note the improved performance of FERC as a regulator during Mr. O'Connor's tenure. We have seen a dramatic improvement in productivity over the last 2 years—most notably in the acceleration of wholesale electricity rate cases and in the licensing of hydroelectric power projects.

If I was going to characterize Mr. O'Connor's service at FERC, I would say it was marked by an unswerving dedication to the public interest. He deserves our admiration and gratitude. He has mine.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, at this particular juncture in the 2d session of the 99th Congress I rise in order to pick up some of the very troubling aspects of situations that arose and about which I addressed the House in the first session of the 99th Congress. I have constantly been speaking out in my attempt, sometimes futile, but not futile from the standpoint or the viewpoint of communicating, because, given our very wonderful system of communication in our country, I cannot truly say that my voice has not been heard nor has there not been reaction to that voice.

There have been some things that are particularly disturbing because of the indifference which both our national leader, the President, and the congressional Members of the pertinent and responsible committees seem to demonstrate—an indifference that I believe is intolerable because it involves the lives of quite a number of Americans.

□ 1830

One life is precious, but the mind gets quite unable to grasp even one, much less more than one life, and when we talk in terms of 248, as was the case with the 248 soldiers of the 181st Division who died in Gander late last year in a very, very distressing circumstance, an unforgivable one.

I pointed out in the RECORD that all during the course of the Vietnam struggle I have raised the issue that we were transporting our troops in size and contingence, not in defense transportation facilities, not in military transport, air or otherwise, but in commercial contracted airlines principally; that I had had some of my constituents that had been involved in accidents that almost cost them their lives while they were faithfully, loyally, and efficiently serving their country in uniform.

When I raised by voice, it antagonized the advisers then surrounding President Johnson, and being that I was a next-door neighbor to the President I was pounced upon and asked just what the meaning and significance of my speechifying was.

I might point out to my colleagues that at that time I used the same forum, which is the House, the Hall of the House, what we call the well of the House, for the purpose of the RECORD, because given the particular privileged avenue of what we call Special Orders—and the very word "special" connotes privilege, and I consider this one of the deepest and one of the most important privileges a Member of this numerous body could have, because as I have said repeatedly, all an individual has really in the way of power is a voice and a vote, and that is it; so that from the beginning I made use of the forum, but we did not have television coverage, unfortunately. I believe in communication.

Ever since I was in the State Senate, I have been accustomed to reporting at least some of my activities back home through television in both English and Spanish. Of course, in the beginning, only the Spanish language TV station offered me that opportunity and it took several years before the English language stations offered me the same great privilege.

It was what I consider a means of accounting, so that when I rose on the House floor, no sooner had I been sworn, it was to discuss what I considered to be a most important matter having to do, yes, with a local thing in San Antonio, the removal of the air route traffic control center, just recently completed in the last year of the Eisenhower administration at great cost to the Treasury, and then less than 1½ years after it had been opened, it was decided to consolidate it in Houston, TX.

It was an empire-building maneuver on the part of the then FAA Director, Najeeb Halaby. Nothing more, nothing less.

It appeased the then powerful panjandrum of the Congress, a colleague of mine, the Congressman from Houston, Albert Thomas, who was the powerful chairman of the Subcommittee on Appropriations that had jurisdiction over the FAA.

But I spoke out and I immediately had some of my colleagues from Texas take me to one side and caution me, and counsel me and say, "Henry, look, you are vulnerable."

At that time my district was the entire country. It had a lot of Federal activity. He said, "You're antagonizing this man. He'll get you."

I said, "Well, I have to make up my mind whether I am going to come here

and give up and surrender voluntarily the freedom that the people who elected me in an open free election against great odds and against great money and powerful opposition, no less than President Eisenhower campaigning 3 days in a row against me, and this freedom given to me I would never give up voluntarily."

Either I was going to submit, once elected, to blackmail of that nature or I was willing to say, "Go on ahead. I will not silence this voice."

The people who elected me from the 20th District, and now even those who did not vote for me because they are now constituents, deserve to be told what the issue is and on a national basis the people and the taxpayers ought to know that this empire builder in the FAA, as the Director of the FAA then, was involved in an open and flagrant conflict of interest with a company that he himself had started in New York that was getting a $50 million contract from the Federal Government to develop a prototype computer that has not been developed yet.

And what happened? What I had learned a long time ago, that once you succumb to fear and intimidation, you are not worth a hoot, and the people know that. Sooner or later they will act accordingly, and that rather than anything else they would rather have truth, as unpleasant and unpalatable as it might be.

So I had to come to the floor and on the record spread forth the fight, and it took 2½ years.

Naturally, all one could find of that was in the RECORD. I have never spoken to any other audience than my colleagues. Whether there is now an enlarged and magnified audience makes no difference to me. I welcome that and that is great and it is wonderful and I am all for it, but I am not addressing that audience. I am addressing my colleagues for the RECORD and for those who wish to peruse the RECORD at the proper time, because I never speak in levity. I have great reverence for both the fact and the word.

Therefore, I look back at what happened with respect to that and remember that over the long haul we lost that air route traffic control center, but it also cost San Antonio and it cost some San Antonians and some businessmen flying private craft their lives, because of the lack of that facility and to this day continues to expose the commercial air traveler in that area, because the air route traffic controller will have the handout all the way from Jephro in Houston to the airport in San Antonio.

We have had near collisions, which are the greatest menace now, and over that 2½ years I developed an expertise on air route traffic controlling, because the first thing I do is to contact the experts and the people who have the experience and the know-how, and I did.

I enlisted the aid of ex-controllers. I enlisted the aid of air and transportation legal and statutory experts and FAA former consultants and advisers.

It is the same thing here now. When I got up through the period of the Vietnam war, I thought it was horrendous that we would ship our men in size in shaky craft in airlines that had been jerry built and formed in order and for the sole purpose of just extracting that commercial contract from the Air Force or from the Army or from the Defense Department.

The only way that our men would get to ride on a military craft was if they came back in a coffin or their ashes, and that is still being done today.

I think that is not only atrocious, I think it is unconscionable.

I think that after a President and a commander in chief has been advised of that and those responsible in the Defense Department, that to receive a letter which I received finally just last week in answer to a telegram I sent the President after that catastrophe asking him to move $450 million from a discretionary budget, which incidentally for all the budget cutters here, has increased 750 percent in less than 8 years.

Here is a great paragon of frugality with the greatest exponential increase in his own discretionary budget in the history of the office of the Presidency, and all I was saying, Mr. President, is that the Defense Department tells me that it costs them $450 million a year to conduct this kind of transportation, which has resulted in this tragic loss of 248 men.

Now, before this, the very week before, I had been talking about the greatest danger if we want to worry about so-called terrorism, being the very mission of these men in the totality, that representing about 1,800, depending at the time you take the count, to almost 2,000 American military in the Sinai.

I had raised the issue from the beginning, ab initio, as they say in law, from the beginning to what the purpose was and continues to be of the military in the Sinai. What is their purpose? Peacekeepers?

Well, that is what the marines were supposed to be in Beirut and we lost 241, even though for 14 months I took this floor, I took this forum, and repeatedly asked the President, "Mr. President, what is the mission of the marines in Beirut? If you say"—as he finally did to some newsmen, because he never answered the letter I wrote then, "that they are peacekeepers, then I must advise you that marines are not diplomats. Marines are not politicians. Marines are warriors and if you place them in a militarily untenable situation, catastrophe will result."

For 14 months I did that. There is not any possibility, the Joint Chiefs of Staff I had known long before I said it on the House floor, had been unanimously against such a deployment in that amount, in that manner, in that shape, in that fashion, of the marines; yet the commander in chief ignored the advice of the chief military prepared experts the country could provide and which at great expense had provided.

That is what we face now with the balance of those serving in this yet to be defined mission in the Sinai, where they are vulnerable, just as vulnerable as anything can be today.

What do we do then, Mr. President?

In the meanwhile, let us think about what are you going to do about avoiding another tragedy such as at Gander?

I asked him to transfer the $450 million which he has in abundance from his discretionary budget to the Defense Department with the imperative that it be used for military transportation of military men on military missions, not commercialize the military, but it is too late.

He never has acknowledged my telegram, but he did indirectly through a letter I received from a general, I believe in the Air Force if I remember correctly, and at this point I will place a copy of that letter in the RECORD:

ASSISTANT SECRETARY OF DEFENSE,
ACQUISITION AND LOGISTICS,
Washington, DC, January 24, 1986.

Hon. HENRY GONZALES,
House of Representatives, 20th District, Texas, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN: Thank you for your telegram of December 18, 1985 to President Reagan, concerning Department of Defense (DoD) use of commercial aircraft to transport troops.

While the DoD has a large inventory of military organic airlift aircraft, we are heavily dependent on the civil transportation industry in peace and war. In war, we plan to move up to 95% of our military forces via commercial aircraft. Use of civil aircraft in peacetime affords us the opportunity to train and practice wartime procedures. Using available private sector resources saves taxpayer dollars by preventing needless duplication within the DoD and thus allowing us to concentrate appropriated funds on military unique requirements. Further, through the use of existing civil transportation resources, the Government does not compete with the private sector.

Since the tragic accident at Gander, we have taken steps to increase our surveillance of charter airlift operations. We have formed a high priority working group and an executive steering committee to review the policies and procedures relating to the airlift of our military personnel and their families. This review will focus on standards of service and related safety considerations for both military and commercial airlift. The Department of Transportation and the Federal Aviation Administration are fully cooperating with us on these matters.

Thank you for writing and expressing your concern. Please be assured that every

appropriate action is being taken to provide safe transportation for those who serve our nation in uniform.

Sincerely.

JAMES P. WADE, JR.

In the letter I am told that it is just too bad, that this is the way it is going to continue, that even in case of war, because I have raised that issue about in case of an eventuality, why do we not have the in-house capacity, if it is the Air Force, the Army, or any of the other component branches.

□ 1845

This man tells me in case of such a thing, we will use as much as 90-percent commercial, private aircraft for the transportation for military purposes of military men.

To add insult to injury, the almost simultaneous announcement that the Arrow Airline or air company, or whatever it was, the one responsible for the tragedy at Gander, has been awarded another multimillion dollar contract for that kind of transportation. My Lord in Heaven, I plead with my colleagues, and particularly those that when I arose during the discussion of the presentation of a resolution which was going to extend for 2 months the housing, housing payments of the relatives of the deceased soldiers, my, what magnanimity, I was told right here by the responsible Members on the committees that that company, that was the only contract and that there certainly would not be any more business. It was not true then and it certainly is not true now, and the chances are that we will continue to pay what I consider to be an unacceptable price—even one life—for this horrendous practice that is so callously, callously ignoring the proper function and responsibility and respect for the military and the military purpose and the military ability to save and be frugal most of all with the men who loyally and with great efficiency serve our armed services.

I plead with my colleagues and particularly those Members of the committee and chairmen that I have been pleading with, you knew something about it. I do not happen to belong to these committees, and even if I did, I am just one, and I do not hear anybody else addressing this issue. Why? Why? Why should it be?

It gives me no pleasure. I am not and never have been, and never will be boastful of saying, "I told you so" when the result is tragic. That is no comfort at all. In fact, it is very, very uncomfortable. I would much rather have it that I was wrong and that we had not suffered these casualties.

In another line, earlier we heard a discussion by some Members, very illustrious Members who are concerned about veterans' home purchases and mortgages, and I wanted to point out to them on the RECORD that the budget here spread out on the RECORD here, or presented by the President, sent over, if we approve it, would raise and increase the VA guarantee loan rate from 1 percent to 3.8 percent. I want to tell my colleagues if they read this RECORD what it means to the average $65,726 VA loan. That was the 1985 average in the State of Texas and more or less the national average. The home buyers' upfront guarantee cost will increase from $657 to $2,498. Combined with the proposed general and the Government National Mortgage Association changes, this is equivalent to adding 66 basis points or two-thirds of 1 percent to the mortgage rate.

What that means on a $65,726 mortgage, I do not have to spell out to you. It means that GI's will soon be priced out of the VA home purchase market, and it is just quite incidental to so many other things that are happening.

I have spoken out and I have introduced bills, and this I have done for 20 years now. Of course, when I first introduced the bills, I was literally laughed at and quite ridiculed and considered way out because interest rates were no more than about 6 percent. And when there was a credit crunch in 1966 and they went up a little, they were really not much over 6.25 or 6.23 percent, and everybody said what are you worried about. And I was worried. I was saying, well, the handwriting is on the wall. You do not have to be an expert. What are we going to do if interest rates reach 10 percent or more. There is nothing to prevent it on the national level. As a matter of fact, the net impact of the viciousness on the national level has literally done away with almost all if not all of the State antiusury statutes, most of which capped it at 10 percent; some on long-term mortgages capped at 6 percent.

For years and years and years anything over that has been considered usurious, extortionate, unjust. And today our country is being flagellated on a private and on a national governmental level with not only extortionate interest rates, but with highway robbery, thievery in the financial markets, outright thievery. The Government paying a rate of interest on long-term bills that cannot possibly in any manner, shape or form, until the system of managing all of this is changed and we revert to the pre-1953 methods.

Why was it that Franklin Roosevelt could wage war where 46.5 percent of our national gross product was being utilized on Federal level? And of course, you had some inflation, naturally, with those conditions during the war. You also had controls, economic controls of all kinds, you had wage and price and rent controls, for instance. I remember them. I am old enough to remember them as if they were today.

But Franklin Roosevelt never had to pay even 2 percent average interest in all of the financing by the Government. Oh, not that an effort was not made. Why, when the Secretary of the Treasury, Henry Morgenthau, announced the first borrow, the bankers said "A pox on your house, Mr. Treasurer, we are not going to pay that, we are not going to pay that little, you are going to have to pay more interest." And then President Roosevelt stood up, though, and through the mechanism affordable under our Federal Reserve Basic Act of 1913, Henry Morgenthau announced to the bankers, said, OK, to heck with you, we will bypass you. We will use the Federal Reserve Board as it is intended in statute as the fiscal agent of the Treasury. That is what the Federal Reserve Board is.

The trouble comes that everybody thinks the Federal Reserve Board is a Government agency. It is not. It is not. It is an entity serving and created by ostensibly the 14,000-plus commercial banks in our country. But actually within the 15, 16 years, actually it is dominated in its policies by the top seven banks in our country.

Interest rates and our form of economy, they are contradictory, they cannot both coexist. This is the reason we have reached now for 3 years in a row the highest level of bankruptcy since the depression. The rate of home foreclosures has outpeaked the highest point of the depression.

Yes, you have to interpolate the facts that the size of the country is larger, we have more people in the country now. But extrapolating and correlating for consideration of those factors of change, what it means is that we in our foolishness think that what no nation in the history of the world has been able to survive that we can, and that is inordinant, extortionate, usurious interest rates. We cannot and we will not prevail unless we address that.

Today it is kind of late to follow some of the recommendations that I have made through specific legislative suggestions, though I have reintroduced them. I am practical enough to know they are far from getting away.

What you never will hear, and certainly did not last night in the State of the Union Address is what the State of the Union is and what the real issues that the American people are entitled to have their leaders frankly discuss with them. The President is presenting us a budget that is an unbalanced budget. He has not recommended a balanced budget in the five times he has sent one here. The bad thing is that the last four were dead on arrival by the time they got to Capitol Hill. It is no different this year.

But the salient truth is that under the Constitution, we are responsible,

in theory, until the reconciliation process of 1981, and now, of course, if the courts uphold what is known as the deficit reduction amendments, popularly styled the Gramm-Rudman-Hollings amendment, then for sure the Congress has indirectly delegated or has abdicated its constitutional responsibility insofar as the control of the pursestrings is concerned.

Now the truth is that whether the Congress does or the President does or anybody else does or the private bankers, the United States is a debtor nation for the first time since 1914. The so-called level of business activity which some have interpreted as sort of prosperity is all fueled and financed by very, very fickle foreign investments, and our own national paper, our own Government, notes, bonds, bills, have now reached the horrendous amount of 40 percent owned by foreign and sometimes central banks. That means that we are vulnerable, we are the victims and the American people have been sold down the river just as surely as the slaves were in the old slavery days.

What are the facts? What are the visible things from these esoteric, hard-to-explain matters of international finance and domestic fiscal and monetary policies?

Well, I am sure that the people I live with and work with and visit every weekend that I go back to the district in the grocery stores, in the shopping malls, have asked me, but not in the precise words, why it is they seem to be working harder and they are getting nowhere faster. Well, the average weekly paycheck today is worth 6 percent less than it was in 1979. In 1973, 80 percent of the families could get along on a single paycheck in America. Today, only 70 percent of families can get by on one income.

The decline in paycheck values has been one reason behind the phenomenal rise in families with both parents working. For most, there just simply has not been any choice. If women had not joined the labor force in such astounding numbers, which now incrementally is a large proportion of our labor force, and particularly in these last few years, if they had not, and if they were not, this country's poverty rate would be a third higher than it is now, and average family income would be one-fourth less.

Today a family with two children in which both parents work at the minimum wage is poor. A decade ago, the minimum wage was high enough to keep a working family's head above water.

□ 1900

Back in the 1970's, the average American could make a home mortgage payment for about one-fourth of the family income. Rent was even less; you could get a typical apartment for one-fifth of income. Today's renters are lucky to find a place for less than a third of income; and home mortgages eat up 34 percent of income and the situation certainly is not improving in that respect.

Not only are the middle classes running harder to stay even, the poor are falling further behind. In 1973, the poorest fifth of our population earned 6 percent of the Nation's income. Today they receive only 4 percent of the Nation's economic pie.

Thus, we not only have more poor; the poor are a third worse off than they were before. The wealthiest fifth of the population is doing all right, and I am sure this is what the President is talking about, because the last 20 years of the President's life, to anybody's knowledge, he has not associated with anybody below the grade of a millionaire.

His favorite haunting grounds were in northern Mexico, as a guest of these millionaires. You know, you cannot expect a man who wears $3,000 and $5,000 boots, with the wife wearing $25,000 gowns—kind of realize that $75 a month less in food stamps might mean something between eating and not eating for many families, some of whom I visit with almost weekly back in my district.

I can understand why it would be hard. I do not understand us, my colleagues, turning our backs on any segment of Americans simply because they happen to be at this point quite voiceless politically speaking; but woe to that day when the patient lose their patience.

I come from parents who fled a country that, in the case of my father, his ancestors had lived for 400 years—and when you consider the statistical count that we are approximating in our country today, you can understand the concomitant and eventual violence and suffering and convulsions that that society suffered.

It is little wonder that the poor I talked to are feeling more hopeless than ever; rather than getting ahead, they are falling behind. No wonder that even the fabled yuppies—some article said that the last three Congresses, or maybe it was beginning with the first of the last four—the House of Representatives for the first time in its history, since 1789, had over 60 or 65 percent of its membership that had not served more than two terms. The majority very young, and some other writers have even labeled them yuppies, bipartisan yuppies.

Why, even they are feeling threatened, and afraid that they will never reach the promise of the American dream. It is all that they can do to stay even, much less get ahead.

Running harder to stay even has not only meant the necessity of two-earner households; Americans today are plunging into debt. Consumer debt overall is twice as great as it was in 1980. Also, I have raised my voice and I continue in addressing the privileged orders, and that is us, my colleagues, and that less than 6 percent of the peak of the pyramid in our country that are in total control now of the decisionmaking processes in our executive branch of the Government.

I appeal to you, my privileged friends and fellow Americans, and as I said, I was presumptuous enough to try to parallel that great American patriot, who also happened to be a minister or a chaplain in George Washington's army; Joel Barlow, who is also a poet; and I might say, my colleagues, that if you want to know what a country is about, what it is thinking, if you want to know more about money matters and economy, read the poets. It sounds foolish, but it is true.

I advise you to read the poets in West Germany today. What are they writing? What are they saying? Nobody in America pays much mind, but let me tell you, it has ominous significance for the 300,000 American soldiers serving in West Germany today.

Yet, our budget, $315 billion for defense, with the President asking for an 8-percent increase—who has raised the question that over one-half of that is for the so-called defense of Europe? But what Europe? The Europe of 1946 and 1947, which is gone forever.

Those countries as well as ours are in the threshold of a new age, with a new generation that does not remember World War II. Read the poets, my friends. Read the intelligent writer in Germany; the philosopher, and you will see.

I do read them. When I first went to school, I had to learn English. I did not know a word of English, but I knew two languages; I knew Spanish, of course, which was the language used exclusively by my parents until the day they died, and German.

Even though I have been neglectful and do not have too good a management of German, I have had the great privilege of reading the poets Goethe, Heine, all in the original language, as I have in Spanish, where I pride myself in keeping up with that language.

I am the only member of any Congress that has ever been asked by the Federal Reserve Board to address what used to be an annual conclave of Latin American bankers, in Spanish, and I remember the astonishment and then the praise and then the question: "Well, where are you from?" And I would say, the United States, American. "Well, how can you be? You speak as well as we do, in fact better?" "You use technical terms of finance and all."

I said, "Well, I have been privileged. I was born into a family whose father was able to make a living for 56 years that he lived in the United States be-

cause he happened to be what would be the rough equivalent of a managing editor of the only Spanish language daily newspaper published in the United States at the time, for 44 consecutive years.

The only Spanish language daily newspaper published without missing a day for 44 consecutive years in all of the countries south of the border clear down to the Cape. Because all those newspapers down there at one time or another have either been closed, censored, shutdown, blown up, or for some reason or other had to cease publication.

I was privileged because, in the late hours after supper, as a child, I could hear the most eminent intellectuals from Mexico, who were in exile in San Antonio: poets, writers, ministers, former statesmen, former legislators in the Mexican Congress, professors—some of them left San Antonio to go teach, for instance, at the University of Brussels in Belgium, in Germany, in Europe, and I had the privilege of listening to the symphony of discourse in that beautiful tongue.

And then the greatest privilege of all, to learn English, the greatest language around, and appreciate the richness of these two veins; rich in ore. So what I have tried to do is express my gratitude by trying to bring forth quite frontally, candidly, discussions that I feel are vital for the American people to at least have presented.

The American people, I find, are way ahead of us. The tendency among men of power, whether it is money power or political power—an office means power, this is what the game is all about—tend to differentiate themselves from what we call the people, quote, unquote.

The truth is that we have got to remember that, before we took an oath of office after we were elected to an office, that we were what we call, "the people." So how, by virtue of being sworn in to a political public trust do we know more? How does that invest us with any superior knowledge or wisdom or prudence?

Of course it does not, when we look at it soberly and dispassionately; but it is very human to say "Well, it's been hard, it's been difficult, we surmounted greater odds, and so I must be something special." The truth is that we are not, and that in a democracy such as this, the only one in mankind's history that could provide the opportunities that would lead, for an individual with my background and all, to be addressing the national legislative body, or at least that part to which he belongs.

□ 1910

I am ever conscious of that and hope I will be mindful enough to discharge the trust in the light of a basic respect, not only for the constituents but for the American people wherever they may be generally.

I want to close out by saying that we are still not discussing, and the President certainly did not even infer in the more formal budget presentation, nor, as I understand it, will it be even referred to in his economic message to the Congress and the people, and that is the development in Europe of the European currency unit, the ECU, and the European monetary system, the EMS.

That sounds far-fetched, but it has everything to do with America's vulnerability or invulnerability.

When President Reagan went to the Bonn economic summit meeting in May last year, one would have thought that all he did was to go over there to lay a wreath at the Bitburg Cemetery. But that was not it. The purpose was the economic summit meeting.

The first one that President Carter attended, or maybe the last one, in Bonn was in 1979. If you look at the memorandum or, as they call it, the pronunciamento, the communique from that meeting, the last sentence says, "And we approve the concept and development of the ECU, European currency unit, and EMS, European monetary system."

Well, what is that? What it means, long and short, is that these countries, be they the big Group of Six or the Group of Ten in the European Community, now, together, have more gold reserves than the United States. Therefore, they can flesh out, as they did in Palermo, Sicily, last year, 1 month before the summit meeting in Bonn, where the finance ministers of these European countries fleshed out, where it is viable now.

What that simply means is that it is a mechanism that will supplant the dollar as the world's reserve unit.

Now that is a lot of jargon, a lot of words. But let me tell you that it ought to keep us discussing and anticipating and therefore shoring up America's well-being.

As I said at one time when I first came to the Congress, the great political pressure was to have me assigned to the Committee on Armed Services because my district then, which consisted of the entire county, has always had, since the inception of San Antonio, and San Antonio has been, a defense outpost.

When the Spanish settled, they brought the soldiers with the missionaries. They settled their outposts there to protect from the French and others. That has continued.

Today it plays a big role in our defense posture. I have relatives who serve, and I have probably the most volunteering constituency in the whole country. So I have constituents in Korea, Germany, the Middle East, Salvador, Hunduras, name it and they will be there.

Therefore, it is also what I consider to be something that transcends my purely local responsibilities in a parochial sense, thinking of the 20th District of Texas, it transcends into a national situation.

So I could not, because, of course, the Texas delegation has always had a strong seniority ruling until lately, and I knew that I was not.

I had also served in the State senate where I had been told, "Unless you belong to the Senate State Affairs Committee, you wouldn't get anyplace." Yet I did. I had no trouble.

The greatness of our system is, and it still is, inherent in that fact. If you are right, and if you manage to survive long enough, you ultimately will be heard. If you have any kind of skill at all to advance that right, that thought, or that proposition, you will eventually triumph.

There is no person in this House of Representatives serving today that has more bills, more resolutions, more amendments, to resolutions and bills, either in committee, subcommittee, or on the House floor, enacted into law than what I am proud to say that I can account for.

One of them took 11 years, but the reason is that in this tremendous give-and-take of free-born, sovereign individuals representing their constituencies, we can prevail if we are right and, as I said and repeat, if we are lucky enough to survive.

Now you have got to survive, too. But I have found that the constituencies and the people have been most generous and most faithful. And I think the greatest reward that we could ever hope to have that I can see for myself is that your co-citizens, in a free election, say, "We choose you to be our voice, to represent us. You are going to be it."

I do not know what higher honor any man on Earth could have, and to an office that you cannot get appointed to.

You cannot get appointed to the House of Representatives, as you well know. You can over in the Senate, but not here. You have got to go to the people. They have got to send you here. That is the beauty of the system.

This is the saving remnant that I think continues to save America.

If we allow the corrupting influences to dominate, and remember that this is not a self-perpetuating system, we have got to work at it, I think doing so it will endure and it will continue to be the leader of the Free world on this planet Earth.

But I think, as I say, we have to be willing to confront the issues. It is unpleasant. What do you do? Suppose, as the European Community has done, enlarge for their attraction of the Jap-

anese in order to participate in the issuance of the units; are we prepared? We are not even discussing it. Nothing was reported from the Bonn meeting in May other than the laying of the wreath at the Bitburg Cemetery.

So with this I conclude by saying that it is my hope that if the time is proper and I have the opportunity to continue and conclude at least for the beginning period of this our 2d session my discussion of the three basic issues, the question of our catastrophic policies with respect to the transportation of our troops.

You know, we will use Air Force and other defense transportation methods to transport material, cannons, and also to bring back the ashes of our dead. But we will not do it to transport in safe, comfortable circumstances our own soldiers.

This with the full and rather arrogant and stubborn insistence on the part of those in the Commander in Chief's office as well as those in the subordinate but nevertheless leading positions in our armed services. So it is my hope to continue. Perhaps we can get the attention and the joinder of some of my very, very important and respected colleagues in the House.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUTTO (at the request of Mr. WRIGHT), after 4:15 today and for February 6, on account of official business.

Mr. O'BRIEN (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative programs and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCCAIN) to revise and extend their remarks and include extraneous material:)

Mr. BROYHILL, for 15 minutes, today.

Mr. WALKER, for 5 minutes, today.

Mr. BOULTER, for 5 minutes, today.

Mr. COBEY, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. SHELBY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ALEXANDER, for 10 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, on February 6.

Mr. HAYES, for 60 minutes, on February 18.

Mr. STOKES, for 60 minutes, on February 19.

Mr. SLATTERY, for 60 minutes, on February 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCCAIN) and to include extraneous matter:)

Mr. GOODLING.

Mr. BROOMFIELD.

Mr. LEWIS of California.

Mr. MILLER of Ohio in three instances.

Mr. GILMAN in six instances.

Mr. ARMEY in two instances.

Mr. GALLO.

Mr. ROTH.

Mr. HYDE.

Mr. DELAY.

Mr. PORTER.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. FUQUA.

Mr. MONTGOMERY.

Mr. KANJORSKI.

Mr. LELAND.

Mr. KOLTER in two instances.

Mr. OBEY.

Mr. PEPPER.

Mr. RANGEL.

Mr. FRANK.

Mr. VENTO.

Mr. STOKES.

Mr. TRAFICANT.

Mr. FORD of Michigan.

Mr. LEVINE of California.

Mr. DASCHLE.

Mr. MARKEY.

SENATE BILL, JOINT RESOLUTIONS, AND A CONCURRENT RESOLUTION REFERRED

A bill, joint resolutions, and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 582. An act to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act; to the Committee on House Administration.

S.J. Res. 226. Joint resolution to designate the week of April 6, 1986, through April 12, 1986, as "World Health Week," and to designate April 7, 1986, as "World Health Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 234. Joint resolution to designate the week of February 9, 1986, through February 15, 1986, as "National Burn Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 239. Joint resolution designating the week beginning on June 1, 1986, as "National Maternal and Child Health Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 249. Joint resolution to proclaim October 23, 1986, as "A Time of Remembrance" for all victims of terrorism throughout the world; to the Committee on Post Office and Civil Service.

S. Con. Res. 104. Concurrent resolution urging the States and territories to establish their own commissions on the bicentennial of the United States Constitution; to the Committee on Post Office and Civil Service.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1831. An act to amend the Arms Export Control Act to require that congressional vetoes of certain arms export proposals be enacted into law.

BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following day present to the President, for his approval, bills of the House of the following title:

On February 4, 1986:

H.R. 4027. An act extending the waiver authority of the District of Columbia Revenue Bond Act of 1985 to certain revenue bond acts of the District of Columbia, and for other purposes; and

H.R. 2466. An act to make miscellaneous changes in laws affecting the U.S. Coast Guard, and for other purposes.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Thursday, February 6, 1986, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2670. A letter from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting a report on the administration of the Equal Credit Opportunity Act for calendar year 1985, pursuant to 15 U.S.C. 1691f; to the Committee on Banking, Finance and Urban Affairs.

2671. A letter from the President and Chairman, Export-Import Bank, transmitting a draft of proposed legislation to amend the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

2672. A letter from the Chairperson, National Council on the Handicapped, transmitting a report on Federal laws and programs serving people with disabilities, pursuant to 29 U.S.C. 781(a)(6) (Public Law 93-112, section 401(a)(6) (92 Stat. 2977); Public Law 96-88, section 207; Public Law 98-221, section 141(b)(i)); to the Committee on Education and Labor.

2673. A letter from the General Council, Department of Energy, transmitting notice of meetings related to the International Energy Program, pursuant to section 252(c)(1)A)(i) of the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

2674. A communication from the President of the United States, transmitting a bimonthy report on the progress toward a negotiated settlement of the Cyprus question, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

2675. A letter from the Acting Under Secretary of State for Management, transmitting a report on a pilot project for increasing employment of qualified spouses of American personnel assigned to U.S. missions, pursuant to Public Law 99-93, section 120(d) (99 Stat. 413); to the Committee on Foreign Affairs.

2676. A letter from the Director, Arms Control Disarmament Agency, transmitting arms control impact statements, pursuant to Public Law 87-297, section 36(b)(2) (92 Stat. 458); to the Committee on Foreign Affairs.

2677. A letter from the Administrator, Veterans' Administration, transmitting a report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2678. A letter from the Chairman, Commodity Futures Trading Commission, transmitting a report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2679. A letter from the Chairman, Equal Opportunity Commission, transmitting a report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2680. A letter from the Chairman, Federal Communications Commission, transmitting a report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2681. A letter from the Employee Benefits Administrator, Federal Land Bank of Columbia, and Federal Intermediate Credit Bank of Columbia, transmitting a report on Federal Government pension plans, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2682. A letter from the Secretary of Agriculture, transmitting a report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2683. A letter from the Assistant Secretary of the Interior for Water and Science, transmitting a proposed contract for drainage works and minor construction over $200,000 on Federal reclamation projects, pursuant to 43 U.S.C. 505; to the Committee on Interior and Insular Affairs.

2684. A letter from the Secretary of the Interior, transmitting a report on compensatory royalty agreements relating to oil and gas which were entered into during the previous year involving unleased Government lands, pursuant to 30 U.S.C. 226(g); to the Committee on Interior and Insular Affairs.

2685. A letter from the Chairman, Marine Mammal Commission, transmitting the 13th annual report, pursuant to Public Law 92-522, section 204; to the Committee on Merchant Marine and Fisheries.

2686. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled, the "Surface Transportation Reauthorization Act of 1986"; to the Committee on Public Works and Transportation.

2687. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on Threemile Creek, Mobile, AL, in partial response to resolutions adopted October 12, 1972 and April 11, 1974, by the House Public Works and Transportation Committee (H. Doc. No. 99-162); to the Committee on Public Works and Transportation and ordered to be printed.

2688. A letter from the Executive Secretary, Office of the Secretary of Defense, transmitting a report on Department of Defense procurement from small and other business firms, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

2689. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on the origin, contents, destination and disposition of all humanitarian goods and supplies to countries in Central America, pursuant to Public Law 95-525, section 1540(e) (98 Stat. 2638); jointly, to the Committees on Armed Services and Foreign Affairs.

2690. A letter from the Director, Office of Personnel Management, transmitting the Office of Personnel Management's report in consultation with the Selective Service System, pursuant to section 1622 of the Defense Authorization Act of 1986; jointly, to the Committees on Armed Services and Post Office and Civil Service.

2691. A letter from the Chairperson, Architectural and Transportation Barriers Compliance Board, transmitting the annual report of activities, pursuant to Public Law 93-112, section 502(g); jointly, to the Committees on Education and Labor and Public Works and Transportation.

2692. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on allocations of foreign assistance, pursuant to 22 U.S.C. 2413(a); jointly, to the Committees on Foreign Affairs and Appropriations.

2693. A letter from the Under Secretary of State for Management, transmitting the fifth annual report on the implementation of the Foreign Service Act of 1980, pursuant to 22 U.S.C. 4173; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DIXON: Committee on Standards of Official Conduct. Report on investigation of travel on corporate aircraft taken by Representative Dan Daniel (Rept. No. 99-470). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL:

H.R. 4122. A bill relating to the tariff classification of certain work gloves; to the Committee on Ways and Means.

By Mr. CHANDLER (for himself, Mr. GREEN, and Mr. TAUKE):

H.R. 4123. A bill to amend the Internal Revenue Code of 1954 to impose an alternative minimum tax, and to increase the amount of the personal exemption; to the Committee on Ways and Means.

By Mr. HEFTEL of Hawaii:

H.R. 4124. A bill to amend the Indian Education Act and other acts relating to Indian education; to the Committee on Education and Labor.

By Mr. McEWEN:

H.R. 4125. A bill to amend title 18, United States Code, to authorize prosecution of terrorists who attack United States nationals abroad, and for other purposes; to the Committee on the Judiciary.

By Mr. McEWEN (for himself and Mr. CHENEY):

H.R. 4126. A bill to require the President to make an annual report on the national strategy of the U.S. Government to certain committees of Congress and to require joint committee meetings to be held on such report; jointly, to the Committees on Armed Services, Foreign Affairs, and Rules.

By Mr. RICHARDSON:

H.R. 4127. A bill to add certain public lands to the Capulin Mountain National Monument, NM; to the Committee on Interior and Insular Affairs.

By Mr. RODINO (for himself, Mr. BROOKS, Mr. EDWARDS of California, Mr. HUGHES, Mr. SYNAR, Mr. BERMAN, Mr. DE LA GARZA, Mr. FOLEY, Mr. SMITH of Iowa, Mr. GIBBONS, Mr. JONES of Oklahoma, Mr. STALLINGS, Mr. COYNE, Mr. MURPHY, Mr. MITCHELL, Mr. DWYER of New Jersey, Mr. TORRICELLI, Mr. BUSTAMANTE, Ms. MIKULSKI, Mr. PERKINS, Mr. SPRATT, Mr. DERRICK, Mr. EVANS of Illinois, Mr. ROEMER, Mr. HAYES, Mr. BRUCE, Mr. CHAPMAN, and Mr. EVANS of Iowa):

H.R. 4128. A bill to amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 4129. A bill to amend the Acid Precipitation Act of 1980 to provide for a program of research and demonstration for acid precipitation control technology; to the Committee on Science and Technology.

By Mr. SHELBY (for himself, Mr. SMITH of New Jersey, Mr. MONTGOMERY, and Mr. HAMMERSCHMIDT):

H.R. 4130. A bill to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986; to the Committee on Veterans' Affairs.

By Mr. WHITTEN:

H.J. Res. 515. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1986, for the Department of Agriculture; to the Committee on Appropriations.

By Mr. ANDREWS (for himself, Mr. FUQUA, Mr. LUJAN, Mr. NELSON of Florida, and Mr. WALKER):

H.J. Res. 516. Joint resolution to direct the Administrator of the National Aeronau-

tics and Space Administration to install, on the first permanent manned space station, a plaque honoring the men and women of the space shuttle *Challenger* who died in space flight; to the Committee on Science and Technology.

By Mr. BOLAND (for himself, Mr. CONTE, and Mr. MINETA):

H.J. Res. 517. Joint resolution to provide for the reappointment of David C. Acheson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

H.J. Res. 518. Joint resolution to provide for the reappointment of Murray Gell-Mann as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. FUQUA (for himself, Mr. LUJAN, Mr. WALGREN, and Mr. BOEHLERT):

H.J. Res. 519. Joint resolution to designate the week of April 14, 1986 through April 20, 1986, as "National Mathematics Awareness Week;" to the Committee on Post Office and Civil Service.

By Mr. MICHEL:

H. Res. 372. Resolution relating to the appointment and compensation of certain minority employees; considered and agreed to.

By Mr. CROCKETT (for himself, Mr. SAVAGE, Mr. GRAY of Pennsylvania, Mr. DYMALLY, Mr. OWENS, Mr. HAYES, Mr. MITCHELL, Mr. FAUNTROY, Mr. DIXON, Mr. HAWKINS, Mr. DELLUMS, Mr. CONYERS, Mr. LELAND, Mr. TOWNS, Mrs. COLLINS, Mr. WHEAT, Mr. WOLPE, Mr. PEPPER, Mr. FISH, Mr. STOKES, Mr. FORD of Tennessee, and Mr. RANGEL):

H. Res. 373. Resolution to urge the Government of South Africa to indicate its willingness to engage in meaningful political negotiations with that country's black majority; to the Committee on Foreign Affairs.

By Mr. DENNY SMITH (for himself, Mr. BROWN of Colorado, and Mr. LUJAN):

H. Res. 374. Resolution calling for an across-the-board freeze on Federal spending in fiscal year 1987; to the Committee on Government Operations.

MEMORIALS

Under clause 4 of rule XXII,

292. The SPEAKER presented a memorial of the General Assembly of the State of Illinois, relative to Northern Ireland; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 442: Mrs. SCHROEDER.

H.R. 479: Mr. BROWN of California and Mr. MATSUI.

H.R. 877: Mr. CHAPPELL, and Mr. KLECZKA.

H.R. 1017: Mr. KOLTER.

H.R. 1212: Mr. KOLTER.

H.R. 1213: Mr. BEVILL.

H.R. 1262: Mr. KOLTER.

H.R. 1294: Mr. RICHARDSON.

H.R. 1310: Mr. CLINGER, and Mr. PURSELL.

H.R. 1398: Mr. EDGAR.

H.R. 1840: Mr. MITCHELL and Mr. LUNDINE.

H.R. 1918: Mr. KOLTER.

H.R. 1946: Mr. MYERS of Indiana and Mr. SCHEUER.

H.R. 2049: Mr. OWENS.

H.R. 2295: Mr. JEFFORDS.

H.R. 2591: Mr. BEVILL, Mr. BATEMAN, Mr. WHITEHURST, Mr. FIELDS, and Mr. STUMP.

H.R. 2684: Mr. WOLF.

H.R. 2730: Mr. OWENS, Mr. MITCHELL, Mr. RODINO, Mr. HAYES, Mr. CONYERS, Ms. MIKULSKI, Mr. BERMAN, Mrs. BENTLEY, Mr. FAZIO, Mrs. COLLINS, Mr. LELAND, Mr. CROCKETT, Mr. SAVAGE, Mr. HEFTEL of Hawaii, Mr. VENTO, and Mr. CLINGER.

H.R. 2781: Mr. KOLTER.

H.R. 2782: Mr. DORNAN of California, Mr. FAUNTROY, and Mr. REID.

H.R. 2952: Mr. LOWRY of Washington.

H.R. 3006: Mr. RICHARDSON.

H.R. 3355: Mr. ECKART of Ohio, Mr. SWIFT, Mr. WEISS, Mr. WOLPE, Mr. JEFFORDS, Mr. GLICKMAN, Mr. FAZIO, Mr. COATS, Mr. LAGOMARSINO, Mr. LEVINE of California, Mrs. BOXER, Mr. BERMAN, Mr. ZSCHAU, Mr. MATSUI, Mr. BATES, Mr. PACKARD, and Mr. BADHAM.

H.R. 3431: Mr. JACOBS.

H.R. 3448: Mr. RINALDO, Mr. JEFFORDS, Mrs. BENTLEY, and Mr. TORRICELLI.

H.R. 3466: Mr. KOLTER.

H.R. 3654: Mr. PANETTA.

H.R. 3736: Mr. COURTER and Mr. ECKERT of New York.

H.R. 3760: Mrs. BENTLEY, Mr. MONSON, Mr. WOLPE, and Mr. CLINGER.

H.R. 3798: Mr. GALLO, Mr. KINDNESS, and Mr. LAGOMARSINO.

H.R. 3826: Mr. SWIFT, Mr. BRYANT, and Mr. MILLER of California.

H.R. 3833: Mr. STALLINGS, Mrs. BOGGS, and Mr. MATSUI.

H.R. 3845: Mr. FISH, Mr. OWENS, Mr. DE LUGO, Mrs. KENNELLY, Mr. SIKORSKI, Mr. MCKINNEY, Mr. FORD of Michigan, Mrs. JOHNSON, and Mr. TOWNS.

H.R. 3866: Mr. LUKEN, Mr. MILLER of California, Mr. MURTHA, Mr. FRANK, Mr. HUGHES, Mr. DOWNEY of New York, and Mr. FOGLIETTA.

H.R. 3893: Mr. MCMILLAN.

H.R. 3906: Mr. WEISS, Mrs. JOHNSON, Mr. DONNELLY, Mr. FOGLIETTA, Mr. HAWKINS, Mr. SMITH of Florida, Mr. SAVAGE, Mr. KOSTMAYER, Mr. BROWN of California, Mr. MITCHELL, Mrs. BURTON of California, Mr. GALLO, Mr. CONYERS, Mr. BOULTER, and Mr. BIAGGI.

H.R. 3950: Mr. COYNE, Mr. RIDGE, Mrs. SCHROEDER, Mrs. SCHNEIDER, Mr. VENTO, and Mrs. COLLINS.

H.R. 3968: Mr. HERTEL of Michigan, Mr. BONIOR of Michigan, Mr. VENTO, and Mr. TALLON.

H.R. 4012: Mr. CROCKETT, Mr. FRANK, Mr. SAVAGE, Mr. EVANS of Illinois, Mr. FUSTER, Mr. SOLARZ, Mr. ACKERMAN, Mr. LELAND, Mr. MARTINEZ, and Mr. MITCHELL.

H.R. 4013: Mrs. SMITH of Nebraska.

H.R. 4017: Mr. BATES, Mr. HOYER, Mr. JACOBS, Mr. HENDON, Mr. DARDEN, and Mr. BEVILL.

H.R. 4030: Mr. FOGLIETTA, Mr. STARK, Mr. MRAZEK, Mr. SMITH of Florida, and Mr. SAVAGE.

H.R. 4033: Mr. HAWKINS, Mr. JEFFORDS, Mr. KILDEE, Mr. DICKS, Mr. SEIBERLING, Mr. FLORIO, and Mr. BORSKI.

H.R. 4057: Mr. JACOBS, Mr. FRANK, Mr. HUBBARD, Mr. HUTTO, Mr. YATRON, Mr. MAVROULES, Mrs. VUCANOVICH, Mr. COBEY, and Mr. LAGOMARSINO.

H.R. 4075: Mr. HUTTO, Mr. DYSON, and Mr. FAUNTROY.

H.R. 4082: Mr. BRYANT, Mr. MOORHEAD, Mr. PARRIS, Mr. HYDE, and Mr. LAGOMARSINO.

H.R. 4094: Mrs. MARTIN of Illinois and Mr. LEACH of Iowa.

H.J. Res. 7: Mr. SPENCE and Mr. GALLO.

H.J. Res. 131: Mr. GONZALEZ.

H.J. Res. 230: Mr. BADHAM.

H.J. Res. 345: Mr. MOORE, Mr. LIVINGSTON, Mr. BORSKI, Mr. SHUMWAY, and Mr. AUCOIN.

H.J. Res. 443: Mr. ADDABBO, Mr. AKAKA, Mr. ANNUNZIO, Mr. AUCOIN, Mr. BERMAN, Mr. BEVILL, Mr. BIAGGI, Mr. BOLAND, Mrs. BOXER, Mr. BROWN of California, Mr. BRYANT, Mrs. BURTON of California, Mr. CHANDLER, Mr. CLAY, Mr. COELHO, Mr. CONYERS, Mr. DASCHLE, Mr. DWYER of New Jersey, Mr. EDGAR, Mr. FASCELL, Mr. FAUNTROY, Mr. FOLEY, Mr. GRAY of Illinois, Mr. HEFNER, Mr. HORTON, Mr. JACOBS, Mr. JEFFORDS, Mr. JENKINS, Mr. KASICH, Mr. KASTENMEIER, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LUJAN, Mr. MCDADE, Mr. MCHUGH, Mr. MARKEY, Mr. MILLER of California, Mr. MOODY, Mr. MOORE, Mr. MRAZEK, Mr. MURTHA, Mr. NATCHER, Mr. O'BRIEN, Mr. OWENS, Mr. PEPPER, Mr. PERKINS, Mr. PICKLE, Mr. RAHALL, Mr. REGULA, Mr. ROE, Mr. SCHEUER, Mr. SMITH of Florida, Mr. SUNIA, Mr. TORRICELLI, Mr. VANDER JAGT, Mr. WATKINS, Mr. WAXMAN, Mr. WEAVER, Mr. WILSON, Mr. WIRTH, Mr. WOLPE, Mr. WYDEN, Mr. YOUNG of Missouri, Mr. GREEN, Mr. BUSTAMANTE, Ms. OAKAR, Mr. DANIEL, Mr. BARNES, Mr. RICHARDSON, Mr. PRICE, Mr. DICKS, Mr. DARDEN, Mr. MATSUI, Mr. HUGHES, Mr. MINETA, Mr. NEAL, Mr. TALLON, Mr. FORD of Michigan, Mr. JONES of North Carolina, Mrs. MEYERS of Kansas, Mr. MURPHY, Mr. DE LUGO, Mr. TOWNS, Mr. UDALL, Mr. BATEMAN, Mr. FLORIO, Mr. FRANK, Mrs. KENNELLY, Mr. MOLINARI, Mr. MOORHEAD, Mr. LAFALCE, Mr. ROSE, Mr. MANTON, Mr. SOLARZ, Mr. SCHUMER, Ms. KAPTUR, Mr. ROTH, Mr. WEISS, Mr. LIPINSKI, Mr. WHITTEN, Mrs. BOGGS, Mr. CARPER, Mr. ATKINS, Mr. BOSCO, Mr. LEACH of Iowa, Mr. DE LA GARZA, Mr. WALGREN, Mr. VENTO, Mr. BONIOR of Michigan, Mr. TRAXLER, Mr. SAVAGE, Mr. FOGLIETTA, Mr. RINALDO, Mr. FUSTER, Mr. HATCHER, Ms. MIKULSKI, Mr. TRAFICANT, Mr. MILLER of Washington, Mr. SYNAR, Mr. DYSON, Mr. ANDERSON, Mr. VOLKMER, Mr. STENHOLM, Mr. YOUNG of Alaska, Mr. PASHAYAN, Mr. FROST, Mr. ERDREICH, Mr. WOLF, Mr. DORGAN of North Dakota, Mr. DURBIN, Mr. SABO, Mr. ANDREWS, Mr. ROWLAND of Georgia, Mr. STOKES, Mr. BROOMFIELD, Mr. MARTINEZ, Mr. ENGLISH, Mr. ANTHONY, Mr. BONER of Tennessee, Mrs. JOHNSON, Mr. GUARINI, Mr. BOUCHER, Mr. BROOKS, Mr. WYLIE, Mr. DERRICK, Mr. NIELSON of Utah, Mr. RANGEL, Mr. GILMAN, Mr. KANJORSKI, Mr. KILDEE, Mr. GRAY of Pennsylvania, Mrs. MARTIN of Illinois, Mr. SISISKY, Mrs. BENTLEY, Mr. MADIGAN, Mr. THOMAS of Georgia, Mr. GORDON, Mr. OBERSTAR, Mr. BEILENSON, Mr. CROCKETT, Mr. DELLUMS, Mr. LUKEN, Mr. DIXON, Mr. FAZIO, Mr. FISH, Mr. HAMMERSCHMIDT, Mr. HAWKINS, Mr. HAYES, Mr. HEFTEL of Hawaii, Mr. HANSEN, Mr. HYDE, Mr. KOLTER, Mr. GEPHARDT, Mr. EVANS of Illinois, Mr. WORTLEY, Mr. HOYER, Mr. RALPH M. HALL, Mr. LUNDINE, Mr. LEHMAN of California, Mr. EARLY, Mr. DYMALLY, Mr. LOWRY of Washington, Mr. RODINO, Mr. COLEMAN of Missouri, Mr. ACKERMAN, Mr. FOWLER, Mr. FUQUA, Mr. GONZALEZ, Mr. LOEFFLER, Mr. DAUB, Mr. CARR, Mrs. COLLINS, Mr. FORD of Tennessee, Mr. HALL of Ohio, Mr. MOAKLEY, Mrs. LONG, Mr. SHARP, Mr. TAUZIN, Mr. BRUCE, Mr. PANETTA, Mr. KOSTMAYER, Mr. MORRISON of Washington, Mr. APPLEGATE, Mr. LIVINGSTON, Mr. CHENEY, Mr. GEKAS, Mr. MCKINNEY, Mr. STALLINGS, Mr. EDWARDS of Oklahoma, Mr. ASPIN, Mr. HUCK-

ABY, Mr. SKEEN, Mr. GOODLING, Mr. ROBERT F. SMITH, Mr. SPENCE, Mrs. BYRON, and Mr. PETRI.

H.J. Res. 448: Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ANDERSON, Mr. ANDREWS, Mr. ATKINS, Mr. BARNES, Mr. BATEMAN, Mr. BEDELL, Mr. BERMAN, Mr. BIAGGI, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BOUCHER, Mrs. BOXER, Mr. BREAUX, Mr. BROWN of California, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CARR, Mr. CLAY, Mr. COELHO, Mr. CONYERS, Mr. COYNE, Mr. CROCKETT, Mr. DASCHLE, Mr. DERRICK, Mr. DEWINE, Mr. DIOGUARDI, Mr. DIXON, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. DYMALLY, Mr. DYSON, Mr. EDGAR, Mr. EVANS of Iowa, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FLIPPO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FOWLER, Mr. FRANK, Mr. FROST, Mr. GARCIA, Mr. GEPHARDT, Mr. GILMAN, Mr. GONZALEZ, Mr. GORDON, Mr. GUNDERSON, Mr. HAWKINS, Mr. HAYES, Mr. HEFTEL of Hawaii, Mr. HENRY, Mr. HOYER, Mr. HUGHES, Mr. JACOBS, Mr. JENKINS, Mrs. JOHNSON, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KILDEE, Mr. LAFALCE, Mr. LANTOS, Mr. LEHMAN of California, Mr. LELAND, Mr. LEVINE of California, Mr. LIVINGSTON, Mrs. LLOYD, Mr. LOWRY of Washington, Mr. LUKEN, Mr. LUNDINE, Mr. MCCLOSKEY, Mr. MCHUGH, Mr. MANTON, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MATSUI, Mr. MAZZOLI, Ms. MIKULSKI, Mr. MILLER of California, Mr. MILLER of Washington, Mr. MINETA, Mr. MITCHELL, Mr. MOAKLEY, Mr. MRAZEK, Mr. NATCHER, Mr. NEAL, Mr. NICHOLS, Ms. OAKAR, Mr. OBERSTAR, Mr. OLIN, Mr. ORTIZ, Mr. OWENS, Mr. PERKINS, Mr. PRICE, Mr. RAHALL, Mr. RAY, Mr. RICHARDSON, Mr. RODINO, Mr. ROSE, Mr. SABO, Mr. SAVAGE, Mr. SCHEUER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SEIBERLING, Mr. SISISKY, Mr. SMITH of Florida, Mr. STARK, Mr. STOKES, Mr. STRATTON, Mr. SUNIA, Mr. TALLON, Mr. TAUZIN, Mr. THOMAS of California, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. UDALL, Mr. VALENTINE, Mr. VENTO, Mr. VISCLOSKY, Mr. VOLKMER, Mr. WAXMAN, Mr. WEISS, Mr. WHEAT, Mr. WILSON, Mr. WISE, Mr. WOLPE, Mr. WORTLEY, Mr. WYDEN, Mr. WYLIE, and Mr. YATRON.

H.J. Res. 479: Mr. HOYER, Mr. MILLER of California, Mr. MOORE, Mr. MADIGAN, Mr. ROSE, Mr. WALGREN, Mr. HERTEL of Michigan, Mr. WATKINS, Mr. ENGLISH, Mr. BEDELL, Mr. OWENS, Mr. CLINGER, and Mr. FISH.

H.J. Res. 483: Mr. TOWNS, Mr. MADIGAN, Mrs. VUCANOVICH, Mr. FOWLER, Mr. TRAXLER, Mr. GIBBONS, Mr. HUCKABY, Mr. BROOMFIELD, Ms. MIKULSKI, Mr. DE LA GARZA, and Mr. DIOGUARDI.

H.J. Res. 497: Mr. MCCURDY, Mr. WATKINS, Mr. TALLON, Mr. DYSON, Mr. MACKAY, Mr. COLEMAN of Texas, Mr. ZSCHAU, Mr. GUARINI, Mr. NEAL, Mr. BRYANT, Mr. SMITH of Florida, Mr. RAHALL, Mr. HUGHES, Mr. WALGREN, Mr. BERMAN, Mr. NELSON of Florida, Mr. FAZIO, Mr. ANDREWS, Mr. KANJORSKI, Mr. CHANDLER, Mr. PENNY, Mr. BEREUTER, and Ms. KAPTUR.

H.J. Res. 500: Mr. MATSUI, Mr. PURSELL, Mr. HUTTO, Mr. BEREUTER, Mr. BIAGGI, Mr. KOLBE, Mr. LUNGREN, Mrs. BYRON, Mrs. COLLINS, Mr. EARLY, Mr. ECKERT of New York, Mr. GUARINI, and Mr. HYDE.

H.J. Res. 504: Mr. BEVILL, Mr. BLILEY, Mr. CARNEY, Mr. CHAPPELL, Mr. COBEY, Mr. COURTER, Mr. DAVIS, Mr. DIOGUARDI, Mr. DYMALLY, Mr. FRANKLIN, Mr. GUNDERSON, Mrs. HOLT, Mr. HORTON, Mr. LAGOMARSINO, Mr. LELAND, Mr. LEWIS of California, Mr. LIVINGSTON, Mr. LOTT, Mr. LOWRY of Washington, Mr. LUNGREN, Mr. MCCURDY, Mr. MATSUI, Mr. PRICE, Mr. RICHARDSON, Mr. RODINO, Mr. TRAXLER, Mr. WORTLEY, and Mr. YOUNG of Missouri.

H. Con. Res. 26: Mrs. LLOYD.

H. Con. Res. 241: Mr. LANTOS, Mr. SAXTON, Mr. DIOGUARDI, Mr. MANTON, and Mr. AUCOIN.

H. Con. Res. 271: Mr. FOGLIETTA, Mr. SCHUMER, Mr. FRANK, Mr. HAWKINS, Mr. COYNE, and Mrs. COLLINS.

H. Res. 12: Mr. MCKINNEY, Mr. GEJDENSON, Mrs. SCHNEIDER, Mr. GREEN, and Mr. MORRISON of Connecticut.

H. Res. 210: Mr. EVANS of Illinois.

H. Res. 369: Mr. HERTEL of Michigan, Mr. BILIRAKIS, Mr. FRANK, Mr. LAGOMARSINO, Mr. BOEHLERT, Mr. YOUNG of Florida, Mr. MCGRATH, Mr. BROWN of California, Mr. LEVINE of California, Mr. ATKINS, and Mr. WHITEHURST.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

273. By the SPEAKER. Petition of the National Assembly of the Republic of Nicaragua, relative to the revolution in Nicaragua; to the Committee on Foreign Affairs.

274. Also, petition of Leo O. LaBranche, Jr., of Idyllwild, CA, relative to the Amateur Sports Act of 1978; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

AFFIRMATIVE ACTION—MORE THAN GOALS OR QUOTAS

HON. CHARLES McC. MATHIAS, JR.
OF MARYLAND
IN THE SENATE OF THE UNITED STATES

Wednesday, February 5, 1986

● Mr. MATHIAS. Mr. President, on January 15, 1986, an outstanding advocate for civil rights spoke on an important theme to an audience assembled for an auspicious occasion. The occasion was the observance of the birthday of Dr. Martin Luther King, Jr., at the King Center for Nonviolent Social Change in Atlanta. The theme was the controversial issue of affirmative action to overcome discrimination in employment. The speaker was Hyman Bookbinder, the veteran Washington representative of the American Jewish Committee. This fortunate conjunction of the man, the topic, and the audience contributed to a speech that I believe places the difficult issue of affirmative action in a thoughtful and thought-provoking context. So that other Senators may benefit from "Bookie's" informed perspective on this crucial issue, I ask that the text of his speech, entitled "Affirmative Action—More Than Goals or Quotas," be printed in the RECORD at this point.

The text follows:

AFFIRMATIVE ACTION—MORE THAN GOALS OR QUOTAS

(Speech by Hyman Bookbinder, American Jewish Committee)

Even though we are so pressed for time, I must make this personal statement. Mrs. King, you won't remember this—why should you?—but on October 19, 1983, I was sitting right behind you in that reserved Senate Gallery when final action was being taken on the King Holiday bill. When the vote was announced—78 aye 22 nay—the President having already indicated he would sign the legislation, we knew that final victory had come. You stood up, embraced members of your family, then your close colleagues sitting near you. Then you turned around and embraced me. That was not a personal embrace, I realized, though I cherish that moment personally. It was your way of saying: "This isn't just my holiday, just my people's holiday, it is also your holiday, it is America's holiday." And that's how I hope all America will indeed think of it.

Now to my assignment here today. Martin Luther King once spoke as eloquently as anyone ever had about what employment opportunities mean for those deprived of such opportunities. He said, "In our society, it is murder, psychologically, to deprive a man of a job or an income. You are in substance saying to that man that he has no right to exist."

In the years since he spoke those words, it is indeed possible to point to some progress. There are Blacks in some industries and professions once closed to them. There are "equal opportunity" employers and agencies trying to improve their employment record. If we point to some progress, however, we have a special obligation to insist that progress simply has not been good enough. Not when last week's official figures tell us that Black unemployment is 2½ times that of white; that Black youth unemployment is over 40 percent; when we know that Black average wages are about 60% of white . . .

Even as we were winning legal battles for fair employment, in the Fifties and Sixties, Dr. King and others were telling us that legal victories alone would not suffice, that "affirmative action" would be required to make a reality of the legal victories. The phrase "affirmative action" started to appear explicitly in presidential speeches and executive orders, in agency regulations, in civil rights advocacy. There has never been an official document which offered a clear and complete definition of the term. But it has come to cover a wide range of special efforts designed to overcome resistance to progress for excluded groups. It has meant improved training and retraining programs, critical review of testing and qualifying systems, changes in recruiting and advertising campaigns, better labor market information—better education and counseling and upgrading arrangements.

They were not always thought of as "affirmative action" programs. But as officials of the President's Task Force on Poverty 20 years ago, Carl Holman, Sargent Shriver, and I did think of programs like Head Start, and Job Corps, and Upward Bound as the most helpful and sophisticated kinds of affirmative action.

In time, affirmative action encompassed systems for setting realistic goals for equal employment—especially for government contractors and public bodies . . . Such numerical criteria served both to measure progress or lack thereof, and also to serve as a prod to quicker progress.

Overall, these programs did do good—though not as much as we'd have liked. There was uneven enforcement and there was stubborn resistance. Cases were brought to the courts—and in some cases the remedies included even the use of quotas to undo the effects of documented, deliberate discrimination. These court-ordered quotas did cause serious, agonizing, acrimonious debates, even among erstwhile allies. The courts have yet to render final judgment on such quotas.

But today's crisis is not over quotas. It is over the attempt by over-zealous ideologues to dismantle the whole system of goals and timetables and thus to weaken affirmative action generally. The civil rights community is as united as it's ever been on defeating this Meese-Reynolds assault on Executive Order 11246. Even as we meet here, the White House is still debating the issue. Mr. Meese last weekend wanted the impression to get around he'd won the battle. I cannot believe it—and neither should you. The President would have to reject the advice he's been getting from 69 Senators and over 200 Congressmen, including the top leadership in both houses and both parties, the advice from the National Association of Manufacturers and other key business institutions, advice from key Cabinet members including Secretary of Labor Brock and Secretary of State Shultz, from the whole range of racial, ethnic, women's and religious groups.

The battle over the Executive Order can still be won. And it must be won.

The unity which had been eroding for about 10 years is now restored. During those 10 years, unfortunately, the civil rights community had been needlessly divided over the quota issue because of the differences which surfaced in connection with several highly publicized court cases—DeFunis, Bakke, Weber. Especially disturbing to many of us has been the impact on Black-Jewish relations. The Jewish community, it had been incorrectly asserted, was opposed to affirmative action.

But the present battle over the Executive Order has clarified things. Except in cases of court-ordered remedies following findings of discrimination, no significant elements in the civil rights community have advocated preferential quotas—and the Executive Order specifically prohibits such quotas. Goals and timetables are authorized, and with very few exceptions every part of the civil rights community supports them. It rejects the argument that goals and quotas are the same. I can state with assurance that the Jewish community overwhelmingly approves of this consensus. We continue to oppose rigid, inflexible, preferential quotas, but we support with enthusiasm the use of goals.

But I believe that we must go beyond this issue. Preoccupation with the goals/quota issue to the exclusion of the other aspects of affirmative action is a disservice to the goal of equal opportunity. We have lost too much valuable time and engaged in too much acrimony. This confusion and conflict over the proper use of arithmetic standards has kept us from working as hard as we should for the so-called "non-controversial" aspects of affirmative action.

Let us face up honestly to two equally valid premises:

1. If tomorrow morning, by some inexplicable miracle, every American company or institution were suddenly entirely free of any prejudice and were determined forever to end discrimination, it would still take a long time before our labor force would reflect the mix of our general population. Too many would simply be unprepared for the new opportunities. But equally true:

2. If tomorrow morning, by some inexplicable miracle, every American sub-group—Blacks, Hispanics, women, etc.—had the same range of qualified individuals for the whole range of employment opportunities, it would similarly take a long time before our labor force would reflect the mix of our general population. Too many Americans and American institutions, unfortunately, would still be unprepared to abandon their prejudices and habits.

We must work simultaneously on both of the fronts which these two premises require. The two premises are, of course, relat-

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ed. Discrimination leads to despair and hopelessness, which in turn leads to abandonment of education and training. And this failure to be properly prepared for employment only reinforces the prejudices of those who are resisting progress.

A real, full-fledged affirmative action program will require action on many fronts . . .

It will require special efforts which reflect the realities of current family disarray . . . of the epidemic of teenage pregnancies . . . of the drug culture . . . of the feminization of poverty . . .

It will require a hard look at our present education, training, and retraining programs, both public and private . . .

It will require an evaluation of current recruiting and selection and testing methods . . .

It will require the best possible understanding of developing labor market needs in a high-tech era . . .

It will require a new look at the whole challenge—to see it as more than numerical goals, important as those are. It will require a commitment and an allocation of resources—in both the public and private sectors—to match some of our greatest commitments of the past: the Marshall Plan, the Space program, the fight against cancer and heart disease, the National highway system. Surely, the social and economic integration of all of our Americans is as critical a challenge as any of those earlier challenges . . .

We operate today, of course, in the context of huge budget deficits and Gramm-Rudman restrictions—but that cannot deter us from speaking the truth as we know it.

For me personally, today's challenge is a depressing deja vu. As we were putting together elements of the war on poverty 20 years ago, I was particularly struck with one statistic: half of all America's poor that year, we learned, had been poor from the day they'd been born. Breaking the cycle of poverty became our challenge.

Today, there is again a fact that we as a nation ignore at our peril. That fact is that every single day there are thousands—yes, thousands—of babies born into family and community situations who are quite likely to be poor and miserable for the rest of their lives. These are the babies—Black and White, but again disproportionately Black—who will never know more than one parent or ever have any working member in their immediate family, who will know only about welfare and food stamps for survivial, who will drop out of schools before becoming functionally literate, who will be surrounded by drug and drinking and crime problems.

For these millions of babies born yesterday, today and tomorrow, the affirmative action they require must begin even before they are born. Neither quotas nor goals nor executive orders will be sufficient to make them ready for employment and independence if we do not pay attention now to their inevitable social disabilities.

So the task of affirmative action in employment is tremendous. It cannot be separated from the related tasks in housing, in health, in education, in family and community stability. It means concern for those born today, for those already dropped out of school, for those struggling in menial, minimal jobs, for those displaced by industrial change, and for the older workers not ready for secure retirement.

Our immediate task is to prevent scuttling of present affirmative action requirements. Let's win that one. But let's not ignore the broader challenges of affirmative action across the board. The Jewish community will be there, I can assure you, in a renewed and strengthened effort to make King's dream a reality.●

AGRICULTURAL CREDIT CRISIS FACES RURAL LENDERS AND BORROWERS

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. DASCHLE. Mr. Speaker, February 1985 was an important time for many farmers and ranchers anxiously determining their credit financing for the 1985 season. Ten percent of these family farmers and ranchers faced the prospects that the 1985 season could be their last.

The Congress responded to this agricultural crisis by passing emergency credit legislation. While not the complete answer that farmers and ranchers needed—improved farm income—this measure offered a lifeline that was critical to the survival of literally thousands of these producers. Unfortunately, this lifeline was later jerked away by a Presidential veto.

In February 1986, 1 year later, family farmers and ranchers again face a perilous future. It is a future that points to lower farm income, hardly a positive component of any financial statement. Equally important, it is a future that predicts the difficult financing times that lie ahead for those farmers and ranchers planning for the 1986 season.

The statistics show this to be the case. A recent survey of financial institutions conducted by the economics department of South Dakota State University revealed that two-thirds of South Dakota's farmers and ranchers are facing such perilous financial conditions that they would be denied credit from any lender other than their current financier. Only 17 percent of the State's private lenders indicated they would approve a farm or ranch operating loan for a new customer with an average financial rating.

Regretably, many within the administration feel that all is well within the agricultural sector and that "dawn is just around the corner." Mr. Speaker, thousands of family farmers and ranchers throughout the Midwest have been waiting for more than 1 year, hoping to catch a glimpse of that glimmer of light and hope. For them, the bright lights seen by some in this administration are a cruel joke.

Those in the administration who hope this problem will magically disappear should take note. It will not. And neither will those of us in the Congress who share my view that our current agricultural policy is a one-way trip to disaster.

We responded in 1985. We will again in 1986.

The survey follows:

COOPERATIVE EXTENSION SERVICE,
AGRICULTURAL COMMUNICATIONS OFFICE,
SOUTH DAKOTA STATE UNIVERSITY,
Brookings, SD, January 15, 1986.

SURVEY SHOWS WORSENING FARM CRISIS

BROOKINGS, SD.—A survey of financial institutions has supplied new evidence of a deteriorating South Dakota farm economy, especially in Western South Dakota, and it points out necessary changes in the way farmers and ranchers market their products.

The late-November survey was conducted by the Economics Department at South Dakota State University. It included the Farmers Home Administration, private lenders such as banks, and members of the farm credit system such as PCA's and the Federal Land Banks. The survey was designed to document financial stress, current interest rate structure, and the level of use and understanding of marketing strategies.

SDSU Economist Brian Schmiesing says the major finding is that because of their financial condition, two-thirds of the state's farmers and ranchers can't get a loan from any other private lender than their present one. Included are not only those borrowers in a "weak" or "inferior" financial position, but also most of those in an "average" position.

"In fact, only about 17 percent of the private lenders said they would approve a farm or ranch operating loan for a new customer with an average financial rating," said Dr. Schmiesing.

Even those with "good" or "superior" ratings would sometimes be refused as new loan customers. The survey found that almost 40 percent of the private lenders would refuse a loan to a new farm or ranch customer with a "good" rating, and about 11 percent would refuse one with a "superior" rating.

An even tighter situation was revealed for real estate loans. About 43 percent of the lenders responding to the survey would not approve an ag real estate loan for a new customer regardless of his credit rating.

"The inability of farm and ranch producers to move between private lenders clearly indicates that being an 'average' credit risk means the producer is not considered to be in a strong financial position," Schmiesing explained.

"It also underlines the importance of the present crisis in the farm credit system, because the majority of the producers already have lost their ability to find alternative financing—especially for real estate."

The survey revealed that many farmers and ranchers statewide are increasing their debt load. Lenders said that about 40 percent of all borrowers went farther into debt during the past year. About 35 percent held their own, and about 26 percent decreased their indebtedness.

Lenders said that about 12 percent of their borrowers statewide are in superior financial condition. About 22 percent were rated good, 41 percent average, 16 percent weak, and 9 percent inferior. Ratings indicated slippage in overall farm and ranch financial position since a year ago.

"As dismal as the financial picture is statewide, it's even more discouraging in Western South Dakota," said Schmiesing.

Private lenders said almost 80 percent of their Western South Dakota ag borrowers were average-or-below credit risks. They also revealed that 52 percent of all Western South Dakota ag borrowers had increased their overall debt load during the past year. The corresponding figure for other regions of the state was just 31 percent.

The percentage of ag borrowers who can't qualify for financing and who had to reorganize and liquidate also were higher for Western South Dakota farmers and ranchers.

"Unlike last year, Western South Dakota is experiencing a clearly higher level of financial stress than the rest of the state," said the economist. "This situation probably has deteriorated even more since the survey, which was based on the financial conditions of November 1, 1985."

Bankruptcy usually is considered the main indicator of financial stress, Schmiesing explained, "but the actual number of South Dakota farm reorganizations and liquidations is much higher than the number of bankruptcies." The survey showed about 81 in each thousand farm and ranch borrowers had major financial reorganizations involving partial or total liquidations in the past year.

Of these, about three-fourths involved informal negotiations between the producers and their creditors outside of the bankruptcy court and without formal foreclosure actions. About 15 percent were formal bankruptcies, and 9 percent involved formal foreclosure actions.

Agricultural marketing is a major concern among lenders, according to the survey. Although the majority of the lenders feel the lack of demand for U.S. farm and ranch products is an important part of the problem, nearly all feel inadequate marketing skill and the fear of using available marketing tools is a major weakness among their borrowers.

"The worst part is that many producers may now feel too financially stressed to risk changing their marketing strategies," said Schmiesing. "We must develop ways to enable these producers to reinforce their marketing skills without exposing them to additional risk."

The survey found that government price support loans were the most used factor in figuring cash flow for grain producers. "The 1985 farm bill probably will lower those loan prices as it moves U.S. agriculture toward a more market-oriented farm policy in the next five years," said Schmiesing. "So, how will cash flows be figured in the future, and, more importantly, will our farmers and ranchers have the necessary marketing skills to compete in a deregulated agriculture?"

Lenders said more than 80 percent of their ag borrowers who feed cattle, produce cash grain, or feed hogs used only cash marketing during the past year. "This means that most are carrying all of the price risk that exists in our volatile commodity markets," he said. "It also means that only 14-20 percent are using forward pricing, hedging, and options in addition to cash marketing."

A major marketing innovation of the past year has been agricultural commodity options by major futures commodity exchanges, but lenders say less than one percent of their farm borrowers use put or call options, said Schmiesing.

"Economists have argued commodity options represent the private sector's alternative to the support loan program. If the support loan prices for grains are reduced, producers will either use agricultural marketing tools other than cash marketing to lock in prices for their products, or they will face increasing exposure to adverse commodity price changes and more volatility in their net farm incomes," he added.

Dr. Gene Murra, acting head of the SDSU Economics Department, says the survey highpoints the need for both basic and advanced marketing information and training. "This is needed not only for the producers, but also for those who work directly with producers—including ag loan officers, ag educators, and others," he said.

"Specifically, there is a great need for immediate expansion of programs in the area of risk management, expecially price risk," he said. "This includes not only an evaluation of the cash method of marketing, but also deferred pricing alternatives such as contracting, futures, and options."

Murra sees the Cooperative Extension Service working with an array of other agencies to deliver the necessary training and information. These might inlcude major farm groups and organizations, ag lenders and their professional associations, state agencies and departments, and others.

He said his Department presently is developing proposals for several kinds of programs designed to alleviate marketing problems surfaced by the lender survey.

The survey analysis was based on 186 returns from 344 agricultural lenders in South Dakota, a response of 54 percent.

AMERICAN VESSELS SHOULD CARRY CARS FROM JAPAN

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. JONES of North Carolina. Mr. Speaker, today I would like to bring to my colleagues' attention the latest information concerning the importation of Japanese cars to our country on foreign-flag vessels.

Progress is slowly being made to bring United States-flag pure car carriers into the Japanese-United States trade market. Currently there is not a single U.S. vessel of this type in existence to operate in this trade. This is due to the fact that Japanese car manufacturers will give only short-term contracts to Japanese companies to provide this transportation. Short-term contracts make it impossible for an American company to obtain financing for a vessel since the viability of the enterprise cannot be assured beyond the contract date.

From January through September 1985 Japanese vessels carried 44 percent of all auto imports—measured by value—imported into the United States from Japan; Liberian, Panamanian, and Singaporean car carriers, many of who are owned by Japanese companies, carried 47 percent.

But progress is being made. Nissan Motor Co. has recently announced that it will charter a pure carrier from marine transport lines for 3 years. This vessel will be built in a Japanese shipyard and will be capable of transporting 4,000 cars per voyage. It will carry the U.S. flag. However, it will be able to transport only a small percentage of the approximately 700,000 cars Nissan exports to the United States annually.

Similarly, Toyota Motor Corp. recently announced that it will use U.S. vessels to transport 10 percent of 600,000 cars it exports to the U.S market annually, but no details were given as to what American shipping companies might get contracts. Meanwhile, Mazda Motor Corp. is considering U.S. shipping lines to ship auto parts in containers to their new factory in Michigan when it opens next year.

Mr. Speaker, all of these actions constitute small steps in the right direction. I hope that we can make further progress into this market which I feel has great potential for the U.S. merchant marine.

Later this spring the Committee on Merchant Marine and Fisheries will conduct hearings on H.R. 3655, legislation I introduced to require that the same number of cars imported from Japan on Japanese vessels be transported on United States-flag vessels. At that time I hope that we can get more details on the inroads our maritime industry is making into this market and the plans that Japanese exporters may have to use United States-flag vessels to transport cars to the United States.

I would like to submit for the record the following article from the Journal of Commerce on January 23, 1986 concerning the progress that has been made on this issue.

The article follows:

[From the Journal of Commerce, Jan. 23, 1986]

TOYOTA TO USE U.S. FLAGS FOR 10 PERCENT OF EXPORTS

(By A.E. Cullison)

TOKYO.—U.S. merchant vessels will be used to transport 10 percent of Toyota Motor Corp. automobile exports to the U.S. market each year, according to executives of Japan's largest car manufacturer.

This is believed to be the first time that Toyota will ship any of its automobiles to the United States on U.S.-flag vessels.

Toyota officials stressed that about 60,000 units would be involved annually at current export rates. However, the figure would increase along with future expansion of auto shipments to the U.S. market.

They emphasized that the shipping lines to be employed in the arrangement, the date of commencement of these operations and other details remain to be worked out but that an announcement covering these factors will soon be made.

Toyota already is using ships flying the U.S. colors to transport automotive parts and components (valued at an estimated $2,000,000 yearly) from Japan to facilities of New United Motor Manufacturing Inc. in the United States.

NUMM is a joint venture between Toyota and General Motors Corp.

Nissan Motor Co., Japan's second biggest manufacturer of automobiles, has already decided to transport some of its autos to the United States aboard an American vessel.

Nissan Motor Car Carrier, a subsidiary of Nissan, plans to charter a car transporter of Marine Transport Lines of the United States over a three-year term beginning from the first of next year. The car carrier is to be constructed by a Japanese shipbuilder.

Meanwhile, Mazda Motor Corp. the third most important automobile maker in Japan, currently is considering the use of U.S. shipping lines in transporting auto parts from Japan to its assembly plant in Michigan.

Mazda's Michigan factory is scheduled to launch operations about 18 months from now.

President Kenichi Yamamoto and other leading Mazda executives informed newsmen in Hiroshima, the company's headquarters, that the firm probably will charter U.S. containerships to carry the auto parts

to the United States. However, they did not identify the U.S. shipping lines that are under consideration.

The Mazda president added that his company has requested Japanese trading houses affiliated with the firm to make use of U.S. merchant vessels for transporting a portion of fully assembled autos to U.S. ports in the future.

So far, no Japanese automobile manufacturer has assigned either completed vehicles or large-scale parts and component shipments bound westward across the Pacific to U.S.-flag vessels, preferring instead to use Japan's own merchant fleet for such purposes.

It is believed in Japan that these recent breakthroughs stem from the introduction of legislation in the U.S. Congress that stipulates that at least 50 percent of all Japanese motor vehicles shipped to U.S. ports should be carried in U.S. bottoms.

ON A NEIGHBORHOOD HERO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. RANGEL. Mr. Speaker, as Congress reconvenes to take up its legislative agenda, I must take a moment, as chairman of the House Select Committee on Narcotics Abuse and Control, to bring to the attention of my colleagues a recent editorial page article by Earl Caldwell appearing in the New York Daily News of January 10, 1986. I wish also to salute a very brave woman, the subject of that article, Rita Smith. Ms. Smith led the fight to retake from drug peddlers and almost total abandonment, the neighborhood in New York's Harlem in which she was born and raised; a neighborhood that in the last several years had grown so lawless and violent that some referred to it as Dodge City.

We have in fact simply surrendered many areas and neighborhoods of the country to the traffickers and users of illicit narcotics. In the course of hearings and meetings with law enforcement personnel around the country, the select committee has learned how vast tracts of our national parklands are virtually off limits to all but the growers of marijuana. Indeed marijuana is cultivated in all 50 States. In our inner cities we have all read the tragic reports of gunfights between rival gangs of cocaine traffickers embroiled in turf battles. We have seen how even sections of our Nation's Capital have been overridden by the sellers and abusers of narcotics to the extent that certain areas of the city are today synonymous with the illegal drug business.

Ms. Smith's community situated in what might be considered the heart of Harlem had been until recently just another example of urban blight giving way to the far greater menace of the drug trade. Areas like those in California; Florida; Washington, DC, and New York remain virtual war zones where the law abiding dare not venture. And when queried as to why this activity goes on, literally in broad daylight, the common response of law enforcement offices around the country is the lack of funds necessary to effectively combat illicit narcotics.

Mr. Speaker, in an effort to address this problem, during the first session of the 99th Congress I introduced legislation, H.R. 526, the State and Local Narcotics Control Assistance Act. This legislation authorizes the Attorney General to make grants to the States and local governments in the amount of $750 million a year for 5 fiscal years in order to enhance their drug enforcement as well as treatment and prevention activities for the next 5 years. The bill to date has 115 cosponsors.

The block of West 143d Street between Adam Clayton Powell, Jr., Boulevard and Lenox Avenue is lucky to have Ms. Smith and the block association that she heads. The resourcefulness and resolve which the people of this inner-city community showed in saving this small part of New York City from going the way of too many other similar areas will stand as a model for all of America.

Until our police forces around the country are better equipped, staffed, and of course funded to do the job of effectively fighting the illicit drug trade it is my hope that others everywhere will follow the example set by Rita Smith and the people of this West 143d neighborhood. They have showed how community spirit, self-esteem, a consistent housing pattern, education and the paying of some dues, can form the basis of a neighborhood that is alive and drug free.

The column follows:

[From the New York Daily News, Jan. 10, 1986]

RECLAIMING HER ROOTS

(By Earl Caldwell)

Not all of the pieces are in place, not yet. But Rita Smith, who is the leader, said that on W. 143d St., in Harlem, something very big is coming together. "We're making some history," she said. "We're showing what can be done. We're building the model for urban America."

All over the country there are these neighborhoods that have been almost totally abandoned except by the junkies and the pushers and other evil beings.

Just a little more than six years ago, one of the worst of these devastated places was the block of W. 143d St. between Adam Clayton Powell Jr. Blvd. and Lenox Ave., Rita Smith heads the block association there.

In those six years, the turnaround on Smith's block has been stunning. And the real story is how it happened.

On W. 143d St., the turnaround didn't begin with the city coming in with big plans and big money. It started at the bottom with Rita Smith and a handful of others, mostly women.

Six years ago, W. 143d St. was virtually owned by the drug crowd. It was so violent they called it Dodge City.

Smith, a divorced parent raising seven kids, was always asked, "Why do you stay here?"

"Where could I go?" she replied.

Her roots were on W. 143d St. She lives in the same building where she was born and raised, at the corner of Lenox Ave.

Smith and other women knew it wouldn't do to leave their homes and fight the druggies in the streets. "We organized in our buildings," Smith said. "That's where we got together."

They made the police do their job. "You change the social conditions." Smith said. "You begin modifying people's behavior. You develop self-esteem in people. You get them to believe that they deserve something better."

Once the pushers and the junkies knew they were no longer welcome on W. 143d St., the block association focused on the problem of abandoned housing. They formed a development company and mapped out plans for an area from W. 140th to W. 144th Sts. They called their plan MANA (Make a neighborhood Again).

"Who else would know what we would need here?" Smith said. "But you need a consistent housing pattern, that's how you stabilize an area."

The association used the last of the federal Section 8 housing money to rehabilitate 200 units on W. 143d and W. 144th Sts.

Contracts are in place for the rehabilitation of six more old buildings on W. 143d St. They will become the Harriet Tubman Family Living Center which will house 100 homeless families.

Each project the association completes is given a name with a meaning. The showplace buildings on W. 143d and W. 144th Sts. bears the name of Malcolm X. And the Harriet Tubman Center will be known as a shelter. "We didn't want anything with a negative connotation," Rita Smith explained. "We're inviting them (the homeless) here, they are our guests. Many of the families are from this neighborhood but when something happens, they get dispersed throughout the city. They're put out of the network they know."

The idea is to make the center and the people there a part of the community. "We're going to operate on the extended family basis," Smith said. She described a host of support services they hope to bring together for center residents.

"This is the way government is supposed to be," she said, "You start on this level and go up."

Smith was asked what makes W. 143d St. different. "Education," she said, "You learn the language of the system and you cannot be oppressed any longer. I got my education off the backs of people who took to the streets in the '60s, but I didn't see it as something to use to go out and get a certain kind of position. I used my education here in the community and that's what makes the difference. We owe some dues."

A CONGRESSIONAL TRIBUTE TO ROSE D'ACQUISTO

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. ANDERSON. Mr. Speaker, I would like to take this opportunity to pay tribute to Rose D'Acquisto on the occasion of her retirement from the United Industrial and Cannery Workers Union of the Los Angeles harbor area. Rose has served tirelessly for over 40 years to advance the causes of industrial and cannery workers, and was honored for her unselfish efforts at a retirement dinner on January 22.

In 1944, Rose became the first shop steward at the Van Camp Seafoods plant and began a career as a union worker that would stretch over four decades. At this plant, Rose was instrumental in the creation of quality control procedures in regard to weights and

measures that greatly affected the quality of production. As a member of the executive committee of the Cannery Workers Union Credit Union, Rose cofounded the Cannery Workers Union Pension Fund.

In 1959, and for the next 20 years, Rose served in a number of important positions. She was secretary and trustee of the Cannery Workers Union Pension Fund, and was instrumental in the administration of the Fish Canners-United Industrial Workers Health, Welfare, and Pension Trust Funds. In addition, she accepted the duty of insurance officer and health and welfare liaison officer for the United Industrial Workers Union. During this time, she also undertook the task of coordinating the AFL-CIO Label Show and affiliated unions awards and banquets ceremonies, a job she so skillfully and humbly handled through last year.

Since 1980, Rose has actively participated in the administration of the Fish Canners-United Industrial Workers Health, Welfare, and Pension Trust Funds and the political campaigns of major Los Angeles harbor area politicians.

My wife, Lee, joins me in congratulating Rose D'Acquisto for her outstanding achievements and in honoring her upon her retirement. Her talents and selflessness will be greatly missed. We wish Rose and the rest of her family—her children, Pete and Vito, and grandchildren, Petie, Carla, Lisa, Lorraine, John, and Mary Jane—all the best in the years ahead.

REAGAN DEFERRALS AND RESCISSIONS HURT POOR AND WORKING PEOPLE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. FRANK. Mr. Speaker, among the more dismaying proposals to come forward recently from the administration is the one which would decimate urban programs. Despite the fact that urban programs have been more deeply cut since 1981 than almost any other in the Federal budget, and despite the fact that they are due for their share of cuts under Gramm-Rudman along with nearly every other Federal activity, the President has recently decided to propose deferrals and rescissions for the small amounts already voted in all of the important urban programs. If we give in to the administration in this regard, the results will be socially disastrous for many poor and working people, and economically disastrous for our cities. An increase in homelessness is one certain result.

I recently received a very thoughtful and specific letter from Stephen Gartrell, community development director of the city of Newton, MA, documenting the enormous harm which the President's proposals would do. I should note that, while Newton's elections are nonpartisan, the mayor of this city is a very distinguished Republican who served with great distinction as a Republican member of the Massachusetts Legislature before becoming mayor of Newton. Mayor Mann has been one of those who has led the fight against efforts to cripple Federal programs which help cities deal with their problems.

The letter from Stephen Gartrell, community development director of the city of Newton, follows:

CITY OF NEWTON, MA,
COMMUNITY DEVELOPMENT PROGRAM,
Newton Centre, January 1986.

Representative BARNEY FRANK,
House Longworth Building, Washington, DC.

DEAR CONGRESSMAN FRANK: I am aware that you are and have been a stalwart supporter of domestic programs including the Community Development Block Grant (CDBG) Program. As you know, these programs are once again being threatened by the Administration, which has proposed, in addition to cuts already made through the HUD budget process and through cuts required by Gramm-Rudman, drastic additional cuts to the FY86 HUD and other domestic budgets through deferrals, program terminations, and formula changes. Apparently, this is being done by the Administration to foreclose cuts to the Defense budget which would otherwise be mandated by Gramm-Rudman. I understand that you are working to avert these additional deferrals, and, on behalf of Newton's low and moderate income population, I thank you.

An additional concern is that there is some question in Washington whether CDBG funding actually reaches the low and moderate income people for whom it is targeted. Apparently even the Washington Post (which should know better) published an editorial last week which called the CDBG program little more than a glorified Revenue Sharing Program.

Let me assure you that in Newton 100 percent of the CDBG program funds go to programs which benefit low and moderate income persons. In fact, 89 percent of Newton's FY87 CDBG funds (assuming only the 16 percent cut) are projected to go to programs directly targeted to low and moderate income persons in housing rehabilitation, housing development, and human services. Only 11 percent would be used for public facilities improvements within the three neighborhoods with the highest concentration of low and moderate income individuals.

It is important to note that, despite the perception of Newton as a wealthy community, CDBG funding is virtually the only source of funding for human services programs for low and moderate income families and individuals in Newton and is one of the few, rapidly dwindling sources of housing development and rehabilitation funding.

Examples of what CDBG funding has accomplished in the past program year (Program Year 10) follow:

59 low and moderate income Newton families have had their homes or rental units moderately rehabilitated with the aid of CDBG financial assistance (a total of 744 units have been rehabilitated over the ten years of the program);

32 low and moderate income Newton homeowners have themselves painted or had a contractor paint their homes and have received a CDBG percentage rebate;

Using CDBG funds for design, acquisition, substantial rehabilitation, or site improvements costs, approximately 250 low and moderate income family, elderly, and handicapped units are being planned or built;

Provided funding for the following public services accomplishments:

Provided day care fee reductions for 59 children from low and moderate families (a substantial majority headed by single females);

Provided home health care for 110 high risk (either mentally or physically) low and moderate income elderly;

Provided counseling and legal support to 7 low and moderate income battered wives;

Provided job training for 12 low and moderate income court referrals;

Provided counseling and special activities to over 600 predominantly low and moderate income adolescents;

Provided support/counseling for 21 low and moderate income parents in child abuse/pre-abuse situations;

Provided individual, family and group therapy for 199 adolescent alcohol/substance abusers from low and moderate income families;

Provided a therapeutic camp environment for 13 low and moderate income children with learning or emotional disabilities; and

Provided elder drop-in centers in the 2 neighborhoods with the highest concentration of low and moderate income residents;

The effect of a 31 to 36 percent cut for Newton would mean that in FY87:

12 lower income families (mostly headed by single females) would lose their day care assistance and might be forced to quit their jobs and go on welfare;

17 lower income senior citizens who are now able to live in their homes would have to be moved to institutions because the in-home care they receive would be terminated; and,

42 new units of low and moderate income housing now in the development pipeline would have to be abandoned.

Approximately 100 other lower individuals or households would be impacted by the proposed cuts in FY87.

While 206 lower income families and individuals may not seem like many, cuts of a similar magnitude will have to be made by all other cities, large and small, receiving CDBG funding and therefore, in the aggregate, many hundreds of thousands of lower income families and individuals will be hurt by these cuts.

Please continue to support actions to overturn the Administration's attempts to further cripple domestic programs such as CDBG.

Sincerely,

STEPHEN D. GARTRELL,
Community Development Director.

EXPRESSION OF CONCERN

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Ms. MIKULSKI. Mr. Speaker, last week on national television, we as a nation watched the excitement of the *Challenger's* launch turn into a terrible tragedy. What we also saw was the shock and dismay that filled the children's faces as the shuttle exploded before them.

For those of us who were around in 1961, when the Space Program was just beginning, we can remember the uncertainty, fear, and sense of wonder and pride we felt as we watched the first rockets carry men into space. We are also cognizant of the progress that the Space Program has made. But, for

the children who were not around then and have just recently become enthralled by the Space Program, the tragedy of January 28 has confused and terrified them.

For this reason, I would like to bring to the attention of my colleagues an especially poignant column that was printed in the Baltimore Evening Sun. It provides valuable insights as to how these children feel and stresses the need to comfort and assure them that the crewmembers did not die in vain.

The article follows:

[From the Baltimore Evening Sun, Jan. 29, 1986]

IN OUR REACH FOR DREAMS, WE SOMETIMES STUMBLE

(By Dan Rodricks)

Any boy, such as the one within the man who went out last night in the freezing cold to look at the stars, knows that dreams are without limits. He knows this deep in his heart. Even with his feet planted firmly on earth and gravity holding him there, any boy can look at the sky and believe, however briefly, that his future is as vast as the universe.

Any boy at all. Any girl. Anyone who grew up in the Space Age—from satellite to space shuttle—and who came to understand that all this high-tech drama had more to do with universal dreams than with national agendas. That wasn't a space shuttle that exploded in the sky over the Florida coast yesterday. That was a dream trying to stay alive.

Children who today find themselves confused and terrified over the tragedy of Challenger could learn from those of us who hovered near black-and-white television sets in the early days of the manned space missions. Those days were exciting but not without uncertainty and fear. Who really knew that rockets could take men into space? Who really knew that astronauts, once in orbit, could return safely to Earth?

No one really knew. There were no guarantees. After all, the people who built rockets and the astronauts who piloted them were only human.

But the rockets went into space anyway, taking men with them. And men came back to earth. And more men went into space. Three astronauts died in a flash fire in an Apollo command module on a launch pad in 1967. But the space program continued. Two years later, an American was on the moon.

When the Baby Boomers among us are asked to recite the history of their generation, some will speak of Elvis and the Beatles, others will recall Vietnam, others will speak of the civil rights movement. But the ones who truly cherish dreams will also remember the Space Race and how brave men in small ships chased the stars, and how all of it stirred a sense of wonder in the rest of us.

There was a time in America, the summer of 1969 to be exact, when a person could believe the man, despite his imperfection, could take on any challenge and achieve great things. When man was at last on the moon, some of us said, "Finally the mission is finished." But most of us asked, "What next?"

There was actually a time when trips to the moon became old-hat. Something similar started to happen to the space shuttle missions. Until yesterday, 24 of them were tried, 24 of them were successful. In fact, they had become so routine that, had a young, pretty and enthusiatic school teacher from New Hampshire not been on board, many of us probably would not have been paying much attention.

Now that this tremendous tragedy has occurred, the whole world is paying attention again and we are reminded that, despite the success of 55 other manned American space flights, there has been nothing simple nor routine about them. They have been full of risk. Space is deep and dark and mysterious. Rockets are machines. Men and women are only human.

What intensified yesterday's tragedy was the fact that Christa McAuliffe was aboard Challenger when it exploded. She was a school teacher and that's why, around the nation, there was renewed interest in the space shuttle program. A civilian was going up there. A teacher would teach from space. She was going to tell American children that their futures were as bright as the stars, as vast as the universe. She was brave. Whether she realized it or not, she was opening a door to space for the next generation of Americans. Those of us who, like Christa McAuliffe, were school children in the early days of the space program cheered her on.

But then Challenger exploded on national television, and now there is justified fear that, instead of stirring a sense of wonder in children, the mission frightened them off.

So those of us who grew up in the age of John Glenn and Neil Armstrong owe something to the children who witnessed yesterday's explosion. We owe them comfort and assurance not just about space missions but about all the things they confront in their own lives here on Earth. If there was anything we should have learned from the Space Age, it is that humans, small as we are in the universe, can create, can dare, can test the outer limits. We are capable of great things but only if we try to achieve them, only if we accept risk, only if we accept failure, only if we keep dreaming, only if we marvel at the future and not fear it.

Any boy, any girl can learn these things, come to believe in them. Those of us who remember, who still go out on freezing cold nights to look at the stars and measure our dreams, can teach them. That, after all, is what Christa McAuliffe was trying to do.

THE NEED FOR CONSENSUS ON THE BUDGET

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. OBEY. Mr. Speaker, Senator Edmund Muskie, who has served his country as a Governor, a Senator, a Democratic Vice-presidential nominee, as the original chairman of the Senate Budget Committee and as Secretary of State, is now chairman of the Center for National Policy. The center attempts to bring knowledgeable people from all walks of life together for exchanges that will improve the quality of public policy and American life generally.

Recently, he spoke to a forum jointly sponsored by the center and New York University concerning the need to restore "a fundamental political consensus about the role of the budget in the national economy." Senator Muskie points out that there is indeed "fairly broad conscensus concerning the "fiscal paralysis that grips the country," despite the fact that the President seems unable to agree with members of his own party, much less the leadership of the other party, about what constitutes an appropriate fiscal policy."

This is an important statement and I strongly recommend it to my colleagues for their careful review.

The address follows:

TOWARD A REVENUE SUFFICIENT FOR THE PUBLIC SERVICES

(An address by the Honorable Edmund S. Muskie)

All history is a test.

To see beyond the commonplace, and yet to act indifferently, is to fail the test as surely as not to see at all.

The President and the Congress of the United States—indeed, all of us as a nation—are in danger of so failing.

We are in danger of failing both ourselves, and the next generation, if we do not act rationally in the essential matter of the Federal budget deficit.

I make it my task today to remind us of what we all see, and to challenge those who can act, who must act, finally to do so.

The context for these remarks is, I believe, unprecedented.

Fiscal paralysis now grips this Nation. This paralysis is self-imposed. It is a direct result of policy choices made by the President and the Congress, in one of the greatest political draw plays I have ever seen executed.

PRESIDENT REAGAN'S POLITICAL SKILLS WORKED TOO WELL

President Reagan, when he first came to office, wanted the role of the Federal Government in domestic affairs reduced—drastically reduced. But the reductions he wanted went well beyond anything that the majority of members of either party in Congress believed to be in the public interest.

In order to make the gains he wanted, the President, in effect, faked a pass. He offered up a radical economic theory which claimed that tax reductions of any magnitude would somehow result in increases in revenue. He proposed, then, huge increases in defense spending, along with a tax cut of major proportions. It was a politically irresistible combination, and members of both parties went for it.

Unfortunately for the Nation, the draw worked too well. It was as if players for both teams were faked, rushed headlong down the field, and piled up together in the end zone. In their enthusiasm for tax cutting and for gold-plated defense procurement, Congress produced a tangle that we have been dealing with ever since.

The result, of course, was not a magic increase in revenue. It was, rather, to leave a permanent hole in the Federal budget—as the astronomers would say, a black hole.

It has been obvious now for at least a couple of years. The ends don't meet. The piper isn't being paid.

We are borrowing to pay for the justice, the domestic tranquility, the common defense, the general welfare and the blessings of liberty which the framers of the Constitution did ordain and establish as the purposes of forming these United States almost 200 years ago.

The framers of the Constitution did think of posterity, of future generations, as they drafted the preamble. What would they think of us as we shove off huge and grow-

ing debts onto the shoulders of our children and grandchildren?

Since President Reagan took office, the national debt has doubled, from just under $1 trillion, to the $2 trillion it will be well before the end of the current fiscal year.

And the consequences?

They include interest rates that are far more burdensome than they used to be. The rate on prime quality corporate bonds hangs 7 percentage points above the inflation rate, compared with 2½ points in the 1960's.

Our trade deficit has quadrupled over the past 5 years, reaching an unprecedented $140 billion in 1985. Employment in manufacturing remains 1.6 million below its peak in 1979, and farm exports are near a 6-year low.

The deficits are preempting most of our home-generated saving; we now have just 2.4 percent of GNP in net domestic saving to finance new investment, compared with an average of over 6 percent between 1950 and 1981.

Currently, we are borrowing heavily from overseas; isn't that bizarre, for what is supposed to be the richest country in the world?

Finally, our deficits are now so large that we no longer have the option to cut taxes or to expand spending to combat an economic slowdown, no matter how serious it may be.

It was, of course, the acknowledgement of these very serious facts that led Congress, in desperation, to enact the Gramm-Rudman (Hollings) Act, which now hangs over us like the sword of Damocles.

The thrust of Gramm-Rudman is unassailable—the deficit must be reduced. There's just one problem, a problem Gramm-Rudman doesn't really solve—how to achieve the necessary political compromise. The automatic cuts which are the sharp edge of the Gramm-Rudman sword are simply irrational and unacceptable.

For example, it has been estimated by independent, non-DOD analysts that the defense cuts for fiscal year 1987 would include, among others, reductions in manpower of from 300 to 600,000 people.

Further, if the automatic cuts were to trigger in, it appears that their strictures to cut proportionately would mean that we could not eliminate selectively even those weapons systems which are ineffective and/or too costly.

In national security, especially, the Gramm-Rudman automatic cuts are the fiscal equivalent of nuclear weapons—if we have to unleash that kind of destructive, irrational force, you're going to pay a price beyond calculation.

NEED TO REESTABLISH CONSENSUS ABOUT ROLE OF BUDGET IN THE NATIONAL ECONOMY

I believe that there must be a way out of this dilemma. But, to find the way, we must first attempt to restore fundamental political consensus about the role of the budget in the national economy—a consensus like that which has served this country so well in the past.

Let me offer a brief recollection, to illustrate my point.

Twenty-five years ago, a new President, on the threshold of office, called upon the best minds in the country, of both parties, to advise him on how to deal with the economy. Many of you will recall the time. In some respects, it was not so different from today. A major national election campaign had been fought, in part, over the question of whether the United States was behind the Soviet Union in military capability.

Two small islands in the Pacific had been made to symbolize the danger felt by those who believed we had been lax. Broad sentiment favored the idea of increasing the defense budget.

At the same time, the underlying health of the national economy was a major concern. As one eminent economist put it, "in economics, the striking event drives out attention from the less dramatic but truly more fundamental processes * * *

We were in a recession. Again, the level of unemployment was high. Almost 7 percent, then as now. Growth was sluggish. Productive capacity was seriously underutilized.

There was no great, obvious crisis in this, but people were worried. Business and labor leaders and the voters at large were looking for a sign from the new President that he would act, to get the country moving again.

We all know more or less what happened as a result of advice given and advice taken. President Kennedy consulted, and then moved during the next couple of years to evolve a pragmatic, effective program, a bold program, but one based on a very significant degree of consensus about the nature of the problem and what to do about it.

Tax cuts were proposed, targeted so as to stimulate investment. There would be increases in the defense budget, but there would be increases in unemployment benefits and Social Security as well.

Business was to benefit, but so would the homeless.

And so on. It was a balanced approach. Pragmatic. Not Ideological. And it worked. The Congress came to see the need for fiscal rationality.

Although President Kennedy did not live to see all the results, the economic record of that period, in the end, was one of the best in our history. Gross national product grew. Unemployment declined. Inflation was kept under control. Productivity increased.

Since that time, 25 years ago, of course, much has changed in the economic life of this country and, more importantly, in the economic life of the world.

After a period of Dynamic growth and gains in productivity, a major share of world industrial capacity is now located outside the United States, and much of that capacity is new. It represents technology at least as advanced as ours—in important cases, indeed, it leads our technology. That is especially true of the technology of the production process, an important factor in reducing unit costs, and therefore an important factor in competitiveness.

Financial capital now flows freely across national borders. The fixed exchange-rate regime is gone, the gold standard is gone, and the dominance of the pound as an international currency has given way to the dominance of the dollar.

We are as dependent on world trade to drive our economy now as we once were dependent on our domestic housing programs.

What the Japanese do with their economy is now as much a factor in U.S. economic performance as what General Motors and the United Auto Workers do.

The budget of the European Community is as important in determining whether a farmer in Iowa can pay his debts as is the budget of the U.S. Department of Agriculture.

The Wall Street Journal and Business Week now follow the economic policies being crafted in Buenos Aires and Riyadh and Beijing, when they once could confine their interest to Washington and London and Paris and Bonn.

Since the Kennedy administration, economic policymakers around the world have had to learn to deal with energy crises, stagflation, rising structural unemployment, debt crises, volatile exchange rates, high real interest rates, technological adjustment, nontariff trade barriers, national subsidy policies—in a nutshell, a whole new set of economic problems.

Some of those who advised John F. Kennedy on economic policy are still called on, by the media as well as by Senators, Congressmen and business and labor leaders, to give advice. I know they would be among the first to admit that the rules, and the game itself, seemed to be simpler when they were advising President Kennedy.

But it is still fundamentally the same game, and there are still some important rules, and to ignore them, as we have been attempting to do, is certainly to ask for trouble.

We now have a situation in which the President seems unable to agree with members of his own party, much less the leadership of the other party, about what constitutes an appropriate fiscal policy.

It looks as if, in some ways, this year's budget events are going to follow the pattern of most of the past years of this administration. There is likely to be another "pas de trois," as the President's budget is ignored, first by the House of Representatives, and then by the Senate.

If this year were like its immediate predecessors, we would expect this President, who promised faithfully to balance the budget, to recommend a budget more unbalanced than that of any previous President in our history.

We would expect the Democrats in the House, whom the President accuses of wanting to "tax and send," to attempt to make significant cuts in the budget.

We would expect the Republican majority in the Senate, many of whom must face elections later this year, to disagree with their President about spending proposals on everything from defense to food stamps.

And we would expect a "danse macabre" over the avoidance of taxes.

I do not need to remind you, however, that this year, unlike those other years of this administration in which we have been constantly at the budget, the budget, and almost nothing but the budget, this is the year of Gramm-Rudman.

THERE MUST BE COMPROMISE TO END WAR OVER THE BUDGET, GET FISCAL POLICY BACK ON TRACK

The question is, are the American people ready to sit back and watch important national security and domestic investments fall to the sword? If not, what approach is there for achieving the necessary political compromises?

I have been in public life since 1946, the year in which the Employment Act was passed. It was a time when this Nation was celebrating our remarkable capacity to pull together in times of serious crisis.

Since then, we have been through a number of crises less serious than World War II, and we have lost a great deal of the sense of common purpose and of shared sacrifice which served us so well when we really needed them.

Indeed, by now, it has become fashionable to look upon collective action, the role of the National Government, not as the source of solutions to problems, but rather as the root of those problems. We ought to bear in mind that the framers of the Constitution found from their experience under the arti-

cles of confederation that too little government is no solution to human problems.

Those of us who, over the years, have promoted an active Government role in human affairs, both at home and abroad, bear a large share of responsibility for the coming of the perception that Government, per se, is a problem. We contributed by letting expectations about the benefits of Government get out of line with the constraints of reality.

John Kennedy, Lyndon Johnson and Jimmy Carter, the Presidents of my party in the 1960's and 1970's, were all of the view that great expectations are great motivators. But in their administrations, as in others during this time, we have seen that when expectations are too high, there is disappointment. We have learned that constraints cannot be ignored.

So I make here today a proposal, but I make it in a framework of modest expectations, and in a framework which acknowledges constraints.

When it was my privilege to participate in the first cycle of the Congressional Budget process some 10 years ago, I shared the optimism of the other framers of that process.

To bring discipline into the spending habits of Congress was to make possible John Kennedy's dream and the dream of many of us that the Employment Act of 1946 could truly be implemented.

A new tool, a powerful tool, was now available, to help reconcile national economic aims with the imperatives of national politices.

What we all failed to grasp at that hopeful moment was that a tool will do its job only if the hand that holds it wants the job to be done.

So it is clear that the President prefers not to participate in the hard-slogging development of compromise. It seems that he only sees the virtue in a pragmatic solution when it is clear he must.

It is therefore up to the Congress, and the Congress alone, to meet this very difficult test that history is pressing upon us.

We have had all the war over the Federal budget that we can afford; the time has come for peace. And unless we are, in effect, to annihilate our own Government, there must be compromise if there is to be peace.

But is there the basis for such compromise?

I believe there is.

I believe that there is more consensus abroad in this land about the fundamentals of this situation than we tend to assume.

First, there is, clearly, a consensus that the Federal budget deficit must be reduced.

Second, there is a significant degree of consensus about defense spending. Aside from real political differences about the contribution to national security of one or another specific weapons system—and about such matters there will always be differences—it is agreed that we should avoid the wild swings of expansion and contraction which have characterized much of the period following the Vietnam war.

Further, there is agreement that a splurge of front-end investments in hardware, at the expense of necessary operations and maintenance expenditures, is a very poor bargain in terms of both readiness and overall security.

There also is a fair degree of consensus, I submit, on the point that programs for the poor have been cut as much as they should be.

All in all, this is a great deal of consensus for a great and complex body politic to have achieved with respect to its collective concerns.

Differences still exist. We will always disagree, primarily on a partisan basis, about the level and kind of Federal involvement in domestic affairs in general. And we will continue to have strong differences about the so-called entitlement programs, as long as we choose to entitle some parts of the citizenry to benefits. But this is politics, this is democracy, this is, I believe, well within the realm of issues over which reasonable people will always differ.

ACKNOWLEDGING THE NEED TO RAISE "REVENUE SUFFICIENT FOR THE PUBLIC SERVICES"

That brings us to the bottom line. Taxes. Although it is said that nothing is certain except death and taxes, President Reagan has insisted on exempting taxes from that certainty.

Surely, none of us wants to pay more taxes than we need to. Surely, we would hope that those who represent us have a fairly strict definition of need. But if I know the American people, they are not so irrational that they believe that we can have adequate national security, a minimum standard of health and welfare for all, highways, air traffic control, a fairly clean and safe environment and a few other elements of a decent 20th-century life, and not pay the public price.

Cities, counties and states all regularly raise the revenue they need. Businesses regularly balance their books. Labor unions and other organizations raise their members' dues when expenses rise. Universities and other nonprofit organizations somehow generally operate in the black. Some religious groups still follow the practice of tithing. Indeed, if we recall the phrase, "render unto Caesar," it seems to me that even the Bible might be counted on the side of those who understand that the affairs of a great nation must necessarily bear a great price.

You know, Adam Smith, that famous expositor of the magic invisible hand of the marketplace, had this to say:

"Political economy," Smith wrote in the "Wealth of Nations," "* * * proposes two distinct objects: first, to provide a plentiful revenue or subsistence for the people, or more properly to enable them to provide such a revenue or subsistence for themselves; and second, to supply the State or Commonwealth with a revenue sufficient for the public services."

Let us hear that again. To supply the State or Commonwealth with a revenue sufficient for the public services.

I am pleased to say that I agree fully with Adam Smith on this point.

Smith goes on, at great length, discussing the public services he saw as essential, and how to pay for them—general revenue, user fees and so on. He included, among a lot of things present-day Americans would find familiar and laudable—defense, courts, roads, and other "public works and public institutions"—the cost of keeping a sovereign in high splendor. Well, no one's perfect, not even Adam Smith. But if Adam Smith were here today, there is absolutely no doubt that he would be arguing for a balanced approach, for a "revenue sufficient for the public services."

Of course, at this time in American history, with a still problematic economy and with a full menu of State and local government programs to be provided for, we are clearly talking about a level of increase in revenue which should be pretty parsimonious in its purposes—a level of revenue increase which is directed at deficit reduction and not at massive new increases in spending.

Which is why I make the proposal I do.

PROPOSAL FOR A "PAY AS YOU WENT" APPROACH, GETTING TWO DOLLARS OF DEFICIT REDUCTION FOR EVERY DOLLAR OF SPENDING CUTS

Whatever doubts one might have about the Gramm-Rudman process, it is the law of the land. How it will evolve, whether it will work, are questions the future will decide. That law does, however, require us to accept drastic budget discipline.

Therefore, first, let's accept the Gramm-Rudman targets as a given.

Second. Let the Congress, both Houses and both parties, using the committees as they should be used, begin by identifying a set of possible budget cuts. In every area feasible.

Third. Let the Congress at the same time identify a set of approaches to raising revenue.

Fourth. Step-by-step, let the Congress match, one-for-one, dollar-for-dollar, spending cuts achievable with revenue increases feasible.

Fifth. Let these matched cuts and taxes be enacted together.

This is not "pay as you go." It is "pay as you went." It is finding the means to pay for the expenses we have decided we want to incur as a people, as a nation, in view of the constraints we now face.

This approach will gain us two dollars in deficit-reduction for each dollar of reduced spending. It will close two dollars of the deficit gap for each dollar of tax pain imposed. It will protect a dollar of defense and domestic spending for every dollar it takes away.

Those who wish to cut the budget further will achieve some of their objectives, and those who want to provide the revenue sufficient for remaining public services will achieve their objective.

Now, we all know the President has taken a firm position against tax increases. But isn't this the President who knows that Presidents never say "never"?

I believe that Mr. Reagan has shown himself to be one of the most pragmatic individuals ever to occupy the oval office. But he does, it seems, need to be persuaded that we, the people, are behind the concept of fiscal rationality.

Our citizens, our friends, and even those whose aims are contrary to ours, look to the leadership of this Nation to act in its own and their behalf in this matter which affects us all.

If the President will not take the lead here, and it seems clear that he prefers not to, then the Members of Congress must do the job.

They must rise to the test of history. They must put aside ideology and positioning and the instinct to generate slogans for elections.

I believe, in fact, that they are ready to do so.

I believe that we should all support them if they are so ready.

Thank you.

REMARKS OF HYMAN BOOKBINDER IN CONJUNCTION WITH MARTIN LUTHER KING BIRTHDAY CELEBRATION

HON. MEL LEVINE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. LEVINE of California. Mr. Speaker, our national celebration of Dr. Martin Luther King's birthday provided America with a boost in our spirit and a rekindling of our commitment to justice for all of our citizens.

One of the significant statements made on that occasion was delivered by my friend, Hyman Bookbinder, who has served with distinction many years as the exceptionally effective Washington representative of the American Jewish Committee.

"Bookie" spoke at the Martin Luther King Memorial Center in Atlanta, GA, on Dr. King's actual birthday, January 15, to an audience which included Dr. King's courageous and eloquent widow, Coretta King.

"Bookie's" statement is worth reading by all of us. It is a warm, thoughtful, and precise reminder of the importance of insuring opportunity to all of our citizens and insuring the promises of democracy to all segments of our society.

In an era of shameful retreat from these promises, Dr. King's legacy and Hyman Bookbinder's statement helps remind us that, without rigid quotas, appropriate affirmative action has meant and can mean unlocking the gates against opportunity to the dispossessed of America.

I commend Mr. Bookbinder's speech to my colleagues in the RECORD at this point:

AFFIRMATIVE ACTION—MORE THAN GOALS OR QUOTAS

(Speech by Hyman Bookbinder, American Jewish Committee)

Even though we are so pressed for time, I must make this personal statement. Mrs. King, you won't remember this—why should you?—but on October 19, 1983, I was sitting right behind you in that reserved Senate Gallery when final action was being taken on the King Holiday bill. When the vote was announced—78 aye 22 nay—the President having already indicated he would sign the legislation, we knew that final victory had come. You stood up, embraced members of your family, then your close colleagues sitting near you. Then you turned around and embraced me. That was not a personal embrace, I realized, though I cherish that moment personally. It was your way of saying: "This isn't just my holiday, just my people's holiday, it is also your holiday, it is America's holiday." And that's how I hope all America will indeed think of it.

Now to my assignment here today. Martin Luther King once spoke as eloquently as anyone ever had about what employment opportunities mean for those deprived of such opportunities. He said, "In our society, it is murder, psychologically, to deprive a man of a job or an income. You are in substance saying to that man that he has no right to exist."

In the years since he spoke those words, it is indeed possible to point to some progress. There are Blacks in some industries and professions once closed to them. There are "equal opportunity" employers and agencies trying to improve their employment record. If we point to some progress, however, we have a special obligation to insist that progress simply has not been good enough. Not when last week's official figures tell us that Black unemployment is 2½ times that of white; that Black youth unemployment is over 40 percent; when we know that Black average wages are about 60% of white . . .

Even as we were winning legal battles for fair employment, in the Fifties and Sixties, Dr. King and others were telling us that legal victories alone would not suffice, that "affirmative action" would be required to make a reality of the legal victories. The phrase "affirmative action" started to appear explicitly in presidential speeches and executive orders, in agency regulations, in civil rights advocacy. There has never been an official document which offered a clear and complete definition of the term. But it has come to cover a wide range of special efforts designed to overcome resistance to progress for excluded groups. It has meant improved training and retraining programs, critical review of testing and qualifying systems, changes in recruiting and advertising campaigns, better labor market information—better education and counseling and upgrading arrangements.

They were not always thought of as "affirmative action" programs. But as officials of the President's Task Force on Poverty 20 years ago, Carl Holman, Sargent Shriver, and I did think of programs like Head Start, and Job Corps, and Upward Bound as the most helpful and sophisticated kinds of affirmative action.

In time, affirmative action encompassed systems for setting realistic goals for equal employment—especially for government contractors and public bodies . . . Such numerical criteria served both to measure progress or lack thereof, and also to serve as a prod to quicker progress.

Overall, these programs did do good—though not as much as we'd have liked. There was uneven enforcement and there was stubborn resistance. Cases were brought to the courts—and in some cases the remedies included even the use of quotas to undo the effects of documented, deliberate discrimination. These court-ordered quotas did cause serious, agonizing, acrimonious debates, even among erstwhile allies. The courts have yet to render final judgment on such quotas.

But today's crisis is not over quotas. It is over the attempt by over-zealous ideologues to dismantle the whole system of goals and timetables and thus to weaken affirmative action generally. The civil rights community is as united as it's ever been on defeating this Meese-Reynolds assault on Executive Order 11246. Even as we meet here, the White House is still debating the issue. Mr. Meese last weekend wanted the impression to get around he'd won the battle. I cannot believe it—and neither should you. The President would have to reject the advice he's been getting from 69 Senators and over 200 Congressmen, including the top leadership in both houses and both parties, the advice from the National Association of Manufacturers and other key business institutions, advice from key Cabinet members including Secretary of Labor Brock and Secretary of State Shultz, from the whole range of racial, ethnic, women's and religious groups.

The battle over the Executive Order can still be won. And it must be won.

The unity which had been eroding for about 10 years is now restored. During those 10 years, unfortunately, the civil rights community had been needlessly divided over the quota issue because of the differences which surfaced in connection with several highly publicized court cases—DeFunis, Bakke, Weber. Especially disturbing to many of us has been the impact on Black-Jewish relations. The Jewish community, it had been incorrectly asserted, was opposed to affirmative action.

But the present battle over the Executive Order has clarified things. Except in cases of court-ordered remedies following findings of discrimination, no significant elements in the civil rights community have advocated preferential quotas—and the Executive Order specifically prohibits such quotas. Goals-and-timetables are authorized, and with very few exceptions every part of the civil rights community supports them. It rejects the argument that goals and quotas are the same. I can state with assurance that the Jewish community overwhelmingly approves of this consensus. We continue to oppose rigid, inflexible, preferential quotas, but we support with enthusiasm the use of goals.

But I believe that we must go beyond this issue. Preoccupation with the goals/quota issue to the exclusion of the other aspects of affirmative action is a disservice to the goal of equal opportunity. We have lost too much valuable time and engaged in too much acrimony. This confusion and conflict over the proper use of arithmetic standards has kept us from working as hard as we should for the so-called "non-controversial" aspects of affirmative action.

Let us face up honestly to two equally valid premises:

1. If tomorrow morning, by some inexplicable miracle, every American company or institution were suddenly entirely free of any prejudice and were determined forever to end discrimination, it would still take a long time before our labor force would reflect the mix of our general population. Too many would simply be unprepared for the new opportunities. But equally true:

2. If tomorrow morning, by some inexplicable miracle, every American sub-group—Blacks, Hispanics, women, etc.—had the same range of qualified individuals for the whole range of employment opportunities, it would similarly take a long time before our labor force would reflect the mix of our general population. Too many Americans and American institutions, unfortunately, would still be unprepared to abandon their prejudices and habits.

We must work simultaneously on both of the fronts which these two premises require. The two premises are, of course, related. Discrimination leads to despair and hopelessness, which in turn leads to abandonment of education and training. And this failure to be properly prepared for employment only reinforces the prejudices of those who are resisting progress.

A real, full-fledged affirmative action program will require action on many fronts . . .

It will require special efforts which reflect the realities of current family disarray . . . of the epidemic of teenage pregnancies . . . of the drug culture . . . of the feminization of poverty . . .

It will require a hard look at our present education, training, and retraining programs, both public and private . . .

It will require an evaluation of current recruiting and selection and testing methods . . .

It will require the best possible understanding of developing labor market needs in a high-tech era . . .

It will require a new look at the whole challenge—to see it as more than numerical goals, important as those are. It will require a commitment and an allocation of resources—in both the public and private sectors—to match some of our greatest commitments of the past: the Marshall Plan, the Space program, the fight against cancer and heart disease, the National highway system. Surely, the social and economic integration of all of our Americans is as critical a challenge as any of those earlier challenges . . .

We operate today, of course, in the context of huge budget deficits and Gramm-Rudman restrictions—but that cannot deter us from speaking the truth as we know it.

For me personally, today's challenge is a depressing deja vu. As we were putting together elements of the war on poverty 20 years ago, I was particularly struck with one statistic: half of all America's poor that year, we learned, had been poor from the day they'd been born. Breaking the cycle of poverty became our challenge.

Today, there is again a fact that we as a nation ignore at our peril. That fact is that every single day there are thousands—yes, thousands—of babies born into family and community situations who are quite likely to be poor and miserable for the rest of their lives. These are the babies—Black and White, but again disproportionately Black—who will never know more than one parent or ever have any working member in their immediate family, who will know only about welfare and food stamps for survivial, who will drop out of schools before becoming functionally literate, who will be surrounded by drug and drinking and crime problems.

For these millions of babies born yesterday, today and tomorrow, the affirmative action they require must begin even before they are born. Neither quotas nor goals nor executive orders will be sufficient to make them ready for employment and independence if we do not pay attention now to their inevitable social disabilities.

So the task of affirmative action in employment is tremendous. It cannot be separated from the related tasks in housing, in health, in education, in family and community stability. It means concern for those born today, for those already dropped out of school, for those struggling in menial, minimal jobs, for those displaced by industrial change, and for the older workers not ready for secure retirement.

Our immediate task is to prevent scuttling of present affirmative action requirements. Let's win that one. But let's not ignore the broader challenges of affirmative action across the board. The Jewish community will be there, I can assure you, in a renewed and strengthened effort to make King's dream a reality.●

MAJORITY LEADER DELIVERS LANDMARK ADDRESS AT DEMOCRATIC CONVENTION

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. BROOKS. Mr. Speaker, last weekend, House Majority Leader JIM WRIGHT delivered a landmark address at the Democratic Issues Conference. I want to share this address with those of my party who could not attend, with my colleagues on the other side of the aisle, and with every American who is concerned with the economic problems now confronting the Nation.

In his speech, the majority leader pointed out that the American people are confronting the new phenomenon of downward mobility—a trend that is "* * * contrary to the American experience and fundamentally alien to the American character."

The majority leader pledged that the Democratic Party in the House of Representatives will do everything that it can during the 2d session of the 99th Congress to reverse this new downward trend. Mr. Speaker, Majority Leader JIM WRIGHT'S remarks should set the parameters of congressional debate during this last session of the 99th Congress. For this reason, I wish to insert his entire speech into the CONGRESSIONAL RECORD and urge all of my colleagues to study his remarks.

LET'S REVIVE THE AMERICAN DREAM

(By Jim Wright)

In the torchlight of the American Revolution, John Adams wrote:

"I must study politics and war that my sons may have the liberty to study mathematics and philosophy . . . in order to give their children the right to study painting, poetry, and music."

Those words set a theme for what has come to be called the American Dream. In an important sense, they describe the heart of the American experience.

Throughout almost all of our history, each generation has been able to do a little better than its parents. For as long as anyone can remember, the American people have followed a path of upward mobility—not just for the few, but for the average American—for all of us.

Unlike other civilizations, the big American family has not been content to tolerate a permanent underclass. We've constantly been alert to make the good things of life every more broadly available to ever more of our children.

We have claimed almost as a birthright that each succeeding generation should enjoy a better living standard, be better educated, better employed and better housed, than the one before.

Today, behind the looming problems that preoccupy us legislatively—the debt crisis, the trade crisis, the farm crisis, the immigration crisis—is a less advertised tragedy written in starkly human terms.

NEW TREND: DOWNWARD MOBILITY

What we see now unfolding in America is a shocking new phenomenon of *downward* mobility—a *slippage* in living standards from parents to childen—and that is a condition which enlightened leadership must not tolerate.

Downward mobility is the ugly central fact unearthed and documented in the careful studies conducted recently for the Joint Economic Committee. That conclusion is not only disturbing; it is absolutely unacceptable as a portent of the future—contrary to the American experience and fundamentally alien to the American character.

It is antithetical to everything we stand for as a political party—and to all that we've stood for as a nation.

Let me spell it out for you in a few startling facts.

In the 1950's, and into the 1960's, the average 30-year old male earned about one-third more than his father did at the same age. That was progress, consistent with our history. Today, the average 30-year old American man earns about twelve percent less in real buying power than his father did at his stage in life.

Traditionally, the decade between one's 30th and 40th birthdays represents a period of dramatic economic and social progress. A distressing fact revealed in the studies is that today the average 40 year-old American is slightly less well off than he or she was at 30.

Rose-tinted economic forecasts are deceptive. This administration boasts about seven percent unemployment as though it were a virtue. But last year's unemployment level was higher than that for every year but two between the great depression and the time this administration took office. It brags that interest rates are coming "down". But real interest rates are three times higher than in the 1960's. And high interest rates have always been the implacable enemy of economic growth.

For years we have known that the shiny veneer of society concealed a certain amount of dry rot eating away at the foundations of family life for our racial minorities—familes without fathers, without jobs, without skills, without hope. Too many people simply looked the other way, or took comfort in the official White House line that these people are "jobless by choice," or even "homeless by choice."

Now, like an infection untended, the economic stagnation has spread to the middle income group in America.

Most 25 to 40 year olds, according to the J.E.C. study, find it harder than their predecessors ten years ago to own a home, to save anything, or to send their children to college.

HOME OWNERSHIP

Home ownership—one of the things we've always associated with the American dream—now for the first time in 50 years is actually in decline. A smaller pecentage of Americans own homes today than just two years ago. And foreclosures are the highest in 50 years.

It isn't hard to see why. In the 1950's, a 30-year old, average-income head of household spent roughly 14 percent of his gross income on the mortgage. In the 1970's, it was 21 percent. By 1984 that figure had more than doubled from ten years earlier, more than tripled from the 1950's when the parents were taking out mortgages, reaching 44 percent today.

A family that spends nearly half its income in mortgage payments has far too little left to pursue other aspects of the American Dream, such as education, leisure or savings.

EDUCATION

For 200 years, we constantly expanded opportunities for education. We made it available to more and more of the children of our land, and from that, the American dream gained substance and became reality. Education was the fuel that propelled the engines of progress.

Mirabeau B. Lamar said it well: "The cultivated mind is the guardian genius of democracy."

In the days following World War II, the G.I. Bill of Rights began to unleash the sleeping giant of our nation's untapped intellectual potential, and America's industrial might grew faster than ever.

But now that growth has stalled out. For the first time in modern recollection,

fewer—not more—young parents expect to be able to send their children to college.

When that happens, the nation suffers collectively. Last year Japan with half our population graduated half again more students with mathematical, scientific and engineering degrees than we did. And people wonder why we're losing out in world trade, suffering an unprecedented trade imbalance of $148 billion!

As the economic capacity of a young American family has begun to stagnate, the cost of sending a child to college has more than doubled in the past ten years, growing faster in the past five years.

And the dream of education retreats, becoming smaller and smaller upon the horizon.

SAVINGS VERSUS DEBT

Part of the promise of America has been the prospect that the average family could set a little something aside in savings. Irony of ironies, this administration, while piously preaching frugality and fiscal responsibility, has fostered policies which make that promise a cruel hoax, even for families with two breadwinners. Across the board, struggling young couples confront a stark reality—less savings, more debt.

Young families must borrow, not to increase their capital wealth but just to stand still. And in that they reflect an image of their country. Consumer debt, including home mortgages, has tripled in ten years, exceeding $2 trillion in 1985. At the same time, the average family's part in the national debt has doubled in five years.

Yesterday a newsman asked if we thought we could make a political issue out of the national debt since the Republicans were never successful in doing so. I do not know about the "political" issue, but Reagan policies have certainly made it an economic issue for the average American family. Interest on the debt this year comes to about $2,400 for a family of four—in taxes that must be paid, but buy nothing.

By the end of the year, this administration's buy-now-pay-later policies will have deliberately reduced federal revenues by more than $1 trillion, with most of the tax cuts going to those who needed them the least, and meanwhile we'll have added almost $500 billion of new increases in Pentagon spending above the 1980 level. Together, these steps add $1.5 trillion to federal deficits.

No possible amount of domestic spending cuts could come anywhere near squaring the balance; yet the White House still talks of the problem as though it were solely one of domestic waste. That, as all of us know, is fantasy, and we must deal with reality.

NATIONAL DEFENSE

Our party in Congress is committed to a strong national defense. We're even willing to pay for it—not pay it on the cuff. Harry Truman conducted the entire Korean war without adding to the national debt. Even during the costly Vietnam war, we did not pile up debts for our children to pay.

The American people are willing to pay for national defense—when and where we need it. That is the essence of patriotism.

And giving the public credit for honorable motivations is the essence of statesmanship.

The people are not willing to pay for more defense than we get—$700 coffee pots, $400 hammers, the famous Allen wrench, or spending twice as much for missiles and getting only 16 percent more missiles. Nor in time of peace are they willing to put it all on a credit card for our children and grandchildren to pay the bills after we shall have used up and worn out most of the weapons they'll then be paying for.

This is the costliest cop-out of all. It is neither good morality nor good economics.

MAKING BAD MATTERS WORSE

Of course, not all of the errors of the past five years can be laid at the door of the Reagan administration. There is a sense in which we all share responsibility. But the party in executive power today has a habit of making difficult problems even more difficult.

Faced with the doubling of college tuitions in ten years and lagging enrollment, the Reagan administration has repeatedly proposed deep cuts in student assistance.

Confronted with rising home foreclosures, the administration proposed more heartache for the home buyer through costly new "user fees" for federal mortgage insurance programs, including FHA and VA home loans.

Challenged by high rates of youth unemployment, the administration slashed job training programs and proposed a sub-minimum wage for teenagers.

Facing record trade deficits and the spectacle of U.S. firms losing their competitive edge overseas, the administration opts for abolishing anti-trust laws.

REVERSE THIS TREND

In the session of Congress just beginning, the Democratic majority in the House will do everything within its power to perform a rescue operation and reverse this downward trend.

We do not accept the defeatist philosophy that our future is behind us—that our children must settle for less—that we can never be energy independent again—that the products of American workmanship cannot be competitive on world markets—that there is no place anymore in America for the family farmer, the community banker, the small independent businessman—that trade deficits and budget deficits are inevitable, that real political leadership is unpopular, or that the American people prefer illusion to reality. That is not our vision of America!

We reject the fatalistic notion that our future lies inevitably in fewer and bigger farms, fewer and bigger banks, fewer and bigger airlines, fewer and bigger corporate enterprises of every sort. That is not our idea of a vibrant free enterprise.

And "free enterprise" in our vocabulary is not synonymous with anarchy. We reject the elitist notion that government has no place in the service of people.

SELLING OFF ASSETS

In the mania to decontrol, dismantle, and strip away the fabric of law that protects the average person from predatory exploitation, the administration now wants to sell off the people's assets to pay just a portion of our annual interest payments on the national debt.

While we are willing to consider any serious proposal the president may care to make for long-range deficit reduction, we are not attracted to one-shot gimmicks that just postpone the pain and leave our nation poorer.

For a nation, as for a family, selling off permanent assets to pay current bills is the ultimate resort of economic desperation.

The public domain belongs to the American people, and it's not for sale. The public's parks, the nation's mineral reserves, the institutions we have created to serve and bless the people, so long as we can prevent it, will not be put on the auction block for the benefit of private profiteers.

Nor are we content with the bland sigh of acceptance by which this administration has passively viewed on that auction block the greatest number of farm foreclosures, the greatest number of home foreclosures, the greatest number of business bankruptcies and the greatest number of bank failures since the great depression. Bank failures last year were ten times the 1980 figure!

America deserves better than that. And we can do better than that.

WE CAN DO BETTER

We are not willing to scale back our dream of quality education for all of America's children.

We are not ready to revise downward the idea that people of moderate means can afford to own a home and send their kids to college.

We are not prepared to break faith with the elderly who depend upon government to keep its word, nor to forget our promise to strive for a land in which hunger has been eradicated.

This is the country which declared its independence from second class citizenship and set in motion throughout the Earth a thirst for freedom from colonial rule.

Ours is the nation which led other, older lands to believe that the average, ordinary person could amount to something better.

We tamed the wild frontier. We irrigated deserts and made them bloom, erected cities and watched them thrive.

We developed a system of family farms that made us the best fed nation on Earth.

As we glorified learning, we overcame challenges of enormous dimension.

When the Japanese cut off our rubber supplies in 1941, with government stimulus we developed a synthetic rubber industry.

When World War II engulfed us, we girded up our industry and performed a modern miracle of production—together.

When the Russians preceded us into space, we heeded John F. Kennedy's call and had a man on the moon by 1970.

We didn't hide from the problem or say it should be handled by the "market place." We said it's a job for America, and we tackled it together.

Well, we can be that country again; we are that country still.

With faith in ourselves and a plan of concerted action, we can revive American industry and restore this country to its rightful place at the pinnacle of world commerce, where "made in the U.S.A." will once again be the badge of quality and of value.

With enough imagination and enough dedication, we can make this country energy independent again.

And we can renew the struggle for the American dream in which each generation looks forward confidently to more learning, more opportunity, a better standard of living and a better life than the one before it.

CREATIVE ROLE FOR CONGRESS

In the fulfillment of each of these goals, the U.S. House of Representatives and the Congress itself—mirror of the American mood, distillate of the American dream, forge of the American future and servant of the American will—is and will be a central player.

The role of the legislative branch in the view of those who wrote the Constitution was never intended to be passive and reactive, but creative and dynamic!

We will face the problems of the difficult present—the budget crisis, the trade crisis, the farm crisis, the tide of undocumented immigration, the mountain of debt that is suffocating our neighbors in Latin America, the new and unaccustomed challenge of terrorism as an instrument of national policy.

We do not deny the immensity of the task before us, but neither does it hypnotize and intimidate us. Our system, with all its flaws, is still resilient. America has both the resources and the wisdom—and I believe we have the will—to surmount these challenges and revive the American dream for our own time and for generations yet to come.

TRIBUTE TO THE FALLEN FIREFIGHTERS OF 1984

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. GOODLING. Mr. Speaker, on October 4, 1981, the people of the United States dedicated a monument at the National Emergency Training Center in Emmitsburg, MD, known as the National Fallen Firefighters Memorial. The monument pays tribute to America's firefighters, who have been the bulwark of the Nation's civil defense effort since the founding days of our country. Throughout our history, patriotic Americans have risked their lives to defend their communities against fire and disasters. Therefore, it is only fitting to remember those who have given their lives unselfishly in service to their fellow man.

On Sunday, October 13, 1985, the fourth annual Fallen Firefighters Memorial ceremony was held on the campus at the monument site, honoring those who made the ultimate sacrifice, the sacrifice of their life, in an effort to save others during 1984.

Public interest and participation continues to grow since the 1981 dedication with over 500 in attendance on this past Sunday. Over 30 families of deceased persons were present on this special occasion. The observance, as is traditional, started in the chapel on the campus. The memorial service was concluded at the monument. This year it was an especially beautiful and moving ceremony and the Almighty truly looked in favor on the occasion by providing good weather.

The program was orchestrated in a very professional manner. Under the able leadership of Timothy S. May, of Frederick, MD, a volunteer fireman, a former deputy State fire marshal of Maryland, and a staff member of the National Fire Academy [NFA], who served as project officer for the occasion. This successful memorial recognition was the result of a great team effort on the part of many NETC staff members and volunteers. The special efforts of NETC Frank Davis were of inestimable value in contributing to the services of this day. Others who made a contribution of special note were members of the National Joint Fire Council Service, Marvin Gibbons, the liaison officer of Maryland State Firearms Association, Baltimore City Honor Guard, Baltimore County Honor Guard, Montgomery County Honor Guard, Prince Georges County Honor Guard, Prince William County, Virginia Honor Guard, Washington, DC Honor Guard, just to name a few.

For those Americans who did not have the privilege to attend this special occasion, a copy of the day's program is here submitted for all to share.

PROGRAM—FOURTH ANNUAL NATIONAL MEMORIAL SERVICES FOR FALLEN FIREFIGHTERS, SUNDAY, OCTOBER 13, 1985

CHAPEL

9:45—Organ Prelude, Sister Mary Connelly, St. Joseph's Provincial House.

Choir: Norwick University Regimental Chorus, Norwick, Vermont.

10:00—Welcome, Honorable Clyde A. Bragdon, Jr., Admin., U.S. Fire Administration.

Invocation, Reverend Edward M. Stauffer, Chaplain, Texas Fire Department, Fort Worth.

Recognition of 1984 Fallen Firefighters, John A. Gannon, President, International Assoc. of Firefighters, Washington, D.C.

E. James Monihan, Chairman, National Volunteer Fire Council, Lewes, Delaware.

In Memorium, Howard Boyd, Chairman, Joint Council of National Fire Service Organizations, Nashville, Tennessee.

Recessional.

MEMORIAL

10:45—Concert, Norwich University Regimental Chorus.

11:00—Invocation, Reverend Donald O. Wilson, Chaplain, Baltimore Fire Department.

Posting of Colors, Baltimore County Fire Dept. Honor Guard.

National Anthem.

Introduction of Guests, Edward M. Wall, Administrator.

Memorial Address, Chief John J. O'Rouke, Fire Department of New York.

Flag Presentation to Families, Joseph L. Donovan, President, National Fire Academy.

Chief Larry Bonnafon, Chairman, National Fire Academy Board of Visitors, Louisville, Kentucky.

Chief Albert W. Conner, Treasurer, International Assoc. of Fire Chiefs, Farmington, New Mexico.

Unveiling of 1984 Memorial Plaque.

Placing of Wreath.

Taps.

Benediction, Reverend Pierce Damewood, Chaplain, Maryland State Fireman's Association.

1:00—Buffet Luncheon, Dining Room.

Mr. Speaker, it is proper and a privilege for me to bring the names of these everyday patriots to your attention and the attention of the Nation as a permanent record of their honorable and selfless deeds.

1984 FIREFIGHTER FATALITIES—117

1/3/84, Thomas Baron, Steger Fire Department, Illinois.

1/13/84, Mary R. Matthews, Seattle Fire Department, Washington.

1/16/84, Leonard S. Guerrera, New Haven Department of Fire Services, Connecticut.

1/17/84, Thomas K. Hollingsworth, Robbinsdale Fire Department, Minnesota.

1/18/84, Robert G. Chilcote, II, South Tuscarawas Twp. Fire Department, Coshocton, Ohio.

1/18/84, Calvin C. Garrett, Mathews Volunteer Fire Department, Virginia.

1/19/84, Anthony L. Conforte, New Haven Department of Fire Services, Connecticut.

1/20/84, Willis D. Fry, Sweetwater Fire Department, Tennessee.

1/21/84, Earl W. Walker, Corpus Christi Fire Department, Texas.

1/25/84, James J. Carbin, Jr., Millstone Twp. Fire Department, Clarksburg, New Jersey.

1/25/84, Edwin G. Murphy, Little Rock Fire Department, Arkansas.

1/27/84, Francis E. Burns, East Hartford Fire Department, Connecticut.

1/29/84, John W. Hofacker, Center Twp. Fire Department, Appleton, Wisconsin.

1/30/84, Elwin I. King, Fairoaks Fire Department, Sutherlin, Oregon.

1/31/84, Alexander K. Polakovich, Forest Hill Volunteer Fire Department, Louisiana.

2/8/84, Max L. Daniel, Julian Fire Department, North Carolina.

2/12/84, Frank J. Nerney, Albany Fire Department, New York.

2/13/84, James B. Daniels, Middleport Fire Department, Ohio.

2/15/84, Jimmy R. Kennedy, Memphis Fire Department, Tennessee.

2/17/84, Michael T. McCarthy, Cape Coral Fire Department, Florida.

2/22/84, Edgar O. Hardin, Russellville Fire Department, Kentucky.

2/25/84, Larry D. Stephens, Josua Fire Department, Texas.

2/26/84, Thomas C. Ross, Spicewood Volunteer Fire Department, Texas.

2/27/84, James W. Pressnall, Irving Fire Department, Texas.

3/5/84, John W. Walsh, Youngstown Fire Department Ohio.

3/7/84, John C. Huss, Ridge-Culver Fire Department, Rochester, New York.

3/9/84, Paul J. Dagenbach, Kenosha Fire Department, Wisconsin.

3/10/84, Marvin B. Ridgway, Travis County Fire Control, Austin, Texas.

3/13/84, Harry M. Korwatch, Yonkers Fire Department, New York.

3/24/84, Gerard DeJohn, Birmingham Fire and Rescue Services, Alabama.

3/24/84, Jeffrey L. Haugen, Williston Rural Fire Department, North Dakota.

3/25/84, Michael G. Sims, Goochland County Volunteer Fire Department, Virginia.

4/2/84, Harold L. Hansen, Audubon Fire Department, Iowa.

4/25/84, Thurman P. Keener, Jr., USDA Forest Service Ouachita National Forest, Mena, Arizona.

4/25/84, James H. Frizzell, USDA Forest Service Ouachita National Forest, Mena, Arizona.

4/29/84, David L. Anderson, Norwich University Fire Brigade, Northfield, Vermont.

4/29/84, Patrick J. deKramer, Norwich University Fire Brigade, Northfield, Vermont.

4/29/84, Matthew R. Baran, Norwich University Fire Brigade, Northfield, Vermont.

5/9/84, Hery Y.S. Sur, Honolulu Fire Department, Hawaii.

5/10/84, Max D. Nason, Sparta Fire Department, Michigan.

5/19/84, William A. Satterfield, Georgia Industrial Institute, Alto, Georgia.

5/28/84, John P. Brighenti, Jr., Straw Pump Volunteer Fire Company, North Huntingdon, Pennsylvania.

5/29/84, David E. Foecking, Galena Fire Department, Illinois.

5/29/84, David C. Stephens, Bureau of Land Management, Sweet Home, Oregon.

6/8/84, Julian R. Bley, Sr., Bristol Fire Company, #1, Pennsylvania.

6/8/84, David Gardella, Jackson Fire Department, California.

6/13/84, Joseph L. Konrad, Jr., Philadelphia Fire Department, Pennsylvania.

6/26/84, John L. Carlson, Jericho Fire Department, New York.
6/26/84, James E. Frazier, Jr., Bolivar County Fire Department, Scott, Mississippi.
6/26/84, Milton A. Densford, Memphis Fire Department, Tennessee.
7/3/84, Michael W. Thorne, West Long Branch Fire Department, New Jersey.
7/4/84, Joseph A. Somma, Pittsburg Fire Department, Pennsylvania.
7/8/84, Patricia Beran, Crofton Volunteer Fire Department, Nebraska.
7/8/84, David A. DeWire, Eagles Mere Fire Company, Pennsylvania.
7/9/84, Richard H. Bowers, Oregon State Forestry Department, Cottage Grove, Oregon.
7/9/84, Barbara A. Booth, Oregon State Forestry Department, Cottage Grove, Oregon.
7/13/84, Michael P. Mattioda, Lake Shore Fire Prot. District, Clear Lake, California.
7/15/84, Kevin J. Cioffi, Wyandanch Fire Company, New York.
7/19/84, Jeffrey A. Hardin, Wichita Falls Fire Department, Texas.
7/23/84, Kenneth E. Armour, Union Oil Fire Department, Lemont, Illinois.
7/23/84, Lothar S. Cogar, Union Oil Fire Department, Illinois.
7/23/84, Katherine A. Hughes, Union Oil Fire Department, Lemont, Illinois.
7/23/84, Perry E. Parker, Union Oil Fire Department, Lemont, Illinois.
7/23/84, Robert F. Pleski, Union Oil Fire Department, Lemont, Illinois.
7/23/84, Barney O. Staggs, Union Oil Fire Department, Lemont, Illinois.
7/23/84, Charles R. Staggs, Union Oil Fire Department, Lemont, Illinois.
7/23/84, Belle C. Sullivan-Weiss, Union Oil Fire Department, Lemont, Illinois.
7/23/84, Christopher I. Watkins, Union Oil Fire Department, Lemont, Illinois.
7/23/84, Dale A. Whitmarsh, Union Oil Fire Department, Lemont, Illinois.
7/25/84, Melvin S. Rosewag, Jr., Baltimore City Fire Department, Maryland.
7/27/84, John E. Lindquist, Sr., Edison Fire Department, New Jersey.
7/29/84, Earl L. Hilliard, Kern County Fire Department, Bakersfield, California.
8/5/84, James E. Bennett, Nettie Volunteer Fire Department, West Virginia.
8/5/84, William R. Smart, Jr., Humansville Fire Department, Missouri.
8/5/84, Ronald G. Mullins, Humansville Fire Department, Missouri.
8/7/84, James Jimenez, Syosset Fire Department, New York.
8/8/84, Keith A. Norman, Westfield Road Fire Department, Houston, Texas.
8/10/84, Raymond E. Eichert, Los Angeles County Fire Department, California.
8/10/84, Harold R. Watkins, Cincinnati Fire Prot. District, Pekin, Illinois.
8/12/84, James M. Murray, Newark Fire Department, New Jersey.
8/22/84, George Kuharsky, Oconee County Rural Fire Control, Salem, South Carolina.
9/8/84, Dennis C. Martin, Forsyth County Fire Department, Cumming, Georgia.
9/12/84, Robert C. Ayers, West Corners Fire Department, Endicott, New York.
9/17/84, Percy R. Johnson, Shreveport Fire Department, Louisiana.
9/19/84, Ralph E. Hager, Jr., Shortsville Fire Department, New York.
10/4/84, Colin P. Boast, Inter-Canyon Fire Department, Morrison, Colorado.
10/9/84, Jose A. Silva, Bolinas Fire Prot. District, California.
10/11/84, Robert B. Gamble, Whispering Pines Vol. Fire Department, North Carolina.
10/15/84, Elmer Homilius, Comfort Volunteer Fire Department, Texas.
10/17/84, Roger F. Sullivan, Southington Fire Department, Connecticut.
10/20/84, Anthony Shands, New York City Fire Department, New York.
10/22/84, Walter J. Bawroski, Sr., Baltimore County Fire Department, Dundalk, Maryland.
10/22/84, Henry W. Rayner, Jr., Baltimore County Fire Department, Dundalk, Maryland.
10/22/84, James A. Kimbel, Baltimore County Fire Department, Dundalk, Maryland.
10/23/84, Michael E. Ard, Zachary City Fire Department, Louisiana.
10/28/84, William G. Countiss, Woodlawn-Sevier Fire Department, Marion, North Carolina.
10/30/84, Philip Kenneally, Chicago Fire Department, Illinois.
11/3/84, Mitchel E. Spoth, Transit Volunteer Fire Company, East Amherst, New York.
11/15/84, Ricky S. Pearce, Phoenix Fire Department, Arizona.
11/19/84, David A. Ball, Cloud County Rural Dist. #4 Fire Department, Concordia, Kansas.
11/19/84, Russell C. Dellinger, Sr., Collettsville Fire Department, North Carolina.
11/23/84, James A. Flanagan, Dedham Fire Department, Massachusetts.
11/24/84, Epifanio J. Gonzalez, Rombout Fire District, Fishkill, New York.
11/29/84, James C. Simpson, Raymondville Volunteer Fire Department, Texas.
11/29/84, Phillip C. D'Adamo, New York City Fire Department, New York.
12/1/84, Robert M. Reyes, Houston Fire Department, Texas.
12/3/84, Richard M. Barron, Rutland City Fire Department, Vermont.
12/4/84, Benjamin Pinel, Los Angeles City Fire Department, California.
12/6/84, Russel H. Dixon, Alden Hook & Ladder Fire Company, New York.
12/12/84, Jack L. Pratt, Sr., New Smyrna Beach Fire Department, Florida.
12/13/84, John D. Evans, Clear Lake Fire Department, Iowa.
12/16/84, Anthony J. Lundy, Sr., Pittsburg Fire Department, Pennsylvania.
12/19/84, John T. Williams, District of Columbia Fire Department, Washington, D.C.
12/19/84, Roger G. Tharp, Cowan Volunteer Fire Department, Muncie, Indiana.
12/21/84, David F. Murry, Hurleyville Fire Department, New York.
12/29/84, Charles J. Elder, Ridley Park Fire Co., Pennsylvania.
12/30/84, James J. Lausch, Joliet Fire Department, Illinois.

THE FIREMAN'S PRAYER

When I am called to duty, God
Wherever flames may rage,
Give me strength to save some life
Whatever be its age.

Help me embrace a little child
Before it is too late
Or save an older person from
The horror of that fate.

Enable me to be alert
To the weakest shout
And quickly and efficiently
To put the fire out.

I want to fill my calling and
To give the best in me.
To guard my every neighbor and
Protect his property.

And if according to my fate
I am to lose my life
Please bless with your protecting hand
My family and my wife.

USDA DISASTER ASSISTANCE PROGRAMS

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. DASCHLE. Mr. Speaker, as farm State Members of Congress can attest, most farmers and ranchers pray they will never have to use the Department of Agriculture's disaster assistance programs. In times of disaster, unusual circumstances dictate the need for compassion and meaningful assistance.

However, for many ranchers in western South Dakota their prayers have taken an ironic twist. These ranchers have told me that they pray the Secretary of Agriculture will not do more damage through inadequate disaster assistance programs than are done by the successive natural disasters themselves. Unfortunately, there is not much optimism that will be the case.

The Secretary of Agriculture has no less than seven emergency feed programs at the disposal of the administration. To date, he has chosen to use but one. And to a rancher, western South Dakotans will tell you that the announced program has been woefully inadequate in meeting the needs of the starving animals in their area.

During the past 2 years, South Dakota producers have suffered from floods, from drought, and from snow blizzards. The only common thread between these disasters has been the report card farmers and ranchers have given to the Department of Agriculture for the emergency assistance provided to producers. An unqualified failure. This failure was clearly demonstrated by a recent USDA decision to supply cattle producers with wheat to feed their cattle, because feed grains, normal feed for livestock, was not conveniently available.

It is clear that the disaster assistance programs need a total revamping.

It is a critical review that is clearly long overdue. For the benefit of my colleagues, I ask unanimous consent to include in the RECORD a USDA description of existing emergency feed programs and a letter I have sent Secretary of Agriculture John Block urging an immediate departmental response to South Dakota's disaster assistance request.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 21, 1986.

Hon. JOHN BLOCK,
Secretary of Agriculture, U.S. Department of Agriculture, Administration Building, Washington, DC.

DEAR SECRETARY BLOCK: I have just returned from South Dakota where I toured the disaster-ravaged areas of the state and met with ranchers seeking emergency assistance in providing feed for their livestock.

While the changes you announced last week will modestly improve the currently-operational Emergency Feed Assistance Program (EFAP), the unanimous consensus of the affected ranchers remains that the USDA's disaster response has been grossly inadequate.

Many of these ranchers are reeling from the blows of consecutive disasters, in many cases a drought and repeated snow blizzards in a single year. It is not financially practical to require these ranchers to purchase their feed at 75 percent of the CCC loan rate (as required by the EFAP), especially when other programs at the Administration's disposal would provide far more effective disaster assistance.

Because of the ineffectiveness of the current program, I am urging your immediate attention to the needs of South Dakota's ranchers and farmers. I urge you to take the following immediate steps:

(1) Activate immediately the Emergency Feed Program and work with Governor Janklow to activate the Herd Preservation Feed Grain Donation Program, and any other program at the disposal of the Administration.

(2) Create a disaster task force within USDA/Washington to work with South Dakota's agriculture officials to make certain disaster assistance requests are promptly executed. With due respect, Mr. Secretary, South Dakota's disaster assistance requests have a habit of getting lost within your USDA/Washington bureaucracy.

(3) Immediately dispatch a representative of this Washington disaster task force to South Dakota to survey the economic situation and the effects of the disaster. Please accept this as an offer of assistance in arranging such a meeting in the region of the disaster.

(4) If the seven emergency livestock feed assistance programs currently at the disposal of the Administration are not adequate, please provide the Department's suggestions as to how they might be improved so that disaster assistance provided to ranchers in these situations can be more effective.

Mr. Secretary, I cannot overemphasize the seriousness of this situation and the despair felt by ranchers and farmers wrestling with the immediate decision of how they will maintain their basic livestock operation in the face of a disaster-caused feed loss. This crisis has reached epidemic proportions. Unfortunately, the disaster assistance you have chosen to provide has lagged far behind.

Time is running short. I stand ready to work with you and the Department to provide the most effective disaster assistance possible to these individuals, and urge you to give this letter your immediate attention.

With best wishes, I am

Sincerely,

TOM DASCHLE,
Member of Congress.

EXISTING EMERGENCY FEED PROGRAMS

[Prepared by the U.S. Department of Agriculture]

EMERGENCY FEED ASSISTANCE PROGRAM (EFAP)

Benefits: Under the EFAP eligible livestock producers can purchase CCC-owned low grade feed grains and wheat at 75 percent of the county loan rate for the county where the grain is stored. The amount of grain a producer may purchase may not exceed the lesser of the producer's feed loss or the amount of additional feed needed for the emergency period. Assistance under EFAP can be provided for foundation cattle, sheep, goats, swine, poultry, and their offspring. Under EFAP the producer was required to pay for transporting the grain.

Implementation: A county can become eligible for EFAP by a Secretarial designation as a disaster county eligible for emergency loans from FmHA, or by direct designation from the Secretary of Agriculture for EFAP. For a direct designation the initial request would come from the COC. It would then have to be approved by the STC and DASCO before being designated by the Secretary of Agriculture. Legislation mandating the EFAP directed the Secretary of Agriculture to make damaged CCC-owned corn available to farmers and ranchers who are eligible to receive emergency loans from FmHA.

Authority: Section 303 of the Dairy and Tobacco Adjustment Act of 1983 mandated that EFAP be implemented (P.L. 98-180). However, the EFAP is now being administered under Section 407 of the Agricultural Act of 1949.

Requirements: To be eligible for assistance, the producer must have suffered a loss of feed production on the farm and have insufficient feed to maintain the farm's livestock for the period of the emergency. The Dairy and Tobacco Adjustment Act of 1983 provides that the feed loss must have been due to the 1983 drought, hot weather or related disaster. The Agricultural Act of 1949 provides that the feed loss must have been due to flood, drought, fire, hurricane, earthquake, storm, disease, insect infestation, or other catastrophe. By policy determination eligible losses for EFAP purposes are limited to those due to excess moisture or drought.

Duration: EFAP is available at the current time in eligible counties.

EMERGENCY FEED PROGRAM (EFP)

Benefits: Under the EFP, assistance is in the form of cost share payments on feed purchased. The dollar amount of assistance may not exceed 50 percent of the cost of feed purchased. Current regulations limit the amount of cost-share to three cents per pound of feed grain equivalent. The amount of feed on which a producer may receive cost share assistance may not exceed the lesser of the producer's feed loss or the amount of additional feed needed for the emergency period. Assistance is available for cattle, sheep, horses, mules, swine, and goats which have been owned at least six months; and for poultry. The program provides the necessary flexibility to permit a livestock producer to receive assistance for the purchase of the particular type of feed (roughage, grain, mixed feed, etc.) that best suits the owner's livestock or poultry operation.

Implementation: No declarations of disaster are required to implement EFP; however, regulations were amended to stop accepting applications effective April 18, 1982. Therefore, before the program could be operated, regulations would have to be amended to provide for the acceptance of applications. When operating EFP is authorized, implementation may be requested by the COC. If the request is approved by the STC and DASCO, the EFP can be implemented in the county.

Authority: Authority for the EFP is based on Section 1105 of the Food and Agriculture Act of 1977.

Requirements: To be eligible for assistance, the producer must have suffered at least a 40 percent loss of feed production on the farm, have insufficient feed to maintain the livestock on the farm for the emergency period and be forced to purchase feed in quantities larger than normal. The feed loss must be due to food, drought, fire, hurricane, earthquake, storm or other natural disaster.

Duration: There is no expiration date in the EFP legislation. Regulations were amended to cease accepting applications under this program after April 8, 1982.

LIVESTOCK FEED PROGRAM (LFP)

Benefits: Under the LFP, CCC-owned stocks (wheat, corn, oats, barley, rye, or grain sorghum) may be sold to eligible livestock producers at not less than 75 percent of the county loan rate for the grain. The amount of feed a producer may purchase under the program may not exceed the lesser of his feed loss or feed needs. When the LFP was operated, CCC paid the cost of transporting stocks to a central location in the disaster area. Under the LFP, poultry were not considered in determining feed needs.

Implementation: Program regulations are still active. The LFP may be implemented in a county only after being designated as a disaster area by the Secretary of Agriculture. When last operated, a request from the Governor was required for the disaster designation.

Authority: Authority is based on Sections 407 and 4211 of the Agricultural Act of 1949 (P.L. 83-439), as amended, including P.L. 87-217 which amended the Agricultural Act of 1949 and on P.L. 86-299 of the Act of September 21, 1959, as amended.

Requirements: Individual producers must have suffered a substantial loss of livestock feed, have insufficient feed on hand to feed their livestock, and be unable to purchase livestock feed without undue financial hardship. To provide information for this "means" determination, each applicant must complete a detailed statement of assets and liabilities. Under the LFP, the loss must have been due to flood, drought, fire, hurricane, earthquake, storm, disease, insect infestation or other catastrophe.

Duration: Although LFP regulations are still active, the program has not been used since 1976 when CCC exhausted it's stocks of livestock feed.

HAY TRANSPORTATION ASSISTANCE PROGRAM (HTAP)

Benefits: Under the HTAP, transportation costs were shared with eligible producers for eligible roughage purchased from a point of origin beyond such producers' normal trade area to the location of the producer's livestock in the county. When the HTAP was last used, transportation was available for up to 20 pounds of eligible roughage per day per animal unit. The maximum cost share assistance was limited to 80 percent of the transportation costs not to exceed $50 per ton ($12.50 for silage). The pounds of hay on which a producer could receive transportation cost sharing was limited to the lesser of the producer's feed loss or the amount of additional feed needed for the emergency period.

Implementation: The HTAP can be implemented only through a mission assignment from FEMA. Under a mission assignment the HTAP is funded by FEMA. The county must be declared a disaster area by the President before the HTAP can be implemented.

Authority: The USDA does not have legislative authority to fund a HTAP. The authority for FEMA to fund a program such as HTAP comes from the Disaster Relief Act.

Requirements: To be eligible for assistance, the producer must have suffered at least a 40 percent loss of feed production on the farm and have insufficient feed to maintain the farm's livestock for the period of the emergency.

Duration: The HTAP was last used in 1977. The program was not used after the institution of the Emergency Feed Program (EFP). The EFP made available assistance that the HTAP was unable to provide.

CATTLE TRANSPORTATION ASSISTANCE PROGRAM (CTAP)

Benefits: Under the CTAP, transportation costs were shared with eligible producers in counties designated as emergency areas for transporting eligible livestock to and from other locations where grazing lands were available. When the CTAP was last used, transportation assistance was limited to two thirds of the actual cost not to exceed the State ICC rate with a maximum of $24 per head. The amount of assistance a producer could receive under the program was limited to the lesser of the producer's feed loss or the amount of additional feed needed for the emergency period.

Implementation: The CTAP can be implemented only through a mission assignment from FEMA. Under a mission assignment the CTAP is funded by FEMA. The county must be declared a disaster area by the President before the CTAP can be implemented.

Authority: The USDA does not have any legislative authority to fund a CTAP. The authority for FEMA to fund a program such as CTAP comes from the Disaster Relief Act.

Requirements: To be eligible for assistance, the producer must have suffered at least a 40 percent loss of feed production on the farm and have insufficient feed to maintain the farm's livestock for the period of emergency.

Duration: The CTAP was last used in 1977. The program was not used after the institution of the Emergency Feed Program (EFP). The EFP made available assistance that the CTAP was unable to provide.

CRASH FEED GRAIN DONATION PROGRAM (CFGDP)

Benefits: Under the CFGDP, CCC-owned feed is donated for use in feeding livestock for short periods of time (usually less than 30 days) after a sudden major disaster. Eligible livestock includes cattle, sheep, goats, swine, poultry, horses and mules which are commingled, stranded and unidentified as to owner, or if the owner is temporarily unable to arrange for feed or pasture.

Implementation: Before CFGDP can be implemented the county or other area must be designated a disaster area by the President. If the program is implemented under the Disaster Relief Act of 1974, requests from the Governor for the CFGDP are made to the FEMA Regional Office. If the CFGDP is implemented under the Agricultural Act of 1949, as amended, the following is required.

1. A report of need from the country and State ASCS office.
2. State ASCS recommendation.
3. A certification of need from the Governor.

Authority: Authority is based on Section 407 of the Agricultural Act of 1949, as amended, the Disaster Relief Act of 1974, and the CCC Charter Act, as amended. The above acts would permit (1) the Secretary to implement the CFGDP under authority of the Agricultural Act of 1949, as amended, or (2) FEMA to direct ASCS to implement the CFGDP under authority of the Disaster Relief Act of 1974. If the CFGDP is authorized under the Disaster Relief Act of 1974, ASCS would operate the CFGDP under a mission assignment from FEMA. Under a mission assignment, the CFGDP would be funded by FEMA. Except on a reimbursable basis, CCC shall not bear any costs in making such feed grains available beyond the cost of the feed grains in store, and the handling and transportation costs in making delivery of the feed grains at one or more central locations in each State or other area.

Requirements: The eligibility of the livestock producer is not a factor. During a period of chaos the primary concern is for the welfare of the livestock. The county ASCS committee, or if it is unable to act, the State ASCS committee, or its designee, shall determine the eligibility of livestock in an area for donations under Section 407 of the Agricultural Act of 1949. Livestock producers who have their livestock under control and are capable to caring for them are not eligible for assistance under the CFGDP.

HERD PRESERVATION FEED GRAIN DONATION PROGRAM (HPFGDP)

Benefits: Under the HPFGDP, CCC-owned feed is donated to livestock producers whose resources have been so damaged by the disaster that they are incapable of buying feed at market prices. The HPFGDA could logically be used after the short term Crash Feed Grain Donation Program. The HPFGDA would provide assistance to eligible livestock producers after their livestock cease to be commingled, stranded, and unidentified as to ownership. Eligible livestock includes cattle, sheep, goats, swine, poultry, horses and mules.

Implementation: Before the HPFGDP can be implemented the county or other area must be designated a disaster area by the President. If the program is implemented under the Disaster Relief Act of 12974, requests from the Governor for the HPFGDP are made to the FEMA Regional Office. If the HPFGDP is implemented under the Agricultural Act of 1949, as amended, the following is required:

1. A report of need from the county and State ASCS Office.
2. State ASCS recommendation.
3. A certification of need from the governor.

Authority: Authority is based on Section 407 of the Agricultural Act of 1949, as amended, the Disaster Relief Act of 1974 and the CCC Charter Act, as amended. The above acts would permit (1) the Secretary to implement the HPFGDP under authority of the Agricultural Act of 1949, as amended, or (2) FEMA to direct ASCS to implement the HPFGDP under authority of the Disaster Relief Act of 1974. If the HPFGDP is authorized under the Disaster Relief Act of 1974, ASCS would operate the HPFGDP under a mission assignment from FEMA. Under a mission assignment, the HPFGDP would be funded by FEMA. Except on a reimbursable basis, CCC shall not bear any costs in making such feed gains available beyond the cost of the feed grains in store, and the handling and transportation costs in making delivery of the feed grains at one or more central locations in each State or other area.

Requirements: Only those livestock producers are eligible whose resources have been so damaged by the disaster that they are incapable of buying feed at market prices, or at reduced prices under any other emergency livestock feed assistance programs. The county ASCS committee, or if it is unable to act, the State ASCS committee or its designee, shall determine the eligibility of applicants for donated grain under HPFGDP. To be eligible for assistance, the producer must have suffered at least a 40 percent loss of feed on the farm and have insufficient feed to maintain the farms' livestock for the period of the emergency.

Duration: The HPFGDP is currently being operated in designated West Virginia counties.

LAND BETWEEN THE LAKES

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. JONES of Tennessee. Mr. Speaker, I recently was surprised with a story in the Washington Post Travel Section which dealt with a facility in my district. It is Land Between the Lakes which is operated by the Tennessee Valley Authority.

This 170,000-acre facility is located in the Tennessee River Valley between Lake Barkley and Kentucky Lake. TVA has used great care in developing this facility for the enjoyment of all Americans. It was first envisioned as a nature area and its development has not varied much from that original goal. It offers an excellent example of how man can develop a nature area that will be an attraction to many different segments of our society.

For those looking for a serene place to bicycle, it is available at LBL. For those looking for historic attractions, they are available at LBL. For those looking for the peacefulness of a great outdoor wilderness, it is available at LBL. I say all these things not for a commercial for LBL—we already call it the best-kept secret east of the Mississippi River. I bring this to the attention of my colleagues because we all need to know that this facility and many others like it are threatened by budget cutting.

I think it would be a shame to see this kind of facility fall by the wayside even in these times of budget austerity and I say this not only because it is located in my district. I say this because LBL is a valuable natural resource that deserves our continued protection and support. I want to share with my colleagues the recent Post story so they might gain a greater appreciation for why we in Tennessee and Kentucky feel so strongly about Land Between the Lakes:

[From the Washington Post, Jan. 26, 1986]

TVA'S UNTAMED WILDERNESS SURPRISE—ONE OF THE COUNTRY'S LAST CROWDED AND BEST PRESERVED NATURAL AREAS

(By Arthur H. Purcell)

Winding roads and mist-shrouded woods and ponds. Miles of unspoiled shoreline. Unlimited camping. Year-round fishing on two giant lakes and a dozen little ones. This is Land Between the Lakes, 170,000 untamed acres in the Tennessee River Valley and a wilderness getaway for all seasons.

Land Between the Lakes (or simply LBL, as it is locally known) is an off-the-interstate (Western Kentucky Parkway) surprise—an unexpected adventure on a major east-west route through the mid-South. LBL

is one of the country's least crowded and best preserved natural areas. You can hike through its forest and along its waters for hours and encounter few signs of human intrusion.

Paradoxically, though, LBL exists because of massive—albeit carefully planned—intervention. It was a creation of the Tennessee Valley Authority. Started by the Roosevelt administration in the early 1930s, the TVA has built hydroelectric dams and artificial lakes across the South. One of its most ambitious projects resulted in LBL. The Reagan administration is expected to propose a 50 percent budget cut for TVA, including a zero LBL budget, for the coming fiscal year; and there is little indication that another federal agency or Kentucky and Tennessee would take over operations. So LBL's status as a federal recreation area may be in danger. For the present, however, Land Between the Lakes is open and free.

Western Kentucky is an almost wholly rural land and very likely looks much the same as it has for the past two centuries: Small farms dot the landscape and tobacco patches bloom bright pink in the summer. Retired farmers in their obligatory coveralls and plaid shirts gather at the county courthouses to play checkers. Art Deco movie theaters face town squares and people sit on their front porches after dinner. The Land Between the Lakes seems a part of this timelessness, even though it is new and manmade—and subject to the whims of economic development.

A quiet, forested strip covering 265 square miles, LBL is bordered by Kentucky Lake to the west and Lake Barkley to the east. It is remote—accessible by road at only five points over its 40-mile length—and that is a strong point, for it is too far for the day-tripping hordes: more than 800 miles from Washington, 175 miles southeast of St. Louis and 200 miles beyond Lexington, Ky. LBL averages under 6,000 visitors a day, or fewer than two people per 50 of its scenic acres.

A pair of hiking shoes is the ticket to a lot of enjoyment here. Two hundred miles of picturesque trails make their way through the area; add a backpack and you can camp for days at a site of your choice—on one of the lakes, near a pond, in a clearing or right in the middle of the woods. Except for the eight family and group campgrounds, there is no charge for camping, and there are 25 designated "informal use" camping areas—many of which have shorelines, boat ramps and even chemical toilets.

If you bring a pole and string, a superlative dimension of LBL unfolds—its excellent fishing, on Barkley and Kentucky lakes as well as bountiful inland ponds. No matter what time of year, something (besides mosquitoes) will be biting.

For the reaction-minded traveler, Land Between the Lakes is really the land of three B's: backpacking, bicycling and boating. Its 400-mile network of maintained roads (100 miles are paved) means lots of pretty and safe biking terrain. These roads also give you the option to be lazy and drive through wilderness vistas (the Trace is the main north-south road connecting attractions) or to camp within a short walking distance of your vehicle.

Backpacking in LBL offers a lot of pluses and few minuses. The trails are easy and they provide enough variation in terrain and vistas to keep long-hike tedium to a minimum. You are never far from the water if you need to cool off; campsites are seemingly infinite in number. And, with 3,500 miles of shoreline to choose from, finding a strip of private beach to settle on for the night (no need to worry about tides here) is usually not difficult. Serious backpacking should be avoided in summer months, however, as LBL can get very hot and muggy, with temperature and humidity both in the nineties.

Boating, a major drawing card of LBL is responsible for the largest human concentration within its borders. There are numerous boat launching areas, and rentals are available in adjoining commercial areas such as Grand Rivers at the north entrance. There are few restrictions for boaters, though sailing—growing in popularity on both lakes—and motorboat use occasionally get into competition.

The lakes themselves are large; their surface area within LBL is considerably more than LBL's land area. Kentucky Lake is slightly wider than Lake Barkley (up to two miles as opposed to about a mile). One curious feature of the lakes is a scattering of tiny islands that once were the tops of hills protruding from the now-flooded Cumberland and Tennessee River valleys.

LBL's colorful history has created some of its most popular attractions, including Center Furnace, Golden Pond and The Homeplace. Before President Kennedy signed an executive order in June 1963 making it a federal recreation area, LBL was an iron-producing area with many small farms and (from the Prohibition era until just after World War II) productive moonshine stills.

In the early 19th century, charcoal and iron ore from the area, which was then known as "Between the Rivers," was used to make structural iron. The area soon became a thriving industrial center. The once-impressive Center Furnace in the northern half of LBL was last fired to make iron in 1912. This brick structure is now in ruins.

During Prohibition the LBL region took on a new kind of industry—bootleg whiskey. Golden Pond, now the site of the main LBL visitor pavilion, was the center of this activity; a scattering of crumbled foundations are all that remain of the old hamlet of Golden Pond.

But the area's farming tradition lives on at The Homeplace. LBL serves as a national environmental education, research and demonstration center, and The Homeplace is a featured part of this effort. The Homeplace includes 16 restored period buildings and is staffed by a farm "family" living and working as they might have in the 1850s. LBL guests are invited not only to visit here but to step back into history—at least for a few minutes—and become part of the 19th-century rural South by helping with farm chores and getting a taste of that era's Kentucky farm life.

In addition to the working farm environment of The Homeplace, visitors can get a glimpse of simple contemporary activities at Empire Farm, in the northern part of LBL and on the shore of Lake Barkley. Empire Farm has been set up to demonstrate modern methods of resource conservation—such as composting, sorghum making and solar energy use. Silo Overlook at Empire Farm, built on an old silo, provides a sweeping view of the lake and surrounding terrain.

Besides conservation, preservation is another environmental objective at LBL. Efforts are under way to nurture species once indigenous to this part of the country. The American bison has been sucessfully reintroduced into the area and you can now pass a herd peacefully grazing in a pasture near the southern end. Wildlife as diverse as bobcats and eagles also are found in LBL, and rangers have set up special monitoring and preservation programs for these and other dwindling species.

TVA has set aside portions of Land Between the Lakes for special interest groups ranging from handicapped persons to off-road vehicle users. Duncan Lake, near the Wildlife Restoration Center, is reserved for mobility-impaired users. Four of the campgrounds are accessible to handicapped individuals or groups. Long Creek Trail is a two-mile paved path in the Environmental Education Area specially designated for use by the handicapped.

Adjoining the Golden Pond Visitor Center is the 2,350-acre Turkey Bay Off-Road Vehicle Area with nearly two miles of Kentucky Lake shore front.

The visitors centers in LBL are particularly friendly places, where you can find out about current exhibits or special activities. Talk to Fern at the North Information Center and she will try to sell you on the popular North-South Trail. This 60-mile path winds through woods, on top of ridges and along shorelines as it runs the length of LBL and goes back and forth between Kentucky and Tennessee, bordering waters that cover the past.

Old Eddyville, seat of Lyon County, lies under Lake Barkley. The new Eddyville is a textbook "instant" city—town square, courthouse and shops—which was built in the early 1960s to replace the original eclectic town. Civil War battlefields also lie underwater, adjacent to the Kentucky State Prison, an imposing castle-style structure that may be one of the most scenically located reformatories in the nation, on a hill overlooking the sweep of the lake.

Eddyville and Lyon County, home base for LBL, have a tradition of remoteness, like LBL itself. This may well change, however. The opening last summer of the Tennessee-Tombigbee Waterway, a $2-billion, 234-mile-long canal, links the area to the Gulf of Mexico and makes it a port. The county is hoping to take advantage of this new status to attract business and industry. While this may not bode well for those seeking isolation and remoteness, ultimately it may attract more visitors and more attention, thus making the loss of LBL's federal wilderness status less likely.

Today LBL is considered underutilized by the Reagan administration; in comparison with other recreation areas of its size, it has few visitors. Recognizing that underutilization may mean reduced federal funds for maintaining LBL, its managers are currently developing an aggressive marketing campaign.

As federal expenditures for wilderness programs have dropped, areas like LBL have felt the pinch. Hopefully this area will survive the crunch and continue to offer free access to visitors. In the meantime, this is a good time to take advantage of serene public treasures such as Land Between the Lakes and western Kentucky's calm beauty.

(Arthur H. Purcell is a Washington-based policy analyst whose work takes him around the country and overseas.)

TRIBUTE TO JOSEPH MICHAEL GIGLIO

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. DioGUARDI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Mr. Joseph Michael Giglio. On Friday, February 7, 1986, at the Lowes Glenpointe Hotel, the New Jersey Chapter of the National Italian-American Sports Hall of Fame will honor Mr. Giglio with their "Man of the Year" award. Mr. Giglio is indeed worthy of this prestigious recognition.

As managing director of Bear Stearns' Public Finance Department, Mr. Giglio has performed meritoriously, guiding Bear, Stearns & Company to its current status as a top 10 member of the New York Stock Exchange.

Prior to his affiliation with Bear Stearns & Co., Mr. Giglio was chief financial officer of the New York City Health and Hospitals Corp., one of New York City's largest public benefit organizations. Recognizing his laudable helmsmanship with the New York City Health and Hospitals Corp., New York State Governor, Hugh Carey appointed Mr. Giglio to his cabinet. As a principal cabinet officer, Mr. Giglio was largely responsible for the State's financial planning, steering New York City and New York State out of its fiscal crisis in the 1970's.

Today, Mr. Giglio is involved with many State and local level projects. He has become closely involved with the proposed New Jersey Infrastructure Bank, as well as with other efforts to create and promote cost-effective infrastructure financing techniques in the States of Massachusetts, Washington, Connecticut, and New York.

His expertise has also been recognized at the Federal level. For example, the U.S. Senate appointed Mr. Giglio to chair the U.S. Senate Budget Committee's Private Sector Advisory Panel on Infrastructure Financing. More recently, he was appointed by the U.S. Senate as a member of the National Council on Public Works Improvements.

In addition to his endeavors at Bear Stearns and his involvement with local, State, and Federal governments, Mr. Giglio sits on the board of directors of several organizations including: The Small Business Foundation of America, Inc., the Continental Health Affiliates, Inc., the New York University Urban Advisory Research Center, and the Orphan Drug Foundation.

If Mr. Giglio has been successful in his corporate and public dealings, he has been outstanding as a husband to Paula, and father to Michael, Lauren, and Jessica. New York is fortunate to claim Mr. Giglio as one of its leading businessmen; I am proud to claim Joe as a friend.

INSURANCE CRISIS HITS NONPROFITS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. FLORIO. Mr. Speaker, I am inserting in the RECORD an article from the Trentonian describing the impact of the insurance availability crisis on nonprofit organizations. The article reports the view of the New Jersey insurance commissioner that while part of the problem is insurance company fear of court decisions, insurance firms "must bear a large part of the blame."

The vital role of nonprofit organizations in our communities is in danger because of the insurance crisis. This, along with the threat to many other businesses and activities, compel Congress to determine whether the crisis can be resolved under the current approaches at the State level. My subcommittee will be considering this issue in our ongoing liability insurance hearings.

The article follows:

[From the Trentonian, Dec. — 1985]

INSURANCE RATES HOLD N.J. NON-$$ GROUPS HOSTAGE: OFFICIAL

(By Judy Rotholz)

Skyrocketing insurance rates could force non-profit organizations to close their doors or drastically cut back their services, Betty Wilson, president of the Center for Nonprofit Corporations, said yesterday.

Testifying before an Assembly committee, Wilson said "Thousands of New Jersey nonprofit groups are being held hostage by the insurance industry. Liability insurance coverage is becoming nearly impossible to buy because insurance companies . . . are raising prices at staggering, unaffordable rates."

Wilson testified that some rates have increased as much as 540 percent from $500 to $2,700 annually and are "equivalent to cancellation."

Insurance Commissioner Hazel Gluck said she will ask the Legislature in January to return to her department some power to regulate rates in the commercial liability market.

Since commercial liability insurance is deregulated, Gluck said "we have no real teeth to hold down such prices."

Gluck indicated the non-Profit organizations' problem is a reflection of the widespread insurance crisis that also affects municipalities and bars and taverns.

While Gluck said part of the problem is caused by insurance companies' fear of the courts' interpretations of policy language, she charged that insurance firms "must bear a large part of the blame."

During the summer, a number of insurance firms were refusing to renew insurance and the state adopted a regulation to prohibit the "arbitrary termination of insurance policies."

Assemblyman George Otlowski, D-Middlesex, chairman of the Corrections, Health and Human Service Committee, commented yesterday that the regulation may have helped to prompt the firms to raise the rates to astronomical levels.

Otlowski said he will introduce legislation to permit non-profit agencies, such as daycare centers, to form risk "pools" to allow them to reduce premiums, as well as a measure to protect organizations' board members from being sued because of an action brought against the agency they serve.

Wilson said the problem affects non-profit organizations "across the board," including daycare centers, alcoholism and mental health centers, as well as YMCAs.

HARD TIMES IN THE OIL PATCH

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. LELAND. Mr. Speaker, the future is not bright for Texas. While the recent tailspin in the price of oil will bring heretofore unseen economic benefits to many Americans, a large number of Texans and residents of other oil-producing States do not share a similar fate. With the price of West Texas Intermediate Crude standing near $16 per barrel and falling, the State—and the people—of Texas are in line to lose hundreds of millions of dollars.

This shortfall in revenue comes at a time when Texas is faced with the potential of massive cutbacks in Federal program assistance. We are fast approaching the day of reckoning the Gramm-Rudman time bomb has set for us, and, should the automatic cuts go through for the coming fiscal year, Texas could lose over half a billion dollars in Federal assistance. Add to this cuts in Federal revenue-sharing and losses due to the drop in oil prices and it is not unthinkable that in fiscal year 1987, Texas will lose $1.5 billion in anticipated revenue.

It is easy to imagine the drop in oil prices as simply resulting in a little less profit for a small number of stereotypical "fat cat" oil producers. If this were true, there would not be cause for alarm in Texas in general and in my home city of Houston, in particular.

But the fact is, those who will hurt the most from the drop in oil prices are the Texans, Oklahomans, and Louisianans who can least afford any further constraints on their livelihoods. The people I am speaking of are the machinist working for the drilling tool company, the clerk in the hardware store in a town where the wells have been abandoned, the tug captain on the ship channel who is forced out of business, and the roughneck on the offshore oil rig that has been closed. Recent estimates put the number of jobs lost in Texas from the $15 drop in the price of a barrel of oil at 56,000.

I would like to bring to the attention of my colleagues an article that appeared in yesterday's Wall Street Journal that I feel realistically depicts the peril that Texas and the other "oil patch" States are in. I hope it enlightens my fellow Members of the House to the fact that lower oil prices are not good news for all.

[From the Wall Street Journal, Feb. 4, 1986]

HARD TIMES: PLUNGE IN OIL PRICES BRINGS ECONOMIC WOES TO ENERGY-BELT STATES

(By Laurie P. Cohen)

DRUMRIGHT, Okla.—Five years ago, when this tiny central Oklahoma oil town boomed with soaring energy prices, Jerry Miller painted 1,800 oil storage tanks. This year, he figures, he will coat a dozen—if he is lucky.

For most Americans, the plunge in oil prices that began last month was good news because it will help the economy. But for Mr. Miller it was bad news. His only remaining client—an independent oil producer—cancelled his contract last month, citing tumbling prices. To feed his family of three and pay off the note on their small brick house, the 46-year-old Mr. Miller says he will seek work as a wood chopper.

"There ain't nothing good happening around here," Mr. Miller says.

The same is true throughout the nation's energy heartland. For a broad swath of states from Oklahoma, Louisiana and Texas through Kansas and Colorado and on up to Wyoming and North Dakota, the oil-price skid promises renewed economic hardship. Still reeling from the effects of an energy recession that made boom towns go bust earlier in the decade, this region is already beginning to feel the down side of the rest of the economy's good fortune. (Several OPEC members are vowing to continue the cartel's price war until major non-OPEC producers join in a production agreement; see story on page 3.)

In Houma, La., Raymond Fabricators Inc., an offshore-platform construction company, recently told its 340 employees they will be out of work by July 1, when the concern plans to close. Global Marine Inc., a giant Houston-based offshore driller, last month filed for protection under Chapter 11 of the Bankruptcy Code, blaming crumbling oil prices. State budget directors all through the oil belt have been slashing their estimates of revenues from oil and gas royalties. The Oklahoma Senate passed a resolution late last month calling on Congress to impose a $5-a-barrel import fee on oil.

GLOOMY PREDICTION

The energy-producing states "are facing an economic contraction for the next year or longer," predicts Ralph Bradley, an economist with Chase Econometrics in Bala Cynwyd, Pa. If prices settle below $20 a barrel, he says, "state governments will have to ask for a lot more than lotteries and gambling casinos."

Since the last energy boom faded in 1984, the oil-belt economy has been flagging. Gross national product, the sum of all goods and services produced, grew 2.4% last year. But the gross state product of Texas, which usually far outpaces the national growth rate, only matched the national economy's 2.4% expansion last year. And economic growth in Oklahoma amounted to just 0.59%; in Louisiana, to 065%; and in Colorado, to 1.78%. The North Dakota economy contracted 6.42%.

Already contributing to the region's economic problems was a ruling last October by the Federal Energy Regulatory Commission that knocked a layer of support from under natural-gas prices. The ruling forbids gas producers to mix regulated low-price gas from old wells with unregulated high-priced gas from newer, deeper, more costly wells and pricing the mixture proportionately. The effect has been to force unregulated-gas prices down, cutting production and tax revenues.

Economists say the effects of lower oil prices can only worsen as the ripples spread through the regional economy. Thousands of additional people employed by energy concerns are likely to lose their jobs in the next few months as companies consolidate, trim exploration budgets or fold.

LAYOFF PLANS

Atlantic Richfield Co., for example, last week disclosed plans to lay off as many as 2,000 workers over the next year, most of them in Texas, Colorado and Wyoming, partly because of the latest price drops and partly because of previously scheduled belt-tightening. Texas alone is expected to lose 56,000 jobs because of the recent price skid. Meanwhile, banks that lend to oil producers face lower earnings as they set up larger reserves for loan losses.

A new wave of bankruptcy filings is expected, and some of them could be major. "Unlike in 1982, the companies dropping off won't be the marginal ones run by oil traders operating in hot tubs with their cordless telephones," predicts Hugh M. Ray, a Houston bankruptcy lawyer. "These will be substantial companies run by people who have worked a lifetime to build them." Mr. Ray's firm is adding three new lawyers to its bankruptcy staff of 12.

And even those in non-energy activities in the region will feel the pinch. The Natrona County, Wyo., school superintendent worries that classes will be larger next year because the state will collect fewer tax dollars. A grocer in Williston, N.D., fears his customers may "only eat spaghetti" in anticipation of lean times.

Some parts of the oil belt will suffer more than others. For each $1 drop in the price of oil, Texas stands to lose $100 million in state income and 28,000 jobs, reflecting its position as the nation's No. 1 oil producer. Some economists suggest the latest round of oil-price cuts could eventually force Texas to institute a state income tax. But Texas' substantial electronics, financial-services and manufacturing industries will cushion the blow.

EVAPORATING PROMISE

In contrast, "Louisiana and Oklahoma will be dying," observes one economist, because their economies are tied almost exclusively to oil and agriculture—and the latter already has been battered by foreign competition. Both states already had unemployment rates higher than the national average. State and local officials in both states talk of trying to diversify their economies but fear renewed oil-related recession will hobble their efforts.

In sparsely populated Wyoming and North Dakota, the once-bright promise of economic development based on abundant oil reserves is evaporating. Watching oil prices fall is "kind of like falling off a cliff," laments Donald Basko, the supervisor of the oil and gas commission in Wyoming, where more than half of the state's taxes come from oil and gas. "We're waiting to see how fast the ground comes up to meet us."

Much of North Dakota's oil reserves are blanketed by thousands of feet of limestone and hard rock, making drilling there costly and impractical at reduced prices. The number of drilling rigs operating there last month fell to 25, compared with 47 in December and 147 in 1981.

The earlier energy bust caused a wave of huge bank losses and failures as falling prices eroded the value of petroleum properties backing loans to energy companies. Now, although many energy lenders say that they structured their portfolios assuming $20-a-barrel oil, bankers have been scurrying to run outstanding loans through computers on the assumption that oil prices will fall to $15 a barrel. "Every bank that has an oil and gas loan is rerunning its numbers at that level," says David Jones, the president of ClayDesta National Bank in Midland, Texas.

While most banks say it is too soon to tell how the new arithmetic of oil will affect them, it is clear that another wave of loan write-offs is coming. Moreover, "we're almost certain to see additional bank failures this year," says Timothy R. Smith, an economist with the Federal Reserve Bank in Kansas City.

For the survivors, loan business across the board is likely to be considerably leaner. "It's not just the oil business we worry about," says Milford Blum, the president of First National Bank of Morgan City, La. "It's the supermarkets and drugstores, too, because everybody tied to the oil business has to buy groceries and medicine and they'll be buying less of everything."

They will be taking longer to pay their bills, too. Here in Drumright, Alan Barton says his hardware store did about the same amount of business last month as it did a year earlier, although he doesn't expect that pace to last. But he has noticed one major difference this year. "People are paying slower and you have to hustle harder to collect," he says.

In nearby Cushing, Okla., James Daves, the co-owner of American Welding Supply, flashes a wad of bounced checks. "We're going to have to tighten up our credit policy because more people don't have the ability to pay," he says, placing the checks on a cluttered desk at the rear of his store.

Mr. Daves, who bought his oil-field-related supply shop seven years ago when times were good, says that before the recent price declines business had already fallen off more than 50% from 1981. Then late last month, as local oil prices tumbled more than $2, Mr. Daves fired one of his three employees.

"Our customers have been telling us, 'When this well is completed, we're not going to drill another one,' " Mr. Daves says, "We've never seen anything quite as severe as what's happening now."

Neither has David Slais, the co-owner of Walt's Market in Williston, N.D. "Everybody's guessing what's going to happen around here, but it isn't going to matter much," the grocer says. "We're down considerably from where we once were. How much lower can we go?"

In Houma, La., Ray LeCompte is wondering how his family will be fed. Mr. LeCompte, a supervisor with Raymond Fabricators, learned last week that he is one of the 340 workers who will lose their jobs sometime before July because Houston-based Raymond International Inc., which owns offshore-oil-platform building concern, is pulling the plug.

JOB HUNTING

"It's going to hurt pretty bad," the 49-year-old Mr. LeCompte says. His wife will look for a job, and he will seek other work. But in a State where the unemployment rate already hovers around 11%—sharply above the national average of 6.9%—that won't be easy.

Some states and local officials are trying to lure new employers from outside the energy industry. "We're exploring everything possible from tourism on," says Edward P. Lyons, the president of Terrebonne Parish, which includes Houma. Instead of building offshore tugs and work boats, he suggests perhaps the area's shipyards could build yachts.

Cushing, Okla., is redoubling its efforts to bring new business into an area where some 1,400 jobs have been lost in the last two years alone and where about one out of every seven houses is for sale, many by local

banks. This town of 7,500 was once a bustling terminal for the region's oil pipelines.

The Cushing Chamber of Commerce is preparing a 20-minute videocassette to send to companies around the nation encouraging them to move to Cushing. The cassettes will show prospective residents the area's schools, churches and hospital. It will also feature the town's large commercial buildings, some of which are vacant. "We're trying to attract anybody who will provide jobs," says Brenda Magdeburg, the chamber's former president.

But while lower oil prices may be prompting the oil belt to try to diversify, they also are making diversification harder to accomplish. As one economist observes, right now "there are many more reasons to migrate out of these states than into them."

LIFE: THE MOST BASIC RIGHT

HON. RICHARD ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. ARMEY. Mr. Speaker, America is the greatest nation that man has ever known. Our personal freedom, material prosperity, political stability, and domestic peace are utterly without precedent in the long and often sordid history of humankind. To most of the world, we are, as our President reminds us, "that shining city on a hill" that remains "the last best hope of man on Earth." But all of these things, all of the many elements of America's spectacular success, only make it even more tragic that this beautiful land of ours is marred by the deep and gangrenous wound of abortion.

Abortion, Mr. Speaker, is murder, pure and simple. It is the unjustified taking of innocent human life in its most helpless form, that of a child safely and trustingly nestled in his mother's womb. And yet as humane as we may be in other ways, we are today standing by silently as that horrible crime is committed over a million times each year in the antiseptic operating rooms of family planning clinics across the Nation.

How ironic it is that we look back on the barbaric societies of antiquity and shake our heads in horror at their common practice of infanticide. How wrong we know they were to take an unwanted daughter or a weak and sickly son and leave it to die an agonizing death in the cold and the rain of the ancient wilderness. But are we not today, for all our progress and accomplishments, acquiescing in a similar crime?

Part of being an American means continually working to make a new and a better world. When we find injustices around us, we eliminate them, and keep moving toward the just and good society that is the American dream. For a time our Republic was marred by the great evil of slavery, but with the blood and bravery of our soldiers we destroyed that peculiar institution and made this country a land in which every man's life is truly his own. Soon after, we worked to save children from toiling in our factories, the poor from starving in our streets, the handicapped and mentally retarded from living out dismal lives in the dreary hospitals of the state. This process of improvement is something which allows us no rest. I submit that today we must devote ourselves to another noble cause: extinguishing the evil of abortion from our great Nation.

We must not allow those who would deny life to the unborn to USURP the language of liberty from us and argue that abortion is a matter "of individual choice." We know that just as a man does not have the freedom to keep a slave, a woman does not have the freedom to kill her own child. Nor must we allow ourselves to be distracted by the gross selfishness of those who would take the life of a child because of the mere inconvenience of an unwanted birth. All people, we know, have a duty to do what is right and accept the consequences of their actions, no matter how trying those consequences may be.

Instead, Mr. Speaker, we must stop at nothing less than enacting a human life amendment to our Constitution, an amendment which will resoundingly affirm that life begins at the moment of conception and that all human beings, however, helpless, are entitled to the inalienable right of life. That is why I have cosponsored the resolution to place this proposed amendment before the States, and that is why I urge all of my colleagues to do the same. Together, we must work to end, once and for all, this national tragedy of abortion.

THE SENATE'S BAD TAX IDEA

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. MARKEY. Mr. Speaker, I would like to call my colleagues' attention to an article which appeared in the Washington Post on Tuesday, February 4, 1986. The article was a commentary on the renewed interest in an oil import fee by the Senate.

While I understand that the lunacy level in Congress has risen markedly with the passage of Gramm-Rudman, the idea of an oil import fee is very bizarre. An oil import fee is among other things, highly regressive. The poor use 20 percent of their income to pay energy bills where the wealthy spend 5 percent or less. Using an oil tax to enable the Senate to reduce the tax rate for wealthy individuals is an outrageous suggestion. Isn't the 12-percent reduction in the House bill enough?

I urge my colleagues to consider the wisdom of an accelerating gallop away from the progressive income tax system. The poor must not become scapegoats for achieving unjust tax goals or closing a deficit gap caused by steep tax cuts and a Pentagon spending binge.

The article follows:

THE SENATE'S BAD TAX IDEA

Leading members of the Senate Finance Committee are considering the use of an oil import fee to help finance "tax reform." Administration officials concerned about the shaky math of the tax bill—it is supposed to make a lot of people happy but not lose money—are encouraging them. But it is a terrible idea. In a single stroke it would create a much less progressive federal tax structure and a lovely windfall for the domestic oil industry, while dissipating both the wherewithal and likelihood of reducing the deficit, against the need for which tax reform is a freckle.

It may help to recount a little history here. The tax reform proposal that the president sent Congress last spring involved two tradeoffs. One was lower rates for individuals and businesses in return for fewer preferences. The other was an associated shift of the tax burden back from individuals to business, in effect a further recovery of the too-large business tax cuts of the first Reagan year.

The controlling Democrats on the House Ways and Means Committee were remarkably faithful to this outline. But when time came to vote last December, Republicans complained that the administration bill had somehow become anti-savings, anti-growth and anti-business. The White House itself hedged a little. To win votes of resisting Republicans, the President had to pledge that in the Senate he would press for deeper cuts in rates than in the House bill, and fewer cuts in incentives to invest. He promised to veto any final bill that failed to meet those goals.

The Finance Committee has never been a center of enthusiasm for tax reform as currently defined. Its senior members are authors of many of the preferences the president's proposal and the House bill would eliminate. It is now also under pressure, from the president, to undo some provisions in the House bill that would raise revenue, while accentuating some that would lose it. That is why it needs money—but the import fee is the wrong way to raise it. By turning to an import fee, the committee would:

1. Be using the moral equivalent of a sales tax on a necessity to pay for lower income tax rates. To ease a tax that falls hardest on the rich, it would impose one that would be felt most by the poor.

2. Be hurting the Northeast, the region most dependent on imports, while helping domestic energy producers. The tax would raise the price of imported energy (or keep it from falling as much as otherwise). That would give domestic producers room to raise their prices, too.

3. Be raising taxes to balance the tax bill instead of the budget. Given the position of the president, there is only so much tax increasing Congress can expect to do this year in the best of circumstances. The committee would be wasting clout. To cut rates, cut preferences. That was a good idea last year in the House. It still is.

ILLINOIS HOUSE ADOPTS RESOLUTION REGARDING SITUATION IN NORTHERN IRELAND

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. HYDE. Mr. Speaker, I would like to commend to my colleagues the following resolution, adopted by the Illinois House of Representatives on January 8, 1986. House Resolution 911 congratulates the Governments of the United Kingdom and Ireland for their efforts at promoting peace and stability in Northern Ireland through the conclusion of the Anglo-Irish Agreement of 1985. We all share in the hope that this agreement will foster fur-

ther cooperation and an improvement in the situation in Northern Ireland.

The resolution follows:

STATE OF ILLINOIS, EIGHTY-FOURTH GENERAL ASSEMBLY, HOUSE OF REPRESENTATIVES

HOUSE RESOLUTION 911 OFFERED BY SPEAKER MADIGAN

Whereas, An end to the destruction and human suffering caused by strife in Northern Ireland is urgently necessary; and

Whereas, The report of the New Ireland Forum of 2 May 1984 set out the position of Irish nationalists on the problem and made an important contribution to the Anglo-Irish negotiations over the past year; and

Whereas, The Governments of Ireland and the United Kingdom have recently concluded negotiations and reached accord on the Anglo-Irish Agreement of 1985; and

Whereas, This agreement reiterates the total rejection of any attempt to promote political objectives by violence or the threat of violence; and

Whereas, The agreement has been warmly welcomed by President Reagan and the United States Congress; and

Whereas, This agreement is aimed at establishing peace and stability in Northern Ireland and at promoting reconciliation between the two traditions in Ireland; and

Whereas, This agreement provides for an unprecedented role for the Government of Ireland in relation to Northern Ireland through the creation of a standing intergovernmental conference; and

Whereas, The operation of the intergovernmental conference should provide a means for the expression and accommodation of the rights and identities of the two traditions in Northern Ireland: therefore, be it

Resolved, by the House of Representatives of the Eighty-Fourth General Assembly of the State of Illinois, That the parties responsible for these negotiations be congratulated on reaching an agreement aimed at promoting peace and stability in Northern Ireland and improving the situation of all its people, especially the Nationalist community; and be it further

Resolved, That every possible support be extended to the Government of Ireland and the United Kingdom in the task of implementing the agreement; and be it further

Resolved, That the United States Congress and the President of the United States move as quickly as possible to provide the international economic assistance now being sought to fund vitally needed development programs aimed at relieving chronic unemployment and at promoting development of areas in both parts of Ireland which have been most severely hit by the instability of recent years; and be it further

Resolved, That suitable copies of this resolution be presented to the Consul Generals of Ireland and the United Kingdom, the President of the United States, the Speaker of the House of Representatives, the President of the Senate, and the members of the Illinois Congressional delegation.

Adopted by the House of Representatives on January 8, 1986.

THE NATIONAL CHAMPIONSHIP GEORGE MASON UNIVERSITY WOMEN'S SOCCER TEAM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. WOLF. Mr. Speaker, yesterday I had the opportunity and privilege to welcome the national championship George Mason University women's soccer team to the Capitol.

Under the direction of head coach Hank Leung, last fall the Lady Patriots defeated a tough Colorado College women's team in the NCAA Women's Soccer Championship Tournament to clinch the national title. During the season the team compiled an impressive 18–2–1 record while facing seven teams ranked in the top 10 and 15 ranked in the top 20.

These accomplishments are even more impressive because the women's soccer team at George Mason has only been in existence for 4 years. In each of those 4 years they excelled and reached the NCAA championship tournament. In 1983, they finished as runners-up to the University of North Carolina.

These outstanding young women have set an excellent example for others to follow and they should be commended for their achievements. They reflect positively on their university, on northern Virginia, and on their individual communities.

Through their efforts, they have proven that hard work, dedication, and determination can produce outstanding results. I am proud of what they have accomplished and want to share with my colleagues the names of the members of this outstanding team:

Andrea Baines, Midfielder, Senior, Springfield, VA.

Pam Baughman, Forward, Senior, Fairfax, VA.

Michele Bell, Midfielder, Freshman, Arvada, CO.

Kathy Conroy, Defender, Junior, Beachwood, NJ.

Kim Crabbe, Midfielder, Defender, Sophomore, Reston, VA.

Sheri D'Amato, Midfielder, Defender, Senior, Howell, NJ.

Michele D'Anjolell, Defender, Junior, Lansdowne, PA.

Betsy Drambour, Midfielder, Junior, Ballston Lake, NY.

Maia Gemignani, Midfielder-Defender, Sophomore, Falls Church, VA.

Celia Gillen, Defender, Sophomore, Fairfax, VA.

Lisa Gmitter, Forward, Junior, Trenton, NJ.

Dana Hedin, Forward, Freshman, Colorado Springs, CO.

Sis Koskinen, Defender, Senior, Lansdowne, PA.

Kim Maslin, Forward, GK, Junior, Rutledge, PA.

Cathy Moon, Midfielder, Senior, Lima, NY.

Yvonne Morris, Goalkeeper, Freshman, Springfield, VA.

Meg Romaine, Midfielder, Forward, Senior, Brick, NJ.

Jan Smith, Midfielder, Freshman, Marlboro, NJ.

Chris Tomek, Forward, Junior, Wheaton, IL.

Sue Vodicka, Defender, Senior, West Bloomfield, MI.

Andrea Volpe, Midfielder, Sophomore, Springfield, VA.

Sheryl Walters, Defender, Senior, Alexandria, VA.

THE DANGERS OF THE McCLURE-VOLKMER HANDGUN BILL

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Ms. MIKULSKI. Mr. Speaker, I want to bring to the attention of my colleagues an editorial written by Baltimore County Police Chief Cornelius J. Behan regarding S. 49, commonly known as the McClure-Volkmer bill.

The police chief rejects the fact that this is a police bill and declares that the bill is anti-police and downright dangerous. As a policeman, he sees the horrors, often called accidents that occur because handguns are already too accessible. The McClure-Volkmer bill will make it easier still to get handguns by weakening the restrictions so that almost anyone, anywhere, will be able to get a handgun at almost anytime.

Police officials are rallying against this bill and we should listen to what they have to say. Afterall, they are the men and women who not only see that handguns are behind 50 deaths a day, but who are often the victims themselves.

The article follows:

[From the Evening Sun, Jan. 20, 1986]

POLICE "INDIGNANT" OVER McCLURE-VOLKMER GUN BILL

In Baltimore County alone, during October, a 19-year-old was killed accidentally—with a handgun . . . a 15-year-old boy was killed accidentally—with a handgun . . . a son was killed by his father accidentally—with a hand gun . . . a high school football quarterback was killed, also accidentally—also with a handgun . . . and a wife was murdered by her husband who then committed suicide—also with a handgun . . .

When the bill known as McClure-Volkmer was steamrollered, without hearings, through the United States Senate in July, it was purported to be a police bill. Clearly, it is not. It is a bad, dangerous, unconscionable anti-police bill. It will increase the number of guns on the street, and consequently, the chances of cops—and citizens—getting killed. It's mainly a gun-dealers' bill. And, that's wrong. To really understand why this is such an objectionable bill, people need to know a few facts.

Following the brutal assassinations of Robert Kennedy and Martin Luther King, Congress enacted the 1968 Gun Control Act, which established much needed federal controls over interstate and foreign commerce in firearms, and made it feasible for the states to better control firearms traffic within their own borders, under their own local police powers.

This present law notwithstanding, carnage on the streets continues:

Each day, 50 Americans—at least one a child under 14—are killed by handguns. That's nearly 20,000 citizens a year who die

accidentally, by suicide, or who are murdered with handguns.

Each year, 70 cops are killed with handguns, 708 in the last 10 years.

In the first nine months of 1985, 62 cops were killed by firearms, 45 with handguns.

By the year 2000, 100 million handguns will be in circulation in America.

The attempt on President Reagan's life by John Hinckley was with a handgun purchased in Dallas, and transported to Washington. It was too easy, even under present law.

We need stronger controls—not weaker regulations. we need to do something about the proliferation of guns.

Under McClure-Volkmer, conditions will worsen because gun controls are considerably and unreasonably weakened, making handgun purchase even easier, almost anywhere, anytime. There are five basic problems:

1. At the present time, you can buy a handgun only in the state in which you live. McClure-Volkmer overturns this general prohibition and allows indiscriminate interstate over-the-counter sales of handguns, a change which would open floodgates for criminals to buy guns easily—without challenge—and without any waiting period. The only restriction this bill provides is that the sale must be legal in the buyer's and seller's states. But, with over 23,000 laws, and more court interpretations, it is not possible for a dealer—any dealer—to ensure that sales conform to the laws of all 50 states. It is ludicrous and inconceivable to think he could.

For example, in Maryland we have a 7-day waiting period and a mandatory criminal-records check. In Pennsylvania, there is a 48-hour waiting period, and in New York you must be fingerprinted. Without such waiting periods, without such controls, the felon, drug dealers, fugitives, minors, mental defectives need only represent themselves as law-abiding citizens in order to purchase guns. To establish an "honor system" for such poor risks, and to extend "trust" to those who have proved themselves untrustworthy, is insane.

2. Congress passed a law in 1984 which mandates a 5- to 10-year prison term for anyone convicted of using or carrying a gun in the commission of a violent federal felony, a statute obviously applicable only to violent criminal behavior (not to violations of federal gun regulations by gun owners, collectors, or dealers). The McClure-Volkmer (S. 49 version) weakens this sensible statute in two ways:

It requires the government to prove the felon carried the weapon in "furtherance" of the criminal act, and

It includes a mind-boggling self-defense provision for felons. If a felon uses a gun to protect himself from a "perceived immediate danger," the bill stipulates the mandatory sentence could not be invoked. I cannot imagine how this provision can serve anything other than the self-interest of a convicted felon.

3. Presently, the Bureau of Alcohol, Tobacco, and Firearms (B.A.T.F.), with only 100 agents to police 200,000 licensed dealers, does so through unannounced inspections during regular business hours. It's the only way such limited resources can be utilized to even begin to monitor so many gun dealers.

McClure-Volkmer requires advance notice of every regulatory inspection and restricts them to one per year. Imposition of these unwise and crippling limitations would allow unscrupulous dealers to easily conceal violations of the law.

4. The 1968 Gun Control Act requires all dealers to maintain accurate records documenting the sale of firearms so that law enforcement agencies can trace a firearm's history in the event it is used in a criminal act.

McClure-Volkmer allows a dealer to transfer firearms to a "personal collection" and, if that weapon stays there for a year and a day, it may be sold without any recording of the transaction. With no records of sales, the ability of law enforcement agencies to investigate and solve crimes is seriously hampered, and a convenient source of untraceable "crime guns" is created.

5. Present law provides for the prosecution of dealers for violations discovered during inspections, including selling to felons and the mentally deranged.

McClure-Volkmer requires the government to prove the dealer "knowingly or willfully" violated the statute. It implies he can be as negligent as he wants.

In summary, it is important for citizens to know that never before has law enforcement rallied behind an issue as it has this one. While there's no police lobby in this country, and we're not likely to have one, this bill has galvanized the police community, and spawned a groundswell of indignant police opposition.

Two press conferences in Washington, D.C. (one prior to Senate approval of the Bill, which by-passed the hearing process; the other on Oct. 22, when a discharge petition attempted to do the same in the House) brought together national law enforcement groups which collectively represent most of the people in our business.

The Police Executive Research Forum, the Police Foundation, the International Association of Chiefs of Police, the Fraternal Order of Police, the Organization of Black Law Enforcement Executives, and the National Troopers Coalition were all asking to be heard, to testify against, the McClure-Volkmer Bill. Since then, the International Brotherhood of Police Officers, the Federal Law Enforcement Association, and the Major City Chiefs of Police have added their voice to the indignant protest.

This kind of united effort has never happened before.

Early in October, the I.A.C.P. met in convention in Houston, Tex. Over 5,000 delegates attended. Hundreds of these officials signed a petition circulated by R.E.R.F. asking for congressional hearings. Officials from New York, New Jersey, the Carolinas, Utah, Montana, Wyoming, California, Washington, all across America, signed it. It was incredible. This had never happened before, either.

Police officials signed the petition in Houston, testified in New York (Oct. 28), and in San Francisco (Nov. 9), and will be heard in Florida and at other congressional hearings in the coming weeks, wherever they're held. Police officers are rallying and acting because handguns are indiscriminantly killing cops and citizens, and it will become worse if McClure-Volkmer passes in its present form. Police are saying enough is enough.

McCLURE-VOLKMER BILL DOES NOT HAVE THE SUPPORT OF THE LAW ENFORCEMENT COMMUNITY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. TRAFICANT. Mr. Speaker, as a former sheriff, I am extremely sensitive to issues that impact upon the law enforcement community. I believe that Congress has an obligation to do whatever it can to pass legislation that enhances the safety and well-being of our law enforcement officers in the field.

Earlier in this Congress I was proud and relieved that legislation to ban armor-piercing ammunition was finally passed, after over 6 years of political infighting. I was honored to have been part of the effort to finally pass that legislation, it was long overdue. But in passing an important piece of legislation to protect police officers, the Congress has before it a piece of legislation that would greatly threaten the law enforcement community.

In July, the other body passed legislation, the so-called McClure-Volkmer bill. This legislation is now pending in the House and I am opposed to this bill. McClure-Volkmer would legalize over-the-counter interstate sales of handguns and long guns. It would also relax the regulations on inspections of gun dealers—thus making it easier for unscrupulous gun dealers to stay in business. Simply put, McClure-Volkmer would make it significantly easier for dangerous criminals and unbalanced individuals to obtain guns. This spells trouble for our law enforcement community.

Contrary to what the powerful gun lobbies are saying, the majority of the law enforcement community is opposed to McClure-Volkmer. Like those in the law enforcement community I recognize the inherent and very real dangers of actually making it easier for people to obtain weapons. Existing law allows law abiding citizens to have a gun if they so choose. Certainly action should be taken—where necessary—to protect the rights and freedoms of sportsmen such as hunters, trap shooters, and target shooters, as well as the rights of those who wish to protect themselves and their families. But McClure-Volkmer goes too far. It is unsound legislation and it must be defeated.

Mr. Speaker, I urge all Members to listen to what the law enforcement community is saying about McClure-Volkmer. They are the experts, and they are the ones who will ultimately pay the price if Congress acts irresponsibly and passes this bill.

At this time, Mr. Speaker, I would like to enter into the CONGRESSIONAL RECORD an article that appeared in the January 1986, issue of the Sheriff's Roll Call, the monthly newsletter of the National Sheriff's Association. As a former sheriff I feel honored to submit this excellent article and I urge all Members to read it and reflect upon this issue.

The article follows:

[From the Sheriff's Roll Call, January 1986]

PROPOSED GUN LEGISLATION THREATENS LAW ENFORCEMENT EFFECTIVENESS

The 1968 Gun Control Act among other things, limited the interstate sale of handguns, so that each state could develop enforceable gun laws within its own borders. It also established recordkeeping requirements that allow law enforcement to trace guns used in violent crimes.

At our Dallas Conference in June, 1985, a resolution was passed by the membership in support of the 1968 Act. The resolution opposed any change in the 1968 law which would "lessen the impediment to the criminals' acquisition of firearms or diminish law enforcement's ability to trace firearms used in crime." Every other major law enforcement organization in this country has expressed similar support for maintaining the integrity of the 1968 Act.

The McClure-Volkmer Bill, (S. 49), was recently passed by the Senate and is now pending in the House of Representatives. Similar legislation has been introduced by McClure-Volkmer in each session of Congress since 1977, in one form or another. This proposed legislation, also known as The Firearms Owners Protection Act, would change current law and make it more difficult for law enforcement to:

1. Prevent criminals from obtaining handguns;
2. Trace firearms used in crime; and
3. Prosecute criminals who use firearms in violent crime.

As a law enforcement official, you are likely to be asked by your representative in Congress and by local media for your opinion of this legislation. The Bill summary which follows provides more details about the changes McClure-Volkmer would make to current law.

INTERSTATE SALES OF FIREARMS

Current law: With certain exceptions for hunting or sporting guns, it is unlawful for a federally licensed dealer in one state to sell a gun over-the-counter or through the mails to a resident of another state. If a resident of one state wants to purchase a handgun from a dealer in another state, he may do so by having the gun sent to a dealer in his own state. This ensures compliance with state and local laws.

McClure-Volkmer: The new law would legalize over-the-counter interstate sales of handguns and long guns. The individual gun dealer would be responsible for ensuring compliance with the state and local laws in both the dealer's state and purchaser's state. A dealer would be liable for an improper sale only if there were proof that a willful violation of state or local law occurred. For example, State A law requires that a background check be made on all prospective purchasers of handguns. If S. 49 is enacted, a State A resident who knows such a check will prevent the purchase of a handgun, can cross the state line, go to a pawnshop in that state, and purchase a handgun unless the pawnshop clerk takes the time and effort to look up State A law and refuses to make the sale. If the clerk does make the sale, and is charged under the Gun Control Act, conviction can be avoided by pleading that the gun dealer had no knowledge of the State A law. In most counties, in State B, the sheriff must approve a permit before a handgun can be purchased. If a State B resident crossed to a bordering state where there is no permit to purchase requirement, it would be likely that a dealer could be found that was sufficiently unfamiliar with State B law, and that a pistol could be purchased without contacting the sheriff's office.

RECORDKEEPING AND TRACING

Current law: Dealers are required to keep a record of each gun they sell. When a gun is used in a crime, these records can be used to trace the gun.

In 1984, the Bureau of Alcohol, Tobacco and Firearms (BATF) received 37,000 requests from state and local law enforcement agencies to utilize this recordkeeping system to trace firearms. Fifty-four percent of these requests resulted in traces that aided in solving a crime or assisted in the apprehension or indictment of suspects.

McClure-Volkmer: The new law would permit dealers to sell guns from their "private collections" without keeping any record of the sale if they had been part of the collection for at least a year. Thus weapons sold from private collections would be very difficult to trace.

In addition, McClure-Volkmer would limit BATF's ability to ensure proper maintenance of those records which a dealer must continue to keep by prohibiting surprise compliance inspections and limiting inspections to one each year.

TRANSPORTATION OF FIREARMS

Current law: State law determines who may carry firearms within state borders and how firearms may be carried.

McClure-Volkmer: The new law would override state and local laws to allow individuals to transport unloaded and not readily accessible firearms in interstate commerce. This provision would include handguns and machine guns as well as hunting rifles and shotguns. Traffickers with illegal weapons could claim that their weapons were in interstate commerce thereby enhancing their ability to avoid prosecution.

AMMUNITION

Current law: Dealers are required to keep records of all ammunition transactions except for .22 calibre rimfire ammunition and ammunition suitable for use only in shotguns and rifles.

McClure-Volkmer: The new law would eliminate all recordkeeping requirements for sales of ammunition, including armor piercing ammunition not suitable for sporting purposes. In the near future it is likely that Congress will pass legislation restricting the manufacture, importation or sale of armor piercing ammunition. Without recordkeeping requirements, federal law enforcement agents would find it difficult to enforce the new law.

MANDATORY PENALTIES

Current law: Last year Congress enacted a five year mandatory minimum penalty for anyone who carried or used a firearm while commiting a violent federal crime. The penalty for a second offense is 10 years.

McClure-Volkmer: The new law would amend this mandatory sentencing provision so that it would only apply in cases where the felon actually used or carried the gun in furtherance of the crime of violence. For example, if an individual carried a hidden gun in the course of a bank robbery, instead of having to prove only that the defendant carried the gun, S.49 would require that the prosecutor present proof concerning the defendant's state of mind. S.49 would provide a loophole to allow the defendant to escape a mandatory penalty by insisting that the gun was carried "to protect his person or the person of another from perceived immediate danger, other than the danger which was the direct result of the commission of or attempt to commit a felony by either such persons."

EDITORIAL URGES WISCONSINITES TO UNITE AGAINST NUCLEAR WASTE DUMP

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. ROTH. Mr. Speaker, when the Department of Energy announced the selection of a series of sites for the dumping of high-level radioactive waste deposits, my constitutents in northern Wisconsin were quite naturally concerned. One of the 12 proposed nationwide sites includes Wisconsin's Wolf River batholith. Officials in the State said they would fight against this selection because radioactive contamination could escape from the Wolf River site and be carried by water into the Great Lakes, which is the lifeblood of Wisconsin and the Midwest.

A convincing statement against a wastesite in northern Wisconsin ran as the lead editorial in Rhinelander's Daily News. Written by Meredyth Albright, it does what journalism does best: it captures the essence of a public issue and stirs the citizens to unite. I would like, therefore, to share Ms. Albright's views with my colleagues in Congress.

[From the Rhinelander (WI) Daily News, Jan. 19, 1986]

THERE'S TIME TO FIGHT DUMP

The announcement Thursday that two Wisconsin sites are on the list for nuclear waste dump sites is not good news for the state.

What can be a bit more heartening, however, is that the decisions will not be made for some time yet, so the residents of Wisconsin have time to make their case.

If the nuclear waste was coming from Wisconsin, then fine, bury it in this state, but it won't all be from here. The waste will be coming from many places. Each state should take responsibility for its own nuclear waste.

A nuclear waste dump will have adverse effects on the state; its natural resources will be affected, as will tourism. Tourism will be affected down the road because travelers will not want to visit the state with a large dump site here and because nuclear waste will eventually have some adverse effects on the environment.

The effects of the waste would be reduced if the waste came from Wisconsin only. But, imposing the responsibility of other states' waste on Wisconsin is not acceptable.

What could end up happening is that states that are high producers of nuclear waste would decide not to watch their production because they do not have to worry about it ruining their resources. As a result, Wisconsin would be destroyed by something totally out of the control of its residents.

One of the sites announced Thursday along the Wolf River is one of 12 recommended sites, a second Wisconsin site in Ashland, Sawyer, and Bayfield counties is one of eight backup sites.

It is up to Wisconsin residents to pull together during the next few years to prevent

a nuclear waste dump from being located in the state.

Written comments about the proposed Wisconsin site should be directed to: U.S. Department of Energy, Attention: Comments—Draft ARR, Crystalline Repository Project Office, Chicago Operations Office, 9800 South Cass Ave., Argonne, IL 69439.

THE 1985 FARM BILL: BASES AND YIELDS

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. DASCHLE. Mr. Speaker, I join with my colleagues in support of S. 2096, technical legislation which will provide the Secretary of Agriculture with the necessary tools to preclude potentially major problems resulting from the 1985 farm bill.

This legislation provides the Secretary of Agriculture with discretionary authority to impose cross-compliance requirements in wheat and feed grains programs. This legislation will leave wheat and feed grain cross-compliance requirements to the Secretary's discretion in drafting the farm program, as the law so stipulates, for cotton and rice.

The bill also clarifies the application of the previous "2-year average" rule to wheat and feed grains. The House and Senate conferees had intended that wheat and feed grain bases be calculated on the preceding 5-year averages of planted and considered planted acres. However, the Department of Agriculture has applied to the wheat and feed grain programs restrictions in the cotton and rice section of the farm bill. Cotton and rice bases are set at the lesser of the previous 2-year or 5-year planting histories. This clearly was not the intent of the conferees. S. 2096 will prohibit USDA from applying this 2-year averaging formula to wheat and feed grain bases.

I am pleased that Congress is moving quickly on this needed legislation. I would like to take a moment to share with my colleagues the concerns being expressed to me regarding the manner in which the Department of Agriculture is establishing bases and yields for the 1986 wheat and feed grain crops.

The legislation we are adopting today should be a vast improvement over the current base establishing formula. No producer will quarrel with the program's objective of eliminating "phantom acres." No farm should have higher cumulative individual crop bases greater than the total farm base. However, using the lesser of the past 2 years or 5 years will penalize producers by arbitrarily reducing their production bases.

In addition, the legal authority the farm bill provides to the Secretary of Agriculture should be made perfectly clear. We recognized the need to allow a shift between program crops, and granted the Secretary the authority to allow producers to shift up to 10 percent between 1986 program crop bases, provided the total farm acreage base remained the same. Secretary Block apparently has decided that his authority should not be used and, as a result, will penalize many producers who have had a change in their farming practices and could benefit from this 10-percent shift.

In addition to established bases, many producers feel they will be penalized for proving their acres over the past 4 years. Unfortunately, with the program as implemented by USDA, they are correct. The farm bill passed by the House of Representatives in October allowed farmers to use proven yields in the calculation of their 1986 yields. The threat of the President's veto stamp brought a number of last-minute changes to the farm bill, one of which was the use of program, rather than proven, yields. The result was the 5-year average of program yields, less the high and low production years during these 5 years.

I applaud our chairman of the Wheat and Feed Grains Subcommittee, Mr. FOLEY, for pressing forward with corrective legislation. His bill would stipulate that at no time could the producer's 1986 yield, as calculated by the farm bill, be less than the producer's 1985 program yield.

Unfortunately, this legislation does not return the establishing of yields to the same guidelines that the House of Representatives originally adopted and correct the damage of the administration's veto threat.

Our producers have every right to wonder why they should be penalized for being good producers. And they have every right to know the reason that the House-passed bill was changed in conference with the Senate. It was the threat of a veto, the fact that using proven yields, rather than the lower program yields, would put a higher price tag on the farm bill. As we have seen with the administration's decision to delay the 1986 Farm Program signup so that Gramm-Rudman will reduce 1986 Farm Program benefits, this administration is not beneath attacking farmers head-on—through reduced farm income.

I intend to work with our chairman to seek a solution to this problem, one which will earn the support of the administration and, at the same time, treat wheat and feed grain producers in a fair and equitable manner.

WHO'S RUNNING THE SHOW?

HON. RICHARD ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. ARMEY. Mr. Speaker, last night in his State of the Union Address the President laid out the sad truth for us: "The Federal budget system is broken; it doesn't work (and) you know it, I know it, and the American people know it."

He was also specific as to the root of our problem, "We do not face large deficits because American families are undertaxed. We face those deficits because the Federal Government overspends."

The extent of our indebtedness is truly frightening. And don't believe those who tell you it was the Reagan tax cuts which led us to this problem. Even with the President's tax cuts, the Government took in $70 billion more in revenues last year than the year before—and we still had a $200 billion deficit.

As long as spending continues to grow faster than revenues, the Government will always find itself in a sea of red ink. It would be the height of irresponsibility to pile this debt burden on our children, and I don't intend to let it happen. The only answer is to cut the domestic giveaway programs, the useless Government boondoggles that the American people neither want nor need.

Last night, Mr. Speaker, the President issued us a direct challenge: "Members of Congress, passage of Gramm-Rudman-Hollings gives us an historic opportunity to achieve what has eluded our national leadership for decades—forcing the Federal Government to live within its means."

Mr. Speaker, I accept that challenge.

Gramm-Rudman will balance the budget by 1991, but it shouldn't be through indiscriminate across-the-board cuts. The heart of Gramm-Rudman lies in forcing Congress to do its job; to make the tough choices and difficult tradeoffs necessary to end deficit spending.

For years, the American people have been asking who has been making the decisions in Washington, the Congress or the bureaucrats? Gramm-Rudman forces us to address this question. Do we act responsibly, or do we confirm the people's worst suspicion—that the bureaucrats are running this Government. Many have focused on the sequestration process, but the indiscriminate across-the-board cuts will be forthcoming only if the Congress abrogates its responsibility.

Gramm-Rudman is all about choices, and I'm willing to lay mine out for the Congress and the American people. Instead of cutting the FBI, the Drug Enforcement Agency, and the Immigration Service, let's end the practice of subsidizing business, let's make welfare recipients work, and let's end the revenue sharing program. I think it's pretty clear there isn't any Federal revenue left to share.

There is no doubt about it; Gramm-Rudman forces Congress to make tough decisions and difficult tradeoffs. But the people are demanding fiscal responsibility, and I, for one, feel more than an obligation to deliver.

A SALUTE TO OUR HOSPITALIZED VETERANS

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. KOLTER. Mr. Speaker, I rise today in order to salute our hospitalized veterans throughout the Nation and in my own district, who have served our country so well and have sacrificed so much. They deserve not only our recognition but, indeed, our respect.

Friday, February 14, 1986, has been set aside as the day of the week in which my district will join the Nation in paying tribute to these fine men and women—a group whose steadily growing number and need for hospital care demands our attention.

The facts speak for themselves. Today, 1 in 10 Americans is 65 years old or over. Fifty years from now, one of every five Americans will be 65 years or older. Many have referred to this as "the graying of America." I like to think of it as America "wising up."

As our population does become more mature and its needs increase, let us not forget our veterans who have sacrificed a part of their youth so that we might all share the fruits of democracy.

Included in that bounty is the assurance that all Americans should be able to receive adequate health care—including veterans. The Veterans' Administration is to be commended, along with its thousands of selfless employees, for the excellent job they have done—and hopefully will continue to do—for all veterans. But to continue their good work, we, in Congress, must never forget their needs, financially or otherwise. That is why I have adamantly opposed any reduction in the VA budget, including cuts in compensation, pension benefits and future cost-of-living adjustments.

There are some impressive results that have been achieved through American's investment in the VA. In the year 1984 alone, all VA medical centers combined treated an average of 63,094 patients daily. Also, there were over 16.9 million outpatient medical visits provided by the VA staff at 226 outpatient clinics. Astounding results, indeed.

But the VA commitment, and our commitment, should not, and does not end there. The VA has continued to upgrade its outpatient facilities throughout the Nation. In fact, I have been working with the VA to insure that the veterans in my district who depend greatly on the Butler Veterans' Administration Medical Center, receive some of the benefits of these improvements.

According to the VA, four programs have received initial approval which are specifically designed to respond to community need. I am pleased to say that the first steps have been taken toward the creation of an adult day care health center, a domiciliary facility that might include as much as 200 beds, a chronic rehabilitation program for veterans afflicted with stroke or heart ailments, and a psychiatric outpatient clinic that could accommodate as many as 5,000 people per year.

We are all painfully aware of the recent direction toward budgetary constraint. Gramm-Rudman immediately comes to mind. There are no guarantees.

However, we must all bear in mind the current and future needs of these brave men and women. Their actions must never be forgotten, nor should our gratitude.

I take great pride in joining with my constituents and colleagues on February 14, 1986, in saluting our hospitalized veterans. They are one asset that must never be cut. Never.

On behalf of all consitituents of the Fourth Congressional District of Pennsylvania, I salute you.

ST. PAUL'S WINTER CARNIVAL—100 YEARS OF HEARTWARMING FUN

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. VENTO. Mr. Speaker, 1986 marks the centennial celebration of the St. Paul, Minnesota Winter Carnival—one of the grandest and most heartwarming winter festivals in the United States.

Winter carnival is 2½ weeks in late January and early February packed full of festivities and parades and special events and celebrations. It is supported entirely by private donations and private volunteer contributions. It is a tribute to the finest American spirit and sense of adventure.

Winter carnival began 100 years ago after—so the story goes—an east coast newspaper wrote that Minnesota was a "Siberia . . . unfit for humans." Civic boosters responded to the insensitive characterization strongly, organizing an ambitious winter carnival celebration that extended to all parts of the city and surrounding communities. Today, winter carnival has become a heralded tradition, immensely popular and worthy of national media acclaim.

One of the highlights of the winter carnival is the construction of a huge palace made up entirely of ice. In the past years, the ice palaces have been large enough to house a restaurant and once, long ago, an encampment of 200 Dakota Sioux Indians.

This year's 127 foot tall ice palace is the highest ever. Today, in St. Paul, the last 500-pound ice block for the 1986 ice palace will be laid, and an American flag donated by my office will be flown above it.

Special credit of the 1986 ice palace is in order. The Ellerbe Co. contributed this year's winning architectural design. Hundreds of volunteers and union workers donated some $500,000 worth of free labor to build it. The Chauput brothers, Ed and Russell, "old time" professional ice cutters, came out of retirement to supervise the cutting of the mammoth 21-inch thick ice blocks and to oversee the nuts and bolts of actual construction. And the people of St. Paul and other parts of Minnesota generously gave their moral and financial support by buying ice blocks at $10 each to offset the costs of construction materials. In addition, winter carnival festivities have been used as a catalyst to encourage food donations for Minnesota's needy families through the Food Shelf Program.

So that my colleagues can better understand and appreciate St. Paul's historic Winter Carnival Centennial Celebration, I am submitting for the CONGRESSIONAL RECORD this fine article by Katherine Lanpher which appeared in the January 30, 1986, St. Paul Pioneer Press and Dispatch.

[From the St. Paul Pioneer Press and Dispatch, Jan. 30, 1986]

CASTLE-BUILDING VOLUNTEERS ARE STARS IN HISTORY

(By Katherine Lanpher)

For three days every week, Raymond Ricci works two jobs, starting his day at a construction site and ending it at his warehouse job.

However, he only gets paid for one of the jobs.

Ricci, 25, is one of the estimated 600 volunteer workers who provide the muscle to erect the Winter Carnival Ice Palace in Phalen Park.

The dedication of Ricci is typical for most of the volunteers, culled from more than 35 trade unions that range from ironworkers to sign painters, said Thomas Keller, president of Austin P. Keller Construction Co., which is building the palace.

"History will remember these people," Keller said.

Working conditions are not exactly plush at the site; wind chill temperatures have dipped to 60 below zero and the breeze at the top of the building is often more than brisk. But even when insurance problems and unseasonably warm weather cast doubt on the future of the palace, the crews kept showing up.

"They have worked in weather they couldn't be paid to work in," Keller said. "These are the men who wouldn't say quit."

In donated wages alone, the contributions of the volunteer crew so far would have cost about $500,000. An individual crew member who has put in 500 hours of unpaid labor has probably forfeited more than $10,000 at trade rates, Keller said.

"That's a big individual contribution," he said. "There's not a company in the U.S. that would spend a half million dollars for an ice cube."

"It's a personal commitment," Keller said.

For Ricci, who puts in double shifts at the site on days he doesn't work at his warehouse job, it's a chance to be part of history.

An East Side resident, he remembers some of the smaller ice palaces during the Winter Carnivals of his youth and he remembers his father talking about the ones before his time.

Now, he's done everything from hauling ice out of Lake Phalen to making the icy slush used as mortar. He can point to ice blocks he cut and placed in a palace tower.

"It's history," he said. "A hundred years ago they built one of these things and they didn't have the mechanical things. I heard they did it by horse and they pulled things up ramps."

For some of the workers, there's a pride in facing the challenge of a construction job that they'll probably never see the likes of again.

"Conventional construction methods are thrown out the window," said Gary Lyon, a foreman with Highland Electric Inc., 2030 St. Clair Ave.

Lyon, 55, has helped with the lighting of the palace, a prodigious task that in the end will use 600 miles of wire and 1,100 colored lightbulbs coated with ceramic to protect them from breakage. The power needed to light the palace will equal that needed to electronically heat six homes, he said.

Like many of the workers who have put in time at the palace since the work began in late December, Lyon points with pride to his parts of the palace. On a tour of the interior, he ruefully pointed to the ice blocks that, warmed by the sun, have fissured and clouded over.

But at another wall on the north side, he beamed.

"This wall here's the prettiest," he said. "It's the clearest ice, the colors blast through."

Public interest in the structure is another motivating factor, Lyon said.

"I've been here at 12:30 at night and there'll be 40 cars lined up," he said. "They just keep coming and coming. . . . You can't imagine the thousands of people who are going to be here."

Nick Miklya has been laying brick for almost 36 years. This winter he's been doing ice masonry instead of brick masonry.

"Most bricks are 3½ to 4 pounds," he said. "These ice blocks are about 500 pounds apiece. There's a lot of difference. We used to lay big stones like this when I first started in masonry."

Miklya, 59, is only two years away from retirement. But Wednesday, he was supervising six others who were laying ice blocks on a 50-foot tower.

Miklya said he wasn't working on the ice palace because of its history, but because of its future.

"Well, I thought it would be nice for my grandchildren," he said. "So they can look at a picture and say 'My grandfather did that.' "

NATIONAL LITERACY VOLUNTEERS WEEK—FEBRUARY 2-8, 1986

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mrs. JOHNSON. Mr. Speaker, I rise today to recognize National Literacy Volunteers Week. I would like to commend the more than 17,500 volunteers nationwide who devote many hours each month to helping the estimated 25 million functionally illiterate Americans to learn to read.

Illiteracy is a severe handicap which seriously curtails an individual's ability to enjoy and benefit from the opportunities America offers. It has been recognized as a major national problem, and one that is costly for our society as well as tragic for the individual so burdened. It has been estimated that illiteracy costs $6 billion annually in unemployment compensation and child welfare payments. These costs correlate directly with the high number of illiterate adults who are unable to perform at the level necessary to hold a job. Illiterates are said to comprise a shocking 50 to 75 percent of our unemployed and millions of Americans are unable to read well enough to pass the standard drivers' test, write a letter to a loved one, or even to read labels on everyday products in the grocery store.

Although there are numerous organizations dedicated to teaching adults and non-English speaking people to read, I would like to recognize the outstanding work of one group in particular. Literacy Volunteers of America is a national organization devoted to teaching English-speaking adults to read as well as teaching English as a second language to students of other cultures. Founded 24 years ago, Literacy Volunteers has grown to 200 affiliates based in 37 States and is now headed by Mrs. George Bush. Each year volunteers undergo a 20-hour training course and subsequently commit an entire year to volunteer service.

Connecticut was one of the first States to organize on a statewide scale. Literacy Volunteers of Connecticut was organized in 1972 and provides total statewide coverage, with 18 affiliates at present. Since its founding, Literacy Volunteers of Connecticut has devoted over 500,000 hours to help an estimated 14,000 adults in Connecticut.

Mr. Speaker, I commend these and the countless other volunteers who see the need to help their fellow citizens develop a skill so many of us take for granted. Illiteracy has become less tolerable as work increasingly requires a knowledge of reading and mathematics in America. Our competitive position continues to be compromised by the trading practices of foreign countries, but in the long run, it is our ability to compete as individuals that will determine our success as a nation. We must ensure that our work force is educated and able to adapt to the fast-paced changes that worldwide technological developments impose. Today I salute the thousands of literacy volunteers in the United States who recognize and address this national need and help our fellow Americans to help themselves and our Nation.

BANKRUPTCY JUDGESHIP ACT OF 1986

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. RODINO. Mr. Speaker, I have today along with 27 cosponsors introduced the Bankruptcy Judgeship Act of 1986, a bill to create 45 additional bankruptcy judgeships across the country. Additional bankruptcy judges are necessary in order to cope with the ever-rising number of bankruptcy filings in many judicial districts. Many current bankruptcy judges are tremendously overworked, gallantly working day and night, sometimes working 6 or even 7 days a week. Even with this effort, in some districts the workload is just too much for cases to be moved quickly along. This gives cause for concern, because the sooner a bankruptcy case can be terminated, the sooner the debtor can get a fresh start towards making a meaningful contribution to our Nation's economy and the sooner creditors can receive payment. The measure I have introduced will offer relief to the judicial districts that are the most heavily burdened.

The bill would raise the number of bankruptcy judgeships from the current 232 to 277. In this time of budget deficits and Gramm-Rudman restraints, it is important to be critical and determine where only the most severe needs lie for additional bankruptcy judges.

An efficient bankruptcy court system is of great importance to maintaining stability in our economy. By adding additional judges to the bankruptcy system, the Bankruptcy Judgeship Act of 1986 helps achieve this efficiency.

A TRIBUTE TO LT. BERNARD MIMMS AND CANCER SURVIVORS ACROSS OUR NATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. BIAGGI. Mr. Speaker, it is with great pride and pleasure that I pay tribute to a young man who has demonstrated remarkable courage and determination—Bernard Mimms. Mr. Mimms was recently commissioned a second lieutenant in the U.S. Marine Corps, marking the end of a 3-year battle with testicular cancer that threatened his military career. He underwent four operations and chemotherapy, lost over 50 pounds, and took his cause all the way to the White House before he was declared fit and allowed to receive his degree and commission. He should be congratulated for his medical conquering of cancer; of even greater significance, Bernard Mimms should be praised for his social conquering of cancer—an entirely separate fight far too many cancer victims lose.

At this time, I would also like to commend the U.S. military for their insight and enlightened position regarding employment for persons with a cancer history. Our Nation's armed services has contributed a critical step forward in the fight to grant cancer survivors equal protection under the law. Their policy of nondiscrimination is certainly inspiring.

I have introduced a bill, H.R. 1294, to amend title VII of the Civil Rights Act to prohibit employment-based discrimination against persons on the basis of cancer history. This is not an isolated or hypothetical problem. Employment discrimination is, in fact, an outrage which victimizes about 1 out of every 5 persons with a cancer history. These 1 million or so Americans face injustices ranging from job denial to wage reduction, exclusion from and reduction in benefits, promotion denial—and in some cases—outright dismissal.

It is obvious from the medical perspective that we have come a long way as a nation with respect to cancer. Today, 1 out of every 2 persons diagnosed with cancer is cured. A person with a cancer history—medically speaking is just that—a person for whom cancer is history. However, it is just as obvious that we are not as advanced or enlightened regarding how we as a society treat those with a cancer history. Many of these people are not allowed to pick up their careers, or begin new ones, or obtain jobs commensurate with their abilities. It is not because they do not want to do these things. It is because they are prevented—prevented by prejudice, discrimination, and misconceptions surrounding cancer, and society's ignorance concerning the medical advances of the last two decades.

I ask that each and every Member of Congress give H.R. 1294 their careful attention and consideration. Let us never forget what this bill is seeking to outlaw—employment discrimination against cancer survivors, persons who have endured so much, triumphed over many obstacles, but who continue to be victimized and stigmatized. Bernard Mimms and the U.S. military truly serve as an inspiration to all with respect to cancer survivors and their rights within our Nation's workplace. Lieutenant Mimms is an example of why it is imperative that we permit, and encourage these people to remain fully integrated and productive members of society.

BOY SCOUTS OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. NATCHER. Mr. Speaker, it is a pleasure for me to join with the Boy Scouts of America as they celebrate their anniversary week, February 2-8, 1986.

The Boy Scouts of America was incorporated on February 8, 1910, and was chartered by

Congress in 1916. The Scouting Program has influenced three generations of Americans and continues to pass on the principles of the Boy Scouts to Today's Tiger Cubs, Cub Scouts, Boy Scouts, Explorers, and Varsity Scouts. The times may have changed since the Boy Scouts of America was incorporated, but the principles remain the same: Developing character, responsible citizenship, and personal fitness.

The Four Rivers Council serves the Second Congressional District of Kentucky, which I have the privilege of representing in the Congress. This past year was a productive one for the council; 2,823 youths participated in Boy Scout programs—the largest membership in the 75-year history of the council.

The council's accomplishments during 1985 included: Improvements at Camp Roy C. Manchester on Kentucky Lake and renewal of the lease for the use of this property for another 20 years; the start of an endowment program with a $100,000 donation; and the participation of 618 Scouts in the summer camp program.

I always enjoy recalling experiences and adventures that were mine as a Boy Scout. Scouting has something for everyone and each individual is valued for his contribution to his family, community, and country.

I want to take this time to commend the Boy Scouts of America for their accomplishments during this past year and to wish them continued success in their endeavors in the year ahead.

DEALING WITH QADHAFI: THE PRESIDENT PLAYS A LONE BUT MORAL HAND

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. BROOMFIELD. Mr. Speaker, I commend the President for his firm and sound approach to dealing with Libya's support of international terrorism. While most of our allies play a timid and cautious game with that outlaw state, and place economic relations above all other concerns, our Government has taken a sensible and moral approach in dealing with Colonel Qadhafi. We must never forget that brave men often walk alone.

Qadhafi and terrorism have almost become synonymous. An innocent British policewoman was murdered outside the Libyan Embassy in London. Libyan terrorists have preyed upon opponents of the Colonel in Europe and Africa and he has brazenly threatened the lives of moderate Arab leaders. Qadhafi has mined the Red Sea and threatened to terrorize Americans in our own country. The bloody massacres in Rome and Vienna reflect Colonel Qadhafi's contempt for two nations that have gone out of their way to try to accommodate the Arab side of the Arab-Israeli struggle.

Terrorism is an international problem and an international solution to that problem is what President Reagan has been seeking. It is shortsighted for our European allies to maintain a business-as-usual attitude about the recent massacres in Europe. Our country and our European allies have suffered at the hands of international terrorism. Billions of dollars have been spent to counter terrorism in Europe as well as to increase security at European airports. President Reagan has properly called upon our allies to help our country isolate the pirate state. With few exceptions, his call has gone unanswered. Our Government responded carefully to the Qadhafi threat. Our choice was a responsible and sound one. The President did not choose to initially use the military option.

Let us hope that persuasion will convince our allies that economically isolating Libya is the best course of action at this point. Given the current oil glut in the world, European nations can obtain oil from other countries. Is maintaining lucrative trade more important than getting Colonel Qadhafi out of the business of exporting terrorism? Will the financial gains from maintaining business links with Libya offset the millions of dollars that are being lost with declining United States tourism in Europe? Will more Libyan-backed terrorism directed against innocent Americans and Europeans be needed in order to convince our allies that joint action in imposing sanctions is necessary? Ultimately, they will pay a high price for the policy of apppeasement. Only by raising the costs of outlaw behavior can the civilized world begin to prevent the spread of terrorism. Wake up Europe before it's too late! Now is the time for our European allies to follow the President's leadership and impose strong sanctions on Libya. There is a time to come forward and do what is right, whether or not the price is the loss of business to someone else.

With these concerns in mind, I commend the following throughtful editorial from the Economist to my colleagues in the Congress:

DON'T JUST STAND THERE

It is extraordinary. During the 16 years that he has run Libya, with its tiny population of only 3m people, colonel Muammar Qaddafi has come to be detested by just about everybody he has ever had dealings with—Arab and African as much as people from the western world. Not only is he the liveliest godfather of international terrorism. He is also an adventurous political meddler in the African continent, and beyond. But there he still is, and the president of the United States, though convinced that Libya's colonel was behind last month's terrorism in Rome and Vienna, can this week find only a pinprick of "sanctions" to retaliate with, while everybody else pretends to look the other way.

All Colonel Qaddafi's immediate neighbours loathe him: Algeria, which considers him a bumptious parvenu and pest; Tunisia, whose government Colonel Qaddafi has tried to overthrow; Chad, which he tried to conquer; and Egypt, whose leaders he wants to kill. Even the handful of Muslim countries still friendly to him are periodically appalled. He has quarrelled with Syria over Lebanon, disagreed with Iran over the Gulf war, and enraged Lebanon's Shia Muslims—the main revolutionary force in that benighted country—by causing their top religious leader to "disappear". The Russians have encouraged him to make trouble for the West, but even they seem reluctant to give him a long leash. And yet he survives. How on earth does he do it? And how long will he go on doing it?

At first a lot of Libyans rather liked their colonel. His coup against the corrupt King Idris in 1969 was popular. Flush with oil money, and with blessedly few people, he built a lot of schools, roads, houses, hospitals. But over the years Libya turned into a nasty little police state, with 30,000 of its best educated people fleeing into exile. And now, with oil earnings diving from more than $20 billion in 1980 to less than $7 billion last year, it is feeling the economic pinch. The macho of the Maghreb is no longer the hero of yesteryear.

So where lies his strength? First, his "madness"—obsessionalism, megalomania, love of fantasy—is not quite total. His three chief obsessions are, in any case, exaggerated versions of sentiments keenly felt throughout the Arab world. He hates Israel. He blames the West, especially America, for propping Israel up and despises godless western materialism, while paradoxically envying western affluence. And he hankers after an idyllic Arab unity that would make Arabs a world power to be reckoned with. This jumble of feelings is widely shared by fellow-Arabs less bloody-mindedly ruthless about translating them into action.

Yes, his erratic tactics, his conceit, his readiness to use every sort of violence to fulfill his dreams are the stuff of madness. But do not underestimate his cleverness. He knows how to exploit Arab and third-world dreamland sympathy. He often accurately senses the point at which he needs to draw back from the brink when bigger powers—Egypt, France, America—call his bluff. Last week he decided to curb his tongue just when a few more bursts of hyper-rhetoric might have provoked an American military blow.

But there are cruder reasons for his survival: fear and petty self-interest. People fear his unpredictability. They fear his stop-at-nothing fanatics who travel the globe shooting Libyan "stray dogs" and any foreigner who angers the colonel. The western world, especially the European bit, shrinks from the prospect of Afro-Asian displeasure at the spectacle of a third-world leader, however disliked among his own, being humiliated by the wicked West. As for the self-interest, Libya offers easy pickings for hundreds of western construction and oil-connected service companies. If western boardrooms happen to buttress the leading godfather of international terror, so—they seem to say—be it.

THUMP OR SQUEEZE

Too many innocent people have been victims of Libyan violence. Mr. Reagan is right to call a halt. Whenever a villain appears in history, fashionable fainthearts will always argue that, no, such-and-such a dictator is merely an inevitable manifestation of social disorder. Understand, they say, the "underlying" causes of the "problem"; Qaddafi exists inevitably; if he were removed, the alternate would be no better—and so on. This is nonsense. Libya minus Qaddafi would be a much less dangerous place for the rest of the world. If there is to be any chance of making it so, getting rid of Colonel Qaddafi is the first step. But how?

There is no moral objection to meeting force with force. The Americans should not rule out the possibility of military action when Libyans are once again caught somewhere with a smoking gun: and those of America's allies that have the right sort of military power—notably Britain, France and West Germany—should be ready to help. The trouble with the military option is that

it is difficult to put into practice with the necessary precision. The Pentagon has studied a range of tactics, from assassination of Colonel Qaddafi through exemplary assaults against terror-training camps to air raids and bombardment from the sea. None of them, so far, has quite fitted the bill. There is too high a risk of failure. Too many civilians might be killed. The Europeans would be shocked by the use of American muscle, especially if it were clumisly applied.

That leaves political, diplomatic and economic measures. The Europeans cannot have it both ways. Colonel Qaddafi encourages terror against European airports, abets terror against European democracies. If it is not practical to stop him by force, other means should be tried. The Europeans should not turn their back on America because they stand to lose Libyan markets or because they are squeamish about briefly annoying other Arabs.

For a start, Western Europe should cut its diplomatic links with Tripoli—as Britain did after one of Colonel Qaddafi's "diplomats" shot a British policewoman in 1984. Much Libyan terrorism, designed both to help non-Libyan terrorist movements and to kill the colonel's Libyan opponents, has been directed from embassies in Western Europe. There is no point in cosy chats with Libya. If there was Libyan complicity in the Malta hijacking two months ago, the Bonn agreement between the seven countries who own 70% of the world's commercial aircraft should be invoked: air links with Libya should be cut, spare parts withheld. Immigration from Libya should be tightly controlled.

America is right, too, to try to persuade Europe to impose wider economic sanctions. European governments, at first, will not listen to America. But public opinion in Europe is more friendly—and more down to earth. Sooner rather than later, Libyan fingerprints will be found on another batch of corpses. Then sanctions might begin to make more obvious sense.

But they would have to be co-ordinated. Britain would have to cease its parrot-cry of "sanctions never work". That depends where and how they are implemented. France, West Germany and Italy could buy their oil elsewhere; on today's buyers' markets, not all of Libya's oil would slip into the general pool. The 40,000 skilled western expatriates who service Libya should be given every encouragement to get out—not least, by being warned that they will get scant sympathy if they get into trouble through staying behind.

Of course terrorism will not fade away. Libya is by no means its sole source. Some terrorists—especially the suicide merchants—are bound to slip through the security network. Frustrated Palestinians will get help from some Arab quarters so long as they are denied even a patch of thier homeland. Nor will sanctions "work" immediately against Colonel Qaddafi. He would take time to stew, before, ideally, his own people overthrew him. There would be squeaks of outrage from the third world, but most of them would be insincere. The more genuine and likely response would be a soft sigh of collective gratitude.

SIXTY-FIFTH ANNIVERSARY OF THE NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. KANJORSKI. Mr. Speaker, it is my great pleasure to be able to inform you and my colleagues here in the House of Representatives that 1986 is the year that the National Association of Retired Federal Employees will celebrate its 65th anniversary.

NARFE has served the interests of its members since its founding in Washington, DC, in 1921. The first meeting was attended by only 14 persons, but the organization would grow until today its members number in the hundreds of thousands. There are now 1,662 NARFE chapters, including several in my home State of Pennsylvania.

NARFE has been able to grow and expand because of its responsiveness to the needs and problems of its members. As times have changed so have the goals and objectives of the organization. In the beginning the organization's purpose was to promote improvements in the retirement system and to try to keep the retirement system financially sound. When the retirement system became threatened, NARFE changed from a support organization to become a politically active organization to protect its members' hard-earned rights and benefits.

Today, and for the foreseeable future, NARFE faces new challenges. Under Gramm-Rudman its members and other Federal retirees are being asked to bear an unequal share of the burden to reduce Federal deficits. I think it was unconscionable that the Gramm-Rudman bill stole from Federal retirees their promised 3.1 percent cost-of-living adjustment, and that is one of the major reasons why I voted against Gramm-Rudman. I am also cosponsoring Congresswoman OAKAR's bill, H.R. 4060, to guarantee in the future that Federal retirees cost-of-living adjustments will also be excluded from future Gramm-Rudman budget cuts. This will insure that all retirees in the United States will receive fair and equal treatment.

Federal retirees also face a loss of benefits due to some ill-considered provisions in the tax reform bill that we were not given an opportunity to remove on the House floor. Instead of taxing benefits only after a retiree has received moneys equal to their contributions—which have already been taxed—the proposed bill would tax benefits on a prorated basis. With NARFE's support I hope to eliminate this provision of the tax bill before it becomes law.

In every part of the Nation there are NARFE chapters—from the Wyoming Valley in Pennsylvania to the San Fernando Valley in California—and in many of these chapters birthday celebrations are being planned. They will be held throughout the 65th anniversary year, culminating in a national observance to be held in Washington, DC, at the national headquarters building on February 19, 1986, the actual birth date of NARFE.

Mr. Speaker, I ask that you and my fellow Members of the House join me in wishing the National Association of Retired Federal Employees a happy 65th anniversary with many others to follow in the years to come.

THE "CHALLENGER"

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. HEFTEL of Hawaii. Mr. Speaker, it is with great sadness that I rise on this occasion. America and the world have lost seven courageous explorers. The loss of the *Challenger* is particularly poignant to me since one member of the crew, Lt. Col. Ellison Onizuka, was from my State of Hawaii. Colonel Onizuka was a son of Hawaii, a man who inspired a generation of young people in his beloved State.

The *Challenger* crew carried with them the hopes and dreams of a nation and embodied the spirit of a proud land. I had the privilege of meeting Colonel Onizuka some time ago and was impressed with his proud loyalty, his courage, his compassion. His Nation and his beloved Hawaii will never forget him or the courageous crew. They led us all on a journey through time and through their courage and their vision we crossed new frontiers of knowledge and charted the course of our destiny.

Mr. Speaker, let us not use this occasion to second guess our national commitment to the space program. Let us honor the memory of these brave Americans and rededicate ourselves to the exploration of space, man's last great frontier. Let us not turn back the pages of history, but forge a new chapter in our long journey through time with courage and vision.

DRY BEANS AND OTHER CROPS THREATENED

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. SCHUETTE. Mr. Speaker, mid-Michigan is known throughout the world as the heart of dry bean production. Yet farmers are threatened by the very instrument of Government that is supposed to help them. Recently, the U.S. Department of Agriculture announced that farmers who plant at least half their acreage in a program crop, such as corn, could plant their remaining permitted acreage in another crop, such as dry beans, and receive payments as though they had planted almost their entire farm in the program crop.

There is abundant evidence that this will greatly increase the number of acres planted to dry beans, which would be a serious blow to mid-Michigan bean farmers.

However, mid-Michigan farmers aren't the only ones affected by this situation. Among the commodities likely to see price drops because of it are: vegetables, popcorn, sweet corn, potatoes, sweet potatoes, hay—especially alfalfa—and sunflowers.

We must take action immediately to prevent a serious drop in farm income. H.R. 4079, introduced by Congressman BOB TRAXLER and me last week, addresses the problem by granting the Secretary of Agriculture discretion to exclude from the provision any commodity when, by including it in the program, farm income for that commodity would seriously drop.

Mr. Speaker, we are running short of time. The season is upon us: will we act now to preserve farm income, or will we allow even more farmers to suffer? I urge my colleagues to support H.R. 4079.

A SALUTE TO HELEN S. BROWN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. STOKES. Mr. Speaker, I would like to take this opportunity to join with the Helen Brown Senior Citizen Center and Noble Nela Senior Citizens, Inc., in saluting Mrs. Helen S. Brown. Mrs. Brown will be honored on Sunday, February 16, 1986, on the occasion of her retirement as director of the East Cleveland Office on Aging and the Helen S. Brown Senior Center. On behalf of the residents of the 21st Congressional District of Ohio, particularly the hundreds of seniors she serves, I salute Helen S. Brown on this auspicious occasion.

Mr. Speaker, Helen S. Brown is a native of Oberlin, OH. She graduated from Oberlin School of Commerce where she studied secretarial science. She later received a scholarship from Smith College in Little Rock, AR, to study religious education. Subsequently, Mrs. Brown attended Fenn College—now Cleveland State University—majoring in business administration and personnel. She later completed 3 years of legal training at Cleveland Marshall Law School.

Since the completion of her educational training, Mrs. Brown has been actively employed in a number of noteworthy positions in the city of Cleveland. These include, being the first black person ever employed by a major bank in Ohio; serving as acting executive secretary of the Mount Pleasant Community Council; working as a social worker and administrative assistant at the Cuyahoga County Welfare Department and; serving as director of "Project Upgrade", an educational program of the School of Applied Social Science at Case Western Reserve University.

However, Mr. Speaker, of all the notable positions Mrs. Brown has held over the years, there is one job for which she will be most honored and remembered. It is as director of the Helen S. Brown Senior Citizen Center that Mrs. Helen S. Brown has made her indelible mark on the East Cleveland Community.

In October of 1971, Mrs. Brown began her service as coordinator of senior services in East Cleveland. This position later evolved into the position of director of the East Cleveland Office on Aging. As director of the office on aging, Mrs. Brown became very concerned that adequate support services were not available to the senior citizens of East Cleveland. Mrs. Brown's innovative approach to improving this situation was to embark upon a vigorous campaign that would take the East Cleveland Office on Aging directly to the seniors. Mrs. Brown felt that who, better than the seniors, would best know what support services were lacking and could make the best suggestions for new programs and additional services. In an effort to reach as many seniors as possible, Mrs. Brown personally made telephone calls, she knocked on doors, she left no stone unturned. And of those she couldn't reach directly by herself, she had her staff and friends make the effort. First and foremost in her mind, was to have programs for seniors that actually worked—services that would allow them to maintain their lifestyles as independently as possible. The compilation of Mrs. Brown's endeavors evolved into what is now known as the Helen S. Brown Senior Center, named in her honor at the request of the seniors she serves.

As was Mrs. Brown's dream, the Helen S. Brown Senior Citizen Center has as its main objective to improve the quality of life of East Cleveland's seniors by providing basic social services and a wide range of activities which enable them to function as independent members of the community in the most complete and fulfilling way possible for each individual. Under the strong leadership of Helen S. Brown, the center is able to provide a number of valuable services and programs geared to senior citizens either directly or through coordinating agencies and institutions. For the elderly, the center serves as a "supermarket" of services, where seniors can personally select the service or programs they feel will best meet their needs.These services include: Medical treatment, nutritional education, home delivered meals, transportation, the Tele-Friend Program, services for the deaf, and high school and community college courses for seniors which are conducted at the center.

The Helen S. Brown Senior Citizen Center is a department of the city of East Cleveland and funded jointly by the city of Cleveland and the Ohio Department of Aging. It is a model program for the State of Ohio and has hosted visitors from several foreign countries.

In addition to the services provided to the elderly, the Helen S. Brown Center is used as a training center for the Francis P. Bolton School of Nursing and the Kent State School of Nursing. Over the years, the center has provided hundreds of nursing students with their first on-hand experience in working with the elderly to maintain a healthy and fulfilling lifestyle—the type of experience unavailable in the classroom or traditional hospital setting. The center also serves as a field placement program for Cuyahoga Community College, Cleveland State University, and the University of Notre Dame.

Mr. Speaker, Helen S. Brown has received numerous awards as a result of her work with the elderly and was representative of Cuyahoga County to the White House Conference on Aging in 1981.

In addition to the great accomplishments she has made in ensuring the availability and access of adequate social and health care services for the elderly residents of East Cleveland, Mrs. Brown has found time to serve on a number of community boards. She serves on the board of trustees of the Eliza Bryant Multi-Purpose Center and the Northeast Glenville Mental Health Center and is also a member of the Ohio Federation on Aging, the National Caucus of Black Aged; the National Council of Social Workers and; the National Council on Aging.

Yet, despite her forthcoming retirement, Mrs. Brown is still very actively involved in developing additional services for East Cleveland seniors. She was instrumental in forming the East Cleveland Elderly Housing Services, Inc., which, in March of 1985, received a $2.4 million loan from the U.S. Department of Housing and Urban Development [HUD] to build a 65 unit high rise for the elderly. The project is presently being constructed adjacent to the Helen S. Brown Senior Center. Additionally, Mrs. Brown is now working actively with a task force seeking funding for a new gerontological center which would house a health clinic and an adult day care program.

Mr. Speaker, as a tribute to the significant contributions and tireless efforts of Mrs. Helen S. Brown, it is a great honor and a pleasure for me to join in the salute to my good friend.

A CONGRESSIONAL TRIBUTE TO TOM RUPERT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednsday, February 5, 1986

Mr. ANDERSON. Mr. Speaker, I would like to take this opportunity to pay tribute to a very dear friend of mine, Tom Rupert, for his many years of dedicated service to the city of Torrance, CA. Rarely has a man of such immense talents given so unselfishly of his time and abilities to enhance the city in which he lives. Tom is to be honored at a testimonial dinner in Torrance on February 22.

Tom Rupert grew up in San Pedro and Long Beach, but in 1953 he moved to Torrance, a city which could never have realized the tremendous impact this man's selfless efforts would make upon the city. Tom attended UCLA and acquired what amounts to something between a 2-year degree and a bachelor's degree. This fact renders his many achievements as an investor, lobbyist, computer programmer, author of legislation, writer, lecturer, legislative adviser, auditor, and money manager even more unbelievable.

Tom first worked in the finance management department for Pacific Airlines and then ventured into the travel business on his own. While establishing five travel agencies in the South Bay area, Tom designed a computer program for scheduling reservations that became the foundation for the system now used by all ticket agencies. At this time, his life changed drastically.

The Torrance city council, recognizing the talents of a true leader, appointed Tom in 1963 to fill a vacancy left by the resignation of the former city treasurer. Undeniably one of the most effective and capable of Torrance's city officials, Tom is a man of tremendous value to the city. As the architect of Torrance's highly regarded fiscal program, Tom's unmistakably skillful handling of city funds has

contributed much toward Torrance being recognized as a truly great city, not only in California, but throughout the United States.

Today, Torrance is a shining example of fiscal stability. The city can rest assured that it faces no financial crises due to the well-rounded revenue base of property, business, and taxes developed by Tom Rupert.

In addition to his duties as a public servant, Tom also gives of himself to promote a number of civic organizations, such as the local little league and the chamber of commerce. He also heads the Municipal Treasurer's Association of America and Canada. In what little time he has to spare, Tom regularly shares his vast knowledge through teaching courses in investments and the legislative process at Cal Poly—Pomona and the University of California, Santa Cruz.

It is with great pride that my wife, Lee, joins me in this celebration of Tom's service to his community. We are truly honored to have known this fine man for many, many years, and we treasure our friendship with Tom and his wife, Marie. I know that I speak for the citizens of our area in expressing the great admiration and affection we feel toward Tom Rupert and in wishing Tom, Marie, and the rest of the family—their children Terrie, Tom, Jr., Roberta, Denise, and Kim, and grandchildren Tracie, Wendie, Emily, Thomas Clyde III ("T.C."), and Chelsea—all the best in the years ahead.

DISMANTLING THE FTC CREATES BACKLASH

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. FLORIO. Mr. Speaker, one of the saddest aspects of the Washington scene in recent years has been the failure of Federal agencies to enforce the law. From environmental to civil rights to antitrust and consumer laws, the pattern is the same. The irony is that the law enforcement breakdown not only hurts the general public, but also those in the private sector whom the agencies think they are doing a favor.

A good example of this is the backlash arising from the Federal Trade Commission's relaxed approach to advertising abuses. States and private litigants have moved into the enforcement void because the enforcement breakdown in Washington cannot and will not quell the public's demand for action to restrict abuse. The resulting pressures and confusion have apparently given many in the business world second thoughts about the wisdom of the FTC's winking at the law, a point that is suggested by a Business Week article I am inserting in the RECORD. I am hopeful that out of this turmoil we are seeing the reemergence of a consensus supporting enforcement of the law.

The article follows:

[From Business Week, Dec. 2, 1985]

DECEPTIVE ADS: THE FTC'S LAISSEZ-FAIRE APPROACH IS BACKFIRING

(By Christine Dugas in New York, with Paula Dwyer in Washington)

The Center for Science in the Public Interest thinks McDonald's Chicken McNuggets ads are a lot of baloney. "McDonald's is telling the public only half the story," says Bruce Silverglade, legal director of the Washington-based nonprofit group. Though the ads say McNuggets are made from "whole breasts and thighs," Silverglade claims the product contains processed chicken skin as well and is fried in highly saturated beef fat.

To challenge the ad, Silverglade's group took the traditional route: It filed a petition with the Federal Trade Commission. But the group did not stop there. It also took the allegations, which McDonald's denies, to the New York Attorney General. Why the extra step? Because, Silverglade explains, he doubts the FTC—the nation's chief consumer protection agency—will pursue the case.

MULTIPLE BATTLEGROUNDS

Given the FTC's recent track record, he's probably right. Since James C. Miller III took over as chairman in 1981, the agency has considerably narrowed its approach to deceptive advertising. Instead of vigorously pursuing national advertisers, it has concentrated on small companies selling offbeat products.

But big advertisers aren't off the hook. The FTC's laissez-faire attitude is encouraging consumers and companies to seek relief elsewhere. They are going directly to court, to state prosecutors, and to the National Advertising Div. (NAD) of the Council of Better Business Bureaus Inc. As a result, advertisers are fighting on multiple battlegrounds.

In some ways, the current FTC stance is a backlash against former Chairman Michael Pertschuk. Ad people dubbed his FTC the "National Nanny" because, among other things, he moved to severely constrain ads for children's food.

Miller refocused the agency to handle only "the most blatant cases," says one FTC staff member. Miller became President Reagan's budget director in October, but his designated successor, attorney Daniel Oliver, is not expected to shift the agency's orientation.

A case against Weider Health & Fitness Inc. typifies the current FTC approach. The California company agreed to reimburse $400,000 to thousands of customers who had bought its muscle-building pills. "The courts are full of deceptive-advertising cases involving nationally advertised products," says Thomas J. McGrew, a lawyer with Washington's Arnold & Porter. "Yet the FTC prefers to focus on the true eccentrics and charlatans." Of the 13 cases brought by the FTC in fiscal 1984, three involved products that are not fakes. J. Howard Beales III, acting deputy director of the FTC's Bureau of Consumer Protection, says the FTC goes after the cases "that matter most to consumers."

Many marketers initially applauded the FTC's new direction. Ironically, they are now finding that fighting lawsuits in various states is expensive and time-consuming. Some courts are levying punitive damages, too, something the FTC can't do. In a recent dispute between Jartran Inc. and U-Haul International Inc., for example, a U.S. district court judge fined Jartran $20 million in punitive damages on top of $20 million awarded to U-Haul to compensate for its losses resulting from ads that were ruled deceptive. The ads claimed Jartran had newer, easier-to-drive trucks than U-Haul. Jartran is appealing the decision.

Advertisers are finding litigation inefficient. Consider a 1984 court battle over ads for Procter & Gamble Co.'s Wondra lotion and Chesebrough-Pond's Inc.'s Vaseline Intensive Care. Both products claimed to be the best hand lotion available, and both inundated a court with expert testimony. A federal district judge found much of the testimony incomprehensible and ordered both companies to refrain from making such claims. More recently, American Home Products Corp. has sued Johnson & Johnson for its claims in Tylenol ads that ibuprofen-based nalgesics—including AHP's Advil—cause stomach irritation. J&J, which denies the allegations, has filed a countersuit.

Advertisers are no happier about a barrage of enforcement efforts by states such as New York, Texas, Massachusetts, and California. New York State Attorney General Robert Abrams challenged Coca-Cola Co. when a consumer complained that diet Coke ads proclaimed, "Now with NutraSweet," even though the product also contained saccharin. Last year, Coca-Cola agreed to change the ads to "NutraSweet blend." Currently, both Texas and New York are investigating Kraft Inc.'s Cheez Whiz ads (table, page 136).

A few advertisers are even getting sued directly by consumers. A California class action against General Foods Corp. claims that ads for some of its sugared cereals were deceptive and preyed on the "unique susceptibility of children." One advertisement for Honeycomb cereal, the plaintiffs allege, showed that after eating the cereal, children had the power to lift large playhouses. They are asking for $25 million in damages.

BAD OLD DAYS

Advertisers would rather such matters be handled by the NAD, established in 1971. It evaluates more than 100 complaints annually. But critics complain that it lacks muscle. Cases are kept confidential until resolved, no fines are imposed, and ad changes can only be requested—not ordered. "I usually agree with [the NAD's] decisions, but by the time they get around to making them, the ad probably has been dropped," says Herschel Elkins, senior assistant attorney general of California.

With such challenges coming from all directions, some advertisers may even long for the days of a tougher FTC. "We don't want the FTC to be like [it was under] Pertschuk," says Douglas J. Wood, an attorney with Hall, Dickler, Lawler, Kent & Friedman, a firm specializing in advertising cases. "But today, the FTC is no longer even a cop on the beat. It's doing virtually nothing."

ANOTHER SPACE PAYOFF

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. FUQUA. Mr. Speaker, the tragedy which befell the space shuttle *Challenger* on mission 51-L has focused the Nation's attention on the great challenges and risks that our space program entails. All too often in times of such

great sorrow we lost sight of the goals which have given us direction and have sustained our dedication to pushing back the frontiers of the unknown.

I would like to bring to the attention of my colleagues the astonishing success of the *Voyager 2* encounter with the planet Uranus on January 24.

The imagery and data which we have received over the past several days have revealed substantially more about Uranus than we had learned collectively since its discovery 200 years ago. This fundamental information about the rings, moons, and surface features of Uranus will contribute greatly to our understanding of how the Earth and our solar system have evolved.

Over the past 8 years, *Voyager 2* has traveled 1.8 billion miles, discovered 26 moons, returned spectacular images of Jupiter and Saturn, and provided a wealth of data on interplanetary fields and particles throughout its travels. We are already planning for the next planetary encounter with Neptune in 1989. After that, *Voyager 2*, like *Voyager 1*, will pass through what is known as the heliopause out of our solar system. We have even placed messages and sound recordings onboard in the event that some day, the spacecraft is retrieved by some other intelligent beings.

What is equally as remarkable is durability of the spacecraft itself. This sturdy craft has already far exceeded its design life. *Voyager 1* and *2* are the most sophisticated robotic spacecraft ever flown. They not only make autonomous independent decisions but their six onboard computers have been reprogrammed so many times in flight that we are now flying virtually different spacecraft than we launched. Project engineers have performed outstandingly in analyzing and overcoming hardware failures and in learning how to reduce the cost of operating and controlling the spacecraft. I believe that the investment this Nation made in the *Voyager* project was a wise one which has paid for itself many times over.

Many have tried to contrast the manned space program with the unmanned program. Closer examination clearly shows that our space program has matured to the stage that both manned and unmanned missions are interdependent and integral parts of an overall strategy for exploring and using space. The space shuttle *Challenger* was uniquely designed to launch planetary payloads such as the Ulysses satellite which will collect valuable date on Jupiter and the Sun. The presence of man has greatly expanded our capabilities in all space endeavors.

Mr. Speaker, I want to commend NASA and the *Voyager* project team for this splendid accomplishment. Planetary exploration is a vital part of our space program and one which we must continue to support. I hope that in this year of difficult budgetary decisions, we keep in mind the contribution that these programs make to our society and to this Nation's heritage.

THE STATE OF THE UNION ADDRESS AND THE ABUSE OF THE FAIRNESS DOCTRINE

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. GALLO. Mr. Speaker, last night our President, addressed the Congress, and the American people, concerning the state of the union. It was an address that is required by our Constitution. As in the past, it was a speech to review where this Nation has been, where we are, and, God willing, where we will go.

The State of the Union Address is not a partisan speech. Republicans and Democrats are not compared and contrasted at all. In last night's speech, our President extended his congratulations and thanks to you for your years of service to our Nation. It was well deserved. He embraced you and asked you to join with him so that our branch might join with the executive branch in solving the problems that confront America today.

The President's address was an invitation to the future. It was an invitation to the elected policymakers of this country to join hands and lead our Nation into the 21st century.

Our Nation is strong because of our freedoms and privileges. As a people, we have chosen to establish doctrines which guarantee that these freedoms and privileges are preserved and maintained. Among those doctrines is the fairness, or equal time, doctrine.

Simply put, this doctrine guarantees that the American public will have an opportunity to hear opposing views in order that a balanced perspective may be provided.

This doctrine has been utilized and has accomplished its purpose any number of times in the past. For example, when our President spoke to the people regarding his plans to revamp the tax system, Mr. ROSTENKOWSKI, chairman of the House Committee on Ways and Means, presented an informed, substantive response to the public.

Doctrines, like the freedoms and the privileges that they protect, may be abused. Unfortunately, last night the response to the President's address was an abuse of this doctrine so great that it causes even the most optimistic among us to become cynics.

Rather than utilize the air time that is provided for a response, the President's opponent presented a slick, over-produced, prerecorded partisan diatribe of the worst sort.

The response, was a prerecorded 20-minute unpaid political commercial that was prepared before the President even delivered his address.

Rather than providing alternatives, the program provided a political showcase. It was single purposed propaganda that had no apparent purpose other than to give national exposure to certain individuals.

Political parties are comprised of people with a common vision of societal order, progress and harmony. Political parties, and their members, are generally dedicated people trying to make our world a better place. Walter Lippmann was absolutely correct when he expressed this thought by noting:

Before you can begin to think about politics at all, you have to abandon the notion that here is a war between good men and bad men.

Sometimes, as bodies comprised of people, human imperfection causes political parties to falter. Sometimes they lose sight of their true purpose. Sometimes the temptation is just too great.

Last night, I am afraid, the President's opponents took blatant advantage of the fairness doctrine in their response. Last night, the temptation must have been too great, for as his opponents rushed to present their diatribe, they stumbled and fell. For the sake of our two party system I dearly hope that there are no scars.

MR. GAVAZZI RETIRES

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. MONTGOMERY. Mr. Speaker, on January 3, Mr. Al Gavazzi retired after a total of 45 years of Government service.

For the past 15 years, Al has served as Director of the Washington VA Medical Center. In addition, he served as the Director of the Medical District comprised of the District of Columbia, Maryland, and Virginia area.

Al appeared before our Veterans' Affairs Committee many times. I learned early on as chairman of the committee that we needed to hear from health care personnel in the field in order to know what is really going on in the Department of Medicine and Surgery. Al was always knowledgeable, straightforward, and candid in his remarks. We always knew he would tell it like it is and the VA is a better institution because of people like him.

Al Gavazzi is one of the best hospital administrators in or out of Government.

Mr. Speaker, veterans who come to the VA Medical Center in the future will miss Al Gavazzi. He cares deeply about the welfare of veterans who are sick and disabled. To cite an example of his dedication and concern, Al spent every Christmas Day for many years visiting with veteran patients. It meant much to Al and to the veterans he served. That is the kind of person he is and we all shall miss him.

There follows a biographical sketch that recently appeared in a VA publication outlining the highlights of Al Gavazzi's distinguished career. I call it to the attention of my colleagues and to veterans everywhere.

As Al leaves the Veterans' Administration, we wish him continued good health and happiness.

MR. GAVAZZI RETIRES

Mr. Aladino A. Gavazzi, Director of the VA Medical Center, Washington, D.C. for 15 years retired after a total of 45 years of government service on January 3, 1986. Mr. Gavazzi started his federal civilian career on April 4, 1946 in the Veterans Administration Regional Office in New York City, as a CPC-3 messenger at an annual salary of $1,572. He held numerous other positions at the Regional Office including File Clerk, Property and Supply Clerk, Storekeeper and Publications Clerk. In June 1950, he

was promoted to a GS-4, Claims Eligibility Examiner at the VA Hospital in Brooklyn, New York. After a period of time as a Registrar Assistant, GS-5 at the VA Hospital in Brooklyn he became a Resident in Hospital Administration at the VA Hospital in the Bronx, New York in February 1954. After this he began a number of assignments in increasingly responsible hospital administration positions at VA Medical Centers Kecoughtan, Virginia and Chicago (Research) Illinois. In 1960 he was then named Assistant Director at the Medical Center in Dwight, Illinois.

On April 15, 1962 he became the Assistant Director at the old VA Hospital, Mt. Alto, Washington, D.C. In December 1963 he went to Central Office to become the Associate Director of the Hospital Construction Service. In November 1965 he was reassigned to the VA Hospital, Martinsburg, WV as the Hospital Director. In August 1968 he transferred to VA Central Office as the Executive Assistant to the Chief Medical Director and then in January 1971 he was assigned to the VA Medical Center, Washington, D.C. as the Director, the position from which he retired.

During his career Mr. Gavazzi has received numerous letters of appreciation, commendations and awards, including Outstanding Performance Ratings, Sustained Superior Performance Awards and a Presidential Citation for Outstanding Contributions for economy and improvement in government operations. Mr. Gavazzi received a BS degree in Hospital Administration from Columbia University in June 1953 and a Master of Science in Hospital Administration from Columbia in 1955. He is a member of numerous professional organizations in the health care field, including The American College of Hospital Administration (Fellow); the Royal Society of Health as well as the DAV, VFW, American Legion, AMVETS and the Catholic War Vets.

He has faculty appointments at both Georgetown University and George Washington University and he has served on the American Hospital Association's Council of Human Resources. He is retired with the rank of Colonel from the U.S. Army Reserves.

Mr. Gavazzi will most certainly be missed by all of the Medical Center employees. He had a policy that he would personally welcome all new employees. Pity the Personnel Office if Mr. Gavazzi were to see a new employee in the hall that had not been to new employee orientation and met the Director. Mr. Gavazzi was famous for his open-door policy by which any employee could speak to him on any matter at any time. As a manager, Mr. Gavazzi possesses a keen ability to get to the heart of a problem and, with little or no fanfare, solve it. When others might hesitate to make a decision Mr. Gavazzi would always assess the facts that were available and make his decision, usually proving, sometimes to the amazement of his staff, to be exactly correct. He was always known to give career guidance and assistance to any employee who asked regardless of their level in the organization. Many persons in the Veterans Administration are where they are today due to his assistance and guidance. With his retirement the Veterans Administration loses a large portion of its "corporate memory." Mr. Gavazzi's career spanned a period of time that saw many changes in the Veterans Administration. Many of these changes took place while he was in key positions and his organizational knowledge is unmatched.

The staff of this Medical Center wishes Mr. Gavazzi, his wife Nancylee and family continued good health and best wishes. Knowing Mr. Gavazzi as we do, he will not be "retired". We are certain he is going to remain active in the health care field as well as maintain his interest in the success of the Veterans Administration and its mission.

NATIONAL TRIO DAY: FEBRUARY 28

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. FORD OF Michigan. Mr. Speaker, yesterday I was joined by Congressman CONTE and Congressman STOKES in introducing House Concurrent Resolution 278 proclaiming February 28, 1986, as National TRIO Day. The TRIO programs, which are formally called the Special Programs for Students from Disadvantaged Backgrounds, are authorized under the Higher Education Act of 1965. They serve as a vital part of the Federal strategy to assure equal educational opportunity in postsecondary education.

The 1,280 presently funded TRIO programs operate in over 800 colleges and universities and over 80 community agencies. Currently, more than 460,000 disadvantaged youth and adults receive counseling, basic skills instruction, tutoring, and information about college admissions and financial aid from these projects. Two-thirds of the students served by TRIO come from families whose income is below 150 percent of the poverty level, and where neither parent has graduated from college.

National TRIO Day is designed to draw attention to the national importance of federally supported initiatives to assure equal educational opportunity. TRIO and the other Federal student aid programs authorized under title IV of the Higher Education Act offer a realistic promise of upward mobility, both to individuals and families and well as developing the talents of all our citizens to the benefit of the Nation.

Moreover, these programs have a proven record of success. For example, upward bound graduates are more than four times as likely to graduate from college compared to similar students who did not have the benefit of these services. Special services students who receive counseling, tutoring and basic skills instruction are more than twice as likely to remain in school as similar students who do not participate in the program. And, more than 20 percent of black and Hispanic freshmen who enter college receive information and assistance in applying for one of the TRIO programs.

National TRIO Day also aims at drawing attention to the serious erosion of these programs that will result from the automatic cuts under the Gramm-Rudman-Hollings legislation, absent other actions by Congress. It is presently estimated that over 38,400 students would be eliminated from the programs in fiscal year 1986 and that an additional 123,400 students could be dropped in fiscal year 1987, if the Gramm-Rudman-Hollings sequestration order becomes effective. Coupled with substantial cuts in student financial aid, this can only exacerbate present trends of declining enrollments of poor and minority students in postsecondary education.

If you wish to cosponsor House Concurrent Resolution 278, please call Gloria O. Gray-Watson at ext. 58881.

FINDING REAL SOLUTIONS FOR LIABILITY PROBLEMS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. PORTER. Mr. Speaker, today we in Congress are being sought out at every turn by people at home who are shocked and bewildered by the sudden high cost or complete lack of liability insurance. This crisis touches every business, every professional person, every local government official, every consumer, every taxpayer.

I can cite innumerable examples from my district. The Northfield, IL Park District will pay 50 times more for liability insurance this year than in 1983. The annual premium quoted for 1986, $20,000 is five times higher than the total amount of claims in the history of the park district. Doctors are retiring early from high-risk specialities; the jobs and new products of small manufacturers are being lost to overseas competitors because it is impossible for them to get product liability coverage and still operate at a profit; school sports programs are dropped; production of essential vaccines to protect our children against polio and DPT lapses because no liability insurance is available. Small businesses like pest control companies are trapped in the catch-22 of being required to carry insurance to be licensed but being unable to find or afford insurance and prohibited from forming self-insured risk pools.

These are just a few instances, but they highlight the negative side of the liability explosion. When exterminators cannot get coverage, then we have rats, roaches, and disease. When schools cannot offer sports programs and municipalities cannot run emergency rescue vehicles, then our youth and elderly will suffer. When our businesses cannot make a profit, then jobs will disappear. When local governments face outrageous suits, the taxpayer picks up the bill. The mounting national catalog of horror stories and unfortunate consequences of the liability explosion is just mind-boggling.

Disbelief, outrage, and despair are natural reactions for those whose actions and livelihoods are jeopardized. We in Congress are terribly concerned, but we must also guard against misdiagnosing the problems and misprescribing the solutions. The problems and the solutions for the liability crisis, like the elephant described by the six blind men, take on a different character when viewed from the perspective of product liability, or environmental liability, or professional liability, or local government liability.

The very best role for the Congress at this point is to help State governments and our

constituents look beyond their outrage, despair, and paralysis to find concrete solutions.

I would like to make some suggestions about where I think these solutions will be found and who should find them.

As one who served in the State legislature in Illinois for a number of years before coming to Congress, I strongly believe that most of these liability issues can best be addressed at the State level. Some States have already taken action to get liability problems under control. In other States, the conflicts between people with a vested interest in promoting ever-wider definitions of actions subject to litigation and those who seek to reestablish some balance has led to paralysis and inaction. This is the case even in areas like medical malpractice where 10 years of experience with the liability crisis have made it clearer and clearer what needs to be done.

It is time for us all to face a few fundamental facts. First, the tort system is not a comprehensive social insurance plan. Not all wrongs can be righted through the tort system, and certainly not by dragging "deep pocket" defendants with minimal fault into suits in hopes of large settlements under a joint and several liability standard. Comparative fault must be reestablished as the standard to judge the financial liability of minor parties in tort suits.

Second, there must be some reasonable cap, say $250,000, placed on awards for noneconomic losses. As the shuttle tragedy so clearly brought home to all of us, pain and suffering are very real. When something unfortunate strikes us or a loved one, there is not enough money in the entire world to ease the pain. Judges and juries know this, too. Pain and suffering can only be valued at an arbitrary level, sometimes upwards of $1 million.

Without a cap, however, and without a reasonable relationship between culpability and financial liability, we will soon be living in a world without insurance and full of bankruptcy and taxpayer revolts.

Insurance can only exist where risks are relatively predictable and can be spread. That is not the case today. Insurance is an extremely complicated product, one whose price must reflect actuarial calculations of risk. The capitalization, pricing, and management of insurance must be monitored carefully and conscientiously by the State so that consumer interests are protected. We need better insurance, not less insurance or a pie-in-the-sky illusion that the Federal Government can somehow pay the tab for all the risks that no one else is able to cover.

Caps and the restoration of a comparative negligence standard are the two most essential elements in ensuring that, in the future, harmed parties will be able to be compensated. If we keep going with a redistribution approach which seeks compensation for harmed parties without regard for negligence or cost, we will stifle the tort system and wipe out the best means we have for allowing calculated risks to be taken that will lead to a better and safer world.

State governments that have not yet acted must face up to their responsibilities to make these changes and others that will over time restore balance to the civil justice system. In areas where they cannot or will not take action, it is likely that the Federal Government will eventually have to intervene to ensure that this growing crisis does not continue.

PERSONAL EXPLANATION

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. LELAND. Mr. Speaker, I was unavoidedly absent yesterday. I regret I missed the votes on Senate bill 2036 which made certain technical corrections to amendments made by the Food Security Act of 1985 and the committee amendment to H.R. 3010 which reduced the authorizations for fiscal year 1986 from $64.9 million to $28.1 million—the latter figure is the amount Congress appropriated for health planning for this fiscal year in the Labor-HHS appropriations bill signed into law December 1985. Had I been here, I would have voted yes on both questions.

JIM SIVELLE RETIRES FROM J.C. PENNEY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. LEWIS of California. Mr. Speaker, I rise today to recognize the accomplishments of an exemplary citizen: Mr. Jim Sivelle of San Bernardino, CA. This year, Jim will retire from the J.C. Penney Co. after 39 years of dedicated service.

A long-time resident of San Bernardino County, Jim Sivelle has touched the lives of many. He is a true gentleman, one whose devotion to helping others has earned him the respect and admiration of his peers. Jim enjoys involving himself in the community, exhibited by his past and present memberships on the boards of the San Bernardino Chamber of Commerce, the Salvation Army, the San Bernardino Community Hospital, and the YMCA. He led the way in the 1974 Arrowhead United Way campaign and presided over the San Bernardino Rotary Club in 1975 and 1976. Jim has been president of the San Bernadino Downtown Associates, and has served on the Central City Committee. Our community owes much to this caring individual.

Through the years, Jim has served on the board of the National Orange Show; demonstrating his involvement in one of his community's leading interests. His participation as a member of the 35th Congressional District's Academy Review Board has been invaluable. The members of this board meet periodically to interview the young men and women who have been nominated for admission to a military service academy to ensure that they meet all qualifications and requirements for admission. He has worked closely with my staff in this regard, and has established an excellent rapport with them, typical of Jim's professional, yet personable demeanor.

Jim and his wife, Betty, are model citizens. They represent all that is good about the people of our great Nation. It has been my experience while in Congress that the pages of the RECORD are reserved for the exceptional, the heroic, and the deeds of statesmen. There are times, however, when we run across someone who is a good neighbor, a friend to many and an example for our children. Such a man is Jim Sivelle.

Mr. Speaker, I ask my colleagues here in the House of Representatives to join with me, friends and family, in wishing all the best for healthy, happy retirement to Jim Sivelle, one of the good guys.

INTRODUCTION OF CAPULIN MOUNTAIN NATIONAL MONUMENT BILL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. RICHARDSON. Mr. Speaker, I wanted to take this opportunity to share with my colleagues my introduction of a bill that would transfer 17.5 acres of public land to the Capulin National Monument. The bill is noncontroversial and would basically include land in the monument area in northeastern New Mexico to serve as a buffer zone to the westerly side of this environmentally unique area.

Capulin Mountain, a recently extinct volcano, erupted three times over an estimated 2,000 year period—the last eruption occurred approximately 10,000 years ago. The existing monument boundary contains approximately 0.5 square miles of the 25 square miles of lava flows. The second lava flow from the mountain formed an outstanding lava dike.

Mr. Speaker, the National Park Service in 1984 outlined the many benefits to be derived from a bill that would include the transfer of the 17.5 acres of public land in question. If the tract is included within the boundary it would contain the only portion of the outstanding collapsed lava tube formation within the monument area. That remnant of volcanic lava flow would be in plain view from the entrance road to the monument; provide an opportunity for onsite interpretation of the geologic formation; and prevent the removal of lava rock.

The acquisition of all lands within the authorized boundary of Capulin Mountain was completed 14 years ago when 95 acres were acquired from the State of New Mexico. This land was then transferred to the National Park Service in a land exchange between the State of New Mexico and the Bureau of Land Management. As a part of the exchange the State relinquished title to 17.5 acres of land that lie outside and adjacent to the western boundary of the monument and north of the entrance road.

On November 27, 1972, the National Park Service filed a request for the withdrawal of the 17.5 acres in question for the expressed purpose of adding the property to the Capulin Mountain National Monument.

Mr. Speaker, back in January 1975, a notice of proposed withdrawal was published in the Federal Register by the Bureau of Land Management. The notice stated that the BLM would undertake an investigation to examine

the potential demand on the 17.5 acres of land and its resources and invited the public to comment or state their objections in connection with the proposed withdrawal. No public response was received.

Further, 16-years ago, the BLM published in the Federal Register, 43 CFR Public Land Order 5723 entitled, "New Mexico; Withdrawal in Aid of Legislation for Capulin Mountain National Monument." The order stated that, "This order will withdraw 17.464 acres of land under the general land laws for use as a buffer area in connection with administration by the National Park Service of the Capulin Mountain National Monument." The withdrawal remained in effect for not more than 5 years of the order—ending on May 13, 1985. The only public response to that 1980 notice was a positive one—received from the Eastern Plains Council of Governments from Clovis, New Mexico. The Clovis Council of Governments supported the withdrawal of the land and the inclusion of the acreage within the boundary of Capulin Mountain National Monument.

Mr. Speaker, the withdrawal order has expired and has signaled the need for legislation so that the 17.5 acres in question can be made a permanent part of the Capulin Mountain National Monument. I hope that my colleagues will take the opportunity to review this legislation and lend their support to my effort to enhance the unique nature of the Capulin Mountain National Monument.

REVISING SOCIAL SECURITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 5, 1986 into the CONGRESSIONAL RECORD:

REVISING SOCIAL SECURITY

Last session when Congress passed the Gramm-Rudman budget balancing plan, it exempted social security from the automatic cuts that may be required to achieve specified reductions in the deficit over the next 5 years. My sense, however, is that this exemption may shortly be re-examined, as Congress is forced to examine the fairness of the pending cutbacks required by the new law.

Under Gramm-Rudman, any year Congress and the President fail to meet specific deficit reduction targets, across-the-board cuts will automatically be made. Since more than 50 percent of the federal budget, including social security, was exempted from the automatic cuts, the effect on the remaining programs could be enormous. Beginning in October, many domestic programs, like the FBI, could be cut up to 25 percent and many defense programs up to 18 percent. Several worthy programs may be eliminated altogether. In this climate, even some strong supporters of social security, in both the Congress and the executive branch, are beginning to think that unless modest savings are found in social security, severe cuts will have to be made in other programs they also firmly support.

The pressure to revisit social security also comes from a series of reports on how the financial status of older persons has changed remarkably in recent years. On the average, America's older citizens are now better off financially than the population as a whole, and have more spendable discretionary income per capita (the amount after paying for taxes and necessities) than any other age group. Moreover, in 1970, the poverty rate among older persons was the highest of all age groups; today the poverty rate of children is the highest, almost double that of seniors. Certainly the rapid improvement in the financial status of older persons is one of the federal government's major success stories, and improving that status will remain a goal. But it has also raised questions about the fairness in the allocation of dwindling federal dollars. The 11 percent of the population that is over 65 receives 51 percent of all government spending for social services.

Several other arguments are made in favor of revisiting social security. First, social security is basically a transfer of wealth between generations, as the social security taxes of those working go out almost immediately to pay the benefits of those retired. In its worst light, social security can involve taxing a struggling low-income family to pay benefits to a millionaire retiree. Moreover, today's social security beneficiary receives, on the average, $2.50 back for every $1.00 that he and his employer combined paid into the system, plus real inflation. A typical worker entering the labor force today could end up getting back less than what he and his employer paid in. Second, another concern is that under Gramm-Rudman, programs like social security that stress present consumption could be spared, while programs that stress investment in the future (such as research, basic physical infrastructure, and education) could be sharply cut. Third, the political pressures for cutting social security are starting to grow, as other groups already seeing their benefits being eroded, such as federal retirees, object to exempting social security. Moreover, the broad constituency for social security may be weakening, as the upper-middle class comes to rely more on private pensions and tax-subsidized retirement plans, and as the baby-boom generation, which now constitutes nearly 45 percent of the voting population, is becoming increasingly skeptical about the benefits they will get from social security.

Yet it is clear to me that there are major constraints on trimming social security. Congress is aware that older persons vary widely in their degree of financial security. While many are wealthy, many are still poor, and depend upon social security for their very livelihood. Cuts in benefits for older persons who are poor or of moderate means could impose severe hardships, and would find little support in Congress. Moreover, given the past political damage inflicted on any public official merely suggesting a cut in social security, Congress will be very cautious about considering changes. I would not expect Congress to review social security for savings except in the context of a very broad budget-reduction compromise—including domestic cuts, defense cuts, and some form of revenue increases. Social security would be called on for sacrifices only if all others are sharing in the sacrifice.

In its overall spending reduction effort, Congress will likely be reviewing a wide variety of programs to determine if benefits are going to those who may not really need them, such as looking at low-cost lunches given middle-class schoolchildren, free hospital care for upper-income veterans, or farm subsidies given wealthy corporate farms. "Means-testing" and "targeting benefits" will be heard more and more around the halls of Congress. In the same vein, Congress may scrutinize the extent to which social security benefits are going to well-to-do retirees. For example, one-fifth of all social security payments go to people with total incomes exceeding $25,000, and 700,000 people with incomes above $50,000 a year receive social security benefits. One possible change in social security mentioned recently would be to tax a larger portion of the benefits provided to the well-to-do. That could raise some $8 billion a year. Although a significant amount, it falls far short of the overall deficit reduction targets set by Gramm-Rudman. Achieving savings of that magnitude will take sacrifices by more than simply older persons.

My conversations with Hoosiers convince me that older persons are willing to respond to the spirit of shared sacrifice. Even a major lobbying group representing retirees has said that some savings in social security would be acceptable if they come in the context of an across-the-board attack on the deficit. The huge federal deficit harms all Americans, including older Americans.

It is still very uncertain whether Gramm-Rudman will lead Congress to seek a broad compromise of shared sacrifice or whether it will produce an even greater budget deadlock than before. Whether social security will be reviewed for possible savings depends upon the willingness of others to put other "untouchable" programs on the table for a similar review.

THE VALIANT VETERANS OF IWO JIMA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. GILMAN. Mr. Speaker, this month marks the 41st anniversary of one of the most celebrated battles, in military history and in the history of the United States.

Few times in history have men fought so valiantly and died so bravely for such a paltry piece of real estate as was the case at Iwo Jima in 1945. The island of Iwo Jima measures only 4⅔ miles by 2½ miles. Before World War II, Iwo Jima was noted only for its sulphur deposits and for the remnants of ancient volcanic activity.

The geographic insignificance of Iwo Jima in itself, however, belies the strategic importance that the island assumed during the Pacific conflict. Although nature had given Iwo Jima nothing worth fighting for, the control of the island became a key in the struggle for victory in the Pacific basin.

The Japanese had made the barren island of Iwo Jima a major base for air attack on American-held Saipan. At the time of the American invasion, the Japanese had two airfields at total operating capacity, and were busily completing construction on a third. The control of Iwo was essential to the American forces, not only because it would eliminate a staging area for Japanese offensive activities, but also because it would provide American forces with a way station for bombers and

fighter escorts only 660 miles away from Japan's home islands.

Thus, although we took severe casualities in capturing Iwo Jima, our courageous comrades saved countless American lives by eliminating a crucial center of offensive operations, and by helping pave a path to Tokyo.

Mr. Speaker, I am one of thousands of Americans who owe a personal, direct debt of gratitude to our heroes of Iwo Jima. As a staff sergeant in the 19th Bomb Group of the 20th Air Force. My crew had to land on Iwo Jima several times on our way back from the home islands. In fact, over 24,000 American airmen found refuge on Iwo Jima before the war ended. A great debt is owed to those who secured Iwo Jima for the United States, an action which demonstrably helped end the war.

Those heroes represent one of the heaviest tolls ever taken in one military action—6,821 marines and sailors were killed and 19,217 more were wounded during the 5-week battle which began on February 19, 1945. For heroism during the battle for Iwo Jima, 24 Medals of Honor were awarded. Adm. Chester Nimitz was accurate when he remarked of those who fought there: "On Iwo Jima, uncommon valor was a common virtue."

Iwo Jima will always be remembered by Americans due in large part to the famous photograph taken by Associated Press Photographer Joe Rosenthal of the raising of the American flag on Mount Suribachi. Three of the six brave marines portrayed in what has been called the most famous photo of all time did not survive the battle. Immediately after taking the famous photograph, Rosenthal asked the marines to pose for another photo after the flag was raised. When his editor asked him if his photo was posed, Rosenthal assumed he was referring to this second photograph and responded in the affirmative, thus creating an enduring yet unfortunate myth that the famed photo of the flag-raising—memorialized for all time as the basis for the Marine Corps Monument in Arlington National Cemetery—was not authentic. In reality, it is a candid and fitting symobl of marine bravery and heroism.

Mr. Speaker, it is partially because of this immortal heroism and partially because of Iwo Jima's strategic importance—an importance for which so many offered and gave their lives—in the Pacific that I have, in the past, voiced objection to our Nation's returning Iwo to the Japanese.

Mr. Speaker, as we again approach the anniversary of the bloody battle of Iwo Jima, let us not forget to offer our heartfelt thanks to those who gave so much.

On February 22, 1986, the Iwo Jima Survivors Association of New York will be conducting ceremonies in Wappingers Falls, NY, to commemorate the solemn occasion of the 41st anniversary of the battle. These survivors represent a body of Americans to whom we all owe more than can be repaid.

I invite my colleagues to join with me in saluting these valiant veterans, and offering our Nation's heartfelt thanks.

DONALD L. RISHEL

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. KOLTER. Mr. Speaker, I rise today with regret to note the death January 23, of former Union Township supervisor and Democratic commiteeman Donald L. Rishel of Lawrence County, PA. He was a community leader of great initiative and success, providing an outstanding example of resource and accomplishment for all who knew him.

Donald was a Union Township supervisor for 6 years. He was employed as a machine operator for the Mesta Machine Co. for 15 years. He later worked for 12 years with the Pennsylvania Department of Transportation where he was a foreman, retiring from PennDot in 1982.

Donald will long be remembered as an outstanding example of personal and moral strength and stamina for standing for what was right, when an easier political way might have been available. We will all remember him for his effective leadership and his unusual ability to help others.

For those who knew him, Donald has forever earned a place in our hearts and our memories. Our prayers and thoughts go out to his wife, Edna; his son's David B. and Darrell L.; and his daughter, Dee. I am proud to pay tribute to this exceptional man, Donald L. Rishel.

SALE OF FEDERAL POWER MARKETING ADMINISTRATIONS SHORT-SIGHTED

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. DASCHLE. Mr. Speaker, I am deeply disappointed that the President has included a proposal to auction off the Bonneville Power Administration, the Western Area Power Administration [WAPA], the Tennessee Valley Authority and the Southwestern Power Administration in his proposed fiscal year 1987 budget. While privatization of Government assets may make sense in some cases, the facts bear out that this particular sale is clearly short-sighted and should be rejected by Congress.

The proposal to sell off these Federal power marketing administrations is a blatant effort to turn Federal dams into cash registers to finance other Government programs and expenditures. This plan simply does not make economic sense in the long run. Its short-term gains would be more than offset by long-term losses for all taxpayers, and especially the people of rural America.

Most of the Government's 174 powerplants in the Federal Power Program were launched to ensure comprehensive use and Government management of public resources—the Nation's rivers—and to promote economic development. Private companies would never have the capital to build such projects.

These projects are more than just powerplants, having been built to serve many purposes, such as flood control, navigation, recreation, irrigation, fish and wildlife protection, and salinity control, which are only partially or not at all reimbursable. Even if private power companies had the capital, they could not be expected to provide these public benefits as the Government now does.

Mr. Speaker, clearly there is no long-term benefit to be gained by selling Government powerplants. Turbines, transmission lines, substations, and other working parts of this significant public asset become more and more valuable each year as the Federal Government moves closer to free-and-clear ownership. Once they are paid for, they will remain important revenue-raising assets.

And do not be deceived; these agencies do pay their own way.

Unlike most Federal service programs, power projects are required by law to pay their own way. From construction of the power project through maintenance and operation, all costs to the Government are systematically recovered in full. All costs are paid by the people who use the electricity, not the general public. Rates are set, and adjusted as needed, to guarantee the Government a full payback plus substantial interest.

WAPA is repaying its debt to the Federal Government, and the Government is profiting. In fiscal year 1985, WAPA repaid $233 million of outstanding principal and $136 million in interest. To date, 42 percent—$1.76 billion—of the debt has been paid. By any measure, this is a good financial relationship for WAPA, its customers, and the Government.

Federal power agencies actually return revenue to the Federal Government every single year, helping to reduce the Federal deficit. Last year, the agencies returned over $1 billion to the U.S. Treasury. Clearly, the President's proposal is driven by abstract ideology—not realistic fiscal judgment.

The sale of hydroelectric plants would trade the lower interest rates that were in effect when these projects were built for the substantially higher rates that prevail today. New owners would have to finance them at today's interest rates, and the cost would be passed on dollar for dollar to the consumer.

This exchange will have a devastating economic effect on consumers of Federal power. In my State of South Dakota, East River Power Cooperative, with 60,000 customers, would pay $30 million more per year if commercial rates were applied. On the average, that would translate into an increase of at least $500 a year for their power customers.

In South Dakota, 1,468 manufacturers, retailers, and small businesses—employing 11,637 people and infusing $847 million into the economy—would be adversely affected by the President's plan, and directly or indirectly, 37,148 farms producing agricultural commodities valued at $2.5 billion would also be hurt. The dramatic rate increases which would follow the sale of WAPA could not come at a worse time, as our farms and farm communities are suffering the harshest economic crisis since the Depression.

I oppose the President's proposal to sell the Western Area Power Administration and other

Federal marketing administrations to commercial power utilities. I urge my colleagues to review all the facts and summarily reject this ill-conceived scheme.

TRANSAFRICA ON THE VISIT OF JONAS SAVIMBI

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1986

Mr. DYMALLY. Mr. Speaker, I bring to your attention a letter, addressed to me, from Transafrica, regarding the visit of Jonas Savimbi, to the United States. The letter follows:

TRANSAFRICA,
Washington, DC, January 29, 1986.

Hon. MERVYN M. DYMALLY,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DYMALLY: Our nation is on the verge of exacerbating violence and regional conflict in Southern Africa. We, concerned citizens and staunch opponents of apartheid, are urging you to take immediate action to protect American national interests, and contribute to a peaceful resolution of the problems in that troubled area of the world.

As you know, there is a proposal within the Administration to provide covert military assistance to UNITA. This South African financed and directed group, is the apartheid regime's instrument for attacking and subverting the sovereign nation of Angola. There are also several bills pending in the House of Representatives which would provide various forms of assistance to UNITA.

All of these proposals are being advanced just as our country is beginning to move in the right direction of forthright opposition to apartheid in South Africa. You will recall how long and difficult it was to get the Administration to invoke very limited sanctions against the South African regime. The current attempts to aid UNITA would severely undermine our achievements so far and put us squarely on the side of apartheid South Africa.

For years the South African regime has pursued openly a two-pronged strategy designed to ensure the survival of its apartheid system: pervasive repression at home and destabilization—military, economic or otherwise—of neighboring states. For over ten years now, South African forces have terrorized, bombed, invaded and occupied large areas of Angola.

Jonas Savimbi's UNITA exists solely to prosecute this destabilization of Angola on South Africa's behalf. UNITA rebels are trained, supplied and directed by South Africa. These facts are well documented in numerous news reports and in accounts given by captured South African and UNITA personnel.

Clearly South Africa wants to establish a puppet regime in Angola that would protect apartheid. Jonas Savimbi, whose notorious career began as a self-proclaimed Maoist guerrilla is South Africa's choice to head a subjugated Angola.

South Africa's aggression against its neighbors are of course not confined to Angola. In Mozambique and Botswana, defenseless men, women, and children have been murdered by South African commandos. Tiny, landlocked Lesotho, presently blockaded by South African troops, has also seen its citizens and South African refugees murdered in cold blood by South African soldiers.

In light of all this, it is incomprehensible that our country would want to associate with South Africa's reign of terror by supporting its surrogate. Bishop Desmond Tutu and other anti-apartheid leaders in South Africa have said repeatedly that aid to UNITA is aid to South Africa. Moreover, the Angolan government has expressed its readiness to improve relations with the United States. Many American corporations have profitable investments in Angola which are protected by Angolan and Cuban troops. And the Angolan government has made it clear that once it is no longer threatened by South Africa, the Cubans would leave.

The only conceivable explanation for aiding Jonas Savimbi is that those in this country who support South Africa now want to seize the offensive, roll back the effects of the limited sanctions, and indeed reduce the burden on the South African economy of supporting UNITA.

If we aid UNITA, our national ideals and long term interests in Africa would be irretrievably injured; America should incur the anger and disrespect of not only oppressed black South Africans, but also other Africans and those everywhere opposed to apartheid.

We ask you to stand firm to defend our national honor and keep America heading in the right direction—in support of peace and justice for Southern Africans. We implore you to oppose any form of aid or support for UNITA.

Sincerely,

Hon. James Abourezk, Former U.S. Senator; Hon. Toney Anaya, Governor, State of New Mexico; Hon. Marion S. Barry, Jr., Mayor, City of Washington, DC; Bishop John Hurst Adams, Chairman, Congress of National Black Churches; Arthur Ashe, Co-Chairman, Artists and Athletes Against Apartheid; Hon. Mary Frances Berry, U.S. Commission on Civil Rights; Hon. Julian Bond, Georgia State Senator; Cesar E. Chavez, President, United Farm Workers of America; Bishop Philip Cousin, President, National Council of Churches in the USA; Hon. David N. Dinkins, Manhattan Borough President, City of New York; Jerry Dunfey, Omni/Dunfey Hotels; Mary Hatwood Futrell, President, National Education Association; Dorothy I. Height, National President, National Council of Negro Women; Hon. Benjamin L. Hooks, Executive Director, NAACP; John Jacob, Executive Director, National Urban League; Dr. Joseph E. Lowery, President, Southern Christian Leadership Conference; Leon Lynch, President, United Steelworkers of America; Gerald W. McEntee, International President, AFSCME; Randall Robinson, Executive Director, TransAfrica; Timothy Smith, Executive Director, Interfaith Center on Corporate Responsibility; Rev. Arie Brouwer, General Secretary, National Council of Churches in the USA; Rev. Benjamin Chavis, Executive Director, United Church of Christ Commission for Racial Justice; Jennifer Davis, Executive Director, American Committee on Africa; Barbara Dudley, Executive Director, National Lawyers Guild; Hon. Robert Farrell, President, National Black Caucus of Local Elected Officials; Hon. Richard G. Hatcher, Mayor, City of Gary; Dr. Sylvia Hill, Free South Africa Movement Steering Committee; Rev. Jesse Jackson, Chairman, National Rainbow Coalition; Corretta Scott King, President, Martin Luther King Center for Non-Violent Social Change; William Lucy, President, Coalition of Black Trade Unionists; Gay McDougal, Director, Southern Africa Project, Lawyers Committee for Civil Rights Under the Law; Eleanor Holmes Norton, Professor of Law, Georgetown University Law Center; Dr. Jean Sindab, Executive Director, Washington Office on Africa; Eleanor Smeal, President, National Organization of Women; Marc Stepp, Vice President, United Auto Workers of America; Hon. Percy E. Sutton, Chairman, Inner City Broadcasting Corporation; Robert L. White, President, National Alliance of Postal and Federal Employees; Franklin H. Williams, President, Phelps-Stokes Fund; Hon. Coleman Young, Mayor, City of Detroit; Rev. Leon Sullivan, Pastor, Zion Baptist Church, City of Philadelphia; Hon. Maxine Waters, Assemblywoman, 48th Assembly District of California; Roger Wilkins, Free South Africa Movement Steering Committee; Hon. Andrew Young, Mayor, City of Atlanta.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 6, 1986, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 7

9:00 a.m.

Joint Economic

To hold hearings on the employment/unemployment situation for January.

SD-562

9:30 a.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold hearings on proposed legislation providing for the renewal of the Charter of the Export-Import Bank.
SD-538

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1987 budget.
SD-608

FEBRUARY 18

9:30 a.m.
Energy and Natural Resources
To continue oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1987, focusing on the Department of Energy.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the American Battle Monuments Commission, Army cemeterial expenses, Office of Consumer Affairs (Department of Commerce), Consumer Information Center, and the Consumer Product Safety Commission.
SD-124

Foreign Relations
To resume hearings on S. 1972 and S. 2021, bills to authorize military and humanitarian assistance for the National Union for the Total Independence of Angola (UNITA), and S. Res. 280, expressing the sense of the Senate regarding support by the United States for the UNITA.
SD-219

Select on Indian Affairs
To hold hearings on those programs which fall within the jurisdiction of the committee as contained in the President's budget requests for fiscal year 1987.
SD-628

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the accident of the space shuttle flight 51L.
SR-253

Energy and Natural Resources
To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1987, focusing on the Department of the Interior.
SD-366

FEBRUARY 19

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on liability insurance, focusing on the availability and affordability of insurance in various property and casualty lines.
SR-253

Energy and Natural Resources
To continue oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1987, focusing on the Federal Energy Regulatory Commission.
SD-366

Select on Intelligence
To hold closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Transportation.
SD-138

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on S. 1990, to establish an Education and Training Partnership to administer the Job Training Partnership Act, the Wagner-Peyser Act, and the Carl D. Perkins Vocational Education Act.
SD-430

10:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Advisory Council on Historic Preservation, Woodrow Wilson International Center for Scholars, and National Capital Planning Commission.
SD-124

1:30 p.m.
Appropriations
To hold hearings to review the President's proposed budget for fiscal year 1987.
SD-192

2:30 p.m.
Energy and Natural Resources
To continue oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1987, focusing on Forest Service programs of the Department of Agriculture.
SD-366

FEBRUARY 20

9:30 a.m.
Small Business
To hold hearings on the cost and availability of liability insurance for small business.
SR-428A

Veterans' Affairs
To hold hearings on proposed budget estimates for fiscal year 1987 for the Veterans' Administration.
SR-418

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Council on Environmental Quality, Selective Service System, Federal Home Loan Bank Board, Neighborhood Reinvestment Corporation, and the National Institute of Building Sciences.
SD-124

Environment and Public Works
To hold hearings on proposed legislation authorizing funds for fiscal year 1987 for the Environmental Protection Agency.
SD-406

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism.
SD-430

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the Fire Prevention and Control Act.
SR-253

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

FEBRUARY 21

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 477, to revise the standards of railroad revenue-adequacy, railroad market dominance, railroad rate reasonableness, and the Interstate Commerce Commission review of State ruling on intrastate rail rates.
SR-253

Finance
Health Subcommittee
To hold hearings to review hospital income under the Medicare prospective payment system.
SD-215

Labor and Human Resources
Handicapped Subcommittee
To resume hearings on proposed legislation authorizing funds for education of the handicapped, focusing on discretionary programs.
SD-430

Small Business
To continue hearings on the cost and availability of liability insurance for small business.
SR-428A

Special on Aging
To hold hearings on the impact of Gramm-Rudman on the elderly.
SD-628

10:00 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on certain proposals under the jurisdiction of the subcommittee, including S. 416, S. 530, H.R. 1343, S. 1766, S. 1819, H.R. 105, H.R. 934, H.R. 1390, and H.R. 1963.
SD-366

Environment and Public Works
To hold hearings on proposed legislation authorizing funds for fiscal year 1987 for the Fish and Wildlife Service.
SD-406

FEBRUARY 24

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1686, to implement a research program regarding specified aspects of fuel cell technology, and S. 1687, to develop a national policy for the utilization of fuel cell technology.
SD-366

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Bureau of Land Management, Department of the Interior.
SD-138

FEBRUARY 25

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on S. 1990, to establish an Education and Training Partnership to administer the Job Training Partnership Act, the Wagner-Peyser Act, and the Carl D. Perkins Vocational Education Act.
SD-430

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Disabled American Veterans.
SD-106

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Credit Union Administration, Office of Revenue Sharing (Department of the Treasury), and the Office of Science and Technology Policy.
SD-124

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary of Labor and the Employment and Training Administration, Department of Labor.
SD-116

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Strategic Petroleum Reserve, Naval Petroleum Reserve, and Office of Emergency Preparedness.
SD-138

Armed Services
Military Construction Subcommittee
To hold hearings on the strategic homeporting initiative.
SR-222

Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for the Veterans' Administration.
SR-418

FEBRUARY 26

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Paralyzed Veterans of America, Blinded Veterans of America, and the Military Order of the Purple Heart.
SD-106

9:30 a.m.
Appropriations
* Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Mine Safety and Health Administration, Employment Standards Administration, and Bureau of Labor Statistics, all of the Department of Labor, and the Pension Benefit Guaranty Corporation.
SD-116

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 1999, to provide for a uniform product liability law.
SR-253

Foreign Relations
European Affairs Subcommittee
To hold hearings to review the most favored nation status of Romania.
SD-419

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Research and Special Programs Administration and the Office of Inspector General, Department of Transportation.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

1:30 p.m.
Appropriations
To hold hearings to review the President's proposed budget for fiscal year 1987.
SD-192

FEBRUARY 27

9:00 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 1997, to impose a tax on the importation of crude oil and refined petroleum products, and S. 1507, to increase the tariff on imported crude oil and refined petroleum products.
SD-215

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Departmental Management, Occupational Safety and Health Administration, and Labor Management Services, all of the Department of Labor.
SD-116

Commerce, Science, and Transporation
Consumer Subcommittee
To continue hearings on S. 1999, to provide for a uniform product liability law.
SR-253

Rules and Administration
Business meeting, to mark up committee funding resolutions for 1986 and to consider other pending calendar business.
SR-301

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1885, to establish a Military Auxiliary Revolving Fund within the Treasury of the United States.
SD-562

Energy and Natural Resources
To hold closed hearings on the status of Micronesia.
SH-219

Foreign Relations
To hold hearings to review United States policy toward Nicaragua.
SD-419

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings to review alleged Department of Defense subcontractor kickbacks.
SD-342

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for Head Start.
SD-430

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1987 for NASA.
SR-253

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

FEBRUARY 28

9:00 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To continue hearings on S. 1997, to impose a tax on the importation of crude oil and refined petroleum products, and S. 1507, to increase the tariff

of imported crude oil and refined petroleum products.
SD-215

MARCH 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary of Health and Human Services.
SD-116

Commerce, Science, and Transportation
To resume hearings on liability insurance, focusing on the availability and affordability of insurance in various property and casualty lines.
SR-253

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.
SD-106

10:00 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on certain proposals under the jurisdiction of the subcommittee, including S. 1021, H.R. 1795, S. 1568, S. 1617, S. 1638, H.R. 1593, S. 1690, S. 1888, S. 1963, and S. 2031.
SD-366

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Pennsylvania Avenue Development Corporation, Commission on Fine Arts, and the National Gallery of Art.
SD-138

MARCH 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community
SH-219

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Science Foundation, and the Federal Emergency Management Agency.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Highway Administration and the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold oversight hearings on the District of Columbia courts.
SD-342

MARCH 6

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Minerals Management Service, Department of the Interior.
SD-138

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

MARCH 10

9:30 a.m.
*Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1987 for the National Institutes of Health, Department of Health and Human Services.
SD-116

MARCH 11

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on proposed legislation authorizing funds for job training programs.
SD-430

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1987 for the National Institutes of Health, Department of Health and Human Services.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Park Service, Department of the Interior.
SD-138

MARCH 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Health Resources and Services Administration and the Office of the Assistant Secretary for Health, both of the Department of Health and Human Services.
SD-116

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Environmental Protection Agency.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the St. Lawrence Seaway Development Corporation, Department of Transportation, and the Panama Canal Commission.
SD-138

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of the Treasury, focusing on multilateral development banks.
SD-124

MARCH 13

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on proposed legislation authorizing funds for job training programs.
SD-430

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Centers for Disease Control, Alcohol, Drug Abuse and Mental Health Administration, Office of Inspector General, and Office of Civil Rights, all of the Department of Health and Human Services.
SD-116

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on on proposed budget estimates for fiscal year 1987 for foreign assistance programs of the Department of State.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of the Interior.
SD-138

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

MARCH 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Health Care Financing Administration, Social Security Administration, Office of Child Support Enforcement, and refugee programs, all of the Department of Health and Human Services.
SD-116

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the retirement policy for public safety officials under the Age Discrimination in Employment Act.
SD-430

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for international security assistance programs of the Department of State.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the United States Geological Survey, Department of the Interior.
SD-138

MARCH 19

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Human Development Services, Office of Community Services, Departmental Management (salaries and expenses), and Policy Research, all of the Department of Health and Human Services.
SD-116

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Veterans Administration.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Transportation Safety Board, Department of Transportation, and the Architectural and Transportation Barriers Compliance Board.
SD-138

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Export-Import Bank.
S-126, Capitol

MARCH 20

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold hearings on proposed legislation authorizing funds for rehabilitation programs.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Indian Education, Department of Education, and the Institute of Museum Services.
SD-138

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

MARCH 25

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To resume hearings on proposed legislation authorizing funds for rehabilitation programs.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Holocaust Memorial, and the Bureau of Mines, Department of the Interior.
SD-138

MARCH 26

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Interstate Commerce Commission and the Office of the Secretary of Transportation.
SD-138

MARCH 27

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Forest Service, Department of Agriculture.
SD-138

APRIL 8

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy conservation programs.
SD-138

APRIL 9

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary of Education, Departmental Management (salaries and expenses), Office for Civil Rights, and Office of Inspector General, all of the Department of Education.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).
SD-138

APRIL 10

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including elementary and secondary education, education block grants, and impact aid.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Inspector General, Agency for International Development, Peace Corps, Inter-American Foundation, and the African Development Foundation.
S-126, Capitol

APRIL 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including education for the handicapped, rehabilitation services and handicapped research, and special institutions (including Howard University).
SD-116

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Agency for International Development.
S-126, Capitol

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1987 for the Agency for International Development.
S-126, Capitol
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Endowment for the Arts and National Endowment for the Humanities.
SD-138

APRIL 16

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, World War I Veterans, Jewish War Veterans of the U.S.A., and Atomic Veterans.
SD-106
9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including student financial assistance, guaranteed student loans, higher and continuing education, higher education facilities loans and insurance, college housing loans, and educational research and training.
SD-116
10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Aeronautics and Space Administration.
SD-124
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Coast Guard, Department of Transportation.
SD-138

APRIL 17

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including bilingual education, vocational and adult education, education statistics, libraries, and the National Institute of Education.
SD-116
2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for foreign assistance programs.
S-126, Capitol
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-192

APRIL 22

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Soldiers' and Airmen's Home, Prospective Payment Commission, Railroad Retirement Board, National Labor Relations Board, National Mediation Board, Occupational Safety and Health Review Commission, Federal Mediation and Conciliation Service, and the United States Institute of Peace.
SD-116
2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on international narcotics control, migration and refugee assistance, and anti-terrorism programs.
S-126, Capitol
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Navajo-Hopi Indian Relocation Commission, and the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior.
SD-192

APRIL 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for ACTION (domestic programs), Corporation for Public Broadcasting, National Council on the Handicapped, Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, and National Center for the Study of Afro-American History and Culture.
SD-116
10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the United States Railway Association and Conrail.
SD-138

APRIL 24

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1018, to clarify the meaning of the term "guard" for the purpose of permitting certain labor organizations to be certified by the National Labor Relations Board as representatives of employees other than plant guards.
SD-430
10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on voluntary contributions to international organizations programs, and for the Office of the U.S. Representative to the United Nations.
SD-138
2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Energy Information Administration and the Economic Regulatory Administration, Department of Energy.
SD-192

APRIL 29

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116
10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124
2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Bureau of Indian Affairs, Department of the Interior.
SD-192

APRIL 30

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Aviation Administration, Department of Transportation.
SD-138

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposesd budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for territorial affairs, Department of the Interior.
SD-192

MAY 6

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments on Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

MAY 7

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Urban Mass Transportation Administration, Department of Transportation, and the Washington Metropolitan Area Transit Authority.
SD-138

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Smithsonian Institution.
SD-192

MAY 13

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

MAY 14

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Transportation and certain related agencies.
SD-138

MAY 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for fossil energy and clean coal technology.
SD-192

MAY 20

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Indian Health Service, Department of Health and Human Services.
SD-192

MAY 29

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary and Office of the Solicitor, Department of the Interior.
SD-192

CANCELLATIONS

FEBRUARY 18

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Jed Dean Christensen, of Virginia, to be Director of the Office of Surface Mining Reclamation and Enforcement.
SD-366

SENATE—*Thursday, February 6, 1986*

(Legislative day of Monday, January 27, 1986)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by Hon. RUDY BOSCHWITZ, a Senator from the State of Minnesota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, on this 75th birthday of our President, we thank You for him and Mrs. Reagan. We thank You for the more than 3,000 people from every State in the Union and every nation in the world gathered at the National Prayer Breakfast with the President, the Vice President, Members of Congress, members of the Judiciary, and representatives of State and local governments.

We thank You for the strong reminder of Senator STENNIS, as we approach the 200th anniversary of the Constitution, that we reexamine our spiritual roots and face the future and trust in the confidence of the One who has dominated Western civilization for the last 2,000 years.

We thank You, Lord, for the spirit of that meeting; and in that spirit, we commend ourselves to Thee for the future and ask Your blessing upon this body and each Member and all who labor here and their loved ones. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 6, 1986.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RUDY BOSCHWITZ, a Senator from the State of Minnesota, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. BOSCHWITZ thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders will have 10 minutes each.

We have four special orders this morning—Senators PRESSLER, MCCONNELL, PELL, and PROXMIRE—for not to exceed 15 minutes each.

Then we have morning business until noon, with statements therein limited to 5 minutes each.

Then we will return to the consideration of Senate Resolution 28, TV in the Senate. There could be rollcall votes.

We would like to complete action on any Executive Calendar matters and any legislative matters that can be disposed of without extended debate.

TELEVISION COVERAGE OF SENATE PROCEEDINGS

We have had good debate this week on whether or not proceedings in the Senate should be televised. I have had meetings in my office, and the distinguished minority leader is probably engaged in a meeting right now in his office, on how we can put it together, if we are to have TV in the Senate.

A number of very serious questions are being asked by Members. A number have serious reservations. Some want the rules changed before we have TV in the Senate. Some do not want any rules changed. Some do not want television. Some only want television. I think we need to figure out where the majority of Senators may come down before we start voting on the matter.

I hope that if we do have television in the Senate, we can have some rules changes, so that the leadership will be able to exercise a little more flexibility in bringing matters to the floor without filibusters on a motion to proceed.

I am also concerned about the fact that some are demanding that we have in the resolution a provision that there be equal time between the majority and the minority. I do not quarrel with the equal time concept, but I am not certain how it would work. It seems to me that if we have equal time, it has to be clearly defined. I can see the majority leader in the next few years—whether on this side of the aisle or on the other side of the aisle—not being able to complete action on a proposal because someone would say there has not been equal time.

It seems to me that is an area that really needs some focus. Maybe we can focus on that during the trial period that we have TV in the Senate. But as one Senator, not speaking as part of the leadership, it seems to me very difficult. Those who have responsibility for managing the bills on the floor, as well as the leadership, the majority, may not be able in every instance to make certain that there is precisely equal time.

I look back at the budget debate last year, last May, when we had to build a so-called "tree," and all the other things, in order to get a vote, and we finally succeeded by a vote of 50 to 49.

I am not certain what will happen if there is a provision that requires equal time—how you determine that. When does somebody have to give up the floor? Does someone have to give up the floor? It seems to me that we might be shifting the burden to the Parliamentarian and the Presiding Officer.

Again, that is just one area that was raised yesterday in our discussions. I am still optimistic.

I thank all those who have been carrying on the debate on the Senate floor. I thank the distinguished minority leader, who has spent a great deal of time not only on TV in the Senate but also on appropriate rules changes. I thank the Senator from Alaska [Mr. STEVENS], who has worked on rules changes, as well as the Senator from Colorado [Mr. ARMSTRONG], who has worked on the TV part of it.

So I hope we may have some better indication in the next few hours as to just how close we might be to reaching some agreement on what I consider a very important matter.

So far as a session tomorrow is concerned, in my view, if there is one, it would be very brief.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

TELEVISION COVERAGE OF SENATE PROCEEDINGS

Mr. BYRD. Mr. President, I have not been able to hear everything the majority leader said.

I hope that if we do not get agreement on a package today, we do have a session tomorrow. If we do not have a session tomorrow, Senators will not be here to further discuss the package.

I also hope that the distinguished leader would bring us back after the recess and let us stay on this subject, because I have a great deal of hope that we can reach some agreement on

some kind of package. And failing that, I think we should have a cloture vote and see where the Senate stands on cloture. If it clotures the matter, then the Senate can vote on every one of these rules changes that I have proposed.

The resolution that I introduced does have the stature of having been to the appropriate committee and having been marked up in committee and voted out of committee, with other votes occuring in the committee. It is a resolution, as I have said before time and time again, that can be improved upon.

It is a good working resolution, but Senators with thought and time can improve on it, perhaps.

So I would hope that the distinguished majority leader would have a session tomorrow so that we can continue to try to find a way to come to some agreement on the resolution or on parts of it.

Mr. DOLE. I am prepared to do that, as I have indicated, and I believe we should bring it up again after the recess, too, if we cannot complete action.

Mr. BYRD. I thank the distinguished majority leader.

RECOGNITION OF SENATOR PRESSLER

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized under the previous order.

Mr. PRESSLER. For how long, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator from South Dakota has 15 minutes.

SUPPORTING ITALIAN PARTICIPATION IN THE SDI

Mr. PRESSLER. Mr. President, 150 years ago, De Tocqueville found the genius of American success to be the spirit of cooperation. Today, American success in major endeavors is still due to cooperation, particularly in the international arena. One of America's major efforts in the 1980's and 1990's will be just such a cooperative project: the Strategic Defense Initiative (SDI). In that effort, our European partners will play a crucial role. It seems to me that at least one of our major European partners, the Italians, are not receiving equal priority in the initial SDI research planning effort. Let me explain.

Speaking before a joint session of the U.S. Congress, the Honorable Bettino Craxi told Americans, on March 6, 1985, that Italians "view with interest the research program for the strategic defense initiative announced by President Reagan. Such a program appears to us as completely compatible with the existence of the ABM treaty * * *." Soon after, in July 1985, an Italian delegation visited the United States to discuss possible Italian contributions to the American research effort. In September, General Abrahamson and General O'Neil of the U.S. Strategic Defense Initiative Organization visited Italy to discuss Italian participation. As a result, over 60 Italian papers were proposed to the SDIO offering specific research proposals for Italian research projects. The SDIO is apparently "quite interested" in approximately 10 of these.

American and Italian concerns are now being aired at the working level, and there is hope that progress on these items may soon result in a formal agreement on Italian participation in SDI research. Indeed, the Italians have attempted to move in concert with the Federal Republic of Germany, which is currently negotiating with the United States on formal participation. The depth of the European commitment to work with the United States was most recently shown by a joint statement issued by Foreign Ministers Genscher and Andreotti on December 12, 1985, in Brussels, stating that "in order to establish a juridical framework for participation in the SDI, the German and Italian Governments will negotiate the issue with the United States."

Unfortunately, despite the importance of European participation in the SDI and Italy's proven research and design capabilities, there is a concern among some that we have not moved quickly enough to include the Italians. Serious enough in and of itself, such concern also carries over into the political and economic arenas.

The chance to participate in the SDI's research phase is viewed as an important symbol of American political support for Italy. In addition, it would meet an important foreign policy concern of Italy: a clear recognition that Italy is one of the four major European allies of the United States. Italy's sensitivities have occasionally been bruised on this issue, most recently by their lack of an invitation to the September 22, 1985, "G-5" meeting by five Western Treasury Ministers (the Federal Republic of Germany, the United Kingdom, France, and Japan met with the United States).

Italy is also concerned that it might be left behind on the European push for high-tech development if it is not included in the SDI more quickly. Such a major economic loss should be of great concern to the United States, for Italy's good will and compatible foreign policy stance has been of great assistance to the United States over the years. The United States and Italy have benefited from longstanding friendships that go all the way back to the deep friendship enjoyed by Thomas Jefferson and Filippo Mazzei, a Tuscan scholar who contributed to the drafting of the Declaration of Independence in the United States.

Italy is a good friend, ally, and partner—one of the best that the United States has. Not only is its open economy a reflection of American concerns about the need for a free trading system and open markets, but Italy actively supports the United States in its efforts to promote stability in international financial and trading relations. In addition, Italy has been one of our best partners in fighting international terrorism. It has also combined with the United States since 1983 in working to minimize the menace of organized crime, and it is an active partner in NATO efforts to modernize its defense systems. Italy accepted the deployment of cruise missiles on its territory. Bonds of mutual assistance have also tied Italy to America's various peace attempts in the Middle East, notably with the Italian contribution to the peacekeeping operations in Beirut and in the Sinai.

February will bring the long-awaited Italian parliamentary debates on Italian participation in the SDI. As a means of reassuring the Italian Government as they enter into these crucial debates, the United States might consider granting one or two SDIO research contracts to Italian firms which have offered the most promising proposals. Such a step would be compatible with past U.S. actions, including the granting of a research contract to a French firm, despite the negative French governmental response to the SDI.

Such a move would give great support and encouragement to Italian firms which have been in the forefront of the SDI debate in Italy. Indeed, it would stimulate Italian business initiatives which are already great, and which have been recently heightened even further by the July 1985 formation of CITES, an Italian consortium to promote research in strategic technologies.

In a recent visit with Italian Ambassador Petrignani, I discussed these issues. He was of the opinion that current sticking points in our discussions with the Italians, definitional concerns and security for classified technological information, were issues that could be surmounted, particularly if the United States reassured the Italians that their support truly was wanted and needed. This seems to be the least that we can do to reassure an important ally of the United States.

The success of the U.S. effort for a strategic defense depends upon cooperation—now, and in the future. Our best allies are certainly those who can give the sort of enduring and quality cooperation that we need. Indeed, I would go so far as to say that in this era of cost-cutting, the United States need for vital allied assistance in the

common defense is all the more important. Allies such as Italy are too valuable to be slighted, and I hope that the United States can make the small gestures so important to ensuring that our best allies remain our best friends.

THE VALUE OF SMALLER STATES IN U.S. NATIONAL INTEREST CALCULATIONS

Mr. PRESSLER. Mr. President, as far back as the Warring States Period—403-221 B.C.—the Chinese political/military theorist, Sun Tzu, identified the importance of small states in the political power calculus of larger states. His work stressed the utility to a large state of limiting the ambitions of competing large states through the formation of alliances and the employment of other diplomatic devices with smaller states. Another fourth century Chinese treatise, "Intrigues of the Warring States," further developed this thought.

Machiavelli later echoed this analysis in his advice to the prince. More recently, Prof. Hans J. Morgenthau, the leading theorist of international politics of this century, examined the elements of power in his celebrated work, "Politics Among Nations." Although Morgenthau had little to say about small nation states, his discussion of balance of power includes this idea:

> A weak nation may well possess an asset which is of such great value for its strong ally as to be irreplaceable. [Politics Among Nations, 6th ed., p. 205.]

Mr. President, some years ago at the University of South Dakota it was my pleasure to be in an international politics class taught by Dr. Donald Habbe, who is now vice president of academic affairs at the University of Montana. Our textbook was written by the late Hans J. Morgenthau. It would be inaccurate to say that Hans Morgenthau stressed the value of smaller states. He stressed the activities of big states and hardly mentioned the smaller states. However, that is typical of the major theorists of international politics.

Nevertheless, I think that U.S. foreign policy must pay more attention to the smaller states, and we should upgrade their diplomatic treatment, as the Soviets have done in many cases. We should work with the smaller states as allies in the United Nations, and upgrade their treatment without necessarily spending any money in this effort.

An examination of big nation/mini-state relationships in the contemporary world shows the relevance of this old principle. In January 1985 I visited South Asia and noticed that India exercised hegemony in that region—to the distress of the smaller states of Nepal, Bhutan, Bangladesh, and Sri Lanka. Upon my return from that region, I argued that difficulties in United States-Indian relations might be ameliorated by a U.S. policy of upgrading the diplomatic status of the smaller nations of the subcontinent. That is, to the extent that these nations are able to operate more independently of India in a closer relationship with the United States, both their interests and our own might be served.

Analogously, it might be worth considering this proposition vis-a-vis the smaller states of Europe. Operating in the shadow of the large nations of Europe, many of which are major players in international politics, the smaller states might find it to their advantage to seek expanded, more independent relationships with the United States. The United States conceivably could benefit from such a policy, also.

Whether or not this hypothesis has merit is a subject which I will be examining in the Senate Foreign Relations Subcommittee on European Affairs this year.

As chairman of the European Subcommittee, I would like to call my colleagues' attention to the eight smaller states of Europe to which we do not pay as much attention but which are important in the international arena. There is the Principality of Andorra, the Republic of Cyprus, the Principality of Liechtenstein, the Grand Duchy of Luxembourg, the Republic of Malta, the Principality of Monaco, the Republic of San Marino, and the State of the Vatican City.

We have a variety of U.S. representation, some consul generals and some ambassadors, and we have extradition treaties with all but two.

Some have said that perhaps the smaller states are "ministates." I do not want to diminish them by referring to them as ministates, but some have suggested that they have engaged in various practices, such as secret bank accounts, that are contrary to our national desires and law.

I note that we do have extradition treaties with most of them, with the exception of Andorra and the Vatican. I think this represents good progress.

It has been said that many of these smaller states feel slighted and are not consulted in some of the important matters of NATO and a variety of other important issues such as the strategic defense initiative. I believe that our State Department should have a policy, not only in Asia, but also in Europe, of being careful to accord the smaller nations diplomatic courtesies, including the possibility of state visits by their heads of state. Of course, the State Department should remain in close consultation with them.

Mr. President, I have had a table prepared of the smaller states of Europe, listing their populations, their sovereignty, their representation in the United States, and whether or not they have an extradition treaty with us. I ask unanimous consent that this table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

THE SMALLER STATES OF EUROPE

Country	Population	Sovereignty	U.S. representation	Representation in United States	Extradition treaty
Principality of Andorra	47,000	Exercised by the President of France and the Spanish Bishop of Seo de Urgel.	U.S. Consul General in Barcelona, Spain: Herbert E. Wilgis, Jr	none	No.
Republic of Cyprus [1]	670,000	Parliamentary democracy	Ambassador Richard Boehm	Embassy in Washington	Yes.
Principality of Liechtenstein	28,000	Switzerland handles customs, postal, telephone, telegraph systems; diplomacy and defense.	U.S. Consul General in Zurich, Switzerland: Alfred P. Brainard	Upon request, by Switzerland	Yes.
Grand Duchy of Luxembourg	367,000	Constitutional monarchy	Ambassador Jean B. Gerard	Embassy in Washington	Yes.
Republic of Malta	355,000	Parliamentary democracy	Ambassador Gary Matthews	do	Yes
Principality of Monaco	28,000	Sovereign; defense matters are the responsibility of France; head of government is a French civil servant appointed by the Prince.	U.S. Consul General in Nice, France: William V.P. Newlin	By France	Yes.
Republic of San Marino	23,000	Legally sovereign, but vulnerable to pressure by Italian Government	U.S. Consul General in Florence, Italy: Diane Dillard	Several honorary consulates	Yes.
The State of Vatican City	1,000	Sovereign; defense is the responsibility of Italy	Ambassador William A. Wilson	Embassy in Washington	No.

[1] Turkish Cypriots in 1975 declared their own "constitution" and in 1983 established the "Turkish Republic of Northern Cyprus" (population 134,000) which is recognized only by Turkey.

TELEVISION IN THE SENATE

Mr. PRESSLER. Mr. President, I feel strongly that we should have television in the Senate. Currently, the matter is held up because Senators, who are basically opposed to the idea, say that we should have rules changes first. It is my strongest conviction that we need rules changes, but that we will not have rules changes and television in the Senate. This issue is being used as a torpedo to sink the ship of television in the Senate.

The very same people who say that we need rules changes really want to broaden the proposal so much that

nothing will happen. I think they are probably against rules changes as well as against television in the Senate.

I also think that, if we allowed television in the Senate, rules changes would follow because if people could see how bad some of our rules are, we would be forced as an institution to change them. I am one who believes the Senate needs reform, but I do not think that reform is going to happen unless we open ourselves to the public light.

I previously served in the House of Representatives where television has come and I think it has improved the quality of debate. Whenever Congress has actually been on TV, it has done quite well. The House of Representatives has done well on television. It has not disrupted debate. The people back home can tell if Members are grandstanding and the televising of House proceedings has not been abused.

When the Senate Watergate hearings were on television, the Congress looked good. When the House Watergate hearings were on TV, they came across very well. A recent article in TV Guide pointed out that there is very little of what happens in Congress on the network news. It's more of newsmen explaining, whereas the executive branch is covered very closely. Part of that is because some of the principal debates in the Senate are not available to television cameras. It was pointed out that the debate on the immigration bill, the Simpson-Mazzoli bill in September 1985, which was a great national debate, was not available to the public because there is no television coverage of the Senate. Yet, it affects immigrants to this country, it affects employers, it affects every American on how we will deal with the immigration and naturalization problems that we face as more and more people come to this country illegally.

So, Mr. President, I hope we do not let this measure sink. For the past 8 years, I have worked with Senator Howard Baker and supported his proposals to bring television into the Senate. I am now supporting and cosponsoring the current proposal.

But each time, opponents to the measure say, "We want to have rules changes first because we would look foolish if people could see how we really operate." I suppose what they are saying is that it would be so embarrassing we would not want people to see it, so we have to change the rules first.

Well, we have heard that argument for 8 years. The truth of the matter is the people who are making that argument are not for television in the Senate and they are not for rules changes, because I have seen the same people oppose rules changes when they were proposed.

The debate should be focused in this light: Let us have television in the Senate. Let the light shine in and let us operate in the bright sunlight with people watching what we are doing and I guarantee you that we will have rules changes in a month or 2 that will make this body much more responsive.

But we continue to allow a small group of people to say that they want rules changes. These people cloak themselves in the clothes of true reformers and say they want rules changes before television, when they know there will not be rules changes. It is similar to having a weapons program before this Congress and those who are opposed to it saying, "Oh, I'm for a new weapon, but not this particular one. I am for that other one that is not before us." Well, that is sometimes true, but a lot of times people who say that are against a weapons program of any kind.

There are those who say they are for reforming Social Security, but only if we can reform all areas of Government pensions at the same time. They know that is impossible, but it is an excuse to vote against the whole thing. So it is a circuitous argument.

To say you are against television in the Senate until there are rules changes really is clouding the TV debate with something else. Let us have an up-or-down vote on television in the Senate and not load it with other amendments. Those who say they are for rules changes should support television in the Senate, allow it to come up for a vote and they can offer their rules changes later.

I do not think we would have filibusters such as we have had in this body last week if we were on television and if people could watch. For the past 8 years since I have been in the Senate, opponents have said, "Let's tie rules changes to it. We don't want television until we have rules changes."

Let us not do this again. We are going to be out of session next week. We have a heavy Gramm-Rudman budgetary agenda.

I imagine by the end of February the Senate will give up again, and it will go by for another year. But I for one am a little disturbed by those who raise that argument every year. I am disturbed at what I see because they are not really debating the issue. They are circuitously saying we do not want television in the Senate until we change the rules. Let us get television in the Senate and let people see the rules under which we operate. Then I think we would change our rules very quickly.

RECOGNITION OF SENATOR McCONNELL

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Kentucky, [Mr. McCONNELL] is recognized for not to exceed 15 minutes.

Mr. McCONNELL. I thank the Chair.

FARM CREDIT CRISIS IN RURAL AMERICA

Mr. McCONNELL. Mr. President, the farm credit crisis is not over. In fact, we have only seen the tip of the iceberg. The horror stories we all heard and read about during last spring's farm lending season will sound like fairy tales compared to what I suspect might happen this year. Farm lenders who very reluctantly extended credit to thousands of highly leveraged borrowers in 1985 will not do so in 1986; you can bet on it. I can practically guarantee that this issue will be revisited, and soon, and I want to alert my colleagues to a legislative initiative which does more than anything I have seen to begin to alleviate the pain in rural America.

In the dying hours of the first session, the House and the Senate passed legislation to restructure the Farm Credit System. This legislation was not only needed but long overdue. I supported this systemwide overhaul, but during consideration of this measure, I also supported a broad farm credit reform proposal offered as an amendment to the Farm Credit System bill by Senator BOSCHWITZ. Although the amendment was defeated, the premise of this bill deserves further consideration especially in light of the critical problems our farm borrowers will be facing in a matter of weeks.

I was an original cosponsor of this legislation when it was introduced because I felt that this approach offered more hope to rural America than any other proposal that I have seen. Following introduction of the measure, the Farm Credit Partnership Act of 1985, I notified farm constituents of the specifics of this legislation. Mr. President, you would be amazed at the positive response to this bill by Kentucky farmers. One of the letters I received on the subject was written by a 35-year-old Guthrie, KY, farmer, Billy Gillum, and I ask unanimous consent that the letter be printed in its entirety, as if read.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ROYAL DIAMOND FARM,
Guthrie, KY, December 16, 1985.

HON. MITCH MCCONNELL: I am writing this letter expressing my appreciation for the information I recently received concerning your Farm Credit Partnership Act. We in the farm community, especially in Western Kentucky, are trying to survive an agriculture depression that only our grand parents can recall in the time of the 1930's. With interest rates in the local Federal Land Bank at 13¼% and the the low agricultural prices

the future seems dim and all we have is hope that things will be better.

I am 35 years old, my wife Elizabeth and I have a son that is eleven and daughter three. At the present time it looks as though my son will never have the opportunity to be engaged in farming. The generation of farmers who began their operations in the 1970's are in trouble and this nation is in danger of losing my generation of farmers, plus my sons, and grandsons and generations that this great nation will need to produce its food for the future.

As I read the Farm Credit Partnership Act you have introduced it became apparent that this may be the first ray of hope we can see for the future. It is my hope you can convince your other colleagues of the importance of the farm credit system and that a fixing of the system without help to its farmer borrowers is only keeping the terminal patient alive a few more hours.

I look forward to hearing more on this legislation and if there is anything I may do here in Todd Co. please let me know.

Thank you,

Sincerely,

BILLY GILLUM.

Mr. McCONNELL. Among the things that Billy Gillum said was that "fixing the Farm Credit System without helping its farm borrowers is only keeping the terminal patient alive a few more hours." I think that is a very accurate description of the problem. We have addressed some of the symptoms, Mr. President, but we have not addressed the disease.

I suspect there are lots of Billy Gillums all over rural America. These are our most progressive, best educated farmers. These are the guys whose fathers survived the Great Depression and passed their farm on to their sons. And these are the guys who are victims of 20 percent interest rates, the overvalued dollar and land values unrealistically escalated by speculation and rampant inflation. We are going to need the Billy Gillums of this country to feed a future world population which will double by the year 2000, from the 1980 population. But if we do not act quickly and decisively, we are going to lose a whole generation of Billy Gillums. We cannot let this happen.

The Farm Credit Partnership Act of 1985 is an attractive way to accomplish this worthy objective, because it attacks the roots of the credit problem—high interest rates and declining land values. Under this proposal, interest rate subsidies are provided for financially distressed farmers through an interest rate buy-down of up to 5 percent. A partnership of the Federal Government, State governments, and a farmer's own lending entity will be formed to provide funding for the buy-down.

The other important feature of this legislation is similar to legislation offered by our distinguished colleague on the Agriculture Committee, Senator DIXON. This provision provides the flexibility for all farm lending institutions, including rural agricultural banks, to write off over a 10-year period up to 30 percent of the principal of a nonperforming farmland loan. This accomplishes two worthwhile objectives. First, bankers and Federal Land Bank loan officials will be able to spread out losses that may well occur anyway without having Federal auditors looking over their shoulders.

This strengthens a bank's financial position. Second, a 30-percent loan principal reduction for those farm borrowers whose farmland loans are nonperforming would bring the amount of indebtedness down to a level more nearly reflective of the land's value of agricultural purposes.

My colleagues might wonder, Mr. President, why a Senator with the kind of record I have on these issues would espouse such themes. I will be glad to tell you.

In my opinion, the only opportunity for sustained, long-term growth in agriculture lies in our ability to be competitive in the world marketplace. Our agricultural price support structure has for too long ignored the basis principles of supply and demand which have governed other U.S. industries. I am a strong advocate of moving agriculture toward a position of competitiveness on world commodity markets and the sooner the better. The basic problem lies in how we get America's farmers from where we are to where we need to be. That is the beauty of the farm credit partnership approach.

This approach says to the American farmer that we recognize that 20 percent interest rates were not your doing. We tell the American farmer that our inability to cope with inflation led to grossly overvalued farmland. We say to the American farmer that we will forgive you for those things which you could not control and got you into this mess that you are in.

The farm credit partnership approach says that we will target money to those family farmers who need it most. We will immediately give these farmers a chance for a fresh start, not a brandnew start, but a fresh start. We will provide the economic conditions which should help farmers establish and maintain a positive cash-flow. But this partnership is a two-way street. The American farmer is going to have to give this farm bill a chance to work.

If we adopt this approach, then we can tell America's farmers: It is up to you. You will have to live with this farm bill. Not only is it the best we could get under the circumstances but this farm legislation embodies a fundamental economic theory we seem to have forgotten: We must be competitive in the world marketplace if there is to be a recovery in agriculture. With reasonable interest rates and farmland valued at its agricultural worth, I truly believe that farmers can turn the corner.

I thought it was interesting to hear the testimony of a Nebraska farm wife. She infuriated a number of those traveling with her when she publicly announced that we "could live on $2 corn if we had 8 percent interest rates." What an interesting thought. Farmers can make money in a market-oriented environment. If this Congress adopts the Farm Partnership Act, then we will give our farmers the chance to compete in this environment because we will be removing the most immediate financial dilemmas which are strangling our farmers.

Mr. President, I know there are a number of my colleagues who have serious and understandable reservations about this direction. In debate on this measure during deliberations on the Farm Credit System legislation, some of my colleagues suggested that an interest rate buy-down would encourage nonfarmers to get into farming, further adding to the surpluses. That could not happen under this legislation because the interest rate subsidies and principal reductions are targeted only to those farmers whose debt to asset ratio exceeds 40 percent. The eligibility to participate would be limited to those who are currently farming. They are the ones who need immediate help.

We must act quickly to address the problem when we're confronted with the statistic that 28 percent of all U.S. farmers produce 87 percent of the sales—87 percent of the total farm sales, Mr. President. Further emphasizing the depth of the credit problem, I might note that over half of these farmers, America's commercial family farming operations, have debt-to-asset ratios exceeding 40 percent. Fully 20 percent of this same group of farmers is leveraged by over 70 percent. This is a truly frightening situation. In fact, in light of these statistics, I do not know why anybody would want to get in farming.

The distinguished chairman of the Banking Committee also expressed some serious reservations about this bill. He indicated that the biggest problem with the bill was that nothing in Washington is ever temporary and that 3 years hence we would be debating an extension of this legislation. Well, Mr. President, I submit that if Gramm-Rudman works and the Congress begins to exercise some fiscal restraint, then in 3 years interest rates will continue to decline in response to a reduced Federal deficit. Land values will have stabilized and farmers will be in a position to compete in the world marketplace without an extension of the Farm Credit Partnership Act.

Many feel that agricultural banks should not receive preferential treatment. Well they would not if this legislation is enacted. This is a comprehensive farm credit bill, which treats

all agricultural lenders alike. And, Mr. President, I think we need to evaluate the socioeconomic impact of farmers' improved cash-flow on the communities of rural America, before we make a judgment that this proposal may not work. This Legislation will do more than anything else we can do in the short term to stimulate the economy of Main Street rural America. A longtime Washington lobbyist remarked at a recent luncheon that the most depressing site he had seen since he moved to Washington 30 years ago was of boarded-up windows in the Main Street businesses of his Kansas hometown. Passage of this legislation would send a much needed positive signal to small businessmen in our rural communities and maybe we could forestall what threatens to become a wholesale abandonment of rural American communities.

Mr. President, I remarked earlier that we have to exercise some fiscal restraint before our economic situation markedly improves. Some might say that spending $1.5 billion a year for 3 years does not show much restraint. I tend to agree, so I propose that we revise the recently passed farm bill so that enactment of this farm credit legislation will be revenue neutral.

I suggest that we take a second look at freezing target prices for 1 year only, in conjunction with enactment of the Farm Credit Partnership Act. The interest rate subsidy and principal write-down would more than offset any loss in farmers' income. These farmers will be in a better position to pay local property taxes, make good on purchases of farm supplies, and buy some of the nicer things that recent economic conditions have prevented them from doing. And if my colleagues do not think this is a reasonable supposition, take a second look. If a farmer's interest rates are reduced by 5 percent on a $100,000 mortgage, his cash-flow is improved by $5,000 a year, almost $500 per month. This has got to help.

Mr. President, we need Billy Gillum of Royal Diamond Farm in Guthrie, KY. We need the thousands of other family farmers just like him. We have a tool here to save him. We have legislation which will not just treat a symptom, but will finally treat the disease. As I said when this bill was initially introduced, you cannot fix a corpse. I think the Farm Credit Partnership Act is just the tourniquet to keep the patient from bleeding to death. I hope more of my colleagues will take a second look at it. It is the best game in town.

Mr. President, I believe the distinguished Senator from Minnesota, Senator BOSCHWITZ, deserves a lot of credit for his distinctive authorship of this important bill.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. Mr. President, I am delighted to see my good friend, the distinguished Senator from Minnesota, presiding. He is a man for whom I have the greatest respect. He has done an outstanding job in the U.S. Senate. He and I disagree on a few things, but agree on many more. One of the things we disagree on is star wars. I am going to talk about that now and I think in a pretty pragmatic way.

STAR WARS WILL DEVASTATE MORE ESSENTIAL MILITARY RESEARCH

Mr. PROXMIRE. Mr. President, the Star Wars Program careens on like a wild-eyed, shouting drunk staggering into a solemn funeral service. In combination with Gramm-Rudman, the all-out go-ahead for star wars will gobble up such a big share of the limited military research dollars that critical military technology is in serious trouble. Overall this could be a disaster. No advocate of arms control should take any comfort from this serious threat to our military strength. We can and should work hard to achieve joint agreements with the Soviet Union for a mutual reduction in the arms race at every level, including research. We should buttress those agreements with a strong and vigorously pursued verification technology to make sure that both superpowers comply. But a massive unilateral across-the-board slash in all military research programs except SDI will surely weaken this country's ability to maintain peace. Let us not kid ourselves. Consider, what is the prime peace keeping force in the world today? Why have we been able to prevent a nuclear war since the dawn of the nuclear age 40 years ago?

Why? Well, I think the answer is that our deterrent nuclear power has made it clear to the Soviet Union that a nuclear attack of any kind would mean absolute and total devastation of that country.

And what is the single most vital ingredient in that deterrent? It is the research that has kept this country at least abreast, in fact well ahead, of the other superpower in the technological excellence of our nuclear weapon strength. Oh, yes, indeed. This research is at the very heart of the arms race. And yes, we should do what we can to stop the arms race. But if we blindly and unilaterally cut everything in sight by the huge amounts necessary to keep the massive increases in star wars on track while we comply with Gramm-Rudman, we will greatly enfeeble our capacity to negotiate effectively with the Soviet Union to assure that both superpowers achieve equal reductions.

Testimony by Defense officials have highlighted this dilemma. They have rightly resisted the huge research reductions that this star wars-Gramm-Rudman combination would require.

What is the Defense Department's solution? Of course, their preferred solution would obviously be to exempt the Defense Department from Gramm-Rudman. That will certainly not be a real option as long as Gramm-Rudman stays alive.

This Congress, neither the Senate nor the House, is going to agree to anything like that.

Unfortunately, the Defense Department and the administration have closed off the most desirable option; that is, to declare a moratorium for several years on star wars, while its practicality is more carefully scrutinized. Why should not the Congress pursue that course? Star wars is rapidly becoming a machine that consumes research appropriations the way a voracious shark eats everything in sight. It is the "Jaws" of military spending. In 1985 the Congress doubled the already bloated spending for star wars research. It did so over the objection of virtually every qualified and independent expert, including four former Secretaries of Defense, two of whom served in Republican administrations. A prime objection by these experts was that few if any research programs can efficiently absorb an increase of more than 30 percent in 1 year. Star wars received a 100-percent increase for 1986. The administration wants another 100-percent increase for next year. Why not give the star wars program a few years to absorb the colossal spending it already has received?

The Defense Department is so desperate because of the devastation this star wars-Gramm-Rudman squeeze is putting on its other far more vital research programs that it is asking the Congress to cut other parts of the Defense budget to free money to feed the research programs that would otherwise starve. It is true that if the Congress fails to act, there could be some advances in the cause of peace. For instance, the Deputy Director for Science and Technology at the Defense Nuclear Agency has said there would be severe reductions in such programs as underground nuclear testing. That is an encouraging possibility. But it would be unilateral. We cannot escape that. Unfortunately, there is no way this administration will ever negotiate a treaty with the Soviet Union to end nuclear weapons testing. Such a treaty would represent a superlative step toward ending the arms race. But the administration will find a way to continue the tests. The administration

might, however, make the serious mistake of preventing critical research on the Stealth bomber, or research aimed at protecting aircraft from the electromagnetic effects of nuclear weapons or research to design weapons microcircuits that can operate after a nuclear explosion. If this country unilaterally desists from this research so that it can provide more funds for star wars, we will lose the significant reduction in the vulnerability of our weapons that these technological advances promise. And, of course, there would be no restraint on the Soviet's pursuing these or similar critical advances through research.

But they do not have Gramm-Rudman. They have a go-ahead all the way. Of course, they have had that for many years in their military budget. So we can expect to fall behind.

Mr. President, in the judgment of this Senator the problem is not Gramm-Rudman. That law is necessary to restore fiscal sanity to our Government. The problem is the enormous and swift advance of spending on the star wars folly. We in the Congress now have the best possible reasons to slow this program. Now we know it not only devastates the ABM treaty and sets back arms control. It is worse. It ravishes our most critical military research programs and, therefore, undermines the deterrence that keeps the peace.

Mr. President, I ask unanimous consent that an article on this subject that appeared in the New York Times on February 3 and written by Bill Keller be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PENTAGON SEES RESEARCH PERIL IN BUDGET CUTS

(By Bill Keller)

WASHINGTON, Feb. 2.—Budget cuts mandated by Congress and the determination of President Reagan to protect his space defense program threaten to seriously disrupt other military research projects, ranging from underground nuclear weapons testing to artificial intelligence, Pentagon officials say.

Agencies researching military projects other than space defense are reeling from budget cuts being carried out under a new deficit-reduction law, said the officials, who are in charge of military research.

REAGAN'S PRIORITIES BACKED

They said they were considering asking Congress to reallocate money appropriated for non-research military spending to restore cuts in the research budget.

The senior Pentagon officials in charge of the research projects said they supported Mr. Reagan's decision that the cuts in the military research budget mandated by Congress should not come out of the space defense program.

But they said that the some military research agencies absorbed cuts twice as severe as other military programs in order that the budget for the space defense program could be spared. Some of the agencies ended up with their research budgets cut by as much as 20 percent this year.

"I don't know how we're going to handle it," said Donald C. Latham, the Assistant Secretary of Defense who oversees agencies specializing in communications and intelligence research. "It's a serious problem. I don't think it's been understood how serious."

YOU'RE TALKING ABOUT THE FUTURE

Donald A. Hicks, the Assistant Secretary in charge of research and engineering, said he supported the decision to protect the space research program. But when the defense research agencies are cut, he said, "You're talking about the future. You're talking about where Stealth came from and lots of other things."

Stealth, the name given to aerodynamic and electronic techniques that can make aircraft nearly invisible to enemy radar, was developed in part with financing from the Defense Advanced Research Projects Agency.

Both men said they had urged Defense Secretary Caspar W. Weinberger to redirect money from other military accounts to partly repair the damage, but no decision has been made. Such a move would need the approval of the House and Senate Armed Services Committees.

SEVERE CUTS ARE SEEN

At the research agencies, officials said the cuts for the current fiscal year were so deep that they would interfere to some extent with all but a few top-priority experiments.

At the Defense Nuclear Agency, for example, Marvin C. Atkins, deputy director for science and technology, said there would be "severe reductions" in such programs as underground nuclear testing, research aimed at protecting aircraft from the electromagnetic effects of nuclear weapons, and attempts to design weapons microcircuits that can operate after a nuclear explosion.

Another official at the Defense Nuclear Agency said the agency has been focusing much of its attention on designing weapons that can operate in a "nuclear environment." As a result of the cuts, he said, some weapons may have to be built without that feature, and then undergo costly modifications later to improve their durability.

At the Defense Advanced Research Projects Agency, home to the military's most futuristic research, an official said the strategic computer program, for one, would be "dramatically slowed."

That program studies artificial intelligence and high-speed data processing, in hopes of developing fully automated weapons such as computer-driven tanks and robot co-pilots.

MAKING COMPUTERIZED MAPS

Other agencies that tool unusually large cuts included the Defense Communications Agency, which plays a major role in assuring that commanders can keep control of American forces in wartime, and the Defense Mapping Agency, whose projects include development of detailed, computerized maps that can be fed into the electronic memories of cruise missiles to help them find their targets.

The cutbacks will also eat into highly classified research conducted by the Defense Intelligence Agency and the National Security Agency, Pentagon officials said.

The first blow to these agencies came in an appropriations bill in December, when Congress ordered $169 million in unspecified research budget cuts, to be distributed by the Pentagon among the dozen agencies that operate independent of the Army, Navy and Air Force.

Pentagon officials said Mr. Weinberger opted to protect the Strategic Defense Initiative Organization, the Federal agency in charge of research aimed at developing a space defense against enemy missiles. As a result the other agencies absorbed all of the cutbacks.

EFFECT OF BUDGET LAW

Then in mid-January the Pentagon announced plans to apportion budget cuts in the current fiscal year mandated by the new balanced-budget law, named for two sponsors, Senators Phil Gramm, Republican of Texas, and Warren Rudman, Republican of New Hampshire. Under the law, 4.9 percent must be cut from each account, which amounts to a total of $325 million in cuts from the research activities of the independent Defense Department agencies.

The law permitted the Pentagon to exempt some programs from cuts as long as other programs in the same account absorbed the cutbacks instead. Mr. Reagan chose to protect the $2.75 billion budget of the space defense office, requiring the other research agencies to absorb cuts of 9.5 percent to make up the difference.

The erosion of the Defense Nuclear Agency budget illustrates what happened to many of these agencies.

The agency began 1985 with plans to spend $384 million in the 1986 fiscal year. In December Congress approved $373 million. The agency's share of the unallocated cuts in agency research was another $22 million, and the Gramm-Rudman measure cut another $33 million. In addition, an agency official said, Congress earmarked $16 million of the agency's research budget for unplanned projects favored by individual members of Congress.

FROM $373 MILLION TO $301 MILLION

In the end, the agency received about $301 million, far below its expectations and a sharp drop from the $333 million it has to work with the year before.

"At a cut of that magnitude, everything is going to feel the crunch," said an agency official. "Not proportionately, of course. But there's just not enough flexibility to not hit everything."

The official said that it was unlikely that the budget for the fiscal year 1987 that President Reagan is to send Congress Wednesday would repair the damage. In that budget, officials have said, the Pentagon has limited the research agencies in order to accommodate a $4.3 billion budget for the space research program.

White House officials have said Mr. Reagan is considering undertaking a major campaign to persuade the public that Pentagon spending in the 1987 budget should be spared severe cuts he believes Congress may try to impose.

(Mr. McCONNELL assumed the Chair.)

S. 2053—EXPORT-IMPORT BANK CAPITAL RESTORATION ACT OF 1986

Mr. PROXMIRE. Mr. President, I am sending a bill to the desk that will ensure the Export-Import Bank does not go broke and leave the taxpayer holding the bag. This bill is not complicated. It simply requires the Bank to maintain a minimum level of capital

stock and retained earnings in an amount not less than $2 billion and authorizes Congress to appropriate the funds the Bank will need to comply with that requirement. It also obligates the Bank to estimate its loan losses and deduct that amount from its retained earnings in accordance with generally accepted accounting principles.

Mr. President, almost 2 years ago, on August 6, 1984, I made a speech about the Eximbank's deteriorating financial condition and introduced S. 2906, the Eximbank Capital Restoration Act of 1984, as a proposed means of remedying the situation. After introducing that bill I wrote to the Office of Management and Budget [OMB], the Eximbank, the Congressional Budget Office [CBO], the Treasury Department and the General Accounting Office [GAO] asking for comments on my proposal. The comments were very interesting. In its reply, OMB said that it opposed my bill "because it could result in a curtailment of Exim's lending and guarantee authority should its reserves fall below $2 billion." Well I already knew that. What I wanted to know was whether OMB had any suggestions of its own for protecting the taxpayer from the cost of an inevitable massive bailout of the Bank. It had none.

The Eximbank itself stated that while it shared my concerns "about the decline in the level of the Bank's equity position," it did not think it would hurt the Bank's credibility as "all obligations of the Bank are obligations for which the full faith and credit of the U.S. Government is pledged." In other words, do not worry if the Bank is losing lots of money—after all, the American taxpayer will be around to pick up whatever tab is ultimately run up. My bill is designed to protect taxpayers from what could be a very expensive bank bailout by putting the bank on a pay-as-you-go basis and by requiring it to maintain at least $2 billion in capital and reserves to cover bad loans.

Mr. President, I have just given the reaction of the administrator to my bill through the OMB. How about the Congressional Budget Office? It is a bipartisan group. What was their view? The CBO in its reply to my letter said my bill "would improve budgetary oversight and control of the Eximbank. By requiring an annual appropriation for operating losses, the bill would force the Congress to recognize annually the subsidy inherent in Bank lending."

What was the view of the General Accounting Office on my bill?

That is another independent agency of great competence. They have made meticulous and detailed studies of the Eximbank. They are really expert on it.

In its response, the GAO endorsed the purpose of my bill and even made a very helpful suggestion for improving it. Noting that the Bank "did not recognize costs (losses) resulting from the uncollectibility of a portion of its loans" the GAO recommended that I add a provision requiring the Bank to estimate an allowance for loan losses and deduct that from its assets in accordance with generally accepted accounting principles. I was pleased to have that very helpful suggestion and the bill I am introducing today adds such a provision to the original bill I put in in 1984.

Some people are going to say they understood the Bank operated without any cost or other obligation to the taxpayer. Why, they will ask are you telling us we now need to shore it up? Let me explain by describing the reasons the Bank was created, why it is losing money, and what this means for taxpayers.

The Eximbank was originally created in 1934 during the administration of President Franklin Roosevelt, in order to finance trade with the Soviet Union. That administration viewed opening trade relations with the Soviets as an important political objective, but the private market was not willing to finance such trade because the Communist regime had defaulted on the previous tsarist government's World War I debts.

After World War II, the Bank was made a wholly owned U.S. Government corporation by the Export-Import Bank Act of 1945. During the early postwar years, when the level of private lending to Europe was viewed as insufficient to prevent economic and consequent political disorder, the Bank was one of the institutions used by our Government to channel money to Europe.

Presently, the Bank's principal role is to promote U.S. export sales in most parts of the world. It does this through financing programs that include direct loans, financial guarantees to private lenders, and commercial and political risk insurance. The Bank began its operations using $1 billion appropriated to it by Congress. Since then, it has not received any appropriated funds. Instead it has borrowed from the Federal financing bank to sustain its lending operations.

The Congress determines for each fiscal year the total amount of direct customer loans the Bank can authorize, and the total dollar amount of guarantees and insurance it can agree to. These figures constitute the operating authorization levels for the Bank in that fiscal year. The Bank's net cash flow in any given year is the difference between the Bank's estimated revenue—that is, all the money that comes in from repayments of previous customer loans, interest on previous customer loans, receipts on fees, insurance premiums, and claim recoveries—and, on the other hand, the Bank's estimated disbursements—actual loans, claims paid on guarantees and insurance, interest paid on Eximbank borrowings, and administrative expenses. During the first 32 years of its existence, the Bank was a profitable operation as it was able to charge more interest on loans than it paid for its borrowings. Since 1966, however, the Bank has generally had a negative spread between the average interest rate on its portfolio and the average rate of outstanding debt. Still the Bank was able to show a profit each year until 1982 because the earnings on its reserves and original capital were sufficient to offset losses due to the negative spread.

The General Accounting Office [GAO] annually examines the Eximbank's financial statements. Beginning in 1975, the GAO began expressing concerns about the adequacy of the Bank's capital reserve in light of its declining income. In its 1980 report, the GAO stated that because "the Bank's accumulated income is also its reserve against loan defaults and claims, it cannot use accumulated income to subsidize its lending rates and to absorb such losses without jeopardizing the adequacy of its reserves." Reporting in 1981, the year the Eximbank's total capital base peaked at $3.2 billion before beginning a rapid decline, the GAO stated that although that base was sufficient to cover loan losses resulting from borrowers who were facing financial difficulties, it was not adequate to cover possible losses on loans and guarantees that had not yet matured. GAO noted that the Department of the Treasury shared its concern over the adequacy of the Bank's reserve.

Since 1981 the capacity of the Eximbank's capital base to absorb potential losses has been further reduced because:

First, increased lending operations have not been accompanied by corresponding increases in income to its reserve for contingencies and defaults;

Second, risk of incurring future losses on delinquent loans and obligations has increased; and

Third, lending below the costs of funds has resulted in operating losses since 1982 and these losses are projected by the Bank to extend to at least 1990.

These developments demonstrate that the concerns GAO originally expressed in 1980 were well founded. Despite the increased risk of losses from Eximbank's expanding loan portfolio, the Bank's capital reserve has declined rapidly because of continued concessionary lending in the face of historically high interest rates. Earnings on the Bank's reserve and capital are no longer sufficient to offset the negative

interest rate spreads on outstanding debt and loan investments. The annual losses are eating up the Bank's capital base.

In its most recent report on the Eximbank, dated May 29, 1985, the GAO said that an audit of the Bank's financial statements, using generally accepted accounting principles, suggests that the Bank's reserve for contingencies and defaults may already be depleted. If GAO is right, it means the Bank is now consuming its original $1 billion in capital to fund its ongoing operations. When that money is gone, the Bank will be broke. Last year, the President's budget projected the Bank would have losses from 1986 through 1990 that would reach $2 billion. Such a situation impairs the credibility of the Bank as a viable institution and sets up a situation that could require a massive bailout by the Congress. The Bank will soon be without any capital to cover possible losses. This means the Bank's bad loans will be the taxpayer's responsibility. If we ignore this problem, the potential liability for the American taxpayer for the Bank's operations will continue to swell as Bank commitments expand. Allowing the capital position of the Eximbank to deteriorate while its obligations increase contrasts sharply with the policies Congress is following with regard to commercial banks to ensure their safety and soundness. In 1983, Congress directed Federal banking agencies to require banks to maintain adequate capital levels and to set up special reserves for certain types of international loans, among them those loans for which there were no definite prospects for the orderly restoration of debt service. Since then, the FDIC, Comptroller, and Federal Reserve have taken action to require the banks they regulate to increase the ratio of their capital and reserves in relation to bank exposures. The Eximbank, as the GAO continues to point out, has not taken similar precautions.

We should act now to correct this anomalous situation. The Bank's charter expires on September 30 of this year and the administration has requested it be renewed through September 30, 1991. At its current rate of losses the Bank will be broke long before then unless Congress acts to provide it with funds as set forth in my bill. When my bill is enacted, the Bank will be on a pay-as-you-go basis. Once that happens, the Appropriations Committee and the Congress will be able to maintain closer surveillance of the Bank's operations and assist it in regaining fiscal solvency.

Mr. President, I ask unanimous consent that the bill I am introducing be printed in the RECORD, along with an April 30, 1985, letter from the Comptroller General describing the Bank's financial condition.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 2053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Eximbank Capital Restoration Act of 1986."

SEC. 2. The Export-Import Bank Act of 1945 is amended by adding at the end thereof the following new sections:

"SEC. 15. The Bank shall maintain at all times a minimum level of capital stock and retained earnings in an amount not less than $2,000,000,000. There is hereby authorized to be appropriated such sums as may be necessary to enable the Bank to comply with the requirements of this section."

"SEC. 16. The Bank shall estimate an allowance for loan losses and deduct the amount of such allowance from revenues and assets in accordance with generally accepted accounting principles."

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, DC, April 30, 1985.

B-197710.

To the Board of Directors, Export-Import Bank of the United States:

We have examined the statements of financial condition of the Export-Import Bank of the United States (Eximbank) as of September 30, 1984 and 1983, the related statements of income (loss) and reserve for contingencies and defaults, and the statements of changes in financial position for the years then ended. Our examinations were made in accordance with generally accepted government auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

Eximbank's assets include a significant amount of loans that are in arrears, have had payment dates rescheduled, or are outstanding to countries experiencing financial difficulties. Eximbank reported net losses in its fiscal year 1984 and 1983 financial statements of $343 and $247 million, respectively. However, Eximbank's financial statements do not reflect the costs incurred for estimated losses that are likely to be sustained due to the uncollectibility of a portion of the loans Eximbank has made. Eximbank has not developed an estimate of such an allowance for potential loan losses. If such an allowance for estimated loan losses had been deducted, we estimate that total assets and accumulated income since inception would each be decreased by $1.0 to $1.5 billion.[1] This would result in accumulated results of operations of between a $400 million surplus and $100 million deficit as of September 30, 1984, instead of the accumulated income of $1.4 billion (Reserve for Contingencies and Defaults) as shown in the accompanying fiscal year 1984 financial statements.

Eximbank has also entered into insurance and guarantee commitments that will result in future claims losses. To date, payment of claims on insurance policies and guarantee commitments, and any later recoveries, have been accounted for on a cash basis.[2] Eximbank paid claims, net of recoveries, of $119 million and $20 million in 1984 and 1983, respectively. Generally accepted accounting principles require that insurance and guarantee losses should be accounted for on an accrual basis. As of the date of this opinion, the effect on the financial statements of claims, net of recoveries (either favorable or unfavorable) of this departure from the generally accepted treatment could not reasonably be determined.

In our opinion, because of the materiality of the effect of not reflecting the full cost of loan losses, the accompanying financial statements do not present fairly the financial position of Eximbank as of September 30, 1984 and 1983, or the results of its operations and changes in its financial position for the years then ended in conformity with generally accepted accounting principles.

CHARLES A. BOWSHER,
Comptroller General of the United States.

NEW HOPE FOR HUMAN RIGHTS IN UGANDA AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, last week, we witnessed another changing of the guard in the war-torn nation of Uganda. The second military coup in 6 months and the sixth in Uganda's 24 years of independence brought Yoweri Museveni to power on January 29. In a speech accepting the nation's presidency, Museveni vowed to break from the country's tradition of government-sponsored murder and return Uganda to peace and human dignity.

Ever since Uganda gained independence from Great Britain in 1962, it has had a long history of military coups and human rights abuses. Idi Amin, the worst human rights offender in African history, ruled Uganda for 8 bloody years. Milton Obote, the first and third President of the nation, was also criticized for state-sponsored murders. It is estimated that half a million people were killed under Obote's and Amin's regimes, mostly at the hands of soliders and security forces.

I applaud Mr. Museveni's promises to end mass murder in Uganda and return the nation to peace and respect for human rights. I could not agree with him more when he says: "No regime has the right to kill any citizen

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[1] GAO's estimate of the loan loss allowance of between $1.0 and $1.5 billion is based on several factors, including Eximbank staff's guidelines for categorizing loans for management purposes, the need for a loan loss reserve as reflected in the Allocated Transfer Risk Reserve requirements for federally chartered commercial banks promulgated by the Comptroller of the Currency (12 C.F.R. 20), and international debt and country risk assessments published by a variety of researchers. The lower boundary of GAO's estimate provides a 100 percent allowance for repudiated debt and other debt where repayment is considered remote. The upper boundary of the estimate includes an additional amount for loans to countries that are experiencing severe economic and debt repayment difficulties. Allowances for potential commercial loan losses were established using reserve factors traditionally applied by auditors and bank examiners.

[2] See notes 1, 5, and 7 to Eximbank's financial statements for its discussion of insurance and guarantee accounting practices, and the related contingent liabilities.

* * *. The people should die only from natural causes beyond our control, but not from fellow human beings."

While I eagerly await Uganda's return to peace and democracy, I will do all I can to ensure that Mr. Museveni carries out his promises. One way we can help bring an end to mass murder in Uganda and all other nations around the world is to pass the Genocide Treaty. The treaty condemns the intent to destroy, in whole or in part, a national, ethnic, racial or religious group as an international crime which each nation undertakes to prevent and punish.

While the Genocide Convention will not legally or miraculously end the killings in Uganda, by adding our great Nation's name to the 96 other nations that have ratified the treaty, we will have greater moral weight to lend to Mr. Museveni's efforts at correcting Uganda's previous human rights abuses. If the United States is to remain a world leader of democracy and human dignity, I believe we must do all we can to help nations such as Uganda when they condemn mass killings and actively support basic human rights. Passage of the Genocide Convention would be a very positive first step in that direction.

MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, my myth of the day is that the labor market situation for black workers has been improved over the past 15 years. Unfortunately, by almost any measure the truth turns out to be just the opposite. In 1970, median family incomes for black Americans was 61.3 percent that of white families. In 1980, it had fallen to 57.9 percent. In 1983, it fell to 56.5 percent, and in 1984 it was reduced still further to 55.7 percent. In fact, this figure is not substantially different from black median income in 1960—3 years before Dr. Martin Luther King gave his memorable "I have a dream" speech. The reasons behind this deplorable decline in the economic position of black Americans can largely be attributed to the deteriorating situation for black workers in the America labor market.

When compared to the situation in 1970, blacks today are increasingly less likely to be looking for jobs, and when they do, less likely to find them. In 1970, the labor participation rate for blacks was almost 3 percent greater than that of whites. Today, that statistic is reversed. In 1970, the employment-population ratio—the proportion of the population that is employed—for blacks was virtually the same as that for whites. Today, the employment-population ratio of blacks to whites is only a little more than 85 percent. In other words, while approximately 61 percent of the adult whites hold jobs, only 53 percent of the adult blacks are gainfully employed.

A large part of this discrepancy is a result of the fact that in the early 1970's, the unemployment rate for blacks was twice that for whites but today, the gap between black and white unemployment rates has widened to an historical high of more than 2½ to 1.

In addition to unemployment, blacks experience a disproportionate share of other labor market problems. Blacks comprise 11 percent of the labor force but they make up 17 percent of those working part time for economic reasons, 25 percent of the long-term unemployed, and 28 percent of the discouraged workers.

This tragedy of black American workers falling further and further behind their white coworkers helps to explain some of the frightening statistics regarding black families and their reliance on Federal benefits.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I thank my good friend, the distinguished senior Senator from Rhode Island [Mr. PELL]. I took his time and now he is going to take mine, I hope.

I yield the floor.

RECOGNITION OF SENATOR PELL

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island [Mr. PELL] is recognized for not to exceed 15 minutes.

Mr. PELL. I thank the Chair.

OPPOSITION TO AN OIL IMPORT FEE

Mr. PELL. Mr. President, I am today introducing a resolution expressing the sense of the Senate that neither the Congress nor the President should impose an oil import fee. Joining me in sponsoring this resolution are Senators CHAFEE, MITCHELL, COHEN, WEICKER, MOYNIHAN, METZENBAUM, HEINZ, HUMPHREY, D'AMATO, KENNEDY, KERRY, and RUDMAN.

During the past several months, the idea of imposing a fee on imported oil has been put forward with increasing frequency as an easy and painless way for the Federal Government to increase revenue and reduce the huge Federal budget deficits. More recently, an oil import fee has been eyed as a way to offset costly changes in the tax reform bill.

The truth is that an oil import fee is not a good idea and it would not be painless. An oil import fee would impose heavy new costs on all who use oil and oil products in manufacturing and production. I would impose higher costs on all those who heat their homes with oil or use oil-generated electricity.

By increasing the production costs of energy and raw material an oil import fee would make American manufacturers less able to compete in world markets.

An oil import fee would increase unemployment, increase interest rates, and significantly increase inflation for the Nation as a whole.

But that is not all. An oil import fee would place an unfair and discriminatory cost on those sectors of the economy, and those geographic sections of the Nation that are most dependent on oil as an energy and raw material source.

I come from a region—the Northeast—that would be hardest hit by an oil import fee. In Rhode Island, we depend on oil for 70 percent of our energy needs compared with a national average of 40 percent. What this means is that industry and business in Northeastern States like Rhode Island would suffer nearly twice as much from increased oil costs as would industry in other parts of the Nation.

As it is, the businessmen and the people of Rhode Island pay energy costs that are far above the national average. Time after time, Rhode Island businessmen have told me that the greatest problem they face is not competition from imports, not high taxes, not Government regulation, not labor costs, but high energy costs. To increase that disadvantage by imposing oil import fees would be little short of disastrous for many, many businesses in the Northeast, as well as for their employees.

It is often assumed that oil import fee issue for the people of the Northeast is solely a matter of home heating costs. But the issue is much more than that because petroleum is the primary energy source for the Northeast—and the economic lifeblood for most economic activity.

In his State of the Union Address to Congress this week, President Reagan spoke of his firm opposition to protectionist trade legislation. He said:

> We will also oppose legislation touted as providing protection that in reality pits one American worker against another, one industry against another, one community against another, and that raises prices for us all.

That is a perfect description of what an oil import fee would do, and I earnestly hope that the President sticks to his guns and opposes an oil import fee.

One might say, maybe the oil-independent industries and the workers and the homeowners in the Northeast will just have to sacrifice for the greater good of the Nation. The truth, however, is that there is no national advantage to an oil import fee—it is particularly harmful to the Northeast,

but it is also harmful to the entire Nation.

Let me cite one recent study to show how harmful an oil import fee would be nationally. This is a study done by economists for the Federal Reserve Bank of Dallas and published in the banks' Economic Review of September 1985. According to this study, an oil import fee of $5 a barrel on crude oil would produce revenue of about $8.6 billion a year during the first 3 years. But the oil import fee would also have these effects:

First. Gross national product would be 1 percent lower at the end of 2 years than without the import fee.

Second. Unemployment would be four-tenths of 1 percent higher—meaning there would be 400,000 fewer jobs.

Third. There would be an "immediate acceleration of inflation," with the wholesale price index for fuels jumping by 12 percent.

Despite these damaging results, those who propose an oil import fee argue that it would be painless now because of declining world oil prices. In effect, they argue, the Federal Government would simply take, by an import fee, the price reductions that oil users would otherwise enjoy.

However, the study by the Dallas Federal Reserve Bank economists assumed that world oil prices would continue to decline, and concluded that the effect of an oil import fee nevertheless would be slower economic growth, increased unemployment and a resurgence of inflation.

In addition, a reduction in world oil prices while an oil import fee was being imposed would not reduce in any way the disadvantage for American industry in world trade nor the discriminatory impact of the fee on regions like the Northeast that are most heavily dependent on oil.

Mr. President, those of us who have sponsored this resolution opposing an oil import fee may or may not agree on whether the Federal Government must have additional revenue. We are in agreement, however, that if the Congress does decide additional revenue is needed, an oil import fee is the wrong way to increase revenue.

We are not alone in opposing an oil import fee. Oil import fees are opposed by the American Petroleum Institute, and the Independent Petroleum Association of America. In addition, several of our Nation's largest oil companies—Exxon Corp., Mobil Corp., and Chevron Corp.—vigorously oppose oil import fees. The New England Council, an organization of 1,400 of the largest companies in that region, opposes an oil import fee as does the New England Fuel Institute.

I am keenly aware that the recent sharp decline in world oil prices has had adverse economic effects on the oil-producing regions of our country. I know, too, that those areas would benefit enormously from an oil import fee because the prices of the oil they produce would be boosted by an import fee. I am open to suggestions of temporary economic assistance for those regions, with the entire Nation sharing in the cost. But I am opposed to providing economic relief to the oil-producing States through an oil import fee, disguised as a deficit-reduction measure, with the costs being borne out of all proportion by the Northeastern section of the Nation.

I hope this resolution will persuade the Congress to reject proposals for an oil import fee, and I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 335

Whereas, a fee on imported crude oil and refined petroleum products would directly increase the costs of production and manufacturing for industries using petroleum products;

Whereas, the increased production costs resulting from such a fee would impair the ability of industries to compete in international markets;

Whereas, such a fee would directly increase the costs to other users of petroleum products, including those dependent on oil and oil products to heat their homes, and who use oil-generated electricity;

Whereas, the increased costs to industry and to homeowners from such a fee would not be uniformly distributed geographically or among economic sectors, but would be borne disproportionately by those industries and regions most dependent on petroleum products: Now therefore, be it

Resolved, That it is the sense of the Senate that neither the President nor the Congress should impose fees on imported crude oil and refined petroleum products.

Mr. RUDMAN. Mr. President, I rise as a cosponsor and in support of the resolution introduced today opposing a tariff on the import of crude oil. I believe an oil import fee is bad energy policy for the Nation. It would have an adverse impact on our national economy and it is an inefficient, burdensome method of raising revenues to offset our current deficit problem.

An oil import fee, by causing an increase on the price of all oil, provides a windfall for domestic oil producers and helps subsidize selected banks with risky oil-related loans. American consumers would not only have to pay the tax; they would be forced to subsidize the oil industry which has grown accustomed to prices which bear no relation to the cost of production. This tax would stifle the positive effect lower oil prices will have on the Nation.

It is inevitable that an oil import fee would drastically impact many U.S. companies that have a direct or indirect petroleum component in their cost structure. U.S. producers of oil based products such as the plastics and the petrochemical industries will lose their competitive edge over foreign corporations. This forces manufacturers either out of production or into relocating to another country. There is no doubt in my mind that American jobs will be exported as a result of this tax. I need not remind my colleagues that certain oil importing countries will be unable to service their debts to U.S. creditors which could certainly lead to the possible bankruptcy in a number of U.S. banks.

An oil import fee places an inordinate burden on the Northeast and Midwest. Businesses and individual households will see major cost increases in heating fuel bills. As a nation we have made progress in conserving oil. The market has forced innovative development of alternative energy sources such as hydroelectric, geothermal, and solar. The Northeastern States, however, still utilize oil for 50 percent of their energy. The country as a whole uses oil for 44 percent of its energy. I am convinced that an oil import fee will lead to higher energy costs hurting New Hampshire's economic renaissance.

I am not yet willing to agree that taxes will have to be raised this year in order to meet the deficit targets set by the Gramm-Rudman-Hollings balanced budget law. But, even if taxes have to be raised, and even if a decision was made to resort to energy taxes, an oil import fee would be the wrong way to go. It would make more sense to raise the gasoline tax and it would even make more sense to impose an across-the-board energy tax.

Worse still is the suggestion that has been floated lately that an oil import fee be used to produce a revenue neutral tax reform bill. The entire purpose of tax reform is to lower individual and corporate tax rates by eliminating or limiting a number of tax credits and deductions. The idea that tax rates, particularly in the upper income brackets, should be reduced by imposing a highly regressive tax such as the oil import fee is outrageous. I certainly am not going to be willing to go back to New Hampshire and explain to my constituents how I voted to increase their taxes and the profits for the oil industry in order to lower the top tax rate for wealthy Americans from 50 to 35 percent.

Simply stated, Mr. President, I firmly believe an oil import fee undermines our economic growth, reduces employment, increases inflation, damages our industrial trade relations, and hurts the American consumer. In fact, there is nothing good to be said about an oil import fee.

OIL IMPORT FEES

Mr. D'AMATO. Mr. President, I rise today in support of the resolution introduced by Senator PELL which indicates our opposition to the imposition

of fees on imported crude oil or refined petroleum products. This is an issue of vital importance to my State.

Last year, the Senate defeated by a vote of 78 to 18 an amendment which would have imposed a $10-per-barrel fee on imported oil. I have strongly opposed such a fee, which would have an unfair impact on homeowners and businesses in the Northeast.

An oil import fee, no matter how it is disguised, is a new Federal tax. Such a fee not only would be an inequitable and inefficient method of raising revenue, but also would have serious negative effects on consumers, inflation, employment, and the competitiveness of American industry.

According to the Consumer Federation of America, the implementation of a $10-per-barrel import fee for crude oil would increase oil costs by $24.8 billion in the first year alone. New Yorkers would pay $3 billion of this increase. A $10-per-barrel import fee would reduce the gross national product by about $50 billion annually, would increase inflation by 1 to 2 percent annually, and would decrease employment by about 500,000 jobs.

Mr. President, 78 Senators are on record as opposing a $10-per-barrel fee. I urge them to take the additional step of indicating their opposition to any proposal to impose an oil import fee by cosponsoring this resolution.

Mr. MITCHELL. Mr. President, I am pleased to join today with Senator PELL and other Members of the Senate in introducing this resolution which expresses the Senate's opposition to the imposition of a fee on every barrel of crude oil or petroleum product imported to the United States.

My principal objections to an oil import fee are simple. The fee would hurt our national economy. An oil import fee is a regressive, inefficient method of raising revenues.

The last extended serious debate on oil import fees occurred in early 1982. That debate generated a number of studies which outlined the damaging economic and revenue impacts of an oil import fee.

In the past year, new studies by the Consumer Federation of America and the Federal Reserve Bank of Dallas have also indicated the adverse impacts an oil import fee could have on the national economy.

The studies project that the imposition of the fee would reduce gross national product as higher gasoline and energy costs fed into our price structure and flowed throughout the economy. The studies also indicated that the fee would immediately increase inflation. And lastly, the jobless rate would rise as a reduced GNP and increased inflation caused an economic slowdown.

Reduced U.S. oil imports from an import fee could lower the world oil price. But any resultant price cut would help the price competitiveness of goods produced in countries other than the United States. Our artificially high oil prices would seriously erode the competitive position of U.S. commodities that are oil and energy intensive, including agriculture, chemicals, and plastic.

A second major disadvantage in any oil import fee is that the fee is among the least efficient revenue-raising option imaginable. Domestic oil companies would reap tremendous benefits from an oil import fee because domestic oil prices would rise to match any increase in imported oil prices. The windfall profit and corporate incomes taxes would not recoup all of these revenues, as is acknowledged by anyone who examines the proposal with any depth.

Another disadvantage to an oil import fee is that the burden of the fee cannot be shared fairly among industries, regions, or income classes.

The effects of the fee would more adversely affect regions more dependent on oil for their energy needs. I can state categorically that the residents of my State of Maine would be among those most dramatically hurt by an oil import fee.

My State relies heavily on oil for direct heating. In addition, a principal alternative heat source, electricity, is also highly dependent on oil. Nineteen percent of Maine's electric generating capacity—a proportion roughly three times the national average—uses oil as fuel. An import fee on that product, therefore, is virtually certain to impose an enormous drain on the incomes, investment and savings of Maine citizens.

Finally, I am skeptical of suggestions that the fee is necessary to protect a dwindling domestic oil production capacity. I say that while acknowledging that the number of domestic drilling rigs in the field is down from 4,100 in 1981 to roughly 1,400 rigs today. One cause for the decreased number of active rigs surely is the low price of oil on world markets.

The number of rigs in the field, however, should be directly related to the cost of oil. When oil prices go up, even artificially through the imposition of an oil import fee, more rigs should theoretically go into the field. But there is no guarantee that oil companies won't take the money deived from an oil import fee and invest it in other ways.

Second, proponents of the fee seem to suggest that the time to drill, develop, and consume America's domestic oil supply is now. But would it make more sense to conserve domestic oil supplies and deplete foreign supplies when the price is cheap? I think it might.

To sum up, Mr. President, I oppose an oil import fee primarily because I believe that such a fee would adversely affect the U.S. economy, would serve as an inefficient means of raising revenues, and would adversely impact consumers in my State of Maine.

Mr. KERRY. Mr. President, I am pleased to join my colleagues as a cosponsor of this resolution. During the past several weeks it has become increasingly common to hear people speak of a new tax on imported oil as an apparently "painless" way to reduce the Federal deficit. This is simply not true. An oil import fee would not only seriously damage our economy, it would be extremely unfair in its impact on various groups, and would impose particular pain on the poor, the elderly, and those living on fixed incomes in our society who already have shouldered their fair share of the burden in our effort to reduce the Federal budget deficit.

This tax is inequitable for two reasons. First, this tax is a very regressive tax. This tax, like any consumption tax, would hurt the poor to a much greater degree than the wealthy. This will not just affect the poor when they drive their cars but more importantly when they heat their houses. Many families in Massachusetts are already forced to live in frigid homes—putting their health at risk—because of inadequate incomes and substantial cuts in the Low-Income Energy Assistance Program.

Second, the tax is going to have its greatest impact on the Northeast, Midwest, and Southwest regions of the country, which will pay the lion's share of the burden of this new levy. The Northeast will be the hardest hit due to its heavy reliance on heating oil. Industry in the Northeast region which has finally recovered from the shock of the energy crisis of the 1970's could see its recent success in achieving global competitiveness reversed with the imposition of this tax.

Although the impact of the tax would affect these groups the most, the ramifications would be felt throughout the Nation. Imposition of the tax would adversely effect the whole economy due to the increasing cost of oil. Natural gas and coal are indirectly influenced by oil prices, thus the cost of all energy forms would go up which would trigger a series of price increases, and could lead to a new round of inflation. The price of American products would increase as a result of American agriculture and industry having to pay higher energy costs. These products would in turn be underecut by less expensive foreign products thereby impairing American competitiveness in the international marketplace. It is estimated that this tax could cost America 500,000 jobs to the hands of foreign competitors as well as raising inflation 1 or 2 percent and causing a $50 billion drop in GNP.

These factors make this proposal for a new tax on oil bad enough, but what makes matters worse is the context in which this tax rise is currently being considered: Not as a device to lower our budget deficit, but rather simply as a means to raise revenues which can be used to offset the revenue loss required by President Reagan's goal of restoring a number of tax loopholes closed by the House-approved tax reform bill, H.R. 3838, currently before the Senate. It is inconceivable that anyone would ask the poor and middle-class citizens of this country to bear a new energy tax burden so that the rich may enjoy a 3-percent tax cut, and so that favored industries can receive special tax treatment.

For these reasons, I support this resolution that shows our opposition to the oil import tax.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond 12 noon, with statements therein limited to 5 minutes each.

THE 76TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA

Mr. ANDREWS. Mr. President, I want to join today in honoring the 76th anniversary of the Boy Scouts of America, an organization that can boast of over 75 million alumni and having provided the tools for good citizenship for millions of American men. On the eve of the Nation's entry into World War II, Franklin Delano Roosevelt observed that, "we cannot always build the future for our youth, but we can build our youth for the future." FDR's words mirror the basic tenet of Scouting. As reflected in the motto, "Be Prepared," Boy Scouting has predicated its mission on the belief that young men who are acquainted with the outdoors and taught the virtues of a morally upright character will grow to be better citizens and well-rounded adults.

While commanding troops in the Boer War, British Lord Robert Baden-Powell noticed that the recruits from England were lacking in bravery, honor and outdoor skills. Returning to England, in 1907, Powell began a program of Scouting for British youth that was dedicated to teaching young boys both physical self-sufficiency and ethical conduct. Three years later, Americans Daniel Carter Beard and Ernest Thompson Seton established the BSA. Like Powell, these two Americans felt that young men needed good wholesome fellowship with their peers under the tutorage of adult men.

They created a system to train and instruct young men by offering merit badges. Today there are some 119 merit badges that are earned in such a way as to instill a sense of competition and provide latitude so the individual may progress at his own pace. As an Eagle Scout myself, I must admit that I remember being encouraged to earn more than one merit badge in my time by a friend tying to earn that same badge.

Mr. President, the lessons I learned in Scouting have served me well both personnally and professionally. In fact, they have served a majority of the Congress well: 66 percent of the 98th Congress was comprised of former Scouts. Gerald Ford, Neil Armstong, Hank Aaron, Howard K. Smith, and Steven Spielberg, among millions of others, are all former Scouts. As impressive as names such as they may be, the ture accomplishment of the BSA has been some 76 years of producing better, well-rounded everyday Americans—individuals who without reward live up to the Scout slogan, "Do a Good Turn Daily."

Mr. President, Benjamin Disraeli once wrote, "The youth of a nation are the trustees of posterity." We must never forget that and always remain mindful of the good works and future investment that is made by such organizations.

GENETIC ENGINEERING OF FISH SPECIES

Mr. STEVENS. Mr. President, I am submitting for the RECORD an article from Business Week which offers some insight into the tremendous potential of aquaculture to the development of our Nation's fisheries resources. Our fishermen have tended to be "hunters" of the wild fish stocks rather than "farmers" of cultivated stocks. However, our knowledge of the oceans is incomplete and severely impedes the ability to manage living marine resources.

The Norwegians and the Japanese are making tremendous strides in aquaculture and genetic engineering. Norway has invested in the development of a pen-reared salmon industry, which is currently capitalizing on a growing fresh fish market in the United States. If our fishermen are to remain competitive on both the domestic and world markets, they too must explore all of the development options.

Aquaculture may offer U.S. fishermen an alternative to depending on nature to provide them with a stable fishery resource. However, the article is quick to point out that uncontrolled efforts to "breed" fish in a natural environment may be deterimental to our wild stocks. It is therefore essential that the scientific branches of the Federal Government work with our fishermen to develop a comprehensive and thorough aquaculture program. I hope that my colleagues will take a few moments to read the article and ponder the greater potential that a cultivation of the oceans offers to this nation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Business Week, Dec. 16, 1985]

HOW GENETICS MAY MULTIPLY THE BOUNTY OF THE SEA

When the mercury dips, commercial fish farmers worry almost as much as Florida orange growers do. A sudden freeze, and thousands of dollars' worth of valuable seafood may be destroyed. But help may be on the way—from a lowly fish called the winter flounder. It produces its own antifreeze so it can swim about in the North Atlantic when the water temperature is barely a degree above freezing.

Scientists at Johns Hopkins University in Baltimore have isolated the gene that permits the flounder to brave the icy seas and are close to transferring it to less well-endowed fish. By next spring, the researchers plan to inject the gene into striped bass and trout, which they hope will then be able to live in colder waters than their parents.

The researchers at Johns Hopkins are part of a small band of scientists who are bent on altering the genetics of fish and other aquatic creatures. While most of the research—and funding—in bio-technology has focused on drugs and agricultural crops, these researchers are applying such techniques as recombinant DNA to coaxing food and useful chemicals from Davy Jones' locker. By manipulating the genetic traits of marine organisms, they are trying to produce fish and shellfish that grow fast, resist disease, and thrive in polluted environments. "The potential for returns is enormous," says Rita R. Colwell, a marine biotechnology researcher at the University of Maryland.

But there is also a potential risk. Some experts fear that the release of modified fish could alter the entire marine ecosystem. Sea bass that could withstand low temperatures, for instance, might crowd out the fish that already live in cold seas. And once the process was started, it would be impossible to reverse. "We need to do lots more research to determine the impact before we release any altered fish into the environment," concedes Dennis A. Powers, chairman of the Biology Dept. at Johns Hopkins.

SUPERFISH

The scientists argue that, while caution may be in order, their experiments are still at a very early stage. Moreover, they point out that most of their work is aimed at commercial production of fish in captivity or involves sterile fish that could not breed in the wild. But ultimately, the marine biotechnologists may open up a new era in utilization of the sea.

While the genetics of domestic animals have been manipulated by breeding for thousands of years, fish have simply been harvested. And attempts to cultivate marine animals on a large scale have been thwarted by their complex and poorly understood life cycles. Today aquaculture generates barely $1 billion in worldwide revenues. By comparison, the U.S. livestock business alone generates $70 billion annually.

But scientists who are tinkering with the genetics of marine animals believe they can pull off feats that will eclipse the already promising research on the genetics of earth-

bound animals. The reason: The lifespans of fish and shellfish are shorter than those of domestic animals, and a single fish produces thousands of potential offspring. Within five years, predicts Johns Hopkins' Powers, "we should be able to routinely introduce genetic traits into cultured and wild fish species."

Marine biotechnologists are already altering the sex of fish, using hormones to control the life cycle of shellfish, and even experimenting with cloning new varieties of "superfish." Taking a cue from animal researchers, who are using growth hormones to produce larger cattle and increase milk production, they hope to use the chemicals to increase the harvest of salmon.

Commercial salmon ranchers now wait three years for their crops. Young salmon are released and swim out to sea, where they remain until they become sexually mature. Then they head back to their birthplace to spawn and die—and it is there that they are captured. The problem is that only about 3% of them ever make it back. Edward M. Donaldson, a scientist at Canada's Fisheries & Oceans Dept., aims to increase the percentage. He found that after six weeks, salmon fry treated with bioengineered chicken and cow growth hormones—produced by Amgen, a U.S. biotechnology company— weighed 50% more than their untreated relatives. Donaldson believes that more of the larger fish will survive in the open sea.

SUICIDAL URGE

The next step will be to equip salmon with the gene to produce the growth hormones themselves. Scientists at Johns Hopkins have already transferred a mammalian growth hormone gene into fish by injecting it into fertilized eggs. Initial results show that some of the treated fry grow faster. Meanwhile fish farmers are eying the growth hormones as a way to increase the size of all sorts of edible marine creatures, from cultivated catfish to lobsters and oysters.

Other researchers are taking a different tack. As far as they are concerned, the salmon's journey back to their birthplace to spawn is sheer wastefulness: They stop feeding, and their flesh—especially that of males—deteriorates rapidly as they swim back into their native streams. One solution is to produce sterile fish that won't succumb to the suicidal urge to spawn but will grow happily at sea, where they can be harvested.

To produce such "capons of the sea," scientists shock the eggs, either by dipping them in warm water or by exposing them briefly to pressures of 6,000 to 8,000 lb. per sq. in. This causes the chromosomes in the egg to double or triple in number, and the resulting fish are sterile. Next spring, Michigan State University scientists will free 100,000 sterile chinook salmon fry in Lake Michigan. They predict that as many as 5,000 will survive beyond the salmon's normal four-year lifespan and reach weights as high as 70 lb., compared with about 15 lb. for a fish returning to spawn. Says William K. Hershberger, associate professor at the University of Washington School of Fisheries: "We could make the oceans far more productive by rearing fish that won't return to fresh water."

Genetic techniques that can produce a high proportion of females, a feat that isn't easily accomplished with higher animals, may one day allow fish ranchers to plan the gender of their crop. Like poultry farmers, aquaculturists prefer to hatch more females than males to produce more eggs—and thus more animals. And marine reseachers have found a way to do it. Canada's Donaldson has injected female salmon with the male sex hormone, testosterone. That turns them into males, but they still have the genetic makeup of females. When they mate with normal females, only female offspring result.

Donaldson has even found a way to produce offspring with the genetic coding of a single parent. He destroys the genetic material in fish sperm with ultraviolet light and then uses the sperm to fertilize eggs. When the fertilized eggs are "shocked," the chromosomes double, producing normal fish that can reproduce. Donaldson believes the technique will make it possible to clone fish—producing thousands of offspring with the characteristics of a single, superior parent.

SCARCE AND COSTLY

Marine biologists are also playing genetic tricks on shellfish to control their behavior in captivity. The only way farmers can induce the Gulf of Mexico shrimp to reproduce, for instance, is by cutting off its eyestalk. That tiny appendage, which holds the animal's eye, secretes hormones that regulate growth and metabolism, as well as one that keeps the shrimp from reaching sexual maturity. When the eyestalk is removed, the shrimp mature and reproduce. But then they literally breed themselves to death. To control the process, scientists at Texas A&M University are developing a synthetic hormone that will block the natural one. They hope to be able to add it to the water to trigger healthy, controlled reproduction.

Similar legerdemain may also help fish farmers domesticate valuable shellfish. For example, scientists at the University of California at Santa Barbara have isolated a chemical signal from red algae that could vastly increase the yield of abalone, a scarce shellfish that fetches up to $30 a lb. at fish markets.

Tiny abalone larvae are very vulnerable because they are free-swimming, and only a small percentage of them live to attach themselves to rocks, where they mature. The substance isolated by the California scientists induces the larvae to attach themselves. When it is added to the water, 95% of them settle onto a substrate. And researchers at the University of Maryland have identified a marine bacterium that synthesizes a substance called melanin, which has the same effect on oysters. If it is produced in large quantities by recombinant DNA technology, it may be commonly used in commercial oyster hatcheries.

USEFUL POTPOURRI

Marine plants are as fertile a subject for biotechnologists as sea creatures. Algae and other seaweeds already provide a potpourri of useful substances, such as foods, fragrances, chemicals, and drugs. But until recently they, like fish, were harvested, not cultivated—and certainly not bred to improve their characteristics. But "we are beginning to transfer technology that has been used with land plants to seaweed," says Donald P. Cheney, a biology professor at Northeastern University.

Cheney is trying to develop an improved version of seaweed to produce agar, a gelatinous substance that has many uses, ranging from a thickener for ice cream to a culture medium for laboratory experiments. After breaking plants down into single living cells, Cheney can alter them in a test tube and select those that perform best. He can also combine them to produce hybrid cells with the best characteristics of two varieties. He hopes eventually to generate entire plants with desired traits from those single cells. The first varieties of such altered plants may emerge from the lab in less than a year.

Depite such progress, scientists complain that their work is being slowed by a shortage of funds. Of the $82 million the National Science Foundation devoted to biotechnology research last year, for example, only $100,000 was committed to work on sea life. Even so, marine researchers believe they will eventually unlock a bounty from the deep. Says Eric O. Hartwig, who manages the Office of Naval Research's oceanic biology program: "We are just on the fringe of what this field will produce." With biotechnology, the sea may one day be as cultivated—and productive—as any farmer's back 40.

TELEVISION COVERAGE OF THE SENATE

Mr. CHAFEE. Mr. President, I support Senate Resolution 28, the proposal to authorize television coverage of Senate debate, and urge the Senate to adopt this measure.

As my colleagues know, the House of Representatives, as well as many State legislatures across the country, already allow their proceedings to be televised.

The American public has a right to know what we in the Senate are doing. Many people obtain most of their news from television. By allowing cameras in the Senate, we are giving TV viewers the opportunity to directly watch out debates and votes.

Television in the Senate, I am convinced, will help make the American people more aware of the issues that confront this Nation and the difficult choice we face. The U.S. Senate is probably the only institution in the United States where true national debates can be conducted on a daily basis.

An informed public is one of the cornerstones of our system of government; there is no reason to limit access to our activities by denying TV cameras the right to record what it is we do in this Chamber.

Some argue that televised debates will encourage Senators to "grandstand" for the cameras and will somehow demean the traditions of the Senate. I disagree. As Samuel Johnson once remarked, "nothing is so conducive to a good conscience as a suspicion that someone may be watching." Moreover, the presence of cameras will likely force Senators to limit the length of their speeches, sharpen their debating skills, and improve their use of the English language.

Mr. President, a television camera is nothing more than a tool to record—accurately—the events of the day. In this sense, it is merely an electronic extension of the pen and pad used by the print media. We would never think of denying newspaper reporters the

use of notebooks and pencils; why should we deny their colleagues from the broadcast media the use of their tools?

The resolution before us authorizes a test period for televised proceedings. It is not a mandate for immediate, nonstop, gavel-to-gavel coverage. Senate passage of a second resolution will be required before the Senate goes public.

I am hopeful that this test period will afford the Architect of the Capitol the opportunity to work out the problems that are sure to arise in the system. Moreover, it will allow us a chance to obtain answers to any of the questions that might linger with Members.

Mr. President, one need only read a sampling of newspapers or switch from channel to channel during the network news and family hours to realize that Marshall McLuhan was indisputably correct. "The medium is the message."

Senators may worry about television's potential effects on the Senate. However, this body is a unique institution with time-honored customs, rules and traditions. It is not going to change overnight.

Should televised proceedings be implemented, those customs and traditions will be faithfully reflected for the edification of the American public. Why should we hide our message?

I urge my colleagues to support this resolution.

NATIONAL SCHOOL GUIDANCE AND COUNSELING WEEK

Mr. PELL. Mr. President, February 3 to 7 marks National School Guidance and Counseling Week. During this week, we honor the wonderful work and dedication of professional school counselors in the United States. This national commemoration recognizes the tremendous contribution that these tireless counselors make all year long to the character and development of our school students.

There are more than 65,000 professional school counselors in the United States who work with students in kindergarten through the 12th grade. In addition to the work of curriculum and graduation requirements, the school counselor must assist our youth with their personal, social, and career development.

School counselors are at the forefront in assisting our Nation's students understand themselves, and their interactions with their peers, their family, and their community. Problem solving and decisionmaking are but two of the tasks which today's professional school counselors must address.

The school counselor is an individual who must be able to understand the constant changes in society which impact on a young person, and they must know how to deal with the problems faced by students of the eighties. Furthermore, school counselors work with parents. In fact, it is the parent-student-counselor relationship that is oftentimes critical to the welfare and success of the student.

Clearly, today's school counselors provide numerous types of assistance to our Nation's youth on topics which include: Understanding themselves, goal setting, career decisions, academic and social concerns.

Finally, let me add that the American School Counselor Association, a division of the American Association for Counseling and Development, has been active in setting the professional standards for school counselors, and has been been responsible for more than 30 years in providing the most up-to-date information for their members.

Mr. President, I hope that my colleagues will joint me in saluting the work of our Nation's school counselors during this, the National School Guidance and Counseling Week.

THE KENTUCKY HORSE INDUSTRY

Mr. McCONNELL. Mr. President, it goes without saying that the horse industry is an important part of the Kentucky economy. Those colleagues of mine who have had the opportunity to attend the Kentucky Derby on the first Saturday of May, have seen first hand the excitement and pagentry of what is $1 billion industry for the Commonwealth.

Central Kentucky, in fact, has the greatest concentration of thoroughbred horse farms in the world. It is also the birthplace of the State's native breed, the American saddlebred, and is the hub of standardbred breeding in the State.

Mr. President, what many of my colleagues may not be aware of, however, is the growing visibility of the Arabian horse in Kentucky. Just outside of Louisville in Oldham County, for example, Dr. Eugene LaCroix and my good friend, his son Gene are developing L'Esprit—a 5,000 acre horse farm community solely for Arabian horses. The heart of the community is the 700 acre Arabian breeding farm, Lasma East, owned and operated by the LaCroix family.

In development since 1981, Lasma East employs some 65 people to oversee a horse population worth between $150 to $200 million. When completed the L'Esprit farm will be the home of some 4,000 Arabians and employ as many as 500 Kentuckians.

Recently, Mr. President, Sports Illustrated published an article on Arabian horses in which Dr. LaCroix and the Lasma farms are mentioned. I ask unanimous consent the excerpts from that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BEAUTY AND THE BEASTLY

(By E.M. Swift and J.E. Vader)

If there is one animal perfectly suited to American tastes in the '80s—costly, elegant, ostentatious and imported—it is the Arabian horse. Looking for a steed of fiery temperament yet tractable? We've got the horse right here. Want a beast whose beauty, intelligence and versatility have dazzled heads of state for centuries? This stud's for you. In the market for a mount whose blood courses through the veins of virtually every breed of light horse extant: thoroughbreds, Morgans, hackneys, standardbreds, American saddle horses, quarter horses, Tennessee walkers and, strange as it seems, the wild mustangs of the West? The Arabian is the granddaddy of 'em all.

But if exclusivity and trendsetting are your aim, whoa now, partner, you're a little late. The once exotic Arabian has gone forth and multiplied on these shores like yeasts in yogurt—a food which, like the horse, was endemic to the Middle East before fashionably gaining appeal in this part of the world. In the last four years more pureblooded Arabians have been entered in the Arabian Horse Registry in the U.S.—more than 100,000—than there had been between 1908, when the registry was opened, and 1973. Twenty-two years ago there were 20,000 Arabian horses prancing about the U.S.; today there are almost 300,000—an increase of some 1,400 percent. And the number of Americans owning a registered Arab has risen just as dramatically: from 11,191 in 1965 to 118,798 today.

How can you tell if a horse is an Arabian? Some identifying characteristics: Arabians tend to be smallish, averaging around 15 hands in height. Their faces are dished in profile and wide at the forehead, with diminutive, almost dainty, muzzles. Ears: pointed and close-set. Eyes: huge, pooling, expressive. Nostrils: large, the better to inhale the hot desert air. Neck: arched and long. Tail: carried high and with elegance. An Arabian's back is compact, its chest is full, its legs straight and somewhat refind, like a dancer's. Its coat: fine, soft and silky. The cumulative effect is a horse that leans more toward prettiness than brutishness, an animal one might expect to have been created not by evolution but by Disney. . . .

The primary beneficiaries of Arabian-mania, and among the moving forces behind it, have been Dr. Eugene LaCroix and his family, the owners and proprietors of the Lasma Arabians farms in Scottsdale and Louisville. LaCroix 69, a retired vascular surgeon, bought his first two Arabians back in 1944 to upgrade his cattle horses. At the time there were only some 3,000 purebred Arabians in the U.S. LaCroix paid $1,200 for a filly and $750 for a stallion, and from those humble beginnings has built an empire that is worth untold millions. "Arabians are tremendously versatile," says LaCroix. "You can use them for trail riding and cattle work; you can show them in all the different categories: halter, Western pleasure, English pleasure, park, pleasure driving, etc. You can ride them long distance, jump them, race them or just keep them in the backyard for the kids. They're the ideal family horse."

All true. Despite the reputation that Arabians have as high-spirited mounts, they are, if treated properly, light-mouthed and

superb with children. The Bedouins, who originally bred the Arabian, stabled their horses either in or next to the master's tent and raised them on camel's milk, eggs, dates and barley flour.

It is a Bedouin belief that Allah created the horse out of a handful of south wind, which he scooped up, saying: 'Thy name shall be Arabian, and virtue bound into the hair of thy forelock, and plunder on thy back. I have preferred these above all beasts of burden inasmuch as I have made thy master thy friend."

The Bedouins were a warlike and nomadic people who selected their breeding stock on the basis of speed, handling and endurance. According to legend, every Arabian horse is a direct descendant of five mares owned by an Arab chief named Faras the Horseman. In 1635 B.C., Faras was traveling through the desert with his vast herd of horses, when suddenly, far below, a stream came into sight. The herd, which had been days without water, raced toward the stream at a gallop. To test them, Faras took out his horn and blew the call to arms. Five mares returned to the call, and it was these five that served as the foundation for the breed.

Whether the legend is true or not, there is little doubt that Arabians are the oldest selectively bred equines in the world. Relief carvings of Arab-type horses have been found on Assyrian and Egyptian tombs that are thousands of years old. King Solomon was said to have owned 1,000 of the beauties. And the Prophet Mohammed ordered his disciples to take good care of Arabians so the disciples could ride forth and spread his word. Since the Bedouins believed that a single drop of alien blood would hurt the Arabian breed, they went to bizarre lengths to insure the purity of the bloodline. A mare's owner would sew her shut with a needle and thread prior to raiding an enemy camp, just in case a foe's stallion sallied forth with fanciful ideas. To these warriors, the Arabian horse was not just an animal, but a gift from Allah—the Bedouin's wealth, his lifeblood and his legacy. "None but chiefs or individuals of great wealth possess [authentic Arabians]," wrote an Englishman, William Giffard Palgrave, in 1856. "Nor are they ever sold . . . When I asked how then one could be acquired, by war, by legacy, or free gift was the answer."

War was responsible for much of the early dissemination of Arabian blood. Between the eighth and 17th centuries Europe was invaded by hordes of Turks, Arabs and the like, who, when they were eventually driven back, left behind swaths of death and destruction and yogurt. Also Arabians. These became the foundation stock for the horses ridden by the Spanish conquistadores, who in turn introduced Arabian blood to the New World, where today it is pulsing through the veins of the scuffy but enduring mustangs of the American West. "But the Poles were the first Europeans to recognize the value of Arabian blood," says LaCroix, noting that the Polish government's breeding program dates back to 1506. "Since Poland has no natural boundaries, they needed a horse with the endurance, speed and handling of the Arabian for defense."

It was LaCroix who helped start the so-called "Polish Revolution" in the Arabian industry—"Polish Arabians are hot-hot," gushes one Colorado breeder when he became one of the first Americans to foray behind the Iron Curtain in search of horseflesh. On his first trip to Poland in 1962, LaCroix brought back the 6-year-old stallion Bask, a longnecked, athletic Arabian, for which he paid less than $16,500. Bask, who was fresh off a Warsaw racetrack, was an immediate sensation in America, combining near-perfect conformation with athleticism to win prestigious performance and halter championships. Bask's offspring proved as exceptional as he was. By the early 1970s, LaCroix's Lasma Arabians was firmly established at the top of the Arabian industry in the U.S.

But what really led to the Arabian boom in this country was the flair with which Lasma marketed Bask's progeny. "We'd been to so many bum auctions where the horses were just standing around, not groomed properly," says LaCroix, "that we decided if the horse could move around freely, its natural beauty would be better appreciated."

At Lasma's first public auction at Scottsdale in 1971, LaCroix tried a number of ideas that his eldest son, Gene—a champion horseman himself—had dreamed up in the best tradition of P.T. Barnum. "We wanted the horses to look good, so we got a runway, which gave them room to move," the younger Gene, 38 recalls. "We wanted some pizzazz, so we added a band and gave each horse a special song. And we wanted everyone to have fun, so we had an open bar." Nothing like a stiff belt to bring out the natural beauty of an Arabian. But the LaCroix were on to something. Twenty-seven horses brought an average of $19,822 each at the initial sale, with the top mare, a Bask daughter, commanding $56,000.

Three years later the LaCroix held Lasma Sale II. Mike Nichols, the director, was the top bidder this time, buying Basquina, another Bask daughter, for $117,500, which was a benchmark in Scottsdale's alliance—some would say me' salliance with Hollywood. Nichols held a sale of his own in Connecticut in 1976, and didn't hesitate to use his Broadway expertise. "Mike added some theatrical things to the sale we hadn't thought of," admits Dr. LaCroix.

Theatrical? Good gracious. Smoke machines, light shows and top-drawer entertainment soon became standard fare at big Arabian auctions. The likes of Bob Hope ("Where else can you sit around watching rich Americans buy Arabs?"), the Beach Boys, Sammy Davis Jr., David Brenner, the Pointer Sisters and Shirley MacLaine began appearing onstage with the horses, and in 1977 shades of Monty! Monty! Monty!—Lasma handed over a new Cadillac to the buyer whose bid put the auction over the million-dollar mark for the first time. What did any of this have to do with Arabians? Nothing. It had to do with promotion. The big names attracted big money. Auction goers began finding themselves cheek by jowl with celebrities—e.g., Stefanie Powers, Bo Derek, Merv Griffin, Kenny Rogers, Jane Fonda, Paul Simon, Meadowlark Lemon, Jackie Onassis, Armand Hammer and King Constantine of Greece.

Last February at the Keg Select sale in Scottsdale, Lasma constructed a stage set duplicating a section of Bourbon Street, then unveiled the evening's entertainment, Al Hirt and the New Orleans Preservation Hall Jazz Band. The band played for 45 minutes before giving way to a bevy of Arabians. The next day that whole set was torn down and replaced by a winter street scene straight out of 19th century Poland, which served as a backdrop for the wildly successful Polish Ovation sale. Serving as direct sales agent for the Polish government, Lasma handled the auction of 19 Polish mares for $10.8 million, an average of $568,684 a head . . .

In fact, about 80 percent of Arabians sell for $5,000 or less. Some a lot less. "People can buy sound Arabians right now for $500," says Schultz. "The market is flat at the bottom."

Which is the good news to folks who want to enjoy the horse, not as an investment, but as a horse. "Maybe 10 percent of Arabians sell for good prices," says Miami real-estate developer and Arabian enthusiast Alec Courtelis, who has spearheaded a drive to make Arabian pari-mutuel racing a viable secondary market. "The other 90 percent are still great athletes. Racing is not just good for the Arabian industry, it is necessary for it to survive. The two-dollar bettor is a whole new source of income."

True, an Arabian can't run with a thoroughbred—it is more than 10 seconds slower over a mile—but in an all Arabian field, will the bettor care? "People love to watch them," says Ruth Duncan of Ocala, Fla., who is actively involved in Arabian racing in the Sunshine State. "They can't believe it: this great field of color coming around the turn, tails up, heads up. Arabians look very flamboyant when they race. They try just as hard as the thoroughbreds, but with those short little legs, they don't get there as fast."

"Our biggest problem is the announcers," says Joe Gorajec, director of racing for the International Arabian Horse Association. "They can't pronounce some of those names." A quick flip through the pages of Arabian Horse World gives one an idea of the dilemma. And here they come: Wielki Szlem has Ru Melika Sabbah by a head. Daalda Fiolek's coming up strong. It's Mizan Taj Halim on the rail. Ru Melika Sabbah . . . Mizan Taj Halim . . . and out of nowhere the winner is . . . Abraxas Maarofic! The race would have to be three miles long just to identify the field.

Actually, the longer the better as far as the Arabian is concerned. When you cut through all the mascara and Vaseline, the silkiness of the coat and the delicate, expressive face, the Arabian horse is one of the world's toughest, most durable creatures. Do you think that Genghis Khan, George Washington, Robert E. Lee and Ulysses S. Grant rode Arabians because they were pretty? Or Napoleon? (Well, maybe Napoleon.) Or President Ronald Reagan, for that matter, who owns four of the critters?

The one thing, besides looking like a movie star—the title role in The Black Stallion was played by an Arabian—that the breed does better than any other is to run long distances. Want to race fast or jump high? Get a thoroughbred. Want to trot like the dickens? A standardbred's for you. Looking showy is your fancy? How about an American saddle horse? Cutting Cattle? Try a quarter horse. But if you want a horse that will run you till your fanny sizzles, the Arabian is the ticket.

"There's a special horse for every job," say Ruth Waltenspiel of Healdsburg, Calif., owner of four pure Arabians and two part-Arabs. "The Arabian's highest and best use originally was to gallop across the desert, rape, rob and plunder, then gallop back to get the boss to bed."

Waltenspiel is a former director of the American Endurance Ride Conference, an organization started in 1971 that now numbers more than 2,000 members and sanctioned some 533 races in 1985 at distances ranging from 25 to 150 miles. The vast majority of those races were won by Arabians. At last year's Tevis Cup, for example, a 100-

mile super bowl of endurance rides that is raced over an old goldminers' trail through the High Sierra of California, 17 of the top 20 finishers were Arabians and the remaining three were half-Arab. Mules, thoroughbreds, camels, mustangs, you name it—the Arabian will leave them in the dust.

"The Arabian you see in horse shows and auctions and the Arabian you see in endurance rides are no more alike than cheese and chalk," says Matthew Mackay-Smith, a veterinarian from Whitepost, Va., who both rides in and monitors endurance races. "Traveling long distances at relatively slow speeds is what the animal is biologically adapted to do. Arabians have a large heart size relative to their weight. Their feet and legs are very durable, fragile as they look. They have lots of slow-twitch muscle fibers and a high surface area relative to their mass, which means they are built more like a radiator than a boiler. They're designed to release heat."

You know that high, elegant way an Arabian carries its tail? Elegant, shmelegant. It's just another way of cooling the furnace.

"Whether a horse is pretty or not means absolutely nothing to me," says Waltenspiel, who has ridden her Arabians more than 10,000 miles since becoming involved in endurance riding in the 1960s. "I'm interested in a sound horse that is cheerful in its work. The motto of our sport is: To finish is to win. The whole thing is to bring both yourself and your horse in feeling good."

Feeling full of ginger, as the show folk like to say. It's an attitude that is somewhat closer to the Bedouin spirit that gave the Arabian its character than, say, a five-year depreciation and the sale of an unborn foal. "People call me up all the time and ask, 'What do you think of Arabians as an investment?' " says Waltenspiel, who buys her Arabians broken to ride for anywhere from $1,000 to $2,500. "I tell them, if any of those smart-talking guys gets you to put up your money, you'd better be prepared to lose it." Investment? Sure, Arabians are a good investment. An investment in pleasure, good health, exercise and family fun.

"Maybe I've got my feet too solidly planted on the ground. I've been to the Scottsdale sales. I thought I was at a Mafia funeral. There's something so excessive about it. It misses the essence of the thing, which to me is you and your horse out there with the leaves and the wind, and the moon rising up through the trees, and the sound of the river and the smell of the trail."

The essence is in the riding. For better or worse, Arabian horses have been one of the trappings of wealth for a few thousand years, from Bedouin chieftains to Scottsdale's nouveau-riche oil moguls. That's not what gives the Arabian its nobility. The horse doesn't know if the rider on its back is a king or a commoner. But it knows if that person can ride.

The Englishman Palgrave described the feeling some 130 years ago: "I often mounted them at the invitation of their [Bedouin] owners and, without saddle, rein or stirrup, set them off a full gallop, wheeled them round, brought them up in mid-career at a dead halt, and that without the least difficulty . . . The rider on their back really feels himself the manhalf of a centaur, not a distinct being."

For anyone who cares to hop on, we've got the horse-half right here.

MESSAGE FROM THE MEXICAN CONGRESS CONCERNING THE SPACE SHUTTLE "CHALLENGER" TRAGEDY

Mr. THURMOND. Mr. President, in my capacity as President pro tempore, I rise to bring to the attention of my colleagues a letter received from the leaders of the Mexican Congress concerning the space shuttle *Challenger* tragedy. On behalf of the Senate, I thank our Mexican friends for their condolences.

Mr. President, I ask unanimous consent that a copy of the transmittal letter from the Mexican Ambassador to the United States, Jorge Espinosa de los Reyes, and a copy of the letter from the Mexican Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMBAJADOR DE MÉXICO,
Washington, DC, January 30, 1986.

Hon. STROM THURMOND,
President pro tempore of the Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR THURMOND: Please find herewith enclosed the text of a message sent to the people of the United States by the leaders of the Permanent Commission of the Mexican Congress, expressing the condolences of the people of Mexico for the regrettable tragedy on the launching of the shuttle "Challenger".

Sincerely yours,
JORGE ESPINOSA DE LOS REYES.

UNOFFICIAL TRANSLATION

The Permanent Commission of the Mexican Congress wishes to convey, through the Congress of the United States, the condolences of the people of Mexico for the astronautic tragedy which took the lives of notable U.S. citizens.

The people of Mexico have been deeply distressed by this accident, and wish to express the sorrow they feel on this day, and their feelings of solidarity with the grief affecting mankind.

Sincerely,
MEXICO CITY, JANUARY 29, 1986.

(Signed by: Representative Eliseo Mendoza Berrueto, President; Representative Nicolas Reynes Berezaluce, Vice President; Senator Myrna Esther Hoyos de Navarrete, Secretary; Representative Blanca Esponda de Torres, Secretary.

TRIBUTE TO JUDGE FRANK SALTER

Mr. HEFLIN. Mr. President, in the past history of the State of Alabama, the probate judge of a county was considered to be the leading political figure of that area. He exercised tremendous influence, and candidates for statewide office or for congressional district seats sought his support. This has changed to a great degree in recent years. Television, radio, and other forms of information dissemination have lessened the impact of any one individual in the political arena in a county. However, because Judge Frank Salter—the probate judge of Conecuh County, AL—is an outstanding personality and a friend to so many people, he is still considered to be of the "old breed of probate judges," whose influence is felt throughout the entire State. Judge Salter is genuinely loved by the people of Conecuh County for his kindly down-to-earth manner, as well as for his energetic efforts in helping each and every citizen who seeks his advice, counsel, or assistance.

Judge Salter is a model for carrying out the official duties of his office and other probate judges seek his advice and endeavor to pattern their performance of official duties after his example.

Recently, there appeared an article in the Mobile Press that described Judge Salter as being the "salt of the Earth." I believe this description is very accurate, and the people of Conecuh County would tell you that without question he is the "salt of the Earth" of that county.

I ask unanimous consent that the article entitled "Conecuh County Judge Called 'Salt of the Earth' " written by Jackie Byrd, Press Register reporter, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONECUH COUNTY JUDGE CALLED "SALT OF THE EARTH"

(By Jackie Byrd)

EVERGREEN, ALA.—His acquaintances describe him as the salt of the earth, but with a spicy sense of humor. Conecuh County Probate Judge Frank Salter of Evergreen has successfully blended his many traits to become the well-liked and highly respected public official he is today.

Salter, now 60, has served as the probate judge of "Conecuh (pronounced like barbecue) County" for the past 21 years. Now serving his fourth elected term in office, the judge responds that he'll "seek a couple more." He teases that he plans his retirement in the year 2,001 after having served six six-year terms in the courthouse.

In his judicial capacity, Salter serves the county's 16,000 residents through the sale and issuance of car tags and licenses, fishing licenses, marriage licenses and drivers' licenses.

He and his staff of three clerks also are responsible for the recording of deeds, mortgages and other such documents for the county. Through the probate court, the judge also conducts hearings for the filing of wills and for mental health institution commitments.

Being a probate judge "is a great experience," Salter commented recently. "Everybody ought to serve the public in some form," he remarked adding that "when you try to serve the people, you've got quite a job."

Apparently enjoying his chosen line of work, Salter denies that he has a favorite chore but "I just do the best I can" in all his activities as judge.

Over the years in office, Salter recalls that one change for the better was the elimination of poll taxes for voters.

"Used to, if you didn't pay, you didn't vote," the judge related. Citizens had to pay a set amount to have their names included on county voting rosters, he explained, expressing relief that "we don't do that any more."

In addition to his official position, Salter also sits as a member of the City of Evergreen Industrial Development Board. He voices pride in accomplishments of the panel on which he has served for the past "16 to 18 years." As a result of the board's actions, he noted, "Evergreen's getting some industry," which mean jobs and growth for the community.

Salter is also a Shriner, he responds, describing himself as "just a very casual person."

A native of Conecuh County, Salter says he was born "just a few miles out from the post office." He graduated from Lyeffion High School, he said, and has always considered himself part of the Evergreen community.

Two stints in military service pulled Salter away from his hometown with the veteran serving during World War II and during the Korean conflict.

Salter is married to the former Lois Brown who is also a Conecuh County native.

VIRGINIA STATUTE FOR RELIGIOUS FREEDOM

Mr. WARNER. Mr. President, the National Commission on the Bicentennial of the U.S. Constitution was recently organized under the chairmanship of the Chief Justice of the United States, Warren E. Berger. The Commission is moving forward to plan and coordinate educational, historical, and commemorative activities across the 50 States as a proper observance of the Bicentennial of the U.S. Constitution.

One of the first major ceremonies of the Bicentennial was conducted in Richmond, VA, on Thursday, January, 16, 1986. The Virginia Statute for Religious Freedom Committee staged a moving ceremony in the rotunda of the State capitol, involving a joint session of the members of the Virginia General Assembly, all former Governors, and the public. The ceremony commemorated the Bicentennial of the adoption of the Statute for Religious Freedom, which was penned by Thomas Jefferson.

Because of the importance of the statute and the educational value of the remarks by the various speakers, I ask unanimous consent that a transcript of the ceremony be printed in the RECORD, so that all who have access to the RECORD will begin to focus on the legal, moral, and ethical questions contained in the first amendment to the Constitution of the United States, which was born out of the Virginia Statute for Religious Freedom.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATUTE OF RELIGIOUS FREEDOM CELEBRATION

Mr. Saul Viener, Chairman, Citizens to Commemorate the Virginia Statute of Religious Freedom: It is my pleasure to call on the Reverend Allix B. James, Chancellor, Virginia Union University.

Reverend JAMES. Let us pray. Oh God our father, we realize that out of conflict, you created in us a love for peace and liberty. Thy name be praised. We thank thee for this land and the freedoms we enjoy. On this 200th anniversary occasion as we commemorate the Virginia Statute for Religious Freedom, we are grateful for the prophetic genius of Thomas Jefferson, the courage and tenacity of James Madison and George Mason, and for the wisdom for the members of the 1786 General Assembly who made it a law for the Commonwealth. We thank thee for the inspiration that it generated which resulted in the first amendment to the Constitution of these United States which put to an end religious persecution. We pray that this spirit will continue to engulf us, so we can always live and have our being in peace and security because of our love and respect and tolerance for all mankind. to this end we pray that each one of us will dedicate our lives this day. In thy name we pray, Amen.

Mr. VIENER. Governor Baliles, honored past Governors, Lt. Gov. Wilder, Attorney Gen. Terry, Senator Warner, Congressman Bliley, Senator Willey, Speaker Philpott, distinguished members of the General Assembly, Reverend, Clergy, honored guests, ladies and gentlemen:

We stand here in the embrace of history to celebrate and to pay tribute to our General Assembly. Inheritors of that body of legislators who enacted the Virginia Statute for Religious Freedom two centuries ago. We celebrate history not for itself, but for its continuing relevance for these past 200 years. We honor the past by these ceremonies, and hopefully, ensure our future.

We have with us on the dais and in the audience, those who have joined us for this happy occasion. We are honored to have their participation and most appreciative of their contributions to Virginia and to our nation. As you can see in your programs, these ceremonies are sponsored by three organizations: our Citizens to Commemorate the Bicentennial of the Virginia Statute, the Virginia Bicentennial Commission of the United States Constitution and the Virginia Foundation for Humanities and Public Policy. On behalf of these organizations, I wish to recognize the continuing tradition of Virginia statesmanship. And would our honorary sponsores please rise? Governor Harrison, Governor Godwin, Governor Holton. To our regret, Governor Robb, our Honorary Chairman, could not attend. Govrenor Dalton could not be present today and I know all of you join me in sending our very best wishes to him. I thank you all.

I wish to recognize and thank the Anniversary Committee which has done an outstanding job in making today's events possible, and let's give them a hand. Later in the program, you will hear from Carol Negus, the Committee Chairman. And now it is my particular pleasure to call upon Prof. Merrill Peterson, Jefferson Foundation Professor of History, University of Virginia.

Professor PETERSON. Late in his life, Thomas Jefferson remembered the struggle for religious freedom in Virginia as the severest contest in which he had ever engaged. In 1776, having written the charter for the new nation, the Declaration of Independence, he came home to Virginia, determined to establish its principles of freedom, equality and self-government in the laws and institutions of the infant Commonwealth. No reform was more important in his eyes than the overthrow of the established church, the Anglican Church, and lay a new foundation of civil and religious life. Everywhere in the world, church and state were united, and dissenters from the one true faith, the established religion, whatever it might be, while they might be tolerated, suffered numerous pains and penalties. Jefferson proposed a revolutionary change based upon two principles; first, absolute freedom of religious conscience and opinion, second, separation of church and state. Each principle was dependent upon the other—true religious freedom cannot exist as long as the state is a party or adopts as much as an opinion about religion. And the state cannot be disentangled from religious quarrels and hatreds except under conditions of freedom, wherein no church or no sect is dominant.

The philosophy found expression in the Virginia Statute for Religious Freedom, capping the climax of a decade-long struggle. The achievement was made possible by an unusual alliance. On the one side, liberals and rationalists like Jefferson, his young colleague James Madison, George Mason and others; on the other side, the various dissenting sects led by the evangelical Baptists. They shared the same goal, though for different reasons, and so by the unique logic of American history, the seekers after enlightenment and the seekers after salvation were allies in liberty.

Disestablishing the church as it turned out, was only half the battle, for many Virginians, fearing the consequences of a state without religion, and of churches without public support, proposed a halfway house in which all citizens would be taxed to support, the church or the minister of their choice. Always before in history, the establishment of religion had meant a single state church. Now in the course of religious controversy in Virginia, it took on a new meaning: the civil support of religion without preference as to church or sect. The plan of a plural establishment which would be tried in several of the new states, was defeated in Virginia. Against it and against Patrick Henry, its champion, Madison wrote his great memorial and remonstrance in 1785. And the adoption of Jefferson's statute some months later settled the matter. The statute is an eloquent manifesto of the sanctity of the human mind and spirit not only of religious liberty but of intellectual liberty and all its latitude against all oppressions, civil and ecclesiastical.

Its principles became the cornerstone of the whole edifice of freedom and separation in the United States. The free exercise clause of the first Amendment stems from these principles and they have substantially shaped our liberal understainding of that clause in the last half of the 20th century. Yet there are powerful voices in the land who would rewrite history and alter or undermine those principles. Thus it is said by some that we began as a Christian nation and that religion in some form, remains somehow essential to support the Republic. But the point of the Virginia Statute was to reject that old world idea. The rights of conscience are private, they are not submitted to civil authority, nor is government in any way dependent upon our religious opinions. It is said too that Jefferson and Madison, although opposed to an established religion, never meant to exclude state involvement with religion on an equal and non-preferential basis. But as we have seen, they deliberately rejected just such a plan in Virginia.

In the Statute, after saying it is sinful and tyrannical to compel a man to support opinions he disbelieves, Jefferson went on to declare that even the forcing him to support this or that teacher of his own religious persuasion is wrong.

In this regard, it was the Virginia model that prevailed in the United States, the last of the plural establishment experiments ended in Massachusetts in 1833. Thomas Jefferson was a rebel against the past, he believed that each generation should make its laws to suit itself; yet, to this statute, he added a final admonitory clause, "if any act shall hereafter be passed, to appeal the present or narrow its operation, such act shall be an infringement of natural right." The General Assembly of this Commonwealth has heeded the admonition for 200 years, thereby doing honor to itself as well as to this great monument of legislation. Let us pray for the survival of the statute another 200 years.

Mr. VIENER. Thank you very much, Dr. Peterson. It's now my happy pleasure to call on Professor A.E. Dick Howard, Chairman, Virginia Committee on the Bicentennial of the United States Constitution.

Professor HOWARD. After the signing in Virginia of the Statute for Religious Liberty, Thomas Jefferson by then was in Paris and he took great delight in noting the old world's acknowledgment of the Virginia Statute passed in the New World. He wrote a letter back to James Madison in December of 1776, observing that the Virginia Statute had already been translated into French and into Italian and that it had been incorporated into the famous encyclopedia. And in that letter to Madision he concluded with this remark. He said, "It is honorable for us to have produced the first legislature who had the courage to declare that the reason of man may be trusted with the formation of his own opinions." Jefferson obviously hoped that the Virginia example would spread throughout civilized countries. But what of the Virginia Statute's influence here in the new world, in the country of its origin? With the enactment of the Virginia Statute, religious liberty took on a new and distinct dimension.

In 1776, at the convention that was convened in Williamsburg to write a constitution for Virginia, George Mason had used language which was drawn from John Locke's 17th century notions of toleration, religious toleration. James Madison thought that language not strong enough and he moved an amendment which was adopted to substitute for the language of toleration: the language of free exercise of religion, the language you now find in the Bill of Rights in Virginia. But these steps towards religious liberty were not then complete. It took another decade until 1786 for Virginia to take the additional and essential step, namely, not only free exercise of religion, but the principle of disestablishment or separation of church and state. Now that principle established in the 1780's is as valid a cornerstone of American constitutional law today as it was 200 years ago. The principles of free exercise of religion and the principle of the no-establishment clause are together handmaidens of American liberty. Let no one tell you that one is simply redundant of the other.

Thus was the basis laid in Virginia in the 1780's, and the timing is fortuitous because the next year delegates met at Philadelphia to frame a federal constitution. And that's a familiar story, one recalls how the anti-federalists in attacking the proposed constitution, complained in particular that there was no bill of rights and chief among their complaints was the lack of some guarantee that the newly-formed federal government would not infringe the individual citizens' rights of conscience or free exercise of religion. In Virginia, the contest was very close. The Virginia ratifying convention did agree to the new constitution by a vote of 89-79, but they attached to that ratification, a series of proposed amendments. James Madison at the first Congress, then undertook, in effect, his moral obligation to carry forward with Congress's adoption of a bill of rights and as you know, the first of those bill of rights, as they came to be adopted, is the first amendment—part of which declares that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Now if we were celebrating the centennial, the 100th anniversary of the Virginia Statute, the story would end at that point. Because for the first roughly 100 years, there were no Supreme Court Cases involving an interpretation of the religion clauses of the first amendment. Indeed, it was not until after the adoption of the 14th amemdment that one could even plausibly argue that the first amendment might bind states as well as the federal government. In 1878, the Supreme Court, for the first time, had the occasion to interpret the religion clauses of the first amendment. In that opinion involving Mormon polygamy practices, Justice Waite, writing for the majority of the justices, looked to Jefferson's bill, to the Virginia Statute, as being, as he put it, "an authoritative declaration of the scope and effect of the first amendment." That practice, looked to by Justice Waite in 1878, has continued. The Seminole case in the modern Court, the modern Supreme Court, is the Everson opinion of 1947. In that case, Justice Hugo Black, looked as Waite had done in the 19th century to the Virginia Statute as the point of departure for understanding the force and effect of the first amendment's religion clauses.

Now the Everson case, I must say, is a rather curious opinion because on the one hand, Hugo Black's language is highly separationist—the importance of separation of church and state—and yet, Black reaches the conclusion for the Court that the law being challenged, a New Jersey statute permitting the reimbursement of parents of parochial school children for school bus transportation, was nevertheless, constitutional. In the last 40 years, there have been many Supreme Court opinions and one reads those opinions realizing that the Justices have been groping their way to understand exactly where one draws this line between church and state. The Court has, on the one hand, invalidated the mandating of school prayers or Bible readings in public schools, but on the other hand has upheld such things as Sunday closing laws or tax exemptions for churches. An especially thorny area, very controverted, has been efforts to channel state aid to church-related education. And as the Court has struck down many of these programs, there has been a rising tide of criticism of the Court, complaining that enforcing the establishment clause somehow infringes free exercise values. There has been the call for government, in effect, to accommodate religion, to sort of relax these barriers between church and state. Indeed, for a time in the early '80's, it looked as if the Supreme Court might be responding to these calls for accommodations.

There were Supreme Court cases upholding, for example, a Nebraska law permitting the paying of a legislative chaplain, and a rather famous case involving the display at Christmastime of a creche owned by the city of Pawtucket, Rhode Island. But last year, the Court once again appeared to rediscover the establishment clause. There were no fewer than eight church and state cases on the Court's docket in one term and the Court, to the surprise of a great many observers, came down very strongly for the principle of separation, in particular, in cases involving the sending of public employees into private church-related schools to teach secular subjects. It is clear that the whole question of church and state remains as thorny and as controverted a battleground today as it ever was 200 years ago.

So what can we say in summing up what this tradition has amounted to? What are the core issues, what does the tradition of the Virginia Statute require us to be especially sensitive to? I think there are two issues. One is areas in which government aid is perceived to be channeled in support of religious belief. Particularly such things as financial aid to church-related education. This I submit is the core concern of the Virginia Statute. And the other area of sensitivity is that of government acknowledgment of religion which is handled in such a way as to become government endorsement of religious views. Now those are difficult—easy bromides to suggest—but difficult lines to draw. But the sign posts are these: government must, in its dealings with the religion, be neutral. Neutral in the sense that it does endorse or support specific religious view, but at the same time, not be hostile to citizens' undertaking of their religious pursuits.

Religion in America best prospers when government leaves religious groups to chart their own course, without government sponsorship on the one hand or interference on the other. In no nation in the world, I submit, is there as much genuine religious liberty as there is in ours. For this blessing, all of us may thank in good part the genius of James Madison, who wrote the famous memorial and remonstrance against religious assessments and of course, brought about the passage of the first amendment and Thomas Jefferson, who brought us the Virginia Statute for Religious Freedom.

We are, as you know, about to begin the celebration of the bicentennial of the Constitution of the United States. And during that bicentennial era, we will celebrate many events, we will acknowledge the contributions of many framers and thinkers and we mull the significance of many great ideas. But none of these events or framers or ideas can have a more central place in the American constitutional order than Thomas Jefferson, than his bill for religious freedom, and in the underlying commitment to the belief in the limitless freedom of the human spirit.

Mr. VIENER. Thank you very much, Professor Howard. It's my pleasure now to call on Mr. Robert Vaughan, Executive Director, Virginia Foundation for the Humanities.

ROBERT VAUGHAN. Ladies and Gentlemen, I welcome you here on behalf of, at least one of the sponsors, the Virginia Foundation for the Humanities. The Foundation initiated its own celebration of the Virginia Statute in 1982 in anticipation of this observance today. This then, is but one activity in a series of activities sponsored throughout the Commonwealth of Virginia to bring the Statute to the attention of citizens through-

out the State. The Statute is in many ways, an ideal humanistic document. It's an historical document, it's a legal and political document, it's a religious document, it's even a literary document. But it's a document that has a living present, and an evolving future. All Foundation programs seek to bring a greater understanding of our cultural traditions, whether they be our religious traditions or our legal and historical and political traditions. It's my great privilege today to introduce to you our senior senator from Virginia, the Honorable John Warner. He undoubtedly needs no introduction to this distinguished group of guests.

Senator Warner was recently cited by Newsweek as the leading Senate Republican on arms control issues. He was one of eight senators to meet recently in Moscow with Gorbachev and one of 10 senators to serve as an official representative to the Geneva Arms Control Talks. He has been Secretary of the Navy. Many of you will remember, especially today, that he administered the American Revolution Bicentennial Celebration, a precursor of this event and of our constitution's bicentennial. In the best of Virginia traditions, Mr. Warner is a graduate of Washington & Lee University and the University of Virginia Law School. Please join me in welcoming Senator Warner today.

Senator JOHN W. WARNER. It is my privilege today to bring a message from our president. White House, dated January 15th, to all Virginians:

"I'm honored to send warm greetings to the distinguished guests gathered at the historic Virginia State Capitol in Richmond to commemorate the 200th anniversary of the enactment of the Virginia Statute of Religious Freedom.

"There are few significant milestones in the history of our republic, or indeed, and that of man's universal struggle for liberty than the one you now recognize. The statute, which became part of Virginia's constitution in the year of its passage, provided the basis for the first amendment for the Constitution of the United States, and its long inspired respect and admiration in this country and wherever freedom is cherished.

"Three of our greatest founding fathers, Thomas Jefferson, James Madison and George Mason, contributed to the authorship and passage of this landmark legislation. These men of wisdom, understood that all their efforts to secure independence and a truly free society would be for naught if our people were denied the freedom, the freedom to practice their religion according to the promptings of their own individual consciences. The lingering remains of established state-supported churches were a troubling reminder of the oppression—oppression that had driven Americans to seek independence, and break with the intolerant ways of the old world. The Statute ushered in a golden age for liberty and helped to strengthen the bonds of unity among all Americans.

"As we approach the bicentennial of the ratification of the federal constitution, this precious document created by Jefferson, Madison and Mason, is a reminder of the wisdom and experience from which it emerged. On behalf of all Americans, I'm proud to join the people of the Old Dominion, the Commonwealth of Virginia, in celebrating the 200th anniversary of the Virginia Statute for Religious Freedom. God bless you all. Signed, the President, Ronald Reagan."

If I may, I'd like to add just a moment of my own thoughts. Like the fine wines which he so loved, Jefferson's ideas of what our country should be have aged well. But he will be remembered principally, and we will remember him, for three things, indeed, they are inscribed on his tombstone. Those three achievements are the writing of the Declaration of Independence, the founding of the University of Virginia, and writing the Virginia Statute for Religious Freedom.

Of course, without freedom we have nothing. Thomas Jefferson understood the value of freedom and the importance of preserving it. In this age in which we live, when the civil liberties and political rights of 42 percent of the world's population are either limited or completely repressed, the significance of what Jefferson achieved by writing the Virginia Statute of Religious Freedom should be obvious. Indeed, some historians argue that this statute is without parallel and I tend to agree. Where freedom of religion is allowed to flourish in a country, so will its people. If there is any doubt, look into the eyes of those whose freedoms have been denied. Ask a freedom fighter in Afghanistan what it means to have one's freedom denied. Ask a black family in South Africa or a polish citizen this same question. Ask the wife of the University of Virginia professor living now in the Soviet Union, who is finally at long last, coming with her daughter to join us here in the United States. Ask her what it's like to have freedom denied.

Yes, Jefferson understood the importance of freedom and insuring its inclusion in our constitution, our nation's Constitution's Bill of Rights represents a remarkable achievement by a remarkable people. It is why our government remains today the oldest, continuously surviving democratic republic on earth. All other forms of government in existence, at the time of the enactment of the Constitution, have fallen into the dust bin of history, or at one time or another, have been suspended.

It has proved to be a document that has endured for nearly these 200 years. In a world that has experienced incalculable change. And Jefferson said, and I quote, "It's a good canvas on which only some strokes only wont retouching."

And I close with just a little personal recollection, looking at my friend, Governor Godwin, whose initiative brought this state to the forefront during the bicentennial, and the day which I recall was the dedication of the bicentennial center at the foot of Jefferson's home in Monticello and I was the principal speaker. The individual about to introduce me came up and said in a rather prompt manner, "Have you studied for this?"

And I said, "Yes."

And he said, "Are you nervous?"

And I said, "No."

He said, "You'd best to a good job." He said, "Did you realize that in his time, Thomas Jefferson was recognized throughout Virginia and the colonies as being the worst public speaker? And ever since that time, he's been waiting for some official, either federal or particularly state, to do a worse job."

Mr. VIENER. Thank you very much, Senator Warner, for the message you brought from the President, your kindness in coming and your message about how carefully we must prepare ourselves when we stand in front of the public. Thank you very much. It's my happy and very special pleasure now to call on Carol Negus, chairman of this anniversary event.

Carol Negus, Secretary, Citizens for the Commemoration of the Virginia Statute of Religious Freedom: It is our privilege today to present this plaque to commemorate the passage of one of the most important pieces of legislation ever enacted not only in the Commonwealth, but in the world. The Virginia Statute for Religious Freedom became law 200 years ago today, January 16, 1786. In memory of those statesman who brought the statute to birth, Thomas Jefferson and James Madison, we offer this tablet to be hung in the House of Delegates to hold up to posterity the timeless truth that civil liberty is impossible without religious freedom. Presentation of the commemorative plaque to Senator Edward Willey and Speaker A. L. Philpott and reading from the Virginia Statute of Religious Freedom:

"B is enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested or burthened, in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge or affect their civil capacities."—Thomas Jefferson

Mr. VIENER. Ladies and Gentlemen, I have the honor and great pleasure to present to you, the Governor of the great Commonwealth of Virginia, Governor Gerald Baliles.

Governor BALILES. You have heard eloquent testimony to the historical significance of the Virginia Statute for Religious Freedom. It is a remarkable document, made more so when considered in the context of its time. Against the dark history of religious strife, Thomas Jefferson wrote a ringing declaration against oppression of the mind. He said that all men shall be free to profess and by arguments to maintain their opinion in matters of religion and that the same shall in no wise diminish, enlarge or effect their civil capacities. Sound words. Great words. But as we honor Mr. Jefferson, author of the Statute, and James Madison who relentlessly pursued its passage, we must not do so as if the political issues that gave rise to their actions lack pertinence today. Would these words, in this statute, if not sanctified by the names of Jefferson and Madison, be understood, and appreciated and honored today? Sometimes I wonder.

There are those in the present generation who hold religious views of one variety or another, and claim their rights under the first amendment. They should not remain oblivious to the meaning and the message that the religious freedom statute in Virginia still applies to all citizens regardless of their religious faith. And I believe that events such as this, go forward toward insuring that we do not ignore the lessons of the past. We must preserve and defend the ideals represented by Jefferson's statute of religious freedom which has in every sense of the word made us unique among the nations of the world. We honor Mr. Jefferson and we honor his words, but not as relics of the past, not as antiques to be peered at with casual curiosity. No, I think we honor the Statute for Religious Freedom today because it's a vital guidepost for the future governments of our nation and of our commonwealth. And so I join in gladly accepting this tabloid on behalf of all the citizens of Virginia and accordingly I have prepared a certificate of recognition which reads as follows:

Whereas, in January, 1786, the General Assembly of Virginia enacted the Virginia

Statute for Religious Freedom, drafted in 1777 by Thomas Jefferson, and

Whereas, that statute declared that the freedom of conscience and religious belief is among the natural rights of mankind, and

Whereas, the Virginia Statute recognizes that religious liberty requires the government assume no role in attempting to influence citizens' religious views, and

Whereas, the Virginia Statute has been recognized as the most important precursor of the first amendment to the Constitution of the United States, and

Whereas, the Virginia Statute is widely understood to be one of the Seminole Documents in the development of constitutional protections for individual liberty, a document whose influence has extended even beyond the boundaries of the American nation, now

Therefore, I, Gerald L. Baliles, Governor, do hereby recognize January 16, 1986 as Virginia Statute for Religious Freedom Day in the Commonwealth of Virginia and I call its significance to the attention of all of our citizens. Thank you.

Mr. VIENER. Thank you, Govenor Baliles, for your stirring message, the proclamation, and for your participation. And in these early days of your administration, we wish you well and no doubt that you will serve in the tradition of the great men of whom we have spoken today. I would also like to thank Senator Willey, Speaker Philpott, and may I take the liberty of saying, Mr. Speaker, that even though there are differences between the Senate and the House, we are still all one people, but with many voices. Thanks are due many people, but at this moment, I would like express our great appreciation to Delegate Franklin P. Hall and Mr. Joseph Holleman without whose guidance and counsel we could not have arranged the ceremonies now concluding and the preparations which preceded it. This has been a shining hour in the annals of our blessed Virginia. So at this moment, I think it is particularly fitting to call your attention to the list of very generous persons who have been the contributing sponsors for this project. These good people have provided the means to make these events possible. We thank you most sincerely. And now, ladies and gentlemen, we have performed the necessary rituals, we have recited the appropriate phrases, we have drawn on our historic pasts to honor those founders of our republic and in order to pay tribute to those who lead us through the present. We stand here near Washington, Jefferson and Madison at the beginning of a new century of freedom. Allow me to share with you portions of a message President Washington sent to a Rhode Island Congregation in 1790 soon after taking office.

"For happily, the government of the United States which gives bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens."

CELEBRATING MICHIGAN'S 150TH BIRTHDAY

Mr. RIEGLE. Mr. President. During 1987, Michigan will commemorate 150 years of statehood. Over the next year and a half, the Michigan Sesquicentennial celebration will showcase my State's pride in its history and contributions to our Nation. It will also reaffirm our dedication to not only an exciting future for the State of Michigan, but also for the entire country.

The Michigan Sesquicentennial Commission, appointed by the Governor, is made up of 32 members from across the State. Right now, they are working to orchestrate a series of events from Marquette to Monroe that will serve to recognize our distinguished heritage as Michiganites. It is my hope that by celebrating our past we can also inspire hopes and dreams for years.

Michigan citizens will mark our State's 150th birthday with festivals and parades in their hometowns. Quite possibly the largest reunion in the country will take place as families and friends with Michigan roots return to rekindle their affections for the Great Lakes State. These unique and personal celebrations will be matched by the recreation of history at such significant locations as Fort Wayne, Fort Mackinaw, Fort Wilkins and the Edison Institute, which is made up of the Henry Ford Museum and Greenfield Village. An exciting addition will be a visit of the Tall Ships. These majestic structures will grace the ports of Detroit and Traverse City in July 1987, when the National Governor's Conference is held on Mackinac Island.

During the sesquicentennial, Michigan will recognize its accomplishments. The Detroit Science Center will play host to scientists from all over the State who will participate in a week-long series of symposiums designed to highlight the scientific challenges that face our Nation. As an added bonus, Michigan will be represented in the Smithsonian Institution's Festival of American Folklore here in the Nation's Capital. Nearly 1 million people will visit the Smithsonian during the 10 days of the festival.

The celebration would not be complete unless it touched the minds of Michigan's children. A package of instructional materials, including a new Michigan history textbook, is being designed for children in grades four through eight. The package is intended to give our future leaders an appreciation for Michigan's past.

Michiganites have good cause to be proud or our State. The Sesquicentennial is an ideal occasion to remember our successes and look to the future. I am inviting all of you to visit Michigan over the next year and a half and join in the celebration of a very happy birthday.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HEINZ). Without objection, it is so ordered.

TV IN THE SENATE

Mr. MATTINGLY. Mr. President, we are again debating broadcast coverage of the U.S. Senate without first worrying about the rules changes this will mandate.

The failure to first settle the rules issue was a major criticism I had of Senate Resolution 66 in the last Congress. Many months have gone by since that debate, yet some would still prefer for us to vote first to let the cameras in, and then worry later about the rules.

I would like to thank the distinguished minority leader for his thoughtful work in this area. His original resolution contained rules proposals that attempt to solve some of the difficulties we are going to face. I cannot support each and every aspect of his original resolution. But it is a beginning point. Discussions are now underway and I am hopeful that we can reach a reasonable compromise. With Members such as the distinguished minority leader and our majority leader as well as the senior Senators from Louisiana and Maryland working on this problem, a reasonable proposal on the rules can be agreed upon. When you combine those Senators' time of service, it comes to almost a century of experience. If anyone can head off some of the potential problems with television coverage, these Senators can.

Working on the rules of the Senate is a thankless job. It is no wonder that these seems to be a feeling on the part of some of the proponents to put off the issue of the rules until the Senate is committed to television coverage. For the deeper you wade into the briar patch of potential problems, the more thorns you will find.

If, for example, we have gavel-to-gavel coverage, I doubt seriously that the Senate's tradition of unlimited debate could long survive. We move at a snail's pace now. We will have to either limit the coverage or limit the debate or grind to a halt as every Member feels compelled to speak at length on every issue.

Now we are told that it will take another affirmative action by the Senate to actually begin the coverage. This will be a test period. Other than technical questions, I am not certain what we will be testing under Senate Resolution 28. We certainly will not be testing whether the coverage will cause Members to make more speeches and longer speeches. That will not come until we vote to allow C-SPAN and the other media to take and use the material. Until that happens, the cameras will just be sending pictures back to

our offices. So this test period has no meaning except for making certain the equipment works properly.

Make no mistake, however, if we vote to install the cameras, the issue is settled, no matter what our difficulties later with the rules.

I do not think it is an unreasonable request that we face the issue of the rules before spending this money on television equipment.

I want to see how large the camel is before we let his nose in the tent. Once we vote to install the cameras, there will be no turning back.

I will not belabor the point. There is an urgent desire by some Members to have television, no matter what historical changes may inadvertently result from that decision.

Election by election we have added Members to the Senate who have served in the House. Perhaps they counted broadcast coverage as an advantage to their election. Perhaps they see little difference between the House and the Senate. Television worked well in the House, so why should the Senate be different?

I can only say the Senate is a different institution than the House in many ways. We do not tightly control access to the floor. Under television we may have to go to that. We do not tightly limit the amount of time a Member may speak on an issue. Under television, we may have to go to that.

In short, television may go a long way toward turning the Senate of the United States into another House of Repesentatives. To me this is something worth debating. This is worth taking the time to develop rules that would safeguard the historic character of the Senate.

CONGRATULATING PRESIDENT RONALD REAGAN ON HIS 75TH BIRTHDAY

Mr. DOLE. Mr. President, I send a resolution to the desk on behalf of myself, the distinguished minority leader, and Senators LAXALT, SIMPSON, NICKLES, WALLOP, WILSON, FORD, HEINZ, MATTINGLY, and GARN—and I would assume other Senators who would like to join as a cosponsor—and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 336) congratulating President Ronald Reagan on his 75th birthday.

S. RES. 336

Whereas President Ronald Reagan today celebrates the seventy-fifth anniversary of his birth; and

Whereas through his vigor, style, and wit he has proved that maturity is a bonus not a barrier; and

Whereas his leadership has earned him respect and admiration in this Nation and abroad; and

Whereas the President has led the country in a way that makes us proud to be Americans: Now, therefore, be it

Resolved, That President Ronald Reagan is extended our heartiest congratulations on his birthday, and our very best wishes for a healthy and happy year.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

(During the day the names of all remaining Senators were added as cosponsors of the resolution.)

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 336) was agreed to.

The preamble was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I am certain others will be requesting that their names be added as cosponsors.

Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to transmit a copy of the resolution to the President of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that the resolution be made available until 3 o'clock this afternoon to accommodate other Senators who wish to become cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that morning business be extended until 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. DOLE. Mr. President, at 1:30, it may be the intention of the majority leader to have the Senate stand in recess until about 2:30 or 3 o'clock. We have some meetings going on relating to TV in the Senate and other matters that might be more productive than trying to accomplish it on the floor. I think it is safe to say that there probably will not be any votes today.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. STENNIS. Will the Senator repeat what he said? I could not hear.

Mr. DOLE. I was suggesting that we now extend morning business until 1:30, and at 1:30 it would be my intention to move that the Senate stand in recess until about 3 o'clock.

We have a number of meetings going on in my office and in Senator BYRD's office in reference to TV in the Senate and other matters of interest to Senators, and it might be more productive if we could be away from the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATTINGLY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COHEN). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that my remarks appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered

TELEVISING THE SENATE

Mr. MITCHELL. Mr. President, last week, when the terrible tragedy of the space shuttle *Challenger* stunned our Nation, we were given yet another practical demonstration of the enormously important role television plays in creating our national consciousness.

The technology that lets 240 million people in an area over 3 million square miles share such experiences has shaped our world more than most of us can imagine.

The idea of a global village may not yet have come to pass in the world at large. But in the United States, we have a national village, and television is its town crier.

It is through television that our culture is shaped, that our news is shared and, increasingly, it is through television that our politics are played out.

A television story, such as the recent special about the crisis facing inner city families, does as much to create a policy debate as any external occurrence.

As we debate the resolution to institute limited television coverage of the Senate for the first time, we should keep that reality in mind.

The fact that arguments against televising Senate debate have proven decisive so far reflects the complexity of adapting a centuries-old institution

to the needs of 20th century technology.

But there is no compelling argument against the fundamental premise that the public should have direct access to the debates of its elected representatives in this Chamber.

Some of the concerns raised reflect serious problems.

Television does not only inform; in the act of transmitting information, television has the capacity to alter what it transmits.

That alteration can be as crude as giving the impression of heated debate where no actual debate exists; it can be as subtle as modifying the substance of an institution by modifying its procedures.

So concerns about how the process of televising Senate sessions will change the institution deserve serious debate.

But those concerns cannot displace the fundamental question, which is whether or not the Senate should be an open institution.

The Senate began as a closed institution. In 1789, in the face of a new Constitution silent on the issue, the Senate membership determined to close its sessions to the public. But within 6 years, the membership was forced by public demand, by editorial sarcasm, and by jibes from the other Chamber, to reconsider. And in a 19 to 8 vote on February 20, 1794, the Senate took the then-momentous step of opening its doors to the public.

Those 18th century arguments are remarkable for their relevance to the current, 20th century debate. Concerns were expressed that public attention would lead to a demagoguery. Some Senators feared it would lead to a neglect of legislative duties. Some Senators were certain it would cause extended and irrelevant debate. And almost all the opponents were convinced that open sessions would lessen the role of the Senate as a national forum for debate on national policy.

Yet, as any student of American history knows, the great days of Senate debate lay ahead. And when they occurred, they took place in a Chamber fully accessible to the public.

But the promise of open sessions made in that 1794 vote has been nullified by the passage of time. An American citizen cannot today simply walk into the Senate galleries and sit and listen to the debate as long as he or she chooses. The galleries cannot even accommodate visitors to the Capital except on a very limited, 20-minute rotating schedule.

More importantly, America today gets its information from electronic media completely unimaginable two centuries ago. Today's Americans depend on electronic media to a degree unthinkable even 50 years ago.

That fact has affected election campaigns and election outcomes. It has affected the duties of public officials, both elected and appointed. It has added voices and viewpoints to the national debate. And it has affected the work of the Senate.

The question is not, therefore, whether televising Senate sessions will change the institution as it was envisaged by the Founding Fathers. That institution has already seen dramatic change. The question is whether we have the right to deny our constituents the choice of seeing their representatives for themselves.

Time and circumstance have eroded the initial decision to make the Senate an open, publicly accessible institution. Correcting that erosion by recreating the contemporary equivalent of a public gallery is both appropriate and necessary.

It is appropriate because the work of a publicly accountable body should be accessible to the public.

And it is important, because the Senate plays an important role in setting national policy.

Our constitutional guarantee of a free press has given us the world's most vibrantly competitive public information resource. But because our press is free—immune to Government coercion, control, or direction—we cannot and ought not rely on it to transmit to the public the full scope of Senate debate on national policy questions.

The debates of the House of Representatives can be heard directly and without condensation. The President makes news every time he makes a decision, and rightly so, for he is the only nationally elected representative of all the people.

But the debates of the Senate—which shape debate in the House and the policies adopted by the President—cannot now be readily heard by any member of the public.

The Senate is a full partner in shaping national policies and helping set national priorities. But how long will the institution be a full partner when its proceedings remain effectively hidden from the view of the average citizen?

The information technology of our times shapes policies as well as disseminating information about them. Media reports on foreign and economic policy give some issues prominence over others. And in virtually all cases, the policy response is shaped by the context in which the question is raised.

The fact that the news helps shape public policy is a controversial fact, but the controversy does not make it less of a fact.

If the viewpoints raised in the U.S. Senate are not part of the information flow that helps produce the news, it will only be a matter of time before those views become secondary to the business of the Nation.

A democracy cannot remain vital without information. It cannot face its problems or resolve them without information. But if the information base on which our citizens act does not include one of the principal policy-setting bodies, we are undermining our own capacity to act as a democratic republic.

I do not lightly dismiss the potential change that televising Senate sessions may cause to the institution.

But I think the vitality of our Government system and our interest in reinforcing that vitality is more important to the long-range future of our Nation. I therefore believe that making Senate sessions accessible to the public is a step we should take.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ANDREWS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. COHEN). The Chair, on behalf of the Vice President, in accordance with title 22 U.S.C. 276d-276g, as amended, appoints the following Senators as members of the Senate delegation to the Canada-United States Interparliamentary Group during the 2d session of the 99th Congress to be held in Tucson, AZ, on February 27-March 3, 1986: the Senator from Idaho [Mr. MCCLURE], the Senator from New York [Mr. MOYNIHAN], the Senator from Arizona [Mr. DECONCINI], the Senator from Alabama [Mr. HEFLIN], the Senator from North Dakota [Mr. ANDREWS], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Rhode Island [Mr. PELL].

Mr. ANDREWS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:45 P.M.

Mr. DOLE. Mr. President, I indicated earlier that there are a number of meetings involving a number of Senators, not only on TV in the Senate, but other matters that we need to address in the legislative schedule.

It is difficult to be on the floor, and in the meetings.

Mr. President, I ask unanimous consent that the Senate stand in recess until 2:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 1:25 p.m., the Senate recessed until 2:48 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SIMPSON].

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Wyoming, will suggest the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, what is the matter before the Senate?

The PRESIDING OFFICER. The Senate is still in morning business.

Mr. BYRD. Mr. President, I thank the Chair. Is there a limitation on speaking?

The PRESIDING OFFICER. The period was supposed to end at 1:30 but has never been closed.

Mr. BYRD. Are Senators allowed to speak in morning business under the order originally entered?

The PRESIDING OFFICER. The regular order would be to close morning business and to bring down S. 28.

Mr. DOLE. I would ask, unanimous consent, if the Senator will yield, that morning business be extended until 3:45 p.m. and the distinguished minority leader have all the time he needs.

Mr. BYRD. I thank the distinguished majority leader.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

TELEVISION COVERAGE IN THE SENATE

Mr. BYRD. Mr. President, in 1944 the first resolution calling for the broadcasting of Senate floor proceedings was introduced. Forty-two years have intervened. We have spent almost half a century debating whether or not to permit our floor proceedings to be televised. Senator Hubert Humphrey told us: "A 20th Century Congress cannot be content with employing 18th or 19th Century technology." It is 1986. We are leaving the 20th century and approaching the 21st century. Yet we still have not found a way to go beyond the technology of the 19th century in communicating with the American public. If we do not act quickly to embrace the communications technology of the 20th century, we may find that in the 21st century, the Senate will have lost its relevance.

There are at least three compelling arguments for supporting the televising of Senate floor proceedings. There is a democratic argument, there is an institutional argument, and there is an educational argument. These arguments are not based solely on philosophy or opinion. There are historical facts and current figures to support them, and I want to review these today.

First, the democratic argument. The question of whether or not to televise the Senate is a profound public information issue. During the hearings of the Rules and Administration Committee on this question in September, Senator MATHIAS, the chairman of the committee, reminded us most eloquently that "Patriotism doesn't live in dark houses." Nor, in this day and age, may I say, does it dwell on dark television screens.

Research has shown that there is a direct correlation between knowledge of Congress and its procedures and public support for the institution. Televised broadcasts will stimulate public interest in the Senate and will enhance participation in the democratic process. Senator ARMSTRONG pointed out to our committee that in 1 year we have the potential of seating 3.4 million Americans for 15-minute periods each in our visitors' galleries. That is about 2 percent of our Nation's population—all in 1 year. But 50 million Americans watch an evening network newscast on any given day—a newscast which could contain videotaped segments of Senate debate. More people could be exposed to Senate debate in one evening through television than could visit our galleries in two decades.

Mr. President, we need to recognize the reality of our time. Whether we like it or not, the American public is forming lasting impressions about Congress from the image which reaches them through television. And the image of the Senate is not reaching them through television. Whether we like it or not, the greater the coverage an institution or an individual receives, the more important that institution or that individual appears to be. In an April 1985 study commissioned by the American Society of Newspaper Editors, 72 percent of the respondents identified television as their preferred souce for news. The American people are fully engaged in the electronic age. Let us meet them where they are. Let us meet them on the airwaves.

James Madison said: "Knowledge will forever govern ignorance. And people who mean to be their own governors, must arm themselves with the power knowledge gives." The House of Representatives understood this when they opened up their proceedings to television. The House Rules Committee called the adoption of the resolution which established the system for broadcasting House floor proceedings—

> • • • an historic act of the House with profound implications for our system of government. By agreeing to this resolution, the House reaffirmed its commitment to open government and to a fundamental tenet of democracy—that the success of popular, representative government depends upon an informed electorate.

Mr. President, it is my hope that this may be said about this Chamber in the near future. Let us give the American people a more informed basis on which to judge what the Senate is and what the Senate does.

We are doing the people's business here. We do not need to fear their scrutiny. The Senate is a body of able and intelligent people. When we have given the public a chance to observe us closely, they have responded favorably. Let us look at some historic episodes to verify this.

The highest public opinion rating for the Congress in recent memory was registered in 1974. In that year, the Nation had a chance to observe the House Judiciary Committee conducting impeachment hearings. The American people saw a group of serious, thoughtful, and reasonable men and women doing their job, and they were impressed with what they saw. The opinion polls reflected that fact.

The year before, 1973, the Nation gathered daily around its television sets to watch the Senate Watergate Committee conduct its hearings under the leadership of Senator Sam Ervin. A survey conducted by Broadcasting Magazine showed that 85 percent of all U.S. households had tuned in to some portion of the Watergate hearings. Senator Ervin was not a product of the television age. He did not style his hair. He did not surround himself with media advisers. Yet, he became a folk hero. He may not have had the polish of a news anchor. But he had wisdom and character. And the American people saw that and responded favorably to it.

The television viewers of this Nation can be trusted to spot those who are thoughful and those who are posturing. In 1954, the Army-McCarthy hearings were televised. Their drama gripped the Nation. And the chairman fell from power. In 1951, we televised the hearings of the Senate Select Committee to Invesitgate Crime, chaired by Senator Estes Kefauver. Senator Kefauver became so renowned as a result of those hearings that he ran for the Presidency.

Ronald Garay, in his book "Congressional Television," describes the events surrounding the broadcasts of the Kefauver hearings:

Estimates placed the New York area viewing audience at between 1.5 million and 4.5 million during the morning hours and ten million during the evening. Daily routines were upset as housewives formed listening clubs and held television parties, public officials and business executives huddled around available television sets, and motion picture theaters cancelled regularly scheduled movies in deference to their loss of customers to the Kefauver Committee telecasts. In the context of television programing, the Kefauver Committee was awarded an Emmy by the Academy of Television Arts and Sciences in 1952 for its part in "bringing the workings of government into the homes of the American people.

Mr. President, the American people responded favorably to what they saw. They did so again when the Senate debate on the ratification of the Panama Canal Treaties was broadcast in 1978. I offered a resolution to televise that debate—acting as majority leader—but the Senate chose instead to limit the broadcast to radio coverage. Gavel-to-gavel radio coverage was provided by National Public Radio. Over 14 million people tuned into that debate. Broadcasting Magazine surveyed that audience and found that NPR's coverage of those proceedings had attracted more than five times the network's normal listenership. After those proceedings had ended, the Washington Post editorialized: "Far from encouraging showboating, the microphones seemed to concentrate senatorial minds and create conditions conducive to a spirited exchange of opposing views." The Post also praised NPR for "doing a service not just to the public but to the Senate as well." Not only did the American people respond favorably, but so did the Senate. We rose to the occasion then, and I have every confidence that we can do so collectively again.

Mr. President, had there been television coverage of the Senate at that time, the American people would have better understood what was being said and what was being done and why it was being done and why the treaties were vitally important to the United States. No longer would the people have believed the old wives' tales that went around: The Senate is about to give the Panama Canal away.

Well, read the 1903 treaty. The Senate did not own the land and the water, so it could not give something away it did not own.

Then it was said that the Senate was about to give the Panama Canal to a Communist country. Panama was not a Communist country at that time, and it is not a Communist country today.

So we heard all those horror stories, and some of them still linger out there. But we can trust American public opinion, if American public opinion is based on information, on facts upon which the American people may formulate their judgment.

Mr. President, other televised events have attracted the favorable attention of the American public: the labor racketeering hearings in 1957, the Vietnam hearings chaired by Senator William Fulbright in 1966, the swearing in of Vice President Nelson Rockefeller in 1974. In none of these historic television broadcasts did the image of the United States suffer, nor did the confidence of the American people in this institution falter because of them. Instead, that image was enhanced and that confidence was strengthened. These positive benefits to our participatory democracy were best summed up by a C-SPAN viewer who called in from Virginia recently who said:

The people who are watching (House television coverage) are people who have discovered how intersting and how important it is to keep track of our representatives when they make our laws. I think more people are going to learn about this, and that is going to make a big difference in our democracy. I think we'll find that C-SPAN is the most important thing that has happened to democracy since the invention of moveable type.

Mr. President, that viewer is correct. More people are learning about this. Let us look at some figures. In 1979, when it began its broadcasts of House floor proceedings, C-SPAN reached 3.5 million homes. In the latest issue of C-SPAN Update, the network reports that it now transmits to 23 million homes. They expect this to increase by 20 percent during this calendar year. Now, that is an inflationary figure—it represents an inflation of interest.

That viewer was correct about something else. It is going to make a big difference in our democracy. We heard testimony in the September hearings in the Rules Committee about how the videotapes of House floor proceedings are being used. Professors are using them as a teaching tool in the classroom. Political scientists and researchers are using them as an information resource. Local journalists are using them to supplement their stories with some national perspective. State officials are using them to monitor the activities of the Federal Government. The C-SPAN audience is an audience which participates in our democratic process: In the 1984 elections, we are told, 93 percent of that audience went to the polls.

Nothing indicates that this audience is going to shrink in size. Just this week, the New York Times reported that, despite fluctuations during the year, the final data for 1985 reported by the A.C. Nelson Co., indicated that the viewing audience for the network, independent, and public television stations fell while the viewing audience for the cable television stations increased.

Mr. President, let us turn to the institutional argument in support of televising the Senate. It is a simple argument. Without television, we are going to become the invisible half of Congress and Congress is going to become the subordinate branch of Government. I will let House Speaker THOMAS O'NEILL explain how we are becoming the invisible half of Congress. When asked about the prospects of television in the Senate in the November 18, 1985, issue of the C-SPAN Update, the Speaker replied, "I'd be reluctant to see it. We're getting"—meaning the House—"a 10 to 1 ratio of coverage in the news." Mr. President, that is a clear statement which speaks for itself.

Now, it is true that individual Senators appear frequently on television. We appear on national interview shows more frequently than do individual Representatives. Nor are we slighted as guests on local television interview shows. But where is the institution of the Senate on television? What is the profile of the U.S. Senate in the minds of the American people? The chairman of the National Cable Television Association answered this question in his testimony before the Rules Committee in September. He said:

Just think for a minute how incomplete the view of the legislative process is for our interested viewers now. During the budget debates last summer, for example, C-Span viewers could watch as the legislation went through committee hearings in both the House and Senate, and then on to the House floor for consideration. When the bill was sent to a House-Senate conference committee, C-Span cameras were there to track the action . . . When the conferees were finished and the bill was sent for final debate on passage, viewers could watch only the House.

Mr. President, the U.S. Senate is the missing link.

Mr. President, that is a clear statement which speaks for itself.

A lot of people do not stop to think or do not remember. For I would think they should know. They think that Congress is that other body on the other side of the Capitol, the House of Representatives. But the Congress is made up of two Houses. One is the House of Representatives of which the distinguished Senator from Tennessee [Mr. GORE] is a former Member. He is a cosponsor of this legislation and he is now on the floor and has been all during the debate on this measure. Many people think Congress is just one body, and that that one body is Congress. No, one body is the House of Representatives, and one body is the Senate and those two bodies make up the Congress of the United States.

We are missing from the televised coverage of the legislative process. Television viewers can see their Representative at work. They can see their State senator at work. They can see their member of the house of delegates at work. But they cannot see

their U.S. Senator at work, except in committee. We are the missing link.

In April 1983, Walter Cronkite made this same point in his testimony to the Rules Committee:

> The public sees its Senators on the campaign trail, on television interview programs, in hearings, and maybe at a Fourth of July picnic. But the public never gets to see its Senators doing a large share of their work—debating on the floor the great issues of the day, doing the people's work.

Mr. President, I have talked on this floor before about the frustrations and difficulties network correspondents face in covering Congress. They are frustrated with those catch-as-catch-can hallway interviews with individual Senators who can only give them a warmed-over reconstruction of the debate inside the Chamber. They are frustrated with the same library backdrop available for interviews in the gallery. And this frustration with boring visual images and second-hand renditions of the original debate has taken a predictable toll on coverage of Congress. There is less of it. In the June 1985 issue of the Washington Journalism Review, we are informed that in the period from 1980–84, the 3 networks aired 3,545 stories about Congress. In the period from 1975–80, however, the same networks aired 7,824 stories about Congress—a decline of more than 50 percent. We have made it difficult to portray a complex bicameral institution on the air, and, as a result, the networks are doing less of it.

By not televising Senate floor proceedings, Mr. President, we are not only losing status to the House of Representatives, we are also contributing to a decrease in the visibility of the whole legislative branch. Let us contrast the standing of Congress in the content of the network news with the standing of the President. The latest issue of the scholarly journal Presidential Studies Quarterly is devoted to media coverage of the Presidency. The dominance of news coverage given to the executive branch which is revealed in these articles is pronounced. In one survey, a researcher found that on average 20 percent of a typical CBS evening news program was made up of Presidential news. In 1974, the former president of CBS news, Fred Friendly, warned that Congress would "hobble history" by allowing the President to turn the White House into an "electronic throne." His warning has proved to be true, and the consequences are serious as far as our support among the American public is concerned. Clark Puntigam, writing for the Federal Communications Bar Journal in 1973, said:

> If one branch of the government is able to gain nearly exclusive or at least effective access to any or all of the media, while the other branches are more or less excluded, the balance of power will lean in the direction of the branch with access.

Mr. President, we not only harm our Chamber's standing among the electorate by not televising our proceedings; we also harm the standing of the legislative branch of our Government in relation to the executive branch.

To give this debate some historical perspective, I remind Senators—and it has been said on this floor several times that in 1789, and indeed for the first 5 years of its existence, the U.S. Senate met behind closed doors. That policy was the target of as much criticism then as our failure to open our Chamber to television is today. In fact, the 18th century opponents to opening the doors of the Senate Chamber to the public have much in common with those in the 20th century who oppose opening the Senate Chamber to television. They feared that, with the public in attendance, Senators would pander to the galleries with rhetorical speeches long on style but short in substance. There would be so many speeches, they warned, that the Senate would no longer be able to carry out its responsibilities in an efficient manner. Sometimes we feel that is the case around here, but it is not because we allowed the public to sit in the visitors' galleries. And, in response to the 20th century opponents, I do not believe that televising our proceedings to a national audience will have that effect either.

Certainly neither the experience of the House nor the experience of the State legislatures demonstrates a rise in rhetoric or a loss in efficiency due to television. In April 1982, Congressman CHARLIE ROSE, then chairman of the Speaker's Advisory Committee on Broadcasting, testified before our Rules Committee that television had improved the quality of House debate:

> I find Members more precise and more cautious, just as we are cautious when we are in an interview with our local television station . . . and I think we're getting better speeches.

A study done in 1983 by the University of Missouri School of Journalism concluded that television coverage had not dramatically altered the House—

> Members and observers have not witnesses drastic changes in the length or quality of debates. Floor attendance has remained relatively stable. The Members themselves have benefited from better information on issues. The public has learned more about how Congress operates. . . . The startling predictions that came up when the House decided to go on the air have not materialized.

Similar findings were revealed in a 1978 Congressional Research Service study on the impact of television in the operations of State legislatures. It concluded that television's presence not only improved the quality of debate, but also improved the conduct of the legislators. An increase in the average amount of speeches delivered was noted only for short periods following the initial introduction of television. Mr. President, these studies tell me that while we may fear the worst of ourselves, actual experience with televising legislative assemblies should lead us to expect the best.

Finally, Mr. President, let me review the educational argument in support of televising Senate proceedings. It is in this area that the benefits are so obviously rich and promising.

Mr. GORE. Mr. President, will the Senator yield?

Mr. BYRD. Yes, I yield to my distinguished friend.

Mr. GORE. Mr. President, I have been sitting here listening to this speech and I simply wanted to compliment the distinguished minority leader on the very eloquent statement he is making. I find it one of the most concise and persuasive arguments on this issue that I have heard.

He referred to the debate of 1794, during which this body decided to open up its galleries to newspaper reporters for the first time. By coincidence, I had an occasion to research that debate and I found the original resolution introduced by Senator Alexander Martin of North Carolina. The text of that resolution could be exactly pertinent to the debate in which we are engaged today. Let me read the prominent portions of it:

> *Resolved*, That, in all representative governments, the representatives are responsible for their conduct to their constituents, who are entitled to such information . . . The Senate . . . whose basis is the people, owe equal responsibility to the powers by which they are appointed. . . . All questions and debates arising thereupon in their legislative and judiciary capacity, ought to be public.
>
> *Resolved*, That the mode adopted by the Senate of publishing their journals and extracts from them in newspapers is not adequate to the purpose of circulating satisfactory information. While the principles and designs of the individual Members are withheld from public view, responsibility is destroyed, which, on the publicity of their deliberations, would be restored; the constitutional power of the Senate

Now, here let me interject this point. Recalling the words of the minority leader, during the time of this debate, the House of Representatives had opened its proceedings to newspaper reporters. Indeed, in April 1789, during their first session, they made that decision. And here 5 years after that time, the Senate was beginning to feel the pinch from the extra exposure of House debates as compared to the secrecy of the Senate.

This resolution goes on to say:

> The Constitutional powers of the Senate become more important, in being more influencial over the other branch of the Legislature; abuse of power, mal-administration of office, more easily detected and corrected; jealousies, rising in the public mind from secret legislation, prevented; and greater confidence placed by our fellow-citizens in the National Government by which their

lives, liberties, and properties are to be secured and protected.

That resolution was postponed on February 19, but then on February 20 it was reconsidered and the key part of Senator Alexander's resolution was adopted.

In fact, during this day and age, the Senate of the United States conducts its work in a kind of electronic ghetto, in the shadows of the information age. And make no mistake about it, the importance, prestige, and influence of the Senate of the United States is in decline. Its prominence is going down. Why? Because this question of televising the Senate does not take place in a vacuum.

The question does not come to us as if this brand new technology of television has suddenly been invented and we in the Senate have to decide whether or not we are going to take advantage of it. No, the question arises in a very different context.

The rest of the world has moved on and left us behind. The American people no longer get their news in large part from newspapers. They get their news from television. The House of Representatives has recognized that fact. The executive branch has recognized that fact. The Senate has not recognized that fact. We are remaining behind.

Is it any accident that we have so many discussions of and complaints about the so-called quality of life in the Senate? It is related, I submit, to the reduction in the amount of attention paid to the activities on the Senate floor. The way for us to reinvigorate the Senate is to come into the 20th century to catch up with the House of Representatives and the rest of the world and introduce television coverage here.

The minority leader referred to the statement by the Speaker of the House, THOMAS P. O'NEILL. I, too, found that an ironic statement. I had an opportunity to work with Speaker O'NEILL when the House first opened its deliberations to television coverage. And in this year of his decision to retire from the other body, I believe it is safe to say that one of the things for which he will be remembered is the courageous decision and the hard fight which he successfully guided to open up the other body to television coverage.

I also think it is safe to say that when the history of the Senate in the 1980's is written, the minority leader, the Senator from West Virginia, ROBERT BYRD, will be remembered as the one Senator who was responsible for finally breaking the logjam and getting the Senate to use its common sense and come into the 20th century. The minority leader knows full well that on every prior occasion when the Senate took up the question of whether or not its debates should be televised, the motion has failed for precisely the same reason on every occasion. It has become entangled in a long debate about rules changes, which some argue are necessary before the change is made.

This time we have an opportunity to avoid that same pitfall. And there are three possible ways out. One is to take the resolution as it was reported by the Rules Committee, which does not open up broadcast coverage to the public but postpones that decision until the conclusion of the test period and preserves the linkage between rules changes and coverage.

The second way out is to file cloture and have an up-or-down vote on the committee amendment and just ask Senators to register their opinion yea or nay on each of the proposed rules changes.

The third way out is to try to negotiate a consensus package of a few rules changes which the vast majority of Senators could agree are indeed necessary even in advance of the test period.

I hope that we will choose one of those three paths and pursue it to the conclusion of television coverage of the Senate. I am conforted, as we approach this challenge, to be led by the distinguished Senator from West Virginia, who will be remembered, among many other things, as the one Senator most responsible for finally convincing the Senate to make the historic decision to come into the 20th century and join the modern age. I again compliment the minority leader for the very fine statement he is making on this issue and his leadership throughout this battle.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Tennessee for his statement, for his argument, and for his persuasion that he brings to bear on this very important issue.

He had much to do with helping to move the House of Representatives into the television age. He is a powerful exponent of having Senate debates televised. And his support, the strength of his arguments, his persuasive talents, and his experience already with television in the House of Representatives are all very important to the debate that is currently going on in the Senate as to whether finally the Senate will move into the 20th century in this respect.

Mr. President, in closing, let me review the educational argument in support of televising Senate proceedings.

There can be no doubt in anyone's mind that television has the potential of becoming an effective vehicle for political education. In 1980, Broadcasting magazine estimated the number of school systems then capable of receiving House telecasts was over a thousand. That number has undoubtedly grown in the intervening 5 years. Many of these school systems also own videotape recording equipment and can record and edit those House telecasts for classroom use. That is both exciting and disturbing. The implications for teaching the television generation through a medium they understand and accept are exciting. In his book entitled "Congressional Television," Ronald Garay described the importance of television as a teaching tool to today's youth—

> Most American youth are cognizant of the role of government in their lives at a very early age. Much of what they know has been derived from three particular "agencies of learning": the family, the formal educational system, and the mass media. While research on the subject is limited, a number of studies suggest that the media, especially television, play a political socialization role that sometimes transcends both that of the school and family. The interest among many schools in providing students with access to House telecasts suggests that educators have accepted television's potential impact on political socialization.

But the one-sided picture these schoolchildren will receive of the U.S. Congress in disturbing. The Senate has been and will continue to be the missing link in classrooms across the Nation unless we act quickly to begin televising our proceedings.

C-SPAN distributes to its viewers an excellent booklet published by the Benton Foundation to help them understand the proceedings they are watching on the House telecasts. The booklet is called "Gavel to Gavel: A Guide to the Televised Proceedings of the Congress." The Congress described in the booklet, however, is the House of Representatives. This is an excellent publication. It teaches. It contains a glossary of procedural terms. It makes the legislative process understandable. But it is another opportunity lost to the Senate to live up to Woodrow Wilson's admonition: "The informing function of Congress should be even preferred to its legislative function."

In 1983, the American Political Science Association and a local public television station coproduced a television series called "Congress: We the People." That series has been shown on public broadcasting stations across the Nation as a "telecourse" to be viewed for academic credit in cooperation with local colleges and universities. It has been made available for curriculum use to thousands of institutions of higher learning in this country. Now, the Congress that millions of initial viewers saw and millions of students will continue to see is the House of Representatives. The series relied heavily on videotape footage of House telecasts for the content of its programs. The U.S. Senate played only a supporting role in this highly acclaimed series. Again, a unique oppor-

tunity to accurately portray the bicameral nature of our institution was lost to us because the Senate Chamber stood in the shadows.

By refusing to televise the floor proceedings of our Chamber, we not only fail our schoolchildren and our adult students. We also deprive historians and political scientists of a rich resource. Arguing on behalf of Senate television, Senator Howard Baker would often point to the great debates of Senators Webster, Clay, and Calhoun and ask us to imagine how being able to hear their voices would enhance our understanding of the Senate's history. Now we may not feel that our debates are worthy in comparison with those three giants. However, we have our special and significant moments. We have our seminal speeches. We have our probing colloquies and exchanges. Video tape could record those moments for posterity. Let the historians of future generations hear our voices and decide what is great. Let the historians and political scientists of future generations hear our actual, unedited arguments and analyze how we made important public decisions.

Mr. President, the coming of television to the U.S. Senate is not an occurrence to be feared—it is an opportunity to be seized. Let us not run from the public. Let us meet them where they already are—out yonder on the airwaves. The age of electronic communication is no longer the wave of the future. It is the reality of the present. Let us embrace this moment and become part of it.

The Senate has done this in the past. When we opened our doors to the public and the press in the 18th century, no more than three reporters were in attendance. However, in the early years of the 19th century their numbers grew steadily, and in 1857 the Congress responded by establishing Press Galleries in the Capitol. In the last quarter of the 19th century, the spread of telegraph communication began. Newspapers across the country were suddenly able to receive instantaneous wire-service reports of events in Congress. This heightened the American people's interest in congressional news. Again, the American people responded favorably to this new and timely access and so did the Congress. By 1919, both Chambers had adopted the policy of holding open committee hearings on important legislative proposals.

In the 1920's, advances in radio technology again transformed mass communications. In the following two decades, news magazines and political periodicals began to appear on the scene. Now there were even more journalists on Capitol Hill, and the appetite for congressional news on the part of the American public continued to grow. By 1944, in response to the growing demand, the Congress had established the galleries for radio correspondents and for the periodical press. Between the years of 1945 and 1979, television brought the proceedings of various Senate committees into the homes of millions of American viewers. Interest in the legislative branch grew as a result of this exposure and now, in the 1980's, we are again being asked to respond to that interest.

The historic pattern has repeated itself. New technology enhances the communication process. It brings greater access to the Congress. The American people respond with greater interest. Now let us do what our predecessors have done throughout the history of the Congress. Let us respond favorably. Let us embrace contemporary technology and the opportunities it provides to enhance our democracy and prepare our future generations for their participation in that democracy.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I wonder if I might have 1 minute.

Mr. BUMPERS. I am happy to yield to the majority leader, Mr. President.

Mr. DOLE. I thank the distinguished Senator from Arkansas. We just have about 30 seconds to pass the CCC $1.4 billion request.

Mr. BUMPERS. That just happens to be very near and dear to my heart and my cotton farmers. Take all the time you want.

Mr. DOLE. I thank the Senator from Arkansas. He is correct, this does affect the cotton producers. I know he supports what we are doing.

URGENT SUPPLEMENTAL APPROPRIATIONS FOR DEPARTMENT OF AGRICULTURE

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate turn to the consideration of House Joint Resolution 520, the urgent supplemental for the Commodity Credit Corporation.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The bill clerk read as follows:

A joint resolution (H.J. Res. 520) making an urgent supplemental appropriation for the fiscal year ending September 30, 1986, for the Department of Agriculture.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read twice by title.

Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. COCHRAN. Mr. President, the resolution now before the Senate (H.J. Res. 520) will provide $1,492,857,000 for reimbursement of Commodity Credit Corporation net realized losses. This emergency supplemental appropriation is necessary because the CCC has reached its statutory ceiling of $25 billion in outstanding obligations to the Treasury.

The Commodity Credit Corporation is a wholly owned Government Corporation, within the U.S. Department of Agriculture, through which the Department's commodity programs are administered. Most of these are farm price and income support programs mandated by the farm bill. Because CCC has reached its ceiling on borrowing authority, payments to be made under most of these programs have been put on hold until additional funds are provided to CCC.

The administration requested a permanent, indefinite appropriation for this reimbursement account. Because that action would diminish Congress' oversight of CCC, I could not support that type of appropriation.

Earlier today, the House approved a $1,493 billion appropriation, as you see in this joint resolution. Unfortunately, this amount will only be sufficient to carry CCC through the Month of February. Obviously, we will be confronted with yet another CCC supplemental appropriation soon after we return from the upcoming recess. While I would have liked to have provided the full amount necessary in this bill—approximately $8.8 billion—I support this $1.493 billion emergency appropriation because of the urgent need to provide funds for CCC, and any amendment to this resolution could further delay that occurrence.

Mr. President, I support this resolution and ask for its immediate adoption.

Mr. DOMENICI. Mr. President, the Senate is now considering House Joint Resolution 520 which provides $1.5 billion to the Commodity Credit Corporation as a reimbursement for net realized losses. The distinguished chairman of the Appropriations Committee, Senator HATFIELD, has asked me to explain the relationship of House Joint Resolution 520 to the budget totals and section 311 of the Congressional Budget Act, and to the Appropriations Committee's crosswalk allocation under section 302 of the act.

The short answer, Mr. President, is that House Joint Resolution 520 does not increase the aggregate budget totals pursuant to section 311 nor does it affect the Appropriations Committee's allocation under section 302. Let me explain.

The Commodity Credit Corporation [CCC] receives its farm price support funds from two sources: Authority to borrow from the Treasury up to a limit of $25 billion outstanding at any one time, and authority to enter into contracts up to any amount. These two sources of funds are permanently available to CCC under substantive law without the need for any Appropriations Committee action. In any given fiscal year, the amount of usage from either or both sources makes up the budget authority level for CCC.

Because CCC thus has permanent authority under substantive law to enter into commitments, the budget authority and outlays for CCC that are assumed in the congressional budget resolution are crosswalked under section 302 to the Senate Agriculture, Nutrition, and Forestry Committee. There is no CCC allocation to the Senate Appropriations Committee for this purpose.

For reasons that are not relevant to the matter before us, it is important for CCC to have available enough borrowing authority—as opposed to contract authority—to cover its commitments. Since the amount of borrowing authority available to CCC is limited by law to $25 billion, it happens from time to time that CCC does not have enough unencumbered borrowing authority to carry on its business. In that situation, the administration requests a "reimbursement for net realized losses" the effect of which is to free up borrowing authority so CCC can do its work while at the same time reducing the amount of contract authority CCC would have to use. Thus, enactment of a reimbursement for net realized losses does nothing more than adjust the mix between borrowing authority and contract authority within the existing budget authority total.

For that reason, Mr. President, we do not score an appropriation to reimburse CCC for net realized losses as increasing the total budget authority level available to CCC. Only the mix of funds changes within the total. This means, of course, that outlays are unaffected as well. Since neither budget authority nor outlays is changed by such an action, it follows that no point of order would lie under section 311 against consideration of House Joint Resolution 520.

Further, since the budget authority and outlays available to CCC are not changed by House Joint Resolution 520, and since they are under the crosswalk jurisdiction of the Senate Agriculture, Nutrition, and Forestry Committee, the enactment of House Joint Resolution 520 would have no effect on the crosswalk to the Senate Appropriations Committee under section 302.

Mr. President, I hope this explanation will clarify the scoring situation with regard to this measure.

Mr. HATFIELD. Mr. President, I appreciate the remarks of the chairman of the Budget Committee, Senator DOMENICI. I cannot say that I understand the scorekeeping situation any better than before, but it is certainly not for lack of his efforts to explain. While I may not understand the reasons why, I do understand that the $1,492,857,000 provided by this supplemental will not be scored against the section 311 totals of the budget resolution or the section 302 allocation to the Appropriations Committee.

I think a number of people might find this situation a little peculiar, particularly in view of all the sound and fury about Gramm-Rudman-Hollings and the President's budget. Having just last month passed a measure requiring a balanced budget on a very specific path in 5 years, replete with a whole new array of procedural straitjackets to hold in check the supposed congressional impulse for willy-nilly spending, and only 1 day after the President has proposed a new round of draconian cuts to fuel his defense buildup while adhering to the deficit reduction requirement, here we are acting on a supplemental for the Commodity Credit Corporation of almost $1.5 billion.

I understand the need for this measure, Mr. President, and realize that if some relief is not granted before we leave on our recess there will be a number of American farmers who will not receive payments due them under the law. But there will be a number of similar situations this year, and there will not always be some scorekeeping abracadabra to magically remove spending limitations so that we might provide for special situations near and dear to our hearts and those of our constituents. I wonder if anyone will understand the magical mysteries of scorekeeping when other supplementals are subject to a budget act point of order while this one is not.

We will revisit this issue in about another month, Mr. President, for the amount provided in House Joint Resolution 520 will only last through the month of February. While I have no intention of supporting the President's request to provide permanent, indefinite appropriations for the CCC, it will be my intention, with the assistance of the Agriculture Appropriations Subcommittee chairman, Senator COCHRAN, to provide the full amount necessary for the balance of the year in the next vehicle.

Mr. BURDICK. Mr. President, I support this legislation to provide additional funding for the Commodity Credit Corporation. I only wish that the amount were larger. It is estimated that this $1.5 billion will carry the CCC through the end of February. At that time, we will need to provide additional money.

This is not a question of busting the budget. The farm bill that we recently passed after months of negotiation dictates the amount of money we spend on our farm programs. This appropriation merely reimburses the CCC for its net realized losses.

By not reimbursing the CCC for these losses, it cannot make the required payments to the farmers. This is highly unfair to the farmers. The money has been promised to them; they are told to expect it; they count and plan on it. In many cases, at this time, the checks are sitting in the county ASCS offices waiting to be given to the farmers. In my view, it is highly irresponsible of Congress not to provide this money in a timely manner and to inflict on the farmer this incomprehensible and frustrating experience.

I expect we will do it again. We have done it in the past. And we are doing it now.

I trust and hope my colleagues will support this resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 520) was ordered to a third reading, was read the third time, and passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BUMPERS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, are we still in morning business?

The PRESIDING OFFICER. We are.

Mr. DOLE. Mr. President, I ask unanimous consent that the time for routine morning business be extended.

The PRESIDING OFFICER. Without objection, it is so ordered.

TV AND RADIO COVERAGE OF SENATE PROCEEDINGS

SUBMISSION OF SENATE RESOLUTION 338 TO AMEND THE SENATE RULES

Mr. BUMPERS. Mr. President, I am cosponsor of Senate Resolution 28 offered the distinguished minority leader. I am a cosponsor because I think it is time we opened this body to the public view. But I am also persuaded that we must adopt some changes in the rules under which we operate, whether or not we decide to televise Senate proceedings. I have drafted legislation which would make four basic changes in our rules.

Let me preface what I am about to say by saying I am one who strongly believes that the rules ought to be changed, especially if we are going to televise the Senate proceedings. But if we are not, I hope that this legislation which I am about to offer will be considered seriously anyway.

First, my bill would create a new motion to proceed on an expedited basis to a measure. It would be in addition to the regular motion to proceed and the majority leader could choose to use either one depending on how many votes he has. This new motion to proceed would be debatable for only 2 hours, equally divided, at the end of which time there would be a vote. The motion would have to carry by a vote of three-fifths of those present and voting. The rationale behind the new motion is obvious. If three-fifths of the U.S. Senate, or 60 Members, want to proceed to take up a bill, then we ought to do it and do it quickly.

I think the question whether the Senate should proceed to a matter that the majority leader asks that we proceed to can be adequately debated in 2 hours or less. I am not wedded to 2 hours. I would certainly agree to 3 or 4, if that would help pass this particular rule change. But the point is the same. We ought to have a mechanism that gets us on a measure quickly if a super majority of the Senate wishes to debate the measure.

This past week in the debate on Conrail, we spent endless hours on a filibuster on a motion to take up and then endless hours on the bill once cloture was voted.

I want to make sure everybody understands I am not denigrating the Senator from Ohio [Mr. METZENBAUM]. I have discussed this matter with him a number of times and I must say I agree with him totally. I do not like the Senate rules regarding filibuster but I will take advantage of them when it suits my purpose, as long as it is available, and so will he.

Second, Mr. President, my bill provides that the reading of any conference report, motion, or amendment that has been printed and is available at the desk of each Member at least 24 hours before being called up or offered is deemed to be waived.

Every Member of this body knows that the reading of a proposal is only required now for purposes of delay. The practice of objecting to dispensing with the reading of a matter is simply one more way in the arsenal of a Senator who is engaged in a filibuster. It is a valuable and powerful tool.

A bill 1,000 pages long could take all day or 2 days to read, if somebody insists on it.

As I say, I would use it myself if I felt that I needed to.

But dispensing with the right to have matters read will not diminish the quality of debate or information available to Senators in any way.

The Senator who wishes to understand the text of an amendment being debated need only sit at his or her desk and read the amendment in full without taking up the time of other Senators. That would be most refreshing, if Senators just sat at their desk for any purpose.

Third, under my proposal the time for debate post cloture, after cloture has been voted, would be limited to 20 hours. I am being very generous on that, in my opinion.

This is not a new proposal. It is part of a rules change proposal which has been made by other Senators, including Senators BYRD and FORD.

Simply stated, we do not need 100 hours after cloture has been voted for a full and enlightened debate on any matter. The Parliamentarian can confirm this or correct me, but I would be willing to bet that the Senate virtually never uses more than 20 hours of the 100 hours currently allowed.

But the very existence of the 100 postcloture hours even if it is never used, is another effective weapon in the arsenal of those who wish to delay proceedings in the Senate. The threat of a filibuster loses some of its sting if only 20 postcloture hours are allowed.

Finally, Mr. President, my proposal limits the availability of the defense of germaneness to the point of order that a proposal is legislation on an appropriations bill.

As Members know, under current rules and precedents, if an amendment is offered to a general appropriations bill which, by the way, means virtually every appropriation bill, that contains legislation, a point of order may be raised against it under rule 16. Before the Chair rules on the point of order, however, the defense of germaneness may be raised. If the Chair finds that there is any legislative language in the House-passed appropriations bill to which the Senate amendment can conceivably be germane, then the question of germaneness is immediately put to the full Senate for a vote. If a majority of the Senate says that the Senate amendment is germane, then the point of order that it contains legislation falls.

Mr. President, the defense of germaneness is near and dear to my heart. As a member of the Appropriations Committee I have used it more than once. But, frankly, current Senate rules treat the defense much too generously and it ought to be limited. The rationale behind the defense is sound. If, in fact, the House has included legislative language in its bill, in other words if the House has opened the door, then the Senate should not be prohibited from perfecting the House legislative language with language of its own. But under my proposal, the defense will continue to be viable, but its availability will be limited to situations in which there is actual House legislative language on the subject raised by the Senate amendment.

Mr. President, there are scores of rules changes we could make. The Senate has a tradition, embodied in the rules of free and open debate and the Senate should remain that kind of a body. But at the same time, all good things have to come to an end, including debate. I am persuaded that these few limitations I am suggesting are sound and will not diminish the stature of the Senate in any way. I am a supporter of the proposal by Senator BYRD to allow a super majority to require amendments to a particular measure to be germane or relevant. We ought to make that change as well. I wish I had thought of that first.

Certainly, we must amend our rules if we are to televise our proceedings and I am persuaded that, regardless of whether we adopt a television proceeding in the Senate, we must adopt a TV resolution in the Senate resolution.

Mr. President, one final note: I do not believe that Senate Resolution 28 covers a matter that I think ought to be covered. That is that televising of Senate proceedings ought to be limited to legislative affairs. If we open it up, as the House has, where you can come over here during what we call morning business and pontificate for hours on end for a national television audience on C-SPAN, then that is what the Members will do. It becomes a political forum.

The reason I favor television in the Senate is that the political process cannot help but be helped if the American people see the debate going on in the U.S. Senate. I very seldom have anybody quarrel with a position I take in a speech when there is nobody there to refute what I just said.

Oftentimes, the American people think of an issue and they make up their mind on it, but if they can hear the other side—and we all know there are always two sides—they might be persuaded.

I have cast a few unpopular votes here. I have never cast one to see how many votes I could lose in the next election. I have never cast one trying to see how many friends I could lose. People ought to know that every politician wants to be loved, wants to be understood, wants to be admired. And people in this Chamber do not take what they know is an unpopular stand unless they have a very strong conviction and conscience on the issue. If this place were being televised so that my and others' constituents could turn on C-SPAN in the evening and see a replay of a debate of intereest to them, even if they disagree with you, they know that there is a legitimate argument on the other side.

When I was a freshman Senator, I used to preside. That is what the Democrats refer to as the good old days. I used to come to the Senate with my mind made up on an issue and because I was forced to sit in that chair for an hour and listen to the debate, I often changed my mind.

Mr. President, how on Earth could the country's purposes not be well served by allowing the American people to see the debate in the Senate? They say, "Oh, these Senators will get up and talk for hours and hours; you will never get them to shut up."

Well, they are doing it without television. I listened to all those 2-hour speeches yesterday on how terrible it would be if everybody talked for 2 hours when we had television.

Do you know something else, Mr. President? The most penetrating insight people can get of their Senator is looking at him through the television lens. If a Senator comes over here and waxes eloquent for 2 hours and he is not very eloquent, his constituents are going to begin to wonder about him. It is a two-edged sword. You can say what you want to, but Senators who come over here and monopolize people's time and talk endlessly will not only lose a national audience, they will lose their constituents back home. I have always considered myself a fair country stump speaker and a country lawyer, but I can tell you one thing, Mr. President: When I go to a banquet and speak for more than 30 minutes, I can sense the crowd getting very restless. Very few people can entertain somebody for 2 hours.

So I do not really think that is as great a threat, particularly if we limit television proceedings to legislative affairs and not just on every subject that anybody wants to get up and expound on in a self-serving way.

Mr. President, I ask unanimous consent that my resolution be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. RES. 338

Resolved,

SECTION 1. Rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraph:

"3. (a). Notwithstanding the last sentence of the preceeding paragraph, after the first two hours of a new legislative day it shall be in order to move to proceed on an expedited basis to the consideration of any bill, resolution, or other matter. The motion shall be privileged and shall be decided after two hours of debate, to be equally divided between the Minority Leader and the Majority Leader or their designees.

(b) A motion made under subparagraph (a) may be laid on the table without affecting any further such motion made under this paragraph or any motion to proceed made under other provisions of the Standing Rules of the Senate.

(c) A motion made under subparagraph (a) shall be agreed to by the Senate upon an affirmative vote of three-fifths of the Senators present and voting.

SEC. 2. Paragraph 1 of Rule XV of the Standing Rules of the Senate is amended by striking the period and inserting in lieu thereof the following: "; provided, however, that if any motion or amendment, including a House or committee amendment, has been available in printed form at the desk of the Members at least twenty-four hours before being offered, the reading of such motion or amendment is deemed to have been waived."

SEC. 3. Paragraph 1 of Rule XXVII of the Standing Rules of the Senate is amended by inserting at the end thereof the following: "If a report made by a committee of conference has been available in printed form at the Desk of the Members at least twenty-four hours before presentation, the reading of such report shall be deemed to have been waived."

SEC. 4. Paragraph 2 of Rule XXII of the Standing Rules of the Senate is amended—

(a) by striking out the entire eighth subparagraph (which begins "Notwithstanding other provisions of this rule, a Senator may yield . . ."');

(b) by striking out the first sentence of the fourth subparagraph (which begins "Thereafter no Senator . . ."); and

(c) by striking out the entire fifth subparagraph (which begins "After no more . . .") and inserting in lieu thereof the following:

"After no more than twenty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the time to be equally divided and controlled by the Majority Leader and Minority Leader, or their designees, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins."

SEC. 5. Paragraph 4 of Rule XVI of the Standing Rules of the Senate is amended by inserting "(a)" after "4" and by adding at the end of such paragraph the following new subparagraph:

"(b) If a point of order is made by any Senator against an amendment to a general appropriations bill on the ground that such amendment proposes general legislation or proposes a limitation or restriction not authorized by law and is to take effect or cease to be effective upon the happening of a contingency, it shall not be in order to raise the defense of germaneness unless there is House legislative language on that subject contained in the bill."

THE IMPACT OF GRAMM-RUDMAN-HOLLINGS

Mr. BUMPERS. Mr. President, I would like to make a couple of points on Gramm-Rudman. I am a cosponsor of the proposal by Senators JOHNSTON and LEAHY and I understand that perhaps there is another one almost identical to that that has been introduced by three Senators from the other side of the aisle. If it is identical, certainly, I shall be happy to cosponsor that one, too.

I voted for Gramm-Rudman last fall. I am not defensive about it. I voted for it for what I considered to be very good reasons. But I can say one thing: If the U.S. Congress and the U.S. Senate allows Gramm-Rudman to be implemented by Government computer, in my opinion, it is the height of irresponsibility. On March 1, if Congress does nothing, a Government computer will compute a 4.3-percent cut of every domestic program in Government except those which are exempt under Gramm-Rudman.

Let me tell my colleagues what that will do. That will cut Amtrak by 4.3 percent, it will cut urban development action grants by 4.3 percent. But it will also cut immunizations for children by 4.3 percent, it will cut programs for senior citizens centers all across America, some of which are already closing for lack of funds, and in my opinion, that is the best money we spend. It will cut money for the maternal and child health care program by 4.3 percent. And the list goes on.

Mr. President, every cut is not good just because it is a cut, and the Johnston-Leahy proposal says that we have a proposal here called reconciliation that the President said he was going to veto if we passed. It is unusual for the President to say he is going to veto something that cuts spending by $18 billion, but he objected to the so-called Superfund proposals, which raised revenue through a manufacturer's tax.

Senators JOHNSTON and LEAHY have even accommodated the President's objection. They said take the Superfund out of the reconciliation bill. When you take Superfund out of the reconciliation bill, even right now, 4 months into the fiscal year, you can still pass that reconciliation bill which selectively cuts programs and leaves the good ones intact according to judgments that Congress has already made; and still we shall cut about $8 billion from the budget. And when you add to that about $5.9 billion that the Pentagon has to cut, you wind up cutting in a very sensible and selective way, as Congress should, over $13 billion, or $1.3 billion more than is required under Gramm-Rudman.

Mr. President, why does that not make sense? I shall tell you the arguments I am hearing against it. People say,

> Let everybody in America feel the pinch. We passed Gramm-Rudman. We said everybody is going to suffer. Let them all suffer and get a little feel of things to come, because the suffering they are going to do in 1986 is not even the equivalent of a toothache compared to what they are going to feel in 1987, so let us start getting everybody geared up and get them ready.

What palpable nonsense that is, Mr. President.

The American people have a right to expect more of their Congress. They have a right to expect us to go

through the President's budget for 1987 and to go through the budget that we have already adopted for 1986 and pick and choose. I do not believe that Amtrak—and I am a supporter of Amtrak—is as important as immunizing children. I do not think it is as important as student loans and educating our children. Why, the preamble of the Constitution says that our whole concept of government is designed to secure the blessing of liberty for ourselves and our posterity. What is our posterity? It is not going to be much if we do not educate our children. It is not going to be much if we do not provide health care for our people.

In reconciliation, there is a half billion dollars savings from the Small Business Administration. I am the ranking member on the Small Business Committee. We cut $2.5 billion out over the next 3 years, but because reconciliation did not pass, there is only $2 billion of it that is going to become effective.

I am happy as ranking member of the Small Business Committee to say take the other half billion, and if you are going to give Social Security recipients a COLA raise, then give the civil service retirees and the military retirees their COLA, too. You can do it just with that half billion.

And so for us to sit around saying, "Well, let Gramm-Rudman take effect so everybody will understand what is coming down the pike," as I said, is abominably irresponsible. I hope we will not do it.

Finally, Mr. President, I have said this so many times on the floor I am almost embarrassed to repeat it, but I do not believe many people in this country understand the magnitude of the agriculture crisis. I get some hostile mail saying, "Why do you continue to pander to the farmer?"

Mr. LONG. Will the Senator yield?

Mr. BUMPERS. I am happy to yield.

Mr. LONG. Mr. President, I want to ask the Senator about this matter. The thought occurred to me that if the Gramm-Rudman automatic cuts should trigger sometime soon—let us say the early cut, not the one in October, the one now.

Mr. BUMPERS. March 1.

Mr. LONG. Yes—if that should trigger, I know it would have some of the consequences that the Senator was talking about. The Senator very aptly said that the pain of the March 1 cut would be like a mere toothache compared to some severe pain that one could suffer when you look at the October cut. I am wondering whether it might not give people some basis to inform their Members of Congress whether they want the October Gramm-Rudman automatic cut to hit, because if they feel the pain that would occur in the March 1 cut, the thought occurs to me that it does not take a great deal of imagination to assume, well, we know what one did to us. And if you have one that is going to be about four or five times that severe, one could pretty well judge well, now, you felt the one before and you know what that was. Now you are getting ready to get hit five times that hard with the October cut. I ask the Senator if he agrees that it might serve a purpose to let folks know how it is going to feel, get at least a taste of it for when that big cut hits them in October, because the more I look at this thing—and I voted for Gramm-Rudman—I find myself wondering whether Congress is going to let that thing happen, I mean the big cut. I can stand here and say in a somewhat statesmanlike fashion, if anybody can take it I guess I can; I am not running for office, neither this year, nor next year, nor the year after that. But I do think that we are going to have to take a second look at this thing to see whether we really want it to happen come October.

I ask the Senator what is his thought about that?

Mr. BUMPERS. The point the Senator makes is extremely well taken. If I were not so sensitive to a few things that I really think go right to the heart of the character of the country, I would accept that argument because the Senator is dead right. I think there are a lot of people who voted against Gramm-Rudman—and I am not suggesting they want to be vindicated, but I think a lots of people who voted against it would not mind seeing a ground swell of opposition develop across this country to the concept. They feel that the best way to do that is to allow these cuts to go across the board so that Gramm-Rudman affects everybody. Therefore, everybody, as the Senator points out, will understand, that not only are they going to have to take a cut five times that big in October, but if the President gets his way on defense, the cut could be 10 times that much.

Mr. LONG. If the Senator will yield, there is another problem involved. I heard statements over the squawk box today by Senators speaking against an oil import fee. I am not debating the issue at the moment. I could debate it, but I am willing to assume for the sake of argument that they are right. Now, if they do not want an oil import fee, which is going to increase the price of gas to the consumer and the price of electricity to the consumer, then let us look at an option which we have available. We do not have to put a tax out here to the consumer if you do not want to. Here is the President's so-called tax reform bill. Now, in that bill—incidentally, simplification is gone. Forget it. Everybody who has looked at that bill has testified before the committee, if you are talking about simplification, forget it; it is going to be more complicated than ever, not to mention the uncertainty involved when you have to learn how to pay your taxes all over again.

But it is claimed the bill is a reform, and maybe it is. I do not know. That is in the eye of the beholder sometimes. But as I recall on an annual basis the bill will raise about $172 billion and then it proceeds to fritter away the same $172 billion. It passes it all out in rate cuts.

I am sorry to report to the Senator that very few people have come to me asking for a rate cut—and I am on the Finance Committee—with the rates they are paying, a 50-percent top rate, and with the deductions that they can find in the existing law to help ease the burden.

On business it is a tax increase of around $35 billion a year, if I recall it correctly. Now, in the name of common sense, why not take some of that money and use it to pay the bill rather than do these things that actually will have real pain—as the Senator says, severe pain—to a great number of people across the length and breadth of America. Why not take some of this so-called tax reform money, even a substantial portion of it—well, let us say a $64 billion cut. It should not be too difficult to get maybe $10 billion or $15 billion without hurting anybody very severely—why not take something like that and add it to about one-third of what you would raise with the revenue-raising parts of the so-called tax reform bill and spare the people the burden of what is coming to them in October?

Mr. BUMPERS. I could not agree with the Senator more. And I bet if I have made this speech once, I have made it 100 times. I do not understand this wild dash for tax reform which raises—the Senator said $172 billion. I have heard from $140 billion to $145 billion on the business side—that amount of money and turns around and gives it away in personal exemptions, tax cuts, and so on. For everyone person who says he wants tax reform, I have 100 saying, "Why don't you all do something about that deficit?" For the life of me, I am not going to get out here and cry for taxes. That is the best way in the world, I guess, to become an ex-Senator—to go out and say, "I'm for higher taxes."

In 1981, I did vote against the tax cut. That is the easiest vote anybody can cast. I do not know of anybody who ever got beat by voting to cut people's taxes. All I said then was, "Let's balance the budget and then cut taxes," which seemed to me to be a fairly sensible position.

However, at this very moment, No. 1, as the Senator from Louisiana points out, this tax bill that came from the House is 42 pages longer than the existing Tax Code. There cannot be much simplification in that.

Second, I do not understand, when the Government writes over $200 billion of hot checks a year, going out and saying we are going to go through the agony of tax reform and make some constituents happy and some mad and say the bill has to be revenue neutral.

As the Senator knows, the American people would be happy for us to make some changes in the Tax Code to force those 30,000 individuals and couples who made over $250,000 last year, including 3,000 people who made over a million dollars and paid little or no taxes, to pay some income tax, as well as those 50 corporations which made $56 billion in domestic profits, paid no taxes, and actually received tax rebates in the 1981-83 period.

I could not agree more with what the Senator said.

Mr. LONG. If the Senator will yield further, I should like to make it clear that I am an admirer of Ronald Reagan. I think he is a great American, and people feel that they have known him since their childhood, because he was an actor in his youth and a radio announcer.

I like a lot of his recommendations, such as what he recommended on welfare, to get people to work. I am for that. But when it gets down to the tax matter, I think I understand that as well as he does, and I think the Senator from Arkansas understands it, as a former Governor.

I think it makes better sense—and every economist who comes before the Finance Committee tells us—to take that money and reduce the Federal deficit, rather than cut rates.

The President stands before us with the State of the Union Message and says, "Make my day. If you send me a bill that uses any of that money to cut the deficit, I am going to veto the bill." Well, we are not working for him: we are not on his payroll. Why do we not do what we think is right and let him do whatever he believes? He can make my day, so far as I am concerned.

We can go back to square 1, and if he does not want to make the next move, I will, by suggesting something that makes sense under the circumstances.

It seems to me that we are on the wrong track. Here is a potential to raise a lot of money by way of income tax. You can call it tax reform, say you are closing tax loopholes, call it revenue enhancement. Here is a chance to raise a lot of money by tightening up loose ends and keep people from getting tax deductions like the investment tax credit. I voted to put it on three times and voted to take it off three times. If he wants to do it, I will go along with him on that. But I do not know why we have to redistribute that money among other people. I would like to take the 6 million low-income people off the tax rolls.

I am like Alan Greenspan, who testified before the committee yesterday. He is the man the President asked to head the committee to save Social Security. He was the chairman of the Council of Economic Advisers. Alan Greenspan said that for the good of the country, he would be willing to do without the tax cut. So far as he is concerned, he would not even pass the bill, if that was the choice. He would do without his tax cut and be glad to give it up for the good of the country.

Martin Feldstein was before the committee, and his judgment about the thing was pretty much the same. That man is one of the best economists in the world. A lot of people think he is the best in America. He is the man the President asked to become the chairman of the Council of Economic Advisers. He advised against what we are doing.

Mr. BUMPERS. Add Paul Volcker to that list, too.

Mr. LONG. You have all these people with tremendous credentials who say, "Before you cut all these rates, you should get some money to reduce the deficit."

I see the Senator from Michigan [Mr. LEVIN] in the Chamber. He wrote all of us on the Finance Committee a letter. I believe the Senator sent it to every Member. He wrote all of us a letter about a poll taken which showed that the American people said, by a margin of about 66 to 22—about 3 to 1—"If you are going to raise some money by taking away a tax deduction or raise some money by getting rid of a tax expenditure, if you are going to raise some money by closing a loophole somewhere, we would rather you take the money and reduce the deficit."

In the spirit of compromise, I would be willing to tell the President he could have half the money or two-thirds.

Mr. BUMPERS. I agree with the Senator 100 percent.

Mr. President, with reference to the oil import fee, which the Senator mentioned a moment ago, I come from a State which uses more gasoline per capita than any other State, even Wyoming, with its vast expanse between communities.

When it comes to an import fee, you get my attention. I have voted against the proposal of the Senator from Colorado [Mr. HART] every time he has brought it up, and I have done it for reasons I am not going to belabor here. But what I have said is that, as repugnant as the idea of an oil import fee is to me, I will look at it. I will not say that I will vote for it, but I will seriously consider it because I feel so strongly about the deficit.

However, if you say to me that the Finance Committee is going to add the oil import fee just to raise revenues so that they can give it away in a tax cut, I can tell you categorically that I am not going to vote for that.

If you want to get my attention and my honest consideration of that proposal, you tell me that you are going to put a $5 import fee on it and that will produce $12 billion a year and that that $12 billion is going to be used on the deficit, and I will take an honest look at it. But I am not going to vote for it as a revenue measure and meet that $2,000 personal exemption, or whatever, and give it away—not while we are writing over $200 billion of hot checks to keep this place going.

Mr. LONG. The Senator's logic is very difficult to argue with. It makes sense.

Mr. BUMPERS. I appreciate the Senator coming here and getting in this dialog with me.

Mr. LEVIN. Mr. President, if the Senator will yield, I should like to add one comment.

The Senator from Louisiana made reference to a poll, and he is right. As a matter of fact, 68 percent of the American people said: "If you are going to close tax loopholes and have a minimum tax and finally get some of these wealthy folks who have been sheltering their incomes to pay their fair share, and get corporations that have not paid any tax on their profits"—and we have tens of thousands of profitable corporations in this country that do not pay a penny of income tax—"if you are going to get some of those folks to pay their fair share, apply it to deficit reduction and not to tax cuts for them."

They are not into tax reform for tax cuts. They are in it for fairness. They are not looking for a $200 tax cut. Families of $30,000 and under would average a $200 tax cut under the House bill.

Sixty-eight percent of the people say they are not in it for that. They say that revenue should be used for deficit reduction.

As usual, my friend from Louisiana is generous and accurate. He is generous on another thing: He is willing to give the President half of the money. I am not.

I am not. I do not see any reason to use any of that revenue except for deficit reduction.

The Senator's generosity is fine and I commend him for it, but I do not see the logic in using any of that revenue for anything except deficit reduction. So, I have to be persuaded on that one.

Mr. BUMPERS. I cannot agree more with the Senator. If we do not get deficits under control in a few years no one will be interested in tax cuts because it will all be over.

I mentioned Paul Volcker a moment ago, and I think it was in a Banking

Committee hearing someone asked "Do you think we are facing an apocalypse?" He said, "Yes." That person said, "When?" He said: "I don't know. I can't give you the date. I tell you one thing: if you don't get the deficit under control it is coming."

One other point, Mr. President, and then I will be finished here, that I was starting to make a while ago about agriculture and the farmers.

If we do nothing to alter the Gramm-Rudman sequester for fiscal year 1986 in a selective way, and I hope every farm State Senator, and especially every urban Senator, knows this or is perhaps hearing what I am saying, 20 percent of the total domestic cuts so far as dollars are concerned will be in agricultural programs.

Here you have an industry, a significant segment of our economy, good people, hard-working people, the backbone of America, going under just as fast as they can go and us sitting here saying that we think some of these programs that ought to be totally eliminated, we are going to cut them 4.3 percent and farmers 4.3 percent, too.

It is the height of irresponsibility, and during this recess and while they are home talking to their people I hope that is the message that they hear.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE SMOKELESS TOBACCO HEALTH EDUCATION ACT

Mr. HATCH. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1574.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1574) entitled "An Act to provide for public education concerning the health consequences of using smokeless tobacco products", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Smokeless Tobacco Health Education Act of 1986".

SEC. 2. PUBLIC EDUCATION.

(a) DEVELOPMENT.—(1) The Secretary of Health and Human Services shall establish and carry out a program to inform the public of any dangers to human health resulting from the use of smokeless tobacco products. In carrying out such program the Secretary shall—

(A) develop educational programs and materials and public service announcements respecting the dangers to human health from the use of smokeless tobacco;

(B) make such programs, materials, and announcements available to States, local governments, school systems, the media, and such other entities as the Secretary determines appropriate to further the purposes of this Act;

(C) conduct and support research on the effect of smokeless tobacco on human health; and

(D) collect, analyze, and disseminate information and studies on smokeless tobacco and health.

(2) In developing programs, materials, and announcements under paragraph (1) the Secretary shall consult with the Secretary of Education, medical and public health entities, consumer groups, representatives of manufacturers of smokeless tobacco products, and other appropriate entities.

(b) ASSISTANCE.—The Secretary of Health and Human Services may provide technical assistance and may make grants to States—

(1) to assist in the development of educational programs and materials and public service announcements respecting the dangers to human health from the use of smokeless tobacco,

(2) to assist in the distribution of such programs, materials, and announcements throughout the States, and

(3) to establish 18 as the minimum age for the purchase of smokeless tobacco.

SEC. 3. SMOKELESS TOBACCO WARNING.

(a) GENERAL RULE.—

(1) It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this Act, one of the following labels:

"WARNING: THIS PRODUCT MAY CAUSE MOUTH CANCER

"WARNING: THIS PRODUCT MAY CAUSE GUM DISEASE AND TOOTH LOSS

"WARNING: THIS PRODUCT IS NOT A SAFE ALTERNATIVE TO CIGARETTES".

(2) It shall be unlawful for any manufacturer, packager, or importer of smokeless tobacco products to advertise or cause to be advertised (other than through the use of outdoor billboard advertising) within the United States any smokeless tobacco product unless the advertising bears, in accordance with the requirements of this Act, one of the labels required by paragraph (1).

(b) LABEL FORMAT.—The Federal Trade Commission shall issue regulations requiring the label statement required by subsection (a) to appear—

(1) in the case of the smokeless tobacco product package—

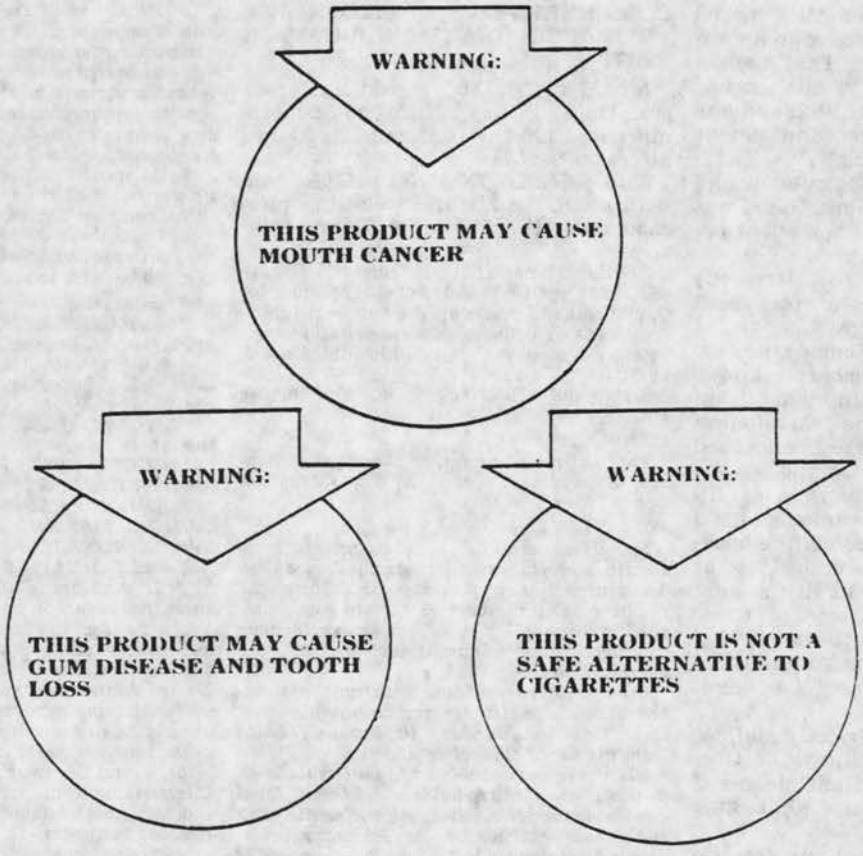
(A) in a conspicuous and prominent place on the package, and

(B) in a conspicuous format and in conspicuous and legible type in contrast with all other printed material on the package, and

(2) in the case of advertising subject to subsection (a)(2)—

(A) in a conspicuous and prominent location in the advertisement and in conspicuous and legible type in contrast with all other printed material in the advertisement,

(B) in the following format:



(C) the label statement shall appear in capital letters and the area of the circle and arrow shall be determined by the Federal Trade Commission.

(c) LABEL DISPLAY.—The Federal Trade Commission shall issue regulations requiring each label statement required by subsection (a) to—

(1) in the case of a smokeless tobacco product package, be randomly displayed by each manufacturer, packager, or importer of a smokeless tobacco product in each 12-month period in as equal a number of times as is possible on each brand of the product and be randomly distributed in all parts of the United States in which such product is marketed, and

(2) in the case of any advertisement of a smokeless tobacco product, be rotated every 4 months by each manufacturer, packager, or importer of a smokeless tobacco product in an alternating sequence in the advertisement for each brand of the product.

(d) PLAN.—(1) Each manufacturer, packager, or importer of a smokeless tobacco product shall submit a plan to the Federal Trade Commission which specifies the method such manufacturer, packager, or importer will use to rotate, display, and distribute the statements required by subsection (a) in accordance with the requirements of subsection (b) and (c).

(2) The Federal Trade Commission shall approve a plan submitted by a manufacturer, packager, or importer of a smokeless tobacco product under paragraph (1) if such plan provides for the rotation, display, and distribution on smokeless tobacco product packages and advertisements of the statements required by subsection (a) in a manner which complies with this section and the regulations promulgated pursuant to this section.

(e) APPLICATION.—This section does not apply to a distributor or a retailer of any smokeless tobacco product which does not manufacture, package, or import smokeless tobacco products for sale or distribution within the United States.

(f) TELEVISION AND RADIO ADVERTISING.—Effective 6 months after the date of the enactment of this Act, it shall be unlawful to advertise smokeless tobacco on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.

SEC. 4. INGREDIENT REPORTING.

(a) IN GENERAL.—(1) Each person who manufactures, packages, or imports smokeless tobacco products shall annually provide the Secretary with—

(A) a list of the ingredients added to tobacco in the manufacture of smokeless tobacco products which does not identify the company which uses the ingredients or the brand of smokeless tobacco which contains the ingredients; and

(B) a specification of the quantity of nicotine contained in each such product.

(2) A person or group of persons required to provide information by this subsection may designate an individual or entity to provide the information required by this subsection.

(b) REPORT.—(1) At such times as the Secretary considers appropriate, the Secretary shall transmit to the Congress a report, based on the information provided under subsection (a), respecting—

(A) a summary of research activities and proposed research activities on the health effects of ingredients added to tobacco in the manufacture of smokeless tobacco products and the findings of such research;

(B) information pertaining to any such ingredient which in the judgment of the Secretary poses a health risk to users of smokeless tobacco; and

(C) any other information which the Secretary determines to be in the public interest.

(2)(A) Any information provided to the Secretary under subsection (a) shall be treated as a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and shall not be revealed, except as provided in paragraph (1), to any person other than those authorized by the Secretary in carrying out their official duties under this section.

(B) Subparagraph (A) does not authorize the withholding of information provided under subsection (a) of this section from any duly authorized subcommittee or committee of the Congress. If a subcommittee or committee of the Congress requests the Secretary to provide it such information, the Secretary shall make the information avail-

able to the subcommittee or committee and shall, at the same time, notify in writing the person who provided the information of such request.

(C) The Secretary shall establish written procedures to assure the confidentiality of information provided under subsection (a) of this section. Such procedures shall include the designation of a duly authorized agent to serve as custodian of such information. The agent—

(i) shall take physical possession of the information and, when not in use by any person authorized to have access to such information, shall store it in a locked cabinet or file; and

(ii) shall maintain a complete record of any person who inspects or uses the information.

Such procedures shall require that any person permitted access to the information shall be instructed in writing not to disclose the information to anyone who is not entitled to have access to the information.

SEC. 5. ENFORCEMENT, REGULATIONS, AND CONSTRUCTION.

(a) ENFORCEMENT.—(1) A violation of section 3 or the regulations promulgated pursuant to this Act shall be considered a violation of section 5 of the Federal Trade Commission Act.

(2) Any person who is found to violate any provision of section 3 or 4(a) shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $10,000.

(b) REGULATIONS UNDER SECTION 3.—(1) Regulations issued by the Federal Trade Commission under section 3 shall be issued in accordance with section 553 of title 5, United States Code.

(2) Not later than 180 days after the date of the enactment of this Act, the Federal Trade Commission shall promulgate such regulations as it may require to implement section 3.

(c) CONSTRUCTION.—Nothing in this Act (other than the requirements of sections 3 and 4) shall be construed to limit, restrict, or expand the authority of the Federal Trade Commission with respect to unfair or deceptive acts or practices in the advertising of smokeless tobacco products.

SEC. 6. INJUNCTIONS.

The several district courts of the United States are vested with jurisdiction, for cause shown, to prevent and restrain violations of sections 3 and 4 upon application of the Federal Trade Commission in the case of a violation of section 3 or upon application of the Attorney General of the United States acting through the several United States attorneys in their several districts in the case of a violation of section 3 or 4.

SEC. 7. PREEMPTION.

(a) FEDERAL ACTION.—No statement relating to the use of smokeless tobacco products and health, other than the statements required by section 3, shall be required by any Federal agency to appear on any package or in any advertisement (unless the advertisement is an outdoor billboard advertisement) of a smokeless tobacco product.

(b) STATE AND LOCAL ACTION.—No statement relating to the use of smokeless tobacco products and health, other than the statements required by section 3, shall be required by any State or local statute or regulation to be included on any package or in any advertisement (unless the advertisement is an outdoor billboard advertisement) of a smokeless tobacco product.

(c) EFFECT ON LIABILITY LAW.—Nothing in this Act shall relieve any person from liability at common law or under State statutory law to any other person.

SEC. 8. REPORTS.

(a) SECRETARY'S REPORT.—The Secretary of Health and Human Services shall transmit a report to the Congress not later than January 11, 1987, and biennially thereafter, containing—

(1) a description of the effects of health education efforts on the use of smokeless tobacco products,

(2) a description of the use by the public of smokeless tobacco products,

(3) an evaluation of the health effects of smokeless tobacco products and the identification of areas appropriate for further research, and

(4) such recommendations for legislation and administrative action as the Secretary considers appropriate.

(b) FTC REPORT.—The Federal Trade Commission shall transmit a report to the Congress not later than January 11, 1987, and biennially thereafter, containing (1) a description of the current sales, advertising, and marketing practices associated with smokeless tobacco products, and (2) such recommendations for legislation and administrative action as it deems appropriate.

SEC. 9. DEFINITIONS.

For purposes of this Act:

(1) The term "smokeless tobacco" means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

(2) The term "commerce" means (A) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island and any place outside thereof; (B) commerce between points in any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island, but through any place outside thereof; or (C) commerce wholly within the District of Columbia, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island.

(3) The term "United States", when used in a geographical sense, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, and installations of the armed forces.

(4) The term "package" means a pack, box, carton, pouch, or container of any kind in which smokeless tobacco products are offered for sale, sold, or otherwise distributed to consumers.

(5) The term "sale or distribution" includes sampling or any other distribution not for sale.

(6) The term "Secretary" means the Secretary of Health and Human Services.

SEC. 10. TECHNICAL AMENDMENT.

Section 402(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(d)(2)) is amended by inserting before the semicolon a comma and the following: "except that this clause shall not apply to confectionery which is introduced or delivered for introduction into, or received or held for sale in, interstate commerce if the sale of such confectionery is permitted under the laws of the State in which such confectionery is intended to be offered for sale".

SEC. 11. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in sections 3(f) and 5(b) and subsection (b), this Act shall take effect one year after the date of enactment of this Act.

(b) EXCEPTION.—Sections 2, 3(b), 3(c), 3(d), 3(e), 4(b), 7, 8, 9, and 10 shall take effect on the date of the enactment of this Act.

Mr. DANFORTH. Mr. President, I support the Comprehensive Smokeless Tobacco and Health Education Act of 1985. Use of smokeless tobacco has increased dramatically in recent years, particularly among teenagers. The Surgeon General, Dr. Everett Koop, has cited local studies showing that as many as 22 percent of 11th graders chew tobacco. There is a need for broadened awareness, particularly among teenagers, of the potential effects of prolonged use of smokeless tobacco. S. 1574 is timely and necessary.

Mr. President, I am not one to stand in the way of consensus legislation. S. 1574 is the product of compromise. The bill before the Senate today represents a delicate compromise that has involved great give-and-take among parties with widely divergent interests. There are still those who are not satisfied. There are still Members of this body who would prefer further amendments. But the point is, Mr. President, that there comes a time when common interests must prevail, and the Senate must be allowed the opportunity to work its will.

Mr. President, the majority leader is aware that I have a keen interest in another piece of consensus legislation. That bill is S. 259, the Professional Sports Community Protection Act. It would give professional football, basketball, and hockey teams the power to block team relocations—a power which only baseball has today.

Mr. President, S. 259 was introduced a year ago. It was the subject of hearings before the Senate Commerce Committee, and was reported favorably last April. Later, it was reviewed by the Judiciary Committee, where additional hearings were held. Since mid-July, it has been awaiting Senate floor action.

In the ensuing months, Senators representing a broad spectrum of opinion on sports antitrust matters have worked hard to force a consensus. We have done so, and all five Senators who introduced sports antitrust bills in this Congress are united behind a single legislative package.

However, Mr. President, the Senate has not had an opportunity to consider this consensus bill. One Senator in particular is the problem. He has threatened to filibuster unless the Senate requires the NFL to expand. His price for a Senate vote is for the Senate to dictate to a private business enterprise that it must expand. The Commerce Committee considered such a requirement and rejected it. The vote was an overwhelming 14 to 2.

Now NFL expansion is being made a nonnegotiable demand.

Mr. President, S. 1574, as amended by the House of Representatives, is a privileged matter which could be used as a legislative vehicle for the sports bill. Using such a vehicle would restrict the use of multiple filibusters. However, I have been informed that even if it meant slowing down the passage of smokeless tobacco, there would be a filibuster on sports. Therefore, I will not use this vehicle. But I wonder, Mr. President, if the majority leader will give me his assurances that we will work together to bring up sports soon, break the filibuster threat, and allow the Senate to vote on a matter which enjoys broad support.

Mr. DOLE. I give the distinguished chairman of the Commerce Committee the assurance he seeks. I agree that it is time for the Senate to have an opportunity to vote on this matter. It would be my intention to try to schedule action on sports legislation early next month.

Mr. HATCH. Mr. President, today we are considering S. 1574, the Comprehensive Smokeless Tobacco and Health Education Act of 1985, an important public health education bill introduced by my colleague, Senator LUGAR, with myself as an original cosponsor, on August 1, 1985. The Senate approved the bill by unanimous consent on December 16, 1985, after several months of negotiations with all interested parties. S. 1574 was amended by our colleagues in the House, and represents a compromise supported by health care groups and by the smokless tobacco industry.

Mr President, because this bill represents a fair compromise, arrived at through a process of lengthy negotiations I urge my colleagues to approve this bill as is, and send it to the President for his signature.

The bill before us today contains three strong and accurate health warnings:

WARNING: THIS PRODUCT MAY CAUSE MOUTH CANCER

WARNING: THIS PRODUCT MAY CAUSE GUM DISEASE AND TOOTH LOSS

WARNING: THIS PRODUCT IS NOT A SAFE ALTERNATIVE TO CIGARETTES

These health warnings will be required on both the smokeless tobacco packages and on print advertisements. This bill bans smokeless tobacco advertisements from radio and television. The ingredients of smokeless tobacco products, particularly chemical additives, must be made available to research scientists in order to determine whether they might cause harmful effects in addition to the well documented toxic effects of tobacco. Also, a public education program will be developed to augment the three strong warning labels.

Mr. President, we do not take the steps of banning advertisements from the electronic media and placing health warnings in the "circle and arrow" format lightly. The public and governmental interest in this matter is great.

Our knowledge of the health risk of smokeless tobacco products dates back over 250 years when Dr. John Hill described an association between snuff use and cancer. More recently, the National Institutes of Health in the draft of the consensus development conference statement on the "Health Implications of Smokeless Tobacco Use" concluded that "human data provide convincing evidence for an increased risk of oral cancer as the result of smokeless tobacco use." The consensus conference also concluded that there is evidence suggesting "that tobacco by the oral route has substantial addicting properties." We recognize that our knowledge of the health risks presented by these products will continue to develop after the passage of this bill.

There are currently about 10 million Americans who regularly use smokeless tobacco. Of these 10 million, 3 million are under the age of 21. These numbers do not tell the shocking story of smokeless tobacco use.

When most of us think of smokeless tobacco, we think of the professional athlete—we don't think of grade school children. But today it is our young children who are using this product. A Texas study found that 88 percent of regular smokeless tobacco users started before the age of 15, and 55 percent started before the age of 13. A Louisiana study found that 50 percent of the 14-year-old males regularly use smokeless tobacco products. An Oklahoma study found that 33 percent of the ninth grade boys, 22 percent of the fifth grade boys, and 13 percent of the third grade boys had tried smokeless tobacco products. An Arkansas study found that more than 21 percent of the kindergarten kids had tried smokeless tobacco products.

Mr. President, let me repeat that. According to one study, one of every five children in kindergarten in Arkansas have tried smokeless tobacco products. Less than half the States currently prohibit the sale of smokeless tobacco products to children under 18 years of age. In many locations, while cigarettes are placed behind the sales counter, smokeless tobacco products are placed next to the candy.

High school males say that they are much more likely to start using smokeless tobacco products than cigarettes. In addition, children who use smokeless tobacco products are more likely to use alcohol, more likely to use cigarettes, and more likely to use marijuana.

Mr. President, I am sure that my colleagues find this as shocking as I do. This smokeless tobacco epidemic can only be treated through the combined efforts of the Federal and State Governments. This legislation fairly and effectively addresses the advertising and health warning problems. I urge State governments to join us by reviewing their laws and enforcement of restrictions on the sale of smokeless tobacco products to minors. With a combined effort, we can stop this epidemic before it spreads further.

Mr. President, today, a product which causes cancer is being sold to our children without any warning of associated health risks. There is clearly a pressing need for this legislation. The compromise before us today is a fair one, and I urge my colleagues to join me and support it.

Mr. President, I ask unanimous consent to submit for the RECORD a letter from the Coalition on Smoking OR Health, a letter from the Smokeless Tobacco Council, and the National Institutes of Health consensus development conference statement, "Health Implications of Smokeless Tobacco Use."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COALITION ON SMOKING OR HEALTH,
Washington, DC, February 6, 1986.

Hon. RICHARD LUGAR,
Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATORS HATCH AND LUGAR: On February 3, 1986, the House of Representatives voted by voice vote in favor of a substitute to S. 1574, "THE COMPREHENSIVE SMOKELESS TOBACCO AND EDUCATION ACT OF 1985", co-sponsored in the Senate by each of you. This substitute bill represents the successful culmination of months of careful, negotiation between all parties directly affected and is supported by both the Coalition on Smoking OR Health and the Smokeless Tobacco Industry.

Since you first took the lead on this important issue, the need for this legislation has become even more clear. On January 13-15, 1986, the National Institutes of Health conducted a Consensus Development Conference on the health implications of smokeless tobacco—chewing tobacco and snuff. The report of the conference panel includes the following conclusions: 1) "The human data provide convincing evidence for an increased risk of oral cancer as the result of smokeless tobacco use"; 2) smokeless tobacco use increases the frequency of localized gum disease where the tobacco quid is placed; and 3) the nicotine in smokeless tobacco products, like that in cigarettes, is addictive.

Use of smokeless tobacco is increasing at an alarming rate among our nation's youth: the National Cancer Institute estimates that 22 million Americans use smokeless tobacco, and approximately 22% of these users are teenage boys. Studies of elementary and high school students show that smokeless tobacco use most often begins before the age of twelve, and that many wrongly consider smokeless tobacco a safe alternative to cigarettes.

The Coalition on Smoking OR Health and its member organizations, the American

Cancer Society, the American Lung Association and the American Heart Association, applaud your leadership and urge the prompt passage of this vitally important public health legislation.

Sincerely,

MATTHEW L. MYERS.

SMOKELESS TOBACCO COUNCIL, INC.,
Washington, DC, February 6, 1986.

Re: Comprehensive Smokeless Tobacco and Health Education Act.

Hon. ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: As you are aware, I appeared before the House Subcommittee on Health and the Environment on July 26, 1985, to express the position of the smokeless tobacco manufacturers regarding proposed federal legislation concerning the labeling of smokeless tobacco products. I advised the Subcommittee members that it was the position of the smokeless tobacco manufacturers that health warnings relating to their products were unwarranted in view of the unresolved scientific controversy regarding smokeless tobacco and health. The position of the smokeless tobacco manufacturers on this issue has not changed.

I also advised the Subcommittee, however, that the smokeless tobacco manufacturers recognized that when an issue is raised with respect to a product such as smokeless tobacco which is marketed and used nationwide, it is an issue that should be resolved at the Federal level. I further stated that if there were to be warning labels on smokeless tobacco products, a nationally uniform labeling program was essential in order to avoid the myriad of problems attendant with warning labels promulgated by various state legislatures or federal or state agencies. The position of the smokeless tobacco manufacturers on this issue is also unchanged.

We recognize the difficulty in meeting the often disparate needs of the various groups interested in legislation as important as this, and we believe S. 1574, which you initially co-sponsored and which was amended in the House on February 4, 1986 by Congressman Waxman, addresses many of the serious concerns of the smokeless tobacco manufacturers.

Consistent with the foregoing, if it is the will of Congress that there be Federal legislation on this subject, then we believe that this bill is the appropriate method to resolve the smokeless tobacco labeling issue on a national, uniform basis. The smokeless tobacco manufacturers will support this effort.

Respectfully,

MICHAEL J. KERRIGAN,
President.

NATIONAL INSTITUTES OF HEALTH CONSENSUS DEVELOPMENT CONFERENCE STATEMENT: HEALTH IMPLICATIONS OF SMOKELESS TOBACCO USE

INTRODUCTION

Smokeless tobacco includes both chewing tobacco and snuff. These products contain tobacco leaf plus a variety of sweeteners, flavorings, and scents. In chewing tobacco, the leaf may be shredded (looseleaf), pressed into bricks or cakes (plugs), or dried and twisted into rope-like strands (twists). A portion is either chewed or held in place in the cheek or lower lip.

The two categories of snuff, dry and moist, are made from powdered or finely cut tobacco leaves. In some countries including the United Kingdom, dry snuff is sniffed through the nose, but in the United States, both dry and moist snuff are taken in the mouth or "dipped." A small amount, a "pinch," is held in place between the lip or cheek and the gum.

Although smokeless tobacco was widely used in the United States in the past, during this century its use declined sharply. There is evidence that this trend has reversed, and smokeless tobacco is regaining popularity. Market data show marked increases in manufacturing and sales, especially in the category of moist snuff, and total annual sales of smokeless tobacco are close to $1 billion. Reports from schools in different regions of the country indicate the smokeless tobacco—principally moist snuff—is being used by very young people, especially adolescent males.

Serious questions have been raised regarding health and behavioral effects from use of smokeless tobacco. Most notably, it has been linked to oral cancer.

If smokeless tobacco use does produce adverse health effects, then the use of smokeless tobacco by a large segment of the population could have long-term public health consequences. It is important at this time that the available information be assessed, both to provide the scientific community with a synthesis of current knowlege and a framework for further research, and to provide the public with the information it needs to make informed decisions regarding the use of smokeless tobacco.

To accomplish this end, the National Cancer Institute, the National Institute of Dental Research, and the NIH Office of Medical Applications of Research convened a consensus development conference on Health Implications of Smokeless Tobacco Use on January 13-15, 1986. After a day and a half of presentations by experts in relevant fields, a consensus panel including representatives of epidemiology, cancer, dentisty psychology, pediatrics, psychopharmacology, education, and the public considered the evidence and agreed on answers to the following question:

What are the current trends in the use of smokeless tobacco in the United States?

Does the use of smokeless tobacco increase the risk of oral or other cancers?

Does the use of smokeless tobacco increase the risk of periodontal disease or other oral and health problems?

What are the behavioral consequences of smokeless tobacco use?

What issues regarding the health consequences of smokeless tobacco use require further research?

1. What are the current trends in the use of smokeless tobacco in the United States?

The panel estimates that at least 10 million Americans have used smokeless tobacco within the past year, with 3 million of these users beginning less than 21 years old. Recent data indiate that significant proportions of teenage boys are current users, and the number of users in this age group is steadily increasing.

Detailed national data on trends in the use of smokeless tobacco are not currently available; however, there are indications of recent significant changes. One such indication is the amount of smokeless tobacco manufactured in the United States. Production declined steadily from 1930 until the late 1960's. Subsequently, there has been a resurgence of production, with a steady increase in smokeless tobacco output totaling about one-third since 1970, but in just the last 5 years, from 1981 to 1985, the production of moist snuff, the form often used by youth, has increased by one-third.

The frequency of use of smokeless tobacco has only recently become a subject for national investigation. In 1985, a national representative study revealed that 16 percent of males between 12 and 17 years of age had used some form of smokeless tobacco within the past year, and of these, about one-third used it one or more times per week. These figures mask wide variations among subgroups. Currently, males over 21 years of age use somewhat less, with use decreasing for the older groups. Only 2 percent of females use smokeless tobacco, whereas blacks and Hispanic youth are intermediate users. Patterns of use appear to be similar in most of the country, with the lowest use in the Northeast.

Some local studies have reported use by 30 to 40 percent of males in high school; even among third graders, 13 percent of males reported use. One study found that use increased for males at each grade level. Significant use by kindergarten children also has been reported in some areas in one state. In a sample of colleges, about 20 percent of the males reported use of smokeless tobacco.

In the one local longitudinal study, covering 1976 to 1982, tobacco chewing doubled and snuff dipping tripled, with peak use among boys 12 to 14 years old.

It is of interest that in some schools, the percentage of males reporting regular use of smokeless tobacco was higher than the percentage reporting use of cigarettes.

2. Does the use of smokeless tobacco increase the risk of oral or other cancers?

The human data provide convincing evidence for an increased risk of oral cancer as the result of smokeless tobacco use. Data are insufficient to determine whether cancers at sites other than the mouth and throat are related to smokeless tobacco use.

Human data: With respect to direct human evidence, one North Carolina study of women provides the most compelling data to support a role for snuff dipping in the causation of oral cancers. In this study, among non-smokers, the risk of oral cancer was 4.2 times greater for those who used snuff than for those who did not and for users over several decades the risk was much higher. These data are particularly striking in that 1) the oral cancer risks were greatest for cancers located in the buccal mucosa and gingiva where the snuff was placed; 2) the risk increased with increasing duration of snuff use; 3) factors such as diet, dental hygiene, alcohol intake, and cigarette smoking were found not to be responsible for the association between snuff and oral cancers; and 4) the risks were so large that it would be difficult to postulate alternative explanations for the association between oral cancer and snuff other than a causal one.

These findings are supported by other epidemiological studies, primarily of the case control type, and by clinical case series. However, most of these studies did not specify the type of smokeless tobacco product, i.e., snuff or chewing tobacco. Thus, it seems prudent to recognize the carcinogenic potential of all smokeless tobacco products, acknowledging that the adverse effect of snuff has been more fully documented.

Although this relationship has been most clearly demonstrated for elderly, rural women residing in the Southeastern United States, there is reason to believe that snuff would also be carcinogenic in women and men in all geographic locations. In fact, men

using smokeless tobacco experienced a 3.9-fold increased risk for oral cancer in a study based on the Third National Cancer Survey. Youngsters, starting the use of snuff in grade school and continuing its use through adult life, are likely to experience a similar risk.

Our conclusion with respect to oral cancer is supported by multiple studies showing a relationship between oral cancer and chewing of betel quid containing tobacco in India and Southeast Asia. Furthermore, this view is consistent with the judgment of a recent working group of the International Agency for Research on Cancer (IARC), which reported that the evidence associating snuff with oral cancer is "sufficient" to indicate a causal relationship.

Carcinogens in smokeless tobacco: Chemical analysis of various types of smokeless tobacco has revealed the presence of polonium—210, a radioactive alpha-emitter and known radiation carcinogen, and representatives of two classes of powerful chemical carcinogens, the polycyclic aromatic hydrocarbons and the nitrosamines.

Of the 19 nitrosamines identified in smokeless tobacco, the carcinogenic nitrosamines presenting the higher concentrations are NNN and NNK, both of which are related chemically to nicotine. Snuff contains 1.6 to 135 mg per kilogram (mg/kg) of NNN and 0.1 to 14 mg/kg of NNK. For comparison, U.S. foods and beverages may not contain more than 0.10 mg/kg of nitrosamines. U.S. looseleaf and plug tobacco contain 0.2 to 8.2 mg/kg of NNN and 0 to 1.0 mg/kg of NNK.

Both NNN and NNK readily produce cancer in rats and hamsters in organs such as the nose, trachea, esophagus, and liver. Benign tumors (papillomas) of the mouth are induced when NNN and NNK are applied directly to the mouth of rats.

Carcinogenesis tests in aminals: Repeated experimental studies in animals have failed to provide adequate evidence that chewing tobacco, snuff, or extracts derived from them induce cancer.

Implications for human health: The risk of oral cancer in the United States is small among those who do not smoke, drink alcoholic beverages, or use smokeless tobacco. The data considered here, however, raise the concern that regular users of snuff, especially children, may develop oral cancer later in life. The panel believes that the public should be warned that the use of smokeless tobacco, particularly snuff when started in childhood, increases the risk of oral cancer.

3. Does the use of smokeless tobacco increase the risk of periodontal disease or other oral and health problems?

Evidence supports an association of smokeless tobacco use with gingival recession and oral leukoplakia, but there is insufficient evidence of an association with periodontitis or tooth decay. Other potential physical health hazards are essentially unexplored.

Gingival recession, gingivitis, and periodontal disease: Both case reports and studies of larger samples show an association of smokeless tobacco use with localized gingival recession (receding gums), especially where the smokeless tobacco is habitually placed. One study has reported a significant association of smokeless tobacco use with generalized gingivitis. Data currently are insufficient to support an association of smokeless tobacco use with generalized or advanced periodontal disease.

Tooth decay: There are disparate data on whether smokeless tobacco use increases or decreases tooth decay. The absence of reliable data that take into account the diversity of smokeless tobacco products and the amount and bioavailability of contained sugars and fluoride may contribute to the lack of agreement among the few reports on this topic.

Leukoplakia: Several reports associate snuff use and, in at least one report, chewing tobacco use with the presence of white patches of the oral mucosa clinically described as leukoplakia. Indeed, leukoplakia is a frequent concomitant of smokeless tobacco use. Although multiple studies describe the transformation of leukoplakia to malignancy within the range of 1 to 18 percent over observation periods ranging from several months to 11 years, there are few data on whether snuff-associated leukoplakia *per se* undergoes similar frequencies of malignant transformation. The studies done to date probably have not been conducted for sufficient time or with sufficient numbers of long-term users to define incidence of malignant transformation. Studies from India and Southeast Asia, involving different smokeless tobacco products and use patterns, suggest that the long-term risk for malignant change of smokeless tobacco-associated leukoplakia may be significant.

Other health risks: Blood levels of nicotine achieved by cigarette smoking, which are similar to those achieved by smokeless tobacco use, cause elevations of blood pressure, heart rate, certain blood lipids, and catecholamines. However, no direct epidemiological data are available on cardiovascular morbidity and mortality in association with smokeless tobacco use.

The complex array of constituents in smokeless tobacco presents a variety of potential health risks for the user as well as for the offspring of pregnant female users. In addition to nicotine, heavy metals such as lead and cadmium have been found in smokeless tobacco at levels that represent potential risks to the fetus of young child.

4. What are the behavioral consequences of smokeless tobacco use?

Tobacco produces psychological effects variously described as relaxing, arousing, and euphoriant. Over the past two decades, laboratory and clinical studies have indicated that these effects are mediated by nicotine and blocked by mecamylamine, a drug that competes for nicotine receptors in the brain. Tobacco use leads to a state of dependence in most regular users; this state is characterized by tolerance, physical dependence, and willingness to expend considerable efforts to maintain individual plasma levels within a range of values bounded by toxic effects and the onset of withdrawal symptoms. Plasma levels achieved by smokeless tobacco use are similar to those of cigarette smoking. Nicotine self-administration patterns are very similar to those of other central nervous system stimulant drugs in both laboratory animal and human studies.

The abuse liability of a substance—the degree of its ability to gain control over the user—is correlated with the delay between administration and brain levels sufficient to engender a psychological effect. Because nicotine from smokeless tobacco is presumed to reach the brain more slowly than that from cigarette smoke, it might be hypothesized that smokeless tobacco would have lower abuse liability. However, in studies of teenagers who attempted to stop using smokeless tobacco, only a small percentage were able to do so, suggesting that tobacco by the oral route has substantial addicting properties. The continued use of smokeless tobacco even by those who experience serious adverse health consequences attests to its addicting powers.

Addicted users of nicotine become tolerant to the drug: that is, despite experiencing initial unpleasant side effects (e.g., tremulousness, dizziness, and nausea), such users increase their dosage until it levels off at one that fulfills their need. Such users seek nicotine continually. Some users of smokeless tobacco use it even while sleeping.

The physical dependence associated with nicotine induces withdrawal symptoms when addicted users abruptly discontinue its use. Thereafter, exusers often experience craving for nicotine, and many become users again.

Other behavioral effects: Tobacco withdrawal produces increased irritability and decrements in several basic cognitive functions. These disruptive effects begin within hours of the last nicotine dose. Such cycles of intake and abstinence are typical of use patterns of youth in school and adults in many employment situations. Thus, the associated cognitive impairments could have adverse effects on academic and job performance.

Behavioral pharmacology and learning studies show that the determinants of the initiation, maintenance, and reduction of substance use result from the interaction between biochemical and behavioral processes. For smokeless tobacco, nonbiochemical factors that are correlated and readily manipulable include advertisements about smokeless tobacco, influence from peers, parental acceptance of smokeless tobacco use, and perception that smokeless tobacco is less harmful than smoking tobacco.

Behaviors can become interchangeable based on their function to the individual. For example, current opinion is that some smokers are switching to smokeless tobacco because the latter is considered a safe alternative for maintaining their nicotine dependence. Others suggest that young people using smokeless tobacco often switch to cigarettes. Use of smokeless tobacco in children is sometimes associated with the use of hard liquor, beer, wine, cigarettes, and marijuana.

5. What issues regarding the health consequences of smokeless tobacco use require further research?

There is a pressing need for well-designed studies of:

a. Prevalence of smokeless tobacco use based on continuing national probability sample data, including type of product, age, sex, region, and concomitant cigarette smoking. In addition, longitudinal studies should be conducted.

b. Users and nonusers of smokeless tobacco products, to characterize better the prevalence and incidence of periodontal diseases, caries, leukoplakia, and cancer. These studies should identify, as far as possible, the nature and contents of products used, patterns and durations of their use, concomitant use of other substances such as alcohol and smoking tobacco, and occurrence of viral infections. Where appropriate, they should use tissue biopsy as well as critical clinical and laboratory measurements.

c. Cancer of sites other than the mouth carried out in geographic areas with high rates of smokeless tobacco use.

d. Potential role of smokeless tobacco in cardiovascular disease and adverse outcomes of pregnancy.

e. Potential of users of smokeless tobacco to produce nitrosamines *in vivo*.

f. Research on the relationship between amounts of smokeless tobacco used and plasma levels of lead, cadmium, and other potential toxins.

g. Strategies for the development and evaluation of prevention programs, including school-based programs, taking into consideration regional, ethnic, age, socioeconomic, and other variables.

h. Development and evaluation of early intervention and treatment programs to reduce smokeless tobacco dependence, with special consideration of specific populations, including:

1. School and college age.

2. Persons with specific risk or disease conditions, including malignancies, cardiovascular disease, women at risk for pregnancy.

3. Workplace- and industry-specific populations where elevated smokeless tobacco use is common.

Such programs should include a range of approaches based on pharmacological and behavioral treatments.

CONCLUSIONS

Use of smokeless tobacco has a long history in the United States, but trends in recent years, in particular the increasing use of snuff by children and young adults, have led to concerns about possible health consequences. National data suggest that at least 10 million persons have used smokeless tobacco of one kind or another within the past year. Patterns of use by age, sex, and type of product vary across the country.

The human evidence that use of snuff causes cancer of the mouth is strong. Risk is particularly high for parts of the mouth where the snuff is usually placed.

Data are currently insufficient to come to any conclusion, regarding the relationship of smokeless tobacco use to cancers at other sites. Repeated experimental studies in animals have failed to provide adequate evidence that chewing tobacco, snuff, or extracts derived from them induce cancers. However, nitrosamines chemically related to nicotine occur at high levels in snuff and, generally, at lower levels in chewing tobacco. These compounds are highly carcinogenic in animals. The concentrations of nitrosamines in smokeless tobacco are far higher than the levels of these compunds allowed in any U.S. food or beverage.

Smokeless tobacco use increases the frequency of localized gum recession and leukoplakia where the snuff is usually placed, but evidence on its relationship to other diseases of the oral cavity is inadequate. The presence of lead in smokeless tobacco may pose a special risk for the developing fetus. Use of smokeless tobacco releases nicotine into the bloodstream and produces blood levels of nicotine comparable to those produced by smoking tobacco. The primary behavorial consequence of regular use of smokeless tobacco is long-term nicotine dependence and its associated health risks.

Use of smokeless tobacco is one of a number of health-endangering behaviors which frequently coincide, with the clear potential for long-term and serious consequences.

Members of the Consensus Development Panel Were:

Brian MacMahon, M.D., Ph.D., Panel Chairman, Henry Pickering Walcott, Professor of Epidemiology, Harvard School of Public Health, Boston, Massachusetts.

Michael F. Cataldo, Ph.D., Director of Psychology, John F. Kennedy Institute, Associate Professor of Pediatrics and Psychiatry, Johns Hopkins University School of Medicine, Baltimore Maryland.

Mary E. Collier, Chairman, Fairfax County School Board, Fairfax, Virginia.

Robert J. Haggerty, M.D., President, William T. Grant Foundation, Clinical Professor of Pediatrics, Cornell University Medical College, New York, New York.

Theodore R. Holford, Ph.D., Associate Professor, Department of Epidemiology and Public Health, Yale University School of Medicine, New Haven, Connecticut.

Barbara S. Hulka, M.D., M.P.H., Professor and Chairperson, Department of Epidemiology, University of North Carolina School of Public Health, Chapel Hill, North Carolina.

Jonathan Leff, Editorial Consultant, Former Director, Consumer Reports Books, South Hero, Vermont.

Dennis H. Leverett, D.D.S., M.P.H., Chairman, Department of Community Dentistry, Eastman Dental Center, Rochester, New York.

Peter N. Magee, M.B., F.R.C.P., F.R.C. Path., Director, Fells Research Institute, Professor of Pathology, Temple University School of Medicine, Philadelphia, Pennsylvania.

Sidney S. Mirvish, Ph.D., Associate Director, Eppley Institute for Research on Cancer, University of Nebraska Medical Center, Omaha, Nebraska.

Condict Moore, M.D., Professor of Surgery, Director, Division of Surgical Oncology, University of Louisville School of Medicine, James Graham Brown Cancer Center, Louisville, Kentucky,

Jason M. Tanzer, D.M.D., Ph.D., Professor, Departments of Oral Diagnosis and Laboratory Medicine, University of Connecticut Health Center, Farmington, Connecticut.

Travis I. Thompson, Ph.D., Professor Department of Psychology, University of Minnesota, Minneapolis, Minnesota.

Members of the Planning Committee were:

William J. Blot, Ph.D., (Cochairperson), Chief, Biostatistics Branch; Chief, Analytical Studies Section, Division of Cancer Etiology, National Cancer Institute, National Institutes of Health, Bethesda, Maryland.

Gayle, Boyd, Ph.D (Cochairperson), Research Psychologist, Office of the Director, Division of Cancer Prevention and Control, National Cancer Institute, National Institutes of Health, Bethesda, Maryland.

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Jerry M. Elliott, Program Analyst, Office of Medical Applications of Research, National Institutes of Health, Bethesda, Maryland.

John Grabowski, Ph.D., Research Psychologist, Clinical and Behavioral Pharmacology Branch, National Institute on Drug Abuse, Rockville, Maryland.

Stephen S. Hecht, Ph.D., Chief, Division of Chemical Carcinogenesis, Naylor Dana Institute for Disease Prevention, American Health Foundation, Valhalla, New York.

J. Michael Land, M.D., Director, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia.

● Mr. LUGAR. Mr. President, as original sponsor of S. 1574, the Comprehensive Smokeless Tobacco and Health Education Act of 1986, I am aware of the need to educate the public as to the health risks associated with use of smokeless tobacco products. This is an issue which I feel strongly about largely because of the ramifications of smokeless tobacco use among our youth.

In Indiana, Mr. President, studies have indicated an alarming increase in the use of smokelsess tobacco products among young Hoosiers. Surveys conducted in Indiana among 8th to 12th graders by Dr. Arden Christen of the Indiana University School of Dentistry indicate that, in some classes, up to 47 percent of the male students are users of smokeless tobacco. In fact, in one Indiana junior high school surveyed, 6.3 percent of the seventh-grade boys and 12.6 percent of the eighth-grade boys are regular users of smokeless tobacco. Nationally, one study indicates that among regular smokeless tobacco users, 88 percent started using these products before the age of 15 and 55 percent started before the age of 12. It is estimated that at least 10 million Americans have used smokeless tobacco within the past year and that 3 million of these users are less than 21 years old.

Like smoking tobacco, moist snuff and chewing tobacco contain significant levels of nicotine which is associated with a rise in blood pressure and addiction. Additionally, use of smokeless tobacco causes a number of serious oral health problems, including gingival recession, or recission of the gums, peridontal bone destruction, tooth abrasion, and most importantly, precancerous lesions such as leukoplakia. Approximately 7 percent of leukoplakia lesions convert to squamous cell carcinomas accounting for roughly 90 percent of all oral cancers.

The serious health risks associated with use of smokeless tobacco products, coupled by the increase in use of these substances by young Americans, can no longer be ignored. Therefore, I commend the Senate and the House of Representatives for acting quickly to require that warnings clearly outlining these health risks are prominently displayed on packages of smokeless tobacco and all printed advertising of these products.●

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Mr. President, I am pleased to have the opportunity to speak in support of S. 1574, the Comprehensive Smokeless Tobacco Health Education Act of 1986. I wish to particularly commend the chairman of the Labor and Human Resources Committee for his leadership on this issue.

This legislation represents a true compromise between the smokeless tobacco industry and the health community. Together, they have fashioned an important bill that will make the public aware of the adverse health consequences of smokeless tobacco use, without infringing on the legitimate interests of this industry.

As a Senator from a State that has a significant smokeless tobacco industry presence, I want to single out the efforts of its representatives in bringing about this compromise. Make no mistake about it, this is a very tough bill. It requires the industry to make major concessions that will be extremely costly. Rather than stick their heads in the sand and refuse to act, however, representatives of the smokeless industry faced a critical problem with vision and candor.

In the long run, this bill will benefit the smokeless tobacco industry if only because it will prevent more draconian measures at a later time. But the compromise will clearly hurt in the short run as the industry's advertising options are restricted.

I also want to commend the Coalition on Smoking or Health for its work in fashioning a major program to provide the public with important health information on the use of smokeless tobacco.

Finally, I want to thank my colleagues from the other body, Congressmen DINGELL, WAXMAN, and SYNAR and my colleague, the Senator from Utah, for leading the effort to pass this worthy piece of responsible legislation.

● Mr. KENNEDY. Mr. President, I am pleased to support this legislation to require warning labels and to ban broadcast advertising for so-called smokeless tobacco. I worked hard to secure passage of this bill in the Senate, and I am delighted that it has been made even stronger in the House.

The evidence gathered by our committee makes clear that smokeless tobacco is a significant and growing public health problem. Smokeless tobacco is known to cause oral cancer and a wide range of mouth diseases. Its growing popularity among young people poses a serious threat that, unless we act now, all the progress we have made to reduce cigarette smoking may be negated by the substitution of smokeless tobacco, which has the same addictive properties and poses a very dangerous health hazard.

By acting promptly on this measure, we in the Senate will demonstrate our commitment to protecting the health of the American people. I want the record to be clear that the Senate concurs in the statement by the managers on the House side and in our original committee report that we do not, by passage of this legislation, intend to control the promotion or advertising of tobacco products and do not intend to preempt product liability suits in State or Federal courts based on failure to warn.

I urge speedy passage of this legislation.●

Mr. SIMON. Mr. President, the Comprehensive Smokeless Tobacco Health Education Act of 1986 (S. 1574) contains an amendment providing for an exception to the alcohol content limitation in confectionery products in the current law.

Federal law prohibits interstate commerce in confectionery that contains any liqueurs or other alcohol, unless the alcohol is derived solely from flavoring extracts and does not exceed one-half of 1 percent by volume. There is no comparable Federal prohibition on the use of alcohol in other foods and many nonprescription drugs. The intrastate manufacture and sale of liquored confectionery is lawful in 11 States and the District of Columbia. Federal law should be revised to permit interstate commerce in confectionery containing alcohol so long as the product is manufactured domestically and offered for sale only in those States where it may lawfully be sold under State law.

The alcohol content amendment—originally incorporated in the Drug Export Act (S. 1848) as reported by the Senate Committee on Labor and Human Resources—is in the form of a proviso to section 402(d)(2) of the FDC Act that would eliminate the prohibition against interstate commerce in liquored confectionery only between and among those States wherein the manufacture and/or sale of such products is lawful.

The provision would merely amend the Federal law to allow the shipment of these products from one State to any other State where they may lawfully be sold. The amendment will have no impact on State law and will not authorize the manufacture or distribution of liquored confectionery to States where such goods are prohibited. Rather, the decision of whether to permit these products to be sold will continue to be exclusively within each State's jurisdiction to resolve.

The purpose and effect of the amendment is to simply remove the existing Federal impediment to commerce among consenting States in goods over which the States have primary jurisdiction. In a sense, this is a "States rights" issue since those States which permit the intrastate sale of higher alcohol content confections—than is permitted under Federal law—can sell to each other.

Some concern has been raised about whether or not confectionery products with higher alcohol limits can be manufactured abroad, brought into this country and shipped among the 11 States that would be affected by the alcohol content amendment. As the Senate author of this amendment I want to make it unequivocally clear that only confectionery products manufactured domestically would be included in the amendment.

Mr. HATCH. Mr. President, I appreciate the statements of the distinguished Senator from Tennessee and others. The Senator from Tennessee has always been very helpful, very articulate, and very fair to his colleagues on this side. I personally thank him for that. I also want to express my appreciation to the smokeless tobacco industry. I think they have the foresight and decency to realize that what we are asking here is correct. I believe that all parties have worked together to come up with the very best compromise we possibly could, and I believe the country will be much better off for that.

Mr. President, unless there are further statements, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER (Mr. PRESSLER). Is there further debate on the motion? If not, the question is on agreeing to the motion.

The motion was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I thank my distinguished colleagues on the other side, especially Senator BYRD. We are very happy to have this bill passed. I know it will be delivered to the President at the earliest possible moment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNIVERSITY OF HAWAII PRESIDENT ALBERT J. SIMONE COMMENDED FOR HIS LEADERSHIP IN DEVELOPING A PACIFIC SPACE CENTER IN HAWAII

Mr. MATSUNAGA. Mr. President, last month, in Honolulu, the National Commission on Space concluded a series of public hearings held in 15 cities around the Nation. The hearings were organized to obtain information that would assist the Commission in preparing its report to the President and Congress on long-range goals for our Civilian Space Program. Honolulu was selected as a hearing site primarily in recognition of the extraordinary range of space-related activities at the University of Hawaii.

A few weeks before the Commission hearing, the chairman of the Science and Technology Committee in the House of Representatives of the Japanese Diet, Mr. Tetsuo Kondo, in a speech delivered in Honolulu, offered a proposal for a Pacific space center

that was clearly conceived with Hawaii in mind. University of Hawaii President Albert J. Simone responded brilliantly by organizing university testimony at the Commission hearing around the Pacific space center theme. I had the privilege of testifying at that hearing, in response to a request from the Commission to discuss my legislative initiatives for an International Space Year in 1992 and for greater East-West space cooperation, building toward an international manned mission to Mars near the turn of the century. I was especially impressed by the testimony of President Simone, which set the stage for the faculty presentations that followed.

President Simone recently assumed his current position, but he has already established himself as a brilliant, resourceful, and committed leader who is guiding the University of Hawaii into new realms of excellence. I ask unanimous consent that his testimony before the National Space Commission be printed in the RECORD. Predictably, it will one day be remembered as having laid the foundation for a historic enterprise.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

SPACE RESEARCH OPPORTUNITIES FOR THE UNIVERSITY OF HAWAII IN THE COMING DECADES

(By Albert J. Simone, President, University of Hawaii)

Senator Matsunaga, Dr. Schmitt, Commission members and staff, faculty and colleagues.

I am very happy to welcome you on behalf of the University of Hawaii, and to second Senator Matsunaga's expressions of Aloha. We are honored that the Commission has chosen to meet here in the State of Hawaii, particularly as it attests to UH's rapidly growing emergence as a force in space science research.

Although these islands have a well-deserved reputation as a tropical paradise and a place to "get away from it all," that is only one aspect of the story. Hawaii is also very much a part of the space age. These islands are home to humanity's clearest window on the universe—the astronmical observatories on Mauna Kea. We are a center for communications in the Pacific Basin and a part of the vital link between the U.S. mainland and Asia. Hawaii is also a center for U.S. space defense research and development in the Pacific Test Range. And most important for us at the University, we are proud to have several groups of space scientists who are international leaders in their fields.

I understand that the Commission is considering major undertakings in space research, which might be carried out over the next 50 years, and have heard mention of colonization of near-earth orbit of the moon, and even of Mars as possibilities. I expect that such initiatives are very likely to involve research and require expertise in areas such as Astronomy, Planetary Geosciences, Geology, and Oceanography. These are all areas where the University of Hawaii has taken advantage of its generous natural endowments to build strong research institutes and to attract some of the best researchers in the field on an international level. In these areas, UH is taking advantage of its researchers' talents and expertise to play a growing role in planning and executing relevant space missions, and we look forward with keen anticipation to the opportunity to play a strong role in the grand initiatives which the Commission has been considering. Such expanded efforts are entirely in line with the University's Strategic Plan and would provide important opportunities to enhance employment opportunities outside the University in technology-related areas.

Many of the individual scientists at the University of Hawaii are scheduled to present testimony to you today as a part of these hearings. In addition, there are many other citizens of Hawaii who are also excited about space and anxious to participate, and I am pleased to see many of them also scheduled on your program. I am sure that these witnesses will present well-reasoned and expert testimony. For myself, it is perhaps most appropriate that I discuss more generally some of the ways that the University of Hawaii is involved in space, by way of background and as an introduction to some of the following speakers.

The University of Hawaii is, as you know, the single University in this state. We are a multi-campus system, serving 50,000 students. At present, all of our major graduate and research programs are housed here, in Manoa Valley, in Honolulu. The University has wide-ranging and varied research programs, many of them taking advantage of the unique location and conditions in the State. Examples include our special concerns with ocean science, tropical agriculture, natural energy research, and in our focus on international programs in the social sciences and the humanities involving Asia and the Pacific Basin. In terms of Federal research funding, we attracted $66 milion last year in support of University research and training programs, placing us among the top 70 U.S. universities in Federal support.

Several of the University's areas of special strength are relevant to space science and exploration. Let me begin with the development of ground-based astronomy in Hawaii, an area in which we take special pride. It is now generally acknowledged that the summit of Mauna Kea, a 14,000-foot extinct volcano, is the finest site for astronomical observing on the surface of our planet. Mauna Kea already has the biggest collection of telescopes in the world. Others now under construction include the world's largest telescope, the Keck 10-meter instrument being built by Caltech and the University of California.

The University of Hawaii is responsible for the scientific utilization of Mauna Kea. We operate a number of the telescopes and serve as host for others. Through our Institute for Astronomy, directed by Donald Hall, we are closely involved in every aspect of the development and protection of this unique resource. Our own faculty and research programs have grown with the expansion of these facilities. This year, with the anticipated launch of the Hubble Space Telescope into earth orbit, we expect even more attention to be directed toward the research facilities on Mauna Kea. Ground-based and space astronomy are closely linked, with progress in one stimulating additional opportunities for development of the other. In coming decades, we expect that the telescopes on Mauna Kea will be ever more closely linked to those in earth orbit as part of common, international effort to better understand the cosmos.

In addition to our ground-based astronomical facilities, which include the observatory at Haleakala on Maui as well as Mauna Kea on the island or Hawaii, the University is directly involved in space science and exploration. Half a dozen of our faculty are experimentors on planetary exploration missions, such as Voyager and Galileo. Indeed, several of those testifying here today will be leaving immediately after these hearings for the Jet Propulsion Laboratory in Pasadena, where they will be participating in the Voyager encounter with Uranus next week. These planetary research activities involve two major groups, one at the Institute for Astronomy and one in the Hawaii Institute of Geophysics. This second group of planetary scientists, led by Professor Tom McCord, also has been given the responsibility for a major part of the spectral data reduction and processing for the Galileo mission to Jupiter. We are the only university that is playing such a central role in Galileo.

Elsewhere in space science, our faculty are forging close ties with earth-orbital studies carried out with the Space Shuttle and with astronomical observatories in space. I will mention some of these earth studies later. But first, let me note with pride the recent announcement by NASA that a UH team under the direction of Donald Hall has been selected for the initial development phase of a second-generation infrared instrument for the Hubble Space Telescope. This award again emphasizes the close ties between astronomy on the ground and in space.

As a State surrounded by water, lying in the heart of the world's greatest ocean, we in Hawii have a special interest in oceanography. We operate a fleet of research ships, and our faculty are involved in research projects throughout the Pacific, many in collaboration with the nations of East Asia. As mentioned by Senator Matsunaga, we anticipate that the oceans will be an area of increasing emphasis in space research and applications. During the next decade, a number of earth satellites will be launched for marine studies. Many of our faculty in the Hawaii Institute of Geophysics, which is directed by Charles Helsley, and in other University departments and institutes, are participating in these activities. In addition to direct involvement as space experiments, we are engaged in providing the "ground truth" or "ocean truth" measurements required to interpret observations from space. I expect the development of coordinated programs in marine and space science to be a major focus of our activity during the next decade.

Communications is another area in which we at the University of Hawaii have special interest. For the past decade we have, through the PEACESAT project within the Social Science Research Institute, carried out a pioneering experiment in space communication with the developing countries of Asia and the Pacific. This is an area that has hardly been touched, and one in which I anticipate major initiatives in the coming years.

I have mentioned some of the largest programs in which the University of Hawaii is deeply involved in space science and utilization and anxious to participate in future developments. There are many additional projects, of course, being pursued by individual faculty throughout the UH system. Also, we naturally have a keen interest in potential developments that transcend

direct University responsibilities, but in which we have an important role to play.

I would like to take this opportunity to endorse Senator Matsunaga's proposals for an International Space Year in 1992. That is an especially significant year for us here, because of the expected completion of several new facilities on Mauna Kea, including both the Keck 10-meter instrument and a 7-meter telescope to be built by the government of Japan. We also expect that our developments in marine and space research will be reaching a peak in 1992.

Further, we are very excited by the possibilities for the development of Hawaii as an international center for space activity. We lie at the crossroads of the Pacific, with strong ties to our neighbors in Asia as well as the mainland U.S. Hawaii is an ideal launch site with its multi-racial and multicultural population, its near-equatorial location, surrounding ocean, and well-developed infrastructure in technically trained work force, transportation, and communications. For these reasons, we would encourage strongly the Commission's endorsement of the idea of the development of Hawaii as an international space center serving the Pacific.

I would draw your attention to a speech in Honolulu last December by Representative Tetsuo Kondo, Chairman of the Space and Technology Committee of the Japanese Diet, which emphasized the need for a launching facility, space university and technology center to meet the anticipated needs of the Pacific Basin well on into the next century. I see this remarkable proposal as representing an opportunity for both the State of Hawaii and particularly the University of Hawaii. It is clear that development of such facilities will come in the same timeframe as the period for implementation of the Commission's recommendations, and that there is strong potential for synergism between the two.

To these ends, I shortly will announce the appointment of a blue-ribbon university task force to coordinate space activities aimed at pursuing goals such as those proposed by Senator Matsunaga for the Hawaii 1992 program.

I hope I have conveyed to you the University's interest in and support of major space initiatives which might be proposed by the Commission for implementation in the coming decades. We see such projects as synergistic with some of our strongest research programs at UH, and look forward with enthusiasm both to hearing of the Commission's recommendations and also to the opportunity to participate in these great enterprises.

ELLISON ONIZUKA: AN AMERICAN HERO OF JAPANESE ANCESTRY

Mr. MATSUNAGA. Mr. President, over the past week the entire Nation grieved over the loss of those seven brave space explorers aboard the *Challenger,* and, as the President stated in his State of the Union Message last Tuesday, it is now time for us to "go forward—and reach for the stars."

In the case of Lt. Col. Ellison Onizuka, however, because his surviving loved ones had gone to the launchsite and then to Houston and thus absent from his hometown in Hawaii, the good people of the big island of Hawaii will be holding a memorial service in his honor on Sunday, February 16, 1986, at 2 p.m. at the Kona Surf Convention Center.

It was my great privilege and honor to enjoy, even for a much too brief time, the friendship of Lt. Col. Ellison Onizuka, the shuttle's space-veteran engineer. He was also a close personal friend and buddy of my nephew, Lt. Col. Alvin Hironaga of the U.S. Air Force. Just as Mrs. Christa McAuliffe, wife, mother and teacher, was selected to serve as a symbol of the critical importance to our Nation of her profession, so too Colonel Onizuka was chosen from among some 8,000 applicants for the space program in 1978, because he represented the best qualities of his military and engineering professions. In the process of demonstrating these high qualities, he became a symbol of what the Japanese-Americans have contributed to make this great Nation greater.

Ellison Onizuka was born in Kealakekua, HI, 39 years ago. His parents operated a small retail store in the upcountry farming village of Keopu on the Kona Coast of the island of Hawaii; his mother, Mitsue, has managed the business since the death of her husband in the year Ellison became 21 years of age. His grandparents on both sides were immigrant sugar workers from Japan. His brother Claude manages the Kona Community Federal Credit Union. He also is survived by two sisters: Norma Sakamoto of Honolulu and Shirley Matsuoka of Kona.

It was in the Kona farming community, which breeds hard-working, thrifty people, that Ellison grew up as a youngster. Coffee-picking is arduous work and when Ellison was growing up it required everyone in the family to bring in the crop; so the school year in Kona went through the summer months, with recess in the winter, in order that children could be free for the winter harvest. Ellison, active in scouting and 4-H work as a youth, at one time thought of becoming a coffee farmer, but was drawn to aviation in high school. A scholarship from Standard Oil Co. of California enabled him to attend the University of Colorado, where he enrolled in the Air Force ROTC Program and gained a master's degree in aerospace engineering in 1969. This led to an Air Force career as an aerospace flight test engineer. When he joined the National Aeronautics and Space Administration [NASA] as an astronaut candidate he was a captain stationed at Edwards Air Force Base in California.

At the time of his selection as an astronaut he acknowledged the dangers involved in his new work. Of the peril in space he told a reporter:

I've thought about it a lot, but being in flight testing has conditioned me to the idea over the last 8 years. Sure there's a risk. I accept that. But there's also a great challenge, and I feel the challenge is greater than the risk.

When he became the Aloha State's first astronaut in space a year ago, Hawaii's pride was palpable. Throughout his Air Force career he kept close to his Kona roots; his wife, the former Lorna Yoshida, was also a big island native from Pahala, whose parents, Mr. and Mrs. Herbert Yoshida, now live at Naalehu. His visits to Kona schools evoked great excitement among the young. To those of us of my own generation he embodied the ideals of the American dream, which we had fought to preserve in World War II, as soldiers of the 100th Infantry Battalion, the 442d Regimental Combat Team and the Military Intelligence Service. To express his appreciation to the veterans of these combat units, Ellison volunteered to carry their banners and shoulder patches with him on his space journey last year—as if waving them on high in outer space as symbols of that human spirit from whence he sprang! He carried with him far more than symbols, however. He carried our fondest dreams as expressed in a telegram sent to him by a veterans' group comprised of Americans of Japanese ancestry: "Go get 'em, brah. Hawaii no ka oi—Hawaii best of all."

As with all the members of that ill-starred space flight, Ellison represented all that is challenging to the human spirit, a spirit which surely lives on in some other dawn beyond the stars.

THE INTERNATIONAL ENVIRONMENTAL EDUCATION FOUNDATION

Mr. PELL. Mr. President, I would like to call the Senate's attention to the work of the International Environmental Education Foundation.

The foundation is a brand new organization with a very special mission—to educate the young of all countries about the serious environmental problems our global community faces. Because of the scope of these problems, the younger generation will inherit from us an enormous responsibility. The foundation seeks to reach upper-school age youngsters to make them aware of environmental problems, to help them think about solutions, and most important to help them understand those problems can not be resolved in isolation.

For its first project the foundation undertook a worldwide letter writing campaign in conjunction with last year's "United Nations Year of the Youth." In just a few months the foundation was able to generate 70,000 letters from some 70 countries to the UN Secretary General on the environmental theme of "Please Save Our

World." Needless to say, this was for the children a significant educational experience.

The foundation is the brainchild of two innovative and energetic Coloradans, Richard and Dorothea Salmon. It is supported in good measure by a farsighted Texas banker, William Moore. I trust we will all be hearing more of these dynamic people and this promising foundation in the years to come.

Mr. MATSUNAGA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF SENATE LEGAL COUNSEL

Mr. SIMPSON. Mr. President, I send a resolution to the desk on behalf of Senator DOLE and Senator BYRD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 340) to direct the Senate Legal Counsel to represent, and to authorize the testimony of and production of documents by, staff assistants of Senator DODD in the case of Salzberg v. Marks.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, the defendant in a New York accident case has subpoenaed two of Senator DODD's staff assistants to testify and to produce documents at a deposition here in Washington. The plaintiff was an intern in Senator DODD's Washington office from the end of January through May 1985. The defendant is seeking to establish, for the purpose of determining damages, the extent of plaintiff's capacity to engage in productive work following her accident, which had occurred in September 1983 prior to her Senate internship.

This resolution would direct the Senate legal counsel to represent Senator DODD's staff assistants in the matter and would authorize the staff assistants to testify and to produce requested documents, except to the extent that a privilege should be asserted. Mr. President, I move adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 340) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 340

Whereas, in the case of *Salzberg v. Marks*, Index No. 9741/85, pending in the Supreme Court of the State of New York, County of Monroe, the defendant is seeking testimony and documents from Leslie Finn, office manager to Senator Dodd, and Bulcsu Veress, legislative assistant to Senator Dodd, and has obtained subpoenas for that purpose in Misc. No. 11-86 in the Superior Court of the District of Columbia;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1982), the Senate may direct its counsel to defend employees of the Senate with respect to subpoenas directed to them in their official capacity;

Whereas, by the privileges of the United States Senate and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of employees of the Senate is needful for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Leslie Finn, Bulcsu Veress and other staff assistants in Senator Dodd's office who may be asked to testify in the case of *Salzberg v. Marks*.

SEC. 2. That Leslie Finn and Bulcsu Veress, as well as other staff assistants in Senator Dodd's office who may be asked to testify, are authorized to produce documents and to testify in the case of *Salzberg v. Marks* except concerning matters for which they and the Senate Legal Counsel or his representative determine that a privilege from disclosure should be asserted.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE NECESSITY FOR MORE THAN 100 B-1B BOMBERS

Mr. McCLURE. Mr. President, last October, several of us in the Senate wrote the President of our concerns about the massive growth of Soviet nuclear forces and of violations of the provisions of SALT II and the ABM Treaty. Like most Americans, we hope that negotiations can substantially reduce nuclear weapons, but we cannot let hope obscure the fact that, however rosy the aftermath of Geneva, the threat posed by the Kremlin's arsenal has not diminished. Clearly, should negotiations fail, we must be able at any time to respond quickly with military options that will preserve deterrence—and the peace. But we risk losing the means of such a response—and thereby risk the peace—unless we rethink our plans for nuclear forces.

The Scowcroft Commission, in its report to the President in April 1983 recommended a strategic arms program whose principal elements are the deployment of 100 MX missiles and the development of a small intercontinental ballistic missile now commonly known as the Midgetman. Nearly 3 years have passed and we face a vastly different strategic environment. Congress has blocked deployment of more than 50 MX missiles in underground silos; support for Midgetman seems daily to be falling into greater disarray; and the implications of the strategic defense initiative are not fully understood in terms of how they affect our total requirements for offensive weapons such as submarines, bombers, and ballistic missiles.

The Soviet Union does not display a similar ambivalence about its strategic arms buildup. New multiwarhead intercontinental missiles are being deployed on difficult to locate mobile launchers; the Backfire bomber production clicks right along at 30 aircraft per year without letup; development of the Soviet version of our B-1 bomber, the Blackjack, continues apace; and the Soviets have even reopened the lines for the Bear intercontinental bomber.

As we enter 1986, we have only the most limited view of a murky future. With equal plausibility, we can project a time not far distant when we have reduced nuclear warheads by half, or another world with twice as many warheads as today. Our major weapons programs are all at critical junctures where prudence dictates that we demand more information than we have at present before moving on. Deficit reduction measures further complicate our assessment of the prospects of arms control and weapons development; only the foolhardy believe they know how Gramm-Rudman will play out in 1986 and beyond.

This year, we must do two things. The President, in partnership with Congress, must take a new look at the threats we face, and in light of budget realities, we must reassess our overall strategic force requirements. The Scowcroft Commission report of 1983 is badly in need of a midcourse correction, and such a reexamination must be of the highest national priority. Second, we must act swiftly to preserve our present resources so that we can have in hand the widest possible range of options when the crystal ball becomes less cloudy.

While most Americans can understand the need for a new appraisal of the world about us, many of us overlook the fact that building submarines, ballistic missiles, and bombers takes a great amount of time. From drawing board to reality is often a manner of at least a decade, and, so, if we need to change our directions in

1990, we will have to rely on the assembly lines that are now in existence. Yet we could well take actions this year that would throw away the very tools we might need in the perilous times ahead. Obviously, then, we should ensure that we retain our flexibility until we complete a fresh look at our requirements and until the unknowns about major weapons systems are more completely resolved.

I cannot list in detail here every specific step we should take to preserve our future options for strategic forces. But in way of illustration, I believe there are three major steps we ought to consider.

DELAY DISMANTLING OUR POSEIDON-CLASS MISSILE SUBMARINES

We are cutting up reliable ballistic missile submarines because of arms-control agreements and because we are betting on the new D-5 missile to take up the burden of deterrence. But the D-5 will not be flight tested until later this year. Thus, we are giving up the proverbial bird in the hand. We need not do so, and should not. This initiative will give us the option of continuing Poseidon subs in service if we run into delays and technical problems with the D-5.

REDUCE SPENDING ON THE MIDGETMAN PROGRAM

There are serious interlocking questions that have to be answered about the Midgetman and MX. Sharp divisions exist in Washington's policy community about an additional 50 MX. One side flatly proclaims that MX is forever limited to the 50 missiles authorized by Congress. The other side says that the matter is still open and that we can have another 50 MX, provided a survivable basing mode is found. Neither side, it seems, wants to deal with this issue in 1986, but until some conclusion is reached about MX, we really have no coherent rationale for the current levels of spending for Midgetman.

Aside from any consideration of the MX, Midgetman itself does not exhibit the necessary stability of concept and consensus to justify spending billions of dollars. There are reliable reports of studies that say Midgetman should be larger and heavier than now contemplated. The respected Rand Corp. has come up with a significantly larger mobile missile with three warheads. As if indecision on size were not enough, there are many critics with impeccable prodefense credentials who question the value of Midgetman entirely. Reducing the rate of spending on Midgetman will prevent us from painting ourselves into a corner before these questions are answered, but it would not prevent us from putting a mobile missile in the field should we decide to do so.

PRESERVE OUR PRESENT CAPABILITY TO PRODUCE MORE B-1 BOMBERS

The B-1 is being built below cost and ahead of schedule. But we are going to build only 100 aircraft before we close down the assembly lines in 1988, 3 full years before we know if we can manufacture the secret Stealth bomber. Minimal outlays in 1986 can give us the choice of buying more B-1's from a "warm" production base should we find in our reappraisal that we need a more modern bomber force than planned for 5 years ago. The funding required to put limited long-lead parts on order could be diverted from surpluses gained by slowing down the Midgetman Program and still permit some savings to be returned to the Treasury.

The coming year begs us to look anew at the world around us, to judge from fresh evidence the nature of the threats that confront us, and to build a more responsive and responsible national defense. The question is whether we will have the wisdom to seize the opportunity.

Mr. President, I want to call my colleagues' attention to an issue that will occupy much of our attention during this session of Congress: Our Strategic Modernization Program and the direction that program should take.

On October 3 of last year, seven of my colleagues and I sent a letter to the President in which we suggested that he continue the production of the B-1 bomber beyond the 100 aircraft currently planned. For those of my colleagues who have not had a chance to read that letter, I shall ask that it be printed in the RECORD at this point. I also ask unanimous consent that a letter to the President from the distinguished Representative from New York's 31st District, Congressman JACK KEMP, be placed in the RECORD. Mr. KEMP also argues convincingly and well for continued production of the B-1 bomber.

Only recently, two significant articles addressing the issue of strategic bomber forces have appeared in respected journals. I shall ask that these also be printed in the RECORD. The first, "The Invisible Airplane," by Wayne Biddle, is published in the February issue of Discover. The other article, "The Invisible Bomber," by David Morrison appears in the January 11 issue of National Journal.

I commend these letters and articles to my colleagues for priority reading. They are valuable in that they bring together widely scattered bits and pieces of information about a serious issue—information that has unfortunately been kept, for far too long, out of public scrutiny and discussion.

But more than information, these two letters and articles raise serious and profound questions about the modernization of the air-breathing leg of our strategic triad—questions we must address in the debate that surely lies ahead. Most obvious is that of determining just what our overall strategic modernization needs are and whether we are willing to devote a large share of our available funds to pay for the Stealth bomber. We should also ask ourselves if the theoretical capabilities of Stealth will be worth the price we must pay. Closely connected to that issue is the overall cost of the Stealth airplane and the extent to which the executive branch is willing to share that information with the Congress.

We might also consider asking if it is a wise and cost-effective measure to keep the B-52 in active service well into the 21st century, when the newest of these old planes will be over 40 years old.

And we might want to think about the growth and modification potential for the B-1. We kept the B-52 a credible deterrent for decades because we made a series of modifications. We built models A through H. In the interests of common sense and basic thrift, we should make certain we have similarly wrung all possible usefulness from the B-1.

This is not the time to discuss these and other issues. But I believe that we must fully debate the future composition of our strategic bomber force, and that debate must come in 1986. It will be a serious debate; as serious as maintaining a credible deterrent; as serious as keeping the peace; and certainly, as serious as preserving our freedom.

Mr. President, I ask unanimous consent that the materials appended to my remarks be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 3, 1985.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Prior to the Geneva Summit, the Secretary of Defense will present to you a series of options for enhancing your strategic modernization program. These options are now being prepared at your request in response (1), to systematic and continuing Soviet violations of SALT Treaties and (2) to the alarming growth of Soviet strategic forces as outlined in National Intelligence Estimate 11-3/8, the Central Intelligence Agency's most recent estimate of the Soviet Union's nuclear war-fighting capabilities.

We strongly urge that you continue to produce the B-1 bomber beyond the 100 aircraft currently planned, and sustain such production until we are certain that the Stealth bomber can be built and deployed. This will signal American resolve and firmness; it will greatly bolster both nuclear and conventional deterrence, improving stability; and it will be cost effective because the B-1 program has a proven record of sound financial management.

Currently, production is planned to be limited to less than half the number originally requested by the Air Force. As such, the last B-1 will be built in mid 1988. But the first of the 130 planned Stealth bombers cannot be delivered before 1991, a three year gap—and that assumes that no Stealth

problems will be encountered. This assumption has proven fallacious in many far less complex conventional weapons systems. Moreover, even a trouble-free Stealth program will result in far too few U.S. modern long-range bombers. Currently, there are already gaps of several years between the ALCM B and the Advanced Cruise missile, and between the Triden I and II SLBMs. The ALCM B and the Trident I were the only U.S. strategic nuclear weapons being produced for current deployment.

Mr. President, you can be proud of your decision to build the B-1, which is the most successful of your modernization initiatives. The B-1 continues to be built below cost and ahead of schedule. We believe that it will be able to penetrate Soviet defenses probably into the 21st century. In these times of tightening defense budgetary constraints, the B-1 is proof that the United States can set its sights on an ambitious defense project and achieve its goals on time and without cost over-runs.

If you keep B-1 prodution alive until Stealth is able to come on line, the additional B-1s built will give America a larger force of truly modern aircraft at economical and cost effective rates of production. As a result, the United States will have practical alternatives at hand should unforseen problems arise with Stealth.

Most important, Mr. President, you will demonstrate convincingly to our allies and adversaries alike that the United States can respond rapidly in a firm yet unprovocative manner to those who would darken our world by threatening the prospects of freedom and liberty.

Sincerely,

JESSE HELMS.
JAKE GARN.
BILL ARMSTRONG.
DAN QUAYLE.
STEVE SYMMS.
JAMES A. MCCLURE.
CHIC HECHT.
ORRIN G. HATCH.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 25, 1985.

Hon. RONALD REAGAN,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: One of the first decisions of your Presidency was to produce the B-1 bomber, which I strongly supported. The decision to produce 100 B-1Bs was an integral part of your initial strategic modernization package.

Since that time, conditions have changed. The Congress has not provided the level of defense spending increases then projected. MX production has been cut in half; Trident production has been slowed. And the Soviets have continued to expand their strategic arsenal. In so doing, the Soviets have exceeded the limits of arms control agreements we signed and have observed in the expectation they would be honored.

As a result, our strategic requirements have also changed. In particular, I believe that now there are compelling arguments for sustaining production of the B-1 bomber beyond the 100 aircraft now contemplated until we are absolutely certain that the Stealth bomber can be brought on line.

There is a valid military requirement for more than 100 B-1s. The manned bomber will play a major role in deterrence for the foreseeable future, particularly if deployment of a defense against ballistic missiles proves feasible. Consequently, our bomber fleet needs to be modernized throughout. We should not be forced to rely on the B-52, which presently is intended to be kept in the Strategic Air Command past the year 2000, when the average age of that aircraft will be over 40 years old.

Moreover, a more capable bomber force could help compensate for the failure to develop a survivable basing mode for our ICBMs and the attendant shortfall of nuclear delivery vehicles over that number previously deemed necessary for our defense. Only the B-1 can fill this "delivery gap" in the near term; but to do so, we will need more than the 100 airplanes currently planned.

Given the vulnerability of our ICBM force and with concerns—thanks to Soviet espionage—that our submarines may not be as undetectable as we had thought, our bombers offer us a certain-strike capability with an acknowledged survivability that does not place us on the knife-edge of a "use it or lose it" posture.

We now plan to stop building B-1s in 1988. This will be three years before Stealth production is scheduled to begin. Considering the uncertainties about Stealth, I believe that a more prudent course would be to continue to build B-1s until Stealth is on line. We should not risk being limited to only 100 modern bombers in the event that Stealth should be constrained by technical, cost, or political problems. One need only look at the record of such strategic systems as the MX to realize that this possibility must be taken seriously.

Building additional B-1s will permit us to accelerate retirement of our ancient—and vulnerable—B-52s before the end of the century; a step we should have taken years ago. A further dividend of this strategy would be the potential for cost savings that could accrue from the competitive pressures a "warm" B-1 production line would exert on the defense contractors hoping to build the Stealth.

Taken together, I respectfully suggest that an adjustment of our planning for our B-52, B-1, and Stealth bomber forces can provide us with a more certain deterrent with less cost and lower technological risk.

Mr. President, I believe that the strategic requirements for continuing B-1 production are compelling. Expanding our B-1 force is the single most expedient and most effective U.S. response to the growth in the Soviet threat as outlined in the recently unclassified National Intelligence Estimate. And as you assess other appropriate U.S. responses to Soviet violations of arms control agreements, I would urge you to consider as a first priority continuing the B-1 production line.

Sincerely,

JACK KEMP,
Member of Congress.

THE WHITE HOUSE,
Washington, DC, January 14, 1986.

Hon. JAMES A. MCCLURE,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCLURE: This is in further reply to your recent letter to President Reagan regarding your continuing interest in the strength of our deterrent forces: specifically, the airbreathing or bomber element of the TRIAD.

As you point out, we are now investigating a number of strategic options that could be pursued in response to a variety of future scenarios. Also, the Department of Defense, in response to Congressional requests, is conducting a Bomber Force Structure Study. Since this effort is still underway, we cannot and should not anticipate its specific conclusions. However, I would expect it to affirm the essential feature of our current, cost-effective two bomber program: deploying the planned B-1B fleet of 100 planes in the late 1980s, while developing the Advanced Technology Bomber (ATB) for deployment as early as possible which we now think will be in the early 1990's.

The two bomber approach is a key part of the Strategic Modernization Program initiated in 1981. With Congressional support, we have been able to make an excellent start in revitalizing our strategic bomber force. We are very proud of our success in developing and building the B-1B bomber on schedule and within the $20.5 billion costs ceiling certified to Congress.

The best way for us to signal American resolve is to maintain our commitment to the course set in 1981, and produce the ATB on the current schedule. Since the ATB development effort is progressing according to schedule, with no technical or cost showstoppers, keeping the B-1B production line open as a hedge against unanticipated problems with the ATB would be far too expensive a policy, and quite unaffordable, particularly since we do not need nor want more than the planned 100 B-1s.

Thank you for your interest in this vital area. I look forward to your continued support on this and other critical defense issues.

With best wishes,

Sincerely,

M.B. OGLESBY, Jr.,
Assistant to the President.

THE WHITE HOUSE,
Washington, DC, January 15, 1986.

Hon. JAMES A. MCCLURE,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCLURE: President Reagan has asked me to thank you for your January 8 letter which you cosigned with three of your Senate colleagues, urging that American diplomats be withdrawn from Afghanistan in order to underscore our concerns for human rights and justice.

We appreciate your detailing your concerns regarding U.S. relations with Afghanistan. You may be assured that your recommendation has been shared with the President's foreign policy advisers and will receive a further review and response.

With best wishes,

Sincerely,

M.B. OGLESBY, Jr.,
Assistant to the President.

TOP-SECRET 'STEALTH' BOMBER MAY FLY INTO HEAVY CONGRESSIONAL TURBULENCE

(By David C. Morrison)

Barry R. Schneider worked for the Arms Control and Disarmament Agency from 1977-80, writing the strategic bomber sections of the arms control impact statements the President sends to Congress every year.

"I initiated the drafts, they went through the agency process and then up to the White House for clearance," recalled Schneider, now a weapons policy analyst at the National Institute for Public Policy in Fairfax, Va. "All that time, no one ever told me that there was a 'stealth' bomber, even though I had top-secret clearances. I can remember reading [Craig Thomas' 1978 Novel] *Firefox* and thinking, 'Hey, this is really wild; a bomber that can escape radar.'

And then about six months later, I found out it was true."

What Schneider found out in 1980 was that the government, since at least 1977, had been conducting a top-secret program to develop a "stealth" bomber intended to elude detection and destruction as it penetrated heavily defended Soviet air space to deliver its nuclear payload.

Work on what is now called the Advanced Technology Bomber (ATB) has continued apace. With a total program cost of $50 billion-$75 billion, the ATB may rank second only to the $100-billion Trident missile submarine program as the most expensive strategic weapon in development today.

Even with so hefty a price tag in tow, the secret bomber has thus far eluded the barrages of congressional flak that have in recent years inflicted even heavier casualties on such strategic weapons as the MX than could the stoutest of Soviet defenses. In fact, the ATB, in contrast to another, historically more controversial, bomber, the B-1B, seems to have nothing but friends on Capitol Hill.

The 1984 Democratic Party platform, for instance, bestowed blessings on the ATB and a death sentence on the B-1B, even though the B-1B contracts are so structured that cancellation would consume most of the $28.2 billion it would cost to see the program through.

But the ATB may be about to fly into some congressional turbulence. Members of Congress are beginning to tug at the heavy cloak of secrecy that has screened the weapon's full costs and characteristics from the close scrutiny of all but a few committee chairmen. The budget cycle just ended found Congress casting a newly critical eye on the Pentagon's $105 billion strategic air warfare program and requesting a flurry of new bomber reports. Some Members are predicting a bomber debate during the fiscal 1987 budget season that could rival the B-1 controversy of a decade ago.

That debate might focus on three interrelated issues: the Pentagon's unwillingness to supply Members with any more than the sketchiest of data on the ATB; the nature and validity of the strategic rationale for a second new strategic bomber; and the desirability of buying more than the currently planned 100 B-1Bs between 1988, when its production line is scheduled to shut down, and 1992, when the first batch of 132 ATBs comes on line.

If the stealthy ATB's passage through Soviet air defenses proves as covert as has been its progress through the usually public American weapons development process, its designers should be well pleased.

Although work had been under way in eranest for at least four years, only a few hundred Americans knew anything solid about the ATB when a succession of rumor-laden news stories in the summer of 1980 was capped on Aug. 14 by a *Washington Post* report that President Carter would reveal the new bomber program in his Democratic National convention acceptance speech.

At a jam-packed media briefing the following week, top Pentagon officials stated that in the face of the news leaks, "it is not appropriate or credible for us to deny the existence" of the program. For the first time, Defense Secretary Harold Brown discussed publicly how stealth techniques would result in "aircraft that cannot be successfully intercepted with existing air defense systems."

Republicans, and even some members of the President's own divided party, charged Carter with attempting to shore up a weak defense image by prematurely unveiling the futuristic bomber. To deflect these political brickbats, Brown promised that "we will be drawing a new security line to protect that information about the program which could facilitate Soviet countermeasures."

Five years later, Defense Secretary Caspar W. Weinberger's Pentagon is defending the same security line, one so all-encompassing it extends even to program cost figures. In this regard, the ATB conforms to a growing Pentagon budgetary trend. The Defense Department's fiscal 1986 research and development and procurement requests included $9.8 billion in secret funds, a 112 per cent increase in the military's "black" budget from only two years before.

Secret weapons purchases are not anything new. Both the SR-71 and U-2 spy planes were black programs, the latter financed in the 1950s with $35 million from CIA director Allen W. Dulles's secret contingency fund. The classified ATB program, however, is unique if for no other reason than its magnitude.

Research funds for the ATB are widely believed to be hidden in a vaguely titled line item in the Pentagon budget, "advanced concepts." Because committee reports show the dollar cuts made in classified line items, it is known that the House Armed Services Committee moved to cut $250 million in fiscal 1986 funds for the ATB, money that was later restored in conference with the Senate.

What is not known is how much money has actually been approved for ATB research. Joseph F. Campbell, an aerospace analyst for Paine Webber Inc., in an estimate generally concurred in by other securities analysts, calculates that annual budget authority for the ATB has more than doubled since fiscal 1983, from $1 billion to $2.4 billion, for a four-year total of $7 billion. He expects the fiscal 1987 request to run as high as $4.5 billion.

Predicting total ATB program costs is a far more iffy undertaking, but Campbell put it at "a minimum of $50 billion and probably $60 billion." Likewise, Jerry F. Cantwell, an aerospace securities expert at First Manhattan Co., pegs the tab at $55 billion-$60 billion. Other estimates run as high as $75 billion.

A rare Pentagon hint about ATB program costs was dropped by just-retired Air Force Secretary Verne Orr in testimony last spring. "I have no reason to think that if you measure planes by weight—and oddly enough we do," Orr told a Senate panel, the ATB "will not be consistent with other aircraft in the proportion of its cost to its weight." Lacking details of the new aircraft's weight, Orr's assertion is difficult to judge.

LOOKING FOR ANSWERS

Given the paucity of long-term program price and performance data, some Members of Congress fear they have been voting blind on the ATB, a situation they find increasingly irksome.

Among the malcontents is Rep. Mike Synar, D-Okla., who had to fight for what he described as a "typical Air Force slide show" briefing on the ATB last September. "I had to jump through hoops to get the special clearance, and it's left a very bad taste in my mouth," he said. "The Air Force has done basically everything they can to keep me from learning about this program."

According to a House Armed Services Committee aide, only committee chairman Les Aspin, D-Wis., and ranking minority member William L. Dickinson, R-Ala., have total access to details of the ATB program, while other committee members must settle for a lesser level of information. The same general arrangement obtains in the other defense committees in the House and the Senate.

Members such as Synar who do not sit on these panels must themselves go to the committee offices—no telephone calls, no delegating the task to an aide—and sign a security card before receiving any data on the ATB program. Even that procedure, apparently, often yields little more than that year's spending level.

"I think it's important that all Members of Congress review what could be the most expensive weapons system in the history of this country," said Synar, who successfully sponsored an amendment to the fiscal 1986 defense authorization bill ordering the Pentagon to supply Congress with a report on ATB program costs by Feb. 1. How much that report will help is unclear because like the program it describes, it will be highly classified.

Synar also approached the Congressional Budget Office (CBO) last year to request an audit of the ATB program, only to be told that the CBO's auditors were unlikely to obtain the appropriate clearances.

Another Member who feel left out in the cold is Rep. Robert K. Dornan, R-Calif. "I don't know anything about it, and this is not right," Dornan complained. "This program has been held secret to the detriment of Congress being involved in an intelligent procurement process."

Surprisingly, there is an ATB public affairs officer assigned to the Aeronautical Systems Division at Wright-Patterson Air Force Base near Dayton, Ohio. Not so surprisingly, Lt. Col. R. Douglas McLarty is a man of few words.

But, asked what purpose was served by classifying ATB costs, McLarty did say that "if you take any information, if you weigh it and consider its relationship to other budget numbers, you can make some speculative kind of projections. We don't get into that business."

Civilian defense analysts derided McLarty's explanation."Not much could be extrapolated from the budget number," said William M. Arkin, director of nuclear weapons research at the liberal Institute for Policy Studies in Washington, who earns his living piecing together Pentagon puzzles that the military prefer be left alone. (*See NJ, 2/23/85, p. 433.*) "I don't think it has anything to do with protecting the program from the Soviets, but to protect it from public debate."

According to Jeffrey Record, a senior fellow at the conservative Institute for Foreign Policy Anaylsis in Washington, "They've long since passed the point where they can justify that on the basis of national security. It's like talking to an empty chair with the ATB. It's so secret that it's been shielded from the scrutiny that it will have to face eventually."

Even the military and aerospace press, which normally supports the Pentagon, is taking it to the woodshed on the stealth program. "Is it necessary that all aspects of the stealth bomber project be black?" *Defense News* asked in a September 1985 commentary. "That has never been asked of the American people. The Pentagon should release the budget, in general terms, and protect the technology."

Similarly, William H. Gregory, senior editor of *Aviation Week & Space Technolo-*

gy, wrote last February: "Grounds do exist for classifying configurations of aircraft like the advanced technology bomber. . . . Hiding the program funding has less obvious grounds. While it may conceal from the Soviets the production and operational status of the program, it also conceals from the U.S. citizen contributor how much stealth technology costs."

But the Air Force is in no hurry to give the ATB data tap even a quarter turn, much less open the floodgates on cost figures. "With the level of importance of the program," McLarty said, "we want to keep as many details [secret] as we can until circumstances make it incumbent on us to release them."

Dornan's response was that McLarty "doesn't understand how anything works or where we get the money to pay for things. The Defense Department gets nothing in these dark days without building a constituency in Congress."

In February, Synar, Dornan and several other Members are slated for a fuller briefing and a peek at the ATB prototype lurking in the Northrop Corp.'s Palmdale (Calif.) facility. Both Synar and Dornan, however, expressed skepticism that all of their questions will be answered.

GETTING THERE

Even if Members are fully satisfied as to ATB costs, questions remain about the strategic rationale for a new $50 billion-$75 billion bomber.

The rationale the Pentagon usually advances focuses on the need to support nuclear deterrence by maintaining an assured capability to penetrate Soviet air defenses. "As Soviet defenses become more formidable," Weinberger wrote in his fiscal 1986 *Annual Report to the Congress,* "we will deploy the ATB to carry out the most challenging penetrating bomber missions."

In hardware deployed, Soviet air defenses are formidable indeed. According to the London-based International Institute for Strategic Studies, the Soviet Union has more than 1,200 interceptor aircraft, 9,600 surface-to-air missile launchers and about 7,000 early warning radars.

In strategic advantage actually gained from the hundreds of billions of rubles invested, however, Soviet air defenses may be less impressive. "Against a combined attack of penetrating bombers and cruise missile," Robert M. Gates, chairman of the CIA's National Intelligence Council, told a Senate panel last June, "Soviet air defenses during the next 10 years probably woud not be capable of inflicting sufficient losses to prevent large-scale damage to the U.S.S.R."

Soviet air defense has "very low effectiveness," said Stephen M. Meyer, a Pentagon consultant and director of the Massachusetts Institute of Technology's Soviet security studies working group. "Both [the 1978 and 1983] Korean airliner incidents show the kind of troubles they have. Their own exercises show they have problems."

An important factor to be weighted in assessing bomber penetration is that U.S. aircraft would never have to confront undamaged Soviet defenses. "The bombers would arrive in the Soviet Union so many hours after an ICBM [intercontinental ballistic missile] attack had occurred," Lt. Gen. Robert D. Russ, Air Force deputy chief of staff for R&D, told the House Armed Services Committee last spring. "There are various options . . .that the Strategic Air Command [SAC] has laid down to ensure we maximize the effectiveness of the bomber force, but we assume that we have had a pre-laydown [preliminary attack] of ICBMs before that occurs."

Arkin and Richard W. Fieldhouse report in *Nuclear Battlefields: Global Links in the Arms Race* (Ballinger, 1985) that SAC's worst-case planning for bomber weapons assumes that 77 per cent of air-launched cruise missiles, 72 per cent of short-range attack missiles and 60 per cent of nuclear bombs will arrive at Soviet targets.

However, effective the Soviet air shield may be, another rationale for the ATB posits that its mere existence would compel the Soviets to divert military resources from offensive to defensive programs.

"I understand that the ATB would require the Russians to spend $500 billion to try to defend against that program." Sen. J. Bennett Johnston Jr., D-La., a member of the Appropriations Subcommittee on Defense, commented in hearings last March.

"I am not sure about the exactness of $500 billion," replied James P. Wade Jr., then acting Defense undersecretary for research and engineering. "If the ATB forces the Soviets to spend 10 times more money than they would without ATB, we can consider that healthy."

In a similar vein, Defense undersecretary for policy Fred C. Iké, defending the B-1B program in 1981, contended that "the Soviets would never get the whole [air defense] system to be 100 percent effective against the B-1, and even the process of making it partially effective may cost two or three times what we will put into the B-1 program."

Some analysts wonder, however, whether the Soviets can be counted on to continue plowing money into air defense. "The justification for ATB is that the Soviets will have to spend a lot on air defense so they can't build tanks," said John E. Pike, strategic defense specialist at the Federation of American Scientists in Washington, "but that's assuming that they'll play a fool's game."

Pike is working up a study of the historical relationship between U.S. penetrators and Soviet interceptors. Charts he has generated show parallel trends on both sides until the early 1980s, when U.S. penetrators sharply increased with deployment of large numbers of cruise missiles and Soviet interceptor aircraft sharply decreased from a 1960 high of 5,000 down to 1,200 with reorganization of their air defense arm, the Voyska-PVO.

MIT's Meyer disputed Pike's assessment. "The Soviets have no illusions about the over-all effectiveness of their air defense," he said, "but I have no doubt that they're going to sink tens of billions of dollars into air defense. Given how much infrastructure and investment they've already put in, I can't imagine a decision by the Politburo not to."

Meyer noted however, that the ATB may not necessarily spark the expected sharp rise in the rate of Soviet air defense investment because the heigthened interception challenge posed by the U.S. augmentation of its B-52 bombers with cruise missiles is "an order of magnitude greater" than that posed by a move from today's cruise missiles to stealth penetrators. "The difference is significant," he said, "but it's not as big as the first jump."

Even if the ATB-air defense cost exchange ratio proves favorable to the United States, the calculus tends to work both ways. If past is prologue, the Pentagon is likely to see a need late in the 1990s to spend tens of billions of dollars on follow-on bombers to assure penetration of Soviet defenses that have been augmented to counter the ATB.

It also remains to be seen how eager Congress will be to provide generous funds for a bomber program justified primarily as a means to wage economic warfare—much less how enthusiastic it will be about a program driven largely by planning for a protracted nuclear war.

While the fact has not loomed large in public discussion, the ATB is apparently designed primarily to conduct "hunter-killer" counterforce attacks against Soviet mobile nuclear weapons in a prolonged nuclear conflict.

According to testimony last spring by recently-retired SAC chief Gen. Bennie L. Davis, the "advanced, state-of-the-art bomber offers the best potential for dealing with the growing threat posed by Soviet relocatable weapon systems. "U.S. intelligence reports that the Soviets have already begun deploying mobile SS-25 single-warhead ICBMs and in 1987 may start fielding mobile SS-24 10-warhead missiles.

"A debate has just begun within the Air Force whether mobile Midgetman missiles or bombers are the best survivable systems to use against surviving Soviet mobile systems," said Bruce G. Blair, a former Minuteman ICBM launch control officer and author of *Strategic Command and Control: Redefining the Nuclear Threat* (Brookings Institution, 1985). "Bombers seem to be winning out to perform this search and destroy mission."

What little has leaked out about the ATB's operational characteristics suggests that while the bulkier B-52s and B-1Bs must rely heavily on low-altitude penetration and on powerful on-board electronic countermeasures to evade and jam Soviet radar detectors, the ATB's survivability would depend largely on its radar-resistant construction.

This further suggests that "stealth bombers can operate at high altitude, enabling acquisition of high-value targets that are time sensitive, and it will be all but impossible for air defense radars to track them," *Aviation Week & Space Technology* in February 1984 quoted an anonymous defense official as saying.

For more than a decade, the United States has steadily shifted away from a deterrent doctrine grounded simply in assuring the nuclear destruction of Soviet military and economic targets in a one-shot retaliatory strike and has moved toward a more baroque variant of deterrence theory that tries to prepare for a series of nuclear exchanges in an on-again, off-again superpower struggle lasting as long as a year.

"The Pentagon is less interested in looking at what will deter World War III than at what will win World War IV," Arkin said. "The reason they're moving in the direction of the ATB is that they want a warfighting capability that moves beyond the initial nuclear exchange. That's the most serious problem with the program. Congress will focus on the cost and whether or not it 'works,' but the real question is whether it will provide a capability that is worthwhile or desirable."

In general, judging from floor debates and hearing colloquies, few Members seem fully to grasp the fiscal and strategic implications of today's nuclear programs being driven largely by "long war" planning. Most legislators still weigh strategic programs by the merits of the single-shot retaliatory standards pertaining a decade ago: Can the weapon survive a sneak Soviet attack? Can

it penetrate Soviet perimeter defenses to deliver a devastating retaliatory blow?

ONE PLANE OR TWO?

Questions about the ATB's capabilities also feed into a long-simmering debate over whether or not production of the stealth bomber should be deferred in favor of or augmented by producing more than the currently planned 100 B-1Bs.

What has happened is that one Administration's bomber roadmap has been overlaid onto another's. In 1977, Carter canceled the then-planned 244 B-1As but spurred the production of thousands of cruise missiles and 132 ATBs. In 1981, President Reagan kept those elements of the Carter plan but initiated production of 100 B-1Bs, the first 15 of which are to enter service next September.

The House Armed Services Committee, complaining that it "has not been provided with any analyses that would support the strategic bomber forces as proposed by the Secretary of Defense," last year requested a Pentagon report justifying its two-bomber policy. The Senate Armed Services Committee concurred, and the report, due last Dec. 1, is now expected by Feb. 1.

What makes the two bombers competitors are doubts that the ATB can perform the same range of military tasks that the B-1B can. Like the B-52—which saw extensive conventional bombing service in Vietnam, and two sqadrons of which are today fitted to launch Harpoon anti-ship missiles—the B-1B will be earmarked for conventional strike and sea-lane control duty along with its primary nuclear weapons delivery role.

The ATB promises to be a bird of a different feather. Until recently, the aerospace press had described the stealth bomber as not much larger than an F-15 fighter, with a correspondingly modest payload. Current reports, however, suggest that the ATB has been scaled up in size, with a payload of approximately 40,000 pounds, still some 24,000 pounds less than the B-1B can haul. "I would suspect that they are making sure that their program might not be killed at a future date because of criticism that it couldn't carry a large number of weapons," said Congressional Research Service analyst Anibal A. Tinajero.

Tinajero and other observers, however, question whether the ATB's carrying capacity can be further enhanced without compromising its stealthiness and whether its great cost and unique characteristics would ever suit it to conventional as well as nuclear missions.

"The ATB is not really a dual-role aircraft," Record said. "You're not going to use a $500-million aircraft to bomb some wogs in Iran. We may have rather large nonnuclear bombing requirements in the future. By early in the next century, according to current plans, we could end up with a force of only 232 bombers, 132 of which are useful only for trashing the Kremlin."

Like others inside and outside of Congress—not least the Rockwell International Corp., prime contractor for the B-1B—Record favors continuing production of the B-1B beyond 1988 as "a hedge against cost or technical failure of the ATB."

Last October, eight Republican Senators wrote Reagan asking that the B-1B production line be kept open until the first ATB comes on-line in 1992. Although Defense Department officials have testified that they foresee no ATB "technical show stoppers," the eight Senators were skeptical that "no stealth problems will be encountered. This assumption has proven fallacious in many far less complex conventional weapon systems."

And, even though Weinberger and top Air Force officials have forsworn any bid to continue B-1B purchases, Dornan said he will circulate a "Dear Colleague" letter this month to gather co-signers for a bill authorizing production of 50 more.

"I have the closest relationship with Cap Weinberger and I understand his anguish on this," Dornan said. "He doesn't trust the House from here to the Washington Monument. He thinks if he touches the B-1B program, he won't get the ATB. We have to convince him to let us fight for the stealth and the 50 B-1Bs at the same time."

The outcome is uncertain. Wall Street for one, is newly bullish on the ATB. First Manhattan's Cantwell, who last April recommended against Northrop stock, in an October report cited "the ATB's solid support and enormous potential" and urged investors to buy into the stealth program.

On the other hand, once the ATB blind date opens the door, the congressional suitor's ardor may quickly cool. When the ATB's full costs and performance limitations, if any, become better known, the program could become a casualty of budget shrinkage in years to come.

What does seem certain, however, is that, as Synar said: "1986 will be the year of the bomber debate."

THE REAL SECRET OF STEALTH

(By Wayne Biddle)

Anybody that has been in a war, or thought hard about what it's like to be in one, knows that the best way to be is invisible. If my enemy can't see me, he can't blow me away. This wistful logic is the force behind the most exotic U.S. strategic weapon on the near horizon—the intercontinental bomber called Stealth.

As with many other recent American ventures in arms building, the unconventionality of Stealth's technology is matched only by that of the politics that sustains it. The aircraft is in the vanguard not only of aeronautics but also of a pattern whereby megaweapons are acquired under near-total secrecy, insulated from public criticism and open congressional debate. Understandably, the Pentagon justifies this on national security grounds, even though that secrecy may also serve to protect political and commercial interests. Neither the cost of Stealth nor its technical details have been reviewed outside a tiny circle of Pentagon officials and perhaps half a dozen members of House and Senate armed services committees.

According to sources in government and industry, at least $5 billion has been spent on Stealth since work on it began in fiscal year 1981, and a flying prototype has yet to be built. A first test flight isn't expected until the end of 1987, although the Air Force says it will start fielding the first of more than 100 aircraft in 1991. This is a disquieting claim, considering that, for example, delivery of the first of the Air Force's far less revolutionary B-1B bombers took nearly four years after production was approved in 1981. And its prototype had been undergoing flight tests since 1974.

But it isn't enough to judge Stealth against the history of other such Pentagon projects. To assess its merits truly means entering the imaginary world of nuclear warfare, where flying an airplane more than 3,000 miles to drop bombs on a country presumably already ruined by ICBM attack has to be considered rationally. Needless to say, a lot of conventional wisdom must be left behind when crossing into this speculative territory. Even so, Stealth appears to be particularly outlandish, if only because it relies on technology that's nowhere near the level of perfection expected in a weapon that's supposed to become operational so soon. As a result, the plane may suffer from some elementary faults for a combat aircraft, like poor range, sluggish maneuverability, and low tolerance of damage.

Still, Stealth bombers are potentially very exciting. They have their attractions—even for those well outside the Pentagon's inner circles. If the federal government buys a fleet of the planes, it will be updating what strategists regard as the least hair-trigger method of delivering nuclear weapons. For this reason, anti-nuclear activists have been far less vehement in their opposition to Stealth than in their objections to new intercontinental missiles like the MX.

Is Stealth, despite its sinister black paint job, really all that far out? Indeed, there may be quite a few congressmen who think of Topper-style invisibility when they hear of the plane, but it figures to be something rather less fantastic than that. "We've never contended that stealthy means invisible," says General Lawerence Skantze, who oversees the Stealth program as head of the Air Force Systems Command. "It means difficult to detect—and more difficult to track."

Skantze's definition is sober compared to the first one offered by Pentagon officials, in August 1980, when Secretary of Defense Harold Brown and William Perry, Under Secretary of Defense for Research and Engineering, described Stealth at a politically charged press conference. Perry touted the existence of "technology which makes an aircraft invisible to radar."

From a security standpoint, the Brown-Perry announcement and some previous intimations in the media about the existence of the Stealth program were significant; by letting the U.S.S.R. in on America's plans to build Stealth, these disclosures gave the Soviets a jump in readying their defenses for it. In effect, the U.S.S.R. was told, improve your radar (for once Stealth is detected it's no harder to knock down than any other bomber).

One plausible motive for Brown and Perry's announcement was to counteract the adverse political effect of Ronald Reagan's attack on Jimmy Carter for having canceled the building of the Air Force's coveted B-1 bomber in 1977. Carter had decided that bombers were obsolete except as remote launch platforms for cruise missiles—a job he felt could be adequately performed by aging B-52s. But with Reagan gaining ground on military issues, the administration advertised its Stealth alternative to the B-1 as "a major technological advance of great military significance."

If it worked as Pentagon officials said it would, Stealth would certainly be just such a breakthrough. For a long time now, radar has been the eyes of the military. First used in World War II for early warning and long-range tracking, it's ubiquitous today, having added to its roles the guiding of missiles and other tasks that make ultra-high-speed combat possible. Neutralizing an enemy's radar is tantamount to gouging his eyes out.

Stealth is the craft—some experts go so far as to say the philosophy—of evading radar. You don't have to disappear, but just sort of sneak by without being noticed. The term stealth gained currency during the mid-1970s, when the Air Force was working on a secret new fighter plane under the code

name Harvey. Radar, after all, is just a way of beaming radio waves and catching the reflections they make when they bounce off something. If you can make radio waves stay inside a microwave oven at dinnertime, you can outsmart them on the battlefield—or so the armchair theory goes.

In World War II, German scientists introduced one of the earliest applications of stealth techniques. When they realized that Allied aircraft might detect U-boat snorkels with radar, they altered the design of the snorkels to come up with the least reflective shape, and also coated them with a layer of radar-absorbing material, probably carbon mixed in a rubbery base. The coating turned most of the incoming radar waves' electrical energy into heat, allowing very little to reflect back to the subhunter airplane. In effect, the U-boat disappeared.

To perform a similar disappearing act with aircraft requires considerably more advanced technological finesse. In aeronautics, where even the weight of a coat of paint is a carefully considered design factor, slapping on a thick layer of radar-absorptive gunk is out of the question. Until the early 1970s, moreover, there was little interest in tricking enemy radar. Pilots could depend on brute speed and maneuverability to avoid being intercepted by radar-controlled fighters or missiles, or they could "fool" the radar with countermeasures like jamming.

But with the improvement in radar-guided defensive weapons—most apparent in October 1973, when 40 American-made Israeli warplanes were downed in the Sinai by Soviet-supplied surface-to-air missiles—the Pentagon realized that Stealth's time had come.

After the Sinai losses, the Air Force got right to work on a stealthy fighter—a project that has reportedly produced several dozen multi-role aircraft, built by Lockheed, that could be made operational at any time—but found no cause for rush in the bomber department. The proposed B-1 was heir apparent to the 1950s-vintage B-52, which was fairly safe in combat as long as it flew at more than 30,000 feet, used lots of jamming, and was escorted by fighters.

Neither the B-52 nor the B-1 was designed with radar evasion uppermost in mind. As originally conceived, the B-1 would soar very high at supersonic speeds until it reached enemy territory; then it would descend to several hundred feet as it dashed toward its target, ducking under the sweep of defensive radars in the process.

That the 100 B-1Bs now being acquired by the Reagan administration at a total cost of about $30 billion in current dollars are neither supersonic at low altitudes nor easily maneuvered to hug rough terrain is one of the reasons why Air Force planners are going ahead with the Stealth bomber. In an attack across the Soviet heartland—obviously an all-but-suicidal mission under the conditions of large-scale nuclear war—a few B-1Bs could be expected to reach their drop points, although whether any would return to base is questionable. Military planners deal in worst-case scenarios, and therefore they assume that the Soviets will soon discover how to take an unacceptably high number of B-1Bs out of action. At that point, if bombers capable of direct attack on Soviet targets still seem like a good idea, the Air force will need all the finesse that money can buy.

Stealth finesse comes from technical advances in three areas: aerodynamics, materials, and electronics. The first two—the shape of the airplane and what it's made of—are the strongest selling points, at least to Air Force brass. "The Pentagon could never convince Congress to buy a new bomber based on new electronic countermeasures alone," says a Senate aide, "because the same 'black boxes' could probably be placed aboard existing B-1Bs, just as B-52s have been continually updated with the latest defensive instruments for twenty-five years."

But the B-1B and B-52 are stuck with their shapes. Engineers can make only minor changes, although these may have a noticeable effect on the aircraft's detectability, as gauged by a factor called radar cross section (RCS).

This crucial factor doesn't necessarily indicate an object's physical size. The RCS of a copper sphere is one-fourth its surface area—equal to a simple geometric cross section. But the exact RCS of more complicated shapes and other materials can only be found by moving them past a real radar antenna. For example, the Air Force says the B-52s head-on RCS is about 100 square meters. By contrast, the RCS of a pickup truck is about 200 square meters. The pickup "looks" bigger than the vast B-52 because it has lots of sharp edges and corners that reflect radar strongly: they can even resonate to make the out-going wave stronger than the incoming.

The RCS of an aircraft, which can also vary greatly depending on the frequency of the search radar, is almost always figured as if the plane were head on—rather than, say broadside—to the radar, and therefore represents an extremely idealistic minimum. "There's a mentality in the Air Force that thinks of all air combat as head on," an engineer with long Pentagon experience says. "But once you've gone fifteen degrees off head on, you've lost the low RCS." The upshot is that supporters or critics of a particular airplane can usually find an RCS to suit their purpose.

The original B-1, while just a few feet smaller than the B-52 in its major dimensions, had an RCS of only about ten square meters. This was achieved partly by snuggling the B-1's engines close to the fuselage, instead of hanging them out along the wings like those on the B-52s, each of whose engine nacelles reflects radar like a ranch house. By rounding the engine inlets and removing a sharp ridge down the spine of the B-1's fuselage, engineers were able to lower the B-1B's RCS. The Air Force says it was reduced to a mere one square meter, but many experts doubt that.

RCS is only one of two big factors that determine what a plane's blip looks like on a radar screen. The other is how good the tracking radars are at "seeing" distant objects. "Federal Aviation Administration system at commercial airports can detect a plane whose RCS is two square meters at a range of a hundred and fifty miles," says Thomas Amlie, an Air Force civilian weapons expert who has helped develop air-to-air missiles. "Military radars, which are often smaller and less powerful because they must be field portable, in many cases can't match this performance." Picking up an RCS of ten square meters at 150 miles is a good pluck for these units, Amlie says.

So what happened when the designers started from stratch with low RCS as their highest priority? "To maximize the advantage of stealth technology, one has to begin with a new aircraft design," the Air Force wrote last year to Senator Carl Levin, a Michigan Democrat who's a strong supporter of the bomber project. "By taking a more conventionally designed airplane like the B-1, fundamental limitations exist as to how much you can do to reduce the radar signature."

"Stealth is something that has to be built into a plane," says a knowledgable House aide. "You can't add it on."

"The synergism of technology in Stealth, if not revolutionary, is at least better than a variation on the B-1B," says a Senate counterpart.

What they're all trying to say without breaking the heavy security around the program is that the Stealth bomber doesn't look like the B-1B or any other U.S. warplane. Ever since the quest for a new bomber was revealed by Brown in 1980, the assumption in the aerospace industry has been that Stealth would be some variation on the flying-wing design pioneered by Jack Northrop. This hypothesis was confirmed last summer by Barry Goldwater, chairman of the Senate Armed Services Committee, who had seen a model of the plane. Small wonder the Northrop Corporation in Los Angeles is the project's prime contractor for research and development.

The flying wing, which in its purest form has neither fuselage nor tail, is a logical choice because it does away with all the reflective edges, corners, and boxy surfaces that contribute enormously to RCS. Viewed head on, with its four engines buried in its thick planform, it's a mere sliver compared to the B-1B or any other conventionally shaped bomber. But there are shortcomings inherent in the pure flying-wing design that make it unsuitable for modern strategic bombers. This fact isn't news—the Air Force found it out back in the 1940s.

The most inescapable of these shortcomings is range. When Northrop built his first flying-wing heavy bomber in 1943, the statistics were impressive for that era: top speed of 391 m.p.h. at 35,000 feet, payload of 41,600 pounds, maximum unrefueled range of 10,000 miles. But the wing, though embodying an aerodynamic ideal of low drag, needed a broad surface to produce enough lift to carry heavy bomb loads. This dictated a massive and weighty internal structure that would require lots of power to stay airborne.

The first Northrop flying-wing bomber, the XB-35, was pushed through the air by four Pratt & Whitney 28-cylinder, 3,000-horsepower, eight-bladed propeller engines. By the end of World War II, however, the Air Force knew its future bombers would have to fly at speeds possible only with jet propulsion. When eight 4,000-pound-thrust jet engines were rigged on the XB-35 in 1946, top speed rose to about 500 m.p.h., but fuel consumption increased so dramatically that the plane's range plummeted from 10,000 miles to 3,000 or less. Loaded with bombs, it would have been much less.

"What happened in the 1940s was obviously a mistake by Northrop," says Joseph Foa, a retired George Washington University professor of aeronautical engineering. In 1947, when he headed the propulsion branch of the Cornell Aeronautical Laboratory in Buffalo, Foa and his colleagues did analyses that showed flying wings to be the worst possible aerodynamic configuration for jet-propelled long-range bombers. They so informed the Air Force, which canceled Northrop's contract in 1949.

Foa warned last year in the *Canadian Aeronautics and Space Journal:* "The current revival of interest in the jet-propelled flying wing, justified as it is on the grounds of a claimed advantage in radar cross section,

seems to indicate that the performance penalty that must be paid for achieving this advantage may not be fully appreciated."

The range issue isn't academic. When the British built their Vulcan strategic bomber in the 1950s, they got an aircraft whose RCS was far smaller than that of the B-52. In fact, with its concealed engines and smoothly blended fuselage, the Vulcan looks more like the Stealth bomber than any other existing bomber does. But the Vulcan has miserable range—a May 1982 combat mission from Ascension Island to the Falklands and back required six refuelings over the 6,800-mile distance. According to the Royal Air Force in London, five of these occurred on the outbound leg of the mission, when the Vulcan was carrying 21,000 pounds of bombs.

What has the Northrop Corporation done to alleviate the lack of range? Essentially, its engineers are reported to have moved away from the 1940s flying-wing design toward the Vulcan's swept delta platform, and to have increased the wing-sweep angle from the XB-35's 28 degrees to perhaps as much as 50 degrees. The Stealth bomber is almost certainly a subsonic aircraft, because its wings must be quite thick to house its engines and carry fuel, bomb load, instrumentation, and crew without the storage of space of a coventional fuselage.

Powered—as experts assume it will be—by improved versions of the 30,000-pound-thrust engines used on the B-1B. Stealth ought to have a greater maximum range than the B-1B's mediocre 6,100 miles when empty, although finding out whether this is so will have to await flight tests. Military aircraft have a history of gaining weight between the drawing board and the runway. The B-1's maximum takeoff weight grew from 395,000 pounds to 477,000 pounds by the time the plane turned into the B-1B Stealth, at a reported 360,000 pounds when empty, is already one-third larger than originally planned.

The old Northrop flying wings also had a stability problem—continual yawing and pitching—that was intolerable for a bomber, which must be able to run dead level when it comes time to release its bombs. Today such drawbacks can be solved with computerized controls that keep an unstable plane true. But developing the software for this system will be a time-consuming process that will require extensive—and hazardous flight tests.

It must be kept in mind that Stealth's detailed design and performance data exist only on microchips. Northrop possesses a full-scale model for showing to Washington VIPs, plus a prodigious number of computer simulations that may or may not translate into the bomber the Air Force wants to be combat ready just five years from now.

If Stealth were ever involved in combat with the Soviet Union, this is how the flight might unfold: a squadron of 14 Stealth bombers is scrambled from Minot (N.D.) Air Force Base. It's winter, and operations are slowed by drifting snow on the runways. The planes have been held at the highest posture of alert—with crews abroad and engines turning—for ten hours. Half the squadron clears the runway and climbs to 20,000 feet before a missile launched on a low trajectory from a Soviet submarine off the Pacific coast destroys the base. Another such missile detonates in a high-altitude airburst north of the Canadian border, wiping out three more Stealths. The surviving four aircraft, now just minutes into a five-hour flight over the North Pole, disperse and settle at 35,000 feet at a cruising speed of 0.72 Mach.

While a Stealth crew—pilot, co-pilot, weapons officer, and electronic countermeasures specialist—checks out its craft to verify having a solid airplane and "good bombs." American ICBMs are already well on their way to targets in the Soviet Union, and other bombers, B-1Bs and B-52s, are headed for launch points for their cruise missiles. In addition, U.S. Pershing missiles and tactical aircraft based in Europe are hitting some of the 1,200 Soviet air surveillance radar stations in an attempt to clear a path for the bombers. The Stealth crew, flying blind behind metal flash curtains, has only intermittent contact with command authorities because of the electrical havoc played with communications by earlier nuclear blasts. The crew will have no way of knowing how successful these advance strikes have been.

Near the North Pole, the Stealth expects to rendezvous with a KC-135 tanker, but the KC-135 doesn't make it. The bomber will have only the fuel it took off with—enough to reach its targets and exit Soviet airspace, but with little extra for evasive maneuvering or full-throttle flight. The countermeasures specialist reports that the plane hasn't yet been illuminated by over-the-horizon radars, which means that these sites have probably been knocked out.

About 200 miles from the Barents Sea, the first radar alarm sounds. The signal is instantly analyzed by computer for bearing and frequency, and shown to be a long-wavelength Tail King radar located somewhere above the Arctic Circle. The crew ignores the alarm, knowing the Stealth is vulnerable to detection at this portion of the radar spectrum, but confident that Soviet defenders won't be able to use the fuzzy image to make an intercept.

Meanwhile, on-board infrared search and track sensors, which detect sources of heat, indicate that the skies for ten miles around are empty of Soviet fighters. These are fair-weather devices, however, and of no use once the bomber descends closer to the thick clouds over the U.S.S.R. The Stealth now heads for its target, a series of mobile SS-24 ICBMs on railroad launchers last photographed by satellite near Kostroma in the northeastern U.S.S.R. The missiles, part of the Soviet Union's reserve arsenal, have been left to the Stealth because they couldn't be pre-targeted. The pilot pushes the throttle forward to 0.85 Mach.

About a hundred miles from the target, the Stealth is painted by high-frequency radar from surface-to-air missile sites that have survived advance strikes. There's also an alarm indicating the presence of look-down radars on Soviet interceptors flying at high altitude in search of the blobs detected by the Tail King station. The Stealth crew ignores the SAM signal, since it's coming from a nearly head-on direction, where the bomber's RCS is smallest. But instruments on the bomber are activated to send out false radar echoes and confusing infrared light in an attempt to shake off the interceptors, which from above might easily zero in on the Stealth's broad silhouette.

Using synthetic aperture radar, a high-resolution device whose short-lived pulses are hard for ground-based sensors to lock onto, the Stealth begins to search the area for the SS-24 launchers. From the return signals, computers identify the location of one cluster and steer the bomber toward the target to release one of its eight nuclear bombs, a 2,400-pound B83 with groundburst-retarded fusing. Yield: one megaton. The weapons officer activates the bomb's permissive action link, the final safeguard against accidental use. He transmits coded call signs to warn friendly forces in the area of an impending nuclear blast. The weapon is released, and the pilot puts the Stealth into a steep climb to ride out the shock waves. From a military standpoint, the mission is a success, no matter what happens from here on in.

As the bomber banks above the highest clouds, it's sighted visually by an Su-27 pilot, who immediately fires a volley of heat-seeking and radar-guided missiles. Neither weapon locks onto the Stealth, whose engine exhausts are masked against infrared detection and whose skin absorbs almost all radar energy at air-to-air combat frequencies. The Stealth pilot tries to bank sharply back into the cloud cover, but his aircraft is far more sluggish than the Sukhoi. With afterburners pushing it well past Mach 2, the fighter catches up from behind, dips, and brakes to match speed with the bomber. It then rises to ram the Stealth's broad underbelly. The collision fireball isn't noticed by other Stealth crews in the vicinity, who'll soon turn south to ditch their planes in the Mediterranearn.

"If you're a perfect absorber of radar, you have zero cross section." says John Hansman, 31, a member of MIT's aeronautical engineering faculty. His terse statement summarizes the allure of the second critical element of the Stealth puzzle: its unorthodox construction materials.

"If any part of the airplane reflects, its frequency behavior can be diagnosed and it can be tracked," Hansman says. "Even a little piece of metal inside the plane can be dangerous."

"Frequency behavior" refers to the fact that when radar waves bounce off an object, their frequency may change slightly in a distinctive way, especially if the object is moving. For example, engineers use the term "bird activity modulation" to describe the reflections obtained from birds in flight, which are so specific that they can be used to identify certain species. It's of no small concern to the Air Force that similar specific effects are produced by the rotating turbine blades inside jet engines.

Traditional aircraft metals like aluminum or titanium can be a death sentence for aviators, even if molded into the slimmest profile ever flown. "But it's very difficult to make an airplane with no metal," Hansman adds. "You've got to at least have a landing gear, an engine, and some electronics."

The answer for Stealth is to build as much of it as possible out of so-called composite materials, which are a blend of carbon fibers and plastic. "Carbon is very radar-absorptive," Hansman says, "Stick a pencil into a microwave circuit, and you shut it down."

Although composite materials aren't new, they have yet to find widespread use in everyday life. Kevlar bullet-proof vests and graphite-epoxy tennis rackets and fishing rods are probably the only products laymen would recognize. The fact that composites can have a stiffness comparable to that of steel at one-fifth the weight is the basis of their value to aircraft designers. That an object made from them also has a small RCS is a bonus of special interest to the Pentagon.

There are two considerations in selecting the Stealth bomber's materials, says Paul Lagace, the 28-year-old-codirector of MIT's laboratory for advanced composite materi-

als, who had advised Northrop on aerospace applications. "First, the radar cross section of the material must be low or close to zero. Second, it must be light."

According to Lagace, one of the troublesome differences between composites and conventional metals is that the composites aren't "isotropic." That is, their strength lies only along the direction of their fibers. If a composite is pulled in another direction, it breaks.

"You have to be more careful in your design with composites than with metals," Lagace warns. This means determining as precisely as possible the forces acting on an aircraft's structure while it flies. Then the composite materials can be laminated with fibers running in various directions to take the stress. The need for exact foreknowledge of aerodynamic forces in the Stealth bomber may help explain why Northrop has spent five years and billions of dollars without flying a prototype.

"You don't put strength where you don't need it, as is the case when airplanes are all metal." Lagace says. "But you have to know how to tailor the laminate so you have strength in desired directions." These maddening design requirements have meant that the aircraft industry has so far used composites mostly in what engineers call secondary structures, such as wing flaps. "If you lose them, you don't lost the airplane," Lagace says. There have also been cautious moves toward making "medium primary structures." such as horizontal and vertical stabilizers on commercial jets, out of graphite-epoxy. But the use of all-composite airframes has been limited to a few small business planes.

"The forces on these small aircraft are about the same as on a large aircraft's medium primary structures," Lagace says of the lessons to be learned from designing such planes. He notes that one of them, the Lear Fan, was abandoned after two prototypes, though for reasons not directly related to composites. "The airframes of large aircraft might some day get close to a hundred per cent composite, but the small vehicle will never be more than about fifty per cent."

Warplanes present a design challenge that commercial experience can only help answer indirectly. They must be able to take hits and continue their missions. Just what taking hits would mean in a nuclear war is anybody's guess, but composites raise very tough questions in this regard because they're so new to the military.

"Epoxies don't give, they break," Lagace says. "They absorb the energy of an impact by failing rather than yielding."

He also points out that Northrop and Boeing, one of Northrop's partners in the Stealth project, began researching the damage tolerance of composites in 1982. "New materials come out all the time," Lagace says, "but we just don't have the data. Remember, we're just getting to the point now where basic epoxies introduced twenty years ago are entering civilian aircraft."

Lagace, an unabashed enthusiast for composites, seems eager for military research to lead the way, just as it has in many other areas of aviation. "You've got to start somewhere—you've got to fly some," he says of the experimental Stealth bomber. But Stealth must soon become a production plane; if it's to meet its schedule, it must quickly leave the cautions of a research effort behind.

Stealth's timetable, which is optimistic, especially in light of its dubious design and untried materials, and the spectre of astronomical cost, even by Pentagon standards.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

GOVERNMENT ACTIVITIES TO PREVENT NUCLEAR PROLIFERATION MESSAGE FROM THE PRESIDENT—PM 109

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I have reviewed the activities of United States Government departments and agencies during the calendar year 1985 related to preventing nuclear proliferation, and I am pleased to submit my annual report pursuant to section 601(a) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242).

The report concludes that the United States during 1985 continued to make significant progress in its efforts to achieve its non-proliferation goals.

As I stated in my message to the third Non-Proliferation Treaty Review Conference, my central arms control objective has been to reduce substantially, and ultimately to eliminate, nuclear weapons and rid the world of the nuclear threat. The prevention of the spread of nuclear explosives to additional countries is an indispensable part of our efforts to meet this objective. I intend to continue my pursuit of this goal with untiring determination and a profound sense of personal commitment.

RONALD REAGAN.

THE WHITE HOUSE, *February 6, 1986.*

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT—PM 110

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

To the Congress of the United States:

The major economic objectives of my Administration from its beginning have been strong, sustainable, noninflationary economic growth and expanding economic opportunities for all Americans. To achieve these goals, we have pursued policies that are in the long-term best interest of the Nation.

The benefits of this approach are now clear. The economy has entered the fourth year of a robust expansion that has dramatically increased opportunities for all Americans. Millions of new jobs have been created. Investment opportunities have increased. Standards of living have risen. Moreover, this success has been accomplished without rekindling inflation.

We are committed to continuing and extending policies that encourage the private investment and innovation that are the foundation of this expansion. We continue to resist unnecessary increases in government spending and unwarranted interference in private markets. Sustained, strong economic growth depends critically on allowing the market system to function as freely as possible. Free markets provide proper incentives to work, save, and invest, and they ensure that the interests of consumers are served.

These basic principles were embodied in our 1981 Program for Economic Recovery and reaffirmed in the second-term Program for Growth and Opportunity. These programs do not offer "quick fixes" but rely on the inherent ability of the free market system to allocate resources efficiently and to generate economic prosperity. The fundamental responsibility of the Federal Government should be to provide a stable environment within which people can make economic decisions, not to make those decisions for them. To this end, our initial program involved four essential elements:

Restrain the growth of Federal spending,

Reduce personal and business taxes,

Reduce regulatory excesses, and

Encourage stable and moderate monetary growth.

THE CURRENT EXPANSION

The success of our policies is now apparent. Even though economic growth slowed a bit in 1985 compared with its strong performance in 1983 and 1984, the expansion has nonetheless proceeded at an encouraging pace. It is already 4 months longer in duration than the average peacetime expansion since World War II. If the expansion continues as expected throughout 1986, it will be the third longest in the postwar period.

This expansion has been characterized by unusually strong real business investment in plant and equipment due to our successful attack on inflation and to our tax policy, which stimulated investment. Real business investment has contributed nearly twice as much to real gross national product (GNP) growth in this expansion as it typically has in previous postwar expansions; as a share of real GNP, it is higher than at any other time in the postwar period. Stronger U.S. investment means not only a stronger economy today, but also higher productivity and the potential for faster growth in the future.

Strong employment growth is another outstanding feature of this recovery. Since the end of the last recession in November 1982, the U.S. economy has employed more than 9 million new workers. Furthermore, the unemployment rate fell from 10.6 percent in November 1982 to 6.9 percent in December 1985. Despite this dramatic improvement, however, we will not be satisfied until all American workers can find jobs at wages commensurate with their skills.

When we initiated our Program for Economic Recovery, we were confident that a resourceful, flexible economy, unencumbered by excessive governmental intervention, would create jobs. At the same time, we believed that restrained monetary growth would reduce inflation. Our optimism was justified. The rate of inflation is now less than one-third of the rate in 1980. During this expansion, inflation has maintained its lowest level in more than a decade despite the tremendous employment growth that the economy has generated. Reflecting in part the reduction in inflation, interest rates—especially long-term rates—have declined throughout 1985 and by the end of the year were at their lowest levels in 7 years.

Our success in reducing inflation came as a surprise to some. As inflation rose in the 1970s, some businesses and individuals incurred debt in order to purchase assets, expecting the income generated by these assets to rise with inflation while the real burden of servicing the debt decreased. With the decline in inflation, the real burden of debt servicing rose and the income generated by many assets fell. This combination of events has strained some U.S. financial institutions. Falling farm incomes have hampered the ability of some farmers to pay interest on their debt. Similarly, many less developed countries have had difficulty repaying loans from U.S. financial institutions. The stress that the undesirable rise in inflation and its desirable but unexpectedly rapid decline have imposed on the U.S. financial system emphasizes the importance of achieving and maintaining long-term price stability.

America's optimism concerning continued growth in economic opportunities is shared by businesses and individuals throughout the world. The United States has been and remains one of the few major immigrant-receiving countries, reflecting in part the economy's ability to generate economic opportunities. During the current expansion, profitable investment opportunities in the United States have also attracted foreign capital, helping to finance the rapid growth in investment. The inflow of foreign capital indicates a strong economy. As other nations continue to move toward market-oriented policies and reduce excessive government spending, taxation, and structural rigidities, they too will generate increased investment opportunities, resulting in increased growth and stronger currencies as more capital flows into their economies.

THE ECONOMIC OUTLOOK

Many factors point to continuation of the current expansion. Economic conditions at the end of 1985 were more favorable than they were at the beginning of the year and are expected to improve further. Monetary growth during the past year has been sufficient to accommodate growth in the economy. The leading economic indicators have risen in 11 of the past 12 months. Inventories are relatively low, and as sales continue to expand, production should increase to replenish depleted inventories. Interest rates have continued their decline, promising to spur additional capital spending. Furthermore, the warning signals that typically precede the end of expansions have not been observed. Thus, we feel confident that the current expansion will continue through 1986.

We expect increased growth in real GNP of 4 percent in 1986, continuing throughout 1987 and 1988 and declining gradually in 1989–91 as the economy approaches its long-run real growth trend. Given the monetary and exchange rate developments during the past year, we anticipate a slight rise in inflation in 1986–87. However, if the Federal Reserve reaffirms its resolve to achieve price stability, a goal that I support without reservation, the downturn in inflation should resume in later years.

Changing events, including erratic monetary and fiscal policies, can bring any expansion to an abrupt and unexpected halt. Our projections for the longer term are premised on the assumption that stable economic policies will foster continued economic growth and will also provide the needed flexibility for the economy to respond to external disturbances. Our policy goals reflect this commitment to economic stability as the key contribution to sustained growth, stable prices, declining interest rates, and falling unemployment. The American people have a right to expect such results and, with the cooperation of the Congress and the Federal Reserve, we expect to continue to deliver them.

THE ECONOMIC ROLE OF GOVERNMENT

In formulating our program for healthy and continued economic expansion, we recognized the limited role that government properly plays. The Federal Government cannot provide prosperity or generate economic growth; it can only encourage private initiative, innovation, and entrepreneurial activity that produce economic opportunities. An overly active government actually hinders economic progress. Federal spending absorbs resources, many of which could be better used by the private sector. Excessive taxation distorts relative prices and relative rates of return. By arbitrarily reallocating resources, it inhibits the economy's ability to grow. Thus, the best way for government to promote economic growth is to provide a foundation of stable, predictable economic policies, and then to stand back and let the creative potential of the American people flourish.

The Federal Government has several definite responsibilities that my Administration continues to uphold. The first is to provide an adequate national defense. World peace and security require the United States, as the leader of the free world, to demonstrate its willingness and ability to defend its own national security and to contribute to the defense of its allies.

Furthermore, we will not ignore the less fortunate in this society. My Administration continues to provide an appropriate safety net to aid those individuals who need help. At the same time, we have worked to develop a strong, vibrant, opportunity-generating economy that can offer meaningful jobs to all who are able to work. The economic expansion has done much more to reduce poverty than any government transfer program. The significant decline in the percentage of the population in poverty in 1984 reflects both the success of our programs and the strength of the economy. Moreover, tax reform will benefit the working poor. My proposed tax reforms eliminate the Federal income tax burden of most working poor.

Finally, even though we believe that markets generally allocate resources most efficiently, there are a few special cases, such as air and water pollution, in which the market mechanism alone may be inadequate. In these instances, government intervention is necessary, but even here, it should be based on market principles. For example, the Environmental Protection Agency has approved arrangements that enable firms to earn credits for reducing emissions below the required limit, which they can sell to other firms facing higher costs of emission control. In this way, environmental quality is maintained and improved while the costs of compliance decline.

Control Federal Spending

Fulfillment of these limited responsibilities, however, does not require the level or the rate of growth of Federal spending that the Nation has been experiencing. In spite of our efforts, spending remains excessive and has been the primary cause of the large budget deficit. Tax rate cuts did not generate this deficit; in fact, current tax receipts are as large a share of GNP as they were in the late 1970s,

even after the reduction in tax rates that we initiated in 1981. The key to resolving the Federal budget deficit is to restrain unneeded spending. Spending, not the deficit, is the true indicator of the cost of government, because it measures the total economic resources diverted from the private sector. Excessive spending affects the economy in deleterious ways regardless of whether it is financed through taxation, borrowing, or even inflation. Private capital formation is reduced, resources are inefficiently allocated, and economic growth is slowed.

I applaud and support the newly enacted Balanced Budget and Emergency Deficit Control Act of 1985, known commonly as Gramm-Rudman-Hollings, as a way to work with the Congress to reduce Federal spending and the deficit. I intend to submit budgets in each of the coming years that satisfy the act's deficit targets, not by sacrificing the programs essential to the Nation, but by reforming or eliminating those programs that are ineffective or nonessential. I reject the notion of increased taxes. Higher taxes would only encourage more Federal spending and limit the economy's ability to grow.

Gramm-Rudman-Hollings accomplishes only part of our long-term objective of Federal fiscal responsibility. Properly applied, it will produce a balanced budget by 1991, but it does not guarantee a continued balanced budget thereafter. We must now direct our attention to a constitutional amendment providing for a permanently balanced budget. Together, these two measures will provide an orderly transition to a balanced budget, restrain future spending, and ensure that future fiscal decisions are prudent and responsive to the national interests. Accordingly, I continue to support strongly and to urge the adoption of a balanced-budget constitutional amendment. I also seek legislation that would authorize the President to veto individual line items in appropriations measures. Such authority is essential to ensure that only effective and essential government programs are funded.

Reform Taxes

Over the years, successive modifications of the Federal tax code have resulted in a complex tax system that contains many loopholes and artificially encourages some types of activities at the expense of others. Furthermore, the inflation of the 1970s distorted the overall pattern of capital taxation and pushed personal incomes into ever-higher tax brackets, discouraging saving and investment. Our actions to reduce tax rates have corrected many of these distortions and inequities. Individual income tax rates have been reduced and indexed to the inflation rate; effective tax rates on new investment have been lowered substantially. Still, more must be done.

In May 1985, I submitted to the Congress a comprehensive reform of the tax code to make it simpler, fairer, and more conducive to economic growth. I proposed reducing marginal tax rates for individuals and businesses, broadening the tax base by eliminating the majority of existing loopholes, taxing different activities consistently so that resources are allocated on the basis of economic merit and not tax considerations, and compensating for or eliminating much of the remaining influence of inflation on effective tax rates on capital. Just before it recessed, the House of Representatives passed a tax reform bill that incorporated some of these principles. Despite substantive differences between my proposal and the House bill, I urged its passage to move the legislative process forward. We will now work with the Senate to generate a fair and simple tax code that is truly pro-family, pro-jobs, and pro-growth.

Eliminate Counterproductive Regulation

Tax reform is only one part of our goal to enable markets to function more efficiently in allocating resources. We have also worked hard to identify and remove government regulations that impede the operation of markets, inhibit competition, or impose unnecessary costs on firms and unnecessarily high prices on consumers. The regulation of domestic oil prices provides a good example of the deleterious economic effects that regulation can have as it distorts relative prices and prevents necessary adjustments. The results of my accelerating the deregulation of oil prices in January 1981 are now apparent. Oil imports have declined, and the Organization of Petroleum Exporting Countries has found it impossible to sustain its previous levels of high prices. In contrast, the natural gas market is still plagued by distortions induced by price controls. In 1983, we unsuccessfully urged the Congress to deregulate natural gas prices. We will again pursue legislation that would completely deregulate natural gas prices. In addition, we are proposing further deregulation of the trucking industry.

We will continue efforts to reduce government involvement in two particular sectors of the economy. First, the banking and credit system remains rife with regulations and loan guarantees that arbitrarily allocate credit and hamper the system's ability to adapt to changing economic conditions. While we must continue to protect the public against severe economic disturbances, we should allow financial institutions greater freedom in determining the composition of their assets and liabilities so that they can respond more flexibly to the changes they encounter.

Second, heavy government involvement also persists in many agricultural markets. Government policies, intended as solutions, have so distorted incentives that they have actually caused some of agriculture's current problems. The legislation that I proposed in 1985 was designed to return American agriculture gradually to a free market. The bill passed by the Congress in late 1985 contained some of my proposed reforms, but preserved some of the policies that now hamper agriculture. In particular, it maintained counterproductive government intervention in the dairy industry, mandated export subsidies, and continued costly distortions of the sugar market. We will continue to pursue further agricultural reform that lessens government involvement in these areas and increases opportunities for farmers to compete successfully in world markets.

Transfer Some Services to the Private Sector

The Federal Government has increasingly sought to provide services that can be more efficiently provided by the private sector. To address this problem, I have established a working group to investigate which government functions could be effectively returned to the private sector. I have also included several initiatives in this area in the recently released budget. This strategy does not necessarily require eliminating services now provided by the government. Rather, it would make private alternatives available. Such a strategy ensures production of services that are demanded by consumers, not those chosen by government bureaucrats. It also leads to more efficient and lower cost production of those services, and often removes government-imposed restraints on competition.

Maintain Free and Fair Trade

Our pursuit of unencumbered markets is not confined to the domestic economy. Our international trade policy rests firmly on the foundation of free and open markets. The benefits of free trade are well known: it generates more jobs, a more productive use of a nation's resources, more rapid innovation, and higher standards of living both for this Nation and its trading partners. While a unilateral commitment to free trade benefits the Nation, Americans gain even more when U.S. trading partners also open their markets. My Administration will actively pursue this goal. An important part of our trade program is to begin a new round of multilateral trade negotiations. Under the auspices of the General Agreement on Tariffs and Trade, we are seeking to engage U.S. trading partners in comprehensive negotiations that will generate freer trade, increased access for U.S.

exports, and a stronger international trading system. To complement this initiative, we are continuing to explore the possibility of establishing bilateral free trade zones with some U.S. trading partners.

We do not blindly pursue free trade. We also strive to ensure that trade is fair by vigilantly enforcing current trade laws. Unfair trade practices abroad harm U.S. exporters as well as reduce standards of living worldwide; this is unacceptable. In an unprecedented move, I have asked the U.S. Trade Representative to initiate unfair trade practice investigations under Section 301 of the Trade Act of 1974. Such investigations are not intended to produce retaliatory action by the United States, but rather to achieve more open markets internationally. In this way, we hope to convey the message that a commitment to free and fair trade is a reciprocal obligation in this increasingly interrelated world trading community.

The large trade deficit that has evolved during the current expansion has subjected our free and fair trade policy to much criticism, especially from the Congress. During the past year, more than 300 pieces of protectionist legislation have been considered or proposed. While the conditions that have led to the trade deficit have adversely affected some U.S. industries, increased protectionism is not the solution. Protectionist measures will have little effect on the trade balance and will only decrease standards of living and inefficiently redistribute resources within the economy.

Our agreement with four other major industrialized nations in September 1985 was an important recognition that economic policy changes across countries (not only in the United States) are essential to correct trade imbalances worldwide and to realign currency values. To this end, we reaffirmed our commitment to continue efforts to reduce the Federal Government deficit by lowering spending as a share of GNP. We urged the Congress to enact Gramm-Rudman-Hollings to achieve that goal. America's trading partners, in turn, committed themselves to policies designed to foster increased internally generated economic growth and, hence, increased demand for U.S. exports. These policy objectives are important for less developed countries as well. Indeed, a central facet of the Secretary of the Treasury's recent initiatives to assist in resolving the debt-servicing problems of these countries is that they pursue policies to promote growth, reduce inflation, and secure balance of payments adjustment.

CONCLUSION

My Administration recognizes the responsibility of the Federal Government to promote economic growth and individual opportunity through policies that lead to maximum employment, production, and purchasing power. We intend to maintain this course with policies that continue to promote strong, sustainable, noninflationary growth and provide expanding economic opportunities for all. We shall continue to resist additional government involvement as a solution to short-term problems. Such involvement has been unsuccessful in the past and ultimately becomes part of the problem rather than part of the solution. With the cooperation and support of the Congress and the independent agencies, we will pursue the appropriate policies necessary to sustain the current expansion and to stabilize prices.

RONALD REAGAN.

FEBRUARY 6, 1986.

AMERICA'S AGENDA FOR THE FUTURE—MESSAGE FROM THE PRESIDENT—PM 111

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to lie on the table:

To the Congress of the United States:

AMERICA'S AGENDA FOR THE FUTURE

I. INTRODUCTION

On Tuesday night, I came personally before the Congress to review with you the progress of our Nation, to speak of unfinished work, and to set our sights on the future. In that address, I spoke of an America on the move—stronger than a year ago and growing stronger every day.

Almost 5 years ago I addressed a previous Congress and spoke of the need for policies that would promote economic growth and expansion, reduce the intrusion of government in areas where its role had grown too large, and strengthen our defense capabilities in order to protect the peace and fully meet our global commitments. These goals and that agenda have not changed, and although we have made significant progress, the work is not yet finished.

In addition to the proposals contained in my budget for FY 1987, this message—an *Agenda for the Future*—spells out in greater detail how we as Americans can continue to make progress in each of these areas and successfully meet the challenges of the next decade, the year 2000, and beyond.

II. PREPARING FOR A DECADE OF ECONOMIC GROWTH

Today, we see an American economic renaissance. Tax cuts, deregulation, and low inflation have freed the entrepreneurial genius of the American people, returned incentives to our economy, and powered 37 months of economic expansion. Sunrise firms light our horizons, while technology modernizes our factories and makes America more competitive in the international marketplace.

But this is only the beginning. Now is the time to build a solid foundation for a decade of economic growth—growth that will give us a full employment economy, with real jobs for all Americans from the sidewalks of Harlem to the shores of Hawaii. Now is the time to lay the groundwork for an ever-expanding economy that leads the world in innovation, performance, and productivity.

BUDGET AND BUDGET PROCESS REFORM

The future beckons; we cannot let ourselves be held back by the growing burden of out-of-control Federal spending. Our FY 1987 budget meets the Gramm-Rudman-Hollings deficit targets while still fulfilling essential Federal responsibilities to Social Security, the truly less fortunate, and our national defense, without a tax increase.

Gramm-Rudman-Hollings can make a dramatic improvement. But experience shows that simply setting deficit targets does not assure they will be met. We must begin now to put the budget process itself back in working order. An executive line-item veto will restore balance to the budget process and ensure that wasteful spending does not occur under the cover of appropriations bills.

Once we have made the hard decisions and gotten our budget down to size, we should lock in our gains with a balanced budget amendment to the constitution—so that Government spending can never again grow out of control, threatening our economic well being and dreams for the future.

It is clear that the budget process is not working well. I hope to be able to work with the Congress, on a bipartisan basis, to make it both more efficient and less time consuming. For FY 1988 and beyond, I suggest changing the budget resolution to a joint resolution subject to Presidential signature and establishing binding expenditure subcategories within the resolution budget totals. In addition, serious study should be given to proposals for multi-year appropriations and to the development of a capital budget.

We will continue to improve the quality and efficiency of Federal management, and will work with the Congress to obtain legislation to fully implement our management improvement program. We have proposed legislation to extend the President's executive branch reorganization authority; improve Federal productivity; streamline financial management; prevent fraud; reduce error rates in benefit programs; and reduce regulations. We will also continue to work with the Congress on supplemental retirement system legislation for newer Federal

employees and certain elected and appointed officials now covered only by Social Security.

TAX REFORM

Our first tax cuts opened the way to prosperity; now is the time to fire the engines of growth with tax reform that is pro-fairness, pro-family, and pro-future. The House of Representatives has taken an historic first step; let us join together and go the distance. First, we must promise the American people never to betray their hope for tax reform with a tax increase in disguise. True tax reform must be truly fair and make us more productive and competitive internationally, and that means raising the personal exemption to $2,000 for both itemizers and non-itemizers, at least for those individuals in the lower and middle income brackets; basic tax incentives for American industries, including those which depend upon heavy capital investment in equipment and machinery; effective dates which erase doubt and apprehension in the minds of those who must begin to plan for investments; a minimum tax which allows no individual or business to escape paying a fair share of the overall tax burden; a rate structure with a maximum no higher than the 35 percent I proposed; and tax brackets that are fully consistent with our desire to reduce taxes for middle income working Americans. I look forward to continuing our work with the Congress to enact this most important measure.

ANTITRUST REFORM

If America hopes to compete successfully abroad, we cannot bind the hands of American business and industry at home. Therefore, we are asking the Congress to remove unreasonable constraints on U.S. competitiveness by reforming our Federal antitrust statutory framework to reflect the global nature of our markets. These changes will enhance the vigor and competitiveness of American businesses, while continuing to protect American consumers and businesses from adverse effects of practices such as monopolies, cartels, and price-fixing.

PRODUCT LIABILITY REFORM

The need for reform in the area of product liability is an important matter that affects businesses, including some who might no longer be able to afford product liability insurance, and consumers, who may pay higher prices for products or lose the availability of certain products altogether. We will continue to work with the Congress to establish a uniform standard of product liability that is fair to consumers and manufacturers alike.

FREE AND FAIR TRADE

As we knock down barriers to growth, we must redouble our efforts for freer and fairer trade. We have already taken actions to counter unfair trading practices and to open closed markets abroad. We will continue to do so. We will also oppose legislation touted as providing "protection" that in reality pits one American worker against another, one industry against another, one community against another, and that raises prices for us all. I believe that if the United States can trade with other nations on a level playing field, we can out-produce, outcompete, and out-sell anybody, anywhere in the world.

Trade is the life blood of the global economy. Growing world markets mean greater prosperity for America and a stronger, safer, and more secure world for the family of free nations. We will continue to work to promote a free, fair, and expanding world trading system by continuing to seek legislation authorizing a $300 million fund for combating predatory tied aid credits by other countries. In addition, we will propose legislation to strengthen and broaden protection of intellectual property. We will continue to work with the Congress to put into place other changes that reflect the principles and policies of free and fair trade.

We will continue to enforce vigorously the laws that protect against unfair trade, in particular Section 301 of the Trade Act of 1974 and the antidumping and countervailing duty laws. The Strike Force on Trade will continue its efforts to identify unfair foreign practices.

We will aggressively renegotiate the Multi-Fiber Arrangement (MFA), currently scheduled to expire July 1, 1986, on terms no less favorable than present. We are consulting with the U.S. textile and apparel industries to ensure that their views will be represented during these negotiations.

We will continue the market-oriented sector-selective (MOSS) talks, working with the Japanese to identify all the trade barriers in specific sectors and encouraging the Japanese to remove them. The talks are making progress and markets are opening up in telecommunications, pharmaceuticals, and other sectors. We will continue to press for the removal of barriers in these and additional sectors. We also welcome Prime Minister Nakasone's expressed determination to move toward the restructuring of Japan's export oriented economy.

Our Administration is also working vigorously to launch a new round of multilateral trade negotiations through the Preparatory Committee established last November by the GATT. Under the leadership of the U.S., the Preparatory Committee is developing the framework for negotiations that would strengthen the international trading system, eliminate unfair trade practices, and address major problem areas in international trade such as services, intellectual property protection, and investment.

Our Administration hopes to begin discussions with Canada, our largest trading partner, to enhance freedom of trade between our two countries. We will work with the Congress to assure that a mutually beneficial agreement can be achieved.

In addition, we will engage some of our major trading partners in discussing the idea of establishing a multinational or regional patent office. Such an office could provide a higher level of common patent protection, including coverage and terms, and establish a more efficient system for gaining patent protection beyond United States borders.

Further, we will work to correct the deficiencies in the new farm bill, including: the provision mandating a reduction in the amount of sugar permitted to enter the United States; the 3-year payment-in-kind bonus export program; and the new dairy program, which taxes milk producers to fund a program that obligates the Government to pay farmers to liquidate their dairy herds and to buy the meat in order to support prices.

THE GLOBAL ECONOMY

Today, America is part of a global economy. The constant expansion of our economy and exports demands a sound and stable dollar at home and reliable exchange rates around the world. It also demands that our trading partners grow along with us.

We cannot race forward to the future if our friends and allies are lagging behind. Many of the trade problems we are experiencing today are caused by the imbalance between our low-tax, high-growth economy and the high-tax, low-growth economies of so many of our trading partners. Our dynamic, expanding economy is hungry for goods from abroad; but economies still suffering under excessive taxation, over-regulation, and top-heavy government simply cannot afford to buy from us.

Our Administration is working to promote growth in the world economy by strengthening economic policy coordination among our industrialized trading partners. I have directed Treasury Secretary James A. Baker III to determine if the nations of the world should convene to discuss the role and relationship of our currencies.

Many of the developing countries, where large debts further oppress struggling economies, are in particularly dire straits. Our Administration will vigorously pursue implementation of our proposed "Program for Sustained Growth" to address problems of debt and declining growth in the developing countries. This program calls for increased lending by commercial banks and an expansion of loans by multilateral development banks conditioned on structural reforms, including tax reforms, in the debtor countries.

I am looking forward to meeting with the other leaders of the industrialized nations at the Economic Summit this spring in Japan to discuss ideas and policies that can make the global economy stronger. These policies include removing structural rigidities in our economies that impede the capital and labor markets and improving the working of the free trade system, while resisting protectionism.

EMPLOYMENT OPPORTUNITIES FOR ALL

Over 9 million new jobs have been created during the recovery and expansion. But more remains to be done, because no American can ever be left behind.

We will continue efforts to give American youth, particularly minority youth, job opportunities and a chance to develop essential job skills with a summer Youth Employment Opportunity Wage.

We will again seek Enterprise Zone legislation that provides Federal regulatory and tax relief to encourage jobs creation, economic development, and renewed hope in distressed areas. Seeing our national Enterprise Zone legislation stymied for 4 years in the House of Representatives, the American people have taken the initiative themselves, and now State and local Enterprise Zones are springing up all over the country, creating thousands of new jobs. Imagine the good that could be done if the House of Representatives caught the enterprise spirit and enacted Enterprise Zone legislation in 1986?

The Departments of Labor and Education have joined forces to more closely coordinate between the job training and education programs administered by the two departments. Our objective is to eliminate duplication and, at the same time, provide a broader range of assistance to individuals. We have already achieved progress in linking job training and apprenticeship with vocational education. Plans are underway to extend this partnership to many training and educational services in the community.

We will work with the Congress to use the Jobs Training Partnership Act to help American workers displaced by imports, adjust, develop new skills, and find new jobs through job search, training, and relocation assistance.

DEREGULATION

Deregulation is one of the great success stories of the 1980's. From plunging oil prices to lower airfares and consumer prices, deregulation has allowed free markets to work and consumers to receive the benefits. We will move forward to liberate the vital American economy from the grip of unnecessary regulation by:

—Continuing to work with the Congress to develop and implement proposals improving the safety, soundness, and competitiveness of the financial services industry, including reforms in Federal deposit insurance and regulatory frameworks.

—Continuing our support of legislation to eliminate virtually all remaining Federal regulations covering the trucking, freight forwarder, and domestic water carrier industries, excepting those regulations mandating safety and insurance obligations.

—Seeking, in the field of energy, to completely deregulate the pricing of natural gas and to reform regulation of its transportation, and to remove the burden of unnecessary price regulation from the large part of the oil pipeline industry that is fully competitive and where regulation only increases costs and serves no useful public purpose.

—Continuing to seek legislation for standardized designs for nuclear power plants and to simplify the licensing process and provide a stable, predictable process that encourages nuclear plant construction and that offers consumers reliable, economic, and environmentally sound electricity.

PRIVATIZATION

Over the past 50 years, the public sector has assumed many activities that are similar to, or even the same as, those done by the private sector. But when the private sector can deliver service more efficiently than the public sector, as it can with Conrail, then the Government must step aside. State and local governments have been in the lead in contracting out such public services as garbage collection, street cleaning, and even prison services to the private sector. Not surprisingly the result has been reduced costs and better service. The FY budget proposes to return some Federal activities to the private sector. We will also be considering other new opportunities to take advantage of the incentives for efficiency available in the private sector.

III. DEFINING OUR VALUES FOR A MODERN AGE

As we work to make the American dream real for all, we must adhere to traditional values, keep our faith in God, and put our trust in people, rather than in the Government, to solve the problems before us. We must continue to advance the education of our youth and provide for a safe, secure, and prosperous future for American families. Through a recommitment to our fundamental values, we can achieve a collective vision for a rising America—now, and for the future.

EDUCATION

Parents have a natural and inalienable right to educate their children, publicly and privately, as they see fit, and that right should be recognized and encouraged. If education reform is to be lasting and effective, we must redicate ourselves to the viability of education administered at the local and State level. It is with this in mind that I am supporting the legislative and administrative recommendations outlined below.

Our Administration has advanced The Equity and Choice (TEACH) legislative proposal aimed at expanding opportunities for educationally disadvantaged children. It will increase opportunities for parents to choose a school that best meets the needs of their children; foster diversity and encourage innovation by introducing the element of competition among schools; and increase private sector involvement in providing education to disadvantaged children.

Our Administration will again seek Federal tuition tax credits for parents who send their children to private elementary and secondary schools. These credits will foster more choice, improve the quality of both private and public schools, and treat more fairly parents exercising educational choice.

Our Administration seeks to expand State and local flexibility to use Bilingual Education Act funds for whatever instructional approaches will best meet the needs of children with limited proficiency in English. The Education Department has already proposed new regulations to give localities the full degree of flexibility allowed under the current law. We will also propose legislation to remove the remaining statutory impediment—the 4 percent limitation on funding for special alternative programs.

We will ask the Congress for amendments to the Higher Education Act to restructure Federal student aid. This program must be made more cost effective. It should be structured to give needy students greater flexibility and choice in financing their post secondary education. We again propose establishing an Education Savings Account that will exclude from taxable income the earnings on any savings deposited in a special account for postsecondary education. Such a provision would increase the self-sufficiency of parents and students and strengthen our higher educational system.

Our Administration will seek legislative amendments retargeting teacher development and retraining funds. The focus of this funding should be on improving the quality of our Nation's elementary and secondary school teachers.

There is currently a staggering and wholly unacceptable number of illiterate Americans. Much illiteracy can be traced to poor methods of teaching reading. Education Secretary Bennett will cooperate with other Cabinet officers to improve the administration of the more than 70 Federal programs aimed at improving literacy in our country. They will make sure that the

most cost effective methods of teaching reading are used where Federal programs are involved. This will lead to reduced costs and improved literacy.

The Federal Government has a significant role in providing useful and reliable information to the American people about education. Armed with such information, our citizens can be trusted to improve the education of their children. Secretary Bennett will soon release a report, *What Works*, that will be a notable landmark in this effort.

WELFARE

I have charged the White House Domestic Policy Council to present me by December 1, 1986, an evaluation of programs and a strategy for immediate action to meet the financial, educational, social, and safety concerns of poor families—a strategy for real and lasting emancipation.

As we work to make the American Dream real for all, we must also look to the condition of America's families. Struggling parents today worry how they will provide their children the advantages their parents gave them. In the welfare culture, the breakdown of the family, the most basic support system, has reached crisis proportions—in female and child poverty, child abandonment, horrible crimes and deteriorating schools. After hundreds of billions of dollars in poverty programs, the plight of the poor grows more painful. But the waste in dollars and cents pales before the most tragic loss—the sinful waste of human spirit and potential.

An effective pro-family anti-poverty program must both meet the legitimate subsistence needs of the poor and create an environment leading to less poverty and less dependence on Government support. The current collection of programs designed to assist the needy costs nearly $120 billion annually. Yet we have almost 30 million people still in poverty and these programs are run in such an uncoordinated fashion that many who are not poor receive benefits intended for the poor. Moreover, by failing to promote self, family, and community responsibility, these programs encourage dependency and entrench the very poverty they were intended to alleviate.

We can ignore this terrible truth no longer. As Franklin Roosevelt warned 51 years ago: Welfare is ". . . a narcotic, a subtle destroyer of the human spirit." And we must now escape the spider's web of dependency.

I look forward to the Council's report, and then working with the Congress to revamp this very important area of government services.

HEALTH

America's health care system is the finest in the world. More people receive better health care services here than anywhere else in the world. Further improvements should build upon the fundamental strengths of this system, leaving the provision and financing of most health care services in the private sector.

Our health care system, however excellent, is also extremely expensive, and costs continue to rise rapidly. A primary reason for the escalating cost of health care is that adequate incentives for keeping costs down were not built into the system, and there has been a lack of competition in the field of health services. We made a significant improvement with the Prospective Payment System for hospitals under Medicare, implemented in 1984. As a result, health care spending increases have slowed.

Appropriate Federal Government action can lead to a more efficient health care system. To accomplish this we must rely on market forces to produce the level of services the consumers desire to buy, at the quality and cost they will accept. In a time of overall budget restraint, health care spending is not and should not be exempt. Therefore, any new programs should be fully financed and should not increase the budget deficit.

After seeing how devastating illness can destroy the financial security of a family, I am directing the Secretary of Health and Human Services, Dr. Otis Bowen, to report to me by year-end with recommendations on how the private sector and Government can work together to address the problems of affordable insurance for those whose life savings would otherwise be threatened when catastrophic illness strikes.

Our Administration will continue to support the concept of prepaid health care, and will seek legislation emphasizing competition and broadening the types of health plans that qualify as alternatives to traditional Medicare coverage. Our Administration will encourage private health care providers to develop less costly plans and programs directed at maintaining health rather than treating illness, including those that call for a fixed annual payment for a given benefit package.

Our Administration will initiate a major study of high malpractice insurance premiums paid by health care providers and practices that minimize malpractice exposure. We will look for ways to reduce the impact of medical liability on health care costs while retaining quality care.

We will continue, as a high priority, the fight against Acquired Immune Deficiency Syndrome (AIDS). An unprecedented research effort is underway to deal with this major epidemic public health threat. The number of AIDS cases is expected to increase. While there are hopes for drugs and vaccines against AIDS, none is immediately at hand. Consequently, efforts should focus on prevention, to inform and to lower risks of further transmission of the AIDS virus. To this end, I am asking the Surgeon General to prepare a report to the American people on AIDS.

Our Administration will accelerate the processes for bringing safe and effective new drug therapies and new medical devices to ease pain and suffering of millions of Americans while providing consumers with more choice at less cost. We will continue nationwide protection programs to ensure that approved food, drug, and device supplies are safe. Education and other forms of prevention will be stressed.

JUSTICE AND PUBLIC SAFETY

Our system of justice is dedicated to and guided by the belief that the Constitution creates a government that is both limited and energetic. The Constitution carefully enumerates the powers the Federal Government may wield. But where the power is legitimately given, the Constitution also provides the means for a forceful and energetic execution of the law. We are committed to bring the full force of the law to bear on those who transgress its prohibitions or ignore its commands.

In carrying out our laws, we have four priorities. First, to protect the law abiding from the lawless with due and careful deference to the constitutional rights of all citizens. Second, to safeguard individual privacy from improper governmental intrusion. Third, to defend vigilantly and energetically the civil rights of all Americans. And fourth, to promote legal and regulatory structures designed to conserve and expand economic freedom.

In this regard, our Administration will continue to seek legislation to:

—Restore constitutional procedures to impose capital punishment for especially heinous Federal crimes, including the most vile acts of murder, treason, and espionage.

—Modify habeas corpus procedures so as to give greater finality to State court criminal judgements and reduce the seemingly unending chain of appeals and re-appeals.

—Reform the exclusionary rule to allow use of certain types of truthful evidence that may now be shielded by the Federal courts.

These fundamental anti-crime measures deserve the prompt attention of the Congress. I pledge the consistent and determined efforts of the Executive branch to implement these improvements.

Our Administration will continue to investigate and prosecute fraud and other economic, or "white collar," crimes. The Congress can support improved enforcement in this area by completing action on anti-fraud legislative proposals introduced last year. These include the Money Laundering and Related Crimes Act, False Claims Act Amendments, Program Fraud

Civil Penalties Act, Contract Disputes Act and Federal Courts Improvement Act Amendments, Bribes and Gratuities Act, Grand Jury Disclosure Amendments, Anti-Fraud Criminal Enforcement Act, and the Federal Computer Systems Protection Act.

The workload of the Federal courts has skyrocketed in recent years. To ensure fairness and consistency in the administration of justice, our Administration will continue to appoint highly qualified judges who support the limited policy making role of the Federal courts envisioned by the Constitution. The Founding Fathers did not want our judiciary system to be first among equals. They wanted it to be one of the co-equal branches of government.

Our Administration considers improvements to the Federal drug law enforcement program to be one of its top domestic priorities. Thus, we will continue efforts to eradicate illegal drugs before they can be harvested, and to reduce demand for these narcotics by opening the eyes of our Nation's young people to the damage drugs do to the health and lives of anyone who uses them. The Vice President will continue to provide strong leadership in demonstrating the importance of coordinated effort by all the Nation's law enforcement agencies to reduce the flow of narcotics in this country. Through our Organized Crime Drug Enforcement Task Force Program, we will strike at organized criminal elements who profit from drug trafficking.

Our Administration will be calling for the help of all Americans in our battle to eliminate organized crime's extensive influence in American society. Every Government agency will be mobilized and will cooperate with local and State police to wipe out all types of organized crime. The forfeiture provisions already enacted in the Administration's comprehensive crime control package will allow us to stem the life blood of organized crime by impounding some of their illicit proceeds. However, further reform and toughening of these procedures is in order.

Our Administration will continue to help victims of crime through State victims assistance programs. We have drafted model legislation for States to ease the burden on crime victims.

Our Administration continues to support legislation to reform the Nation's immigration laws. This includes granting amnesty to certain qualified aliens and prohibiting employment of illegal aliens.

Our Administration is completely and totally dedicated to the safety of air travel and the security of our airports. In the United States each day, 14,000 flights carry 1 million passengers. To further guarantee their safety we will continue to increase the number of air traffic controllers and inspectors. We have improved safety regulations and in-depth inspection of air carriers and equipment. We are modernizing our airspace system to make the safest system in the world even safer and more efficient. We have expanded the Federal air marshall program, increased security training of flight crews, and required background checks for all persons with access to aircraft or secure airport areas—all measures that will enhance the security of the traveling public.

PERSONAL FREEDOM

The protection of personal freedoms is one of the primary responsibilities of our constitutional form of government. Whether it is the right to worship, the right of free speech or the right to life, it is essential that we reaffirm our commitment to the defense of these fundamental freedoms. These rights and responsibilities must be constantly protected if America is to remain at the forefront of advancing personal freedom throughout the world. The constitutional guarantee of our individual rights will strengthen the family and make the future bright for generations to come.

We will continue to prosecute those who violate anti-discrimination laws. Instead of schemes that impose arbitrary numerical requirements, which really help no one and insult all who have worked hard to qualify for the jobs they seek, we need to focus instead on providing true opportunity to compete for employment in the marketplace.

Our Administration continues to support strengthening the Federal fair housing laws and efforts to create free and open housing opportunities for all Americans. The amendments we have proposed will stimulate voluntary efforts in support of fair housing and provide stronger penalties for those who break the law.

From the early days of the colonies, the right of school children to pray voluntarily has been a revered and important tradition. In 1984, I signed the equal access legislation which allows students in public secondary schools to meet voluntarily for religious purposes during non-instructional periods. But there is more to be done. The right to pray in school is a fundamental American liberty. I again ask the Congress to pass a constitutional amendment to restore the right of students to voluntarily pray in our public schools.

Our Administration will continue seeking to restore a proper balance between protecting the free exercise of religion and preventing establishment of religion as provided by the First Amendment. We will do this by filing *amicus* briefs in court actions where the Attorney General determines that government is improperly interfering with the constitutional guarantees of religious freedom, and will protect the American public against any form of persecution or religious intolerance.

America was founded with a ringing affirmation of the transcendence of human rights. Our Declaration of Independence proclaims that the rights to "Life, Liberty and the pursuit of Happiness" are not a grant from the government, but a gift from the Creator; and we declared that the same Divine Providence in which the new Nation placed its "firm reliance" imposes on government a solemn duty to respect and secure these fundamental rights. We will work to restore the legal protection of the unborn and carry this message to our courts, our legislatures, and our fellow citizens. The Congress should pass legislation prohibiting the use of all Federal funds to finance, promote, encourage or otherwise support abortion. Abortion is the taking of human life, and it debases the underpinnings of our country.

ENVIRONMENT

By most conventional measures of environmental quality, the air and the waters of the United States continue to improve as a result of the enormous national commitment to these goals that has come about since 1970. Likewise, we continue to be ever more careful stewards of our lands and their abundant natural resources—wildlife, soils, minerals, fuels, and forests. We are moving aggressively to eliminate serious contamination of valuable land and ground water from the past mismanagement of hazardous wastes.

Human institutions can encourage or constrain the ability of people to make the best use of their resources and to solve environmental problems. Rational policies that recognize and make effective use of economic incentives should help to improve the management of our environment and natural resources by stimulating new achievements on the part of the American people. Efficient use of the Nation's resources, guided whenever possible by free markets rather than centralized controls, will work to promote environmental health, economic productivity, and fiscal responsibility.

Environmental protection regulations should be fashioned so that innovation and the substitution of progressively safer new products and technologies for old ones are not inhibited, especially where risk reduction or increased benefits will be the likely result. We must be alert lest government restrictions, however benevolently aimed at protecting the public as a whole, begin to hamper the creativity and productivity of entrepreneurs and other individuals who also can bring about social advances.

Consistent with these thoughts, our Administration continues to support reauthorization of the Comprehensive Environmental Response Compensation and Liability Act—Superfund—for another 5 years. While we are firmly

opposed to funding this through a value-added tax, we urge the Congress to keep the clean-up of hazardous waste a high priority.

Our Administration will continue to propose legislation for additional National Wild and Scenic Rivers/Wilderness designations as part of our efforts to preserve natural environment areas.

We will continue to work with the Congress to closely examine the Nation's major environmental laws and will pay close attention to balancing tradeoffs among social costs, risk, and environmental protection. We will encourage market-oriented strategies throughout this process.

All Americans should take pride in their outstanding public lands and historic sites that belong to everyone. The Departments of Interior, Agriculture, Education, and Army (Corps of Engineers) and the Environmental Protection Agency will work together on a "Take Pride in America" campaign. We must all work for a renewed awareness that these lands are our lands.

Recognizing that environmental problems do not stop at national boundaries we will continue to collaborate closely with other nations, on issues such as acid rain, to maintain the quality of the global environment and improve the management of natural resources of common interest. The United States has long been the world leader in making its scientific talent, data and information, and financial resources available to the international community for these purposes, and we intend to maintain such a role.

FEDERALISM

The United States is, and was intended to be, governed by a Federal system. State and local governments play a significant role in the life of our country. During the 1970's, State and local governments were often bypassed as the Federal establishment grasped more and more authority. As Government became farther and farther removed from the people, it became less efficient and less responsive.

Today, we have reversed the trend toward centralization. State and local governments are again assuming their rightful role. This is a trend we must encourage. We must see to it that State and local governments are able to do those jobs that they can do best.

Through block grants, we have been able to cut through Federal red tape and allow State and local officials to design and administer programs that make sense to them and their taxpayers. Accordingly, the budget I submitted contains proposals for new block grants, and maintains healthy funding levels for the ones already in place.

We are working with State and local government officials and organizations to compile a roster of major Federal regulations for revision or elimination. We will also seek to standardize agency grant management practices that will reduce administrative costs and confusion.

In recent years, many municipal governments have expressed great concern over the dramatic increase in exposure to lawsuits for damages arising out of their performance of vital governmental functions. As a result of this increased liability, many municipalities cannot even obtain insurance coverage. A substantial portion of this liability is imposed under various Federal statutes and programs. We will work closely with State and local governments in 1986 to address this problem.

Our Administration will continue working with State and local governments to ensure that environmental statutes are properly enforced and managed. Such activities have already fostered an atmosphere of mutual cooperation leading to stronger and more efficient enforcement of our environmental laws

IV. ADVANCING THE TECHNOLOGICAL ERA

The national security and economic success of the United States can be traced, to a large degree, to the close, constructive cooperation between government, industry, and academia.

As we move from basic research to development of new products, it becomes more difficult to justify Government's role. The most effective role of the Federal Government is supporting basic research. Recognizing this, the Administration has shifted resources toward this end, and our FY 1987 budget proposes an increase in funding in this area. We are also seeking to renew the tax credit for additional private sector research and development, and will encourage commercial application of federally sponsored research and development.

Our Administration will continue to support basic research in the promising new field of biotechnology. We will seek to provide for protection of intellectual property in biotechnology in order to promote innovation, and will ensure that health and safety regulations are adequate to ensure that new products are safe.

Our Nation remains fully committed to America's space program that includes our shuttle flights, a space station, space transportation, assured access to space, and programs required to protect the right to operate in space. We also seek a strong space science program that will exploit space as a research laboratory for development of aerospace flight, Earth sensing and advanced technology programs required in the 1990's and into the 21st century. Research has already begun on an aerospace plane that could, by the end of the next decade, take off from Dulles Airport and accelerate up to 25 times the speed of sound, attaining low-Earth orbit or flying to Tokyo within 2 hours.

We will continue to look for appropriate initiatives to benefit the civil and commerical communities that will encourage private sector investment and involvement in civil space activities and promote greater international cooperation in pursuing opportunities in space. We must remain a leader in conquering new frontiers or we, as a people, will surely fall behind.

V. EXPANDING THE FAMILY OF FREE NATIONS

In the area of foreign affairs, America will continue to encourage democracy, freedom, and respect for human rights around the world. We will be a strong and reliable ally to our friends, and a firm but hopeful adversary to those who, for now, choose not to be our friends. With the former we hope for continued harmony; with the latter, for progress toward that most elusive of goals, peace.

A RELATIONSHIP BASED ON REALISM

Our relationship with the Soviet Union must be supported by the twin pillars of hope and realism. The United States and the Soviet Union are not alike; we are not two equal and competing Superpowers divided only by a difference in our "systems." The United States is a free and open society, a democracy in which a free press and free speech flourish. The people of the Soviet Union live in a closed dictatorship in which democractic freedoms are denied. Their leaders do not respond to the will of the people; their decisions are not determined by public debate or dissent; they proclaim, and pursue, the goal of Leninist "revolution."

And so the tensions between us reflect differences that cannot be wished away. But the future is not predetermined. Knowing this, and truly desiring to make the differences between us smaller and more manageable, the United States continues to pursue progress in all aspects of our relationship with the Soviet Union.

Our Administration seeks to ensure that this relationship remains peaceful. We want restraint to be the Soviet leadership's most realistic option and will see to it that our freedoms and those of our Allies are protected.

We seek a secure future at lower levels of arms, particularly nuclear forces, through agreements that are equitable and verifiable. The soundness of our proposals, our renewed military strength and our bipartisan determination to assure a strong deterrent create incentives for the Soviet Union to negotiate seriously.

We can move toward a better, more cooperative working relationship with the Soviet Union if the Soviet leadership is willing. This will require full Soviet compliance with the letter and spirit of both past and future agreements.

There is much work to be done. I will meet General Secretary Gorba-

chev later this year, and in preparation my Administration will pursue discussions with the Soviet government at all levels. I also hope to see greater communications and broader contact between our peoples. I am optimistic that if the Soviet leadership is willing to meet us halfway, we will be able to put our relations on a more cooperative footing in 1986.

SUSTAINING OUR STRONG COMMITMENT TO NATIONAL DEFENSE

In spite of our current discussions, the Soviet leaders are continuing a massive military buildup that threatens the United States and our free world allies. Real arms reductions are possible only if the Soviets and others do not doubt our strength and ability to counter aggression.

Keeping America strong, free, and at peace is solely the responsibility of the Federal Government; it is Government's *prime* responsibility. We have devoted 5 years trying to narrow a dangerous gap born of illusion and neglect. And we have made important gains.

In the past 5 years, our Administration has reversed the decline in defense funding that occurred during the 1970's and has made significant progress in strengthening our military capabilities. Last year the Congress and I reached a deficit reduction agreement. We pledged together to hold real growth in defense funding to the bare minimum. My 1987 budget honors that pledge. It proposes defense levels that are essential simply to maintain the defense capability that we have achieved in the face of the continuing Soviet military buildup. I am now asking Congress to keep *its* end of the bargain. With the additional cuts under Gramm-Rudman-Hollings, FY 1986 budget authority for defense corresponds to more than a 5 percent real decline. This simply cannot continue. I am proposing 1987-1991 defense levels which provide the real program growth agreed to in last year's Budget Resolution. It is critical that these levels be supported. The world must know that if America reduces her defenses, it will be because of a reduced threat, not a reduced resolve.

We will continue vigorously to pursue our strategic modernization program in my 1987 budget—to modernize our bomber, ICBM, and missile-submarine forces so as to assure effective and stable deterrence.

Our Administration will also actively continue research into new technologies in search of secure strategic defense systems. The Strategic Defense Initiative offers the prospect of finding such systems, which threaten no one, to keep the peace, protect the United States and our allies in greater safety, and ultimately to eliminate the threat of nuclear weapons by making nuclear-armed missiles obsolete. We have invited allies to join us in this research effort. We have already agreed with Great Britain to undertake cooperative research and are laying the groundwork for cooperation with others.

We have witnessed in the past 5 years a remarkable improvement in personnel quality and retention throughout all components of the Military Services. My 1987 budget continues to ensure that the high quality of our forces is maintained.

Our Administration is strongly committed to improving management of our defense programs. I look forward to receiving the recommendations of my Blue Ribbon Commission, chaired by David Packard, which has been reviewing this issue. The Department of Defense will continue to root out waste and inefficiency and will aggressively initiate any new improvements necessary to assure that taxpayer dollars are well spent. We will also pursue organizational changes, where appropriate, to ensure the continued effectiveness of our Armed Forces.

While acknowledging the importance of the free flow of knowledge and information for commercial purposes, our Administration will not sacrifice our strategic technological advantages in the area of national security. We will forcefully administer the Export Administration Act.

Our Administration has pressed the governments of Indochina for the fullest possible accounting of the POW/MIA question. These efforts have shown significant progress and will continue. We will continue to pursue, with all resources available to us, reports of Americans who could still be held captive.

We will continue to support the nearly 28 million veterans who have given faithful service in defense of our Nation. We will provide quality medical care, fair and compassionate disability compensation, and other benefits for eligible veterans.

SUPPORT FOR A WORLD OF HOPE

The United States continues to pursue a world of hope where people are free to choose the political system by which they will be governed. We seek to roll back the tide of tyranny; we seek to increase freedom across the face of this planet, for serving the cause of freedom also serves the cause of peace. It is for this reason that Americans have always supported the struggle of freedom fighters. It is also why I put forward my "regional initiative" at the United Nations last fall—a three-stage plan for ending a series of dangerous wars that have pitted a series of governments against their own people and their neighors.

As we have in the past, America must actively wage the competition of political ideas—between free government and its opponents—and lend our support to those who are building the infrastructure of democracy. Failure to sustain other democracies will be very costly in the long run, both materially and spiritually.

In Afghanistan we must continue to help the forces fighting a Soviet invasion and an oppressive Communist regime. As a result of the Soviet Union's military presence and vicious campaign against the freedom fighters, a quarter of the Afghan population has been killed or has fled to refugee camps. The Afghan people will have our support as long as the Soviet Union continues its war against them.

In Latin America the trend toward elected civilian governments continues, with Guatemala as the latest new entry. Over 90 percent of the people of Latin America and the Caribbean now enjoy democratic rule. That compares to less than one-third only 5 years ago. However, Communist subversion and the insidious spread of narcotics trafficking continue to menace the region. In fact, they sometimes work hand in hand, as in Colombia, where insurgents are increasingly linked to drug traffickers and narcotics growers.

The Central American democracies need our help. Our assistance is crucial, as demonstrated by the success of El Salvador in preserving democratic institutions in the face of a Communist insurgency. The levels of economic and security assistance we will request for Central America are the absolute minimun needed to maintain progress toward the objectives set out in the report of the Bipartisan Commission on Central America.

For moral and strategic reasons, we must continue to support those seeking democracy in Nicaragua. The Nicaraguan resistance is fighting not only the Sandinistas, but Cubans armed with Soviet weapons. I will be asking the Congress to provide the Nicaraguan freedom fighters with the moral and material support they require to continue and expand their struggle. We will continue to press the Sandinistas to negotiate with their own people and to fulfill the promises made to them of genuine democracy. Reconciliation in Nicaragua, based on democratic elections, remains the key to peace in Central America.

In Africa, many countries have experienced deep economic distress and starvation in the past year, brought about in part by the drought and in some cases—particularly Ethiopia—by the brutal policies of a Communist regime. As the human cost of such policies mounts, we encourage African governments to take the lead in moving toward economic and political freedoms.

We are moved by the efforts of freedom fighters such as Jonas Savimbi and the members of UNITA. They deserve our support in their brave struggle against Soviet-Cuban imperialism

in Angola. We will work with the Congress to determine the most effective way of providing support.

In South Africa, we stand forthrightly on the principle that the government must achieve freedom and justice for all its citizens. Apartheid, in our view, is doomed. We have a major stake—as elsewhere, both moral and strategic—in encouraging a peaceful transition and avoiding a terrible civil war. This is why we reject the approach of those on both sides who pursue violence and oppression. Our ability to affect the ultimate outcome is limited, but we will continue to employ our good offices—both official and private—to pursue dialogue and negotiation as the best way to change the system while protecting the future of all South Africans.

In Southeast Asia, the United States supports ASEAN in its efforts to aid the struggle of the Cambodian people to free their country from foreign occupation while aiding Thailand, the ASEAN front-line state. As in other regions, we are prepared to contribute to a negotiated settlement of this war, in the context of the proposals I put forward at the U.N. General Assembly last year. We are implementing humanitarian measures in response to the refugee problems in the region.

We are concerned by developments in the Philippines, our long-time ally, and will work to encourage political moderation, fair play, and the strengthening of democratic institutions. Only on this basis can the people of the Philippines check and ultimately defeat an insurgency whose goal is to end democracy.

No discussion of peace and freedom can be complete without a reference to Europe's great and just hope: an end to the artificial division of the continent. The dividing line between freedom and oppression is one boundary that can never be made legitimate. The most significant way of making all Europe more secure is to make it more free.

We stand for the principles of freedom, democracy, the rule of law, unconditional human rights, and government with the consent of the governed. The cause of Poland's Solidarity continues to arouse the conscience of mankind. Solidarity will not die because its heartbeat is an indestructible truth that resonates in every human heart.

We can help those seeking democracy not only by economic and military aid, but with ideas and the active involvement of democratic parties and institutions. The National Endowment for Democracy has a creative role to play in fostering the ideals that make democracy work.

ALLIANCES AND FRIENDSHIPS

America's strength and staying power are the essential prerequisites for strengthening our alliances and friendships and for protecting the values and interests that bind us together. In Europe we have launched, together with our NATO allies, a Conventional Defense Initiative to find more effective means to improve our conventional deterrent; we are also seeking ways, with congressional support, to stimulate armaments cooperation. The alliance remains firmly on course in deploying NATO intermediate-range weapons to counter Soviet SS-20 missiles. We are also continuing alliance implementation of the decision to reduce by 1,400 the number of nuclear warheads available to NATO, bringing our theater-nuclear inventory to its lowest level in 20 years; this decision is being carried out despite the absence of reductions by the Soviet Union.

In our relations with Japan, we will expand our efforts to resolve bilateral trade issues through trade liberalizing solutions that open Japanese markets to American goods. We continue to rely on the United States-Japanese Mutual Security Treaty as a pillar of Asian peace and stability.

Our commitment to the security of the Republic of Korea has never been stronger. We have a number of differences on trade issues but believe the market-opening steps being taken or under consideration by the Republic of Korea will alleviate these difficulties.

Elsewhere in Asia I will continue to expand and deepen cooperation with China, and improve our relationships in Southeast Asia and the dynamic Pacific Basin as a whole. Termination of United States Trusteeship over the Micronesian Territories, which I hope we can achieve this year, will be a landmark in our relations with the emerging Pacific Island nations and a symbol of our support for democracy and freedom everywhere.

One of the areas most critical to our security is the Middle East. Security assistance to the countries of the region is important to maintaining United States influence, to preventing Soviet intimidation and exploitation, and to giving friendly governments the confidence to move toward peace in the face of often violent opposition. We are helping Israel and Jordan to narrow their differences in the peace process. We will continue our efforts to facilitate direct negotiations between Israel and her Arab neighbors. We must also enlarge the gains already made between Israel and Egypt.

In South Asia major strides have been taken in the past year to advance regional peace and prosperity. A new regional association was inaugurated to grapple with the twin killers of narcotics and terrorism. The leaders of India and Pakistan have met frequently to address outstanding differences. The United States stands ready to promote regional peace and reduce the risk of a South Asian nuclear arms race in any way we can.

In terms of our legislative intentions, let me be clear: in all these regions of the world, a strong security assistance program is one of the most effective, and least costly, ways of protecting interests we share with allies and friends. I will work with the Congress to preserve this invaluable policy tool. I will also seek congressional approval of our requests to sell arms to Jordan and other pro-Western governments in the Mideast.

COUNTERING TERRORISM AND ESPIONAGE

Terrorism is a growing threat, as evidenced by the increased targeting of innocent civilians engaged in innocent pursuits. We are taking several measures to increase our capability to deal with this scourge. We are aware that it thrives with the support of nations such as Libya that provide funding, logistics, direction, and safe havens.

The Vice President's Task Force on Combating Terrorism, formed at my direction last July, has submitted its report to me with a series of recommendations. Our Administration has already begun to implement those recommendations that are within the purview of the Executive Branch. We will increase our intelligence cooperation with friendly nations to share information on terrorist plans and intentions. Our intelligence community will place greater emphasis on collecting information on terrorist groups and their state supporters. And we will increase our readiness to strike back at terrorists where they have been identified and their responsibility for actions against Americans has been determined. Those countries that support and direct the terrorists should know there is no refuge, there is no hiding place, there is no sanctuary that will keep them safe forever.

Our Administration will continue, on its own and in cooperation with allies, with private sector transportation companies, and with international organizations, to take preventive and response measures to counter the brutal, savage terrorist attacks on innocent people. Through the Federal Bureau of Investigation here at home and intelligence services abroad, we will act to head off terrorist incidents before they can occur. Our tightened security measures already include new regulations for checked baggage, cargo, and access to aircraft. We are working with the International Civil Aviation Organization and the International Maritime Organization to enhance security standards worldwide.

Our Administration will ask the Congress for legislation to further improve security measures, enhance antiterrorism assistance programs and in general enable us to meet our counterterrorism responsibilities. We are requesting additional funds to improve

the security of our diplomatic missions abroad and of foreign diplomats here in the United States. We are also asking the Senate to approve the Supplementary Extradition Treaty with the United Kingdom to allow the return of international terrorists for trial. This treaty will assure that our own courts cannot become a sanctuary for certain terrorists and will serve as a model for cooperation between nations.

Our Administration will continue to counter the threat posed by the worldwide activity of hostile intelligence services such as the KGB and GRU. We will follow a realistic approach to countering illegal technology acquisition, espionage, and the attempt to manipulate public opinion through active measures and disinformation. We will enhance our world effort to identify and neutralize the activity of intelligence services working against American interests or threatening our security.

VI. CONCLUSION

What we accomplish this year, in each challenge we face, will set our course for the balance of the decade, indeed for the remainder of the century. After all we've done so far, let no one say this Nation cannot reach the destiny of our dreams. America believes, America is ready, America can win the race to the future—and we shall.

RONALD REAGAN.

THE WHITE HOUSE, *February 6, 1986.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following bill on January 30, 1986:

S. 2013. An act to delay the referendum with respect to the 1986 through 1988 crops of Flue-cured tobacco and to delay the proclamation of national marketing quotas for the 1986 through 1988 crops of Burley tobacco.

MESSAGES FROM THE HOUSE

At 12:57 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 1185) to amend the act establishing the Petrified Forest National Park.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 520. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1986 for the Department of Agriculture.

The message further announced that pursuant to section 4(a) of Public Law 96-114, as amended, the Speaker appoints Mr. LANTOS as a member of the Congressional Award Board; and appoints the following as members of the board, from private life: Mr. Patrick L. O'Malley, of Chicago, IL; Mr. Christopher F. Edley, of New York, NY; Dr. Frank Arlinghaus, Jr., of Rumson, NJ; Mr. Christopher R. O'Neill, of Washington, DC; Mr. Joseph J. Gouthro, of Atlantic Highlands, NJ; Dr. Henry Viscardi, Jr., of Albertson, NJ; and Mrs. Jacqueline B. Vaughn, of Chicago, IL.

At 2:48 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 2005) to amend title II of the Social Security Act and related provisions of law to make minor improvements and necessary technical changes; it insists upon its amendments to the amendments of the Senate, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the Senate:

From the Committee on Energy and Commerce, solely for the consideration of titles I-III of the House amendments to the Senate amendments, and the entire Senate amendments, except for title II: Mr. DINGELL, Mr. FLORIO, Mr. ECKART of Ohio, Mr. HALL of Texas, Mr. TAUZIN, Mr. SWIFT (solely for the consideration of sections 102, 103, 105, 111, 113, 115, 117, 120, 121, 122, 123, 124, and 127 of title I and title III of the House amendments to the Senate amendments, and modifications thereof committed to conference, including section 157 of the Senate amendments), Mr. WYDEN (solely for the consideration of sections 101, 104, 106, 107, 108, 109, 110, 112, 114, 116, 118, 119, 125, and 126 of title I and title II of the House amendments to the Senate amendments, and modifications thereof committed to conference): Mr. BROYHILL, Mr. LENT, Mr. RITTER, and Mr. FIELDS.

From the Committee on Public Works and Transportation, solely for the consideration of titles I, II (except for section 205) and IV of the House amendments to the Senate amendments, and title I of the Senate amendments, except for sections 110, 111, 127, 157, and 160 thereof: Mr. HOWARD, Mr. ANDERSON, Mr. ROE, Mr. BREAUX, Mr. MINETA, Mr. EDGAR, Mr. SNYDER, Mr. HAMMERSCHMIDT, Mr. STANGELAND, and Mr. GINGRICH.

From the Committee on Public Works and Transportation, solely for the consideration of title III of the House amendments to the Senate amendments, and sections 110, 111, 127, and 160 of title I of the Senate amendments: Mr. ANDERSON, Mr. ROE, Mr. EDGAR, Mr. SNYDER, and Mr. HAMMERSCHMIDT.

From the Committee on Ways and Means, solely for the consideration of title V of the House amendments to the Senate amendments, and title II of the Senate amendments: Mr. ROSTENKOWSKI, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. DOWNEY of New York, Mr. RUSSO, Mr. PEASE, Mr. DUNCAN, Mr. ARCHER, Mr. VANDER JAGT, and Mr. FRENZEL.

From the Committee on Merchant Marine and Fisheries, solely for the consideration of sections 104, 107, 108, 111, 113, 116, 121, and 122 of title I of the House amendments to the Senate amendments, and modifications thereof committed to conference: Mr. JONES of North Carolina, Mr. BIAGGI, Mr. STUDDS, Mr. YOUNG of Alaska, and Mr. DAVIS.

From the Committee on Merchant Marine and Fisheries, solely for the consideration of title IV of the House amendments to the Senate amendments, and modifications thereof committed to conference: Mr. JONES of North Carolina, Mr. BIAGGI, Mr. STUDDS, Ms. MIKULSKI, Mr. LOWRY of Washington, Mr. TAUZIN, Mr. YOUNG of Alaska, Mr. DAVIS, Mr. LENT, and Mr. FIELDS.

From the Committee on the Judiciary, solely for the consideration of sections 107, 113, 117, 119, and 122 of title I and sections 203 and 206 of title II of the House amendments to the Senate amendments, and modifications thereof committed to conference: Mr. RODINO, Mr. GLICKMAN, Mr. FRANK, Mr. FISH, and Mr. KINDNESS.

From the Committee on Armed Services, solely for the consideration of section 213 of title II of the House amendments to the Senate amendments, and section 162 of title I of the Senate amendments: Mr. MCCURDY and Mr. MARTIN of New York.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 107. A concurrent resolution providing for an adjournment of the House from February 6, 1986 or February 7, 1986, to February 18, 1986, and for an adjournment of the Senate from February 6, 1986, or February 7, 1986, to February 17, 1986.

The message also announced that pursuant to section 4(a) of Public Law 96-114, as amended, the minority leader appoints Mr. WOLF as a member of the Congressional Award Board; and appoints the following to the board from private life: Mr. W. Clement Stone, of Chicago, IL; Mr. William R. Bricker, of New York, NY; Ms. Roberta Van Der Voort, of Kansas City, MO; and Mr. John G. McMillian, of Washington, DC.

ENROLLED JOINT RESOLUTION SIGNED

At 4:40 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 520. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1986, for the Department of Agriculture.

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. THURMOND].

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 6, 1986, she had presented to the President of the United States the following enrolled bill:

S. 1831. An act to amend the Arms Export Control Act to require that congressional vetoes of certain arms export proposals be enacted into law.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3443. A bill to designate the closed basin conveyance channel of the closed basin division, San Luis Valley project, Colorado, as the Franklin Eddy Canal (Rept. No. 99-233).

H.R. 3851. A bill to amend section 901 of the Alaska National Interest Lands Conservation Act (Rept. No. 99-234).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 360. A bill to direct the Secretary of Agriculture to convey, without consideration, to the Nebraska Game and Parks Commission, approximately 160 acres of land within the Nebraska National Forest to be used for the purposes of expanding the Chadron State Park, Nebraska (Rept. No. 99-235).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

H.R. 2478. A bill to amend the Revised Organic Act of the Virgin Islands, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands, to provide for the governance of the insular areas of the United States, and for other purposes (Rept. No. 99-236).

H.J. Res. 382. Joint resolution to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project (Rept. No. 99-237).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Lois Burke Shepard, of Maryland, to be Director of the Institute of Museum Services;

Frances M. Norris, of Virginia, to be Assistant Secretary for Legislation and Public Affairs, Department of Education.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PROXMIRE:

S. 2053. A bill entitled the "Eximbank Capital Restoration Act of 1986,"; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NICKLES (for himself, Mr. DIXON, Mr. BOREN, Mr. WALLOP, Mr. DOLE, and Mr. DANFORTH):

S. 2054. A bill to provide that the National Aeronautics and Space Administration may accept gifts and donations for a space shuttle which may be named Challenger II; to the Committee on Commerce, Science, and Transportation.

By Mr. EVANS (for himself, Mr. PACKWOOD, Mr. HATFIELD, and Mr. GORTON):

S. 2055. A bill to establish the Columbia Gorge National Scenic Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY:

S. 2056. A bill regarding permitted public uses within the DeSoto National Wildlife Refuge, Iowa; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mr. LUGAR, and Mr. KENNEDY):

S. 2057. A bill to establish the President's Council on Health Promotion and Disease Prevention; to the Committee on Labor and Human Resources.

By Mr. HEINZ (for himself, Mr. GARN, and Mr. PROXMIRE) (by request):

S. 2058. A bill to amend the Export-Import Bank Act of 1945; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. QUAYLE:

S. 2059. A bill to control franking costs; to the Committee on Rules and Administration.

By Mr. BOREN:

S. 2060. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for certain dividends paid on new equity stock, and for other purposes; to the Committee on Finance.

By Mr. CRANSTON:

S. 2061. A bill entitled the "California Desert Protection Act of 1986"; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 2062. A bill to designate the Federal Building and United States Courthouse to be constructed and located in Newark, New Jersey, as the "Martin Luther King, Jr. Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. DODD:

S. 2063. A bill to provide financial assistance to small businesses seeking relief under the antidumping and countervailing duty laws; to the Committee on Finance.

By Mr. WARNER:

S. 2064. A bill to require the President to make an annual report on the national strategy of the United States Government to certain committees of Congress and to require joint committee meetings to be held on such report; to the Committee on Rules and Administration.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2065. A bill to amend the Alaska Native Claims Act to provide Alaska Natives with certain options for the continued ownership of lands and corporate shares pursuant to the Act and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO:

S. 2066. A bill to improve airport security by increasing the number of FAA security personnel and the number of airport inspections by such personnel, by increasing civil penalties for violations of security regulations, and by improving the pay scale for FAA police, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself and Mr. KASTEN):

S. 2067. A bill to overturn the deferral of the Fiscal Year 1986 Urban Development Action Grant and Community Development Block Grant Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRYOR (for himself, Mr. GLENN, Mr. NUNN, Mr. BUMPERS, Mr. BOREN, Mr. HUMPHREY, Mr. CHILES, Mr. BURDICK, Mrs. KASSEBAUM, Mr. HEINZ, Mr. DOLE, Mr. HOLLINGS, Mr. SASSER, Mr. BRADLEY, Mr. BOSCHWITZ, Mr. RIEGLE, and Mr. LONG):

S.J. Res. 264. Joint resolution designating April 28, 1986 as "National Nursing Home Residents Day"; to the Committee on the Judiciary.

By Mr. HEINZ (for himself, Mr. GLENN, Mr. BENTSEN, Mr. NICKLES, Mr. WARNER, Mr. HECHT, Mr. COHEN, Mr. HOLLINGS, Mr. ANDREWS, and Mr. DIXON):

S.J. Res. 265. Joint resolution authorizing and requesting the President to designate the week of March 9 through 15, 1986, as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

By Mr. DENTON (for himself and Mr. SPECTER):

S.J. Res. 266. Joint resolution to authorize and request the President to designate the month of June 1986 as "Youth Suicide Prevention Month"; to the Committee on the Judiciary.

By Mr. HEINZ:

S.J. Res. 267. Joint resolution designating the week of May 26, 1986, through June 1, 1986, as "Older Americans Melanoma/Skin Cancer Detection and Prevention Week"; to the Committee on the Judiciary.

By Mr. GOLDWATER (for himself, Mr. GARN, and Mr. SASSER):

S.J. Res. 268. Joint resolution to provide for the reappointment of Murray Gell-Mann as citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. GOLDWATER (for himself, Mr. GARN, and Mr. SASSER):

S.J. Res. 269. Joint resolution to provide for the reappointment of David C. Acheson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. DECONCINI:

S.J. Res. 270. Joint resolution to designate May 1986, as "Part-Time Faculty Month"; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. D'AMATO, Mr. ROTH, Mr. PROXMIRE, Mr. EXON, Mr. INOUYE, Mr. QUAYLE, Mr. DECONCINI, Mr. LUGAR, Mr. GRASSLEY, Mr. PELL, Mr. KENNEDY, Mr. MURKOWSKI, Mr. DOMENICI, Mr. LEVIN, Mr. ROCKEFELLER, Mr. PRYOR,

Mr. SIMON, Mr. GORE, Mr. KERRY, Mr. BUMPERS, Mr. BRADLEY, Mr. PRESSLER, Mr. HEINZ, Mr. DIXON, Mr. DOLE, Mr. BURDICK, Mr. CHILES, Mr. GLENN, Mr. GARN, Mr. LAUTENBERG, Mr. HATCH, Mr. METZENBAUM, Mr. ZORINSKY, Mr. THURMOND, and Mr. MOYNIHAN):

S.J. Res. 271. Joint resolution designating "Baltic Freedom Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. COHEN, Mr. KERRY, Mr. WEICKER, Mr. MOYNIHAN, Mr. HUMPHREY, Mr. KENNEDY, Mr. D'AMATO, Mr. HEINZ, Mr. METZENBAUM, and Mr. RUDMAN):

S. Res. 335. A resolution expressing the Senate's opposition to the imposition of a fee on imported oil and refined petroleum products; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. BYRD, Mr. HEINZ, Mr. MATTINGLY, Mr. NICKLES, Mr. LAXALT, Mr. SIMPSON, Mr. WALLOP, Mr. WILSON, Mr. FORD, Mr. GARN, Mr. ABDNOR, Mr. ANDREWS, Mr. ARMSTRONG, Mr. BAUCUS, Mr. BENTSEN, Mr. BIDEN, Mr. BINGAMAN, Mr. BOREN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. CHILES, Mr. COCHRAN, Mr. COHEN, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DENTON, Mr. DIXON, Mr. DODD, Mr. DOMENICI, Mr. DURENBERGER, Mr. EAGLETON, Mr. EAST, Mr. EVANS, Mr. EXON, Mr. GLENN, Mr. GOLDWATER, Mr. GORE, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. HARKIN, Mr. HART, Mr. HATCH, Mr. HATFIELD, Mrs. HAWKINS, Mr. HECHT, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LONG, Mr. LUGAR, Mr. MATHIAS, Mr. MATSUNAGA, Mr. MCCLURE, Mr. MCCONNELL, Mr. MELCHER, Mr. METZENBAUM, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. PROXMIRE, Mr. PRYOR, Mr. QUAYLE, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SARBANES, Mr. SASSER, Mr. SIMON, Mr. SPECTER, Mr. STAFFORD, Mr. STENNIS, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. TRIBLE, Mr. WARNER, Mr. WEICKER, and Mr. ZORINSKY):

S. Res. 336. A resolution congratulating President Ronald Reagan on his 75th birthday; considered and agreed to.

By Mr. ROTH (for himself and Mr. NUNN):

S. Res. 337. A resolution to authorize from the contingent fund of judgments in a civil action against the widow of a former Senate employee as representative of his estate; to the Committee on Rules and Administration.

By Mr. BUMPERS:

S. Res. 338. A resolution to amend the Senate Rules to improve Senate procedure; to the Committee on Rules and Administration.

By Mr. BYRD (for himself, Mr. MITCHELL, Mr. CRANSTON, Mr. INOUYE, Mr. DIXON, Mr. BUMPERS, Mr. BURDICK, Mr. FORD, Mr. GORE, Mr. MELCHER, Mr. MOYNIHAN, Mr. PROXMIRE, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SASSER, and Mr. SIMON):

S. Res. 339. A resolution to express the sense of the Senate with respect to proposals currently before the Congress to tax certain employer paid benefits and other life-support benefits; to the Committee on Finance.

By Mr. SIMPSON (for Mr. DOLE (for himself and Mr. BYRD)):

S. Res. 340. A resolution to direct the Senate Legal Counsel to represent and to authorize the testimony of and production of documents by, staff assistants of Senator Dodd in the case of Salzberg v. Marks; considered and agreed to.

By Mr. WEICKER (for himself and Mr. BUMPERS):

S. Res. 341. A resolution to commemorate the 25th Anniversary of the International Franchise Association; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. Res. 342. A resolution to provide for the designation of the month of May 1986, as "Genetic Disorder Awareness Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 2053. A bill entitled the "Eximbank Capital Restoration Act of 1986"; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. PROXMIRE and the text of the bill appear earlier in today's RECORD.)

By Mr. NICKLES (for himself, Mr. BOREN, Mr. DIXON, Mr. WALLOP, Mr. DOLE, and Mr. DANFORTH):

S. 2054. A bill to provide that the National Aeronautics and Space Administration may accept gifts and donations for a space shuttle which may be named *Challenger II;* to the Committee on Commerce, Science, and Transportation.

DONATIONS FOR NEW SHUTTLE, "CHALLENGER II"

Mr. NICKLES. Mr. President, I rise today to express my heartfelt thanks to the American people for their outpouring of love and concern over the recent shuttle tragedy. I continue to be amazed at how the American public reacts in a time of adversity. It is during these times that we see the true spirit of America exemplified. We are truly a united nation.

In Oklahoma and here in Washington, my offices have been inundated with calls from people expressing their grief and condolences for the seven brave astronauts who lost their lives. At the same time they have overwhelmingly expressed their desire to see the space shuttle program continued. As the families of the *Challenger's* crew recently stated in a joint release, "So that their lives were not lost in vain, we must rededicate ourselves to the exploration of space and to keep the dream alive."

To keep the dream alive and to help vent their sorrow, many people around the counry, including the entire Tulsa County School District, have expressed a desire to help contribute and to raise funds to go toward the building of a replacement for the *Challenger.* This undertaking, while vast, will no doubt help in raising the nearly $2 billion that is estimated to build a new shuttle.

Unfortunately, this effort has met the resistance of bureaucratic redtape. Because of regulations governing NASA, they have been unable to accept funds that are earmarked for the replacement of the shuttle. They estimate that they have had to refuse hundreds of dollars already. The donations which they have been able to keep, because they were not earmarked, amounting to about $30,000, have been placed in NASA's general fund.

In order to rectify this problem, Mr. President, I am today introducing a bill which would allow NASA to accept and use funds that are designated for the building of a new *Challenger* shuttle. In this time of national mourning, well intentioned people should not be discouraged from helping the space shuttle program regain its footing because of a Government regulation. Therefore, because of the timeliness of this matter, I ask that the Senate promptly consider and pass this measure.

Mr. President, I ask unanimous consent that the bill and a resolution adopted by the Board of Education, Independent School District No. 1, Tulsa County, OK, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2471 et seq.) is amended by adding at the end thereof the following new section:

"DONATIONS FOR SPACE SHUTTLE

"SEC. 208. (a) Notwithstanding the provisions of paragraph (4) of subsection (c) of section 203 of this Act or any other provision of law, the Administration is authorized to accept gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible, and expend such gifts and donations for the construction of a manned space shuttle. Such shuttle may be named Challenger II.

"(b) If the manned space shuttle program is discontinued before the completion of construction of such space shuttle—

"(1) the authority of the Administration to accept gifts or donations pursuant to subsection (a) shall be terminated and

"(2) all such gifts or donations not expended, shall be treated as gifts and donations pursuant to paragraph (4) of subsection (c) of section 203 of this Act and may be expended by the administrator for the activities of the administration.".

RESOLUTION

Whereas, the people of this nation are at a loss as to a course of action upon which to embark after the tragic shuttle accident and need to have a meaningful purpose and challenge upon which they can unite and respond, and

Whereas, it is felt that a non-political, non-sectarian, non-partisan and non-denominational project would do much to pull together our country and its citizens: Be it therefore

Resolved, That the Tulsa Public Schools and the citizens of Tulsa spearhead a nation-wide campaign to raise funds to help finance a new space shuttle to be dedicated to Youth and Education,

And, that Tulsa students, in addition to their own money-raising efforts, initiate a letter-writing campaign to Tulsa businesses and students in other school systems across the nation encouraging them to participate in this project—a project which would be supported by private contributions and would be similar in scope to the refurbishing of the Statue of Liberty, and that a nationally recognized Board of Directors would monitor the project to assure its successful implementation in behalf of education: Be it further

Resolved That the Tulsa School Board adopt this nation-wide campaign to raise funds to help finance a new space shuttle and direct the Superintendent and staff to initiate such a project dedicated to education and present and future youth of our nation.

By Mr. EVANS (for himself, Mr. PACKWOOD, Mr. HATFIELD, and Mr. GORTON):

S. 2055. A bill to establish the Columbia Gorge National Scenic Area, and for other purposes; to the Committee on Energy and Natural Resources.

COLUMBIA GORGE NATIONAL SCENIC AREA ACT

Mr. EVANS. Mr. President, I am introducing today, for myself and Senators PACKWOOD, HATFIELD, and GORTON, the Columbia Gorge National Scenic Area Act of 1986. This legislation will create a unique partnership of local and State governments and the Federal Government to protect and enhance the outstanding scenic, cultural, recreational and natural resources of the Columbia River Gorge. We believe this bill will establish and maintain a reasonable balance between protection of the outstanding characteristics of the Columbia Gorge and development and growth needs of its citizenry.

The Columbia Gorge is located between the States of Oregon and Washington. It was formed over many thousands of years as the Columbia River cut through the Cascade Mountain Range. The beauty of this spectacular canyon is breathtaking. Waterfalls cling to mountainsides. Giant cliffs and rocks stand out as sentinels against the wind and rain. The great Columbia River moves silently and smoothly toward its destined meeting with the Pacific Ocean. The peaks of Mount St. Helens, Mount Adams, and Mount Hood loom as reminders of the fiery prehistoric past.

The fantastic beauty of Columbia Gorge has beckoned mankind for over 11,000 years. In ancient times Chinookan and Sahaptian Indians hunted its mountains and fished along the river's edge. For centuries the Columbia River has been a major center of commerce and trade. The Columbia Gorge remains an area of commercial and economic importance to the Pacific Northwest and the Nation as a whole.

Millions visit the Columbia River Gorge each year. The many scenic viewpoints, highways, and trails found in the Columbia River Gorge are heavily used by residents of the area as well as by visitors from around the Pacific Northwest, the Nation, and the world. Thousands live there permanently. In fact, the character of much of the Columbia Gorge landscape has been maintained and enhanced by existing rural communities.

The botanical diversity of the Columbia River Gorge ranging from the sagebrush and grasslands of the east to the lush rain forests of the west, including many threatened and endangered species, is unique, due in part to the diverse climate of the area. Tributary streams of the Columbia River within the Columbia Gorge contain important anadromous fish resources which are of benefit to the Pacific Northwest and the Nation.

Competing uses of the Columbia Gorge are intense. These include development of Federal hydroelectric power facilities, highways, ports, navigation and industrial facilities, surface mining, residential and commercial development, farms, orchards, and forest production. The existing local, State, and Federal planning and regulatory authorities lack sufficient resources to provide for the multiple goals of growth management, development of public recreational facilities and protection of the unique scenic, cultural, recreation, and natural resources of the Columbia Gorge.

Furthermore, the various affected jurisdictions in the Columbia Gorge differ in their approach to protection and enhancement of the existing character of the Columbia Gorge. Differences in approach of the various affected jurisdictions has led to disjointed management and potentially threatens the scenic and other natural resources of the Columbia Gorge.

In order to protect the scenic and other values of the Columbia Gorge, the Federal Government must form a partnership with State and local governments in the Columbia Gorge. Such a partnership would coordinate land use, resource management and economic development planning, thereby protecting the Gorge's nationally significant scenic, cultural, recreation, and natural resources. It would do so while assuring the right of residents in cities, towns, and rural communities with the Columbia River Gorge to continue enjoyment of their homes and their economic well-being.

The bill we are introducing today will coordinate planning and regulatory activities within the Columbia River Gorge. The bill gives congressional consent to the formation of an interstate compact between Oregon and Washington to create the Columbia Gorge Commission. The Commission will have primary responsibility for planning for the Columbia Gorge National Scenic Area. The Commission will develop a comprehensive management plan for the National Scenic Area, in accordance with the guidelines set forth in the legislation. The bill also gives the U.S. Forest Service responsibility to manage approximately 108,000 acres of land with outstanding scenic, cultural, recreational, and natural resource value. Finally, the bill provides assistance to the citizens of the Columbia River Gorge to fully develop the tourism, recreation, and compatible economic potential of the area.

The Columbia River Gorge is a unique national and regional asset that warrants protection. We believe this bill is a sound, effective, and equitable means to accomplish this objective. We do not mean to imply, however, that the bill in its present form is the final answer for protection of the Columbia Gorge. Following introduction, we will continue our efforts to refine the bill. There will be more hearings, and further opportunities for public input. As a result of this process, there may well be more changes. Whatever the outcome, the process will continue.

There are many who strongly support Federal legislation to protect the Columbia Gorge. There are many who vigorously oppose it. Yet we all share a common love for its compelling beauty. We must work together to protect the pastoral environment of this unique area, to preserve its scenic beauty and the lifestyle of its residents for generations to come.

Mr. President, we intend for this legislation to strike a balance between the needs of those who live in the Columbia Gorge and the desires of those who seek to protect it. We strive to preserve and protect the special characteristics of the gorge, at the same time recognizing the rights of its citizens. We seek to protect an important national heritage—not just for the residents of Oregon and Washington, but for all Americans.

Mr. President, I ask unanimous consent that a copy of the Columbia Gorge Scenic Area Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2055

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be referred to as the "Columbia Gorge National Scenic Area Act."

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SEC. 2. DEFINITIONS.

As used in this Act, the term—

(a) "agricultural lands" means lands used for the production or processing of crops, fruits or other agricultural products or for the sustenance of livestock.

(b) "Commission" means the Columbia Gorge Commission established pursuant to section 5 of this Act.

(c) "Counties" means Hood River, Multnomah, and Wasco Counties, Oregon; and Clark, Klickitat, and Skamania Counties, Washington.

(d) "Cultural and Historic Areas" means archaeological sites, Indian burial grounds and village sites, historic trails and roads, and other areas which are historically significant.

(e) "Development Corporation" means the Columbia Gorge Development Corporation established pursuant to state law and described in section 13 of this Act.

(f) "forest lands" means commercial and non-commercial forest lands and lands used for the production and processing of forest products.

(g) "implementation measures" means—

(1) zoning ordinances for the Scenic Area adopted pursuant to section 8 of this Act;

(2) land use regulations for the Special Management Areas adopted pursuant to section 10 of this Act; and

(3) interim guidelines developed by the Secretrary and by the Commission pursuant to section 11 of this Act.

(h) "major development actions" means—

(1) subdivisions and short plat proposals; and

(2) permits for siting or construction outside Urban Areas of multi-family residential, commercial, or industrial facilities.

(i) "Management Plan" means the Scenic Area Management Plan adopted pursuant to section 6 of this Act.

(j) "Mineral Resources" means oil and gas, gravel, and other extractive resources.

(k) "Natural Areas" means areas which are in an undeveloped state.

(l) "new residential development" means the permitting for siting or construction of any residence or other related major structure on any parcel of unimproved land.

(m) "Open Spaces" means Agricultural lands, Forest lands, Natural Areas, and parks and other recreation areas.

(n) "Private Forest Land Owner" means any owner of forest lands who, within 90 days of adoption of this Act, informs the Secretary in writing of his or her intention to offer for exchange any parcel of unimproved forest land within a Special Management Area at least 40 acres in size.

(o) "Scenic Area" means the Columbia Gorge National Scenic Area established pursuant to section 4 of this Act.

(p) "Secretary" means the Secretary of Agriculture.

(q) "Special Management Areas" means lands within the Scenic Area that are part of the National Forest System, established pursuant to section 4 of this Act.

(r) "States" means the states of Oregon and Washington.

(s) "unimproved forest lands" means lands on which no residences or other major structures exist.

(t) "Urban Areas" means those areas within the Scenic Area identified in section 4(d) of this Act.

SEC. 3. FINDINGS AND PURPOSES

(a) FINDINGS.—The Congress finds that—

(1) the Columbia Gorge, located in the States of Oregon and Washington, is a spectacular canyon of compelling and majestic beauty formed by the Columbia River;

(2) the Columbia Gorge, cut through the Cascade Mountain Range by the erosive force of the Columbia River, dramatically illustrates natural geologic forces;

(3) the Columbia Gorge is the historic gateway between the Pacific Ocean and the interior of the North American continent traveled by Native Americans, explorers, traders, and pioneers, and evidences human habitation for over 11,000 years;

(4) the Columbia Gorge is an area of commercial and economic importance to the Pacific Northwest, particularly for navigation, transportation, energy production, timber production and processing, fishing, agriculture, and recreation;

(5) the Columbia River is a major navigable waterway of commercial and economic importance to the Pacific Northwest and the Nation whose importance will increase as a result of the improvement of navigation facilities at Bonneville Dam;

(6) the Columbia Gorge contains magnificent scenic, natural, cultural and recreational values of national significance, including the cascading all-season waterfalls, and an extensive system of hiking trails;

(7) the remaining segments of the Old Columbia River Highway between Troutdale and The Dalles, Oregon are of national significance and should be preserved and restored;

(8) existing rural communities and land uses contribute significantly to the character of the Columbia Gorge landscape;

(9) the right of residents in cities, towns, and rural communities within the Columbia Gorge to continue enjoyment of their homes must be assured and their economic well-being encouraged;

(10) scenic viewpoints, parks, highways, and trails within the Columbia Gorge are important recreation amenities and are heavily used by residents of the Portland-Vancouver metropolitan area and by visitors from around the Pacific Northwest, the Nation, and the world;

(11) tributary streams of the Columbia River within the Columbia River Gorge contain important wildlife and anadromous fish resources which are of benefit to the Pacific Northwest and the Nation;

(12) the botanical diversity of the Columbia Gorge, ranging from the sagebrush and grasslands of the east to the lush rain forests of the west, including many threatened and endangered species, is unique, due in part to the diverse climate of the area;

(13) competing uses of the Columbia Gorge are intense, including development of Federal hydroelectric power facilities, highways, ports, navigation and industrial facilities, surface mining, residential and commercial development, farms, orchards, and forest production;

(14) the existing local, State, and Federal planning and regulatory authorities lack sufficient resources to provide for the mutliple goals of growth management, development of public recreational facilities and protection of the unique scenic, cultural, recreation and natural resources of the Columbia Gorge;

(15) the various affected jurisdictions in the Columbia Gorge differ in their approach to protection and enhancement of the existing character of the Columbia Gorge;

(16) differences in approach of the various affected jurisdictions has led to disjointed management and potentially threatens the scenic and other natural resources of the Columbia Gorge;

(17) in order to protect the scenic and other values of the Columbia Gorge, the Federal Government must form a partnership with State and local governments in the Columbia Gorge; and

(18) such a partnership would coordinate land use, resource management and economic development planning, thereby protecting the Gorge's nationally significant scenic, cultural, recreation, and natural resources.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect and enhance the scenic, cultural, recreation, and natural resource values of existing Federal property located in the Columbia Gorge, including lands administered by the United States Forest Service, the Army Corps of Engineers, and other Federal agencies;

(2) to protect and enhance scenic, cultural, recreation, and natural resources of the Columbia Gorge, including sensitive habitats for wildlife, anadromous fish and threatened and endangered species, while providing public use and enjoyment consistent with protection and preserving these resources;

(3) to protect and preserve the historical and archaeological resources of the Columbia Gorge and, where appropriate, to make these resources more accessible to the public for educational and scientific purposes;

(4) to preserve and restore the remaining segments of the Old Columbia River Highway between Troutdale and The Dalles, Oregon;

(5) to protect the economy of the Columbia Gorge and to encourage future economic development consistent with the existing scenic and natural character of the Scenic Area;

(6) to protect and enhance the character of human habitation in the Columbia Gorge, in harmony with the existing scenic and natural character of the Scenic Area;

(7) to promote public awareness of the scenic, cultural, recreation and natural resouces of the Scenic Area;

(8) to support and enhance the economic livelihood of residents of the Columbia Gorge by encouraging growth to occur in the existing Urban Areas and by recongnizing compatible historic economic pursuits, such as farming, grazing, forestry, and orcharding as appropriate to preserve the existing character of the Gorge, and by enhancing the potential of the Gorge for increased tourism;

(9) to provide for and manage public use and enjoyment of the Columbia Gorge in a mannner consistent with natural resource protection and maintenance of the existing rural landscape, including, the establishment, acquisition, maintenance, and operation of public recreation and natural areas and facilities to meet the needs of a growing regional population;

(10) to promote and enhance the use of the Columbia River as a vital scenic, commercial and recreation resource;

(11) to utilize the land use planning and other powers of local and State governments and existing Federal agencies to further the purposes of this Act and provide Federal assistance to coordinate land use, resource management, and economic development planning for the Columbia Gorge;

(12) to facilitate and effect a partnership among the Federal Govenrment, the State of Oregon, the State of Washington, and local government entities located within the Columbia Gorge; and

(13) to develop and enforce coordinated land use, resource management, and economic development planning for the area which will supplement local and State plans and which will protect and enhance the existing character of the Columbia Gorge while protecting scenic, cultural, recreation and natural resources and allowing development when consistent with preservation of those resources.

SEC. 4. ESTABLISHMENT OF THE SCENIC AREA

(a) NATIONAL SCENIC AREA.—(1) There is hereby esablished the Columbia Gorge National Scenic Area.

(2) The Scenic Area shall consist of the area within the boundaries generally depicted on the map entitled "Boundary Map, Columbia Gorge National Scenic Area," which shall be on file and available for public inspection in the offices of the Commission and of the Secretary.

(b) SPECIAL MANAGEMENT AREA.—(1) The following areas are hereby designated "Special Management Areas" and are established as a unit of the National Forest System: Gates of the Columbia Gorge; Three Mountains; Catherine Creek; and Klickitat Canyon.

(2) The boundaries of the Special Management Areas designated in this section shall be depicted on the map entitled "Special Management Areas, Columbia Gorge National Scenic Area," which shall be on file and available for public inspection in the offices of the Commission and of the Secretary.

(c) URBAN AREAS.—(1) The following cities and towns are hereby designated as "Urban Areas": Cascade Locks, Hood River, Mosier, and The Dalles, Oregon; and Bingen, Carson, Dallesport, Lyle, North Bonneville, Stevenson, White Salmon, and Wishram, Washington.

(2) The boundaries of Urban Areas shall be depicted on the map entitled, "Urban Areas, Columbia Gorge National Scenic Area," which shall be on file and available for public inspection in the offices of the Commission and of the Secretary. The boundaries of Urban Areas designated in this subsection may be revised pursuant to the provisions of this section.

(d) REVISION OF URBAN AREA BOUNDARIES.—(1) Upon application of a county, the Commission may revise the boundaries of any Urban Area identified in section 4(c) of this Act. The Commission shall approve the revision of Urban Area boundaries by a majority vote of the members appointed from each state.

(2) The Commission may revise the boundaries of an Urban Area only if it finds that—

(A) a demonstrable need exists to accomodate long-range urban population growth requirements or economic needs consistent with the management plan;

(B) revision of Urban Area boundaries would be consistent with the standards established in section 6 and the purposes of this Act;

(C) revision of Urban Area boundaries would result in maximum efficiency of land uses within and on the fringe of existing Urban Areas; and

(D) revision of Urban Area boundaries would not result in the significant reduction of Agricultural Lands, Forest Lands, or Natural Areas.

SEC. 5. THE COLUMBIA GORGE COMMISSION

(a) ESTABLISHMENT AND MEMBERSHIP OF THE COMMISSION.—(1) To achieve the purposes of this Act and to facilitate cooperation among the States of Oregon and Washington, and with the United States Forest Service, the consent of Congress is given for an agreement described in this section pursuant to which—

(A) there shall be established a regional agency known as the Columbia Gorge Commission. The Commission shall carry out its functions and responsibilities in accordance with the provisions of this Act, and, except as otherwise provided in this Act, shall not be considerd an agency or instrumentality of the United States for the purpose of any Federal law;

(B) the States of Oregon and Washington provide to the Commission and the counties under State law the authority to carry out their respective functions and responsibilities in accordance with the provisions of this Act; and

(C) members of the Commission are appointed, subject to applicable State law, within 180 days of the enactment of this Act: *Provided,* That upon request of the Governors of both States, the Secretary shall extend the time for appointment of Commission members ninety days to provide more time for the States and counties to make such appointments. Membership of the Commission shall be as follows:

(i) Six members, comprised of one resident from each of the following counties: Hood River, Multnomah, and Wasco Counties, Oregon, and Clark, Klickitat, and Skamania Counties, Washington, to be appointed by the governing body of each of the respective counties: *Provided,* That in the event the governing body of a county fails to appoint a member who resides in such county the Governor of the State in which the county is located shall appoint such member;

(ii) Three members who reside in the State of Oregon, to be appointed by the Governor of Oregon;

(iii) Three members who reside in the State of Washington, to be appointed by the Governor of Washington; and

(iv) One ex-officio, non-voting member who shall be an employee of the United States Forest Service, to be appointed by the Secretary.

(2) The appointment of four initial members from each state, subject to applicable State law, shall constitute an agreement by the States establishing the Commission. Such agreement is hereby consented to by the Congress.

(3) Either State or any county may fill any vacancy occurring prior to the expiration of the term of any member originally appointed by that State or county. Each member appointed to the Commission shall serve a term of four years, except that, with respect to members initially appointed pursuant to subsection (a)(2) of this section, each Governor shall designate one member to serve a term of two years, one member to serve a term of three years, and one member to serve a term of four years. Neither the Governors nor the governing bodies of any of the counties may appoint Federal, State, or local elected or appointed officials to the Commission.

(4) A majority of the members of the Commission shall constitute a quorum. The members of the Commission shall select from among themselves a chairman by majority vote.

(5) The members and officers and employees of the Commission shall not be deemed to be officers or employees of the United States for any purpose. The Commission shall appoint, fix compensation for, and assign and delegate duties to such officers and employees as the Commission deems necessary to fulfill its functions under this Act. The compensation of Commission members shall be fixed by State law.

(b) APPLICABLE LAW.—For the purposes of providing a uniform system of laws, which, in addition to this Act, are applicable to the Commission, Federal laws relating to administrative procedure, the making of contracts, conflicts-of-interest, financial disclosure, open meetings of the Commission, advisory committees, disclosure of information, judicial review of Commission functions and actions under this Act, and related matters shall apply to the Commission to the extent appropriate. Federal laws applicable to financial disclosure under this subsection shall be applied to members of the Commission without regard to the duration of their service on the Commission or the amount of compensation received for such service. No contract, obligation, or other action of the Commission shall be construed as an obligation of the United States or an obligation secured by the full faith and credit of the United States.

(c)(1) ESTABLISHMENT BY THE SECRETARY.—The Secretary shall establish the Commission as a Federal agency if—

(A) the States of Oregon and Washington fail to provide to the Commission and the counties under State law the authority to carry out their respective functions and responsibilities in accordance with the provisions of this Act;

(B) the Commission is not established and its members are not timely appointed in accordance with subsection (a) of this section; or

(C) at any time any provision of this Act relating to the establishment of the Commission or to any substantial function or responsibility of the Commission is held to be

unconstitutional by a final determination of any Federal court.

The Secretary shall promptly publish a notice of intent to establish the Commission as a Federal agency in the Federal Register and notify the Governor of each State and the governing body of each county.

(2) Not more than thirty days after the publication of the notice referred to in paragraph (1) of this subsection, and thereafter within forty-five days after a vacancy occurs, the Governors of Oregon and Washington may each provide to the Secretary a list of nominations from such State for each State and county position to be selected for such Commission. The list shall include at least two nominees for each position and such information about the nominees as the Secretary may request. The Secretary shall appoint the Commission members from each Governor's list of nominations for each State and county position, except that the Secretary may decline to appoint for any reason any of a Governor's nominees for a position and shall so notify the Governor. The Governor may thereafter make successive nominations within forty-five days of receipt of such notice until nominees acceptable to the Secretary are appointed for each position. In the event the Governor of either State fails to make the required nominations for any State or county position on the Commission within the time specified for such nominations, the Secretary shall select from such State and appoint to the Commission a member or members for such position. The members of the Commission shall select from among themselves a Chairman by majority vote.

(d)(1) FINANCIAL AND TECHNICAL ASSISTANCE.—The Secretary shall provide financial and technical assistance to the Commission to fulfill its functions and responsibilities pursuant to this Act.

(2) Upon the request of the Commission, other Federal agencies shall provide information, personnel, property, and services on a reimbursable basis to the Commission to assist it in carrying out its functions and responsibilities pursuant to this Act.

(e) ADVISORY COMMITTEE.—The Commission shall establish voluntary technical and citizen advisory committees to assist the Commission in carrying out its functions and responsibilities pursuant to this Act.

SEC. 6. ADOPTION OF THE SCENIC AREA MANAGEMENT PLAN

(a) ELEMENTS OF THE MANAGEMENT PLAN.—Within two years of the date of enactment of this Act, the Commission shall prepare a management plan for the Scenic Area in order to accomplish the purposes of this Act. The Commission shall adopt the management plan by a majority vote of the members appointed from each state. The management plan shall include the following elements:

(1) RESOURCE INVENTORY.—Within one year of the date of enactment of this Act, the Secretary and the Commission shall cooperatively develop a standardized resource inventory for inclusion in the management plan. The inventory shall document all existing land uses, natural features and limitations, scenic, natural, cultural and recreation resources and economic activities.

(2) LAND USE DESIGNATIONS.—Based on the results of the resource inventory developed pursuant to subsection (a)(1) of this section, and consistent with the standards established in subsection (b) of this section, the Commission shall develop land use designations for the Scenic Area. The land use designations shall—

(A) incorporate without change the land use designations developed by the Secretary pursuant to section 10(a) of this Act for the Special Management Areas; and

(B) incorporate without change the designation of Urban Areas established in section 4(c) of this Act.

(3) GUIDELINES FOR THE ADOPTION OF ZONING ORDINANCES.—The Commission shall develop guidelines for the adoption of zoning ordinances for non-Federal lands within the Scenic Area. The guidelines—

(A) shall incorporate without change the guidelines for the development of Special Management Area land use regulations approved by the Secretary pursuant to section 9(e) of this Act; and

(B) shall not apply to Urban Areas designated in section 4(c) of this Act.

(4) COOPERATIVE RECREATION PLAN.—The Secretary and the Commission shall agree on a cooperative recreation plan for the National Scenic Area and the Special Management Areas. The cooperative recreation plan shall include the designation of areas within the Special Management Areas and the National Scenic Area as a whole needed for public use facilities. The areas so designated shall be administered in a manner that is mutually agreeable to the Secretary and the Commission. Public use facilities, including but not limited to educational and interpretive centers, campsites, picnic areas, boat launch facilities and river access areas shall be constructed according to the cooperative recreation plan.

(b) CONTENT OF THE MANAGEMENT PLAN.—The management plan shall include provisions which are consistent with the purposes of this Act and the following standards:

(1) AGRICULTURAL LANDS.—The management plan shall designate lands suitable for agricultural uses as agricultural lands. The management plan shall provide for preservation and enhancement of agricultural lands for agricultural uses. The management plan may allow, but not require, conversion of agricultural lands to open space, recreation development or forest lands.

(2) *Forest lands.*—The management plan shall designate lands suitable for forest uses as forest lands. The management plan shall provide for the preservation and enhancement of forest lands for forest uses. The management plan may allow, but not require, conversion of forest lands to agricultural lands, recreation development or open spaces while encouraging for the area an adequate, efficient and reliable wood fiber supply.

(3) *Open spaces, scenic and historic areas and natural resources.*—The management plan shall designate lands suitable for conservation of open spaces, scenic, cultural, and historic areas and natural resources, including: (i) fish and wildlife habitat; (ii) ecologically and scientifically significant natural areas; (iii) outstanding scenic views and sites; (iv) water areas and wetlands; (v) cultural and historic areas, sites, structures and objects; (vi)potential and existing recreation resources; and (vii) approved federal wild and scenic waterways and state scenic waterways.

(4) *Recreation needs.*—The management plan shall provide for the protection and enhancement of public and private recreation resources and educational and interpretive facilities and opportunities, in accordance with the cooperative recreation plan adopted pursuant to this section.

(5) *Commercial development.*—The management plan shall designate areas for commercial development. The management plan shall encourage, but not require, commercial development to take place in Urban Areas. Designation of areas for commercial development shall take into account the physical characteristics of the areas in question and their geographic proximity to transportation, commercial, and industrial facilities and other amenities. Standards for commercial development outside Urban Areas shall minimize impacts of development on scenic, cultural, recreation, and natural resources of the Scenic Area.

(6) *Industrial development.*—The management plan shall require industrial development to take place in Urban Areas.

(7) *Residential development.*—The management plan shall designate areas for residential development. Designation of areas for residential development shall take into account the physical characteristics of the areas in question and their geographic proximity to transportation and commercial facilities and other amenities. Standards for residential development outside Urban Areas shall minimize impacts of development on scenic, cultural, recreation, and natural resources of the Scenic Area.

(8) *Extractive resources.*—The management plan shall include standards for the extraction of mineral resources and for the reclamation of lands following extraction of mineral resources, consistent with the purposes of this Act. The management plan shall encourage, but not require, that surface mining take place outside Special Management Areas. The standards shall allow surface mining operations only in those locations where they may be conducted without substantially impairing or detracting from the scenic, cultural, recreation and natural resources of the Scenic Area. Standards for the extraction of mineral resources shall minimize impacts on scenic, cultural, recreation and natural resources of the Scenic Area.

(8) MAJOR DEVELOPMENT ACTIONS AND NEW RESIDENTIAL DEVELOPMENT.—

(A) In Special Management Areas, the management plan shall allow new residential development outside areas designated for such actions or development only if the Secretary determines such actions or development would not substantially impair or detract from the scenic, cultural, recreation and natural resources of the Scenic Area. The management plan shall prohibit major development actions in Special Management Areas.

(B) In the Scenic Area outside Special Management Areas and Urban Areas, the management plan shall allow major development actions only if the Commission determines such actions would not substantially impair or detract from the scenic, culturral, recreation and natural resources of the Scenic Area.

(c) AGENCY CONSULTATION AND PUBLIC INVOLVEMENT.—The Secretary and the Commission shall consult with Federal, state and local governmental entities having jurisdiction within the Scenic Area or expertise pertaining to its administration. The Secretary and the Commission shall conduct public hearings and solicit public comment prior to final adoption of the management plan.

(d) REVIEW BY THE SECRETARY.—(1) Upon adoption of the management plan, the Commission shall promptly submit the plan to the Secretary for review. The Secretary shall, within 90 days after receipt of the management plan, approve the plan unless a specific finding is made that the plan is inconsistent with the standards established in

this section or the purposes of this Act. Should the Secretary fail to act on the proposed plan within 90 days, the management plan shall be deemed approved.

(2) If approval is denied, the Secretary shall state the reasons for finding the plan is inconsistent with the standards established in this section or the purposes of this Act, and shall submit to the Commission suggested modifications to the management plan to make it consistent with such standards and the purposes of this Act.

(3) Within 120 days after receipt of notification of such disapproval, the Commission shall—

(A) revise and resubmit the plan to the Secretary; or

(B) by a vote of two-thirds of its membership, reject the suggested modifications of the Secretary and adopt a management plan in accordance with the provisions of this section.

(e) *Revision of the Plan.*—No sooner than five years after adoption of the management plan, but at least every ten years, the Commission shall revise the management plan. The Commission shall submit the revised management plan to the Secretary for review, in accordance with the provisions of this section for adoption of the management plan.

(f) *Amendment of the Plan.*—If the Commission determines at any time that conditions have significantly changed, it may amend the management plan. The Commission shall submit amendments to the management plan to the Secretary for review, in accordance with the provisions of this section for adoption of the management plan.

SEC. 7. ADOPTION OF SCENIC AREA ZONING ORDINANCES

(a)(1) Within 60 days of receipt of final guidelines for the development of zoning ordinances, each county shall submit to the Commission a letter stating that it proposes to complete zoning ordinances consistent with the guidelines. If any county fails to submit such letter or fails to adopt a zoning ordinance as provided in subsection (b) of this section, the Commission shall carry out the requirements of subsection (c) of this section.

(b)(1) Within one year of receipt of zoning ordinance guidelines from the Commission, each county shall develop a zoning ordinance consistent with the guidelines.

(2) Each county upon approval of a zoning ordinance and any revisions or variances shall promptly submit the ordinance to the Commission.

(3) The Commission shall, within 90 days after receipt of a zoning ordinance or revision or any variance therefrom, approve the ordinance, revision, or variance unless it determines the ordinance, revision or variance is inconsistent with the management plan.

(4) If approval is denied, the Commission shall state the reasons for finding the zoning ordinance, revision or variance is inconsistent with the management plan, and shall submit to the county suggested modifications to the zoning ordinance, revision or variance to make it consistent with the management plan.

(5) Each county shall have 90 days after it receives recommendations from the Commission to make modifications designed to eliminate the inconsistencies and to resubmit the ordinance, revision or variance to the Commission for approval. Any resubmitted ordinance, revision or variance shall become effective upon approval by the Commission.

(6) In the event a county has not complied with the requirements of this section, it may thereafter upon written notice to the Commission elect to adopt a zoning ordinance, in which event it shall comply with the provisions of this section for adoption of a zoning ordinance. Upon approval of such zoning ordinance by the Commission it shall supersede any zoning ordinance for the county developed by the Commission, subject to valid existing rights.

(c) In the event a county fails to comply with the provisions of this section, the Commission shall make and publish regulations setting standards for the use of non-Federal lands within the boundaries of the National Scenic Area, excluding Urban Areas identified in section 4(c) of this Act. The regulations shall have the object of assuring that the use of such non-Federal lands is consistent with the management plan. The regulations may differ amongst the several parcels of land within the boundaries of the Scenic Area. The regulations may from time to time be amended by the Commission.

SEC. 8. ADMINISTRATION OF THE SPECIAL MANAGEMENT AREAS

(a) REGULATIONS FOR THE USE OF FEDERAL LANDS.—The Secretary shall administer Federal lands within the Special Management Areas in accordance with the laws, rules and regulations for forest and multiple-use management applicable to the national forests so that management, utilization, and disposal of timber and mineral resources will not substantially impair or detract from the scenic, cultural, recreation and natural resources of the Scenic Area.

(b) LAND USE DESIGNATIONS.—Within two years of the date of enactment of this Act, the Secretary shall develop land use designations for the Special Management Areas. The land use designations shall be—

(1) based on the resource inventory prepared by the Secretary and the Commission pursuant to section 6(a) of this Act; and

(2) consistent with the standards established in section 6 of this Act.

(c) GUIDELINES FOR LAND USE REGULATIONS.—(1) Within two years of the date of enactment of this Act, the Secretary shall adopt guidelines for the development of regulations for the use of non-Federal lands within the Special Management Areas. Upon approval, the Secretary shall promptly transmit the guidelines to the counties. The guidelines shall require that management, utilization, and disposal of timber and mineral resources be done in a manner that will not substantially impair the scenic, cultural, recreation and natural resources of the Scenic Area.

(2) The Secretary shall consult with the Commission when developing regulations for the use of federal lands, land use designations, and guidelines for land use regulations for the Special Management Areas.

(d)(1) Within 60 days of receipt of final guidelines for the development of land use regulations, each county shall submit to the Secretary a letter stating that it proposes to complete land use regulations consistent with the guidelines. If any county fails to submit a letter as provided in this subsection, or fails to adopt land use regulations in accordance with this section, the Commission shall carry out the requirements of subsection (e) of this section.

(2) Within one year of receipt of guidelines for land use regulations, each county shall develop Special Management Area land use regulations consistent with the guidelines adopted.

(3) Each county upon approval of Special Management Area land use regulations shall promptly submit the regulations to the Secretary. The Secretary shall, within 90 days after receipt of Special Management Area land use regulations from each county, approve the regulations unless a determination is made the regulations are inconsistent with the management plan.

(4) If approval is denied, the Secretary shall state the reasons for finding the regulations are inconsistent with the management plan, and shall submit to the county suggested modifications to the regulations to make them consistent with the management plan.

(5) Each county shall have 90 days after it receives recommendations from the Secretary to make modifications designed to eliminate the inconsistencies and to resubmit the regulations to the Secretary for approval. Any resubmitted regulations shall become effective upon approval by the Secretary.

(6) In the event a county has not complied with the requirements of this section, it may thereafter, upon written notice to the Secretary, elect to adopt Special Management Area land use regulations, in which event it shall comply with the provisions of this section for adoption of Special Management Area land use regulations. Upon approval of such land use regulations by the Secretary they shall supersede any Special Management Area land use regulations for the county developed by the Commission, subject to valid existing rights.

(e)(1) In the event a county fails to comply with the provisions of subsection (d) of this section, the Commission shall make and publish regulations setting standards for the use of non-Federal lands within the boundaries of the Special Management Areas. The regulations shall have the object of assuring that the use of such non-Federal land is consistent with the management plan. The regulations may differ amongst the several parcels of land within the boundaries of the Special Management Areas. The regulations may from time to time be amended by the Commission.

(f)(1) Upon approval of Special Management Area land use regulations the Commission shall promptly submit the regulations to the Secretary. The Secretary shall, within 90 days after receipt of Special Management Area regulations from the Commission, approve the regulations unless a determination is made the regulations are inconsistent with the management plan.

(2) If approval is denied, the Secretary shall state the reasons for finding the regulations are inconsistent with the management plan, and shall submit to the Commission suggested modifications to the regulations to make them consistent with the plan.

(3) The Commission shall have 90 days after it receives recommendations from the Secretary to make modifications designed to eliminate the inconsistencies and to resubmit the regulations to the Secretary for approval. Any resubmitted regulations shall become effective upon approval by the Secretary.

(g) Regulations adopted pursuant to this section shall not apply to any parcel or parcels of land at the expiration of three years after the date—

(1) a landowner makes a bona fide offer to sell at fair market value or otherwise convey such parcel or parcels to the Secretary, unless the affected landowner agrees to an extension of the regulations; or

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(2) the Secretary disapproves a proposal for new residential development upon such parcel or parcels pursuant to section 6(b)(8) of this Act.

Lands for which regulatory authority is suspended pursuant to this subsection shall be subject to Scenic Area zoning ordinances adopted pursuant to section 8 of this Act.

SEC. 9. LAND ACQUISITION

(b) LAND ACQUISITION PLAN.—The Secretary shall, in consultation with the Commission, develop a plan for the acquisition of non-Federal lands and interests in lands within the Special Management Areas.

(b) ACQUISITION AUTHORIZED.—The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest, or otherwise any lands within the Special Management Areas, or lesser interests therein, including scenic and conservation easements and development rights, which the Secretary determines are needed to achieve the purposes of this Act. Lands within the State of Oregon acquired by the Secretary pursuant to this section shall become part of the Mt. Hood National Forest, and the Secretary shall publish a notice of such classification in the Federal Register. Lands within the State of Washington acquired by the Secretary pursuant to this section shall become part of the Gifford Pinchot National Forest, and the Secretary shall publish a notice of such classification in the Federal Register. Upon adoption of the acquisition plan described in subsection (a) of this section, any further acquisitions by the Secretary shall be consistent with such plan.

(c) LAND EXCHANGES.—(1) If the State of Washington or any private forest land owner offers to the United States any lands or interests therein within the boundaries of the Special Management Areas, the Secretary is authorized and directed to acquire such lands in conformance with the provisions of this subsection.

(2) In exercising this authority to acquire lands or interests therein pursuant to this subsection, the Secretary may accept title to such lands or interests therein and convey to the owner of such property appropriate national forest lands within the States of Oregon and Washington. Lands exchanged pursuant to this subsection shall be of approximately equal value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize minor differences in the values of the properties exchanged.

(3) It is the intention of Congress that land exchanges pursuant to this subsection shall be completed no later than three years after the date of enactment of this Act. No later than sixty days after the enactment of this Act, and every ninety days thereafter, the Secretary shall report in writing to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, on the status of negotiations with owners of non-Federal lands to affect the exchanges authorized by this subsection.

(d) ACQUISITION BY CONDEMNATION.—The Secretary may not acquire without the consent of the owner lands which, on the date of enactment of this Act, were used primarily for educational, religious, or charitable purposes, single-family residential purposes, farming, or grazing so long as the existing character of that use is not substantially changed or permitted for change.

(e) LIMITATIONS ON EMINENT DOMAIN.—Where authorized in subsection (e) of this section to acquire land without the consent of the owner, the Secretary shall—

(1) acquire full fee title and shall not acquire less than a full fee interest;

(2) do so only in cases where all reasonable efforts to acquire with the consent of the owner such lands, or interests therein, have failed; and

(3) acquire only such land as is reasonably necessary to accomplish the purposes of this Act.

(f) In exercising authority to acquire lands pursuant to this section the Secretary shall give prompt and careful consideration to any offer made by any person or entity owning any land, or interest in land, within the boundaries of a Special Management Area. In considering such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring the property.

(g) DISPOSITION OF ACQUIRED LANDS.—Any lands or interests therein acquired pursuant to this section shall, in the discretion of the Secretary, be—

(1) transferred to the administrative jurisdiction of the National Forest Service for inclusion in the National Forest System and administration in accordance with this Act; or

(2) sold for fair market value subject to such reservations, terms and conditions as will assure the use of such property consistent with the management plan.

SEC. 10. INTERIM MANAGEMENT.

(a) SPECIAL MANAGEMENT AREAS.—(1) Not later than 180 days after the date of enactment of this Act, the Secretary shall adopt and publish interim guidelines governing all land use activities within the Special Management Areas to prevent land uses inconsistent with the purposes of this Act.

(2)(A) Prior to adoption of a management plan by the Commission and the approval by the Secretary of land use regulations under section 8 of this Act, the Secretary shall review all proposals for new residential development within the Special Management Areas. The Secretary shall approve the recommendations of the governing body of a county regarding such proposals unless the Secretary determines they would result in land uses inconsistent with the purposes of this Act, the standards in section 6 of this Act, interim guidelines adopted by the Secretary pursuant to this section or which would substantially impair or detract from the scenic, cutural, recreation or natural resources of the Scenic Area.

(B) If approval is denied, the Secretary shall state the reasons for disapproving the proposal and shall submit to the county suggested modifications to the proposal which would result in its approval.

(b) NATIONAL SCENIC AREA.—(1) Not later than one year after the date of enactment of this Act, the Commission shall prepare interim guidelines for the governance of all land use activities within the National Scenic Area, except for the Special Management Areas and Urban Areas identified in section 4(c) of this Act. The Commission shall promptly transmit these interim guidelines to each county.

(2)(A) Prior to the adoption of a management plan by the Commission and the approval by the Commission of zoning ordinances for each county, the Commission shall review all major development actions, except for those within the Special Management Areas and Urban Areas identified in section 4(c) of this Act. The Commission shall approve the recommendations of the governing body of each county regarding major development actions unless the Commission determines they would result in land uses inconsistent with the purposes of this Act, the standards in section 6 of this Act, interim guidlines adopted by the Commission pursuant to this section or which would substantially impair or detract from the scenic, cultural, recreation, or natural resources of the Scenic Area.

(B) If approval is denied, the Commission shall state the reasons for disapproving the proposal and shall submit to the county suggested modifications to the proposal which would result in its approval.

SEC. 11. COLUMBIA GORGE DEVELOPMENT CORPORATION

(a) LOANS AUTHORIZED.—The Secretary may make loans to the Columbia Gorge Development Corporation (established pursuant to State law) to enable it to provide low interest loans in order to further the purposes of this Act: *Provided*, That the Development Corporation shall provide low interest loans only for use in counties which have adopted implementation measures pursuant to this Act: *Provided further*, That the Development Corporation shall not commit more than 55 percent of the amount received from the Secretary pursuant to this subsection in one state.

(b) The Secretary may make any such loan to the Development Corporation only after entering into a loan agreement with the Development Corporation which includes the following terms:

(1) the loan to the Development Corporation shall have a maturity of thirty-five years. At the end of such period, the Development Corporation shall repay to the Secretary of the Treasury (in a lump sum) for deposit in the general fund of the Treasury the full amount of the loan and any additional amounts accruing to the Development Corporation pursuant to this subsection, except those amounts expended by the Development Corporation for reasonable administrative expenses.

(2) The money received from the Secretary and any interest earned on such money, may be obligated by the Development Corporation only for low interest loans made under subsections (b)(6) and (b)(7) of this section, except that the Development Corporation may use such money to the extent the Secretary considers reasonable to satisfy the costs of the Development Corporation in administering loans or procuring loan guarantees or insurance.

(3) Within five years after receiving a loan from the Secretary, the Development Corporation shall make loans under subsections (b)(6) and (b)(7) of this section which, in the aggregate, obligate the full amount of the money received from the Secretary (minus any amount required to satisfy the costs described in subsection (b)(1) and (b)(2) of this section).

(4) As loans made under subsections (b)(6) and (b)(7) of this section are repaid, the Development Corporation shall make additional loans under such subsections with the money made available for obligation by such repayments.

(5) The Development Corporation shall make available to the Secretary and to the Commission, upon request, all accounts, financial records, and other information related to loans made under subsections (b)(6) and (b)(7) of this section.

(6) Before the Development Corporation approves any application for a low interest loan for which money has been made available to the Development Corporation by the

Secretary, the Development Corporation shall require the prospective borrower to furnish the Development Corporation with a statement from the Commission stating that the Commission has reviewed the application and has determined that any loan received by the prospective borrower will be spent in a manner consistent with—

(A) the standards established in section 6 and the purposes of this Act;

(B) the management plan developed pursuant to section 6 of this Act; and

(C) a zoning ordinance developed pursuant to section 7 of this Act or a land use regulation for a special management area developed pursuant to section 8 of this Act.

(7) The Development Corporation may approve any application for a low interest loan which meets the terms and conditions prescribed by the Development Corporation and for which money has been made available to the Development Corporation by the Secretary if—

(A) the prospective borrower furnishes the Development Corporation with the statement described in subsection (b)(6) of this section;

(B) the Development Corporation determines that such borrower has sufficient financial resources to repay the loan; and

(C) such borrower satisfies any other applicable credit criteria established by the Development Corporation.

(c) In order to determine whether the Development Corporation has complied with this section, the Secretary, or such other appropriate person or entity as the Secretary may designate, shall conduct an audit at least once every two years of all accounts, financial records, and other information related to loans made under subsections (b)(6) and (b)(7) of this section. If the Secretary determines, after conducting a hearing on the record, that the Development Corporation has substantially failed to comply with this section, the outstanding balance of any loan made to the Development Corporation under this section shall become payable in full upon demand of the Secretary.

SEC. 12. OLD COLUMBIA RIVER HIGHWAY

(a) The Secretary shall, in consultation with the Commission, the State of Oregon and the counties and cities in which the Old Columbia River Highway is located, prepare a program to preserve and restore the continuity and historic integrity of the remaining segments of the Old Columbia River Highway for public use as a National Historic Road, including recreation trails to connect intact and usable segments.

(b) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest, or otherwise any lands along the Old Columbia River Highway, or lesser interests therein, including scenic and conservation easements and development rights, between Hood River and Mosier, Oregon notwithstanding the proximity of such lands to lands then owned or controlled by the Secretary.

SEC. 13. TRIBUTARY RIVERS AND STREAMS

(a) HYDROELECTRIC DEVELOPMENT.—

(1) SPECIAL MANAGEMENT AREAS.—Within the boundaries of the Special Management Areas, the Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or any other project works under the Federal Power Act, as amended, 41 Stat. 1063, (16 U.S.C. 791a et seq.), on or directly affecting any river unless the Secretary determines such project will not substantially impair or detract from the scenic, cultural, recreation or natural resources of the Scenic Area.

(2) SCENIC AREA.—Within the boundaries of the Scenic Area, the Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or any other project works under the Federal Power Act, as amended, 41 Stat. 1063, (61 U.S.C. 791a et seq.), on or directly affecting any river unless the Commission determines such project will not substantially impair or detract from the scenic, cultural, recreation or natural resources of the Scenic Area.

(b) WHITE SALMON RIVER WILD AND SCENIC RIVER STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (Public Law 90-542, Act of October 2, 1968, 82 Stat. 910, as amended) is further amended by adding the following new subsection:

"(89) White Salmon. Washington: The segment from its confluence with Gilmer Creek, Washington, near the town of B Z Corner, Washington to its confluence with Buck Creek, Washington.".

SEC. 14. IMPLEMENTATION MEASURES

(a) ASSISTANCE TO COUNTIES.—The Secretary shall provide technical assistance and grants to countries for the development of implementation measures and revisions thereof: *Provided*, That such grants shall not exceed 75 percent of the cost of developing or revising the implementation measures and shall be made only upon application of the Commission, on behalf of the county: *Provided further*, That in the event a country fails to obtain approval of implementation measures or revisions thereof within three years after the date funds are first provided under this subsection for the development or revision of implementation measures, the Secretary shall terminate all Federal assistance for any participation in the development or revision of such implementation measure, and may obtain reimbursement or offset from the country of all Federal funds previously granted under this subsection.

(b) PAYMENTS TO COUNTIES.—(1) Notwithstanding the provisions of the Act of May 23, 1980 (c. 192, 35 Stat. 251, as amended; 16 U.S.C. 500), and of section 13 of the Act of March 1, 1911 (c. 186, 36 Stat. 961, as amended; 16 U.S.C. 500), the amount which is paid under such provisions to the State of Oregon with respect to the Gates of the Columbia Gorge Special Management Area, Mt. Hood National Forest, and to the State of Washington with respect to the Special Management areas within the Gifford Pinchot National Forest, shall be expended for the benefit of any public purposes of any country which has adopted implementation measures pursuant to this Act.

(2) Subsection (b)(1) of this section shall not apply—

(A) to any amount paid by the Secretary of the Treasury under the provisions of law referred to in subsection (b)(1) at the end of any fiscal year ending before the date of enactment of this act; or

(B) for a particular country, if the Commission determines, after notice and public hearing, that such county has taken any final action or order which is inconsistent with the management plan or any regulations, guidelines, or standards issued or other actions taken by the Secretary or the Commission under this Act.

(C) LAND ACQUISITION GRANTS.—(1) The Secretary is authorized to make grants to the States of Oregon and Washington for the acquisition of lands and waters and interests therein within the National Scenic Area.

(2) The grants authorized by subsection (c)(1) of this section shall—

(A) be made in a manner consistent with the requirements of the Land and Water Conservation Fund Act (16 U.S.C. 4601-4 et seq.);

(B) not exceed 75 percent of the total cost of all property acquired by each State pursuant to this subsection;

(C) be supplemental to any other Federal financial assistance for any other program; and

(D) be subject to such additional terms and conditions as the Secretary may deem necessary to effectuate the purposes of this Act.

SEC. 15. ENFORCEMENT

(a) The Commission shall monitor activities of counties pursuant to this Act and may take such action as necessary to ensure compliance.

(b) APPEAL TO THE COMMISSION.—Any person or entity adversely affected by any final action or order of a county relating to the implementation of this Act may appeal such action or order to the Commission by filing within 30 days a written petition requesting that such action or order be modified, terminated, or set aside.

(c) CIVIL ACTION TO ENFORCE ACT.—The Commission, or, at the request of the Secretary or of the Commission, the Attorney General of the United States, or the Attorney General of Oregon or Washington, may institute a civil action for an injunction or other appropriate order to prevent any person or entity from utilizing lands within the Scenic Area in violation of the provisions of this Act, the management plan, or any implementation measures adopted or other actions taken by the Secretary, the Commission, or any county pursuant to this Act.

(d) CITIZENS SUITS.—Any person or entity adversely affected may commence a civil action on his or her behalf to compel compliance with this Act—

(1) against the Secretary, the Commission or any county to the extent permitted by the eleventh amendment to the Constitution which is alleged to be in violation of the provisions of this Act, the management plan or any implementation measures adopted or other actions taken by the Secretary or Commission under this Act; or

(2) against the Secretary, the Commission, or any county to the extent permitted by the eleventh amendment to the Constitution where there is alleged a failure of the Secretary, the Commission or any county to perform any act or duty under this Act which is not discretionary with the Secretary, the Commission or any county.

(e) LIMITATION ON BRINGING OF CITIZENS SUITS.—No action may be commenced—

(1) under subsection (d)(1) of this section—

(A) prior to 60 days after the plaintiff has given notice in writing of the alleged violation (i) to the Secretary, (ii) to the Commission, and (iii) to the county in which the violation is alleged to have occurred; or

(B) if the Attorney General of the United States, or the Attorney General of Oregon or Washington, has commenced and is diligently prosecuting a civil action pursuant to subsection (c) of this section to require compliance with the management plan or any regulations, guidelines, or standards issued or other actions taken by the Secretary, the Commission, or any county pursuant to this

Act: *Provided*, that in any such action any person or entity otherwise entitled to bring an action pursuant to subsection (d) of this section may intervene as a matter of right; or

(2) under subsection (d)(2) of this section prior to 60 days after the plaintiff has given notice in writing of such action to the Secretary, the Commission, and to the county in which the failure to perform any act or duty pursuant to this Act is alleged: *Provided*, that such action may be brought immediately after such notification where the violation or order complained of constitutes an imminent threat to the health or safety of the plaintiff or would immediately affect a legal interest of the plaintiff.

(f) JUDICIAL REVIEW.—Any person or entity adversely affected by—

(1) any final action or order of a county, the Commission, or the Secretary relating to the implementation of this Act;

(2) any implementation measure adopted pursuant to this Act; or

(3) any appeal to the Commission pursuant to this section

may appeal such action or order by filing in any of the courts specified in subsection (h) of this section, within sixty days after the date of service of such order or within sixty days after such action is taken, a written petition requesting such action, order, implementation measure, or appeal taken to the Commission be modified, terminated, or set aside.

(g) CIVIL PENALTIES.—Any person or entity who willfully violates the management plan or any orders, regulations, guidelines, or standards issued or other action taken by the Secretary, the Commission, or any county pursuant to this Act may be assessed a civil penalty not to exceed $10,000 for each violation. No penalty may be assessed under this subsection unless such person or entity is given notice and opportunity for a hearing with respect to such violation. Each day a violation occurs shall be a seperate offense.

(h) FEDERAL COURT JURISDICTION.—The United States districts courts located in the States of Oregon and Washington shall have jurisdiction—

(1) to review any appeals taken to the Commission pursuant to subsection (b) of this section;

(2) over any civil actions brought pursuant to subsection (c) or (d) of this section; or

(3) any appeal taken pursuant to subsection (h) of this section.

SEC. 16. AUTHORIZATION OF APPROPRIATIONS

(a) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, except that—

(1) the total amounts authorized to be appropriated for the purpose of acquisition of lands, water, and interests therein within the Special Management Areas pursuant to section 9 of this Act shall not exceed $35,000,000;

(2) the total amounts authorized to be appropriated for the purpose of acquisition of lands along the Old Columbia River Highway pursuant to section 12 of this Act shall not exceed $600,000; and

(3) the total amounts authorized to be appropriated for the purpose of making loans to the Development Corporation pursuant to section 13 of this Act shall not exceed $15,000,000.

(b) Notwithstanding any other provision of law, the Secretary of the Interior shall deposit revenues from the sale of surplus public lands in Oregon or Washington under the jurisdiction of the Bureau of Land Management in the Land and Water Conservation Fund in an amount equal to that actually appropriated from the Fund pursuant to this Act.

SEC. 17. SAVINGS PROVISIONS.

(a) Nothing in this Act shall be construed to affect or modify any treaty or other rights of any Indian tribe.

(b) Nothing in this Act shall be construed to affect or modify the rights and responsibilities of any Federal, regional or state agency pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (Public Law 96-501, 94 Stat. 2697).

(c) Nothing in this Act shall be construed to affect or modify the rights and responsibilities of the Oregon State Parks Division or the Washington State Parks and Recreation Commission.

(d) Except for the offsite disposal of excavation material, nothing in this Act shall be construed to affect or modify the responsibility of the U.S. Army Corps of Engineers to improve navigation facilities at Bonneville Dam pursuant to federal law.

(e) Except for the management, utilization, or disposal of timber resources on non-Federal lands within the Special Management Areas, nothing in this Act shall affect the rights and responsibilities of non-Federal timber land owners under the Oregon and Washington Forest Practices Acts or any county regulations which under applicable State law supercede such Acts.

(f) Nothing in this Act shall be construed to affect current ownership or management by the Oregon State Highway Division of the old Columbia Gorge Scenic Highway.

(g) Congress does not intend that establishment of the Scenic Area and designation of Special Management Areas lead to the creation of protective perimeters or buffer zones around the Scenic Area or each Special Management Area. The fact that activities or uses inconsistent with the management directives for the Scenic Area or Special Management Areas can be seen or heard from these areas shall not, of itself, preclude such activities or uses up to the boundaries of the Scenic Area or Special Management Areas.

(f) Nothing in this Act shall be construed to affect or modify any provision of Federal or State law or regulation or county ordinance which may be more protective of the scenic, cultural, recreation, or natural resources of the Scenic Area.

SEC. 18. SEVERABILITY

(a) If any provision of this Act or the application thereof to any person, State, Indian tribe, entity, or circumstances is held invalid, neither the remainder of this Act, nor the application of any provisions herein to other persons, States, Indian tribes, entities, or circumstances, shall be affected thereby.

Mr. PACKWOOD. Mr. President, today I am joining with Senator HATFIELD, GORTON, and EVANS in introducing legislation to establish a national scenic area in the Columbia River Gorge. This bill represents an important step in a long process to protect what is truly a national treasure, the Columbia River Gorge. My efforts to ensure that this resource be protected for future generations extend back to 1982, when I first introduced legislation to create a national scenic area. Numerous field hearings and meetings about how best to manage the gorge have been held during the past 3 years. The bill being introduced today is the product of those meetings and discussions.

The bill would establish a national scenic area along the Columbia River Gorge in Washington and Oregon from the Sandy River on the west, to the Deschutes River on the east, encompassing approximately 270,000 acres. The area would be managed under a two-tiered scheme in which the most critical lands defined by the bill are managed by the Forest Service, remaining lands by a 12-member bi-State commission. There would be four special management areas administered by the Forest Service including some 108,000 acres of the total area. The Oregon communities of Cascade Locks, Hood River, Mosier, the Dalles, and the Washington communities of Bingen, Carson, Dallesport, Lyle, North Bonneville, Stevenson, White Salmon, and Wishram are designated in the bill as urban areas and are excluded from the Forest service and bi-State commission planning process.

The most critical and sensitive lands in the gorge will be situated within four special management areas administered by the Forest Service. These areas include many of the lands that have been designated for subdivisions which would destroy the scenic integrity of the gorge. The remaining lands within the gorge would be administered by a 12-member bi-State commission.

The commission's mandate would be to ensure that the six counties bordering the gorge comply with the management plan. This two-tiered management scheme will provide for both local and Federal involvement in management of this spectacular area. The planning and management for the gorge is currently fragmented among numerous agencies and governments; a coordinated approach to management and planning will provide much needed direction for protection and management of the gorge.

I am pleased that we are moving ahead on the protection of the Columbia Gorge. I must admit, however, that this bill does not do all that I believe is necessary. Specifically the bill needs to be strengthened to ensure that incompatible commercial development and surface mining activities will not impair the scenic and natural values of the gorge.

Another provision I am concerned about is the discretionary authority of the commission to take enforcement actions against the counties. Enforcement should not be discretionary. As this bill works its way through Congress, I intend to work with my colleagues to strengthen these provisions.

I believe there is a genuine consensus among the citizens of the two States that the Columbia Gorge merits national protection. One provi-

sion of the bill that is particularly important to Oregonians is the restoration and revitalization of historic Columbia River highway. The highway was constructed between 1913 and 1922 and was one of the most important tourist attractions in the gorge for many years. Reopening of the highway would be a walk back in history and provide new hiking and biking opportunities in the spectacular Columbia River Gorge. This project would be a boon to tourism in the gorge region.

Establishment of the Columbia Gorge as a national scenic area presents opportunities and challenges to the U.S. Forest Service. The Forest Service will need to work closely with other Federal agencies in the development of a management plan for the most sensitive and critical lands of the Columbia Gorge. I would like to submit for the CONGRESSIONAL RECORD a letter from the Chief of the Forest Service and the Director of the National Park Service indicating their willingness to work together, and I ask unanimous consent that it be printed at the end of my remarks.

We have come a long way in developing a consensus on gorge legislation. Mr. President, this proposal should not be viewed as the final bill for protection and management of the gorge, but as an important step to protect this national treasure.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
Washington, DC, November 21, 1985.

Hon. BOB PACKWOOD,
Washington, DC.

DEAR SENATOR PACKWOOD: Ensuring the protection of the Columbia River Gorge in Oregon and Washington will require the best skills available to those entrusted with leadership and future management decisions on the Columbia River Gorge. To accomplish this goal, the USDA Forest Service and the National Park Service have agreed the National Park Service will augment the Forest Service in specific areas of expertise where the National Park Service is a recognized authority and has experienced professionals who would clearly improve a proposal under consideration.

The details on how requests for assistance will be made, compensation, and other administrative items will be spelled out in a memorandum of understanding which will be signed by both agencies within 90 days of enactment of the legislation.

This letter is responding to a concern raised by those working on legislation which calls for the Secretary of Agriculture to have the lead Federal role in the Columbia River Gorge and is not meant to indicate the Administration's support for such legislation.

Sincerely,

F. DALE ROBERTSON,
(For: R. Max Peterson, Chief, Forest Service).

WILLIAM PENN MOTT, Jr.,
Director, National Park Service.

Mr. HATFIELD. Mr. President, today I am pleased to join my colleague from the State of Oregon, Senator PACKWOOD, and my colleagues from the State of Washington, Senators EVANS and GORTON, in introducing legislation aimed at protecting the Columbia River Gorge. This scenic wonder, which both Oregon and Washington border, has been in need of protection from economic and residential overdevelopment for many years. During both the 97th and 98th Congresses, I introduced and cosponsored legislation which attempted to achieve this goal, and it is my hope that this new legislation, which has the support of all four Senators and the Governors of the States of Oregon and Washington, will succeed in providing this needed protection for generations to come.

The Columbia River Gorge is certainly one of the most beautiful areas in the Pacific Northwest, if not all of North America. It is the only sea-level passage through the Cascade Mountains, and contains spectacular vistas and unique combinations of climate, vegetation, and landforms. The west end is a land of waterfalls and lush rain forests. The eastern end of the Gorge opens into oaks and grasslands, and finally blends into sagebrush and the open spaces for which much of the West is known.

The Columbia River Gorge contains many waterfalls, including the spectacular 620-foot-high Multnomah Falls. Hundreds of thousands of visitors are drawn to the area each year to view this magnificient beauty. One can imagine the awe of Meriwether Lewis and William Clark when they first viewed the Columbia River Gorge during their westward expedition in 1805. The Columbia River Gorge is truly one of America's most splendid natural resources.

In the 11,000 years of human activity in the Columbia River Gorge, its beauty and grandeur have impressed those who live and visit there. However, the pressures to develop the area have created a great deal of concern in the Pacific Northwest that the Gorge (as it is known locally) will be lost forever to housing developments and factories. Recent developments pressures in the area include local government plans to bring in polluting industries, small hydroelectric projects on now free-flowing streams and rivers, and new logging and quarrying operations that would serve to spoil the scenic beauty of the area.

Mr. President, the legislation being introduced today is the product of countless hours of meetings and negotiations involving private citizens, local government officials, environmental groups, the Oregon and Washington Columbia River Gorge Commissions, the Governors of Oregon and Washington, and the Oregon and Washington congressional delegations. I cannot overemphasize my gratefulness and admiration for all of these people, many of whom have differing opinions as to the extent and type of protection needed for the Gorge, for their willingness to work toward the development and introduction of this consensus legislation. We should not regard the steps we have taken to reach this point, however, as the end of the process. I am certain there will be, in fact I welcome, further comment and improvements to this bill. Many issues are unresolved. The purpose of our work so far has been to develop a legislative approach that is both workable and achievable. I believe this bill serves that purpose. The outcome of this process illustrates that the Columbia River Gorge is recognized universally as a scenic gem and is in need of strong protection.

The legislation specifies that a National Scenic Area be established to be comprised of three distinct management classifications: First, special management areas (SMA's) which contain exceptional scenic, cultural, recreational, and natural resource value, and are suitable for Federal supervision; second, scenic area lands outside of the SMA's which offer scenic and natural beauty, but which also require recognition of the needs of the local inhabitants; and, third, urban areas which would be made up of currently incorporated cities and other areas which may be appropriate for future urban development.

The bill calls for the implementation of a two-tiered management plan with oversight responsibilities divided between a bistate regional commission and the U.S. Forest Service. The U.S. Forest Service would be responsible for managing the special management areas, while the bistate commission would be responsible for overseeing the activities on those lands outside of the special management areas.

The legislation also calls for the adoption of a management plan for the scenic area to include provisions for the suitable use of agricultural lands, forest lands, and scenic and historic areas. The management plan will contain provisions for the protection of recreational areas, designate areas for commercial, industrial, and residential development, as well.

Our efforts reflect the concerns of two diverse groups: Residents of the Gorge who earn their livelihoods from the bountiful resources in the area, and those people living outside the area who are primarily interested in preserving the Gorge's picturesque beauties. This legislation calls for a cooperative relationship between the U.S. Forest Service, the bistate commission, and the local governments in the area. It is my hope that this arrangement will provide a workable framework which will ensure strong protection for the scenic beauties of

the Gorge on the one hand, and flexibility for the local residents to maintain and strengthen their quality of life, on the other.

Mr. President, the Columbia River Gorge is unique in a myriad of ways. In addition to being a beautiful area which holds the recreational, scenic, and cultural values we hold so dear, it also is vital to the commercial and economic lifeline of the Pacific Northwest. The difficult task before us is to strike a balance which protects those scenic and economic values. I am pleased to be introducing this bill which will provide the much needed protection for the Columbia River Gorge, and hope that this body will see fit to give it the necessary consideration and support it deserves.

Mr. GORTON. Mr. President, I am pleased to join my colleagues from Oregon and Washington, Senators DAN EVANS, MARK HATFIELD, and BOB PACKWOOD, in introducing legislation today which would establish the Columbia Gorge National Scenic Area, of approximately 277,000 acres in Washington and Oregon.

The Columbia Gorge is a spectacular canyon where the Columbia River cuts through the Cascade Mountains and divides the States of Oregon and Washington. It includes abundant natural resources, including dramatic waterfalls and geologic formations. The Columbia Gorge also holds a unique place in the development of this country and the opening of the Pacific Northwest. It was the gateway for early traders, explorers, and pioneers. The Gorge and the Columbia River continue to hold an important position in the economy of the entire Pacific Northwest, particularly for navigation, energy production, transportation, timber production, fishing, agriculture, and recreation. Today, we seek to recognize the national significance of the Columbia Gorge.

This legislation is the result of 6 years of hearings, town meetings, workshops, and meeting with interested groups. It has the support of all four Senators from both States, and is supported by Congressmen whose jurisdictions are affected. The bill provides the strong measures necessary to protect and enhance the scenic, cultural, recreational, and natural resources of the Gorge. It also represents the most equitable compromise between the different interests in the Gorge.

As well as being a site of spectacular scenery, the Gorge is the home and workplace for over 40,000 people. As the legislation was drafted, one of the goals was to ensure the rights of the people who live and work in the Gorge. This legislation will accomplish that.

This bill would establish a dual management system. The U.S. Forest Service would have the management responsibility for areas of Federal ownership and private lands of critical importance, termed "Special Management Areas" [SMA]. A bistate commission, appointed by the six counties in the gorge and the two States, will manage the land use planning for the scenic area outside the SMA's. Presently existing towns and cities along the gorge classified as urban areas, are excluded from the management of the scenic area.

The focus of the legislation is on prudent planning for the management and development of the resources, both natural and cultural, in the gorge. The commission and the Forest Service will work cooperatively to develop a resource inventory and guidelines for land use planning in the gorge. The local governments will retain their responsibility for developing specific implementation measures, with technical assistance provided by the U.S. Forest Service. The Forest Service is authorized to acquire land only in the SMA's, and it cannot use condemnation to acquire land if the land is used for residential, educational, charitable, religious, farming, or grazing purposes.

The bill provides strong directives to both the commission and the Forest Service in developing the management plan for the scenic area, while retaining the necessary flexibility they will need to address the diverse interests in the gorge. The management plan must include provisions for agricultural and forest land, open space, scenic and historic areas, recreation areas, commercial, and residential uses. Standards will be included for mineral extraction and hydroelectric development in the SMA's and the scenic area.

The local communities will also benefit from the establishment of the Columbia Gorge Development Corporation. This development corporation will be authorized to make low-interest loans to projects that would benefit the local communities and enhance the scenic and recreational resources.

Mr. President, this legislation is important to the States of Washington and Oregon, as evidenced by the unanimous support of the bill by the four Senators. I hope that my other colleagues in this Chamber will join us in supporting the passage of this bill.

By Mr. GRASSLEY:

S. 2056. A bill regarding permitted public uses within the DeSoto National Wildlife Refuge, Iowa; to the Committee on Environment and Public Works.

PERMITTED USES OF THE DE SOTO NATIONAL WILDLIFE REFUGE

Mr. GRASSLEY. Mr. President, I rise today to offer legislation to reopen the DeSoto Bend National Wildlife Refuge near Missouri Valley, IA, for several recreational uses which had previously been available to the public at that facility.

When plans for the proposed DeSoto Bend National Wildlife Refuge and Recreation Area here made public by the Bureau of Sport Fisheries and Wildlife Service in the late 1950's, a great deal of opposition from the public in the immediate vicinity made necessary public hearings to air grievances.

On September 4, 1957 at Blair, NE, and on September 5, 1957 at Missouri Valley, IA, public hearings on the proposed project were held. By far the most significant objection to the proposed refuge was the need for 7,800 acres of valuable real estate to be designated as refuge land. In order to overcome this objection and to gain the necessary support of influential groups, government officials exhibited numerous slides of similar refuge areas along with exciting commentary, most of which dealt with recreational scenes, water skiing, camping, controlled shooting areas within specially constructed buffer zones, and so forth.

During the hearing, Mr. Robert Burwell, an official of the Department of Interior's regional office in Minneapolis, MN stated, "We are here this evening to describe for you a proposed plan for this refuge as we have developed it, how we would like to operate and administer it, and what we would want to accomplish." He went on to say, "It is our opinion that the area should generally be open to public enjoyment at all times of the year, except during the period approximately September 15 until the end of the waterfowl season. I believe that with the exception of the period from September 15 to about the first of January, it can be opened to boating, fishing, swimming, picnicking, et cetera. If the ice is thick enough and the folks want to do so, we know of no reason why there can't be ice fishing."

Most of the supporting statements from well-meaning participants in these discussions stressed the desirable recreational benefits to the public and not primarily the creation of a game refuge alone.

These minutes are a matter of public record and many of the participants in these hearings were prominent in the field of conservation and local affairs. Strangely enough, the Desoto Bend proposal as presented at that time was no pipe-dream. It became a reality and was every bit as successful, initially, as the Government salesmen promised.

Unfortunately, several key recreational activities used as attractive fringe benefits to win public support never were developed and some were gradually de-emphasized after the first few years of implementation.

The Iowa Conservation Commission has stated:

The issue, as viewed by the Commission, is that the U.S. Bureau of Sports Fisheries and Wildlife has gone back on its promise to

the people of Iowa and Nebraska as to how the vast resources of Desoto Bend would be used.

In 1957 public acceptance of Federal control of Desoto Bend was given only after Federal officials assured the public that in addition to giving refuge to migration waterfowl, Desoto Bend would provide public recreation. This was to include fishing, boating, water skiing, swimming, picnicking, hiking, hunting, camping, etc.

The battle over the use of this facility has gone on and on. The citizens of my State are tired of fighting the bureaucrats who are going back on their promises. They were told one thing by the Government and over the past 10-15 years a Federal agency has tried to go back on that promise after they got our citizens' land for the waterfowl program.

I could produce a great deal of information on how this issue has gone back and forth for years and years. It is my hope that this issue can be resolved for once and all by passing this simple legislation to insure that our Government promise is kept.

This lake is over 7 miles long. If only half is opened for power boating and skiing, and the other half for fishing and vegetation for the waterfowl, it would settle a long-standing disagreement.

By Mr. HATCH (for himself, Mr. LUGAR, and Mr. KENNEDY):

S. 2057. A bill to establish the President's Council on Health Promotion and Disease Prevention; to the Committee on Labor and Human Resources.

PRESIDENT'S COUNCIL ON HEALTH PROMOTION AND DISEASE PREVENTION ACT

● Mr. HATCH. Mr. President, today, I am proud to introduce legislation to establish the President's Council on Health Promotion and Disease Prevention. Senator LUGAR and Senator KENNEDY join me in cosponsoring this bipartisan bill to establish a high level independent council to increase the cost effectiveness and quality of care associated with disease prevention. Specifically, the President's Council will identify and evaluate all public and private efforts to improve American health promotion and disease prevention. These efforts have already proven to be the hottest property in the health care field in our efforts to better American health care. The council will encourage cooperative efforts among government, business, health professionals, and community groups in health promotion, accident and disease prevention.

The percent of the gross national product spent for health care has steadily increased over the last 25 years, and this rate of growth has only recently begun to ebb. During 1985, Americans spent nearly $438 billion for health care. That is $1.2 billion per day. This enormous financial burden is crushing individuals, businesses, and government. And as the percentage of our population over 65 years of age is growing geometrically, the demands placed on the health care system, and the financial burden placed on society, will continue to escalate.

In the face of all of these grey clouds, the good news is that a few basic changes in lifestyle can produce significant improvements in health and productivity. There is a growing body of scientific evidence supporting the notion that our most dreaded and common diseases, the major killers in our country, are in large part preventable. Heart disease, cancer and stroke—our number 1, 2, and 3 causes of death—still take an incredible toll in our society, annually costing an estimated 1.6 million lives and $137 billion in medical care and lost productivity. The impact of many of these debilitating diseases can be lessened or avoided altogether. Some of the lifestyle changes which can significantly improve health are more exercise, improved diets, eliminating tobacco use, using less alcohol, and wearing seat belts. These changes would lead to significant reductions in health care costs and increases in productivity.

We have started to make progress. Heart disease is a good example of what can happen when lifestyle changes occur. In the last 15 years, the mortality rate from cornonary heart disease in persons aged 35 to 74 has fallen by more than 20 percent. Healthier lifestyles, including diets lower in cholesterol and a decline in the use of cigarettes, have played the biggest role. It is estimated that more than 800,000 lives have been saved since 1968. This translates into an annual dollars savings of $10 billion in direct costs for care and treatment, along with untold indirect benefits.

Another area where progress has been made is in the use of tobacco products. Cigarette consumption has been on the decline for the last several years and is now at its lowest level per capita since 1944. The number of people who have quit has increased by 50 percent over the last 20 years.

As these examples point out, a most welcome change in attitude is occurring. More and more of our citizens are realizing that they can do more for themselves to ensure their health and well being than all the doctors and government programs put together. Americans make the right decisions about how to lead healthier lives when they have the information they need. Because of this, it is extremely important that they have this information.

Different educational programs may be necessary to reach different segments of the population. One of the responsibilities of the President's Council will be to look at how best to inform every citizen group in our society, particularly the poor and less educated of our citizens. Unfortunately, the most disadvantaged segments of our society suffer most from illnesses which are entirely preventable. We must develop methods of reaching out to those most in need of help in leading healthier lives.

The Federal Government has already taken some steps in this area. The Department of Health and Human Services has determined to set up the Office of Disease Prevention and Health Promotion. The 1990 health promotion objectives, established by the U.S. Public Health Service in 1980, are an excellent blueprint for prevention actions on a national scale. Of the 15 health promotion objectives established by the Public Health Service, 9 involve changes in personal health habits. The best way to promote preventive measures is by education and creating an environment which encourages and supports making these crucial decisions on an individual basis.

The need for leadership in health promotion and disease prevention at the highest level is obvious. An initiative must be taken to forge partnerships for prevention between public and private sectors. The President's Prevention Council represents an important part of this much needed initiative to improve the health of Americans.

Congressman DON RITTER from Pennsylvania is introducing a companion bill in the House. We believe that the President's Prevention Council can improve the health of Americans by increasing individual awareness of better health habits. I urge all of my colleagues to support this effort.●

● Mr. LUGAR. Mr. President, today, I join with my colleagues, Mr. HATCH and Mr. KENNEDY, to introduce a bill to establish the President's Council on Health Promotion and Disease Prevention. Disease prevention and health promotion, including the importance of physical fitness, have become a major national policy issue. It is an area with serious economic consequences.

The fact is, health care costs are escalating at a rate well beyond inflation. In 1960, the Nation spent less than $26 billion on health care. In 1985, Americans spent nearly 17 times that amount, or $438 billion. This increase in health care costs has placed a heavy financial burden not only on individuals but also on business and Government. A major part of the budget deficit is directly linked to these costs. Health care and other social welfare programs now make up almost half of the Nation's budget.

Given the impact of escalating health care costs, it is important to emphasize that changes in nutrition and lifestyle have tremendous influence on an individual's personal health and productivity. For example,

it is estimated that an employee who smokes costs employers between $624 and $4,611 more per year in medical costs, lowered productivity, absenteeism, and other expenses than a nonsmoking employee. Alcoholism is thought to account for $19 billion in lost work productivity annually. However, the results of a recent medical study published in the New England Journal of Medicine indicate that the risk of heart attack in male cigarette smokers decreases within a few years of quitting to a level similar to that of men who have never smoked.

Most Fortune 500 companies as well as thousands of smaller firms are taking an active interest in the physical condition of their employees. The establishment of physical fitness and nutrition programs within a company results in lower health and insurance costs, less absenteeism and turnover, and increased productivity within the work force.

In the past several years, there have been major political debates in Congress over the question of food additives that cause cancer in laboratory animals. Yet the study by the National Cancer Institute found that food additives caused less than an estimated 1 percent of the cancer in the Nation. More than a third of all cancers are directly linked to diet. In short, the leading causes of cancer are factors that individuals can control.

Given these facts, the need to elevate public awareness of the issues involved with health promotion and disease prevention is clear. The President's Council on Health Promotion and Disease Prevention would take various steps to educate citizens of the health impact of nutrition, physical exercise and lifestyle choices. The Council would encourage State and local governments and private entities to develop research programs and activities related to health promotion and disease prevention. The Council will examine the most effective means of informing all segments of society, particularly the poor and least educated of our citizens. They have suffered the most from preventable diseases but have been traditionally under informed about the health consequences of nutrition and lifestyle choices.

I am particularly pleased to be a part of this legislation as I have had a longstanding personal interest in health promotion and disease prevention. I am a runner and have sponsored a fitness festival in my home State of Indiana for the past 7 years. The greater questions of our national health are critical to our ability to compete in the world. If we are to be competitive as a nation we must be prepared for the challenges mentally, physically and in the foundations of strong character and leadership. We must care for ourselves, but more importantly prepare our children with good lifelong habits of health and fitness. The Council will be a national vanguard of this endeavor.●

● Mr. KENNEDY. Mr. President, I am pleased to join my colleague, Senator HATCH, today in the introduction of this legislation which will establish a President's Council on Health Promotion and Disease Prevention.

The benefits of disease prevention and health promotion are extolled by many and clearly with good reason. Each individual stands to benefit from leading a healthy lifestyle.

Preventive approaches have been successful in reducing many of the major causes of mortality and morbidity that afflict our Nation. In the last 15 years, we have seen significant progress in reducing the rates of heart disease, stroke, injuries, and childhood diseases. But, while thousands of Americans are alive today who might not be if it were not for the advances in prevention, our success with other major killers, like cancer, and for many high risk groups within our population, has not been good.

The incidence of cancer continues to grow despite convincing evidence about the value of dietary changes and abstinence from smoking. We hear frequently about the increased use of cigarettes especially among young women and teenagers. And, the disappointing statistics contained in the report of the Secretary of Health and Human Services establish that minority populations who stands to gain most through preventive strategies have hardly begun to reap any of the benefits of prevention.

The advantages to be gained through disease prevention are obvious, especially when compared with the expensive and grim alternatives. The evidence of its benefits is substantial and growing. Less obvious, though, are effective strategies for reaching people and effecting the necessary changes in their lives. This challenge should not be minimized.

After extensive hearings in my Health Subcommittee in 1978, I worked to install a national commitment to health promotion and disease prevention through a legislative initiative. As one result, a periodic report is now issued by the Department of Health and Human Services which details all Federal efforts to augment prevention strategies. Though many branches of HHS have increased preventive health activities since 1979, the real potential for a national commitment remains largely untapped. Beginning with the Surgeon General's report, "Healthy People," in 1979, a series of Federal studies issued by the Surgeon General and the Center for Disease Control have laid out a convincing road map toward a healthier America. Many States have responded to that challenge by organizing statewide or regional campaigns to meet the Surgeon General's challenge. While much can be done at the State and community level, a national commitment is essential. The Reagan administration has failed to provide the leadership needed to achieve these goals.

The bill we are introducing today will utilize the visibility of the Executive Office to focus national attention on the importance of targeting and implementing preventive efforts.

This is a step forward. The Federal Government has capacity to build on existing preventive resources through many channels. The Council will provide further direction and encouragement to the Federal Office of Health Promotion and Disease Prevention and to public and private efforts around the country.

It is important to remember that freezes and squeezes on the budget of HHS, and stingy funding of Federal health programs, will hamper even the best-laid plans. Preventive medicine saves lives and it saves money, but it will save fewer lives and less money if we cripple efforts to bring preventive medicine to the people of this country. Recently, the Government has behaved in this pennywise fashion. For example, the WIC program has had a significant proven impact on iron deficiency anemia in many parts of this country. But, the Reagan administration has limited the program. Community health centers have provided vital preventive medical services to millions of children, yet their growth has been similarly limited.

Malnutrition had been stopped and even eliminated in many parts of this country by the Food Stamp and School Lunch Programs. But, now a new generation of American poor and especially poor children will suffer the effects of dietary deficiencies because of squeezes on these programs. Hunger is the most preventable disease we have found. It would be particularly callous and irresponsible to turn our attention toward preventing disease for those who eat too much while ignoring the plight of those who can only afford to eat for part of each month.

While prevention lights up the path to a healthier future, we must remember that a preventive approach has several vital facets. Food, housing, medical care, and a safe environment are the corner stones of any preventive strategy. Personal habits are also crucial, but are only one facet of a well-rounded approach. We must pursue all of these facets energetically.

In the coming year, I believe, the national consensus on prevention will continue to grow. The President's Council will contribute to that growth. I look forward to the fruit that it will bear.●

By Mr. HEINZ (for himself, Mr. GARN, and Mr. PROXMIRE) (by request):

S. 2058. A bill to amend the Export-Import Bank Act of 1945; to the Committee on Banking, Housing, and Urban Affairs.

EXPORT-IMPORT BANK ACT AMENDMENTS

● Mr. HEINZ. Mr. President, today I am introducing, by request, the administration's proposal for reauthorizing the charter of the Export-Import Bank. The current legislation expires at the end of fiscal year 1986. The administration proposes that the Bank's charter be extended for 5 years, through September 30, 1991.

The legislation also is intended to provide authority for the Bank to implement a program to subsidize export loans provided by commercial lenders. This is the so-called I-Match Program.

The Subcommittee on International Finance and Monetary Policy of the Committee on Banking, Housing, and Urban Affairs will hold a hearing on the question of renewal and amendment of the charter of the Export-Import Bank, the hearing scheduled for Friday, February 7, 1986.

I support renewal of the Bank's charter. I believe that a longer extension of the charter is preferable to a shorter one, thereby demonstrating to our exporters that they can rely on the continued existence of the Bank and make their long-term marketing decisions accordingly. I continue, however, to have reservations about the I-Match proposal. My colleagues and I will, of course, consider this legislation carefully along with other proposals to provide for effective export financing, financing that is fully adequate to meet our needs to combat foreign predatory export finance competition. There may be a better way to achieve that, in a less expensive and more direct manner, than I-Match.

I ask that the text of the bill, the letter to Vice President BUSH from Eximbank President William H. Draper transmitting the bill language, and a section-by-section analysis of the bill be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. That Section 2(a)(1) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. § 635(a)) is amended by inserting after "to guarantee, insure, coinsure, and reinsure against political and credit risks of loss;" the following: "to provide a sufficient return to commercial lending institutions or other lenders making loans in support of exports of goods and services when financing at other than market rates is necessary to respond to subsidized financing offered by foreign export credit agencies;".

SEC. 102. That Section 2(a)(1) of such Act (12 U.S.C. § 635(a)) is further amended by inserting after the fifth sentence thereof the following new sentence: "The Bank may charge such fees as the Bank may determine to be reasonable for work or services performed or provided or to be performed or provided in connection with or in furtherance of the Bank's objects and purposes (including but not limited to conferences, seminars, documents and reports or other publications); such fees shall be available until expended and may be used to pay directly the costs of such work or services or other Bank expenses and to repay or make advances to funds which do or will initially bear all or part of such costs or expenses."

SEC. 103. That Section 3(c)(8) of such Act (12 U.S.C. § 635(c)(8)) is amended by adding at the end thereof the following subparagraph: "(E) Any director whose term has expired may serve until his or her successor has been qualified.".

SEC. 104. That Section 8 of such Act (12 U.S.C. § 635f) is amended by striking out "September 30, 1986" and inserting in lieu thereof "September 30, 1991".

SECTION-BY-SECTION ANALYSIS

Section 101 amends Section 2(a)(1) of the Export-Import Bank Act of 1945, as amended, (12 U.S.C. § 635(a)) to make it clear that where financing at other than market rates is necessary to respond to subsidized financing offered by foreign export credit agencies Eximbank possesses the authority to assure a sufficient rate of return to commercial lending institutions and other lenders making export-related loans. In this way, the lenders would be able to provide loans at rates which are necessary for U.S. suppliers to compete with foreign suppliers receiving support from their official export credit agencies, while at the same time the lenders could be assured of receiving a sufficient rate of return. The determination as to what constitutes market rates as well as what constitutes a sufficient return would be left to the judgment of the Eximbank Board of Directors. The Board of Directors would also use its judgment in determining the existence and nature of the officially subsidized export financing.

Section 102 further amends Section 2(a)(1) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. § 635(a)) to clarify Eximbank's authority to defray the costs of Eximbank-sponsored activities. During recent years, Eximbank has been engaged in extensive marketing efforts to inform and counsel U.S. businesses and banks about its export assistance programs. These efforts have involved Eximbank-sponsored seminars and conferences as well as various publications describing its programs and activities. This amendment would make clear Eximbank's authority to offset the costs of conferences and seminars as well as publication expenses and other activities through reasonable fees. Any excess funds would be available to cover other expenses of the Bank.

Section 103 is intended to assure the availability at all times of a quorum of members of the Eximbank Board of Directors by amending Section 3(c)(8) of the Export-Import Bank of Act of 1945, as amended, to make it clear that a director may continue to serve after the expiration of his or her term until his or her successor has been qualified. In this way, there would be no interruption in the operation of Eximbank in general.

Section 104 amends Section 8 of the Export-Import Bank Act of 1945, as amended, to extend the life of the Bank from September 30, 1986 to September 30, 1991.

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, DC, February 4, 1986.

Hon. GEORGE BUSH,
President of the Senate,
U.S. Senate,
Washington, DC.

DEAR MR. PRESIDENT: I have the honor of submitting herewith a draft of legislation, "To amend the Export-Import Bank Act of 1945, as amended."

The proposed legislation would amend three sections of the Export-Import Bank Act of 1945, as amended (12 U.S.C. § 635 *et seq.*), namely, Section 2(a)(1), Section 3(c)(8) and Section 8. In particular, this legislation would clarify Eximbank's authority where necessary to subsidize export loans provided by other lenders. This legislation would also clarify Eximbank's authority to defray the costs of Eximbank-sponsored conferences and seminars or Eximbank publications by charging reasonable fees for these services. In addition, in order to prevent any interruption in the operation of the Eximbank Board of Directors, the bill would make clear that a director of Eximbank may continue to serve after the expiration of his or her term until his or her successor has been appointed. Finally, the proposed legislation would extend the life of Eximbank from September 30, 1986 to September 30, 1991.

The Office of Management and Budget has advised that enactment of this legislation would be in accord with the program of the President.

Sincerely,

WILLIAM H. DRAPER III.●

By Mr. QUAYLE:

S. 2059. A bill to control franking costs; to the Committee on Rules and Administration.

FRANKING COST CONTROL ACT

● Mr. QUAYLE. Mr. President, today I rise to introduce a bill on an issue that we all have become very aware of in the past few months—mass mailings. In December, the Secretary of the Senate reported that the Senate spent $10.95 million for mass mailing during a 3-month period, July-September 1985. It has been estimated that the combined costs of mass mailings for the House and Senate this year will reach $144 million. From 1980 to 1982, these costs increased by 30 percent and from 1982 to 1984 by 13 percent. This escalation cannot continue.

It is not necessary to belabor the point that the Federal Government is currently faced with extremely serious fiscal problems and it seems obvious to me, and I am sure that it will seem obvious to all voters that fiscal restraint should be applied to the Congress as much as, if not more, than to the public at large.

The first objective of my bill is to provide reasonable fiscal restraint to the franking system as it applies to mass mailings. The bill provides that the total mass mailing costs for fiscal

year 1987 and thereafter shall not exceed 90 percent of the costs incurred in fiscal year 1986. That means a savings of over $14 million.

The second objective of my bill is to make the mass mailing system fair. Currently, the Senate discloses mass mailing costs and the House does not, making for an obvious inequity. Further, there is a huge diversity in the amount of spending per capital creating yet another obvious inequity. These figures range from 17 cents to 0.05 cents per resident.

My bill provides that each Senator or Representative is allocated funds according to the number of inhabitants in the State or district times so that all, Senators and Representatives are treated equally. The bill will therefor not only curb the total costs of mass mailings but will also curb excessive use by any individual Senator or Representative.

I am not here to attack the franking privileges or to suggest that mass mailings are not a useful instrument of democracy. On the contrary, I feel that an informed electorate is vital to the functioning of a democratic system and that it is important to keep constituents informed of about what their representatives are doing. Many constituents request to be kept informed in communicating their views with me. For this reason, I believe newsletters serve a useful purpose. In addition, they generate feedback, as many constituents will respond to the points raised in the newsletter and also take that opportunity to share their concerns about other subjects. This is also an effective way to inform constituents of town meetings in their area. It is my hope that with this bill, we will create a system of regulating mass mailings that is not only fiscally responsible but, fair and equitable for all of Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Franking Cost Control Act of 1986."

SEC. 2(a) Notwithstanding any other provision of law, the total funds available to any Senator or Representative for the purpose of mass mailings (as defined in section 3210(a)(5)(E) of Title 39 U.S. Code) for any fiscal year beginning after September 30, 1986, shall not exceed an amount equal to the product of the number of inhabitants in such Senator's state or Representative's district multiplied by an amount calculated pursuant to subsection (b).

(b) The amount referred to subsection (a) shall be determined by the Comptroller-General by dividing 90 percent of the total cost of mass mailings for all Senators and Representatives in the fiscal year ending September 30, 1986 by three times the population of the fifty states.●

By Mr. BOREN:

S. 2060. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for certain dividends paid on new equity stock, and for other purposes; to the Committee on Finance.

EQUITY INVESTMENT TAX REFORM ACT

● Mr. BOREN. Mr. President, today I am pleased to introduce a bill which will help this country regain its competitive advantage by lowering our cost of capital.

Studies have shown that the American entrepreneur faces a significantly higher, two to three times higher, cost of capital than does his Japanese competitor. The Treasury recognized this problem as did the House when they each proposed a deduction for up to 10 percent for paid dividends. Both the Treasury and the House bill (3838) allow the new deduction even for old investments, while the legislation I am introducing today limits the deduction to only new equity. My bill allows for 100 percent deductibility of dividends paid on new equity out of earnings which have already borne the full corporate tax. By designing the incentive in this way, we minimize revenue loss and maximize the incentive to pool and invest new capital. Not only is the incentive 10 times as strong as the other versions, but it is also applied directly and exclusively at the margin unlike the House and Treasury methods.

I have spoken often about the tremendously negative impact the many so-called tax reform bills would have on capital formation just at the time when our country most needs an injection of capital to regain our competitive advantage. If we are to have tax reform at all, it must be formulated in such a way that considers our ability to compete and promotes growth in our economy.

I ask unanimous consent that both the bill and a copy of my op-ed piece which appeared in today's Wall Street Journal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Equity Investment Tax Reform Act of 1985".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. DEDUCTION FOR DIVIDENDS PAID ON NEW EQUITY STOCK.

(a) IN GENERAL.—Part VIII of subchapter B of chapter 1 (relating to special deductions for corporations) is amended by adding at the end thereof the following new section:

"SEC. 251. DIVIDENDS PAID ON NEW EQUITY STOCK.

"(a) GENERAL RULE.—In the case of a corporation, there shall be allowed as a deduction for any taxable year beginning after December 31, 1986, an amount equal to the lesser of—

"(1) the applicable percentage of dividends paid during such taxable year on each share of new equity stock in such corporation, or

"(2) the balance in the corporation's qualified dividend account as of the close of the preceding taxable year.

"(b) APPLICABLE PERCENTAGE DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'applicable percentage' means, with respect to each share of new equity stock, 100 percent, reduced (but not below zero) by a percentage equal to a fraction—

"(A) the numerator of which is the amount paid or incurred by the corporation during the prohibited stock acquisition period to—

"(i) purchase or redeem stock in such corporation, or

"(11) purchase stock (other than new equity stock) in another corporation, and

"(B) the denominator of which is the proceeds of such corporation from all new equity stock issued during such prohibited stock acquisition period.

"(2) SPECIAL RULE WHERE MORE THAN 1 CLASS OF NEW EQUITY STOCK.—In any case in which a corporation has more than 1 class of new equity stock, the following rules shall apply:

"(A) PARAGRAPH (1) APPLIED SEPARATELY.—Paragraph (1) shall be applied—

"(1) separately with respect to each class of stock, and

"(11) in the order in which such classes of stock are entitled to the payment of dividends, beginning with the class having the highest dividend preference.

"(B) DISQUALIFIED PURCHASES ONLY TAKEN INTO ACCOUNT ONCE.—Paragraph (1)(A) shall be applied with respect to a share of a class of stock by only taking into account such amounts as were not taken into account with respect to a class of stock having a higher dividend preference. For purposes of the preceding sentence, amounts shall not be treated as taken into account with respect to a class of stock to the extent that the amount under paragraph (1)(A) exceeded the amount under paragraph (1)(B) with respect to such class.

"(C) PROCEEDS FROM CLASS OF STOCK ONLY TAKEN INTO ACCOUNT WITH RESPECT TO THAT CLASS.—Paragraph (1)(B) shall be applied with respect to a share of a class of stock by only taking into account proceeds from the issuance of shares of such class of stock.

"(D) CLASSES OF STOCK WITH SAME DIVIDEND PREFERENCE.—For purposes of this paragraph, all classes of stock which are entitled to the same dividend preference shall be treated as 1 class of stock.

"(3) PROHIBITED STOCK ACQUISITION PERIOD.—For purposes of this subsection, the term 'prohibited stock acquisition period' means, with respect to any share of new equity stock, the period—

"(A) beginning on the first day of the 3rd taxable year preceding the taxable year in

which the date of issuance of such stock occurs, and

"(B) ending on the earlier of—

"(i) the last day of the 4th taxable year following the taxable year in which the date of issuance of such stock occurs, or

"(ii) In the case of a dividend paid on such stock before the last day described in clause (i), the last day of the taxable year in which such dividend was paid.

"(c) QUALIFIED DIVIDEND ACCOUNT.—For purposes of this section—

"(1) ESTABLISHMENT OF ACCOUNT.—Each corporation shall establish a qualified dividend account. The opening balance in such account shall be zero.

"(2) ADJUSTMENTS TO ACCOUNT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), as of the close of each taxable year beginning after December 31, 1985, the qualified dividend account—

"(i) shall be increased by the adjusted taxable income of corporation for the taxable year, and

"(ii) shall be reduced, as provided under paragraph (4), for dividends paid during the taxable year.

"(B) MINIMUM CLOSING BALANCE.—The closing balance of the qualified dividend account as of the end of any taxable year shall not be less than the adjusted taxable income for such taxable year.

"(3) ADJUSTED TAXABLE INCOME.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'adjusted taxable income' means income, adjusted as provided in this paragraph.

"(B) REDUCTION FOR CREDITS.—Taxable income shall be reduced (but not below zero) by an amount equal to—

"(i) the credits allowable for the taxable year under part IV of subchapter A, divided by

"(ii) the highest rate of tax imposed by section 11(b) for such taxable year.

"(C) CORPORATION SUBJECT TO THE MINIMUM TAX.—If a tax imposed by section 56 for the taxable year, taxable income shall be increased by—

"(i) the amount of such tax, divided by

"(ii) the highest rate of tax imposed by section 11(b) for such taxable year.

"(D) REDUCTION FOR CORPORATE ALTERNATIVE TAX ON CAPITAL GAINS.—If a tax is imposed by section 1201(a) for the taxable year, taxable income shall be reduced by an amount equal to the product obtained by multiplying net capital gain by a fraction—

"(i) the numerator of which, for such taxable year, is the highest rate of tax imposed by section 11(b), reduced by the rate of tax under section 1201(a), and

"(ii) the denominator of which is the highest rate of tax imposed by section 11(b) for such taxable year.

"(4) REDUCTION IN ACCOUNT FOR DIVIDENDS PAID.—For purposes of paragraph (2)(B)—

"(A) IN GENERAL.—The qualified dividend account shall be reduced (but not below zero)—

"(i) first by any dividend (or portion thereof) with respect to which a deduction was allowable under subsection (a), and

"(ii) then, subject to the limitation of subparagraph (B), by any dividend (or portion thereof) not taken into account under clause (i).

"(B) LIMITATION ON REDUCTION FOR NONDEDUCTIBLE DIVIDENDS.—Any reduction under subparagraph (A)(ii) shall not exceed an amount equal to the excess (if any) of—

"(i) the aggregate amount of the dividends (other than dividends described in subparagraph (A)(i)) paid in taxable years beginning after December 31, 1985, over

"(ii) the sum of—

"(I) the accumulated earnings and profits of the corporation as of the close of its first taxable year ending on or after December 31, 1985, and

"(II) the sum of the earnings and profits of the corporation for each taxable year beginning after December 31, 1985 (determined without regard to any dividends paid), reduced by the sum of the increases in the account under paragraph (2)(A) for such taxable years.

"(d) NEW EQUITY STOCK.—For purposes of this section, the term 'new equity stock' means stock in a domestic corporation which is issued by such corporation after December 31, 1985, for money or other property (other than stock).

"(e) NOTIFICATION.—

"(1) IN GENERAL.—Each corporation paying a dividend on new equity stock shall notify the shareholder of such stock of the amount of such dividend with respect to which a deduction is allowable under subsection (a).

"(2) METHOD OF NOTIFICATION.—

"(A) IN GENERAL.—In any case in which a statement is required to be provided under section 6042(c) with respect to any dividend, any notice under paragraph (1) shall be included on such statement.

"(B) OTHER NOTICES.—In any case to which subparagraph (A) does not apply, any notice under paragraph (1) shall—

"(i) be included with the payment of the dividend, or

"(ii) be made in such other manner and at such other time as the Secretary may prescribe.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the provisions of this section, including regulations which treat warrants, obligations convertible into stock, and other similar interests as stock, and stock as not stock.".

(b) NO EXCLUSION FOR DIVIDENDS ON NEW EQUITY STOCK FOR WHICH DEDUCTION ALLOWED.—Section 116 (relating to partial exclusion of dividends received by individuals) is amended by adding at the end thereof the following new subsection:

"(f) CERTAIN DIVIDENDS ON NEW EQUITY STOCK.—Subsection (a) shall not apply to any dividend on new equity stock in a corporation to the extent that a deduction was allowable under section 251 with respect to such dividend.".

(c) NO DIVIDEND RECEIVED DEDUCTION FOR DIVIDENDS ON NEW EQUITY STOCK FOR WHICH DEDUCTION ALLOWED.—Section 246 (relating to rules applying to deductions for dividends received) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(1) DIVIDENDS ON NEW EQUITY STOCK.—No deduction shall be allowed under section 243 or 244 for any dividend on new equity stock in a corporation to the extent that a deduction was allowable under section 251 with respect to such dividend.".

(d) NOTIFICATION REQUIREMENT.—Section 6042(c) (relating to statements with respect to information on dividends) is amended by striking out "and" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting in lieu thereof ", and", and by adding at the end thereof the following new paragraph:

"(3) to the extent provided in section 251(e)(2)(A), that portion of any payment with respect to which a deduction is allowable under section 251 to the person making the return.".

(e) SECTION 381 TO APPLY TO QUALIFIED DIVIDEND ACCOUNT.—Subsection (c) of section 381 (relating to items of the distributor or transferor corporation) is amended by adding at the end thereof the following new paragraph:

"(27) QUALIFIED DIVIDEND ACCOUNT.—Under regulations, the acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 251) the qualified dividend account of the distributor or transferor corporation.".

(f) CONFORMING AMENDMENT.—The table of sections for part VIII of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 251. Dividends paid on new equity stock.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1986.

[From the Wall Street Journal, Feb. 6, 1986]

NEW BUILDING BLOCKS FOR CAPITAL FORMATION

(By David Boren)

Many Americans are deeply worried about our nation's economic future. They are right to be concerned by the shocking decline in the competitiveness of American industry in world markets. Throughout the past decade the U.S. market share has eroded in many key sectors.

Some of the erosion was the inevitable result of the industrialization of other nations. Some can be ascribed to the appreciation of the dollar against foreign currencies. However, much of our competitive decline is the result of a less obvious factor—the high cost of capital in the U.S.

Capital costs in the U.S. are two to three times as much as those in Japan. In 1983, the weighted average of real interest expense on various types of capital investments was 4.1 percent in Japan and 10.7 percent in the U.S. The gap in capital costs was evident across all classes of investments, but it was worse for investment in long-term research-and-development projects. In 1983, capital for a 10-year R&D project carried an interest charge of 10.1 percent in the U.S. but only 2.4 percent in Japan! Given the current differential in our capital costs, the Japanese can afford to invest nearly five times as much as we can in the same 10-year project. This differential implies a diminished U.S. role in emerging, high-tech industries and jeopardizes our remaining technological edge.

Our high capital costs are putting all U.S. industry, not just high tech, at a disadvantage. For example, the work of the American Business Conference and George Hatsopoulos has demonstrated that the cost-of-capital differential was largely responsible for the deterioration in the competitive capabilities of the U.S. steel industry over the past two decades.

The high cost of capital also increases pressure to reduce real wages in order to keep U.S. products at competitive prices. Thus, it is in the interest of both labor and management to work together for a solution to this imbalance.

The major underlying reason for America's high cost of capital is that our country has an institutional preference for expensive equity financing. Equity is more expensive than debt, because we tax equity earnings twice—at the corporate level and at the

personal level. The Japanese rely primarily on singly taxed instruments that are much less expensive than U.S. equity.

I am about to introduce legislation that would attack the cost-of-capital problem by eliminating the double taxation of dividend income from net new equity stock. Unlike the Treasury II tax proposal, which would allow 10 percent of all dividends to be deducted, and the Ways and Means Committee's working proposal, which would phase in 10 percent dividend deductibility over 10 years, my bill would allow firms to elect 100 percent deductibility for net new equity issues.

While the White House and House tax plans are a step in the right direction they would offer minor windfall gains to investment that has already taken place. On the other hand, the Equity Investment Tax Reform Act that I will soon introduce would stimulate new investment at the margin, and with 10 times the force. By offering incentives for new investments only, we would create new jobs, become more competitive and productive, and achieve all this for a more modest revenue loss than would the other proposals.

The Equity Investment Tax Reform Act would create a Qualified Dividend Account to ensure that only net new equity shares would be eligible for dividend deductibility, thus stocks issued to purchase other companies or to redeem existing shares would be disqualified. Even then, qualifying dividends would be diductible only to the extent they are paid from earnings that have borne the full corporate tax rate.

This proposal would reduce our capital costs at the margin by over 25 percent. For investment in long-term research and development, the area that is the most critical to our nation's competitiveness, the decline would be even more dramatic—more than 45 percent. This drop in our capital cost could give our economy a tremendous burst of energy while causing only a minor dip in revenues. Once we factor in the additional economic growth that this proposal would generate, we would probably see a net revenue gain from it. The modest tax changes embodied in the proposed Equity Investment Tax Reform Act offer us an opportunity to boost America's sagging competitiveness without incresing the deficit or flirting with protectionism.●

By Mr. CRANSTON:

S. 2061. A bill entitled the "California Desert Protection Act of 1986"; to the Committee on Energy and Natural Resources.

CALIFORNIA DESERT PROTECTION ACT

Mr. CRANSTON. Mr. President, I introduce for appropriate reference the California Desert Protection Act of 1986.

Mr. President, the California Desert covers 25 million acres, from Death Valley National Monument south to the Mexican border, from the San Jacinto and San Bernardino Mountains east to the Colorado River—about one-fourth of California's land surface. Of this 25 million acres, approximately 12.1 million acres are public lands administered by the Department of the Interior's Bureau of Land Management.

In 1976, Congress enacted the Federal Land Policy and Management Act [FLPMA] which among its provisions established the California Desert Conservation Area and started a process for protecting the resources of the California Desert. FLPMA also called for wilderness review of the public lands administered by the BLM, including those in the California Desert.

The legislation I am introducing today continues this process of appropriately providing for protection of significant resources of the public lands in the California Desert.

During the past year I have worked with California conservationists to determine the highest and best use for each area within the California Desert. Our goal has been to establish in law the most appropriate pattern of protection to assure that all Californians and visitors to the desert will have the full value of these lands.

This legislation implements the conservationists' proposal, providing permanent, lasting protection for the beauty and wildness of the California Desert.

This is a comprehensive proposal. The bill designates approximately 4.5 million acres of desert lands as wilderness to be administered by the BLM. It redesignates two national monuments—Death Valley and Joshua Tree—as national parks and makes appropriate additions to these units of the National Park System. It creates a new Mojave National Park. It designates 3.9 million acres of national park wilderness in these three parks. Further, the bill completes a long pending proposal for the expansion of the Red Rock Canyon State Park, transferring 20,500 acres of BLM lands to the California Department of Parks and Recreation. And it creates protective units to be administered by the BLM for a botanical area—the Desert Lily Sanctuary—and an historical site—the Indian Canyons.

Mr. President, wilderness is a distinguishing characteristic of the public lands in the California Desert, one which affords an unrivaled opportunity for experiencing vast areas of the Old West essentially unaltered by man's activities. But the wilderness values of the California Desert are increasingly threatened by and especially vulnerable to impairment, alteration, and destruction by actvities and intrusions associated with incompatible use and development. To assure that present and future generations will be able to enjoy the diverse resources of the desert, this bill gives statutory protection to 82 separate wilderness areas.

These areas range from the Bighorn Mountains Wilderness—a magnificent transition zone, displaying several ecosystems including yellow pine forest, pinyon juniper forest, joshua tree forest and the creosote scrub community—to the Chemehuevi Mountains—with numerous Indian archeological sites and wildlife species including desert tortoise and bighorn sheep—to the Kingston Range—with one of the highest concentrations of endangered species and unusual plant assemblages in the California Desert—and the South Algodones Wilderness—with one of the largest dune systems in the United States.

Three distinct areas within the California Desert fully qualify as national parks. The bill confers that status on Death Valley, Joshua Tree, and the East Mojave. First, the bill redesignates the existing Death Valley and Joshua Tree National Monuments as national parks and adds contiguous Federal lands of national park caliber. Established by Presidential proclamations in the 1930's, Death Valley and Joshua Tree today are recognized as major units of the National Park System. But the existing monument boundaries do not include all lands of significant natural, ecological, geological, archeological, cultural, historical, and wilderness value, thus exposing them to incompatible development.

In 1977 the Western Regional Office of the National Park Service issued a report evaluating proposed additions to Death Valley, including Panamint Valley, Saline Valley, and Eureka Valley. The report concluded that Death Valley "needs to be rounded out with several additions to better represent and preserve a superb example" of the California Desert. In 1979, the Desert Plan Staff of the BLM prepared its report on the possible addition of the Eureka-Saline area to the park system. Like the Park Service, the BLM staff found this area "provides some of the finest and most diverse scenery in the California Desert" and reported that:

> Analysis of natural and cultural themes represented by the area lead one to the unavoidable conclusion that the area qualifies for inclusion into the National Park System as a national park, or as an addition to Death Valley National Monument.

My bill adds these remarkable areas to Death Valley as recommended by the National Park Service and BLM.

The proposed additions to Joshua Tree comprise areas that were part of the original monument established in 1936 to protect various objects of historical and scientific interest. However, in 1950 lands were removed from the monument because of commercial mining activity at Eagle Mountain. Associated with the now defunct Kaiser Steel operations at Fontana, CA, the Eagle Mountain mine has since closed. Fortunately some of these lands which were part of the monument were not mined and remain pristine and of national park caliber. This bill restores 245,000 acres of the previous deletions.

Lying between Death Valley and Joshua Tree is the vast Mojave Desert, an area of outstanding natural, cultur-

al, historical, and recreational values now afforded only impermanent administrative protection as the East Mojave National Scenic Area. This area also has been evaluated by the BLM Desert Plan Staff for its park potential and found to be highly qualified. The area contains 16 mountain ranges, 4 dry lakes, a perennial stream, innumerable washes, mesas, buttes, badlands, cinder cones, lava beds, caves, California's most complex sand dune system, alluvial fans, bajadas, and many other expressions of geological and geographic interest. According to the BLM report "In all of the California Desert there is no finer grouping of different wildlife habitats." The report continues that "Many observers feel that the East Mojave embodies the finest scenery in the California Desert."

My bill recognizes these park values and provides the full statutory protection the area deserves by designating a 1.5-million-acre Mojave National Park. The area involved is the same as the existing scenic area, with the exception of a small boundary change at Soda Springs where the boundary has been moved from the lakeshore to the ridgetop, adding about 6,000 acres. The Mountain Pass Mine owned by Molycorp and the associated claims on lands dropped from the scenic area in 1983 remain outside the boundaries of the park.

I am aware that there are a number of mining claims, grazing permits, power transmission facilities, a natural gas pipeline, and communication cable within the proposed Mojave National Park. These valid existing rights are recognized in the bill and allowed to continue. However, the bill closes the proposed parklands to new mineral entry.

The bill also calls for a comprehensive management plan for the park and for a visitor center. No purchase of private lands within the park is contemplated, although the legislation does provide acquisition authority, with an emphasis on acquisition by exchange from willing landowners.

Additionally, the bill designates appropriate lands within all three parks as wilderness—a 3.2-million-acre Death Valley Wilderness which incorporates the National Park Service's wilderness recommendations, 133,520 acres as additions to the existing Joshua Tree Wilderness, and 747,940 acres as the Mojave Wilderness.

Additional provisions include the transfer of 20,500 acres of BLM lands to the California Department of Parks and Recreation for inclusion in Red Rock Canyon State Park. The scenic cliffs of Red Rock Canyon are well known to travelers from southern California to the eastern Sierra. The area has been used many times as the setting for numerous Western films. At the urging of local governments and citizens, the State of California in 1969 decided to establish this area as a State park. It's my understanding the State was to acquire the private lands and that the BLM would transfer the surrounding Federal lands necessary to complete the park. The State has virtually completed the private acquisitions, but the BLM has not conveyed its lands. My bill resolves the issue.

The bill also gives statutory protection to the existing 1,920-acre Desert Lily Sanctuary. The desert lily grows only in the top deep powder sand areas of the low desert—very fragile land. The lily is vulnerable to flooding from higher elevations. But as a result of the sanctuary protection, the desert lily has survived in wet years, blooming by the thousands throughout the area. Statutory protection, as provided in my bill, will insure that the BLM does not redesignate the area or reduce its size.

Finally, the bill designates the Indian Canyon National Historic Site, protecting an area now listed on the national register of historic places, but threatened by a golf course development. As the lands are not now in Federal ownership, the legislation directs the Secretary of the Interior to acquire them by exchange. And to ensure continued Indian control over their use, the bill provides for a cooperative management agreement between Interior and the Agua Caliente Band of Cahuilla Indians.

Mr. President, with the passage of this bill, approximately 4.6 million acres of public lands administered by the BLM will remain available for other multiple uses—hunting, mining, grazing, and motorized recreation. Moreover, in drawing the boundaries of the areas to be protected, I have been careful to exclude major areas enjoyed by off-road vehicle enthusiasts and areas with known commercial resource conflicts. Although some conflicts remain, I believe the natural values of these areas justify their inclusion in this proposal. Nonetheless, I look forward to working with user groups to accommodate justified boundary changes.

In the meantime, this comprehensive proposal enjoys the support of 21 environmental and civic organizations—the California Wilderness Coalition, Citizens for a Mojave National Park, Desert Protective Council, Desert Survivors, Ecology Center of Southern California, Friends of the Indian Canyons, National Parks and Conservation Association, Sierra Club, The Wilderness Society, Archeological Survey Association of California, Citizens Coordinate for Century Three, Coachella Valley Audubon Society, Conservation Call, Covina Women's Club, Defenders of Wildlife, Desert Trails Adventure Tours, Eastern Sierra Audubon Society, Friends of Wildlife, Idyllwild Chapter of the Izaak Walton League, San Bernardino Valley Audubon Society, and West Covina Garden Club.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "California Desert Protection Act of 1986".

FINDINGS AND POLICY

SEC. 2. (a) The Congress finds and declares that—

(1) the federally owned desert lands of Southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

(2) these desert wildlands display unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation;

(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

(4) the California desert, embracing wilderness lands, units of the National Park System, other federal lands, state parks and other state lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the federal government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

(b) In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that—

(1) appropriate public lands in the California desert shall be included within the National Park System and the National Wilderness Preservation System, in order to—

(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;

(C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;

(D) provide opportunities of compatible outdoor public recreation, protect and inter-

pret ecological and geological features, and historic, paleontological, and archaeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and

(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.

TITLE I—WILDERNESS ADDITIONS

FINDINGS

SEC. 101. The Congress finds and declares that—

(1) wilderness is a distinguishing characteristic of the public lands in the California desert, one which affords an unrivaled opportunity for experiencing vast areas of the Old West essentially unaltered by man's activities, and which merits preservation for the benefit of present and future generations;

(2) the wilderness values of desert lands are increasingly threatened by and especially vulnerable to impairment, alteration, and destruction by activities and intrusions associated with incompatible use and development; and

(3) preservation of desert wilderness necessarily requires the highest forms of protective designation and management.

DESIGNATION OF WILDERNESS

SEC. 102. In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 890, 16 U.S.C. 1131 et seq.), and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), the following lands in the State of California, as generally depicted on maps, appropriately referenced, dated February 1986, are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-seven thousand three hundred eighty acres, as generally depicted on a map entitled "Argus Range Wilderness—Proposed", and which shall be known as the Argus Range Wilderness;

(2) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-one thousand three hundred twenty acres, as generally depicted on a map entitled "Avawatz Mountains Wilderness—Proposed", and which shall be known as the Avawatz Mountains Wilderness;

(3) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand eight hundred seventy acres, as generally depicted on a map entitled "Bigelow Cholla Garden Wilderness—Proposed", and which shall be known as the Bigelow Cholla Garden Wilderness;

(4) certain lands in the California Desert Conservation Area, of the Bureau of Land Management and within the San Bernardino National Forest, which comprise approximately thirty-three thousand eight hundred acres, as generally depicted on a map entitled "Bighorn Mountain Wilderness—Proposed", and which shall be known as the Bighorn Mountain Wilderness;

(5) certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-seven thousand five hundred seventy acres, as generally depicted on a map entitled "Big Maria Mountains Wilderness—Proposed", and which shall be known as the Big Maria Mountains Wilderness;

(6) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise thirteen thousand nine hundred forty acres, as generally depicted on a map entitled "Black Mountain Wilderness—Proposed", and which shall be known as the Black Mountain Wilderness;

(7) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand two hundred acres, as generally depicted on a map entitled "Blackwater Well Wilderness—Proposed", and which shall be known as the Blackwater Well Wilderness;

(8) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately nine thousand five hundred twenty acres, as generally depicted on a map entitled "Bright Star Wilderness—Proposed", and which shall be known as the Bright Star Wilderness;

(9) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-two thousand six hundred forty acres, as generally depicted on a map entitled "Cadiz Dunes Wilderness—Proposed", and which shall be known as the Cadiz Dunes Wilderness;

(10) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-five thousand nine hundred seventy acres, as generally depicted on a map entitled "Cady Mountains Wilderness—Proposed", and which shall be known as the Cady Mountains Wilderness;

(11) certain lands in the California Desert District, of the Bureau of Land Management, which comprise approximately fifteen thousand seven hundred acres, as generally depicted on a map entitled "Carrizo Gorge Wilderness—Proposed", and which shall be known as the Carrizo Gorge Wilderness;

(12) certain lands in the California Desert Conservation Area and Yuma District, of the Bureau of Land Management and within the Havasu National Wildlife Refuge, which comprise approximately sixty-eight thousand three hundred acres, as generally depicted on a map entitled "Chemehuevi Mountains Wilderness—Proposed", and which shall be known as the Chemehuevi Mountains Wilderness;

(13) certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately fifteen thousand seven hundred acres, as generally depicted on a map entitled "Chimney Peak Wilderness—Proposed", and which shall be known as the Chimney Peak Wilderness;

(14) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred sixty-five thousand two hundred acres, as generally depicted on a map entitled "Chuckwalla Mountains Wilderness—Proposed", and which shall be known as the Chuckwalla Mountains Wilderness;

(15) certain land in the California Desert Conservation Area, of the Bureau of Land Management, which comprise fifty thousand six hundred sixty acres, as generally depicted on a map entitled "Cleghorn Lakes Wilderness—Proposed", and which shall be known as the Cleghorn Lakes Wilderness: Provided, That the Secretary of Interior may pursuant to an application filed by the Department of Defense, grant a right-of-way for, and authorize construction of, a road within the area depicted as "non-wilderness road corridor" on the map entitled "Cleghorn Lakes Wilderness—Proposed";

(16) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Clipper Mountains Wilderness—Proposed", and which shall be known as Clipper Mountains Wilderness;

(17) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty thousand eight hundred twenty acres, as generally depicted on a map entitled "Coso Range Wilderness—Proposed", and which shall be known as Coso Range Wilderness;

(18) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighteen thousand six hundred acres, as generally depicted on a map entitled "Coyote Mountains Wilderness—Proposed", and which shall be known as the Coyote Mountains Wilderness;

(19) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand six hundred forty acres, as generally depicted on a map entitled "Darwin Falls Wilderness—Proposed", and which shall be known as the Darwin Falls Wilderness;

(20) certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-nine thousand six hundred eighty acres, as generally depicted on a map entitled "Dead Mountains Wilderness—Proposed", and which shall be known as the Dead Mountain Wilderness;

(21) certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirty-six thousand three hundred acres, as generally depicted on a map entitled "Domelands Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Domeland Wilderness as designated by Public Laws 93-632 and 98-425;

(22) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand one hundred acres, as generally depicted on a map entitled "El Paso Mountains Wilderness—Proposed", and which shall be known as the El Paso Mountains Wilderness;

(23) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-seven thousand one hundred acres, as generally depicted on a map entitled "Fish Creek Mountains Wilderness—Proposed", and which shall be known as the Fish Creek Mountains Wilderness;

(24) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand two hundred forty acres, as generally depicted on a map entitled "Frog Creek Wilderness—Proposed", and which shall be known as the Frog Creek Wilderness;

(25) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-four thousand five hundred ten acres, as generally depicted on a map entitled "Funeral Mountains Wilderness—Proposed", and which shall be known as the Funeral Mountains Wilderness;

(26) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand seven hundred acres, as generally depicted on a map entitled "Golden Valley Wilderness—Proposed", and which shall be known as the Golden Valley Wilderness;

(27) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy thousand two hundred forty acres, as generally depicted on a map entitled "Granite Mountains Wilderness—Proposed", and which shall be known as the Granite Mountains Wilderness;

(28) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand seven hundred twenty acres, as generally depicted on a map entitled "Grass Valley Wilderness—Proposed", and which shall be known as the Grass Valley Wilderness;

(29) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Great Falls Basin Wilderness—Proposed", and which shall be known as the Great Falls Basin Wilderness;

(30) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand seven hundred forty acres, as generally depicted on a map entitled "Hollow Hills Wilderness—Proposed", and which shall be known as the Hollow Hills Wilderness;

(31) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-eight thousand two hundred sixty acres, as generally depicted on a map entitled "Ibex Wilderness—Proposed", and which shall be known as the Ibex Wilderness;

(32) certain lands in the California Desert Conservation Area, of the Bureau of Land Management and the Imperial National Wildlife Refuge, which comprise approximately thirty-nine thousand one hundred twenty acres, as generally depicted on a map entitled "Indian Pass Wilderness—Proposed", and which shall be known as the Indian Pass Wilderness;

(33) certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management and within the Inyo National Forest, which comprise approximately two hundred ten thousand six hundred sixty acres, as generally depicted on a map entitled "Inyo Mountains Wilderness—Proposed", and which shall be known as the Inyo Mountains Wilderness;

(34) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-five thousand one hundred sixty acres, as generally depicted on a map entitled "Jacumba Wilderness—Proposed", and which shall be known as the Jacumba Wilderness;

(35) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred twenty-nine thousand eight hundred twenty acres, as generally depicted on a map entitled "Kelso Dunes Wilderness—Proposed", and which shall be known as the Kelso Dunes Wilderness;

(36) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and the Sequoia National Forest, which comprise approximately eighty-eight thousand two hundred eighty acres, as generally depicted on a map entitled "Kiavah Wilderness—Proposed", and which shall be known as the Kiavah Wilderness;

(37) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred fifty-five thousand two hundred ninety acres, as generally depicted on a map entitled "Kingston Range Wilderness—Proposed", and which shall be known as the Kingston Range Wilderness;

(38) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-nine thousand four hundred eighty acres, as generally depicted on a map entitled "Little Chuckwalla Mountains Wilderness—Proposed", and which shall be known as the Little Chuckwalla Mountains Wilderness;

(39) certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, and within the Imperial National Wildlife Refuge, which comprise approximately thirty-nine thousand eight hundred sixty acres, as generally depicted on a map entitled "Little Picacho Wilderness—Proposed", and which shall be known as the Little Picacho Wilderness;

(40) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand two hundred forty acres, as generally depicted on a map entitled "Malpais Mesa Wilderness—Proposed", and which shall be known as the Malpais Mesa Wilderness;

(41) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-seven thousand one hundred acres, as generally depicted on a map entitled "Manly Peak Wilderness—Proposed", and which shall be known as the Manly Peak Wilderness;

(42) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thrity-two thousand seven hundred twenty acres, as generally depicted on a map entitled "Mecca Hills Wilderness—Proposed", and which shall be known as the Mecca Hills Wilderness;

(43) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty-four thousand nine hundred acres, as genrally depicted on a map entitled "Mesquite Wilderness—Proposed", and which shall be known as the Mesquite Wilderness;

(44) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eleven thousand three hundred acres, as generally depicted on a map entitled "Middle Park Canyon Wilderness—Proposed" and which shall be known as the Middle Park Canyon Wilderness;

(45) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand nine hundred acres, as generally depicted on a map entitled "Newberry Mountains Wilderness—Proposed", and which shall be known as the Newberry Mountains Wilderness;

(46) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred ten thousand eight hundred eighty acres, as generally depicted on a map entitled "Nopah Range Wilderness—Proposed", and which shall be known as the Nopah Range Wilderness;

(47) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-five thousand forty acres, as generally depicted on a map entitled "North Algodones Dunes Wilderness—Proposed", and which shall be known as the North Algodones Dunes Wilderness;

(48) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand acres, as generally depicted on a map entitled "North Coso Range Wilderness—Proposed", and which shall be known as the North Coso Range Wilderness;

(49) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand eight hundred forty acres, as generally depicted on a map entitled "North Mesquite Mountains Wilderness—Proposed", and which shall be known as the North Mesquite Mountains Wilderness;

(50) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-six thousand one hundred ten acres, as generally depicted on a map entitled "Old Woman Mountains Wilderness—Proposed", and which shall be known as the Old Woman Mountains Wilderness;

(51) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty-seven thousand five hundred acres, as generally depicted on a map entitled "Orocopia Mountains Wilderness—Proposed", and which shall be known as the Orocopia Mountains Wilderness;

(52) certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately seventy-five thousand six hundred forty acres, as generally depicted on a map entitled "Owens Peak Wilderness—Proposed", and which shall be known as the Owens Peak Wilderness;

(53) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred acres, as generally dipicted on a map entitled "Pahrump Valley Wilderness—Proposed", and which shall be known as the Pahrump Valley Wilderness;

(54) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred fourteen thousand four hundred twenty acres, as generally depicted on a map entitled "Palen/McCoy Wilderness—Proposed", and which shall be known as the Palen/McCoy Wilderness;

(55) certian lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-seven thousand three hundred twenty acres, as generally depicted on a map entitled "Palo Verde Mountains Wilderness—Proposed", and which shall be known as the Palo Verde Mountains Wilderness;

(56) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand three hundred acres, as generally depicted on a map entitled "Pica-

cho Peak Wilderness—Proposed", and which shall be known as the Picacho Peak Wilderness;

(57) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-one thousand six hundred eighty acres, as generally depicted on a map entitled "Pinto Mountains Wilderness—Proposed", and which shall be known as the Pinto Mountains Wilderness;

(58) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred forty acres, as generally depicted on a map entitled "Piper Mountain Wilderness—Proposed", and which shall be known as Piper Mountain Wilderness;

(59) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-nine thousand forty acres, as generally depicted on a map entitled "Piute Mountains Wilderness—Proposed", and which shall be known as Piute Mountains Wilderness;

(60) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-eight thousand eight hundred eighty acres, as generally depicted on a map entitled "Resting Spring Range Wilderness—Proposed", and which shall be known as the Resting Spring Range Wilderness;

(61) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand eight hundred twenty acres, as generally depicted on a map entitled "Rice Valley Wilderness—Proposed", and which shall be known as the Rice Valley Wilderness;

(62) certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately twenty-four thousand one hundred acres, as generally depicted on a map entitled "Riverside Mountains Wilderness—Proposed", and which shall be known as the Riverside Mountains Wilderness;

(63) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty thousand one hundred acres, as generally depicted on a map entitled "Rodman Mountains Wilderness—Proposed", and which shall be known as the Rodman Mountains Wilderness,

(64) certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately fifty-two thousand six hundred acres, as generally depicted on a map entitled "Sacatar Trail Wilderness—Proposed", and which shall be known as the Sacatar Trail Wilderness;

(65) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fourteen thousand eight hundred acres, as generally depicted on a map entitled "Saddle Peak Hills Wilderness—Proposed", and which shall be known as the Saddle Peak Hills Wilderness;

(66) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand five hundred acres, as generally depicted on a map entitled "San Gorgonio Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Gorgonio Wilderness as designated by Public Laws 88-577 and 98-425;

(67) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty-three thousand two hundred forty acres, as generally depicted on a map entitled "Santa Rosa Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Santa Rosa Wilderness designated by Public Law 98-425;

(68) certain lands in the California Desert District, of the Bureau of Land Management, which comprise approximately thirty-five thousand four hundred acres, as generally depicted on a map entitled "Sawtooth Mountains Wilderness—Proposed", and which shall be known as the Sawtooth Mountains Wilderness;

(69) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred seventy-seven thousand acres, as generally depicted on a map entitled "Sheephole Valley Wilderness—Proposed", and which shall be known as the Sheephole Valley Wilderness;

(70) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy thousand three hundred forty acres, as generally depicted on a map entitled "Slate Range Wilderness—Proposed", and which shall be known as the Slate Range Wilderness;

(71) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ninty-two thousand six hundred ninety acres, as generally depicted on a map entitled "Soda Mountains Wilderness—Proposed", and which shall be known as the Soda Mountain Wilderness;

(72) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-one thousand nine hundred fifty acres, as generally depicted on a map entitled "South Algodones Dunes Wilderness—Proposed", and which shall be known as the South Algodones Dunes Wilderness;

(73) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand six hundred fifty acres, as generally depicted on a map entitled "South Avawatz Mountains Wilderness—Proposed", and which shall be known as the South Avawatz Mountains Wilderness;

(74) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand seven hundred eighty acres, as generally depicted on a map entitled "South Nopah Range Wilderness—Proposed", and which shall be known as the South Nopah Range Wilderness;

(75) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately nine thousand acres, as generally depicted on a map entitled "Stateline Wilderness—Proposed", and which shall be known as the Stateline Wilderness;

(76) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-one thousand six hundred acres, as generally depicted on a map entitled "Stepladder Mountains Widerness—Proposed", and which shall be known as the Stepladder Mountains Wilderness;

(77) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty-seven thousand six hundred forty acres, as generally depicted on a map entitled "Surprise Canyon Wilderness—Proposed", and which shall be known as the Surprise Canyon Wilderness;

(78) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand eight hundred twenty acres, as generally depicted on a map entitled "Sylvania Mountains Wilderness—Proposed", and which shall be known as the Sylvania Mountains Wilderness;

(79) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand seven hundred twenty acres, as generally depicted on a map entitled "Trilobite Wilderness—Proposed", and which shall be known as the Trilobite Wilderness;

(80) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-four thousand five hundred acres, as generally depicted on a map entitled "Turtle Mountains Wilderness—Proposed", and which shall be known as the Turtle Mountains Wilderness; and

(81) certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately seventy-five thousand five hundred acres, as generally depicted on a map entitled "Whipple Mountains Wilderness—Proposed", and which shall be known as the Whipple Mountains Wilderness;

ADMINISTRATION OF WILDERNESS AREAS

SEC. 103. Subject to valid existing rights, each wilderness area designated under this title shall be administered by the appropriate Secretary in accordance with the provisions of the Wilderness Act: Provided, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

FILING OF MAPS AND DESCRIPTIONS

SEC. 104. As soon as practicable after enactment of this title, a map and a legal description on each wilderness area designated under this title shall be filed by the Secretary concerned with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this title: Provided, That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, Department of the Interior, or the Chief of the Forest Service, Department of Agriculture, as is appropriate.

WILDERNESS REVIEW

SEC. 105. The Congress hereby finds and directs that lands in the California Desert Conservation Area, of the Bureau of Land Management not designated as wilderness by this Act have been adequately studied for wilderness designation pursuant to sec-

tion 603 of the Federal Land Policy and Management Act (90 Stat. 2743, 43 U.S.C. 1701 et seq.), and are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

DESIGNATION OF WILDERNESS STUDY AREA

SEC. 106. (a) In furtherance of the purposes of the Wilderness Act, the Secretary of Agriculture shall, in conjunction with the preparation of the Inyo National Forest Land Research and Management Plan, review certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-three thousand seven hundred acres, as generally depicted on a map entitled "White Mountains Wilderness Study Area—Proposed," dated February 1986, to determine their suitability or nonsuitability for preservation as wilderness and shall submit his recommendation to the President.

(b) The wilderness study area designated by subsection (a) shall be administered by the Secretary of the Interior in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act.

TITLE II—DEATH VALLEY NATIONAL PARK

FINDINGS

SEC. 201. The Congress hereby finds that—

(1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;

(2) Death Valley National Monument is today recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the Monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical and wilderness values;

(4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous federal lands of national park caliber, and afforded full recognition and statutory protection as a national park; and

(5) the wilderness within Death Valley should receive maximum statutory protection by designation pursuant to the Wilderness Act.

ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK

SEC. 202. There is hereby established the Death Valley National Park, as generally depicted on a map entitled "Death Valley National Park", dated February 1986, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monument is hereby abolished as such, and the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park.

TRANSFER AND ADMINISTRATION OF LANDS

SEC. 203. Upon enactment of this title, the Secretary of the Interior shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the map described in section 202 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The areas added to the National Park System by this title shall be administered in accordance with the provisions of law generally applicable to units of the National Park System.

MAPS AND LEGAL DESCRIPTION

SEC. 204. Within six months after the enactment of this title, the Secretary shall file a legal description of the park designated under this title with the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives. Such legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in section 202. The legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.

DISPOSITION UNDER MINING LAWS

SEC. 205. Subject to valid existing rights, the federal lands and interests therein added to the park system by this title are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 206. Within two years of the date of enactment of this title, the Secretary shall determine the validity of any unpatented mining claims within the additions to the park system and submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

TITLE III—JOSHUA TREE NATIONAL PARK

FINDINGS

SEC. 301. The Congress hereby finds that—

(1) a proclamation by President Franklin Roosevelt in 1936 established Joshua Tree National Monument to protect various objects of historical and scientific interest;

(2) Joshua Tree National Monument today is recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the Monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous federal lands of essential and superlative natural, ecological, archeological, paleontological, cultural, historical and wilderness values;

(4) Joshua Tree National Monument should be enlarged by the addition of contiguous federal lands of national park caliber, and afforded full recognition and statutory protection as a national park; and

(5) the non-designated wilderness within Joshua Tree should receive maximum statutory protection by designation pursuant to the Wilderness Act.

ESTABLISHMENT OF JOSHUA TREE NATIONAL PARK

SEC. 302. There is hereby established the Joshua Tree National Park, as generally depicted on a map entitled "Joshua Tree National Park", dated February 1986, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Joshua Tree National Monument is hereby abolished as such, and the lands and interests therein are hereby incorporated within and made part of the new Joshua Tree National Monument.

TRANSFER AND ADMINISTRATION OF LANDS

SEC. 303. Upon enactment of this title, the Secretary of the Interior shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the map described in section 302 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The areas added to the National Park System by this title shall be administered in accordance with the provisions of law generally applicable to units of the National Park System.

MAPS AND LEGAL DESCRIPTION

SEC. 304. Within six months after the enactment of this title, the Secretary shall file a legal description of the park designated by this title with the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Commitee of the House of Representatives. Such legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in section 302. The legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.

DISPOSITION UNDER MINING LAWS

SEC. 305. Subject to valid existing rights, federal lands and interests therein added to the park system by this title are withdrawn from disposition under the public lands laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from the operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 306. Within two years of the date of enactment of this title, the Secretary shall determine the validity of any unpatented mining claims within the park and submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

TITLE IV—MOJAVE NATIONAL PARK

FINDINGS

SEC. 401. The Congress hereby finds that—

(1) Death Valley and Joshua Tree National Parks, as established by this Act, protect unique and superlative desert resources, but

do not embrace the particular ecosystems and transitional desert type found in the Mojave Desert area lying between them on public lands now afforded only impermanent administrative designation as a national scenic area;

(2) the Mojave Desert area possesses outstanding natural, cultural, historical, and recreational values meriting statutory designation and recognition as a unit of the National Park System;

(3) the Mojave Desert area should be afforded full recognition and statutory protection as a national park; and

(4) the wilderness within the Mojave Desert should receive maximum statutory protection by designation pursuant to the wilderness Act.

ESTABLISHMENT OF THE MOJAVE NATIONAL PARK

SEC. 402. There is hereby established the Mojave National Park, comprising approximately one million five hundred thousand acres, as generally depicted on a map entitled "Mojave National Park", dated February 1986, which shall be on file and available for inspection in the offices of the Director of the National Park Service, Department of the Interior.

TRANSFER OF LANDS

SEC. 403. Upon enactment of this title, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the map described in section 402 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service. The boundaries of the public lands shall be adjusted accordingly.

MAPS AND LEGAL DESCRIPTION

SEC. 404. Within six months after the enactment of this title, the Secretary shall file a legal description of the park designated under this title with the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives. Such legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in section 402. The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

ABOLISHMENT OF SCENIC AREA

SEC. 405. The East Mojave National Scenic Area, designated on January 13, 1981 (46 FR 3994) and modified on August 9, 1983 (48 FR 36210), is hereby abolished.

ADMINISTRATION OF LANDS

SEC. 406. The Secretary shall administer the park in accordance with this title and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4).

DISPOSITION UNDER MINING LAWS

SEC. 407. Subject to valid existing rights, federal lands within the park, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 408. Within two years of the date of enactment of this title, the Secretary shall determine the validity of any unpatented mining claims within the park and submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

REGULATION OF MINING

SEC. 409. Subject to valid existing rights, all mining claims located within the park shall be subject to such reasonable regulations as the Secretary may prescribe to assure that mining will, to the maximum extent practicable, be consistent with the protection of the scenic, scientific, cultural and other resources of the park, and any patent which may be issued after the date of enactment of this title shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations.

GRAZING RIGHTS

SEC. 410. The Secretary shall permit those persons holding currently valid grazing permits within the boundary of the park to continue to exercise such permits consistent with other applicable law: Provided, however, that upon expiration of the current term of such permits, the permits shall not be renewed.

RIGHTS-OF-WAY

SEC. 411. Nothing in this title shall have the effect of terminating any validly issued right-of-way or right-of-use heretofore issued, granted, or permitted for—

(a) systems for transmission or distribution of electric energy;

(b) pipelines for the transmission or distribution of natural gas or oil; and

(c) communication cables or lines.

PREPARATION OF MANAGEMENT PLAN

SEC. 412. Within three years of the date of enactment of this title, the Secretary shall submit to the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives a detailed and comprehensive management plan for the park. Such plan shall place emphasis on historical and cultural sites and ecological and wilderness values within the boundaries of the park and shall evaluate the feasibility of using the Kelso Depot and existing railroad corridor to provide public access to and a facility for special interpretive, educational and scientific programs within the park.

CONSTRUCTION OF VISITOR CENTER

SEC. 413. The Secretary is authorized to construct a visitor center in the park for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the resources of the park.

ACQUISITION OF LANDS

SEC. 414. The Secretary is authorized to acquire all lands and interest in lands within the boundary of the park by donation, purchase, or exchange, except that—

(1) any lands or interests therein within the boundary of the park which are owned by the State of California, or any political subdivision thereof, may be acquired only by donation or exchange; and

(2) lands of interests therein within the boundary of the park which are not owned by the State of California or any political subdivision thereof may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the park or which is otherwise incompatible with the purposes of this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 415. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE V—NATIONAL PARK WILDERNESS

DESIGNATION OF WILDERNESS

SEC. 501. The following lands are hereby designated as wilderness in accordance with section (3) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.

(1) Death Valley National Park Wilderness, comprising approximately three million one hundred fifty-nine thousand seven hundred twenty acres, and potential wilderness additions comprising approximately twenty thousand four hundred acres, as generally depicted on a map entitled "Death Valley National Park Wilderness—Proposed", dated February 1986, and which shall be known as the Death Valley Wilderness;

(2) Joshua Tree National Park Wilderness Additions, comprising approximately one hundred thirty-three thousand five hundred acres, as generally depicted on a map entitled "Joshua Tree National Park Wilderness Additions—Proposed", dated February 1986, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree Wilderness as designated by Public Law 94-567; and

(3) Mojave National Park Wilderness, comprising approximately seven hundred forty-seven thousand nine hundred forty acres, as generally depicted on a map entitled "Mojave National Park Wilderness—Proposed", dated February 1986, and which shall be known as the Mojave Wilderness.

FILING OF MAPS AND DESCRIPTIONS

SEC. 502. A map and description of the boundaries of the areas designated in section 501 of this title shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of each area designated in section 501. As soon as practicable after this title takes effect, maps of the wilderness areas and descriptions of their boundaries shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and such maps and descriptions shall have the same force and effect as if included in this title: *Provided*, That correction of clerical and typographical errors in such maps and descriptions may be made.

CESSATION OF CERTAIN USES

SEC. 503. Any lands (in section 501 of this title) which represent potential wilderness additions upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by

the Wilderness Act have ceased, shall thereby be designated wilderness. Lands designated as potential wilderness additions shall be managed by the Secretary of the Interior insofar as practicable as wilderness until such tme as said lands are designated as wilderness.

ADMINISTRATION OF WILDERNESS AREAS

SEC. 504. The areas designated by section 501 of this title as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

TITLE IV—MISCELLANEOUS PROVISIONS

TRANSFER OF LANDS TO STATE OF CALIFORNIA

SEC. 601. Upon enactment of this title, the Secretary of the Interior shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on a map entitled "Red Rock Canyon State Park Additions", dated February 1986, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the state park system, ownershsip of the lands shall revert to the Department of the Interior to be managed as part of the California Desert Conservation Area to provide maximum protection for the area's scenic and scientific values.

DESERT LILY SANCTUARY

SEC. 602. (a) There is hereby established the Desert Lily Sanctuary within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately one thousand nine hundred twenty acres, as generally depicted on a map entitled "Desert Lily Sanctuary", dated February 1986. The Secretary of the Interior shall administer the area to provide maximum protection to the desert lily.

(b) Subject to valid existing rights, federal lands within the sanctuary, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

INDIAN CANYONS NATIONAL HISTORIC SITE

SEC. 603. (a) There is hereby established the Indian Canyons National Historic Site, comprising approximately four hundred ninety acres, as generally depicted on a map entitled "Indian Canyons National Historic Site", dated February 1986.

(b) Upon enactment of this title, the Secretary of the Interior shall enter into negotiations to acquire by exchange the privately owned lands or interests therein within the national historic site designated by subsection (a).

(c) The Secretary of the Interior, shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians for the purposes of managing the national historic site.

LAND TENURE ADJUSTMENTS

SEC. 607. In preparing land tenure adjustment decisions within the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating federal ownership within the national park units and wilderness areas designated by this Act.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 2062. A bill to designate the Federal building and U.S. courthouse to be constructed and located in Newark, NJ, as the "Martin Luther King, Jr. Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

MARTIN LUTHER KING, JR. FEDERAL BUILDING AND U.S. COURTHOUSE

● Mr. LAUTENBERG. Mr. President, I am honored today to introduce legislation to designate the new Federal courthouse planned for Newark, NJ, as the Martin Luther King, Jr. Federal Building and Courthouse. The dean of the New Jersey congressional delegation, the chairman of the House Judiciary Committee, Congressman PETER RODINO, is introducing a companion bill in the House of Representatives. Congressman RODINO represents Newark in Congress. Senator BRADLEY is joining me as a cosponsor.

The first celebration of the Federal holiday honoring Martin Luther King, Jr. this year has reinforced our memories of the important role this great man played in our Nation's history. With his strong emphasis on nonviolence and his unrelenting sense of justice, he stood for the best in the American character. Dr. King reminded us that as long as race is in any way a measure of a person, then this country has betrayed its ideals and its promise. But he did more than that: he devoted his life to making America live up to its own rhetoric. And in the end he gave his life to that cause.

It is appropriate to name the new Federal courthouse in Newark after Dr. King. His name is synonymous with his dream for this country. His dream of a country brought together by justice, equality, compassion, and love. And our Federal judicial system is dedicated to advancing those ideals.

The Martin Luther King, Jr. Federal Building and Courthouse will serve future generations of New Jerseyites. Dr. King himself was constantly looking to the future. He said in his Nobel Prize acceptance speech that he was accepting the award—

• • • with an abiding faith in America and an audacious faith in the future of mankind. I refuse to accept the idea that the "isness" of man's present nature makes him morally incapable of reaching up for the eternal "oughtness" that forever confronts him.

By naming this building after Dr. King, we will provide a small, yet very special tribute to his memory. The true legacy of Dr. King lives on in the hearts and minds of those who were affected by his life. But a physcial monument is also an important and visible reminder of the King legacy.

Mr. President, I am proud to say that Dr. King's widow, Coretta Scott King, has honored New Jersey by endorsing this effort.

I urge my colleagues to join me in supporting this measure to honor Martin Luther King, Jr., by naming the new Newark Federal Building and Courthouse for him.●

By Mr. DODD:

S. 2063. A bill to provide financial assistance to small businesses seeking relief under the antidumping and countervailing duty laws; to the Committee on Finance.

SMALL BUSINESS TRADE REMEDY ACT

● Mr. DODD. Mr. President, today I am introducing a bill to provide financial assistance to small businesses seeking relief from unfair foreign competition under U.S. trade laws. As you know, Mr. President, foreign competition has been particularly fierce over the past several years as imports have flooded the market, while export performance has been lackluster at best. That flood of imports drove the U.S. trade deficit to an historic high of $148.5 billion last year. Despite the fact that the value of the dollar has declined by some 20 percent over the past 12 months, the trade picture has continued to deteriorate and more and more local businesses have been forced to close up shop because they are unable to compete with foreign imports.

Small businesses have always been the backbone of our local economies, providing vital services to their local communities. Unfortunately, most small firms do not have the financial means to go through the expensive and protracted litigation required to seek relief under existing trade laws. Two years ago, the Congress took note of this fact and took one step toward addressing this problem. It created a special office in the International Trade Commission—the Trade Remedy Assistance Office—to provide assistance, at no cost, to small businesses in preparing and filing petitions against trade practices.

Unfortunately, filing petitions is really just the first stop on a long legal road to obtaining relief from unfair import competition. Professional legal assistance is really mandatory if a petitioner is to be successful, since foreign competitors hire some of the most expensive legal talent that money can buy to protect their interests. The average cost of legal fees and related expenses incurred in petitioning for relief under title VII of the Tariff Act of 1930 has been estimated to be on the order of $250,000 per petitioner—well within the means of large

firms, but quite burdensome to small firms.

I believe it is time for the Congress to take the next step by providing direct financial assistance to qualified small businesses, or associations representing industries which are predominantly made up of small businesses to defray some of the costs incurred as they attempt to fight back against unfair foreign competition.

The bill I am introducing today would do just that by creating a small business trade remedy trust fund with moneys collected from antidumping and countervailing duties imposed under title VII of the Trade Act of 1930. What better use of moneys which are collected from foreign importers who have violated U.S. trade laws than to put them to work to assist U.S. companies hurt by foreign imports. Under provisions of this bill, the Trade Remedy Assistance Office is empowered to disburse funds to qualified small businesses determined to be in need of assistance, to cover up to 90 percent of the first $50,000 of reasonable expenses incurred and 50 percent of any reasonable expenses incurred above that amount. However, protection is built into this bill to prevent frivolous petitions from being funded or from excessive expenses being reimbursed, by authorizing the Trade Remedy Assistance Office to deny funding for such purposes.

I believe that this bill is an important modification to existing U.S. trade laws and one long overdue if small businesses are to be allowed to continue to be vital and productive components in the U.S. economy. I would hope that the Senate Finance Committee would give early and favorable consideration to it, so that the Senate can take action this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Trade Remedy Act of 1986".

SEC. 2. FINDINGS.

The Congress finds that—

(1) small businesses are a vital component of the United States economy;

(2) small businesses have been particularly hard hit by competition from foreign imports;

(3) much of this competition has been from unfair trade practices including dumping of goods at prices below practices including dumping of goods at prices below costs and subsidization of foreign producers by their governments;

(4) legal remedies for small businesses from such unfair trade practices are costly and complex and place an enormous burden on the limited resources of such businesses; and

(5) financial assistance from the Federal Government to assist small businesses in seeking relief from unfair trade practices is in the economic interest of the United States.

SEC. 3. FINANCIAL ASSISTANCE FOR SMALL BUSINESSES SEEKING CERTAIN TRADE RELIEF.

Section 339 of the Tariff Act of 1930 (19 U.S.C. 1339) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by inserting after subsection (b) the following new subsection;

"(c)(1) The Trade Remedy Assistance Office shall establish and maintain a program which pays the reasonable expenses incurred by any eligible small business, or association of eligible small businesses, in connection with any proceeding concerning a request by such business or association for relief under title VII if such Office determines that such business or association is in need of assistance in paying such expenses.

"(2) With respect to any proceeding, payment for reasonable expenses under subparagraph (A) shall be made for not more than—

"(A) 90 percent of the portion of such expenses that does not exceed $50,000, and

"(B) 50 percent of the portion of such expenses that exceeds $50,000.

"(3) No payment shall be made under paragraph (1) with respect to—

"(A) any proceeding which the Trade Remedy Assistance Office determines to be frivolous, or

"(B) any expenses such Office determines to be excessive or frivolous.

"(4) The Trade Remedy Assistance Office shall submit to the Congress an annual report on—

"(A) the amount of assistance provided under this subsection during the previous fiscal year, and

"(B) the amount of assistance such Office estimates will be provided under this subsection during the fiscal year in which such report is submitted to the Congress.",

"(3) by adding at the end of subsection (d), as redesignated by paragraph (1) of this subsection, the following new paragraph:

"(3) The term 'reasonable expenses' includes attorneys' fees, court costs, and expenses for the collection of data used to support a petition under title VII.", and

"(4) by adding at the end thereof the following new subsections:

"(e)(1) There is established in the Treasury of the United States a trust fund to be known as the Small Business Trade Remedy Trust Fund (hereafter in this section referred to as the 'Trust Fund'), consisting of such amounts as may be transferred or credited to the Trust Fund as provided in this subsection or otherwise appropriated to the Trust Fund.

"(2)(A) The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury of the United States amounts determined by the Secretary of the Treasury to be equivalent to the amounts received into such general fund which are attributable to all countervaling duties and antidumping duties imposed under title VII or section 303.

"(B) The Secretary of the Treasury shall make the transfers required under subparagraph (A) until the aggregate amount of funds in the Trust Fund equals $150,000,000. After such occurrence, the Secretary of the Treasury shall make the transfers required under subparagraph (A) only to the extent necessary to maintain $100,000,000 in the Trust Fund.

"(C) The amounts which are required to be transferred under subparagraph (A) shall be transferred at least quarterly from the general fund of the Treasury of the United States to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in subparagraph (A) that are received into the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the amounts required to be transferred.

"(3)(A) The Secretary of the Treasury shall be the trustee of the Trust Fund and shall annually report to the Congress on the financial condition of the Trust Fund during the preceding fiscal year and on the expected financial condition of the Trust Fund during the fiscal year in which such report is submitted to the Congress.

"(B)(i) The Secretary of the Treasury shall invest such portion of the Trust Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

"(I) on original issue at the issue price, or

"(II) by purchase of outstanding obligations at the market price.

"(ii) Any obligation acquired by the TRUST Fund may be sold by the Secretary of the Treasury at the market price.

"(iii) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

"(4) Amounts in the Trust Fund shall only be available for carrying out the provisions of subsection (c).

"(f) There are authorized to be appropriated out of the Trust Fund such amounts as are necessary to carry out the provisions of subsection (c).".

SEC. 4. IMPLEMENTATION OF PROGRAM.

The United States International Trade Commission shall issue all regulations, rules, and procedures necessary to implement the assistance program established by this Act by no later than the date that is 180 days after the date of enactment of this Act.●

By Mr. WARNER:

S. 2064. A bill to require the President to make an annual report on the national strategy of the U.S. Government to certain committees of Congress and to require joint committee meetings to be held on such report; to the Committee on Rules and Administration.

NATIONAL STRATEGY TO DEFENSE REFORM

Mr. WARNER. Mr. President, over the years, I have been concerned about the need to improve the method by which the Congress receives from the executive branch positions covering U.S. foreign policy objectives and the supporting defense requirements.

For years Congress has collected this body of policy information in a very diverse manner: Presidential address, posture statements, hearings, fact

sheets, responses to questions, and the like.

Further, the information comes fragmented—presented at different times, to different committees, in different versions.

This historical practice, in part, will continue; but to be more effective, our budget process should begin with the presentation of a national strategy.

With defense budgets ranging around $300 billion impacting upon State Department budgets of over $12 billion, it is essential that Congress receive at the very beginning of the budget process a foundation documentation of our national strategy—a coordinated, comprehensive description of our foreign policy, our worldwide commitments, and the requirements of our national defense to deter aggression and implement our foreign policy.

To support the development of a foundation document of our national strategy, I am submitting a bill which requires that:

The President provide a foundation report on the national strategy to the Congress at the beginning of each year. The chairman of the Armed Services Committee and the Foreign Relations Committee of the Senate will convene a joint hearing to receive this report and request the Secretary of State and the Secretary of Defense jointly appear to present the report. A similar procedure will be followed by the House of Representatives.

These hearings will take place annually following the President's State of the Union Message but prior to hearings on the annual posture statements.

Strategic consensus requires almost unprecedented cooperation, agreement, and coordination among policymakers, strong and dedicated administration leadership, and commitment by Congress and the American public to support force deployments and resource requirements demanded by such fundamental decisions.

But at least we can begin our legislative process each year with a better understanding of an Administration's view of our national strategy.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2065. A bill to amend the Alaska Native Claims Settlement Act to provide Alaska Natives with certain options for the continued ownership of lands and corporate shares received pursuant to the act, and for other purposes; to the Committee on Energy and Natural Resources.

ALASKA NATIVE LAND CLAIMS SETTLEMENT AMENDMENTS

● Mr. MURKOWSKI. Mr. President, today, I am cosponsoring with Senator STEVENS, legislation to amend the Alaska Native Claims Settlement Act of 1971, which for purposes of brevity, I shall call ANCSA.

For many in this Congress, the date 1991 looms because it is the target date for a balanced budget mandated by Gramm-Rudman-Hollings. For Alaska's Natives, the date 1991 presents an additional challenge: continued Native land ownership.

The importance of land to Alaska's Natives should not be understated. They inhabit many of the most remote parts of Alaska, parts that are only accessible by air or by water. Most still live a subsistence existence owing to their traditional lifestyles and cultural values, their isolation, and high food costs in rural Alaska.

Since the Treaty of Cession and prior to adoption of ANCSA in 1971, the Federal Government has recognized the rights of Alaska's Natives to land. In the late 1960's and early 1970's, due to increased development and population pressures, Congress and the Natives began negotiations and hearings on how to resolve Alaska Native land claims.

The result was passage of landmark legislation of how Congress deals with Native Americans. Congress and the Natives rejected establishing new reservations in Alaska. The course selected was Native equity ownership in Native corporations.

Under the act, Alaska Natives were established in 12 regional corporations and over 200 village corporations. These corporations received through a complex land conveyance formula, portions of a 44-million-acre land entitlement and of a cash settlement of $962.5 million as compensation for extinguished land claims.

Individual Natives enrolled in regional and/or village corporations and received 100 shares of stock as their individual share of the settlement—their share of the land. This stock is restricted, or not saleable, until 1991, 20 years after passage of the act. The purpose of the restrictions was to enable the Native corporations time to form and become economically self sufficient in order that they may distribute dividends and other benefits to their Native shareholders.

Yet, as 1991 looms ahead, many Native corporations still have not received ANCSA land entitlements. Many corporations continue to struggle and have not realized the benefits of ANCSA. Implementation of the act has been fraught with litigation and delays. Moreover, adjustment to the corporate structure from a traditional subsistence life style is a major one for the corporate entity is frequently ill-adapted to the traditional Native life styles. Concern within the Native community is that the Natives will lose control of their land through corporate failure and through the sale of stock in 1991.

In response to this concern, for over 2 years, the Alaska Federation of Natives [AFN], the largest statewide Native organization, has held village workshops, town meetings, and conventions to discuss the issues raised by 1991 and to establish solutions. This process culminated in a special convention held in Anchorage in March of 1985. The choice made was to amend ANCSA to reflect the individual needs for the various villages and regions. At this convention, eight resolutions were adopted and enjoyed broad and often unanimous support by the AFN delegates. These resolutions are significant, for they represent a consensus of the Native community statewide on how to address the 1991 issues. These resolutions are the basis for the legislation we have before us today.

This legislation is in the spirit of 1971, the spirit of self-determination. It reflects the diversity of the Alaska Natives, for it is a package of options from which each Native corporation can select to determine land and stock ownership. For the record, I will briefly outline the major 1991 issues and how this bill addresses them:

STOCK RESTRICTIONS

Under current law, in 1971, Native stock would automatically be canceled and new stock would be issued to existing shareholders that is saleable on the open market. This legislation, automatically continues the stock restrictions in 1971 and allows for each corporation to vote to continue or discontinue stock restrictions. It also allows that the Bristol Bay Native Corporation and villages in its region require its corporation to take a mandatory vote on the question of stock alienation.

TRANSFER OF ASSETS TO A NEW ENTITY

If Natives determine the corporate structure does not fit their needs, this legislation gives the option for a village or a regional corporation to transfer their assets to a qualified transferee entity.

DISSENTERS RIGHTS

This deals with the question of how to deal with those shareholders who vote against the majority in motions to continue stock restrictions and to transfer corporate assets to a qualified transferee entity. The legislation gives the corporations the option of allowing dissenters rights.

NEW STOCK FOR ELDERS AND NATIVES BORN AFTER 1971

Natives born before 1971 were eligible to enroll in Native corporations, with the assumption that Native stock will be passed down to descendents. However, some corporations would like to issue additional stock to Natives born after 1971 and to elders. This legislation gives corporations that option.

AUTOMATIC LAND BANK PROTECTION

The Alaska National Interest Land Conservation Act authorized a land bank into which corporations could deposit undeveloped lands to protect

them from adverse possession and taxation. Excessive administrative delays has slowed the implementation of the land bank. This bill addresses the bureaucratic delay problem by granting automatic land bank protection for undeveloped lands.

Mr. President this legislation does not try to reinvent the wheel with respect to Alaska Native land claims. This legislation "fine tunes" ANCSA so that it gives Natives options as to how they can continue to manage their ANCSA assets. It does not establish any new relationship between the Federal Government and Alaska's Natives nor does it or should it attempt to resolve the questions relating to sovereignty or Indian country in Alaska. The legislation does not and should not address subsistence game management and use in Alaska. It has been drafted with the cooperation of the Alaska Federation of Natives and the State of Alaska. The Department of the Interior has been fully briefed on these issues and has been repeatedly asked for its comments.

Mr. President, the Alaska Native community has presented to the Alaska delegation solutions backed by a consensus of the Alaska Native. To ensure maximum participation by Alaskans in the development of this legislation, I plan to hold a series of workshops in rural Alaska villages to discuss this bill. In addition, I have received confirmation that the Senate Energy and Natural Resources Committee, Subcommittee on Public Lands will hold hearings in Alaska on this bill.

Mr. President, in 1971 Congress passed the Alaska Native Claims Settlement Act. While I and many of my colleagues in the U.S. Senate were not here at that time, I believe we need to work for the success of the settlement. This legislation is designed to meet this goal, and I look forward to working with Alaskans and my colleagues toward successful passage of this legislation.●

● Mr. STEVENS, Mr. President, I am happy to join Senator MURKOWSKI in introducing a package of amendments to the Alaska Native Claims Settlement Act [ANCSA] of 1971. As my colleague points out in his opening statement, many Native corporations have been plagued with problems that Congress did not foresee at the time of ANCSA's enactment. In large part, those problems are attributable to the Federal Government's slowness in implementing ANCSA.

I believe that as a matter of basic fairness, Congress must respond to the concerns that Alaska Natives have expressed about the future of their land settlement in connection with the 1991 provisions of ANCSA. We must make sure that the Federal Government keeps the promises it made to the Natives in 1971.

The Alaska Federation of Natives [AFN], which has played a key role in protecting the interests of Alaska Natives for many years, has worked long and hard to develop a package of amendments to ANCSA that deals with the problems posed by 1991. I commend AFN for its dedication and perseverance.

The bill we are introducing today parallels, in most respects, the recommendations that AFN has made. I want to emphasize, however, that this bill is the starting point of the legislative process, not the end product. We plan to subject the bill to extremely close scrutiny in the hearing and markup process. We intend to listen closely to the comments of all individuals whose interests would be affected by the bill.

Mr. President, resolving the problems of 1991 and ensuring the success of the 1971 Alaska Native land claims settlement is in the best interest of all Alaskans and all Americans. I hope that we will be able to move expeditiously on this bill this session.●

By Mr. D'AMATO:

S. 2066. A bill to improve airport security by increasing the number of FAA security personnel and the number of airport inspections by such personnel, by increasing civil penalties for violations of security regulations, and by improving the pay scale for FAA police, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIRPORT SECURITY IMPROVEMENT ACT

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation to help safeguard the millions of people who use this Nation's airports each year. This bill, the "Airport Security Improvement Act of 1986," will enhance existing airport safety and security measures and will increase penalties assessed against airports and air carriers with lax security procedures.

My close friend and distinguished colleague, Congressman Mario Biaggi, today is introducing an identical bill in the House of Representatives. Congressman Biaggi has been an outstanding leader on the issue of aviation safety and security, and I commend him for his initiatives in this vital area. Together, I am confident that we will be able to persuade our colleague to cosponsor this legislation and press for its passage.

The need for this bill is clear: Since 1974, there has been an average of 8 hijackings per year of United States air carriers, 98 in total. There is a growing perception on the part of the traveling public, who, since airline deregulation, have chosen air travel over surface transportation in increasing numbers, that we are not doing enough to improve the safety of our airports and air carriers.

On June 14, 1985, world attention was focused on the hijacking of TWA Flight 847 as it left Athens en route to Rome. That despicable act of terrorism resulted in the death of one American while 39 others were held hostage for 2 weeks. Additional recent acts of terrorism have been perpetrated abroad against international air travelers, leaving behind a wake of death and destruction. Increased numbers of civil aviation security personnel monitoring the security procedures at foreign airports will help reduce the future risk to Americans traveling abroad.

So far, the United States has been fortunate to have escaped the wave of terrorism that has occurred abroad. However, recent international events have resulted in increased threats against American targets. We cannot assume that we are prepared to fully deal with such threats when only last night an unruly passenger on a domestic flight from Fort Lauderdale was able to pull a knife on the flight crew during a stop-over in Texas. Our ground security should not permit weapons such as knives to escape detection. Increased inspection of international airports in this country will help to tighten up lax security procedures.

According to the Federal Aviation Administration's (FAA) "Semiannual Report to Congress on the Effectiveness of the Civil Aviation Security Program (January 1–June 30, 1985)," a total of 1,448 firearms were detected during this reporting period, which is about 14 percent higher than the average of 1,269 weapons detected during the preceding 10 reporting periods. Ninety-five percent of the 1,448 weapons detected were discovered through X-ray inspection of carry-on luggage, 3 percent were detected through the use of metal detectors, and 2 percent were discovered as the result of physical searches. There were five explosive or incendiary devices detected during this period.

One of the most important items in this bill is a provision to allow for an increase of 200 persons in the current authorized level of Federal Aviation Administration (FAA) civil aviation security personnel. This includes Federal Air Marshals and airport security agents. Thus, the total number of such key security personnel would be raised from 236 to 436 during fiscal year 1986.

My legislation also provides for more frequent security inspections at all 30 international airports in the United States. Presently, these inspections are carried out on a quarterly basis. Given the degree of risk of terrorist acts and the potential carnage they represent, quarterly inspections clearly are not sufficient to provide adequate protection to air travelers.

Under current law, maximum penalties for airports and air carriers which commit security violations are civil fines of $1,000. My bill will increase that maximum to $10,000 with any revenues generated from the fines going to help pay for enhanced FAA security operations.

Finally, the bill contains a specific provision to improve security at Washington National Airport and Washington Dulles Airport. This provision substantially increases salaries for FAA police officers at these airports by creating a separate pay system for them identical to the one that now exists for United States Supreme Court police officers. I believe that this will help the FAA recruit and retain qualified personnel. A recent General Accounting Office study blamed low pay for severe police understaffing problems at these airports.

Congressman BIAGGI recently wrote an incisive article on this topic that appeared in the January 26, 1986, issue of The Washington Post. This article clearly illustrates the extent of the security staffing problem at National and Dulles Airports. Mr. President, I ask unanimous consent that Congressman BIAGGI's article be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 26, 1986]

NATIONAL AND DULLES: "TRAGEDIES WAITING TO HAPPEN"

(By Mario Biaggi)

It's no secret that many Americans are rethinking their plans to travel abroad. Recent terrorist attacks at airports in Rome and Vienna, along with the earlier TWA hijacking ordeal in Beirut, raised very serious questions about safety at foreign airports.

But are U.S. airports any safer? If you use National and Dulles airports as a benchmark, the answer is no. Just consider what happened at the two airports one week ago.

An anonymous caller, claiming to be a Libyan, told officials at National that he had paid a number of cabdrivers to put bombs in unattended vehicles and restrooms at the airport. A separate report on the same day suggested that a Libyan terrorist armed with explosives would be flying into either National or Dulles from Canada.

Fortunately for the 55,000 passengers—including a countless number of U.S. and foreign dignitaries—who use National and Dulles airports every day, these warnings turned out to be false. But so were reports by the media that police officers at both airports were put on "special alert." My own discussions with Federal Aviation Administration policy supervisors responsible for law enforcement at National and Dulles revealed that no such special alert was issued. In truth, both airports were as vulnerable on that day of the terrorist attack warnings as they are every other day of the year.

Because of my background of 23 years in police work, I was approached by a number of FAA police officers in 1983 about serious security problems that exist at National and Dulles, largely as a result of an underpaid, understaffed and overworked police force. A subsequent General Accounting Office study confirmed the seriousness of these problems; yet the situation appears to be getting worse.

Consider, for example, that in 1981 there were 120 FAA police officers assigned just to National Airport. Today, there are only 72 armed officers split between National and Dulles, about 50 officers short of the authorized level. Since these officers work in eight-hour shifts, it is not unusual to have only six police officers patrolling the 680 acres at National or the nearly 12,000 acres, plus the 13-mile access road, at Dulles. This is barely enough to control traffic flow, let alone combat terrorists. By the way, the people manning the X-ray machines and metal detectors are not police personnel. They are contract employees to the airlines, and they have no firearms and no power to make arrests.

To make matters worse, police at the two airports have no bullet resistant vests, gas masks or tear gas, which is standard equipment at most police departments. They have an insufficient number of motor vehicles, and their radios are about 16 years old. Their manpower shortage became so severe that last year the FAA assigned one of its firefighters to assume police dispatching duties at National.

Understaffing also means too much work and stress for the officers who do police National and Dulles. The GAO study found that staffing shortages forced FAA police officers to put in almost twice as many overtime hours as any of the 23 other police forces they surveyed. In fact they pointed to one officer who totaled 2,450 overtime hours one year, or an extra 306 working days on top of his normal schedule. The average for FY 1983 was an extra 87 days' worth of overtime work. For 1985, the totals were even higher, with some $900,000 being spent by the FAA on overtime pay for police at National and Dulles.

Are you thinking that poor management must be to blame? Try no management! There is no chief of the FAA police. There are no captains and there is no inspector. These three top management positions are all vacant, and they have been for some time. The chain of command is even weaker when you consider that no officer has been promoted to sergeant since 1981. In fact, more than 80 percent of FAA police officers surveyed during the GAO study blamed "management policies" and "management/employee relation practices" for low morale.

The biggest problem, according to the GAO study, is that the FAA pays its police officers so little they have trouble recruiting and retaining qualified personnel. The starting salary for a FAA police officer is $14,578, or the equivalent of what a GS-4 clerk-typist makes. That is intolerable, but the FAA cannot be fully blamed. Last year, it requested a substantial pay raise for the officers, but the Office of Personnel Management approved only a partial increase.

I am convinced that the security situation at National and Dulles will not improve as long as OPM controls the pay scale for FAA police officers. That is why I am about to introduce a bill that will establish a separate and far more competitive pay system for FAA police officers. In addition, the bill would exempt the FAA police force and other civil aviation security progams from Gramm-Rudman-Hollings cuts.

I am motivated to improve security at National and Dulles for this reason: I am a consumer who flies in and out of Washington about 100 times a year. The issue seems crystal clear: National and Dulles are security risks, tragedies waiting to happen. If we act now, we can avert those tragedies.

Mr. D'AMATO. Mr. President, I urge my Senate colleagues to cosponsor this bill and to join me in supporting its passage. I also ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Airport Security Improvement Act of 1986".

SEC. 2. MONTHLY INSPECTION OF UNITED STATES INTERNATIONAL AIRPORTS.

(a) IN GENERAL.—Section 316 of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new subsection:

"INSPECTION OF UNITED STATES INTERNATIONAL AIRPORTS

"(g) The Administrator shall, not less often than once every 30 days, inspect each airport in the United States serving aircraft in foreign air transportation for the purpose of determining compliance of the airport operator and each air carrier and foreign air carrier serving such airport with this section and section 315 and the regulations promulgated under each such section.".

(b) TABLE OF CONTENTS.—That portion of the table of contents of the Federal Aviation Act of 1958 appearing under the side heading

"Sec. 316. Air transportation security."

is amended by adding at the end of the following:

"(g) Inspection of United States international airports.".

SEC. 3. INCREASE IN NUMBER OF SECURITY PERSONNEL.

The Administrator of the Federal Aviation Administration shall increase the number of civil aviation security personnel employed by the Federal Aviation Administration to 436 by the end of fiscal year 1986. There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 4. INCREASE IN CIVIL PENALTIES FOR SECURITY VIOLATIONS.

(a) IN GENERAL.—The first sentence of section 901(a)(1) of the Federal Aviation Act of 1958 is amended by striking out the period at the end and inserting in lieu thereof the following: "or for each violation of section 315 or 316 or any rule, regulation, or order issued thereunder.".

(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—There is authorized to be appropriated to the Administrator of the Federal Aviation Administration for carrying out civil aviation security programs, in addition to any other amounts authorized for such purpose, an amount equal to the amount of any penalty collected under section 901(a)(1) of the Federal Aviation Act of 1958 for violation of section 315 or 316 of such Act or any rule, regulation, or order issued thereunder.

SEC. 5. FEDERAL AIRPORT POLICE PAY SCALE.

(a) ESTABLISHMENT OF PAY SCALE.—

(1) IN GENERAL.—Subchapter VII of chapter 53 of title 5, United States Code, relating to Federal employee pay rates and systems, is amended by adding at the end thereof the following new section:

§ 5376. Police forces of Washington National Airport and Washington Dulles International Airport

"(a) Each employee in a position within the police force of Washington National Airport or the police force of Washington Dulles International Airport shall be entitled, under regulations prescribed by the Office of Personnel Management, to have his pay fixed in accordance with the following schedule:

AIRPORT POLICE SALARY SCHEDULE

Grade and title	Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
Level 1—airport police officer	18,710	19,190	19,670	20,150	20,630	21,110	21,590	22,070	22,550	23,030
Level 2—special functions officer	20,855	21,390	21,925	22,460	22,995	23,530	24,065	24,600	25,135	25,670
Level 3—sergeant	23,170	23,764	24,358	24,952	25,546	26,140	26,734	27,328	27,922	28,516
Level 4—lieutenant	25,662	26,320	26,978	27,636	28,294	28,952	29,610	30,268	30,926	31,584
Level 5—Captain	28,347	29,074	29,801	30,528	31,255	31,982	32,709	33,436	34,163	34,890
Level 6—deputy inspector	31,211	32,011	32,811	33,611	34,411	35,211	36,011	36,811	37,611	38,411
Level 7—inspector	34,292	35,171	36,050	36,929	37,808	38,687	39,566	40,445	41,324	42,203
Level 8—chief of police	41,105	42,159	43,213	44,267	45,321	46,375	47,429	48,483	49,537	50,591

"(b) Classification of positions the rate of pay of which is fixed under subsection (a) shall be under such regulations as the Office of Personnel Management shall prescribe.

"(c) The provisions of sections 5335 and 5336 of this title, relating to periodic step-increases, shall be applicable to employees covered under this section. In applying such provisions to employees under this section, the references contained in such sections to grades and pay rates shall be considered to be references to grades and pay rates specified under subsection (a) of this section.

"(d) For purposes of this section—

"(1) the term 'police force of Washington National Airport' refers to employees of the Federal Aviation Administration appointed under section 4(a) of the Act of June 29, 1940, entitled 'An Act to provide for the administration of the Washington National Airport, and for other purposes'; and

"(2) the term 'police force of Washington Dulles International Airport' refers to employees of the Federal Aviation Administration appointed under section 8(a) of the Act of September 7, 1950, entitled 'An Act to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia'.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 5, United States Code, is amended by inserting immediately after the item relating to section 5375 the following new item:

"5376. Police forces of Washington National Airport and Washington Dulles International Airport.".

(3) INAPPLICABILITY OF GENERAL SCHEDULE CLASSIFICATION.—Section 5102(c) of title 5, United States Code, is amended—

(A) by striking out "or" at the end of paragraph (26);

(B) by striking out the period at the end of paragraph (27) and inserting in lieu thereof "; or "; and

(C) by adding at the end thereof the following new paragraph:

"(28) members of the police force of Washington National Airport and members of the police force of Washington Dulles International Airport, whose pay is fixed under section 5376 of this title.".

(b) PAY COMPARABILITY.—

(1) IN GENERAL.—Section 5301(c) of title 5, United States Code, relating to the pay comparability system, is amended in paragraph (1) by inserting before the semicolon the following: ", or section 5376 of this title, relating to the Airport Police Salary Schedule".

(2) HIGHER MINIMUM RATES OF PAY.—Paragraph (1) of section 5303(a) of title 5, United States Code, relating to authority to prescribe higher minimum rates of pay, is amended by inserting "or 5376" after "5332".

(3) REGULATIONS.—Section 5304 of title 5, United States Code, relating to policies and regulations implementing pay comparability, is amended by inserting "section 5376 of this title," before "chapter 51".

(c) GRADE AND PAY RETENTION.—Section 5361 of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting "or section 5376" after "chapter 51"; and

(2) in paragraph (5), by inserting "the Airport Police Salary Schedule under section 5376 of this title," after "the General Schedule,".

(d) HAZARDOUS DUTY DIFFERENTIAL.—The second sentence of section 5545(d) of title 5, United States Code, relating to pay differentials for hazardous or intermittent duty, is amended by inserting ", or section 5376 of this title," after "chapter 53 of this title".

(3) EFFECTIVE DATE; TRANSITION PROVISIONS.—

(1) EFFECTIVE DATE.—The amendments made by this section shall become effective at the beginning of the first applicable pay period which commences on or after the thirtieth day following the date of the enactment of this section.

(2) INITIAL ADJUSTMENTS OF RATES OF PAY.—

(A) IN GENERAL.—Effective on the effective date of the amendments made by this section, initial adjustments of the rates of basic pay of individuals employed as members of the police force of Washington National Airport or Washington Dulles International Airport on such date shall be made in accordance with subparagraph (B).

(B) DETERMINATION OF INITIAL LEVEL AND STEP.—

(i) IN GENERAL.—An individual whose pay is within a grade of the General Schedule immediately before the effective date of the amendments made by this section shall be paid—

(I) within the appropriate grade of the Airport Police Salary Schedule under section 5376(a) of title 5, United States Code (as added by subsection (a)(1) of this section), as determined under clause (ii); and

(II) except as provided in clause (iii), at that step of such grade which corresponds numerically to the step of the grade of the General Schedule at which such individual was paid immediately before such effective date.

(ii) TABLE OF GRADES.—For purposes of making the initial adjustment in the rate of basic pay for any individual under this paragraph, the appropriate grade under the Airport Police Salary Schedule is the grade under the Airport Police Salary Schedule is the grade appearing across from the grade of the General Schedule at which such individual was paid as a member of the police force of Washington National Airport or Dulles International Airport, as the case may be, immediately before the effective date of the amendments made by this section, as follows:

General Schedule Grade	Airport Police Salary Schedule Grade
GS-4 and GS-5	Level 1
GS-6	Level 2
GS-7	Level 3
GS-8	Level 4
GS-9	Level 5
GS-10	Level 6
GS-11	Level 7
GS-12	Level 8

(iii) EXCEPTION.—An individual whose pay is within GS-4 immediately before the effective date of the amendments made by this section shall be paid at step 1 of level 1 of the Airport Police Salary Schedule.

(3) STEP INCREASES.—

(A) EFFECT OF INITIAL INCREASE IN PAY.—An increase in pay by reason of an initial adjustment under the preceding provisions of this subsection shall not be deemed to be an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, for purposes of step-increases under the pay structure established by section 5376 of such title (as added by subsection (a)(1) of this section).

(B) CREDIT OF ALL PREVIOUS SERVICE.—For purposes of periodic step-increases under such pay structure, an employee shall be credited, as of the effective date of the amendments made by this section, with all service since such employee's last periodic step-increase under section 5335 of title 5, United States Code, before such effective date.

(4) NO REDUCTION IN PAY.—No rate of basic pay in effect immediately before the effective date of the amendments made by this section shall be reduced by reason of the enactment of this section.

(5) DEFINITIONS.—For purposes of this subsection, the term "police force of Washington National Airport" and the term "police force of Washington Dulles International Airport" each has the meaning given such term by section 5376 of title 5, United States Code (as added by subsection (a)(1) of this section).●

By Mr. LAUTENBERG (for himself and Mr. KASTEN):

S. 2067. A bill to overturn the deferral of the fiscal year 1986 Urban Development Action Grant and Community Block Grant Program; to the Committee on Banking, Housing, and Urban Affairs.

OPPOSING DEFERRAL OF CERTAIN GRANT PROGRAMS

● Mr. LAUTENBERG. Mr. President, yesterday, Senator KASTEN and I introduced a sense of the Senate resolution in opposition to the proposed rescission of fiscal year 1986 funding for the Urban Development Action Grant Program. Today, we are introducing legislation to overturn the deferral of fiscal year 1986 UDAG and Community Development Block Grant Program funding that the administration submitted to the Congress today.

The administration's budget strikes at the heart of Federal programs which have been essential to local government. The administration would end the UDAG Program and defer $500 million of fiscal year 1986 funds for the Community Development Block Grant Program. In fiscal year 1986, Congress reduced CDBG funding by 10 percent. The first sequester order under Gramm-Rudman-Hollings will reduce it further. With the deferral recommended by the administration, the total reduction in CDBG funds to local governments would be over 30 percent this year. A reduction of this size will mean one of two things: Either local governments will raise their taxes or they'll cut vital services. That means streets will not be repaired, day care centers will close, and police and fire departments will be reduced.

Mr. President, when urban aid is discussed in this body, it often seems as if we're only talking about the older cities of the Northeast. UDAG and CDBG have been critical to the cities in the Northeast, but their impact is felt throughout the Nation. We hear the administration say that these funds only go to a few places. This morning's Washington Post carries a story of what Federal assistance has meant to one of the great cities of the South, Charleston, SC.

I ask unanimous consent that a copy of two articles on the costs associated with the elimination or reduction of these programs and the text of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress disapprove the proposed deferral of budget authority 86-48 for the Community Development Block Grant program set forth in the special message transmitted by the President to the Congress on February 5, 1986.

CHARLESTON EDGY ABOUT CUTS IN AID

(By Bill Peterson)

CHARLESTON, SC.—Until a decade ago, this graceful antebellum city that witnessed the first shots of the Civil War did not look to Washington for help. "It was a philosophical thing," said Mayor Joseph P. Riley Jr. "They didn't believe in federal aid."

The city was considered an economic backwater, a place that looked more to the past than the future. "We are like the Chinese here," said one longtime resident. "We eat a lot of rice and worship our ancestors."

Today, Charleston is booming, thanks in part to the federal assistance the city once spurned. Unemployment is 5.0 percent, retail sales have jumped 92.5 percent since 1980 and U.S. News & World Report recently proclaimed that the city "ranks No. 1" among U.S. cities "where business is best."

But Riley, a Democrat who has been twice reelected mayor without opposition, said he fears "we may lose our momentum" because of further cutbacks in the federal aid that his administration has embraced.

Riley is an urban evangelist, a politician who takes great pride in his city. Federal aid, he said, "has saved us from mediocrity."

Such aid has dropped dramatically every year of the Reagan administration. In 1981, the first year of the Reagan presidency, 14.5 percent of Charleston's operating budget—$3.3 million—came from the federal government; this year the figure is $1.7 million, or 5.6 percent of the budget.

Most of this money has come from the federal revenue-sharing program, which will die Sept. 30 unless Congress acts to save it. Charleston has received millions more from other federal programs that have shrunk dramatically.

In 1981, the city received $2.3 million in community development block grants; it expects to get $891,480 this year, according to officials. During the last year alone, the city's share of urban mass transit funds dropped from $1.5 million to $1.1 million.

Charleston, with a population of only 72,000, has adjusted to the cuts the old-fashioned way. "Cities only have two choices," Riley said. "We can raise taxes or cut services."

Since 1981, Charleston has raised taxes twice, cut the number of city workers by about 5 percent and lengthened the city workday, the mayor said.

This has spread the pain of the cutbacks to the point that it is hard to find any single group that has dramatically suffered.

But Riley said his city now has very little room to maneuver.

"We've been operating a tight ship for a long time, so we have nowhere to turn," he said. "We don't have a big white-collar bureaucracy. Our government is a basic-service provider. I know the city of Charleston doesn't want less police or firemen. If we have less garbagemen, less garbage gets picked up and people don't want that. We could cut what we give the symphony or the library, but I consider those essential items, not frills."

Not everyone here agrees.

Last week, Frank Gilbreth, author of the 1950s best seller "Cheaper by the Dozen" and a long-time columnist for The News and Courier in Charleston, wrote that many of the federal programs are "insanely uneconomical" and could be eliminated "without creating any real devastation whatsoever."

Founded in 1670, Charleston is the quintessential city of the Old South, proud, nostalgic and self-possessed. It was and is called "the Holy City" by the reverent and irreverent alike. "Some say that's because we have so many churches; others say it's because of our holier-than-thou attitude," said one longtime resident.

For the first half of its history, the city was one of America's great trading centers, a port of departure for rich cargoes of cotton, rice and indigo cultivated by black slaves for white plantation owners and merchants who dominated South Carolina's economic and political life.

A city of picturesque mansions, wrought-iron balconies and wisteria-draped courtyards, it rivaled Philadelphia, Boston and New York in wealth and grandeur during the early years of the Republic. The Democratic Party held its 1860 national convention here, and the following year the first shots of the Civil War were fired at Fort Sumter in the Charleston harbor.

After the war, Charleston went into a long economic slide that did not end until World War II. Then came the L. Mendel Rivers military-industrial boom. Rivers was the city's congressman. During the South Carolina Democrat's years as chairman of the House Armed Services Committee, the Charleston area became one of the biggest military centers in the country.

But Wacon L. Stevens, a city councilman for 26 years, said, "We didn't really come out of the lethargy of the 19th century until the last 10 or 15 years."

"Charleston right now is on the verge of enjoying its greatest period," Riley declared last week.

This can't be dismissed as idle hometown boosterism. Charleston's downtown has become a model for urban revitalization. Dozens of tastefully renovated boutiques, restaurants, and office buildings line East Bay, Meeting, King, Market and Broad streets. Even some of the city's new parking garages look like something out of Architecture Digest.

Annual medium family income has jumped $6,000 since 1979. The city's Spoleto Festival, an annual 17-day art extravaganza, has won international acclaim. Crime is down 35 percent since 1980, and Reuben M. Greenberg, the city's black, Jewish police chief was recently featured on CBS' "60 Minutes."

Part of the region's economic boom can be traced to the Reagan defense buildup. According to a report by the Charleston Trident Chamber of Commerce, the annual military payroll in the region has grown from about $750 million to more than $1 billion since 1980. One of every eight people in the region, 59,560 persons, works for the military.

But Riley argues that his city's boom is fueled by another type of federal money—flexible block grants under the Urban Development Action Grant (UDAG) and community development programs. The city has received more than $36 million under the two programs during Riley's 10 years in office.

Community development money has been used, among other things, to build parks and renovate scores of old, dilapidated houses in the city's predominantly black East Side. UDAG, private and city money has been used to convert a long-empty former cigar factory in the same area into a business training center, which now houses 125 small businesses.

"Federal money has done wonders here," said City Councilman Jerome Kinkoch, who represents the area. "This neighborhood was slowly but surely deteriorating. Now it's come back."

The East Side is one of the few places where the impact of cutbacks already can be seen. In 1981, the city renovated 122 homes, many in the area, with community development money. Last year, that figure fell to 66. This year, officials estimate they will be able to do only about a dozen homes.

The city has used UDAG money to help finance two bank buildings in its downtown business district, several multilevel parking garages and a huge convention hotel, and to restore an old downtown warehouse into a picturesque inn and retail shop development, transforming several adjoining blocks in the process. The city is seeking an additional $9.9 million in UDAG money for a waterfront park development.

The city estimates that these projects, when complete, will have leveraged $52 million in private investment and produced about 1,400 permanent jobs. The Reagan budget released yesterday proposes elimination of the UDAG program.

Riley conceded a hotel and the bank buildings might have been built without U.S. help, but said they would have been more modest structures—not in keeping with Charleston's historic character.

"What these programs have done is give us the ability to aspire to greatness, to be something beyond the mediocre," he said. "This is terribly important at a time when we are the most urban nation in the world, and more and more Americans live in the orbit of the central city. The central city, to a large part, dictates the quality of life, the interest in excellence and spirit for entire metropolitan areas."

LOSS OF UDAG'S WOULD COST NJ CITIES MILLIONS

(By David R. Palombi)

WASHINGTON.—New Jersey cities including Trenton—stand to lose millions of dollars in federal aid under a Reagan administration plan to scrap a popular urban development program for the rest of this fiscal year, Trenton officials said yesterday.

"It is going to wreak havoc," said Thomas Ogren, Trenton's chief of planning and economic development. "It is a serious loss as an important economic tool."

On Monday, the U.S. Department of Housing and Urban Development began notifying field offices across the country that the administration has decided not to spend $200 million in Urban Development Action Grants that Congress had approved for the 1986 fiscal year, which ends in September.

The administration also is planning to withhold $500 million in the Community Development Block Grant program. That would leave $2.6 billion for the program.

Ogren described the cutbacks as "a real blockbuster." The cuts apparently kill Trenton's request for $4 million to renovate the former Roebling steel plant. That project was not funded yesterday.

It also ends plans to submit new grant applications this year. Ogren yesterday said none had been prepared, but "there is no doubt . . . we would have submitted UDAGs in 1986."

"They are going for the jugular," Ogren said of the administration.

Congress can overturn the cuts—called deferrals—if it acts within 30 days of the notification. Administration officials said the cuts are being made to reduce the federal budget deficit. They said it is normal to cut off spending when a deferral is planned.

"There is no sense to having the communities finish up their applications" if HUD knows it is not going to process them, said HUD spokesman Jack Flynn. "There are no more UDAG funds for this year."

But Randy Arndt, a spokesman for the National League of Cities, said he thought the move was intended as a cancellation of the program.

"This is not a deferral with the intention to spend next year," Arndt said. "This is a deferral with the intention to cancel next year."

While it is impossible to estimate what effect the cuts will have on local cities because grants are awarded on a competitive basis, it is clear the impact will be large.

In fiscal 1985, New Jersey cities received 26 urban grants worth $51.7 million. The grants have been the linchpin of dozens of cities' redevelopment efforts since the UDAG program was created in 1977.

Yesterday, when the final round of grants was announced, five New Jersey cities received aid totaling nearly $8 million.

If Congress does not override the deferrals, it is possible yesterday's grants could be the last hurrah for the popular job-creating UDAG program. Reagan is expected to propose in his 1987 budget that it be abolished.●

By Mr. PRYOR (for himself, Mr. GLENN, Mr. NUNN, Mr. BUMPERS, Mr. BOREN, Mr. HUMPHREY, Mr. CHILES, Mr. BURDICK, Mrs. KASSEBAUM, Mr. HEINZ, Mr. DOLE, Mr. HOLLINGS, Mr. SASSER, Mr. BRADLEY, Mr. BOSCHWITZ, Mr. RIEGLE, and Mr. LONG):

S.J. Res. 264. Joint resolution designating April 28, 1986, as "National Nursing Home Residents Day"; to the Committee on the Judiciary.

NATIONAL NURSING HOME RESIDENTS DAY

● Mr. PRYOR. Mr. President, today I am introducing a joint resolution which proclaims and authorizes the President to designate Monday, April 28, 1986, as "National Nursing Home Residents Day."

The strength and stability of our Nation stem directly from the dedication and commitment which our elderly citizens have demonstrated in the past. Through troubled years our older generation has struggled, and has helped to make our country the powerful and great Nation that it is today. The joint resolution I am introducing will continue our past efforts to honor and recognize a vital force in the history of our Nation—the more than 1.4 million senior citizens who reside in nursing homes throughout the Nation.

Mr. President, I call attention to the dramatic increase in the average life expectancy. Until the year 1900, humans gained about 29 years in increased life expectancy. Compare this to the fact that in just 80 years we've gained an additional 25 years in increased life expectancy on the average. With further advancements in the fields of science and technology, we can expect this rate to climb even higher, making senior citizens the fastest growing segment of our population.

These demographic changes will greatly affect the demand for nursing home and long-term health care. Currently more than 1.4 million older Americans reside in nursing homes—that's twice as many as 20 years ago. There are 6.6 million Americans aged 65 and older who need long-term care services—that's 1 in 4 of the current 28.8 million older Americans. Now, more urgently than before, Congress is focusing on the fact that our Nation must prepare for the heavy demands of future health care services. Presently, a variety of alternatives are being examined to avoid costly and sometimes unnecessary institutionalization, yet the fact remains that nursing homes will play an important role in meeting the demands of growing long-term health care needs. And we must ensure that the needs of individuals residing in nursing homes are met. These needs go far beyond merely assuring an adequate number of nursing home beds and the provision of appropriate medical care. They include a wide range of supportive services which provide a home for nursing home residents, and allow them to remain valued members of our society.

These impressive statistics not only encourage us to anticipate the needs of future elderly citizens, but also to reevaluate our own personal attitudes toward the elderly—especially that group most easily ignored and forgotten—the senior citizens residing in nursing homes throughout the Nation.

In previous years, the elderly have gathered to quietly celebrate "National Nursing Home Residents Day," proud to be recognized and gratified to be deemed invaluable sources of wisdom and experience. One resident of a nursing home in Seattle, WA, Mrs. Ethel Gross, beemed with joy at the tribute, commenting:

> We are glad that some people still see us as people of value. We are not all senile, unable to think and unable to make our own decisions. "Residents Day" gives us a sense of pride.

Mr. President, as the Congress and the Nation move forward to meet the challenges of our times, I believe it essential that we take this opportunity to honor our nursing home residents, and to renew our pledge to them that we will continue to do our utmost to see that their best interests continue to be a national priority. I sincerely hope that my colleagues share my concern and will join me in sponsoring and establishing this joint resolution to establish April 28, 1986, as "National Nursing Home Residents Day." I ask unanimous consent that the text of the resolution be printed at the appropriate place in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 264

Whereas over one million older Americans reside in nursing homes and one in five older Americans likely will reside in a nursing home at some time;

Whereas nursing home residents have contributed to the growth, development, and progress of this Nation and, as elders, offer a wealth of knowledge and experience;

Whereas Congress recognizes the importance of the continued participation of these institutionalized senior citizens in the life of our Nation;

Whereas in an effort to foster reintegration of these citizens into their communities Congress encourages community recognition of and involvement in the lives of nursing home residents;

Whereas the Congress recognizes the importance of safeguarding the rights of nursing home residents; and

Whereas it is appropriate for the American people to join in support of nursing home residents to demonstrate their concern and respect for these citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 28, 1986, is designated as "National Nursing Home Residents Day", a time of renewed recognition, concern, and respect for the Nation's nursing home residents. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities.●

● Mr. GLENN. Mr. President, I am pleased to join my distinguished colleague, Senator PRYOR, in introducing a resolution to designate April 28, 1986, as "National Nursing Home Residents Day." I would like to take a few moments to bring your attention to this resolution, and to urge my Senate colleagues to join me in cosponsoring it.

There are approximately 1.3 million older Americans residing in nursing homes, many of whom are very ill, very poor, and isolated. Their institutionalization is frequently not by choice, but by circumstance. Most are unable to care for themselves, and many lack the financial or familial resources that would allow them to remain at home. Nursing home residents often face a period of declining health and diminished independence.

We take for granted the ability to come and go and do as we please, to be asked our opinions and to be respected as thinking and feeling human beings. Many nursing home residents are denied the basic right to be treated as an adult, as one whose life is not over simply because he or she is in a nursing home.

Recognition of these rights is essential. We have the responsibility to ensure that those living in nursing homes have the opportunity to enjoy life as much as possible. We need to maintain and strengthen our support of nursing home residents and their rights. The role that family and friends play in promoting and protecting residents' rights and their quality of life is vital. Ombudsman programs in many communities serve as advocates for residents, often empowering residents to speak on their own behalf. The nursing home associations are to be commended for their efforts to educate and assist their fellow members in developing programs that will encourage residents to become active participants in community life.

It is crucial that we acknowledge what many nursing home residents already know—though they are frail and physically limited, they are individuals who are often capable of a wide range of activities. Moreover, they are adults who are entitled to the same dignity and respect that we expect for ourselves.

The contributions, both past and present, made by nursing home residents for the betterment of their communities must not go unrecognized. There are numerous examples of residents who are involved in community outreach programs and in raising funds for community organizations. Many others are involved in residents' organizations in their own facilities, working to make the quality of life better for themselves and fellow residents.

Support for "National Nursing Home Residents Day" is a signal to all nursing home residents, their families and friends, and to those who provide care, that we place a value on the quality of their lives, that we deem their voices important enough to be heard. Again, I urge my colleagues to join me in cosponsoring this important resolution to make April 28, 1986 "National Nursing Home Residents Day."●

By Mr. HEINZ (for himself, Mr. GLENN, Mr. BENTSEN, Mr. NICKLES, Mr. WARNER, Mr. HECHT, Mr. COHEN, Mr. HOLLINGS, Mr. ANDREWS, and Mr. DIXON):

S.J. Res 265. Joint resolution authorizing and requesting the President to designate the week of March 9 through 15, 1986, as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

NATIONAL EMPLOY THE OLDER WORKER WEEK

● Mr. HEINZ. Mr. President, I am pleased to introduce today, together with the ranking minority member of the Aging Committee, Senator GLENN, and Senators BENTSEN, NICKLES, WARNER, HECHT, COHEN, HOLLINGS, ANDREWS, and DIXON, a joint resolution to authorize and designate the week of March 9 through 15, 1986, "National Employ the Older Worker Week." The chairman of the House Select Committee on Aging, Representative ROYBAL, is also introducing this resolution in the House of Representatives.

Our resolution calls attention to the potential of older workers and to some of the problems which block employment opportunities for them. The American Legion has sponsored such a week for older workers every year since 1959, joining with local American Legion posts, State and area agencies on aging, the National Council on Aging, the American Association of Retired Persons, and Senior Community Service Employment Program sponsors to focus attention on the advantages of employing older persons. The American Legion has presented citations to employers who have promoted successful programs for hiring and retaining older workers within their organizations.

Special programs will be held around the country to mark this important week and to encourage employers to generate employment opportunities for older persons. Employers will become more aware of job opportunities and job retention options.

Mr. President, the trends and the demographics are clear. We need to look to the future and prepare for the inevitable work force changes that will occur. Our Nation will need productive older workers. As you are aware, Mr. President, the age categories of the population will be shifting dramatically over the coming decades. The population of the younger—16 to 44—working age population has ceased growing and will remain a constant number for nearly two decades. The enormous baby boom generation will be retiring with fewer younger people entering into the work force. Unless we convince older workers to stay productive members of the work force, we will not have the necessary labor force to produce what this country must to support today's standard of living, let alone a better, higher standard in the future. Not only are we wasting valuable human resources, but failure to adapt work patterns to the needs of older workers will take a serious toll on the economic well-being of our entire society.

Older workers today represent a large but neglected national resource. Only 16.3 percent of elderly men were working by 1984. More than 770,000 Americans age 55 and over are out of work—1.1 million if one adds to the "officially unemployed" the so-called discouraged older workers who have withdrawn from the labor force unwillingly because they simply could not find jobs and eventually gave up looking for them. These unemployed and discouraged older workers often have greater financial obligations than younger workers do. Many workers in their fifties have children in college whom they must support. Mortgage and car payments as well as other financial commitments often rise with a worker's age and income. Many older unemployed workers cannot begin to draw a pension because they worked for a company that lacked one or because they have not met the age and service requirements. They do not

become eligible for Social Security's reduced early retirement benefits until age 62, nor for Medicare until age 65.

Once unemployed, the older worker runs the greatest risk of being without work for long periods of time. People 55 and over are out of work on the average nearly 20 weeks before being reemployed. That is 23 percent longer than the 15.5 weeks between jobs, on the average, for all unemployed Americans. The chance of reemployment for displaced workers declines significantly with age. In a recent Bureau of Labor statistics survey, only 41 percent of those between 55 and 64 were able to reenter the labor force in any capacity, compared to 70 percent for those between ages 20 and 24. And only 21 percent of those over 65 became reemployed.

Mr. President, older people want to work. National polls and research findings indicate that many more would like to find full- or part-time jobs, but feel that there is no opportunity for then to do so. Three out of four retirees in a 1981 Harris survey stated that wished they had never quit work. Further, the poll found that among all those now working in the key preretirement age between 55 and 64, a majority of 79 percent are opposed to stopping work completely when they retire. Surveys show that 90 percent of Americans disapprove of mandatory retirement.

Some employers are already recognizing older workers as a valuable resource. They are initiating hiring, retraining, second career and job retention programs for older workers. These progressive companies, large and small, deserve to be recognized as examples for others to follow. There are, however, still too many other employers who do not perceive older workers in such a positive light and continue to practice, consciously or unconsciously, age discrimination against them.

Mr. President, I realize that this resolution is just a small step, but it is a step that is worth taking now to help dramatize the need for action. As chairman of the Special Committee on Aging, I will be working toward the development of substantive policies to promote greater employment opportunities. I believe that we can no longer ignore the vast potential contribution that these Americans are capable and desirous of making to our society. The results of this promotional week will benefit older workers, employers, and the Nation as a whole. I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 265

Whereas individuals aged fifty-five and over are a major national resource, constitute 22 per centum of the population of the United States at the present time, and will constitute a larger percentage of the population in future decades;

Whereas a growing number of such individuals, being willing and able to work, are looking for employment opportunities, want to remain in the work force, and would like to serve their communities and their Nation in productive roles;

Whereas such individuals, who have made continuing contributions to the national welfare, should be encouraged to remain in, or resume, career and voluntary roles that utilize their strengths, wisdom, and skills;

Whereas employers who retain older workers or rehire older former employees report that such workers and employees exhibit greater company loyalty, high levels of job performance, and low rates of absenteeism; and

Whereas The American Legion has sponsored a "National Employ the Older Worker Week" during the second full week of March in every year since 1959, focusing public attention on the advantages of employing older individuals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate the week of March 9 through 15, 1986, as "National Employ the Older Worker Week", and to issue a proclamation calling upon—

(1) the employers and labor unions of the United States to give special consideration to older workers, with a view toward expanding career and employment opportunities for older workers who are willing and able to work and who desire to remain employed or to reenter the work force;

(2) voluntary organizations to reexamine the many fine service programs which they sponsor with a view toward expanding both the number of older volunteers and the types of service roles open to older workers;

(3) the United States Department of Labor to give special assistance to older workers by means of job training programs under the Jobs Training and Partnership Act, job counseling through the United States Employment Service, and additional support through its older worker program, as authorized by title V of the Older Americans Act; and

(4) the citizens of the United States to observe this day with appropriate programs, ceremonies, and activities.●

● Mr. GLENN. Mr. President, I am pleased to join my colleagues in introducing a resolution proclaiming the second full week of March 1986, as "National Employ the Older Worker Week." This resolution recognizes the valuable contributions that older workers have made to our Nation in the past and highlights their great potential as part of the work force in the years to come. We passed an identical measure into law last year, and I commend the American Legion for sponsoring such a week for older workers since 1959. During this week, the American Legion presents citations to employers who have promoted successful programs for hiring and retaining older workers within their businesses.

As we look to the future, expanding employment opportunities for older individuals who are willing and able to work should be a priority. We all know that life expectancy has increased dramatically in this country and that the demographics of our population—of our work force—are changing dramatically as well. Today, most of our labor force is young, aged 16 to 44, but this group will peak in numbers in about 1990 and then begin to decline. In order to continue economic growth and productivity in this country, we will need middle aged and older persons to become major participants in our future labor force.

In light of these changing demographics, current employment and pension policies must be reexamined and changed to adapt. We do not want in any way to force anyone to work beyond the age that they are capable. But, studies show that many older individuals wish to continue working beyond age 65 for financial reasons, personal fulfillment or a combination of both. Studies also show that increasing numbers of older Americans are healthier and better educated than in the past, and this trend is expected to continue. Improvements in health and educational attainment make this group well suited for the rapidly growing service sector of our economy. We must allow them the opportunity to compete in the marketplace without discrimination.

Life expectancy at age 65 is now an average of 16.4 years and can be expected to increase further. Current policies which encourage early retirement are shortsighted in that the costs of company pension plans and Social Security will increase as workers continue to retire early and live longer. These practices are misguided in that the talents of many older retiring individuals could be used for company profit and worker benefit.

Older Americans are a valuable human resource that could promote economic growth in this country. Let us encourage employers to consider the experienced, skilled labor pool of older Americans when making hiring, promotion, retraining, retention, and pension policy. I urge my colleagues to adopt this resolution for "Employ the Older Worker Week."●

By Mr. DENTON (for himself and Mr. SPECTER):

S.J. Res. 266. Joint resolution to authorize and request the President to designate the month of June 1986 as "Youth Suicide Prevention Month"; to the Committee on the Judiciary.

YOUTH SUICIDE PREVENTION MONTH

Mr. DENTON. Mr. President, I rise, together with my distinguished colleague from Pennsylvania, Senator SPECTER, to introduce a joint resolution to designate the month of June 1986 as "Youth Suicide Prevention Month."

American children, adolescents, and young adults are killing themselves in ever-increasing numbers. According to the American Psychiatric Association, the incidence of suicide among young people aged 15 to 24 has risen by 300 percent during the last 30 years. Specifically, the rate climbed from 4.1 per 100,000 in the 1950's to 12.5 per 100,000 in 1980. In my home State of Alabama, the rate of suicide has increased 122 percent during the same period.

This year, more than 5,000 young Americans can be expected to take their own lives. As the National Institute of Mental Health recently reported, an American teenager will commit suicide every 90 minutes.

Suicide now trails only accidents and homicides as the leading cause of death for people between the ages of 15 and 24. Even younger children experience problems that lead them to attempt suicide. According to a report prepared by the National Center for Health Statistics, during a 13-year period ending in 1978 there were almost 2,000 documented cases of suicide among children under the age of 14. Recent studies indicate that more than 2 million high school students attempted suicide last year.

In Alabama, according to information provided by the Alabama Department of Public Health, Bureau of Vital Statistics, 264 children took their own lives during a 10-year period ending in 1984. Preliminary figures from the bureau show that 33 young Alabamians committed suicide in 1985.

Unfortunately, researchers state, the statistics represent only the "tip of the iceberg." Some experts estimate that the actual number of the suicides among young people is at least four times greater than is reported.

Youth suicide is a phenomenon that is so perplexing, contradictory, frightening, and troubling that our society avoids addressing it. As individuals and as a Nation, we refuse to believe that young people emerging from childhood can feel the degree of sadness, hopelessness, and despair that leads to suicide.

Many teenagers experience strong feelings of stress, confusion, and self-doubt associated with growing up, and the pressures to succeed combined with economic uncertainties can intensify these feelings. For some teenagers, divorce and the breakup of the family, the formation of a new family with stepparents and stepsiblings, the death of a loved one or moving to a new community and school, can be very unsettling and intensify their self-doubts. In some cases, suicide appears to be the only "solution."

It is clear that youth suicide is a problem of epidemic proportions, but it is equally clear that there is no single answer or program to solve the problem. It is not exclusively a Federal problem, or a State problem, or a public problem. It is a problem for all of us, and a problem that calls for the involvement of all segments of our society.

As a caring Nation concerned about the future of our young people, we must help. The children that we have already lost to suicide include some of the best and brightest of their generation.

Youth suicide is a problem of nationwide scope. It can only be solved through the combined efforts of individuals, families, communities, organizations, and Federal, State, and local governments to educate our society about what can be done.

As part of that effort, the Federal Government has taken the lead in raising public awareness, disseminating information, and undertaking research and demonstration of services that may help to resolve the tragedy. The Federal effort has seen President Reagan sign into law Senate Joint Resolution 53, which I introduced, designating June 1985 as "Youth Suicide Prevention Month."

The effort has also seen the Reagan administration spearhead the National Conference on Youth Suicide, held in June 1985, with the stated objectives of increasing national awareness of the problem of youth suicides and encouraging expanded, community-based strategies for addressing the problem. The conference called upon experts in the mental health profession to explain the problem and inform the Nation of the latest research and treatment advances.

Youngsters and parents whose lives have been directly affected by the tragedy of suicide also were called upon to provide insight into what might be done in the family and in the community to prevent the further senseless waste of young lives. By all accounts, the conference was a tremendous success. In fact, many participants returned to their communities and, with the knowledge obtained from the conference, established suicide prevention programs.

To assist other communities, the Youth Suicide National Center, in conjunction with the Office of Human Services, Administration for Children, Youth and Families of the Department of Health and Human Services, has compiled for dissemination the findings and recommendations of the conference. I note that the findings and recommendations will be published within 8 months of the conference, thereby recognizing the urgency associated with the problem. The administration has been involved in an effort to address the tragedy of youth suicide in an expedited, cost-efficient and effective manner.

The effort takes into consideration the fact that the first line of prevention, identification and intervention, must come from parents and local institutions with which youngster come into every day contact: Schools, churches, volunteer and youth service groups, recreational clubs, PTA's and so forth. The efforts of the Reagan administration are currently strengthening that first line of defense against youth suicide.

With the knowledge discovered from the conference and the report and with the support of individuals, families, communities, organizations, and Federal, State, and local governments, children and teenagers who are suicidal can be restored to a more healthful path of development. If those efforts can save one child's life and prevent the agony suffered by the family of a child suicide, then we will have accomplished a great deal.

Mr. President, I hope by calling additional attention to the problem by designating the month of June 1986 as "Youth Suicide Prevention Month" we will encourage similar activity in 1986 to help end the tragedy of children taking their own lives.

I urge my colleagues to support the joint resolution and pass it expeditiously.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 266

Whereas the youth of society represent the hope for the future;

Whereas the rate of youth suicide has increased more than threefold in the last two decades;

Whereas over five thousand young Americans took their lives last year, many more attempted suicide, and countless families were affected;

Whereas youth suicide is a phenomenon which must be addressed by a concerned society; and

Whereas youth suicide is a national problem which can only be solved through the combined effects of individuals, families, communities, organizations, and government to educate society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month June 1986 is designated as "Youth Suicide Prevention Month" and the President is authorized and requested to issue a proclamation calling upon the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such month with appropriate programs and activities.

By Mr. HEINZ:

S.J. Res. 267. Joint resolution designating the week of May 26, 1986, through June 1, 1986, as "Older Americans Melanoma/Skin Cancer Detection and Prevention Week"; to the Committee on the Judiciary.

OLDER AMERICANS MELANOMA/SKIN CANCER DETECTION AND PREVENTION WEEK

● Mr. HEINZ. Mr. President, today I rise to introduce a joint resolution, the "Older Americans Melanoma/Skin Cancer Detection and Prevention Week," scheduled for May 26 through June 1, 1986, and request my colleagues to join me as cosponsors of this bill.

Last year, a similar resolution was agreed to by the Congress, and the President issued a statement proclaiming the week of March 24 to 30, 1985, as "National Skin Cancer Prevention and Detection Week." The American Academy of Dermatology, with its 6,700 physician members and approximately 100 local and State dermatologic socieities across the United States had promoted this activity, and supported it with massive public education campaigns across the country. Over 400 voluntary, free skin cancer screening programs were held, and many skin cancers were found, including a large number of melanomas, a potentially fatal form of skin cancer. The American Cancer Society strongly supported the program, and excellent prevention materials were prepared and distributed cooperatively by both the society and the Academy of Dermatology.

Given the success of last year's program, the American Academy of Dermatology has enthusiastically endorsed the concept of making this program an annual one. The academy also plans to vastly increase the number of screening programs to approximately 800 around the country. I heartily applaud these efforts.

This year, while efforts will of course continue to educate the public at all age levels, one specific population group—which faces the highest risk—will be targeted for specific public education. That is the age group over 50 years of age. It is my understanding that the academy will work as vigorously as possible with every organization representing or working for older Americans, to assure that the greatest possible number of persons attend the free screening clinics. Further, the academy will be calling on these groups for volunteers to help their peers travel to the screening programs, to help staff the programs, and to participate in education programs among their own organizations.

Recent studies have shown that older Americans are at most severe risk of melanomas and other skin cancers: In fact, the risk increases exponentially with age. Further, when this population was in its teens, there was no significant educational program warning them of the long-range dangers of skin cancer from excessive exposure to sunlight, from severe sunburns, from toxic substances in the workplace, and other hazards. Now, however, that population has reached the age where melanomas and skin cancers show themselves at far greater rates.

Early detection is very important if potentially fatal melanomas are to be detected and treated early, and the cure rate is very high. Early detection also spares people from suffering, disfigurement, and money on medical bills. Thus, the theme of prevention and early detection will be stressed in this campaign as it is never too late to undertake prevention strategies.

Some dermatologic researchers have already begun work in identifying the specific geographic populations at risk of melanomas and other skin cancers—such as those in the Sun Belt States—and in identifying the incidence in the population. Some matters are already clear: Older Americans are at a substantially higher risk of developing almost all types of malignant melanoma, the potentially fatal skin cancer, and other types of skin cancers; all skin cancer risk increases exponentially with age; early detection of the disease is directly related to the cure rate; and complete examination of the skin should be performed as part of the annual physical examination for all individuals over age 60. These free screening programs, staffed voluntarily by dermatologists, should be very helpful not only in finding melanomas and other skin cancers, but also in teaching individuals self-examination of the skin.

I hope that all my colleagues will join with me as cosponsors, and I congratulate the American Academy of Dermatology for its initiative in this most important disease detection and prevention program, and its work in public education on the matter.●

By Mr. GOLDWATER (for himself, Mr. GARN, and Mr. SASSER):

S.J. Res. 268. Joint resolution to provide for the reappointment of Murray Gell-Mann as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

APPOINTMENT OF MURRAY GELL-MANN TO THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

● Mr. GOLDWATER. Mr. President, today, along with Senators GARN and SASSER, I am introducing a joint resolution to reappoint Dr. Murray Gell-Mann of California as a citizen regent of the Board of Regents of the Smithsonian Institution. Dr. Gell-Mann has performed his responsibilities as a regent in a very thorough, conscientious and intelligent manner.

Mr. President, I ask that biographical material about Dr. Gell-Mann be printed at this point in my remarks in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Gell-Mann, Murray, theoretical physicist; b. N.Y.C. Sept. 15, 1929; s. Arthur and Pauline (Reichstein) Gell-M.; m. J. Margaret Dow, Apr. 19, 1955 (dec. 1981); children: Elizabeth, Nicholas. B.S., Yale. 1948; Ph.D., Mass. Inst. Tech., 1951. Mem. Inst for Advanced Study, 1951; instr. U. Chgo., 1952-53, asst. prof., 1953-54, asso. prof., 1954, Calif. Inst. Tech., Pasadena. 1955-56, prof., 1956-. now R.A. Millikan prof. physics.; Mem. Pres.'s Sci. Adv. Com., 1969-72. Author: (with Y. Ne'eman) Eightfold Way. Regent Smithsonian Instn. 1974-; bd. dirs. J.D. and C.T. MacArthur Found., 1979-. NSF post doctoral fellow. vis. prof. Coll. de France and U. Paris, 1959-60; Recipient Dannie Heineman prize Am. Phys. Soc., 1959; E.O. Lawrence Meml. award AEC, 1966; Franklin medal, 1967; Carty medal Nat. Acad. Scis., 1968; Reserach Corp. award, 1969; Nobel prize in physics, 1969. Fellow Am. Phys. Soc.; mem. Nat. Acad. Scis., Royal Soc. (fgn.), Am. Acad. Arts and Scis. Club: Cosmos, Research theory of weak interactions, research dispersion relations. Developed eightfold way theory and Quark scheme developed strangeness theory. Office: Dept. Physics Calif. Inst. Tech., Pasadena CA 91125●

By Mr. GOLDWATER (for himself, Mr. GARN, and Mr. SASSER):

S.J. Res. 269. Joint resolution to provide for the reappointment of David C. Acheson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

APPOINTMENT OF DAVID C. ACHESON TO THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

● Mr. GOLDWATER. Mr. President, today, along with Senators GARN and SASSER, I am instroducing a joint resolution to reappoint Mr. David C. Acheson of the District of Columbia as a citizen regent of the Board of Regents of the Smithsonian Institution.

Mr. President, Mr. Acheson has done an outstanding job as a member of the board, and I ask that biographical material about him be printed at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

ACHESON, DAVID CAMPION, lawyer; b. Washington, Nov. 4, 1921; s. Dean G. and Alice (Stanley) A.; m. Patricia Castles. May 1, 1943; children: Eleanor Dean, David Campion, Peter Wesley. B.A. Yale U., 1942; LL.B., Harvard U., 1948. Bar: D.C., Pa., U.S. Supreme Ct. With Office Gen. Counsel AEC, 1948-49; with firm Covington & Burling, Washington, 1950-61, mem. firm, 1958-61; U.S. atty. for D.C., 1961-65, spl. asst. to sec. Treasury, 1965-67; v.p., sr. v.p., gen. counsel Communications Satellite Corp., 1967-74; partner Jones, Day, Reavis & Pogue, Washington, 1974-78, Drinker Biddle & Reath, Phila. and Washington, 1978—. Author; (with others) Effective Washington Representation, 1983; editor: This Vast External Realm. 1973, (with David McLellan) Among Friends, 1980. Trustee Internat.

Econ. Studies Inst.; bd. regents, mem. exec. com. Smithsonian Instn.; bd. dirs. Atlantic Council U.S.; bd. dirs., Atlantic Council U.S.; ld. dirs.,exec. com. Com. on Present Danger. Episcopalian. Clubs: Metropolitan Alibi (Washington); Century Assn. (N.Y.C.). Home: 3101 Garfield St NW Washington DC 20008; also South Yarmouth MA 02664; Office: 1752 N St Suite 500 Washington DC 20036.●

By Mr. DECONCINI:

S.J. Res. 270. Joint resolution to designate May 1986, as "Part-Time Faculty Month"; to the Committee on the Judiciary.

PART-TIME FACULTY MONTH

● Mr. DECONCINI. Mr. President, I am tody introducing legislation to declare the month of May as "Part-Time Faculty Month."

The importance of education cannot be overemphasized. Education provides the foundation for the growth and development of every individual.

To meet the increasing demands on our educational system, a high percentage of college and community teaching is being performed by part-time faculty. Part-time teachers outnumber full-time teachers as much as 3 to 1. Many of these part-time faculty members have been performing their "chosen" teaching assignments for 25 to 30 years. This adds greatly to the insight, understanding, and capability of the overall program being taught. The dedication of part-time faculty members can be measured by the satisfaction expressed by their students and high re-registration numbers for the course they teach.

Many of today's college students are working adults returning to the classroom. These students are not satisfied with strictly textbook answers; they demand and should receive the experience that professionals in their respective fields add to the educational program. Most part-timers are working professionals as well as teachers, so they are able to provide needed insight into course material through their practical experience.

Our part-time teachers bring new insight and enthusiasm to the educational system, and therefore I urge the support of this legislation.●

By Mr. RIEGLE (for himself, Mr. D'AMATO, Mr. ROTH, Mr. PROXMIRE, Mr. EXON, Mr. INOUYE, Mr. QUAYLE, Mr. DECONCINI, Mr. LUGAR, Mr. GRASSLEY, Mr. PELL, Mr. KENNEDY, Mr. MURKOWSKI, Mr. DOMENICI, Mr. PRESSLER, Mr. LEVIN, Mr. ROCKEFELLER, Mr. PRYOR, Mr. SIMON, Mr. GORE, Mr. KERRY, Mr. BUMPERS, Mr. BRADLEY, Mr. HEINZ, Mr. DIXON, Mr. DOLE, Mr. BURDICK, Mr. CHILES, Mr. GLENN, Mr. GARN, Mr. LAUTENBERG, Mr. HATCH, Mr. METZENBAUM, Mr. ZORINSKY, Mr. THURMOND, and Mr. MOYNIHAN):

S.J. Res. 271. Joint resolution designating "Baltic Freedom Day"; to the Committee on the Judiciary.

BALTIC FREEDOM DAY

Mr. RIEGLE. Mr. President, I wish to introduce a resolution designating, "Baltic Freedom Day." I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 271

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas the people of the Baltic Republics of Lithuania, Latvia and Estonia have cherished the principles of religious and political freedom and independence;

Whereas the Baltic Republics have existed as independent, sovereign nations belonging to and fully recognized by the League of Nations; and

Whereas the Union of the Soviet Socialist Republics (U.S.S.R.) in collusion with Nazi-Germany signed the Molotov-Ribbentrop Pact which allowed the U.S.S.R. in 1940 to illegally seize and occupy the Baltic States and by force incorporated them against their national will and contrary to their desire for independence and sovereignty into the U.S.S.R.;

Whereas due to Soviet and Nazi tyranny, by the end of World War II, the Baltic nations had lost twenty percent of their total population;

Whereas the people of the Baltic Republics have individual and separate cultures, national traditions and languages distinctively foreign to those of Russia;

Whereas the U.S.S.R. since 1940 has systematically implemented its Baltic genocide by deporting native Baltic peoples from their homelands to forced labor and concentration camps in Siberia and elsewhere, and by relocating masses of Russians to the Baltic Republics, thus threatening the Baltic cultures with extinction through russification;

Whereas the U.S.S.R. has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberties, and religious freedom;

Whereas the people of Lithuania, Latvia and Estonia find themselves today subjugated by the U.S.S.R., locked into a union they deplore, denied basic human rights, and persecuted for daring to protest;

Whereas the U.S.S.R. refuses to abide by the Helsinki Accords which the U.S.S.R. voluntarily signed;

Whereas the United States as a member of the United Nations has repeatedly voted with a majority of that international body to uphold the right of other countries of the world to determine their fates and be free of foreign domination;

Whereas the U.S.S.R. has steadfastly refused to return to the people of the Baltic States of Lithuania, Latvia and Estonia the right to exist as independent republics separate and apart from the U.S.S.R. or permit a return of personal, political and religious freedoms;

Whereas 1986 marks the forty-sixth anniversary of the United States continued policy of nonrecognition of the illegal forcible occupation of Lithuania, Latvia and Estonia by the U.S.S.R.: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That the Congress recognizes the continuing desire and the right of the people of Lithuania, Latvia and Estonia for freedom and independence from the domination of the U.S.S.R.;

That the Congress deplores the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic Republics and to yield to their rightful demands for independence from foreign domination and oppression;

That the Congress reaffirms the indictment against the U.S.S.R. of the Copenhagen Manifesto signed by the Baltic Tribunal on July 26, 1985 by Dr. Theodor Veiter, Rev. Michael Bourdeaux, Sir James Fawcett, Per Ahlmark and Jean Marie Daillet;

And that the fourteenth day of June 1986, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, be designated "Baltic Freedom Day" as a symbol of the solidarity of the American people with the aspirations of the enslaved Baltic people;

And that the President of the United States be authorized and requested to issue a proclamation for the observance of Baltic Freedom Day with appropriate ceremonies and activities and to submit the issue of the Baltic Republics to the United Nations so that the issue of Baltic self-determination will be brought to the attention of the U.N. General Assembly.

ADDITIONAL COSPONSORS

S. 1005

At the request of Mr. NICKLES, the names of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1005, a bill to amend the Davis Bacon Act to modify the provisions of such Act prescribing the minimum wages to be paid laborers, mechanics, and helpers employed on public construction projects, and for other purposes.

S. 1525

At the request of Mr. SPECTER, the names of the Senator from Connecticut [Mr. DODD] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 1525, a bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to local educational agencies for dropout prevention demonstration projects.

S. 1747

At the request of Mr. ROTH, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 1747, a bill to amend the Foreign Assistance Act of 1967 to protect tropical forests in developing countries.

S. 1748

At the request of Mr. ROTH, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 1748, a bill to amend the Foreign Assistance Act of 1961 to protect biological diversity in developing countries.

S. 1773

At the request of Mr. LEAHY, the names of the Senator from Kansas [Mr. DOLE], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 1773, a bill to express the policy of the Congress on the number of members of the Soviet mission at the United Nations headquarters.

S. 1817

At the request of Mr. TRIBLE, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1817, a bill to suspend temporarily most favored nation treatment to Romania.

S. 1848

At the request of Mr. HATCH, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1848, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish conditions for the export of drugs.

S. 1919

At the request of Mr. ANDREWS, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1919, a bill to establish a task force to examine the issues associated with abuse of the elderly.

S. 1966

At the request of Mr. KASSEBAUM, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1966, a bill to provide for efficient and equitable use of operating rights at congested airports, and for other purposes.

S. 1969

At the request of Mr. SPECTER, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 1969, a bill to create a National Center for the Prosecution of Child Abuse under the Office of Justice Programs in the Department of Justice.

S. 1979

At the request of Mr. KASSEBAUM, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 1979, a bill to fulfill the purposes of the Airport and Airway Improvement Act of 1982, promote air passenger safety and provide equity to airway users.

S. 1999

At the request of Mr. DANFORTH, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1999 a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 2014

At the request of Mr. LEVIN, the names of the Senator from Florida [Mr. CHILES], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 2014, a bill to amend title 5. United States Code, to strenghthen the protections available to Federal employees against prohibited personnel practices, and for other purposes.

S. 2020

At the request of Mr. TRIBLE, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 2020, a bill to amend title 5. United States Code, to expand the class of individuals eligible for refunds or other returns of contributions from contingency reserves in the Employees Health Benefits Fund; to make miscellaneous amendments relating to the Civil Service Retirement System and the Federal Employees Health Benefits Programs; and for other purposes.

S. 2042

At the request of Mr. ABDNOR, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 2042, a bill to amend the Agricultural Act of 1949 to provide for an equitable method of establishing farm program payment yields for the 1986 and 1987 crops of wheat, feed grains, upland cotton, and rice.

S. 2043

At the request of Mr. ABDNOR, the names of the Senator from Texas [Mr. BENTSEN] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 2043, a bill to provide assistance benefits to dependent children of certain deceased members of flight crews of space flight vehicles of the National Aeronautics and Space Administration.

S. 2051

At the request of Mr. DIXON, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2051, a bill to ensure payment of the regular duties imposed on imported ethyl alcohol and payment of the additional duty imposed on ethyl alcohol when imported for use in producing a mixture of gasoline and alcohol or used otherwise as fuel.

SENATE JOINT RESOLUTION 178

At the request of Mr. D'AMATO, the name of the Senator from Florida [Mr. CHILES] was added as a cosponsor of Senate Joint Resolution 178, a joint resolution to designate the week of April 13, 1986, through April 19, 1986, as "Hemochromatosis Awareness Week".

SENATE JOINT RESOLUTION 220

At the request of Mr. MATTINGLY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Joint Resolution 220. A joint to provide for the designation of September 19, 1986, as "National P.O.W./M.I.A. Recognition Day".

SENATE JOINT RESOLUTION 244

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Joint Resolution 244, a bill to designate October 8, 1986, as "National Fire Fighters Day."

SENATE JOINT RESOLUTION 246

At the request of Mr. DIXON, the names of the Senator from Maryland [Mr. MATHIAS], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 246, a joint resolution to designate May 25, 1986 as "Hands Across America Day," for the purpose of helping people to help themselves, and commending United Support of Artists for Africa and all participants for their efforts toward combating domestic hunger with a 4,000-mile human chain from coast to coast.

SENATE JOINT RESOLUTION 256

At the request of Mr. TRIBLE, the names of the Senator from Alabama [Mr. HEFLIN], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 256, a bill designating August 12, 1986, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 259

At the request of Mr. DIXON, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. LEAHY], the Senator from New York [Mr. MOYNIHAN], the Senator from Ohio [Mr. GLENN], the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Connecticut [Mr. WEICKER], the Senator from Arizona [Mr. GOLDWATER], the Senator from Oklahoma [Mr. NICKLES], the Senator from New Hampshire [Mr. HUMPHREY], and the Senator from Idaho [Mr. MCCLURE] were added as cosponsors of Senate Joint Resolution 259, a joint resolution designating February 16, 1986, as "Lithuanian Independence Day."

SENATE JOINT RESOLUTION 262

At the request of Mr. WALLOP, the names of the Senator from Idaho [Mr. MCCLURE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Tennessee [Mr. GORE], the Senator from North Dakota [Mr. BURDICK], the Senator from New Jersey [Mr. BRADLEY], the Senator from Louisiana [Mr. LONG], and the Senator from Arizona [Mr. GOLDWATER] were added as cosponsors of Senate Joint Resolution 262, a joint resolution to authorize and request the President to issue a proclamation designating June 2 through June 8, 1986, as "National Fishing Week."

SENATE CONCURRENT RESOLUTION 106

At the request of Mr. SPECTER, the names of the Senator from Oregon [Mr. PACKWOOD], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Concurrent Resolution 106, a concurrent resolution expressing the sense of the Congress with respect to certain amounts

proposed by the President to be rescinded.

SENATE RESOLUTION 303

At the request of Mr. HEINZ, the names of the Senator from Connecticut [Mr. DODD], the Senator from South Dakota [Mr. ABDNOR], the Senator from Tennessee [Mr. SASSER], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Resolution 303, a resolution to express the sense of the Senate with respect to proposals currently before the Congress to tax certain employer paid benefits and other life-support benefits.

SENATE RESOLUTION 312

At the request of Mr. MATHIAS, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Resolution 312, a resolution affirming, in part, and disaffirming, in part, the order issued by the President under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 1986, and instructing the appropriate committees of the Senate to report certain changes in the laws within their jurisdiction.

SENATE RESOLUTION 318

At the request of Mr. BAUCUS, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Maryland [Mr. MATHIAS] were added as cosponsors of Senate Resolution 318, a resolution to express the sense of the Senate that the Nomenclature Committee of the International Union take such action as is necessary to name seven of the moons of Uranus discovered by the *Voyager 2* spacecraft in honor of the crew members of the *Challenger* space shuttle who died on January 28, 1986.

SENATE RESOLUTION 320

At the request of Mr. JOHNSTON, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Kentucky [Mr. FORD], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Resolution 320, a resolution affirming, in part, and disaffirming, in part, the order issued by the President under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 1986, and instructing the appropriate committees of the Senate to report certain changes in the laws within their jurisdiction.

SENATE RESOLUTION 330

At the request of Mr. DENTON, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of Senate Resolution 330, a resolution establishing a Special Committee on Families, Youth, and Children.

SENATE RESOLUTION 335—OPPOSING THE IMPOSITION OF A FEE ON IMPORTED CRUDE OIL AND REFINED PETROLEUM PRODUCTS

Mr. PELL (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. COHEN, Mr. KERRY, Mr. WEICKER, Mr. MOYNIHAN, Mr. HUMPHREY, Mr. KENNEDY, Mr. D'AMATO, Mr. HEINZ, Mr. METZENBAUM, and Mr. RUDMAN) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 335

Whereas, a fee on imported crude oil and refined petroleum products would directly increase the costs of production and manufacturing for industries using petroleum products;

Whereas, the increased production costs resulting from such a fee would impair the ability of industries to compete in international markets;

Whereas, such a fee would directly increase the costs to other users of petroleum products, including those dependent on oil and oil products to heat their homes, and who use oil-generated electricity;

Whereas, the increased costs to industry and to homeowners from such a fee would not be uniformly distributed geographically or among economic sectors, but would be borne disproportionately by those industries and regions most dependent on petroleum products: Now therefore, be it

Resolved, That it is the sense of the Senate that neither the President nor the Congress should impose fees on imported crude oil and refined petroleum products.

SENATE RESOLUTION 336—CONGRATULATING PRESIDENT RONALD REAGAN ON HIS 75TH BIRTHDAY

Mr. DOLE (for himself, Mr. BYRD, Mr. LAXALT, Mr. SIMPSON, Mr. NICKLES, Mr. WALLOP, Mr. WILSON, Mr. FORD, Mr. HEINZ, Mr. MATTINGLY, Mr. GARN, Mr. ANDREWS, Mr. ARMSTRONG, Mr. BAUCUS, Mr. BENTSEN, Mr. BIDEN, Mr. BINGAMAN, Mr. BOREN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CHAFEE, Mr. CHILES, Mr. COCHRAN, Mr. COHEN, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DENTON, Mr. DIXON, Mr. DODD, Mr. DOMENICI, Mr. DURENBERGER, Mr. EAGLETON, Mr. EAST, Mr. EVANS, Mr. EXON, Mr. GLENN, Mr. GOLDWATER, Mr. GORE, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. HARKIN, Mr. HART, Mr. HATCH, Mr. HATFIELD, Mrs. HAWKINS, Mr. HECHT, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LONG, Mr. LUGAR, Mr. MATHIAS, Mr. MATSUNAGA, Mr. MCCLURE, Mr. MCCONNELL, Mr. MELCHER, Mr. METZENBAUM, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. PROXMIRE, Mr. PRYOR, Mr. QUAYLE, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SARBANES, Mr. SASSER, Mr. SIMON, Mr. SPECTER, Mr. STAFFORD, Mr. STENNIS, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. TRIBLE, Mr. WARNER, Mr. WEICKER, and Mr. ZORINSKY) submitted the following resolution; which was considered and agreed to.

S. RES. 336

Whereas, President Ronald Reagan today celebrates the 75th anniversary of his birth; and

Whereas, through his vigor, style, and wit he has proved that maturity is a bonus not a barrier; and

Whereas, his leadership has earned him respect and admiration in this Nation and abroad; and

Whereas, the President has led the country in a way that makes us proud to be Americans; Now, therefore be it

Resolved, That President Ronald Reagan is extended our heartiest congratulations on his birthday, and our very best wishes for a healthy and happy year.

SENATE RESOLUTION 337—AUTHORIZING PAYMENT OF JUDGMENTS AGAINST WIDOW OF FORMER SENATE EMPLOYEE

Mr. ROTH (for himself and Mr. NUNN) submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 337

Whereas Civil Action No. 516-69, captioned *Alan McSurely, et al.* v. *John L. McClellan, et al.* was filed on March 4, 1969 in the United States District Court for the District of Columbia, against Members and staff of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, including John Brick, a former Subcommittee investigator;

Whereas that Court on January 10, 1983, after a jury trial, entered judgments against several defendants which included an award in the amounts of $11,660 for Alan McSurely and $9,400 for Margaret McSurely against John Brick's widow, Mary Brick, as representative of his estate, for the deceased's interference in 1968 with the plaintiffs' rights to privacy under the common law of the Commonwealth of Kentucky;

Whereas on January 18, 1985, the United States Court of Appeals for the District of Columbia Circuit reversed the judgments against all defendants except for the award against Mary Brick for John Brick's violation of the plaintiffs' right of privacy;

Whereas the Supreme Court has denied certiorari, and therefore all subsequent review has been exhausted, and judgments pursuant to the mandate of the Court of Appeals are being entered against Mary Brick;

Whereas the actions underlying those judgments occurred almost twenty years ago in the course of John Brick's Subcommittee service with which Mary Brick had no involvement; and

Whereas, in the unique circumstances of this case, it is in the interests of justice that the Senate accept responsibility for paying the judgments resulting from the actions of John Brick by relieving Mary Brick of the burden of the judgments: Now, therefore, be it

Resolved, That the Committee on Rules and Administration is authorized to make payment from the contingent fund of the Senate to Alan McSurely in the amount of $15,208.49, to constitute total satisfaction of the judgment against Mary Brick for $11,660, plus $3,548.49 in interest, calculated in accordance with 28 U.S.C. § 1961 (1982).

SEC. 2. That the Committee on Rules and Administration is authorized to make payment from the contingent fund of the Senate to Margaret McSurely in the amount of $12,260.69, to constitute total satisfaction of the judgment against Mary Brick for $9,400, plus $2,860.69 in interest, calculated in accordance with 28 U.S.C. § 1961 (1982).

Mr. ROTH. Mr. President, the distinguished Senator from Georgia [Mr. NUNN] and I, as chairman and ranking minority member of the Permanent Subcommittee on Investigations, are introducing a resolution to provide for payment by the Senate of two judgments against Mary Brick, the widow of John Brick, a former employee of the subcommittee. John Brick served as an investigator for the subcommittee from 1963 until his death in 1973, during the litigation, which has been captioned McSurely versus McClellan, that resulted in the judgments. The judgments relate to an event in 1968 during a subcommittee investigation of civil disorders.

Since taking over the leadership of the subcommittee, we have been closely following the lawsuit which Alan and Margaret McSurely initiated in 1969. The McSurelys alleged that members and staff of the subcommittee violated their Federal constitutional rights and their common law rights to privacy under Kentucky law, both in the taking in 1967 and in the manner of returning in 1968 the plaintiffs' personal papers. The courts ultimately upheld the defenses of all the defendants but sustained an award against Mary Brick, as representative of John Brick's estate for John Brick's violation of the McSurelys' common law right to privacy. Now that the litigation has finally been completed, we are placing before the Senate a resolution to bring this matter to a proper conclusion by authorizing payment from the Senate's contingent fund of the judgments against Mary Brick.

After almost 20 years of extremely complex constitutional litigation, this case became final when the Supreme Court refused to review it 2 months ago. The Supreme Court's action sustained the determination of the court of appeals that the bulk of the claims asserted against Senator McClellan—who was the subcommittee chairman at the time—and subcommittee staff were either barred by legal doctrines of Government immunity or unsupported by sufficient admissible evidence. However, the final disposition of the case left undisturbed the court of appeals' affirmance of part of a jury award of damages to the McSurelys against Mary Brick. Specifically, the court of appeals found that the jury had sufficient evidence to conclude that John Brick had invaded the McSurelys' common law rights to privacy by pressuring Alan McSurely to read copies of his wife's personal correspondence. The correspondence had been seized by a local prosecutor under a State sedition law, which the Federal courts found to be unconstitutional, and the local prosecutor supplied copies of the correspondence to the subcommittee in advance of a subcommittee subpoena.

It is not our purpose in offering this resolution to urge the Senate to express an opinion upon the events that occurred in this case so many years ago, nor to second-guess the correctness of the many difficult legal rulings that were made on the way to this verdict. Rather, it is to assist in placing this difficult episode firmly and finally behind all of its participants. John Brick's death during the pendency of the litigation creates the prospect of the judgments having to be satisfied by his widow, who had no involvement in the activities underlying the case. Unless provision is made for payment there will be further litigation on the extent to which Mary Brick's limited assets may be reached to satisfy these judgments.

Although the Senate is not under a legal obligation, we believe the unique circumstances of this case do warrant the Senate's voluntarily accepting the responsibility of paying the judgments resulting from the actions of its former employee. By seizing the opportunity now to close these prolonged proceedings, we would establish no general precedent or policy regarding the Senate's responsibility to provide indemnification for the torts of its employees. In light of the unique circumstances of this case, the Senate should act to close this affair with equity and dignity.

SENATE RESOLUTION 338—AMENDING SENATE RULES TO IMPROVE SENATE PROCEDURE

Mr. BUMPERS submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 338

SECTION 1. Rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraph:

"3. (a) Notwithstanding the last sentence of the preceeding paragraph, after the first two hours of a new legislative day it shall be in order to move to proceed on an expedited basis to the consideration of any bill, resolution, or other matter. The motion shall be privileged and shall be decided after two hours of debate, to be equally divided between the Minority Leader and the Majority Leader or their designees.

(b) A motion made under subparagraph (a) may be laid on the table without affecting any further such motion made under this paragraph or any motion to proceed made under other provisions of the Standing Rules of the Senate.

(c) A motion made under subparagraph (a) shall be agreed to by the Senate upon an affirmative vote of three-fifths of the Senators present and voting.

SEC. 2. Paragraph 1 of Rule XV of the Standing Rules of The Senate is amended by striking the period and inserting in lieu thereof the following: "; *provided, however, that if any motion or amendment, including a House or committee amendment, has been available in printed form at the desk of the Members at least twenty-four hours before being offered, the reading of such motion or amendment is deemed to have been waived.*"

SEC. 3. Paragraph 1 of Rule XXVII of the Standing Rules of the Senate is amended by inserting at the end thereof the following: "If a report made by a committee of conference has been available in printed form at the Desk of the Members at least twenty-four hours before presentation, the reading of such report shall be deemed to have been waived."

SEC. 4. Paragraph 2 of Rule XXII of the Standing Rules of the Senate is amended—

(a) by striking out the entire eighth subparagraph (which begins "Notwithstanding other provisions of this rule, a Senator may yield . . ."');

(b) by striking out the first sentence of the fourth subparagraph (which begins "Thereafter no Senator . . ."); and

(c) by striking out the entire fifth subparagraph (which begins "After no more . . .") and inserting in lieu thereof the following:

"After no more than twenty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the time to be equally divided and controlled by the Majority Leader and Minority Leader, or their designees, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins."

SEC. 5. Paragraph 4 of Rule XVI of the Standing Rules of the Senate is amended by inserting "9(a)" after "4" and by adding at the end of such paragraph the following new subparagraph:

"(b) If a point of order is made by any Senator against an amendment to a general appropriations bill on the ground that such amendment proposes general legislation or proposes a limitation or restriction not authorized by law and is to take effect or cease to be effective upon the happening of a contingency, it shall not be in order to raise the defense of germaness unless there is House legislative language on that subject contained in the bill."

SENATE RESOLUTION 339—RELATING TO TAXATION OF CERTAIN EMPLOYER-PAID AND OTHER LIFE-SUPPORT BENEFITS

Mr. BYRD (for himself, Mr. MITCHELL, Mr. CRANSTON, Mr. INOUYE, Mr. DIXON, Mr. BUMPERS, Mr. BURDICK, Mr. FORD, Mr. GORE, Mr. MELCHER, Mr.

MOYNIHAN, Mr. PROXMIRE, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SASSER, and Mr. SIMON) submitted the following resolution; which was referred to the Committee on Finance:

SENATE RESOLUTION 339

Whereas beginning a century ago in imperial Germany, and universally since World War II, the industrial nations of the world have looked upon health care, education, retirement security, and life, disability, and unemployment insurance as fundamental necessities of a stable, progressive society;

Whereas unlike many other industrialized nations which have perceived that the national interest requires constantly rising minimum standards in these areas and have chosen to create government programs financed through general revenues, the United States chose to try to meet these needs indirectly through the tax code;

Whereas today more than one hundred and forty million Americans, including more than 90 per centum of full-time workers, are covered by an employer health plan and millions of Americans are also covered by other employee benefit programs such as life insurance, dental plans, child care, educational assistance, unemployment and worker compensation, and prepaid legal assistance;

Whereas a recent national survey of corporate managers illustrates that if a new tax on employee benefits were levied most employers would seek to reduce the level and availability of employee benefits, resulting in fewer protections and added coinsurance costs;

Whereas this new tax on employee benefits, particularly on health insurance benefits, would discriminate against and penalize Americans with large families, the working aged, handicapped, and chronically ill whose health insurance premiums are more costly than those for younger, single, healthier workers; and

Whereas this new tax on employee benefits would discriminate against and penalize employees who live in high-medical-cost areas where health insurance premiums are more costly and employees in hazardous, high-risk occupations who usually pay higher health insurance premiums: Now, therefore, be it

Resolved, That it is the sense of the Senate that employee benefits not be taxed.

SENATE RESOLUTION 340—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. SIMPSON (for Mr. DOLE, for himself and Mr. BYRD) submitted the following concurrent resolution; which was considered and agreed to:

SENATE RESOLUTION 340

Whereas, in the case of *Salzberg* v. *Marks*, Index No. 9741/85, pending in the Supreme Court of the State of New York, County of Monroe, the defendant is seeking testimony and documents from Leslie Finn, office manager to Senator Dodd, and Bulcsu Veress, legislative assistant to Senator Dodd, and has obtained subpoenas for that purpose in Misc. No 11-86 in the Superior Court of the District of Columbia;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1982), the Senate may direct its counsel to defend employees of the Senate with respect to subpoenas directed to them in their official capacity;

Whereas, by the privileges of the United States Senate and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession by permission of the Senate;

Whereas, when it appears that testimony of employees of the Senate is needful for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Leslie Finn, Bulcsu Veress and other staff assistants in Senator Dodd's office who may be asked to testify in the case of *Salzberg* v. *Marks*.

SEC. 2. That Leslie Finn and Bulcsu Veress, as well as other staff assistants in Senator Dodd's office who may be asked to testify, are authorized to produce documents and to testify in the case of *Salzberg* v. *Marks* except concerning matters for which they and the Senate Legal Counsel or his representative determine that a privilege from disclosure should be asserted.

SENATE RESOLUTION 341—COMMEMORATING THE 25TH ANNIVERSARY OF THE INTERNATIONAL FRANCHISE ASSOCIATION

Mr. WEICKER (for himself and Mr. BUMPERS) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 341

Whereas, the franchise method of marketing employs hundreds of thousands of individuals and has proven eminently successful in aiding small businessmen and women, stimulating local and national economies, and satisfying the needs of consumers the world over through quality product and service distribution;

Whereas, franchising will contribute $529 billion dollars in sales to the nation's economy in 1985 and accounts for more than one-third of all U.S. retail sales, spanning more than 50 industries with over 480,000 franchise outlets, and directly employes some 5.3 million citizens in the U.S.

Whereas, franchised businesses enjoy a success rate of better than 95 percent;

Whereas, franchising represents one of our nation's outstanding business institutions, born and nourished in American free enterprise, enabling many thousands of Americans to fulfill their dreams by owning their own businesses;

Whereas, franchising continues to expand internationally, effectively serving an ever-greater number of people the world over, providing economic opportunity to people of all classes and backgrounds; and

Whereas, the International Franchise Association was established in 1960 and has devoted a quarter-century of service to the franchising community, the the concept of franchising and to the enhancement of the quality of life for all Americans: Now, therefore, be it

Resolved, That it is the sense of the Senate that the International Franchise Association is deserving of public recognition and commendation upon the occasion of the 25th Anniversary of its founding, and that the people of the United States and those who have been served by franchising throughout the free world should celebrate this year with appropriate ceremonies and acts.

● Mr. WEICKER. Mr. President, today I am submitting a resolution to commemorate the 25th anniversary of the International Franchise Association.

Franchising represents a significant force within the small business community. In 1985 alone, franchising contributed over $529 billion in sales to the Nation's economy, accounted for more than one-third of all U.S. retail sales and directly employed some 5.3 million people in the United States. The majority of the companies participating in franchising are small, many with fewer than 50 units; it is a way of doing business for more than 50 industries, nearly 500,000 with franchise outlets, and greatly assists small business in competing on an equal footing with big business.

Mr. President, individuals who enter into franchising are, by in large, the small business entrepreneur whose desire it is to own his own business. And, with the help of their franchise partners, the small business person overwhelmingly succeeds and stays in business. The U.S. Department of Commerce has reported each year since 1971 that more than 95 percent of franchisee-owned outlets have remained in business. The International Franchise Association, a nonprofit trade association of franchise companies, having now completed its 25th year, recently surveyed its 600 members and found that less than 3 percent of the franchised outlets of respondent companies had closed as a result of business failure.

Franchising also means opportunities in business for minorities. Each year minority-owned business format franchised outlets increase. Managerial training programs, expertise in running a business, and the willingness of many franchisors to help their franchisees obtain loans has assisted persons without substantial prior business experience to be successful.

Franchising has similarly enabled women to advance their skills and widen their horizons. In fields ranging from accounting to automotive services to restaurant management, women are continuing to prove their ability to succeed in their own business through ownership and development of prosperous franchising operations.

Franchising has also helped to improve the U.S. balance of trade. Department of Commerce statistics show that the growth rate of foreign units now exceeds that of domestic expansion. The trend toward overseas expansion becomes greater each year and is illustrated by the activities of the member companies of the Interna-

tional Franchise Association, 42 percent of which have reported that they already franchise internationally.

Mr. President, the concrete benefits of franchising to the businessman, to the consumer, and to the country are clear. The success of franchising also affirms that the entrepreneurial spirit and American know-how are strongly enough engrained in the fabric of this country to surmount the economic challenges that continue to face us.

The time has come to recognize the benefits of franchising and the association that has represented it so well in Washington for the past 25 years. Accordingly, together with my good friend and distinguished colleague, the ranking minority member of the Senate Small Business Committee, Senator BUMPERS, we have submitted this resolution to commemorate the 25th anniversary of the International Franchise Association. We do this to honor the signficant contribution of franchising to the American economy, and to recognize the important role of the International Franchise Association in fostering a way of doing business so important to our Nation's small business men and women.●

● Mr. BUMPERS. Mr. President, I am pleased to join the distinguished Senator from Connecticut today in submitting a resolution to commemorate the 25th anniversary of the International Franchise Association.

The International Franchise Association has been the official spokesman for franchising since 1960, and represents more than 500 domestic and international franchisors. These businesses make up a vital growth segment of our economy. Fully one-third of all retail sales nationwide are made by franchised businesses, representing $529 billion in sales in 1985. The Department of Commerce has estimated that franchising directly employed more than 5.3 million people by the end of 1984, involving more than 1,800 companies in over 40 different industries.

The franchise method of marketing has proven eminently successful in aiding small businesses, including those managed by women and minorities. With the help of their franchising partners, many small business entrepreneurs can start their own business and expect to succeed in that business. Today, franchised businesses enjoy a success rate of 95 percent or better, which enables these enterprises to compete on an equal footing with big business.

Mr. President, I, therefore, am proud to recognize today the benefits offered to the small businessman as well as the consumer by franchising, and the accomplishments of the International Franchise Association in serving these enterprises so well over the last 25 years.●

SENATE RESOLUTION 342—DESIGNATING GENETIC DISORDER AWARENESS MONTH

Mr. D'AMATO submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 342

Whereas genetic disorders are among the least known and least understood diseases that face the American public;

Whereas the high incidence of such disorders has not yet been matched by wide public awareness;

Whereas the Federal Government historically has overlooked or ignored genetic disorders;

Whereas many of the foundations that have emerged in support of those disabled by genetic disorders and their families are sorely lacking in resources; and

Whereas medical research hints of cures for these devastating conditions where funding is available: Now, therefore, be it

Resolved, That the Senate hereby recognizes and declares May, 1986, as "Genetic Disorder Awareness Month."

● Mr. D'AMATO. Mr. President, I rise today to call attention to some of our Nation's least known and least understood diseases. Though their names are not familiar to most Americans, these diseases afflict 1 out of every 16 individuals in this country. Because of this high incidence, I believe it is time we devote proper attention to the problem of genetic disorders.

A genetic disorder is a disease caused by a disturbance in genetic materials. A simple defect in any 1 of our 22 million genes can lead to any mumber of genetic diseases, such as cysticfibrosis, hemocromotosis, or Huntington's disease. These diseases indicate the potential severity of a single genetic defect: it can lead to blindness, severe psychiatric symptoms, or heart failure.

Marafan, a genetic disease which results in severe lung and heart problems, is one of the many genetic disorders whose name and symptoms are not yet known to most Americans. Yet, there are over 20,000 Americans who suffer from Marafan. Most of the victims are over the age of 50.

Marafan, like many genetic disorders, historically has been ignored or overlooked by the Federal Government. Though the National Marafan Foundation does not have the resources of some other organizations, this small group of individuals work diligently to promote awareness and education among the public about Marafan.

The Paget's Disease Foundation is another organization dedicated to educating our society about genetic disorders. Paget's disease is a chronic, progressive, and crippling disorder which causes bones to soften and overgrow. About 3 million Americans suffer from some form of Paget's disease.

I have mentioned only two of the many small organizations that are trying to increase public awareness about genetic disorders; there are numerous similar organizations around the country involved in these kinds of activities. Yet, very rarely are the efforts of these organizations and individuals recognized.

In this age of genetic engineering and laser research, the cure for the thousands of genetic disorders cannot be far away. Marafan, Paget's, sickle cell anemia, Tay-Sachs, Cireosis, Duchennes, muscular dystrophy, and the thousands of other genetic disorders that effect 20,000,000 Americans may soon be diseases of the past. Designating the month of May 1986 as "Genetic Disorder Awareness Month" is an important first step in that direction.●

NOTICE OF HEARINGS

SUBCOMMITTEE ON LABOR

Mr. NICKLES. Mr. President, the Subcommittee on Labor will hold an oversight hearing on retirement policies for firefighters, law enforcement officers, and other employees whose job performance affects the public's health and safety. The subcommittee is particularly interested in whether States and local governments should be permitted to set their own retirement policies and what impact the Age Discrimination in Employment Act should have on those policies. The hearing is scheduled for March 18, 1986 at 9:30 a.m. in room 430 of the Dirksen Senate Office Building.

Persons wishing to testify should submit a written request to Chairman DON NICKLES, Subcommittee on Labor, Washington, DC 20510 by February 28, 1986.

If you have any questions concerning the hearing, please contact Rick Lawson, on the subcommittee staff, at 202-224-5546.

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER, AND RESOURCE CONSERVATION

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that there has been a change in the public hearing scheduled before the Subcommittee on Public Lands, Reserved Water and Resource Conservation of the Committee on Energy and Natural Resources on Friday, February 21, 1986, at 10 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC 20510. Testimony will not be received on the following bill as originally scheduled:

S. 416, to amend the act establishing Voyageurs National Park, Minnesota, to allow certain State leaseholders of lands within the park to continue to lease such lands for up to 20 years.

For further information, please contact Patty Kennedy of the subcommittee staff at (202) 224-0613.

SUBCOMMITTEE ON THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

Mr. McCLURE. Mr. President, I ask unanimous consent that the schedule of hearings to be held by the Subcommittee on the Department of the Interior and Related Agencies of the Committee on Appropriations on the fiscal year 1987 budget be included in the RECORD.

While we are not holding public witness hearings, the public is invited to submit written testimony to be included in the hearing record. Those who wish to submit testimony should send two copies, no longer than three single spaced, typewritten pages to the Subcommittee on the Department of the Interior and Related Agencies, Committee on Appropriations, room SD-114, Washington, DC 20510. In order to ensure that all testimony is included in the record, please submit testimony by April 15.

Testimony from Members of Congress will be taken on March 18, 1986. Any Members wishing to testify before the subcommittee should let us know, either by letter or by phone, 224-7233, as soon as possible.

FISCAL YEAR 1987 HEARING SCHEDULE—INTERIOR SUBCOMMITTEE, FEBRUARY 5, 1986

Date, room and time—

Feb. 19, SD-124, 10:30 a.m., Advisory Council on Historic Preservation, Woodrow Wilson Int'l Center for Scholars, National Capital Planning Commission.

Feb. 24, SD-138, 2:00 p.m., Bureau of Land Management.

Feb. 25, SD-138, 2:00 p.m., Strategic Petroleum Reserve, Naval Petroleum Reserve, Office of Emergency Preparedness.

Mar. 4, SD-138, 2:00 p.m., Pennsylvania Avenue Development Corporation, Commission on Fine Arts, National Gallery of Art.

Mar. 6, SD-138, 2:00 p.m., Minerals Management Service.

Mar. 11, SD-138, 2:00 p.m., National Park Service.

Mar. 13, SD-138, 2:00 p.m., Office of Indian Education, Institute of Museum Services.

Mar. 18, SD-138, 2:00 p.m., Congressional Witnesses, Secretary of the Interior.

Mar. 20, SD-138, 2:00 p.m., United States Geological Survey.

Mar. 25, SD-138, 2:00 p.m., Holocaust Memorial Council, Bureau of Mines.

Mar. 27, SD-138, 2:00 p.m., Forest Service.

Apr. 8, SD-138, 2:00 p.m., Energy Conservation.

Apr. 15, SD-138, 2:00 p.m., National Endowment for the Arts, National Endowment for the Humanities.

Apr. 17, SD-192, 2:00 p.m., Fish and Wildlife Service.

Apr. 22, SD-192, 2:00 p.m., Navajo-Hopi Indian Relocation Commission, Office of Surface Mining.

Apr. 24, SD-192, 2:00 p.m., Energy Information Administration, Economic Regulatory Administration.

Apr. 29, SD-192, 2:00 p.m., Bureau of Indian Affairs.

May 1, SD-192, 2:00 p.m., Territorial Affairs.

May 8, SD-192, 2:00 p.m., Smithsonian Institution.

May 15, SD-192, 2:00 p.m., Fossil Energy/Clean Coal Technology.

May 20, SD-192, 2:00 p.m., Indian Health Service.

May 29, SD-192, 2:00 p.m., Office of the Secretary, Office of the Solicitor.

ADDITIONAL STATEMENTS

HEALTH INSURANCE PREMIUM REBATES

● Mr. SARBANES. Mr. President, yesterday the Senate passed H.R. 4061, legislation which would allow Federal employees and retirees to receive premium rebates offered by certain health carriers of the Federal Employees Health Benefits Program. When it was announced 8 months ago that certain carriers planned to issue rebates to subscribers, the Justice Department announced that only current employees of the Federal Government were eligible to receive refunds and that legislation was necessary to include Federal annuitants. During the first session of the 99th Congress, both Houses of Congress passed H.R. 3384, the Federal Employees Benefits Improvement Act of 1985 which contained a provision which would have allowed Federal annuitants to receive rebates from contingency reserves in the Federal employees health benefits fund. The President vetoed the legislation. I wrote the President to express my strong opposition to a pocket veto of H.R. 3384.

Today the President will again receive legislation which would provide for refunds to annuitants and I urge him to sign the proposal which, again, both Houses of Congress have passed. Federal employees and annuitants helped contain the costs of health care resulting in high reserves in the Federal employees health benefits fund, and certainly deserve the premium rebates. They have waited for better than 8 months for the rebates and to further delay them is unnecessary and unfair.●

VIEWS OF FORMER SENATOR JAVITS ON ARMS CONTROL AND UNITED STATES-SOVIET RELATIONS

● Mr. MOYNIHAN. Mr. President, the great wisdom and experience of Jacob K. Javits, the former senior Senator from New York, are well known in this body and certainly elsewhere. It behooves us, then, when Jack Javits has something to say, to take notice, and listen carefully.

The New York Times, on Sunday's op-ed page, printed an article by Senator Javits concerning arms control and United States-Soviet relations, subjects upon which he is especially well-qualified to write. I commend the article to the attention of the Senate, and ask that it be printed in the RECORD.

The article follows:

LET'S HELP MOSCOW—AND OURSELVES

(By Jacob K. Javits)

Whatever the particular merits of the Soviet proposal put forward last week for the elimination of nuclear weapons, it was a welcome effort to maintain the good will and cooperative spirit kindled at the summit meeting in Geneva. President Reagan ought to respond in kind. One particularly effective way to do so, in my view, would be to revive his promise to share the technology being developed for his Strategic Defense Initiative.

My 32 years of service in the House of Representatives and the Senate, most of it on the committees dealing with foreign affairs, have given me some experience with the minefield of American-Soviet relations. They led me, certainly, in the period before the summit meeting, to share a wide-spread popular concern that super-power relations had sunk to a new low and that confrontation was a dangerous possibility.

Fortunately, that general concern compelled President Reagan, under the stress of his 1984 re-election campaign, to modify his hard condemnation of the Soviet Union as the "evil empire" and to adopt a more conciliatory stance. Fortunately, too, this marked change coincided with the coming to power of a new, younger and more enterprising leader in the Soviet Union.

Thus far, both that restraint and the cooperative atmosphere of the summit meeting persist. The issue before us is whether this atmosphere can be converted into tangible results. Can we, in the short run, avoid a new round of Soviet-bashing, with all its dangerous consequences? We might be able to if we recognized that a workable agreement need not be based on trust for the Soviet Union: History demonstrates that mutual self-interest, not trust, is the real glue in international relations—and only the mutual self-interest of the super-powers can insure a durable peace.

Mikhail S. Gorbachev's proposal to eliminate nuclear weapons by the year 2000 is a constructive step in this direction. This proposal parallels and extends the "zero option" for the elimination of nuclear weapons in Europe put forward by President Reagan in 1981. Both leaders have in effect agreed that the arms control talks going on in Geneva should proceed along this line under an accelerated timetable. The basic sticking point is the Strategic Defense Initiative.

The Politburo has taken a seemingly nonnegotiable position on this issue, refusing to consider an agreement that would allow even strategic defense research. The reason, according to Moscow, is that research is defined in the United States to include some testing of weapons.

The United States appears to have taken a comparably non-negotiable position. President Reagan is determined to proceed, holding firmly to his original vision—his notion that a strategic defense would allow the elimination of nuclear arms. The American position is further complicated by allegations that the Soviet Union has violated existing arms control treaties, particularly the Anti-Ballistic Missile Treaty of 1972. Moscow also claims violations, and the suspicions on both sides play into the hands of those who would perpetuate the crisis atmosphere and make future arms control treaties impossible.

Is there a way out of this impasse? Sharing strategic defense technology with the Soviet Union would certainly allay many of

the Russians' concerns—particularly their sense that while they themselves may be researching strategic defense, their technology lags far behind ours, and their fear that their industrial capacity may be even more greatly strained by the need to further expand their nuclear arsenal to match an American strategic defense system.

The idea of sharing was first suggested by President Reagan when he proposed the initiative in 1983 and then reiterated during the 1984 campaign. It remains an entirely plausible option and deserves to be included in an American proposal to be laid on the table in the Geneva arms control talks. It would cut defense costs, reduce the risk of a new acceleration of the arms race and ameliorate the crisis atmosphere that still exists between the two countries. Nor does the Soviet proposal made last week necessarily exclude a strategic defense.

Reducing both sides' nuclear arms by 50 percent—an idea that has now been endorsed by both President Reagan and Mr. Gorbachev—would be the cornerstone of a new arrangement between the superpowers. But it must be buttressed by other steps. The first and most important would be to conclude the negotiations, in Vienna, on Mutual Balanced Force Reduction, thus much reducing the threat of a confrontation with conventional weapons.

Still other measures should follow, some of which have already been initiated. We must always remember that the Communist elite that controls the Soviet Union hungers for the legitimacy and respectability that only the international community, and especially the United States, can confer—and we ought to move on a number of fronts to meet this need. The renewal of cultural contacts, agreed upon at Geneva, was a good start.

Other issues demanding comparable attention are human rights, trade, the sharing of medical research, common environmental concerns, tighter verification of arms control agreements, better means to prevent regional conflicts from exploding into world conflicts and a strengthening of the Standing Consultative Commission, which oversees compliance with arms accords. We might begin, for example, by opening the door to Soviet participation on suitable terms in the World Bank and the International Monetary Fund.

Finally, there is the matter of the second strategic arms limitation accord. It took seven years to produce that treaty, and the Senate's failure to ratify it dangerously broke the rhythm of nuclear arms control efforts, bringing us much closer to the brink. Against that background, it is very gratifying that Washington and Moscow have agreed to extend the understanding not to undercut the ceilings agreed upon in the treaty.

President Reagan is much admired for his patriotism, optimism and vigor. He can accomplish what other Presidents may not be able to do. His is as great a rendezvous with history as that of any President in modern times. The same public opinion that brought him to change his tone in dealing with the Soviet Union should now bring him to keep his original promise and thus remove the obstacles to peace posed by his Strategic Defense Initiative.●

SCIENCE POLICY

Mr. KERRY. Mr. President, I have been increasingly concerned by the direction that science policy has taken under the current administration. In the past few years, the role of the President's science adviser has changed from that of a representative of the scientific community, to that of a promoter of the President's policies, such as the strategic defense initiative.

The recent resignation of George Keyworth II as the President's science adviser has created a vacancy in this important position. This position should be filled by a highly qualified and truly independent scientist, who is capable of representing the interests of the scientific community. As Science magazine recently editorialized, "The administration has a right to demand someone who is publicly loyal, but the scientific community has a right to expect someone who has the courage to fight for science and the long-range good of the country in the face of the inevitably enormous pressures for short-range budgetary fixes." The American people have a right to expect no less from the science adviser to the President of the United States.

I have written a letter to Science magazine responding to their editorial, and setting forth my concerns regarding the direction of science policy, and the role of the President's science adviser. I ask permission that both the Science editorial, and my letter to Science, be printed in the RECORD.

The material follows:

U.S. SENATE,
COMMITTEE ON LABOR
AND HUMAN RESOURCES,
Washington, DC, January 31, 1986.

DANIEL E. KOSHLAND, Jr.,
Editor, Science Magazine, Washington, DC.

Dear Sir: Your editorial of January 31, concerning the need for a highly qualified Presidential science adviser, brings to light concerns not limited to members of the scientific community. As a United States Senator, I share your concern about the future of research programs and the potential impact of that future on the well-being of our Nation.

Several recent trends lend a sense of urgency to my concerns. First, is the eroding base of our university research enterprise. Some of our brightest investigators now are being forced to work with outdated equipment in antiquated facilities. Construction and renovation of academic research facilities could amount to $5-$20 billion over 10 to 20 years, according to some estimates. Costs for closing the gap between present university instrumentation and that required to ensure maximum productivity from creative and innovative researchers may alone be as much as $1 billion. In the face of this need, however, we have seen federal obligations for academic R&D plant decrease by 90 percent (in constant dollars) between 1966 and 1983.

Second, is the direction research and development spending has taken during the last two decades. Primary in the significant rise in R&D expenditures over the 1982-1986 period has been the major increase in Department of Defense (DoD) R&D support. National Science Foundation Director Erich Bloch recently emphasized that today only a little more than a quarter of all Federal R&D effort goes into civilian research. Indeed, U.S. civilian R&D as a percentage of gross national product is now below that of Japan and West Germany. Moreover, as Mr. Bloch also noted, DoD funds largely are directed to shorter term development efforts, with roughly only three percent going to basic research.

Third, is the growing recognition of the importance of science and technology to economic health; to developing new products; to creating new jobs; and to increasing productivity, as in Massachusetts where our blends of mature industries and high technology enabled the state to weather the recession of the early 1980's and emerge into a period of economic growth.

And fourth, is the fact that we stand at the threshold of many exciting developments in fields such as biotechnology, advanced materials, microelectronics, and supercomputers. We need to take steps to maintain our position of leadership in these areas. Without support from government, America's high technology industry is in danger of falling behind Japan, Europe and the Soviet Union in these areas.

Certainly, now more than ever, it is important to have an active, truly representative voice for all of science in our government. So important is this need that the President's own Commission on Industrial Competitiveness has recommended a Cabinet-level Department of Science and Technology to promote national interest in policies for research and development. Today, our national security strongly depends upon our ability to compete in international markets. That ability in turn depends upon a sound research base, able to fuel the technology and innovation needed to sustain our economic leadership. In order to maintain our position of leadership, we need strong support for science in the Congress, and from the President.

It is no secret to anyone in the scientific community that in the past few years, the role of the President's science adviser has changed from that of a representative of the scientific community, to that of a promoter of the President's policies, such as the Strategic Defense Initiative. It is my sincere hope that we will soon see a Presidential science adviser able to represent the interests of science policy and the scientific community, as well as the use of science for policy.

Sincerely,

JOHN F. KERRY,
U.S. Senate.

A SERIOUS PARLOR GAME

The resignation of George Keyworth II has energized one of Washington's favorite parlor games: guessing who will be the next science adviser to the President. Like psychoanalyzing Russian foreign policy from the lineup of faces on the balcony during the May Day Parade, the only prerequisites for entering the game are a list of likely and unlikely candidates. The ability to drop insiders' names with measured regularity, and a conspiratorial whisper. Beyond this persiflage, however, lies a serious decision that will affect the health of science in this country for many years to come.

This appointment comes at the point of entry into the Gramm-Rudman era, a deceptively inviting territory containing a potentially lethal budgetary minefield. The danger of the Gramm-Rudman amendment is not that it requires a balanced budget; many states, including California, have operated with mandatory balanced budgets for years without difficulty. The danger is the

coupling of two "hold-their-feet-to-the-fire" provisions of the bill. The first involves an automatic-triggering action. If the projected budget deficit exceeds the targets voted into law, and automatic reduction process is set into motion. Such cuts are frequently executed across the board, with little or no evalution of their quality. The second provision is that certain programs are designated as "privileged sanctuaries" for which funding cannot be reduced beyond specified sums. These privileged programs are the biggest, probably the most wasteful, but also the most politically sensitive—defense and entitlements. Reductions then must be achieved at the expense of the discretionary part of the budget, which contains most of the allocations for basic research.

The optimist might say that to prevent arbitrary and inappropriate across-the-board cuts, Congress and the President will compromise to approach the budgetary process rationally. The pessimist might say that the automatic provisons will allow individuals in Congress and the Executive to posture for their beloved favorites, with the knowledge that the automatic sequestration decisions will be invoked when there is a failure to compromise. At this stage no one knows precisely which programs will be cut, but reductions as high as 7 to 14 percent are predicted. Unless science's indisputable priorities are established and adhered to, research could be dealt some devastating blows.

In view of this background the selection of a science adviser becomes vital. Rumor mills suggest that a strong figure with an independent reputation is not wanted because he or she might be primarily loyal to his or her constituency instead of to the Administration. In the past, the country had to operate without a presidential science adviser on the basis of just such logic. However, the urgency of the current decisions does not allow such timidity. And it does not seem necessary, given a highly popular President who will not be running for reelection. An alternative system, in which the head of the National Science Foundation was designated the science adviser, was tried in the past and was rumored to be one of the plans under consideration. The present head of NSF, Eric Bloch, is an intelligent and vigorous leader who would make an excellent science adviser, but a dual role is not good either for NSF or for the country.

An ideal presidental science adviser would be an individual with leadership qualities and contacts with many scientific and scholarly societies in many disciplines. The Administration has a right to demand someone who is publicly loyal, but the scientific community has a right to expect someone who has the courage to fight for science and the long-range good of the country in the face of the inevitably enormous pressures for short-range budgetary fixes.

England's current financial difficulties may have resulted, in part, from the subsidies from her empire having concealed inefficiencies in her home industry. The United States was similarly subsidized, by a land with ample raw materials. In the future, however, we will have to live by our wits. If basic research was important in the past, it becomes even more crucial to the future. The Administration needs, and science needs, a strong spokesperson who can build bridges between scientific communities and the decision-making apparatus of the government.—DANIEL E. KOSHLAND, JR.●

ARMS CONTROL VERIFICATION

● Mr. SIMON. Mr. President, one of the reasons I supported the move by Senator JOHN KERRY to restrict antisatellite weapons is that it is absolutely vital to arms control that we have verification. If we knock out the satellites or develop that ability further the net result will be a lessened ability to verify arms developments.

The December issue of the Science magazine article by R. Jeffrey Smith, staff writer for Science specializing in arms control strategic weapons, did an article on this whole question of surveillance. He makes several points in his article that I will be inserting in the RECORD, but let me stress a few of them:

Nations that know what their enemies are doing are less likely to increase world tensions through actions born of fear. And nations that know their enemies are observing them are far less likely to threaten international peace through rash behavior.

Governments also are more likely to propose and sign treaties if they believe they can verify their enemies' compliance with the treaty terms.

As weapon technologies has advanced, so too has the technology of monitoring . . . . a satellite photo can show, by the headline format, which newspaper a man on a Moscow street corner is reading.

A conservative effort to develop new verification technologies would pose many of these—existing verifications—gaps."

His article points out that amazingly the verification research initiatives have been declining.

He has words of praise for our colleagues Senators GARY HART and JEFF BINGAMAN for promoting research. I join that praise and join the hope that we will do two things. First, that we will push for agreements with the Soviets not to have antisatellite weapon deployment so that both nations will not have questions about verification. Second, we ought to devote a higher percentage of the defense dollar to verification research.

I urge my colleagues to read this informative article. I know that every time one of us puts one of these articles into the CONGRESSIONAL RECORD, we urge that, but in this case we have a significant article that at least members of the staffs of the Senate and House should read.

The article follows:

HIGH-TECH VIGILANCE

(By R. Jeffrey Smith)

In February 1983, a new intercontinental ballistic missile was launched from Plesetsk, an enormous space complex in the northwestern region of the Soviet Union. Within seconds, a panoply of sensors operated by the U.S. intelligence community swung into action. Radars, located along the periphery of the Soviet Union and on several remote islands in the Pacific, tracked the flight of the missile and monitored its separation into three stages. Satellites positioned overhead repeatedly snapped its picture. And in conjunction with half a dozen listening posts on the ground, the satellites also eavesdropped on a series of electronic signals broadcast by the missile to Soviet engineers.

All of this was standard practice for America's intelligence-gathering network, but what was seen that day was not standard by any means. According to U.S. intelligence experts, the missile seemed to violate a provision of the SALT II arms treaty. Although the charge has been denied by the Soviets, it figured prominently in President Reagan's decision last June to proceed with the development of a similar missile, known as the Midgetman, which will also violate the SALT II treaty.

For more than 30 years, the United States has used its monitoring technologies to scout for ominous developments in the international arena. Of particular interest, of course, have been the activities of America's most powerful adversary. In the early days of this era, the Air Force attached bulky cameras to balloons and released then over Western Europe in hopes that they would be carried by trade winds over the Soviet landmass and then retrieved over the Pacific. Now, an array of expensive satellites, impressive radars, listening devices, spy planes, and seismic sensors constitute, in the jargon of arms negotiators, America's "national technical means"—the means by which compliance with arms treaties can be unilaterally verified.

If it's true that what you know about can't hurt you, then the major investments made by both the Soviets and the United States in monitoring technologies make sense. Compared with the big ticket weapons systems each side develops on the theory that they will enhance national security, the technologies that tell us what the other side is doing are a bargain. Nations that know what their enemies are doing are less likely to increase world tensions through actions born of fear. And nations that know their enemies are observing them are far less likely to threaten international peace through rash behavior. Governments also are more likely to propose and sign treaties if they believe they can verify their enemies' compliance with the treaty terms.

Over the last 15 years, U.S. monitoring systems have given the superpowers this kind of confidence. Inevitably, new weapons or new means of hiding them have been developed that were not anticipated in previously signed treaties. But as weapons technology has advanced, so too has the technology of monitoring. Indeed, these technologies have bought time for diplomats to work out ways to prevent international tensions from exploding into war.

Recently, however, some high-level officials in the U.S. government have questioned the ability of engineers and scientists to develop monitoring techniques that can keep up with the weapons the Soviets are building. Charging that the Soviets may soon be able to cheat on treaties without being caught by our high-tech marvels, these U.S. officials have questioned whether the United States can afford to negotiate future treaties.

The problem is that virtually every existing arms treaty depends on the ability of one side to count or verify the number of weapons deployed by the other. At present, for example, both the Soviet Union and the United States can depend on their satellites, spy planes, and radars to tell them that the opposite side is complying with weapons limitations agreed to in the 1972 SALT 1 treaty, which specifies just how many different types of missiles, planes, and subma-

rines each nation may have. Without such treaties, there would be no cap whatsoever on an arms race that has—even in the face of treaties—seen more than 50,000 nuclear weapons deployed throughout the world.

If it is true that the Soviets will one day be able to fool our monitoring systems, then they will be pulling the wool over some extraordinary gadgets. Reliable sources report that our spy satellites can distinguish objects six inches in size from 80 miles away. A satellite photo can show, by the headline format, which newspaper a man on a Moscow street corner is reading. Robert Lindsey, author of "The Falcon and the Snowman," based on the true experiences of two Americans who became spies for the Russians, has revealed that an advanced U.S. listening satellite, the Rhyolite, can eavesdrop "on a Soviet Commissar in Moscow talking to his mistress in Yalta or on a general talking to his lieutenants across the great continent."

Admiral Stansfield Turner, a former director of the Central Intelligence Agency, sums up current U.S. capabilities by reporting that "we can take detailed photographs from very long distances, detect heat sources through infrared devices, pinpoint metal with magnetic detectors, distinguish between barely moving and stationary objects through the use of Doppler radar, use radar to detect objects that are covered or hidden by darkness, eavesdrop on all manner of signals from the human voice to electronic radio waves, detect nuclear radiation with refined Geiger counters, and sense underground explosions at long distances with seismic devices.

Turner's list suggests that U.S. systems fall into two categories; those that use imaging techniques to act as surrogate eyes and those that intercept signals of all kinds, thereby acting as surrogate ears.

EYES IN THE SKY

Of the former, a satellite known as the KH-9, or Big Bird, is one of the most important. Capable of photographing broad swaths of territory, the Big Bird is used in part to detect new construction and other changes in Eurasian landscape.

Typically, one monitoring system will provide clues needed for additional probing by another. Thus, for example, on a pass over Russia, the Big Bird might spot a new building whose particular external physical shape is typical of a nuclear weapons production plant. Once such a possibility is raised, other monitoring systems can intercept communications, say, between the plant and the Soviet Ministry of Nuclear Affairs.

The KH-9 orbits roughly 100 miles above the Earth's surface and can reportedly photograph all of the Soviet Union and the People's Republic of China every three and a half days. Should the need arise, these satellites can also photograph other nations. American University professor of government Jeffrey T. Richelson reports in "The U.S. Intelligence Community" that a Big Bird satellite flew over India when a nuclear bomb was detonated there in 1974. Another appeared over South Africa when a nuclear test was expected there in 1977.

In February 1981, when Russia marshaled its troops on the Polish border in response to the Solidarity movement, the satellite of choice was the KH-8, whose orbit, more elliptical than that of the KH-9, allows it to take photos from as close as 80 miles away.

Both KH-8 and KH-9 satellites carry a variety of cameras. When the film has been exposed, it is packed in canisters that are then parachuted back to Earth, where they are either snagged by planes in midair or retrieved from the ocean by divers. Once developed, the images are projected on screens and scrutinized by photo intelligence specialists who can zoom in on objects of particular interest with computerized lenses, or process the photos so as to reveal details hidden to the human eye.

A third type of satellite, the KH-11, uses no film at all. Instead, it records elements of a scene as digital electronic impulses that can be transmitted to other satellites and then to ground stations almost instantaneously. Although the KH-11's resolution is not as good as that of the other reconnaissance satellites, the advantage of direct transmission is that it enables officials to obtain important images in real time.

When world events develop too rapidly for any of these satellites to be swung into position, the intelligence community turns to an old and trusty standby: the spy plane. The fastest such plane, known as an SR-71 or Backbird, can reportedly fly at more than 2,000 miles per hour at altitudes of up to 85,000 feet. Richelson reports that a Blackbird's three cameras can film 100,000 square miles in an hour, which would allow one plane to photograph an area the size of the entire United States in only three passes. He adds that it can also produce three-dimensional images of a 150-square-mile area that are so sharp you can distinguish a mailbox on a country road.

EARS TO THE GROUND

All of these reconnaissance sensors are used in concert with sensors primarily designed to listen, not observe. During the 1973 Middle East war, for example, the United States learned, in part through the increase in encoded telecommunications traffic, that the Soviets were mobilizing for possible invasion of the area.

This collection of signals is performed by a wide variety of instruments aboard satellites, aircraft, ships, and submarines, as well as at ground stations positioned all over the globe. Not only telephone traffic but also radio, microwave, and satellite communications can be intercepted, as well as radar emanations and telemetry from missile tests.

The primary listening satellites are reportedly the Rhyolite, Chalet, and Magnum. While little has been made public about the latter two, it is known that the Rhyolite can monitor information from Soviet missile tests. This became public knowledge when it was revealed that spies Christopher Boyce and Andrew Dalton Lee had provided its blueprints to the Russians, eventually leading the Soviets to encode more of their missile test data transmissions.

A different type of listening satellite, White Cloud, can intercept Soviet submarine and ship communications, while yet another orbits at a lower altitude and is designed expressly to monitor Soviet and Chinese military radar transmissions.

These satellites are supplemented by several other eavesdropping systems, ranging from a fleet of older U-2 spy planes and SR-71 aircraft to more than a dozen RC-135s, one of which appeared off Sakhalin Island before the shooting down of Korean Air Lines flight 007 in 1983.

Another genre of eavesdroppers are the groundbased radars and antennas throughout the world that track Soviet missile tests and Soviet and other foreign satellites. The most important of these is Corba Dane, a radar on Shemya Island, located off Alaska, only 500 or so miles from Russia's Kamchatka Peninsula, where most Soviet test missiles return to Earth. The Cobra Dane can detect an object the size of a basketball at a range of 2,000 miles. A similar radar, Cobra Judy, moves about the Pacific aboard a ship, the U.S.N.S. *Observation Island.* Between these two radars, the United States can detect and simultaneously track about 500 objects.

In addition, there is a worldwide network of ground-based antennas listening in on the world's secrets. One of the most sensitive operations, known as Gamma Gupy, was conducted in the late 1960s with sensors at the U.S. embassy in Moscow. The mission's targets were radiotelephones in the autos of Soviet leaders.

Antennas are a common feature on the roofs of foreign embassies in Washington, a circumstance that was turned to U.S. advantage when Secretary of State Alexander Haig fooled the Argentinians in the midst of the 1982 Falklands crisis. "Although the British told us nothing of their military plans, the Argentines plainly believed we know everything the British did," Haig told *Time* magazine. "Possibly this misconception could be useful. I called Bill Clark [the President's national security adviser] at the White House on an open line, knowing that the Argentinians would monitor the call, and told him in a tone of confidentiality that [a British attack on Argentina] was imminent. The Argentines produced a new peace proposal shortly thereafter."

The manner in which antennas and imagers work together to permit treaty verification is illustrted by the sequence of events set in motion by a missile test, such as the test of the SS-25 that occurred from Plesetsk in 1983. When the missile was sighted on the launching pad, sensors listened for the countdown. Once it rose above the clouds, the heat of its engine was detected by a U.S. early warning satellite. Broadcasts of its telemetry were picked up by satellites. Meanwhile the flight itself was observed by powerful radars like Cobra Dane at Shemya Island in the Aleutians.

Much of the information obtained from this effort is inferential. As former Secretary of Defense Harold Brown has explained, "In the course of 20 to 30 tests of a new ICBM, we collect thousands of reels of magnetic tape and spend tens of thousands of hours processing, analyzing, and correlating this vast array of data to determine the characteristics of the new missile." From the telemetry, the United States might deduce various design details. From the radar returns, it can estimate the velocity and acceleration. From the imagery, it can deduce the type of fuel consumed and the missile's point of impact.

SENSING EARTH TREMORS

One other form of monitoring, which is especially vital to treaty verification but is also needed to keep abreast of the activities of nations that might wish to possess nuclear weapons, detects nuclear blasts by feel. Composed of magnets fixed to the ground and a sensitive spring device attached to an electric coil, the seismometer can be placed throughout the world in arrays that will sense distant Earth tremors and distinguish them from earthquakes. The United States uses seismometers to verify that the Soviet Union is complying with the 1974 Threshold Test Ban Treaty, which prohibits underground testing of bombs with yields of more than 150 kilotons.

Since the 1960s, we have used VELA satellites to watch for the X rays, gamma rays, and neutrons that would be created by an atmospheric blast. Even after most nations signed the international agreement banning above-ground tests, the VELA satellites have remained our way of monitoring nonsignatory nations. In fact, on September 22, 1979, a VELA triggered what has become an enduring controversy when it detected a flash of light suggesting a nuclear detonation off the coast of the Union of South Africa. On all previous occasions when the VELA satellites had pointed to the occurrence of a nuclear explosion, they had been correct. But this time, only the satellite's light sensors and not its ray and particle sensors registered anomalous data. Some time later, unusual radioactivity appeared near Australia, but its significance also remained ambiguous. Likewise, underwater seismometers some distance away from the blast site detected unexplained shock waves consistent with the timing of a blast. But the argument has raged unabated: Did South Africa test a bomb or didn't it?

Thomas Curry, a former Pentagon official who is a consultant in advanced planning and analysis, says, "All intelligence methods are subject to being fooled, either intentionally or unintentionally." In fact, several notorious intelligence failures have occurred in the past decade. In the late 1970s, for example, a U.S. reconnaissance satellite observed what appeared to be a new Soviet submarine in the Barents Sea, stationed near Murmansk. Shortly after a violent ocean storm, however, the "sub" appeared to be folded in half; only then was it revealed to be a giant rubber fake.

Until 1982, when the Navy was finally able to get close enough to a Soviet submarine stranded off Sweden to determine that it was carrying nuclear weapons, monitoring systems had been of no use to naval intelligence experts, who had concluded that submarines of that type carried only conventional weapons. More recently, the intelligence community overestimated the accuracy of the Soviet SS-19 intercontinental ballistic missile, needlessly causing widespread concern that it could easily destroy silo-based missiles in the United States.

In the past, most U.S. intelligence experts considered such incidents to be anomalies. Arms control officials generally argued that though no treaty is perfectly verifiable and no system can tell us exactly what the other side is doing, basically the Soviets were abiding by the treaties they'd signed, so why worry about a few weaknesses in our monitoring systems? Recently, however, officials in the Reagan administration have begun to claim not only that the Soviets have been cheating on treaties but that our technology is no longer competent to verify treaty compliance. Moreover, they argue that our sensors will certainly fall short when it comes to detecting future Soviet weapons systems.

BLIND TO THE FUTURE?

For example, at a missile test center 500 miles north of Moscow, the Soviet Union is constructing and testing railroad cars capable of carrying a new intercontinental ballistic missile known as the SS-24. Within two years, according to intelligence experts, a dozen or so SS-24s, each carrying 10 warheads, may begin moving along the Soviet rail system, indistinguishable from ordinary cargo and capable of being launched on short notice.

Our nuclear-tipped cruise missile raises a similar problem for Soviet monitoring systems. Within the next few years, at bases in California and Virginia, the Pentagon plans to equip dozens of surface ships and submarines with nuclear-tipped cruise missiles. Fired offshore, these missiles are capable of skimming above the waves at high speed and homing in on land-based targets, where they wreak instant destruction. Unremarkable in appearance, the missiles will be indistinguishable to the Russians from conventional, nonnuclear siblings.

Meanwhile, as the first in a series of space weapons, the U.S. Air Force is testing a missile capable of destroying satellites at low orbit. Launched from a modified F-15 jet fighter, the weapon is designed to ram its target only minutes later. Like the Soviet S-24 hidden in a railcar and the U.S. nuclear-tipped cruise missile, the modified F-15 cannot be readily distinguished from its unmodified version at a distance.

What can be done about this? Addressing U.S. concerns, William Kincade, then executive director of the Arms Control Association, expressed great concern as early as 1982. "While the ingenuity of diplomats and engineers should never be underrated," he said, "there are compelling indications that weapons technology is veering off in directions where surveillance technology, even if it advances smartly along its current course, cannot follow." Still, there are engineers and scientists eager to fight back—and many are working at the U.S. weapons laboratories responsible for Kincade's worries.

Take nuclear-tipped cruise missiles, now being deployed by both the United States and the Soviet Union. Since there is nothing distinctive about the outer appearance of a nuclear-armed cruise missile, a means must be devised to detect what's inside. The job is made easier by the fact that nuclear materials emit a constant stream of neutrons and gamma rays, but the strength of these emissions diminishes rapidly as one gets further away. Shielding can make the task even more challenging. As a result, measurements will probably have to be taken at the site where cruise missiles are produced or deployed, and possibly at both.

That's not so simple. First, every production site will have to be identified. Monitors will have to be created and installed so that every weapon is detected while sensitive design and production information is not. Shipping ports might have to be monitored, and ships themselves might have to be boarded. (Secretary of the Navy John Lehman has already said that he is "perfectly prepared to accept intrusive, on-site inspections on a reciprocal basis with the Soviets.")

Although the idea has been studied extensively by the intelligence community, the only actual experiment with an on-site weapons detection system was carried out in a U.S. plant last year. At the General Dynamics cruise missile production facility in San Diego, a small, tamper-resistant television camera, developed by the Sandia National Laboratories for use at nuclear power plants, was placed outside the gate and attached to a cable that sensed the passage of trucks. The preliminary experiment worked, but Paul Stokes, in charge of verification research at Sandia, says, "More than the taking of pictures is needed to solve the verification problem."

Other devices developed for nuclear power plant monitoring might also be adapted for use at nuclear weapons facilities, such as tamper-proof identification plates. Stokes suggests that one solution might be to attach plates which reflect a distinctive pattern of laser light to weapons when they leave the plant and then check the plates at deployment sites. But systems such as these would demand a degree of intrusiveness that the U.S. and Soviet governments may not accept.

Even if this difficulty proves surmountable, Los Alamos physicist Don Cobb worries. "I don't think anybody believes that the verification systems we have in place will cover the next generation of treaties," he says. A concerted effort to develop new verification technologies would close many of these gaps. Although much of the government's research in this area is performed by the Central Intelligence Agency and the National Security Agency, and therefore is largely hidden from public view, the portions of the verification budget that remain in the open indicate that the effort has slackened considerably in recent years. Los Alamos, for example, says that funding for new verification initiatives has declined by 25 percent from 1984 to 1985. Research by the Arms Control and Disarmament Agency has also sharply declined. At the Defense Department, undersecretary of defense for policy Fred Iklé, who oversees most of the verification work, is not optimistic about the future of arms control. "Our continuing arms control efforts represent the triumph of hope over experience," he said last year. "The West's ambitions for arms control negotiations have outrun the capabilities of verification."

But to many in the arms control community, there is no good alternative to maintain monitoring technology that could stay reasonably close to Soviet Military advances. They quarrel with the administration's priorities and applaud the Congress for taking a small step by adding $7.5 million to the budget for verification research at the Department of Energy. According to Senators Gary Hart (D-Colo.) and Jeff Bingaman (D-N.M.), who sponsored the funding proposal, the money will be used to develop the means to monitor—and ultimately constrain—nuclear material, nuclear explosions, directed-energy weapons, and space weapons. "Scientific breakthroughs could broaden the horizon for arms reductions," Hart says. But can $7.5 million make a difference?

A recent survey of U.S. verification technologies by the Congressional Research Service revealed that in virtually every instance, the capability to monitor a strategic weapon has lagged far behind its deployment. With sufficient political and scientific energy, this trend could be reversed. If we looked at verification technologies as no less important than the weapons they are intended to monitor, then we might preserve the chance to settle our differences by treaty rather than by force.●

AGRICULTURAL CREDIT

● Mr. DIXON. Mr. President, I want to call to the attention of the Senate that the two major banking organizations, the American Bankers Association and the Independent Bankers Association of America, have established a joint task force on agricultural debt and credit problems. They have now developed and transmitted to me a policy paper, "Recommendations of the ABA-IBAA Task Force on Agricultural Credit." Their recommendations place the first priority on procedures to enable banks to amortize their agri-

cultural loan losses over a multiyear period, which would allow the banks to work more closely with farmers in the restructuring and management of their debt. This is fully consistent with the provisions of my bill, S. 1943, which is pending before the Committee on Banking, Housing, and Urban Affairs.

I wish to commend the two organizations for producing this joint statement, and I would ask that it be printed with the jointly signed cover letter of transmittal to me in the RECORD.

The material follows:

FEBRUARY 5, 1986.

Hon. ALAN J. DIXON,
U.S. Senate,
Washington, DC.

DEAR SENATOR DIXON: Enclosed are recommendations on agricultural credit, developed by a joint task force of the American Bankers Association and the Independent Bankers Association of America. We deeply appreciate your interest in the very serious agricultural credit problems, and we hope that these joint recommendations will be useful in finding solutions to these problems.

Sincerely,

BUD GERHART,
Chairman, Agriculture-Rural Committee, Independent Bankers Association of America.

RANDALL KILLEBREW,
Vice Chairman, Government Relations Council, American Bankers Association.

RECOMMENDATIONS OF THE ABA-IBAA TASK FORCE ON AGRICULTURAL CREDIT

The banking industry considers it essential that steps be taken early in 1986 to assist commercial banks and their agricultural borrowers in coping with the accumulation of problem farm debt. The IBAA and ABA met jointly in Dallas, Texas, on January 15–16 and, based on that meeting, will seek measures that can help to stabilize the capital structure of agricultural banks and to assist individual agricultural borrowers in managing their debt during this critical period. Recognizing that agricultural banking can return to profitability only when the agricultural economy is again profitable, the fundamental premise of these proposed measures is that agriculture is experiencing massive change and bankers and their agricultural borrowers need a reasonable period of time to adapt.

We will seek to implement such measures through regulatory action to the extent that they can be carried out under existing law, and we will seek legislation where existing law is inadequate. Our Associations will pursue a plan of action involving three main elements: (1) stabilization of bank capital; (2) stabilization of agricultural borrowers; and (3) stabilization of farm real estate values.

STABILIZATION OF BANK CAPITAL

The most immediate problem confronting agricultural banks is the impact on bank capital of sudden and massive agricultural loan losses. In 1984, agricultural production loan losses charged off by commercial banks totalled $900 million—an increase from $436 million in 1983. Such charge-offs for the first two quarters of 1985 were $520 million, almost double the $280 million charged off in the first two quarters of 1984.

These extraordinary charge-offs are eroding the capital structure of many agricultural banks as the loan losses are deducted from the banks' available capital. As a bank's capital is reduced, both the total capacity of the bank to extend credit and the size of individual loans that the bank can make are correspondingly reduced. If a bank's capital falls below the minimum required by the regulatory agencies, the bank is subject to enforcement actions which may lead to closure.

"The Farm Credit Act Amendments of 1985" (PL 99-205), signed by the President on December 23, 1985, was Congress' response to a similar problem in the Farm Credit System. Faced with mounting agricultural loan losses, the Farm Credit System requested Federal backing to guarantee its continued access to capital in the credit market. Congress and the Administration responded to the Farm Credit System's request for assistance with PL 99-205.

To keep agricultural banks open and to maintain their capacity to extend credit to borrowers, we recommend that special measures be implemented to preserve the capital structure of agricultural banks. Agricultural banks traditionally have been well capitalized, but the persistent downturn in the farm economy since 1981 is severely pressuring the capital structure of hundreds of agricultural banks. The farm economy will recover in time, providing a basis for greater earnings and replenishment of the capital structure of agricultural banks. In the meantime, we need special measures to prevent banks' capital from being precipitously eroded by requirements that banks offset problem farm loan assets whose market value has been reduced.

Our first priority as a means of preserving banks' capital is to change regulatory accounting procedures and enable prudently managed banks to amortize their loan losses over a multi-year period. Such a procedure is relatively simple to administer, would assist a broad segment of banks and their borrowers, and would entail no direct government cost.

Two other options that warrant consideration as ways to assist banks in maintaining adequate capital during this stressed period in agriculture are:

Regulator-assisted injections of capital into certain troubled banks. (For example, a qualifying agricultural bank might acquire additional capital from the Federal Deposit Insurance Corporation in the form of debt or equity.);

Unfunded capital certificates similar to net worth or income capital certificates currently used for certain thrift institutions.

Because of the potential direct impact on bank's capital, we shall also focus careful attention on proposed changes to the Internal Revenue Code. For example, banks can currently carry net operating losses back ten years and obtain refunds for taxes paid in those years, thereby increasing capital. Proposed tax reform legislation would change the carryback period to three years and any excess losses would be carried forward. If this change were to become law, agricultural banks now incurring net operating losses would lose some of their ability to maintain an adequate level of capital.

We will work with the Administration, the bank regulatory agencies, and the Congress to obtain action early this year to relieve pressure on agricultural banks' capital structure.

STABILIZATION OF AGRICULTURAL BORROWERS

While we need action early this year to stem the erosion of agricultural banks' capital accounts, we also need stabilization of agricultural borrowers' debt situations and ability to cash flow their debt. For that purpose, we recommend further expansion of the Farmers Home Administration (FmHA) agricultural loan guarantee programs and authority. In the current budgetary situation, the FmHA loan guarantee program is the least costly means of stabilizing and extending agricultural debt. In addition, expansion of the $490 million interest rate buy-down program included in the 1985 Farm Bill would provide major cash flow assistance to agricultural borrowers at minimal direct cost. We also need clarification this year of the FmHA's preparedness to provide direct loans to qualifying farmers who cannot be financed in full by commercial lenders.

STABILIZATION OF FARM REAL ESTATE VALUES

We seek the development of an institutional secondary market for longer term real estate loans originated by commercial banks. A secondary market would provide access to additional funds and diversify the risks and returns from farm lending. One option is to pool FmHA-guaranteed loans for resale as mortgage-backed securities to investors.

Proposals for warehousing of problem agricultural loans and/or acquired assets also merit continued examination. Permitting banks to hold real estate assets for a longer period of time also merits consideration. Stabilizing land values is necessary to restoring health to the agricultural economy.

UKRAINIAN INDEPENDENCE DAY

● Mr. SIMON. Mr. President, January 22, 1986 was the 69th anniversary of Ukrainian independence. Although the independence declared by the Ukrainians on January 22, 1918 was short-lived, the spirit of freedom declared on that day lives on in the hearts and minds of Ukrainians all over the world.

Since being taken over by the Russian Bolsheviks in 1921, the Ukrainians have faced constant discrimination and persecution. The culture, dreams and hopes of the Ukrainian people have been suppressed. Unfair trails and cruel punishments are common for those who continue to express their ideas openly, even knowing the eventual consequences. For most Ukrainians, fear is constant and many choose the path of least resistance by not practicing their faith or expressing their culture.

In 1932, the Soviets seized the bulk of the Ukrainian grain crop and exported it. Border patrols were established to prevent food from coming into the country. In this effort to completely destroy the individuality of the Ukrainian people, 7 million people died of starvation. Much of what really occurred during the 2-year Ukrainian campaign remains unknown. Last year, Congress approved the establishment of a commission to look into this period in Ukrainian history, and the commission should be commended on its effort.

As Americans living in a democracy, it is often difficult to understand the

repressive and punitive nature of other governments. But the many Ukrainians who have come to this country and have made valuable contributions to our society should frequently remind us of the responsibility we have, as a free nation, to help others maintain their individuality and their freedom. Those of Ukrainian heritage are our neighbors, our colleagues, our teachers, our doctors, our families. They stand as a constant reminder of the continuing search and hope for freedom of those less fortunate than ourselves.●

FIFTIETH WEDDING ANNIVERSARY OF FORMER GOV. DON SAMUELSON AND HIS WIFE, RUBY

● Mr. SYMMS. Mr. President, in honor of former Idaho Gov. Don Samuelson, I would like to publicly recognize the 50th wedding anniversary that he and his wife, Ruby, will celebrate February 22, 1986.

Don's selfless contributions to the great State of Idaho have always been prompted by his genuine love for fellow Idahoans, as well as a deep respect for the beautiful country and wealth of natural resources that are found in Idaho. His personal love and vision of Idaho's great potential were evident during his dedicated term as Governor from 1967 through 1971. All Idaho citizens revere and respect this great man.

His wife, Ruby, shares with her husband these same loves for Idaho and its greatness. She has participated on several community boards and committees, and was principally responsible for the formation of the Governor's House Heritage Committee. One Idaho newspaper said that Ruby Samuelson's pioneering contributions were "unparalled and unsurpassed."

Former Gov. Don Samuelson and his wife are a most exemplary couple, and I am honored to know them as my fellow Idaho friends. I extend my warmest wishes to them and know that I speak for all of Idaho in sending best regards for a most memorable golden wedding anniversary.●

SENATE JOINT RESOLUTION 246—HANDS ACROSS AMERICA DAY

● Mr. D'AMATO. Mr. President, I am pleased to rise today to join my esteemed colleague from Illinois in sponsoring a Senate joint resolution designating May 25, 1986, as "Hands Across America Day." On this day, people across this Nation will join hands in the hope that they will have an impact in diminishing hunger and homelessness here in the United States. This human chain will begin in New York Harbor on the steps of the Statute of Liberty.

It was only a short time ago that many Americans showed their humanity by raising substantial funds for victims of famine in Africa. The attention this event received heightened our awareness of many of the misfortunes of others. It is this same great spirit and awareness that is exhibited in the preparations for "Hands Across America Day." Cochairmen Bill Cosby, Kenny Rogers, Pete Rose, and Lily Tomlin are just a few of the many celebrities playing an important role in this event. I salute each and every one of them.

In this great Nation of ours, I find it distressing that so many people live in hunger or without shelter. I am confident that this event will be a huge success, and I urge my colleagues to join me in cosponsoring this resolution.●

JOHN E. KENNY, RECIPIENT OF THE MOLES AWARD

● Mr. DIXON. Mr. President, every year the Moles, an organization of heavy construction workers, honors a nonmember for his or her outstanding ability and accomplishment in the field by presenting the recipient with the "Moles Award." This year, the recipient of the highly coveted award is Mr. John E. Kenny, president and chairman of the Kenny Construction Co.

Mr. Kenny, I am proud to say, is a constituent of mine from Wheeling, IL. His efforts through his firm are certainly deserving of recognition. Kenny Construction has built either alone or in joint venture, some of the best known landmarks, public and private, in the Midwest. Their operations continue to expand to other parts of the country from the Atlantic to the Pacific.

Born in Chicago on October 23, 1913, Mr. Kenny began working for his father, Mr. John J. Kenny, the founder of the company, as a laborer. He became a full-time employee as a job superintendent immediately after graduating from Georgetown University in 1935.

In 1937, the city of Chicago started the Chicago subway system, and Kenny Construction completed eight of the contracts associated with the project. Mr. Kenny worked on every one of these contracts, including the State Street subway section and Chicago's first subway station at North Avenue.

Mr. Kenny served our country in battle during World War II as a marine and fought with such distinction at Iwo Jima that he earned the Bronze Star. After the war, he served as general manager for operations and engineering for Kenny Construction as they performed underground and tunneling projects in Chicago, Detroit, Chattanooga, and Cagles Mill, IN.

During the 1950's and 1960's, Mr. Kenney's firm built major interstate highways and bridges in Illinois, Indiana, Michigan, Kentucky, Tennessee, California, and Washington, DC. One of the most important throughways in our State, the Illinois tollroad—25 miles of highway, 40 bridges, 10 million cubic yards of earthwork, and 1 million cubic yards of concrete—was a joint venture project headed up by Kenny Construction.

Throughout the history of the company, Mr. Kenny directed the underground operations with an aggressive stance on mechanization. In 1963, the Kenny organization bought its first tunnel boring machine. Since that time, the Kenny Co. and joint ventures have mechanically bored more than 40,000 lineal feet of tunnel.

In joint venture, the company built the first major leg of the massive Deep Tunnel Program in Chicago known as T.A.R.P., a $64 million contract involving 24,000 lineal feet of 30 foot diameter rock tunnel mined out of the same shaft. The firm was involved in 13 separate contracts for deep tunnel with an aggregate value of more than $500 million.

I would like to join the Moles in honoring Mr. Kenny for all of his efforts and accomplishments. He is a credit to the underground and heavy construction industry and to the great State of Illinois.●

DRUG EXPORTATION

● Mr. D'AMATO. Mr. President, when S. 1848, the Pharmaceutical Export Amendments of 1985, is considered by the Senate, I intend to ask my colleagues, especially Senators HATCH and KENNEDY, chairman and ranking member of the Labor Committee, to consider recognizing the nations of Ireland, Israel, and Italy as having sophisticated drug approval systems comparable to that of the Food and Drug Administration [FDA] in the United States and the other countries listed in the bill.

S. 1848 would permit the export from the United States of human and animal drugs and biologicals which are made in this country, but not yet approved by the Food and Drug Administration [FDA], to nations with advanced drug approval mechanisms and certain other countries. The nations of Ireland, Israel, and Italy are not now included on the list of countries with sophisticated drug approval mechanisms. I would like this omission considered and, hopefully, corrected.

S. 1848 is needed because the Federal Food, Drug, and Cosmetic Act prohibits the export of drugs which have not yet been approved in the United States, even to countries which have approved the drugs themselves. Unfortunately, significant drug therapies

are frequently approved abroad first. When a drug is approved in a foreign country, but is not yet approved in the United States, a U.S. drugmaker only has two choices under present law: First, make the drug in a foreign country, resulting in a loss of jobs in this country; or second, if the U.S. company can't afford to build a plant overseas to make the drug, which is the case for biotechnology and small pharmaceutical companies, license the technology to a foreign competitor again resulting in a loss of U.S. jobs, but also a loss of our lead in technological know-how.

S. 1848 would permit the export of these drugs which have not yet been approved to three categories of countries:

A LIST

Those developed nations which have drug approval mechanisms comparable to or better than that of the FDA—for example, Canada, Finland, France, Japan, Norway, United Kingdom.

B LIST

Those developed nations whose drug approval systems include the ability to detect serious safety problems with a drug and to remove from the market a drug with safety problems—for example, Spain.

TROPICAL DISEASES

Those developing nations with diseases or health conditions which are not prevalent in the United States.

While the bill includes most countries with sophisticated drug approval systems on the A list, it does not include the nations of Ireland, Israel, and Italy. These nations should be included because they require safety and effectiveness data comparable to that sought by the FDA. Furthermore, these nations have highly trained and experienced personnel to review animal and human investigations to ensure that the data demonstrates the safety and effectiveness of drugs. In summary, the drug approval mechanisms in these countries are as sophisticated as that of our own FDA. For this reason, I will pursue the possibility of including these countries on list A.

Mr. President, by permitting the export of these yet to be approved drugs, S. 1848 will enable the pharmaceutical industry to make these products in this country, thereby creating new jobs. The legislation will also provide for important new safeguards to assure that these products are properly manufactured and labeled when sold abroad. Currently, there are few regulations regarding the quality or labeling of drugs exported from foreign countries.

I wish to commend Senators HATCH and KENNEDY, the cosponsors of this legislation, and the other members of the Labor and Human Resources Committee which adopted it by a vote of 13 to 2, for this excellent piece of legislation. I would like them to consider adding these three countries to list A in this bill. If the two Senators consider this addition to be consistent with the principles of the legislation and to further the purposes of S. 1848, I will offer an amendment to make such an addition.●

COSPONSORSHIP OF S. 1999, THE PRODUCT LIABILITY VOLUNTARY CLAIMS AND UNIFORM STANDARDS ACT

● Mr. DODD. Mr. President, today I am adding my name as a cosponsor to S. 1999, the "Product Liability Voluntary Claims and Uniform Standards Act," a bill introduced by Senator DANFORTH that would offer people injured by products a choice between filing a claim against the manufacturer for net economic loss or pursuing a lawsuit based on negligence for full tort damages.

On March 19, 1985, I introduced the Product Manufacturers' Responsibility Act of 1985 as Senate amendment No. 16 to S. 100. My amendment would have offered injured people the same choice that S. 1999 would. I believed then—and I believe today—that such an approach would be enormously beneficial to both injured persons and businesses.

Despite the fact that judges and juries are granting more and larger awards in products liability cases today, a large number of innocent victims still receive little or nothing from the tort system. Those who can recover face a lengthy process which, on the average, overcompensates people with small economic losses and undercompensates those with the most serious losses. The one consistent winner under this system is the attorneys, who receive as much as the victims. My approach and Senator DANFORTH's would give the innocent victim a speedy and far more certain system of compensation for economic losses.

For the business person, I believe the alternative system will go a long way toward ending the evolution of the tort system into a compensation system. Instead, it will be restored to its original function of awarding damages only where the manufacturer's negligence was responsible for the victim's injuries.

After my bill and a similar bill by Senator GORTON were introduced last year, the Commerce Committee conducted 1 day of hearings on them in June. Thereafter, Senator DANFORTH invited myself and Senator GORTON to participate in a process with all interested parties to see if we could develop a consensus on a system that would do a better job than the present lawsuit system of achieving the tort system's goals of compensation, deterrence, and punishment.

When Senator DANFORTH put the preliminary product of these sessions into the RECORD for comment on December 20, it was accidentally printed as a bill, S. 1999. While S. 1999 is not a bill that is ready for markup, I think it is worth serious consideration. I am pleased that it maintains the basic structure of my original amendment in terms of offering an injured person a choice whether to pursue a lawsuit or seek a quicker resolution of the matter on easier standards but for less money. S. 1999 has made major contributions in defining how the system will work, particularly by addressing the problems associated with long latency illnesses and by fleshing out more uniform tort standards for the residual tort system.

I am cosponsoring the bill today because I think it is important to show that there is bipartisan support for this effort. At the same time, I share Senator DANFORTH's view that the bill is still in a working stage. I am particularly concerned about devising appropriate triggers for compensation. I fear that the definition for what circumstances permit entry into the claims system for a traumatic injury, the trigger, is too complicated. I am hopeful that we can devise one that permits recovery where a defective product causes an injury and the injured person was not in a better position to avoid the injury. Simplicity is the key to workability here.

I am also concerned about the trigger for compensation in long latency injury cases. I share the judgment of S. 1999 that we will have to substitute statistical evidence for causation but I think we must be careful to make sure that industry does not pay more than its fair share.

I look forward to further meetings with Senator DANFORTH and all interested parties in an attempt to resolve these and other difficulties. The problems with the tort system appear to be accelerating and I hope we will be able to devise and enact a better system in this Congress. In this effort, I would hope that all parties will be careful not to let their view of the perfect get in the way of achieving the good.●

LITHUANIAN INDEPENDENCE DAY

● Mr. DIXON. Mr. President, each year, Lithuanian Independence Day is celebrated by the vibrant Lithuanian community here in the United States. This year, February 16, 1986, marks the 68th anniversary of this important day.

Lithuanian Independence Day is a day of celebration, reflection, and, sadly, a day on which we recognize the terrible tragedy which befell this Baltic nation in 1940. Sixty-eight years ago Lithuania declared its independ-

ence after many decades of Czarist repression and persecution. Twenty-two years later, Czarist repression and terror was replaced by Soviet occupation and persecution.

We must never forget, Mr. President, that Lithuanian independence lives. Soviet denial of Lithuanian heritage and individuality cannot reach the hearts and minds of the Lithuanian people. Their courage deserves the support of every American, for brave Lithuanians have fought and died for the freedoms we enjoy every day.

It is vitally important that Lithuanian independence is remembered in this country. Public celebration of this day is prohibited by Soviet authorities. Expressions of Lithuanian culture and heritage are considered antistate and anti-Soviet. It is up to us, Mr. President, to maintain and foster the true Lithuanian tradition of democracy, individuality, and freedom. I urge my colleagues to join me in this unique and essential celebration.●

NATIONAL FIREFIGHTERS DAY

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 244, a resolution introduced by my distinguished colleague, Senator DECONCINI, designating October 8, 1986, as "National Firefighters Day." I believe that we, as a nation and as individuals, owe a great debt of honor to the brave men and women who risk their lives to protect us against the dangers of fire. It is fitting and proper that we set aside this day to honor their bravery and sacrifice.

Over 2 million volunteer and career firefighters are at work or on call every day in this country to protect our communities against the ravages of fire. As a volunteer firefighter myself, I take special pride in honoring these outstanding men and women for their unyielding courage and dedication to the safety of others. Not a day passes when we do not read in the newspaper, see on television, or hear on the radio about a heroic deed performed by our Nation's firefighters.

Many of these men and women, however, have lost their lives and suffered personal injury in the line of duty. Every year in the United States, fires kill about 10,000 persons, injure about 140,000 others, and destroy more than $6 billion worth of property. The valiant commitment by our Nation's firefighters to do the best job possible has greatly reduced fire-related deaths, injuries, and destroyed property.

I urge my colleagues to lend their support to this resolution. Let us give our Nation's firefighters the recognition and praise they deserve.●

THE FAIR HOUSING AMENDMENTS ACT

● Mr. GLENN. Mr. President, I am proud to again join my colleagues as an original cosponsor of the Fair Housing Amendments Act. This year, as we celebrate the first Martin Luther King, Jr. National Holiday celebration, it is only fitting that we reinvigorate his dream of civil rights for all Americans in all areas. The legislation introduced today will ensure that all Americans regardless of their race, color, sex, national origin, religion, handicap, or familial status have equal access to the housing market. The Fair Housing Amendments Act provides an administrative enforcement process for individual complaints of housing discrimination under title VIII of the Civil Rights Act of 1968. Title VIII prohibits discrimination in the rental, sales, marketing, financing, and related activities affecting housing.

Mr. President, it is evident that this legislation is needed. Secretary of Housing and Urban Development, Samuel Pierce, said in a recent article in the Christian Science Monitor, "The Fair Housing Act needs punch—teeth that make enforcement more effective." This legislation will do just that. By broadening the classes of persons protected to include the handicapped and families with children, this legislation would codify recent court decisions and clarify congressional intent. It provides all members of our society with an efficient and low-cost mechanism for addressing discrimination in the housing market.

The passage of Gramm-Rudman will make it more difficult for HUD to carry out its purpose of ensuring that all Americans get the best housing available. Only this past Friday the administration suggested that three HUD programs may be cut under Gramm-Rudman. Therefore, it is imperative that we seek to put in place mechanisms that will give title VIII the enforcement power it urgently needs. I encourage strong support for Federal housing programs and urge my colleagues to join me in supporting this legislation which ensures that all Americans regardless of their race, color, sex, national origin, religion, handicap, or familial status have equal access to the housing market.●

IN MEMORY OF CONRAD SCHWIERING

● Mr. WALLOP. Mr. President, nationally acclaimed Western artist Conrad Schwiering died on January 27, 1986. "Connie," as he was known to his friends, was a resident of my home State of Wyoming for nearly 40 years. It was said that in Conrad Schwiering, God gave us a man to match our mountains. And so he did.

Connie spent his lifetime immortalizing the mystic beauty of the State with paints and canvas. He captured the tender green of springtime, the autumn gold of the Aspen trees, the sparkling brooks that make for a fisherman's paradise, and the deep, wintery cold of the mountain lakes that comfortably nestle against the Grand Tetons. Connie recorded the chill of snow drifts sharply ravaged by the wind, the rotting wood of an old buck fence, the heat of a summer day on a winding, dusty road, an antelope, a deer, a lonely range rider.

His paints and brushes give us, who are far from home, the opportunity to hear, to feel, to dream, and to fondly remember—until the time we return. Connie knew Wyoming and lovingly preserved the romantic grandeur and the splendor of the high country for all of us to share with him.

Connie was among the best of contemporary Western painters. He was recently given an exclusive showing at the renowned Gilcrease Museum in Oklahoma. He was one of only a dozen artists featured in a 1982 PBS television series on American artists. As a graduate of the University of Wyoming he was awarded the Distintuished Alumnus in 1970. And he was the first Wyoming artist to be awarded the gold medal of the National Academy of Western Art by the National Cowboy Hall of Fame. We were proud to honor him then, and we are proud to remember him now.

During the span of his measured years Connie Schwiering created a magnificent legacy with his art. I am grateful for that legacy, for his talents, for the inspiration he leaves with those of us who followed him. Although Wyoming celebrated Conrad Schwiering Day on October 28 of 1981, every day is Connie's day for all who will revel in that which he left behind.●

LITHUANIAN INDEPENDENCE DAY

● Mr. SARBANES. Mr. President, February 16 will mark the 68th anniversary of the establishment of the Republic of Lithuania. On this day, it is customary for those of Lithuanian ancestry and their many close friends to commemorate the founding of a progressive and independent Lithuania which, for its all-to-brief existence of 22 years, was a beacon of democracy. On this day all Americans are afforded the opportunity to reflect on the proud heritage of our fellow citizens of Lithuanian descent and to renew our dedication to the principles of freedom and liberty for which this important day stands. It is always a great honor for me to join with more than 1 million Lithuanian-Americans

in celebrating this quest for human dignity and freedom.

On February 16, 1918, the people of Lithuania reestablished their independence after having fallen to Russian rule in 1795. Decades of repression were ended by the adoption of their constitution in 1922 which granted to their people the basic freedoms of speech, assembly, and religion. We are saddened to recall how quickly the events of World War II shortened Lithuania's independence when, in 1940, it was occupied again by Soviet Armed Forces. It has been controlled by the Soviets ever since.

In the more than 700 years since the formation of a united Lithuania, the history of this valiant nation has been filled with accounts of battle and struggle against aggressors. Throughout many tragic invasions, the Lithuanian defenders stood resolutely against their foes and their commitment to freedom remained steadfast.

Above all, the gallant Lithuanian people have withstood centuries of relentless pressure to abandon their religion, culture, and language. The success of Lithuanian immigrants in maintaining their cultural heritage has resulted in countless valuable contributions to American society. In the last century Lithuanians could be found working as foundrymen in western Pennsylvania; as weavers in New England and New Jersey; as tanners in Philadelphia; as dockworkers in Cleveland; as tailors in Baltimore. Today, their descendents are leading members of the professions and the business, artistic, and academic communities. The culture of America has been greatly enriched by Lithuanian-Americans, in particular by their longstanding tradition of self-help and voluntarism as evidenced by the more than 2,000 Lithuanian charity and mutual aid organizations in the United States today.

On this 68th anniversary of the Republic of Lithuania we should reflect on the vision of freedom which continues to burn in the hearts of the Lithuanian people and on the sacrifices that have been made and continue to be made by selfless individuals. The heroes of the movement are many. In some cases their names are well known to us. Viktoras Petkus, a close associate of Andrei Sakharov, was the founder of the Lithuanian Helsinki Monitoring Group in 1976 which promoted the implementation of Helsinki accords on human rights and reported on Soviet violations of those rights. He has spent 21 years in Soviet prisons. Other members of the Helsinki Monitoring Group and who are also serving long prison sentences include D. Algirdas Statkevisius, Father Alfonsas Svarinskas, and Balys Gajauskas, who has already been incarcerated for 30 years.

Mr. President, in the face of great repression the Lithuanian people continue to hold fast to the principles of basic human rights. We pay tribute to them on this day as we commemorate the founding of the Republic of Lithuania in 1918. Let us hope, as they hope, that the day is near when their beloved homeland once again flies the banner of liberty for all.●

INTERNATIONAL CONGRESS ON TERRORISM

● Mr. D'AMATO. Mr. President, I rise today to cosponsor a resolution, Senate Resolution 297, offered by my good friend, the senior Senator from Illinois. This legislation expressed the sense of the Senate that the President should take immediate steps toward convening an International Congress on Terrorism.

Terrorism can no longer be thought of as sporadic and isolated violent incidents requiring little official attention and even less policy consideration. It is a form of war, often referred to as low-intensity warfare, that is used as a major weapon against governments. By lessening public confidence in a government's ability to protect its citizens, successful terrorist acts defeat a nation internally. Although terrorists never conquer an inch of territory, they affect a nation's will by violent intimidation and demoralization.

Efforts must be pursued to bring this international problem before world consideration. Efforts to do just this have already begun. I was pleased that the United Nations finally took a strong stance against terrorism. In Congress, I sponsored a resolution, which now has been signed into law, which urged the President to negotiate a treaty among our allies and those other nations victimized by terrorism to prevent, deter, and respond to terrorism. In the same light, Senate Resolution 297 would convene an International Congress on Terrorism with an objective of finding the ways and means for nations to act together to effectively eliminate terrorism.

An international congress would raise the problem of terrorism to the level of importance it deserves. Such a Congress would allow the ideas of experts from all of the nations involved to be heard and considered. Although I believe the United States should lead global countermeasures against terrorism, unilateral response to terrorism is futile. Terrorism affects or could affect every nation on this Earth. The Soviet Union, a normally infrequent victim of terrorism found out last year in Lebanon that even they are not immune. I believe that even governments which now support and sponsor terrorists eventually will feel the atrocities of terrorism themselves.

The International Congress on Terrorism will allow those nations which truly abhor terrorism to initiate policies which will provide a rational means of dealing with a most irrational form of warfare. The International Congress on Terrorism is not the last answer to terrorism, it is only a beginning. It is an essential beginning, however. Until nations agree to view the problem of terrorism as a global threat, and not just unrelated internal conflicts, then terrorists will always have the advantage over governments, especially governments which espouse democracy and individual freedoms.

Mr. President, I urge my colleagues to join me as a cosponsor of this important resolution, and I urge its quick passage.●

TRIBUTE TO ALLEN ROWLAND

● Mr. MELCHER, Mr. President, it is with a great sense of sadness that I rise to reflect upon the contributions of a great American leader, Mr. Allen Rowland of the Northern Cheyenne Tribe in Montana. Allen passed away shortly before Christmas at the age of 59, from the complications of diabetes, a disease which strikes 70 percent of all American Indians.

Allen Rowland served the Northern Cheyenne Tribe as an elected official for two decades, 4 years as a councilman and 16 years as president of the tribal council. During that tenure he established himself as one of the greatest leaders in Indian country.

Allen's lifework will stand as a model because he possessed those qualities which single out our leaders. Allen was an exceptional self-made man of outstanding qualities, and left his mark as a tribal leader combining Indian heritage and modern development. In the last 20 years of Indian affairs Allen strongly influenced the way Indian people, tribal government, the Federal bureaucracy and Congress view tribes, their land and resources. Allen's life demonstrates what is possible through determination and skillfull political savy. He started his career as a janitor at Northern Cheyenne, one of the most isolated reservations in this country, and went on to gain national prominence and recognition.

Discharged from the Army in 1945 with the Purple Heart for being wounded in the Battle of Okinawa, he returned to Lame Deer, MT, to work as tribal janitor, a policeman, chief of police, tribal councilman and finally as tribal president. Allen never forgot his humble beginnings and in later years could often be found with the office door closed, phone off the hook and feet on the desk, chatting with the tribal janitor. Some people wondered about this, but they perhaps did not know that the janitor headed the largest family and voting block on the reservation. Indeed, the tribal janitor was not the exception but the rule to President Rowland's open door policy. Each morning a regular line formed

outside his door ranging from elders concerned about personal matters to BIA bureaucrats ready to talk energy policy. The little old ladies were always seen first and the bureaucrats were kept waiting until the needs of the people were attended to.

Democracy is not possible without a strong leader who conducts business in accordance with the law and with a strong regard for the desires and interests of the people. One of Allen's major accomplishments was consolidating leadership. Therefore the Northern Cheyenne were not troubled by the instability which comes from a vying for power. Allen's administration effectively pursued three major policies: Tribal control over tribal affairs—self-determination; protection of the tribal land and resource base; and development according to tribal priorities, The Northern Cheyenne accomplishments in these areas are numerous and include aggressive tribal contracting of BIA programs; tactics ranging from negotiation to litigation to strengthen the tribe's control of resources and land; cooperative agreements with industry; and the crafting of a joint venture to explore tribal oil and gas. I worked with the tribe on many of these efforts and consulted with Allen as a friend and colleague. I respected his judgment, admired his dedication and greatly valued his friendship.

He earned a national reputation because he was decisive, speaking out when a few other tribal leaders dared. His oratorical style was unique—a combination of wit, saltiness, and brevity. This led to a unique relationship with the bureaucracy and press expressed by a Montana journalist who said. "I've never been cussed so much in my life by an elected official, nor enjoyed it more,"

If leaders are judged by the character and loyalty of people around them, Allen rates high marks. He was a good judge of character and inspired others to accept delegated responsibility for tasks he had set into motion. Often, too, he used his opponents giving them responsibility to "solve the problem they hollered about." Indeed, this converted many of Allen Rowland's opponents into staunch supporters.

Allen's people, the Northern Cheyenne, have been called the Fighting Cheyenne by George Bird Grinnel the famed anthropologist who admired the old time Cheyennes for fiercely resisting the U.S. takeover of their land. The time of resistance by force has passed, but there is another way of fighting and this is through the law. By utilizing every resource and tactic available through the law, Allen Rowland continued the tradition of leading the "Fighting Cheyenne." He was a formidable opponent. He often emerged victorious and even if he lost a few battles he regrouped, recovered, and regained as much as possible for his people. In a larger sense Allen Rowland showed all of us how to develop cooperation between Indian and non-Indian, and he convinced us that joint progress in our interests was in the best interests of Montana and the Nation.

Allen's death leaves his seat empty at the negotiating table. But his work is not done, and the progress he set in motion must continue. It is up to us to carry the burdens he shouldered so well and for so long to improve the lives of Indian people and to preserve their resources and culture. Allen Rowland was both a great native American and a great American.●

PETER RODINO III HEADS NEW JERSEY FEDERAL BAR ASSOCIATION

● Mr. LAUTENBERG. Mr. President, recently, the dean of the New Jersey congressional delegation played the role of proud father as his son, Peter W. Rodino III, was sworn in as president of the New Jersey chapter of the Federal Bar Association. The new chapter president has established himself as an active participant and leader in legal and community affairs in New Jersey, after graduating from the fine law school of Seton Hall University.

Based on his record thus far, I predict a bright future for Peter. he has served as Assistant to Chief Judge Lawrence A. Whipple, Federal District Court for New Jersey. He has also been a Deputy Attorney General for the State of New Jersey and served as Assistant Essex County Counsel. Currently, he is a senior partner of the law firm Rodino, Forman, and D'Uva. Mr. Rodino's other activities include being chairman of the board of directors of Crossroads Health Plan of New Jersey and membership in several lawyers' associations, in addition to the Federal Bar Association.

Mr. President, Mr. Rodino and the members of his organization are lawyers who practice before Federal courts or agencies or work for Federal agencies, and thus do much to help make our Federal system work properly. I am sure that my colleagues will join me in offering our warmest congratulations to Peter W. Rodino III and the other new officers of the New Jersey chapter of the Federal Bar Association.●

PLIGHT OF SOVIET JEWRY

● Mr. QUAYLE. Mr. President, next week, several college students from my State of Indiana stand trial before a judge in this city. They were involved in a protest at the Soviet Embassy on behalf of Soviet Jews. They were arrested, charged, they posted bail, were released and return to face trial in this matter. In this Nation ruled by law, they must face the legal consequences of their action.

They face prosecution not because they are Jews, and not because they exercised their right to speak out on behalf of oppressed Jews, and not because of their own personal religious conviction. They, like everyone else in this country, face a tribunal only for an alleged action violating a clear and understandable law. It matters not what a person says, believes or is. That unfortunately and sadly is not the case in all countries, particularly the one in front of whose embassy these students protested.

And what was the nature of their protest? They sought to call attention once again to the fact that the Soviet Union regularly and systematically harasses Jews and Jewish dissidents in that country. Speech is limited, persecution is the rule and denial of emigration applications for Jews is almost automatic. I, too, would like to take this opportunity once again to call attention to these intolerable conditions. I appeal to this Congress and to President Reagan to make it a part of every negotiation with the Soviet Union that the United States of America will neither forget nor ignore persecution of Jews and Christians in the U.S.S.R. Such persecution will always adversely affect our relations with that country.

We appeal to the Soviet Union to allow basic human freedoms for all races and creeds. We in this country know, and the Soviet Union can easily discover, that those who are permitted to speak openly, worship as they choose and travel freely strengthen, not threaten, the structure and fiber of government.

I have no doubt and every confidence that these students, unlike other protesters we have seen advocate more popular causes in front of other embassies, will be required to give an account of their actions in court. If the facts and law find them innocent, they will be released without prejudice. If found guilty in open court they will receive an appropriate punishment.

Regardless of the outcome of this particular adjudication, however, we as a free nation must pay heed to their message. Persecution of Soviet Jews is a painful obstacle in the path of Soviet/American relations. We call upon Soviet leadership to remove that impediment, cease the persecution and in the wake of the Geneva Summit, strengthen the relationship between our two nations.

A SALUTE TO RINGMASTER PFRIEM

● Mr. DODD. Mr. President, allow me to honor a great woman and a true Connecticut hero: Elizabeth M. Pfriem, president and treasurer of the

Post Publishing Co. in Bridgeport. Through her work and, most important, through her commitment to her community, she has contributed significantly to the State of Connecticut.

Mrs. Pfriem was just recently named 1986 Barnum Festival Ringmaster. She will be the first woman ever to hold this position.

The Barnum festival, an annual event in Bridgeport, was conceived in 1949 as a tribute to that father of the modern circus, P.T. Barnum. It is intended to foster community and civic spirit by involving the local citizens in an old-fashioned, fun-filled event. I can think of no one better suited to head it.

But this happy appointment is only a cap to an already long and distinguished career in public service. Mrs. Pfriem worked at the Post Publishing Co. along with her husband, who was then president, for 18 years. Following his death, she assumed that leadership position in 1983. She has proven to be an able and hardworking chief executive of the largest daily newspaper in southwestern Connecticut—overseeing the production of the Bridgeport Post, the Telegram, and the Sunday Post—and achieving superior results in all cases.

In her capacity as president of the Post Publishing Co., Mrs. Pfriem established the Post-Telegram Sunshine Camp Fund in the spring of 1985. The fund is designed to raise money to provide deserving and needy young people throughout the Greater Bridgeport area with a constructive summer outdoor experience.

Her interest in children is also reflected in some of her other civic involvements. She is co-chairman of the regional youth substance abuse project; she serves on the advisory board of Bridgeport's public education fund; on the board of directors of the Rehabilitation Center of Eastern Fairfield County. She is an ardent supporter of the arts: On the board of the Greater Bridgeport Symphony and the Museum of Art Science and Industry, and on the board of the Connecticut Grand Opera. And in addition to all of these commitments, she manages to find time to sit on the executive board of the Downtown Council in Bridgeport and on the Advisory Commission for Bridgeport's sesquicentennial celebration this year.

As she accepted her appointment as ringmaster of the Barnum festival, Mr. Pfriem said, "P.T. Barnum had a special spirit. He was able to instill enthusiasm in people, releasing some of them from otherwise humdrum existences." That statement might just as aptly be used to describe Mrs. Pfriem. Through her tireless dedication and endless energy, she has instilled enthusiasm in the city of Bridgeport. She, too, has a "special spirit."

On behalf of the State of Connecticut, Mr. President, I would like to salute Elizabeth Pfriem: For her many contributions, for her successes, for her "spirit." We are proud of her, and we thank her.●

DESIGNATING FEBRUARY AS "AMERICAN HEART MONTH"

● Mr. D'AMATO. Mr. President, I rise today to support one of the most worthy causes in this Nation, the elimination of heart disease. Because cardiovascular disease is this Nation's leading killer, every year since 1963, Congress and the President have declared February as "American Heart Month." This allows us an opportunity to provide special recognition to the American Heart Association's contribution in the areas of cardiovascular research, public and professional education, and community programs.

Over 63 million Americans have one or more forms of cardiovascular disease. Of the 1.5 million individuals that will have heart attacks in 1986, approximately 550,000 of these individuals will die. High blood pressure afflicts an estimated 55 million adults. Furthermore, 500,000 individuals will suffer a stroke in 1986.

The total economic cost of cardiovascular disease in 1986 will reach $80 billion for medical treatment, lost salaries, rehiring and training, and insurance and disability claims.

Because of the magnitude of this problem, the American Heart Association commits a major portion of its resources to the funding of research grants. This longstanding commitment by the AHA to research, in conjunction with the efforts of the National Heart, Lung, and Blood Institute [NHLBI], has contributed to remarkable declines in the death rates associated with cardiovascular disease. Since 1968, the death rate from coronary heart disease has declined by 37 percent and the death rate from stroke has plummeted by 52 percent.

Unfortunately, cardiovascular disease remains this Nation's leading cause of death. There is evidence, however, that the potential exists for the achievement of further reductions to occur. The application of advances in cellular and molecular biology to the study of atherosclerosis and hypertension; research in the relationship of nutrition to cardiovascular disease; study of the effects of behavior, stress, and exercise on cardiovascular patients; and new educational efforts in the area of hypertension, cholesterol, and smoking aimed at the general public are just a few areas being pursued by both the American Heart Association and the NHLBI at this time.

In declaring February as "American Heart Month," we recognize the need to continue to support scientific endeavors dedicated to this goal.●

THE T-46 TRAINER

● Mr. MOYNIHAN. Mr. President, there is much in the budget the President released yesterday that is disturbing, major matters and small items. Today, I wish to discuss one small item deleted from the Air Force budget, a deletion that exemplifies the damage to come from the Gramm-Rudman-Hollings scheme.

In 1980 the Air Force solicited bids for a new trainer to replace the Cessna T-37, training aircraft introduced in 1959. This aircraft has serious limitations, Mr. President. Its cabin is not pressurized. Its ceiling is 25,000 feet. It can only divert 100 miles at the end of a mission if its home base is closed by weather. Twenty percent of all T-37 training sorties have to be canceled due to bad weather; even the threat of bad weather cancels missions because of the plane's limited range. On average, about 50 of the 644 aged aircraft are usually grounded for repairs. An even more basic problem is that there are simply not enough T-37's to adequately train our Air Force pilots. Clearly, we need a new trainer aircraft.

In 1982, the Air Force awarded the contract for the T-46 trainer to Fairchild Republic. The T-46 is a twin-engine jet aircraft that can climb to 45,000 feet and divert 300 miles at the end of a mission, and its stability in crosswinds is greater than the T-37's. These advantages mean its mission success rate is higher. Test flights began last October and have been very successful.

Gen. Larry Skantze, commander of the Air Force Systems Command, conducted an inspection last November and found that the production difficulties he had discovered 9 months earlier at Fairchild's Farmingdale plant have largely been rectified. Fairchild Industries, by selling several subsidiaries to raise $200 million and securing a $75 million revolving line of credit, now has the necessary resources needed to complete the T-46 program.

The Air Force budget for fiscal year 1986 is $12 billion less than the Air Force had projected, and $1.5 billion less than the service received in fiscal year 1985. Congress has directed the budget deficit for fiscal year 1987, be reduced to $144 billion under the Gramm-Rudman-Hollings plan, and I fear none of the services will escape severe damage. That is why I was one of 24 Senators to vote against it. The Air Training Command wants and needs the T-46. But the Air Force budget office has to make cuts, and it cut out the T-46 program.

I will try to restore the program because the alternative is to rebuild the Cessnas so that they will fly until the year 2018. Mr. President, I don't want our pilots in the next century training

in rebuilt aircraft that were introduced in 1959. And if the Air Force continues to lose three trainers each year, the trainer fleet will be inadequate in quantity as well as quality.

The T-46 is also known as the NGT, which stands for next generation trainer. We need a next generation trainer, because our pilots, once trained, will be flying the next generation of aircraft: the F-15, the F-16, and the B-1B. These are sophisticated and costly aircraft. The T-37 would be properly called a previous generation trainer. Is this the aircraft in which future B-1 pilots should learn to fly?

The average program cost of a B-1 bomber is $280 million. If a single B-1 is lost due to inadequate pilot training, the cost would exceed the entire 1986 appropriation for the T-46. It would also exceed the minimum Fairchild needs next year to maintain production, $175 million, and the amount already appropriated for 1987, $55.5 million. The average program cost of an F-15 is $37.2 million. It would be folly to spend that much on one aircraft and then cut corners on pilot training.

I will fight this decision, because our pilots deserve and need the best training we can provide. Many of our potential adversaries fly Mig 23's and 25's, very respectable aircraft. In combat, pilot training could be decisive. The United States must not lose pilots or planes because in 1986 we decided to fly 25-year-old trainers for 30 more years.●

COSPONSORING SENATE CONCURRENT RESOLUTION 106 OPPOSING THE RESCISSION OF JUVENILE JUSTICE FUNDS

● Mr. D'AMATO. Mr. President, I am pleased to have joined as an original cosponsor of Senate Concurrent Resolution 106 to protect the hundreds of thousands of children that our juvenile justice programs help and protect. My esteemed friend and colleague, Senator SPECTER, has stated the case for these programs and the Office of Juvenile Justice and Delinquency Prevention [OJJDP] in such clear and irrefutable terms that only a Scrooge could ignore them.

I want to supplement my friend's arguments by focusing on two points: The impact of the proposed rescission on my own State of New York and the impact on the search for missing children.

OJJDP grants to New York totalled $2.9 million in 1985. The application for 1986 has been submitted but not yet acted upon. Its fate hinges on the action we take with respect to OJJDP.

OJJDP grants fund 50 separate programs for young people in New York State. These include: delinquency prevention; job training; community service; youth facilities; child abuse prevention; programs to combat child sex abuse; drug rehabilitation and prevention; juvenile court programs; and delinquency research. It is through use of these funds that New York State has succeeded in complying with the requirements that we separate juveniles from adult criminals in our correctional facilities. The uncertainty created by the attempted rescission is very destructive, both to the planning process and to the effort to retain good staff.

I ask that a copy of a report I have received from the GAO be printed in the RECORD at the conclusion of my remarks. This report contains very important information concerning our efforts to locate missing children. This report makes clear that, without OJJDP, our efforts to locate missing children will be crippled.

I urge my colleagues to read this report. The immediate fate of tens of thousands of missing children depends on you.

I also urge my colleagues to cosponsor this legislation to demonstrate in the strongest and clearest possible terms this Congress' firm commitment to the children of this country.

The report follows:

MISSING CHILDREN DATA COLLECTED BY THE NATIONAL CRIME INFORMATION CENTER

UNITED STATES
GENERAL ACCOUNTING OFFICE,
Washington, DC, January 28, 1986.

Hon. ALFONSE M. D'AMATO,
U.S. Senate.

DEAR SENATOR D'AMATO: Your October 7, 1985, letter requested that we examine and analyze several questions that had been raised during congressional discussions concerning missing children. These questions included such issues as the number of missing children, the impact that different state laws have on locating missing children, and the effectiveness of the methods used to locate missing children.

On October 23, 1985, we met with a representative of your office and agreed that the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) planned study to develop accurate information on the extent and nature of the missing children problem would answer the questions raised in your request letter. However, we agreed to provide you with information on the National Crime Information Center (NCIC), an online automated data base system managed by the Federal Bureau of Investigation. NCIC provides federal, state, and local law enforcement agencies with computer access to documented information that is stored in 12 files. The files include such categories as wanted persons, missing persons, stolen vehicles, and unidentified persons. Specifically, we agreed to provide you with information on (1) what mechanisms are being used to report data on missing children to NCIC, (2) which categories of missing children are listed in the system's data base, and (3) which states are reporting data on missing children to NCIC.

Currently, all states enter data on missing persons into NCIC, and 30 states require that their law enforcement agencies do so. Remote terminals located throughout the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Canada are used to report data to the system's central computer. The system's missing persons and unidentified persons files contain information on missing children. Additional details on NCIC's and OJJDP's efforts concerning missing children are provided in appendixes I and II.

The information presented in the appendixes was provided to us by Department of Justice officials and by a representative of the National Center on Missing and Exploited Children. We did not independently verify the information.

As arranged with your office, unless you publicly announce the contents of this document earlier, we plan no further distribution until 5 days from the date of this letter. At that time, we will send it to interested parties and make copies available to others upon request. If there are any questions regarding the contents of this document, please call Mr. John Anderson on (202) 272-6353.

Sincerely yours,

ARNOLD P. JONES,
Senior Associate Director.

THE NATIONAL CRIME INFORMATION CENTER

Currently, NCIC is designed to be a fast and responsive operating system to assist policemen on the streets. There are about 30,000 terminals throughout the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Canada which provide access to the NCIC files.

Each state has a terminal control agency that is responsible for managing and funding the NCIC system at the state level. In addition, an NCIC Advisory Policy Board meets twice a year to consider user recommendations for improving the system.

NCIC can be accessed through mobile terminals that can be mounted in police cars or through stationary terminals in police or law enforcement agency facilities. Missing children reports can be either entered into or deleted from the data base by the local agency in the jurisdiction from which the child is missing or by the FBI. In order to make an entry or an inquiry, the terminal operator must furnish the computer with a standardized, coded description of what the operator wants and with an NCIC-assigned code that identifies the agency.

The two NCIC files of particular interest to investigators of missing children cases are the missing persons file and the unidentified persons file.

The missing persons file was created in 1975 and contains information on individuals meeting the following criteria:

DISABILITY

A person of any age who is missing and who has a proven physical or mental disability—thereby subjecting himself, herself, or others to personal and immediate danger.

ENDANGERED

A person of any age who is missing and in the company of another person under circumstances indicating that that his/her physical safety is in danger.

INVOLUNTARY

A person of any age who is missing under circumstances indicating that the disappearance was not voluntary—i.e., abduction or kidnapping.

JUVENILE

A person who is missing and declared unemancipated as defined by the laws of his or her state of residence and who does not

meet any of the other criteria for inclusion in the missing persons file.

CATASTROPHE

A person of any age who is missing after a catastrophe.

According to the NCIC Section Chief, the juvenile category of the missing persons file does not describe the reason for the juvenile being missing, e.g., runaway.

On November 1, 1985, NCIC had 49,053 active cases in the missing persons file, 36,454 of which were in the juvenile category. Although the NCIC statistics did not show how many juveniles were included in the file's other categories, the Section Chief estimated that approximately 90 percent of the cases in the missing persons file were juveniles.

The Missing Children Act of 1982 (Public Law 97-292), dated October 12, 1982, authorized the creation of the unidentified persons file which became operational in 1983. It includes information on unidentified bodies or parts of bodies that have been found or on individuals who cannot identify themselves due to handicap, amnesia, or age. Each day, the unidentified persons file is compared with the missing persons file for possible matches. On November 1, 1985, there were 1,158 entries in the unidentified persons file, and according to the Section Chief, "very few" of them were juveniles. The Section Chief told us that in the 2 years the file has been operational there have been 2 positive identifications.

According to an NCIC survey of all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands that was presented at the December 4-5, 1985, NCIC Advisory Policy Board meeting:

Twenty-eight states indicated that their users are required by law to enter a record in NCIC when they receive a missing person report, and two states indicated that entry is required by rules, regulations, or directives. Twenty-eight of the 30 states indicated that the entry must be made within a specified timeframe following receipt of a missing person report. (See app. II.)

Criminal justice agencies in 49 states and the District of Columbia have access to the unidentified persons file. Indiana and Puerto Rico do not provide access to their users.

Some have suggested that the NCIC system develop a more complete statistical capability. The FBI and the NCIC Advisory Policy Board do not support such a change. The FBI's Section Chief for NCIC told us that NCIC is not meant to be a statistical system and that the FBI's Uniform Crime Report Program was designed to collect comprehensive statistical data. He told us that the Uniform Crime Report Program is currently undergoing a major overhaul that would enable the program to collect more comprehensive information and statistics about criminal incidents, including missing children. Essentially, the program will require detailed individual records for each reported incident instead of the summary statistics that are currently required. The Section Chief told us that with the expansion of the program there will be more complete statistics for examining such things as parental kidnappings or missing children. Currently, the reporting system does not allow this to be done.

THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Missing Children's Assistance Act of 1984 (Public Law 98-473), dated October 12, 1984, requires that the Administrator, OJJDP, establish and operate a national resource center and clearinghouse to provide state and local governments, public and private nonprofit agencies, and individuals with technical assistance in locating and recovering missing children; coordinate public and private programs which locate, recover, and reunite missing children with their legal custodian; disseminate information about missing children programs; and provide technical assistance to law enforcement agencies and others in prevention, investigation, prosecution, and treatment of the missing and exploited children cases.

The act also requires OJJDP to periodically conduct "national incident studies" to determine, for a given year, the actual number of children reported missing each year, the number of children who are victims of abductions by strangers and of parental kidnappings, and the number who are recovered.

The OJJDP, through the Advisory Board on Missing Children, is developing a plan for the first national incident study. A number of pilot tests have been conducted to assist the Board in determining the most appropriate methodology for collecting the necessary data.

A national study of law enforcement agencies' policies and practices regarding missing children and homeless youth is also scheduled to start in early spring 1986. The study is supposed to describe the role of law enforcement agencies in responding to reports of missing children, focusing on how local law enforcement agencies utilize state and federal resources such as NCIC.

The OJJDP also funds the National Center on Missing and Exploited Children to provide a national resource and technical center to assist state law enforcement agencies in investigating and prosecuting cases of missing and exploited children. The Center has conducted such activities as providing legislative packages to state legislators that are interested in addressing child protection issues, conducting a nationwide toll-free hotline, and conducting a media campaign to locate and recover missing children through posters and milk carton displays.

The Center maintains its own data base on missing children. The children listed in this system have been reported to the Center by parents, schools, law enforcement agencies, etc. The Center has three categories of missing children in its system: kidnapped by non-family, by parent, and runaways.

As of October 1984, the data base contained the following: 217 active non-family kidnappings with 60 additional children recovered;[1] 2,000 parental kidnappings with 400 additional children recovered,[2] and 3,000 runaways.

TABLE II.1.—STATES REQUIRING MISSING PERSON ENTRY INTO THE NATIONAL CRIME INFORMATION CENTER [1]

State	Is there a State law mandating NCIC entry?	Is there a timeframe for missing person record entry?	Timeframe
Alabama	Yes	Yes	72 hours.
Alaska	Yes	Yes	24 hours.
Arkansas	Yes	No	—

[1] An official of the Center estimated that more than 40 of the 60 recovered children were alive when recovered.

[2] Additional recovered include those found dead.

TABLE II.1.—STATES REQUIRING MISSING PERSON ENTRY INTO THE NATIONAL CRIME INFORMATION CENTER [1]—Continued

State	Is there a State law mandating NCIC entry?	Is there a timeframe for missing person record entry?	Timeframe
California	Yes	Yes	Within 4 hours if the person is under 12 years of age.
Colorado	Yes	Yes	Within 24 hours for missing children.
Florida	Yes	Yes	Immediately.
Georgia	Yes	Yes	Immediately for juveniles, no timeframe for others.
Illinois	Yes	Yes	As soon as minimum data are available.
Indiana	Yes	Yes	Daily basis.
Iowa	Yes	Yes	Immediately for juveniles.
Kansas	No	Yes	Immediately per Kansas Bureau of Investigation rules and regulations.
Kentucky	Yes	Yes	Immediately.
Maine	Yes	Yes	Within 48 hours for certain juveniles.
Maryland	Yes	Yes	For children, immediately or within 12 hours depending on circumstances.
Massachusetts	Yes	Yes	Immediately for persons under 18 years of age.
Minnesota	Yes	No	—
Missouri	Yes	Yes	As soon as possible.
Montana	Yes	Yes	Immediately.
Nebraska	Yes	Yes	Immediately for juveniles.
Nevada	Yes	Yes	Juveniles only within 36 hours.
New Hampshire	Yes	Yes	12 hours.
New Jersey	No	Yes	Immediately per attorney general's directive (no State law).
New York	Yes	Yes	48 hours for children.
Ohio	Yes	Yes	Within 12 hours of making report for missing juveniles.
Oklahoma	Yes	Yes	Within 3 days.
Oregon	Yes	Yes	48 hours.
Pennsylvania	Yes	Yes	Immediately.
Texas	Yes	Yes	Do.
Virginia	Yes	Yes	Immediately upon receiving missing child report.
Washington	Yes	Yes	Within 12 hours for missing children.

[1] Presented at NCIA Advisory Board's December 4-5, 1985 meeting.
Source: FBI's NCIC.

LITHUANIAN INDEPENDENCE DAY

● Mr. GLENN. Mr. President, February 16, 1986, marks the 68th anniversary of Lithuanian independence. I am pleased to be a cosponsor of Senate Joint Resolution 259, which, by officially proclaiming Lithuanian Independence Day, will again focus our attention on the continuing struggle of the Lithuanian people for national self-determination. To millions of people in Lithuania, to Lithuanian Americans in Ohio and across the Nation, February 16 is a day of particular significance. On February 16, 1918, the Lithuanian people declared their independence from Czarist Russia. And while Lithuanian independence endured but 22 short years,

it is extremely important that this day and what it represents never be forgotten.

Ordinarily, the commemoration of an independence day is a cause for joy and celebration. But in this instance there can be no such joy and no such celebration. Literally there can be no celebration because any public celebration of national independence in Lithuania is considered a criminal offense by the Soviet Government. The brutal fact of the matter is that Lithuanians have been ruthlessly deprived of the basic human rights and freedoms of an independent people.

Despite 46 years of brutal Soviet oppression, the proud and courageous people of Lithuania have not allowed their national identity to be destroyed or their dream of freedom to die. Despite unrelenting Soviet attempts to destroy their cultural and religious heritage, they have endured.

The passage of time has brought to the world many additional examples of human suffering and human rights violations. But we cannot allow the plight of the long-suffering people of Lithuania to drop from our consciousness. Nearly 50 years have passed since 300,000 Soviet troops marched into Lithuania, but time cannot be allowed to dilute the enormity of that tragedy. I am proud that the United States has never recognized the illegal incorporation of the Baltic States into the Soviet Union. As long as the people of Lithuania continue to suffer under the oppressive jackboot of Soviet imperialism, our solidarity with them cannot fail.

February 16 then is a day to commemorate, to keep the hope light burning for the millions of Lithuanians and Lithuanian Americans, and to say to them: We have not forgotten your cause. We share your hopes and dreams that someday you will again be a free people and nation.●

ORDERS FOR FRIDAY

RECESS UNTIL 12 NOON

Mr. SIMPSON. Mr. President, after conferring with the Democratic leader, I ask unanimous consent that once the Senate completes its business today, it stand in recess until the hour of 12 noon on Friday, February 7, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

Mr. SIMPSON. Mr. President, following the recognition of the two leaders under the standing order, I ask unanimous consent that the Senator from Wisconsin [Mr. PROXMIRE] be recognized for not to exceed 15 minutes under a special order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. SIMPSON. Following the Proximire special order, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SIMPSON. Mr. President, I must advise my colleagues that there are groups meeting with regard to technical corrections on the farm bill, S. 2067. Those are ongoing at this moment.

We are also attempting to obtain a Genocide Treaty time agreement. That is going forward. Perhaps that will be completed tomorrow. We certainly hope so, so that we can begin that when we return from the recess.

There will be appointment of conferees on the Superfund bill. The House has now completed the appointment of conferees.

WASHINGTON'S FAREWELL ADDRESS

Mr. SIMPSON. Mr. President, I ask unanimous consent that notwithstanding the resolution of the Senate of January 24, 1901, that on Monday, February 17, 1986, immediately following the prayer and the disposition of the Journal, the traditional reading of the Washington's Farewell Address take place and that the Chair be authorized to appoint a Senator to perform this task.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair, on behalf of the Vice President, appoints the Senator from West Virginia [Mr. ROCKEFELLER] to read Washington's Farewell Address on February 17, 1986.

RECESS UNTIL TOMORROW

Mr. SIMPSON. Mr. President, there being no further business, in accordance with the previous order, I ask unanimous consent that the Senate recess until 12 noon tomorrow.

There being no objection, the Senate, at 6:16 p.m., recessed until tomorrow, Friday, February 7, 1986, at 12 noon.

HOUSE OF REPRESENTATIVES—*Thursday, February 6, 1986*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, as we seek unity among ourselves and about the world, allow our hearts to be open to prayer. May Your spirit that encourages us to put aside our prejudice, give us the unity of heart and mind that allows us to work together and respect each other. In the rush of each day, keep us open to the needs of our sisters and brothers that together we may truly know You and serve each other in love. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4061. An act to amend title 5, United States Code, to expand the class of individuals eligible for refunds or other returns of contributions from contingency reserves in the Employees Health Benefits Fund; to make miscellaneous amendments relating to the Civil Service Retirement System and the Federal Employees Health Benefits Program; and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2453. An act to amend the Older Americans Act of 1965 to increase the amounts authorized to be appropriated for fiscal years 1985, 1986, and 1987 for commodity distribution, and for other purposes; and

H.R. 3511. An act to amend title 18, United States Code, with respect to certain bribery and related offenses.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 974) "An act to provide for protection and advocacy for mentally ill persons," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. WEICKER, Mr. STAFFORD, Mr. KENNEDY, and Mr. KERRY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills, joint resolutions, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 386. An act to confirm a conveyance of certain real property by the Southern Pacific Transportation Co. to Ernest Pritchett and his wife, Dianna Pritchett;

S. 1002. An act to amend the Lanham Act to improve certain provisions relating to concurrent registrations;

S.J. Res. 247. Joint resolution to designate the week of June 1 through June 7, 1986, as "National Theatre Week";

S.J. Res. 254. Joint resolution to designate the year of 1987 as the "National Year of Thanksgiving"; and

S. Con. Res. 107. Concurrent resolution providing for an adjournment of the House from February 6, 1986 or February 7, 1986, to February 18, 1986, and for an adjournment of the Senate from February 6, 1986, or February 7, 1986, to February 17, 1986.

VIRTUE HAS ITS OWN REWARD: YOU'RE FIRED

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, missing from the President's pantheon of heroes Tuesday was someone right in his own backyard, Deputy OPM Administrator Loretta Cornelius.

She told the truth. A remarkable event here in Washington. Under oath, at a congressional hearing, in response to a question, she answered truthfully.

Her reward for this heroic deed? She is being fired.

Now I know why President Reagan wants to subject Federal employees to lie detector tests. Anyone caught telling the truth will be immediately fired. Liars will be promoted and given White House mess privileges.

THE PRESIDENT'S BUDGET REQUEST

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WRIGHT. Mr. Speaker, a preliminary analysis of the budget request submitted by the President yesterday reveals that unfortunately it does not meet the legally established deficit target for the coming year.

In an apparent attempt to put a rosy glow on things, the OMB commits the identical mistake that it made last year—the mistake which resulted in an actual deficit $24 billion higher than indicated.

Last year the President and the OMB based all their projections upon a forecast of 4 percent real economic growth. When the year ended, the economy had grown by only 2.3 percent. That difference ballooned a deficit forecast of slightly less than $200 billion to a real figure of approximately $220 billion for the fiscal year.

The budget submitted by the White House yesterday once again indulges the very same identical assumption of 4 percent economic growth in the coming year, and most economists are calling that "wishful thinking."

If the economy continues at its present rate of actual economic growth, the result once again will be a deficit substantially higher than the one the President projects.

A second problem in the forecast is the manner in which the budget treats its requested growth in spending for military, space, and foreign aid.

The administration requests budget authority of $320 billion in Pentagon spending and refers to this as a "modest increase", further describing it as a "3-percent increase in real growth."

Actually, if we granted that full figure to the Pentagon, it would be an increase of $34 billion over the current year. This would be an increase of 12 percent in actual dollars or 8.3 percent in "real growth" after factoring for inflation.

The White House budget request asks for a $2.2 billion increase above the current year in foreign aid spending. It would come to a 30-percent increase in economic aid and 16-percent increase in military aid.

If we are to have any hope of achieving the deficit targets established by Congress—particularly if we expected to do it without any additional revenues—it must be the product of honest analysis and general belt-tightening in which the Pentagon, the space program, and foreign aid must participate equally along with other activities of the Government.

To propose these very large increases at this time makes talk of austerity seem somewhat meaningless.

TO KILL TWO BIRDS WITH ONE STONE

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, President Reagan said in his State of the Union Address:

The constant expansion of our economy and exports requires a sound and stable dollar at home and reliable exchange rates around the world. We must never again permit wild currency swings to cripple our farmers and other exporters • • • (who) have suffered from past unwise government policies; they must not be abandoned with

problems they did not create and cannot control.

Neither can this House escape the responsibility for those unwise Government policies in setting the dollar afloat, because our Constitution is very specific in charging the Congress with the task of "coining money and regulating the value thereof, and of the value of foreign coin." Congress ought not to wait in the discharge of its constitutional duties until after the nations of the world, at President Reagan's initiative, discuss the alignment of their currencies and the problem of thwarting wild currency swings in the quest of stable and reliable exchange rates around the world. Congress ought to provide monetary leadership. There is only one way to make the dollar sound and stable, and that is to fix its value in terms of gold by statute.

In this way we may kill two birds with one stone. We shall give the necessary relief to our farmers and exporters, of which President Reagan spoke. But we shall also eliminate the lion's share of our budget deficit painlessly, not to say pleasantly, as under the gold standard the public debt could be easily refinanced as a long-term debt at 2¼ percent interest.

MISSOURI LAND-GRANT COLLEGES VICTIMIZED BY PRESIDENT'S BUDGET CUTS

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, as with the rest of my colleagues in this Chamber, I have read with interest this administration's budget. It's truly interesting reading, if only for its contribution to the great works of fiction.

I want to mention just one brief section of that budget blueprint, the section dealing with extension services. The flagship campus of the University of Missouri is in my district. Lincoln University is just across the river from my district. Both are land-grant universities, heavily dependent on Federal funding for extension services. In fact, Lincoln University was one of the first black land-grant universities in the Nation. As land-grant universities, the extension service has been vital to the well-being of the schools and their service to all Missourians. Now this administration has proposed to bludgeon these services. Under this budget, Federal funding for extension to these two universities will be cut from $10 million to $4 million a year. A third of the extension program will be cut, more than 300 people will lose their jobs—4-H Programs for our youth will be decimated. I'm sure those people will wonder how this can be called a family oriented budget.

Our deficit is not serious enough to stop the administration from requesting an 8-percent buildup in defense spending. The administration proposes to buy $260 million B-1 bombers, but not $6 million for Missouri. The administration proposes to buy $50 million MX missiles, but not to save 300 Missouri jobs and our 4-H Program.

Mr. Speaker, this administration's priorities are not in order. This administration is dealing in fiction, not reality.

□ 1110

APPOINTMENT OF CONFEREES ON H.R. 2005, SOCIAL SECURITY MINOR AND TECHNICAL CHANGES ACT OF 1985

The SPEAKER. Pursuant to the action of the House of December 10, 1985, the Chair appoints the following Superfund conferees on H.R. 2005:

From the Committee on Energy and Commerce, for consideration of titles I–III of the House amendment to the Senate amendment, and the entire Senate amendment, except for title II:

Messrs. DINGELL, FLORIO, ECKART of Ohio, RALPH M. HALL, TAUZIN; and

Mr. SWIFT (solely for sections 102, 103, 105, 111, 113, 115, 117, 120, 121, 122, 123, 124, and 127 of title I and title III of the House amendment to the Senate amendment, and modifications committed to conference including section 157 of the Senate amendment); and

Mr. WYDEN (solely for sections 101, 104, 106, 107, 108, 109, 110, 112, 114, 116, 118, 119, 125, and 126 of title I and title II of the House amendment to the Senate amendment, and modifications committed to conference); and

Messrs. BROYHILL, LENT, RITTER, and FIELDS.

From the Committee on Public Works and Transportation, for consideration of titles I, II (except for section 205) and IV of the House amendment to the Senate amendment, and title I of the Senate amendment, except for sections 110, 111, 127, 157, and 160 thereof:

Messrs. HOWARD, ANDERSON, ROE, BREAUX, MINETA, EDGAR, SNYDER, HAMMERSCHMIDT, STANGELAND, and GINGRICH.

From the Committee on Public Works and Transportation, for consideration of title III of the House amendment to the Senate amendment, and sections 110, 111, 127, and 160 of title I of the Senate amendment:

Messrs. ANDERSON, ROE, EDGAR, SNYDER, and HAMMERSCHMIDT.

From the Committee on Ways and Means, for consideration of title V of the House amendment to the Senate amendment, and title II of the Senate amendment:

Messrs. ROSTENKOWSKI, PICKLE, RANGEL, STARK, DOWNEY of New York, RUSSO, PEASE, DUNCAN, ARCHER, VANDER JAGT, and FRENZEL.

From the Committee on Merchant Marine and Fisheries, for consideration of sections 104, 107, 108, 111, 113, 116, 121, and 122 of title I of the House amendment to the Senate amendment, and modifications committed to conference:

Messrs. JONES of North Carolina, BIAGGI, STUDDS, YOUNG of Alaska, and DAVIS.

From the Committee on Merchant Marine and Fisheries, for consideration of title IV of the House amendment to the Senate amendment, and modifications committed to conference:

Messrs. JONES of North Carolina, BIAGGI, and STUDDS, Ms. MIKULSKI, and Messrs. LOWRY of Washington, TAUZIN, YOUNG of Alaska, DAVIS, LENT, and FIELDS.

From the Committee on the Judiciary, for consideration of sections 107, 113, 117, 119, and 122 of title I and sections 203 and 206 of title II of the House amendment to the Senate amendment, and modifications committed to conference:

Messrs. RODINO, GLICKMAN, FRANK, FISH, and KINDNESS.

From the Committee on Armed Services, for consideration of section 213 of title II of the House amendment to the Senate amendment, and section 162 of title I of the Senate amendment:

Mr. MCCURDY and Mr. MARTIN of New York.

APPOINTMENT AS MEMBERS OF CONGRESSIONAL AWARD BOARD

The SPEAKER. Pursuant to section 4(a) of Public Law 96-114, as amended, the Chair appoints as members of the Congressional Award Board the following from private life:

Mr. Patrick L. O'Malley, Chicago, IL; Mr. Christopher F. Edley, New York, NY; Dr. Frank Arlinghaus, Jr., Rumson, NJ; Mr. Christopher R. O'Neill, Washington, DC; Mr. Joseph J. Gouthro, Atlantic Highlands, NJ; Dr. Henry Viscardi, Jr., Albertson, NJ; Mrs. Jacqueline B. Vaughn, Chicago, IL; and the following Member of the House: Mr. LANTOS of California.

APPOINTMENT AS MEMBERS OF CONGRESSIONAL AWARD BOARD

Mr. MICHEL. Mr. Speaker, pursuant to section 4(a) of Public Law 96-114, as amended, I have today appointed as members of the Congressional Award Board the following from private life:

Mr. W. Clement Stone of Chicago, IL; Mr. William R. Bricker of New York, NY; Ms. Roberta Van Der Voort of Kansas City, MO; and Mr. John G. McMillian of Washington, DC; and the

following Member of the House: Mr. WOLF of Virginia.

MARCH 1 SEQUESTRATION ORDER IS A BAD WAY TO REDUCE THE DEFICIT

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER. Madam Speaker, the March 1 sequestration order coming our way is a bad way to reduce the Federal deficit, a way that we are supporting in the Congress through our inaction and a way that we have the power to change if we have the will to do so.

Consider where the cuts will come on March 1 if the sequestration order is allowed to go into effect. Among the most burdensome reductions are an $825 million reduction in payments to farmers through the Commodity Credit Corporation. This means that the target price that our farmers are guaranteed will be reduced next fall when they need the money the most.

Handicapped and special education takes a $68 million reduction.

The Drug Enforcement Agency takes a $16 million reduction. The FAA at a time of great concern about air safety takes a $171 million reduction; and veterans' programs, a $149 million reduction.

Mr. Speaker, we do not have to do it this way. We have the power in the Congress to find a more rational means of banking the same exact dollar reductions in the Federal deficit.

Today Congressmen BOULTER, MACK, BARTLETT, and I, along with many of our colleagues, will introduce legislation enabling Congress to find an alternative means of meeting these same deficit target reductions. We ask our colleagues on both sides of the aisle to join quickly in cosponsoring this legislation and we ask the leadership of the House to put it on a fast track.

THE PRESIDENT'S HANDLING OF THE AIDS CRISIS

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Madam Speaker, yesterday President Reagan went up to the Department of Health and Human Services and told the staff there that he considered AIDS to be the No. 1 health priority concern of his administration.

At the same time, he sent to us a budget proposal which would gut the funding for programs which address the AIDS epidemic.

Let us try to put this health crisis in some perspective. Through December 31, 1985, the total number of people diagnosed as having AIDS from the onset of the epidemic in 1981 were approximately 16,000. The projection from the Public Health Service itself is that that number will double in 1986. We will in this single year see 16,000 new cases of people diagnosed as having AIDS.

In the face of those frightening numbers, the President takes the $244 million funding that Congress appropriated for this year's budget and cuts it to $213 million for the fiscal year 1987 budget.

Worse, he takes the current budget, the fiscal year 1986 budget, and seeks to rescind $51 million, so that this year's $244 million would be reduced to $193 million.

Some top health priority—come on, Mr. President, have a heart. People are dying out there.

AMERICAN BUSINESS FRUSTRATED BY UNFAIR TRADE PRACTICES

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Madam Speaker, in his State of the Union Address, the President spoke of America redoubling its efforts to ensure freer and fairer trade. Yet what efforts does he speak of? American businesses are frustrated in bringing fair trade practice complaints to the U.S. Government because of the delay in judicial decisions and lack of administrative enforcement by the administration. I cite the machine tool case. Our customs offices, responsible for stopping the inflow of illegal and counterfeit imports into our country, and for collecting billions of dollars in tariff revenues, have been left underfunded and understaffed. The President embraces fair trade, yet refuses to demand that our trading partners grant us the same trading conditions we grant them. The President warned against legislation to protect American industry. Yet he refuses to recognize those industries being driven out of existence during this transitional period by foreign competition.

Yes, Mr. President, Americans are striding forward to embrace the future. But we face a battle much larger, much broader, than you are willing to describe to the American people. We were hoping for your leadership, but we can go forth without it.

OUR FORGOTTEN HOSTAGES

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Madam Speaker, during the Christmas recess while shopping in my district, a constituent came to me and in conversation shared with me his joy about the release of the hostages from the Mideast.

I responded with shocked surprise and told him that I did not know about such release.

He then responded that since he had not heard it discussed in the press in the last few months, he assumed they had been released. This clearly illustrates our normal responses, that is if problems are not constantly aired by the media, we conclude that they have, therefore, been resolved.

The hostage problem has not been resolved. The hostage problem, Madam Speaker, continues to fester and this festering will persist until these hostages have been returned to this country to join their families and loved ones, until they know freedom again.

NEW YORK AGAIN LEADS NATION IN STATE TAX AMNESTY PROGRAM

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Madam Speaker, the results are in! New York again leads the Nation! This time it is the amount raised from a State tax amnesty program. According to the New York State Tax Commissioner, a record $245 million was recovered by the State in the just-ended 90-day amnesty program.

The program exceeded all expectations. The $245 million is money in the bank. Thousands of applications for amnesty remain to be counted. Among the $245 million was a check for $2.5 million from one man for 1 year's unpaid income tax—and one from a "little old lady" who failed to report a $5,000 lottery prize.

This program adds to the success of the dozen other State amnesty programs. All told, more than half a billion dollars have been raised in 13 States, including New York.

It is time for a national tax amnesty as I propose in my bill, H.R. 2074. Our Treasury is owed $90 billion by American taxpayers. A 6-month national tax amnesty could recoup at least $20 billion. These would be new revenues that could reduce the deficit and not raise one person's taxes.

The time for a tax amnesty is now; it should be part of the fiscal year 1987 budget resolution. Our budget choices thus far are between two evils: Gramm-Rudman and the President's budget. Gramm-Rudman could slash spending for scores of defense and nondefense programs by 25 percent over 2 years. The President's budget looms like the grim reaper over scores of other programs that would be ended or decimated by cuts. There

must be another way and we should find it. I offer tax amnesty as a key component to painless deficit reduction.

EMERGENCY TRAINING FOR SALVADORAN POLICE

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Madam Speaker, the coldblooded murder of Sergeant Handwork, Sergeant Dickson, Corporal Webber, and Corporal Kwiatkowski of the U.S. Marine Corps on June 19, 1985, in San Salvador, is apparently forgotten history in this body. The absolute lack of any United States action whatsoever to improve security within the urban areas of El Salvador is deplorable. In spite of the many requests for help we receive from the Salvadorans and our own Embassy, we have failed to act on behalf of our own citizens or the Salvadorans.

The emergency police training program which was signed into law as part of the International Security and Development Act of 1985 has been delayed nearly 5 months. Funding for the program is available from 1985 in country accounts. Needed equipment has been identified and training personnel are presently in El Salvador and ready to begin classes. Implementation of this program has been held up by the State Department because of the objections of one man, the gentleman from Wisconsin [Mr. OBEY], the chairman of the Subcommittee on Foreign Operations.

I find this lack of action and this hold to be indefensible and reprehensible.

It seems to me that if the Communist guerrillas have publicly announced their intention to consider all U.S. personnel as war targets, we have an obligation to act immediately to defend them. I have information that makes me believe that our personnel and our Embassy in El Salvador, as I speak, are in imminent and immediate danger to their own health and safety.

I urge my colleagues to call with me upon the gentleman from Wisconsin [Mr. OBEY] to release this hold immediately, and if he does not and persists in holding it, I call on you to urge the State Department to expend the funds immediately, anyway.

□ 1125

TRIBUTE TO RONALD McNAIR

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Madam Speaker, as part of my tribute to *Challenger* crew members who worked or lived in my district, I would like today to honor Ronald McNair.

Despite enduring the humiliation of segregated schools and lunch counters, young Ron McNair would not be denied his vision of a better world and even a better universe. His first grade teacher remembers him lying on his back, staring up at the sky and just smiling. As a 7-year-old, he was fascinated by the Sputnik satellite and prepared himself for the possibility that it would fall.

Ron McNair's fighting spirit carried him with distinction throughout his school career. When 2 years of research data for his doctorate in physics at MIT was unexpectedly destroyed, he returned to the lab for another 4 months, determined to complete his degree. It was no surprise that this gifted and resourceful scientist, who specialized in laser technology, should have been chosen a Presidential Scholar, a Ford Foundation Fellow, and an astronaut.

Those at MIT, Hughes Research Laboratories, and NASA were fortunate to have worked with a special talent like Ronald McNair. His fortitude inspires us all. He eloquently reminded us that, "True courage comes in enduring * * * persevering and believing in oneself." True courage was Ronald McNair.

WITHHOLDING FUNDS FOR TRAINING IN EL SALVADOR

(Mr. HUNTER asked and was given permission to address the House for 1 minute.)

Mr. HUNTER. Madam Speaker, the United States program to train Salvadoran police forces has been held up by Representative OBEY, our colleague and chairman of the Subcommittee on Foreign Operations. I would like to give three reasons why I think this was a big mistake and something that could be of great consequence to us.

No. 1, the guerrillas publicly announced in October 1985, that United States personnel in El Salvador would be considered official war targets.

No. 2, U.S. personnel receive death threats on a daily basis and movement in public places is heavily restricted.

Finally, murders and kidnapings of Salvadoran citizens in urban areas by guerrillas continued to create instability.

I think we are all aware of the kidnaping of Mr. Duarte's personal family members.

My colleagues, I think we come to a certain point where we have to decide whether or not we trust Mr. Duarte, whether we have faith in him, and whether he is working to keep that fragile democracy alive and to protect American citizens.

I, and most Members of this body, have come to believe that that is the case, that Mr. Duarte is a good leader, that we need to go forward and aid his country. I would ask my colleagues to give Mr. Duarte the funds he needs to protect his people and ours.

OBEY BLOCKS ANTITERRORIST TRAINING

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Madam Speaker, this past fall, this body, in its continued support of democracy in El Salvador, passed an emergency reprogramming request for police training for the Salvadoran police.

That emergency request came as a result of the brutal murder of four United States marines, Sergeant Handwork, Sergeant Dickson, Corporal Webber, and Corporal Kwiatkowski last June 19, in a San Salvadoran cafe.

Over 4 months ago, this body decided to give El Salvador the means to protect itself internally by providing funds for police training. This is important as we made a very careful decision not to be policemen in El Salvador, but to allow the police to solve their own internal problems.

Now it is February. There are police trainers on the ground in El Salvador, but they can't train anyone. Why? Because there is a hold on releasing the money that has already been appropriated.

This money seems to be caught in a legislative game of chicken in which badly needed and already appropriated funds for El Salvador are being held hostage for some program funds elsewhere on the globe.

It's one thing to engage in legislative warfare over program funding. It's quite another to put the lives of Americans at risk in a fit of legislative pique.

The funds for police training in El Salvador where authorized by this body months ago. The trainers are there waiting to train. The El Salvadorans are waiting to be trained. The money has been appropriated. This Congress has voted for this program. The President signed the legislation. Why, after 5 months, is there no training going on?

The threat of violence and murder hangs over every American in El Salvador. If the tragedy of last June were to occur again because the El Salvadoran police lack the training and the equipment which we have already authorized, then we will all need to sit down and ask the gentleman from Wisconsin, the chairman of the House Appropriations Subcommittee on Foreign Operations, why this program was held up.

COMMITTEE ACTION TO AVOID SEQUESTRATION

(Mr. BOULTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOULTER. Madam Speaker, we were elected to legislate, not to sequestrate. When this body passed the Gramm-Rudman-Mack Emergency Deficit Reduction Act, we acknowledged that responsibility, and now barely 1 month after its passage, this body is backing away from our commitment.

The cuts that will come as sequestration is put into action on March 1 of this year are not the best choices. They do not allow for congressional prioritization, nor do they take into account the work of many programs.

Sequestration is better than no spending reductions at all, but there are better ways to achieve those reductions.

The resolution I am introducing today provides that the House Budget Committee instruct each appropriate committee of the House to report back not later than February 21, 1986, a deficit reduction plan equal to the $11.7 billion savings contained in the Presidential sequestration order. Those recommendations reported back to the Budget Committee will be incorporated into a reconciliation bill to be brought to the floor of this body for action.

If that reconciliation bill is enacted on or before March 1, 1986, it would take the place of the Presidential sequestration order. This is our chance to do our job. This resolution allows us the opportunity to avoid some of the harsh, ill-advised cuts that would come under automatic sequestration by prioritizing programs, cutting some less than planned and others more, and eliminating some programs altogether. It is not an impossible task. Instead, it is simply a case of the Congress doing its job.

URGENT SUPPLEMENTAL APPROPRIATION, DEPARTMENT OF AGRICULTURE, FISCAL YEAR 1986

Mr. WHITTEN. Madam Speaker, I offer a joint resolution (H.J. Res. 520) making an urgent supplemental appropriation for the fiscal year ending September 30, 1986, for the Department of Agriculture, and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mrs. SCHROEDER). Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Madam Speaker, reserving the right to object, let me first of all ask the gentleman from Mississippi [Mr. WHITTEN] whether or not the bill we have before us is the bill that would spend between now and February 19 essentially $1,492,857,000 for the purpose of keeping the Commodity Credit Corporation in business during the recess? Is that the intent of the legislation?

Mr. WHITTEN. Madam Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Madam Speaker, the gentleman is correct. Insofar as the date is concerned, we do not limit it to that period of time. As the gentleman knows, that figure is the Department's estimate of what they will need for that period.

□ 1135

Mr. WALKER. Well, I thank the gentleman and, further reserving the right to object, let me say that this is a different resolution than what we were originally told about last evening, where we were going to come to the floor with a $5 billion resolution. In my mind, it is better, having come down by $3.5 billion or so.

However, I must say that I am not at all happy with the process we find ourselves in here. We have deliberately underfunded the CCC programs in appropriations that we have passed before; we have deliberately underfunded these programs, bring the appropriations bills to the floor, say that they are under budget when we bring them out here; knowing that we have underfunded Food Stamp Programs and Commodity Credit Corporation, and so on, then wait for the President to come back with supplementals and then come to the floor saying that these are Administration requests that we have got to do on an emergency basis, and they cost us billions of dollars.

Then I hear the leadership on your side of the aisle, Madam Speaker get up time and time again and suggest that we are not spending any more money than the President has asked for, knowing full well that the President has to ask for these moneys because we underfund the programs at the beginning of the year.

I tell you, that is a process that stinks, and it is a process that is driving the deficits upward—you want to know why we end up with budget deficits, moving higher than anything our budgets call for; $150 billion more than what we have budgeted over the last 5 years. It is precisely because of this kind of process.

Here we are—I understand this program has been out of money since February 1; we wait until the day before we are to go home on recess, and we come to the floor asking for spending to keep the program alive.

It is apparent to me that we ought not put the burden of this failure on our part on the backs of America's farmers and cut off the program during the recess, but I will tell you when we get back from recess and when this money has run out, I think we ought to have a real discussion on this floor about the process that we are using that tries to drive off our problems on the backs of the American farmer.

Mr. GINGRICH. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. GINGRICH. I just want to say to the very distinguished chairman of the Committee on Appropriations, and I recognize both the awesome power that you and the committee have, and I also recognize that in many, many ways you and the very distinguished ranking member from Massachusetts do an extraordinary job of dealing with all of our individual requests.

I think that the committee, collectively, should be served notice that as we enter the year of implementing Gramm-Rudman, that there will probably be an effort to have an omnibus appropriations bill; that there will probably be an effort to scrutinize and force a very careful, very open, very thorough consideration.

I do not blame the committee, but let me say also that the leadership of the House should recognize that we are today going to vote against adjournment for this recess only to make the point that no Member who plans to get up in September and tell us we have run out of time should vote to leave in February, and that the Appropriations Committee should understand that the gauntlet is going to get much harder for this kind of last-minute, last-day-before-a-recess, rush-something-to-the-floor, get-it-through-without-full-explanation, and that the committee is also going to be taken to task much more thoroughly, and people are going to start going back and looking at the last CONGRESSIONAL RECORD debate on this particular bill and this particular spending to discover whether the committee needs new staff; whether in fact you have been simply misinformed.

Maybe your staff has been telling you the money is adequate for the year; maybe it is the Appropriations Committee staff that has failed, but we think it is embarrassing for you, as the chairman of the committee, to have your staff serving you so badly that you are forced to come to the floor again and again, asking for supplementals.

There is not an American family that would have a monthly budget as badly designed as the annual track record of the Committee on Appropriations, that is suddenly discovering, with great shock, just before an emer-

gency, that we have once again underfunded something.

So with all due respect to the very distinguished chairman, who has done a very able job, I think that there will be new rules to the game this year; it will be a much tougher gauntlet, and I think the average Member on the floor is going to insist on a much clearer, a much fairer, and a much more open hearing on every spending request.

Mr. WALKER. Further reserving the right to object, Madam Speaker, I say to the gentleman that I think he is right, and I think that the real problem is that there has been a tendency to blame all of this overspending on the President, because he has to come up with supplemental requests for programs that we know were purposely underfunded in the beginning.

That, I think has caused us major difficulties, and I think it is high time that we put our house in order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. CONTE. Madam Speaker, I reserve the right to object.

Madam Speaker, I had no intention of getting up here and answering this, but due to the fact that people like to take a whack at the Appropriations Committee, I think it behooves me to answer them.

What the gentleman from Pennsylvania [Mr. WALKER] is doing what he is accusing the Committee on Appropriations of doing. The administration—and I have a letter saying they need $8.8 billion in Commodity Credit.

I argued with the chairman yesterday when he wanted to get only $5 billion. I said, "Give him the $8.8 billion. It's due." And heck, you think this is bad—I think this House was deceived by the farm bill. You cannot print money fast enough to take care of the new farm bill that this House passed, and the Senate passed, and the President signed.

Do not accuse the Committee on Appropriations of coming up here with underfunding; you are doing that here. You will not let this go through unless it goes down to a billion four; and you are going to be back in here another week with another one, and you are going to be blaming the Appropriations Committee.

I would like to have the opportunity to amend that—yours or the chairman's—to the 8.8, and that is what they need; 8.8 is what the administration says they need.

Mr. WALKER. Will the gentleman yield?

Mr. CONTE. Sure I yield to my good friend.

Mr. WALKER. My explanation, and I had asked the chairman in the beginning—what we are attempting to do is get us past the recess period here, because we have managed to put ourselves into an emergency situation because we have a recess coming up, and all this money is intended to do is get us past the recess period.

My problem, and the gentleman is correct, that the administration is saying they need $8.8 billion. The question is, Why at this point in the year do they need $8.8 billion? It is because the program was underfunded to begin with.

I think that is a problem.

Mr. CONTE. Part of that $8.8 billion is for the new farm program.

Mr. WALKER. Well, the gentleman may very well be correct on that, but the problem that I think that we face is that Congress, when it passed the farm bill, also then did not act within the limits that we had previously appropriated; and that is what gets us in deficit problems.

I agree with the gentleman on that. It just seems to me, though, that we have had a constant stream of precisely this kind of bill coming before us, and all I am saying here is, I do not think we ought to consider this in an emergency by unanimous consent here at the very last minute, and give them the whole $8.8 billion or the $5 billion, and so on. Let us get us through to February 19 and then come back here and let us have a discussion of precisely what the problem is that has been created for this country.

Mr. CONTE. I do not want the gentleman, and I want the RECORD to show on February 19, to get up here and start blaming the Committee on Appropriations again. I will read that RECORD to you on February 19, because that is what you are going to do; you are going to say "It's the Appropriations Committee's fault that they didn't give us enough money."

What we should be doing here today is appropriating $8.8 billion.

Mr. MYERS of Indiana. Will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. What happened when we passed the agriculture appropriations bill, back late last fall, it was impossible for the administration, for the Secretary of Agriculture, or anyone in this Congress to know what the expenses would be for the Commodity Credit Corporation because all of the votes were not in yet.

The deficiency payments, which part of this is going for; most of it, in fact, were not calculated, because they are on a basis of what the average price of those commodities are during the harvest time; and harvest was not complete. The feed grains are still in the process of being figured, which will be payable the 1st of April.

Now, how in the world can anybody anticipate that? Now to blame the Committee on Appropriations or the administration for not coming up with figures which were not even available, and impossible to be available. There are going to be supplementals whether you like it or not, they are going to be forced upon us by rules and laws. Otherwise, we may overshoot, and I agree with the gentleman from Pennsylvania, we do not want to appropriate more than we need, so that is the reason we have to come along now and save as much money as we possibly can for the taxpayers, and that is what your Appropriations is trying to do here.

Last night we asked for $5 billion, and the gentleman from Pennsylvania [Mr. WALKER] objected. Now he is objecting that we did not ask for enough, or he indicated he would have objected to bringing it up last night. Now the gentleman comes back and charges us for not appropriating enough—when we were willing to do it last night, which would have carried us through August, maybe the 1st of September, that $5 billion, in all probability.

The projections say that would be enough to carry us through; but as the chairman or the ranking member from Massachusetts says, we know we are going to be back, immediately upon coming back, and I hope none of you will blast us for having to come back.

Mr. CONTE. Something else, Madam Speaker, the gentleman forgot the dairy buyout. We could not figure out what the dairy buyout was going to be in the farm bill. That is part of the $8.8 billion

The ironic part of this, JOHN, you have been around here a long time. The part is the gentleman is trying to make this point today. You are going to give this House a vehicle to force the administration, later on, to swallow something they do not want to swallow, but because the money is not there for Commodity Credit and all the farmers are screaming all over the country, he is going to have to sign it.

□ 1145

Does the gentleman know what I am talking about?

Mr. MYERS of Indiana. Yes; I do. Back in September or October under the existing law at that time we could not even calculate it.

Mr. CONTE. Does the gentleman know what I am talking about?

Mr. MYERS of Indiana. Yes; I do.

Mr. GUNDERSON. Madam Speaker, will the gentleman yield?

Mr. CONTE. Further under my reservation I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I thank the gentleman for yielding.

Now, Madam Speaker, we do not agree on all of agriculture policy, obviously. Let me point out that the dairy buyout is funded by assessments on dairy farmers. Let us make that clear.

But I agree with the gentleman absolutely that the problem we are doing here is we are making a very, very bad name for agriculture. Now we have enough problems in this country without being forced by the Appropriations Committee to come back there time and time again for more money. The gentleman from Massachusetts [Mr. CONTE] is correct. I talked to the Department of Agriculture yesterday. They said, "We don't want $5 billion; we want the funding for the rest of the year."

The gentleman is absolutely right. Now do not send some false signals around this country about us coming back here time and time again asking for money when the truth is we are not getting the appropriation everybody knows we need.

So I commend the gentleman from Massachusetts. I think what we ought to do is be honest with the farmers and be honest with the American people today, fund what everybody knows is needed, which is that $8.8 billion, and be done with it.

Mr. CONTE. Madam Speaker, I want to observe that the Department told me, of that $8.8 billion, $3.7 billion is directly attributable to the new farm bill, which is $2.8 billion needed for advance deficiency payments, $190 million for the conservation reserve, $250 million is for the whole-herd buyout dairy, and $100 million is for the purchase of red meat, $223 million is for the loan payments.

Mr. GUNDERSON. I think what the gentleman means is that the 250 is for the dairy price-support program.

Mr. CONTE. Is that what it is?

Mr. GUNDERSON. Now I am not going to suggest there will not be any general revenues in the whole-herd buyout. We do not know that today until we know what the bids are, and the bids are not submitted until next week.

But I think it is important for the rest of the country to understand that the dairy farmers of this country are going to pay 40 cents per hundredweight starting on April 1 of this year, 25 cents per hundredweight starting in 1987 to fund that whole-herd buyout program. So we make that clear. And I appreciate the gentleman clarifying that.

Mr. CONTE. I appreciate the contribution of the gentleman.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 520

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1986; namely:

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

For the operations of the Commodity Credit Corporation, not to exceed $1,492,857,000 for capital restoration, to enable the Corporation to use the authority authorized by the Charter of the Corporation and other laws to carry out programs handled by the Corporation.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] is recognized for 1 hour.

Mr. WHITTEN. Madam Speaker, I yield 30 minutes to the gentlewoman from Nebraska [Mrs. SMITH], for debate only, pending which I yield myself such time as I may consume.

May I point out that there is a lot of misunderstanding here as to what is involved. The Commodity Credit Corporation is a Government-owned corporation. It was organized and authorized by law to be a corporation where you can buy and sell and do things that other corporations can do. It has obligations to carry our price supports, exports at competitive prices, and many other obligations fixed by law. May I say in this instance the Office of Management and Budget sent down to us not a limited amount but they asked to take the ceiling off of all expenditures by the Commodity Credit Corporation for 1986 and each year thereafter. Of course we could not go along with such a request for unlimited funds. I can understand the statement that was made here that it would be fine if we gave them everything that they needed, but to do that we would have to waive the Budget Act because we do not have enough allocation left to go to $8 billion.

So what I suggested when I introduced House Joint Resolution No. 515 was $5 billion which would take care of CCC for several months. I selected $5 billion instead of the $7.9 billion dollars requested by the Office of Management and Budget because in order to provide $7.9 billion we would have to ask that we waive the Budget Act. I want to point out again that we have to do this because the corporation is already obligated to make certain payments under the new farm legislation passed. I am not stuck on that act, but it does require certain payments CCC has been closed down and the payments are not being made. If we do not do something, they will stay closed down. So we have to do something to let them go ahead. When you have to ask for unanimous consent of 435 of us, you have to do what can be agreed to. There was objection to any other figure; so we have given them that which was agreed upon, which I think is all right.

May I say again that this is necessary. This puts a ceiling where the Office of Management and Budget said we should remove the ceiling. This will take care of it for about 30 days. I agree that it will come up again after the recess and we have to run the risk of what other matters will be added to it when it comes up then. So when you have to go by a unanimous-consent request you have a whole lot of things that you have to think about when you know you have to go ahead. Without further ado, may I say again we established a ceiling when the administration's request was that we do away with any ceiling. We have gone ahead with an appropriation that will last up to 30 days which was necessary to get agreement.

I again say $5 billion, in my judgment, is a more appropriate amount. I went over the requirements with our subcommittee which deals with agriculture; $5 billion was more in keeping with what we could afford to do. It would last several months, and it would not exceed the Federal budget ceiling that we would have to ask be waived if we were to provide the $7.9 billion requested by the administration. So we are in a good position here.

May I repeat again, the corporation is charged with the duty of helping with exports, helping with price supports, and many other obligations in its charter. What we do here, again, is establish a ceiling instead of removing one, as was requested. We established a deal where they would run about 30 days, and we do face up to the fact that in that period of time we will have to have another supplemental appropriation.

But now when you talk about the Appropriations Committee, you should realize that the Appropriations Committee historically has stayed below the President's budget. Even David Stockman, the former OMB Director, admitted that in our hearings last year. Unfortuately, we have entitlements and a whole lot of other things that carried the Congress beyond it. But I am proud of the fact that over the years the Committee on Appropriations has held the line. We are billions of dollars below what the President has requested. So whatever the problem is, do not lay it on us.

I hope we may have your support.

APPROPRIATIONS COMMITTEE OVERVIEW HEARINGS ON THE FISCAL YEAR 1987 BUDGET

Madam Speaker, this afternoon our Committee on Appropriations will be holding overview hearings on the fiscal year 1987 budget. I submit for the RECORD a copy of my opening statement, which I hope will be useful to the Members as we begin our deliberations on the fiscal year 1987 budget:

Chairman WHITTEN. I would like to welcome our guests before the whole Appropriations Committee this afternoon:

Honorable James Baker, Secretary of Treasury;

Honorable James Miller, Director of OMB; and

Honorable Beryl Sprinkel, Chairman—Council of Economic Advisors.

We greatly appreciate you being with us today. We recognize the demands upon your time, especially during this period shortly after the submission of the Budget.

As has been the custom in recent years, we are under the watchful eye of our good friend Jack Brooks, who has lent us this hearing room. On behalf of the entire committee I would like to thank Chairman Brooks and the Government Operations Committee for their continued fine cooperation.

Though our Committee on Appropriations has held the line and recommended appropriations $11,200,000,000 below the President's request for fiscal year 1985 and $12,900,000,000 below the President's request for fiscal eyar 1986 the debt has increased tremendously—largely because of the 1981 tax bill which repealed the windfall profits tax and permitted the sale of tax credits, and the increase in appropriations for military spending from $180,001,000,000 in 1981 to $320,000,000,000 in the current year's budget.

During this same period, of the 74 appropriations bill we have passed, the President has signed 69 and has vetoed five bills. We overrode one of the bills and worked out the other four.

When the current adminstration took office in January 1981, the national debt stood at $932 billion. At the end of FY 1985 it was $1.8 trillion. By the end of FY 1986 it will exceed $2.1 trillion and is projected to increase to $2.3 trillion by the end of FY 1987. In the short period of five years, the national debt has more than doubled. The increase alone in the debt in the past five years exceeds all the debt accumulated since the beginning of the republic, through the Civil War, two World Wars, the Great Depression, the Korean conflict, and the Vietnam War. And this doubling of the debt took place during peacetime.

We are a debtor nation for the first time since 1914 with foreign investment in the U.S. totaling some $925.9 billion in 1985. Table A shows this clearly.

The following table shows the growth of foreign investment in the U.S. Besides the actual amount of growth each year, it is important to note that these figures show that for the first time since 1914 the U.S. became a net debtor nation. In other words there was more foreign investment in the U.S. than there was U.S. investment in foreign countries.

TABLE A—FOREIGN INVESTMENT IN UNITED STATES

[Billions of dollars; end of period]

	1978	1979	1980	1981	1982	1983	1984	1985
U.S. assets abroad	447.8	510.6	606.9	719.7	839.0	893.6	914.7	919.5
Official reserve assets	18.7	19.0	26.8	30.1	34.0	33.7	34.9	35.5
Other government assets	54.2	58.4	63.5	68.4	74.3	79.2	84.6	86.4
Private assets	375.0	433.2	516.6	621.2	730.7	780.8	785.1	797.5
Foreign Assets in United States	371.7	416.1	500.8	579.0	692.0	787.6	886.4	925.9
Foreign official assets	173.1	159.9	176.1	180.4	189.2	194.5	199.0	196.0
Other foreign assets	198.7	256.3	324.8	398.6	502.8	593.1	687.4	730.0

TABLE A—FOREIGN INVESTMENT IN UNITED STATES—Continued

[Billions of dollars; end of period]

	1978	1979	1980	1981	1982	1983	1984	1985
Net investment position	76.1	94.5	106.0	140.7	147.0	106.2	28.2	−6.5

Our trade balance is unbelievably bad, with the 1985 figures showing a gap of $148.5 billion. In 1981 this gap was $27.9 billion. For 1985 this means we bought on credit $148 billion more in commodities and merchandise abroad than we exported. Most of this we could have produced ourselves.

We are $49.7 billion out of balance with Japan alone; yet we still spend approximately $1.6 billion to keep troops in Japan—money which the Japanese in effect use to buy into our country. In Germany, we spend some $4.5 billion for troops with a similar effect.

American agriculture is bankrupt because we have had the farmer financing our foreign policy—with agriculture embargoes in 1973, 1974, 1975, and 1980 under the former President, and continued for the past five years.

Since we do not make our offering price competitive as authorized by law, our income from agriculture exports, our biggest industry, has dropped from $43.8 billion in 1981 to $31.2 billion in 1985 with a further drop projected to $29.0 billion in 1986.

Today, not only has our debt more than doubled to over $2 trillion, but large sections of our nation's industry are bankrupt. The textile industry is facing bankruptcy from imports—with similar disasters in shoes and steel and others. Our automobile industry is being taken over by imports, along with numerous others. Land values have dropped as much as 75%. Foreign countries are buying into our industries. Our notes which they hold are buying our land, building our shopping centers.

In 1985 more banks failed than in any year since the Depression. A total of 120 banks—including 62 agricultural banks—failed. Others are on the brink. This represented an increase of more than 50 percent over the previous post-Depression high of 79 in 1984. Thousands of farmers have lost their land.

As you see from these facts, our problems are economic and cannot be ignored. Of course we need a strong defense but our economy certainly should not be destroyed to increase the carryover of unspent military funds now more than $299 billion in FY 1987. But that is meaningless unless we have a strong economy worth defending.

Last year when the Committee on Appropriations submitted its official report to the Budget Committee, we pointed out a number of factors. Let me read from that report.

"The Committee on Appropriations recognized that the soundness of our defense, including Department of Defense procurement, our military forces, and related programs depend upon a healthy domestic economy and public support. To retain these essentials, it is absolutely necessary to protect and develop our physical resources and protect essential domestic programs that we may retain public support. It is our country and our people on which all else depends.

"If the proposed domestic reductions were to be adopted by the Congress, it would weaken the nation's ability to maintain a strong economy which is essential for public support and a strong defense.

"In past years, the Congress has not cut military spending; it has only reduced the rapid rate of increase proposed by the Administration."

Now that's what we said last year. And it was true.

But this year, even though our problems are worse, you seem to have proposed more of the same.

You propose to increase military spending so that the carryover balances are even larger; cut domestic spending to levels that are not acceptable to the Congress and the American people; and ignore the revenue effects of your previous policies.

For FY 1987 the Administration is proposing to increase military spending by $34.2 billion in new budget authority and from $16 to $26 billion in outlays. This is at the same time when carry over balances will increase by $37.3 billion providing an unexpended balance of $299.7 billion in FY 1987. Table B clearly shows this.

TABLE B.—INCREASED CARRYOVER BALANCES, DEPARTMENT OF DEFENSE

[By fiscal years; in billions of dollars]

Unobligated balances:	
1975	16.7
1976 (transition quarter)	21.0
1977	20.0
1978	21.3
1979	23.0
1980	24.2
1981	26.5
1982	34.6
1983	43.4
1984	51.6
1985	61.5
1986 estimate	59.9
1987 estimate	60.3
Unexpended balances:	
1975	44.0
1976 (transition quarter)	51.4
1977	62.6
1978	73.6
1979	83.9
1980	92.2
1981	112.8
1982	142.2
1983	172.1
1984	205.1
1985	244.3
1986 estimate	262.4
1987 estimate	299.7

We need a strong defense—but we can never have a strong defense unless it is backed by a strong country—strength that can only come by developing our nation's resources—our real wealth—with an educated, healthy populace, with adequate food and nutrition flowing from a strong agriculture base.

While proposing to add huge sums to military spending, you propose to cut or eliminate those very programs that are essential to a strong defense.

Let me just read a few of these programs, and you will quickly see how our economic vitality is being reduced. These are programs which the budget would eliminate but which would not apply to the debt but to add to the carryover of unspent military funds.

	Dollars
Agriculture conservation programs	497,900,000
Rural development programs	2,801,500,000
Farm loan programs	1,220,000,000

	Dollars
Agricultural research and extension	118,805,000
EDA	201,000,000
NOAA sea grants and coastal zone management grants	75,000,000
Juvenile justice and delinquency prevention	64,693,000
Legal Services Corporation	305,500,000
Small Business Administration	223,000,000
Appalachian Regional Commission	117,000,000
Export-Import Bank	1,062,300,000
Sub-Saharan African facility	71,800,000
Urban development action grants	330,000,000
General revenue sharing	4,185,000,000
Land and water conservation fund	49,700,000
Indian Health Service programs	78,585,000
DOE—low income weatherization assistance	182,084,000
Strategic petroleum reserve	446,484,000
Health professions assistance	224,000,000
Work incentives program	220,000,000
Community services block grant	367,000,000
Impact aid "b" payments	130,000,000
Library assistance	128,000,000
Amtrak	590,000,000
Mass transit grants	1,000,000,000
Washington Metro construction	217,000,000
Postal Service—revenue foregone	708,000,000
Significant Reductions:	
Food stamps	313,300,000
Child nutrition	755,500,000
DOE—research	721,025,000
HUD—assisted housing programs	10,566,000,000
HUD—community development grants	1,000,000,000
VA—medical care	400,000,000
VA—construction	200,000,000
EPA—construction grants	600,000,000
Interior—land acquisition and construction programs	219,992,000
Job Corps	288,000,000
Summer youth	236,000,000
National Institutes of Health	417,000,000
Rehabilitation and handicapped services	244,000,000
Vocational education	440,000,000
Student financial assistance	1,073,000,000
Public broadcasting support	84,000,000
UMTA—formula grants	1,000,000,000
Interstate transfer grants	400,000,000
Coast Guard—construction	130,856,000

The deficit problem is not caused by the controllable domestic programs. It is primarily caused by legislation resulting in revenue loss on one side and huge increases in military spending on the other side. Those are the plain and simple facts.

These proposals in this budget won't solve the problem and if adopted would make bad matters worse.

Mr. Secretary, Mr. Director, and Mr. Chairman, I would like to hear from each of you to explain how we can live with your budget without the nation's financial condition becoming dangerous.

Mrs. SMITH of Nebraska. Madam Speaker, I yield myself such time as I may consume.

I thank the gentleman from Mississippi for yielding this time.

Madam Speaker, I want to strongly commend our great chairman for the outstanding job he has done on this, as he always does. His explanation is very thorough and to the point.

Madam Speaker, I, with others, regret we could not pass the full $8 billion that are needed at this time. But we must keep our commitment. We must do this.

So I rise in strong support of the proposal.

Madam Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. I thank the gentlewoman very much, our ranking member, for yielding this time.

First, your Appropriations Committee does not like to be put in this posture. We have said this many times and we are sincere.

The gentleman from Pennsylvania has every right to reserve the rights as he did, and I find myself sorry that I must disagree at this point because most often the gentleman from Pennsylvania and I agree and vote together trying to hold down spending.

However, in this instance the Committee on Appropriations is a victim, not the cause.

Actually as we expressed earlier and I think it has been amply discussed earlier about why we are in this posture today, but I am sorry that the dollar figure is where it is right now because it is not going to be enough. I want the record very clear. We should have the record very clear. We are going to have to come back in 30 days. I cannot even argue that that dollar figure is exactly right, that it will carry us for even 30 days. It might well go broke between now and 30 days. But I guess the Department feels that is enough to carry us for 30 days and I hope we can get legislation.

But in any event I think it should be very clear here that much of this that is going to be paid out is deficiency payments that are contractual agreements with farmers who met some of the conditions in the existing law last summer in the 1985 crop, they met those conditions, held back production, acreage reductions, made other concessions to make sure that they complied with the law, thereby being eligible for the deficiency payment. Now the deficiency payment is what crops are thought to bring at a certain dollar figure and then over a given measured period what the market price was. Then the difference between what the average market price was in that period of time and what the price should have been to give a fair return to the farmer is the deficiency payment.

□ 1145

Now, we have no control over that, nor does the Department of Agriculture. It is a free enterprise system, the free marketing working.

So we have obligations that we must pay those farmers for what they did. Those are already in existence. We have no control over that, and that is what this is all about.

In the future, I think these are probably going to come under Gramm-Rudman, and there will be some reduction in the future, but that will be worked out in future legislation here under appropriations, under the existing law today.

But I think it should be clear that you do not blame your Appropriations Committee or do not blame the messenger for the message we bring you today, because it is something for which we have an obligation, there are legal obligations today.

Now, as we start on the 1987 bill in 1986, I think there will be every opportunity then for the gentleman from Pennsylvania and others who disagree with the procedure to start talking about. But at this particular time, this is not the time to disagree with this particular appropriation. It is an obligation of the Department of Agriculture. It is an obligation of the U.S. Government. And this is just the first step. There will have to be one more at least, because we know there are going to be future deficiencies and future programs that have to be met.

So I hope the gentleman and others will not object when we bring them to the floor. We have every right to vote against them, but it is the law and that is what we are trying to comply with here today.

I thank the gentlewoman for yielding.

Mrs. SMITH of Nebraska. Madam Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. SCHUETTE].

Mr. SCHUETTE. Madam Speaker, I thank the gentlewoman for yielding.

Madam Speaker, I rise in support of this supplemental, because we cannot penalize farmers, dairy farmers, and grain producers who, at the time of our last appropriations were unsure because of our deliberations on the 1985 farm bill. And we need to help farmers come through tough times, and we need to help our deficiency payments and the Dairy Program.

So I concur with the gentlewoman from Nebraska's comments on making sure we move this through. Let us get through this recess period. Let us not let farmers hang out there in the lurch. The severe problems and difficulties we have in agriculture today

are too important for us to stonewall and not get this appropriation.

Mind you, we are going to need more. The administration feels we need $8.8 billion, and I would agree with that as well, because we need dollars and cents to help get better profits and better prices in agriculture. Let us help producers get through these tough times.

Mrs. SMITH of Nebraska. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHITTEN. Madam Speaker, I yield back the balance of my time.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

AMENDING THE PETRIFIED FOREST NATIONAL PARK ACT

Mr. VENTO. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1185) to amend the act establishing the Petrified Forest National Park, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 5, strike out "township" and insert "Township".

Page 1, after line 7, insert:

SEC. 2. The provisions of this Act shall not take effect until the Secretary of the Interior determines that fee simple title to the property described in section 1 has vested in the United States. Such determination of the Secretary shall be published in the Federal Register.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. LAGOMARSINO. Madam Speaker, reserving the right to object, I reserve the right to object to ask the gentleman if he would explain the measure.

I yield to the gentleman for his response.

Mr. VENTO. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, the House passed H.R. 1185 on April 2, 1985, to amend the act establishing the Petrified Forest National Park by adding 40 acres to the park. The owners of the land wish to contribute the land to the National Park Service. However, the subsurface rights are owned by Santa Fe Industries which will not donate its rights.

The amendment to this bill made by the other body was to prohibit the Park Service from accepting this land unless the mineral rights were also included in the transaction.

Madam Speaker, I can only say that I appreciate the public-spirited efforts of the Archeological Conservancy to acquire and donate this land with its outstanding archeological resources. I am concerned that we must now accept the amendment which will impede the protection of those valuable resources; however, to do otherwise would be excessively wasteful of the valuable time of my colleagues.

Madam Speaker, I recommend passage of H.R. 1185 as amended.

Mr. LAGOMARSINO. Madam Speaker, further reserving the right to object, I rise in support of H.R. 1185.

Madam Speaker, this bill would provide for a 40-acre addition to the Petrified Forest National Park in Arizona. The land parcel, which lies adjacent to the park, is currently owned by the Archaeological Conservancy. The Conservancy has indicated its intent to donate the parcel to the Federal Government upon enactment of this legislation. In my opinion, this parcel would be a significant, as well as logical, addition to the Petrified Forest Park in view of its outstanding archaeological resources, including a recent site dating from the 12th century A.D. As you may know, the park is noted for its unique Indian ruins and petroglyphs.

The mineral rights to the parcel are held by the Santa Fe Pacific Railroad Co. I have been informed that Santa Fe is currently working with the Bureau of Land Management [BLM] to develop an administrative exchange of the subsurface rights, and therefore does not oppose enactment of this bill. I strongly endorse the concept of such exchanges to eliminate split estate conflicts within National Park Service areas; therefore, I am pleased that the Senate adopted an amendment to this bill providing that the act shall not take effect until the exchange is completed. I strongly support this amendment and urge the BLM to expedite this particular exchange.

The House approved H.R. 1185 on April 2 with the Senate taking action on December 3.

I think it is also important to note, particularly during this difficult fiscal period, that the bill does not require any Federal expenditures. In addition, it is supported by all interested parties, including the administration.

For these reasons, I urge my colleagues to support and approve H.R. 1185.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the legislation just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3456, CONSUMER PRODUCT SAFETY AMENDMENTS OF 1985

Mr. BEILENSON. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 371 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 371

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3456) to amend the Consumer Product Safety Act to extend it for three fiscal years, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule by titles instead of by sections, and each title shall be considered as having been read. At the conclusion the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 3456, the Committee on Energy and Commerce shall be discharged from the further consideration of the bill S. 1077, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 3456 as passed by the House.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Madam Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], for purposes of debate only, pending which I yield myself such time as I may consume.

Madam Speaker, House Resolution 371 is the rule providing for consideration of H.R. 3456, the Consumer Product Safety Amendments of 1985.

House Resolution 371 is an open rule, providing 1 hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Energy and Commerce. It provides for consideration of the bill for amendment by titles, rather than sections.

The rule provides for one motion to recommit, and it provides for a motion, after passage of the bill, to strike the contents of S. 1077, a similar bill passed by the other body, and insert in lieu thereof the provisions of H.R. 3456 as passed by the House.

H.R. 3456, which this rule makes in order, reauthorizes the Consumer Protection Safety Commission for fiscal years 1986 through 1988 and requires a number of changes in the Commission's activities.

The bill repeals two existing safety regulations: one related to cellulose insulation, the other to swimming pool slides. The Committee on Energy and Commerce believes that the cellulose insulation standard is ineffective and may discourage more effective voluntary standards. The swimming pool standards were partially invalidated by a 1978 court ruling and, according to the safety Commissioners, the remaining provisions do not provide minimal requirements for safety.

The bill requires the Commission, subject to the availability of appropriations, to employ on a permanent basis the full-time equivalent of 568 officers and employees. This provision would effectively freeze the number of personnel at the level proposed by the Office of Management and Budget for fiscal year 1986.

H.R. 3456 also expands the Commission's jurisdiction over amusement park rides to include rides at permanently fixed sites in addition to mobile amusement park rides. It permits the Commission to inspect such rides in cases where State or local authorities do not do so and in cases where the rides are subject to State or local regulation but where death or serious injury has occurred.

It is anticipated that an amendment will be offered to strike this provision and, instead, authorize an 18-month study of the adequacy of existing industry programs and State and local laws to determine the need for Federal involvement in ride safety at fixed-site amusement parks.

Finally, H.R. 3456 requires that the Commission submit new regulations to Congress for review. A new regulation would become effective 90 days after notification unless Congress passes—and the President signs—a joint resolution disapproving it.

Madam Speaker, I urge the adoption of House Resolution 371.

□ 1205

Mr. QUILLEN. Madam Speaker, I yield myself as much time as I might use.

Madam Speaker, the rule has been ably explained, and I would like to call to the attention of the House the fact that this measure was up before, under suspension. The vote was 264 yeas to 146 nays. It failed for the lack of a two-thirds majority, but would have passed overwhelmingly under the rules of the House had it not been under suspension.

There are many objections to the bill by the administration, but this is an open rule and I am sure that amendments will be offered to bring everything in line. I know of no objection to the rule.

I urge the adoption of the rule and the consideration of the bill.

Madam Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. BEILENSON. Madam Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLEN. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 44, as follows:

[Roll No. 19]

YEAS—390

Ackerman	Boland	Coelho	Dornan (CA)	Lagomarsino	Reid
Addabbo	Boner (TN)	Coleman (MO)	Dowdy	Lantos	Richardson
Akaka	Bonior (MI)	Coleman (TX)	Downey	Leach (IA)	Ridge
Alexander	Bonker	Combest	Dreier	Leath (TX)	Rinaldo
Anderson	Borski	Conte	Duncan	Lehman (CA)	Ritter
Andrews	Boucher	Conyers	Durbin	Lehman (FL)	Roberts
Annunzio	Boulter	Cooper	Dymally	Lent	Robinson
Anthony	Boxer	Coughlin	Dyson	Levin (MI)	Rodino
Applegate	Breaux	Courter	Eckart (OH)	Levine (CA)	Roe
Archer	Brooks	Coyne	Eckert (NY)	Lewis (FL)	Roemer
Armey	Broomfield	Craig	Edgar	Lightfoot	Rogers
Aspin	Brown (CA)	Crane	Edwards (CA)	Lipinski	Rose
Atkins	Brown (CO)	Crockett	Edwards (OK)	Lloyd	Roth
AuCoin	Broyhill	Daniel	Emerson	Long	Rowland (CT)
Badham	Bruce	Dannemeyer	English	Lott	Rowland (GA)
Barnard	Burton (IN)	Darden	Erdreich	Lowery (CA)	Roybal
Barnes	Bustamante	Daschle	Evans (IA)	Lowry (WA)	Rudd
Bartlett	Byron	Daub	Evans (IL)	Lujan	Russo
Barton	Callahan	Davis	Fascell	Luken	Sabo
Bateman	Campbell	de la Garza	Fawell	Lundine	Saxton
Bates	Carney	DeLay	Fazio	Lungren	Schaefer
Beilenson	Carper	Dellums	Feighan	Mack	Scheuer
Bennett	Carr	Derrick	Fiedler	MacKay	Schneider
Bentley	Chandler	DeWine	Fields	Madigan	Schroeder
Bereuter	Chapman	Dickinson	Fish	Manton	Schuette
Berman	Chappell	Dicks	Flippo	Markey	Schulze
Biaggi	Cheney	Dingell	Florio	Marlenee	Schumer
Bilirakis	Clay	DioGuardi	Foglietta	Martin (IL)	Seiberling
Bliley	Clinger	Dixon	Ford (MI)	Martin (NY)	Sensenbrenner
Boehlert	Coats	Donnelly	Ford (TN)	Martinez	Sharp
Boggs	Cobey	Dorgan (ND)	Frank	Matsui	Shaw
			Frenzel	Mavroules	Shumway
			Frost	Mazzoli	Shuster
			Gallo	McCain	Sikorski
			Garcia	McCandless	Sisisky
			Gaydos	McCloskey	Skeen
			Gejdenson	McCollum	Skelton
			Gekas	McCurdy	Slattery
			Gephardt	McDade	Slaughter
			Gibbons	McEwen	Smith (FL)
			Gilman	McGrath	Smith (IA)
			Gingrich	McHugh	Smith (NE)
			Glickman	McKernan	Smith (NJ)
			Gonzalez	McKinney	Smith, Denny (OR)
			Goodling	McMillan	
			Gordon	Meyers	Smith, Robert (NH)
			Gradison	Mica	
			Gray (IL)	Michel	Smith, Robert (OR)
			Gray (PA)	Mikulski	
			Green	Miller (CA)	Snowe
			Gregg	Miller (OH)	Snyder
			Guarini	Miller (WA)	Solarz
			Gunderson	Mineta	Solomon
			Hall (OH)	Mitchell	Spence
			Hall, Ralph	Moakley	Spratt
			Hamilton	Molinari	Staggers
			Hammerschmidt	Mollohan	Stallings
			Hansen	Monson	Stangeland
			Hartnett	Montgomery	Stenholm
			Hatcher	Moody	Stokes
			Hawkins	Moorhead	Strang
			Hayes	Morrison (CT)	Studds
			Hefner	Morrison (WA)	Stump
			Hendon	Mrazek	Sundquist
			Henry	Murphy	Sweeney
			Hertel	Myers	Swift
			Hiler	Natcher	Synar
			Hillis	Neal	Tallon
			Holt	Nelson	Tauzin
			Hopkins	Nichols	Taylor
			Howard	Nielson	Thomas (CA)
			Hubbard	Nowak	Thomas (GA)
			Huckaby	Oakar	Towns
			Hughes	Oberstar	Traficant
			Hunter	Obey	Traxler
			Hyde	Olin	Udall
			Ireland	Ortiz	Valentine
			Jacobs	Owens	Vander Jagt
			Jeffords	Oxley	Vento
			Jenkins	Packard	Visclosky
			Johnson	Panetta	Volkmer
			Jones (NC)	Pashayan	Vucanovich
			Jones (OK)	Pease	Walker
			Jones (TN)	Penny	Watkins
			Kanjorski	Pepper	Waxman
			Kaptur	Perkins	Weaver
			Kasich	Petri	Weber
			Kastenmeier	Pickle	Weiss
			Kennelly	Porter	Wheat
			Kildee	Price	Whitehurst
			Kindness	Pursell	Whitley
			Kleczka	Quillen	Whittaker
			Kolter	Rahall	Whitten
			Kostmayer	Rangel	Wilson
			Kramer	Ray	Wirth
			LaFalce	Regula	Wise

Wolf	Wyden	Young (AK)
Wolpe	Wylie	Young (FL)
Wortley	Yates	Young (MO)
Wright	Yatron	Zschau

NAYS—0

NOT VOTING—44

Bedell	Heftel	Rostenkowski
Bevill	Horton	Roukema
Bosco	Hoyer	Savage
Bryant	Hutto	Shelby
Burton (CA)	Kemp	Siljander
Chappie	Kolbe	St Germain
Coble	Latta	Stark
Collins	Leland	Stratton
Dwyer	Lewis (CA)	Swindall
Early	Livingston	Tauke
Foley	Loeffler	Torres
Fowler	Moore	Torricelli
Franklin	Murtha	Walgren
Fuqua	O'Brien	Williams
Grotberg	Parris	

□ 1225

Mr. THOMAS of California and Mr. EVANS of Iowa changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE FROM FEBRUARY 6, 1986, OR FEBRUARY 7, 1986, TO FEBRUARY 18, 1986, AND FOR AN ADJOURNMENT OF THE SENATE FROM FEBRUARY 6, 1986, OR FEBRUARY 7, 1986, TO FEBRUARY 17, 1986

The SPEAKER pro tempore. The Chair lays before the House a Senate concurrent resolution (S. Con. Res. 107).

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 107

Resolved by the Senate (the House of Representatives concurring), That when the House adjourns on Thursday, February 6, 1986, or Friday, February 7, 1986, pursuant to a motion made by the majority leader of the House, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Tuesday, February 18, 1986, and that when the Senate adjourns on Thursday, February 6, 1986, or Friday, February 7, 1986, pursuant to a motion made by the majority leader of the Senate, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Monday, February 17, 1986, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House, after consultation with the minority leader of the House, and the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GINGRICH. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 208, nays 179, not voting 47, as follows:

[Roll No. 20]

YEAS—208

Ackerman	Ford (TN)	Myers
Addabbo	Frank	Natcher
Akaka	Frost	Nelson
Alexander	Garcia	Oakar
Andrews	Gaydos	Oberstar
Annunzio	Gejdenson	Obey
Anthony	Gephardt	Olin
Applegate	Gibbons	Ortiz
Aspin	Gonzalez	Owens
Atkins	Gordon	Panetta
Badham	Gray (PA)	Pease
Barnard	Guarini	Penny
Barnes	Hall (OH)	Perkins
Bates	Hall, Ralph	Pickle
Bedell	Hamilton	Price
Beilenson	Hartnett	Quillen
Bennett	Hatcher	Rahall
Berman	Hawkins	Rangel
Biaggi	Hayes	Ray
Boggs	Hefner	Reid
Boland	Heftel	Richardson
Boner (TN)	Hertel	Rodino
Bonior (MI)	Hillis	Roe
Bonker	Holt	Rose
Borski	Howard	Rowland (GA)
Boucher	Hoyer	Roybal
Boxer	Jenkins	Rudd
Breaux	Jones (NC)	Russo
Brooks	Jones (TN)	Savage
Brown (CA)	Kanjorski	Scheuer
Bruce	Kaptur	Schroeder
Bustamante	Kastenmeier	Schumer
Byron	Kennelly	Seiberling
Campbell	Kildee	Shelby
Chapman	Kleczka	Sikorski
Chappell	Kolter	Sisisky
Clay	LaFalce	Smith (FL)
Coelho	Lantos	Smith (IA)
Conyers	Leath (TX)	Snyder
Cooper	Lehman (CA)	Solarz
Coyne	Lehman (FL)	Spratt
Crane	Levin (MI)	Staggers
Crockett	Levine (CA)	Stenholm
Darden	Lipinski	Stokes
Daschle	Long	Studds
de la Garza	Lowry (WA)	Thomas (GA)
Dellums	Lujan	Towns
Derrick	Luken	Traficant
Dickinson	Lundine	Traxler
Dicks	MacKay	Udall
Dingell	Manton	Valentine
Dixon	Markey	Vento
Donnelly	Martin (NY)	Visclosky
Dorgan (ND)	Martinez	Volkmer
Dowdy	Matsui	Waxman
Downey	Mavroules	Weaver
Durbin	Mazzoli	Weiss
Dymally	McCloskey	Wheat
Dyson	McKernan	Whitehurst
Eckart (OH)	Mica	Whitley
Edgar	Mikulski	Whitten
Edwards (CA)	Mineta	Wilson
Evans (IL)	Mitchell	Wise
Fascell	Moakley	Wolpe
Fazio	Mollohan	Wright
Feighan	Montgomery	Wyden
Flippo	Moody	Yates
Florio	Morrison (CT)	Young (MO)
Foglietta	Mrazek	
Ford (MI)	Murphy	

NAYS—179

Anderson	Green	Ridge
Archer	Gregg	Rinaldo
Armey	Gunderson	Ritter
AuCoin	Hammerschmidt	Roberts
Bartlett	Hansen	Robinson
Barton	Hendon	Roemer
Bateman	Henry	Rogers
Bentley	Hiler	Roth
Bereuter	Hopkins	Rowland (CT)
Bilirakis	Hubbard	Saxton
Bliley	Huckaby	Schaefer
Boehlert	Hughes	Schneider
Boulter	Hunter	Schuette
Broomfield	Hyde	Schulze
Brown (CO)	Jacobs	Sensenbrenner
Broyhill	Jeffords	Sharp
Burton (IN)	Johnson	Shaw
Callahan	Jones (OK)	Shumway
Carney	Kasich	Shuster
Carper	Kostmayer	Skeen
Chandler	Kramer	Skelton
Cheney	Lagomarsino	Slattery
Clinger	Leach (IA)	Slaughter
Coats	Lent	Smith (NE)
Cobey	Lewis (FL)	Smith (NJ)
Coble	Lightfoot	Smith, Denny (OR)
Coleman (MO)	Lloyd	Smith, Robert (NH)
Coleman (TX)	Lott	Smith, Robert (OR)
Combest	Lowery (CA)	Snowe
Conte	Lungren	Solomon
Coughlin	Mack	Spence
Courter	Madigan	Stallings
Craig	Marlenee	Stangeland
Daniel	Martin (IL)	Strang
Dannemeyer	McCain	Stump
Daub	McCandless	Sundquist
Davis	McCollum	Sweeney
DeLay	McCurdy	Swindall
DeWine	McDade	Synar
DioGuardi	McEwen	Tallon
Dornan (CA)	McGrath	Tauke
Dreier	McKinney	Tauzin
Duncan	McMillan	Taylor
Eckert (NY)	Meyers	Vander Jagt
Edwards (OK)	Michel	Vucanovich
Emerson	Miller (OH)	Walker
English	Miller (WA)	Watkins
Erdreich	Molinari	Weber
Evans (IA)	Monson	Whittaker
Fawell	Moorhead	Williams
Fiedler	Morrison (WA)	Wirth
Fields	Neal	Wolf
Fish	Nichols	Wortley
Frenzel	Nielson	Wylie
Gallo	Nowak	Yatron
Gekas	Oxley	Young (AK)
Gilman	Packard	Zschau
Gingrich	Pashayan	
Glickman	Porter	
Goodling	Pursell	
Gradison	Regula	

NOT VOTING—47

Bevill	Hutto	Pepper
Bosco	Ireland	Petri
Bryant	Kemp	Rostenkowski
Burton (CA)	Kindness	Roukema
Carr	Kolbe	Sabo
Chappie	Latta	Siljander
Collins	Leland	St Germain
Dwyer	Lewis (CA)	Stark
Early	Livingston	Stratton
Foley	Loeffler	Swift
Fowler	McHugh	Thomas (CA)
Franklin	Miller (CA)	Torres
Fuqua	Moore	Torricelli
Gray (IL)	Murtha	Walgren
Grotberg	O'Brien	Young (FL)
Horton	Parris	

□ 1235

Messrs. AUCOIN, BATEMAN, STANGELAND, COLEMAN of Texas, WATKINS, and GLICKMAN changed their votes from "yea" to "nay."

So the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONSUMER PRODUCT SAFETY AMENDMENTS OF 1985

The SPEAKER pro tempore. Pursuant to House Resolution 371 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3456.

□ 1248

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3456) to amend the Consumer Product Safety Act to extend it for 3 fiscal years, and for other purposes, with Mr. BEILENSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 3456, the Consumer Product Safety Act Amendments of 1985 is important to the public safety. It provides for the reauthorization of the Consumer Product Safety Commission and represents the product of extensive consideration by the Committee on Energy and Commerce. It is a product of compromise between Members on both sides of the aisle as well as the business and consumer community.

The legislation was reported with overwhelming support from the committee by a vote of 20 to 2. The legislation was considered on the House floor on November 19, 1985, but narrowly failed, by a vote of 264 to 146, to get the two-thirds vote necessary to pass under suspension of the rules.

The legislation extends the authorization of appropriations for the Consumer Product Safety Commission for 3 fiscal years. In addition, the legislation makes a number of modest but, I believe, essential revisions in the agency's authority to enhance consumer safety and channel limited resources into more productive activities.

The legislation promotes development of voluntary safety standards by repealing, at the agency's request, two outdated mandatory Federal standards for swimming pool slides and cellulose insulation.

The legislation places a minimum floor on agency personnel at the level approved by OMB for fiscal year 1986.

Of particular importance, the legislation includes provisions from the Amusement Park Safety Act which the House overwhelmingly approved during the 98th Congress. This year the legislation contains a number of revisions which address the major concerns raised by the amusement park industry.

The legislation will extend, in a carefully limited way, the agency's jurisdiction over defective amusement rides located in fixed sites. It closes a dangerous loophole in Federal consumer safety law.

Currently, the agency has authority to order defective amusement rides repaired only if they are located in a traveling carnival or circus. If the identical ride is located in an amusement park, the law prohibits the CPSC from assuring that the public is protected and the defect is repaired.

This distinction is illogical. It does not enhance consumer confidence or trust in the safety of amusement park rides.

The legislation before us would assure the public that in the event of a serious amusement ride accident involving a death or serious injury the Consumer Product Safety Commission would be empowered to inspect the ride, determine the cause of the accident, and order its repair. Most important, the agency would be permitted to investigate similar rides in other States and, if necessary, order the defects repaired.

Mr. Chairman, no agency of the Federal Government presently has this responsibility. Furthermore, less than half of all the States have passed laws requiring periodic inspection of amusement park rides. In those States that have enacted laws, the level of enforcement is uneven and inconsistent.

The committee has gone to great lengths to deal with the amusement park industry's concerns. The agency's authority has been limited to carefully specified but essential areas.

First, the agency may not issue industrywide rules.

Second, the agency may not conduct routine inspections of rides located in States with comprehensive inspection laws.

Third, amusement ride owners are only required to notify the agency of a defective ride in the event the ride results in a death or serious injury.

These provisions, like the bill itself, represent a sound and equitable compromise.

The Consumer Product Safety Commission performs a vital public service. I urge support for the legislation.

Mr. Chairman, I reserve the balance of my time.

□ 1250

Mr. MADIGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this compromise bill, as explained by Chairman WAXMAN, is quite simple. First, it reauthorizes the CPSC for 3 years at levels which are close to those requested by the administration. Second, it sets a personnel floor of 568 full-time Commission employees, which is the number set for fiscal year 1986 by the Office of Management and Budget. Third, the bill contains a congressional review provision which allows for disapproval of CPSC actions by both bodies of the Congress. Finally, Mr. Chairman, the bill provides for limited CPSC jurisdiction over fixed-site amusement rides, primarily in States with no independent inspection authority. The pros and cons of the amusement ride provisions will be fully debated when Mr. DANNEMEYER offers an amendment to this section later today.

I want to emphasize to my colleagues that every industry group, other than the amusement park industry, is fully supportive of this bill. This includes the U.S. Chamber of Commerce, the National Association of Manufacturers, and some 50 other groups and companies which I have on a list in front of me now. The bill is also supported by the Consumer Federation of America and Public Citizen.

I hope that this important legislation can pass this body with few changes.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding to me and would like at this point to engage the gentleman in a brief colloquy.

Mr. MADIGAN. I would be pleased to respond to the gentleman's questions, if the gentleman will yield.

Mr. GILMAN. As the distinguished gentleman is aware, as are members of the Committee on Energy and Commerce, I have, for some time now, been deeply concerned with the flammability standards currently applied to surgical drapes and gowns. Although surgical gowns and drapes are either worn or used to cover the patient during surgery, they are not required to meet the flammability standards currently applied to other wearing apparel. Indeed the Consumer Product Safety Commission has designated surgical gowns and drapes as "interior furnishings."

The need for a stricter flammability standard for surgical drapes and gowns was brought to my attention by a constituent of mine, Dr. Ralph Milliken of the New York State Society of Anesthesiologists. In testimony presented to the Subcommittee on Health and the Environment last Congress, the society demonstrated that the increased usage of high energy devices in the operating room, coupled with the continued use of highly flammable surgical drapes and gowns, has resulted in injury to both patients and operating room personnel. Take the case of

the 4-year-old girl who was receiving treatment for removal of a cyst on her forehead. While cauterizing a bleeding vessel on the young girl's forehead, a sponge caught fire, subsequently igniting the flammable drape over the patient's face. This resulted in first and second degree burns to the girl's face and first degree burns to the anesthesiologist's second and third fingers. Unfortunately this is just one of many similar cases.

Mr. Chairman, last Congress the distinguished ranking member, the gentleman from Illinois [Mr. MADIGAN] was kind enough to offer an amendment on my behalf to the Consumer Products Safety Amendments of 1983, redesignating surgical drapes and gowns from their present category of "interior furnishings" to a more effective and appropriate "wearing apparel" category. Thanks to the work of the gentleman from Illinois, this amendment was adopted during the committee's markup and the bill was subsequently adopted by the full House. Unfortunately, however, the House and Senate were unable to reach a conference agreement on the measure and the legislation died with the adjournment of the 98th Congress.

While I had hoped to offer even stronger language this Congress—requiring that surgical drapes and gowns comply with standards for children's wearing apparel which carries the strictest flammability standard, I was informed that such an amendment would have been nongermane to this reauthorization measure. I am hopeful, however, that members of the subcommittee have not abandoned this important health and safety issue and that their commitment to strengthening the flammability standards of surgical gowns and drapes, as demonstrated in the last Congress, will remain strong. In accordance, I would like to ask the gentleman from Illinois, and the distinguished committee chairman, the gentleman from California if they would continue to support efforts to strengthen the flammability standards for surgical drapes and gowns so that we may insure the safety of our citizens in our Nation's hospitals and operating rooms?

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman very much for yielding and want to commend him for his leadership in trying to deal with this problem. We support the efforts to get the Consumer Product Safety Commission to review this issue and to decide whether there are standards that must be set to protect the people wearing these surgical drapes. We want them to look at this issue, and we think it is appropriate that they should since we are talking about a flammability problem that can be every bit as deadly a flammability problem as has been in the area of children's sleepwear.

So I thank the gentleman for his suggestion.

Mr. GILMAN. I thank the gentleman for his support.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, I thank the gentleman for his kind words and would like to take this opportunity to assure the gentleman that I continue to share his deep concern for this important health and safety issue. I have worked and look forward to continue working with the gentleman to make certain that surgical drapes and gowns meet the strictest flammability standards and that our hospitals and operating theaters are as safe as possible.

Mr. GILMAN. I thank the gentleman for his concern and for his fine leadership on this and the countless other issues under the jurisdiction of his subcommittee. I would also like to take this opportunity to express my gratitude to the chairman of the subcommittee, Mr. WAXMAN, as well as the gentleman from Iowa, [Mr. TAUKE] for their support in our efforts to secure stricter flammability standards for surgical drapes and gowns. I thank the gentleman for participating in this exchange and will look forward to resolving this issue in the very near future.

Mr. MADIGAN. Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. GUARINI].

Mr. GUARINI. Mr. Chairman, today the House of Representatives is considering legislation that will strengthen the Consumer Product Safety Commission's [CPSC] ability to protect citizens from the hazards posed by defective amusement park rides. I urge my colleagues to support H.R. 3456 as it was reported from the Energy and Commerce Committee, and to oppose any weakening amendments which may be offered.

At present, the CPSC has authority only over mobile amusement rides which are dismantled and reassembled by traveling carnivals. In 1981, as part of the move toward deregulation following President Reagan's election, Congress rescinded the Commission's jurisdiction over similar rides at over 650 fixed sites throughout the country.

Last year, I introduced legislation—H.R. 667—that would maintain the CPSC's authority over mobile rides, restore its authority over fixed site rides, and expand its authority to include amusement buildings or facilities on the same premises. I strongly believe that Congress should give the CPSC authority to do the whole job, not just part of it.

Ideally, I would like to see the CPSC with the ability to treat all amusement rides and amusement attractions the same way they treat other products which may cause harm or injury to an unsuspecting public. At a minimum, I urge my colleagues to support the compromise language contained in the bill before us.

Each year, millions of Americans visit amusement parks around the country. They are a prime attraction for children and teenagers, and are a popular favorite for many family outings. The thrill of the rides and the terror of the spook houses lend excitement to the illusion of danger such visitors seek.

Unfortunately, that illusion can be transformed without warning into a frightening reality. Thousands of serious accidents and occasional deaths occur annually as a result of amusement park mishaps. Yet the CPSC is unable to limit the risks families take when they pass through the theme park gates.

In 1983, the CPSC estimated that nearly 10,000 injuries sustained on amusement park rides required hospital emergency room treatment. The severity of amusement park injuries ranges from fractures, contusions, abrasions, and dislocations to horrendous fatalities. In the past 10 years, nearly 100 people have died.

In 1984, eight teenagers died in my home State of New Jersey when a fire raged through an amusement park haunted house. In North Dakota, a young child was killed in a fall when a roller coaster restraining bar failed to lock in place. Other tragic deaths have occurred when ride cars have derailed, chains have snapped, and protective devices have failed.

On the whole, the amusement park industry is relatively accident-free. Amusement parks are businesses, and their owners recognize the need to keep a good safety record in order to keep customers coming back.

No industry wants to be regulated, yet the Federal Government sees fit to impose regulations on the airline industry, the coal mining industry, and many others in which workers' and consumers' safety and well-being are at stake.

Ordinances governing the safety of amusement rides vary from State to State. At present, only half of the States have any kind of regulations requiring inspection of amusement rides. The patchwork varies from strict guidelines and enforcement procedures to lax and inadequate regulations. And as long as the CPSC is unable to set nationwide safety standards, American families will play amusement ride roulette every time they make an outing to a theme park.

71-059 O-87-17 (Pt. 2)

An amendment will be offered today to strike language strengthening the CPSC's authority over amusement rides. The amendment will substitute plans for a study commission to review the extent and effectiveness of existing amusement park safety efforts. When lives are at stake, delaying tactics such as this are not only uncalled for, they are inhumane.

The responsibility for establishing and enforcing amusement park preoperating inspection requirements will continue to rest with the States and localities. The CPSC does not have the resources to conduct advance inspections of amusement parks. Budget constraints have constantly hampered the full effectiveness of the CPSC—to the woe of the consumer.

As is the case with other consumer products, one of the primary benefits of CSPC involvement is their ability to establish uniform national safety standards. Unfortunately, in the bill before us, the CPSC does not have the authority to set national standards. However, they are able to investigate after serious accidents and to disseminate information about hazards nationwide in the event of a mishap.

It is urgent that we take steps to protect the rights of visitors to amusement parks more fully. As consumers, they are entitled to assurances that the thrills they seek at amusement parks are illusory and that their safety on amusement rides is protected.

I encourage my colleagues to support H.R. 3456 as an important step toward more meaningful protection for the consumer. Its passage will enhance and promote safety at amusement parks throughout the country, and will restore the American public's confidence in amusement rides—wherever they are located.

Mr. WALGREN. Mr. Chairman, I hope today the House will approve H.R. 3456, the Consumer Product Safety Commission extension bill. The Commission was created in 1973 to reduce the 36 million injuries and 30,000 deaths involving consumer products which occur every year in this country. The Energy and Commerce Committee has fine-tuned a balanced bill that strives to protect the consumer without unduly burdening industry.

The CPSC has several tools for regulating consumer products, whether they be bicycles or toasters. The agency is empowered to publish standards; to encourage voluntary standards by inudstry; to require the repair, replacement of an unsafe product or the giving of a refund; to conduct research on product safety; and to collect and disseminate injury and hazard data. These functions were valid when the agency was formed in 1973; they are valid today.

I am particularly pleased that the committee included my amendment to require the Commission to have public hearings on priorities each year. I believe that we must have clearly established avenues for public input, particularly in the area of consumer safety. After all, it is the consumer who is the most familiar with what is on the market. We should not rely on agency administration or the media to determine what actions the Commission will take or what products will receive the Commission's attention. Everyone's experience and knowledge is limited, and generally, the more views considered, the better the public policy.

The public hearing was encouraged by the Nation's pediatricians, people who see injuries daily in their offices—injuries from toys, minibikes, ATV's, home cleaning products, hot water heaters, you name it. They are in an ideal role to bring experienced views to the CPSC. In their testimony before our subcommittee on health, they descibed how priorities have been set in some years.

From the experience, we learned first, that priorities for regulatory action are based on political choices rather than scientific fact. Products causing the highest number of or the most severe injuries not necessarily given top priority. Second, large amounts of data collected by the CPSC and other government agencies are never put to proper use. Members of the CPSC have only a superficial insight into how the data generated by the National Electronic Injury Surveillance system can be used. Third, staff positions at the regulatory agencies are usually filled by lawyers concerned with judicial precedence, semantics of regulatory legislation, and the impact of commisson action on industry. Physicians or scientists interested in health or injury research are not an important part of these agencies.

I would like to direct the House's attention to the hazards of recliner chairs. After learning of several tragic accidents involving recliner chairs, Congressman BROYHILL and I met with CPSC officials to discuss their actions to make them safe. We had learned that when the movable footrests on many recliner chairs are activated and snapped shut with a little pressure, children have and can get caught in the closed mechanism. Eight deaths have been reported to the CPSC since 1973. We learned that the commission is working with the industry to develop a voluntary, industry wide safety guideline so that the chairs will be redesigned to be safe. I welcome this news and hope they can, as they indicated to us, have a guideline in place by April 1986. I am hopeful that this can go forward and that it will result in fewer needless injuries and deaths. I would like to share with my colleagues an article from the Washington Post describing one tragedy associated with these chairs.

I hope we can look forward to this bill becoming law soon.

[From the Washington Post, June 30, 1985]

GRIEVING FATHER KILLS COMATOSE DAUGHTER, 3

MIAMI.—A grief-stricken man whose 3-year-old daughter was left comatose by a freak accident last October sat quietly by her hospital crib for more than two hours, then drew a gun and shot her to death Friday night, Police said.

Charles Griffith, 25, was charged with first-degree murder in the death of his daughter Joy. The girl had suffered brain damage when her neck became wedged in the footrest of a reclining chair at their home.

"When his daughter had that accident, Charles . . . lost all interest in anything," coworker William Kelly said. "All he could do was go over there [to the hospital] every day to see his daughter."

Police spokesman James Hutton described the shooting as a mercy killing.

Joy never regained consciousness but was breathing on her own and was fed through stomach tubes, a hospital spokesman said.

Mr. FRENZEL. Mr. Chairman, the Consumer Product Safety Commission was created during a time when Congress tried to solve every problem with regulation or a Federal program. Congress, even if it meant layering and duplicating programs, made continuous unsuccessful efforts to indemnify every citizen from every possible adverse circumstance.

It has now become evident that overlap of regulation and program is not only expensive, but counterproductive. It has now become evident that the American people will not stand for continuing enormous deficits.

The CPSC has, in fact, become an anachronism. In competition with education, aid to the handicapped, defense of the country, and other more necessary expenses, it can no longer be justified. Sometime in the next few years, it will be repealed.

I believe we should repeal it sooner rather than later. I shall vote against the bill.

□ 1300

Mr. MADIGAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, we have no further requests for time, and we yield back the balance of our time.

The CHAIRMAN. All time for general debate having expired, pursuant to the rule, the bill will be considered under the 5-minute rule by titles, and each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE; REFERENCE TO ACT.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Product Safety Amendments of 1985".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act.

The CHAIRMAN. Are there amendments to section 1?

If there are no amendments to section 1, the Clerk will designate title I.

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent that the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the remainder of the bill is as follows:

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 101. AUTHORIZATIONS.

Section 32(a) (15 U.S.C. 2081(a)) is amended by striking out "and" at the end of paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu

thereof a semicolon, and by adding after paragraph (9) the following:

"(10) $37,000,000 for the fiscal year ending September 30, 1986;

"(11) $38,000,000 for the fiscal year ending September 30, 1987; and

"(12) $39,000,000 for the fiscal year ending September 30, 1988.".

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION

SEC. 201. COMMISSION EMPLOYEES.

Section 4(g)(2) (15 U.S.C. 2053(g)(2)) is amended to read as follows:

"(2) Subject to the availability of appropriations, the Commission shall employ on a permanent basis not fewer than the full-time equivalent of 568 officers and employees.".

TITLE III—GENERAL PROVISIONS RESPECTING COMMISSION ACTIVITIES

SEC. 301. CELLULOSE STANDARD.

(a) REPEAL.—Section 35 is repealed and no rule promulgated under such section shall have any force or effect on and after October 1, 1985.

(b) CONFORMING AMENDMENT.—Section 19(a) is amended by striking out paragraph (9) and by redesignating paragraph (10) as paragraph (9).

SEC. 302. SWIMMING POOL SLIDE RULE.

Effective October 1, 1985, the safety standard for swimming pool slides issued by the Consumer Product Safety Commission and published as part 1207 of title 16 of the Code of Federal Regulations shall be of no force and effect.

SEC. 303. CONGRESSIONAL REVIEW.

Section 36 (15 U.S.C. 2083) is amended to read as follows:

"CONGRESSIONAL REVIEW

"SEC. 36. (a) The Commission, after promulgating a final rule, shall submit such role to the Congress for review in accordance with this section. Such final rule shall be delivered to each House of the Congress on the same day and to each House of Congress while it is in session.

"(b) Any final rule of the Commission shall become effective in accordance with its terms unless before the end of the period of 90 days of continuous session of Congress after the date such final rule is submitted to the Congress a joint resolution disapproving such final rule is enacted into law.

"(c)(1) If a final of the Commission is disapproved in accordance with this section, the Commission may promulgate another final rule which relates to the same acts or practices as the rule which was disapproved. Such other final rule—

"(A) shall be based upon—

"(i) the rulemaking record of the disapproved final rule; or

"(ii) such rulemaking record and the record established in supplemental rulemaking proceedings; and

"(B) may contain such changes as the Commission considers necessary or appropriate. The Commission may conduct supplemental rulemaking proceedings in accordance with section 553 of title 5, United States Code, if the Commission determines that it is necessary to supplement the existing rulemaking record.

"(2) The Commission, after promulgating a final rule under this subsection, shall submit the final rule to Congress in accordance with subsection (a).

"(d) Congressional inaction on or disapproval of a joint resolution disapproving a final rule of the Commission shall not be construed—

"(1) as an expression of approval of such rule, or

"(2) as creating any presumption of validity with respect to such rule.

"(e)(1)(A) For purposes of subsection (b), continuity of session is broken only by an adjournment sine die at the end of the second regular session of a Congress.

"(B) The days on which either House of Congress is not in session because of an adjournment of more than five days to a date certain are excluded in the computation of the period specified in subsection (b).

"(2)(A) In any case in which a final rule of the Commission is prevented from becoming effective by an adjournment sine die at the end of the second regular session of the Congress before the expiration of the period specified in subsection (b), the Commission shall resubmit such rule at the beginning of the first regular session of the next Congress.

"(B) The period specified in subsection (b) shall begin on the date of a resubmission under paragraph (1).

"(f) For purposes of this section:

"(1) The term 'joint resolution' means a joint resolution the matter after the resolving clause of which is as follows: 'That the final rule promulgated by the Consumer Product Safety Commission dealing with the matter of , which final rule was submitted to Congress on is disapproved.', the first blank being filled with the subject of the rule and such further description as may be necessary to identify it, and the second blank being filled with the date of submittal of the rule to the Congress.

"(2) The term 'rule' means any rule promulgated by the Commission under section 7 or 8.".

TITLE IV—AMUSEMENT PARK RIDES

SEC. 401. DEFINITION.

(a) DEFINITION OF AMUSEMENT RIDE.—(1) Section 3(a)(1) (15 U.S.C. 2052(a)(1)) is amended by striking out the first two sentences following subparagraph (I).

(2) Section 3(a) is amended by adding at the end the following:

"(15) The term 'amusement ride' means any device which carries or conveys passengers along, around, or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement and which is customarily controlled or directed by an individual who is employed for that purpose and who is not a consumer with respect to such device. An amusement ride which is not permanently fixed to a site is a consumer product for purposes of this Act and an amusement ride which is permanently fixed to a site—

"(A) is not a consumer product for purposes of sections 7 and 8, and

"(B) is a consumer product for the remainder of the Act.

"(16) The term 'amusement ride operator' means the owner of an amusement ride.".

(b) CONFORMING AMENDMENT.—Section 3(a)(1)(I) is amended by striking out ". The term 'food', as used in this subparagraph means all 'food' ".

SEC. 402. PUBLIC DISCLOSURE OF INFORMATION.

Section 6(b) is amended—

(1) in the first sentence of paragraph (1) by striking out "a summary of the information" through the end of the sentence and inserting in lieu thereof the following: "a summary of the information to—

"(A) each manufacturer or private labeler of the consumer product, and

"(B) to each amusement ride operator who owns the amusement ride to which the information pertains, if the manner in which such consumer product or amusement ride is to be designated or described in such information will permit the public to ascertain readily the identity of such manufacturer, private labeler, or amusement ride operator and shall provide such manufacturer, private labeler, or amusement ride operator with a reasonable opportunity to submit comments to the Commission regarding such information."; and

(2) in the second and third sentences of paragraph (1) and in paragraphs (2) and (3), by striking out "or private labeler" each place it occurs and inserting in lieu thereof ", private labeler, or amusement ride operator".

SEC. 403. NOTIFICATION AND REMEDIES.

(a) NOTIFICATION OF COMMISSION.—Section 15(b) (15 U.S.C. 2064(b)) is amended by inserting "(1)" after "(b)", by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by adding at the end the following:

"(2) Each amusement ride operator who obtains information which indicates a death or serious injury occurred on an amusement ride the operator owns and which reasonably supports the conclusion that the amusement ride contains a defect which could create a substantial product hazard described in subsection (a)(2) shall immediately inform the Commission of such defect unless the operator has actual knowledge that the Commission has been adequately informed of such defect.".

(b) REPAIR, REPLACEMENT, REFUND.—Section 15(d) of such Act is amended—

(1) by inserting after "of such product" in the first sentence the following: "or the amusement ride operator if the product is an amusement ride"; and

(2) by inserting before ", or from doing" in the last sentence the following: ", from operating an amusement ride if the product involved in an amusement ride".

SEC. 404. INSPECTION.

Section 16(a) (15 U.S.C. 2065(a)) is amended by striking out "and" at the end paragraph (1), by striking out the period before the last sentence in paragraph (2) and inserting in lieu thereof "; and", by striking out the last sentence, and by adding after paragraph (2) the following:

"(3) to inspect, at reasonable times and in a reasonable manner—

"(A) amusement rides which are not permanently fixed to a site, and

"(B) amusement rides which are permanently fixed to a site if the State in which the ride is located does not have a law or regulation in effect which requires periodic inspections for safety and authorizes regulatory action for safety reasons or if the ride was of the type involved in a fatality or a personal injury requiring hospitalization.

Each such inspection shall be commenced and completed with reasonable promptness.".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 6, insert after line 17 the following:

SEC. 304. PRIORITIES.

(a) AMENDMENT.—Section 4 is amended by adding at the end the following:

"(j) At least 30 days before the beginning of each fiscal year the Commission shall establish an agenda for Commission actions

under the Acts under its jurisdiction and, to the extent feasible, shall establish priorities for such actions. Before establishing such agenda and priorities the Commission shall conduct a public hearing on the agenda and priorities and shall provide reasonable opportunity for the submission of comments.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal years which begin more than 180 days after the date of the enactment of this Act.

Mr. WAXMAN (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAXMAN: Page 2, strike out lines 12 through 22 and insert in lieu thereof the following:

Section 32(a) (15 U.S.C. 2081(a)) is amended by striking out "and" at the end of paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and", and by adding after paragraph (9) the following:

"(10) $38,000,000 for fiscal year 1987.".

Page 11, add after line 2 the following:

TITLE V—STUDY

SEC. 501. GAO STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the capability of the Consumer Product Safety Commission to effectively carry out its functions under the Consumer Product Safety Act, the Federal Hazardous Substances Act, and the Flammable Fabrics Act as an independent collegial agency. In making such study, the Comptroller General shall—

(1) take into account personnel and funding levels for the Consumer Product Safety Commission and proposed budget levels for the Commission, and

(2) consider if the Commission's functions could more effectively be carried out—

(A) by an agency which was part of the Executive Branch,

(B) by an agency established within the Department of Health and Human Services, or

(C) by an agency located in the existing organization of the Department of Health and Human Services.

(b) REPORT.—The Comptroller General shall report the results of the study conducted under subsection (a) not later than January 1, 1987, to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

Mr. WAXMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Chairman, when this legislation was first reported by the committee it was before Gramm-Rudman.

I think everyone will agree that Gramm-Rudman causes us to look at Federal programs with new scrutiny. In the case of CPSC it causes us to recognize that because of the funding and staffing cuts experienced over the past 5 years, it may no longer be appropriate to continue its current structure.

Mr. Chairman, this bill reflects the budget realities now imposed upon us by Gramm-Rudman. In light of Gramm-Rudman, a 3-year authorization with even modest funding increases for the Consumer Product Safety Commission no longer makes sense. Accordingly, I have introduced an amendment to reduce the agency's authorization to fiscal year 1987.

Mr. Chairman, under Gramm-Rudman I worry about the ability of the agency to function in its current form. We are concerned about the effects of Gramm-Rudman on the continued operation of this agency as an independent regulatory agency. As this agency's staff and funding shrink, does it makes sense to continue to structure with five commissioners paid $70,000 a year? Before too long, it appears that we're going to have more people giving orders than taking them. It seems as though a reassessment is in order. Accordingly, my amendment directs GAO to conduct a study of what the structure of the CPSC ought to be in light of current budget realities.

Today fiscal prudence—fiscal realities—may dictate the need for fundamental changes in the way our consumer product safety laws are administered. The amendment will direct the General Accounting Office to conduct a thorough study of whether this agency could be more efficiently managed as an executive branch agency or as part of the Department of Health and Human Services.

I urge support for the amendment.

We urge your support for this amendment and for passage of H.R. 3456.

Mr. MADIGAN. Mr. Chairman, I rise to speak perhaps against the amendment, since we were not favored with a copy of it. We do not know what we have got here.

If I might have the attention of the distinguished chairman of the subcommittee with whom we are always anxious to cooperate; because we are not favored with a copy of the amendment, that because the gentleman in his remarks did not mention any specific amounts of money, I am at a loss to know what we are doing.

Mr. WAXMAN. If the gentleman will yield to me, Mr. Chairman, I regret there is some misunderstanding. This amendment was shared with the minority.

My amendment would, in terms of funding levels, keep the level as the subcommittee recommended; however, we would reduce the authorization period to 1 year rather than 3 years. The amendment also sets in motion a study by the GAO, and the GAO study would then give us a recommendation as to the structure of the CPSC; what they think would be appropriate, given the fact that levels would be troublesome in the future for funding an independent agency; but we make no judgment on that, we ask for a study.

I would hope that the gentleman could support this amendment.

Mr. MADIGAN. If I may reclaim my time and continue to have the attention of the distinguished gentleman from California, do I understand that this amendment will authorize the continued existence of the CPSC for only 1 year and that the amount of money authorized for the CPSC for that 1 year, fiscal 1987, would be an amount equal to the current appropriation for CPSC?

Mr. MORRISON of Connecticut. Will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman.

Mr. MORRISON of Connecticut. The gentleman from California, the chairman of the committee [Mr. WAXMAN], has offered an amendment to which the gentleman from California [Mr. BATES] and I will offer an amendment to lower the 1987 authorization amount from what was originally in the bill, as reported, $38 million to the 1986 appropriation level, which is $36 million in order to accomplish what the gentleman has suggested. That is, a freeze of the spending level at the 1986 appropriation level.

Mr. MADIGAN. That is a very good scenario, and in the future, we would certainly be very pleased to know what is being planned.

Mr. NIELSON of Utah. Will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman.

Mr. NIELSON of Utah. Mr. Chairman, this was discussed with me and I think Mr. BROYHILL, a member of the Committee on Energy and Commerce, but probably was not discussed with the gentleman.

I speak in favor of the amendment.

Mr. MADIGAN. Which amendment are you speaking in favor of?

Mr. NIELSON of Utah. The Waxman amendment, and also the Bates amendment thereto.

Mr. MADIGAN. Mr. Chairman, since we are now discussing an amendment that has been offered and an amend-

ment that has not been offered, I am going to reserve the balance of my time until all of these amendments are pending before us.

AMENDMENT OFFERED BY MR. BATES TO THE AMENDMENT OFFERED BY MR. WAXMAN

Mr. BATES. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BATES to the amendment offered by Mr. WAXMAN: In the proposed paragraph (10) of section 32(a) of the Consumer Product Safety Act strike out "$38,000,000" and insert in lieu thereof "$36,000,000".

Mr. BATES. Mr. Chairman, I would simply state what has already been stated by the chairman. This is an attempt to reach a freeze level that we can live with and still function effectively in the consumer protection area. Mr. MORRISON will be offering the amendment with me.

I yield to the gentleman from Connecticut at this time to explain the amendment.

Mr. MORRISON of Connecticut. Mr. Chairman, I thank the gentleman from California [Mr. BATES] for offering this amendment. This is the first authorization bill to come to the floor during this session of the 99th Congress, and as such, it seems very important that while authorizations do not determine the minimum that will be appropriated, they do determine the maximum that will be appropriated.

As in the last session of the Congress, I think it is important that the House go on record immediately, saying that we understand the constraints of Gramm-Rudman and the constraints of Federal spending; while there are going to be many more difficult decisions to be made and while this agency certainly could use more money as the committee initially suggested, that to do the job of dealing with the Federal deficit we have to be willing to do things like freezing our expenditures across the board as a first step to getting at the deficit, as the first step of complying with the various targets that the Congress has adopted.

It is for this reason that this amendment is not by any means going to be the last of amendments to do in the authorization process, as was done last year, and I think the House effectively last year sent a message to the Budget Committee about its objectives with respect to spending.

□ 1310

So I am pleased that the gentleman from California has offered this amendment. I think that we are making an important statement with it, that the spending level of $36 million is something that the agency can live with. It is not pleasant news for anyone that we have to be frozen, but without freezes of this sort we would not be able to do the job.

So I very much commend the gentleman and support his amendment and hope the House will adopt it.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield to the chairman of the subcommittee, the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding.

Mr. Chairman, I am not pleased with the freeze amendment. We are talking here about an agency that has been cut quite severely over the last several years. There is a serious question in my mind whether it is worth fighting to keep this agency alive because it really has such inadequate resources to do its job. Therefore, the idea of freezing it, as if that makes some kind of sense, bothers me. I accept the reality, however, that the Members of Congress have consistently voted to freeze the funding at the previous year's level.

So I will not fight the amendment. But I do want to express my unhappiness with the idea of a freeze even though I recognize it as a measure that is likely supported by a majority of the Members of the House. I want to express my views on it, but I will not oppose the amendment.

Mr. BATES. I thank the gentleman.

I think none of us look forward to the freezes that will be in order on a number of programs. I think that they will apply on other programs as well and that we have to take this action today.

I commend Mr. MORRISON for assisting and also the chairman for his concern about this Commission.

AMENDMENT OFFERED BY MR. DANNEMEYER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. WAXMAN

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER as a substitute for the amendment offered by Mr. WAXMAN: Page 2, strike out lines 17 through 22 and insert in lieu thereof the following:

"(10) $33,000,000 for fiscal year 1986;
"(11) $33,000,000 for fiscal year 1987; and
"(12) $33,000,000 for fiscal year 1988.".

Mr. DANNEMEYER. I thank the Chairman.

This amendment in the nature of a substitute will authorize the sum of $33 million for fiscal years 1986, 1987, and 1988. It is the amount that the administration requests in the budget for 1987 and 1988 so as to achieve compliance with the Gramm-Rudman figures.

I believe that this body should weigh very seriously whether or not we are going to authorize for any program going through this second year of the 99th Congress an authorization level that is in excess of the figure that has been asked by the administration. We are all aware of the strictures of complying with deficit reduction, and I think it is appropriate when we deal with authorization figures item by item and bill by bill that we practice what we preach.

If we say we are going to comply with the deficit reduction mandate that Gramm-Rudman says we must follow, then here is an example and a chance for us to give life to that statement, that we are willing to live with the reduction of the deficit as is provided in that landmark legislation.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Dannemeyer substitute.

Mr. Chairman, this amendment has been offered as a substitute. It would first of all strike out the study which we asked for in our amendment to look at the future structure of the Consumer Product Safety Commission. This is a proposal, by the way, which I have offered and have concurrence in by the ranking Republican member of the Commerce Committee, the gentleman from North Carolina [Mr. BROYHILL].

Both of us in our conversation yesterday agreed that it would be wise to have this study. We ought to see what the future for this agency should be and whether it ought to be an independent agency with all these commissioners and their staffs receiving fat salaries, or whether in the time of limited resources, we perhaps ought to return it to the Department of Health and Human Services and there have more staff resources available to do the work than would be the case if it were a commission. We are not prejudging the issue. We think there ought to be the study. The Dannemeyer amendment eliminates the study. The Dannemeyer amendment further cuts the authorization for the Consumer Product Safety Commission below a freeze level; it cuts it even below what the level would be after Gramm-Rudman cuts for 1986. It implements deep cuts in the Consumer Product Safety Commission. I think that is most inappropriate. I think it would be more appropriate to abolish the agency. If we are not going to fund it, if we are going to prejudge it, if we give it so little funding, we ought to abolish it. But we ought not to cut so deeply.

We have before us a freeze of the funding at the 1986 level for one more year, and then we will look at the whole thing after that. Let us defeat the substitute and go with what I think is a reasonable, responsible proposal and one that I must say I am even reluctant to find as desirable but, nevertheless, accept as inevitable.

So, Mr. Chairman, I would hope we would defeat the Dannemeyer substitute.

Mr. MORRISON of Connecticut. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak in opposition to the substitute and make clear that there is a real choice here between a freeze amendment on this authorization and an attempt to cut it more deeply and, in particular, an attempt to lower it to the level in the President's budget which was just released yesterday. I do not think the House is prepared to adopt the President's budget as the guideline for what we will do during fiscal year 1987. I think we should certainly be considering the President's budget, and we need to go through it item by item. But the notion that in the authorization process we are now prepared to set the precedent and to set the standard that those numbers that the President issued yesterday are the guidelines and standard by which the budget process in the House this year is to be guided is great folly.

There will be opportunities down the road for lower levels to be selected if appropriate. I doubt they will be appropriate with respect to this agency, but in any case authorization is the first step, not the last step, in the process. You could argue that that means even the freeze approach on the authorization is a bit draconian. But it is necessary because I think no one realistically believes that an increase is available for this agency for 1987. But certainly to start the process with a decision, an unexamined decision for a cut, to adopt blindly the President's budget without further study and in fact to add an additional cut beyond what the committee itself on a bipartisan basis reported to the floor, would certainly be excessive.

It seems to me that these budget times are difficult and restraint is required, but certainly blind acceptance of the numbers in the President's budget of yesterday is not the way in which this House is going to come to a fair and equitable resolution of a very serious deficit crisis.

I hope that the House will see the distinction between these two possibilities, will reject the Dannemeyer substitute and in fact adopt the amendment which Mr. BATES of California has offered to the amendment of the gentleman from California, the chairman of the committee, to freeze the level of spending for this agency in 1987 at the level that this Congress has already agreed was appropriate for fiscal year 1986.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BATES], to the amendment offered by the gentleman from California [Mr. WAXMAN].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DANNEMEYER] as a substitute for the amendment offered by the gentleman from California [Mr. WAXMAN], as amended.

The question was taken; and on a division (demanded by Mr. DANNEMEYER) there were—ayes 5, noes 6.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 200, not voting 45, as follows:

[Roll No. 21]

AYES—189

Applegate	Hamilton	Ray
Archer	Hammerschmidt	Regula
Armey	Hansen	Ridge
Badham	Hartnett	Ritter
Barnard	Hendon	Roberts
Bartlett	Hiler	Robinson
Barton	Hillis	Roemer
Bateman	Holt	Rogers
Bennett	Hopkins	Rose
Bentley	Hubbard	Roth
Bilirakis	Hunter	Rowland (CT)
Bliley	Hyde	Rowland (GA)
Boehlert	Ireland	Rudd
Boner (TN)	Jeffords	Saxton
Boulter	Jenkins	Schaefer
Broomfield	Johnson	Schuette
Brown (CO)	Kasich	Schulze
Broyhill	Kramer	Sensenbrenner
Burton (IN)	Lagomarsino	Shaw
Callahan	Leach (IA)	Shumway
Campbell	Leath (TX)	Shuster
Carney	Lent	Skeen
Chandler	Lewis (FL)	Skelton
Chappell	Lightfoot	Slaughter
Cheney	Lloyd	Smith, Denny (OR)
Clinger	Lott	Smith, Robert (NH)
Coats	Lowery (CA)	Smith, Robert (OR)
Cobey	Lujan	Snowe
Coble	Lungren	Snyder
Coleman (MO)	Mack	Solomon
Combest	Madigan	Spence
Coughlin	Marlenee	Stallings
Courter	Martin (IL)	Stangeland
Craig	Martin (NY)	Stenholm
Crane	McCain	Strang
Daniel	McCandless	Stump
Dannemeyer	McCollum	Sundquist
Darden	McDade	Sweeney
Daub	McEwen	Swindall
Davis	McGrath	Tallon
DeLay	McKernan	Tauke
DeWine	McMillan	Taylor
Dickinson	Michel	Thomas (CA)
DioGuardi	Miller (OH)	Thomas (GA)
Dornan (CA)	Miller (WA)	Valentine
Dreier	Molinari	Vander Jagt
Duncan	Mollohan	Volkmer
Dyson	Monson	Vucanovich
Eckert (NY)	Montgomery	Walker
Edwards (OK)	Moorhead	Watkins
Emerson	Morrison (WA)	Weber
Erdreich	Myers	Whitehurst
Evans (IA)	Nichols	Whitley
Fawell	Nielson	Whittaker
Fields	Oxley	Wilson
Flippo	Packard	Wolf
Frenzel	Parris	Wortley
Gallo	Pashayan	Wylie
Gekas	Penny	Young (AK)
Gingrich	Petri	Young (FL)
Goodling	Pickle	Zschau
Gradison	Porter	
Gregg	Pursell	
Gunderson	Quillen	

NOES—200

Ackerman	Andrews	AuCoin
Addabbo	Annunzio	Barnes
Akaka	Anthony	Bates
Alexander	Aspin	Bedell
Anderson	Atkins	Beilenson
Bereuter	Guarini	Nowak
Berman	Hall (OH)	Oakar
Biaggi	Hall, Ralph	Oberstar
Boggs	Hatcher	Obey
Boland	Hawkins	Olin
Bonior (MI)	Hayes	Ortiz
Borski	Hefner	Owens
Boucher	Heftel	Panetta
Boxer	Henry	Pease
Breaux	Hertel	Pepper
Brooks	Howard	Perkins
Brown (CA)	Hoyer	Price
Bruce	Huckaby	Rahall
Bustamante	Hughes	Rangel
Byron	Jacobs	Reid
Carper	Jones (NC)	Richardson
Carr	Jones (OK)	Rinaldo
Chapman	Jones (TN)	Rodino
Clay	Kanjorski	Roe
Coelho	Kaptur	Roybal
Coleman (TX)	Kastenmeier	Russo
Conte	Kennelly	Sabo
Conyers	Kildee	Savage
Cooper	Kleczka	Scheuer
Coyne	Kolter	Schneider
Daschle	Kostmayer	Schroeder
de la Garza	LaFalce	Schumer
Dellums	Lantos	Seiberling
Derrick	Lehman (CA)	Sharp
Dicks	Lehman (FL)	Shelby
Dixon	Levin (MI)	Sikorski
Donnelly	Levine (CA)	Sisisky
Dorgan (ND)	Lipinski	Slattery
Dowdy	Long	Smith (FL)
Downey	Lowry (WA)	Smith (IA)
Durbin	Luken	Smith (NJ)
Dymally	Lundine	Solarz
Eckart (OH)	MacKay	Spratt
Edwards (CA)	Manton	Staggers
English	Markey	Stokes
Evans (IL)	Martinez	Studds
Fascell	Matsui	Swift
Fazio	Mavroules	Synar
Feighan	Mazzoli	Tauzin
Fish	McCloskey	Towns
Florio	McCurdy	Traficant
Foglietta	McHugh	Traxler
Foley	McKinney	Udall
Ford (MI)	Meyers	Vento
Ford (TN)	Mica	Visclosky
Frank	Mikulski	Waxman
Frost	Miller (CA)	Weiss
Garcia	Mineta	Wheat
Gaydos	Mitchell	Whitten
Gejdenson	Moakley	Williams
Gibbons	Moody	Wirth
Gilman	Morrison (CT)	Wright
Glickman	Mrazek	Wyden
Gonzalez	Murphy	Yates
Gordon	Natcher	Yatron
Gray (IL)	Neal	Young (MO)
Green	Nelson	

NOT VOTING—45

Bevill	Fuqua	Murtha
Bonker	Gephardt	O'Brien
Bosco	Gray (PA)	Rostenkowski
Bryant	Grotberg	Roukema
Burton (CA)	Horton	Siljander
Chappie	Hutto	Smith (NE)
Collins	Kemp	St Germain
Crockett	Kindness	Stark
Dingell	Kolbe	Stratton
Dwyer	Latta	Torres
Early	Leland	Torricelli
Edgar	Lewis (CA)	Walgren
Fiedler	Livingston	Weaver
Fowler	Loeffler	Wise
Franklin	Moore	Wolpe

□ 1335

The Clerk announced the following pairs:

On this vote:

Mr. Kemp for, with Mr. Bonker against.

Mr. Franklin for, with Mr. Leland against.

Mr. O'Brien for, with Mr. Torricelli against.

Mr. SPRATT changed his vote from "aye" to "no."

Messrs. McKERNAN, RAY, and VOLKMER changed their votes from "no" to "aye."

So the amendment offered as a substitute for the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. WAXMAN], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MORRISON of Connecticut. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 385, noes 2, not voting 47, as follows:

[Roll No. 22]

AYES—385

Ackerman	Combest	Gejdenson
Addabbo	Conte	Gekas
Akaka	Conyers	Gibbons
Alexander	Cooper	Gilman
Anderson	Coughlin	Gingrich
Andrews	Courter	Glickman
Annunzio	Coyne	Goodling
Anthony	Craig	Gordon
Applegate	Crane	Gradison
Archer	Crockett	Gray (IL)
Armey	Daniel	Gray (PA)
Aspin	Dannemeyer	Green
Atkins	Darden	Gregg
AuCoin	Daschle	Guarini
Badham	Daub	Gunderson
Barnes	Davis	Hall (OH)
Bartlett	de la Garza	Hall, Ralph
Barton	DeLay	Hamilton
Bateman	Dellums	Hammerschmidt
Bates	Derrick	Hansen
Bedell	DeWine	Hartnett
Beilenson	Dickinson	Hatcher
Bennett	Dicks	Hawkins
Bentley	DioGuardi	Hayes
Bereuter	Dixon	Hefner
Berman	Donnelly	Heftel
Biaggi	Dorgan (ND)	Henry
Bliley	Dornan (CA)	Hertel
Boehlert	Dowdy	Hiler
Boggs	Downey	Hillis
Boland	Dreier	Holt
Boner (TN)	Duncan	Hopkins
Bonior (MI)	Durbin	Howard
Bonker	Dymally	Hoyer
Borski	Dyson	Hubbard
Boulter	Eckart (OH)	Huckaby
Boxer	Eckert (NY)	Hughes
Brooks	Edwards (CA)	Hunter
Broomfield	Edwards (OK)	Hyde
Brown (CA)	Emerson	Ireland
Brown (CO)	English	Jacobs
Broyhill	Erdreich	Jeffords
Bruce	Evans (IA)	Jenkins
Burton (IN)	Evans (IL)	Johnson
Bustamante	Fascell	Jones (NC)
Byron	Fawell	Jones (OK)
Callahan	Fazio	Jones (TN)
Campbell	Feighan	Kanjorski
Carney	Fields	Kaptur
Carper	Fish	Kasich
Carr	Flippo	Kastenmeier
Chandler	Florio	Kennelly
Chapman	Foglietta	Kildee
Chappell	Foley	Kindness
Cheney	Ford (MI)	Kleczka
Clay	Ford (TN)	Kolter
Coats	Frank	Kostmayer
Cobey	Frenzel	Kramer
Coble	Frost	LaFalce
Coelho	Gallo	Lagomarsino
Coleman (MO)	Garcia	Lantos
Coleman (TX)	Gaydos	Leach (IA)
Leath (TX)	Oakar	Smith, Robert (NH)
Lehman (CA)	Oberstar	Smith, Robert (OR)
Lehman (FL)	Obey	Snowe
Lent	Olin	Snyder
Levin (MI)	Ortiz	Solarz
Levine (CA)	Owens	Solomon
Lewis (FL)	Oxley	Spence
Lightfoot	Packard	Spratt
Lipinski	Panetta	Staggers
Lloyd	Parris	Stallings
Lott	Pashayan	Stangeland
Lowery (CA)	Pease	Stenholm
Lowry (WA)	Penny	Stokes
Lujan	Pepper	Strang
Luken	Petri	Studds
Lundine	Pickle	Stump
Lungren	Porter	Sundquist
Mack	Price	Sweeney
MacKay	Quillen	Swift
Madigan	Rahall	Swindall
Manton	Rangel	Synar
Markey	Ray	Tallon
Marlenee	Regula	Tauke
Martin (IL)	Reid	Tauzin
Martin (NY)	Richardson	Taylor
Martinez	Ridge	Thomas (CA)
Matsui	Rinaldo	Thomas (GA)
Mavroules	Ritter	Towns
Mazzoli	Roberts	Traficant
McCain	Robinson	Traxler
McCandless	Rodino	Udall
McCloskey	Roe	Valentine
McCollum	Roemer	Vander Jagt
McCurdy	Rogers	Vento
McDade	Rose	Visclosky
McEwen	Roth	Volkmer
McGrath	Rowland (CT)	Vucanovich
McHugh	Rowland (GA)	Walker
McKernan	Roybal	Watkins
McKinney	Rudd	Waxman
McMillan	Russo	Weber
Meyers	Sabo	Weiss
Mica	Savage	Wheat
Michel	Saxton	Whitehurst
Mikulski	Schaefer	Whitley
Miller (CA)	Scheuer	Whittaker
Miller (OH)	Schneider	Whitten
Miller (WA)	Schroeder	Williams
Mineta	Schuette	Wilson
Mitchell	Schulze	Wirth
Moakley	Schumer	Wise
Molinari	Seiberling	Wolf
Mollohan	Sensenbrenner	Wolpe
Monson	Sharp	Wortley
Montgomery	Shaw	Wright
Moody	Shelby	Wyden
Moorhead	Shumway	Wylie
Morrison (CT)	Shuster	Yates
Morrison (WA)	Sikorski	Yatron
Mrazek	Sisisky	Young (AK)
Murphy	Skeen	Young (FL)
Myers	Skelton	Young (MO)
Natcher	Slattery	Zschau
Neal	Slaughter	
Nelson	Smith (FL)	
Nichols	Smith (IA)	
Nielson	Smith (NJ)	
Nowak	Smith, Denny (OR)	

NOES—2

Gonzalez	Perkins

NOT VOTING—47

Barnard	Fowler	Moore
Bevill	Franklin	Murtha
Bilirakis	Fuqua	O'Brien
Bosco	Gephardt	Pursell
Boucher	Grotberg	Rostenkowski
Breaux	Hendon	Roukema
Bryant	Horton	Siljander
Burton (CA)	Hutto	Smith (NE)
Chappie	Kemp	St Germain
Clinger	Kolbe	Stark
Collins	Latta	Stratton
Dingell	Leland	Torres
Dwyer	Lewis (CA)	Torricelli
Early	Livingston	Walgren
Edgar	Loeffler	Weaver
Fiedler	Long	

□ 1350

Mr. MOODY and Mr. DORNAN of California changed their votes from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MOAKLEY

Mr. MOAKLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOAKLEY: Page 7, insert after line 7 the following:

SEC. 305. TECHNICAL.

Section 5 of the Cigarette Safety Act of 1984 is amended by striking out "thirty months" and inserting in lieu thereof "thirty-six months".

Mr. MOAKLEY. Mr. Chairman, the amendment is a noncontroversial, technical amendment to extend for 6 months the deadline for a final report on the so-called fire-safe cigarettes, which is currently being undertaken by the Consumer Product Safety Commission and other agencies.

I have informed both sides of the aisle on this matter. There seems to be no controversy, and I understand that the majority and the minority are willing to accept the amendment.

This amendment is necessary because there was a 6-month lag between the time the Cigarette Safety Act was originally passed and the point at which funding for the research was approved by Congress. This study is under a very strict timetable, and without extension, some of the issues, mandated by the enacting legislation, cannot be addressed. This amendment would change the date from April 1, 1987, to October 1, 1987.

The technical study group created by the Cigarette Safety Act requested in its October 1985 status report to Congress that the deadline for the submission of the final report be extended. The problem the technical study group now faces is that the major study on determining the ignition propensity of cigarettes and little cigars won't be complete until the end of 1986. The followup studies on health and economic consequences cannot begin until after the data from the ignition propensity study is complete.

The reason this problem occurred has to do with the timing of passage of the original legislation. As originally planned, we would have passed the authorizing bill before the fiscal year 1985 HUD-independent agencies appropriation was passed. Because of some minor disagreements with the Senate, we missed that deadline and had to wait until the fiscal year k1985 supplemental passed last summer.

This amendment will have no effect on the budget.

This amendment is supported by all of the relevant parties: The interagency committee, the technical study group, the furniture and tobacco manufacturers, the fire service, and the public health groups.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MOAKLEY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: Page 7, beginning in line 8, amend title IV to read as follows:

TITLE IV—AMUSEMENT PARK RIDES

SEC. 401. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a National Commission on Amusement Ride Safety (hereafter referred to as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of five members as follows:

(1) The Director of the National Bureau of Standards, who shall be chairman of the Commission.

(2) The Chairman of the Consumer Product Safety Commission (or his designee), who shall be vice chairman of the Commission.

(3) Three members to be appointed by the President as follows:

(A) One from among State officials who administer State amusement ride safety inspection programs.

(B) One from among professionals in the amusement ride industry who have education, training, or experience in amusement ride safety matters.

(C) One from among persons who represent consumers.

(c) VACANCIES.—Any vacancy in the Commission shall not affect its powers.

(d) QUORUM.—Three members of the Commission shall constitute a quorum.

SEC. 402. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—

(1) The Commission shall conduct a comprehensive investigation of the scope and adequacy of safety measures employed to protect the public from unreasonable risks of injury from amusement rides. Such investigation shall include a review of—

(A) Federal, State, and local laws regulating the amusement ride industry;

(B) existing voluntary comprehensive ride safety standards; and

(C) self-regulation mechanisms within such industry.

(2) Such investigation shall determine for each law, standard, and self-regulation mechanism reviewed under subparagraphs (A) through (C) of paragraph (1)—

(A) the scope of its coverage;

(B) the effectiveness of any available sanctions or enforcement mechanisms; and

(C) the adequacy of powers to investigate violations.

In addition, the investigation shall determine the uniformity of application and quality of enforcement of the laws, standards, and self-enforcement mechanisms so reviewed.

(b) PUBLICATION.—As soon as practicable after the date of enactment of this title, the Commission shall publish in the Federal Register an announcement of the investigation described in subsection (a) and shall afford an opportunity for any interested persons to submit views on the subject of the investigation.

(c) REPORTS.—The Commission may transmit to the President and to the Congress such interim reports as it deems advisable and shall transmit its final report to the President and to the Congress not later than 18 months from the date of the enactment of this title. The final report shall contain a detailed statement of the findings and conclusions of the Commission with respect to the adequacy of existing amusement ride safety standards and regulations together with such recommendations for legislative, administrative or other action as it deems appropriate.

SEC. 403. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may, for the purpose of carrying out this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it. In holdng such hearings, the Commission, upon a vote of a quorum of its members, may—

(1) order any corporation, business, or individual to submit, within a reasonable period, such reports or answers to questions as the Commission may request in such form and such manner as the Commission may prescribe;

(2) require by subpoena the attendance and testimony of witnesses and the production of any evidence relevant to the execution of its duties; and

(3) order any person to give testimony by deposition to any person designated by the Commission to administer oaths and to take such deposition.

(b) PUBLICATION.—The Commission shall publish notice of any proposed hearing in the Federal Register and shall afford a reasonable opportunity for interested persons to present relevant testimony and data.

(c) SUBPOENAS.—

(1) If a person issued a subpoena under subsection (a)(2) refuses to obey such subpoena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application of the Commission) order such person to appear before the Commission to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(2) The subpoenas of the Commission shall be served in the manner provided for subpoenas by a district court of the United States under the Federal Rules of Civil Procedure for the United States district courts.

(d) WITNESSES.—The Commission may pay witnesses the same fees and travel expenses as are paid in like circumstances in the courts of the United States.

(e) INFORMATION.—The Commission may request from any department, agency, or independent instrumentality of the Government any information it deems necessary to carry out its functions under this title; and each such department, agency, or independent instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission.

(f) DELEGATION.—The Commission may delegate any of its functions to individual members of the Commission.

SEC. 404. COMPENSATION OF MEMBERS; REIMBURSEMENT FOR TRAVEL EXPENSES.

(a) IN GENERAL.—Members of the Commission shall serve without compensation.

(b) TRAVEL.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

SEC. 405. ADMINISTRATION.

(a) STAFF DIRECTOR.—The Commission may appoint and fix the compensation of a staff director who shall be paid an amount not to exceed the minimum rate of basic pay payable for level GS-15 of the General Schedule.

(b) OTHER PERSONNEL.—The head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out its duties under this title.

(c) TERMINATION.—The Commission shall cease to exist upon submitting the final report required under section 402(c).

SEC. 406. INVESTIGATION OF CERTAIN ACCIDENTS.

(a) IN GENERAL.—The National Bureau of Standards of the Department of Commerce may investigate any accident involving an amusement ride at a fixed site amusement park if—

(1) such accident caused death or serious personal injury or could have caused death or serious personal injury;

(2) an appropriate authority of State or local government requests, in writing, that the Secretary of Commerce conduct such investigation; and

(3) the Secretary of Commerce makes a determination to conduct such an investigation.

(b) ACCIDENT REPORT.—Upon conclusion of such an investigation, the National Bureau of Standards shall issue a final accident report containing its findings, conclusions, and recommendations. Such report shall include—

(1) findings of the causes of the accident, including a scientific and technological examination of the material, physical, and chemical conditions that contributed to the accident;

(2) recommendations for actions or procedures which could have prevented the accident; and

(3) recommendations for actions or procedures to prevent similar accidents.

(c) REPORT COPIES.—The National Bureau of Standards shall transmit a copy of any such report to—

(1) the authority of State or local government which requested such investigation; and

(2) any other appropriate person or organization, as determined by the Secretary of Commerce.

(d) CONSTRUCTION.—(1) Nothing in this section shall be construed to limit or affect any existing authority of the Secretary of Commerce.

(2) The provisions of section 8 of the National Bureau of Standards Authorization Act for Fiscal Year 1983 (15 U.S.C. 275b) shall not apply to any service performed pursuant to this section.

(e) TERMINATION.—The authority under this section shall terminate six months after the date the Commission files its final report under section 402(c).

Mr. DANNEMEYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANNEMEYER. Mr. Chairman, I am pleased to say that this amendment is being offered on behalf of my colleague, Mr. BONER from Tennessee, and my colleague, Mr. HYDE from Illinois. A "Dear Colleague" has been distributed to all the Members. I think the House is reasonably familiar with the issue that we are now considering here in the Committee.

Specifically, do we extend the jurisdiction of the CPSC to fixed-site amusement parks in America? In the form of the bill before us, we answer that "yes." In any State that does not have on its books a law providing for inspection of fixed-site amusement parks, and in those cases where an accident takes place, an inspector from a Federal agency will go out into the field and inspect.

□ 1400

The amendment that is now before the committee will strike that provision of the bill and in place of its extending Federal jurisdiction over fixed-site amusement parks will establish an 18-month study by the various elements of the industry so that we can obtain the benefit of their thinking on whether or not we should extend, if public safety requires, the jurisdiction of the Consumer Product Safety Commission to fixed-site amusement parks.

I would like to point out to my colleagues that not every State in the Union has an inspection service in place for fixed-site amusement parks in their jurisdictions. About half of them technically do, but that is a little deceptive because of all of the fixed-site parks in the country, 86 percent are covered by State laws providing for inspection. I am told at this time that there are 12 more States that have provisions in their law which would extend or provide for inspection of fixed-site amusement parks.

I believe that the purposes of public safety can certainly be served by adopting this amendment, and it is clear that if the bill in this form, without the amendment, is passed, it is going to cost in the view of the Congressional Budget Office at least $2½ million of the resources of the CPSC to extend this jurisdiction.

One of the ironies of this whole process is that the people who run the Consumer Product Safety Commission do not want the jurisdiction extended to fixed-site amusement parks, so you can really ask from whom is the pressure coming to extend this jurisdiction? And I am not sure I can answer that. I am not sure anybody can answer that, except in the nature of things we have this bill before us that seeks to extend jurisdiction. So when the Commissioners of the Commission itself say they do not want it, they do not have the staff for it, they do not have the funding for it, a good question arises: What in the name of reason would justify Congress in extending jurisdiction to an agency that they say they do not need or they do not want? And for those reasons I think this amendment should be adopted.

Mr. WYDEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first of all it seems to me that this is an issue that does not warrant further study, it warrants action, and very specifically because the Congress did act last year. The provision that is before us now is even more restrictive than the proposal that passed the House by an overwhelming vote.

The issue is very clear, Mr. Chairman. In 1981 the amusement park industry pushed hard to repeal the agency's authority over amusement park rides. Until 1981 the agency had exercised jurisdiction in this area, and the industry had complied with the statutory obligation. The issue is not whether CPSC has the authority over the safety of amusement rides. They already have the authority over amusement rides traveling in circuses and fairs. What is at issue is whether Federal safety protections should be limited solely by the location of a ride.

So what we have is a situation where the CPSC can order a defective ride repaired if it is located in a circus, yet if this identical ride is located in a fixed-site park, even if the park is located in a State with no amusement ride safety law, the agency is just powerless to act.

I think that distinction is illogical. It does not do very much to enhance consumer confidence in the safety of amusment park rides or trust in the concern of amusement park owners.

We talk a great deal, Mr. Chairman, in this body about profamily issues. I think this is one of the most profamily amendments we could have in an important consumer protection bill. Last year we heard chilling testimony from a husband whose wife was killed when she fell from a roller coaster. We also heard from a 15-year-old boy who, with his two friends, spent several days in a hospital after crashing 60 feet when a ride's braking mechanism failed. I doubt that either of them is going to be relieved to learn that the Congress is considering supporting yet another study of this important consumer protection proposal. Under the leadership of our subcommittee chairman, the gentleman from California [Mr. WAXMAN], this legislation closes a dangerous loophole in Federal law.

Mr. Chairman, I urge opposition to the amendment.

Mr. HYDE. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I want to commend the subcommittee chairman, the gentleman from California [Mr. WAXMAN], for addressing a real problem. The problem is that of young people and old people getting injured in fixed-site amusement parks, and when an injury occurs, it can be a devastating injury because the nature of these rides is such that one can fall from great heights or otherwise sustain a very serious injury.

Unfortunately, there are fixed-site amusement parks throughout the country that are unregulated because the States in which they are located have no such statutes or regulations, and this initiative really is designed to put the feet of the State legislators to the fire in those States where they have no such law or regulation to alert them to this problem and to get them to do something, because appropriately these are fixed-site amusement parks, not in interstate commerce, and they should be locally regulated. But because the are not, the problem sits there unaddressed.

So this initiative by the gentleman from California [Mr. WAXMAN], at the insistence of the junior Senator from Illinois who then was our colleague, was a response to that problem. However, the solution that has evolved in this legislation, it seems to me, is the least appropriate compared to the solution offered by the gentleman from California [Mr. DANNEMEYER]. Neither solution is adequate, but the better procedure, it seems to me, is to have this problem studied by people who have knowledge in the field so they can look at the patchwork laws of the various States and those States that have none and develop a statute that will adequately do the job.

Instead, we have in this legislation a consignment of this responsibility to the Consumer Product Safety Commission, which does not have the manpower, does not have the money, does not have the expertise, and does not want and resists the assumption of this burden and this responsibility. The truth is that this legislation will make it look like we are doing something about the problem, but the Consumer Product Safety Commission will not investigate until there has been an accident.

We would like some preventive regulation activity. We would like these amusement parks inspected regularly as aircraft are, rather than wait until someone has lost an arm or lost a life and then have a couple of people from the Consumer Product Safety Commission come out.

So what I am saying is that the Consumer Product Safety Commission is inadequate to this task. It does not have the personnel and will not have the personnel. It does not have the funds, especially under Gramm-Rudman, to give additional responsibilities to this agency. It is not feasible, and it will not work.

But let us not walk away from the problem. I am not for an empty study commission as a way to evade responsibility. I think knowledgeable people can look at this, recognize the problem, and help us work out a better solution.

So, Mr. Chairman, I respectfully urge the adoption of the amendment offered by the gentleman from California [Mr. DANNEMEYER], which is not, I think, a perfect answer and not an immediate answer, but it is preferable to the cosmeticized response in this legislation to assign the responsibility to an agency that is neither competent at this point to deal with it nor has the personnel or the funds to deal with it.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Dannemeyer amendment.

Mr. Chairman, the Dannemeyer amendment would strike out the regulation of any sort at the Federal level of fixed-site amusement parks.

We have heard two arguments as to why that amendment is attractive: first, we do not want any regulation of amusement parks, and the other side of that was that we do want regulation but we do not know what the regulation ought to be, so let us study it. So the gentleman from California [Mr. DANNEMEYER] proposes, instead of regulation, that we spend a million dollars or so to study whether we ought to regulate. I suppose after that they will come back and say that nobody is regulating these amusement parks, so even if there were a seriously defective amusement parks ride, nobody has any responsibility over it.

Well, I think that somebody ought to have responsibility over a defective amusement park ride. Certainly the States should, and we say that where the States are regulating, we will not interfere with their regulation; they ought to have primary regulatory authority. But where they are not regulating, we at least ought to have the Consumer Product Safety Commission having some involvement with what may be a defective amusement park ride.

□ 1410

Furthermore, if there is an accident in an amusement park in one part of the country, we ought to have somebody in the Federal Government who will know about that accident and be able to inform somebody in another part of the country who has an amusement park with that same ride or a similar one, that there is a defect, a defect that ought to be corrected. If it is a product that cannot be corrected, it ought to be repaired or recalled. If there is some advice they ought to give to the people operating the ride, they should give it, so that we can avoid an accident.

Now, who are these people riding in the amusement parks? They are mostly children. Do you want to say that they should assume the risk of riding in an amusement park ride that may turn out to be defective? Well, that may be the defense that may be offered when the parks are sued, but let us try to avoid the accident and avoid the litigation.

It seems to me that we have a very modest proposal. By the way, most of my colleagues voted for that very modest proposal. It was before us in the last Congress and it passed the House 300 to 119. That was during the 98th Congress. We now want to have this as part of the reauthorization of the Consumer Product Safety Commission.

Certainly, they have limited resources. You can say that they cannot do everything and we do not expect to with their limited resources. But they ought to have some jurisdiction to look at this problem or at least when they raise the problem with this Federal agency, they ought to be able to do something to advise others to avoid the problem so that someone can avoid getting killed or injured by a defective amusement park ride.

So I say let us not spend a million dollars simply to study the issue further. Let us leave this regulation in place at the Federal level. Should the States not regulate, we can try to avoid the problems that can lead to death or injury.

I urge a "no" vote on the Dannemeyer amendment.

Mr. BONER of Tennessee. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment being offered by the gentleman from California. I think one of the major problems with the way the committee bill is currently drafted is that it does absolutely nothing to prevent accidents at amusement parks. The committee's bill will not set up methods for preinspections at amusement park rides. The CPSC jurisdiction is not a preventive measure. The inspections of amusement rides will come only after there is a death or serious injury. The agency simply is not equipped to handle routine inspection of amusement rides.

The CPSC jurisdiction does nothing to encourage States to draft laws regulating the amusement industry. Clearly the States need more encouragement to consider these types of laws. They are better suited to regulate this industry. They are closest to the parks. They also benefit the most from park visitors to their States and from revenue generated by visitors and parks in their States. If they aren't already, they should be looking at these serious questions of safety. But the establishment of CPSC jurisdiction is not an incentive to the States. In fact, it sets up a situation that gives the false impression that the Federal Government is taking care of everything.

We know, for example, the State of Georgia recently passed legislation to regulate fixed site amusement rides. That law, however, exempts carnivals and mobile rides. Do you know why? It's because CPSC already has jurisdiction over portable rides. So why should the State bother? If there's a serious accident the State doesn't have to claim responsibility. The CPSC will take care of it. After all, it's that agency's responsibility. Yet, CPSC freely admits they do not have the staff or the expertise to regulate those mobile rides that are in its jurisdiction.

During 1984, the CPSC spent about $35,000 on mobile ride safety for the entire Nation. This was primarily after one accident on a mobile ride at a State fair—Texas. Much of the agency's money was spent on press efforts, air fare, lodging and other expenses unrelated to preventing accidents. This is a reactive way of dealing with safety and you can bet that's exactly what you will get if we approve the committee's version of this measure.

As we all know, CPSC staff is now in charge of inspecting play pens, lawnmowers, toasters and similar consumer items. I can not think of any other item they routinely inspect that is as complicated as an amusement park ride. I find it hard to believe that given current budget restraints, that CPSC could hire the engineers or other experts needed to examine amusement rides.

Many of the States, however, have already begun to demonstrate that they can design efficient inspection programs. North Carolina incorporated amusement ride inspections into its existing elevator inspection program, making a yearly 2,596 onsite inspections at about $9 an hour and at 22 cents a mile for a total of about $34,000. That was only 14 percent of that State's total inspection budget. I don't think anyone here really believes the CPSC can do the job cheaper or as well.

In fact, CBO estimates that if the agency chose to inspect all amusement parks in the country, it would cost about $2.5 million a year. Where will the agency get that kind of money? What other CPSC programs will suffer to fund this newly authorized jurisdiction? Is the agency going to have to take money from its Fire Toxicity Program, or will it allocate less money for senior citizens' safety programs?

Let's talk about real safety. Let's start looking for ways to improve safety at parks. What is currently being done at our Nation's amusement parks? What incentives are we providing that would encourage States to

take a look at their amusement park operations? In about 18 months or less we could have answers to those questions. The amendment before us today would have a study Commission cochaired by the National Bureau of Standards and the Consumer Product Safety Commission along with a State official that is familiar with State amusement ride regulations, a consumer spokesperson and a representative from the amusement ride industry.

The members of that Commission would review all laws regulating the industry and they would conduct a comprehensive investigation into safety practices presently in use at amusement parks. Their recommendations would give us reliable facts to use when we make our decision. We have serious questions concerning safety before us today. Let's not be influenced by scare tactics when we make this decision. This Commission can provide us with factual information about the best ways to proceed.

There are so many good recommendations that can be envisioned. This Commission could help establish a model State statute to help encourage more State regulation. If there are gaps in the industry's reporting methods, this Commission could address those problems.

Maybe there is a need for a more formal way of reporting possible defects at amusement parks. Maybe a privately sponsored clearinghouse could be established so any information concerning injuries on rides could be reported throughout the industry on a moment's notice. Maybe more incentives would be suggested to boost industry compliance. Possibly the Federal Government could legislate ways to urge reluctant States to participate. I'm sure a Commission studying these issues could make recommendations that provide methods to best ensure the public's safety.

I urge all Members of the House to join me today and vote for the Dannemeyer amendment.

Mr. SCHAEFER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak in favor of the Dannemeyer amendment.

Mr. Chairman, just a few short weeks ago, this body passed what we have come to refer to as the Gramm-Rudman bill. Gramm-Rudman is going to force us to make some very difficult decisions in the next few years regarding many programs like the CPSC.

Today, we are faced with a decision that should not be very difficult to resolve. We can either spend $2.5 million per year to institute a regular inspection program of all fixed-site parks like the bill calls for, or we can support the Dannemeyer-Hyde-Boner amendment that would establish a Commission to study the need for Federal regulation of fixed-site amusement park rides.

We have all heard the stories of injuries and deaths that have occurred due to mishaps on amusement park rides. Certainly, we should strive to eliminate these accidents. That is why we should adopt this amendment. This measure does not abdicate the responsibility of making sure that these rides are safe for their passengers. Quite the contrary. Instead of rushing into a decision that the CPSC be responsible for fixed-site amusement rides, the Commission will determine the most effective way to ensure rider safety.

But wait a minute. If we defeat this amendment, won't we be doubly protecting rider safety? After all, both the CPSC and the States will be doing inspections. But will this, in fact, be the case. Think of yourself as Governor of an economically strapped State. Would you spend hard-to-come-by dollars to inspect fixed-site amusement parks if the Federal Government was going to? I sincerely doubt it.

It seems to me that by including fixed-site amusement park rides in the CPSC bill without further study, we are in essence saying—even though the CPSC budget has been cut by 36 percent since 1981; and even though there is a strong likelihood that their budget will be cut even further; and even though these fixed-site rides are permanently located in one State which means they aren't involved in interstate commerce; nevertheless, it is this body's intention to expand the duties of the CPSC because there are those who know, without a Commission's study, that these rides should come under Federal jurisdiction.

Mr. Chairman, with the budget decisions we are being forced to make, let's not try to take on new responsibilities that may be better handled at the State level. Let's support the Dannemeyer-Hyde-Boner proposal.

Mr. LUKEN. Mr. Chairman, I move to strike the requisite number of words. I rise to oppose the Dannemeyer amendment.

Mr. Chairman, I do not believe that the public interest is served by retaining a distinction in the law which provides that the ability to reduce the risk of injury or repair a defect in a potentially dangerous amusement ride is dependent solely upon the ride's mobility rather than on the nature or degree of risk posed by the product. By partially restoring CPSC jurisdiction over fixed-site amusement rides, the committee believes the public can have greater confidence in the safety of amusement rides.

Providing limited authority for the regulation of fixed-site rides does not reflect adversely on the safety of amusement rides or on the excellent safety record of the hundreds of amusement parks in this country. The committee recognizes that much of the appeal of amusement rides is the appearance of risk. The risks associated with amusement rides should be purely illusionary. Unfortunately, accidents sometimes do occur and when they do they can be catastrophic.

If an amusement ride is dangerously defective, it is essential that the CPSC first determine the nature and degree of the risk; second, initiate action to assure that defects in similar rides located in other amusement parks or in other States are corrected.

The committee has reviewed the agency's technical capability to assume this task and believes it can effectively discharge the responsibilities authorized by this legislation.

Now, no Federal or State agency has overseen fixed-site amusement park rides in 24 States since 1981 when the amusement park industry was exempted at least from fixed sites.

Approximately 200 million children and adults visit amusement parks annually. Although these visitors probably assume that the park rides are safe, and for the most part are, 12 people nevertheless died and more than 10,000 people were reportedly injured.

Now, the bill has been narrowed substantially to avoid unnecessary burdens on the amusement park industry. I want the Members to remember that this is not the bill of several years ago. This is not a bill which requires excessive reporting, as that did. It does not require universal inspection, or anything of that sort. It merely limits CPSC involvement to serious incidents and to those situations where there is no available State authority.

Again, I think the people of this country insist that we, the national legislative body, would provide some modicum of protection for all the people of our country—even those in the unprotected areas, those which do not have State commissions and State law.

Finally, the suggestion is made, and was just made on that side of the aisle, that there is a cost factor here. Everyone should know that the Commission is going to violate Gramm-Rudman. This bill does not violate Gramm-Rudman because it does not provide for any additional cost. No additional expenditures are in this. If we set up a commission, there will be additional expenditures, whether or not it really technically violates Gramm-Rudman, it will be an expenditure of funds which is not contemplated at this time; so the cost issue which was raised on that side goes against this amendment.

Mr. WYDEN. Mr. Chairman, will my colleague yield on that point?

Mr. LUKEN. I am glad to yield to my colleague, the gentleman from Oregon.

Mr. WYDEN. Mr. Chairman, I think my colleague makes an extremely important point. The Commission spends about $30,000 on mobile rides, so I do not think there is any evidence they would spend anymore on fixed-site rides. We are talking about $30,000 on the approach that we are advocating. They will have to go out and hire an executive director and staff. I think there are going to be expenses under the amendment offered by the gentleman from California that is many, many times in excess of our approach.

I think the gentleman from Ohio has made an excellent point.

Mr. LUKEN. Well, Mr. Chairman, I am really a little shocked at the gentleman from California, who I have heard, and if I have not I will give him credit for it, lampooning studies in the case of situations where clear action is indicated. Here the bill provides for a modicum of protection for those who are unprotected and I think the amendment should be rejected.

Mr. NIELSON of Utah. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by Mr. DANNEMEYER.

His amendment would create a commission to investigate the scope and adequacy of public and private measures now employed to protect those members of the public who visit amusement parks and carnivals. The Commission would consist of one representative each from: The Consumer Product Safety Commission, the Bureau of Standards, the amusement ride industry, the consumer community, and a State agency with responsibility for ride regulations. The Commission would be empowered to accept testimony relating to ride safety, obtain records, and request the cooperation of all other agencies in the Federal Government. It would analyze the present state of industry programs, of State and local ride safety regulations, and assess the need for and potential effectiveness of Federal involvement in ride safety.

After completing its study, the Commission would be required to report its findings to Congress.

It is important that Congress enact laws that can be adequately enforced. Giving the Consumer Product Safety Commission authority to regulate fixed-site amusement rides may give the public false assurances about the safety of rides if it is not feasible for Commission personnel to adequately inspect rides. Testimony from the former CPSC Chairman last year indicated that there is not even sufficient manpower to adequately regulate portable amusement rides, which are currently within the Commission's jurisdiction.

I understand the Georgia Legislature passed legislation last year that requires State regulation of fixed-site rides but not portable rides. The Georgia legislators cited CPSC's jurisdiction as the reason why State regulation of portable rides was unnecessary. This attitude to "let the Federal Government take care of it" will continue as the CPSC is given broader jurisdiction.

I urge my colleagues to support this amendment so that we can gain more knowledge of what mix of Federal, State, local, and self-regulation can best assure the safety of the American public before making changes in the law.

□ 1425

Mr. GUARINI. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I think if I could characterize this amendment, I would call it the consumer-be-damned amendment because it really takes care of special interests over the best interests of the consumers who are not so well organized and who do not have the money to defend themselves.

There was jurisdiction in 1981 that the CPSC had and was able to make use of. They have this jurisdiction now when it comes to mobile rides. There are probably some 3,000 circuses and mobile types of operations throughout our country that are under the jurisdiction of the CPSC. But there are only about 650 fixed places.

I think the ability to inspect is not in question. The threat of being able to inspect would be in question. The ability to have standards where you have it on mobile rides, you do not have it on fixed place now.

This bill leaves much to be desired as it is proposed, but many of us went along with it because it is the best possible bill that could be gotten at the present time. We understand Disneyland and the Grand Ol' Opry and all of these other special interest people are well protected by the Congressmen from their districts, and that is to be expected. But let me say that this bill does not set any national standards. In fact, it prohibits them. It does not set any right to preinspection. In fact, it prohibits it. And it does not have any right to ban hazardous products. In fact, it prohibits it.

In fact, the bill really is hurting, and to have a study is only going to be completely denying any possible confidence or justice to the public.

What we are interested in and what I was interested in is even having haunted houses covered, but that was not in the woods this time, and I am disappointed to that extent.

Now if you have OSHA, for instance, that cannot inspect every factory, there is no reason why you should not have any standards just because you do not have the money or the number of employees to inspect. Here we have had a 50-percent cutback in the funds of the CPSC, and a lot of employees were taken away by people who voted in this House for budgetary constraints. But before we had budgetary constraints, there was a movement by the present administration to cut back considerably.

Now we have an 18-month study that is being offered, a study that is going to be stacked in favor of people who already have said that they are not interested in the CPSC having this kind of jurisdicition, so the study is spending a few million dollars for naught.

I think what we really have to do is protect the 200 million people that visit these parks in America and perhaps someday hope we will have standards. This is a multibillion-dollar industry; 10,000 people were injured last year, and I think to gut the bill now would be denying justice to the people. I think we owe it to the public.

It is a simple, clearcut issue, and I do not think we should be cutting back funding all of the time and cutting back employees. I think this is one issue that when someone from New York goes to California, he knows his family is going to come back home safe from a day's outing and not come back in a box because they had a roller coaster that did not have the proper provisions.

I want to say one more thing in regard to having standards. There is a reason why they did not want standards, because when you go into a court of law if there are standards, liability and the amount of money could be larger because they would be not keeping up with the criteria that have been set. That would be the standard in a court of law. But if you do not have any standards set, what you would actually be dong is having the standard that is accepted in the field, which would be a much lower standard because you know no one wants to be regulated, and they are going to regulate themselves at their minimum, and be able to keep their judgments down to a minimum.

So what I am saying is that there are many reasons why we should go along with this particular bill. The public has to have confidence when people go on a day's outing, and we want to see to it that Congress is a safekeeper of the consumer's best interests.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. GUARINI. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I just want to underscore one thing because we hear so much about the concern about the costs. If we are going to set up a commission that is going to cost money, and I believe it is going to cost

more money to have a commission, and all of their staff, and all of their outside contracts to work on studying this issue than to give the regulations, spend less money putting this regulation in place rather than setting up another commission that I believe will come back and recommend later that we do set up the regulatory authority in the only agency of the Federal Government where it makes sense.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. GUARINI] has expired.

(On request of Mr. WAXMAN and by unanimous consent, Mr. GUARINI was allowed to proceed for 1 additional minute.)

Mr. GUARINI. I yield to the gentleman from California.

Mr. WAXMAN. So I would urge, along with the gentleman from New Jersey and others who have spoken so eloquently, that we defeat the Dannemeyer amendment.

Mr. BADHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment to set up an Amusement Ride Safety Commission to carefully review present safety regulations and determine what can be done to prevent any serious accidents in the future. I commend my colleagues, Mr. DANNEMEYER, Mr. HYDE, and Mr. BONER, for coming up with an effective and responsible way to determine any necessary preventive measures and increase ride safety efforts.

I think the proposal to set up a commission to assess the need for Federal regulation as well as the potential effectiveness of such involvement represents a more reasonable alternative to granting direct jurisdiction over ride safety to the Consumer Product Safety Commission, which H.R. 3456 would do.

Unless a need for Federal regulation is clearly established—at this time it has not been—I believe that it is the proper role of State and local governments to regulate amusement parks. Many States have already demonstrated that they are capable, efficient, and most of all successful at designing an inspection program tailored to their needs. They are on the scene to conduct inspections and can do it better than a Federal bureaucratic agency ever will. Given the fact that the CPSC is not currently equipped with the manpower, funds, or technical expertise to routinely inspect the amusement parks across the country, it is not prudent to place fixed-site rides within the jurisdiction of this agency.

CPSC jurisdiction would require an unnecessary burden of paperwork without an assured commitment to upgrading the actual safety of passengers of amusement rides. Furthermore, the CPSC readily admits that even if it were given the authority, nothing would be done until after an unfortunate incident resulting in death or injury occurs.

As far as the difference in costs in the two proposals, the CBO estimated that for the CPSC to institute any regular inspection program of all fixed-site parks, it would require $2.5 million per year. The Study Commission approach would cost only $1 million, and most importantly, would determine the most appropriate means of ensuring that our amusement parks are safe for the public. As Congress is faced with the soaring budget deficit, it is not sensible to incur additional Federal expenditures on this costly and burdensome program as proposed in H.R. 3456.

It is especially unwise to implement a CPSC program that could prove to be counter-productive for those States that have already adopted an effective ride inspection law by increasing their reliance on Federal oversight and intervention in ride safety. More importantly, it may discourage those States not currently regulating the industry because of a false impression that the Government would be ensuring ride safety, when in fact it would not be.

I believe the establishment of a commission as proposed by Congressman DANNEMEYER would be a much more effective way of determining whether problems exist and, if so, what actions should be taken to guarantee amusement park safety. The commission approach represents a responsible means for assuring the maximum level of public safety. Therefore, I urge my colleagues to vote in favor of the Dannemeyer amendment to H.R. 3456.

Mr. LUKEN. Will the gentleman yield?

Mr. BADHAM. I yield to the gentleman.

Mr. LUKEN. The gentleman mentioned unnecessary paperwork, I believe; and as I pointed out in my statment, this is not the bill of a few years ago. There is not any system of inspection or reporting in this bill. The only time paperwork would be involved is if somebody is killed or a serious injury occurs.

I am sure the gentleman agrees that would not be unnecessary paperwork at this time, and I just want to offer that correction. We are not talking about reporting; we are not talking about inspection; we are talking about reporting death or serious injuries only. That is all that is in the bill.

Mr. BADHAM. I would respond to the gentleman, thanking him for his contribution, by saying that is locking the door after the horse is stolen.

Mr. ARMEY. Mr. Chairman, I rise to strike the last word.

I rise in support of the Dannemeyer amendment, and I think the House has made its will very clearly heard here; that the Members would prefer to vote, so I will keep my remarks very brief.

We are dealing here with a question of the responsibility of the Government to protect the American citizens, and actually we are looking at a situation and an industry that has two dimensions to it.

I would like to address the question as a father of five children, none of whom have ever been able to see a circus ride without wanting to get on that ride.

I have been able, over the years, to differentiate in my mind between that traveling road show that is taken apart and moved in the night all too often, assembled and disassembled, and my own concerns about the safety there.

Where indeed it may be necessary because these road shows do cross State lines to have some agency of the Federal Government as the only agency that could have the authority to inspect; but even in that event, I think the States could conceivably do a sufficient job of guaranteeing or assuring safety.

Nevertheless, I think it is one thing to look at our experience and perhaps even our inability to effectively regulate and administer the safety for the traveling road shows across State lines, and respond to that by an extension of the authority and the resources for that purpose. That would make some sense to me, but if indeed we see a failure to have achieved the results we want in that event, I hardly see that to be a cure to now respond by extending the law to a totally intrastate operation in the various States, and extend the hand of the Federal Government down in to a State like Texas or California or Florida and literally have an interference with what is the legitimate prerogative of the State, under circumstances where it is not all clear that there is interstate commerce involved.

I quite frankly think that this is the wrong law directed at the wrong segment of the industry, and unfortunately one that, if enacted, would result in a distribution and inefficient allocation of our scarce protective resources away from where the need is real, and perhaps to one where the need is not so real.

In closing, I once again reiterate the point: What good does it do for the Government to protect us after the fact?

Mr. WAXMAN. Will the gentleman yield?

Mr. ARMEY. I yield to the gentleman.

Mr. WAXMAN. I thank the gentleman for yielding.

It seems to me the point is that if you have an amusement park ride in two different States, if there is an accident in one State, should not you

have somebody in the Federal Government acting as a clearinghouse to let them know, to correct it in advance of an accident in this other State? That is really why we need some interstate connection.

Certainly the primary regulator ought to be the State, but if there are amusement parks in different States, the Consumer Product Safety Commission or someone at the Federal level can try to prevent an accident in another State.

Mr. ARMEY. If I may respond, I believe they are doing that right now; but the biggest problem I have, I think, with the whole logic of this event is basically what you are doing is, you are asking the father whose youngsters are wanting to get on that ride to trust the Government to assure them that they may have a safe ride.

I, for one, would rather use my own judgment than to trust any Government bureaucrat to come down into my State and perhaps even supersede the judgment of the good, intelligent folks we have back home. We, where I come from, just are not that confident that there is that much intelligence in Washington.

Mr. SUNDQUIST. Will the gentleman yield?

Mr. ARMEY. I yield to the gentleman.

Mr. SUNDQUIST. I think the gentleman makes a good point. It is astounding to me that we see all the hand-wringers saying, "We've got to balance the budget, and we've got to do these things," but yet we get piece of legislation after piece of legislation that will add expenses.

In this case what we are saying to the States is: "If you do nothing, then we in the Federal Government will take over," and we are encouraging them to do nothing.

In addition to that, we in the Federal Government will not do anything about it until after the accident, so we are actually serving an injustice in this regard, because we are not going to do anything to prevent the accident. Is that not correct?

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DANNEMEYER].

The question was taken; and on a division (demanded by Mr. DANNEMEYER) there were—ayes 18, noes 15.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 23]

ANSWERED "PRESENT"—378

Ackerman	Dixon	Kasich
Addabbo	Donnelly	Kastenmeier
Alexander	Dorgan (ND)	Kennelly
Anderson	Dornan (CA)	Kildee
Andrews	Dowdy	Kleczka
Annunzio	Downey	Kolter
Anthony	Dreier	Kostmayer
Applegate	Duncan	Kramer
Archer	Durbin	LaFalce
Armey	Dymally	Lagomarsino
Aspin	Dyson	Lantos
Atkins	Eckart (OH)	Leach (IA)
AuCoin	Eckert (NY)	Leath (TX)
Badham	Edwards (CA)	Lehman (CA)
Barnes	Edwards (OK)	Lehman (FL)
Bartlett	Emerson	Lent
Barton	English	Levin (MI)
Bateman	Erdreich	Levine (CA)
Bates	Evans (IA)	Lewis (FL)
Bedell	Evans (IL)	Lightfoot
Beilenson	Fascell	Lipinski
Bennett	Fawell	Lloyd
Bentley	Fazio	Long
Bereuter	Feighan	Lott
Berman	Fields	Lowery (CA)
Biaggi	Fish	Lowry (WA)
Bliley	Flippo	Lujan
Boehlert	Florio	Luken
Boggs	Foglietta	Lundine
Boner (TN)	Foley	Lungren
Bonker	Ford (MI)	Mack
Borski	Ford (TN)	MacKay
Boucher	Frank	Manton
Boulter	Frenzel	Markey
Boxer	Gallo	Marlenee
Breaux	Garcia	Martin (IL)
Brooks	Gaydos	Martin (NY)
Broomfield	Gejdenson	Martinez
Brown (CA)	Gekas	Matsui
Brown (CO)	Gibbons	Mavroules
Broyhill	Gilman	Mazzoli
Bruce	Gingrich	McCain
Burton (IN)	Glickman	McCandless
Bustamante	Gonzalez	McCloskey
Byron	Goodling	McCollum
Callahan	Gordon	McCurdy
Carney	Gradison	McDade
Carper	Gray (IL)	McEwen
Carr	Green	McGrath
Chandler	Gregg	McHugh
Chapman	Guarini	McKernan
Chappell	Gunderson	McKinney
Clay	Hall (OH)	McMillan
Clinger	Hall, Ralph	Meyers
Coats	Hamilton	Mica
Cobey	Hammerschmidt	Mikulski
Coble	Hansen	Miller (CA)
Coelho	Hatcher	Miller (OH)
Coleman (MO)	Hawkins	Miller (WA)
Coleman (TX)	Hayes	Mineta
Combest	Heftel	Mitchell
Conte	Hendon	Moakley
Conyers	Henry	Molinari
Cooper	Hertel	Mollohan
Coughlin	Hiler	Monson
Courter	Hillis	Montgomery
Coyne	Holt	Moody
Craig	Hopkins	Moorhead
Crane	Howard	Morrison (CT)
Crockett	Hoyer	Morrison (WA)
Daniel	Hubbard	Mrazek
Dannemeyer	Huckaby	Murphy
Darden	Hughes	Myers
Daschle	Hunter	Natcher
Daub	Hyde	Neal
Davis	Ireland	Nelson
de la Garza	Jacobs	Nichols
DeLay	Jeffords	Nielson
Dellums	Jenkins	Nowak
Derrick	Johnson	Oakar
DeWine	Jones (NC)	Oberstar
Dickinson	Jones (OK)	Obey
Dicks	Jones (TN)	Olin
Dingell	Kanjorski	Ortiz
DioGuardi	Kaptur	Owens
Oxley	Schuette	Tallon
Packard	Schulze	Tauke
Panetta	Schumer	Tauzin
Parris	Seiberling	Taylor
Pashayan	Sharp	Thomas (CA)
Pease	Shaw	Thomas (GA)
Penny	Shelby	Towns
Pepper	Shumway	Traficant
Perkins	Shuster	Traxler
Petri	Sikorski	Udall
Pickle	Sisisky	Valentine
Porter	Skeen	Vander Jagt
Price	Skelton	Vento
Quillen	Slattery	Visclosky
Rahall	Slaughter	Volkmer
Rangel	Smith (FL)	Vucanovich
Ray	Smith (IA)	Walker
Regula	Smith (NJ)	Watkins
Reid	Smith, Denny (OR)	Waxman
Richardson		Weber
Ridge	Smith, Robert (NH)	Weiss
Rinaldo		Wheat
Ritter	Smith, Robert (OR)	Whitehurst
Roberts		Whitley
Robinson	Snowe	Whittaker
Rodino	Snyder	Whitten
Roe	Solarz	Williams
Roemer	Solomon	Wilson
Rogers	Spence	Wirth
Rose	Spratt	Wise
Roth	Staggers	Wolf
Rowland (CT)	Stallings	Wolpe
Rowland (GA)	Stangeland	Wortley
Roybal	Stokes	Wright
Rudd	Strang	Wyden
Russo	Studds	Wylie
Sabo	Stump	Yates
Saxton	Sundquist	Yatron
Schaefer	Sweeney	Young (AK)
Scheuer	Swift	Young (FL)
Schneider	Swindall	Young (MO)
Schroeder	Synar	Zschau

□ 1500

The CHAIRMAN. Three hundred seventy-eight Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California [Mr. WAXMAN] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Members have 5 minutes in which to record their votes.

The vote was taken by electronic device, and there were—ayes 179, noes 198, answered "present" 1, not voting 56, as follows:

[Roll No. 24]

AYES—179

Anderson	Courter	Gekas
Applegate	Craig	Gingrich
Archer	Crane	Goodling
Armey	Daniel	Gordon
Badham	Dannemeyer	Gradison
Bartlett	Darden	Gregg
Barton	Daub	Gunderson
Bateman	DeLay	Hammerschmidt
Bentley	Derrick	Hansen
Bliley	DeWine	Hendon
Boner (TN)	Dickinson	Hiler
Boulter	DioGuardi	Hillis
Broomfield	Dornan (CA)	Holt
Brown (CO)	Dreier	Hopkins
Broyhill	Duncan	Hubbard
Burton (IN)	Dyson	Hunter
Byron	Eckert (NY)	Hyde
Callahan	Edwards (OK)	Ireland
Carney	Emerson	Jeffords
Chandler	Evans (IA)	Johnson
Coats	Fawell	Jones (OK)
Cobey	Fields	Jones (TN)
Coble	Fish	Kasich
Coleman (MO)	Frenzel	Kolter
Combest	Gallo	Kramer
Coughlin	Gaydos	Lagomarsino

Lent	Nielson	Smith, Robert (OR)
Lewis (FL)	Nowak	Snowe
Lightfoot	Olin	Snyder
Lloyd	Oxley	Solomon
Lott	Packard	Spence
Lowery (CA)	Parris	Spratt
Lujan	Pashayan	Staggers
Lungren	Penny	Stallings
Mack	Petri	Stangeland
Marlenee	Pickle	Strang
Martin (IL)	Porter	Stump
Martin (NY)	Quillen	Sundquist
Mavroules	Ritter	Sweeney
McCain	Roberts	Swindall
McCandless	Robinson	Tallon
McCollum	Rogers	Taylor
McEwen	Roth	Thomas (CA)
McGrath	Rowland (CT)	Udall
McKernan	Rudd	Vander Jagt
McKinney	Saxton	Vucanovich
McMillan	Schaefer	Walker
Meyers	Schuette	Weber
Mica	Shaw	Whitehurst
Miller (OH)	Shelby	Whittaker
Miller (WA)	Shumway	Whitten
Molinari	Shuster	Wilson
Mollohan	Sisisky	Wolf
Monson	Skeen	Wortley
Montgomery	Slattery	Yatron
Moorhead	Slaughter	Young (AK)
Morrison (WA)	Smith (IA)	Young (FL)
Myers	Smith, Denny (OR)	Young (MO)
Natcher	Smith, Robert (NH)	Zschau
Nelson		
Nichols		

NOES—198

Ackerman	Fascell	Markey
Addabbo	Fazio	Martinez
Alexander	Feighan	Matsui
Andrews	Flippo	Mazzoli
Annunzio	Florio	McCloskey
Anthony	Foglietta	McCurdy
Aspin	Foley	McDade
Atkins	Ford (MI)	McHugh
AuCoin	Ford (TN)	Mikulski
Barnes	Frank	Miller (CA)
Bates	Frost	Mineta
Bedell	Garcia	Mitchell
Beilenson	Gejdenson	Moakley
Bennett	Gibbons	Moody
Bereuter	Gilman	Morrison (CT)
Berman	Glickman	Mrazek
Biaggi	Gray (IL)	Murphy
Boehlert	Gray (PA)	Neal
Boggs	Green	Oakar
Bonker	Guarini	Oberstar
Borski	Hall (OH)	Obey
Boucher	Hall, Ralph	Ortiz
Boxer	Hamilton	Owens
Breaux	Hatcher	Panetta
Brooks	Hawkins	Pease
Brown (CA)	Hayes	Perkins
Bruce	Heftel	Price
Bustamante	Henry	Rahall
Carper	Hertel	Rangel
Carr	Howard	Ray
Chapman	Hoyer	Regula
Chappell	Huckaby	Reid
Clay	Hughes	Richardson
Clinger	Jacobs	Ridge
Coleman (TX)	Jenkins	Rinaldo
Conte	Jones (NC)	Rodino
Conyers	Kanjorski	Roe
Cooper	Kaptur	Roemer
Coyne	Kastenmeier	Rose
Crockett	Kennelly	Rowland (GA)
Daschle	Kildee	Roybal
Davis	Kleczka	Russo
de la Garza	Kostmayer	Sabo
Dellums	LaFalce	Scheuer
Dicks	Lantos	Schneider
Dingell	Leach (IA)	Schroeder
Dixon	Leath (TX)	Schulze
Donnelly	Lehman (CA)	Schumer
Dorgan (ND)	Lehman (FL)	Seiberling
Dowdy	Levin (MI)	Sharp
Downey	Levine (CA)	Sikorski
Durbin	Lipinski	Skelton
Dymally	Long	Smith (FL)
Eckart (OH)	Lowry (WA)	Smith (NJ)
Edwards (CA)	Luken	Solarz
English	Lundine	Stokes
Erdreich	MacKay	Studds
Evans (IL)	Manton	Swift
Synar	Vento	Williams
Tauke	Visclosky	Wirth
Tauzin	Volkmer	Wise
Thomas (GA)	Watkins	Wolpe
Towns	Waxman	Wright
Traficant	Weiss	Wyden
Traxler	Wheat	Wylie
Valentine	Whitley	Yates

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—56

Akaka	Franklin	Murtha
Barnard	Fuqua	O'Brien
Bevill	Gephardt	Pepper
Bilirakis	Grotberg	Pursell
Boland	Hartnett	Rostenkowski
Bonior (MI)	Hefner	Roukema
Bosco	Horton	Savage
Bryant	Hutto	Sensenbrenner
Burton (CA)	Kemp	Siljander
Campbell	Kindness	Smith (NE)
Chappie	Kolbe	St Germain
Cheney	Latta	Stark
Coelho	Leland	Stenholm
Collins	Lewis (CA)	Stratton
Dwyer	Livingston	Torres
Early	Loeffler	Torricelli
Edgar	Madigan	Walgren
Fiedler	Michel	Weaver
Fowler	Moore	

□ 1510

The Clerk announced the following pair:

On this vote:

Mr. Franklin for, with Mrs. Collins against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GINGRICH

Mr. GINGRICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GINGRICH: On page 11, after line 2, add the following new section:

TITLE VI—CONSTRUCTION

"Notwithstanding any other provision of law, nothing in this Act shall be construed as superceding any of the balanced budget provisions set forth in section 3(7) of the Congressional Budget and Impoundment Control Act of 1974, as amended by Public Law 99-177."

SEC. 601. CONSTRUCTION.

Mr. GINGRICH. Mr. Chairman, I will not take much time, but I simply want to say that I believe this amendment does make sure that this bill fits in with the direction we are moving in, in terms of the Balanced Budget Act, and I think it is very important that we move toward a balanced budget.

It is my understanding that the committee will not oppose this amendment, so I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. GINGRICH].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. FOLEY] having assumed the chair, Mr. BEILENSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3456) to amend the Consumer Product Safety Act to extend it for 3 fiscal years, and for other purposes, pursuant to House Resolution 371, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 298, noes 81, not voting 55, as follows:

[Roll No. 25]

AYES—298

Ackerman	Cooper	Glickman
Addabbo	Coughlin	Gonzalez
Alexander	Courter	Goodling
Anderson	Coyne	Gordon
Andrews	Crockett	Gradison
Annunzio	Darden	Gray (IL)
Anthony	Daschle	Gray (PA)
Applegate	Davis	Green
Aspin	de la Garza	Guarini
Atkins	Dellums	Gunderson
AuCoin	Derrick	Hall (OH)
Barnes	DeWine	Hall, Ralph
Bates	Dickinson	Hamilton
Bedell	Dicks	Hatcher
Beilenson	Dingell	Hawkins
Bennett	DioGuardi	Hayes
Bereuter	Dixon	Heftel
Berman	Donnelly	Hendon
Biaggi	Dorgan (ND)	Henry
Bliley	Dowdy	Hertel
Boehlert	Downey	Hiler
Boggs	Duncan	Hillis
Boland	Durbin	Hopkins
Boner (TN)	Dymally	Howard
Bonker	Dyson	Hoyer
Borski	Eckart (OH)	Hubbard
Boucher	Edwards (CA)	Huckaby
Boxer	English	Hughes
Breaux	Erdreich	Jacobs
Brooks	Evans (IL)	Jeffords
Broomfield	Fascell	Jenkins
Brown (CA)	Fawell	Johnson
Broyhill	Fazio	Jones (NC)
Bruce	Feighan	Jones (OK)
Bustamante	Fields	Jones (TN)
Byron	Fish	Kanjorski
Callahan	Flippo	Kaptur
Carper	Florio	Kasich
Carr	Foglietta	Kastenmeier
Chandler	Foley	Kennelly
Chapman	Ford (MI)	Kildee
Chappell	Ford (TN)	Kleczka
Clay	Frank	Kolter
Clinger	Frost	Kostmayer
Coats	Gallo	LaFalce
Coelho	Garcia	Lagomarsino
Coleman (MO)	Gaydos	Lantos
Coleman (TX)	Gejdenson	Leach (IA)
Conte	Gibbons	Lehman (CA)
Conyers	Gilman	Lehman (FL)

Lent	Obey	Smith (NJ)
Levin (MI)	Ortiz	Snowe
Levine (CA)	Owens	Snyder
Lipinski	Oxley	Solarz
Long	Panetta	Spence
Lowry (WA)	Pashayan	Spratt
Lujan	Pease	Staggers
Luken	Pepper	Stallings
Lundine	Perkins	Stokes
MacKay	Petri	Studds
Manton	Pickle	Swift
Markey	Porter	Synar
Martin (IL)	Price	Tallon
Martin (NY)	Quillen	Tauke
Martinez	Rahall	Tauzin
Matsui	Rangel	Thomas (CA)
Mavroules	Ray	Thomas (GA)
Mazzoli	Regula	Towns
McCloskey	Reid	Traficant
McCurdy	Richardson	Traxler
McDade	Ridge	Udall
McEwen	Rinaldo	Valentine
McGrath	Rodino	Vander Jagt
McHugh	Roe	Vento
McKernan	Roemer	Visclosky
McKinney	Rogers	Volkmer
Meyers	Rose	Watkins
Mica	Roth	Waxman
Mikulski	Rowland (CT)	Weiss
Miller (CA)	Rowland (GA)	Wheat
Miller (OH)	Roybal	Whitley
Miller (WA)	Rudd	Whitten
Mineta	Russo	Williams
Mitchell	Sabo	Wilson
Moakley	Saxton	Wirth
Molinari	Scheuer	Wise
Mollohan	Schneider	Wolf
Moody	Schroeder	Wolpe
Morrison (CT)	Schulze	Wortley
Morrison (WA)	Schumer	Wright
Mrazek	Seiberling	Wyden
Murphy	Sharp	Wylie
Myers	Shelby	Yates
Natcher	Sikorski	Yatron
Neal	Sisisky	Young (AK)
Nelson	Skeen	Young (FL)
Nichols	Skelton	Young (MO)
Nowak	Slattery	Zschau
Oakar	Smith (FL)	
Oberstar	Smith (IA)	

NOES—81

Archer	Gingrich	Penny
Armey	Gregg	Ritter
Badham	Hammerschmidt	Roberts
Bartlett	Hansen	Robinson
Barton	Holt	Schaefer
Bateman	Hunter	Schuette
Bentley	Ireland	Shumway
Boulter	Kramer	Shuster
Brown (CO)	Leath (TX)	Slaughter
Burton (IN)	Lewis (FL)	Smith, Denny (OR)
Carney	Lightfoot	
Cobey	Lloyd	Smith, Robert (NH)
Coble	Lott	
Combest	Lowery (CA)	Smith, Robert (OR)
Craig	Lungren	
Crane	Mack	Solomon
Daniel	Marlenee	Stangeland
Dannemeyer	McCain	Strang
Daub	McCandless	Stump
DeLay	McCollum	Sundquist
Dornan (CA)	McMillan	Sweeney
Dreier	Monson	Swindall
Eckert (NY)	Montgomery	Taylor
Edwards (OK)	Moorhead	Vucanovich
Emerson	Nielson	Walker
Evans (IA)	Olin	Weber
Frenzel	Packard	Whitehurst
Gekas	Parris	Whittaker

NOT VOTING—55

Akaka	Early	Kemp
Barnard	Edgar	Kindness
Bevill	Fiedler	Kolbe
Bilirakis	Fowler	Latta
Bonior (MI)	Franklin	Leland
Bosco	Fuqua	Lewis (CA)
Bryant	Gephardt	Livingston
Burton (CA)	Grotberg	Loeffler
Campbell	Hartnett	Madigan
Chappie	Hefner	Michel
Cheney	Horton	Moore
Collins	Hutto	Murtha
Dwyer	Hyde	O'Brien
Pursell	Siljander	Torres
Rostenkowski	Smith (NE)	Torricelli
Roukema	St Germain	Walgren
Savage	Stark	Weaver
Sensenbrenner	Stenholm	
Shaw	Stratton	

□ 1525

The Clerk announced the following pairs:

On this vote:

Mr. Akaka for, with Mr. O'Brien against.

Mr. Barnard for, with Mr. Franklin against.

Mrs. LLOYD changed her vote from "aye" to "no".

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. LONG). Pursuant to the provisions of House Resolution 371, the Committee on Energy and Commerce is discharged from the further consideration of the Senate bill (S. 1077) to amend the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to provide authorization of appropriations, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. WAXMAN

Mr. WAXMAN. Madam Speaker, I offer a motion.

The Clerk read as follows:

Mr. WAXMAN moves to strike out all after the enacting clause of the Senate bill, S. 1077, and to insert in lieu thereof the text of H.R. 3456 as passed by the House, as follows:

SECTION 1. SHORT TITLE: REFERENCE TO ACT.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Product Safety Amendments of 1985".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made a section or other provision of the Consumer Product Safety Act.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 101. AUTHORIZATIONS.

Section 32(a) (15 U.S.C. 2081(a)) is amended by striking out "and" at the end of paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and ", and by adding after paragraph (9) the following:

"(10) $36,000,000 for fiscal year 1987.".

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION

SEC. 201. COMMISSION EMPLOYEES.

Section 4(g)(2) (15 U.S.C. 2053(g)(2)) is amended to read as follows:

"(2) Subject to the availability of appropriations, the Commission shall employ on a permanent basis not fewer than the full-time equivalent of 568 officers and employees.".

TITLE III—GENERAL PROVISIONS RESPECTING COMMISSION ACTIVITIES

SEC. 301. CELLULOSE STANDARD.

(a) REPEAL.—Section 35 is repealed and no rule promulgated under such section shall have any force or effect on and after October 1, 1985.

(b) CONFORMING AMENDMENT.—Section 19(a) is amended by striking out paragraph (9) and by redesignating paragraph (10) as paragraph (9).

SEC. 302. SWIMMING POOL SLIDE RULE.

Effective October 1, 1985, the safety standard for swimming pool slides issued by the Consumer Product Safety Commission and published as part 1207 of title 16 of the Code of Federal Regulations shall be of no force and effect.

SEC. 303. CONGRESSIONAL REVIEW.

Section 36 (15 U.S.C. 2083) is amended to read as follows:

"CONGRESSIONAL REVIEW

"SEC. 36. (a) The Commission, after promulgating a final rule, shall submit such rule to the Congress for review in accordance with this section. Such final rule shall be delivered to each House of the Congress on the same day and to each House of Congress while it is in session.

"(b) Any final rule of the Commission shall become effective in accordance with its terms unless before the end of the period of 90 days of continuous session of Congress after the date such final rule is submitted to the Congress a joint resolution disapproving such final rule is enacted into law.

"(c)(1) If a final rule of the Commission is disapproved in accordance with this section, the Commission may promulgate another final rule which relates to the same acts or practices as the rule which was disapproved. Such other final rule—

"(A) shall be based upon—

"(i) the rulemaking record of the disapproved final rule; or

"(ii) such rulemaking record and the record established in supplemental rulemaking proceedings; and

"(B) may contain such changes as the Commission considers necessary or appropriate.

The Commission may conduct supplemental rulemaking proceedings in accordance with section 553 of title 5, United States Code, if the Commission determines that it is necessary to supplement the existing rulemaking record.

"(2) The Commission, after promulgating a final rule under this subsection, shall submit the final rule to Congress in accordance with subsection (a).

"(d) Congressional inaction on or disapproval of a joint resolution disapproving a final rule of the Commission shall not be construed—

"(1) as an expression of approval of such rule, or

"(2) as creating any presumption of validity with respect to such rule.

"(e)(1)(A) For purposes of subsection (b), continuity of session is broken only by an adjournment sine die at the end of the second regular session of a Congress.

"(B) The days on which either House of Congress is not in session because of an adjournment of more than five days to a date certain are excluded in the computation of the period specified in subsection (b).

"(2)(A) In any case in which a final rule of the Commission is prevented from becoming effective by an adjournment sine die at the end of the second regular session of the Congress before the expiration of the period specified in subsection (b), the Commission shall resubmit such rule at the beginning of the first regular session of the next Congress.

"(B) The period specified in subsection (b) shall begin on the date of a resubmission under paragraph (1).

"(f) For purposes of this section:

"(1) The term 'joint resolution' means a joint resolution the matter after the resolving clause of which is as follows: 'That the final rule promulgated by the Consumer Product Safety Commission dealing with the matter of , which final rule was submitted to Congress on is disapproved.', the first blank being filled with the subject of the rule and such further description as may be necessary to identify it, and the second blank being filled with the date of submittal of the rule to the Congress.

"(2) The term 'rule' means any rule promulgated by the Commission under section 7 or 8.".

SEC. 304. PRIORITIES.

(a) AMENDMENT.—Section 4 is amended by adding at the end the following:

"(j) At least 30 days before the beginning of each fiscal year the Commission shall establish an agenda for Commission actions under the Acts under its jurisdiction and, to the extent feasible, shall establish priorities for such action. Before establishing such agenda and priorities the Commission shall conduct a public hearing on the agenda and priorities and shall provide reasonable opportunity for the submission of comments.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal years which begin more than 180 days after the date of the enactment of this Act.

SEC. 305. TECHNICAL.

Section 5 of the Cigarette Safety Act of 1984 is amended by striking out "thirty months" and inserting in lieu thereof "thirty-six months".

TITLE IV—AMUSEMENT PARK RIDES

SEC. 401. DEFINITION.

(a) DEFINITION OF AMUSEMENT RIDE.—(1) Section 3(a)(1) (15 U.S.C. 2052(a)(1)) is amended by striking out the first two sentences following subparagraph (I).

(2) Section 3(a) is amended by adding at the end the following:

"(15) The term 'amusement ride' means any device which carries or conveys passengers along, around, or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement and which is customarily controlled or directed by an individual who is employed for that purpose and who is not a consumer with respect to such device. An amusement ride which is not permanently fixed to a site is a consumer product for purposes of this Act and an amusement ride which is permanently fixed to a site—

"(A) is not a consumer product for purposes of sections 7 and 8, and

"(B) is a consumer product for the remainder of the Act.

"(16) The term 'amusement ride operator' means the owner of an amusement ride,".

(b) CONFORMING AMENDMENT.—Section 3(a)(1)(I) is amended by striking out ". The term 'food', as used in this subparagraph means all 'food' ".

SEC. 402. PUBLIC DISCLOSURE OF INFORMATION.

Section 6(b) is amended—

(1) in the first sentence of paragraph (1) by striking our "a summary of the information" through the end of the sentence and inserting in lieu thereof the following: "a summary of the information to—

"(A) each manufacturer or private labeler of the consumer product, and

"(B) to each amusement ride operator who owns the amusement ride

to which the information pertains, if the manner in which consumer product or amusement ride is to be designated or described in such information will permit the public to ascertain readily the identify of such manufacturer, private labeler, or amusement ride operator and shall provide such manufacturer, private labeler, or amusement ride operator with a reasonable opportunity to summit comments to the Commission regarding such information."; and

(2) in the second and third sentences of paragraph (1) and in paragraphs (2) and (3), by striking out "or private labeler" each place it occurs and inserting in lieu thereof ", private labeler, or amusement ride operator".

SEC. 403. NOTIFICATION AND REMEDIES.

(a) NOTIFICATION OF COMMISSION.—Section 15(b) (15 U.S.C. 2064(b)) is amended by inserting "(1)" after "(b)", by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by adding at the end the following:

"(2) Each amusement ride operator who obtains information which indicates a death or serious injury occured on an amusement ride the operator owns and which reasonably supports the conclusion that the amusement ride contains a defect which could create a substantial product hazard described in subsection (a)(2) shall immediately inform the Commission of such defect unless the operator has actual knowledge that the Commission has been adequately informed of such defect.".

(b) REPAIR, REPLACEMENT, REFUND.—Section 15(d) of such Act is amended—

(1) by inserting after "of such product" in the first sentence the following: "or the amusement ride operator if the product is an amusement ride"; and

(2) by inserting before ", or from doing" in the last sentence the following: ", from operating an amusement ride if the product involved is an amusement ride".

SEC. 404. INSPECTION.

Section 16(a) (15 U.S.C. 2065(a)) is amended by striking out "and" at the end of paragraph (1), by striking out the period before the last sentence in paragraph (2) and inserting in lieu thereof "; and", by striking out the last sentence, and by adding after paragraph (2) the following:

"(3) to inspect, at reasonable times and in a reasonable manner—

"(A) amusement rides which are not permanently fixed to a site, and

"(B) amusement rides which are permanently fixed to a site if the State in which the ride is located does not have a law or regulation in effect which requires periodic inspections for safety and authorizes regulatory action for safety reasons or if the ride was of the type involved in a fatality or a personal injury requiring hospitalization.

Each such inspection shall be commenced and completed with reasonable promptness.".

TITLE V—STUDY

SEC. 501. GAO STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the capability of the Consumer Product Safety Commission to effectively carry out its functions under the Consumer Product Safety Act, the Federal Hazardous Substances Act, and the Flammable Fabrics Act as an independent collegial agency. In making such study, the Comptroller General shall—

(1) take into account personnel and funding levels for the Consumer Product Safety Commission and proposed budget levels for the Commission, and

(2) consider if the Commission's functions could more effectively be carried out—

(A) by an agency which was part of the Executive Branch,

(B) by an agency established within the Department of Health and Human Services, or

(C) by an agency located in the existing organization of the Department of Health and Human Services.

(b) REPORT.—The Comptroller General shall report the results of the study conducted under subsection (a) not later than January 1, 1987, to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

TITLE VI—CONSTRUCTION

SEC. 601. CONSTRUCTION.

Notwithstanding any other provision of law, nothing in this Act shall be construed as superceding any of the balanced budget provisions set forth in section 3(7) of the Congressional Budget and Impoundment Control Act of 1974, as amended by Public Law 99-177.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3456) was laid on the table.

□ 1535

GENERAL LEAVE

Mr. WAXMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3456, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 974, PROTECTION AND ADVOCACY FOR MENTALLY ILL PERSONS ACT OF 1985

Mr. WAXMAN. Madam Speaker, pursuant to the provisions of clause 1 of rule XX, and by direction of the Committee on Energy and Commerce, I move that the House insist on its amendment to the Senate bill, S. 974, and agree to the conference asked by the Senate thereon.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN].

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. DINGELL, WAXMAN, SCHEUER, LENT, and MADIGAN.

There was no objection.

AUTHORIZING THE SPEAKER TO APPOINT MEMBERS TO REPRESENT THE HOUSE AT CEREMONIES FOR OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

Mr. GARCIA. Madam Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the minority leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday on February 21, 1986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT AS MEMBERS TO REPRESENT THE HOUSE AT CEREMONIES FOR OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

The SPEAKER pro tempore. Pursuant to the order of the House of today, without objection, the Chair appoints the following Members to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's Birthday on February 21, 1986.

Mr. DANIEL of Virginia and

Mr. SLAUGHTER of Virginia.

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES NOTWITHSTANDING ADJOURNMENT

Mr. GARCIA. Madam Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, February 18, 1986, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 19, 1986

Mr. GARCIA. Madam Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, February 19, 1986, may be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. WALKER. Madam Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

HANDS ACROSS AMERICA DAY

Mr. GARCIA. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 462) to designate May 25, 1986, as "Hands Across America Day", for the purpose of helping people to help themselves, and commending United Support of Artists for Africa for their efforts toward combating domestic hunger with a nationwide linkup coast-to-coast human chain 4,000 miles long, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Madam Speaker, reserving the right to object, I do not object, but I would simply like to inform the House that the minority has no objection to the legislation now being considered.

Under my reservation, Madam Speaker, I yield to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I rise in strong support of House Joint Resolution 462, legislation to designate May 25, 1986, as "Hands Across America Day," for the purpose of helping people to help themselves, and commending United Support of Artists for Africa for their efforts toward combating domestic hunger with a nationwide linkup coast-to-coast human chain 4,000 miles long.

As a member of the Select Committee on Hunger, I have heard testimony from State and local health and welfare officials attesting to the growing numbers of American families whose daily diets are nutritionally deficient. Hunger in our country does exist and if we do not take steps to generate resources to ensure that low-income families are provided with the means for adequate nutrition, then hunger will persist in America. "Hands Across America" is one excellent way to accomplish this. Millions of needy Americans are, under current law, unserved by the Food Stamp Program: Participants in the Food Stamp Program total 19.8 million, however, right now 33.7 million Americans are living in poverty. Hunger in the United States is not new, nor is it diminishing. Health indicators such as infant mortality and low-birth weight are on the rise in rural America. Growth stunting among urban, poor children due to inadequate nutrition is also common today. The postneonatal death rate is on the upswing nationally for the first time in 20 years, and it is largely attributed to inadequate prenatal nutrition and care.

Food is a basic human need. Access to adequate food should remain a right for every American. It is imperative, therefore, that the Congress assist the United Support of Artists for Africa. I urge my colleagues to support House Joint Resolution 462 and to take part in this important humanitarian project, "Hands Across America."

Mrs. ROUKEMA. Madam Speaker, I rise in strong support of House Joint Resolution 462, establishing May 25, 1986, as national "Hands Across America Day."

As ranking Republican on the Select Committee on Hunger, I am pleased and proud to join this effort. It is this kind of creative and innovative approach to the fight against hunger and homelessness in America that holds the best prospects for ultimate success.

The paradox of hunger in America is undeniable. Why, in this land of plenty, are some Americans forced to do without? Certainly, hunger and poverty are intertwined and their root causes are as complex as they are numerous.

For example, the United States has the highest rate of teenage pregnancy in the industrialized world. The vast majority of these teenagers begin families without the education or resources necessary to maintain a decent standard of living. Many times they and their children become dependent on Government support and simply never attain the ability to pull themselves above the poverty line. High divorce rates, economic dislocation, job loss and the deinstitutionalization of the mentally ill have also contributed to the poverty and hunger cycle.

Clearly, there is a role for Government in this effort and the Federal Government does maintain a network of programs to assist those in need. Food, housing, education, and income maintenance are all provided through this network, but for a variety of bureaucratic and other reasons, government cannot be as responsive and effective as the private sector.

The American people clearly displayed their characteristic generosity as they responded to last year's terrible famine in Africa. With such groups as United Support of Artists for Africa [USA for Africa] leading the way and such events as "Live-Aid" serving as catalysts, at least $250 million in private money has been earmarked for relief, recovery and development by U.S. private voluntary organizations.

"Hands Across America" is an energetic attempt to sustain the hunger-fighting momentum that was developed last year and direct it homeward. The concept is relatively simple. On May 25, 1986, 6 million Americans will join hands in a nationwide chain stretching from New York to Los Angeles. Proceeds from the project will be used to fund various private

sector efforts to alleviate hunger and homelessness.

However, "Hands Across America" is important for reasons beyond its fundraising potential. This exciting initiative highlights the proper role the private sector should assume in our nationwide antipoverty and antihunger efforts. It is the "people-to-people" nature of this project that holds the most promise for the future. "Hands Across America" can further reawaken the spirit in America that we are our brother's keeper and it can show that the most effective way to help those in need is without involving the Government bureaucracy.

"Hands Across America" can show us the way "to make a brighter day." I urge my colleagues to support this resolution.

Mr. LELAND. Madam Speaker, I thank the Members of this House for the broad bipartisan support already expressed for House Joint Resolution 462, a resolution designating May 25, 1986, as "Hands Across America Day." On November 20, 1985, I along with Representatives GILMAN, ROUKEMA, and CARR introduced this bill. I am extremely pleased that in 2 short months we have acquired the cosponsorship of 220 Members and can now bring this resolution before the full House of Representatives for a vote. It is my hope that House Joint Resolution 462 will pass this Chamber by unanimous approval.

Some of you may not be aware of this resolution and may not know of the activity we are seeking to commemorate. Let me take this opportunity to familiarize you with this upcoming event. Last year United Support of Artists [USA] for Africa—an organization well recognized for its achievements in raising funds for relief projects in famine-stricken African nations—conceived the idea of a massive fundraising campaign for alleviating hunger and homelessness in the United States. Because these conditions pose a national problem, the creators of the "Hands Across America" project sought to include all people in the Nation in providing a response.

"Hands Across America" will involve the formation of a 4,000-mile-long human chain which will span from the Statue of Liberty in New York City to the shores of the Pacific Ocean in Los Angeles, CA. On May 25, it is anticipated that between 6 and 10 million people across the country will participate in this event by contributing money for the opportunity to join this line. To date, projections indicate that approximately $100 million will be raised through this effort.

Madam Speaker, many of our colleagues are deeply concerned that there are people in this country who are unable to attain adequate nutrition regularly, and who roam the streets in search of a warm place to lay their heads. In a Nation as great as ours, no one should suffer this plight—yet many do.

It is the objective of the "Hands Across America" organizers to channel the funds raised through this project to complement, not replace, Federal moneys and programs now available to assist those who are hostage to these problems. I applaud this event and the opportunity it will give the American people to demonstrate their desire and commitment to improve the quality of life for those in this country who are less fortunate. I encourage my colleagues to unanimously pass this resolution.

Mr. CARR. Madam Speaker, as an original cosponsor, I am pleased to join my colleagues in passing House Joint Resolution 462, legislation designating May 25, 1986, as "Hand Across America Day."

On this day, millions of Americans will join hands to combat domestic hunger. The chain will begin at the Statue of Liberty and end at the shores of the Pacific Ocean. It will touch the lives of people from all walks of life—from actors, actresses, and musicians to plumbers, grocers, and teachers.

Americans have demonstrated their willingness to help others in the world who are less fortunate by contributing to "Live Aid." Now, they will have a chance to combat domestic hunger by contributing to "Hands Across America." I was honored to have participated in "Live Aid Day" and am equally pleased and proud to have a chance to now take part in this historic event.

I want to commend the chairman of the Select Committee on Hunger, MICKEY LELAND, for his work in behalf of the world's hungry as well as Kenny Rogers, Lily Tomlin, Pete Rose, Bill Cosby, and Ken Kragen of USA for Africa for their devotion to helping to combat hunger.

Mr. HANSEN. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 462

Whereas Americans are becoming more aware of the cooperation needed between the public and private sectors to combat hunger;

Whereas not all people of this Nation are able to regularly obtain adequate food;

Whereas a decent diet is a basic human right;

Whereas the American people are a compassionate people who are dedicated to the common goal of assuring the well-being of future generations;

Whereas hunger is a social and public health problem which should be ranked as a higher national priority by the United States Government;

Whereas volunteerism should compliment public sector responsibility;

Whereas the best way for our Nation to feed its people is to enable them to feed themselves;

Whereas a significant means of strengthening the defense of our Nation rests upon our ability to enable people to maintain sound health and self-sufficiency; and

Whereas the American people have and shall continue to respond to reducing hunger and malnutrition in the United States: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 25, 1986, hereby is designated "Hands Across America Day", and the President of the United States is authorized and requested to issue a proclamation that—

(1) United Support of Artists for Africa be commended for their project, called "Hands Across America", which will enlist the participation of millions of people across our Nation toward efforts to alleviate hunger and malnutrition; and

(2) The people of this Nation should be commended for their participation and commitment toward the common goal of helping people help themselves.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL HEMOPHILIA MONTH

Mr. GARCIA. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 150) to designate the month of March 1986 as "National Hemophilia Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Madam Speaker, reserving the right to object, I do not object, but I would simply like to inform the House that the minority has no objection to the legislation now under consideration.

Madam Speaker, I yield to my colleague, the gentleman from New York [Mr. GREEN], who is the chief sponsor of Senate Joint Resolution 150.

Mr. GREEN. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I was pleased to introduce the House version of this legislation, along with my colleague from New Jersey, Mr. GALLO, to designate the month of March 1986 as "National Hemophilia Awareness Month." The strong show of support we have for this resolution is evidenced by the fact that almost 250 of our colleagues have cosponsored the House version of it.

I should like to extend particular thanks to the subcommittee chairman, Mr. GARICA, and to Mr. HANSEN, the ranking minority member, for their support and for bringing this measure to the floor today. Passage of this resolution will help to raise public awareness about hemophilia, and clear up many of the misconceptions the public holds about this disease. I would also like to praise the work of the National Hemophilia Foundation for bringing this critical issue to the attention of Members.

Mr. GILMAN. Madam Speaker, I rise in support of Senate Joint Resolution 150, designating the month of March 1986 as "National Hemophilia Awareness Month." As a cosponsor of the House companion measure, House Joint Resolution 254, I would like to commend the Senator from New Jersey [Mr. BRADLEY], and my good friend, the gentleman from New York [Mr. GREEN], for introducing this measure which is before us today.

As a Representative from the State of New York, which has one of the most sophisticated, organized regional networks of coordinated, comprehensive hemophilia care centers in the United States, I am pleased to see the continued concern of Congress for this important health issue. As you may know, hemophilia is a blood clotting disorder which can cause crippling pain and even death. While this disease is usually inherited, it can occur through spontaneous gene mutation, and is equally common among all races and socioeconomic groups.

Fortunately, great strides have been made in hemophilia research over the last decade, and hemophiliacs are now able to treat themselves at home whenever necessary. While this treatment is expensive, it permits hemophiliacs to lead independent and productive lives.

Despite the great strides that have been made in hemophilia research, hemophiliacs still must cope with misunderstandings of the disease each and every day. In school, in places of business, and in social situations, the hemophiliac faces obstacles resulting from widely held misconceptions about hemophilia. Therefore, I believe it is important that Congress help educate the public to correct the misunderstandings about hemophilia and help alleviate some of the problems these misunderstandings create for persons with hemophilia. Accordingly, I urge my colleagues to support Senate Joint Resolution 150, designating March 1986 as "National Hemophilia Awareness Month," and to participate in the events commemorating this month.

Mr. HANSEN. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 150

Whereas hemophilia is an incurable hereditary disorder that prevents proper coagulation of the blood;

Whereas hemophilia, which strikes males almost exclusively, occurs in one of every four thousand live male births regardless of race, nationality, or family economic status;

Whereas hemophilia can lead to disabilities or death for some hemophiliacs;

Whereas, despite recent medical advances in the diagnosis and treatment of hemophilia, many hemophiliacs continue to face unpredictable medical complications due to the disorder;

Whereas, with proper medical treatment and adequate financial assistance, hemophiliacs can live healthy, normal, and independent lives; and

Whereas increased public awareness of the causes and effects of hemophilia will help dispel many common misconceptions concerning the disorder: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March 1986 is hereby designated as "National Hemophilia Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CENTENNIAL YEAR OF THE GASOLINE POWERED AUTOMOBILE

Mr. GARCIA. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 231) to designate the period commencing January 1, 1986, and ending December 31, 1986, as the "Centennial Year of the Gasoline Powered Automobile," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Madam Speaker, reserving the right to object, I do not object, but I just want to inform the House that the minority has no objection to the legislation now being considered.

Mr. BURTON of Indiana. Madam Speaker, in January 1886, the U.S. Patent Office issued a patent for the first motor vehicle powered by an internal combustion engine—the forerunner of our present-day automobile. This year, 1986, marks the centennial year of that patent and an anniversary that I think should be recognized.

In the 100 years since the patent, the automobile has come to permeate virtually every facet of our American life. It has become one of the symbols of the 20th-century civilization. In 1983 there were over 161 million vehicles registered by the 233 million people in America, almost 1 car for every 2 Americans.

Just remember this when you get in your car today. Have a nice trip.

Mr. HANSEN. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 231

Whereas the first motor vehicle powered by an internal combustion engine was invented in 1886;

Whereas such vehicle was the forerunner of the present automobile and there are more than one hundred twenty-four million automobiles registered in the United States;

Whereas one in five jobs in the Nation are dependent directly or indirectly on the automobile industry;

Whereas the automobile has been associated with tremendous changes in society in the one hundred years since its invention; and

Whereas the automobile has enhanced communication, travel and has brought mobility to all people in the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing January 1, 1986, and ending December 31, 1986, is designated as the "Centennial Year of the Gasoline Powered Automobile" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such year with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1545

NATIONAL SCHOOL LIBRARY MONTH

Mr. GARCIA. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 52) to designate the month of April 1985 as "National School Library Month" and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Reserving the right to object, Madam Speaker, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 52

Whereas school libraries serve a critical function in American education and provide an information center for students at all levels of study;

Whereas elementary and secondary school libraries provide young people with their first exposure to books, and can instill a lifelong love of reading;

Whereas university and college libraries are the cornerstone of scholarly research, and house information and resources to be used for the improvement of all society;

Whereas school libraries at all educational levels provide a full range of media resources, including audio-visual aids, computers, works of art, and materials for the blind and handicapped;

Whereas school libraries, with their extensive collections, serve as an important link in interdisciplinary education;

Whereas school libraries rely on the dedication and talents of well-trained, well-read libraries and other support staff;

Whereas school libraries should be encouraged and assisted in efforts to expand and diversify collections to meet the changing needs of patrons; and

Whereas the special role school libraries play relative to American libraries in gener-

al and in American society warrants special recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of April 1985 is designated "National School Library Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Madam Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARCIA: Page 2, line 3, strike out "1985" and insert in lieu thereof "1986".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. GARCIA].

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Madam Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. GARCIA: Amend the title so as to read: "Joint resolution to designate the month of April 1986 as 'National School Library Month'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

WOMEN'S HISTORY WEEK

Mr. GARCIA. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 499) designating the week beginning March 2, 1986, as Women's History Week, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Reserving the right to object, Madam Speaker, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 499

Whereas American women of every race, class, and ethnic background have made historical contributions to the growth and strength of the Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home;

Whereas American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force and have been particularly important in the establishment of early charitable, philanthropic, and cultural institutions in this country;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements to create a more fair and just society for all; and

Whereas, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning March 2, 1986, is designated as "Women's History Week", and the President is requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE THAT THE PRESIDENT SHOULD AWARD THE PRESIDENTIAL MEDAL OF FREEDOM POSTHUMOUSLY TO CREW OF SPACE SHUTTLE "CHALLENGER"

Mr. GARCIA. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the resolution (H. Res. 369) expressing the sense of the House of Representatives that the President should award the Presidential Medal of Freedom posthumously to Michael J. Smith, Francis R. Scobee, Ronald E. McNair, Ellison S. Onizuka, Sharon Christa McAuliffe, Gregory B. Jarvis, and Judith A. Resnik, all of whom died in the explosion of the space shuttle *Challenger,* and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Reserving the right to object, Madam Speaker, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Madam Speaker, under my reservation, I yield to the gentleman from New York [Mr. GARCIA] the chairman of the subcommittee.

Mr. GARCIA. Madam Speaker, I thank my colleague, the gentleman from Utah.

Madam Speaker, I had the good fortune to meet Ronald E. McNair after the first flight. It was at city hall in my city, the city of New York. I was deeply impressed by the man's intellect and deeply impressed by his commitment to this program.

Unfortunately, I did not have a chance to meet the others who were on board that shuttle, but I can tell you from my experience as one who represents one of the poorer congressional districts in America that I have constantly supported and voted for funding for the shuttle and for the entire space program.

I feel it is important that this country's pioneers should continue. I believe that these people who died did not die in vain, but in fact died because that is the American way, to push forward exploring new horizons. I am very proud that I had a chance to spend some time with Astronaut McNair; but I guess what touched me was after that terrible mishap watching on one of the networks, a young boy from his town in South Carolina got up and talked about Astronaut McNair as he went back to the public schools in his home town in South Carolina and as that came down, this young boy's face touched me because he obviously touched so many young people who went to that public school in his hometown in South Carolina.

I think this is just a small measure of thanks from those of us in the House of Representatives to these astronauts who did not, as I said before, die in vain, but who make it possible for us to continue in our further quest for new horizons.

So I thank my colleague, the gentleman from Utah, for yielding, because I think that we pass many resolutions here and some we place more emphasis on than others, but I think there is no resolution that can be higher than the one we are passing for this particular group.

Madam Chairman, I thank my colleague from Utah.

Mr. HANSEN. Madam Speaker, I thank my colleague, the gentleman from New York, for his excellent remarks and associate myself with them.

Under my reservation, I yield to the distinguished gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Madam Speaker, I thank my colleague for yielding.

We, of course, all support the resolution to commemorate the sacrifices of these people.

I rise just to make a modest ancillary point; that is, with the exception of Mrs. McAuliffe, the schoolteacher here, the other persons on that flight

were civil servants. They were Federal employees, and when we address the problems, as we do in our Nation as the managers and personnel arbiters of the rights and privileges and compensation and benefits of Federal employees, I think, Madam Speaker, we should continue to remember that these are real human beings, that we are responsible for their morale and the performance and the personnel decisions that are made in terms of the sacrifices and the services that they provide; so it is not just mindless bureaucrats somewhere. It is FBI agents and, in fact, astronauts who work for this Government, whom we are privileged to represent and the responsibility for which we feel so heavily.

I would like to remind my colleagues on the occasion of this wonderful gesture that it is those who remain that need our attention as well.

Madam Speaker, I thank the gentleman for yielding.

Mr. HANSEN. Madam Speaker, I thank the gentleman for his remarks and I associate myself with them.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 369

Whereas Michael J. Smith, Francis R. Scobee, Ronald E. McNair, Ellison S. Onizuka, Sharon Christa McAuliffe, Gregory B. Jarvis, and Judith A. Resnik volunteered for and were chosen to be the crew for the 10th flight of the space shuttle Challenger;

Whereas it takes a special kind of person to volunteer and be selected for such a mission;

Whereas the Challenger exploded shortly after liftoff killing the entire crew;

Whereas the 7 crew members who participated in this shuttle mission did so to advance human knowledge in spite of the knowledge of the risks involved;

Whereas each of these 7 astronauts were shining examples of the dedication and striving that is necessary in order to pursue the most challenging goals;

Whereas the selfless dedication and courage demonstrated by these shuttle astronauts should be honored in the highest manner: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should award the Presidential Medal of Freedom posthumously to Michael J. Smith, Francis R. Scobee, Ronald E. McNair, Ellison S. Onizuka, Sharon Christa McAuliffe, Greogry B. Jarvis, and Judith A. Resnik, all of whom died in the explosion of the space shuttle Challenger.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL BLACK (AFRO-AMERICAN) HISTORY MONTH

Mr. GARCIA. Madam Speaker, I ask unanimous consent that the Commitee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 74) to provide for the designation of the month of February 1986, as "National Black (Afro-American) History Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Reserving the right to object, Madam Speaker, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. GILMAN. Madam Speaker, I rise in strong support of Senate Joint Resolution 74, legislation designating the month of February 1986 as "Black History Month." As a cosponsor of this measure, I would like to express my gratitude to the gentleman from California [Mr. DELLUMS] for introducing the House companion bill, and for his fine leadership in the areas of civil and human rights.

Madam Speaker, we have recently joined our hearts and our hands to celebrate, this past January 20th, the birth of one of the great leaders of our Nation, The Reverend Martin Luther King, Jr. His inspiration lives on through his writings and speeches. Indeed his memory is as strong for those who never had the privilege of a personal acquaintance as for those among us, many of whom are Members of this body. While perhaps the best known, Dr. Martin Luther King is not the only black American who has made our Nation great. By designating the month of February as "Black History Month," students, teachers, families, citizens from all walks of life, will be afforded an opportunity to learn about and reflect on the contribution that black citizens have made.

The observance of "Black History Month" has in previous years, been marked by workshops, seminars, speeches, and celebrations in schools, colleges, and universities throughout the United States. The bravery of Harriet Tubman, Cripus Attucks, and space shuttle astronaut Ronald McNair; the talents of Alvin Ailey and Alice Walker; the leadership of Supreme Court Justice Thurgood Marshall and the late Clarence Mitchell, each offer lessons to us all on courage, leadership, and imagination.

Accordingly, I urge my colleagues to adopt this Senate Joint Resolution 74, designating February 1986 as "Black History Month," and to participate in the many events commemorating this special month.

Mr. HANSEN. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 74

Whereas in 1926 Dr. Carter Godwin Woodson launched the celebration of Negro History Week;

Whereas this observance evolved into a month-long celebration in 1976;

Whereas February 1, 1986, will mark the beginning of the sixtieth annual public and private salute to Black History;

Whereas the observance of Black (Afro-American) History Month provides opportunities for our Nation's public schools, institutions of higher learning, and the public to gain a deeper understanding and knowledge of the many contributions of Black Americans to our country and the world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of February, 1986, is designated as "National Black (Afro-American) History Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities to salute all that Black Americans have done to help build our country.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL HUMANITIES WEEK, 1986

Mr. GARCIA. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 219), to designate the week of February 9 through 15, 1986, as "National Humanities Week, 1986," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Reserving the right to object, Madam Speaker, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 219

Whereas the United States celebrates the twentieth anniversary of the establishment of the National Endowment for the Humanities;

Whereas the overriding goal of this small but important Federal agency is the promotion of humanities scholarship and programming;

Whereas the study of the humanities increases the understanding of the great traditions of civilization and of the intellectual heritage of mankind;

Whereas in partnerships with State and local governments, private foundations, and corporations, the National Endowment for

the Humanities has, over the past two decades, provided critical leadership and direction for the individuals and institutions seeking to improve our understanding of the humanities; and

Whereas as a Nation we have benefited from the fruits of this humanities programming in a variety of ways, through improvements in humanities education at all levels, through scholarly achievements at the cutting edge of humanities research, and through programming in museums, libraries, television, and radio which fosters a heightened understanding of the humanities across the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to note the importance of the humanities in the lives of all Americans and acknowledge the significant role the National Endowment for the Humanities has played in sustaining and enriching our cultural heritage, the week of February 9, 1986, through February 15, 1986, is designated as "National Humanities Week, 1986" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week, with appropriate conferences, programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL BURN AWARENESS WEEK

Mr. GARCIA. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 234), to designate the week of February 9 through 15, 1986, as "National Burn Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Reserving the right to object, Madam Speaker, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 234

Whereas the burn problem in the United States is the worst of any industrialized nation in the world;

Whereas burn injuries are one of the leading causes of accidental death in the United States;

Whereas every year approximately two million people are victims of burn injury in the United States;

Whereas of these injuries, seventy thousand are hospitalized and account for nine million disability days annually;

Whereas approximately twelve thousand people die from burn injuries;

Whereas the rehabilitative and psychological impact of burns are devastating;

Whereas children, the elderly, and the disabled are most likely to suffer serious burns;

Whereas it is estimated that approximately 75 percent of all burns could be prevented by proper education of children and adults; and

Whereas there is a need for an effective national program that deals with all aspects of burn prevention: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of February 9, 1986, through February 15, 1986, is designated as "National Burn Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States and all Federal, State, and local government officials to observe such week with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the several resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNUAL REPORT PURSUANT TO NUCLEAR NONPROLIFERATION ACT OF 1978—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs.

(For message, see proceedings of the Senate of today, Thursday, February 6, 1986.)

AMERICA'S AGENDA FOR THE FUTURE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-163)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, without objection, referred to the Union Calendar and ordered to be printed:

(For message, see proceedings of the Senate of today, Thursday, February 6, 1986.)

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-142)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, without objection, referred to the Joint Economic Committee and ordered to be printed:

(For message, see proceedings of the Senate of today, Thursday, February 6, 1986.)

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 520. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1986, for the Department of Agriculture.

GRAMM-RUDMAN-HOLLINGS AMENDMENT

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CONTE. Mr. Speaker, since the House rules prohibit me from mentioning the names of Members of the other body, I'll say only this: Chalk up another one of the G-R-H balanced budget amendment.

I got a letter today from the Secretary of the Panama Canal Commission explaining how the amendment that will magically make our deficit disappear will affect their agency.

It seems that the sequester order will require the Panama Canal Commission to reduce its expenditures by $18.3 million this fiscal year. This reduction in expenditures will in turn generate a profit for the Commission. And what will they have to do with that profit?

Will it go to reduce our budget deficit? No.

Will it go to pay for student aid? No.

Will it go to pay for low income energy assistance? No.

Will it go to save Amtrak from decimation? No.

Will it go to research to combat the killer disease AIDS? No.

Instead, the money will go to the Government of Panama. Under the Panama Canal Treaty enacted in 1979, all profits from the operation of the canal go to that country—not ours. What it all means is that the $18.3 million that G-R-H saves won't go to

our Treasury at all—it will go to Panama.

Mr. Speaker, some call it across-the-board spending cuts. I call it across-the-board madness.

PANAMA CANAL COMMISSION,
Washington, DC, February 4, 1986.

Hon. SILVIO O. CONTE,
U.S. House of Representatives,
Washington, DC.

DEAR MR. CONTE: I thought you would be interested in the enclosed article published in the Journal of Commerce on Friday, January 24, 1986, concerning the impact of the Gramm-Rudman-Hollings Budget Reduction Act on the Panama Canal Commission.

Since the Commission is, by law, a self-sufficient organization, all appropriations for its maintenance, operation, and capital come from receipts from tolls and other services it provides its customers. The actual expenditure of funds is, and must be in response to traffic demands placed upon the Canal by the international shipping community. An arbitrary reduction in resources made available to the Commission will only diminish the ability of the Canal to meet its responsibility to world commerce.

If the Gramm-Rudman-Hollings Act is applied to the Commission (as is now the case), the short-term result will be to generate a profit, which the Commission will be required to pay to Panama. According to the figures provided by the Office of Management and Budget, the Commission would be required under the Gramm-Rudman-Hollings Act to reduce its expenditures by $18.3 million in FY 1986. Our traffic and revenues for the first three months of the fiscal year are ahead of the projections on which our budget was based; and, as a combined result of this increase in traffic and the Gramm-Rudman-Hollings reductions, we will probably be required to make a profit payment to Panama of about $25 million. Therefore, the $18 million "saved" will not contribute to the Federal deficit reduction goals intended by the authors of the Gramm-Rudman-Hollings Act, but will instead, as mandated by the Panama Canal Treaty, generate a cash profit payment to the Government of Panama.

This denial of the use of Commission funds, while not having any effect on the Federal deficit reduction goals, will severely affect our ability to operate and maintain the Canal at a level which will continue to insure the safe and efficient transits of vessels. It is for these reasons the Commission is seeking exemption from the application of the Gramm-Rudman-Hollings Act. I hope that we can count on your support in solving this problem.

Sincerely,

MICHAEL RHODE, Jr.,
Secretary.

[From the Journal of Commerce, Jan. 24, 1986]

ACROSS-THE-BOARD MADNESS

The Panama Canal Commission provides a good illustration of the often ludicrous nature of indiscriminate across-the-board budget cutting.

Last week, the Office of Management and Budget and the Congressional Budget Office announced the first round of spending cuts deemed necessary to meet the deficit targets established under Gramm-Rudman. The budget offices mandated a 4.9 percent cut in defense items not specifically exempt from the new deficit law, and a 4.3 percent cut in non-defense items.

For the canal commission, that means an $18.3 million cut in its current operating budget. But the commission's loss will not be Treasury's gain, as intended. It will be a windfall for the Republic of Panama.

The commission runs the canal like a nonprofit business. To meet its own expenses, as required by law, it charges each commercial ship using the waterway a toll, which for competitive reasons, is kept as close as possible to the commission's break-even point.

Since the tolls for this year (and thus revenues) are already set, an $18 million cut in expenditures will bring a year-end surplus of like amount. But the surplus will be Panama's. Under the Panama Canal Treaty enacted in 1979, all profits accruing from operations belong to Panama.

VOICING THE CHALLENGE OF DEMOCRACY

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILLER of Ohio. Madam Speaker, we are surrounded by remarkable evidence that this is a great country. Our system of government has been shown to be responsive to the needs of the American people, and our young people, especially, have demonstrated a refreshing willingness to invest their talents, intelligence, and skills in keeping this Nation prosperous and free.

The Veterans of Foreign Wars annually sponsors the "Voice of Democracy" young American patriotism competition. This year, one of Ohio's 12 State finalists in the essay competition is a senior at Bishop Rosecrans High School, Zanesville, OH. Phil Kuhn authored a challenging essay, calling upon the young people of America to address the pressing issues of the 1980's. By winning the VFW district competition, Phil represented more than 9,000 students with his entry and I sincerely believe that his comments deserve the attention of the U.S. House of Representatives. I commend Phil for his thoughtful statement, and I also want to commend the administration of Bishop Rosecrans and, especially its senior government teacher, Mr. Larry Denbow. Phil's good showing in the VFW competition reflects Mr. Denbow's good work in the classroom. Phil's essay is worth remembering. And I would like to submit it for the RECORD.

NEW HORIZONS FOR AMERICA'S YOUTH

(By Phil Kuhn)

America, "land of the free and home of the brave". America is a land with a rich heritage and a proud people. This great nation has always accepted challenge and gone forth boldly in the face of adversity. As a result of this spirit our nation has conquered many frontiers and expanded many horizons. Our nation has led the world in science and technology and has championed the cause of freedom for many, many years.

Now, this great nation faces the dawning of a new century. The dawning of this new century will bring with it fresh, new challenges. The American people have always responded to a challenge with new ideas and new spirits and none more so than America's youth. The young people of this nation are sometimes represented as delinquents and even as losers. However, our youth have always met challenges with zeal and confidence. Our youth have always answered the call of their country. If anyone needs proof of this, just look at the many young men and women who fought and died because a challenge to their country appeared and they answered their country's call. America's young people have much to offer to the world. The young people of this nation are full of energy and vitality. We, the future leaders of America, possess another great quality—we care about other people. We value the ideals of freedom and justice. When there is an injustice in this world, our young people raise their voices to protest the injustice and to defend the innocent. This is truly the "American Way". The youth of this great nation have many good ideas that can be put into action to overcome the challenges of this new century. The old world is passing away and a new world is being born. We, the future leaders of our great nation, are the first generation of this new world and we must be its leaders. There will be many problems for the future leaders of America to overcome, but working together we can overcome all odds. We will lead America into tomorrow. When our youth combine their wealth of ideas and their patriotism, watch out! Great things can happen. Let the future leaders of this nation tackle the problems of drug abuse and moral decay. If you look at the anti-drug programs in our society, you will find that many are aimed at youth. However, to your surprise, you will find that our young people organize and run many of these groups. Already, the future leaders of this nation recognize the great problem of drug abuse and they are responding to this challenge with positive action.

Our future leaders must find ways to increase economic growth, lower the national debt, and increase employment. They must find cures for cancer, AIDS, and other diseases. Our youth will meet these great challenges and will be successful. Why? Because our youth possess the great and unique American Spirit.

Our young people also face the necessary task of preserving world peace and averting the threat of nuclear holocust. Watch as we, the future leaders of America move to meet these new challenges, these new horizons. Watch and see the American Spirit in action.

Finally, to the young people of this nation, I say this—you and I will soon be the leaders of this nation and of this world. May the future citizens of this nation and every other nation look at our tenure as leaders and say, "this was their finest hour".

THE PRESIDENT'S ICE PALACE

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VENTO. Madam Speaker, yesterday St. Paul, Minnesota, dedicated its 126-foot, 100th-year ice palace in celebration of winter and in celebration of the St. Paul winter carnivals

and the great environment that we have in our State and area.

This morning's New York Times carried an editorial pointing out the accomplisment of St. Paul, MN, community but also pointing out that there was another ice palace constructed this week, but a much larger ice palace, a much more expensive ice palace that is the President's 1987 ice palace budget. And just like St. Paul Carnival's ice palace it will melt not from the sun as in Minnesota, rather the Reagan ice palace budget is going to melt under the scrutiny of congressional and public analysis of the 1987 Reagan budget. This budget is ice hard and cold regarding how it affects our nation. Yet it simply doesn't hold water or support logic at room temperature.

The Reagan ice palace budget spends money on the military like it was water, but people progams face a dry desert of budget treatment. We are going to identify many problems as we renew the Reagan budget monument this week.

One thing they do point out in this New York Times editorial this morning is the oil import fee. A new tax that the President seems to tolerate. I think the only things that could probably make this Reagan ice palace budget worse than that which was constructed this week in terms of priorities is that if we pour an oil import fee over the top of it, then indeed it would be a true temple of doom. This would surely be a disadvantage and disservice to my energy-dependent State and business which depend upon energy use such as farming and motor carriers.

Maybe this is what the oil interests most favor to help raise their profits, but it surely a new national sales tax is not in the interest of the people.

So, Madam Speaker, I submit this article for the RECORD and my colleagues' consideration.

[From the New York Times, Feb. 6, 1985]

THE PRESIDENT'S ICE PALACES

In Minnesota, craftmen and cranes strain to shape blocks of ice and chains of lights into a wondrous palace raising high against the St. Paul skyline. Spring, however, will be here soon and, alas, the ice palace won't.

They're building ice palaces in Washington, too, every bit as wondrous, far more intricate but no more lasting.

President Reagan built one Tuesday in a State of the Union Message that was characterized more by peroration ("The American dream is a song of hope") than inspiration. Yesterday morning, he unveiled an even larger ice palace—his 1987 Federal Budget, which professes to cut the deficit to $144 billion.

These seasonal structures are based on reasoning that will melt under the hot sun of close inspection. Just about everyone in Washington knows it, which is why attention is quickly turning to a new feature on the governmental skyline. It's a potential gusher called the oil import fee that could bring in billions.

The question of the year may well be, How should those billions be spent? So far, the President offers an inconsistent, even indefensible answer.

Mr. Reagan began his fifth State of the Union Message with customary warmth. He offered a valedictory salute to Speaker O'Neill and, on the eve of his own 75th birthday, said to the retiring Democrat, "Before we leave this city, let's you and I work together" to fix the budget system.

The President proclaims the union to be strong, and has good reason to be proud of his record. Economic growth has persisted for three years. Interest rates and inflation are down. Unemployment remains high but total employment keeps climbing.

Yet the President offered only a sketchy program. Beyond a familiar wish list (for a balanced budget amendment, a line-item veto, tuition tax credits), he proposes mainly studies—of world currencies, of poor families, of catastrophic health insurance. Coming from a newly elected President, studies of such profound social questions would be welcome. From one entering his sixth year, they sound like putting things off.

Mr. Reagan's budget message also sounds like that of a newcomer. "There is a major threat looming on the horizon: the Federal deficit," he says. "If this deficit is not brought under control, we risk losing all we've achieved—and more." This from the President who in five years has doubled the national debt.

His budget inspires little confidence in his will to control. It is built around suspiciously low spending estimates for huge items like defense and farm subsidies and optimistically high revenue estimates, based on a high forecast of 4 percent growth. And, like all budgets, it assumes everything will unfold exactly as predicted.

Even with those assumptions, the President's proposals for living up to the Gramm-Rudman-Hollings deficit reduction law range from the trivial to the defiant, from wanting to charge a license fee for sports fishing in the ocean to a demand that Congress restore the $5 billion it has just gotten through cutting out of military spending for 1986—while cutting $9 billion in outlays for the poor.

It's a fair guess that Congress won't buy it. Federal budgets usually strain credibility. This one strains common sense.

The critical question, therefore, is how the deficit can be reduced to $144 billion next year—from $182 billion—as required under the budget law. And since the President continues to say no to new taxes, creative minds have been looking for other ways to bring in revenue.

Behold, the oil import fee!

With the price of oil drifting down, Congress and the White House have finally recognized the opportunity to do well and do good at the same time. The do-good part is conservation. An import fee of, say, $5 a barrel would discourage easy reliance on imports. The do-well part is raising money. An import fee could bring in billions without raising retail prices to their former levels.

This happy coincidence has found such instant popularity that the Administration and Congress are already elbowing each other about how to exploit it. In Congress, there is strong bipartisan sentiment to use the revenue for deficit reduction. Mr. Reagan, however, says no dice. He won't even consider such a fee if the proceeds are used to reduce the deficit.

He would tolerate such a fee only as part of the pending tax-revision bill. That would mean using a fee that applies to all consumers to pay for tax breaks that particularly benefit some businesses and rich taxpayers. Far from fighting the deficit, it would constitute a transparent corruption of what tax reform is supposed to accomplish.

What would spending oil import revenues in that way do about that major threat the President sees "looming on the horizon"? Nothing. For all he seems to care, the deficit might as well be made of ice.

□ 1600

NATIONAL SECURITY DECISIONMAKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. MCEWEN] is recognized for 5 minutes.

Mr. MCEWEN. Mr. Speaker, I rise today to address a subject which has been of concern to many of us for some time.

As you are well aware, the Congress is constantly faced with critical decisions regarding our national security.

Unfortunately, we often make these decisions without a clear and comprehensive understanding of our national strategy.

While the Department of State and the Department of Defense provide us with extensive information regarding their individual programs, we often get it in pieces. At no time do we receive a comprehensive overview of our national strategy.

A strategy completely integrating and synthesizing all aspects of our Nation's power: political, economic, military, social, ideological, and psychological, I believe is needed. A national strategy would, in my view, provide the overarching framework from which military strategy and foreign policy are derived.

Some may ask, Is that really important? Do we really need an articulated plan that integrates all aspects of U.S. power?

I have felt for some time that we do, and my concerns are shared by others.

The distinguished senior Senator from Virginia [Mr. WARNER], said in a recent address to the other body:

With defense budgets ranging around $300 billion impacting upon State Department budgets of over $12 billion, it is essential that Congress receive at the very beginning of the budget process a foundation documentation of our national strategy—a coordinated, comprehensive description of our foreign policy, our worldwide commitments, and the requirements of our national defense to deter aggression and implement our foreign policy.

I believe we have all witnessed firsthand examples when the Department of State and the Department of Defense operate with an unclear, fragmented and therefore in complete national security.

As a result it becomes increasingly difficult for the Congress to under-

stand where many programs fit within the overall strategic scheme.

In an effort to gain a more refined strategic focus for the Nation, my distinguished colleague, the gentleman from Wyoming [Mr. CHENEY] and I have joined the Senator from Virginia in sponsoring legislation that would require the administration to provide a report on the national strategy to the Congress each year. A joint session of the Armed Services Committee and the Foreign Relations Committee would be convened annually to receive this vital report, following the President's State of the Union Address and prior to the State Department and Defense Department posture hearings.

The committees will request that the Secretary of State and the Secretary of Defense appear in tandem before the joint session of the Foreign Relations and Armed Services Committees to present and discuss the administration's national strategy.

This national strategy briefing would be given to the combined groups of both Houses each year and the beginning of each session of Congress.

The written report describing our national strategy would be provided to each Member of Congress at the time of the hearing.

This would enable these four key committees, the entire Congress, and the Nation to have a common understanding of the administration's overall strategy.

As a result, all of us will be better able to assess how the military strategy and foreign policy fit into our national goals.

With this common understanding, Members of Congress will be better prepared to measure the value and relevancy of individual programs by assessing how they contribute to the national strategy, military strategy and foreign policy.

In addition, through the coordination necessary to prepare for such a hearing, the departments will achieve a common base from which their separate strategies and policies should be derived.

It is my hope that this legislation will provide a framework through which proposed improvements for our national security can be viewed.

Over 170 years ago, Thomas Jefferson, our Nation's third president said that "if a nation expects to be ignorant and free, it expects what never was and never will be."

When you think about it, that's really what this initiative is all about, what this Congress is all about—studying the issues, refusing to be ignorant about them and looking for a better way to insure that we are able to safeguard the freedoms of a great nation.

H.R. 4126 is a positive step toward insuring that both Houses of Congress are better informed to make reasoned and sound decisions. As with so many of the solid contributions the senior Senator from Virginia has made to the other body and to the Nation, this legislation again demonstrates the foward thinking and insightful leadership he consistently brings to that distinguished body. I am proud to sponsor this legislation in the House of Representatives along with my distinguished colleague on the House Permanent Select Committee on Intelligence, the gentleman from Wyoming [Mr. CHENEY].

EPA PROPOSED IMPLEMENTATION OF RCRA LAND DISPOSAL BAN

The SPEAKER pro tempore (Mr. VENTO). Under a previous order of the House, the gentleman from Ohio [Mr. ECKART] is recognized for 5 minutes.

Mr. ECKART of Ohio. Mr. Speaker, I had intended to present the following statement earlier today at an EPA public hearing concerning the Agency's proposed implementation of the clear congressional mandate, contained in the hazardous and solid waste amendments of 1984 [RCRA], that land disposal of hazardous wastes should be banned unless it could be demonstrated that those wastes would not migrate from the waste disposal unit and contaminate ground water. I was unable to attend the public hearing because of business in the House, and so felt it important that my strenuous objections to EPA's proposal be presented here.

I appreciate the opportunity to testify at this hearing and present my views on the Environmental Protection Agency's proposed regulations concerning land disposal of hazardous wastes. These land disposal regulations are mandated by section 201 of the hazardous and solid waste amendments of 1984—a statute whose principle and clearly-stated purpose is to end America's reliance on land disposal.

Quite frankly, the effort made by the agency to mangle the plain language of the statute is nothing short of astonishing. As an active participant in the lengthy process that produced the 1984 RCRA amendments, I can assure this panel that Congress meant exactly what it said when it mandated that "A method of land disposal may not be determined to be protective of human health and the environment . . . unless it has been demonstrated to the administrator, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit or injection zone for as long as the wastes remain hazardous."

To construe these words in a way that sanctions the escape of hazardous constituents from the disposal unit suggests that the agency has either misunderstood Congress' directive or is attempting to rewrite the statute to suit its own purposes. But whether the agency's distortion of the statutory language is deliberate or not, it is imperative that the proposed regulations be summarily rejected since they are not consistent with either the letter or the spirit of the law.

The agency's misunderstanding of Congress' purpose derives, apparently, from its reading of the phrase "as long as the waste remains hazardous." EPA's interpretation is that migration of a hazardous constituent is permissible provided that the health risk from the escaping hazardous constituent is not a major one. Under EPA's proposed rule, continued land disposal would be permitted and leaking landfills would be sanctioned provided that the contamination was adequately diluted at a point 500 feet from the disposal unit. Although EPA's proposed rule is one of the most elaborate and complicated proposals ever to grace the pages of the Federal Register, it seems to me that it is founded on the principle that "Dilution is the solution to pollution." Obviously there are those within the agency who still subscribe to that view, but it is emphatically not one that Congress endorsed in the 1984 amendments.

That is why section 201(g)(5) does not rely on a balanced test and it does not direct the agency to perform risk analysis; instead, it establishes a simple, straightforward standard which Congress intended to be read literally. In other words, the disposal of waste resulting in the migration of any hazardous constituent for any distance outside the disposal unit should lead to a permanent land disposal prohibition of that waste.

In addition, I think it is worth pointing out that the agency could only come to its peculiar interpretation of the "no migration" standard by ignoring the overall purpose of the 1984 amendment and specifically the policy objective that "land disposal, particularly landfills and surface impoundments, should be the least favored method for managing hazardous wastes." Yet, the proposal EPA has published fails to adhere to that policy; and, rather than viewing land disposal as a method of last resort, attempts to analyze the land disposal in the context of acceptable risk. As I pointed out to the administrator in my letter of January 13th, the conference committee on the 1984 amendments explicitly rejected section 18 of the House bill which would have provided the statutory basis for EPA's approach.

In conclusion, I want to underscore the fact that in enacting the 1984 RCRA amendments, Congress intended the agency to end America's reliance on land disposal. However, the agency seems to be deliberately misconstruing its mandate so as to preserve this option. In my view, the only appropriate action that the agency can take at this point is to discard the January 14th proposal and start over. And this time, I recommend paying attention to the plain meaning of the statute and the clear intent of Congress.

□ 1610

TRIBUTE TO THE HONORABLE JOHN GROTBERG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. FAWELL] is recognized for 5 minutes.

Mr. FAWELL. I thank the Speaker.

Mr. Speaker, today I rise on behalf of the Illinois delegation, also the freshman Members of the 99th Congress, to read into the RECORD a letter which was addressed to Mrs. Jean Grotberg, the wife of our colleague, JOHN GROTBERG, a letter which simply expresses our feelings, those of the Illinois delegation, and the freshman class that has worked so closely with JOHN, that we wish to express to Jean that we understand all she is going

through. We have deep concern, and we know that JOHN is fighting the disease which has afflicted him in the hospital, and he is going to be back with us. We simply want to tell Mrs. Grotberg, let her know that we in the Congress do care and express our feelings in that regard.

Mr. Speaker, the letter is as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 1986.

MRS. JEAN GROTBERG,
Cannon House Office Building,
Washington, DC.

DEAR JEAN: When we learned of John's illness, we all felt an incredible sorrow. Please know that we share your pain, and that our prayers are with you and your family that John makes a complete recovery.

We miss our friend and colleague, John Grotberg. When John came to the Congress just one year ago, he brought more than just 12 years of experience as a legislator. He brought a positive spirit, a great sense of humor, and a tremendous amount of courage. John has touched each and every one of us.

We are reminded of John's great contribution to humanity through his willingness to partake in a new cancer treatment. Even in the face of great adversity, John has never lost sight of why we are here, and he will not give up fighting.

Most important of all, whatever John does, he has fun doing it. In this very serious business of politics, John never takes himself too seriously.

From the bottom of our hearts, we extend our best wishes and prayers to John, you and your family, for a speedy recovery.

Mr. Speaker, there follows the signatures of the Illinois delegation, Members in Congress, and the close friends in the freshman class of the 99th Congress.

I thank the Speaker.

THE REAGAN BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CROCKETT] is recognized for 5 minutes.

Mr. CROCKETT. Mr. Speaker, once again, this time under the smokescreen of Gramm-Rudman, President Reagan has submitted to the Congress a budget that attacks the very heart of our country. His budget for fiscal year 1987, delivered to us yesterday, continues his attack on the poor, the uneducated, and the elderly. It provides us with false priorities, unreal expectations, and little concern for those most in need.

It calls for an 11-percent increase in military spending, Draconian cuts in domestic spending, and no significant revenue enhancements.

Mr. Reagan seeks to eliminate outright more than two dozen Federal programs, including work incentive, legal services, urban development, community services, health training and economic development. He also calls for massive cutbacks in student educational loans, child nutrition, and other programs.

Yet his far-fetched star wars scheme gets a 75 percent jump in funding.

Mr. Speaker, the budget submitted by President Reagan is a travesty.

It's time this Congress rejected the rose-colored-glasses approach to spending and made the hard choices we need to—increasing taxes and cutting Pentagon boondoggles. The first step is to reject the Reagan budget now.

LEGISLATION TO EXEMPT SENIOR STATUS FEDERAL JUDGES FROM THE SOCIAL SECURITY PAYROLL TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. JONES] is recognized for 5 minutes.

Mr. JONES of Oklahoma. Mr. Speaker, today I am introducing a separate bill to permanently exempt the salaries of senior status Federal judges performing active duty from FICA taxation. In December the House and Senate conferees on H.R. 3128, the reconciliation bill, agreed to a provision that would accomplish the same purpose embodied in this bill. I do not expect that there will be any controversy in either Chamber to obtaining final passage of this legislative change, whether it occurs through the bill I am introducing today, through an agreement on reconciliation, or through some other vehicle. I want to assure all senior status Federal judges that we are committed to exempting their pay from Social Security, and we will act soon to effectuate this change, retroactive to January 1, 1986.

Senior status judges perform an admirable, as well as a critical function in voluntarily hearing cased in their retirement years. These judges reduce the enormous backlog of cases in the Federal court system, and their loss would severely damage the ability of the judicial branch to operate. Exempting retired Federal judges from the FICA tax is a small investment that yields enormous benefit to our society. This is an extremely unusual case, in which exemption for this small group will lead to no real loss to the Social Security System, and will not compromise the fundamental principle of mandatory, virtually universal coverage. Congress must and will act to remove this penalty for senior judges who continue to work.

THE FAIR WAY TO IMPLEMENT GRAMM-RUDMAN REDUCTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BOULTER] is recognized for 5 minutes.

Mr. BOULTER. I thank the Speaker.

Mr. Speaker, I just want to take a moment to explain the objection that came from this side of the aisle earlier today to Calendar Wednesday.

Let me do it by talking a little bit about what we did yesterday. Yesterday the Committee on House Administration complied with Gramm-Rudman for fiscal year 1986 in a very, very responsible way. It instructed the standing and select committees of the House to achieve the necessary savings in compliance with the March 1, 1986, sequestration order but left it up to each committee as to how each committee would achieve those savings.

Each committee, therefore, Mr. Speaker, had the discretion of where to make the cuts and reductions so as to come up with the total dollar savings under the March 1 sequestration order. That is the way this House should conduct its business. Also yesterday, Mr. Speaker, we urged the Committee on House Administration in a motion to recommit to go further and have each committee of the House tell us how they would comply with the sequestration order other than going through the across-the-board cuts which most of us in this body view as an inane way to run this Government.

Today we objected to Calendar Wednesday because we have the opportunity, Mr. Speaker, for each of our committees in the House to come forward with a plan for achieving the $11.7 billion savings.

For example, I would like to hear from the Committee on Agriculture, because it is the first one, I believe, when we get back on Wednesday, to explain what recommendations they have to achieve the dollar savings that they must achieve under the sequestration order.

Mr. Speaker, I have a resolution that was introduced this morning with 45 cosponsors including some Members from the Democratic side of the aisle, and under my resolution, Mr. Speaker, the Budget Committee would instruct each of the standing committees in the House of Representatives on the total dollar savings that they would have to achieve, that each committee would have to achieve under the sequestration order, and instruct each committee to figure out how that committee wants to make those savings.

For example, and it is just an example, but I am sure, after talking with the various members of the Committee of Agriculture, that those members would not want to cut farm deficiency checks by 4.3 percent. They would cut something else deeper and would restore the deficiency payments up to the full funding level.

Each committee can do that, Mr. Speaker, under my resolution.

Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

I know the time for the gentleman is limited. I just want to say I think what the gentleman is doing is tremendously important. Members need to consider exactly what is going forward here. There seems to be a sense developing in the Congress that the sequestration order is just going to be sort of dropped on us from on high and no one is going to have to take responsibility for it. The American people are not going to buy that. We are either

going to decide by affirmative action in this Congress that we are going to do something other than sequestration or we are going to decide by no action at all that we are in favor of sequestration. But one way on another, Members of Congress are going to be held accountable for what happens on March 1. Just speaking as this Member, I would much rather be held accountable for the kind of reductions that we can achieve as a Congress through our committees, which the Boulter resolution would allow us, than to have to defend sequestration, which is a rather mindless attack on some programs of great merit.

I thank the gentleman.

Mr. BOULTER. I thank the gentleman.

What the gentleman is saying is that we were sent over here to legislate, not sequestrate.

We are sent here to make the choices. That is what my resolution provides for, Mr. Speaker. So we objected to Calendar Wednesday today. I would hope that the Rules Committee would report out my resolution very, very quickly. I personally believe that within the leadership in the Democratic Party here in the House there is support for this concept, and there is broad-based support in our party, Mr. Speaker, and I think the American people expect us to conduct business that way.

So I would look forward to the committees coming forward with recommendations as to how they could achieve the savings which they must achieve under the sequestration order but to do so with discretion. There is no reason, for example, if we are appropriating money to study how to help the handicapped.

ORDER OF BUSINESS

Mr. WEBER. Mr. Speaker, my name was passed over from my previously agreed-to special order. Mr. Speaker, I ask unanimous consent to take my special order out of order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

A FAIR DISTRIBUTION OF GRAMM-RUDMAN REDUCTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. WEBER] is recognized for 5 minutes.

Mr. WEBER. Mr. Speaker, I intend to speak on the same topic as the previous speaker, and I therefore yield to him at this time so that he may finish.

Mr. BOULTER. I thank the gentleman for yielding.

On my special order I was just about to say when my time ran out that if, for example, we are spending money today to fund a study about how to help illiterate people and if we are also in another program spending money which actually helps illiterate people, it is ridiculous to cut both of those programs by 4.3 percent when we could cut the program study, the study program, by 8.6 percent, or something, and fully fund the program that is actually helping illiterate people.

Mr. WEBER. I thank the gentleman for his contribution.

Mr. Speaker, I yield to our distinguished colleague from California, the Honorable DAN LUNGREN.

Mr. LUNGREN. I thank the gentleman for yielding.

Speaking of illiteracy, I will strongly support what the two gentlemen are speaking of, but if we insist on creating new words like, "Let us sequestrate," you may lose me very, very quickly.

Mr. WEBER. We thank the gentleman for his contribution. I just want to build on the point that my colleague from Texas has been making, particularly in the area of agriculture. I would alert my colleagues who represent districts with substantial farm populations that we are going to have a lot of questions to answer if the March 1 sequestration order goes into effect as regards agriculture. One of the largest reductions mandated by the sequestration order on March 1 will affect the Commodity Credit Corporation, the agriculture budget, and it will be an $825 million reduction in that budget.

But it is not going to take place on March 1, as many of the other sequestration orders will. The March 1, 1986, sequestration order will actually be implemented in fiscal year 1987. So when farmers go in to market their 1986 crops, which will of course be harvested after the beginning of fiscal year 1987, what they are going to find is that the target price for corn, wheat, or whatever products they are producing is not what they were told it was going to be when they planted that crop. Instead, they are going to be told that they are going to get 4 or 5 cents per bushel less for that crop than they anticipated when they planted it due to the March 1 sequestration order. At that time, farmers are going to be rightfully upset and will want to know how their Members of Congress acted to either encourage that or to prevent it. The point I am making is that at this time in rural America we have a serious economic crisis. There is no question that we are going to have to reduce spending on agriculture as we will on other programs in the Federal budget. But there are better ways that we can find to reduce spending than on Commodity Credit Corporation deficiency payments which are the direct subsidies to farm income. We have a lot of other programs, extension services, conservation programs, administrative bureaucracy in the USDA. And I venture to guess that not a single member of the House or Senate Agriculture Committee would say that if they had their choice on how to reduce spending in the United States today that they would do it the way the sequestration order mandates. If I am wrong about that, I invite any of those Members from either party to come over and tell me that sequestration is the best way to cut the USDA's budget. We do not have to do it that way. We can enact the legislation that our colleague from Texas [Mr. BOULTER] has introduced, find a different way of meeting the exact same number of dollar reductions in the agriculture budget and yet provide some minimal income protection to farmers at a time when farm income in inflation adjusted terms is lower than it was in the depths of the Great Depression. I would add that for a lot of other programs in districts that are set up somewhat different than mine, there are going to be similar problems. Handicapped and special education gets gutted under this program. The FAA, at a time of increased concern about air safety, takes a very large hit. Veterans' Administration, particularly the health and welfare care areas, gets cut. A lot of other programs. There is no question we are all going to have to make sacrifices, there are no cuts that can be achieved painlessly. But I suggest to all the Members that if they look at how the sequestration order would affect programs of concern to them they are going to find a whole lot of ways that we can make those same budget reductions with considerably less pain than would be made under the sequestration order. What is required is for this Congress, both Chambers, both parties, show the will and the determination to get out of business as usual and enact legislation such as the Boulter resolution which provides an alternative method of making a more rational reduction in the preparation of the budget than mindless meat-cleaver sequestration.

Mr. Speaker, I yield back the balance of my time.

MONEY LAUNDERING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, the President's Commission on Organized Crime will conclude its principal business next month. Given the significance of its findings, I believe that it is crucial for the Congress to commence analyzing the Commission's reports and considering their implications for national policy. I would like to take

the first step in that process this evening.

Amidst a full-scale assault from law enforcement officials, the denizens of La Cosa Nostra and narcotics trafficking have sacrificed much in recent years. Infamous crime chieftains like Carlos Marcello are now in prison. The south Florida task force and other enforcement units have obstructed drug routes. And connections with the judicial system have been severed, thanks to efforts like Chicago's "Operation Graylord." These criminals can never sacrifice one special element of their schemes, however: The flow of hard cash that is disguised by money laundering.

Gangsters and drug traffickers have demonstrated the importance they attach to money laundering by making it so pervasive and sophisticated that it has become a threat to the reputation of America's banking system. True, launderers do resort to casinos and other vehicles to hide their illegal profits. But they do not hesitate to employ local banks, banks with international customers, brokerage houses, and indeed America's financial networks. Past successes and present legislative opportunities allow only hope that the lifeblood of professional crime can be abscised. But Congress cannot bypass such hopes even in an era of budgetary restrictions and gigantic criminal organizations.

□ 1625

The reliance of the Mafia on cash is as old as the 1800's and as new as testimony before the President's Commission on Organized Crime. Only last week, Colombo family attorney Martin Light told the Commission that he received 80 to 90 percent of his fees in cash. "It's the best way to get paid," he explained, modestly omitting to mention that such a practice also concealed the identify of his former employer, Mafia godfather Carmine Persico. Narcotics traffickers insist on cash for similar reasons, in addition to their desire for reliable payment.

Money laundering is not new to the underworld, either. According to the President's Commission, money laundering is "the process by which one conceals the existence, illegal source, or illegal application of income, and then disguises that income to make it appear legitimate."

In other words, Mr. Speaker, what we are talking about is the process by which they make dirty money clean, or at least appear clean.

In a simpler world, this was a simple operation. Reputed mobster, Vincent Teresa, told of the activities of 1940's bookmakers in his biography. According to Teresa, bookmakers would set up a check-cashing service at local bars where the launderer would offer workers tainted cash in exchange for their paychecks.

In recent times, launderers have sought institutions with greater financial capabilities. The occasional association of certain casinos with organized crime and relatively loose Federal controls over them have made gambling establishments a natural choice. According to a 1984 Drug Enforcement Agency report, investigations in New Jersey and Nevada have illustrated this phenomenon. New Jersey authorities reported that in June of 1983 $28.2 million was deposited in Atlantic City casino cages by gambling patrons. Cash deposits of over $10,000 were made by 356 individuals. Within that group, investigators discovered that 55 patrons possessed criminal records for narcotics offenses, extortion, and bookmaking.

Las Vegas provided equally distressing revelations. The Drug Enforcement Agency described them this way:

During an extensive cooperative investigation by DEA, FBI, IRS, and U.S. Customs, an account was established at the Royal Casino in Las Vegas by undercover agents. The investigation revealed that the casino was being used to convert small denominations of drug-generated currency into larger denominations prior to its transportation to the Cayman Islands and Luxembourg. Defendants indicted in the case included the casino owner and the general manager.

If management does in fact participate in laundering operations, one may deduce the infiltration of segments of the casino industry by organized crime.

Underscoring this description of money laundering and casinos are two additional instances of such intertwinings. Reported by the Drug Enforcement Agency, they serve to make the implications of this activity concrete. In an effort to launder his heroin proceeds, drug trafficker Joseph Richardson, a resident of the District of Columbia, made cash deposits and withdrawals of over $1 million in Atlantic City during a 4-month period in 1982. When the DEA investigated Maurice "Peanuts" King, a major distributor of heroin in Baltimore, they found he had used an Atlantic City casino to launder over $400,000 in narcotics profits. The DEA seized $300,000 in cash in connection with arrests in this case. The money had been placed in stacks of $100 bills in wrappers from Resorts International of Atlantic City. We must recognize that without these laundering activities, both Richardson and King would have found it very difficult to profit from their poisonous enterprises.

The multimillion-dollar resources of American casinos make their manipulation by gangsters and heroin dealers an ominous development. Yet, even the gambling houses cannot meet the financial needs of the exploiters of millions of Americans. The Drug Enforcement Agency has estimated that somewhere between $50 and $75 billion in laundered crime money proceeds from drug trafficking alone. This figure is 197 times the amount appropriated by Congress for fiscal year 1986 drug enforcement spending. It's a devastating total, and a revealing one, for it shows why the Mafia and narcotics kingpins are now bringing their criminal tenacles to ensnare U.S. banks, the most resourceful financial institutions in the world.

The crime chieftains are using a variety of techniques and a variety of locations to inject their profits into the American financial system. One victim of their contagion has been New England. Persons familiar with Boston know that the towers of its financial district are a long way from the Roxbury streets where killer drugs are bought and sold. But money laundering has brought the two worlds together. The Boston Globe has explored the financial transactions of reputed crime boss Gennaro Angiulo, who formerly controlled Huntington Realty Co., Inc., and Federal Investments Co. From 1979 to 1983, these two companies obtained $7 million worth of cashiers' checks from the Bank of Boston, Cash in amounts over $10,000 was used to purchase 2 million dollars' worth of cashier's checks. The Bank Secrecy Act mandates that such transactions be reported to the IRS, but branch manager Gloria Cushing claimed an exemption for Angiulo's companies. Those claims should have been invalidated by a 1980 revision of the bank secrecy measure, but Cushing maintained the Angiulo exemption for unknown reasons. Now retired, Ms. Cushing refuses to make any comments about the Angiulo connection.

In 1985, the Boston Globe published a special "Spotlight" report on money laundering. The report focused on New England and some of its unwanted residents. The archetype of the latter group is Mr. Elias A. Kenaan. Mr. Kenaan is the former son-in-law of Boston mobster Ilario Zannino. A "major league operator" in cocaine trafficking, he struck out in August 1983 when he was arrested on charges of drug trafficking, gaming, and possession of a sawed-off shotgun. But look what else he was involved in before his apprehension. As the Globe's report explains:

Kenaan . . . walked into the Shawmut Bank of Boston's State Street branch [earlier in 1983] with $70,000 in consecutive-numbered checks in his pocket. Kenaan needed that money—which he had just been lent by a nearby credit union—to support a major cocaine business he was alledgedly operating out of a secluded Lincoln estate.

Over the next two weeks, Kenaan cashed one check nearly every business day at the Shawmut Bank branch. Since each check was for just under $10,000, none of the transactions had to be reported to the Internal Revenue Service to comply with a Federal law.

These transactions were part of an elaborate, 4½ year scheme by Kenaan to bankroll

his multi-million dollar drug business. The scheme included:

1. Borrowing about $458,000, most of it in checks under $10,000 each, from Industrial Credit Union.

2. Cashing most of the checks at Boston banks, including more than half at Shawmut's branch.

3. Wiring $225,000 through Industrial, Shawmut and Western Union to banks and associates in the United States, Spain, Italy and Peru.

In virtually every transaction, the credit union, banks and telegraph service were used by Kenaan to obtain checks, cash and wire orders in amounts just under those that federal law requires to be reported.

And Kenaan's use of the credit union allowed him to solve—at least for a time—a problem nagging most drug dealers, what to do with the large amounts of cash they make on drug sales. Industrial made it possible for Kenaan to be paid by his drug customers through checks made out directly to the credit union.

The Kenaan case illustrates how financial institutions can—even unwittingly—help alledged criminals run their illegal businesses; and it shows how easily federal laws intended to block such assistance can be circumvented.

Shortly before the beginning of his trial in June 1984, Elias Kenaan jumped bail and fled the United States.

□ 1635

New York City provides an even better instance of the union between a financial center and professional crime. This example is known by the colorful label of "The Pizza Connection." The President's Commission on Organized Crime described it this way:

On April 9, 1984, 38 individuals were charged in an indictment filed in the Southern District of New York, as a result of a Federal investigation into heroin trafficking and money laundering in this country and in Europe by various elements of La Cosa Nostra, including the Bonnano crime family * * *. The network was one of the largest importers of heroin into the United States, and used pizza parlors throughout this country to distribute heroin smuggled in from Southeast Asia's Golden Triangle via Sicily.

Law enforcement authorities have generally recognized that members of La Cosa Nostra and the Italian Mafia have been involved in heroin trafficking since the late 1930s and early 1940s . . . The Pizza Connection case provided new evidence of the extent to which elements of La Cosa Nostra and the Italian Mafia have jointly participated in narcotics trafficking and the laundering of narcotics proceeds through financial institutions in the United States.

The heroin importation network relied upon a faction of the Bonnano crime family headed by Salvatore Catalano to distribute the heroin in this country. In turn, the heroin business of this Bonnano crime faction was tied directly to organized criminal groups in Sicily, the rest of Italy, Switzerland, Spain and Brazil. Direct evidence of the existence of this network was first obtained in 1980 when couriers were observed transferring enormous amounts of cash through investment houses and banks in New York City to Italy and Switzerland. Tens of millions of dollars derived from heroin sales in this country were transferred overseas in this fashion, apparently in violation of the Bank Secrecy Act.

According to the complaint, the function of the couriers was to transport cash out of the United States. Generally, the cash was in $5, $10, and $20 denominations, or "street money," and was transported out of the country by private jet to Bermuda, by commodity account transfers to New York and Switzerland, and various other means. These funds were channeled from Switzerland or Bermuda back to the narcotics sources in Italy. The money was used to pay for the raw opium converted to heroin in the Sicilian laboratories, to finance additional laboratories, and otherwise to support and profit the overall network of heroin trafficking.

One of the couriers for this laundering operation was Franco Della Torre, a Swiss resident. In March 1982, Della Torre deposited slightly more than $1 million in $5, $10, and $20 bills in the "Traex" account at the Manhattan office of the brokerage firm Merrill Lynch Pierce Fenner and Smith. Thereafter, Della Torre made 4 additional cash deposits totaling $3.9 million in the "Traex" account at Merrill Lynch in late March and mid-April 1982.

In making large cash deposits at Merrill Lynch, Della Torre's practice was to request that security personnel accompany him from his hotel to Merrill Lynch offices. After several such deposits, security employees determined that Della Torre's funds could not be afforded proper security, and arrangements were made to escort the money from Della Torre's hotel directly to Bankers Trust, where Merrill Lynch maintained accounts. A Merrill Lynch security official, noting the suspicious nature of transactions and Della Torre's reluctance to enter the money room at Bankers Trust due to the presence of surveillance cameras, contacted the Merrill Lynch manager in Zurich, Switzerland, regarding the legitimacy of the "Traex" account. In spite of assurances that the account was in order, Merrill Lynch closed the account in April 1982, whereupon Della Torre moved his laundering operation to the Manhattan office of the brokerage firm E.F. Hutton and Company.

By the time Federal authorities contacted E.F. Hutton in regard to Mr. Della Torre, his heroin network had managed to launder $25.4 million over a 2-year period.

In addition to its local coverage, the Boston Globe's survey also examined national implications of the money laundering problem. Banks across the country have noticed a large increase in the number of their cash dealings. Some of it reflects new trends in consumer economics. But Federal law enforcement authorities believe that a substantial portion of the cash surge arises from the underworld. The Globe reports:

Three cities—San Francisco, Los Angeles and Miami—have 1985 [cash] surpluses that had crossed the billion-dollar mark by June. "These are the ones that bear close scrutiny," said John M. Walker, Jr., until recently an assistant U.S. Treasury secretary.

While cash is flowing into those cities, it is apparently leaving New England communities. The Boston Federal Reserve has sent more cash to New England banks than it has collected from them every year since 1970. Last year, it distributed $2.2 billion more in cash than it received. To investigators, these figures suggest that New England's drug cash is going elsewhere to be laundered.

One of those places, they say, is San Francisco. The first official to notice the surplus of cash there was David Christerson, head of the currency department at the city's Federal Reserve. But Christerson was so preoccupied with how to fit all of the extra cash in his overfilled vaults that he failed to ask where it was coming from or why. He did not even tell Federal Reserve bank regulators who might have started looking for answers as they inspected the region's banks.

The article continues:

The first concerted effort to look for an explanation did not come until a rainy morning last March at a conference called by the U.S. attorney's office in San Francisco following publicity about the Bank of Boston's violation of the Bank Secrecy Act. According to several of those who attended, investigators with Customs, DEA and IRS drew up a list of possible sources for the surplus. The Globe's findings bolster their theories.

Florida, particularly Miami, was high on the investigators' list of sources for illicit cash. That area has recorded the largest cash surplus of any in the nation every year since 1970, climbing to $5.3 billion in 1984, and it is the target of one of the Federal Government's largest financial probes. As a result, dozens of people previously convicted on drug and laundering charges in Miami have moved their operations to San Francisco.

One criminal connection between the two cities involved the case of Miami accountant Ramon Milan-Rodriquez. In one of their biggest busts to date, federal agents arrested Milan-Rodriquez in May 1983 for laundering hundreds of millions in drug money. Five days later, when they tried to question one of his San Francisco partners, Ivan Cuartas, they found Cuartas has packed up his family and disappeared. Left behind were carbon copy receipts that officials said indicate that Cuartas had been receiving blocks of cash from Miami and converting them into cashiers' checks at Bay Area Banks.

In considering the Boston Globe's analysis, it's important to distinguish the implications of the Angiulo case from those of the Milan-Rodriquez one. The former instance represents a case where a local bank, albeit one with international connections, was tainted by powerful local criminals. One might therefore dimiss the money laundering issue as a local question, one that only afflicts selected cities with historical ties to the Mafia. The Milan-Rodriquez affair shows that money launderers have infiltrated not only individual banks, but indeed the national banking system of credit and currency. All Americans can therefore be affected by shifts in the balance of currency, distrust of financial organizations linked to the mob, and the corruption of bank officials.

Mr. Speaker, the latter phenomenon is not a frequent occurrence. Many bank tellers and managers are only now grasping the Bank Secrecy Act

and other measures designed to clean up money laundering. Yet there are those important instances where complicity by bank officials has been found. The President's Commission on Organized Crime discussed such an instance in an interim report to the Attorney General and President Reagan for October 1984:

As a result of Operation Greenback, a federal grand jury indicted the Great American Bank of Dade County, Florida, and three employees, including the vice president of the installment loan department, a loan officer, and the head teller. The indictments, returned as a series from December 1982 through April 1984, charged that the bank laundered more than $94 million from January 1980 through February 1981, and willfully failed to file 406 currency transaction reports during that period. In addition, the bank's depositors—three separate narcotics organizations—were charged in three companion indictments. All defendants who are not fugitives have pleaded guilty to various charges, including failure to file CTR reports and conspiracy to provide money laundering services for narcotics related organizations.

The money laundering schemes effected through GAB included agreements between the narcotics trafficking organizations and the vice-president of GAB, Lionel Paytuvi . . . One of the narcotics organizations, holding an account under the name Interfil, made cash deposits of over $71 million from January 1980 through February 1981, with average deposits in excess of $250,000 daily. Interfil did no legitimate business, and existed only as a GAB account and a front for cocaine and marijuana sales as well as narcotics money laundering services . . . Interfil maintained an average daily balance of $500,000–$600,000. GAB routinely issued cashier's checks two or three days following the cash deposits, enabling the bank to realize further profits until the checks were negotiated.

From April 1980 through December 1980, GAB maintained another account for "Louis Rondon" in which currency deposits in excess of $9 million were made. The "Rondon" account was a nominee account for Carlos Piedrahita, a known narcotics supplier from Columbia and partner of Isaac Kattan. The 1984 analysis by Federal law enforcement agencies and the intelligence community noted that Kattan, who was eventually indicted for his role in the GAB scheme, had pursued a criminal career that "probably constitutes a prototype of the traditional relationship between Colombian drug traffickers and money exchangers. With his links to drug money movement already established, Kattan probably was one of the principals in the shift of cocaine money laundering from New York City to Miami in the 1970s. He subsequently functioned virtually as the 'Chancellor of the Exchequer' for at least one major cocaine trafficking organization—a degree of involvement that does not appear to have been duplicated, at least in the United States, since his arrest and the impoundment of his records."

In early February 1981, GAB officials met with Kattan and agreed to process a $3 million cash deposit by issuing cashier's checks to various Kattan accounts at the Bank of Miami in exchange for a $20,000 fee, paid in advance, to GAB. Later, at GAB's insistence, Kattan opened a checking account in the name of "Currency Exchange Corporation," and made large daily currency deposits totaling more than $6 million in cash which were the proceeds of sales of narcotics, smuggled primarily from Colombia.

Kattan's operation involved the cash deposits of large sums of narcotics proceeds by Kattan or his couriers into his "Currency Exchange Corporation" account, where it was transferred via cashier's check, wire transfer or check to the Bank of Miami, where Kattan held an account in the name of "Sofisa," GAB assisted in the money laundering scheme by routinely falsifying names of remitters on Kattan's cashier's checks, as well as failing to file the required currency transaction report.

After a series of transactions through foreign tax havens, the U.S. funds would then appear as assets of Kattan's Colombian travel agency, which was also a front for Kattan's Colombian black market money exchange. Kattan could then pay Colombian narcotics traffickers in Colombian pesos, as well as finance the transportation of narcotics from Colombia to the United States. In many instances, currency never left the United States because of Kattan's large source of pesos from his black market money exchange, which he acquired by transferring various U.S. bank checks rather than actual U.S. currency.

Upon being introduced to the principal individuals of the "Rondon" and "Interfil" accounts, one GAB officer expressed his pleasure with their average daily balances and voiced appreciation for their business.

Mr. Speaker, this sickening episode grips one's attention because: First, individual money launderers are exchanging fortunes in cash—even at single institutions; second, they take a casual, even carefree attitude toward their exploits; third, the bank officials that conspire with them are effectively striving to facilitate the sale of deadly substances.

Let us make that clear. Those people who believe that they are only involved in financial transactions, changing dirty money into clean money, are assuredly aiding and abetting the poison going into the veins of our children in this country.

Money laundering represents a real threat not merely to taint banks with criminal activity, but to overwhelm them in it and to facilitate the drug trafficking in this country, with all of its damning consequences.

The empirical reality of the money laundering crisis can breed despair. In an era of budget cutting, law enforcement agencies that are already understaffed will not be able to conquer a problem of this magnitude. One can justify, however, the belief that Federal and State authorities will create inroads into the money-washing operations that will damage the activities of mobsters and drug dealers.

This conclusion is based on the success of previous efforts to control laundering, and on the opportunities for significant legal reform in this area. One can gather from the cases I mentioned earlier that law enforcement has scored some important victories against money launderers and those that depend on them. On April 16 of last year, John Walker, Assistant Secretary of the Treasury for Enforcement and Operations, testified before the House Judiciary Committee's Subcommittee on Crime. There he noted that the Treasury Department has allocated 40 task forces to conduct financial investigations using data provided by the Bank Secrecy Act. According to Mr. Walker:

Since 1980: they have produced over 1,300 indictments and over 460 convictions; they have resulted in $81.8 million in currency seizures and $34.3 million in property seizures; and they have destroyed eighteen major money laundering enterprises, which laundered a documented total of $2.8 billion.

Mr. Walker added that the President's Organized Crime Drug Enforcement Task Forces have attacked over 880 cases and have obtained more than 1,860 convictions.

□ 1650

Mr. Speaker, I think we would all agree these figures represent a real beginning, a substantial beginning, they do mean that so much more remains to be done. Although drug traffickers now have 1,800 fewer ways or fewer individuals to conceal their illegal gains, present law is not sufficient to do what needs to be done to turn off this very, very open process by which those who would, as I say, put the poison in the veins of our children would become legitimate and escape the eye of the law.

I yield to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. I think the gentleman is doing a great service, my colleague on the Crime Subcommittee, by having this special order time and drawing the Members' attention to the fact that we need more than perhaps any other piece of legislation except perhaps the question of balancing the budget to pass a money laundering bill in this Congress, one that makes it a crime, as the gentleman is pointing out.

We have tremendous obligations to the youth of this country to do everything we can to stop drug trafficking. It seems to me, and I know the gentleman and I have discussed this on several occasions, that there are really only three ways in which we can get at drug trafficking. One of them is to discourage and try to eliminate the demand among the young people. A lot is going on today in this country. There is a great deal of that, but still, even though the demand is slightly down, unfortunately, we are still at very alarming rates.

The second way, and I think we have seen an awful lot of effort in this, is to get at the source; to try to get the source countries that are producing these narcotics, the coca leaves and the marijuana plants and so on to eliminate those. Despite all of our ef-

forts there, and we are really putting a lot of effort into it now, we are still seeing enormous sums being produced.

The third way and the primary reason why all of this works is what the gentleman is talking about. That is the profit that is in the narcotics business. If we can get at the profit, if we can make it too expensive for the big money, organized criminals to get involved and to continue this high-level operation, we can make a very significant impact on the entire process.

It is not easy, as the gentleman has noted, this $50 to $75 billion business annually in this country. We are talking about "b" with billion, not million. It seems to me the legislation that I have offered, the legislation the administration has proposed, the legislation that I know we are going to see coming, I hope, out of the Crime Subcommittee and perhaps companion legislation over in the Banking Committee, all are going to make the effort to address that problem because it is too easy to do that. The banks are too open in especially foreign countries like Panama and the Bahamas and elsewhere. We have people running around like the witness, the hooded fellow who is telling us about how he professionally organized all those people to go around and get cashiers' checks with the cash to cover it up as in the pizza case and the ones you have cited and so on.

Mr. LUNGREN. He made it sound so simple.

Mr. McCOLLUM. It was so simple, was it not? He is an attorney, professionally trained, did not want to know where the money came from, did not care, getting his cut off the top. A person like that happened to be tried because there are bribery laws and fraud laws, but unfortunately, they are not adequate, normally, to catch these people. People think we have money laundering laws. I see every once in a while, I am sure that you do, that there is a case being tried for money laundering. What they are talking about is some indirect method that our law enforcement people have put together as best they can, but there is no crime for knowingly concealing the source of money from illicit narcotics or any other illicit transaction. It is terrible.

Mr. LUNGREN. The gentleman will recall that mention was made during hearings we had in our subcommittee of testimony taken from a woman teller at a bank where this money laundering was going on, where she was specifically asked the question: "Did you not know that these large amounts of money that this individual was delivering to you on a regular basis in a satchel was related to drug trafficking?" Her answer was basically, "Yes, I did, but, everybody is doing it; it is not my business." The point is that that is the best example one can give of why we need a money laundering statute. As long as the amount she was given was not above $10,000, she committed no crime by basically cleansing that money, even though she knew it was from an illegal enterprise.

What we are suggesting, as strongly as we possibly can, is that yes, the Bank Secrecy Acts have assisted us; yes, the amendments we made to the Bank Secrecy Act, to the Comprehensive Crime Control Act have assisted us, but right now the very means by which people are cleansing their money is itself not an illegal act as far as the person doing the cleansing.

I yield to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. I certainly agree with the gentleman and that is the bottom line point. You have two objectives here. One is to give law enforcement a better tool to get at the hardened criminal that everybody immediately recognizes as being involved in traditional money laundering concealment as a part of the narcotics organized crime operation. Second, what you are making such a good point about is to make the public really aware and take notice that it is really criminal for somebody to "innocently but knowingly" be a conduit for this kind of transaction. This money transaction. It is not just a moral crime, it is a crime against society which we, I think, have an obligation to put into the books and make it such that people who are bank tellers, people who are innocent out there in restaurants and so on know about it.

I think the other thing the gentleman is making a point about is that not everything goes through the banks or through the savings and loans or through the securities companies. We have about half the money in money laundering that has floated through businesses, taken off shore without ever going through our financial institutions, and these proposed statute changes would be designed in addition to give law enforcement an opportunity to better get a prosecution tool for capturing the people who are handling it at each stage even if it does not go through a financial institution.

Mr. LUNGREN. As the gentleman knows, looking through it as I have, the American people have not been fully informed on what we are talking about. When I have gone to DEA facilities and seen some drugs being kept for evidence purposes, stacking no higher than this table, and maybe about 4.5 feet in width, being worth over a billion dollars. It is incredible what we are talking about in terms of the amounts of money being generated and the reason why they need the conduit to change that dirty money into clean money. If they cannot do that, we put a very strong crimp in their whole process.

Mr. McCOLLUM. If the gentleman will yield, that is absolutely the point. We have got to put a crimp in the process. If they cannot make money off of it, the big guy is not going to be in it; you are not going to see as much running. We will always have some drug problems just like we always have crimes, but we will not have anything of the size and scope that is here today. To me, it is unfathomable as long as we have been fighting this battle that we still do not have the tools in the hands of our law enforcement officials to get at the guts of this thing, right. here and now.

We try to intercept at the border but you can just put so many planes up in the air; you can just put so many ships out on the sea. It is a big ocean; it is a big sky. We cannot stop everything from coming into this country and we cannot arrest every little nickle and dime operation on a street corner selling a bag of marijuana. We cannot stop it in that fashion. We ought to keep trying; I am not saying we do not try. We ought to be praising the law officers who are making a valiant effort to do it at every level. But it is not going to get at the root of the problem. This can, but again, it needs the American public's attention so we can get the support for this.

Mr. LUNGREN. As the gentleman said, one part of the entire process in dealing with drugs is education; educating our children, getting the word out. We are sending a discordant signal to our children by saying on the one hand, "Do not get involved with drugs, they are death for you," and in fact we mean that literally, and, on the other hand, having a system that exists which allows a teller to say, "Well, I do not care if that came from drug trafficking because there are a lot of people out there doing it, and it is not against the law for me to change their money. As long as they keep it under $10,000, I commit no crime by not even reporting it."

What kind of signal is that to our children saying this is such a dastardly thing, it is causing such great pain in our country. On the other hand, you have got people involved in legitimate financial institutions saying, "I am closing my eyes to where it came from, and you cannot catch me because it is not against the law to do that."

Mr. McCOLLUM. if the gentleman will yield further, the point you are making is absolutely the bottom line. I think that there is an undercurrent in some of our hearings and among some of the questions being raised by some who might pick on this legislation that there may be too many problems to have a staututе like this, that maybe somehow we are going to be interfering with the attorney-client relation-

ship; that we are going to get involved in areas that might reveal the client of the bank, his accounts, in a way that would put a damper on the normal right to privacy and so on.

I think the gentleman knows and would agree with me that the committee is very cognizant of these rights and we are making every effort and will be able to make every effort to, I think, quite satisfactorily respond to those requests, put out a piece of legislation that will get with it, that is narrow in scope but to the point of allowing the banks to give forward some information that have not up to now been able to because they might be prosecuted under the present laws for violating some secrecy, and most, importantly do what the gentleman is urging here today, make that a crime where people are out there who know they are not part of the scheme but really are that knowing movement of the money from the illegal source.

□ 1700

That is so important, it can be done, it can be crafted, and the critics so far, I think, are very minor on this point. But we needed to mention that there are some, and that is where they are, but they are being overcome and can be overcome. We need to move on to legislation.

Mr. Speaker, I appreciate the gentleman's yielding. I know that he has the time and has only so much of it but I can only say that I want to again thank him for taking this time out today to bring this point to the attention of our colleagues and the public that we do need this legislation. It is not a simple problem. It is a very gigantic problem on which the American public needs an extra tool, and the public awareness that the gentleman is bringing up is just tremendous.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. LUNGREN. Mr. Speaker, I thank the gentleman for his comments. I think the record should reflect that the gentleman from Florida has probably been the first person in this Congress to bring forward proposals of a legislative nature to address the question of money laundering. He has worked with the chairman of our subcommittee to have hearings, and I know he will continue striving throughout this Congress to see if we can get some legislation on the books so we will not be talking about this next year but, instead, will be talking about how it is working and what other things we may need to get it implemented in a better fashion.

Mr. McCOLLUM. Mr. Speaker, if the gentleman will yield further, I thank him for pointing that out, but I want to say that the gentleman from California has been an invaluable asset to our subcommittee on this issue, and he is doing it again today. There are a lot of people who now recognize this, and thanks to this type of a hearing, a lot more are going to recognize it.

So I thank the gentleman again. I appreciate his taking this time out.

Mr. LUNGREN. Mr. Speaker, as I said before, the crux of the problem is that at present there is no statute directly addressing the problem of money laundering. As a result, most prosecutions in the area are brought under the Bank Secrecy Act which by its terms imposes criminal penalties only for violations of its reporting and recordkeeping requirements. The financial institutions file currency transactions reports—CTR's—when more than $10,000 is involved in a transaction. Thus the money launderer complies with the actual requirements by filing the required forms or uses an approach not involving financial institutions and, therefore, not covered by the act and may be able to avoid prosecution.

Another aspect of the law that has bearing on any consideration of the question of money laundering is the Right to Privacy Act. The RFPA prohibits a financial institution from disclosing information from a customer's financial records unless the institution has been served with legal process. Financial institutions must wait 10 to 14 days before furnishing any information to a government authority. The Government must submit a written certificate to the institution indicating it has complied with the relevant provisions of the act. All this is intended to protect financial institutions from liability for wrongful disclosure of customer records.

It should be noted that there are a number of exceptions to the application of RFPA. It does not prohibit a financial institution from notifying a government authority that it has information which may be relevant to a possible violation of law or regulation. The procedures of the act outlined above do not apply to requests for "emergency access" if a determination is made that any delay in obtaining their records would create "imminent danger" of physical injury, serious property damage, or flight to avoid prosecution.

The President's Commission on Organized Crime has found a number of problem areas with respect to current law. First of all, financial institutions have often been reluctant to notify Federal authorities of suspicious transactions. They fear exposure to civil liability, which could include punitive damages and attorney fees.

Second, the Commission reported that officials that have been contacted by law enforcement authorities have on occasion then notified the customers involved even when it was clear that violations of the law were involved, and that, therefore, gave them clear warning to get out of the way or change their transactions or in some way attempt to avoid the law.

Third, despite judicial decisions to the contrary, financial institutions have also expressed concern that under State financial privacy statutes, their failure to notify a customer that they have received a Federal grand jury subpoena for the customers' records would subject them to high civil penalties or criminal liability under State law.

Fourth, the Commission found that Federal agencies lack investigative techniques such as authority to conduct electronic searches, that there are insufficient numbers of FBI, DEA, and IRS agents to investigate money laundering schemes, and that the general availability of exemptions of CTR requirements for bank customers makes compliance even more difficult.

Fifth, the Bank Secrecy Act may not provide sufficient authority to prosecute and penalize money laundering. Civil and criminal penalties for willful violations of the act can be applied only under limited circumstances involving a "pattern" of illegal activity.

Finally, the report expresses concern that the absence of an attempt provision in the act has created problems for law enforcement and the courts regarding the issue of when conduct by a money launderer constitutes a completed offense under the act.

The Commission has also made a number of legislative recommendations which are embodied in a bill (H.R. 1367) introduced by Congressman BILL MCCOLLUM on February 28 of last year.

On behalf of the administration, Representative FERNAND ST GERMAIN and Representative MCCOLLUM also introduced the Money Laundering and Related Crimes Act of 1985. This legislation (H.R. 2786) represents somewhat of a refinement of H.R. 1367. It provides that one who conducts, causes, or attempts to conduct a transaction involving either the wire transfer of funds or involving monetary instruments or which is through a financial institution is guilty of an offense if the Government can show either of the following:

First, that this person acted with the intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of any unlawful activity, or

Second, that the person knew or acted in reckless disregard of the fact that the monetary instruments or wire transferred funds represent the proceeds of or are derived from directly or indirectly the proceeds of any unlawful activity.

The punishment under the bill would extend for up to 20 years and a fine of up to the greater of $250,000 or twice the value of the monetary in-

struments of wire transferred funds involved in the transaction. The bill will allow for either the civil or criminal forfeiture of funds and proceeds derived from the funds involved in a violation of the act.

Nothing in the RFPA will apply when a financial institution provides financial records to an agency which it has reason to believe may be relevant to possible crimes by or against a financial institution or financial supervisory agency or as a result of a violation of the Bank Secrecy Act, the proposed money laundering offense or enumerated drug related crime provisions.

Mr. Speaker, there are other bills in this area. Congressman BILL HUGHES, chairman of the Crime Subcommittee of the Judiciary Committee, has also introduced a money laundering proposal, H.R. 1474. Its definition is somewhat different than those I have just expressed. The intent standard used there is somewhat different.

There are those who have come before our panel to show that there are some problems in terms of the standard that we have put in the original bill, or that the scope of the bill that some of us have signed on to at the request of the administration may be perhaps too broad. But those are things on which we can compromise. There is no doubt in my mind that if we put our minds to it, this Congress can enact meaningful, effective, tough money laundering legislation which will meet the legitimate criticisms that have been raised thus far.

One point I would like to stress is that regardless of the form the legislation will ultimately take, I do believe it must be comprehensive in order to address the broad scope of the problem. If the legislation is not comprehensive, we will be reminded of the hydra in greek mythology: for each head of the monster that was cut off, two arose in its stead.

Money laundering presents problem-solvers in Congress and the administration with difficult problems. But, believe me, the serious magnitude of these dilemma should generate a new energy and inventiveness.

With the President's Commission and perhaps even this afternoon, with Members of the House talking about this, we have already taken the first step in this respect by illuminating the money laundering problem for all Americans to see.

The second step is obviously legislation. We must recognize that it would be calamitous for our banking system not to act upon the money-laundering affliction. For the sake of the banking system itself, if we fail to heed the advice of the Crime Commission, then we effectively wink at the corruption of U.S. finance. America's banking customers should not and will not tolerate such a situation.

Mr. Speaker, the bottom line is that we are talking about the lives, both the ruined lives and, yes, the lives that have been stomped out by drug abuse in this country, and the fact that the perpetrators of that terrible affliction on our children and those who are older than children can be affected, and that that particular process that is involving these perpetrators can only be facilitated by money laundering. If we take money laundering out of the process, we will deliver a devastating blow to these perpetrators of poison to our children.

So, Mr. Speaker, I hope that all of my colleagues will pay attention to this problem, that we will work to get meaningful legislation before the end of this Congress, and that in fact next year we can talk about the effectiveness of this approach and see if we can do more. The fact that this may not be the perfect answer ought not to stop us or hinder us from taking what appears to be the best approach we have available to us at this time.

Mr. Speaker, I believe that my colleague, the gentlewoman from Kansas [Mrs. MEYERS], would like me to yield to her at this time, and I do so very happily.

□ 1710

Mrs. MEYERS of Kansas. Mr. Speaker, I thank the gentleman.

I compliment my colleague, the gentleman from California [Mr. LUNGREN] for doing this special order and I am pleased to join my colleague, the gentleman from Florida [Mr. MCCOLLUM] in this special order on the problem of money laundering.

Recent convictions against organized crime leaders for skimming more than $2 million from the counting room of the Stardust Casino in Las Vegas clearly demonstrate the extent to which organized crime has permeated all aspects of society. The need to eliminate the profitability of criminal activity has become a national priority.

In order to eliminate the profitability of criminal activity the administration and Congress have focused their attention on money laundering. Money laundering has been defined by the President's Commission on Organized Crime as "the process by which one conceals the existence, illegal source, or illegal application of income, and then disguises that income to make it appear legitimate." Simply, it is a process by which criminals can take their illegal profits and give them the appearance of being earned legitimately. Attorney General Edwin Meese has stated that "money laundering supports, encourages, and facilitates a large variety of criminal activities including narcotics trafficking, income tax evasion, bribery, investment fraud, illegal tax shelter programs, securities fraud, prostitution, and gambling." In case your wondering how this affects you—it does. Money laundering undermines the integrity of our financial institutions; provides an avenue for tax evasion, and contributes to the growth of organized criminal enterprises.

It is estimated that approximately $100 billion is laundered through U.S. financial institutions annually. A large portion of this amount comes from illegal gambling, prostitution, and other enterprises; However, it has been reported that more than one-third comes from drug trade. Drug traffickers, who must find a way to wash billions of dollars in cash, create the largest demand for money laundering schemes.

At the present time, the most important tool available to law enforcement authorities in detecting money laundering is the Bank Records and Foreign Transactions Act of 1970—generally referred to as the Bank Secrecy Act. The Bank Secrecy Act requires financial institutions to file a report with the Internal Revenue Service of all currency transactions involving $10,000 or more. Law enforcement officers use the reports to trace illegal profits to their illegal sources. Also, foreign currency transactions involving $10,000 or more must be reported to the U.S. Customs Service. Financial institutions that fail to file, or file improperly are subject to civil penalties of $10,000 per violation, and criminal penalties which include a maximum of 5 years imprisonment and a $250,000 fine. The penalties are higher for repeat offenders.

The Bank Secrecy Act has been an effective means of detecting and tracing "dirty" money to its illegal source. Last year Treasury officials fined the Bank of Boston $500,000 for failing to file 1,000 currency transaction reports that represented $528 million in small bills. In addition, the Treasury Department fined four big banks, Chase Manhattan, Manufacturers Hanover, Irving Trust, and Chemical Bank a total of $1.2 million for ignoring currency reporting laws. Treasury officials have assured me that these penalties have encouraged banks to file currency transaction reports. In 1984, 700,000 currency transaction reports were filed, and the number of filings by financial institutions more than doubled last year.

The Federal crackdown on money laundering began in 1980 with the "Greenback Operation," which has been highly successful in tracing currency through the Federal reserve banks. The "operation" has produced numerous indictments and convictions, and has increased the collection of fines and the seizure of illicit moneys.

Unfortunately, there are limits to the effectiveness of the Bank Secrecy Act. They are: First, the time involved

in processing and analyzing reports caused delay; second, lack of manpower; third, lack of investigative techniques; and fourth, limited access to necessary documents. Money launderers can make the detection of their financial actions more difficult by laundering less than $10,000 through financial institutions, and by smuggling their illicit moneys out of the country to countries such as Panama, the Bahamas, the Cayman Islands, and Switzerland which have strict bank secrecy laws.

Members of the 99th Congress have introduced legislation addressing the problem of money laundering. Some legislative measures propose making money laundering a crime, because at this time, money laundering is neither a State or Federal crime. Other legislation would stiffen penalties under the Bank Secrecy Act, and improve investigative authority under existing laws so that acts of money laundering do not go undetected.

I am pleased with the effectiveness of the Bank Secrecy Act. However, it is necessary to remove the existing impediments to this law so that criminals who launder "dirty" money through legitimate businesses can be apprehended. It is always difficult to balance the need for effective law enforcement and the right to privacy. However, if legislation is not enacted to address the problem of money laundering, the political, social, and economic costs produced by laundering "dirty" money will continue to escalate.

Again, Mr. Speaker, I am pleased to have this opportunity to participate in this special order on the problem of money laundering.

Mr. LUNGREN. Mr. Speaker, I thank the gentlewoman from Kansas for her contribution.

Obviously, her remarks directed at Kansas City being involved with something that dealt with Las Vegas, which dealt with drug dealing internationally, indicates the scope of this problem. It is something that affects every neighborhood, every community, every county, every State in the Union. It is something we have to get at. It is something obviously of a national concern that we must address and I hope that we do.

Mr. FISH. Mr. Speaker, I join my colleagues today in support of comprehensive money-laundering legislation. The administration, drawing on the excellent work done by the President's Commission on Organized Crime, has proposed comprehensive money-laundering legislation, H.R. 2786, which I have cosponsored. This legislation is based in part on a bill crafted by the Commission. H.R. 2786 has been referred to the Committee on the Judiciary and the Committee on Banking, Finance, and Urban Affairs. I urge prompt action on this measure.

"Money laundering" is the term applied to the act of making funds from illegal sources appear as legitimate income. Without money laundering, the profits of illegal gambling, prostitution, extortion, drug trafficking, et cetera, could not be realized. Taxation and explanation of sudden riches make money laundering an essential component to a profitable criminal activity. Eliminating money laundering, therefore, would help to take the profit out of the crime.

H.R. 2786 confronts the money-laundering problem in two ways. First, H.R. 2786 makes the act of laundering the proceeds of illegal activity a crime. Today, money laundering is perfectly legal, so long as the launderer complies with the reporting requirements of the Bank Secrecy Act. So as you can see, this legislation fills a very serious void in Federal criminal law. The administration's money-laundering bill also makes important improvements in the investigative tools provided to Federal law enforcement personnel.

The need for this legislation is highlighted by the testimony of the Executive Director and Chief Counsel of the President's Commission on Organized Crime before the Subcommittee on Crime on July 24, 1985. Mr. James D. Harmon, Jr., told the subcommittee:

In a case now under Federal indictment in the Eastern District of New York, more than $3 million in cash from heroin sales was deposited in the cashier's cages at four Atlantic City casinos. At one of the casinos, the Golden Nugget, one Anthony Castelbuono made an initial deposit of $1,187,450 in small bills. According to estimates based on statistics from the Bureau of Engraving and Printing, such a deposit would have a volume of approximately 5.75 cubic feet and would weigh approximately 280 pounds. After losing more than $300,000 in chips, and transferring chips among themselves, Castelbuono and a few associates withdrew $800,000 in $100 bills. Such a withdrawal would have a volume of only one-third of a cubic foot and would weigh only 16 pounds. Thereafter, Castelbuono and his associates made additional deposits at the Golden Nugget and continued to gamble there. Eventually, Castelbuono withdrew $983,000 in $100 bills and left the Golden Nugget. Several days later, one of Castelbuono's associates deposited approximately $1 million in an account at the Credit Suisse in Switzerland.

This quote cites only one example of the use of legitimate businesses by organized crime to launder dirty money. There are simply too many of these horrendous examples of money laundering. This Congress has the responsibility to address this issue promptly. I believe that adopting H.R. 2786 will be one of the most important drug enforcement initiatives of this body during the 99th Congress because an attack on money laundering is an attack on the profit of drug trafficking and other organized crimes. These criminals are profit-oriented, and an attack on their pocket books attacks the heart of the criminal enterprise.

GENERAL LEAVE

Mr. LUNGREN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to enter into the RECORD any comments on this special order just given.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

INTRODUCTION OF LEGISLATION TO ABOLISH MANDATORY RETIREMENT AND OTHER FORMS OF AGE DISCRIMINATION IN EMPLOYMENT

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, I am today introducing legislation to abolish mandatory retirement and other forms of age discrimination in employment. I am joined in this effort by the Honorable AUGUSTUS F. HAWKINS, chairman of the House Committee on Education and Labor; the Honorable JAMES M. JEFFORDS, ranking minority member of that committee; the Honorable MATTHEW G. MARTINEZ, chairman of the Education and Labor Committee's Subcommittee on Employment Opportunities; the Honorable STEVE GUNDERSON, ranking minority member of that subcommittee; the Honorable EDWARD R. ROYBAL, chairman of the House Select Committee on Aging; the Honorable MATTHEW J. RINALDO, ranking minority member of that committee; the Honorable MARIO BIAGGI, chairman of the House Select Committee on Aging's Subcommittee on Human Services; the Honorable OLYMPIA SNOWE, ranking minority member of the subcommittee; the Honorable DON BONKER, chairman of the House Select Committee on Aging's Subcommittee on Housing and Consumer Interests; the Honorable THOMAS J. TAUKE, ranking minority member of the House Select Committee on Aging's Subcommittee on Retirement Income and Employment, and the Honorable HENRY A. WAXMAN, chairman of the Energy and Commerce Subcommittee on Health and the Environment.

The bill is a very simple amendment to the Age Discrimination in Employment Act [ADEA] of 1967. It merely extends the protections currently available to those covered by the ADEA to all private sector workers aged 70 and over. Under current law, the ADEA protects private sector workers against mandatory retirement up to the age of 70.

The Congress has already taken a significant step in recognizing the need to ban mandatory retirement in the private sector when, in 1978, a landmark bill was passed raising the mandatory retirement age from 65 to 70 for most private sector workers and eliminating it altogether for Federal workers. The message to the Nation at that time was clear: The fires of age discrimination in the workplace must

be stamped out, just as we have done with other forms of discrimination.

Despite our successful efforts in 1978 to eradicate age discrimination, I regret to say it still persists. It is true that we have made progress, and we are proud of that, but much remains to be done before we can sit back and be assured that an individual's age will not be an impediment to equal treatment in the workplace. Today, we are simply renewing our efforts to enact historic legislation that will extend protections currently available under the ADEA to public sector workers beyond the age of 70—as we now provide for the Federal sector employee. This bill retains the exemptions provided for in the 1978 ADEA amendments and includes a temporary exemption for those involved in collective-bargaining agreements. However, all contracts negotiated after the passage of this bill would have to be in compliance by 1990. Because many such agreements now in effect do not take into consideration the potential passage of this bill, undue hardship would be placed on the employer and employee in renegotiating such complex contracts. This bill simply recognizes this situation and allows for the appropriate phase-in time for compliance.

This legislation would not cost the Government a penny. On the contrary, not only would this bill relieve some of the psychological and financial problems facing older Americans, which I will detail later, it would contribute to the economic well-being of this Nation. It is estimated that it would generate revenue—about $3 billion in the first year alone—because nearly 195,000 older workers who would otherwise be retired would be contributing to their own economic support as well as to the Treasury and to the Social Security funds. As the Congress, in the wake of Gramm-Rudman, is scrambling to find ways of reducing the Federal deficit, this bill should enjoy wide bipartisan support; it not only helps individuals, but provides for increased net revenue as well.

Age discrimination contributes to unemployment and other financial and psychological problems of older Americans. A study conducted by the House Select Committee on Aging several years ago found that unemployment among workers age 55 and older is growing faster than among all other age groups. Moreover, once unemployed, older workers remain out of a job much longer than younger workers. And, those age 60 and older are three times as likely as all other adults to give up and withdraw from the work force once they have become unemployed. As a result, there are more than 334,000 discouraged workers over the age of 55. When these discouraged workers are added to the officially unemployed, the number of jobless older persons rises to more than 1.2 million.

If mandatory retirement is so psychologically, financially, and emotionally devastating to the older American and the Nation, why, in 1978, was 70 chosen as the age of forcible retirement in the private sector? The answer is simple. The age of 70 was as arbitrary as age 65 and was chosen as a compromise between those who wished to eliminate mandatory retirement altogether and those who would have preferred a continuance of mandatory retirement at age 65. It was agreed, however, that age 70 would be used until the Labor Department was able to conduct a study of the impact of eliminating mandatory retirement altogether.

In 1982, the Labor Department study was completed. The results of that study indicated beyond a doubt that raising the permissible mandatory retirement age of 70 had no significant negative impact and that eliminating retirement would likewise cause no major problems.

It is inconceivable to me that a Nation which prides itself on equal opportunity for all could allow blatant discrimination to persist against its older citizens. Mandatory retirement and other forms of age discrimination in employment engender dependency, foster ill health, and squander productive potential.

Abolishing age discrimination in employment will offer a new hope to older workers who are desperate to maintain their independence and dignity. At the same time, ending mandatory retirement and providing also equal opportunity for promotion and for employment without discrimination on account of age will bolster the Nation's Social Security system and strengthen our economy. It is imperative that we act swiftly to eradicate the remaining vestiges of age bias in the workplace by enacting this important and meaningful legislation.

EXPRESSING SUPPORT AND ENCOURAGEMENT OF CONGRESS FOR FREEDOMFIGHTERS AGAINST COMMUNISM IN ANGOLA

Mr. PEPPER. Mr. Speaker, I am today introducing a resolution expressing the support and the encouragement of the Congress for those fighting for freedom and against communism in Angola. I hope the Members will have an opportunity to observe the resolution and hopefully would extend their support to it.

THE PRESIDENT'S BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. DOWNEY] is recognized for 60 minutes.

Mr. DOWNEY of New York. Mr. Speaker, I have always believed that it is appropriate that the President announce his budget during the winter when there are blizzards afoot in our country, because the blizzard of statistics that buries this institution and this country is one that is in keeping with the finest of winter traditions.

This year, this Gramm-Rudman year, it is especially appropriate that we begin to focus on the priorities, and we have been doing that for 5 years with this President; but this year I think in stark contrast to other years, the requirement that we make decisions and make them quickly is upon us.

Now, I have chosen this time to spend to talk a bit about the priorities that this administration has with respect to the Defense budget. The President has been saying for the last 5 years something very interesting. He says spend more for defense because this makes us stronger, but spend less in everything else because that also makes us stronger. It is a strange message that somehow more money in one particular area of the budget makes us stronger, but more money in others makes us weaker. I think there will be other people during the course of this special order that will point out that the cuts implicit in the fiscal year 1987 budget that the President offers us will wind up making us weaker, not stronger, especially in the area of education.

How do we begin any discussion of defense? Well, I think we should start with an understanding that there are lots of different elements that make us strong as a country. One is the strength of your economy; the other, the spirit of your people, and somewhere down that list is the amount of money that you spend on your Armed Forces, the number of soldiers you have, the number of missiles and megatons you can bring to bear on your enemy.

I do not think history, frankly, is going to remember too kindly this era where we only measure our strength by the number of divisions and the number of missiles. Indeed, there are very few people who remember the generals of the Italian renaissance or what they contributed to that period. I think very few people will remember the defense budgets of this era or the next hundred years or the fact that we squandered so much money needlessly; but we have to face that reality, nonetheless.

Let us start from a position that gives us some understanding of how large an increase the President is asking for vis-a-vis other matters.

I have a chart here that highlights the Reagan 1987 budget request for defense, how much growth and how much growth must be measured from an agreed-upon starting point. That agreed-upon starting point for myself and other members of the Budget Committee, and I hope for the country

at large, is where we left off last year, and that is a fairly logical place to start. In the 1986 fiscal year, we were going to spend and will wind up spending some $287 billion, or authorizing that amount of money to be spent.

Now, from that level, the President is asking us, and those of you who are at home watching this avidly can see from the chart, that the President is advocating a $320 billion spending program for defense, or an 8-percent real growth in that particular account.

Now, this is especially important when you consider that that is real growth and, when you tack on another 4 percent for inflation, that means that we will be spending 12 percent, if the President's budget is adopted, more next year than we did this year for defense.

Now, just compare that 12-percent real increase with some of the dramatic cuts that the President is proposing in the area of education, in the area of health care, in housing, and every other category of the Federal budget.

Clearly, the question of what makes us a strong country has been answered by the President by saying that if you want to be strong, do not worry as much about who gets educated, who gets housed, or how rich or poor your children are; spend money for defense in this gigantic way and you will wind up being a strong nation. I think this is folly in the extreme.

What the President is trying to do is basically reverse the clock and make up for the cuts that Gramm-Rudman forced on his 1986 budget request. The President's budget request, as I mentioned, is $320 billion and this is an 8.2-percent growth after inflation.

Now, the administration says some curious things when it comes to why they are requesting this much money. They say, well, this is consistent with last year's budget resolution; however, when you take a look at the final 1986 defense level, post Gramm-Rudman cuts, it is well below the level in the budget resolution and this request, as I mentioned before, is 12 percent higher than what we had last year.

Now, people enjoy facts and statistics, though I often wonder whether they are particularly useful, they may be here for those people who will someday find the need to know these numbers in a trivial pursuit game.

The Defense budget request for 1987 would provide the highest single year increase in defense budget authority since the President's budget request in 1982. Now, that certainly is remarkable, the highest single year increase since 1982.

For those of you who are interested in this type of minutia, although I guess we should use "grandeur" to more appropriately label this amount of money, the fiscal year 1987 request represents an increase by $34.2 billion over fiscal year 1986 and the 1982 budget was an increase of $36.5 billion.

Now, in 1987 if the President's budget is enacted, we will spend more on defense in constant dollars than any peacetime year since the Second World War. That includes the somewhat less peaceful years of Korea and Vietnam.

Now, if we go on at this pace, by 1989, fiscal year 1989, defense outlays will surpass any year whatsoever, peace or war, since 1946.

Now, the President points out that we have been cutting the budget. Well, we did last year cut the budget somewhat.

□ 1725

To put this in some further prospective, even after the 1986, fiscal year 1987 Gramm-Rudman cuts, Defense budget authority has grown at an average rate of 6.8 percent above inflation every year since 1981, 6.8-percent increases.

That needs to be read in light of the decision made in 1978 by our NATO allies and then President Carter that we should grow defense at about a 3-percent real level each year. Well, we have gone more than twice that level since 1981, and this year the President proposes that we double that number again.

As one looks at the various elements in this outstanding budget request, one is struck by some of the remarkable increases within the component parts of the budget. R&D spending, defense R&D request is dominated, frankly, by nuclear programs. And I might add that the research and development budget request for 1986 was 20 percent above the year prior to that, and this particular one increases it by another 20 percent.

In that particular area of the budget, research and development, there is included a 75-percent increase in the funds for the strategic defense initiative which would grow from $2.75 billion in 1986 to $4.8 billion in 1987. This funding would restore unusually high levels of growth to this program which was one of the weapons programs that would have not been protected by the Gramm-Rudman sequestration requirement. Also, as we look at further program elements, there are increases for Midgetman, for the Stealth bomber, for antisatellite weapons.

The amazing thing for the increase in the antisatellite weapons is that we are going to be spending more on the program that we have agreed, at least the House and the Senate and the Presidential signature requires that we no longer test the system as long as the Russians do not, but that does not keep us from spending several hundred million more on it.

So as you look through the program elements, and there are literally thousands of them in this budget, you come away with the view that there is a fiscal unreality to this budget request; indeed, as though this budget for defense was done in the "Land of Oz" and every other program is somehow strewn and murdered along the yellow brick road.

I believe that the Congress of the United States will dramatically change the level of defense spending, not because we fear any less than the administration the power of the Soviet Union or the potential threat they might be to us, but rather this budget request for defense is out of balance with the President's other fiscal year requests.

So I hope, Mr. Speaker, that we particularly in the House of Representatives not view with alarm this request, but view it with the reality that this number requires, that it will be up to us to juxtapose defense not only in terms of an overall deficit number, but against the other priorities that this Government has.

To speak to one of those particular priorities, I yield at this time to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank my colleague from New York for yielding.

Mr. Speaker, the President in his State of the Union message gave a speech similar to the others which he has given during his two terms in office. He painted a picture of the America that he sees, and as always, it was a bright, hopeful America, one that all Americans yearn for.

It is not, and of course the President understands that it is not, just his America alone that he is painting; it is an America which all of us want to reach. It has been expressed, dreamt about, and described by other modern Presidents starting with Franklin Roosevelt, and perhaps described best by Jack Kennedy and now by Ronald Reagan.

The day following that fine address, the President presented his budget which is, in effect, a roadmap that Ronald Reagan believes will take us to America that he has so well painted from the podium not far from where I speak just across the Chamber here. And the question Americans now have to ask themselves is this: Can we reach the America of Franklin Roosevelt and Jack Kennedy and Ronald Reagan, and yes, Thomas Jefferson and all of the rest, can we reach the America of our yearning following the roadmap which Ronald Reagan has presented to us in his budget?

As the gentleman from New York [Mr. DOWNEY] has correctly stated, the President's roadmap contains an increase of $33 billion or $34 billion, with a "b" for defense, while it significantly reduces some of the other efforts in which the Federal Govern-

ment has found itself as a legitimate partner for most of these past two centuries of American life.

Let me just spend another minute telling you what the budget would do in some of those efforts that I believe are important to the American people. We understand that if we are to reach the America of Roosevelt and Kennedy and Reagan and the rest of us that Americans must be properly trained, properly educated. That certainly is the bedrock of our existence. All Americans understand as much today as they ever have the importance of teachers in our lives and the importance of proper education to our future.

But my friends, the President is saying in his roadmap that the American people should cut 44 percent of the vocational education money in this country and give it to the Pentagon. Is that the way we reach the America of our dreams?

The President is saying that we should eliminate those special education pursuits that we provide to the newly immigrated, to America's new immigrants, that we should eliminate that education. Can those new immigrants reach the America of Ronald Reagan's dream when the programs that benefit them the most in their first days in this country are eliminated?

I believe that almost every American understands that we must take young people from the streets, teach them literacy, teach them a job skill, get them a job and be sure they hang on to it, and yet the President's budget would take the main effort that is left in America to do that, the Job Corps, and cut it by 44 percent, and give that money to the Pentagon.

I just submit to my colleague from New York and to my other colleagues here today that we all yearn to reach the America that Ronald Reagan and so many other fine Presidents have described during their State of the Union addresses, but we need a proper roadmap, and the Federal Government has to be a partner, not an oppressive, inefficient partner, but a legitimate, working, helpful partner if America's people are to reach that great America that we know is out there.

□ 1735

And I submit that the American people should take a hard, close look at the Reagan roadmap, at the President's budget, and see if you believe that we can reach that America of our tomorrows by using that particular design.

Mr. Speaker, I thank the gentleman from New York for yielding.

Mr. DOWNEY of New York. I thank the gentleman for his comments. Clearly the programs that the gentleman mentioned, Vocational Education Program, the Job Corps, are elements of America's strength. The Job Corps clearly provides jobs and opportunities to people who would not have them, thousands of people who would not have them.

Vocational education provides people an opportunity to feel good about themselves and contribute to the common good of this country when they may not have been able to. That is the reality. Clearly the priorities set forth in this budget will prevent that from occurring.

I thank the gentleman for his contribution.

Mr. Speaker, I yield to my friend and colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. I want to thank the gentleman from New York. I notice the gentleman from Iowa is here, too. I thank them for the leadership they have been taking with regard to this special order.

I want to touch on just a few points. In the first place, we ought to be very clear that we are not here debating whether or not to have a strong America. That is not the issue. Unfortunately, one of the things that Caspar Weinberger has fought most tenaciously to protect is the right of the Pentagon to waste taxpayers' money without any outside interference. We are told by defenders of the Pentagon, "Well, wait a minute now, don't focus just on the money. Let's look at the needs of defense." We have tried to do that. The Pentagon has been continuously resistant.

Last year this body on several occasions adopted procurement reforms. There have been stories people have seen, documented stories, and the Pentagon has had to respond to them after the fact, where taxpayers are paying to transfer the dogs of important defense contract officials. Lavish expenditures have been loaded on to this defense budget. We have had situations where people, high-ranking Pentagon officials, have gone to work for the contractors, negotiated with those contractors for jobs while they were supposedly defending the public interest.

We have heard stories about the excessive amounts of money spent in procurement items. There may be people who think that the Russians are afraid of being beaten with $800 toilet seats and multihundred-dollar ashtrays. But I do not think that that is at the heart of our defense.

One of the things we want to make clear is that many of us, indeed, this whole House has tried on several occasions to increase the efficiency with which defense spending goes on. And it has been resisted.

The Pentagon has used its leverage in the Congress to resist that. There are clearly billions of dollars in waste, fraud, and abuse that could be cut back, and the Pentagon resists that. Then there are other excesses.

The MX missile has long since been abandoned as a major weapon system in our strategic planning. We had in the Scowcroft Commission an essentially negative version on it in that in the current fiscal year we are spending $1.7 billion on 10 additional missiles for which there is no military mission. The examples can be multiplied. I think it has to be stressed that when we object to the multibillion-dollar increase in defense spending that the Reagan administration is asking for on top of the tens of billions it already has, we are not talking in any way about diminishing this Nation's capacity to defend itself.

No one can point to any circumstance in the last few years in which we were unable to bring about something that we wanted because of a lack of military force. There have been cases where we have not defended ourselves. The Reagan administration presided over our being driven out of Lebanon militarily, but it was not because of our lack of force. It was because an administration in which the Secretary of State and the Secretary of Defense cannot agree to what kind of strategy we ought to have to deal with terrorism and to deal with the kind of military attack, we have not been able to come together with one.

So the point that the gentleman from New York is making is very clear. People ought to understand that. When the President says we will build no more housing for the elderly, we will cut out and cut back every Federal program that tries to deal with the homeless, people should not think that those decisions are forced on the President by budgetary constraints, because if you continue to say, "It is business as usual" for the Pentagon, the Pentagon budget will grow by more than most other programs have altogether. The Pentagon will add more money under the Reagan budget, it will add more money than we pay for Aid to Families with Dependent Children and Food Stamps.

In other words, if you are looking for sources of Federal spending problems, the increase that Ronald Reagan wants for the Pentagon in Federal dollars is more than Food Stamps and AFDC together cost. So if you want to ask how you can save money in this Federal Government, you have to focus on that. People ought to be clear that when Caspar Weinberger and others in this administration tell us we have to abandon housing programs, cut back on Superfund, cut back on other important programs like cancer research and research in heart disease, all of which are part of the Reagan budget, it is not because of fiscal necessity alone. It is because they are de-

termined to continue to lavish that kind of money on the Pentagon.

And I think the gentleman from New York is doing an important service for the country. We have to make it clear that we can provide a first-rate defense for this country without the kind of lavish overspending that the Pentagon has become accustomed to.

Mr. DOWNEY of New York. I thank the gentleman.

I think the further point needs to be made about this. This has been a strong country for 200 years, and people talk about the years of neglect during the period of the 1970's when we only were building new submarines and new aircraft carriers and a whole variety of weapon systems. I think if you want to make a point about when America was maybe a little less strong, and again these comparisons are strained, the fact is that at the end of the Vietnam war in 1974 and 1975, comparative military strength was at a low point. And if one examines what we have done since that period under Presidents Ford, Carter, and Reagan, we have been spending a lot more money on defense. Indeed, this defense buildup started in the last year of the Carter administration. We have gotten—we spent a lot of money, as the gentleman pointed out, but if you start to look at the tangible strength that we have added on military capability, and I think that is a better term, you find some alarming statistics. The soldiers are better paid, and the quality of our force has been dramatically improved, of that there is no question, but when you take a look at the number of new airplanes or the number of new ships, the combat readiness has improved but the amount of money that we have spent for marginal improvements is truly astronomical.

Mr. FRANK. Absolutely right, and the results in policy terms have been miniscule. We have encountered, we have gained one military success under the Reagan administration. We defeated Grenada. Now we used the Army, Air Force, and Marines. If they had not been available, we probably could have used the Chicago Police Department.

Mr. DOWNEY of New York. Or the Chicago Bears.

Mr. FRANK. The Chicago Bears, easily.

The notion that we had to spend all that money to defeat Grenada is kind of silly. In the meantime, unfortunately, the Russians continue to oppress Afghanistan.

Mr. DOWNEY of New York. I might add at this point certainly not the New England Patriots.

Mr. FRANK. The gentleman might care to add that, that is true. If the gentleman wants to take cheap shots, that is OK.

But the record is a very distressing one if you believe the Reagan rhetoric. We have not, sadly, been able to slow down the Russians' military oppression in Afghanistan. The forces we support are no better off in Kampuchea. We have been driven out of the Middle East. America was tragically and sadly humiliated in Lebanon and driven out. Now I do not blame the Reagan administration for all these things, although one would like to think what Ronald Reagan, the candidate, would have said if Gerald Ford, or Jimmy Carter, or Richard Nixon presided over the debacle of Lebanon, where 250 American marines have been blown up in their beds and our only reaction then was to get out of there; Ronald Reagan would have done a dance on the head of any other President but himself who presided over that.

What we are saying is that many of the problems facing America are very difficult ones, and if spending tens of billions on MX missiles that are unnecessary and hundreds of thousands of dollars on wasteful spending in procurement sadly do not respond. There is an enormous disproportion between the vast amounts of money they have spent and the very meager results they have accomplished.

Mr. DOWNEY of New York. I agree completely.

I yield to the gentleman from Wisconsin.

Mr. MOODY. I thank the gentleman for yielding.

Mr. Speaker, I would like to associate myself with those remarks. I would ask any of my colleagues, in fact, any viewer, if they think that in virtually doubling defense spending we have doubled the military strength of America. We have probably increased it, but the marginal effectiveness of those dollars has obviously been quite low. We may have increased it 10 percent for a virtual doubling of many of the categories.

I would like to turn for a moment to another issue which, I think, is closely related which is sometimes called the bow wave of military spending. I want to talk about the unexpended and unobligated balances which have been growing at an astronomical rate relative to the actual spending that has taken place. I call this an increasing roll of fat which has built up inside the military spending stream.

At the end of 1980 there were $92 billion unobligated, unspent balances. By 1986 this had grown to $262 billion, and by 1987 it is estimated to be approximately $300 billion.

Now I ask my colleague to stop and contemplate what it means when the Pentagon has $300 billion of money in the pipeline that is not spent. The pipeline is, of course, getting fatter, and fatter, and fatter as well as longer, and longer, and longer. We do not control the spigot at the other end. We put in the money; the Pentagon lets it out.

As that pipeline gets fatter and fatter and longer and longer, it will be tripled in the period of the Reagan administration, in his 8 years from 1980 to 1987. As that happens, the political decisionmakers in this country and the people through those decision makers lose more and more control over what is actually happening. There is less and less responsiveness of this particular spending machine to the political body and the political decisions made in this country.

I would argue there is also a loss of accountability.

Who can remember in 1987 what decisions were made in 1983 regarding some particular spending item? It is very unproductive politically and very inefficient to try to go back and argue those kinds of decisions. The longer the pipeline gets, the more that is the situation we are confronted with.

Eight-hundred dollar toilet seats become shocking one day, maybe an essential decision was made to do those or the many other egregious spending examples that we have seen, those decisions are often made earlier, much, much earlier, sometimes years ago. It is very hard to go back and achieve accountability in the bureaucracy when those people who have made those kinds of decisions have long since departed.

I would also argue that this kind of incredible growth in unexpended balances, I would also argue that this has produced a loss of efficiency. That is more and more of a mismatch between the weapons we need today and the weapons we are getting today; and the weapons we need tomorrow with the weapons we will get tomorrow. As you elongate the period of time between decisionmaking and the arrival of weapons which is inherent in this more and more exotic technology, you make your weapons system less appropriate to the battles you may be contemplating fighting or the actual threats you may want to meet.

You know, there is a cliche that generals are always preparing to fight the last war. Under this system, the generals will soon be preparing to fight the war before the last war as the period elongates further and further.

So while this is something mentioned, I do not think enough attention has been paid to the fact that this roll of midbulge in the Pentagon budget is itself growing far faster than anything in the Pentagon budget itself; that is the unobligated, uncontrollable, nonpolitically accountable, and militarily inefficient component of the budget has been growing more rapidly than any other part.

Mr. DOWNEY of New York. Yes; I think the gentleman makes a point. There is a famous, and I am going to

get this wrong, but he is either a Deputy Secretary or Under Secretary of Procurement in the Department of Defense, Norman Augustine, who once projected the increasing cost of airplanes to the point where he said that at some point in the not too distant future we would expend all our money buying one of them.

The fact is that the replacement cost of modern weapons has increased not only in real dollar terms but has dramatically increased vis-a-vis the weapons systems they have replaced. For instance, the number of F4's that you could purchase, now you can buy one-fourth as many or one-fifth as many F15's, the replacement aircraft.

You could make the argument, I would not but others have, that you could buy the old F-86, you could buy hundreds of them for the cost of buying one F-15.

□ 1750

And even though that is a vintage airplane, a marvelous airplane for its time, one would blanch at the thought of one F-15 flying up in the sky having to face 100 F-86's. Indeed, the F-15 pilot would have some difficulty with even that older level airplane.

So we see not only the unobligated balances, but the other cost growth attendant with complexity which is sometimes added to the weapons systems which we do not need, delays, inefficiencies, and just outright waste, fraud, and abuse. And I use airplanes as just one example. There are many others.

Mr. MOODY. Mr. Speaker, will the gentleman yield?

Mr. DOWNEY of New York. I yield.

Mr. MOODY. Mr. Speaker, I recently was in Israel over the last break, and the Israeli military establishment does not believe in this sort of approach. They have a much shorter time between decisions. They do not allow these unobligated balances to build up. They review those decisions, they shorten that pipeline, they tighten that pipeline, and they do not allow the testing of weapons to be separated from the final decision to go ahead and then purchase them. They have engaged in a lot of military reforms in this very area that I think we ought to seriously consider looking at.

Mr. DOWNEY of New York. Mr. Speaker, I thank the gentleman for his contribution.

Mr. Speaker, I yield to the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I come today partly because of the concern I have over both the waste we have in the military and the problem we have with our budget.

But I come for another reason. I represent an agricultural area. I do not think that people realize what is happening, at least in my area.

As I go back and I meet with people who were millionaires a couple of years ago and are now going broke, who are people who are looked at in the economy as the strength of that community who are now going broke, and I think we better look at what we are doing as far as our country is concerned if we are really concerned about security.

I would like to take the example of the olden times when, as people went into combat, as they fought hand to hand, they had to have the weapons, but they also had to have the strength.

Is that what we are going to do to our country? Are we going to give our country the weapons and are we going to sap the strength of our country so we no longer have that strength in our society?

There is no question about what won for us in World War II. It was not the weapons we had when we went into that war. It was the strength of our people and the strength of our economy and the ability we had to do what we had to in order to win.

So as I look at this budget, I come with a heavy heart. I see that the President would propose that we increase military spending by 12 percent. Let me tell you what he would do to the various areas of agriculture that I have just figured as I sat here.

For commodity price supports which help our farmers keep alive, he would lower it 27 percent.

For crop insurance—let me tell you the situation in crop insurance. Originally we had a disaster program that said that if a farmer suffered disaster, the Government will come in and help him so that he would not have to fail. And we eliminated that so we could give them crop insurance so they could insure themselves. The problem is that that insurance has hardly been insurance that they could possibly afford to take.

So, what are we going to do now? We are going to lower what the Government is doing for crop insurance by 30 percent, so now the farmers do not have either method of adequately protecting themselves.

So we look at the extension programs. The extension service is there to help those farmers who have these terrible problems and tries to help them psychologically to work their way through. And what are we going to do to extension programs? The President would cut them by 54 percent. Marketing programs he would cut by 34 percent.

There is only one item that he would increase. He would increase unallocated overhead by 2 percent in his budget.

Well, I think it is about time that we looked at our priorities in our society. I think it is about time that we look at what it is we are trying to do in order to build a strong country and build a country that can defend itself. And I would hope that we would realize that the strength of our muscle is important just the same as that weapon we have in our hand. I hope we would realize that fat does not give us muscle. And I hope we would realize that the wrong problem is the problem that says we are going to beat our plowshares into weapons.

Mr. DOWNEY of New York. Mr. Speaker, I thank the gentleman for his contribution and for the discussion of agriculture.

Mr. Speaker, I would like to yield to another one of our colleagues from the agricultural community, my friend from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I thank the gentleman from New York for yielding to me.

Mr. Speaker, I would just like to echo the comments of the gentleman from Iowa.

I left a hearing earlier this afternoon where the Secretary of the Treasury, Mr. Baker, testified before the Appropriations Committee. I heard him repeat what the President said the other night about the great American comeback and the fact that we are now preparing an agenda for the future and that the economy is on the mend.

I would invite Secretary Baker, the President, and any of those who believe that to be true to journey to the Midwest and witness with me what we are seeing and the unfortunate circumstance on American farms.

Illinois is a fertile part of our country, and the crisis facing American farming was late to come to Illinois, but it has arrived in full force. We are seeing families losing their farms, agribusinesses closing down, banks threatened, and literally the fabric of our rural communities is about to be rent by the current economic situation.

For the President to suggest that this is a comeback is, I am afraid, to turn a blind side to a very obvious problem across our country, and particularly in the Midwest.

These people are looking for help in very difficult times. They are not going to get it with President Reagan's budget. In fact, we are now going through an exercise where the President, who guessed wrong on the Commodity Credit Corporation for fiscal year 1986, is asking for additional supplemental funds to pay lower loan rates, to pay lower target prices, but albeit to pay the necessary money to keep farmers in business.

It is astounding to me that the administration is suggesting they will need less money in the next fiscal year to meet this obligation.

I hope they are right. I sincerely do. But I suspect that it will take many

years before our farm sector has recovered.

Now, even our farmers and people in rural America are prepared to accept the sacrifice to reduce the budget deficit. But the gentleman from New York focuses in this special order on what is the fundamental inequity of the Reagan budget, and that is the fact that we can be asking for some 12 or 13 percent growth in military spending at a time when we are asking others to sacrifice that much more. We are inviting the Pentagon to an all-you-can-eat smorgasbord in telling the rest of America to take lean cuisine, and the American people do not believe that to be basically fair, nor the way our country should progress.

I salute my colleague from New York, and I hope that our efforts continue to make it clear that this budget is not fair to America.

Mr. DOWNEY of New York. Mr. Speaker, before I yield to the gentleman from Massachusetts, I would yield to my friend and colleague from Nebraska [Mr. BEREUTER] for any comments he might wish to make.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York for yielding.

Mr. Speaker, while I am a member of the opposite party and do not know everything that has been said here in the last few minutes since I just arrived on the floor, I was prompted to make comments by several that have just been made.

The gentleman from Illinois raises some comments about the state of affairs, the economic state of affairs, in his State and in States in the northern plains and the Midwest.

I would point out that the third quarter report on personal income changes shows that, with two outlying States of West Virginia and Mississippi excepted where they have significant long-term problems, all of the rest of the States with absolute drops in personal income were in a band of States of Wisconsin, Illinois, Iowa, Minnesota, Nebraska, and South Dakota. We have devastation in that part of the country. Despite the fact that the personal income levels are up in the urban areas of those States, almost at the national average, the drop in nonmetropolitan personal income in those States is so substantial that we actually had a drop of personal income in that whole block of States.

□ 1800

I would say, further, that, on the matter of defense spending, it is important that the President and the administration understand soon that there is no support in this Congress among the majority of the Members for the substantial increases in defense expenditures that are proposed unless there are some changes in revenue. It is not supportable, in light of the devastating changes that are made in domestic programs, particularly with the exemption for programs, some of which are not means tested. And I would suggest that the sooner that realization strikes the administration more realistically and energetically, we can proceed on trying to come up with a deficit reduction plan that makes sense, that does not devastate that relatively small number of domestic programs, including agriculture.

This one Member says there is no commitment on my part, nor, in my judgment, in the majority Members of this House—and I am counting people on both sides of the aisle—for anything like a 033, and, of course, what is being proposed is not a 3-percent increase but substantially more.

I thank the gentleman for yielding.

Mr. DOWNEY of New York. I thank the gentleman for his contribution.

Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. I thank the gentleman for yielding and I thank the gentleman for conducting this special order. As usual, the gentleman has been the leader in the discussion of defense budget issues. In calling this special order he gives the House and the American public a chance to look through the window to see what is going on, whether or not in fact, as they hear about the cuts in the ability of kids to be able to get loans to go to college, or perhaps cuts in Medicare or Medicaid, or tax increases on oil import fees, what they will have to pay for gasoline at the pump, all of it is related to paying for other programs. Where is this money going to go? The gentleman has very wisely put together a chart, which I think makes it possible for us to see exactly what is happening and how generous we have been in the past to the Defense Department.

What is important is that we put this all in context, because there are basically two deals, two walks that the President has to take this year. One, he has to take a walk on the beach with the Democrats in America to see if he can get some compromise on defense spending and social programs and tax increases. He also has to take another walk on the beach later on in the year, in September, with Mikhail Gorbachev. That is to limit the number of nuclear weapons on this planet. There he is saying, "I don't want to make any compromises on star wars or the MX. As a matter of fact, don't cut defense spending at all because if you do, by the time we reach September, I will not have any bargaining chips."

So we are caught in kind of a dilemma. On the one hand, he is saying, "Oh, yeh, I would like to balance the budget, and everything is on the table," and on the other hand, he says, "Oh, you don't want to strip me clean for my negotiations in September, so why don't we just cut all of the social programs, why don't we not have any real tax increases, just strip out all of the programs that affect ordinary people, working-class people in this country, transportation, health care, education, all the programs that were put on the books in the 1960's, as a matter of fact, let's go back to 1965, let's not have Medicare. I didn't support it in the first place, I didn't support, really, aid to education in the first place."

That is really the agenda we are talking about here, rectification of that "mistake in allocation of resources. Let's take the 25 percent we used to give to the military and give it back to them and take it away from the people we started to give it to, the old, the infirm, the kids going to college. That was a big mistake."

This budget I think is pretty honest. It reflects, essentially, what he is talking about, why he got into government back in 1964 and 1965, not because of prayer in school or abortion, but because he felt we were starting to put too many programs on the books that helped the old, that helped kids, and maybe he can now rectify that as his final legacy to the American public in his last 2 or 3 years in office.

But overriding all of this is the summit. Will he in fact make any compromises on arms? Is he really looking for that? Or is it just basically more chats with Gorbachev that will never lead anywhere?

Now that the reassuring glow from Reagan's fireside chat with Gorbachev has finally faded from our TV screens and we take up the President's fiscal year 1987 budget, it is time for Congress and the country to take a hard look inside the diplomatic pouch the President brought home from Geneva last November.

Unfortunately, there wasn't much there—a minor accord on pie-in-the-sky fusion-energy research, an already negotiated agreement on aviation safety, cultural and student exchanges, and a tentative agreement to open new consulates in Kiev and New York. The unvarnished truth of the matter is that these were the kinds of agreements which could have been concluded by deputy undersecretaries over the phone or at lunch. Remember, this is the administration that spent its first term declaring that summits were worthless unless a carefully prepared agenda produced significant agreements.

On style, the summit was a success. On arms control, it was a flop. Like the chef who, observing his souffle is failing to rise, suddenly realizes he forgot to turn-up the heat, Congress must now acknowledge that it has failed to provide a key element in the

domestic recipe for arms control—political and budgetary pressure.

For the past 5 years, at Reagan's request the Congress has forked over additional tens of billions of dollars for nuclear warheads, bombers, and missiles, supposedly in support of a Presidential strategy to obtain "deep" reductions in nuclear weapons by providing the Soviets with an added incentive to make concessions. Why a nonnegotiable commitment to deploy the latest nuclear weaponry on our side should dispose the Soviets to make even greater cuts in their current arsenal is a question which has always occasioned some earnest head scratching by congressional moderates, who have never fully adjusted to the revolution in human psychology required by this Reaganesque axiom. They sometimes take their doubts to certain of their more "expert" colleagues, who reassure them that yes, indeed, it all may seem a bit counterintuitive, but this is how the arms control game is played.

Attaining the goal of "deep reductions" was so important, the President argued in 1983, that it required postponing a freeze on a whole range of new Soviet nuclear threats to the United States. The House disagreed in theory by passing the nuclear freeze resolution, but in practice it went along, giving the President so many bargaining chips that the negotiating table almost collapsed from the strain.

But surprise, in 1985 "reductions" were no longer important enough even to justify the modest price of assuring the U.S.S.R. that we will continue to abide by the letter of our ABM Treaty obligations. What else are we to make of Reagan's September 1985 statement that he would not trade SDI star wars, development "for a different number of nuclear missiles when there are already more than enough to blow both countries out of the world?"

Now there's a new standard—making nuclear weapons "impotent and obsolete"—to help justify the lack of progress toward "real" arms control. It's an admirable goal. The only problem is that the facts of the Reagan nuclear buildup stubbornly refuse to go away. So great is the President's antipathy to nuclear weapons that he has more than doubled the budget for nuclear weapons testing, development, and production, from $3.6 billion in 1982 to over $8.2 billion in the current fiscal year 1987 budget request. The President is even spending hundreds of millions of dollars researching ways to detonate large (half-megaton range) nuclear weapons in space as part of his "non-nuclear" star wars research program. By the time Reagan leaves office in 1988, not only will the nuclear stockpile have been thoroughly modernized, but the Defense Department projects that it will have been expanded by some 13 percent. That is the most likely legacy of the man who claims his most cherished desire is to abolish nuclear weapons from the face of the Earth.

After enduring the risks and costs for all these years of pumped-up arms race and gratuitously overheated rhetoric, the American people had a right to expect more from the long-delayed encounter with the evil empire than a televised victory lap of Washington's floodlight monuments and a triumphant helicopter landing on the Capitol grounds. A "getting-to-know-you" meeting with a Soviet leader may have been a giant step forward in the political education of Ronald Reagan, but was a rather meager step toward ensuring the survival of humanity.

Where defense and arms control matters are concerned, Reagan has displayed a mysterious ability to elicit fulsome congressional and media praise for giving up extreme demands and attitudes no responsible leader would have adopted in the first place, and for taking modest initiatives that should have been taken 5 years ago. The fact is that neither beam weapons nor the Bolshoi ballet will lessen the economic burden of the arms race or reduce the danger of nuclear war. Only significant progress in arms control can accomplish these objectives.

Even the temporary improvement in "atmospherics" arising from the summit may be overwhelmed by fallout from the administration's reckless attempts to gain bargaining "leverage" over the Soviets with threats to junk existing arms limits. Coming little more than a month before the November summit, the administration's sudden concoction of a "new legal interpretation" of the ABM Treaty—which makes a dead letter of its most important provisions—could hardly have been considered arms control "progress". What happened to last year's insistence on the need for strict compliance with the ABM Treaty?

To complete the strategic muddle, Defense Secretary Weinberger sent Reagan a letter on the eve of the summit promising that if the Soviets were ever so bold as to exercise the new rights Pentagon lawyers had just conferred on them, the Pentagon would "increase the number of our offensive forces and their ability to penetrate Soviet defenses to assure that our operational plans could be executed." It was precisely the desire to avoid such defense-inspired "overbuilding" of offensive forces that led the United States and the Soviet Union in 1972 to sign and ratify an ABM ban of "unlimited duration".

Likewise, in the absence of an offensive nuclear arms freeze to complement the ABM Treaty, Reagan's failure at the summit to at least reach agreement on extending the expiring SALT II limits has needlessly added to our uncertainty about the future scale and direction of the nuclear arms race.

The ABM and SALT II Treaties are far from perfect documents. But neither are they expendable. They continue to serve our national security interests. Congress must not permit them to be sucked into an arms control shredder manned by professional Soviet-bashers who believe they have a sacred mission to build Battlestar Galactica.

The administration's inability to bring home the two things that would have made the summit a modest arms control success—extension of the SALT II limits and agreement on a process to shore up the ABM Treaty—suggests that something is very wrong with the political process by which arms control policy is made.

For all their avowed intentions of fine-tuning of Soviet "incentives" for arms control with an avalanche of spending for new nuclear weapons programs, Members of Congress should acknowledge what has really been going on—a giant arms control "protection" racket—in which the administration and its military-industrial constituency are paid a premium each year to engage in a politically tranquilizing "search" for agreement. This "search" script—in which an arms control agreement becomes a distant pot-of-gold at the end of an ever ascending rainbow of weaponry—has been elevated to the status of legitimate theater under the present administration. The thespians have included well-known "moderate" Democrats as well as the usual cast of conservative Republicans.

It is small consolation to realize that this charade certainly did not originate with Reagan. One has only to remember the promise of stepped up underground testing which purchased the Joint Chief's assent to the atmospheric test ban of 1963, the MIRV program which became the price for SALT I, and the cruise missile and MX programs which were used to buy support for SALT II.

But at least these "protection" payments were part of a process that led to ratified agreements. Far more important in catalyzing the will of a reluctant executive branch to negotiate, however, has been the occasional threat of congressional action to limit defense spending and cancel unnecessary or unworkable programs. Congressional reluctance to fully compensate for the budgetary impact of Vietnam on strategic nuclear programs led directly to an atmosphere of executive branch realism about the wisdom of an open ended arms race with the Soviet Union. The congressional debate leading to a 51 to 49 Senate vote, in which the technically flawed Safeguard ABM system barely escaped cancellation, had a similar galvanizing effect.

Since 1981, congressional willingness to ante up arms control "protection money," in the form of funding for the MX missile, B-1 bomber, Asat testing, chemical weapons, and star wars has resulted so far in negotiating theatrics and a vastly increased arms budget, but no agreements. The Reagan administration clearly needs congressional prodding to regain a measure of respect for the ABM Treaty sufficient to break the arms control deadlock. Without such pressure, it's unlikely the administration will ever offer the restraints on star wars testing and development needed to clinch a deal on deep offensive arms reductions.

The administration's own arms control impact statement for fiscal year 1985 included this assessment: "The ABM Treaty prohibition on development, testing, and deployment of spacebased ABM systems, or components for such systems, applies to directed energy technology—or any other technology—used for this purpose. Thus, when such directed energy programs enter the field-testing phase, they become constrained by these ABM Treaty obligations."

As the first step toward lifting itself out of the arms control protection racket, Congress should assist the administration's recollection of this (correct) reading of the ABM Treaty by passing legislation assuring that star wars funds are expended on research projects that strictly conform to this prohibition.

Further, the administration should be reminded of the popular will for a comprehensive ban on nuclear test explosions through swift congressional action on House Joint Resolution 3, which calls on the President to resume comprehensive test ban [CTB] negotiations.

□ 1815

Administration stonewalling of the Soviet nuclear test moratorium initiative runs directly counter to the desires of of virtually all 130 signatories of the Nuclear Non-Proliferation Treaty. It also raises serious doubts concerning the sincerity of the administration's professed desire to move away from reliance of nuclear weapons to ensure our security. If the administration fails to respond to the call for renewed CTB negotiations, the Congress must enact sterner measures, slashing funds in the fiscal year 1989 defense budget for bogus nuclear warhead development programs—like the x-ray laser—and fencing funds for the conduct of underground tests until the administration bends to the popular will.

It is by supporting mesures such as these—and not by coughing up more "protection" payments—that members of Congress can genuinely serve the cause of arms control. The real "message" of the past 5 years must be understood—"bargaining chips" buy buildups, not meaningful arms control agreements.

The year 1986 will be marked by whether or not Congress can demonstrate the resolve to finally have learned this lesson; that by giving this President star wars, unbounded increases in the budget request from $2.7 billion to $4.7 billion, in the face of his adamant opposition to any compromise on that issue at the negotiating table, will only lead to an ever-ascending spiral of the arms race on both sides that will make any compromise on defense spending with social programs and tax increases impossible and leave intractible the two major issues facing this country: One, the overriding need for an arms control treaty with the Soviet Union to limit the arms control buildup on both sides, and two, to find some meaningful agreement on budget cuts that can help to give some long-term economic security to this country. Neither issue is ultimately resolvable if the President continues to keep on his blinders and to push us toward the militarization of outer space.

Mr. DOWNEY of New York. I thank the gentleman for his very fine statement. I think in the outset of his remarks the gentleman raises a very important point that we look at a number of different summits but the one that will be important for the world's future, certainly in September with Mikhail Gorbachev, is directly affected by this entire question of budgeting.

In the past, we learned, the last 5 years of the buildup before we had summits and before we were really seriously dealing with the Russians and arms control, we had to have this buildup because we were behind. Because we were behind, we had to spend money to catch up so that the Soviets would be interested in negotiating with us. Now, of course, the Soviets have amply demonstrated an interest in negotiating with us, and I might add they had always had that interest. Anytime a nation has 10,000 nuclear warheads aimed at them, which is the number the Soviets have had aimed at them since 1981, they are interested in arms control for lots of obvious reasons.

But now that they are, the budget request is justified not to get them to the table, but to keep them at the table. In the immortal words of Rosanne Rosanadanna, "It is always something," with this administration. If it is not to get them to the table, it is to keep them to the table.

The most fundamental understanding of this budget requires that one of its major components, the increase in strategic systems, is the most ridiculous. It is ridiculous because nuclear weapons are not designed to fight wars, they are designed to prevent them from occurring. The only reason you have them is to prevent the other side from using theirs, and you can have a lot less of them.

I yield to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. That is the central hypocrisy of the Reagan administration position. You and I and many of us on this side of the aisle have been constantly asked by Members on this side of the aisle, "Well, you have got to admit it, star wars drove the Soviets back to the negotiating table."

Mr. DICKS. Mr. Speaker, while Washington burns with the impact of Gramm-Rudman, the President continues to fiddle the same old tune. The fiscal year 1987 budget request ignores the fiscal realities of the real world and continues to press for unprecedented rates of peacetime defense spending growth.

I want to make clear from the outset that I recognize the threat that drives defense spending requirements. But I also know that there is no bottomless pot of gold to pay for everything we might desire to feel more secure. There is no getting around the fact that we have to decide priorities. The Congress, on a bipartisan basis, has repeatedly rejected the type of domestic cuts proposed in this budget, and has been supported by the American people. If we are not willing to pay more, then we are going to have to make tough priority decisions that will impact both sides of the budget ledger, defense and domestic programs. Because without a healthy society that is compassionate to the needs of all Americans then all the defense in the world will not fulfill the American dream.

It is important to realize just what this budget does. It seeks a $23 billion reduction in domestic programs, but also calls for a $33 billion increase in defense budget authority. What that means is that the domestic spending cuts are not going to reduce the deficit. If they were then there would be more willingness to make the sacrifices necessary to grapple with the deficit crisis. No; these cuts are simply going to finance the highest single year increase in defense spending since the first full Reagan budget in fiscal year 1982. In fact, the cuts are $10 billion short of even covering the defense Budget Authority increases.

How then does this budget propose to meet the $144 billion deficit target under Gramm-Rudman? Why with the same smoke and mirrors that they have tried in the past and that have failed so miserably. How many times can the administration come in with rosy economic assumptions that never pan out and which result in deficits as much as $50 billion higher than predicted and get away with it?

This budget assumes a 4-percent real economic growth rate annually over the next 3 years, compared to 2.5 percent over the last year. It predicts unemployment will decline from 7 percent to 5.5 percent. It predicts short-term interest rates will drop from 7.3 percent to 4 percent. We all wish that these projections will come true. But wishing can't make it so. More prudent planning is required if we are really to tackle the deficit issue. The

worst that could happen with more conservative predictions is that we might get the deficit down below $144 billion.

On top of the economic assumptions, there are serious questions already being raised by the Congressional Budget Office and the Brookings Institution that outlay estimates for defense in this request may be as much as $15 billion understated. If this is even partially true, the overall deficit figure is understated.

But the thing that really concerns me about this budget is not so much the fiscal year 1987 figures, as unrealistic as they are. The real problem is that the Pentagon is working under planning assumptions that assume continued real growth over the next five years even as Gramm-Rudman calls for steady deficit reductions that will produce a balanced budget in that period.

The Defense Department is planning on having an increase of $109 billion between fiscal years 1986 and 1991. At the same time we are looking to reduce the deficit from $210 billion to zero. This means there is a $320 billion gap that will have to be made up. If we agree with the President that there will be no new revenues, then even with uninterrupted economic growth of unprecedented levels we are going to have to totally devastate domestic programs, including the so-called safety net, to meet the target.

Now, I know there is already talk about how quickly we can get rid of Gramm-Rudman from all kinds of people in Washington. But even if Gramm-Rudman is not the mechanism, there is going to be overwhelming pressure to reduce the deficit. This will mean that the gap between defense plans and realities will get larger, rather than smaller unless we take some action now.

What should we do? Well, I for one do not see Gramm-Rudman sequestration as the answer. It would produce a national security disaster. Chairman ASPIN has done some excellent, and sobering, analysis of the impact of across-the-board cuts that could total $50 billion or more. I commend it to every Member of this body.

On the other hand, the administration budget calls for defense increases of 8 percent in real terms while we depend on economic pipedreams to eliminate the deficit. It is no rationale alternative either. That is what in essence we have tried in the past, and it is how we got into the mess we face today.

First, I would recommend that we focus on budget authority in defense, rather than outlays. I know that in the short term this will mean we get less deficit reduction from defense. But for the long term it is the only way we can achieve real savings and not produce a national security disaster. The reason is that to a very large degree we forward fund defense. The outlays for the coming year are dictated more by what we did on the fiscal years 1984, 1985, and 1986 budgets than by what we do in fiscal year 1987.

If we want to exempt pay cuts and existing contracts, then we have only 18 percent of DOD fiscal year 1987 outlays to deal with. This would require about a 30-percent cut in new investment and operations to get the type of outlay savings that sequestration would require. We could not do that in one year and uphold our Constitutional duty to provide for the common defense in my judgment.

What we can do is begin to get away from the tunnel vision of single year snapshots of the budget and begin to look at the larger picture. We have to start asking difficult questions about our force structure and commitments. We have to consider the priorities between strategic and conventional forces. Within the strategic realm we have to decide whether offensive modernization is more important than defensive research.

In particular, we need to focus on major new systems which are still in the research and development stage but which will have ultimate costs in the billions or tens of billions of dollars. This budget goes just the opposite direction by calling for an over 20-percent increase in research and development. We can not mortgage our current capability for a dream of technological superiority. And we should not commit to a list of programs we will never be able to fund.

Finally, we are going to have to face up to the fact that needed defense capability costs real money, not deficits on a ledger sheet. I am convinced that the American people are willing to pay for the defense they need. What they object to is spending money on wasteful efforts that do not produce a dollar of defense for a dollar of investment. Planning for uninterrupted growth in an era of fiscal constraints is just as bad for creating defense waste as is the across-the-board slashing that Gramm-Rudman could produce.

We need to develop, on a bipartisan basis, a defense program that is sustainable and which will meet our real security needs. It has to be developed in recognition of the threat as well as our own financial limits. It has to include a sincere and aggressive effort to control the arms race, which can lower requirements without increasing the risks. It has to balance present requirements with future wishes.

I am optimistic that we can meet this challenge if we put our mind to it. It will not be easy. Some programs will have to be cancelled, even though they are in some Member's district. Others will have to be deferred or substituted. We will have to get some outlay cuts from the administration request if we are to meet the deficit target, but more importantly we will have to get the budget authority cuts that can make the long-term deficit reductions possible. And we are going to have to get some revenue enhancements and corresponding sacrifice on the domestic side of the budget.

Mr. President, the times they are a-changing. Smoke and mirrors won't cut it anymore. The choice is to work with the Congress on a fair and balanced approach to our budget problems or to watch all you have fought for, including national security burn to the ground.

Mr. DELLUMS. Mr. Speaker, in each of the past 5 years I have offered carefully reasoned alternative military budgets for the consideration of our colleagues. I offered these in an effort to generate a debate on the basic direction of our defense policy. Unfortunately, little serious debate resulted. In part, this was because my numbers were perceived as too radical.

Please note, however, that my alternative last year called for an overall defense function level of $259 billion. While this was $64 billion below the President's fiscal year 1986 request, it was only $27 billion below the final fiscal year 1986 figure after the fiscal year 1986 Gramm-Rudman cuts.

This year, Gramm-Rudman may well push the level of defense spending far below my proposal. I want to call to your attention a discussion we held recently in the Armed Services Committee. According to Chairman LES ASPIN, to meet the targets mandated by Gramm-Rudman, the Budget Authority figure for the defense budget function will have to be on the order of $250 to $260 billion. After taking into account inflation, this would be below the Dellums level of last year.

In previous years, some have accused me of taking a meat ax to military spending. However, let me emphasize that we did use the meat ax approach. Rather, we applied our brains to the military budget. We questioned the basic assumptions which fuel military spending. We analyzed the fundamental defense policies to see which policies were in fact necessary for our national defense, and which policies actually brought us closer to war. After detailed study we came up with a series of recommendations. We came up with a well-considered, viable alternative.

In an effort to contribute to this year's debate, I will again be offering a comprehensive substitute proposal in both the budget and authorization processes. More than ever before, with Gramm-Rudman hanging over us, it is necessary for us now to engage in a comprehensive dabate on defense priorities and policies. Absent a court bailout, or tax increases which have already been opposed by the President, it is my view, and apparently that of Chairman ASPIN as well, that there is simply no political incentive for the House to go beyond the 50/50 Gramm-Rudman formula. This means that whether we face sequestration or not, the question becomes, do we take a meat ax to Defense on the basis of mindless outs or do we make considerd reductions on the basis on reasoned priorities?

We are all concerned about maintaining our national security. I hope that you will take the time to give serious consideration to my proposal and I urge you to actively participate in this debate.

ORDER OF BUSINESS

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that I may take up my special order ahead of the gentleman from Georgia at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

EUROPEAN COMMUNITY USES SPANISH-PORTUGUESE ACCESSION TO UNFAIR ADVANTAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 20 minutes.

Mr. BEREUTER. Mr. Speaker, I do want to thank the gentleman from Georgia [Mr. GINGRICH] for permitting me to go before him on what will be a somewhat more brief, less lengthy special order than the one he had in mind.

Mr. Speaker, the European Economic Community is using its same old tactics again. The Community is taking another in a depressingly long series of unfair steps which hurt the American farmer and the United States. This time it is the present accession of Spain and Portugal to its ranks on January 1, 1986, which the Community is attempting to twist to its advantage.

Mr. Speaker, for political and security reasons, the United States has fully supported the entry of Spain and Portugal into the European Community. We have taken this position even though we knew our exports to those two countries would be negatively affected. Lower tariffs in the two Iberian countries which result from their adoption of the EC tariff code may help our exporters, but only very occasionally. However, the current tariffs between the Community nations on one hand, and Spain and Portugal on the other, will be eliminated, which means that the real advantage of these reductions will go to EC member states and other preferential trading partners.

But apparently those games are not enough for the European Community. In addition to the trade advantages we have been willing, perhaps too generously, to accept as part of the accession, the EC evidently plans to almost immediately implement new tariffs and quotas which will deprive American farmers of still more millions of dollars' worth of exports to Spain and Portugal. According to the recently published treaties of accession, the agreements by which Spain and Portugal entered the Community on January 1 of this year, the two countries are obligated, as of March 1, 1986, to restrict their markets for several prime U.S. agricultural export commodities. These quotas and tariffs are illegal under GATT rules. The EC must not be allowed to implement them with impunity.

As I understand it, these new rules require Spain to replace the 20-percent tariff on corn and sorghum, to which it is currently bound under GATT, with the EC's variable levies, which have been in the range of 30 to 80 percent of world price. Mr. Speaker, I have an estimate, on good authority, that within 5 years of such a tariff hike, the United States could lose up to 80 percent of its Spanish market which, in 1984, was $224 million for corn and $47 million for sorghum. Now I will admit that the GATT rules do allow the EC to make such changes, but only after it has first negotiated some compensation for affected nations like the United States. The EC has not only failed to grant the United States and other nations any such concessions or compensation, it has not even requested talks at which considerations might be discussed.

Mr. Speaker, the European Economic Community's action in the case of Portugal is even more blatant. There is no EC tariff on oil seeds, so in order to limit shipments, Portugal will be required by the EC by March 1, 1986, to introduce a quota on oil seed imports, even though such an action appears to clearly violate GATT or be illegal under GATT.

□ 1825

Mr. Speaker, the United States currently has nearly three-quarters of Portugal's 710,000-metric-ton market for oilseeds and last year earned more than $150 million from these sales alone. That new quota has been termed "temporary," lasting only 5 years, but you know, Mr. Speaker, and this Member knows, that such temporary measures almost always have a way of becoming permanent. Any such move, whether permanent or not, obviously does great damage to a major American export market.

In a speech to members of the European Parliament which this Member delivered in Dublin last month, I served notice on the European Community that the time was past when this country could remain passive while the EC continues to stifle internal demand, limit imports, encourage overproduction, and dispose of surpluses through export subsidies, and, in general, add instability to world markets. Few of my colleagues probably need to be reminded of the "butter mountains" or the "wine lakes" which have been the result of the Community's unceasing emphasis on production.

The EC's common agricultural policy [CAP] works so that prices are used not just to market occasional surpluses, as was once the case, but to guarantee a profit, a fair standard of living, to a very large number of farmers, significantly a larger percentage of farmers on the farms than in the United States. Now the EC is systematically, routinely, and increasingly producing surpluses in practically every agricultural commodity that can be grown in a temperate climatic zone. Intervention prices encourage farmers to respond to artificial incentives rather than to satisfy market demand in the European Community today.

For example, despite a chronic oversupply of milk, the resources of many farms dictate that the most suitable commodity, in terms of income generation, is milk. What is right, however, on the individual level may be very wrong on the macroeconomic level.

Mr. Speaker, agricultural production in Europe has, quite simply, grown wildly without regard to world surplus production. And the ones who too often have been left to foot the bill for these production schemes which are out of control are the American farmers. They have paid in lost markets in Europe itself, and more recently, and with most damage, in third-country markets, as the EC has moved from a net importer to a major exporter for commodity after commodity. Wheat, sugar, beef and veal, eggs, poultry, and dairy products—the EC floods world markets with all of them, crowding out more efficient producers in the United States and elsewhere.

The impact of their sugar production and marketing actions in the past have been devastating on such developing countries as those one and two-commodity exporting nations of the Caribbean.

Mr. Speaker, in Dublin, this Member felt it necessary to again warn the European parliamentarians that the United States was prepared to go either way on the question of a subsidy war. Ours is primarily geared toward reducing production while theirs is geared toward encouraging production, and that is the major difference between our two subsidy programs.

I also said that my own personal preference would be for our competitors to take the steps necessary to allow us to terminate our new Export Enhancement Program. Perhaps they were not listening. If these outrageous moves related to the accession of Spain and Portugal are what we can expect by way of response, then one cannot be very optimistic that accommodation will be reached. So be it! The record will clearly demonstrate that we have been patient beyond what reasonably could be expected. Now, our patience has not just run thin, it has I believe run out.

At this point, the past warnings of trade officials in this administration on the accession actions of the new nations coming into the EC have been very explicit. We have pointed out that what happened when Greece came into the European Community in the past will not be tolerated. The cost to the EC by Greece coming in will not be allowed to be passed on to competitor nations like the United States.

Perhaps we are headed the same way in the accession of Spain and Portugal. At least what has happened is very unfair and unreasonable. Now it appears that our credibility and resolve are being tested by the European Community.

Do we mean business, export business, or was it just rhetoric? What will the administration do to meet this important and costly challenge?

These are the questions that I present here today. There is a proper and measured first response, and I say to the administration that we should get on with it. We are facing a substantial challenge. It is time to react in a reasonable and positive but firm way at this time.

THE REAGAN BUDGET, PROPOSED HEARINGS, AND AN EXPLANATION OF PAST VOTES IN THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I just want to take a few minutes to talk about the Reagan budget, this week's votes in the Congress, and the proposed Budget Committee hearings next week. I think all three topics relate because I think this is going to be a very unusual year, a year in which we do not have "business as usual," but in which we go about getting the job done.

Let me start with the votes this week because several Members of Congress were commenting on the fact that we had more votes than people expected and they were wondering exactly what they meant and why it was happening. Let us start with yesterday's vote on the Journal, a vote which was a 227-170 vote in favor of approving the Journal. Why did that occur?

It occurred because several Members on the Republican side of the aisle found that a Member of the Congress had failed to file a complete report in that day's Journal on this trip to a foreign country, and that in fact the report had not included the full cost of that trip. It had left out the cost of an airplane for that particular trip, and we felt it appropriate to register to protest to say that it was not accurate or fair to the voters, to the people back home, the people who pay for these trips, not to give them all that information.

While the protest may have seemed to some unnecessary or not completely explained—because, frankly, we only discovered in the Journal yesterday morning, as it was being printed, that the report was incomplete—I can tell the House this evening that that gentleman has gone back and checked his report and did find there was an error and did file an amended report that includes the entire cost of the airplane for that particular trip. The point is that if the citizens of this country pay thousands and thousands of dollars for a Member of Congress to travel somewhere and if the rules require that that report be filed in such a way that the citizens can know exactly what they were paying for, then the citizens have a better chance to decide whether or not in fact we need a tax increase or whether we simply need to control spending a little tighter.

The second vote yesterday was a motion to recommit the funding resolution. A motion to recommit is a parliamentary procedure by which a Member of the House says in effect here in the Committee of the Whole, "I am not quite satisfied with this bill. I want to recommit it, send it back to committee and tell them to do something with it, and they can report it back out."

This particular motion to recommit offered by the gentleman from Pennsylvania [Mr. WALKER] had a very specific and particular purpose. Mr. WALKER had determined that we needed to start the process of looking at an alternative to an automatic mindless spending cut on March 1. As I think everyone in this House knows, on March 1, under Gramm-Rudman, we have to cut spending by about $11,500,000,000. Currently if the Congress does not act, the General Accounting Office will issue orders and will quite specifically cut that spending according to a mathematical formula. This was designed to force real change, to make the Congress face up to its responsibility to move toward a balanced budget, to bring Federal spending under control.

However, the rules for this mindless automatic spending cut are so technical and so tricky that, for example, in the U.S. Department of Agriculture it has been determined that there are 13,000 separate offices, none of which could be closed under the automatic spending cut. In other words, under some circumstances, if we went through three or four automatic spending cuts following that rule, there would be an office that had no electricity, no postage, no stationery, no telephone, but there would be a person sitting behind a desk in a dark room, because technically under the rules the General Accounting Office can make no distinction, it can make no policy decision, and it cannot set priorities; all it can do is go through and cut, cut, cut, make a little nick in each program.

That means, for example, that under the automatic spending cut on March 1, we will cut the same percentage out of the redtape that is involved in educational research that we will cut out of generally helping handicapped Americans get special education. No rational person looking at that procedure could logically call for letting the spending cuts go into effect without trying to stop them.

Congressman BEAU BOULTER of Texas, a member of the Budget Committee, has proposed a resolution which already has 44 cosponsors, which would require that the committees of the House report a set of priority changes to cut the same number of dollars.

□ 1835

This is an effort to implement the process of achieving a balanced budget more rationally, to set priorities, to decide that maybe we are better off to have 12,800 offices in the U.S. Department of Agriculture and fund all of them, rather than have 13,000 offices and then nick each of them a little bit. It is a decision to set a priority to decide that we can slow down educational research easier than we can cut off aid to handicapped Americans who need special education.

This particular motion by the gentleman from Pennsylvania [Mr. WALKER] was a first step. It was, quite candidly, a parliamentary gimmick, an opportunity on the House Administration funding resolution designed to bring to the attention of the Members the fact that the gentleman from Texas [Mr. BOULTER] has this new proposal and to begin a discussion on the ideas behind this new proposal. It failed by 146 to 255, but in the process we believe it began to lay the groundwork that there is no reason to have an automatic mindless spending cut go into effect on March 1, that we can do better, that Congress in fact should set priorities.

The third thing that we voted on yesterday was to adopt the funding resolution of the House Administration Committee. Let me say, and I guess I speak with a little personal pride because I serve on that committee, although frankly I did not serve on the subcommittee that did the very fine job that was brought to the floor, the House Administration Committee in a truly bipartisan effort looked carefully at how to reach a balanced budget on stage one up to March 1 and did precisely what Congressman BOULTER would have us do for the executive branch; that is, the House Administration Committee did not say, "Let's cut 4.7 percent from every activity. We will send out 4.7 percent fewer letters, 4.7 percent fewer long-distance calls, cut salaries 4.7 percent." Instead, it decided to focus on some very specific and very clear areas and eliminate them.

It also decided to focus on spending for the standing and select committees and cut 10 percent out of the funding for personnel for standing and select committees.

This was a process of making real choices, setting real priorities. The House Administration Committee did a very fine job and I think in a bipartisan manner Chairman ANNUNZIO and Congressman FRENZEL led the committee into I think a very firm and solid resolution.

The House agreed and voted 385 to 11 for the very first real spending cuts

in operating the House that have been adopted since I have been here.

Today when the House came into session we took up an open rule on the Consumer Products Safety Commission and because it was an open rule, because it allowed any amendment to be in order, because it allowed the Members of the House as a whole during the Committee of the Whole to participate without hindrance, it was adopted by 390 to no opponents.

Then we took up a resolution to recess for the district work period. We decided specifically to fight that recess resolution to make a point about the rest of the year. This is going to be a very unusual year. This is going to be a year in which we cannot afford business as usual. This is going to be a year in which we need a bipartisan effort to really and truly work at producing a budget which the House can adopt with a large vote and send to the other body and arrange for a true step toward a balanced budget.

It is already clear from some Members that they intend to hide behind the shield of saying, "We don't have time."

When Congressman BOULTER brought up his idea of developing an alternative to an automatic spending on March 1, of making spending cuts based on priorities, the answer that he was given was, "We don't have time."

Now, it is true we have almost a full month. It is true that in fact Congress could be meeting all next week, but some Members said "we do not have time."

There is a very real likelihood that when we get down to September, Members will say, "Well, we don't have time. We can't solve this problem. We are not going to be able to adopt the kind of budget we should have."

Yet we felt it very clear in early February that we should draw the line.

Now, 208 Members voted to go home; 179 Members voted to stay. It seemed to us that the 208 Members who voted to go home from here on out do not have the right to say that we do not have time. They were in effect voting to say that we do have time, we have plenty of time to have a district work period. We have plenty of time to go out in the country and have hearings. We do not have to get the job done.

Let me say this quite clearly so that everyone can understand why we would force a vote on the recess, why we would oppose going home. This was not just a gimmick. This is in fact a clear long-run strategy designed to say that this Congress should do its job. We should set priorities. We should avoid having automatic sequestering take place. We should eliminate the automatic spending cuts by making decisions on the kind of budget we are willing to vote for. We should reach the Gramm-Rudman target of reducing the deficit by one-fifth every year until we have a balanced budget in 1991. We should stay here and do the job if necessary.

Let us take the March 1 date. We are going to be gone all of next week. When we come back into session, when Congressman BOULTER of Texas gets up and proposes his resolution, he will be told, "Oh, but there is only 2 weeks left."

Let me suggest that if this Congress had to stay in session all night for 2 or 3 or 4 days in order to get the job done, in order to save handicapped Americans' education and instead shift the burden onto the bureaucracy and onto less important items, if we had to go item by item through the sequestering that has been suggested by the General Accounting Office and shift the burden of cuts onto the departments and programs that should be taking them, then we ought to do that. If that means 2 or 3 or 4 days of 24-hour sessions, that is what we get paid for and we ought to make the decisions and do the job; but it is wrong to say that we do not have time and then vote for a recess resolution.

Following that, the third vote today was a substitute offered by Congressman DANNEMEYER, who offered the President's budget proposal for the Consumer Products Safety Commission. Congressman DANNEMEYER brought to the floor the same dollar number the President had established as his proposal for this year.

Now, 189 Members voted in favor of the Dannemeyer amendment that would have brought spending down to the President's proposed level for the Consumer Products Safety Commission. There were 200 votes against him and it lost; yet had we had all the Republicans on the floor, 17 people were not here, we might well have passed it, or had we been able to convince just a handful more of Democrats to switch and vote with us, we might have passed it.

Frankly, I thought that since everyone has said in the news media that the President's budget was dead, that getting 189 people to vote for this specific item in the budget, losing by only 11 votes on the very first day, having not yet made our argument to the country, was a very good first step.

Indeed, you can see how the pressure has had an effect on liberals here in the Congress, because the following amendment was offered by the gentleman from California [Mr. WAXMAN]. It provided for a cut of $2 million for the Consumer Products Safety Commission. Because it was $2 million less in spending, $2 million closer to a balanced budget, $2 million toward implementing the Gramm-Rudman principles, both Republicans and Democrats joined in a bipartisan vote and 385 Members voted in favor of cutting spending and moving toward a balanced budget, only 2 voted against it.

The following vote was again on an amendment offered by Congressman DANNEMEYER, raised on behalf of the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. BONIOR], basically making the argument that the Federal Government should not be directly involved in assessing safety at large amusement parks. There have been several problems over the last few years involving various rides at large amusement parks and, of course, there is a tendency in America as soon as there is a problem, it is on national television, the following week we in Congress get a request saying, "Why don't you set up another Federal bureaucracy in Washington? Why don't you create more Federal redtape? Why don't you do the job?"

Let me make the suggestion, and this may sound awfully conservative, but I think most Americans will agree with it, that inspecting the safety of an amusement park is something State government probably could do. We have an amusement park in Georgia called Six Flags. There are amusement parks in Florida, Disney World, for example.

We ought to be able to insist that State governments inspect the safety of those amusement parks. After all, it is the State government which inspects automobiles and automobiles kill far more people than amusement parks. If we are going to trust the State governments to inspect the most serious single thing we deal with, which is the automobile, we probably ought to insist that the State governments inspect the amusement parks.

At a time when we are trying to balance the budget, nothing could more clearly illustrate the degree to which old time liberalism, or whatever you want to call it, the new liberalism, people who adopt Reagan's code words and then go ahead and vote for their own programs, the new liberals voted once again and suggested that at a time of tighter budgets, instead of taking our limited resources and working directly with public health, instead of taking our limited resources and worrying directly about Federal concerns that are nationwide, 198 Members voted in favor of having the Federal Government worry about and set standards for amusement parks, while only 179 voted against; however, I would suggest that was a closer vote, only a 19 vote margin. Had 10 people switched, we would in fact have adopted the Dannemeyer amendment, a closer vote than we would have had 5 or 6 years ago.

As people really come to confront the issue of how big should the Federal Government be, how much redtape should we have, how much should we

centralize decisions in Washington, there is a larger and larger number of people willing to argue that maybe the States and local governments should do more and Washington should do less.

Finally, we had a vote on final passage of the Consumer Products Safety Commission; 298 voted in favor of it, 81 voted against. I happened to be one of those who voted against it. I would have voted for it had we adopted the Dannemeyer substitute bringing spending down to the President's budget level and had we adopted the Dannemeyer amendment keeping the Federal Government out of what I think is clearly a State and local issue; but my point is that in the votes we had, three yesterday and then six today, in each vote there was a serious, rational, and I think understandable reason for that vote to occur, because if we are going to start creating a benchmark right now, if we are going to lay out a strategy right now for moving to a balanced budget, if we are going to start taking the steps right now in order to stop business as usual, and make sure that Congress does its job rather than wait for automatic mindless spending cuts on October 1 under the title of sequestering, then we in the House have to get busy. We have to be willing to do our job here on the floor.

I think that our job was made more clear when the President sent up his budget. It is fascinating in some ways how the Congress reacts to the President's budget. You will be told that Gramm-Rudman means that we do not have any money, that Gramm-Rudman means that we are not going to be able to do anything. The President's budget, which is under the Gramm-Rudman limits, will spend—listen carefully to this figure, my colleagues, wherever you are and people around the country as they look at this—we are talking about spending $994 billion. This is the trim, lean, scarce, very few resources budget, the budget you are going to hear politicians cry out against, the budget you are going to hear liberal interest groups cry out against, the budget you are going to hear bureaucrats protest against. They will tell you that we do not have any money, that Gramm-Rudman has us in a straitjacket, and yet the amount is $994 billion, an increase of 1.4 percent over the current budget.

The reason it is a step toward a balanced budget is that revenues increased 9.4 percent. In other words, there is an 8 percent larger increase in revenues, compared to the budget. That means that revenues will be up, according to this projection, to $850 billion.

The President does have an increase in the budget for the military. It increases Pentagon spending about 6.2 percent, according to the New York Times, to $274.3 billion, or about 28 percent of the total budget.

Let me make two points about this. First, the President is asking for more money than he will actually get on defense. He knows that. He did it deliberately, and I want to come back to that.

Second, 28 percent of our budget at the national level for national defense is not unreasonable. It is about one-half the percentage of the Federal Government under Dwight Eisenhower. The share of the gross national product of our total economic activity that we spend on defense next year will be less than it was under John F. Kennedy.

There can be no serious argument that the Federal budget is being driven primarily by defense. For every dollar we spend on our national survival under this proposal, we will spend almost $3 on something else.

Why would the President send up an increase if he knows he is not going to get it? I would suggest to you, quite seriously, that the President is a former labor union President who led a strike, who knows how to negotiate. He fully expects Congress to give him less of an increase than he is asking for. He knows as a negotiating position this is the correct place to be.

"Oh," you say, "the budget is dead," and all of you have heard people say that the budget is dead on arrival.

I frankly find that very, very confusing. Under the American Constitution, the most the President can ever do is send us a proposal. These are his ideas.

Now, if you ask me the question, are we going to adopt the President's budget? Of course not.

□ 1850

The President does not think we will. No one who has ever studied American history thinks we will. No student of the Constitution thinks we will.

For the Speaker to suggest he will bring the budget to the floor and that will show us how much support it has is silly. The Constitution requires that the House and the Senate, each in their own way, decide on a budget they want to adopt, that they then meet in conference and they then adopt a budget together. The most the President can do is send up his yardstick, his road map, his menu. He can say, "Gosh, I wish you would cook me this budget meal."

No President, including Franklin Roosevelt at his peak, or Ronald Reagan at his peak ever got exactly the budget he wanted. Even Lyndon Johnson, at the very peak of his power in 1965 did not get everything he wanted.

The question then becomes not is the President's budget alive or dead. The question becomes is the President's budget realistic, is it a good starting point, is it a benchmark from which we can negotiate.

Obviously, in a document this thick, with this many topics involved, it is not clear to any of us exactly what will happen. But my first look at it, looking at the newspaper reports, talking with my colleagues, I think it is a very good starting point. I think he approached it exactly in the spirit of the Gramm-Rudman effort to achieve a balanced budget, to lower interest rates, to bring down inflation, to continue economic growth, to make America more competitive with Germany and Japan.

I think the President did his part of the job. He has some interesting new ideas about privatization, about programs working and new ways of getting the job done using private business in the private sector. He has some interesting ideas on programs he thinks we do not need anymore. He has some specific proposals for eliminating subsidies. He is willing to raise user fees.

Let me make this point very clear. If there are things the Federal Government is doing that people enjoy receiving, and they can afford to pay for it, I think they ought to pay for it. If we want a really good, sound, fishing program, and I find people in almost every State in the Nation are willing to pay for fishing licenses in order to have good hatcheries, in order to have good fishing, if we are going to continue to have a duck program, and we are going to continue to make sure that migratory fowl are available in great quantities, and hunters can go and have an exciting experience, and they are willing to pay for it, I am for those programs. But, I am not for asking everyone else to pay so that the person who is not paying can enjoy a narrow special privilege.

I think in that sense I would simply say that the Reagan budget is the most exciting, the most innovative, the most daring since 1981, that this particular budget, I think, is going to play a much larger role in changing things.

Finally, then, what about next week? I have only three comments to make on the Budget Committee hearings that they are going to be taking up next week, and this is based only on reports that I have gotten from members of the Budget Committee, and from what I have read in the newspaper.

First, I think it is unfortunate that the Budget Committee hearings have been designed in a partisan way. I think that the Budget Committee chairman clearly wants to be a bipartisan figure. In a colloquy earlier this week on the floor during a special order, he mentioned his commitment and his concern for a bipartisan ap-

proach. I think that if it was truly going to be bipartisan, there are three steps that have to be taken to make it more bipartisan.

First, when we have a schedule that begins in the Speaker's home State, without having an opportunity to really develop a bipartisan effort, to make sure that the Republicans get an equal opportunity to have hearings where they want to, I think it is in some ways a setup.

Second, when we are told in one city that either there will be no Republican witnesses, or they will come at the very end after 75 Democratic witnesses and, therefore, after everyone has left, that is a setup.

Third, we were not involved in the discussions, the decisionmaking, the precise setting up of this entire trip. We feel very strongly that it is not appropriate to spend a great deal of money going around the country in essentially a bipartisan effort to explain that the Congress cannot control spending and, therefore, we have to raise taxes. We think that the Budget Committee should operate itself as a model of the kind of behavior that will be necessary if we are going to meet the Gramm/Rudman deficit reduction efforts without raising taxes.

We think that wherever possible, the least expensive airfare should be used, that reasonable rather than expensive hotels should be used, that there should be a conscious effort to lead by example. And we would expect the Budget Committee when it comes back, when Congress resumes session, to report rather promptly on how much this particular series of hearings cost.

In addition, we wish the committee would have focused on a broader effort. It is very clear that most liberals are going to look at the issue of getting to a balanced budget within the framework of the liberal welfare State. The question they are going to ask every minute is "And how much is my interest group being hurt," and they are going to bring in 75 interest group witnesses, all of whom are going to explain how their interests are being hurt.

We think there are three other things that should be heard in these kinds of budget hearings. First, how important is the issue of controlling spending. Can we afford $3, $4, $5 trillion of national debt? Can we afford $200 billion in deficits every year?

I would hope that every single witness at every hearing would be asked the question: If you do not like the deficit, what would you do? And when they say, "Well, I would raise taxes," then ask, "On who." If they say, "I would cut someone else," ask, "Tell me where."

Every group that shows up, every group that comes to my office that says I do not want you to cut me, I do not want you to make me change, I do not want you to do anything to me, I am going to say this to them: "Fine, tell me this: Do you want me to give your children and your grandchildren a huge deficit that they cannot possibly pay off and that will crush their lives by borrowing money?" And "Do you want to raise taxes, and if so, on who, and are you willing to go back home and tell them that you want their money, or are you going to cut somebody else's program, and if so, where?"

This is the year to make every citizen a full-service citizen, not just a pleader for special interests.

Furthermore, in looking at the whole issue of how are we going to get to a balanced budget, the second focus, it seems to me, ought to be on what kind of 1990's we want.

If you go to Massachusetts, you will see a State which, by encouraging new business, new entrepreneurs, by moving into the information, industrial industries of the late 20th century, has in 15 years changed from a welfare State that was decaying, and losing jobs, to a growing, dynamic State that has a lower unemployment rate than the Nation at large, Massachusetts knows, because it has proven, that Government by itself cannot do the job.

What if one were to look at Massachusetts in 1991 with a balanced budget, 5 percent prime rate, 8 percent mortgage money, stable prices, and an America that could compete with Germany and Japan, an America that has got its act together; versus what is Massachusetts' future in 1991 with a $3 trillion debt, going back to the Jimmy Carter liberal welfare State days of 13 percent inflation, 22 percent interest rates, decaying industries, collapse of jobs and a Germany and a Japan that we cannot compete with? Now given those two choices, the people of Massachusetts will accept a considerable level of change in order to get to a balanced budget, because they know that their children and their grandchildren need a healthy economy if they are going to survive.

When we go to a city in the great industrial Midwest which clearly understands what the last 10 years have meant as jobs in Youngstown, and jobs in Pittsburgh, and jobs in Gary, IN, and jobs in Chicago have not been competitive with Japan and Germany, and American workers have been laid off, I say what would 15 percent prime rate money mean in rebuilding the factories and the industrial base of the great American Midwest? What would 8 percent mortgage money mean to the young people in Chicago who want to buy a house or a condominium, who want to live a little better life?

We could go around the country, but the point is clear. The second thing the Budget Committee should ask is which future do you want, and how are you going to help us get to it?

The third question the Budget Committee ought to ask is are there not new and better ways of doing the job? I was very startled in an article in today's Washington Post that made the comment in passing that in the last 5 years, the cost of vaccinating a single child against diptheria, whooping cough, tetanus and polio went from $4.85 to $23.26. The first question I would ask is not how can I raise $19 more from you in taxes in order to pay $23, but the first question I would ask is can we not get the cost back closer to the $4.85. Why is there an almost 600-percent increase, a 500-percent increase, if you will, in 5 years in the cost of vaccinations?

When I walk through the Federal Government and I look at all of the red tape, I look at the inefficiencies, I look at all of the possibilities for change, the third question the Budget Committee should be asking the people is is there not a better way of getting the job done? If we have to, in fact, get to a balanced budget by 1991, if we have to, in fact, have restrained resources, are there not better ways of solving the problems?

So in closing, let me just say I think this has been a good week, starting off the budget with the State of the Union, with the President's budget, with key votes on the House floor to set the pattern for the year. I think it has been a good week in terms of the President sending us a budget clearly that we are not going to support exactly as sent up, that is not our job, but that is a very good benchmark to begin negotiating and thinking from. And I would just hope that when they go out and around the country in this coming week, that the Budget Committee will be frugal, it will be truly bipartisan and that it will be looking at the long view, it will be setting up a real choice for America for what kind of 1990's we will get, and it will ask the tough questions, I hope it will not ask the people who come as witnessess to merely plead for their particular gimmick or their particular special interest, but it will make them think through how can they do the job better.

Mr. Speaker, I yield back the balance of my time.

□ 1900

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, yesterday's proceedings will reveal in the printed RECORD today that I intended

to pick up where I had left off yesterday in respect to what I consider to be the most important issue from the standpoint of the well-being, in fact, the lives of quite a number of our armed services personnel that are under the threat and peril of loss of life or serious bodily harm.

The reason I asked that I be permitted to continue this day was in order to offer for the RECORD some further documentation to bolster the statements that I made yesterday and to also underline the reason why I feel it necessary to address my colleagues.

I said yesterday that the death of 248 soldiers and 8 civilian operators of the craft who died in Gander, Canada, last autumn has been forgotten. Our Commander in Chief has a great ability to go and shed actor's tears at the funeral services after such catastrophes as the murder in their sleep of 241 marines in Beirut and after the death of 248 soldiers in Gander. I have always felt that the people do not quite appreciate post mortems but, rather, want to feel, and partcularly in the case of the Commander in Chief, that there is a firm resolve to avoid these needless deaths.

In the case of the marines in Beirut, I think I saw clearly that I would never have faith or trust in the leadership of our present President as Commander in Chief. For 14 months, 14 months, 1 year and 2 months, I took this floor and asked the President constantly what the mission of the marines was to be in Beirut. He never answered the letter because this is the first President of the six that I have had the great honor to work with that does not answer a Member of Congress' letter.

Even President Nixon did. This one does not.

He did not reply to my letter in which I first asked that question after the second deployment of a more sizable contingent of marines in 1982. But he did in answer to the question of a reporter at a press conference in December of 1982 state that the main purpose was that the marines would be peacekeepers. But that seemed to me to be contradictory because if marines are to serve as peacekeepers then why would they be in battle gear? That is, combat equipped.

If that were the case, then what was the recommendation of the military experts, and what was the result of their expertise, their recommendation to the Commander in Chief? Well, that happens to be the group known as the Joint Chiefs of Staff. I found out that the Joint Chiefs of Staff had been unanimous in their recommendation against such a deployment. That did not surprise me because a military man is a military man. He is not a politican, he is not a diplomat, and therefore must be sure that he has a clear and limpid outline by its leaders of what the military mission is of the military man.

That is, what is a soldier's mission? And if the Commander in Chief, willfully, carelessly disregards the combined judgment and experience and training of the chief military experts, what then can we expect in our leader as Commander in Chief? How can he possibly ever convince, especially convince me, that he gives a tinker's damn for the lives of the men that are charged to his leadership?

Everybody knows in the service that when you become a leader, that is, when you are commissioned as a gentleman and an officer, that your prime duty is the lives, the well-being, of those you are charged to lead. That comes first, just like the time-honored tradition that a captain of a ship never abandons it until the very last. That is his first loyalty and his last, to that ship and its occupants and those who are charged to his leadership as captain.

The fact is that I got on this floor on Thursday evening as the House adjourned, as it is getting ready to do now, and was very considerably worried because some European newspaper reports showed clearly that the marines' position militarily was untenable, that hostility was growing, that the marines were not accepted as peacemakers because even the President said that as peacemakers he was enjoining the marines to defend and shore up the so-called Gemayel regime. But his was a regime that never had, even, full control of the city of Beirut, much less the country that we now call Lebanon. Gemayel is one of four factions, or at least at that time was one of four factions, even though today there are basically four factions. So that if a marine or any military then intercedes in a purely local or internecine or civil strife in behalf of one of four factions, he is hardly a peacemaker, he is a partisan. He is taking part in the strife.

Now our American people of course, self-contained as we are, do not understand that because they are not really informed. As a result of this catastrophe that I warned about at about this same time in the evening on the Thursday preceding October 24, which was a weekend, where the tremendous catastrophe, the death of 241 of our most loyal and trained warriors occurred. But less than 36 hours after that was flashed and astonished the American people, he addressed them, and the President ordered the invasion of Grenada. Now this is exactly the way dictators have acted, dictators who know they are riding a tiger and that the hungrier the tiger gets the faster they must prod him so they will not end up inside of the tiger's belly, so that to shift the attention and the anguish over the death of the 241 marines, deliberately brought about by the callous disregard of the Commander in Chief as to the judgment of the trained military experts, the invasion of Grenada was moved up. The truth of the matter is, if the facts were to be publicly established as I know they exist, that invasion was supposed to take place a little bit later in the following year. But it did manage and did succeed in taking away the immediate impact of that disaster.

Then shortly before we broke up for that week, after we came back from the Labor Day, I took this floor, warned my colleagues, particularly my colleagues, because the particular action that I was worried about was taken as a result of congressional action, for the first time in the history of the Congress, in 1789, and that was where the Congress mandated a military deployment. This had never happened before. What really depressed me even then, then being December 1981, was that this action was being taken without a joint consideration with the Armed Services Committee but was done directly by the Foreign Affairs Committee.

When I raised that issue on the floor, I was very much the cause of anger for the then chairman of the full Committee on Foreign Affairs whose friendship with me had been long and intimate and enduring. And that friendship was shaken up and strained because I have always resented any impediment to my full and free activity as a Member and as a duly elected and freely elected Member of this body. So then I offered a quickly concocted amendment, because I was refused time on the basis that if I raised issues they would have trouble in passing that resolution or bill and that I should shut up and let them get it out of the House.

There were only 12 Members present at the time. But I had the pertinent questions that bothered me, as they do today.

Why is the Congress doing this? Is this not an unprecedented action? The chairman of the subcommittee who was directed by the full chairman to come over and talk to me and try to mollify me admitted that it was unprecedented, that they had discussed that during the course of deliberations and considerations in the committee and subcommittee but that it was the thing to do and they were going to do it.

I asked the second question, if this is a congressional mandate of a military situation, why are you not jointly considering this with the Armed Services Committee? There was no reply to that question other than, "Well, it was approved by this committee, there was no protest from any other committee," so they were presenting it to the full House.

The third question I asked was, why, if we are mandating American troops, fully equipped to act, again, as peacekeepers in the Sinai, why were we initiating without first having an idea of who the component members of this multinational peacekeeping force would be? No answer again, other than to say that, "Well, the President asked for this because he wants to respect a letter written by President Carter after the Camp David agreements and in reply to some misgivings by both the Egyptian leader then and the Israeli leader then." Therefore, the President, who had never once said anything about President Carter other than that he had been a President in perpetual error in everything he did and thought, he ran against President Carter on that basis; he blames President Carter even to this day after 5 years of full, total, complete power in his hands, he still blames Jimmy Carter.

So I asked those questions because it was clear to me that after our experiences during the sequela wars, after the so-called World War II, I do not say "after World War II" because World War II has never ended.

We have 300,000 of our soldiers in Germany alone, we have 45,000 in Korea; that is hardly an end to World War II. There is no peace treaty since World War II even though, for instance, in West Germany this is a thing that has been keeping in restaint some of the passionate issues being demanded by these new generations coming into power in Germany, such as the restoration of two provinces that Germany lost and are now included in what is called Poland today.

□ 1915

Now you do not read about this in the press; yet it has everything to do with the safety and the well-being ultimately, and not too far from now I predict, of the 300,000 of our soldiers that we have in West Germany.

But let us go back to what right now is the peril and the shadow of death hovering over that contingent of near 2,000 of our men of the 101st Airborne that we have in the Sinai. It now consists of a group of about Fiji Island soldiers. Colombia started out with 1,000, and then they had trouble in Colombia last year so they pulled 500 and we have 500 there. But we have now, depending on the day you take count, better than 1,800 on any given day of American soldiers.

They have no armor. They have no aircraft. And they are sitting ducks for what we would now call a terroristic attack, and particularly with the growing and pervasive anti-American sentiment in Egypt.

So I believe that I have pleaded with my colleagues who have the responsibility in the committees to review this. Nothing has been done. I have directed whatever messages I have through the RECORD to the Chief Executive, but I have no confidence that the Chief Executive, or the Commander in Chief, gives a hoot. I do not think he could care less.

I do not know. It is just like in the case of budget cutting and food stamps and all of that. I do not expect a man who wears $3,500 boots, whose wife wears $25,000 or $28,000 gowns, to much feel that there is any suffering if some poor couple gets $75 a month less in food stamps.

But I have to deal with them. In my representation of the 20th District, as it is now constituted, I have the second lowest family per capita income in the State of Texas, and I have, and pride myself in having, a continuous and as intimate relationship as I can with the constituents. I visit every week with the poorest of the poor. I cannot overlook that. I do not care what the impediments are or the threats implied or direct, I will continue to speak, because that is the least I can do.

And today what I am saying is that it is not what I am saying in retrospect; it is not what I am saying as hindsight, because as late as December 19—and this can be found in the CONGRESSIONAL RECORD, the House section, page 38076—the gentlewoman from Colorado [Mrs. SCHROEDER] had brought up a resolution asking that for 2 months we give housing allowance or quarters to the survivors or the next of kin of the dead 248 soldiers. Now what a tremedous, magnificent gesture, 2 months' quarters allowance.

I had introduced since before the marines in Beirut a bill asking that in undeclared Presidential wars, that any of our soldiers or servicemen dying in the course of their duties would be provided with a $50,000 insurance policy. Of course, it got nowhere. I have not been able to obtain a hearing in the subcommittee as yet, but I have reintroduced it and I will keep on pushing.

On December 19, I rose because the gentlewoman had a resolution saying that it was our feeling and opinion that the survivors and the dependents of these men be given an additional 2 months' living quarters allowance. I thought that the most important thing was learning from this terrible catastrophe. But I think we are like the old Burbon kings in America today—we learn nothing and we forget nothing.

So I rose, but at that point, the gentlewoman had asked for unanimous consent, and the ranking minority member of the Armed Services Committee had reserved a right to object, so the gentlewoman referred my inquiry to the gentleman from Alabama [Mr. DICKINSON]. I asked why it was that the airmen were being transported in a private commercial craft in sizable contingents. In this case, it was almost battalion strength.

I had protested the same thing all during Vietnam. I made myself quite a nuisance with a very good friend and a President that I considered a leader and, I thought, concerned. I never did get anyplace. I protested the fact that the only way a soldier boy was going to come back on military craft, in a safer and far more responsibly manned craft is if he was dead, in a coffin, or his ashes. That is the only way we transport our soldiers today in military craft.

So what I did was to send a telegram to President Reagan asking him, after the Defense Department told me that the cost to do this in commercial craft has been $450 million a year, and I said, Mr. President, your discretionary budget has increased exponentially 750 percent in less than 2 years, so if you can find $1 billion almost that you have been sending into Nicaragua in various ways, certainly you can kind of transfer $450 million and mandate the military to transport military personnel in size.

They transport armament. They transport other materials. They haul cargo—except this poor soldier, who is thrown out to the wolves in the shape of airlines that are jerry-built and constructed especially to grab those contracts from the Defense Department.

So the gentleman from Alabama says, "Now, I have been in touch with the Secretary of Defense"—first, before this, he said, wait awhile. He might as well have said, shut up, I want to give you the facts. In other words, inferring that maybe I did not have any facts.

He said, and I quote:

> Now, I have been in touch with the Secretary of Defense. This day I have sent him a letter, and I have assurances from him that not only is the FAA reviewing its certification procedures, but I have urged on him that no more American personnel, regardless of the contract by the United Nations—

Because, all of a sudden, they are blaming the United Nations for this. Because of the multination thing, we took over and said we will do this in the name of the United Nations. But the United Nations is not paying 1 red cent. We are. We are paying 100 percent. So we are the ones who determine what craft is going to be contracted for, not the United Nations. So I think that is craven, just like I think the President's actions are.

And he says:

> And I have urged on him that no more American personnel, regardless of the contract by the United Nations, be allowed to be transported under contract by Arrow until the investigation is completed.

Well, lo and behold, in yesterday's Washington Post—well, further down in that colloquy, as they call it around here.

Mr. DICKINSON. Well, what is it the gentleman wants?

Mr. GONZALEZ. What I want is a change in that policy so that the military will transport the military.

Mr. DICKINSON. I am telling the gentleman that it will change in the policies. What else can I tell you?

And then I said: "Well, go on, get the money."

□ 1925

But today's Washington Post, Thursday, February 6—page A-30, the righthand article, righthand side of the page—headlined, "FAA knew of problems at airline used by Army," goes on to say, oh, yes, the FAA knew that this was a rotten airline, but they had not bothered to communicate to the Defense Department because they did not understand they were supposed to; they thought they were supposed to communicate only if the license—which the FAA does, license—was under jeopardy or was removed, then they would advise the Department. But then here, in paragraph 6 of that article, it says:

The Pentagon, which last week signed a new $7.6 million contract with Arrow Air, will present witnesses when the hearing continues today.

Now, this is a hearing which is a postmortem. I do not believe in postmortems. I think we have a duty to prevent, not have postmortems. But here we are. I have been assured by the ranking member, a friend and an aide of the administration in power, and even the gentlelady interrupted and said,

Well, we better get on with this resolution. The gentleman from Alabama is right. While we are looking at this and we are going to investigate * * * I can assure you that if he says that it is going to be changed, it will be.

Well, it has not been. And not only has it not been, but the Pentagon has said, "We are going to raise the ante."

They now have about $9 million worth of contracts with the same Arrow Airline. This is wrong. This is sinful. This is irresponsible. In the name of all that is almighty, will not my colleagues rise as one now and put a stop to this? If any of you, my colleagues, had one son who had died at Gander, I would not be speaking alone today. If any one of you had one son in the service now serving in the Sinai, I would not be alone here tonight.

The President, well, I do not think he gives a tinker's damn. And it hurts me to say that because we always revere, and we want to, our leaders. But truth is truth, facts are facts, and that is a conclusion I have seriously arrived at. And I challenge the President to do more than what he did as a matter of an indirect reply to the telegram that I sent December 18. That was the day before I joined in that colloquy, because I had no previous knowledge that the gentlelady from Colorado was going to offer the resolution.

I received an answer, and apparently it was dated January 24, 1986, and I put it in the RECORD yesterday, in the proceedings yesterday, so it is in the RECORD printed today. But I must address the answer I received.

It is from John P. Wade, Jr., Assistant Secretary of Defense for Acquisition and Logistics.

DEAR CONGRESSMAN. Thank you for your telegram of December 18, 1985, to President Reagan, concerning the Department of Defense (DOD) use of commercial aircraft to transport troops.

While the DOD has a large inventory of military organic—

That looks like health food—

airlift aircraft, we are heavily dependent on the civil transportation industry in peace and war.

My colleagues, read this:

In war, we plan to move up to 95 percent of our military forces via commercial aircraft.

Now, here is something that insults my intelligence:

Use of civil aircraft in peacetime affords us the opportunity to train and practice wartime procedures.

But if you do have war, then we will use up to 95 percent nonmilitary craft. It is unbelievable. This is callous, this is insulting. And I will continue to raise my voice until either I keel over or am not a Member of this body or I am just absolutely frustrated and it would be ridiculous to continue to fight. But I have never yielded and I do not intend to do so now, because I believe and I have faith in justice, the good judgment, the sound heart and the well-being in the hearts of our colleagues toward those personnel in our armed services who are under the shadow of death.

In the Sinai, I cannot begin to convey to my colleagues the dangers that exist there. What do we do then? What will be the policy? Suppose you do have an attack, let us say, by some group that we would define as terrorists but who seek to put the United States in an embarrassing position. Does any one of you think that the Libyan leader Qadhafi, if he could, would not? He certainly was part and parcel of that plot that ended up in the assassination of the Egyptian leader Sadat, which did affect our balance there detrimentally.

But what would we do? Will we go to unlimited extent to defend or try to help? Let us say this contingent is surrounded, what do we do? Do we withdraw?

I say that the part of wisdom, prudence, and responsibility is for us to review now, after the passage of that initial authorization and legislation in December 1981, exactly where we are and ask that basic question: What is the military mission of the peacekeeping military contingent? They are not civilians. The U.N. used to have a civilian component that we authorized in 1974. And, incidentally, the record will show that I got up and asked the same question. But that was a civilian group in 1974, and it was not too long ago that it was disbanded. That was civilian. And they were watchers. And we had some Americans and a lot of others. And just a few miles down the road was a U.N. peacekeeping contingent. But the peacekeepers cannot do anything as the U.N. Peacekeepers in southern Lebanon could not do anything when heavy armor came in, in the shape and form of the Israeli armor, because there is nothing they can do. They are not equipped. They either withdraw or are annihilated.

What I am saying is that in the case of our troops now, and generally in the case of the components from the other four substantial countries contributing, they are very much exposed and there is not much that they could do if they were attacked in force. All any attack in force has to do is to have a 90-mm recoiless rifle, a couple of bazookas, or whatever, which you could almost equate to our rocket fire. But there is no armor to defend this contingent, there is no aircraft. They are just there, and they are vulnerable. And I think that we ought to review, we ought to ask ourselves what is the purpose, what do our military chiefs say about their military posture and their position and their mission, above all?

The question I raised, fundamentally, at the time this was discussed briefly on the floor in December 1981, was: Well, just a minute. We are supposed to be keeping the peace between whom? Well, between two friends, two allies, Egypt and Israel. The United States cannot win any way it goes, no way. What this group is, my friends, is a hostage group. We are holding this contingent as hostage. They are hostages, no worse, no more than the diplomatic hostages in Tehran.

□ 1935

Just the circumstances and the fact that maybe with some luck, but I think the odds are against it. Common sense tells us that. We do not have to be experts to know that. I think we owe it to ourselves. We cannot possibly continue to take the attitude that seemed to prevail during Vietnam, and that is that we would cheapen human life; that we would have what we have always associated with say, an oriental-type of despotism. That human beings are expendable. In America, in fact one reason we always prided ourselves in a citizens army was that everybody in every single individual soldier's life was vital. That we were not going to carelessly or with prodigality expend blood, even if we were willing to expend treasury.

So that I want to plead with the President, the Commander in Chief. In this case he is the Commander in Chief. He asked the Congress to give him that contingent, the Congress did, for the first time, specifically deploy military, which it had never done before, not specifically. In general terms, the Congress can appropriate moneys to raise armies and in that guise, honor a President's request.

Lyndon Johnson's request following the Gulf of Tonkin resolution, was a request for $750 million by way of supplemental in order to defend the national interests and protect those of our forces that were in an exposed situation as defined then by the President. The Congress will never, never foresake a President under those circumstances. It will not do it when we have our next crisis in Nicaragua. We will, if the present policies of President Reagan continue, involve our soldiers in Nicaragua. It will be a catastrophe of the greatest magnitude because it will ensure forever and a day our future generations, children, grandchildren, great grandchildren, in an eternal enmity and hostility in the new world, evocative of the old world. This should not be; it does not have to be. But we are headed that way. Mostly I feel because we have for the first time in our history an ideologue as a President.

We look back at the Presidents that those of us at this point in life, and I am 69 years of age, can recall, and they had strong beliefs and commitments but they were not ideologues. They were not wearing ideological blinders. Franklin Roosevelt was just as desirous of having a balance budget as any leading public official at the time. In fact, he ran on that premise in 1932. But he soon confronted reality and so the good, old American pragmatism, this is what is always associated in philosophy with America. Pragmatism, practicality, reality. But not this President. I think that means that then this branch, the first branch in the Constitution, the policymaking, has to not abdicate, as it has and continues to, that trusted position, More than ever, it is under a compelling dictate of rising to its responsibility.

On the other level that I want to speak on was something that I briefly discussed and that was how the American has been shortchanged and has been sold down the river with respect to the great, traditional and respected American standard of life.

We have been sold down the river by our leaders in commerce and industry and in particular the money managers. But it has not been done by a seizure of power that we associate with dictatorial nations. We will not lose our democracy nor have we lost that which we have already lost that way at all.

They say that necessity is the creed of tyrants and the argument of slaves. The argument of tyrants and the creed of slaves; necessity. I remember in the dim years of the thirties harsh, mean, bigoted, cruel, real poverty; watching people die before our eyes of tuberculosis. My mother asking me as a 14-year-old to take a bottle of milk to a second cousin who was dying as all the members of his family had been of tuberculosis, and the people saying, "La Necesidad," necessity, instead of saying, "We have got to do something, we can do something." Even what some groups in that impoverished and downtrodden group were doing before Social Security, the so-called mutual aid societies. The Sociedades Mutualistas Mexicanas. At least by paying as little as 10 and 15 cents a month, if that poor individual died, he would at least be given a decent burial; nothing more, nothing less. At least he would not have a pauper's burial.

I felt then, even as a child, what did I know but I knew and I felt that you do not sit there like a coyote out in the brush country stuck on a cactus plant and braying to the Moon and not having enough sense to get off the cactus plant. That is the way I feel today. I feel that there is no more need to have this loss of freedom.

The President signed and has implemented an Executive order last year that had been resorted to only during war. Back to 1917 and the passage of the Espionage Act. You have not been reading lately of these harum-scarum headlines about new spies being discovered. The reason is that I think they finally discovered that the American people are beginning to be suspect. When you have such a thing as the Morrison case, the grandson of the distinguished historian, Elliot Morrison, as a spy, was not tried and convicted on espionage at all. He did nothing more and nothing less than he had been doing for Jane's Fighting Ships and catalogs of Britain. But all of a sudden, because of the passage of that Executive order which defined what would be now prohibited but which was not up to the month before, as being in violation of the Espionage Act of 1917. What was the history of the enforcement of the Espionage Act in the first war. Well, you had about 1,110 prosecuted, but of those 1,110, only 7 out-and-out espionage cases were prosecuted. The rest were dissenters, critics, like Eugene V. Debs, the labor socialist leader who criticized the war. That made him a violator of the Espionage Act.

So we have gone a long way. The Congress has watched while its very creature, the powerful, the most powerful agency in the history of any nation, and certainly ours, that has complete control; not the Congress, not the President anymore, and that means not the people, but the Federal Reserve Board. Complete control of our monetary and fiscal situations.

It is the Federal Reserve Board that makes the decision that you will have and continue to have imposed like a crown of thorns extortionate, usurious rates of interest.

□ 1945

Rates of interest and usury are not acts of God. High interest rates are not acts of God. They are man made, and there are definite reasons. They are not caused by social programs; they are not caused by food stamp recipients; they are not caused by educational grants to provide any American who has the motivation and the intelligence and the will to pursue his education to become a productive and a contributing member and creative member of our society. This is what built our country. We have turned our back on that.

We have a President who preaches faith but denies and admits no faith—no faith in the American dream, no faith in the American people—and, therefore, retrogresses. He is not a revolutionary. When they say, "Reagan revolution" they are talking about "counter"; they are talking about reaction. We are not talking about conservativism; we are talking about Toryism. And there is a difference between the two. When I say that the President is an ideologue, it is only because it is based on the record even to this day.

We are in trouble, particularly with our representatives, the most direct representatives of the people, this House of Representatives. You cannot be appointed, as I have said ad nauseam to this House; you can over in the Senate, but only the people can send us here. It was meant to be that way, because this is the prime constitutional office over which the people have some kind of direct control. We must go back to that constituency every 2 years—and I hope to the Almighty it will always be that way—and respond and pass review. If we vacate for any reason, those same people have to go and have a free election and choose who they want their representative to be. It may be a choice that we wonder at, but it is the wisdom of the people.

I say that with the President, who is elected at large, the people know that he has about 235 million to look after. If they vote for their U.S. Senators, they have a whole State. But with their Congressman, that is their district; he is there, he is on the ballot. He ought to be as accessible as that telephone. And in direct proportion to the insidious forces that have entered our processes, as they have in the last 5 or 6 years, where the average campaign expenditure or budget in my State of Texas to lose with was a quarter of a million dollars, to the extent that we let these corrupting influences in our democratic, in our participatory

democracy rule, we will of course loosen the hold of the free democratic processes.

What was the biggest worry of the men who wrote the Constitution, the men who conducted the Nation as a nation for 10 years and who did not even bother to have such an office as the Presidency in those 10 years? In the first 10 years of our national existence they did not even want to think about having the Office of the President, or as they called it then, the Chief Magistrate. It was the Continental Congress and Delegates. If we look back and read the journals of the deliberations of the Constitutional Convention in Philadelphia, we will see that when they got to that second session, at first they did not know what to call it. "Chief Magistrate" was the chief word, but that lost by a few votes.

They wanted to make sure that that office would always be article II, not article I. So, therefore, they enumerated powers. They did that in article I, too, for the Congress. We are not a body of unlimited powers, we are all coequal, independent, and separate, all three branches of our Government. Not any longer, the way we have been operating. Under the processes of this Congress, the 99th—not even the 100th, the 99th—we have not even reached the 200th anniversary of our form of government; that will not come until the anniversary of the adoption of the Constitution, which will be in 1989.

There is nothing, no divine promise that says that we are vouchsafed to see it endure until 1989, unless we work at it and unless we summon the courage to put it on the line, exert the separateness, exert the independence, exert the coequality of our membership in this body, not shake and tremble because the President is going to say that he is going to our districts to denounce us as spenders, as enemies, as those giving aid and comfort to what he calls communism.

If we do not have that—and it is not easy—I am sure that after the struggle that it takes to get elected, it is quite painful to say that you must suffer the loss of it, but I want to tell my colleagues, "Fear not. You have nothing to lose but your seats." In my experience in the constituency in my area—and I do not think it is any different from any other—I have had the privilege to visit almost every State in this Nation, and particularly since becoming chairman of the Subcommittee on Housing and Community Development.

I have been to the most grim, gruesome almost, of conditions of human existence in our country: The slums in Philadelphia, in fact right here in Washington, not far from us. I would like to have my colleagues join me someday and go visit some of our fellow Americans that are living in some of the public housing projects, as I do, and see. See if you do not feel a mixture of admiration and compassion for these great people. They are really great. They have no other aspiration than the ones we shelter in our hopes and dreams and desires, no different, no matter what their shade of color—white or black or brown.

I can assure my colleagues—and they understand—what would take place had I followed the doctrine that was announced to me when I first got elected and was proclaimed a failure, a suicide, in the city council of San Antonio and had to survive attempts to frame me—not because of anything but, in the words of the former city attorney who concocted the frameup, that "We are going to scare that little Mexican off the city council, and he will wish he hadn't heard of it." And there was nothing that could have prevented it other than what? The reaction of the very people, even the very press that was not particularly in any way my supporters. But that is the residue. That is what I call that great saving sap in our democratic tree, and I do not think my district is any different than any other that I have visited.

What I see is the same hope, the same desires, the same ideals of Americans who do not want to look upon themselves as being unjust, as being bigoted, as being racist, or as being dishonest and trying to take a penny that is not theirs, but wanting to have hope. And they are losing it more and more by the day.

I think those of us who are here want to be here because of that faith expressed by the people, particularly those of us who have constituencies that are pluralistic in their nature. In my district I have all of the social, racial, religious, and economic factors that we find on a greater scale in the State and in the Nation. If it had been my ability to gather the support of the powerful and the rich, I would not be here today as an elected representative. I would not have been elected and I would not have been reelected as the first independent candidate under the form of government that we have and continue to enjoy in San Antonio were it not for the people who rose and recognized and supported me, and continue to, at least up to now.

So I feel that I cannot and must not and should not yield, no matter how for the moment it is acceptable politically here or back there, to please a powerful potentate, because I cannot forget those eyes and I cannot forget those faces, and that would be the day when I would feel I had yielded up the trust.

□ 1955

But what I said last night was something I had been saying for years. I used the example of interest rates, because I have been a student of the history of interest rates in the world. I have read deeply and the only publications extant on the history of interest rates. I can tell my colleagues that there is not a nation, not a civilization in the history of mankind going back 7,000 years before Christ where a society endured with the type of onerous interest rates that we now, as a matter of fact, take for granted, like we do unemployment.

I can remember when I first came here that if anybody talked about 4½ percent unemployment, they were really excited and indignant. Today we have actually over 9 million unemployed. About 1¼ million of those are not even on the record. They have been completely out of the picture. We still have over 200,000 unemployed automobile workers; that is, unemployed as automobile workers and nobody gives a hoot. They dropped out of the unemployment compensation roles.

We have been losing our homeownership aspects as American people. On January 1, 1986, almost 10 percent of American homeowners were either delinquent or being foreclosed upon.

This, my friends, is just absolutely unacceptable if we care for our country.

Can we do anything about it? Well, contrary to what a couple Chairmen of the Federal Reserve Board have tried to tell us and hoodwink us that there is nothing you can do, there is only one think you can do and that is reduce your spending, reduce your spending, because if you do that, then we will control this inflation, which is the main cause.

Well, now they say they have reduced inflation; but where? Where has inflation been reduced? Is anyone of you or any of your constituents paying less rent for their shelter? Are they making less house payments per month for their shelter?

If you do the shopping at the grocery store, and I pride myself in loving to do it. I love to go shopping, or we used to say downtown, except there is no more downtown, we have shopping malls now, and I love to. You are not paying less for food. You are not paying less for an apple. You are not paying less for an orange. You are not paying less for that glass of water. You are paying more.

In my city alone, the water rates have gone up 500 percent in 3 years.

Utilities, we have to have them nowadays. It used to be 50 or 60 years ago that we did not have to worry about that. We could go to the creek. We could go to the San Antonio River, get a pail and bring water, and it was not polluted. We could drink it.

If we needed warmth in time of winter, we could go out and get cedar wood and chop it up and we had it.

In fact, we did not have hot and cold running water until after about 1932 in my house in San Antonio, but those days are gone forever.

If a family found themselves hungry, they could go out and kind of either rent or pay for it by raising some crops, raising their own food, living in a little shack or shelter. They had a roof over their heads. It was not very hygienic.

Our rate of tuberculosis was the highest in the Nation. I want to point out to my friends that just in the last year in the District of Columbia alone, because of overcrowding and among the homeless, the rate of tuberculosis has gone up to 18 percent just this year. In Boston it is 22 percent for tuberculosis.

I can remember when that was an ominous threat. Of course, after the war, with the advent of antibiotics, we did mask that.

Who would believe that in America in 1986 that we would have an increase in the incidence of social diseases. That is a highly communicative disease that is associated with overcrowdedness and poverty or malnutrition, but we are.

Here in the Nation's Capital, the Center for Disease Control in Atlanta reported to me, because I raised the issue once I witnessed what happened. All you have to do in these environments in Maryland and Virginia is to see the one-family dwelling that occupy four or five families.

A TRIBUTE TO RAYMOND J. O'CONNOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BROYHILL] is recognized for 15 minutes.

Mr. BROYHILL. Mr. Speaker, Raymond J. O'Connor resigned as Chairman of the Federal Energy Regulatory Commission effective January 31. He will be missed greatly because few Federal officials in recent history have done so much in such a short time to provide reliable and affordable energy supplies for the people of this Nation.

The Federal Energy Regulatory Commission is not well known outside the natural gas and electric utility worlds it overseas. What FERC does, however, matters greatly to the nearly 46 million residences heated by natural gas, the 4 million industrial and commercial users of natural gas, and virtually all electricity consumers.

During Mr. O'Connor's 2-year tenure as FERC Chairman, the Commission took sweeping action to reform and update Federal regulation of natural gas and electricity. In the realm of natural gas, the Commission issued rules, Orders 436 and 436A, to provide consumers with better access to low-cost supplies of natural gas. The beauty of the Commission's action is that it emphasizes competition not regulation. When all consumers are able to choose among suppliers, no one supplier can force any single consumer to pay higher prices.

Transportation of natural gas will continue to be a monopoly in many cases, but even here the Commission has taken action that will promote efficient and reasonable pricing. First, the Commission has required pipelines to "unbundle" their rates and to charge consumers only for the services these consumers actually use. Second, the Commission has made it clear that it will allow competing pipelines to be built, so long as the pipeline itself is willing to accept the risks of such a new venture. In my own State of North Carolina which is served by only one pipeline, these initiatives promise lower prices and more reliable service.

These most sweeping revisions in natural gas transportation policy in 45 years have been controversial. The transition has been difficult. Nonetheless, Mr. O'Connor refused to back away from making the changes he thought the public interest required.

While Mr. O'Connor was leading FERC's landmark changes in natural gas pipeline regulation, the Commission has also initiated a historic review of the structure and regulation of the electric utility industry. Almost every observer of the electric power industry agrees that current regulatory practices are not entirely successful. The failure of regulation to balance electricity prices, supply and demand is evident in regional price and supply distortions. Even with our return to a stale economic environment, electric utilities are uncertain of their ability to meet future electricity demand due to the long lead times and regulatory and financial disadvantages associated with new construction programs.

The comprehensive review of the effectiveness of FERC's regulatory practices initiated by Mr. O'Connor is long overdue. The risks associated with projecting future demand for electric service are excellent reasons for investigating the possibility of inserting a more free market approach into the regulation of electric utilities. Mr. O'Connor recognized that it is crucial for accurate price signals to be sent to customers and for utilities to be provided appropriate incentives to respond to future uncertainties.

The work at FERC under O'Connor's leadership should serve Congress well. It will provide the solid information so crucial for meaningful congressional review of the problems facing the electric utility industry.

I would be remiss if I failed to note the improved performance of FERC as a regulator during Mr. O'Connor's tenure. We have seen a dramatic improvement in productivity over the last 2 years—most notably in the acceleration of wholesale electricity rate cases and in the licensing of hydroelectric power projects.

If I was going to characterize Mr. O'Connor's service at FERC, I would say it was marked by an unswerving dedication to the public interest. He deserves our admiration and gratitude. He has mine.

THE UNITED STATES AND LATIN AMERICA: TIME FOR A NEW GOOD NEIGHBOR POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 30 minutes.

Mr. LAFALCE. Mr. Speaker, from January 2 through January 13, 1986, I had the privilege of leading a delegation of 12 Banking Committee members on a fact-finding tour of several Latin American countries—Panama, Peru, Argentina, Brazil, and Venezuela. The problems we investigated were many and varied. Today, I should like to discuss one aspect of our mission: The debt crisis which has so adversely afflicted that region's prospects—a crisis that is ripe with both political and economic implications not just for Latin America, but for the United States as well.

Since 1982, concern has been mounting in American financial circles regarding Latin America's foreign debt, which already exceeds $350 billion, a major portion of which is held by our banks. A large-scale default would have disastrous repercussions, not just for the banks involved, but for the U.S. economy as a whole. It is also likely to set off a chain reaction which could destroy the fledgling democracies which have so recently emerged on that continent after years of military dictatorship. Simply put, our political and economic stake in the region is too large to be ignored.

Unfortunately, however, for too many years now this has been precisely what we have been doing. It is, therefore, time to abandon this passive approach and return our Nation to policies such as Franklin Roosevelt's "Good Neighbor" policy, which enabled virtually all of Latin America to climb out of the depression by sharply reducing the Smoot-Hawley Tariff of 1930, entering into reciprocal trade agreements with these countries and establishing the Export-Import Bank to provide the credit needed to promote economic development.

Now is the time to recall on this, its 25th anniversary, President Kennedy's Alliance for Progress, which was heralded in the words of one writer as "a monumental commitment which for size and complexity makes the Marshall Plan look puny by comparison."

If we are to return our Latin American policy to these proud traditions, we must gain a fuller appreciation of the economic and political situation in Latin America, the impact of the debt crisis on the United States, the United States' role in creating the problem, the Latin American perception of the problem, the need for cooperation between the creditor and debtor countries, and the dangers of unilateral action. Only then can we begin to postulate possible solutions to the problem.

I. THE ECONOMIC PROBLEM

There is a real possibility that these Latin American countries will not be able to meet their obligations, but not because they are irresponsible debtors intent on evading their legal commitments. Since 1982, Latin America has been in the throes of an economic slowdown or recession. Consequently, there has been a steady deterioration of living standards and social conditions. Unemployment and underemployment in much of Latin America are at epidemic proportions. For example, unem-

ployment in Peru is estimated to be as high as 50 percent, and if underemployment is included, the figure rises to 70 percent. Moreover, run-away inflation was, until recently, running at over 1,000 percent per year in Argentina and currently is about 300 percent per year in Brazil. Although President Alfonsin's Austral Plan has dramatically reduced inflation in Argentina, it remains endemic to the region and creates a strong impediment to economic growth.

Indeed, economic growth in Latin America was negative in 1982 and 1983, and, while positive over the past 2 years, has barely been able to keep up with the region's population explosion. In per capita terms, real income in the region is actually about 10 percent below what its 1982 level was when the debt crisis began. Again, for example, per capita income in Peru is $700 per year, and even relatively affluent countries like Argentina and Brazil have per capita incomes of only about $2,000 per year, or one-seventh the average in the United States. Gross maldistribution of wealth further undermines growth possibilities in the region. In Brazil, the top 20 percent earn more than double that earned by the entire rest of the country, and in Peru the top 20 percent, hold 61 percent of the wealth, while the bottom 40 percent holds only 7 percent.

Under these circumstances, Latin America must rely almost exclusively on its export earnings, which have stagnated for the last several years at roughly $95 billion a year to service its debt. But this year, interest payments alone for the region will total more than $40 billion.

In a country like Peru, the foreign debt approximates the nation's entire gross domestic product. While some other Latin countries are faring better, they all have economic problems which make our own difficulties pale by comparison. Inefficient state-owned enterprises, bloated bureaucracies, profligate spending, runaway inflation, widespread illiteracy, and high unemployment further exacerbate the situation.

Nations in such economic straits must literally rob Peter to pay Paul if they are to meet every condition of their debt obligations. And this is precisely what our neighbors to the south have been doing. The region is a net exporter of capital, despite the fact that this money is desperately required for economic development and to support essential social programs. Latin America's middle class is restlessly undergoing a revolution of lost expectations and rural areas are becoming increasingly impoverished as prices for their export commodities decline. The debt crisis is rapidly taking on the appearance of a hopeless quagmire.

II. THE ECONOMIC IMPACT ON THE UNITED STATES

American banks currently have over $90 billion in loans outstanding to Latin America. Default would send shock waves throughout our financial system. The failure of several of our major banks would have a ripple effect throughout our own economy, and the U.S. Government, which insures these institutions, would be placed under enormous fiscal strain in these times of high budget deficits in meeting its obligations. The belt-tightening forecast under Gramm-Rudman would become even worse.

Latin America and the banks will not be the only ones to suffer if we fail to find a way out of this situation. In order to service their debt, Latin American countries have had to greatly reduce their imports from the United States. Consequently, United States exports to Latin America have declined from $39 billion in 1981 to $26.3 billion in 1984 as these countries restricted imports to husband those dollars needed for debt service and recession cut demand for foreign goods. While United States exports to Latin America have declined, United States imports from the region have increased sharply from $32 billion in 1981 to $42.3 billion in 1984. A trade surplus of $7 billion has become a $16 billion deficit.

By some estimates, the United States has lost about 800,000 jobs as a direct result of the Latin American economic and debt crisis, reducing national output by as much as 1 percent. Unfortunately, the United States industries hardest hit by bad times in Latin America are those already undergoing economic difficulties—primary metals such as steel and copper, motor vehicles and other manufacturing industries. The Latin debt crisis is not just a matter of concern for our financial system, but our manufacturing sector as well.

III. THE POLITICAL PROBLEM

Where an economic crisis exists, a political one cannot be far behind. Our trip to Latin America occurred at a critical juncture in the political and economic history of these countries. Since 1980, nine Latin American countries have moved from military to civilian rule, including Brazil, Peru, and Argentina. For these countries, bitter memories of long military rule are still fresh, and should their democratically-elected leaders fail to meet the economic challenges which they confront, a real possibility exists that the military could resume control. Such an eventuality would be tragic for these countries, and would represent a glaring defeat for U.S. foreign policy, which has made the promotion of democratic rule in the region a top priority.

It would be a mistake, however, to conclude that the threat to democracy exists from the right. For example, in Peru the major opposition is from the left, which would only be too happy to take advantage of the dashed hopes that would ensure if these democratic governments fail to bring about fundamental political and economic change. The postponement of domestic development to preserve creditworthiness in international financial markets cannot, therefore, further the cause of democracy in the region.

Our concrete political and economic interests in the region alone should be enough to convince us that we must take affirmative action to help Latin America escape its economic problems. If they do not escape, we might well fall into an adversarial posture with Latin America. This would be extremely counterproductive.

IV. THE UNITED STATES ROLE IN HELPING TO CREATE THE PROBLEM

We should also help Latin America overcome economic problems because our own economic policies have contributed to their problems. Indeed, the erratic management of the U.S. economy over the past several years has played a major role in precipitating the debt crisis. Our high inflation and low interest rates enticed heavy borrowing in the 1970's by today's debt-troubled countries. These loans were made in dollars at variable interest rates with handsome spreads at short maturities.

Our subsequent policy of tight money, large deficits, high interest rates, and falling commodity prices created an external environment, which, when coupled with these countries own inefficient economic policies, made it impossible for them to fully service their debts. Although economic growth remained positive through mid-1981, by 1982, U.S. policies had led to a major world-wide recession. By 1982, with interest costs on their variable rate loans soaring, foreign countries had to borrow heavily just to cover interest payments; but at the same time, foreign banks decided to stop new lending to cover interest costs. With their exports stagnant, the debtor countries were forced through massive devaluations and recession to reduce their imports drastically to keep up their interest payments.

The huge United States budget deficits which contributed to high real interest rates not only directly increased debt service costs, but have drawn billions out of Latin America into the United States. "Capital flight" for countries such as Argentina, Mexico, and Venezuela has been estimated to exceed half of the value of the capital loaned to these countries in recent years. Hence, Latin American countries have had little domestic investment for economic development.

Since 1982, when lending to many Third World countries abruptly ended, export earnings have become practically the sole source of the foreign exchange needed to service their debt. Consequently, these countries have not had only to reduce imports, but to increase exports. the subsequent influx of imports from these countries into the United States, while necessary because of the debt crisis, has precipitated strong protectionist sentiments within the United States. This situation has created irreconcilable conflicts in our policy toward Latin America:

While we have taken a strong position on debt repayment, we have simultaneously implemented or threatened protectionist actions that make such repayment virtually impossible. Existing restrictions on steel and beef imports and threatened restrictions on textiles and footwear are symptomatic of the problem. For example, had the textile bill been enacted, it would have cut Brazil's exports by 81 percent, thereby making it even more difficult for Brazil to pay the interest on its $100 billion foreign debt. Our increasing tendency to pursue protectionist policies rather than competitive strategies is making it harder and harder for developing nations to industrialize and to enjoy economic growth and stability.

Because of the existing debt problem, Latin American nations could well be the primary victims of current import restrictions and the threat of a wholesale retreat into protectionism, with grim consequences for Latin democracy, hemispheric security and the United States banking system. Should the United States, under the domestic political pressure of the biggest trade deficit in its history, turn

to protectionism, the now precarious position of the Latin debtors will become virtually untenable.

Protectionist measures would restrict the ability of these debtor nations to export their goods and commodities to the United States, and thus to earn what they need to repay their debts and expand their own economies and living standards—already restricted by austerity measures like high internal interest rates, increased taxes, reduced Government spending, and lower wages. Easing the debt burden on the Latin nations is more urgent than ever, given the potential for protectionist steps that could make their debt problems completely unmanageable.

V. THE LATIN AMERICAN PERCEPTION OF THE PROBLEM

In the view of our Latin neighbors, restrictive economic policies adopted under plans drawn up by the IMF to curtail inflationary spending and drastically devalue their currencies have also contributed to regional recession and subsequent slow growth. Their growing skepticism is bolstered by the fact that even after they have faithfully carried out, at great political risk, IMF austerity programs designed to place their economic houses in order, they have neither resumed strong growth nor received new infusions of external capital.

Indeed, over the past 3 years, Latin America has paid out $120 billion in interest to its creditors, while being rewarded with less than $10 billion in new funds. How long we can expect these nations, some of which are truly impoverished, to continue what appears to many to be an illusory quest for new financing, remains to be seen.

In many countries, including Mexico, Peru, Argentina and Brazil, there is growing popular discontent with IMF-approved "adjustment" programs that are blamed for falling living standards. Consequently, all of these agreements with the IMF have either been allowed to lapse or have been repudiated. Even though many of these same countries have continued to pursue their own austerity plans, political pressure for restructured financial arrangements that would ease their foreign debt burden and allow more rapid economic growth after years of austerity is increasing. The broad objective of all these governments is to plow back some of the funds that are currently going abroad as interest payments into financing internal development. They argue that growth-oriented policies would ultimately enable the region to meet its huge debt obligations more effectively than the austerity programs demanded until now by its external creditors. This argument has a familiar ring to it, being almost identical to President Reagan's approach to our own deficit problem.

All this is not to say that the United States is to blame for the Latin debt crisis. If it is blame we are seeking to establish, there is plenty to go around. But name calling will not solve the problem. Still, it is essential that we fully appreciate and understand the Latin American perspective if we are to arrive at an equitable solution.

VI. THE NEED FOR COOPERATION AND THE DANGERS OF UNILATERAL ACTION

A reasonable compromise between the essential growth that these countries require and the fulfillment of their commitments to their creditors must be achieved.

The ability of fledgling democratic governments to foster economic growth represents the key to their long-term viability. We must ensure that these new governments are not forced to choose between debt repayment and democracy. To do otherwise would only jeopardize our own political and economic interests.

Even though it would be naive to claim a complete identity of interest on the part of the banks, the United States and the Latin countries, restoring growth clearly will be mutually beneficial to all. Growth is not only necessary to meet the legitimate political and economic aspirations of their people, but to be blunt, to provide the basis for them to continue to service their debts in the future.

During the course of our visit to Latin America, we found widespread support for these general tenets. Yet a desire exists on the part of some elements in Latin America to eschew cooperation in favor of a unilateral course. Repeatedly, we emphasized that however tempting it might be for domestic political considerations to place the blame for their economic plight on the United States and to ignore the legitimate considerations of their creditors, such an approach is bound to fail.

We should encourage and facilitate debt restructuring to promote economic growth, but only through mutual agreement. Otherwise, any economic relief which these countries may receive from ignoring their legal obligations will be, at best, temporary. These countries need to maintan access to international capital markets in order to grow, but this can be achieved only if we acknowledge our commonality of interests and proceed accordingly.

Whether we can attain the needed degree of cooperation is uncertain. In Brazil, for example, we experienced some public sentiment for repudiating the foreign debt incurred by that nation's previous, and allegedly illegitimate, military dictatorship, notwithstanding the fundamental principle of international law that a successor government is liable for its predecessor's obligations. In this regard, it is interesting to note that even the Soviet Union honored the debts of Czarist Russia because it was unwilling to accept the consequences of repudiation—a cutoff of international credit. Castro's proposal for a moratorium on debt repayment has been publicly rejected by the region's largest debtors—Brazil, Mexico, and Argentina—but it has potent political appeal. Although, I would point out, a certain amount of hypocricy seems to exist, for Cuba has been unfailing in meeting its own debt obligations.

Many Latin American politicians also find lambasting the United States an easy way to garner domestic political support, ostensibly to preempt leftist opposition. Regardless of whether such demagoguery is necessary for internal political considerations, it is, in my judgment, both disappointing and counterproductive, and, most importantly, no way to promote the cooperation, trust and good will necessary to promote economic growth and democracy in the region.

Peru provides a perfect case in point. President Garcia recently decreed that Peru would only devote 10 percent of its export earnings to service its foreign debt. This unilateral declaration was further accompanied by some regrettable anti-American rhetoric, purportedly necessary to defuse even more radical political opposition in that country. While I am reluctant to comment on the domestic political considerations which have motivated Garcia's rhetoric, it is clear that Peru's actions have had a chilling effect upon foreign lenders. His rhetoric has also had a chilling effect on many U.S. legislators.

I believe, however, that adjustments must be made in Peru's debt arrangements if economic growth is to be achieved and democracy in that country is to survive. Ten percent of export earnings may or may not be all that Peru can afford to pay at this time. But, such an adjustment must be mutually agreed to not unilaterally decreed. This was one of President Garcia's mistakes, one of procedure, not necessarily substance. Unfortunately, if he does not reverse course and if other debtor nations follow suit, it will make it difficult, if not impossible, for Latin America to regain access to the outside capital it needs to stimulate economic growth.

VII. THE APPROPRIATE U.S. ROLE IN RESOLVING THE PROBLEM—TRANSCENDING LAISSEZ-FAIRE

We cannot sit passively by and expect the Latin American countries to continue their austerity programs, to risk internal political upheaval, unless the United States joins with them in developing the bold and creative initiatives that are needed to usher in a new era of growth in the region. During his first term in office, President Reagan was unwilling to join in such an effort, preferring a laissez-faire approach to the debt problem.

If the Latin debt crisis were nothing more than a simple private dispute between lenders and borrowers, as the Administration once argued, laissez-faire might be an appropriate policy. But the private interests of those involved are not identical to those of the United States. The potential political and economic chaos that now exists in Latin America jeopardizes our own national and economic security. Under these circumstances, there should be no debate that government has a role to play, albeit one that is not yet precisely defined in resolving this crisis. It is for these reasons that Secretary Baker's speech last October in Seoul calling for a "Program for Sustained Growth" represented such a welcome departure from the United States past aloof stance.

The Baker speech, which calls for fundamental structural reforms in the economies of the debtor nations, increased and more effective structural and sector adjustment lending by multilateral development banks, and up to $20 billion in increased lending by private banks, represents a step in the right direction. The administration cannot, however, rest on the basis of one speech. It must assume a strong leadership role and take the steps necessary to translate these general principles into action. It also must carefully consider the constructive response to Secretary Baker's speech set forth in this past December's Declaration of Montevideo by the Finance Ministers and Foreign Ministers of the 11 Latin American members of the Cartagena Group. Although these proposals run counter to past

U.S. policies, they form the basis for good-faith negotiations between the affected parties to reach a mutually acceptable solution to the debt problem.

After talking with several Latin American leaders, including President Alfonsin of Argentina, President Sarney of Brazil, and the economic ministers, foreign ministers, and central bank presidents of virtually every country we visited, I am cautiously optimistic that the major governments of the region may be ready to undertake the bold initiatives which the situation requires. They appear willing to work with the World Bank and Inter-American Development Bank, as Secretary Baker has suggested, to make their governments and industries operate more efficiently, and to restore the confidence in their economies necessary to permit further private lending. They are also keenly interested in getting a handle on their own massive capital flight which has bedeviled their external financial situation.

It is unrealistic to think that internal reforms, even if successfully implemented, and private lending can alone solve the problem. Similarly, the IMF is not the complete answer. Its practical capacity to provide financial assistance is rapidly diminishing. In some countries, it is reaching the lending limits under its charter. In other countries, it has become too politically unpopular for the government to consider further borrowing. In any case, the fund is limited to providing medium-term lending for 3 years with repayment starting in 5 years. Resolution of the debt crisis clearly requires a longer time horizon.

The debt crisis is, therefore, too big for any one institution to handle. All must do their part—the governments involved, the private lenders, the multilateral development banks, and the IMF. And if organizations such as the IMF are operating under institutional restraints which prevent them from making a maximum contribution, institutional changes can and must be made. If an approach identified with a particular institution is not working, then this approach must be changed. For example, the emphasis which the IMF and others have placed on austerity must be tempered with an equal emphasis on growth. Flexibility, not dogmatism, ought to be our guide as we search for solutions to this intractable problem.

The multilateral development banks, such as the World Bank and IDB, are designed to provide longer term loans, but they have traditionally been project oriented. In recent years, they have begun to provide more loans tied to specific policy initiatives rather than to projects. Unfortunately, during the same period World Bank loans have faltered despite the manifest need for financial assistance.

The MDB's should also be encouraged to engage in projects that can recycle some of the debt service owed to commercial banks. Quite often, the actual borrower has the profits or revenue to pay its debt service fully, but the lack of dollars in the country prevents it from doing so. The country simply does not have the access to sufficient dollars to permit all its borrowers to pay full debt service to their foreign lenders. This "dollar shortage" will continue until either the country's exports pick up or its internal growth prospects attract substantial foreign investment. In either case, the key is to restart internal investment and growth. The MDB's could contribute to that investment directly by major new loans and indirectly by encouraging commercial banks to join them in new projects.

Beyond that, the MDB's, IMF, the U.S. Government, and the private lenders must move more aggressively to assist these countries in their efforts to promote economic efficiency. Based on my conversations with President Alfonsin and other members of his administration, I am convinced that Argentina, for example, wants to privatize and streamline its many costly and inefficient state enterprises. External financial assistance could not only ease the transition for those enterprises but permit Argentina to move much more aggressively in that direction. The governments of other Latin countries are aware of similar problems, but neither their ability nor resolve to take action is quite as clear. The best way to strengthen their resolve would be to set a prompt and effective example in Argentina.

Another way to reduce the debt service burden would be to convert some debt into equity positions in local enterprises. This offers the possibility of deferring payments abroad until growth has re-started and allows greater flexibility in payments. The debtor countries, of course, would prefer that equity be taken in new rather than old facilities. Given the huge size of some countries' debts compared to the size of their available and attractive equity investments, this approach may only make a relatively modest contribution to an overall solution. It nonetheless symbolizes the type of creative solution needed to resolve the debt crisis.

We should also seriously consider what we can do to assist with the problem of capital flight. Argentina, for example, has $50 billion in foreign debt, but its own citizens have an estimated $30 billion invested abroad. Argentina's debt burden would be greatly relieved if much of that flight capital were returned. Obviously, the most critical effort in that regard is to restore confidence in government economic policy. It is encouraging to note that the success of President Alfonsin's Austral Plan since last summer has begun, however modestly, to reverse this capital flight.

In addition, we cannot ignore the impact which our own policies—the so-called exogenous factors which are beyond the ability of these countries to control—can have on the Latin debt situation. Reducing the Federal budget deficit will lower interest rates which the debtor nations must pay, free up large amounts of private capital, and lessen the incentive for capital flight. Resisting protectionist policies will also enable the Latin American countries to earn the dollars necessary to repay their debt.

We must also be cognizant of the fact that our policies, however salutory, may have unintended consequences for the Third World. For example, with world oil prices rapidly declining, the idea of an oil import fee to generate revenue to reduce the Federal deficit has been gaining currency. To the extent that such a fee reduces both the deficit and interest rates, reliance on insecure foreign oil and encourages conservation, the results are positive. However, such fee could also drastically reduce the export earnings of countries like Mexico and Venezuela that are used to service their foreign debt. While we may not be able to satisfactorily resolve such conflicts, we must at least realize that what we do domestically can, and often does, have international repercussions.

In summary, our trip confirmed to me that the Latin America debt problem is too large for the governments involved, the banks and the multilateral development institutions to solve alone. The United States must assume a leadership role and join with and encourage our private sector and the multilateral development institutions to become more active and innovative in dealing with the Latin debt crisis. It is imperative that we aggressively follow-up on the Baker initiative and the Montevideo Declaration and seize the opportunity to improve relations with and promote sustained growth in the promising new democracies of Latin America.

With appropriate external financial assistance, and an internal commitment to reform, the Latin American countries may have a fighting chance to streamline their governments, eliminate inefficient state enterprises, end their all-too-common practice of printing money to cover profligate deficits, use additional methods of getting inflation under control, and reduce their complex and counterproductive subsidy schemes. Both we and they must respond quickly, or the best opportunity in a generation to cement good relations in the hemisphere—to, in effect, resurrect the good neighbor policy—and to work our way out of a situation which threatens to undermine our own political and economic security will be lost. The United States and Latin America are as interdependent today as the individual colonies were in 1776. And Benjamin Franklin's words upon signing the Declaration of Indpendence are as valid today as they were then: "We must all hang together, or assuredly we shall all hang separately."

DEFENSE PROCUREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Mrs. BOXER] is recognized for 5 minutes.

Mrs. BOXER. Mr. Speaker, first of all, I would like to say that the President is wrong, dead wrong to think that this Congress, trying to cope with the realities of Gramm-Rudman, will approve a defense budget that includes 3 percent real growth next year. He demonstrates, once again, that he is living in a dream world when he proposes a 40-percent boost in defense budget outlays over the next 5 years while agencies providing valuable human services, such as Housing and Urban Development, Environmental Protection, and the Veterans' Administration, would see their funding steadily eroded.

Although many of us in Congress deplore the budget priorities of this administration, we recognize that there is a very serious need to strengthen our military capability. But we have learned, over the past several years, that spending more does not necessarily mean that we are buying that strength. We know that deep rooted, systemic problems in our military procurement system undermine our

purchasing power. We're not getting our money's worth.

For too long, this administration and this Congress have thrown money at the problem without taking a close enough look at whether that money is being wisely spent. Let me briefly review the kinds of procurement horror stories we have had to contend with over the past several years: Overpriced spare parts, soaring weapons costs, weapons that don't work, contractors charging personal expenses to the Government, Government officials going to work for the companies they supervised, harassment of whistleblowers. One of our highest priorities must be to end these wasteful and dangerous practices, not spend more money to perpetuate them.

What do these horror stories actually cost us in dollars and cents? It is difficult to get an exact figure, but Pentagon cost analysts and auditors have estimated that at least one-third of our procurement budget, now over $100 billion, could be saved if the Pentagon increased competition, developed more of an arms length approach to dealing with contractors and changed its emphasis from spending, to saving money. But we in the Congress and in the Pentagon must find the will to change our business-as-usual practices.

We know efforts are being made in the Department of Defense to correct the problems. We applaud those efforts and the individuals who are sincerely trying to improve the system, often at great risk to their careers. But there is evidence that much remains to be done. Last week, Col. James Burton, testified before the House Armed Services Committee that the Pentagon's Operational Test and Evaluation still lacks the independence and resolve to test weapons under combat conditions, that there is still a tendency to cover up and smooth over unpleasant test results. The General Accounting Office is investigating the increased use of unpriced orders, that is, orders worth billions of dollars that are never negotiated until most of the money is spent.

Those of us who sponsored military reform legislation in the last session of this Congress remain frustrated by the resistance of the other body to adopt the tough approaches endorsed by the House. While there is a strong concensus for changing the structure of the Joint Chiefs of Staff, there is a notable lack of enthusiasm for examining the relationship between the Department of Defense and the defense contracting community. This is the so-called military industrial complex that President Eisenhower warned us about in his farewell address. Let me quote several relevant passages from that prophetic speech:

Crises there will continue to be. In meeting them, whether foreign or domestic, great or small, there is a recurring temptation to feel that some spectacular and costly action could become the miraculous solution to all current difficulties. A huge increase in newer elements of our defense * * * a dramatic expansion in basic and applied research * * * each possibly promising in itself, may be suggested as the only way to the road we wish to travel * * *.

But each proposal must be weighed in the light of a broader consideration: the need to maintain balance in and among national programs—balance between the private and the public economy, balance between cost and hoped for advantage—balance between actions of the moment and the national welfare of the future.

In the councils of governments, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

Never were President Eisenhower's words more relevant than they are today. We have come to a place where hard choices must be made, choices that will mean the preservation or the abandonment of that precious balance among national programs. This administration's budget would tip that balance in favor of the military-industrial complex. We cannot let that happen. The military-industrial complex will have to share the burden of impending budget cutbacks. They can absorb these cuts without jeopardizing our military readiness by embracing the reforms passed by the House last year. Unfortunately, several of the most important of those reforms were scuttled in conference with the Senate.

Very disturbing to me was the fate of the House passed amendment to the Defense Authorization Act to close the revolving door. The House sent a clear message that it was fed up with stories such as that of an Assistant Secretary of the Navy negotiating million dollar deals with a large defense contractor and then going to work for that contractor; of officials involved in the test and development of troubled weapons programs accepting jobs with the weapons' manufacturers.

The Bennett-Boxer bill would have prohibited those individuals from moving to those companies for 2 years after they left the Government. The provision that emerged from conference is very narrow in its scope and would only cover a handful of high ranking civilian employees and unknown number of commissioned officers. The Pentagon has not made it clear exactly which military positions they would include. I intend to work toward passage of a law that would finally make it clear that any official military or civilian, with substantial responsibility for a contract, would be covered.

I have also introduced legislation to offer better protection to military service personnel who report evidence of waste and fraud to Congress and the Inspector General and are punished by their superiors. Such protection should have been afforded to the young Air Force sergeant who first made us aware that our tax dollars were being used to buy $7,600 coffee brewers for Air Force cargo planes.

I have also introduced and supported legislation to repeal two accounting practices that cost the Government billions of dollars a year, and a bill to give smaller companies a better forum for protesting contract awards that too often go to larger, favored contractors.

There are a number of other reform proposals that Congress should consider. One is to establish a centralized, elite procurement corps which would act as a liaison between the military and the contracting community. Such a system operates very effectively in France and several models, adopted to our system and recently proposed by Assistant Secretary of Defense James Wade, are worth studying.

Congress is sensitive to the charge that it is trying to micromanage the Department of Defense. We wish it were otherwise. But until the free market forces of competition are increased, until the arm's-length relationship between buyer and seller is restored, we literally cannot afford to stop exercising our oversight responsibility.

We must learn to do more with less. We must stop concentrating on how much money is going into the system, and start looking at what is coming out. Over the next several months I hope my colleagues will join me in a bipartisan effort to achieve a lean, cost efficient and effective military.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the special order today by the gentleman from New York [Mr. DOWNEY].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LELAND (at the request of Mr. WRIGHT), today, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCMILLAN) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 20 minutes, today.

Mr. MCEWEN, for 5 minutes, today.

Mr. MCEWEN, for 60 minutes, on February 18.

Mr. MCEWEN, for 60 minutes, on February 19.

Mr. BROYHILL, for 15 minutes, today.

Mr. COBEY, for 15 minutes, on February 18.

Mr. FAWELL, for 5 minutes, today.

Mr. WEBER, for 5 minutes, today.

Mr. BOULTER, for 5 minutes, today.

Mr. WALKER, for 5 minutes, today.

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. ECKART of Ohio, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. CROCKETT, for 5 minutes, today.

Mr. JONES of Oklahoma, for 5 minutes, today.

Mr. LAFALCE, for 30 minutes, today.

Mr. MICA, for 30 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and

extend their remarks and include extraneous material:)

Mrs. BOXER, for 5 minutes, today.

Mr. ROYBAL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCMILLAN) and to include extraneous matter:)

Mr. BILIRAKIS.

Mr. LIGHTFOOT in two instances.

Mr. GREEN.

Mr. BEREUTER.

Mr. TAUKE in two instances.

Mr. ARMEY in eight instances.

Mr. WYLIE.

Mrs. ROUKEMA.

Mr. GILMAN in eight instances.

Mr. COUGHLIN.

Mr. SILJANDER.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)

Mr. WISE in two instances.

Mr. LEVINE of California in two instances.

Mr. LELAND.

Mr. GARCIA in five instances.

Mr. FRANK.

Mr. NATCHER.

Mr. DELLUMS.

Mr. STALLINGS.

Mr. DYSON.

Mr. FASCELL in three instances.

Mr. RANGEL in two instances.

Mr. KASTENMEIER.

Mr. HOYER.

Mr. FUQUA.

Mr. BONIOR of Michigan.

Mr. MINETA.

Mr. ROYBAL.

Mr. KANJORSKI in two instances.

Mr. ECKART of Ohio.

Mr. GRAY of Pennsylvania.

Mr. EDWARDS of California.

Mr. LANTOS in two instances.

Mr. TOWNS.

Mr. TORRICELLI.

Ms. OAKAR.

Mr. WYDEN.

Mr. PEPPER.

Mr. FORD of Michigan.

Mr. KILDEE.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 386. An act to confirm a conveyance of certain real property by the Southern Pacific Transportation Co. to Ernest Pritchett and his wife, Dianna Pritchett; to the Committee on Interior and Insular Affairs.

S. 1002. An act to amend the Lanham Act to improve certain provisions relating to concurrent registrations; to the Committee on the Judiciary.

S.J. Res. 247. Joint resolution to designate the week of June 1 through June 7, 1986, as "National Theatre Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 254. Joint resolution to designate the year of 1987 as the "National Year of Thanksgiving"; to the Committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 520. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1986, for the Department of Agriculture.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The move was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 107 of the 99th Congress, the House stands adjourned until 12 o'clock meridian, Tuesday, February 18, 1986.

Thereupon (at 8 o'clock and 2 minutes p.m.), pursuant to Senate Concurrent Resolution 107, the House adjourned until Tuesday, February 18, 1986, at 12 o'clock meridian.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2694. A letter from the Acting Under Secretary of Defense for Research and Engineering, transmitting a fiscal year 1985 report on amounts spent on, and use of humans for testing biological and chemical warfare agents, pursuant to 50 U.S.C. 1511; to the Committee on Armed Services.

2695. A letter from the Deputy Assistant Secretary (Military Personnel and Force Management), Department of Defense, transmitting the annual report on submarine duty incentive pay, pursuant to 37 U.S.C. 301c(e); to the Committee on Armed Services.

2696. A letter from the Acting General Counsel, Federal Emergency Management Agency transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal years 1987 and 1988; to the Committee on Armed Services.

2697. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement of a proposed transaction of $100,000,000 or more with Japan, pursuant to the act of July 31, 1945, chapter 341, section 2(b)(3)(i) (88 Stat. 2335; 91 Stat. 1210; 92 Stat. 3724); to the Committee on Banking, Finance and Urban Affairs.

2698. A letter from the Director, Defense Security Assistance Agency, transmitting the annual report on the operation of the Special Defense Acquisition Fund, pursuant to 22 U.S.C. 2795(b); to the Committee on Foreign Affairs.

2699. A letter from the Associate Director, Bureau of Educational and Cultural Affairs, U.S. Information Agency, transmitting a list of all individuals who, in the preceding 5 years, made two or more trips involving foreign travel financed in whole or part by grants from the Private Sector Program, pursuant to Public Law 98-164, section 207(b); to the Committee on Foreign Affairs.

2700. A letter from the Secretary of State, transmitting a letter expressing the administration's plans with respect to the Jordan arms sale proposal forwarded to the Congress October 21, 1985; to the Committee on Foreign Affairs.

2701. A letter from the Secretary of Commerce, transmitting a report on action taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2702. A letter from the Director, Administrative Office of the U.S. Courts, transmitting recommendations regarding the number of bankruptcy judges needed and in which districts, pursuant to 28 U.S.C. 152(b)(2); to the Committee on the Judiciary.

2703. A letter from the Chairman, Board of Directors, Panama Canal Commission, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1987 and 1988, for the Panama Canal Commission to operate and maintain the Panama Canal and for other purposes; to the Committee on Merchant Marine and Fisheries.

2704. A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting the annual report on professional and scientific positions established under 5 U.S.C. 3104 and 5 U.S.C. 5371, pursuant to 5 U.S.C. 3104(b); to the Committee on Post Office and Civil Service.

2705. A letter from the Secretary of Energy, transmitting the fifth annual report on activities under the Methane Transportation Research, Development, and Demonstration Act of 1980, pursuant to Public Law 96-512, section 9; to the Committee on Science and Technology.

2706. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974; to the Committee on Science and Technology.

2707. A letter from the Acting Administrator, Veterans Administration, transmitting a draft of proposed legislation to waive the waiting period requirement of 38 U.S.C. section 210(b)(2) for a planned administrative reorganization consolidating the Veterans Administration Office of Construction and VA Department of Medicine and Surgery; to the Committee on Veterans' Affairs.

2708. A letter from the Acting Administrator, Veterans Administration, transmitting a draft of proposed legislation to waive the congressional report and waiting period requirements of 38 U.S.C. 210(b)(2) for a planned administrative reorganization involving the transfer of certain functions from the Veterans Administration's Office of Administration; to the Committee on Veterans' Affairs.

2709. A letter from the U.S. Trade Represenative, transmitting reviews and hearings on complaints of unfair trade practices by foreign governments and any delay of request for consultations prior to making any

determination under 19 U.S.C. 2411, pursuant to 19 U.S.C. 2416, 2413; to the Committee on Ways and Means.

2710. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the report of the nondisclosure as Safeguards Information for the quarter ending December 31, 1985, pursuant to AEA, section 147e, (94 Stat. 788); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2711. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a report of allocations of foreign assistance, pursuant to 22 U.S.C. 2413(a); jointly, to the Committees on Foreign Affairs and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYLIE (by request):

H.R. 4131. A bill to amend title 31, United States Code, to establish an orderly system for payment of Treasury checks, for issuance of replacement for those checks, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. WYLIE:

H.R. 4132. A bill to authorize the Secretary of the Treasury to issue regulations to require that wages and salaries of Federal employees be paid by electronic funds transfer or any other method determined by the Secretary to be in the interest of economy or effectiveness, with sufficient safeguards over the control of, and accounting for, public funds; jointly, to the Committees on Banking, Finance and Urban Affairs and Post Office and Civil Service.

By Mr. ALEXANDER:

H.R. 4133. A bill to extend the authorization of appropriations for general revenue sharing for 6 years; to the Committee on Government Operations.

By Mr. AuCOIN (for himself and Mr. BONKER):

H.R. 4134. A bill to establish the Columbia Gorge National Scenic Area, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. BERMAN (for himself and Mr. HYDE):

H.R. 4135. A bill to amend the Export Administration Act of 1979 to prohibit certain exports to countries supporting international terrorism; to the Committee on Foreign Affairs.

By Mr. BIAGGI:

H.R. 4136. A bill to authorize the establishment of a military auxiliary revolving fund within the Treasury of the United States, and for other purposes; jointly, to the Committees on Armed Services and Merchant Marine and Fisheries.

H.R. 4137. A bill to improve airport security by increasing the number of FAA security personnel and the number of airport inspections by such personnel, by increasing civil penalties for violations of security regulations, and by improving the pay scale for FAA police, and for other purposes; jointly, to the Committees on Public Works and Transportation and Post Office and Civil Service.

H.R. 4138. A bill to improve airport security by increasing the number of FAA security personnel and the number of airport inspections by such personnel, by exempting FAA security programs from automatic budget reductions, by increasing civil penalties for violations of security regulations, and by improving the pay scale for FAA police, and for other purposes; jointly, to the Committees on Public Works and Transportation and Post Office and Civil Service.

By Mr. EVANS of Iowa:

H.R. 4139. A bill to amend the U.S. Grain Standards Act of 1916 to improve the accuracy of reporting the condition or quality of grain; to the Committee on Agriculture.

By Mr. FISH (for himself, Mr. MICHEL, Mr. MOORHEAD, Mr. HYDE, Mr. SENSENBRENNER, Mr. MCCOLLUM, Mr. SHAW, Mr. DANNEMEYER, Mr. MADIGAN, and Mr. TAUKE):

H.R. 4140. A bill to amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

By Mr. GINGRICH (for himself, Mr. MACK, Mr. WEBER, Mr. FUSTER, Mr. MCKERNAN, Mr. MADIGAN, Mr. MRAZEK, Mr. LOWERY of California, Mr. ROBERTS, Mr. STALLINGS, Mr. LIGHTFOOT, Mr. THOMAS of Georgia, Mr. DARDEN, Mr. ROWLAND of Georgia, Mr. BARNARD, Mr. BATEMAN, Mr. FRANKLIN, Mr. FAWELL, Mrs. JOHNSON, Mr. KINDNESS, Mr. WHITEHURST, and Mr. WHITTAKER):

H.R. 4141. A bill to provide that the provisions of H.R. 3838 or any similar tax reform legislation shall not take effect before January 1, 1987; to the Committee on Ways and Means.

By Mr. GLICKMAN (for himself, Mr. CARR, Mr. MINETA, Mr. LEWIS of Florida, Mr. DENNY SMITH, Mr. ROBERTS, Mr. WHITTAKER, Mr. SLATTERY, Mr. GEKAS, Mr. THOMAS of Georgia, and Mrs. MEYERS of Kansas):

H.R. 4142. A bill to amend title 28, United States Code, to provide uniform rules of liability for bodily injury and property damage arising out of general aviation accidents, and for other purposes; to the Committee on the Judiciary.

By Mr. HAWKINS (for himself, Mr. JEFFORDS, Mr. FORD of Michigan, and Mr. LEHMAN of Florida):

H.R. 4143. A bill to name the National Talented Teacher Fellowship Program after Christa McAuliffe; to the Committee on Education and Labor.

By Mr. HOWARD (for himself, Mr. SNYDER, and Mr. SHUSTER) (by request):

H.R. 4144. A bill to authorize appropriations for certain highways in accordance with title 23, United States Code, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HUNTER:

H.R. 4145. A bill entitled: "The Angola Loan Restriction Act of 1986"; to the Committee on Banking, Finance and Urban Affairs.

By Mr. JONES of North Carolina:

H.R. 4146. A bill to authorize the establishment of a military auxiliary revolving fund within the Treasury of the United States, and for other purposes; jointly, to the Committees on Armed Services and Merchant Marine and Fisheries.

By Mr. JONES of Oklahoma (for himself and Mr. PICKLE):

H.R. 4147. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to exempt from Social Security coverage retired Federal judges on active duty; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 4148. A bill to amend the Agricultural Act of 1949 to provide for the modification of the Milk Price Support Program contingent upon the results of a producer referendum; to the Committee on Agriculture.

By Mr. KASTENMEIER (for himself and Mr. MOORHEAD):

H.R. 4149. A bill to provide greater discretion to the Supreme Court in selecting the cases it will review; to the Committee on the Judiciary.

By Mr. LIGHTFOOT:

H.R. 4150. A bill regarding permitted public uses within the DeSoto National Wildlife Refuge, IA; to the Committee on Merchant Marine and Fisheries.

By Mr. MICA (for himself and Ms. SNOWE) (by request):

H.R. 4151. A bill to provide for the security of U.S. diplomatic personnel, facilities, and operations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PARRIS:

H.R. 4152. A bill to exempt home loan guaranty commitments made under chapter 37 of title 38, United States Code, from any provision of law providing for the sequestration of budget authority generally throughout the Federal Government; to the Committee on Veterans' Affairs.

By Mr. PEPPER (for himself, Mr. WAXMAN, Mr. ADDABBO, Mr. SCHEUER, Mr. BIAGGI, Mr. GILMAN, Mr. MCHUGH, Mr. GARCIA, Mr. SCHUMER, Mr. ACKERMAN, Mr. MRAZEK, Mr. TOWNS, Mr. MANTON, Mr. HORTON, Mr. GREEN, and Mr. WORTLEY):

H.R. 4153. A bill to provide that a special gold medal be presented to Mary Lasker for her humanitarian contributions in the areas of medical research and education, urban beautification, and the fine arts; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PEPPER (for himself, Mr. HAWKINS, Mr. JEFFORDS, Mr. MARTINEZ, Mr. GUNDERSON, Mr. ROYBAL, Mr. RINALDO, Mr. BIAGGI, Ms. SNOWE, Mr. BONKER, Mr. TAUKE, and Mr. WAXMAN):

H.R. 4154. A bill to amend the Age Discrimination in Employment Act of 1967 to remove the maximum age limitation applicable to employees who are protected under such act, and for other purposes; to the Committee on Education and Labor.

By Mr. RANGEL (for himself, Mr. GILMAN, Mr. GUARINI, Mrs. COLLINS, Mr. FAUNTROY, Mr. SCHEUER, Mr. TOWNS, Mr. STARK, Mr. ORTIZ, Mr. SHAW, Mr. HUNTER, and Mr. ROWLAND of Connecticut):

H.R. 4155. A bill to establish a program of Federal grants to States for drug abuse education in elementary and secondary schools; to the Committee on Education and Labor.

By Mr. RODINO (for himself, Mr. HOWARD, and Mr. ROE):

H.R. 4156. A bill to designate the Federal building and U.S. courthouse to be constructed and located in Newark, NJ, as the "Martin Luther King, Jr. Federal Building and United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. SILJANDER (for himself and Mr. STENHOLM):

H.R. 4157. A bill to protect the rights of victims of child abuse; to the Committee on the Judiciary.

By Mr. WEAVER:

H.R. 4158. A bill to establish an export grain bank, to maximize profits on the sale of certain American commodities in foreign

markets, and for other purposes; jointly, to the Committees on Agriculture and Foreign Affairs.

H.R. 4159. A bill to prohibit the exportation of unprocessed timber harvested from public lands, to authorize the States to prohibit the exportation of unprocessed timber harvested from State lands, and for other purposes; jointly, to the Committees on Foreign Affairs, Agriculture, and Interior and Insular Affairs.

By Mr. WISE (for himself and Mr. STAGGERS):

H.R. 4160. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to conduct a feasibility study on providing flood protection in the Monongahela River Basin, West Virginia and Pennsylvania; to the Committee on Public Works and Transportation.

By Mr. WYDEN (for himself and Mr. MORRISON of Washington):

H.R. 4161. A bill to establish the Columbia Gorge National Scenic Area, and for other purposes; jointly to the Committee on Interior and Insular Affairs, and Agriculture.

By Mr. YOUNG of Alaska (for himself and Mr. UDALL):

H.R. 4162. A bill to amend the Alaska Native Claims Settlement Act to provide Alaska Natives with certain options for the continued ownership of lands and corporate shares received pursuant to the Act and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WHITTEN:

H.J. Res. 520. Joint resolution making an urgent supplement appropriation for the fiscal year ending September 30, 1986, for the Department of Agriculture; Considered and passed.

By Mr. MURPHY:

H.J. Res. 521. Joint resolution disapproving a proposed deferral of budget authority for the Community Development Block Grant program; to the Committee on Appropriations.

By Mr. RIDGE (for himself, Mr. MURTHA, Mr. MCDADE, Mr. MAVROULES, Mr. BORSKI, Mr. WORTLEY, Mr. FOGLIETTA, Mr. GEJDENSON, Mr. CLINGER, Mr. KOLTER, Mr. EVANS of Illinois, Mr. GONZALEZ, Mr. HORTON, Mr. PRICE, Mr. RAHALL, Mr. GARCIA, Mr. GILMAN, Mr. FRANKLIN, Mr. FUSTER, Mr. TRAFICANT, Mr. TOWNS, Mr. SAVAGE, Mr. BOEHLERT, Mr. TORRES, Mr. WOLPE, Mr. CROCKETT, Mr. MCKERNAN, Mr. CARPER, Mr. MCKINNEY, Mrs. LLOYD, Mr. MARTINEZ, Mr. MURPHY, Mr. KANJORSKI, Ms. MIKULSKI, Mr. MARTIN of New York, Mrs. BOXER, and Mr. JEFFORDS):

H.J. Res. 522. Joint resolution to express the disapproval of the Congress with respect to the proposed rescission of budget authority for the urban development action grant program; to the Committee on Appropriations.

By Mr. ROYBAL (for himself, Mr. TAUKE, Mr. PEPPER, Mr. RINALDO, Mr. BIAGGI, Ms. SNOWE, Mr. HAMMERSCHMIDT, Mr. SCHEUER, Mr. MANTON, Mr. ADDABBO, Mr. HEFTEL of Hawaii, Mr. FAZIO, Mr. VENTO, Mr. YOUNG of Alaska, Mr. LEHMAN of Florida, Mr. TOWNS, Mr. BONIOR of Michigan, Mr. DE LA GARZA, Mr. MARTINEZ, Mr. EVANS of Illinois, Mr. SMITH of Florida, Mr. RALPH M. HALL, Ms. MIKULSKI, Mr. BRYANT, Mr. FORD of Tennessee, Mr. ROE, Mr. COYNE, Mr. HAYES, Mr. DWYER of New Jersey, Mr. DICKINSON, Mr. BLAZ, Mr. DAUB, Mr. GUNDERSON, Mr. MCKINNEY, Mr. SAXTON, Mrs. BENTLEY, Mr. REGULA, Mr. LAGOMARSINO, Mr. YOUNG of Florida, Mr. CHANDLER, Mr. HYDE, Mr. WORTLEY, Mr. LANTOS, and Mr. VALENTINE):

H.J. Res. 523. Joint resolution to designate the week of March 9, 1986, through March 15, 1986, as National Employ the Older Worker Week; to the Committee on Post Office and Civil Service.

By Mr. ARMEY:

H. Con. Res. 280. Concurrent resolution expressing the sense of the Congress in support of RIAS, the official name for Radio in the American Sector of Berlin; to the Committee on Foreign Affairs.

By Mr. BIAGGI (for himself and Mr. GARCIA):

H. Con. Res. 281. Concurrent resolution recognizing the achievements of the Ireland Fund and its founder, Dr. Anthony J.F. O'Reilly; to the Committee on Post Office and Civil Service.

By Mr. DIXON (for himself, Mr. FAUNTROY, Mr. LELAND, Mr. DYMALLY, Mr. OWENS, Mr. CROCKETT, Mr. TOWNS, Mr. DELLUMS, Mr. HAWKINS, Mr. STOKES, Mr. MITCHELL, Mr. GRAY of Pennsylvania, Mr. SAVAGE, Mr. CLAY, Mr. RANGEL, Mr. WHEAT, Mrs. COLLINS, Mr. FORD of Tennessee, Mr. CONYERS, and Mr. HAYES):

H. Con. Res. 282. Concurrent resolution calling for the imposition of certain sanctions with respect to Haiti until the Haitian Government is taking significant steps to move that country toward democracy and to end the violence and human rights abuses; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. LEVINE of California (for himself, Mr. LAGOMARSINO, Mr. HAMILTON, Mr. GILMAN, Mr. BARNES, Mr. GREEN, and Mr. BONIOR of Michigan):

H. Con. Res. 283. Concurrent resolution to reaffirm support for the agreement on a framework for negotiating a peaceful settlement to the conflict and turmoil in Central America, which resulted from the initiative of the Contadora group; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H. Con. Res. 284. Concurrent resolution expressing the support and encouragement of the Congress for those fighting for freedom and against communism in Angola; to the Committee on Foreign Affairs.

By Mrs. ROUKEMA (for herself, Mr. BEREUTER, Mr. EVANS of Iowa, Mr. FASCELL, Mr. BROOMFIELD, Mr. WOLPE, Mr. SILJANDER, Mr. LELAND, Mr. GILMAN, Mr. EMERSON, Mr. BONKER, Mr. ROBERT F. SMITH, Mr. DASCHLE, Mr. FAZIO, Mr. HYDE, Mr. BEDELL, Mr. MORRISON of Washington, Mr. DORNAN of California, Mr. CROCKETT, Mr. FISH, Mr. GARCIA, Mr. JEFFORDS, Mr. COLEMAN of Missouri, Mr. MCKINNEY, Mr. GUNDERSON, Mr. STALLINGS, Mr. SOLOMON, Mr. DORGAN of North Dakota, and Mr. HALL of Ohio):

H. Con. Res. 285. Concurrent resolution concerning the ongoing famine in Ethiopia and the Ethiopian Government's resettlement policy; to the Committee on Foreign Affairs.

By Mr. BOULTER (for himself, Mr. MACK, Mr. TAUKE, Mrs. MARTIN of Illinois, Mr. LAGOMARSINO, Mr. VANDER JAGT, Mr. BARTLETT, Mr. WEBER, Mr. GINGRICH, Mr. ARMEY, Mr. BROWN of Colorado, Mr. DIOGUARDI, Mr. COBEY, Mr. KOLBE, Mr. EMERSON, Mr. BARTON of Texas, Mr. IRELAND, Mr. MCCOLLUM, Mr. BLILEY, Mr. SCHUETTE, Mr. DELAY, Mr. HUNTER, Mr. WALKER, Mr. MOORE, Mr. JEFFORDS, Mr. OXLEY, Mr. CHANDLER, Mr. SHAW, Mr. KEMP, Mr. SMITH of New Jersey, Mr. BEREUTER, Mr. WHITEHURST, Mr. ROBINSON, Mr. LIGHTFOOT, Mr. KINDNESS, Mrs. VUCANOVICH, Mr. BRYANT, Mr. FISH, Mr. MCMILLAN, Mr. MONSON, Mr. DAUB, Mr. DREIER of Califorina, Mr. LEATH OF TEXAS, Mr. STENHOLM, Mr. ROBERTS, and Mr. MCEWEN):

H. Res. 375. Resolution to facilitate compliance with congressional intent expressed in the Balanced Budget and Emergency Deficit Control Act of 1985 with respect to fiscal year 1986; to the Committee on Rules.

By Mr. PEPPER:

H. Res. 376. Resolution expressing the sense of Congress concerning human rights in Haiti; to the Committee on Foreign Affairs.

By Mr. WISE:

H. Res. 377. Resolution amending Rule XLVI of the Rules of the House to require that a quarterly statement of the size and postage costs of each mass mailing by a Member of the House be published in the CONGRESSIONAL RECORD; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHAPMAN:

H.R. 4163. A bill for the relief of Maria Angela Maynard; to the Committee on the Judiciary.

By Mr. FUSTER:

H.R. 4164. A bill for the relief of Pak, Song Chuk; to the Committee on the Judiciary.

By Mr. LAFALCE:

H.R. 4165. A bill for the relief of Pedro De La Rosa, Jr., also known as Dom Lorenzo; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 56: Mr. STANGELAND.

H.R. 97: Mr. YOUNG of Florida, Mr. LOEFFLER, Mr. MOORHEAD, Mr. SCHAEFER, and Mr. HUNTER.

H.R. 1052: Mr. TALLON.

H.R. 1140: Mr. BRYANT.

H.R. 1219: Mr. KINDNESS.

H.R. 1345: Mr. DREIER of California and Mr. LOEFFLER.

H.R. 1396: Mr. WHITEHURST.

H.R. 1769: Mr. PENNY.

H.R. 2185: Mr. PETRI and Mr. ROTH.

H.R. 2684: Ms. KAPTUR and Mr. DELAY.

H.R. 2724: Mr. DYMALLY.

H.R. 3108: Mr. LEACH of Iowa, Mr. MACKAY, Mr. GROTBERG, Mr. MAZZOLI, Mr. MORRISON of Connecticut, Mr. MOORHEAD, Mr. BERMAN, Mr. HYDE, Mr. DEWINE, and Mr. COBLE.

H.R. 3181: Mr. NIELSON of Utah.

H.R. 3448: Mr. PURSELL, Mr. STAGGERS, Mr. BROWN of California, Mr. KANJORSKI, and Mr. SHARP.

H.R. 3465: Mr. WALGREN, Mr. ROSE, Mr. ANNUNZIO, Mr. SCHEUER, Mr. DELLUMS, Mr. ROTH, Mr. MITCHELL, Mrs. BOXER, Mr. STOKES, Mr. RINALDO, Mr. PEPPER, Mr. MAVROULES, Ms. KAPTUR, Mr. GEJDENSON, and Mrs. BYRON.

H.R. 3466: Mr. MOLLOHAN.

H.R. 3646: Mr. BADHAM.

H.R. 3649: Mr. BADHAM.

H.R. 3654: Mr. LOWRY of Washington.

H.R. 3800: Mr. WHITTAKER, Mr. GINGRICH, Mr. MADIGAN, Mr. SKEEN, Mr. SUNDQUIST, Mr. WORTLEY, Mr. SILJANDER, Mrs. BENTLEY, Mr. FORD of Tennessee, Mr. BUSTAMANTE, Mr. FUQUA, Mr. MONSON, Mr. DOWDY of Mississippi, Mr. SHAW, Mr. QUILLEN, Mr. BILIRAKIS, Mr. DUNCAN, Mr. PEPPER, Mr. TALLON, Mr. HEFNER, Mr. GLICKMAN, Mrs. LLOYD, Mr. WHITLEY, Mr. SMITH of Florida, Mr. ROBERTS, Mr. ORTIZ, Mr. FASCELL, Mr. HATCHER, Mr. CHAPPELL, Mr. BARNARD, Mr. BONER of Tennesse, Mrs. MEYERS of Kansas, Mr. FRANKLIN, Mr. SPENCE, Mrs. VUCANOVICH, Mr. WILSON, Mr. STENHOLM, Mr. SCHUETTE, Mr. DYMALLY, Mr. ARMEY, Mr. BOULTER, Mr. LEATH of Texas, Mr. ROBINSON, Mr. BARTON of Texas, Mr. YOUNG of Missouri, Mr. SKELTON, Mr. COLEMAN of Missouri, and Mr. DELAY.

H.R. 3807: Mr. MURPHY and Mr. ROWLAND of Georgia.

H.R. 3833: Mr. VALENTINE.

H.R. 3916: Mr. WHITEHURST, Mr. CHAPPIE, and Mr. LIVINGSTON.

H.R. 4020: Mr. HAYES, Mr. SAVAGE, Mr. BERMAN, Mr. FRANK, Mr. SCHEUER, Mr. DELLUMS, Mr. KILDEE, Mr. CONYERS, Mr. OWENS, Mr. LAFALCE, Mr. COYNE, Mr. ACKERMAN, Mr. MARTINEZ, Mr. BIAGGI, Mr. TOWNS, Mr. FAUNTROY, Mr. STOKES, Mrs. BURTON of California, Mr. WAXMAN, Mr. MITCHELL, Mr. DYMALLY, Mr. BARNES, Mr. CLAY, Mr. FUSTER, and Mr. BUSTAMANTE.

H.R. 4034: Mr. REGULA, Mr. WILSON, Mr. ROWLAND of Connecticut, Mr. KANJORSKI, Mr. JEFFORDS, Ms. KAPTUR, Mr. VOLKMER, Mr. NIELSON of Utah, Mr. APPLEGATE, Mr. FAZIO, Mr. RODINO, Mr. WIRTH, Mr. FRANK, Mr. MITCHELL, Mr. MCEWEN, Mr. BEVILL, Mr. ROBINSON, Mr. BIAGGI, and Mr. WISE.

H.R. 4041: Mr. SMITH of New Jersey, Mr. DANNEMEYER, Mr. RUDD, Mr. BROYHILL, Mr. BEREUTER, Mr. COBEY, Mr. BURTON of Indiana, Mr. DANIEL, Mr. BONIOR of Michigan, Mr. CARNEY, Mrs. BENTLEY, Mr. BATEMAN, Mr. SMITH of New Hampshire, Mr. APPLEGATE, Mr. PETRI, and Mr. GREGG.

H.R. 4054: Mr. BONIOR of Michigan, Mr. MARTINEZ, Mr. EDWARDS of Oklahoma, Mr. MRAZEK, Ms. OAKAR, Mr. DONNELLY, Mr. BOUCHER, and Mr. FEIGHAN.

H.R. 4073: Mr. WEBER and Mr. MONSON.

H.R. 4101: Mr. VANDER JAGT.

H.R. 4105: Mr. COLEMAN of Missouri, Mr. LIGHTFOOT, Mr. DASCHLE, and Mr. DORGAN of North Dakota.

H.R. 4107: Mr. LAGOMARSINO, Mr. GREEN, Mr. YATRON, Mr. SMITH of New Hampshire, Mr. REGULA, Mr. RIDGE, Mr. APPLEGATE, and Mr. FRANK.

H.R. 4109: Mr. ROBINSON, Mr. BORSKI, Mr. RICHARDSON, Mr. BEVILL, Mr. MITCHELL, Mr. NIELSON of Utah, Mr. MAVROULES, Mr. NOWAK, Mr. FORD of Michigan, Ms. KAPTUR, Mr. LAFALCE, Mr. PERKINS, and Mr. HAYES.

H.J. Res. 10: Mr. ANDERSON, Mr. BOLAND, Mr. DIOGUARDI, Mr. FRANK, Mr. LEWIS of California, Mr. MARKEY, and Mr. MATSUI.

H.J. Res. 133: Mr. SMITH of New Hampshire.

H.J. Res. 297: Mr. KINDNESS, Mrs. HOLT, Mr. ORTIZ, and Mr. BIAGGI.

H.J. Res. 316: Mr. HENRY, Mr. PRICE, Mr. EDGAR, Mr. FROST, Mr. LEWIS of Florida, Mr. ZSCHAU, Mrs. LONG, Mr. MCCLOSKEY, Mr. OBERSTAR, Mr. GREEN, and Mr. LEHMAN of California.

H.J. Res. 345: Mr. FUQUA, Mr. GUNDERSON, and Mr. WILSON.

H.J. Res. 429: Mr. NIELSON of Utah, Mr. TOWNS, Mr. SMITH of New Hampshire, Mr. COURTER, and Mr. ROGERS.

H.J. Res. 462: Mr. BORSKI and Mr. CLINGER.

H.J. Res. 470: Mr. FEIGHAN, Mr. BARNARD, Mr. DYMALLY, Mr. DASCHLE, Mr. STOKES, Mr. HOWARD, Mr. TOWNS, Mr. KOSTMAYER, Mr. HUTTO, Mr. DAUB, Mr. DELLUMS, Mr. BRYANT, Mr. HUCKABY, Mr. GUNDERSON, and Mr. LANTOS.

H.J. Res. 481: Mr. ROWLAND of Georgia, Mr. LUKEN, Mr. BOSCO, Mr. BROOMFIELD, Mr. COBEY, Mr. ENGLISH, Mr. GAYDOS, Mr. LIPINSKI, Mr. MCDADE, Mr. ANDERSON, Mr. COBLE, Mr. LATTA, Mr. FLIPPO, Mr. MINETA, Mr. DONNELLY, Mr. EDGAR, Mr. STOKES, Mr. WHITTAKER, Mr. YATRON, Mr. ROE, Mr. ANTHONY, Mr. BADHAM, Mr. WYDEN, Mr. BLAZ, Mrs. BYRON, Mr. CARNEY, Mr. CHAPPELL, Mr. CHAPPIE, Mr. ANNUNZIO, Mr. COURTER, Mr. DELLUMS, Mr. DWYER of New Jersey, Mr. CROCKETT, Mr. CHAPMAN, Mr. HUNTER, Mr. HYDE, Mr. BENNETT, Mr. COOPER, Mr. CARPER, Mr. DORNAN of California, Mr. LEATH of Texas, Mr. BURTON of Indiana, Mr. BIAGGI, Mr. FRENZEL, Mr. HAMILTON, Mr. BOEHLERT, Mr. BOLAND, Mr. CHANDLER, Mr. ATKINS, Mr. CLAY, Mr. MILLER of California, Mr. COYNE, Mr. CRANE, Mr. QUILLEN, Mr. RODINO, Mrs. LONG, Mr. DELAY, Mr. DINGELL, Mr. SAVAGE, Mr. DIOGUARDI, Mr. TAUKE, Mr. SCHUMER, Mr. FOWLER, Mr. GEJDENSON, Mr. SOLARZ, Mr. FAUNTROY, Mr. SCHAEFER, Mr. COUGHLIN, Mr. APPLEGATE, and Mr. WEISS.

H.J. Res. 502: Mr. BONIOR of Michigan, Mr. DAUB, Mr. DWYER of New Jersey, Mr. FAZIO, Mr. FRANK, Mr. FUSTER, Mr. LAGOMARSINO, Mr. LELAND, Mr. MATSUI, Mr. MAZZOLI, Ms. MIKULSKI, Mr. RAHALL, Mr. ROGERS, Mr. STOKES, Mr. STRANG, Mr. TOWNS, Mr. TRAXLER, and Mr. YOUNG of Missouri.

H.J. Res. 504: Mr. APPLEGATE, Mr. BROWN of Coloprado, Ms. KAPTUR, Mr. KOLBE, Mr. SMITH of New Hampshire, Mr. VALENTINE, Mr. WHITEHURST, Mr. WILSON, and Mr. YOUNG of Florida.

H.J. Res. 506: Mr. LAGOMARSINO and Mr. DE LA GARZA.

H. Con. Res. 241: Mr. APPLEGATE and Mr. ROBINSON.

H. Con. Res. 271: Mr. APPLEGATE.

H. Con. Res. 275: Mr. ROBERTS and Mr. KINDNESS.

H. Con. Res. 277: Mr. LEWIS of California, Mr. SAXTON, Mr. RALPH M. HALL, Mr. MATSUI, Mr. MRAZEK, Mr. DENNY SMITH, Mr. LAGOMARSINO, Mr. CARNEY, Mr. TRAXLER, Mr. REID, Mr. FASCELL, Mr. BLILEY, Mr. SMITH of Florida, Mr. HORTON, Mr. LOWRY of Washington, Mr. FUSTER, Mr. HENRY, Mr. WEBER, Mr. DANNEMEYER, Mr. BARNARD, Mr. BEVILL, Mr. WHITEHURST, Mr. BRYANT, Mr. MORRISON of Connecticut, Mr. WILSON, Mr. DYMALLY, Mr. FRENZEL, and Mr. APPLEGATE.

H. Con. Res. 278: Mr. HORTON, Mr. BUSTAMANTE, Mr. FUSTER, Mr. ROE, Mr. DWYER of New Jersey, Mr. WORTLEY, and Mr. MOODY.

H. Con. Res. 279: Mr. JONES of Oklahoma, Mr. DARDEN, and Mr. COLEMAN of Texas.

H. Res. 311: Mr. TORRICELLI, Mr. ALEXANDER, Mr. MARTINEZ, Mr. WEISS, Mr. DYSON, Mr. BIAGGI, Mr. BERMAN, Mr. GUARINI, and Mr. BUSTAMANTE.

H. Res. 347: Mr. FRENZEL.

H. Res. 369: Mr. WORTLEY, Mr. BROYHILL, Mr. HALL of Ohio, Mr. PENNY, Mr. MARTINEZ, and Mr. MAZZOLI.

EXTENSIONS OF REMARKS

WASHINGTON HOTEL KICKS OFF I LOVE NEW YORK FESTIVAL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. BIAGGI. Mr. Speaker, on Tuesday it was a special honor for me to participate in the official launching of the "I Love New York Festival" sponsored by the Omni Shoreham Hotel in Washington. The highlight of the day was the unveiling of a 36-foot, 50-ton ice carving of the Statue of Liberty which adorns the front of the Omni-Shoreham and weather permitting will for the duration of the festival which is to end at the end of March.

As an individual who has had the benefit of living in both Washington and New York, I commend the management and staff of the Omni Shoreham for this festival. It will certainly serve to foster a sense of improved fraternity between these two powerful and important cities. As Paul Sacco, vice president and managing director of the hotel said:

It is my hope that events such as these will establish a bond between our two great cities and eliminate the rivalry that has somehow existed in the past. Because of its function as the Federal City, Washington is the "pulse of the Nation." New York with its tremendous population, farms, rivers, lakes, streams, historical landmarks, culture and entertainment is the "pulse of the people.

At this point in the RECORD I would like to insert a news release from the Omni Shoreham about Tuesday's kickoff and the entire I Love New York Festival; in addition, my remarks at the luncheon:

"I LOVE NEW YORK" FESTIVAL AT OMNI SHOREHAM

The unveiling of a 36-foot, 50-ton ice carving of the Statue of Liberty, with the release of 1,000 balloons by Congressmen Mario Biaggi and Benjamin A. Gilman; New York 1986 Cherry Blossom Princess Kimberly Sullivan and a host of other celebrities launched the Omni Shoreham Hotel's "I Love New York" Festival at noon today. A Nathan's Famous Hot Dog Stand next to the huge carving provided free franks to onlookers. The cast of the musical revue, "Forbidden Broadway," colorfully dressed as Carol Channing, Anthony Quinn, Liza Minnelli, Mary Martin, Ethel Merman and Kevin Kline added to the carnival atmosphere. Omni Shoreham Hotel Executive Chef Rupert Froehloch, assisted by Chefs Daniel O'Neill, Greg Scott and Dan Schroeder, sculpted the massive statue.

Following the opening ceremonies, the guests attended a luncheon in the hotel's Minique Café et Brasserie Restaurant with such other New Yorkers as St. Lawrence Seaway Administrator James L. Emery; New York State Society President Gerry Sheflett; Chief Counsel House Public Works Committee Richard Sullivan; WRC T.V.'s Mac McGarry; and WGMS' Paul Anthony.

The Festival, which continues through March 31, features exhibits, displays and other materials which capture the spirit of the cultural, historical, recreational and entertainment heritage of the Empire State. A photo exhibit will depict the creation and placement of the Statue of Liberty and immigrants arriving at Ellis Island. The Tiffany glass panel from the original Nathan's Coney Island Hot Dog Stand dramatizes the popular Nathan's hot dogs being served.

Omni Shoreham Vice President and Managing Director Paul J. Sacco is presenting the "I Love New York" Festival in response to the growing interest in what is taking place in the State and New York City. People are attracted by New York's historical cities, and the beauty of its countryside and seashore. New York City, of course, has its famed skyline, popular restaurants, sightseeing, shopping, theater, culture and architecture. The Festival in Washington, he hopes, will establish a bond and end the rivalry now existing between the two great cities. Washington, he feels, is the "pulse of the nation." He depicted New York as the "pulse of the people."

The Omni Shoreham will make available to any resident of New York during the Festival a one night package, including a deluxe room, dinner with a bottle of champagne in Monique and a full American breakfast and a discount for "Forbidden Broadway", the hit musical revue in the Marquee Lounge, for $34.95 per person, per night, double occupancy.

An additional link with New York State will be a contest with a grand prize of a seven-day roundtrip New York Air flight with accommodations for two for three days at Berkshire Place in New York and three days at the Sagamore Resort Hotel in Lake George, plus use of a Hertz car. During the Festival, hundreds of balloons with complimentary dinner coupons will be sent skyward from the front of the hotel entitling finders to have a New York food experience at the Omni Shoreham.

Typical of the New York food to be served during the Festival is the menu for the luncheon which launched the event:

Hors d'oeuvres—Nathan's Famous Hot Dogs; Brochette of Buffalo Beef; Broiled Bay Scallop Skewered with Bacon; Clams on the Half Shell.

Menu—New York Oyster Stew, Waldorf Salad, Roast Long Island Duckling, Apricot-Rice Stuffing, Cauliflower with Buttered Crumbs, Croquette of Chestnut, Poached Apple in New York Port Wine.

Wine—Taylor County Chablis, Bully Hill Chelois Noir.

The Omni Shoreham, which adjoins Rock Creek Park amidst one of Washington's finest residential areas, is within easy reach of every federal building, the business district, Kennedy Center and the Capitol. The hotel is operated by Omni International Hotels, a rapidly expanding group of distinctive hotels located in major metropolitan areas and resort destinations. Omni International is a division of Dunfey Hotels Corporation.

"I LOVE NEW YORK FESTIVAL" LAUNCHING LUNCHEON

(By Representative Mario Biaggi)

I am delighted to be here today to help officially kick off the "I Love New York Festival," sponsored by the Omni Shoreham Hotel. I wish to pay a special tribute to Paul J. Sacco, vice-president and managing director of this hotel. His outstanding efforts on behalf of this festival guarantee this will be a special occasion between now and the end of March.

It is a pleasure to be among such distinguished guests as: the Secretary of Housing and Urban Development, Samuel Pierce—a transplanted New Yorker; also my two distinguished colleagues from New York—Charlie Rangel and Ben Gilman; also Chairman Jim Emery of the St. Lawrence Seaway Development Commission; and last but not least, another transplanted New Yorker, from my area in the Bronx—Dick Sullivan, chief counsel of the House Public Works Committee.

We are all here for one central reason—we all love New York. I always enjoy participating in those occasions which allow New York to be showcased for the marvelous place it is. I am proud to say that I am a lifelong native son of New York City. I have lived in the worst of times in New York and I have lived in the best of times as well.

For most of my adult life, I have been proud to serve the people of the city of New York. First as a letter carrier—then for 23 years as a police officer—and for the past 17 years in the House of Representatives. I have always maintained that the greatness of New York lies in its people. They have a spirit like nowhere else in this Nation, because they live in a place which is like no other place in the Nation, or in the world, for that matter.

What makes today's event even more important is that it is being held here in Washington. It may serve to dispel the oft held notion that there is some kind of bitter rivalry between the cities of Washington and New York. In my mind, there needs to be no such rivalry. I solved the problem many years ago. I live in both cities.

It is also nice to be associated with an event where Washington is doing something for New York—instead of doing something to it.

I commend the Omni Shoreham for their sponsorship of this unique festival. I also compliment the management and staff for the outstanding and complete restoration they have accomplished. The Shoreham was always a fine, even grand, hotel. The Omni Shoreham does the impossible—it makes this hotel even better. May I also note that Monique's Restaurant is rapdily becoming the rage among diners in this fickle town.

Again I appreciate the opportunity to be here today to promote my home—the city and State of New York. The "I Love New York Festival" will certainly enhance the spirit of fraternity between Washington and New York, which can only benefit both places.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

[From The New York Times, Jan. 28, 1986]

HOT DOG!

New York and Washington have always enjoyed a special relationship, albeit tinged with an edge of rivalry, tending, as they do, to see themselves as the nation's two most important cities (sorry, L.A.). So it is perhaps no surprise that Washington's Omni Shoreham hotel is laying on a two-month "I Love New York" Festival beginning next Tuesday with exhibits and displays evoking the cultural, historic, recreational and entertainment heritage of the Empire State, with special emphasis on New York City. A photo exhibit, for example, will depict the creation and placement of the Statue of Liberty and immigrants arriving at Ellis Island.

The hotel will launch hundreds of balloons over the course of the festival entitling finders to a "New York food experience" in it dining room. Included will be such things as Long Island duckling, Finger Lakes wines and pie à la mode, said to have originated at the Cambridge Hotel in Washington County, N.Y.

What, no Coney Island hot dogs?

Arnold Fine, the promoter for the event, said the hotel had "something more gourmet" in mind but would consider the noble Gotham wurst.

[From the New York Times, Feb. 1, 1986]

CALLING ALL HOT DOGS

Galvanized by the disclosure that Washington's Omni Shoreham Hotel had neglected to include hot dogs on its opening menu for a monthlong salute to the Empire State called "I Love New York," the big Apple's best-known purveyor of the quintessential New York knosh promptly shipped down to the capital a supply of franks, along with a cookbook with 150 (!) recipes for preparing them.

Yes, thanks to Nathan's Famous, hot dogs are now on the kickoff menu: hot dogs au vin blanc, hot dogs amandine and hot dogs au gratin casserole as well as hot dogs swaddled in a bun.

SDI: A STRATEGY FOR THE FUTURE—AND TODAY

HON. RICHARD ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. ARMEY. Mr. Speaker, in the past we relied upon the doctrine of mutually assured destruction [MAD] to assure the defense of our Nation and our allies. Unfortunately, this doctrine implies that the security of America is most certain when its people are held hostage to final destruction by a totalitarian state whose total existence is defined by the denial of freedom.

MAD is an inflexible strategy. All it requires—and all it allows—is that after sustaining an attack on ourselves, we be able to devastate Soviet cities in retaliation. It is a reflexive strategy with no options for action.

Past reliance on MAD can be defended because it was the best strategy we had due to technological limitations. Today, however, those limitations no longer exist.

It is the primary responsibility of the government to defend its citizens. President Reagan's strategic defense initiative [SDI] gives us the ability to put the evil side of the nuclear genie back in the bottle.

To do that will require research and more expenditures than we appropriated last year. Even in these trying budgetary times, the search for a defense against nuclear attack must be given top priority and freed from the threat of crippling budget cuts.

The proposal for SDI is not some far off dream, but can be partially deployed in the near future as new technologies become available. That's why SDI should not be seen as an isolated strategy. Its most promising features can be blended, as they come along, into broader strategies. While we are implementing this truly defensive system we must maintain a strong nuclear and conventional defense.

As it stands today, Soviet planners can target America's land-based nuclear deterrent and guarantee that almost all of it would be wiped out.

If the Soviet planner must consider the effects of even a partial United States strategic defense which destroys a portion of attacking missiles, he is faced with a problem full of uncertainties. He does not know how many warheads will arrive, and which ones will arrive over which targets.

This changes the simple arithmetic problem into a complex calculus full of uncertainties. Such uncertainties are the essence of effective deterrence.

With the rapid development of missile technology and space exploration, we can start blending SDI into our current defense strategy right away. A missile defense that would stop incoming Soviet missiles before they reach American soil is not only possible, but mandatory. But pursuing such a program requires us to make a commitment to give SDI top budgetary priority.

I am willing to make that commitment to fulfill the original purpose and highest priority of government: to defend its citizens.

COHA HUMAN RIGHTS REPORT ON COLOMBIA

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. GARCIA. Mr. Speaker, Louise Siblering of the Council on Hemispheric Affairs reports on human rights in Colombia. Certainly, that nation has had its share of problems over the past year both political and environmental. I wish President Bentancur well. His is not an easy task. Nonetheless, it is important in any democracy to examine problems—economic, social, and political. I am, therefore, submitting Ms. Siblering's report for the RECORD. But I hasten to add that I hope that what she declares to be "civil war" in Colombia will be eliminated and that nation will return to a state of calm.

COLOMBIA: ABUSES WIDESPREAD AS NATION SLIDES TOWARD CIVIL WAR

1985 saw Colombia's human rights picture turn from hopeful to bleak, as the country experienced some of the hemisphere's most serious human rights violations. The previous year, President Belisario Betancur's peace initiatives had raised the hope that the nation's public order situation might finally be calmed after nearly 40 years of often rampant civil strife. These hopes were brutally dashed in 1985, as the peace process collapsed, and violence again engulfed the nation.

In mid-1984 three of Colombia's major guerrilla groups, the Revolutionary Armed Forces of Colombia (FARC), the April 19 Movement (M-19), and Popular Liberation Army (EPL) inked cease-fire pacts with the government. The peace process, which sought to integrate the armed leftist elements into legal political life, was internationally hailed as a model for Latin America. COHA named President Betancur its 1984 regional leader of the year, and even nominated him for a Nobel peace prize.

Under the weight of a bellicose and increasingly autonomous military that has always been antagonistic to the civilian leadership's peace overtures, and a potpourri of fractious insurgent groups—both of which violated the truce accords repeatedly—the peace process fell apart in 1985. As all but one of the nation's major guerrilla factions repudiated the treaties—only the FARC continues to uphold the cease-fire—ever-intensifying fighting has wracked the countryside. This violence culminated in the bloody battle at the Palace of Justice that cost over 100 lives Nov. 7, and was gruesomely underlined in mid-December when mass graves containing as many as 100 bodies that showed signs of torture were unearthed near Toribio southwestern Colombia.

The government's reckless decision to spurn the pleas of Supreme Court Justices and the M-19 for negotiations over the Palace of Justice takeover and instead storm the compound, signalled President Betancur's final capitulation to the military's eagerness to meet the insurgency with force—rather than the concessions and peace talks he had earlier so bravely advocated. The results were disastrous: 100 or more people killed, including 12 Supreme Court magistrates, and the final nail in the peace process' coffin.

The Defense Ministry announced in August that between July 1984 and July 1985, 605 guerrillas, 272 peasants, and 243 military and police died in violence related to guerrilla activities. Since that time, as violence has intensified, the casualty rate has quickened; fighting claimed many hundreds of lives in the last five months of the year.

Spurning the M-19's calls for renewed peace talks, the army declared "all-out war" on the insurgents, launching a bloody "final offensive" in southwestern Colombia in October. More than 2,000 peasants fled from the assault, reporting that the army's indiscriminate bombings (reminiscent of El Salvador), had destroyed most of the farms in the area. The Committee in solidarity with Political Prisoners concluded that from August through October there were twenty murders, six disappearances, and 105 arrests in Cali. The army's November-December "Clean Cali for Christmas" offensive took a heavy toll on the area's civilians as well.

Nor has political violence been confined to such battlefield clashes between the guerrillas and the military. Internecine battles among the armed left have been frequent, with the FARC repeatedly coming under attack by M-19, Quintin Lame, and the Ricardo Franco Front, a dissident wing of its own organization, for foreswearing the armed struggle. Kidnappings have been on the rise, with the abduction of Samuel Schneider, top engineer of the Colombia Pe-

troleum Enterprise the year's most prominent case.

Rightist death squads, most notably "Death to Kidnappers," and military elements have perpetrated scores of assassinations and attacks on leftist figures, exacting a heavy toll on the left's leadership. M-19 commander Antonio Navarro Wolf lost a leg to an army attack on a then-legal M-19 encampment in May; the attack was in violation of the cease fire, which the M-19 did not repudiate until June 21. On April 13 the body of Guillermo Quiroz, leader of ANUC, the national peasant association, was found along the road between Medellin and Cartagena; two days earlier he had been arrested by men claiming to be from military intelligence after an army patrol had searched the ANUC headquarters demanding to know his whereabouts. Legendary M-19 leader Ivan Marino Ospina died in a clash with soldiers Aug. 28, as did Luis Alberto Monroy, a founder of the Quintin Lame Indian insurgent group in November. The EPL's main political leader, Oscar William Calvo, was shot to death by two unidentified men on a motorcycle as he left an optical clinic in northern Bogota Nov. 20; this killing prompted the EPL to decisively renounce its cease-fire with the Betancur regime after months of vacillation. The Army of National Liberation (ELN) took responsibility for the Dec. 1 murder of former ELN leader Ricardo Lara Parada, warning that it "will execute" other former combatants who turn against the military struggle. Bombs damaged the Colombian Communist Party's headquarters in Bogota in June and again on Nov. 20.

Other assassination victims include Narciso Norena, mayor of Corinto, slain on his way to work in August, Judge Julio Manuel Castro Gil, gunned down in Bogota during July, and magistrate Alvaro Medina Ochoa killed in Medellin in April.

FARC personnel have been particular victims of such violence, despite the organization's singular adherence to the cease-fire and efforts to become a part of the legal political process. Fourteen members of its new legal political wing, the Patriotic Union (UP) were assassinated in 1985, along with more than 100 inactive guerrillas murdered during what the organization calls the military's "constant harassment" of its legal camps. On Nov. 30, the army slew 23 FARC members in an attack on an inactive guerrilla column in southwest Colombia. UP political candidates trying to contest next year's elections have found their efforts disrupted by violence and intimidation.

Labor unrest also met with repression. When the Communist Party-linked CSTC labor federation held a 24-hour general strike June 20, police arrested 500 people, and the military broke up demonstrations in numerous cities and towns. Betancur's government then froze the assets and suspended the juridical rights of all the participating unions for six months, underlining Bogota's failure to accept the right to strike. The government argued that its actions were legal under its special state of siege powers.

These decree powers have been in effect since May 1, 1984, when Betancur issued three edicts pursuant to Article 121 of Colombia's constitution, which provides the government special powers when public order has been disturbed. Decree 1039 gave departmental governors the power to restrict and supervise the movement of persons in the street and in public places. Decree 1040 prohibited all political gatherings, demonstrations, rallies, and meetings that could disrupt public order unless approved seven days in advance. Decree 1041 forbade the wearing of masks or otherwise concealing one's identity. Although the emergency powers—still in effect—do not abrogate the right of habeas corpus, they do give the military extensive detention privileges in militarized zones.

After the assault on the Palace of Justice, Betancur emphasized that "the peace process will continue." But Evereth Bustamante, the M-19's international secretary replied, in a Nov. 13 letter to the United Nations, that "The peace of Betancur and his political model is the peace of the grave." In Colombia it is no longer peace, but civil war, that is carrying the day.

LET'S KEEP OUR PROMISE TO THE USERS OF DeSOTO BEND

HON. JIM ROSS LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. LIGHTFOOT. Mr. Speaker, today I am introducing a bill to open DeSoto National Wildlife Refuge near Missouri Valley, IA, for recreational purposes which, after 28 years, have been denied to the users of the lake which is located there.

When plans for the proposed DeSoto Bend National Wildlife Refuge and Recreational Area were made public by the Bureau of Sport Fisheries and Wildlife Service in the late 1950's, a great deal of opposition from the public in the immediate vicinity made necessary public hearings to air grievances.

On September 4, 1957, at Blair, NE and on September 5, 1957, at Missouri Valley, IA, public hearings on the proposed project were held. By far the most significant objection to the proposed refuge was the need for 7,800 acres of valuable real estate to be designated as refuge land. In order to overcome this objection and to gain the necessary support of influential groups, Government officials exhibited numerous slides of similar refuge areas along with exciting commentary, most of which dealt with recreational scenes, water skiing, camping, controlled shooting areas within specially constructed buffer zones, and so forth.

During the hearing, Mr. Robert Burwell, an official of the Department of Interior's regional office in Minneapolis, MN stated:

We are here this evening to describe for you a proposed plan for this refuge as we have developed it, how we would like to operate and administer it, and what we would want to accomplish.

He went on to say:

It is our opinion that the area should generally be open to public enjoyment at all times of the year, except during the period approximately September 15 until the end of the waterfowl season. I believe that with the exception of the period from September 15 to about the first of January, it can be opened to boating, fishing, swimming, picnicking, etc. If the ice is thick enough and the folks want to do so, we know of no reason why there can't be ice fishing.

The bulk of the supporting statements from well-meaning participants in these discussions, were for the most part, stressing desirable fringe benefits to the public from a recreational point of view, and not primarily for the creation of a game refuge alone. The minutes from these meetings are a matter of public record and many of the participants in these hearings were prominent in the field of conservation and local affairs.

It was based on documented remarks such as these that the public gave the DeSoto project its approval, and the proposal became a reality. Initially, as the Government salesmen promised, the project accommodated a wide range of recreational uses.

Unfortunately, however, several key recreational activities used as attractive fringe benefits to win public support never were developed and some were gradually deemphasized after the first few years of implementation. Among the most valuable of these were swimming and water-skiing, both of which have been banned. Water-skiing was banned as recently as last spring, after having been enjoyed by thousands as wholesome family fun for the previous 27 years.

The Iowa Conservation Commission has stated:

The issue, as viewed by the commission, is that the U.S. Bureau of Sports Fisheries and Wildlife has gone back on its promise to the people of Iowa and Nebraska as to how the vast resources of DeSoto Bend would be used.

In 1957 public acceptance of Federal control of DeSoto Bend was given only after Federal officials assured the public that in addition to giving refuge to migration waterfowl, Desoto Bend would provide public recreation. This was to include fishing, boating, water-skiing, swimming, picnicking, hiking, hunting, camping, etc.

Mr. Speaker, the legislation I am introducing today would only restore swimming and water-skiing to the refuge. These activities would be restricted to the summertime months, and would not interfere with the migratory birds which pass through in the fall.

I also want to point out that water recreation opportunities are very limited in this area, but the demand is tremendous. The only two major alternatives for the thousands of water-skiers in the area are Lake Manawa, which is barely large enough to accommodate water-skiing, and certainly not a large volume of traffic; or the Missouri River, which is a terribly unsafe and unhealthy place for family recreation. Desoto Bend, on the other hand, is a clean, 7-mile long body of water which can be used safely by many. Indeed, only one death during the lake's 27-year history was boat-related.

In addition, in order to accommodate the interests of fishermen and others, this legislation would open only one-half of the lake to water-skiing. The other half would remain a no-wake zone for fishing and under-water vegetation.

Mr. Speaker, we, as elected representatives of the people, have an obligation to use their tax dollars in a way which accommodates the widest range of interests possible. That is not what is happening at Desoto National Wildlife Refuge. The citizens in my district are tired of fighting the bureaucrats who are going back on their promises. The bureaucrats have

come and gone over the years, but the people are still there holding a broken promise. The bill I'm introducing today would settle this long-standing disagreement once and for all, and I urge that my colleagues give it their support.

SMITHSONIAN SELLS INTERNATIONAL MUTUAL FUND

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. MINETA. Mr. Speaker, the Smithsonian Institution has taken important action to sell its shares in an international mutual fund which indirectly has investments in firms doing business in South Africa.

As one who believes the Smithsonian should not invest, however, indirectly, in firms doing business in South Africa, I was pleased by this decision.

As a member of the Smithsonian Institution's Board of Regents, I am submitting the full explanation of this latest step as published by the Smithsonian for my colleagues' attention.

The statement follows:

SMITHSONIAN SELLS HOLDINGS IN INTERNATIONAL PORTFOLIO AS INCONSISTENT WITH INVESTMENT POLICY

The Smithsonian Institution today (Tuesday, Jan. 28) announced that it is selling its holdings in an international equity portfolio because that investment "can be perceived as inconsistent" with Smithsonian policy barring investment in companies involved in South Africa that do not subscribe to the Sullivan Principles.

Carlisle H. Humelsine, acting chairman of the Investment Policy Committee of the Smithsonian's Board of Regents, instructed the Office of the Teasurer to order the sale of holdings in the Trustees Commingled Fund-International Equity Portfolio.

At the winter meeting of the full Board of Regents held yesterday, Humelsine was asked to determine whether there was an inconsistancy between the Smithsonian's investment in the International Equity Portfolio and Smithsonian policy on investments in companies doing business in South Africa.

The policy referred to was established on June 17, 1985 when the Executive Committee of the Board of Regents, acting on behalf of the entire Board, instructed the Institution's investment managers to sell the Institution's holdings in American companies that had operations in South Africa but had not subscribed to the Sullivan Principles specifying non-discrimination in hiring, employment, benefits and other areas. The Executive Committee also instructed the investment managers not to purchase any stocks of American companies operating in South Africa that do not subscribe to those principles. These actions were ratified by the entire Board in September 1985.

Humelsine, after reviewing the question of the investment in the Commingled Fund at the Regents' request, "confirmed that the Institution's holdings" in that fund "can be perceived as inconsistent" with the June action of the Executive Committee, as ratified by the full Board.

An investment of $11.5 million in the Commingled Fund's International Equity Portfolio was made by the Smithsonian at the end of 1984 on the recommendation of its investment advisors and the Regents' investment committee. A portion of this investment was sold during the fourth quarter of 1985, reducing the investment to $8.6 million with a market value of $10.6 million. The Trustees Commingled Fund accounted for 6 percent of the market value of the Institution's total endowment as of Dec. 31, 1985.

The Trustees Commingled Fund, part of the Vanguard Group of Funds, is an open-end diversified investment company or mutual fund. Its International Equity Portfolio, according to a prospectus, "follows a flexible investment policy emphasizing primarily non-U.S. equity securities." The Commingled Fund has not had and does not now have any direct investments in South Africa. Its holdings are concentrated in Australia, Canada, Japan and the United Kingdom. A complete list of its holdings was provided to the Smithsonian on a monthly basis.

The Smithsonian Institution, an independent establishment of the United States, had an investment portfolio of approximately $165 million at the end of December 1985. Of this total portfolio, approximately $35 million was invested in stocks of 31 companies that have operations in South Africa and are signatories of the Sullivan Principles.

Humelsine, chairman emeritus of the Colonial Williamsburg Foundation, has been chairman of the Regents' Executive Committee since 1982 and acting chairman of the Investment Policy Committee since 1984.

ALASKA NATIVE CLAIMS SETTLEMENT ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation today to provide for necessary amendments to the Alaska Native Claims Settlement Act which will clarify future land and stock ownership rights under the act. I am pleased that the distinguished chairman of the Committee on Interior and Insular Affairs has joined as cosponsor of this legislation.

Under the terms of ANCSA, corporate shares in Alaska Native corporations become fully alienable at the conclusion of a 20-year period following enactment. As this deadline draws near, there has been a great deal of concern in Alaska Native communities that the unfettered sale of stock could well result in the loss of lands used by Native people of Alaska for hundreds if not thousands of years.

To address this concern, this legislation would provide for the continuation of restrictions contained in ANCSA, as amended, unless an individual Native corporation takes certain specified actions to eliminate or modify the sale restrictions. Dissenter's rights are provided where the corporation elects to continue stock restrictions. In addition to clarification of corporate share ownership rights, the bill provides for land ownership protections.

Mr. Speaker, many individuals and groups in Alaska have spent a great deal of time and effort over the past 2 years in developing the basis for this legislation. Through a series of village meetings, workshops, and special conventions, Alaska Natives have deliberated long and hard and made many difficult decisions which resulted in proposals to Congress. The Alaska Federation of Natives is to be commended for their efforts to develop a concensus among many individuals, villages, and groups in a difficult and complex area of the law.

I believe the concensus in the Alaska Native community provides us with a good starting point and will serve as a focus of attention on necessary changes in ANCSA. There will be hearings in Alaska and Washington, DC on this legislation. It is my hope that we will be able to enact needed amendments to ANCSA during the current session of Congress.

For these reasons, I urge my colleagues to support this legislation.

THE MILK MARKETING CONTROL ACT OF 1986

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. KASTENMEIER. Mr. Speaker, I am today introducing the Milk Marketing Control Act of 1986. This legislation would allow dairy farmers to vote in a referendum for a program which would lower dairy program costs by controlling the amount of milk produced and would guarantee dairy farmers a minimum support price of 70 percent of parity—approximately $15.15 per hundredweight at today's prices.

This legislation was introduced last year as an amendment to the Food Security Act of 1985 by the gentleman from Wisconsin, Representative OBEY and myself. While it was defeated on the floor of the House, I believe that the farm bill which was ultimately passed by the Congress does little to provide income to our dairy industry, hastens the exodus of family farmers from dairying by actually paying them to give it up, and ignores the devastating, impending impacts of Gramm-Rudman cuts on farmers' milk checks and on the industry as a whole. Ultimately, it forces dairy producers to rely on a diminishing and vanishing support program.

Legislation such as I am introducing today would virtually end Government program costs by eliminating rather than purchasing surplus production. Farmers, who are suffering the ravages of low commodity prices and declining farm equity, would be guaranteed a profitable price for their milk while production costs would decline as herd sizes drop.

Although this bill has a fairly immediate effective date for implementation upon enactment, I am not under any illusion that this bill is likely to be passed in the short term. President Reagan effectively persuaded the Congress in the first session that he will veto any production control legislation.

No, it is more likely that a production control mechanism will be enacted in the longer term. I, like many others, believe that this may be an inevitable route for our farm policy. But, if such legislation is likely to be passed in the future, it is important that farmers and farm organizations begin now to give such a policy change their full attention and discussion. Already, cooperatives such as AMPI and a variety of new farm groups have begun to look at the question of supply management. This is a process which must go forward if the potential of such programs is to be thoroughly understood when farm legislation is next considered in the Congress. It is in that spirit that I introduce this bill today.

My legislation would require the Secretary of Agriculture to estimate the amount of milk production required to meet predictable consumption and to establish limits on production for each dairy farmer based upon historical production patterns over a 5-year period. Allowances are made both for farmers with less than 5 years of production history and for farmers who participated in the Dairy Diversion Program so that their base will reflect what they would have produced had they participated in the diversion program. Since the Secretary would be required to support the price of milk at 70 percent of parity, he would be required to make production cuts large enough to ensure that Government purchases would be minimal.

Individual farmers would be able to transfer their bases to other farmers through sales or leases only if the transfer was accompanied by a transfer of the milk production facility. In other words, a farmer could not realize financial gain from selling or leasing the base unless he sold or rented his milking facilities along with the base.

Since the implementation of the whole-herd buyout program has already begun, it would not be realistic to suspend that program in favor of this program. Nonetheless, there is no reason why the programs cannot operate at the same time since the Secretary will still have the ability to anticipate production and consumption needs. Therefore, all contracts entered into under the buyout program would have to be met.

Our current price support program has proven to be a burden on the national treasury and a burden on the backs of farmers who have had to assume the major share of program costs and who, at the same time, have been forced to operate under ever lower incomes. It is time that we give our dairy farmers the opportunity to choose to match supply with demand and allow market forces to give them the prices they need. Rural America cannot survive without returning to farmers the ability to produce at a profit and to enjoy the luxury of a decent level of income.

COACH KARAM RECEIVES THE HONOR HE DESERVES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. FRANK. Mr. Speaker, at a particularly poignant tribute last month, 700 citizens of Fall River, MA, joined together to say thanks to "Skip" Karam, the coach of Fall River's B.M.C. Durfee High School. For 25 years, Skip Karam has been the effective head coach of Durfee High's popular and successful basketball team. At a testimonial dinner organized by the Fall River Boosters Club, Skip was appropriately commended for his outstanding record of 467 wins and 102 losses. His contribution to the Fall River community has been a shining example for generations of students and their parents as he has led Durfee High School's team year after year. In fact, under Skip Karam's stewardship, the Durfee team won division championships in 1965, 1977, and in 1984.

Claire Plante and Jackie Rego who have worked tirelessly as leaders of the Durfee Sports Booster Club took the occasion to thoughtfully announce the establishment of a scholarship fund in memory of Skip's father Thomas Karam, Sr., a lifelong booster of athletics in Fall River.

An article from the Fall River Herald News and the Providence Journal describe the events of that evening. Mr. Speaker, I include articles at this point in the RECORD:

FRIENDS TOAST KARAM; ESTABLISH SCHOLARSHIP IN MEMORY OF DAD

(By George Darmody)

Durfee High athletic director/basketball coach Tom "Skip" Karam was honored for 25 years of dedicated service during a testimonial/roast Sunday night at the Venus deMilo in Swansea. It was an impressive affair, highlighted by several prominent speakers including Providence College coach Rick Pitero, Dartmouth athletic director Carlin Lynch and Lexington High coach Bob Farias.

The speaking program was filled and all of the speakers poked a little fun at Skip in traditional roast style, then offered their congratulations on his accomplishments. For Karam, this affair had a different touch.

At the end of the program, Skip who had agreed to be the victim of what started out as a roast in a fund raising campaign sponsored by the Durfee Sports Boosters Club to raise scholarship monies for the Durfee athletes, was overwhelmed.

Claire Plante and Jackie Rego, members of the group, announced an annual scholarship for the top male and female scholar-athletes in memory of Thomas Karam Sr., father of Skip, Bob and Jim Karam, and a lifelong booster of athletics, especially at Durfee High.

Just prior to the memorial scholarship announcement, Superintendent of Schools John Correiro revealed plans to renovate the foyer at the Luke Urban Field House displaying all of Durfee's championship trophies and awards with a special section dedicated to Karam's accomplishments as Durfee High basketball coach over his first 25 years as the Toppers mentor.

And, moments before that, a message to Skip via a video playback, wishing him congratulations, was received from his mother, who is vacationing in Florida.

Skip, his wife, the former Betty DeFusco, and their daughter Jennifer were visibly moved by those presentations.

Karam also received a letter of congratulations from President Ronald Reagan and commendations and congratulatory messages from the School Committee, City Council, Mayor Carlton Viveiros, State House of Representatives, State Senate and the U.S. House of Representatives.

Providence College has long been a favorite of many Fall Riverities in collegiate basketball. The appearance of Pitero was a pleasant surprise and his comments toward Karam were rewarding to all who follow Durfee sports.

"He is truly one of the greatest coaches in any ranks today," said Pitero of Karam. He added: "Playing for Skip Karam opens a door to any gym in America. He is an outstanding teacher of all young players he has coached and his players are all proud that they have played for him," Pitero noted.

Farias, a former hoopster for Karam, said: "He (Karam) taught me to give 100 percent in everything I do and it has made me what I am today." What Farias is, is a well respected high school basketball coach who has guided Lexington High to several outstanding seasons.

Lynch, known more for his football coaching than basketball prowess, told the gathering of approximately 700 persons. "He (Karam) has instilled loyality and trust in his players."

Other speakers were Rep. Al Herren, who served as master of ceremonies; Ron Raposa, Jim Gibney, Ernest "Baron" Baroody, City Councillor Steve Camara, Bill Whitty, representing Rep. Barney Frank; School Committeewoman Lilliam Darmody, Mary Ann Arruda, representing Major Viveiros; Sen. Tom Norton, testimonial chairman Earl Wright.

Elaine Morris made a presentation from the Boosters Club and Matt Attar and Mike Herren of this year's Durfee basketball team made a presentation from this year's team

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SEVEN HUNDRED HONOR DURFEE COACH "SKIPPY" KARAM

(By Doug Chapman)

SWANSEA, MASS.—Tom "Skippy" Karam, the winningest high school basketball coach in New England, was honored last night for his 25 years of service at B.M.C. Durfee High School in Fall River.

More than 700 people, including many sports personalities and officials, attended the roast and testimonial dinner at the Venus de Milo restaurant. The "Salute to Our Skippy" was to raise money for the Durfee Sports Boosters' scholarships.

Karam was called "one of the premier high school coaches in America" by Providence College coach Rick Pitino. "If you're a college coach in America today, you know about Skippy Karam," Pitino said. "For any player to say, 'I played for Skippy Karam,' that is an introduction to any gym in the country."

Karam began his coaching career at Westport High School. After one season, he returned to his high school alma mater to coach in 1960. Now in his 26th season at Durfee, he has amassed a 467-102 record, including state Division I championships in 1966, 1977 and 1984. Karam's winning percentage of 82.1 ranks in the top 10 nationally.

"In 25 years, (he) has carried on and enlarged the Durfee basketball tradition," said John Correiro, Fall River superintendent of schools and a former teammate.

After surveying the crowd, former Durfee athletic director Ernest "Baron" Baroody declared, "Your accomplishments are legend, your friends are legion."

A bronze plaque and a trophy case, citing all of his accomplishments, will be placed

near the entrance to the Luke Urban Field House. A memorial scholarship, which his brothers, James and Robert, helped finance, was established in memory of his father, Tanous Karam.

Besides the plaque and scholarship, Karam received written citations from President Reagan, Governor Dukakis, Rep. Barney Frank, the state Senate, the state House of Representatives, the Fall River City Council and the city School Committee. Fall River Mayor Carlton Viveiros declared yesterday "Skip Karam Day" in the city.

For Durfee hoop fans, the best news was Karam's promising to continue as coach. "I don't think I'll pack it up quite yet," he said. "I look at the talent of our younger players, and I'll have to stick around for a while."

WASHINGTON'S POLICY ON NICARAGUA MOVING CLOSER TO THE BRINK

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. DELLUMS. Mr. Speaker, in recent weeks the continuing controversy concerning United States aid to the so-called Contras in Nicaragua has been intensified by this administration's decision to request increased funding for their military activities there.

An article in yesterday's edition of the Boston Globe by Mr. Randolph Ryan delineates the dangers inherent in such a policy decision, while underscoring the persistence of the Somocista control in all Contra activities and the savagery of their conduct in Nicaragua.

I commend this article to my colleagues and the American public as a solid contribution toward a better understanding of the problems and the choices we confront in the months ahead with regard to United States policy in Central America.

[From the Boston Globe, Feb. 5, 1986]

WASHINGTON'S POLICY ON NICARAGUA MOVING CLOSER TO THE BRINK

(By Randolph Ryan)

Foreign policy militants in the Reagan administration have been scanning the world for opportunities to lay to rest the ghost of Vietnam by overthrowing a government that can be called Marxist. Angola is perhaps the trendiest target at the moment, but Nicaragua remains the standby because it is nearby, weak and unpopular with most of its neighbors, and because so much effort has already been invested.

"No more Cubas, but also no Vietnams," the militants promise. It is central to their premise of tidy "low-intensity" wars that the Sandinistas can be felled without US ground forces.

This winter, as the administration asks Congress for $100 million for the Contras, the reality the militants dare not admit is that although Nicaragua seems vulnerable—in economic ruin and almost defenseless in key military categories such as airpower—the unsavory force the CIA has cobbled together cannot win with guns and money alone. The Contras have no political legitimacy in Nicaragua. They would have to be installed by US troops.

Although many Nicaraguans chafe under Sandinista rule, neither that discontent nor the fatigue of being besieged translates into support for the Contras.

The administration portrays the Contras as dedicated Thomas Jeffersons. They have just issued a set of high-sounding "principles and objectives" promising democracy. To most Nicaraguans, however, they are not credible patriots or democrats.

Edgar Chamorro, who was recruited by the CIA for the Contra directorate, noted that 46 of the 48 military commands were held by former national guardsmen of the former dictator, Anastasio Somoza. He listened as colleagues on the directorate "talked mostly about recovering their lost wealth and privileged status." He became disturbed by Contra atrocities and CIA control. When he testified about what he had witnessed, he was thrown out.

The Contras have never lived down the identification of their leaders with Somoza. Plagued by their image and by internal divisions, Contra leaders some months ago created an umbrella group called UNO (United Nicaraguan Opposition), Adolfo Calero, the powerful right-wing leader, was camouflaged with moderates, such as Arturo Cruz, who have democratic credentials and a following in the US Congress.

The power had remained with the one who commands the guns—Calero. Ambivalent about his role as front man. Cruz has verged on quitting. In any case, he has no power.

The average Contra soldier is a peasant from isolated regions similar to the backwaters of the Appalachians and holding conservative goals common in such areas, above all they wish to be left alone by the central government in Managua. Much of the killing for which the Contras are notorious has resulted when such fighters have taken advantage of the US-sanctioned violence to pursue grudges that are not political, or at least have nothing to do with the pursuit of democracy as a civic ideal.

CIA and Contra leaders have tried to channel this penchant for mayhem toward "political" targets such as teachers, health workers and other representatives of the Managua government. That has gruesomely neutralized some committed Sandinistas, but has not endeared the Contras to Nicaraguans.

Because the Contras are bankrupt of political suport—the key area where liberation struggles are won or lost—the administration has tried increasingly to bill them as a winning team militarily. Last fall, administration officials spoke of steering the Contras away from rural terror toward dramatic shows of force in urban areas. The new look never materialized.

Not only have the Contras lost ground militarily during the past year while Nicaraguan defenses have improved, but they also have been unable to shake the reputation for savagery documented by Washington Post reporter Christopher Dickey in his book "With the Contras."

For the administration the only fruit of Contra activity in 1985 was that it caused the Sandinistas to increase restrictions on civil liberties. That enabled the administration to decry a new wave of repression, but has not made the Contras more popular or more effective militarily.

In the belief that avoiding US casualties is the only condition on which American voters will insist, administration militants vigorously reject the Vietnam analogy. They insist that ground fighting would never require Americans. Indeed, that is what they hope. What Congress must consider, however, is that as increasing US dollars and credibility are put on the line, the temptation to intervene is bound to increase.

It would be hard for administration militants to admit their plan has gone awry. They want much more than mere demilitarization of the Sandinistas, which is what the Contadora peace process offers. They need a victory.

What Congress must consider is that the administration's embarrassment will deepen if more treasure and prestige are committed to this dubious battle. When it has finally become clear that the Contras cannot take power, even with hundreds of millions in lethal aid, who believes their militant US backers won't want to send troops?

IN SUPPORT OF FREEDOM AROUND THE WORLD

HON. RICHARD ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. ARMEY. Mr. Speaker, America's role in the course of history has been determined by our Founding Father's belief that freedom is a fundamental right given to all men. President Reagan has taken important steps to remind us of our national purpose and implement it through our foreign policy. Since 1980, the United States has strongly supported the forces of freedom and democracy throughout the world.

Currently there are four major battles for freedom taking place around the globe: Afghanistan, Angola, Nicaragua, and Cambodia.

The Soviet Union continues to conduct its ruthless genocide in Afghanistan. They have caused nearly one-third of the entire population to flee the country creating the largest refugee population in the world. They have used saturation bombing of cropland to starve the population into submission. They have imprisoned most of the doctors and have ordered all relief agencies out of the country.

The lack of Western aid to the Afghan freedom fighters is shameful. The West has backed down when faced with confronting its ideological rival and the United States must be willing to take the lead and support Afghan freedom fighters.

A similar situation has taken place in Angola. Soviet supported Cubans have implemented a repressive communist regime that the people don't want. I recently met with Jonas Savimbi, who leads the UNITA freedom fighters in Angola, and we discussed the need for American assistance to kick the 45,000 Cubans out. I will be working hard to see that the United States grants UNITA significant military aid in this session of Congress.

The Cubans have also been hard at work in Nicaragua. Again, tens of thousands of Cubans have been working with billions of dollars of Soviet military aid to repress the Nicaraguan people and establish a beachhead of communism in Central America.

To back down from our commitment to freedom and democracy in Nicaragua would be throwing away the only card we have to play,

which is support for the freedom fighters to Nicaragua.

We have made progress in the Western Hemisphere in combating communism and securing democracy, but the forces of freedom are being battered in Southeast Asia.

Vietnam continues to consolidate its control over Cambodia with the help of the Soviet Union, which supplies between $1 and $2 billion in aid to the Vietnamese each year. Congress has recently decided to extend a token aid package to the Cambodian resistance. This is a good first step, and hopefully the beginning of the growing American commitment to freedom in the area.

All in all, we have our work cut out for us, but we have made a good start. President Reagan has rekindled our pride in the principles that made this country great, and redoubled our resolve to work for freedom throughout the world. I will do my best to continue these policies and see that America is once again seen as the champion of freedom in the world.

STATE OF TERROR

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. GARCIA. Mr. Speaker, today's New York Times ran an article on the recent wave of terrorist attacks in Belgium. For those of us who are members of the House delegation to the North Atlantic Assembly, that reign of terror became focused after last year's attack on the offices of the Assembly's Secretariat in Brussels.

Terrorism is the scourge of our time, and the more we know about it and its practitioners, the more likely we are to be able to successfully confront it. I am, therefore, submitting the Times article for the RECORD for my colleagues' perusal:

[From the New York Times, Feb. 6, 1986]

TERRORISTS PUT BENIGN BELGIUM UNDER MENTAL SIEGE

(By James M. Markham)

BRUSSELS.—Enveloped by bodyguards, the Justice Minister of Belgium hurried out of his office building and into the darkened square dominated by the Palais de Justice on the other side. A telephoned bomb threat had emptied the ministry.

"We cannot take any risks," said the Justice Minister, Jean Gol, who is also Deputy Prime Minister. He spoke in an interview in the middle of the square here, which had suddenly filled with police vans, black-uniformed bomb squad experts and men in plainclothes who snapped on red arm-bands.

In December, Mr. Gol announced that four presumed leaders of a terrorist band called the Fighting Communist Cells had been arrested in a fast-food restaurant in Namur. "But," he cautioned, "we have seen in other European countries that terrorist movements have been born again like the phoenix."

The Belgians, who a century ago abolished the death penalty and live in one of the few Western industrial democracies that do not permit telephone tapping, find themselves these days in something like a mental state of siege. They have recently been shaken by two home-grown terrorist bands—one of the left, the other savage but ideologically mute.

TWENTY-SEVEN BOMBINGS IN 14 MONTHS

The capture in December of Pierre Carette, a 33-year-old printer, and three of his comrades appears to have severely cut into the strength of the Fighting Communist Cells, which over 14 months claimed responsibility for 27 bombing attacks on multinational companies, banks and NATO installations, including a strategic oil pipeline.

From the Saint Giles prison here, the four issued a communiqué acknowledging their membership in the Fighting Communist Cells and calling for "a resumption of combat" so that "the sparks sets the plain ablaze, so that the class struggle burns down history." But so far whatever militants remain at large—Mr. Gol said he thinks they are no more than a score—have done nothing more incendiary than call in bomb threats that have turned out to be false.

According to several people who knew him before he went underground in 1984, Mr. Carette was a Leninist visionary who repeatedly broke with other tiny leftist factions, regarding them as foolish or traitorous. But Mr. Carette, described by those who knew him as a cold, lonely and haughty man, seemed to have exercised a certain charisma over a small band of younger disciples.

"He considered himself a soldier of the revolution," said Michel Graindorge, a Brussels lawyer who knew him in the late 1970's through a defense committee for imprisoned members of the West German Red Army Faction. "Pierre never talked about love, happiness, art. For him it was the revolution."

WORKED WITH FRENCH TERRORISTS

Around 1982 in Bussels, Mr. Carette is said to have encountered two exiled founders of the French terrorist group Direct Action, Jean-Marc Rouillan and Nathalie Menigon, and a French revolutionary theorist named Federic Oriach. Briefly joining forces, the two bands staged holdups to raise money and shared, with remnants of the Red Army Faction, 1,760 pounds of dynamite stolen in 1984, according to Belgain and West German investigators.

In his printing plant on the Rue d'Albanie, Mr. Carette also turned out communiqués for a shadowy group called the Lebanese Armed Revolutionary Factions, which in 1982 assassinated a second secretary at the Israeli Embassy in Paris. This connection has led Belgian officials to explore possible links to Adu Nidal, the leader of an anti-Arafat Palestinian group that has carried out terrorist attacks in Belgium and boasted of ties to the Fighting Communist Cells.

While intrigued by Mr. Carette's international connections, Mr. Gol said the group appeared to be primarily a Belgain phenomenon. The terrorist leader, whose father is a member of the Belgian criminal investigation police and whose brother is a paratroop officer, appears to have broken ideologically with the Red Army Faction and Direct Action and did not sign a "Euroterrorist" communiqué issued by the two groups in January 1985.

"He had a megalomanic desire to be a revolutionary star," said André Dartevelle, a Belgian television journalist who has closely studied Mr. Carette and his terrorist group.

"POLITICS REPLACED BY WAR"

"In his vision, politics is always replaced by war. There are those who are correct—the revolutionary vanguard—and the rest, the bourgeoisie, the traitors, the unions. It is a perversion of Leninism, a revolutionary messianism—bizarre, magic, if you will."

For many peaceable people on Belgium's far left, the isolation of the Fighting Communist Cells was its most striking quality. Initially the group's communiqués prompted some leftists to criticize it as a right-wing band masquerading as Leninist. Solidaire, a Belgian Maoist publication, once ran a headline referring to the group by its initials in French, C.C.C.: "C.C.C.: Pronounce it C.I.A."

"The C.C.C. are politically isolated, swimming against the current," commented Roger Moël, a 30-year-old printer and anarchist who spent four and a half months in a Polish jail for smuggling a radio transmitter to Solidarity activists. "In Belgium, the social movements of the left are now in a moment of defeat. This sort of action was seen as a kind of revenge."

Some contend that it is not accidental that the terrorist group has its roots in French-speaking Wallonia, whose smokestack industries have been most sharply hit by what is known simply as "the crisis."

Mr. Carette comes from the stricken steel city of Charlerol, and a number of his sympathizers were young drop-outs on the fringes of Brussels' theater and university life.

A RELATIVELY LOW TOLL

Yet, while the group exalted violence, its actions took only two lives—two firemen called in to defuse a booby-trapped car parked in front of the Belgian employers' association on May 1. By contrast, a gang known as "the killers of Brabant" has killed 27 people, many of them women and children, in attacks on supermarkets and other public places since 1982.

The professionaly executed shotgun attacks and the inconsequential booty taken by the Brabant killers have persuaded some investigators that they may be a far-right commando group, perhaps composed of former policemen or military men.

THE PRESIDENT'S STAND ON SOUTH AFRICA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. EDWARDS of California. Mr. Speaker, I rise today to call upon my colleagues to once again look at the unjust, and unchanging system of apartheid in South Africa. That those who govern this system are unwilling to effect change should be inexorably clear. Yet, through its actions, or more appropriately through its inaction, the Reagan administration continues to tolerate a state of oppression.

What will bring about change, Mr. Speaker? How can each of us contribute to the end of the system of apartheid? As Bishop Desmond Tutu has aptly pointed out, the South Africans understand clearly the power of economic sanctions. The alternative to this is to continue an implied complicity with the Government of South Africa.

Mr. Speaker, as my colleagues know, the moment approaches to look again at the effectiveness of the President's Executive order which imposed token sanctions on South Africa. As this time approaches, I call upon my colleagues to take a very hard look.

With this in mind, Mr. Speaker, I would like to share with my colleagues a speech given by Prof. William B. Gould IV. Professor Gould made these remarks on the very special occasion of Bishop Desmond Tutu's visit to the Stanford Law School.

The text follows:

STATEMENT ON BISHOP TUTU'S ARRIVAL AT STANFORD, JANUARY 21, 1986

"[The government of South Africa plans] to restructure the historically determined hierarchical political system of apartheid into something based on the premise of divided power and joint structure in which discrimination—and this goes without saying—will have to go, but without jeopardizing the non-negotiables of the maintenance of group interest and aspirations within the wider context of security and stability."

So spoke the Minister of National Education, as he traveled to Ronald Reagan's Washington, in a speech described by Joseph Lelyveld in his brilliant book, Move Your Shadow: South Africa, Black and White. This is what passes for comprehensible English in what Julian Bond so aptly described as the only pigmentocracy on the face of the globe. Reforms are proclaimed—and even more important—vague intentions about future reforms are trumpeted, simultaneous with the systematic uprooting and removal of blacks from their homes and their consignment to the impoverished "homelands".

The unique immorality of what is now transpiring in South Africa is alarming enough. But, from the perspective of self interest, this country's adherence to any variation of "constructive engagement," however modified by Predident Reagan's 1985 executive order and its assumption that the apostles of apartheid can define the limits of reform, is both misguided and fraught with peril for our national interest.

True, it is both brave and foolish to write a scenario for South Africa. To say that armed revolution is not around the corner, however, tells us little indeed. But about three things we can be certain: (1) the end of minority white rule—its end is simply a question of when and how; (2) the mass movement whose fury has burst forth so dramatically for all the world to see in '84 and '85 will not dissipate; (3) the longer the transition to black majority rule takes, the more likely it is that violence and antidemocratic institutions will be associated with it. The short and long range prospects for South Africa are instability until apartheid is dismantled through negotiations with the genuine black leaders of that country—not the "homeland" puppets whom the Republic's unrepresentative leadership have selected for themselves.

The view that the South African government cannot be pressured or coerced flies in the face of its own conduct in the post-Soweto period. Economically, and psychologically it needs and craves contact with the West—particularly this country. The view that South Africa is impervious to pressure also fails to take into account, not only the unwillingness of all peoples throughout the world to accept oppression's yoke since 1789, but it also ignores the emergence of the United Democratic Front, a coalition of black unions, community organizations and religious organizations and the inspiration of the African National Congress which, *mirabile dictu*, began struggling for peaceful change in 1912 and still advocates a multi-radical society and accommodation in South Africa.

Change—that overused and misused word which appears so frequently in the South African media—is coming to South Africa. But it is the change which, as Anthony Lewis of the New York Times, so correctly noted, is a change in black attitudes—the courageous refusal of Winnie Mandela to comply with her banning order and the willingness of black union leaders to advocate divestiture.

One of the most significant elements of change in my view is the emergence of a free black trade union movement which is now more than a half million members strong. Because the South African government still rules by terror through its internal security legislation and bannings and because of the vast reserve army of unemployed who are desperate to take the jobs of striking black workers, its impact to date is limited. The National Union of Mine Workers, who just four years ago only existed on paper, now boasts hundreds of thousands of members! And in my judgment this movement, which only a few months ago took an important step forward towards unity through the formation of a new national federation has and will be the focal point for grievances, protest and organization—just as similar organizations have played that role in Poland, Chile and Brazil. Our country's government, labor movement and private citizens should do all in their power to provide aid and comfort to this new black political opposition.

But simultaneously, as Bishop Tutu has noted, we must apply economic pressure—both the threat of it and the implementation of stern measures if necessary. The Republic of South Africa understands the language of sanctions. That is why it opposes them so fiercely. And South Africa can indeed be pressured. The fall of the rand to 41 cents as American banks refused to roll over the debt this past year gives the lie to the idea that sanctions are inevitably counterproductive.

The alternative is continued complicity with the South African government. By both word and deed, speeches and exports, the Reagan Administration, despite its professed abhorrence of *apartheid*, has assisted Mr. Botha and his government's policies. As Bishop Tutu said in Atlanta this week, black South Africans will "remember" who their friends were in their hour of struggle. As Breyten Breytenbach, the Afrikaans poet has said "the rulers [of South Africa] are destabilizing and ruining the region. • • • They are destroying the credibility and the viability of Western values. They are endangering in the long run, whatever strategic and financial interest the West may have in the area."

It is an honor and pleasure to be here at this historic commemoration of Dr. Martin Luther King and the speech of Bishop Desmond Tutu, whose lives epitomize what is best and brave about the struggle for justice throughout the world. They have dramatized the Christian call for social justice and bring to mind Christ's statement: "Come unto me all ye that travail and are heavy laden and I will refresh you." We honor this commitment if we go forward tonight with both prayerful consideration and renewed vigor in the struggle against injustice at both home and abroad.

ITALIAN AMERICANS: DESCENDANTS OF A GREAT CULTURE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. BIAGGI. Mr. Speaker, we are a nation of many ethnic groups, all of whom have contributed in many different ways to the growth and prosperity of our great Nation. As the son of Italian immigrants who came to this country through the gates of Ellis Island so many years ago, I find great pride that Italian Americans were the focus of an extraordinary film recently released by Anheuser-Busch entitle, "Italian Americans: Descendants of a Great Culture."

It is not possible for any one film to completely cover the broad range of contributions made by Italy to the work and to Americans of Italian descent to the building of a Nation; however, the Anheuser-Busch film has managed to capture the heart, spirit, and pride of a people who have given us some of our greatest scientists, artists, educators, entertainers, soldiers, business leaders, politicians—and the list goes on and on. It may be of interest to note that today, Italian Americans can be proud that citizens across the country have elected 34 Members of Congress from Italian origin, one of which I am proud to be. These men and women serve with honor and distiction on some of the most important legislative and policymaking committees of the Congress. Italian Americans now chair five major committees—Foreign Affairs, Judiciary, House Administration in the House; the Budget Committee in the other body and the Joint Committee on the Library.

"Italian Americans: Descendants of a Great Culture" premiered here in Washington last year at the 10th anniversary of the National Italian American Foundation, a vital organization that I also serve as a member of the board of directors. Since that time Anheuser-Busch has made the film available to every one of its 960 distributors in the United States. Additionally, they have offered it for viewing at no charge to over 250,000 schools, clubs, and organizations throughout the country.

I hope that my colleagues in the Congress have an opportunity to view this special film. Credit for its production must go to board chairman August A. Busch III, for providing an environment at Anheuser Busch for this project, as well as to Anheuser-Busch president Dennis P. Long, executive vice president for marketing Michael Roarty, and Michael LaMonica, the son of Italian Immigrants who, as vice president; marketing staff, helped to encourage, organize, and promote this film project. Joseph Creaturo deserves special credit for writing the script, for, "Italian Americans: Descendants of a Great Culture," a film which can made us all proud.

GENEVA UPDATE: ACTION ON ARMS CONTROL NEEDED

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. FASCELL. Mr. Speaker, as I indicated in my floor statement of November 13, 1985 (page E5242), the Committee on Foreign Affairs will be issuing periodic unclassified updates of the status of the Geneva arms control negotiations. Following my remarks is an updated chart that summarizes the major highlights of the Soviet proposal announced on June 15, 1985, by Soviet leader Gorbachev which calls for the ultimate elimination of all nuclear weapons.

While very cognizant of Soviet propaganda efforts, I am pleased that the President found the proposal constructive and has pledged to examine it at the Geneva Arms Control Talks—an approach which I have long been advocating.

Beyond such an examination, however, the administration should direct our negotiators in Geneva to take a more aggressive and assertive posture in the current fourth round of talks in Geneva. Specifically, the United States should:

First, seek the resumption of bilateral comprehensive test ban [CTB] negotiations because it is naturally complementary to the overall objective that Geneva seeks;

Second, propose a comprehensive verification package that would force the Soviets into concrete action on Gorbachev's offer of onsite inspections and "any other additional verification measures;"

Third, obtain a mutual reaffirmation of both superpowers to adherence to SALT II and to the longstanding interpretation of the ABM Treaty;

Fourth, press United States concerns on Soviet compliance through the private diplomatic channels of the Standing Consultative Commission [SCC] and reject Pentagon recommendations to abandon United States adherence to existing arms control agreements;

Fifth, accelerate efforts to achieve a verifiable ban on chemical weapons by agreeing as a first step to prohibit the production of new chemical weapons and to impose common export controls.

Seeking the immediate resumption of bilateral comprehensive test ban negotiation is one of the primary directives of House Joint Resolution 3 which enjoys broad bipartisan support of 208 cosponsors in the House of Representatives. With its full and strong support, the House leadership has scheduled floor consideration of House Joint Resolution 3 later this month.

Favorable passage and acceptance of this arms control objective which has been backed by every President since Eisenhower would go a long way to determining the genuineness of the Soviet call for a nuclear test ban. Without a forthcoming administration commitment to CTB negotiations, the only propaganda winner is the Soviet Union and the only loser is the United States.

SOVIET PROPOSAL, JANUARY 1986 [1]

1986	1990	1995	2000
	1st stage	2d stage	3d stage
Strategic	Reductions proposed in Oct 85 begin, and continue over a period of 5–8 years. Procedures for dismantling and destruction are to be agreed upon; verification is to be by NTM, OSI and other measures. Reductions are contingent on space weapon ban.	Reductions proposed in Oct 85 continue and are completed 5–8 years after their initiation.	All strategic nuclear weapons are eliminated by 2000.
INF	U.S. and U.S.S.R. eliminate medium-range ballistic and cruise missiles (including U.S. P–IIs and GLCMs, and Soviet SS–20s) in Europe, but not elsewhere; missiles withdrawn would be destroyed; U.S. and U.S.S.R. pledge not to supply medium-range missiles to their allies. France and Britain freeze their nuclear arsenals. Eliminations are contingent on space weapon ban.	U.S. and U.S.S.R. implement further measures to eliminate medium-range nuclear weapons including aircraft and they freeze tactical nuclear arms, i.e., those with ranges of 1000 km of less.. All nuclear powers eliminate tactical nuclear weapons when the 50% reductions in U.S. and Soviet strategic arsenals are complete. Certain tactical nuclear carriers could be converted to conventional systems rather than destroyed.	All nations' medium-range and tactical nuclear weapons are eliminated by 2000.
Space and defense	U.S. and U.S.S.R. renounce development, testing, and deployment of space strike weapons. Implementation of this measure is necessary for the reduction and liquidation of all nuclear weapons.	"Leading industrial powers" join agreement banning space strike arms; participation by other nations is optional.	
Other measures	U.S. and U.S.S.R. end nuclear testing.	All nuclear powers join test ban. A ban is instituted on the creation of arms which are based on new physical principles, and which have high casualty-producing capabilities.	

[1] Based on statement by Gorbachev on Jan. 15, 1986, and on press conference by Korniyenko, Akhromeyev, and Zamyatin on Jan. 18, 1986.

Source: Prepared by Charles Gellner and Jeanette Voas January 27, 1986.

PROTECT US FROM PESSIMISTS

HON. RICHARD ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. ARMEY. Mr. Speaker, as we begin our descent down the slippery slope of increased trade barriers toward the quicksands of protectionism, I found this article to be a foothold on reality. Since I have made this argument at every opportunity, I highly recommend the following statement by David Gergen:

In their delightful book, "The Experts Speak," Christopher Cerf and Victor Navasky collect a memorable series of pronouncements that were authoritative, profound—and wrong:

"This is the biggest fool thing we have ever done," Adm. Bill Leahy told President Truman in 1945 about the Manhattan Project. "The bomb will never go off, and I speak as an expert in explosives."

"Space travel is utter bilge," said the Astronomer Royal of Britain two years before Sputnik.

And the last words of General Sedgwick during the Civil War: "They couldn't hit an elephant at this dist . . . ."

These addlepated predictions come to mind again as debate heats up over U.S. trade. The Reagan administration will soon unveil a new trade strategy. It will penalize foreign interests who dump goods on our economy. It will seek better ways to help U.S. workers displaced by imports. But it will also insist on free trade, as the President courageously did in late August with his shoe decision.

Protectionists will no doubt dismiss the President's new strategy as too little, too late. They predict that unless we erect new import barriers along the shores, jobs will be forever lost, industries will crumble and states will die.

The protectionists are wrong on many counts. A trade war will wind up hurting far more Americans than it helps. It is estimated, for example, that had Reagan caved in on shoe imports, our consumers would have had to pay as much as $26,300 for each job preserved in the U.S. shoe industry.

But at a deeper level, the protectionists are wrong because they have so little faith in the dynamism of the American enterprise system. Over the years, pessimists have again and again written off parts of the country, only to be embarrassed by their comebacks.

For years, as its textile and leather industries collapsed, Massachusetts was dismissed as an economic basket case. Today, thanks to an innovative high-tech industry married to high-powered universities, Massachusetts is enjoying an economic renaissance. Workers in some companies such as Wang have recently been laid off, but so many other new jobs are opening up that state unemployment is the lowest in the country.

In Pittsburgh, where steel is in the doldrums, there is new hope for a burgeoning software industry. Michigan is reviving. North Carolina and Tennessee, once considered provincial backwaters, are bouncing ahead.

In an enlightening series of recent articles, editors of the *Chicago Tribune* found that the one unifying theme in these stories of economic rebirth is education: Where business has been closely linked to strong

educational centers, it has thrived in today's economy.

David Birch, an MIT professor and the man who first discovered that small firms are creating the bulk of the country's new jobs, says that the new force in the economy is the "high-innovation sector." Birch told the *Tribune* that "the primary ingredient here is thinking, what I call 'thoughtware,' which is knowledge and its application."

"We have a tradition of wild and crazy people. Japan doesn't have this tradition," says Birch. "We have an enormous comparative advantage." Often settling near major universities, innovative companies are springing up not only in the computer and communications fields but also in coal mining, paper mills, textiles, preserved foods, bicycles and even steel, where minimills are succeeding. "The major resources are brains," says Birch.

Congress should pay heed when it returns to work this September. The country does not need new trade restrictions imposed by Washington in order to preserve its economic base. It needs a government that has the guts to put the nation's finances in order. And it needs policies from Washington that encourage better education, more innovation—and freedom for our producers to work their own magic in the marketplace.

LET'S BE FRANK ABOUT THE FRANK

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. WISE. Mr. Speaker, today I am introducing a bill entitled, "Let's Be Frank About the Frank." My legislation would amend the rules of the House to require that a quarterly statement of the size and postage cost of each mass mailing by a Member of the House be published in the CONGRESSIONAL RECORD.

The Senate has begun quarterly disclosure of their mass mailing costs, and House Members need to make their mailing costs public as well. I point out that my bill simply requires that the number of pieces and the cost of franked mass mailings be published quarterly in the CONGRESSIONAL RECORD. My bill is less onerous than Senate Concurrent Resolution 91, which passed the Senate in December. The Senate bill requires the number of pieces mailed and the total postage costs, as well as other operating costs incurred as a result of mass mailings which include direct labor and managerial overhead, supplies and materials and the prorated value of equipment.

I don't believe it is necessary to include such items as prorated value of equipment in order to determine how much was spent on the frank. I'm just interested in making this information part of the public record. My bill is straightforward and clear: Let's be frank about the frank and disclose our postage costs to the taxpayers.

My mailing costs for the last quarter were as follows: Total postage cost was $10,271 and total number of pieces were 94,200.

H. RES. 377

Resolution amending Rule XLVI of the Rules of the House to require that a quarterly statement of the size and postage cost of each mass mailing by a Member of the House be published in the Congressional Record

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Let's Be Frank About the Frank Resolution".

SEC. 2. AMENDMENTS TO RULE XLVI.

Rule XLVI of the Rules of the House is amended—

(1) by redesignating clause 7 as clause 8; and

(2) by inserting after clause 6 the following new clause:

"7. In accordance with regulations prescribed by the House Commission on Congressional Mailing Standards, there shall be published in the Congressional Record, at the earliest opportunity after the close of each calendar quarter, a statement of the number of pieces in, and the cost (computed under clause 1 of this Rule) of, each franked mass mailing by each Member during such quarter.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply with respect to calendar quarters beginning with the first quarter after the quarter in which this resolution is agreed to.

RULE XLVI

LIMITATIONS ON THE USE OF THE FRANK.

1. Any franked mail which is mailed by a Member under section 3210(d) of title 39, United States Code shall be mailed at the equivalent rate of postage which assures that such mail will be sent by the most economical means practicable.

2. After December 31, 1977, the total number of pieces of mail which may be mailed as franked mail under section 3210(d) of title 39, United States Code, during any calender year by a Member entitled to mail franked mail under this subsection may not exceed an amount equal to six multiplied by the number of addresses to which such mail may be delivered, in accordance with paragraph (4) of section 3210(d) of title 39, United States Code, in the area from which such Member was elected. Any mail matter which relates solely to a notice of appearance or a scheduled itinerary of a Member in the area from which such Member was elected shall not count against the limitation set forth in the preceding sentence.

3. any Member entitled to mail franked mail under section 3210(d) of title 39, United States Code, shall, before making any such mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether such proposed mailing is in compliance with provisions of such section.

4. Any mass mailing which otherwise is frankable by a Member under the provisions of section 3210(e) of title 39, United States Code, shall not be frankable unless the cost of preparing and printing such mass mailing is defrayed exclusively from funds made available in any appropriations Act.

5. In the case of any Representative in the House of Representatives, other than a Representative at Large, who is a candidate for any statewide public office, any mass mailing shall not be frankable under section 3210 of title 39, United States Code, when the same is delivered to any address which is not located in the area constituting the congressional district from which any such individual was elected.

6. In the case of any Member, any mass mailing shall not be frankable under section 3210 of title 39, United States Code, when the same is mailed less than sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which such Member is a candidate for public office

7. For purposes of this rule, the term "Member" means any Member of the House of Representatives, a Delegate to the House of Representatives, or the Resident Commissioner in the House of Representatives.

This rule was adopted by the House on March 2, 1977 (H. Res. 287), 95th Cong., pp. 5933-53). In the 95th Congress an advisory opinion promulgated by the Select Committee on Ethics interpreting this rule was inserted in the Record (Apr. 21, 1977, pp. 11617-19).

PROBLEMS IN HAITI

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. GARCIA. Mr. Speaker, the crisis that has been brewing in Haiti is coming to a head. This is not surprising since the present state of affairs in Haiti is appalling.

Among other things, Haiti has the lowest per capita income of any nation in this hemisphere. Part of the reason for this is that it has been ruled too long by the Duvalier dynasty. The repression of President-for-life, Jean-Claude Duvalier, and his father before him, is infamous, as is the brutality of his security forces, the Tontons Macouts.

I am submitting for the RECORD two articles on Haiti and its present difficulties. I hope my colleagues will take a moment to read them and to also lend their support for the Haitian people's struggle to be free:

[From the New York Times, Feb. 5, 1986]

ONCE MORE, DUVALIER LETS LOOSE THE "BOGEYMEN"

(By James Brooke)

PORT-AU-PRINCE, HAITI, February 4.—Haiti's President, moving to put down widespread popular unrest, has turned to a feared secret police unit that he previously restrained out of concern for the country's human rights image.

The police, known as Tontons Macoutes, have assumed most of the patrols in this capital, either strolling the sidewalks, rifles slung over their shoulders, or speeding through the streets in unmarked cars.

The state of siege declared here last week gave them power of detention and, some say, license to kill. Haitians and foreigners here say that many of the estimated 50 people killed in Port-au-Prince since Friday were shot by the Tontons.

"I went into my favorite restaurant Monday and asked where my regular waitress was," said an American who has been a longtime resident here. "They said that after closing time on Friday she was on a sidewalk when a carload of Tontons drove by and sprayed her with eight bullets from an Uzi."

FEARSOME REPUTATION REGAINED

Whether the reports are based on rumor or fact, the Tontons—the name means "bogeymen" in Haitian Creole—have regained the fearsome reputation they had during the heyday of François (Papa Doc) Duvalier, the father of the President, Jean-Claude Duvalier.

When the father was President, the Tontons were largely given free rein to torture and murder perceived opponents of his regime.

After his death in 1971, his son took over and curbed the arbitrary power of the Tontons, seeking to improve Haiti's negative human rights image in the world. Even so, the State Department decided last week to cut back aid to Haiti because of human rights abuses.

The Tontons still provided the backbone of security, but they generally acted with less overt violence. Last July, for example, they helped guard polling places in a national referendum in which, the Government says, 99.9 percent of the voters approved the President's life term in office.

But last month, when rising popular unrest almost forced Mr. Duvalier to flee Haiti, his father's former advisers, known here as the old guard, reportedly counseled him to reapply the old methods.

COUNTERWEIGHT TO THE ARMY

For almost 30 years, the Tontons have provided the Duvaliers with their most reliable base of support.

Formed after a failed military coup in July 1958, the Tontons, officially known as the Volunteers for National Security and sometimes referred to here as the V.S.N., the organization's initials in French, were intended by François Duvalier to serve as a political counterweight to the army.

Dressed in blue uniforms and red scarves, they are divided into two ranks, commanders and volunteers. In the capital, both ranks receive some sort of compensation, but in the interior they live off what they can extort from the peasantry.

Today the Tontons number about 15,000—almost twice the size of the 8,000-man army. They report directly to Mr. Duvalier, and their head, Madame Max Adolphe, is not seen here as a political threat to the President because of her sex.

In recent months, Mr. Duvalier has made several appeals for unity between the two security forces, but the Tontons have been responsible for most of the repression in recent weeks. Protesters have made open appeals to the military to depose Mr. Duvalier.

MORE FAITH IN THE TONTONS

"One has the impression that he has more faith in the Tontons than in the army," said Gérard Gourgue, a lawyer who heads the Haitian League of Human Rights.

Faced last week with losing control of the country, Mr. Duvalier evidently decided to unleash the Tontons.

"The Tontons Macoutes are not playing anymore—they are killing people," said a Haitian tourist guide who would give only his first name, Pierre.

"The Tontons Macoutes are taking their revenge around town," said a European priest who lives here.

To date, only seven bodies of people killed in the violence have been found in city morgues, and the Government has not made public an official death toll.

Rumors abound that the Tontons have disposed of the bodies in their own fashion. When asked where the bodies are put, several Haitians talked about a marsh near Tintanyin, a small village 10 miles north of here on Route Nationale 1.

THEY THROW THEM IN PITS

The European priest said he had been to the site several times to search for the remains of missing parishioners.

"They bring in the bodies in pickup trucks," he said. "They throw them in pits, pour calcium on the bodies and then cover them with a thin layer of soil."

Mr. Gourgue described the Tintanyin marsh as a "special cemetery for the indigent and people murdered by the police."

"The police can't throw the bodies in the sea because they will come back," he said.

On Monday afternoon, several villagers at Tintanyin described the cemetery as a regular dumping ground for victims of the Tontons Macoutes.

On Route 1, near the village, a billboard carries the highway safety message, "Prudence: the road kills." Five hundred yards down a dirt road strewn with broken glass and rusted machinery there was a macabre scene.

About 20 human skulls, numerous human bones, shreds of clothing and a woman's purse littered a 100-square yard area.

The bones had long since dried white in the sun. But three mounds were composed of freshly turned black earth that contrasted sharply with the rain-beaten and tan-colored soil surrounding them.

Ten feet away was a three-foot-deep burning pit with two charred skulls at the bottom. The ashes were fluffy and dry.

Although it was impossible to tell when the pit was dug or the mounds made, it is known that the last time it rained here was Friday night.

SMALL HOLES IN THE SKULLS

Without excavating the mounds it is impossible to tell if they contain bodies. The site is distant from houses and local residents interviewed said they had not witnessed any recent burials there.

Three of the dried skulls lying on the ground were punctured by small holes that could have been bullet holes.

In the capital, Guy Mayer, a Government spokesman, said it was "the first time I heard of this in reference to the Tintanyin site."

"Without the facts I don't know what to say," he said. But he also added that he did not know if there would be an investigation.

Mr, Gourgue took a different point of view.

"On Friday they killed up to 50 people or more in Port-au-Prince," he said. "They were picked up like animals and thrown in trucks. Those people are certainly buried in those mounds,"

Mr. Gourgue said he had not visited Tintanyin, which is midway between Duvalierville and a town called Bonrepos, which translates as "sweet rest,"

[From the Washington Post, Feb. 6, 1986]

DUVALIER ACTS TO COUNTER SHUTDOWN OF KEY INDUSTRIES

(By Keith Richburg)

PORT-AU-PRINCE, HAITI, February 5.—Facing an economic crisis caused by the political tension that has shaken Haiti, embattled President-for-Life Jean-Claude Duvalier today invoked an emergency decree to threaten fines or prison for businessmen who refuse to reopen their shops and factories.

Shopkeepers had begun closing yesterday, reportedly after receiving telephoned threats against their property.

Today, many seemed to comply with the new order and opened their businesses, but the government here faced a potentially more severe economic threat as crucial light industries responded to the pressures of political unrest.

More than 200 plants operate here, taking advantage of Haiti's low wages to assemble items for reexport, mostly to the United States. The plants, which with tourism are the main sources of foreign exchange, began closing yesterday after some reportedly received threats.

Some assembly firms have lost contracts because of the unrest and some foreign managers have left the country, according to foreign analysts. There were reports today that the little remaining investment capital in Haiti was draining away.

Armed security personnel walked the streets of the business district this morning, informing store owners about the decree and the possible penalties unless they opened.

But even those who opened today left their iron shutters and protective metal grates pulled near shut. Some who agreed to be interviewed said they were caught in a dilemma, fearing both opposition elements who have threatened them if they opened and government reprisals if they did not.

"We are open because the Ton-Tons Macoutes came around and told us that we had better open or face the consequences," said a 47-year-old accountant, who insisted on speaking in English rather than French or the native Creole.

"The businessmen are threatened on both sides. The government right now has the big stick, because under the state of siege, all constitutional rights are suspended. If you get shot in the street right now, you have no rights," he said.

"The word was passed around today that we'd better open or else," said the owner of a downtown boutique. "So what can we do? Everybody is open today."

But about 20 percent of the light assembly plants remained shut, and some of those that that did open were not at full production.

Some American companies here closed yesterday after receiving telephone threats, usually in French, saying their property would be bombed or burned if they stayed open, according to well-informed sources. The calls are presumed to have come from antigovernment protesters trying to keep alive the momentum of the anti-Duvalier movement that mushroomed here over the weekend but was seemingly put down after a state of siege was declared Friday.

One western diplomat here said that the American firms that closed were basically following the lead of their Haitian counterparts. The largest American firm here that closed was GTE Sylvania, an electronics concern. Some textile industries did also.

The assembly sector is the only part of the economy to have grown in recent years. With Haiti's low wages—minimum wage here is about $3 per day and the average wage is only slightly higher—many firms find it profitable to ship components here for assembly and reexport.

About 60,000 work in this field, which now accounts for an estimated 16 percent of national income. About 85 percent of the components come from the United States. And about 95 percent of the products assembled,

from electronics to handbags and leather goods, return there.

The business slowdown was already having its effect on the capital today, with prices escalating for some basic foods and shortages reported in some areas.

In forcing the shops to reopen, Duvalier invoked a 1957 decree that his father, Francois Duvalier, often used in the past to crush general strikes and uprisings.

Today's joint communique from the ministries of Interior and Commerce said the government "reminded" businesses of the decree and "invited" them to stay open. It said the government will "rely on the good will of businessmen to resist antipatriotic blackmail."

In a separate communique, the government promised to help businesses with tax exemptions and loans if they suffered damages during the looting that erupted during last week's protests.

The business community has emerged as a key player in this most severe test of strength of Duvalier's dictatorship. "Businesses have been concerned about the deterioration of the business climate," said the informed western diplomat. "They have been concerned about the fact that conditions in the country have been aggravated. They know people are hungry and people need jobs."

The Associated Press added:

President Jean-Claude Duvalier requested political asylum in Greece and Spain, and shelter in Switzerland, and was turned down by all three European countries, government spokesmen said yesterday.

In Athens, spokesman Militiades Papaioannou said Duvalier asked for "political asylum and a residence permit in Greece." The request was made within the last several days through the Greek Embassy in Venezuela, he said.

Papaioannou did not comment on why the request was rejected.

In Bern, the Swiss government said Duvalier asked to visit Switzerland with his family and an entourage of 50. A brief announcement by the Cabinet secretariat said the decision to bar the delegation was taken by the seven-member federal executive.

Spanish Foreign Ministry spokesman Inocencio Arias said a request for asylum came through a Spanish embassy in another European country. The request was turned down.

TRIBUTE TO JOSEPH M. GIGLIO

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. TORRICELLI. Mr. Speaker, I rise today to honor Mr. Joseph M. Giglio. He was recently named "Man of the Year" by the New Jersey chapter of the National Italian American Sports Hall of Fame.

Mr. Giglio has held many distinguished positions in both the public and private sector. Honoring him as "Man of the Year" is a most fitting way of recognizing the achievements of this warm, caring, highly motivated, and intelligent individual.

A respected leader in the finance industry, Mr. Giglio served as a cabinet member under Gov. Hugh Carey and as the chief financial officer of one of New York City's largest public benefit corporations.

As a public servant, Joseph Giglio has been involved in a wide variety of projects. He is currently serving as chairman for the Senate Budget Committee's private sector advisory panel on infrastructure financing. Most recently, Mr. Giglio was appointed by the Senate as a member of the National Council on Public Works Improvement.

At the State and local level, Mr. Giglio serves in numerous capacities. He has been closely involved with the development of the proposed New Jersey Infrastructure Bank, as well as with efforts to create other cost-effective infrastructure financing techniques in the States of Massachusetts, Washington, New York, and Connecticut. He also serves on the board of directors for the Orphan Drugs Foundation, the Small Business Foundation of America, Inc., and Continental Health Affiliates, Inc., as well as several other important organizations.

The many achievements of Joseph Giglio would fill several volumes. He is truly a man deserving of the National Italian American Sports Hall of Fame "Man of the Year" award. The accomplishments of Joseph Giglio deserve to be recorded in history as part of the CONGRESSIONAL RECORD.

It is, therefore, with great honor and pleasure that I join with so many of Joe's friends in honoring him with this distinguished award.

LAW ENFORCEMENT OPPOSES S. 49

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. GREEN. Mr. Speaker, during the past few weeks, Mr. Speaker, I have received a number of letters and postcards from law enforcement officials and constituents urging me to oppose the McClure-Volkmer antigun control legislation, S. 49. As you know, the bill's supporters currently are attempting to gain the necessary 218 signatures to discharge the bill from the House Committee on the Judiciary.

I am very much opposed to the McClure-Volkmer bill, and I am concerned about the prospects of a successful discharge petition. I am happy to report, however, that those of us in the Congress who are strong supporters of gun control legislation are not alone in our opposition to S. 49. For the benefit of my colleagues, Mr. Speaker, I am inserting into the RECORD a copy of an editorial in the February 2, 1986 edition of the New York Times which cites the strong opposition to the bill on the part of our Nation's principal law enforcement organizations, including: Federal Law Enforcement Officers Association, Fraternal Order of Police, International Association of Chiefs of Police, International Brotherhood of Police Officers, National Association of Police Organizations, National Organization of Black Law Enforcement Executives, National Sheriff's Association, National Troopers' Coalition, Police Executive Research Forum, and the Police Foundation.

I believe that every Member of the House of Representatives should understand that the major law enforcement organizations in the United States are opposed to the McClure-Volkmer bill—legislation which would weaken drastically our Nation's current gun control laws. As the Law Enforcement Steering Committee Against S. 49 noted last month, "the McClure-Volkmer bill would pose an immediate and unwarranted threat to the law enforcement community." I urge my colleagues to read with great care the New York Times editorial:

The editorial follows:

[From the New York Times, Feb. 2, 1986]

COPS AGAINST GUNS

"For every Tom, Dick and Dirty Harry," smirks the Connecticut gun shop's newspaper ad. What it's offering on sale are .44 magnums, heavy-duty handguns that have nothing to do with target shooting. No wonder the nation's police, once allies of the gun lobby, are up in arms.

The National Rifle Association and other gun supporters are pushing legislation that would make it easier for the Toms, Dicks, and Harrys to buy those magnums. The measure is the McClure-Volkmer bill, which the gun lobby calls a reform but the police call the "Gun Dealers Protection Act of 1986."

The bill, passed by the Senate, would eliminate the current Federal prohibition on selling guns to out-of-staters, would reduce gun-sale record-keeping and tie the hands of Federal agents investigating dealers who flout the rules. Chairman Peter Rodino has vowed to keep the bill bottled up in his House Judiciary Committee, but the gun lobbyists have collected more than 150 signatures of the 218 needed for a discharge petition.

That's why representatives of 280,000 police officers around the country went to Washington last week to ask signers of the petition to reconsider. Their message was simple: The link between criminality and access to guns is as clear as the link between smoking and cancer. By what conceivable logic can Congress decide to support its local gun dealers instead of supporting its local police? Or, for that matter, public safety?

THE FIREARMS OWNER'S PROTECTION ACT RESTORING THE RIGHTS OF LAW ABIDING GUN OWNERS

HON. RICHARD ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. ARMEY. Mr. Speaker, balancing the scales of justice requires great diligence and steadfast perseverance. It is not an easy job; it is never finished. The balance that exists between the rights of the accused and the protection of the innocent is indeed delicate. Nowhere is this more pronounced than in the debate over gun control.

In the area of violent crime the scales have been tilted in favor of the guilty. In our quest for justice we must guard the rights of the innocent first. We do not take cars away from law-abiding citizens to eliminate drunk drivers. If we ever do, we can safely assert that the insane are running the asylum.

Out of our frustration in failing to deal a serious blow to violent crime we have grabbed the ax instead of the scalpel. Trying to respond to violent criminals we have taken the gun out of the law abiding citizen's hands and given it more force in the hands of the criminals.

I'm pleased to join Mr. VOLKMER and 165 of our colleagues in cosponsoring the Firearms Owner's Protection Act. I would urge all of my colleagues who support this legislation to sign the petition which would bring the bill to the floor for a vote. The people of my district have made it clear: They value their second amendment rights, and they want them back.

There are some inequities in the current law that the McClure-Volkmer bill would correct. Currently a good, solid, law abiding citizen could be charged with a felony for a slight omission or mistake. This bill would clearly define criminal intent and only then could an individual be charged with a felony. This is a necessary protection of the innocent.

Current law is also unique in this area in that searches and seizures can take place without probable cause. Again, McClure-Volkmer would provide clarification that would protect the innocent.

Finally, because of problems in current law, many of our sportsmen must avoid certain States and localities on their way to another location. This is unnecessary and a costly burden to sportsmen.

Mr. Speaker, the time has come to balance the scales of justice and reaffirm the rights of law abiding citizens. Restricting the rights of the innocent while trying to respond to the guilty will only make the problem worse. Let's bring McClure-Volkmer to the floor so we can right this wrong and restore the rights of America's law abiding gun owners.

AIRPORT SECURITY BEGINS AT HOME

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. BIAGGI. Mr. Speaker, today I am introducing a comprehensive bill aimed at beefing up security at U.S. airports. Very similar legislation is also being introduced in the Senate today by my good friend from New York, AL D'AMATO.

Recent terrorist attacks have sparked us to demand tighter security at foreign airports, but we seem to be overlooking glaring airport security deficiencies here at home. Just yesterday, a knife-wielding man commandeered a Delta Air Lines jet and held 232 people hostage at the Dallas-Fort Worth Airport. Obviously, airport security failed to prevent this life-threatening situation, just as it failed to prevent some 98 hijackings of U.S. aircraft since 1974, an average of nine per year.

There are signs the situation may get worse. During the first 6 months of 1985, the number of firearms detected at U.S. airports was 14 percent above average—1,448 firearms detected between January 1 and June 30, 1985, versus an average of 1,269 weapons detected during the previous 10 6-month reporting periods. This is reason for alarm.

That is why I have authored the Airport Security Improvement Act of 1986, which has five major provisions. First, it would exempt Federal Aviation Administration [FAA] civil aviation security programs from automatic Gramm-Rudman budget cuts.

Second, it would increase by 200—from 236 to 436—the number of FAA civil aviation security personnel, which would include Federal air marshals and airport security agents, during fiscal year 1986. Right now, there are only 236 FAA security inspectors to monitor security at 400 U.S. airports and at another 250 foreign airports.

Third, my bill would require monthly FAA security inspections of all 20 U.S. international airports. Currently, these inspections are only done quarterly.

Fourth, the maximum penalty for violating FAA security regulations would be increased from a $1,000 civil fine to a $10,000 fine, with these revenues used to enhance civil aviation security programs—presently fines go to the General Treasury fund. It is ludicrous to think that a $1,000 fine imposed on an airport or airline will somehow help to deter security violations; and it should be noted that the current $1,000 fine is the extreme. Between January 1 and June 30, 1985, the number of alleged security violations by air carriers, airports, and individuals totaled 1,791, with 150 resulting in civil penalties totaling $51,795, or an average of only $345 per fine.

Fifth, this bill would provide a substantial pay increase for FAA police officers, who serve Washington National and Washington Dulles airports. In addition, it would separate FAA police from the general service pay schedule, which is under the control of the Office of Personnel Management, and establish a separate pay system for these officers. A recent General Accounting Office study blamed low pay for severe police understaffing problems at Naitonal and Dulles airports. The study recommended that OPM approve higher wages for the FAA police, but OPM rejected the idea, saying that FAA police were not underpaid, all other police forces were overpaid. With such a mentality to contend with, the security situation at National and Dulles airports will not improve as long as OPM controls the pay scale for FAA police officers.

Mr. Speaker, my 23-year New York City police career taught me that acceptable levels of security can only be assured with adequate financial and manpower resources, careful monitoring of existing security systems, and tough penalties that serve as a deterrent to security violations. U.S. airport security falls short in these important areas and the bill I have authoredwould greatly improve this situation. I strongly urge that it receive the prompt and favorable consideration it deserves.

At this time, Mr. Speaker, I wish to insert the full text of this legislation:

H.R.—

A bill to improve airport security by increasing the number of FAA security personnel and the number of airport inspections by such personnel, by exempting FAA security programs from automatic budget reductions, by increasing civil penalties for violations of security regulations, and by improving the pay scale for FAA police, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport Security Improvement Act of 1986".

SEC. 2. MONTHLY INSPECTION OF UNITED STATES INTERNATIONAL AIRPORTS.

(a) IN GENERAL.—Section 316 of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new subsection:

"INSPECTION OF UNITED STATES INTERNATIONAL AIRPORTS

"(g) The Administrator shall, not less often than once every 30 days, inspect each airport in the United States serving aircraft in foreign air transportation for the purpose of determining compliance of the airport operator and each air carrier and foreign air carrier serving such airport with this section and section 315 and the regulations promulgated under each such section.".

(b) TABLE OF CONTENTS.—That portion of the table of contents of the Federal Aviation Act of 1958 appearing under the side heading

"Sec. 316. Air transportation security."

is amended by adding at the end the following: "(g) Inspection of United States international airports.".

SEC. 3. INCREASE IN NUMBER OF SECURITY PERSONNEL.

The Administrator of the Federal Aviation Administration shall increase the number of civil aviation security personnel employed by the Federal Aviation Administration to 436 by the end of fiscal year 1986. There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 4. EXEMPTION OF SECURITY PROGRAMS FROM AUTOMATIC REDUCTIONS.

Section 255(g)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting after the paragraph relating to the Exchange stabilization fund the following: "Federal Aviation Administration, civil aviation security programs;".

SEC. 5. INCREASE IN CIVIL PENALTIES FOR SECURITY VIOLATIONS.

(a) IN GENERAL.—The first sentence of section 901(a)(1) of the Federal Aviation Act of 1958 is amended by striking out the period at the end and inserting in lieu thereof the following: "or for each violation of section 315 or 316 or any rule, regulation, or order issued thereunder.".

(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—There is authorized to be appropriated to the Administrator of the Federal Aviation Administration for carrying out civil aviation security programs, in addition to any other amounts authorized for such purpose, an amount equal to the amount of any penalty collected under section 901(a)(1) of the Federal Aviation Act of 1958 for violation of section 315 or 316 of

such Act or any rule, regulation, or order issued thereunder.

SEC. 6. FEDERAL AIRPORT POLICE PAY SCALE.

(a) ESTABLISHMENT OF PAY SCALE.—

(1) IN GENERAL.—Subchapter VII of chapter 53 of title 5, United States Code, relating to Federal employee pay rates and systems, is amended by adding at the end thereof the following new section:

"§ 5376. Police forces of Washington National Airport and Washington Dulles International Airport

"(a) Each employee in a position within the police force of Washington National Airport or the police force of Washington Dulles International Airport shall be entitled, under regulations prescribed by the Office of Personnel Management, to have his pay fixed in accordance with the following schedule:

AIRPORT POLICE SALARY SCHEDULE

Grade and title	Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
Level 1—Airport police officer	18,710	19,190	19,670	20,150	20,630	21,110	21,590	22,070	22,550	23,030
Level 2—Special functions officer	20,855	21,390	21,925	22,460	22,995	23,530	24,065	24,600	25,135	25,670
Level 3—Sergeant	23,170	23,764	24,358	24,952	25,546	26,140	26,734	27,328	27,922	28,516
Level 4—Lieutenant	25,662	26,320	26,978	27,636	28,294	28,952	29,610	30,268	30,926	31,584
Level 5—Captain	28,347	29,074	29,801	30,528	31,255	31,982	32,709	33,436	34,163	34,890
Level 6—Deputy inspector	31,211	32,011	32,811	33,611	34,411	35,211	36,011	36,811	37,611	38,411
Level 7—Inspector	34,292	35,171	36,050	36,929	37,808	38,687	39,566	40,445	41,324	42,203
Level 8—Chief of police	41,105	42,159	43,213	44,267	45,321	46,375	47,429	48,483	49,537	50,591

"(b) Classification of positions the rate of pay of which is fixed under subsection (a) shall be under such regulations as the Office of Personnel Management shall prescribe.

"(c) The provisions of sections 5335 and 5336 of this title, relating to periodic step-increases, shall be applicable to employees covered under this section. In applying such provisions to employees under this section, the references contained in such sections to grades and pay rates shall be considered to be references to grades and pay rates specified under subsection (a) of this section.

"(d) For purposes of this section—

"(1) the term 'police force of Washington National Airport' refers to employees of the Federal Aviation Administration appointed under section 4(a) of the Act of June 29, 1940, entitled 'An Act to provide for the administration of the Washington National Airport, and for other purposes'; and

"(2) the term 'police force of Washington Dulles International Airport' refers to employees of the Federal Aviation Administration appointed under section 8(a) of the Act of September 7, 1950, entitled 'An Act to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia'.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 5, United States Code, is amended by inserting immediately after the item relating to section 5375 the following new item:

"5376. Police forces of Washington National Airport and Washington Dulles International Airport.".

(3) INAPPLICABILITY OF GENERAL SCHEDULE CLASSIFICATION.—Section 5102(c) of title 5, United States Code, is amended—

(A) by striking out "or" at the end of paragraph (26);

(B) by striking out the period at the end of paragraph (27) and inserting in lieu thereof "; or"; and

(C) by adding at the end thereof the following new paragraph:

"(28) members of the police force of Washington National Airport and members of the police force of Washington Dulles International Airport, whose pay is fixed under section 5376 of this title.".

(b) PAY COMPARABILITY.—

(1) IN GENERAL.—Section 5301(c) of title 5, United States Code, relating to the pay comparability system, is amended in paragraph (1) by inserting before the semicolon the following: ", or section 5376 of this title, relating to the Airport Police Salary Schedule".

(2) HIGHER MINIMUM RATES OF PAY.—Paragraph (1) of section 5303(a) of title 5, United States Code, relating to authority to prescribe higher minimum rates of pay, is amended by inserting "or 5376" after "5332".

(3) REGULATIONS.—Section 5304 of title 5, United States Code, relating to policies and regulations implementing pay comparability, is amended by inserting "section 5376 of this title," before "chapter 51".

(c) GRADE AND PAY RETENTION.—Section 5361 of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting "or section 5376" after "chapter 51"; and

(2) in paragraph (5), by inserting "the Airport Police Salary Schedule under section 5376 of this title," after "the General Schedule,".

(d) HAZARDOUS DUTY DIFFERENTIAL.—The second sentence of section 5545(d) of title 5, United States Code, relating to pay differentials for hazardous or intermittent duty, is amended by inserting ", or section 5376 of this title," after "chapter 53 of this title".

(e) EFFECTIVE DATE; TRANSITION PROVISIONS.—

(1) EFFECTIVE DATE.—The amendments made by this section shall become effective at the beginning of the first applicable pay period which commences on or after the thirtieth day following the date of the enactment of this section.

(2) INITIAL ADJUSTMENTS OF RATES OF PAY.—

(A) IN GENERAL.—Effective on the effective date of the amendments made by this section, initial adjustments of the rates of basic pay of individual employed as members of the police force of Washington National Airport or Washington Dulles International Airport on such date shall be made in accordance with subparagraph (B).

(B) DETERMINATION OF INITIAL LEVEL AND STEP.—

(i) IN GENERAL.—An individual whose pay is within a grade of the General Schedule immediately before the effective date of the amendments made by this section shall be paid—

(I) within the appropriate grade of the Airport Police Salary Schedule under section 5376(a) of title 5, United States Code (as added by subsection (a)(1) of this section), as determined under clause (ii); and

(II) except as provided in clause (iii), at that step of such grade which corresponds numerically to the step of the grade of the General Schedule at which such individual was paid immediately before such effective date.

(ii) TABLE OF GRADES.—For purposes of making the initial adjustment in the rate of basic pay for any individual under this paragraph, the appropriate grade under the Airport Police Salary Schedule is the grade appearing across from the grade of the General Schedule at which such individual was paid as a member of the police force of Washington National Airport or Dulles International Airport, as the case may be immediately before the effective date of the amendments made by this section, as follows:

General Schedule Grade	Airport Police Salary Schedule Grade
GS-4 and GS-5	Level 1
GS-6	Level 2
GS-7	Level 3
GS-8	Level 4
GS-9	Level 5
GS-10	Level 6
GS-11	Level 7
GS-12	Level 8

(iii) EXCEPTION.—An individual whose pay is within GS-4 immediately before the effective date of the amendments made by this section shall be paid at step 1 of level 1 of the Airport Police Salary Schedule.

(3) STEP INCREASES.—

(A) EFFECT OF INITIAL INCREASE IN PAY.—An increase in pay by reason of an initial adjustment under the preceding provisions of this subsection shall not be deemed to be an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, for purposes of step-increases under the pay structure established by section 5376 of such title (as added by subsection (a)(1) of this section).

(B) CREDIT OF ALL PREVIOUS SERVICE.—For purposes of periodic step-increases under such pay structure, an employee shall be credited, as of the effective date of the amendments made by this section, with all service since such employee's last periodic step-increase under section 5335 of title 5, United States Code, before such effective date.

(4) NO REDUCTION IN PAY.—No rate of basic pay in effect immediately before the effective date of the amendments made by this section shall be reduced by reason of the enactment of this section.

(5) DEFINITIONS.—For purposes of this subsection, the term "police force of Washington National Airport" and the term "police force of Washington Dulles International Airport" each has the meaning given

such term by section 5376 of title 5, United States Code (as added by subsection (a)(1) of this section).

CRISIS IN DUVALIER'S HAITI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. TOWNS. Mr. Speaker, we have seen an increasing deterioration in the human rights situation in Haiti. Jean-Claude Duvalier has turned loose his security forces to randomly kill innocent Haitian citizens as a way of quelling the protests against his regime. Many human rights organizations have called for a cut-off of all assistance to Haiti under the current circumstances of undisciplined killings and violence. I have enclosed a recent op-ed piece from the Washington office on Haiti's program associate, Allan Ebert on the current political situation in Haiti. I commend it to my colleagues for review:

THE DAYS OF "BABY DOC" ARE NUMBERED

(By Allan Ebert)

The Creole refrain "Aba Duvalier" ("Down with Duvalier") has echoed throughout the countryside of Haiti since autumn. From all reports it resonated down the streets of Port-au-Prince on Friday as surging unrest overtook the capital amid rumors that Jean-Clauder (Baby Doc) Duvalier had been overthrown and had fled the country.

Although Duvalier is still in the National Palace, it is no longer a question of whether he will be forced out, but when and of who will take up residence once he's gone.

The people of Haiti want democratic rule by free and fair elections. Nothing short of that will suffice. U.S. military intervention is unacceptable, since on the numerous occasions when it has occurred, things only got worse. In 1915, the United States militarily intervened to "protect American lives" and prevent instability. By the time the marines left—in 1934—thousands of Haitians had been killed in confrontations with the occupiers, prompting a U.S. Navy commander to ask for an investigation into the shameful events. During the occupation, U.S. officials rewrote the Haitian constitution, eliminating the restriction on foreign land purchases and investments and opening the door for wholesale capital penetration.

In 1946, Eli Lescot arrived aboard President Harry Truman's official airplane to take up his position as the new Haitian president. In 1957, the Central Intelligence Agency helped put Francois (Papa Doc) Duvalier, a physician who was head of the national hygiene program under the U.S. occupation and father of the present president, into the National Palace. In 1963, after he showed his brutal, independent streak too often, a frustrated President John Kennedy angrily sent U.S. vessels to the shores of Haiti, threatening to topple him in yet another military intervention. But Papa Doc retained total power until he died in 1971.

At present there is a U.S. military vessel directly off the coast of Haiti carrying marines and weapons and possibly soldiers from other Caribbean nations. This looks like another risky, unwise contingency plan that, if put into operation, would damage U.S. interests worldwide. It would be unjustified to overthrown a government that is technically still in power. What could the U.S. marines do if they landed but prop up Duvalier for a longer period of time? That would mean opposing the will of the people.

The people of Haiti, virtually in control of the countryside for several weeks, will not accept a permanent military junta, a possibility that has surfaced, since it is the military and security forces that have been the backbone of the Duvalier family dynasty since 1957. Unrest will undoubtedly continue.

Neither will Haitians accept another U.S.-imposed president. A group of them expressed this sentiment to U.S. Ambassador Clayton McManaway on Saturday, as he visited the strife-torn town of Gonaives. He was there to uncover the reason for American flags showing up at massive anti-Duvalier demonstrations. Residents told him that the enemy was, without a doubt, Jean-Claude Duvalier, the 34-year-old president-for-life, and not the United States. Nevertheless, the flags, they emphasized, were not an invitation for intervention. Any intervention, they threatened in a Haitian radio broadcast, would be met with unrest equal to that currently being waged against Duvalier.

The only reasonable and beneficial role for the United States to play at present is to sever all ties to Duvalier, closely monitor the will of the people, take their demands seriously and begin a dialogue with prominent, credible, civilian leaders.

The Reagan administration must pursue this course delicately since it already has egg on its face from Friday's faux pas, when White House spokesperson Larry Speakes announced aboard Air Force One that Duvalier had been overthrown and fled the country. The error was compounded when officials circulated the names of Duvalier's replacements. This led to serious questions about the U.S. role in the whole mess, which has now apparently resulted in more than 50 deaths. It appears that just before midnight on Thursday, Haitian National Television, which is government-run, told its viewers to stand by for an "important message." Nothing else needed to be said as far as the Haitian people were concerned. They popped open bottles of champagne and sang "Duvalier is out!"

However, at 2:00 a.m. Friday, the scheduled time of the announcement, only the French words "Message Important" appeared on the screen. Nevertheless, at approximately 7:30 a.m., Donald Regan, the White House chief of staff, and John Poindexter, the national security adviser, told President Ronald Reagan that Duvalier had been overthrown and had escaped from the country. An hour later Speakes made his now infamous statement. But, suddenly, Baby Doc appeared on television at the National Palace in Port-au-Prince, saying he was still in power and "fo pase ke makak" ("as firm as a monkey's tail"). The Reagan administration was in a most awkward position and had to retract its earlier statements, pointing its finger at the U.S. Embassy as the cause of the confusion.

Was the United States meddling with the Haitian military? Was there U.S. involvement in a coup attempt, and if so, what went wrong? Who else was involved? Who threw the curve ball? We may never know the answers to these questions. But even if we were to dismiss this theory as paranoid, the Reagan administration's role in Haiti has been intolerable.

First of all, the administration has less than a tea cup of understanding about Haitian politics and social forces for change. No U.S. embassy official in Haiti is proficient in Creole, the only language of 90 percent of Haitians. The embassy does most of its intelligence-gathering in French, which is used chiefly by the elite and in reports and periodicals. It is highly unlikely that any embassy personnel have ever ventured to the town of Jeremie in the far southwest, a strong anti-Duvalier city and the diocesan seat of Bishop Willy Romelus, a Duvalier enemy who was nearly assassinated 2 weeks ago by armed men said to be linked to the National Palace.

On Dec. 5, the embassy dispatched staff officer Dundis McCullough, along with a U.S. "religious representative," to the church-run Radio Soleil, which broadcasts in Creole, to complain about "the [Roman Catholic] Church's systematic opposition to the government." Hours later the radio station was shut down, ransacked and sealed off by government troops.

The Catholic Church is the largest, most powerful and most important institution in Haiti not allied to the government. It is about to launch a nationwide campaign to reduce illiteracy, at 80 percent, in the country. It has embarked on wide-ranging economic development projects. The church operates many of the schools, which provide at least two good meals a day to hungry Haitian children and youth, 70 percent of whom would otherwise receive few decent meals a week.

The United States has generously provided a significant amount of economic assistance to Haiti over the years, perhaps as much as $900 million since the Duvalier dynasty began in 1957. But the United States, because it has been unable, or unwilling, to closely monitor its large aid inputs and protest blatant government corruption, has been implicated by most Haitians as an accomplice in their misery. Some $450 million has been spirited out of the country by the Duvalier family and government ministers, while as much as $400 million is owed by the government to its own Central Bank. Meanwhile, Haitian children swallow stones to fill their aching stomachs.

Because the U.S. has failed to tap into the pulse of social forces for change in Haiti, namely the church and the youth, it has missed many opportunities to open a dialogue with credible, reasonable and prominent civilian alternatives to Duvalier.

It is not too late. Fiscal year 1986 funds to the government of Haiti have been cut off due to human rights atrocities. This is an encouraging sign, although it may be too little, too late. There is also growing congressional support for serious discussions with civilian alternatives. On Thursday, Rep. Gus Yatron (D-Pa.) issued a release, stating, "In conducting hearings and investigations . . . it is readily apparent that known, credible and competent individuals exist to fashion a legitimate, broad-based transition government."

Nonetheless, the immediate issue is getting rid of Duvalier and his hatchetmen, the Tonton Macoutes. Until this occurs, no other opposition leaders will emerge, since their safety cannot be guaranteed.

HISTORIC RAILROAD DEVELOPMENT PROJECT EXCITES EX-NEBRASKAN

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. BEREUTER. Mr. Speaker, one of the most fascinating stories all over the world, and especially in America, has been the railroads. Railroads opened frontiers, made natural resources accessible, took grains, ores, energy products and people all across this land. Once the most exciting single building force available to our ancestors, they are still crucial to us today, even though some routes or spur lines have been abandoned as unprofitable or because there are better routes of service to a region.

In my congressional district, there is an effort underway to revive a 15-mile stretch of track to be called the Fremont-Elkhorn River Valley Railway. The revival will be tourism oriented, and will give families, conventions and history buffs a chance to include a day on the rails which will parallel or past part of the route of the Lewis and Clark expedition, of the explorations of both Maj. Stephen Long in 1820 and John C. Fremont in 1842, the very first Nebraskan military fort, Fort Atkinson, the Mormon Trail and many other trafficways into the Pacific coast and the American destiny. Plans also incorporate a few river boat hours to generally recreate the total transportation atmosphere of another age.

This effort has not only intrigued Nebraska's citizens, but those fellow Nebraskans who have long since left our State but never forgotten their roots. One such individual is Col. Barney Oldfield, USAF (Ret.), now consultant for international relations for Litton Industries in California. He cheered on the project by way of a letter to the Fremont Tribune, which I ask permission to include in the CONGRESSIONAL RECORD.

RAILROAD PROJECT EXCITES EX-NEBRASKAN

May I add my salute to those who are promoting the Fremont and Elkhorn Valley Railroad tourism-attracting project.

As a former Nebraskan, now strayed to some 74 other countries, I have always been intrigued to find those born in that state engaged in some of the most off-beat, demanding and unusual kinds of involvements—and their one common denominator is that they love to recall the sights, sounds, people and things with which they grew up.

In many cases, it is the combination of all those "things" which gives them the courage to come to a conclusion that anything is possible with hard work salted with optimism.

Why would I be excited abut a resuscitation project involving a finger-length of railway. Let me tick them off for you.

The night I had my first network experience from Hollywood on the old Lux Radio Theater, and was interviewed by the great Cecil B. DeMille (he invented Hollywood, made its first film), he told me I had to ask him a question at the end of the program and it was about what his future movie plans were. His response was that he had selected his next story which would be a movie called "Union Pacific" which ran across the Nebraska in which I was born and from which I'd come for that night among the stars. It was a railway which gave me the "local angle" for that night in Hollywood.

Between high school and college, I had driven stakes for a circus which traveled by rail, and laid rails on the CB&Q to raise college entrance money. It was train whistles which were my first lure to life in the mobile state in which I've lived it. It was on a train stopped for water in Bucyrus, Ohio that Gen. Dwight D. Eisenhower was called to the freight shed to take a call from President Truman who said he was appointing him Supreme Allied Commander to set up the multi-national military forces of NATO—which put me on a train to Washington when he selected me as his advance man through 12 countries!

And for sheer sentimental reasons, I like the fact that this shortline railway will terminate in Hooper. When I was in the School of Journalism at the University of Nebraska, one of my classmates was Dorothy Howard, whose family owned the newspaper in Ashland. She later went on to run the Hooper Sentinel until she died.

And my grandmother used to take in boarders in Elk Creek and one of them was Frank Anderson, the CB&Q station agent. He took me to the depot with him on Sundays when he worked the two afternoon passenger trains. To keep me from my favorite 8-year-old pastime of walking the shiny rails he took me in his office and beckoned to another way I might amuse myself. He owned the only typewriter in town, so he'd put in a piece of paper and invite me to do my best. The "hunt and peck" system I learned so laboriously in that old depot is the one I still use today.

I'm sure everyone else who had known the small town experience, and Nebraska offers so much of that, has had some connection with a railroad—and when dealing in nostalgia, there are so many for whom the railroad was the way out of town when going for the first adventure—and the way back for returns home. I went off to what would be World War II on a railroad, and came home—alive—on one.

Indeed, I do salute the preservers of this little bit of Nebraska of another time—the Fremont-Elkhorn Valley Railroad, all fifteen miles and all the memories of it, and the thoughts it will provoke in its time.

CRISIS IN THE PHILIPPINES

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. GARCIA. Mr. Speaker, tomorrow's elections in the Philippines have been much heralded abroad and much contested at home.

The relationship between the United States and its former colony is necessarily unique. It is, therefore, only fitting that we pay particular attention to that nation and its problems. Of course, our two military bases in the Philippines gives us further reason for concern over the instability that has characterized the Philippines for the past few years.

I am submitting an article by Ian Buruma from the January 16 edition of the New York Review of Books on the Philippines for the RECORD for my colleagues' perusal:

WHO CAN REDEEM MOTHER FILIPINAS?

(By Ian Buruma)

The view from the small church in Calamba, a village about fifty miles south of Manila, is spectacular: on one side is a large lake called Laguna de Bay, on the other is Makiling, a sacred mountain with many caves which peasants believe to be the portals of paradise. Between the mountain and the lake lie the rice fields of Luzon, a relatively prosperous region, traditionally hospitable to rebels and bandits, including some now fighting against the regime of President Ferdinand Marcos.

The church itself is unremarkable—it is more like a ramshackle town hall. The walls inside are covered with murals depicting scenes from the Passion, the usual thing in Philippine churches. But there is one peculiar twist: "Christ" is a dapper little man with a mustache, wearing a dark suit, cut in the nineteenth-century European style. And instead of being nailed to the cross on Golgotha, this Christ is executed by a Spanish firing squad in Manila in 1896. He is Dr. José Rizal, a medical doctor and nationalist writer, worshiped by many as a Filipino messiah.

His twelve apostles, all depicted on the church wall, are fellow nationalists and revolutionaries who fought against Spanish rule at the end of the nineteenth century. There are the Fathers Burgos, Gómez, and Zamora, native priests who challenged the power of the Spanish friars. They were publicly garroted for their alleged leadership of an anti-Spanish mutiny. There is Andres Bonifacio, a warehouse clerk from the city of Tondo (now part of Manila and one of the worst slums in Southeast Asia), who founded the Katipunan, a secret society dedicated to violent revolution. (Imelda Marcos would later use the society's initials, KKK, to lend an aura to one of her "people's development" project.) There are Marcelo H. Del Pilar, the brilliant propagandist for reforms, and Apolinario Mabini, the main political thinker behind the Philippine revolution. (Their names now grace the two streets in Manila collectively known as the "strip," the center of go-go bars, massage parlors, child prostitution, and VD clinics.) And there is also Ferdinand Blumentritt, an obscure Austrian schoolmaster, who never set foot in the Philippines, but who owes his holy eminence to his lifelong position as Dr. Rizal's intellectual pen pal.

This particular church dedicated to the worship of Rizal—there are many others like it—is called the Iglesia Watawat ng Nahi, Inc., or Banner of the Race, Inc. It was founded in 1936, when American colonizers required all organizations to be incorporated. The founder, Arsenio de Guzman, claimed to be a new Rizal with the power to lead his followers to the land of promise. A church pamphlet explains that the sect was "purposely organized for the Filipinos to have a Christian religious sect of their own, independent of foreign domination." Rizal, the same pamphlet informs us, was sent to earth as a "Malayan Avatar who was appointed by Divine Power and ordained to earth in this new cycle to redeem His people from slavery."

In more prosaic versions of history Rizal was the highly educated son of upper-class Filipino parents, who, like all members of the elite, were a racial mixture of Spanish, Indio, Chinese, Malay, even Japanese. He lived much of his life abroad, mostly in Spain, where, like many *ilustrados* (enlightened ones), he picked up novel European

ideas such as nationalism. Through his writings, the most famous of which are two novels, *Noli Me Tangere* and *El Filibusterismo*, both compulsory reading at Philippine schools, he propagated these ideas. He was opposed to the power of Spanish friars in the colony, and wanted the Philippines to be represented in Madrid's legislature, not as a colony but as a province. More than anything else, he wanted Filipinos to be treated as equals by the Spanish.

Rizal's holy stature lies in the manner of his death. As the church pamphlet puts it (referring both to Christ and Rizal), with slight historical license: "Both their martyrdom marked the beginning of the need of two once powerful and ruthless empires in the world—the Roman Empire in the case of Christ and the Spanish empire in the case of Rizal." Or in the words of a more conventional though no less reverent historian, Gregorio Zaide: "Rizel's homecoming in 1869, the last in his life, was his saddest return to his beloved native land. . . . Gladly, he desired to meet his enemies and to offer himself as a sacrificial victim to their sadistic lust and unholy designs for he knew that his blood would water the seeds of Filipino freedom."

There is a pattern in this kind of language which has been little studied. It disturbs middle-class Filipino notions of modernity. But like a primary color which endless paint jobs cannot quite hide, it has a way of shining through even the many layers of American-style education. Catholic imagery of death and redemption, the main legacy of three hundred years of Spanish rule, merged with Malay beliefs in spiritual power, or anting-anting. Great leaders have such powers because they are the spiritual incarnations of former leaders. The cult of Rizal is, as it were, a Christian form of national ancestor worship. The dominance of Christian forms shows to what extent native forms were wiped out.

One of the few historians to have taken these nationalist beliefs seriously is Reynaldo Ileto. He traces the forms of peasant rebellion back to folk versions of the Passion, in which the Spanish conquest of the Philippines is likened to the fall from Paradise, and Mother Filipinas must be redeemed by faith and sacrifice, by death and resurrection. Such acts of redemption have been led by a succession of messiahs, not usually from the upper class as was Rizal, but peasant rebels promising paradise and freedom. New Filipinized Christian faiths have come up, rejecting the false colonial prophets. Rizal himself is said to be waiting in his cave in Mount Makiling for the right moment to emerge and redeem the motherland. Filipinos are still waiting. In the meantime many messiahs have come and gone.

General Douglas MacArthur came in October 1944. He was nothing if not a good PR man, and knew more than most Americans about the Philippines. "I shall return," promised matchboxes and leaflets dropped from American planes. After wading through the surf at Leyte, corncob pipe clenched in his determined jaw—a scene made eternal throughout the country by hideous sculptures—he made a remarkable radio speech to the waiting Filipinos: "I have returned. By the grace of Almighty God our forces stand again on Philippine soil—soil consecrated in the blood of our two peoples. . . . The hour of your redemption is here." This year a newspaper columnist commemorated the event by stating that the landing "finally brought about a completion of the Fil-American cycle of setback and triumph, of Calvary and Resurrection." There is something extraordinary about a colonized country receiving the general of the colonial power back as a savior. And indeed the spirit of MacArthur hovers around the Philippines as much as Rizal's. But more about this later.

Benigno "Ninoy" Aquino returned to redeem his country from Marcos in 1983. He was perhaps the most Rizalesque of modern messiahs. The *ilustrado* son of a wealthy family of landowners, he was hardly a revolutionary, more a pro-American reformer. At the beginning of his career, he was a typical *macho* politician, tough enough for Marcos to respect him more than any other politician. Part of being typical was to be a womanizer (so, incidentally, was Rizal; the church pamphlet gets around this by stating that women were attracted by "his virtues"). Only during his seven years in jail during the martial law period did Ninoy become more introspective, spending much time reading the Bible, and Rizal. In a letter from jail he wrote: "I now realize why Rizal reserved a little book by Thomas à Kempis, 'The Imitation of Christ,' for his beloved Josephine. . . . It was from this little book that he drew the strength of his spirituality." He then went on to say that if Rizal had been alive today he, too, like Aquino, would have been arrested, and "maybe, reenact his martyrdom. . . . If I, however, understand the truth of our tragedy and have been wanting in my denunciation of the tyrant who dragged back Mother Filipinos to her dungeon in chains, I hope God will forgive me for failing to rise up to the occasion."

He did of course rise to the occasion. And whoever had him killed at Manila International Airport on August 21, 1983, made the same mistake as the Spaniards who ordered Rizal's execution. His death released an extraordinary wave of popular energy. Hundreds of thousands of people demonstrated in the streets of Manila for months. It was one of the rare times in Philippine history that the many disparate forces of society came together in a kind of nationwide fiesta. "Ninoy you are not alone" was one of the most popular slogans on T-shirts, key rings, bumper stickers, and banners. "A Filipino is worth dying for" was another. It was as if only a martyr's death could unite this divided, fractious society; as if Ninoy's death proved to Filipinos their worth as a people; as if this image of suffering briefly gave the nation a sense of identity.

Opposition papers made much of this image. One of the more imaginative ones, called *Mr. and Ms.*, had Ninoy's death mask on the cover. In one issue in late 1983 was the following passage: "Gazing at his blood-soaked chest and his wounded face still bearing its bullet marks, . . . a grief stricken people were actually gazing not only at Ninoy Aquino but at themselves, bloodied and wounded by a long history of colonial domination, still suffering from foreign and native suppression."

It is a typically Filipino kind of hyperbole. The empathy with suffering and death, sometimes bordering on a morbid fascination, is part of everyday life. The visitor stumbles across it in the most unexpected places. Not long ago a bar girl in Manila, after about ten minutes of desultory conversation, said she wanted to show me something and proceeded to fish a photograph from her bag. It showed an open coffin, elaborately decorated with flowers. "My mum," she said matter-of-factly, pointing at the waxen face peeking out of the flowers.

In Escalante, a village on the island of Negros, where twenty-seven people were recently shot dead, during a street demonstration, by paramilitary troops sponsored by a local landlord, a group of nuns passed around a sheaf of color photos of the "martyrs," taken at the local clinic. People casually leafed through the pictures, commenting on the more gory wounds. One person arrived with a little bottle, which elicited much interest. It contained what looked like a raw meatball: it was the eye of one of the victims.

Suffering and violent death are a constant theme in Filipino movies. The typical hero is a simple man, who gets abused and humiliated, often sexually, all through the film. The audience feels sorry for him, and identifies with him. This is the point of these films. There appears to be little identification with *macho* killers. The attention is always on the victim. The tension is built up further and further, until the hero cannot stand it any longer and erupts in a climactic scene of extraordinary violence, a kind of frenzy in which brains are blown out, blood splashes over the screen, eyes are gorged. Sometimes, as in a recent popular movie called *Boatman*, the hero is the victim in this final bloodbath. The boatman is a young provincial who goes to the city to be a film star. He ends up as a live sex show performer, becomes the paid lover of the American mistress of a Filipino gang boss, who, in a jealous rage, has the boy tortured to death. We are shown in great detail how his penis is cut off. Filipino critics seriously suggested that the hero be seen as a metaphor for the Philippine people.

The Aquino movement did not last. Like the climactic scene of violence in the movies, a fiesta of grief is cathartic: it erupts and then blows over. By the beginning of 1984, the opposition was as fractious as ever. Within two months of the killing the flight of capital from the Philippines had reached horrendous proportions, estimated at one billion dollars. Businessmen have returned to their offices but do not dare to invest. When the especially appointed Agrava Board came out with an apparently fair report which pointed the finger at high-ranking military officers for their complicity in the Aquino assassination, much of the sting went out of the street demonstrations. Moral outrage seemed to be somewhat appeased. There was hope that justice could still be done. But the recent acquittal of twenty-six military men, including General Ver, Marcos' loyal Armed Forces Chief of Staff, left the population largely apathetic. Hope for justice clearly has been lost. The church is as divided as the rest of the nation. Some priests have taken to the hills to join the communist guerrillas. The prelate, Cardinal Jaime Sin, is a decent man, but he is terrified of disorder which could challenge the institutional power of the Church. He speaks out against Marcos on some occasions, but then blesses and embraces the president on his birthday, amid choruses from Handel's *Messiah*.

This year Filipinos celebrate the two thousandth anniversary of the Virgin Mary's birth. "Happy Birthday, Mama Mary!" it says underneath a huge effigy of the Virgin, richly decorated in jewels, marking the entrance to a section of Metro Manila. The yearly processions of Virgin images are spectacular contests in gaudiness; each one richer, more gorgeous, more glittery than the other. The most lavish procession in Manila is said to be sponsored by a group of wealthy society matrons, who

form the regular entourage of Imelda Marcos, the First Lady. They are collectively known as "the Blue Ladies."

According to this year's Pastoral Exhortation of the Catholic Bishops' Conference of the Philippines, "our Filipino people have always turned to Our Blessed Mother in times of difficulty, of crisis, even of seeming hopelessness. Always we have asked her, groaning and weeping in this valley of tears, to turn her eyes of mercy upon us." The *Mindanao Daily Mirror*, filled with stories of the latest killings in Davao by "unidentified armed men," explained to its readers the "right posture in praying."

There is something curious and disturbing about the way Filipinos of all classes turn to cults and fads in times of crisis, looking for other worldly mercy. Businessmen—not to mention their wives—seek solace in born-again Christianity; students and artists indulge in Zen. One American Zen master has set up a successful business by convincing Filipinos that they, as a people, are especially gifted for spiritual quests. This year's latest middle-class fad is to share with one's friends "as a mark of love" a disgusting brew called Kargasok tea. It is brewed from yeast supposed to come from Russia. Among its many benefits are extreme longevity, robust health, weight loss, and sexual vigor. "I hope it works," said a Filipino friend, who also happens to be a Zen meditator and a seeker after that other eternal Philippine panacea, an emigrant visa to the United States.

"What we need in the Philippines is a *macho* leader," said a government official who is now disenchanted with President Marcos. He spoke in an emotional, exasperated tone, banging on the table. "In the early years of martial law, people were so cooperative. The streets were so clean." Few people are as ready these days to admit how popular martial rule was when it was declared in 1972.

Ferdinand Marcos was a *macho* leader, with *macho* ideas. One of the goals of his New Society was to challenge the power of the "oligarchy"—the old landowning families who had effectively run the country for centuries as power brokers for friends, relatives, and dependents. They managed the country, as dispensers of gifts and privileges, without having the responsibility of actual sovereignty, which lay with the colonial powers. The old quasi-American system of democracy was not based on democratic principles but on a huge network of patronage, some of which seeped down to the lowliest hacienda worker. The main check on any family's power getting out of control was an election, held every four years, so that different patrons could have their turn at the trough. The Philippines that Marcos took over in 1965 was not so much a nation as a collection of regional, family, and class loyalties. It was a country effectively without a national language; Tagalog, the "official" language, is a language of central Luzon that many Filipinos do not speak. Marcos's success proved that national strongmen or communist revolutions arise not from poverty but from a lack of national cohesion, an absence of common purpose.

Marcos argued that the old democracy, imposed by a western power on an Asian country, was holding up vital reforms, necessary to make the Philippines a great nation. What was needed was a "revolution from the center." He aimed to break the power of "the few who would promote their selfish interests through the indirect or irresponsible exercise of public and private power." He aimed to wipe out the communist threat, then embodied by about three hundred soldiers in one area of southern Luzon. (There are now up to 20,000 New People's Army guerrillas throughout the Philippines.) He needed a new ideology, "a unifying force, an organizing principle for the pursuit of collective ends."

To do all this he hired talented technocrats and thinkers, who could create the New Society and an ideology to match. The ideas were not all bad. Land reforms, industrialization, foreign investment incentives, government-guided economic development—all this looked fine on paper. It has worked elsewhere. Other Asian rulers, such as South Korea's Park Chung Hee, or Singapore's Lee Kuan Yew, though by no stretch of the imagination democrats, delivered the goods: strong economies and rising living standards.

Unfortunately, what Marcos and the First Lady wanted more than anything else was to be king and queen. They wished to shape the kingdom in their own image; like the Sun King, Louis XIV, Marcos wanted to be able to say *"L'état c'est mol."* According to Adrain Cristobal, a former left-wing writer, and one of Marcos's chief ideological advisers, "Marcos sees the Philippines as a society of tribes." And he sees himself as the great tribal chief, the Datu of pre-Spanish times. He destroyed much of the old network of family and regional loyalties to become the one and only patron, the king of Maharlika.

"Maharlika," a pre-Hispanic term meaning "chief" or literally, "big phallus," was Marcos's nom de guerre as a guerrilla soldier against the Japanese. A highway was renamed the Maharlika Highway. There is a Maharlika broadcasting station, government owned, of course. The main reception room of the Malacañang Palace is called Maharlika Hall, where the chief likes to receive his guests sitting on a golden throne. There was even a move at one time officially to rename the Philippines Maharlika. "Our people are used to being ruled by royalty," observed the First Lady and former beauty queen some years ago. She likes to show herself off in extravagant finery "because my little people expect it of me."

The Big Phallus never gave his technocrats much chance. The economy, like the army, became a tool of political patronage to enhance the power of the chief. A new oligarchy of loyal courtiers controlled such vital sectors of the economy as sugar and coconuts. Trusted generals from Ilocos, Marcos's native region, were put in charge of the ever-expanding armed forces. An estimated ten billion dollars, or more than one third of the country's foreign debt, is said to have been secretly invested abroad by Marcos and his friends, no small part of it in New York real estate.

The political scientist Francisco Nemenzo, in *The Philippines After Marcos*, one of the most useful books to have come out on the Philippine crisis, compares the Marcos state to what Marx called "Bonapartism." It achieved "relative autonomy" from the ruling class with the support of the army and a pliable mass organization. The circumstances which allowed Marcos to assume total power were remarkably similar to what created the opportunity for Louis Bonaparte to pose as the saviour of France; intense contradictions in the ruling class and a mighty challenge from below, resulting in the paralysis of the old state machine.

The First Lady spent fortunes on gigantic projects in Manila: convention centers with murals depicting the glorious achievements of Marcos and Imelda; a University of Life, where students do not learn regular subjects, but "humanist development values" and the "Filipino ideology," as taught by Marcos and Imelda; a Cultural Center, where their youngest daughter Irene Marcos conducts the orchestra and a Film Center where pornographic films are shown uncensored, to recoup some of the money that has been taken out of the government's coffers. They are monuments to a grotesque sense of inferiority, as if to prove that the Philippines is not just a poor country of "little brown brothers."

A "trainer-facilitator" (teacher) at the University of Life tried to explain the school's aims by drawing diagrams on a blackboard, using terms like "experimental development" and "interactive studies." It sounded like a parody of science. The same trainer-facilitator, who would look more at home in a body-building gym than in a classroom, showed me a book entitled *The New Human Order*, written by Mme. Imelda Marcos. It is an extraordinary work, full of doodles, cartoons, and thoughts like: "The body seeks good, the mind seeks truth, the spirit seeks beauty." There were also triangular shapes that showed how the new human order had to be led by one chief. It is a sad parody of philosophy, the deep thoughts of a fiesta queen.

There is something patently false about Maharlika, like the sign in the lobby of the University of Life, which says: "The world is composed of takers and givers. The takers eat better. The givers sleep better." Or the white walls erected around the slums in central Manila, so that nice people don't have to see them. Maharlika is false because it is not merely based on greed. Like many Great Leaders—Sukarno, Kim II Sung, Mussolini—Marcos is concerned with his place in history. He is a nationalist of a kind. He has written a multivolume history, entitled *Destiny*, in which he links himself spiritually to the great national heroes. Myths have been promoted of Marcos having antinganting, or spiritual power. "More power to you!" said a newspaper greeting to Marcos on his sixty-eighth birthday from the Le Pena Sawmill Co., Inc. The Philippine Charity Sweepstakes went one further, and had a page-sized picture printed of Marcos as a young war hero. The text runs: "Heroic blood on sacred soil. When Ferdinand E. Marcos' young blood first flowed freely on Bataan's hallowed hills, a deathless covenant of service was forged . . . to all the people—but especially to the most deprived and underprivileged."

The systematic falsity of Marcos's claims, the way every promise turned into the opposite, is perhaps one of Maharlika's worst legacies. Like the Spanish friars or the Japanese conquerors, who promised independence in the Great East Asian Co-Prosperity Sphere, Marcos has become a false prophet. He has lost credibility—a much-used word in the Philippines. A Filipino letter-writer to the *Far Eastern Economic Review* put it this way: "In the Philippines of today, if President Ferdinand Marcos said that the crow is white, here is what would happen next. Hundreds of people from the provinces will testify that this is so after painting black crows with white paint and then photographing the birds. A court of law will decide on the question with hundreds of witnesses lined up to swear that the crow is white." The problem is that it will no longer work.

Adrian Cristobal, Marcos's adviser, looks a tired man these days. He has to uphold an ideology, which he helped to shape, but which hardly anyone believes anymore. Its most fatal flaw is not only that it has been contradicted by reality so often, but that it is associated entirely with one man. Cristobal tries to "tell people to look at the ideology without thinking of Marcos." This is like thinking of the Philippines today without Marcos. One can't and that is the country's—not to mention Washington's—biggest problem. And Marcos, the state of his kidneys permitting, might be sitting in his palace, brooding over his place in history, for a long time yet.

"I am getting impatient waiting for the United States to liberate us from two decades of the Marcos regime," wrote a reader to the editor of *Malaya*, one of the many opposition papers that emerged after the killing of Aquino. It is a widely shared sentiment. Many blame America for not stopping Marcos's declaration of martial law in September 1972, forgetting how much support it had in the Philippines. Most think America, the Big White Chief, can get them out of the Marcos mess.

The thought is, of course, not without ambiguity. Lorenzo Tanada, at eighty-six the grand old man of the opposition, a nationalist former senator and lawyer of Ninoy Aquino, has always spoken out against US intervention in Philippine affairs. Throughout the martial law period his nationalist and anti-Marcos credentials remained impeccable. What should the US do, I asked him. He said: "It is not right for the US to interfere, but they can get rid of Marcos. I am not advocating it, but they can. It is their responsibility."

The same paradox clouds much American thinking. Fred Poole, a New York novelist, and Max Vanzi, a newsman, use much of their book, *Revolution in the Philippines* to attack America for interfering in the Philippines. It is a rather hysterical book, from the title to the constant use of the word "tyrant" for Marcos. The revolution is not yet at hand, nor is Marcos strictly speaking a tyrant. In sweeping historical strokes they manage to cobble together Ronald Reagan, Theodore Roosevelt, the Vietnam war, and Marcos, as if they were all part of the same problem—American imperialism in Asia, or something of that sort. This leads to such baffling non sequiturs as "Marcos spoke of sweeping land reform but failed to carry it out. There was little he even pretended he would do for the nation's rural and urban poor. He became the most vocal supporter in Asia for Lyndon Johnson's Vietnam war." Are they suggesting that Johnson was against the rural and urban poor? Or that there is a connection between Marcos's support of Johnson and Marcos's failure to carry out land reform? What is clear is that both Johnson and Marcos are thoroughly bad guys.

Reagan is of course even worse, for he had managed to convince large parts of Philippine society that America was not so much behind the Philippines in general as it was behind the leaders who had killed democracy and were operating a gulag, ruling by terror." Apart from the hyperbolic language, which could have been lifted straight from some agitprop street demonstration pamphlet (vast street demonstrations in a gulag?), the authors do not pause to think how a US government can express its support of the Philippines in general and oppose the country's leaders without intervention. And if intervention is indeed desirable, how then should Washington go about it? Poole and Vanzi do not get further than a vague reference to "working with the last Filipinos who believed it was still possible to avoid a cataclysm in the islands."

Direct military intervention by the US would be both unwise and unthinkable. Unwise because it would turn a rural-based armed rebellion into a war of national liberation against a real foreign enemy. Unthinkable, because there would be insufficient support for it in America. That is not to say that many Filipinos would not welcome it. One high-powered Filipino businessman said with heartfelt regret that "since the Americans refused to cross the Yalu river, it's been downhill all the way."

I agree with Poole and Vanzi about one thing: America has already intervened more than enough in the Philippines this past hundred years, though the damage was done long before Reagan appeared on the scene. It might have been better for all concerned if General MacArthur had never returned to the Philippines. To be sure, if he had not returned, many Filipinos would have felt betrayed. Disappointment might have caused bitter anti-American feelings; but at least the Philippines would have been weaned away from that adolescent state of dependence known as the "Fili-American relationship."

By returning as a long-awaited liberator, MacArthur confused an already highly confused nationalist tradition in the Philippines, which had long been split between reformists who accepted American "protection," and revolutionaries who did not. The great liberator then confused things even more by moving on to Tokyo, where he proceeded to help the old enemy get back onto its feet. Worship for his return has alternated ever since with resentment about his abandonment.

Poole and Vanzi, as well as David Haward Bain, the author of *Sitting in Darkness*, another book on the Fili-American relationship, emphasize the harshness of early American colonial rule; the brutal killing of over 15,000 "gooks" (a term first coined during the Philippine-American war); the racism of Roosevelt and McKinley. The war was harsh, the killing was brutal—offering to Vanzi and Poole plenty of parallels to Vietnam—and Roosevelt was a nineteenth century social Darwinist. But this is to miss the point. For the psychological dependency of Filipinos is not the result of brutal colonization, but of a relatively benign one. Uncle Sam was not an enemy but a "tutor" and a dispenser of wealth, more a rich uncle than a racist overlord. It is easier to attain psychological independence from a hated enemy like the Japanese than to escape from the clammy embrace of a benefactor.

The longing for the white messiah and the childish belief in American omnipotence—communism will never succeed, one is constantly told, "because the Americans won't allow it"—show how thoroughly colonial Filipinos still are. It explains the irresponsibility of many politicians, both in the government and in the opposition, for deep down they do not feel responsible. Uncle Sam will help me, and if he doesn't now, he'd better soon, or I'll send my wife to Moscow, or collect a Soviet war medal, Marcos thinks, while opposition leaders knock on Senator Edward Kennedy's door. This makes the Philippines fundamentally different from Iran or Vietnam, so often evoked these days in emotional newspaper headlines. Different, but not necessarily easier to deal with.

America is both the savior and the enemy, the promised land and the hated "imperialist." Such influential proponents of Filipino nationalism as the historian Renato Constantino blame everything, from the proclamation of martial law in 1972 to the economic crisis, on US imperialism. Marcos is seen as a mere puppet. One would wish sometimes that he was right; two years ago, after Aquino's murder, Constantino predicted that combined pressure from Washington, the IMF, and the World Bank would surely force Marcos to resign.

In Constantino's view—echoed by the entire Filipino left, not to mention Poole and Vanzi—Washington, through the CIA and the multilateral lending agencies, has deliberately kept the Philippines in a state of colonial dependence, a mere supplier of natural resources. Industrialization did not fail because of incompetence, corruption, and protectionism, but because Washington prevented it. True nationalism is subverted by Washington by offering bright Filipinos scholarships to American universities. The IMF and the World Bank want to break up the crony monopolies so that US corporations can take over. And so forth.

This type of third-world nationalism—not at all unique to the Philippines—comes uncomfortably close to anti-Semitic nightmares of an international Jewish conspiracy of bankers and politicians to dominate the world. It is tinged with the paranoid envy of the backward provincial for the metropole, an envy especially acute in the Philippines where American products, values, and dreams have been held up as superior for almost a century. Mainly through the Philippine public school system America succeeded to an extraordinary degree in shaping the Philippine islands in its own image. One could almost say that the legacy of Spanish Catholicism and second-hand Americana are the two things most Filipinos have in common. Even NPA guerrillas wear UCLA T-shirts. America is like a birthmark on the Filipino identity—no matter how hard you rub, it won't come off.

This is why the communist movement is presented as a war of national liberation. Its goal is cultural liberation as much as economic or political. The official program of the National Democratic Front of the Philippines (NDF), an illegal front organization led by the Communist party (CPP), begins with a reference to the history of Philippine armed rebellions. "This history," it says, "is not dead and past: our tradition of armed struggle and resistance in defense of the Motherland and to regain our freedom and independence is still very much alive today. It is alive for one obvious reason; a foreign master—US imperialism—still dominates the Philippines."

This program was presented to me by an upper-class, American-educated businesswomen in her plush Manila office, "I believe in the NDF and its programs," she said. "If we look at it from the nationalist point of view and make political programs for the people, I think there is hope." She thought China might be a good model to follow, "though we could take some shortcuts." An equally well-educated lawyer explained to me that the "NPA and NDF are true nationalists. It's not just lip service. They have the best interests of the country at heart and they have always fought US imperialism."

There is a remarkable naiveté among leftist intellectuals about the "total victory through armed struggle" promised in the NDF program. "I believe the NDF will tell its cohorts to drop their arms if the military

will behave themselves," said the businesswoman. A lawyer in Davao even denied that the NDF advocates armed struggle at all. Most fellow travelers give it little thought. Let us first get rid of the Marcos-US dictatorship and then see what happens, is the most common sentiment.

The anti-Western bias ("throw the multinationals out and start from scratch") of a national front movement directed by a Maoist party appeals to many in the middle class—teachers, lawyers, students, in short, readers of Renato Constantino's history books. It also matches a Filipino variety of liberation theology, harking back perhaps to the old millenarian struggle against the Spanish church. One priest active in the NDF explained to me how he resolved his problem of reconciling Christianity and Marxism: "As a Filipino and religious I can only survive by involvement in the struggle."

Rural people are not particularly concerned with American imperialism; they turn to the NPA for protection against marauding soldiers, often sponsored by local landlords. This shows an interesting, and perhaps significant, historical shift, for the bitter root of anti-Americanism goes back to the Great Sell-Out; or, as Constantino would have it, the betrayal by the Filipino elite of the popular struggle against American imperialism at the beginning of the century.

The nationalist revolution against Spain between 1896 and 1899 was one of the few times in Philippine history that the various classes came together in a common cause. The coalition that was formed during those years was made up of illustrado reformers like Rizal, native priests against the Spanish church establishment, and the revolutionary brotherhood—the Katipunan—led by Andres Bonifacio, the clerk from Tondo whose portrait remains an icon throughout the Philippines. In the words of the country's most celebrated modern writer, Nick Joaquin, the coalition showed "a glimpse of a Nation, as though lightning had revealed another side of a face." It was not to last long. The deep divisions that still plague Philippine society came to the surface even before the first Philippine Republic was inaugurated in 1899. Bonifacio's ideals of armed revolution made him as dangerous to the Filipino elite as to the Spanish, and he was executed for treason by General Aguinaldo, the man who was to become the first president of the new republic.

Aquinaldo is one the subjects of *Sitting in Darkness*, Bain describes well how he was finally hunted down in 1901 by an American expedition led by the diminutive adventurer, Frederick Funston. He rightly lays to rest the nationalist canard that Aguinaldo was simply a cowardly "class traitor." The rest of Basin's book, mostly about his backpacking trek up the same route Funston took, is doubtless interesting to backpacking trekkers, but throws little further light on the Fili-American relationship. There are, incidentally, some unfortunate factual errors, the worst of which is the remark that Ninoy Aquino's father, Benigno Sr., "fought the Japanese in the Second World War." In fact he was an active collaborator, serving as vice-president in the wartime government—some say out of anti-American nationalism. Ninoy often hinted that one of his prime motivations for public service was to wipe out the shame of his father's past.

Aguinaldo had little choice but to surrender. In 1901, after he was captured, he issued his last wartime proclamation, recognizing American sovereignty over the Philippines and recommending that the Filipinos make the best of US rule. Perhaps because of this, perhaps because he lived to a contented old age, Aguinaldo never became a national hero of the same rank as Bonifacio or Rizal. It has often been said that Rizal became a greater hero than Bonifacio because of American propaganda aimed at fostering peaceful reforms instead of violent revolution, Rizal's legacy is certainly safer to deal with for a colonial power than Bonifacio's, but the truth is more complicated. Rizal's image was more congenial to the Filipino elite, which benefited most from American rule. This is where the Big Sell-Out comes in.

By sailng into Manila Bay in 1898, ostensibly to help the Filipino struggle against Spain, America effectively aborted the revolution, turning the first steps toward natonhood into a false start. Although Aguinaldo fought on for a few years, much of the Philippine elite did what they had done for centuries to survive, and as they have done ever since, even, until recently, under Marcos; they made deals with the new power, acting as power brokers for their dependents. And by and large they have prospered by doing so. It was they who became the best disciples of American ways, from party politics to Lions clubs.

It is still they, the Kalaws, the Laurels, the Aquinos, who stand for traditional, moderate politics. But it was rural groups which, from the Sakdalistas in the 1930s to the Huks in the 1940s, kept on erupting in revolts, usually inspired by the nationalist beliefs in martyrdom and redemption. The communist movement is now trying to convince people that they are the true heirs to the first revolution, taking up the thread of history where it was so rudely cut off by the Americans.

José Maria Sison, founder of the CCP, made a speech in 1964, on the 101st anniversary of Bonifacio's, birth. He stated that after the death of Bonifacio, the revolutionary initiative of the peasants and the workers of the Katipuman and the anticolonialist struggle in general was undermined and debilitated by the liberal compromises made by the *illustrado* leadership. . . . US imperialism was not only superior in industrial might but also well-versed in a liberal jargon which could easily deceive the newly emerged Filipino bourgeoisie.

Deception through the sweet talk of foreigners—that is precisely what the earlier revolutionaries said about the Spanish friars; Mother Filipines must be delivered from alien lies. Marcos himself used a similar argument when he declared martial law. Struggle against the false foreign prophets is what lends legitimacy to every Filipino nationalist movement. It is a potent message at a time when "credibility" is the most precious commodity. The credibility most at stake in the Philippines today is not that of Marcos and his cronies—they have already lost theirs. It is the traditional opposition, the political remnants of the old democracy who are most vulnerable.

This puts the US government in a highly delicate position, for being America's girl or boy could become a liability as easily as an asset. No matter how duplicitous or irrational it may be, Phillippine nationalism is now on the side of the left. Once that is said, there is a backlog of more than 450,000 Filipino applicants for emigration to the United States.

So, who in the end can redeem Mother Filipinas? It cannot or should not be the US, for the US is part of the problem. The communists are seductive, acting like Filipino Robin Hoods in the villages and talking like reasonable nationalists in the cities. But the closer they get to actual power the less seductive they become. In Davao City there is a slum of wooden huts on stilts called Agdao, also known as Nicaragdao, one of the few urban areas in the country where the NPA has some control, No soldier or policeman would ever go there alone. Occasionally the military will enter in groups for "dragnet" operations, trying to hunt down NPAs. In the process, houses often get looted. Young men are arrested for questioning. In some cases their hog-tied, mutilated bodies are found a week later, thrown out of a truck on some country road.

"What about the NPA?" I asked some people at a corner store called "Baby's Place." "We are more afraid of the military, they answered. "Do the NPAs give you orders?" I asked. There was some nervous shifting. "Yes, they do," said a cheerful-looking housewife. "What happens if you disobey?" She put her hand to her head and pulled an imaginary trigger. "We want to be left alone, but now we are like a boat navigating in two rivers."

In a country used to following leaders, the communists have a problem: they have no recognizable leaders. It is a movement without a face. Instead there are many faces, often without names: the smiling young man in jeans who says "we support the struggle of the Khmer Rouge, although they made some regrettable errors"; the priest in the mountains who points at his armalite rifle saying, "This gun is an instrument for a higher value. The value of justice. The value of dignity of man"; the imprisoned poet who writes that "the death of every revolutionary hero is always many times avenged. He always lives in the hearts and thoughts of the masses and of his ever increasing comrades," Someone has to pull these voices together into a cohesive political movement which can jump from the villages into the political jungle of Manila. That someone is not yet there.

Some commentators have predicted that this faceless insurgency could turn into a Filipino version of the "killing fields." Punishing class enemies and repaying blood-debts are indeed part of the communist program. But the Philippines is not Cambodia. It is an archipelago, with a population of 55 million people spread over thousands of islands, hard to coordinate under central command. There are no foreign sanctuaries. People have not been traumatized by B-52 bombings. Class hatred lacks the intensity it had in parts of Indochina. There is no evidence yet of the Filipino communists receiving material and financial support from Chinese, Vietnamese, or Soviet comrades. That said, however, the messianic fervor traditionally so much a part of Philippine rebellion could lead to an unhappy combination of extreme idealism and running amok—a violent Filipino movie come to life.

Meanwhile, Marcos has called an election for February 7, 1986. Will the traditional opposition leaders be able to surprise everyone and resolve their differences? Will Salvador Laurel, or Corazon "Cory" Aquino, or Jovito Salonga, or Eva Kalaw be able to redeem Mother Filipinas after all? So far the moderates have looked like a microcosm of the old, squabbling democratic days. "Irrelevant" is a word often used for them. Though this is perhaps too strong a term in a country where most people would still favor a middle-of-the-road government,

their chances do not look good. One could perhaps compare them to a splintered group of German politicians trying to revive the Weimar republic, had Hitler suddenly called an election in 1939.

Still, now that "Doy" Laurel has finally agreed to run as vice-president with Cory Aquino, Ninoy's politically inexperienced but popular wife, running for president, there is at last some hope of a unified challenge to Marcos. Laurel's decision came after a bewildering run of flip-flops. At one point he promised to support Aquino's candidacy. Then he decided to run for president himself, only to change his mind one hour before the filing deadline. The two former Liberal party candidates, Eva Kalaw and Jovito Salonga have pledged their support to the ticket.

Laurel is a typical Filipino politician of the old school: ambitious, opportunistic, and pro-American. This combination—with the promise of a substantial dip in the old pork barrel—would have been fine in the pre-Marcos period of free-wheeling family politics. Now it could be a liability. "He'll be just like Marcos" is an often-heard opinion. Son of the wartime Philippine president under the Japanese, Laurel is known for his strong Japanese connections, which may be a financial asset, but is a weakness in nationalist eyes.

Laurel is leader of one wing of the old Nacionalista party and president of the United Democratic Nationalist Organization (UNIDO), which was formed as an umbrella group for opposition leaders. This well-organized party machine is Laurel's major contribution to the "Cory-Doy" ticket. Cory's main strength is her husband's legacy and her long-held determination to remain above the political fray. Many feel that her position as the guardian angel of the Aquino myth will be damaged as soon as she becomes another politician. One left-wing activist shrewdly said that "she is more useful to us as a unifying symbol than as a candidate." How useful leftists will find Laurel, a vociferous anticommunist, is one of the more interesting questions for the coming elections.

All traditional opposition leaders talk much about "credibility" and "restoring the faith of the people." And all express great confidence that once faith has been restored the country's problems will be resolved in due course. Indeed, it is often said that Marcos is the Communist party's best ally. But the communist movement will not disappear with Marcos. One spokesman for the party said that a moderate post-Marcos government "will hasten conditions for the overthrow of the US puppet regime. We will have more room for political work with the masses."

Even if one of the opposition candidates were elected, they would still have to deal with the NPA, who will not lay down their arms before "total victory" has been achieved. They may not have much of a chance.

"They're all communists," said the governor of Davao Oriental, as a young girl whisked away a fly hovering over his plate of roast pork. We were having lunch with the general in charge of counterinsurgency in Davao. "No way the military will back some weak opposition leader. The communists will win." I asked the governor how he thought the military would prevent the communists from winning. He laughed and shouted "coup d'état. The military never had it so good as under Marcos and they're sure as hell not going to let go." The general smiled indulgently at his friend and made no comment.

Perhaps the country is beyond redemption. Former President Manuel Quezon, who returned with MacArthur in 1944, once said: "I would rather have a government run like hell by Filipinos than a government run like heaven by Americans." Maybe the country will have to pass through several more circles of hell before it can see the light of redemption. That will only happen once Filipinos recognize the best piece of advice that Rizal ever gave them: "Spain, must we some day tell Filipinas that thou hast no ear for woes and that if she wishes to be saved, she must redeem herself."

DISPELLING THE TRADE MYTHS

HON. RICHARD ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. ARMEY. Mr. Speaker, soon we will find ourselves once again in the midst of a fiery and emotional debate over trade. Before Members throw themselves headfirst into the fray, I respectfully suggest that they read the following article by economist Murray Weidenbaum.

Mr. Weidenbaum briefly points out six myths which help to obscure the discussion of our trade policy. They are:

First, Japan is the problem. If they would only open their markets to our products;

Second, the United States is an island in a world of protectionism;

Third, imports are dragging down the American economy and depressing employment, especially in manufacturing;

Fourth, imports are the main reason for the unemployment in steel, textiles, and other key industries;

Fifth, protection is the way to save jobs; and

Sixth, workers in import affected industries deserve special treatment if they lose their jobs.

Mr. Weidenbaum's refutation of these economic fallacies is concise and well worth reading. I commend it to your attention.

[From the Washington Times, Dec. 31, 1985]

DISPELLING THE TRADE MYTHS

(By Murray Weidenbaum)

Congress will be under intense pressure next year, as elections approach, to respond to the pleas of companies and their employees who see themselves threatened by import competition.

But before Congress can act intelligently, it must discard six myths about trade:

Myth No. 1—Japan is the problem. If only they would open their markets to our products . . .

It is true that Japan maintains an intricate variety of obstacles to imports, and that its government reduces those obstacles only in response to our constant pressure. Furthermore, our trade deficit with Japan—$37 billion last year—is far greater than that with any other country. Yet, even if we had not traded with Japan at all, the United States would still have experienced a record-breaking 1984 trade deficit of $86 billion with the rest of the world.

Meanwhile, our traditional export surplus with Western Europe has turned into a trade deficit, $13 billion in 1984. Our trade accounts with Canada and Mexico are likewise in the red—$20 billion and $6 billion respectively. In fact, the United States has a trade deficit with almost every nation in the non-Communist world. It would be foolish to believe that everyone is out of step but us. The United States must be doing something basically wrong.

Myth No. 2—The United States is an island in a world of protectionism.

It would help to clear the air if we acknowleged our own extensive barriers to imports. "Buy American" statutes give preference to domestic producers in government procurement. Half of all commodities financed with U.S. foreign aid must be shipped in American-flag vessels. Imports of sugar, beef, dairy products, and mandarin oranges are restricted. Japanese auto imports are limited by "voluntary" quotas. So are steel imports. Local construction codes keep out foreign building supplies. Despite all the talk about being the only country that practices free trade, only 30 percent of our imports come in duty-free. Numerous non-tariff barriers are imposed by federal, state, county, and municipal governments.

Myth No. 3—Imports are dragging down the American economy and depressing employment, especially in manufacturing.

In reality, the rapid rise in employment in the United States in recent years is the envy of the rest of the world. Civilian employment has increased from 98.8 million in 1978 to 107.2 million today—a far greater increase than Japan and Western Europe together have enjoyed.

What about the supposed decline in U.S. manufacturing? Industrial production reached an all-time peak in 1984. Moreover manufacturing's share of the real gross domestic product has held steady for the last 30 years, at about 25 percent. This is not booming growth, but it is certainly a far cry from the supposed decline and fall of U.S. manufacturing. Manufacturers are performing fewer activities in-house and contracting out more to suppliers, many of whom are classified in the service sector. Employment of production workers rose from 47 million in 1975 to 62 million in July 1985.

Myth No. 4—Imports are the main reason for the unemployment in steel, textiles, and other key industries.

Analysis does not support this contention. A Federal Trade Commission study of the American steel industry shows that generous wage increases, greater than in other industries, have been the largest single reason for the lack of competitiveness and declining employment in steel. As for textiles, research shows that rapidly improving productivity is the main reason for declining employment.

Myth No. 5—Protection is the way to save jobs.

Wrong again. Protectionist actions increase the cost of producing goods and services, reducing the competitiveness of American products. A recent study shows that if the United States had imposed a 15 percent import quota on steel in 1984, as the steel industry sought, 26,000 steelworker jobs could have been saved—but at a cost of 93,000 jobs in the steel-using industries. Higher prices for steel would have made American automobiles and durable goods less competitive.

Protectionism turns out to be the most inefficient welfare program ever designed. A government spending program where the benefits delivered amounted to only 50 or 60 percent of the costs would be criticized as

shamefully wasteful. But in the case of protected industries, the typical increase in prices paid by consumers far exceeds the total wages of the jobs "saved." In the case of footwear quotas, the ratio of costs to benefits was 9 to 1; in the case of steel and autos, 4 to 1.

Myth No. 6—Workers in import-affected industries deserve special treatment if they lose their jobs.

I know no reason why workers in such industries should be considered more deserving than, say, defense workers who lose their jobs when government contracts are completed or canceled—a job loss attributable directly to government action.

Protectionism is a politician's delight because it delivers visible benefits to the protected parties while hiding the costs to consumers, taxpayers, and other affected parties. But as Chrysler chairman Lee Iacocca says, in defending joint production arrangements with foreign companies: If you don't go to the lowest-cost source, you're an idiot." That should be true for consumers as well as business. Ironically, when consumers follow Mr. Iacocca's advice, they are attacked in TV commercials as unpatriotic.

RESOLUTION INTRODUCED IN SUPPORT OF CONTADORA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. LEVINE of California. Mr. Speaker, I am today introducing a resolution to reaffirm support for the Contadora process. This resolution is sponsored by both the chairman and ranking minority member of the House Committee on Western Hemisphere Affairs, as well as other bipartisan Members of this body who have been leaders on this issue.

Mr. Speaker, since January 1983, the Contadora nations of Mexico, Venezuela, Colombia, and Panama have been trying to forge an agreement among the nations of Central America to try to resolve the crisis in that region. In September 1983, the Contadora nations and representatives of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua agreed to a Document of Objectives for resolving the tension which threatens the security and peaceful coexistence of the Central America region. This document supports, among other things, the self-determination of the people in Central America, nonintervention, the sovereignty of the States and respect for their territorial integrity, the peaceful settlement of disputes, democratic principles, social justice, respect for human rights, and the prohibition of terrorism and subversion.

On January 11 and 12, 1986, in Caraballeda, Venezuela, the Ministers of Foreign Relations of the Contadora nations and the Contadora Support Group, which consists of Argentina, Brazil, Peru, and Uruguay, met and issued "The Caraballeda Message Towards Central America's Peace, Security and Democracy." The Carabelleda message reaffirms support for the negotiation process fostered by the Contadora nations and calls for a Latin American solution to the Central American conflict.

In addition, on January 14, 1986, under the leadership of Guatemala's democratically elected President Vinicio Cerezo, the five Central American Foreign Ministers met in Guatemala and endorsed the Caraballeda Message.

The House of Representatives, on November 17, 1983, passed a resolution, which I sponsored, affirming our support for the Contadora initiatives and the Document of Objectives. In addition, that resolution affirmed our belief that the United States should provide such assistance and support as may be appropriate in helping to reach final agreements based on the Contadora Document of Objectives.

President Reagan, himself, in a letter to one of our colleagues in June 1985, affirmed his determination to seek a political and diplomatic solution to the violence in Central America.

The January 1986 actions of the Contadora nations and the Contadora Support Group have given renewed life and hope to the Contadora process. Based on diplomacy and the search for negotiated political solutions to the region's conflicts, rather than on the use of force or the quest for military victory, it is the single most important, best hope we have of bringing about a peaceful solution to the conflicts in Central America. Our support for Contadora should be part of our overall policy of cooperating with our valuable allies in the region to achieve Contadora's important objectives. It is in our own national interest firmly to support the Contadora process, and to do whatever we can to advance prospects for its success.

The resolution I am introducing today reaffirms the support of this body for the Contadora initiative and Document of Objectives, which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region. It affirms our support for the Carballeda Message Towards Central America's Peace, Security and Democracy, which seeks peaceful solutions to the conflicts in the region. Lastly, it reaffimrs our belief that the United States should provide such assistance and support as may be appropriate in helping to reach final agreements based on the goals of the Document of Objectives and the Caraballeda message.

This resolution is in the best interests of the countries in Latin America, and of our own country as well. I urge my colleagues to support it. The text of the resolution follows:

H. CON. RES. 283

Concurrent resolution to reaffirm support for the agreement on a framework for negotiating a peaceful settlement to the conflict and turmoil in Central America, which resulted from the initiative of the Contadora group

Whereas at the initiative of the four Contadora nations of Colombia, Mexico, Panama, and Venezuela, representatives of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua met on September 7 to 10, 1983, and agreed to a Document of Objectives for resolving the tension which threatens the security and peaceful coexistence of the Central American region;

Whereas the Ministers of Foreign Relations of the Contadora Group and the Contadora Support Group (consisting of Argentina, Brazil, Peru, and Uruguay) met in Caraballeda, Venezuela on January 11 and 12, 1986, and issued The Caraballeda Message Towards Central America's Peace, Security and Democracy;

Whereas the Caraballeda Message reaffirms support for the negotiation process fostered by the Contadora group and calls for a Latin American solution to the Central American conflict;

Whereas on January 14, 1986, under the leadership of Guatemala's democratically-elected President Vinicio Cerezo, the five Central American Foreign Ministers met in Guatemala and endorsed the Caraballeda document;

Whereas on November 17, 1983, the House of Representatives affirmed its support for the Contadora initiatives and the resulting Document of Objectives, which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region, and further affirmed its belief that the United States should provide such assistance and support as may be appropriate in helping to reach final agreements based on the Contadora Document of Objectives;

Whereas President Reagan has affirmed his determination to seek a political and diplomatic solution to the violence in Central America; and

Whereas the January 1986 actions of the Contadora Group and the Contadora Support Group have given renewed life and hope to the Contadora process: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) reaffirms its support for the Contadora initiatives and the resulting Document of Objectives, which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region, and internal reconciliation and democracy within Nicaragua;

(2) affirms its support for the Caraballeda Message Towards Central America's Peace, Security and Democracy, which seeks peaceful solutions to the conflicts in the region; and

(3) reaffirms its belief that the United States should provide such assistance and support as may be appropriate in helping to reach final agreements based on the goals of the Document of Objectives and the Caraballeda Message.

FAMILY PLANNING

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. GEJDENSON. Mr. Speaker, as we return to our legislative duties we have the responsibility of reconciling human needs with budgetary constraints. Family planning is an area where responsible decisionmaking is a must in order to assure the health and well-being of millions of people around the world and to avoid the tragedy of abortion. Time and again it has been proven that effective family planning services are the only way to prevent the high incidence of abortion. For instance, the Mexican Social Security Administration estimates that 360,000 abortions have been averted since implementation of a comprehensive family planning program in that country in 1972.

Unfortunately, family planning programs have come under attack by a vocal minority pursuing narrow policy goals. I call to my col-

leagues' attention an article appearing in the New York Times which reveals the true goals of groups opposing family planning. Despite political pressure, I urge you to keep in mind the human and ecomonic dimensions of this issue as we debate the budget over the coming months.

The article follows:

[From the New York Times, Feb. 5, 1986]

ABORTION BATTLE SHIFTS TO AID FOR FAMILY PLANNING

(By Robin Toner)

WASHINGTON, Feb. 4.—Abortion has been a flashpoint in American politics, often dominating elections and polarizing debate over domestic programs.

In recent years, however, activists in the fight against legal abortion have increasingly turned their attention to a new front: United States Government assistance for family planning programs abroad. And they are winning significant victories, with population planning organizations saying they see a fundamental shift in Federal policy.

Over the last 18 months, under lobbying pressure by opponents of abortion, the United States has eliminated money for one major international population planning organization and sharply reduced money for another. In both instances, the abortion issue was central to the decision.

But some anti-abortion activists are also focusing on the type of family planning services offered with United States support. The Agency for International Development has dramatically increased its spending on birth control that relys on periodic abstinence from sexual intercourse.

RULE WAS OVERTURNED

Last year, in a move strongly supported by some Roman Catholic activists, the agency also tried, unsuccessfully, to change its rules so that counselors on this form of family planning could receive Federal money without having to give their clients information or referrals on other forms of birth control. That rule change was later overturned by Congress.

International population planning programs "are now being questioned, and they must be defended in a way their proponents didn't have to 10 years ago," said Robert G. Marshall of the American Life League.

Advocates of population control see things in a considerably different light. "We're seeing what I would consider a reprehensible retreat from reality by the present Administration," said Werner Fornos, president of the Population Institute. At a time when many developing countries are most eager for population assistance, Dr. Fornos added, the United States is "crippling" some of the organizations best able to provide it.

Mr. Fornos and others also assert that these recent developments may be only the first round in a battle over government support of artificial contraception.

Leaders of the largest anti-abortion organization reject the notion that the abortion issue is being used as a "smokescreen" to attack contraception programs. "We think that's a scare tactic on their part," said Douglas Johnson, the legislative director for the National Right to Life Committee.

Officials of that committee say they are trying to halt the "exporting" of abortion policies and practices to developing nations by groups that receive American money. They also say they are trying to keep the United States from supporting programs in countries that coerce abortion.

But while the National Right to Life Committee takes no position on contraception, other elements of the antiabortion movement do. For example, the American Life League, whose officials were among those who met with President Reagan last month, argues that the Federal Government should cease all assistance for contraception programs at home and abroad.

"We don't think the Government should fund these things—artificial means of birth control," said Mr. Marshall, director of research for the organization, based in Stafford, Va. "They lend themselves to coercion and centralized control over family life."

AGENCY CAUGHT IN MIDDLE

As these international population programs become entangled in the abortion debate, the Agency for International Development increasingly finds itself in the middle. The agency's administrator, M. Peter McPherson, argues that family planning programs help prevent abortion.

Activists on both sides of the issue trace the agency's policy shift to the 1984 world population conference in Mexico City. The United States had barred the use of its money for abortion services abroad since 1973; at Mexico City, the Reagan Administration announced a new prohibition. Henceforth, no Federal money would be provided to private organizations operating abroad that "perform or actively promote" abortion, even if those services were paid for by other sources of money.

As a result, the International Planned Parenthood Federation lost all Federal money last year, an amount estimated at $11.5 million, although affiliates that comply with the new abortion policy still receive money, according to A.I.D.

In the United States, private organizations that provide abortion services can still receive Federal money for family planning clinics, although the Federal dollars cannot be used for their abortion services.

Last summer, anti-abortion activists won another victory on the international front, when Congress approved an amendment that banned all Federal aid for groups that "support or participate in the management of "Government population programs that coerce abortion or sterilization.

That amendment, which stemmed from reports of coercion in China's population program, resulted in a $10 million cut in Federal aid for another major group, the United Nations Fund for Population Activities.

LOBBYING IMBALANCE CITED

Chinese officials have denied repeatedly that their program includes coerced abortion or sterilization. Still at issue is whether that amendment will lead to a total withdrawal of United States support for the United Nations group this year. Anti-abortion activists and their supporters in Congress are calling for such a cutoff unless the group pulls out of China.

Representative Patricia Schroeder of Colorado, a strong supporter of international population assistance said she feared a steady erosion in support for family planning abroad. Those programs, she said, do not have "a driving, immediate constituency" on Capitol Hill, as opposed to the activists who oppose them.

"Everything's in serious danger" with the deficit reduction law on the scene, she said. "Foreign aid is never particularly popular, and if you have a domestic group thats lobbying hard, and Gramm-Rudman coming from the other side, it's very hard to figure out how you're going to sustain it."

Mr. Johnson of the National Right to Life Committee said that if organizations "persist in the linkage of abortion and contraception, they will suffer."

"If they're not engaged in abortion related activities," he said, "we don't care how much they get, because they're out of our purview."

THE EFFECT OF THE PRESIDENT'S FEDERAL BUDGET ON MY STATE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Ms. OAKAR. Mr. Speaker, a Federal budget defines our Nation's values and establishes our priorities. The nearly $1 trillion budget that the President submitted to Congress yesterday represents a retreat from our values and misplaces our priorities.

If the budget were enacted as submitted to Congress, more than $20 billion would be cut from an already frayed social safety net for our elderly and young, and from the programs that keep America efficient, structurally sound and prepared to face the challenges of the future. Programs that will be cut include those that build and repair our infrastructure, educate our young, care for the elderly and cope with the severe social and personal dislocations that result from economic transition.

At the same time, military spending will increase 8 percent—more than $34 billion in budget authority. We all share a commitment to our national security. Clearly, though, throwing money at the Defense Department is not necessarily going to provide the American people with the defense they expect. The scandalous abuses of the last several years have already demonstrated the inability of the defense community to efficiently administer that level of spending increase. Yet to finance this relentless buildup, the Nation's cities and States are asked to accept great sacrifices and absorb deep cuts.

My own community of Cleveland serves as an outstanding example of the responsible and effective application of Federal programs during a time of economic transition and difficulty. Using the resources made available by urban development action grants, Economic Development Administration and the Small Business Administration, the city in the last 5 years was able to create or retain more than 7,000 jobs, secure nearly $300 million in private investment that would not have been otherwise possible and bring Cleveland through some its darkest days since the Great Depression. Most of the money invested by Federal and local governments is returned to the Treasury in the form of repaid loans. Enormous addition revenues are added through an economic ripple effect and in enhanced tax payments at several levels of government. These programs are among many that President's budget would eliminate. The loss of these programs, along with deep cuts in infrastructure repair and construction, mass transit, community development block grants and

many others, would wreak enormous damage on the social fabric of our Nation's cities and on the lives of millions of Americans.

An analysis of the President's budget proposal prepared by my office, indicates that Cuyahoga County in northeast Ohio would have to absorb a loss in excess of $100 million if the budget were adopted and the State of Ohio would lose well in excess of half a billion dollars. That is the result of conservative calculations. I ask that the analysis be printed in the RECORD and I encourage my colleagues to give it their careful attention. A similar story would be told in every community of our Nation.

MAJOR OHIO PROGRAMS

[Dollar amounts in millions]

	Fiscal year 1986 budget (outlays)	Reagan 1987 budget	Percentage of change (4-percent inflation)	Comments
Programs:				
Medicaid	$1,311.0	$1,374.0	10.0	The President has proposed to cut Federal Medicaid payments to States in fiscal year 1987 by 6 percent before inflation, and then index such payments to inflation for the next 5 yr, with no increase for added caseload, Ohio could lose $62,000,000 in Federal Medicaid funds. Ohioans, currently enrolled in Medicare, would feel this cut.
Medicare	3,248.0	3,322.0	(1)	The President's proposed Medicare cuts will cost Ohio seniors and health providers increases of $142,000,000 in fiscal year 1987. 1,400,000 Ohio seniors will pay an additional $56,000,000 in premiums and deductibles alone, and can expect inevitable cutbacks in services.
Health block grants	45.4	51.9	−16.0	The budget would increase health block grant funds by 14 percent, but include under those grants existing programs for black lung, family planning, and migrant health. Ohio could lose as much as $14,000,000 in Federal funds from these programs.
AFDC	482.4	456.3	−9.0	The administration's changes in program eligibility and funding will cost Ohio $45,400,000 after inflation.
Transportation (highways and transit)	593.4	[2] 571.0	8.0	
		[3] 454.0	28.0	
Highways	482.9	[2] 466.0	−7.5	
		[3] 418.0	−17.5	
Transit	110.6	[2] 105.0	−9.0	
		[3] 36.0	−70	
Revenue sharing	191.0	0	−100.0	
Disadvantaged education	120.3	144.1	−4.0	The administration proposes to freeze budget authority for ch. 1 compensatory programs for disadvantaged. Because of funding lags, this cut will not be felt immediately. Over 140,000 students could be affected.
Social services block grant	120.3	124.4	−9.0	The President would increase social services block grants funds to account for inflation in fiscal year 1987 and then freeze the block grant for fiscal year 1978.
Program outlays:				
Community development block grant	161.5			FY '86 budget
	113.0			With G–R cuts & deferral
Low-income energy assistance	113.9	113.9	−4.0	The administration proposes to freeze funding at 1986 presequestration levels. Over 42,000,000 Ohio households will have difficulty paying utility bills as a result.
Job Training Partnership Act [JTPA]	144.9	128.4	−14.8	The administration proposes to freeze JTPA block grant funds and rescind over ⅓ of summer youth employment funds.
UDAG's	42.0			
Housing program Sec. 8	[1] 0	[1] 0		The President is proposing no new construction.
Sec. 202 (856 new units):[1]				
Current authority	[1] 4.368	[1] 0		The President wants no money for new contracts for elderly and handicapped people.
Budget authority	[1] 37.068			Do.
Public housing (117 new units):[1]				
Current authority	[1] 1.337	[1] 0		No additional units. In Cleveland, 2,443 people waiting for public housing won't get it.
Budget authority	[1] 20.136			Do.
Budget impact on Cleveland/Cuyahoga County:				
Medicaid (Cuyahoga County)	202.9	212.7	−10.0	The county could lose $10,000,000 in Medicaid funds. An estimated $157,000 county in Medicaid enrollees would be affected.
Medicare (Cuyahoga County)	479.2	490.1	(1)	Over 200,000 seniors in the county will experience higher Medicare premiums and reduction in services. Health providers and the elderly in the county will lose $21,000,000.
AFDC (Cuyahoga County)	44.0	41.6	−9.0	The President's proposals for AFDC are in the area of quality control.
Social service block grant	43.7	45.2	0	75,000 Ohio beneficiaries of social services block grant could be affected.
Transportation (highways and transit)	[1] 74.6	[2] 71.4	8.0	
		[3] 43.4	46.0	
Highways (Cuyahoga County)	37.9	[2] 36.5	7.5	
		[3] 32.4	17.5	
Transit (Cuyahoga County)	36.7	[2] 34.9	9.0	
		[3] 11.0	70.0	
Revenue sharing:				
Cleveland	14.3	0	−100.0	
Cuyahoga County	22.6	0	−100.0	
Disadvantaged education (Cuyahoga County)	17.8	21.3	−4.0	The administration proposes to freeze ch. 1 budget authority. The cuts will not appear in actual outlays for several years. Close to 19,000 students could be affected.
Social services block grant (Cuyahoga County)	43.7			
Community development block grant:				
Ohio	82.573	71.012	−18.0	Ohio: 1986 cuts, $35,388; entitlement, $117.9.
Cleveland	20.171	17.347	−18.0	Cleveland: 1986 cuts, $8.7; entitlement, $28.8.
Cincinnati	10.267	8.829	−18.0	Cincinnati: 1986 cuts, $4.401; entitlement, $14.67.
Columbus	5.519	4.746	−18.0	Columbia: 1986 cuts, $2.366; entitlement, $7.885.
Low-income energy assistance (Cuyahoga County)	17.4	17.4	−4.0	The Administration proposes to freeze block grant funds at 1986 levels. Over 82,000 households in the county will be affected.
Job Training Partnership Act	3.75			
UDAG's (Cleveland)	[1] 28.6	[1] 0	[1] 100.0	

[1] Fiscal year 1985 figures.
[2] Outlays.
[3] Authority.

HOUSING PROGRAMS

[Dollar amounts in millions]

Program	Cleveland	Fiscal year 1986	Reagan budget 1987	Percentage of change (4 percent inflation)	Comments
Sec. 8:					
Moderate rehabilitation					
Amount	$1	$922.5	0	−100	The numbers reflect new budget authority. The President requests only money to continue current payments.
Units	100	10,000			Do.
Existing:					
Amount	$2	$2,468	0	−100	Assisted housing reduced by 91 percent since fiscal year 1981.
Units	500	32,000			Do.
Sec. 202:					
Amount	$3	$1,680	0	−100	
Units	70	12,000			

HOUSING PROGRAMS—Continued

[Dollar amounts in millions]

Program	Cleveland	Fiscal year 1986	Reagan budget 1987	Percentage of change (4 percent inflation)	Comments
Public Housing—Modernization:					
Amount	$5	$1,500	0	−100	
Units	300	NA			

GOD BLESS STEPHEN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. HALL of Texas. Mr. Speaker, when President Reagan so ably expressed the Nation's grief following the tragedy at Cape Canaveral—he, had he known of it, could have added an eighth name of a brave little boy who, as the poet wrote, "also put out his hand and touched the face of God."—for, at that very time, a brave 6-year-old boy, Stephen Fiengo, from Longview, TX, was fighting the battle of life and death after being mauled by a pack of pit bull terriers; last Sunday he died.

Stephen, who suffered wounds over his entire body and underwent four surgical operations and seven complete transfusions to replace his blood, was able to rally three times after his vital signs became perilously weak. While he lay in the pediatric trauma unit at Parkland Memorial Hospital in Dallas, reports of his remarkable stamina and will to live permeated the hospital.

I commend Stephen's strength—that he had the courage to fight for days despite the severity of his injuries; the strength of his parents, Stephen and Brenda Sue, who kept a constant vigil at his bedside; the strength of the doctors who worked diligently to save this young boy's life; and the strength of the many friends who offer their comfort and support.

God bless Stephen—and his family, and all who prayed and pulled for him.

MRS. JESSIE THOMPSON: VOLUNTEER OF 1985

HON. JIM ROSS LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. LIGHTFOOT. Mr. Speaker, this past month of January the spirit of giving was honored by presenting a silver platter to Jessie Thompson for her generous and gracious efforts at Jennie Edmundson Hospital in Council Bluffs.

At times such as these in the State of Iowa when there is much difficulty and adversity because of the farm crisis, the survival of our communities will be the result of contributions by its members. So today I rise to pay tribute to Jessie Thompson who exemplifies the community spirit of sharing and for her being named Volunteer of 1985 by the Jennie Edmundson Hospital Auxiliary.

Over the past 8 years, in addition to more than 2,000 hours given to the auxiliary, she has participated in the Union Pacific Old-Timers, P.E.O. Sisterhood, Parent-Teachers Association, United Way, American Cancer Society, and American Red Cross.

Mr. Speaker, I am sure my colleagues, the people of Council Bluffs and all of the Fifth District wish to join me in congratulating Jessie Thompson for her unselfish dedication and giving in the service of her community.

REACHING FOR EXCELLENCE

HON. RICHARD ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. ARMEY. Mr. Speaker, we were moved when the President spoke of the "renaissance in education" in his State of the Union Address. It was, after all, only a few short years ago that grim reports were being issued warning that the poor quality of our public schools made America "a nation at risk."

It seemed that we were committing "educational disarmament," producing a generation of young people less educated than their parents and less able to cope with the demands of a competitive world. Today, however, the scores on college entrance exams have risen for 3 straight years and they are now the highest they have been since 1963.

But this renaissance is only beginning, and it is up to all of us to see that these accomplishments continue and that the rising generation of Americans achieves its full potential. Crucial to this renaissance will be two bold, new concepts in education: One to help families provide for their children's college education and another to restore to parents the freedom to choose the best education for their children.

An educational voucher system would provide parents with vouchers which they could apply to any accredited school, public or private. This will allow them to choose the best school for their child's needs. If their child is exceptionally gifted, has a learning disability, perhaps a special interest in a certain area, or simply desires to be educated according to a religious faith, they will be able to find the best school for him.

Of course, many parents will want to continue sending their children to the neighborhood school, and they will be able to use their voucher there in the same way. The important thing is that vouchers will once again give parents the freedom to decide how their children should be educated.

In addition, we will help parents save for their children's college education by providing them with education savings accounts. Modeled after the highly successful IRA legislation, these ESA's would allow parents to contribute $1,500 a year, or a lesser amount, to a tax exempt savings account. With regular contributions and accrued interest, this account will expand to a substantial amount of money by the time a child is ready for college.

This will help families meet the high cost of tuition on their own, without having to depend on the expensive Government student aid bureaucracies.

Nothing, Mr. Speaker, is more important to the future of our country than the education of our children. By enacting these two vital ideas into law, we will help to assure that the future of America will be very bright indeed.

THE TELECOMMUNICATIONS EQUIPMENT AND SERVICES ACT OF 1985

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. TAUKE. Mr. Speaker, on January 13, 1986, the Federal judge overseeing the AT&T consent decree released an opinion "clarifying" several issues related to postdivestiture industry rules and regulations. Clarify indeed. The opinion leaves little to the imagination: The Federal judiciary is now established as a permanent and continually evolving regulatory and policymaking force in the telephone industry. Instead of being allowed to enter the lines of business mandated by customer demand in the marketplace, the Bell Co. will only be allowed to compete in those dictated by the Federal courts.

This action provides ample incentive for Congress to reassert itself as principal architects of U.S. telecommunications policy magnifies the need for legislation like H.R. 3800, which I introduced with my colleague from Washington [Mr. SWIFT].

Today, Mr. Speaker, we are pleased to announce that over 50 of our colleagues have joined with us in cosponsoring H.R. 3800. A list of these additional names is attached to my statement, and I include the list as part of the RECORD.

H.R. 3800 allows the Bell Co., with certain regulatory safeguards, to manufacture telecommunications equipment and provide information services—lines of business currently restricted under the AT&T consent decree. The bill increases the competitiveness of the United States in the world telecommunications marketplace, it promises consumers new and innovative services, and guarantees that America's telecommunications infrastructure will not become a technological buggy-whip.

I appreciate the antitrust concerns and the circumstances leading to the AT&T divestiture.

We all want to ensure that consumers are protected from potential anticompetitive practices, and we do not intend for consumers to subsidize the Bell Co. entry into these new business ventures. However, the current approach to minimize the possibility of anticompetitive conduct comes only at a high price to American consumers. There are other ways to gain these assurances without the costly and draconian restrictions imposed on the Bell Co.

The FCC, for example, has suggested in its computer III inquiry that the Bell Co. could be allowed to offer certain types of advanced technological services on a competitive basis, using strict accounting principles to guard against anticompetitive abuses. Indeed, the Commission has stated that certain services will never reach the marketplace unless the Bell Cos. are allowed to offer them. Some, however, disagree with this view and would rather deny consumers the benefits of new services and technology than run an almost nonexistent risk of cross subsidies.

The Federal judiciary cannot, and should not, set broad telecommunications policy, considering issues such as universal service, rate structures, and international trade. This role should be reserved for Congress and the FCC.

I urge my colleagues to join with me in helping Congress to reassert its policymaking role in the telecommunications field. One way this clearly can be done is by cosponsoring H.R. 3800, a bill which clearly demonstrates that Congress should set the rules that guide the future direction of this industry.

COSPONSORS OF H.R. 3800

The Telecommunications Equipment and Services Act of 1985 introduced by Congressmen Tauke (R-IA) and Swift (D-WA).

FEBRUARY 6, 1986

Lott, Nielson, Whittaker, Gingrich, Madigan, Skeen, Sundquist, Wortley, Siljander, Bentley, Monson, Shaw, Quillen, Bilirakis, Duncan, Roberts, Meyers, Franklin, Spence, Vucanovich, Schuette, Armey, Boulter, Barton, T. Coleman, DeLay Slattery, Matsui, H. Ford, Bustamante, Fuqua, Dowdy, Pepper, Tallon, Hefner, Glickman, Lloyd, Whitley, L. Smith, Ortiz, Fascell, Hatcher, Chappell, Barnard, Boner, Wilson, Stenholm, Dymally, Leath, Robinson, Skelton, R. Young.

RONALD E. McNAIR: A ROLE MODEL FOR BLACK AMERICA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. TOWNS. Mr. Speaker, Dr. Ronald E. McNair will, of course, be remembered as one of the seven astronauts who lost their lives in the crash of the *Challenger* shuttle. But he should also be remembered for his achievements as a graduate of a historically black college, North Carolina A&T State University who dedicated himself to supporting black colleges.

Ronald McNair educational and professional achievements as a laser physicist and an astronaut will forever stand as examples of what black Americans can accomplish through hard work, commitment, and perseverance. In 1978, when he joined NASA, after a successful career with Hughes Research Laboratory in California, he was one of three blacks selected for the space program out of 11,000 applicants. One of his former teachers, Jannie Taylor, who now teaches in Brooklyn, NY, talked about his early dedication and commitment to be the very best he could be.

Ron was a very inquisitive student. He was a very exceptional student whom we knew would go places.

Dr. McNair did go places. And he carried the hopes and aspirations of many Americans, but particularly black Americans on January 28. The Congress has honored Ron McNair and his fellow astronauts with resolutions to name the seven moons of Uranus in their memory and to issue a stamp in their honor. The memory of Ronald McNair can best be commemorated by encouraging black youth to follow in his footsteps as a successful research scientist and someone committed to educational excellence for black children. Dr. McNair has left a legacy that all Americans can be proud of but one that black Americans will especially treasure.

SPACE PROGRAM IN THE AFTERMATH OF THE SHUTTLE TRAGEDY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. LAGOMARSINO. Mr. Speaker, Americans had soared into space 55 times over 25 years, and their safe return came to be taken for granted. All that changed last Tuesday when the flight of the Space Shuttle *Challenger* came to a tragic and abrupt end, taking the lives of seven of this Nation's best and brightest hopes for the future. The Nation and the world continues to grieve and share the tragedy of the *Challenger* and the pain and suffering of the astronauts families. Words to express our sorrow, grief, and concern seem inadequate to express our feelings.

Mr. Speaker, I too am deeply saddened by the tragic loss of the shuttle *Challenger* and it's crew of seven. However, despite this tragedy, we must continue exploration and research in space. The space shuttle program has proven to be a stable, successful means with which to pursue this goal. I urge my colleagues to review the following editorial in the Ventura Star Free Press regarding the future of the Space Program:

ONWARD INTO SPACE

It was only 11 days ago that anyone in coastal Ventura County still sleeping at 6 a.m. on a Saturday was awakened by a rumbling sonic boom created by the space shuttle Columbia. Most of us rolled over and went back to sleep, confident that the 105-ton spacecraft that had traveled 2.5 million miles in six days would touch down at Edwards Air Force Base as gently as a single-engine Cessna returning from a pleasure flight.

The record of the shuttle program had been such that we took for granted these remarkable accomplishments of science and technology. All that changed Tuesday morning with a horrifying explosion in the air 10 miles above Cape Canaveral.

With the tragedy came again the realization that our adventures into space are still adventures of risk.

The knowledge that among those aboard was one of us—a private citizen, a schoolteacher who shared our wonder and sense of romance about space travel—made the tragedy more poignant.

Until last summer, Christa McAuliffe was connected with the space program only in the way the rest of us are: She would watch on television and marvel. In answering a question on a NASA application, she said she wanted to be the first U.S. private citizen in space because, "I remember the excitement in my home when the first satellites were launched. My parents were amazed and I was caught up with their wonder."

That has been the magic of the space program: its ability to capture imaginations and satisfy our collective yearning to master new frontiers. From the beginning, the administrators at NASA encouraged the American people to share in the adventure. So now, just as we rejoiced and felt patriotic pride when Neil Armstrong set foot on the moon, we weep and share the national sorrow of Tuesday's tragedy.

What next?

There are questions to be answered. What went wrong? Is it practical to equip the spacecraft with ejection devices that would give astronauts a small chance of escaping a future disaster? Is it wise to proceed so quickly with plans to put a private citizen in space?

The questions will be answered; the space program will go forward.

NASA's safety record has been excellent. Until Tuesday, the fleet of space shuttle had logged more than 50 million miles without injury, a fact which offers little consolation but some perspective.

In 25 years the manned space program has advanced from a simple up-and-down rocket flight to walks on the moon to a point where men now walk in space to repair satellites.

This was to be the year that space travel became commonplace, with 25 shuttle launches planned—one every two weeks, with blastoffs from both coasts. Flights in the next few months were to send unmanned probes to Jupiter and to the Sun.

There will be a re-evaluation of the program, but it will go forward. A manned space station will be built, perhaps planets will be explored.

It will be impossible for the children who will be the future Christa McAuliffes to not be caught up in the wonder.

Today that wonder is tempered with awe and a sober appreciation for the courage of those who willingly take the risks to lead us all to new frontiers.

ALL ROADS LEAD TO $260 BILLION FOR DEFENSE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. ASPIN. Mr. Speaker, the latest deficit forecasts have led many to breathe more easily, believing it will now be much easier to meet the Gramm-Rudman targets. Let me be

the bearer of bad news: nothing has changed. And here's why.

It is true that the latest CBO deficit forecast is more optimistic—but it is also true that the lower CBO forecast starts with lower defense spending. Basically, no matter how you figure it, any rational scenario ends up showing that the defense budget will end up this year at about $260 billion in budget authority—give or take a few billion.

Let me quickly add that this is not a worst case exercise. This prediction is a conservative one. If I am wrong, the odds are overwhelming that the defense budget will end up even smaller rather than larger than $260 billion.

Here's what happened to produce the latest confusion. After projecting in January a deficit of $220 billion for 1986, the Office of the Management and Budget and the Congressional Budget Office are now able, seemingly miraculously, to project a 1987 deficit at about $180 billion. It seems to many, therefore, that the pain of reaching the Gramm-Rudman deficit target of $144 billion for 1987 may not be as great as feared. Table 1 shows how the logic works.

TABLE 1.—HOW SOME SEE THE BUDGET TASK BECOMING EASIER

	1986	1987
Projected deficit	$220	$180
Gramm-Rudman target	144	144
Approximate cuts required	80	40

The mathematics is very simple. Our task has been halved. The Sun is rising. All is goodness and light.

But the math is all wrong.

Table 2 tries to put the math on the right track. Its eight columns show eight different scenarios for the 1987 defense budget. But take a look at line 7. Seven of the eight scenarios end up with defense budget authority around the $260 billion mark.

TABLE 2.—FISCAL YEAR 1987 DEFENSE BUDGET

[In billions of dollars]

	January 6 Aspin Study		January 28 Aspin Analysis for HASC		January 29 CBO Baseline (Preliminary)		February 5 administration baseline		
	Budget resolution scenario	Gramm-Rudman scenario	Budget resolution scenario	Gramm-Rudman scenario	Budget resolution scenario	Gramm-Rudman scenario	Budget resolution scenario without reestimate of defense outlays	Budget resolution scenario without reestimate of defense outlays	Gramm-Rudman scenario
1. Deficit projection	187	172	203	178	178	163	182	(198)	162
2. Gramm-Rudman deficit target	144	144	144	144	144	144	144	(144)	144
3. Required deficit reduction	43	28	59	34	34	19	38	(57)	18
4. Outlay reduction from defense	22	14	30	17	17	10	19	(29)	9
Assuming, in the context of budget resolution scenarios, a 2 to 1 relationship between new defense budget authority and outlays from that authority:									
5. New defense budget authority assumed in deficit projection	307	286	323	286	301	286	323	(323)	286
6. Budget authority to be cut	44	28	60	34	34	20	38	(58)	18
7. Net new defense budget authority	263	258	263	254	267	266	285	(265)	268
7a. Net new defense budget authority with reestimate of defense outlays	(247)	(244)	(247)	(236)			(265)	(265)	(256)
Assuming, in the context of budget resolution scenarios, a 3 to 1 relationship between new defense budget authority and outlays from that authority:									
8. New defense budget authority assumed in deficit projection	307		323		301		323	(323)	
9. Budget authority to be cut	66		90		51		57	(87)	
10. Net new defense budget authority	241		233		250		266	(236)	

The top line shows the different deficit estimates in each of the eight scenarios. The main gap here is between my earlier somewhat higher figures and the CBO and OMB estimates that have converged at about $180 billion. The primary reason for the discrepancy is the use of different revenue assumptions.

Line 4 shows the half of the deficit excess that would have to come out of defense under the logic of Gramm-Rudman. The required cuts in defense range all the way from $12 billion to $30 billion. Those figures are in outlays.

Moving down to the next section of the table, we shift from outlays to budget authority. Line 6 assumes that the budget authority to be sequestered will be double the outlays that must be stopped. That is the ratio that comes out of the automatic mechanism in Gramm-Rudman. In the context of a budget resolution, this is a very conservative assumption. It means that military personnel and readiness would have to take hefty cuts. More about that later.

One key item to note is the range of defense budgets shown in line 5. Despite this range, as line 7 shows, after all is said and done—after everything is netted out—we end up with a defense budget virtually the same under either CBO's calculations or my calculations. And that would involve cutting the President's request by almost $60 billion in budget authority.

This is bit difficult to comprehend. After all, conventional wisdom says that, if deficits are going down, it should be easier to make the Gramm-Rudman target. However, it ain't necessarily so. A lot of other numbers figure into the calculation of the bottom line—revenues, the level of defense spending, the number of officials that can dance on a Pentagon statistic. The last is very much a factor because the administration has made the deficit target this year through some very creative—and low—estimates of how much budget authority the Pentagon will spend. In an effort to make this problem a little clearer, I have included line 7a, which shows a new calculation of post-Gramm-Rudman defense budget authority where every scenario uses CBO's calculation of defense outlays.

One other point. I mentioned earlier that seven of the eight scenarios showed defense budget authority ending up around $260 billion. One scenario—the President's budget request—ends up much higher, which seems to support the White House argument that it can preserve its defense program by simply jacking up the request. The problem, however, is that the administration simply waved a wand and made about $15 billion in outlays disappear this year. That won't wash. The vertical column in parentheses shows what the Reagan budget will look like after the magic wand is removed. Now all eight scenarios end up clustered around the $260 billion mark.

Now, I mentioned earlier that this assumption of a $60 billion cut was a conservative one. It assumes that on average we can achieve $30 billion in outlay reductions through $60 billion in budget authority cuts.

Here I had better give a brief primer on budget authority and outlays. The Congress appropriates budget authority for Government agencies. When an agency actually spends money, it becomes an outlay. Putting it another way, budget authority is permission to spend; outlays are actual spending. Outlays are important because the annual deficit is determined by subtracting total outlays from total revenues. To give an example, suppose that Congress votes to give the Defense Department $100 million in budget authority to build a ship. The Navy will spend this over the several years it takes to build that ship. Therefore, while budget authority for the ship this

year will be $100 million, outlays will be much less—on average only $6 million. Next year outlays will be $20 million; the year after $25 million, and so forth. For the military personnel accounts, budget authority spends out much more quickly—$100 million of budget authority this year will become $97 million in outlays this year. In general, the personnel and readiness accounts spend out quickly while the procurement and construction accounts spend out slowly. Stating all this in Gramm-Rudman terms, to stop $1 in outlays this year, requires stopping $1.03 in personnel budget authority—or $1.25 in readiness budget authority—or $2 in R&D budget authority—or $8 in procurement budget authority—or $12 in construction budget authority.

Therefore, it is very unlikely that we would achieve outlay cuts on the magnitude of $30 billion this year by reducing budget authority by $60 billion. That assumes we are relying heavily on cuts in the manpower and readiness areas—the fast spending accounts. It assumes that we would be willing to accept large cuts in military manpower and a singificant drop in readiness. In recent years, however, Congress has consciously protected personnel and readiness by imposing a larger share of the cuts on the procurement and R&D accounts. As a result, the reductions that Congress has made in recent years have produced $1 in outlay cuts for every $3 in budget authority cuts. If we were to continue that 3-to-1 ratio—a reasonable assumption—we would be taking far deeper cuts in defense budget authority. The bottom three lines in table 1 show what happens. Since a 3-to-1 ratio is historically more accurate than the 2-to-1 ratio used to produce a $260 billion defense budget, we could well end up with a 1987 defense budget between $233 billion and $250 billion, as shown on the bottom line—a reduction in excess of 20 percent of the President's request.

H.R. 281: A DISASTER FOR WORKERS AND THE ECONOMY

HON. RICHARD ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. ARMEY. Mr. Speaker, very soon we'll be facing a fight on the House floor to stop what amounts to a heavyhanded power grab by some union officials to gain increased control over individual construction workers.

The bill coming up, H.R. 281, innocently called the Construction Industry Labor Law Amendments of 1986, would essentially prevent unionized construction companies from hiring nonunion workers. The disastrous effects would be twofold: the loss of workers' individual freedom and a devastating blow to a critical sector of the American economy.

In leading the fight to oppose this bill, I will be offering strongly worded amendments to counteract this flagrant abuse of union officials' power. One amendment will put an end to "top down" organizing which forces an employer to make workers join a particular union. Another will require employee votes at each job site on whether or not to unionize—thus eliminating the automatic provision that would bring untold millions of compulsory dues money into the hands of union officials.

The U.S. Congress has been neglecting the rights of individual workers for too long. It's time to reverse the tendency to continually give blanket authority to union officials at the expense of worker's rights and at the expense of our overall economic well-being; instead, we should reaffirm our belief that workers themselves should have the right to freely choose whether or not to be represented by a union.

H.R. 281 is the wrong bill at the wrong time. I urge my colleagues to join me in putting an end to this type of misguided approach to labor policymaking.

FRENCH ELECTIONS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. GARCIA. Mr. Speaker, Flora Lewis wrote a particularly thoughtful column today on the upcoming French elections. Her grasp of international affairs, particularly European affairs, is well known. I, therefore, thought my colleagues would like to take a moment to read some of her insights on politics in France.

[From the New York Times, Feb. 6, 1986]

THE SERENITY VOTE

(By Flora Lewis)

PARIS.—With five weeks to go before crucial French legislative elections on March 16, there has been an unforeseen and revealing change of tone in the campaign.

For months, the politicians have been exchanging fierce invective and predicting disaster if the voters don't support whichever side the speaker urges. Now, when the campaign might have been expected to reach a climax of frenzy, the politicians are backing away from their dire predictions of consitutional crisis and paralysis of government.

It obviously isn't by happenstance. The politicians who have long been performing before a fairly inattentive electorate seem finally to have listened to the voters' guiet message. People want some change but they don't want a crisis, they don't want high political melodrama, and whoever is perceived to be responsible for creating it is likely to pay at the polls.

So now, the emphasis at the hustings is on the sober, sensible way each leader promises to deal with the inevitably sticky constitutional situation looming.

This goes against nature for the politicians. Their instinctive approach to a campaign has always been to exaggerate, to dramatize issues, to draw sharp lines of battle and mobilize their public. But there is a shrewd, general assessment that the usual tactics risk being counter-productive this time, and the competition has turned into trying to capture the serenity vote.

The central problem lies in the ambiguities of the Fifth Republic's constitution. It was personally tailored for the late Charles de Gaulle, providing vast power for the president on condition that he had a rubber-stamp assembly. Sooner or later, the time was bound to come when the president lost control of the parliament. It is surprising that that has never happened before, but now it seems certain just ahead.

President Francois Mitterrand's term will continue nonetheless until the spring of 1988, and he has made absolutely clear that he means to serve it out in full regardless of whether the voters give opposition deputies a majority in the new assembly.

The French have given the peculiar name of "cohabitation" to this situation, without exploring the psychological undertones of referring to a divided government in this way. But the implication that there will be no marriage of convenience, that inescapable partnership will in no way inhibit rivalries and jockeying for position in the 1988 presidential race is doubtless correct.

All the leading presidential hopefuls are familiar, they have been on the scene a long time. There are no new faces, no problems of establishing recognition. The suspense rides entirely on the arithmetic of the returns, especially hard to predict this year because the electoral system has just been changed from two rounds of voting in single-member constituencies to a one-round vote on lists with a proportional system of allotting seats.

The very strong probability is that parties on the right will control the assembly and oblige the Socialist president to name one of their leaders as prime minister. For campaign reasons intended to sharpen the choice, the various groups have already taken positions that will constrict their room to maneuver into coalitions, if the arithmetic is indecisive and makes that the evident solution.

This is regrettable, though politicians can always find ways to back down on a promise in the name of necessity. In any case, Mr. Mitterrand has to face sharing power with a defiant prime minister.

That means France is likely to be more than ever difficult to deal with on the international scene in the next two years. It could be a period of disastrous feuding and posturing, as the Socialist and Conservative leaders vie for the appearance of primacy. Domestic policy will veer to the right, though probably not so brusquely as the campaigners pretend, because in the last three and a half years the Socialists have come off their initial ideological binge and have worked hard on pragmatism.

But it can also turn out that a divided French government will be prudent, shying from a lurch to instability, more or less marking time until the big contest for power in 1988. That seems to be the electorate's wish, and the politicians are having to subdue their combative reflexes to appear responsive. There may be no crisis. The Fifth Republic is turning out sturdier, more deeply rooted, than its constitutional flaw in distributing power made foreseeable.

TRIBUTE TO DR. LOUIS HAAS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. PEPPER. Mr. Speaker, it is a privilege and a pleasure for me to commend a great citizen of Bay Harbor Islands, FL, Dr. Louis Haas, upon his 88th birthday. Dr. Haas has been my friend for over 35 years and he has had a long and distinguished career in public and civic affairs. He currently serves as vice

mayor of Bay Harbor Islands and served as mayor in 1976.

Dr. Haas is director of the Florida League of Cities for the 18th Congressional District. He was president of the Civic Association for 23 years. In recognition of his outstanding contribution to the community, Mayor Stephen Clark proclaimed March 11, 1979, as Dr. Louis Haas Day. In 1984, a three-page article extolling Dr. Haas' many accomplishments appeared in the Miami Herald. It read in part, "Claude Pepper may champion the rights of the elderly in Congress, but Dr. Louis Haas remains the elder statesman in Bay Harbor Islands." At 88, he's the oldest elected municipal official in Dade County. And, I might add, a very active one.

I know, Mr. Speaker, that many of my colleagues will want to join me in paying tribute to this outstanding American, Dr. Louis Haas, upon his 88th birthday on February 12, when he will be honored by the Florida Gold Coast Chamber of Commerce at a luncheon.

GARY BALL NAMED "POTATO MAN OF THE YEAR"

HON. RICHARD STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. STALLINGS. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. Gary Ball, a resident of my district in Idaho who recently has been named "Potato Man of the Year" by a national produce magazine. Mr. Ball has worked hard to promote our Idaho potatoes through his efforts on the National Potato Promotions Board, the National Potato Council, and in many other areas.

I would like to include in this CONGRESSIONAL RECORD a copy of an article that appeared in the Rexburg Standard-Journal which describes Mr. Ball's efforts and the award he has received. The article, which follows below, was written by Joyce Hunter.

Farmers are a determined lot. They're determined to grow crops year after year in spite of unpredictable weather, prices, politics, and pestilence.

Rexburg farmer Gary Ball is no exception. And he's been rewarded for his determination not only in working his land, but also for his off-the-farm activities benefiting the potato industry.

The Packer, a national produce magazine has named Ball its Potato Man of the Year after taking a poll of leaders in the potato industry. Ball already had a wall full of plaques and honors. Now he's trying to find a place for the silver chalice The Packer gave him.

But the publicity surrounding the award makes him uncomfortable. "I don't work for awards. I feel better without the recognition," he says.

His motives in being active in potato industry organizations are to gain knowledge and, if necessary, to try to effect change. "You need to be informed. You're better off. Things are changing all the time. We (farmers) need national organizations on our regulatory and legislative side.," he says. "If I can contribute, I will."

Contribute he has. It started in 1974, when the National Potato Promotions Board was formed. In that marketing organization, he served three two-year terms as a director, one as president, and three years as an export committee chairman. He traveled to Japan several times to try to open up that market for potatoes. He also helped organize food shows in Hong Kong. At the same time, he was a member of the National Potato Council. As vice president of its legislative committee, he worked on the Perishable Agricultural Commodities Act trust amendment.

He's been a member of the Idaho Potato Growers Association. And as a member of the Idaho Potato Commission for six years, he served as its chairman and as a chairman of its research and education committee.

He holds much praise for the Idaho potato organizations. "I've always had an interest in the Idaho program. It's made me aware of what an organization means to an industry," he says.

Marketwise, the Idaho potato farmer is at a disadvantage because he's so removed from major population centers. "They (Potato Commission members) had the foresight to organize in 1938 to spend millions to promote the Idaho potato," he says. "Everywhere in the world, they know about Idaho potatoes. And we actually do grow the best potatoes."

Of course, he's working to keep it that way. As a head of a tri-state (Washington, Idaho, and Oregon) committee, he's helped develop the Tri-State Varietal Development Program. That potato breeding program has received $788,000 in federal funds this year to develop better, cheaper-to-produce potatoes. He's also the chairman of an organization developing uses for those better potatoes. He helped found the National Potato Research and Education Foundation, which among other things, explores the potential of the potato as a natural additive in processed foods. "There's a potential there for whole new areas of use," he says. The foundation also sponsors an annual international seed potato seminar and is working to eradicate potato ring rot.

Most of his organizational activities have been relatively noncontroversial. But he's entered the political sphere as a member of a Department of Agriculture ad hoc committee on trade. And he's just been appointed as one of six U.S. members of a joint U.S.-Canada trade committee. "I don't accept it (the appointment) with enthusiasm," Ball says. "Trade—that's a tough one. It's a no-win situation where you can't please everyone."

Meanwhile back at his Rexburg Bench farm, he tries to make the best of a bad potato year. On the farm, he gets a lot of help from his family, especially his teen-age sons.

His work with the various organizations is worth the time it takes, even though he receives compensation only for part of his expenses. "It's all a cooperative effort to keep for families a viable industry in Idaho," he says.

WYOMING VALLEY CHAMPS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. KANJORSKI. Mr. Speaker, it is a great pleasure for me to bring to your attention three new additions to the Wyoming Valley Boxing Hall of Fame. The home of Joe Palooka, the Wyoming Valley has produced some of the finest boxers of this country. I am glad to take this opportunity to give a brief biographical description of each of the fine men recently chosen to enter the Hall of Fame.

Tony Baldoni, the "Heights Bearcat," began his distinguished career as a middleweight at the age of 13. He began under Al Flora and faced such outstanding fighters as Tiger Jones, Joey Girardello, Kid Norris, Sonny Hampton, and Harold Green during his 15-year career between 1946 and 1961. He won 22 of 26 bouts as an amateur before turning pro at age 16. He served in the U.S. Marine Corps from 1950 to 1954 with the Second Marine Division and saw action in Korea.

Eddie O'Leary made his ring debut at the age of 15 as one of the five "Fighting O'Learys" of Pringle, PA. As an amateur he was a Diamond Belt and Golden Gloves champion in the flyweight ranks. Of 239 amateur and pro fights, he won 226. After turning pro he was called into Army service and became lightweight champion at Fort Reilly, KS. He served as a machinegunner with Patton's Third Army overseas and suffered a knee injury in combat, which prevented him from making a successful ring comeback after the war.

The third addition to the Wyoming Valley Boxing Hall of Fame is Francis "Effie" Welsh, sports editor of the Times-Leader Evening News and prominent boxing writer. Born in Freeland, PA in 1888, Effie joined the sports staff of the Times-Leader in 1913 and eventually became sports editor, a position he held at the time of his death in 1951. His column, "Don't Say We Didn't Tell You" was widely read in the Wyoming Valley. He was active in sports promoting, organizing the Armory A.C. and drumbeating boxing matches there for years. A close friend of cartoonist Ham Fisher, he was the prototype of Knobby Walsh, Joe Palooka's manager in the comic series.

Mr. Speaker, it is indeed an honor to take this opportunity to draw the attention of my colleagues in the House of Representatives to the accomplishments of these three men whose careers have earned them places of honor in the Wyoming Valley Boxing Hall of Fame.

GILMAN OFFERS STRONG SUPPORT FOR THE DRUG ABUSE EDUCATION ACT OF 1986

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. GILMAN. Mr. Speaker, I am pleased to join my colleague, the chairman of the Select Committee on Narcotics Abuse and Control, the gentleman from New York [Mr. RANGEL], in introducing important legislation that, when enacted, will provide a much needed infusion of State aid for the sole purpose of developing, disseminating, and implementing drug abuse education curricula and teaching materials in elementary and secondary schools throughout our Nation. This measure, the Drug Abuse Education Act of 1986, comes at a time when the select committee, after careful deliberation and many hearings, concluded

that the prevention effort in this country was sorely lacking.

If our children are not taught the proper skills, they enter the workforce unable to contribute in a substantive manner. Similarly, unless these youngsters are the beneficiaries of good nutrition, they are unable to study properly and learn. It is in the vital interests of this Nation that we arm our children with the necessary tools to "say no" to the scourge that is drug abuse, to protect their minds and bodies. And, as ranking minority member of the select committee, I remain aghast that drug education prevention programs are not mandated in every elementary and secondary school across our great land.

This extensive problem was underscored again during a series of hearings the committee presently held in the Southwest. In El Paso, Texas; Tucson, Arizona; and San Diego, CA; the committee heard testimony from law enforcement officials and education experts alike that our children are woefully unprepared to defend themselves against the continuous onslaught of heroin, marijuana, cocaine, PCP, and other illicit substances. That is why, even in this time of fiscal austerity, that I strongly support the legislation in question, which authorizes $100 million for each fiscal year 1987-91.

The bill allows these funds to be used for demonstration projects of drug abuse education, as well as drug abuse education training for teachers, counselors, and other educational personnel, public service personnel (including law enforcement officials) and community leaders. I am pleased that a particular provision of the bill also allows the use of funds to educate parents, who are such an important part of this total education effort.

These programs, in primary prevention and early intervention, are necessary if we are to ensure that the legacy of this country is passed on to a generation able to shoulder the responsibilities that we as Americans have in this world. And, the legislation insures an equitable distribution of funds by providing that grants to the States shall be made on the basis of the number of K-12 students in a State's school system as it relates to other States. Yet in order to receive moneys, assurance must be made that the State has a statewide requirement that each elementary and secondary school establish a drug education curriculum for each grade. At this time, much of the requirements are voluntary—Mr. Speaker, they must be mandatory.

It is also important to note that the Department of Education and the Department of Health and Human Services are required to cooperatively collect and disseminate information to State and local educational agencies on successful drug education curricula and other proven school based approaches, providing technical assistance to State and local agencies when necessary. Our efforts must be broad, spanning the Federal, State and local levels, and they must be cohesive and comprehensive. It is only through a joint effort that we will win the "war" on drugs. The battlefield is our neighborhoods and our schools, our homes and our parks. We have been infiltrated by this insidious menace, and unless and until we take the bull by the horns, we will lose the war and our children to ruthless narcotics traffickers.

Mr. Speaker, I insert the full text of our legislation at this point in the CONGRESSIONAL RECORD, and I invite and strongly urge my colleagues to join us in this fight through their early cosponsorship and consideration of this bill. The time to act is now, or we may lose our young generation whom we hold so dear.

H.R. —

A bill to establish a program of Federal grants to States for drug abuse education in elementary schools

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Drug Abuse Education Act of 1986".

SEC. 2. ESTABLISHMENT.

The Secretary of Education shall establish a program of Federal grants to the States for drug abuse education in elementary and secondary schools in accordance with the provisions of this Act.

SEC. 3. USE OF FUNDS.

(a) STATE USE OF FUNDS.—

(1) Funds available to a State under this Act shall be used for—

(A) the development, dissemination, and implementation of drug abuse education curricula and teaching materials for elementary and secondary schools throughout the State;

(B) demonstration projects of drug abuse education;

(C) drug abuse education training;

(D) technical assistance to local educational agencies; and

(E) State administrative costs.

(2) Not more than 25 percent of the funds available to a State under this Act may be used under paragraph (1)(E).

(b) AUTHORIZED ACTIVITIES FOR LOCAL EDUCATIONAL AGENCIES.—Funds available to a local educational agency under this Act shall be used for—

(1) the development and implementation of drug abuse education curricula for elementary and secondary schools;

(2) drug abuse prevention counseling programs including peer and professional counseling;

(3) programs of drug abuse treatment referral;

(4) programs of in-service and pre-service training in drug abuse prevention for teachers, counselors, and other educational personnel, public service personnel (including law enforcement officials), and community leaders;

(5) programs in primary prevention and early intervention, such as the interdisciplinary school-team approach developed by the Department of Education;

(6) community education programs on drug abuse prevention, particularly programs for parents;

(7) public education programs on drug abuse, including programs utilizing professionals, and former drug abusers and drug dependent individuals; or

(8) other programs of drug abuse education and prevention consistent with the purposes of this Act.

SEC. 4. ALLOTMENTS TO STATES.

(a) FORMULA.—From the sums appropriated to carry out this Act in any fiscal year, the Secretary shall reserve 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs. From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States.

(b) REALLOTMENT.—The Secretary is authorized to reallot any amount of any allotment to a State to the extent that the Secretary determines that the State will not be able to obligate such amount within two years of allotment. Any such reallotment shall be made on the same basis as an allotment under subsection (a).

(c) DEFINITIONS.—For purposes of this section:

(1) The term "school-age population" means the population aged five through seventeen.

(2) The term "States" includes the fifty States, the District of Columbia, and Puerto Rico.

SEC. 5. STATE APPLICATIONS.

In order to receive grants under this Act a State shall submit an application with the Secretary which—

(1) provides assurances that the State has a Statewide requirement that each elementary and secondary school in the State establish a drug abuse education curriculum for each grade kindergarten through grade 12 or that the State will use funds available under this Act to implement such a requirement;

(2) designates the State educational agency as the State agency responsible for the administration and supervision of programs assisted under this Act;

(3) provides for an annual evaluation of the effectiveness of programs assisted under this Act;

(4) provides assurances that the State will coordinate its efforts with appropriate State and local drug abuse agencies;

(5) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation; and

(6) contains assurances that there is compliance with the specific requirements of this Act.

SEC. 6. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

(a) FORMULA.—From the sum made available each year under section 4, the State educational agency shall reserve not more than 20 percent for State activities under section 3(a). The State educational agency shall reserve an additional amount, consistent with the number of children enrolled in private schools in the State, for the purposes of section 8. From the remainder of such sum the State educational agency shall allocate to each local educational agency an amount which bears the same ratio to the amount of such remainder as the school-age population of the local educational agency bears to the school-age population of the State not served by programs under section 8.

(b) PAYMENT.—From the funds paid to it pursuant to section 4 during each fiscal year, the State educational agency shall distribute to each local educational agency which has submitted an application as required under section 7 the amount of its allocation as determined under subsection (a).

(c) REALLOCATION.—The State educational agency is authorized to reallocate any amount of any allocation to a local educational agency to the extent that the State

educational agency determines that the local educational agency will not be able to obligate such amount within two years of allocation. Any such reallocation shall be made on the same basis as an allocation under subsection (a).

SEC. 7. LOCAL APPLICATIONS.

A local educational agency may receive its allocation of funds under this Act for any fiscal year for which its application to the State educational agency has been certified to meet the requirements of this subsection. The State educational agency shall certify any such application if such application—

(1) provides assurances of compliance with the provisions of this Act;

(2) provides for an annual evaluation of the effectiveness of programs assisted under this Act;

(3) provides assurances that the local educational agency will coordinate its efforts with appropriate State and local drug abuse agencies;

(4) agrees to keep such records and provide such information to the State educational agency as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the State agency under this Act.

SEC. 8. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) EQUITABLE PARTICIPATION.—To the extent consistent with the number of children in a State who are enrolled in private nonprofit elementary and secondary schools, the State educational agency (from funds reserved under section 6 and after consultation with appropriate private school officials) shall provide for such services and programs as will provide such children equitable participation under this Act.

(b) AUTHORITY OF SECRETARY.—If a State is unable or unwilling to provide for the participation under subsection (a), the Secretary shall withhold from the allocation of the affected State the amount necessary to provide such services and shall arrange for the provision of services and programs to such children.

SEC. 9. FEDERAL COORDINATION AND TECHNICAL ASSISTANCE.

(a) FEDERAL ASSISTANCE.—The Secretary of Education and the Secretary of Health and Human Services shall through cooperative efforts—

(1) collect and disseminate information to State and local educational agencies on successful drug education curricula and other proven school-based drug abuse education and prevention approaches;

(2) provide technical assistance to State and local educational agencies in the selection and implementation of drug abuse education curricula and programs to most effectively address the needs of the elementary and secondary schools served by such agencies; and

(3) identify research and development priorities with regard to school-based drug abuse education and prevention.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 10. GENERAL PROVISIONS.

(a) DEFINITIONS.—Except as otherwise provided, the terms used in this Act shall have the meaning provided under section 595 of the Education Consolidation and Improvement Act of 1981.

(b) USE OF FEDERAL FUNDS.—Federal funds made available under this Act shall be used to supplement and, to the extent practical, to increase the level of funds that would, in the absence of such Federal funds, be made available by the recipient for the purposes described in this Act, and in no case supplant such funds.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $100,000,000 for each of the fiscal years 1987, 1988, 1989, 1990, and 1991 to carry out the purposes of this Act.

(b) AVAILABILITY OF APPROPRIATIONS ON SCHOOL-YEAR BASIS.—Appropriations for any fiscal year for payments under this Act, in accordance with regulations of the Secretary, may be made available for obligation or expenditure by the agency or institution concerned on the basis of an academic or school year differing from such fiscal year.

(c) AVAILABILITY OF APPROPRIATIONS.—Funds appropriated for any fiscal year under this Act shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which such funds were appropriated.

SEC. 12. EFFECTIVE DATE.

This Act shall take effect October 1, 1986.

IN PRAISE OF OLDER INTERNS

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. LEHMAN of California. Mr. Speaker, for the past several weeks, it has been my privilege to have working as a volunteer intern in my office Mr. Timothy G. Glidewell. Now, it is not my usual policy to make pronouncements of this sort for the interns I have had in my employ. Tim, however, is unique enough that he deserves some special recognition.

The usual state of events for congressional interns is that they are young, fresh-from-college, ignorant in the ways of the world kind of people. This enables members to demand from them extraordinary feats that more hardened veterans of the real world would understandably balk at. This includes such mind-boggling tasks as photocopying several hundred press releases, sorting countless postcards, and running interminable numbers of errands. It is therefore unusual to have to ask a 34-year-old, self-employed businessman to perform these mundane tasks.

Yet, these were tasks that Tim accepted without trepidation, because it was his decision some years ago to continue his education at Stanislaus State College in California. As part of this process, Tim chose to accept a volunteer internship in my office to learn more about how we in Washington make the decisions that shape people's lives. In May of this year, Tim will receive a well-earned bachelors degree in political science.

This was not an easy decision for Tim to make. It meant taking an unpaid leave from his insurance business, as well as an extended separation from his wife Susan, and children Chris and Heather. None of life's important decisions are ever easy, and Tim made this choice knowing full well the difficulties a young man of 34 would face at this point in his life. But he made them knowing that his experiences could also create new opportunities for him.

It is therefore with a great deal of gratitude that I use this time to recognize Tim Glidewell for the contributions he has made to my office these past weeks. I hope that we have contributed to his education, and also hope that he looks back on this experience with the fondness with which we will remember him.

FEDERAL RETIREES DESERVE THEIR COLA'S

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. LANTOS. Mr. Speaker, I rise today in strong support of H.R. 4060—legislation to ensure a Cost of Living Allowance (COLA) for Federal retirees. Just 2 short weeks before they were supposed to receive their checks, Federal retirees were horrified to learn that the 1986 COLA would not be included in their payment. Under the provisions of the recently passed Gramm-Rudman-Hollings Balanced Budget amendment, COLA's for Federal retirees were canceled. Gramm-Rudman-Hollings suspended all COLA's (except Social Security) payable between December 10 and March 1. No other automatic budget cuts under the law, however, would begin before March 1, 1986.

Mr. Speaker, there is no question that balancing the budget is essential. Spiraling deficits are unacceptable. Quick and drastic action is needed until the budget is balanced. However, we must never balance the budget on the backs of the dedicated men and women who spent their lives working and striving to serve this great Nation. Federal retirees should not bear an unfair share of the burden of reducing our Federal deficit.

Since coming to Congress, I have stated publicly on many occasions that retired Federal employees must not only be respected for the decades of service they rendered to our country, but they must also be treated fairly and equitably in terms of cost-of living adjustments to their retirement benefits.

During the course of the deliberations on Gramm-Rudman-Hollings, I strongly urged that military and Federal retirees be exempt from the provisions of the legislation, as are the recipients of social security benefits. Upon passage of the bill, I stated my desire to work with my colleagues for legislation that corrects this inequity which has been imposed on Federal retirees. I am pleased to cosponsor H.R. 4060, a bill that requires that the COLA payments to Federal retirees be made irrespective of any other legislation.

This bill—which has the support of the National Association of Retired Federal Employees (NARFE)—takes an important step to repair the inequities of the Gramm-Rudman-Hollings legislation. I will continue to protect the interests of Federal retirees. I urge my colleagues to join with us to insure that this important legislation is adopted by the House of Representatives.

TRIBUTE TO CHRISTA McAULIFFE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. LEVINE of California. Mr. Speaker, I would like to pay tribute to Christa McAuliffe, the talented teacher and space astronaut. Christa's frank and friendly manner had endeared her to an entire nation, just as it had made her a favorite neighbor in Concord, NH. I know she is also deeply missed in Venice, CA, where her sister Betsy lives.

Christa's mission in space, as in life, was to teach. She had taught English and American history since 1970 and was right at home in the classroom conversing on subjects of law, economics, and on the "the American woman," a course which she developed. She had enthusiastically referred to her *Challenger* voyage as the "ultimate field trip," on which she was of course primed to conduct class for an audience miles below.

Christa's curiosity and generous desire to impart her knowledge to others made her a special member of the NASA family. We could not wait for her to return from space for we were assured a wealth of new stories and observations. Similarly, she could not wait to return to the classroom to share her experiences with her students. Christa had promised us that her travels would not be lost on herself.

In her eagerness to touch the future, Christa has encouraged us all to reach for the stars of outer space. In her memory we must continue to search out the meaning of the universe.

Mr. Speaker, in these brief 1 minute segments, I have paid special tribute to the *Challenger* astronauts who have had the most direct connection with my owe district. Yet, all of us in Congress and all Americans have been touched and inspired by all seven of these brave Americans—Ellison Onizuka, Francis Scobee, Michael Smith, Gregory Jarvis, Ronald McNair, Judith Resnik, and Christa McAuliffe—and we owe them as a nation an incalculable debt of gratitude. Let us rededicate ourselves to their dream of a successful manned space program devoted to the conquest of space for peaceful means for all mankind.

A TRIBUTE TO ED POLEN

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. DYSON. Mr. Speaker, I know you share with me the sadness which comes with the loss of a dear friend. You have known Ed Polen for many years and loved him as I did. Ed, who was Deputy Chief of Property Supply, passed away over the holidays, on December 21, 1985.

Ed Polen was so much a part of this House that it seems inconceivable that he is no longer walking his rounds through these hallowed halls. Ed always had a friendly word for all who encountered him. He knew the answers to all our questions and he knew where that special piece of furniture or equipment would be hiding. He always knew how to add that special touch to a Members' office to make it seem more comfortable. Ed knew how to fix what was broken and mend what was torn. He could straighten a twisted blind, smooth a wrinkled carpet, remove a stubborn spur or rearrange a room's decor—all in the twinkle of an eye.

Ed was always ready with a friendly smile and reassuring word for that brandnew Member who felt so lost on his or her first day. Yes, Mr. Speaker, Ed cared about people's feelings.

I remember well my first few weeks in Congress. I ended up with what I thought was the worst office in the entire complex. Ed Polen walked in and looked around and said, "Well, Congressman, you didn't do so well now did you . . . why don't you just wait and we'll see what we can do." Ed winked, walked out and in no time a bevy of men came marching into my office with some fine pieces of furniture and in no time at all the place was beautiful. I remember how I smiled when a colleague came by and said, "Roy, you must have had one good draw, this office is great."

When you would try to thank Ed, he would just shrink back and say, "Well, just doing my job, Congressman." It was Ed's job to make our every day working lives go more smoothly, and for 42 years he did just that; and he did it as well as it could be done. Yes, Ed was a kind and generous man who was committed to excellence in the work that he did.

Ed Polen was a longtime employee of the Clerk of the House. In fact he served under five of them and each one valued his vast experience and knowledge. They all loved and respected him. To everyone Ed Polen represented a sense of continuity. He knew the Halls of Congress better than anyone alive today. He knew every door and doorknob, every chair and desk and every piece of fabric which ever graced the windows of the U.S. Congress. He knew every inch of the House Chamber and could remember every Member he ever dealt with as a freshman.

Edward Polen had reverance for the history of the House and its contents. I remember how proud he was of the Distinguished Service Award presented to him by the Doorman's Society. He received so many letters of commendations over the years we wouldn't have room in this RECORD to reprint them. Ed Polen was proud of this House and we are all so proud of the service he gave all of us.

Mr. Speaker, Ed Polen was not a famous figure outside this body. He was not a test pilot or an astronaut. He was a good and decent man who served his country in the very best way he knew, every single day of the year. He had an honest heart and a proud spirit. For 42 years he served all of us with character, dignity, and honor. Ed Polen was a great American doing what great Americans do best. I know that we shall miss him dearly.

Mr. Speaker, I would like to extend the best wishes of this body to Ed Polen's beautiful wife Barbara: his lovely daughters, Debra P. Campbell and Dale P. Myers; his brothers Clayton and Robert Lee Polen and to his three grandchildren, Frances Campbell and John and Sara Myers.

To his family and friends, I would respectfully direct them to the words of Longfellow, words which are close to my heart and I know will be close to the hearts of all who were touched by the life of Ed Polen:

"Lives of great men all remind us,
We can make our lives sublime,
And departing leave behind us,
Footprints in the sands of time."

Ed Polen has left his footprints in the Hallways of the House of Representatives in a trail unending, and the work he did here shall never lose its influence.

HONORING TROOPER R.E. JONES

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. BATEMAN. Mr. Speaker, I wish to bring to the attention of my colleagues the noteworthy act of mercy undertaken by one of my constituents, Trooper Reuben Edward Jones of Yorktown, VA.

On June 15, 1985, while on patrol, Trooper Jones heard the local fire department dispatch an ambulance to a nearby fast food restaurant. He stopped to see if he could be of assistance and found a 3-year-old child lying on the ground. The mother of the child indicated that the child had choked on a piece of food. At this time, the child was not breathing and had turned blue. Trooper Jones began a Red Cross method of clearing the airway but was unsuccessful. He then began CPR and was able to get some air into the child's lungs through a partial airway which he established. The child's color returned and she regained a slight pulse. The ambulance arrived and she was transported to a local hospital where the food was removed from her throat.

Due to the meritorious actions performed by Trooper Jones, the child's life was saved. His performance exemplifies the highest ideals of the concern of one human being for another who is in distress.

On February 13, Trooper Jones will receive the highest award presented by the American Red Cross, the Certificate of Merit. I commend him for his quick thinking and accompanying actions which enabled him to save the child's life. I am certain that all of my colleagues in the House of Representatives will join with me in recognizing Trooper Reuben Jones, an outstanding American.

AID TO JONAS SAVIMBI: THE WRONG SOLUTION FOR SOUTHERN AFRICA'S PROBLEMS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. RANGEL. Mr. Speaker, President Reagan has raised the stakes in his game of

cold war chess. His latest gambit is to welcome Jonas Savimbi, leader of the UNITA rebels in Angola, to Washington with the hope of drumming up congressional support for military assistance to UNITA.

As usual, the Reagan administration is viewing the world strictly within the context of our superpower rivalry with the Soviet Union. They see every conflict as a chance to twist the tail of the Russian bear, and every guerrilla movement as "our" guerrillas or "their" guerrillas. No consideration is ever given to the unique local political forces at work.

And what are the forces at work in Angola? Well, for one thing, South Africa dominates the economy and politics of the entire southern Africa region. Nothing occurs without South African input.

Since the fall of Portuguese Africa, Pretoria has waged wars of proxy and destabilization against its neighbors. They have broken their peace treaty with Mozambique, launched raids into Zambia and Botswana, and most recently engineered a coup against Lesotho. Moreover, their most sustained and largest venture has been in support of Jonas Savimbi and UNITA.

Jonas Savimbi has historically allied himself with whomever is willing to buy his weapons for him. He began as a Maoist rebel fighting against the Portuguese. When the MPLA seized power, he made a miraculous shift toward the democratic West, sort of a born-again capitalist. His latest incarnation is that of a conservative Republican, courting such symbols of intolerance as the Heritage Foundation and Jerry Falwell.

President Reagan and others may love his new veneer, but I would like to ask my colleagues whose interests are really being served by supporting Savimbi. He is trying to overthrow a government that actually encourages American oil companies to invest in the Angolan economy.

In fact, his South African allies have tried to blow up the Cabinda refineries in support of his efforts. Yes, he has been successful militarily. But his success is predicated upon South African air support, incursions, and economic aid. When we ask whose interests are being served, it is not our own, but rather South Africa's and Savimbi's.

Mr. Speaker, we should not support Jonas Savimbi's cause. He is not at the vanguard of an anti-Communist crusade, because who knows what his next incarnation will be? Rather, he is a proxy of South Africa, and his movement will only engender more instability and more bloodshed. I ask my colleagues to join together in opposing yet another mistake which we can ill afford in Africa.

TRIBUTE TO CECIL B. MOORE

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. GRAY of Pennsylvania. Mr. Speaker, I rise today to bring the attention of this body to the memory of the Honorable Cecil B. Moore, who will be honored by the city of Philadelphia on February 13, 1986, on Cecil B. Moore Day.

Cecil B. Moore was born on April 2, 1915, in Folk Hollow, WV, the only son of a schoolteacher and physician. He gained a respect for education there that he maintained throughout his life.

Moore attended both Bluefield State College and West Virginia College, and as a teen became active as a young Democrat for Franklin Roosevelt, an experience that would eventually lead to his life in public service.

In the fall of 1942, Moore entered the Marines among the first group of blacks to serve in the corps. He worked hard to ensure better conditions and treatment for black recruits. Following World War II, Mr. Moore was assigned to Fort Mifflin in Philadelphia, until his discharge from the service in 1951. During that time he attended night classes at Temple University Law School and received his degree in 1953.

Moore began to make his mark as an attorney, politician and civil rights leader shortly after he was admitted to the bar. In his prime, he had one of the largest criminal practices of any lawyer in the Nation. Most of his clientele were poor and disadvantaged blacks.

Mr. Moore became president of the Philadelphia Chapter of the NAACP in 1962, increasing its membership from an estimated 7,000 to more than 30,000. During his tenure the Philadelphia chapter was considered the strongest and largest of any in the Nation. As president of the NAACP, he was considered responsible, more than any other person in the city, for the integration of blacks into industry and government jobs. In the early 1960's he led picket lines at construction sites, bus terminals, businesses, labor organizations and many other organizations which were discriminating against blacks.

Perhaps his greatest accomplishment, however, was the successful fight to integrate Girard College, a secondary school established by the will of Stephen Girard which stipulated that only white orphan males be admitted. For more than 7 months, Mr. Moore led protesters at the school site to bring attention to the restrictive admission policy. In 1968, the U.S. Supreme Court decision upheld a ruling that the part of the will stipulating race was unconstitutional.

In 1967, Cecil B. Moore became the first black candidate for mayor of Philadelphia, paving the way for the election of W. Wilson Goode in 1983. In 1976, Mr. Moore won a seat in Philadelphia City Council, representing the fifth councilmatic district. He held the seat until his death in 1979.

I ask my colleagues to join me in paying tribute to the memory of a man who practiced what he preached, who served his community, and in so doing, improved the quality of life for all Philadelphians.

MINIMUM TAX ACT OF 1986

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. GREEN. Mr. Speaker, yesterday, I introduced with my colleagues Mr. CHANDLER of Washington and Mr. TAUKE of Iowa, the Minimum Tax Act of 1986, H.R. 4123. It is obvious that we need a much more stringent alternative minimum tax to be paid by both corporations and individuals. This legislation would use the revenues from the strong alternative minimum taxes to increase the personal exemption for taxpayers, thus helping individuals below the poverty line get off the tax rolls.

The kind of tax reform which everybody can agree upon, Mr. Speaker, is the type which ensures that everyone above the poverty line who earns money pays his or her fair share of taxes, that every business which earns income shoulders its burden of our tax payments system, and that these revenues are used to eliminate from the tax rolls those people who can least afford to pay taxes—those individuals below the poverty line. The United States has the most successful voluntary system of tax payments in the free world, but this system is in jeopardy because many taxpayers perceive correctly that not every individual is paying his or her fair share of taxes. In addition, the fact that various large and profitable corporations have avoided paying any Federal income taxes has angered many taxpayers, justifiably. If there is one best method to raise the funds to remove from the tax rolls those below the poverty line, it is to make more stringent the alternative minimum tax on wealthy individuals and corporations.

Under the Minimum Tax Act of 1986, any individual above the poverty line who earns income would pay taxes. Any corporation which earns income would pay taxes. The bill then directs the Secretary of the Treasury to estimate the revenues from this legislation, which should be substantial, and to increase the value of the personal exemptions allowed each taxpayer correspondingly. Thus, the wealthy will pay taxes and corporations will pay taxes, but individuals who earn less money will pay less taxes, and many of those individuals below the poverty line will pay no taxes.

To be sure, the Tax Reform Act of 1985 (H.R. 3838), passed by the House in December, does include a stronger minimum tax than currently exists in the Internal Revenue Code. However, under the House-passed bill, some wealthy individuals will still avoid paying taxes, even under the alternative minimum tax provisions. In addition, the tax reform bill passed by the House would wreak economic havoc in the name of tax reform and constitutes the antithesis of simplification. The legislation discriminates against women by not allowing a spouse working in the home to set up an Individual Retirement Account and because it repeals the two-earner deduction which is so important to working couples, the bill severely cuts back on the amount of savings an individual can set-aside for retirement plans, and it actively discourages individuals from saving and businesses from reinvesting in their future.

Just as important, although the Tax Reform Act of 1985 contains some very positive provisions which are more attractive than the current Tax Code, President Reagan has announced that he will veto any tax bill which does not raise the personal exemption to $2,000 for each taxpayer, does not include a top tax rate of 35 percent, and which does not

postpone the elimination of deductions until the new rates take effect. Therefore, as I predicted in December when I voted against the bill, the administration has asked the Senate to repeal the deductibility of State and local taxes in order to generate the revenues necessary to include those provisions. And now, the Senate Finance Committee is seriously considering limiting the State and local deduction.

Although nobody likes to pay taxes, Mr. Speaker, taxpayers will shoulder their fair share of our Nation's tax burden as long as they perceive that their neighbors are doing the same. This is not an unreasonable expectation. It is only fair that everyone who earns income and is above the poverty line should pay taxes. Therefore, because reforming the current Internal Revenue Code, which includes the full deduction for State and local taxes, is preferable to accepting the tax legislation passed by the House, Congressmen CHANDLER, TAUKE, and I propose to amend the current code to include a much more stringent alternative minimum tax so that wealthy individuals and corporations shoulder their fair share of America's tax burden in order to lessen the burden on those below the poverty line. This plan promotes fairness and equity. I look forward to working with my colleagues in an effort to enact this legislation.

IN HONOR OF J. CLARK DEVILBISS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. LEVINE of California. Mr. Speaker, I rise today in honor of J. Clark Devilbiss on the occasion of his retirement as police chief of the city of El Segundo, CA.

Chief Devilbiss joined the El Segundo Police Department in 1957. Shortly after that he was assigned to assist the Los Angeles sheriff's department metro and homicide detail in the investigation of the 1957 murder of two El Segundo police officers.

Devilbiss was promoted to sergeant in 1963, lieutenant in 1967, captain in 1971, and finally, chief of police in 1983.

During Chief Devilbiss' tenure, the police department has acquired a police computer system, developed and fielded a special weapons and tactics team, designed and implemented a mobile command post, and developed a physical fitness program for police officers.

Chief Devilbiss' professional activities include membership in the Los Angeles County Peace Officers Association and the International Association of Chiefs of Police. He is also an active member of the El Segundo Kiwanis Club and the United Methodist Church. He and his wife Patricia have been married for over 30 years. They are long-time residents of El Segundo where they have raised three children: Mark, of Redondo Beach; Cheryl Huffine, of El Segundo; and Laura Berenger, of San Clemente.

Having a long standing interest in health and fitness, Chief Devilbiss plans to put that interest to work and will become affiliated with the Manhattan Athletic Club in Manhattan Beach.

In reflecting on his years in law enforcement, Chief Devilbiss stated, "My years in police work have been very rewarding, but I'm looking forward to a change of direction."

It is a pleasure to share Chief Devilbiss' accomplishments with my colleagues in the U.S. House of Representatives. I ask that they join me in wishing the chief the best of luck in all his future endeavors.

TRIBUTE TO JIMMY DEAN SMITH

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. LAGOMARSINO. Mr. Speaker, I am pleased to have this opportunity to recognize Jimmy Dean Smith. For 15 years, Jimmy Dean Smith has served the city of Lompoc in the capacity of chief of police, a position in which he has distinguished himself.

A graduate of La Verne College, Jimmy Dean Smith has utilized his education in sociology-criminal justice in exemplary fashion. Prior to his career in law enforcement, he served in the U.S. Army from 1947 to 1949, later serving 3 years in the U.S. Coast Guard.

In 1953, Mr. Smith was appointed as a police officer with the Fullerton Police Department, was promoted to sergeant, and, in 1962, was promoted to lieutenant. As a lieutenant, he was responsible for training and research, including the police department's recruit academy and all inservice training programs.

From 1966 to 1967, Mr. Smith was a captain in the Tulare County Sheriff's Office, coordinating planning and research activities and assisting in budget preparation.

Jimmy Dean Smith has worked diligently and with dedication for the citizens of Lompoc since 1967, when he was appointed assistant chief of police. In 1970, he assumed the role of chief of police. The Police Department of Lompoc functions as a regional jail for Solvang, Buellton, Lompoc Valley, and the city of Lompoc, and supports 51 full-time employees. Mr. Smith has been responsible for planning, controlling, and directing law enforcement efforts for the community of 30,000 residents for the past 15 years.

Jimmy Dean Smith has also distinguished himself in a number of professional and civic organizations. Various professional organizations include the California Police Chief's Association, the League of California Cities, the California Peace Officer's Association, and the International Association of Chiefs of Police. Civic clubs in which he has played significant roles include the Lompoc Valley Kiwanis Club, the Lompoc Rotary Club, and the Lompoc Valley Boy's Club, serving each as president.

Once again, I commend Jimmy Dean Smith on his outstanding performance as a faithful public servant in law enforcement and, particularly, for 15 years of service as chief of police for the city of Lompoc, CA.

RECONSIDER THE PHYSICIAN FEE FREEZE

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. FEIGHAN. Mr. Speaker, when confronted by difficult problems, rational people look for solutions; irrational people search for scapegoats.

The Congress and the administration, I fear, have succumbed to this sort of irrationality in their efforts to slow the growth of health care costs. By imposing and then extending a freeze on Medicare physicians' fees, the Federal Government has perhaps made an appealing political gesture to older Americans. But it has brought them little genuine relief. Instead it has alienated the most important group in the health care system, a group whose support will be instrumental to any sustained attack on health care inflation.

When the fee freeze was first enacted, I condemned it on the floor of this Chamber as "an insult to the integrity of practicing physicians." The enormity of that insult grows ever larger as we again and again extend what was initially described as a temporary policy.

When the freeze was first proposed, doctors did not rush to attack it. On the contrary, they offered to adopt a voluntary freeze. But neither the Congress nor the administration was willing to take physicians at their word.

Once enacted, the fee freeze seems to have taken on a life of its own, extended and reextended with little reflection on its actual consequences. How long will we continue to pursue this punitive and counterproductive policy? I would urge my colleagues to reconsider the value of the Medicare physicians' fee freeze.

TERROR BREEDS TERROR

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. BONIOR of Michigan. Mr. Speaker. The city of Paris is being shaken by a wave of terrorist attacks. Each night, for the last three successive nights, a bomb has exploded in a crowded commercial area. In all, 22 people have been injured, some of them seriously. These attacks seem to be part of a calculated campaign of terror to pressure the French Government into releasing several people imprisoned for past terrorist acts.

The spiral of terror continues. Terror breeds terror. Its victims are the innocent, the unsuspecting, people going about their daily business until a bomb blast rips their life into pieces.

On Monday night, customers at a shopping gallery along the elegant Champs-Elysee fell victim to a group calling itself The Committee for Solidarity with Arab Political Prisoners. Eight people were injured.

Later that night, an explosion at the Eiffel Tower was avoided because an employee dis-

covered the bomb that had been placed in a public lavatory. Three million people visit the Eiffel Tower each year. The terrorists who took aim at this famous landmark could have had each of these people in their sights.

On Tuesday night, all three stories of one of the largest, most popular bookstores in Paris were devastated by an explosion ignited in the basement. Four people were injured. Glass from the blast rained down upon the surrounding square across from the cathedral of Notre Dame.

Last night, terrorists struck again. In a sporting goods store, in a huge mall which serves 80,000 people a day, a bomb wounded 9 people.

Tonight, the citizens of Paris live in fear of the next attack. As French police gather evidence linking the bombings to shadowy groups of Middle Eastern terrorists, we all recognize our affinity with the people of Paris. It could be any of us, at a bookstore, a mall, a historic landmark; we too are potential victims of terrorism.

There is no political cause which could justify such random brutality. Anyone who would engage in such tactics, and group or nation that would encourage or condone them, must be branded an outlaw by the world community. But more than that, such acts of terror must bring us together, both leaders and citizens of the world, in a determined, forceful effort to stand united and strong against terrorism.

IN MEMORY OF J. EDGAR CHENOWETH

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1986

Mr. FUQUA. Mr. Speaker, it was with sadness that I learned of the passing of our former colleague, J. Edgar Chenoweth, known universally as Judge. He was a good and honorable man who was already serving on the Science and Astronautics Committee when I was first elected to Congress in 1962.

Judge Chenoweth was of great help to me, as a freshman Member, in learning my way around Congress in general, and the Science and Astronautics Committee in particular.

He was beloved by all and I extend to his family my deepest sympathy for their loss.

FUTURE HOMEMAKERS OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. NATCHER. Mr. Speaker, it is a pleasure for me to join with the 325,000 members of the Future Homemakers of America in a nationwide celebration of FHA/HERO Week, February 9–15, with the theme—Future Homemakers of America: A Choice With a Future.

To kick off the celebration, there will be a nationwide, 1-day "Open House America" designated by the American Vocational Association as National Vocational Education Day. FHA/HERO chapters that are participating will hold an open house on February 9 in the home economics department of their school. During that time, parents and members of the community will have an opportunity to see vocational programs in action, discover what these programs have to offer to students and how vocational student organizations enhance and extend classroom learning.

Activities and projects that the Future Homemakers of America was involved in during 1985 included: presenting a half hour program at the National Governors' Association winter meeting and promoting FHA in the October 1985 issue of Good Housekeeping. In 1985, the Future Homemakers of America published an annual report for the first time.

Nearly 2,000 students and 500 advisers attended the 1985 national leadership meeting in Salt Lake City in July. At this meeting, the "Student Body"—a national peer education program to help teens eat right, be fit, and feel good about themselves—was officially launched after several years of field testing. Also, at this meeting, the film "Skills for Life" premiered. This is a 10-minute introduction to FHA and what it has to offer to members. In the fall of 1985, over 6,000 students and advisers attended cluster meetings—a series of regional weekend conferences—designed to enable more local students and teachers to take advantage of high quality training.

This past year was one of many accomplishments for the members of the Future Homemakers of America. I would like to take this opportunity to commend them for these achievements and to wish them continued success in their endeavors during 1986.

WEST VIRGINIA AND PENNSYLVANIA FLOOD PROTECTION

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. WISE. Mr. Speaker, today my colleague, HARLEY STAGGERS, JR., and I are introducing a piece of legislation designed to avoid a future flood disaster like the one that happened to West Virginia last November.

As many of my colleagues will recall, the rains during the first week of November resulted in a flood in West Virginia and Pennsylvania that devastated homes, businesses, and the people that live and work in them. The Army Corps of Engineers estimated that this flood was of a magnitude that could only be described as "happening once in 500 years." In my district alone 158 homes were destroyed, 378 sustained major damage, and 235 minor damage. Damage to highways is now estimated at $75 million—damage to bridges at $30 million. Officials have been unable to complete the estimate of damage to sewer and water systems, but the damage appears to be extensive.

Clearly, this terrible event could not have been adequately predicted, and the only way to avoid a repeat of this tragedy is to be prepared beforehand. It is for these reasons, then, that I join my colleague from West Virginia in introducing a bill to direct the Army Corps of Engineers to conduct an emergency feasibility study on providing flood protection in the Monongahela River basin in West Virginia and Pennsylvania. The bill directs the corps to study different methods of providing flood protection in the Monongahela River basin, and report back to the Congress not later than 2 years after enactment on its findings and recommendations.

Only in this way can we be prepared to weather the storms of the future. I urge all of my colleagues, especially my friends from Pennsylvania and West Virginia, to join me in working for the quick passage of this bill.

NATIONAL EMPLOY THE OLDER WORKER WEEK

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. ROYBAL. Mr. Speaker, the persistence of age discrimination and declining employment opportunities requires us to keep up our fight to improve job opportunities for older Americans who wish to continue working.

Hearings before the Select Committee on Aging have documented the severe hardships which age discrimination causes not only for families who may be forced to deplete their life savings, but also in the loss of millions of hours of productive labor to the economy. According to data from the Bureau of Labor Statistics, once workers aged 55 and over lose their jobs, they stay unemployed longer than younger workers, earn less in subsequent employment, have limited access to training programs, and often become so discouraged that they give up looking for work entirely. Older workers are also three times as likely as younger workers to simply give up on the job search and drop out of the labor force after a long period of unemployment.

The causes of these employment problems stem from negative stereotypes and widespread age discrimination in the work force. Overcoming these stereotypes will require a concerted national effort to recognize the productivity and reliability of older workers.

I am encouraged along these lines by what some companies are doing to hire and retrain older workers. Programs such as job sharing, flexitime, retraining, and part-time jobs are being made available to older workers are productive and reliable and that employers can benefit from their expertise on the job. Yet, these programs are more often the exception than the rule. What is worse, age discrimination complaints represent the fastest growing area of civil rights litigation.

Providing employment opportunities for the older worker is an important and necessary goal, not only for today but for the future. Moreover, those older Americans who are employed are most likely to avoid the clutches of poverty. We must work to make further progress toward the elimination of age discrimination in the work place and the promotion of job opportunity.

For these reasons, I, Mr. PEPPER, Mr. RINALDO, Mr. TAUKE, Ms. SNOWE and Mr. BIAGGI, along with 44 of our colleagues in the House, today join Senators HEINZ and GLENN in introducing a joint resolution to draw attention to the older worker and to encourage employers to generate employment opportunities for these workers. Specifically, we are requesting that the President authorize the week of March 9 through 15, 1986 as "National Employ the Older Worker Week." During this week special programs would be scheduled around the country to inform employers and the public about older worker resources and to educate older persons about available employment opportunities. The outcome will be increased visibility of the need for employing older workers, a better understanding among employers of the benefits of employing the older Americans and wider employment opportunities for those older individuals who would like to make a contribution to our Nation's society.

If we are to enhance national productivity, reduce the cost to private pension systems, and strengthen the Social Security trust fund, we must eliminate age-based discrimination in the workplace and do a better job of providing employment opportunities for all older Americans. I urge my colleagues to support this important celebration in their communities.

MARTIN LUTHER KING: THE DREAM LIVES ON

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. LANTOS. Mr. Speaker, January 20, 1986, marked the first observance of our national holiday honoring the life and works of Dr. Martin Luther King, Jr. This day was marked by celebration of the birthday of Dr. King, sadness and anger over his tragic death and rededication to the goals that he pursued. Americans joined together to commemorate the monumental achievements of this great man and to remember and honor his pursuit of true equality for all the citizens of our great land.

Dr. King's struggle for justice began with the simple, dignified and poignant act of Rosa Parks, who refused to give up her seat on a Birmingham bus in 1955. Dr. King and Ralph Abernathy called a public meeting to decide on a response to such obvious and unacceptable discrimination. It was at this meeting that Dr. King decided to lead the boycott of Birmingham's segregated buses. The boycott lasted over a year and ended successfully when the bus company was forced to change its policies. What started with the action of just one brave woman ended in the action of the Federal courts ruling that segregation of public transportation was unconstitutional.

The Birmingham bus boycott followed Dr. King's commitment to non-violent struggle. Though Dr. King's non-violent protests were often met with firehoses, tear gas, attack dogs and prison sentences, he continued in his dedication to this form of protest. His actions earned him the respect and admiration of thousands of Americans.

In just 13 years between the Birmingham bus boycott and Dr. King's tragic death in 1968, he provided leadership, focus and an eloquent voice to the civil rights movement. For his efforts he was awarded the Nobel Peace Prize. The prize, one of the highest honors any person can receive, recognized his battle for liberty, justice and equality for all the citizens of the world.

Martin Luther King's moral vision was remarkably clear. In the famous letter from Birmingham City Jail in 1963, Dr. King wrote:

> We can never forget that everything Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." But I am sure that, if I had lived in Germany during that time, I would have aided and comforted my Jewish brothers even though it was illegal. If I lived in a Communist country today where certain principles dear to the Christian faith are suppressed, I believe I would openly advocate disobeying these anti-religious laws.

Dr. King's letter includes the famous phrase which rings as true today as the day that Dr. King wrote it, that "injustice anywhere is a threat to justice everywhere."

Martin Luther King was delighted to see part of his dream fulfilled in his life time. He witnessed the signing of the 1964 Civil Rights Act which eliminated "white only" signs from public places and guaranteed equal job and educational opportunities for all Americans. In 1965 he joined President Johnson at the signing of the Voting Rights Act which made it illegal to ask for literacy tests and other voting restrictions which had prevented blacks from excercising their constitutional right to vote.

Yet, Martin Luther King did not live to see his dream of complete equality and justice for all, everywhere in the world, fulfilled. His dream lives on, not as an ideal or unattainable goal, but as a program for action which we must all continue to strive to reach. His dream was a challenge to all to not accept prejudice and bigotry, but to work for social justice, economic opportunity and justice for all.

AMERICA WITHOUT "CHALLENGER" FACES THE CHALLENGE OF AN AEROSPACE PLANE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. BROWN of California. Mr. Speaker, last week, the space shuttle *Challenger* embarked on a mission of science and commerce. That mission abruptly ended in tragedy when the vehicle exploded 74 seconds into the flight. America lost seven pioneers that morning. For those millions who watched the tragedy live, or watched it later on tape, the names of the *Challenger* crew will be etched in our memories: Francis R. (Dick) Scobee, Michael J. Smith, Judith A. Resnik, Ronald E. McNair, Ellison S. Onizuka, Gregory B. Jarvis, Christa McAuliffe.

A reassessment of the space transportation systems priorities will undoubtedly take place. My colleagues and I on the Science and Technology Committee will play a large role in that reassessment. Issues will be addressed as to the shuttle launch priorities once it resumes operations. The Defense Department, for example, had been straining the capacity of the shuttle even before Tuesday's shuttle accident, reserving as much as one third of the shuttle launch capacity. The Strategic Defense Initiative's R&D would put additional demands on the shuttle capacity through the 1990's. Clearly, with a complement of four space shuttles, NASA was just able to satisfy the needs of all U.S. customers. The loss of the *Challenger* has resulted in a substantial loss of total launch capacity which will not easily be regained.

To replace the lost orbiter at this point would cost between $1.7 and $2.2 billion, and would take from 3 to 5 years to complete. I personally support funding another orbiter as I have in the past, but other interim steps should be taken as well. For example, it may be cheaper and easier to reinvest in expendable launch vehicles to stem the U.S. launch-capability gap caused by the loss of the *Challenger.* Currently, the shuttle is only supplemented by four expendable launch vehicles each year. In 4 years or so, the additional shuttle would again be available to handle the increased demand.

This is also an appropriate time to move forward with an advanced next generation shuttle vehicle. I commend the administration for the farsightedness it has shown by proposing funding for transatmospheric vehicle [TAV] research effort in its fiscal year 1987 budget released yesterday. NASA and the Department of Defense [DOD] would jointly be charged with researching the vehicle over a 2- to 3-year period. The TAV would achieve speeds of [illegible] times the speed of sound—Mach 25, the velocity needed to achieve Earth orbit.

The TAV, or National Aerospace Plane [NASP] as the Air Force has officially named it, would potentially drive down the cost of delivery payloads into space by a factor of 100. The flexibility of the hybrid vehicle would allow it to launch on demand and take off and land at major airports. The TAV has also been called the new Orient Express because it will have the ability to travel from the United States to anywhere on the Asian Pacific rim in a matter of a few hours. The possibilities for civilian, as well as defense uses of the aerospace plane are evident.

Within DOD, participants include the Air Force, Navy, the Defense Advanced Research Projects Agency [DARPA], and the Strategic Defense Initiative Organization. Funding for the initiative would be split approximately 80 percent and 20 percent between DOD and NASA, respectively. I am concerned that this funding structure is weighted too heavily on the military, but I will hold my reservations in check as long as first, the program remains a basic research initiative, and second, no military mission is imposed on the TAV during the research and development stages.

The proposed TAV requires a $300 to $400 million 2- to 3-year-ground-test program which would concentrate on advancing and demonstrating key engine, materials, and structure technology. NASA requested $42.8 million for the program in fiscal year 1987. Although the

DOD contribution is classified, the Washington Post reported this morning that a total of $200 million is requested for fiscal year 1987 activities. If the ground test phase progresses satisfactorily, a test vehicle could be built by the early 1990's for under $2 billion. If Congress will take up the challenge of investing in a TAV program, an operational TAV system could be possible by the year 2000. I fully support moving this program ahead.

Mr. Speaker, long after the burning issues of this Congress are forgotten, the latter half of the 20th century will be remembered as the era when the people took the first steps off this planet. Long after Gramm-Rudman-Hollings is forgotten, parents will tell their children about the first lunar landing, unmanned expeditions to the planets, and the start of routine travel to space. It is difficult to compare the benefits of the space program to any other federally funded program. How can Congress analyze the "aspirations," measure the "wonderment," or quantify the "hopes" that are the real benefits of America's space program?

Aside from the satellite industry, what we do in space today may not show significant economic gains in the near-term. What we are investing in is a dream—a hope—which may not show material benefit for many years—far beyond the long-term projections of the most liberal economists. I am convinced that people will establish bases on the Moon and Mars, and eventually settle the entire solar system. From those far away colonies, men and women will undoubtedly begin to contemplate manned interstellar exploration. We will do these things because the urge to explore new territories and travel in space is basic to human nature. We cannot deny this ancient desire.

Most major discoveries in the past have been made by individuals who took up the scientific or exploratory challenge on their own. But, today's pioneers can't tinker in their garages and build a vehicle to take them to the stars. Therefore, we, as a nation, must become the curious star voyager and build those ships. As a collective inquisitor, the nation shares in the rewards of the discoveries made aboard ships like the *Challenger*.

The President has asked for sufficient NASA fiscal year 1987 budget, and I would ask that you support a healthy program when it comes to the floor of the House for consideration.

Mr. Speaker, this past year has been plagued with numerous natural and man-inflicted disasters, but none has touched the human spirit more than the explosion of the space shuttle *Challenger*. Carrying seven heroes, including America's first teacher in space, the loss will not soon be forgotten. However, the potential gains of exploring and developing space have not diminished with this accident. The hopes and aspirations of the crew of the *Challenger* are still very much a part of the consciousness of America. We must draw from this tragic experience renewed determination to explore space, and to make it a place in which all humans can one day safely travel.

PRESIDENTIAL MEDAL OF FREEDOM

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. LELAND. Mr. Speaker, January 28, 1986, will forever be etched in our memory as the day our Nation lost seven of our most gifted and courageous people. When the space shuttle *Challenger* exploded seconds after takeoff, Americans were united in grief. We were not Democrats or Republicans that day. We were Americans, one family mourning the loss of loved ones.

The space program has always been very special to our Nation. It symbolizes America's greatness and potential. Those who have traveled in space have, to paraphrase Christa McAuliffe, carried more than their own souls; they have carried the soul of a nation. We mourn the deaths of the *Challenger* crew and we will continue to mourn. But in our mourning we must not forget their magnificent contributions to the space program, our Nation, and the world.

It takes a special kind of person to volunteer and be selected for the space program. It takes a person of extraordinary dedication, knowledge, and courage to even be considered for participation in our Nation's quest to explore the frontiers of space. The crew of the *Challenger* demonstrated these qualities and in one sense Michael Smith, Francis Scobee, Ronald McNair, Ellison Onizuka, Christa McAuliffe, Gregory Jarvis, and Judy Resnik already were honored by being among the select few to pioneer space. The courage of these seven men and women must be recognized once again. For their ultimate sacrifice they deserve no less than to be honored in the highest manner possible by our Nation.

Mr. Speaker, President Truman established the Medal of Freedom in 1945 to honor those Americans who had achieved meritorious war-related service. In 1963 President Kennedy revised the criteria to include those who had meritoriously contributed to "security or national interests of the United States, world peace, or cultural or other significant public or private endeavors." I believe, and I believe all my colleagues share my belief, that Michael Smith, Francis Scobee, Ronald McNair, Ellison Onizuka, Christa McAuliffe, Gregory Jarvis, and Judy Resnik do indeed meet the criteria for this prestigious award, the highest honor that can be bestowed on an American.

My colleagues and I urge the President, on behalf of the American people, to award the Presidential Medal of Freedom posthumously to these seven men and women of the *Challenger*. However small this act may be, I can only hope that it will be of some comfort to the families and friends of the *Challenger* crew in knowing that the work and sacrifice of these seven brave men and women was not in vain. We will never forget the contributions of Mike, Dick, Ron, El, Christa, Greg, and Judy to our Nation and to the world.

THE CHILD ABUSE VICTIMS RIGHTS ACT OF 1986

HON. MARK D. SILJANDER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. SILJANDER. Mr. Speaker, today I introduced for myself and Mr. STENHOLM the "Child Abuse Victims Rights Act of 1986."

Child exploitation has become a multimillion dollar industry, infiltrated and operated in some cases by elements of organized crime, and by a nationwide network of individuals openly advertising their desire to exploit children. For these reasons, I have introduced legislation to address the critical problem of child exploitation.

There are six major points of emphasis in my bill. The first aspect adds the "sexual exploitation of children" as a provision under the RICO statutes. This means that investigators and prosecutors could begin using wiretaps, special grand juries, and expanded subpoena authority. The increase in investigative powers are just a small part of what this section will do. Current statutes state that the penalties for the sexual exploitation of children are up to 10 years in prison. By placing this under the RICO statutes, penalties will be increased up to 20 years. Injunctive relief will also be given to the courts. This will allow the judicial system to take appropriate steps in prohibiting interstate trafficking of minors and materials related to sexual exploitation of children. These aspects fall under Criminal RICO. My bill also places the "sexual exploitation of children" under Civil RICO. If an offender is convicted under Civil RICO, the Government or the victim is given the right to sue the offender in order to receive treble damages and attorney fees.

The second provision of my bill deals with the kidnaping of children. It would provide a mandatory life sentence for the kidnaping of a child, and if that kidnaping results in the death of that child, a judge will be able to impose the death penalty. Penalties such as these will serve as an effective deterrent for such offenses and reduce recidivism. The Department of Justice states that only 4 out of 24 convicted kidnaping offenders receive sentences of more than 1 year. We must protect our children and society from those individuals because children are generally lacking both physical and psychological strength to resist or defend themselves adequately.

The Department of Justice issued a report last year that stated that "8 out of every 100 persons arrested for offenses against children (including kidnaping and sexual assault) receive prison sentences of more than a year." Those statistics are staggering when we realize that 92 of those 100 are back on the streets in a matter of months. Present legislation is not strong enough. The mandatory minimum sentence under current law is only 2 years and is an insufficient amount of time for rehabilitation of pedophiles, molesters, and pornographers. The third provision of my bill lifts the mandatory minimum sentence from 2 years to 5 years. We must put a halt to the practice of putting offenders back on the

street, only to find their devastating crimes recurring over and over again.

We must recognize the physiological, psychological, and emotional harm caused by these acts of crime. Current judicial procedures add salt to the children's wounds by intensive harassment and confusion for the child. Because of further psychological and emotional damage that can occur when a child testifies, it is important to study possible changes in the Federal rules of evidence as well as criminal and courtroom procedures that could make it safer for children to testify against their tomenters. Among the possibilities are use of two-way mirrors or closed circuit television to observe child witnesses and special sensitivity training for Federal law enforcement officials. This bill requires the Attorney General to conduct a study on this problem. After 1 year after the enactment of this bill, he must submit to Congress a report on his study of possible changes in "Federal Rules of Evidence, Criminal Procedure, Civil Procedure" and other Federal courtroom, prosecutorial and investigative procedures must be included.

A certain amount of this sexual victimization of children involves individuals who know their perpetrators. We are also aware that grandfathers, fathers, mothers, and stepfathers assault, victimize, and molest children. If a 5 or 6 year old child decides to prosecute, it would be extremely difficult for them to testify against someone who they have known for a long period of time. The psychological pressure is enhanced in these circumstances. Therefore my bill provides a fifth criteria that extends the Statute of Limitations of certain offenses involving sexual exploitation. This extension reaches up to the age of 18. By increasing the Statute of Limitations, the trauma experience by children in courtroom procedures can be significantly limited.

Child molesters, and others who prey on children, frequently seek employment in or volunteer for positions that give them exposure to children. Recent cases have discovered these offenders in positions such as leaders of Boy Scout troops, summer camp instructors, ministers of churches and teachers in our school system. It is extremely important to encourage background checks to prevent individuals with a record of any kind of child abuse and exploitation from attaining positions that could harm more children. The sixth provision of my bill requires the Attorney General to modify the classification system used by the National Crime Information Center in its interstate identification index, and by the Identification Division of the FBI in its criminal file. The current Federal files contain insufficient information to identify crimes involving the abuse and sexual exploitation of children.

PRO-LIFE AGENDA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. DORNAN of California. Mr. Speaker, my distinguished colleague from New York [Mr. KEMP] delivered an eloquent speech at the prolife Rose Dinner on January 22, 1986, the 13th anniversary of the Supreme Court's tragic Roe versus Wade decision legalizing abortion.

I agree with Mr. KEMP that we in Congress "must never let an opportunity pass to raise profamily and prolife issues." While there are many of us in this body who devote a great deal of time and effort to defending the preborn, there can never be too many.

I urge all of my colleagues to read JACK's speech which I am inserting in the RECORD today. His recent work on behalf of innocent human life in danger of abortion has been outstanding. While JACK and I look forward to the day when the disastrous Supreme Court decision will be reversed, we also look for the day when congressional ranks swell with Members dedicated to saving innocent life.

As JACK so accurately says:

We have a lot of work to do. We must continue working persistently, but patiently and positively and with tolerance to complete the pro-life agenda. I can tell you, I know my colleagues in Congress well. They understand democracy, and they know that in the final analysis the people govern. It is our job to continue educating and lobbying for a strong family and a society that respects the sanctity of human life.

REMARKS PREPARED FOR DELIVERY BY CONGRESSMAN JACK KEMP—FOURTH ANNUAL ROSE DINNER, JANUARY 22, 1986

Ladies and Gentlemen: Thank you for that very generous introduction. And thank you for your warm welcome. But you are the people who deserve congratulations. The pro-life movement—men and women, Republicans and Democrats, blacks and whites and hispanics, farmers, suburbanites, and city dwellers—has taken the initiative on a great human and civil rights issue of our day; indeed, you are making it one of the most effective human rights movements in history. You have done so in the tradition of our founding fathers and with the knowledge that our existence as a nation is predicated on the Judeo-Christian values enunciated in the Declaration of Independence and the Constitution, which are based on the law of "nature and of nature's God." The Founding Fathers staked the future of our civilization not upon the capacity for government—far from it! They staked the future of political institutions on the capacity of people for self-government; upon the capacity of people to govern themselves, control themselves and sustain themselves under the Ten Commandments of God. What a philosophical, political, moral, historical idea! That's really what America represents—an idea that people could be free to govern and control and sustain themselves if they were governed by a higher law.

The Congress is fortunate to have a group of active pro-life, pro-family members like the nineteen who joined us at the Ellipse today. We must never let an opportunity pass to raise pro-family and pro-life issues, and with your help we can prevail.

Let me mention some of the progress the pro-life movement has made. We passed the Hyde amendment to stop federal funding for abortion on demand, and we have reaffirmed its principle over and over again. We've written the Smith/Denton amendment into law, prohibiting subsidized abortions under federal employee's health insurance plans. There were 17,000 abortions under those insurance plans before Smith/Denton. Now there are none. In April, the Reagan Administration issued the Baby Doe guidelines. These regulations will help insure that handicapped infants receive the medically necessary treatment they are entitled to as U.S. citizens. Congress recently passed the amendment I authorized to end taxpayer funding for organizations that support the brutal program of coercive abortion, forced sterilization and female infanticide in the People's Republic of China.

Here's another step Congress can take: it can end federal subsidies for those groups that encourage and perform abortions here at home. The Kemp-Hatch amendment to Title X of the Public Health Services Act was recently defeated by the House Appropriations Committee, and I was denied the opportunity to offer this proposal to the full House for a vote. But we will try again, and again, until all of our nation's family planning funds are directed to organizations that concentrate their resources on preventing unwanted pregnancies, rather than terminating them once they've begun. Abortion is not a method of family planning and federal subsidies for organizations that promote it as such must end.

Ladies and Gentlemen, abortion on demand is wrong and it will end! It will end for a very obvious reason . . . because of the basic values and ideals of our Jedeo-Christian system and the efforts of millions of Americans like yourselves who organized at the grassroots level, and because of organizations like Nellie Gray's and Stacy Vogel's Right to Life Committee in my hometown of Buffalo, N.Y. Our ideals and our strong commitment to equal rights for all people tell us there is something wrong when one and a half million unborn lives are taken away every year in our great nation. We know that there must be a better way. In the words of New York's Cardinal John O'Connor: ". . . this marvelous country must surely have a better answer to the violence of poverty than to inflict the violence of death on the innocent; it must surely have a better answer for the lonely, confused, frightened young woman, the teenager, the ten or eleven year old pregnant girl, than to destroy the new life within her. Our nation must surely have more to offer a bewildered family than the money to pay for a daughter's abortion. Our society must, surely must, have more support for the woman torn with conflict over a pregnancy than to point her toward an abortion clinic."

We have a lot of work to do. We must continue working persistently, but patiently and positively and with tolerance to complete the pro-life agenda. Because I can tell you, I know my colleagues in Congress well. They understand democracy, and they know that in the final analysis the people govern. It is our job to continue educating and lobbying for a strong family and a society that respects the sanctity of human life. But ladies and gentlemen, we can't do the right thing in the wrong way—we must do the right thing in the right way. Millions of Americans will share our cause if they are approached with love, tolerance and persuasion instead of intolerance, animosity and bellicosity.

As I mentioned at the March for Life earlier today, we will succeed because of the simple truth that pro-life means pro-people. For years the left fostered an insidious myth that children, indeed all people are a drain on our national resources in an "era of limits." They used to formulate economic and social policies that assumed that having and raising children is a personal indul-

gence, some kind of luxury society could hardly afford in this new "age of austerity."

But people aren't a drain on our resources; they are our resources. Children aren't just mouths to feed; they are minds and souls and talents and potential for the future. And that's not just a statement of economics. That's a statement of basic morality, or, if you like, a statement about the human spirit. How can one put a price tag on the value of a human life?

Recently I was privileged to hear one of the most remarkable women on this earth—a woman who has touched our lives and our hearts so many times and in so many ways—Mother Teresa. She told the story of when Prime Minister Nehru of India came to her home for little children in Delhi. He said, "Please take care of these little children that you have saved from abortion, because you don't know, one of them may be prime minister one day." What a beautiful thought. Each life we save is precious, not only to God but to the future of the world. No one should have the chance to deprive anyone else of that opportunity, to be a prime minister or an artist, a mezzo soprano or a master carpenter.

Ladies and Gentlemen, we who believe that life and liberty are both natural, human, God-given rights have to remind our critics of the right question. What is at issue in the debate over human life is not a "balancing" of the rights of one person against the rights of another—rights don't shrink when you extend them to someone else—that's zero-sum thinking. If we really believe that God is the source of our inalienable rights and that all people have those same God-given rights, then we must work to extend those rights to all people, including the precious life inside a mother's womb.

The pro-life movement was called into existence by the Supreme Court's tragic decision in Roe v. Wade, the greatest court mistake since "Dred Scott." Overturning Roe is the goal of our cause. I sponsored a congressional "friend of the court" brief along with more than eighty of my colleagues, asking the justices to reconsider their pro-abortion ruling. For the first time since 1973 the U.S. Department of Justice has gone back to the Court asking them to do just that. The federal government last asked to overturn a ruling thirty years ago, in the famous integration case of Brown v. Board of Education. Supreme Court rulings can be changed, errors can be recognized, and they must be corrected.

And if the Justice Department, on behalf of the unborn does not win this time, they will go back again and again. There will be new judges in the future, and there should be new judges at every level who respect the sanctity of human life and believes in pro-family values, so that someday soon the right to life will be restored to its place alongside the right to liberty at the center of our Constitutional system.

Back when I was first getting involved with politics in the 1960s, it was considered progressive to care about social issues. Poverty was a "social" question. Civil rights leaders fought for "social justice." And no one seemed to fear for the separation of church and state when Christian ministers used words like "redemption" and "love" to describe political struggles.

True, my own party wasn't always comfortable with this kind of talk. But that was only because we had lost touch with our roots. After all, the Republican Party was forged by a social issue: the issue of slavery.

What makes a social issue social? Let's stand back for a moment from the right to life, and look at that old debate over slavery. I think we will find that the questions they were asking have a chilling, modern echo. Were black slaves persons, some percentage of a person, or just a piece of property. Should slaveowners be free to choose their own way of living, if they did not try to impose their decisions on their neighbors? What happened when an individual's conscience collided with the country's law?

Abraham Lincoln answered these questions by saying that slaves were human beings, and as such they were, in the words of the Declaration of Independence, "endowed by their Creator with inalienable rights." But he went a step further. Slavery was a social issue. It was a social issue because Lincoln believed that one person's allegedly "free choice" to own another person undermined the foundations of our entire society. It made our claim to democracy in a fundamental sense a lie. And if our nation continued to live a lie we opened the door to self-destruction.

Listen to Lincoln's warning: "Our defense," he said, "is in the spirit which prized liberty as the heritage of all men, in all lands everywhere. Destroy this spirit and you have planted the seeds of despotism at your doors. Familiarize yourselves with the chains of bondage, and you prepare your own limbs to wear them." Lincoln's opponents called him an alarmist, and worse. Opponents of today's pro-life movement scoff at the idea that abortion has a "slippery slope." Yet as we grow accustomed to thinking that unborn children aren't really persons, has it not in fact proved easier to think of handicapped infants as somehow less than human? Of the elderly and sick as "leaves that fall from a tree" as they fulfill, in the words of a prominent American governor, "'their duty to die?"

This logic is so at odds with America's traditional values that we often see the argument shift ground here. We are told that the value of human life isn't really a social issue after all. It is a religious issue—and no one has the right to impose his or her religious views on anyone else. Of course we could just as easily argue that slavery was a religious issue, or that the Declaration of Independence was a religious document!

We are now only a year away from celebrating the bicentennial of our Constitution. Isn't it strange that when the justices of the High Court were deciding Roe v. Wade, they forgot to look at the Constitution's very first words? It says: "To secure the blessing of liberty for ourselves and our posterity." Lincoln wrote that our founding fathers "grasped not only the whole race of man then living, but they reached forward and seized upon the farthest posterity. They erected a beacon to guide their children and their children's children, and the countless myriads who should inhabit the earth in other ages." The U.S. Constitution itself makes the freedom of ourselves and our children, our posterity, the purpose of its whole design. If we "ourselves" have liberty, so must our posterity. If we "ourselves" have rights, so must our children. If we are free to live and develop our talents and potential, so is the unborn child.

Ladies and gentlemen, you and the entire pro-life movement are doing for America what the courts at times have forgotten to do. By upholding the most basic of human rights, the pro-life movement is far more than a lobby for legal reform—it is a pillar of constitutional democracy, a shield of freedom and the Judeo-Christian ideals of America.

I've said a lot here, but the prophet Isaiah probably said everything in these beautiful words: "Can a woman forget her little baby and not have compassion on the child of her womb? Yet, even if they forget, I will not forget you. Behold, I have carved you on the palm of my hand. I will contend with those who contend with you, and I will save your children."

Ladies and Gentlemen, God bless you for helping to do his work on Earth.

THE DOUBLE STANDARD OF CORPORATE AMERICA

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. FORD of Michigan. Mr. Speaker, most Americans would be shocked and incredulous if they were told that many American corporations treat their foreign employees better than their employees here in the United States. Sadly, however, it's true. The same corporations that ganged up to defeat the plant closing bill last November routinely give their foreign employees not just advance notice of plant closings and mass layoffs, but generous severance pay and retraining programs as well.

Even worse for our constituents, however, is the fact that many of these multinational corporations, with operations in Europe and the Third World, when forced to make cutbacks, close plants, or lay off employees, cut their American work force first. Why? Because—unlike our foreign competitors—we have no laws to protect our working people from sudden plant closings, no laws to guarantee severance pay, and no laws to require bargaining or consultation with American workers over decisions to close a facility or cut employees' pay. Even in many parts of the Third World, working people are treated with more respect and dignity than the average American worker.

Mr. Speaker, a story in the San Jose Mercury News, which quotes American and Japanese corporate managers, international business consultants, and academic experts in international management, should help dispel the myths that clouded the debate on H.R. 1616. The story makes clear that the threat—repeated so often by some of my misinformed colleagues—that an advance notice law, like H.R. 1616, would drive U.S. businesses overseas was an empty, ludicrous threat.

If this Congress wants to protect American jobs, if it cares about the health and economic adjustment of displaced American workers, it should pass H.R. 1616 and provide at least the minimal rights that workers enjoy in Latin America, Europe, and Japan.

Mr. Speaker, I insert the story by Debra Hauser entitled, "Overseas Employees Favored in Cutbacks," in the CONGRESSIONAL RECORD.

OVERSEAS EMPLOYEES FAVORED IN CUTBACKS—U.S. FIRMS FIGHT LAYOFF LAWS HERE

(By Dedra Hauser)

When Intel Corp. wanted to reduce its work force in the Philippines this year, the chip maker avoided a layoff by offering workers an attractive severance package as an inducement to resign.

"It's emotional to have a layoff, and we didn't want to create that emotion for workers by saying they weren't wanted," explains Bob Lyon, Intel's international human resources manager.

Yet Intel had two rounds of layoffs in the United States this year in which about 1,700 people were given no choice but to leave the company, although they were given severance pay.

Intel's disparate treatment of its American and Philippine workers is typical of the way U.S. companies manage their worldwide work forces. Because labor laws and cultural norms make it harder to lay people off outside the U.S., workers in Europe, Latin America and the Far East often get better deals than U.S. workers when it comes to work force reduction and pay cuts.

This is true whether the employer is American or foreign. For example, NEC Corp., provides lifetime job security to its Japanese work force, but the company has had two layoffs in its U.S. operations over the past two years, including one that affected Silicon Valley workers. "When we are in the U.S., we do like the Americans," explains Coichi Shimbo, a spokesman for NEC in New York City.

Some U.S. companies abuse or evade the laws and customs intended to protect workers' jobs in foreign countries, observers say. For example, some U.S. companies cut back the workweeks at their plants in the Far East as a way to force employees who can't afford the pay cuts to quit, says David O'Conner, a consultant to the World Bank. And workers aren't given a real choice when it comes to so-called voluntary resignations, he says.

DIFFERENT GROUND RULES

But the basic ground rules, at least, are much more pro-worker outside the U.S. The specific laws vary, but the underlying principles are the same. "In most countries outside the U.S., you have to provide advance notice and severance pay for a layoff," says Richard Sermone, director of human resources at Intel.

For several years, U.S. labor activists and legislators have tried to pass laws at both the state and federal level that would give American workers at least some advance notice and severance pay in the event of layoffs. But U.S. business groups have successfully defeated such proposals in all but a few states. Connecticut, Maine, Massachusetts, and Wisconsin have laws requiring notice and/or severance pay to workers, but only when a plant is permanently shut down. Philadelphia and Vacaville have city ordinances regulating plant shutdowns. Observers say the laws haven't been enforced very rigorously.

WELL-ORGANIZED OPPOSITION

"The business community is very well organized against these bills," says Maxine Waters, a state assembly-woman from Los Angeles who has been proposing layoff legislation for seven years. Corporations have argued that these laws would discourage companies from doing business in specific states or in the United States as a whole, she says.

And yet U.S companies have learned to live with the same kinds of laws overseas. "Outside the U.S., employers have more responsibility when they give someone a job to keep them employed. It's that kind of scene and that's accepted," says a veteran hightech executive who requested anonymity.

This doesn't mean that U.S. companies never have layoffs or pay cuts overseas. But because the required severance payments and advance notice make layoffs so expensive, most companies go to great lengths to avoid work force reductions overseas, especially in Europe.

"Companies often carry huge financial reserves on the books of their European subsidiaries to tide them over a recession and avoid layoffs," says Gerlof Homan, dean of the Graduate School of International Management at Golden Gate University in San Francisco.

They also learn to be more cautious in their hiring practices in Europe. "We advise companies to gear their work force to the bottom of the business cycle as opposed to the top when they set up operations in Europe," says Rick Cooper, a partner specializing in international trade for Coopers & Lybrand, a Big Eight accounting firm.

In several countries in Europe, companies have to negotiate with worker representative groups to get approval for any layoff. Companies typically have to provide advance notice of two to six months and severance pay that can equal six months to eighteen months of wages.

In Latin America and the Far East, the requirements are less stringent and usually more negotiable than in Europe, Cooper says. And the cost of severance payments in low-wage Far Eastern operations is dramatically lower than in the U.S., even when companies give the equivalent of several months pay to laid-off workers.

But the combination of laws and cultural norms encourages companies to soften the blow of a layoff in these countries. When companies do have an involuntary layoff or a pay cut overseas, it's often administered differently than in the United States.

"We used voluntary retrenchment in Malaysia that's the way business is done there and that's what our competition did," says Gray Allen, a spokesman for National Semiconductor Corp. of Santa Clara, which laid off about 850 workers in the U.S. and 450 in Scotland this year. "We gave people (in Malaysia) the option of staying or leaving rather than making a unilateral decision."

Since last August, U.S. employees of Hewlett-Packard Co. have been operating on a reduced work schedule that results in a 10 percent pay cut. But in Europe, H-P workers have sustained a 5 percent cut in pay and hours.

Also, H-P's pay-cut program is beginning several months later outside the United States. And European workers are being given five days off with pay to compensate for the salary reduction, says company spokeswoman Karen Gervais.

H-P has to do it that way because the laws and labor contracts governing most European workers make it impossible to simply impose a pay cut, Gervais says. H-P is still negotiating with the work councils that represent French workers on how to structure the pay cut.

H-P's Latin American workers haven't been subject to the pay cuts at all, says Sy Corenson, an H-P spokesman. "The labor laws in Latin America don't permit the kind of shutdowns we're having here," he says. H-P has instead reduced its Latin American expansion and cut other expenses there to reduce costs, Carnes says.

Despite the looser legal requirements in the U.S., some companies are nonetheless using voluntary retrenchment programs instead of layoffs in their domestic plants. And a growing number of companies give their U.S. workers advance notice of a layoff as well as severance pay.

POLICIES VARY WIDELY

But a recent study of 20 large hightech companies by a local consulting firm showed tremendous variations in the ways companies handle layoffs.

About 50 percent of the companies gave virtually no notice, while the others provided notice of anywhere from a week to six months, says Kent Wampler, a senior management consultant with Knowdell, Martin and Hagberg in San Jose.

Most human resources professionals in Silicon Valley believe it's much better for both the employees and the company when there is advance notice of a layoff, Wampler says.

Interviews with laid-off high-tech workers indicate that very short notice can cause feelings of bitterness and that those who are left behind may lose faith in the company.

"Companies say they have to get people out quickly because disgruntled employees have been known to do thousands of dollars of damage to equipment. But haven't they ever thought that by offending people the way they do, they do much more damage than that?"; asks Ursula Urrutia, a technical writer who was laid off by a semiconductor company she declined to identify.

"They treated me like a criminal," says Urrutia, who was given an hour to pack up and leave after four years with the company. "Don't they realize that other employees see this, and it creates a lot of cynicism?"

FOREIGN GOVERNMENTS EXPRESS SORROW ON LOSS OF SPACE SHUTTLE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. O'NEILL. Mr. Speaker, it has been 9 days since the shocking destruction of the space shuttle yet, the memory of the seven heroes will remain in the hearts of all Americans and of people around the world.

I would like to direct my colleagues attention to letters of condolence from representatives of Mexico, Italy, Thailand, and Japan.

MEXICO

The Permanent Commission of the Mexican Congress wishes to convey, through the Congress of the United States, the condolences of the people of Mexico for the astronautic tragedy which took the lives of notable U.S. citizens.

The people of Mexico have been deeply distressed by this accident, and wish to express the sorrow they feel on this day, and their feelings of grief affecting mankind.

Sincerly,

Representative Eliseo Mandoza Berrueto, President; Representative Nicolas Reynes Berezaluce, Vice President; Senator Myrna Esther Hoyos de Na-

varrete, Secretary; Representative Blanca Esponda de Torres, Secretary.

ITALY

Five days ago, television brought to the attention of the entire world the sensational progress which science and advanced technology are constantly achieving in the field of space exploration. The instant broadcasting of the images taken during the exploration allowed the whole world to witness amazing achievements.

The spectacular approach to Uranus which took place on January 26th after a 9 year voyage in outer space, and the simultaneous broadcasting of images of the planet taken on that same day, strengthened the feeling of pride of the entire human race because of the findings of the scientists and for the applications that technicians and explorers were able to make of them.

Yesterday's tragic explosion of the stuttle, which was conveyed to the world at the exact time it took place, has once again confirmed the extraordinary progress achieved in the field of telecasting images from millions of miles away. However, it has also brought to humanity the sad realization of the high price which must be paid by men and women, greatly endowed with knowledge and having ready and tenacious boldness, as well as admirable courage, to the point of sacrificing their own lives in order to carry out tasks which, until recently, were considered to be beyond man's reach.

To the American nation which is at the forefront of today's scientific and technological revolution, and which is the educator of the heroes who were sacrificed yesterday, we extend all our appreciation for the greatness of the enormous price paid for its achievement.

In our appreciation of this progress and in deep sympathy for the mourning which at times accompanies it, we call to memory all the people committed to identical advancements and saddened before by similar losses.

Our thoughts over these losses remind us that the seven heroes who died yesterday, and others who preceded them have sacrificed their lives in order that science, technology and the dedication of everyone could bring to humanity a further progress and to all nations a real peace, without threats of any sort.

AMINTORE FANFANI,
President of the Senate of Italy.

THAILAND

I would like to express on behalf of the members of the House of Representatives of the Kingdom of Thailand our deepest condolences of the tragic death of the seven astronauts which caused great sorrow not only for the people of the USA but also to the people throughout the world.

UTAI PIMCHAICHON,
Speaker.

ITALY

The Chamber of Deputies of the Italian Republic is deeply moved by the tragedy that has struck our American friends, and wishes to express under my name its deep sorrow. The memory of the seven crew members of the shuttle will live in our memory as a testimony of sacrifice and courage for human progress.

With Profound Sympathy,

MAXWELL M. RABB,
Ambassador.

JAPAN

Having heard the sad news of the unexpected accident of the space shuttle, I wish to express my profound condolences and sympathy to yourself, the bereaved families of the courageous crew members, and the people Washington, D.C.

MICHITA SAKATA,
Speaker,
House of Representatives, Japan.

On behalf of the U.S. House of Representatives, I thank all the representatives from various governments and individuals who have expressed their sorrow for the families of the crew members of the space shuttle and to all Americans that grieve at the loss of the seven heroes—Francis Scobee, Michael Smith, Judith Resnik, Ronald McNair, Ellison Onizuka, Gregory Jarvis, and Christa McAuliffe—who died performing their duty.

FALL RIVER, MA, MAYOR SPEAKS OUT ON REVENUE SHARING

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. FRANK. Mr. Speaker, one of the most senior and ablest mayors in the State of Massachusetts is Mayor Carlton Viveiros of the city of Fall River. Many of us in the Massachusetts congressional delegation served with Carlton Viveiros in the Massachusetts House of Representatives, and my colleagues know that he is not only an extremely able chief executive, but a man who well understands the hard choices that have to be made in the legislative process. Under his leadership, the city of Fall River has made great progress in dealing with economic problems which he inherited, and which have been gravely exacerbated by the unfair American trade and currency policies which have done so much damage to the important garment and textile industries in that city.

Recently I met with Mayor Viveiros and other members on a range of important subjects, including that of general revenue sharing. Mayor Viveiros has written a strong and persuasive argument in favor of the continuation of general revenue sharing to the Members of the Massachusetts congressional delegation and I believe its message is such that it ought to be shared with the membership as a whole.

STATEMENT OF MAYOR CARLTON VIVEIROS

General Revenue Sharing (GRS) is a federal program that works. It has been highly successful in helping communities provide vital programs; in fact, the most recent U.S. Bureau of Census GRS Survey found that police and fire protection and education are the top three uses of the funding by municipalities nationwide. There is no doubt that these indispensable services will suffer if GRS is eliminated.

It is interesting to note that the price tag for such an important program is relatively minuscule—$4 billion—when you compare it with the over $300 billion budget for the defense department, a department which had received a great deal of deserved public attention for its wasteful practices. State and local governments have already done their fair share of belt tightening. Since 1981 federal aid to state and local governments has been cut by almost 40 percent. Can the defense department make the same claim?

The question has been asked, in these times of federal deficits: How can the federal government share revenue when there is no federal revenue to share? The fact is, GRS was begun in a year of federal deficits (1972) and has been repeatedly reauthorized and funded in years of federal deficits. The program was not designed to share revenues but to return to local control a share of the tax base.

Massachusetts communities are fortunate in that our state's economy and budget are in excellent shape. In fact, there is a possibility that the Commonwealth will be able to reduce the shortfall created by the elimination of GRS. But I view such assistance as limited and temporary because it appears that more and more federal programs, such as Community Development Block Grants and Urban Development Action Grants, will be severely cut or eliminated—leaving the state with the responsibility of providing the vital services currently provided by these and other programs.

I ask of you, and the entire Massachusetts legislative delegation, three things:

(1) Your strong, active support for GRS—a support that is more than a vote in favor, but includes using your position to influence other legislators.

(2) Your strong, active support of measures to make the federal government more efficient and cost-conscious—eliminating the embarrassing stories of over-priced military parts, and the like.

(3) Your strong, active support of translating the successful Massachusetts Revenue Enforcement and Protection Program to the federal level—thereby enhancing revenues without raising taxes and increasing the likelihood of preserving vital programs.

HONORING EZRA ACADEMY OF QUEENS COUNTY, NY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. ACKERMAN. Mr. Speaker, It is with great pleasure that I rise today to draw the attention of my colleagues in this Chamber to the forthcoming 18th anniversary celebration of Ezra Academy of Queens.

A unique and innovative academic institution, Ezra Academy offers an unparalleled service to the Jewish community of Greater New York. As the only academy in the metropolitan area designed to respond to the quest of motivated teenagers who desire to discover their Jewish heritage, Ezra Academy synthesizes culture, heritage, and tradition. To its junior high and high school aged students, Ezra Academy is the only school where, despite their advanced age and lack of an elementary school knowledge, the pupils can be imbued with an understanding of their religion and an appreciation for its time-honored values and traditions.

Mr. Speaker, the vital task of instilling a sense of pride and identity in the hearts and minds of these youths is the cornerstone of Ezra Academy. Its graduates have fully matriculated in both the Hebrew and general studies

departments, and have proven that the task has indeed been splendidly accomplished.

Mr. Speaker, Ezra Academy is the dream and life's work of one dedicated educator, Rabbi Eli Freilich. For the past 18 years, Rabbi Freilich has served as dean of the academy, and has successfully expanded it from a single class of 6 students to its current enrollment of almost 200. To this dean, the greatest source of pride is the genuine love and attachment between the teachers, the students and the administration which permeates his school and lasts many years beyond graduation.

Mr. Speaker, Jewish tradition attaches special significance to the No. 18, for, in reckoning its equivalance in Hebrew letters, it denotes "life." As it celebrates its 18th anniversary, Ezra Academy is in fact reaping the fruits of its dedication to the lives of its youthful constituency.

In marking this milestone, Ezra Academy has also chosen to honor its esteemed dean, Rabbi Eli Freilich, for his devotion and commitment to making the academy a special place where Judaism is rekindled and remains aglow.

At the same time, Ezra Academy will also acknowledge the leadership and ongoing support of four distinguished friends of the institution: Rabbi Yitzchak Sladowsky, Mr. Harry M. Greenberg, Mr. Akiva Teitz, and his wife, Chanita. Their unsparing resourcefulness, steadfast loyalty, and exemplary patronage have helped the academy prepare its students for a brighter future and assure their Jewish tomorrow.

Therefore, Mr. Speaker, I ask all my colleagues to join me in extending congratulations, best wishes and Mazal Tov to Ezra Academy, to its dean, and to the prominent constituents of my congressional district, who have contributed to its development and are now being recognized, honored, and awarded.

THE "CHALLENGER" TRAGEDY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. MAZZOLI. Mr. Speaker, we, as a nation, mourn the loss of the seven crew members aboard the space shuttle *Challenger*. We feel the pain and anguish their families must bear. But, the same dedication that these brave American heroes brought to their work will guide us through and into the future of our space program. Their sacrifice for us will not be forgotten.

There are, and have always been, risks involved with our exploration of space. Those risks will remain a part of every mission we may undertake.

I have confidence, though, that our scientists, engineers, and technology will master our fate and continue to unravel the mysteries of space that lay before us, adding to the already myriad rewards we have gained in practically every field of scientific study.

I am proud to join with my colleagues in supporting resolutions and legislation in the House of Representatives to honor the memory of our fallen heroes—such as the proposals to name the newly discovered moons of Uranus for the *Challenger* crew members and the three *Apollo* astronauts who perished in 1967. It is appropriate that we do these things, for the future of our country's space program, our children, and generations to come so that we may vividly remember their dedication and sacrifice, without which we could not carry on.

And, even in the face of this numbing national tragedy, I an heartened to see the determined, unbroken spirit that urges us to press forward, expanding our frontiers, mindful of the sacrifices we have made and shall make in man's unending search for knowledge.

In his address to the Nation after the disaster, President Reagan eloquently and insightfully put to words the feelings that all of America shares on this somber occasion, excerpts of which follow:

PRESIDENT REAGAN'S ADDRESS TO THE NATION

Nancy and I are pained to the core by the tragedy of the shuttle *Challenger*. We know we share this pain with all of the people of our country. This is truly a national loss . . .

For the families of the seven, we cannot bear, as you do, the full impact of this tragedy. But we feel the loss and we are thinking about you so very much. Your loved ones were daring and brave and they had that special grace, that special spirit that says, "Give me a challenge and I'll meet it with joy." They had a hunger to explore the universe and discover its truths. They wished to serve, and they did. They served all of us.

We have grown use to wonders in this century. It's hard to dazzle us. But for 25 years the United States space program has been doing just that. We've grown used to the idea of space, and perhaps we forget that we've only just begun. We're still pioneers. They, the members of the *Challenger* crew, were pioneers.

And I want to say something to the school children of America who were watching the live coverage of the shuttle's takeoff. I know it is hard to understand, but sometimes painful things like this happen. It's all part of the process of exploration and discovery. It's all part of taking a chance and expanding man's horizons. The future doesn't belong to the faint-hearted. It belongs to the brave. The *Challenger* crew was pulling us into the future, and we'll continue to follow them . . .

We'll continue our quest in space. There will be more shuttle flights and more shuttle crews and, yes, more volunteers, more civilians, more teachers in space. Nothing ends here. Our hopes and our journeys continue . . .

The crew of the space shuttle *Challenger* honored us by the manner in which they lived their lives. We will never forget them, nor the last time we saw them, this morning, as they prepared for their journey and waved goodbye and "slipped the surly bonds of Earth" to "touch the face of God."

ADDITIONAL COSPONSORS JOIN IN SUPPORTING LEGISLATION TO PREVENT NUCLEAR EXPLOSIVE TESTING

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. BEDELL. Mr. Speaker, on January 3, 1985, JIM LEACH and I introduced House Joint Resolution 3, a measure to prevent nuclear explosive testing. Since that time, House Joint Resolution 3 has gained the solid bipartisan support of 207 of our colleagues—our most recent support having come from the Honorable BARBARA MIKULSKI of Maryland.

Extensive hearings have been held on the merits of our proposal and I am pleased that the House Foreign Affairs Committee has reported House Joint Resolution 3 unamended for further consideration by the House soon after we return from our pending recess later this month. The committee filed its report on this important legislation on July 24, 1985 (Rept. 99-221) and I commend it to my colleague's attention.

Because House rules preclude the addition of cosponsors after a committee has filed a report on legislation approved for House consideration, I am, today, extending my remarks to add the cosponsorship of two other Members of the House who would like to associate their names with House Joint Resolution 3 and urge its passage. They are the Honorable MICHAEL ANDREWS of Texas and the Honorable BERYL ANTHONY of Arkansas. Their support in this effort is deeply appreciated and brings the total number of cosponsors of House Joint Resolution 3 to 209.

THE OIL IMPORT TAX

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. MARKEY. Mr. Speaker, since one of the justifications for considering the oil import tax is its alleged economic benefit, I urge my colleagues to listen to the opinions of the business community. The following article, entitled "Liberty, Not License: A Tax on Foreign Oil Would be Counterproductive," appeared in Barron's on February 3, 1986.

[From Barron's, Feb. 3, 1986]

LIBERTY, NOT LICENSE: A TAX ON FOREIGN OIL WOULD BE COUNTERPRODUCTIVE

(By Robert M. Bleiberg)

Like *Barron's*, Friedberg's Commodity and Currency Comments (as Dick Donnelly, who presides over that Corner of the magazine, recently reminded readers) has been right as rain on crude oil and petroleum products. (It's also called the turns on the U.S. dollar and gold.) By and large it takes a similarly low-key approach to the risky business of forecasting, shrugging off one accurate if barely profitable play on the probable fate of the Greek drachma as "like kissing your sister," and frequently reminding clients that "in the interest of survival, we resolve to protect ourselves with prudent and rea-

sonable stops" (or stop-loss orders). In the realm of speculation, that's even better than a generous use of the question mark.

Hence in the latest issue of Friedberg's, dated Jan. 19, 1986, we were jolted by some flat predictions, unequivocal and all-but-unhedged. Not that crude sooner or later will drop "below $10 a barrel and probably as low as $5 a barrel"—Al Friedberg has said that before. Here's what surprised us: "NYMEX contracts carry an increasingly probable risk: that the U.S. government will impose an import levy on crude. . . . The political process being what it is, we suspect that the crude import tax, although far from ideal, has an excellent chance of passing Congress and overcoming Reagan's initial opposition. We would therefore advise those holding NYMEX short positions to cover on the fast move below $20 a barrel that we envision taking place in coming weeks. These positions should eventually be replaced with London gasoil contracts."

Whether the firm's track record will gain or lose from its unusual foray onto the treacherous turf of politics remains to be seen. What's clear is that a very real threat has begun to emerge. Last Thursday, a Senate Finance subcommittee scheduled hearings at the end of February on a bill to impose a tax on imported oil and other foreign energy products. Sponsored (with fine bipartisanship) by Republican subcommittee Chairman Malcolm Wallop of Wyoming and Democrat Lloyd Bentsen of Texas, the bill would mandate a "floating" tax, based upon a "trigger" price of $22 a barrel, below which the price of domestic crude wouldn't be allowed to fall. "I feel very strongly," said Sen. Wallop, "that this country needs a lasting energy policy. . . ."

Spoken in the spirit of Jimmy Carter's Moral Equivalent of War (or MEOW), that great crusade, which, before it squeaked its last, had brought the U.S. long lines at the gasoline pumps, factories shut down for lack of natural gas and a whiff of hot-in-summer, cold-in-winter socialism. Despite all blandishments to the contrary—such a levy, say proponents, would be relatively painless, raise badly needed revenues in a time of mounting fiscal stringency and the like—the results would be equally grim.

At the stroke of a pen, a tax of this kind would largely offset the ponderable benefits, to both the rate of inflation and economic growth, made possible by the collapse in crude. It would tend to make heavy American industry, already hard pressed enough on world markets, less and less competitive. And since "energy policy" (as we have learned to our grief) inevitably means rules and regulations, entitlements, exemptions and exceptions, it would wind up thrusting U.S. energy back into the bureaucratic straitjacket from which it has so recently and thankfully escaped. Give us liberty, not license.

Like bad pennies, bad policies and programs naturally keep turning up on Capitol Hill, where they lurk in some hidden recess until the time is right. Long supported by such statesmen as Democratic Sen. Gary Hart of Colorado, proposals to tax imports of crude oil and petroleum products briefly surfaced last summer as part of an eleventh-hour budget-cutting package deal. The White House promptly turned it down, while the Senate, in a subsequent vote, rejected the idea decisively.

But in politics, never say never. Owing to the sudden collapse in oil prices, and the budget crunch decreed by Gramm-Rudman, this particular bad penny—or, more accurately, the $10–$15 billion such a levy would raise—has begun to look more and more alluring. Both the New York Times and William Safire, who may after all deserve one another, are beating the drums for it. Senators Bentsen and Wallop (as noted) have scheduled early hearings, and support is growing fast. In an interview late last week, so the Dow Jones ticker reported on Friday, Democratic Sen. Russell Long of Louisiana said: "I'd vote for it if I thought the President would go along." By the same token, so a Finance Committee aide was quoted as saying: "Baker [the Secretary of the Treasury, who happens to hail from Texas] wants one in the worst way." Added a senior Republican lawmaker: "It's going to happen."

If so, it would be a triumph of politics over economics, bad judgment over good. For openers, it would upset this country's trading partners and trigger demands for retaliation. While it may come as news to Bill Safire, the leading foreign sources of oil and petroleum products to the U.S. happen to include Canada and Mexico, neither of which would (or should) take kindly to such burdensome restraints of trade. Moreover, as the State Department pointed out last summer, when the issue first raised its ugly head, such levies "would be viewed abroad as a protectionist subsidy to U.S. oil producers and refiners. They would . . . undermine our agreement with other International Energy Agency member countries . . . to import products on the basis of market forces. That agreement is critical to our efforts to get Japan to open its petroleum product market, and to prevent a wave of protectionist measures in Europe."

The fallout would be hot and heavy at home as well as abroad. A tax of $10 per barrel, the figure most often suggested, would lead to an increase of roughly 24 cents a gallon across the board on prices of petroleum products. Thereby, it would weigh heavily on such major energy-using industries as agriculture, chemicals and steel, all of which are having a tough enough time competing in world markets. What's more, it would offset completely the great gains to the whole U.S. economy that promise to flow from cheaper oil. According to new estimates made by the Congressional Budget Office, the decline in crude from around $30 per barrel to $20, in the first year alone, will generate an increase of one full percentage point in gross national product and two full points in real industrial output, all the while shaving consumer prices by one-and-one-half percentage points. Shrewd politics? Forfeiture of a once-in-a-life-time strategic advantage and a high price to pay.

And merely a down payment. Sooner or later, any new "energy policy" would plunge the U.S. right back into the swamp of artifical scarcity and unearned benefits from which it has barely emerged. For example, last summer's abortive tariff proposal would have set aside 20% of the take to help subsidize the Northeast. By the same token, under Sen. Wallop's proposal for an "energy policy price," there would be some kind of differential for imported petroleum products—foreign refineries, after all, aren't subject to EPA strictures—and part of the money might go "to encourage retrofitting of our domestic refineries."

Somehow that smacks of the Seventies, when a "small refiner bias," under which inefficient "teakettles" thrived, became the law of the land, while in the manipulative hands of high-powered Washington influence-peddlers, "entitlements" (access to cheap crude) overnight became the road to riches. Down that road lie the ugly economic distortions, dislocations and disasters that are now only a fading, if still painful, memory. Let's not take the fateful first step.

THE PRESIDENT'S 75 CANDLES

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. COUGHLIN. Mr. Speaker, I feel it is noteworthy that President Reagan's 75th birthday today—making him our oldest sitting President—has not gone unnoticed, and that the occasion has prompted even more support for a national leader who already has reached unheard-of levels of popularity.

To cite but one example, the Philadelphia Inquirer, which has often disagreed with Reagan administration policies, has noted the President's birthday in a warm and heartening fashion in a February 6, 1986, editorial. The editorial follows:

THE PRESIDENT'S 75 CANDLES

President Reagan's 75th birthday—surely a thought-provoking milestone in any human being's journey—presents a welcome opportunity today to put aside political differences and pay respect to a most extraordinary man.

The life story of Ronald Wilson Reagan is the stuff of American mythology. Born into poverty in a small Midwestern town, from his father he gained the gift of an Irish storyteller, from his mother, a love of the stage. He worked his way through college. He spent the Depression era climbing steadily up the ladder of success: sports broadcaster, movie actor, finally a national idol of the silver screen.

Politics first claimed him in 1947 when he became president of a union, the Screen Actors Guild. As his film career ebbed, he shifted into television. Hosting General Electric Theater gave him a corporate base, which became a platform for countless speeches, increasingly political and conservative in nature, that he delivered tirelessly for years. Eventually that led to his classic 30-minute 1964 television appeal for Barry Goldwater, a bell ringer that transformed Mr. Reagan into the conservatives' hope for the future.

Two years later he was elected for the first of two times as governor of California, the country's most populous and trend-setting state. Next the Republican Party fell before him, and after that, the nation. In 1980 he swept into the White House on a landslide of approval from the voters; four years later they reaffirmed his triumph even more emphatically. Today opinion surveys confirm that his personal popularity remains undiminished.

He is a man of surpassing charm, a gallant figure tossing insouciant one-liners to surgeons even as his blood spilled perilously from an assassin's wound. His instinct for the generous gesture is unerring, his plucky thumbs-up bravura in the face of cancer characteristic of what endears him to so many and projects his natural qualities of leadership beyond mere politics.

Few presidents in history equal, and none excel, Mr. Reagan at serving as the nation's ceremonial chief of state. His style has rein-

vigorated the presidency as he seeks to reshape the role of government in modern American society. Whatever one may think of his political philosophy or his record in dealing with domestic and foreign affairs, all must concede that his impact on his times assures him a large imprint upon history and a host of good wishes for the future.

HONORING DR. MARCIA KNOLL OF QUEENS COUNTY, NY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. ACKERMAN. Mr. Speaker, I rise today in honor of Dr. Marcia Knoll, an educator from Queens County, NY, on the occasion of her induction as national president-elect of the Association for Supervision and Curriculum Development.

Mr. Speaker, we in Queens are lucky and proud that one of America's leading educators lives and works in our county. Dr. Marcia Knoll, the principal of Public School 220 in Queens, has been a leader in New York City education since 1963. She has served on advisory committees on teaching and curriculum for Queens, New York City, and New York State. As a recognized expert on learning and the schools, she has been interviewed by several of New York's television channels and radio stations.

Dr. Knoll has published several books and articles on a wide range of education issues, including school supervision, instruction for the gifted, individualized education, and curriculum development. She has been repeatedly honored for her many accomplishments. In 1980, she was awarded the President's Medal at Commencement at St. John's University in Jamaica.

Mr. Speaker, if our children are our most valuable resource, then our educators are entrusted with our most sacred responsibility. The children of Public School 220 in Forest Hills and all the students in the New York area have been benefiting from the innovations of this special woman for over two decades. Now, as president of an important nationwide organization, Dr. Knoll will bring her experience and talent to all the schools and youngsters of our Nation.

Mr. Speaker, I call now on all of my colleagues in the U.S. House of Representatives to join me in congratulating Dr. Marcia Knoll on her new position, and in wishing her continued success in her drive to provide excellence in education for the children of America.

FREEDOM TO GO HOME AGAIN

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. FASCELL. Mr. Speaker, everyday in Congress we are called upon to make decisions on some of the most important domestic, diplomatic, and economic issues of our time. These issues reflect concerns that impact on the lives of millions of people in this country and all over the world.

However, from time to time our position gives us the opportunity to make a vital difference in the life of an individual. It is times like these that I find most rewarding and personally satisfying.

Several years ago, such an opportunity presented itself to our colleague, BILL LEHMAN, and he responded in a characteristic way—humanely and effectively. The following reprint from the New York Times tells the story.

As we wrestle with the big decisions and masses of paperwork and statistics that come with the job, it is good to keep in mind the philosophy that to save a life is truly to save the world.

The article follows:

FREEDOM TO GO HOME AGAIN

WASHINGTON, Feb. 5.—Looking back, Representative William Lehman says he was driven more by personal than political motives.

His only daughter, Kathy, had died of a brain tumor a few years earlier. "I think subconsciously I may have been looking for a surrogate daughter," the Florida Democrat recalls. "I was also doing something that I think my daughter would have encouraged me to do."

What Mr. Lehman did was go to Argentina, in August 1981, and win the release of a political prisoner, Ester Debora Benchoam, a 20-year-old student from Buenos Aires jailed four years earlier as a political subversive. She was one of thousands imprisoned in the military's "dirty war" that began in 1976 and finally ended in 1983 with the election of Raúl Alfonsín as President.

Several human rights groups had been working for the release of Miss Benchoam, who was one of the youngest political activists ever jailed in the dirty war. But until Mr. Lehman paid a vist to the prison, there had been no progress.

"INTERVENTION WAS CRUCIAL"

"There's no doubt his intervention was crucial," said Rabbi Morton M. Rosenthal, director of the Latin American department of the Anti-Defamation League of B'nai B'rith.

Today, Miss Benchoam lives in Washington, promoting discussion of Argentina, working as a staff assistant in Mr. Lehman's office and studying at Georgetown University. But she still does not call Washington home. She intends to return to Argentina as soon as possible, "to help to develop a strong democratic structure in the country," as she puts it.

"It's almost a duty," she said.

"Her soul is still in Argentina," said Mr. Lehman.

After arriving here, Miss Benchoam met with several members of Congress to discuss human rights in Argentina and to urge them to oppose a Reagan Administration proposal to renew military aid.

The Congressman talks about Miss Benchoam with unabashed pride. "I think the remarkable thing is her positive spirit and her complete confidence—without egotism—that nothing is beyond her reach," he said.

"If I had one thing that I've done that's positive since I've been here," he added, "I would say that one thing is right on top of the list."

A SHOOTING BEFORE DAWN

In the Argentine military's campaign against leftist guerrillas in the 1970's, more than 9,000 people disappeared and countless others suffered.

Miss Benchoam says she was imprisoned because she had witnessed the murder of her 17-year-old brother, Ruben, who, like her, had been a student activist in Buenos Aires.

She tells her story in a straightforward manner, with energy but little emotion. Before dawn on July 25, 1977, she says, masked gunmen burst into her family's apartment in Buenos Aires and shot Ruben. She was taken to a police station, where she was held for two weeks in isolation, blindfolded and bound. In those two weeks, she says, there was no record of her detention, and her family feared she had become one of the "disappeared."

In the following months, she says, she repeatedly refused to sign a document denouncing both her and her brother as subversives. Eventually, she was sent to Villa Devoto, a prison for women in Buenos Aires.

Four years passed, Mr. Lehman picks up the story. "I had been toying with the idea of going to Argentina," he said. Then, after hearing about Miss Benchoam at an informal meeting on human rights with Representative Michael D. Barnes, Democrat of Maryland, chairman of the Foreign Affairs Subcommittee on Western Hemisphere Affairs. Mr. Lehman said, "the focal point of my trip was to try and arrange a meeting with this person."

Officials in Argentina warned him, Mr. Lehman said, that he would regret taking a "dangerous terrorist" back to the United States. But some months later they agreed to the release, on the condition that Miss Benchoam would leave the country.

On Nov. 5, 1981, she was momentarily reunited with her family at the airport before leaving for the United States. She lived at Mr. Lehman's Washington residence for a year before moving to her own apartment.

"He has done so much for me," Miss Benchoam said of Mr. Lehman.

Mr. Lehman did not publicize her release, saying, "I didn't want to do anything that would adversely affect her friends who were still in prison."

She studied English and, with Mr. Lehman's help, landed her first job on Capitol Hill, in the publications room of the Longworth Building. In July 1984. Miss Benchoam married George Rogers, an associate at the Washington Office on Latin America, a nonprofit human rights and foreign policy organization, who had acted as her translator in meetings with members of Congress. Mr. Lehman gave away the bride.

Miss Benchoam hopes to finish her studies in Latin American politics and government at Georgetown University in December 1987, then hopes to get a doctorate before heading back home. "I want to continue the work of my brother, the work of my boyfriend and also the work of my mother," she said.

Miss Benchoam's high school boyfriend, Mauricio Weinstein, had been a student council leader and disappeared in 1978, she said. Her mother was an art professor in Buenos Aires and active in the teachers' union until her death from cancer in 1975.

"It was a terrible experience, but we should learn from it," Miss Benchoam said.

It was a "horror," says Mr. Lehman.

REPEAL DAVIS-BACON, SAVE TAXPAYERS OVER $1 BILLION ANNUALLY

HON. RICHARD ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. ARMEY. Mr. Speaker, this year like never before we must search for ways to cut Federal spending, but in order to be fair we have an obligation to the taxpayers of America to cut wasteful and unnecessary Federal programs in order to spare cuts from truly legitimate Federal spending.

One of the best ways to save money is by repealing the wasteful and counterproductive Davis-Bacon Act.

The Davis-Bacon Act, passed in 1931, requires the Federal Government to pay the "prevailing wage" for construction contracts. Due to political pressure from powerful union officials, though, this "prevailing wage" has in effect become the prevailing "union" wage, thus unnecessarily raising the cost to the Federal Government. Various reform proposals being offered could save well over $1 billion annually. A complete repeal of Davis-Bacon would save considerably more.

I am pleased to say that I have already cosponsored H.R. 73 which would repeal the act, and I have cosponsored H.R. 472 which would make substantive reforms in the act.

H.R. 472, introduced by Congressman CHARLIE STENHOLM of Texas, would implement much needed reforms in the Davis-Bacon process, increasing the threshold for coverage from $2,000 per contract to $1 million. This important provision would exempt the vast majority of small contractors from coverage. The bill would also prohibit the use of nonlocal wage data to determine wages. This provision would correct the problem of comparing urban vs. rural wage data.

It's utterly ridiculous to preserve a damaging program such as Davis-Bacon and cut other programs that are essential to our Nation's well being. With the passage of the Gramm-Rudman Balanced Budget Act our responsibilities are heightened further. I call on my colleagues to put the public interest ahead of the interest of the AFL-CIO, the Teamsters, and other special interest lobbies and move forward to repeal Davis-Bacon and save the taxpayers' hard earned dollars.

A LIVING EDUCATIONAL MEMORIAL TO CHRISTA McAULIFFE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. LEHMAN of Florida. Mr. Speaker, I want to express my wholehearted support for a timely and much-needed bill introduced today by my distinguished colleague, AUGUSTUS HAWKINS, chairman of our House Education and Labor Committee. The bill would name the National Talented Teacher Fellowship Program after Christa McAuliffe, who died so tragically with the crew members of the *Challenger* space shuttle last week in my home State of Florida. The entire Nation has mourned the loss of all of these brave and committed people.

Because Christa McAuliffe was a dedicated teacher, it is most fitting that this bill to honor her should be sponsored by our House Education and Labor Committee. I believe the bill would provide a most appropriate living memorial to this young woman, who captivated the Nation and the world with her joyous and inquisitive spirit, and who awed us with her courage as she sought to reach the stars themselves. Children and adults, students and teachers, ordinary people could identify with her enthusiasm. We were all inspired by the vision of awe and hope which she embodied for us.

One of Christa McAuliffe's chief goals was to touch the future through her role as a teacher. She loved teaching; she loved her students; she loved people. All the teachers in our country can hold their heads a little higher today because of the example that she set. Her loss is a great loss to her profession and to our Nation, especially to our children.

We dearly need more teachers of Christa McAuliffe's caliber, warmth, and enthusiasm. This bill—as a living memorial to her—could provide a means for identifying and encouraging our finest teachers from every corner of the Nation. I am pleased that Chairman HAWKINS is introducing this bill, and I am proud to be a cosponsor of it along with Mr. JEFFORDS and Mr. FORD of Michigan. It is my hope that the Congress will support Mr. HAWKINS in this important and significant endeavor.

PRESERVING THE COLUMBIA GORGE

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. WYDEN. Mr. Speaker, today I am introducing legislation designed to protect one of the Nation's crown jewels—the Columbia River Gorge, which divides with unmatched beauty and historical tradition the great States of Oregon and Washington. I am very pleased that my good friend and colleague from Washington State, Congressman SID MORRISON, is joining me as an original cosponsor of this legislation.

This bill—which is identical to legislation also being introduced today in the other body by the four Senators from Oregon and Washington—is the culmination of a 5-year effort to develop a fair and effective way to protect the grandeur of the Columbia River Gorge without trampling upon individual liberties or stifling the economic vitality of the area.

The legislation we are introducing today creates a national scenic area in the Columbia River Gorge with a two-tiered management system. The Federal Government already owns a substantial amount of land within the gorge, primarily the Mount Hood National Forest in Oregon and the Gifford Pinchot National Forest in Washington. The legislation creates four special management areas made up primarily of these Federal lands and other critical lands within the gorge. These special management areas would be administered by the Forest Service in conjunction with a newly created 13-member Columbia River Gorge Commission.

This commission will administer the remaining lands within the scenic area. The commission would be made up of one citizen from each of the six counties in the gorge to be appointed by the county governing body and three members from each State appointed by each Governor. One Forest Service employee would be appointed by the Secretary of Agriculture to be a nonvoting, ex officio commission member.

Within 2 years of enactment of the legislation, the Commission would develop a management plan for the scenic area. That management plan shall include a resource inventory, land use designations for the special management areas developed in conjunction with Forest Service, guidelines for adoption of zoning guidelines, a recreation plan, a public involvement plan and plans for consultation with Federal agencies in the gorge.

The Secretary of Agriculture will review the part of the management plan pertaining to the special management areas, and the Secretary can recommend modifications to the commission if it is believed the management plan violates the standards set forth in this legislation. I am particularly pleased that the legislation includes an idea I floated almost a year and a half ago, which allows for the commission to override—by a two-thirds vote—any modifications of the management plan made by the Secretary of Agriculture.

Under this legislation, the counties are provided every opportunity to implement zoning ordinances that will conform to the standards contained in this law and contained in the management plan developed by the commission. In addition, the cities of Cascade Locks, Hood River, Mosier and The Dalles in Oregon and the cities of Bingen, Carson, Dallesport, Lyle, North Bonneville, Stevenson, White Salmon and Wishram in Washington are designated urban areas and are exempt from the legislation.

The bill also includes several other unique features, including an effective interim management plan, which will protect the gorge from unbridled development while the commission is putting together the scenic area management plan. In addition, the legislation authorizes the creation of a Columbia River Gorge Development Corporation, which will make loans to develop the economic potential of the gorge consistent with the goals of protecting its beauty and cultural heritage. The development corporation will be especially helpful in tapping the tourism potential in the gorge—particularly the gorge's growing reputation as the country's premier windsurfing area.

Finally, this bill is fiscally responsible, in that it limits the amount of Federal funds that can go toward land acquisition and to the development corporation.

My colleagues and I in the House and the Senate who have joined in this effort today want our children and grandchildren—and their children—to know the wonder of 600 foot Multnomah Falls. We want them to know

the historical importance of the earliest settlers and native Americans in the gorge, who have paved the way for the Northwest to become a gateway to the Pacific Rim. We want them to know the grandeur and intensity of the whitewater streams and steep trails that traverse the gorge.

This legislation will allow that to happen. And it will allow that to happen without trampling upon the individual liberties that are the cornerstone of our Constitution and without trampling upon the historical importance of the economic vitality of the gorge.

I look forward to working with my colleagues and the people of the Northwest to pass this critical and historic piece of legislation.

PRESIDENTIAL MEDAL OF FREEDOM SHOULD BE AWARDED TO THE "CHALLENGER" CREW

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. LELAND. Mr. Speaker, January 28, 1986, will forever be etched in our memory as the day our Nation lost seven of our most gifted and courageous people. When the space shuttle *Challenger* exploded seconds after takeoff, Americans were united in grief. We were not Democrats or Republicans that day. We were Americans, one family mourning the loss of loved ones.

The Space Program has always been very special to our Nation. It symbolizes America's greatness and potential. Those who have traveled in space have, to paraphrase Christa McAuliffe, carried more than their own souls; they have carried the soul of a nation. We mourn the deaths of the *Challenger* crew and we will continue to mourn. But in our mourning we must not forget their magnificent contributions to the Space Program, our Nation, and the world.

It takes a special kind of person to volunteer for the Space Program. Moreover, it takes a person of extraordinary dedication, knowledge, and courage to be selected to participate in our Nation's quest to explore the frontiers of space. The crew of the *Challenger* demonstrated these qualities and in one sense Michael Smith, Francis Scobee, Ronald McNair, Ellison Onizuka, Christa McAuliffe, Gregory Jarvis, and Judy Resnik already were honored by this Nation by being selected to pioneer space travel and exploration. Now, for their ultimate sacrifice, they deserve no less than to be honored in the highest manner possible by our Nation.

Mr. Speaker, President Truman established the Medal of Freedom in 1945 to honor those Americans who had achieved meritorious war-related service. In 1963 President Kennedy revised the criteria to include those who had meritoriously contributed to "security or national interests of the United States, world peace, or cultural or other significant public or private endeavors." I believe, and I believe all my colleagues share my belief, that Michael Smith, Francis Scobee, Ronald McNair, Ellison Onizuka, Christa McAuliffe, Gregory Jarvis, and Judy Resnik do indeed meet the criteria for this prestigious award, the highest honor that can be bestowed on an American.

My colleagues and I urge the President, on behalf of the American people, to award the Presidential Medal of Freedom posthumously to these seven men and women of the *Challenger.* However small this act may be, I can only hope that it will be of some comfort to the families and friends of the *Challenger* crew in knowing that the work and sacrifice of these seven brave men and women was not in vain. We will never forget the contributions of Mike, Dick, Ron, El, Christa, Greg, and Judy to our Nation and to the world.

HERNANDO/PASCO HOSPICE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. BILIRAKIS. Mr. Speaker, I wanted to take a moment today to bring the attention of my colleagues to the work of a special organization that has touched the lives of countless people in my district. It is an organization that doesn't turn its back upon the less fortunate but, rather, seeks them out and caters to their needs. It is an organization that is present when other friends abandon you. It is an organization that you can count on when the going is roughest. It is Hernando/Pasco Hospice.

Hernando/Pasco Hospice is a community-based, nonprofit organization that was licensed on March 2, 1984, when it helped its first patient in need. It has, since then, helped over 200 other patients and continues to grow to where it is expected to assist more than 300 people in need in 1986 alone. It boasts an average daily census of 30 today, compared to an average daily census of 5 only 1 year ago.

Hernando/Pasco Hospice consists of a staff of 15 persons, most of whom are volunteers. The staff has training in all disciplines, ranging from a medical director who is a physician, to registered nurses, to social service workers, and a clergy counselor.

The great success of this hospice organization is, of course, largely attributable to the selfless and generous human spirit which its members exemplify. Hernando/Pasco Hospice is made up of people of amazing dedication and commitment. They are people, like Dr. Ronald M. Yarrington and Rev. Clayton J. Steele—two of the founding members, who care about the welfare of their neighbors and not about the neighbor's ability to pay. They are people who step in during what is probably one of the most difficult periods any of us will ever have to face and get the job done. They are people who provide comfort to the patient and peace of mind to families—gifts that are invaluable during the last days of a loved one's life.

It is precisely this spirit of volunteerism and community involvement which is the ideal that we must strive for, not only in the health care area, but in all facets of our spending in order to bring some order to today's dangerous deficits. We, literally and figuratively, can no longer afford to look to the Federal Government to always step in and carry the fiscal responsibility. We must begin to help ourselves and thereby replace some of the Federal programs with individual and community efforts like this hospice organization has done.

One need only imagine the tremendous costs that the Medicare and/or Medicaid Programs would have to bear if the patients which organizations like Hernando/Pasco Hospice serve spent their last days, weeks, or even months in the hospital. Rather than further burden already overburdened programs, however, it is clear to see how community efforts like this one quickly add up in much-needed savings.

The fiscal rewards of community efforts are, of course, most welcome. They are, however, only icing on the cake in the case of Hernando/Pasco Hospice in comparison to the peace of mind which it brings to patient and family alike. Hernando/Pasco Hospice affords a patient the ability to spent the last days of his/her life in the familiar comfort of his home and in the midst of his loved ones versus the cold and impersonal atmosphere of a hospital. It caters to the patient's needs, both physical and emotional, in a professional and compassionate manner, but does so at the vantage point of the patient's familiar surroundings. Furthermore, it provides the family with the necessary counseling and assistance to help it deal with the reality of the situation with which it is confronted.

For these reasons and many others, Mr. Speaker, I applaude Hernando/Pasco Hospice. The initiative, determination, commitment, and caring which it typifies is truly unique. I commend its members for this good work, and extend my best wishes for their continued success.

SUPREME COURT'S MANDATORY JURISDICTION

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. KASTENMEIER. Mr. Speaker, today, as in years past, I am introducing legislation to eliminate substantially the mandatory jurisdiction of the Supreme Court of the United States.

I am pleased that the ranking minority member of my subcommittee, Mr. MOORHEAD, has joined me as a cosponsor.

The record should reflect that this legislation passed the House unanimously by voice vote during the 97th Congress under the sponsorship of the then-ranking minority member of my subcommittee, Mr. RAILSBACK. A bill also passed the House unanimously by voice vote during the 98th Congress.

However, the Senate has not been able to pass either bill in spite of strong support from the executive and judicial branches of Government. During the 4 years that have intervened since passage of the first House bill, reasons for elimination of the Supreme Court's mandatory jurisdiction have actually grown rather than diminished.

Let me give you some information about the bill and why statutory change is imperative.

Under current law, certain cases may be appealed directly to the Supreme Court and the Court is obligated to hear and decide those cases. In most instances, these cases do not involve important issues of Federal constitutional law or conflicts in the interpretation of statutes by the circuit courts of appeals. The net effect of the bill is to convert the method of Supreme Court review to a discretionary, certiorari approach.

This change in appellate review is supported by all nine Justices of the Supreme Court. As stated in a letter of June 17, 1982, to me, they clearly state: "* * * we write to express our complete support for the proposals * * * substantially to eliminate the Supreme Court's mandatory jurisdiction."

The nine Justices further observe that mandatory cases permit litigants to require cases to be decided by the Supreme Court regardless of the importance of the issue presented or its impact on the general public. With limited time and resources at its disposal, "* * * it is impossible for the Court to give plenary consideration to all the mandatory appeals it receives. * * *" The Court must resort to summary dispositions that sometimes treat litigants in a cavalier way. Even though the summary dispositions of the Court are binding on the lower Federal courts and State courts, such decisions, in the Court's own words, "sometimes create more confusion than they seek to resolve."

The bill, in addition to being supported by the nine Justices, has been endorsed by the administration, the Judicial Conference of the United States, and the American Bar Association. The bill has its legislative roots deeply set in the American Law Institute's "Study of the Division of Jurisdiction Between State and Federal Courts" (1969), the "Report of the Study Group on the Caseload of the Supreme Court" (1971), the Department of Justice's "Report on the Needs of the Federal Courts" (1977), and my subcommittee's lengthy hearings on "The State of the Judiciary and Access to Justice" (1977) and "Supreme Court Workload" (1983).

The bill entails no cost to the Government.

Mr. Speaker, for a more in-depth examination of the proposed legislation, I refer Members to the House Report (No. 98-986) that has been filed. The report provides a lengthy background statement about the current statutory scheme and changes made to it by the legislation introduced today.

I will close by noting, as my full committee chairman, Mr. Rodino, did last Congress on the House floor:

"The High Court can devote plenary consideration only to about 150 cases a year. During the past several times, a substantial percentage of the Court's workload has been devoted to mandatory cases that do not have significant public importance. Elimination of these cases from the Court's docket will not preclude High Court consideration of cases of significant import to the Nation, will not have a deleterious impact on litigants, and will not adversely affect separation of powers or federalism."

As we approach the bicentennial year of the Constitution (1987), it is appropriate that Congress pay careful heed that constitutionally created institutions, such as the Supreme Court, are in good working order. A tailoring of the Court's mandatory jurisdiction will ensure that the highest court in the land is better equipped to enforce the promises contained in the preamble to the Constitution: "* * * to form a more perfect Union, establish justice, insure domestic tranquility * * * promote the general welfare, and secure the blessings of liberty to ourselves and our posterity * * *."

CONCERNING THE ETHIOPIAN GOVERNMENT'S RESETTLEMENT PROGRAM

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mrs. ROUKEMA. Mr. Speaker, today I am introducing a resolution concerning the program of resettlement being carried out by the Ethiopian Government. For some time, that Government has been moving people from the depleted land in the northern provinces to other regions of the country. The stated goal of the program is to take volunteers from overused agricultural areas and resettle them on more productive land. Recent allegations have been made that this program is being conducted under very inhumane and often coercive conditions.

For the past 2 years the United States has sent an enormous amount of emergency famine assistance to the people of Africa. In light of the dire situation faced by millions of starving men, women, and children, we could do no less. In Ethiopia alone we have provided over 450,000 metric tons of food worth nearly $300 million. It is disturbing to hear that the Ethiopian Government may not place a high priority on relieving the suffering of its own people. This is a priority the international donor community views as paramount under the present drought conditions gripping most of sub-Sahara Africa.

My colleagues who have joined me in introducing this resolution are concerned that the Ethiopian authorities have not devoted enough of their resources to the famine relief effort and may even be diverting humanitarian assistance from Western donors to the resettlement program. Let me make clear at this point that we are not talking about food or trucks provided by the United States. Our assistance is distributed through private voluntary organizations in Ethiopia. It is not provided to the Government. It is assistance from other Western donor nations which is being diverted from its intended purpose. We monitor our aid very closely, and the American public should know that its generous contributions are being properly administered.

To ensure that all donated aid gets to the people for whom it is intended, this resolution makes three very simply and straightforward requests. It calls upon the Ethiopian Government to suspend the resettlement program for the duration of the drought, so that much-needed resources can be channelled into the famine relief effort. It calls for an end to any coercion in the resettlement program and requests that the United Nations monitor the situation. It also calls for free access both to and from the resettlement camps for the participants, international observers, and the news media. This is the only way we can hope to get accurate reports of the conditions which now exist.

When the Ethiopian Government first began the resettlement program, it had a goal of moving 100,000 people over an extended time. In 1983, however, Chairman Mengistu proposed a goal of moving 1.5 million people in only 1 year. Reports allege that, in order to meet this quota, Government troops have forced people out of their homelands and into transit camps and resettlement areas. The transfers occur under inhumane conditions and without regard to the breakup of families. This directly contradicts the guidelines under which resettlement is to take place, as expressed by the Ethiopian Government. Only a few weeks ago, United States personnel were able to interview villagers who had been resettled in the Pawe region of Ethiopia. Their reports confirm the earlier allegations of groups such as "Medecins Sans Frontieres"—doctors without borders—and "Cultural Survival" about the deplorable human rights violations that have occurred.

I am not suggesting that we seek to intervene in the domestic politics of a sovereign nation. If Ethiopia is to proceed with an Agricultural Development Program, there may be credible reasons for relocating people to more fertile regions. Whatever the need may be in the future for some type of resettlement program, it is clear that for the duration of the current drought at least, resources should be used for famine relief and not for resettlement. We must continue to insist that famine relief not be used as a political tool by the Ethiopian Government. President Reagan pledged the U.S. commitment to this ideal by stating that a hungry child knows no politics. We in the Congress should work to see that others live up to this commitment as well.

At present, all the moral weight of the international community has not been brought to bear on the Government of Ethiopia. The United States must call upon other donor countries and the United Nations to use all diplomatic means possible on behalf of those now suffering.

Finally, this resolution urges an increased effort on the part of the Ethiopian Government to move relief goods from the port and to the people. A minimum of 2,500 tons per day is needed to maintain adequate food distribution to the needy.

Millions of starving Ethiopians depend on the contributions of the international donor community and on the actions of their own Government for their survival. I believe this resolution states a reasonable course of action in seeing that those needs are met. I urge all Members to support it.

HONORING SGT. PAUL TUCKER OF THE PRINCE GEORGE'S COUNTY POLICE DEPARTMENT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. HOYER. Mr. Speaker, on February 17, 1986, the Prince George's County Fire and Police Annual Awards banquet will honor Sgt. Paul Tucker, a 19-year member of the Prince George's County Police Department and an integral part of its emergency service team [EST].

On June 20, 1985, Sergeant Tucker's career was suddenly interrupted. Responding to a "man with a gun" call, Sergeant Tucker and his colleagues faced a familiarly dangerous situation in which the man had barricaded himself and was threatening suicide. Tragically, just minutes before the depressed man's apprehension, Sergeant Tucker lost his grip due to an oily substance on the ladder he was climbing to assist in the rescue. He fell 18 feet, landing on his back and injuring his spinal cord.

Sergeant Tucker is now paralyzed from the waist down and confined to a wheel chair. His life has taken a dramatic turn for a young man of 41 years of age.

The annual Fire and Police Awards banquet is a chance to recognize Sergeant Tucker's tremendous sacrifice on behalf of his fellow citizens. It is also a chance to celebrate his career, for this is neither an ordinary man, nor an ordinary police officer. His career has been marked by enthusiasm, hard work and heroism. As a philosopher once said, "Deeds of heroism are but offered by those who, for many long years, have been heroes in obscurity and silence."

Perhaps the community at large did not know of his deeds, but Sergeant Tucker had gained the respect and admiration of his colleagues. To date, he has received an incredible 29 letters of commendation. Twice he has received awards of merit, including one for performing lifesaving CPR on a 14-month-old girl who had stopped breathing.

From Paul Tucker's graduation in June 1966 from the police academy to his valiant effort in the June 1985 rescue, his career had been one of accomplishment. Shortly after his assignment to the special operations division in April 1973, Paul Tucker was promoted to sergeant, one of the youngest officers ever to achieve that rank. According to his peers, Paul Tucker had an excellent chance to reach to top of the police department due to his consistently outstanding ratings. Instead, he chose not to compete for lieutenant, for he preferred his job over all others in the department.

In 1976, the Prince George's Police Department formed the emergency services team to deal with an increasing number of high-risk situations. Sergeant Tucker was an original member of the EST and was chosen a squad leader. There is one statistic that reflects Sergeant Tucker's importance to the EST. He has been involved in more than 90 percent of the 201 high-risk situations for which the EST has been called into action over the course of his career. And, despite 10 on-the-job injuries, he did not relinquish his duties.

Sergeant Tucker's career reminds us of the great heroism and sacrifice our Nation's police officers exert every day on our behalf. He deserves our praise, our thanks, and our continued good wishes for his recovery as he faces new challenges. We also extend our best wishes to Sergeant Tucker's wife Shirley and their sons John and Joseph.

TREASURY COST-SAVINGS PROPOSALS

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. WYLIE. Mr. Speaker, today I am introducing two bills, at the request of the Treasury Department, which are intended to improve operating efficiency, increase productivity, and reduce costs associated with two areas of the Department's payment system.

The first measure would establish an orderly system for the payment of all U.S. Treasury checks. The proposal provides that U.S. Treasury checks issued on or after the effective date of the legislation must be negotiated within 6 months after the date on which the check was issued. Checks issued before the effective date of the legislation must be negotiated within 6 months of the date of enactment.

Currently, U.S. Treasury checks are payable without limitation of time. The Treasury Department reports that there are now over 5 million checks valued in excess of $1 billion that have been outstanding for more than 6 months. These funds could be tied up indefinitely, even though statistics indicate that less than 1 percent of checks that are more than 6 months old will ever be presented for payment.

This proposal would bring U.S. Treasury checks under the same Uniform Commercial Code standard for all other checks. In addition, the bill does not affect the entitlement of any payee to the issuance of a replacement check if that person is still entitled to a payment. Thus, checks that are lost, destroyed, or stolen can still be reissued by the Treasury, as is the current practice. In fact, processing of such claims would be accelerated by this proposal because agency heads will be given the authority to recertify payments.

The second measure, entitled the Electronic Funds Transfer Federal Salary Act, authorizes the Secretary of the Treasury to issue regulations to require that wages and salaries of Federal employees be paid by electronic funds transfer. Benefit checks, such as Social Security, are not included under this proposal.

Under the current system of issuing U.S. Treasury checks for wages and salaries, each check issued costs the Government 24 cents, while the same payment made by electronic funds transfer methods costs 3 cents. It is expected that approximately $10.8 million annually will be saved through enactment of this proposal.

The U.S. Treasury believes that Federal employees will benefit under this proposal, in that electronic funds transfer methods will eliminate lost, forged, or stolen checks. In addition, electronic transfer assures speedy payment of wages and salaries to the recipient. The bill prohibits financial institutions from charging Federal Government employees any fees for handling direct deposit payments.

The bill does make exceptions for certain categories of workers. For example, Federal workers employed by the U.S. Government on the effective date of the proposal, whose annual rate of basic pay is less than $20,000, may be paid by check if they desire. In addition, the Secretary of the Treasury is given the discretion to exempt other categories of employees—such as employees who do not have bank accounts or have payroll assignments which preclude the use of an electronic payment method.

I would like to reiterate that I am introducing these bills by request of the U.S. Treasury. While I encourage all departments and agencies of the U.S. Government to seek reductions in costs, especially in this era of Gramm-Rudman, I do have some reservations about the specifics of this legislation.

For instance, I could foresee situations where an elderly or seriously ill recipient of a U.S. Treasury check is unable to either mail or physically get to their financial institution in order to negotiate their check. I am also aware that for valid reasons, many Federal workers find it more convenient to receive their wages or salaries in the form of a check, rather than an electronic funds transfer. Under these proposals, we may be taking away that option for some people. But, I will be working with the Treasury Secretary to ensure fair and equitable treatment for anyone who prefers that option.

However, one of the best ways to find out the answers to these questions and to explore the cost savings possibilities presented under these proposals is to formally introduce them in Congress. I encourage my colleagues to give these measures their full consideration.

NEWCOMER PRAISES AKRON AREA AS A PLACE TO LIVE

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. SEIBERLING. Mr. Speaker, every so often, people who have never been there, upon learning that I am from Akron, OH, will say, "Akron. Why would anyone want to live there?" My usual response is that if you come there you would find out why so many people find it a great place to live.

The other day I was reading the Bath Country Journal, a little surburban newspaper published in the Akron area, and came across an article by a lady who came originally from the New York City metropolitan area. Three years ago, she and her husband and three children moved to a small city in North Carolina and 11 months later moved to the Akron area. The article was her paean of praise for life in the Akron area. As the author, Mary Lou Russo said:

We have found Akron to be an area of outstanding educational, cultural and recreational resources. Shopping has been a treat with all the major shopping centers to choose from and no traffic problems or congestion to contend with. We have enjoyed an exceptional variety of cuisines the many restaurants have to offer, and have had the unparalleled pleasure of experiencing the opera, ballet, and symphony at E.J. Thomas Hall and * * * Blossom Music Center.

She ends up her article saying:

I guess the point I am trying to make is, "Wow, Akron, you sure had me fooled! What a wonderful surprise to find you are the best of all worlds."

Mr. Speaker, in my lifetime I have visited every State of the Union and many of the wonderful places in our great country. It does not take away from any of them to see appropriate recognition given to one of the country's finest communities. So I offer the full article by Mrs. Russo for incorporation in the RECORD following these remarks:

NEWCOMER FINDS AKRON AREA GREAT

(By Mary Lou Russo)

"Akron, Ohio? Who lives in Akron, Ohio? Why would anyone want to live in Akron, Ohio?" Those were my words about three years ago when a move to Akron was a possibility.

At that time my husband, our three children and I lived in Packanack Lake, New Jersey. It was a country club community with all the amenities. Our home was in this picturesque, rural setting, but not more than ten minutes away were all the shopping malls, movie theaters and restaurants we could possibly want or need. The piece de resistance, though, was Manhattan. A mere twenty-five minutes away was the Big Apple, the cultural and entertainment capital of the world, where the theater, museums, art forms of all kinds, and restaurants of every possible ethnic variety abound. Of course, we must keep in mind all the problems that go along with these advantages, such as, traffic jams and great masses of people everywhere you go.

Akron, Ohio was the Rubber Capital of the world. That was all I had ever heard about Akron. Now, in my defense I ask you, if you had never been here before, what thoughts do you conjure up in your mind about a rubber capital? Cold? Gray? Dingy? Smoke stacks? The acrid smell of rubber? Are any of these pictures appealing?

At this time we were also offered the opportunity to move to Hendersonville, North Carolina. Now, again, I ask you to use your imagination. What pictures does your mind's eye create about a small town tucked in the foothills of the Great Smokey Mountains of North Carolina? Do you envision lush countrysides? Warm sunshine? Wide open spaces untouched by pollution of any kind?

That is really it and more. We went to North Carolina and lived there eleven months; just long enough to experience "southern hospitality", and to revel in a climate that defies description. We saturated our senses with the majesty of the Great Smokies on every horizon; the fragrance of wildflowers along all the roadsides; the warm springlike climate almost all year long; the sounds of birds and wild critters uninhibited by not too many people, and the taste of bar-b-que and southern fried chicken.

We were also there long enough to see another side. The term "culture shock" now had meaning for us. There was no live theater or big name entertainment; the one shopping mall in town had a grand total of one department store in it; the one restaurant in town did not serve dinner after 8 p.m. on a Saturday night, and the social event of the year was when the ice cream stand known as "Piggy's" opened for the season!

Just as we were fully realizing what Small Town, USA meant, along came the opportunity, again, to make Akron, Ohio our home. We were so fortunate to have experienced both the New York Metropolitan Area and Hendersonville, North Carolina before coming here!

Now, we can fully appreciate Akron. How wonderfully surprised we were to find the green rolling hills! In the year we have been here we have delighted in the splendor of all four seasons. But more importantly, we have found Akron to be an area of outstanding educational, cultural and recreational resources. Shopping has been a treat with all the major shopping centers to choose from and no traffic problems or congestion to contend with. We have enjoyed an exceptional variety of cuisines the many restaurants have to offer, and have had the unparalleled pleasure of experiencing the opera, ballet, and symphony at E.J. Thomas Hall, and top performers at Blossom Music Center. The children, too, have found all their favorite things nearby from sports events at the Coliseum to the zoo.

This narrative would not be complete, however, if I neglected to mention the warmth of the people and the area's small town charm; it's exciting history, and it's long tradition.

I guess the point I am trying to make is, "Wow, Akron, your sure had me fooled! What a wonderful surprise to find you are the best of all worlds. I truly hope you will be my home for a long time!"

The Russos and their three children live in Tow Path Village. Tony Russo is with Jaite Packaging. Anthony is in 7th grade at Eastview, David is in 5th grade at Bath School and Allison is in St. Paul's Nursery School. Mary Lou Russo wrote a weekly column for the *Times News* when she lived in North Carolina.

PERSONAL EXPLANATION

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Ms. COLLINS. Mr. Speaker, because of official business activity in my district, I was unable to be present when the House (recorded vote) voted on the following legislation which I fully supported: (Regretfully, I was also unable to be paired on a few of these measures.)

January 29, H.R. 3525, Uniform Regional Poll Closing, rollcall No. 9.

January 30, House Resolution 360, the Rule making in order consideration of H.R. 4055, Protection and Advocacy for Mentally Ill Individuals, rollcall 10.

Amendment offered by Representative Waxman to H.R. 4055, rollcall No. 12.

Final passage of H.R. 4055, rollcall No. 13.

February 4, H.R. Food Security Act, rollcall No. 14.

H.R. 3010, Health Planning, rollcall No. 15.

February 5, approval of the Journal, rollcall No. 16.

Reject Walker amendment to House Resolution 368, Committee Funds legislation, rollcall No. 17.

Final passage of House Resolution 368, Committee Funds, rollcall. No. 18.

A TRIBUTE TO FRANK HEADLEY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. COURTER. Mr. Speaker, Dover General Hospital in Dover, NJ will soon regretfully honor the retirement of Frank Headley from its board of directors.

Frank first joined the Dover General board of directors in January 1951. In over 35 years on the board he has served with distinction as board secretary, and chairman of the executive and nominating committees.

The former county clerk has given a lifetime of commitment and service to New Jersey. Many of his contributions came through the work he has done as a charter member of the Denville Rotary as well as on the Citizenship Council of the Boy Scouts of America. Frank Headley's many years as a public servant have been repayed by the respect, love, and admiration of those who have had the honor of knowing him.

Mr. Speaker I join with all of Morris County and New Jersey in extending to Frank and his wife, Doris, the very best in the years to come, and thanking them for the many selfless hours they have given to make the communities they touched a better place for all to enjoy.

DRUG ABUSE EDUCATION ACT OF 1986

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. RANGEL. Mr. Speaker, today along with members of the Select Committee on Narcotics Abuse and Control, I am introducing the "Drug Abuse Education Act of 1986." This bill directs the Secretary of Education to establish a program of Federal grants to the States for drug abuse education in elementary and secondary schools. The bill authorizes $100 million to be appropriated annually over the next 5 fiscal years to carry out the purposes of this act.

Foreign study missions, field investigations and hearings conducted over the past year by the select committee have confirmed the undeniable fact that illicit narcotics producing and smuggling worldwide far outpace crop eradication efforts in source countries and U.S. interdiction and enforcement capabilities. Increasingly, around the country, Federal, State, and local law enforcement officials who testify before the committee have almost given up hope of getting a handle on the drug traffic because of the enormous amount of illegal drugs being directed at our country. At

best, all they can do at the present time is maintain a holding action against the drug traffickers.

Further, we can expect bumper crops of illicit narcotics this year. The select committee estimates that 150 tons of cocaine, 12 tons of heroin, and 30,000 tons of marijuana will enter the United States in 1986. Even if we were to substantially increase the resources of our drug enforcement and interdiction agencies—the Drug Enforcement Administration, the Coast Guard, and the Customs Service—we can expect to be clobbered by illicit drugs for the next several years.

We cannot abandon our efforts to control the production and traffic of illicit narcotics. If anything, we should redouble our commitment in this area.

We must, however, take immediate steps to defend our children and our families against the massive onslaught of drugs engulfing our communities. Witnesses who testified before the select committee in 1985 unanimously agreed that drug abuse prevention and education efforts must be an integral part of any solution to the drug problem threatening our Nation.

Congress and the executive branch must do much more to make drug abuse prevention and education a larger component of our overall drug strategy. At the present time, the U.S. Department of Education allocates only $3 million for drug abuse education out of an $18 billion budget. This is clearly an inadequate response to the threat drugs pose to our children.

Some in this body might ask why in this era of budgetary restraint should a new program of Federal grants to States be initiated? The answer is both mathematically and logically simple. The costs to Government and American society as a result of our Nation's drug problem is staggering. Our law enforcement, corrections, and health care systems are spending enormous amounts of money in dealing with drug abuse and related problems. The cost to our industrial and business productivity as a result of drug abuse in the workplace is unacceptably high. We can no longer afford to give drug abuse education anything but top priority.

Funds available under my bill will be distributed to States on the basis of school-age population within each State. The Secretary is required to reserve 1 percent of amounts appropriated in any fiscal year for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

Each State is directed to reserve 20 percent of its grant award for State use. The remaining 80 percent is to be distributed to local education agencies on the basis of school-age population within each local education agency. Funds reserved to the State are to be used for the development and dissemination of drug abuse education curricula and teaching materials for elementary and secondary schools throughout the State, drug abuse education demonstration projects, technical assistance to local education agencies, and State administrative costs. No more than one-quarter of the funds reserved to the State may be used for administrative costs.

Grants that a State makes to local education agencies are to be used for the development and implementation of drug abuse education curricula, drug abuse counseling programs, treatment referral programs, training for teachers and other school personnel, primary prevention and intervention programs, drug education programs for parents and other public drug education programs, and other drug abuse prevention and education programs consistent with the bill's purposes.

To receive grants under the bill, States must apply to the Secretary of Education, and local education agencies must, in turn, apply to the State. The bill establishes certain requirements State and local education agencies must meet to be eligible for grants.

One of the key requirements of the bill is that a State, to be eligible for grants, must require each elementary and secondary school in the State to implement a drug abuse education curriculum covering each grade kindergarten through grade 12. States that do not currently have such a requirement may receive grants if they agree to use their funds to establish such a requirement.

This basic requirement is included in the bill because in State after State where the select committee has held hearings, the need for drug education beginning in the earliest years of a child's schooling and continuing throughout high school has been emphasized repeatedly to the committee. It is not my intention that States should mandate a specific drug education curriculum that each elementary and secondary school must adopt. Rather, the bill provides flexibility for local education agencies to structure a curriculum that best meets their needs. The bill also provides flexibility for schools to use their funds for other programs in addition to establishing a basic K–12 drug education curriculum. The basic prerequisite for a State to participate in this grant program, however, is a commitment to establish a statewide requirement for K–12 drug education curricula in elementary and secondary schools.

The bill requires that Federal funds must be used to supplement, not supplant, State and local funds otherwise available for drug abuse education. It also includes provisions for the participation of children enrolled in private, nonprofit schools.

Finally, the bill requires the Secretary of Education and the Secretary of Health and Human Services to cooperate in collecting and disseminating information to State and local education agencies on successful drug education curricula and other proven school-based drug abuse prevention and education approaches. The secretaries also are required to cooperate in providing technical assistance to State and local education agencies in selecting and implementing drug abuse education curricula and programs best suited to meet State and local needs. The secretaries are also directed to identify research and development priorities with respect to school-based drug education and prevention.

Education alone is not the answer to drug abuse, just as eradication and enforcement by themselves cannot solve our drug problems. Now, however, is the time to capitalize on the strong consensus that exists throughout our country for a nationwide drug abuse education effort. The health and well-being of our children and the future of our country depend on our success. I urge the House to support this legislation.

SALUTE TO NELLIE WILSON

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. MOODY. Mr. Speaker, today I rise to congratulate Mrs. Nellie Wilson. Mrs. Wilson, a labor leader in Wisconsin over the last 40 years, is the principal honoree at the sixth Annual Women of Color recognition Dinner, sponsored by the Black Women's Network in Milwaukee. She truly exemplifies the network's 1986 theme, "Women in Labor; A Labor of Love."

Her ties with the Wisconsin labor movement run deep. She was a charter member of two Wisconsin State AFL-CIO committees, The civil rights committee and the standing committee on women. As an employee of the A.O. Smith Corp. from 1943 to 1969, she established the Smith Steel Worker Union Civil Rights Committee. She was also the first black woman elected to office in the Smith Steel Worker 19086 Union. Since 1963, her involvement with the Milwaukee County Labor Council put her in the forefront of every major union issue.

Mrs. Wilson has achieved a great deal both personally and professionally. She also has made an enormous contribution to the Milwaukee community. In 1971 she became director of the AFL-CIO Human Resources Development Institute. She placed hundreds of people in jobs, until Federal and union funding cuts forced the institute to close in February, 1982. At the A. Phillip Randolph Institute, she led numerous civic projects as well.

I salute this dedicated and caring woman for her contributions to the labor movement and to Milwaukee as a whole. I ask my colleagues in the House of Representatives to join me in saluting Mrs. Wilson on this special occasion. I want you to know how proud of her we are in Wisconsin.

Finally, Mr. Speaker, I also would like to congratulate the Black Women's Network. Founded in 1979 to promote the economical well-being of black women, it has taken a leadership role in educational, political, and social issues. The network's dedication and commitment has enhanced the status of women in the black community and, as importantly, greatly enriched our State.

HUMAN RIGHTS IN SOUTH KOREA: TIME TO SPEAK OUT

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. TORRICELLI. Mr. Speaker, the human rights record of the South Korean Government is steadily deteriorating. On January 29, the Reverend Moon Ik Hwan, the noted poet,

scholar, Biblical translator and human rights leader, was arrested in Seoul. Twenty other leaders of the United Minjung Movement for Democracy and Unification, an umbrella human rights organization, have been detained within the last month. Moon Ik Hwan's sole crime was to give a speech calling for a constitutional amendment providing for direct presidential elections.

Kim Keun Tae, former head of the Youth Federation for Democracy, was arrested last September 7, and is now on trial on charges of undermining national security. There is good reason to believe that Mr. Kim was tortured while awaiting trial. For the first time in its history, the Korean Bar Association has taken the courageous step of suing those who tortured Mr. Kim.

Perhaps most disturbing of all, the Government of the Republic of Korea seems to be engaging in a campaign to intimidate its opponents in the United States. On January 20, two South Korean students, Yang Dong Hwa and Kim Sung Man, were condemned to death on charges of spying for North Korea. They had recently returned home after studying at Western Illinois University, where their sole crime appears to have been maintaining contact with South Korean dissidents. The prosecution and condemnation of these students are part of an attempt to frighten other Korean students in the United States into conformity with the dictates of their Government.

Mr. Speaker, I appeal to the authorities of the Republic of Korea to mitigate the death sentences passed on these two students and to release the Reverend Moon Ik Hwan, Kim Keun Tae, and more than 700 other political prisoners who remain incarcerated.

The United States has traditionally served as a refuge for people from around the world who incurred the wrath of oppressive governments. We prize the freedom to voice political differences, and guarantee that right to all. Our Government and the American people will not let this country be used as a stalking ground for those who would silence their critics. The long hand of repression must not be allowed to cross these shores.

COLD PEACE: EGYPT AND ISRAEL AT THE BRINK

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. WOLPE. Mr. Speaker, for nearly 4 years, the relations between Israel and Egypt have been marred by what has become known as the cold peace. Although the two countries have signed an historic peace treaty, and although Israel has withdrawn from the Sinai, there is no vibrancy to the relationship itself. Egypt's Ambassador to Israel was withdrawn in 1982—in protest over the invasion of Lebanon—and remains in Cairo even though Israel left Lebanon nearly a year ago. The promise of the peace treaty for tourism, cultural exchanges, scientific and intellectual and artistic collaboration, and trade languishes from Egyptian indifference and neglect.

Recent events have compounded the rift. President Mubarak has refused to send Israel a report on the horrible massacre of Israeli vacationers near Eilat last October—a tragedy that many believe could have been limited had the Egyptian authorities permitted the timely delivery of emergency medical care. Second, although the Israeli cabinet has agreed to arbitration over Taba, a disputed tangent of the Sinai, the Egyptian Government has refused to concur in the arbitration process, and refused, as a measure of good faith, to return its Ambassador to Israel as the Taba issue is resolved. Third, President Mubarak has rebuffed attempts by Prime Minister Peres to arrange a summit meeting designed to place the relationship on a firmer footing. The Prime Minister's personal emissary, Ezer Weizman, returned empty-handed after seeing President Mubarak in an attempt to break the ice. Indeed, Prime Minister Peres' tenure may end later this year without his ever meeting the Egyptian leader.

These developments can have potentially devastating consequences. On so many fronts, Israel remains besieged. Israel is a target of recurring terrorist attack—abroad and at home. Syria is acting provocatively on the northern frontier. Jordan is flirting with Syria and is unable or unwilling to begin a dialog with Israel. And now Egypt is apparently backing away from even a semblance of a civil relationship.

The peace treaty with Egypt is in danger of becoming nothing more than a nonaggression pact. And in the Middle East, nonaggression pacts have short half-lives. Israel is dangerously close to drawing the conclusion—to reaching a consensus that spans the political spectrum—that moderation carries a heavy price, not the reward of reciprocity and cooperation.

I discussed these issues personally with President Mubarak in Cairo last August. He listened carefully to my plea that meaningful steps be taken to restore trust and goodwill with Israel. But the intervening months have seen several setbacks that are extremely troubling and dangerous. It is still clearly within President Mubarak's power to initiate the modest measures necessary to bring the cold peace with Israel back from the brink, and to prevent the one shining flame of hope of the past 10 years from being extinguished. At this crucial moment between Egypt and Israel, I again urge President Mubarak to consider how much is at stake for the future, and to help Israel help Egypt repair the damage that has occurred.

BILINGUAL EDUCATION

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. KILDEE. Mr. Speaker, as the Department of Education prepares to implement new rules regulating programs authorized under the Bilingual Education Act, I would like to emphasize the purpose of bilingual education, and the clear intent of Congress when it passed Public Law 98-511 during the 98th Congress.

The purpose of bilingual education is to enable the limited English proficient [LEP] student to achieve proficiency in English. Native language instruction is used for the purpose of assuring that, in the meantime, LEP students are able to meet promotion and graduation requirements.

Public Law 98-511 allows for more flexibility in the Federal bilingual effort by allowing a portion of Federal dollars to be spent for alternative instruction approaches. At the same time, it requires the continuation of proven transitional methods of instruction. This law also permits local school districts to design their own programs and to determine the extent to which instruction will be provided in the native language.

Bilingual education is a bipartisan concern. This was demonstrated in the 98th Congress when both Houses of Congress overwhelmingly passed and the President signed Public Law 98-511. LEP students are Federal constituents in the same way as handicapped children, disadvantaged children, and other special-needs groups of children. Improving the quality of education available to the Nation's LEP children is especially important because it has been found that in our educational system too many students who do not speak English as a first language are not reaching their potential. It would be a terrible failure for a student to go through this Nation's school system without learning English. It would be a terrible educational failure and a terrible social failure.

I would like to insert into the RECORD the text of a recent speech made by Representative MATTHEW G. MARTINEZ regarding bilingual education. His statement addresses important issues facing bilingual education and raises some very important questions.

STATEMENT OF CONGRESSMAN MATTHEW G. MARTINEZ

I am pleased that the organizations hosting this press briefing invited me to share with you some observations about bilingual education policy.

Before doing so, however, I would like to say a word or two about these organizations and the work that they do. NABE, LULAC, MALDEF, and the National Council of La Raza have been working for a long, long time to ensure that language-minority students have an equal opportunity to succeed academically. Their work here in Washington has improved Federal educational policy; and their work in communities across the nation has helped Hispanic, Indian, Asian, and other language-minority students to stay in school and to succeed in school.

While I salute the accomplishments of these organizations and their staff I also share their frustration about the continuing educational neglect of language-minority students. And like them, I am outraged by the conduct of the Nation's highest educational official, Education Secretary Bennett.

Two years before Mr. Bennett came to Washington, the National Commission on Excellence in Education issued the report entitled "A Nation At Risk: The Imperative for Educational Reform." This report warned that "the educational foundations of our society and presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people." The Commission didn't mince words. It wrote:

"If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. As it stands, we have allowed this to happen to ourselves. We have even squandered the gains in student achievement made in the wake of the Sputnik challenge. Moreover, we have dismantled essential support systems which helped make those gains possible. We have, in effect, been committing an act of unthinking, unilateral educational disarmament."

And while the Commission's report emphasized that the "primary responsibility for financing and governing the schools rests with State and local officials," the report also identified areas of Federal responsibility for education. According to the Commission.

"The Federal Government, in cooperation with States and localities, should help meet the needs of key groups of students such as the gifted and talented, the socioeconomically disadvantaged, minority and language minority students, and the handicapped. In combination these groups include both national resources and the Nation's youth who are most at risk."

And while the Commission's dire warnings have prompted public action in all parts of the country to improve and reform our educational system, we remain a "Nation at Risk." And no group of students remain more at risk than language-minority students, a majority of whom are Hispanic.

Language-minority students have the educational needs of all other children. Some are gifted and talented, others have physical handicapped and learning disabilities. A disproportionate number, in the language of the Excellence Commission, are "socioeconomically disadvantaged," and suffer from the consequences of poverty. They and their parents have encountered subtle discrimination and blatant prejudice.

And while language-minority students have a distinctive educational need—the need to learn a new language, English—they must also master the subjects and skills taught in school if they are to succeed in this society. A child who leaves school without mastering English is unprepared for life in America. A child who leaves school without mastering history, mathematics, science, and the study of government, literature and the arts is likewise unprepared for life in America.

If the nation, to use the words of the Excellence Commission, was guilty of committing "unthinking, unilateral educational disarmament" in 1983, I would suggest that Secretary Bennett is guilty of attempting to lead the Nation into an unconditional educational surrender.

For language-minority students, the Bilingual Education Act represents one of "the essential educational support systems" referred to by the Excellence Commission. And, yet, it is this essential educational support system which Secretary Bennett is trying to dismantle.

Secretary Bennett and other Education Department officials have complained to the press that the organizations represented in this room have misconstrued the Secretary's policy "initiative" on bilingual education. I say they have misconstrued nothing, they have merely exposed the Secretary's record—a record of calculated indifference and callous neglect.

Let's look at the Secretary's record.

First, there's the matter of the Secretary's appointments to the National Advisory and Coordinating Council on Bilingual Education. Several of the people Secretary Bennett appointed to this national council have publicly attacked the bilingual education program as an "Hispanic" or "Latin Hustle". The Chairman of the Advisory Council accused those or us who support bilingual education of being part of a "conspiracy to keep Spanish-speaking children in linguistic bondage," and he told a group of educators in his home state of Illinois that his objective and that of the Reagan Administration was to "dismantle" the Federal bilingual education program. And the Council's Vice-Chairman has repeatedly called for repeal of the Bilingual Education Act.

Then there's the matter of the Secretary's position on funding for Federal bilingual education programs. Last year, the Education Department asked Congress to level-fund the Bilingual Education Act, despite the fact that the population of limited-English-proficient students is growing more than twice as fast as the general school population. At the same time, the Department asked Congress to reduce Federal aid for Title VII teacher training and retraining and to bar funding for several of the programs authorized by the revised Bilingual Education Act, including Family English Literacy Programs.

You would think that the Reagan Administration which professes concern about American families and that Secretary Bennett who says he wants Americans to learn English would push funding for the Family English Literacy program. After all, this program has only one objective, teaching English to parents who don't know the language. And the law doesn't require any use of the parents' native language in these programs. But no, the Department specifically asked Congress to bar funding for this pro-family, pro-English program!

And then there was Secretary Bennett's highly-publicized September New York City speech in which he charged that Federal bilingual education programs and policies had been a "failure". As evidence to support this charge, the Secretary cited the tragically high school drop-out rates of Hispanic students.

As a lawyer, historian, and educator, Mr. Bennett must have known the falsity of his words. How can bilingual education be blamed for the Hispanic dropout problem when the vast majority of Hispanic students have never received bilingual instruction?

You don't have to take my word for it, just look at the new report of the National Assessment of Educational Progress on language-minority students. According to the National Assessment report, language-minority students are far behind their colleagues from English-speaking homes in both academic test scores and grade placement.

The National Assessment report clearly refutes the Secretary's charge that bilingual education is to blame for this tragic situation. Indeed, according to the report, the vast majority of language-minority students who are limited in their English language proficiency are not receiving bilingual instruction; they are not receiving ESL instruction; they are not even receiving the compensatory services provided under Chapter I.

The Education Department's proposed new regulations for the Bilingual Education Act are in keeping with the Secretary's record. As you have heard this morning, these regulations would weaken Federal bilingual education programs. As a Member of the House Committee on Education and Labor, I will insist that the Department's final regulations be changed to reflect the letter and spirit of the Bilingual Education Act.

In closing, I would like to go back to the words of the National Commission on Educational Excellence:

"If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. As it stands, we have allowed this to happen to ourselves * * *. We have, in effect, been committing an act of unthinking, unilateral educational disarmament."

Federal bilingual education programs are an essential support system for Hispanic and other language-minority students. These programs should be strengthened, not weakened; they should be expanded, not cut-back.

Secretary Bennett's record on Federal bilingual education policy is clear; he wants to dismantle the program. Those of us who hold leadership positions in the Hispanic community cannot help but view the Secretary's conduct, to borrow a phrase from the Excellence Commission, As "an act of war"—war upon our children and millions of other American language-minority children. We will not allow this to happen.

THE REAGAN BUDGET

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. LEVINE of California. Mr. Speaker, yesterday, the Reagan budget proposal hit Capitol Hill. Simply put, the President proposes a $33 billion or 8 percent real increase in defense spending authority, while dozens of domestic programs which help the needy in our society would be frozen, cut back, or eliminated. Supporters and detractors of the Reagan budget have wasted little time in expressing their views; clearly, the budget battle has begun.

I do not intend here to discuss the consequences of the Reagan approach. I do, however, want to call your attention to an article which appeared in yesterday's Washington Post, written by Haynes Johnson, one of the Post's most respected and insightful columnists. Entitled "Tilting the Budget," Johnson argues that the enormous Federal research dollars this administration is pouring into defense, rather than into commercial industry, fundamentally weakens another critical area of American security: the Nation's ability to compete economically in today's world. At a time when our trade deficit for fiscal year 1985 approached $150 billion, and when many American industries are being forced to shut down, this should be especially troubling to every Member of this body.

Mr. Speaker, this article illuminates an important, if overlooked, consequence of the fiscal year 1987 Defense budget. I commend it to my colleagues.

TILTING THE BUDGET

(By Haynes Johnson)

In the age of the ancient Greeks, when the world was thought to be flat and the

seas and heavens inhabited by supernatural spirits and monsters, man created heroes. Ever since, in times of tragedy or great national undertaking, leaders have evoked God-like heroic figures in human form as a means of banishing fear and instilling a common purpose.

No leader of our time has more effectively employed the ancient heroic image than Ronald Reagan and at no point with more power and poignancy than after the deaths of America's space-shuttle astronauts.

All of this is understandable and probably necessary. Certainly Reagan's words, no less than Lincoln's, have helped bind the nation's wounds. His actions have made more tolerable the profound sense of national suffering over the loss of those seven smiling, confident, prototypical young Americans who embodied what people everywhere recognized as the best in the national character.

But when Reagan invokes these "newest heroes" as a means of winning political support for a further radically altered rendering of national economic priorities, it's time to separate myth from reality.

The budget that Reagan sends to Congress today calls for dramatic increases in spending for the military and the space program, all at the expense of other national needs.

I'm not about to dust off the spurious argument about "if-we-can-go-to-the-moon-why-can't-we-eliminate-poverty-on-Earth?" I do argue that this budget fundamentally weakens a critical area of American security, the nation's ability to compete economically in today's world.

If approved, his budget will further underscore one of the most significant facts of American life today: that a greater and greater percentage of this nation's research money is directly tied to defense spending. And of that increasing share going to defense, more and more is being spent on specific weapons systems rather than basic research that could spin off into commercial products.

In America today, less than 1 percent of federal research money is directed toward commercial industry. Our Japanese and German competitors allocate more than 12 times that amount.

It's estimated today that 70 percent of all federally funded research flows through military channels. That's one-third of all research and development in the United States. And that does not—repeat, not—include the $76 billion that will be spent on developing "Star Wars" before the decision on whether to employ that system. If Star Wars is implemented as planned, for instance, it could consume all of the electrical engineers who graduate from California universities over the next 10 years.

So what? one might ask. Didn't the space program produce tangible economic benefits—Teflon, Velcro, advanced computer technology and the rest—that assisted American business as well as the U.S. military? Sure. But the outpouring of basic research funds into the military has had another, and adverse, effect in recent years.

As Regis McKenna, one of the leading entrepreneurs in America's high-technology capital in California's Silicon Valley, put it last week after the shuttle disaster:

"While military spending has increased, our competitiveness in commercial and industrial markets has dramatically declined. Over the past few years, there has been a pronounced shift in our spending patterns toward military-oriented development, specifically, weapons development. Jobs are created for missile development, but no new wealth is created to cycle back into the innovative process . . .

"A weapons system, once completed, sits in a parking lot waiting for a war. It does not improve our standard of living, improve productivity or create opportunities for growth."

In the Sixties, when everything in America from city to campus to national seat of power seemed to be falling apart, one area of national endeavor personified security and success—the space program.

While cities burned, leaders were slain and the young experienced the terrors of Vietnam, American astronauts serenely encircled the globe and then vicariously transported all of us to the moon. Eventually, money poured into the space program created a political backlash. But it never was true that we didn't attempt to strike a balance then between defense and domestic needs. Now that is true. That's not heroic. That's foolhardy.

LITHUANIAN INDEPENDENCE DAY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1986

Mr. KANJORSKI. Mr. Speaker, I would like to bring to your attention an event of great importance to many of my constituents, and to any American who values freedom for all the peoples of the world. February 16 marks the 68th anniversary of the restoration of Lithuanian independence following World War I.

The collapse of Czarist Russia after the end of World War I led the Lithuanian people to seek political independence. On February 16, 1918, the Lithuanian National Council met in Vilnius and declared the restoration of Lithuania's independence. Recognized as a sovereign state by the community of nations, Lithuania became a member of the League of Nations in 1922.

Tragically, the Soviet Union began its occupation of Lithuania on June 15, 1940, and a Soviet administration incorporated Lithuania into the U.S.S.R. on August 3. To this day, Lithuania remains an occupied country within the Soviet Empire.

We Americans can sometimes forget how truly free we are, while millions of people around the world live under the subjugation of tyranny. The people of Lithuania, once a free and autonomous nation, have suffered years of harassment, discrimination, and brutality at the hands of the Soviet Union.

Mr. Speaker, on this occasion of the 68th anniversary of the declaration of restored Lithuanian independence, there is no better time to remember the hopes and faith of those living under the domination of the Soviet Union. I am sure that every Member of the House of Representatives joins me in recognizing the people of the Baltic republics and their hopes and dreams for true freedom.

SENATE—*Friday, February 7, 1986*

(Legislative day of Monday, January 27, 1986)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable DAN QUAYLE, a Senator from the State of Indiana.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gracious Father in Heaven, as the Senate completes its work today and begins the Lincoln Day recess, grant to those who travel journeying mercies and a safe return. Help the Senators accomplish the work they have set aside for this period. Bless their contacts with constituents but let it not be done to the exclusion of family relationships. Give them grace to take seriously relationships with spouses and children and enable them to find time—take time—to fulfill family responsibilities. Where there is strain or tension or estrangement, let there be healing and reconciliation and restoration. Dissolve foolish ego that refuses to say "I am sorry" and stubborn pride which refuses to forgive. May Thy grace, mercy, peace, and love rest upon all who labor in the Senate and their loved ones during this next week. In His name Who is love incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 7, 1986.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAN QUAYLE, a Senator from the State of Indiana, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. QUAYLE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each and there will be a special order for the Senator from Wisconsin [Mr. PROXMIRE] not to exceed 15 minutes. There will be a period for routine morning business not to extend beyond 12:30 p.m., with Senators permitted to speak therein for not more than 5 minutes each.

Following routine morning business, the Senate could be asked to turn to any or all of several items. It is my intention to bring up S. 2036, making technical corrections in the farm bill.

It is also my understanding that there might be a request to appoint conferees to the Superfund conference report.

I had hoped we might have a time agreement on the Genocide Treaty, but we are not quite there yet. We are close, but not yet there. That may have to wait until our return on the 18th.

TV IN THE SENATE

With reference to TV in the Senate, it may be before the Senate today, it may not be. I have agreed with the distinguished minority leader that we should not give up on the effort on Senate Resolution 28 or some modification thereof. I think it is going to take some time when we get back. There are a number of Members, including the Presiding Officer, who would like to make some rules changes if we are going to have TV in the Senate. There are different, I do not say factions, but different Members who have a little different view on which rules changes and the testing period. I would hope that during this next 7 or 8 or 10 days we will have a chance, all of us, to think about how we can proceed.

In my view, we ought to do it. We ought to get it done. Maybe we are going to end up with just a 2-month testing period, then make the rules changes. But we ought to do something, at least experiment. I know there are well-intentioned Senators on both sides who have very strong feelings. We are trying to resolve those and that is one reason we have sort of delayed any further discussion of the resolution itself.

It will not be my intention to be in session very long today. I think I can assure Members that as far as I know, there will be no rollcall votes today.

FOOD SECURITY ACT OF 1985—CORRECTING AMENDMENTS

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2036.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2036) entitled "An Act to make certain technical corrections to amendments made by the Food Security Act of 1985, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. CROSS COMPLIANCE FOR 1986 THROUGH 1990 CROPS OF WHEAT.

Paragraph (2) of section 107D(n) of the Agricultural Act of 1949 (as added by section 308 of the Food Security Act of 1985 (Public Law 99-198)) is amended to read as follows:

"(2) The Secretary may require that, as a condition of eligibility of producers on a farm for loans, purchases, or payments under this section, the acreage planted for harvest on the farm to any other commodity for which an acreage limitation program is in effect not exceed the crop acreage base for that commodity.".

SEC. 2. CROSS COMPLIANCE FOR 1986 THROUGH 1990 CROPS OF FEED GRAINS.

Paragraph (2) of section 105C(n) of the Agricultural Act of 1949 (as added by section 401 of the Food Security Act of 1985 (Public Law 99-198)) is amended to read as follows:

"(2) The Secretary may require that, as a condition of eligibility of producers on a farm for loans, purchases, or payments under this section, the acreage planted for harvest on the farm to any other commodity for which an acreage limitation program is in effect not exceed the crop acreage base for that commodity.".

SEC. 3. AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES.

The fifth paragraph of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) (as amended by section 1711(a) of the Food Security Act of 1985 (Public Law 99-198)) is amended by—

(1) in the third sentence, striking out "community committee" and inserting in lieu thereof "local committee"; and

(2) striking out the fourth and fifth sentences and inserting in lieu thereof the following new sentences: "Each local administrative area shall have one local committee consisting of at least three members elected to three-year terms in a local election to be held every third year, except that there may be more than one local committee per administrative area in counties that, as of the date of enactment of the Food Security Act of 1985, have more than three local committees. Only one local administrative area shall hold an election in any given year in each county. Only farmers within a local administrative area who are producers who

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

participate or cooperate in programs administered within their area shall be eligible for nomination and election to the local committee for that area: Provided, That the foregoing requirement of this sentence shall not apply to any county that, on the date of enactment of the Food Security Act of 1985, had less than three local administrative areas. Only farmers who are participating or cooperating producers within an area shall be eligible to vote in the election in that area.".

SEC. 4. DETERMINATION OF CROP ACREAGE BASES.

Subsection (b)(1)(B)(ii) of section 504 of the Agricultural Act of 1949 (as added by section 1031 of the Food Security Act of 1985 (Public Law 99-198)) is amended by striking out "paragraph (1)(A) and paragraph (1)(B)(i)" and inserting in lieu thereof "clause (i)".

ASC LOCAL COMMITTEES

Mr. DOLE. Mr. President, the House amendment to S. 2036 also makes a change with regard to ASC local committees.

The farm bill, as originally passed, requires that each county with more than 150 farmers be divided into three administrative areas which would have at least one local or "community" ASC committee. Under S. 2036, as passed by the Senate, discretionary authority would be granted to the Secretary to increase the number of local committees in these administrative areas where more than three such committees existed on the date of enactment of the farm bill.

The modification made in S. 2036 by the House is intended to give the Secretary the flexibility to permit those counties which have elected over the years to have one committee serve as both the local and county committees, to continue on that basis. The farmers in these counties have made the decision that one group of elected committeemen adequately serves their best interests. Therefore, if these local producers believe this system works well, the Secretary would not be required to tamper with it.

FARM BILL TECHNICAL CORRECTIONS ACT—CROSS-COMPLIANCE

Mr. WILSON. Mr. President, I support the technical corrections contained in the bill.

The issue arose because the 1985 farm bill mandates "cross-compliance" for the wheat and feed grain programs, but provides the Secretary of Agriculture with discretionary authority to require "cross-compliance" for the cotton and rice programs. This "cross-compliance" provision contained in the 1985 farm bill is a new eligibility requirement for participation in these commodity support programs.

Although this is a mandatory component for two commodity programs and discretionary for the other two programs, the Secretary recently decided—for the sake of consistency—to make cross-compliance a mandatory eligibility requirement for all the Department's 1986 commodity programs. While uniformity may be a laudable goal, it should not be pursued at a cost of retroactively imposing inequities and penalties upon our Nation's farmers.

Because of favorable climatic conditions in California, many of my farmers, who primarily grow cotton or rice, had planted last December winter wheat and feed grains in excess of their bases. Many farmers throughout the country were forced to make planting decisions without knowledge of these programs because we, in Congress, took a long time to address and resolve the questions surrounding the 1985 farm bill.

Because previous commodity programs did not require cross-compliance and because the issue did not arise until the farm bill conference in December, it was not unreasonable for California cotton farmers, for example, to conclude that plantings of wheat and feed grains would not threaten their eligibility for participation in the 1986 cotton program.

I understand that the purpose of imposing cross-compliance is to discourage base-building by planting large amounts of program crops on set-aside acres. This not only serves to restrict production of surplus crops, but may limit CCC outlays in future years.

For the record, however, it should be noted that much of the wheat already planted in California is durham wheat which has already been sold under existing contracts. Similarly, the feed grains in the ground serve as food for my State's dairy and cattle industries. Consequently, these acres will neither produce "surplus" stocks bound for Government warehouses nor result in budgetary outlays.

A few weeks ago, I had the opportunity to discuss this matter with the Secretary of Agriculture. During our conversation, I stressed that these farmers had already invested a significant amount of money in seed, fertilizer, labor, and irrigation to plant these acres of wheat and feed grains. Also, most land-lease contracts in California required that the farmer make a full rental payment by January 1.

As a result of these circumstances, the recent decision by the Department to mandate cross-compliance for all program crops will force these farmers to throw their investment away by disking-up these acres, in order that their primary crop—cotton—might be covered by the 1986 cotton program.

I believe that the reason Congress made cross-compliance discretionary for cotton and rice was to avoid inequities such as this. It is for the same reason that I strongly support this technical correction bill and urge its prompt passage.

DRY EDIBLE BEANS

Mr. RIEGLE. Mr. President, as you know, we are very anxious to correct a problem contained in the 1985 farm bill which allows the planting of nonprogram crops on permitted acreage. In our State, a particular concern is raised about dry beans and the adverse effect increased plantings would have on the bean market. We would have preferred to offer an amendment to the technical amendments to the farm bill but because we do not want to interfere with the planting of the Nation's farmers, we did not offer it. Our dry edible bean farmers face a critical period on March 1 when they must prepare for their bean planting and that is why we wanted to offer this amendment today.

Mr. LEVIN. Our concern is not an idle one—the price of beans just dropped $2 per hundredweight in the last several weeks as a result of the expectation of a large oversupply of dry beans. We would like to reaffirm our intentions to offer our amendment to the next appropriate vehicle after the Senate comes back from its recess and would like assurance that we will be given that opportunity with your support.

Mr. DOLE. Mr. President, I completely agree with my colleagues on the merits of this issue and have cosigned a letter to the Department of Agriculture, along with the distinguished ranking member of the Agriculture Committee, Senator ZORINSKY, and other Members, including the two Senators from Michigan, stating our firm belief that USDA presently has the discretion to take this action without the need for additional legislation. If the Department of Agriculture does not take corrective measures, I assure the Senators that, at the first available opportunity, they will have a chance to offer their amendment with my support.

Mr. HELMS. Mr. President, today we are again taking up amendments to Public Law 99-198, the Food Security Act of 1985—otherwise known as the farm bill.

I purposely refrained from referring to this legislation as "technical amendments" to the farm bill because, in my opinion, we have gone beyond amendments that are strictly technical in nature to amendments that do include policy changes.

Specifically, the other body amended the Senate legislation and sent back to us changes in the method by which wheat and feed grain subsidy acreage bases are calculated.

This is not really a technical change—it is a disagreement regarding what was actually agreed to in conference. The House has sent over, in the form of an amendment to legislation approved by the Senate on January 30, its understanding of what the conferees agreed to. This Senator's understanding of what was agreed to is what was enacted into law when we passed the farm bill.

So that Members understand the issue, I will briefly explain the disagreement. Both the House and Senate Agriculture Committee members have been concerned about the expensive upward creep in the national acreage subsidy base for wheat, feed grain, cotton, and rice. However, there were significant differences between the House and Senate language as well as mechanical implementation problems associated with changes of this nature in farm programs.

As a result, House and Senate staff as well as U.S. Department of Agriculture personnel devoted considerable time and effort to constructing language that achieved the policy objectives of slowing this upward base creep and establishing a procedure with some predictability so that farmers could plan their operations.

In this context, it made sense that no matter what the new formula for establishing acreage bases turned out to be, no producer should end up with a higher base than he or she would have received under the expiring 1981 act. Consequently, it was my understanding, as chairman of the conference, that the so-called 2-year rule would apply to all target price-supported crops.

The 2-year rule simply ensures that no producer ends up with a higher subsidy base than would have otherwise been the case if there had been no change in law or regulations. This is consistent with the conferee's policy objectives and makes common sense.

However, the House amendment to the Senate legislation would eliminate the 2-year rule for producers of wheat and feed grains so that they may receive extra subsidies on the bonus base resulting from strict application of the new 5-year rolling acreage base formula.

These extra subsidies will result in an additional $100 million in outlays over the life of the bill. It will add approximately $87 million over the next 3 fiscal years, including 1986.

Therefore, I am advised by the Senate Budget Committee that this legislation is subject to a point of order for violating section 311(A) of the Congressional Budget Act as amended by Gramm-Rudman-Hollings.

I am not going to raise the point of order because I understand the urgency of getting the important matter of cross compliance resolved.

Mr. DOLE. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD and Mr. BOSCHWITZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I extend my thanks to a number of Members on each side of the aisle. I see Senator BOSCHWITZ is on the floor. We have had a number of meetings with Members on both sides and House Members. There are some problems that must be addressed. Some are technical in nature, some result from a misunderstanding. We had a 13-pound bill, and we have asked the staff to do almost the impossible—that is, put it all together and reflect the conferees' views in a matter of days. There were some minor drafting errors. There were some drafting errors that were obviously not the fault of the staff. I think the staff did a tremendous job—my staff, the Department of Agriculture staff, and the committee staff, under George Dunlop, the staff director. These are not all drafting errors, but there are some misunderstandings.

I must say one involves the impact of Gramm-Rudman-Hollings and whether or not that matter was discussed. It was discussed. I was present at that meeting with the Secretary, with the Senator from Minnesota, with other Republicans and Democrats when we thought we had struck a bargain on that particular provision.

There is also a question on yields, there is a question on underplantings on all of these issues, we have had Members on both sides of the issues.

The underplantings issue is one I will not go into in depth, but I know there are Democrats who do not want to change it and Republicans who do not want to change it and there are Democrats who do want to change it and Republicans who do want to change it. Whether we can resolve that issue, I am not certain.

I do hope we can resolve the dairy issue and the so-called yield issue. We are hopeful that the USDA, the White House, the committee staff, staff of Members on both sides, can come to some understanding during the recess period so we can have a bipartisan bill introduced early in the week when we return, probably on the 18th.

So I thank my colleagues for not objecting to the consideration of S. 2036 because action was needed on that particular legislation today.

Mr. BOSCHWITZ. Will the majority leader yield to me?

Mr. DOLE. I am pleased to yield.

Mr. BOSCHWITZ. I concur with the majority leader that it is a good thing that the bill passed today. It is necessary that that occur as plantings are in the process of beginning. I also say to the majority leader that when you consider, as he pointed out, the enormity of the bill and the arcane nature of many of the concepts that we dealt with, the number of disagreements and misunderstandings is really quite slight. When the breadth and the complicated nature of the bill and the interrelationships of the various aspects of agriculture are considered, we passed I think a bill that is going to serve agriculture well. We passed it with an enormous amount of work conducted by the staff all through the nights. The number of misunderstandings in my judgment is quite slight and we will be able to deal with them when we return.

Mr. DOLE. I thank the Senator from Minnesota. I think he left the right impression. We have a good farm bill. I do not want to in any way indicate that we did not pass what I believe is a very sound piece of farm legislation. But like any other massive piece of legislation, hundreds and hundreds of pages, there are misunderstandings that develop. They are not drafting errors; they are not any fault of the staff, but different people have different interpretations. Some, frankly, do not go into it as deeply as other Members, and that creates problems later. But it is my hope that we can bring it up, have a vote, and see what happens.

I appreciate the tireless efforts of the distinguished Senator from Minnesota [Mr. BOSCHWITZ].

Mr. BOSCHWITZ. Mr. President, I thank the majority leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Democratic leader is now recognized.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I ask unanimous consent that I may reserve my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. I yield the floor.

SUPERFUND IMPROVEMENT ACT OF 1985

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2005, Superfund.

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the amendments of the Senate to the bill (H.R. 2005) entitled "An Act to amend title II of the Social Security Act and related provisions of law to make minor improvements and necessary technical changes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following are appointed conferees:

From the Committee on Energy and Commerce, solely for the consideration of titles I-III of the House amendments to the Senate amendments, and the entire Senate amendments, except for title II: Mr. DINGELL, Mr. FLORIO, Mr. ECKART of Ohio, Mr.

HALL of Texas, Mr. TAUZIN, Mr. SWIFT (solely for the consideration of sections 102, 103, 105, 111, 113, 115, 117, 120, 121, 122, 123, 124, and 127 of title I and title III of the House amendments to the Senate amendments, and modifications thereof committed to conference, including section 157 of the Senate amendments), Mr. WYDEN (solely for the consideration of sections 101, 104, 106, 107, 108, 109, 110, 112, 114, 116, 118, 119, 125, and 126 of title I and title II of the House amendments to the Senate amendments, and modifications thereof committed to conference): Mr. BROYHILL, Mr. LENT, Mr. RITTER, and Mr. FIELDS.

From the Committee on Public Works and Transportation, solely for the consideration of titles I, II (except for section 205) and IV of the House amendments to the Senate amendments, and title I of the Senate amendments, except for sections 110, 111, 127, 157, and 160 thereof: Mr. Howard, Mr. Anderson, Mr. Roe, Mr. Breaux, Mr. Mineta, Mr. Edgar, Mr. Snyder, Mr. Hammerschmidt, Mr. Stangeland, and Mr. Gingrich.

From the Committee on Public Works and Transportation, solely for the consideration of title III of the House amendments to the Senate amendments, and sections 110, 111, 127, and 160 of title I of the Senate amendments: Mr. Anderson, Mr. Roe, Mr. Edgar, Mr. Snyder, and Mr. Hammerschmidt.

From the Committee on Ways and Means, solely for the consideration of title V of the House amendments to the Senate amendments, and title II of the Senate amendments: Mr. Rostenkowski, Mr. Pickle, Mr. Rangel, Mr. Stark, Mr. Downey of New York, Mr. Russo, Mr. Pease, Mr. Duncan, Mr. Archer, Mr. Vander Jagt, and Mr. Frenzel.

From the Committee on Merchant Marine and Fisheries, solely for the consideration of sections 104, 107, 108, 111, 113, 116, 121, and 122 of title I of the House amendments to the Senate amendments, and modifications thereof committed to conference: Mr. Jones of North Carolina, Mr. Biaggi, Mr. Studds, Mr. Young of Alaska, and Mr. Davis.

From the Committee on Merchant Marine and Fisheries, solely for the consideration of title IV of the House amendments to the Senate amendments, and modifications thereof committed to conference: Mr. Jones of North Carolina, Mr. Biaggi, Mr. Studds, Ms. Mikulski, Mr. Lowry of Washington, Mr. Tauzin, Mr. Young of Alaska, Mr. Davis, Mr. Lent, and Mr. Fields.

From the Committee on the Judiciary, solely for the consideration of sections 107, 113, 117, 119, and 122 of title I and sections 203 and 206 of title II of the House amendments to the Senate amendments, and modifications thereof committed to conference: Mr. Rodino, Mr. Glickman, Mr. Frank, Mr. Fish, and Mr. Kindness.

From the Committee on Armed Services, solely for the consideration of section 213 of title II of the House amendments to the Senate amendments, and section 162 of title I of the Senate amendments: Mr. McCurdy and Mr. Martin of New York.

Mr. DOLE. Mr. President, I move that the Senate disagree to the House amendments to the Senate amendments and agree to the conference requested by the House, and the Chair be authorized to appoint conferees on the part of the Senate from the Environment and Public Works Committee for the purpose of considering all matter other than that contained in title II of the Senate amendments, and section 463 of title IV and title V of the House amendments. I also ask that the Chair appoint conferees from the Finance Committee for the purpose of considering section 463 of title IV and title V of the House amendments, and title II of the Senate amendments.

The motion was agreed to; and the Acting President pro tempore [Mr. QUAYLE] appointed, from the Committee on Environment and Public Works, Senators STAFFORD, CHAFEE, SIMPSON, HUMPHREY, DOMENICI, DURENBERGER, BENTSEN, MOYNIHAN, MITCHELL, BAUCUS, and LAUTENBERG, and from the Committee on Finance, Senators PACKWOOD, DOLE, ROTH, LONG, and BENTSEN.

Mr. DOLE. Mr. President, I ask unanimous consent that at a later date, the Chair have the authority to appoint conferees on the part of the Judiciary Committee, with concurrence of the majority and minority leaders, for the purpose of joining in the consideration of sections 135, 143, 144 and to the extent it may affect the Federal courts or relate to claims against the United States, section 150 together with such amendments related directly thereto as may have been adopted by the House.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GRAMM-RUDMAN-HOLLINGS DECLARED UNCONSTITUTIONAL

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. BYRD. Mr. President, I read the following item which has just come on the ticker:

A Federal court Friday struck down the key provision of the Gramm-Rudman balanced budget law as a violation of the Constitution.

Mr. DOLE. I appreciate the news item. I assume the decision will be appealed, and hopefully the pressure will still be on the Congress of the United States. Gramm-Rudman put together a good budget that we can all support.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

YES, THE MASSIVE FEDERAL DEFICITS ARE OUR PRIME ECONOMIC PROBLEM

Mr. PROXMIRE. Mr. President, the highly respected economist, Dr. Robert Eisner, and one of the country's most prestigious columnists, Tom Wicker of the New York Times, have recently called the huge Federal deficits a strawman, a phony, a bogeyman we should forget. This Senator admires, strongly admires, both these men. They are certainly among the best in their fields. They are also wrong.

Dr. Eisner contends that deficit fever that induced Congress to enact the Gramm-Rudman-Hollings measure could bring on a real economic disaster. He contends that the schedule of deficit reduction mandated by the Gramm-Rudman measure could push the country into such a drastic reduction of the deficit over a 5-year period that it might precipitate an unnecessary and prolonged recession. Wicker agrees, and sees Gramm-Rudman as gutting necessary domestic Government programs and seriously endangering the Nation's defense.

Of course, Mr. President, Eisner and Wicker may in part be right, but only in part. The sharp reduction of the deficit over a 5-year period could certainly contribute to deepening the next recession. It almost certainly will do just that. But this Senator voted for Gramm-Rudman, and I would by all means do it again. Why? Because it is absolutely necessary. Dr. Eisner and Mr. Wicker regard the deficit as a problem of little or no consequence. Here is why they are wrong.

Dr. Eisner offers two basic reasons why he believes the deficit is of far less consequence than those of us who voted for Gramm-Rudman believe. First, he says that the deficit calculations fail to take inflation into account. Sure, says Dr. Eisner, we have had back-to-back deficits for 4 years in a row far bigger than any in American history. And, yes, absent Gramm-Rudman, they might continue on a $200 billion-plus level for years to come. But, according to Eisner, the numbers are deceptive. What really counts with Dr. Eisner is the relationship of the deficit to the inflation-corrected level of the national debt.

Eisner argues that the deficits of the Carter years were an illusion. That series of Carter deficits in 1978 through 1981 that have been reported as $59 billion in 1978, $40 billion in 1979, $74 billion in 1980, and $79 billion in 1981 were an illusion to Dr. Eisner. Why? Because these were years of very big inflation. So, says

Eisner, if you correct the increase in the national debt for the increase in prices, the real burden of the national debt actually diminished. The interest cost of servicing the national debt increased by billions every year, but meanwhile the value of the dollar was declining so fast that in "real terms," the interest burden actually fell.

In fact, Dr. Eisner sharply criticizes the Carter administration for running deficits that were too small. Too small. You do not hear that very often. Eisner argues that because the national debt diminished in inflation-adjusted terms, President Carter's administration was actually running surpluses and did not know it. Was that good? No, indeed, not according to Dr. Eisner. That was bad. It meant that the Nation's fiscal policy was restraining economic growth, in real terms taking more out of the economy in taxes than it was putting in in spending.

According to the Eisner theory, an economically neutral policy would call for deficits that would keep the national debt stable in real terms. Consider how that would work today. We have a national debt of about $2 trillion. Inflation estimates are about 4 percent. What level of deficit do we need to keep the national debt at its present level? Answer: About an $80 billion deficit. That is what we will have to have in order to keep the economy from going into a recession. How do you like that for an economic theory?

This is an interesting theory, and Tom Wicker buys it all the way. No one, says Wicker, has refuted Dr. Eisner on this thesis that we can forget the deficit in achieving a rational economy policy. Well, Mr. President, how about that? Let us refute Dr. Eisner right now. Consider what happens if Congress should follow Dr. Eisner down his primrose path. Where does he take us? Hold on to your hat; it is a rough trip. Here is where we go, according to the Eisner dogma. The bigger the level of inflation, the higher the deficit should be to prevent fiscal policy from contracting the economy. So, let us take 1980. In 1980, the inflation rate for the year was 13.5 percent. Suppose in 1987, with a deficit of $2 trillion, we have the same 13.5-percent rate of inflation. According to the Eisner formula, what should be the deficit level in 1987 with a 13.5-percent inflation rate to keep fiscal policy neutral—that is, to keep it from slowing down the economy? Answer: $270 billion. How do you like that for an economic theory? Dr. Eisner is telling us that the higher the inflation rate, the higher should be the deficit. Otherwise, the economy slows. If pushed too far, it slows down to a recession level. What happens if we pursue this kind of fiscal policy? The massive Federal debt grows like Jack's beanstalk. The inflation rate grows with it; the sky is literally the limit.

For the confirmation of this consequence, consider the experience of an infinite number of developing countries that have pursued the Eisner policy. They "print" money instead of raising it by taxation. Inflation increases. The more it increases, the bigger the deficit that is required just to keep fiscal policy from exerting a drag on the economy. As the deficit grows, the debt grows. The level of inflation grows, and the country is on its way to mega-inflation.

Argentina is one of the many countries that have gone through this traumatic economic experience. Until last June, Argentina was fighting desperately to maintain a stable level of real GNP. To do it, it printed 25 percent of the money it needed to meet its government expense. Its national debt soared almost out of sight. Inflation zoomed to a 1,000-percent annual rate. That is right, 1,000 percent! Last June, Argentina stopped this Eisner-type fiscal policy. It ended its borrowing virtually cold turkey. In doing so, Argentina now appears to have saved its economy.

Dr. Eisner has one other major modification. He proposes a new system of accounting for Government spending. The Eisner proposal would temporarily, but only temporarily, cut the deficit. Eisner contends that so-called capital spending is treated differently and more logically in the private sector. In the Eisner view, substituting private sector accounting for the present Government accounting system would sharply diminish, maybe even eliminate, the deficit.

In the 28 years this Senator has been in the Senate, this view has been steadily advanced. It has just as steadily gone nowhere. Why? Consider the difference between private- and public-sector accounting. Private-sector accounting discriminates between those expenditures that represent a simple transfer of assets such as cash for plants and equipment, on the one hand, and expenditures such as wages and salaries that represent the cost of doing business, on the other.

A private firm does not diminish its net worth when it buys a new, more efficient plant or a machine that will cut its costs significantly. It is making an investment. But the private firm does charge off the cost of this equipment or plant. It does so over time, during the life of the asset. This kind of spending it handles as part of its capital budget. For accounting purposes, the assumption is made that the firm buys an asset that is at least equal to what the firm spends. With discipline of the marketplace and the overwhelming purpose of the firm to make a profit, this is a reasonable assumption. It is also a reasonable assumption that the firm will depreciate its capital investment over time and charge that depreciation against its income at a cost.

In other words, the private sector, like the public sector, recognizes that the capital investment represents an expenditure. Both treat that investment as an expenditure. The Government, in effect, writes off the expenditure when it is made. The private sector writes off the expenditure over the years of its life.

Why does the Government make this charge differently from the private sector? Two reasons: First, the Government does not usually make a capital investment to improve its production or productivity. It does so to meet a public purpose. That may be to secure tanks and planes, missiles and ships to defend the country. It may be to build a vast electric power system to provide energy, usually well below cost, to a particular section of the country—for example, TVA and Bonneville. It may be to build a series of interstate highways that will make transportation quicker, safer, more convenient, as well as more economical. It may be to provide a building, which may or may not be more efficient, to house Federal workers during their working hours. It may be to provide housing for indigent citizens. Some of these endeavors provide revenue for the Federal Government. Most do not. Many of these improve the quality of life and economic opportunity for the Nation as a whole. But very little of this capital equipment can be sold.

Would there be any real advantage in shifting Government accounting to the private-sector accounting system? Would doing so actually reduce the deficit? The answer to both questions is "No." Suppose the Government treated capital acquisitions as assets and charged them off over the years. Would this significantly reduce Government spending or the deficit? No. And here is why: The Federal Government spends so much every year for such a variety of "capital goods" that the actual budget effect would not differ much. And there is a further reason that justifies the treatment of capital acquisition in the private sector that does not apply to the Government. When a private firm depreciates a capital investment over its useful life, it reduces its taxable income and, therefore, its taxes only by the portion of the investment that it depreciates in the taxable year. The firm increases its net after-tax income by the amount of the depreciation. If the firm can secure a more rapid depreciation for tax purposes, it enjoys a bigger taxable income in the early years. This increase in taxable income is like an interest-free loan. For this reason, capital accounting and the de-

preciation that goes with it is critical in private business decisions.

Does the Government have a problem like that? No, the Government has no such problem, because it pays no taxes on its income.

The full change of the actual expenditure against the budget at the time it is made is right for the Federal Government for another reason. The Federal Government rarely, almost never, acquires a major capital asset that it can sell for its cost, or that will bring income into the Government to a degree that could remotely justify its cost. Could we sell an aircraft carrier? Maybe. Will we? How often has it happened? We could sell the Bonneville Power Authority. This Senator is for selling it. But there is little chance Congress as a whole will support such a sale. If we do sell it, the price we receive will almost certainly be far, far below its cost.

Meanwhile, does even this asset bring to the Federal Government revenues that could justify its cost? No way. Overall, and throughout the years, the Federal buildings, dams, military equipment, housing, and other "capital investment" of the Federal Government bring in revenues far below the amount necessary to justify their cost on any basis.

Possibly the Federal highway system is an exception. But does the administration want to sell the Federal highway System? Could it sell the highway system or any part of it if they wished?

How about the Brooklyn Bridge while we are fantasizing?

Mr. President, there is one conspicuous exception. The Federal Government could sell its loans. It is usually a bad idea to do so. It is a gimmick, a gimmick that under the present accounting system could give the illusion of diminishing the deficit. In the year of sale, the deficit would indeed be smaller. After the year of sale, the deficit would be bigger by the amount of interest that the loans would have brought in and the repayment of the principal. In the long run it would make no difference whatsoever in the size of the deficit or in the size of the national debt. If the Government were using the standard private accounting system, the sale of the loans would have no effect on profit or loss or on the selling firm's equity.

Overall, what happens to the Eisner-Wicker thesis that a Government move to the private accounting system for property acquisitions would significantly diminish the deficit. The Eisner-Wicker notion that the Federal budget would be reporting far lower deficits if it recognized the asset value of its capital acquisitions does not stand up.

As I say, Dr. Eisner and Tom Wicker are extaordinarily able and public-spirited men. But they are very wrong in labeling the deficit as a phony. It is every bit as big and bad as alleged. It will build a mountain of a national debt. Service on that debt is right now the most rapidly increasing cost of Government. If we follow the Eisner-Wicker formula, it will certainly become our biggest cost in the next few years. Meanwhile, these deficits will bring on soaring inflation as they have in every country that has pursued such a reckless fiscal course. Massive deficit will also continue to keep interest rates high and rising. Housing and auto sales will suffer seriously. Our trade balance will continue to deteriorate. Our debt to foreigners will also soar. We should recognize these ugly facts and act on them. Eisner and Wicker are fine men. They are also very wrong.

I believe the famous economist, John Maynard Keynes, had a more accurate view of the dangers inherent in the approach Dr. Eisner and Mr. Wicker favor. Mr. Keynes wrote:

> Lenin is said to have declared that the best way to destroy the capitalist system was to debauch the currency. By a continuing process of inflation, governments can confiscate, secretly and unobserved, an important part of the wealth of their citizens. Lenin was certainly right.

So is Mr. Keynes.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I have referred in the February 2 Washington Post, headlined: "Deficit? The True Danger May Be a Budget Surplus."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEFICIT? THE TRUE DANGER MAY BE A BUDGET SURPLUS

(By Robert Eisner)

The Federal government faces serious problems, but not the ones you've been worrying about. The real problem is that our budget calculations are so misleading that our budget-balancing efforts can bring disaster.

If we begin to measure the federal budget accurately to take account of the effects of inflation, we will realize a disturbing fact: The balanced budget contemplated by the Gramm-Rudman-Hollings deficit-reduction act will, with a 4 percent rate of inflation, produce sizable real budget surpluses during the 1990s. These surpluses will sap purchasing power and plunge the economy into a depression.

Let me offer a modest counter-proposal: We can immediately ease our budget crisis by changing our accounting methods to reflect the effects of inflation and capital spending. The latter would bring the federal government toward the accounting procedures used by all major corporations and nearly all state and local governments. Both would help to demystify the deficit problem itself, so that we can distinguish the real economic effects of deficits from scare talk about them.

There has always been a certain amount of hysteria surrounding the federal debt and deficits. For most of the American public, debt and deficits are like sin: morally wrong, difficult to avoid, but not easy to keep track of.

Consider the case of the Carter administration. Faced with seemingly explosive inflation, Carter reacted sharply to the then supposedly large federal deficits believed responsible. He allowed taxes to rise, limited spending and encouraged tight money. Carter thus weakened a sluggish economy and contributed to his own demise.

Those Carter policies were based on false intelligence, misread by friend and foe alike. They were unnecessary and misguided. The official numbers showed a total deficit of $153 billion over the Carter years. In fact, we did not have real federal budget deficits from 1977 to 1980. If we measure the effect of inflation in shrinking the real value of the federal debt, the Carter budgets added up to a real budget surplus of $72 billion.

The new Reagan administration in 1981, in the name of combating inflation, at first continued the Carter policies. But it did so with sufficient dedication and efficiency to bring on the worst recession since the Great Depression. Business investment and profits plummeted, and unemployment rose to a post-World War II record. And then came an economic miracle. We began to run really huge budget deficits, and the economy recovered sharply. A new "Reaganomics" and hitherto-unheralded preachers of a "supply-side" gospel claimed credit.

The real story is that federal budget deficits can have great consequences for the economy. And startling as this may seem, these may be good, as well as bad. But we cannot begin to know the consequences of deficits until we measure them correctly. Because we have not measured deficits correctly, we have confused economic analysts, turned economic theory on its head, and committed grievous errors in economic policy. If we continue to act this way, we court future disaster.

As World War II brought us an early bout with inflation, a popular song had it that "A dollar ain't a dollar any more." The refrain in recent years could be that "A deficit ain't a deficit any more."

Why? Because of inflation itself. As inflation wipes out the value of money, it also wipes out the value of debt. As it does so, it profoundly alters the significance of conventional measures of the deficit. Accordingly, meaningful correction for inflation can cause a dramatic shift in understanding. Deficits that have appeared to be enormous can turn out to be moderate. Moderate deficits are converted to surpluses!

The reason is that the federal deficit is the increase in how much the federal government owes from year to year. But inflation skews our sense of what a real increase—or deficit—is. Suppose, for example, the national debt of $2,000 billion were to go up by 4 percent in 1986 because of a deficit of $80 billion. But if prices—inflation—in 1986 also rise at 4 percent, the national debt in "real" dollars—reflecting constant purchasing power over time—would not change. In real terms, then, measured as the increase in the real value—or real cost—of the debt, the $80 billion "deficit" disappears.

In a high and rising inflation year like 1978, this means that the federal government calculated it had a $29.5 billion deficit, when in fact, adjusted for inflation, it was running a $32.9 billion surplus.

Inflation is not the only source of our confusions on the deficit. The federal government has a strange accounting system. It differs not only from that of private busi-

ness, but also from that of state and local governments.

Every large corporation, just like the state of California under Ronald Reagan, distinguishes between current and capital expenditures. Every individual sensibly managing his own finances must make the same distinction. Our official measures of the federal deficit do not.

Businesses and individuals recognize that not all debts are the same. Gambling debts aren't the same as a mortgage on a new home. Business investment is applauded as contributing to economic growth.

But by federal government accounting practice, AT&T, General Motors, IBM and many other companies would be guilty of "deficit-financing." And so, indeed, would be most of our state and local governments, which by their own accounting generally show balanced budgets or tidy surpluses.

If the federal government adopted a capital budgeting system, the deficit would shrink sharply. The Office of Management and Budget provides estimates of "federal investment-type outlays." These include spending for such things as the building of post offices, highways, B1 bombers, filling up the strategic petroleum reserve, and research on space and health. For fiscal 1986, these estimates came to $215 billion—roughly equal to the deficit.

Application for private accounting principles would not eliminate all of the deficit. While we would exclude most of the current capital expenditures of $215 billion and another $4 billion of loans to farmers, students and small businessmen, we would have to add in perhaps $120 billion in depreciation of government assets. But we would still cut the reported deficit by half.

There are other changes we should make in the way we think about deficits. For example, you'd think that as the federal government runs deficits, it would increase its debt. In fact, why else worry about deficits? But suppose the federal government ran a balance sheet like businesses do—with debts on one side and assets on the other. We would find in it some possible surprises. For example, from 1946 through 1980, federal budget deficits totaled some $450 billion. Yet, over that period, the government's net worth has moved from red to black. That's because its assets—everything it owns, from federal land with its oil, gas and coal, to gold reserves to official limousines to its entire stock of M16 rifles—are now worth more than those liabilities.

The market or replacement value of reproducible assets alone—structures, equipment and inventories—increased by $469 billion, from $179 billion to $648 billion, according to data from the Bureau of Economic Analysis. By very conservative measure, the value of federal land, exclusive of mineral rights, had increased another $166 billion.

Despite the very large federal deficits, of the last four years, the total gross federal debt of roughly $2 trillion as of now is far more than matched by about $2 trillion in real assets and another trillion in gold, government securities, mortgages, other loans and cash held by the Treasury, the Federal Reserve, credit agencies and trust funds.

This is not to suggest that we should sell all the federal government's assets to make the national debt disappear. That would be be as bizarre as suggesting that a family sell its $100,000 home to make its $50,000 mortgage disappear.

The federal government's assets are creating wealth for the nation. When the government builds an airport, for example, it is creating wealth for the airlines and the passengers who use the airport to do business. That is not bad for the country. Nor is it necessarily bad for the government's bookkeeping. If the government chooses, it could and usually does collect some of that wealth by taxing the airlines more.

Nonetheless, the Reagan administration has already proposed to solve deficit problems by selling off government loan portfolios, federal petroleum reserves and the Bonneville Dam. It can be argued that the federal government should not, for example, be in the power business. But selling these assets to solve the deficit problem makes no more sense than raising money by selling our M1 tanks to defense contractors and renting them back.

Despite all the talk about new deficits, the general trend of real federal debt—the debt adjusted for inflation—has been downward. Subtracting financial assets from liabilities and adjusting for inflation, we find that from 1945 to 1980, the real net debt of the federal government fell by 58 percent. The real net debt per capita declined from $4,017 in 1972 dollars at the end of 1945 to $1,032 at the end of 1980, a drop of almost three quarters. By the end of 1984, it was up to $2,183 and is now several hundred dollars higher. But it remains far below its post-World War II peak.

And that's important because the significance of deficits, after all, is that they add to debt. But with inflation, that is simply not necessarily so. You can run a "deficit" while the real value of it declines.

The government, in fact, has been paying off its debt in a sneaky way thanks to inflation, all these years. You could call it an "inflation tax." This means that the government has reduced how much it owes in real terms, because the people who hold government bonds have seen the real values of their securities—how much they could buy them with—eroded. Year after year, during periods of high and rising inflation, the bonds were decreasing in worth by even more than the bonds were supposed to be paying in interest.

When we adjust conventionally measured budget deficits for this "inflation tax" on government bondholders—as real in its effects as any other tax, we get some startling results. Again, nominal deficits are even converted to real surpluses! As we noted earlier, the Carter deficits of $153 billion—then considered very large—turn into total surpluses of $72 billion.

This should properly lead to a quite revised view of recent history. We did not have large deficits contributing to inflation during the Carter years, 1977 to 1980. We rather had inflation—propelled chiefly by huge increases in prices of oil and agricultural products—converting presumably large deficits into real surpluses.

The deficits should have been expected to be sufficient to stimulate the economy and reduce unemployment. With the economy rather turning sluggish, many were led to quetion the Keynesian analysis which had come to dominate economic thinking over almost half a century.

But if budgets were not really in deficit but in surplus the picture is entirely different. The Federal Reserve was no longer the "only game in town" to slow down the economy. The government itself—by taking in more money in total taxes, including the inflation tax, than it was spending—contributed mightily to the 1981-82 recession, the sharpest and deepest economic downturn since 1930s, with unemployment by December of 1982 reaching 10.8 percent.

This approach explains not only the sharp recession of 1981-82 but the subsequent recovery. For the Reagan administration had actually persisted in the Carter tight-money, tight-fiscal policies well into 1982. But, looking at the inflation-adjusted, high-employment budget beginning in the latter half of 1982, the combination of the cuts in both legislated taxes and the inflation tax brought the biggest swing from surplus to deficit on record. As should have been predicted, the economy recovered smartly.

The future is a somewhat different matter. Even adjusting for inflation, prospective deficits are still large. They should be reduced to restore a proper balance between fiscal and monetary policy. Recognizing, though, that lowering the deficit in itself would tend to reduce spending and purchasing power and increase unemployment, deficit reduction should be matched by increased stimulus from easier money.

But the true deficit is the one adjusted for the inflation tax. A "balanced budget," which would eliminate the official, nominal deficit, would create a very substantial surplus.

Whatever else may be right or wrong about the current Gramm-Rudman-Hollings hot potato, meeting its target of an officially balanced budget by 1990 would create a huge real budget surplus. For with inflation even at a modest 4 percent, the inflation tax then would come to some $100 billion. Such a surplus could go far to precipitate a new economic downturn that would make our recession of a few years ago look minor.

LET'S TAKE GORBACHEV UP ON ENDING NUCLEAR TESTING

Mr. PROXMIRE. Mr. President, Secretary Gorbachev's proposal for an agreement between the superpowers to destroy all nuclear weapons within the next 15 years was transparent pie-in-the-sky propaganda. But at least one part of his astonishingly comprehensive disarmament initiative made sense. It was the only aspect of Gorbachev's proposition that was accompanied by a unilateral initiative by the Communist leader. Secretary Gorbachev called once again for United States and Soviet negotiations to stop nuclear testing. At the same time he announced that the 5-month moratorium on such testing started by the Soviets last August 5 would be continued unilaterally by the Soviets for another 3 months. That made the test ban negotiation proposal more than rhetoric or propaganda. Gorbachev also suggested the most comprehensive verification of compliance that the Soviets have ever proposed, including onsite inspection. Mr. President, we should pursue this particular part of the Gorbachev proposition promptly and vigorously. Why shouldn't this country promptly begin negotiations? We should.

Here's why: The heart of the nuclear arms race is in the laboratories that produce ever more destructive and lethal weapons. No matter what superficial progress the two superpowers

make in destroying their old obsolete nuclear weaponry of past years, no matter how many warheads and megatons bite the dust, the technology will speed ahead with fewer, smaller, cheaper but more devastating nuclear weapons unless we stop it. And how do we stop it? Simple. We stop testing. Without testing, nuclear weapons progress grinds to a halt. Then arms control has a chance. This is why the United States should propose the most exacting, detailed, and specific verification measures. These should include the deployment within both superpowers of monitoring stations that can pick up every possible explosion down to a single kiloton. The United States should press for numerous on-the-spot investigations by an international force including U.S. personnel. The recent NATO proposal for 30 annual on-the-spot investigations to verify the enforcement of manpower reductions by both superpowers in Western Europe provide the precedent. Both sides have solemnly promised in treaties each has signed to engage in these test-ban negotiations. The time has come to fulfill those promises.

Both sides have made much of quite different proposals, to wit, the mutual reductions of nuclear weapons. Such reductions sound good. But what do they mean? Especially what do they mean if the technological race aided by nuclear weapons testing speeds on? What do they mean if both sides agree to reduce their megatonnage by a factor of two and then both sides continue through technological advance to increase the destructive power of their remaining warheads by a factor of four? Let me tell you what it means. It means that both sides have cut the numbers of their arsenal in half. But in the process they have doubled their actual nuclear power. Could this happen?

In fact this is precisely what has happened in the United States in the last 20 years. This country has unilaterally reduced its megatonnage. But thanks to the technological advance in the weapons laboratories, we have greatly increased our nuclear punch, our ability to deliver nuclear payloads to the U.S.S.R. The proposal to reduce the number of nuclear weapons, but to continue the testing essential to increasing the devastating potential of the reduced arsenal, is a proposal for the United States to continue doing in the future what it has done in the past. The nuclear arms race must include an end to testing as well as a reduction in nuclear megatonnage and weapons if arms control is to have any chance. The latest Soviet announcement that it will continue its suspension of nuclear testing provides an opportunity to pursue a closely verified treaty to end nuclear testing. Such a treaty would provide a sound basis for ending the nuclear arms race.

MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, my myth of the day is that unions are always responsible for high wages in the United States. Recently released data by the Bureau of Labor Statistics show right now just the opposite is true. Last year, compensation gains for unionized workers rose 2.6 percent, as against 4.6 for nonunion workers. In other words, in 1985 compensation for nonunion workers rose more than 50 percent faster than compensation for unionized workers.

These data indicate that unions are actually helping to hold down labor costs.

Additional data on collective bargaining agreements reached during 1985 indicate that this slowdown in compensation gains for unionized workers may well continue to help make the United States more competitive internationally in the coming years.

According to the Bureau of Labor Statistics the average increase of 2.3 percent in the first year of collective bargaining agreements reached during 1985 was the smallest increase since the Bureau of Labor Statistics began keeping those data 18 years ago.

Over the entire life of these contracts total compensation will only increase at an average 2.7 percent a year.

A careful examination of the details of the major labor contracts reached in 1985 even more clearly demonstrates the restraint shown by organized labor. Of the 2.2 million workers involved in major agreements last year, about 730,000 accepted pay-freezes for the first year of their contracts and about 72,000 actually took pay-cuts averaging 8.8 percent in the first year.

If we are to have a rekindling of the inflationary fires this year, it will not come as a result of wage push resulting from irresponsible actions by organized labor. What could reignite inflation? The major causes could be the continued Federal deficit coupled with excessive expansion of the money supply and price increases from producers attempting to increase their profit-margins as the restraint from international competition is weakened by the falling value of the dollar.

Organized labor has set an example of restraint which should be followed by policymakers in Washington and in corporate headquarters if we are to prevent an acceleration of inflation in the coming year.

MASS GRAVES IN HAITI REMIND US OF NEED FOR GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, new evidence has mounted concerning serious human rights abuses by Haitian President Jean-Claude Duvalier. As reported in the Washington Post on February 4, a mass burial site, containing charred skulls and bones, was discovered about 10 miles north of Port-au-Prince, Haiti's capital city. This discovery brings into serious question official estimates that only eight people have been killed since Duvalier declared a state of siege on January 31.

Protests erupted in Cap Haitien, Haiti's second largest city, against 28 years of Duvalier rule. Jean-Claude Duvalier became President-for-Life in 1971 after the death of his father, Francois (Papa Doc) Duvalier. Both men have been feared for their powerful and often brutal police force, known in Haiti as the Tonton Macoute.

Protest against Duvalier's killings and human rights abuses have spread to other Haitian cities including Gonaives and Port-au-Prince. The Washington Post reports that the Haitian Catholic Church has become a leading supporter of these demonstrations. On January 28 Archbishop Francois Gayot proclaimed: "We protest strongly against this brutal and blind repression that was carried out against the population of Cap Haitian," where two children and a 50-year-old man were killed.

I am very concerned about the current situation in Haiti and hope that some solution can be found that will reduce both rights violations and widespread poverty on this small island nation.

But, Mr. President, how can we press for respect of human rights in Haiti when our Nation, the greatest and freest nation on Earth, has failed to ratify the most important human rights treaty—the Genocide Convention?

The Genocide Convention protects the most precious human right of all—the right to human life. The Genocide Treaty not only protects individuals, but seeks to prevent the destruction of entire national, ethnic, racial, and religious groups at the hands of nations like Nazi Germany; 96 nations have supported and ratified the treaty since its inception in 1948. These nations have make a worldwide public record of their support for basic human rights and their abhorrence of mass torture and killings. I ask the Senate of the United States to join these 96 nations by ratifying the Genocide Convention so that we, too, can take a strong, unambiguous, and unchallengeable stand against human rights violations in nations such as Haiti.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. EAST). Under the previous order, there will now be a period for the transac-

tion of routine morning business for not to extend beyond 12:30 p.m. with statements therein limited to 5 minutes each.

LOST BENEFITS FOR FEDERAL RETIREES

Mr. STEVENS. Mr. President, today's issue of the Washington Times contains a letter to the editor regarding cost of living adjustments for Federal military and civilian retirees. The letter, written by Charles McShan of Dixon, CA, is a telling list of benefits that our Federal employees have had taken away. I ask unanimous consent to insert in the RECORD excerpts from that letter.

EXCERPTS

Remember way back when we received a Cost of Living Adjustment whenever the Consumer Price Index rose 3 percent and stayed at least that high for three months? We even got a 1 percent "kicker" to compensate for the fact that we waited another three months for our COLA.

Then our Capitol Hill commandos stopped the "kicker," promising semiannual COLAs instead. Then they changed the semiannual COLAs to annual. Then they extended the interval between COLAs from 12 to 13 months for three years.

Then they required military retiree COLAs to be deducted from the pay of those working for the federal civil service, thereby eliminating their COLAs. That was so grossly unfair that even our Congress couldn't refuse to reverse it.

Then they reduced by half the projected COLAs for military retirees—except disability retirees—under age 62 for the years 1982 through 1984. Then they revised the formula for calculating the COLAs for military retirees under age 62. After 1984 they were promised 3.3 percent or the actual inflation rate, whichever was less.

Then they removed the cost of mortgage interest increases and rises in home payments from the CPI beginning Jan. 1, 1985, thereby lowering future COLAs.

Then they rounded down to the nearest dollar initial computations of retired pay. Then they rounded retiree COLAs down to the nearest dollar. Then they delayed the COLA due in May 1984 to December 1984.

Then they required recalculation of the military and civil service COLAs, effective December 1984. It permanently canceled an eight-month, 2.6 percent increase, and the loss will compound with each future COLA.

Then they required future COLAs to be based on the difference from year to year in average CPI in the third quarter of each year, a less accurate method than before.

Now, at the last minute, they have "delayed" the COLA due military and civil service retirees in December 1985 to March 1986, when the matter will be "considered" again. Officials of the Department of Defense and the Office of Management and Budget predict that COLAs for retirees, except Social Security, will be killed at that time.

Remember, meanwhile, that for years we were told by our politicians that any changes to our retirement system would not affect those on duty or already retired. Who are they trying to kid? If COLAs are not a major factor of our retirement system, what are they?

I have compiled a list, no doubt incomplete, of at least 64 actions by the federal government over the past decade or so, which, directly or indirectly, reduce benefits earned by present and future military, civil service, and Social Security retirees and their survivors. I have unfurled my 7-foot-long computer printout at several town hall meetings held by my congressman. The audience, liberally sprinkled with retirees, has gasped but, thus far, only one person has asked to see the list. What does it take to wake people?

One parting shot for the civil service retirees: you pay tax on your contributions to retirement. You don't pay tax on your retired pay until you recover what you have contributed. Among the countless provisions in the new tax reform bill is one that would require future civil service retirees to pay tax on their retired pay immediately upon retirement. However, there is one exception: members of Congress and their staffs would be exempted!

A SOUSA AWARD FOR RAPID CITY STEVENS BAND

Mr. ABDNOR. Mr. President, South Dakota's pride in its cultural accomplishments has been heightened with the awarding of the Sudler Flag of Honor to the Rapid City Stevens High School Band by the John Philip Sousa Foundation. Stevens was one of only four high schools in the United States to receive this honor for 1985.

Milo Winter and his fine ensemble have been delighting city, area, and statewide audiences for years, and have been cited repeatedly for their excellence of performance, their fine programming, and the balanced program of musical activities including concert, solo-small ensemble, and marching work.

The Sudler Flag of Honor is a flag executed in red, white, and blue banner trimmed in gold fringe mounted on an appropriate gold standard. Individual members of the band will receive a special diploma and there is an engraved plaque for the director.

These will be presented at the band's spring concert in May.

In earning this award the Stevens band was cited for winning first place at the Colorado State University Band Days Marching Competition in Fort Collins; for performance at the 50th anniversary convention of the South Dakota Bandmasters Association; for performance in concert and parade competition in the 1985 Cherry Blossom Festival in Washington, DC; and their two goodwill tours of Europe including performances behind the Iron Curtain in Czechoslovakia and in major European cities.

Last year the Stevens band played a prominent role in the community involvement project of the National Aeronautics and Space Administration. A key activity of that program was commemoration of the 50th anniversary of the balloon launch from the Strato Bowl near Rapid City November 11. On that day 50 years earlier Explorer I ascended from the Strato Bowl marking mankind's first successful attempt to explore space.

We congratulate Milo Winter and his fine musicians for bringing this distinction to the State and for making such beautiful music for all of us.

JAMES O'HARA—A DEDICATED PUBLIC SERVANT

Mr. SASSER. Mr. President, I rise today to pay tribute to the career and the contributions of a unique public servant.

It's my sad duty to report that Mr. James O'Hara, a distinguished Tennessean expired on Wednesday, February 5, here in Washington, after a rich life of commitment to the principle that Government can indeed work to help people.

Following his graduation from the College of St. Thomas in St. Paul, MN, with a degree in philosophy in 1936, James O'Hara joined the Internal Revenue Service as a zone deputy collector in Helena, MT.

He was one of the finest examples of that breed of young people who came to Government in the 1930's on the strength of powerful idealism and with a deep faith that Government can truly make a difference.

These dedicated young civil servants took to heart President Franklin Roosevelt's message that "all we have to fear is fear itself," then brought to Government an assurance that a democratic government could react responsibly to the Great Depression that gripped our land. Through their efforts and example, they gave their fellow citizens confidence that our Nation could cope with the economic calamity that seemed to beset our citizens from all sides.

For nearly half a century, James O'Hara worked with the IRS in six States, ending his association with the Service in 1980 as District Director for Tennessee.

Through 43 years, he never saw himself as an accountant. He never viewed his job in simple bureaucratic terms. He didn't concentrate blindly on crunching numbers and distributing forms.

He always saw the numbers in their human context. His job, he said, was people not taxes.

Mr. President, my father Ralph Sasser knew and worked with James O'Hara for 20 years. They were both civil servants during a time when Government service was far more than a job. It was a profound commitment to improving the quality of life for all Americans.

Mr. O'Hara's accomplishments, the friends that he made, the charities and causes he embraced, all confirm that, for him, the central objective

was to stand for something—to make a contribution.

When he left the IRS, James O'Hara didn't give up that central objective at all. He joined organizations, headed committees, worked with civic groups—and for 6 years after his supposed retirement, he continued to achieve, continued to contribute, continued to help people.

Mr. President, I won't burden the RECORD with a list of Mr. O'Hara's achievements or the organizations to which he belonged. I would, however, ask that today's Nashville Tennessean editorial honoring him be included in the RECORD.

Finally, I would offer Mr. O'Hara's career as a guide for all those young people who are contemplating, at this moment, a career in Government.

James O'Hara's life and work will serve as a lasting definition of what the phrase "dedicated public servant" actually means.

[From the Nashville Tennessean, Feb. 7, 1986]

MR. O'HARA WAS A SPECIAL FRIEND

Mr. James A. O'Hara, who died this week, was a friend to many people and a champion of many causes.

Mr. O'Hara, a Minnesota native, served as the director of Tennessee's IRS office for 16 years. Prior to moving to Tennessee, he worked in several other IRS offices in Denver, Omaha, Albany, N.Y. and St. Louis. He had worked for the IRS for 43 years when he retired in 1980.

Mr. O'Hara was very well known in this city, but those who only knew him as the IRS director were missing some important aspects of his life. Mr. O'Hara was a person of deep personal conviction and commitment who generously shared his talents and time with his church as well as charity and civic organizations.

He served as president of the St. Thomas Hospital medical building board, and Villa Maria Manor, a home for the elderly sponsored by the Roman Catholic Diocese of Nashville. He was also a board member of St. Thomas Hospital's development fund. He was this state's delegate to the National Council on Hospital Governance of the American Hospital Association, and in 1981 was named outstanding hospital trustee by the Tennessee Hospital Association.

In 1985, he received the Brotherhood Award of the National Conference of Christians and Jews for his efforts in promoting understanding between all races and religions.

Mr. O'Hara is survived by his wife, the former Catherine Chisholm, and their three children and four grandchildren. *The Tennessean* feels a special loss at his death because his son, Mr. Jim O'Hara, has been on this newspaper's staff for several years as reporter, editorial writer, and now Capitol Hill reporter.

Throughout his 16 years in Nashville, Mr. O'Hara continuously gave of himself to the community. His contributions will continue to serve Nashville, and to stand as a fitting tribute to a compassionate person. This city is richer for having known him.

IOWA'S SLUMPING ECONOMY

Mr. GRASSLEY. Mr. President, I have with me two articles which appeared in the February 2, 1986, Des Moines Register. The first article, entitled "Two Sides of Iowa's Slumping Economy," reveals the results of a poll which was taken in my State regarding the effects of the agricultural crisis on rural America. The results are shocking.

Nearly one in five of those polled knows someone who has considered suicide because of the economy. Forty percent of the farmers surveyed know someone who has sought professional counseling because of the present hard times. Three out of five believe that the economy has contributed significantly to problems in their communities, ranging from vandalism to suicide.

These problems are not limited to farmers. One out of four residents in cities of 50,000 or more says the economy has contributed significantly to problems of assaults. In addition, 43 percent of all Iowans believe that the economy has contributed to thefts, 39 percent to suicides, 33 percent to vandalism, 22 percent to assaults, and 15 percent believe the economy has contributed to all of these.

Mr. President, these figures reflect the deteriorating situation occurring in America's heartland. Every day the USDA's implementation of the 1985 farm bill seems to have new surprises, and most of these surprises adversely affect farm income. The budget proposed by the administration would certainly continue this slide. We in Congress, and those in the administration, must work hard to turn this situation around. We must carefully evaluate every action we take to ensure that it has a positive impact on rural America. Without such careful action, an important part of our heritage may become a distant memory.

The second article my colleagues should be aware of is entitled "Extension Service Faces Uncertain Future." This article helps to explain the important role the Extension Service plays in my State and in other States around the country. We know the problems in rural America are serious, both financially and emotionally; the poll I just quoted confirms that. The Extension Service is attempting to deal with this crisis by directly helping farmers. As Dr. Robert Crom, dean of Iowa Cooperative Extension Service, said in this article, "In my 15 years here, there's never been more demand for our services than in the last 2 years."

Mr. President, the Extension Service was born in Iowa and is now in all 50 States, but it is under attack. Budget cutters, without regard to the tragedy in agriculture, want to cut its budget dramatically. I strongly encourage my colleagues to read these two articles before voting for draconian cuts in the Extension Service and the other programs and policies affecting agriculture. We must look this problem straight in the eye and work toward solutions. We cannot just turn our backs and hope that this crisis goes away.

Mr. President, I ask that these two articles be printed in the RECORD.

The articles follow:

[From the Des Moines (IA) Register, Feb. 2, 1986]

TWO SIDES OF IOWA'S SLUMPING ECONOMY

(By David Elbert)

Hard times are tearing at the social fabric of Iowa, according to a new Iowa Poll, which shows that three out of five adults believe the economy has contributed significantly to problems in their communities, ranging from vandalism to suicide.

Whether the setting is downtown Des Moines, the courthouse square in Creston, a general store in George or a farmhouse near Fruitland, the poll shows that Iowans believe the state's economy is continuing to unravel, and as it does it is snarling the lives of thousands of Iowans.

Nearly one out of five Iowans (17 percent) know someone who, because of the economy, has considered suicide.

It shows one out of four Iowans (25 percent), including a disproportionate number of farmers (40 percent), know someone who has sought professional counseling because of the hard times.

Two out of five (30 percent) believe the economy has significantly contributed to the problem of suicides in their communities.

Financially induced family stress is widespread, the poll shows. One out of four Iowans say hard times have contributed "a lot" to stress in their households, while another third say it has contributed "some" to family problems.

GENERATION GAP

Family stress is a bigger problem in more isolated areas, among rural families and residents of small towns, than it is in mid-to large-sized cities, the numbers show.

Farmers who fall on hard times have additional "phemomena of generations" working against them, says Janice Wood Wetzel, director of the University of Iowa's school of social work. "During the Great Depression, Iowa farms were retained," she said. "So even within one family, the elders often can't understand how the younger people seem to be losing their farms 'when we were able to hold onto then.'"

Residents in the state's largest cities are more likely to see a tie between the economy and public assaults, the poll shows.

One out of four (27 percent) residents of cities of 50,000 or more say the economy has contributed significantly to the problem of assaults in their hometowns, while only about half that number in rural areas and small towns (3,500 or less population) say the economy is producing violent physical attacks in their communities. Statewide, 23 percent say hard times have contributed significantly to the number of assaults in their hometowns.

Theft and vandalism are even more likely to be seen as the handmaidens of hard times. The poll shows 43 percent of Iowans believe the economy has contributed significantly to theft in their communities and 33

percent say it has brought on increased vandalism.

Rural residents are the quickest (39 percent) to see a connection between vandalism and the economy, while their small-town neighbors are least likely (25 percent) to believe there has been an increase in property defacing as a result of hard times.

ECONOMIC INDEX DOWN

As confirmation of what many Iowans know, the poll's economic index has taken another dip in the latest survey. The number of Iowans who say the state's economy is "very unhealthy" jumped from 29 percent last fall to 39 percent in the new poll.

Besides the two out of five Iowans who give the economy that lowest rating, 41 percent now say it is "somewhat unhealthy," while 18 percent say it is "somewhat healthy" and 1 percent say it is "very healthy."

Not surprisingly, those hit the hardest see the most problems. Iowans who rate the economy very unhealthy are about twice as likely to be experiencing significant stress in their home life or to know someone who has contemplated suicide.

The 30 to 49 age group also is disproportionately acquainted with the potentially suicidal; one out of four Iowans in that age bracket know someone who has contemplated killing himself or herself because of the hard times.

Despite several recent cases of farm suicide, farmers surveyed by the poll were no more likely than other Iowans to know someone who has contemplated suicide.

Statewide, the number of suicides increased annually from 1981 through 1984, the most recent year for which numbers are available. Although the overall increase during those years is 14 percent, Michael Dare, the Iowa Department of Health statistician who compiles the figures, isn't sure the increase can be attributed to the economy.

The number of recorded suicides has varied from roughly 300 to 350 during the last 25 years, he said. The low, 291, occurred in 1968; the high, 359, came three years later at a time when the national economy was in recession, but during which 69 percent of Iowans said they were not affected by the national slowdown.

Nonetheless, Dare's most recent numbers appear to parallel the economy. Not only was 1984 the second worst year for suicides since 1960, with a 6-percent increase over 1933, but early 1984 also was a time when the poll's chief indicator of the Iowa economy went from positive to negative.

Wetzel agrees with Dare that it is difficult to connect the increase in suicides during 1984 with the economy. She adds, however, that the economy "is one more major cause, and it hits people who might not have been one of the statistics before, perhaps the middle-aged male."

Normally, she says, middle-age men are not a particularly risky category for suicides. The high-risk age groups for men generally are 65 and older; for women the highest-risk years are the adolescent and young adult years.

ECONOMIC SETBACK

Research on suicides by men indicates that "loss of job or some kind of economic setback" often is a significant factor, said Steve Warner, coordinator of psychological services at Mercy Hospital Medical Center in Des Moines.

When a male head of a household suffers an economic loss, "those effects are also felt within the family, and we know one of the major aspects relating to female suicide attempts is issues revolving around the family," he added.

But, he said, one advantage of stress-related mental health problems is that those problems "often go down rapidly after the stress is removed."

Learning how to manage stress is one key to repairing the damage done to Iowa's social fabric, Warner and Wetzel said. Iowans need to learn "that they are not the cause of the economic disaster," Wetzel said. "Those who we can convince to seek help, find great strength in groups . . . where they can find psychological and social support."

EXTENSION SERVICE FACES UNCERTAIN FUTURE

(By David Westphal)

HUBBARD, IA.—Wearing flannels and wool sweaters on any icy winter night last week, more than 70 Hubbard farmers and townspeople filed into the Methodist Church meeting hall to share with each other the trauma of the farming depression.

The man who had brought them together, Jim Johnson, marveled at the turnout. "If you'd had this seminar two years ago, you could have held it in a telephone booth," he said. "Our farmers are really opening up now."

Johnson, extension director for Hardin County, increasingly is coaxing farmers to attend meetings on how to survive, both emotionally and financially, the farm crisis of the 1980s. So he finds it odd and troubling that President Reagan plans this week to seek major cuts in federal money for the nation's extension programs.

Reagan reportedly will call for erasing 60 percent of the federal extension budget of $270 million, after apparently backing away from a plan to do away with the program altogether.

EFFECT IN IOWA

In Iowa, the birthplace of the extension service, such a cutback would slice $4.5 million from a $24 million annual budget, and eliminate about one-fourth of the 430 extension workers, according to Dr. Robert Crom, dean of the Iowa Cooperative Extension Service. That's in addition to the $435,000 lost this year in the first round of federal budget cuts under the Gramm-Rudman Act.

But unlike this initial reduction, which will erase 20 extension jobs through attrition, a $4.5 million cutback would force layoffs in county areas and state offices. Services would end; user fees would go up.

All of Iowa's four major programs—agriculture, home economics, 4-H and community programs—would continue, and all 99 county offices would stay open, but Crom said extension activities would drop sharply.

"This proposal doesn't make any sense," said Crom in his office at Iowa State University in Ames. "In my 15 years here, there's never been more demand for our services than in the last two years. It kind of looks like you're shooting yourself in the foot."

PART OF NATIONAL FABRIC

Crom and his friends are certain to have plenty of allies in Congress. Extension offices exist in all 50 states, in nearly all of the nation's 3,150 counties. They are part of the rural fabric, a community resource on everything from soybean leaf blight to downtown marketing strategy to coffee stain removal.

"There will be cutbacks on a lot of things," said Representative Berkley Bedell (Dem., Ia.). "But to particularly clobber areas like this that are in much more urgent need today than ever before is something I can't imagine Congress will buy."

Still, there won't be many sacred cows this year when it comes to cutting the budget. Even Crom acknowledges his goal is to limit the federal reductions, not avoid them.

Congress this year must find a way to cut spending by $35 billion or more to meet a 1987 deficit target of $144 billion set under the Gramm-Rudman law. If it fails, an automatic trigger will impose across-the-board cuts estimated at 25 percent for domestic programs next fall.

The extension service, of course, is hardly an isolated case. Reagan's 1987 budget proposal is expected to call for eliminating many federal programs with powerful constituencies: general revenue sharing, community development block grants, the Economic Development Administration and urban development grants, for example.

But in the nation's farm heartland, none compares in esteem with the agricultural extension service, believed by many to be largely responsible for America's pre-eminence as a food-producing nation.

In Iowa, though, the extension service's role has changed dramatically from its birth in the early 1900s, when "better seed corn" trains carried Iowa State University experts throughout the state. Today extension specialists still help farmers raise grain and livestock, but as the farm population continues to decline, their activities have broadened.

They dispense advice on how to spot con artists; how to make a poinsettia plant bloom; how to build a terrarium; how to tell your kids the facts of life. Extension specialists help small towns spruce up their downtowns; show how to make sugar-free Halloween treats; teach youngsters how to buy a car.

But most of all, they're devoting more resources to aiding troubled Iowa farmers through financial and emotional counseling. And Jim Johnson, the Hardin County extension director, says that's precisely what he and his colleagues should be doing now.

"We're very good at responding to the farmers' needs of the moment," said Johnson, 44. "When there's a hailstorm, we mobilize to help farmers decide whether to replant. . . . Right now they need help to get through these tough times. We can do that, too."

Johnson sees the ravages of the farm depression better than most. Late in September one of his best friends, cattleman Marvin Reed of Iowa Falls, committed suicide.

Shocked by his friend's death, Johnson began urging others to check on their neighbors and friends, to seek them out when they quit coming to church or to town. He also organized dozens of seminars like the one at Hubbard's Salem United Methodist Church last Monday.

This was the third in a series of five workshops set up for the Hubbard group, and it was clear the presentation on "Managing Our Own Stress" hit home.

"What are the things that cause you stress?" asked discussion leader Sharon Mays, a human development specialist out of the West Des Moines extension office.

"Low commodity prices, everyday," said one.

"The banker," said another.

Hardin County is in the midst of the cash-grain region of north-central Iowa that has escaped most of the drought problems of

southern Iowa. But it had more than its share of overzealous borrowers in the late 1970s, and excessive debt remains a serious problem.

For a while, many farmers in Hardin County refused to talk about their financial morass. "We're beyond that now," said Johnson. "Some are angry and some are depressed." But many, helped along by dozens of seminars offered by Johnson throughout the county, are talking.

In addition, Johnson's extension office sponsors a variety of mostly one-on-one programs designed to give farmers financial help. About 160 of the county's 1,000 farmers are working with Jewell farmer Mark Lund on one of two computer programs aimed at pinpointing a farmer's financial standing.

About 75 farmers attended a two-day farm management workshop. Another 70 turned out for a meeting on job opportunities for farm people. Most got copies of a resource guide for farm families.

In addition, Johnson increasingly is being asked by Hardin County communities like Alden and Ackley to conduct community surveys and help steer them on a course to Main Street recovery. "We're being overwhelmed," said Johnson. "But we're not turning anyone down."

All of this is forcing Johnson to spend less time doing the job he was trained to do at Iowa State University: helping farmers raise better and healthier plants and animals. He has dropped some of his yield contests and is spending fewer hours with commodity groups.

This changing role is putting pressure on policymakers like Iowa State's Crom to adjust the extension service's priorities as its budget falls. And it opens the door to renewed criticism that extension activities have become too fragmented.

The Office of Technology Assessment (OTA), a congressional advisory unit, raised that concern last spring, saying the extension service may be called on to solve problems regardless of whether they are related to farming. "It is not possible for extension to be everything to everybody, particularly in times of limited resources," said an OTA report.

In an interview last week, Crom acknowledged the danger. But he said Iowa State has its priorities well charted, thanks to a recent review and statewide survey.

"Helping restore profitability to farming is clearly our top priority," said Crom. Second is emphasizing good nutrition, the traditional role of the extension service's home economist. Crom defended the need for the home economists' nutrition program, but acknowledged that cooking tips may not constitute an essential government service.

"The question we have to keep asking ourselves is whether there are other providers of the services we offer," said Crom.

Microwave cooking hints are a case in point. "That's probably an area where we ought to stay out and let the microwave companies publicize it," he said.

And what about gardening advice? Is that also an essential service? Crom was asked. "We couldn't give that up even if we wanted to," he said of the highly popular horticulture program.

By comparison, the recent statewide survey showed the extension service was farmers' first choice for consultation only 42 percent of the time on crop production and only 38 percent of the time on livestock production. "It used to be we were the only game in town for farmers," said Crom. "Now there are others—the community colleges, the seed companies."

Crom and Johnson say they can't envision a time when farming won't be the unqualified focus of the extension service. But the assistance may change.

Earlier this year Johnson added a wrinkle to his annual corn and soybean seminar. When the Hardin County farmers walked through the door to hear the latest about hybrids and varieties, the first thing they got was a blood-pressure check.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TV AND RADIO COVERAGE OF SENATE PROCEEDINGS

The PRESIDING OFFICER. The clerk will state the pending business.

The bill clerk read as follows:

A bill (S. Res. 28), to improve Senate procedures.

The Senate continued with consideration of the resolution.

GRAMM-RUDMAN-HOLLINGS DECLARED UNCONSTITUTIONAL

Mr. BYRD. Mr. President, I shall read to the Senate a report which has just come over the wire.

I ask unanimous consent, that not withstanding the Pastore rule, I may proceed with the reading of the news report.

The PRESIDING OFFICER. Without objection, it is so ordered.

WASHINGTON.—A Federal court Friday struck down the Gramm-Rudman balanced budget law as unconstitutional and stripped the Reagan administration of its power to reduce spending in the current budget.

In nullifying the landmark legislation, the three-judge district court said the law was fatally flawed by a provision giving the Comptroller General final say on billions of dollars worth of cuts.

Although the court enjoined implementation of the act, the injunction has no effect while the case is on appeal to the Supreme Court.

If the Supreme Court upholds Friday's ruling, the automatic budget cuts required under the act will be invalid and any future cuts will have it be approved by Congress in a joint resolution.

The Court said in its order, "The automatic deficit reduction process established by the Balanced Budget and Emergency Deficit Control Act of 1985 * * * hereby is declared unconstitutional on the ground that it vests executive power in the Comptroller General, an officer removable by Congress."

In the unanimous ruling, the court adopted the reasoning of the Justice Department, which had said the act would be constitutional if only the budget cutting powers had been given to President Reagan, instead of to the Comptroller General.

Writing for the Court, Judge Antonin Scalia said the Comptroller General is a legislative officer and, "it is unthinkable that Congress could constitutionally provide for veto (of the automatic budget reductions) by an officer removable by Congress."

The law, passed in the final days of Congress's 1985 session, requires the annual deficit of approximately $200 billion to be reduced in steps until it is eliminated in 1991.

An immediate appeal of the ruling is planned by counsel for both the House and Senate, with a decision from the Supreme Court likely this spring. Until then, the mandatory budget cuts required under the law will take effect on March 1 as specified in the legislation.

Mr. EXON. Mr. President, will the distinguished minority leader yield on that point?

Mr. BYRD. Yes, Mr. President.

Mr. EXON. I thank the minority leader. I thank the Chair.

Mr. President, since the minority leader is a man of much understanding of the basic law and is a lawyer by profession, which I am not, I should like to ask a question or two and make a comment.

I heard about the Federal court decision a few moments ago. In fact, I came into the Chamber to advise my friend, the minority leader, if he had heard of this. As I came in, he was reading the wire.

Ahead of me once again, I might add. I do surprise him from time to time on things, usually not on important things, but not on this one.

It seems to me that the court decision today is a first step in trying to clarify what others and I, including the minority leader, warned about during the stormy session in debate on Gramm-Rudman.

I remember this Senator stood on the floor and cautioned and warned and pleaded, as a man who does not claim to be an expert on constitutional law, that it seems to me that the U.S. Senate, supposedly the most deliberative body in the world, was just brushing aside all constitutional questions. When it was brought up, it was a kind of no, no; you must not talk about those kinds of things and get in the way of the political document that Gramm-Rudman will eventually come to be known as. That political document had to be forced through by various people for various reasons, most of which this Senator simply did not understand.

Aside from the constitutional questions that, of course, will eventually be decided by the Supreme Court, and I do not care to prejudge those, I think there are many today who actively supported that measure who are pray-

ing silently that the Court comes to the rescue from the folly of the U.S. Senate and the House of Representatives.

My question is with regard to the message in the wire that was just read by the minority leader. I believe, if I heard him correctly, that of course, there was no staying motion. Gramm-Rudman is still law at the present time, is that correct?

Mr. BYRD. Yes, Mr. President.

Mr. EXON. The other question I had was with regard to whether I also understand the minority leader to read in the wire he just read that the court indicated with regard to the authority to make the triggered across-the-board cut, if that should come either on March 1 or later this year for the 1987 budget, it would be constitutional if that authority to make the across-the-board cuts were left to the President of the United States. Is that accurate?

Mr. BYRD. Let me see again what the wire does say. Of course, none of us has had an opportunity to read the ruling.

Mr. President, I ask unanimous consent that I may be able to continue to speak out of order under the Pastore rule briefly. I shall not hold the floor for long.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

The wire read as follows, in part:

The court said in its order, "The automatic deficit reduction process established by the Balanced Budget and Emergency Deficit Control Act of 1985 * * * hereby is declared unconsitutional on the ground that it vests executive power in the Comptroller General, an officer removable by Congress."

In another excerpt in which the judge was writing for the court, he said that the Comptroller General is a legislative officer and, "It is unthinkable that Congress could unconstitutionally provide for veto"—he is talking about the automatic budget reductions—"by an officer removable by Congress."

Now, here is another paragraph which is not a specific quote from the court's ruling:

In the unanimous ruling, the Court adopted the reasoning of the Justice Department, which had said the act would be constitutional if only the budget cutting powers had been given to President Reagan, instead of to the Comptroller General.

That, apparently, is merely an observation by the news reporter.

Mr. EXON. That is an observation by the writer of that story or an observation by the court?

Mr. BYRD. Well, it is only an observation by the writer of the story. I have not seen the fine print of the court's ruling. It says—

The court adopted the reasoning of the Justice department, which had said that the act would be constitutional if only the budget cutting powers had been given to President Reagan, instead of to the Comptroller General.

First of all, that apparently is an observation by the reporter who wrote the story. Second, the court did not say that specifically. That might be obiter dictum—said by the way. The Justice Department was taking that position. The Justice Department apparently had argued that the act would be constitutional if only the budget cutting powers had been given to President Reagan instead of to the Comptroller General.

Even so, that is only an opinion of the Justice Department. That was not the question before the court, so it does not leave us with a clear ruling by the court on that specific point, namely, as to whether or not it would have been constitutional if the responsibility and power had been placed by Congress in the hands of the President rather than in the hands of the Comptroller General. That was not the question before the court.

Mr. EXON. I thank the minority leader. I think it springs forth an interesting point that probably gets into the matter of line-item veto, which this Senator has always supported, and my friend, the minority leader, has never been for. I believe I am correct, for good and valid reasons in the way the minority leader looks at it.

At least on the line-item veto it is an appropriation that passes the Congress and is sent to the Chief Executive, the President of the United States, and he says he can strike it out on a line-item veto. It seems to me, though, you might open up a whole new can of worms if you pass legislation and then some time subsequent thereto give the authority to the President of the United States to do what at least I always thought laid with the Congress of the United States, to, in conjunction with the President, authorize what final actions are taken. This came up to a considerable degree before I was in this body with regard to impoundments that were made by a previous President which caused a great deal of constitutional confrontation.

I think it is well, indeed—and I salute the Members of Congress who did it early on—to move for clarification of this matter from the courts, because it is obvious that the earlier a decision is made on this matter the better off and the better informed will be the Congress. I hope that with the decision of the Federal court today this matter could be expeditiously presented to the Supreme Court in hopes that we could get as early as possible a decision from that Court. As the minority leader well knows and recognizes, we are faced not only with the action that the court outlawed today, taking place in less than a month on the 1986 fiscal budget, and unless we have fairly early action in an expeditious fashion by the Supreme Court we could find ourselves in October—September or October, if the decision would come that late—in a particularly precarious position with regard to all of the actions that have been heralded as doing so much good being flushed out the window. And by that time the deficit might be like a runaway team and could not be stopped. So I think that the expeditious action by the Supreme Court is particularly critical, and I hope that that would be the case.

I thank the minority leader for allowing me to ask a question and make a comment.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

I was amazed at the time, that the U.S. Senate would adopt this amendment under the circumstances. The amendment sprang forth full flower like the prophet's gourd overnight, here on this floor. It has had not been subjected to committee hearings. It had had no witnesses to appear before a committee to testify in behalf of it or against it. It had gone through no committee markup. It just sprang forth here on this floor. I was amazed that the Senate, under such circumstances, would adopt a measure of such far-reaching significance.

There are those who said, "Well, let us pass the measure and let the courts decide." We have a responsibility I say, as legislators, to try as best we can in passing measures in the Senate to think very seriously as to whether or not those measures, if enacted, will be constitutional. Of course, the Court is going to be the final arbiter. No one is questioning that. But the argument that, "Well, let us go ahead, let us vote it up and let the courts decide," is not a responsible argument. I think the Senate fails in its responsibility under the Constitution in taking such a position. There were those of us who felt very uneasy about the constitutionality of this legislation.

Mr. EXON. Will the minority leader yield for another observation?

Mr. BYRD. Yes.

Mr. EXON. Not only in my opinion has the Congress failed in its deliberation, but I think the executive branch has to share some responsibility in trying to shape laws and actions that are, No. 1, unquestionably constitutional, and, second, whether or not laws such as Gramm-Rudman contribute much to responsible Government.

The minority leader may remember that a week or 10 days ago I was sitting there in my seat, and I reported during some discussion about the impact that Gramm-Rudman would have on the defense budget. Recounting for just a moment, the RECORD clearly shows that this Senator was on his feet during the debate on Gramm-Rudman warning of the adverse effect

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that Gramm-Rudman, if it ever went into effect, if it was ever triggered, would have on our defense budget.

I am not saying that the President read that and responded in kind. But I did notice—and discussed it on the floor of the Senate a few days thereafter—that the President called several of the Republican leadership to the White House and told them that any Member of Congress who did not support his—the President's—mark on defense was giving aid and comfort to the Soviet Union.

He said, for example, that the Soviet Union was watching the actions of Congress with regard to how much money it was going to appropriate for defense. I suspect that, to some extent, that is true, although I suggest that perhaps the President was overplaying his hand to get his mark on defense, which turns out to be an 8-percent increase for the next fiscal year. I do not suppose there is a person—Democrat or Republican, Member of the House or Member of the Senate, hawk or dove—who expects that there is going to be an 8-percent real increase in the defense budget for the next year, regardless of the Soviet threat, given the conditions we have now.

When I speak of the Soviet threat, as a member of the Armed Services Committee, I am extremely aware of that; and I think it is most unfortunate, indeed, that we are not making a move for a responsible increase in the defense budget of, I would think, about 3 percent over inflation. I think that is about where we could be, without hurting our defense establishment, about which I am very much concerned.

Along those lines, in hearings yesterday in the Budget Committee and the day before in the Armed Services Committee, this very matter came up in questions of the witnesses—the Chairman of the Joint Chiefs of Staff and the Secretary of Defense.

At a breakfast meeting on Wednesday morning and at the Armed Services Committee Wednesday afternoon and yesterday in the Budget Committee, I again pressed the Secretary of Defense as to what should be done if all failed and there was a zero increase in defense for fiscal 1987 or an absolute reduction: Would he and the President sit idly by? He said it would be totally unconscionable for that to happen.

I said: "Would you and would the President consider some type of revenue enhancements earmarked for defense only? Is that a possibility?" No, they would not consider that.

Evidently, I would say that the President and the Secretary of Defense are in the posture that the Russians are watching to see whether or not we are going to emasculate domestic programs, including agriculture, enough to build up the defense budget; and in that event, the Russians would be concerned. But evidently, if we emasculate both—social programs and the defense budget—the Soviets would not be so concerned. I think that is illogical, but that is the only conclusion I can draw.

Yesterday, about 5 o'clock, in the Budget Committee, I posed this question to the Secretary of Defense; and, lo and behold, the first glow of hope arose—that maybe the President of the United States would put defense above everything else, even including revenue enhancements as necessary.

I put this question to the Secretary of Defense: "If everything failed so far as any increase at all, and if you and the President were faced with a zero increase in the defense budget for fiscal 1987, and if Congress enacted some kind of legislation that put revenue enhancement of some kind—let us suggest, for example, an oil import fee—and if that oil import fee would be dedicated totally and exclusively to defense, so that we could scare the Russians, under the circumstances would you and the President change your minds about any increased revenues?"

Then I said: "Do you think that, under that kind of scenario, the President would agree that we should do something of that nature, if all else fails, or does the President think we should surrender to the Soviet Union with regard to what he, the President, feels is vitally important with regard to the defense buildup?"

The Secretary answered the question: "Senator, I don't believe the President would ever surrender to the Soviet Union."

So, at least there is a glow of hope that the President can overcome his aversion to any kind of increased revenues from any source, if he feels that the defense buildup is questioned. I remain very much concerned about that. I think it would be much more realistic if the President would state his position as he has and stick to that, but in essence to say: "If we had some kind of enhanced revenue that could be earmarked specifically for national defense, it is something, as a last resort, that I, the President, could accept."

I thank the minority leader.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, briefly, with respect again to the ruling by the court—the act, of course, may yet be upheld by the Supreme Court. But I still maintain the same viewpoint that I had when the measure was before the Senate—namely, that, in my view, it posed some very serious constitutional questions.

I felt, in addition thereto, that we, as Senators, who take an oath to uphold and protect the Constitution, do have a responsibility to give some thought as to what the constitutional problems might be, and, if there are such, to try to fix them before we act finally on legislation.

Of course, we had very little time in that situation. The Gramm-Rudman proposal was offered as an amendment to the debt limit extension, and of course we were backed-up against a deadline, thus leaving us without much time to debate the measure. It still had to go to the House, following the action by the Senate. So we were up against a very close time deadline, which left us without adequate time in which to hold hearings, have any markup, or adequately debate the matter on the floor of the Senate.

I do not have any doubt that the authors of the amendment knew very well what the amendment contained. But most of the rest of us did not have an opportunity to thoroughly consider and understand it in that brief period of time, especially since the Senate was up against the time gun of a debt limit extension that had to be passed quickly.

I seriously doubt that many Senators knew what they were voting on. I, for one, did not. I knew a little about it. I knew enough about it to foresee that, as I stated, "Like Banquo's ghost, it will come back to haunt many of those who vote for it."

It particularly disappointed me that, with so little debate, the Senate would vote for, as I say, such a very far-reaching measure without knowing more than we did about the legislation and how it would impact upon the Nation.

TV AND RADIO COVERAGE OF SENATE PROCEEDINGS

The Senate continued with the consideration of the resolution (S. Res. 28).

Mr. BYRD. Mr. President, during the hours following the tragic *Challenger* loss, television once again proved its value in American society. Through television immediacy millions of Americans participated in a painful moment in our history. Because of television the *Challenger* tragedy was not just an event that took place in distant skies off Cape Canaveral. Instead that event was made part of the life experience of all of us.

In its early pre-World War II days, few people could have foreseen television's impact on American life. But because of its inimitable nature, television is today one of the most persuasive forces in our country. For many, if an event is not covered by a television camera, it has not really happened. Regardless of the number of lines carried in the print media or the number of photographs in news magazines an account broadcast on television offers

a variety, a verisimilitude in fact, second only to witnessing an event in person.

One sees with his own eye and hears with his own ear as the event transpires. All the world is a stage on television. It has a quality about it that simply cannot be matched in print media or even on the radio.

The U.S. Senate Chamber, however, remains one of the few places still closed to television cameras.

According to the Congressional Research Service, all but 4 nations in a 22-nation survey by the International Parliamentary Union permit television coverage of floor proceedings, either in part or in whole. And this includes the United States of America because of the House of Representatives. Coverage in many instances dates from the early days of television. All but 1 of those 22 nations permit radio coverage. The amount and the type of coverage varies from country to country.

In Canada, all official debate is televised. This began on October 17, 1977. In Japan, 80 to 90 percent of the proceedings of the National Diet are broadcast by radio, television or both.

The United Nations General Assembly and Security Council provide continuous live television feed for use by network or other interested parties.

In other countries, according to the CRS, television coverage tends to focus on major debates.

The French National Assembly is televised, either live or delayed, during major debates.

In Italy votes of confidence are given special coverage.

In India, Australia, and the United Kingdom, television is reserved for ceremonial occasions, for example, the opening of Parliament, joint sittings in both Houses, or greetings of visiting dignitaries. Proceedings of the House of Commons in the United Kingdom, while not televised, are broadcast.

In some countries, debates are excerpted in nightly news broadcasts, ranging from 3 to 4 minutes in Israel to 15 or more minutes in Austria.

In other nations, including the Scandinavian countries, parliamentary sessions are available for electronic coverage at the discretion of journalists.

Television has access to all of the State legislatures in the United States of America, according to a report by the Congressional Research Service.

This does not mean that all of the State legislatures have regular coverage. It does mean that all 50 States allow television cameras in one way or another in their legislative chambers. In some cases, coverage is permitted in only one chamber. Seven States do not allow cameras in their senate: Arkansas, Connecticut, Georgia, Indiana, Massachusetts, New York, and Rhode Island.

Six States do not permit cameras in their assembly or house of representatives, or house of delegates, or House of Burgesses, or whatever the so-called lower house may be designated: Idaho, Montana, New Jersey, New Mexico, Tennessee, and Virginia.

The actual extent of television coverage varies considerably from State to State.

Four States have gavel-to-gavel coverage: Kentucky, Nebraska, Massachusetts House of Representatives; and the Virginia Senate.

According to the CRS report, the most common form of coverage during legislative sessions is offered as 30- or 60-minute edited programs featuring excerpts of floor or committee deliberations. The sessions are apparently taped and then edited for replay nightly on public television stations throughout the State. How the different States cover their legislatures is complicated. A 1984 report by the National Conference of State Legislatures found that public television stations in 28 States produce programs specifically focusing on State legislatures. In addition to the ones offering gavel-to-gavel coverage, public television outlets produce programs daily in 12 States and weekly in 12 States, 3 times a week in 1 State, 2 times a week in 1 State, and monthly in 2 States while the legislature is in session.

Commercial outlets also actively cover a number of proceedings in a number of States and in different ways. When television coverage of State legislative sessions actually began is difficult to ascertain. The best that could be determined is that Connecticut was the first to do so in 1962.

This information was based on a report written by an intern for the National Conference of State Legislatures.

Still, as I say, artists may sit in the press gallery and render cartoons of activities on the Senate floor. Journalists are free to quote generally or paraphrase Senate debates in the newspapers, on the radio, or even on television news broadcasts.

But the American people are denied a direct witness of Senate debates and floor exchanges by television. For most Americans, the Senate has as much relevance in experience as a mythical assembly on far-off Mt. Olympus.

Not so with the House of Representatives. To be sure, vast numbers have not been weaned from the soap operas to watch congressional debates. But for those who are interested in the issues before the House of Representatives, the telecasts of House proceedings have been vital and important.

When the newscasters touch on debates in the House of Representatives, individual House Members are often shown speaking on their own behalf with a force and clarity that many say has won new respect for the House of Representatives.

Television is creating a new sense of community in America. I hope that we will have an opportunity to make the Senate part of that new sense of community, that we will open up our activities to the immediacy and reality of television cameras, and that we will make the Senate a more conscious element of contemporary American life.

Therefore, I hope that a majority of our colleagues will support the resolution which is presently before the Senate to admit television into the Senate Chamber.

In that resolution, Mr. President, I and those who are cosponsoring the resolution have included a provision that would allow for electronic voting in the U.S. Senate. The waste of time in which this institution engages in doing nothing but casting votes by rollcall is exorbitant; it is ridiculous, to say the least.

The Senate averages more than 20 minutes on each rollcall vote. In 1 year, we had 700 rollcall votes—700 rollcall votes. Let us say each rollcall vote was limited to 15 minutes, which we have ourselves said to be the limit, but which is honored in the breach almost on every rollcall vote, what that adds up to is 10,500 minutes if only each rollcall vote took but 15 minutes—10,500 minutes. That is 175 hours. And if we allow 6 hours per session—and that is a pretty good session, from 12 to 6 o'clock on a given day, considering all of the committee work we have in addition thereto, the handling of our mail, talking with our constituents, and representing our constituents in various ways downtown before governmental bodies—we are talking about 30 days. So, the Senate, in that particular year, spent 30 days or 6 weeks doing nothing—6 hours per day, 5 days per week—but having rollcalls.

It is a little bit like understanding what a billion really means when we talk about billions of dollars. We do not really have a good conception of what a billion really, really means.

As Senator Dirksen, the late Republican leader of this body, once said, "You add a billion here, and you add a billion there, and pretty soon it adds up to a lot of money."

Well, only 1 billion minutes have transpired since Jesus Christ was born—1 billion minutes. We think Columbus' trip to this hemisphere in 1492 was a long time ago. But just think of it—only 1 billion minutes since Jesus Christ was born.

Well, it is much the same in talking about the minutes and hours, days and weeks, that the Senate spends on doing nothing but voting—to say nothing about the many quorum calls.

And so with electronic voting, we could save the time of the Senate and

the expense to the taxpayers and expedite our business much better around here and improve the "quality of life," which is a term we are hearing more and more about here in the Senate.

Now a provision in Senate Resolution 28 would permit electronic voting in the Senate. Votes could be stacked. The first rollcall vote could be 15 minutes or even 20, if need be, as now. Senators would come to the floor and each succeeding rollcall vote could be done in 3 minutes or 5 minutes. Just think of the time that would be saved. We had 34 rollcall votes in 1 day here back during the civil rights debate. We had 38 rollcall votes in 1 day during the debate on the gas bill in 1977.

Well, how do the folks back in the State legislatures do it? According to the National Conference of State Legislatures, as of last year, there were 40 State houses and 20 State senates that used electronic voting.

West Virginia uses such a system in both houses.

Mr. President, I have a table which shows each State's use of electronic voting. I ask unanimous consent that it appear in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

State	Rollcall voting	
	House	Senate
Alabama	X	
Alaska	X	X
Arizona	X	
Arkansas	X	
California	X	X
Colorado		
Connecticut	X	X
Delaware		
Florida	X	X
Georgia	X	X
Hawaii		
Idaho		
Illinois	X	X
Indiana	X	
Iowa	X	X
Kansas	X	
Kentucky	X	
Louisiana	X	X
Maine	X	
Maryland		
Massachusetts		
Michigan	X	X
Minnesota	X	X
Mississippi	X	
Missouri		
Montana	X	X
Nebraska	X	X
Nevada	X	X
New Hampshire	X	
New Jersey	X	X
New Mexico	X	
New York	X	
North Carolina	X	X
North Dakota	X	X
Ohio	X	
Oklahoma		
Oregon	X	
Pennsylvania	X	
Rhode Island	X	X
South Carolina	X	
South Dakota	X	
Tennessee	X	X
Texas	X	
Utah	X	
Vermont		
Virginia	X	
Washington	X	X
West Virginia	X	X
Wisconsin	X	
Wyoming		

Mr. BYRD. Mr. President, I will have more to say later on Senate Resolution 28, which would provide for television and radio coverage of Senate debates.

For now, I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABDNOR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SIMPSON). Without objection, it is so ordered.

THE PRESIDENT'S BUDGET IS NOT REALISTIC

Mr. MELCHER. Mr. President, let me pose a question, a topical question for today: What is the common point about the President's budget, the lack of a National Aeronautics and Space Agency Administrator, the monumental, gigantic trade imbalance, and the United States-Philippine policy that raise the same question?

Mr. President, I believe that the answer to that question leads to another question and it is a common point that is raised in those four items, and that is this query: Who is in charge? Who is in charge here in the United States? these are very vital matters.

The President's budget is not realistic. Consider this: there is an increase of 8 to 12 percent, depending on whether you want to figure in the rate of inflation or not, and that is the difference between 8 and 12 percent, there is an increase of that amount in the Pentagon spending and we hear the Secretary of Defense saying it is only a 3-percent increase as if somehow we are not talking about the same figures or somehow we have different kinds of arithmetic—their kind and our kind.

However, it is all the same arithmetic and it is all the same money. We appropriated $278 billion for defense last year and the President wants $311 billion. That is $33 billion more for this coming year. And that is unreal.

The President's budget asks for an increase in foreign aid. We cut everything else. There should be an increase in foreign aid to another $1 or $1.5 billion over and above the 15 point-something billion dollars that we appropriated last year. That also is unreal.

The President's budget stresses weapons systems buildup, an increase from $34 to $42 billion in research and development, and I suspect in doing that he sacrifices some defense readiness requirement. That sacrifice will be needed for immediate defense needs—sacrificing that for a rapid buildup in star wars. That is unreal.

There is no real Administrator currently in NASA. James Beggs stepped aside while he is under indictment. That also is unreal.

For last year the Nation's trade imbalance was $150 billion. Yet the President's State of the Union Address spoke of "free trade" rather than immediate steps to make reciprocal agreements with our trading partners to correct these damaging trade positions that we find ourselves in now. I believe that is unreal.

What is the policy between the United States and our long-time friend and ally, the Philippines? That is a pertinent question today because in the case of the Philippine elections with the State Department the U.S. policy was to back Aquino. With the Defense Department, the U.S. policy is to back Marcos. That is really unreal.

Our policy should be to back the Filipino people, and not to meddle in their economic needs, and in particular in food needs, food for the poor, unemployed families in the Philippines, we should pressure that immediately because it is the people's trust in the Philippines that we must have, and we must not lose it. If we do that, we retain the trust of the Filipino people for us, for Americans, and thus retain the bases; Subic and Clark will not be jeopardized.

The Filipino people are for us good friends. We must keep up our mutual alliance with them, and that is good policy.

Mr. President, there are a number of steps that the United States should take. We have a responsibility to help shape those steps, to show, to demonstrate to all our own citizens, to our friends abroad that, yes, there is someone in charge here, there is a U.S. policy, and we do know where we are going. And we are all talking the same language as Americans to solve these common problems.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

ELIGIBILITY REQUIREMENTS FOR PROGRAMS UNDER THE INDIAN EDUCATION ACT

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be discharged from further consideration of House Concurrent Resolution 276, a House concurrent resolution concerning the timeline for the implementation of proof of eligibility require-

ments for programs under the Indian Education Act, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 276) concerning the timeline for the implementation of proof of eligibility requirements for programs under the Indian Education Act.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 276) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of J. Craig Potter, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Mr. BYRD. Mr. President, reserving the right to object, was this nominee reported out of the committee at a time when a majority of the committee members were physically present, as the rules prescribe?

Mr. SIMPSON. Mr. President, he was not, according to my information. I want to say at this time I think the minority leader is saying something very important.

In the future, I will concur with him. I think it is very important that we get away from the habit, the ingrained habit, of polling nominees from committees, even though one person failing to give unanimous consent to the polling would require a markup.

I think, as the minority leader often points out to us with his knowledge of the rules, there is a serious anomaly sometimes between rule and practice, and this is one such case.

I express to the minority leader that this is the only person remaining from the list the other day when the minority leader first brought up the issue.

I cannot speak for the majority leader, but I think it is important to make some evidentiary note on the Executive Calendar as to whether a person had been polled out or had come through the process with a majority of the Members physically present.

That does not seem untoward to me. That is my personal opinion. That is my opinion as a member of the Judiciary Committee, where Senator THURMOND is very alert to that. In fact, always, on any nomination, we have a quorum physically present and report by a majority vote.

In the Environment and Public Works Committee, Senator STAFFORD is usually quite attentive to that. In my time on the Veterans' Affairs Committee, I remember we did strive always for that result.

Mr. BYRD. Mr. President, still reserving the right to object, let me read the provision in rule XXVI of the Standing Rules of the Senate, that requires a majority of the members of a committee to be physically present at the time a measure or a matter is reported from such committee. I shall read it. It is paragraph 7, of rule 26, on committee procedure.

7. (a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee were physically present.

Mr. President, that is the rule. I think there may be times when such polling can be justified. For example, if the Senate is backed up to a recess and, because of an act of God or other circumstance, a vacancy in a vital position in the Government has just occurred, the Senate committee having jurisdiction over that particular office may not, because of extenuating circumstances at the time, have adequate opportunity to act on the nominee without resorting to the polling process.

And if the nominee is well known universally and recognized as a person with dignity and ability and integrity, with no question about his or her capability to carry out the duties of a particular office to which he or she is being nominated; in a situation like that, I think it could be justified that a committee had to act quickly, so the Senate could also act quickly, so that the vacancy could be filled quickly, so that the wheels of Government would not be brought to a stop in the particular agency or department. I think in that situation, perhaps, there could be ample reasons for waiving the rule.

But ordinarily, that is not the case, Mr. President. I am finding, to my surprise, that this rule is being violated far more often than has generally been known to be the case around here.

Mr. President, it is not ROBERT C. BYRD who requires that a majority of members of a particular committee be present; it is a standing rule of the Senate. And it has good reasons for its existence. The Senate has the responsibility of confirmation of nominees to certain offices and I frankly do not believe that the Senate, in recent years, has been living up to its responsibilities.

I do not say this with respect to any particular party or period or person. I think it is being increasingly done. This is not to say that it was never done before the Democrats lost control of the Senate; it is to say, however, that, regardless of what party is in control here, we ought to try to follow this rule that I have just read. I think it would guarantee closer scrutiny, more discussion, possibly more examination of a particular nominee—his or her qualities, fitness for particular office—and all in accordance with the intent of our founding forefathers, who gave to the Senate the responsibility to confirm or reject nominees.

I intend to continue to bring this further to the attention of the Senate. Any Member can object to unanimous consent to the taking up of any nomination.

Of course, a motion to proceed can then be made, and once a nominee is before the Senate for confirmation, there can be debate. I think it is the duty of this Senator at least to do whatever he can to get us back into conformity with the requirements of this rule.

Now, I would hope that we could agree, as the distinguished acting leader—Mr. SIMPSON is not only acting leader; he is the assistant leader—has mentioned; namely, that there be some indication on the Executive calendar that nominees have indeed been reported out of committees with a majority of the committee members physically present at the time of the reporting.

I will continue to try to seek such an indication on the calendar, because it is not just in my interest or my protection. It is really for the protection of the nominee and for the Senate itself, and for the people. The Senate, it seems to me, is recreant in its duty if it does not follow this rule, because more and more nominees apparently are being brought before the Senate who have been reported out of committee at a time when a majority of the members were not physically present. I understand that in some cases over the years certain committees may not have had any meetings, and I am told now that some committees have not wanted to have meetings to report out nominees because of concern that members might use that occasion to bring up other subject matter, and so consequently the polling out process has been used to avoid taking up other business.

I have said enough. I will not object in this instance to the request of the distinguished assistant leader. He has indicated that the name of this nominee was on the calendar on the last occasion when I brought up the rule. On that occasion, I remonstrated against approving a nomination because it had not been reported out in accordance with the rules. Now the request is that this nominee, whose name was on the calendar on that particular day and whose name had been polled out of the committee, should be given equal treatment with those whose nominations were approved on that occasion.

I will not object, Mr. President, to this nomination today, but I do want to say once more that this matter is going to come up more and more often unless committees, indeed, do follow the rule.

I did not write this particular rule. However, I think it is a good one. As long as it is part of the Standing Rules of the Senate, I think it ought to be observed.

I should say in closing that if a point of order is made against a particular nominee because that nomination was not reported out of the Senate with a majority of the members of the committee of jurisdiction being physically present, then that point of order, if upheld, would send the nomination back to committee.

May I ask the distinguished Presiding Officer, the President pro tempore of the Senate, if I am correct. Let me ask a question. What would be the procedure in the event a nominee is before the Senate whose name was not reported from the committee of jurisdiction at a time when a majority of the committee were physically present? What would happen if that point of order were made in a particular case, and if it were clear to all that the rule had been violated in that respect?

The PRESIDENT pro tempore. Under the practices of the Senate, the chairman of the committee would be asked whether or not the nomination was properly reported; and if he replied in the negative, the report would be null and void, and the nomination would be before the committee.

Mr. BYRD. The nomination would be back before the committee?

The PRESIDENT pro tempore. That is correct.

Mr. BYRD. I thank the distinguished President pro tempore of the Senate.

I thank the distinguished assistant leader for his patience. I want to work with him in this, but I think each of our conferences should probably have a discussion of this matter soon. I want to take it up with my conference. At the moment, however, I will not object.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The nomination will be stated.

ENVIRONMENTAL PROTECTION AGENCY

The bill clerk read the nomination of J. Craig Potter, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I thank the minority leader for his gracious willingness to clear this last agenda item that arose on the day the discussion came about. That was an act of fairness, and I appreciate it very much.

What the minority leader is saying has been well heard throughout the Chamber and throughout the Senate offices. This assistant leader would say that it has been fully conveyed. Rather than seeing it come up more and more often, as the distinguished minority leader says, I think we will see it come up less and less often, and that will be appropriate.

I thank the minority leader very much for that.

Mr. BYRD. Mr. President, the distinguished assistant leader is most gracious, as is always the case. It is characteristic of him.

LEGISLATIVE SESSION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate now resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

MESSAGES FROM THE HOUSE

At 12 noon, a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 974) to provide for protection and advocacy for mentally ill persons, disagreed to by the Senate, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DINGELL, Mr. WAXMAN, Mr. SCHEUER, Mr. LENT, and Mr. MADIGAN as managers of the conference on the part of the House.

The message also announced that the House has passed the folowing joint resolutions, without amendment:

S.J. Res. 74. Joint resolution to provide for the designation of the month of February, 1986, as "National Black (Afro-American) History Month";

S.J. Res. 150. Joint resolution to designate the month of March 1986 as "National Hemophilia Month";

S.J. Res. 219. Joint resolution to designate the week of February 9, 1986, through February 15, 1986, as "National Humanities Week, 1986";

S.J. Res. 231. Joint resolution to designate the period commencing January 1, 1986, and ending December 31, 1986, as the "Centennial Year of the Gasoline Powered Automobile"; and

S.J. Res. 234. Joint resolution to designate the week of February 9, 1986 through February 15, 1986 as "National Burn Awareness Week."

ENROLLED JOINT RESOLUTIONS SIGNED

At 3:07 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 74. Joint resolution to provide for the designation of the month of February, 1986, as "National Black (AfroAmerican) History Month";

S.J. Res. 150. Joint resolution to designate the month of March 1986 as "National Hemophilia Month";

S.J. Res. 219. Joint resolution to designate the week of February 9, 1986, through February 15, 1986, as "National Humanities Week, 1986";

S.J. Res. 231. Joint resolution to designate the period commencing January 1, 1986, and ending December 31, 1986, as the "Centennial Year of the Gasoline Powered Automobile"; and

S.J. Res. 234. Joint resolution to designate the week of February 9, 1986 through February 15, 1986 as "National Burn Awareness Week."

The enrolled joint resolutions were subsequently signed by the President pro tempore [Mr. THURMOND].

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, February 7, 1985, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 74. Joint resolution to provide for the designation of the month of February, 1986, as "National Black (AfroAmerican) History Month";

S.J. Res. 150. Joint resolution to designate the month of March 1986 as "National Hemophilia Month";

S.J. Res. 219. Joint resolution to designate the week of February 9, 1986, through February 15, 1986, as "National Humanities Week, 1986";

S.J. Res. 231. Joint resolution to designate the period commencing January 1, 1986, and ending December 31, 1986, as the "Centen-

nial Year of the Gasoline Powered Automobile"; and

S.J. Res. 234. Joint resolution to designate the week of February 9, 1986 through February 15, 1986 as "National Burn Awareness Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2374. A communication from the Chairman of the Commodity Futures Trading Commission transmitting a draft of proposed legislation amending the Commodity Exchange Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2375. A communication from the Assistant Secretary of the Navy transmitting, pursuant to law, notice of the decision to convert the operation and maintenance of the S3A simulator function, Fleet Aviation Specialized Operational Training Group, Pacific Fleet at San Diego, CA, to performance under contract; to the Committee on Armed Services.

EC-2376. A communication from the Secretary of Defense transmitting, pursuant to law, a report on specific aspects of budgeting for inflation; to the Committee on Armed Services.

EC-2377. A communication from the President and Chairman of the Export-Import Bank transmitting a draft of proposed legislation to clarify Eximbank's authority to subsidize export loans provided by other lenders; to the Committee on Banking, Housing, and Urban Affairs.

EC-2378. A communication from the Assistant Secretary of the Interior transmitting, pursuant to law, a report on a proposed contract with the Twin Loups Reclamation District, NE; to the Committee on Energy and Natural Resources.

EC-2379. A communication from the Secretary of Energy transmitting, pursuant to law, the annual report on the Methane Transportation Research, Development, and Demonstration Program; to the Committee on Energy and Natural Resources.

EC-2380. A communication from the Secretary of the Interior transmitting, pursuant to law, a report on the final national Wild River management plan for the Owyhee River; to the Committee on Energy and Natural Resources.

EC-2381. A communication from the Director for Program Review, St. Lawrence Seaway Development Corporation, transmitting, pursuant to law, a report in response to a recent GAO audit of the Corporation; to the Committee on Governmental Affairs.

EC-2382. A communication from the Chairman of the Board for International Broadcasting transmitting, pursuant to law, the Board's annual report for 1985; to the Committee on Foreign Relations.

EC-2383. A communication from the Acting Chairman of the Federal Trade Commission transmitting, pursuant to law, the FTC's fiscal year 1985 competition advocacy report; to the Committee on Governmental Affairs.

EC-2384. A communication from the Secretary to the Railroad Retirement Board transmitting, pursuant to law, the Board's competition advocacy report for 1985; to the Committee on Governmental Affairs.

EC-2385. A communication from the Executive Director of the National Mediation Board transmitting, pursuant to law, the Board's annual report on its competitive advocacy program; to the Committee on Governmental Affairs.

EC-2386. A communication from the Assistant Secretary of the Treasury transmitting, pursuant to law, the Department's 1985 competition advocacy report; to the Committee on Governmental Affairs.

EC-2387. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, the Commission's 1985 annual report of NRC's competition advocate; to the Committee on Governmental Affairs.

EC-2388. A communication from the Director of the Federal Mediation and Conciliation Service transmitting, pursuant to law, its 1985 annual report on competition advocacy; to the Committee on Governmental Affairs.

EC-2389. A communication from the Secretary of Energy transmitting, pursuant to law, the Department's 1985 annual report on competition; to the Committee on Governmental Affairs.

EC-2390. A communication from the Chairman of the Federal Labor Relations Authority transmitting, pursuant to law, the annual report of the Authority for 1985 for competition advocacy; to the Committee on Governmental Affairs.

EC-2391. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, the OPM's report on implementation of the Federal Equal Opportunity Recruitment Program; to the Committee on Governmental Affairs.

EC-2392. A communication from the Deputy Administrator of the Veterans' Administration transmitting, pursuant to law, the VA's 1985 annual report on procurement competition; to the Committee on Governmental Affairs.

EC-2393. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, Eximbank's 1985 report on its competition advocacy program; to the Committee on Governmental Affairs.

EC-2394. A communication from the Director of the Selective Service System transmitting, pursuant to law, its report on competition advocacy for 1985; to the Committee on Governmental Affairs.

EC-2395. A communication from the Acting Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Commission's 1985 Government in the sunshine report; to the Committee on Governmental Affairs.

EC-2396. A communication from the Vice Chairman of Potomac Electric Power Co. transmitting, pursuant to law, the balance sheet of the company for 1985; to the Committee on Governmental Affairs.

EC-2397. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on surplus real property transferred for public health purposes in fiscal year 1985; to the Committee on Governmental Affairs.

EC-2398. A communication from the Administrator of the General Services Administration transmitting a draft of proposed legislation to authorize expenditure of monies for official reception and representation expenses for GSA; to the Committee on Governmental Affairs.

EC-2399. A communication from the Executive Secretary of the National Security Council transmitting, pursuant to law, the Council's 1985 Freedom of Information Act report; to the Committee on the Judiciary.

EC-2400. A communication from the Director of the National Institute of Justice transmitting a copy of a publication "Public Administration Review"; to the Committee on the Judiciary.

EC-2401. A communication from the Chairman of the Harry S. Truman Scholarship Foundation transmitting, pursuant to law, the 1984-85 annual report of the Foundation; to the Committee on Labor and Human Resources.

EC-2402. A communication from the Director of the National Science Foundation transmitting, pursuant to law, a report entitled "Women and Minorities in Science and Engineering"; to the Committee on Labor and Human Resources.

EC-2403. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the 1985 edition of "Health, United States"; to the Committee on Labor and Human Resources.

EC-2404. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for Indian Education Program—Formula Grants—Local Educational Agencies and Tribal Schools; to the Committee on Labor and Human Resources.

EC-2405. A communication from the Secretary of Defense transmitting, pursuant to law, a report on budget data representing a 3-percent growth per year Defense budget, after inflation, for fiscal year 1987-90, and data which would represent no growth for the same period; to the Committee on Armed Services.

EC-2406. A communication from the deputy Assistant Secretary of Defense transmitting, pursuant to law, a list of military personnel entitled to incentive pay for submarine duty; to the Committee on Armed Services.

EC-2407. A communication from the Under Secretary of Defense transmitting, pursuant to law, the fiscal year 1985 report on funds obligated for chemical warfare and biological defense research programs; to the Committee on Armed Services.

EC-2408. A communication from the Acting Chairman of the Consumer Product Safety Commission transmitting, pursuant to law, the Commission's fiscal year 1987 budget request; to the Committee on Commerce, Science, and Transportation.

EC-2409. A communication from the Secretary of Energy transmitting, pursuant to law, the annual report on the Office of Alcohol Fuels; to the Committee on Energy and Natural Resources.

EC-2410. A communication from the general counsel of the Department of Energy transmitting, pursuant to law, notice of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-2411. A communication from the Acting Under Secretary of State transmitting, pursuant to law, a report on a pilot project on increasing employment of qualified spouses of American personnel assigned to overseas missions; to the Committee of Foreign Relations.

EC-2412. A communication from the Director of the U.S. Arms Control and Disarmament Agency transmitting, pursuant to law, classified and unclassified documents entitled "Fiscal Year 1987 Arms Control Impact Statement"; to the Committee of Foreign Relations.

EC-2413. A communication from the Director of the Peace Corps transmitting, pursu-

ant to law, the 1985 report on competition advocacy; to the Committee on Government Affairs.

EC-2414. A communication from the Secretary of Commerce transmitting, pursuant to law, the Department's 1985 report on competition advocacy; to the Committee on Governmental Affairs.

EC-2415. A communication from the Secretary of the U.S. Postal Rate Commission transmitting, pursuant to law, a proposal for the collection of information to the Office of Management and Budget for emergency, or expedited review and approval; to the Committee on Governmental Affairs

EC-2416. A communication from the Controller of the Washington Gas Light Company transmitting, pursuant to law, a certified copy of the Company's balance sheet for 1985; to the Committee on Governmental Affairs.

EC-2417. A communication from the Director of the Administrative Office of the U.S. Courts transmitting a draft of proposed legislation to provide for additional Bankruptcy Judges; to the Committee on the Judiciary.

EC-2418. A communication from the Secretary to the Railroad Retirement Board transmitting, pursuant to law, a report on the determination of the Board's retirement account's ability to pay benefits in each of the next five years; to the Committee on Labor and Human Resources.

EC-2419. A communication from the Acting Administrator of the Veterans Administration transmitting, pursuant to law, a report on an administrative reorganization within the VA; to the Committee on Veterans Affairs.

EC-2420. A communication from the Acting Administrator of the Veterans Administration transmitting a draft of proposed legislation to waive the waiting period for an administrative reorganization within the VA; to the Committee on Veterans Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCLURE (by request):

S. 2068. A bill to provide for seabed boundary agreements between the United States and any coastal State; to the Committee on Energy and Natural Resources.

By Mr. QUAYLE (for himself and Mr. KENNEDY):

S. 2069. A bill to amend the Job Training Partnership Act; to the Committee on Labor and Human Resources.

By Mr. HUMPHREY (for himself and Mr. BOSCHWITZ):

S.J. Res. 272. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1986, as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces; to the Committee on the Judiciary.

By Mr. DOLE (for Mr. HATCH (for himself, Mr. WEICKER, Mr. KENNEDY, Mr. KERRY, Mr. NICKLES, Mr. DOLE, Mr. NUNN, Mr. CHAFEE, Mr. CHILES, Mr. LAUTENBERG, Mr. HOLLINGS, Mr. DURENBERGER, and Mr. GRASSLEY)):

S.J. Res. 273. Joint resolution to designate the week of March 9, 1986, as "National Developmental Disabilities Awareness Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCLURE (by request):

S. 2068. A bill to provide for seabed boundary agreements between the United States and any coastal State; to the Committee on Energy and Natural Resources.

SEABED BOUNDARY ACT

● Mr. McCLURE. Mr. President, at the request of the Department of Justice, I send to the desk for appropriate reference a bill to provide for seabed boundary agreements between the United States and any coastal State.

Mr. President, this draft legislation was submitted and recommended by the Department of Justice, and I ask unanimous consent that the bill, and the executive communication which accompanied the proposal from the Assistant Attorney General be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Seabed Boundary Act."

BOUNDARY AGREEMENTS

SEC. 2. The Attorney General is authorized to enter into an agreement with the authorized officials of any State, which sets forth all or part of the seaward boundary of that State for purposes of the Submerged Lands Act (43 U.S.C. 1301 et seq.), and the respective rights of the United States and that State under the Act in accordance with that boundary. Any such agreement shall be entered into with the concurrence of the Secretary of State, the Secretary of the Interior, the Secretary of Commerce and the head of any Federal department or agency having administrative responsibility or jurisdiction over any areas of the seabed and subsoil involved in establishing the boundary. Any such agreement shall become binding on the United States and that state when the agreement is deposited into the National Archives and is published in the Federal Register, together with the certification of the Attorney General that the heads of Federal departments and agencies set forth in the second sentence of this section have concurred in the agreement, and the certification of the Governor and the Attorney General (or equivalent officer) of the State that the authorizd State officials have concurred in the agreement and that any ratification of the agreement required by the laws of that State has been obtained.

SEC. 3. (a) Any agreement authorized by the second section of this Act may be entered into with a State whether or not litigation to locate the seaward boundary of that State is pending. Such agreement may incorporate any boundary established by a final court decree or by a settlement of litigation. The agreement may provide that the boundary, or any portion thereof, shall remain fixed permanently or for a specified term of years.

(b) If the boundary fixed in the agreement is subsequently altered by a court decree or an agreement entered into in accordance with this Act, no accounting may be required or liability shall be incurred on account of minerals extracted or exploration undertaken in accordance with the first agreement while it is in effect.

EFFECTS OF BOUNDARIES

SEC. 4. No boundary established pursuant to this Act shall be deemed to affect, determine, or prejudice the location of the territorial sea of the United States or the baseline from which the breadth of the territorial seas of the United States is measured.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS,
Washington, DC, January 17, 1986.

Hon. GEORGE BUSH,
The Vice President,
U.S. Senate, Washington, DC.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate referral is the Department's legislative proposal entitled, the Seabed Boundary Act.

This proposed legislation addresses the problem of delimiting the boundary between the area of the seabed and subsoil, over which the federal government has exclusive jurisdiction for exploration and exploitation of the living and non-living natural resources, and that area over which the states of the Union have such jurisdiction.

In 1953, the Submerged Lands Act, 67 Stat. 29, granted to the states rights in the natural resources of the submerged lands, generally out to a distance of three miles from the coastline of the states. At the same time, Congress reaffirmed the federal claim to the continental shelf seaward of the state grants. The coastline from which these states' three-mile grants are measured is subject to natural changes, therefore the boundaries separating the seabed area, subject to state rights, from federal rights, are ambulatory. Since the passage of the Submerged Lands Act, this Department has engaged in major litigation with most of the coastal states, to determine boundaries and rights in those resources.

Section 2 of the legislation would authorize the Attorney General, with the concurrence of the Secretaries of State, Commerce, the Interior and other concerned departments and agencies, to agree with a state on the location of the boundary. At present, the Attorney General, as an incident of the Attorney General's authority to settle litigation, may agree to the location of a seabed boundary, where that boundary is the subject of a suit. But presently, absent litigation, no official in the federal government has the authority to establish a boundary line between federal and state resources.

Obviously, where there is no disagreement between the State and the federal government as to the location of a boundary line, some federal officer should possess the necessary authority to establish, on behalf of the United States, a boundary. Section 2 would establish this authority.

Section 3(a) of this proposal establishes a means by which the boundary may be permanently fixed or fixed for a specified term of years. Currently, the federal/state boundary is measured from the coastline and is ambulatory, changing as the coastline changes. The direct result of this is an insecurity in title to the resources and a decrease in the value of leases to the resources

near the boundary line. The ambulatory boundary also creates a situation that encourages endless and expensive litigation, due to the fact that the determination of a boundary may be relitigated based on a change in the coastline. Without such a provision, there could be no end to the submerged lands litigation that has already gone on for 25 years. Section 3(a) also allows the states and the federal government to reach a boundary agreement which incorporates a boundary established by a final court decree.

Section 3(b) eliminates any accounting or liability for any minerals that were extracted during a previous agreement, if a later second agreement is entered into, or the first agreement is amended.

Section 4 makes it clear that boundaries determined under this Act shall not affect the location of the territorial sea of the United States or its baseline.

Passage of this legislation will make it possible to develop the petroleum resources of the outer continental shelf more quickly than if litigation were required. The fixed boundaries which result will be advantageous to the federal government, the states and the lessee petroleum companies.

On the behalf of the Attorney General, we urge early consideration and adoption of this legislation.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General.●

By Mr. QUAYLE (for himself and Mr. KENNEDY):

S. 2069. A bill to amend the Job Training Partnership Act; to the Committee on Labor and Human Resources.

JOB TRAINING PARTNERSHIP ACT AMENDMENTS

● Mr. QUAYLE. Mr. President, today I am introducing a bill to amend the Job Training Partnership Act [JTPA]. I am pleased that this bill, like the original JTPA, is cosponsored by Senator KENNEDY the ranking minority member of the Labor and Human Resources Committee. The purpose of these amendments is to clarify or perfect the act's provisions.

These amendments improve program stability and lessen burdensome administrative requirements, improve services to youth and the hard-to-serve, and strengthen enforcement.

In addition, my bill clarifies that unemployed farmers are eligible for the Dislocated Worker Program. Increasingly, States, including my home State of Indiana, are attempting to address the plight of the distressed farmer. Farmers have skills that are valuable in many occupations. Through title III many unemployed farmers may learn how to redirect their skills to new areas.

My bill addresses a number of programmatic issues that were identified during oversight of JTPA. The Subcommittee on Employment and Productivity, which I chair, conducted oversight hearings in five regions of the country and in Indiana. At the end of my statement is a summary of those findings.

Although, I am coming forward with these amendments in an effort to be responsive to the recommendations and concerns we heard, it gives me great pleasure to report on the broad support for the public-private partnership and the effectiveness of JTPA in meeting training and economic development needs through the involvement of the private sector.

Witnesses stated that the increased autonomy and flexibility accompanying JTPA's decentralized approach is essential to the continued involvement of the private sector. With the possible exception of a few amendments to achieve some fine tuning, the consensus among witnesses was that major changes to JTPA should be avoided.

Many of the amendments I am proposing today were recommended by witnesses and were broadly supported. I believe they preserve congressional intent and the philosophy of the act.

Following is an explanation of these amendments and the concerns they address. At the end of my statement is a summary and text of the bill.

PERFORMANCE STANDARDS

Testimony received by the subcommittee indicates that SDA's have performed exceptionally well in achieving high placement rates at low cost. This has been one of the outstanding achievements of JTPA and may be credited to the involvement of the private sector.

The concern that has been often repeated is that the current performance standards focus almost exclusively on measuring immediate indicators of success such as job placement and cost per placement. Without interfering with the program's success in meeting those goals, SDA's need greater flexibility in serving those for whom costs may be higher and in providing services for which successes are intermediate steps leading to the goal of employment. For example, many of the disadvantaged who have multiple barriers to employment may need remedial education or to learn English as a second language.

My amendments require the Secretary to adjust the performance standards to reward SDA's that provide longer term training needed by the hard-to-serve. Also, I propose to require the Secretary to implement performance standards based on youth competencies by July 1, 1986.

The philosophy behind JTPA is that it is an investment in the future when the trainee will become an independent worker. The goal is to adequately train and prepare individuals for future employment opportunities. However, we do not know enough about our investment.

The current performance standards, with their emphasis on short-term indicators of success, do not provide us with information on the quality of the jobs or the long-term impact of participation. We do not know whether trainees retain their jobs when they are placed, whether their periods of unemployment are shorter, whether the placements are made in jobs with a future, or whether there are reductions in welfare costs.

Therefore, I am introducing an amendment to require the Secretary of Labor to issue regulations prescribing performance standards that measure the long-term impact of program participation, by July 1, 1986.

YOUTH

There is evidence that SDA's are not meeting the requirement to spend 40 percent of their allocations on youth, who are defined in the act as 16 to 21 years old. High unemployment rates among youth, especially disadvantaged youth, continues to be a major concern of Members of Congress. Therefore, I am proposing a series of amendments to meet this concern.

To strengthen the ability of SDA's to meet the 40-percent requirement, I propose to clarify that funds may be used for youth incentive awards. These awards recognize completion of attendance goals or other achievements. The costs will be charged to the funds available for supportive services under section 108. The majority of witnesses were generally supportive of not providing stipends or allowances to all participants. However, some witnesses identified this need for an incentive award so that SDA's can address the unique barriers that must be overcome by youth.

In addition, I would also extend eligibility to include youth age 18 and older who have been self-supporting for at least 1 year, but due to financial difficulties resulting from unemployment, were forced to relocate and reside with relatives, and are now economically disadvantaged. This suggestion was often put forth by witnesses before the subcommittee.

Also, to assist SDA's meet the 40-percent requirement, one of my amendments adds cost of services for 14- and 15-year-olds in calculating whether SDA's have complied.

I propose to strengthen enforcement of the 40-percent requirement. This amendment will be discussed later along with other enforcement provisions.

My next amendment to improve services to youth relates to the Summer Youth Program. Studies have shown that, during the summer months, youth who are out of school experience reductions in their basic skills. For disadvantaged youth, this finding carries serious implications for their futures, especially in regard to increasing the chances of dropping out of school. I propose that service deliv-

ery areas provide an education component as part of the summer program under title II-B. The education component would be for youth who do not meet locally prescribed education standards as agreed to by the private industry council and local education agency.

ENFORCEMENT

Another major area of concern is enforcement of the act's provisions. The new Secretary of Labor, William E. Brock III, has stated publicly his commitment to fulfill the Federal role provided in JTPA. Now that the transition phase is completed, the Department of Labor will reassess its role in providing leadership and guidance to States and SDA's. However, the subcommittee has received testimony that focuses on some specific enforcement problems that may require legislative direction.

In reducing the Federal role and increasing that of Governors and SDA's, JTPA permits a level of discretion that is unprecedented in Federal job training programs. This flexibility was widely supported and applauded during oversight hearings. However, many witnesses have pointed out that this flexibility has some negative repercussions because of administrative problems it creates as SDA's attempt to reduce their liabilities in future audit findings.

Therefore, to ease this administrative burden and encourage innovation, I propose to establish a procedure by which SDA's and States may request a ruling from the Secretary on disputed questions of law, good-faith reliance on which shall be a defense in Labor Department and State audit proceedings. Governors will have a period of time in which to make a decision or forward the question on to the Secretary, with comments or recommendations. If the Governor decides the issue, then he becomes liable to the Secretary in future audit proceedings.

In reference to my earlier comments about the 40-percent requirement for services to youth, my amendments require the Department of Labor to report to Congress on implementation of this provision during the transition period and the first 2-year planning period. In addition, my amendments require States to withhold funds from future SDA grants for failure to meet the legal requirements of the act, including the 40-percent requirement for youth and the cost limitations in section 108. Funds withheld by the State from SDA's that do not meet the act's requirements will be reallocated among SDA's that are in compliance.

DISLOCATED WORKERS

In response to concerns raised regarding the Dislocated Worker Program, I am proposing two changes. First, I propose to clarify that dislocated farmers are eligible. The language is sufficiently broad to enable States to serve the dislocated farmers yet recognizes that this group is only the next occupation group, following auto and steel workers, who are becoming dislocated in mass numbers.

Second, my amendments clarify that a grant recipient may serve members of a dislocated worker group who reside in other States. This is to respond to situations where a labor market area falls across State lines and residents live in one State and work in another.

SUBSTATE DISTRIBUTION FORMULA

A goal of JTPA is to ensure some program stability that had been lacking under former Federal job training programs. However, the substate distribution formula in the basic program for the economically disadvantaged—title II-A—is causing extreme fluctuations in funding for some of the service delivery areas [SDA's] from year to year which is causing instability.

These fluctations are the result of factors in the distribution formula that are based on unemployment rates. SDA's with economies that rely heavily on industries in which unemployment rates are highly sensitive to slight economic fluctuations, such as the auto and steel industries, may experience dramatic changes in levels of unemployment from year to year. This can result in severe funding cuts one year and substantial increases the next.

Although the goal of Congress was to ensure that the funds flowed to areas with greater need, these dramatic fluctations hinder long-range planning and effective program management. Therefore, I am proposing to give Governors the option of instituting a hold harmless of up to 90 percent on the substate distribution formula.

GOVERNOR'S 6-PERCENT SET-ASIDE

I propose to increase flexibility in the use of the Governor's 6-percent set-aside to enable States and SDA's to better utilize these funds in the manner Congress intended. First, I propose to permit Governors to use the funds for technical assistance for all SDA's, not only those that fail to meet the performance standards. This will enable Governors to provide technical assistance before SDA's fail to meet the standards rather than allowing it to happen first.

Also, I propose to exempt the incentive grants from the cost limitations as Labor Department regulations prescribe. These funds should be available to SDA's to carry out activities they would not normally be able to do under the restrictions of the cost limitations. Also, this gives greater meaning to the sense of reward that was the goal of the incentive grants.

COORDINATION

To improve coordination, I am proposing two amendments. First, my bill makes the eligibility criteria for the Governor's Older Worker Program the same as title V of the Older Americans Act, the Community Services Employment Program. The subcommittee received testimony from many witnesses in support of this change. Second, I am proposing to establish an experimental program to use SDA's as a recruitment and placement source for Job Corps centers, as well as exploring other linkages.

PRESIDENTIAL AWARD

Finally, my bill establishes a Presidential award to recognize effective and consistent participation of business representatives and companies.

The Subcommittee on Employment and Productivity will conduct hearings on this bill in March. Persons having questions about these amendments may contact Renee Coe at (202) 224-6306. Written inquiries may be sent to the Subcommittee on Employment and Productivity, SD428, Dirksen Senate Office Building, Washington, DC 20510.

I ask unanimous consent to have printed in the RECORD following my remarks a summary of the amendments, a summary of our oversight activity and findings, and the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Job Training Partnership Act Amendments of 1986".

PERFORMANCE STANDARDS

SEC. 2. (a) Section 106(b)(2) of the Job Training Partnership Act (hereafter in this Act referred to as the "Act") is amended by adding at the end thereof the following new sentence: "In carrying out the provisions of clause (A) of the preceding sentence, the Secretary shall issue youth competency standards not later than July 1, 1986, or prepare and submit to the Congress a report on why such standards have not been issued, together with such recommendations for such legislation as may be necessary.".

(b) Section 106(b)(3) of the Act is amended by adding at the end thereof the following new flush sentence: "In carrying out the provisions of this section, the Secretary shall prescribe performance standards measuring the long-term impact of program participation not later than July 1, 1986, or prepare and submit to the Congress a report on why such standards have not been issued, together with recommendations for such legislation as may be necessary.".

(c) Section 106(b) of the Act is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) The standards required by this section shall be adjusted to include factors recognizing that certain characteristics of program participants justify additional costs or lower performance.".

TRAINING PROGRAMS FOR OLDER INDIVIDUALS

SEC. 3. Section 124(d) of the Act is amended to read as follows:

"(d)(1) An individual shall be eligible to participate in the job training program under this section if the individual—

"(A) has attained 55 years of age, and

"(B) has a low income.

"(2) For the purpose of this subsection, low income includes any individual whose income is not more than 125 percent of the poverty guideline established by the Bureau of Labor Statistics.".

COST PROVISIONS

SEC. 4. Section 108(d) of the Act is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) The provisions of this section do not apply to the provision of incentive grants under section 202(b)(3).".

ENFORCEMENT PROCEDURES

SEC. 5. (a) Section 164(d) of the Act is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Whenever, as the result of financial and compliance audits or otherwise, the Governor determines that with respect to a service delivery area there is a substantial violation of provisions of this Act, including a violation of the requirement of section 203(b) and section 108, the Governor may suspend financial assistance, in whole or in part, with respect to that service delivery area after the private industry council is given prompt notice and an opportunity for a hearing.

"(B) Whenever the Governor of a State withholds funds pursuant to subparagraph (A) of this paragraph, the Governor shall reallocate amounts withheld among service delivery areas within the State in accordance with section 202(a) to service delivery areas not affected by the noncompliance.".

(b) The amendments made by subsection (a) of this section shall take effect October 1, 1986.

(c) Section 164 of the Act is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"(h)(1) Each private industry council may submit a request to the Governor of the appropriate State for a determination on disputed questions of law in the administration of funds received under this Act. The Governor of each State may, upon the receipt of such a request, determine the disputed questions submitted pursuant to this subsection or transmit the request to the Secretary for determination.

"(2) If, pursuant to paragraph (1), the Governor of a State makes a determination resolving the dispute submitted by the private industry council within the State, the State, and not the private industry council, will be responsible for any requirement to repay or take other action as a result of any audit required to be conducted pursuant to subsection (a) of this section based upon the issues submitted pursuant to paragraph (1) of this subsection.".

PRESIDENTIAL AWARDS FOR OUTSTANDING BUSINESS INVOLVEMENT IN JOB TRAINING PROGRAMS

SEC. 6. Part D of title I of the Act is amended by adding at the end thereof the following new section:

"PRESIDENTIAL AWARDS FOR OUTSTANDING BUSINESS INVOLVEMENT IN JOB TRAINING PROGRAMS

"SEC. 172. (a) The President is authorized to make Presidential awards for outstanding achievement by business in the job training partnership program authorized by this Act. The President is authorized to make such awards to individual executive officers who, and business concerns which, have demonstrated outstanding achievement in planning and administering job training partnership programs.

"(b)(1) Each year the President is authorized to make such awards under subsection (a) of this section as the President determines will carry out the objectives of this Act.

"(2) The President shall establish such selection procedures, after consultation with the Secretary and the Governors of the States, as may be necessary.".

WITHIN STATE ALLOCATION

SEC. 7. (a)(1) Section 202(a) of the Act is amended—

(A) by striking out "Of" in paragraph (1) and by inserting in lieu thereof the following: "Subject to the provisions of paragraph (3), of";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph:

"(3)(A) Each Governor may provide that any service delivery area within a State may receive more than the allocation for a fiscal year determined under this subsection for that fiscal year, but in no event more than 90 percent of the average amount which the service delivery area received for each fiscal year for the 3 fiscal years prior to the fiscal year for which the determination is made.

"(B) Each fiscal year in which a Governor revises the allocation pursuant to subparagraph (A) of this paragraph, the Governor shall reallocate the allocations among service delivery areas not affected by the adjustments made pursuant to subparagraph (A) of this paragraph.".

(2) For the purpose of determining the hold harmless for fiscal year 1987 under the amendment made by subsection (a), the Secretary of Labor shall recalculate the 9-month transition period described in section 161(c)(1) of the Job Training Partnership Act on a 12-month basis.

(b) The last sentence of section 202(b)(3)(B) of the Act is amended by striking out "which do not qualify for incentive grants under this subparagraph".

SERVICES TO YOUTH

SEC. 8. (a) Section 203(b)(1) of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of the preceding sentence, the term 'eligible youth' includes individuals who are 14 and 15 years of age.".

(b) The Secretary of Labor shall prepare and submit to the Congress a report on the implementation of the requirement of section 203(b) that 40 percent of the funds available for authorized services to disadvantaged youth and adults shall be expended to provide such services to eligible youth during the transition period described in section 181 and for the first 2-year planning period under the Job Training Partnership Act. The report required by this subsection shall be submitted to the Congress not later than 6 months after the date of enactment of this Act.

USES OF FUNDS

SEC. 9. (a) Section 204(27) of the Act is amended by inserting after "procedure" a comma and the following "and payments for youth incentive awards in recognition of attendance or other achievements during the period of training".

(b) Section 108(b)(2)(A)(iv) of the Act is amended by inserting "and incentive awards" after "payments".

SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS

SEC. 10. (a) Section 252 of the Act is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) Programs authorized by section 205(d)(3)(B) (without regard to the last sentence thereof) may be conducted under this part.".

(b) Section 253(a) of the Act is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following new paragraph:

"(2) Each program conducted under this part shall include an education component for youth who do not meet minimum education standards agreed to by the local educational agency and the private industry council.".

IDENTIFICATION OF DISLOCATED WORKERS

SEC. 11. (a) Section 302(a) of the Act is amended—

(1) by striking out "or" at the end of clause (2);

(2) by striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by inserting at the end thereof the following new clause:

(4) were self-employed and are unemployed as a result of general economic conditions in the community in which they reside or because of natural disasters subject to the next sentence. The Secretary shall establish categories of self-employed individuals and of economic conditions and natural disasters to which clause (4) of the preceding sentence applies.

(b) Section 302(d) of the Act is amended—

(1) by inserting "(1)" before the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) Whenever the State determines that it is practicable, the State is authorized, in carrying out the provisions of this title, to assist eligible individuals who are employed outside the State but are employed in a labor market area, part of which is located within the State.".

EXPERIMENTAL JOB CORPS PROGRAM

SEC. 12. Section 424 of the Act is amended by adding at the end thereof the following new subsection:

"(d) The Secretary shall establish experimental programs designed to improve the coordination between training programs authorized by this Act in service delivery areas and the Job Corps program authorized by this part. Experimental programs established pursuant to this subsection shall be designed to test the feasibility of—

"(1) the possibility of using training programs authorized by part A of title II as mechanisms for the recruitment of, and placement for, enrollees of the Job Corps; and

"(2) referral of enrollees of the Job Corps and participants in other training programs assisted by this Act between the Job Corps and the other training programs.".

TECHNICAL CLARIFICATION OF DEFINITION

SEC. 13. Section 4(8) of the Act is amended by adding at the end thereof the following new sentence: "In carrying out the provisions of this paragraph, the term 'family' does not include a youth who has attained 18 years of age, who has been self-supporting for at least a year prior to the determination made under this subparagraph, and who, during the period of such determination, is residing with the family of the individual.".

SUMMARY OF AMENDMENTS

PERFORMANCE STANDARDS

Sec. 2(a)—Require the Secretary to issue youth competency standards by July 1, 1986 or the Secretary shall report to the Congress with proposals for legislative changes, if necessary.

Sec. 2(b).—Require the Secretary to establish performance standards measuring the long term impact of participation by July 1, 1986 or report to Congress with recommendations for legislative changes, if necessary.

Sec. 2(c).—Require the Secretary to adjust the performance standards to recognize that certain characteristics of program participation justify additional costs or lower performance.

TRAINING PROGRAMS FOR OLDER INDIVIDUALS

Sec. 3.—Make the eligibility criteria the same as Title V of the Older Americans Act.

COST PROVISIONS

Sec. 4.—The cost limitations should not apply to the incentive grants under the six percent setaside.

ENFORCEMENT PROCEDURES

Sec. 5 (a) and (b).—Enforce the 40 percent requirement for services to youth and other program requirements by withholding funds from future grants. Funds withheld by the State from SDAs that do not meet these requirements must be reallocated among SDAs that are in compliance. Effective July 1, 1986.

Sec. 5(c).—Establish a procedure by which SDAs and States may request a ruling from the Secretary on disputed questions of law, good faith reliance on which shall be a defense in Labor Department and State audit proceedings.

Governors shall have a period of time in which to make a decision or forward the question on to the Secretary with comments or recommendations. If the Governor decides the issue, then he accepts the liability in future audit proceedings.

PRESIDENTIAL AWARD

Sec. 6.—Establish a Presidential award to recognize the effective and consistent local business involvement.

WITHIN STATE ALLOCATION

Sec. 7(a).—Permit governors to use up to a 90% hold harmless on SDA II-A allocations, based on the average allocation for the 3 preceding program years. For FY87, the allocation for the initial 9 month transition period will be annualized.

Sec. 7(b).—Permit the balance of funds not used for incentive grants under the six percent setaside to be used for training and technical assistance for all SDAs, not only those which failed to meet performance standards.

FORTY PERCENT REQUIREMENT

Sec. 8(a).—Include services to 14 and 15 year olds in calculating an SDAs compliance with the requirement that 40 percent of funds must be spent on youth.

Sec. 8(b).—Require the Department of Labor to report to Congress on implementation of the 40 percent requirement during the transition period and first two year planning period.

USES OF FUNDS

Sec. 9.—Authorize payments for youth incentive awards to recognize attendance or other achievements during training program. Charge to 30 percent cost limitation in section 108.

SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS

Sec. 10(a).—Permit subsidized private sector employment in the summer program in accordance with try out employment provisions in Section 205(d)(3)(B) but waive the requirement that employers must hire the youth.

Sec. 10(b).—Require SDAs to provide an education component in the Summer Youth Program for youth who do not meet locally prescribed education standards agreed to by the private industry council and local education agency.

IDENTIFICATION OF DISLOCATED WORKERS

Sec. 11(a).—Eligibility shall include groups who were self employed and are unemployed as result of general economic conditions or natural disasters, as designated by the Secretary and identified by Governors.

Sec. 11(b).—Permit administrative entities to serve out-of-state members of a dislocated worker group.

EXPERIMENTAL JOB CORPS PROGRAM

Sec. 12.—Establish experimental programs which use SDAs as a recruitment and placement source, as well as exploring other possible linkages.

TECHNICAL CLARIFICATION OF DEFINITION

Sec. 13.—Definition of family shall not include youth 18 and over who have been self-supporting for at least one year, but who, during a period of unemployment, have taken up residence with family members, due to lack of income and are economically disadvantaged.

SUMMARY OF OVERSIGHT ACTIVITIES

After guiding JTPA to enactment in October of 1982, the Subcommittee on Employment and Productivity, which I chair, conducted oversight on the implementation of this new job training program. This oversight covered the program during its transition period, October 1983 to June 1984, and the first two year planning period which will end this June. I am pleased to be able to report that the results of this oversight and other studies indicate that the program is firmly established and that there is strong support for the partnership and the training emphasis.

OVERSIGHT: 1984

In 1984, staff from both houses conducted five regional hearings that were held in Washington, Tennessee, Ohio, Maine, and Mississippi. These hearings were done on a bipartisan basis.

There were three primary findings: 1) There was strong support for the partnership concept. 2) Many of the concerns that arose during the nine month transition phase were resolved over time. However, some programmatic concerns were becoming apparent. 3) Although technically the transition phase was over, in reality it was still proceeding as the full impact of the new public policy direction in JTPA was realized and institutional adjustments were completed.

OVERSIGHT: 1985

In 1985, marking the one year anniversary of JTPA, I conducted a case study of JTPA operations in my home state of Indiana. Unemployment statistics document the tremendous need for JTPA in Indiana. Monthly unemployment rates in Indiana have exceeded national unemployment rates regularly since 1979. October 1985 was the first estimating period that the seasonally adjusted state and national unemployment rates matched since March of 1979.

Indiana's retraining needs are exacerbated by the fact that recent structural changes in the economy have crippled the auto and steel industries, which form the backbone of Indiana's manufacturing sector. Plant closings and permanent mass layoffs still occur regularly.

I conducted six hearings in Indiana: in Indianapolis and Evansville on July 1; in South Bend and Gary on July 2; and in Lafayette and Fort Wayne on August 7.

In addition to these six formal oversight hearings, staff held five discussion forums in conjunction with onsite visits in other parts of Indiana: Kokomo on April 2, in Columbus on June 5, in Salem on August 21, in Marion on August 22, and in Muncie on August 26.

As with the regional hearings, the individuals who took part in these oversight sessions represented the broad range of perspectives involved in setting JTPA policy and in program operations at the Federal, State, and local levels. Many of the participants are members of private industry councils. All of Indiana's 17 service delivery areas were represented.

Participants included the Secretary of Labor, William E. Brock III, Indiana Gov. Robert D. Orr and Lt. Gov. John Mutz. Other witnesses included chairs and former chairs of private industry councils, local elected officials, business representatives of private industry councils and dislocated worker programs.

The Subcommittee also heard from representatives of the following groups: chambers of commerce and economic development, labor, education, the handicapped and vocational rehabilitation, minorities, youth, women, senior citizens, veterans, employment security and the Bureau of Apprenticeship and Training, employees of trainees, trainees, program administrators and service providers, including community based organizations.

The Subcommittee's major finding is that JTPA has been effective in assisting Indiana's unemployed find jobs in the private sector. The new service delivery system is firmly established and well positioned to address the training needs of the structurally unemployed.

Performance standards for Indiana indicate that, for the first three quarters of program year 1984 (July 1984 to March 1985) 80 percent of adults and 70 percent of youth who completed JTPA found jobs. Comparable national figures show that 70 percent of adults and 62 percent of youth who terminated from the program were placed in jobs. This compares favorably with CETA which, nationally, had a placement rate of 30 percent in the basic program, title II-B, and 35 percent overall.

JTPA, through the local public-private partnership and the private industry council with its business majority and community-wide participation, is serving as a forum for the development of local solutions to eliminate unemployment in conjunction with economic development.

The comments of many witnesses were echoed by one chief local elected official:

"I think it [JTPA] gives an opportunity for both sides to develop strategies to accomplish the goals of the Act, but also to perhaps get a little more creative and . . . develop our own economic development strategies at the local level."

To briefly summarize, testimony received by the Subcommittee indicated strong support for JTPA. In particular, there is a great deal of enthusiasm for business involvement through the local public-private partnership. There is a strong concensus that, with the possible exception of a few minor changes to achieve some technical fine tuning to enhance the flexibility of SDAs in meeting the goals of the Act, amendments to JTPA are not necessary and should be avoided. Witnesses indicated that, with more leadership from the U.S. Department of Labor, many of the concerns that were raised could be resolved administratively, at the State and local levels.

Testimony indicated that the increased autonomy and flexibility accompanying JTPA's decentralized approach is essential to the continued involvement of the private sector. As a result, concerns raised about the program tended to focus on how to further enhance the autonomy and flexibility of the SDAs and the private industry councils.●

By Mr. HUMPHREY (for himself and Mr. BOSCHWITZ):

S.J. Res. 272. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1986, as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces; to the Committee on the Judiciary.

DESIGNATION OF AFGHANISTAN DAY

Mr. HUMPHREY. Mr. President, today I am introducing a joint resolution that calls upon the President to issue a proclamation designating March 21, 1986, as Afghanistan Day in the United States. This resolution makes note of the fact that 6 years have passed since the Soviet Union brutally invaded the innocent nation of Afghanistan. This invasion undermines both the spirit and intent of the declaration of principles of the final act of the Conference on Security and Cooperation in Europe, which the Soviet Union signed at Helsinki in 1975.

Now in its 7th year, the war has forced at least 4 million Afghans to flee for refuge in neighboring countries and throughout the world. Vast areas of settled fields and pastures have been reduced to absolute desolation by the Soviet tactics. Farmers returning to their villages after having fled Afghanistan to escape the frequent carpet bombings, often cannot even find a trace of their former homes and fields.

Despite international condemnation for their murderous policies in Afghanistan, the Soviets have pursued a "business as usual" approach which includes the use of chemical weapons against civilian populations, dropping toy bombs manufactured specifically to maim children, burning families alive, and kidnaping children. These extreme human rights violations were recognized by the United Nations General Assembly with the passage of an unprecedented resolution on December 13, 1985. That resolution endorsed the report of the special rapporteur on the condition of human rights in Afghanistan. This report is the first United Nations document to ever openly condemn the Soviet Union for its human rights record.

It is clear from reviewing this report that the Soviet Union is perpetrating nothing less than genocide against the innocent Afghan people. Despite these ruthless Soviet tactics, the Afghan people continue to resist the imposition of an alien and atheistic ideology on their society. The valiant struggle of the Afghan people for the independence of their nation is a source of inspiration to all of us who recognize the value of freedom. As a nation we must never forget that the freedom we enjoy daily, is being combated in a brutal fashion in other parts of the world. The people of Afghanistan have endured tremendous suffering over the past 6 years. They have lost their homes, their villages, their land, their health, and in many cases their lives. However, they have not lost their determination to oppose the tremendous forces of evil, in order to secure their own independence and freedom.

On March 21, 1986, we must take time to remember the heroic struggle of the Afghan people. This resolution sends a message to the Afghan people that they have not been forgotten. I urge the full Senate to join this message of support to the people of Afghanistan.

I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 272

Whereas Afghanistan, more than six years after the Soviet invasion, remains a nation occupied and terrorized by over one hundred eighteen thousand Soviet troops;

Whereas the continued Soviet occupation of Afghanistan is causing enormous suffering among the people of Afghanistan, as well as the deprivation of their basic right of national sovereignty;

Whereas between one-quarter and one-third of Afghanistan's pre-war population has been driven into exile, killed, wounded, or internally displaced;

Whereas the Soviet invasion of Afghanistan undermines the spirit and intention of the Declaration of Principles of the Final Act of the Conference on Security and Cooperation in Europe, which the Union of Soviet Socialist Republics signed at Helsinki in 1975;

Whereas the puppet regime of Babrak Karmal, installed and maintained by the Union of Soviet Socialist Republics, has denied the people of Afghanistan their rights to self-determination, in violation of the United Nations Charter;

Whereas the United Nations General Assembly has passed seven resolutions calling for "the immediate withdrawal of the foreign troops from Afghanistan";

Whereas on December 13, 1985, the United Nations General Assembly passed an unprecedented resolution on human rights in Afghanistan endorsing the U.N. Special Rapporteur's report demonstrating "gross, massive, and increasing human rights violations in Afghanistan;"

Whereas the undaunted resistance of the Afghan freedom fighters against the Soviet occupational forces is an inspiration to the free world;

Whereas the people of Afghanistan observe March 21 as the start of each new year and as a symbol of the nation's rebirth: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating March 21, 1986, as Afghanistan Day, and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

By Mr. DOLE for Mr. HATCH (for himself, Mr. WEICKER, Mr. KENNEDY, Mr. KERRY, Mr. NICKLES, Mr. DOLE, Mr. NUNN, Mr. CHAFEE, Mr. CHILES, Mr. LAUTENBERG, Mr. HOLLINGS, Mr. DURENBERGER, and Mr. GRASSLEY).

S.J. Res. 273. Joint resolution to designate the week of March 9, 1986 through March 15, 1986, as "National Developmental Disabilities Awareness Week"; to the Committee on the Judiciary.

NATIONAL DEVELOPMENTAL DISABILITIES AWARENESS WEEK

● Mr. HATCH. Mr. President, today I am introducing a joint resolution calling for the recognition of March 9-15, 1986, as "National Developmental Disabilities Awareness Week." I am joined by 12 other Senators including both the chairman and the ranking minority member of the Subcommittee on the Handicapped.

Developmental disabilities affect nearly 4 million children and adults in the United States. These disabilities result in lifelong substantial limitations of major activities such as self-care, mobility, self direction, and the capacity for independent living and economic self-sufficiency. Developmental disabilities are attributed to chronic mental and/or physical impairments manifested before the age of 22.

Persons with developmental disabilities require a combination and sequence of special interdisciplinary or

generic services and treatment for their entire life. Due to the severity of their handicaps, developmentally disabled people need to have individually planned and coordinated services.

We are introducing this resolution in order to educate the general public about the potential and special needs of persons with developmental disabilities. In addition, professional personnel, parents, and concerned citizens deserve to be recognized for their contribution in serving this special population. It is our hope that commemoration of a "National Developmental Disabilities Awareness Week" will serve as a vehicle to achieve both goals.●

ADDITIONAL COSPONSORS

S. 837

At the request of Mr. GLENN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 837, a bill to amend the Social Security Act to protect beneficiaries under the health care programs of that act from unfit health care practitioners, and otherwise to improve the antifraud provisions of that act.

S. 1005

At the request of Mr. NICKLES, the name of the Senator from Virginia [Mr. TRIBLE] was added as a cosponsor of S. 1005, a bill to amend the Davis-Bacon Act to modify the provisions of such act prescribing the minimum wages to be paid laborers, mechanics, and helpers employed on public construction projects, and for other purposes.

S. 1107

At the request of Mr. NUNN, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 1107, a bill to authorize the Society of the Third Infantry Division to erect a memorial in the District of Columbia or its environs.

S. 1429

At the request of Mr. SPECTER, the name of the Senator from Alabama [Mr. DENTON] was added as a cosponsor of S. 1429, a bill to amend title 18, United States Code to authorize prosecution of terrorists who attack United States nationals abroad, and for other purposes.

S. 1848

At the request of Mr. HATCH, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 1848, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish conditions for the export of drugs.

S. 1874

At the request of Mr. WEICKER, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 1874, a bill to authorize quality educational programs for deaf individuals, to foster improved educational programs for deaf individuals throughout the United States, to reenact and codify certain provisions of law relating to the education of the deaf, and for other purposes.

S. 2044

At the request of Mr. THURMOND, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 2044, a bill to amend chapters 37 and 123 of title 28 of the United States Code, and chapter 301 of title 18 of the United States Code.

SENATE JOINT RESOLUTION 259

At the request of Mr. DIXON, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of Senate Joint Resolution 259, a joint resolution designating February 16, 1986, as "Lithuanian Independence Day."

SENATE JOINT RESOLUTION 266

At the request of Mr. DENTON, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Nevada [Mr. LAXALT], the Senator from Idaho [Mr. MCCLURE], the Senator from New York [Mr. MOYNIHAN], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Joint Resolution 266, a joint resolution to authorize and request the President to designate the month of June 1986 as "Youth Suicide Prevention Month."

SENATE RESOLUTION 28

At the request of Mr. MATHIAS, the names of the Senator from Washington [Mr. GORTON], the Senator from South Carolina [Mr. THURMOND], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Resolution 28, a resolution to improve Senate procedures.

SENATE RESOLUTION 330

At the request of Mr. DENTON, the name of the Senator from Connecticut [Mr. WEICKER] was added as a cosponsor of Senate Resolution 330, a resolution establishing a Special Committee on Families, Youth, and Children.

NOTICE OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry has scheduled hearings to receive testimony on the reauthorization of the Commodity Futures Trading Commission.

The hearings will be held in room 328-A Russell Senate Office Building on February 19 and 20, 1986, beginning at 10 a.m. For further information, please contact the committee staff at 224-2035.

ADDITIONAL STATEMENTS

BOY SCOUT ANNIVERSARY

● Mr. SYMMS. Mr. President, a year ago the Senate and House of Representatives of the United States of America joined together in commemorating the Diamond Jubilee anniversary of the incorporation of the Boy Scouts of America. In this year of pressing national concerns, I wish to remind my distinguished colleagues of the invaluable service rendered by the Boy Scouts of America since its establishment early in this century.

Since its inception, this organization has promoted ideals basic to the social fabric of this great Nation. Many millions of Americans have directly benefited from the character-building activities of the Boy Scouts. Our youth learn invaluable principles of leadership and cooperation through planning and carrying out innumerable community service projects. They gain a healthy appreciation for the unique beauty of America's vast wilderness areas and learn that it must be carefully utilized for the benefit of all Americans. Through its sponsorship organization in our communities and its reliance on volunteer adult leaders, the Scouting Program establishes important links between generations. The traditional moral and ethical values long taught in our homes are reinforced in an active environment outside the home. Our youth learn to live a balanced lifestyle which includes sports and recreation, the development of specific skills, an appreciation for history, ethical conduct, and service to others without expectation of reward.

Idaho provides innumerable scenic sites for the camping and hiking activities promoted by the Scouting Program. The out-of-doors environment is a superb setting for making friends and having experiences that endure throughout life. The citizens of Idaho have long been tremendous supporters of scouting. We recognize its ability to strengthen the religious, family, and civil life of our communities.

I stand here today on behalf of the citizens of Idaho to commend the Boy Scouts of America for, and encourage them to continue, their great service to the people of America.●

U.N. UNDER SECRETARY GENERAL BRIAN URQUHART

● Mr. MOYNIHAN. Mr. President, much has been said this past year about the 40th anniversary of the founding of the United Nations. That body's history and its future, its setbacks and its accomplishments were widely reviewed. Little was said, however, about the people charged with

the immense responsibility of running the United Nations.

I should like to call the Senate's attention today to one of those people. One of the great leaders of the United Nations, Under Secretary General Brian Urquhart, will soon retire. I came to know Brian during the time I was U.S. Permanent Representative to the United Nations in 1975-76. He has served that organization with rare ability and distinction for what is now 41 years.

Mr. President, an editorial in the New York Times on January 28 calls the Under Secretary General "A Soldier of Peace." I commend that article to the attention of the Senate, and ask that it be printed in the RECORD.

The article follows:

[From the New York Times, Jan. 28, 1986]

A SOLDIER OF PEACE

Peacekeepers rarely match warmakers in renown, even at the United Nations. But one who has run an exceptionally strong race is Brian Urquhart, the Under Secretary General who managed 13 peacekeeping operations for the world organization and is now retiring. Fortunately, he'll be within easy reach a few blocks away, at the Ford Foundation.

Mr. Urquhart still wore a British major's uniform when he joined the newborn U.N. 41 years ago. But he was soon helping to build a novel army: a multinational force determined to remain entirely neutral in preventing war among its sovereign masters. Peacekeeping—and Mr. Urquhart—almost came to grief in the Congo, where the Soviet Union thought the U.N. was serving mainly Western interests and Mr. Urquhart was almost done in by Katangese troops. But he persevered in a dangerous calling, with unfailing good humor.

Over the years, Mr. Urquhart's soldiers have saved lives and monitored cease-fires in the Middle East, Cyprus and southern Africa. And from the experience, Mr. Urquhart evolved a succinct philosophy of peacekeeping in the current age:

"Don't dive into an empty pool. This may create a temporary sensation but will leave you stunned and incapable of further action. You must establish in advance at least the minimal conditions required for productive work.

"Don't rely too much on reason. Sometimes an appeal to fear, prejudice or vanity is more effective.

"Don't ask people you are dealing with to commit suicide. To provide a graceful way out of a difficult situation should be the aim.

"Don't claim credit for any success you may get. People in trouble need credit much more than you do.

"Don't paint people into a corner. This makes them dangerous, paranoid and obstinate."

In the same plain-spoken spirit, Mr. Urquhart persists in believing that the Soviet Union and the United States may yet find it in their interest to join in peacekeeping operations that can contain local conflicts. As Mr. Urquhart asks in reflecting upon his life's service, "Why should not the lion sometimes lie down with the lion, instead of terrifying all the lambs by their mutual hostility?"

Perhaps as a Ford scholar-in-residence, Mr. Urquhart will discern the way.●

IMPORT FEE ON IMPORTED OIL

● Mr. BOREN. Mr. President, the other day when I addressed the Senate on the continued need for an import fee on imported oil, I submitted several articles to be included in the RECORD. Unfortunately, the article from Business Week concerning the impact of the falling price of oil on my hometown of Seminole, OK, was not printed in the RECORD. I would like to resubmit this article to be included in the RECORD.

Additionally, Mr. President, I would like to add that the import fee is not a simple mechanism. We must be careful to consider the impact of our actions on others. I have been made aware of the potential impact on some of our trading partners. I ask to include in the RECORD a speech delivered by Mr. Carlos Vogeler Rincones, Director, Petroleos De Venezuela, S.A., at the 1985 Governor's Engery Conference in Oklahoma City, OK. Although I think Mr. Rincones attitude may have changed since the floor has fallen out of oil prices, I still can understand their concerns. My first priority has always been to insure stability in our domestic energy industry. However, we must not forget the long-term ramifications of our actions.

The material follows:

[From Business Week, Feb. 10, 1986]

TEXAS HAS A BIG HEADACHE, BUT OKLAHOMA HURTS ALL OVER

(By Todd Mason)

Oklahoma oilman Mike Kahn had barely settled at his table in the Gusher Inn in Seminole when Fred Gipson called to him across the restaurant: "You lost your bet yesterday." In December Kahn had bet Gipson $100 that crude-oil prices wouldn't drop below $24 a bbl. During 1986. Kahn listened glumly on that last Saturday in January as Gipson told him that the local crude, Oklahoma Sweet, had dipped to $23.40. "Can't pay you," Kahn shot back. "The price of oil's too low."

The fortunes of the Southwest's energy-producing states are fading as fast as they blossomed in the 1970s. Texas figures it loses $100 million in production taxes and $8 billion in gross state product for each dollar decline in crude-oil prices. Louisiana and Kansas face similar predicaments. But nowhere is the situation more dire than in Oklahoma.

FIT THE SHOE

The average oil well in Oklahome produces just 4½ bbl. a day vs. a national average of 14 bbl. The state's oil industry is dominated by small, independent producers who have no choice but to abandon marginal wells if prices drop too far. This could be disastrous for independents like me, frets Seminole oilman Melvin R. Moran. Gallows humor is common. Jokes Steven M. Cantrell of Ada: "There is some good news. I have a one-story office building. It isn't far to the ground."

The state government, which relies on energy taxes for about 25% of its annual revenues, is already reeling. Even before the latest price declines, Oklahoma legislators were faced with cutting state spending by 9%, or $200 million, to meet their constitutional obligation to balance the budget. If local crude prices fall below $23, the state will have to look for another $50 million to cut from its $2.5 billion budget. That won't be easy. Public and higher education command fully 70% of state discretionary spending. "There is no way to make the foot fit the shoe," sighs Governor George Nigh.

Although state senators promptly appealed to Congress to impose a $5 oil-import tax to protect domestic producers, no one expects much sympathy from Washington. Meanwhile, the state capitol is awash in proposals for economic recovery programs. The lawmakers also want to waive production taxes temporarily to encourage new drilling.

Much of the Oklahoma energy industry's travail can be traced to the gold-rush frenzy that gripped the state in the boom years of 1979 to 1982. When crude prices skyrocked, independents swarmed into old oil fields to drill "stripper" wells. In Enid, where it's difficult not to find oil in modest amounts, independent Lew O. Ward remembers when unemployment sank below 2% in 1981 and families camped out in city parks. Ward now figures that 20% of the state's 80,000 strippers will be plugged if contract prices for oil slip to $20. Landowners would be among the victims. "We have farmers hanging by the skin of their teeth."

During the price runup, Seminole, just 50 mi. east of Oklahoma City, exploded in a boom reminiscent of 1927 when it was the home of the world's largest oil field. Independent Larry Johnson remembers paying $700,000 each for new drilling rigs when oilfield equipment was almost impossible to find. After the collapse in 1982, he sold them for as little as $60,000. Some of Seminole's 10,000 residents lost millions of dollars on worthless drilling investments. One local promoter was even sent to prison.

Kahn, the unlucky better, got stuck himself. Just months after he bought an oilfield supply company, borrowing heavily to do so, he was writing off millions of dollars in bad debts and overvalued inventories. Even so, he is far from bitter. After slipping out of paying his bet at the Gusher Inn, he offered to reverse his deal with fellow oilman Moran—who sold him the supply company—with "no hard feelings." Moran, along with the other regulars, just laughed. Inn manager Patti Gipson interjected: "They say it's a great time to get into the business because equipment is so cheap. But they don't say what you should do if you've been in the business for years." None of the oilmen in the Seminole restaurant said a word. To them, the answer is painfully obvious: You just try to hang on.

SPEECH BY CARLOS VOGELER RINCONES, DIRECTOR, PETROLEOS DE VENEZUELA, S.A., AT THE OKLAHOMA GOVERNOR'S 1985 ENERGY CONFERENCE, OKLAHOMA CITY, OKLAHOMA, OCTOBER 22, 1985

Governor Nigh, distinguished guests, it is indeed a pleasure to be here today and it is a distinct honor to have been invited to address the Governor's 1985 Energy Conference.

The United States and Venezuela are united by many factors. Geographically, we form part of the same hemisphere, and our proximity to one another permits and encourages exchanges of goods, people and ideas. Historically, the revolution which culminated in the independence and the creation of the United States influenced the emancipation movements of Latin America

in the early years of the last century. Our intellectual, political, and military leaders were inspired and guided by your declaration of independence. Politically, our two countries share the principles of representative democracy including the freedom of and respect for the individual. Furthermore, there is a striking similarity in the structure and operation of our governmental institutions.

With respect to commercial and economic factors, two indices offer eloquent proof of the interdependence of our two countries. Historically, more than 40 percent of our exports, comprised almost exclusively of petroleum, have been sent to United States markets and about 45 percent of imports to Venezuela are provided by American companies. United States investment accounts for 57 percent of all foreign investment in Venezuela making the United States by far the largest single investor in the country. Furthermore, the management and operation of the business sectors of our country have been and continue to be very similar to the North American private sector.

The Venezuelan-United States relationship, however, rests on much more than an economic or commercial foundation. We share the same objectives and priorities of fostering and strengthening democratic institutions in Latin America and cooperating in the defense and security of this region of the world. Venezuela has worked toward and supported the goals of nuclear non-proliferation, conventional arms restraint, anti-terrorism, the eradication of international drug trafficking and the promotion of hemispheric economic development. All of these factors have led to a genuine understanding, friendship, cooperation, and mutual respect between our two countries. In sum, we are not only neighbors but also long-time allies and friends.

I wish to speak to you today about Venezuela's oil industry and its desire to continue to be a strong and stable source of crude oil and finished products for the United States. I would like to emphasize the willingness of our country's oil industry to seek oil, to produce oil, and to sell oil on the world markets. We are well aware that the United States has a rich and glorious history with respect to its oil industry and I know *you*, more than most, can appreciate the pride we have in our oil industry.

Venezuela is one of the oldest and most important of the world's crude oil and petroleum product producers. Today, we are the world's seventh largest oil producer and an important petroleum product exporter.

For over 60 years we have been a stable and reliable supplier of oil to the United States. The warm relationship Venezuela has had with the United States and the close physical proximity of our two countries have fortunately fostered a healthy growth of petroleum trade between our countries. I need not remind you that Venezuelan oil is just five days from New York and three and one half days from the Gulf Coast.

Our country was a key supplier of oil to the United States during World War II. The Korean War, and the Vietnam War. We not only continued to supply the United States during the Arab Oil Embargo of 1973-74, but increased its production and oil shipments to the United States during this crisis.

For many years, Venezuela has also been a reliable and stable petroleum product supplier to the United States. Until recently, we supplied 70 percent of United States residual fuel oil needs, mainly for the East Coast. It should be noted that total gasoline imports represented only five percent of the entire United States gasoline consumption. And Venezuela's share was less than one percent of this amount. Needless to say, Venezuela wishes to continue to be a significant petroleum supplier to the United States.

At this point, it may be of interest to give you a few facts relating to the structure of our petroleum industry in Venezuela today. I will then comment on the oil resources of Venezuela and the potentialities of our oil industry. In my concluding remarks, I would like to mention certain current issues of concern to our industry and our country.

Since nationalization in 1976, a cabinet-level department, the Ministry of Energy and Mines formulates and sets policy to assure that the nation receives maximum benefits from its oil resources. Reporting to the Ministry is Petroleos de Venezuela, S.A., ("PDVSA" as we call it), a governmental holding company which is in charge of financial administration, planning, overall supervision, guidance, and control of the affiliated operating companies. The four petroleum operating companies—Corpoven, Lagoven, Maraven, and Meneven—are fully—integrated companies engaged in all aspects of the oil business: exploration, development, production, refining, distribution, transportation, and marketing both inside Venezuela and internationally. These companies compete against each other with regards to productivity, cost effectiveness and, in general, in the achievement of corporate objectives. Each operates with the same purpose as a fully-integrated oil company in the United States does—that is to make a profit. The Venezuelan oil industry is entirely self-financing and to date it has not needed to borrow money in either the national or international markets.

As you are well aware, world proven oil reserves total approximately 720 billion barrels, an amount which is estimated to last for just 36 years at present world production levels, and the United States Geological Survey has estimated that there is a high probability of discovering an additional 550 billion barrels in the future, the total of which would last for about 64 years at present world production levels. Venezuela's proven reserves are approximately 28 billion barrels or about four percent of the world's present total, a figure that is very similar to the level of reserves of the United States.

On the other hand, it may be of interest to comment that Venezuela's *total* proven and estimated reserves considered to be economically recoverable today under existing technology are, however, far greater. If we add to the 28 billion barrels of proven reserves an estimated additional 33 billion barrels of crude oil through expected new discoveries of light and medium crudes and the application of advanced recovery techniques and approximately 267 billion barrels of recoverable reserves of heavy and extra-heavy crude oil located in the Orinoco Oil Belt which is known to possess 1.2 trillion barrels of oil in place, we arrive at a grand total of estimated reserves for Venezuela of 320 billion barrels, which certainly qualifies our country as having one of the largest repositories of oil in the world.

Venezuela's production capacity is currently 2.6 million b/d, of which approximately one-third is now shut-in. However, it can be made available in a matter of months. It is of interest to note that our oil industry has committed itself to maintaining its production capacity at no less than 2.6 million b/d to be able to respond quickly and efficiently to any change in market conditions.

Venezuela also has a sophisticated and advanced refining capability, which totals 1,244,000 barrels per calendar day. Over the last few years, we have completed extensive upgrading at three of our refineries at a cost of more than $1.7 billion. This upgrading was necessary in order to adequately meet our domestic demand, which was growing at an unacceptable 12-13 percent annual rate. As a result of the upgrading, the overall product slate previously was: 20 percent naphthas and gasoline; 19 percent distillates, and 58 percent residual fuel oil. Now, the slate is on the order of: 34 percent naphthas and gasoline, 31 percent distillates, and 28 percent residual fuel oil.

Venezuela's oil industry—both its crude oil and petroleum product components—are absolutely essential to the economic health of Venezuela. Oil sales account for over 90 percent of our export earnings, approximately 60 percent of government revenues, and close to 25 percent of the our gross domestic product. Over 40 percent of Venezuela's petroleum revenues is derived from sales to the United States.

The Venezuelan oil industry's policy has always been to engage in long-term, stable relationships in its commercial dealings. We do not involve ourselves in the spot market and we are not speculators. Instead, we sell our crude oil and petroleum products through long-term contracts with our customers.

Obviously the United States is for primordial importance to Venezuela; what may not be so obvious is the importance of Venezuela to the United States in ways other than simply as a supplier of oil. However, it should be noted that Venezuela is a major market for the United States, since your country is by far Venezuela's largest foreign supplier. As already stated approximately 45 percent of Venezuela's total imports come from the United States and over the last 10 years, Venezuela has purchased close to $40 billion worth of goods and products, including a significant amount of agricultural imports from the United States. Currently, Venezuela is the 16th largest foreign market for the United States; of the Latin American countries, Venezuela ranks second to Mexico, as the United States' largest market.

Clearly, there are profound political, social, philosophical, and commercial ties between our countries. Therefore, we believe it is essential that free and fair trade between us be maintained. Any action that makes it more difficult for us to sell our products in the United States and for you to sell yours in Venezuela would be extremely harmful. Our economy is particularly vulnerable at this time because we are only now emerging from an economic slump that began in the early 80s. It has experienced little or no growth since 1979. Recovery is forecasted over the next few years, but hopefully this will depend heavily on a strong oil export market.

We are aware that protectionism is an issue being vigorously debated in the United States today and are particularly concerned with the so-called natural resource subsidy bill which is being considered by your Congress. As a general proposition, this legislation could lead to the imposition of additional duties on a large number of United States imports which would not otherwise be subject to such duties under existing law.

Additional duties could be imposed on imports of Venezuelan refined petroleum products should it be inferred that crude oil was being made available to Venezuelan refineries at a cost lower than the prevailing world market price for crude oil.

We believe that such legislation would seriously affect all internationally-agreed upon definitions of *subsidies* and destroy the well-established international trade principle of *comparative advantage.*

Subsidies are considered harmful under international trade law because they undermine the system of comparative advantage by distorting the allocation of resources in a particular economy. Venezuela's ability to compete in the world market for petroleum products exists not because a subsidy is required for our refineries, but because of the decided advantage which results from our plentiful supply of a natural resource, such as crude oil. We sell our petroleum products—as would any international oil company—in order to make a profit. Our product pricing policies have always been—and continue to be—determined solely by the market. Yet, this natural resource subsidy legislation, if enacted, could seriously injure our petroleum industry and our country.

Naturally, we are also greatly concerned with efforts in the United States to impose fees on the importation of crude oil and petroleum products. Oil import fees have been discussed both as a protectionist measure and as a means of raising revenue. There have been several proposals. These include a $10.00 per barrel fee on both imported crude oil and petroleum products; a $5.00 fee on crude oil and a $10.00 fee on products; a fee based on the degree of import penetration whereby under current levels of imports the fee would be $6.00 on crude and $12.00 on products; and a greatly increased fee placed solely on gasoline and blend stocks.

The United States obviously must and will do what it perceives to be in its best interest. But from a purely Venezuelan perspective, it is my duty to express our deep concern that oil import fees would severely harm our economy. They would reduce our exports to the United States and drastically diminish our oil revenues. This type of fee structure would effectively and drastically foreclose any Venezuelan petroleum product exports to the United States and, naturally, Venezuela's ability to service its foreign debt of approximately $34 billion would be severely undermined, inasmuch as approximately one-third of this debt is held by United States banks. Venezuela's imports from the United States would be reduced, and North American investment in Venezuela would obviously suffer along with the general economy. As a result, a serious drop in oil revenues could lead to social and political instability in our country.

In closing, I wish to emphasize that historically the interests of the United States and Venezuela have been inextricably intertwined to the benefit of both our countries. In your deliberations over new policies or programs that affect oil generally, or imports specifically, I respectively urge you to assess carefully and fully the potential consequences for both our countries as we sincerely wish to remain a trusted and reliable ally and a dependable trading partner of the United States.

Thank you.●

ALVA MYRDAL

● Mr. MOYNIHAN. Mr. President, the Senate will be saddened to learn that Alva Myrdal, the Swedish diplomat, cabinet minister, and Nobel laureate, died this past Saturday in Stockholm, Sweden. She was 84 years old.

Mrs. Myrdal was known for her keen mind, her tremendous energy, and especially for the sincerity and deep commitment she applied to her work. Having common interests, and, in some measure, common backgrounds—we both, though at different times, served our countries at the United Nations and as Ambassadors to India—Alva Myrdal has been a source of considerable inspiration to this Senator. I was privileged, in 1967, to write the foreword to the paperback edition of her definitive work on democratic and family policy. "Nation and Family."

Mr. President, Alva Myrdal's life, as many will record, was spent in pursuit of the noblest of causes. The New York Times of February 3 carried her obituary. It describes her many accomplishments and the honors accorded her in recognition of those accomplishments. I commend the article to the attention of the Senate, and ask that, as a part of the tribute I mean to pay her today, the article be printed in the RECORD.

The article follows:

[From the New York Times, Feb. 3, 1986]

ALVA MYRDAL, NOBEL WINNER, DIES IN SWEDEN AT 84

(By Eric Pace)

Alva Myrdal, the Swedish diplomat who was a co-winner of the Nobel Peace Prize in 1982 for her efforts to promote world disarmament, died Saturday night in Stockholm after a long illness. She was 84 years old and had a history of heart trouble.

Mrs. Myrdal had been hospitalized for two years. Her husband, the economist and sociologist Gunnar Myrdal, who is 87, is reported to have visited her each week during her illness and to have called every day to check on her condition.

A longtime Swedish Cabinet minister, Mrs. Myrdal worked for disarmament as the head of Sweden's delegation to the United Nations disarmament talks in Geneva from 1962 to 1973 and as an author and lecturer.

The Norwegian Nobel Committee, awarding the $157,000 prize jointly to her and the Mexican diplomat Afonso Garcia Robles, said the two had "helped to open the eyes of the world to the threat mankind faces in continued nuclear armament."

Paying tribute to Mrs. Myrdal yesterday, Prime Minister Olof Palme of Sweden said: "Alva devoted the last decades of her life mainly to the struggle for peace. With her unique perseverance and will to fight, she gave hope and confidence to those in despair over the madness of the arms race."

HUSBAND ALSO WON NOBEL

Gunnar Myrdal, who wrote "An American Dilemma: The Negro Problem and Modern Democracy" in 1944 along with other works, also shared a Nobel award, the 1974 Nobel Memorial Prize in Economic Science.

When Mrs. Myrdal became a Nobel laureate, it was the first time a wife and a husband had won Nobel awards in separate fields. In 1903 another couple, Pierre and Marie Curie, shared part of the physics prize. And the 1947 award for medicine was partly divided by Carl F. and Gerty T. Cori of the United States.

In 1973, in her last speech at the United Nations as her country's chief disarmament negotiator, Mrs. Myrdal ringingly reaffirmed one of her chief contentions, that the United States and the Soviet Union were to blame for the lack of progress toward meaningful disarmament.

In her Nobel lecture she struck that note again, contending that the two superpowers had sired a "cult of violence," which spawned urban crime as well as posing the threat of global conflict.

Mrs. Myrdal continually called on the superpowers to agree to freeze the development of new weapons, and she inveighed against such specific weapons as tactical nuclear arms usable by relatively small army units.

In her writing and speaking, Mrs. Myrdal underscored the hazards that the Soviet-American arms rivalry created for the rest of mankind. The superpowers, she once wrote, "alone have the might to annihilate each other and all other countries," adding: "All others are 'lesser powers.' But they are the great majority of mankind, and they have a right to be heard."

Mrs. Myrdal was in the Swedish Cabinet from 1962 to 1973 and was concerned largely with disarmament and church affairs. Her reformist zeal seemed to her simply a matter of common sense. "If you have a chance to reform things," she once said, "don't you think you should?"

Shortly before becoming a Nobel laureate, Mrs. Myrdal said of disarmanent efforts: "A message gathers significance as it spreads like rings on water. We will never give up. It would not be honorable."

Yet in a 1976 book, "The Game of Disarmament," written three years after leaving the Government, Mrs. Myrdal said she had "a gradually increasing feeling of near despair after 12 years of participating in multilateral disarmament negotiations."

SAW NO REAL ADVANCE

"The superpowers have indulged in subterfuges and half-truths," she contended, "with their closest and usually most dependent allies following suit or keeping silent.

"On balance, there has been no real advance towards limitation of armaments," she said in the book. "The competitive race between the two superpowers has steadily escalated, and the militarization of the economy and national life of almost all countries has intensified."

Though her subject matter was often grim, Mrs. Myrdal could be lighthearted, and in her days in Sweden's Foreign Ministry her tinkling laugh used to sound down its staid corridors.

Her admirers in Stockholm liked to say her eminence stemmed from a combination of enthusiasm, moderation, intellect, self-confidence, skill with people and seemingly unquenchable energy.

"I work hard in concentrated bursts," she once said, adding with a smile: "I am quite lazy in between. I am glad if it is not noticed."

Alva Reimer Myrdal (pronounced MEER-dawl) was born Jan. 31, 1901, in the Swedish university city of Uppsala. She was the daughter of Albert Reimer, a buidling contractor who was a city councilman in industrial Eskilstuna in eastern Sweden, and of Lova Larsson Reimer.

Attending the University of Stockholm, she worked in a library and earned her B.A.

in 1924, the year she and Mr. Myrdal were married.

She and her husband spent much of the next seven years studying social and economic problems in London, Leipzig, Stockholm, Geneva and the United States, where they traveled on a Rockefeller fellowship.

In 1934 Mrs. Myrdal received an M.A. degree from Uppsala University. In the same year, she and her husband caused a stir in Sweden with their book "The Crisis in the Population Question," which, among other things, warned of the dangers posed by Sweden's dwindling birth rate.

From 1936 to 1948, Mrs. Myrdal headed a training institute for nursery and kindergarten teachers. During World War II, with Sweden remaining neutral, she was active in Swedish aid programs, notably for Finland and Norway.

JOINED U.N. IN 1949

In 1949 she became head of the United Nations Department of Social Welfare, and from 1951 to 1955 she was director of the department of social science of the United Nations Educational Scientific and Cultural Organization.

Turning to Swedish diplomacy, she then represented her country in India from 1955 to 1961, becoming known as one of her country's most able ambassadors. She achieved special rapport with Prime Minister Jawaharlal Nehru and wrote diplomatic reports that won admiration in her Foreign Ministry.

Reassigned to Stockholm in 1961, she was named special assistant to the Foreign Minister for disarmament affairs, a field that was new to her. She asked that the appointment be kept secret for two weeks so she could bone up on the subject.

In 1962, after she had become the head of Sweden's delegation to the Geneva disarmament talks, she said in an interview that work had made it necessary for her family to live apart for some periods, but she said she and Mr. Myrdal had tried to make them as short as possible. In their decades of marriage, she observed, "we have never found anybody else so interesting to talk to."

She went into electoral politics as a Social Democrat, entering Sweden's upper chamber of Parliament in 1962 and remaining there until 1970.

Though Mrs. Myrdal was nominated in several years for the Nobel Peace Prize, she said when she finally shared it that she had not thought she had "a thousandth of a chance" of winning.

Over the years she won such other awards as the West German Peace Prize for 1970, the Albert Einstein Peace Prize in 1981 and the People's Peace Prize, an award created for her by 19 Norwegian political and pacifist organizations after she was passed over for the 1981 Nobel Peace Prize.

For recreation, Mrs. Myrdal liked to take walks, to cook and to read poetry and novels besides what she called "political stuff." She once said she liked to read anything that "opens up new vistas."

In addition to her husband, Mrs. Myrdal is survived by a son, Jan, of Mariefred, Sweden; two daughters, Kaj Fölster of Göttingen, West Germany, and Sissela Ann Bok of Cambridge, Mass., an author and authority on ethics and the wife of Derek Bok, the president of Harvard University; eight grandchildren and two great-grandchildren.

Funeral arrangements were incomplete.●

THE ANGLO-IRISH ACCORD

● Mr. MOYNIHAN. Mr. President, Dr. Kevin M. Cahill, president-general of the American Irish Historical Society, recently wrote a most insightful article on the Anglo-Irish accord for the New York Times. He makes the important point that without active American support, the recently signed accord may not become the means for peace and security we hope it will be.

In 1880, Dr. Cahill notes, the Irish patriot Charles Stewart Parnell addressed the U.S. House of Representatives with a similar plea. I commend Dr. Cahill's words and those of Charles Stewart Parnell to the attention of the Senate, and ask that both be reprinted in the RECORD.

[From the CONGRESSIONAL RECORD—House, Feb. 2, 1880]

RECEPTION OF HON. CHARLES STEWART PARNELL

The SPEAKER. The session of this evening is in consequence of a resolution adopted by the House of Representatives, which the Chair will now cause to be read by the Clerk.

The Clerk read as follows:

"In response to the invitation just presented and accepted, requesting the House to agree to take part in the ceremonies to be observed in the reception of Mr. Charles Stewart Parnell, a representative of the Irish people, for the delivery of an address on Irish affairs, and because of the great interest which the people of the United States take in the condition of Ireland, with which this country is so closely allied by many historic and kindred ties: Therefore,

"Be it resolved That the Hall of this House be granted for the above purposes on the 2d day of February next, and that the House meet on that day and time to take part in said ceremonies."

The SPEAKER. In accordance with the terms of the resolution which has been read, I have now the honor and the pleasure to introduce to you Charles Stewart Parnell, of Ireland, who comes among us to speak of the distresses of his country.

Mr. Parnell was received with long-continued applause. He said:

Mr. Speaker and gentlemen of the House of Representatives, I have to thank you for the distinguished honor that you have conferred upon me in permitting me to address this august assembly upon the state of the affairs of my unhappy country.

Until I landed in America nothing was known of the imminence or threatened extent of the famine which has now assumed such horrible proportions as to attract the attention and compassion of all civilized nations. To every thinking man it must be a matter of perplexity how such a famine could burst upon a people without giving any warning of its approach. But in fact this catastrophe was clearly foreseen and predicted six months ago in Ireland, and government was repeatedly warned to make timely preparations to deal with it. But the British government not only refused to do anything, but with extraordinary perversity persisted in denying that there was any danger of famine. And now that thousands are starving the singular spectacle is presented of a government which refuses to come to the aid of its own subjects sanctioning appeals to the charity of America or any other nation which may be ready to feed them.

The present famine, as all other famines in Ireland, has been the direct result of the system of land tenure which is maintained there. And while we have been compelled by the frightful condition of our people to appear before the American people in the guise of beggars, and to use every exertion to collect money to save life, I feel it to be equally my duty to point out to you the cause which keeps Ireland in a condition of chronic poverty and brings on from time to time such horrible famines as that which is at present raging there. When the task is thrown upon America of feeding a people who have been driven into starvation by ruinous and unjust laws, surely you acquire a right to express your opinion very freely on the character of those laws and on the policy of maintaining them. And I have every confidence that the public sentiment of America will be a great assistance to our people in their present effort to obtain a just and suitable settlement of the Irish land question.

Since I have been in this country I have seen so many tokens of the good wishes of the American people toward Ireland that I feel entirely at a loss to express my sense of all the enormous advantage and service which is being daily done in this way to our cause. We do not seek to embroil your Government with the government of England; but we claim that the public opinion and sentiment of a free country like America is entitled to find expression wherever it is seen that the laws of freedom are not observed.

Mr. Speaker and gentlemen, the most pressing question in Ireland at the present moment is the tenure of land. That question is a very old one; it dates from the first settlement of Ireland from England. The struggle between those who own the land on the one side and those who till it on the other has been a constant one. But up to the present moment scarcely any ray of light has ever been let in upon the hard fate of the tillers of the soil in that country. But many of us who are now observing the course of events believe that the time is fast approaching when the artificial and cruel system of land tenure prevailing in Ireland is bound to fall and be replaced by a more natural and a more just one.

I could quote many authorities to show you what this system is. The feudal tenure has been tried in many countries, and it has been found wanting everywhere. But in no country has it wrought so much destruction and proved so pernicious as in Ireland. As the result of that feudal tenure we have constant and chronic poverty; we have our people discontended and hopeless. Even in the best of years theirs is one of continual misery. And when, as on the present occasion, the crops fail and a bad year comes around, we see terrific famines sweeping across the face of our land, claiming their victims in hundreds of thousands, driving multitudes into a forced and pauperized immigration, and leaving a settled gloom and terror behind as the inheritance, for years, of the survivors.

Mr. Froude, the distinguished English historian, who cannot be accused of being a prejudiced witness in our favor, gives his testimony with regard to this land system in the following words:

"But of all the feudal gifts which we bestowed upon our unhappy posession was the English system of owning lands. Land, properly speaking, cannot be owned by any man.

It belongs to all the human race. Laws have to be made to secure the profits of their industry to those who cultivate it. But the private property of this or that person which he is entitled to deal with as he pleases, land never ought to be and never strictly is. In Ireland, as in all primitive civilizations, the soil was divided amongst the tribes. Each tribe collectively owned its own district. Under the feudal system the proprietor was the crown as representing the nation; while the subordinate tenures were held with duties attached to them, and were liable on non-fulfillment to forfeiture."

Now, I look upon this testimony of Mr. Froude's as a most important and valuable one coming as it does from an English source, and a source which cannot be called prejudiced in favor of Ireland. As Mr. Froude says, property has its duties under the feudal system of tenure as well as its rights. But in Ireland those enjoying the monopoly of the land have only considered that they had rights, and have always been forgetful of their duties; so that bad as the feudal tenure must be it has there been worked in a way to intensify its evils tenfold. I find that a little further on Mr. Froude again writes to the following effect:

"And if we had been more faithful in our stewardship, Ireland would have been as wealthy and prosperous as the sister island, and not at the mercy of a potato-blight. We did what we could; we subscribed money; we laid a poor-law on the land. But it was to no purpose. The emigrants went away with rage in their hearts, and a longing hope of revenge hereafter with America's help."

[Cheers and applause.]

But I could multiply testimony from distinguished sources, and of well-known men, to the same effect. I shall content myself with quoting from one more source, Professor Blackie, the professor of Greek in Edinburgh University, who in the Contemporary Review for this month writes as follows:

"Among the many acts of baseness branding the English character in their blundering pretense of governing Ireland, not the least was the practice of confiscating the land, which, by brehon law, belonged to the people, and giving it not to honest resident cultivators, (which might have been a politic sort of theft,) but to cliques of greedy and grasping oligarchs, who did nothing for the country which they had appropriated but suck its blood in the name of rent, and squander its resources under the name of pleasure, and fashion, and courtliness in London."

Now, we have been told by the landlord party as their defense of this system that the true cause of Irish poverty and discontent is the crowded state of that country, and the only remedy emigration; and I admit to the fullest extent that there are portions of Ireland which are too crowded. The barren hills of the west of Ireland, whither the people were driven from the fertile lands after the famine, are too crowded; but the fertile portions of Ireland maintain scarcely any population at all, and remain as vast hunting-grounds for the pleasure of the landlord class.

Before, then, we talk of emigration as the cure for all the ills of Ireland, I should like to see a more natural distribution of the soil of that country. I should like to see the rich plains of Meath, Kildare, Limerick, and Tipperary, instead of being the desert wastes that they are to-day, supporting the teeming and prosperous population that they are so capable of maintaining. At the present moment you may drive for ten or twenty miles through those great rich counties without meeting a human being or seeing a single house. And it is a remarkable testimony to the horrible way in which the land system has been administered in Ireland that the fertility of the country has proved the destruction of the population, instead of being their support. Only on the poor lands have our people been allowed to settle, and there they are crowded in numbers far too great for the soil to support. Let the next emigration be from the West to the East, instead of from the East to the West—from the hills of Connemara back to the fertile lands of Meath. When the resources of my country have been fully taken advantage of and developed, when the agricultural prosperity of Ireland has been secured, then if we have any surplus population we shall cheerfully give it to this great country. Then our emigrants will go willingly and as free men—not shoveled out by a forced emigration, a disgrace to the Government whence they come and to humanity in general. [Applause.] Then our emigrants would come to you as come the Germans, with money in their pockets, and education to enable them to obtain a good start in this great and free country, with sufficient means to enable them to push out to your western lands, instead of remaining about the eastern cities, doomed to hard manual labor, and many of them falling prey to the worst evils of modern city civilization.

I have noticed within the last few days a very remarkable refutation to this argument of overcrowding, in one of the newspapers of this country—the Nation—a journal, I believe, distinguished in the walks of literature, and whose opinion is entitled to very great weight and consideration. The Nation says:

"That the best remedy for Irish poverty is to be found in the multiplication of peasant properties and not by emigration, as many suppose, there is little question. Emigration is good for those who emigrate; but it leaves gaps in the home population which are soon filled by a fresh poverty-stricken mass. A writer in the London Times, giving an account of the island of Guernsey, shows that it supports in marvelous comfort a population of thirty thousand by the cultivation of ten thousand acres, while Ireland has a cultivable area of 15,500,000 acres, and would, if as densely peopled as Guernsey, support a population of forty-five million instead of five million."

[Applause.]

"The climate of Guernsey, too, is as moist as that of Ireland, and the island is hardly any nearer the great markets. But nearly every man in it owns his farm, and the law facilitates his getting a farm in fee on easy terms."

Now, Mr. Speaker and gentlemen of the House of Representatives, the remedy that we propose for the state of affairs in Ireland is an alteration of the land tenure prevailing there. We propose to imitate the example of Prussia and other continental countries, where the feudal tenure has been tried, found wanting, and abandoned; and we desire to give an opportunity to every occupying tenant-farmer in Ireland to become the owner of his own farm. [Applause.]

This may, perhaps, seem at first sight a startling proposition; and I shall be told about the "rights of property" and "vested interests" and "individual ownership." But we have the high authority of Mr. Froude, the English historian, whom I have just quoted, to the effect that—

"Land, properly speaking, cannot be owned by any man. It belongs to all the human race. Laws have to be made to secure the profits of their industry to those who cultivate it; but the private property of this or that person which he is entitled to deal with as he pleases, land never ought to be and never strictly is."

And we say if it can be proved, as it has been abundantly proved, that terrible sufferings, constant poverty, are inflicted on the millions of the population of Ireland, we may then reasonably require from the legislature that, paying due regard to vested interests and giving them fair compensation, the system of ownership of the soil by the few in Ireland should be terminated and replaced by one giving that ownership to the many.

As I have pointed out, we have historical precedents for such a course. The King of Prussia in 1811, seeing the evils of the feudal tenure, by a royal edict transferred all the land of his country from the landlords to the tenents. He compensated the landlords by giving them government bonds bearing 4 per cent. interest; and he ordained that the tenants should repay to the state the principal and interest of those bonds by annual installments of 5 per cent., extending over forty-one years, and that then all payments should cease. The preamble to this edict is so very remarkable that I venture to trespass on your time for a few moments by reading it:

"We, Frederick William, by the grace of God King of Prussia, having convinced ourselves both by personal experience in our own domains and by that of many lords of manors of the great advantages which have accrued both to the lord and to the peasant by the transformation of peasant-holdings into property and the commutation of the rents on the basis of a fair indemnity, and having consulted in regard to this weighty matter experienced farmers, ordain and decree as follows:

"That all tenants of hereditary holdings, whatever the size of the holding, shall by the present edict become the proprietors of their holdings, after paying to the landlord the indemnity fixed by this edict."

But we have also precedents for the course we propose afforded by the legislation of Great Britain. The Parliament of England has already, under the Bright clauses of the land act, expressed its approval of the principle that a class of tenant or peasant owners should be created in Ireland. That act permitted the state to advance to tenants desirous of purchasing their holdings two-thirds of the purchase money, to be repaid by installments of 5 percent, extending over thirty-five years. Those clauses, for a variety of reasons which I dare not trespass on your time long enough to explain, have remained a dead letter. But I see that Mr. John Bright, the eminent reformer, one of the originators of the movement for the repeal of the corn laws, and a fellow-laborer with Cobden in that movement, now comes forward and proposes to amend those clauses very considerably so as to make them more workable. By a cable dispatch from London I find that, speaking at Birmingham the other day, Mr. Bright proposed—

"To appoint a government commission to go to Dublin with power to sell farms of landlords to tenants willing to buy, and to advance three-fourths of the purchase money, principal and interest to be repaid in thirty-five years. Such a measure, Bright believed, would meet the desire of the Irish people. The commission should assist the tenant to purchase whenever the landlord

was willing to sell. He recommended compulsory sale only where the land is owned by London companies, as is the case with large tracts near Londenderry. He expressed the conviction that, if his plan was ever adopted, self-interest or public opinion would soon compel individual landlords to sell to the tenants."

Now, this proposal is undoubtedly a very great reform and an immense advance upon the present state of affairs. While we could not accept it as a final settlement of the land question, yet we should gladly welcome it as an advance in our direction; and we are willing to give it a fair trial. The radical difference between our proposition and that of Mr. Bright is that we think the state should adopt the principle of compulsory expropriation of land, whereas Mr. Bright thinks it may be left to self-interest and the force of public opinion to compel the landlords to sell. For that is the word which he uses, "compel."

While I concur with Mr. Bright in thinking that, in all probability, if his proposals were adopted the present land agitation in Ireland, if maintained at its present vigor, would compel the landlords to sell to tenants at fair prices, yet I ask the House of Representatives of America what would they think of a statesman who, while acknowledging the justness of a principle, as Mr. Bright acknowledges the justness of our principle that the tenants of Ireland ought to own the lands, shrinks at the same time from asking the legislature of his country to sanction that principle and leaves to an agitation such as is now going on in Ireland the duty of enforcing that which the Parliament of Great Britain should enforce. [Loud applause.] I think you will concur with me that this attempt on the part of the British Parliament to transfer its obligations and duties to the helpless, starving peasantry of Connemara is neither a dignified nor a worthy one, and that the sooner our Parliament comes to recognize its duties in this respect the better it will be for all parties and the government of Great Britain.

Mr. Speaker and gentlemen, I have to apologize for having trespassed on your attention at such great length, and to give you my renewed and heartiest thanks for the very great attention and kindness with which you have listened to my feeble and imperfect utterances. I regret that this great cause has not been pleaded by an able man, but at least the cause is good, and, although put before you imperfectly, it is so strong and so just that it cannot fail in obtaining recognition at your hands and from the people of this country. It will be a proud boast for America if, after having obtained, secured, and ratified her own freedom by sacrifices unexampled in the history of any nation, she were now, by the force of her public opinion alone, by the respect with which all countries look upon any sentiment prevailing here, if she were now to obtain for Ireland, without the shedding of one drop of blood, without drawing the sword, without one threatening message, the solution of this great question. For my part, I, as one who boasts of American blood, [loud and long-continued applause,] feel proud of the importance which has been universally attached on all sides to American opinion with regard to this matter, and I am happy in seeing and believing that the time is very near at hand when you will be able to say you have in the way I have mentioned, and in no other way, been a most important factor in bringing about a settlement of the Irish land question. [Applause.] And then, Mr. Speaker and gentlemen, these Irish famines now so periodical, which compel us to appear as beggars and mendicants before the world, a humiliating position for any man but a still more humiliating position for a proud nation like ours—then, Mr. Speaker, these Irish famines will have ceased when their cause has been removed. We shall no longer be compelled to tax your magnificent generosity, and we shall be able to promise you that with your help this shall be the last Irish famine. [Great applause.]

Mr. O'CONNOR. Mr. Speaker, the ceremonies for which this meeting was called having closed, I now move the House adjourn.

The motion was agreed to; and accordingly (at eight o'clock and twenty-two minutes p.m.) the House adjourned.

[From the New York Times, Dec. 26, 1985]

AMERICAN AID FOR IRISH PEACE

(By Kevin M. Cahill)

The time has come for the United States to contribute to peace and stability in Northern Ireland as it has done so generously and often elsewhere in the world.

The Anglo-Irish accord, signed last month is, I believe, a historic document. It is, however, short on specifics, and without America's help it may well remain, to paraphrase W.B. Yeats, words nothing but words.

The accord does not purport to settle the conflict: It would give Dublin a symbolic, advisory role in the affairs of Northern Ireland, but it guarantees nothing and offers no detailed program to end the island's civil strife. It promises no new funds or grants and confers no real power on either the Irish Republic or the beleaguered Roman Catholic minority in the north. Nor does it include any plans to reconstruct the bombed out cities of Derry and Belfast.

It does, however, represent a political device through which peace and security may be achieved. The accord's purposefully vague declarations of cooperation are all that could be agreed upon now. It did recognize, for the first time, that Dublin has a legitimate right to speak for the Catholic population in the north. This is an important, unprecedented gesture on England's part.

But if these dreams of peace are to become reality, more than fine words and gracious gestures will be necessary. Only steady jobs, decent housing and equal access to higher education—without which there is neither dignity nor personal freedom—will break the barriers of suspicion and paranoia in Northern Ireland. The success or failure of the accord will depend ultimately on concrete changes, paid for with material aid—and it is here that America can play an essential role.

It is an unflattering fact of life that America's major role in many international agreements is to cushion the compromises required by sharing our wealth. The Camp David accords, for example, were held together by vast financial aid to both Israel and Egypt. In the same way, in Ireland we ought to be willing to be the silent partner that makes a solution possible.

There are many precedents for American aid in stabilizing troubled areas. We have poured hundreds of millions of dollars into Central America so that democracy might survive terrorism and oppression. Why not do the same in Ireland? We have spent hundreds of millions in Cyprus and Turkey to reconstruct towns destroyed by civil war. Why not in Derry? We have allocated more hundreds of millions to build a subway system and upgrade transportation in Cairo. Why not in Belfast?

The contrast with Israel is most striking. America allocates $3.73 billion a year to Israel, most of it in grants. The usual arguments offered to justify this largesse focus on the strategic significance of Israel and on America's 37-year moral commitmnent to its survival. But Ireland, too, has made significant contributions to America. The ties between us date back at least three centuries, and Ireland's welfare is of immediate concern to more than 40 million American Irish. Nor, surely, is it in our best interest to allow terrorism to flourish in our nearest European neighbor. Yet Ireland receives virtually no Government aid from America.

Federal legislation permits the transfer of some $750 million a year to Israel in tax-exempt charitable contributions and bonds. Other laws permit almost 95 percent of Israel's exports to enter America duty-free. By contrat, the American Irish have virtually no way to give tax-free assistance to their homeland. Nor is there any comparable aid available to promote Ireland's exports or alleviate its security costs.

Tax credits and investment guarantees for private American corporations willing to establish facilities in Northern Ireland could be supplemented by the United States. If this has been our national policy elsewhere, why not in Northern Ireland?

More than a century ago, Charles Stewart Parnell, one of the heroes of Ireland's stuggle for freedom, appealed to the American Congress: "You can now obtain for Ireland, without the shedding of one drop of blood, without drawing the sword, without one threatening message, the solution of this great question." His words need no amending today. The Anglo-Irish accord will not work without America's help.●

ORDER FOR CERTAIN ACTION ON FEBRUARY 17, 1986

Mr. SIMPSON. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, February 17, 1986, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the calendar be dispensed with, morning hour be deemed to have expired, and that following the prayer, the reading of George Washington's Farewell Address will commence.

Mr. BYRD. Mr. President, reserving the right to object, I ask this of the Chair: What will then be the business of the Senate following the morning business, in this instance, in which the Senate is adjourning over?

The PRESIDENT pro tempore. There is no order for morning business.

Mr. BYRD. If the Senate adjourns over there will be morning business under rule VII and VIII.

Mr. SIMPSON. I had not completed a portion of the unanimous-consent request.

Mr. BYRD. I reserve the right to object. I would hope that the distinguished acting leader could proceed with this entire request before it is put by the Chair as to my question.

Mr. SIMPSON. Mr. President, I will complete the unanimous-consent request in several short paragraphs.

ORDERS FOR TUESDAY, FEBRUARY 18, 1986

I further ask unanimous consent that immediately following the reading of the address, no other business be transacted, and the Senate automatically stand in recess until 11 a.m. on Tuesday, February 18, 1986.

RECOGNITION OF SENATOR PROXMIRE

I ask unanimous consent that following the recognition of the two leaders under the standing order on Tuesday, there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

ROUTINE MORNING BUSINESS

I further ask unanimous consent that following the Proxmire special order, there be a period for the transaction of routine morning business, not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for not more than 5 minutes each.

RECESS BETWEEN 12 NOON AND 2 P.M.

I ask unanimous consent that the Senate then stand in recess between the hours of 12 noon and 2 p.m. on Tuesday, February 18, in order for the weekly party caucuses to meet.

Mr. BYRD. Mr. President, reserving the right to object, from all indications the request thus far has been made clear that the Senate will adjourn over and that the Senate will be in a new legislative day on Monday, February 17. I take that to be the intention of the distinguished acting leader.

Mr. SIMPSON. Yes.

Mr. BYRD. To adjourn the Senate over to that day.

Mr. SIMPSON. Mr. President, that is the intention of the leader.

Mr. President, in response to the minority leader the Senate will, of course, be standing in adjournment in accordance with the provision of Senate Concurrent Resolution 107 until noon on Monday, February 17, 1986.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

I have no objection to the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SIMPSON. Mr. President, when the Senate reconvenes following the recess at 2 p.m., pending will be Senate Resolution 28, television in the Senate.

It is the majority leader's intention to certainly try to make some significant progress toward completing action on TV in the Senate on Tuesday, February 18, 1986.

Mr. President, I think we have covered the agenda, and I would move then that the Senate stand in adjournment.

Mr. BYRD. Mr. President, will the distinguished Senator withhold his motion for a brief moment?

Mr. SIMPSON. I will.

Mr. BYRD. I again thank the distinguished majority leader for leaving Senate Resolution 28 before the Senate for further consideration upon the Senate's return subsequent to the recess.

I also thank the distinguished majority leader for the support that he has indicated from time to time of the idea, and more than just an idea, the proposal, to have television and radio coverage of Senate debate.

I feel with that kind of support, the support of the distinguished majority leader, the Senate will finally act one way or the other on the resolution that is now before the Senate.

The resolution is open to amendment. I probably will offer a substitute. Do I not need unanimous consent to offer—I do not intend to offer it today—a complete substitute for Senate Resolution 28?

The PRESIDENT pro tempore. At this point, only a motion to recommit with instructions would allow a substitute.

Mr. BYRD. Very well. I will attempt to get unanimous consent, Mr. President, at some point when we get back, to allow a complete substitute to be offered or, barring that, I may wish to offer a motion to recommit with instructions to report back, and so forth.

I also thank Mr. STEVENS and other Senators on both sides of the aisle who are working, at the request of the distinguished majority leader and the minority leader, in an effort to see if a package can be agreed upon by Members on both sides of the aisle which would bring the Senate to a conclusion in regard to the proposal for television and radio coverage of debate.

Mr. President, also on return of the Senate following the recess, I will offer a resolution establishing a Commission on the Bicentennial of the U.S. Senate. I would offer it today but I want to bring it to the attention of the distinguished majority leader and others to see if they would wish to cosponsor it with me. We are rapidly approaching the bicentennial of the U.S. Senate. It was almost 200 years ago that the Senate met in 1789. I think it is matter that we should prepare to recognize in appropriate ways. And so this resolution which I plan to offer will put us on that track.

Mr. President, I thank the distinguished Senator from Wyoming for his patience and his courtesy, and I thank the occupant of the chair and all others for their patience and courtesy in listening to what I have had to say about the proper reporting of nominees and also I thank them for their indulgence inasmuch as I have had the floor upon several occasions today. I hope they will enjoy a good recess and will come back with renewed strength for our work.

I again thank the majority leader for his cooperation in connection with Senate Resolution 28, the matter that is now pending before the Senate.

Mr. SIMPSON. Mr. President, I thank the minority leader. Let me certainly say to him that it is a distinct pleasure, as I am often called upon by the majority leader to perform the floor function for our party, to work with the minority leader, to come to know him better, and to be often awed by that precision and skill that he brings to this Chamber and this institution which he loves in an extraordinary way.

With that, I too wish the minority leader a respite and good recess and the same wish to the President pro tempore, our respected leader and inspiration to us all.

ADJOURNMENT TO MONDAY, FEBRUARY 17, 1986

Mr. SIMPSON. Mr. President, with that I move that the Senate stand in adjournment, in accordance with the provisions of Senate Concurrent Resolution 107, until 12 noon on Monday, February 17, 1986.

The motion was agreed to; and, at 3:54 p.m., the Senate adjourned until Monday, February 17, 1986, at 12 noon.

CONFIRMATION

Executive nomination confirmed by the Senate February 7, 1986:

ENVIRONMENTAL PROTECTION AGENCY

J. Craig Potter, of Virginia, to be an assistant administrator of the Environmental Protection Agency.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

SENATE—*Monday, February 17, 1986*

The Senate met at 12 noon and was called to order by the Hon. PHIL GRAMM, a Senator from the State of Texas.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

In the words of George Washington's prayer:

Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; and entertain a brotherly affection and love for one another and for their fellow citizens at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy and to demean ourselves with that charity, humility and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 17, 1986.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PHIL GRAMM, a Senator from the State of Texas, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. GRAMM thereupon assumed the chair as Acting President pro tempore.

READING OF WASHINGTON'S FAREWELL ADDRESS

The ACTING PRESIDENT pro tempore. The reading of George Washington's Farewell Address will be delivered by the Senator from West Virginia [Mr. ROCKEFELLER].

[Mr. ROCKEFELLER, at the rostrum, read the Farewell Address, as follows:]

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption

of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiations by the executive, and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that

with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of factions, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one party against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of po-

litical power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by unsurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, but ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation within its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, toward a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me fellow citizens), the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause

and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defense posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of may administration, I am unconscious of intentional error, I am nevertheless too sensible to my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

RECESS UNTIL TOMORROW AT 11 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 11 a.m., Tuesday, February 18, 1986.

Thereupon, at 12:47 p.m., the Senate recessed until Tuesday, February 18, 1986, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, February 18, 1986*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore [Mr. WRIGHT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 7, 1986.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Tuesday, February 18, 1986.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Reverend Robert B. McQueary, principal, Schaumburg Christian School, Schaumburg, IL, offered the following prayer:

We come before Thy presence, Father, in humility of heart; acknowledging Thine interest in the affairs of our great Nation, and expressing our desire for Thy leadership in directing our country in the paths which best insure freedom, and a continued land of opportunity for every citizen.

May our Nation have Thy blessing as she forges ahead in her efforts to bring peace to troubled areas of our world. Grant Thy wisdom to our lawmakers that they may safeguard the liberties of all Americans, both those now living and our posterity. Give them integrity of heart and strength of purpose as they discharge their responsibilities before Thee. Cause us to be inclined to hear Thy voice. Subject us to Thy will through Jesus Christ. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

REV. ROBERT B. McQUEARY

(Mr. CRANE asked and was given permission to address the House for 1 minute.)

Mr. CRANE. Mr. Speaker, we have had the privilege today of having the Reverend Robert B. McQueary provide the opening prayer.

Reverend McQueary is principal of the Schaumburg Christian School and assistant pastor of the Bethel Baptist Church in Schaumburg, both located in the 12th Illinois Congressional District. Under his leadership, the Schaumburg Christian School has more than tripled in size from 8 small classrooms to a modern facility of 27 classrooms. Reverend McQueary and his wife, Gayle—both graduates of Bob Jones University—have made their home in Hoffman Estates, IL, for the past 9 years with their four children: Robert 15, Russell 13, Julie 11, and Jeffrey 10.

I am joined in welcoming Reverend McQueary by our colleague GEORGE O'BRIEN of Illinois. Congressman O'BRIEN cannot be with us today as he is recovering from recent medical treatment.

Congressman O'BRIEN would add to my remarks by noting that Reverend McQueary and the Schaumburg Christian School are in charge of the education of one of Mr. O'BRIEN's three grandchildren, Brian Matthew Pershey. I am told that Brian Matthew has been a student at Schaumburg Christian School for 1 year now and that his mother and his grandparents are most pleased at the progress he has shown and the quality of education offered by Reverend McQueary and his school.

We are honored to have Reverend McQueary with us today.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar. The Clerk will call the bill on the Private Calendar.

STEVEN McKENNA

The Clerk called the bill (H.R. 1598) for the relief of Steven McKenna.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REPEAL PRICE DIFFERENTIAL BETWEEN NORTHERN MILK AND SOUTHERN MILK

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, it has recently come to light that an Irish corporation has announced plans to build 11 2,000-cow dairy operations in Georgia. Eleven 2,000-cow dairy operations is the equivalent of 440 50-cow family dairy farms in Wisconsin.

These operations are being built because the Agriculture Department establishes higher prices for southern milk as opposed to northern milk.

And to add insult to injury, these huge corporate farms will be financed with tax-exempt industrial bonds.

Let me be clear about this:

To reduce the dairy surplus, the Government is offering to pay Wisconsin farmers to get out of the business. But at the same time, a major tax break coupled with an increased price differential is resulting in new corporate dairy farms.

This is insane.

Mr. Speaker, I'm going to work for repeal of the price differential between northern milk and southern milk. At the very least, we should repeal the increase in the differential which was included in the recent farm bill.

FREE ELECTIONS IN HAITI

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, free elections in Haiti are an absolute necessity. Our Government is to be congratulated for the way in which we used our influence to make a smooth and peaceful transition in Haiti from a dictatorship to what we expect to become a full-fledged democracy, but the date for the free elections should be set as soon as possible. The process and the timetable should be laid out as soon as possible.

There are a number of problems that are festering in Haiti that would be crystallized in a positive way if the date for elections were set.

There are people who believe that there are too many Duvalier cronies in the interim government. There are people who believe that certain people should be punished for past oppressive acts.

There are people who believe that the Tonton Macoute should be executed.

There are a number of things which are happening that are not positive. The only way to avoid a bloodbath, the only way to continue the peaceful transition that we have so far influenced in a positive way is to set a date for elections and the process of the

election will crystallize all the forces in Haiti in a positive way.

Free elections are possible. Free elections should go forward.

The argument that they are an illiterate people, that they have never had democracy, is not a legitimate argument. We have solved all these problems before in places as large as India and Africa. There is no reason why democracy cannot take place and take place immediately in Haiti.

Free elections should be moved and our influence should be moved to get those elections going as soon as possible.

REMEMBERING OUR HOSTAGES

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, prior to the recent recess, you may recall that I came to the well of the House to discuss the plight of the six hostages who remain enslaved in Lebanon. During the recess, many people came to me who had seen the broadcast and heard my remarks and supported the stand that I am encouraging in the House. One lady—in fact, Betty James by name—who is a high school public school educator at North Davidson High School in my district in North Carolina, has started a movement that she has entitled "Pen Pals for Peace," a movement involving school youngsters who write on behalf of these hostages.

I received a second letter, in fact from Texas, criticizing me for not discussing the POW's and addressing all my attention to the hostages.

Well, unlike the POW situation, no one seems to be throwing the spotlight on the hostages in the Middle East.

I do not lack concern for the POW's at all, but, Mr. Speaker, we need to keep attention focused on the hostages who are enslaved, who are held captive in the Middle East.

I urge my colleagues to join me in this effort as the days continue in this session.

QUESTIONS ABOUT NASA

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, the past week's revelations and release of numerous documents about the NASA *Challenger* flight accident suggest that the NASA officials were not in fact heeding warnings that had been given as to defects that could cause serious problems with the flight.

The question I ask is, why? Why did they ignore those warnings?

The existence of a national security directive stressing the importance of maximizing the frequency of shuttle flights implies an answer. The pressure on NASA may have been as great as the pressure on the *Challenger* booster rocket.

The question is this: What did NASA know? When did NASA know it? Who knew it, and why did they decide to go forward despite those warnings, and how high in the American Government was this knowledge made known so that NASA went through a flashing yellow light with their foot to the pedal in forcing the shuttle flight up despite all the warnings of the dangers that were present before the button was pushed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. GRAY of Illinois) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 7, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate:

(1) At 2:00 p.m. on Friday, February 7, 1986: That the Senate agreed to the House amendment to the bill S. 1574; and

(2) At 2:00 p.m. on Friday, February 7, 1986: That the Senate agreed to the House amendment to the bill S. 2036; and

(3) At 4:05 p.m. on Friday, February 7, 1986: That the Senate passed H. Con. Res. 276.

With kind regards, I am

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolutions on Friday, February 7, 1986:

S.J. Res. 74. Joint resolution to provide for the designation of the month of February 1986, as "National Black (Afro-American) History Month";

S.J. Res. 150. Joint resolution to designate the month of March 1986, as "National Hemophilia Month";

S.J. Res. 219. Joint resolution to designate the week of February 9, 1986, through February 15, 1986, as "National Humanities Week, 1986";

S.J. Res. 231. Joint resolution to designate the period commencing January 1, 1986, and ending December 31, 1986, as the "Centennial Year of the Gasoline-Powered Automobile"; and

S.J. Res. 234. Joint resolution to designate the week of February 9, 1986, through February 15, 1986, as "National Burn Awareness Week."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, February 19, 1986.

HEALTH SERVICES AMENDMENTS ACT OF 1985

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2418) to amend the Public Health Act to revise and extend the programs of assistance for primary health care, as amended.

The Clerk read as follows:

H.R. 2418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: REFERENCE TO ACT.

(a) SHORT TITLE.—This Act may be cited as the "Health Services Amendments Act of 1986".

(b) REFERENCE TO ACT.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. MEDICALLY UNDERSERVED POPULATIONS.

Section 330(b) (42 U.S.C. 254c(b)) is amended—

(1) by striking out the second, third, fourth, and fifth sentences of paragraph (3); and

(2) by adding at the end thereof the following:

"(4) In carrying out paragraph (3), the Secretary shall by regulation prescribe criteria for determining the specific shortages of personal health services of an area or population group. Such criteria shall—

"(A) take into account comments received by the Secretary from the chief executive officer of a State and local officials in a State; and

"(B) include infant mortality in an area or population group, other factors indicative of the health status of a population group or residents of an area, the ability of the residents of an area or of a population group to pay for health services and their accessibility to them, and the availability of health professionals to residents of an area or to a population group.

"(5) The Secretary may not designate a medically underserved population in a State or terminate the designation of such a population unless, prior to such designation or termination, the Secretary provides reasonable notice and opportunity for comment and consults with—

"(A) the chief executive officer of such State;

"(B) local officials in such State; and

"(C) the State organization, if any, which represents a majority of community health centers in such State.

"(6) The Secretary may designate a medically underserved population that does not meet the criteria established under paragraph (4) if the chief executive officer of the State in which such population is located and local officials of such State recommend the designation of such population based on unusual local conditions which are a barrier to access to or the availability of personal health services.".

SEC. 3. MEMORANDUM OF AGREEMENT.

Section 330 (42 U.S.C. 254c) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) In carrying out this section, the Secretary may enter into a memorandum of agreement with a State. Such memorandum may include, where appropriate, provisions permitting such State to—

"(1) analyze the need for primary health services for medically underserved populations within such State;

"(2) assist in the planning and development of new community health centers;

"(3) review and comment upon annual program plans and budgets of community health centers, including comments upon allocations of health care resources in the State;

"(4) assist community health centers in the development of clinical practices and fiscal and administrative systems through a technical assistance plan which is responsive to the requests of community health centers; and

"(5) share information and data relevant to the operation of new and existing community health centers.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Paragraphs (1) and (2) of section 330(g) are amended to read as follows:

"(1) There are authorized to be appropriated for payments pursuant to grants under this section $400,000,000 for fiscal year 1987 and $400,000,000 for fiscal year 1988.

"(2) The Secretary may not in any fiscal year—

"(A) expend for grants to serve medically underserved populations designated under subsection (b)(6) an amount which exceeds 5 percent of the funds appropriated under this section for that fiscal year; and

"(B) expend for grants under subsection (d)(1)(C) an amount which exceeds 5 percent of the funds appropr' ted under this section for that fiscal year.".

SEC. 5. PRIMARY CARE BLOCK GRANTS.

Part C of title XIX (42 U.S.C. 300y-300y-11) is repealed.

SEC. 6. MIGRANT HEALTH CENTERS.

The first sentence of section 329(h)(1) (42 U.S.C. 254b(h)(1)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$45,400,000 for the fiscal year ending September 30, 1987, and "$45,400,000 for the fiscal year ending September 30, 1988".

SEC. 7. TECHNICAL AMENDMENT.

Section 329(d)(2) (42 U.S.C. 254b(d)(2)) is amended by inserting before the semicolon "and the costs of repaying loans made by the Farmers Home Administration for buildings".

SEC. 8. PLAGUE.

Section 317 (42 U.S.C. 247b) is amended by adding at the end the following:

"(k) The Secretary, acting through the Director of the Centers for Disease Control, may make grants to and enter into contracts and cooperative agreements with States for the control of plague. For grants, cooperative agreements, and contracts under this subsection there are authorized to be appropriated $1,000,000 for each of the fiscal years 1986, 1987, and 1988.".

The SPEAKER pro tempore. Is a second demanded?

Mr. TAUKE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes and the gentleman from Iowa [Mr. TAUKE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill now under consideration, H.R. 2418.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, H.R. 2418, the Health Services Amendments Act of 1986, is vital to those people who live in communities where medical care is not available and to those low-income people who are not able to get health care under Medicaid.

This legislation will revise and extend the community and migrant health centers programs. The community and migrant health centers are the primary Federal programs to assure that people in medically underserved areas and in medically underserved population groups will receive health care. Community health centers serve an estimated 5.2 million people, 80 percent of whom are minorities and 40 percent of whom are children under 18. Migrant centers serve over 500,000 migrant and seasonal farmworkers.

In addition to providing care for migrant workers and minorities, both programs are required to serve all residents of their communities. The Federal grants are used to cover the cost of patients who are poor or without insurance; 60 percent of those using CHC's are poor and 80 percent of those using migrant centers are poor.

H.R. 2418 extends the authorizations of appropriations for the community health centers and the migrant health programs through fiscal year 1988. The authorizations are frozen at the level of current appropriations. For community health centers, the bill authorizes $400 million in fiscal year 1987 and the same amount in fiscal year 1988. For migrant health, it authorizes $45.4 million in fiscal year 1987 and again in fiscal year 1988.

With the authorizations in H.R. 2418 frozen at the current level, the programs will continue but there will not be sufficient funds to meet the health care needs of these groups. The Congressional Budget Office estimates that the increased cost in fiscal year 1986 of serving the same patient load is 5.9 percent. In addition, in the areas now served by these two programs, the number of new people seeking care for the first time is increasing at approximately 4 percent to 5 percent a year. And, this will certainly continue since the needs are much greater than these programs can meet—the latest figures from the Census Bureau indicate that over 35 million Americans are without health insurance or Medicare or Medicaid coverage. In 1977, there were 25 million according to the Census Bureau.

This bill also contains authority for the Centers for Disease Control to address the problems of bubonic plague in high incidence areas of the United States. While many people think that plague is only a problem of the Middle Ages, the disease is beginning to appear in this country with surprising frequency, particularly in the Southwest. While the CDC has done good work on plague control, it is clear that more work is needed. This amendment was adopted in committee with strong bipartisan support, and I would point out its value to other Members. This disease does not recognize the State lines, and it is particularly appropriate that the Federal Government work intensively on the research and epidemiology needed.

Mr. Speaker, these are critical health care programs that serve people who are among the most in need. These programs should not be controversial. This is a compromise bill that was worked out in conjunction with my distinguished colleague, the ranking minority member of the Subcommittee on Health and the Environment, the gentleman from Illinois [Mr. MADIGAN]. This bill deserves the support of every Member. I urge an "aye" vote.

□ 1215

Mr. TAUKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to express my support for H.R. 2418, the Health Services Amendments of 1985.

H.R. 2418 extends the authorization for community health and migrant health programs for fiscal year 1987 and fiscal year 1988 at fiscal year 1986 appropriation levels.

The community health and migrant health programs are tne primary providers of care to persons who live in medically underserved areas and who belong to medically underserved popu-

lation groups. Nearly 6 million people are currently served by these programs.

Community and migrant health centers are obligated to serve all residents in the communities in which they are located. The grants authorized by this legislation are used to cover the costs of treating patients who are poor or without insurance. During fiscal year 1984, 60 percent of the patients using community health centers and 80 percent of the patients using migrant health centers were poor.

This legislation also creates authority for a 3-year program for the control of plague. The authorization for this program is $1 million per year.

H.R. 2418 is a bipartisan compromise that authorizes $135 million less than that authorized in the legislation reported out of the Energy and Commerce Committee. I urge its support.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. TAUKE. I am happy to yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Speaker, I would like to address a couple of questions to the distinguished gentleman from Iowa [Mr. TAUKE] and perhaps even to the chairman of the subcommittee that brought this legislation to the floor.

I believe you said in your remarks that this legislation in its present form is different from what was reported from the committee some weeks ago; is that correct?

Mr. TAUKE. That is correct. As the gentleman recognizes, there was opposition from various quarters to the measure as it moved out of committee. And in line with the austerity effort that is being made in the House, Members of the majority and the minority sat down and attempted to work out a compromise. So this compromise reduces the authorization level by $135 million from the amount that came out of the Energy and Commerce Committee.

Mr. LOTT. It is always somewhat a concern of mine when we have a piece of legislation that was considered by a committee and then have a change between committee and when it is brought to the floor. But of course, under this suspension, that is appropriate, it is in order, and you did say that it was worked out in its present form with Members of both parties. So that is encouraging, and certainly I am pleased you reduced the level of funding somewhat, although there is a considerable amount of funding here.

What is the total amount of this legislation; does the gentleman have that available?

Mr. TAUKE. The total amount is $446.4 million for fiscal year 1987 and $446.4 million for fiscal year 1988.

Mr. LOTT. There is a freeze now for 1 year involved, is that correct?

Mr. TAUKE. There is a freeze actually throughout the course of the authorization. What we did was take the appropriation levels from fiscal year 1986, translated those into authorization levels and froze for fiscal year 1987, 1988 at the fiscal year 1986 appropriation level.

Mr. LOTT. This includes funding, authorization for community health centers, migrant health programs. Then it also repeals the primary health care block grant and provides a very small amount for plague, is that correct?

Mr. TAUKE. That is correct.

Mr. LOTT. Let me ask just this one question then: It does repeal the primary health care block grant provision that was included in the 1981 Omnibus Budget Reconciliation Act, is that correct? Is that still what you have in the bill as it has been revised?

Mr. TAUKE. That still is in the bill.

Mr. LOTT. I think I should point out that is a major concern to the administration, and the administration has indicated that it opposes enactment of H.R. 2418, and it cites that as one of two principal reasons. Of course, the other one was the authorization levels which the gentleman has pointed out have been reduced.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield to me?

Mr. TAUKE. I will be happy to yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, there was a block grant, but the programs were funded under the categorical program.

What the administration has proposed is that there be one large block grant that would include Family Planning, the Migrant Health Centers Program, the Community Health Centers Program, Black Lung and others. That was the proposal they introduced in 1981. It was rejected every year since.

This bill in terms of the block grant elimination passed the House last year. In fact, it passed the Congress, and because it was tied in with other matters, was vetoed by the President.

It is our attempt to satisfy the concerns of the administration on the authorization level, and I think that they have philosophically stated their position that they do not want these programs funded as Federal programs, but solely as a block grant. That is something I think Members are not willing to go along with.

Mr. LOTT. I thank the gentleman for making that clear. Of course, I for one am a Member that would prefer that approach that we passed in 1981 in the Omnibus Budget Reconciliation Act. But I understand what the gentleman is trying to do and is saying, and I thank the gentleman from Iowa for yielding this time to me.

Mr. TAUKE. I thank the gentleman for making those comments.

I do want to emphasize that when a number of sources indicated earlier opposition to this legislation, it was based in substantial part on the higher authorization levels that came out of the Energy and Commerce Committee.

Although this compromise does not achieve all of the objectives of those who opposed this legislation, it is clear that on the funding levels that we have reduced the authorization by $135 million.

Let me point out again that in these programs we are freezing them for 3 years at the current appropriation levels.

I thank the gentleman from California [Mr. WAXMAN] for his cooperation in reaching a compromise on this legislation.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

The only other point I would make is that the block grant that is being repealed was a block grant that was available to the States at their discretion, and only one State so decided to take advantage of it. It evidently was not an attractive alternative for the States because they did not apply for it.

This is a compromise. It is at a freeze level for funding, and I would urge the Members to vote "aye."

Mr. Speaker, I yield back the balance of our time,

Mr. TAUKE. Mr. Speaker, I yield back the balance of our time,

Mr. DONNELLY. Mr. Speaker, I rise in strong support of H.R. 2418, the Health Services Amendments of 1985, extending the authorization for community and migrant health programs for 3 years, through fiscal year 1988.

It is most important that Congress reauthorize these programs for a full 3-year period as they have not been authorized since fiscal year 1984. The resulting uncertainty has been unfair both to the patients who are served by community health centers and to the health professionals who work in them. If there was ever a program deserving of unwavering Federal support, it is the Community Health Centers Program. Community health centers are the primary source of health care for the medically underserved population, covering an estimated 5.2 million people, 80 percent of whom are children under 18.

I have worked closely with the community health centers in my own city of Boston, and I believe in them. They are used by both the poor and the working poor, who recognize that community health centers provide high-quality, affordable medical care. Patients who otherwise would wait until they are seriously ill, or simply go to a hospital emergency room, readily go to the community health centers. There is a high level of community participation by dedicated neighborhood volunteers. This high utilization rate, spurred on by community participation, has resulted in one of the best investments the Government makes: An effective preventive health care system that delivers affordable health care to a large number of those in need.

I urge my colleagues to support this legislation in numbers large enough to overcome any opposition from the administration. Let's

demonstrate our overwhelming support for this program. We owe the patients of community health centers, and the dedicated health professionals who serve them, the certainty of a 3-year authorization.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of the Health Services Amendments Act of 1985, H.R. 2418, because of its impact on my district where we have possibly the most concentrated migrant population in Texas—an abundant population of financially underprivileged individuals, many of whom are not covered by a health plan of any sort. The very nature of their laborious occupations requires that these workers be in good health if they are to provide sustenance to their families.

There has not been a time when I have visited the health centers in my congressional district south of San Antonio that I have not been struck by the number of people waiting in line to avail themselves of this most basic of human needs—primary health care. These community health centers are helpful in meeting the medical needs of the migrant population for whom good health plays so great a role in their work abilities.

H.R. 2418 with its reauthorization of the Community and Migrant Health Centers programs is a worthy bill stating the Congress' commitment to making primary health care services available to all our citizenry. I urge your support of the legislation.

Mr. COLEMAN of Texas. Mr. Speaker, I rise in support of the reauthorization for the public health service amendments, and I commend the chairman and the subcommittee for their diligent efforts on behalf of this legislation and the people it serves.

There is a deepening crisis in health care along the United States-Mexico border, and we are only beginning to feel its impact. There is no region in the country that experiences the multiplicity of adverse factors that afflict this region, and for that reason I believe the border region is the largest medically underserved area in America. In my district alone, 163,000 people live in areas that have been designated by the Federal Government as medically underserved. One-third of the population of the 16th Congressional District of Texas is not privileged to enjoy the health care that many of us take for granted: regular checkups, proper prenatal care, adequate child nutrition, and preventive care treatment for disease. Our region's unique international and geographic location creates additional health care challenges that most other parts of the Nation do not experience.

Since I first came to Congress in 1983, it has been a top priority of my congressional office to confront these unique health care challenges of our border communities from the Federal level.

It has not been an easy task. The demand on our local resources increases every year in the face of diminishing revenues, and local governments are feeling this financial strain as never before. The dramatic Federal funding cutbacks since 1981 have crippled many efforts to provide this basic health care so critically needed by our communities, and the worst effects have been felt in these medically underserved populations along the United States-Mexico border.

In terms of demography, the United States-Mexico border includes States, counties, and municipalities with diverse illness patterns and health care delivery systems. There is an extreme heterogeneity of peoples: rural and urban Mexican nationals, first generation immigrants and fourth-generation U.S.-born Mexican-Americans, reservation and urban native Americans, and rural and urban Anglo Americans. Other interrelated factors include geographic isolation, migration, international differences in health care systems, high incidences of death from curable diseases, and poor climate and sanitation.

At the present time, we have only two main resources by which to address this health care crisis along the United States-Mexico border. The first is public hospitals, but their resources are already being stretched to the limit because of increasing poverty and indigency. The second is community health centers, such as El Paso's Centro de Salud Familiar La Fe Clinic and Centro Medico del Valle Clinic. Although community health centers across America experience many of the factors that border clinics face, any examination of the situation soon discloses that these border clinics face all of the factors that other community health clinics deal with on a singular basis.

The Community Health Center Program in H.R. 2418 is one of the few programs that provide direct Federal resources to clinics along the United States-Mexico border trying to cope with this unparalleled health care crisis. Given the magnitude of this crisis—and one that remains confined to the border region for the present time only—I would have strongly preferred that this legislation include modifications in the formula by which the Secretary of Health and Human Services makes funding allocation determinations. These modifications would include taking into account the extent to which an area includes the border with Mexico as a criterion for determining priorities and the subsequent awarding of funds. In light of the administration's proposed cap on Medicaid funding, this assistance becomes even more urgent. Texas, for example, was 47th out of 50 States in terms of funding levels until the most recent session of the legislature; it now stands at 43d. A Medicaid cap will further penalize and exacerbate border communities that have already been receiving a pittance of assistance compared to actual need.

Mr. Speaker, I would like to reiterate my overall support for this bill, and I look forward in the future to working with the Subcommittee and the Chairman to seek ways to address the growing health care crisis along the United States-Mexico border.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2418, as amended.

The question was taken.

Mr. TAUKE. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF HOUSE REGARDING FURNISHING OF ASSISTANCE FOR REPUBLIC OF LIBERIA

Mr. WOLPE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 367) expressing the sense of the House of Representatives regarding the furnishing of assistance for the Republic of Liberia, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 367

Whereas the Republic of Liberia and the United States are bound by ties of mutual respect and friendship;

Whereas the Government of Liberia has undertaken since 1981 to restore civilian rule and establish a genuinely democratic government which will provide all citizens with an equal voice in the governance of their country;

Whereas the Government of Liberia made a public commitment to hold a free and fair election in 1985 and to install a civilian government based on the results of that election by 1985;

Whereas the United States has provided the Republic of Liberia with $375,000,000 in economic and military assistance since 1981 on the basis of the Government of Liberia's commitment to hold free and fair elections;

Whereas the election took place in the Republic of Liberia on October 15, 1985, has been characterized by improprieties, including the denial of the right to participate by significant opposition parties and candidates and restrictions on the freedom to campaign;

Whereas the results of the election, as announced on October 29, 1985, giving 50.9 percent of the vote of General Doe, were tallied in secret by an ad hoc committee appointed by the military government, contrary to previously agreed upon procedures which provided for tabulation in the presence of opposition party representatives;

Whereas several opposition political leaders were arrested and held in detention without charge, allegedly on the grounds that they participated in the attempted coup d'etat of November 12, 1985;

Whereas the Congress, in the International Security and Development Cooperation Act of 1985, expressed the need for free and fair elections in the Republic of Liberia; and

Whereas it is the desire of the Congress that the people of Liberia enjoy the full fruits of democracy as well as the respect to the International community: Now, therefore, be it

Resolved, That (a) it is the sense of the House of Representatives that—

(1) the October 15, 1985, election and vote tally in the Republic of Liberia do not meet the standards of section 807 of the International Security and Development Cooperation Act of 1985;

(2) the President should disburse economic support fund assistance to the Republic of Liberia when it has been clearly and verifiably established that the Government of Liberia—

(A) has released all political prisoners,

(B) allows the press to operate freely,

(C) maintains an independent judicial system,

(D) has removed all restrictions on the ability of political parties to organize freely, and

(E) has achieved national reconciliation with all significant political groups in Liberia; and

(3) the President should suspend military assistance to the Republic of Liberia unless the Government of Liberia has released all political prisoners and has provided for genuinely free and fair elections.

As used in paragraph (3), the term "political prisoner" means any person who is incarcerated or persecuted on account of race, religion, nationality, membership in a particular social group, or political opinion, but the term does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

(b) The House of Representatives hereby expresses to the people of Liberia the friendship of the people of the United States and the earnest desire of the people of the United States for the establishment of a genuine democracy in Liberia.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. WOLPE] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the United States has had a close and special relationship with the people of Liberia for over a century and over the years has provided significant economic and military assistance which currently makes up one-third of Liberia's budget. Congress has recognized that U.S. interests in a stable, friendly regime will be best served by legitimate civilian rule in Liberia. Following the coup that ended the corrupt and repressive Tubman regime, both the Liberian and U.S. Government, agreed that free and fair elections were the best way to achieve political stability, and the United States financially supported the development of a democratic constitution and electoral system. Toward this end, Congress, in the International Security and Development Cooperation Act of 1985, conditioned security assistance allocations to Liberia on the successful completion of free and fair elections, on a multiparty basis, as proposed by that government.

While the elections were held as scheduled, there were reports of gross irregularities, including systematic delays in the registration of political parties, government harassment of the opposition, and a general perception by the Liberian people that the election was fraudulent. An attempted coup d'etat followed the elections, and in its aftermath, hundreds of Liberians were killed: some estimates put the death toll in excess of 2,000. The government has, reportedly, detained hundreds of individuals it perceived as a threat, including leading opposition figures. What is emerging is a grim picture of a Liberian Government lacking political legitimacy and depending increasingly on coercion to maintain itself in power.

Mr. Speaker, the Subcommittee on Africa and the Subcommittee on Human Rights and International Organizations of the Foreign Affairs Committee have recently held a series of hearings examining prospects for democracy in Liberia.

On Thursday, January 23, these two subcommittees held hearings in which we looked at reports of election fraud and human rights abuse in Liberia. House Resolution 367 was passed unanimously by both subcommittees on Tuesday, January 28, 1986. This resolution then passed with but a single dissenting vote in the House Foreign Affairs Committee. A similar resolution, I should add, was also unanimously passed by the other body on December 18, 1985.

□ 1225

We bring this resolution to the floor today because we feel that the sense-of-Congress resolution is the most appropriate means we have of sending a message to the Liberian Government that the United States is in fact prepared to use its economic leverage when human rights expectations are not met.

Administration policy in Liberia has been to ensure that its assistance promotes political stability by achieving a return to civilian rule through free and fair multiparty elections.

On March 5, 1985, Deputy Assistant Secretary of State Frank Wisner testified before the Africa Subcommittee that American assistance programs were "aimed at promoting" a "return to civilian rule" through a "multiparty free election."

Last September 8, responding to my question about United States relations with Liberia in the event of an abrogation of the government's commitment to free and fair multiparty elections, Ambassador Howard Walker, Director of the Office of West African Affairs of the State Department said, and I quote:

There would be important problems in those circumstances, including problems related to the fiscal year 1986-87 security assistance legislation for Liberia.

Congress has emphasized the same objectives as the administration. The fiscal year 1986-87 foreign aid authorization based security assistance to Liberia on the expectation of a free and fair election and return to civilian rule.

The resolution before this body now expresses the sense of Congress that at least a portion of security aid to the Doe government should be suspended on account of the Doe government's failure to meet both U.S. expectations and the clear undertakings of the Liberian Government itself.

The sense-of-Congress resolution calls for the suspension of only military aid because it is that military assistance that leads to the close identification of the United States with Doe's military government and with the repression of that government.

The sense-of-Congress resolution does not call for the reduction of economic support fund assistance, but conditions economic support fund assistance on the maintenance of a free and independent press and judiciary, freedom of organization for political parties, and the achievement of national reconciliation with all significant segments of Liberian political opinion.

Mr. Speaker, I believe that it is in the compelling national interest of the United States to express itself in clear and unmistakable language to the Doe government. Just as we now understand the tragedy of what is occurring in the Philippines and how American interests are undermined by close identification with the repressive Marcos regime, so we now must express ourselves very sharply to make clear that the United States does not intend to maintain a close identification with a repressive Liberian regime.

I urge my colleagues to lend their support to this resolution. Mr. Speaker, at this point I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as you know, the United States and Liberia have a long history of friendly relations. Our country was closely involved in the founding of Liberia. Many Liberians have close family ties with the United States and nearly 5,000 Americans reside in Liberia.

The United States has important interests in Liberia, including regional communications facilities, such as a Voice of America transmission station, and over half a billion dollars in U.S. private investment there. Liberia has been an important ally and friend, both in war and in peace.

All of us, in this body and in this Nation, are desirous of maintaining the strong ties of friendship and mutual respect which bind ourselves

and the Liberian people. In that spirit, it is important that the United States express to the Government of Liberia our disappointment about significant improprieties which characterized the recent election there. Apparent election irregularities indicate that the Government of Liberia did not abide by its commitment to hold free and fair elections.

This denial of the right of the people to choose their own government must be condemned by free men and women everywhere. While fair democratic elections in Africa are as rare as the California Condor, a democratic exercise that is fundamentally flawed is no substitute for truly representative government.

The resolution before us expresses the sense of the House that the President should disburse economic support funds to Liberia after certain conditions have been met. These conditions include the removal of all restrictions on the ability of political parties to organize freely, and the achievement of national reconciliation between all significant groups in Liberia.

Mr. Speaker, while this sense-of-the-House resolution is not binding on the President, I believe it sends a strong message to the Liberian Government that the people of the United States stand behind the Liberian people and support their right to choose their own government through free and fair elections.

Mr. WOLPE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say in response to my distinguished colleague from Michigan [Mr. BROOMFIELD] how much I have appreciated both his cooperation and that of my distinguished ranking Member, Mr. SILJANDER. I, too, wish he could have been here today. Were it not for illness, he would have participated in this debate.

This resolution has enjoyed from its inception strong bipartisan support. Mr. SILJANDER and Mr. BROOMFIELD have been very helpful in moving it to the floor, and I thank them for their cooperation.

I yield such time as he may consume to my distinguished chairman, the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I rise in support of House Resolution 367. First, let me commend the gentleman from Pennsylvania [Mr. YATRON], chairman of the Foreign Affairs Subcommittee on Human Rights and International Organizations, and the gentleman from Michigan [Mr. WOLPE], chairman of the Subcommittee on Africa, for bringing this resolution before the House of Representatives.

Mr. Speaker, the contents of the resolution and the reasons why the sponsors felt the need to bring it before the House have been sufficiently explained. From my point of view, this resolution contains no new statement of what U.S. policy should be. I believe it is and should be U.S. policy to support free, fair, and honest elections. It expresses the sense of the House of Representatives to that effect. This resolution expresses the particular concern of the Congress over certain circumstances, ably explained by the gentleman from Michigan, surrounding the recent elections in Liberia.

Mr. Speaker, the United States cannot dictate to the Government of Liberia what their policies should be. However, given the long and close relationship which has existed between our two countries and the large amount of assistance which the United States has and is providing, I think it is appropriate for the House to express its concerns when that becomes necessary.

Mr. Speaker, House Resolution 367 makes recommendations to the President. I strongly urge him to seriously consider the views of the House as contained in the resolution and urge its adoption.

The resolution contains several "Whereas" clauses focusing on the presidential elections held on October 15, 1985, and the detention of political leaders after an attempted coup on November 12, 1985.

The 1985 foreign aid authorization legislation contained language stating that security assistance, ESF and military aid, to Liberia "for fiscal years 1986 and 1987 is based on the expectation of a successful completion of free and fair elections on a multiparty basis."

The "Whereas" clauses state:

The election was characterized by improprieties including denying some opposition parties the right to participate; the vote count was done in secret, contrary to previously agreed upon procedures; several political leaders were arrested and detained without charge after the November 12 coup.

The resolution states it is the sense of the House that:

First, the election and vote tally do not meet the standards contained in the 1985 foreign aid legislation.

Second, ESF assistance should be disbursed only when it is established that the Government of Liberia has released all political prisoners; allowed the press to operate freely; has an independent judicial system; removed restrictions on the organization of political parties.

Third, military assistance should be suspended until all political prisoners are released and provided for free and fair elections.

The administration opposes the resolution primarily because it calls for new elections.

Mr. Speaker, I urge adoption of the resolution.

Mr. SILJANDER, Mr. Speaker, I rise in support of this resolution, but I would like to clarify my position for the record.

Liberia is our friend.

Liberians like to call our friendship one based on tradition.

Liberians say,"We are traditional friends."

I agree with them, and I hope that this resolution will be interpreted by all Liberians as a sign of our friendship, and willingness to participate in the democratic evolution in that important country.

I thank you, Chairman WOLPE for making the necessary changes in this resolution.

When this resolution came to the Subcommittee on Africa, and the full Foreign Affairs Committee, things in Liberia looked bleak.

Almost all of our members were convinced that only this kind of action would meet the need for change in Liberia.

We wanted to send a message to our State Department, and to President Doe in Liberia that we wanted political prisoners freed, and democracy firmly in place in Liberia.

Today, I am pleased to say that President Doe has heard our message.

In the short weeks since our committee action, Liberia's Government has:

Freed Jackson Doe, the most outspoken critic of the Liberian Government, and has provided for due process to Ellen Johnson Serlief, who had been held without charge.

These are good things, but there is more.

Liberia has recommitted itself to multiparty democracy.

President Doe has committed himself to a policy of national reconciliation.

Thirteen of the sixteen opposition members of Parliment have taken their seats.

Ellen Johnson Serlief has been transferred from a military to civilian prison, and has been formally indicted by the Government.

Serlief can now see her lawyer; her family, and she is in good condition.

Liberia has even offered visas to the ABA and other human rights groups to monitor her trial. Yes, her trial will be open.

And to my colleague Mr. HYDE, I know that you have been an outspoken critic of Liberia's apartheidlike policy of excluding non-Liberians from land ownership.

I have been informed that Liberia will soon be lifting those restrictions. Foreigners will soon have the right to buy land in Liberia

America has been allowed to use Liberian soil for many years.

Many facilities that further our national purposes of expanding freedom to the world are located in Liberia.

For example:

We have one of our largest Voice of America facilities in Liberia.

That facility broadcasts to the entire continent of Africa, and also to Southeast Asia, and Latin America.

It is very important to us, and is welcome in Liberia. We also have a Diplomatic Communications Facility.

That facility is the hub for all diplomatic messages that are sent throughout Africa. Any Member traveling in Africa will know how important that is.

We have an Omega Station, that helps all ships in the Atlantic navigate.

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And we have many Americans, and over $400 million in direct investments in Liberia.

Most important however, we have a linkage with Liberia that is bound by over 150 years of friendship, family, and tradition.

My hope is that the Liberians will understand that the purpose of this resolution is to expand that friendship and not to sever it.

I know that the State Department has taken some very important initiatives.

Liberia's military assistance has been cut by 60 percent; economic assistance to Liberia has also been cut by 45 percent.

The Liberians know that these cuts are because of our disapproval over the way the recent election was conducted. I commend the State Department for taking the initiative, and not waiting for Congress to act.

I also hope that the State Department will remember that this resolution is nonbinding.

I encourage the State Department to keep our concerns in mind when dealing with Liberia; we want the Liberians to build on their recent experiences, and conduct an election that is free and fair.

And remember that a nonbinding resolution does not require the kind of letter of the law adherence that would be expected if this were binding legislation.

I hope that the State Department will use the leverage of this resolution in a carrot and stick approach toward Liberia.

As they move toward democracy use the carrots; as they move away from democracy use the stick.

This resolution expresses our concerns for the moment, but if the situation in Liberia continues on its current course, then I am sure that most of us in Congress will find adherence to this resolution as being counterproductive.

Of Africa's 55 countries, there are 3 multiparty democracies.

With our help, Liberia will soon become the fourth.

I see the upcoming bielections in Liberia as a sign of whether the ruling party in Liberia is committed to the principles of free and fair elections.

If that bielection is purposed to be free and fair, political prisoners are free, and due process is granted to those charged with crimes, then I would encourage the administration to embrace Liberia's needs as our own, both economic and military.

Thank you, Mr. Speaker.

Mr. DIXON. Mr. Speaker, I join my colleagues in supporting House Resolution 367, that expresses our disappointment over the Liberian Government's failure to hold free and fair Presidential and legislative elections on October 15, 1985.

The historical ties between Liberia and the United States have been long and steadfast, and I am hopeful that our friendship will continue to strengthen as Liberia ventures into an unchartered course: the birth of the Second Republic and an end to 5 years of military rule. I am among the Members of Congress who are supportive of President Doe's government, but the transition to civilian rule has not come easy and I am deeply concerned about the future of democracy on this west African country.

The government of Samuel K. Doe is at a crossroad. President Doe can either be instrumental in ensuring Liberia's progress toward an open, democratic society, with a free and independent judiciary and multiparty legislature, or toward a path that is less promising, where political freedom no longer exists, and human rights abuses, massive corruption and mismanagement are perpetuated by the system. I am hopeful that the President will choose the first path.

While Congress cannot ignore the improprieties and irregularities that marked last year's elections, we can ensure that President Doe fulfills his constitutional commitments. We can condition U.S. support on positive moves by the Government to ensure that the people of Liberia enjoy the full fruits of a legitimate civilian, constitutional government. We can ensure that the Liberian Government moves toward national reconciliation, protects the fundamental human rights of all Liberians, and allows for a functioning political opposition, due process of law, and a free and open judiciary.

Since the new republic was launched, we have witnessed a few positive signals. Presidential candidate Jackson Doe was released from prison following a decision by the Government to withdraw its case against him in connection with the abortive coup. I understand that Ms. Ellen-Sirleaf and other detainees have been charged and will face an open civilian trial in the near future. The Government has granted visas to independent observers who are expected to go to Liberia to witness the trials.

The litmus test for Congress will be the Doe government's willingness to move forward with meaningful political and economic changes. While these reforms are a matter of national self-interest, they are indeed factors we must consider in assessing our assistance program in Liberia.

The United States and Liberia are inescapably linked by history, shared values, strong economic ties, and hopefully a commitment toward restoring the principles of democracy. Again, I am hopeful that President Doe is committed to democracy, and Congress will not be disappointed by Liberia's progress.

Mr. WOLPE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. WOLPE] that the House suspend the rules and agree to the resolution, House Resolution 367, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WOLPE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 367, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 18, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 4:30 p.m. on Friday, February 14, 1986 and said to contain H.R. 2466, an Act to make miscellaneous changes in laws affecting the United States Coast Guard, and for other purposes, together with a veto message thereon.

With kind regard, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

MISCELLANEOUS CHANGES IN LAWS AFFECTING THE U.S. COAST GUARD—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-166)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2466, a bill "To make miscellaneous changes in laws affecting the United States Coast Guard, and for other purposes."

This legislation was originally intended to make technical and editorial corrections to subtitle II of title 46 of the United States Code. These corrections were necessitated by errors made in the codification of that title in 1983. This bill contains sections that I do support; however, provisions were added that I simply cannot support.

Improving the management of the Federal government has been, and remains, a fundamental goal of my Administration. But close cooperation between our branches of government is critical if we are to conduct our affairs in a businesslike fashion. Far from giving the Executive branch requisite flexibility to manage efficiently it creates significant new impediments and contains unwarranted private relief provisions that would set highly undesirable precedents.

For example, the bill would require that any funds expended under the

Truman-Hobbs Act by the Coast Guard to alter the Burlington-Northern Railroad bridge be subject to the requirements of the Davis-Bacon Act, adding approximately $1.5 million to the cost of the project. It would prohibit the trial contracting out of certain aids to navigation functions on the Intracoastal Waterway in New Jersey, significantly diminishing the scope of this project. It would establish two unnecessary advisory committees, and exempt certain Coast Guard facilities from personnel ceilings.

It would also reimburse the owners of a bridge in Texas for costs of alterations that under current law are nonreimbursable. Finally, the bill would grant a specific vessel an inappropriate exception to the Merchant Marine Act of 1936, relieving that vessel of its statutory duty to repay a construction differential subsidy. Both of these provisions would discriminate unfairly and inequitably against those similarly situated. At a time when we are taking difficult steps to reduce the budget deficit, this strikes me as especially unwise.

For these reasons I am compelled to return H.R. 2466 without my approval.

RONALD REAGAN.

THE WHITE HOUSE, *February 14, 1986.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that the veto message of the President, together with the accompanying bill, H.R. 2466, be referred to the Committee on Merchant Marine and Fisheries.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

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APPOINTMENT OF CONFEREES ON H.R. 2453, OLDER AMERICANS ACT AMENDMENTS OF 1986

Mr. KILDEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2453) to amend the Older Americans Act of 1965 to increase the amounts authorized to be appropriated for fiscal years 1985, 1986, and 1987 for commodity distribution, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan? The Chair hears none and, without objection, appoints the following conferees: Messrs. HAWKINS, KILDEE, OWENS, PERKINS, BRUCE, ECKART of Ohio, JEFFORDS, COLEMAN of Missouri, PETRI, and TAUKE.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 638. An act to amend the Regional Rail Reorganization Act of 1973 to provide for the transfer of ownership of the Consolidated Rail Corporation to the private sector, and for other purposes.

THE VANISHING LAND

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, I have recently had the opportunity to read an interesting book review in Farmland News, a publication of Farmland Industries. The book, "The Vanishing Land," by Robert West Howard is reviewed by Frank Whitsitt.

"The Vanishing Land" was written to help pierce the plastic curtain between the supermarket and our farms to let consumers, as well as farmers, better understand our food supply chain, Mr. Whitsitt recommends reading "The Vanishing Land" to consumers "especially those engaged in agribusiness and agriculture and to one and all who are having anything to say about this nation's food and fiber policies."

Robert West Howard, the author of "The Vanishing Land," writes from years of experience on Farm Journal and with the American Meat Institute.

Mr. Speaker, in that we all better understand the importance of the messages in this book, I include the article by Mr. Whitsitt from Farmland News to be printed in the RECORD at this point.

[From the Farmland News, July 15, 1985]

LIFE "WORTH LIVING" HINGES ON CURBING ABUSE OF LAND

(By Frank Whitsitt)

(Our urbanites speak one language; our agriculturists speak another. The 16 million employees of federal, state and local governments use their own jargon. The scientist holds to Latinized cadence; the educator chants in polysyllabic abstrusity. We live in a Tower of Babel. No group listens or understands or really gives-a-damn about the needs of other groups. But all are as dependent on the land and its bounties as Thebes and Athens and Tyre and Babylon were in 2000 B.C.—(From the foreword to "The Vanishing Land")

The author of "The Vanishing Land," Robert West Howard, says that, in a way, this is just another diet book in that the word "diet" comes from a Greek phrase meaning "a way of life."

His purpose, he adds, is to show how the American diet, or way of life, has "bumbled toward catastrophe since 1600 A.D. and what we can yet do to ensure ample food supplies, palatable water, healthful air and a modicum of bucolic escape for our tomorrows."

Howard says 45 years of empiricism has gone into this book, beginning when he joined Farm Journal in 1938. He's written for many publications and authored other books since then. This, he would have us think, is his most sensitive and serious work. His publisher describes it as a watershed book that ranks with "Diet for a Small Planet and The Population Bomb."

Whether so or not, it's a timely book that is easy reading and highly recommended, especially for all those engaged in agribusiness and agriculture and those who have anything to say about this nation's food and fiber policies: to wit, the 1985 Farm Bill.

It's a tale of how the land has been abused since the first settlers. First, out of ignorance, and now from economic pressures brought on to a great degree by combinations of power and design that have gradually raised a "plastic curtain" between the consumer and producers—a curtain that provides 72% of the food dollar to the middlemen on one side of it and 28% to the producers on the other side.

This is more than a gloom-and-doom book, however. Howard offers alternative strategies for saving "the green" that range from turning us into a nation of gardeners to abrogating the Department of Agriculture in favor of a Department of Land.

Howard's contention that we are facing a vanishing food supply because of lack of a public land policy may seem a bit hyperbolic in view of the surpluses strangling farm profitability today. But in looking further down the road he sees a nation that is confused as to where its future lies.

"The American future is not up among the stars," Howard says of space exploration emphasis. "It is down here with our topsoils, our waterways, our forests and nature trails and those unprobed mysteries of potential energy, heat and moisture from the earth's depths."

Communicating such concerns between farm and urban interests has been increasingly stifled by the "plastic curtain" of the middlemen, says Howard who contends the best hope for bridging the gap resides in the efforts of farm groups and their cooperatives. However, he is not happy with such efforts to date.

With the coming of New Deal programs, he writes, lobbying for federal aid became more important to organizations and cooperative officials than developing effective programs to acquaint consumers and producers with their goals and advantages. A major stumbling block has been inability or unwillingness of producer co-ops and consumer co-ops to work together, he adds.

In 1955 a Harvard professor coined the word "agribusiness" and along with it a proposal for reorganizing the USDA to monitor the takeover of agriculture's traction power, fertilizer, insecticide, livestock feeds, processing and distribution by middlemen.

John Davis defined agribusiness as "the sum total of all operations involved in the production and distribution of food and fiber" but warned that reduction of government involvement would require cooperation between producers and middlemen. Howard calls it a "logical and timely" effort to retrieve self-sufficiency for agriculture, assure lower food and fiber prices for consumer and upgrade the image of farmer.

Davis favored a USDA concept of agribusiness that would help capable young families to become ag producers; re-examine the adequacy of land-grant colleges; formulate guide lines for diversion of farm land to other uses; explore antitrust laws for legal

ways to curtail monopolistic practices of "commodity organizations"; devise methods to control the price juggling of farm exports and study the potential of the multinational corporation as a vehicle for bringing about economic development across political boundaries.

Howard hails Davis as realistic but says he was undermined more than anything by "deliberate distortion" of the word agribusiness by journalists who popularized it as a code word for "agrivores" and bigness.

"The Davis books were abandoned . . . and technology lurched on," he writes. "When our so-called statesmen orated about our highest standard of living on earth and feeding the world's hungry, farmers and ranchers muttered, 'Is going into bankruptcy our only reward for this?' Another question as frightening for consumer and producer loomed over the issue of food and farms: Is technology going to serve mankind or is mankind going to serve a technology? Official Washington didn't seem to hear the question."

But describing a problem and assessing blame is easy and perhaps overdone these days. Howard says it's not too late to turn things around. He's far from given up on what farmer cooperatives can yet accomplish and urges others to get into consumer co-ops. Buy direct from farmers wherever possible, alert the media to what's happening, start a garden, vacation on a farm, track the voting record of those who pass on bills influencing land policy and food and fiber production, food labeling, pollution control and other issues dealing with the land and its harvest.

"Drastic reorganization of the federal agencies and departments that deal with the land is long overdue," he writes. He would consolidate all federal involvement in the land into a Department of Land. This substitute for the USDA would "police" land use through regional centers. Land would be graded just as milk, cheese and beef are. Grade A and Grade B land would unconditionally be reserved for farm and ranch use. Grade C lands could be developed provided their occupants did not excessively pollute.

Perhaps the publisher sums up Howard's effort sufficiently on the jacket. "The Vanishing Land," he says, is not a depressing expose that will leave you feeling powerless. Instead, it sparkles with ideals of freedom and pride. It "sings about the beauty of this nation, celebrates the timeless rhythm of working with the land, not against it," and offers a vision of what might yet be if we all get concerned about ensuring the availability of the essentials that make life worth living.

BUY AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, as the U.S. trade deficit continues to mount, estimated for 1985 at $146 billion, representing the loss of about 4.5 million American jobs, it is comforting to discover that private citizens are joining the effort to do something about this serious national problem.

Yesterday, I attended the Wal-Mart "Buy America" Conference in Little Rock. Wal-Mart is a retail merchandising company headquartered in Arkansas with outlets in the South, Southwest, North, and Atlantic coast.

The "Buy America" policy gives preference to American manufacturers in purchasing its products for retail sales in its stores. The program has created or retained about 4,500 American jobs in a single year as explained by the following statement of policy.

Sam Walton, the company's chief executive, stated that, and I quote:

The responsibility (for the trade deficit) falls squarely on the shoulders of both public and private sectors.

Mr. Speaker, it is rare and refreshing to observe an American executive taking private initiative to assume responsibility for helping to solve a public problem.

More frequently we hear business and political leaders alike dismissing serious public policy issues by merely blaming Government for the problem.

How often do we hear at our civic clubs, business conventions and, yes, at political meetings the condemnation of the Government for failing to solve a problem without the offering of one single constructive alternative?

Private action, demonstrating individual leadership in our country has been lacking for several decades, and it is laudable to see an executive assume private responsibility for public policy. It is commendable, and it should be emulated all across our land. My "good citizen" award of 1985 goes to Sam Walton for showing the American way to buy American.

His actions are an example of the best American tradition as proclaimed by the late President John F. Kennedy when he said:

Ask not what your country can do for you, ask what you can do for your country.

On March 15, 1985, Sam M. Walton, founder and chairman of Wal-Mart stores sent a message to his merchandise managers:

Find products that American manufacturers have stopped producing because they couldn't compete with foreign imports.

This mandate is a result of Mr. Walton's concern for the economy's high balance of trade deficits and the attendant loss of jobs and dollars flowing out of the country.

That concern was translated in a letter to Wal-Mart's 3,000 domestic suppliers stating that between 1981 and 1984 an estimated 1.6 million American jobs were lost to imports. In 1 year, 1983–84, nonoil related imports grew $70 billion, a 33-percent increase, while the balance of trade deficit grew by 78 percent to $123.3 billion, in that same period.

Said Walton:

Something can and must be done to reverse this very serious threat to our free enterprise system.

Wal-Mart initiated the "Buy American" program. It is designed to work toward a long range goal strengthening that free enterprise system. The "Buy American" effort is not an anti-import campaign. Wal-Mart is not suggesting trade regulation legislation, tariffs or controls on imported items. Mr. Walton is the first to state that certain lines of merchandise will continue to be bought overseas, and necessarily so. The "Buy American" program is a cooperative effort between retailers and domestic manufacturers to reestablish a competitive position in price and quality, American made goods to the market place.

Wal-Mart has taken the initiative of working and planning with American manufacturers and suppliers to obtain goods that are competitive in price and quality with foreign imports. Wal-Mart is making great strides to make the partnership work. The "Buy American" plan gives select American manufacturers some of the same terms and cooperation that are extended by many to foreign manufacturers. This involves providing manufacturers long-term commitments and guaranteed orders which in some cases can act as domestic letters of credit for smaller companies.

Sam Walton expects manufacturers to make an equal commitment.

In turn, our American suppliers must commit to improving their facilities and machinery, remain financially conservative and work to fill our requirements, and most importantly, strike to improve employee productivity. This means that American producers will have to be more "market driven" instead of continuing to be traditionally "product driven".

Pricing of any merchandise is determined on its own merit. But Wal-Mart's overriding concern is the maintenance of its competitive edge by offering quality merchandise at the most affordable prices.

The Wal-Mart program has realized great success in the short time it has been in effect. Since March 1985, Wal-Mart converted or retained $197.3 million in purchases, at cost, that otherwise would have been placed or produced offshore. That meant creating or retaining 4,538 jobs for Americans.[1]

Wal-Mart has shown and top management believes American retailers and manufacturers can make a difference if they provide the leadership for American workers. Changes in the economy can occur if:

Retailers are willing to give manufacturers in the United States the same advantages provided to overseas vendors.

Manufacturers are committed to improve facilities and machinery, remain financially conservative and strive to improve employee productivity.

Retailers and manufacturers have realistic profit goals. High levels of unit volume movement provide most effective use of available production.

Retailers and manufacturers are committed to deliver quality and value superior to imports to our American consumers.

Retailers and manufacturers form a partnership based on mutual needs and recognize and address the needs of each.

The foundation of this program rests in securing additional members in the retail and manufacturing industry to work cooperatively within the system toward a mutually beneficial goal: more jobs and a reduced trade deficit.

[1] Based on United States Department of Commerce statistics equating each $1 million of lost merchandise production to a loss of 23 jobs.

To date, Wal-Mart's "Buy American" buying position has gained momentum in Mr. Walton's goal of working with vendors in "bringing production back to our shores." A few examples include:

First, Wal-Mart ordered 207,000 portable electric fans from Lasko Metal Products and the more than 2.6 million dollar's worth of fans will be produced predominantly in Fort Worth, TX. In the process, the Lasko employment rolls in the Texas plant will grow by 18 percent.

Second, in 1983, Wal-Mart imported most of its dress shirts; however, in 1985, 50 percent of the dress shirts sold at Wal-Mart were produced domestically. Capital Mercury Shirt Co. has, as the result of Wal-Mart's drive, brought back to the continental United States some of its production and even hopes to expand some of its facilities to meet the needs of other retailers.

Third, Wal-Mart is also selling more domestic flannel shirts, as it has been learned that men's flannel shirts can be produced on a competitive basis in price and quality in the continental United States. Farris Fashions, Inc. in Brinkley, AR, has a $3,741,000 order for 864,000 flannel shirts. The plant has updated its equipment, increased its productivity and been able to increase its number of employees from 85 to 210.

Fourth, Julie Girl, a manufacturer of ladies' sportswear and loungewear, has received new Wal-Mart orders which will create about 200 more jobs, as Wal-Mart has extended a longer leadtime allowing the manufacturer to fulfill orders. The result has been better production planning and more efficient plant operations through the lowering of costs and overhead.

Fifth, outdoor stacking chairs had been purchased from Taiwan. Flanders Industries, a Fort Smith, AR, based manufacturer of casual furniture, received a $459,000 commitment from Wal-Mart. The company, which employs 100 people was able to create 13 new positions because of the order and stay in production year round.

Wal-Mart executives realize the long-range commitment needed for eventual, successful results of their program. They are asking fellow retailers to join their efforts in a conscious buying effort to help insure continued growth in domestic manufacturing. Success and change will be realized to an even greater capacity with full industry cooperation. One man and one company cannot achieve effective deficit reduction alone. It will require a concentrated, conscious effort on the part of manufacturers, retailers and consumers alike. But the guidelines have been set and the initial results have been encouraging.

Mr. Walton expressed his goal in a column of the company's employee publication, Wal-Mart World:

Our Wal-Mart can and should set an example for others in helping the United States out of the very difficult financial situation that we're in . . . We should initiate an all-out campaign to cooperate with our industries and manufacturers to buy everything possible in the U.S. We should assist them to be competitive and more efficient in many ways, and that should be our intent and objective. If done correctly, I am very certain that U.S. workers, if provided the proper equipment, incentives and participation, can produce merchandise in these United States that will be as good a value, or better, than anything we can buy offshore.

A CAUSE WORTH DYING FOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Manyland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, last week I received a call which greatly upset me. Mr. Nila Fish of my district had called with the tragic news that her nephew, Mr. Evelio Javier, had been brutally murdered by six gunmen in San Jose Buenavista, Philippines.

I rise today, Mr. Speaker, to honor Mr. Javier and to call, as I requested last week of Secretary of State Shultz, for a complete and impartial investigation of this savage act. Mr. Javier was a deeply respected leader of the Antique Province and a leading supporter of Presidential candidate Corazon Aquino. This execution, Mr. Speaker, was clearly designed to suppress political opposition to President Marcos and his regional supporters.

Furthermore, this murder is an extension of the violence used in that region, for in 1984 when Mr. Javier was a candidate for the Antique Parliament, seven—think of it, Mr. Speaker, in a land like the United States which prides itself on the peaceful transition of power and we look to many of our allies to demonstrate the same kind of exercise of democracy that we would hope for their citizens as we hope for ours—seven of Mr. Javier's closest associates in that election were, as he has been, brutally murdered.

The election was subsequently awarded to Arturo Pacificador, a Marcos supporter. That election was awarded by a court decision which remained hotly contested by Mr. Javier. Mr. Javier also charged Mr. Pacificador with the murder of his associates, another act which was still pending at the time of his own murder.

Mr. Speaker, the implication of high government officials in these heinous acts cannot, should not, and must not be overlooked. Therefore, I would reiterate my call to Secretary of State Shultz that we look seriously into this matter and demand that justice be accomplished through an intensive and complete investigation of this entire matter.

In honor of Governor Javier, I would like to insert for the RECORD an article written by Elliot Richardson, a former Attorney General of the United States of America, who was a good friend of Governor Javier.

He writes that Mr. Javier was the youngest elected official of a province of the Philippines. He served his country for 10 years as Governor of the Antique Province. In 1981, Mr. Javier received his master's degree from the John F. Kennedy School of Government at Harvard University in Massachusetts.

After returning to the Philippines and experiencing the loss of his seven supporters in his election bid for parliament, Mr. Javier was denied his seat, as I said earlier, by a court decision. Undeterred, however, in his service to his country, he became the deputy of the president of the Liberal Party, Senator Eva Kalaw, of Manila.

He was also chairman of the Liberal Party's platform committee. On February 11, Mr. Javier was executed by six gunmen using automatic weapons who chased him through the streets of his village until he was trapped in an alley where they repeatedly fired into his already silent body.

Mr. Speaker, his spirit, his purpose, and his love of liberty will not remain silent, however. They were too strong to be silenced by the assassin's bullet. His love of liberty will rise up and overwhelm those who would seek to rule by terror and violence.

□ 1250

His cause is our cause. His hope is our own.

Therefore, Mr. Speaker, this House should send forth the word that the United States will not stand idly by while the democratic traditions of our close friends and allies, the Philippine people, are so grossly distorted.

Mr. Speaker, I pray that the memory of Evelio Javier will be long remembered by those who revere liberty and freedom everywhere.

A CAUSE WORTH DYING FOR

(By Elliot L. Richardson)

It happens from time to time that the promise of a life is fulfilled in death.

Let it be so with Evetilo B. Javier. Born in Antique Province in the Philippines on Oct. 31, 1942, he was murdered three scant days ago—brutally, callously and deliberately gunned down. It was a mindless murder. His assassins could not have calculated the power of the force that they would thereby set in motion. Someday, somehow, it will overwhelm them.

I know this because I knew Evelio Javier. I know the qualities that made him admired and loved and that will now make him a legend.

We met in June of 1981. He has just received a master's degree from the Kennedy School of Government at Harvard. He was looking for a job. Listening to him talk about his 10 years of service as governor of Antique Province—elected in 1971 at the age of 29, he became the youngest governor in the Philippines—I was as much impressed by the way he spoke as by what he said.

His description of the upland development program he started and his pride in its support by the U.S. Agency for International Development and the Ford Foundation were expressed with modesty, charm and humor. He had faith in people and faith in the future; he had faith in his own ability to make a difference. His genuineness was unmistakable. During the next several days I was moved to write or telephone a dozen people on his behalf.

After the assassination of Benigno Aquino, Evi Javier decided that he must go back to the Philippines and join the forces of democracy. Talking to him shortly before he left, I could sense his exhilaration. His eyes shone. He embraced the task ahead with joy and courage. Going back would be better than trying to help from a distance. Here was a cause worthy of total dedication. For him it went without saying that it was worth giving his life for. He exuded the kind of gallantry that I associate with Lee's Lieutenants and with Winston Churchill's generation of British subalterns. I had known officers like that in Normandy.

He did go back. He joined a law firm. He made plans to start a counterpart of the Kennedy School in the Philippines. He ran for parliament in Antique Province, lost narrowly, and brought proceedings in the Supreme Court of the Philippines charging fraud in the vote count. Seven of his supporters were ambushed and killed on election eve, and he filed multiple murder charges against his opponent, Arturo Pacificador. The charges were still pending when he himself was killed.

The last time I saw Evi was in April 1985. He had come to the United States with Sen. Eva Kalaw of Manila, the president of the Liberal Party. Evi was her deputy. He was also chairman of the party's platform committee. He was full of his plans to hold meetings on the platform in all parts of the Philippines. It would, he told me, be "a platform that we can truly call the people's platform."

At the close of a speech in Manila a month earlier he had said:

"Let politics then be the concern not only of the politicians but also of the citizens. Let us no longer leave politics to the corrupt and the abusive.

"My hope is that out of this partnership will merge leaders of the country who, like Cincinnatus and Garibaldi, after leading the call of their country, shall not be tempted to perpetuate themselves in power. My hope is that we shall see more leaders who shall not be afraid to go back to the farm, plow the land and milk the goats again. Then more and more citizens can take their turns at the reigns of political leadership.

"My friends, our democratic processes and institutions, our liberties have long been hanging in peril. And time is running out on us if we are still to save whatever is left of our liberties."

Evelio Javier is now a symbol of the things he stood for. A hero in his lifetime, he is now a martyr. His death will inspire with his vision countless countrymen who might otherwise never have heard his name. They will remember his decency, honesty, compassion and love of liberty. The directed energy and tenacity that were so much a part of him have not died, and they will not. His assassins have given him immortality.

ORDER OF BUSINESS

Mr. LOTT Mr. Speaker, I ask unanimous consent that I be permitted to take my special order out of order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi [Mr. LOTT]?

There was no objection.

THE GRAMM-RUDMAN DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. LOTT], is recognized for 10 minutes.

Mr. LOTT. Mr. Speaker, I think a few words are in order about the recent district court ruling that the sequestration process in Gramm-Rudman is unconstitutional. First, it's not over until it's over: The Supreme Court could still reverse the lower court and find the act constitutional.

Second, even when it's over it's not over: If the Supreme Court should uphold the lower court, Congress has wisely provided a fallback provision whereby we can enact sequestration orders by joint resolution.

Third, had Congress accepted the original House Democrat version with only CBO determining the deficit reduction amounts, and with nonseverability and no fallback process, the act most assuredly would have totally self-destructed.

Finally, the lower court got one thing right in rejecting the plaintiffs' argument that Congress was refusing to make "hard political choices."

Wrote the court:

To the contrary [Congress] has decided to impose the severe constriction of Federal spending necessary to produce a balanced budget by fiscal year 1991.

Mr. Speaker, regardless of how Gramm-Rudman-Hollings-Mack comes out in the courts, the act is alive and well and we must still confront those hard choices if we are to comply with its mandate. Let's get on with that effort and stop hoping the courts will save us from that difficult task.

GRAMM-RUDMAN, BALANCING THE BUDGET, PRIVATIZATION AND DAVID STOCKMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Thank you, Mr. Speaker, I will not be taking all of that time, but I do want to talk a little bit today about Gramm-Rudman, balancing the budget, privatization and David Stockman.

I rise to do this, first of all, because I think things are changing. I think there are positive signs. I had an opportunity to speak yesterday with the very distinguished chairman of the Budget Committee, Mr. GRAY of Pennsylvania, who indicated that last week when the Budget Committee made its series of hearings around the country, it did so not by Air Force jet, but by commercial aircraft, and it did so with individual tickets and at far less cost than the committee hearings in past years have cost the American taxpayers. I thought it was a small but a very important symbolic sign that Congress is slowly beginning to change its behavior. I think the Budget Committee is to be commended for having pinched a few pennies, saved a few dollars and helped us toward the process of achieving a balanced budget. That is a small sign; clearly not big money, but it moves us in the right direction.

But I was very struck during the time we had in the district work period by several ideas that seem to be afloat, the biggest of which is that balancing the budget is primarily a question of willpower, of determination, that if only Congress has the courage, it would somehow do the job.

Possibly this approach to balancing the budget is best explained in a recent interview with Don Llandro and David Stockman. In this interview, Stockman, who was probably the brightest Republican I served with in the House, a man whose capacity for detail and for numbers is amazing, expresses a sense of bitterness and frustration about dealing with Congress and its politics that I thought was very sad; understandable but sad.

During the same week when I was reading the interview with Stockman, I also happened to be reading a book by Stuart Butler called "Privatizing Federal Spending, a Strategy to Eliminate the Deficit." This book is a 1985 book and maybe in some ways, if this book had existed in 1979 and 1980, we could have avoided the frustration of David Stockman, because I think that it is in Butler's book, "Privatizing Federal Spending," that we find the real problems in trying to tackle Federal spending head-on, and we find why it makes sense for Congress to have been so frustrated and frustrating in the last few years.

In a real sense, Stuart Butler is expanding on a pair of essays by Irving Kristol written in 1976-77, one called "The Stupid Party," and the other one called "The Future of the Republican Party." In those essays, Irving Kristol made the argument that you cannot govern simply based on cheapness, that you cannot govern simply by focusing on numbers in the abstract, that human beings want a government that functions. They want to know that if they drive down the road, the road will be paved. They want to know that if they come to a traffic light it will work. They want to know that if it rains, there will be storm sewers to take away the water. They want to know that if there is a disease, there is a hospital; that if they have children, there is a school they can go to; that if there is a foreign threat, there is an army to defend them. People demand at the very base of their lives a sense of certainty that society will work.

For over 50 years we have been building a liberal welfare state as a way of solving or meeting that request for certainty. We have said in effect to the American people again and again,

organize yourselves into an interest group, raise the money through campaign contributions to elect the politicians who promise to do what you want, establish the Federal program to achieve your needs, and then your life will get better. We created a whole range of institutions, some of which, like Social Security have worked very, very well, others of which, like welfare, have worked very badly. But they have been a collective effort by us as a nation to solve the problems of how we can have a society that is stable and certain, how we can improve our general standard of living through collective effort.

From many years in that framework of the liberal welfare state, the Republican approach and the conservative approach has been essentially to be cheap and negative. It was as normal for liberal Democrats to come in and propose a new program as it was for the Republicans to split into two wings. The hard-core wing would probably say, no, we should not do that; that is not the Government's job. The moderate wing would suggest doing half of whatever the liberal Democrats wanted. The result was that it was the agenda, the debate, the language was always established by the left, and the right was always split between those who would compromise and those who were adamantly opposed.

As a general rule, Representatives who came from districts that would profit tended to find themselves compromising; Representatives who came from districts that would not profit from the program tended to oppose.

What emerged out of that 50-year period of Republican opposition was a psychology that said, if only we were tough enough, we would cure everything, but of course we would get defeated at the next election.

When you read, for example, David Stockman's interview with Don Llandro, you find Stockman saying again and again about specific programs, if you try to cut agriculture, people from Nebraska or Minnesota will complain. If you try to cut education, people who have districts with a lot of schools or universities will complain. If you try to cut military bases, let us say the Navy, people from the Virginia coast or the California coast will complain.

The first question that I guess ought to be asked is, how did he think the Government worked? He had been a Representative. In fact the nature of elected office in America is that you are supposed to care about the people back home who hire you.

The Founding Fathers designed the House of Representatives specifically so that we would represent—notice the word "represent" is the base of the House of Representatives—well, if we are representing, what should we represent? Clearly, for example, people from the Los Angeles basin have a tendency to worry more about the automobile, which is the base of all transportation in Los Angeles, than do people in New York City who worry more about the subway, which is the base of transportation in Manhattan. That is exactly what the Founding Fathers intended.

Therefore, by definition, if you are going to invent a new approach, you should assume if it dramatically hurts an area, that every Member of that area, liberal or conservative, Republican or Democrat, will be against the new approach.

□ 1300

They are doing their job. That is exactly why we have elections every 2 years, that is why we represent districts.

Second, the Founding Fathers understood that on any given day on any given topic a number of Representatives could disagree, and yet you could pass it. For example, out of 435 Members of the House, normally, if the President is willing to sign the bill, you only have to have 218 votes "yes." That means that 217 districts could be saying "no," and by a very narrow margin of 1 vote we could pass a change.

What then is the challenge to those who want to balance the budget? It is, first of all, to design a general approach to the budget which is sufficiently positive that on a specific day at a specific time more districts feel good about that approach than feel bad about it.

Now, is that not the very essence of a free society, of an elected government, that if you cannot invent a vision of the future and a strategy for getting there which is more desirable for more people than the alternatives, then you should not be able to get the votes? But to be surprised that specific Representatives articulate the values and the concerns of their district is, I think, either naivete or it is an act of antidemocracy, antirepresentative Republican government behavior, because in fact if you are going to have a free society, you should expect your citizens to vote their enlightened self interest.

Now, what is their enlightened self interest?

First of all, what Gramm-Rudman has done, it has allowed us to have a larger vision-level framework of self-interest; it allows us to now go back home and say, "How much change are you willing to live through in order to get to a balanced budget by 1991?"

Why is that effective? It is effective because the goal of getting to a balanced budget is a powerful goal. If you go home and offer people a choice between $150 billion deficit or $100 billion deficit, that does not make any sense. Either one is negative. One is just a bigger negative. On the other hand, if you go home and offer people the difference between a balanced budget and $150 billion deficit, now there is a fundamental shift in the values involved, now people can look at those two choices of the future and they can make a real choice.

The genius of PHIL GRAMM and the Gramm-Rudman approach was that it laid out a framework to ask a new question. The new question is: Is America going to get its act together so that in the 1990's, with a balanced budget, we have 5 percent prime rate and 7 percent or 8 percent mortgage money, and we are able to compete economically with Japan and Germany and we are able to move into a decade of prosperity, increased jobs, and increased take-home pay?

The Gramm-Rudman approach, by offering the goal, the vision, of a balanced budget, allows us to say to our constituents: Are you willing to go through a series of changes in order to make sure that your children and your grandchildren live in an America which has a balanced budget, which is gradually paying down the national debt, which is ready and able to compete in the world market to provide the jobs and the opportunities for your children and your grandchildren that you have?

And by aiming at a balanced budget, the Gramm-Rudman approach creates the vision of the 1990's in which our choice is to go through the changes necessary to balance the budget or to accept a return to the Jimmy Carter days of 13 percent inflation, 22 percent interest rates, declining jobs, decaying economy, and our inability to protect our industries or to have a stable Social Security System.

Faced with that large vision-level choice, the American people, by pretty considerable numbers, are saying, "yes, I am willing to go to a balanced budget."

But let us look at the second stage. The central weakness of the last 4 years of the Reagan administration's effort to get to a balanced budget, the pre-Gramm-Rudman cycle, was that it kept focusing on numbers without underlying meaning.

For example, how can you argue in favor of slightly more or slightly less student aid? Obviously, if you are a student about to get the aid, you want slightly more. If you are the parent who wants your child to get the aid, you want slightly more. If you are the average taxpayer, you might want to pay for slightly less. But the fact is that if you can focus on the parents and the students and the college professors who want the aid, all of them are going to write letters and make phone calls and try to guarantee that that extra student aid is passed.

On the other hand, if you go to the very same students and say to them,

"We are borrowing the money to currently lend you, at a lower interest, a student loan so that when you graduate from college you will first of all pay off your student loan, you will then be burdened with this huge national debt, which may well cost you a job because it may crush our economy but which will certainly require you to later on pay out even more money because, after all, we borrowed the money in order to loan it to you. Now, would you be willing to accept as a student in college a guarantee that you can get the loan but that you have to pay the full value of the loan back over the next 20 years?"

My guess is that most students, most college professors, most parents would accept the principle that as long as their child can get through school, as long as they can get through the college or graduate school that they are studying well enough to get admitted to, that it is reasonable to ask that person who now has a higher degree of education and can get a better paying job, to pay back the cost of their education and pay it directly. At that point, rather than having scared every student, every teacher, and every parent, we have created an environment in which, in fact, people are able to begin to look at the difference.

I may also say that the genius I think of Butler's book on privatizing Federal spending is not that it is an everyday automatic solution. I liked David Broder's column the other day where he said that when he visited the Bonneville Power System's giant dams on the Columbia River, he had always wanted to own them, he liked this idea that he would now get to go out and buy one of the dams. Obviously, that is not the way it would work. That is not how it would happen. I think that there is a certain tongue-in-check approach to suggest that we are going to sell everything or that everything can be privatized.

The reason that Butler's book is particularly useful is that in the opening chapter he outlines why the traditional conservative technique of saying no, of offering cheapness without alternatives, is doomed to fail, why the coalitions and the interest groups and the structure of the liberal welfare state, the very drive of the bureaucracy itself, increases the pressure for more spending.

Second, Butler argues that there are a number of devices—and I just want to read the four, and then we will go over them in more detail later—four basic strategies: The first is to establish the Government as the facilitator, not the provider, of goods and services. His point here is—and this goes back, frankly, to the 19th-century American model where the Government provided through the Homestead Act for pioneers to get their own land, it did not set up a department of homesteading.

The second is to divert demand into the private sector, to find those things the private sector could do better but to have the Government, in effect, helping the private sector do it less expensively.

The third is to detach certain elements of the spending coalitions.

In Britain, for example, he points out that there have been very specific efforts to make sure that when you are changing the budget or changing the way the Government operated, that you make sure that at least some of the groups that are currently rewarded by the liberal welfare state are also rewarded by these changes. In Britain, for example, he suggests, and I quote:

> Discounts to tenant buyers, for instance, weakened resistance to the sale of public housing. Private garbage collectors bought off public employees' opposition to contracting out by hiring government workers, and turning employees into shareholders was remarkably successful in breaking down obstacles to denationalization.

Fourth, he suggests that we have to create a mirror-image private-sector coalition that, just as over a 50- or 60-year period the liberal welfare state has built national interest group alliances, moving the country toward the current model of government, that if we are really going to change how we run the Federal Government, we have to build national alliances, each of them with an interest in moving the country toward a more efficient, a more effective and a more forward-looking style of running this society.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I will be glad to yield.

Mr. DORGAN of North Dakota. I again listened with interest to the discussion about the Federal deficit, and that is the reason I stopped by, to see if we could talk a little about that. But I am also intrigued by the liberal welfare state which my friend from Georgia uses as a phrase frequently, often portraying it as only one word, "liberalwelfarestate." What is the liberal welfare state? I guess I am puzzled by what you mean about that.

Mr. GINGRICH. Well, when I was a student in graduate school, liberal welfare state was a framework of thought. It was essentially an approach which said that if you had a problem, hiring a professional bureaucracy to create a national system of solving that problem was the most effective, most powerful method of doing it. It was partly the professionalization of services such as the law, medicine, teaching, the military, partly it was the rise of the National Government, starting with Franklin Roosevelt, and partly it was the transfer to this country of the European-style social insurance state, starting, say, with Bismarck. So it was the combination of those three, with sort of a modest amount of the American version of socialism.

Mr. DORGAN of North Dakota. So the word "liberal" is a term used to describe welfare state. Would one be able to, then, in 1986, use the term "liberal" in discussing liberal defense state, for example?

Mr. GINGRICH. Sure, I would argue that——

Mr. DORGAN of North Dakota. Is that a term you would accept?

Mr. GINGRICH. I would argue that the current Pentagon is to a remarkable degree just a larger, fatter, more expensive version of MacNamara's development of the liberal welfare state Pentagon, that to whatever degree the left is guilty of not having rethought, for example, welfare, the right is guilty of not having rethought the entire Pentagon.

Mr. DORGAN of North Dakota. So then it is probably true to suggest that the right is not necessarily antiliberal, at least given the voting patterns in this body, when we talk about the defense bill.

Mr. GINGRICH. I agree. In fact, as you may know, I helped, along with several people, found the military reform caucus, in part as a bipartisan, nonideological group, because there was sort of a younger generation of awareness, I think, that the Pentagon had structural problems—that go beyond more or less—they go into what are we doing and why are we doing it and how are we doing it.

Mr. DORGAN of North Dakota. I guess that leads me to the discussion about the deficit because what I was trying to demonstrate with my question, evaluate, was whether this body, made up of conservatives, moderates, and liberals, whether we tend not to characterize the liberals as those who are guilty of overspending when in fact you have liberal rightwingers as long as it deals with their spending. If it is their spending that is up at the plate, they want to swing the bat as hard as they can. They are upset if someone takes a dollar from the food stamp budget and buys a Pepsi-Cola but they are not so upset, or at least not upset enough to try to cut the budget on defense, if they see somebody buying a $7,600 coffee pot.

If that is the case, if it is really the case that what we have are a lot of liberals in every part of this body, all of whom are liberal when their spending bill comes to the plate and they get a chance to take a swing, then how do we solve the Federal overspending problem? And I guess the major part of the question is that if we, you and I, assume that we need Federal spending restraint—I do, and I can describe the specific areas where we ought to have spending restraint, which includes, in-

cidentally, the biggest area of spending in the budget, the military——

Mr. GINGRICH. That is technically the second biggest area. Social Security is the biggest.

Mr. DORGAN of North Dakota. Well, we will talk about that in just 1 second. I think you are wrong. But if one believes we need spending restraint in virtually every area, does one also believe, then—at least I do—and do you and others believe that along with spending restraint we need to find new revenues as part of the formula for achieving a balanced budget? Do you believe that the spending restraint in itself will not solve the problem?

Mr. GINGRICH. Well, you have made a couple of assumptions there. Let me, first of all, say that 90 percent through that I agree with you. All right. The Reagan budget, as I understand it, is for $994 billion in spending. Now, I guess I would suggest to my friend that at $994 billion I would like to force us to rethink the Pentagon, and I would like to force us to rethink the welfare state, and I would like to force us to reexamine everything we are doing.

I started by praising the Budget Committee and its chairman, the gentleman from Pennsylvania (Mr. GRAY), because, for example, last week they took their tour by commercial jet, not by Air Force jet, and they paid dramatically less than they paid a year ago, and it was a minor symbol but I thought a symbol of the notion that before we get around to more revenue, let us walk through and rethink and reshape the Federal Government.

Now, I will say to you that if we come to the conclusion that in order to defend America there is no way to get below a certain number, in order to take care of our grandparents there is no way to get below a certain number, and in order to do what we as a country have agreed to do, there is no way to get below a certain number, I would vote for a tax increase. But I would only do so after having walked through that sequence and only if I were convinced that the tax increase would not start a recession and actually decrease revenues and increase the cost of Government.

Mr. DORGAN of North Dakota. What part of that $994 billion or $995 billion is represented by defense in the President's budget request?

Mr. GINGRICH. In the President's budget, as I remember, it comes out at $310 billion or $320 billion.

Mr. DORGAN of North Dakota. And what part of that $994 billion is Social Security?

Mr. GINGRICH. I would have to check, but my impression is that it is a little bit more than that.

Mr. DORGAN of North Dakota. It is substantially less, very substantially less. In fact, defense is the largest portion of the Federal budget. Defense outlays are somewhere around 30 percent higher than the Social Security portion of the budget.

Mr. GINGRICH. I would have to check. That is not the information I have.

Mr. DORGAN of North Dakota. Do not spend a lot of time. Trust me on that.

Mr. GINGRICH. OK. Remember, I am from Georgia. The last guy we had who asked us to trust him was very expensive.

Mr. DORGAN of North Dakota. Defense is the largest portion of the Federal budget.

Now, I guess the point I would make to you is that in the last 5 years we have increased defense spending by $150 billion, roughly, in 5 years. What we have done in that same period of time is, we have avoided the responsible approach of saying, "Look, we think for this country's security we must nearly double the defense budget, and so in order to do that we are going to have to ask you folks out there to pay for it." We did not do that. That is a tough part. We said, "We want to double the defense budget, but we are going to charge it to the grandkids." We did not say the second part, but that is essentially what we have done legislatively.

□ 1315

I guess I am saying that if you start down the road of saying we should have a balaned budget of some type, and I think we should, unless, of course, in some year we spend $200 billion more than we take in, and for that $200 billion we cured cancer or something of that nature, I can understand what that deficit means and what we did with it.

But in this instance, the deficit represents an ongoing fiscal policy of spending more than we take in. I am saying the first problem is in defense because we have nearly doubled that budget but never said to the American people, "Look, it is for our security; we are sorry to have to tell you this, but we have to double it and therefore we have to ask you to pay some additional taxes."

On Social Security itself, as the gentleman knows, Social Security is funded with dedicated revenues. It is nearly a $200 billion piece of the Federal budget, and it is funded with dedicated revenue. In fact, at the moment, it is running a surplus.

Now, I would be the first to say to you that the people out there that work for a living and get a W-2 form and a paycheck and earn $18,000, $28,000, or $38,000 are socked about as hard as we can sock them with those kinds of payroll taxes. We cannot do much more in that area and should not.

But I am saying that we have decided on that portion of the budget to pay as we go.

Mr. GINGRICH. That is right.

Mr. DORGAN of North Dakota. So if you take the $994 billion or so and take the $200 billion of Social Security out, you are down to $774 billion, roughly. Take roughly $140, $150 billion out for debt service. You cannot do anything about that except pay the bill. Now you are down to around $650 billion, in that neighborhood, as I recall. At that point you analyze that portion that we have left and what can we do about it, and what causes the deficit from that? Nothing. What has increased radically for which we have not increased revenues? You come to only one conclusion and that is that we have had a substantial increase in defense spending but did not have the guts to say to the American people, "We have to ante up for it."

I am not standing here saying that we ought to lead with the tax increase; that is not my intent at all. I think you had to lead with spending restraint but understand that we do not grow out of this problem. We need some additional revenues, and there are ways to get them without a broad, across-the-board tax increase for every American out there. We have $90 billion to $100 billion that is owed but not reported or collected. That requires tax enforcement. You could get a third of that with good enforcement. That is $300 billion in new revenues.

We have in the corporate tax side somewhere around $120 billion in corporate tax loopholes. I would like to see us use some of the revenue for closing those loopholes to attempt to diminish that Federal deficit. What I am saying to you is I think there is about $80 billion out there in revenues that is achievable without injuring this country's economy and without levying a broad tax increase on the middle American workers who does not need an additional tax at this point. That is how I think we ought to approach this problem.

Mr. GINGRICH. I do not totally disagree with you; I think there is merit to much of what you are saying. But let me suggest to you that in a sense our dialog illustrates the difference between the two parties and the two philosophies in our generation. I would argue, first of all, I could not agree more with your assertion that we have to fundamentally rethink the Defense Department. That we have massively increased the same old system and not overhauled it. So let me first of all agreee with you.

Second, my argument would be that we have an obligation to rethink the entire Federal Government before we raise taxes, one.

Mr. DORGAN of North Dakota. What does that mean?

Mr. GINGRICH. In just a second. Second to look at the general economy. I will give you an example.

Four or five weeks ago there was an assumption that we would have to cut spending by $60 billion this year or raise taxes by $60 billion.

Mr. DORGAN of North Dakota. Are you talking about fiscal year 1987 or 1986?

Mr. GINGRICH. It would be fiscal year 1987. In the coming fiscal year that by October 1 we would have to have a combination of taxes and spending cuts that reach $60 billion. The common language in this city was "20-20-20." We will take $20 billion out of defense, $20 billion out of everything else, and raise taxes $20 billion. You had various members in the other body running around cheerfully with this fine mathematical symbol because it is easy to remember.

All of a sudden it turned out to everyone's shock that both the Office of Management and Budget and the Congressional Budget Office, which is what made it shocking, had both come in with about the same number and said, "No, we are going to be $20 billion lower." Now, my attitude is that if you are $20 billion lower that means that you can now afford to cut $20 billion in defense and $20 billion in domestic and not touch the taxes in terms of increases. By the way, I do not disagree with you at all. I think we ought to have a corporate minimum tax; I think we ought to have an individual minimum tax that is effective; I think we ought to have better enforcement; I think we ought to take all that money and put it into better tax reforms than this House passed. I think there is a lost of things we ought to do to make the Tax Code less burdensome for the average worker and particularly for the poor worker so they have an incentive to get off of welfare and to go back to work because we are not taxing them the second they touch the ladder of opportunity.

Let me carry this a stage further. What do I mean by rethinking? I mean, for example, JOHN KASICH's new bill which provides the Federal Government should collect the back money that is owed it. I mean, for example, that AMTRAK outside of the Northeast makes no sense. I rode it last night from New York and it does make sense to about here. It happens to go to my city of Atlanta; it makes no sense going to Atlanta. It is economically irrational for it to go to Atlanta. We cannot afford it.

Mr. DORGAN of North Dakota. How about Saturday mail delivery?

Mr. GINGRICH. That is something I would be willing to look at. My impression is, and again, you represent a rural State with a lot of small newspapers, my impression is that there are a lot of small newspapers and a lot of people in small towns who feel very, very strongly that they need it. I guess my response is if they need it I do not think we ought to subsidize it. If they want to charge the country an extra penny, and again, I think if you are going to, I think the Post Office is one of those things that you semiprivatize. I think the Air Traffic Control System is something that ought to pay for itself. Although I represent the Atlanta Airport, I represent very large airlines, we have very real interests, like everybody else, in getting the subsidies we can get. I think they would agree that if we could move to a balanced budget by 1991 and get the lower interest rates that implies, that it is worth having the airport trust fund pay the whole cost. Have the passenger tax and the fuel tax pay the entire cost of that service so that the user fee pays it.

There are a lot of changes like that. It is two different things. One is that we need newer and better ideas. That is one class of things. The other is we need to think through, and I do not think you do this by being Scrooge at Christmas and by refusing to buy the goose for the family to have the nice Christmas dinner. I think you cannot just go around here with a visor and pretend you are an accountant and cut waste. The world does not work that way. The people who profit from the waste have a greater reason to figure out how to do it than you have to keep being mean.

Somehow we need to rethink, and I think you would agree, in the executive branch and the legislative branch, I will give you a specific, very minor example. It is ridiculous for us to subsidize three Presidents who are retired the way we subsidize them. It is not a great deal of money, I think it came to $29 million last year, but it is absurd. I guess what I am saying is I see Gramm-Rudman and the process over the next 5 years of getting to a balanced budget as a very good club to force you and me to look at every line of behavior of the Federal Government in both its legislative and executive and judicial processes and change them. Then if we have to, having changed them, raise taxes because we really do get to the minimum that are willing to do without and we say that is the Government we want. Then I would agree with you we should raise taxes and pay for the Government.

Mr. DORGAN of North Dakota. Let me ask you a question. My perception of the problem around here is a bipartisan misfortune, but I particularly believe that as long as the President refuses to provide some leadership on budget issues we are probably not going to get to where we want to get. The President sent a budget to Congress just recently. My feeling is that almost no one here could or would vote for that budget as it is written. Would you vote for that budget?

Mr. GINGRICH. I agree with you.

Mr. DORGAN of North Dakota. So the point is Republicans and Democrats seen an instrument sent to Congress by the leader, who is by law supposed to send the budget, and the budget is viewed by all of us as not responsible. Not something that either side would support.

□ 1325

Mr. GINGRICH. No, no, that is not what I said. That is not what you asked me. This is not a parliamentary system. Ronald Reagan is not Prime Minister. It is not his job to send a document to this House we would vote for automatically. As you well know, he endorsed a tax bill which you voted for just before Christmas and I voted against——

Mr. DORGAN of North Dakota. Yes; I did.

Mr. GINGRICH. Although he is a Republican President, you are a Democrat, and I am a Republican.

In the American system with its division of powers between the legislative and executive branch, it is the job of the President of either party to lunge in a certain direction and see how far he can drag us in that direction. It is our job, it seems to me, to very often either modify or in some cases reject that proposal.

Let me just go one step further. I do not believe Ronald Reagan thinks he will get—what is it, 8 percent growth?—in defense in the budget he has sent up.

Mr. DORGAN of North Dakota. No; 12 percent.

Mr. GINGRICH. Twelve percent. I do not think he has any belief he will get that. But Ronald Reagan, as you know, was a labor union president, and he learned labor union negotiating styles. Now I do not happen to think that is the best way to do it, but I think that is what he is doing. He came into the table giving us a great deal of margin on defense to cut so we can then go back and put together the domestic programs we prefer. I will bet you that in his heart of hearts if he ends up with 3 percent real growth he will regard that as a major victory.

Mr. DORGAN of North Dakota. Well, he sure ought to. I mean, the fact is we have a budget request that says let us cut the heart out of education, let us cut the heart out of almost everything, but let us increase defense on top of a $150 billion increase in 5 years, let us increase it again 12 percent, but if I get 3 percent real, which is 7 percent effective increase, I will be satisfied.

Look, all I am saying to you is you are right, we do not have a parliamentary system, but we have a system and a Congress that responds to leadership. And I am saying if the leadership, the responsible leadership, is not

there that says, "Let's move in this direction and let's do these eight things to solve this problem," we do not solve it, and the reason is Congress—that is, good, clear-thinking, strong men and women in the Senate and the House—are not equipped to lead. It is not a leadership body. It is like any committee that any of us have ever served on. We have a lot of good folks, but it cannot by itself lead, and in fact what we have seen, at least since I have been here, and since I think you have been here, and since the President assumed office in 1981, is that the Congress largely has followed this President. And look where we are, another trillion dollars in debt. He says, "Let's have a $189 billion deficit next year." We say, "OK, we'll accept that stadium to play in, so we'll play in that stadium; we'll quibble about yardlines, $5 or $10 billion either side."

The fact is, he has gotten what he has wanted from Congress, and I assert that it is irresponsible fiscal leadership. He ought to be leading in the other direction.

Mr. GINGRICH. Oh, I do not disagree with that. Let me go back to the example that we are now dealing with. It was precisely GRAMM's genius to come up with the Gramm-Rudman proposal, which came out of the Congress. Whether in the long run it helps my side or your side or whatever, it was clearly a device, a strategy, invented in the Congress that nobody at the White House wanted initially, it has been imposed on the President in part by a Congress both liberal and conservative, Democratic and Republican, saying, "This is"—as I said earlier—"the club that gets the mule's attention. This makes all of us stop and think."

Now, whether in the end we are going to get more of a headache than we all thought, we will find out over the next 5 years.

Mr. DORGAN of North Dakota. Well, the act of getting the mule's attention has never been an act of courage or intelligence, in my opinion. I mean, my attention and yours and others, I am sure is focused on what the problem is.

The trick is to find a path to the future that represents a future fiscal policy that makes some sense.

Mr. GINGRICH. And I guess the point I was trying to drive at earlier, and I do not know if you will agree with this or not, but it seems to me that is where we are today. We have three choices. We can promptly decide that we are not going to be able to pull it off, that our generation cannot do the job, and go back to borrowing. I agree with you, that is totally irresponsible.

This President at times has had a remarkable knack for being extraordinarily popular while borrowing money on a scale he would have condemned were he a candidate running against his own Presidency.

We all participated in that. We were collectively irresponsible. Now we have a chance to be responsible.

The question I am raising and the reason I came down to do this special order and the reason I was citing Stewart Butler's book on privatizing Federal spending is that either you and I can decide to sort of toss bombs at each other—you and I figuratively, symbolically—and I will talk about the domestic welfare state and you can talk about the defense welfare state, and I think that is a legitimate way to characterize the Pentagon as the defense welfare state, or we can decide that we will reach beyond that.

I am willing to lay open how do we rethink defense and hopefully, and I think there are enough Democrats willing to rethink domestic programs. I think Bill Moyers' special recently on the family shows that. There are a lot of indicators out there that both sides in the younger generation understand that we have got to rethink Government, not just have 2 percent more or 2 percent less.

Mr. DORGAN of North Dakota. May I ask, how big is your home community? What size town did you grow up in?

Mr. GINGRICH. Well, I am an Army brat. I once got in trouble by trying to say where I was from.

Mr. DORGAN of North Dakota. I grew up in a town of 400 people. The way you dealt with people in our town was that you sort of figured out who you could rely on, who you could trust. You also sort of knew who was going to tell you a big story, who you could not trust.

Now, the interesting thing about Congress is that there is a thin line between fraudulent proposals and humorous proposals. Sometimes we take the fraudulent proposals in a humorous way and sometimes we take the proposals that ought to be funny seriously.

Well, let me ask the gentleman about Gramm-Rudman, because the gentleman said that this was a genius approach. I do not disagree that it is a baseball bat. It has gotten a lot of attention.

But the interesting part about Gramm-Rudman is this. The first year of Gramm-Rudman is the year we are in now, right?

Mr. GINGRICH. Right.

Mr. DORGAN of North Dakota. So we decide that what we are going to do is we are going to set up $171 billion as the target for the first-year deficit.

Last year's deficit was $212 billion. Next year's projected deficit, I believe, could be as high as $220 billion; so ostensibly one would say, all right, the first year what we are going to do is that we are going to gear ourselves up here and take that deficit of $220 billion, which incidentally should have been around $170 billion according to last year's budget resolutions and last year's rosy economic predictions and so on, we are going to take the $220 billion and go to $171 billion; except that because it is an election year, we have provided a little lubricant here so that you can slip through that election-year bottleneck, and rather than go from $220 billion down to $171 billion, the maximum reduction in the first year of Gramm-Rudman is $12 billion; so we will go from $220 billion to $208 billion, which means in the first year of this fraud called Gramm-Rudman that the deficit will not really drop.

People are going to scratch their heads and say, "Gee, that is funny. We are in the first year of this new act. We know there is an election coming up, and they did provide a special little escape valve for fiscal year 1986."

So in fact, the deficit may well increase in fiscal year 1986.

Well, so you say, but what about the other years? Well, the problem is that Gramm-Rudman, although it got our attention, really kind of puts us on it, as BILL GRAY said, "Look, Ma, no hands type of Government."

It takes the very worst area of egregious abuse and waste in the Federal Government and says that we are going to cut you the same amount that we cut cancer research or that we cut air traffic controllers, that we cut the very best types of programs.

Mr. GINGRICH. Come on, now.

Mr. DORGAN of North Dakota. I have some difficulty with that. Our responsibility, I think, is to say that here is the money we have got, or here is the money that we are willing to raise, and here is what we ought to spend it on, because here is what we think is necessary for an enlightened American society.

Mr. GINGRICH. Well, let me comment on that. In the first place, I said publicly that Gramm-Rudman is proof that we wanted to balance the budget in the worst possible way, and we are succeeding.

On the other hand, I think it may have been the only way that this Congress with this administration, the team that we collectively now make up, could do it.

I think that the challenge to the gentleman and to me and to all of us in the Congress is can we pass a budget that is binding before October 1 that allows us to raise the question?

I agree with the gentleman. It is incredibly dumb to have an automatic system that is going to cut drug enforcement agents in Florida at the same rate that it cuts, to use the example of the gentleman, in defense, in the same way that it cuts people who are standing guard in front of American military bases in Colorado. I agree

with that, but we have been unable in the short time that I have been in this Congress, which goes back to 1978 and 1979, we have been unable to find any other mechanism. We have not had a balanced budget since 1969.

I think that the genius of Gramm-Rudman was that as terrible and clumsy as it is, it lurches us very significantly, it focuses our attention.

Now, let me go two steps further for just a second.

First of all, I want to point out, because it was just handed to me, that in fiscal year 1987 it is proposed that defense budget outlays, that is actual spending for that year, is $282.2 billion, and the Social Security trust fund, which I had misspoken myself includes Medicare; Social Security and Medicare is $282.2 billion.

Mr. DORGAN of North Dakota. But we cannot include Medicare. They are separate in the budget.

Mr. GINGRICH. All right, I will accept that.

Mr. DORGAN of North Dakota. Social Security is roughly $220 billion. Defense is roughly $300 billion. I am using round numbers. I was using budget authority for defense.

When the gentleman spoke originally of defense, the defense recommendation of over $300 billion, I assume we are talking about BA.

Mr. GINGRICH. Which is the spending, which carries me to the second point that I would like the gentleman to comment on.

Look, I think if the gentleman is saying that the gentleman and I and 12 other people lock ourselves in a room and not accept anything but bread and water for the length of time necessary to cut spending drastically this year, we could probably do that. Is there any hope that will happen in this city this year? No.

So let us go back to why does Gramm-Rudman start slow?

It starts slow in part because it is harder to cut funding. It is exponentially harder to cut spending the closer you are to the date you are spending the money. It is easier right now to make decisions, and every family in America that has ever gone through this with their personal budget has experienced this. It is much easier right now to make decisions for 1991, 1989, and 1988 than it is to make decisions for 1987 and 1986. To have started in December of 1985 making spending decisions for the year you are already in and go to a deep cut, I mean, we might have done that had there been a genuine national crisis of such immediacy that it was unavoidable; but the gentleman's suggestion earlier talking about being humorous versus being realistic, I think no one that I know of has seriously proposed any model, particularly when the two Houses had passed the Gramm-Rudman version, that specifically prohibited them under sequestering, under the automatic spending cuts, from closing any military bases.

I was astonished to discover in the State of the gentleman, an agricultural State, that under the wording of Gramm-Rudman the General Accounting Office has to count every U.S. Department of Agriculture office as a separate item and none of the 13,000 offices can be closed as a function of automatic spending cuts.

Now, let me suggest that when the politicians lock in that level of rigidity, which we did, in order to protect our constituencies, you cannot then have what Charles Dawes did. I do not know if the gentleman is aware of this, but in 1921 when they first set up the Office of the Budget, Charles Dawes cut Federal spending one-third in 1 year.

Now, that was immediately after what was then a Democratic depression, so you had a Republican massive victory in 1920, so they could rush in, do it all quickly and solve it. We cannot do that. It is not feasible.

Mr. DORGAN of North Dakota. But the so-called good old days, particularly in 1921, they had no Social Security. They had no medical help for the aged. We had no Medicare. We had a very small defense.

You know, one of the interesting things when we discuss all this, and I have heard the gentleman relate to the past 50 years, I am not ashamed of the past 50 years at all. I think we have done some marvelous things in this country, absolutely incredible things.

Mr. GINGRICH. I think the gentleman is right.

Mr. DORGAN of North Dakota. If one travels anyplace else in the world and sees what we have and they do not have, we can hardly be ashamed of the last 50 years.

What I am ashamed of is our inability, the legislators' inability, individually and collectively, and the President's inability to define a fiscal policy that makes sense on any Main Street in this country, a fiscal policy that says we ought to have some reasonable balance between our revenues and expenditures.

Now, back in the fifties, I was not here in the fifties, but as I understand it, the Speaker of the House, Sam Rayburn, used to go downtown after he went downstairs below this Chamber in a little room called the Board of Education and he talked to some of the folks after the session. They would talk about what the country really needed to have done and so on.

As I understand, he would go down and he and President Eisenhower would sit around at the White House and have a chat about what really needed to get done. He would come back up, and by God, he would sell it, sell that position.

There was much less partisanship then than there is at the moment.

The gentleman from Oklahoma, JIM JONES, has been talking a lot about an economic summit meeting. I certainly hope the President will consider that.

I think the Speaker of the House, the leader of the Senate and the President, ought to go up to Camp David and decide, all right, where is the compromise that makes sense for this country? So that we still have an investment in higher education for our kids that want to go to school, so that we still can do the basic things that we need to do.

Mr. GINGRICH. Well, let me refer back to that. I guess the gentleman and I have very different analyses of what is going on. I think it would be fine if the Speaker and BOB DOLE and the President want to spend a long weekend together, if they want to take the entire Easter break together, I think that is fine. I think that is helpful, but I think that the fundamental challenge to our generation, not theirs, the real challenge is to our generation. Are we going to rethink a welfare program that is not working? Are we going to rethink a Defense Department that is a discouragingly bureaucratic and inefficient system? Are we going to rethink the whole structure of the Federal Government?

The civil service system has now become so rigid that it virtually guarantees that the least efficient 5 percent of the Federal employees are not going to do their jobs. Those are real changes.

Mr. DORGAN of North Dakota. But I am not suggesting that we should not and cannot and will not. We should rethink all those basic areas. I am talking about fiscal policies.

Mr. GINGRICH. If we raise taxes, none of the interest groups in the House are going to change anything.

The gentleman knows as well as I do that every subcommittee and committee in this House is essentially tied to the interest groups that surround it.

Mr. DORGAN of North Dakota. All I am saying is this. If you get a corporation that earns $3 billion and pays zero in taxes and at the same time you say that we do not have any money, so we are going to cut student aid for people who have no money to go to college, I would much sooner say on the fiscal policy side, let us have those who are not paying who ought to pay, pay the money in and provide the student loans that we need. That is all I am saying.

Mr. GINGRICH. All we are saying on our side, and as the gentleman from Ohio, Mr. JOHN KASICH, is introducing, why not make the former people who borrowed the money pay back the money they borrowed and then youl still get more money back in.

□ 1340

Mr. DORGAN of North Dakota. I guess my rejoinder here is when you are talking about fiscal policy, I am talking about adding up spending and revenues in the aggregate. It does not matter how much you are spending if in the aggregate, you are not able to balance those two concepts together, and you are going to have a deficit. I am saying we can rethink the basic policies in all those areas, and in fact, we should.

Mr. GINGRICH. Then you should spend less, and if you are going to spend less, you do not need to raise taxes. I guess this is where we have our disagreement.

Mr. DORGAN of North Dakota. You know, there is not one responsible economist in this town that supports the notion that you can go in and simply lop off the top of that budget, and keep lopping it off until you reach a balanced budget. That will not solve the problem.

Mr. GINGRICH. I think you could have put a period after there is not one responsible economist in this town. I mean, I am not sure. I am not an economist. I am a historian, but my Ph.D. was the same as theirs. All I am saying is as a student of history, I guess there are times and places in history when countries fundamentally rethink what they are doing, and our generation has to do that.

Let me tell you, I do not want to pay for the current Federal Government. I want to change it. I am willing to pay for the reformed, rethought, changed Federal Government.

Mr. DORGAN of North Dakota. This President, one of the most conservative Presidents in this century, has said "I think our Government ought to spend $994 billion."

Mr. GINGRICH. OK.

Mr. DORGAN of North Dakota. That is what he said. Now I assume that if he is not a conservative, someone would have told me by now, or if he has changed his stripes for this budget.

Mr. GINGRICH. He is relatively conservative.

Mr. DORGAN of North Dakota. So he is a conservative that says in my judgment here is what I think we ought to spend, $994 billion.

He also says I don't want to raise revenues to the tune of $994 billion. I want to have real revenues of $170 billion or $180 billion less than that. Therefore, I want to move you, Congress, in the direction of a deficit of $170 billion to $180 billion for this next fiscal year.

All I am saying is that from a fiscal policy standpoint, that is not leadership, that does not address what you are talking about.

I think we ought to be rethinking dozens of areas, and you have put your finger on a couple of them. We ought to have a major discussion of what the welfare system does in this country. I think that is a legitimate area for us to be thinking about, and a number of other areas as well.

But I am just saying in the aggregate, we ultimately have to match expenditures and revenues, and this President wants to spend $994 billion.

Mr. GINGRICH. Let me ask you a question or two questions that really worry me. First of all, the reason those of us who are associated with the supply-side movement have been very, very deeply concerned about raising taxes is our conviction that economic growth, not only for America, not only to put Americans to work, but economic growth in order to lead Mexico, to lead the Third World into a more prosperous future is very important, and we are very concerned that a big enough tax increase to balance the budget is a big enough tax increase to start a recession.

Second, I would just say to you, given your view of the Defense Department, which I think is more true than not, why would you want to raise taxes to pay for waste in defense? Why would you not want to thoroughly overhaul the Defense Department first, and then let us see if we need to raise taxes.

So two issues. One is I think this is the central argument, the gut instinct of the younger generation in this country, that to raise taxes more as distinct from closing loopholes, and using that to lower taxes on working Americans.

Mr. DORGAN of North Dakota. Those are increased taxes, and that is precisely what the President will not accept, closing loopholes, et cetera. But the President will not accept that kind of additional revenue, and you know that.

Mr. GINGRICH. No, I did not say additional revenue. I am willing to close loopholes in order to then have real tax reform.

Mr. DORGAN of North Dakota. So you are not foreclosing loopholes to develop additional revenue; you would drive down taxes?

Mr. GINGRICH. That is right. I would like to lower the tax rate for all Americans.

Mr. DORGAN of North Dakota. I would like to have a 5-percent tax rate for everybody.

Mr. GINGRICH. The second thing I guess I am saying to you is that I am willing to have user fees. I think there are things that when people can afford to pay for them, they ought to pay for them. I do not see any reason to subsidize the Long Island Railroad going into New York City with wealthy suburbanites, or the air traffic system. I think we can pay out of the trust fund directly, or out of user fees.

The third point I am trying to make, though, and I really believe this is at the heart of the difference between philosophically where we are going, I am convinced that Government is like business in that in the absence of a recession, it will never change, that it is just too difficult, too frightening, to complicated to change.

So I am trying to force this Congress and this Executive Branch to rethink what it is doing, to say to it, no, we are not going to raise any more revenues until you reshape the Government. I am puzzled when you still have Indian posts out there, and literally I mean military reservations that we established to defend us against the Indians. And when you still have a system like that, it seems to me that we ought to be asking ourselves, are we not better off to overhaul, and if that means we spend 5 or 6 weeks in the Committee of the Whole fighting it out in here, offering serious proposals and slowly, inch by inch, changing this Government, is that not better? Then let us talk about more taxes. But let us not go to more taxes first.

Mr. DORGAN of North Dakota. But you see, what I think you do is dig a hole for yourself, and you mire yourself in that hole and say here is my position, and I refuse to compromise on it.

I do not disagree with you that we need great spending restraint. I have worked for a major corporation. I think there is waste in corporations, and I think there is waste in Government. Big institutions inexorably breed waste.

So I agree with you. We should have across-the-board spending restraint. I am saying that a fiscal policy that defines at whatever level you spend, and a conservative President thinks it ought to be $994 billion, a fiscal policy that defines a revenue base that is a false one, $180 billion, is irresponsible. What you seem to be saying to me is that it is irresponsible, but wait to do anything about it until after we have this broad debate of some kind. I say let us have the debate, but also let us match our revenues with our expenditures.

Mr. GINGRICH. Your party has had the speakership for 31 years. I am not saying this just as a partisan. I am saying how do we get that debate on this floor.

Mr. DORGAN of North Dakota. We have been having that debate. We have been having it over in the White House and we have had it in the other body, in the U.S. Senate, and the fact is that debate has been going on.

The reason you would not vote for the President's budget, or at least you said you would not vote for it, is because he is moving that debate or steering that debate in a way that is

not acceptable to the majority of the people in this body.

Mr. GINGRICH. But that is appropriate inside the Constitution. I do not have an obligation to vote for the President's budget.

Mr. DORGAN of North Dakota. It is appropriate, but it is not leadership. I am saying that we desperately need leadership from all sides, especially the President.

Mr. GINGRICH. If the summit you were talking about between President Reagan, the Speaker and the majority leader in the Senate were really to lead to procedural opportunities for the House as a Committee of the Whole to change the executive branch and the legislative branch, if we really were to get out of the subcommittees where they are mired in interest-group dominations, and interest groups include the bureaucracies, each of whom can explain why it is desperately relevant and cannot in any way be shrunk.

Mr. DORGAN of North Dakota. The reason we need leadership is that we have 435 liberals. We are liberals, each of us when our issue comes up to the plate and we get a swing at it.

Mr. GINGRICH. Let me say again, because Mr. Butler's book is a brilliant addition to this dialog, privatizing, Federal spending strategy, it is a book that says, of course, you are going to vote for your district, and of course the gentleman from Texas or the gentleman from Michigan is going to vote their district, and that is, in fact, the way the Constitution is written. The question is how do you design a long-range strategy so for our generation we get a better job done for less. I think Butler's book is a good first step for you and I to look at. I am willing to look at it in defense and in foreign policy, and I would hope that your side would be willing to look at it in terms of welfare and big-city programs, the kind of things we have got to look at together. I just think that that kind of approach is the first step to really getting this Government in order.

I guess on that note, Mr. Speaker, I yield back the balance of my time.

□ DEVALUING FAIRNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 30 minutes.

Mr. CONYERS. Mr. Speaker, why the President seems hell-bent on overthrowing Ortega while supporting Marcos and Duvalier is a mystery to me. I am hopeful that the Congress and our citizenry will restrain this rash anti-Nicaraguan impulse that seizes our President from time to time.

Two things are virtually indisputable about the proxy army, the Contras, that we have operating in Nicaragua. Their activities regularly include the killing and abuse of civilians, and that they also stand virtually no chance of overthrowing the Government of Nicaragua.

By supporting them, the U.S. Government affectively alienates other Central American democracies; our allies abroad and the majority of the world community; most of whom recognize that the Contadora process is about the only chance for peace that these decent people may have in this oppression that they have sustained for the greater part of the century.

[From the Washington Post, Feb. 11, 1986]

LATINS URGE U.S. TO HALT CONTRA AID

(By Joanne Omang)

The foreign ministers of eight Latin American nations met with Secretary of State George P. Shultz yesterday to urge that the administration's push for aid to Nicaraguan rebels be replaced with a push for a regional peace treaty in Central America.

The initiative was part of what several Latin diplomats said privately was a last-ditch effort to save the stalled three-year-old peace talks and avert further militarization in Nicaragua and Honduras.

In essence, it revolves around the concept of "simultaneity,' in which the United States would halt its support for the contra rebels at the same time as Nicaragua begins liberalizing its political policies. Both Nicaragua and the United States have insisted that the other act first.

The idea that both should act at the same time is central to the Contadora peace effort and to its member ministers' latest declaration, which came at the end of a Jan. 11-12 meeting in Caraballeda, Venezuela.

The ministers represented the four Contadora nations of Columbia, Mexico, Panama and Venezuela—named for the island where they first met—and the "Contadora support group" of Argentina, Brazil, Peru and Uruguay. The Caraballeda declaration was later endorsed by the five Central American nations, including Nicaragua, as well as Japan and the European Economic Community.

"It is a balanced proposal that takes everyone's interests into account," said Argentine Foreign Minister Dante Caputo. "We are seeking the support of the Reagan administration for it."

Latin diplomats said that the administration could best express support for the Contadora process by delaying its plan to ask Congress for at least $100 million in military and economic aid to the contras. Nicaragua would then be under additional pressure to take steps toward "national reconciliation," a U.S. code word for opening negotiations with the contras.

Thirty-one swing-vote members of Congress expressed essentially the same position in a request to President Reagan last week that he postpone asking for the aid until the Central American presidents meet in Guatemala next month.

However, administration officials have said repeatedly that they plan to introduce their aid proposal after Congress returns from its midwinter recess Feb. 18, and a senior official reaffirmed that position after yesterday's meeting.

"We don't see any incompatibility between assistance to the contras as a method of pressuring Nicaragua to live up to its commitments, and the Contadora process," the official said.

In an interview with The Washington Post yesterday, Reagan said he was going to go "all out" to try to get the rebels "the kind of aid that they must have."

However, key House Democrats have warned Reagan that the aid proposal faces tough opposition and may not pass.

In a statement, Shultz said the meeting had been "useful, positive and serious," and announced that Special Ambassador Harry Shlaudeman, who has spearheaded U.S. negotiating efforts in the region, will visit the eight nations' capitals beginning next week.

In a letter to Reagan, nine liberal Democratic senators yesterday said that the Caraballeda initiative made this "a particularly bad time" to request new aid for the contras.

"Either we will eventually have to abandon the contras and suffer a major foreign policy setback, or we will have to move to direct U.S. military involvement. Providing lethal military aid for the contras would lead us one step further toward that dead-end choice," the letter said.

It was signed by Sens. Tom Harkin of Iowa, Claiborne Pell of Rhode Island, Christopher J. Dodd of Connecticut, Gary Hart of Colorado, Paul Simon of Illinois, Alan Cranston of California, Edward M. Kennedy and John F. Kerry of Massachusetts, and Patrick J. Leahy of Vermont.

Mary McGrory observed that:

Ronald Reagan's standards for fair elections vary from country to country. Listening to the president's evasive answers about the debacle in the Philippines and remembering what he said about Nicaragua's November effort, we must conclude that with him it isn't the "how" of it but the "who" that matters.

He has backed away from his Monday contention that the horror showed "a strong, two-party system," but at his news conference he was sticking with his goofy charge that the fraud was bipartisan. To a country that had witnessed in its living rooms in living color the beatings, shootings and vote-counting halt, he said, "There was the appearance of fraud, and yet at the same time, there wasn't any hard evidence."

He didn't insist on any "hard evidence" when it came to condemning the Nicaraguan election, which took place two days before his own. He called it "a phony"; the secretary of state chimed in with "farce." But nobody was killed for participating in it, as were almost 100 Filipinos, including, most appallingly, Cory Aquino's provincial campaign manager, who was stalked down by thugs identified as belonging to a Marcos lieutenant.

The president, overlooking the elephant in the bathtub, had "no comment" on these lamentable developments.

"What we have to say is that the determination of the government in the Philippines is going to be the business of the Philippine people, not the United States," he said.

How the Sandinistas would love to have him say the same about them.

The president is about to ask Congress for $100 million for more murderous meedling in Nicaragua.

His stated objection to the Nicaraguan election was the absence of any serious opposition candidate, a state of affairs widely suspected of being U.S. handiwork. Arturo Cruz, a one-time member of the ruling junta, who resigned in protest in 1982 and who left exile in the United States to seek the presidency, withdrew from the race, complaining of harassment and lack of time.

The question of whether he jumped out or was pushed by the CIA is open.

The election of 37 members of the Nicaraguan opposition to Parliament was regarded as "theater" by the White House. By contrast, one vote count showing some 8,000 votes for Ferdinand Marcos and nothing for Aquino occasioned no indignation. Marcos' explanation that it was his home province seems to have been swallowed.

The reason that Reagan gave for his indulgence in "the appearance of fraud" in the Philippines, his reluctance to call it "a total steal," is the transcendant importance of the U.S. bases.

They are, it seems, more important than democracy and justice and fair play and the other concepts by which we profess to live. They are, it seems, his "choke point" in assessing the outrage at the ballot box.

It is the Soviet connection.

"If you look at the basing now of the blue-ocean Navy that the Soviets have built, which is bigger than ours, and how they have placed themselves to be able to interrupt the 16 choke points in the world. . . . I don't know anything that's more important than the bases on the Philippines," Reagan said.

Some people say that it is more important to tell the thoroughly aroused Filipinos that the United States thinks that they deserve a decent election.

In dealing with the Sandinistas, the president uses the same tactics as with the Soviets. He puts an insuperable object in the middle of the road and then complains that the other side is not budging. With the Soviets, it is "Star Wars." With the Sandinistas, it is a first step he knows they will not take, which is to negotiate with the contras who are trying to kill them.

Colombia's foreign minister called the U.S. position "intransigent and extreme." Reagan doesn't care. He is inexorably pushing the Sandinistas into more repressions, closer ties with Cuba and Moscow, further military buildup. He has not yet made Daniel Ortega an ogre that American boys would fight to destroy, but he is working on it. Ortega is an inadvertent collaborator in the tragic venture. He has a crush on Fidel Castro and recently attended the Communist Party congress in Havana. A touring group of European socialists diagnosed him as a victom of the "David and Goliath syndrome."

But he can do nothing right with Reagan. And Marcos, the tin-horn dictator, can do nothing wrong. Or maybe the president knows that condoning the rottenest election outside the Soviet bloc is not in U.S. interests and has sent Philip C. Habib to Manila to nudge Marcos in the direction of the airport.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. BENTLEY (at the request of Mr. MICHEL) for the week of February 18, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MONSON) to revise and extend their remarks and include extraneous material:)

Mr. LUNGREN, for 60 minutes, February 20.

Mr. GINGRICH, for 60 minutes, today.

Mr. LOTT, for 10 minutes, today.

(The following Members (at the request of Mr. HOYER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. GAYDOS, for 30 minutes, today.

Mr. WEISS, for 60 minutes, February 18 and 19.

Mr. LELAND, for 60 minutes, today.

Mr. HOYER, for 60 minutes, February 20.

Mr. ANNUNZIO, for 60 minutes, February 26.

Mr. HAYES, for 60 minutes, February 25.

(The following Members (at the request of Mr. GINGRICH) to revise and extend their remarks and include extraneous material:)

Mr. LIVINGSTON, for 60 minutes, today.

(The following Members (at the request of Mr. DORGAN of North Dakota) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MONSON) and to include extraneous matter:)

Mr. MCKINNEY.

Mr. CLINGER.

Mr. COURTER in five instances.

Mr. VANDER JAGT in three instances.

Mr. HUNTER.

Mr. HORTON.

Mr. LAGOMARSINO.

Mr. GINGRICH.

Mr. BROOMFIELD in three instances.

(The following Members (at the request of Mr. HOYER) and to include extraneous matter:)

Mr. NATCHER.

Mr. RODINO.

Mr. HAMILTON.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mrs. LLOYD.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. VISCLOSKY.

Mr. ROSTENKOWSKI.

Mr. SYNAR.

Mr. HOYER.

Mr. MACKAY.

Mr. KANJORSKI.

Mr. SOLARZ.

Mr. ATKINS.

Mr. MRAZEK.

Mr. TORRES.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 74. Joint resolution to provide for the designation of the month of February 1986, as "National Black (Afro-American) History Month";

S.J. Res. 150. Joint resolution to designate the month of March 1986 as "National Hemophilia Month";

S.J. Res. 219. Joint resolution to designate the week of February 9, 1986, through February 15, 1986, as "National Humanities Week, 1986";

S.J. Res. 231. Joint resolution to designate the period commencing January 1, 1986, and ending December 31, 1986, as the "Centennial Year of the Gasoline Powered Automoble"; and

S.J. Res. 234. Joint resolution to designate the week of February 9, 1986, through February 15, 1986, as "National Burn Awareness Week."

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following day present to the President, for his approval, a joint resolution of the House of the following title:

On February 6, 1986:

H.J. Res. 520. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1986, for the Department of Agriculture.

ADJOURNMENT

Mr. CONYERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 57 minutes p.m.) the House adjourned until tomorrow, Wednesday, February 19, 1986, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2712. A letter from the Assistant Administrator for Pesticides and Toxic Substances, Environmental Protection Agency, transmitting the proposed final rule on the exemption of Federal and State agencies for use of pesticides under emergency conditions, pursuant to the Act of June 25, 1947, ch. 125, Sec. 25(a)(4) (94) Stat. 3195); to the Committee on Agriculture.

2713. A communication from the Director, the Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 99-164) to the Committee on Appropriations and ordered to be printed.

2714. A letter from the Assistant Secretary of Defense, Acquisition and Logistics,

transmitting a report on the extent of contractor performance of commercial and industrial functions during fiscal year 1985, pursuant to 10 U.S.C. 2304 nt., to the Committee on Armed Services.

2715. A letter from the Deputy Assistant Secretary (Military Manpower and Personnel Policy), Department of Defense, transmitting statistical data on Department of Defense aviators which indicates the number of rated members by pay grade who have 12 or 18 years aviation service; of that number who is entitled to continuous monthly incentive pay and those performing operational flying duties, proficiency flying, and those not performing flying duties, pursuant to 37 U.S.C. 301a(e); to the Committee on Armed Services.

2716. A letter from the Secretary of Defense, transmitting certification that a major defense acquisition program, which has increased by more than 25 percent is essential to the national security, has no alternative that would cost less, its new estimates are reasonable and its management structure is adequate, pursuant to 10 U.S.C. 139b(e)(1); to the Committee on Armed Services.

2717. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, "to authorize the Secretary of Defense to waive application of provisions of law concerning contract procedures, contract terms and conditions, and contract performances for petroleum acquisition;" to the Committee on Armed Services.

2718. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations for fiscal year 1987, and for other purposes; to the Committee on Armed Services.

2719. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend chapter 39 of title 20, United States Code, by adding a provision to exempt members of the Armed Forces on active duty from serving on State and local juries; to the Committee on Armed Services.

2720. A letter from the Commissioner, Rehabilitation Services Administration Office of the Assistant Secretary for Special Education and Rehabilitative Services, transmitting a notice of delay of several reports and evaluations authorized by the Rehabilitation Act of 1973. Evaluation of the Projects With Industry Program; Evaluation of the Centers for Independent Living Program; Evaluation of the Client Assistance Program, and the annual report of activities, pursuant to 29 U.S.C. 795g(d)(2) (Pub. L. 93-112, sec. 621(d)(2) (98 Stat, 29)) 29 U.S.C. 796(e)(c)(2); to the Committee on Education and Labor.

2721. A letter from the Secretary of Education, transmitting final regulations entitled "Notice of Final Funding Priorities—National Institute of Handicapped Research—Research and Training Centers," pursuant to GEPA, sec. 431(d)(1) (88 Stat. 567; 90 Stat, 2231; 95 Stat. 453); to the Committee on Education and Labor.

2722. A letter from the Secretary of Education, transmitting final regulations for assistance to local educational agencies in areas affected by Federal activities and arrangements for education of children where local educational agencies cannot provide a suitable free public education, pursuant to GEPA, sec. 431(d)(1) (88 Stat. 567, 90 Stat. 2231, 95 Stat. 453); to the Committee on Education and Labor.

2723. A letter from the Assistant Secretary—Indian Affairs, Department of the Interior, transmitting a copy of the notification to the Navajo Tribe, Navajo Tribal Council, and local school boards of the decision to: (1) convert the Pinon Boarding School to a peripheral dormitory; and (2) consolidate the Toyei Boarding School with the Greasewood Boarding School, pursuant to 25 U.S.C. 2001(g) (3) or (4); to the Committee on Education and Labor.

2724. A letter from the Administrator, Energy Information Administration, Department of Energy; transmitting a report entitled "Performance Profiles of Major Energy Producers, 1984, pursuant to Public Law 96-91, section 205(h); to the Committee on Energy and Commerce.

2725. A letter from the Secretary of Health and Human Services, transmitting the 1982, 1983 and 1984 report on the Consolidated Federal Programs under the Maternal and Child Health Services Block Grant Act, pursuant to 42 U.S.C. 706(a)(2); to the Committee on Energy and Commerce.

2726. A letter from the Secretary of Transportation, transmitting a review of average fuel economy standards under part A of title V of the Motor Vehicle Information and Cost Savings Act, pursuant to 15 U.S.C. 2002(a)(2); to the Committee on Energy and Commerce.

2727. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report of those Foreign Military Sales customers with approved cash flow financing in excess of $100 million as of October 1, 1985, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

2728. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the price and availability report and a list of requests received for a letter of offer during the quarter ending December 31, 1985, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

2729. A letter from the Director, Agency for International Development, transmitting a report on economic conditions prevailing in Egypt which may affect its ability to meet international debt obligations and to stabilize its economy, pursuant to 22 U.S.C. 2346 nt.; to the Committee on Foreign Affairs.

2730. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a report on economic conditions prevailing in Turkey which may affect its ability to meet international debt obligations and to stabililize its economies, pursuant to 22 U.S.C. 2346 nt.; to the Committee on Foreign Affairs.

2731. A letter from the Director, Office of Legislative Affairs, Agency for International Development; transmitting a report on economic conditions prevailing in Israel which may affect its ability to meet international debt obligations and to stabilize its economy, pursuant to one U.S.C. 2346 nt.; to the Committee on Foreign Affairs.

2732. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting report on economic conditions prevailing in Portugal which may affect its ability to meet international debt obligations and to stabilize its economy, pursuant to 22 U.S.C. 2346 nt.; to the Committee on Foreign Affairs.

2733. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed manufacturing license agreement for the manufacture of significant military equipment in Switzerland (Transmittal No. MC-11-86), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

2734. A letter from the Comptroller, Department of State, transmitting a summary by country program of the fiscal year 1986 budget allocation for the International Narcotics Control Program, pursuant to 22 U.S.C. 2291(b)(1); to the Committee on Foreign Affairs.

2735. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on the political contributions by Arthur H. Davis, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama, pursuant to 1 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2736. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112B(A); to the Committee on Foreign Affairs.

2737. A letter from the Acting Administrator, Panama Canal Commission; transmitting the Commission's 1985 annual report on the actions taken to increase competition for contracts; number and dollar value of noncompetitive contracts and accomplishments of the advocate for competition, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2738. A letter from the Chairman, Federal Home Loan Bank Board; transmitting a report on the actions taken by the Board to increase competition for contracts during fiscal year 1985, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2739. A letter from the Chairman, Securities and Exchange Commission; transmitting a report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2740. A letter from the Acting Chairman, Consumer Product Safety Commission; transmitting a report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2741. A letter from the Assistant Secretary for Management and Budget, Department of Health and Human Services; transmitting the Department's first annual report on contract award competition covering fiscal year 1985, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2742. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of three new records systems submitted by the Department of the Air Force, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2743. A letter from the Secretary, Health and Human Services, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2744. A letter from the Secretary, Health and Human Services, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2745. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting a report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2746. A letter from the Executive Director, National Commission on Libraries and Information Science, transmitting a report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2747. A letter from the Acting Chairman, National Endowment for the Humanities, transmitting a report of activities under the Freedom of Information Act for 1985, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2748. A letter from the Director, National Science Foundation, transmitting a report covering fiscal year 1985 on competition in contract awards, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2749. A letter from the Director, Peace Corps, transmitting the first annual report on competition in contract awards covering fiscal year 1985, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2750. A letter from the Secretary of Housing and Urban Development, transmitting the annual report on competition of contract awards for fiscal year 1985, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2751. A letter from the Secretary of Labor, transmitting a report on actions taken by the Department to increase competition for contracts during fiscal year 1985, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2752. A communication from the Clerk, U.S. House of Representatives, transmitting a quarterly report of the Clerk of the House of Representatives covering receipts and expenditures of appropriations and other funds for the period October 1, 1985 through December 31, 1985, pursuant to 2 U.S.C. 104a (H. Doc. No. 99-165); to the Committee on House Administration and ordered to be printed.

2753. A letter from the Secretary of the Interior, transmitting the 14th annual report on the operation of the Colorado River, pursuant to 43 U.S.C. 1544; to the Committee on Interior and Insular Affairs.

2754. A letter from the Commissioner, Immigration and Naturalization Service, transmitting a copy of the order granting defector status to Jose Antonio Guerra, pursuant to 8 U.S.C. 1182(a)(28)(1); to the Committee on Judiciary.

2755. A letter from the President pro tempore, The American Council of Learned Societies, transmitting the annual report for the year 1984-85, pursuant to Pub. L. 88-504, section 3 (36 U.S.C. 1103); to the Committee on Judiciary.

2756. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting the calendar year 1985 report on professional and scientific positions established under 5 U.S.C. 3104 and 5 U.S.C. 5371, pursuant to 5 U.S.C. 3104(b); to the Committee on Post Office and Civil Service.

2757. A letter from the Postmaster General, U.S. Postal Service, transmitting a copy of the 1985 comprehensive statement on postal operations, pursuant to 39 U.S.C. 2401(g); to the Committee on Post Office and Civil Service.

2758. A letter from the Office of the Special Counsel, U.S. Merit Systems Protection Board, transmitting a report of the Director, U.S. Information Agency, of the findings and conclusions of an investigation conducted by the inspector general, USIA, of allegations into time and attendance abuses in the Vietnamese service at the Voice of America, pursuant to 5 U.S.C. 1206(b)(5)(A) (92 Stat. 1125); to the Committee on Post Office and Civil Service.

2759. A letter from the Secretary of Transportation, transmitting the third report of the Department on highway safety performance covering calendar year 1984, pursuant to Public Law 97-424, section 207; to the Committee on Public Works and Transportation.

2760. A letter from the Secretary of Transportation transmitting a report on the impact of the Airline Deregulations Act of 1978 on air safety during commercial aviation operations in 1984, pursuant to 49 U.S.C. app. 1307(b); to the Committee on Public Works and Transportation.

2761. A letter from the Secretary of Transportation, transmitting the sixth annual report on collision avoidance systems, pursuant to 49 U.S.C. app. 1348 nt.; to the Committee on Public Works and Transportation.

2762. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, On Jones Inlet to Freeport, NY together with other pertinent reports; to the Committee on Public Works and Transportation.

2763. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Rippowam River Basin, Connecticut and New York, together with other pertinent reports; to the Committee on Public Works and Transportation.

2764. A letter from the Administrator, General Services Administration, transmitting a prospectus proposing a lease in Wilkes-Barre, PA, pursuant to Public Law 86-249, section 7(a) (86 Stat. 217); to the Committee on Public Works and Transportation.

2765. A letter from the Secretary of Energy, transmitting the ninth annual report on the Department's activities under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, during fiscal year 1985, pursuant to Public Law 94-413, sections 14 and 13(c)(3) (93 Stat. 1336); to the Committee on Science and Technology.

2766. A letter from the Secretary of Energy, transmitting the fourth annual revision of the Comprehensive Ocean Thermal Program management plan, pursuant to Public Law 96-310, section 3(d); to the Committee on Science and Technology.

2767. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development; space flight, control and data communications; construction of facilities; and research and program management; and for other purposes; to the Committee on Science and Technology.

2768. A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Technology.

2769. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend title 26, United States Code, relating to special occupational taxes and to forfeitures; to the Committee on Ways and Means.

2770. A letter from the Secretary, Department of Energy, transmitting the annual report on the Office of Alcohol Fuels covering fiscal year 1985, pursuant to Public Law 96-294, section 218(c)(1); jointly, to the Committees on Agriculture and Energy and Commerce.

2771. A letter from the Secretary of Labor, transmitting the annual report on the administration of the Black Lung Benefits Act during calendar year 1984, pursuant to 30 U.S.C. 936(b); jointly, to the Committees on Education and Labor and Ways and Means.

2772. A letter from the Chairman, Federal Election Commission, transmitting a request for a supplemental appropriation for fiscal year 1986; jointly, to the Committees on House Administration and Appropriations.

2773. A letter from the Secretary of Energy, transmitting the ninth report entitled: "Comprehensive Program and Plan for Federal Energy Education, Extension and Information Activities," pursuant to 42 U.S.C. 7373(2); jointly, to the Committees on Energy and Commerce and Science and Technology, 1986.

2774. A letter from the Acting Executive Director, U.S. Holocaust Memorial Council, transmitting the budget information for the U.S. Holocaust Memorial Council for fiscal year 1987; jointly, to the Committees on House Administration, Interior and Insular Affairs, Post Office and Civil Service, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted February 7, 1986]

Mr. BONKER. Committee on Foreign Affairs. H.R. 3667. A bill to eliminate unfair and predacious export financing practices; with amendments (Rept. 99-457, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COELHO (for himself, Mr. PANETTA, Mr. FAZIO, Mr. PASHAYAN, and Mr. LEHMAN of California):

H.R. 4166. A bill to amend the Agricultural Act of 1949 to remove the authority for producers to plant nonprogram crops on certain excess acreage determined in connection with acreage limitation programs; to the Committee on Agriculture.

By Mr. ASPIN (for himself and Mr. DICKINSON) (by request):

H.R. 4167. A bill to amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, and separation of commissioned officers of the reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BEREUTER:

H.R. 4168. A bill to amend the Federal Deposit Insurance Act to establish a temporary procedure to allow agricultural banks to restructure certain agricultural loans, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BIAGGI:

H.R. 4169. A bill to provide that the President's sequestration order for the fiscal year 1986, issued pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall not become effective until the Supreme Court has ruled on the constitutionality of the procedures involved; to the Committee on Government Operations.

By Mr. LAGOMARSINO:

H.R. 4170. A bill to allow the National Aeronautics and Space Administration to accept restricted gifts; to the Committee on Science and Technology.

H.R. 4171. A bill to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to include the pay of Members of Congress within the coverage of the Act; jointly, to the Committees on Government Operations and Post Office and Civil Service.

By Mr. MARKEY:

H.R. 4172. A bill to amend the Communications Act of 1934 to establish procedures for the approval of certain tariffs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 4173. A bill to disclaim any right, title, or interest of the United States in certain lands in the State of California which form a part of the right-of-way granted by the United States to the Southern Pacific Transportation Co., to declare that those lands have been abandoned by the railroad, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself and Mr. RICHARDSON):

H.R. 4174. A bill to amend the Indian Self-Determination Act of 1974 and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COURTER:

H.J. Res. 524. Joint resolution to designate December 7, 1986, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor; to the Committee on Post Office and Civil Service.

By Mr. SCHUMER (for himself and Mr. MCHUGH):

H.J. Res 525. Joint resolution to recognize the week beginning February 23, 1986, as "National Multiple Sclerosis Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. BEREUTER:

H. Con. Res. 286. Concurrent resolution expressing the sense of the Congess that any provision of H.R. 3838 or any similar tax reform legislation limiting net operating loss carrybacks under the Internal Revenue Code of 1954 shall not apply with respect to agricultural banks; to the Committee on Ways and Means.

By Mr. HERTEL of Michigan:

H. Res. 378. Resolution recognizing and commending Lee Iacocca for his contributions to the preservation of the Statue of Liberty and Ellis Island; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

293. The Speaker presented a memorial of 18th Legislature of Guam, relative to a nonvoting Senate seat in the U.S. Senate for an elected representative from Guam; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1161: Mr. DORGAN of North Dakota.

H.R. 1877: Mr. LEATH of Texas, Mr. SPENCE, Mr. CONYERS, Mr. BONIOR of Michigan, and Mr. LUKEN.

H.R. 1946: Mr. ECKART of Ohio, Mr. LOWERY of California, Mr. KOLBE, Mr. ROTH, Mr. THOMAS of Georgia, and Mr. WORTLEY.

H.R. 2440: Mr. BIAGGI, Mrs. KENNELLY, Mr. MILLER of Washington, Mr. NOWAK, Mr. SHAW, and Mrs. VUCANOVICH.

H.R. 3000: Mr. DOWNEY of New York.

H.R. 3006: Mr. KANJORSKI and Mr. GAYDOS.

H.R. 3099: Mr. MRAZEK, Mr. OWENS, Mr. DWYER of New Jersey, Mr. LOWRY of Washington, Mr. RANGEL, and Mr. FRANK.

H.R. 3232: Ms. FIEDLER.

H.R. 3260: Mr. HERTEL of Michigan, Mrs. BURTON of California, and Mr. DELLUMS.

H.R. 3465: Mr. DOWDY of Mississippi, Mr. RANGEL, and Mr. TOWNS.

H.R. 3597: Mr. UDALL, Mr. YOUNG of Alaska, Mr. RICHARDSON, Mr. BLAZ, Mr. LAGOMARSINO, Mr. TOWNS, Mr. VANDER JAGT, Mr. STRANG, Mr. BURTON of Indiana, Mr. GALLO, Mr. PASHAYAN, Mr. LUNGREN, Mr. DORNAN of California, Mr. KEMP, and Mr. RUDD.

H.R. 3660: Mr. OLIN, Mrs. KENNELLY, and Mr. SLATTERY.

H.R. 3833: Mr. APPLEGATE, Mr. CAMPBELL, Mr. LUNDINE, Mr. MCCLOSKEY, Mr. RAHALL, Mr. REID, and Mr. SMITH of Florida.

H.R. 3835: Mr. MITCHELL, Mr. RANGEL, Mr. CONYERS, Mr. MATSUI, Mr. DE LUGO, Mr. BROWN of California, Mr. WILSON, Mr. JEFFORDS, Mr. MRAZEK, and Mr. VENTO.

H.R. 3866: Mr. LAGOMARSINO, Mr. SCHUETTE, Mr. GEJDENSON, Mr. WEAVER, Mr. GLICKMAN, and Mr. AKAKA.

H.R. 3894: Mr. DONNELLY, Ms. MIKULSKI, Mr. SEIBERLING, Mr. TOWNS, Mr. TORRICELLI, Mr. YATES, Mr. MILLER of California, Mr. BADHAM, Mr. LOWRY of Washington, Mr. QUILLEN, and Mr. LEWIS of California.

H.R. 3898: Mr. ERDREICH, Mr. UDALL, Mr. RICHARDSON, Mr. JONES of North Carolina, Mr. KOSTMAYER, Mr. TRAXLER, Mr. MORRISON of Connecticut, Mr. MITCHELL, Mr. AKAKA, Mr. SAVAGE, Mr. FRANK, Mr. OLIN, Mr. WEAVER, Mr. GARCIA, Mr. MOAKLEY, Mr. SEIBERLING, Mr. EDWARDS of California, Mr. MATSUI, Mr. BEREUTER, Mr. EDGAR, Mr. MANTON, Mr. NEAL, Mr. BUSTAMANTE, Mr. MARTINEZ, Mr. RUSSO, Mr. TORRICELLI, Mr. KOLBE, Mr. DWYER of New Jersey, Mr. RAHALL, and Mr. LUNDINE.

H.R. 3950: Mr. UDALL, Mr. SEIBERLING, Mr. WIRTH, Mr. MRAZEK, and Mr. WILSON.

H.R. 4025: Mr. LELAND, Mr. HUTTO, Mr. VENTO, Mr. BARNES, Mr. NATCHER, Mr. RINALDO, Mr. BEVILL, Mr. ST GERMAIN, Mr. EVANS of Illinois, Ms. OAKAR, Mr. MURPHY, Mr. KOSTMAYER, Ms. KAPTUR, Mr. HERTEL of Michigan, Mrs. BURTON of California, and Mr. WORTLEY.

H.R. 4033: Mr. TAUKE, Mr. ECKART of Ohio, Mr. OBERSTAR, Mr. MITCHELL, Mr. YATES, Mr. LUNDINE, Mr. CROCKETT, and Mr. HAMILTON.

H.R. 4057: Mr. BROWN of Colorado, Mr. ROBINSON, Mr. BEVILL, and Mr. ROE.

H.R. 4086: Mr. WEAVER, Mr. TORRES, Mr. SMITH of Florida, Mr. EDGAR, Mr. COELHO, Mr. VENTO, Mr. FRANK, Mr. MANTON, Mr. SCHEUER, Mr. WOLPE, Mr. GARCIA, Mr. TALLON, Mr. SPRATT, Mr. ECKART of Ohio, Mr. KILDEE, Mr. RANGEL, and Mr. DASCHLE.

H.R. 4093: Mr. HUTTO.

H.R. 4103: Mr. DYMALLY and Mr. RANGEL.

H.R. 4104: Mr. DYMALLY and Mr. RANGEL.

H.R. 4109: Mr. NICHOLS, Mr. DURBIN, Mr. SWIFT, Mr. THOMAS of Georgia, Mr. WORTLEY, Mr. TOWNS, Mr. WALGREN, Mr. SCHEUER, Mr. GLICKMAN, Mr. ASPIN, and Mr. OBERSTAR.

H.J. Res. 127: Mr. ANNUNZIO and Mr. EVANS of Illinois.

H.J. Res. 311: Mr. AKAKA, Mr. BERMAN, Mrs. BURTON of California, Mr. CALLAHAN, Mr. CONTE, Mr. CONYERS, Mr. DARDEN, Mr. DOWDY of Mississippi, Mr. DYMALLY, Mr. BEILENSON, Mr. FORD of Tennessee, Mr. MARTINEZ, Mr. TORRICELLI, Mr. KOSTMAYER, Mr. LELAND, Mr. ROE, Mr. WILSON, Mrs. BOXER, Mr. HUGHES, Mr. WAXMAN, Mr. HATCHER, Mr. MATSUI, Mrs. BENTLEY, Mr. LAFALCE, Ms. MIKULSKI, Mr. MINETA, Mr. SHUMWAY, Mr. DE LA GARZA, and Mr. LEVINE of California.

H.J. Res. 508: Mr. DANNEMEYER, Mr. WOLF, Mr. LEWIS of Florida, Mr. PENNY, Mr. MCGRATH, Mr. JACOBS, Mr. BEVILL, Mr. WRIGHT, Mr. CHAPPELL, Mr. LUNGREN, Mr. MOLLOHAN, Mr. WHITEHURST, Mr. BRYANT, Mr. LANTOS, Mr. MORRISON of Connecticut, Mr. ANDREWS, Mr. WILSON, Mr. SABO, Mr. DYMALLY, Mr. SIKORSKI, Mr. KOLBE, Mr. TOWNS, Mr. CARPER, Mr. JEFFORDS, Mr. VENTO, Mr. RAHALL, Mr. DELAY, Mr. BUSTAMANTE, Mr. BROYHILL, Mr. NICHOLS, Mrs. SCHROEDER, and Mr. SCHAEFER.

PETITIONS, ETC.

Under clause 1 of rule XXII,

275. The SPEAKER presented a petition of the Minister-Counselor, Embassy of the Socialist Federal Republic of Yugoslavia, relative to the United Nations Convention on the Law of the Sea; which was referred to the Committee on Foreign Affairs.

SENATE—*Tuesday, February 18, 1986*

(Legislative day of Monday, February 17, 1986)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of our fathers, with amazement we hear and read Washington's Farewell Address. Its timeless relevance to our present situation is astounding, evoking profound respect and admiration for the wisdom and insight of the Father of our Country. We praise you for his reverence for the Constitution, his confidence in its provision for the division of powers, its security and flexibility. We thank You for his commitment to the union of States, the vision and reciprocity of each region to the others.

In an election year, Gracious Father, may we hear his warning against "baneful effects of the spirit of party generally," against public debt which is to be "cherished and used as sparingly as possible" lest future generations be unduly burdened—and the necessity of taxes which are unavoidably "more or less inconvenient and unpleasant."

We stand amazed, Lord, at his sensitivity to the peril of "inveterate antipathies against particular nations and passionate attachment for others." We are grateful for his thoughtful reminder that "of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. Help us to hear and to heed this insightful voice from the past. In His Name, who overrules in the affairs of men and nations. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

SCHEDULE

Mr. PRESSLER. Mr. President, I understand the two leaders have 10 minutes each under the standing order.

At the appropriate time, I will yield to Senator WILSON. He wants 5 to 8 minutes of time from this side.

There is a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

Then there will be routine morning business for not to extend beyond the hour of 12 noon with Senators permitted to speak therein for not more than 5 minutes each.

The Senate will stand in recess between the hours of 12 noon and 2 p.m., for the weekly party caucuses to meet.

At 2 p.m., the Senate will resume unfinished business, Senate Resolution 28, TV in the Senate.

Mr. President, I yield,

Mr. BYRD. I thank the distinguished acting leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. PRESSLER). The distinguished Democratic leader is recognized.

TRADE POLICY: A CALL FOR REALISM

Mr. BYRD. Mr. President, last week, I had the privilege of participating in a panel with a group of internationally recognized authorities on trade policy in a discussion that was styled as a debate of free trade versus protectionism. The panel was sponsored by the Economist magazine, and my fellow participants were the new editor of that distinguished publication, Mr. Pennant-Rea, Under Secretary of Commerce Bruce Smart, President Lynn Williams of the United Steelworkers, Prof. Lester Thurow, and former U.S. Trade Representative Bob Strauss.

The debate over free trade never materialized. Bob Strauss is far too experienced in matters of international trade to have accepted his assigned role as advocate of unquestioned free trade, and he was quick to say he would not defend blind free trade in a world in which such trade did not exist. Under Secretary Smart is a recent addition to the Reagan administration's trade policy councils, but he did not sound like a man yet burdened with illusions about free trade. He joined with Bob Strauss in objecting that free trade was fine, but there does not seem to be much of it around. Mr. Pennant-Rae was the sole defender of free trade in its pure form. With due respect to our host, it is relatively easy for someone from Britain to urge free trade on his trading partners in this country. In fact, I would be delighted to advise all of our trading partners to engage in free trade.

When it was my turn, I suggested to my fellow participants that the question simply missed the point. None of our trading partners is engaged in debates about free trade versus protectionism. They are concerned with competing in a changing world economy. And so should we be.

The trade deficit for 1985—a record $148 billion—is the largest trade shortfall in our history. In fact, this 1 year deficit is higher than the total trade shortfall for all 4 years of the Carter administration. The $17.4 billion record December deficit exceeds the deficit for the entire 12 months of 1976.

Among the many shocking revelations is the fact that overall American exports have declined by almost $5 billion against the levels of 1984. There also was a $24-billion increase in our trade deficit in manufactured goods—a traditional strength for our economy and a strong indication of damage to basic American industrial strength.

This drop in exports and the loss of manufacturing strength is nothing to worry about, according to the recent economic report of the President, issued by his Council of Economic Advisers. Some of my colleagues may have seen the press reports last week quoting that document as denying any connection between trade deficits and employment. The President's report comes within 1 month of a Commerce Department study which found that export-related employment had declined by 1.1 million jobs between 1981 and 1983 because of falling manufactured exports. The Commerce Department study went on to conclude that, in 1984, every $1 billion worth of exports supported 21,000 jobs, and that imports cost the American economy about 700,000 jobs that year alone.

The Commerce Department study confirms what common sense and conventional economic theory already told us—that there is a direct relationship between trade and employment. A decline in exports and record increases in imports do cost jobs in this country, and that cost is measured in the millions. Do the President and his top economic advisers really believe that it could be otherwise?

The inability to see a necessary relationship between employment and trade reveals one of the fundamental misconceptions behind this administration's trade policy. Because I repre-

sent a State in which more than 1 out of every 7 jobs depends upon exports, this is a serious concern to me.

The administration also rejects any relationship between economic security and national security. Under Secretary of State for economic affairs Allen Wallis recently said:

> Protectionism is occasionally justified on national security grounds. In fact, those who cannot make a case on other grounds often try national security, but a few of those cases remind me of Samuel Johnson's 18th-century definition of patriotism as "the last refuge of scoundrels.

Under Secretary Wallis should know better. The general agreement on tariffs and trade, in article XXI, specifically permits trade actions to protect essential security interests. That permission is reflected in our domestic law in section 232 of the Trade Expansion Act of 1962. I hope to see some improvement in that statute soon through adoption of legislation that I have introduced—my National Security Trade Act. Whether Under Secretary Wallis likes it or not, international law and domestic statutes recognize that national security is a legitimate—and necessary—consideration in trade policy. If industries vital to the national defense are being undercut by imports, action is essential.

Under Secretary Wallis' statement seems to be in keeping with the President's view. In the State of the Union Address, the President said, "We have already taken action to counter unfair trading practices and to pry open closed markets." This was easy to say, but as we look around for examples of administration action on unfair trade, we have a hard time finding evidence of it. This administration declined relief for the steel industry, and elected to ignore the International Trade Commission's recommendations. Instead, it has advanced a Reagan steel plan that has institutionalized foreign control over more than one quarter of the American steel market. The administration refused section 232 relief to the ferroalloy industry, after delaying its decision for 2 years while foreign products captured 60 percent of a market vital to high technology manufacturing in this country. And it has been slow to react to foreign targeting of essential defense-related high technology industries.

An administration policy that denies the impact of our trade crisis on employment and ignores the impact of unfair imports on national security is no policy at all. As I told my colleagues on the economist panel, such an approach to trade denies the new global economic realities, and erodes domestic support for open trade. We are in a danger zone in American trade policy. I urge the administration to adopt a new realism in response to this challenge. Congress will measure the administration's success by improvement in our trade balance, but not by the volume of rhetoric.

A REWARD FOR MILLIONS IN ONE MAN'S FREEDOM

Mr. BYRD. Mr. President, last week, a man walked across a bridge, and millions in many lands applauded.

Crossing a bridge is an everyday occurrence, but it was not in this instance. This time, Anatoly Shcharansky was walking out of East Germany into West Berlin, out of the Communist empire into the West, and out of one world into another.

Since his arrest and imprisonment in 1978, Anatoly Shcharansky had been an international symbol—a symbol of the indomitable yearning for freedom inside a totalitarian state. Marxism makes no allowance for the Anatoly Shcharansky's—they are not supposed to exist. Indeed, Shcharansky was a product of some of the best advantages that the Soviet structure is supposed to offer. He was educated, polished, brilliant, sophisticated, and articulate. His father was a member of the Communist Party and a journalist in the coal regions of the Ukraine. Had Anatoly Shcharansky conformed to the dictates of the Soviet bureaucracy, he himself could have probably risen high in the Soviet governing apparatus. He could have been among the governing elite, not one of those who are governed by the elite.

Some in the Soviet Union may today think Shcharansky foolish to have given up all of his opportunities in a cause that in 1978 looked so hopeless. But Anatoly Shcharansky is proof that there are places in the heart, mind, and spirit into which totalitarianism cannot reach. In those hidden places, away from the prying eyes of officialdom, Anatoly Shcharansky remained a free man. All that Communist totalitarianism has learned in nearly eight decades of the practiced smothering of human freedom and yearning in the Soviet Union was not sufficient to extinguish the flame that Anatoly Shcharansky became. In spite of everything done to him in the prisons of the KGB, Anatoly Shcharansky stayed a free man in an unfree society.

Today, Anatoly Shcharansky is free in his body, as well as in his spirit. I commend all of those members of the administration of President Carter and President Reagan who worked so long to make that new freedom possible. I also commend all of those Senators, Representatives, diplomats, religious leaders, and private citizens, here and abroad, who lent their efforts to free Anatoly Shcharansky. Especially, I commend his wife, Avital Shcharansky, whose love and commitment to her husband kept his cause before the court of world opinion.

But above all, I commend Anatoly Shcharansky, whose courage, integrity, hope, and character have shown us again the greatness to which one individual human being can rise, and whose example has made millions of us proud of our own humanity.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

THE SAD TALE OF THE TOO-SMALL MISSILE

Mr. WILSON. Mr. President, I rise today to tell the sad tale of the too-small missile.

To avoid launching our mobile ICBM Program irreversibly on its present course of costly and wasteful failure, I propose and intend to bring about the derailment of full-scale engineering development requested for the small mobile ICBM in the President's budget for fiscal year 1987.

Why? Because Midgetman, or "Congressman" as it might be more appropriately dubbed—in honor of the flaws imposed on its design by Congress—will both cost us a fortune and fail to achieve the stability and deterrence its proponents claim. And, the issue here is not mobility: There may well be an important place in America's strategic arsenal for the right mobile missile, but this is the wrong one. It is the too-small missile.

It was too small to succeed a year ago and it is too small today. Because it is too small, it is also much too expensive. It risks our wasting $22 billion to no purpose, during the very period Gramm-Rudman-Hollings seeks to reduce deficits to zero.

Full-scale engineering development will commit us irreversibly to this blunder and to an out-year competition for too-scarce funding with the advanced technology bomber, Trident II, and SDI. Full-scale engineering development should be delayed at least a year, during which time the Air Force should be directed to report to the Defense Department and to Congress on the costs and feasibility of an enlarged mobile missile capable of being MIRV'd with three warheads.

A year ago, I warned that Midgetman—artificially constrained by congressional mandate to a weight limit of 30,000 pounds—would be too small to include penetration aids required to survive and penetrate predictable Soviet ABM defenses. A classified Air Force study ordered by Congress at my urging, now has confirmed the need to remedy this defect: The study makes clear that the survival rate of the too-small ICBM would be so shockingly low as to make the entire program wholly unjustifiable.

But so slavish is the adherence of its advocates to the smallness of the too-small missile, that they seem unable to see clearly things so obvious as its huge cost and the glaring need to in-

crease its size in order to increase its survivability, its capability, and its cost effectiveness.

In short, the too-small missile must be enlarged so it can be equipped with penetration aids required for its survival and MIRV'd with three warheads to triple its deterrent value.

Why the devotees of smallness not see this? Because they have been converted to a theology of mutually assured destruction, of which the basic article of faith can be expressed in the following syllogism:

Strategic stability depends on survivability of our ICBM force; and survivability depends on mobility; and mobility depends on smallness. Therefore, stability depends upon smallness—specifically, on an ICBM weighing no more than 30,000 pounds.

That is the reason they practice this missile anorexia nervosa, clinging desperately to this underweight missile, resisting the attractiveness of greater capability and greater cost effectiveness and insisting instead on a single warhead.

They are not mystics, they are misinformed. Their credo is false because their logic is flawed: Mobility does not require a too small missile of only 30,000 pounds.

Two facts make this plain:

First, the Soviet SS-25 is fully on- and off-road mobile at somewhat above 80,000 pounds. With the differences in the missiles, that is a significant comparison.

Second, the hard mobile launcher [HML] of the small ICBM is not limited in its carrying capacity to a 30,000-pound missile, as many small ICBM advocates appear to believe. To the contrary, one contractor has produced an HML which has been tested for mobility—after anticipating the need and desire to increase missile size—with an extra 40,000 pounds of ballast—in addition to the normal weight allowance for a 30,000-pound missile, thus simulating the load of a 70,000-pound missile—or one of the size thought to be required in order to accommodate three warheads.

"The conclusion—as stated by the contractor's spokesman narrating a videotape of the mobility test—of the heavy combined weight of 220,000 pounds—mobility test vehicle test is that a 220,000-pound HML has adequate mobility to meet all mission requirements."

The testing included both on- and off-road operations in heavy mud after heavy rain.

Mr. President, I concede the obvious fact that to increase missile size will obviously mean that we have to increase the size of the hard mobile launcher which transports it, and a 70,000-pound missile would probably be half a foot additional in diameter, perhaps a foot and a half longer. That would obviously require accommodations to be made in the transporter.

Assuming that to be true, the increase in weight of the hardened mobile launcher would probably come to 40,000 pounds, or a total weight with the missile of about 260,000 pounds.

Does that mean that there cannot be mobility to this mobile launcher? To the contrary. The Under Secretary of Defense for Research and Engineering, Donald Hicks, has indicated his estimate that the increased launcher size would make it weigh about 250,000 pounds and that that would be no impediment to mobility.

There is, in short, no reason—and certainly not the carrying or mobility limits of the HML—to refrain from increasing the size of the small missile and MIRV'ing it with three warheads.

In fairness to the taxpayers, and more importantly, to secure real strategic stability for them and their children, we must demand that fullscale engineering development for the too small missile be placed on hold until the Air Force has investigated fully the opportunity to change from too small a deterrent to a real one. They have 40,000 pounds and $22 billion to work with.

If it is not fixed, this too small deterrent cannot be justified as a competitor for out-year strategic funding with far more valuable weapons systems.

Mr. President, I yield the floor.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

SENATOR KENNEDY'S SUPERLATIVE ARTICLE ON ARMS CONTROL

Mr. PROXMIRE. Mr. President, in an article in the Washington Post on February 16, the senior Senator from Massachusetts [Mr. KENNEDY] has proposed a series of logical and practical goals for arms control over "the next few years." Senator KENNEDY proposes three goals: First, the removal of all American and Soviet intermediate range nuclear forces from Europe.

Second, a halt to all future testing of nuclear weapons.

Third, a drastic reduction in multiple warhead, heavy land-based missiles.

Senator KENNEDY would link this reduction to a halt in the development and deployment of the space-based antiballistic missile defense system that we all call star wars, while permitting research on the systems. This Senator enthusiastically supports each of these goals. The achievement of these goals could go a long, long way toward preventing nuclear war and building a realistic framework for nuclear peace for years to come.

Now, Mr. President, what chance is there that the superpowers will negotiate arms control treaties that will achieve any of these goals within the next 3 years? In the judgment of this Senator, they range from slim to none in the next 3 years. After 3 years the prospects may improve and improve sharply. Why 3 years? Because the name of the game in arms control negotiations from the standpoint of this superpower—the United States—is the President of the United States. For arms control, the President is the only game in town. It matters little what any Senator or all Senators combined may believe or want with respect to arms control. The President names the negotiators. The President gives them their instructions. The President can accept or reject whatever agreement they arrive at, whether it is a "walk in the woods" by a negotiator like Nitze or a position the President had previously favored but decided to change his mind about. The President can put into effect whatever agreement he decides to sign even if the Senate unanimously opposes the agreement. In the face of Senate opposition, the President simply announces we will abide by the treaty without Senate ratification, as we in fact do with SALT II.

So, again, why do I say the Kennedy agenda has little prospect in the next 3 years? Answser: Because Senator KENNEDY will not be President of the United States in the next 3 years. Ronald Reagan will be President until 1989. So the question is not what Senator KENNEDY wants. It is not what this Senator wants. It is what President Ronald Reagan and the Soviet Union can agree on. With this limitation in mind let us consider the Kennedy proposal seriatim:

First, will President Reagan favor an agreement with the Soviet Union removing all American and Soviet intermediate range missiles from Europe? On this issue the President will agree. But Secretary Gorbachev will not go along unless the French and English at least pledge not to build up their nuclear forces beyond their present capability. Will they? Well, both those countries are well underway right now with a vigorous nuclear build up program including in each case sharp increases in submarine and bomber nuclear deployment. Would they agree to stop their buildup if the Soviets removed their intermediate missiles from Europe? Well, anything is possible. But such a cap by both the British and French would seem unlikely since both countries would face a heavy Soviet conventional military advantage in Europe, backed up with massive Soviet nuclear strategic forces—

even if those forces are reduced in pursuance of a separate agreement. The United Kingdom and the French seem determined to build their own deterrents. Senator KENNEDY suggests that France and England might agree to limit their warhead deployment to the present level. Would they? Maybe. But why would this satisfy Gorbachev when the United Kingdom and France could swiftly deploy additional warheads without notice once the missiles and the missile carriers are in place?

Second, will President Reagan agree to halt all future nuclear testing? Senator KENNEDY proposes that this be done by gradual stages, reducing the kilotonage of allowed explosions over several terms. Meanwhile the Kennedy proposal would step up verification measures to make policing of compliance more effective. The best evidence is that the verification technology is ready right now. Swedish seismologists have detected explosions more than 2,000 kilometers away and within the Soviet Union when the explosions were less than one-half kiloton. Explosions of less than a kiloton would not be militarily significant. The Soviets have indicated a willingness to negotiate the placement of monitoring stations designed to monitor underground explosions within the Soviet Union. Secretary Gorbachev has specifically proposed on-the-spot inspection to supplement monitoring.

Mr. President, this Senator views an end to nuclear weapons testing as quintessential, the sine qua non of arms control. Without an end to the testing that makes newer and constantly more devastating nuclear weapons available, reductions in nuclear weapons will mean nothing. Indeed, this country has reduced our nuclear weapon megatonnage sharply over the past 20 years while immensely improving the capacity of our nuclear arsenal to deliver its payload on Soviet targets. Secretary Gorbachev has suspended nuclear testing since last August. He has pleaded for the United States to enter negotiations aimed at stopping nuclear weapons testing. Is there any evidence that President Reagan will agree to such negotiations? Absolutely none. On this goal, so absolutely essential to meaningful arms control the President has never budged an inch. Any progress on this Kennedy aim will very likely have to wait until after January 20, 1989.

That leaves the goal of a drastic reduction in multiple warhead, heavy, land-based missiles linked to a ban on proceeding beyond research on star wars. Will the President agree to signing a treaty that cuts off star wars after research? No way. Star wars represents the heart of the Reagan dream. Ronald Reagan without star wars is like Gramm without Gramm-Rudman, Washington without the Redskins, Ed Koch without New York City. Reagan without star wars? You can forget it. It will not happen. Again, wait until 1989.

Senator KENNEDY has written a superlative article on the future of arms control. But you will have to wait a while. That future will not start appearing until 1989.

Mr. President, I ask unanimous consent that the article to which I have referred, by Senator KENNEDY, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 16, 1986]

WIND FROM THE SOVIET UNION

(By Edward M. Kennedy)

After years of harsh talk and mutual suspicion, the United States and the Soviet Union are closer to major progress on nuclear arms control today than at any time since 1979. It is now possible to outline a series of far-reaching agreements which, with sufficient political will on the part of both sides, can be achieved in the next few years.

In fact, the two sides are closer on these matters than anyone has yet conceded. If the final gaps can be bridged, mutually verifiable agreements can be reached to achieve the following three goals:

The removal of all American and Soviet intermediate range nuclear forces from Europe;

A halt to all future testing of nuclear weapons; and

A drastic reduction in multiple-warhead, heavy land-based missiles. This would be linked to a ban on the development and deployment of space-based anti-ballistic missile defense systems, while permitting research on such systems.

My belief that such progress can be made is based on my experience as a member of the Senate Observer Group, which has been monitoring the arms talks in Geneva for the past year, and on my lengthy meetings earlier this month with General Secretary Mikhail Gorbachev and Foreign Minister Eduard Shevardnadze of the Soviet Union.

In his most recent public proposal, General Secretary Gorbachev announced the Soviet Union's willingness to withdraw all of its SS-20s from Europe, if the United States withdraws its Pershing II and cruise missiles from Europe, and if Great Britain and France agree to freeze their nuclear missile systems.

The Gorbachev offer appeared to be a partial acceptance of President Reagan's "zero-zero" proposal, which would have banned all U.S. and Soviet intermediate-range nuclear forces (INF), wherever based. It was initially part of a larger, three-phase package ostensibly aimed at eliminating nuclear weapons altogether. At the time, the central problem with Gorbachev's INF offer was that Soviet acceptance of the U.S. position appeared to be linked to a Soviet demand that the U.S. must abandon President Reagan's Strategic Defense Initiative (SDI), the so-called "Star Wars" proposal.

During my conversation this month with Gorbachev, he told me explicitly and unequivocally that there are no "preconditions" to negotiating the immediate removal of Soviet and American medium-range missiles from Europe. These negotiations can be successful even if there is no progress in the SDI talks. Gorbachev knows he is making a concession on this point, and he expressed the hope that it would make quick progress possible.

There are, of course, other important issues to be resolved before an INF agreement can te signed. Will modernization of British and French nuclear forces be permitted? How many SS-20s can be deployed in Central and Eastern Asia? Will the Soviets accept the verification measures that we will require? These are difficult questions, but solutions exist.

For example, the 1983 "Walk in the Woods" formula suggested by Ambassador Paul Nitze would have required the Soviet Union to freeze its SS-20 missile launchers in Europe at 90. As part of a new INF agreement, the U.S.S.R. could reduce its launchers to the level.

The issue of British and French forces will be more difficult. Yet a middle ground is visible in which British and French nuclear modernization and replacement could go forward—as long as the number of warheads is not substantially increased after U.S. and Soviet INF reductions go into effect.

A breakthrough in INF has now occurred, and solutions to these other issues should be immediately explored in Geneva. Gorbachev views INF forces as the most dangerous nuclear flashpoint between our nations, since the missile flight time is so short—under 10 minutes. Removing this flashpoint would be a major step toward arms control.

In our conversation, Gorbachev also emphasized that the Soviet Union is prepared to enter into an agreement banning all future nuclear testing, without any precondition or requirement of progress in other areas. In fact, he expressed the hope that the current unilateral Soviet moratorium would be matched by the United States, and that his country would never again have to conduct a nuclear test. Gorbachev and Foreign Minister Shevardnadze—with whom I had a separate meeting—both stressed that they were willing to agree to a range of measures, including onsite inspections, to verify compliance.

Nuclear testing in the atmosphere has been prohibited since the Limited Test Ban Treaty of 1963, negotiated by President Kennedy and Nikita Khrushchev. Today, the Reagan administration opposes a comprehensive test ban, because it feels that continued underground testing is essential to maintain the reliability of our nuclear stockpile.

Even if the administration does not accept a moratorium, a compromise is still possible here. The solution involves three steps: first, to ratify the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty; second, to improve verification measures to monitor testing; and third, to phase in lower and lower thresholds on future tests.

The 1974 Threshold Test Ban Treaty limits U.S. and Soviet underground test explosions to a yield of less than 150 kilotons. The 1976 Peaceful Nuclear Explosions Treaty provides comparable limits on nuclear tests for peaceful purposes. These two treaties were signed but never ratified by the Senate. Both sides continue to observe them, but the Reagan administration has refused to endorse them until the Soviets accept more extensive measures for verification; by a vote of 77-22 in 1984, the Senate urged the administration to support the treaties.

The Soviet leaders told me that they would agree to additional verification measures only in the context of a total ban on testing. They stressed that the two existing

treaties contain verification provisions that have not been put into effect because the United States has not ratified the treaties.

To bridge this difference, the two sides should permit technical teams to visit each other's test sites to observe tests and to calibrate monitoring equipment needed for accurate measurement of yields. With the assurance gained from this step and other verification measures, the 150-kiloton threshold could be reduced over time, allowing for high-confidence verification and moving toward final, total ban on all nuclear tests.

A comprehensive test ban would be an extremely effective step toward halting the nuclear arms race. There are other ways—short of underground testing—to guarantee the reliability of our nuclear arsenal. By ratifying the two pending treaties, by improving verification, and by gradually lowering the thresholds for future testing, both nations will build confidence in the possibility of verifying a comprehensive ban; in the interim, the Reagan administration will be able to conduct the low-yield tests which they say are currently needed. However, as testing thresholds decline, some current high-yield testing will be prohibited, including tests of the nuclear-pumped X-ray laser now being conducted under the SDI program.

The central arms-control issue today is the question of long-range offensive and defensive forces; neither an INF agreement nor a comprehensive test ban can substitute for achieving a breakthrough in this third, most critical area.

To date, the debate on the issue of strategic defenses has been largely rhetorical and unproductive. Reagan insists that SDI is primarily a research program to determine whether space, air, and ground-based antimissile systems can someday be combined to establish a leak-proof shield that would render nuclear missiles obsolete. Gorbachev reiterated to me his familiar position that SDI is aimed at developing "space-strike weapons" that will ultimately enhance, not replace, U.S. offensive missile systems. Gorbachev believes that the United States is seeking nuclear superiority over the Soviet Union, in order to threaten a first strike with its "sword" of offensive missiles and then use its "shield" of SDI to neutralize Soviet retaliation.

The Soviets have now made clear that they are willing to accept drastic reductions in their long-range warheads in exchange for limiting our SDI to "basic" research. The real challenge is to draw the line between acceptable research—which would allow President Reagan to explore the feasibility of his dream for a space shield—and unacceptable weapons development, which would violate the ABM Treaty and launch a new and dangerously destabilizing escalation of the nuclear arms race.

I posed this question to Secretary Gorbachev: Is there a way to narrow the difference between Reagan's insistence on SDI research and Soviet fears that such a program will lead to "space-strike" weapons? I told Gorbachev that there may well be room for agreement if the two sides abandon their confrontational rehetoric and begin a practical discussion of possible areas of compromise. Resolving this issue would pave the way for substantial reductions in the strategic offensive forces of both sides. But I sensed little or no Soviet flexibility on this issue.

Gorbachev was clearly incensed by the Reagan administration's recent attempt to reinterpret the ABM treaty to ease its strict prohibitions against antimissile systems. Criticizing the administration's search for loopholes in the treaty, Gorbachev called the new U.S. interpretation the work of a "legal expert on pornography."

I pointed out that negotiating a compromise on Star Wars will require better teamwork between the U.S. and Soviet scientists who understand the nature of the research programs being conducted by both sides, and our most skilled negotiators, who will have to craft acceptable treaty language based on the technical possibilities. In my view, these detailed discussions should begin once in Geneva.

If such a compromise can be negotiated, it will then be possible to reach an agreement that includes sharp reductions in the Soviet multiple-warhead heavy missile force (SS-18s) and a halt in the deployment of MX missiles by the United States. A vital complement to such reductions would be a statement of objectives for further agreements—such as a ban on all new MIRVed ICBMS, mobile or fixed-based, and the deployment of a mutally verifiable number of single-warhead, mobile missiles.

I came away from my meeting with Gorbachev convinced that he is a strong leader whose goal is improved efficiency of the Soviet system, rather than fundamental reform. His world view is of a continuing struggle with the West, and he believes in wars of national liberation. On the issue of human rights in the Soviet Union, he adheres rigidly to the hard-line Soviet position, and progress beyond the recent gestures is likely to be painfully slow.

In sum, there are many areas where our two countries will continue to be at odds, and major tensions will remain. But I believe Gorbachev shares Reagan's view that a nuclear war cannot be won and must never be fought. On that fundamental question, the interests of the Soviet Union and the United States coincide, and important steps are possible in the coming months toward a real and lasting nuclear peace.

Reagan and Gorbachev have an historic opportunity to pursue their common goal of a world without nuclear weapons. With that shared vision, and with our shared security interests, I believe the next steps on arms control are there for the taking.

THE HOLOCAUST AND THE NEED FOR THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, a new kind of memorial to the victims of the Holocaust has recently appeared in our country. Films like "Shoah" bear witness to or remember the Holocaust by depicting the everyday lives of the victims—boarding trains, working in concentration camps, and eating meals in basement hideaways. "Shoah" has received rave reviews because it gives us a glimpse of the Holocaust that we can understand, in personal terms that we can compare to our own lives. A new book, "The Holocaust," by historian Martin Gilbert, examines this tragic time in our history in much the same way.

A review of Mr. Gilbert's book recently appeared in the New York Times. It praised the book for being above all else a work of commemoration. Like the movie "Shoah," "The Holocaust" is not sensationalistic or gory but lets the victims speak for themselves in a simple and straightforward manner. This type of presentation is perhaps the most powerful way to convey the unspeakable horror these people went through. The review explains that with the personal interviews Mr. Gilbert is successful at both following individual lives and deaths and tracing the larger history of the Holocaust.

One aspect of the book that the review particularly commends is Gilbert's account of Jewish resistance. Gilbert maintains that under the inhumane circumstances of the Holocaust any gesture that affirmed human dignity ought to be considered a powerful form of resistance. Such gestures ranged from defying Nazi orders in the concentration camps, to hiding potential victims in attics and basements, and actively joining resistance movements and countering the Nazis by force. The New York Times' review concludes that one of the highest forms of human affirmation is the determination to bear witness, which Martin Gilbert's book, "The Holocaust," does so eloquently and effectively.

The U.S. Senate also has a historic opportunity to affirm human dignity and bear witness to the millions of people that died in the Holocaust by ratifying the Genocide Convention. This treaty not only recalls the tragedies perpetrated against victims of genocide such as the Jews in World War II and the Armenians in the early 20th century Turkey, but also seeks to prevent future holocausts by outlawing genocide as an international crime which each signatory undertakes to prevent and punish. In recognition of the victims of the Holocaust who have been memorialized by authors like Martin Gilbert, I urge my colleagues to support and ratify the greatest memorial of all—the Genocide Convention.

REINHOLD NIEBUHR'S VITAL CHRISTIAN LEGACY

Mr. PROXMIRE. Mr. President, James M. Johnson is a remarkably fine writer. He is a specialist on religion and the role religion plays in American life. In his regular column in the Milwaukee Sentinel, Mr. Johnson recently discussed the dramatic influence Reinhold Niebuhr has brought to the Christianity that many Americans follow as their spiritual creed.

Niebuhr's mission was to bring reality into Christianity. Niebuhr taught us that simply because the world, our community, and our family are all imperfect and always will be does not constitute an alibi for Christians not to do their best to improve it. And for Niebuhr, improvement starts with

each of us, each individual. In Niebuhr's view, wisdom begins when we recognize our fallibility as well as the fallibility of others and all our institutions. We should also recognize our absolute moral duty to help others to the full extent of our resources.

Mr. President, both liberals and conservatives of the Christian faith recognize that Reinhold Niebuhr, who died 15 years ago, was a magnificent theological influence on Christianity throughout the world. Michael Novak said that Niebuhr was "perhaps the greatest theologian this Nation has ever produced."

Columnist James Johnson has paid Niebuhr a thoughtful tribute. I ask unanimous consent that the Johnson column from the February 15 Milwaukee Sentinel be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Milwaukee (WI) Sentinel, Feb. 15, 1986]

NIEBUHR LEFT MARK ON CHRISTIANITY

(By James M. Johnston)

Perhaps you received a holiday card bearing an inscription something like this: "May God give you the serenity to accept what cannot be changed, the courage to change what should be changed and the wisdom to distinguish one from the other."

Who authored this masterful thought? Confucius? Marcus Aurelius? St. Augustine? St. Francis of Assisi?

None of them. It was first heard in a 1934 church service near Heath, Mass., in a prayer by Karl Paul Reinhold Niebuhr, a 42-year-old professor then at New York's Union Theological Seminary.

Before his death 15 years ago, Niebuhr established a landmark in American theology by teaching imperfect men and women that they cannot produce a perfect society, but that they can and must do their best toward that end within the limits of their fallibilities.

In 17 major books and 700 magazine articles, Niebuhr was to expound this theory, as well as in countless sermons, lectures and discussion groups, many with young non-believers whose minds he opened.

The famous prayer typifies the complexity of Niebuhrian insights, which, unlike today's simplistic religious thinking, were devoid of generalizations about "good" and "evil."

To him the things we can and cannot change resemble a crazy quilt of cause and effects in which evil people sometimes do good and good people do evil. Humanity, to him, was not totally depraved nor naturally virtuous.

Niebuhr believed that God created humanity to subdue the world. But man's anxiety in feelng that he counts for nothing in the spaceless cosmos creates a compensatory spirit of superpower among his fellows.

He thus tends to inflate his own ego and his concerns way beyond their importance. This self-centeredness, to Niebuhr, is sin, and enslaves humanity to the world.

Furthermore, man cannot be considered apart from society. Niebuhr believed that societies—nations, organizations and even some religions—have obscured their main goals and ideals in their drives for survival. These drives have forced individual members with ethical norms to accept lower norms.

But belief in a providential, caring God can satisfy man's hunger for cosmic support. Belief in Christianity also assures forgiveness of man's shortcomings, stupidities and other sins, and releases him from delusions of grandeur.

It does not release him from social responsibility, however. Without the need to justify himself, he can view the dynamics of his life and of history realistically.

He can leave "what cannot be changed" and the establishment of God's kingdom to God, while he works on "what should be changed" to better the lot of civilization here and now. This is Niebuhr's greatest contribution to American theology.

"Singlehandedly, Niebuhr accomplished a revolution in American liberal thought," wrote Arthur M. Schlesinger Jr. in an Esquire 'Golden Anniversary' issue, citing Niebuhr as one of 50 men and women who "made a difference" in the 20th century.

"His skepticism about fallible man's pretensions to infallibility, his warnings against messianism and utopianism, his ironic portrayal of the gap between righteous purposes and ruthless result had profound influence after the war on intellectual and (a few) political leaders," including George Kennan, John F. Kennedy and Adlai Stevenson, Schlesinger wrote.

During February, Black History Month, especially, Martin Luther King Jr. should be added to that list. Shortly before he died, King said Niebuhr and Gandhi were the two main influences on his career. Niebuhr advocated non-violence in the racial struggle, in which he was an avid participant.

As a pastor, professor, lecturer and writer Niebuhr practiced what he preached throughout his life.

He spent the first 13 years after graduation from Eden and Yale seminaries in a Detroit parish. There he saw the dehumanizing effect of the factory on the individual.

"Here manual labor is drudgery and toil is slavery," he wrote, to the discomfiture of Ford officials. In 1921, when he embraced socialism and wrote that the Ford Co. ought to be publicly owned, a Ford official, through an important church member, tried to get Niebuhr to retract. He refused, with the support of his congregation, which had grown from 65 to 650 parishioners.

In 1928 he took a professorship in applied Christianity at New York's Union Theological Seminary, after experiencing the difficulties in applied Christianity in Detroit.

His subsequent books and lecturers rejected both capitalism and communism and other isms produced by human frailties.

He also disappointed liberals. "Let liberal churches stop fooling themselves," he wrote in The Christian Century of March 25, 1931, arguing that hopes for inevitable human progress under liberalism held false promises.

He joined the Socialist Party, but resigned in 1940 to help establish The Union for Democratic Action and, later, the Liberal Party. During his 1939 and 1940 Gifford Lectures in Edinburgh, Scotland, as air raid sirens shrieked, he saw the inevitability of United States involvement in the fighting. This he justified as the lesser evil against Nazism, disappointing pacifists.

After the war he continued pursuing liberal causes and pointed out dangers in his own nation's self-rightousness as it hunted post-war subversives.

A series of strokes beginning in 1952 did not stop him from activism, on behalf of racial equality and against the war in Southeast Asia, criticizing the United States again for self-righteousness. He died in 1971.

In its Jan. 22 issue, the Christian Century carried articles on Niebuhr by liberal Robert McAffee Brown and conservative Michael Novak.

Both agreed on the immensity of his contribution and Novak called him "a man of practical wisdom who (with Jonathan Edwards) was perhaps the greatest theologian this nation has ever produced."

MYTH OF THE DAY: GOVERNMENT BUREAUCRATS WILL ALWAYS SPEND MORE, NOT LESS, WHEN GIVEN THE CHANCE

Mr. PROXMIRE. Mr. President, the myth of the day is that Government bureaucrats will always spend more, not less, when given the chance. While this proposition may be true as a general rule, I have a refreshing example showing just the opposite and demonstrating in the process that the reality is that there are exceptions.

The Securities and Exchange Commission [SEC] needed a round conference table to accommodate those participating in its open meetings with outside experts on significant issues such as tender offer policy, shareholder disenfranchisements through differentiated capitalization structures, internationalization of the securities markets, and others. Its existing furniture was not suitable for this purpose.

What did the SEC do under these circumstances? First, it looked into borrowing a round table. It found that there was one available at the Department of Defense. But there was a problem with the Defense Department table. It was so big that the SEC would have had to take the doors off the entrance to its building to get the table inside.

Next, the SEC checked out the possibilities of buying the round table that it needed. But tables seating the 12 to 15 participants who normally are a part of its open meetings with outside experts ran up to $3,000 if purchased from the private sector, according to cost estimates obtained by the SEC.

The SEC, to its credit, did not go ahead and plunk down the $3,000 of taxpayers' money necessary to purchase the table. What did it do instead? The SEC built the table. That's right, Mr. President, the bureaucrats at the SEC took matters into their own hands, literally.

The SEC bureaucrats purchased plywood and brown felt from local stores at a total cost of $275. The staff time required to attach the legs, cut a hole in the middle of the table for microphone wires, and set up the table amounted to about 8 hours.

I understand that the table stores easily and is viewed by all at the SEC

as a welcome addition, worthy of use for many years to come.

Mr. President, in this year of retrenchment brought on by Gramm-Rudman-Hollings, what the SEC has done in this instance is an inspiring example of spending restraint that I hope others will follow. The bureaucrats at the SEC who conceived and completed this project truly deserve to be dubbed the "Knights of the Round Table." Their armor is shining brightly as they are living proof that it is a myth to claim that Government bureaucrats will always spend more, not less, when given the chance.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12 noon, with statements therein limited to 5 minutes each.

CHRISTA McAULIFFE

Mr. KENNEDY. Mr. President, Christa McAuliffe, the New Hampshire teacher who became the first private citizen in space, was a native of Framingham, MA, and her loss aboard the space shuttle *Challenger* has been deeply mourned by people throughout our Commonwealth.

In years to come, Christa McAuliffe's spirit and bravery will be an enduring reminder of the best in America. In her all too brief career, her warmth, her ability, and her enthusiasm enriched the lives of her pupils in her classroom and her friends in her community. Her widely acclaimed selection to become the first teacher in space made the whole country—and indeed the whole Earth—her classroom, and gave us all the chance to experience and appreciate the remarkable qualities that made her the perfect choice for the *Challenger* mission. In reaching for the stars herself, she has encouraged millions of children across the Nation and in other lands to reach for the stars in their own lives.

I was particularly touched by the many tributes to Christa that told how she had been inspired in her youth by President Kennedy's pledge in 1961 to land a man on the Moon. As my brother said on November 21, 1963, the day before he was killed, "This Nation has tossed its cap over the wall of space, and we have no choice but to follow it." In the quintessential spirit of America, Christa McAuliffe had tossed her cap over the wall, too, and we shall never forget her.

Mr. President, I extend my deepest and heartfelt sympathy to Christa's husband Steven, to her children Scott and Caroline, to her parents, Edward and Grace Corrigan of Framingham, and to the other members of her family. I ask the consent of the Senate that an excerpt from Christa McAuliffe's application to NASA to become the first U.S. private citizen in space may be printed in the RECORD, along with an excerpt from President Kennedy's address to Congress on space in 1961, and the text of the poem "High Flight," to which President Reagan referred in his eloquent address to the Nation on the day of the tragedy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM ADDRESS OF PRESIDENT JOHN F. KENNEDY TO A SPECIAL JOINT SESSION OF CONGRESS (MAY 25, 1961)

Finally, if we are to win the battle that is now going on around the world between freedom and tyranny, the dramatic achievements in space which occurred in recent weeks should have made clear to us all, as did the Sputnik in 1957, the impact of this adventure on the minds of men everywhere, who are attempting to make a determination of which road they should take. Since early in my term, our efforts in space have been under review. With the advice of the Vice President, who is Chairman of the National Space Council, we have examined where we are strong and where we are not, where we may succeed and where we may not. Now it is time to take longer strides—time for a great new American enterprise—time for this nation to take a clearly leading role in space achievement, which in many ways may hold the key to our future on earth.

I believe we possess all the resources and talents necessary. But the facts of the matter are that we have never made the national decisions or marshalled the national resources required for such leadership. We have never specified long-range goals on an urgent time schedule, or managed our resources and our time so as to insure their fulfillment.

Recognizing the head start obtained by the Soviets with their large rocket engines, which gives them many months of lead-time, and recognizing the likelihood that they will exploit this lead for some time to come in still more impressive successes, we nevertheless are required to make new efforts on our own. For while we cannot guarantee that we shall one day be first, we can guarantee that any failure to make this effort will make us last. We take an additional risk by making it in full view of the world, but as shown by the feat of astronaut Shepard, this very risk enhances our stature when we are successful. But this is not merely a race. Space is open to us now; and our eagerness to share its meaning is not governed by the efforts of others. We go into space because whatever mankind must undertake, free men must fully share.

I therefore ask the Congress, above and beyond the increases I have earlier requested for space activities, to provide the funds which are needed to meet the following national goals:

First, I believe that this nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to the earth. . . . But in a very real sense, it will not be one man going to the moon—if we make this judgment affirmatively, it will be an entire nation.

EXCERPT FROM APPLICATION OF CHRISTA MCAULIFFE TO BE THE FIRST PRIVATE CITIZEN IN SPACE

Why do you want to be the first U.S. private citizen in space?

I remember the excitement in my home when the first satellites were launched. My parents were amazed and I was caught up with their wonder. In school, my classes would gather around the TV and try to follow the rocket as it seemed to jump all over the screen. I remember when Alan Shepard made his historic flight—not even an orbit—and I was thrilled. John Kennedy inspired me with his words about placing a man on the Moon and I still remember a cloudy, rainy night driving through Pennsylvania and hearing the news that the astronauts had landed safely.

As a woman, I have been envious of those men who could participate in the space program and who were encouraged to excel in the areas of math and science. I felt that women had indeed been left outside of one of the most exciting careers available. When Sally Ride and other women began to train as astronauts, I could look among my students and see ahead of them an ever-increasing list of opportunities.

I cannot join the space program and restart my life, as an astronaut, but this opportunity to connect my abilities as an educator with my interests in history and space is a unique opportunity to fulfill my early fantasies. I watched the Space Age being born and I would like to participate.

SPACE SHUTTLE SPECIAL PROJECT DESCRIPTION

In developing my course, "The American Women," I discovered that much information about the social history of the United States has been found in diaries, travel accounts and personal letters. This social history of the common people, joined with our military, political and economic history, gives my students an awareness of what the whole society was doing at a particular time in history. They get the complete story. Just as the pioneer travelers of the Conestoga wagon days kept personal journals, I, as a pioneer space traveler, would do the same.

My journal would be a trilogy. I would like to begin it at the point of selection through the training for the program. The second part would cover the actual flight. Part three would cover my thoughts and reactions after my return.

My perceptions as a non-astronaut would help complete and humanize the technology of the Space Age. Future historians would use my eye-witness accounts to help in their studies of the impact of the Space Age on the general population.

I would also like to record much of the daily activity on video tape and slides. A visual message would have a greater impact on an American public than just the written word. Interpersonal relationships would be so different in a space craft where people have to live and work in such a limited environment. Stress, reactions to problems, and the daily exchange of information would be ideal material for Sociology, American Culture and History courses and the course on the American Women.

The dress of the astronauts, the inside of the space shuttle, the opportunity to ask questions about what people are doing and feeling would certainly add a new dimension to a personal, primary source.

How do you expect to communicate your experience during the year following your return from the space flight mission?

The chance to share my experiences with educators and to have a direct impact on education is an exciting prospects. The network of national, regional and state educational conferences would provide me with the ideal way to disseminate information after the space flight. For example, over 4,000 educators attended the most recent National Social Studies conference in Washington, D.C. Annually, conferences are held throughout the country for every educational discipline. The conference system of large audience lectures and small personal workshops would make it possible to reach many educators and thereby have a direct impact on students across the United States.

As a conference speaker, I would share my space flight experiences through a slide or video tape presentation and lecture, followed by a question and asnwer session. As a presenter in the workshop format, I would have the opportunity to meet with small groups of educators from different disciplines and give them suggestions for class projects and activities. These would include role-playing problems in space travel, journal writing, comparing fantasies about space travel with the realities of the trip, researching the history of space exploration, model building, collecting oral histories of different generations in order to compare perspectives about the progress of the Space Age, and debating the merits and uses of space technology in terms of politics, science, defense, art, and as an aid to humanity.

HIGH FLIGHT

(By John Gillespie Magee, Jr.)

(Magee was a 19-year-old American volunteer with the Royal Canadian Air Force, who was killed in training December 11, 1941.)

Oh! I have slipped the surly bonds of Earth
And danced the skies on laughter-silvered wings;
Sunward I've climbed, and jointed the tumbling mirth
Of sun-split clouds—and done a hundred things
You have not dreamed of—wheeled and soared and swung
High in the sunlight silence. Hov'ring there,
I've chased the shouting wind along, and flung
My eager craft through footless halls of air.
. . .
Up, up the long, delirious, burning blue
I've topped the wind-swept heights with easy grace,
Where never lark, or even eagle, flew;
And, while with silent, lifting mind I've trod
The high untrespassed sanctity of space,
Put out my hand, and touched the face of God.

LITHUANIAN INDEPENDENCE DAY

Mr. BUMPERS. Mr. President, on February 16, 1918, the people of Lithuania manifested their long sought goal of national independence. Having struggled for centuries to overcome persecution and domination, the aftermath of the First World War finally provided them with the opportunity to establish a free nation.

Unfortunately, Mr. President, freedom for the Lithuanian people was short-lived. The Second World War brought with it the forced annexation of Lithuania as a constituent republic of the Soviet Union. Despite the subjugation of the Lithuanian nation, the quest for freedom remains in the spirit of the people. It is in this spirit we recognize th 735th Lithuanian Independence Day.

We should pause for a moment and reaffirm the inalienable right of a nation-state to establish its sovereignty. In a world where all nations-states recognize this right, Lithuania's right to self-determination has been abrogated. We, as a people who subscribe to the principles laid down by our Constitution, who recognize the Universal Declaration of Human Rights, who accept the doctrines of the Charter of the United Nations, who have agreed to the Helsinki Final Act, cannot assent to this violation of these standards. The people of Lithuania are crying out for justice.

I commend the ongoing efforts of the Lithuanian people who are fighting for their independence. I would like to pay tribute to two individuals who have suffered in their attempts to defend the independent interests of the Lithuanian people. The first, Kirill Popov, who as a result of his support of human rights and political prisoners faces probable psychiatric confinement. The second is Father Vaclovas Stakinas, whose reward for his efforts to promote religious freedom was assault and abduction. I would like to express my heartfelt sorrow and concern with these incidents.

I am pleased to have sponsored, along with 36 of my colleagues, Senate Joint Resolution 271, which designates the 14th day of June, 1986 as "Baltic Freedom Day." This resolution seeks to reaffirm the support of the United States Congress for a policy of nonrecognition of the incorporation of the Baltic States of Lithuania, Latvia, and Estonia by the Soviet Union. The United States has consistently refused to recognize the 1940 Molotov-Ribbentrop pact which led to the forced annexation of these states by Stalinist Russia, and we remain firm in that commitment. I am confident the Senate will approve this resolution and send a strong signal to the Soviet Union and the world of our support for the people of Lithuania and their compatriots throughout the Baltic region.

In addition, I have also cosponsored with 25 of my colleagues Senate Joint Resolution 259, which designated February 16, 1986 as "Lithuanian Independence Day." This resolution further indicates the significance which the United States Senate gives to the rights of the Lithuanian people to determine their destiny.

I choose today, however, not to dwell on the negative manifestations of the Lithuanian plight. Instead, I salute the courage and commitment of the Lithuanian people in their struggle to be a free nation and free people. It is with great pleasure that I join in solidarity with the over 300,000 Americans who are of Lithuanian descent or origin in the fervent hope that the Lithuanian fight for freedom will meet with success. The undaunted spirit of the Lithuanian people should serve as an inspiration to us and to other nations.

COMMUNITY RECOGNITION AWARD TO RETA TEMPLEMAN

Mr. CRANSTON. Mr. President, on February 22 Reta Templeman, who is coowner and managing editor of the Malibu Times, will receive the highest honor a community Lions Club can confer on a non-Lion resident: The Community Recognition Award for humanitarian service.

This recognition is well-deserved. An excellent reporter, Reta has also put her pen to use to champion a number of causes benefiting the community. She has contributed money, time and effort to local service clubs, community organizations, the Little League, senior citizens' groups and efforts to help any and all those in need.

Five years ago, Reta and her husband founded the "Help your neighbor" program—a nonprofit project to fund and support those individuals and families experiencing sudden catastrophe. Reta also supports—physically, morally and financially—the Artifact Tree Thrift Shop, which serves victims of local disasters, including fire, flood, mud and rock slides. In addition, Reta bakes tirelessly for fundraisers and civic events and helped plant the petunias which were the pride of Malibu for the 1984 World Olympics and the XV World Games for the deaf in 1985.

Over and over, I've heard the same thing said about Reta Templeman: She cares. She is a talented, warmhearted human being who is always there to help and to share. She gives with enthusiasm, energy, and great sincerity and her giving deserves recognition. Thus I'm delighted she's being honored by the citizens of Malibu and am pleased to share this tribute with my colleagues here in the U.S. Senate.

TRIBUTE TO MADAM REGINE CHOUKROUN

Mrs. HAWKINS. Mr. President, as chairman of the U.S. Senate Subcommittee on Children, Family, Drugs and Alcoholism, I would like to offer my personal and professional thanks to Madam Regine Choukroun. As a

mother and concerned citizen, I offer her my personal thanks for her unstinting and unselfish efforts to stop the spread of drug abuse in France. Professionally, I thank Madam Regine for utilizing her international reknown and considerable business acumen to pull together an international conference to study the question of narcotics abuse and possible solutions to the devastating problems it creates.

This conference, the International and Plurisciplinary Symposium on Drug Addiction, under the auspices of the International Mission for the Struggle Against Drug Addiction, is being held in Paris on February 26, 27, and 28. This conference brings together drug abuse experts from around the world to discuss the political and social issues at stake in dealing with the international problem of illicit narcotics. Madam Choukroun is responsible for the sponsorship, organization and funding of this conference, and if the results are even half what is expected, then this extraordinary woman deserves the thanks and admiration of everyone concerned with the threat of drug abuse.

And, Mr. President, this isn't the first effort Madam Choukroun has made in this regard. She has been working against drug use and addiction in France for quite a number of years. Her efforts included the organization of a group known as SOS Drogue International, which includes the operation of a drug abuse clinic funded entirely by private funds. Her private sector efforts are even more remarkable when it is noted that such philanthropic efforts are not tax-deductible in her country. Mr. President, her concern in unsullied; her energy, enviable; and her efforts, unceasing.

Though unable to attend this conference, I wish to let Madam Choukroun know that I am with her in spirit. I have met with her previously, and she is well aware that we work together in our efforts to save our children from this most devastating of threats.

Madam Regine, I send you my highest respects, and wishes for a successful conference. I am certain that my Senate colleagues join me in expressing gratitude for your continuing international efforts against drug abuse.

CAPT. PATRICIA A. FLEMING, RESERVE OFFICERS ASSOCIATION OF AMERICA OUTSTANDING ARMY JUNIOR OFFICER OF 1985

Mr. DENTON. Mr. President, it was my privilege on January 29, 1986 to meet with a member of the Armed Forces who truly embodies the spirit of the American citizen soldier.

Capt. Patricia A. Fleming is an officer in the U.S. Army Reserve. Like so many of her fellow Reserve officers, be they Army, Navy, Air Force, Marine Corps, or Coast Guard, she belongs to the Reserve Officers Association of America.

The association was founded here in the Nation's Capital on October 2, 1922, by 700 officers, including General of the Armies John J. Pershing. Many of them, like General Pershing, were veterans of World War I. The ROA was chartered by Congress on June 30, 1950, with the express interest and approval of the President of the United States, Harry S. Truman, himself a veteran citizen soldier from the "war to end all wars."

Today, the Reserve Officers Association numbers 121,000 committed men and women. Many of them are active reservists, some of them are now retired, but all are still serving as citizen soldiers.

This year, on January 28, 1986, Capt. Patricia A. Fleming became the first woman to be named Outstanding Army Junior Officer of the Year by the Reserve Officers Association. I believe that the ROA could not have selected a finer representative of the Army Reserve.

Born in Belleville, KS, Captain Fleming holds a bachelors degree in communications from Washburn University in Topeka. After graduation, while working at television station WIBW in Topeka, she enlisted in the Army Reserve and in 1978 was commissioned a second lieutenant through the Kansas National Guard Officer Candidate Program. I understand that, while touring the Capitol Building with a member of my staff on January 29, Captain Fleming had the honor of meeting our distinguished majority leader, whose constituents include Captain Fleming's mother, Mrs. Laura Shepek.

Captain Fleming was graduated from the Army's transportation officer basic course at Fort Eustis, VA, in December 1978. The next year she entered the Army aviation school's initial entry rotary wing qualification course, and in 1980 became the first woman to complete the CH-47 [Chinook] helicopter transition course at Fort Rucker, AL.

Captain Fleming has been a section leader, flight operations officer, operations officer, and executive officer of the 282d Aviation Company, a U.S. Army Reserve unit stationed at the Aviation Flight Facility, Fort Rucker. Currently, she is assigned as the maintenance aviation officer of the 375th Theater Army Support Group, an Army Reserve unit located in Montgomery, AL.

A life member of the Reserve Officers Association, Captain Fleming is a past chapter president of the Alabama Department. She currently is a member of the ROA National Defense Education Fund Programs Subcommittee, and is also serving as chapter treasurer, Alabama Department.

Since 1983, Captain Fleming—or perhaps I should say Mrs. Fleming—has been employed as a civilian instrument instructor pilot at the Army Aviation Center and School, teaching critical and demanding flying skills to Army aviators.

Her memberships in professional flying organizations include the Army Aviation Association of America, the American Helicopter Society, and the International Women Helicopter Pilots Association (as Whirly Girl No. 302). In 1985, she was chosen senior judge, precision event, for the team trials of the International Helicopter Championship Fly-Offs at Fort Rucker.

She and her husband, Alvin Fleming, reside in Enterprise, where they both are active members of Liberty Church and also attend St. John's Catholic Church.

I'm certain that my colleagues will agree that Captain Fleming has truly impressive credentials, and that the dedication to God and to country that she exhibits are worthy of the award that she has received and so justly deserves. Captain Fleming is a true exemplar of the professional competence and personal integrity of America's citizen soliders, who are vital elements in our national defense.

I thank Captain Fleming for all she has done and for all that she most assuredly will continue to do for our great Nation and for the State of Alabama. I wish her the best of luck in all her future endeavors.

SENATOR KENNEDY'S TRIP TO THE SOVIET UNION

Mr. PELL. Mr. President, I wish to commend the senior Senator from Massachusetts for the very fruitful trip that he made to the Soviet Union during the Presidents' Day recess. After speaking with General Secretary Gorbachev and senior Soviet Government officials, Senator KENNEDY came away from Moscow convinced that the United States and the Soviet Union are closer to major progress on arms control today than at any time since 1979.

As one of the cochairmen of the Senate Arms Control Observer Group, of which Senator KENNEDY is a member, I fully agree with Senator KENNEDY's assessment about the promising opportunity at hand. I also believe that the specific goals set forth by Senator KENNEDY in his excellent op ed article that appeared in the Washington Post of February 16 are both desirable and achievable. In this connection, I ask unanimous consent that the full text of Senator KENNEDY's article appear in the RECORD following my remarks. If pursued in ear-

nest, I am confident that the course of action proposed by Senator KENNEDY will form the basis for a sound agreement that will make the world safer and that, hopefully, will also bring us closer to a nuclear-weapons-free world.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RUSSIANS ARE READY TO BARGAIN ON ARMS CONTROL

(By Edward M. Kennedy)

After years of harsh talk and mutual suspicion, the United States and the Soviet Union are closer to major progress on nuclear arms control today than at any time since 1979. It is now possible to outline a series of far-reaching agreements which, with sufficient political will on the part of both sides, can be achieved in the next few years.

In fact, the two sides are closer on these matters than anyone has yet conceded. If the final gaps can be bridged, mutually verifiable agreements can be reached to achieve the following three goals:

The removal of all American and Soviet intermediate range nuclear forces from Europe;

A halt to all future testing of nuclear weapons; and

A drastic reduction in multiple-warhead, heavy land-based missiles. This would be linked to a ban on the development and deployment of space-based anti-ballistic missile defense systems, while permitting research on such systems.

My belief that such progress can be made is based on my experience as a member of the Senate Observer Group, which has been monitoring the arms talks in Geneva for the past year, and on my lengthy meetings earlier this month with General Secretary Mikhail Gorbachev and Foreign Minister Eduard Shevardnadze of the Soviet Union.

In his most recent public proposal, General Secretary Gorbachev announced the Soviet Union's willingness to withdraw all of its SS-20s from Europe, if the United States withdraws its Pershing II and cruise missiles from Europe, and if Great Britain and France agree to freeze their nuclear missile systems.

The Gorbachev offer appeared to be a partial acceptance of President Reagan's "zero-zero" proposal, which would have banned all U.S. and Soviet intermediate-range nuclear forces (INF), wherever based. It was initially part of a larger, three-phase package ostensibly aimed at eliminating nuclear weapons altogether. At the time, the central problem with Gorbachev's INF offer was that Soviet acceptance of the U.S. position appeared to be linked to a Soviet demand that the U.S. must abandon President Reagan's Strategic Defense Initiative (SDI), the so-called "Star Wars" proposal.

During my conversation this month with Gorbachev, he told me explicitly and unequivocally that there are no "preconditions" to negotiating the immediate removal of Soviet and American medium-range missiles from Europe. These negotiations can be successful even if there is no progress in the SDI talks. Gorbachev knows he is making a concession on this point, and he expressed the hope that it would make quick progress possible.

There are, of course, other important issues to be resolved before an INF agreement can be signed. Will modernization of British and French nuclear forces be permitted? How many SS-20s can be deployed in Central and Eastern Asia? Will the Soviets accept the verification measures that we will require? These are difficult questions, but solutions exist.

For example, the 1983 "Walk in the Woods" formula suggested by Ambassador Paul Nitze would have required the Soviet Union to freeze its SS-20 missile launchers in Europe at 90. As part of a new INF agreement, the U.S.S.R. could reduce its launchers to that level.

The issue of British and French forces will be more difficult. Yet a middle ground is visible in which British and French nuclear modernization and replacement could go forward—as long as the number of warheads is not substantially increased after U.S. and Soviet INF reductions go into effect.

A breakthrough in INF has now occurred, and solutions to these other issues should be immediately explored in Geneva. Gorbachev views INF forces as the most dangerous nuclear flashpoint between our nations, since the missile flight time is so short—under 10 minutes. Removing this flashpoint would be a major step toward arms control.

In our conversation, Gorbachev also emphasized that the Soviet Union is prepared to enter into an agreement banning all future nuclear testing, without any precondition or requirement of progress in other areas. In fact, he expressed the hope that the current unilateral Soviet moratorium would be matched by the United States, and that his country would never again have to conduct a nuclear test. Gorbachev and Foreign Minister Shevardnadze—with whom I had a separate meeting—both stressed that they are willing to agree to a range of measures, including onsite inspections, to verify compliance.

Nuclear testing in the atmosphere has been prohibited since the Limited Test Ban Treaty of 1963, negotiated by President Kennedy and Nikita Khrushchev. Today, the Reagan administration opposes a comprehensive test ban, because it feels that continued underground testing is essential to maintain the reliability of our nuclear stockpile.

Even if the administration does not accept a moratorium, a compromise is still possible here. The solution involves three steps: first, to ratify the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty; second, to improve verification measures to monitor testing; and third, to phase in lower and lower thresholds on future tests.

The 1974 Threshold Test Ban Treaty limits U.S. and Soviet underground test explosions to a yield of less than 150 kilotons. The 1976 Peaceful Nuclear Explosions Treaty provides comparable limits on nuclear tests for peaceful purposes. These two treaties were signed but never ratified by the Senate. Both sides continue to observe them, but the Reagan administration has refused to endorse them until the Soviets accept more extensive measures for verification; by a vote of 77-22 in 1984, the Senate urged the administration to support the treaties.

The Soviet leaders told me that they would agree to additional verification measures only in the context of a total ban on testing. They stressed that the two existing treaties contain verification provisions that have not been put into effect because the United States has not ratified the treaties.

To bridge this difference, the two sides should permit technical teams to visit each other's test sites to observe tests and to calibrate monitoring equipment needed for accurate measurement of yields. With the assurance gained from this step and other verification measures, the 150-kiloton threshold could be reduced over time, allowing for high-confidence verification and moving toward a final, total ban on all nuclear tests.

A comprehensive test ban would be an extremely effective step toward halting the nuclear arms race. There are other ways—short of underground testing—to guarantee the reliability of our nuclear arsenal. By ratifying the two pending treaties, by improving verification, and by gradually lowering the thresholds for future testing, both nations will build confidence in the possibility of verifying a comprehensive ban; in the interim, the Reagan administration will be able to conduct the low-yield tests which they say are currently needed. However, as testing thresholds decline, some current high-yield testing will be prohibited, including tests of the nuclear-pumped X-ray laser now being conducted under the SDI program.

The central arms-control issue today is the question of long-range offensive and defensive forces; neither an INF agreement nor a comprehensive test ban can substitute for achieving a breakthrough in this third, most critical area.

To date, the debate on the issue of strategic defenses has been largely rhetorical and unproductive. Reagan insists that SDI is primarily a research program to determine whether space, air, and ground-based antimissile systems can someday be combined to establish a leak-proof shield that would render nuclear missiles obsolete, Gorbachev reiterated to me his familiar position that SDI is aimed at developing "space-strike weapons" that will ultimately enhance, not replace, U.S. offensive missile systems, Gorbachev believes that the United States is seeking nuclear superiority over the Soviet Union, in order to threaten a first strike with its "sword" of offensive missiles and then use its "shield" of SDI to neutralize Soviet retaliation.

The Soviets have now made clear that they are willing to accept drastic reductions in their long-range warheads in exchange for limiting our SDI to "basic" research. The real challenge is to draw the line between acceptable research—which would allow President Reagan to explore the feasibility of his dream for a space shield—and unacceptable weapons development, which would violate the ABM Treaty and launch a new and dangerously destabilizing escalation of the nuclear arms race.

I posed this question to Secretary Gorbachev: Is there a way to narrow the difference between Reagan's insistence on SDI research and Soviet fears that such a program will lead to "space-strike" weapons? I told Gorbachev that there may well be room for agreement if the two sides abandon their confrontational rhetoric and begin a practical discussion of possible areas of compromise. Resolving this issue would pave the way for substantial reductions in the strategic offensive forces of both sides. But I sensed little or no Soviet flexibility on this issue.

Gorbachev was clearly incensed by the Reagan administration's recent attempt to reinterpret the ABM treaty to ease its strict prohibitions against antimissile systems. Criticizing the administration's search for loopholes in the treaty, Gorbachev called the new U.S. interpretation the work of a "legal expert on pornography."

I pointed out that negotiating a compromise on Star Wars will require better team-

work between the U.S. and Soviet scientists who understand the nature of the research programs being conducted by both sides, and our most skilled negotiators, who will have to craft acceptable treaty language based on the technical possibilities. In my view, these detailed discussions should begin at once in Geneva.

If such a compromise can be negotiated, it will then be possible to reach an agreement that includes sharp reductions in the Soviet multiple-warhead heavy missile force (SS-18s) and a halt to the deployment of MX missiles by the United States. A vital complement of such reductions would be a statement of objectives for further agreements—such as a ban on all new MIRVed ICBMS, mobile or fixed-based, and the deployment of a mutually verifiable number of single-warhead, mobile missiles.

I came away from my meeting with Gorbachev convinced that he is a strong leader whose goal is improved efficiency of the Soviet system, rather than fundamental reform. His world view is of a continuing struggle with the West, and he believes in wars of national liberation. On the issue of human rights in the Soviet Union, he adheres rigidly to the hard-line Soviet position, and progress beyond the recent gestures is likely to be painfully slow.

In sum, there are many areas where our two countries will continue to be at odds, and major tensions will remain. But I believe Gorbachev shares Reagan's view that a nuclear war cannot be won and must never be fought. On that fundamental question, the interests of the Soviet Union and the United States coincide, and important steps are possible in the coming months toward a real and lasting nuclear peace.

Reagan and Gorbachev have an historic opportunity to pursue their common goal of a world without nuclear weapons. With that shared vision, and with our shared security interests, I believe the next steps on arms control are there for the taking.

CURRENT STRATEGIC NUCLEAR FORCES

	U.S.	U.S.S.R.
Total launchers	1,928	2,477
ICBM's (Intercontinental ballistic missiles)	1,017	1,373
SLBM's (Submarine-launched ballistic missiles)	648	944
Heavy bombers	263	160
Total warheads	11,344	10,280
On ICBM's	2,117	6,400
On SLBM's	5,760	3,120
On heavy bombers	3,466	760

Sources: Chart derived from information by Department of Defense, Central Intelligence Agency and ACDA.

WESTINGHOUSE ELECTRIC CORP.

Mr. SPECTER. Mr. President, I would like to recognize a major milestone in this Nation's and Pennsylvania's industrial history.

One hundred years ago, George Westinghouse, an inventor, business genius, organizer, and humanitarian, obtained a charter from the Governor of Pennsylvania to form what is today the Westinghouse Electric Corp.

On January 8, 1886, Mr. Westinghouse started a business in downtown Pittsburgh with 200 employees, 29 stockholders, 13 items on his price list, and 7 salesmen to scour the country for business.

The company's sales in the first year amounted to $172,000, resulting in a loss of $18,660. In 1985, company sales reached a record-high $10.5 billion, and earnings were more than $500 million. In all, the company has sold more than $167 billion of products and has earned $6.5 billion over the past century.

Today, Westinghouse employs 124,000 persons in more than 40 countries around the world, has 140,000 stockholders, and sells more than 8,000 basic products. Westinghouse has established a number of employee policies and practices that improved the quality of work life and the dignity and worth of workers.

Westinghouse, which has been a Pennsylvania corporation for all its history, employs more than 25,000 residents of the Commonwealth, making it the largest private employer in the State. It has an annual Pennsylvania payroll exceeding $1 billion.

Throughout its history, the Westinghouse Corp. and its employees have made significant and substantial contributions in many areas of high technology. It was George Westinghouse who pioneered the use of alternating-current electricity, which has since become the world's standard. The company also was a pioneer in development of nuclear power both for seagoing vessels and land-based generating plants. The first nuclear submarine, the *Nautilus*, was developed by Westinghouse as was the first commercial-scale nuclear land station at Shippingport, near Pittsburgh.

Westinghouse is a leading supplier of radar systems of our Armed Forces, which are used on aircraft, ships, and land stations.

The first commercial broadcast in the United States was made by a Westinghouse station, KDKA, in Pittsburgh on November 2, 1920, when it carried results of the Harding-Cox Presidential election. The broadcasting unit today has 5 television and 11 radio stations, including WINS in New York, which has the largest audience of any of the 8,000 U.S. radio stations.

Like its corporate ancestors of a century ago, Westinghouse employees today carry on the tradition of high technology and a dedication to total quality in what they do. Innovation has been a hallmark for a century.

Westinghouse supports a broad range of corporate philanthropy. The programs have several purposes. Some are aimed at injecting vitality and resiliency into ailing communities. Others provide financial assistance to educational programs, and still others underwrite the arts and other cultural activities.

In a typical year, Westinghouse makes contributions of about $7 million through its various philanthropic agencies in the areas of health and welfare, education, and matching grants for cultural endeavors.

Pennsylvania, the Nation, and the free world have benefited greatly from the resourcefulness, innovations, and integrity of the Westinghouse Electric Corp. and its employees over the past 100 years. And it is with pride that I join in recognizing this achievement.

SAM NUNN: THE SENATE'S RESPECTED DEFENSE EXPERT

Mr. BYRD. Mr. President, today's Washington Post carries a complimentary article about our distinguished colleague from Georgia, Senator SAM NUNN. It is a tribute to him and an excellent exposition as to how and why he has become one of the Senate's most respected voices on national security matters.

The article attributes Senator NUNN's success to a combination of hard work, a thoughtful, comprehensive approach to defense issues, and a respect for the institution of the Senate. I share our colleague's respect for this institution, and I appreciate greatly the many contributions he has made to the Senate's deliberations on complex defense and foreign policy questions.

Like many of our colleagues, I have consulted from time to time with Senator NUNN on such issues, and I always have found his opinions to be well considered and his arguments well articulated. It is not difficult to understand why, as the article states, he has become a bipartisan repository for information and advice on defense matters.

Entitled "SAM NUNN, Insider from the Deep Southland," the article continues that our colleague has a deep sense of what is required for the Senate to deliberate and legislate successfully. It quotes him as saying that "unless there's at least a modicum of comity over here, and diplomacy, this place won't work." I agree with our colleague that the Senate tradition of "comity" is an essential ingredient in our activities.

Mr. President, I commend this profile of Senator NUNN to all my colleagues. I ask unanimous consent that it be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 18, 1986]

SAM NUNN, INSIDER FROM THE DEEP SOUTHLAND

(By Steve Coll)

CALHOUN, GA.—It comes to this in politics sometimes—a poultry farmer finds a way to convert chicken droppings into electricity, so he erects a big white circus tent in the midst of his pasture land and hosts a celebration. Chicken farmers flock from miles around, local sheriff's deputies direct traffic off the highway and politicians swarm like

flies from far corners of the state. There are county commissioners, water district officials, a mayor or two, a congressman—and even Sen. Sam Nunn (D-Ga.), widely regarded as the most influential person in Georgia and one of the most influential in Washington.

Arriving a few minutes late, Nunn steps from his car wearing a banker's pin-striped suit and buckled leather shoes. He pumps a few hands and embarks on a walking tour of the fetid farm, striding briskly ahead like a man who takes his chicken manure seriously.

And he is serious—while the other pols lag behind, sniffing the air and exhausting their repertoires of manure jokes, Nunn interrogates his guide intently. He wants to know how the manure system works, whether it is economical without government subsidies, what kind of energy it produces—on and on and on until the arcane details of manure conversion threaten to bury him up to his owlish glasses.

"Are you going to show us where you collect the waste?" Nunn inquires impatiently at one point. It is a question no one else has been inclined to ask.

"We can, yes. It's around back," his guide replies.

"Good." Nunn pauses. "I'm used to that smell." His humorless voice lingers awkwardly; it isn't clear what he means.

But a few minutes later, Nunn abruptly strips off his veneer of solemn manure scholarship. Standing now at the podium inside the big white tent, he rocks the overflow crowd with a joke about a "big-city politician" who visits a farm and steps in some manure. When the politician looks down at his feet, he says, "Oh my gosh, I'm melting."

The farmers laugh and nod and clap. It is a poignantly familiar scene—the country tent, the wisecracking Baptist preacher who earlier praised God and free enterprise and now the distinguished senator warming to broad themes of Old South populism.

There is deep irony here. Sam Nunn is hardly a good old boy, and no one in Washington would confuse his hawkish, detail-driven politics with populism. And his life style—his big house in suburban Bethesda, his weekend golf foursomes at Congressional Country Club, his presidency (in 1984) of the elitist, men-only Alfalfa Club—is far removed from the back-roads world of north Georgia poultry farming.

In fact, it is precisely this contradictory character that makes Nunn, at 47, such an interesting and effective politician. He has done what Jimmy Carter never could—he has spanned the wide cultural chasm between his origins in Georgia and his life now as a consummate political insider.

Last week, for example, he emerged as a major force in the dispute over Philippines policy, accusing President Marcos of "massive fraud, intimidation and murder" just as President Reagan's "hands-off" posture seemed to be solidifying. (The administration has since become more critical of Marcos.) Nunn's sweeping Pentagon reform plan, unveiled last fall, and his familiarity with the minutiae of defense spending have placed him at the center of the Gramm-Rudman-Hollings budget debate. And, increasingly, he is the subject of talk about the vice presidency in 1988.

Like Carter, Nunn catapulted himself into national political life by exploiting his rural roots in a campaign against "the establishment." But unlike Carter, he has learned to operate effectively inside that same establishment. Along the way, Nunn has become the antithesis of the modern media politician who, with the help of admen and consultants, reinvents himself to appeal to a shifting national mood.

Instead, Nunn has devoted himself to building long-term personal relationships with his colleagues in the Senate—relationships that pay off in clout inside his "club."

He "made sure he understood everything that was going on in his committees and in the Senate, and because of that he's become very well respected," says former senator William Hathaway (D-Maine). "In the committees, in the cloakroom, he was one who got along with both liberals and conservatives. When I was in the Senate, I considered him one of my closest friends even though we didn't see eye-to-eye on a lot of issues. . .

"You know the phrase: When he talks, people listen."

From small-town Georgia to bigtime Washington, Sam Nunn has built a bridge to power. The story of his rise is a study in achieving influence the old-fashioned way.

On the day they voted him down, the members of the Georgia state legislature hung a painted sign inside the Capitol to proclaim the news: Sam Nunn was finished.

"Bye Bye Nunn," it said in big, gleeful letters. Some of the legislators were so happy that when the final vote came in, they stood up and took out their handkerchiefs and began to wave at Sam Nunn, "singing, "Bye bye, Sam, bye bye . . . Bye bye, Sam, bye bye . . ."

It had been an especially bloody session in the always volatile Georgia statehouse—it was 1972, the year the census numbers came in and the legislature redrew every political bounary in the state. Nunn was a newcomer to the legislature, just over 30 years old, but he had managed to insert himself behind the scenes of the redistricting fight, spearheading a plan to create a congressional district centered on his hometown of Perry, 100 miles south of Atlanta.

He had been planning for years to run for that seat in Congress and now, on the verge of his triumph, it had been snatched away. After months of deal-making and lobbying and, tinkering and pleading, Nunn's redistricting plan had lost out to then governor Jimmy Carter's.

"Bye bye, Sam, bye bye."

The frustration he felt over his defeat ran so deep that it provoked a change in his basic character—from cautious, dull solemnity to foolish irrationality. At least, that was how it seemed to his friends and advisers when Nunn announced he would run for the U.S. Senate.

He had precious little chance at winning, or course—his own poll revealed that only 2 percent of Georgians had ever heard of Sam Nunn. "And I don't think even half of those are for me," he quipped to an adviser when the results came in.

One night he sat down with his wife Colleen, took out a legal pad and made a list of all the reasons not to run, which were numerous. Beside that list he wrote down all the reasons why he should run, which were not many. Then he threw away the paper and told his wife, "There are two choices now. One is to run and find out what will happen. The other is to not run and sit back and be haunted by it the rest of my life."

What was Colleen to say?

Others in his family were not so deferential. His great-uncle, the late and legendary representative Carl Vinson (D-Ga.)—then chairman of the House Armed Services Committee and a four-decade veteran of Congress—told his backers not to bother contributing to nephew Sam's campaign. The odds were too long.

Nunn drove himself around the state in a gray Pontiac, trying to stay awake on three hours of sleep a night. He was alone and sometimes he was afraid; he had yet to conquer an intense fear of public speaking that had been with him, to varying degrees, since high school. In law school, not many years before speaking to a room of people had been "just *agony*. I mean, just standing up and making a five-minute talk . . ."

Now he was speaking several times a day, and sometimes the fear would come again. Around midnight, he would be driving by himself down a black Georgia highway, maybe thinking about a speech he had to make or maybe just trying to play cerebral games to stay awake. One night it didn't work—he drifted off to sleep, his foot slipped off the accelerator, and the car began to veer off the highway.

When he woke up he was driving right at the abutment of a bridge.

He stopped in time, pulled off the highway, and told himself he had to find a college kid to drive his car.

After months of this grind, Nunn scraped up enough votes in his crowded primary to earn a runoff against David Gambrell—a wealthy Atlanta lawyer who had been appointed by Carter to serve out the term of deceased Georgia patriarch Richard Russell. Carl Vinson, won over by his nephew's demonstration of political stamina, jumped on his bandwagon, and Nunn ran a savvy campaign against Gambrell, playing on the suspicions rural Georgians have always harbored about anyone from Atlanta.

Nunn also campaigned against the unchecked power of federal judges—a thinly veiled stance against federal desegregation orders. George Wallace endorsed him, as did renowned segregationist Lester Maddox. But black Georgia state legislator Julian Bond supported Nunn, too—a fact the candidate did not prominently advertise during his campaign.

He won the general election easily.

"I don't think anybody—including Carter and anybody's who's ever run—worked as hard as I did during that period," he says now. "It was something else. It was a marathon."

Sam Nunn is described by many of his friends in Georgia and by the young lawyers and economists who have worked for him in Washington as a brilliant but "remote" man. If you worked for him, you never sauntered into his office and shot the breeze about political gossip or basketball (he was an all-state guard in high school) or even the subject he cares most about: defense. His wife once said that Sam Nunn "doesn't have a whole lot of idle thoughts."

"I think that was her way of calling me stuffy," he says.

He can see the ways in which his detached and serious character traces directly to the men who were around him when he was growing up—especially to his father, who was 50 when Sam Nunn Jr. was born. The late Sam Nunn Sr. was a prominent lawyer and landowner in Perry. He was also a diabetic plagued in his later years by recurrent ailments. Sam Nunn Sr.'s great—some said his only—passion was reading. Toward the end of his life, he stayed in his study off the parlor and read virtually around the clock. He was especially fond of books about the Confederacy; his wife remembers him read-

ing "Lee's Lieutenants" seven or eight times.

"His father was a very formal man," recalls Virgil Peavy, a close boyhood friend of Nunn. "When I was in their home, I didn't feel like the relationship was as warm as it was in my home."

Nunn believes his father's advanced age was significant "in the sense that we didn't go hunting and fishing. We weren't buddy-buddy from that point of view. He was more of an example than a close—we were close, but it wasn't like my son and I, we do things together all the time."

There were other men who were important to Sam Nunn—men who were, in some ways, like his father. Carl Vinson came back from Washington to attend Thanksgiving dinner every year at the Nunns'. Former senator Herman Talmadge (D-Ga.) also stopped by the house from time to time. Sam Nunn Jr. absorbed a great deal from the conversations with these Georgia kingmakers that passed in his living room. "I'd sit there and I didn't get involved in it very much," he says. "I just always listened."

The men around him did more than influence Nunn's character; they also helped shape his career. After Nunn was elected to the Senate, his first trip to Washington was a train ride with his great-uncle. Vinson escorted his nephew to meetings with some of the most powerful men in the Senate—Talmadge, of course, and Sen. John Stennis (D-Miss.) and former senator Henry (Scoop) Jackson (D-Wash.). One result was that Nunn secured a seat on the prestigious Senate Armed Services Committee. The committee is an important source of political strength in Georgia, which is home to a number of major defense contractors and a large military population. "He immediately made the contacts," recalls Rep. Richard Ray (D-Ga.), who was Nunn's administrative assistant for 10 years. "He kind of sailed into that Armed Services Committee."

"People like Stennis and Jackson—I stayed in constant touch with them," Nunn recalls. "I didn't talk to them in general about, 'How do you conduct yourself?' but just about what they thought about the issues. And by the time you get through talking to them about those things, you generally pick up by osmosis their views about how senators should conduct themselves."

Nunn responded to his mentors with deference and hard work. If he voted against one of them, he did it quietly and only after direct consultations. "Sam didn't get in any downright confrontations," says former Senator Robert Taft (R-Ohio), a colleague for two years on the Armed Services Committee. "He didn't reduce matters to personalities." And by avoiding confrontations, he made friends with senators as politically diverse as Barry Goldwater (R-Ariz.) and Edward M. Kennedy (D-Mass.). His friendship with Goldwater, who is today chairman of the Senate Armed Services Committee, has permitted Nunn to advance his military reform agenda even with his party in the minority. Last fall, with Goldwater's blessing, Nunn introduced the Pentagon reform plan that has placed him once again at the center of the defense spending debate.

But there was more to Nunn's rapid, quiet rise inside the Senate than the caution and respect he exhibited with his elders. There was also his unquenchable fascination with the minutiae of defense issues, and his willingness to slog through manuals and reports that other senators ignored or parceled out to staff. As a result, Nunn quickly became a kind of bipartisan repository for information and advice on defense matters.

"A lot of the members I was exposed to weren't very bright, weren't hard working and couldn't think for themselves," says former aide Wright Andrews. "Nunn took home *volumes* of material, and when he came back, he had actually *read* it."

For Sam Nunn, the relentless reading and the quiet anonymity of his early years in the Senate had less to do with any Machiavellian plan to acquire power than they did with a deeply personal compulsion to learn—one linked in part to the example of his father's solitary vigil in the family library.

"I guess the most frustrating thing about my daily existence is the lack of opportunity to read as much as I would like, just because there are so many things going on of which I'm not completely aware," he says. "That's just the way I am. I think I'd be that way whether I was in politics or not."

The changes came incrementally but inexorably.

They were not events that Sam Nunn identified as watersheds in his career, they were passages, transitions. His mentors died or were defeated or became infirm. His political base in Georgia broadened and deepened. He ascended the Armed Services Committee's seniority ladder, finally becoming its ranking Democrat. He became a sometime and then a frequent player in the international game of nuclear arms negotiations. And all the while, his life in Washington coalesced—around his family, his clubs and his friends in the Senate.

Now, 14 years after his arrival in Washington, the traffickers in political wisdom are suddenly talking about him for the vice presidency in 1988, or even the presidency.

He told a reporter recently that he isn't as "immune" to presidential fever as he used to be, but what he meant to say was that he is starting to hear his name on the talk shows and he can't help but think about it from time to time. "I guess nobody was ever talking to me about being a serious candidate. And now, people are talking to me about it all the time," he says. "Naturally your mind turns to that."

Yet when his colleagues and his staff take a close look, they see vivid contrasts between the life Sam Nunn leads and the lives of some of his high-profile peers in power: the Senate prayer breakfasts Nunn organized and still attends; the way he rarely goes off the Hill to lunch with lobbyists or constituents, preferring instead to eat in the Senate dinning room; his devotion to his weekend golfing foursomes with senators and former senators; the way he heads straight home every night after work.

The sense of "club" that has historically been a part of Senate life is especially important to Sam Nunn, and he rues the ascension of younger senators who seem to him more concerned with parading their ideological feathers than with conducting the nation's business. "You know, people talk about the 'club' and it's usually looked on with some disdain," he says. "But the truth of it is that unless there's at least a modicum of comity over here, and diplomacy, this place won't work."

His critics in the Senate argue that it is precisely Nunn's cautious emphasis on building long-term personal relationships inside the club that now holds him back from unrivaled leadership on the defense issues he knows so well. These critics are mainly liberal Democrats who see Nunn's moderation, especially now that he is politically safe in Georgia, as a kind of timidity. They argue that Nunn is sometimes afraid to take a stand if he is not certain his Georgia constituents would agree with him. They are also loath to speak about this issue on the record—like so many others in the Senate, they consider themselves to be "good friends" with Sam Nunn.

One example Nunn's critics cite is the debate over SALT II late in the Carter presidency, when Nunn was identified by both sides as a key "swing" man in the ratification fight. They say Nunn was in a position to make or break the SALT II debate, but was unwilling to assume leadership independent of his elders on the Armed Services Committee.

Nunn's supporters say such criticism is merely sour grapes from left-leaning Democrats who wish Sam Nunn were not such a moderate man. As demonstration that he is willing to take independent and controversial stands, they point to the Panama Canal treaty debate, in which Nunn's support of the accord was crucial to ratification.

"I'm still more conservative than most people in the Democratic Party," Nunn says. "But it's not as wide a gap as it used to be, and I like to think that's because they're coming towards the middle."

The party is moving toward Nunn for political as well as ideological reasons these days. For its national leaders, the most disquieting aspect of Walter Mondale's humiliating defeat was his near-total dearth of support in the South. Nunn has not been cautious about seizing this political opportunity; he has sharply increased his speaking and travel outside of Georgia. With fellow moderates such as former governor Charles S. Robb (D-Va.), Rep. Richard Gephardt (D-Mo.) and Gov. Bruce Babbitt (D-Ariz.), he has also participated in the renegade Democratic Leadership Council, which is trying to coalesce party conservatives by developing new platform ideas.

The lesson Sam Nunn draws from all of this—from his status as the Democrats' guru on defense, his role in reshaping the agenda of his party, the exhilarating talk about his future—sounds like political wisdom from a bygone era. If a young senator asked Sam Nunn how to make a name for himself, he would hear about patience and hard work and respect for his elders. He would be told to resist "the compulsion to instruct others in your great knowledge of everything that comes up. People don't buy it after they hear you profess your expertise on about six subjects—they begin to tune you out. I think that happens to a lot of [senators].

"You know, you can play the media game. Everybody up here knows, supposedly if they've been here for a while, they know how to do it. I would suggest that you not do that. Basically, let that kind of thing come naturally."

And it will come, Nunn knows, even if it takes 14 years.

Sam Nunn's Perry does not resemble Jimmy Carter's Plains. There is a stolid air about its people and its institutions, an ambiance of permanence and dignity and order undisturbed by media-created caricatures of Southern life. There are no Billy Carters here; Nunn's only sibling, an older sister, owns a chain of upscale luggage ships in Atlanta. He has a cousin who still lives in Perry and practices law. His mother, now in her eighties, lives alone in the white, one-story rambler of Main Street that she moved into with Sam Nunn Sr. almost 50 years ago. She is an intelligent and friendly woman who spends her days at church and her evenings filling scrapbooks with pic-

tures, letters and articles about her son's life.

Perry sometimes seems very far away to Sam Nunn these days. Last year, he spent less time in Georgia than ever before. He was in Geneva for several weeks, monitoring the arms talks, and he also traveled to the Soviet Union. It was hard to find time to fly south for the usual rounds of Elks Club speeches and mashed-potato banquets. Nunn worries about losing touch. "People die, people move," he says. "And my new staff people up here don't know the old friends."

So this year he plans to spend a few extra weeks retracing the highways and county roads he drove in his gray Pontiac back in 1972. From time to time he will return to visit with his mother, and stop in at the A-frame house he built for himself in one of the pine forests on the family land. From the interstate, he will drive into Perry on the street renamed Sam Nunn Boulevard, and which the locals call Burger Boulevard, since it is home to nearly every fast food chain in America. He will pass by the tall, ancient Methodist church where his entire high school class attended revival services every morning—"that was before people knew there was anything unconstitutional about it," he says. And he will stop to talk with some of the dozens of his high school friends who have stayed in Perry all their lives.

Burger Boulevard aside, most things in Sam Nunn's Perry are as they were 40 years ago. The bed he slept in as a boy remains in his room in the back of his mother's house. His portrait, painted when he was a blond and stylish 16, hangs on the mantel in the parlor.

And his father's books rest on their pine-wood shelves. If you wandered by that house one evening when Sam Nunn was in town, you might see a light on in the library and the silhouette of the senator erect in an armchair, reading. And you might recall, as Sam Nunn does, a father whose example in Protestant fidelity and intellectual ambition stuck with his son across 50 years and whose shadow followed him to the heights of power in Washington.

NATIONAL FUTURE FARMERS OF AMERICA [FFA] WEEK FEBRUARY 15-22, 1986

Mr. DOLE. Mr. President, this week the Nation salutes a special organization of young men and women who are learning the crucial personal and business skills that one day will help them be successful in their chosen fields.

For more than half a century, the Future Farmers of America [FFA] has instilled these qualities in young persons interested in the business of agriculture. It stresses the development of sound leadership qualities—public speaking, organization, and innovative practices in farming and business.

The FFA has worked hand in hand with students of agriculture since 1928 to help develop basic skills of farming, and showing them how to apply those skills toward their own interests in the agriculture industry.

Through February 22, the 8,200 nationwide chapters will celebrate National FFA Week. This year's theme—"Leaders of the New Fields of Agriculture"—underscores the FFA's emphasis that there is more to agriculture than farming itself. And in Kansas, National FFA Week will be a busy one for most of the local chapters and their members.

Around the State, local chapters will have appreciation days for teachers while school assemblies will focus on the future of agriculture and career opportunities. I'm sure many of my colleagues have wondered what exactly it takes to make a cheeseburger. Well, if they were in Kiowa, KS this week, they could attend a workshop run by local FFA members where elementary school children will learn the days, weeks or even months it takes to grow the ingredients that make up this unique American delicacy.

The FAA has an outstanding tradition of helping to produce highly motivated young people in all fields. Rick Malir of Wilson, KS is a fine example. He is the current president of the national organization and just one of several Kansans that have served as national officers.

The Future Farmers of America is indeed much more than an organization committed to farming. I encourage all young men and women to take the time to learn more about the FFA. And this week is an appropriate time to do just that.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without ojection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. The Senate will stand in recess until 2 p.m.

The Senate, at 12:01 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. LAXALT].

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, as soon as the distinguished minority leader is here, I propose to move that the Senate go into executive session to consider the first item on the Executive Calendar.

Then I would hope that groups on each side which have various views on the issue of TV in the Senate would have an opportunity to meet this afternoon—either in my office, or in the minority leader's office—to see if we can reach some common ground on TV in the Senate, and try to work on that today and tomorrow.

I think there is still a majority here who want TV in the Senate, and who would accept some reasonable rules changes in the process. There may be others who want no rules changes, and some who do not want television at all.

But I hope we can spend some time on that this afternoon and tomorrow, and in the meantime proceed with the International Convention on the Prevention and Punishment of the Crime of Genocide.

I indicated at the outset that the distinguished chairman of the Foreign Relations Committee has had a rather busy, and hectic couple of weeks. But he is prepared, as I understand it, to proceed.

I will not ask unanimous consent for any time agreement at this point. I think it would be useless because there would be objection. But I also indicate that it will be my intention, and the intention of the distinguished chairman of the Foreign Relations Committee—and I hope on both sides of the aisle—to ward off any amendments to the treaty, or attempts to strike out any of the reservations that the distinguished Senator from North Carolina added in the committee. I think there are a total of eight reservations currently.

That is in essence where we are.

If there was a successful effort made to knock down the world court reservations, then it would be my intention to move to something else.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. DOLE. I am happy to yield.

Mr. BYRD. Mr. President, the distinguished majority leader can move, and I understand will move, to go into executive session to proceed to the consideration of the Genocide Convention. That motion is not debatable.

But I want to have a very clear understanding with the distinguished majority leader that by doing this we are not in any way, nor in any sense whatsoever, relegating TV in the Senate to a posture in which it is just going to gradually fade away.

I hope I can get that very clear understanding from the majority leader because I want to see the Senate act one way or another on TV.

It is my intention at some point—and I have discussed this with the distinguished majority leader—to offer a cloture motion. I hope he will join me. As a matter of fact, I would be glad if

he offered it, and I would join him so that the Senate will in the final analysis take some kind of stand on this question before we really take it offstage here.

Mr. DOLE. I certainly share that view. What I am seeking in the various meetings is to reach some agreement where there are 60 or 70 of us who may support certain provisions. I believe we should have a vote. We ought to find out. If we are not prepared to do it this year, at least there ought to be a vote.

I certainly do not intend to avoid or unnecessarily delay consideration of TV in the Senate. But it seems to me that it might be a better use of our time to move to this, and have some private meetings to see what we can work out.

Mr. BYRD. I agree with that suggestion. May I say to the distinguished majority leader that if at some point during the afternoon he feels that he wishes to press for an agreement on genocide, we are prepared on this side to give a 6-hour agreement, with no amendments, on genocide.

I thank the majority leader for his very clear enunciation of his intentions with respect to proceeding with TV to the point that we have some clear position taken by the Senate before we take down that measure, or put it aside.

Mr. DOLE. I must say to the distinguished minority leader that there probably will not be a proposal that will satisfy 100 Senators. It seems to me there are just some who clearly do not want to have TV in the Senate. But as far as this Senator knows, they are prepared to give us a vote.

There are others who feel we should change the rules. So I think we need to spend some time looking at options.

Mr. BYRD. I thank the majority leader.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I move that the Senate go into executive session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

INTERNATIONAL CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

The PRESIDING OFFICER. The clerk will report treaty document No. Executive O 81-1

The bill clerk read as follows:

Executive O 81-1, International Convention on the Prevention and Punishment of the Crime of Genocide.

The PRESIDING OFFICER. Under the rule, the treaty will now be considered as in Committee of the Whole, article by article. The clerk will read article 1.

The assistant legislative clerk read as follows:

ARTICLE I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Mr. LUGAR. Mr. President, I understand that, after the reading of the article, debate is in order. Is that correct?

The PRESIDING OFFICER. The Senator's understanding is correct.

Mr. LUGAR. I thank the Chair.

Mr. President, today is the day that I know many in the Senate have long awaited. Today we begin debate on the question of whether the Senate should give its advice and consent to the ratification of the International Convention on the Prevention and Punishment of the Crime of Genocide. It would not have reached this point without the timeless and dedicated efforts of many Senators. I speak in particular of the distinguished majority leader, the Senator from Kansas, Senator DOLE, who has worked tirelessly with Senators to bring this treaty before the Senate. I speak of my colleague from Rhode Island, the ranking member of the Foreign Relations Committee, Senator CLAIBORNE PELL, who has worked so effectively with his side of the aisle to make this day possible.

I would also like to pay tribute to Senator HELMS, whose work in the committee was so effective and important to the movement of this treaty to the floor; to Senator HATCH, who gave great leadership with regard to specific aspects of the Judiciary Committee consideration; to Senator RUDY BOSCHWITZ, the distinguished Senator from Minnesota, who has been so active in attempting to obtain support among his colleagues and the general public.

There are many others who should be so named and their voices will be eloquent throughout this debate.

Finally, of course, there is that Unique Senator, unique in the sense of his dedication to the cause of the Genocide Treaty, Senator PROXMIRE, of Wisconsin, who has spoken tirelessly over the years to make certain that this issue was in our focus. This is, I am certain, a day of importance for him. We congratulate his achievement and his leadership.

Mr. President, this will be the third time that the U.S. Senate has considered this convention. However, as a result of the efforts of the Senators I have named, and many others of our colleagues, I believe at this time, unlike in previous years, the convention will be approved by the Senate. An overwhelming number of Senators will, when given the choice, vote in favor of the convention.

Mr. President, I know there are many who will want to speak on the convention. Accordingly, I will confine these comments to two basic questions: Why the Senate should now approve the convention and why it has failed to do so in the past.

I start with the observation of Elie Wiesel, a noted author, survivor of the Holocaust and now an American citizen. Last March, he told the Foreign Relations Committee that above all ratification of the convention.

would reaffirm our common belief that we have been and remain a nation governed by moral principles.

In other words, approval would symbolize our commitment to law and our profound respect as a nation for human rights.

Professor Wiesel is not the only one to point to the symbolic value that will inhere in ratification. A number of others have noted this as well. President Reagan, for example, has called on the Senate to give its consent to ratification as a way of demonstrating "the fundamental and timeless American commitment to human rights."

Thus, the first reason I offer for supporting the convention is its symbolic value.

The second has to do with our Nation's standing in the world community. It is no secret that the Soviet Union and others hostile to U.S. interests have made much of the fact that the United States is not a party to the convention. Indeed, in 1984 the distinguished Senator from Kansas and the distinguished Senator from Rhode Island, in their role as members of the Commission on Security and Cooperation in Europe, circulated to all members a number of statements out of Moscow criticizing the United States for its failure to ratify the convention.

Mr. President, for the benefit of the new Members of the Senate, who may not have seen Senator DOLE's and Senator PELL's letter and attachments, I ask unanimous consent that they appear in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LUGAR. Mr. President, this is a troublesome, and unfortunate fact. But a fact it is. And one that has led some of our ablest diplomats to urge Senate approval. As then United Nations Ambassador Jeane Kirkpatrick explained to the Committee on Foreign Relations in the fall of 1984:

The Soviets and others hostile to the United States have long focused on the United States' failure to ratify the convention as part of their anti-American propaganda.

Ambassador Kirkpatrick then went on to say that:

It is contrary to our national interest to provide fuel to this campaign.

I am persuaded by the testimony of Ambassador Kirkpatrick and by others that the United States has suffered the effects of some negative symbolism, if you will, because it has failed to ratify the convention. This a second reason why the convention should be approved by the Senate.

Finally, I see a third reason why the Senate should give its consent to the convention. Let me again quote the words of Professor Wiesel:

> Then it was called the final solution. Today it is called genocide. . . . In adopting this convention you will say that yes, it occurred, but it must never occur again, ever. By evoking the past, you will protect not only the memory of humankind but also its future. You will protect our children and their children from further shame and death.

By approving the convention we call attention once again to the terrible events of World War II, the attempted extermination of the Jews of Europe. Recalling this is, as Professor Wiesel says, one way of ensuring that it never occurs again.

To reaffirm our commitment to human rights and rule of law, to prevent the United States from being unfairly criticized and to recall the Holocaust—these are the reasons why I believe the Senate should approve the Genocide Convention. These are all good and sound reasons for giving the Senate's consent to ratification. I do not believe a single Member of this body would say differently.

What, then, has been the problem? Why has the convention been before the Senate for 37 years despite the urgings of seven Presidents?

Mr. President, I will not rehearse the history of Senate debate on the convention. It is amply documented in the hearings and reports of the Committee on Foreign Relations. What I will do here instead is to characterize the debate as I see it.

On the one side there are those who believe ratification is important for symbolic purposes. Citing the reasons I have outlined above, and others, they have urged the United States to become a party to the convention for the symbolic value. Professor Wiesel's testimony is an eloquent statement of this point of view.

On the other side of the debate, there are those more legalistically oriented. And I do not mean this in a pejorative sense. The convention is, after all, a treaty and thus carries with it obligations under international law. Further, our Constitution decrees that treaties become part of our domestic law. Those who have spent many hours thinking through the legal consequences of U.S. ratification are to be applauded. To these individuals the legal concerns are paramount.

In my view, Mr. President, the debate over the convention can be understood in terms of the differing perceptions of these two groups. One side has seen the convention as primarily symbolic; the other has viewed it as principally a legal document. One side has sought a precise definition of the metes and bounds of the U.S. obligations; the other has been less concerned about the possible legal consequences of ratification.

The result has been stalemate. Despite six sets of hearings spanning 34 years, and an inconclusive floor debate in 1974, the closest the Senate has ever come to approving the convention was in 1984. In October of that year, 97 Senators supported a resolution calling for "expeditious consideration" of the convention during the 99th Congress.

This was my charge when I assumed the chairmanship of the Foreign Relations Committee. To that end, I held another day's hearing and convened a number of meetings with concerned Senators. It was my view that something new had to be tried if we were to break the impasse over the convention.

Thanks to the efforts of the distinguished Senator from North Carolina [Mr. HELMS], as well as members of the committee who contributed generously to that debate, and also thanks to the distinguished Senator from Utah [Mr. HATCH], and to representatives of the administration, I believe we in the committee have found a way around the impasse.

The approach we have taken is to state very clearly, and very precisely, what the obligations of the United States are under the Genocide Convention. This statement is in the form of eight provisos which the committee attached to the resolution of ratification it reported.

Each of these eight are described in the committee's report. I will not take the Senate's time to review them in detail, but I will say I believe they meet the needs of those who see the convention as first and foremost a legal document. At the same time, they in no way detract from its symbolic value.

It is my hope that Members will support this carefully constructed package. I know there are some who question the need for eight provisos. I would urge those members to reflect upon the difficulties we have experienced in getting the convention this far. I would also ask them to weigh this concern against their desire to see the convention approved.

To those Members, and I believe they are now but a few, who are still reluctant to support the convention, I urge them to reconsider their opposition in light of these new provisos. The committee has heard expert testimony from many distinguished international jurists, some previously opposed the convention. These lawyers have, unanimously stated that with the committee's provisos they support ratification.

Finally, I realize that some have doubts about the convention because it does not appear to go far enough. They believe the convention is flawed because it does not speak to genocide committed for political reasons. They would withhold U.S. support until this flaw is corrected.

To these Senators, I say that I share their concern. I believe the convention would be a much better symbol if it addressed the matter of political genocide.

Where I differ with my colleagues is over how to achieve this end. Rather than withhold Senate consent, I believe we should go forward with ratification. Once the United States becomes a party, we should then press, using the procedures set down in the convention, for an amendment to include genocide motivated by political concerns.

Nor would this be an empty gesture. Just this past August, at a meeting of the U.N. Commission on Human Rights' Subcommission on Prevention of Discrimination and Protection of Minorities, the question of including political groups was discussed. However, at the behest of the Soviet Union on that occasion the matter was deferred.

The committee has been in contact with the U.S. representative to the subcommission. It is his view that were the Senate to give its consent to ratification, and at the same time show its support for amending the convention to include political groups, it would give enormous impetus to his efforts and those of other Western nations to bring this matter to a head.

I believe this is the approach we should take. At the appropriate time, I will support efforts in this direction.

In closing, Mr. President, I believe the Senate should give its consent to the ratification of the Genocide Convention. This consent should be conditioned on the eight provisos recommended by a majority of the Foreign Relations Committee. These provisos delineate and qualify the U.S. obligations under the convention; they in no way detract from the symbolic value that will inhere from ratification.

I urge my colleagues to support the convention. I yield the floor with the knowledge that my colleague, the distinguished ranking member of the Foreign Relations Committee, would like to make an opening statement.

EXHIBIT 1

U.S. SENATE,
Washington, DC, October 4, 1984.

DEAR COLLEAGUE: One of the difficulties faced by our U.S. negotiators in multilateral negotiations dealing with the subject of human rights is the failure of the U.S. Senate to ratify the United Nations Convention on Genocide.

The Soviet response to U.S. demarches on human rights violations in the USSR almost invariably contends that our concern is purely political, intended to defame the Soviet system and interfere in its internal affairs. As proof of this contention, Soviet spokesmen point out that the U.S. Senate has never ratified several international conventions on human rights, including the Genocide Convention. Consequently, the charge, our concern is only "for export", that the U.S. government is uninterested in addressing its own alleged internal human rights problems.

This position is regularly maintained in the Soviet periodical press, examples of which we have attached for your review and consideration.

Consequently, we strongly urge you to vote for advice and consent to ratification of the Genocide Convention before the adjournment of this session, and to oppose any efforts aimed at delaying this vote.

Sincerely yours,

CLAIBORNE PELL,
Commissioner, Commission on Security & Cooperation in Europe.
BOB DOLE,
Cochairman, Commission on Security & Cooperation in Europe.

U.S. "IN NO HURRY" TO SIGN U.N. GENOCIDE CONVENTION

[Yuriy Reshetnikov commentary]

[Text] On Wednesday, the Foreign Relations Committee of the U.S. Senate recommended approval of a U.N. convention outlawing genocide. Wednesday's vote marked the fifth time in 15 years that the Foreign Relations Committee had recommended approval of the treaty. Thus far it has been effectively defeated in the United States. Our observer Yuriy Reshetnikov in his commentary discusses the issue:

The U.N. international convention on the prevention and punishment of genocide was unanimously approved by the U.N. General Assembly in 1948 and signed by President Truman. Since then it has been approved by more than 90 nations, including the Soviet Union. To date, the United States stands alone among the major powers refusing to approve the convention. This month the Reagan administration unexpectedly came out in support of the genocide treaty. Most observers, however, believe that the gesture was largely symbolic since the chances for early Senate approval were slim. And apparently the administration is merely playing politics with the issue, trying to capture Jewish votes less than just 2 months before the presidential election.

The treaty defines genocide as the authorization of certain acts with intent to destroy in whole or in part a national, ethnic, racial or religious group, and obliges countries that are parties to it to prevent and punish genocide. Apparently the U.S. Government fears to be held accountable for its policies in this regard both at home and abroad. The U.S. record on this score is far from clean. The plight of American Indians may serve as a perfect example.

Once numbering close to 13 million people, over the years they have been reduced to less than 1 million. Seven hundred thousand of them are currently penned up on reservations which someone described as the first mass concentration camps devised by man. While in the past the Indians were systematically slaughtered like wild animals, today the U.S. Government policy toward them produces virtually the same results. The sweeping cuts in welfare programs carried out by the Reagan administration have had a particular devastating effect on American Indians. Up to 80 percent of Indians are employed and their average life expectancy is only 44 years as compared to 75 for white Americans. The melting pot that is American Society is supposed to be just, but it has no use for the country's indigenous population. It seems that the only conceivable outcome of such policies could be the total extinction of the once proud American Indian.

Nor is the U.S. record any better abroad as far as the provisions of the genocide convention are concerned. As Israel's closest ally, the United States is guilty of complicity in all (?but) destruction of Palestinian culture in the occupied Arab lands and systematic extermination of Palestinian people.

ADMINISTRATION'S HUMAN RIGHTS POLICY "FOR EXPORT" ONLY

[Gennadiy Vasilyev dispatch: "Pharisaism"]

[Text] WASHINGTON.—Andrew Young, U.S. representative at the United Nations, who recently declared that there are thousands of political prisoners in the United States, has once again expressed his opinion of the U.S. stand on the human rights issue. Speaking in New York, he admitted that the U.S. attitude toward international human rights agreements is "far from exemplary." The U.S. Congress refuses to ratify the most important of them. "This is particularly regrettable," Young said, "on the eve of the 30th anniversary of the proclamation of the Universal Declaration of Human Rights by the United Nations."

Previously a fighter for civil rights and now a diplomat who, moreover, has just gotten into hot water over his previous statement, he has carefully chosen somewhat milder expressions. But, to be blunt, the position of the U.S. ruling circles on international agreements concerning human rights may be considered simply provocative.

The United States has not ratified the UN convention on the prevention and punishment of the crime of genocide, to which more than 80 states have subscribed.

It has boycotted the convention on the liquidation of all forms of racial discrimination. The United States does not wish to subscribe to the international pact on civil and political rights, to which more than 40 states are parties. According to official U.S. figures, the United States has ratified only 10 of the 40 international treaties on human rights issues currently in force.

Washington plainly has special reasons for not assuming the legal commitments stemming from these documents. Subscribing to them would make the U.S. authorities answer to the world public and to the appropriate international bodies for the violation of human rights which has become systematic in the United States—for the same thousands of imprisoned civil rights fighters of whom Young has spoken, for secret police surveillance and provocation, for the ubiquitous racial discrimination, for the policy of genocide against Indians and for the millions of unemployed.

The policy of "defending human rights" proclaimed by the Washington administration is intended, as Americans can see, exclusively "for export." It has no effect on the situation in the United States itself. But the noisy propaganda campaign mounted around this pharsaical policy has had an unexpected result for its initiators. Thousands of Americans, indignant at the hypocrisy of the authorities, are now demanding an end to the debauch of racism, violence and lawlessness in the United States. They point out that the United States has no grounds—especially, no moral grounds—for actions in "defense of human rights" in other countries.

[General]

PRAVDA VIEWS STATUS OF USSR-U.S. TIES, MIDEAST, HUMAN RIGHTS

[Boris Orekhov international review: "The International Week"]

[Text] "I wholeheartedly support the foreign policy of our beloved Communist Party and its Central Committee headed by that loyal Leninist Comrade L.I. Brezhnev. I thank them for their tremendous contribution to the cause of peace and of delivering mankind from the military threat."

Those are lines from one of the letters received by the editorial board in the past week. They were written by S. Orlov from Ulyanovka in Leningradskaya Oblast. Such letters arrive constantly. They speak of Soviet people's wholehearted support for the foreign policy line of the CPSU and the Soviet state aimed at insuring a peaceful life for our people who are building a communist society and at eliminating the danger of thermonuclear war and strengthening peace for all the peoples.

SLOGAN IS FRIENDSHIP

The diverse relations among the socialist community countries develop and strengthen with every passing year, month and day. The solid basis of their fraternal friendship and cooperation is formed by the relations of complete mutual understanding and ideological and political unity among the socialist countries' communist and workers parties which are pursuing a Marxist-Leninist international policy. Being an integral part of the world communist movement, our parties pay constant attention to strengthening the cohesion of the socialist countries and to developing and deepening their comprehensive cooperation.

A ferry link between Ilichevsk and Varna was ceremonially opened recently. In his greetings telegram to the Soviet and Bulgarian creators of this artery of friendship Comrade L.L. Brezhnev expressed the confidence that, traveling the path of socialist economic integration, the Soviet Union and Bulgaria and all the CEMA countries will continue to augment our common asset and will, in the future, create new majestic products which will be effective in developing the national economies of the socialist community.

It is well known that the countries united by CEMA have doubled their industrial potential in the last 10 years alone. Along with the efforts made by each country, the role of multilateral cooperation is great. Take the economic relations between the GDR and Hungary. The high level of foreign trade relations between the two countries and the increasingly broad division of labor between them are evidenced by the fact that goods produced through cooperation and specialization constitute 30 percent of the trade between the GDR and Poland.

"An example of fruitful cooperation"—that is how RUDE PRAVO headlined an article recently telling of the beneficial influence of the international division of labor,

specialization and cooperation on the economic collaboration between the CSSR and the Soviet Union. Currently 17 agreements between the two countries on cooperation are in force.

The traditional meetings among leaders of the fraternal parties and states help to consolidate mutual relations. This was demonstrated once again by the recent meeting between G. Husak, CPCZ Central Committee general secretary and CSSR president, and E. Gierek, Central Committee first secretary.

"DOUBLE STANDARDS"

In 3 weeks' time mankind will mark the 30th anniversary of the signing of the Universal Declaration on Human Rights, adopted by the UN General Assembly 10 December 1948. This gives us reason to think today about how its provisions are being fulfilled in the civilized world. This question arouses particular interest in view of the fact that, U.S ruling circles have made the theme of human rights and their imaginary violations in the Soviet union and other socialist countries a "shock" theme almost from the first day that the present administration moved into the White House.

The period of nearly 2 years since then has given people many opportunities to become convinced of the insincerity of this concern for human rights.

The more time passes the more clearly emerges the hypocritical nature of high-ranking U.S. figures expatriations on imaginary violations of civil rights and freedoms in other countries and their assiduous silence on the scandalous situation concerning these rights and freedoms in the United States itself.

To be fair, it must be said that the violations of civil rights and freedoms in the United States did not, of course, begin under the present administration. They have existed for as long as the United States itself. This, for instance, is what the great physicist Albert Einstein, who lived the last 20 years of his life in that country, said back in 1954 about rights and freedoms in the United States: "Speaking of civil rights today, we have in mind chiefly the following demands: The defense of the individual against arbitrary violation of the law by other individuals or government; the right to work and appropriate payment; freedom of discussion and study; direct participation by the individual in creating the government. These civil rights are now recognized in theory, although by means of the broad use of formal, judicial maneuvers they are violated to a much greater extent even than under the previous generation."

Einstein's words have by no means lost their significance today, nearly a quarter of a century later. On the contrary, they seem to be addressed to the present administration, which is eloquently attested by the events of recent days. This refers to the unlawful arrest of the well-known progressive singer Dean Reed, released only thanks to a wide international campaign in his defense. This refers, finally, to the U.S. Justice Department's admission of the innocence of the "Wilmington 20," who were condemned to a total of 282 years' imprisonment by the court authorities in the state of North Carolina. It took the American theism 6-years to recognize what had long been clear to the world's progressive public.

Against this background, is the unwillingness of the U.S. Government to sign the majority of international documents regulating basic human rights and freedoms a mere coincidence? A routine sesson of the Commission on Human Rights recently finished work in Geneva having examined progress in individual states' fulfillment of the provisions of the International pact on civil and political rights. This pact has already been ratified by 52 states. But you will not find the United States among them. In its history the United Nations has elaborated 19 international agreements and pacts with the aim of insuring basic human rights and freedoms. But 16 of these have not been signed by the United States. . . . Such is the "double-standard," as Americans put it, in the U.S. administration's approach to the human rights question.

Just 1 week shows the complexity of the processes taking place in the sphere of international relations and indicates how difficult the path to universal and lasting peace and the security of people is. But however difficult that path, the CPSU and the Soviet state are fully determined to follow their chosen path—the Leninist course of peace—once and for all.

HUMAN RIGHTS "TRAMPLED UNDERFOOT" IN UNITED STATES

[Text] NEW YORK, AUGUST 11, TASS—Correspondent Igor Makurin reports: The United States has neither moral nor the juridical right to assume the role of "the defender of human rights". This has been eloquently confirmed by Andrew Young, the U.S. permanent representative at the United Nations, who, speaking at a New York dinner given by the American Bar Association, was forced to admit that the position taken by the United States in matters pertaining to joining the international covenants on human rights remains unsatisfactory. In this area, according to Andrew Young, the United States record is marked by a far from exemplary attitude to the covenants on human rights. The Congress refuses to ratify the key international agreements on human rights which have brought into being the international mechanisms for their implementation, said Andrew Young. This is especially disappointing on the eve of the 30th anniversary of the proclamation by the U.N. of the Universal Declaration of Human Rights.

Andrew Young stressed that so far the United States has not ratified the convention on the prevention of the crime of genocide and the punishment thereof, adopted by the U.N. General Assembly 30 years ago and which has been adhered to by over 80 states. Neither has another convention, that on the elimination of all forms of racial discrimination, been implemented by the United States.

Representatives of the United States of America were absent in the conference hall where the U.N. Commission on Human Rights, which discussed the reports of various states on the implementation of the provisions of the international convenant on civil and political rights, has just ended its deliberations. And this, incidentally, is no surprise since the United States of America is still unwilling to adhere to the international covenant which stipulates, among others, safeguarding freedom of conscience, speech, press, assemblies, equality of men and women, prohibition of physical and moral torture and of arbitrary arrests.

At present, as is known, the number of signatories of the pact which entered into force in 1976, is over 40 states, including the Soviet Union and other socialist countries. According to the International Operations Subcommittee of the House Committee on International Relations, out of 40 currently valid international agreements regulating the problems of human rights, the United States have ratified only 10. The fact is that despite the high-faluting pronouncements of the American statesmen about their country's commitment to the "protection" of human rights, these very rights are being brutally trampled underfoot in the United States.

Washington prefers to forget about the millions of unemployed, about the racial discrimination and about the 26 million Americans living below the official poverty line or about the well-known facts of a massive invasion of privacy by the American secret services. On the international arena, Washington is providing broad military and economic assistance to the most reactionary regimes guilty of brutal suppression of human rights in their countries.

MOSCOW MEETING ATTACKS WEST

[Text] Moscow, DECEMBER 8, TASS—On Human Rights Day Soviet people can say with pride that they are citizens of a country in which genuine rights and freedoms are guaranteed and really ensured, stated Aleksey Shibayev, chairman of the Central Trade Unions Council of the USSR.

He spoke today at a public meeting in Moscow on the occasion of international Human Rights Day, which is marked annually on December 10 on a decision of the UN General Assembly.

One of the most vital rights of all the peoples of the world, Shibayev said, is the right to a peaceful life. Beginning from the Lenin's Decree on Peace, the Soviet Union has invariably come out for peaceful coexistence of states with different social systems, has been vigorously struggling for disarmament, for the security of the peoples, for international cooperation.

Petr Fedoseyev, a vice president of the Soviet Academy of Sciences, made a report "The Constitution of the USSR—The Highest Expression of the Democracy and Humaneness of a Socialist Society."

"One of the world-wide historical gains of the Great October Revolution," he said "was our socialist democracy." The new Soviet Constitution (1977) reflects the dialectics of its development. The preamble of that document formulates the law of our society, which is "concern of all for the good of each and concern of each for the good of all."

Respect for political, civil, economic, social, cultural and other rights, free access of all members of society to work, education, culture, science, to participation in the governing of the state, is being ensured under socialism alone.

The observance of a Human Rights Day, the speaker noted, offers an opportunity for demonstrating still more widely the role of the Soviet state as a champion of democracy in the international arena, as a fighter against such mass violations of human rights as racism, apartheid, genocide. This becomes ever more obvious at a time when the question of human rights has assumed a particular sharpness in the ideological struggles in the international arena, which is in a considerable degree connected with attempts by certain quarters in the West to speculate on the question of "upholding human rights."

"A demogogic approach to the problems of human rights," Fedoseyev said, "is being used for a propaganda cover-up of the retreat by the most reactionary imperialist circles from the policy of international de-

tente, and also for undermining the trust of the international public in the Soviet Union's policy, for trying to split the unity of the countries of the socialist community and international communist and working class movement. This hostile propaganda campaign is conducted by the United States and its allies not only by means of the mass media, but also at international forums. Attempts are being made to include concrete demands for the observation of "human rights" in an American interpretation as a condition for the signing of the USA of bilateral treaties and agreements with other countries, including those on questions of economic, technical, scientific and public relations."

"International cooperation in the sphere of human rights", the Soviet scientist noted, "has nothing in common with the inspiration from outside of the antisocialist activities of individuals, violating the laws of their country. Any attempts at such interference in the internal affairs of Soviet states are actions directed at undermining international cooperation. Such interference contradicts the UN Charter and the commitments of states-participants in the all-European conference to mutually respect the right of each state to freely choose and develop its political, social, economic and cultural systems, just as the right to establish its own laws and administrative regulations."

Academician Fedoseyev recalled that Western countries, while making declarations and statements about human rights, in fact not infrequently refuse to honour obligations taken upon themselves, decline to accede to the most important international documents. Thus, they are boycotting the Convention on the Non-Applicability of the Statutes of Limitation to War Crimes and Crimes against Humanity, and the International Convention on Ending the Crime of Apartheid and on Punishment for it. The USA, out of all the basic agreements on human rights, participates only in one—the Convention on the Political Rights of Women. Meanwhile, the speaker noted, the equality of men and women has not been legally asserted in that country to this day.

For thirty years the American Congress has been hindering the accession of the USA to the Convention on Preventing the Crime of Genocide and on Punishment for it, which it signed back in 1948. Twenty years ago the U.S. signed an international convention on the elimination of all forms of racial discrimination. Yet, matters never got further than that.

Constantly underlining the special significance of such a fundamental right of man as the right to life, the USSR and other socialist countries proceed from the premise that international cooperation in the sphere of human rights must be unbreakably linked with the main objective of the U.N.—the maintenance of international peace and security, the speaker noted. The U.S. Human Rights Commission recently examined, on the initiative of the U.S.S.R., the question of the right of everyone to live in conditions of peace and security and adopted a corresponding resolution.

The historical peace programme, elaborated by the 24th and further developed by the 25th CPSU Congress, a profound positive effect on the international climate, rendered and it continues to render such an effect. The Soviet Union and other socialist countries are constantly coming out with new major initiatives aimed at further deepening detente, disarmament, at expanding reciprocally advantageous cooperation of states with different social systems. Just recently a conference of the Warsaw Treaty countries passed a declaration which outlines a clear-cut, concrete programme of practical measures, whose realization must result in the building of a truly peaceful Europe.

"Meanwhile," the speaker went on, "influential imperialist and reactionary forces interested in the arms race, in building up an atmosphere to fear and hostility, are active in the world. They seek to prevent a radical improvement of the international political climate. These are, first of all, the military-industrial complexes of imperialist states. They are sowing doubts in the possibility of taking practical measures towards curbing armaments, towards disarmament, they are preventing the achievement of agreements. The present Peking leaders who, pursuing expanionist goals, seek to cooperate with imperialist reaction on the basis of struggle against the Soviet Union and other fraternal socialist countries, against peace, come out as direct accomplices of these forces."

"We are confident," Petr Fedoseyev said in conclusion, "that the peoples of the world will uphold the cause of peace, whatever the treacherous devices which the imperialist forces, hostile to them, would resort to."

Participants in the meeting unanimously passed a resolution and decided to send it to U.N. General Secretary Kurt Waldheim. It fully approves and supports the peaceloving foreign policy of the CPSU CC and the Soviet Government. The Soviet public once again stated its unshakable resolve to keep tirelessly struggling for the triumph of the cause of peace, social progress, for ensuring human rights to the utmost.

U.S. Record Reveals No "Moral Right" To Champion Liberties

[Article by V. Kartashkin, senior scientific assistant of the USSR Academy of Sciences Institute of the State and Law: "What Are They Defending?"]

[Text] To this day the United States has failed to ratify many very important international agreements on human rights. This striking fact totally refutes the U.S. administration's allegations that it is concerned for the defense of civil rights and freedoms.

Speaking at the United Nations soon after taking office, U.S. President J. Carter was obliged to admit that the U.S. people's demands for the observance of basic human rights and freedoms "are not always implemented in the United States." But, he stressed, "we are fully determined to correct our shortcomings rapidly and openly." In particular, the President stated that he would seek congressional approval of the major international agreements on human rights that the United States had so far failed to ratify. Over 18 months have elapsed since then, but matters have still not changed with respect to ratification.

The facts proclaim that many Western countries have ratified only a few international agreements on human rights. "The United States," former U.S. Chief Justice E. Warren noted, "is on the long and sorry list of these states." He also noted that "fortunately(!) we are not among the 14 states that have failed to ratify a single document." E. Warren himself called this situation shameful.

In fact, the United States is not a signatory to treaties like the 1948 international convention on the prevention and punishment of genocide, the 1965 international convention on the liquidation of all forms of racial discrimination, the 1966 international pact on economic, social and cultural rights, the 1966 international pact on civil and political rights, the 1968 convention on the nonapplication of a statute of limitations on war crimes and crimes against humanity, the 1973 international convention on halting and punishing the crime of apartheid and many other agreements.

What can explain all this? In 1950 a California court recognized the illegality of the state's discriminatory legislation, quoting Article 55 of the UN Charter, which commits states to promote "universal respect for and observance of human rights and fundamental freedoms for all without regard to race, sex, language or religion." This decision by a local court alarmed U.S. legislators.

The point is that, according to international law, when national laws differ from states' international commitments, the former should be changed to accord with the latter. But Ohio Senator W. Pricker once warned the Senate: If the clauses of the UN Charter are applied by U.S. courts, "thousands of federal and state laws will automatically become invalid."

On behalf of President Eisenhower's administration, he stated in the Senate that the United States would not accede to a single international agreement on human rights imposing legal commitments on the U.S. with respect to its own citizens and aimed at promoting internal social changes.

The United States confirmed this position officially at the United Nations. Little has changed in the past 25 years. In 1976 the United States merely acceded formally to the 1952 convention on political rights for women. Formally, because the U.S. Senate has still not adopted the constitutional amendment providing equal rights for men and women.

The Convention on the Prevention and Punishment of the Crime of Genocide occupies a special place among international documents. Genocide is defined in the convention as "acts committed with the intention of destroying, completely or partially, any national, ethnic, racial or religious group." It has been applied widely in the practice of colonial powers and fascist regimes. Tens of millions of people killed, taken into slavery and doomed to extinction—that was the outcome of the policy of genocide pursued by Hitler's Germany. That is why, soon after the victory over fascism, the United Nations adopted the convention outlawing genocide.

During the discussion of this convention in Congress, many legislators noted that its clauses would contradict a widespread U.S. practice—terror against the country's black and Indian population. Under then President H. Truman the convention was not ratified. Under other presidents all attempts to achieve ratification also ended in failure. Opponents of ratification feared that this document would give the world public additional opportunities for accusing the United States of genocide for the U.S. military's crimes in Indochina. At the end of 1977 Congress again refused to approve the convention.

The United States obstinately refuses also to ratify The International Convention on the Liquidation of All Forms of Radical Discrimination although it has been approved by most countries. Here too the whole point lies in the blatant discrepancy between the content of the document and the practice of U.S. life.

In fact, Article 2 of this document commits the states to take steps to ban radical

discrimination and insure its liquidation so that all state organs and institutions operate in accordance with this commitment. The convention makes compulsory punishment for any dissemination of ideas based on radical supremacy or hatred. It insures equal rights for every person in the economic, social, cultural, civil and political spheres.

As is well known, the United States cannot insure implementation of all these provisions. A policy of overt racism and racial persecution flourishes in the leading power of the capitalist world, the authorities of which boast of their alleged "achievements" in civil liberties. This policy affects many millions of people.

That is why, speaking at the annual meeting of the American Society of International Law in April 1970, Rita Hauser, former U.S. representative on the UN Commission on Human Rights, stated frankly that the United States did not intend to accede to the international convention on the liquidation of all forms of racial discrimination.

The U.S. refusal to accede to the International facts on human rights, which enshrined in treaty terms the states' determination to observe fundamental human rights and freedoms, arouses universal condemnation.

The progressive U.S. public hoped that when the new administration came to power, it would finally get matters moving again since its leaders had spoken such fine words about "the need to defend human rights." But this was all limited to a few pompous gestures, and in particular, the grand ceremony at which international human rights covenants were signed. We have just said that the United States is stubbornly refusing to become a party to these covenants. There is no contradiction here with the report about their signing.

The signing of international agreements still does not place any obligations on states. For an international treaty to become binding it must be ratified, that is, it must be confirmed by the supreme legislative body. The United States has, for instance, signed the convention on the prevention and punishment of the crime of genocide and the international convention on the elimination of all forms of racial discrimination, which we have also mentioned, but so what? Decades have elapsed, but the United States has not become a party to these agreements; this means that it does not have any obligations under these agreements. Doesn't the same fate await the covenants on human rights?

The U.S. authorities are seeking to make up for the absence of a positive human rights program within the country by means of a noisy, clamorous propaganda campaign directed against other countries. This campaign, as Prof. (T. Burgental), chairman of the Human Rights Committee of the U.S. Commission on UNESCO Affairs, admits, is motivated by cold war considerations.

This hypocritical position is generating criticism and misgivings in the United States itself. Farsighted U.S. politicians admit that such a policy can lead to international isolation and that the stubborn refusal to ratify international agreements on human rights will undermine the country's prestige even further. Until the United States accedes to these treaties, Prof (T. Burgental) observes, it "will be unable to pursue a really effective policy in the human rights field. . . ." A perfectly correct observation.

MILITARY-INDUSTRIAL COMPLEX SEES THREAT IN SALT

[G. Vasilyev: "The Nuclear Umbrella and the Sword of Damocles"]

[Text] WASHINGTON, 31 October—It has long been noted that prospects for success in limiting the arms race only have to emerge for the military-industrial complex to open fire to forestall the yet unborn agreement.

Mr. PELL. Mr. President, today the Senate has a historic opportunity to give its advice and consent to the Genocide Convention. After 36 years of effort, we stand at the threshold of ratification of this landmark human rights document. I very much hope that the Senate will proceed to a final vote on the resolution of ratification.

Just 14 months ago, we briefly considered the Genocide Convention in the final days of the 98th Congress. The prospects for ratification has been greatly enhanced by President Reagan's strong endorsement of the convention in the final month of the 98th Congress. Shortly thereafter the convention was ordered reported favorably by the Foreign Relations Committee by an impressive 17-to-0 vote. We knew we were racing against the clock, but with the support of the administration, the American Bar Association, and virtually every major human rights and religious organization in the country, we were ready to begin the final push for ratification.

Faced with the reality of a filibuster at the end of the 98th Congress, the Senate suspended consideration of the convention and in its stead adopted a resolution expressing support for the principles contained in the Genocide Convention, and pledging expeditious action in the first session of this Congress. That resolution passed the Senate by a vote of 87 to 2, signaling our determination to, at long last, get this treaty to the Senate early enough in this session to give it a favorable chance of passage.

I hope that we will not be faced this session with virtually the same situation that existed a year ago. The convention was reported favorably by the Foreign Relations Committee, for the sixth time, in May and has been on the Senate calendar for many months. I remain hopeful that we will still be able to complete final action on the convention before this session is over.

I think it important to reflect for a moment on why it is so essential for use to ratify the Genocide Convention. The convention arose from the ashes of the Holocaust, a response to the attempted extermination of European Jews by the Nazis and, therefore, regarded as much for its symbolic as well as for its practical effect. In this century we have also witnessed the massacre of the Armenians in the Ottoman Empire and the barbarism of the Khmer Rouge in Cambodia during the 1970's millions upon millions of lives have been lost.

Genocide—the killing of an entire people—is the most horrible of all crimes; it is a crime perpetrated against humanity itself. By making genocide a crime under international law, the convention is a powerful instrument for the protection of life and the advancement of human rights throughout this planet. To date, 84 nations have ratified the convention.

As I have mentioned in the past, this treaty has a very real personal meaning for me, because it was through my father's efforts as U.S. Representative to the 1943-44 U.N. War Crimes Commission that genocide was initially considered a war crime. Approval of this convention will also be a long overdue tribute to the late Raphael Lemkin, the distinguished international legal scholar who coined the term "genocide." After most of his family was exterminated in the Nazi Holocaust, Raphael Lemkin conceived the idea of the convention and devoted the rest of his life to its adoption.

Mr. President, the issue before us today is not a partisan matter in any respect. The Genocide Convention is a statement of conscience; it is a matter of humanity. Last year was the 40th anniversary of the liberation of the Nazi death camps. There can be no more fitting way to commemorate the incomprehensible tragedy of the Holocaust than for the Senate to ratify the Genocide Convention. In the words of Elie Wiesel, the Genocide Convention, when ratified, would become "not only an act of justice, but above all, a solemn and noble act of remembering." It is time for the Senate to get on with the unfinished business of ratifying the Genocide Convention.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, we have waited 36½ years for this day. It was June 16, 1949, 36½ years ago, that President Harry Truman asked the Senate to give its advice and consent to the Genocide Convention. Thirty six-and-a-half years. Now, at long last, we stand ready to act.

Over those years, the Genocide Convention set a record as the most scrutinized and analyzed nonmilitary treaty ever to be considered by the Senate.

Senator DODD outlined the dimensions of that effort during the committee's 1984 hearing. The Foreign Relations Committee has conducted 13 days of public hearings, receiving testimony from 100 witnesses, well over 200 submissions for the record, and compiling a transcript that stretches over 1,700 pages.

Every line, every phrase, every syllable of the Genocide Convention's language has been examined under a microscope—studied, parsed, and diagrammed.

Furthermore, the American Bar Association, in 1974, began the most me-

ticulous examination of a treaty that the bar association has ever engaged in. Until 1976, the bar association was opposed to this treaty, and then president after president of the American Bar Association decided that they would favor it and try to change the position of the American Bar Association.

The ABA made the most meticulous, detailed, thorough examination of the treaty, and since then they not only have been in favor of it, but also, have been by far the strongest supporters, outside of the legislature of the President. In my opinion, they deserve a world of credit for the fact that we are now taking it up.

Six times now, the committee has reached the same conclusion that the Reagan administration and six predecessor administrations reached, Republican and Democratic alike: The Genocide Convention is in America's interest, and the Senate of the United States should lend its advice and consent to this treaty.

Mr. President, I commend the distinguished chairman of the Foreign Relations Committee, DICK LUGAR, who just returned from a trip to the Philippines, where I think he made all of us, as Senators, very proud of the way he handled an extraordinarily difficult situation.

I believe that in this case Senator LUGAR has done a remarkable job in bringing the treaty to the Senate. We know that a few members of his committee feel very strongly against the treaty. But he was very patient; he handled the matter with extraordinary skill, and he gave everybody an opportunity to speak their minds thoroughly. He was very fair.

Frankly, as he knows, I disagree very much with an amendment to the treaty that was adopted in committee. I think it reduces the force of the treaty. But that was the only way that we could possibly do it. Senator LUGAR deserves great credit for bringing this to the attention of the Senate.

I also commend my good friend, the distinguished ranking Democratic member of the Foreign Relations Committee, CLAIBORNE PELL. He probably has the strongest claim of identification with the treaty of anybody else in the Senate. It was his father who played a big role at the United Nations in securing the adoption of the treaty at the United Nations.

It is a surprise to many people that this is an American treaty. It was proposed by Americans at the United Nations. It was also, of course, adopted unanimously by the United Nations at the time. As we know, and as I will indicate, every President since John Kennedy has supported the treaty. President Eisenhower did not recommend the treaty. President Truman recommended it. Every Republican and Democratic President, including President Reagan, has called for the ratification of the treaty.

THE GENOCIDE CONVENTION—AN AMERICAN TREATY

For any American whose only information about the Genocide Convention has come from the far right extremist groups who oppose this treaty, it must be puzzling indeed that the most conservative President of the 20th century and, indeed, one of the most liberal reached the same conclusion that America's participation in this multilateral treaty is important. How can so many Presidents reach the same conclusion if everything they have been told about the treaty is true?

The obvious answer, of course, is that they have not been told the truth about the convention. They have been subjected to the most outrageous lies and distortions regarding the treaty and it is time that the record be set straight once and for all.

It will undoubtedly come as a shock to many Americans who have been misled regarding the Genocide Convention that, in many ways, this is an American treaty.

The American delegation to the United Nations helped to orchestrate the resolution that was introduced by three countries to declare genocide a crime under international law and called for the drafting of a treaty against genocide.

It was the American delegate, John Maktos, who chaired the drafting committee which drew up the articles of the Genocide Convention.

And it was the American delegation which led the lobbying effort, culminating in unanimous endorsement of the Genocide Convention on December 7, 1948, by the General Assembly of the United Nations.

And why did the American delegation take the lead in this effort? First, America shared the horror of the world community at the enormity of the crime committed by the Nazis. No one had ever envisioned the possibility of so monstrous a crime being committed on such a scale. Second, while the Nazis shocked the world's conscience by the dimensions of their crime, America recognized that genocide on a smaller scale had the potential for occurring with increasing frequency. Future events—Nigerian civil war, Tibet, Paraguay, Uganda, Cambodia—have proven them all too right. Finally, the Nuremberg Tribunal was the final catalyst. The Tribunal outraged the world by construing their mandate so narrowly that they could not address the question of Nazi genocidal. actions that took place before the initiation of actual war in 1939.

BUT WHY DO WE NEED A TREATY?

While all Americans, proponents and critics alike, share the desire to condemn such heinous and immoral acts, a very legitimate question can be raised as to why we need an international treaty to do it. Why can we not just declare America's opposition to genocide unilaterally and adopt domestic legislation, on our own without this treaty, to outlaw genocide within our borders?

The allegation is often made that the United Nations is a hostile forum where the United States is always kicked around and that somehow we were hoodwinked into a treaty whose terms were dictated by Moscow. Obviously, the United Nations of the late forties was very different from the United Nations of today. The United States dominated the United Nations then, and we called most of the shots. The records of the debates on the terms of the Genocide Convention show the United States and its allies handily defeating Soviet amendment after Soviet amendment.

But the fundamental question remains. Why a treaty? The reason stems from the nature of the crime of genocide.

Genocide is not simply murder. Every nation has domestic laws against murder and those laws are sufficient to deal with that crime.

But genocide is murder on a grand scale with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group. And to conduct such an effort on that scale often requires the collusion of the government—in fact, virtually always it requires the collusion of the government—collusion on the part of local, state, or provincial government and, the collusion of the national or federal authorities as well.

Because it is a crime which is usually committed with the collusion of governmental authorities, genocide requires international condemnation. The same type of condemnation that the United States has supported in treaties outlawing and condemning piracy and slavery, airline hijacking, and pollution of the seas.

But how much more important is the essential right to live? Can any Member of the Senate dare to assert that it is any nation's sovereign right to put to death or attempt to put to death any national, ethnic, racial, or religious group—in other words, kill people not because they have committed a crime, not because of anything they have done, because they belong to a particular group: because they are a Jew, because they are black, because they belong to some other religion, because they are a gypsy? I think not.

These are not the actions of sovereign nations. They are the actions of bloodthirsty criminals and deserve to be branded as such.

But condemnation that is not rooted in international law is too easily dismissed as ideological rhetoric of hostile nations. At minimum this condem-

nation needs to be rooted in a firm and clearly defined consensus.

Even then international law is not always enough. But it is a beginning.

The track record of the world community in preventing and stopping the crime of genocide is far from exemplary. But that hardly leads to the conclusion that we turn our backs on the major moral question of the 20th century. It means we redouble our efforts.

And it is important to remember that the U.S. Senate has already recognized that genocide is an international crime, not just a domestic matter. In an effort to stop genocide in Uganda in 1978, the Congress authorized U.S. participation in the international economic embargo of that nation. The authorizing legislation, Public Law 95-435, specifically recognized that genocide was a crime against the Law of Nations.

Now it is time that we move from rhetorical acknowledgement of genocide as an international crime to formal condemnation.

FAILURE TO RATIFY THE GENOCIDE CONVENTION AIDS THE SOVIET UNION ANTI-AMERICAN PROPAGANDA CAMPAIGN

Mr. President, in reading the mail I have received from members of Liberty Lobby, the John Birch Society, Eagle Forum and other such groups, I am continually amazed at the defeatism and fear that permeates the rhetoric of these organizations.

The United States is some sort of helpless giant unable to defend itself in a hostile world. To listen to them, U.S. ratification of the Genocide Convention will lead to a host of propaganda charges by the Soviet Union and its allies. We will be assaulted in international forums, in their view, unable to defend ourselves from even the most ludicrous charges.

To these organizations, I say it is time to wake up and see the world as it is. The fact of the matter is that the Soviet Union and its allies could not be happier with the campaign against the treaty. It's clear that our failure to ratify the Genocide Convention has been one of the most useful propaganda clubs the Soviet Union has ever had. And we've handed it to them on a silver platter.

Is that just my view? Hardly. Listen to what Elliot Abrams, testifying for the Reagan administration had to say.

Mr. President, I am not talking about my position or the position of some previous administration: I am talking about the Reagan administration, about Mr. Abrams, speaking for the Reagan administration, who told the Senate Foreign Relations Committee on September 12, 1984:

It is interesting to note that the news agency TASS has already started to attack the Reagan Administration for expressing its support for the Genocide Convention. The Soviets' spokesman harshly criticized a State Department spokesman because he referred to the Convention's symbolic value, but the Soviets frequently attack what they fear the most. They know that symbols convey meaning and they also know that the United States lending its political and moral prestige to the Convention will enormously enhance its value as an instrument of world opinion to prevent genocide.

Or listen to what Ambassador Jeane Kirkpatrick has to say from her experience in defending America's interests at the United Nations:

I believe that the Senate's ratification of the Genocide Convention will enhance the standing of the United States in the United Nations and other international organizations. The Soviets and others hostile to the United States have long focused on the United States' failure to ratify the Genocide Convention as part of their anti-American propaganda. It is contrary to our national interest to provide fuel to this campaign by failing to reaffirm clearly and unequivocally U.S. support for the important objectives of this Convention.

Is Ambassador Kirkpatrick some type of one-worlder internationalist? Is she easily duped by Soviet or Communist trickery? Hardly. No one who heard her dynamic and hard-hitting address to the Republican National Convention could make such an assertion.

She is an outspoken proponent of hard-line Realpolitik. Unlike these organizations which attempt to live in a dream world of wishing away the United Nations, she dealt on the frontlines of protecting America's interests and knows fully the value of the Genocide Convention to America's foreign policy.

RATIFICATION WILL STRENGTHEN AMERICA'S FIGHT AGAINST ABUSES OF HUMAN RIGHTS

Mr. President, ratification of the Genocide Convention will clearly strengthen our hand in attacking the gross violations of human rights that continue to take place throughout the world. While the language of the treaty itself is narrowly constructed, the hearing record compiled by the Foreign Relations Committee demonstrates the convention's broader significance.

Rita Hauser, a Republic appointee of President Nixon's to the Human Rights Commission testified in 1970:

We have frequently invoked the terms of this Convention as well as the provisions of the Universal Declaration on Human Rights . . . in our continued aggressive attack against the Soviet Union for its practices, particularly as to its large Jewish communities, but also to its Ukrainians, Tartars, Baptists and others. It is this anomaly . . . (that) . . . often leads to the retort in debates plainly put, simply put, "Who are you to invoke a treaty that you are not a party to?"

The 1977 hearings provide other devastating examples:

In January, 1964, for example, when the U.S. Member of the Subcommission on Prevention of Discrimination, Morris Abram, advocated "forceful measures of implementation" in dealing with racial and ethnic discrimination, his Soviet colleague had but to remind the body that the United States was not even a contracting party to the Genocide Convention . . .

That is the weakness we have had by failing to ratify the Genocide Convention.

Our representatives to the Helsinki Accord Review Conference made the same point. But this problem does not exist solely in the case of encounters involving the Soviet Union. Over a decade ago when the United States tried its best to end the genocide taking place in Biafra during the Nigerian civil war, the State Department informed me that our efforts were severely hampered by the ability of the Nigerians to cite our failure to ratify the Genocide Convention as disqualifying us from the right to even discuss the matter with them.

Mr. President, the time has long since passed when we can smugly sit back and assume that our domestic human rights record—which I firmly believe is the finest in the world—can speak for itself. Why permit nations which all too often only give lipservice to these obligations to take the high moral ground in these debates? They have no right to it and we are foolish to abandon it to them.

If the current reports of genocide in Uganda are true, I want the United States to be in the strongest possible position to use its moral and diplomatic influence to bring this tragedy to an end.

If the Vietnamese Communists commit genocide against religious groups in Cambodia, I want the United States to tell the world about it without challenge to our human rights dedication from other Communist nations.

If the People's Republic of China systematically commits genocide against the Tibetans, I want us to be free to condemn that action without the inevitable propaganda about our failure to pass the Genocide Convention.

If one day the Russians turn against one of their national minorities, and commit genocide, then the United States should be the world leader opposing that action. Nothing less should be expected from this Nation. But we will be unable to do this effectively without passage of the Genocide Convention.

In sum, it is unlikely that genocide will be committed in any Western democratic nation. It is more likely that genocide will occur in nondemocratic, totalitarian or Communist states. We need every device at our disposal to preclude that this happens, and if it does occur, God forbid, we need every diplomatic, economic and possible military asset to stop such events.

We cannot do moral battle against genocide with one hand tied behind our backs.

IS THE GENOCIDE CONVENTION CONSTITUTIONALS?

But if the Genocide Convention is good foreign policy for the United States, is it necessarily good domestic policy? Certainly, the extreme right-wing organizations have alleged that the treaty could be superior to our Constitution and overturn our constitutional guarantees of freedom. They have argued that treaties would be superior to domestic Federal legislation, that even racial slurs or ethnic jokes might be considered genocide and that the International Court of Justice—the World Court—would be in a position to interpret our Constitution.

The answer to these allegations is a resounding "no way." The Genocide Convention is completely constitutional. Not just in my view. But that is a position shared by the American Bar Association, the Reagan administration, and experts ranging from the American Civil Liberties Union, on the left of our political spectrum, to William Rehnquist, one of the most conservative Supreme Court Justices.

In fact, William Rehnquist testified before the Foreign Relations Committee on behalf of the Nixon administration in 1970. He was then serving as an Assistant Attorney General, Office of Legal Counsel, and his testimony resoundingly repudiates these allegations.

First, he makes it clear that "the treaty is entirely constitutional."

Second, he noted that "the Constitution is superior to any treaty no matter how interpreted." He noted that the controlling Supreme Court case was Reid versus Covert (1957) whose language is straightforward on this point:

. . . There is nothing in this language (the supremacy clause) which intimates that treaties and laws enacted pursuant to them do not have to comply with the provisions of the Constitution. Nor is there anything in the debates which accompanied the drafting and ratification of the Constitution which even suggest such a result. . . . It would be manifestly contrary to the objectives of those who created the Constitution, as well as those who were responsible for the Bill of Rights—let alone alien to our entire constitutional history and tradition—to construe Article VI as permitting the United States to exercise power under an international agreement without observing constitutional prohibitions . . . The prohibitions of the Constitution were designed to apply to all branches of the National Government and they cannot be nullified by the Executive or by the Executive and the Senate combined.

Third, when asked whether treaties became the supreme law of the land, implying that they would be superior to domestic Federal law, Mr. Rehnquist responded:

Senator, I do not think that is a full statement.

The Constitution says all laws made in pursuance thereof, and all treaties made under the authority of the United States shall be the supreme law of the land. I am paraphrasing, but it puts laws and treaties of equal dignity.

Fourth, Mr. Rehnquist reaffirmed that Americans' right of free speech could not be affected by a treaty and would not be affected by this treaty in any way. Racial slurs or ethnic jokes do not constitute genocide under the plain language of the treaty. Moreover, only actions taken with intent to physically destroy the group constitute genocide.

And, finally, Mr. Rehnquist killed two birds with one stone by describing the impact that any opinion of the World Court might have on American citizens and the role of treaties vis-a-vis the Constitution when he notes that:

. . . nothing the ICJ (International Court of Justice) said on the subject would have any bearing on the rights of Americans because the Constitution is superior to any Treaty no matter how interpreted.

Without question, no treaty or domestic Federal law is valid unless it is consonant with the provisions of the Constitution and both must bow before any constitutional prohibitions. That is the way it should be.

But as I have pointed out, constitutional experts on both sides of the political spectrum who have looked at the convention objectively have concluded that the convention is completely constitutional.

In addition, it is important to remember that the Genocide Convention itself is not "self-executing" in the jargon of international lawyers. This means that the treaty does not, by itself, establish genocide as a crime under domestic law. The Genocide Convention is, in many ways, a promissory note by which the United States pledges to make genocide a crime under our domestic laws in a manner consistent with our Constitution. The very fact that it requires implementing legislation will assure its constitutionality since that legislation would be subject, as are all laws, to Supreme Court challenge and review.

CONCLUSION

Mr. President, as I have attempted to demonstrate, the Genocide Convention bears a strong American imprint and its ratification will be beneficial to our foreign policy:

Eliminating a central point of anti-American propaganda; strengthening our hand in protesting human rights abuses without our own human rights commitment being called into question; and improving the odds, however little, that the world community will be effective in preventing genocide and, should it occur, bringing these murderous henchmen to the bar of justice.

As the leading democratic nation, we can do no less. Our moral obligation is clear: We must lend the full weight of our influence to every effort that will help to improve those odds—even slightly.

In 1981 Senator Jacob Javits testified movingly before the Foreign Relations Committee about the obligation, speaking to each of us, when he noted:

. . . it is simply a matter of our Nation realizing that in this great storm of revolutionary change, there are some truths that still persist. When the world has within its hands the ability to make one come true, it seems so sad that we just can't do it . . . (but) . . . I hope . . . that we will persist.

Today, we will reaffirm that simple truth—that America stands firmly behind the right of all groups to live. And it will be in no small measure because of the tenacity, clear vision and persuasiveness of Senator Javits, a giant among all of the men and women with whom I have been privileged to serve.

This convention will be a symbol of that simple abiding truth, an important moral statement and a strong diplomatic tool in the hands of the world's most powerful and influential country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ARMSTRONG). The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair for recognizing me.

Mr. President, from the very beginning my chief object with regard to the Genocide Convention has been to see that the independent sovereignty of the United States is protected from interference by an international regime of law. The purposes of the Genocide Convention are lofty, and I share them. We all share them, just as we all share a reverence for the Constitution of the United States.

Mr. President, I am in my 14th year in the Senate. I recall meeting one afternoon with my then distinguished senior Senator from North Carolina, Sam J. Ervin, Jr. I wanted to talk with him about genocide and at great length he went down the various provisions of the treaty and pointed out the hazards of many of them. Senator Ervin, probably one of the foremost constitutional authorities ever to sit in this body, and I were persuaded that afternoon that unless and until the so-called Genocide Convention could be altered in a fashion to protect the sovereignty of the United States and to protect the citizens of the United States I could never in good conscience do anything to allow it to be even considered on the Senate floor.

As a result of that determination there have been accusations from time to time by the usual and expected sources that Senator HELMS is in favor of genocide.

They said that about Sam Ervin; and, of course, such a suggestion is absurd, as are so many of the suggestions by and from the quarters from which such suggestions came.

But in any case, Mr. President, during the past four decades there has been a stalemate between the competing interests of the Genocide Convention and of the U.S. Constitution. The proponents of the convention have had their eyes on its purposes and have tended to argue that such lofty aims could not possibly compromise the U.S. Constitution. But some of the great constitutional lawyers of our time argued forcefully and with specific objections.

So that is why I cannot help but think, in this regard, of the sustained and monumental effort of our late distinguished colleague from North Carolina, Sam Ervin. Long before I arrived in this body, Senator Ervin, in speeches and testimony, made long and detailed analyses of the constitutional problems inherent in the original version of the Genocide Convention. Even as the last hearings were being held in March 1985, almost a year ago, Senator Ervin was writing to every Member of the Senate urging us not to vote for ratification. Indeed, on the very day that we marked up the resolution of ratification that great American was lying in state in North Carolina.

So with the voice of Sam Ervin still ringing in my ears, still pleading that Senators should vote against the Genocide Convention, I must say, despite the success that I had with the cooperation of the distinguished chairman of the Foreign Relations Committee, Mr. LUGAR, I yet cannot vote in favor of the resolution of ratification.

Nevertheless, in the past year and a half since the issue was revived a lot of good work was done in the Foreign Relations Committee, and in repeated discussions with the Department of Justice and the Department of State. In the midst of those discussions the World Court confounded its U.S. supporters by doing exactly what Senator Ervin and many of his colleagues had always predicted they would—namely, that the World Court would exceed its mandate, and attempt to involve the United States in matters clearly outside the jurisdiction of the World Court.

This event helped many to see clearly what the dangers of the convention might be. And, as I have said, with the help of the distinguished chairman of the Foreign Relations Committee and many others, the committee drafted a package of provisos which seek to cure the World Court problem and other problems. I like to call this package the "sovereignty package" since it is designed to protect this Nation's sovereignty from the intrusion of the United Nations into the domestic matters of the United States, and the people of this country.

The package consists of eight provisos, two reservations, five understandings, and one declaration. There has been some misunderstanding about the effect of these provisos in international law. Both the reservations and the understandings are equally binding under international law providing that other parties to the treaty do not object.

Let me repeat that for the purpose of emphasis. They are equally binding under international law, contrary to the comments being made around this country. If another party does object, then there simply is no treaty relationship between the objecting party and the party making the reservation.

The difference between a reservation and an understanding is this: A reservation excludes or varies the legal effect of one or more of the provisions of the treaty in their application to the reserving state. In the case of this convention now before us, the reserving state is the United States, of course. An understanding merely clarifies the meaning of the provisions of the treaty but does not exclude or vary their legal effect.

Mr. President, the key element is this: It does not really matter which term the ratifying State uses in making its statement. Both reservations and understanding are deposited with the Articles of Ratification, and all parties are thus put on notice to accept or reject. If another party thinks that an understanding is contrary to the provisions of the treaty and is really a reservation, so much the better. In that case, the other country can object, and the United States will be under no treaty obligation with the objecting nation.

Clearly, then, it is an error to pretend that understandings are of lesser effect or are nugatory in international law. Their validity in protecting the United States and the people of this country is exactly the same.

In addition, it should be noted that the resolution of ratification adds an important phrase to a clause introducing the five understandings. It states:

> The Senate's advice and consent is subject to the following understandings which shall apply to the obligations of the United States under this convention.

Note the phrase, Mr. President, "which shall apply to the obligations of the United States." In effect, even the understandings which we do not think vary the meaning of the convention amount to reservations if anyone chooses to contest our interpretation.

Let me read from the committee report:

> In the unlikely event there is some dispute about the term to which a Senate understanding applies, the committee wishes to state unequivocally that the Senate understanding is controlling. The extent of the United States obligations is defined by the Senate understandings. No contrary interpretation, whether the result of a decision of the International Court of Justice or some other tribunal, will supersede or nullify the U.S. understandings.

I do not know how legislative history could have been made any clearer than that. I submit that one of the things that Senator Ervin was most concerned about has been taken care of adequately here. In this regard the Office of the Legal Adviser of the Department of State issued a memorandum concerning reservations and understandings to treaties on March 22, 1971.

Mr. President, I ask unanimous consent that that memorandum be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM CONCERNING RESERVATIONS AND UNDERSTANDINGS TO TREATIES

A statement made in or accompanying the ratification of a treaty constitutes a reservation when it would exclude or vary the legal effect of one or more of the provisions of the treaty in their application to the reserving State.

A statement made in or accompanying the ratification of a treaty which merely explains or clarifies the meaning of the provisions of the treaty but does not exclude or vary their legal effect would constitute an understanding.

A statement intended by a ratifying State to exclude or to modify the legal effect of one or more provisions of a treaty as applied to that State should be designated by that State as a "reservation". Where a State wishes to set forth its interpretation of the provisions of a treaty without intending to change their legal effect as understood by it, the statement should be designated as an "understanding".

The designation by the ratifying State is not controlling. Whether the statement modifies the legal effect of the treaty or merely expresses its true intent depends on the substance of the statement and is not solely within the judgment of the State making the statement.

A statement made as a condition to a State's ratification, whether designated as a "reservation" or an "understanding", is communicated by the depository to the other signatory and acceding States. Each of those States has the right to decide whether the statement modifies the legal effect of the treaty and whether it will consider itself in treaty relations with the reserving State. Failure of other States to object within a reasonable time may be regarded as acceptance by them of the reservation or understanding, which thereupon has legal effect internationally as a condition to the ratification of the State making it.

In United States law a condition placed by the Senate on its approval of a treaty—whether by reservation or by understanding—and included by the President in the instrument of ratification takes effect as domestic law along with the treaty itself. This is a necessary result of the shared constitutional role of the President and the Senate in the treaty making process.

Mr. HELMS. Mr. President, the understandings and reservations which the committee crafted are a response to the stringent criticisms raised by Senator Ervin that afternoon that I met with him. Without his basic understanding of the issues and the long

conversations I have had with him on this issue time and time again after he retired from the Senate, these provisos would not exist today. They would not have been written. It was Sam Ervin who guided me in my efforts to protect the sovereignty of this Nation and its people.

These are a lasting memorial to the persistence of Sam Ervin. It is my belief that they mitigate the great constitutional evils in the form of the convention so far as human understanding can foresee the future. They represent the very minimum protection for this great Nation.

But let me level with you, Mr. President. We all know that even with these protections, ratification of the convention means that we submit in an entirely new way to a regime of international law. We enter into a direct relationship with a system that is hostile to our national interests, and even to our sovereignty.

Let us look back. When the United Nations was conceived, the world had high hopes that it would become the instrument for a better world. But these hopes have been dashed long ago. We now know that the United Nations has become an instrument for solidarity among those nations ruled by one-party governments, nations that mock democracy and constitutional principles.

So, in fact, the United Nations is scarcely more that a forum for totalitarian regimes seeking to impose a world totalitarian regime upon us all. At this point in history, we should be seeking to disentangle the United States from this enemy of democracy and freedom.

As far as I am concerned, the United States is the ultimate protector of human rights in the world, both in terms of power to enforce a standard of freedom, and of our legal procedures and traditions. I do not want to see the United States submit itself to any international regime of law which is enforced by a group of nations which do not have our legal history and goals, and perhaps no understanding of those principles of our Nation.

If we ever lose the right to take independent and sovereign actions, either on behalf of human rights or on behalf of our national security and sovereignty, the cause of human rights in this world will be degraded. Similarly, if we ever allow any organ of the United Nations to pass judgment over our internal domestic matters, under color of enforcing a treaty obligation under the Genocide Convention or any other multilateral treaty, then we are doomed as an independent nation.

Having said that, Mr. President, I believe, as I have said on so many occasions recently, that the eight provisos will mitigate the evils pointed out to me by Senator Ervin and other constitutional authorities.

But I think that the United States should be moving away from entangling alliances, not moving toward more in an uncertain future. I recognize that the chances are strong that this resolution will pass. A vote against the resolution may well be a symbolic vote. Nevertheless, I will strongly resist any attempt to dismantle the provisos, but, in tribute to my late, great mentor, I intend to cast a vote against the resolution.

Mr. President, a moment ago I was looking at the Legislative Notice put on my desk with reference to the Genocide Convention. I believe that the additional views of Senators PELL, BIDEN, SARBANES, CRANSTON, MATHIAS, DODD, EAGLETON, and KERRY should be noted by Senators. This Legislative Notice states:

The Senators—

And I just listed them—

object to the eight provisos included by the committee as a condition for the adoption of the Genocide Convention. They particularly object to the inclusion of the article IX reservation which, requires the specific consent of the United States in each case before any dispute to which the United States is a party may be submitted to the jurisdiction of the International Court of Justice.

I continue to quote:

In their view—

Referring again to the named Senators—

if the U.S. reserves authority under article IX, our ratification of the convention becomes a purely symbolic gesture lacking the substance that would enable us to use the convention as a valuable weapon for the advancement of human rights throughout the world.

They—

Still referring to the Senators I named earlier—

suggest that if the United States ratifies the convention with an article IX reservation, we can anticipate condemnation of our action by some of our closest allies who may even refuse to recognize U.S. ratification.

To which I say, Mr. President, with due respect to my colleagues whom I identified, and I do respect them, that if our allies chose to condemn us for protecting the sovereignty of the United States of America and the people thereof, then good, I want to see what the substance of their condemnation is.

If they refuse to recognize U.S. ratification of the Genocide Convention on whatever grounds they may specify, again I say good, because I have done my duty as best I could. I have done everything I know to protect the sovereignty of this Nation and the rights of the people thereof.

Mr. President, I will yield the floor in just a moment. Before I yield the floor, just so it will be available for legislative history, and so it will be available for the enlightenment and edification of those future scholars and jurists interested in this issue, I ask unanimous consent that the testimony by the late Honorable Sam J. Ervin, Jr., in 1970, be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

GENOCIDE CONVENTION

FRIDAY, MAY 22, 1970

UNITED STATES SENATE, SUBCOMMITTEE ON GENOCIDE CONVENTION OF THE COMMITTEE ON FOREIGN RELATIONS,

Washington, DC.

The subcommittee met, pursuant to recess, at 2 p.m., in room S-116, the Capitol Building, Senator Frank Church (chairman of the subcommittee presiding.)

Present: Senators Church, Cooper, and Javits.

Senator COOPER. I will call the subcommittee to order now. I understand that the chairman, Senator Church, will be here in a short time. The witness today is Senator Ervin. The Senator would like for us to proceed.

STATEMENT OF HON. SAM J. ERVIN, JR., A U.S. SENATOR FROM THE STATE OF NORTH CAROLINA

Senator ERVIN. I am deeply grateful to have such a large turnout, because often committees only have one.

Senator JAVITS. Mr. Chairman, the chairman of the subcommittee is necessarily stationed on the Senate floor in connection with the Church-Cooper amendment and he asked us to proceed.

Senator ERVIN. Gentlemen, I welcome this opportunity to appear before the subcommittee and to urge the subcommittee to recommend to the full committee that the so-called genocide Convention not be reported to the Senate for consideration.

Senator JAVITS. I didn't get that. Not be reported?

Senator ERVIN. Yes, It would be extremely unwise for the Senate of the United States to ratify the Genocide Convention. This is particularly true at a time when it is manifest that a substantial part of the American people wish to contract rather than expand their international obligations.

HISTORY OF THE GENOCIDE CONVENTION

During the 1940's activists connected with the United Nations engaged in a strenuous effort to establish by treaties laws to supersede domestic laws of nations throughout the earth. The Genocide Convention represent one of these efforts. It originated in a resolution of the United Nations condemning genocide as a crime whether "committed on religious, racial, political, or any other grounds." When reduced to its final form it excluded genocide committed on "political" grounds because some of the parties to it did not wish to surrender even nominally their right to exterminate political groups hostile to their rulers. Under its provisions, individuals as well as persons exercising governmental power would be subject to trial and punishment for offenses which have always been regarded as matters falling within the domestic jurisdiction of the various nations.

The Genocide Convention was adopted by the General Assembly of the United Nations on December 10, 1948, and was submitted by President Harry S. Truman to the Senate for its consideration on June 16, 1949. The Senate Foreign Relations Com-

mittee appointed a subcommittee composed of very able Senators, who conducted hearings in January and February 1950, and reported to the full committee that the United States should not ratify the convention in any event unless the Senate adopted four substantial understandings and one substantial declaration. Since this report was made, the Senate Foreign Relations Committee and the Senate itself by inaction have refused to ratify this convention.

In contrast to the attitude represented by this inaction during the preceding 20 years, the Senate Foreign Relations Committee has apparently revived the question of ratification during the past few months, notwithstanding the fact that there has been no change of circumstances which would make what was unwise in 1950 wise in 1970.

The only arguments now advanced for ratification of this convention is that it would improve the image of the United States in the eyes of Russia and other totalitarian parties to the convention, which strange to say have repudiated by understanding and reservations many of the provisions of the convention.

For example, these nations refused to be bound by article IX which subjects their actions under it to the jurisdiction of the International Court of Justice. Some of the proponents of ratification by the Senate advance the rather strange argument that the United States can safely ratify the convention because there is no effective way to enforce its provisions against the United States if the United States refuses to abide by them. I cannot buy this argument because I think that any nation which makes a contract in the form of a treaty should accept its obligations even in the event such obligations prove to be contrary to its own interest. Otherwise, why make treaties.

Before discussing the obligations which the United States would assume as the result of Senate ratification of the Genocide Convention, I wish to call attention to its salient provisions.

PROVISIONS OF THE GENOCIDE CONVENTION

By the Genocide Convention or treaty the contracting parties affirm in article I "that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish."

Articles II and III of the Convention read:

"ARTICLE II

"In the present convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

"(a) Killing members of the group;

"(b) Causing serious bodily or mental harm to members of the group;

"(c) Deliberately inflicting on the groups conditions of life.

* * * * *

"(d) Imposing measures intended to prevent births within the group;

"(e) Forcibly transferring children of the group to another group.

ARTICLE III

"The following acts shall be punishable:

"(a) Genocide;

"(b) Conspiracy to commit genocide;

"(c) Direct and public incitement to commit genocide;

"(d) Attempt to commit genocide;

"(e) Complicity in genocide.

Article V obligates the contracting parties to enact the necessary legislation to give effect to the provisions of the convention and to provide effective penalties "for persons guilty of genocide or of any of the other acts enumerated in Article III."

Article VI provides that "persons charged with genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the nation in the territory in which the act was committed or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction."

Article VII provides that the parties to the treaty pledge themselves in genocide cases to grant extradition in accordance with their law and treaties. Article VIII provides that "any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III."

Article IX provides that "disputes between the Contracting Parties relating to the interpretation, application, or fulfillment of the present convention * * * shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

This brings me to the considerations which ought to deter the Senate from ratifying the Genocide Convention. Time and space compel me to limit my statement to only the most substantial of them.

CONVENTION DISTORTS CONCEPT OF GENOCIDE

1. If the Senate should ratify the Genocide Convention, the United States would be obligated by it to prosecute and punish public officials and private citizens of our country for acts alien to the concept embodied in the term "genocide."

The definition of genocide appears in article II which states that the term "genocide" embraces five specified act "committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such." The Convention definition of "genocide" is inconsistent with the real meaning of the term, which is "the systematic, planned annihilation of a racial, political, or cultural group." The word "annihilation" clearly contemplates the complete destruction or the complete wiping out of the designated group.

Yet, the convention definition covers the destruction either in whole or in part of members of a group embraced by it. This means that a public official or a private individual is to be subject to prosecution and punishment for genocide if he intentionally destroys a single member.

When it considered this convention in 1950, the subcommittee of the Senate Foreign Relations Committee took note of the fact that the convention distorts and perverts the entire concept embraced in the word "genocide," and for that reason stated that the Senate ought not to consider ratification of the convention unless it announced this understanding of its meaning:

"* * * that the United States Government understands and construes the crime of genocide, which it undertakes to punish in accordance with this convention, to mean the commission of any of the acts enumerated in article II of the convention, with the intent to destroy any entire national, ethnical, racial, or religious group within the territory of the United States, in such manner as to effect a substantial portion of the group concerned."

This distortion and perversion of the plain concept embraced in the word "genocide" represents an effort on the part of the drafters of the convention to make punishable either in the courts of an adherent to the treaty or in an international tribunal to be established under the terms of the treaty, all of the acts enumerated in article II and III of the convention.

Since an intent to destroy a single person belonging to one of the four designated groups would subject an official of individual to punishment, the treaty would make virtually every person in any nation adhering to it a potential victim of "genocide" as the meaning of that term is distorted and perverted by the convention. This is true simply because virtually every person on earth belongs to one or more of the four groups designated.

This observation is made exceedingly plain by the fact that an ethnical group is a "social group within a cultural and social system that claims or is accorded special status on the basis of complex, often variable traits including religious, linguistic, ancestral, or physical characteristcs."

DRASTIC IMPACT OF CONVENTION OF OUR SYSTEM OF GOVERNMENT

2. Article II, section 2 of the Constitution provides that "the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." Article VI of the Constitution provides that "the Constitution and the laws of the United States, which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to be contrary notwithstanding."

If the Senate should ratify the Genocide Convention, these constitutional provisions would automatically make the convention the law of the land, put all of its self-executing provisions into immediate effect as such, and impose upon the United States the obligation to take whatever steps are necessary to make its non-self-executing provisions effective. This means that the provisions of the Genocide Convention would immediately supersede all State laws and practices inconsistent with them, and would nullify all provisions of all acts of Congress and prior treaties of the United States inconsistent with them.

While Congress could repeal provisions of the Genocide Convention by future legislation, the States would be bound by them as long as the convention remained in effect. Moreover, the Genocide Convention would immediately require and authorize the Congress to enact legislation implementing its provisions, even though such legislation were beyond the power of Congress in the absence of the convention, and even though such legislation would deprive the States of the power to prosecute and punish in their courts acts condemned by article II and III of the convention.

POWER OF CONGRESS TO DEFINE FEDERAL CRIMES

Senator CHURCH. I would like to aks a question at this point.

Is it your position that, in the absence of a Genocide Convention, Gongress would be without the power under the Convention to outlaw genocide as a Federal crime it it chose to?

Senator ERVIN. ABSOLUTELY.

Senator CHURCH. Do you think that it would require the convention to give Congress the power to define "genocide" as a Federal crime?

Senator ERVIN. Yes, undoubtedly; because Congress has no power generally to punish homicide as a Federal crime.

Senator CHURCH. Thank you.

Senator JAVITS. Could I ask one other question? Does the Senator contend, therefore, the convention could convey upon the Congress a power which it does not have under the Constitution of the United States?

Senator ERVIN. Yes; that is well established. It has been established in a multitude of decisions of the Supreme Court that a treaty, since it is the supremee law of the land, operates to override the power reserved to the States by the fifth amendment.

Senator JAVITS. To draw that to its logical conclusion, the Senator concedes that vote of two-thirds of the Senate concurred in by a President proposing the treaty can change the Constitution of the United States by giving a body organized under the Constitution other or additional power.

Senator ERVIN. No, I don't claim that it changes the Constitution of the United States because the Constitution of the United States says the treaty shall be the supreme law of the land; and by reason of that provision of the Constitution it takes precedence over any State law to the contrary and any prior act of the Congress to the contrary. That has been established by a multitude of cases.

Senator JAVITS. I know that. But we are talking now about constitutional authority. The Senator claims that even if such legislation were to go beyond the power of the Congress, as fixed by the Constitution, the Senator would have us believe that the treaty ratified by two-thirds of the Senate could extend Congress' power beyond the power it has under the Constitution.

Senator ERVIN. Yes: that is held in a multitude of cases. For example, under the Constitution of the United States the Congress has no power to legislate with respect to land titles within borders of the State. That is power reserved to the States by the 10th amendment.

It has been held in, I would surmise, 15 or 20 cases that a treaty of the United States, where the United States enters in a treaty which gives people who are denied the right to own land by State law, that this treaty provision outlaws the State law. It was also held in the *Holland* v. *Missouri* case, that the Congress has no power under the Constitution to regulate hunting within the borders of the State. That was so held by the Supreme Court of the United States. Then Congress made a treaty with Canada under which the United States and Canada agree to protect migratory birds. Then Congress passed a law and held that the law of Congress outlawing the killing of these birds was binding, that since a treaty is the supreme law of the land that the treaty supersedes powers of the States. So there is no question about that.

CAN TREATIES ENLARGE THE POWERS OF THE FEDERAL GOVERNMENT?

Senator JAVITS. I don't find myself in agreement with the Senator on the concept that the Congress does not, under the Constitution, have authority to pass a law respecting genocide. It would have that authority by virtue of this treaty, and I know about the migratory bird case. It has been often argued as the Senator argues, but it has often been argued precisely the other way. It came up in respect of the Bricker amendment. The same argument was made and the Senate turned it down. I agree that a legal question like that, of a highly controversial kind brought up in this regard, brings us into a very complex legal argument; but I think we have to face it. I cannot accept the Senator's conclusion, and let it stand unchallenged, that the constitutional authority of the Congress is enlarged by a treaty.

As to a clear intent to supersede any inconsistent laws, that is another matter, because there is provision for it in the Constitution. But as to enlarging the powers of the Congress, I can't accept that.

Senator ERVIN. Well, I would say to the Senator from New York history shows that is the very reason a provision was made in the Constitution that treaties should be the supreme law of the land. That provision was placed in there as history shows because we had the treaty which ended the war of the revolution between the United States and England, and it secured certain prompted rights of people who had been loyal to the British Crown. The States ignored those things. For example, they had statutes confiscating property of people who were disloyal to the colonists and the State courts upheld the validity of these laws and then they wrote the Constitution to get around the same thing.

They also had a provision barring suits by laws of the States, and the State courts upheld the validity of these statutes of limitations which barred suits by British subjects and the State court denied their claims. And so that was one of the reasons they put this very provision in there.

So in some of the early cases, like a case that arose in the State of Virginia where the British property which had formerly belonged to the British subjects had been confiscated and sold to people who were loyal to Virginia, and claims that the British subjects had held against Virginians were held barred by State law by statute of limitations, and the Supreme Court of the United States held that the treaty with England had the effect of nullifying these laws with the State of Virginia, that British subjects could recover the land that they had lost under these laws and they could bring suit on these claims notwithstanding the fact they were barred by the statute of limitations in the State of Virginia.

And if the distinguished Senator from New York will look at the annotations under the Constitution of the United States, annotations being made by Prof. Edwin S. Corwin, he will find a multitude of cases of this character.

Senator JAVITS. I don't think we should get in a legal argument here but I think the Congress does have the power to deal with offenses against the law of nations, article I, section 8, clause 10 of the Constitution; and, therefore, it could make genocide a crime. Therefore, this treaty does not and would not extend its constitutional power nor could it do so.

Senator COOPER. You are saying, first, that if we do not ratify this convention and the Congress attempted to enact legislation defining "genocide" in the terms that appear in the convention, that, in your view, the Congress would be acting beyond its authority.

Senator ERVIN. Yes.

Senator COOPER. The crime would be a State offense with State jurisdiction.

Senator ERVIN. Yes.

Senator COOPER. But then you are saying that if we ratify the convention, then the convention becomes the law of the land.

Senator ERVIN. Yes, sir.

Senator COOPER. And it would convey upon Congress Federal jurisdiction.

Senator ERVIN. That is right.

Surely, the Senate should pause and ponder what the impact of the ratification of the Genocide Convention would have on our system of government.

IMPACT ON CRIMINAL JURISDICTION

3. One of the most drastic impacts of the ratification of the Genocide Convention would have upon our system of government is in the criminal field. To make this transfer of jurisdiction workable, Congress would be required to enact new laws laying down rules of procedure to govern the trial of these newly created Federal and international crimes. Pending the passage of such laws, our country would experience utter confusion in the administration of criminal justice in respect to homicides, assaults and batteries, and kidnapings.

Proponents of ratification may argue that many homicides, assaults and batteries, and kidnapings would not fall within the definition of "genocide." This contention accentuates rather than minimizes the folly of ratifying the Genocide Convention.

As has been pointed out, virtually every person in America falls within one or more of the four groups designated in the Genocide Convention, and any offense denounced by the Genocide Convention against any one of them would ostensibly fall within the scope of the convention. The jurisdiction of the Federal courts under the Genocide Convention would not depend upon what the jury found in particular cases. It would depend upon the allegations made in the indictments or informations charging the offenses.

Consequently, we can reasonably expect that demands will be made that every homicide, every assault and battery inflicting serious injury, and every kidnaping shall be tried in a Federal court, or in an International Court to be established pursuant to the convention. What this will do to increase the congestion in the already overburdened Federal courts of our land beggars description.

In the absense of ratification of the convention, demands have already been made that the United Nations investigate the slaying of Black Panthers by police officers on the ground that their slaying constituted genocide under article II(a) and that the United Nations investigate the action of the legislature of one State in respect to welfare benefits on the ground that the legislative action constituted genocide under article II(c).

I respectfully suggest that the Senate should pause and ponder whether it is desirable to ratify a convention which would necessitate a fundamental alteration in the way in which criminal justice has been administered in the United States ever since our country came into existence as a free republic.

When the subcommittee of the Senate Foreign Relations Committee considered the Genocide Convention in 1950, it clearly recognized that ratification of the convention would play havoc with our system of administering criminal justice in respect to domestic crimes made Federal and international crimes by articles II and III, and for this reason decided that the Senate should

not ratify the convention in any event without making this declaration:

"In giving its advice and consent to the ratification of the Convention on the prevention and punishment of the crime of genocide, the Senate of the United States of America does so considering this to be an exercise of the authority of the Federal Government to define and punish offenses against the law of nations, expressly conferred by article I, section 8, clause 10 of the United States Constitution, and consequently the traditional jurisdiction of the several States of the Union with regard to crime is in no way abridged."

Confusion in the administration of criminal justice in respect to domestic crimes made Federal or international crimes by the Genocide Convention would not disappear with the enactment of legislation by Congress implementing the convention. The validity of this observation may be illustrated by taking a single crime, that of unlawful homicide. Under the Constitution of the United States, Congress does not have the power to make unlawful homicides generally Federal or international crimes. If ratified by the Senate, the Genocide Convention would give Congress this power in respect to homicides constituting genocide under the definition contained in the convention. Jurisdiction to prosecute and punish other unlawful homicides would remain in the State.

CONCURRENT OR EXCLUSIVE JURISDICTION

Senator CHURCH. May I ask at this point another question? If this were to happen and Congress were to pass implementing legislation defining the crime of genocide, would that preempt State jurisdiction? We have many cases where there is Federal jurisdiction and co-existent State jurisdiction in the State courts. In your judgment, would this be a situation where both would exercise concurrent jurisdiction, or would it be a situation in which the Federal jurisdiction would be exclusive?

Senator ERVIN. I think the Federal jurisdiction would clearly be exclusive because the convention places upon Congress the duty to pass laws which will implement the treaty and provide for the punishment or suitable punishment for genocide.

Senator CHURCH. Could Congress confer the jurisdiction jointly to State courts as well as Federal courts?

Senator ERVIN. I do not believe it could, because Congress assumes the word state used in the genocide treaty refers to the United States, refers to nations, not States. The U.S. Congress, rather the United States under this genocide treaty would assume the duty as a nation to punish these offenses which are defined as genocide in this convention, and clearly it would be the duty of the United States to take over from the States under this the prosecution of these cases.

Senator COOPER. The convention would become the supreme law of the land.

Senator ERVIN. Yes, sir.

The only distinction between unlawful homicides remaining in the jurisdiction of the States and unlawful homicides transferred by the Genocide Convention and acts of Congress implementing it to the Federal Government would depend upon whether the homicide is committed with genocidal intent. As a consequence, every unlawful homicide would apparently be within the jurisdiction of both the Federal and the State Government insofar as the external circumstances of the slaying are concerned.

Hence, either State or Federal courts could assert jurisdiction in respect to virtually all homicides, and an acquittal of the charge in one court would not bar a second prosecution based on the same facts in the other court. This being true, a person could be twice placed in jeopardy for the same offense.

The power of a Federal court to try a person for a homicide on the ground that it constitutes genocide depends upon the allegations of the indictment and not upon the ultimate finding of the jury. On a trial in the Federal court, the jury would be compelled to acquit the accused of genocide unless it found that he acted with the requisite genocidal intent, no matter how atrocious the circumstances attending the homicide otherwise might be. In such a case, the accused would go unwhipped of justice unless he was placed upon trial in a State court.

The Senate should be slow to ratify any convention which would make such confusion in the administration of criminal justice in cases of this kind.

MEANING OF CONVENTION SHROUDED IN UNCERTAINTY

4. If the Senate should ratify the Genocide Convention, it would place obligations upon the United States to prosecute and punish as genocide acts whose nature the convention fails to dispose and to take steps whose nature the convention fails to reveal.

If the convention is ratified, article II(b) would impose upon the United States the duty to prevent and to prosecute and punish public officials and individuals who cause "mental harm to members" of any one of the four groups named in the convention. What mental harm means in this context is totally incomprehensible, and what psychological acts or omissions are made punishable in this context are left in obscurity. When the subcommittee of the Senate Foreign Relations Committee considered the Genocide Convention in 1950, it reached the conclusion that the Senate ought not to ratify the Genocide Convention in any event unless it expressed this understanding "that the U.S. Government understands and construes the words 'mental harm' appearing in article II of this convention to mean permanent physical injury to mental faculties."

Senator CHURCH. May I ask if you approved of the wording of that understanding?

Senator ERVIN. Yes, I think the United States would be very foolish to ratify it without putting in this understanding. In fact, I think the United States would be very foolish to ratify it even with this understanding.

If the convention is ratified, article II(c) would impose upon the United States the duty to prevent and to prosecute and punish anyone who deliberately inflicts "on the group conditions of life calculated to bring about its physical destruction in whole or in part." What this means, no mind can fathom. Does it mean that a State or county official who refuses to give to a member of one of the four groups designated in the convention the amount of welfare benefits deemed desirable is to be punished or prosecuted for genocide? Does it mean that the Court of International Justice shall have power under article IX to adjudge that Congress or a State legislature which does not make available to members of one of the four groups what the court deems to be adequate welfare benefits has violated the convention?

If the convention is ratified, article III(c) makes any official or individual in our land punishable for "direct and public incitement to commit genocide." What does this mean? Does it mean that the convention undertakes to make a Senator or a Congressman punishable for genocide if he makes a speech outside of the chamber of his respective House in which he justifies the action of Arabs in killing Jews, or the action of Jews in killing Arabs? Does it undertake to deprive public officials and citizens of America of the right to freedom of speech with respect to matters falling within the terms of the genocide convention?

TREATIES CANNOT TAKE AWAY RIGHTS GUARANTEED BY CONSTITUTION

Senator CHURCH. Could any provision in this convention, any convention, or treaty operate to deny a citizen of the United States rights guaranteed to him under the Constitution?

Senator ERVIN. I would give a negative answer to that question were it not for a case that originated in the city of Chicago. The case was *Terminiello* v. *Chicago*, 337 U.S. 1 and it dealt with an ordinance of the city which made it unlawful for any person to make speeches or issue any literature which made reflections upon any race of men. The defendants were convicted in the courts of Illinois under the ordinance and the case was heard by the U.S. Supreme Court. By a vote of 5 to 4 the Supreme Court declared the ordinance invalid; however, both the majority and the minority indicated that when such speeches present a clear and present danger to incite others, they are not protected by the first amendment. The four dissenting Justices pointed out many cases in this area.

Senator CHURCH. That seems a very strange decision.

Senator ERVIN. It is when you consider the language that might create a precedent declaring the present danger of riots.

Senator CHURCH. That really is not in response to my question. In the decision, you raise a question as to the decision of the court passing upon the first amendment. No treaty was involved in the Chicago case. It was a city ordinance. The question was whether or not the ordinance conflicted with the free speech guaranteed by the first amendment.

Senator ERVIN. That is right.

Senator CHURCH. My question was, no treaty, whether it is this treaty or any other treaty, or no statute of any kind, that undertakes to deny a citizen of the United States rights guaranteed under the Constitution, can do that unless the Supreme Court of the United States decides that the statute is constitutional? In other words, the Constitution stands above both treaties and statutes.

Senator ERVIN. Well, I would say if the Constitution is interpreted correctly that would be my interpretation. But the Supreme Court has indicated particular situations dealing with racial speeches which could be prohibited by an ordinance that denied people the right of freedom of speech. Of course, this is in a field that involves racial questions just like the genocide treaty involves racial questions. If the Court can envision such an ordinance dealing with racial questions, that is can uphold, then the Court can certainly uphold similar legistion enacted by Congress under treaty, or the treaty itself, which is the supreme law of the land.

Senator CHURCH. You are criticizing a decision the Court made rather than the principle that is involved, and the principle is that both treaties and statutes are subject to the Constitution.

Senator ERVIN. Yes. There is only one case that, I know that lays down that thing, and I think is sound and that is in the *Reid* case. But there are some other strange decisions that hold under treaties we can provide for the trial of an American service man in a Japanese court where he is denied the right to be indicted by a grand jury, a trial by jury, and that is the *Girard* case which was handed down a few years ago. In other words, I think the Constitution itself says you can't take away a basic right, but the Supreme Court has held to the contrary.

"COMPLICITY IN GENOCIDE"

If the convention is ratified, public officials and private citizens in our land will be subject to punishment in Federal courts or possibly in international penal tribunals to be established under article VI if they are guilty of the undefined offense designate as "complicity in genocide." What is complicity in genocide? The convention does not say.

When the subcommittee of the Senate Foreign Relations Committee considered the convention in 1950, it recognized the vagueness and uncertainty of this proposed Federal and international crime, and recommended that the Senate should not ratify this convention in any event without stating the following reservation "that the U.S. Government understands and construes the words 'complicity in genocide' appearing in article II of this convention to mean participation before and after the fact and aiding and abetting in the commission of the crime of genocide."

If the convention is ratified, article II would impose upon the United States the obligation to prevent and to punish as a crime under international law any act of genocide "whether committed in time of peace or in time of war," and article VIII would permit any party to the convention to call on the United Nations to take such action against the United States under the charter of the United Nations it considers "appropriate for the prevention and suppression of acts of genocide, or any of the other acts enumerated in article III" occurring or likely to occur anywhere in the United States.

What actual obligation does article I impose upon the United States with respect to events occurring either in peace or in war in lands beyond the seas? Does it require the United States to go to war to prevent one nation from killing the nationals of another nation? The convention does not say, but article IX places the power to determine this question in the International Court of Justice.

Does article VIII imply that the United States agrees that the United Nations is to investigate or take action concerning the acts of public officials and individuals occurring within the borders of the United States? The convention does not say, but article IX leaves this determination to the International Court of Justice.

Able lawyers have expressed the fear that article VI imposes upon the Congress an implied commitment to support the creation of an international court for trials of American citizens for genocide. I find myself in complete harmony with their opposition to subjecting our citizens and other persons within our territorial jurisdiction to trial, conviction, and sentence for acts of genocide committed in the United States by an international penal tribunal where they would not be surrounded by the constitutional safeguards and legal rights accorded persons charged with domestic crime.

CONVENTION MAKES SOLDIERS PUNISHABLE FOR SERVING THEIR COUNTRY IN COMBAT

5. If the Senate should ratify the Genocide Convention, it would make American soldiers fighting under the flag of their country in foreign lands triable and punishable in foreign courts—even in courts of our warring enemy—for killing and seriously wounding members of the military forces of our warring enemy.

This is made indisputable by article I which provides that genocide is punishable under the convention whether it is committed in time of peace or in time of war, and by the fact that it contains no provision exempting soldiers engaged in combat from the coverage of the provisions of the convention. When soldiers kill or seriously wound members of a detachment of the military forces of a hostile nation, they certainly do so with intent to destroy, in whole or in part, a national group as such. Hence, their acts in combat fall clearly within the purview of the convention. In such cases, they are triable and punishable under article VI in the courts of the nation in whose territory their acts are committed, or in such an international penal tribunal "as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction."

These things being true, American soldiers killing or seriously wounding North Vietnamese soldiers or members of the Vietcong, or South Vietnamese civilians in South Vietnam, are triable and punishable in courts sitting in South Vietnam, and American aviators who kill North Vietnamese soldiers or civilians in bombing raids upon targets in North Vietnam, and who fall into the hands of the North Vietnamese, are triable and punishable in the courts of North Vietnam. No sophistry can erase this obvious interpretation of the Genocide Convention.

CONVENTION SUBORDINATES THE AMERICAN GOVERNMENT TO THE WORLD COURT

6. If the Senate should ratify the Genocide Convention, article I would impose upon the President, as the Chief Executive of the United States, the duty to enforce both the provisions of the convention and any acts of Congress in implementing them as the supreme law of the land.

Article V would obligate the Congress to enact legislation to give effect to all the provisions of the convention, and to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in article III, and article VI would obligate the Supreme Court of the United States and all inferior Federal courts created by Congress to interpret and apply all of the provisions of the convention and of the acts of Congress implementing it to cases coming before them under the terms of the convention and the acts of Congress implementing such terms.

7. If the Senate should ratify the Genocide Convention, it would bring into play article IX which provides that disputes between the parties to the convention relating to the "interpretation, application, or fulfillment" of the convention "shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

Under this article the International Court of Justice would be empowered to decree that the President of the United States, as chief executive officer of the United States, had interpreted and applied the provisions of the convention incorrectly and by so doing impose upon the President of the United States its notions as to how the convention should be interpreted and enforced; the power to adjudge that legislation enacted by Congress to give effect to the provisions of the convention was insufficient to fulfill the obligations imposed upon it by the convention; and the power to adjudge that the Supreme Court of the United States and Federal courts inferior to it had interpreted and applied the provisions of the convention incorrectly and by so doing require these tribunals to apply its notions as to how such provisions should be interpreted and applied to future cases coming before them.

When their attention is called to the drastic powers which the ratification of the Genocide Convention would bestow upon the International Court of Justice in respect to the President, the Congress, and the Supreme Court and other inferior Federal courts, the proponents of ratification assert that these agencies of the Government of the United States do not have to obey the rulings of the International Court of Justice if they deem that such rulings infringe upon the fundamental sovereignty of the United States. In so doing they ignore the solemn obligation assumed by the United States under article 94 of the charter of the United Nations which reads as follows: "Each member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party."

The Charter of the United Nations clearly contemplates that the United Nations will not interfere in the domestic affairs of any nation. The Genocide Convention goes a bow shot beyond the charter of the United Nations.

It undertakes to regulate certain domestic affairs of the parties to it by converting what have always been domestic crimes into international crimes, and confers upon the International Court of Justice the vast powers set forth in article IX.

Consequently, if the Senate should ratify it, the Genocide Convention would render the Connally Reservation, which was designed to prevent the International Court of Justice from exercising jurisdiction over any domestic affair of the United States, inapplicable to any of the matters covered by the convention, and would nullify the Vandenberg Reservation to the jurisdiction of the International Court of Justice which stipulates that American acceptance of compulsory jurisdiction of the Court shall not apply to "disputes arising under a multilateral treaty, unless all parties to the treaty affected by the decision are also parties to the case before the Court, or the United States specially agrees to jurisdiction."

CONCLUDING COMMENTS

What I have said does not militate against the good intentions of those who drafted the Genocide Convention, or those who favor its ratification. All of us are opposed to the systematic, planned annihilation of any national, ethnical, racial, or religious group. The existing laws of the United States and its several States are adequate to punish all of the physical acts of violence denounced by the Genocide Convention. Hence the Senate does not need to ratify the Genocide Convention in order to make

these acts punishable as crimes if committed within the borders of our land.

But the Senate should not permit itself to be persuaded by the good intentions of the proponents of ratification to ratify a convention which would have such a tragic impact upon the system of government which has always existed in our land, and which for the first time in our history undertakes to make undefined psychological harms inflicted in some undefined manner Federal and international crimes.

The American Bar Association has twice urged the Senate to reject the Genocide Convention—once in 1949 and again in 1970.

In closing, I urge every Member of the Senate to read the booklet entitled "the Convention on the Prevention and Punishment of the Crime of Genocide" prepared by 36 of the most distinguished and patriotic lawyers of America.

When this convention was originally submitted to the Senate for ratification or rejection, one of America's ablest jurists, Orie L. Phillips, Chief Judge of the U.S. Court of Appeals for the Tenth Circuit, wrote an article entitled "The Genocide Convention: Its Effect on our Legal System," which appeared in the American Bar Association Journal for August 1949. I attach a copy of this article to this statement and commend its reading to all of the Members of the Senate.

I would not in the interest of time read his article. I ask that it be printed in the record as a part of my statement.

(The statement follows:)

"[From the American Bar Association Journal, August 1949]

"THE GENOCIDE CONVENTION: ITS EFFECT ON OUR LEGAL SYSTEM

"(By Orie L. Phillips, Chief Judge, United States Court of Appeals for the Tenth Circuit)

"In this article, Judge Phillips makes a concise, precise, analysis of the terms of the proposed Convention on the Prevention and Punishment of Genocide, and then discusses the effect of the Convention should it be consented to by the Senate. He points out that under the Constitution, a treaty is the supreme law of the land, superior to any state constitution or statute, and any existing federal statute, and that once a treaty has been approved by the Senate no further action is necessary to make it part of the municipal law of every state, binding upon individuals. While recognizing our international responsibilities, Judge Phillips questions the wisdom of this Convention and offers a suggestion that will carry out our international obligations without subjecting individual Americans to trial and conviction by a court that may not operate under the safeguards to an accused accorded by our legal system.

"On June 16, 1949, the President transmitted to the Senate the Convention on Genocide with the request that the Senate give is advice and consent to its ratification.

"By this Treaty the contracting parties confirm that genocide is, 'A crime under international law which they undertake to prevent and punish.'

"Articles II and III of the Convention read:

"ARTICLE II

"In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

"(a) Killing members of the group;

"(b) Causing serious bodily or mental harm to members of the group;

"(c) Delierately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

"(d) Imposing measures intended to prevent births within the group; and

"(e) Forcibly tranferring children of the group to another group.

"ARTICLE III

"The following acts shall be punishable:

"(a) Genocide;

"(b) Conspiracy to commit genocide;

"(c) Direct and public incitement to commit genocide;

"(d) Attempt to commit genocide; and

"(e) Complicity in genocide.

"Article V obligates the contracting parties to enact the necessary legislation to give effect to the provisions of the Convention and to provide effective penalties 'for persons guilty of genocide or any of the other acts enumerated in Article III.'

"Article VI provides that 'persons charged with genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the state' in which the act was committed, or by 'such international penal tribunal as may have jurisdiction with respect to such contracting parties which shall have accepted its jurisdiction.'

"Article IX provides that disputes between the contracting parties relating to the 'interpretation, application or fulfillment of the present convention,' shall be submitted to the International Court of Justice at the request of any party to the dispute.

"Thus, it will be seen that it is proposed by the action of the President, consented to by two-thirds of the Senators present [1] when Senate action is taken, to define certain acts, which have traditionally been regarded as domestic crimes, as international crimes and to obligate the United States to provide for their punishment and for the trial of persons accused thereof either in our domestic courts or in an international tribunal.

"Treaty-making power is reviewed

"It would seem appropriate, therefore, to review the treaty-making power.

"Section 2 of Article II of the United States Constitution authorizes the President by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur.

"The power is not one granted by the states. Neither did the powers of external sovereignty depend on the affirmative grants of the Constitution. If they had not been mentioned in the Constitution, they would have vested in the Federal Government as necessary concomitants of nationality. They embarce all the powers of government necessary to maintain an effective control of internatonal relations.[2]

". . . the external powers of the United States are to be exercised without regard to state laws or policies.[3]

". . . the field which affects international relations is 'the one aspect of our government that from the first has been most generally conceed imperatively to demand broad national authority.' [4]

"The treaty-making power is not limited by any express provision in the Constitution. But it does not authorize what the Constitution forbids and its exercise must not be inconsistent with the nature of our Government and the relation between the states and the United States.[5]

"The treaty-making power is not subject to the limitations imposed by the Constitution on the power of Congress to enact legislation, and treaties may be made which affect rights under the control of the states.[6]

"Treaty is equivalent to statute

"A treaty, entered into in accordance with constitutional requirements, to the extent that it is self-executing, has the force and effect of a legislative enactment and to all intents and purposes is the equivalent of an Act of Congress. In addition to being an international contract, it becomes municipal law of the United States and of each of the states, and the judges of every state are bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.[7]

"In the event of a conflict between a treaty made in accordance with constitutional requirements and the provisions of a state constitution or a state statute, whether enacted prior or subsequently to the making of the treaty, the treaty will control.[8]

"But, a treaty may be abrogated by the enactment of a subsequent federal statute which is clearly inconsistent therewith.[9]

"Thus, it will be seen that it is proposed that we set out on a course, under a power without express limitation and of broad scope, to enact domestic criminal law, without any concurrence by the House of Representatives, the body traditionally regarded as closest to the people.

"Moreover, if the offenses involved should be regarded as international in character by Section 8 of Article I of the United States Constitution, Congress has the power 'to define and punish . . . offenses against the law of nations.'

"Convention would become supreme law of land

"Since the Convention in most respects is self-executing, in those respects, on ratification, it would become the supreme law of the land. That would not be true as to any other contracting party except France and a few other states. Even if non-self-executing, the obligation to implement the Treaty by legislation is as binding as the Treaty itself.

"It is one of our fundamental concepts that a legislative body, in the exercise of its power to declare what constitutes a crime, must define it so as to inform persons subject thereto, with reasonable precision, what it intends to prohibit so they may have a certain and understandable rule of conduct and know what it is their duty to avoid. 'A statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its ap-

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"[1] See Art. II. § 2. United States Constitution.

"[2] *United States* v. *Curtiss-Wright Corp.*, 299 U.S. 304, 315-318.

"[3] *United States* v. *Belmont*, 301 U.S. 324, 331.

"[4] *United States* v. *Pink*, 315 U.S. 203, 232.

"[5] *Asakura* v. *Seattle*, 265 U.S. 332, 341; *Holden* v. *Joy*, 84 U.S. 211, 243; *Geofroy* v. *Riggs*, 133 U.S. 258, 267.

"[6] *Missouri* v. *Holland*, 252 U.S. 416, 432.

"[7] See *Valentine* v. *Neidecker*, 299 U.S. 5, 10; *Whitney* v. *Robertson*, 124 U.S. 190, 194.

"[8] *Santovincenzo* v. *Egan*, 284 U.S. 30, 40; *Nielsen* v. *Johnson*, 279 U.S. 47, 52.

"[9] *Whitney* v. *Robertson*, 24 U.S. 190, 195; *Botiller* v. *Dominguez*, 130 U.S. 238, 247; 52 *Am. Jur. Treaties*, 818. § 21; Note, 134 *A.L.R.* 885.

plication, violates the first essential of due process of law.[10]

"Do the definitions in Articles II and III of the Convention meet that test?

"What is a part of a national, ethnical, racial or religious group—some member, two members, how many?

"If an act was done with intent to destroy two members of a group, alhough actuated by no malice toward the group as such, would that be genocide?

"Would, it not be more accurate and desirable if the perequisite intent was defined as an act committed with intent to injure one of the enumerated groups as such, so as to make it clear the act must be directed toward the group as such and not merely at an individual member or members thereof?

"What is meant by mental harm?

"Does not complicity mean the act of an accessory, or to aid, abet, assist, or incite genocide?

"A person accused of an offense defined by the Conventions, if tried by an international penal tribunal, would not be surrounded by the safeguards we accord persons charged with domestic crimes.

"Should we ratify convention with reservations?

"In the event we ratify the Convention, should we, by reservation, expressly provide that citizens of the United States and persons within the territorial jurisdiction of the United States, charged with an offense defined in the Convention, will be subject to trial and sentence only by a competent judicial tribunal of, and sitting within, the United States, vested with jurisdiction over such offense by federal legislation; that a citizen or other person so charged shall be presumed to be innocent until his guilt has been established by lawful evidence beyond a reasonable doubt; that a citizen or other person so charged shall be protected by all the safeguards embraced within the Constitution of the United States, including the rights guaranteed by the Fourth, Fifth, Sixth, and Eighth Amendments to the Constitution of the United States, to an accused charged with a domestic crime; and that such citizen or other person shall not be subject to be charged, tried, or sentenced by any international penal tribunal? Of course, no international penal tribunal has yet been created, and the advice and consent of the Senate would be necessary to subject our citizens to the jurisdiction of such a tribunal should it be created. But should we not endeavor to close the door to the giving of that advice and consent in the future?

"Although the United Nations Charter provides that nothing therein contained shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state, since our representatives have participated in the drafting and approving of the Genocide Convention, if it should thereafter be ratified by the United States, would the matters embraced in such Convention be thereby withdrawn from our domestic jurisdiction?

"Should we agree to submit to the International Court of Justice a dispute as to the interpretations, applications, or fulfillment of the Convention by us? Suppose a citizen of the United States was charged with one of the offenses defined in the Convention—the group involved being an alien racial group—and tried in a competent tribunal in the United States, and our domestic courts, including the Supreme Court of the United States, should hold the act did not constitute an offense under the Convention. Could the state, of which the alien group were subjects, seek a review as to the interpretation of the treaty in the International Court of Justice? If it could not seek a direct review, could it seek an interpretation by the International Court which would be binding on our domestic courts in the future?

"Should we obligate the United States to undertake to prevent and punish genocide in other states? Such seems to be the import of Article I of the Convention.

"I assume that no one will deny that the acts defined in the Convention as offenses are abhorrent and the purpose to prevent them wholly commendable. The question is as to the method and means to attain that end.

"If genocide and kindred offenses defined in the treaty are in fact international crimes, would not the wise course be to enact domestic legislation under Section 8, Clause 10, Article I of the Constitution of the United States, defining such offenses, and providing for the trial and punishment of persons committing such offenses, in our own domestic courts, where the accused will be guaranteed his constitutional rights and accorded due process under our concept of that phrase? We would thus set our own house in order, would offer the same protection to the accused as one charged with any domestic crime, and would reserve to our own courts the final determination of questions as to the interpretation of the penal statute. To agree, by international convention, to so define, try, and punish persons who commit the offenses which the treaty undertakes to define, would seem to me to wholly fulfill our international obligation, and would avoid many serious questions with respect to the incipient effects of ratification of the Convention on our constitutional and legal system and questions of policy which will arise on a consideration of concurrence by the Senate in the proposed Convention."

Senator CHURCH. Thank you for your statement. I want to apologize for having been a little late, but I was held up on the floor.

Senator ERVIN. Those things are understandable to us because each of us has 10 times more things to do than we can get around to.

"IN WHOLE, OR IN PART"

Senator COOPER. I think the Senator has always provided very helpful comments. I note that your definition of what the crime of genocide would be is, "the annihilation of a whole group."

Now, the convention itself, in article II, says "genocide means any of the following acts committed with intent to destroy in whole or in part."

How would you draw a distinction between destruction of a group "in whole or in part." How would we define it?

Senator ERVIN. That is why I think they have distorted the plain meaning of the concept of genocide. In other words, when you undertake to exterminate a group or destroy a group in whole or part, if you destroy one member of it you are destroying it in part. And that is one which makes it go far beyond what true genocide is. If you destroy one member of either one of these four designated groups, because he is a member of one of those four designated groups, you have destroyed the group in part.

Senator COOPER. The question would be determined upon the basis of the intent?

Senator ERVIN. Yes.

Senator COOPER. Or the ability to prove intent.

Senator ERVIN. Yes.

IMPLEMENTATION OF TREATY

Senator COOPER. Under this convention, if it should be ratified, Congress would have an obligation to enact legislation to make it effective, wouldn't it?

Senator ERVIN. Yes, the President assumes that obligation.

Senator COOPER. Now for article V. If the treaty should be ratified, it would be our duty to follow its provisions, not to evade them, is not that so?

Senator ERVIN. That is correct.

Senator COOPER. Article V provides that the contracting parties undertake to enact, in accordance with their respective constitutions, the necessary legislation to give effect to the provision of the present convention.

What would occur if the Congress did not enact legislation?

Senator ERVIN. Any party to the treaty could go before the International Court of Justice and obtain a decision from that court that the United States had not performed its obligation under the treaty.

Senator COOPER. Article VI provides that "persons charged with genocide or any other acts enumerated in Article II shall be tried by a competent tribunal of the state in the territory of which the act was committed or by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction."

There is no such international tribunal. If an American national commits a crime of genocide, as is interpreted in the country where the act is committed, and the American returns to the United States before he is tried, would the United States be under the duty, under the treaty, to return our national to the country where the act was committed?

Senator ERVIN. Yes, because it assumes a duty under the treaty to enact such legislation or to take such action as will be necessary to carry out the terms of the treaty.

Senator COOPER. We had testimony from the State Department. It said in effect, as I understood it, that the Department would not be bound by Article VI, but that extradition would be determined by the terms of an extradition treaty.

Senator ERVIN. Well, Article VI provides that the parties to the treaty pledge themselves in genocide cases to grant extradition in accordance with their laws and treaties. That obligation would rest on the United States, if it had a treaty, for extradition to the particular country which was asking for the custody of these people. But if it didn't have a treaty, Article V would come into play.

Article V obligates the contracting parties to enact the necessary legislation to give effect to the provisions of the convention and to provide—I can stop right there—"to give effect to the provisions of the convention."

One of the provisions of this convention is that a case is going to be tried, a case arising under the convention is going to be tried in the competent court of the territory of the country in whose territory the act was allegedly committed. The State Department to the contrary notwithstanding, I would say, if there is not an extradition treaty in existence that would require us to extradite, it would be the duty of the Congress to pass one for the particular instance because that would be necessary to give effect to the pro-

[10] *Connally* v. *General Const. Co.*, 269 U.S. 385, 391.

visions of the convention to the effect that a person committing an act of genocide was to be tried in the court of the nation in whose territory the act of genocide occurred.

In other words, the State Department baffles me why it wants to get a treaty like this ratified and then tries to devise dubious ways to show that you don't have to do what it obligates us to do is something I can't comprehend.

Senator COOPER. One of the problems that concerns me in ratifying the treaty relates to the obligations we undertake in carrying it out. But the arguments we heard concerned methods for evading it.

Senator ERVIN. The convention clearly provides in Article VIII that if you have an extradition treaty it will be carried out, and it provides in Article V if you don't have such a treaty we will enact laws to that effect.

OBLIGATION TO EXTRADITE

Senator CHURCH. As I recall, both the State Department witnesses and the Justice Department witnesses were in agreement that our obligation to extradite under the treaty is limited by the treaty's terms only to those countries with which we have established extradition treaties.

Senator ERVIN. That is true about the immediate extradition. But under Article V we have contracted to enact the necessary legislation to give effect to the provisions of the convention, and the convention provides that a man is to be tried in the court of the nation in whose territory the alleged act of genocide occurred. So if we don't have a treaty now we are obligated to pass a law to provide for delivering him over to that nation. And neither the State Department with assistance of the Department of Justice can erase that provision in the treaty or destroy its plain meaning.

Senator COOPER. It was suggested by the Department of Justice and the State Department that before an American national could be returned to the state for trial where the alleged offense was committed, that first, as Senator Church said, we must have an extradition treaty with that state, that it must provide that the accused receive the type of due process in the trial in that state as in the United States. Also there would be recourse to habeas corpus in this country for determination whether or not there was probable cause that the crime had been committed.

Senator ERVIN. There is not a syllable in the convention that guarantees any American who may be tried in a court of a foreign nation for genocide that he will have any of the safeguards that surround him here. Not a word.

Senator COOPER. Do you think the American national whose extradition was requested by another country could have available to him a writ of habeas corpus.

Senator ERVIN. I do not. I do not. Because it would be denied on the ground here the supreme law of the land provides for trial in courts of a foreign country.

Senator CHURCH. Is it not true, Senator, that we presently have extradition treaties with a number of countries? We have promised or assumed the obligations to extradite an American citizen, for instance, for the crime of murder if it were committed in London. We do have treaties by which the American citizen, in conformity with the treaty, would be turned over to the English authorities for trial.

Senator ERVIN. That is right.

Senator CHURCH. This, then, doesn't establish a new precedent in that regard?

Senator ERVIN. Oh, no, except it puts an obligation on us to provide either by treaty or law for the extradition of people to countries for trial in the courts of a country for genocide where we have no treaty and have no law that would require it or permit it at this time. You can't try a man in a court of a foreign nation without his being there and we say we will do everything necessary to carry out this treaty. So that makes it very clear to me we are obligated to make treaties or enact statutes that accomplish that purpose in cases where we now have no extradition treaties.

Senator COOPER. In what respect would the procedure be different if Congress should enact legislation defining genocide, and a case arose where another state requested extradition of a U.S. national for that crime, and our national went into court for a writ of habeas corpus. Would we still have that same remedy available to an individual to have a determination made by a court of this country whether or not there is a prima facie case before the writ would be honored in cases of extradition?

Senator ERVIN. I believe most extradition treaties provide the only question that can be litigated is the question of whether a man is a fugitive from justice. You might raise it on that question if there is not some prima facie case that doesn't exist that he is not a fugitive from justice. But this treaty does obligate and provides the man is going to be tried in the courts of the nation in whose territory the crime was committed, that we are going to do everything to effect the treaty, and naturally we would have the honor requests for extradition. And if we didn't have a treaty that covers extradition in that country we would have to make a treaty or pass a law.

INTERPRETATION OF TREATY OBLIGATION

Senator COOPER. The argument was made that this provision requiring trial in the state where the crime is committed was not expected to be observed in every case because in the debates in the U.N., as I recall, exceptions were provided for. Would the debate have any effect upon the convention?

Senator ERVIN. I wouldn't think so because here is the trouble. We can't interpret this treaty ourselves, give the firm interpretation to it. The Supreme Court of the United States can't do it. The President of the Congress can't do it. Because the power is given especially to the International Court of Justice, and whatever they say we have to follow.

Senator COOPER. The International Court of Justice cannot enforce it.

Senator ERVIN. No, but it can make decisions and we have promised in the United Nations to abide by any decision they hand down in any case we are a party to.

Senator CHURCH. In view of your own interpretation of the obligation we assume under the treaty goes far beyond the interpretation that the State Department and the Justice Department have given in their testimony, do you think it would be helpful, if this treaty is recommended for ratification, that there be an understanding that the obligation we assume, insofar as extradition is concerned, is limited to those countries with which the United States has established extradition treaties?

Senator ERVIN. No, I don't think so because I think that would nullify the clear intent of the convention. The best thing to do is to not assume the obligation that the convention puts on us in that respect.

Senator CHURCH. You don't think that an understanding then as to the extent of the obligation that is assumed would be helpful, since there is clearly a division of opinion between the Justice Department and State Department and their witnesses and your own opinion?

Senator ERVIN. But article IX says that neither my opinion nor the opinion of the State Department nor the opinion of the Justice Department is controlling, that the opinion of the International Court of Justice is what controls. And that is the danger of the treaty. In other words, we give an international tribunal to the power to tell the President of the United States and the Congress of the United States and the courts of the United States what they have to do.

In other words, under article IX it says, the International Court of Justice has supreme and final authority to make all decisions with respect to the interpretation and the application and the fulfillment of the treaty. The International Court of Justice could say an act of Congress we passed to implement the treaty doesn't fulfill our obligation.

Senator JAVITS. Senator Ervin, is it your contention that this is the first time the United States will have granted this type of jurisdiction to the International Court of Justice.

CONNALLY AND VANDENBERG RESERVATIONS TO WORLD COURT JURISDICTION

Senator ERVIN. I think it is in a treaty with terminology as vague as the Genocide Convention. In the first place, what would be made international crimes under this convention are now domestic crimes in the United States. As you know, the Senate adopted the Connally reservation which was designed to let the United States be the judge of what falls within the domestic jurisdiction of the United States. This would bypass and render the Connally reservation inapplicable because it takes and gives jurisdiction to the World Court over things which are within the domestic jurisdiction of the United States. So the Connally reservation would be rendered inapplicable and the Vandenberg reservation as I understand it, means we do not consent to the compulsory jurisdiction of the Court except in one or two instances, and the first is that all of the nations that are parties to a multilateral treaty must be parties to the case. This expressly says any party out of the 50 or 60 or 70 parties to the convention can take us before the International Court of Justice. The Vandenberg resolution says that requirement about all of the parties to the treaty being parties to the case can be waived by the United States by specially agreeing, but this would nullify the Vandenberg reservation, it would render the Connally reservation inapplicable.

Senator JAVITS. Wouldn't you agree that we have already accepted jurisdiction of a court—even if we dissented in the treaty—on Antarctica and the treaty regarding slavery, and that the Congress has an absolute right, just as it has a right to make the Vandenberg reservation, to agree to whatever jurisdiction it wishes in a new treaty? If this is desirable in the interests of restraining others as well as ourselves, there is no inherent authority which dictates that we can't do it, is there?

Senator ERVIN. I don't know the treaty you are talking about, either one of the

treaties. I am not familiar with the terms. I was under the impression that the treaty about forced labor and slavery had not been ratified by the United States.

Senator JAVITS. I believe it has and, Mr. Chairman, I ask unanimous consent that I may introduce at this point in the record provisions of other treaties accepting the jurisdiction of the International Court of Justice.

Senator ERVIN. I would venture to suggest that those treaties say what they are about. They tell us what acts are covered by them. Certainly slavery is a very well understood term.

Senator CHURCH. Without objection, the list of treaties containing the provisions which the Senator has referred will be incorporated.

[The information follows:]

"TREATIES AND OTHER INTERNATIONAL AGREEMENTS OF THE UNITED STATES CONTAINING PROVISIONS FOR SUBMISSION OF DISPUTES TO THE INTERNATIONAL COURT OF JUSTICE, AS OF MAY 22, 1970

"I. MULTILATERAL

"Protocol on military obligations in certain cases of double nationality, concluded at The Hague, April 12, 1930: 50 Stat. 1317; TS 913.[1]

"Convention for limiting the manufacture and regulation of narcotic drugs, concluded at Geneva, July 13, 1931: 48 Stat. 1543; TS 863.[1]

"Convention on international civil aviation (ICAO), opened for signature at Chicago December 7, 1944: 61 Stat. 1180; TIAS 1591.[1 2]

"Constitution of the Food and Agriculture Organization of the United Nations (FAO), signed at Quebec October 16, 1945 as amended (1950): 60 Stat. 1886; TIAS 1554, 12 UST 980; TIAS 4803.

"Constitution of the United Nations Educational, Scientific, and Cultural Organization (UNESCO), concluded at London November 16, 1945: 61 Stat. 2495; TIAS 1580.

"Convention on the Privileges and Immunities of the United Nations, dated February 13, 1946: 1 UNTS 16.

"Constitution of the World Health Organization (WHO), opened for signature at New York July 22, 1946: 62 Stat. (3) 2679; TIAS 1808.

"Instrument for the amendment of the constitution of the International Labor Organization (ILO), dated at Montreal October 9, 1946: 62 Stat. 3485; TIAS 1868.

"Convention on Road Traffic, dated at Geneva September 19, 1949: 3 UST 3008; TIAS 2487.

"International Sanitary Regulations (WHO Regulations No. 2), adopted by the Fourth World Assembly at Geneva May 25, 1951: 7 UST 2255; TIAS 3625.

"Treaty of Peace with Japan, signed at San Francisco September 8, 1951: 3 UST 3169; TIAS 2490.

"Universal copyright convention, dated at Geneva September 6, 1952: 6 UST 2731; TIAS 3324.

"Constitution of the Intergovernmental Committee for European Migration (ICEM): 6 UST 603; TIAS 3197.

"Protocol amending the slavery convention of September 25, 1926 (46 Stat 2183; TS 778), opened for signature at New York December 7, 1953: UST 479; TIAS 3532.

"Protocol limiting and regulating the cultivation of the poppy plant and the production of, and international and wholesale trade in, and use of opium, open for signature at New York from June 23 to December 31, 1953: 14 UST 10; TIAS 5273.

"International convention for the prevention of pollution of the sea by oil, signed at London May 12, 1954: 12 UST 2989; TIAS 4900.

"Supplementary convention on the abolition of slavery, the slave trade, and institutions and practices similar to slavery. Done at Geneva September 7, 1956: 18 UST 3201; TIAS 6418.

"Statute of the International Atomic Energy Agency, done at New York October 26, 1956: 8 UST 1093; TIAS 3873.

"The Antarctic Treaty, signed at Washington December 1, 1969:[3] 12 UST 794; TIAS 4780.

"Constitution of the International Rice Commission as amended at Saigon November 19, 1960: 13 UST 2403; TIAS 5204.

"Agreement for establishment of the Indo-Pacific Fisheries Council as amended at Karachi January 6-23, 1961: 13 UST 2511; TIAS 5218.

"Agreement for facilitating the international circulation of visual and auditory materials of an educational, scientific and cultural character, done at Lake Success July 15, 1949: TIAS 6116; 17 UST 1578.

"Convention on the settlement of investment disputes between states and nationals of other states, done at Washington March 18, 1965: 17 UST 1270; TIAS 6090.

"Single convention on narcotics drugs, 1961, done at New York March 30, 1961: TIAS 6298; 18 UST 1407.

"Protocol relating to the states of refugees. Done at New York January 31, 1967: TIAS 6577; 19 UST 6223.

"Optional protocol to the Vienna convention on consular relations concerning the compulsory settlement of disputes. Done at Vienna April 24, 1963: TIAS 6820; 21 UST.

"Convention on offenses and certain other acts committed on board aircraft. Done at Tokyo September 14, 1963: 20 UST 2941; TIAS 6768.

"APPENDIX I.—A

"The agreement of Paris, on reparation from Germany, on the establishment of an inter-Allied reparation agency and on restitution of monetary gold, opened for signature at Paris January 14, 1946 (61 Stat. (3) 3157; TIAS 1655), was signed on behalf of the United States on that date. It is followed by a *Resolution No. 8 on recourse to the International Court of Justice:* "The Delegates of Albania, Australia, Belgium, Denmark, France, Luxembourg, the Netherlands, Norway, Czechoslovakia and Yugoslavia recommend that: 'Subject to the provisions of Article 3 of Part I of the foregoing Agreement, the Signatory Governments agree to have recourse to the International Court of Justice for the solution of every conflict of law or competence arising out of the provisions of the foregoing Agreement which has not been submitted to the Parties concerned to amicable solution or arbitration.' (*Department of the State Bulletin*, January 27, 1946, p. 124).

"All the other signatories to the Paris agreement had advised of their accession to this Resolution, as of July 22, 1948.

"APPENDIX I.—B

"With respect to the four Geneva conventions of August 12, 1949, for the protection of war victims, relating to: Condition of wounded and sick of the armed forces of the field (6 UST 3114; TIAS 3362); condition of wounded, sick or shipwrecked members of the armed forces at sea (6 UST 3217; TIAS 3363); treatment of prisoners of war (6 UST 3316; TIAS 3364); and protection of civilian persons in time of war (6 UST 3516; TIAS 3365). The following resolution was adopted on August 12, 1949, by the Conference of Geneva:

"Resolution I.—The Conference recommends that, in the case of a dispute relating to the interpretation or application of the present Conventions which cannot be settled by other means, the High Contracting Parties concerned endeavor to agree between themselves to refer such dispute to the International Court of Justice.

II. BILATERAL

"Country and date	Treaty
"A. Commercial treaties with:	
"Belgium, Feb. 21, 1961.	14 UST 1284; TIAS 5432
"China, Nov. 4, 1946.	63 Stat. (2) 1200; TIAS 1871
"Denmark, Oct, 1, 1951.	12 UST 908; TIAS 4794
"Ethiopia, Sept. 7, 1951.	4 UST 2134; TIAS 4864
"France, Nov. 25, 1959.	11 UST 2398; TIAS 4625
"Germany, F.R., Oct. 29, 1954.	7 UST 1839; TIAS 3593
"Greece, Aug. 3, 1951.	5 UST (2) 1829; TIAS 3057
"Iran, Aug. 15, 1955.	8 UST 899; TIAS 3853
"Ireland, Jan. 21, 1950.	1 UST 735; TIAS 2155
"Israel, Aug. 23, 1951.	5 UST 550; TIAS 2948
"Italy, Feb. 2, 1948.	63 Stat. (2) 2255; TIAS 1965
"Japan, Apr. 2, 1953.	4 UST 2063; TIAS 2863
"Korea, Nov. 28, 1956.	8 UST 2217; TIAS 3947
"Luxembourg, Feb. 23, 1962.	14 UST 261; TIAS 5306
"Netherlands, Mar. 27, 1956.	8 UST 2043; TIAS 3942
"Nicaragua, Jan. 21, 1956.	9 UST 449; TIAS 4024
"Pakistan, Nov. 12, 1959.	12 UST 110; TIAS 4683
"Togo, Feb. 8, 1966.	TIAS 6193; 18 UST 1
"Viet-Nam, Apr. 3, 1961.	12 UST 1703; TIAS 4890
"B. Other bilateral agreements:[4]	
"Treaty with Canada relating to cooperative development of water resources of the Columbia River Basin, Jan. 17, 1961.	15 UST 1555; TIAS 5638
"Consular Convention with Korea, Jan. 8, 1963.	14 UST 1637; TIAS 5469

"[1] By reference to the PCIJ. (References to the ICJ in place of the PCIJ in these cases is provided for by Article 37 of the Statute of the ICJ).

"[2] Appeals procedure from decision of the Council permits reference to the PCIJ (ICJ) if parties to dispute have accepted the Statute of the PCIJ (ICJ).

"[3] Reference to the ICJ is subject to consent, in each case, of all parties to the dispute.

"[4] In addition, the United States concluded economic cooperation and aid agreements with 17 countries in 1948 which contain provisions for

referral of disputes to the International Court of Justice subject, however, to the self-judging domestic jurisdiction reservation of the United States.

"Source: Stat.—United States Statutes at Large. UST—United States Treaties and Other International Agreements (volumes published on a yearly basis beginning January 1, 1950). TIAS—Treaties and Other International Acts Series, issued singly in pamphlets by the Department of State."

ANALYSIS OF TESTIMONY

Senator JAVITS. I would like to point out that I think the statement made by Senator Ervin gives us the most extreme interpretation of every aspect of this convention, as I will demonstrate in a moment; therefore, I wonder whether or not—and I will demonstrate this—I wonder whether Senator Ervin might be good enough to consider the opportunity to analyze his testimony which makes a lot of charges of a most drastic kind.

Perhaps he would be good enough to come back after we have had a chance to study and to perhaps prepare some law, just as he has obviously prepared very closely on these very drastic charges.

Among these charges, for example, Mr. Chairman, is the statement on page 7 of Senator Ervin's statement about article II of the convention, that "if the Senate should ratify the genocide convention, the duty and the power to prosecute and punish criminal homicides, assaults and batteries, and kidnapings covered by categories (a), (b), and d(e) of article II of the convention would be forthwith transferred from the States which have always had such duty and power in respect to these crimes to the Federal Government."

In short, the Senator asks us to believe we would thereby be depriving every State court of a power to try cases involving homicides, assaults, batteries, and kidnaping because he himself argues——

Senator ERVIN. Wait a minute. I said it came within those three definitions, that would be genocide.

Senator JAVITS. I am coming to that—because he himself argues that the question of intent can only be tried in the Federal court and, therefore, that you wouldn't know whether or not a case came within those categories until you first tried every one of those prisoners in the Federal court; so it is argued that the word "forthwith" means literally that every State court would be immediately deprived of jurisdiction.

Second, on page 9, the Senator says, "Under the Constitution of the United States, Congress does not have the power to make unlawful homicides generally Federal or international crimes."

Now I would like to find out how it is that we already have so many crimes for killing under the Federal laws; and I don't know what the Senator means by homicides generally. Perhaps he would explain that. As I understand it, many kinds of killings are punished under the Federal laws; and we pass laws quite regularly which deal with killings as the result of Federal law. What is so unusual about that?

The third point is the statement on page 12. This is but a sample. "Does it require the United States to go to war to prevent one nation from killing the nationals of another nation? The convention does not say, but article IX places the power to determine this question," to wit, whether the United States shall go to war, in the International Court of Justice.

With all respect these statements are so extreme, as a sample, that I think we ought to have an opportunity—if this is the heinous thing we are going to do to our country—to analyze this statement, to check up on the law as carefully as Senator Ervin has done, and then, if the Senator would then be good enough, after we have both had an even chance, to respond to questions on this subject. I think the charge is so strong and so extreme it puts the questioners at a great disadvantage. You make a big charge and in 2 minutes we are supposed to think up the whole body of law which represents the negation of that charge.

So I think we ought to have another chance.

Senator ERVIN. I would welcome a chance to come back and quote to the committee.

I would say just in replying to part in your statement, I challenge you to find any Federal statute that makes the crime of killing a Federal crime that is not related, confined to a killing that has some relation to a Federal purpose, to the thought of Federal purpose or on Federal territory or to prohibit a killing on account of some constitutional right under the Federal Constitution.

Senator JAVITS. I am glad the Senator has refined somewhat his very general statement, to wit, homicide generally; but I think it still leaves us with the need for a rather thorough scrutiny of his statement, as I say, which makes such condign broad charges and conclusions, so that we may really deal with the questioning in an intelligent way.

Senator CHURCH. It is best not to pass on the question of whether or not the subcommittee will convene again until the members confer. This meeting was held in order to oblige the Senator from North Carolina who has had a long standing interest in the treaty and we wanted to give him an opportunity to testify.

If it is decided that another meeting should be held, we will get back in touch with you, Senator, and make an arrangement. In any case, the charges you have raised against the treaty would be very, very carefully considered prior to the time that any action is taken by the subcommittee or the full committee.

Senator ERVIN. I just want to thank the chairman and other members of the subcommittee for making it possible for me to be here and present my views on the subject.

POSSIBLE RESERVATIONS OR UNDERSTANDINGS

Senator JAVITS. Could I ask one thing. Would you think that you could draft a set of reservations or understandings, in view of the fact that you join in the universal humanitarian condemnation of what is essentially proposed as the objective of this treaty, and you say "all of us are opposed to the systemic, planned annihilation of any national, ethnical, racial or religious group"? That is on page 16.

Would you feel that you might be able to draft what you would consider to be an appropriate set of understandings and/or reservations so that the Senate, if it thought it advisable, could ratify this highly desirable humanitarian covenant?

Senator ERVIN. It would be difficult to draw as many reservations that would protect the sovereignty of the United States against this treaty. I have seven or eight in mind but the easy way to handle this treaty is reject the treaty entirely.

Senator JAVITS. Wouldn't that run down the drain the great humanitarian objective which you yourself think is a very fine thing?

Senator ERVIN. I think that most civilized nations have got laws against what is true genocide. Not only that, they have laws against murdering anybody.

Senator JAVITS. Well I have little doubt, Senator, that Germany before and after Hitler had laws which dealt with the subject, but it didn't seem to prevent the greatest holocaust known to man.

Senator ERVIN. Yes, sir; I agree, I don't think if they had a genocide treaty it would have kept it down.

Senator JAVITS. At least there would have been some recognition of the fact that the world learns from experience, and is not sentenced, as those who refused to learn from experience, are sentenced to relive it.

Mr. Chairman, I must say that Senator Ervin is one of our finest lawyers, and I would hope very much also that we might enlist him after the give and take. Both he and I are experienced trial lawyers, and anything I have said would not one wit detract from my respect for Senator Ervin and his ability. I would hope perhaps we could, by this very process of attrition, come to some conclusion and get some clear idea as to what a man like the Senator would consider necessary, in his judgment, to enable us not to turn down such a longstanding and decently human effort but to approve it.

(The following point-by-point rebuttal was subsequently submitted by Senator Javits:)

"POINT-BY-POINT REBUTTAL

"1. Senator Ervin argued that it would be particularly unwise for the United States to ratify the Genocide Convention at a time 'when it is manifest that a substantial part of the American people wish to contract rather than expand their international obligations.'

"Answer: One must distinguish between different kinds of international obligations. It is true that many people have argued that American military commitments should be contracted. This view, however, does not entail the further argument that the development of international law should be halted. Treaties of a great variety of kinds not involving military commitments have been negotiated and have provided for more ordered relations among nations. It is hard to imagine that one would argue against the Genocide Convention on the grounds that it expands American international obligations.

"2. Senator Ervin argues that under the Genocide Convention 'individuals as well as persons exercising governmental power would be subject to trail and punishment for offenses which have always been regarded as matters falling within the domestic jurisdiction of the various nations."

"Answer: The protection of human rights is indeed a matter of international concern. The United States has shown that it agrees with this view by ratifying the World War II peace treaties, the United Nations Charter, the Slavery Convention of 1926, and more recently the Supplementary Convention on Slavery (1967) and the Supplementary Convention on Refugees (1968).

"3. Senator Ervin argues that the only reason for ratifying the Genocide Convention now is that "it would improve the image of the United States in the eyes of Russia and other totalitarian parties to the Convention, which, strange to say, have repudiated by understandings and reservations many of the provisions of the Convention."

"Answer: The Convention should be ratified because the United States is unequivocally opposed to genocide. As the President in his message pointed out. U.S. ratification

would be the "final convincing step that would reaffirm that the United States remains as strongly opposed to the crime of genocide as ever." U.S. ratification is long overdue.

"In addition, many of the arguments against ratification have since 1950 been shown clearly to be invalid. For example, it is now clearly established that the crime of genocide is a legitimate subject for an international treaty. Seventy-five nations have already become parties to the Genocide Convention.

"It is not clear which reservations Senator Ervin makes reference to when he argues Russia and others have repudiated many of the treaty's provisions. The only reservation which the Eastern block countries have made that cuts down a provision of the treaty has the effect of requiring agreement of all parties to a dispute before that dispute is submitted to the International Court of Justice under article IX of the Convention. This does not affect the substantive provisions of the treaty. The bloc countries have made similar reservations to numerous other treaties to which the United States is a party.

"4. Senator Ervin argues that the treaty is deficient in that it does not embody the real meaning of the term "genocide." He believes the term contemplates the complete wiping out of a designated group.

"Answer: It is entirely legitimate that the term 'genocide' be defined in the convention for the purposes of the Convention. "Genocide" was a new term and the definition in the Convention represented the international consensus on its meaning. It seems futile to look beyond that for the "true" meaning of the term.

"Does Senator Ervin really believe that an entire group must be wiped out before it is fair to say genocide has occurred? This view would seem extreme.

"5. Senator Ervin argues that, whether or not the provisions of the convention are self-executing, they would immediately supersede all State laws and practices inconsistent with them and thereby deprive the States of the power to prosecute and punish in their courts acts condemned by articles II and III of the Convention.

"Answer: The Convention is clearly non-self-executing in view of the requirement of article V to enact the necessary implementing legislation. The administration intends to await enactment of such legislation by the Congress before depositing our ratification and thus becoming a party to the Convention. If there is supersession of any inconsistent State laws, it will be by the Federal legislation, not by the convention. It is difficult to imagine in what way any existing State law or practice could be inconsistent with the Convention.

"The enactment of implementing legislation for the Genocide Convention by the Congress need not automatically preclude the States from prosecuting the acts proscribed by the Convention. Whether or not a congressional act preempts an area of law depends on the intent of Congress. If, as could be reasonably argued, Congress did not intend completely to fill this area of law, States would be free to continue to act in this area. To ensure that States would still have such freedom, the Congress could provide in its implementing legislation that nothing in that legislation should be construed as indicating an intent on the part of Congress to occupy, to the exclusion of State or local laws on the same subject matter, the field in which the provisions of the legislation operate.

"6. Senator Ervin argues that the Convention could somehow alter the powers of the Congress under the Federal Constitution.

"Answer: The Congress has the power under the necessary and proper clause of the Constitution to enact legislation necessary to implement a valid treaty. *Missouri* v. *Holland*, 252 U.S. 416, 432 (1920). The Genocide Convention would not, however, provide an example of a case where Congress would lack the power to enact the required implementing legislation absent the treaty. Genocide is a crime against the laws of nations. Congress is explicitly given the power to define such crimes under article I, section 8, clause 10, of the Constitution. The Genocide Convention would, although entered into under the treaty power (art. II, sec. 2, clause 2), require implementing legislation. The fact that Congress enacts a statute pursuant to a treaty, instead of under its otherwise delegated powers, does not alter its competence.

"7. Senator Ervin argues that ratification of the Genocide Convention would have a drastic effect on our whole system of criminal justice because many crimes which are now crimes under State law could, with the addition of an allegation with respect to intent, be made Federal crimes. This, he argues, would create a situation where it would be uncertain whether it was appropriate to go to a Federal or State court, and would allow for dual prosecution of defendants.

"Answer: The intent requirements for the crime of genocide are set forth in article II. In order for genocide to be committed, an act must be directed against the individuals involved qua members of a particular group, and there must be a specific intent to destroy the group as such in whole or in part. It would be reasonably difficult to prove this intent element in ordinary homicide cases, and it would seem far-fetched that United States attorneys would institute a large number of unfounded prosecutions. If an unfounded prosecution were instituted, Federal criminal procedure provides many safeguards to ensure that the prosecution would be dismissed. Since the standard is so stringent. It is not reasonable to argue that a major incursion into areas of State law would occur.

"8. Senator Ervin suggests that, under article II(c) of the Genocide Convention, State or county officials, who refuse to give a member of one of the four designated groups the amount of welfare benefits deemed desirable, may be prosecuted for genocide.

"Answer: Article II(c) of the Convention provides that one of the ways of committing genocide is by 'deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.' This provision is aimed at conditions of life inflicted upon the group which are meant to cause death or grave bodily injury. Generally speaking, the provision covers 'slow death' measures. See P. Drost, The Crime of State—Genocide, pp. 86-87 (1959). Denial of adequate welfare benefits is of a completely different magnitude than measures calculated to bring about slow death. In addition, the requisite intent to destroy in whole or in part the members of a group (see answer 7) would be lacking.

"9. Senator Ervin argues that the provision of article III(c), which makes direct and public incitement to commit genocide punishable, might deprive public officials and citizens of America of the right of free speech.

"Answer: Under current law, while mere advocacy of illegal activities may well be protected by the first amendment, direct and public incitement to commit illegal activity is surely not protected. See, e.g., *Brandenburg* v. *Ohio*, 395 U.S. 444, 447 (1969). Incitement crosses the bounds between protected and unprotected speech. The provision of the Genocide Convention therefore does not violate the Constitution. Moreover, were there any conflict, the first amendment clearly would control. *Reid* v. *Covert*, 354 U.S. 1 (1957); *Geofroy* v. *Riggs*, 133 U.S. 258 (1890).

"10. Senator Ervin asks what is meant in article III(e) by 'complicity in genocide.'

"Answer: The prohibition against the complicity is clearly aimed at accessoryship on crime of genocide, as defined in article II (not the other genocide acts listed in article III). When Congress enacts implementing legislation for the Genocide Convention, it will not be necessary to enact a special provision implementing article III(e) because accessoryship in Federal crimes is already outlawed by the United States Code, 18 U.S.C. §§ 2, 3 (1964).

"11. Senator Ervin believes that the term "mental harm" in article II(b) of the convention is totally incomprehensible.

"Answer: 'Mental harm' means—and the administration has proposed an understanding to make this clear—permanent impairment of mental faculties. Thus, before a charge can be sustained, it must be proved that permanent impairment of mental faculties in fact occurred and that the defendant brought about this injury with the specific intent of destroying one of the protected groups. Thus, the standard is rigid enough to protect against frivolous allegations of genocide.

"12. Senator Ervin seems troubled that article VIII of the convention would allow any contracting party to call upon the competent organs of the United Nations to take appropriate action for the prevention and suppression of genocide.

"Answer: Article VIII does not, and indeed could not, change the jurisdiction of the United Nations. It merely confirmed the existing situation: members of the United Nations may already go to competent organs in appropriate cases.

"13. Senator Ervin fears that article I of the Genocide Convention could require the United States to go to war to prevent the crime of genocide.

"Answer: Article I confirms the principle expressed in Resolution 96(1) of the United Nations General Assembly that genocide is a crime under international law in time of peace or in time of war. The parties to the convention undertake to prevent and punish this crime in the manner set forth in subsequent articles of the convention. Aside from this declaration, the article has no substantive effect, the main operative provisions being contained in articles II-VII.

"14. Senator Ervin argues that article VI imposes upon the Congress an implied commitment to support the creation of an international penal tribunal.

"Answer: In the more than 20 years since the Convention was adopted no international penal tribunal has been created. While one was proposed at the time of the drafting of the convention, this proposal has long been dormant and there is no reason to suspect that it will be revived. If such a court were proposed in the future, Senate advice and consent would at that time be necessary for the United States to adhere to the treaty establishing the court and accept its

jurisdiction. The Convention clearly would not require the United States to accept the jurisdiction of such a court.

"15. Senator Ervin argues that the Genocide Convention would make American soldiers fighting abroad triable in the courts of our enemies for killing or seriously wounding members of the enemies' military forces.

"Answer: First, it should be pointed out that combat actions of American troops against enemies do not constitute genocide. For example, it is difficult to conceive that acts committed by U.S. troops in Vietnam could fall within the definition of genocide in article II. The article requires an "intent to destroy, in whole or in part, national, ethnical, racial, or religious groups, as such." Our soldiers are fighting to help the South Vietamese defend themselves and therefore acts committed against other Vietnamese would not constitute genocide.

"Of course, American soldiers who are captive in the country of an enemy of the United States could be subjected to prosecution by the enemy country for the crime of genocide regardless of whether the United States has ratified the Genocide Convention. Although we would feel such treatment entirely unjustified, we would be powerless to do anything about it other than to protest to the country or to the U.N. The action of the Senate, in giving its advice and consent to ratification, would therefore have no relevance to this question.

"16. Senator Ervin dislikes the fact that the Genocide Convention provides in article IX that disputes between parties relating to the Convention's "interpretation, application, or fulfillment" shall be submitted to the International Court of Justice. He believes this provision nullifies the Connally and Vandenberg reservations in the jurisdiction of the Court.

"Answer: Article IX is an entirely appropriate provision. The United States has, in many cases in its treaties, provided that disputes relating to interpretation, application, and fulfillment of a treaty shall be referred to the ICJ. Recent examples where the Senate approved similar provisions are the Convention on the Privileges and Immunities of the United Nations (1970), the Refugee Protocol (1968), and the Supplementary Slavery Convention (1967). A list of treaties with similar provisions has been included in the record of these hearings.

"Article IX does not nullify the Connally or Vandenberg reservations. The Connally amendment, or self-judging aspect of our domestic jurisdiction reservation, could be employed to prevent the International Court of Justice from deciding a case brought against the United States based on our 1946 across-the-board acceptance of compulsory jurisdiction to any international legal dispute under paragraph 2 of article 36 of the Court's statute. The Vandenberg reservation, or multilateral treaty reservation, could prevent jurisdiction under the same paragraph of the statute in cases arising out of a multilateral treaty where all the parties affected by the decision are not parties to the case or the United States has not specifically agreed to jurisdiction. These reservations could not, however, be invoked under article IX of the Genocide Convention since the basis for the Court's jurisdiction would be paragraph 1 of article 36 of the statute, which gives the Court jurisdiction to decide legal disputes 'specifically provided for . . . in treaties and conventions in force.' Article IX of the convention thus has the effect of avoiding the application of the reservations in the extremely small class of potential cases that may arise from unresolved differences over the interpretation, application, or fulfillment of the convention.

Senator ERVIN. I would be pleased to draw the same reservations that the subcommittee of the Foreign Relations Committee suggested in 1950. I would be glad to draw a reservation such as Judge Phillips said: No American is going to be tried for any act of genocide in this country except in Federal courts where he would have the right secured to him by the Bill of Rights. I would be glad to do like the Russians and a large percentage of the other nations of the world, draw a reservation of the effect that article IX doesn't apply to us.

Senator CHURCH. Some of the understandings to which you have referred are in your testimony and, of course, they are available to this subcommittee.

It has the full record of the previous hearings and all of them will be taken under advisement.

Senator ERVIN. I will be glad to draw the other two and submit them to the committee. I am available to the committee.

Senator CHURCH. Thank you very much. We will be in touch with you.

(Whereupon, at 3:25 p.m., the committee was adjourned.)

Mr. HELMS. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I want to take this occasion to thank the Senator from North Carolina for his comprehensive statements about the consideration of the Genocide Treaty this year by the Foreign Relations Committee.

As he has accurately stated, he has worked diligently to make certain that each of the areas that have been of great concern over the past 37 years affecting the privacy of those of the United States in the World Court of Justice were met through two very careful understandings. I supported the Senator's work in that respect and admired his leadership. I appreciated his willingness to allow this matter to be expedited today. It is clearly within his power to want to debate this situation at much greater length. We did have extensive debate in the committee. As all Senators know, we have been debating this issue off the floor for many weeks and months.

Mr. President, at this particular point, I wish to express my personal thanks to the distinguished Senator from North Carolina for his cooperation in trying to make certain first of all that the constitutional rights of Americans were preserved and that it occurred through careful draftsmanship and through the processes of our committee consideration which now come before the body.

I want to likewise thank the distinguished Senator from Wisconsin for his thoughtful and generous remarks about the work of our committee and with particular regard to the praise he gave to our distinguished minority member, Senator PELL. I believe the contribution of the distinguished Senator from Wisconsin is most graciously welcomed.

Mr. PELL. Mr. President, I would like to add the name of the Senator from Connecticut [Mr. DODD] whose father was a prosecutor at the war crimes trial. Senator DODD has taken a particular interest in these proceedings.

Mr. HELMS. Will the Senator yield?

Mr. LUGAR. I yield.

Mr. HELMS. I thank the Senator.

Mr. President, I extend my gratitude to Senator LUGAR. All of us who are chairmen of committees would like to move on expeditiously with our matters. I am afraid from time to time I did ask the committee for more time. But it was always with good cheer on his part and always in a spirit of cooperation, including his cosponsorship of the provisos. He has been of great help to me and I am very grateful to him.

Mr. President, I thank the Senator and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Are there amendments to this article? Does any Senator wish to offer an amendment to this article? If not, the clerk will report article II.

The legislative clerk read as follows:

ARTICLE II

In the Present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I am advised the distinguished Senator from Idaho [Mr. SYMMS] wishes to offer an amendment to article II. This would be the appropriate time for that debate to occur. In order to give Senator SYMMS a moment to come to the floor—and I understand he is enroute—I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LUGAR/HELMS/HATCH RESERVATIONS TO THE GENOCIDE CONVENTION

Mr. HATCH. Mr. President, the Genocide Convention has been under consideration for 35 years. The main problem centers around two competing issues—our revulsion over the crime of genocide and our obligation to protect the sovereignty of the U.S. Constitution. While it is time to resolve these issues, we must not compromise our constitutional form of government in the process. Participation in world affairs need not and should not result in any diminution of liberty in the United States.

Since February of 1985, I have been working with Senators LUGAR and HELMS to fashion a set of reservations and understandings which would safeguard our constitutional liberties and protect our national sovereignty. After months of negotiations with the State Department and the Justice Department, a compromise has been reached which, in my opinion, achieves these goals. Recently the American Bar Association announced that it supports the reservation package which we fashioned.

Since the package consists of several reservations and understanding, it is appropriate to define these terms.

A reservation is a limitation upon a treaty or convention compatible with the object and purpose of that instrument. This seems to be the test generally accepted in contemporary international law. If a proposed reservation is incompatible with the treaty or convention to which it is affixed, then that reservation is considered to be an amendment to the treaty, which subsequently must be renegotiated.

A declaration is the means by which a government gives notice as to certain views which that government wishes to be known, without modifying any of its rights or obligations under the treaty or convention. A declaration is considered to be a political statement and has no legal effect.

An understanding is the means by which a government attempts to clarify or explain how certain provisions ought to be interpreted or applied in a treaty or convention. The substantive rights and duties contained in the instrument in question continue, no matter what the declaration actually says. Thus, an understanding is a precatory statement and is not a legal obligation.

The revised Lugar/Helms/Hatch provisos, increasingly referred to as the sovereignty package, are divided into three categories. The first category uses the term "reservations," while the second category substitutes the terminology of "understandings." The third category consists of a single "declaration." However, with respect to category II, the so-called understandings are actually reservation in law and in fact. The explanation for this can be found in the phrase "which shall apply," contained in the lead sentence to category II. This transforms the legal content of the following five provisos from merely recommendatory to legally mandatory. In international law with respect to treaties and conventions, it is not the formal terms which count, but rather the substantive content of the language utilized. In this instance, the mandatory meaning of "shall apply" transforms the five subsequent provisos into five reservations.

The "declaration" enunciated in category III is likewise mandatory in nature. This represents a requirement to ratification, attached by the Senate to the convention, that the administration will not formally ratify this instrument until the necessary implementing legislation is enacted. One might say that this so-called declaration is in the nature of an executory contract between the Senate and the administration. The content of Assistant Secretary of State William Ball III's, letter to Senator LUGAR, dated May 21, 1985, reflects this point of view.

I would like to discuss each proviso approved by the Foreign Relations Committee on May 21, 1985. The first proviso reads:

That with reference to article IX of the convention, before any dispute to which the United States is a party may be submitted to the jurisdiction of the International Court of Justice under this article, the specific consent of the United States is required in each case.

The wording of article IX creates a compulsory jurisdiction for the ICJ when a single state party to a dispute brings legal action against another signatory state. The first reservation requires the specific consent of the United States for any appearance before the ICJ on a legal question involving genocide, thus eliminating the kind of situation which arose with Nicaragua, at least as it relates to genocide.

It is also true that article IX contains a loaded gun which is, in effect, disarmed by the wording of this reservation. Namely, a dependent clause which allows a complaining state party to charge another signatory state with "responsibility" (undefined) for genocide before the ICJ. The French representatives from the 78th to the 80th meetings of the drafting committee argued that genocide was a governmental crime, but the majority of delegates focused only on individual responsibility. The British delegate, who later became a member of the International Court of Justice, stressed state "responsibility" because it would be difficult to bring state officials before a domestic court. But the clause, as written, does not distinguish between civil and criminal liability, nor does it provide for any remedy against a state or government deemed to be liable for "responsibility" by the ICJ.

The second proviso reads:

That nothing in the convention requires or authorizes legislation or other action by the United States of America prohibited by the Constitution of the United States as interpreted by the United States.

This reservation mandates that nothing in the convention can authorize or permit any legislation, executive conduct, or legal activity which would be contrary to the substantive and procedural protections of the U.S. Constitution. This reservation is also intended to prevent the ICJ, foreign courts, and the international community from utilizing the Genocide Convention as a means of enlarging or foreclosing U.S. constitutional guarantees. Specifically, the phrase "as interpreted by the United States" will prevent the Constitution from being interpreted, and having those interpretations apply, by courts and jurisdictions outside the United States. It also forestalls the claims advanced by the American Bar Association that customary international law is automatically applicable in the U.S. judicial system on issues relating to international law.

The third proviso reads:

That the term "intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such" appearing in article II means the specific intent to destroy, in whole or substantial part, a national ethnical, racial, or religious group as such by the acts specified in article II.

This reservation clarifies what has been a very vague definitional element (art. II, sec. c). Without the reservation, a single victim and a single victimizer may have sufficed to meet the convention's definition of genocide. Now a specific mental state intending to eliminate a substantial number of the victim group is required, and there is no danger that cultural genocide will enter into the definition. Most of the legal systems of the world are not based upon the common law, and without the language of the reservation, a general intent standard might be inferred from surrounding circumstances or the result of those circumstances. The civil law focuses on motive rather then intent.

The fourth proviso reads:

That term "mental harm" in Article II (b) means permanent impairment of mental faculties through drugs, torture or similar techniques.

This definition of mental harm gives specificity to the overgeneral proscribed act listed in article II(b) of the Convention. The proviso relating to this subsection limits mental harm to include only the deliberate and permanent physical impairment of the brain through the use of torture, drugs, or

similar mind-affecting techniques. The vague and overboard definition—as it appears in the convention—is thereby restricted to a permanent brain impairment resulting from prohibited criminal acts as well as the general legal concept of serious bodily harm. The effect of the wording of the proviso also gives more precision to the State Department's proposed understanding on the subject, as submitted in 1976 and 1984. It prevents a claim of impairment due to economic and social conditions, or denial of opportunity for personality development, from being raised by an alleged victim of genocidal activity. Finally, the proviso's language again limits the convention's definition of genocide to conditions specifically calculated to bring about the physical destruction of the group.

The fifth proviso reads:

That the pledge to grant extradition in accordance with a state's laws and treaties in force found in Article VII extends only to acts which are criminal under the laws of both the requesting and the requested state and nothing in Article VI affects the right of any state to bring to trial before its own tribunals any of its nationals for acts committed outside a state.

This proviso forbids the subjection or surrender of any person for criminal acts that would not also be in violation of U.S. law, if they were committed upon American soil. It reinforces existing constitutional protections for any accused American citizen, and prevents extradition based upon claims leveled against political opponents of an incumbent regime, who are accused of genocidal crimes relating to the mode and manner of their political dissent.

The sixth proviso reads:

That acts in the course of armed conflicts committed without the specific intent required by Article II are not sufficient to constitute genocide as defined by this Convention.

This proviso specifies that regularized armed conflict does not constitute genocide. Either a regular war or a guerrilla war—or a combination of both, as in Vietnam—cannot, therefore, be genocide without the combatants having the specific intent to commit genocide. During the Vietnam war, the so-called Russell-Sartre Tribunal in Stockholm determined that the United States was guilty of waging a genocidal conflict in Southeast Asia, and several American legalists such as Richard Falk claimed that the United States was involved in genocidal acts. It is not inconceivable that a similar situation could arise in the event of United States involvement in some form of hostilities with Nicaragua.

Moreover, antiterrorist actions taken by a government of one ethnic or religious makeup against groups—guerrilla and terrorist—of another ethnic or religious background can lead to charges of genocide against the government in question. Israel, for example, has been accused by radical Palestinians and their rejectionist supporters of committing all of the prohibited acts described by article II of the Genocide Convention. By insisting on the specific intent requirement in these situations, the sixth proviso effectively safeguards a government fighting to defend itself against terrorism of fighting to assist other countries—or groups—in their struggle for independence and for the preservation of freedom.

The seventh proviso reads:

That with regard to the reference to an international penal tribunal in article VI of the convention, the United States declares that it reserves the right to effect its participation in any such tribunal only by a treaty entered into specifically for that purpose with the advice and consent of the Senate.

Article VI of the Genocide Convention provides for the creation of an international genocide penal tribunal, if the contracting parties decide to create such a forum. The wording of the article with respect to jurisdiction is unclear, but it is possible that both the court itself, and a mandatory jurisdiction, could be created by executive agreement as well as by treaty. In his letter to Senator LUGAR of April 25, 1985, Assistant Secretary of State William Ball III, refused to give a definite answer to Senator LUGAR's question as to whether a President could bind the United States, by way of an executive agreement, to creating an international penal tribunal.

The testimony of Acting Assistant Attorney General Ralph W. Tarr, before the Foreign Relations Committee, on several occasions, indicated that there is sound legal precedent for administration adherence to an international penal tribunal by means of an executive agreement.

No one, as yet, has made an effective reply to the propositions put forward in my New York Times article with regard to the possible consequences of U.S. adherence to an international legal tribunal. In a badly reasoned response to my article, former Assistant Secretary of State Ernest A. Gross protested—apparently—that gentlemen do not do such things, and that the Senate would never approve of any such gross evasion of its authority in a matter of such moment. This demonstrates, if anyone need instruction in the matter, that the State Department has confused the nature of treaties with the nature of executive agreements. And that is the reason why a proviso on the question of an international penal tribunal is an absolute necessity, and a needed condition precedent to ratification of the convention.

It is significant that, during the drafting stage of the convention in 1984, at the 130th meeting, the U.S. delegation proposed to give jurisdiction to an international penal tribunal in cases where the state in which the alleged acts of genocide had been committed failed to take appropriate measures to bring the offenders to trial, or where states had failed to impose suitable punishment upon convicted defendants in genocide cases. I do not believe that the Department of State has totally rejected this position.

Considering that President Daniel Ortega of Nicaragua has already accused the United States of supporting genocide in Nicaragua, the consequences of such jurisdictional authority vested in an international penal court would be disastrous from the standpoint of constitutional protections and guarantees. That is why the requirement of a treaty approved by the Senate prior to any U.S. adherence to, and participation in, a penal tribunal is so important.

The last proviso reads:

That the President will not deposit the instrument of ratification until after the implementing legislation referred to in article V has been enacted.

This so-called declaration is actually a binding obligation on the executive branch not to deposit the instrument of ratification until the Congress passes implementing legislation. This, in effect, constitutes an executory contract between the Senate and the administration. Moreover, it also means the Genocide Convention is not to be self-executing. That is a significant qualification, since the language of the convention, despite State Department denials to the contrary, appears to create several self-executing articles. This proviso is identical in content with the fourth declaration proposed by the Foreign Relations Committee in 1976 and 1984.

In negotiations with the Legal Adviser's Office over the proposed reservations, the State Department representatives maintained that this proviso took care of any potential problems with respect to constitutionality. It does not do that, but it does forestall a later claim by the executive branch that certain provisions of the convention are self-executing in nature.

The eight provisos to the Genocide Convention, taken together, represent a true sovereignty package. They transform the convention from an instrument whose content endangers constitutional protections of American citizens, and threatens the security of our valued allies; that is, Israel and Great Britain, into a mere symbol of opposition to genocide, a crime which every civilized society and freedom-loving people abhors. I still believe that genocide primarily and fundamentally is committed by states and governments rather than by groups and individuals. But since the convention deals with individuals, then the

rights and liberties of individuals living in free societies must be protected.

Last, and certainly not least, with adoption of the current reservations package the convention will be permanently bound up with constitutional protections, and the convention will never again pose a threat to U.S. sovereignty and American liberties. But if the Genocide Convention is defeated along with the sovereignty package, it will—inevitably—rise again, and there is no guarantee that a future President and a future Senate will not approve an unencumbered convention, with all the liabilities I have outlined and which were put forward in my New York Times article. That is why the sovereignty package is so important, and why the convention should be approved with the reservations package intact.

On March 7, 1985, the House of Representatives, in House Resolution 104, expressed the sense of the House that the United States should become a signatory to the Genocide Convention and that the House would "act expeditiously" on implementing legislation "as soon as the Senate gives its advice and consent to ratifications of the Genocide Convention." Nowhere did the House indicate that it would not favor a convention with reservations. The time is now ripe to do away with any further consideration of the convention once and for all. I urge my colleagues in the Senate to support the Lugar/Helms/Hatch sovereignty package in its entirety and to adopt the resolution of ratification with the reservations intact.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, first let me commend the leadership of the Senate for bringing this measure to the floor today. We have been talking about it for a good many years, many years before I came to this body. Yet the talk has gone on and there has never really been any serious thought it would be brought to a final conclusion.

In the same sense, I commend the distinguished chairman of the Foreign Relations Committee for his having brought the matter to the floor.

I make no bones about it. The reservations that are contained in the treaty are not matters that I look favorably upon. But when I look at the overall picture and determine whether or not we want a genocide treaty ratified with reservations, or the probability of not having it ratified at all by reason of many parliamentary procedures and extended debate, I arrive at the conclusion, in this instance, a part of a loaf of bread is better than no bread at all. A genocide treaty with some reservations is better than putting the matter off again for months, maybe years.

Over the course of a number of months and years we have all recognized the efforts that have been made by the distinguished Senator and my very good friend and colleague, Senator PROXMIRE. Senator PROXMIRE first raised the issue, pushing for ratification of the treaty many years ago. He was joined on the floor at that time by Senator PELL, who sits on the floor this afternoon, and Senator Morse. That first address was made on January 11, 1967.

In that address, he said:

I serve notice today that from now on I intend to speak day after day in this body to remind the Senate of our failure to act and of the necessity for prompt action.

That was in 1967.

Senator PELL on that same occasion stated:

I should like to raise my voice in complete and full support of the words just uttered by the Senator from Wisconsin.

It is long past due that we approve these conventions, and I am very glad indeed that the Senator from Wisconsin is undertaking to make this effort.

Mr. President, I ask unanimous that the entire colloquy which occurred at that date among Senator PROXMIRE, Senator Morse, and Senator PELL be printed in the RECORD.

There being no objection, the colloquy was ordered to be printed in the RECORD, as follows:

PLEDGE TO PLEAD DAILY FOR RATIFICATION OF GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, 18 long years ago the then President of the United States sent to the Senate a treaty, unanimously approved by the United Nations, to outlaw the terrible international crime of genocide. Since that time 69 nations throughout the world have ratified this basic human rights convention.

But the United States of America has not ratified it. The President favors its ratification, but properly says it is up to the Senate. The Senate has failed, again and again, to act. The Senate's failure to act has become a national shame.

In 1963, the President of the United States sent to the Senate three other human rights conventions. For 4 long years, the Senate has failed to act on these treaties.

What would the treaties do?

One would outlaw human slavery.

One would prohibit forced labor.

One would guarantee the political rights of women.

Mr. President, the Senate has failed the Nation and the world on these vital human rights proposals.

I serve notice that from now on I intend to speak day after day in this body to remind the Senate of our failure to act and of the necessity for prompt action.

Also, I expect to do all that I can to work in behalf of human rights groups throughout the Nation to bring to the attention of the Senate the deep interest and widespread support in the Nation for these proposals.

Mr. PELL. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. PELL. I should like to raise my voice in complete and full support of the words just uttered by the Senator from Wisconsin.

It is long past due that we approve these conventions, and I am very glad indeed that the Senator from Wisconsin is undertaking to make this effort.

Mr. PROXMIRE. I thank the distinguished Senator from Rhode Island. I certainly cherish and appreciate his support, as he is a member of the Committee on Foreign Relations.

Mr. MORSE. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. MORSE. Let me say to the Senator that when he gives his daily speeches on this subject, he will be speaking for me. I will be associating myself with his remarks on that subject. He has my full support.

It is long overdue for the Senate to take action on the issue the Senator has just raised.

Mr. PROXMIRE. I thank the distinguished Senator from Oregon. He is a great friend of human rights. I know that he has felt for many years that action should have been taken on these matters a long time ago.

Mr. METZENBAUM. The Senate, we believe, is now on the verge of that very momentous occasion when we will finally ratify the treaty.

The history of the convention clearly reveals its purpose. It was drafted in response to the world's most horrific nightmare, the Nazi extermination of the Jews and so many others. They were murdered and put to their death for one reason and one reason alone. Not because they had committed individual acts but because they as a group were to be wiped out or to be eliminated by Adolf Hitler and his Nazis.

Not a day goes by when Jews throughout the world do not suffer from the ruthless murder of their loved ones by the Nazis, and there are so many others who suffer equally as well. I probably cannot recollect all of those who paid so dearly. We do know that the Poles, the gypsies, and the unionists and certain other religious groups and so many others suffered Hitler's wrath and paid with their lives, not because of some specific act but because they were members of a particular group.

What we are saying today, hopefully, if we ratify this treaty, is that the mass murder of a group of people, for no particular criminal acts but merely because they were born of a particular religion or of a particular group, of a particular philosophy, of a particular grouping, is wrong; it is a violation of international law.

We must never forget the lesson of the Holocaust if we are to prevent future genocides from happening again. That is what the Genocide Convention is really all about. But the sad part is that in all parts of the world, even as we meet here on the floor of the Senate today, genocide killings continue to occur—Miskito Indians in Nicaragua, and special groups in Ar-

gentina, thousands of Iranians under the Khomeini regime because they differ with the prevailing point of view. There are many more instances that others in this body could probably point out where people are being victimized for no other reason than because they have a particular title attached to their name, a particular description.

Ratification of the Genocide Treaty, we cannot kid ourselves, is not going to mean stopping or putting a halt to this kind of genocidal killing. But at least it will be an invaluable tool in indicating that the peoples of the world speak as one, and particularly this Nation which has failed to ratify to this date this kind of convention. Elie Weisel, an eloquent spokesman for all Holocaust sufferers, has tried to describe the horror of the Holocaust. Before a Senate committee, he said, "Mr. Chairman, I have seen the flames, I have seen the flames rising to nocturnal heavens; I have seen the parents and children, teachers and their disciples, dreamers and their dreams, and woe unto me, I have seen the children thrown alive into the flames." Elie Weisel understood the real significance of the Holocaust and the real importance of ratification of the Genocide Treaty.

In the past I have spoken on this floor about the need for a country to speak with one voice when it comes to genocide. I sincerely hope that every Member of this body will see fit to ratify the treaty. I have spoken previously about how international law mandates the United States not stand outside this treaty any longer. Those reasons have not changed.

There are many reasons, many compelling reasons, to ratify the treaty. To this Senator's knowledge, there are none not to do so.

It is my strong belief that this treaty will constitute a significant step forward in the improvement of international law as it relates to mass murder. It will strengthen and clarify our country's ability to exert pressure on other nations in our pursuit of international freedoms and our respect for the basic human rights of individuals.

First, ratification will enable the United States to bring criminals guilty of genocide to justice. Through the implementation of domestic statutes we will give teeth to the principles enunciated in the treaty. Domestic legislation will make certain that the United States is capable of punishing those individuals guilty of genocidal acts.

The treaty carefuly defines genocide and provides that a specific intent must exist to eradicate an entire group. Article II states:

> * * * Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, or religious group, as such.

The United States' understanding attached to our ratification of the genocide convention would require that a specific intent, provable beyond the crime itself, must be shown to sustain a charge of genocide. Adequate safeguards against accusations of genocide based only on general intent have already been written into the implementing legislation.

Therefore, a routine domestic civil rights discrimination lawsuit would not lend itself to the interpretation that the act constituted a genocidal crime.

Second, ratification of this treaty will increase our leverage in providing a fair trial for those accused of genocide abroad. Citizens or nationals arrested overseas, especially in nondemocratic nations, have more often than not been subject to the deprivation of due process of law. Ratification of this treaty will allow those citizens a greater chance of receiving a fair trial because the treaty carefully defines the crime of genocide and does not stipulate that we negotiate an extradition treaty with any nondemocratic nation.

It is important to realize that the genocide convention is not an extradition treaty. Any U.S. citizen accused of genocide by another nation retains all the protection of existing extradition agreements. Article VII states:

> The contracting parties pledge themselves to grant extradition in accordance with their laws and treaties in force.

More importantly, ratification of this treaty will not force the extradition of U.S. citizens to hostile foreign courts from the United States. In fact, it will increase our leverage to help those who are held overseas. Remaining outside the treaty could mean that any U.S. citizen could be accused of genocide in a foreign country, held in that country and not have his or her actions scrutinized against the test the treaty provides.

Most importantly, ratification of the genocide convention, under the provision of article I, will commit this Nation officially to treat genocide as a crime under international law which "the contracting parties * * * undertake to prevent and punish." Ninety-six other nations have ratified this treaty and in so doing have acknowledged that genocide runs against the law of nations and the law of man.

In hearings before the Senate Foreign Relations Committee in March, Professor John Moore, a noted international law scholar, said:

> In fact, the crime of genocide is generally recognized by the United States as a customary international law crime.

This treaty represents our last, best chance to partake in the elimination of genocide, insure proper use of the World Court and protect the constitutional rights of Americans throughout the world.

We must commit this Nation to outlawing genocide.

We must place this country squarely behind the 96 other nations who have recognized that genocide is a crime under international law.

Almost every single administration since President Truman has pressed for ratification.

Those decisions were not arrived at in a casual way. In fact, every one of those decisions came only after a lengthy review of the beneficial effect ratification will have on the conduct of our foreign policy.

And President Reagan's endorsement is no exception.

In President Reagan's announcement for ratification before B'nai B'rith on September 6, 1984, he endorsed the treaty with the firm belief that it will deter and stop genocide. He said:

> Anyone who has contemplated the horror inflicted on Jews during World War II, the deaths of millions in Cambodia or the travail of the Miskito Indians in Nicaragua must understand that if free men and women remain silent in the face of oppression, we risk the destruction of entire peoples . . . I want you to know that we intend to use the convention in our efforts to expand human freedom.

Clearly, President Reagan understands what an effective tool the Genocide Treaty will be in making certain that genocidal acts will not go unchallenged.

In the last Congress, this Senate passed Resolution 478 which pledged the Senate to move with all due speed on the Genocide Treaty in this Congress. That resolution stated:

> Resolved, that the Senate hereby expresses its support for the principles embodied in the convention of the prevention and punishment of the crime of genocide, signed on behalf of the United States on December 11, 1948 . . . and declares its intention to act expeditiously thereon in the 1st session of the 99th Congress.

Now is finally the time for the Senate to do what it pledged it would do last year.

During that debate there was no mention of attaching additional language to the treaty, and I am afraid that the effect of new language has resulted in the needless delay of a vote of the treaty. But the treaty has now been reported out of committee and it is time to fulfill our promise of last year. We cannot delay consideration any further.

I am a proponent of a safer, less violent world and that is what this treaty does. This treaty is about committing ourselves to making genocide a punishable crime under international law. I could not think of a clearer message or a more worthy purpose.

That is why I become so distressed when critics divert attention from the real meaning of the treaty to superficial and irrelevant issues.

There can be little doubt that the constitutionality of the Genocide Treaty has been borne out with time. In fact, the American Bar Association has endorsed ratification.

The mainstream of the American Jewish community has pushed for ratification in the past and endorses passage now.

So, what is ratification really about?

Ratification of this treaty is about joining the international consensus on the crime of genocide and endorsing internationally sanctioned steps to stop genocide from ever happening again.

In the 40th anniversary year of the Nazi Holocaust, we must take positive steps to ensure not just remembrance of this dark period in our history, but we must also make certain that such atrocities will not go unchallenged in the future.

Ratification of the Genocide Treaty will move us closer to the achievement of this ideal.

Over 40 years ago allied forces liberated the few remaining survivors in Buchenwald, Auschwitz, and Dachau. The Genocide Treaty arose out of the smoldering ashes left by crematoriums in those camps. Ratification of this treaty would ensure that not only do we remember, but that we are committed to prevent similar atrocities in the future.

I could not agree more with Elie Weisel when in hearings this past March he said:

> Yes, silence in times of danger is a sin because silence never helps the victim. It only helps the executioner. So the silence of the United States whenever genocide is being attempted or implemented, of course, would place us in a situation of embarrassment and shame.

In a letter to the Senate majority leader, President Reagan publicly proclaimed his support for ratification of the Genocide Treaty. He said:

> Ratification of the convention would serve as an important statement in opposing the gross human rights abuses the convention addresses.

Only 2 months before his reelection President Reagan spoke eloquently and well for ratification in order that the convention could be used "in our effort to expand human freedom." His words were germane then. His leadership in bringing about ratification is even more germane now.

I call upon the Senate to live up to its own commitment made in 1984. It is finally time to take this small step forward in our march toward a safer, more humanitarian world. We have delayed long enough.

Mr. PELL. Mr. President, I would like to commend the Senator from Ohio for his words. I think we sometimes forget that the genocide which occurred 40 years ago was not only the result of the crime of Hitler's Germany but there are people all around the world who ignored what was going on, and bear some responsibility, too—I think even with our own Nation, Great Britain, and the others. If there had been a true desire to rescue the Jews from under Hitler's domination, it would have occurred. But in my reading of history in Wyman's book, "The Abandonment of the Jews," and Arthur Morris' book, "Why Six Million Were Killed," and other more personal investigations are made, I have come to the conclusion there was kind of a gentleman's agreement—leave things alone. I think that we want to make that claim, too.

This probably adds to the intensity of my feeling about the importance of passing this Genocide Convention.

I think back to those days when the *St. Louis* came in here with 900 Jews aboard. We sent it back to Bremen for the people to burn.

I think we forget that we, too, share a little bit of responsibility, which is all the more reason why we should pass the Convention.

Mr. METZENBAUM. I want to thank the Senator from Rhode Island for his very, very pointed remarks. He indeed is correct that so many turn their heads aside and so many bear a part of the responsibility for a major portion. And the ratification of the Genocide Treaty perhaps will serve both as a reminder—perhaps a stimulant—should the situation ever occur again, and hopefully not. But he as always is knowledgeable, and directly to the point.

Mr. PELL. It is even of interest, I think, that in 1942 or 1943—I forget which—only 10 percent of our immigration visas were used up for central Europe. So the opportunity was here. But it was not made available to the people who were suffering.

Mr. METZENBAUM. I am very grateful to the Senator from Rhode Island.

I want to conclude my remarks by again saying how I, as one Senator, feel a deep sense of gratitude—and I know Senator PELL has played a leadership role in connection with the ratification of this treaty, but so certainly has my friend, Senator PROXMIRE, who has been so stalwart, so disciplined, so determined and so resolute. I believe, frankly, the ratification of this treaty by this body should be an occasion for all of us to stand and cheer the actions and the determination of our colleague from Wisconsin. He has been absolutely superb.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. EVANS). The Senator from Illinois.

Mr. SIMON. Mr. President, and my colleagues, I join in supporting ratification of this treaty. I join in commending the chairman of the committee and the ranking member, both of whom worked hard on this, I know, and I appreciate Senator METZENBAUM'S comments and Senator PROXMIRE, who day after day after day has diligently pushed in this direction.

There are two fundamental questions: One is why should we ratify the treaty? And I think Adolf Hitler provided us with the answer on that. When Hitler was asked whether he thought the world would permit his planned extermination of the Jews, Hitler simply noted the earlier instances of genocide that had been carried out with impunity and he asked this question: "Who remembers the Armenians?" And unfortunately, there is a ring of truth to Hitler's question, because we do not remember the slaughter of the innocent Armenians as we should.

But anyone who has a chance to visit the memorial in Jerusalem, and I hate to say I cannot remember the name of the memorial there, but the memorial to the Holocaust, and what happened—and it is not simply the Holocaust. It is what has happened to one people, one group of people or another through the years. Genocide should not be permitted. We ought to be saying so and saying so firmly.

When you visit the former concentration camp at Dachau, there are those words, "never again," When we adopt the Genocide Treaty, we are saying we are underscoring those words, "never again."

I am pleased that the President of the United States is supporting this. I am pleased that the Secretary of State is. Max Kampelman, who is our Ambassador in Geneva right now, has put it very bluntly. Let me quote him. "It is ludicrous," he noted, "to provide the Soviet Union with a club with which to attack us, particularly since we abide by the convention's provisions even without ratification while the Soviets, who have ratified it, come close to violating its provisions."

Senator PELL has just handed me "Yad Vashem." I thank you, Senator PELL. Yad Vashem is the name of the museum. It is almost a place of worship and respect that you visit. It is a very moving experience that I would recommend to any of my colleagues.

When we say why ratify it? I cannot guarantee it nor can anyone else guarantee you it is going to be one whit of good. But it may. Let us put one brick in building a more civilized society.

Then I think the other question is, Why not do it? I know from my town meetings in Illinois there are people who come up and say, we are going to subject the American citizens to the World Court trying them on one thing or another. Well, the World Court as we know, at least from my opinion, is much too anemic as it is. We are stepping back from the World Court when we should not. But there is nothing in the adoption of this treaty that takes away one iota from the constitutional

protection that every American citizen has. So we have everything to gain, and nothing to lose.

Again, I commend my colleagues on the floor here who have provided leadership, Senator LUGAR, Senator PELL, and again the bulldog on this issue, Senator PROXMIRE. Every once in a while we need bulldogs around to hold on with tenacity to an issue that prods our conscience and finally we do what we should have done a long time ago. This is an issue where the United States provided leadership.

I hope Senator PELL will forgive me for not knowing, but until I was listening in my office to Senator PROXMIRE's statement, I did not know that Senator PELL's father was involved in this issue. This is an issue which has been around much too long. I am sure Senator PELL's father did not dream that it would take until 1986 to ratify this issue that he provided leadership on. Let us do the right thing. Let us do the humanitarian thing. Let us stand up for what we as American people freely believe. That is all the Genocide Convention is.

I am pleased to support it. I shall vote for it with enthusiasm.

I yield the floor.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I rise to talk about some of the problems that I see in this Genocide Convention and some of the things that I think we can do to strengthen this convention.

I might just say at the outset, Mr. President, that this concerns me because of the big reason I hear for ratifying this convention, that when our negotiators sit down with the Soviets and others, they always throw up to them that the United States of America has not yet ratified the Genocide Convention. Yet 10 million Ukranians that were starved to death do not count, the 2 million Cambodians who were killed do not count, because that is viewed as political genocide.

At the appropriate time, I would like to announce to my colleagues that I will offer an amendment to article II. It will be very simple. It will just amend article II by inserting the word "political" after "national."

Mr. President, the reason that this amendment is absolutely necessary to the U.S. ratification on the prevention and punishment of the crime of genocide, the so-called Genocide Treaty, I believe is because this would then make it fit one and all. In other words, people who are being murdered today in Afghanistan would then be protected under the Genocide Convention. As it is today, they are not protected under the Genocide Convention. People who have been murdered in other countries like Cambodia, Communist China, and other places where it is viewed as political, where people are opposed to the state, the Communist governments, or other dictators go in and do away with them because they do not fall under the meaning of the Genocide Convention.

So this amendment will put the United States on the offense. It would mean that if my amendment is accepted here in this Chamber, then my opposition to this treaty, as my colleagues know—and I have talked to Senator LUGAR and Senator PELL about this—my main objection would be removed by the adoption of this amendment which simply adds political groups to those protected from genocide by article II of the treaty.

If this simple change were made, this Senator's opposition would be much less, if there would be any at all. I am not sure I would still want to vote for this, but I might. I think most of us would agree, whether we oppose or support this treaty, that its effect is going to be limited and its value primarily symbolic.

Obviously, any nation so diseased that it is predisposed to commit genocide will not be prevented from doing so because of its respect for international law.

Those who commit genocide do so out of desperation to hold power. They use genocide as a tool to eliminate political opposition to their rule. The base motivations of these tyrants are not going to be altered by our ratification of the Genocide Treaty. The ineffectiveness of this treaty has been demonstrated repeatedly since the treaty was first proposed and nations began to sign it. A quick glance at a list of signatories to the treaty reveals that it includes leading practitioners of post-World War II genocide. They include Albania, Bulgaria, Red China, Cuba, Czechoslovakia, Vietnam, and, most cynically of all, the Soviet Union. It is obvious that our ratification of this treaty will not stop genocide in these nations. It is equally obvious that our purpose in ratifying this treaty is not to restrain ourselves from the temptation to commit genocide. We do not commit genocide and our society is structured to make it impossible that we ever will.

We certainly do not need the Genocide Treaty as an addendum to our Constitution or civil law.

Mr. President, our intent, then, is to engage in the symbolic opposition to this loathsome crime.

Proponents of the U.S. ratification argue that we must ratify the treaty before we can criticize Cambodia or criticize Vietnam or criticize Red China or criticize the Soviet Union for the barbarity of their genocidal actions. Mr. President, in my view this is utter nonsense. The fact is our criticisms are strengthened by the fact that we have nothing to hide. These nations have made a cynical hoax of this treaty and in so doing have contaminated it, despite its admittedly noble intent.

By ratifying the treaty as it is now worded, we will be acquiescing in the crimes of those nations and the demeaning of international law.

Supporters of Senate ratification have argued that the United States has lost respect in the world because of our failure to ratify this document. I disagree.

The free nations of the world respect us for our actions, for the example we provide by our concern for human life and most importantly for liberty. On this issue, as in all foreign policy, actions speak louder than words. No one can convince me that, despite their blatant and frequent genocidal acts, the Soviets enjoy more respect in the world than we simply because they have signed the Genocide Treaty and we have not.

The dead 269 passengers including the fine passenger from Georgia, Larry McDonald, received a lot of good knowing that the Soviets had signed the Genocide Convention when they decided to shoot down an innocent, unarmed airliner that had lost its way over international waters and strayed over their territory. Yet, have they been called before the World Court for this action? Not at all. I say the United States is held in much higher esteem and respect around the world than the Soviet Union because of our example—our example of the Declaration of Independence, our example of a Constitution we have lived by for nearly 200 years, and in 2 more years we will be celebrating that great document. The Soviets' and others' entire background is from oppression, assassination, and tyranny, and our background comes from the Magna Carta, the Declaration of Independence, and the Constitution of the United States. For us to act as though we have to ratify this treaty in order to be keeping up with the so-called practitioners of genocide, to me, begs imagination.

We truly will deserve to lose respect in the world if we ratify a genocide treaty which does not even address the central problem of genocide in today's world.

This treaty was a result of the tragedies that happened in Nazi Germany. But we are not dealing with Nazi Germany anymore. This treaty would be fine if that were the only concern that we have. This treaty must be constructed as a deterrent to today's genocide, not merely as a condemnation of yesterday's.

If the treaty is to have any symbolic value, Mr. President, it must be a firm and clear statement against all genocide. The genocidal nations of today do not wipe people out because of their national, ethnical, racial, or religious affiliations, but because of their political views and political activities.

That is what is going on in Afghanistan. That is what happened in Somalia and Ethiopia. That is at least the claim they made when attention is called to their atrocities.

In other words, they say, "Don't meddle in our international politics, that is a political question."

Even if these claims are true, even if these nations only commit acts of genocide against political groups, can we engage in a treaty which contains such a gaping loophole? Can this Nation, which holds the right of free speech and dissent in such esteem, condone another nation's genocide of political nonconformists?

In my view, Mr. President, it cannot, I believe we cannot ratify a document which is silent on this crucial issue. We certainly cannot without my strongest opposition.

The amendment I intend to offer merely adds "political" to the list of protected groups which now include national, ethnic, racial, and religious. My amendment is an amendment to the treaty itself. And it is so for two very important reasons:

First. Only by being integrated into the treaty itself will this amendment strengthen the symbolic statement we intend to make by ratifying this document. Its adoption will ensure that we are not a tacit partner in the alibi used by Communists and totalitarians. To excuse their crimes against humanity. A definition of a crime which specifically excludes the most practiced form of that crime is more than slightly flawed—it is an indication to the criminal that there is no commitment to bring him to justice. As the great British author, Oliver Goldsmith, said, "Silence gives consent."

The adoption of this amendment will signal to the world that the United States does not consent to any form of genocide.

Second. Only by becoming part of the treaty will this amendment place the nations guilty of genocide on the defensive. A great part of the motivation behind the recent Senate push for ratification is the belief that the United States is at some moral disadvantage because it has not formalized its opposition to genocide.

Mr. President, one of my strongest criticisms of U.S. foreign policy, through Republican or Democratic administrations, in the short years I have been here in the Congress—some 8 years in the other body and the 5½ or 6 years I have been here—is the failure of the country that has the most going for it in terms of ideas and freedoms and opportunity, opportunity for upward mobility for most people, a lack of prejudice largely in the structure we have, that we are not on the offensive. Why do we not amend this treaty and send it over to the Soviets and see whether they will amend it, whether they will ratify our amendment? If they would do so, I would be happy to entertain all my colleagues in the Senate with a steak dinner, because I do not believe they would sign it, because it would be too inconvenient for them. When it is convenient for them to kill people who are interfering with the operation of the Soviet dictatorship, they kill them and they would not begin to ratify a treaty that would classify those people as political opponents.

By ratifying a Genocide Treaty which includes a prohibition on political genocide, we will force each of the 96 other signatory nations to adopt or reject our amended version. I am confident that the enormous bulk of them will adopt it, because most of these 96 are civilized nations and do not use genocide as a political tool. There will be some very notable exceptions, though, with the Soviet Union leading the pack. By refusing to ratify our simple amendment preventing political genocide, these nations will show their true colors. Those of my colleagues who do not enjoy it already will have the luxury of attacking this hypocrisy with an entirely clear conscience.

This amendment will put the United States on the propaganda offensive, while the Soviets will be forced to go on the defensive, unless or until they agree to our political genocide amendment. Civilized nations will be appalled at the unwillingness of the Soviet Union and its puppets to give up their right to slaughter people because of their political beliefs.

Thus, my amendment accomplishes the goals of the proponents of the treaty more effectively than the current treaty they so eagerly support.

I must say that I find the reluctance of this body to adopt this amendment appalling. How can so many prominent, responsible, and intelligent U.S. citizens desire to ratify a treaty which lacks a protection so many Americans regard as a fundamental human right? I find this particularly distressing because that protection is so easily restored.

I have been encouraged to acquiesce in the passage of this treaty because so many of my colleagues support it. But I find no comfort in being wrong even in a group, especially when the blunder I am asked to overlook affects the law of our land.

It has been suggested that the Senate should pass this flawed document and then seek to have this amendment added through the United Nations. I have two problems with this. First, this approach would have us ratify an unacceptable document in the hope that we could make it acceptable after ratification.

Let me repeat that, Mr. President: This approach would ask us to ratify an unacceptable document in the hope that we could make it acceptable after we have already ratified it.

In my view, that is a backward approach. I would prefer to ratify a good treaty in the first place.

Second, this amendment would never get through the United Nations. Certainly, the Soviets would veto it or bully somebody else into doing so.

In conclusion, on the amendment, I wish to assure my colleagues who support this treaty that I sympathize with their motives and I applaud their goals.

I would like to see genocide forever removed from this planet. Unfortunately, it is not in the power of this body or this Nation to accomplish this most noble goal. The United Nations, because of all its necessary weaknesses, is similarly impotent to enforce such a ban. Thus, the only weapon left to us is our freedom, as individuals and as a nation, to speak out against these atrocities. Through the exercise of this freedom, we can offer some hope to those who have no freedom.

Symbolic acts are occasionally powerful. I have often supported legislation because of its symbolic value. But it is important to choose our symbols carefully, because they communicate to the world what our Nation stands for. The present form of the Genocide Treaty is a distorted statement of our values, because it does not protect the very right which allows us to speak out against injustice. If we are to be a party to this treaty, we should make sure that it accurately addresses our concerns and fairly represents our ideals.

As it stands today, it does not. With the addition of this amendment, this treaty can be a powerful symbolic statement of our principles—a statement all Americans can be proud to make.

Mr. President, I do not know how the Senate will view this amendment. It has been stated here by the distinguished chairman of the committee and the majority leader that there will be an attempt made to sidetrack all amendments. I think that may be the game plan, to table amendments or try to defeat all amendments, or to keep amendments from coming to the floor.

I just say to my colleagues that if my amendment on political genocide, which I intend to offer in the next day or so, will be accepted by this body, at that point, this Senator would offer no further amendments to the treaty and would no longer stand in the way of its passage. If my amendment does not pass and it fails to reach passage—I might make a parliamentary inquiry at this point, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. SYMMS. The inquiry is, How many votes would be required to pass an amendment to the treaty to make

it part of the treaty? Would it take 51 votes or 60 votes or 67 votes?

The PRESIDING OFFICER. It takes a majority of the Senators present and voting.

Mr. SYMMS. It just may be, then, that this amendment would have a good chance of passage. I think then it would give us a valuable tool in the arena of world politics and opinion making and the perception that people have of different world countries and what they stand for, to make this an issue that we could turn around as the United States of America and go on the offensive with. It would be very interesting to see whether or not the Soviets would ratify such an amendment.

Now, it is very obvious that they would not live up to it, but even if they would ratify it, it would be a very interesting thing.

If this amendment does not pass, I want to notify my colleagues that there are several other amendments waiting to be offered. I wish to read off a few of them so people have an idea of the kind of issues thay may be voting on. One would apply the treaty to Soviet atrocities in Afghanistan, even though not committed with the intent to destroy, in whole or in part, national, ethnic, or religious groups as such. So that the murder of Moslems in Afghanistan would be considered genocide. We will have a vote on that amendment.

The next amendment I would offer would be to apply the treaty to Idi Amin, even though he acted with political rather than religious or racial motivation.

Another amendment I would like to see the Senate discuss in great length—and I think it requires a great deal of thought and a great deal of consideration by this body—applies the treaty to all acts of genocide in Cambodia, whether they were racially or politically motivated.

I might just talk about Cambodia for a brief moment, Mr. President. I had the opportunity, when I was in Boise recently, to attend a banquet where Dr. Dith Pran was awarded the Freedom Award by the Idaho Center for Market Alternatives. He was the star in the movie, "The Killing Fields."

He told his story, as a doctor in Phnom Penh, of what happened to him in the 2-year period that he had been incarcerated and tortured, seeing members of his family murdered before his very eyes. He escaped out of Cambodia, and he tells the story that two out of every seven people in that peaceful country were murdered when the Communists took over. When one thinks about it on a percentage basis, that has been one of the most tragic genocides of a population in the history of mankind. All the doctors, all the lawyers, all the political leaders, all the schoolteachers, the nurses, the people who ran the infrastructure and could actually see that they could keep society going but that had some ideas of their own, they were all done away with, murdered, shot—all kinds of horror stories about what happened to them. I think it requires that we look into that.

It is interesting to note that Cambodia is a signator of this treaty, and yet they carried off that kind of a very cynical genocide and have not been called before the World Court, nor is it even considered a part of it.

Another amendment which I would like to address would be to include the starvation of 10 million Ukrainians by the Soviets within the definition of genocide.

Another amendment which I am not certain this Senator will offer, but another Senator on this side of the aisle has discussed the possibility of offering, would make it clear that the actions by the State of Israel in connection with the establishment of the State of Israel do not constitute genocide, notwithstanding pronouncements of the General Assembly to the contrary.

Another amendment which I think we should discuss in great length in this body would include the deliberate starvation of Eritrea by the Ethiopian Government within the definition of genocide.

Another amendment which I think definitely should be discussed—certainly we should qualify—would be to define the post-1949 Chinese slaughter of between 800,000 and 10 million Chinese as genocide, notwithstanding the absence of racial or religious motivation.

Another amendment which I would like to see discussed and voted on in this body would be to define mass starvation of 35,000 persons by the Government of Mozambique to be included in the term of genocide.

Mr. President, in another amendment I would define genocide to include the treatment of Jews in the Soviet Union today. Of course, we are all delighted that Anatoly Shcharansky has been released from incarceration in the Soviet Union, but for each one of him there are thousands more who are still suffering in gulags in the Soviet Union today, and this Genocide Treaty without amendment does not address that. The Soviets can piously go on their way saying, "Look at us; we have signed the Genocide Convention. Aren't we wonderful people," while at the very time they are making those statements. For some reason there seems to be some apologizing on the part of the United States which is beyond this Senator's imagination. We seem to be willing to be on the defensive and think that somehow we should worry about ratifying this convention at a time when we have problems with our own economies here in this country, when we need to be concentrating on a rigid economy for all agencies of the Federal Government so that the people who are out in the productive sector of our society—the farmers, the miners, the lumberjacks, the steelworkers, the autoworkers, and others who have already made sacrifices to help make economies in those sectors of the economy—can maintain a stance of competitiveness. Yet we are here trying to ratify what I call a very fatally flawed treaty.

Now, in addition, to this amendment that I intend to offer at the proper time, I want to offer a few more thoughts in general about the Genocide Treaty and about why I have come down on the side of opposing this treaty, whether or not it has the committee's package of reservations.

Mr. President, I compliment Senator LUGAR, Senator HELMS, Senator HATCH, and others who worked on putting this package together. I know they had good intention. Many of the treaty supporters have now fallen back on the argument that ratification of the treaty is symbolic of our opposition. As I said earlier, it is the wrong kind of symbolism. If we ratify this treaty, we are saying that we concur in the notion that the slaughter of millions of Cambodians or Chinese or Ukranians for political rather than racial purposes does not merit the appellation of genocide.

Mr. President, the package reported by the Foreign Relations Committee does nothing about this. Professor Charles Rice of the Notre Dame Law School has prepared a study of problems with the treaty, even after the Foreign Relations Committee package is attached, and I would like to read some of his comments. I am now quoting from Mr. Rice's very thoughtful and learned analysis of the treaty as it now stands with the Senate Foreign Relations Committee package of reservations attached:

> The Genocide Convention, drafted in reaction to the Nazi Holocaust, was proposed by the General Assembly of the United Nations on December 9, 1948. [The Crime of Genocide (United Nations Publication 59.1.3. (1949)), p. 1] Ninety-six nations have ratified or acceded to the Convention. The Convention was first sent to the Senate in 1949. Since that date it has been repeatedly considered, but never approved. The failure of the Convention to achieve Senate approval for 36 years is evidently due to concern about its impact on American law and sovereignty. The Foreign Relations Committee, largely due to the efforts of Senator Helms, offered in 1985 several provisos to guard against the dangers heretofore perceived in the Convention. This analysis will inquire as to the extent to which the provisos now recommended by the Committee have alleviated those concerns.

At this point, Mr. President, I ask unanimous consent to insert in the RECORD the terms of the Genocide

Convention and the Foreign Relations Committee provisos.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE TERMS OF THE GENOCIDE CONVENTION AND OF THE FOREIGN RELATIONS COMMITTEE'S PROVISOS

THE GENOCIDE CONVENTION

The substantive articles of the Genocide Convention provide:

ARTICLE I

The Contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

ARTICLE II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such;

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

ARTICLE III

The following acts shall be punishable:

(a) Genocide;

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide.

(d) Attempt to commit genocide;

(e) Complicity in genocide.

ARTICLE IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

ARTICLE V

The Contracting Parties undertake to enact, in accordance with their respective constitutions, the necessary legislation to give effect to the provisions of the present Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article III.

ARTICLE VI

Persons charged with genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

ARTICLE VII

Genocide and the other acts enumerated in Article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

ARTICLE VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III.

ARTICLE IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in Article III, shall be submitted to the International Court of Justice at the request of any of the parties of the dispute.

THE COMMITTEE'S PROVISOS

On May 21, 1985, the Senate Foreign Relations Committee approved the Genocide Convention with the following provisos offered by Senators Lugar and Helms:

Resolved (two-thirds of the Senators present concurring therein), that the Senate advise and consent to the ratification of the International Convention on the Prevention and Punishment of the Crime of Genocide, adopted unanimously by the General Assembly of the United Nations in Paris on December 9, 1948 (Executive O, Eighty-first Congress, first session), Provided that—

I. The Senate's advice and consent is subject to the following reservations:

(1) That with reference to Article IX of the Convention, before any dispute to which the United States is a party may be submitted to the jurisdiction of the International Court of Justice under this article, the specific consent of the United States is required in each case.

(2) that nothing in the Convention requires or authorizes legislation or other action by the United States of America prohibited by the Constitution of the United States as interpreted by the United States.

II. The Senate's advice and consent is subject to the following understandings, which shall apply to the obligations of the United States under this Convention:

(1) That the term "intent to destroy in whole or in part, a national, ethnical, racial, or religious group as such" appearing in Article II means the specific intent to destroy, in whole or in substantial part, a national, ethnical, racial, or religious group as such by the acts specified in Article II.

(2) That the term "mental harm" in Article II (b) means permanent impairment of mental faculties through drugs, torture, or similar techniques.

(3) That the pledge to grant extradition in accordance with a state's law and treaties in force found in Article VII extends only to acts which are criminal under the laws of both the requesting and the requested state and nothing in Article VI affects the right of any state to bring to trial before its own tribunals any of its nationals for acts committed outside a state.

(4) That acts in the course of armed conflicts committed without the specific intent required by Article II are not sufficient to constitute genocide as defined by this Convention.

(5) That with regard to the reference to an international penal tribunal in Article VI of the Convention, the United States declares that it reserves the right to effect its participation in any such tribunal only by a treaty entered into specifically for that purpose with the advice and consent of the Senate.

III. The Senate's advice and consent is subject to the following declaration: That the President will not deposit the instrument of ratification until after the implementing legislation referred to in Article V has been enacted.

(Mr. ANDREWS assumed the chair.)

Mr. SYMMS. Mr. President, treaties made "under the Authority of the United States shall be the supreme Law of the Land." (U.S. Constitution, Art. VI, cl. 2.) A treaty, therefore, has two aspects: it is an international obligation and it is domestic law. With respect to its function as domestic law, a treaty is either self-executing, in which case it is immediately effective as the supreme domestic law of the land, or it is non-selfexecuting, in which case it will be effective as domestic law only upon its implementation by domestic legislation, that is, by an act of Congress. Article I and article V of the Genocide Convention confirm that the Convention is not self-executing as domestic law. That is, a person could not be tried in a U.S. court for the crime of genocide unless Congress enacted legislation making genocide a crime under the law of the United States.

In his 1950 testimony in support of the Convention, Dean Rusk, then Deputy Under Secretary of State, testified:

> It should be noted that the Genocide Convention does not represent the first instance in which the United States has cooperated with other nations to suppress criminal or quasicriminal conduct which has become a matter of international concern.

Among the treaties referred to by Mr. Rusk were agreements relating to the protection of submarine cables (1884), the preservation and protection of fur seals in the North Pacific (1911), suppression of the slave trade and slavery (1926), and suppression of abuse of opium and other drugs (1912), all of which call for the punishment of those who commit a crime defined in the treaty. (See, the Genocide Convention, Congressional Research Service, 1970, with addendum 1976, p. LRS-18). The Genocide Convention proposes to establish means of international cooperation and enforcement, for the prevention and punishment of genocide, in accord with the definitions contained in the Convention. As the International Court of Justice stated, in its advisory opinion of May 28, 1951, "the principles underlying the [Genocide] Convention are principles which are recognized as binding on states, even without any conventional obligation." (International Court of Justice, Advisory Opinion on Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, May 28, 1951, 23.) Congress is already invested by the Constitution with the power to provide criminal sanctions for offenses against the law of nations. [U.S. Constitution, article I, section 8, clause 10.] However, Congress has not yet made genocide a crime in American domestic law. "The Genocide Convention has two purposes. The first is to

codify international law respecting the crime of genocide. The second is to require the parties to the Convention to deter acts of genocide and punish, pursuant to their municipal laws, individuals who commit genocide." (Report, Genocide Convention, Senate Committee on Foreign Relations, 99th Cong., 1st Sess., July 18, 1985, 1, hereinafter cited as Foreign Relations Committee Report.)

RESERVATIONS, UNDERSTANDINGS AND DECLARATIONS

The Foreign Relations Committee provisos include seven substantive restrictions, two labeled "reservations" and five labeled "understandings" and one "declaration."

The "declaration" proposed by the Foreign Relations Committee relates to the constitutional function of the President in ratifying the Convention and does not purport to affect the obligations of the United States under the Convention once it is ratified.

A reservation is an express limitation on a treaty which is compatible with the object of the treaty. In a multilateral treaty, such as the Genocide Convention, it becomes part of the treaty with respect to the reserving nation, subject to rejection of the reservation by any signatory nations within one year. (See International Court of Justice, Advisory Opinion on Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, May 28, 1951; Vienna Convention on the Law of Treaties, articles 19-23.)

A reservation is usually defined as a unilateral statement made by a contracting party which purports to exclude or modify the terms of a treaty or the legal effect of certain provisions. Ordinarily, it affects only the party entering it. All that is required of the other parties to the treaty is that they acquiesce in it. Their own treaty obligations among themselves remain unaffected. A number of signatories have entered reservations to the Genocide Convention. The procedures followed by other parties to a treaty in giving effect to reservations are also well-established. A state that wishes to enter a reservation must see that it is circulated to all other parties. These states then have a year in which to act. Each has the option of accepting or objecting to the reservation. In the event a party accepts the reservation, either expressly or by allowing a year to pass without objecting, the reservation becomes binding upon the accepting state and the reserving state in all disputes between the two.

A party may reject the reservation instead. When this occurs, the treaty relationship between the two states depends on how the objecting state views the reservation. The objector may declare that it believes the reservation to be inconsistent with the "object and purpose" of the treaty. The objecting state can then declare that it is not bound in a treaty relationship with the reserving state. Alternatively, the objecting state may reject the reservation without opposing the entry into force of the treaty between itself and the reserving state. In this event, those provisions of the treaty affected by the reservation do not apply between the objecting and reserving state. [Foreign Relations Committee Report, 16]

A reservation differs from an amendment, which is a change inconsistent with the object of the treaty. An amendment, unlike a reservation or an understanding, requires renegotiation of the treaty to be effective. An understanding, on the other hand, is generally considered to be a statement of the ratifying state's own interpretation of its legal obligations. The status of understandings is ambiguous in international law. Unlike a reservation, an understanding is generally not considered in international law to impose clearly upon the other states to a multilateral treaty the obligation to reject the understanding within one year if they do not desire it to be effective as a limitation on the legal obligation under the treaty of the state which expressed its understanding. (See discussion in Transcript, Mark-up of Genocide Convention, Senate Committee on Foreign Relations, April 25, 1985, 35, 60-75 [hereinafter cited as Genocide Convention Mark-up].) As noted below, however, the label attached to a proviso is not necessarily controlling.

The American Law Institute's proposed 1985 draft of the Restatement of the Foreign Relations Law of the United States, offers the following as a summary of the current law on the effect of reservations and understandings on American domestic law; and I find this most interesting:

(1) When the Senate of the United States gives its advice and consent to a treaty subject to the United States entering a reservation, the President, if he makes the treaty, must include the reservation in the instrument of ratification or accession, or otherwise make it clear that the adherence of the United States is subject to the reservation.

When the Senate gives its advice and consent to a treaty on the basis of a particular understanding of its meaning, the President, if he makes the treaty, must do so on the basis of the Senate's understanding.

d. Understandings: A treaty ratified (or acceded to) by the United States with a statement of understanding becomes effective in domestic law (§ 131) subject to that understanding. If no such statement is made, indication in the record that the Senate ascribed a particular meaning to the treaty is relevant to the interpretation of the treaty by a United States court in much the same way that the legislative history of a statute is relevant to its interpretation. See § 325, Reporters' Note 5.

Although the Senate's resolution of consent may contain no statement of understanding, there may be such statements in the report of the Senate Foreign Relations Committee or in the Senate debates. In such case, the President must decide whether they represent a general understanding by the Senate and if he finds that they do, must respect them in good faith. [American Law Institute, Restatement, Foreign Relations Law of the United States (Tentative Draft No. 6, April 12, 1985) § 314 and § 314, comment (d)]

In determining whether a proviso is binding as a reservation or not binding as an understanding, the label is not controlling. The fact that a proviso is called an understanding does not prevent it from being treated as a reservation. Moreover:

Since the President can make a treaty only with the advice and consent of the Senate, he must give effect to conditions on the Senate's advice and consent. The President generally includes a verbatim recitation of any proposed reservation, statement of understanding, or declaration contained in the State resolution of consent (i) in the instrument notifying the other State or the depository of U.S. ratification or accession and (ii) in the proclamation of the treaty. See § 312, Comment k. The President may also communicate a Senate qualification separately from the ratification. [American Law Institute, Restatement, Foreign Relations Law of the United States (Tentative Draft No. 6, April 12, 1985), § 314, Comment b.]

In light of this general practice, as described in the Restatement, it can be argued that the five "understandings" proposed by the Foreign Relations Committee would be likely to be treated in the same way as the two "reservations" in the ratification process. The Foreign Relations Committee report asserts that the "understandings" are as fully binding as are the "reservations":

In addition to two reservations, the Committee also recommends that the Senate include five understandings in the resolution of ratification to the Genocide Convention. An understanding is generally defined as a statement which interprets or clarifies the obligation undertaken by a party to a treaty. The Committee's understandings are based on the negotiating history of the Convention; the Committee believes that a review of this history would yield no contrary interpretation of the obligation in question. These understandings are recommended solely to clarify what the United States' legal obligations are under the Convention.

The practice followed in giving effect to understandings to a multilateral treaty is the same as that for reservations. The state issuing the understanding sees that it is circulated to the other parties. If another party fails to object to it, it is binding in all disputes between the two. If the understanding is rejected, the two parties either do not enter into a treaty relationship or do so absent the provisions to which the understanding applies.

I think that is most significant of what it is we are talking about. That is why, Mr. President, we need to amend this treaty so those other signatories will then have to reratify the treaty with our amendments to it and then this treaty could have some meaning:

In the unlikely event there is some dispute about a term to which a Senate understanding applies, the Committee wishes to state unequivocally that the Senate understanding is controlling. The extent of the United States' obligation is defined by the Senate understandings. No contrary interpretation, whether the result of a decision of the International Court of Justice or some other tribunal, will supersede or nullify the U.S. understandings.

Moreover, so that there can be no doubt about the controlling effect of the U.S. understandings, the Committee decided to include the following in the test of the resolution of ratification:

The Senate's advice and consent is subject to the following understandings, which shall apply to the obligations of the United States under Convention.

Accordingly, all parties will be on notice of the United States' position respecting the binding nature of these understandings. Any party which fails to object to them will be estopped from contesting them in any dispute involving the United States. [Foreign Relations Committee Report, 16-17]

In the April 1985 markup on the Genocide Convention, Elliott Abrams, Assistant Secretary of State for Human Rights and Humanitarian Affairs, opposed the use of the ambiguous term "condition" to describe the provisos under consideration by the committee and argued that "the Committee should use either the term 'understanding' or the term 'reservation' which do have, I think, a settled meaning under international law." Significantly, Mr. Abrams acknowledged that the term, "reservation has a stronger impact in terms of international law":

Senator, it is our view that the term "condition" should be avoided, as it is ambiguous under international law, and that the Committee should utilize either the term "understanding" or the term "reservation," which do have, I think, a settled meaning under international law. It is our view that in either case, "reservation" or "understanding", whichever you use, it is still the case that silence is consent for other countries if they have a reasonable time to object, and if they do not object, they cannot later do so.

So I would just urge that the term "condition," which is not a traditional term in the treaty context be avoided, and that you make a decision as to whether you want it to be a reservation or an understanding.

Senator EVANS. Would you then describe as precisely as possible the distinction in international law between the terms "understanding" and "reservation."

Mr. ABRAMS. Yes.

Reading from a statement of the Legal Advisor made in 1971, "A statement made in or accompanying the ratification of a treaty constitutes a reservation, when it would exclude or vary the legal effect of one or more of the provisions of the treaty in their application to a reserving state. A statement made in or accompanying the ratification of a treaty which merely explains or clarifies the meaning of the provisions of the treaty but does not exclude or vary their legal effect would constitute an understanding."

I think the difference here would be this. The use of reservation has a stronger impact in terms of international law. But we would argue for an understanding, because an understanding is merely our statement of how we view our Constitution, which no other country really would be likely to comment on. Whereas, if we make it a reservation, we are, in a sense, inviting other countries, as they review our ratification, to comment on their understanding of the U.S. Constitution.

We would favor the use of the term "understanding." [Genocide Convention Markup, 63-65]

On the other hand, William L. Ball III, Assistant Secretary for Legislative and Intergovernmental Affairs, stated in correspondence that—

Where one party formulates a statement—however labeled—which by its terms would exclude or vary the legal effect of a provision of a treaty, other parties would be bound by the statement in treaty relations with the country making the statement unless they objected within a reasonable time. [Letter from William L. Ball III to Senator Steve Symms, Nov. 15, 1985.]

The uncertainty about the binding effect of an understanding prompted the proposal, which was rejected, to use the term "condition" to describe the Foreign Relations Committee's provisos. Rick Messick, chief counsel of the committee, described the issue in the markup session:

The CHAIRMAN. . . . Now getting back to the word "understanding," what is the objection of counsel to use of the word "understanding" as opposed to "condition" in the first instance?

Mr. MESSICK. Well, the word "condition" was chosen to make it absolutely clear, both as a matter of domestic law and international law, that this was our obligation, and that and no more. There has been a division among the commentators in international law about an understanding. Some commentators have suggested, and there is some practice, that if a state makes an understanding accompanying its ratification of a multilateral treaty and deposits that, and other states neither object nor consent to that understanding, meet that understanding, in other words, with silence, that that silence does not bind that third party state to the understanding of the state depositing the instrument.

In other words, if we chose to use the word "understanding" in the first proviso here, and at a later date another state, who as simply remained silent at the time of the deposit of the instrument of ratification, might come back and say I understand that was your understanding of your obligation, however I think, as a matter of international law, that understanding is incorrect, and in fact, an alternative interpretation of that provision is the correct one. And the world court could, at some point in the future, agree with that other state.

In other words, by phrasing it as a condition, it, in a sense, preserves the Senate's position that this, in fact, is what it meant the United States' obligation to be with respect to this Convention in international law.

Senator SARBANES. If it is phrased as a condition, what does the other state then have to do?

Mr. MESSICK. It has to object within a year. The customary international law in this matter is that we would deposit our instruments of ratification as provided in Article 16 with the U.N. Secretary General; he will then circulate our instruments of ratification to the other parties of the Convention. If they do not object within a year, they are bound, as far as our relationship in that treaty, by this condition. . . . However, as I say, there is some ambiguity if they remain silent and we have used the word "understanding" as to whether they would, at a later date, view that understanding as binding.

Senator SARBANES. Well, of course, the understanding would be binding on us. It would state the terms under which we were entering the treaty, and for that purpose it would govern our own actions accordingly, would it not?

Mr. MESSICK. Again, we have two systems of law here. It seems clear that it would be binding on us as a matter of domestic law. There is some uncertainty whether we would be able to assert that understanding, let's say, in an action before the World Court and that the World Court might be able to say well, your understanding of this provision is simply incorrect and, therefore, it is not binding in our adjudication of this matter. [Genocide Convention Mark-up, 60-62]

The proponents of the provisos recommended by the Foreign Relations Committee, who advance them as safeguards to eliminate objections that have heretofore prevented approval of the Genocide Convention, have the burden of providing that those restrictions will be regarded in international law as binding limitations on the obligations of the United States under the convention and that they will be presented as such by the President and the State Department. There is serious reason to doubt that this burden of proof has been met, especially in view of the absence of any formal commitment from the State Department that it regards the "understandings", as finally proposed by the Foreign Relations Committee, as "reservations" and that it intends to insist that other signatory nations treat them as such. Moreover, even if the State Department were to provide such a formal commitment, that commitment would not necessarily bind future administrations. Nor are there any judicial decisions on point with respect to the effect of the language ultimately adopted in the provisos by the Foreign Relations Committee.

The uncertainty here is compounded by the language finally adopted by the Foreign Relations Committee in presenting the provisos. The committee's reservations are introduced by the clause, "The Senate's advice and consent is subject to the following reservations." The understandings are introduced by the language, "The Senate's advice and consent is subject to the following understandings, which shall apply to the obligations of the United States under this convention." The difference in phrasing is curious and indicates that the committee perceived that the "understandings" would be in some way different from the "reservations." If the "understandings" are intended to have the same effect as the "reservations," why are the "understandings"—but not the "reservations"—stated to "apply to the obligations of the United States under this Convention"? This difference in phrasing could even be argued to raise an inference that the "reservations" may be less binding than the "understandings," since the "reservations" are not stated to "apply to the obligations of the United States under this convention." Surely, however, the "reservations" were not intended by

the committee to have less effect than the "understandings." But why is there such a difference in phrasing?

What is quite clear is that there are two levels of obligation here. If the "understandings" and "reservations" were intended to have the same effect, why were those two different terms used? If the committee wanted the "understandings" to be treated as reservations, it is a fair surmise that it would have called them "reservations," particularly since that term was used with respect to two of the provisions in that same instrument. It is true, of couse, that the substance and not the nomenclature controls. However, there is lacking here the sort of clarity found in Senate resolutions on some other treaties, such as the following examples:

. . . advice and consent to the ratification of the said Convention subject to the following understanding and reservations and with the following recommendation: [International Convention for the Prevention of Pollution of the Sea by Oil, 1954, 12 U.S. Treaties 3024].

. . . advice and consent to the ratification of the said convention subject to the following reservation and understanding, namely: [Convention on International Maritime Consultative Organization, 1958, 9 U.S. Treaties 690].

Since the Foreign Relations Committee categorized its "reservations" and "understandings" differently, it would seem clear that the committee intended them to have different effects. The record of the hearings, however, indicates that the committee did not intend the two "reservations" to have a less binding effect than the five "understandings." So the committee may be fairly assumed to have intended the five "understandings" to have a less binding effect than the two "reservations."

On the other hand, it can be argued that the words, "understandings, which shall apply to the obligations of the United States under this convention" were merely intended to emphasize that, although those five provisos are called "understandings," they are no less binding than the two provisos which are called "reservations." The committee's report, quoted above [pp. 13-14, above; Foreign Relations Committee Report, 16-17], asserts that the "understandings" are no less binding than the "reservations." But what would be ratified would not be the committee's report, but the convention itself with the ambiguous provisos. And the committee's use of such unusual, and at best ambiguous, language hardly provides assurance that the Convention would be interpreted, as a matter of international law, as the committee report interprets it. Moreover, if the committee intended the "understandings" to have the same effect as the "reservations," why did it use this convoluted way of saying it? Why did it not use the language used in other treaty resolutions: "subject to the following reservations and understandings?" That sort of language would not have absolutely guaranteed that the "understandings" would be given binding effect by other nations equal to that of the "reservations." But it would have avoided some of the questions raised by the curious language of the Foreign Relations Committee resolution.

In view of the serious consequences of ambiguity here to the sovereignty of the United States, it is fair to say that the proponents of the Genocide Convention have not met their burden of proof as to the binding effect of the Foreign Relations Committee's proposed "understandings."

The further question arises as to whether the committee's provisos, even if they do have binding effect, are sufficient to cure the perceived defects in the convention which have prevented its ratification for 36 years.

Mr. President, I think Dr. Rice brings up a very good point right there. I want to repeat what Dr. Rice says here. He says:

The further question arises as to whether the Committee's provisos, even if they do have binding effect, are sufficient to cure the perceived defects in the Convention which have prevented its ratification for thirty-six years.

To examine the merits of each of the Convention provisos, this memorandum will assume, solely for purposes of further analysis, that the "understandings" will be given the binding effect of "reservations." Even with that assumption, the flaws of the Genocide Convention are sufficiently serious to require its rejection despite the Committee's commendable efforts to mitigate its dangers. The reader, however, ought to keep in mind the prospect that the "understandings" which are advanced to cure the defects of the Genocide Convention, and which this memorandum assumes for purposes of argument to be effective as reservations, may actually be of no binding effect, as a matter of international law, with respect to other signatory nations.

The "declaration" proposed by the Foreign Relations Committee may legally require the President to defer the completion of ratification until Congress enacts the enabling legislation specified in Article V of the Convention. This declaration was intended as a safeguard but, as discussed at pages 46-48 of this memorandum, it could have the result of conferring on the Convention an effect comparable to that of a formally self-executing treaty if ratification were ever completed.

Apart from this declaration, if the United States becomes a party to the Genocide Convention, it will have pledged to enact the implementing legislation required by Article V of the Convention. If the Congress abides by the pledge, certain dangers will result as noted below. If the Senate votes for the Convention in the hope that Congress will not implement it as required by the Convention, that vote would be a sham and a fraud upon the treaty-making process. Therefore a vote for the Genocide Convention may be fairly described as a vote either for a dangerous treaty (if the intent of the vote is for Congress to carry out the duty imposed on it by the Convention) or for a sham (if the vote is based on the hope that Congress will renege on its duty under Article V to implement the Convention).

Senators who may contemplate voting for the Convention in the hope that Congress will not implement it should therefore remember that Article V pledges Congress to implement it and, if the Foreign Relations Committee's "declaration" is adopted by the Senate and followed by the President, the Convention will not even be ratified until Congress has implemented the Convention. In any event, there is no sound basis for regarding approval of the Genocide Convention as a merely symbolic act.

THE EFFECTS OF THE FOREIGN RELATIONS COMMITTEE'S PROVISOS

This memorandum will offer here some comments on the impact of the "reservations", "understandings" and "declaration" proposed by the Foreign Relations Committee, assuming for purposes of analysis that the "understandings" will be given the binding effect of "reservations."

"Reservation" I: (1) That with reference to Article IX of the Convention, before any dispute to which the United States is a party may be submitted to the jurisdiction of the International Court of Justice under this article, the specific consent of the United States is required in each case.

Only nations can be parties to litigation in the World Court, the International Court of Justice (ICJ). Article IX of the Genocide Convention provides for submission to the ICJ of disputes between signatory states "relating to the interpretation, application of fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in Article III." There has never been a suit brought before the ICJ for genocide either under the Genocide Convention or under customary international law.

The Foreign Relations Committee's first reservation is an effective bar against the United States being sued against its will in the ICJ. However, "Were the United States to itself reserve authority under Article IX, that reservation could be applied against the United States under the doctrine of reciprocity by a country against whom the United States had brought such charges." [Testimony of John C. Shepherd, President of the American Bar Assn., Hearings, Senate Foreign Relations Committee, March 5, 1985, afternoon session, p. 11]

For the Senate to approve the Convention without this reservation would subject the United States to the compulsory jurisdiction of the World Court at the suit of a nation that had not itself rejected that jurisdiction. But to approve the Convention with this reservation would reduce its major enforcement mechanism to an exercise in futility, as far as the United States is concerned, since the United States could never force any other nation to litigate questions under the Convention before the ICJ. Incidentally, numerous signatories, including the Soviet Union and most Communist nations, have filed reservations rejecting Article IX. For example, the reservation filed by the Soviet Union provides that "The Soviet Union does not consider as binding upon itself the provisions of Article IX . . . ." In short, to approve the Convention without this reservation would be dangerous for the United States. To approve it with the reservation would make of the Convention in this respect a sham.

"Reservation" II: That nothing in the Convention requires or authorizes legislation or other action by the United States of America prohibited by the Constitution of the United States as interpreted by the United States.

Since treaties and other international agreements made by the United States are "the supreme Law of the land," they generally have power to override conflicting state and federal legislation. [See *Missouri* v. *Holland*, 252 U.S. 416 (1920); *U.S.* v. *Pink*, 315 U.S. 203 (1942)]. At least to some extent however, the treaty power will not be held to override protections guaranteed to individuals in the Bill of Rights. [See *Reid* v. *Covert*, 354 U.S. 1 (1957)]. The Constitution, in Article I, Section 8, clause 10, gives Congress power "to define and punish . . . Offences against the Law of Nations." Since genocide is a generally recognized offense against the law of nations, Congress already has constitutional authority to outlaw genocide within the jurisdiction of the United States. Article V of the Convention would convert that Congressional power into a duty with respect to genocide as defined in the Convention. Serious constitutional issues could be raised by such legislation, especially with respect to "incitement to commit genocide" and "complicity in genocide." [Genocide Convention, Article III; see *Brandenburg* v. *Ohio*, 395 U.S. 444 (1969)]

According to customary international law, as codified in Article 27 of the Vienna Convention on the Law of Treaties, no state may "invoke the provisions of its internal law as justification for its failure to perform a treaty." While the United States is not a signatory to the Vienna Convention, that Convention does accurately represent customary international law. This reservation, proposed by the Foreign Relations Committee, would rebut any inference that the Genocide Convention confers on the government of the United States the duty or the authority, in the enforcement of the Convention, to violate the restrictions imposed by the Constitution on that government. The reservation would appear to avoid the issue involved in *Reid* v. *Covert* by specifying that the Genocide Convention does not even intend, as far as the United States is concerned, to authorize any action by the United States that would conflict with constitutional rights or other constitutional restrictions on the federal government.

If the Convention were approved without this reservation, it would invite a relitigation of the *Reid* v. *Covert* principle and would therefore carry a risk that the Convention would be interpreted, along the lines of *Missouri* v. *Holland*, to override constitutional rights and protections. Even with his reservation, however, the possibility remains that the principle of *Reid* v. *Covert* itself may be overruled or qualified by future decisions of the Supreme Court, in which event various extreme applications of the Genocide Convention that would be unconstitutional if Congress attempted them solely on the strength of its domestic power, would not be held by the Supreme Court to conflict with the Constitution. [See *Wilson* v. *Girard*, 354 U.S. 524 (1957)]. In that event this reservation would have little or no meaning.

One separate and widely overlooked constitutional difficulty presented by the Genocide Convention arises from its potential impact of federal-state relations. It could seriously disturb the constitutional division of powers, particularly in the criminal field. This would not involve a violation of a constitutional prohibition and it therefore would not be resolved by the Foreign Relations Committee's second "reservation." Senator Sam J. Ervin described this difficulty in his 1970 testimony:

"One of the most drastic impacts the ratification of the Genocide Convention would have upon our system of government is in the criminal field. To make this transfer of jurisdiction workable, Congress would be required to enact new laws laying down rules of procedure to govern the trial of these newly created Federal and international crimes. Pending the passage of such laws, our country would experience utter confusion in the administration of criminal justice in respect to homicides, assaults and batteries, and kidnapings.

Proponents of ratification may argue that many homicides, assaults and batteries, and kidnapings would not fall within the definition of "genocide." This contention accentuates rather than minimizes the folly of ratifying the Genocide convention.

As has been pointed out, virtually every person in America falls within one or more of the four groups designated in the Genocide Convention, and any offense denounced by the Genocide Convention against any one of them would ostensibly fall within the scope of the convention. The jurisdiction of the Federal courts under the Genocide Convention would not depend upon what the jury found in particular cases. It would depend upon the allegation made in the indictments or informations charging the offenses.

Consequently, we can reasonably expect that demands will be made that every homicide, every assault and battery inflicting serious injury, and every kidnaping shall be tried in Federal court, or in an International Court to be established pursuant to the Convention. What this will do to increase the congestion in the already overburdened Federal courts of our land beggars description.

Confusion in the administration of criminal justice in respect to domestic crimes made Federal or international crimes by the Genocide Convention would not disappear with the enactment of legislation by Congress implementing the convention. The validity of this observation may be illustrated by taking a single crime, that of unlawful homicide. Under the Constitution of the United States, Congress does not have the power to make unlawful homicides generally Federal or international crimes. If ratified by the Senate, the Genocide Convention would give Congress this power in respect to the homicides constituting genocide under the definition contained in the convention. Jurisdiction to prosecute and punish other unlawful homicides would remain in the States.

The only distinction between unlawful homicides remaining in the jurisdiction of the States and unlawful homicides transferred by the Genocide Convention and Acts of Congress implementing it to the Federal Government would depend upon whether the homicide is committed with genocidal intent. As a consequence, every unlawful homicide would apparently be within the jurisdiction of both the Federal and the State Government insofar as the external circumstances of the slaying are concerned.

The power of a Federal Court to try a person for a homicide on the ground that it constitutes genocide depends upon the allegations of the indictment and not upon the ultimate finding of the jury. (Hearings, Subcommittees on Genocide Convention, Senate Committee on Foreign Relations, May 22, 1970, 199-201).

Article V of the Genocide Convention imposes a duty on Congress "to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article III." Since a charge of genocide, as defined in the Convention, could arise from a genocidal intent associated with underlying offenses that are primarily within State and not Federal jurisdiction, the overlapping of jurisdiction described by Senator Ervin would be inevitable. Indeed, the Federal prohibitions of genocide (and "conspiring," "incitement" and "complicity" with respect to genocide) would offer the opportunity to industrious counsel to obtain federal court jurisdiction in many cases that are properly the subject only of state jurisdiction. The enforcement of the Convention, to which the United States would be pledged by Article V, would predictably burden the federal courts at the same time that it could serve as a lawyers' full-employment program.

"UNDERSTANDING" I AND "UNDERSTANDING" II

(1) That the term "intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such" appearing in Article II means the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group as such by the acts specified in Article II.

(2) That the term "mental harm" in Article II(b) means permanent impairment of mental faculties through drugs, torture, or similar techniques.

In the negotiations that led to the proposal of the Genocide Convention, the Soviet Union insisted on the deletion of "political" groups from the definition of genocide. Such Communist atrocities as the Soviet activity in Afghanistan and the massacre of more than two million Cambodians by the Khmer Rouge in 1975 are therefore not "genocide" within the meaning of the Convention since they are directed, in Communist terms, against "political" groups.

Despite the exclusion of "political" genocide, the Article II definition of genocide and the Article III enumeration of punishable acts are extremely broad. These two "understandings" do limit the Convention's broad definition of genocide. However, significant ambiguities remain. The term, "in substantial part" is subject to interpretation, as is the term "as such", which the "understanding" retains from the original language of Article II.

The requirement of "specific" rather than merely general intent would appear to prevent the attribution of the necessary intent merely through the general principal that one is held to intend the natural and probable consequences of his voluntary acts. Specific intent, however, may be proven by circumstantial evidence and it should be remembered that American ratification of the Genocide Convention would imply American assent to the trial of American citizens under the Convention in foreign jurisdictions where the mere requirement that the intent be found to be "specific" would provide little, if any, protection to the accused.

The second "understanding" does constrict the definition of "mental harm." But even here the Convention requires that punishment be imposed not merely for the act of causing such mental harm, but for "conspiracy," "direct and public incitement" and even "complicity." The term, "complicity," incidentally, has no settled meaning in American law.

Without belaboring the point, it is safe to say that Articles II and III, even with these two "understanding," impose on Congress a duty to enact criminal legislation that would be at least novel and potentially dangerous. As Senator Sam J. Ervin, Jr., testified in the 1970 hearings:

"If the convention is ratified, Article II(c) would impose upon the United States the duty to prevent and to prosecute and punish anyone who deliberately inflicts "on the group conditions of life calculated to bring about its physical destruction in whole or in part." What this means, no mind can fathom. Does it mean that a State or county official who refuses to give to a member of one of the four groups designated in the convention the amount of welfare benefits deemed desirable is to be punished or prosecuted for genocide? . . .

"If the convention is ratified, Article III(c) makes any official or individual in our land punishable for "direct and public incitement to commit genocide." What does this mean? Does it mean that the convention undertakes to make a Senator or a Congressman punishable for genocide if he makes a speech outside of the chamber of his respective House in which he justifies the action of Arabs in killing Jews, or the action of Jews in killing Arabs? Does it undertake to deprive public officials and citizens of America of the right to freedom of speech with respect to matters falling within the terms of the genocide convention?

"If the convention is ratified, public officials and private citizens in our land will be subject to punishment in Federal courts or possibly in international penal tribunals to be established under article VI if they are guilty of the underfined offense designated as "complicity in genocide." What is complicity in genocide? The convention does not say.

"When the subcommittee of the Senate Foreign Relations Committee considered the convention in 1950, it recognized the vagueness and uncertainty of this proposed Federal and international crime, and recommended that the Senate should not ratify this convention in any event without stating the following reservation "that the U.S. Government understands and construes the words 'complicity in genocide' appearing in article II of this convention to mean participation before and after the fact and aiding and abetting in the commission of the crime of genocide." (Hearings, Subcommittee on Genocide Convention, Senate Committee on Foreign Relations, May 22, 1970, 202-204).

"UNDERSTANDING" III.

"(3) That the pledge to grant extradition in accordance with the state's laws and treaties in force found in Article VII extends only to acts which are criminal under the laws of both the requesting and the requested state and nothing in Article VII affects the right of any state to bring to trial before its own tribunals any of its nationals for acts committed outside a state."

The Government of the United States has no authority to surrender a fugitive to another country except as provided by a treaty. [*See Factor* v. *Laubenheimer*, 290 U.S. 276 (1933)]. The Genocide Convention is not itself an extradition treaty. No current extradition treaty to which the United States is a party specifically covers the crime of genocide. Six recent extradition treaties, however, "in effect would include future crimes that may become offenses under U.S. law." [Testimony of Davis Robinson, Legal Advisor, Department of State.] Hearings, Senate Foreign Relations Committee, March 5, 1985, morning session, p. 37; Mr. Robinson apparently was referring here to the treaties with Costa Rica, Ireland, Italy, Jamaica, Sweden and Thailand. [See Foreign Relations Committee Report, 10]

Apart from treaties of that sort, genocide would not become an extraditable offense of itself unless the extradition treaty in question were so amended with the advice and consent of the Senate. This "understanding", moreover, would further limit the extradition potential by the requirement of dual criminality. It is not required, however, in law that the name by which the crime is described in the two countries must be the same, provided that the particular act charged is criminal in both jurisdictions. [*See Collins v. Loisel*, 259 U.S. 309 (1922)]

Therefore, certain types of "genocide" could be construed to be extraditable offenses even if the treaty in question did not expressly include "genocide", provided that the underlying act, such as homicide, robbery, larceny, etc., were an extraditable offense. The exchange in the 1985 hearings between Senator Dodd and Ralph W. Tarr, Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice, is instructive on this point:

"Senator DODD. That brings me to the second type of case, an American citizen who has been charged with genocide residing in this country, charged with genocide by another nation. For that person to be extradited from this country, let me run through what I think are the three steps, and you tell me if I am wrong.

"First of all, there would have to be an extradition treaty between the United States and the charging country. Is that correct?

"Mr. TARR. This is correct.

"Mr. ROBINSON. Right.

"Senator DODD. And the extradition treaty would have to include genocide as among the extraditable offenses?

"Mr. ROBINSON. That is correct.

"Mr. TARR. Well, not necessarily, Senator. What it would have to include is some offense that charged the acts that were committed. The reason I point that out is, for example, genocide includes homicide with certain specific intent. Now, if someone can be charged with the act of homicide in both countries, then the mere fact that one country calls it genocide and one country calls it homicide theoretically would not preclude extradition.

"Senator DODD. But the extradition treaty would have to recognize that. That is my point.

"Mr. TARR. Yes, and the more modern type of treaty is more amenable to that type of approach, the most recent six treaties, I believe.

"Senator DODD. Well, my point is that would have to be a part of the extradition treaty, is the point. We could not just have an extradition treaty that did not mention that at all, and then allow an American citizen to be extradited.

"Mr. TARR. Except, again, if I understand you correctly, it would not have to say genocide.

"Senator DODD. It could say genocidal type of offenses.

"Mr. TARR. It would have to charge at least one of the underlying acts.

"Senator DODD. Included in the Genocide Convention.

"Mr. TARR. Yes. (Hearings, Senate Foreign Relations Committee, March 5, 1985, morning session. pp. 11-12)."

This third "understanding" would further reserve the "right" of the United States to refuse extradition of an American citizen for genocide committed in another country so as to try that person for that crime in the United States, It should be noted, however, that this "understanding" would not *require* the United States to deny extradition in such cases. If genocide were expressly or impliedly included in the extradition treaty in question, therefore, this "understanding" would impose no obstacle to a decision by the United States to extradite an American citizen to another country to be tried for genocide he allegedly committed in that other country.

It is not necessary for extradition that the requesting country's criminal procedures conforms to the constitutional protections afforded in American courts. This is not to say, however, that an American court, in deciding whether to grant extradition, will wholly ignore the deficiences of the trial procedures in the requesting country:

"It is established that constitutional questions of deprivation of rights are addressed only to the acts of the United States Government and not to those of a foreign nation, at least for purposes of determining questions of extraditability. *Plaster* v. *United States* 720 F.2d 340, n. 9 (4th Cir. 1983), citing *Neely* v. *Henkel*, 180 U.S. 109, 21 S. Ct. 302, 45 L. Ed. 448 (1901)

"Seldom, however, can a principle of law be carried to absolute extremes without developing fissures. It is unlikely that extradition would be ordered if the facts were established, by assumption for purposes of argument, or by convincing proof, that the prisons of a foreign country regularly opened each day's proceedings with a hundred lashes applied to the back of each prisoner who did not deny his or her God or conducted routine breakings on the wheel for every prisoner. [*Prushinowski* v. *Samples*, 734 F.2d 1016, 1018-19 (4th Cir. 1984)."

As a matter of policy, the Executive Branch is committed to a similar limitation with reference to extreme cases. As Elliott Abrams, Assistant Secretary for Human Rights and Humanitarian Affairs, Department of State, testified in the 1985 hearings:

The kind of government that is going to seek, for example, to extradite individual Americans, say the government of Vietnam, is the kind of government we would never extradite anybody to under any circumstances whatsoever because he would simply not get a fair trial. We do not extradite for criminal acts in a foreign country when there is no chance of getting a fair trial in that country. This would be true, for example, of Vietnam.

"So that I think in a sense takes care of the real problem cases—the Soviet Union, Vietnam or other countries like that which would be most likely to try this kind of act. [Hearings, Senate Foreign Relations Committee, March 5, 1985, morning session, p. 67]."

Ratification of the Genocide Convention would impose on Congress the duty to make genocide a crime under American law. Indeed, if the Foreign Relations Committee's "declaration" is adopted, ratification of the Convention would not occur until Congress had already enacted such "implementing legislation." Therefore, genocide would be automatically included as an extraditable offense in the six recent extradition treaties mentioned, but not specifically enumerated, by Mr. Robinson in his testimony. As to those treaties, ratification of the Convention, which would occur pursuant to the

Committee's declaration only after Congress had enacted "implementing legislation," could immediately make American citizens extraditable for the crime of genocide to some foreign countries with fewer procedural protections than those afforded in trials in this country, provided that the procedures in that country were sufficient to provide in Mr. Abrams' words, a basically "fair trial."

Such a result would seem to be possible also, for example, under the May 4, 1978, United States extradition treaty with Mexico, which provides, "Extradition shall also be granted for willful acts which, although not being included in the Appendix [the enumeration of extraditable crimes in the treaty], are punishable, in accordance with the federal laws of both Contracting Parties, by a deprivation of liberty, the maximum of which shall not be less than one year." 31 U.S. Treaties 5059, 5062 [art. 2, Sec. 3].

As to all existing extradition treaties, including those without such a comprehensive provision, if the underlying act of the alleged crime were covered by the extradition treaty, e.g., homicide, extradition would apparently be authorized, with or without American ratification of the Convention, even though the requesting state charged the crime as "genocide." [See the discussion above, pp. 34-35, between Senator Dodd and Ralph W. Tarr]

A very disturbing aspect of the Genocide Convention is the provision in Article VII that "Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition." The rule prohibiting extradition of those who commit political offenses is an integral part of the law of virtually every modern state. [Lauterpacht, The Law of Nations and the Punishment of War Crimes, 21 Brit. Yb. Int'l. L. 58, 88 (1944); see in 6 Whiteman, Digest of International Law 853 (1968)] "[T]he political offense exception is not limited to 'purely' political offenses against a government, such as treason, sedition and espionage, but extends also to 'relative' political offenses, to wit, crimes against persons or property which are incidental to a war, revolution, rebellion or political uprising at the time and site of the commission of the offense, *see Ornelas* v. *Ruiz*, 161 U.S. 502 . . . (1896); *In re Castioni*, [1891] 1 Q.B. 149 (1890); *In re Meunier*, [1894] 2 Q.B. 415 (1894); *In re Ezeta*, 62 F. 972, 977-1002 (N.D., Cal., 1894); *Garcia-Guillern* v. *U.S.*, 450 F.2d 1189, 1192 (5th Cir., 1971), *cert. denied*, 405 U.S. 989 . . . (1972); *Abu Eain* v. *Wilkes*, 641 F.2d 504, 518-23 (7th Cir., 1981), *cert. denied*, 102 S. Ct. 390 (1981)." [*In re Mackin*, 668 F.2d 122, 124-25 (2nd Cir., 1981)].

The political offense exception, which is a common feature of American extradition treaties, protects against the use of American courts for the deliverance of political fugitives whose alleged crimes consist of authentic political dissent or rebellion. It is an aspect of the humanitarian practice of granting political asylum in deserving cases. The Genocide Convention excludes "genocide" from the category of non-extraditable political offenses.

In view of the broad definition of genocide in Articles II and III, ratification of the Convention even with this third "understanding" would require the United States to extradite a legitimate political opponent of the requesting state for an alleged crime that would otherwise be excluded from extradition as a political offense, provided only that the request for extradition was based on a charge of "genocide." The definition of "genocide" in the Convention is peculiarly susceptible to abuse as a device for the persecution of political opponents of a regime. "Genocide" would appear to be one crime with respect to which the protection of the political offense exception absolutely ought not to be removed.

"UNDERSTANDING" IV

"(4) That acts in the course of armed conflicts committed without the specific intent required by Article II are not sufficient to constitute genocide as defined by this Convention."

(Mr. EVANS assumed the chair.)

Mr. SYMMS. The provision of article I that genocide is a crime "whether committed in time of peace or in time of war," envisions the possibility that American soldiers fighting in a foreign country could be tried for genocide under the Convention by the government of that country. Article I contains no exemption for soldiers in combat. As Senator Sam J. Ervin testified in 1970:

"When soldiers kill or seriously wound members of a detachment of the military forces of a hostile nation, they certainly do so with intent to destroy, in whole or in part, a national group as such. Hence, their acts in combat fall clearly within the purview of the convention. In such cases, they are triable and punishable under Article VI in the courts of the nation in whose territory their acts are committed, or in such an international penal tribunal 'as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction.'

"Those things being true, American soldiers killing or seriously wounding North Vietnamese soldiers or members of the Vietcong, or South Vietnamese civilians in South Vietnam, are triable and punishable in courts sitting in South Vietnam, and American aviators who kill North Vietnamese soldiers or civilians in bombing raids upon targets in North Vietnam, and who fall into the hands of the North Vietnamese, are triable and punishable in the courts of North Vietnam. No sophistry can erase this obvious interpretation of the Genocide Convention." [Hearings, Genocide Convention, Senate Foreign Relations Committees, May 22, 1970, 15-16]

If American military personnel were to be captured while advising or otherwise acting in support of insurgents in Nicaragua, for example, they could be tried in the courts of Nicaragua, which has ratified the Genocide Convention, for the crime of genocide. The fourth "understanding" would merely require the prosecuting state to prove in a trial in its own courts and according to its own procedures, "specific intent" to commit genocide rather than a merely general criminal intent. This would be small consolation to the American soldier on trial.

In fact, however, American soldiers are already subject to trial by hostile states for genocide, whether or not the United States ratifies the Genocide Convention. They could be tried under customary international law for genocide and could even be tried under the Genocide Convention in a jurisdiction which is a signatory to that convention. The net effect of American ratification of the Genocide Convention, therefore, would not be to subject American military personnel to trial where they had not been subject to trial for Genocide before. Instead, American ratification of the Convention would provide a color of legality and of American acquiescence in the trial of American soldiers by an enemy state for the crime of "genocide" under the Convention. This ought to be regarded as an intolerable result, a circumstance which is not improved by this fourth "understanding." The net effect of the Convention, even with this "understanding," could well be an increase in the likelihood of such "show trials" of American soldiers.

"UNDERSTANDING" V

(5) That with regard to the reference to an international penal tribunal in Article VI of the Convention, the United States declares that it reserves the right to effect its participation in any such tribunal only by a treaty entered into specifically for that purpose with the advice and consent of the Senate.

The international penal tribunal described in Article VI does not exist. The United States, by this fifth "understanding," would reserve the "right" to accede to the jurisdiction of that tribunal "only by a treaty." However, while the "understanding" reserves that "right", it does not impose a duty to accept that jurisdiction only by a treaty. Rather, the "understanding" would leave undisturbed the prospect that the Executive Branch could accept the jurisdiction of such a tribunal by executive agreement which does not require the advice and consent of two-thirds of the Senators present. Senator Helms raised this point with Mr. Robinson and Mr. Tarr in the 1985 hearings, and I think this is most fascinating:

Senator HELMS. Now, let me get hypothetical. Would the acceptance of such jurisdiction require a treaty ratified with the advice and consent of the Senate, or could we accede by executive agreement?

ROBINSON. Let me take just one second on that.

[Pause.]

ROBINSON. Senator, in my view, it would clearly be a treaty, not an executive agreement, that would require the advice and consent of the United States Senate. That would be my opinion.

Senator Helms: You are talking about the acceptance of jurisdiction?"

Tarr: Senator, let me disagree if I might, respectfully, with Mr. Robinson. From a presidential power standpoint, I think there are conceivable circumstance in which such an executive agreement could be entered into. I think we have to be fair about that possibility.

Certainly, if the Congress passed some statute or a joint resolution indicating its intent to have the president proceed with such a tribunal, that would be such a circumstance in which the President could then go forward and initiate an executive agreement. [Hearings, Senate Foreign Relations Committee, March 5, 1985, morning session, pp. 40-41]

In the opinion of this writer, Mr. Tarr's view is correct. Moreover, it is at least arguably possible that the jurisdiction of such tribunal could be accepted by executive agreement even in the absence of Congressional action authorizing or approving that agreement. [*See U.S. v. Pink*, 315 U.S. 203 (1942); American Law Institute Restatement, Second, Foreign Relations Law of the United States, Sec. 121]

The Foreign Relations Committee Report stated that "the committee's understanding would require [the President] to seek

Senate advice and consent pursuant to Article V of the United States constitution" to accept the jurisdiction of such an international penal tribunal. "Accession by an executive agreement would be barred. The Committee's understanding puts both future Presidents and the other parties to the Genocide Convention on notice that Senate consent will be required before the United States can participate in any such tribunal." [Foreign Relations Committee Report, 25] The Report would seem to be clearly in error here, since the understanding reserves to the United States merely the "right" to effect its adherence to such a tribunal only by a treaty.

An international penal tribunal would have jurisdiction to try American citizens for genocide only if the United States accepted the jurisdiction of such a tribunal. [See statement of John Norton Moore, Cong. Rec., Oct. 10, 1984, S 14058-59] However, Senator Sam J. Ervin, Jr., in the 1970 hearings, indicated that American ratification of the Convention might imply an obligation on Congress to support the creation of such a tribunal:

Able lawyers have expressed the fear that article VI imposes upon the Congress an implied commitment to support the creation of an international court for trials of American citizens for genocide. I find myself in complete harmony with their opposition to subjecting our citizens and other persons within our territorial jurisdiction to trial, conviction, and sentence for acts of genocide committed in the United States by an international penal tribunal where they would not be surrounded by the constitutional safeguards and legal rights accorded persons charged with domestic crime. [Hearings, Subcommittee on Genocide Convention, Senate Foreign Relations Committee, May 22, 1970, 204].

THE "DECLARATION"

The Foreign Relations Committee approved the following "declaration":

That the President will not deposit the instrument of ratification until after the implementing legislation referred to in Article V has been enacted.

Since the Committee resolved that the Senate's advice and consent would be "subject to" this declaration, it would appear to be legally binding upon the President as a matter of domestic American law. It would postpone ratification until Congress had worked out the details of, and enacted, the implementing legislation required by the Convention. The declaration might serve to postpone actual American ratification of the Convention. However, the fact that the Foreign Relations Committee considered it necessary to adopt such a declaration underscores the uncertainties which pervade this subject. Pursuant to this declaration, the Convention will never be ratified unless there is already in place the domestic legislation which will define and punish "genocide" and otherwise enforce the Convention, with the effective date of that legislation to be the date of ratification. In this sense, the Genocide Convention is either a nullity or virtually a self-executing treaty immediately effective as domestic law through the implementing legislation enacted before ratification as provided in the declaration. Moreover, approval of the Convention by the Senate could properly be read to impose a duty on the Congress as a whole to consider, if not enact, the implementing legislation. To enact such legislation, a simple majority vote would be needed in each house of Congress. It is realistic to expect that the pressure on Congress to enact such legislation would be considerable. In his testimony at the 1985 hearings, Elliott Abrams, Assistant Secretary for Human Rights and Humanitarian Affairs, Department of State, testified on behalf of the Administration that "we believe action on this treaty is long overdue" and:

The reasons for the United States' accession to the Genocide Convention remain as strong as they have ever been. The Convention gives the concrete expression to our opposition to the horrors of genocide and symbolizes that genocide is a crime against humanity which merits international censure. Our accession to the Convention will convey clearly . . . that the United States intends to use the Convention to expand human freedom and fight human rights abuses around the world. Ratification of the Convention will be a statement of our nation's conscience. Our failure to ratify the Convention has given our adversaries a useful and effective propaganda tool to berate the United States and divert attention from their own human rights abuses. It is simply time for that to stop. This is one of the most persuasive reasons for ratifying the Convention without delay. [Statement of Elliott Abrams, Senate Foreign Relations Committee, March 5, 1985, morning session, pp. 9-10.]

The Administration seeks ratification of the Convention for symbolic purposes and as a weapon to counter the propaganda of other nations. To achieve those aims, as Mr. Abrams indicated, ratification is necessary. It would hardly advance the administration's purposes, once the Senate had approved the Convention, if ratification of the Convention were held up by a racalcitrant Congress that refused to enact the implementing legislation described in Article V.

The pressure on Congress to enact such legislation would be great. And at that point, or course, approval of the Convention could hardly be argued to be a merely symbolic or rhetorical excercise. Those symbolic purposes could be achieved only through the enactment of legislation, as a prelude to ratification, which would be punitive rather than symbolic.

These comments are not intended to suggest that the Senate should approve the Convention without the declaration. Rather, the declaration underscores the reality that the Convention is a dangerous instrument with or without the declaration.

Mr. President, the conclusion of Dr. Rice, the very learned scholar from Notre Dame University, and I reemphasize, his conclusion:

CONCLUSION

As noted above, this memorandum has assumed, for purposes of analysis, that the "understandings" proposed by the Foreign Relations Committee will be given the binding effect of "reservations." That is a very large assumption, made here solely for the sake of argument as a premise for the analysis of each of the Committee's provisos on its merits. The reality is that the proponents of the Convention have not met their burden of proving that the Committee's "understandings" will have a binding effect as a matter of international law.

The Foreign Relations Committee's "reservations" and "understandings" (if they did have binding effect) would mitigate some of the dangers posed by the Genocide Convention. Senators Helms and Lugar, especially, rendered a service in their perception of those dangers and in their efforts to avoid them. Over the past several months, Senator Helms has been particularly notable for his persistent exposure of the issues raised by the Convention and his advocacy of constructive proposals to resolve those issues. It is no reflection on Senators Helms and Lugar and the Foreign Relations Committee in general that the weaknesses of the Convention are incapable of correction by reservations or understandings or both.

It may be argued that it would be preferable to approve the Convention with provisos that mitigate its effects and thereby to be done with the issue rather than to reject the Convention and have it come up again and again with the possibility that it might someday be enacted without mitigating provisos. One difficulty with this approach, however, is that the Genocide Convention is such a vague and dangerous treaty that, to cure its imperfections would require changes so substantive that they would have to be regarded as amendments requiring a renegotiation of the Convention. It is fair to conclude, as indicated in the foregoing discussion, that the Genocide Convention, as a legal document, is flawed beyond redemption by any qualifying provisos.

As noted in this memorandum, there is no way that the Genocide Convention, even with the provisos, can be regarded as a merely symbolic gesture. The proper response to a proposal as irremediably flawed as is the Genocide Convention is to oppose it, flatly and without concession. Further, the very process of exposing the weaknesses and dangers of the Convention will serve the educational purpose of promoting a wider public understanding of the Constitution and of the reality that dangers to constitutional liberties can be masked under noble rhetoric.

Even with the Foreign Relations Committee's provisos, and even assuming that each of those provisos would have binding effect, the Genocide Convention should be rejected.

Mr. President, that was a rather long and lengthy explanation by a most learned scholar and I will see that this is available. It will be in the RECORD tomorrow for all my colleagues to read.

I earlier stated my case, that I intend to offer an amendment to article II and I think that Mr. Rice's case makes my case; that in other words, what this treaty needs is an amendment. Then those practitioners of genocide around the world can either fish or cut bait. I say that we should give them that opportunity to fish or cut bait, and what we need to do is to amend this treaty.

So I would hope that my collagues in the next day or so would carefully examine the statement that I have just read into the RECORD and my own statement earlier on the amendment that I now send to the desk.

AMENDMENT NO. 1585

(Purpose: To add political groups to those protected from genocide under definitions of this treaty)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask that it immediately be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 1585. Amend Article II by inserting "political," after "national,".

Mr. DIXON. Mr. President, I rise today in support of Senate ratification of the Genocide Convention. Our positive action on this treaty is long overdue. It represents a commitment to human rights, and a firm condemnation of atrocities against humankind.

American participation in the Genocide Convention has been urged consistently by administration after administration. The Foreign Relations Committee has recommended Senate approval. During the 98th Congress, the Senate demonstrated its intent on this matter by approving a symbolic resolution of support for this treaty.

It is time this body followed through on its intentions, and ratified this painstakingly negotiated American commitment to freedom and human rights. Those who remember the great tragedies of our time are watching the Senate today, Mr. President. We cannot let them down, and we must not delay in finally approving this document.

Mr. GLENN. Mr. President, I rise to express my strong support for Senate advice and consent to ratification of the International Convention on the Prevention and Punishment of the Crime of Genocide. The Genocide Convention was first sent to the Senate for ratification on June 16, 1949, by President Harry Truman. After over 36 years, it is essential that we seize this historic opportunity to ratify the Genocide Convention for reasons of both principle and realism.

As is well known, the Holocaust was the impetus for this treaty. Over 6 million Jews and other minority groups were ruthlessly and systematically exterminated by the Nazi regime. After the Second World War, representatives from many nations assembled to try to prevent another Holocaust. The Genocide Convention was approved by the United Nations' General Assembly on December 9, 1948, and submitted to member states for ratification. Genocide is the most heinous of human crimes. As the greatest democratic nation in the world, we must join the other signatories to the convention and publicly commit ourselves to outlaw acts of genocide and to punish their perpetrators.

The Genocide Convention is both a legal document and a profoundly moral statement of our outrage at the genocides of the past. Ratification of the convention is a reaffirmation of our commitment to fundamental human rights. In addition to championing the rights of individuals, it is essential to uphold individuals' dignity as members of ethnic, racial, and religious groups. We must act now to make the principles underlying the convention legally as well as morally binding on civilized states. As a nation we must give effect to the universal moral principles that we cherish.

The ratification of the convention is a contribution to international law. The Genocide Convention is an attempt to express an important ideal through law. Merely because all nations have not lived up to the ideal does not mean that the ideal should be abandoned. The cumulative effect of the Genocide Convention and other human rights convenants is to modify the international behavior of states, to make them more accountable for their actions. Our ratification of this treaty gives greater moral authority to our commitment to human rights.

Our failure to ratify the Genocide Convention has opened us to the propagandistic assaults of our adversaries. With ratification we further enhance our role as a leader in advancing the cause of human rights around the world.

I am aware of the arguments of Genocide Convention opponents that the agreement will somehow undermine our Constitution. In our system of government, the Supreme Court interprets the Constitution. The Supreme Court, in its own words, "has regularly and uniformly recognized the supremacy of the Constitution over a treaty" (*Reid* v. *Covert*, 354 U.S. 1, 1957). It is therefore incorrect to claim that the Genocide Convention will supersede or set aside the Constitution of the United States. It will not and cannot do so.

I believe that we are still better off with this treaty as modified than without it. Through ratification, we reassert our own moral principles and the rule of law, and we increase our prestige and moral authority in international forums while preserving our national sovereignty. Only a failure of will or of principle can prevent us from ratifying the Genocide Convention now. Above all, we must ratify the convention for the fundamental reason that it is the right thing to do.

Mr. SYMMS. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Exec. O, 81st Congress, 1st Session, the International Convention on the Prevention and Punishment of the Crime of Genocide.

Bob Dole, Ted Stevens, Lowell Weicker, Arlen Specter, David Durenberger, Bob Packwood, Rudy Boschwitz, Al Simpson, John H. Chafee, Slade Gorton, Daniel J. Evans, Richard G. Lugar, Nancy Kassebaum, Claiborne Pell, Bill Proxmire, Edward Kennedy, Robert C. Byrd.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to extend beyond the hour of 6:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENTIAL ELECTION IN THE PHILIPPINES

Mr. KENNEDY. Mr. President, will the majority leader yield for an inquiry?

Mr. DOLE. Yes.

Mr. KENNEDY. I know that the majority leader and the minority leader and other interested Senators have been considering a sense-of-the-Senate resolution relating to the Philippines. I was just wondering if the majority leader would be able to indicate to us whether that particular sense-of-the-Senate resolution was going to possibly be considered this evening?

Mr. DOLE. It is my hope we can consider it this evening. We are trying to clear it on this side. There were some changes made in the wording of the resolution. I have asked staff on my side to contact all Senators' offices to indicate the general reference to the resolution. I will be in a position to answer that question in just a minute or so.

Mr. KENNEDY. I appreciate the majority leader's comments. I know it does seem appropriate to Senators on both sides of the aisle, as we return from last week's recess, to address the issue of the recent elections in the Philippines in an expedient manner. The concern for free elections is something about which Republicans as well as Democrats must be equally concerned. So I hope that we would have an opportunity to address it. I do know the leader has been working on this issue. I welcome the fact that there have been so many Members on both sides of the aisle that have been working together to reach a conclusion.

Mr. DOLE. Mr. President, I understand we have just about cleared that on our side. I think there is just one or two minor changes we would like to propose. In my view, we can work it out. I hope we will take action on the resolution in the next 20 or 30 minutes.

FOOD AID FOR FRIENDS

Mr. MELCHER. Mr. President, there is one area of need—hunger and malnourishment among the unemployed families in the Philippines—that need not wait any longer to be resolved.

It has been State Department policy for the past 2 years to be cautiously slow in approval of food aid to the Philippines under title II of Food for Peace. Currently, $7.8 million has been allowed for their entire country. That is not very much if reports of 30 percent unemployment are accurate. Counting the families where the breadwinners are unemployed it could mean 15 million people, most of them children. The unemployment is probably heaviest in metro Manila and other cities such as Cebu and Davao, but it is also extremely heavy in Negros and other areas where sugarcane is produced and refined.

It should be noted that the action of the administration in substantially reducing the Philippine sugar quota after 1981 has been the principal reason for the closure of approximately one-half of the sugar refineries in that country, resulting in the heavy unemployment in both sugar cane production and its refining.

The United States has a great abundance of wheat, dried milk, rice, and soybeans, which are in surplus and which cause us to pay significant amounts of money out of the Treasury just for the storage and warehousing of these surplus commodities.

I propose that we use a small portion of these crop surpluses to alleviate hunger and malnourishment for these families, because they are in need and they are friends of ours. To that end I have written President Marcos and Jaime L. Cardinal Sin, suggesting that they engage in a cooperative effort involving private voluntary organizations for the distribution of a substantial increase in U.S. food assistance.

In telephone conversation with Cardinal Sin last evening, he was firm in backing such a proposal. Although Cardinal Sin and President Marcos were on opposite sides during the campaign, and remain on opposite sides now as to the outcome of the election, there has been cooperation between the two of them in food aid distribution in the Philippines. And while I await the response from President Marcos, I belive there can be a continuation of that cooperation and the use of private voluntary organizations to distribute the food aid.

In December of 1983, when I first met Cardinal Sin in Manila, he asked me to bring back to the United States a food aid application for unemployed families in metro Manila. While it took six months for the State Department approval of this modest food aid application by the Cardinal, it was approved, and part of the current title II food aid program continues to provide food to the Cardinal's program. Much more is needed now, and there is no need to hold these hungry Filipinos as hostage while the United States discusses matters pertaining to the outcome of the recent Philippine election.

I urge my colleagues of the Senate to consider the need, consider the historic strong ties between our two nations, and move constructively to aid the hungry of the Philippines.

Mr President, I ask unanimous consent that copies of the letters I referred to, to Cardinal Sin, President Marcos, and also a letter to Secretary of State George Shultz, on this matter be printed in the RECORD.

There being no objections, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
February 18, 1986.

Hon. GEORGE P. SHULTZ,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: I am enclosing letters to President Marcos and to Jaime L. Cardinal Sin suggesting that a cooperative effort for an immediate increase in food aid to the unemployed families in the Philippines be arranged in conjunction with the private voluntary organizations there. The letters speak for themselves and both were Telexed as of yesterday.

The Title II allocations of food aid for the Philippines during this fiscal year is $7.8 million (milk, soy-fortified bulgar and flour). I propose that there be an immediate and substantial increase through Title II for the Philippines of wheat, dried milk and rice.

I conversed with Cardinal Sin last evening and he assured me of his backing for the proposal in cooperation with the Government of the Philippines and the private voluntary organizations.

Please make AID officials in Manila aware of my proposal and please provide me with any suggestions that you may have.

Yours truly,

JOHN MELCHER.

U.S. SENATE,
February 17, 1986.

His Eminence JAIME L. CARDINAL SIN,
Archbishop of Manila, Villa San Miguel, Shaw Boulevard, Metro Manila, Philippines.

DEAR CARDINAL SIN: My purpose in this letter is to inform you of my proposal for an immediate increase of U.S. food aid for the unemployed Filipino families in Metro Manila, Negros and other areas of high unemployment in your country.

I am writing a similar letter to President Marcos stating the same and asking that there be a joint effort to distribute the food by yourself, the Government of the Philippines, and the private voluntary organizations.

Following both of my visits to the Philippines in December of 1983 and February of 1985, I urged our State Department to approve food aid shipments. There has been an unnecessary lack of attention or a deliberate slowdown by the U.S. State Department in Filipino food aid. But for whatever reason that food aid for the poor families in your country has been restrained from the United States, it is clear to me that hungry Filipino families should not be held hostage for political reasons.

The hunger of unemployed families destitute in these harsh economic times can be alleviated by the abundant surplus commodities of wheat, rice and dried milk that fill our federal warehouses. Likewise, as I discussed with General Ramos last February, food aid can be provided to poor families in areas where the insurgents operate and strip food from the countryside.

I hope that you can agree to a cooperative effort with the Government of the Philippines, and the private voluntary organizations. If so, I shall propose to the U.S. Senate that food aid for the Philippines be increased immediately.

Yours truly,

JOHN MELCHER.

February 17, 1986.

His Excellency FERDINAND E. MARCOS,
Malacanang Palace,
Manila, Philippines,

DEAR PRESIDENT MARCOS: My purpose in this letter is to inform you of my proposal for an immediate increase of U.S. food aid for the unemployed Filipino families in Metro Manila, Negros and other areas of high unemployment in your country.

I am writing a similar letter to Cardinal Jaime Sin stating the same and asking that there be a joint effort to distribute the food by the Government of the Philippines, the Cardinal, and the private voluntary organizations.

Following both of my visits to the Philippines in December of 1983 and February of 1985, I urged our State Department to approve food aid shipments. There has been an unnecessary lack of attention or a deliberate slowdown by the U.S. State Department in Filipino food aid. But for whatever reason that food aid for the poor families in your country has been restrained from the United States, it is clear to me that hungry Filipino families should not be held hostage for political reasons.

The hunger of unemployed families destitute in these harsh economic times can be alleviated by the abundant surplus commodities of wheat, rice and dried milk that fill our federal warehouses. Likewise, as I discussed with General Ramos last February, food aid can be provided to poor families in areas where the insurgents operate and strip food from the countryside.

I trust that a cooperative effort by the Government of the Philippines, Cardinal Sin, and the private voluntary organizations can be arranged. If so, I shall propose to the U.S. Senate that food aid for the Philippines be increased immediately.

Yours truly,

JOHN MELCHER.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENTIAL ELECTION IN THE PHILIPPINES

Mr. DOLE. Mr. President, I send a resolution to the desk and ask that it be read. It is the Philippine resolution.

I also ask unanimous consent that the vote occur on the resolution at 12 noon tomorrow without further debate and without amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 345), expressing the sense of the Senate that the recent Presidential elections in the Philippines were marked by such widespread fraud that they cannot be considered a fair reflection of the will of the people of the Philippines.

Whereas, the Presidential election held in the Philippines on February 7, 1986 was plagued by widespread fraud on all levels;

Whereas, international observer groups, including a United States official observer delegation, appointed by President Reagan, witnessed numerous instances of such fraud;

Whereas, President Reagan stated on February 15, 1986 that "the elections were marred by widespread fraud and violence perpetrated largely by the ruling party."

Whereas, the Catholic Bishops Conference of the Philippines judged the elections to be "unparalleled in the fraudulence of their conduct," including systematic disenfranchisement of voters, widespread and massive vote-buying, deliberate tampering with the election returns and intimidation, harassment, terrorism and murder of the citizens of the Philippines;

Whereas, the vote totals reported in the Philippines National Assembly were inconsistent with figures tallied by the citizen poll watching group NAMFREL; and

Whereas, the President has dispatched Ambassador Philip Habib on a fact-finding mission to help determine how best the United States might assist the Philippines to return to a stable political situation based on democratic principles: Now, therefore, be it

Resolved, That it is the sense of the Senate that:

SECTION 1. America's interests are best served in the Philippines by a government which has a popular mandate;

SEC. 2. The February 7, 1986, Presidential and Vice-Presidential elections in the Philippines were marked by such widespread fraud that they cannot be considered a fair reflection of the will of the people of the Philippines; and

SEC. 3. The Senate requests that the President of the United States personally convey this concern to President Ferdinand Marcos and Corazon Aquino of the Philippines;

Mr. DOLE. Mr. President, I indicate that this resolution was sent to the desk on behalf of myself. Senators BYRD, KENNEDY, LUGAR, PELL, DODD, BOREN, PRYOR, DOMENICI, EVANS, ABDNOR, KERRY, HART, COCHRAN, LEVIN, FORD, D'AMATO, and BAUCUS. I assume there may be other cosponsors between now and tomorrow noon.

Mr. FORD. Mr. President, I ask unanimous consent that my name be added as a cosponsor to the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I thank the leader and the Chair.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I want to, first of all, commend the majority and minority leaders and those Members on both sides of the aisle who are fashioning this particular sense-of-the-Senate resolution. I look forward to the statement that will be made by the Senators on both sides of the aisle at tomorrow noon. I think it is entirely appropriate that on the first legislative day of the U.S. Senate after the February recess that we address what perhaps is one of the most important elections that we have seen in recent times.

It is entirely appropriate that the American people speak overwhelmingly in favor of this kind of a resolution—that, I believe, will be the case tomorrow at noontime—through their elected Members of the Senate.

I know, Mr. Leader, that there is no time under the agreement for debate. I would like to speak briefly. I am not interested in delaying the Senate very late this evening, but I would like to speak for 5 or 7 minutes about this particular resolution either tonight or tomorrow. Maybe there are others who would like to as well. I feel intensely about the importance of this resolution. I think it is a commendable action. I think it can have important and constructive results in the Philippines.

I would like to cooperate with the leader. I am not interested in unduly delaying, but I would like to address the Senate at a particular time.

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period of 30 minutes of debate commencing at 11:30 a.m. tomorrow morning, equally divided.

Mr. KENNEDY. I would not object. I would like to be assured of at least 7 minutes of that time, Mr. Leader.

Mr. DOLE. That will be divided between Senators LUGAR and PELL. I am certain Senator PELL will provide for your time.

Mr. PELL. I assure the Senator.

Mr. KENNEDY. I thank the Senator.

As the majority leader might know, we had an excellent presentation by Senator BOREN in our caucus. I know many others of my colleagues, also feel strongly about this particular issue. I just want to commend the leaders and the members of the Foreign Relations Committee again for bringing this matter to the Senate and permitting the Senate to vote on it.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Reserving the right to object, might I ask the distinguished majority leader if he would ask for more time. This is more important than to limit it at 30 minutes. I do not want to set the Senate schedule in any way, but I wonder if the majority leader would object to asking for enough time so that we may make our statements.

Mr. DOLE. I do not have objection. We are moving fairly quickly on the Genocide Convention. We have been waiting for 38 years.

Mr. MELCHER. I do not want to interfere with that either. Perhaps, however, we can have more than 30 minutes.

Mr. DOLE. We are to take it up at 11 a.m. and we are hoping that we might have a vote on that early in the afternoon.

I do not believe Senator LUGAR would have any objection to assuring the Senator from Montana that he would have 10 minutes.

Mr. MELCHER. I thank the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I am advised that the distinguished minority leader would like to have some time, too. We will make it 1 hour equally divided, 30 minutes on a side.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object and I do not intend to object, I am more than glad to present my remarks this evening. The distinguished majority leader has been very accommodating. I would be glad to debate the issue with any other Senators tonight. I am delighted to have the opportunity to do so. For those who oppose it, I welcome the chance to present my remarks this evening.

Mr. DOLE. If the Senator would yield, I was hoping to dispose of it this evening. There is the point that the Senator from Massachusetts made that the first action we have taken since we returned was on the Philippines. It was my intention, though we postpone it until tomorrow, even though there will be a rollcall which will probably be unanimous, it will take a certain amount of meaning from it. They say we should act immediately. We can leave it open for cosponsors. We can have debate this evening if people are prepared to do so. We are prepared to act this evening. I have the permission of the

distinguished chairman of the Foreign Relations Committee. We will do it in any way that will satisfy my colleagues.

Mr. KENNEDY. As the leader said, it is important enough that I think Members want to be recorded. I would welcome a chance to conclude it this evening with a rollcall vote. I understand that is inconvenient for some of the Members. It is not for me. I would certainly agree to have a rollcall vote this evening.

The leader has generously indicated a time for tomorrow. I am quite satisfied with what the leader has proposed. Maybe I should be silent and see if we can get a request which would be agreed to.

Mr. DOLE. I think we have satisfied the request of the Senator from Montana.

Mr. MELCHER. That is correct.

Mr. DOLE. We can leave it at 1 hour from 11 a.m. until noon tomorrow, equally divided, with the vote to occur at 12 noon.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, there is one technical error that I hope I can correct by unanimous consent. We left out a word. On page one of the resolution we talked about considered and fair reflection of the will of the people of the Philippines. In section 2 of the resolve clause, the word "fair" was unintentionally omitted. I ask unanimous consent that the word "fair" appear before the word "reflection" on line 3 of section 2.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on February 7, February 11, and February 12, 1986, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on February 7, February 11, and February 12, 1986, are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT—PM 112

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby transmit for the information of the Congress the Twentieth Annual Report of the Department of Housing and Urban Development, which covers calendar year 1984.

RONALD REAGAN.

THE WHITE HOUSE, *February 18, 1986.*

ANNUAL REPORT ON THE ADMINISTRATION OF THE FEDERAL RAILROAD SAFETY ACT—MESSAGE FROM THE PRESIDENT PM 113

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I transmit herewith the Fourteenth Annual Report on the Administration of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.) as required by the Act. This report was prepared in accordance with Section 211 of the Act and covers calendar year 1984.

RONALD REAGAN.

THE WHITE HOUSE, *February 18, 1986.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following bill and joint resolutions:

On February 11, 1986:

S.J. Res. 74. Joint resolution to provide for the designation of the month of February 1986, as "National Black (Afro-American) History Month";

S.J. Res. 219. Joint resolution to designate the week of February 9, 1986, through February 15, 1986, as "National Humanities Week, 1986"; and

S.J. Res. 234. Joint resolution to designate the week of February 9, 1986, through February 15, 1986, as "National Burn Awareness Week."

On February 12, 1986:

S. 1831. An act to amend the Arms Export Control Act to require that congressional vetoes of certain arms export proposals be enacted into law.

MESSAGES FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on February 11, 1986, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolution, with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 52. Joint resolution to designate the month of April 1985 as "National School Library Month."

MESSAGES FROM THE HOUSE

At 11:04 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1077. An act to amend the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to provide authorization of appropriations, and for other purposes.

The message also announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 462. Joint resolution to designate May 25, 1986, as "Hands Across America Day", for the purpose of helping people to help themselves, and commending United Support of Artists for Africa for their efforts toward combating domestic hunger with a nationwide linkup coast-to-coast human chain four thousand miles long; and

H.J. Res. 499. Joint resolution designating the week beginning March 2, 1986, as "Women's History Week."

MEASURES REFERRED

The following joint resolutions were read twice by unanimous consent, and referred as indicated:

H.J. Res. 462. Joint resolution to designate May 25, 1986, as "Hands Across America Day," for the purpose of helping people to help themselves, and commending United Support of Artists for Africa for their efforts toward combating domestic hunger with a nationwide linkup coast-to-coast human chain four thousand miles long; to the Committee on the Judiciary.

H.J. Res. 499. Joint resolution designating the week beginning March 2, 1986, as "Women's History Week," to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2421. A communication from the Principal Deputy Assistant Secretary of Defense transmitting, pursuant to law, a listing of contract award dates for March 1 to April 30, 1986; to the Committee on Armed Services.

EC-2422. A communication from the Acting Assistant Attorney General transmitting, pursuant to law, the report on the administration of the Equal Credit Oppor-

tunity Act for 1985; to the Committee on Banking, Housing, and Urban Affairs.

EC-2423. A communication from the Chairman of the Marine Mammal Commission transmitting, pursuant to law, the Commission's Annual Report for 1985; to the Committee on Commerce, Science, and Transportation.

EC-2424. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the 1982-83-84 report on the Consolidated Federal Programs under the Maternal and Child Health Services Block Grant Act; to the Committee on Finance.

EC-2425. A communication from the Employee Benefits Administrator of the Federal Land Bank of Columbia, SC transmitting, pursuant to law, explaining differences in audited financial statements and certain actuarial reports; to the Committee on Governmental Affairs.

EC-2426. A communication from the Secretary of Agriculture transmitting, pursuant to law, the Department's Competition in Contracting annual report; to the Committee on Governmental Affairs.

EC-2427. A communication from the Executive Secretary of Defense transmitting, pursuant to law, the October 1985 report on DOD procurement from small and other business firms; to the Committee on Small Business.

EC-2428. A communication from the Secretary of Agriculture transmitting, pursuant to law, the second quarterly report for 1986 on current programming plans for food assistance under Public Law 480; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2429. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of February 1, 1986; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-2430. A communication from the Chairman of the Federal Elections Commission transmitting a request for a supplemental appropriation for fiscal year 1986 to restore vital disclosure services; to the Committee on Appropriations.

EC-2431. A communication from the Deputy Assistant Secretary of the Air Force transmitting, pursuant to law, a report on a decision to convert the administrative telephone service function at MacDill AFB, FL to performance under contract; to the Committee on Armed Services.

EC-2432. A communication from the Deputy Assistant Secretary of the Air Force transmitting, pursuant to law, a report on the planned study of functions at six Air Force bases for conversion to performance under contract; to the Committee on Armed Services.

EC-2433. A communication from the Acting General Counsel of the Federal Emergency Management Agency transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal years 1987 and 1988; to the Committee on Armed Services.

EC-2434. A communication from the Acting General Counsel of the Federal Emergency Management Agency transmitting a draft of proposed legislation to authorize appropriations for Federal fire prevention and control; to the Committee on Commerce, Science, and Transportation.

EC-2435. A communication from the Assistant Secretary of Defense transmitting, pursuant to law, a report on the performance by contractors of DOD commercial and industrial type functions in fiscal year 1985; to the Committee on Armed Services.

EC-2436. A communication from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report on certain statistical data on DOD aviators; to the Committee on Armed Services.

EC-2437. A communication from the Secretary of Defense transmitting, pursuant to law, certain certifications in relation to the SINCGARS Program; to the Committee on Armed Services.

EC-2438. A communication from the Assistant Secretary of Defense transmitting, pursuant to law, the fiscal year 1987 Base Structure Report; to the Committee on Armed Services.

EC-2439. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the effect of airline deregulation on the level of airline safety; to the Committee on Commerce, Science, and Transportation.

EC-2440. A communication from the Secretary of Transportation transmitting, pursuant to law, the sixth annual report on aviation collision avoidance systems; to the Committee on Commerce, Science, and Transportation.

EC-2441. A communication from the Acting Administrator of NASA transmitting a draft of proposed legislation to authorize appropriations to NASA for fiscal year 1987; to the Committee on Commerce, Science, and Transportation.

EC-2442. A communication from the Secretary of Energy transmitting, pursuant to law, the ninth annual report on activities under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act; to the Committee on Commerce, Science, and Transportation.

EC-2443. A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on all National Transportation Safety Board recommendations to the Secretary regarding transportation safety; to the Committee on Commerce, Science, and Transportation.

EC-2444. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on information on highway accidents which will permit evaluation and comparison of highway safety performances of the States; to the Committee on Commerce, Science, and Transportation.

EC-2445. A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on the Automotive Fuel Economy Program; to the Committee on Commerce, Science, and Transportation.

EC-2446. A communication from the Secretary of the Interior transmitting, pursuant to law, the 1985 sec. 8 report on National Historic and Natural Landmarks that have been damaged or to which damage is anticipated; to the Committee on Energy and Natural Resources.

EC-2447. A communication from the Secretary of the Interior transmitting, pursuant to law, the 14th annual report on the operation of the Colorado River; to the Committee on Energy and Natural Resources.

EC-2448. A communication from the Administrator of the Energy Information Administration transmitting, pursuant to law, a report on performance profiles of major energy producers for 1984; to the Committee on Energy and Natural Resources.

EC-2449. A communication from the Chief of the U.S. Forest Service transmitting, pursuant to law, a copy of the Illinois Wild and Scenic River management plan; to the Committee on Energy and Natural Resources.

EC-2450. A communication from the Secretary of Energy transmitting, pursuant to law, the fourth annual revised Comprehensive Ocean Thermal Program management plan; to the Committee on Energy and Natural Resources.

EC-2451. A communication from the Secretary of Energy transmitting, pursuant to law, the ninth annual report on the comprehensive program and plan for Federal energy education, extension, and information activities; to the Committee on Energy and Natural Resources.

EC-2452. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report on the nondisclosure of safeguards information by the NRC for the quarter ending December 31, 1985; to the Committee on Environment and Public Works.

EC-2453. A communication from the United States Trade Representative, transmitting, pursuant to law, a report on the status of claims for the enforcement of U.S. rights under trade agreements for the periods January 1 through June 30, 1985 and July 1 through December 31, 1985; to the Committee on Finance.

EC-2454. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to amend certain provisions of title 26, United States Code, relating to special occupational taxes and to forfeitures; to the Committee on Finance.

EC-2455. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to February 7, 1986; to the Committee on Foreign Relations.

EC-2456. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during calendar year 1985; to the Committee on Governmental Affairs.

EC-2457. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on HHS accounting systems in use during fiscal year 1985; to the Committee on Governmental Affairs.

EC-2458. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2459. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during calendar year 1985; to the Committee on Governmental Affairs.

EC-2460. A communication from the Acting Chairman of the Farm Credit Administration, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2461. A communication from the Chairman of the Consumer Product Safety Commissioin, transmitting, pursuant to law, a report on competition advocacy for fiscal

year 1985; to the Committee on Governmental Affairs.

EC-2462. A communication from the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2463. A communication from the Secretary to the Postal Rate Commission, transmitting, pursuant to law, an errata notice to accompany the opinion and recommended decision in the complaint of Advo-System, Inc.; to the Committee on Governmental Affairs.

EC-2464. A communication from the Acting Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on scientific and professional positions established during fiscal year 1985; to the Committee on Governmental Affairs.

EC-2465. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2466. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on three new Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-2467. A communication from the Assistant Secretary of Health and Human Services (Management and Budget), transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2468. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during calendar year 1985; to the Committee on Governmental Affairs.

EC-2469. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2470. A communication from the Acting Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 2070. A bill to require United States representatives to international financial institutions to oppose assistance by such institutions for the production for export to the United States of any fiber, textile, or article of apparel, and for other purposes; to the Committee on Foreign Relations.

By Mr. SASSER:

S. 2071. A bill to rescind certain budget authority for the Philippines; to the Committee on Appropriations.

By Mr. METZENBAUM:

S. 2072. A bill to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to clarify the financial obligations of the United States with respect to nuclear incidents, to remove the limits on liability for a nuclear incident, to provide better economic protection for people living near Federal nuclear facilities and nuclear transportation routes, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCLURE (by request):

S. 2073. A bill to encourage the standardization of nuclear powerplants, to improve the nuclear licensing and regulatory process, to amend the Atomic Energy Act of 1954, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. RIEGLE (for himself, Mr. D'AMATO, Mr. DIXON, Mr. SASSER, Mr. HEINZ, Mr. GRASSLEY, Mr. CRANSTON, Mr. GORTON, Mr. SARBANES, Mr. DODD, Mr. MITCHELL, Mr. SIMON, Mr. MATHIAS, Mr. MOYNIHAN, Mr. ANDREWS, Mr. INOUYE, Mr. LEVIN, Mr. SPECTER, Mr. KERRY, Mr. METZENBAUM, Mr. GORE, Mr. CHAFEE, and Mr. LAUTENBERG):

S. 2074. A bill disapproving the proposed deferral of budget authority for community development block programs; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG (for himself, Mr. KASTEN, Mr. SARBANES, Mr. MOYNIHAN, Mr. GORE, Mr. ANDREWS, Mr. SPECTER, and Mrs. HAWKINS):

S. 2075. A bill to overturn the deferral of Urban Development Action Grant funds; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GARN (for himself and Mr. HEINZ):

S. 2076. A bill to authorize appropriations to carry out the Export Administration Act of 1979 and export promotion activities; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. RIEGLE (for himself, Mr. D'AMATO, Mr. SASSER, Mr. HEINZ, Mr. GRASSLEY, Mr. CRANSTON, Mr. SARBANES, Mr. DODD, Mr. SIMON, Mr. MITCHELL, Mr. MATHIAS, Mr. MOYNIHAN, Mr. ANDREWS, Mr. INOUYE, Mr. SPECTER, Mr. KERRY, Mr. LEVIN, Mr. METZENBAUM, Mr. GORE, and Mr. LAUTENBERG):

S. Res. 343. Resolution expressing the sense of the Senate with respect to the proposed rescission of budget authority for urban development action grants; to the Committee on Appropriations.

By Mr. HEINZ (for himself, Mr. RIEGLE, Mr. D'AMATO, Mr. SASSER, Mr. GRASSLEY, Mr. CRANSTON, Mr. SARBANES, Mr. DODD, Mr. SIMON, Mr. MITCHELL, Mr. MATHIAS, Mr. MOYNIHAN, Mr. ANDREWS, Mr. INOUYE, Mr. KERRY, Mr. SPECTER, Mr. LEVIN, Mr. METZENBAUM, Mr. GORE, and Mr. LAUTENBERG):

S. Res. 344. Resolution expressing the sense of the Senate with respect to the proposed rescission of budget authority for housing for the elderly and handicapped under section 202 of the Housing Act of 1959; to the Committee on Appropriations.

By Mr. DOLE (for himself, Mr. BYRD, Mr. KENNEDY, Mr. LUGAR, Mr. PELL, Mr. DODD, Mr. BOREN, Mr. PRYOR, Mr. LEVIN, Mr. KERRY, Mr. HART, Mr. BAUCUS, Mr. DOMENICI, Mr. EVANS, Mr. ABDNOR, Mr. COCHRAN, Mr. FORD, Mr. D'AMATO, Mr. ANDREWS, Mr. SIMPSON, and Mr. MCCONNELL):

S. Res. 345. Resolution expressing the sense of the Senate that the recent Presidential elections in the Philippines were marked by such widespread fraud that they cannot be considered a fair reflection of the will of the people of the Philippines; submitted and read.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 2070. A bill to require U.S. representatives to international financial institutions to oppose assistance by such institutions for the production for export to the United States of any fiber, textile, or article of apparel, and for other purposes; to the Committee on Foreign Relations.

PROHIBITING THE FUNDING OF FOREIGN TEXTILE PROJECTS

Mr. THURMOND. Mr. President, today I am introducing legislation to preserve American jobs and reduce the public debt of the United States. This legislation will save jobs in the domestic textile, fiber, and apparel industries. It requires the representatives from the United States to various international financial institutions to oppose foreign assistance used for the production of textile, fiber, and apparel products. If such financial assistance is nevertheless provided, despite the opposition of the United States, then our share of the funds for these projects would be taken away. Any funds that are withheld would go to reduce our public debt.

Mr. President, the American textile industry has been hard hit by the uncontrolled growth of imports. Over the last 5 years, textile imports have more than doubled and over 350,000 Americans have lost their jobs as a result. This alarming trend is reducing the standard of living of many American families. It is truly shocking that the United States is helping fund foreign industries whose exports directly compete with products made by American companies. This happens when the World Bank and other international lending organizations provide subsidized funds to foreign nations which use the funds to expand their textile exports.

It just does not make sense to continue to damage our own interests in order to serve the interests of other countries. The time has come to stop this harmful practice. That is what the legislation I am introducing today would do.

Mr. President, in 1982 the International Bank for Reconstruction and Development financed a $157 million rehabilitation of the textile industry in the Philippines. During the period

of time since 1982, when the loan was made, U.S. textile imports from the Philippines have grown by over 66 percent; up from 170 million square yard equivalents [SYE] in 1982 to 283 million SYE in 1985. Additionally, loans totaling $75 million were made by the International Development Association in 1982 and 1984 to Bangladesh to rehabilitate the textile industry there. This resurrection led to a growth in U.S. textile imports from Bangladesh from the 1982 level of 3 million SYE to 90 million SYE for 1985. That represents an increase of over 2,900 percent.

Another example of World Bank textile loans was the $34.7 million lent to Portugal in 1984 to strengthen the competitiveness of their textile industry. This loan was made despite the fact that imports from Portugal into the United States have grown by 384 percent since 1980; from 16.5 million SYE to in excess of 80 million SYE in 1985.

Mr. President, I am not oppposed to aid to assist developing countries. I recognize that some funding by development banks is necessary. However, it is very disturbing to see these international financial institutions make loans that increase textile exports to the United States and result in a disruption of our economy and fewer American jobs. The level of imports from just the three countries I mentioned previously represents over 45,000 lost jobs opportunities in this country. Because of job losses in textile and other industries, President Reagan has proposed a $300 million war chest to deal with countries that subsidize their exports to this country and an additional $100 million to help displaced workers under the Job Training Partnership Act. Essentially, the United States is spending money to help our industries so that they can compete with foreign industries that we subsidize through the World Bank and other international finance organizations.

The bill I am introducing today will force these lending institutions to take into consideration U.S. policies and needs. It will curb the spending of U.S. tax dollars to subsidize activities that hurt American taxpayers. By voicing our opposition to these harmful projects and by reducing our level of funding if they are approved, we will help preserve jobs in a vital American industry.

I urge my colleagues to join me in supporting the swift adoption of this important and much needed measure.

By Mr. SASSER:

S. 2071. A bill to rescind certain budget authority for the Philippines; to the Committee on Appropriations.

RESCISSION OF CERTAIN BUDGET AUTHORITY FOR THE PHILIPPINES

Mr. SASSER. Mr. President, today I am introducing legislation to rescind all funds previously appropriated, but unobligated, for the Philippines. This includes economic and security assistance, as well as funds for construction at our military bases there.

Mr. President, it is time for the United States to withdraw U.S. taxpayer support for the corrupt, authoritarian regime in the Philippines.

The American people had hoped that, if the elections in the Philippines were free, fair, and honest, regardless of who won, they would lead to a healing process and create a climate whereby the new government could institute necessary reforms to deal with the crisis in that unhappy country.

But the elections are over. They were neither free, nor fair, nor honest. It is clear that President Marcos never intended in the final analysis to risk his power.

There can be little doubt about the future of the Philippines now. The Communist insurgency, already an effective fighting force, is sure to be strengthened as Filipinos, denied democracy, turn to violence as the only remaining instrument of change.

But, I submit, the United States can help bring about nonviolent change by applying every form of appropriate pressure on the Marcos government. The U.S. Government is the second largest employer in the Philippines. We provide jobs for over 50,000 Filipinos at our bases there. Those bases put over $300 million annually into the Philippine economy, not counting another $70 million a year in military construction and another $180 million in foreign aid. The most obvious pressure, therefore, is to halt foreign aid and military construction in the country. That is what my bill would do.

Mr. President, with regard to our bases in the Philippines, Clark and Subic are vitally important to deterrence in the region. But we must be prepared to show Marcos that the United States will not be held hostage to them.

Last September I sent Secretary Weinberger a report which suggested specific steps for reducing our presence in the Philippines and for preparing contingency plans to design and construct facilities at other Pacific locations, to absorb some of the military missions currently performed at Clark Air Base and Subic Naval Base. Until President Marcos is faced with the reality that the United States is willing to exercise other options to Clark and Subic, only then will he agree to call new elections and institute prompt military, social, and economic reforms.

I would recommend that as a first step we should be prepared to bring home all dependents of United States service persons living in the Philippines. There are approximately 18,000 U.S. dependents presently living in the Philippines.

I think this would be another lever, Mr. President, to force Mr. Marcos to invalidate the fraudulent elections just held and call for new elections.

Last November the conferees on the military construction appropriations bill at my suggestion directed the Department of Defense to "undertake a study to analyze what military construction programs might be necessary to prepare alternate locations for the missions now in the Philippines." This report, which will suggest alternative locations to Clark and Subic Naval Base, will be submitted to the Military Construction Subcommittees by March 1. I commend and welcome the efforts made by the distinguished majority leader to focus the attention of the administration on the need to plan for alternatives to our Philippine bases. I hope this legislation will encourage the Department of Defense to send the report to Congress in time to meet the March 1 deadline.

Mr. President, we must not unilaterally give up our bases in the Philippines and we will not have to give them up if President Marcos permits democratic change to take place. However, unless we seize the initiative we will almost certainly find ourselves in the role of an unwelcome guest in the Philippines with nowhere to move our bases if we are forced out of the country. Unless we use our considerable influence to halt the Marcos' excesses, the Communist insurgency will spiral out of control. The National People's Army there is now growing in a geometric ratio and we may be faced with no option ultimately but defending our bases with American troops unless we start preparing now for alternative locations. Of course to move our bases would be costly. Of course no other location is as strategic or nearly as good, but a far greater cost will be paid if we allow ourselves no options.

The time has come for the United States to make it clear to President Marcos we will not prop up his regime and ignore his excesses just because we happen to have military bases in that country.

By Mr. METZENBAUM:

S. 2072. A bill to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to clarify the financial obligations of the United States with respect to nuclear incidents, to remove the limits on liability for a nuclear incident, to provide better economic protection for people living near Federal nuclear facilities and nuclear transportation routes, and for other purposes; to the Committee on Energy and Natural Resources.

FEDERAL NUCLEAR FACILITIES INSURANCE AND LIABILITY ACT

● Mr. METZENBAUM. Mr. President, today I am introducing the Federal Nuclear Facilities Insurance and Liability Act of 1986.

This legislation amends the Price-Anderson Act to provide adequate and timely compensation to citizens and communities in the event of a nuclear accident at a Federal nuclear facility. It also institutes the kinds of financial incentives needed to guarantee that the Department of Energy and its contractors do all that they can to protect the health and safety of workers and the public at Federal nuclear facilities.

The citizens and communities near DOE nuclear facilities have made a serious commitment to national Defense and energy security.

It is time for the Federal Government to reciprocate and make a serious commitment to their safety and health.

This is of special importance to my State of Ohio, where the DOE has 3 nuclear facilities, and is studying several routes for major nuclear waste shipments.

The plain fact is that the Price-Anderson Act provides inadequate compensation and coverage. Worse, it eliminates all financial incentives for DOE contractors to accent safety in their operations.

In fact, the law actually discourages safety, as workers and residents near energy department facilities around the country know only too well.

An August 1981 General Accounting Office [(GAO)] report raised serious questions about the safety of the 280 DOE nuclear facilities, and the adequacy of the Department's plans to deal with a major accident.

As recently as December 1985, the GAO concluded, in a study of DOE's Ohio nuclear facilities, that the environment and the workers could be afforded much better protection.

There have been many examples to support those findings.

At the uranium feed materials production center in Fernald, OH, 96 tons of uranium were released into the air and 73 tons into the water between 1951 and 1984. At least one well used for drinking water has been contaminated.

338 tons of uranium are unaccounted for, and most likely have also been released into the environment.

At the mound facility in Miamisburg, land outside the facility is contaminated with plutonium, and a local drinking water aquifer has been contaminated with tritium.

At the Rocky Flats, CO, plutonium components plant, there have been a series of accidents and several fires involving plutonium.

At the Hanford plutonium works in eastern Washington, 115,000 gallons of high level radioactive waste leaked into the soil and groundwater underneath the site over a 50 day period in 1973.

In Senate hearings in 1980, senior plant engineers stated they were ordered by DOE officials to cover up subsequent leaks at the Hanford facility.

At that hearing, former NRC Chairman Joseph Hendrie stated that if the Hanford facility was regulated by the NRC, it would be shut down because the storage tanks were not licensable.

For all we know, these incidences represent the mere tip of the iceberg. DOE has certainly never been forthcoming about the problems at its facilities.

To a large extent, these safety problems result from DOE's inherent conflict of interest in running and regulating its own facilities.

But they also result from the lack of incentives for any safety or responsibility.

The Price-Anderson Act sets a ridiculously low liability limit of $500 million for an accident, and the contractors operating the plants are totally exempt from liability.

There is absolutely no reason why DOE or its contractors should care at all about safety under these conditions, and the examples I have already recounted show that this is precisely what is happening.

This is nuclear socialism at its worst.

The situation is not going to get any better.

Soon, communities will also be faced with the problems of dealing with the transportation, storage, and disposal of radioactive wastes.

Congress has a responsibility to provide incentives which will compel DOE and contractors to put a premium on the health and safety of citizens and communities.

The legislation I am introducing today will modernize the Price-Anderson system as it applies to DOE and its contractors, and bring into it the safety incentives that should have been there originally. This bill has two basic purposes: To reduce the probability of a nuclear accident involving Federal facilities ever occurring, and to assure that if an accident does occur, the public is fully compensated for all damages that may result.

the central provision of this bill removes the $500 million limit of DOE's liability for a nuclear incident. This limit, which has remained unchanged since 1957, is clearly inadequate to guarantee citizens full compensation for all damages suffered in an extensive nuclear accident.

In fact, as early as 1981, a GAO study concluded that the $500 million liability limit was too low.

Removing the $500 million liability limit assures that all valid claims resulting from a nuclear incident at any DOE facility will be fully covered.

The unequivocal assumption of legal and financial responsibility by DOE is particularly important to those states sited to host high-level waste transportation routes and storage facilities.

These States are justifiably demanding that the Federal Government assure their citizens that all damages from any accident involving the disposal, storage, or transportation of nuclear waste will be fully and promptly compensated.

This bill responds to these legitimate concerns by directing that DOE's contractor indemnity agreements will fully cover all damages arising from all of the Department's nuclear waste activities, including the waste isolation pilot plant in New Mexico, the proposed monitored retrievable storage facility, and any high-level waste repository or test and evaluation facility. This legislation also makes it clear that all damages arising from the transportation of nuclear materials in any Federal program, including high-level waste disposal, will be fully covered. Damages arising from activities conducted pursuant to the Nuclear Waste Policy Act of 1982 will be paid from the nuclear waste fund established by that act.

Mr. President, these assurances to the States and their citizens are not only desirable and fair, they are absolutely necessary, if we expect State and local governments to receive these wastes within their borders.

A second major provision of this bill would apply a measure of financial responsibility to DOE contractors. The Secretary of DOE is directed, after any nuclear incident, to determine whether the accident was caused, in whole or part, by gross negligence or willful misconduct on the part of any DOE contractor, subcontractor, or supplier. If the Secretary finds that gross negligence or willful misconduct was involved, he is directed to recover from the responsible party that proportion of the damages from and expenses of the incident that was caused by such negligence or misconduct. There is no reason for any Government contractor to engage in such activity. There is certainly no reason for the Government to excuse it.

This contractor responsibility provision is hardly a radical new standard. A check of the legislative record will reveal that the original contracts entered into by the Atomic Energy Commission in the mid-1950's contained precisely this sort of provision, and there is no indication that it deterred any private company from competing for the Department's business.

This legislation also modernizes the Price-Anderson Act, as it applies to DOE activities, in several other ways. It drops the rigid 20-year statute of limitations and replaces it with a 5-year discovery rule that recognizes the

long-term latency period for radioactively induced cancers.

This bill also provides that strict liability will apply to all nuclear incidents as defined in the law. Citizens suffering damages should not be discriminated against based on the size of an accident. Also, the tort laws in many States would likely apply strict liability to all nuclear accidents, under the doctrine of strict liability for abnormally hazardous activities. This change will make compensation procedures consistent in all States and ensure timely and equitable compensation regardless of the size of the accident.

This bill also clarifies DOE's responsibility for damages caused by illegally diverted radioactive materials that cannot be traced to any particular facility or licensee. Finally, it includes within the scope of damages under the Price-Anderson Act the costs of any precautionary evacuation ordered by a duly constituted State or local official to cope with an apparently impending nuclear accident, as well as the emergency response costs incurred by State and local governments in responding to a nuclear incident.

Mr. President, it is time to put some teeth into the Price-Anderson Act.

We must provide the financial incentives necessary to ensure the safe operation of Federal nuclear facilities.

Secretary of Energy Herrington has said the Energy Department will now give priority to improving conditions at these facilities.

That is welcome news, and a strong Price-Anderson Act will complement that goal.

At issue is not whether we need a nuclear program.

At issue is the right of citizens to be protected from the dangers of hazardous activities of the Federal Government and its contractors.

The employees of these facilities and the residents of the surrounding communities have a right to live and work in a safe environment.

The reauthorization of the Price-Anderson Act provides us with the opportunity to make dramatic strides in protecting that right. We must take advantage of that opportunity.●

By Mr. McCLURE (by request):

S. 2073. A bill to encourage the standardization of nuclear powerplants, to improve the nuclear licensing and regulatory process, to amend the Atomic Energy Act of 1954, and for other purposes; to the Committee on Energy and Natural Resources.

NUCLEAR FACILITY STANDARDIZATION ACT

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to encourage the standardization of nuclear powerplants, to improve the nuclear licensing and regulatory process, to amend the Atomic Energy Act of 1954, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of Energy, and I ask unanimous consent that the bill, a section-by-section analysis, and the executive communication which accompanied the proposal from the Secretary of Energy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nuclear Facility Standardization Act of 1985."

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress, recognizing that an effective and efficient licensing and regulatory process, for siting, construction, and operation of nuclear powerplants, which meets safety and environmental criteria is in the national interest, finds and declares that—

(1) interstate commerce is substantially affected by the siting, construction, and operation of nuclear powerplants;

(2) opportunity for meaningful public participation in the siting and licensing of nuclear powerplants should be assured;

(3) there is a need to encouraged the development and use of standardized nuclear powerplant designs because (A) these designs would benefit public health and safety by concentrating the resources of designers, engineers, and vendors on particular designs, by stimulating standardized programs of construction practice and quality assurance, by improving the training of personnel, and by fostering more effective maintenance and improved operations; and (B) the use of these designs would permit a more effective and efficient licensing and inspection process;

(4) the licensing process will be facilitated by selecting and approving a site for a nuclear powerplant in advance of a commitment to construct a facility at that site;

(5) the licensing and regulatory process will be facilitated if licensing decisions are made as early as possible in the process and if issues resolved in Nuclear Regulatory Commission proceedings are not reconsidered in the absence of a showing required by this Act and the regulations of the Nuclear Regulatory Commission;

(6) consistent with the adequate protection of the public health and safety and the common defense and security, the regulatory process should provide greater stability in licensing standards and criteria for approved designs of nuclear powerplants;

(7) consistent with the paramount responsibility of the Nuclear Regulatory Commission to protect the public health and safety, and recognizing that the elimination of all risk is an unattainable goal for any energy source, it is appropriate and in the public interest for the Nuclear Regulatory Commission to consider the economic consequences of its regulatory practices, including the cost of safety requirements; and

(8) the Nuclear Regulatory Commission should adopt regulations setting forth criteria to govern all additions, deletions, and modifications to its regulatory requirements; these regulations should require a systematic, centralized, and documented review of the concerns that gives rise to the proposed change, the improvement in safety that would result from adoption of the proposed change, estimates of costs or other impacts on potentially affected licensees and the public, taking into account, if facility-specific, the remaining life of the facility, and such other matters as the Commission determines to be necessary.

(b) The purposes of this Act are—

(1) to facilitate the development and use of standardized designs and the use of preapproved sites for nuclear powerplants;

(2) to provide for the issuance of a license to construct and operate a nuclear powerplant under conditions that enhance the protection of the public health and safety and are in accord with the common defense and security; and

(3) to improve the stability of licensing standards and criteria for nuclear powerplants and prior Commission licensing approvals.

TITLE I—LICENSING AND REGULATORY REFORM

APPROVAL OF STANDARDIZED DESIGNS

SEC. 101. The Atomic Energy Act of 1954 is amended by adding after section 191 (42 U.S.C. 2241) a new section 193 to read as follows:

"SEC. 193. APPROVAL OF STANDARDIZED DESIGNS.

"(a) The Commission shall establish procedures to permit the approval of standardized designs for a production or utilization facility to be licensed by the Commission and the approval of designs for any major subsystem of such a facility that represents a discrete element of the facility, as defined by the Commission, upon application by any person, after providing an opportunity for public hearing under section 189 of this Act, notwithstanding the fact that an application for a construction permit or construction and operating license for the facility has not been filed.

"(b) Notwithstanding section 161 w. of this Act or the Independent Offices Appropriation Act of 1952, the Commission shall not require an application filing or issuance fee for an application for approval or for an amendment or renewal of an approval under this section. The Commission may allocate the costs that would otherwise have been defrayed by fees required of applicants under this section among applicants for permits or licenses who propose to use the approved design. If there is no application for a construction permit or a construction and operating license within ten years from the initial date of issuance of the approval, then the holder of the design approval shall pay the filing and issuance fees at the end of the ten year period.

"(c)(1) After considering the information submitted in the application, and after providing an opportunity for public hearing under section 189 of this Act, the Commission shall issue an approval under this section if it determines that the design will comply with this Act, the rules and regulations of the Commission, and will not be inimical to the common defense and security or to the health and safety of the public.

"(2) Subject to section 187 of this Act, a design approval may be amended or modified in a design amendment proceeding. In a design amendment proceeding, the Commission shall not admit an issue that has been considered and decided in the design approval proceeding or an earlier design amendment proceeding unless the Commission determines that there is a material issue in dispute that cannot be resolved with sufficient accuracy except in a hearing and:

"(A) the issue could not have been considered and decided in a proceeding for the issuance, modification, or amendment of a design approval; or

"(B) a showing has been made that there is a nonconformance with the design approval that could materially and adversely affect the safe operation of a facility using the design.

"(3) A change to the design approval required by the Commission shall not apply to a construction permit or construction and operating license incorporating the design approval unless (A) the licensee requests the change, or (B) the requirements of section 187 of this Act are satisfied with respect to the change.

"(d)(1) An approval issued by the Commission under this section may be incorporated by reference in, and shall be conclusive with respect to, an application for a construction permit or a construction and operating license if the application meets the conditions of the approval and is filed within a period of ten years from the date of issuance or renewal of the approval.

"(2)(A) Not less than twelve nor more than eighteen months prior to the expiration of the ten-year period provided under paragraph (1), the holder of the design approval may apply for a renewal of the approval. Upon review, the Commission may renew the approval for additional ten-year periods from the date of renewal.

"(B) Upon application for renewal of an approval issued under subsection c. of this section, the Commission shall renew the approval unless it finds, based on significant new information relevant to the design, that the design will not comply with this Act or the Commission's rules and regulations for protection of the public health and safety and the common defense and security.

"(e)(1) The Commission shall approve an amendment to a design approval issued under this section upon application by the holder of the design approval if the Commission determines that the amendment will comply with this Act and the Commission's regulations.

"(2) An amendment approved by the Commission under paragraph (1) shall apply to an application for a construction permit or construction and operating license incorporating the design approval for which the amendment has been granted that is filed after the effective date of the amendment.

"(3) An amendment approved by the Commission under paragraph (1) shall not apply to an application for a construction permit or construction and operating license incorporating the design approval for which the amendment has been granted that is filed before the effective date of the amendment unless (A) the applicant requires that the amendment apply to the application, or (B) the requirements of section 187 are satisfied with respect to the amendment.

"(f) The holder of a permit, license, or approval may not deviate from any aspect of the permit, license, or approval, without prior Commission approval unless the deviation involves a change in technical specifications incorporated in the permit, license, or approval or an unreviewed safety question. A deviation that involves changes to technical specifications or unreviewed safety problems shall be proposed to the Commission as an amendment to the permit, license, or approval.

"(g) A final Commission determination on an application filed under sections 193 a. or d. of this Act is a final order of the Commission for purposes of section 189 b. of this Act.".

EARLY SITE APPROVAL

SEC. 102. The Atomic Energy Act of 1954 is amended by adding after section 193, as added by this Act, a new section 194 to read as follows:

"SEC. 194. EARLY SITE APPROVAL.

"(a) The Commission shall establish procedures to issue a site permit for approval of a site for one or more production or utilization facilities upon the application of any person, notwithstanding the fact that an application for a construction permit or a construction and operating license for the facility or facilities has not been filed.

"(b)(1) After considering all information submitted by an applicant, and after providing the opportunity for a public hearing under section 189 of this Act, the Commission shall issue a site permit subject to conditions that it considers appropriate if it determines that the proposed site is suitable for the construction and operation of the facility or facilities described in the application and that use of the proposed site will not be inimical to the common defense and security or to the health and safety of the public.

"(2) In a subsequent Commission proceeding involving use of a site for which a site permit has been granted under this section, the Commission shall not admit an issue that has been considered and decided in the site permit proceeding unless the Commission determines that there is a material issue in dispute that cannot be resolved with sufficient accuracy except in a hearing and:

"(A) the issue could not have been considered and decided in a proceeding for the issuance, modification, or amendment of a site permit; or

"(B) a showing has been made that there is a nonconformance with the site permit that could materially and adversely affect the safe operation of a facility at the site.

"(3) A final Commission determination on an application filed under this section is a final order of the Commission for the purposes of section 189 b. of this Act.

"(c)(1) A site permit issued under this section may be incorporated by reference in, and shall be conclusive with respect to, an application for a construction permit or a construction and operating license if the application meets the conditions of the site permit and is filed within ten years from the date of issuance or renewal of the site permit.

"(2)(A) Not less than twelve or more than eighteen months before the expiration of the ten-year period, a site permit holder may apply for a renewal of the site permit. Upon review, the Commission may review a site permit for additional ten-year periods from the date of renewal.

"(B) Upon application for renewal of a site permit, the Commission shall renew the site permit unless it finds, based on significant new information that the site will not comply with this Act or the Commission's rules and regulations for protection of the public health and safety and the common defense and security.

"(d) Approval of a site under this section does not preclude its approval for use as a site for an alternate or modified type of energy facility or for any other purpose.

"(e) The Commission may issue a site permit with respect to limited aspects of the suitability of the site for its intended purpose, under rules and regulations the Commission considers appropriate.".

CONSTRUCTION PERMITS, OPERATING LICENSES, AND CONSTRUCTION AND OPERATING LICENSES

SEC. 103. Section 185 of the Atomic Energy Act of 1954 (42 U.S.C. § 2235) and its catchline are amended to read as follows:

"SEC. 185. CONSTRUCTION PERMITS, OPERATING LICENSES, AND CONSTRUCTION AND OPERATING LICENSES.

"(a) An applicant for a license to construct or modify a production or utilization facility shall, if the application is consistent with the provisions of this Act, the rules and regulations of the Commission, and public health and safety and the common defense and security be initially granted a construction permit, after the Commission has provided an opportunity for a public hearing under section 189 of this Act. Upon the filing of additional information by the applicant needed to bring the original application up to date and after the Commission has provided an opportunity for a public hearing under section 189 of this Act, the Commission shall issue an operating license to the applicant upon finding that the facility authorized has been constructed and will operate in conformity with the application as amended, the provisions of this Act, and the rules and regulations of the Commission. For all other purposes of this Act, a construction permit is a 'license'.

"(b)(1) The Commission shall issue a construction and operating license to an applicant for a commercial production or utilization facility, after providing an opportunity for a public hearing under section 189 of this Act, if the application contains sufficient information to enable the Commission to determine that there is reasonable assurance that the facility will be constructed and will operate in conformity with the application, the provisions of this Act, and the rules and regulations of the Commission. The Commission shall incorporate in the construction and operating license a phased-approval procedure for construction quality assurance. The Commission also shall incorporate in the construction and operating license the inspections, tests, analyses, and acceptance criteria therefor, that are necessary to provide reasonable assurance that the plant has been constructed and will operate in accordance with the license. The Commission procedure also may provide for inspections by the licensee's designated quality assurance inspections, designated engineering and inspection representatives, and Commission inspectors.

"(2) Before a facility licensed under this subsection may begin operation, the utility shall notify the Commission of its readiness to operate the facility. Based on this notification, the Commission shall publish in the Federal Register a notice of intended operation of the facility, and shall provide a thirty-day period during which any person may file a written objection to operation on this basis that the facility has not been constructed or will not operate in conformity with the license. An objection must set forth in reasonable detail the facts and arguments upon which the objection is based, and may be accompanied by a request for a hearing. If a hearing is requested, the Commission shall conduct a hearing if it determines that there is a material issue in dispute that cannot be resolved with sufficient accuracy except in a hearing and:

"(A) the issue was not and could not have been considered and decided in a proceeding for the issuance, modification, or amendment of a license, permit, or approval for that facility, its site, or design; or

"(B) a showing has been made that there is a nonconformance with the license that could materially and adversely affect the safe operation of the facility.

The Commission also shall determine whether the hearing must be commenced or completed before facility operation begins in order to provide reasonable assurance of the protection of the public health and safety and common defense and security.".

MODIFICATIONS

SEC. 104. Section 187 of the Atomic Energy Act of 1954 (42 U.S.C. 2237) and its catchline are amended to read as follows:

"SEC. 187. MODIFICATIONS.

"(a) The Commission shall not require nor take an action to cause a change to a design approval; a site permit; a production or utilization facility for which a construction permit, operating license, or construction and operating license has been issued; the design of the facility; the procedures under which the facility is to be constructed or operated; or the organization required to construct or operate the facility, unless the Commission determines that the proposed change would result in a substantial improvement in overall safety of facility operation required under this Act and, for a production or utilization facility, is justified when taking account of the remaining life of the facility after considering the following factors:

"(1) the potential reduction in the risk to the public from the accidental off-site release of radioactive materials;

"(2) the potential impact on radiological exposure of facility employees;

"(3) the installation and continuing costs associated with the proposed change, including the cost of construction delay or effect on continuity of service;

"(4) the potential safety impact of changes in plant or operational complexity including the effect on other proposed and existing requirements;

"(5) the estimated resource burden on the Commission associated with the proposed change and the availability of the resources;

"(6) the potential impact of differences in facility type, design, or age on the relevancy and practicality of the proposed change;

"(7) whether the proposed change is an interim or final requirement and, if interim, the justification for imposing the proposed change on an interim basis; and

"(8) such other matters as the Commission determines to be necessary.

"(b) The Commission shall establish a centralized, systematic, and documented review process to evaluate and consider a proposed change. The Commission may make the proposed change effective, after its determination has been made, only by an amendment to the license or by issuing a rule, regulation, order, or amendment thereof. This section does not apply if the Commission determines that immediate action to impose a proposed change is necessary to protect the public health and safety or the common defense and security. If the Commission determines that immediate action is necessary, it shall document its determination after the fact.".

TITLE II—CONFORMING AMENDMENTS

ANTITRUST PROVISIONS

SEC. 201. The first sentence of section 105 c.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2135c.(2)) is amended by striking "a license to construct or operate" and inserting in its place "a license to construct, operate, or construct and operate".

LICENSE APPLICATION REVIEW

SEC. 202. Subsection 182b. of the Atomic Energy Act of 1954 (42 U.S.C. 2232b.) is amended to read as follows: "(b) The Advisory Committee on Reactor Safeguards shall review an application to grant, amend, or renew a license, construction permit, construction and operating license, or site permit. The Committee shall review each application for design approval, each proposed amendment or renewal of a design approval, and any application under sections 103, 104, or 194 of this Act that the Commission refers to the Committee. The Committee shall submit a report to the Commission on each application, design approval or proposed amendment, or renewal of a rule that it reviews. The Committee decision to review or fail to review an application or proposed amendment or renewal of a design approval and the Commission decision to refer or not refer an application to the Committee, is not subject to judicial review. Except to the extent that security classification prevents disclosure, any report required by this subsection shall be made part of the record of the application or rulemaking proceeding and available to the public.".

REVOCATION

SEC. 203. Section 186 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2236 a.) is amended by inserting—

(1) "or site permit or design approval" after "license", wherever it appears; and

(2) ", 193, or 194" after "182".

ATOMIC SAFETY AND LICENSING BOARD

SEC. 204. Section 191 a. of the Atomic Energy Act of 1954 (42 U.S.C. § 2241 a.) is amended by—

(1) striking "or" after "license" and inserting in its place a comma; and

(2) inserting "site permit, or design approval" after "authorization".

TABLE OF CONTENTS

SEC. 205. The table of contents of the Atomic Energy Act of 1954 is amended by—

(1) striking the item relating to section 185 and inserting in its place the following:

"Sec. 185. Construction Permits, Operating Licenses, and Construction and Operating Licenses.";

(2) striking the item relating to section 187 and inserting in its place the following:

"Sec. 187. Modifications."; and

(3) adding after the item relating to section 191 the following:

"Sec. 193. Approval of Standardized Designs.

"Sec. 194. Early Site Approval.".

NUCLEAR FACILITY STANDARDIZATION ACT OF 1985—SECTION-BY-SECTION ANALYSIS

Section 1

This section sets forth the title of the bill.

Section 2. Findings and Purposes

This section would provide congressional findings and set forth the purposes of the Act.

Section 101. Approval of Standardized Designs

This section would require the NRC to establish procedures under which it could approve facility or major facility subsystem designs for commercial production or utilization facilities. This approval would be independent of an application for a construction permit or a construction and operating license. A pre-approved design could then be incorporated into an application for a construction permit or a construction and operating license. Inasmuch as nuclear powerplant technology has matured and operational experience increased, the industry may wish to use this authority to obtain pre-approval of major subsystems and ultimately pre-approval of full facility designs.

A pre-approved design could be changed only in a design amendment proceeding. The NRC could incorporate this design amendment proceeding in other licensing proceedings. Review of an issue that had been considered and decided in a previously completed design proceeding would be strictly limited. Reexamination of such an issue in a hearing in a design amendment proceeding would be restricted to those instances when a material issue was in dispute that could only be resolved in a hearing. In addition, the issue could not have been considered and decided in an earlier design proceeding or a showing has been made that there is a nonconformance with the design approval that could materially and adversely affect the safe operation of the facility using the design. Reexamination of these issues by the NRC staff in its application review would be limited by the restrictions on modifications under section 104 of this Act.

The NRC would define the level of detail required in an application for a design approval. A design approval would be valid and effective for ten years from the date of issuance and could be renewed for additional ten-year periods. The costs for obtaining the approval could be allocated by the NRC among those proposing to use the pre-approved design. If the design were not included in an application for a construction permit or a construction and operating license during its first ten-year term, the holder of the design approval would have to pay any applicable processing fees.

This section also would permit the holder of a permit, license, or approval to deviate from any aspect of the permit, license, or approval without NRC permission unless the deviation involved a change in technical specifications or an unreviewed safety question.

Section 102. Early Site Approval

This section would require the NRC to establish procedures under which it could approve a site or limited aspects of a site for a commercial production or utilization facility prior to filing an application to construct or operate a facility on the site. A site permit would be valid and effective for ten years and renewable for additional ten-year periods. A site permit could be modified as set forth in section 104 of this Act.

A pre-approved site could be incorporated into an application for a construction permit or a construction and operating license, Review of issues that had been considered and decided in the site permit proceeding would then be strictly limited. Reexamination of such issues in a hearing would be restricted in the same manner as set forth in section 101 of this Act. Reexamination of these issues by the NRC staff in its application review would be limited by the restrictions on modifications under section 104 of this Act.

Section 103. Construction Permits, Operating Licenses, and Construction and Operating Licenses

This section would continue to authorize the NRC to grant, individually, a construction permit and a subsequent operating license for a production or utilization facility. This section would provide the NRC new authority to grant, as a combination license, a

construction and operating license (COL) for a commercial production or utilization facility. An application for a COL would be required to contain a level of detail sufficient to allow the NRC to make the determinations, concerning public health and safety and the common defense and security, required by the Atomic Energy Act and NRC rules and regulations. This section would not mandate the specific level of detail required in an application. That would be left to the NRC.

The NRC would be required to incorporate in the COL, however, a procedure for construction quality assurance that would provide for the approval of discrete phases of construction as the construction is completed. The NRC also would be required to set forth in the COL the inspections, tests, analyses, and acceptance criteria therefore that it will use in determining whether there is reasonable assurance that the plant has been constructed and will operate in accordance with its license. The COL also may provide for NRC consideration of inspections conducted by the licensee's quality assurance inspectors, NRC's inspectors, and other designated engineering and inspection representatives.

An expedited procedure for commencement of operation would be provided for facilities which have a COL. A holder of a COL would notify the NRC of its readiness to begin operations. Upon receipt, the NRC would publish a notice of intended operation in the Federal Register. A thirty day public comment period would then be provided. Anyone objecting to operation of the facility could request a hearing. If a hearing were requested, the review of issues that had been already considered and decided would be strictly limited. Reexamination of such issues in hearings would be restricted in the same manner as set forth in section 101 of this Act. The NRC would be required to determine if the hearing must be completed before facility operations may begin.

Section 104. Modifications

This section would prohibit the NRC from requiring or requesting a licensee to make a change to a licensed facility unless the NRC determines, taking into consideration the remaining life of the facility, that the change would substantially improve the overall safety of facility operations. The determination of substantial improvement is to be based on a consideration of seven specific factors and such other factors as the NRC determines to be necessary.

The NRC would be required to establish a procedure for the centralized, systematic, and documented review and consideration of a proposed change to a facility. To avoid any ambiguity as to how the NRC may make a proposed change effective, the section would provide that a change may be required only by an amendment to the facility's license or by issuing a rule, regulation, order, or amendment thereof. In the event that conditions or practices necessitated immediate action to protect the public health and safety or the common defense and security, the NRC could impose a change without going through this review procedure.

TITLE II—CONFORMING AMENDMENTS

Sections 201-205 would amend several provisions and the table of contents of the Atomic Energy Act of 1954 to conform with the provisions of this Act.

THE SECRETARY OF ENERGY,
Washington, DC, May 7, 1985.

Hon. GEORGE BUSH,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is proposed legislation entitled the "Nuclear Facility Standardization Act of 1985," a bill intended to improve the licensing of nuclear facilities. The Office of Management and Budget advises that enactment of this proposal would be in accord with the program of the President.

Reform of the system by which the United States licenses its nuclear powerplants is critical if the nuclear power option is to be part of our Nation's energy future. Nuclear power is already a key element of the Nation's energy base; it supplies about 15% of the Nation's electricity and is the second largest source of electricity in America. The continued expansion of the United States economy depends upon reliable and affordable energy, which can be achieved only by encouraging a well-balanced mix of all domestic energy sources. As the demand for electricity grows over the next few decades, so too will the opportunity for more nuclear power, inasmuch as uranium and coal seem likely to be by far the most economic energy sources that can be used in large electrical generators.

As past experience demonstrates, we have the technology to build and operate safe, economical, and environmentally-sound nuclear powerplants. Foreign nations have benefited by using American technology to build nuclear plants overseas; since 1978, the last time an American utility placed an order for a nuclear powerplant, more than 100 nuclear powerplants have been ordered by such countries as France, Japan, and Germany. Nuclear power in the U.S., however, faces a number of obstacles in helping to meet the energy needs of future generations. One major problem confronting the nuclear industry is a complex regulatory process that delays construction and increases costs. Without a comprehensive reform of U.S. nuclear licensing practices, America will continue to fall behind the rest of the world in nuclear power generation. This could cause a severe energy shortage if the demand for electricity increases with recent population growth and economic expansion.

I am today submitting legislation to increase stability and predictability in the process of constructing and operating nuclear power facilities, while continuing to provide health and safety assurances. This proposed legislation would permit the approval of standardized plant designs; it would allow licensing authorities to grant a combined construction and operating license after appropriate hearings; it would provide for the early approval of plant sites; and it would provide a centralized documented review process for changes required by the Nuclear Regulatory Commission. A section-by-section analysis is enclosed which provides greater detail on what the proposal would do. Enactment of this proposed legislation would allow utilities once again to consider the option of nuclear power on its economic and environmental merits.

I understand that Senator Alan K. Simpson will be holding hearings on nuclear licensing reform in his Environment Subcommittee on Nuclear Regulation in the near future. I applaud his leadership in attempting to solve the problems facing the nuclear industry. In addition, the Nuclear Regulatory Commission has submitted proposed legislation, introduced as S. 836, which contains necessary reforms in nuclear licensing. I commend these efforts and urge the Congress to find the legislative solutions to the nuclear licensing and regulatory problems facing us today.

By working together in a bi-partisan fashion, the Congress and the Administration can assure that safe and reliable nuclear energy continues to help assure the Nation's economic growth and energy security at reasonable cost to American consumers.

Yours truly,

JOHN S. HERRINGTON.●

By Mr. RIEGLE (for himself, Mr. D'AMATO, Mr. DIXON, Mr. SASSER, Mr. HEINZ, Mr. GRASSLEY, Mr. CRANSTON, Mr. GORTON, Mr. SARBANES, Mr. DODD, Mr. MITCHELL, Mr. SIMON, Mr. MATHIAS, Mr. MOYNIHAN, Mr. ANDREWS, Mr. INOUYE, Mr. LEVIN, Mr. SPECTER, Mr. KERRY, Mr. METZENBAUM, Mr. GORE, Mr. CHAFEE, and Mr. LAUTENBERG):

S. 2074. A bill disapproving the proposed deferral of budget authority for community development block grants; to the Committee on Banking, Housing, and Urban Affairs.

DISAPPROVING THE DEFERRAL OF COMMUNITY DEVELOPMENT BLOCK GRANT AUTHORITY

● Mr. RIEGLE. Mr. President, the fiscal year 1987 budget proposes to rescind or defer large amounts of budget authority for the current fiscal year. Proposed deferrals include $500 million from Community Development Block Grants, and proposed rescissions include $503.5 million from section 202 Housing for the Elderly or Handicapped, and $206.4 million from Urban Development Action Grants.

These proposals go far beyond policy restraints that Congress has already enacted. They are also much deeper than would be mandated by the Gramm-Rudman-Hollings process. If adopted, these proposals will abruptly and severely harm important activities in communities across the Nation.

I am pleased to join with a number of my colleagues today in introducing legislation that will disapprove the deferral and rescission proposals affecting these programs.

Our legislation will enable the Congress to express its will on these matters promptly and avoid costly disruption of local initiatives.●

● Mr. D'AMATO. Mr. President, the Community Development Block Grant Program [CDBG] assists a wide variety of activities developed by our communities. A $500 million reduction in CDBG allocations would seriously affect community activities that have been planned for this year.

A wide range of physical, economic, and social development activities are eligible for funding under the CDBG Program. Acquisition and disposition of real property, construction of public facilities projects, and rehabilitation of housing and business properties are also eligible activities under the Com-

munity Development Block Grant Program. Economic development assistance and provisions for a variety of public services that are vitally important local priorities are also funded under this program.

In 1985, New York State received $370 million under the CDBG entitlement program for these types of activities. In addition, 97 New York communities received more than $41 million under the Small Cities Program.

CDBG funds assisted in a variety of projects throughout New York. In Andover, CDBG funds assisted in the replacement of malfunctioning on-site sewage disposal systems to prevent health hazards; the rehabilitation of substandard housing units through a program of loans and grants was provided in New Berlin; Clinton used its funds for the construction of a 20,000-square-foot structure in an industrial park that will be subdivided and used as an incubator for new business enterprise; Crown Point is able to establish an investor-owner housing rehabilitation program designed to assist in the repair of housing units; Frankfort will rehabilitate their municipal water system; Fulton County will use their funds for the development of a revolving loan fund to finance six economic expansion projects. Newburgh developed a comprehensive economic job creation effort with their CDBG funds. Newburgh combined Community Development Block Grant funds with Urban Development Action Grant funds to create 755 new jobs.

These are just a few of the outstanding examples of economic development and job creation that I could cite. Each example exemplifies the idea behind the creation of the CDBG Program.

CDBG activities are often planned over a extensive period of time. Communities do the planning and development with a certain allocation in mind. If their allocation is reduced by 14 percent, they would have to make major changes and deletions in their plans. This was not the intent of Congress for the Community Development Block Grant Program for fiscal year 1986.

The Senate and House agreed to allocate $3.1 billion for the CDBG Program in 1986. A reduction of $500 million would end many programs planned for, and by, our communities. Mayors and other local officials in New York State, as well as from around the country, have said that a deferral of $500 million would pose an undue hardship. Community officials that have planned a variety of activities must now tell their citizens that the funds for development, restoration, and other activities are no longer available. This is not what the Congress intended.

Mr. President, we should not destroy the economic development that has been initiated in our communities. Our local officials should be able to continue the development programs that they planned for this fiscal year. The efforts made by our cities to improve their communities and the lives of our citizenry make them worthy of funds to continue this year's planned activities. I urge my colleagues to join me in disapproving the deferral of $500 million in the CDBG allocation for 1986. Our communities deserve nothing less.●

● Mr. HEINZ. Mr. President, today I join a number of my colleagues in opposing the deferral of funds appropriated for the Community Development Block Grant Program [CDBG] and the proposed recission of funds appropriated for the Urban Development Action Program [UDAG] and the Section 202, Housing for the Elderly or Handicapped, Program.

The proposed deferrals include $500 million from the CDBG Program and recissions include $206.4 million from the UDAG Program and $503.5 million from the Section 202 Program.

These programs have suffered reductions in recent years far greater than almost any other portion of the budget. The CDBG Program has been reduced from $3.695 billion in 1981 to a proposed $2.1 billion in 1987. The UDAG Program, which distributed $675 million in 1981, is proposed for elimination. The Section 202, Housing for the Elderly or Handicapped, Program was allocated $873 million in 1981 to provide housing for this special section of our population but only $30 million is proposed for 1987.

Our housing and community development programs have withstood far greater reductions than most other portions of our budget. Congress has expected the people and communities who depend on these HUD programs to shoulder deficit reduction year after year after year. In spite of the huge reductions Congress has approved, however, the administration is now asking for more. Further reductions in these important programs are neither required nor wise and are far greater than the reductions required by the Gramm-Rudman-Hollings Act.

UDAG, CDBG, and Section 202 are all programs that have proved their worth in providing needed community services, redevelopment, and housing for those least able to aid themselves. The provision of decent, affordable housing for all Americans has long been a national goal and the Section 202 Program was the vehicle for meeting that goal for many of our elderly and handicapped.

Community development, especially its use for redevelopment of our blighted urban areas, is another area in which the Federal Government has historically been strong in its support. As a nation, we have dedicated ourselves to stemming urban decay, and we have succeeded in revitalizing scores of previously blighted areas in every State of the Union, rescuing families and neighborhoods, and creating thousands of new jobs for those who lacked hope and opportunity. It was the UDAG Program and the CDBG Program that brought many of our inner cities back to life.

Mr. President, the last few years have seen a steady erosion in our housing and community development programs. These proposed deferrals and recissions, however, are not merely erosion. They represent a change of course in our historic support for housing and community development. A change of this magnitude must not be made without careful study of the effects of that change on our Nation.

Congress has approved reductions in these programs in the past. We must not, however, turn our backs on our towns and cities, our elderly and handicapped. CDBG, UDAG, and section 202, Housing for the Elderly or Handicapped, must be allowed to survive.●

● Mr. GORTON. Mr. President, today I am joining several of my colleagues in introducing a bill disapproving the proposed deferral of funding for the Community Development Block Grant [CDBG] Program. Although I firmly believe that we need to take bold steps to bring Federal spending under control, the administration's proposal to defer $500 million in CDBG funding is simply unfair to the communities that have already planned community development projects for 1986.

The towns and cities of our country have done their part to contribute to deficit reduction efforts in 1986. During the course of debate on the 1986 HUD Appropriation bill, funding for the CDBG Program was reduced by approximately 10 percent from its 1985 levels. Owing to the Gramm-Rudman-Hollings deficit reduction bill, an additional 5 percent was carved out of the CDBG Program.

Our Nation's cities and towns accepted these cuts and planned their 1986 programs around them. It is simply unfair to place the burden of an additional 16-percent cut on our cities and towns during the current year. Some of the planning problems posed by the deferral are reflected in the effects that the deferral will have on Washington State.

Community service and development programs in the city of Seattle are run on a calendar year basis beginning on January 1. After taking into account appropriations and Gramm-Rudman-Hollings cuts, the city made commitments to social service agencies throughout the city to manage the emergency food, shelter, and health needs of its homeless and low-income citizens. On January 3, after commit-

ments are planning for 1986 had been completed, Seattle received notice of the additional 1986 deferral. The deferral means that Seattle will be unable to provide 22,000 meals to the low-income elderly citizens. The city will lose approximately 13,000 bednights of shelter. Seattle will be forced to locate outside sources of funds or face closure of some of the 10 health clinics supported with CDBG funds. These are unacceptable losses of community services, losses that might have been avoided had the city been given time to adequately plan for this deferral of funds.

The problems associated with the CDBG deferral are not limited to our larger cities. The budget for emergency shelter programs for families and youth in Kenmore, Kent, Renton, and Issaquah will be thrown into chaos by the deferral. Wilson Creek, Yelm, Bucota, and 12 other small Washington cities, have geared up to start desperately needed sewer and water improvements. The cities of Wapato and Thurston have prepared to begin construction on important low- and moderate-income housing projects. Once again, it is inappropriate to force such projects off the planning sheets of these municipalities with the proposed deferral.

Mr. President, in our effort to reduce Federal deficits, this body very well may have to take a hard look at the mix of Federal programs aimed at community and rural development. We must not, however, inflict unanticipated and counterproductive blows on the planning processes of our State and local governments. For this reason, I cannot support the administration's request for a dererral in the CDBG Program and I am joining as an original cosponsor of the bill to disapprove the CDBG deferral request.●

● Mr. MITCHELL. Mr. President, I am pleased to join my colleagues today in cosponsoring Mr. RIEGLE's sense of the Senate resolution disapproving the President's rescission of $220 million in Urban Development Action Grant funds.

The President has proposed that no further UDAG grants be funded and that the remaining $220 million in funds for this year be rescinded. In Maine, many individuals and communities who have spent the better half of the last 15 months planning and organizing their proposals, are now stopped dead in their tracks.

It is most disturbing that applicants were apprised of the rescission intent 3 days before the January 31 deadline for the Small Cities Round of awards. With no warning, applications were returned unassessed.

While the UDAG Program requires communities applying for grants to conduct duly advertised public hearings and give the public proper notice as to the submission dates, program parameters, and project specifics, there is no such detailed procedure for a rescission. The President has effectively stopped the program midway without adequate notice for applicants to find alternative sources of funding.

Many communities are aware of last year's congressional debate over the continuation of UDAG funding. Congress opposed the President's proposal to terminate fiscal year 1986 funding. Once assured that Congress had won the battle and the program survived, communities began the tedious process of assembling the necessary support and data to file UDAG applications.

How can the administration in good faith renege on this funding obligation? While I was in Maine last week, I heard the same story in Sanford, Waterville, Bangor, and Brewer—"Senator, what are we to do? Look at this proposal. The jobs it would have created, the economic development that would have boosted the entire community, the urban blight it would have diminished * * *."

Congress appropriated money for UDAG for the entire fiscal year. Ending funding at the midpoint is unfair.

In addition, ending funding for UDAG is one of many examples of the administration's efforts to eliminate important domestic programs while increasing an already bloated defense budget. The President would eliminate over $10 billion in domestic funds for fiscal year 1986 to pay for an 8-percent increase in defense funds for fiscal year 1987.

The underlying principle of the Gramm-Rudman amendment was to reduce spending equally from the defense side of the budget and the domestic side. It is truly disheartening how this principle has been interpreted by the President. I urge all my colleagues to join with Senator RIEGLE today to set the record straight.●

By Mr. LAUTENBERG (for himself, Mr. KASTEN, Mr. SARBANES, Mr. MOYNIHAN, Mr. GORE, Mr. ANDREWS, Mr. SPECTER, and Mrs. HAWKINS):

S. 2075. A bill to overturn the deferral of Urban Development Action Grant funds; to the Committee on Banking, Housing, and Urban Affairs.

OPPOSING THE DEFERRAL OF URBAN DEVELOPMENT ACTION GRANT FUNDS

● Mr. LAUTENBERG. Mr. President, on February 6, Senator KASTEN and I introduced legislation to overturn the deferral of appropriations for the Community Development Block Grant and Urban Development Action Grant Programs. My statement in the RECORD of that date addressed the urgency of congressional action to reject the administration's proposal, which will be detrimental to the economies of local governments across the Nation.

Unfortunately, only one of the two pieces of legislation we introduced appeared in the RECORD of February 6. Therefore, today, I am reintroducing the bill to reject the deferral of $251 million in Urban Development Action Grant funding. I urge my colleagues to cosponsor this bill and S. 2067, the bill introduced on February 6 to reject the deferral of $500 million in Community Development Block Grant funding. Senators SARBANES, MOYNIHAN, GORE, ANDREWS, CHAFEE, SPECTER and HAWKINS are cosponsors of S. 2067.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress disapprove the proposed deferral of budget authority 86-49 for the Urban Development Action Grant program set forth in the special message transmitted by the President to the Congress on February 5, 1986.●

ADDITIONAL COSPONSORS

S. 812

At the request of Mr. GARN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 812, a bill to amend the Export Administration Act of 1979 to authorize controls on the export of capital from the United States.

S. 1012

At the request of Mr. GRASSLEY, the name of the Senator from Kansas [Mrs. KASSENBAUM] was added as a cosponsor of S. 1012, a bill to amend title 18, United States Code, to provide mandatory minimum sentence for offenses involving the sexual exploitation of children.

S. 1747

At the request of Mr. ROTH, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1747, a bill to amend the Foreign Assistance Act of 1961 to protect tropical forests in developing countries.

S. 1748

At the request of Mr. ROTH, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1748, a bill to amend the Foreign Assistance Act of 1961 to protect biological diversity in developing countries.

S. 1774

At the request of Mr. GRASSLEY, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1774, a bill to amend section 1951 of title 18 of the United States Code, and for other purposes.

S. 1889

At the request of Mr. DENTON, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1889, a bill to amend title 11 of the United States Code, relating to bankruptcy, to prevent discharge of administratively ordered support obligations.

S. 1917

At the request of Mr. BRADLEY, the names of the Senator from Kentucky [Mr. FORD] the Senator from Tennessee [Mr. GORE], the Senator from Colorado [Mr. HART], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 1917, a bill to amend the Foreign Assistance Act of 1961 to provide assistance to promote immunization and oral rehydration, and for other purposes.

S. 1921

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1921, a bill to amend title 31, United States Code, to require that in the President's budget for a fiscal year the economic assumptions pertaining to inflation for major weapon system programs of the Department of Defense be the same as those for the rest of the budget.

S. 1938

At the request of Mr. METZENBAUM, the names of the Senator from Wisconsin [Mr. PROXMIRE] and the Senator from North Dakota [Mr. ANDREWS] were added as cosponsors of S. 1938, a bill to make permanent the requirements of the manufacturing clause of the copyright law.

S. 1952

At the request of Mr. GLENN, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of S. 1952, a bill to provide for the striking of medals to commemorate the Young Astronaut Program.

S. 1959

At the request of Mr. CHAFEE, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1959, a bill to clarify the tax treatment of certain mortgage related securities, to authorize the ownership of certain mortgage loans in multiple class arrangements, and for other purposes.

S. 1969

At the request of Mr. SPECTER, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of S. 1969, a bill to create a National Center for the Prosecution of Child Abuse under the Office of Justice Programs in the Department of Justice.

S. 1996

At the request of Mr. STEVENS, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1996, a bill for the relief of Romeo Manabat and his wife Grace Manabat.

S. 2051

At the request of Mr. DIXON, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 2051, a bill to ensure payment of the regular duties imposed on imported ethyl alcohol and payment of the additional duty imposed on ethyl alcohol when imported for use in producing a mixture of gasoline and alcohol or used otherwise as fuel.

S. 2052

At the request of Mr. CRANSTON, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Virginia [Mr. TRIBLE], the Senator from Massachusetts [Mr. KERRY], the Senator from Virginia [Mr. WARNER], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from South Dakota [Mr. ABDNOR] were added as cosponsors of S. 2052, a bill to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986.

S. 2054

At the request of Mr. NICKLES, the names of the Senator from Nebraska [Mr. ZORINSKY], the Senator from New Jersey [Mr. BRADLEY], the Senator from Maine [Mr. COHEN], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Montana [Mr. BAUCUS], the Senator from Alabama [Mr. HEFLIN], the Senator from California [Mr. WILSON], the Senator from Idaho [Mr. MCCLURE], and the Senator from Georgia [Mr. NUNN], were added as cosponsors of S. 2054, a bill to provide that the National Aeronautics and Space Administration may accept gifts and donations for a space shuttle which may be named *Challenger II*.

S. 2067

At the request of Mr. LAUTENBERG, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from North Dakota [Mr. ANDREWS] were added as cosponsors of S. 2067, a bill to overturn the deferral of the fiscal year 1986 Urban Development Action Grant and Community Development Block Grant Program.

SENATE JOINT RESOLUTION 246

At the request of Mr. DIXON, the names of the Senator from Kansas [Mr. DOLE], the Senator from North Dakota [Mr. BURDICK], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 246, a joint resolution to designate May 25, 1986 as "Hands Across America Day," for the purpose of helping people to help themselves, and commending United Support of Artists for Africa and all participants for their efforts toward combating domestic hunger with a 4,000 mile human chain from coast to coast.

SENATE JOINT RESOLUTION 251

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Joint Resolution 251, a joint resolution to designate the week of May 11, 1986, through May 17, 1986, as "National Science Week, 1986."

SENATE JOINT RESOLUTION 257

At the requst of Mr. CHILES, the names of the Senator from Virginia [Mr. WARNER], the Senator from Ohio [Mr. GLENN], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate the first Friday of May each year as "National Teacher Appreciation Day."

SENATE JOINT RESOLUTION 261

At the request of Mr. DOMENICI, the names of the Senator from Mississippi [Mr. STENNIS], the Senator from Florida [Mr. CHILES], the Senator from Michigan [Mr. RIEGLE], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. BUMPERS], the Senator from Idaho [Mr. MCCLURE], the Senator from North Carolina [Mr. EAST], the Senator from Alaska [Mr. MURKOWSKY], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 161, a joint resolution to designate the week of April 14, 1986, through April 20, 1986, as "National Mathematics Awareness Week."

SENATE JOINT RESOLUTION 262

At the request of Mr. WALLOP, the names of the Senator from Indiana [Mr. QUAYLE], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Idaho [Mr. SYMMS], the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. NUNN], the Senator from Alabama [Mr. HEFLIN], the Senator from New York [Mr. D'AMATO], the Senator from Montana [Mr. BAUCUS], the Senator from Alaska [Mr. STEVENS], the Senator from Indiana [Mr. LUGAR], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 262, a joint resolution to authorize and request the President to issue a proclamation designating June 2 through June 8, 1986, as "National Fishing Week."

SENATE JOINT RESOLUTION 265

At the request of Mr. HEINZ, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Kansas [Mr. DOLE], the Senator from Florida [Mrs. HAWKINS], the Senator from Rhode Island [Mr. CHAFEE], the Sena-

tor from Indiana [Mr. QUAYLE], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 265, a joint resolution authorizing and requesting the President to designate the week of March 9 through 15, 1986, as "National Employ the Older Worker Week."

SENATE JOINT RESOLUTION 266

At the request of Mr. DENTON, the names of the Senator from South Dakota [Mr. ABDNOR], the Senator from Texas [Mr. BENTSEN], the Senator from North Dakota [Mr. BURDICK], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from North Carolina [Mr. EAST], the Senator from Florida [Mrs. HAWKINS], the Senator from Pennsylvania [Mr. HEINZ], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. LEVIN], the Senator from Louisiana [Mr. LONG], the Senator from Maryland [Mr. MATHIAS], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Georgia [Mr. NUNN], the Senator from Illinois [Mr. SIMON], the Senator from Virginia [Mr. TRIBLE], the Senator from California [Mr. WILSON], and the Senator from Nebraska [Mr. ZORINSKY] were addeded as cosponsors of Senate Joint Resolution 266, a joint resolution to authorize and request the President to designate the month of June 1986 as "Youth Suicide Prevention Month."

SENATE JOINT RESOLUTION 272

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Joint Resolution 272, a joint resolution to authorize and request the President to issue a proclamation designating March 21, 1986, as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

SENATE CONCURRENT RESOLUTION 105

At the request of Mr. GRAMM, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from South Carolina [Mr. THURMOND], the Senator from Alaska [Mr. STEVENS], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Concurrent Resolution 105, a concurrent resolution to express the sense of the Congress that any tax reform provisions relating to tax-exempt municipal bonds take effect no earlier than January 1, 1987.

SENATE CONCURRENT RESOLUTION 106

At the request of Mr. SPECTER, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from Nevada [Mr. HECHT] were added as cosponsors of Senate Concurrent Resolution 106, a concurrent resolution expressing the sense of the Congress with respect to certain amounts proposed by the President to be rescinded.

SENATE RESOLUTION 297

At the request of Mr. DIXON, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Resolution 297, a resolution to call for an International Congress on Terrorism.

SENATE RESOLUTION 298

At the request of Mr. WEICKER, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New York [Mr. MOYNIHAN], the Senator from Texas [Mr. BENTSEN], the Senator from Arkansas [Mr. BUMPERS], the Senator from South Dakota [Mr. ABDNOR], the Senator from New Mexico [Mr. DOMENICI], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. CHILES], the Senator from Nebraska [Mr. EXON], the Senator from Florida [Mrs. HAWKINS], the Senator from California [Mr. WILSON], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Michigan [Mr. LEVIN], the Senator from Rhode Island [Mr. PELL], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Mississippi [Mr. STENNIS], the Senator from Georgia [Mr. NUNN], the Senator from New York [Mr. D'AMATO], the Senator from Tennessee [Mr. GORE], the Senator from West Virginia [Mr. BYRD], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from New Jersey [Mr. BRADLEY], were added as cosponsors of Senate Resolution 298, a resolution expressing support and encouragement of the Senate for the U.S. Disabled Ski Team at the 1986 World Disabled Ski Championships to be held in Salem, Sweden, on April 6 through April 17, 1986.

SENATE RESOLUTION 303

At the request of Mr. HEINZ, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from South Dakota [Mr. PRESSLER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. D'AMATO], and the Senator from Iowa [Mr. HARKIN], were added as cosponsors of Senate Resolution 303, a resolution to express the sense of the Senate with respect to proposals currently before the Congress to tax certain employer-paid benefits and other life-support benefits.

SENATE RESOLUTION 333

At the request of Mr. LAUTENBERG, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Florida [Mrs. HAWKINS], the Senator from Tennessee [Mr. GORE], the Senator from North Dakota [Mr. ANDREWS], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Resolution 333, a resolution to express the sense of the Senate regarding the Urban Development Action Grant Program.

SENATE RESOLUTION 339

At the request of Mr. BYRD, the names of the Senator from Texas [Mr. BENTSEN], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Resolution 339, a resolution to express the sense of the Senate with respect to proposals currently before the Congress to tax certain employer-paid benefits and other life-support benefits.

SENATE RESOLUTION 343—RELATING TO THE RESCISSION OF URBAN DEVELOPMENT ACTION GRANTS BUDGET AUTHORITY

Mr. RIEGLE (for himself, Mr. D'AMATO, Mr. SASSER, Mr. HEINZ, Mr. GRASSLEY, Mr. CRANSTON, Mr. SARBANES, Mr. DODD, Mr. SIMON, Mr. MITCHELL, Mr. MATHIAS, Mr. MOYNIHAN, Mr. ANDREWS, Mr. INOUYE, Mr. SPECTER, Mr. KERRY, Mr. LEVIN, Mr. METZENBAUM, Mr. GORE, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Appropriations:

S. RES. 343

Resolved, That it is the sense of the Senate that the rescission of budget authority for urban development action grants (Rescission No. R-86-55) proposed by the President on February 5, 1986, should be disapproved.

● Mr. D'AMATO. Mr. President, I am pleased to join my colleagues in sponsoring legislation to disapprove the rescission of urban development action grant funding for this year.

I have worked with several of my colleagues to develop a change in the UDAG Program that would benefit our Nation. I am pleased to have worked with Senators HEINZ, GRASSLEY, RIEGLE, SASSER, and others to improve the project-selection system for the UDAG Program. This legislation broadens the criteria for the competitive urban development action grants. I firmly believe that our proposal resolves concern raised about the current selection system, and that it significantly strengthens the UDAG Program. We anticipate pursuing this proposal at the earliest possible date. Termination of further UDAG rounds for this year, however, would hamper this effort.

The UDAG Program has brought economic revitalization to New York State, as well as many other States. UDAG funds have been used to create and expand commercial, industrial, and neighborhood projects. Nationwide, the urban development Action Grant Program has helped create more than 513,000 new, permanent

jobs, create 429,000 construction jobs, and retain more than 124,000 jobs. UDAG's totaling more than $3.9 billion have created at least $23 billion in private investments for our Nation.

As a result of this program, an additional $521 million has been raised in property taxes and other local taxes. UDAG's have assisted in more than 2,400 development projects in over 1,084 cities. In New York State, $289 million in urban development action grants created $1.3 billion in private investment. Between 1982 and 1985, this program created more than 30,401 jobs in New York. These 232 projects brought about more than $25 million in local taxes in New York. These projects have brought new jobs and economic gains to many communities in my great State.

Although cities in New York and a host of cities in other States have produced exceptional proposals that have been funded, our cities and urban counties have not completed their revitalization efforts. New York and other States must continue to have the opportunity to promote private investment and to create new jobs and taxes for the benefit of our communities.

The Urban Development Action Grant [UDAG] Program, administered by the Department of Housing and Urban Development, is a perfect example of a Federal program that helps our communities. It demonstrates that jobs can be created and that revenues can be generated to enhance the development of our communities. It is a perfect example of a public-private partnership.

Many communities have spent months planning and developing proposals for this year's funding rounds. They have obtained commitments and approvals from local boards and communities. They have provided hope in their communities that jobs may be created and maintained; many anticipate the creation of additional tax bases if they are awarded a UDAG. However, some are having their applications returned. Confusion is developing in communities that expected the availability of this program for fiscal year 1986.

Our communities have done their part to prepare for a Federal program, but now must face the possibility of no new jobs, no new taxes, no new development. I am opposed to any proposal that ends the planning for continued economic development in our communities.

I firmly believe that our communities are deserving of the Urban Development Action Grant Program. Our communities must be encouraged to continue to carry out economic development activities vital for U.S. growth and prosperity. I urge my colleagues to join me in disapproving the proposed rescission of urban development action grant funds for this fiscal year. ●

SENATE RESOLUTION 344—RELATING TO THE RESCISSION OF HOUSING FOR THE ELDERLY AND HANDICAPPED BUDGET AUTHORITY

Mr. HEINZ (for himself, Mr. RIEGLE, Mr. D'AMATO, Mr. SASSER, Mr. GRASSLEY, Mr. CRANSTON, Mr. SARBANES, Mr. DODD, Mr. SIMON, Mr. MITCHELL, Mr. MATHIAS, Mr. MOYNIHAN, Mr. ANDREWS, Mr. INOUYE, Mr. KERRY, Mr. SPECTER, Mr. LEVIN, Mr. METZENBAUM, Mr. GORE, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Appropriations:

S. RES. 344

Resolved, That it is the sense of the Senate that the rescission of budget authority for housing for the elderly and handicapped under section 202 of the Housing Act of 1959 (Rescission No. R-86-52) proposed by the President on February 5, 1986, should be disapproved.

● Mr. D'AMATO. Mr. President, I rise today to join my colleagues in opposition to the proposed rescission of section 202 funding. The elderly and the handicapped throughout the Nation have greatly benefited from this program. Many are hoping that they will receive an award from this program this year. Many have spent years working with not-for-profit sponsors and community organizations to develop proposals that might be funded to provide them with safe and decent housing. This rescission would affect the lives of thousands of our elderly.

For more than 50 years, the Federal Government has played a major role in advancing national housing policies. One example of a program that benefits many senior citizens is the section 202 program. This program assists nonprofit sponsors in providing low-cost housing for low-income elderly and handicapped households. The section 202 housing program offers direct, long-term Federal loans to eligible nonprofit private groups to finance new construction or substantial rehabilitation of rental housing for the elderly and the handicapped.

For fiscal year 1986, the section 202 program was provided with 12,000 units nationwide. In my home State of New York, from 1981 through 1985, this program provided 6,465 units for the elderly and handicapped. This represents more than $334 million in housing assistance.

This program has been the key to affordable housing for many families throughout the United States. The elderly deserve to actualize the American dream of safe, decent, and affordable housing. The conditions that give rise to the need for the section 202 program still exist. We need to continue the section 202 program which serves the elderly and handicapped.

Mr. President, I firmly believe that our Nation will benefit from showing a commitment to the elderly. We must not destroy the efforts of our citizenry to provide for the elderly. We must assist our communities while they try to assist themselves. The efforts made by our cities and neighbors are worthy of our assistance. I hope my colleagues will join me in disapproving this recission of assistance for the elderly.●

SENATE RESOLUTION 345—RELATING TO THE RECENT PRESIDENTIAL ELECTIONS IN THE PHILIPPINES

Mr. DOLE (for himself, Mr. BYRD, Mr. KENNEDY, Mr. LUGAR, Mr. PELL, Mr. DODD, Mr. BOREN, Mr. PRYOR, Mr. LEVIN, Mr. KERRY, Mr. HART, Mr. BAUCUS, Mr. DOMENICI, Mr. EVANS, Mr. ABDNOR, Mr. COCHRAN, Mr. FORD, Mr. D'AMATO, Mr. SIMPSON, and Mr. MCCONNELL) submitted the following resolution; which was considered by unanimous consent:

S. RES. 345

Whereas, the Presidential election held in the Philippines on February 7, 1986 was plagued by widespread fraud on all levels;

Whereas, international observer groups, including a United States official observer delegation, appointed by President Reagan, witnessed numerous instances of such fraud;

Whereas, President Reagan stated on February 15, 1986 that "the elections were marred by widespread fraud and violence perpetrated largely by the ruling party."

Whereas, the Catholic Bishops Conference of the Philippines judged the elections to be "unparalleled in the fraudulence of their conduct," including systematic disenfranchisement of voters, widespread and massive vote-buying, deliberate tampering with the election returns and intimidation, harassment, terrorism and murder of the citizens of the Philippines;

Whereas, the vote totals reported in the Philippines National Assembly were inconsistent with figures tallied by the citizen poll watching group NAMFREL; and

Whereas the President has dispatched Ambassador Philip Habib on a fact-finding mission to help determine how best the United States might assist the Philippines to return to a stable political situation based on democratic principles: Now, therefore, be it *Resolved*, That it is the sense of the Senate that:

SECTION 1. America's interests are best served in the Philippines by a government which has a popular mandate;

SEC. 2. The February 7, 1986 Presidential and Vice-Presidential election in the Philippines were marked by such widespread fraud that they cannot be considered a fair reflection of the will of the people of the Philippines; and

SEC. 3. The Senate hereby requests that the President of the United States personally convey this concern to President Ferdinand Marcos and Corazon Aquino of the Philippines.

AMENDMENTS SUBMITTED

GENOCIDE CONVENTION

SYMMS AMENDMENT NO. 1585

Mr. SYMMS proposed an amendment to Ex. O, 81st Congress, 1st session, International Convention on the Prevention and Punishment of the Crime of Genocide; as follows:

Amend Article II by inserting "political," after "national,".

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold a hearing on the President's fiscal year 1987 budget submission on Tuesday, February 18, 1986, at 9:30 a.m. The hearing will be held in room 608 of the Dirksen Senate Office Building.

Hon. Rudolph G. Penner, Director, Congressional Budget Office, will testify.

Mr. President, the Senate Committee on the Budget will hold a hearing on the President's fiscal year 1987 budget submission on Tuesday, February 18, 1986, at 2 p.m. The hearing will be held in room 608 of the Dirksen Senate Office Building.

Hon. James A Baker III, Secretary of the Treasury, will testify.

Mr. President, the Senate Committee on the Budget will hold a hearing on the President's fiscal year 1987 budget submission on Wednesday, February 19, 1986 at 9:30 a.m. The hearing will be held in room 608 of the Dirksen Senate Office Building.

Hon. George P. Shultz, Secretary of State, will testify.

SELECT COMMITTEE ON SMALL BUSINESS

Mr. WEICKER, Mr. President, I would like to announce that the Senate Small Business Committee's February 21, 1986, hearing on the cost and availability of liability insurance has been rescheduled for 9 a.m. The hearing will be held in room 428A of the Russell Senate Office Building as previously announced. For further information, please call Bob Wilson or Erline Patrick of the committee staff at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 18, to hold an oversight hearing to consider the President's proposed budget for the Department of the Interior for fiscal year 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 18, to hold an oversight hearing to consider the President's proposed budget for the Department of Energy for fiscal year 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, February 18, to conduct a meeting on Oversight of the space shuttle accident.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 18, in closed executive session, in order to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 18, 1986, closed executive session, in order to mark up the DOD authorization for fiscal year 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report for the week of February 3, 1986, prepared by the Congressional Budget Office in response to section 5 of the first budget resolution for fiscal year 1986. This report also serves as the scorekeeping report for the purposes of section 311 of the Congressional Budget Act, as amended.

I ask that this material be printed in the RECORD.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 18, 1986.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1986. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, S. Con. Res. 32. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32 and is current through February 14, 1986. The report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Changes since my last report are the Commodity Credit Corporation Urgent Supplemental Appropriations, P.L. 99-243, with no net effect on the budget totals, and the Federal Employees Benefits Improvement Act of 1986, H.R. 4061, which changes outlay estimates.

With best wishes,
Sincerely,

C.Q. NUCKOLS,
(For Rudolph G. Penner.)

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 99TH CONGRESS, 2D SESSION, AS OF FEBRUARY 14, 1986

[Fiscal Year 1986—in billions of dollars]

	Budget authority	Outlays	Revenues	Debt subject to limit
Current level [1]	1,073.0	986.9	793.6	1,947.9
Budget resolution, Senate Concurrent Resolution 32	1,069.7	967.6	795.7	[2] 2,078.7
Current level is:				
Over resolution by	3.3	19.3		
Under resolution by			2.1	130.8

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level excludes the revenue and direct spending effects of legislation that is in earlier stages of completion, such as reported from a Senate committee or passed by the Senate. Thus, savings from reconciliation action assumed in Senate Concurrent Resolution 32 will not be included until Congress sends the legislation to the President for his approval. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,078.7 billion.

FISCAL YEAR 1986, SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONGRESS, 2D SESSION, AS OF FEBRUARY 14, 1986

[In million of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			793,551
Permanent appropriations and trust funds.	708,634	632,166	
Other appropriations	554,277	543,994	
Offsetting receipts	−190,586	−190,586	
Total enacted in previous sessions.	1,072,325	985,573	793,551
II. Enacted this session:			
Commodity Credit Corporation urgent supplemental appropriation, 1986 (PL 99-243).			
III. Continuing resolution authority: Federal Employees Benefits Improvement Act of 1986 (H.R. 4061).		4	

FISCAL YEAR 1986, SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONGRESS, 2D SESSION, AS OF FEBRUARY 14, 1986—Continued

[In million of dollars]

	Budget authority	Outlays	Revenues
Total		4	
IV. Conference agreements ratified by both Houses.			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Payment to air carriers, DOT.	26	24	
Maritime, operating-differential subsidies.		3	
Retirement pay for PHS officers.	3		
Medical facilities loans guarantee.	2		
Payment to health care trust funds.[1].	(907)	(907)	
Advances to unemployment trust fund.[1].	(51)	(51)	
Federal unemployment benefits and allowances.	65	64	
Black lung disability trust fund.[1].	46	46	
Veterans compensation.	286	235	
Veterans readjustment benefits.	180	137	
Veterans pensions	10		
Defense pay raise—military.		675	
Compact of free association.	92	92	
Total entitlements	710	1,276	
Total current level as of February 14, 1986.	1,073,035	986,853	793,551
1986 budget resolution (S. Con. Res. 32).	1,069,700	967,600	795,700
Amount remaining:			
Over budget resolution.	3,335	19,253	
Under budget resolution.			2,149

[1] Interfund transactions do not add to budget totals.

Note: Numbers may not add due to rounding.●

LITHUANIAN INDEPENDENCE DAY

● Mr. PRYOR. Mr. President, today I urge my colleagues to reflect upon the 68th anniversary of Lithuanian independence.

Each year we honor February 16 as "Lithuanian Independence Day." On what should be a day of celebration for Lithuanians everywhere, we are instead reminded of the June 1940, Soviet invasion which stripped the Lithuanian people of their freedom and squeezed the life from a humane republic after a precious 22 years of independence.

Today the Soviet Union continues to chip away at Lithuanian culture, destroying age-old traditions, persecuting the religious, and generally moving Lithuania toward complete assimilation into Soviet culture.

In Soviet occupied regions, the celebration of Lithuanian independence is considered a criminal offense. Since the vise of silence is clamped upon Lithuanians, we as free people cannot remain silent.

There are a great many Lithuanian-Americans in this country who look upon this tragedy with particular abhorrence. In my State of Arkansas the Lithuanian-American community continues to hope and pray that one day Lithuania will regain its freedom and set out to revitalize its rich heritage.

On Lithuanian Independence Day we give tribute to the brave struggle of the Lithuanian people. We promote this day to demonstrate that the plight of Lithuanians has not and will not be forgotten.●

GRAZING FEES

● Mr. WALLOP. Mr. President, one of the reasons why legislators enact sunset clauses is because we want to make sure that an issue, or set of issues, is reviewed by the Congress at a later date. In the meantime, we may ask for more information and talk to the many interests involved so that we will make more informed decisions.

That is exactly what happened when we enacted the Federal Land Policy and Management Act in 1976 [FLPMA], and the Public Rangelands Improvement Act in 1978 [PRIA]. We marked December 31, 1985, as the deadline for three issues relating to management of our public rangelands: Expiration of the grazing advisory boards (authorized in FLPMA); a report from BLM and the Forest Service on the status of an experimental stewardship program that would allow the agencies to explore innovative range management techniques (authorized in PRIA); and a report from BLM and the Forest Service with new information and with recommendations on future grazing fees. The current grazing fee formula, which we set into law, expired at the end of the 1985 grazing season which is at the end of February 1986.

About 2 years ago, realizing how quickly deadlines creep up on us, I started to inquire about how people viewed these issues. Although everyone had their own version of what they would like to see happen, little had been done to try to understand exactly where the differences and similarities were among the many and diverse interests of rangelands; and to see if there was any way some of those differences could be bridged. In talking over these issues with the Congressional Research Service, the idea emerged of getting these frequently polarized groups together in one room, to sit down over a discussion table and air their concerns. In this way, we could gather information from all the users of rangelands to help us better understand these issues before we have to make decisions on them; but maybe a first step could be made toward finding some common ground solutions to some longstanding controversies.

Joining with me in seeking the ideas and opinions of all these various rangeland interests was my colleague, the distinguished Senator from Idaho, JIM MCCLURE, chairman of the Senate Energy and Natural Resources Committee, and my colleagues from the other House, the gentlemen from Arizona and Ohio. Together as chairmen of the authorizing committees and subcommittees, we requested CRS to sponsor a workshop to identify and examine range issues that may require legislative solutions, and invite the major groups that have an interest in rangeland resources to enter into objective and constructive dialog on these issues.

Mr. President, objective dialog between wildlife, livestock, sportsmen, environmental, landowner, State and research interests is difficult, but essential if a broad base of support for legislation is to be achieved. Any individual, group, or organization attempting to arrange for such dialog to cccur must be accepted by all interests as an unbiased, third party. We believe that the Congressional Research Service fulfilled that role.

The Federal Rangelands Workshop was convened by CRS in October and December of 1984. Twenty-eight diverse organizations participated in roundtable discussions for 4 days, talking, listening, and searching for ways to better understand each other and ways to solve their common concerns. As can be seen from the CRS summary of the Workshop: "The Federal Rangelands Workshop: A Dialog on Current Rangeland Issues," the going was not always easy. Open discussions prompted expression of many opinions, most with a high degree of intensity, many provoking conflicting views.

Mr. President, we used the information gathered and opinions expressed at the workshops to help write a draft rangeland resources bill that would address most of the concerns and issues raised in these sessions. We circulated at least four versions of the draft legislation to all parties. Committee staff and principals met in what seemed like endless sessions to redraft, rewrite, negotiate, add, or subtract language. This process lasted an entire year—1985 was spent revising the draft. Individuals and associations also continued to meet in sessions here in Washington and, more importantly, out in the States that have public rangelands. Mr. President, the legislation was never introduced. Although a number of principal sponsors had agreed to introduce a final version of a draft, one of the principal members had suggested a number of further substantive changes which resulted in ending negotiations in December 1985.

On December 13, 1985, 27 Senators and I sent the following letter to President Reagan, asking that the

present fee formula be retained. I ask that the letter be printed in the RECORD at this point. On December 19, 1985, the Western Governors Association sent a letter to President Reagan asking that the present fee formula be retained. I ask that that letter be printed in the RECORD at this point.

The letters follows:

U.S. SENATE,
COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, December 13, 1985.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Section 6(a) of Public Law 95-514, which contains a formula specifying how fees are to be determined for the grazing of livestock on Forest Service and Bureau of Land Management lands, will expire at the end of this year.

This grazing fee formula was devised in 1978 after extensive negotiations involving agriculture, environmental groups, Congress and the Executive Branch. It is a fair formula which has worked very well for both government and agriculture.

In anticipation of the impending expiration of the formula, bi-partisan negotiations have been going on in Congress and among interest groups for nearly a year in an attempt to devise legislation to establish future grazing fee policy. However, those negotiations have not been successful, and it is clear that grazing fee legislation will not be enacted by Congress before the expiration of the current formula on December 31.

Consequently, Mr. President, we respectfully request that you issue an Executive Order directing the Secretaries of Agriculture and the Interior to extend the current grazing fee formula as set forth in Public Law 95-514. We strongly support the continuation of this formula because we believe it is equitable to all concerned. It is designed so that in years when livestock industry income increases, so does the fee received by the government. Conversely, in bad times when income is down, the fee is adjusted downward so that the industry can survive.

We know from your recent radio message ot the American people concerning the agricultural crisis that you are keenly aware of the difficulties currently faced by many farmers and ranchers. Livestock producers who are dependent on access to publicly-owned grazing lands have not escaped the problems facing other segments of agriculture. Their industry is in the worst economic condition since the Great Depression.

Extension of the current grazing fee formula would give the livestock industry the certainty needed to plan for the future and to find ways to survive the current crisis.

Thank you for your consideration of our request.

Sincerely,

MALCOLM WALLOP,
(with 27 other Senators.)

EXECUTIVE ORDER—FEES FOR DOMESTIC LIVESTOCK GRAZING ON PUBLIC RANGELANDS

By virture of the authority vested in me as President of the United States by the Constitution and laws of the United States of America, including, but not limited to, the Taylor Grazing Act (43 U.S.C. 315 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and the Public Rangelands Improvement Act of 1978 (92 Stat. 1806) it is ordered as follows:

Section 1. It is the policy of the Federal Government to charge a reasonable fee for domestic grazing on the public rangelands which is equitable and which prevents economic disruption and harm to the western livestock industry.

Section 2. Determination of Fees. The Secretaries of Agriculture and of the Interior shall charge a fee for domestic livestock grazing on the public rangelands which annualy equals the $1.23 base established by the 1966 Western Livestock Grazing Survey multiplied by the result of the Forage Value Index (computed annually from data supplied by the Statistical Reporting Service) added to the Combined Index (Beef Cattle Price Index minus the Prices Paid Index) and divided by 100: *Provided*, that the annual increase or decrease in such fee for any given year shall be limited to not more than plus or minus 25 percentum of the previous year's fee.

Section 3. Definitions. As used in this Order the term:

(a) "Public rangelands" has the same meaning as in the Public Rangelands Improvement Act of 1978 (92 Stat. 1806),

(b) "Forage Value Index" means the weighted average estimate of the annual rental charge per head per month for pasturing cattle on private rangelands in the 11 Western States (Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California) (computed by the Statistical Reporting Service from the June Enumerative Survey) divided by $3.65 and multiplied by 100;

(c) "Beef Cattle Price Index" means the weighted average annual selling price for beef cattle (excluding calves) in the 11 Western States (Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California) for November through October (computed by the Statistical Reporting Service) divided by $22.04 per hundredweight and multiplied by 100; and

(d) "Prices Paid Index" means the following selected components from the Statistical Reporting Service's Annual National Index of Prices Paid by Farmers for Goods and Services adjusted by the weights indicated in parenthesis to reflect livestock production costs in the Western States; 1. Fuels and Energy (14.5); 2. Farm and Motor Supplies (12.0); 3. Autos and Trucks (4.5); 4. Tractors and Self-Propelled Machinery (4.5); 5. Other Machinery (12.0); 6. Building and Fencing Materials (14.5); 7. Interest (6.0); 8. Farm Wage Rates (14.0); 9. Farm Services (18.0).

Section 4. This Order shall constitute authority for the continuation of, and shall continue in full force and effect, any and all existing rules, practices, policies and regulations relating to the administration of the formula for grazing fees in section 6(a) of the Public Rangelands Improvement Act of 1978 (92 Stat. 1806).

Section 5. This Order shall be effective as of midnight January 1, 1986 and shall remain in effect until terminated.

RONALD REAGAN.

WESTERN GOVERNORS' ASSOCIATION,
Denver, CO., December 19, 1985.

Hon. RONALD REAGAN,
President of the United States, The White House, 1600 Pennsylvania Avenue, NW, Washinton, DC.

DEAR MR. PRESIDENT: The western governors have a particular interest in rangeland resources management issues. As lead governors for rangeland issues within the Western Governors' Association (WGA), Governor Herschler of Wyoming and I have followed with interest and participated fully in congressional efforts over the last year to develop and pass an omnibus bill * * *. Last week that process, which we had expected to establish a comprehensive approach for dealing with these 1985 legislative deadlines and a variety of other rangeland issues, came to an abrupt halt. The current issues remain unresolved.

Key among the many rangeland issues of interest to western governors is the expiration of the existing grazing fee formula which governs the grazing of livestock on Forest Service and Bureau of Land Management lands. Under provisions of P.L. 95-14, the current fee formula will expire on December 31 of this year. We understand that a letter requesting your issuance of an Executive Order directing the Secretaries of Agriculture and Interior to extend the current fee has been delivered to you on behalf of a number of western senators and that a similar letter has been developed in the House.

We wish to support the continuation of the current grazing fee formula. As we indicated in letters to key House and Senate members in June, given the extreme hardship being experienced by the livestock industry, we support retaining the current grazing fee formula and base, at least temporarily.

We appreciate your consideration of our request.

Sincerely,

JOHN V. EVANS,
Governor of Idaho.

Mr. WALLOP. Mr. President, many Members of the House and Senate, Western Governors, and local officials have made this request of the President because it represents a fair solution to a complex problem. Allow me to amplify.

HOW GRAZING FEES ARE COMPUTED: THE PRIA [PUBLIC RANGELANDS IMPROVEMENT ACT] FORMULA

Grazing fees for use of public lands administered by the Forest Service and the Bureau of Land Management [BLM] in the 16 Western States are computed annually, using the trial fee formula established by Congress in the Public Rangelands Improvement Act [PRIA] of 1978. The PRIA formula is:

$$\text{Economic value} = \$1.23 \times \frac{\text{FVI} + (\text{BPI} - \text{PPI})}{100}$$

Where:

Economic value=the fee to be charged, which represents the economic value of the use of the land to the user, and where annual increases or decreases in the fee are limited to plus or minus 25 percent of the previous year's fee.

$1.23=the base fair market value established by the 1966 Western Livestock Survey.

FVI=forage value index.

BPI=beef price index.

PPI=prices paid index.

WHY CONGRESS SELECTED THE PRIA FORMULA, THE WASHINGTON POST NOTWITHSTANDING

In adopting this formula, Congress found that:

To prevent economic harm and disruption to the Western livestock industry, it is in

the public interest to charge a fee for grazing . . . which is based on a formula reflecting annual changes in the costs of production.

Congress based this finding, in large part, on the economic condition of the livestock industry during the 1970's. These factors also led Congress to reject, at the same time, an alternative fee formula proposed jointly by the Secretaries of the Departments of the Interior and Agriculture.

The two Secretaries had recommended a fee formula to Congress during 1977, in response to a study required by the Federal Land Policy and Management Act of 1976. Their proposed formula would charge a grazing fee based on the fair market value of grazing, as represented by the 1966 base value of $1.23 per animal unit month, adjusted annually by the percent change in charges for private land grazing use. Since the public land grazing fees then being charged were below the fair market value fee, the fee would increase by 25 percent per year until fair market value was reached in 1980 or 1981.

Congress rejected the Secretaries formula primarily because it failed to incorporate factors recognizing the costs of production, beef prices, or the ranchers' ability to pay. It believed these factors were important because the fee increases proposed by the Secretaries' formula, when considered along with rapidly escalating costs for other aspects of livestock production, would place an increasing, and perhaps crippling, burden on the many livestock operations which are heavily dependent on the use of the public lands. This burden could contribute to what Congress saw as an alarming rate of farm and ranch closures occurring nationwide. Congress was equally concerned that the Secretaries' proposed grazing fee increases would come at a time when the Western livestock industry is just recovering from very depressed beef prices and severe drought conditions.

Congress acknowledged, however, that there were several concerns related to the adoption of a fee based on changes in the costs of production. Consequently, it established the PRIA formula for the years 1979 to 1985. During this period, the Secretaries of the Interior and Agriculture were to evaluate the PRIA formula and other fee options and make a recommendation to Congress on a grazing fee formula for the 1986 and subsequent grazing years.

$1.23 BASE VALUE

In 1966, the Economic Research Service, U.S. Department of Agriculture, interviewed 10,000 individuals to obtain information on costs associated with the leasing of public and private grazing lands. This information was used in an economic model designed to measure the value of grazing public lands by comparing the variable, nonfee costs associated with public and private grazing land use. The premise of the model was that a fair market value for public land use would equal the private land lease rate minus the differences in costs incurred in using public lands.

Analysis of the results of the model indicated that a fair market value fee for 1966 was $1.23 per animal unit or animal unit month [AUM]. Congress incorporated this figure as a base value in the PRIA formula, to be updated annually according to changes in the three formula indices.

FORAGE VALUE INDEX (PRIVATE GRAZING LAND LEASE RATE)

The forage value index is the current private grazing land lease rate divided by the 1966 private grazing land lease rate times 100. The private grazing land lease is the charge per head per month for pasturing cattle on private rangelands. The Statistical Reporting Service computes a new private gazing land lease rate each year by mailing farm report questionnaires to approximately 12,500 ranchers in the 11 Western States. The information obtained measures annual changes in what livestock producers are paying for private land grazing use, which indicates whether economic value of the use of public lands for grazing has increased or decreased.

BEEF PRICES INDEX

The beef prices index is the weighted average selling price for beef cattle in the 11 Western States for November through October, divided by the 1964 through 1968 base price. Similar to the prices paid index, this index is adjusted by a base value correlated to the 1966 base fair market value. The beef prices index and the prices paid index use a 5-year average, rather than a 1-year value for 1966, to account for cyclical fluctuations in the livestock production market. The Statistical Reporting Service provides this information to the BLM and the Forest Service each year, based on monthly tabulations of beef cattle prices for all States.

PRICES PAID INDEX

The prices paid index represents the prices ranchers pay for the inputs they use to produce beef. It is based on nine components selected from the U.S. Department of Agriculture's Statistical Reporting Service's prices paid index, which are adjusted to reflect livestock production costs for the Western States. The nine components used to compute the prices paid index are: veterinary and medical expenses; livestock hauling; marketing; fuel, lube, and electricity; hired labor wage rates; interest on operating capital; machinery; equipment—building and fence materials; and machinery and equipment repair. Changes in the costs associated with these components are computed annually.

Together, the beef prices index and the prices paid index also known as the combined index, represent the ranchers' ability to pay fees for public land grazing use.

HOW THE FORMULA WORKS

In 1982, the public land grazing fee dropped $0.45, from $2.31 to $1.86 per AUM. Although the private grazing land lease rate increased from $7.88 to $8.83, which increased the forage value index from 216 to 242, this increase was more than offset by changes in the combined index. Beef cattle prices decreased from $64.20 to $59.10 per hundred pounds, changing the beef cattle price index from 291 to 268. The index for prices paid to produce beef changed from 319 to 359.

The 1982 grazing fee was derived by inserting these numbers into the PRIA formula:

$$\text{Economic Value} = \$1.23 \times \frac{242 + (268 - 359)}{100} = \$1.23 \times 1.51 = \$1.86$$

Thus, as Congress envisioned when it adopted the PRIA formula, in years when beef prices are high and ranchers could afford to pay higher fees the fee would rise. In depressed years, the fee would decrease.

Mr. President, I hope this detailed explanation of the process, the request, the formula and finally the equity helps my distinguished colleagues and the public to better understand the issue. Make no mistake about it. OMB's action in recommending a freeze of grazing fees for 1 year at $1.35 is a user fee increase. Because of the catastrophic condition of the livestock business the fee was scheduled to drop under the formula to $1.04. That is an effective increase of 30 percent over what would have been the fee under the PRIA formula. The industry is willing to stand up to its share of the debt burden.

I refuse to accept the false premise that a questionable appraisal of the private lease rate is the fair market value intent of Congress. I hope that my colleagues will examine this issue fairly, and if we are in a situation where it must be settled legislatively, to make a decision that is fair to all.●

THOSE WHO SERVED IN KOREA

● Mr. ARMSTRONG. Mr. President, last summer I introduced S. 1223 to build a Korean War Memorial to those who so courageously served more than three decades ago in Korea. Since that time, I have received literally dozens of letters and phone calls from Korean veterans and their families expressing appreciation for introducing this legislation. The comments have been both heartwarming and heartbreaking, but all have shown that those men and

women who served deserve the fullest honor and recognition their country can bestow upon them.

Recently, I received a copy of an article by Norman R. Zehr which appeared in the *Mines* magazine, a publication of the Colorado School of Mines Alumni Association. To quote a brief portion, Mr. Zehr states:

Frankly I think that all of those men and women who did not come back from Korea as I did, alive and well, deserve such a memorial. But for me, the only memorial I need, if any is deserved at all, is to see Korea today as a thriving economy with a reasonable amount of freedom for its people.

I agree with Mr. Zehr. Today, Koreans can look at the future with hope and the assurance that they have control over their own lives. This would not be the case if Americans had not been willing to join them and to make sacrifices—and some 54,000 made the ultimate sacrifice—so that Koreans could be free today.

A memorial to those who served and those who died in Korea will continue to show the world that America stands for freedom, and we will fight to preserve it. I ask that Mr. Zehr's remarks be printed in the RECORD, and I urge my colleagues to read them carefully.

The remarks follow:

FROM THE DIRECTOR'S DESK

(By Norman R. Zehr)

Recent newspaper articles have dealt with the project to build a Korean War Memorial. U.S. Senator Bill Armstrong of Colorado has sponsored a bill in Congress to establish such a memorial. Those of us who had the experience of serving in that country should especially appreciate this effort. Although the Korean War was officially classified as a "police action" most of us would agree it gave rise to the most heavily armed and engaged police force in our memory, and probably in history. We must not forget that this police force included military personnel from many of the United Nations.

Unlike most Korean veterans I had the privilege, and I mean privilege, of returning to Korea several times in recent years. These were business trips, but what I saw and heard was totally unexpected.

When meeting Korean business associates I was presented with the inevitable question—"Have you been to Korea before?" Once I answered "Yes" they inquired for details—"1953, U.S. Army aviator, 40th Infantry Division, Kumhwa and Chorwon valleys, etc." Usually the inquirer responded with some details of service in the ROK Army. This meant something to me due to my assignment after the truce to KMAG (Korean Military Advisory Group).

What I was not prepared for, at least on my first visit, was the "on behalf of myself and the Korean people I want to say thank you." The first time it happened I could not respond. What do you say—"You're welcome?"

This occurred over and over again, often with ex-ROK Army officers who were then (in the '70s and early '80s) serving as management personnel in Korean industrial, petrochemical and mining companies.

It took me some time to get those occasions in perspective with my then-existing attitudes from the '50s. I certainly learned that one's feelings and opinions can be changed by events and by time.

Several years ago I was talking to General Nutting, who was at that time in charge of the U.S. Army Latin American Command in Panama. I inquired about his service in Korea. He told me that he had been a company commander in the U.S. 2nd Infantry Division. He added that it was his most bitter war experience which included several tours in Vietnam. I urged him to return to Korea, as I had, and then form a final opinion. I hope he does.

My feeling is that here are a people (the Koreans) who appreciate the fact that someone came to their aid, in enlightened self-interest of course, and kept them from being ruled in a way they did not wish to be governed. I am not saying that their society today embraces all of the finer points of democracy which we have come to enjoy. But, in my opinion, it certainly is better than the alternative (which I have also seen in the countries of eastern Europe including the Soviet Union).

Recently I heard that a Ports of Call tour group was taken on a flight to a "mystery" destination. Not until after they took off were they informed that their destination was Korea. Anyone who served in Korea during the war was asked to identify himself. Those who did were advised they would be guests of the government of Korea during their stay. I have been to France, for example, many times and have never heard of anything like that happening.

My writing about this is provoked, obviously, by the discussion of a Korean War Memorial.

Frankly I think that all of those men and women who did not come back from Korea as I did, alive and well, deserve such a memorial. But for me, the only memorial I need, if any is deserved at all, is to see Korea today as a thriving economy with a reasonable amount of freedom for its people. Yes, they still have a long way to go, but they have made a start.●

LITHUANIAN INDEPENDENCE DAY

● Mr. LAUTENBERG. Mr. President, today I rise to support Senate Joint Resolution 259, which establishes February 16, 1986, as Lithuanian Independence Day. This year marks the 68th anniversary of Lithuanian Independence Day, the day on which the Republic of Lithuanian was established.

To Lithuanian Americans in New Jersey and throughout the country, February 16 is a very special day. On February 16, 1918, the Lithuanian people declared their independence from Russia, which had oppressed them since 1795. Tragically, Lithuania's freedom was short lived. In 1940, Soviet troops invaded Lithuania and began an occupation which lasts to this day. But the flame of freedom ignited during those 22 years of independence still burns in the country's soul.

Lithuanian Independence Day is a time to pay tribute to that flame—to the continuing struggle of the Lithuanian people for national self-determination. By focusing national attention on their plight through an officially recognized day, we express solidarity with their struggle. It is a noble struggle. The Lithuanians have shown us, by their courageous example, that as long as their desire for freedom remains, there is hope.

Even after 46 years of Soviet domination and the forced annexation of their country, the Lithuanians still struggle for freedom of the press, religion, speech, and national self-determination. And they continue to fight to preserve their own cultural and religious heritage despite centuries of relentless pressure for russification. This too, is a cause for hope.

We should also remember that the success of Lithuanian immigrants in this country in preserving their unique cultural heritage has enriched our society immeasurably. Over the last century, Lithuanians could be found working in New Jersey and throughout New England as weavers, and throughout the country as tanners, dockworkers, and tailors. Today, their descendants have taken their place as leading members of communities throughout America. The longstanding Lithuanian tradition of self-help and volunteerism, evidenced by the more than 2,000 Lithuanian charity and mutual aid organizations in the United States today, has contributed greatly to American society.

Despite the many years of Soviet occupation, time does not erase the illegitimacy of the Soviet Union's actions. The U.S. Government has done its part by refusing to acknowledge the illegal incorporation of this small Baltic State into the Soviet Union.

On this day we must reaffirm our commitment to insuring freedom for all oppressed peoples, and to pressing the Soviet Union to live up to its human rights agreements. The more than 1 million Americans of Lithuanian descent will never forget that though they are fortunate enough to enjoy the freedoms that come with being an American citizen, many of their friends and relatives still living in Lithuania are not as fortunate.

The only recourse for Lithuanian Americans is to continue to work toward the day when Soviet domination and occupation of this country will end, and freedom and independence will prevail in Lithuania once again, just as it did 68 years ago. Lithuanian Independence Day is a day for those of Lithuanian ancestry to renew and dedicate themselves to the principles of freedom and liberty for which this day stands.

On behalf of the Lithuanian American community in New Jersey and freedom loving peoples everywhere, I pledge my support for Lithuania's continued struggle for freedom and independence.●

THE TRAGEDY AT KENNEDY SPACE CENTER

● Mr. DENTON. Mr. President, the tragic and catastrophic explosion of *Challenger* [STS-2] on January 28, 1986, resulted in the loss of seven crew members, Dick Scobee, Navy Commander Michael Smith, Ronald McNair, Judy Resnik, Greg Jarvis, Ellison Onizuka, and the first "citizen passenger," schoolteacher Christa McAuliffe. The loss of *Challenger* causes us to reflect on the vast number of accomplishments of the space transportation system [STS], the space shuttle.

As we look upon the events of that day—the hopes, the confidence, the excitement, the tragedy—we see clearly the courage and dedication that characterizes the astronauts of the National Aeronautics and Space Administration [NASA].

Not since January 26, 1967, when a fire on Apollo I resulted in the deaths of Virgil "Gus" Grissom, Edward White, and Roger Chaffee, has America been made so painfully aware of the sacrifices that our astronauts undertake for the advancement of science and the benefit of their country and fellow man. The men and women who give their lives in the course of their duty deserve the highest respect and honor that this country bestow upon them. My prayers are with their families.

With regularity and perfection, shuttle after shuttle has lifted off from Kennedy Space Center [KSC] taking scientists, experiments, satellites, and other cargo safely and efficiently into space. Each flight has pushed back the frontiers of space and, as a result, helped to turn its forbidding darkness into another resource to benefit mankind.

Indeed, as the President said, this is a time of exploration, and the men and women who are involved know the risks of exploration. The United States must demonstrate its resolve to continue exploration of space. We need to rededicate ourselves and continue with the work at hand. Even the catastrophic loss of *Challenger*, and the loss of seven lives, should help us to focus on just how important the manned space program is to our Nation and to mankind.

The crew members of *Challenger* were committed to the cause of exploration, to the exploration of a new frontier. They approached their mission with dedication, with competence, with professionalism and—yes—with excitement. They knew the dangers, knew them better, probably, than we do even now, but the dangers were part of the challenge of manned space flight.

Let us not, however, forsake the work that the seven brave men and women of *Challenger*, true pioneers, have begun. To continue their work is the greatest tribute we can pay. We must press on with the manned space flight program. We must continue our scientific experiments and our research. Most important, we must maintain our program to establish a manned orbital space station.

The people of Alabama play a major role in the manned space program. The Marshall Space Flight Center [MSFC] in Huntsville, which celebrated its 25th anniversary in 1985, is one of five major facilities serving NASA. Marshall provides the solid rocket boosters, the external tank, and the three main engines for the space shuttle. It is considered, therefore, the "propulsion center" of NASA. Because of its expertise in propulsion, Marshall is playing a major role in the analysis and determination of the cause of the explosion of the *Challenger*. The Director of the Center, Dr. William R. Lucas, has been appointed to the interim investigation board, and I am sure he is doing an outstanding job.

Considering the importance of the shuttle program for the United States and mankind, considering the complexity, the tremendous speeds, distances, and thrusts, considering the element of the unknown, the overall history of our space program is one of success in a difficult and dangerous undertaking, and a tribute to American interdisciplinary innovation. Risks, bravery, and alas, tragedy and sacrifice, from which lessons are learned for future improvements in safety, are all a part of our historical experience of pioneering in many fields. It is incumbent upon NASA to identify and fix the problem, and to make each subsequeent shuttle trip more safe. I am fully confident of that, because NASA's emphasis on safety is not only well known, but unequaled.

I am confident that the seven brave men and women of *Challenger* would agree that, overall, our only choice is to carry on.

Mr. President, I ask unanimous consent that an article on Marshall Space Flight Center, "Working for America—The First 25 Years," and an article from the Huntsville Times on the memorial service for the *Challenger* crew in Hunstville, AL, be printed in the RECORD.

The material follows:

WORKING FOR AMERICA—THE FIRST 25 YEARS

(Dr. William R. Lucas)

During its first quarter century, the Marshall Center has evolved from its initial role as NASA's developer of launch vehicles and propulsion systems to a diverse scientific and engineering organization responsible for spacecraft and scientific payloads as well.

The group which formed the nucleus of the Marshall Center on July 1, 1960, had already developed early rockets, including the Redstone and Jupiter, which launched the free world's first satellite, Explorer I, in 1958. Headed by Dr. Wernher von Braun, Marshall's first director, the group's initial task for NASA was to modify the Redstone for manned space flight. Less than a year after its formation—in May 1961—a Marshall Redstone rocket boosted America's first astronaut, Alan Shepard, on a successful suborbital flight and launched America into the manned space program.

Marshall also had a charter to develop a launch vehicle of unprecedented size and power to propel man to the moon. The Center gained further world prominence with the accomplishment of that charter—the Saturn series of rockets. The largest of that series was the giant Saturn V, a 36-story multistage rocket that successfully launched the series of Apollo spacecraft carrying 27 men around the moon. Twelve of them landed on the lunar surface.

The Saturn program didn't end with the last Apollo mission in 1972. Marshall's Saturn rockets were subsequently used in 1973 to launch Skylab, the three crews that worked on board Skylab, and the Apollo-Soyuz mission in 1975. And long before the program ended, the Marshall Center had begun to diversify and prove it could do more than develop and build launch vehicles.

The Center moved from launch systems to manned systems with management responsibility for the Lunar Roving Vehicle, the "moon car" used to transport astronauts and materials on the lunar suface during the last three Apollo missions. It continued its manned systems role as NASA's lead center for Skylab, the world's first space station. The Marshall Center developed strong new capabilities for science payloads and mission support operations while managing the Skylab project for nearly 10 years. Those capabilities led to increased responsibility in more recent space endeavors.

In 1970, NASA initiated Space Shuttle development activity. Marshall was heavily involved in the definition phase leading to the current Shuttle configuration. When the final concept was selected, the Center became responsible for development of its propulsion systems. Of the four principal Shuttle elements—the orbiter, main engines, external tank and solid rocket boosters—all but the orbiter were developed under Marshall management. And after several years of developing and testing, it was at the Marshall Center where all Shuttle elements were assembled for the first time in 1978 for a series of vibration tests.

Beginning with the first Shuttle launch in 1981, Marshall's propulsion elements have performed brilliantly. But the Center's role in the program involves more than the propulsion systems. Nearly every Shuttle mission includes a payload or payloads developed or managed by the Marshall Center. One of these payloads, the Monodisperse Latex Reactor, produced the first product to be labled "manufactured in space." The payload produced latex beads of a few microns in diameter that were more uniform than can be produced on Earth.

One of those payloads, Spacelab, is a reusable research laboratory carried in the payload bay of the Shuttle orbiter. Spacelab was built by the European Space Agency, but the Marshall Center manages Spacelab activities for NASA and controls many of the Spacelab missions dealing with a variety of research areas such as astronomy, Earth observations, space plasma physics and materials science. During the missions assigned to the Marshall Center, the Center provides the mission manager, mission scientists and numerous operations personnel.

Another Marshall payload scheduled for launch from the Shuttle in 1986 is the Hubble Space Telescope. It will weigh 12-tons, be 43 feet long and 14 feet in diameter. Expected to revolutionize modern astronomy, the telescope's 94-inch primary mirror will enable astronomers to see seven times farther into space and observe objects that appear 50 times fainter than they can see from the best ground-based observatories. The space telescope will serve as the world's premier astronomical research facility for the rest of the century.

Beyond the series of Shuttle and Spacelab missions, and the launch of the space telescope, lies the Space Station. When President Reagan announced the Space Station initiative in early 1984, he referred specifically to the engineering and scientific achievement of Marshall's Spacelab 1 mission. The Space Station will be the largest manned system ever attempted, and because it is intended to be permanent, it must be designed for on orbit maintenance, repair and refurbishment. The Marshall Center will manage a major portion of the Space Station work—about 40 percent. It includes definition and preliminary design of pressurized common modules for use as laboratories, living areas and logistic transport; environmental control, life support systems and propulsion systems; a module equipped as a laboratory and others as logistics modules; and accommodations for auxiliary orbital maneuvering and transfer vehicles.

The Marshall Center boasts a glorious past. In just 25 years, Marshall scientists and engineers have been instrumental in providing answers to many of the mysteries of the universe. But even more questions have been raised. As the Center looks to the next 25 years, its scientists and engineers of today and tomorrow are challenged to find those answers.

[From the Huntsville (AL) Times, Feb 3, 1986]

HEROES' ELEGY—CITY PAYS TRIBUTE TO CHALLENGER CREW

(By Peter Cobun)

Around the stanzas of "America, the Beautiful," the black choir wove their voices, shaping it into a haunting spiritual.

Shuttle astronaut David Leestma winced in grief, but joined in song. Singing the anthem by heart.

O beautiful for heroes proved
In liberating strife.
Who more than self their country loved,
And mercy more than life.

Poignant words.

The kind that seemed written for this day—this unseasonably balmy Sunday in February when the Huntsville community said goodbye to six astronauts and a teacher cremated at the edge of space.

They came to the Von Braun Civic Center—more than 2,000 of them—to sing, to join in prayer, to find comfort among those who shared the sadness, the sense of loss.

Black-, blue-, and gray-suited men took their turn at the microphone. Each had something to say. Each had another way to say goodbye.

A preacher, a rabbi, a mayor. A teacher, two astronauts, a space museum director, a governor.

"A little bit of all of us went down with the Challenger crew," said Mayor Joe Davis, who organized Huntsville's Sunday tribute.

"There cannot be dreams without a nightmare," said a shaky George Wallace.

"If the seven could speak to us," said the governor, "they would say, 'Carry on. Dream on.'"

Each speaker echoed the words.

"If the crew of Challenger could speak to us today," said Dr. William Lucas, director of NASA's Marshall Space Flight Center, "they undoubtedly would say, 'Keep the faith. Press on to finish the task to which we committed our careers.'"

Lucas looked into the rows of grimmed-faced listeners.

In tragedy, he said to them, we became an "extended family" of the Shuttle Challenger crew. "The loss is a personal loss to each of us."

The "outpouring of support, encouragement and condolences" from the Huntsville community, added Lucas, "has strengthened and heartened our spirits during this difficult time."

"Each era of history progresses to a point at which it must face the great challenge of that period," said the Marshall Center director.

"For us, the immediate challenge is to demonstrate that man can effectively explore, live and work in outer space.

"All pioneers know that there is a risk in pressing the frontier of the unknown, but it is the price of progress and one that some outstanding Americans have always been willing to pay.

"January 28, 1986, will live forever in our minds," said Lucas, "as a devastating tragedy. But also as a reminder of those brave seven who unselfishly placed progress of mankind as their top priority."

On stage left, the American and Alabama flags flanked dignified, charcoal portraits of the six Challenger astronauts and the teacher in space.

Commander Dick Scobee.
Pilot Mike Smith.
Mission Specialist Judy Resnik.
Mission Specialist El Onizuka.
Mission Specialist Ron McNair.
Payload Specialist Greg Jarvis.
Teacher in space Christa McAuliffe.

Their names reverberated through the solemn hall.

Christa McAuliffe. "She represented the finest the nation has to offer," said Robert Kirchner, a Huntsville physics teacher and semi-finalist in the teacher-in-space program.

"Dick, Mike, Judy, El, Ron, Greg and Christa," read the telegram from President Reagan.

"We bid you goodbye, but we will never forget you.

"We can find consolation only in faith, for we know in our inmost being that you who flew so high and so proud now make your home beyond the stars, safe in God's promise of eternal life."

Men with long titles came to town to participate in this goodbye to the Challenger crew.

Jesse W. Moore, NASA associate administrator for space flight. James C. Harrington, director of the Spacelab Office. Richard G. Smith, director of Kennedy Space Center. George L. English, director of Kennedy's Executive Management Office.

Arnold D. Aldridge, manager of the Johnson Space Center's Space Shuttle Projects Office. Jay F. Honeycutt, manager of Operations Integration, Space Transportation Systems.

They sat among the ordinary in the civic center named for the father of the nation's space program. And they all listened to the slight man at the podium whose eyes glistened with sorrow.

"We're just beginning to learn about space and ourselves. What we can accomplish, what we can do," said Astronaut Leestma, who flew the shuttle in 1984 and was scheduled for a second ride next month.

He looked not at his audience but somewhere above.

"Even though our dreams took a blow," he said, "our dreams are still alive.

"We will press on."

When the final chorus of "The Battle Hymn of the Republic" had tremored through the hall, the Oakwood College Choir filed solemnly off stage, and the governor wheeled safely to his waiting car, David Leestma tolerated a few questions from reporters.

Rookie astronaut Mark Brown, who had stood without a word at the podium next to Leestma during Sunday's program, again took his place by Leestma's side.

The reporters wanted to know about being scared.

And Leestma and Brown listened to each question, each variation of the same question.

"(Astronaut) John Young says anybody who straps four-and-a-half-millions tons of thrust to his back and isn't a little bit scared doesn't belong there."

But . . . But doesn't this change things?

"There's a role to be taken. We all believe firmly in what we're doing. I don't feel any different now. We're all mortal.

"We of the astronaut office all know the risk. I guess everybody found out the risk."●

A WORD OF JUDGMENT, A WORD OF GRACE

● Mr. ARMSTRONG. Mr. President, a few days ago, my wife and I visited McLean Presbyterian Church where we were privileged to hear an extraordinary sermon by John Marshall, director of education, Christian Action Council. "A Word of Judgment, A Word of Grace" is a thoughtful and compelling presentation of fundamental issues in the abortion controversy. I urge my colleagues to carefully consider Mr. Marshall's statement, which I ask to be printed in the RECORD.

The sermon follows:

A WORD OF JUDGMENT, A WORD OF GRACE

(By John Marshall, Director of Education, Christian Action Council)

It's an enormous challenge to speak on the theme of the sanctity of human life because it covers so many issues. How can anyone do justice to something so vast in so short a time? To do justice to the issue would require a month of sermons. There are just too many questions.

For example, how does the theme of the sanctity of human life relate to abortion? To euthanasia? To infanticide? What does the Bible teach us that our attitude should be towards children? Towards the aged? Towards the physically and mentally handicapped?

A great deal has happened in the last fifteen years to alter *radically* how people think on these questions. Because the issue *is* vast I'm going to limit my remarks to abortion and touch on passages that will help us construct some general principles. Look with me if you will at Deuteronomy 12:29-32. "The Lord your God will cut off before you the nations you are about to invade and dispossess. But when you have

driven them out and settled in their land, and after they have been destroyed before you, be careful not to be ensnared by inquiring about their gods, saying, 'How do these nations serve their gods? We will do the same.' You must not worship the Lord your God in their way, because in worshipping their gods, they do all kinds of detestable things the Lord hates. They even burn their sons and daughters in the fire as sacrifices to their gods. See that you do all I command you; do not add to it or to take away from it."

Let me give you just one example of how thinking has changed on the issue of abortion. Almost two years ago I was invited to address a group of college students in Philadelphia. The dialogue went like this:

Self: If I do something that causes another to need care, then I acquire a responsibility to that person as a result, and I may not kill that person in order to escape that responsibility.

Student A: Why are you telling us what we already know?

Self: If you already know it, what's the problem?

Student A: Responsibility or not, it's still my decision whether or not to abort.

Student B: Even if I burn in hell, I still believe I should have the right to choose.

Self: But this is a matter of . . .

Student C: Survival.

Student D: But whose survival? The baby doesn't stand a chance.

Student E: I'm not so selfish as to say my mother should have had me if she had been better off gettting an abortion . . .

And so it went. How could young people, you ask, be apparently so callous toward what is conceived in the womb? What has happened to cause us to regard the unborn as something for which we are not responsible?

On January 22, 1973 the U.S. Supreme Court laid down the most liberal abortion ruling of any modern nation. The Court's decision can be paraphrased thus: during the first trimester of pregnancy, there may be no state interference whatever in a woman's decision to procure an abortion.

During the second trimester, the State may enact laws which regulate abortion in ways "reasonably related to maternal health." This means that a state may determine who is qualified to perform the abortion and where the abortion may take place. The State may not, however, enact any laws safeguarding the lives of the unborn.

During the third trimester, the law may forbid a woman to have an abortion that is not determined to be necessary to preserve her "life or health". The Court then defined "health" so broadly as to include the woman's economic, mental, and social well being, thus making it virtually impossible for the State to protect the unborn child even after the sixth or seventh month.

Since 1973 approximately 17 million unborn children have been killed through abortion. We are talking in the range of 1.5 million abortions each year in the US—4,000 a day from coast to coast. "For every 1,000 babies born in the US, 359 are aborted. This is one of the highest overall abortion rates in the world. No nation has a higher teenage abortion rate (730 abortions for every 1,000 live births). Among unmarried women in the US, abortions now exceed live births by a ratio of 3:2. The Center for Disease Control in Atlanta reports that abortions are performed throughout the duration of pregnancy, from less than 8 weeks gestation to over 21 weeks gestation. This indicates that infants who have reached the point of survival outside the womb (viability) are being destroyed.

"The abortion industry operates in all fifty states, generating as much as $500 million a year. In no less than fourteen metropolitan areas, abortions outnumber live births. In 1976, Washington, DC was one of the first cities to join this list. It now includes Atlanta, Seattle-Everett, San Francisco-Oakland, Raleigh, Miami, and Reno." (Curtis J. Young, *The Least of These* (Moody, 1983), pp. 29-30).

What is our duty as Christians in light of these alarming facts? Do we plead that we only preach the gospel and have nothing to do with politics, that abortion is too controversial and we don't want to offend members of our congregations (if we're pastors) or our constituents (if we're politicians)? What does the Bible tell us to do?

Let me read two passages of Scripture that reveal what our response ought to be. Proverbs 24:11,12 says: "Rescue those being led away to death; hold back those staggering toward slaughter. If you say, "But we knew nothing about this, 'does not he who weighs the heart perceive it? Does not he who guards your life know it? Will he not repay each person according to what he had done?" Proverbs 31:8 reads, "Speak up for those who cannot speak for themselves, and for the rights of all the unfortunate." In other words, opposition to abortion is not an option for the Christian; it is a duty.

Let's elaborate. Throughout Scripture man is regarded as being created in the image of God. This status of image bearer is what gives mankind unique dignity and worth above the rest of creation. The taking of a human life for any other cause other than the express commandment of God to do so is always viewed in Scripture as the shedding of innocent blood. It is accompanied by the severest of punishments against both the individual that performs and the nation that condones such killing. The blood of the slain person is depicted in Scripture as crying out to God from the ground (Gen. 4:10). Punishment ranges from banishment from human society, as in the case of Cain, to death. Genesis 9:6 reads, "Whoever sheds the blood of man, by man shall his blood be shed; for in the image of God has God made man." God requires justice against the guilty.

And as I pointed out earlier, this justice does not extend to the guilty person alone but also to the nation that permits such killing. Numbers 35:33 declares, "Do not pollute the land where you are. Bloodshed pollutes the land, and atonement cannot be made for the land on which blood has been shed, except by the blood of the one who shed it."

Keep in mind that what makes mankind unique is the fact that we are made in the image of God. We have seen that God gives the command not to shed innocent blood, for the very reason that we *are* made in the image of God (Gen. 9:6). God expects us to uphold his commandments. Therefore we need to ask ourselves, is the unborn child the image of God?

Our society in general, and the secular scientific community in particular, defines man in an empirical fashion. That is, a human being is a biological organism which exhibits certain characteristics. One modern dictionary defines man as "The creature, homo sapiens, at the highest level of animal development, characterized especially by a highly developed brain" (Random House College Dictionary, 1968). Given a wide variety of organisms, the observer would determine the one which is human by brain development or some other empirical criterion. This kind of definition is undergirded by an evolutionary presupposition. In principle there is complete continuity between man and beast. That which distinguishes man from beast is an observed (and arbitrarily established) boundary in the development of the brain or something else.

But the Bible doesn't define man in this fashion. The Bible's definition of humanity is not based on empirical data—empirically observed differences between man and beast. It is based on origin and descent. Look with me at Genesis 1:27. "So God created man in his own image, in the image of God he created him; male and female he created them." That is man's origin. Now look at Genesis 5:3. "When Adam had lived 130 years, he had a son in his own likeness, in his own image; and he named him Seth." It is not the presence or absence of a highly developed brain; it is not the ability to communicate verbally, it is not a certain degree of self-sufficiency which makes an organism a human being, according to the Bible. Scripture implies that human beings are simply and solely all those organisms that are descended from Adam. In other words, the image of God is passed down by Adam to his descendants. In God's eyes, any creature regardless of degree of development or defect that is descended from Adam is human. Anyone descended from Adam is therefore the image of God. Where does this place the unborn? The answer should be obvious. There is no point in its sojourn in the womb in which the unborn can be anything less than a physical descendant of Adam. Therefore it too is the image of God. Abortion, at any stage of gestation, is therefore the shedding of innocent blood.

The belief in the humanity of the unborn from conception is based not only on the overall tenor of Scripture but on specific passages where the unborn are dealt with. Children in the womb are commonly referred to in the Bible by the same terms used of those already born. In Genesis 25:22, for example, the same Hebrew word is used of the children in Rebekah's womb as would be used of someone already existing outside the womb (*Ha Bonim*). In the New Testament, the story of the birth of John the Baptist (Luke 1:41,44), uses the same Greek word for an infant inside the womb as for one outside the womb (*brephos*).

Scripture everywhere affirms that God is intimately associated with the entire scope of a person's existence, and that *personal* association begins at conception. This truth is nowhere so beautifully expressed as in Psalm 139:13-16. Here David speaks of himself as an identifiable human entity before God even in the womb, and that God's hand is directly involved in each stage of his development. Every act of conception is viewed in Scripture as something in which God is directly involved. And as God never relates to man other than as an image bearer, we are compelled to regard the being in the womb as a human life from its conception. To quote John Frame, Professor of Theology in Westminster Theological Seminary, "If there is any genuine possibility that the unborn child is, at any point, a human person made in the image of God, then the Christian cannot assume otherwise, for to do so would be to risk breaking the Sixth Commandment. . . . There is nothing in Scripture that even suggests the legitimacy of such killing, and there is much in Scripture that calls it into question."

The humanity of the unborn from conception, ladies and gentlemen, is not some myth fabricated by zealots. Even the proabortion community admits this. In 1970, an editorial appeared in the official journal of the California Medical Association acknowledging that human life begins at the moment of conception. Listen to what the author says (it's fascinating). "The process of eroding the old ethic and substituting the new has already begun. It may be seen most clearly in changing attitudes toward human abortion. . . . Since the old ethic has not yet been fully displaced it has been necessary to separate the idea of abortion from the idea of killing, which continues to be socially abhorrent. The result has been the curious avoidance of the scientific fact, which everyone really knows, that human life begins at conception and is continuous whether intra- or extra-uterine until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices. It is suggested that this schizophrenic sort of subterfuge is necessary because while a new ethic is being accepted the old one has not yet been rejected."

But that was 1970. Today the old ethic is being rejected as never before. Which brings us back to the example of the students I cited earlier. The sole values that emerged from that discussion were personal comfort and personal survival. What these students were expressing as the object of their total and unqualified allegiance have become, for many Americans, the gods of the land. We have many such gods which are known by various names: pleasure, security, money, sex. Whatever the name, they all excite devotion in the hearts of those who worship them. Our gods are perhaps more sophisticated than those of Canaan, but they require the same exacting tribute. No sacrifice is too great to gain or keep the favor of our gods, not even our own children.

One particular god worshipped in the manner described in Deuteronomy 12 was Moloch. Moloch was worshipped in particular by the Ammonites, although his influence spread as far as to the Carthaginians of North Africa. There is difference of opinion among scholars as to the exact nature of the sacrifice. Leviticus 18:21 uses the phrase "passed through the fire." This suggests either sacrifice after the victim has already been killed, or else the burning of the child while it was still alive. Evidence from North Africa suggests that the children were hurled into the fire alive. But some say that a metal image of the god was made extremely hot and the bodies of the children that had been sacrificed were placed in its outstretched arms.

A disgusting form of worship, you'll admit. But not all worshippers of Moloch were primitive or barbaric. The spiritual cousins of the Ammonites had a civilization centered in Tyre and Carthage. It was a highly mature and polished civilization, a highly refined and luxurious civilization. Something of its refinement has been captured by the prophet Ezekiel in his denunciation of that culture. "You say, O Tyre, 'I am perfect in beauty.' Your domain was on the high seas; your builders brought your beauty to perfection. . . . Tarshish did business with you because of your great wealth of goods; they exchanged silver, iron, tin and lead for your merchandise. Greece, Tubal and Meshech traded with you; they exchanged slaves and articles of bronze for your wares. . . . In the pride of your heart you say, "I am a god; I sit on the throne of a god in the heart of the seas" (Ezek. 27:3,4,12,13; 28:2). G.K. Chesterton wrote a stunning account of this civilization. "The civilization that centered in Tyre and Sidon as above all things practical. It has left little in the way of art and nothing in the way of poetry. But it prided itself upon being very efficient; and it followed in its philosophy and religion that strange and sometimes secret train of thought. . . in those who look for immediate effects. There is always in such a mentality an idea that there is a short cut to the secret of all success; something that would shock the world by this sort of shameless thoroughness. . . . In their dealings with their god Moloch, they themselves were always careful to deliver the goods. It was an interesting transaction. . . . it is enough to say here that it involved the theory . . . about a certain attitude towards children. This was what called up against it in simultaneous fury the servant of the one God in Palestine and the guardians of all the household gods in Rome."

These refined, cultured, civilized people actually believed they could call down the blessings of heaven on themselves and their civilization by throwing hundreds of their babies into a furnace.

As the saying goes, the more things change, the more they remain the same. As we span the centuries and come to modern America we note that tens of thousands of unborn babies are incinerated each year in this country for very practical reasons—to invoke the blessings of convenience, of comfort, of survival, of sex, of whatever god you may care to name. John Taylor, Anglican Bishop of Winchester, composed the following prayer to be used after an abortion. "Heavenly Father, You are the giver of life, and you share with us the care of the life that is given. Into Your hands we commit in trust the developing life that we have cut short. Look in kindly judgment on the decision we have made and assure us in all our uncertainty that Your love for us can never change."

The gods of our culture are no less exacting than those of ancient Canaan or Carthage, and our reason for sacrifice no less based on efficiency. How many times have we heard abortion promoted as a way of reducing the welfare rolls—as if human life could be reduced to a dollar sign! What the Israelites faced on the verge of entering into Canaan was thus not altogether different from what the people of God face in modern America. The sacrifice is the same, only the gods have changed.

But the history of the worshipers of Moloch should be clue to what awaits us one day. Here I will focus not so mush on the Canaanites as on their more refined cousins in North Africa. By its utter materialism, the Punic civilization became indifferent to reality. As Chesterton noted, by disbelieving in the soul it came to disbelieve in the mind. In challenging the might of Rome it thought an army would fight for money where it wouldn't fight for principle. *It had become too practical to be moral.* How many obstetricians and gynecologists, how many businessmen and politicians, how many women and their lovers, are really secret worshipers of Moloch? No sacrifice is too great for the sake of prosperity or convenience—not even children.

"So it was with the Punic merchant princes," wrote Chesterton. "Their religion was a religion of despair, even when their practical fortunes were hopeful. . . . Their philosophy of the world had weariness in its very heart. . . . In a word, how should they understand the mind of Man, who had so long bowed down before mindless things, money and brute force and gods who had the hearts of beasts? . . . Before the very gates of (Carthage) Hannibal fought his last fight for it and lost; and Carthage fell as nothing had fallen since Satan. . . . There is no stone of it left upon the sand. . . . Only men digging in its deep foundations centuries after found a heap of hundreds of little skeletons, the holy relics of that religion. For Carthage fell because she was faithful to her own philosophy and had followed out to its logical conclusion her own vision of the universe. Moloch had eaten his children."

Our own civilization, to the extent it is faithful to its own philosophy, will inevitably follow to its logical conclusion its own vision of the universe. And that logical conclusion will be insanity. In attempting to remove every remembrance of the God of the Bible from public policy we are embarking on a course of self-destruction. And we are already seeing evidence of that today. Friedrich Nietzsche, the nineteenth century German philosopher, predicted that the Twentieth Century would be the bloodiest in history. Nietzsche, you remember, was the one who conceived the notion that God was dead. He wrote a parable about a madman who went about looking for God. Let me read it for you.

"Have you not heard of that madman who lit a lantern in the bright morning hours, ran to the market place and cried incessantly, 'I'm looking for God, I'm looking for God, I'm looking for God! As many of those who didn't believe in God were standing there he excited considerable laughter. 'Have you lost him then?' said one. 'Did he lose his way like a child?' said another. 'Is he hiding?' said a third. 'Is he afraid of us?' said the fourth. 'Has he gone on a voyage or emigrated?' Thus they shouted and shouted and laughed and laughed, but the madman sprang into their midst, pierced them with his glances. 'Where has God gone?' he cried. 'I'll tell you where he has gone. We have killed him, you and I. We are all his murderers. But how did we do this? How were we able to drink up the ocean? Who gave us a sponge to wipe away the horizon? What did we do when we unchained this earth from its sun? Whither is this earth moving now? Whither are we moving now? Away from all suns maybe? Are we not perpetually falling backwards and forwards, sidewards and in all directions? Is there any up or down left? Are we not strained through an infinite nothing? Do we not feel the breath of empty space? Has it not become suddenly colder? Is not more and more night coming in on us all the time? Must not lanterns be lit in the morning hours? Do we not hear anything yet of the noise of the gravediggers who are burying God? Do we not smell anything yet of Gods decomposition? Gods decompose too, you know, and God is dead. He remains dead. We have killed him. How shall we, the murderer of all murderers, compose ourselves? Because that which was the holiest and mightiest of all that the world has ever possessed has bled to death under our knives. Who will wipe this blood from us? With what water can we purify ourselves? What festivals of atonement, what sacred games will we need to invent? Is not this, the greatest of deeds, too great for us to handle? Must not we ourselves now have to become God simply to seem worthy

of what we have done? There has never been a greater deed, you know. And whoever shall be born after us, for the sake of this deed, shall be part of a different history to all history hitherto.'

"Here the madman fell silent and again regarded his listeners. They too were silent, and they stared at him in astonishment. At last he threw his lantern to the ground; it broke and it went out. 'I come too early, my time has not yet come. This tremendous event is still on its way, still traveling, and has not reached the years of men. Lightning and thunder require time. The light of the stars requires time. Deeds require time, even after they are done, before they can be seen and heard. And this deed is more distant from them than the distant stars, even though they have done it themselves.'

"It has been related further than on the same day the madman entered diverse churches and there sang a requiem, "Aeternum Deo'. Led out and quieted, he is said to have retorted each time, 'What are these churches now, if they are not the tombs and sepulchres of a dead God. We have killed him.' "

The tragedy of Nietzsche, ladies and gentlemen, was that he really believed this. He truly believed that his philosophical knife had mutilated and destroyed God. And the result was that he dug a grave for Europe. As Dr. Ravi Zecharias has said, it is one thing to kill God verbally; it is another thing to rise up from that experience and go out and live logically. Tell me, what logic or reason or sanity can be found in a system that could conceivably bring a person before a court of law for destroying the egg of a bald eagle, but will reward handsomely innumerable ob-gyns for destroying 1.5 million unborn children each year? *Time Magazine* a few years ago reported that the most dangerous place of residence in the nation is the womb, where (at that time) one out of every three pregnancies ended in abortion. This type of insanity was anticipated by a Christian philosopher and journalist writing in the early part of this century. It almost sounds as if he is describing the American Civil Liberties Union.

"The new rebel is a skeptic, and will not entirely trust anything. He has no loyalty; therefore he can never be really a revolutionist. And the fact that he doubts everything really gets in the way when he wants to denounce anything. For all denunciation implies a moral doctrine of some kind; and the modern revolutionist doubts not only the institution he denounces, but the doctrine by which he denounces it. Thus he writes one book complaining that imperial oppression insults the purity of women, and then he writes another book (about the sex problem) in which he insults it himself. He curses the Sultan because Christian girls lose their virginity, and then curses Mrs. Grundy because they keep it. As a politician he will cry out that war is a waste of life, and then, as a philosopher, that all life is a waste of time. A Russian pessimist will denounce a policeman for killing a peasant, and then prove by the highest philosophical principles that the peasant ought to have killed himself. A man denounces marriage as a lie, and then denounces aristocratic profligates for treating it as a lie. He calls a flag a bauble, and then blames the oppressors of Poland or Ireland because they take away that bauble. The man of this school goes first to a political meeting, where he complains that savages are treated as if they were beasts; then he takes his hat and umbrella and goes on to a scientific meeting, where he proves that they practically are beasts. In short, the modern revolutionist, being an infinite skeptic, is always engaged in undermining his own mines. In his book on politics he attacks men for trampling on morality; in his book on ethics he attacks morality for trampling on men. Therefore the modern man in revolt has become practically useless for all purposes of revolt. By rebelling against everything he has lost his right to rebel against anything."

There is no more reason left when we forsake the God of the Bible. In the words of the Apostle Paul, "Since they did not think it worthwhile to retain the knowledge of God, he gave them over to a depraved mind, to do what ought not to be done" (Rom. 1:28). The inevitable result of this kind of insanity is judgment. "When the Lord your God brings you into the land you are entering to possess and drives out before you many nations—the Hittites, Girgashites, Amorites, Canaanites, Perizzites, Hivites and Jebusites, seven nations larger and stronger than you—and when the Lord your God has delivered over to you and you have defeated them, then you must destroy them totally. Make no treaty with them, and show them no mercy" (Deut. 7:1-2).

What God is telling the people through Moses is that they could not be tolerant of or indifferent to the evil they saw around them. God required them to act!—to do something about those things the Lord said he hated. Just as God required his people not to be tolerant of or indifferent to the evil they saw around them but required them to act, even so the thing he required them to do was *justice.* God required his people *then* to do justice; God requires us *now* to do justice. We must not become like the people who do those things God detests. The tragedy of Israel's history was that she ended up becoming indistinguishable from her pagan neighbors. "They forsook all the commands of the Lord their God and made for themselves two idols cast in the shape of calves, and an Asherah pole. They bowed down to all the starry hosts, and they worshiped Baal. *They sacrificed their sons and daughters in the fire.* They practiced divination and sorcery and sold themselves to do evil in the eyes of the Lord, provoking him to anger" (2 Kings 17:17).

Even today, many Christians are succumbing to the values of abortionism. I have heard some say they would rather see their tax money go to fund abortions than welfare. Others favor abortion for any number of "pragmatic" reasons. Just as Ancient Israel became virtually indistinguishable from her pagan neighbors in practice, so the Church today in many quarters is becoming less distinct from the world, at least in regard to some practices it will tolerate. But the warning from Israel's history is that tolerance of evil inevitably leads to acceptance of it, and even participation in it.

God demands that we not be indifferent to or tolerant of evil. What are we to do about this evil of abortion? I would suggest that the model for our action can be found in Micah 6:8. "He has showed you, O man, what is good. And what does the Lord require of you? To act justly and to love mercy and to walk humbly with your God."

The first thing we need to do, which I believe is implied in these verses, is to repent. We must repent of the indifference and apathy that allows the sort of atrocity that abortion is to continue with hardly a murmur of protest from the vast majority of Christians. Someone once quipped that the biggest problem in the Church today is apathy, but who cares, And while I'm on the subject of repentance, I never know whenever I speak to any large group if there might be someone listening to me who has had an abortion, or who has counseled someone to have an abortion. If that description fits anyone here this morning, I'd simply like to point you to First John 1:9. "If we confess our sins, he is faithful and just and will forgive our sins and cleanse us from all unrighteousness." No one need leave here today under a cloud of guilt when God's forgiveness is so free and so readily accessible. Martin Luther said, "We preach the law to the proud and the gospel to the broken-hearted. If you come here this morning with a hard heart on the issue of abortion, there is only one word for you, and that is a word of judgment. But if you come with a broken heart, then the word for you is a word of grace.

The second thing we must do, based on Micah 6:8, is to *show people what is good.* We must educate ourselves and others about abortion, and challenge men and women to get involved in the struggle to end it. Third, one of the good things God requires us to do is *justice,* and this necessitates our involvement in the political process. Whereas personal evils can be rectified through personal repentance, evil laws can only be rectified through the legislative process.

The fourth thing we must do is *to love mercy.* This means we must reach out to the woman experiencing a crisis pregnancy. We must provide practical alternatives to abortion while meeting the needs of the woman. There are two victims in every abortion. The unborn child is the most obvious victim. But the woman is just as much victimized and exploited by abortion as is the child she is carrying. For this reason organizations like the Christian Action Council have engineered networks of support for such women called Crisis Pregnancy Centers. It is not enough merely to say abortion is wrong; we must provide tangible support for women with crisis pregnancies. You may sense God leading you to volunteer your time by serving in a crisis pregnancy center.

Finally, we must *walk humbly with our God.* This addresses the attitude with which we are to labor. We are not to be self-righteous, but recognize that but for the grace of God we too might be abortionists, or supporters of abortion. In walking humbly with our God we recognize that the battle is not ours but his, yet it is God who has called us by his grace to be his faithful witnesses. "But as for me, I keep watch for the Lord. I wait in hope for God My Saviour; my God will hear me" (Micah 7:7).●

LOSING BATTLE AGAINST IMPORT FRAUD

● Mr. HEINZ. Mr. President, one trade problem that has captured the attention of Congress and the public is import fraud. While the entry of counterfeit goods is a serious problem, importers are particularly creative in those sectors subject to import restraint programs, like textiles and steel.

Recently this problem has grown in magnitude and has begun to attract media attention. Both the Wall Street Journal and Jack Anderson recently devoted space to it. What is clear from

both these articles—beyond the seriousness of the issue—is the inadequacy of Customs Service resources to combat it. I have spoken with Commissioner von Raab about import fraud on a number of occasions, and I applaud his efforts to focus the Service's resources on it. Unfortunately, there are not enough resources. Congress has attempted each year to provide more funds and personnel, partly because of the realization that aggressive enforcement will produce a net revenue gain. I hope that any cuts in the Customs Service's budget mandated by Gramm-Rudman will not cripple its enforcement effort and end up costing us revenue.

Beyond the revenue aspect, Mr. President, there are significant trade policy concerns. Steel and textiles are severely import-impacted sectors in our economy. Adjustment is taking place—and will continue to occur, but it should occur in the context of the free market system, not in the context of dumping and subsidies or foreign barriers to our products. To ignore these distortions of the free market is to allow others to export their unemployment to our shores, to pass on to our workers the consequences of their failure to make hard but necessary decisions about their own economies. That does us no good, and it does them no good.

Finally, this is an integrity issue. Put very simply, we have rules, and they ought to be followed. While we may question the wisdom of the policies that put those rules in place, not to enforce them vigorously is to jeopardize the entire network of our customs laws and the integrity of our international economic policy. We have the alternative of changing the laws through regular democratic processes, not through condoning their selective violation. Mr. President, I ask that the recent Wall Street Journal article on this subject be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Jan. 28, 1986]

CUSTOMS AGENTS FIGHT OFTEN-LOSING BATTLE AGAINST ILLEGAL IMPORTS

(By Anthony M. DeStefano)

NEW YORK.—In the Lufthansa warehouse at Kennedy International Airport here, Customs Inspector Jack Pfeifer peers into a large air-freight container from Romania. It is packed tight with men's white suits, all sporting the label of a top U.S. designer.

"If there is anything in the middle, we can't get in to find it," Mr. Pfeifer grumbles—unless inspectors spend precious hours unpacking and repacking the container.

But earlier, the label on a suit had attracted Mr. Pfeifer's attention. It put the fiber content at 49% polyester and 51% linen. The mixture wasn't likely to exceed a U.S. import quota, but it struck Mr. Pfeifer as unusual. He ordered a quick laboratory test. Sure enough, it showed that the fabric acutally contained 55% to 58% polyester, a content that might well violate a quota. The shipment was seized until the matter could be resolved.

Score one, maybe, for the U.S. Customs Service. But critics inside and outside the agency say such successes are rare, relative to the huge volume of goods smuggled into the U.S. Although the issue of trade protectionism continues to engage Reagan administration officials, manufacturers, importers and union leaders, the volume of smuggling raises an often-overlooked question: How can the U.S. successfully impose new trade barriers when it can't come close to enforcing the hodgepodge of duties, quotas, and other trade restrictions already in effect?

RAMPANT PROBLEM

Smuggling appears to have become a way of life for some American businessmen. Frauds have been unmasked recently in the importing of such diverse goods as clothing, steel pipe, sugar, coffee, gemstones and counterfeit Cabbage Patch Kids. Several grand-jury investigations, notably in the apparel and steel industries, are in progress.

By some congressional estimates, perhaps as much as $40 billion in contraband and counterfeit goods are slipping past the Customs Service each year, with losses in duties running as high as $3 billion. In the first 11 months of last year, the country's total imports reached $328 billion and were increasing appreciably.

Customs Service officials term the congressional estimates exaggerated. A veteran Customs investigator says, however, that he believes that the figures may be close to the mark, and Customs officials themselves expect the volume of certain import frauds to increase 25% over the next five years. William Von Raab, the commissioner of the service, considers import fraud as critical a problem as drug interdiction, currency smuggling and the illegal export of technology to the Soviet Bloc.

HARD TO CONTROL

The Customs Service, for a variety of reasons, has been hard pressed to stanch the flow of illegal goods. When Mr. Von Raab became Customs commissioner in late 1981, he recalls, he found that the agency put a low priority on fraud investigations. One official says, "Our priorities were equal employment opportunity and courtesy."

In addition, Customs officials say, federal prosecutors have sometimes been reluctant to tackle the complexities of Customs cases. "This is a gray area, not the black-and-white of finding a guy with heroin strapped to his belly," a Customs agent comments.

Mr. Von Raab says the number of special agents and other Customs employees working on import frauds has more than doubled to 1,200 from 500 when he took office. And computerizing paper work will free more people to investigate frauds, he says, adding, "The ship is under way."

Critics doubt that. A study by the House Committee on Government Operations says the service, with its current resources, can't prevent major violations of apparel-import restrictions. Meanwhile, the Reagan administration has tried, so far unsuccessfully, to reduce the service's staff.

TEMPTING MARKET

The richness of the American market, its increasing appetite for imported goods and the ease of penetrating U.S. borders have encouraged smuggling and fraud of all kinds. Some foreign manufacturers and U.S. importers are said to engage in "port shopping," probing various U.S. ports with test shipments to determine where Customs agents are lax or stretched thin. Though some smugglers try to avoid scrutiny entirely, most now are more likely to razzle-dazzle their way with fraudulent documents misstating the content, origin or dutiable status of goods being imported.

More exotic ploys are used, too. Some counterfeit Apple computer software, for example, was electronically scrambled before being imported, according to a congressional subcommittee report. The smugglers apparently hoped that usual customs tests would fail to detect the stolen programming, which would be unscrambled after passing through customs.

Much of the current investigative work focuses on violations of the quota system, which is designed to protect American apparel manufacturers by limiting the volume of imports. Schemes to evade quotas have multiplied recently, and Customs officials estimate that imported clothing valued at $500 million circumvents the quota system each year. Nearly all of the schemes rely on fraudulent documents, typically misdescribing the garments, their quantity, their price or their fiber content to qualify for an unfilled quota or a lower duty.

Sometimes, garment makers even alter their goods. In a recent case, customs agents discovered a shipment of men's athletic shorts with flimsy inner linings basted inside in an attempt to pass them off as swimming suits and thus evade quota restrictions.

Transshipment schemes are harder to detect. They involve marking garments with a label showing as their origin a country with a liberal or unlimited quota and then shipping the goods to the U.S. by way of that country. Customs officials say firms in Taiwan, Korea, China, Indonesia and the Philippines have been implicated.

Once, to enhance the authenticity of garments imported under a liberal Indonesian quota, the Hong Kong manufacturer sewed them with the single row of stitches typical of Indonesian sewing, customs officials say. In another case, they say, inspectors at Newark International Airport found the true country-of-origin labels in the bottom of a cargo container. The labels had apparently been ripped out and dropped there by careless packers—who also left their empty beer cans in the container.

The Customs Service recently tightened rules to require that a garment be substantially altered in a country in order to be labeled as a product of that country. And the service has met with some success in discouraging the use of counterfeit export visas for garments ostensibly being shipped under valid Taiwanese quotas. A recent U.S.-Taiwan satellite hookup nows permits U.S. officials to quickly verify the authenticity of Taiwanese visas.

JAPAN'S ROLE

Japan is emerging as a major transshipping connection. It makes little clothing for the U.S. market and isn't limited by any quota. But Korean-made garments are increasingly passing through Japan to avoid Korean quota limits. In a recent, sharply worded cable from Tokyo, a U.S. Customs attaché said Japanese trade officials were uncooperative in efforts to stop the illegal trade and hadn't even looked at American documents showing its existence. "After sifting through the verbiage and rhetoric, the results were the same as those obtained in prior meetings regarding this issue: completely negative," he said.

A Customs Service spokesman says American and Japanese officials have been meeting in Geneva to try to resolve the issue.

The mountain kingdom of Nepal, whose major industries are hides, drugs and tourism, is becoming a center for illegal transshipments of clothing made in India, according to customs investigators. India's apparel exports, unlike Nepal's, are limited by quotas. The Customs Service has begun criminal investigations of Nepal transshipments.

Alleged irregularities of a different sort have surfaced in a lawsuit involving Jordache Enterprises, one of the largest designer-apparel companies in the U.S. A Hong Kong affiliate of Jordache, Jordache International, has been accused of taking part in a billing scheme aimed at hiding the costs of Hong Kong quota allotments used to facilitate apparel imports into the U.S.

DEALING IN ALLOTMENTS

U.S. quota allotments are granted to foreign manufacturers by their governments. The manufacturers may use their allotments or sell them to other manufacturers. Because the cost of the allotment normally figures in the price that American importers pay, however, the cost on which customs duties are calculated may also include the cost of acquiring "quota," as the trade calls an allotment.

A suit filed in a California state court in Los Angeles contends that Jordache was part of a scheme to underpay import duties through the failure to include quota costs in the price of goods imported into the U.S.

The suit was filed not by the government but by members of the Marciano family, founders of a major Los Angeles apparel company called Guess? Inc. In 1983, the Marcianos sold 50% of Guess? to members of the Nakash family, who own Jordache. In their suit for damages, the Marcianos have accused the Nakashes of fraud and breach of contract in the Guess? sale. The suit says the Marcianos fear possible criminal penalties because a company in which they had an interest was used in the alleged scheme.

The Nakashes deny any wrongdoing. They contend that the importing and pricing practices that the Marcianos complain about were legal under a Customs Service ruling.

Customs officials say other garment marketers in New York's Seventh Avenue district are suspected of manipulating their quota costs to cheat on import duties. Some of the suspect companies are being investigated by customs officials. So are some North Carolina apparel companies suspected of replacing foreign labels with "Made in the U.S.A." labels, possibly as a marketing gimmick rather than a duty-evasion scheme.

Foreign steel companies have been accused by the U.S. government of pricing fraud by falsely inflating the price of steel exported to the U.S. to avoid import controls on low-priced steel. The actual prices paid by U.S. importers were allegedly reduced by secret rebates paid in the form of commissions, cancellation penalties for contracts that weren't really canceled, and phony insurance claims. Mitsui & Co. (U.S.A.), Marubeni America Corp., Daewoo Industrial Co. of Korea, along with others, have pleaded guilty to steel-import fraud and have paid millions of dollars in penalties.

Federal grand juries in New Orleans and Houston are investigating other steel schemes, among them alleged cases of mislabeling and misweighing of imports. "If we don't continue to monitor steel, there will be fraud," says Stanley Gustafson, a customs official. "There is a world glut. The U.S. is still the best market."

Customs officials believe that by the late 1980s, computerization and other measures will help them fight fraud more efficiently. Meanwhile, American manufacturers are pessimistic. Glenn E. Braswell, the executive director of the Amusement Games Manufacturers Association, whose members make coin-operated video and other arcade games competing with foreign counterfeits, says, "We are like the little Dutch boy with our finger in the dike. There are just not enough fingers to go around." ●

NATIONAL SCIENCE WEEK

● Mr D'AMATO. Mr. President, I rise today to cosponsor legislation, Senate Joint Resolution 251, introduced by my distinguished colleague from Utah, Senator HATCH, to set aside the week of May 11, 1986, as "National Science Week." I was pleased to have supported a successful effort last year for this purpose, and my hope is that Congress again will call the attention of our Nation to the importance of science for all of America, in the past, in the present, and in the future.

What we have gained from science throughout history is immeasurable. Scientific contributions can be traced farther back than 400 B.C., when Hippocrates taught that diseases have natural, rather than supernatural, causes. Since that time, we have seen the likes of Aristotle, Copernicus, Galileo, Newton, and Einstein. The genious of these and other scientific pioneers enabled us, in 1969, to put Armstrong and Aldrin on the Moon.

Despite great scientific advances in the past, however, today's knowledge will seem elementary to us in the year 2000, just as Hippocrates' teachings seem limited to us today. It is necessary, therefore, that we support "National Science Week" as an inspiration to look to the future to technologies that make this country strong and prosperous. And when we look to the future, we must bear in mind the pioneers of tomorrow—our children.

We must equip our children with scientific information to enhance their understanding of the complexities with which we live. We need programs that stimulate student interest in science and mathematics, which is vital for continued U.S. technological strength and development.

Last year, "National Science Week" was a great success. More than 1,000 local, State, and national groups participated in a variety of science and math activities and workshops. The National Science Foundation joined with four U.S. corporations in promoting this celebration: Dupont, IBM, Eastman Kodak, and General Electric. I am pleased that NSF again this year will help coordinate grassroots involvement and support.

"National Science Week" is a good way for Congress to help America's youth understand the ever-changing high tech world in which we live. I urge my colleagues to lend their full support to this effort.●

PRESIDENT'S STEEL PROGRAM FALLS SHORT

● Mr. HEINZ. Mr. President, the import figures from 1985 are in, and it is apparent the President's steel program has failed to achieve its objectives. Imports were down slightly less than 2 million tons compared to 1984, which means that imports' share of our market decreased from 26.4 percent to 25.2 percent. That figure looks particularly bad when compared to the President's goal of 20.2 percent, including semifinished products.

In examining the reasons for this disappointing result, it is clear that a major factor was imports from countries not yet subject to the voluntary restraints that are the hallmark of the program. Chief among these is Canada, whose imports dropped slightly, from 3.2 percent of our market to 3 percent, but which remain well above the historical level of roughly 2.4 percent.

In addition, other countries which have traditionally been insignificant factors in our market are beginning to show large increases—Switzerland, 3,000 tons to 42,000 tons, Saudi Arabia, 10,000 tons to 43,000 tons, Singapore, 1,000 tons to 42,000 tons, for example.

These quantities are not that great at this time, but the trend is both clear and ominous. These new suppliers are taking the place of those under restraint programs. This not only makes the steel program less effective, it further distorts the market since these are producers that were unable to compete and are presumably less efficient than those that have been restrained.

The proper answer to this problem is what a number of us proposed in 1984—global steel quotas. Simply put, no restraint program, unilateral or bilaterally negotiated, is going to be effective unless all producers are covered. I have raised this point with the administration on several occasions over the past year, most recently in an exchange of correspondence with Don Regan, the White House Chief of Staff. His response indicates that the administration is aware of these problems and is considering how best to deal with them.

I hope that a decision in that regard will be made soon, Mr. President, as the alternative is congressional resolution of the problem through legislated restraints. It may also be necessary for Congress to review enforcement of the existing restraints in order to prevent fraud and diversion, but those problems will be the subject of my remarks on another occasion.

Mr. President, I ask that a recent press release by the American Iron & Steel Institute detailing last year's import data and my exchange of correspondence with Mr. Regan be printed in the RECORD.

The material follows:

STEEL IMPORTS IN 1985 DRAMATIZE PROBLEM OF COUNTRIES NOT COVERED BY PRESIDENT'S PROGRAM

WASHINGTON.—The single most striking feature of American steel imports in 1985—apart from the near-record level of import penetration despite the 18 arrangements under the President's steel restraint program—was the continuing major role of steel imports from foreign suppliers not covered by the arrangements, the American Iron and Steel Institute reported today.

The nation's total steel imports declined by only 4.2 percent in 1985 from the record-high level of 26.4 percent of consumption in 1984. However, this slight decline tends to mask the fact that a long list of small and medium producing countries increased their shipments during the year. This shows clearly, the Institute said, that President Reagan's program of voluntary restraint arrangements must be enforced strictly with respect to countries now signed up in that program, and must be extended to include significant supplying countries which have not signed agreements.

The major supplying country with which the U.S. does not have a restraint agreement is Canada. Shipments from Canada were down in 1985, to 2,868,000 tons (2.99 percent of the U.S. market), but were second only to the record-high total for 1984 (3,167,000 tons, or 3.20 percent).

The medium and smaller producing countries represent in aggregate a continuing major supply of steel exports to the United States, the Institute pointed out. Those substantial suppliers which showed increase from 1984 to 1985 included: Sweden, Norway, Portugal, Turkey, Yugoslavia, Romania, China, Israel, India, Taiwan and New Zealand.

In addition, several countries which had shipped statistically negligible tonnages in 1984 increased their exports to the U.S. significant in 1985. They were: Peru (12,000 tons), Dominican Republic (9,000 tons), Thailand (36,000 tons) and Indonesia (10,000 tons).

Other small suppliers which became notably more prominent were: Switzerland, from 3,000 tons in 1984 to 42,000 tons in 1985; Saudi Arabia, from 10,000 tons up to 43,000 tons; and Singapore, 1,000 up to 47,000.

The United States imported steel mill products from 68 countries in 1985, compared with 64 countries in 1984 and 57 in 1983. There were 12 new names on the list of countries of origin in 1985, while eight countries which had shipped small quantities in 1984 dropped out.

Of the 68 countries which exported steel to the U.S. in 1985, 27, including 10 EEC countries, now have voluntary restraint agreements with the United States. However, while the newcomers to our market are, with one or two exceptions, individually small, the potential is clearly there for substantial growth, the AISI said. As a result, there is the potential for a new overall surge in imports, which the President's program will have to address immediately.

Following are details for all countries of origin, as compiled by the AISI from Commerce Department reports:

U.S. IMPORTS OF STEEL MILL PRODUCTS

[In thousands of net tons]

	1985	1984
Canada	2,868	3,167
Latin America:		
Costa Rica [1]	1	
Mexico [1]	272	797
Colombia	1	
Venezuela [1]	354	491
Ecuador		(2)
Peru	12	(2)
Chile	13	8
Brazil [1]	1,701	1,461
Uruguay	1	1
Argentina	191	291
Panama	*	
Dominican Republic	9	
Belize [3]		(2)
Bahamas [3]	5	9
Turks and Caicos [3]		(2)
Cayman Island [3]		4
St. Christopher—N-A [3]		4
Grenada [3]	(2)	
Trinidad and Tobago	64	67
Subtotal	2,623	3,132
European Economic Community: [1]		
United Kingdom	612	476
Federal Republic of Germany	2,367	2,543
Denmark	9	3
Ireland		(2)
Netherlands	578	446
Belgium/Luxembourg	1,061	921
France	1,597	1,127
Italy	614	564
Greece	151	164
Subtotal	6,990	6,334
Other European Countries		
Iceland	(2)	
Sweden	671	639
Norway	82	61
Finland [1]	241	299
Austria [1]	307	326
Switzerland	42	3
Spain [1]	547	1,392
Portugal [1]	137	55
Turkey	68	44
Yugoslavia [1]	63	36
German Democratic Republic [1]	104	274
Czechoslovakia [1]	47	63
Hungary [1]	28	41
Poland [1]	95	132
U.S.S.R.	(2)	
Romania [1]	352	272
Bulgaria	(2)	
Subtotal	2,785	3,636
Asia:		
China	59	46
Japan [1]	5,990	6,630
Iran		5
Israel	38	9
Jordan	1	(2)
Kuwait	(2)	
Saudi Arabia	43	10
India	33	10
Pakistan	(2)	(2)
Bangladesh		1
Thailand	36	(2)
Malaysia	3	(2)
Singapore	47	1
Indonesia	10	
Philippines	3	(2)
Republic of Korea [1]	1,898	2,234
Hong Kong	1	1
Taiwan	218	160
Subtotal	8,383	9,108
Australia and Oceania:		
Australia [1]	165	193
New Zealand	31	23
Fiji [3]		(2)
Subtotal	195	216
Africa:		
Morocco	(2)	(2)
Algeria	14	14
Libya	(2)	(2)
Egypt	(2)	5
Ivory Coast	(2)	
Kenya	(2)	
Mauritius	3	
Republic of South Africa [1]	411	557
Zimbabwe	4	2
Subtotal	433	578
World total	24,279	[4] 26,163

[1] Countries with which United States has restraint agreement as of Feb. 1, 1986.

[2] Less than 500 tons; 500 or more rounded to 1. All figures rounded to nearest thousand; totals may not add due to rounding.

[3] does not have steel mill, per "Iron & Steel Works of the World" (1983 latest edition).

[4] Revised.

Source: Compiled by American Iron & Steel Institute from reports of the U.S. Department of Commerce.

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, December 9, 1985.

Hon. DONALD T. REGAN,
Chief of Staff to the President,
The White House, Washington, DC.

DEAR DON: Following up our conversation of last Friday on steel, I want to emphasize the need for additional action on the Administration's part in order to reach the President's objective of 18.5 percent import penetration. Despite the major drop in October, the figure for the year remains over 25 percent, far above the President's goal. Reaching the target will require taking the actions we discussed, as follows.

With respect to Canada, it is clear that reduction of imports to the historic level of 2.4 percent is essential if the President's objective is to be met. So far this year, Canadian imports are marginally lower than 1984, a record year. Unfortunately, this is simply not sufficient cooperation to achieve the needed result. I understand the Administration has been considering the need for a Canadian VRA. I hope you will shortly finish that analysis and agree that VRA neogtiations are warranted.

Canada may be the most serious remaining problem, but it is hardly the only one. A number of major producers, such as Sweden, Austria, Argentina, China, Taiwan and Yugoslavia, have not thus far signed agreements. In addition the constraints that do exist have brought other producers into our market who under normal competitive conditions would not be here. These new entrants are rapidly becomning a serious problem in terms of imports and in terms of the burden on our negotiating resources in trying to keep up with them. We need to redouble our efforts to bring these countries into agreements at the earliest possible moment with the smallest possible share. USTR should be directed to initiate these negotiations rather than wait for a request from the importing nations. They are not for the most part competitive producers but have become so in our market because of the restraints imposed on others. We should have no reservations about sharply limiting their shares.

Finally, to the extent more agreements are signed and become effective, fraud and circumvention will become more serious problems. Combatting illegal entries, a goal shared by everyone regardless of their views on the steel problem, demands, adequate resources for the Customs Service. My own conversations with Commissioner von Raab have persuaded me he intends to enforce the programs fully and aggressively, but I am not convinced he has adequate resources to do it. Congress recognized that problem in both the authorization and appropriation for the Customs Service and provided for more personnel and funds. I hope the President will support this increased allocation in whatever bill it is next sent to him.

The other important circumvention problem concerns the country of origin problem. There are an increasing number of efforts to divert steel into the United States through third countries where minor operations adding value are performed on the steel in an attempt to create a new product. Although this problem is best controlled by

bringing all countries under import controls, in the short run we need to ensure our country of origin rules are strictly enforced and narrowly interpreted to prevent the frustration of the President's program.

I know that you are as committed to making the President's program work as I am, and I appreciate your willingness to do what is necessary to achieve that objective. Taking the above steps would set us on the right path. I look forward to continuing to work with you on these measures.

Sincerely,

JOHN HEINZ,
U.S Senator.

THE WHITE HOUSE,
Washington, February 4, 1986.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, DC.

DEAR JOHN: Thank you for your letter regarding my meeting in December with you and the other members of the Congressional Steel Caucus to discuss the President's steel program. You maintained that steel imports were exceeding that 18.5 percent target established in the President's steel program and that the Administration should quickly implement procedures to meet the target.

The Administration is certainly sympathetic to the problems confronting the U.S. steel industry. We would be the first to acknowledge that steel imports are currently exceeding our target and that this has an adverse effect on the U.S. steel industry. Therefore, the Economic Policy Council has established a working group to review the Administration's progress in meeting the objectives of the President's steel program and to prepare for the Council's consideration an analysis of the effect to our overall economy if the targets are not met.

While we do not suggest that this will remedy the problems facing the steel industry, rest assured that the Administration is keenly concerned about the U.S. steelworker and will continue to evaluate our efforts to ensure a viable industry.

Sincerely,

DONALD T. REGAN,
Chief of Staff to the President of the United States.●

RHODE ISLAND FILMMAKERS RECEIVE ACADEMY AWARD NOMINATION

● Mr. CHAFEE. Mr. President, an academy award nomination is one of the highest achievements an American film artist can attain. Thus, it gives me great pleasure to announce today that two Rhode Island filmmakers—and the Rhode Island Committee for the Humanities—have been accorded this honor.

The Motion Picture Academy has nominated Mr. Michael Crowley of Cranston and Mr. James Wolpaw of Providence for their documentary "Keats and His Nightingale: A Blind Date." The film was sponsored by the Rhode Island Council of Teachers of English, and was funded through a Federal grant to the Rhode Island Committee for the Humanities [RICH].

"Blind Date" looks at Keats' poem—and at poetry itself—through the eyes of ordinary denizens of the modern world: A hockey fan, for instance, or a hospital employee. The work will be one of five films vying for the title of best documentary short subject on the evening of March 24.

This is not the first time that "Blind Date" has been honored with a major international award. In early December, it won a Golden Eagle Certificate—the highest award given by the Council on International Non-Theatrical Events [CINE]. Recipient films are considered to be among the very best American cinematography, and represent the United States in major film festivals throughout the world.

In a rare "first" for the Academy, RICH, which produced the film, was also nominated for an award, making it the first time a State humanities council has ever received this distinction. The nomination adds another item to RICH's long list of accolades, which include two special merit awards from the National Endowment for the Humanities. Only four State councils have been so recognized on two separate occasions. In the words of the Endowment, "RICH does everything and does it well."

Mr. President, this spate of honors attests to the exceptional quality of the work being done by the Rhode Island Committee for the Humanities, and by the talented artists it supports. I join with all Rhode Islanders in offering congratulations to Mr. Wolpaw, Mr. Crowley, and to RICH for these well-deserved laurels—and gratitude for keeping the arts in our lives.●

IMMIGRATION

● Mr. SIMON. Mr. President, our distinguished colleague from Maryland, Senator CHARLES MATHIAS, recently had an item in the Washington Post on the strange law that we have that causes us to shoot ourselves in the foot and violate our own best principles.

That is the provision of the immigration law that has been used to keep people from our shores because of their political beliefs.

Last year I introduced an amendment to the immigration bill calling for the repeal of any test of political beliefs for temporary visas. Unfortunately, it was defeated by a vote of 30 to 66, but we must still modify the law.

I am inserting in the RECORD the CHARLES MATHIAS article of Sunday, January 12, that appeared in the Washington Post together with an editorial from the Post of that day.

I urge my colleagues who may have been out of Washington at the time the article and editorial appeared to read them.

Clearly, here is an area where we need a policy change.

I ask that the article and editorial be printed in the RECORD.

The material follows:

[From the Washington Post, Jan. 12, 1986]

A PURITY TEST WE DON'T NEED

(By Charles McC. Mathias, Jr.)

The land of the free and the home of the brave does not look quite so bold and free-speaking to many foreign writers at the 48th International PEN Congress, which opens in New York today. As many as a dozen of the widely regarded foreign novelists, poets and playwrights invited to the annual convention of the most famous international writers body have been stigmatized as subversives under a cynical remnant of McCarthyism that is totally at odds with our most revered traditions and international obligations.

Sections of the 1952 McCarran-Walter Act permit our government to ban from the United States a wide range of people who can be branded by bureaucratic and secret evidence as everything from anarchists and communists to professional beggars and prostitutes. Although many visitors overcome initial charges, the process is a demeaning and embarrassing ritual that suggests we are not as confident, mature and truly free a nation as we so often assert.

Under the sweeping rubric of activities "prejudicial to the public interest" or "subversive to the national security," Sections 212(a) 27 and 28 of the Immigration and Nationality Act have been used to bar a few foreign political figures or intellectuals to the right of center. But for the most part, the law has been applied against scores of "left-wingers," ranging from actor Charlie Chaplin to Canadian naturalist Farley Mowat, from Japanese pacifists to Italian playwrights, from Nobel-prize-winning authors to Nicaraguan officials. Three thousand Canadians, including some officeholders, are on the blacklist maintained for that country. Immigration computers, with unreasoning precision, routinely bar many exiles from East European countries because they once were communists.

In short, the law has been applied capriciously and often to exclude from the United States people whose beliefs, statements and associations may be unpopular, but hardly present a threat to our national security.

There are, of course, legitimate grounds to bar foreign visitors to our shores. Foreigners with deadly and infectious diseases, drug traffickers and other criminals, suspected terrorists and those who indicate they would act to overthrow our government are genuine risks.

But in the long and painstaking reform of the nation's immigration law, Congress has sidestepped a long overdue revision of Section 212 (a) 28. It is time to prove that we are not afraid of mere ideas and speech.

During 1984 hearings in the House, State Department and Immigration officials insisted that they do not exclude foreign visitors on the basis of speech alone. Nevertheless, several officials gave weak and vague reasons for a variety of exclusions. One official could offer no more than "foreign policy consideration" or "the president's prudent conduct of our foreign relations" as arguments.

Prior attempts to revise the law, such as the 1977 McGovern Amendment, removed some admission barriers for controversial foreigners who are invited to participate in conferences or speak at leading universities. But the government has been able to use

other sweeping sections of the law to exclude visitors.

Foreign visitors do not share the same rights as Americans. But once they can meet health, criminal record and national security standards, they should not be branded as subversives for what they said or would say.

There are two fundamental reasons to delete sections that grant such broad discretion to bar individuals for little more than the views they hold. First, these exclusions are a form of censorship that intrudes on the First Amendment rights of Americans to hear different ideas and arguments. Today's telecommunications media can bring into our living rooms the images and vocies of exponents of every political and artistic tendency around the globe. To deny these speakers physical entry onto our shores insults the intelligence of the American people, as well as injuring our freedoms.

Second, the act flies in the face of our obligations under the 1975 Helsinki Final Act, which called upon participating states to ease travel and as a result, enocurage a freer exchange of ideas. While Soviet violations are far more flagrant, the McCarran provisions leave us as the only Western democracy with an ideological test of purity for visitors. Imagine the reaction of Americans if they were subjected to such tests before they could visit Paris, London or Istanbul.

William Styon, the writer once noted that never in all his travels abroad had be been forced to submit to the humiliating questions that many of his foreign colleagues faced before coming to the United States. He added: "The great and shameful irony is that in oppressive communist and fascist countries this is the sort of legislation that forces dissident writers to flee their own countries."

One controversial Latin American writer described his experience in obtaining entry to the United States: "When I got to New York, they held me for hours at the airport, looking at me through a glass window as though I was a giant panda, carefully unfolding my socks, underpants and the rest of my luggage, in search, I imagine, of my subversion."

Immigration examinations and searches are necessary for weapons, drugs, indications of disease and other problems, including involvement in political action that constitutes a legitimate threat to our national security. But the persistence of Section 212(a) 28 investigations, waivers and exclusions amounts to a perversion of our most cherished beliefs in free speech and the open marketplace of ideas.

SEN. MATHIAS' MESSAGE

Senator Charles Mathias, writing on the opposite page, calls attention to a provision of the immigration law that has been troubling for decades. In the depths of the McCarthy era, legislators, oddly frightened that Americans would be corrupted by visiting communists, anarchists and assorted others, passed legislation barring such people from entering the country. The law is not aimed at terrorists, bomb-throwers or those especially skilled in the art of provoking insurrection. It is directed against people who say and believe things the government doesn't agree with and who might express sentiments while here that the government finds offensive.

It is embarrassing to have such a law on the books in a free country, and it is outrageous, as the senator points out, to put potential visitors through the third degree about their political beliefs or intellectual convictions. The list of distinguished, controversial people who have been denied visas is unbelievable. It is doubly demeaning when restrictions are imposed on citizens of others democracies that impose no such test upon Americans.

The law is an even greater insult to Americans. It is premised on the belief that we must be protected from wrong ideas, shielded from those whose talk would corrupt, saved from the mesmerizing temptations of foreigners. The statute implies that our own leaders do not trust ordinary Americans to understand controversy, to make judgments about public issues or to resist falsehood. The law is a statement that Americans prefer not to hear those they don't agree with, not to grapple with ideas that may be wrong, not to engage in the broadest intellectual and political discourse.

The provision that Sen. Mathias objects to is an outdated vestige of another era. Its implications are absolutely wrong, its message a libel on the intelligence of a free people. The law should be repealed.●

COMMEMORATING LITHUANIAN INDEPENDENCE DAY

● Mrs. HAWKINS. Mr. President, last Sunday, February 16, we commemorated the 735th anniversary of the establishment of the independent state of Lithuania in 1251, and the 68th anniversary of the restoration of Lithuania's independence in 1918.

Lithuania is an old and established state with a proud tradition of independence and freedom. Throughout its history, however the Lithuanian people have had to guard their freedom jealously. For hundreds of years the Russians, Poles, and others have cast greedy eyes on their homes, farms, and villages. At times the forces of imperialism would prevail—but only for a season. For invariably the strength and character of the Lithuanian people would reassert itself, and they would cast aside their shackles to once again live as free men and women.

Such was the case in February 16, 1918, when Lithuania broke the bonds of Soviet rule. In 1920 the Soviet Union was forced to again accept the longing of the Lithuanian people for independence and freedom by signing a peace treaty recognizing Lithuania's independence. In 1922, a Lithuanian Constitution was written, which guaranteed the freedom of speech, assembly, and religion. On July 22 of the same year, the United States formally recognized Lithuania as an independent state. The desire of Lithuanians for a homeland appeared a reality at last. But this underestimated the greed of the Soviet Union for territory and power, and their drive to trample the flower of freedom under tyranny's heavy boot.

Taking advantage of the Second World War the Soviet's used their brute strength to once again control Lithuania. While they have used their tanks and airplanes and missiles to control the land of Lithuania, history has shown that they will never be able to control the spirit and courage of the Lithuanian people. It is only a matter of time before the Lithuanian people rise up against the Soviet tyranny as they have risen in the past. The question for Lithuania is not will Lithuania ever be free again, but when will Lithuania be free. So today we commemorate February 16 as a way of honoring the bravery and sacrifices of the past and as a downpayment on the hope of the future, the hope of freedom.

The United States has rightly refused to recognize the annexation of Lithuania into the Soviet Union. As a democratic nation, we understand the importance of maintaining basic human rights and fundamental freedoms and sympathize with any nation whose similar aspirations are repressed. It is only appropriate at this time to recognize the victory of the once independent Lithuania, and to continue to support them throughout their quest for freedom.●

NATIONAL FISHING WEEK

● Mr. D'AMATO. Mr. President, I rise this afternoon to cosponsor legislation (S.J. Res. 262), introduced by my distinguished colleague from Wyoming, Senator WALLOP, to authorize and request the President to proclaim the week of June 2 through 8, 1986, as "National Fishing Week." Second only to swimming as the Nation's most popular sport, fishing is a source of sport and recreation for millions of active Americans.

My family and I join the more than 54 million other Americans who fish each year. It's both relaxing and envigorating, especially when the day is bountiful. Sport fishing is a family activity that can be enjoyed by people of all ages, from young children to senior citizens.

The Nation's fishing community also consists of a cadre of professionals that harvest the ocean's bounties for public consumption. The demand for fishing goods and services generates employment for roughly 600,000 individuals, and the fishing industry directly employs an additional 300,000, supplying seafood worth an estimated $2.4 billion in direct sales. On the whole, sport fishermen and women generate annually over $25 billion in economic activity.

America's fishing industry has celebrated this special week for 8 years. This sport enhances respect for the environment; as a source of exercise, it improves the quality of life; and it provides a ready source of healthy, protein-rich food for public consumption. It is fitting and proper, therefore, that the President formally recognize the importance of fishing to the citizenry

of the United States by proclaiming June 2 through 8, 1986, as "National Fishing Week."

CALL TO CONSCIENCE

● Mr. MITCHELL. Mr. President, I rise today to speak on behalf of an estimated 350,000 Soviet Jews who are fighting for their right to emigrate, primarily to Israel. I speak to bear witness to their suffering and, one hopes, to improve their chances for freedom.

I also rise to invite my Senate colleagues to do the same, by participating in the 1986 Congressional Call to Conscience, in the days, weeks, and months ahead, whenever the Senate is in session.

For several years the Call to Conscience has succeeded in illustrating and confirming our national commitment to the human rights of Soviet Jews, as well as others. Since 1976, the Union of Councils for Soviet Jews, in cooperation with a Senate office, has sought to schedule daily statements in the CONGRESSIONAL RECORD to serve as public reminders of Soviet oppression.

My office will coordinate this year's Call to Conscience Program, and I invite all my colleagues to participate.

Recent events indicate an improvement in the working relationship of the United States and the Soviet Union. The recent summit meeting in Geneva and a likely exchange of State visits between our national leaders are signs of this development. Indeed, the gratifying release are signs of this development, of Anatoly Shcharansky last week is evidence that negotiations between our Governments can be effective. It is also important to note that now, more than ever before, publicity seems to be playing a role in the unfolding of these events.

These positive developments must not, however, lull us into forgetting those who still suffer. Mr. Shcharansky said it beautifully on Wednesday:

> I am not going to forget those who I left in the camps, in the prisons, who are still in exile or who still continue their struggle for their right to emigrate, for their human rights . . .

Let us not forget that although the Soviet Union was signatory to the Helsinki Final Act in 1975—an agreement that was to guarantee minimal human rights standards, including the free movement of peoples—the free movement of Soviet citizens is still a dream. For most Soviet citizens travel is a reward for good behavior. For those Soviet Jews who attempt to scale the walls of Soviet emigration the dream often becomes a nightmare. Last year only 1,140 Jews emigrated. Those left behind are not only forbidden to live as Jews, but are often subjected to arbitrary punishments such as job loss, prison, and internal exile.

Last August, as a member of the Senate delegation to the Soviet Union, I had the opportunity to meet with a group of Russian Jews who live in the terrible limbo of applicant status. Of course, it is almost impossible for Americans, accustomed to our tradition of a Constitution which forces the Government to obey the law, to appreciate what these Soviet citizens have to endure. But last August, in a hot, tiny Moscow apartment, Valery, Sofia, Vladimir, and more than a dozen other "refuseniks" shared their experiences with our Senate delegation.

Sofia's husband, Yakov, is in jail, where he has spent most of the last 9 years of his life. He is 27. His crime: At 18, Yakov refused compulsory military service because he knew that such service would impart him with "military secrets" and therefore create grounds to hold him forever in the Soviet Union. Caught in a catch-22, he and his wife and 2½-year-old daughter remain at the mercy of the arbitrary authority of the Soviet Government. The KGB has recently encouraged Sofia to divorce Yakov and leave the country on her own.

Valery has just returned from Siberia. In 1970 he and his wife and two sons applied to emigrate to Israel. After 7 years of silence and with no explanations, their sons alone were suddenly granted permission to leave. Frustrated by the incomprehensible situation he was in, Valery decided to protest. In what would be a pathetically small gesture to an American, he hung a small banner out his window that read: "Let us go to our sons in Israel." Such "malicious hooliganism" got him 5 years of internal exile.

Vladimir, a biologist who has written 15 books, has not worked in his field since 1980 when he applied to emigrate. He has several invitations to teach in the United States. A Soviet official told him, however, that perhaps he will be allowed to leave "when his brain rots."

The relating of these tragic stories continued until late into the night and left us all emotionally drained and exhausted. Leaving the tiny apartment, so full of drama, and stepping into the Moscow night, all our minds were filled with the realization that soon our delegation would return to the United States—and be free. But for that handful of courageous people such freedom would only be a dream.

And so the days and nights of hardship continue for hundreds of thousands of Soviet Jews and others who seek only the recognition of their most fundamental rights as human beings—to practice their religion freely and to be united with their families.

It is with their dream in mind that I invite you to participate in the Call to Conscience Program.●

AUXILIARY TO THE MEDICAL SOCIETY OF THE STATE OF NEW YORK 50TH ANNIVERSARY

● Mr. D'AMATO. Mr. President, I rise today to call the attention of my colleagues to a very special celebration. On March 8, 1986, the Auxiliary to the Medical Society of the State of New York will celebrate its 50th anniversary. Since its founding in 1936, this volunteer organization has been involved in a multiplicity of worthy activities and accomplishments in its effort to assist the medical profession of New York State in providing the best possible community health care and health education.

Today the auxiliary is 4,000 strong, representing 30 counties throughout the State, working together and sharing ideas and goals for the betterment of public health. Its unyielding dedication to quality health has fostered a greater understanding of the problems facing, not only the medical profession, but also the Nation.

This commendable group of volunteers has been involved in a broad range of community health projects: prevention of drunk driving; child abuse prevention; immunization for health; drug abuse; crime prevention; international health care; and care for the elderly.

These volunteers have participated in the Meals on Wheels Program, which distributes meals to the elderly and disabled. They have provided funds and assistance for the furnishing of rooms in hospices, such as the Ronald McDonald House. They also have sponsored education programs for senior citizens and, for more than 15 years, have been serving as volunteers at senior centers. Their concern for youth, however, has been equally impressive.

This auxiliary has sponsored awareness and prevention programs to educate our youth on the problems our children have to face every day of their lives. Over 30,000 students have been reached by these programs on drunk driving, drug abuse, child abuse, and teen suicide. For the past 10 years, through essay and poster contests, more than 5,000 students each year have participated in these and other timely programs concerning good health.

For those students pursuing careers in health fields, the auxiliary has raised an average of $60,000 each year to sponsor scholarships and interest-free loans. In addition, they have raised an average of $33,000 per annum for the American Medical Association Education and Research Foundation, which helps to support quality education and research in the Nation's medical schools.

As surprising as it may seem, I have mentioned only a few of the many pro-

grams and accomplishments this auxiliary has been actively involved in over this past half century. Today, in recognition of its 50th anniversary, I salute the Auxiliary to the Medical Society of the State of New York for its community services throughout the State and for its devotion and concern for a better and healthier tomorrow.●

LITHUANIAN INDEPENDENCE DAY

● Mr. ZORINSKY. Mr. President, John Kennedy once described the most powerful force in the world as "man's enternal desire to be free." Nowhere is that more apparent than in the Baltic Republic of Lithuania, where brave men and women continue a 46-year struggle for freedom from Communist domination.

Lithuania declared its independence on February 16, 1918, after nearly a century of occupation by Czarist Russia. Its freedom came to a tragic end 22 years later, when more than 300,000 Soviet troops marched in under the protection of the Nazi-Soviet alliance. A puppet government was installed and more than 30,000 Lithuanian patriots were deported to Siberian labor camps.

Since that time, the Lithuanian people have watched as the Soviet Union has stripped them of their human rights and attempted to erase their cultural and religious heritage. In Lithuania itself, any public celebration of national independence is considered a criminal offense. But defenders of liberty around the world still observe Lithuanian Independence Day and look forward to a future when Lithuanians can once again celebrate openly in their native land.

Mr. President, Lithuanian independence lives on in the hearts of the brave Lithuanian people and in free nations everywhere that sympathize with their fate. I know my colleagues join me in paying tribute to these brave men and women. The love of freedom burns brightly in their breasts and will not be extinguished while those of us here remember and call attention to their plight.●

AFGHANISTAN DAY

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 272, introduced by my good friend and fellow Helsinki Commission member, the senior Senator from New Hampshire. Senate Joint Resolution 272 designates March 21, 1986, as Afghanistan Day.

March 21 is the traditional New Year's Day celebration in Afghanistan. For the past 6 years, unfortunately, each March 21 has been only a bleak reminder that Soviet armies continue to inflict brutal atrocities on this small nation of only 15 million people. While the world sits idly by, millions of Afghans continue to be brutalized and terrorized.

For 5 years, the United States, the world's freest nation felt it could not publicly support Afghan efforts to fight the Soviet Armed Forces. Since last year, however, the United States has improved significantly its policy on Afghanistan. For the first time since the Soviet Union invaded Afghanistan, the United States will provide overt humanitarian aid to the Afghan freedom fighters, the Mujahideen.

The Mujahideen have precluded the mighty Soviet armies from controlling the countryside of this strategically located nation. The fierce resolve of these freedom fighters has survived every major Soviet offensive for 6 years. Moscow has committed 120,000 troops and has sustained thousands of casualties each year to keep its control of Kabul and a handful of other major cities. The Soviet Union is no closer to conquering Afghanistan today than it was in December of 1979.

Although the Soviet armies have not defeated the Afghan resistance, the Afghan people—the innocent civilians—are clearly the losers. Over one-quarter of the prewar population has fled to Pakistan or Iran. Another million have died as a result of the war. Afghanistan's infrastructure is destroyed and, as a direct result of Moscow's scorched earth policy, Afghanistan can no longer feed itself.

This resolution is an important reminder to the Mujahideen and to the Afghan people that the United States is fully behind their courageous struggle. With our support and with the support of other democracies, it is my hope that the Soviet Union will recognize the futile nature of its partial occupation of Afghanistan and will withdraw from this war-torn nation.

Mr. President, I commend Senator HUMPHREY for his leadership and enthusiastic involvement on this most important issue. I urge my colleagues to join me as a cosponsor of this resolution to designate March 21, 1986, as Afghanistan Day.●

KIM DAE JUNG

● Mr. SIMON. Mr. President, I recently introduced a resolution calling for the restoration of civil and political rights for Kim Dae Jung. The following statement reflects the concerns which led me to introduce the resolution.

In these days of apprehension about the situation in the Middle East and concern over developments in Central America and the Philippines we should not forget another area of the world that continues to be important to American foreign policy: South Korea. We fought to defend that nation between 1950 and 1953 and we maintain close ties there.

More than 54,000 American servicemen gave their lives and 103,248 were wounded in the Korean war to prevent an invasion of South Korea. The American people have contributed more than $19 billion in economic and military assistance to the Republic of Korea since 1948 and we continue to support 40,000 American servicemen on Korean soil.

The United States ought to use its influence in Korea to nurture the development of democratic values and institutions and strengthen the relationship between the South Korean people and their government. This resolution, which calls on the Korean Government to grant Kim Dae Jung full civil and political rights, promotes that objective and I hope that it will gain bipartisan support.

Kim Dae Jung is acknowledged, both in his home country and in the United States, as the leading figure of the Korean democratic opposition. A passionate advocate of democracy, a firm friend of the American people, and a strong believer in the mutual defense and economic cooperation of our two countries, his life has been one of struggle and hardship in the service of his people.

Since his return to Korea last February he has intermittently been under house arrest. He can neither become a member of a political party nor encourage others to do so, nor can he vote, campaign, or run for political office. He remains under a suspended 17½ year sentence on charges that our State Department maintains were fabricated in 1980.

There are also recent press reports that the overall political situation in South Korea has worsened in recent months, although the South Korean Ambassador, with whom I spoke recently, describes the situation as improving. According to the New York Times, teachers recently have been dismissed for publishing their political views, students have been detained and beaten, judges deemed overly sympathetic to activists have been reassigned. How much truth there is in all these charges is difficult for an outside observer to know. But we have seen over and over again in recent American foreign policy that failure to actively and effectively oppose repressive policies can have dire consequences.

Because of our historic relationship with South Korea, it is our obligation to speak out as one friend to another. It is not in our interest to be perceived by the Korean people as supporting repressive action. We should send a message to the South Korean Government and the Korean people that we support democratic forces that share our values and aspirations.

Kim Dae Jung is a patriot and a statesman who has become a symbol to both the Korean and American people. Stability and serious democratic reforms are unlikely to be realized as long as his civil and political rights are suspended. Passing this resolution will promote democratic values, reinforce the ties between the Korean and American people, and further our foreign policy interests. I hope the Senate will move quickly on this resolution.●

THIRTIETH ANNIVERSARY OF THE MICHIGAN COUNCIL FOR THE SOCIAL STUDIES

● Mr. RIEGLE. Mr. President, this week, the State of Michigan is observing Social Studies Appreciation Week in honor of the 30th anniversary of the Michigan Council for the Social Studies. The council is the State professional organization for 8,000 social studies and social science teachers in Michigan.

It is very fitting that we pause this week to appreciate the importance of our social studies and social science teachers and their role in introducing students to the peoples, cultures, and ideas of the world. This is a fundamental part of education, one which helps us participate in what has truly become a worldwide society. Modern communications and high-speed travel bring people from different parts of the globe together for many purposes, including trade, exchanges of information and for negotiating understanding where countries have differences of opinion or procedures. Understanding the concerns and interests of people from other nations is vital to these and many other activities.

The social studies also help to improve our quality of life here at home. Learning about how other people live and think is essential for encouraging harmony and understanding among the diverse groups of people that make up our communities, our State, and our country.

Of particular importance is the role of social studies teachers in educating current and future citizens of this country about their government and the governments of other nations. Participation in our Government through voting and other expressions of opinion is both a right and a responsibility, one that is best exercised with knowledge about the history of this Nation and its Government. Teachers can instill an interest in this process and encourage students to learn about and participate in their Government.

Our Nation is faced with challenges that will require careful thought and effort from people with many backgrounds and different types of training. The more we understand about each other, the better we will all be able to work together to meet these challenges to improve the world for those that will follow us. All teachers, and especially those who teach social studies and social science, play a very fundamental part in this educational process.●

LITHUANIAN INDEPENDENCE DAY

● Mr. SIMON. Mr. President, Sunday, February 16, marked the 68th anniversary of Lithuanian independence. Senator DIXON has introduced a resolution recognizing this important day. We hope to gain the support of our colleagues in this tribute to the brave struggle of the Lithuanian people.

On February 16, 1918, the people of Lithuania declared their freedom after nearly a century of occupation by the forces of Czarist Russia. This independence came to a tragic end 22 years later, in June 1940, when more than 300,000 Soviet troops marched into Lithuania under the protection of the Nazi-Soviet alliance. A puppet government was installed by Stalin's forces and more than 30,000 Lithuanian patriots were deported to Siberian labor camps.

Over the past 46 years, Lithuanian independence has lived in the hearts and the minds of the brave Lithuanian people and for those of us in free nations who sympathize with their dreams. Any public celebration of national independence in Lithuania is considered a criminal offense by the Soviet Government. The Lithuanian people have watched helplessly as the Soviet Union has stripped them of their human rights and attempted to erase their cultural and religious heritage.

This proud country has not surrendered to this persecution. The Lithuanian people still fight to regain their freedom. Defenders of liberty around the world observe Lithuanian Independence Day and look forward to a future in which Lithuanians can once again celebrate openly in their native land.

As we celebrate our freedom during Presidents' Week, it is appropriate that we recognize the struggle for independence among the Lithuanian people. They deserve our support.●

ORDERS FOR WEDNESDAY

RECESS UNTIL 10 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m., Wednesday, February 19, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Mr. President, following the recognition of the two leaders under the standing order, I ask unanimous consent that there be special orders in favor of the following Senators for not to exceed 15 minutes each: Senators WILSON, SYMMS, PROXMIRE, and GORE.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. DOLE. Following the special orders just identified, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, following routine morning business, the Senate will turn to Senate Resolution 345, the Philippines resolution. We are under agreement that it not be subject to amendment. There will be 1 hour of debate equally divided, under the control of the distinguished chairman and ranking member of the Committee on Foreign Relations. There will be rollcall vote on that at noon.

Following that vote, we shall return to the Genocide Convention matter. It is my hope, and there is some reason to believe that will occur, that we could act on the Symms amendment by 2 or 2:30; then, maybe on the Convention Treaty itself by 4 o'clock, followed by a vote on a separate resolution, I hope before 6 o'clock.

It had also been our hope—I see the distinguished Senator from North Dakota on the floor—to clear for action today an elderly abuse act. We have not been able to do that; perhaps by tomorrow, we shall have that worked out.

Also, I think the distinguished Senator from Kentucky and the Senator from North Carolina will have a unanimous consent that we can perhaps take care of tomorrow.

TV IN THE SENATE

Mr. BYRD. Mr. President, will the distinguished majority leader yield to me?

Mr. DOLE. Yes, Mr. President.

Mr. BYRD. What is the distinguished majority leader's intention with respect to Senate Resolution 28?

Mr. DOLE. I say to the minority leader that we had a good session today. There will be another meeting at 10 a.m. tomorrow. It is my hope that the principals in that meeting could come together. Then we do have a motion to recommit and, I hope, we can have that vote if not tomorrow, then Thursday, without engaging in a long, long debate if we can reach a fair consensus.

I am determined, as I know the minority leader is, to get a vote—I hope a successful vote, not just a vote—to

start a trial period with some reasonable rules changes. Then, at the end of the trial period, whatever it is, there would be an expedited procedure suggested by the distinguished minority leader in the event we determine during the trial period that certain changes should be made.

Mr. BYRD. Mr. President, I thank the majority leader. Would he agree with me, then, that we should position Senate Resolution 28, which is to provide for TV coverage of Senate debate, to be back before the Senate no later than tomorrow, following the vote on the resolution?

Mr. DOLE. Yes, Mr. President, that is my intention, in the event that we dispose of the Genocide Convention, that we return to Senate Resolution 28. We may have some other items that are not controversial.

Mr. BYRD. What I am saying, though, to the distinguished majority leader, is that in view of the fact that there is a cloture motion that has been entered on the Genocide Convention so that, come what will, that cloture vote is going to occur on the day after tomorrow and, at that point, it will bring back before the Senate the motion to vote cloture on genocide, what happens to TV in the Senate in the meantime?

Mr. DOLE. It is my hope, Mr. President, and I do not have it in writing, that we can completely dispose of the Genocide Treaty tomorrow.

Mr. BYRD. I hope that will be so.

Mr. DOLE. That will take care of it. If not, I would want to stay on that in the hope that we can complete it and come back to Senate Resolution 28.

Mr. BYRD. Very well. Mr. President, the distinguished majority leader has kept every understanding, every commitment, every assurance that he has made with respect to TV in the Senate. I have no objection to the procedure which he has laid out because I know that I have his assurance we are going back to TV in the Senate. I thank the majority leader.

RECESS UNTIL 10 A.M. TOMORROW

Mr. DOLE. Mr. President, I am advised that one matter we had hoped to clear cannot be cleared, so, there being no further business to come before the Senate, I move that the Senate stand in recess until 10 a.m. on Wednesday, February 19.

The motion was agreed to; and at 6:36 p.m. the Senate recessed until tomorrow, Wednesday, February 19, 1986, at 10 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 7, 1986, under authority of the order of the Senate of January 3, 1985:

THE JUDICIARY

Con. G. Cholakis, of New York, to be U.S. district judge for the northern district of New York, vice Roger J. Miner, elevated.

J. Daniel Mahoney, of New York, to be U.S. circuit judge for the second circuit vice a new position created by Public Law 98-353, approved July 10, 1984.

Executive nominations received by the Secretary of the Senate February 11, 1986, under authority of the order of the Senate of January 3, 1985:

DEPARTMENT OF STATE

Arthur H. Davis, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama.

THE JUDICIARY

Barbara K. Hackett, of Michigan, to be U.S. district judge for the eastern district of Michigan vice Charles W. Joiner, retired.

DEPARTMENT OF EDUCATION

Barbara Lerner, of New Jersey, to be Assistant Secretary for Civil Rights, Department of Education, vice Harry M. Singleton, resigned.

IN THE COAST GUARD

Pursuant to the provisions of 14 U.S.C. 729, the following-named lieutenant commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of commander:

Mark A. Revett
Thomas E. Carroll
Thomas P. Barnett
Karl L. Russo
Steven E. Barta, Jr.
Walter W. McDougall
Richard P. Perez
Riccardo M. Lonardo
Joseph A. Casso
James E. Davis
Edward J. Richardson
Dennis M. Pittman
Wayne F. Green
David L. Hohlfeldt
Dale G. Klosterman
Thomas D. Forbes
Peter S. Heins
Theodore P. Piersma, Jr.
Richard C. Brown
Kenneth P. MacLean
Lawrence W. Ryan, Jr.
Merrill H. Barton, Jr.
Gordon L. Bell
Daniel M. Gregorio
Richard A. Berry
Jon R. Hamilton
William C. Ayer
Charles J. Francis, Jr.
William W. Cotter
Donald R. Payne
Robert C. Marcotte
John W. Crawford
Stephen R. Smith
Randall H. Strelluf
Robert V. Barrow
Robert E. Cosby
Michael E. Stango
Larry W. Fogerson
Paul W. Rabuck
John G. Brooks, Jr.
David C. Brooks
Charles H. Bell
Wilbur H. Harris
Robert H. Verschure
Donald L. Solem
Kenneth H. Gregory
Darrell L. Hayden
Robert H. Gauthier
Gregory W. Patrick
Ronald D. Biller
Paul H. Millevich
Robert W. Gulick
Charles H. King
George S. Karavitis
Douglas W. Elston

IN THE NAVY

The following-named captains of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral (lower half) in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICERS

Richard Kenneth Maughlin
David Anthony Janes
Wallace Nessler Guthrie, Jr.

UNRESTRICTED LINE OFFICER (TAR)

Richard Kenner Chambers

SPECIAL DUTY OFFICER (PUBLIC AFFAIRS)

Robert Allan Ravitz

MEDICAL CORPS OFFICER

Horace MacVaugh III

DENTAL CORPS OFFICER

William Bernard Finagin

SUPPLY CORPS OFFICER

Jay Ronald Denney

CHAPLAIN CORPS OFFICER

Aaron Landes

CIVIL ENGINEER CORPS OFFICER

Paul Calvin Rosser

IN THE AIR FORCE

The following-named officer for permanent promotion in the U.S. Air Force, under the provisions of section 628, title 10, United States Code, as amended, with date of rank to be determined by the Secretary of the Air Force:

LINE OF THE AIR FORCE

To be major

Orr Y. Potebnya, Jr., xxx-xx-xxxx

The following officer for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than that indicated:

LINE OF THE AIR FORCE

To be captain

Kenneth G. Sandberg, xxx-xx-xxxx

Executive nominations received by the Secretary of the Senate February 12, 1986, under authority of the order of the Senate of January 3, 1985:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Donald M. Newman, of Indiana, to be Under Secretary of Health and Human Services, vice Charles D. Baker, resigned.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard Reserve for promotion to the grade of captain:

Robert G. Cozzolino
Robert L. Pritchard

The following officers of the U.S. Coast Guard Reserve for promotion to the grade of commander:

Daniel N. Wood
George W. Isele
Frederick T. Brox, Jr.
Jay C. Oakman
Timothy J. Jamison
Edward A. Moritz

The following Regular officers of the U.S. Coast Guard for promotion to the grade of lieutenant (junior grade):

Walter H. Beckwith, Jr.
Harold E. Constantine, Jr.
Scott C. Smid
Robert W. Foster
Garth L. Young
James S. Armstrong
Richard A. Sparacino
Joan E. DeWitt
William J. Pickett

The following officers of the U.S. Coast Guard to be permanent commissioned officers in the grade of ensign:

Brian L. Dunn
Kenneth J. Reynolds

EXTENSIONS OF REMARKS

AIPAC LOOKS AT ATBM DEFENSES FOR ISRAEL

HON. JIM COURTER
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. COURTER. Mr. Speaker, we are so accustomed in this country to thinking of the Soviet ballistic missile threat to ourselves and to NATO that we often ignore the threats to our non-European allies. Soviet SLBM's have complete worldwide coverage, while their ICBM's threaten 50 percent of the globe. In addition, the SS-20 IRBM, with its 5,000-kilometer range, threatens our Pacific Ocean allies from its eastern deployment areas, and our Middle Eastern ally, Israel, from its current deployment areas in European Russia. Israel, in particular, also lives with the threat of Soviet nuclear-capable tactical-range ballistic missiles deployed in Syria.

Thus, it is not surprising that many Israelis and their friends in this country have been thinking about the value of Israeli participation in the SDI program and/or Israeli deployment of an antitactical ballistic missile [ATBM] system. The American Israel Public Affairs Committee [AIPAC] recently submitted an excellent paper on this subject, entitled "The Threat to Israel From Tactical Ballistic Missiles," to the Senate Armed Services Subcommittee on Strategic and Theater Nuclear Forces. I urge my colleagues to give careful consideration to the points made in this paper.

TESTIMONY OF THOMAS DINE, EXECUTIVE DIRECTOR, AND DOUGLAS BLOOMFIELD, LEGISLATIVE DIRECTOR, AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE [AIPAC]

Mr. Chairman, the American Israel Public Affairs Committee appreciates the opportunity to submit testimony to the Armed Services Subcommittee on Strategic and Theater Nuclear Forces. The subject of this hearing, the threat of tactical ballistic missiles and the need to examine possible defenses against them, is of particular interest to those concerned about the supply of tactical missiles by the Soviet Union to its client-states in the Middle East. These missiles threaten American security interests and the security of our only reliable, consistent and democratic ally in that part of the world, Israel.

Israel's enemies are now being armed by the Soviet Union with a new generation of highly lethal surface-to-surface missiles, more accurate and more deadly than any previously available weapons. Unfortunately, there are no comparable defensive systems available today that Israel could obtain to protect its vulnerable cities from bombardment.

To further examine the increasing problems that these missiles pose for the security of Israel, we have prepared a detailed paper for submission to the committee on "The Threat to Israel and Tactical Ballistic Missiles." I request that it be included in the record of the Committee's proceedings on this subject.

THE THREAT TO ISRAEL FROM TACTICAL BALLISTIC MISSILES

(By W. Seth Carus)[1]

Circumstances have made Israel particularly sensitive to the dangers posed by tactical ballistic missiles. For more than two decades, Israel's leaders have recognized that their country could be attacked by hostile states using short range surface-to-surface missiles. In the early 1960s, Egypt launched a massive effort to design and build its own force of short and medium range ballistic missiles. Although this program failed, the Soviet Union stepped into the breach and supplied Arab armies with FROG and SCUD missiles. At least thirty of these missiles were fired at Israeli targets during the 1973 Arab-Israeli War. The Syrians fired about twenty-five FROG-7 missiles at sites in Israel, mainly against Ramat David and other Israeli air bases. The Egyptians reportedly fired a small number of FROGs and at least three SCUD-B missiles at Israeli targets.

Arab armies currently possess more than 200 Soviet-supplied SCUD-B, FROG-7, and SS-21 launchers, probably supported by an inventory of at least 1,000 surface-to-surface missiles. These missiles are now treated as conventional weapons and are routinely used in conflicts with other countries. Iraq has fired a substantial number of FROG and SCUD missiles against Iran, and Iran has recently reciprocated using missiles provided by Libya.

THE THREAT OF SURFACE-TO-SURFACE MISSILES

Based on their experience in 1973, Israeli military planners came to believe that the FROG and SCUD missiles did not endanger the security of their country. Although it was recognized that cities were vulnerable to attacks by such weapons, it was believed that the threat of retaliatory strikes would deter attacks on civilian targets and that the missile launchers could be destroyed before serious damage was inflicted. Also, with the warheads then available to the Arabs, damage to civilian targets would be limited. At the same time, it was recognized that the FROG and SCUD missiles could not destroy hardened military targets. Thus, the missiles could temporarily prevent Israeli aircraft from landing at an air strip, but could not destroy an air base.

The threat from tactical ballistic missiles is far greater today. The decision of the Soviet Union in 1983 to supply Syria with the new SS-21 surface-to-surface missile is largely responsible for the heightened awareness in Israel of the potential threat posed by such weapons. Unlike the FROG and the SCUD, the SS-21 has the range, accuracy, and lethality to destroy hardened targets deep inside Israel.

The SS-21 is part of a new generation of Soviet-built surface-to-surface missiles that have appeared in the past few years that correct the weakness of the weapons they replaced. These new weapons, the Soviet SS-21, SS-22, and SS-23 family of missiles, are extremely accurate and can be armed with cluster munitions. Thus, unlike the SCUD-B and FROG-7 systems, they pose a considerable threat to all but the most mobile or best protected military targets.

Normally, the SS-21 is considered a tactical weapon, because of its relatively short range, but because of Israel's small size, strategically important targets are within close proximity to enemy ground forces. This lack of strategic depth transforms short-range surface-to-surface missiles, like the SS-21, into strategic weapons able to strike targets throughout Israel, including air bases, command posts, equipment storage depots, surface-to-air missile batteries, radars, and other vital facilities.

Syria now has as many as 24 SS-21 missiles, and additional numbers are reported to have gone to Iraq. The 120 kilometer range of the SS-21 allows it to be used against targets that the FROG-7 cannot reach. When fired from Syria, the SS-21 can reach targets throughout northern Israel, including one of Israel's main air bases, Ramat David. If deployed in Jordan, however, all of Israel would be brought within range.

Currently, there are only a few SS-21 missiles in the Middle East, but even this small quantity is of concern to Israeli military planners. Past experience indicates that the Soviet Union will provide more of these weapons as time passes and Arab armies want to replace their existing FROG-7s. Similarly, it is highly probable that SS-23 missiles will begin to appear in the region before the end of the decade. Thus, by 1990 Israel will be faced by Arab arsenals containing large numbers of highly accurate surface-to-surface missiles armed with sophisticated warheads.

It is likely that in the 1990s Arab armies will acquire tactical ballistic missiles from other sources. Brazil is looking into building a medium range ballistic missile, with the development funded by foreign countries. Past experience indicates that Arab countries, Iraq or Libya, would be the likely sponsors and beneficiaries of such a project. Similarly, European countries are developing sophisticated weapons payloads that could be added to a tactical ballistic missile, providing further improvements in accuracy and lethality.

The increasing emphasis given to chemical weapons by Arab countries makes even older missiles more of a problem for Israel. Iraq has used chemical weapons in battle, and Syria is known to have an extensive and sophisticated chemical warfare capability. Ballistic missiles armed with chemical warheads pose an obvious threat to Israeli population centers, but they also could effectively suppress Israeli air bases and other military installations and significantly reduce Israel's retaliatory capabilities.

THE LACK OF AN EFFECTIVE RESPONSE TO THE SS-21

Israel can defend against surface-to-surface missiles only by destroying their launchers before surface-to-surface missiles

[1] The author is the senior military analyst for the American Israel Public Affairs Committee.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

are fired. This was not a serious weakness when the missiles were inaccurate. If inaccurate missiles were used against civilian targets, Israel's air force could launch counter strikes in retaliation, and the missiles would probably inflict only minimal damage if targeted against Israeli military installations.

The arrival of the SS-21 has made it impossible to ignore the threat of surface-to-surface missiles. As the Arab inventory of SS-21 missiles grows, Israel may find that it can no longer tolerate the damage that could be inflicted by a strike from tactical ballistic missiles. Missile strikes at the outset of a war could inflict sufficient damage to vital Israeli installations to seriously weaken Israel's military capabilities during the critical first hours of a war, even if Israel knew in advance that an attack was about to take place.

For example, a successful missile attack against airfields would significantly reduce the number of aircraft that the Israeli air force could put into the air. After such a strike, Israel's ability to defend its borders during the critical opening hours of a conflict would be significantly weakened, since ground units deployed on the borders in peacetime may well depend on support from the air force until reserves are mobilized. Under such conditions, Israel also would have fewer aircraft available to send on strike missions against surface-to-surface missile launchers, and could not count on preventing follow-on missile attacks. Accordingly, it appears that Israel can do little to stop Arab missiles from hitting and damaging air bases and other vital installations.

As a result, the Israeli military will be increasingly forced to identify and attack launchers before missiles are fired. If there is a danger of an Arab attack, Israel will be forced to strike first, because it will not be able to take the risks of waiting and absorbing an Arab attack. Although such a strategy will make the Middle East a more dangerous place, the absence of a viable defense against tactical ballistic missiles will leave Israel with no alternative.

There appears to be a growing awareness in Israel that the enormous inventory of short range ballistic available to Arab armies will make it difficult or impossible for Israel to locate and destroy all the launchers. Hence, even under ideal circumstances, a large number of missiles will strike military and civilian targets throughout Israel. As the Arabs acquire larger quantities of accurate missiles like the SS-21, and as Israel's ability to deter missile attacks diminishes, Arab armies will be able to employ their older and less accurate FROGs and SCUDs against urban centers. As a result, tactical ballistic missiles directed against cities potentially could easily result in 5,000 dead and wounded Israeli civilians in a future Arab-Israeli War.

DEFENDING AGAINST THE TACTICAL BALLISTIC MISSILE

The lack of an effective defense against tactical ballistic missiles poses serious problems for Israel. For the moment, Israel might be able to tolerate such a weakness without jeopardizing its security. As additional new generation tactical ballistic missiles are deployed in the region the inability to defend against surface-to-surface missiles will become a serious one.

A defense against tactical ballistic missiles would significantly enhance Israel's security. Although the Israeli military could take steps to develop defenses on its own, the development of such systems is too great a challenge to be handled by one small country. Clearly, any progress made in the United States to develop answers to the dangers posed by tactical ballistic missiles could have a fundamental affect on Israel's future security. And, it should be stressed, the benefits resulting from the development of such a system would be shared by other American allies who also find that they must deal with the growing threat of tactical ballistic missiles.

TRIBUTE TO THE CALIFORNIA COUNCIL OF THE AMERICAN INSTITUTE OF ARCHITECTS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. HUNTER. Mr. Speaker, on June 30, 1985 a devastating fire swept through the Normal Heights area of San Diego. The fire destroyed 64 homes and heavily damaged 20 others.

I wish to take a moment to express praise for San Diego's chapter of the California Council of the American Institute of Architects [AIA] for giving of themselves the community spirit that has made America great.

After the devastating fire the San Diego Chapter of AIA formed a community design assistance team. This group provided planning and design services to residents of the Mountain View District of Normal Heights.

The community design assistance team helped in providing assistance in four vital areas of redevelopment. The team was divided into four areas concerning architectural guidelines, landscape guidelines, land use planning, and technical areas such as financing, construction, and alternatives to the rebuilding process.

The community design assistance team was headed by Joseph P. Martinez, and included 24 other architects, planners, and designers, who contributed over 1,500 hours of their time to aid the fire's victims. These architects, planners, and designers include Joe Martinez, Michael Stepner, Andrew Spurlock, Sue Skala, Bill Karrasch, Andrew Rodrigues, Aurora Robinson-Walker, Gary Weber, Michael Wilkes, John Wilhoit, Joseph Andre Patata, Patrick O'Connor, Robert Thiele, Ruth Fajarit, Jim Busse, Alejandra Garcia, Martin Yip, Art Balourdes, Jose Alberdi, John Linton, Debbi Heath, Jonathan Segal, Bob Sechneider, Donalee Hallenback.

The team worked fast and efficiently to meet the victim's needs. Only 1 month after the fire ravaged the Normal Heights community this dedicated and hard working team presented a full report for redevelopment to the city council.

Mr. Speaker, I take great pride in acknowledging the endeavors of the San Diego Chapter AIA for the spirited cooperation that guided this project. The San Diego of AIA is a shining example of what we can do when we work together.

CONDEMNING AID TO BANDIT SAVIMBI

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. OWENS. Mr. Speaker, on Thursday, February 13, the Washington Post published a story on Reagan administration's decision to "* * * give covert assistance to Angolan guerrilla leader Jonas Savimbi." The article went on to discuss the administration effort to get political support for this aid.

The Reagan decision to aid Savimbi in this way may shock and outrage, but it should come as no surprise. It is but one more step in the process which the administration calls constructive engagement with the apartheid regime in South Africa. That process of constructive engagement, viewed as support for, and approval of, apartheid by many in both Africa and the United States, was clearly seen in the March 1981 visits of Adm. Willem du Plessis and Lt. Gen. P.W. van der Westhuizen, the head of South African military intelligence. Two months later, Foreign Minister Roelof Botha was to pay an official visit to Washington also.

In August 1981, South Africa invaded southern Angola, the area which Savimbi terrorizes, bullies and exploits. The United States vetoed an August 1981 Security Council resolution condemning the invasion. Simultaneously, the Reagan administration has argued that constructive engagement has brought change while failing to condemn the use of Namibia to launch South African raids into Angola. The words are terrific: constructive engagement and a resolution for the Namibian issue. The actions, however, have given support to apartheid and have aided South Africa's aggressive military actions in all of Southern Africa—military actions calculated to deny South African's foes of apartheid of any nearby refuge. The recent blockage of land locked Lesotho was but another example of South African aggression and the administration's not so constructive engagement.

In light of this history, what can we, as Members of Congress do? To begin with. We can refuse to give silent assent to this latest outrage. Savimbi is nothing but an equal opportunity con artist. He will take money from anywhere, as he has in the past. Although he has received backing from China and North Korea, he has most recently fed at the South African trough. The covert aid being sent by the Reagan administration is but one more opportunity to belly-up at the expense of the American taxpayer and American decency.

The vast majority of Americans oppose apartheid. They would be appalled if they knew that their Government was supporting that evil system and spreading its control over larger areas of Southern Africa. The Pretoria regime rules and exploits Namibia and imposes apartheid there. It seeks to extend this pattern of control over all of southern Africa with its vast mineral and fuel resources. Savimbi is but a cog in the South African war machine. Support for Savimbi is support for

South Africa and its racist policy. Support for Savimbi shames all Americans.

A TRIBUTE TO A.N. PRITZKER

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. ROSTENKOWSKI. Mr. Speaker, I rise today in tribute to an American businessman of uncommon skill and generosity, an empire builder, a philanthropist, and a prime example of a man who loved his family, his friends, and his work. I speak of Mr. A.N. Pritzker, who passed away on February 8, 1986, at the age of 90.

Named Abram Nicholas Pritzker, but known by all as A.N. Mr. Pritzker was born in 1896, in Chicago—a town with which he was thereafter forever linked. He graduated from the University of Chicago in 1916, and earned his law degree at Harvard 4 years later, having served as a Navy chief petty officer in World War I in the meantime.

He was first married to Fanny Doppelt, who died in 1970. They reared a family of three remarkable sons, Jay, Robert, and Don. In 1972, Mr. Pritzker married Lorraine Colantonio, who survives him. He had 12 grandchildren, and 8 great-grandchildren.

In 1920, fresh out of law school and with his war service behind him, A.N. Pritzker began law practice with the firm of Pritzker & Pritzker, in Chicago, which has been founded by his father at the turn of the century.

In the 1930's, he began buying real estate and, by 1940, he was too busy with investments to take on new clients in his law practice. In those days, the family team consisted of brother Jack, who specialized in setting up the real estate deals, and A.N., who modestly described himself as "utility player—general affairs of the family," but who was generally acknowledged to be the financial wizard behind the operations.

As the decades progressed, the Pritzker family, with A.N. at the helm, bought and sold its way to one of the great privately held business domains in the history of America. They started the Hyatt Hotel chain in the late 1950's, bought and sold Cory, a manufacturer of coffeemakers and other kitchen appliances in the 1960's, and purchased McCall's magazine in the 1970's. The McCall's story is typical—the Pritzkers paid $8 million for it in 1973; its estimated worth today is $200 million.

Today, the Pritzker family controls about 140 Hyatt Hotels, Braniff Airlines, McCall's, Hammond Organs, insurance companies, travel agencies, real estate, cable TV systems, and companies that make railway boxcars, aluminum forgings for missiles, shoes, coffee, furs, parking meters, and wood products.

Along the way, Mr. Pritzker trained his three sons in the fine art of the family business. Donald, who died in 1972, ran the hotel chain. Jay serves as the family financier, and Robert operates the Marmon Group, an umbrella for 65 manufacturing companies with $3 billion in annual sales.

About 5 years ago, A.N. said he was giving up an active role in the family's business interests. Among his friends there was always a little amusement over whether the ebullient patriarch could really put any distance between himself and the hurly burly life which gave him so much satisfaction. Last November, in fact, at the age of 89, he was heard to complain, "I'm sick and tired of doing nothing * * *. I like to work. That's all I like to do."

What Mr. Pritzker did since his retirement was devote himself almost exclusively to the family's philanthropic work.

He had a lifelong concern for the education of the young, and a special love for the people of his old neighborhood of Wicker Park, in the heart of the northwest part of Chicago which I am privileged to represent. Five years ago, these concerns coincided happily in his adoption of the Wicker Park Elementary School from which he graduated in 1910.

Last December, in recognization of Mr. Pritzker's generosity to the school and his care for its students, the Chicago Board of Education renamed the school for Mr. Pritzker, breaking with longstanding policy against naming a building for a living person.

His generosity, and his name, are equally well known throughout Chicago. Major gifts include funding of the Pritzker School of Medicine at the University of Chicago, the Nicholas J. Pritzker Children's Psychiatric Unit of Michael Reese Medical Center, and the Pritzker Youth Foundation.

A.N. Pritzker entered the Michael Reese Hospital and Medical Center on January 3, and died of a stroke while there. Thus ended a remarkable life of the most interesting mix of business acumen, family loyalty, social responsibility, and joy of living.

A.N. Pritzker's place in the history of American business and in the hearts of his fellow Chicagoans, is secure. His was a life to be noted and admired. I feel privileged that I knew him as a friend and adviser. May he rest in peace.

PEACE CORPS EXPORTS IDEALISTS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. COURTER. Mr. Speaker, I commend to my colleagues the following article by Ann Crawford of the Bergen Record on the Peace Corps.

As a former Peace Corps volunteer in Venezuela, I am a strong advocate of the program. The Peace Corps bestows benefits not only upon the developing countries in which it has programs, but also upon the individuals who participate. The knowledge and experience that these volunteers, many of whom ultimately go into public service, acquire, is often of enormous value to our country.

The following article points out that regardless of the current political attitudes toward American foreign policy, the Peace Corps will continue to have a positive and influencial presence. The program has incurred change over the last 20 years. Despite this evolution, its benefits for the advancement of American ideals and global democracy will continue to remain strong.

The excellent article by Ann Crawford follows:

PEACE CORPS EXPORTS IDEALISTS

(By Ann Crawford)

The pictures have a harsh old-fashioned look. The kids seem gangling and raw, the men with haircuts that bare their ears, in plaid-flannel shirts and jeans. The women look a bit wide-eyed, until you remember that 25 years ago only fashion models put on three kinds of eye makeup before they left the house.

There's JFK, with his stiff-jointed stride and that million-dollar smile, escorting the kids onto a rattletrap plane of some vanished airline, bound for mud huts and good works in Ghana, Tanganyika (now Tanzania), Colombia, St. Lucia, East Pakistan (now Bangladesh), the Philippines.

In 25 years the Peace Corps has sent nearly 200,000 volunteers around the shrinking globe. It's still sending them (in far smaller numbers than in the Sixties), but today it's a very different organization from the idealistic missionary model of Kennedy's time. Its real-dollar budget has shrunk.

The early Peace Corps flew its own standard, striving for high visibility and élan. it promised to make the world love Americans. Today's corps, according to its director, Loret Miller Ruppe, aspires to take its place in the Reagan administration's foreign-aid, foreign-policy apparatus.

Sixties recruiters sought young generalists with bachelor's degrees who were willing to pitch in on any kind job, working in drainage ditches and rain forests side by side with the poorest villagers. Sometimes their work assignments were improvised on the spot. Enthusiasm was their most important tool. Critics called this Peace Corps a parachute operation. Dwight Eisenhower scorned it as a "juvenile experiment."

Today's volunteer is older, more likely to have technical or agricultural training and to work with regional officials than with villagers. Ruppe beats the bushes for farmers, nurses, physical therapists, engineers, and accountants. She likes to say that the Peace Corps and its volunteers have grown up, thanks to disciplines imposed by the Nixon and Reagan administrations.

Indeed, there have been intelligent organizational changes born of experience. Host countries are more directly involved in planning the work to be done and training the volunteers. If the corps is more finely honed now, as Ruppe contends, it isn't leaner. In 1974 it cost taxpayers $9,572 to send one volunteer abroad for one year. Today that figure is $22,964—about the same in constant dollars.

In the restless Seventies, the corps lost significant global support for a number of reasons: growing nationalism and prosperity in the host countries, changing political alliances, and distaste for American foreign policy in southeast Asia and Central America. The Peace Corps is no longer welcome in dozens of countries.

At home Richard Nixon went to extraordinary lengths to subvert this quintessential symbol of Kennedy's Camelot. He took away Peace Corps autonomy and visibility by submerging it in ACTION with other volunteer programs. He interfered repeatedly in specific assignments.

Whether it was changing international conditions or sabotage from the White House, the Peace Corps' influence rapidly declined. In 1974 it served countries in Africa, Asia, and Latin America whose total populations exceeded 1 billion. Between 1974 and 1983 (the latest year for which reliable global population figures are available), host-country populations fell 60 percent, to 400 million.

This year the corps expects to send 6,000 volunteers to more than 60 countries. Ruppe says that thanks to a Republican reorientation, the contemporary volunteers are a new breed—older, better-trained, more experienced, and doing a better job.

I set out to test Ruppe's claims, reading diaries and letters in the Smithsonian Institution's Peace Corps Archives and interviewing returnees from the Sixties through the Eighties. The former volunteers—PCV's as they call themselves—don't accept Ruppe's view, and neither do I.

Like so many of the volunteers, I found much more than I was looking for. I found, among other things, that the Peace Corps idea and the pull it exerts on the best in Americans is strong enough to survive any amount of political folly or revisionism.

Their great adventure took them to Kiribati and Tuvalu and other places the rest of us have barely heard of, through danger and boredom and hardship to unchartered personal growth. A certain kind of person seeks that kind of risk. What kind of person that is they tell in their own looking back. They went out to sell America, but they came back citizens of the world.

The first tremor to shake the Peace Corps was the assassination of John Kennedy. It sparked a current of empathy that circled the globe. Far-flung volunteers reported with awe and gratitude the sympathetic responses of their foreign hosts.

Jennice Singer, a specialist in nutrition who served in Bangladesh from 1963 to 1965 (when it was still East Pakistan), talks of her painful adjustment to deprivation. At first, she wrote, she longed for such things as steak and pizza. Then she learned that the "leading cause of blindness in Bangladesh was Vitamin A deficiency so severe that every year 50,000 boys under 5 would suffer serious enough xerophthalmia to lead to permanent blindness." So much for steak and pizza.

It was in this chastened mood, confused in a strange and often terrible place and feeling desperately alone that she learned of Kennedy's death. She looked up to see a Bangladeshi neighbor, a man who couldn't speak a word of English, standing in her doorway, tears coursing down his brown face to see her grief.

On a Peruvian mountaintop, Nancy Salas was given smallpox vaccinations and registering TB cases in children. "Our silly Indians cried harder than we did," she wrote home.

John Halloran was in the Philippines: "There was a rooster in the kitchen as we played chess, and children's heads at every windowsill." Mothers peered through the windows of the classroom where he had 58 children. One pupil's first full sentence in English: "Tomorrow I helped my father feed the chickens." Then there was his own chicken—or at least one that his cook claimed. So did a neighbor. The village chief settled the dispute, in a province where priests carry guns to settle down rowdy drunks at mass.

"I lit a kerosene lamp to discover our goat tied up inside the house. Dunying [the cook] was taking no chances of losing the goat during fiesta."

Then the news came of Kennedy's death. The villagers were incredulous and worried. They called off the fiesta, abandoning a whole year's preparations.

Frances Cunha, a vigorous 73, bustled about Napa, Brazil, setting up a crèche for babies and wheedling milk, beans, cheese, butter, cornmeal, and bulgar from Food for Peace. When Kennedy died, "the padres and the neighbors all came to visit. Great sympathy. Are we going to have a revolution?"

Events had graver blows in store for the PCV's: the upheavals that were bitter fruit of the Vietnam war. Sargent Shriver, brother-in-law of John Kennedy and the first director of the Peace Corps, said recently that Vietnam almost killed the Peace Corps.

Telling the truth is difficult, wrote Allen Spurga in 1971. In his essay, he tried to reconstruct and understand what really happened in that year, when the Panamanian government threw out his large Peace Corps contingent. The volunteers passionately wanted the Panamanian people to know that they hated the war and the arrogant conduct of their own government. Unable to persuade the Peace Corps leadership in Washington to denounce the war, some of the volunteers finally wrote a letter of protest to the local newspaper. They were sent home.

An older Latvian-American PCV couple, John and Susan Frievalds of Minnesota, were in Panama during the protests. They described themselves as products of "conservative refugee upbringing." They were shocked by the dissent, the "Berkeley radicals and antiheroes, the bedsharing pseudomissionaries trying to avoid the draft." Where Spurga saw teeming tenements and injustice, the Frievalds found a "breathtaking access of pink and chartreuse houses."

Pro- or antiwar, the volunteers had a measurable impact in Panama; it was largely at their instigation that Panamanian President Omar Torrijos built roads and housing for the betterment of the peasants of El Maranón. But though Spurga's group knew all this, to them it counted for nothing.

The Peace Corps, he wrote sadly in 1971, "was intangible stuff, dreams, plans, and hopes. It represented a sharing of ideas, a fusion of two people. It was something which touched on all the bright hopes of our youth, lean, athletic, and promising. Like all good things, it had to come to an end."

The mission to Panama, he concluded, was a casualty of the Vietnam war and the volunteers' own intensity about it.

In a sense, all PCV's are pawns of larger events. Especially in the last two decades, violence has seemed epidemic, and volunteers often found themselves touched by it.

But more important in the long run was the volunteer experience. Allen Spurga, now an administrator in workers' compensation in Manhattan, says that the Peace Corps changed his life. He discovered that the Panamanians he saw struggling to make a subsistence living had the same emotional needs as the people at home, that human beings around the world are very alike—in spite of vast cultural differences.

Spurga's words are echoed over and over by volunteers who say things like, "I know I've gotten far more than I've given. . . . I've learned what it means to be part of the human race."

Spurga would like to be back overseas. So would many of his colleagues. In post-doctoral research, Mary Ann and Joseph O'Donoghue, a husband-and-wife team at Mercy College in Dobbs Ferry, found that one in five volunteers returns to foreign service—another stint in the Peace Corps, AID (the U.S. Agency for International Development), child-rescue agencies, or the like. Many were more at home abroad than in their home towns. Again and again the returnees try to plumb the powerful attraction of an utterly different way of life.

Philip Wilson of Ridgewood, executive director of the West Bergen Mental Health Center, says, "The Peace Corps was the single greatest experience of my life."

Wilson taught English and history in Kenya in 1966 and 1967. A victim of polio in the years just before the discovery of a safe vaccine, Wilson cannot use his arms. He learned growing up that many Americans look with dread on handicaps. But Kenyans are all too familiar with the scars of disease and malnutrition, and without thinking twice they stepped forward to help him.

"Kenyans are much more personal than Americans," he said. "We don't realize what we've traded in by being industrialized for so long. They are more open, direct, humorous. There are no unwanted children in Kenya."

Wilson said that handicap and all, he came back from Kenya feeling for the first time equal to anyone.

Howard Springsteen of Old Tappan was serving in Liberia in 1980 when its president, William Tolbert, was assassinated. Volunteers learned to define progress as three steps forward, two steps back, he said. They learned to fight for funding for clinics, schools, wells, and roads, pressuring the host country to provide these things. Political action, second nature to Americans, is unknown to villagers around the world.

* * * * *

The O'Donoghues of Mercy College found that large numbers of volunteers turned to the helping professions—teaching, social service, therapy, economic development. Comparing volunteers from the Sixties and the Eighties, I found that trend undiminished.

* * * * *

Carolyn Jacoby of Englewood was not a Peace Corps volunteer, but five years ago, with their two young daughters, she accompanied John Jacoby on a journey back to Nepal, where he had been a PCV from 1970 to 1972. On leave from the international-trade development unit of the Port Authority of New York and New Jersey, he returned as a U.N. consultant.

"The real impact of help given is on a one-to-one basis," said Carolyn Jacoby. "There's bureaucracy at both ends. The bureaucrats in the international agencies are very vested. Then you have to work through the corruption . . . it takes six weeks to figure that out, then it takes you the next two years to decide what's best to do.

"It's difficult to cross cultural boundaries, but the world is so small and the gaps so large, you have to keep trying. We are so intolerant of Asian ways of doing things, and they excuse us so graciously. Technology has outstripped us, isolating us from our selves, let alone from touching strangers. In Nepal you learn that that's not how we were meant to live."

She spoke of Nepal's crystalline beauty and said the family looks at its slides and wants to weep with longing to return. That addiction is epidemic among PCV's. It has surprisingly practical benefits, including the

gravitation of former volunteers into the international agencies and the foreign service, where they can have important influence on how aid is given. The Jacobys agreed that foreign-aid solutions imposed from Washington are often out of context. People who've been in the field can supply that context.

John Jacoby worked as a management consultant in Nepal for the World Health Organization for two years starting in 1981. Management is the crucial need in the Third World, he said. We know that they need better sanitation, pure water, inoculations, improved nutrition. The question is how to get it done. What do you do about vaccines that must be kept cold in a place that has no electricity? Development agencies miss the boat, hiring technocrats when they need managers.

John Jacoby has had the unusual experience of returning to his old village after a gap of a decade. (His former students, now with families of their own recognized him joyfully, he said.)

"The kinds of volunteers I saw coming in now were just like those of 15 years ago," he said. "They have a level of idealism, they want to contribute, they want responsibility that they wouldn't get at home for 10 years."

No one of the volunteers I interviewed—from the early years or recent ones—bought Ruppe's view of the Brave New PCV. The corps has been clothed in Republican rhetoric, but the volunteers are the same kinds of people, driven by the same generous impulses.

Conscience and curiosity leads volunteers to Peace Corps service. A taste for new experiences draws them back. The need to contribute keeps them there through hardships and privation. Regimes come and go, but the idealism has endured.

REV. WILLIAM D. WATLEY, AUTHOR OF "ROOTS OF RESISTANCE—THE NONVIOLENT ETHIC OF MARTIN LUTHER KING, JR."

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. RODINO. Mr. Speaker, in the past few weeks, the Nation has remembered the work and life of a great American, Dr. Martin Luther King, Jr. Last month, we honored Dr. King in countless ways—elementary school children set aside special days to study his legacy, blacks and whites joined hands in parades and marches commemorating a turbulent period of growth, civil rights leaders rededicated themselves to resisting Reagan administration efforts to turn back the clock on affirmative action.

Rev. William D. Watley, pastor of St. James AME Church, has honored Dr. King's memory with a book, "Roots of Resistance—the Nonviolent Ethic of Martin Luther King, Jr."

The book is the result of Reverend Watley's research for a doctoral dissertation about Dr. King. Reverend Watley eloquently summarized the feelings of many Americans that "King's contribution as well as his message isn't just for blacks, but for all Americans."

Mr. Speaker, I commend to you the following article about Reverend Watley, which was published in the Newark Star-Ledger on February 3, 1986:

LIBRARY HOSTS, AUTHOR OF KING BOOK

(By Caryl Lucas)

The nonviolent ethics of Martin Luther King Jr. will never die. To Newark's Rev. William D. Watley, his moral and social ideas continue to live on in the black church from which they are deeply rooted.

As part of the Newark Public Library's Black History Month, celebration, Watley, the author of "Roots of Resistance—The Nonviolent Ethic of Martin Luther King Jr.," last week shared illustrations from his book about King's legacy. That heroic legacy was one which millions of Americans paid tribute to for the first time nationally last month when the slain civil rights leader's birthday became a federal holiday.

"My book is a beginning attempt to correct a major oversight made by white America who have credited Dr. King's intellectual thought to Crozar Seminary and Boston University," said Watley, who has served as pastor of St. James AME Church since 1984.

"It was the black church and the black religion which were formative and intellectual influences in the development of King's thought," he noted.

Watley's lecture is a celebration of "King's transformation from a black preacher to one of the greatest social leaders of the century," describing him essentially as "a moral theorist." The talk launched a host of cultural programs—including concerts, films, workshops and lectures—being offered at the library, 5 Washington St., during Black History Month.

"The nonviolent themes that Dr. King latched onto were nurtured while he was growing up in his father's church, Ebenezer Baptist and during his academic days at Morehouse," Watley said.

Watley, who holds a doctorate degree in social ethics, said he considers the 60-year-old Black Heritage Month celebration an opportunity for Americans to extend the nationwide tribute to King and recognize scores of cultural and historical accomplishments made by black Americans from preslavery days to the present.

Watley said he purposely planned to have his book published and circulating in time for King's birthday.

The book essentially examines the role of the black church as the social and political foundation for the civil rights movement which King led. Watley also compares King's plight as a prophet of social justice to Ghandi's.

While attending a joint doctorate program at the Union Theological Seminary and Columbia University in New York, Watley began his research for the book.

"Roots of Resistance," he said is the culmination of a long study process about King which grew out of his doctoral dissertation.

"I began my preliminary reading and research about King in 1972 during my doctoral work," he explained. "I selected King as my subject because his leadership inspired my passion for social justice as well as for several other reasons. First, it occurred to me that a number of white scholars would be writing about him. I though it was important that those of us who were budding black scholars give our perspective—a legitimate perspective."

A native of St. Louis, the 38-year-old clergyman completed his undergraduate studies in theology at St. Louis University. He also continued his religious studies at the Interdenominational Theological Center in King's hometown, Atlanta.

"I had a special interest in writing about a black subject because there are many whites who tend to believe only white subjects have integrity. King's contribution as well as his message isn't just for blacks, but for all Americans," he said.

"I often regret that I never met Dr. King personally, although I was in his company on several occasions," he lamented. "It wasn't until I went to college that I participated in the famous march from Selma to Montgomery. There was a person in my delegation who got too close to the outer flanks and was clubbed by the police," he recalled. "Sometimes, I also regret that I listened to my parents who pleaded with me not to continue to march. I could relate to Dr. King's sentiment and opposition about oppression while growing up in a western state with a southern attitude."

Recalling his childhood in Missouri he said, "When I was eight years old, my parents told me about a man in our town who was tarred and feathered because he was black. I couldn't go to the movies or the amusement park because I was black. Those are things I'll never forget."

JAMES DuBREUIL GIBSON

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. VANDER JAGT. Mr. Speaker, I seek this opportunity to pay tribute to James DuBreuil Gibson: chairman, Wexford County Board of Commissioners; commissioner, city of Cadillac, MI; U.S. Department of Conservation; Civilian Conservation Corps; flight instructor, U.S. Civil Aeronautics Authority—now the Federal Aviation Agency; recreation director, city of Cadillac; Emergency Employment Act coordinator.

These work and job descriptions are but a slight glimmer, a fleeting moment and look at the life and career of the late James D. Gibson. But they do serve to present the breadth and depth of a wonderful, remarkable man and a very good and close personal friend. Yet, there is far, far more.

Mr. Gibson was a near life-long resident of Cadillac, MI, my hometown. I knew Mr. Gibson practically all my entire life. He was one of my early heroes and will remain that forever. Early on, I learned that he was one of the all time football greats at Cadillac High School back in the early 1920's, being selected to the All-State team. But, he was also a hero to a good number of other people, especially the young ones. Just consider that he was the first pilot to fly into the new Saunders Airport in Cadillac, that he was the moving force in the planning and construction of the Wexford County Arena and that he had a hand in providing outstanding recreational activities for the city's youth for years.

Mr. Gibson was on the ground floor of a good number of organizations and activities. Add to that "first" list that he was the first president of St. Ann's Catholic School's Parent Teacher Association or that in retirement he simply didn't stay retired, as he was

selected as chairman of the Northern Michigan Health Systems. And, of course, he always maintained his long love as a radio ham operator and continued his unique skills and talents as a darn good amateur artist.

The list of accomplishments and interests went on to include his deep commitment to land and water conservation as well.

Add to this man's amazing life his membership and service in the Clam Lake Masonic Lodge No. 331 of Cadillac and his role as a former Knight Templar.

Yes, it there ever was a man involved in his community—engrossed in a community's well-being, it was James D. Gibson.

But of all his activities, of all his interests, of all his accomplishments, none would surpass or even equal his greatest role as husband and father. And, with his wife Hazel they shared this finest experience together for over 57 years. Mrs. Gibson, along with three children survive Mr. Gibson.

I literally grew up with the Gibson children and family and shared great Cadillac High School days with son, Jim. He with his brothers Daniel and Benton and sister Mary Jo were one of the best known families in our entire area.

I am extremely proud and pleased that his son, Jim, is my senior congressional staff assistant—being with me since the time I first entered Congress in 1966.

Jim's father, like he did some 32 years earlier in 1934 for the late Congressman Albert J. Engle, was one of my greatest and best boosters in my first congressional campaign in 1966. What a marvelous break for me to have a man of James Gibson's stature on my campaign team.

It was a terrible oversight on my part nearly a year ago, on the passing of James D. Gibson, that I failed to take special action in recognition of this truly outstanding citizen—one who left his mark of good everywhere. On this, the first anniversary of his passing, I do so now with great pride and honor.

I think Steven Grellet, the writer, had James D. Gibson in mind when he wrote:

I expect to pass through this world but once; any good thing therefore that I can do, or any kindness that I can show to any fellow creature, let me do it now; let me not defer or neglect it, for I shall not pass this way again.

James Gibson did that—he left his mark of goodness everywhere.

I would like to include at this time the State of Michigan, Michigan Legislature, Senate Concurrent Resolution No. 170, as well as a newspaper article on the passing of Mr. Gibson that appeared in the Cadillac Evening News.

STATE OF MICHIGAN

SENATE CONCURRENT RESOLUTION NO. 170

Whereas, it is a privilege for the members of the Michigan Legislature to pause for a few moments in honor of the memory of one of this state's outstanding citizens—Mr. James DuBreuil Gibson. A civic and community leader, Mr. Gibson was an elected official in northern Michigan for many years, as well as a friend to many and a loving family member. We wish to pay tribute to his long and distinguished record of service and to express our heartfelt sympathies to his family and many friends; and

Whereas, a native of Charlevoix County, James Gibson attended Cadillac High School and Western Michigan University and was an outstanding football player. In 1931, he began his five-decade tenure and public service as a game warden with the Michigan Department of Conservation. He later held positions with the Civilian Conservation Corps, the U.S. Civil Aeronautics Authority, the City of Cadillac, and the Wexford County Board of Commissioners; and

Whereas, James Gibson always displayed an avid interest in his community and the people who lived and worked there. This was evident in his many involvements in activities that improved the quality of life of Cadillac and Wexford County. For many years, he served as the director of the recreation department of the City of Cadillac, utilizing his enthusiasm and vitality to enhance the city's programs and recreational resources. He was also a member of St. Ann's Catholic Church and had served as the first president of St. Ann's Parent Teacher Association. Moreover, he enjoyed the projects of the Clam Lake Masonic Lodge and the OX-5 Club of America. His contributions to this community will long serve as inspirations to all those who reap the benefits of his years of service; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That tribute be hereby accorded in remembrance of Mr. James DuBreuil Gibson; and be it further

Resolved, That a copy of this resolution be transmitted to his wife, Hazel, and the rest of their family as a reflection of our respect for his lifetime of service to others.

Adopted by the Senate, April 23, 1985.

Adopted by the House of Representatives, April 23, 1985.

[From the Cadillac Evening News, Feb. 23-24, 1985]

FORMER COUNTY, CITY OFFICIAL DEAD AT 79

CADILLAC.—James D. Gibson, chairman of the Wexford County Board of Commissioners in the early 1970s, died Friday at his home. He was 79.

Mr. Gibson served on the county commission from 1968-74. He was chairman of the commission from 1971-74. He also served as a Cadillac city commissioner from 1958-61.

During his service as both city and county commissioner, Mr. Gibson became the center of conflict of interest controversies.

The first charges arose after he won election as a city commissioner in 1957 and was appointed in 1958 as interim recreation director. When residents raised the conflict issue he resigned his commission seat. He remained as director of the city's recreation department until 1970.

While serving as a county commissioner, a similar issue arose after the commission appointed him the Emergency Employment Act coordinator for Wexford County in 1971.

He lost his commission seat in 1974, the same year the conflict became an issue.

Mr. Gibson was born April 18, 1905 in Boyne City and moved to Cadillac as a child. He attended Franklin Elementary School and graduated from Cadillac High School in 1923. He also graduated from Western State College at Kalamazoo.

He worked for the U.S. Department of Conservation from 1931-34; the Civilian Conservation Corps as superintendent of camps from 1935-38; and as a flight inspector for U.S. Civil Aeronautics Authority (forerunner of the Federal Aviation Administration) inspector from 1943-45.

Mr. Gibson also worked in the wholesale-retail gasoline business and at auto dealerships.

He was a member of the Clam Lake Lodge #331 of Cadillac, the OX-5 Club of America and St. Ann's Catholic Church.

He married Hazel DuPraw Nov. 24, 1927 at St. Ann's in Cadillac.

Mr. Gibson is survived by his wife, Hazel; three sons, James. F. of Muskegon, Daniel J. of Frankemuth, Benton N. of Bay City; one daughter, Mary Jo (Mrs. Daniel) Gibson Radawski of Mount Pleasant.

He also is survived by a brother, Joseph M. Gibson, Jr. of Cadillac, 15 grandchildren and two great grandchildren.

His parents, Joseph and Mary, and a brother, Ezra, preceded him in death.

Services are Monday at 10 a.m. at St. Ann's. Father Edwin Thome will officiate.

Visitation is today from 3-5 p.m. and 7-9 p.m. and Sunday from 1-4 p.m. at the Peterson Funeral Home. A rosary will be said Sunday at 1 p.m. in the funeral home.

THE PRESIDENT'S BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 12, 1986, in the CONGRESSIONAL RECORD:

THE PRESIDENT'S BUDGET

The President's budget for fiscal year 1987, which begins October 1, calls for total federal spending of $994 billion and revenues of $850.4 billion, leaving a deficit of $143.6 billion. It is a classic Reagan budget, including a hefty increase in defense spending, deep cuts in domestic spending, no tampering with social security, and no major tax increase. It opens once again the national debate over the balance between public and private responsibilities.

For the 6th straight year, the President proposes to expand the military and shrink almost everything else. He wants to continue the military buildup at a rate of 8 percent ahead of inflation, including major increases for the Strategic Defense Initiative and for the midgetman missile; increase foreign military aid, and spending for drug and law enforcement, space exploration, and the security of U.S. embassies against terrorism; build up the air traffic control system; and expand basic scientific research, mostly for defense and on AIDS. At the same time, he wants to kill 40 domestic programs, slash many more, shift orders to state and local governments, and sell an array of federal assets. Hardly a domestic program emerges unscathed. But his budget does not shrink the government; it only reorders priorities within it. He suggests about $23 billion in domestic program cuts while adding about $33 billion to defense.

The President would eliminate Revenue Sharing, Ex-Im Bank loans, Small Business Administration loans, the Economic Development Administration, Urban Development Action Grants (UDAG's), several housing programs for the elderly, disabled and low-income families, the Work Incentive program (WIN), the Legal Services Corporation, mass transit grants, rural water

and sewer grants, the Amtrak subsidy, the postal subsidy for schools, libraries, churches and small newspapers, a new GI educational program, and others. He proposes to cut Medicare and Medicaid spending by 5 percent, education aid by 15 percent, federal student aid by 25 percent, vocational education funding by 50 percent, urban housing programs by 8.6 percent, and Community Development Block Grants (CDBG) for municipal improvement by 14 percent. Farm subsidies would drop by 20 percent, and agriculture and food spending by 17 percent, with major cuts in rural housing, crop insurance, conservation, extension services and nutrition programs, including school lunches. He would also slash funding for mass transit, airports, Veterans Administration medical care, purchases of park and refuge land, and non-military energy research, and phase out Environmental Protection Agency grants for construction of wastewater treatment plants. Programs for the poor would be cut by about $9 billion. Supplemental Security Income would rise by 3.7 percent, but Aid to Families with Dependent Children would fall by 6.9 percent. The Jobs Corps would be sharply reduced, and funding for employment programs would drop by more than 12 percent.

The President proposes many minor tax increases, but no major ones. He keeps the cigarette tax at 16 cents a pack. He urges the repeal of tax breaks for gasohol, and proposes to increase a number of user fees. He wants to "privatize" many government functions, turning them over to private business. He would sell Dulles International Airport, Washington National Airport, the National Weather Service Satellites, the Naval Petroleum Reserves, several federal power marketing agencies, and up to 5 million acres of federal land.

Departing from his previous view that economic growth would reduce the deficits, and that deficits have no effect on the level of interest rates, the President points to some of the economic dangers associated with continuing high deficits. The President acknowledges that the deficits are progressively debilitating and that continued federal borrowing threatens private capital formation and the economy's potential for economic growth.

A quick review of the President's budget leaves me with several impressions. The President's projection for 4 percent real economic growth in 1986, and robust growth until 1991, is probably too optimistic. Slower growth would put the deficit much higher than he anticipates. I am worried that the President's large cuts in federal spending without a compensating change in monetary policy and interest rates could restrain economic growth. The question is whether the Federal Reserve, which controls monetary policy, will act promptly to offset the restraint proposed in the budget. I also think the President understated defense spending by billions of dollars, pushing spending over legal limits.

My view is that we should not reject privatization on philosophical grounds, but that we should do it only for good reasons. The sale of federal assets is only a stopgap measure that does not address the disparity between federal revenues and expenditures. We should privatize if it is good policy, not just to reduce the deficit.

The new budget is full of potential for strife. The President continues to use the budget as the major weapon to achieve his long-term central goal, the permanent shrinkage of the domestic side of the government and the expansion of the military side. Some Members of Congress suggested the President's budget was dead before arrival. Although I think the budget cuts too deeply into domestic programs and increases defense too much, the President deserves his day in court, and his budget should be submitted to the Congress for a vote. I think that the Congress, which has increasingly altered the President's budgets, would do the same this year.

For the moment, action in Congress is stalled by a complicated political deadlock, which is aggravated by mandatory deficit reductions. The President insists on protecting military spending and holding the line on taxes, and Congress has resolved not to cut too deeply into domestic spending. There are also deep disagreements over comprehensive tax revision. My hope is that in the weeks ahead we will break this deadlock through a bipartisan compromise in which the budget, taxes and tax reform would be resolved.

TAX REDUCTIONS BOOST WEALTHY TAX PAYMENTS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. COURTER. Mr. Speaker, nationally syndicated columnist Michael Novak's piece on the tax data for 1984—"Rich Paying More Than Ever Before," the Washington Times, February 14, 1986—highlights a number of positive things.

The economy performed better, Americans made more money, and, despite the substantial benefits of the 1981 tax cuts, or precisely because of those changes, top earners paid more taxes and a higher percentage of all taxes. At the same time, those least able to pay high income taxes are paying less. As Michael Novak puts it, "the poor got richer, and the rich got more heavily taxed." The complete column follows:

[From the Washington Times, Feb. 14, 1986]

RICH PAYING MORE THAN EVER BEFORE

(By Michael Novak)

The Internal Revenue Service has just released its tax data for 1983.

First the bad news. Supply-side theorists had said that, given cuts in tax rates, tax revenues would go up. They didn't. Federal income taxes received in 1983 fell $3.4 billion from 1982.

I myself was very disappointed to read this report. I had hoped very much that, when tax rates went down, tax revenues would go up. Just the same, several good things did happen. The wealthy did pay more taxes than ever. Business activities picked up. More people were employed.

Best of all, Americans made lots of money in 1983. They almost rang the bell of $2 trillion in total personal income. The actual figure was $1.94 trillion. That's an unprecedented amount of money in the pockets of our people. It represents a $90 billion gain over 1982.

The happiest news is that the top 1 percent of earners (adjusted gross income more than $100,000) paid 20 percent of all income taxes. This proportion is almost three times greater than the 7 percent of taxes paid by the entire bottom 50 percent of taxpayers (adjusted gross income under $15,000). Those who say the top 1 percent is not paying its share are wrong.

In addition, the 21 percent who earned between $30,000 and $100,000 paid another 50 percent of all income taxes. So the top 22 percent of all taxpayers paid 70 percent of all income taxes.

Income from salaries and wages in 1982 jumped $80 billion over 1982. That extra income fueled the recovery we are still experiencing. Interestingly, incomes from dividends and interest each dropped by more than $3 billion. A good gain ($9.8 billion) appeared in income from businesses and professions.

Bashing millionaires (whom we imagine to be the stars of rock, sports, and silver screen) is always good fun. Exactly 10,800 returns showed an adjusted gross income of at least $1 million in 1983. Average take-home pay in this set was a very cool $2.25 million. Altogether, this valiant 10,800 earned $24.5 billion of adjusted gross income. Of this, they paid 40 percent, $9.7 billion, in taxes. This came to an average of $896,655 in taxes paid per return. That stiff payment still should have left a little pocket change. One hopes the valiant 10,800 invested it productively.

Alas, only 1,364 of these millionaires are still single.

All but about 2,000 millionaires received salaries or wages (about $5.2 billion in total). Nearly 3,700 received business or professional income. About 1,300 reported farm income—or loss (mostly the latter). A lucky 9,496 of them reported sales of capital assets, showing long-term gains. In fact, it is plain that this is where most of the income of millionaires comes from—about $18 billion. They didn't make much in rent, royalties, or alimony. (Alimony is paid by 784 of them.)

Interest didn't pay them as much as one might think ($2.2 billion), and neither did dividends ($3.6 billion).

The returns of 5,753 of the millionaires showed political contributions, totaling $487 million. You can look at it this way. There are about 5,000 millionaires out there still not contributing.

One thing the supply-siders did predict correctly. Ever since the tax cuts in 1981, the top 1 percent of income-earners (those with $100,000 or higher adjusted gross income) have paid more and more in taxes and a higher proportion of all taxes paid.

Here are the figures:

[Dollar amounts in billions]

Year	Taxes paid	Proportion (percent)
1981	$43	15.2
1982	48	17.5
1983	54	19.6

Those who argued that tax cuts mean the rich will pay less are wrong. The rich are paying more taxes than before.

Moreover, the poor (those reporting less than $10,000 in 1983) have been paying a lower proportion of income taxes. In 1981, they paid 2 percent; in 1982 1.8 percent; and in 1983, 1.6 percent.

The wealth of the wealthy can be made into a magnificant tax-producing machine. The wealthy can be made to shoulder a higher proportion of income taxes. And this can be done through cutting tax rates. So much we have learned.

Moreover, the IRS figures for 1983 show an upward drift in virtually all tax brackets. During the three years 1981, 1982, 1983, the number of returns reporting $10,000 or less declined by 1.1 million. Those earning between $20,000 and $100,000 rose by 3 million. Those earning more than $100,000 rose by 165,000.

In short, the total amount of revenue fell very slightly. But more people moved into higher incomes. And the income tax burden shifted away from the poor, more squarely onto the shoulders of the more affluent.

Among taxpayers, the poor got richer, and the rich got more heavily taxed.

Not a bad show.

FUTURE FARMERS OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. NATCHER. Mr. Speaker, I join with the members of the Future Farmers of America as they observe National FFA Week, February 15–22, with the theme—"FFA: Leaders for the New Fields of Agriculture."

Future Farmers of America is a vocational student organization for high school students enrolled in vocational agriculture classes in public high schools and area vocational centers.

Degrees of membership in FFA are awarded on the basis of individual achievement in the organization. Each member begins as a greenhand and progresses to Chapter Farmer degree in the local chapter. The State Farmer degree is presented by the State FFA Association and the American Farmer Degree is presented by the National FFA Organization. Each chapter develops an annual program of activities and each member of the chapter carries out a Supervised Occupational Experience Program. The Future Farmers of America provides awards recognizing members' achievements at the chapter, district or area, State, and national levels.

Kentucky's 156 FFA Chapters and 13,504 members are active participants in FFA programs. I would particularly like to commend the members and chapters in the Second District of Kentucky, which I have the privilege of representing in the Congress, for their achievements during the past year. The FFA Honorary American Farmer degree, given in recognition of adult supports who have rendered exceptional service to youth, agriculture education, and the FFA organization, was presented to Jerry Greer of Glasgow, Mr. and Mrs. Ralph Meredith of Glendale, and David M. Coffey of Bowling Green. The American Farmer degree, presented for outstanding Supervised Occupational Experience Programs and leadership activities, was awarded to James Chapman of Bowling Green, Douglas Coyle of Mackville, John Kuegel, Jr. of Owensboro, Mark McGee of Franklin, Dwayne Montgomery of Taylorsville, Jeffrey Nalley of Owensboro, and Timmy Quiggins of Custer.

The Spencer County FFA Chapter was the State winner in the FFA Safety Program and received a Gold Award at the National Convention. Other superior chapters in the Second Congressional District were Daviess, Barren, Breckinridge, Grayson and East Hardin. The Spencer County FFA Chapter also was the winner in the Building Our American Communities Program and received a Gold Award at the National Convention. State plaques also went to the Edmonson County FFA Chapter (Gold), Barren County FFA Chapter (Silver), Franklin-Simpson FFA Chapter (Bronze) and East Hardin Chapter (Bronze). The Spencer County Chapter was also the winner in the FFA Farm Operation Identification Program. Doug Catlett was the chapter winner. The Spencer County Chapter, the Barren County Chapter and the Breckinridge County Chapter received Gold Awards for the National FFA Chapter Award Program and the Daviess County Chapter received a Silver Award.

James Gardner of Cave City (Star State Farmer), David Mathews Stevens, Jr. of Bardstown, and Scott Travis of Taylorsville received 1985 Regional Star Farmers awards. James and Scott also received Agriculture Proficiency awards at the National Convention. Anthony Osborne of Springfield was the third runnerup in the Prepared Public Speaking event.

Two of Kentucky's State officers reside in the Second Congressional District—Anthony Osborne of Willisburg, president; and Kelly Smith of Bowling Green, vice president.

At this time I would like to add my congratulations to the individuals and chapters who received awards from the Future Farmers of America for their achievements, and I would like to commend all of the members of the FFA for their contributions to the field of agriculture. I know of no group of young people who are accomplishing more in the field of agriculture for their home communities, State and Nation than those affiliated with the Future Farmers of America.

TRIBUTE TO GENERAL THADDEUS KOSCIUSZKO

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. LIPINSKI. Mr. Speaker, as cochairman of the Democratic Council on Ethnic-Americans, whose goal is to bring traditional ethnic concerns and values to the forefront of the Democratic party agenda, I want to draw to the attention of my colleagues the recent celebration of the brithday of Thaddeus Kosciuszko, a truly great Polish-American hero, who has come to represent the important role Poles have played throughout American history in securing and defending the freedom and liberty we all cherish as Americans.

Born in Poland on February 12, 1746, Kosciuszko was educated at a prestigious military academy in Warsaw. Because of his outstanding ability, he received a scholarship from King Stanislaw II and continued his studies in military engineering.

In 1776, he sailed to America to pursue his passion for freedom in the War of Independence. In October, Kosciuszko became colonel of engineers and in that position built fortifications that made West Point virtually impregnable, and the Battle of Saratoga winnable. In 1780, he twice rescued the American army from enemy attacks by directing the crossing of the Yadin and Dan Rivers. For these accomplishments, Kosciuszko gained American citizenship soon after the war.

Throughout his life, Kosciuszko believed that all men should be free and equal, and by example, he became a man years ahead of his time. In 1784, upon return to Poland, he freed his serfs from the rest of their required service. In his will, drafted in 1798, he left his American property to buy the freedom of Thomas Jefferson's slaves and pay for their education so that they might support themselves. Thomas Jefferson was made the executor of the will.

In his later years, Kosciuszko fought hard to liberate Poland from its oppressors. First, in 1794, he led an uprising against Poland's occupying powers, Russia and Prussia, but did not have the forces to conquer them. Later, he attempted to work with Napolean, but Napolean would not agree to his demands to free Poland.

Mr. Speaker, again this year, Polish-Americans celebrate the ideals of freedom and justice of General Kosciuszko. He was a man with sincerely held beliefs, who distinguished himself from others by having the courage to act on those beliefs. This is what we honor on this day, as well as the contribution that so many other hand-working Polish-Americans have made to our country.

BUSINESS SEEKS ALTERNATIVE INSURANCE IN THE WAKE OF CRISIS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. FLORIO. Mr. Speaker, with the drying up of traditional sources of liability coverage in the current insurance crisis, businesses are seeking alternatives such as establishing their own insurance companies or self-insuring. In connection with our hearings on the insurance crisis, my subcommittee will consider whether Congress can and whether it should take action to facilitate utilization of these alternatives. I am inserting in the RECORD an article from the Washington Post describing plans for a mutually owned insurance company for the hazardous waste disposal industry:

[From the Washington Post, Jan. 23, 1986]

WASTE-DISPOSAL FIRMS TO SET UP INSURANCE POOL

(By Michael Abramowitz)

The hazardous waste disposal industry disclosed plans yesterday to establish a mutually owned insurance company to provide liability coverage that its members are unable to obtain in the commercial market.

An industry trade group and 12 waste-service firms drew up the plans for the insurance company over the past several months and are now seeking other companies to participate, officials said. The program is expected to begin operations by the spring, contingent upon 30 companies agreeing to join and to contribute at least $17

million in initial premiums and capital, the officials said.

If formed, the company would become the latest in a series of mutual insurance firms established as a result of the current liability insurance crisis, which has seen premiums rise dramatically and coverage dry up in many lines. Accounting firms, banks, drug and chemical companies, and many other businesses have set up such companies recently.

The insurance crisis has proved particularly acute for the growing range of companies that transport, treat and dispose of chemical wastes, Although an estimated 95 percent of the hazardous waste generated nationwide is actually handled on-site by waste generators themselves, the clean-up companies are being squeezed by the refusal of insurance companies to issue policies covering any pollution liability whatsoever.

"There is absolutely no insurance out there. Nobody can get it," Bruce J. Parker, general counsel of the National Solid Wastes Management Association, told reporters at a briefing yesterday.

Under the plan developed by the association, members would be able to buy up to $10 million worth of protection per environmental accident, subject to a $1 million deductible. For the coverage, each company would pay a premium based on how many claims it has filed in the past four years, with a minimum premium of $100,000 for $10 million of coverage.

This coverage would be far more expensive and less comprehensive than what companies were accustomed to until the insurance crunch hit in the past two years, some analysts said. However, with the recent squeeze, many companies, especially small firms, may well sign on to make sure they meet federal requirements that they have insurance before operating a treatment facility, the observers said.

But they added that some of the biggest operators could decide that they are better off simply setting aside their own reserves to pay for losses in lawsuits. Harold Gershowitz, senior vice president of Waste Management Inc., which runs one of the largest hazardous-waste disposal and treatment operations in the country, said his firm plans to continue self-insuring, rather than join the new group.

"Our assessment is that they can't do anything for us that we can't already do for ourselves," said Gershowitz. "It's a very positive development, though. The industry certainly needs it."

GREAT WORK LADIES

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday February 18, 1986

Mr. VANDER JAGT. Mr. Speaker, it is with a great deal of personal pride that I bring to the attention of my colleagues a recent article by the Associated Press featuring the human rights efforts of a very special organization founded by and made up of congressional wives entitled the "Committee of 21." I am so very proud of my wife, Carol's involvement in this vital endeavor.

I am delighted that Nancy Benac, the Associated Press writer covering Michigan from our Nation's Capital, chose to write this very special feature story about this group of congressional wives seeking to improve the treatment, to secure the freedom and to promote the emigration of Soviet Jewry. Carol and Nancy Siljander, wife of Congressman MARK SILJANDER, who are both mentioned in the article, are "chartered" members of the committee.

This story is particularly timely in light of the recent developments surrounding the release of Soviet dissident Anatoly Shcharansky. It is because of the work of the "Committee of 21" and groups like this that greater world attention has been focused on the issue of human rights in the Soviet Union and the plight of Refuseniks and "prisoners of conscience." Much of the credit for the fine work done by the "Committee of 21" belongs to Annette Lantos, wife of Congressman TOM LANTOS. She was the organizer of the group and is the continuing sparkplug in the committee's ongoing activities to keep the pressure on in order to improve emigration prospects and diminish the barriers to freedom in the Soviet Union.

At this time, I would like to share with my colleagues the news story which appeared in the Record Eagle newspaper of Traverse City in our ninth Congressional District in Michigan. I am certain that my colleagues will agree with me that the members of the "Committee of 21" richly deserve our recognition. The story was entitled, "Congressmen's Wives Take on Soviets."

[From the Traverse City (MI) Record Eagle, Jan. 6, 1986]

CONGRESSMEN'S WIVES TAKE ON SOVIETS

WASHINGTON (AP)—While their husbands tackle the issues on Capitol Hill, the wives of two Michigan congressmen are taking on the Soviet establishment.

Carol Vander Jagt and Nancy Siljander are active in a group of congressional wives seeking to improve the treatment of Soviet Jews, foster their emigration where desired and win freedom for Jewish political prisoners.

Each spouse on the so-called "Committee of 21" is paired with a Soviet refusenik whom she has symbolically adopted. The wives write to "their" prisoners regularly and contact U.S. and Soviet authorities on their behalf.

"It's such a minor effort we're making, but I think anything that anyone can do is worth the effort," said Mrs. Vander Jagt, wife of Rep. Guy Vander Jagt, R-Luther.

Mrs. Siljander, wife of Rep. Mark Siljander, R-Three Rivers, said her interest in the plight of Soviet Jews grew after she met with refuseniks while visiting Moscow with her husband a year ago.

"I felt a deeper understanding of what they really live through on a daily basis," she said. "Many of them lost their jobs, or the children were kicked out of school, or they were mocked in the schools if they were Jewish or they were not allowed to speak Hebrew or even to learn Hebrew."

Annette Lantos, wife of Rep. Tom Lantos, D-Calif., organized the congressional wives and linked them with high-visibility "prisoners of conscience."

"We have been told that steady, low-level pressure is the one to which the Russians respond," Mrs. Lantos said. "All we can do is hope and pray for the best."

Although neither Mrs. Vander Jagt nor Mrs. Siljander has received any direct response to their letters, both say their involvement with a particular prisoner has personalized Soviet human rights issues.

Mrs. Vander Jagt said her prisoner, 27-year-old Yuli Edelshtein, is a prominent Moscow Hebrew teacher serving three years in prison on false drug trafficking charges. Edelshtein and his wife, Tatiana, have been seeking permission to emigrate to Israel.

The wives' committee held a news conference this summer and sent a telegram to help fuel reports that Edelshtein had been badly beaten, deprived of sleep, his personal belongings and prayerbook taken, and constantly moved from one job to another. His condition subsequently was reported to have improved somewhat.

"My heart wept for you both when I heard that you, Yuli, were being beaten because of your strong and beautiful religious beliefs," Mrs. Vander Jagt said in one letter to the Edelshteins. ". . . While this new friendship is a privilege and honor for me, it is also painful because the blows delivered by the Soviet Union no longer fall on nameless, faceless individuals; they fall on a human being I have come to know as Yuli, and the pain of your beating, Yuli, has become my pain, too."

A photograph of Mrs. Edelshtein sits on Mrs. Vander Jagt's desk, serving as a reminder of a friendship between two families who have never met.

TIME TO LOWER INTEREST RATES

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. COURTER. Mr. Speaker, a recent editorial from the Newark Star-Ledger, "Why Rates Can Come Down," points out, quite accurately in my view, that the United States and its major trading partners—Britain, France, West Germany, and Japan—should take advantage of the current economic climate to work toward lower interest rates.

The fears at the Federal Reserve that an easing of interest rates will lead to a surge in inflation can be calmed. With the price of oil going down and the price of gold still well below $400, the low levels of inflation we've enjoyed over the past few years are likely to continue. The Star Ledger editorial which follows is a persuasive argument for immediate action on interest rates to boost growth, output, and employment:

[From the Newark (NJ) Star-Ledger, Feb. 8, 1986]

WHY RATES CAN COME DOWN

Buoyed by its success last fall in bringing down the value of the dollar, the so-called Group of Five industrial nations is at it again. This time it's after bigger game—interest rates, which it regards as excessively high.

That may surprise those who have noted the steep fall of interest rates over the past several years. Indeed, there is considerable dispute among the United States and its four economic partners (Britain, France, West Germany and Japan) on how fast and how resolutely this goal ought to be pursued.

After a meeting in London that included Treasury Secretary James Baker, Federal Reserve Board Chairman Paul Volcker and their counterparts in the other four nations, the officials indicated that they would

prefer it if interest rates would come down a peg.

But they were cautious about to what extent they were willing to take the initiative in pushing down rates. The effort will be considerably more diffuse and less concerted than the intervention that rapidly pushed down the dollar by 20 percent in just a few weeks time.

No doubt the finance ministers and central bankers are fearful that bringing down interest rates too precipitously might cause excessive economic stimulation, possibly leading to inflation. Old fears die hard and, although inflation has been no menace the last few years, the huge price jumps of the 1970s are still recalled.

Such caution is understandable. But the failure to act decisively against the still comparatively high rates that persist today could also cause serious problems. The economy has been sluggish of late and may well need the additional stimulus of lower rates.

Perhaps the guiding factor that ought to most influence the Group of Five is the declining price of petroleum. With a price war brewing among major producing nations, the dip has been steep of late and is likely to continue.

With oil prices going down, it does not seem likely that inflation will rise. This gives the Group of Five the flexibility it needs to bring down rates and give the world economy the shot in the arm it gives every sign of needing.

TOUCHING ADDRESS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. TORRICELLI. Mr. Speaker, on February 2 the distinguished author/historian David McCullough delivered a thoughtful and touching address at the Lindbergh Symposium in Florida.

In that speech, David McCullough offers the marvelous view that many of our most famous aviators—the Lindberghs, Antoinne de Saint Exupery, Beryl Markham—were not only adventurous pioneers of the sky, but also produced some of our most fascinating and lasting literature.

It is literature which not only thrills the mind and excites the heart but also tells us something about ourselves.

Their vision of the world reminds us of "our material excesses and environmental blunders" while also making us keenly aware of the value of life and the realization that we live in a world worth saving.

I commend this wonderful and thoughtful speech to my colleagues:

LONG-DISTANCE VISION

(By David McCullough)

In the thirteenth year of what nearly everybody still thought of as the wondrous twentieth century, the boy's father foresaw great changes coming. "Great things are going to happen," he said. "I may not live to see them, but you will."

Father and son had been to Panama to see the canal in the last stages of construction. "The very name 'America' made one think of miracles," the boy wrote long afterward. "We had conquered a continent. We had abolished slavery. We had developed the automobile. We had invented the airplane . . . And now we were going to build the Panama Canal."

He was eleven years old.

Thirteen years later he was flying the mails over Illinois. The year following, in 1927, he stunned the world by flying the Atlantic alone, New York to Paris, nonstop, in 33 hours, 30 minutes.

With one daring solo leap Charles A. Lindbergh opened a heroic new age of long-distance aviation—a time of exploration like none other, brief as it was.

It lasted only a handful of years, from the mid-1920's to the late 1930's, and its pioneers, few in number, were a different breed. As Anne Morrow Lindbergh has written, "They were not inventors or scientists, and they were not the gallant knights of World War I, or daredevils of the flying circus. They were men of courage and vision, explorers of a new element, the passionate devotees of a craft they loved. . . ."

And they were women also, as she might have added. In 1933, flying with her husband as radio operator and co-pilot, she went north to the Orient by the great circle route, to Tokyo over northern Canada and Alaska, for 2,000 miles, something no one had attempted. Imagine! At such tiny outposts as Aklavik and Point Barrow they were greeted by people who had never before seen an airplane come out of the clouds.

As a student of history and the impact of technology on history, I am extremely interested in that era of great pilots. As a writer—and a reader—I'm also fascinated by how many of them were extraordinarily gifted writers.

There was Antoinne de Saint Exupery, the French aviator, who, like Charles Lindbergh, began as a mail pilot, flying the Sahara and the Andes, and who wrote eight or nine books, including the classic children's story The Little Prince and the brilliant autobiographical Wind, Sand and Stars. There was Nevil Shute, an aeronautical engineer before he became a famous author, whose early novel Round the Bend, is a superb picture of that pioneer time. There was Beryl Markham, the first person to fly the Atlantic from west to east alone and if you have not read her marvelous West With the Night, I urge you to do so at first chance. She writes like an angel. There was Mrs. Lindbergh, poet, essayist, diarist, whose first published work, North to the Orient, her account of that first epic flight with her husband, was described by Sinclair Lewis as, "One of the most beautiful and great-hearted books that have ever been written."

And there was Lindbergh himself.

Taken all together they produced a literature like none other we have. Listen to this from Beryl Markham's West With the Night. The setting is Kenya in 1931. With Tom Black as her instructor, she is learning to fly:

We began at the first hour of morning. We began when the sky was clean and ready for the sun and you could see your breath and smell traces of the night. We began every morning at that same hour, using what we were pleased to call the Nairobi Aerodrome, climbing away from it with derisive clamour, while the burghers of the town twitched in their beds and dreamed perhaps of all unpleasant things that drone—of wings and stings, and corridors of Bedlam.

Buy why should they, "mere pilots," have written as they did? The early days or railroading produced no literary masterpieces. We've had no literary stars among race car drivers. So why pilots? And why works of such lasting power that speak to us today after forty, even fifty years?

And what, you may ask, has any of this to do with the purposes of our gathering here?

Much of the answer, I think, is in the opening lines of Charles Lindbergh's The Spirit of St. Louis, the fourth of his seven books. And let me say that in my view the most interesting thing about the Lindbergh story is not the Atlantic flight, not the planes he flew or the fanfare he ignited, but Lindbergh himself.

It is September, 1926:

"Night already shadows the eastern sky" he writes." To my left, low on the horizon, a thin line of cloud is drawing on its evening sheath of black. A moment ago, it was burning red and gold. I look down over the side of my cockpit at the farm lands of central Illinois. Wheat shocks are gone from the fields. Close, parallel lines of the seeder, across a harrowed strip, show where winter planting has begun. A threshing crew on the farm below is quitting work for the day. Several men look up and wave as my mail plane roars over head. Trees and buildings and stacks of grain stand shadowless in the diffused light of evening. In a few minutes it will be dark, and I'm still south of Peoria."

He is removed from the ground like a God, his vantage point the gift of a machine, a DeHaviland biplane with a 12-cylinder, 400-horsepower Liberty engine, as he later tells us. And yet he is in touch with so much more than the machine.

He feels the earth's curve and turning—night is coming on. He has the wind in his face as he looks over his open cockpit. He is moved by the beauty of the broad wheat fields below, close enough for him to pick out details. With a practiced farmer's eye he marks the cycle of the land and its beauty—signs of seeding and harvest. He is in touch with the earth and he is in touch with his fellow men, who, importantly, are harvesters. He sees them, their day's work finished; they see him. They look up and wave.

All that is contained in this one paragraph is there by intention, we may be sure, because Lindbergh always knew his purposes, because every writer knows the importance of beginnings, and Lindbergh, make no mistake, was a writer, a real writer.

They all flew with the land. The sky was their element, as they said; the sky was an exhilarating departure, which helps account in large measure for why they wrote. Something about all that freedom and discovery, and the testing of the experience, stirred them to their souls, as others like Melville and Conrad, were stirred by the sea. But they were never detached from the land in mind or spirit. They flew with rivers, kept eye-contact with mountains and plains. They had to, to keep their bearings. They all write about this. And there is such grace and poetry to the way, airborne, they swing and soar with the land.

Lindbergh, before saying a thing of machines or the adventure of flight, fixes our attention on the good earth of Illinois. He tells us our bearings are, after all, south of Peoria. Saint Exupery says the same thing in Wind, Sand and Stars, only by counterpoint. It is by taking us over the waste places of the world, between barren sand and cold stars, that he delineates the precariousness and luxury of life.

All of them write of being lifted out of themselves by the very sensation of flight, of becoming something infinitely larger. "I

was never more aware of all existence, never less aware of myself," Lindbergh says. The miracle of the airplane, writes Saint Exupery, is that it plunges us into the heart of the mystery. Mrs. Lindbergh described it as "more like a great work of art or music or those brilliant, clear passages in a book. . . ." Beryl Markham says, "I saw the alchemy of perspective reduce my world, and all my other life, to grains in a cup."

What a telling phrase that is, "the alchemy of perspective."

They faced the threat of death with every takeoff. And they knew, too, that whether they, as individuals, lived or died, that the pioneer venture they were part of, so unprecedented in history, was certain to be brief, that their kind of flying and untraveled skies would very soon be things of the past. And this was another reason for the intensity of feeling they experienced, and their need to write. And thank God for them.

Maybe the end of their era can be marked by the bombing of Guernica, as some say. But with the world at war everything changed.

Lindbergh was flying combat missions in the Pacific. Saint Exupery, serving in a French air squadron, disappeared on a mission over the Mediterranean. Lindbergh, aviation's most celebrated figure, saw the devastation of Europe after the German surrender and felt only revulsion for the whole of science and technology and aviation. He longed to renounce his profession and live in touch only with nature. And this was still in the spring of 1945, before Hiroshima.

Beryl Markham gave up flying and went back to her first career, raising horses. She never wrote anything more. Nevil Shute left England for Australia and wrote "On the Beach," the most haunting evocation we have of a world dying of strontium 90.

No one will ever know what Saint Exupery might have written had he lived, but I am certain it would have been strong and wise, and that the absence of his vision in recent decades can be reckoned as part of the terrible cost of the war.

Central to all that he had already written was the theme of responsibility. In "The Little Prince," you will remember, it is the fox, finally, who tells the Little Prince what is really important in life. He reminds the Little Prince of the single flower, the rose, he had cared for on his own small planet.

"Men have forgotten this truth," said the fox. "But you must not forget it. You become responsible, forever, for what you have tamed. You are responsible for your rose. . . ."

In "Wind, Sand and Stars," writing of his friend Guillaumet, intrepid mail pilot, Saint Exupery says that more than from courage or honesty moral greatness derives from a sense of responsibility. "To be a man is, precisely, to be responsible."

"Great changes are coming." Lindbergh's father had said. "I may not live to see them, but you will." Charles A. Lindbergh, Sr., a Minnesota lawyer and congressman, had grown up on the frontier; he knew the meaning of progress as every American of his generation understood the term. So probably the change of all the changes his son saw that he, Charles, Sr., would have least expected—or understood—was the changed view the son had arrived at by the time he reached the age his father had been when they went to Panama.

The evil of technology was not in technology itself, Lindbergh had come to see—not in the machines or the airplanes, the myriad devices of our technical ingenuity—but the extent to which they have distanced us from our better moral natures, our sense of personal accountability.

In that great post-war movie, The Third Man, there is a scene where Orson Welles takes Joseph Cotton up on the giant ferris wheel in Vienna, and looking down at the people far below, he asks Cotton if it would really matter much to him if one of these trivial little dots were to cease to exist. The mechanical contrivance of the ferris wheel has so altered the human scale, Wells knows, that it may also alter Cotton's moral equilibrium.

In Charles Lindbergh's brilliant and extremely important book, his last book, Autobiography of Values, he gives a similar example, only the distance has been expanded and the dots below greatly multiplied. He is describing a bombing mission over the Japanese-occupied city of Rabaul during World War II.

When I pressed the red button on my stick, it was hard to believe I had released a high-explosive bomb. But there it was, deadly and irretrievable, apparently floating in the air. I saw it clearly for a moment as I climbed, and within seconds a pinhead of smoke appeared behind me in the city of Rabaul, a puff so small and far away that I could not connect it to the button on my stick, or realize the writhing hell it covered on the ground. I had carried out my mission, and felt little responsibility for what I had done.

"It is only with the heart one can see rightly," Saint Exupery had his wise fox tell the Little Prince. "What is essential is invisible to the eye," says the fox, a creature of nature.

Beryl Markam, in Africa, is drawn to the kind of kinship with life's elemental forces that she sees in the Masai people. Lindbergh, in Africa, is told by a Masai warrior, "We have known freedom far greater than yours," and Lindbergh never forgets it. He no longer trusts rationality alone. Indeed, quite the opposite: "I have found," he writes, "that the irrational gives man insight he cannot otherwise attain."

What a distance he traveled!

"As our civilization advances," he said in a speech in Minnesota near the close of his life, "if our follies permit it to advance, I feel sure we will realize that progress can be measured only by the quality of life—all life, not human life alone. The accumulation of knowledge, the discoveries of science, the products of technology, our ideals, our art, our social structures, all the achievements of mankind have value only to the extent that they preserve and improve the quality of life."

What Lindbergh saw now, with his heart no less than his mind, was the desperate, imperative need for balance. To see man and nature in context, everything as a whole—this was his alchemy of perspective after having, in one lifetime, witnessed more change in the environment of humankind than had taken place in all the centuries since civilization began. This was his long-distance vision.

I am struck—deeply moved—by the image of the two Charles Lindberghs responding as they did to the Panama Canal, because I know what a stupendous sight it was and I know of no more perfect model of nature and technology in balance. The genius of the engineering is precisely that it works with nature. The great locks at Panama lift ships nearly the size of the Empire State Building to a height of 85 feet above sea level using nothing more than the force of gravity. All the locks of the canal, the 50-mile-long lake that bridges the Isthmus, the entire system, is tied to and depends entirely upon the rain forest and its replenishing cycle of fresh water. The canal is still every bit the marvel of human ingenuity and perseverance that it seemed seventy years ago and it is still working perfectly. Rather than destroying the natural order, it is preserving the natural order, it must to function.

It is vital that we know how far from reality we have strayed with our material excesses and environmental blunders. It is vital to understand the urgency of the moment, to know how much needs to be done if the world is to be saved. But we must know, too, that it is a world worth saving. And it is in their repeated response to the spectacle of sky and earth, the morning freshness of the world they saw, the value they saw in all life—their feelings for mountains and music and the marvels of language, no less than for airplanes and flying, their continuing return to the needs of the human heart—that the best of our aviator-writers remind us of this so forcefully.

It all matters, it must all be brought into balance. We can have no barriers between technician and poet, between scientist and historians, or between the rational and the spiritual natures within all of us. We must sense the creative possibilities in this most extraordinary time we live in and draw on all our best talents and impulses.

Let us take hold and take heart.

CLARENCE PENDLETON'S FOLLY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. CLAY. Mr. Speaker, in light of the Federal Government's waning commitment to blacks, minorities, and disadvantaged citizens, I think it is interesting to note the charges which have been raised in connection with the current Chairman of the U.S. Civil Rights Commission. I commend to my colleagues the following article, "Clarence Pendleton's Folly", taken from the St. Louis American, January 16, 1986:

CLARENCE PENDLETON'S FOLLY

It seems somehow only fitting that the leading black mouthpiece for President Reagan's insensitivity toward minorities and social programs benefits from his own special brand of social program.

Civil Rights Commission Chairman Clarence M. Pendleton, Jr., who revels in telling anyone who'll listen that programs that help the poor be damned because they are tantamount to handouts and quota systems go to hell because they discriminate against white males, doesn't seem to be so strident when he or his friends get the handouts.

According to reports last week from the Media General News Service, Pendleton pays his assistant at least $60,000 a year for work she does not do.

The Small Business Administration is investigating that arrangement, says the report.

To add insult to injury, Pendleton also made $60,000 as Civil Rights Commission chairman during the fiscal year that ended

Sept. 30 for a job that traditionally is a part-time job and which paid his most recent predecessor, Arthur Fleming, only $15,000 during Fleming's last year in office.

Moreover, Pendleton claimed travel expenses of $23,200 for the fiscal year 1984, while his assistant who does no work, Sydney I. Novell, received $8,546. But that's not all.

The report also reveals that Pendleton, the great black opponent of welfare, apparently does not mind the concept when he is the recipient, even from a self-help agency that sorely needs all the money it can get.

On his last day of office as president of the San Diego Urban League, Pendleton wrote himself 10 checks for $999. Why $999? Because otherwise, says the report, he would have needed to consult the league's board of directors, which must approve checks that amount to $1,000 or more.

Pendleton, who, during a visit to Winston-Salem in November, boasted that he's got it made and asserted that "affirmative action creates beneficiaries from non-victims," also used Urban League money to pay for expensive restaurant meals, lease a Peugeot automobile, pay for season tickets to San Diego Clippers basketball games and make a contribution to the United Way.

Incidentally, when he left the San Diego Urban League in March 1982, Pendleton left it $179,000 in debt and struggling for its financial life.

What remains to be seem is the aftermath of these revelations, which so far has included only a terse, arrogant response from Pendleton that there is no SBA investigation—only "a compliance review"—and that the report is merely the media's "annual criticism."

To be realistic, that could be all.

Had it been Jesse Jackson or Walter Fauntroy or someone else whom the Reagan administration and the country's media would love to persecute in print, you'd have heard resonations of righteous indignation from sea to shining sea.

Instead, Ronald and Nancy continue to smile and wave and board helicopters, and Pendleton, who allegedly once told an Urban League official, "As long as my folks are in the White House, they ain't gonna touch me," may be right.

Unless somebody somewhere demands otherwise, starting with this newspaper.

PAKISTAN'S PROGRESS

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. WILSON. Mr. Speaker, I would like my colleagues to be aware of an article that appeared in the Wall Street Journal Wednesday, January 8, 1986. This article is certainly one of the more positive articles on Pakistan I've read recently.

PAKISTAN PROGRESS

Like citizens of any big, prosperous nation, Americans naturally tend to think about foreign countries only when a crisis hits or the bombs start falling. The prosaic dramas of creeping progress rarely make the evening news, even though they can be equally crucial to U.S. interests. Just such a drama is occurring these days in one of America's most important Asian allies, Pakistan, where President Zia ul-Haq is taking the encouraging step of giving his country a little democracy.

In the liberal stereotype, of course, Gen. Zia is merely your standard-issue dictator who seized power in a 1977 military coup and, "propped up" by U.S. aid, has held on ruthlessly ever since. In reality, Gen. Zia has proved to be an adept politician who, after an initial and excessive crackdown, has led his country through turbulent times toward increasing political and economic freedom. The U.S., to its mostly unrecognized credit, has been pushing Gen. Zia in this prudent direction.

The most recent reforms came New Year's week, when Gen. Zia lifted martial law. In the process, he restored all but a few basic rights in Pakistan's constitution, repealed orders allowing preventive detention and abolished military courts. As if to validate this expansion of freedom, Pakistani newspapers promptly reported on opposition demonstrations and quoted politicians who denounced the reforms as insufficient. Last year Gen. Zia won a controversial referendum allowing him to remain as president, but he has appointed an independent prime minister and sponsored elections for an independent Parliament.

What all this does, of course, is expand the legitimacy of Gen. Zia's government, bringing more people into the process and reducing the military's predominant role. Having watched the shah's fall from close range, Gen. Zia well knows that authoritarian regimes don't last forever. Democracies, for all their faults, are more stable governments.

What these changes also do, it seems to us, is further support Jeane Kirkpatrick's thesis that traditional dictatorships of the right are more willing to move toward freedom than revolutionary governments of the left. Because they confine their control mainly to politics, regimes like Gen. Zia's are both less ruthless and more able to loosen control without the entire politico-economic system collapsing. Dictatorships of the left, by contrast, can sustain their grip only by controlling everything from religion to basic commerce to education. We aren't holding our breath waiting for the Sandinistas to follow Gen. Zia's lead.

Critics will insist, of course, that Gen. Zia retains too many powers, and it is true that Pakistan, even without martial law, won't be a 100% Westminster-pure democracy. But then Pakistan isn't ancient Athens or even London; it is a traditional society with only a fragile sense of nationhood. The Red Army has invaded its Western neighbor, sending two million Afghan refugees over its borders. Ethnic minorities live uneasily with the Punjabi majority. Three-fourths of the population can't read. And while Islamic fundamentalism has never gone to Lebanese extremes in Pakistan, its adherents are growing.

Pakistanis themselves will know better than anyone else what form of democracy they can build and sustain in this mine field. American kibitzers ought to applaud them for trying.

DECLINE IN TOURISM IN EUROPE: A HIGH PRICE TO PAY FOR TERRORISM

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. BROOMFIELD. Mr. Speaker, recent Libyan-backed terrorist incidents in Europe have had a serious impact on the level of tourism in Europe. Tourism is down and billions of dollars are being lost by European governments which have always made a hefty profit from tourist dollars. While some European governments have cooperated with U.S. economic sanctions against Colonel Qadhafi, many have refused to go along with the full range of sanctions which would economically isolate Libya. Our European allies should get serious and realize that cooperating with the United States is the best approach to take in dealing with a terrorist supporting nation. A decline in terrorism in Europe would encourage American tourists to again spend their vacations in that one calm area of the world. The European travel industry would be reinvigorated and Libya's terrorist activities in that area would be neutralized.

The recent aircraft hijackings and terrorist attacks at major European airports, which claimed the lives of both Americans and Europeans, have drastically reduced the level of American tourism in Europe. Since June of last year, Greece alone has lost $100 million in earnings from American tourism. Tourism in France and in Italy has dropped sharply. In addition to a real concern about terrorism, by American travelers, the weak dollar and other factors have contributed to the decline. To underscore the economic impact which tourism has on many European countries, 12 EEC countries earned $54 billion from international tourism last year. Losing profits of this magnitude is no laughing matter.

Because of the nature of the terrorist incidents which have taken the lives of so many in the past year in Europe, Americans are concerned about the adequacy of security at European airports, ports, and ships, and the European "business-as-usual" attitude toward Libyan terrorism. In the aftermath of the terrorist attacks associated with Greece, and the steep decline in tourism there, that country significantly upgraded security measures at Athens Airport. That airport is now under the surveillance of 20 police armored cars and 1,200 men from the Greek special operations branch. All enty and exit points to the two terminals at Athens Airport are constantly monitored and more armored cars patrol outside the perimeter. Snipers in bullet-proof uniforms are on 24-hour guard. There are also plain-clothes officers inside the airport buildings, where they guard the airline offices and counters.

Those entering the airport building are checked, and departing passengers are thoroughly searched. Baggage is double-checked electronically and all hand luggage is carefully searched. The Greek Government has stated that the measures enforced in Greece to avert terrorism are strict and that Greek law will be

fully applied to foreigners discovered entering Greece on false passports.

Obviously, this additional security is costly. In addition to these impressive improvements in security made by Greece, other European countries have spent billions for improved security at airports, ports, aboard ships, at government buildings, at their embassies around the world and at other strategic points in those countries. The costs to combat terrorism in Europe have been very high. The decline in tourism alone has been costly. In many respects, Europe is paying a high price for terrorism. It seems to me that joining with the United States in trying to economically isolate Libya is a sound alternative. Cutting Qadhafi out of the terrorism formula is possible. Through a coordinated effort between the United States and Europe, much can be done. With these thoughts in mind, I commend the following Christian Science Monitor article on terrorism and tourism to my colleagues in the Congress.

CONCERN OVER TERRORISM CUTS VISITS BY AMERICANS TO EUROPEAN TOUR MECCAS

(By David Fouquet)

From the Acropolis to the casinos of Monte Carlo and London's theater district, a sudden decline in American tourists has shaken the European travel industry.

This decline is widely attributed to United States reaction to terrorism. Even though this is a low season for tourism in Europe, the drop in American visitors has been felt in Greece, Italy, France, and Britain—countries that are favorites for U.S. tour and cruise operators.

The European Community tourism commissioner, Carlo Ripa di Meana, told journalists last week that Greece had lost $100 million in American tourism since the hijacking of a TWA airliner in June, an attack on Athens airport in December, and President Reagan's warning to U.S. travelers to avoid the Mediterranean.

The number of American tourists in Italy has plummeted 50 percent. Even the Netherlands, where Amsterdam's Schiphol Airport is a favorite transit point for cheaper flights and charters from the U.S. has been hit by a 20 percent cut.

Mr. Ripa di Meana lays much of the blame for this on Americans' fear that security against terrorists in Europe is too lax and their belief that Europe has refused to crack down on Libya's Col. Muammar Qadhafi.

Some European tourist officials say irresponsible coverage by the American news media may have scared tourists. John Boon, chairman of the British incoming tour operators' association, said that in New York recently he saw TV footage of tanks at London's Heathrow Airport, even though the exercise had taken place weeks earlier. Mr. Boon also said that he "saw more policemen with guns at Kennedy Airport in New York."

But just as important as the concern over terrorism has been the drop of some 30 percent in the value of the dollar against most European currencies. This makes travel more costly for Americans.

Some 15 million tourists visit the country annually; spending about $6.5 billion. Of those, 3.6 million are Americans, and they tend to be among the most affluent. The British travel industry employs 1.4 million people and creates an estimated 50,000 new jobs a year.

A French travel official in Nice says numerous cruise ships that normally ply the Mediterranean, stopping off in Nice for the posh casinos in nearby Monte Carlo, had canceled their visits. He said that if all such cruise liners give the Mediterranean wide berth, there will be a drop of some 10,000 American tourists in Nice.

Greece is particularly bitter about the image being presented of the security at Athens airport and its seaports. Security has been stepped up, and the Greek government is undertaking a $1 million advertising campaign in the U.S. to improve its image.

Edward McMillan-Scot, a British Conservative member of the European Parliament, noted Tuesday that "there is a crisis of confidence. People do not want to travel because of terrorism, air and coach crashes, high air fares, currency fluctuations, and tour companies being bankrupt. Europe must tackle these problems together. . . . We must put the record straight or put at risk the $54 billion the 12 EEC countries earned from international tourism last year."

But Mr. McMillan-Scot says 80 percent of the tourism in the 12 European Common Market countries is in fact "internal"—generated by residents of northern countries taking holidays in Mediterranean countries.

DUNCAN HUNTER ON AN ATBM DEFENSE FOR EUROPE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. COURTER. Mr. Speaker, our distinguished colleague from California, DUNCAN HUNTER, has written an excellent essay, "Widening the Defense Umbrella," which appeared in Defense News. Mr. HUNTER argues that the possibility of an antitactical ballistic missile [ATBM] defensive system for Europe is most attractive, for several reasons. Such a defense would be less technically demanding than an SDI system; it would be able to provide an important level of conventional antimissile defense, and it would not violate the ABM Treaty. Such a system would be valuable standing alone, and even more valuable as a component of a more comprehensive SDI system. I commend Mr. HUNTER for his essay, and I urge your careful attention to his presentation.

The essay follows:

[From the Defense News, Feb. 10, 1986]

WIDENING THE DEFENSE UMBRELLA—CONSTRUCTION OF ATBM SYSTEM WOULD PROTECT EUROPEAN ALLIES

(By Duncan L. Hunter)

Western leaders have spent so much time debating America's Strategic Defense Initiative that they have overlooked the real possibility of protecting our allies in the near term—a European Defense Initiative based on an Anti-Tactical Ballistic Missile (ATBM) system.

An ATBM system could employ upgraded surface-to-air missiles (SAMs) capable of shooting down short-range nuclear and conventional missiles. From technological perspective, this task is not as complex as intercepting long-range Soviet ICBMs (not targeted against Western Europe) because short-range missiles travel at significantly slower velocities over the course of their trajectories.

In fact, the Soviet Union has begun to field an advanced SAM system, the SA-12, that possesses demonstrable ATBM capability. The mobile SA-12 system is a highly effective wedding of modern technologies designed to counter shorter-range U.S. and European nuclear systems. Recent indications that the SA-12 is being deployed to protect the new Soviet SS-25 ICBM seemingly confirm the beliefs of many Western experts that the SS-12 has significant missile defense capability.

It is not the U.S. but, rather, our European allies who are facing the formidable Soviet arsental of short-range theater and tactical weapons. The Soviet tactical SS-21 and SS-23 (currently being deployed throughout Eastern Europe), and theater SS-20s, comprise the backbone of Moscow's nuclear and chemical missile threat against Western Europe.

All of these missiles, which by definition are not strategic, can be technologically and legally defended against while remaining consistent with the constraints of the 1972 Anti-Ballistic Missile Treaty. The treaty does not prohibit defensive systems that are designed to destroy tactical and theater ballistic missiles, and both the United States and Soviet Union were clearly aware of this loophole during the negotiations.

An ATBM system will also provide our allies protection against grave non-nuclear threats. Many military analysts predict that any Warsaw Pact aggression against the West might well commence with deep strikes against NATO airfields and munitions depots (both conventional and nuclear)—strikes that will include delivery of chemical agents by SS-21 and SS-23 missiles. An ATBM system would help deprive Moscow and the East Bloc of such a debilitating early strike capability.

In addition, a European ATBM system would not have to be overly extensive, since an area defense of all of Western Europe is not needed for ATBM to effectively deter and defend. The defense of a limited number of NATO's military facilities would suffice.

Such a defensive capability should be eagerly sought by our European allies. Unlike many of the more exotic technologies required for ICBM defense (particularly in the boost phase), an ATBM system can readily be constructed with existing, on-the-shelf technology. Edward Teller's assertion that "it is easier to defend Europe with SDI than it is the United States" should be taken to heart by European leaders.

The technology of SAM-Type ATBM systems is certainly within the capability of European scientists and engineers and, with American technical assistance, would require only several years to develop and deploy.

As the more advanced technologies of SDI become available, they too could be applied to European missile defenses. While a European defense system would certainly be related to any U.S. SDI program, the strategic rationale for such a system would be equally valid even if President Reagan had never initiated SDI three years ago.

At some point an assessment will have to be made of any ATBM's capability against certain employment modes of Soviet strategic submarine ballastic missiles. In certain instances, such missiles have characteristics to those of their theater and tactical counterparts, thus blurring the definitional distinction between ATBM and ABM. Howev-

er, at this embryonic stage of serious thinking regarding ATBM, the West should not torture itself over the question of where ATBM capability ends and ABM capability begins.

The Soviets, with the succession of SAM systems—the SA-5, SA-10 and SA-12—have apparently answered that question for themselves, without any concern for Western opinion and/or input. If the ABM Treaty is to equally constrain both signatories, it cannot be liberally interpreted by the Soviets and conservatively interpreted by the United States. Certainly Mikhail Gorbachev cannot fault the U.S. for aiding in the development of a capable ATBM system such as the one he deems both legal and valuable, the Soviet SA-12.

Our allies are interested in defending against Soviet missiles. They should designate for their portion of a European Defense Initiative a program that is non-provocative and affordable, while serving to respond, in the near term, to the threats to their security and survival. ATBM offers Western Europe a logical and strategically stabilizing way to do just this.

TRIBUTE TO HARRY McCONNVILLE

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. APPLEGATE. Mr. Speaker, it is with much pride and pleasure that I take the time to recognize today an outstanding individual and community leader in my district, Mr. Harry McConnville. Harry is a longtime resident of East Liverpool who is very well known and admired by many in the community for his sincere concern and dedicated service to the people of East Liverpool. He currently serves on my East Liverpool district office staff and has volunteered his time there since 1977. It takes a special kind of person to devote so unselfishly so much of his time and efforts to the betterment of the community.

Harry has dedicated a majority of his life to public service. He served combat duty in the Pacific while a sergeant in the Marines from 1941–45, after which he made a 30-year career working for the IRS. Now it's difficult for most people to imagine that anyone working for the Internal Revenue Service would be liked. But Harry has defied that because he is the most popular person in the East Liverpool area. He has been a member of many clubs and organizations in and around East Liverpool and his public involvement has ranged from serving on a number of community advisory boards to being a member of the East Liverpool Historical Society. One of his many accomplishments was his assistance in locating the Kent State University Campus in East Liverpool. Harry has also done much to encourage enthusiastic participation in the democratic process by his membership in the East Liverpool Area Democrat Club, in addition to his involvement in the Columbiana County Democrat Executive Committee.

Harry's energy has been remarkable throughout his highly active life. Besides his commitment and hard work at contributing to the public welfare, Harry is also an extensive traveler. He has visited every country in Europe, climbed to the top of the pyramids in Egypt, seen many countries in Africa, India, the Middle East. He has been to the Arctic Circle and has also voyaged to China and Japan.

On February 22, Harry McConnville's many friends in the community will hold a long overdue testimonial dinner in his honor. As he is saluted by his friends and family, he can reflect with pride on his many contributions to the residents of East Liverpool. To each of Harry's many positions in the community, he has brought a rare blend of compassion, loyalty, and devotion. He has always been one to lend a helping hand whenever he has been asked. To me, Harry has been a great supporter and faithful friend for many years.

Mr. Speaker, I hope you and all of my colleagues will join me in saluting a remarkable man and outstanding community leader and most importantly a very dear personal friend. It takes men like Harry McConnville who are willing to play such an active role in the improvement of the community to make society a better place in which to live. I extend my congratulations to Harry for his outstanding service and meritorious achievement and wish him continued success on the road and best wishes in the future.

A BALANCED BUDGET AND GRAMM-RUDMAN

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. GINGRICH. Mr. Speaker, on January 9–11, 1986, the Committee for a Responsible Federal Budget cosponsored a symposium in New York City. The Honorable John J. Rhodes cochairman of the Committee delivered the convening address. I believe his remarks merit the attention of my colleagues.

HON. JOHN J. RHODES, COCHAIRMAN, COMMITTEE FOR A RESPONSIBLE FEDERAL BUDGET

It would appear that Congress and the President decided in December that the norm of budget balance is important. Their answer to the question: "How do we get from here to there?" was to adopt Gramm/Rudman/Hollings. Undoubtedly, there will be a great deal of discussion of the implications of that legislation at this symposium.

How will Gramm/Rudman/Hollings affect the deficit debate?

Will it change the political agenda?

Will it compel the House, the Senate, and the President to compromise their differences on priorities—put budget balance above personal, partisan, and institutional priorities?

Will Congress adopt a budget resolution and reconciliation legislation for FY 1987?

Will they even complete action on the FY 1986 reconciliation bill?

In short, will Congress and the President agree on changes in law to move the budget back toward balance?

Or—and this is the most serious concern of those of us concerned with budgets and budget process—will our political leaders rely on a series of sequester orders to do their job for them?

If they do, we fearlessly predict they will repeal Gramm/Rudman/Hollings, either overtly or by exempting new spending legislation one bill at a time.

Let me say for myself: I have a lot of sympathy with an observation one of our contributors made the other day. He said Gramm/Rudman/Hollings reminds him of the "Son of Sam" killer in New York. Son of Sam went out and killed a number of people. Then he called the police and said, "Please catch me before I kill more people!"

This Congress and this President have run up $1.5 trillion in new debt over the last five years. Gramm/Rudman/Hollings was the closest thing they could contrive to calling the cops and saying collectively, "Stop us, because we cannot stop ourselves."

Gramm/Rudman/Hollings precipitates a crisis artificially, and if that crisis causes Congress and the President to act responsibly to cut the deficit, then Warren Rudman's famous quote will have proven true: "It is a bad idea whose time has come."

Clearly, an artificial crisis is better than waiting for a real economic catastrophe to occur. But after thirty years in Congress I must say, this is a hell of a way to run a railroad—much less something as serious as the budget of the United States of America.

And harking back to my years in the House: I have a confession to make. For years I said: "Elect a Republican Congress, and we will balance the budget." I am embarrassed that, five years into a Republican Presidency, after five years of Republican control of one House of Congress, we have quadrupled the national debt. Three full years into economic recovery, the deficit is $200 billion a year; and GRH notwithstanding, there has not emerged so far any substantive proposal which has the support of the President and both Houses of Congress to redress this alarming trend.

Let me observe: It has been in the United States Senate, where they need bipartisan support to pass their budgets, that the willingness to bite the bullet—to make the hard choices on tough issues like social security and taxes—has been most evident.

Both the White House, which is controlled absolutely by members of my party, and the House of Representatives, which is controlled absolutely by the Democrats, have put personal and partisan concerns above the goal of budget balance.

Perhaps I was wrong. Perhaps we will get the most responsible federal budgets from bipartisan agreements—not from decisions taken by members of either political party. That is a tough thing for me to say.

What I have said so far reinforces what most of you know are our Committee's biases. Many of us spent years in government, in Congress and in the executive branch. It seemed inconceivable to us then—and we continue to find it unbelievable and alarming now—that the country is piling up deficits of even $100 billion, much less $200 billion every year. But we did not—we could not—have convened this group alone.

The American Association of Retired Persons, The American Stock Exchange, Avon Corporation, The Business Roundtable, General Foods Corporation, GTE Corporation, and the Kerr Foundation have joined us to make this symposium possible.

All of these groups share with us a sense of alarm: That the deficit rapidly is approaching crisis proportions; that what we are facing may well prove to be a test of our ability to govern, not only a test of our ability to make responsible fiscal policy decisions.

We are very gratified to see all of you here—from Common Cause and the Chil-

dren's Defense Fund, from the education community, from major corporations. The breadth of your participation—the depth of your interest—bodes well for the ability of the nation to solve this critical problem.

When this meeting is over, I suppose it is possible we all will conclude the problem is not as serious as we think it is. If we could believe that, at least we could sleep better at night.

But if we are right—if budget balance really does matter—we hope this meeting will contribute to a new consensus: That the norm of budget balance remains important to sound budget policy and ultimately to a sound economy in our great nation.

If that is the case, we hope sincerely everyone here will bear in mind: Norms operate because of general acceptance, not because we write them into statute—nor even into the Constitution.

Every time one of us argues some specific objective is more compelling than the overall goal of moving the budget back toward balance, we undermine to some extent public acceptance of the truly hard choices which will be required.

We want a balanced budget. We want to maintain a strong defense. We want to take care of the elderly and the needy in society, to provide adequate support for research and infrastructure, to protect the environment. These are not mutually exclusive desires. But they do imply a renewal of the social contract.

We could continue to do everything government does now, but that would imply a tax increase equal to nearly one-third of total federal revenues today. I suspect the American people do not want a government that large. We must decide what we want our government to be and do—what we are willing to do without—for what we are willing to pay—and not just charge the cost of government today to future generations.

We have here some of the best minds in the country. To make the decisions they must, our political leaders will require all the help they can get from you.

We ask all of you, for the next two days at least, to put aside any biases you bring to this meeting. Let us explore together the knowledge and ideas we bring collectively to this symposium. We are embarked on a very important period in our history. Let us take advantage to this opportunity to prepare the way as best we can.

We also ask you: consider continuing the dialogue we begin here. We hope this will prove the beginning of better cooperation among all of us here toward the objective of serving the general interest of the country—understanding that by doing so we will also serve each of our own special interests better than we could in any other way.

With that thought, let me say thank you to all of you for taking time from very busy schedules to take part in what we believe is a very important meeting. Thank you to all of our cosponsors. And thank you to Ted Brophy, our host tonight.

SOME VIEWS ON CONRAIL SALE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. FLORIO. Mr. Speaker, I was recently visited by a group of Conrail employees who support of the sale of Conrail to Norfolk Southern. Their views differ from the view of many other Conrail employees I have heard from. They requested I share their views with my colleagues. What follows is a statement of their position in support of the Norfolk Southern proposal.

STATEMENT OF CONRAIL WORKERS SUPPORTING NORFOLK SOUTHERN

"In its struggle to stay alive as a "stand-alone railroad," Conrail has abandoned more than 2,000 miles of track and laid-off 43,000 employees in the last five years. In the past year alone, Conrail has sold off more than $75 million in assets, laid-off more than 1,000 employees, and posted an additional 570 miles of track for abandonment.

"The fact is, a "stand-alone Conrail" has nothing to fall back on when times are tough but its own shippers and employees. Conrail management recently estimated that it would take another 4,000-5,000 miles of abandonment to keep the corporation profitable over the long run. Also, management is laying plans to eliminate an additional 2,000-4,000 employees over the next four years.

"This is too high a price to pay for an independent Conrail. A Morgan Stanley-owned Conrail would simply turn jobs into dividends by laying-off employees to keep the corporation afloat.

"But Norfolk Southern is a different kind of buyer. Norfolk Southern is committed to Conrail for the long haul—and it's our best hope for the future. Norfolk Southern would bring Conrail better routes, new markets, and more shipping volume. Volume means more jobs and better service. More important, Norfolk Southern will bring Conrail a buyer who wants to run a railroad—not a group of investors who are in the deal for short-term profits and a quick turnaround. A vote for Norfolk Southern is the best way to protect Conrail's employees and shippers over the long haul."

THE DEATH OF MRS. KLINGHOFFER: A BRAVE SOLDIER IN THE BATTLE AGAINST TERRORISM

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. BROOMFIELD. Mr. Speaker, I was shocked and saddened to hear news of the death of Mrs. Marilyn Klinghoffer, the wife of the late Leon Klinghoffer. I want to take this occasion to pay tribute to her and to console her family during this hour of sadness. Mrs. Klinghoffer was a real patriot in the fight against terrorism. Her bravery was an inspiration to all of us. She and her husband will not be forgotten.

On February 9, Mrs. Klinghoffer died of cancer in New York. Members of her family were with her when she passed away. She was a heroic and admirable woman who showed strength and composure during her harrowing days on the *Achille Lauro.*

Who can forget how the Palestinian hijackers brutally murdered her husband, Mr. Leon Klinghoffer, and then cast his body into the sea? The Klinghoffers had made the cruise on the ocean liner to celebrate their wedding anniversary. The terrorists later denied having taken the life of the 69-year-old man and accused Mrs. Klinghoffer of having murdered him.

I clearly remember her visit to the House Foreign Affairs Committee and how all of us were impressed by her determination to bring her husband's killers to justice. She spoke convincingly of her deep determination to pursue the struggle against terrorism and talked of her desire to set up a foundation, in her husband's name, which would focus on the issue of combatting terrorism.

I encourage my colleagues in the Congress to continue doing all that we can in the battle against international terrorism. While Congress has passed some important antiterrorism legislation, more remains to be done in this unending struggle against those who would deprive us of our freedom.

I commend the following article concerning this remarkable woman to my colleagues and again express my deep sympathy to her family and loved ones. We can be certain that she will live on in the memories of all of us.

The article follows:

[From the Washington Post, Feb. 10, 1986]

MARILYN KLINGHOFFER, HIJACKING SURVIVOR, DIES

"ACHILLE LAURO" VICTIM PUSHED ANTITERROR FIGHT

(By Don Phillips)

Marilyn Klinghoffer, whose husband Leon was murdered in the hijacking of the Achille Lauro and who began a compaign to enlist citizens as "foot soldiers in the battle against terrorism," died of cancer yesterday in a New York hospital. She was 59.

A family spokesman, Letty Simon, said that Mrs. Klinghoffer died at about 5 a.m. at Lenox Hill Hospital, with her children and other family members present. Her daughters, Ilsa Klinghoffer and Lisa Arbittier, are in seclusion, Simon said.

Leon Klinghoffer, 69, was shot as he sat in his wheelchair and his body dumped overboard when Palestinian hijackers seized the Italian cruiseliner last Oct. 7 as it sailed the Mediterranean off Port Said, Egypt. His body eventually washed ashore on the coast of Syria.

Simon said that the Klinghoffers were aware of her condition at the time of the cruise. "It was diagnosed in the fall of 1984," she said. She declined to say what type of cancer Klinghoffer had.

Simon said that Mrs. Klinghoffer's condition did not prevent the trip, in celebration of the couple's 36th wedding anniversary, from being a pleasant vacation until the four hijackers toook over the ship.

"I think she and Leon were able to enjoy it at the time," Simon said. "It was the trip of a lifetime."

Last week, Simon announced that Klinghoffer had sold the story of her husband's death to a production company for a television movie. Klinghoffer, who had worked as assistant personnel manager at a business and trade publishing company in New York, was to have been a consultant on the production. No mention was made of her illness at that time.

Simon said that the Klinghoffer children will propose that the Leon Klinghoffer Foundation, begun by Mrs. Klinghoffer, be renamed the Leon and Marilyn Klinghoffer Foundation. The foundation has collected $25,000 to $50,000, Simon said, mostly in

small donations, and a decision will be made later on how to use it in the battle against world-wide terrorism.

The four accused hijackers were captured when U.S. Navy planes forced an Egyptian airliner to land at a North Atlantic Treaty Organization base in Sicily, but Italian troops prevented U.S. troops from removing them from Italian soil. The four were convicted in Italian court on weapons charges and await trial on charges of hijacking and murder.

Klinghoffer, shortly after the hijacking, met President Reagan and told him she spat in the faces of the terrorists as she identified them in Italy, and Reagan said, "God bless you." She had vowed to go to Italy or anywhere else to testify against the "cold-blooded murderers, liars and cowards" who killed her husband.

Klinghoffer told reporters that the 11 Americans and six British citizens aboard the ship were separated from the rest of the passengers and ordered to climb a narrow staircase.

"I attempted to push my husband in his wheelchair in the direction of the staircase," she said. "The terrorists ordered me to leave him. I told them that I couldn't leave him and begged them to let me stay with him. They responded by putting a machine gun to my head and ordered me up the stairs. That was the last time I saw my husband."

She testified at the House Foreign Relations subcommittee on Oct. 30 that what happened on the Achille Lauro "could happen to anyone at any time and at any place." She endorsed an international conference on terrorism.

"I believe my husband's death has made a difference in the way that people now perceive their vulnerability," she testified.

On Nov. 27, she filed a $1.5 billion suit in a New York court against the Palestine Liberation Organization and another seeking an undertermined amount of money from the owner of the ship, the Italian port of Genoa where the ship was based and the travel agency that arranged the tour.

The White House issued a statement yesterday saying, "Mrs. Klinghoffer was a courageous woman who stood for her principles in speaking out eloquently against terrorism. The President will be sending his condolences to the family."

MANISTEE, MI, "A DIAMOND IN THE ROUGH"

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. VANDER JAGT. Mr. Speaker, a number of months ago, one of Michigan's finest newspapers, the Detroit News, put the "spotlight" on Manistee, MI, an outstanding community within our Ninth Congressional District. I am very proud to bring that fine feature story to the attention of my colleagues because I am certain that it is a story that could be told of literally thousands of "Manistees" throughout our country. Manistee, however, is unique to many communities simply because of its beautiful location on Lake Michigan, which, undoubtedly, led to the feature story's headline, "New Venice?"

But, Dave Carlson, a Manistee businessman said it best, "If you compare Manistee with other communities of its size and see what less they have to offer in terms of quality of life, natural assets and rich heritage, then you know why people who have lived here a long time have the faith in Manistee that they do."

Manistee, with a glorious past, now is looking to the future with great hope and optimism. Yes, Manistee now is a "diamond in the rough," but its people have the ability and the commitment to make it a glowing, sparkling jewel once again. If people and planning is the answer, and most believe they are, Manistee is fated to become a boomtown once again.

The article, "New Venice?", as it appeared in the Detroit, MI, News, last year follows:

NEW VENICE? MANISTEE SEEKS TO BRING BACK SOME OF ITS GLORIES OF THE PAST

(By Renee Dziewit-Coombs and Sheila Richmond Wissner)

[EDITOR'S NOTE.—Many Michigan cities are groping for ways to cope with new economic realities. City officials say they are hunting for ways to "diversify" their economies. The "urban update" below shows how elusive the goal can be—and how one determined town continually pushes plans for regaining lost elegance and prosperity.]

MANISTEE.—A hundred years ago, Manistee was a booming lumber town, one of a half dozen lining the eastern shore of Lake Michigan. Its sawmills provided Chicago and westward moving Americans with white pine timber vital to construction—and America's expansion.

The thriving lumber industry created more millionaires per capita here than anywhere else in the world. It created a bustling shantytown, a riotous downtown saloon district and the other paraphernalia of a prosperous frontier settlement.

But today all that remains of the lumber barons are fading pictures in the local museum and some of their opulent Victorian homes. Manistee has 7,566 residents, a trifle more than half its past population. It also has an unemployment rate of 14.4 percent.

Yet city officials have not despaired. Mayor Vickers Hansen says, "I think we're on the edge of some unique opportunities. A number of projects, over the next few years, will enhance Manistee as a destination for tourists, second homeowners and retirees."

Architect Jim Gray, a consultant to the city, says he sees Manistee as "a diamond in the rough."

The city's leaders declare they are hoping to transform Manistee into a sort of Venice on Lake Michigan—a conceivable notion, for the town fronts on Lake Michigan, Manistee Lake and on both sides of the Manistee River, a Grand Canal that zigzags through the area.

With Venice in mind, the city has laid plans for:

A $22-million condominium development along a man-made canal.

A riverside walk, bordering downtown.

One overall goal, of course, is to stimulate investment in local industries, which need revitalization now as they have in the past, for Manistee's decline did not occur all at once.

Lumbermen and others foresaw the near extinction of white pine in the area. They perceived the need for diversification—for other industries to support the city once the logjams and lumber mills disappeared.

Even during boom times, the lumber barons sank money into salt mines, an iron works and other businesses. They turned to relatively low-grade trees to feed the paper mill.

Then the auto age dawned, bringing to town metal casting firms and machine shops. But those industries never were enough to reverse the skid. Half the city's 14,000 boom town residents had packed up and left by 1920.

During the 1920s and after, the city began using city funds to help foundering businesses. It balied out the town's boat factory, for example. In fact, it did so five times.

When the recessions of the last dozen years hit, several major plants and retail businesses folded. Others now are ready to collapse, or move, if the local economy does not improve.

Decay is obvious. Segments of the town's storm and sewer system are more than 120 years old and rotting. Its secondary wastewater treatment plant is deteriorating. Streets are disintegrating faster than they can be maintained. So are city trucks.

Moreover, vacant buildings stand next to recently refurbished ones on streets dotted with rubbish-stewn vacant lots.

If such things have slowed the influx of new industry, by most accounts the legendary hostility between labor and mangement in the city has also. It is blamed for more than one plant closing.

Dave Carlson, owner of Do-Mor Tractors, a local company, says:

"Even if it is just 100-percent illusion, (the labor-management discord) is still a problem. And whether it's greater now or not, it did exist. But I am encouraged, because when I was involved in the early organization of the Manistee Area Labor Management Council, I witnesssed for the first time both labor and management sitting across from each other talking."

The Council is a group created to find ways of eliminating anti-labor and anti-management attitudes.

Of course, city officials are predicting better times. They concur with Carlson, who says:

"If you compare Manistee with other communities of its size and see what less they have to offer in terms of quality of life, natural assets and rich heritage, then you know why people who have lived here a long time have the faith in Manistee that they do."

The optimism rests partly on the observation that as air and water quality steadily have improved over the years, tourists actually have been coming to the city and its environs. Lake Michigan's deep-water salmon fishery has lured them form the outcounty lakes they used to visit almost exclusively.

Consequently, several motels have been built in the last 10 years, and rumors abound that a new one will move in soon.

Still, Manistee faces tough competition for new industry and tourists from such towns as Muskegon, Ludington, Grand Haven and Traverse City. City boosters have placed their confidence in staying competitive with those cities on several already started projects and the anticipation that some or all of numerous additional proposals eventually will reach fruition.

Completed or nearly complete projects include:

A new city marina that has lured many boaters into the protected harbor.

The $2-million Lake Ridge Landing riverfront condominium under construction.

Restoration of the famed Ramsdell Theatre, an old legitimate theater that is still used for stage productions and concerts.

A river walk to skirt the banks of the river flowing through the downtown. One section is already completed.

On the drawing boards are:

A $22-million condominium development, called the Northshore Development, to be built along a man-made canal on a 65-acre tract of city-owned land near Lake Michigan.

The restoration of "Victorian Village," the city's name for its downtown district on River Street.

Completion of many of these plans depends on a proposed financing measure. It calls for creating downtown a Tax Increment Financing Authority (TIFA) supervised by the recently established Downtown Development Authority. The City Council is expected to approve TIFA in early April.

The taxing authority would tax any future increase in downtown property values, and, thus develop revenue—if the theory is correct that improvements to the downtown area inevitably drive up property values.

At any rate, increased values are anticipated. And the city would issue bonds based on the future taxes. It then would use the money obtained by bond sales to finance parking structures, the addition of lighting downtown and other improvements directly related to attracting businesses downtown.

City officials say the financing technique is being used in Harbor Springs, Marshall, Brown City, Hancock, Menominee and other communities.

Restoring life in the historic Victorian Village hinges largely on TIFA. So does the rebirth of the "Briny Inn," a massive four-story hotel that was built at the turn of the century and featured salt and mineral baths.

But like most cities in most states at some time, Manistee has seen its past urban renewal plans die prolonged and unprofitable deaths. A decade ago the city actually built an industrial park financed by a citizen-approved bond issue. The park stands largely empty.

Buit not all was lost. The city obtains substantial oil and gas royalties from two oil wells drilled in the park in recent years.

For the same reason officials of other cities say it, city manager Robert Lewis declares Manistee must develop both its industry and tourist trade. He says:

"You need a diversified economic base, because if industry is on a downward cycle, then the tourism base could offset that decline."

With others, Lewis voices hope after hope for growth. In fact, it is fair to say that if planning will make it happen, Manistee is fated to become a boom town again.

A TRIBUTE TO DAVID P. ANDERSON

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. COURTER. Mr. Speaker, the former superior court trial administrator of the Morris-Sussex district in New Jersey, David P. Anderson, has recently been appointed to the position of assistant director of the State administrative office of the courts.

David has devoted the last 13 years to serving the New Jersey court system in several different capacities. Through hard work and selfless dedication, he has succeeded in supervising the Morris and Sussex County Trail Courts in a professional and efficient manner. David's career illustrates that one individual can make a difference in an often seemingly unchanging bureaucratic system

David dedicates his private time to furthering the goals of court administration by serving on the board of directors of the Public Administration Institute at Fairleigh Dickinson University in Rutherford, NJ. His membership in the National Association of Trail Court Administrators and the Criminal Justice Advisory Committee of County College of Morris in Randolph, NJ, demonstrates his deep commitment to the criminal justice system.

Mr. Speaker, I join with all of David's colleagues in wishing him success as assistant director of the State administrative office of the courts. Judging by his past performance, the entire State of New Jersey will benefit from his promotion.

A PROGRESS REPORT ON WAL-MART'S "BUY AMERICAN" PROGRAM

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. HAMMERSCHMIDT. Mr. Speaker, yesterday it was my great experience to once again be with Mr. Sam Walton and the many other members of the Wal-Mart Store organization, whom he refers to as his 90,000 associates. Wal-Mart Stores, Inc., is a national discount department store chain offering a wide variety of merchandise to the consumer. Wal-Mart's philosophy is to offer quality name brand merchandise at an everyday low price and not just during a sale.

Although Wal-Mart operates 859 stores in 23 States, it is headquartered in Bentonville, AR, which falls within the boundaries of Arkansas' Third District, which I am honored to represent. The occasion was to report and in fact celebrate the success of Wal-Mart's "Buy American," Program. Yesterday, February 17, Mr. Walton hosted a presentation on the "Buy American" Program to Federal and State representatives and business leaders in manufacturing at the Statehouse Convention Center in Little Rock. Concerned with a growing Federal trade deficit, and an increase in the loss of jobs due to competition from imported items, Mr. Walton devised the program to build a stronger partnership between retailers and domestic manufacturers.

Many of these suppliers were in attendence and are now manufacturing merchandise in the United States for Wal-Mart which was formerly being purchased offshore in foreign countries. In fact, many of the manufacturers are either located in Arkansas or within the 23 States that Wal-Mart serves.

During the conference, Mr. Walton explained how Wal-Mart has effectively converted $197.3 million to domestically manufactured goods since March 1985. Joining the conference and discussing the program were top management from the Wal-Mart company.

According to David Glass, president of Wal-Mart, "The 'Buy American' Program does not take an anti-import approach nor does Wal-Mart seek protectionist legislation. Our goal is to strengthen the partnership between retailers and manufacturers to develop increased competition, in price and quality, between American-made goods and imported items. The results will be more jobs created or retained and the retention of American dollars that would otherwise be spent offshore."

The $197.3 million retained in the United States during the 9 months the program has been in effect is a start in that direction. Jobs created or retained in that time number 4,538. Executives of the company hope that the conference held yesterday will encourage additional participation from other retailers and manufacturers and that State leaders will achieve a greater understanding of how they may play a part in the program.

LITHUANIA INDEPENDENCE

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. McKINNEY. Mr. Speaker, February 16, 1986, marked the 68th anniversary of the independence of Lithuania. I believe that it is of the utmost importance that we recognize and commemorate this nation's hard fought struggle for sovereignty.

Lithuania is a Baltic State whose population consists of the strong-willed and the determined. Throughout its history, dating back to 1009, this powerful state was able to protect its land from neighboring enemies. Lithuania protected all of Europe from the Mongols who desperately tried to conquer and control the continent. In addition, this state formed a government which served as an example for other European nations.

Lithuania remained free and independent until 1795 when it was annexed by Russia. The Russian Government immediately set out to impose their language and culture on the Lithuanian people. This dominance came to an end in 1915, when the German Army drove out the Russian occupants. In 1918 Lithuania declared its independence. It is this event that we commemorate today.

Once free from the yoke of Russian dominance, Lithuania's economy realized major improvements. The agricultural and industrial sectors made major strides, while education was made more available and literature prospered. On the whole, the Lithuanian life-style flourished.

Then, at the beginning of World War II, the power and prestige that the Lithuanian Government had created was suddenly destroyed. Although Lithuania intended to stay neutral, it soon was absorbed by the Soviet Union. Within 3 months, beginning in June 1940, the Russian Government manipulated Lithuania to such a degree that on August 3, 1940, it became a satellite of the Union of Soviet Socialist Republics.

In its attempt to completely control the Lithuanian people, the Soviet Union has neglected basic human rights. The fundamental freedoms of speech, press and religion are blatantly disregarded. Strict censorship of mail,

electronic monitoring of telephone conversations, and jamming of foreign radio broadcasts are some of the tactics employed by the Soviets. Also, freedom of movement both within Lithuania and the ability to emigrate are severely restricted.

But despite the Soviet occupation of their homeland, the Lithuanian people have held on to an optimistic view of their nation. The Soviets have harassed, persecuted and even killed in order to maintain control. Yet, the unshakable independence of mind of the Lithuanian people has survived.

This determination is evident in the improvement that their economy has shown in recent years. Lithuania's production of various types of metals, tape recording equipment, radios and televisions all have contributed to the economic upswing. Major cities such as Vilnius, Kaunas, Klaipeda, and Sialiai produce 75 percent of all industrial goods. The Baltic coasts have become beautiful resort areas, and Klaipeda is a major port in the fishing industry.

Mr. Speaker, while we join in commemorating the 68th anniversary of Lithuanian independence, the reality of Soviet dominance over these brave people prevents any real celebration. The annexation of Lithuania to the Soviet Union is not recognized by the United States. In truth, it simply is an occupation by a foreign army of a sovereign nation.

Thank you, Mr. Speaker.

TRIBUTE TO CANTOR EPHRAIM STEINHAUER

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to an outstanding leader of the Jewish community in New Hyde Park on Long Island. Cantor Ephraim Steinhauer is retiring after serving for 35 years as the cantor of Temple Emanuel.

Cantor Steinhauer also served the temple as music director of the religious school and music director of three choirs, as well as a Hebrew teacher. From 1981–82, he also served as principal of the religious school.

A veteran of the Israeli War of Independence, Cantor Steinhauer lived on a kibbutz in Israel from 1948–51, at which time he assumed his position as cantor for Temple Emanuel. On the occasion of Israel's 25th anniversary, the Israeli Government honored Rabbi Steinhauer by inviting him to give three concerts in Israel and awarding him a medal.

In addition to his role as cantor for the temple, Mr. Steinhauer expressed his commitment to Jewish religion and tradition through extensive participation in the Long Island Jewish community. He has presented numerous programs for Jewish organizations, lectured at area churches, and has sung on radio stations and at cantorial concerts in the area.

When he retires this July, Cantor Steinhauer will not be forgotten. His voice and his presence will be remembered by all those who had the pleasure of witnessing his talent and commitment.

CTB NEGOTIATIONS SHOULD BE PART OF U.S. ARMS CONTROL POLICY

HON. BUDDY MacKAY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. MACKAY. Mr. Speaker, House Joint Resolution 3 is coming up for a vote next week in the House of Representatives. Introduced by Representatives BEDELL and LEACH and sponsored by over 200 of our colleagues, House Joint Resolution 3 urges the President to seek the advice and consent of the Senate on the ratification of two testing limitation treaties and urges the President to propose to the Soviet Union the resumption of negotiations for a comprehensive test ban [CTB] treaty.

In an article that appeared in the February 7, Washington Post, House Foreign Affairs Committee Chairman DANTE FASCELL made clear that a comprehensive United States-Soviet ban on nuclear testing should be a high priority of this administration in the Geneva negotiations. In other words, active pursuit of a CTB should be an integral part of the administration's arms control policy rather than being relegated to the status of a long-term policy objective that is never acted upon. Given the importance of this issue and the impending floor action on House Joint Resolution 3, I urge my colleagues to read the following article.

[From the Washington Post, Feb. 7, 1986]

U.S. URGED TO STEP UP ARMS NEGOTIATION EFFORT

(By Don Oberdorfer)

House Foreign Affairs Committee Chairman Dante B. Fascell (D-Fla.) called on the Reagan administration yesterday "to take a more aggressive and assertive posture" in the Geneva arms negotiations and urged a high-priority effort to work out a comprehensive U.S.-Soviet ban on nuclear texting.

Fascell, in a House speech, announced that House leaders have given clearance for floor action later this month on a resolution backing test ban treaties. Last October, House leaders postponed action on the measure, which has 208 sponsors, after administration pleas that passage might complicate President Reagan's position at his summit meeting with Soviet leader Mikhail Gorbachev the following month.

Proposals to halt all nuclear weapons testing have been a key feature of Soviet policy for many months. Gorbachev's Jan. 15 arms offer extended until March 31 the self-imposed Soviet moratorium on nuclear tests.

Secretary of State George P. Shultz, testifying before Fascell's committee Wednesday, opposed a U.S. test ban in the absence of agreements on sharp reductions in nuclear weapons stockpiles. "As long as there are nuclear weapons there is a need to conduct tests" in order to ensure the safety of weapons stockpiles and to "carry out modernization" of nuclear weapons to match Soviet efforts, Shultz said.

Fascell, in his statement, said the objective of curbing nuclear weapons tests has been backed by all previous U.S. presidents since Dwight D. Eisenhower. "Without a forthcoming administration commitment to comprehensive test ban negotiations, the only propaganda winner is the Soviet Union and the only loser is the United States," Fascell said.

In addition to seeking new test ban negotiations, Fascell, urged these administration actions in the Geneva arms negotiations:

Proposal of a "comprehensive verification package" to test Moscow's expressed willingness to accept on-site inspection.

Reaffirmation of mutual adherence to the SALT II treaty and "the longstanding interpretation" of the antiballistic missile (ABM) treaty.

Use of the U.S.-Soviet Standing Consultative Committee to press U.S. concerns about Soviet compliance with arms treaties, and the rejection of Pentagon recommendations that U.S. treaty compliance be abandoned.

Accelerated efforts to ban chemical weapons, include prohibition of production of new chemical weapons.

THE ANNIVERSARY OF THE DECLARATION OF LITHUANIAN AND ESTONIAN INDEPENDENCE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. BROOMFIELD. Mr. Speaker, this week marks the 68th anniversary of the Declaration of Lithuanian and Estonian Independence. It is tragic to note that these nations' independence were all too brief. A fraud perpetrated by the Soviet Union put an end to these nations' brief taste of freedom. Let our commemoration of this week be a symbol of the solidarity of the American people with the aspirations of the enslaved Baltic people.

As all of us know, the history of the Baltic States is a tragic one. All free men should know the sad story of that area and never forget it. All of us in the free world must profit from the mistakes of the past.

Lithuania, Estonia, and Latvia were once free and independent nations. In 1922, the United States recognized those republics and welcomed them into the international arena.

In 1940, the Soviet Army marched into the Baltic States. They effectively sealed those nations off from the eyes of the West. They formed puppet regimes and ensured that the legislatures were completely dominated by members of the Communist Party. They petitioned the Supreme Soviet of the U.S.S.R. to incorporate each Baltic republic into the Soviet Union.

The Soviets then began a systematic campaign of violence against the population of those nations. Over 655,000 Lithuanians, Estonians, and Latvians were deported to Siberia. Thousands were executed. The Kremlin quickly settled large numbers of their own people in the Baltic States to strengthen their control of the area. Widespread bloodshed ensued when the Baltic guerrillas took to the forest to establish a network of armed opposition to the illegal occupiers. More people were killed when Nazi Germany invaded the Soviet Union.

When the Soviets returned the second time in 1944, they were determined to stay and began a brutal plan of collectivizing the countryside. Farmers were forcibly evicted and de-

ported. More troops than ever were brought in to destroy the guerrilla movement.

In spite of the overwhelming oppression, the people of the Baltic states are struggling to maintain their linguistic, ethnic, and religious identities. Even today, they continue to fight against the oppressive political system which has destroyed every vestige of democracy and religious freedom. At this very moment, there are dedicated Lithuanians, Estonians, and Latvians fighting against Soviet oppression. Every year, brave men are added to the long list of martyrs from these countries. They are the most recent of aggressive Soviet tyranny. We cannot abandon these freedom-loving peoples.

As a nation which stands as a champion of liberty, our country deplores the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic republics. The Kremlin refuses to grant them independence from the Soviet Empire. Someday, their fervent desire for freedom will become a reality.

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. CLINGER. Mr. Speaker, I was absent from the floor of the House for one of the votes. Had I been present, I would have voted in the following fashion:

Rollcall No. 22, H.R. 3456: Consumer Product Safety, the House passed the Waxman amendment, as amended by the Bates amendment, that reduces the authorization period from 3 years to 1 year, sets the 1987 authorization level at $36 million, and directs GAO to study the activities and structure of the Consumer Product Safety Commission, "aye."

TRIBUTE TO SENATOR JOHN D. CALANDRA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. BIAGGI. Mr. Speaker, on January 20, 1986, the people of the 34th Senatorial District of the Bronx and Yonkers lost one of their most effective elected officials. On January 20, 1986, the State Senate of New York lost one of its most experienced and respected members. On January 20, 1986, I lost a longtime, dear and valued friend. On January 20, 1986, State Senator John D. Calandra died unexpectedly of a heart attack at the terribly young age of 57.

Since 1965, John Calandra most ably represented the interest and needs of the 34th Senatorial District. John Calandra was a Republican State Senator and a good one. Yet his most enduring legacy is measured in the fact that he was a political leader who was revered by both Republicans and Democrats. This because of the fact that John Calandra was a man of the people.

John Calandra saw his role as a State senator like few others. He saw it as a unique and special opportunity to do what he did best—be a "fighter" for the people who elected him. Johnny used to like to call himself an "old fashioned street fighter"—and it was because of this style that he was elected and re-elected overwhelmingly time after time by voters from both and all parties.

The affection, respect and regard for John Calandra was poignantly highlighted by New York political leaders. New York Governor Mario Cuomo called John Calandra "an able and effective spokesman for the people of his district." New York State Senate Majority Leader Warren Anderson, who delivered a moving eulogy at John's funeral said Senator Calandra "was a gentleman of the classic style of his beloved Bronx, whose work touched the lives of everyone in the city and the State." Mayor Edward I. Koch said, Senator Calandra was "earthly and profane—gentle and considerate." Some years back when Mayor Koch was pressed on why he would endorse a Republican State senator from the city, he answered "whenever I needed something in Albany, I knew he could deliver." The mayor when he learned of Senator Calandra's death said "He was a friend of the city."

Newspapers in the city and local papers from the Bronx and Yonkers were equally eloquent in their regard and tributes to John Calandra. The New York Times referred to Senator Calandra's death as "the loss of an outspoken and effective legislator." He was lauded and mourned by those he represented. Perhaps the most commonly heard tribute about John was the one he would have appreciated the most—"he was a regular guy."

In addition to serving as a State senator from the 34th Senate District, John Calandra was also the Republican leader of the Bronx and the senate majority whip. In years his life was short, but in achievement his life was very long and productive. In the State senate, John was a major force. In addition to being majority whip, he served with great distinction as a member of several standing committees including cities, education, elections, finance, investigations and taxation. He also served on the judiciary committee as well as the select committee on crime. He was one of the strongest advocates of law enforcement in the legislature. He worked on a variety of important anti-crime bills during his 20 years in the senate.

John Calandra was a visible presence in his district. He was incredibly accessible to his constituents. He was in his office for long and at some unusual hours. He dedicated himself to his work night and day, on weekends and holidays.

He was a leading presence in his community. He served as an active member of a host of local, civic, fraternal and charitable organizations. These included the Morris Park Homeowners and Civic Association, the Van Nest Recreation Center, the Williamsburg Post 1070 American Legion, Lady Queen of Peace Council Knights of Columbus, Royal Areanum Fraternal Organization, Columbia Esca Alliance Association, Pelham Bay Taxpayers Association and scores of other groups.

A tragic footnote to John Calandra's active nature in the community. He suffered the heart attack which first hospitalized him during a civic meeting in Yonkers. Several days later he passed away.

Yet despite the many time consuming responsibilities in John Calandra's life, he was a fiercly dedicated family man. He and his wife Jo Ann were more than a married couple—they were a partnership and this produced two lovely children, Marisa, a senior at Fordham University, and John Jr., a sophomore at Columbia University. They were a loving and devoted family, proud of their father and husband. My sincerest condolences I again send to them.

I attended John Calandra's funeral—as did hundreds of others from the Bronx and Yonkers. It is always difficult to fathom someone with so much life, with whom you had spent time just days before, passing away. The fact is I had known John Calandra for almost a quarter century. We worked together on countless projects because we basically represented the same constituency in our respective legislative bodies. John Calandra was a man of his word—a quality so essential in public life. John Calandra was a leader because he set the example for many of us in public life. He epitomized the work ethic in public service. He was there when his constituents needed him and looked out for their interests at all times. He was a crusader for those causes he believed in and a formidable foe when he was not so disposed on an issue. Yet whether he was in agreement with you or not—one thing you would never question about John Calandra was his integrity. It was the beacon which lit his life and his work.

There are so many things I remember about John Calandra because I was so fortunate to have spent so much time with him over the years. One unforgettable thing about John was his greeting "Hi ya partner"—I viewed it before as a greeting of a friend—a greeting of warmth, sincerity and affection. I will now remember it as well because of the remarkable and great man who said it and who meant so much to me in life—John Calandra. It is said that life ends but memory lives. For those of us who knew, respected and admired John Calandra, the memories will live and will be cherished for years to come.

At this point in the RECORD I wish to insert the aforementioned eulogy delivered by State Senate Majority Leader Warren Anderson.

EULOGY OF JOHN CALANDRA

There was then the sound of a strong, vibrant voice: in a moment it was no more, and so his wife, Joanne, spoke gently to family and friends and told us this sad news.

There was first a man, a man gifted with a foremost native wit, a man neither too young nor old, but a wit, full not only of common sense, but of no nonsense. Few could say so much in so few words. Now it is no more and his friends haven't yet accepted that he has left us.

His manner was quick and straight forward and not always quiet. He had a direct assertiveness from which his colleagues in the Senate drew great strength.

There was a man who gave us an honesty and strength fused into a hard determination to serve his people.

There was a father who loved his children deeper than the deepest north country snows. There was a loving husband who gave much and as a political figure had at times to ask much. Now, that is over.

A piece of all of us died at that moment.

I was privileged to know John Calandra as a friend and as a Senate colleague. I knew John from his first day of service in the Senate and I tell you that he will always be remembered as a man who gave 100 percent of himself in serving people.

I also remember John as being extremely warm to his colleagues and ever helpful to those who needed help. Yes, he was a gentleman of classic style from his beloved Bronx.

John was a traditionalist. He attended St. Philip Neri Grammar School and Immaculate High School. He attended St. Bonaventure University and St. John's University. He graduated from St. John's Law School. He was proud of each of those institutions because each, in it's own way was part of his life and he a part of theirs.

While serving as an assistant district attorney for the southern district of New York, John was in the forefront of the battle against the scourge of narcotics.

He represented taxpayers organizations, civic groups and was a member of the State bar association and the Knights of Columbus among his legion of activities.

He was elected to the State Senate in 1965. He gave 100 percent to that effort and to all others. He served on numerous committees—Judiciary and Rules committees—and he served as the Senate majority whip.

His efforts on those committees, as did his position as the Bronx County Republican Party Chairman, touched the lives of all of us who live and work in this State and in some areas the Nation.

When we are fortunate enough to meet a man of clear vision and basic goodness, we are blessed as are those he serves.

Plato wrote more than 2,000 years ago that greatness and wisdom would be needed if this State were to succeed.

He expressed it this way: "until philosophers are kings, or the kings and princes of this world have the spirit and power of philosophers, and political greatness and wisdom meet in one, and those commoner natures who pursue either to the exclusion of the other are compelled to stand aside, cities will never have rest from evils—and then only will this State have a possibility of life and behold the light of day."

John Calandra was one of those rare men who gave us the "light of day" goodness and politics blended together.

In death John gave part of himself to us. He gave us his strength, his style, his no nonsense approach to problems. He gave us his love so that we in turn can give of ourselves to one another in this place, so fully did he succeed that there is no room here for prejudice, hatred, bigotry or arrogance, only room for love.

He was my colleague and my friend. It is fitting that we accept this strong, vital man's gifts and in the Senate we will remember him most often when facing the toughest of decisions.

Our hearts go out to his wife, his children, his family and to his multitude of friends.

REPLACE THE "CHALLENGER"

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. LAGOMARSINO. Mr. Speaker, the *Challenger* tragedy last month sparked an outpouring of public support and involvement in our Nation's space efforts. The loss of *Challenger* was a serious setback, whose cause must and will be investigated, but it seems clear that the vast majority of the public wants the program to continue, as our President has promised.

One encouraging form that this public support has taken has been a rush of spontaneous inquiries to NASA about the possibility of using donations from the public to help rebuild our space fleet. Unfortunately a technicality in the law precludes NASA from accepting contributions earmarked for a particular purpose.

I am today introducing legislation, along with my colleague JACK FIELDS, to overcome this technical problem. The bill is very short and simply allows NASA to accept donations from the public designated for a specific purpose. The purpose could be for anything from a new shuttle orbiter to a planetary mission to a space station. The point is that the donor makes the choice—and knows that he has participated in that program.

You could ask why such a thing should be done? I would say, why not? If public donations can help rebuild the Statue of Liberty, or underwrite the Olympics, why not help rebuild the space fleet? I think people care, and this allows them to express that care in a way that also enables them to participate in the greatest adventure of our generation—the exploration of space and mankind's place in it.

We cannot all be astronauts—but we can all feel the pride that comes from knowing that we helped make it possible.

CITY OF NORWALK MEDAL OF VALOR: CECIL HELLOFS AND JACK SAILER

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. TORRES. Mr. Speaker, thank you for providing me with this opportunity to pay tribute to two outstanding heroes from the State of California.

On February 20, the Norwalk, CA, Public Safety Commission will present the city of Norwalk Medal of Valor to Cecil Hellofs and, posthumously, to Jack Sailer.

These men showed extraordinary courage above and beyond the call of normal duty when, at the risk of their own lives, they came to the rescue of persons in danger.

Jack Sailer and his wife, Tressie, were married for 37 years. They lived in Norwalk 36 of those years, raising four children, Bridget, Michael and twins, Cathryn and Maureen. Mr. Sailer retired on medical disability from the Purex Corp. after 37 years on the job.

Jack Sailer was a quiet man who loved to hunt and fish. It was while he was on a fishing trip to Anaheim Lake with two of his three grandchildren that he spotted two youths in their early teens who were having extreme difficulty in the water.

In spite of his own fragile condition because of failing health, Jack Sailer did not hesitate to jump into the water and rescue both of the youngsters.

Mr. Sailer died October 31, 1985. His death was due to a number of health problems and was not directly related to the incident. But who is to say whether it shortened his days? Mrs. Sailer will accept the Medal of Valor for her deceased husband.

The second person to be honored by the presentation of the Medal of Valor is Cecil Hellofs, a 53-year-old truck driver for California Distribution. He and his wife, Marlene, have been married 24 years. They have lived for the last 23 of those years in La Mirada where they raised five children. They are now the proud grandparents of a grandson and two granddaughters.

On October 8, 1985, Cecil Hellofs was on the job, driving his truck, when he noticed a 78-year-old woman being brutally assaulted. Mr. Hellofs immediately stopped his truck, grabbed a hammer, and chased off the assailant. He then telephoned the Norwalk Sheriff's Station to report the attack.

Mr. Hellofs remained on the scene and comforted the victim, Ida Williams, until paramedics arrived. Meanwhile, largely because of the description of the assailant provided by Mr. Hellofs, the suspect was apprehended.

The first deputy to arrive at the scene said Mr. Hellofs interrupted an attack that would have resulted in the death of the victim. He undoubtedly saved her life by his intervention.

At this time, Mr. Speaker, I ask my colleagues to join with me in commemorating these two courageous men, Cecil Hellofs and the late Jack Sailer, for their unhesitating response to their neighbors in distress. The heroic actions of men like these set an example for all of us.

PHILIPPINE DEBACLE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. OWNES. Mr. Speaker, surprise! The Marcos-dominated legislature in the Philippines has declared Marcos the winner of the February 7, 1986, elections. This occurred after millions were removed from the registration rolls, Aquino supporters were intimidated and denied the ballot, ballot boxes were stuffed and removed and opposition leaders were murdered. Virtually no one but Marcos and his staunchest supporters declare that Marcos has a mandate from the Filipino people.

In the last several days, there has been a great deal of comment in the American press about whether the Filipino vote was anti-Marcos or pro-Aquino. This is a red herring, to put it mildly. It is clear that an overwhelming majority of the Filipino people do not support

the government in power. It is also clear that U.S. aid to the Marcos regime will only serve to nuture anti-American sentiment. It is imperative that we do what is in our country's best interests and stop all aid to the Marcos' government. Development aid can be rechanneled through religious and sectarian voluntary organizations.

The people of the Philippines have suffered under the Marcos regime. We have been a party to that suffering. It is imperative that we become a party to development and a supporter of the democratic aspirations of the Filipino people. Economic development, with its benefits channeled to improve health, education and living standards is the best defense against a communist insurgency. Support for a corrupt oligarchy which is siphoining off millions upon million of dollars is not in our best interests and it's high time we recongnized this reality.

A TRIBUTE TO THE NATIONAL BANK OF NEW YORK CITY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. ACKERMAN. Mr. Speaker, I rise today to commend and congratulate the National Bank of New York City in the Borough of Queens, on the occasion of the 10th anniversary of its success in preserving the rights of city note holders and the financial integrity of New York City, which will be celebrated on February 20, 1986.

Ten years ago, as we all recall, the financial future of New York City was extremely precarious. The city had even instituted a moratorium on repaying $1.6 billion in short-term obligations in bonds and revenue notes—many of which were held by small investers. This drastic measure threatened to further undermine the reputation of America's largest city in the financial community.

One bank—the National Bank of New York City [NBNYC], then known as the Flushing National Bank—dared to challenge that suicidal moratorium. It insisted that New York must honor its obligations. After a year-long court battle, the bank's position was upheld and the moratorium was overturned.

Mr. Speaker, not only did the city avoid bankruptcy even though it had to honor its debt, but Standard & Poor's President Brenton Harris, a leading financial authority, stated that NBNYC had actually saved New York from financial disaster. This action by NBNYC was clearly a crucial step in putting New York back on the road to fiscal solvency.

Mr. Speaker, I take great pride in acknowledging two men who have enriched the community of Flushing and the Borough of Queens with their outstanding public service: Jack Farber, the first chairman of the board of the National Bank of New York City; and Richard Gelman, the president of NBNYC. Under the guiding influence of these two courageous New Yorkers, the Flushing National Bank exerted the necessary initiative in preserving the credibility of the municipal bond market during the New York City fiscal crisis.

New York City is a cultural promoter, an artistic innovator, a style and fashion forerunner, and a fast paced and free thinking city. It is difficult to imagine that one of the greatest cosmopolitan centers of the world could have been so close to disaster. The 10th anniversary of the court victory by the National Bank of New York City is truly a time for celebration.

Mr. Speaker, we in Queens County are especially proud of the role of the National Bank of New York City in New York's financial crisis. NBNYC is the only financial bank to have its main branch and headquarters in the Flushing area of Queens County, and it is one of the few banks to be chartered in Queens County. We are honored to have this excellent establishment located in the Borough of Queens.

Mr. Speaker, I would like to ask all of my colleagues in the U.S. House of Representatives to join me now in paying tribute to the National Bank of New York City, and to its guiding lights, Jack Farber and Richard Gelman, for their astounding accomplishments and of the 10th anniversary of their success in helping to save the city of New York from financial ruin.

THE DEATH OF A LEADER

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. SOLARZ. Mr. Speaker, December 22, 1985, will long be remembered as a day of sadness in the Greenpoint neighborhood of Brooklyn, a day on which we remember the untimely death, and the inspiring life, of Mieczyslaw Przybylowski.

Mr. Przybylowski was 40 when he left his native Poland in 1964. He was highly educated, having received his doctor of philosophy, and many people discouraged him, claiming it was too difficult to start again, to go to a new land. He told them that things in America were different. After a brief period in the United States as a college teacher, he moved to Greenpoint, and with a small loan opened his own grocery store. It was a modest beginning.

The store prospered and grew. It wasn't long before it became an established part of Greenpoint's strong business community. But financial success was not, nor had it ever been, the primary goal of this great man: He wanted to help his community, as it had helped him. His store, the Busy Bee on Nassau Avenue, became a focal point for local activities. Many area youngsters found employment there: Mr. Przybylowski wanted to give them a chance, just as he had been given a chance.

In the early 1970's, he became active in an effort to establish the Polish-Slavic Center—an organization which he hoped would provide for the social, cultural, and ethnic needs of this growing community. In 1975, he was elected treasurer and in 1976, began his 10 years as the organization's president. Today, the Polish-Slavic Center on Java Street stands as a constant reminder of what this man and a small group of dedicated, hard-working citizens did for their community. The center helps literally thousands each year, providing assistance in such areas as immigration, social services, housing, and education. It also offers a wide range of social and cultural activities for area residents.

Yet Mieczyslaw Przybylowski always felt he could do more. Greenpoint residents were hard hit by the recession years of the 1970's. Many of their aspirations, such as eventual homeownership or the startup of a small business, were being destroyed. It was with the purpose of helping these people that Mr. Przybylowski opened the Polish-Slavic Federal Credit Union in 1977. The organization started small, fitting the needs of the community. Today it has assets of $70 million, and stands as a tribute to the foresight and dedication of this community giant.

Mr. Przybylowski also served as a member of the board of the Polish Daily News and supported the formation of The Voice, a newsletter published as a joint effort of the Polish-Slavic Center and the Polish-Slavic Federal Credit Union. He also played a leadership role in such organizations as the Pulaski Business & Professional Men, Inc.; the Kosciuzko Foundation; and the Pilsudski Institute.

Mr. Przybylowski never looked for honors. His greatest happiness was in simply knowing that he had made someone's life just a little bit better. His efforts did not go unnoticed, though, and his reputation spread throughout the city. On December 3, 1985, he was honored by Mayor Koch as the first Pole to receive the Mayor's Ethnic New Yorker Award.

I would like to draw to my colleagues' attention the passing of this honorable man, whose high moral standards made such a difference to the community of Greenpoint. Mieczyslaw Przybylowski was a great man and dedicated community leader whose accomplishments on behalf of his people and his adopted community will not be forgotten.

HEROISM OF GEN. THADDEUS KOSCIUSZKO

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. ANNUNZIO. Mr. Speaker, February 12 was the 240th anniversary of the birth of Gen. Thaddeus Kosciuszko, the Polish soldier and statesman who made significant contributions to the cause of American independence. Although he was not a native American, General Kosciuszko's heroic and selfless actions during the Revolutionary War were held in such great esteem that he was given all the rights and privileges of an American citizen and the rank of brigadier general.

Thaddeus Kosciuszko was born in Merceczowczyzna, Poland, in 1746 and studied in the Corps of Cadets in Warsaw for 4 years. In 1769, he entered the French Higher Military School where he studied military strategy and engineering, and 8 years later, in 1776, he offered the abilities he had acquired to the Continental Congress, in the hope that he could contribute to America's quest for independence.

General Kosciuszko's talent lay in his ability to make use of an area's terrain for defense purposes, and this led him to recommend that fortifications be built in the area of West Point. His first important service as a military engineer for the Continental Army occurred at the Battle of Saratoga. The British plan was to isolate New England from the other colonies. By helping to defeat this strategy and force the surrender of Britain's Gen. "Gentleman Johnny" Burgoyne, Kosciuszko's efforts were the catalyst for bringing France and Spain into the struggle, since these countries now felt that the colonies had the potential to win.

The next assignment for General Kosciuszko was in the South, where he continued to use the same tactics that previously had been successful, and the British were forced to retreat to Yorktown to await for reinforcement from the sea. At this same time, the French Indies fleet was defeating the British Navy at the Battle of Chesapeake Capes, sealing the fate of the British forces at Yorktown. The French Fleet and the Continental Army had the British Army surrounded forcing the surrender of the British general, Charles Cornwallis, which ended the American War of Independence.

The brave and resourceful actions of General Kosciuszko were not overlooked by our Nation's leaders. He became a true friend of Thomas Jefferson, whom he made executor of his will. He received accolades and praise from his fellow generals, and George Washington himself nominated General Kosciuszko for membership in the Order of the Cincinnati, which had been formed by the officers of the Continental Army. His induction into the order was the highest compliment the Continental Army could award.

Mr. Speaker, I am proud to join Polish-Americans in the 11th Congressional District of Illinois which I am honored to represent, and all over this Nation, who are commemorating the birth of Thaddeus Kosciuszko, a great and true friend of democracy and of the United States. His name will forever remain a symbol of courage for Americans, and people all over the world, who are dedicated to the cause of freedom.

SOLOMON LEWENBERG MIDDLE SCHOOL

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. MOAKLEY. Mr. Speaker, recently Mr. Herb Kennan, of the faculty of the Solomon Lewenberg Middle School in Mattapan, MA, took time to share with me information about the school's remarkable program serving the educational needs of Boston.

Mr. Speaker, I would like to share with my colleagues the November 30, 1985, article from the Boston Globe, in which Peggy Hernandez ably outlines the remarkable strides the school has made:

[From the Boston Globe, Saturday, Nov. 30, 1985]

READING THEIR WAY TO THE TOP

(By Peggy Hernandez)

The first thing visitors see on the wall facing the door of the Solomon Lewenberg Middle School in Mattapan is a dragon.

Two years ago, the school ranked 24th among Boston's 24 middle schools in a state test of basic skills in writing. Today, in part because of its dragon, Lewenberg is one of 150 public and private schools in the nation cited as a "center of excellence in English language arts."

Principal Thomas P. O'Neill Jr. was notified of the citation on Monday by the National Council of Teachers of English, a 75-year-old organization with 90,000 members.

"We're delighted by the award because it shows, despite the often negative image that people have of Boston public shools, that there are places where mediocrity is not the byword," O'Neill said. "From my point of view, there are people in education who are intelligent and capable and I think we have those people at the Lewenberg. So, obviously, does the National Council of Teachers of English."

This is the first time the council has awarded the citations, which it plans to give every two years. In Massachusetts, the council also honored the Runkie School in Brookline, Lexington High School, the Eli and Bessie Cohen Hillel Academy in Swampscott, Classical High School in Springfield and Memorial Elementary School in Milford.

O'Neill said he was "proud and delighted" by the council's award, an honor he compared with a television station's winning an Emmy. He credited his 43 teachers. But many teachers and parents say Lewenberg's swing upward began in 1984 when O'Neill became principal.

The district's former writing coordinator, O'Neill requires that the faculty, including himself, read aloud to students at the start of the day and that all students and staff members, including the nurse and security guard, read silently for 10 minutes at the end of each day.

O'Neill also installed the dragon near the school's entrance. The four-foot long creature, with scales made of egg cartons, is Lewenberg's "reading dragon." Behind it and all over the school hallways trails a colorful paper tail of about 500 triangles, each bearing the title of a book, the author and the name of the person who read the book.

Each book read means another triangle is added to the dragon's tail. The student who reads the most books by the end of each term wins a bookstore gift certificate.

Since 1983 the school has had an intensive program in writing, with a focus on essays. The results are kept in a "Cumulative writing folder" and the best examples appear in a quarterly publication called the Laser Beam.

LEADS CITY

As a result of this heavy exposure to reading and writing, Lewenberg, which has 370 students in grades 6, 7 and 8, now leads Boston's middle schools in the basic skills test, O'Neill said. And School Department figures show that metropolitan test scores at Lewenberg have risen from 38 percentile points in reading in 1983 to 66 in 1985. Math scores have also increased from 34 in 1983 to 60 in 1985.

For members of Lewenberg's faculty, there are rewards besides the improved test scores.

"The biggest result is that kids are not afraid to write," said Janet Schuster, one of Lewenberg's two fulltime English teachers. And, she added, "homework returns are up to 95 percent."

"I have kids who read as they're walking out of the building," said Pat Connolly, a sixth grade reading teacher.

And Ellen McGill of West Roxbury said her 12-year old son, Matthew, "came home happy the first day of school."

"It's fun," replied 14 year-old Tamiesha Reddick of Mattapan when asked why she likes to read and write.

O'Neill said now he will attempt to achieve "excellence in all areas" of Lewenberg's curriculum.

"Did you know our graduates include Leonard Nimoy and Theodore White?" O'Neill asked recently as he walked around the student library. "The Lewenberg used to be," he said, then quickly checked himself, "it is one of the best of the city."

NILES CANYON LAND TRANSFER

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. STARK. Mr. Speaker, today I have introduced legislation which would transfer title of certain railroad right-of-way properties from the Federal Government to Alameda County, CA. This land conveyance legislation is important to the future recreation and transportation needs of the citizens of Alameda County.

The land being conveyed is abandoned Southern Pacific Railroad right-of-way between Pleasanton and Fremont. The railroad aquired the land in the mid-1800's when the Federal Government gave land to railroads to encourage the opening up of the West. Once the land stops being used for railroading, it is supposed to revert to the Federal Government. Instead of going to the Federal Government, the land will now go to Alameda County with the enactment of the legislation.

Niles Canyon is a very picturesque, relatively unpopulated area. It is a tree-lined canyon, that stays lush and shady in the summer when the surrounding area is roasting under the Sun. A stream runs the length of the canyon. Equestrian, biking and hiking trails planned for the canyon along the right-of-way will provide new recreation opportunities for the populous east bay area.

The land is also important to the future of Alameda County transportation needs. With the railroad corridor intact, the county would not have to condemn any new land for a right-of-way. The right-of-way can provide a transportation corridor for future rail development or other transportation needs.

I hope that my colleagues can support this legislation which is important to the people of Alameda County.

TRIBUTE TO EUGENIE TRANBERG FORDE

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. DE LUGO. Mr. Speaker, on Thursday, January 24, 1986, the United States Virgin Islands honored one of its most dedicated daughters, Eugenia Tranberg Forde, by naming the obstetrical-gynecological wing of the St. Thomas Hospital in her honor.

Mrs. Forde, a dedicated person, delivered more than 4,500 babies during her nurse-midwife career. Mrs. Forde's contact with the babies did not end when they left the hospital. She continued to nourish their physical, mental, and moral growth.

Among the many Virgin Islands babies that received her loving attention was U.S. Ambassador to Denmark Terence Todman. Ambassador Todman, who has served as Ambassador to Spain, Chad, and many other countries said during the dedication ceremonies that Mrs. "Forde stands out as a model of dedication who made that simple, rustic hospital work."

I would like to share with my colleagues the news article that appeared in our local paper honoring Mrs. Forde for her gift of love to the Virgin Islands people.

[From the Virgin Islands Daily News, Jan. 24, 1986]

FORDE'S LEGACY IS LIFE, LOVE

(By Jonathon C. Glass)

Eugenie Tranberg Forde has soothed infants, delighted little children and inspired co-workers.

And she has baffled mathematicians.

Forde, born in Frederiksted 86 years ago, was honored at the St. Thomas Hospital Thursday but no one was sure if she had delivered 4,500, 5,000 or 5,500 babies during her career as a nurse-midwife.

They were sure, however, her skilled hands and loving smile had made life a little better for thousands of V.I. residents when she was in the hospitals from 1917 to 1970.

She showed "unswerving, uncompromising love" and great respect for her co-workers and patients," Health Commissioner Roy Schneider said.

"She was never weary in well-doing and she is now reaping her reward," said former Nursing Director Lucia Mitchell.

To honor Forde is to take note of how life in the Virgin Islands has changed, according to Lt. Gov. Julio Brady and Ambassador Terence Todman.

Brady described her as "a genuine hero" who embodies old values of devotion and concern.

"She shows us the way we ought to be," he said. "We can be as good as we once were, just as Mrs. Forde was as good as she could be."

In his memories of childhood visits to Knud-Hansen Memorial Hospital, Todman said Forde stands out as a model of dedication who made that simple, rustic hospital work.

St. Thomas now has modern facilities, with electronic sensors doing the jobs that Forde's hands used to do, but dedication still counts, he said.

"Without the people, no institution can function," he said.

Hospitals need doctors and nurses, like Forde, who know they have found their life's work, whose highest value is to help people in need, he said.

Todman said he is in debt to Forde as one of the thousands she brought into the world.

Sen. Virdin Brown and Medical Director Alfred Heath praised Forde, as did the V.I. Nurses Association, which she helped to start in 1954.

Flowers, plaques and the Schneider family's statue of Jesus were presented, and Forde's cheeks got a workout as many of the 200 people attending pressed around to give her a kiss. A plaque naming the 28-bed obstetrical-gynecological wing in her honor was unveiled.

Her response, delivered by her granddaughter Beatrice Forde, called the crowd to renewed dedication.

"The techniques may have changed and the equipment may have improved—as I said before, everything is different—but the product of our labor remains the same," she said.

"We still deliver little babies that need all the love and tender care that we can give them while they are here in this wing. And when they begin to grow, we must still make sure that we give them the proper examples to grow and live by.

"In other words, our work doesn't end here in this wing. It follows us throughout our lives, making these good little babies good children and responsible adults. It all depends on us."

ANATOLY SHCHARANSKY

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. ATKINS. Mr. Speaker, on February 11, after 8 years of imprisonment in Soviet labor camps, Jewish dissident Anatoly Shcharansky was allowed to emigrate to Israel as part of an East-West prisoner exchange. For Mr. Shcharansky, his release is the culmination of an 8-year struggle for freedom; for those Soviet Jews who remain in the Soviet Union, the targets of intimidation, harassment, and imprisonment as they attempt to emigrate, it represents a glimmer of hope.

Mr. Shcharansky, a mathematician and leading spokesman for the Soviet human rights movement, was arrested in March 1977 on charges that he was a spy working for the United States. He was found guilty of treason as well as anti-Soviet agitation, and was sentenced to 3 years in prison and 10 years in a labor camp. Throughout his 8 years in prison, Mr. Shcharansky encountered inhumane conditions and constant hatred and anti-Semitism from the Soviet KGB officers. Yet despite attempts to break him both physically and psychologically, Mr. Shcharansky never lost his will to survive nor his will to be free.

Does Mr. Shcharansky's release mark a change in the Soviet Union's human rights policies? This is the question that we in Congress must ask ourselves as we view United States and Soviet Union relations. I believe that we must continue our efforts on the behalf of those Soviet Jews who remain barred from leaving the Soviet Union. It is the fate of these people that will provide the conclusive answer to this most important international question.

When Mr. Shcharansky arrived at the Ben-Gurion International Airport in Israel, Israeli Prime Minister Simon Peres called him a "great and heroic man." This was certainly an accurate description of Mr. Shcharansky and one that he rightly deserves. However, in the Soviet Union, there remain thousands of other "heroes" who continue to suffer bitter hardship as they attempt to express their human rights. In our joy over Mr. Shcharansky's release, we must not forget these individuals, for in their absence we cannot truly celebrate.

UNANSWERED QUESTIONS FROM GARY, IN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. VISCLOSKY. Mr. Speaker, it has been my great pleasure to know Councilwoman Dharathula "Dolly" Millender of Gary, IN, for a number of years. She is a true humanitarian and fine public official who has the good of all people in mind. I would like to share with the House a few of Councilwoman Millender's questions, to which I hope the administration and the 99th Congress can provide satisfactory answers in the near future.

If there is a national recovery, why are thousands of our cities in trouble?

How can the national government recover without the cities recovering?

Who is the national government? Is "it" separate from the cities, or do the cities make up the national government?

WIND FROM THE SOVIET UNION

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. BEDELL. Mr. Speaker, because we shall soon be voting upon House Joint Resolution 3—a measure to prevent nuclear explosive testing. I would like to draw attention to an editorial by our colleague from Massachusetts, Senator EDWARD M. KENNEDY, that appeared in the February 16 edition of the Washington Post. I found this report to be most informative with respect to the current climate for progress in our arms control negotiations with the Soviet Union at Geneva but especially relevant to our pending debate on House Joint Resolution 3.

With regard to the prospect of comprehensive test ban negotiations, the Senator brings our attention to three key facts. First, we are informed that the Soviet Union is prepared to enter into a test ban agreement without any preconditions. Second, we learn of the Soviet Union's willingness to agree to a range of verification measures that include onsite inspections. Finally, we learn of the Soviet Union's willingness to agree to additional verification measures in the context of a total ban on nuclear testing.

Opponents of House Joint Resolution 3 have argued that a comprehensive test ban treaty remains in the long-term national security interests of the United States but that such negotiations should not occur until such time that we have achieved mutual, verifiable, and military significant nuclear arms reductions. This business as usual approach to comprehensive test ban negotiations misses the mark and misrepresents the objectives of House Joint Resolution 3.

The sponsors of House Joint Resolution 3 recognize that it in no way detracts from the President's efforts to seek deep reductions in nuclear arms. Rather, we believe it strengthens the President's position by allowing the addition of comprehensive test ban negotiations to the Geneva talks. House Joint Resolution 3 does not dictate the structure of such negotiations; it merely points out that the Congress believes that such negotiations should occur in conjunction with the other ongoing talks in Geneva.

I believe it is vitally important for the House of Representatives to get into harness with the Senate and its endorsement—a vote of 77 to 22 in 1984—of the content of House Joint Resolution 3. For this reason, I commend my colleagues' attention to Senator KENNEDY'S editorial and urge them to support passage of House Joint Resolution 3 unamended as recommended by the House Foreign Affairs Committee.

[From the Washington Post, Feb. 16, 1986]

WIND FROM THE SOVIET UNION—THE RUSSIANS ARE READY TO BARGAIN ON ARMS CONTROL

(By Edward M. Kennedy)

After years of harsh talk and mutual suspicion, the United States and the Soviet Union are closer to major progress on nuclear arms control today than at any time since 1979. It is now possible to outline a series of far-reaching agreements which, with sufficient political will on the part of both sides, can be achieved in the next few years.

In fact, the two sides are closer on these matters than anyone has yet conceded. If the final gaps can be bridged, mutually verifiable agreements can be reached to achieve the following three goals:

The removal of all American and Soviet intermediate range nuclear forces from Europe;

A halt to all future testing of nuclear weapons; and

A drastic reduction in multiple-warhead, heavy land-based missiles. This would be linked to a ban on the development and deployment of space-based anti-ballistic missile defense systems, while permitting research on such systems.

My belief that such progress can be made is based on my experience as a member of the Senate Observer Group, which has been monitoring the arms talks in Geneva for the past year, and on my lengthy meetings earlier this month with General Secretary Mikhail Gorbachev and Foreign Minister Eduard Shevardnadze of the Soviet Union.

In his most recent public proposal, General Secretary Gorbachev announced the Soviet Union's willingness to withdraw all of its SS-20s from Europe, if the United States withdraws its Pershing II and cruise missiles from Europe, and if Great Britain and France agree to freeze their nuclear missile systems.

The Gorbachev offer appeared to be a partial acceptance of President Reagan's "zero-zero" proposal, which would have banned all U.S. and Soviet intermediate-range nuclear forces (INF), wherever based. It was initially part of a large, three phase package ostensibly aimed at eliminating nuclear weapons altogether. At the time, the central problem with Gorbachev's INF offer was that Sovet acceptance of the U.S. position appeared to be linked to a Soviet demand that the U.S. must abandon President Reagan's Strategic Defense Initiative (SDI), the so-called "Star Wars" proposal.

During my conversation this month with Gorbachev, he told me explicitly and unequivocally that there are no "preconditions" to negotiating the immediate removal of Soviet and American medium-range missiles from Europe. These negotiations can be successful even if there is no progress in the SDI talks. Gorbachev knows he is making a concession on this point, and he expressed the hope that it would make quick progress possible.

There are, of course, other important issues to be resolved before an INF agreement can be signed. Will modernization of British and French nuclear forces be permitted? How many SS-20s can be deployed in Central and Eastern Asia? Will the Soviets accept the verification measures that we will require? These are difficult questions, but solutions exist.

For example, the 1983 "Walk in the Woods" formula suggested by Ambassador Paul Nitze would have required the Soviet Union to freeze its SS-20 missile launchers in Europe at 90. As part of a new INF agreement, the U.S.S.R. could reduce its launchers to that level.

The issue of British and French forces will be more difficult. Yet a middle ground is visible in which British and French nuclear modernization and replacement could go forward—as long as the number of warheads is not substantially increased after U.S. and Soviet INF reductions go into effect.

A breakthrough in INF has now occurred, and solution to these other issues should be immediately explored in Geneva. Gorbachev views INF forces as the most dangerous nuclear flashpoint between our nations, since the missile flight time is so short—under 10 minutes. Removing this flashpoint would be a major step toward arms control.

In our conversation, Gorbachev also emphasized that the Soviet Union is prepared to enter into an agreement banning all future nuclear testing, without any precondition or requirement of progress in other areas. In fact, he expressed the hope that the current unilateral Soviet moratorium would be matched by the United States, and that his country would never again have to conduct a nuclear test. Gorbachev and Foreign Minister Shevardnadze—with whom I had a separate meeting—both stressed that they are willing to agree to a range of measures, including onsite inspections, to verify compliance.

Nuclear testing in the atmosphere has been prohibited since the Limited Test Ban Treaty of 1963, negotiated by President Kennedy and Nikita Khrushchev. Today, the Reagan administration opposes a comprehensive test ban, because it feels that continued underground testing is essential to maintain the reliability of our nuclear stockpile.

Even if the administration does not accept a moratorium, a compromise is still possible here. The solution involves three steps: first, to ratify the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty; second, to improve verification measures to monitor testing; and third, to phase in lower and lower thresholds on future tests.

The 1974 Threshold Test Ban Treaty limits U.S. and Soviet underground test explosions to a yield of less than 150 kilotons. The 1976 Peaceful Nuclear Explosions Treaty provides comparable limits on nuclear tests for peaceful purposes. These two treaties were signed but never ratified by the Senate. Both sides continue to observe them, but the Reagan administration has refused to endorse them until the Soviets accept more extensive measures for verification; by a vote of 77-22 in 1984, the Senate urged the administration to support the treaties.

The Soviet leaders tole me that they would agree to additional verification measures only in the context of a total ban on testing. They stressed that the two existing treaties contain verification provisions that have not been put into effect because the United States has not ratified the treaties.

To bridge this difference, the two sides should permit technical teams to visit each other's test sites to observe tests and to calibrate monitoring equipment needed for accurate measurement of yields. With the assurance gained from this step and other verification measures, the 150-kiloton threshold could be reduced over time, allowing for high-confidence verification and moving toward a final, total ban on all nuclear tests.

A comprehensive test ban would be an extremely effective step toward halting the nuclear arms race. There are other ways—short of underground testing—to guarantee the reliability of our nuclear arsenal. By ratifying the two pending treaties, by improving verfication, and by gradually lowering the thresholds for future testing, both nations will build confidence in the possibility of verifying a comprehensive ban; in the interm, the Reagan administration will be able to conduct the low-yield tests which they say are currently needed. However, as testing thresholds decline, some current high-yield testing will be prohibited, including tests of the nuclear-pumped X-ray laser now being conducted under the SDI program.

The central arms-control issue today is the question of long-range offensive and defensive forces; neither an INF agreement nor a comprehensive test ban can substitute for achieving a breakthrough in this third, most critical area.

To date, the debate on the issue of strategic defenses has been largely rhetorical and unproductive. Reagan insists that SDI is primarily a research program to determine whether space, air, and ground-based antimissile systems can someday be combined to establish leak-proof shield that would render nuclear missiles obsolete. Gorbachev reiterated to me his familiar position that SDI is aimed at developing "space-strike weapons" that will ultimately enhance, not replace, U.S. offensive missile systems. Gorbachev believes that the United States is seeking nuclear superiority over the Soviet Union, in order to threaten a first strike with its "sword" of offensive missiles and then use its "shield" of SDI to neutralize Soviet retaliation.

The Soviets have now made clear that they are willing to accept drastic reductions in their long-range warheads in exchange for limiting our SDI to "basic" research. The real challenge is to draw the line between acceptable research—which would

allow President Reagan to explore the feasibility of his dream for a space shield—and unacceptable weapons development, which would violate the ABM Treaty and launch a new and dangerously destabilizing escalation of the nuclear arms race.

I posed this question to Secretary Gorbachev: Is there a way to narrow the difference between Reagan's insistence on SDI research and Soviet fears that such a program will lead to "space-strike" weapons? I told Gorbachev that there may well be room for agreement if the two sides abandon their confrontational rhetoric and begin a practical discussion of possible areas of compromise. Resolving this issue would pave the way for substantial reductions in the strategic offensive forces of both sides. But I sensed little or no Soviet flexibility on this issue.

Gorbachev was clearly incensed by the Reagan administration's recent attempt to reinterpret the ABM treaty to ease its strict prohibitions against antimissile systems. Criticizing the administration's search for loopholes in the treaty, Gorbachev called the new U.S. interpretation the work of a "legal expert on pornography."

I pointed out that negotiating a compromise on Star Wars will require better teamwork between the U.S. and Soviet scientists who understand the nature of the research programs being conducted by both sides, and our most skilled negotiators, who will have to craft acceptable treaty language based on the technical possibilities. In my view, these detailed discussions should begin at once in Geneva.

If such a compromise can be negotiated, it will then be possible to reach an agreement that includes sharp reductions in the Soviet multiple-warhead heavy missile force (SS-18s) and a halt in the deployment of MX missiles by the United States. A vital complement to such reductions would be a statement of objectives for further agreements—such as a ban on all new MIRVed ICBMs, mobile or fixed-based, and the deployment of a mutually verifiable number of single-warhead, mobile missiles.

I came away from my meeting with Gorbachev convinced that he is a strong leader whose goal is improved efficiency of the Soviet system, rather than fundamental reform. His world view is of a continuing struggle with the West, and he believes in wars of national liberation. On the issue of human rights in the Soviet Union, he adheres rigidly to the hard-line Soviet position, and progress beyond the recent gestures is likely to be painfully slow.

In sum, there are many areas where our two countries will continue to be at odds, and major tensions will remain. But I believe Gorbachev shares Reagan's view that a nuclear war cannot be won and must never be fought. On that fundamental question, the interests of the Soviet Union and the United States coincide, and important steps are possible in the coming months toward a real and lasting nuclear peace.

Reagan and Gorbachev have an historic opportunity to pursue their common goal of a world without nuclear weapons. With that shared vision, and with our shared security interests, I believe the next steps on arms control are there for the taking.

YOU CAN FIGHT CITY HALL

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. BRYANT. Mr. Speaker, C.N. Townsend and most of the folks he organized in Dallas as "People Against Double Decking" don't look like crusaders, but they are scrappers extraordinaire. Organized by Townsend to oppose the double-decking of Central Expressway, a major but antiquated north-south artery that flows from Dallas' central business district through some of its warmest residential neighborhoods to the suburbs north of the city, the group not only fought city hall, but stood up to the previous Governor of Texas and some of his top political appointees in an effort to preserve their neighborhoods.

Proposals for double-decking the highway, which has become inadequate for the needs of the major metropolitan area that Dallas has become, have been floating around for years. Sensible votes have repeatedly called for more realistic solutions that would not disrupt residential neighborhoods with more noise and pollution, but some, less sensitive to the preservation of neighborhoods in which they do not live, kept coming back with the double-decking proposal.

C.N. Townsend and his neighbors would hear none of it. With grassroots organization and dogged persistence, as well as a lot of creativity plain-spoken logic, and a good bit of courage, "People Against Double-Decking" wouldn't be bullied.

Last week they won a sweet victory with the help of Governor Mark White, his Highway Commission Chairman Robert Lanier, Chairman Walter Humann and the members of Dallas' North Central Task Force, Mayor Starke Taylor, and others. Governor White acknowledged C.N. Townsend's role—a role that proves, when you believe strongly enough in something and work hard enough at it, you can fight city hall and be successful.

C.N. Townsend and his organization's winning fight were profiled in the Dallas Times Herald:

[From the Dallas-Times Herald, Feb. 14, 1986]

BATTLE AGAINST DOUBLE DECKS

(By Jack Booth)

In the ceremonial flag room of Dallas City Hall Thursday, the announcement that North Central Expressway will be rebuilt without double decks was momentarily upstaged when Gov. Mark White introduced a mild-looking man named C.N. Townsend.

The audience first applauded and then laughed loudly when the governor said, "I don't know if you all know him."

During the Central Expressway debate over the past four years, everyone has come to know the 75-year-old Townsend, whether he wanted to or not.

The secretary for then-Gov. William P. Clements had Townsend thrown out of the governor's office back in 1982. Jack Evans, the mayor of Dallas at the time, angrily rebuked Townsend for calling him "Mr. Milquetoast," and then highway commission Chairman Robert Dedman grew to thoroughly dislike C.N., as he is known.

But in his frequent, flamboyant confrontations, Townsend brought to the forefront the opposition of neighborhood groups to double-decking, and his determined campaign to block elevated lanes gave other groups the heart to join what eventually turned into a winning battle.

"He somehow had the ability to raise himself up to the eyes of the governor, and that's not the first time when the governor's spoken to large groups of people that he's mentioned C.N. Townsend's name," said Craig Jett, an attorney and one of the leading opponents of double-decking.

Townsend formed People Against Double Decking in early 1982 after the Dallas City Council took neighborhood groups by surprise and approved the doubledecking plan of the State Department of Highways and Public Transportation. A coalition of other groups soon joined the battle.

Through a series of P.T. Barnum-style publicity stunts and some forceful confrontations, Townsend gradually made city and state officials aware that Dedman was incorrect in saying there was little neighborhood opposition.

One of the first encounters came in March 1982, when Townsend taunted Evans for nearly five minutes straight with the insult of "Mr. Milquetoast" as they left a commission meeting.

The angry Evans finally pulled Townsend aside and told him never to speak to him that way again in public. But the next day Evans invited Townsend and several other neighborhood leaders, including Jett, to meet privately with him, and a fruitful dialogue began.

"That was real significant, because at that point in time we became clearly some recognized people to be dealt with on the issue," Jett said.

Townsend's transformation from an unknown, retired Internal Revenue Service agent to a crusader took everyone by surprise, including his wife, Judy, who celebrated her 50th wedding anniversary with Townsend last year.

She said she was taken aback when her husband showed a flair for publicity gimmicks, such as the time he plopped a pair of concrete splattered boots on the desk in front of three highway commission members, accompanied by a sign reading, "We don't want your concrete shoes."

Townsend seemed to have an endless supply of ideas. After Clements' secretary tossed him out of an office and refused to let him meet the governor because he didn't have an appointment, Townsend waited until Clements had been defeated and sent her a note saying he hoped her first unemployment check was at least three or four months late.

While White and Evans grew to like Townsend, Dedman never did, particularly after Townsend made some highly insulting personal comments to Dedman. Townsend has yet to relent.

"I don't envy the man one bit. I know he's a brilliant man, but there was only one thing he knew, and that was double-decking."

"I guess I'm too plain spoken," Townsend added. "I say what I think, and sometimes it gets me in trouble, but I guess I'm just that way."

SANDY AND ARNOLD RIFKIN HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. KANJORSKI. Mr. Speaker, it is a great pleasure for me to join the S.J. Strauss Lodge No. 139 B'nai B'rith in honoring this year's recipients of the prestigious Community Service Award. Sandy and Arnold Rifkin of Kingston, PA, have been chosen in recognition of their achievements and contributions of outstanding local leadership. Voluntary service to one's community is one of the greatest strengths of America, and I am proud to share in the commendation of Mr. and Mrs. Rifkin, who have dedicated more than 30 years of service to the Wyoming Valley.

Arnold Rifkin is the third generation of Rifkins who have lived in the Wyoming Valley. A graduate of Coughlin High School, Arnold interrupted his education at the University of Pennsylvania at age 19 to serve as first lieutenant navigator in the Army Air Corps in England. He returned to the University of Pennsylvania and received a degree in business from the Wharton School. He also met his future wife, Sandy August, while studying at Penn. Married in 1949, the Rifkins traveled the country selling products for the family business, the A. Rifkin Co., until 1950. The Rifkins returned to the area to raise their three children, Kathy, Michael, and Jody.

Sandy currently serves as secretary of the board of trustees of the Jewish Community Center and is cochairman of the Capital Campaign of the Domestic Violence Service Center. She also sits on the boards of the SPCA, Temple B'nai B'rith, Hadassah, the JCC, and Friends Hospital in Philadelphia. In the past she has served as a vice president of the JCC board, president of the Temple B'nai B'rith Sisterhood, president of the Jewish Welfare Agency and chair of the women's division of the UJA.

Arnold is currently treasurer of the board of directors of Wilkes College, incentive chairman of the United Way, and a trustee of Temple B'nai B'rith. He serves on the boards of the Sordoni Art Gallery, the Jewish Federation and Friends Hospital. In the past, he served three terms as president of Temple B'nai B'rith, vice president of the federation, general chairman of the Cancer Society Drive, and member of the executive board of the Flood Emergency Committee of the Wyoming Valley Jewish Community.

Throughout the community, numerous charitable organizations have benefited from the Rifkins' generosity. Sandy and Arnold have donated the lobby of the Evans Residence Hall at Wilkes College, a room at the women's shelter, a children's corner at the Osterhout Public Library, a new wing of the SPCA pet cemetary, and a new torah for Temple B'nai B'rith. At the Jewish Community Center, they have endowed the Ben August Annual Swim Meet, the JCC kitchen and are responsible for the newly created Rifkin Resource Center, a Jewish reference library and museum.

Sandy and Arnold Rifkin are outstanding citizens who have devoted considerable time and energy to improving their community. Mr. Speaker, community-minded citizens like the Rifkins are America's greatest asset, and I am proud that the Wyoming Valley is their home. I am sure that my colleagues in the House of Representatives join me in recognizing the value and importance of their spirit of public service.

GREECE, CYPRUS, AND ISRAEL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. FLORIO. Mr. Speaker, as a Member of Congress, I am often called upon to make key decisions relating to the conduct of our Nation's foreign policy in the Middle East. I recently undertook a factfinding visit to Greece, Cyprus, and Israel and met with high-level officials in each country to garner information about the nature of the conflicts and the prospects for solution. I wanted to share with you my observations during this very productive visit.

The eastern Mediterranean forms an important strategic post to the North Atlantic Treaty Organization [NATO] as well as to our national security interests in the Middle East. As a result, any instability in the area adversely affects the national interests of the United States and our allies. For the past 11 years, conflict has raged over the once independent island of Cyprus as residents have lived with problems associated with the presence of an occupying army. Tremendous questions have also arisen over the dependability of our alliance with Greece and Turkey while differences between those two nations continue to provide an unstable environment. In addition, the continuation of the Arab-Israeli conflict has fostered an increase in the rise of terrorism in the area, causing fear and apprehension among travelers and threatening the international tourism industry.

During the visit, I was able to explore a variety of areas including terrorism and airport security, bilateral relations between the United States, Greece, Cyprus, and Israel, tourism and trade, prospects for conflict resolution and the impact of arms sales, as well as the future of the Olympic games.

The recent hijackings and airport bombings and the killing and injuring of innocent travelers is of tremendous concern to all those who have worked toward peaceful solutions to the many conflicts in the Middle East. As chairman of the House Subcommittee on Commerce, Transportation, and Tourism, I was able to explore questions of airport security and tourism in Greece through meetings with Greek Foreign Minister Carolos Papoulias, Under Secretary of State for Foreign Affairs Yiannis Capsis, General Secretary of the Greek National Tourism Organization Prof. Pantelis Lazarides, and Under Secretary of Culture George Papandreou.

During the meetings, I was impressed by the tremendous effort made by the Greek Government to ensure that Athens International Airport met international safety standards. The Greek Government has fully cooperated with our Government in addressing terrorism issues that were raised by the brutal hijackings of this past summer and this can be seen as prefacing better relations between the two countries. However, despite the lifting of a United States travel advisory earlier this summer, and despite the lack of a threat at Athens Airport, tourism from the United States to Greece has dropped a record 70 percent. Through my meeting with the director of the Prime Minister's Economic Cabinet, Yiannis Papanicolaou, I was able to explore the tremendous repercussions of this drop which meant a loss of $300 million to the Greek economy, one which is already troubled by a $700 million trade deficit and other economic problems. It is important that our Government be helpful in ensuring that Greece, a close and important ally, have a stable economy if we are to assure the continuation of a free and democratic government in Greece.

One of the more heartening themes that came across in all of the meetings in Greece was the desire and willingness of the Greek Government to improve relations with the United States and to cooperate on resolving conflicts in the area. One of the obstacles to bettering relations is the perceived tilt of the U.S. Government toward Turkey and the feeling that the Republic of Turkey has been treated more favorably by our Government in areas of military and economic assistance and in conflicts between Greece and Turkey.

It is in our Nation's best interests to reinforce the traditional cooperation the United States has shared with Greece throughout the decades. In 1988, the 5 year agreement on United States bases in Greece is scheduled to expire. Though, in the past, the Greek Government has expressed reluctance ro renew this vital base agreement, my meetings indicated that a better climate could be fostered if the United States were to play a positive role in resolving tension in the eastern Mediterranean and on the Island of Cyprus. A case in point is a dispute over the Greek Island of Lemnos, located close to the Turkish shore, which has created a problem for Greek participation in NATO. The Turkish Government demands that Lemnos be demilitarized but Greece maintains that its national security interests preclude this. As long as Lemnos is not inlcuded in the NATO exercises, Greece does not participate. This dispute has fueled conflict over the airspace and water rights of the Aegean Sea and is a detriment to a working relationship between our two NATO allies.

I was also able to meet with the General Secretariat of Athletics and Sports, Mr. Sifis Valyrakis, to discuss the future of the Olympic Games in connection with my subcommittee's jurisdiction over the Summer Olympics. We were able to explore the possibility of establishing a permanent site for the Olympics in Greece, the country that gave birth to this athletic competition that should be deviod of political strife. We also discussed the prospects for holding the 1996 Olympics in Greece, on the centennial of the modern Olympic games.

A key issue of dissension between Greece and the United States has been the failure of a resolution of conflict on the Island of Cyprus. Since 1974, the island has been occupied by Turkish troops, which now number

18,000, and has been literally divided between two communities—the Greek Cypriots to the south and the Turkish Cypriots to the north. The Turkish invasion of 1974 which caused hundreds of thousands of Greek Cypriots to abandon their homes and businesses in the north and flee for their lives to the south, and the lack of an active U.S. role in the matter continues to overshadow Greek and Cypriot policy toward the United States. The invasion expanded a division that pitted neighbors against each other and the prospects for a settlement become dimmer as the years go by.

In Cyprus, I had useful discussions with the Cypriot Minister of Foreign Affairs George Iacovou, the President of the Cypriot House of Representatives Dr. Vassos Lyssarides, the Minister of Finance Christos Mavrellis, and the Director General of the Cyprus Tourism Organization Antonios Andronikou. One of the more moving aspects of the visit was the meeting with the Greek Cypriot Mayor of Nicosia, Lellos Demetriades. Mr. Demetriades visited with me the wall that has divided the island into two separate entities barring the passage into the north. The devastation of the 1974 invasion still exists around this area, despite the efforts of the Greek Cypriot Government to build their economy in the south. In meetings with the Cypriot officials and people, great courage and perseverance was tempered with a bitter acceptance of the status quo and a loss of hope in changing the situation. I also became aware of a deep fear of further invasion from the remaining Turkish troops in the north. Though I have always held that the Turkish troops should be removed from the island, the importance of this development was brought home to me as I witnessed the tangible fear of invasion held by Greek Cypriots.

The attention given this conflict by United Nations Secretary Perez De Cuellar is hopeful. Last year, negotiations arranged by De Cuellar foundered but talks are scheduled to resume this month and hopefully a solution will be found. It is vital, however, that we insist on the removal of Turkish troops as a prerequisite to a settlement. The major point on Cyprus that was brought across in both Greece and Cyprus was the fact that the United States-Greek relations can improve if the United States takes a constructive and active role in resolving the Cyprus conflict. In the past, I have sponsored legislation calling for the appointment of a U.S. envoy to negotiate a settlement.

Throughout the trip to Greece, Cyprus, and Israel, I observed the marked improvement in security at all airports which ranged from increased machines and personnel to individual identification of baggage before boarding, to a cordon of tanks surrounding the Larnaca Airport in Cyprus. It is vital that we continue to guard ourselves against terrorism while seeking political solutions to the conflicts that have fueled the increase in terrorist activities over the past year. The root of the proliferation of terrorism lies in the continuation of political conflicts that should be resolved through negotiations and diplomacy.

While in Israel, I met with Government officials to discuss the prospects for a peaceful solution to the Arab-Israeli conflict and was impressed by the urgent need for a solution. I was able to visit the Golan Heights and witness the increased buildup of Syrian forces on this border. There continues to be hope for a meeting between Israeli Prime Minister Shimon Peres with Jordan's King Hussein, but further delay will only increase the prospect for further violence. The fundamental recognition of Israel's right to existence is a given fact that must be accepted by the Arab world. Through accepting this fact, the prospects for negotiating settlements to conflicts, including the Palestinian question, will be increased.

I was able to meet with officials concerning Israel's economic and military situation and was impressed by the great strides Israel had made in reducing the trade deficit and reducing inflation to more manageable figures. The United States-Israeli Free Trade Agreement currently being implemented holds promise for improving Israel's economy further while opening new markets to United States merchants. Though the effects of our various deficit reduction plans will be felt in aid to Israel and Egypt, the Israeli Government was understanding of our internal economic situation.

Any reduction in economic and military aid, however, will have repercussions on Israel's security program that will be further exacerbated should our Nation supply Jordan and Saudi Arabia with increased arms. Currently, our Nation has undertaken a joint project with the Israeli Government to build the Lavi fighter. I visited the Israeli aircraft industries and inspected the program and I understood, however, that further defense pressures may cause abandonment of the program should Israel need to divert Lavi funds for other, more immediate defense needs. A visit to the Golan Heights and discussions on Israel's defense further reinforced my opposition to supplying arms to Jordan and Saudi Arabia while those nations refuse to recognize Israel and agree to direct negotiations. The recent withdrawal of the Jordan arms sale proposal by the administration will hopefully presage a better awareness of the need for finding a political solution to the conflict rather than simply supplying the region with weapons.

A highlight of the trip was a visit with Yuri Kalman of Beer Sheva, Israel, the son of my adopted refusenik couple in the Soviet Union, Yosef and Lilia Kalman. We were able to explore the difficulties encountered by Yuri's elderly and infirm parents in seeking to leave the Soviet Union and join their son in Israel where they can be cared for. As a product of that meeting, I wrote to Soviet Presidium Chairman Andrei Gromyko and the head of the Moscow OVIR to request that the Kalmans be permitted to leave the Soviet Union. The Kalmans have since been asked to reapply for a visa and we will be eagerly awaiting further word from Soviet authorities.

I returned to the United States with the impression that all three countries were very interested in improving or continuing good relations with our Nation and hopeful that our Government could improve the climate for lasting and just solutions by playing a more active role. The problems experienced in this area are complex; however, the political will exists for diplomatic solutions. It is our responsibility to ensure that these solutions are brought about in a timely fashion because further delay will hamper the peace process and reduce the prospects for vital stability.

IN HONOR OF GINNY MILLER

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. HORTON. Mr. Speaker, I would like to take this opportunity to pay tribute to a close friend, and one of the most well loved residents of my congressional district—Ginny Miller. After 20 years of dedicated service to the patients and families of Highland Hospital, Ginny has announced her retirement.

Ginny is a very special person. She devoted her entire career to caring. Not only for her close friends and family, but for people from all walks of life, and particularly those associated with Highland Hospital. In recognition of her service, a special fund has been established in her honor. This fund, the "Ginny Miller Caring Fund," will be used to perpetuate the concern and caring that Ginny has brought to her job every day.

Mr. Speaker, when most people retire it passes largely unnoticed. When Ginny announced her retirement, it caught the attention of all Rochester. I want to congratulate Ginny on a job well done and wish her all the best as she embarks on a new and exciting phase in her life.

HONORING MR. LOUIS MOSES

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 18, 1986

Mr. MURTHA. Mr. Speaker, on Monday night February 24, it will be my pleasure to join at our annual Manpower for Boypower scout dinner in honoring Mr. Louis Moses for a lifetime of dedication to scouting ideals.

This year Mr. Moses marks both his 100th birthday in September and 65 years of involvement in scouting activities. Starting in Johnstown in the 1920's as a new scoutmaster, he has later been involved in scouting activities in Baltimore and Bethlehem. In recent years he's been active with the Penn's Woods Council and the Admiral Perry Council.

During these years, Mr. Moses also rose from office boy with the then Cambria Iron and Steel Co. of Johnstown to reach a point where he became involved in the engineering field and became known as one of the founders of the engineering roll design in steelmaking.

When the history of our great Nation is written, it is done less by the headline makers than by the unselfish dedication of men like Louis Moses. The principles of our Nation are secure as long as we have men and women who give so much of their time to help youth, and who are committed so unselfishly to helping to pass on the traditions of freedom, independence, liberty, and loyalty that are the hallmarks of our Nation.

It is an honor and a pleasure to recognize Mr. Louis Moses for these outstanding years of service to his community, to the Cub Scouts and Boy Scouts, and to the United States.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 18, 1986, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 19

9:30 a.m.

Banking, Housing, and Urban Affairs
To hold hearings on proposed legislation authorizing funds for export administration and export promotion activities of the Department of Commerce, and to hold oversight hearings on the first annual report on foreign policy controls of the Department of Commerce.
SD-538

Commerce, Science, and Transportation
To hold hearings on liability insurance, focusing on the availability and affordability of insurance in various property and casualty lines.
SR-253

Energy and Natural Resources
To continue oversight hearings to review those programs which fall within the jursidiction of the committee as contained in the President's proposed budget for fiscal year 1987, focusing on the Federal Energy Regulatory Commission.
SD-366

Select on Intelligence
To hold closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.

Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
SR-328A

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Transportation.
SD-138

Environment and Public Works
To hold hearings on proposed legislation authorizing funds for fiscal year 1987 for the Environmental Protection Agency.
SD-406

Foreign Relations
To hold hearings on the nomination of James L. Malone, of Virginia, to be Ambassador to Belize, and the prospective nomination of Arthur H. Davis, to be Ambassador to the Republic of Panama.
SD-419

Judiciary
Security and Terrorism Subcommittee
To hold hearings on the dilemma for U.S. policymakers confronting Libyan sponsored terrorism.
SD-562

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on S. 1990, to establish an Education and Training Partnership to administer the Job Training Partnership Act, the Wagner-Peyser Act, and the Carl D. Perkins Vocational Education Act.
SD-430

10:30 a.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Advisory Council on Historic Preservation, Woodrow Wilson International Center for Scholars, and National Capital Planning Commission.
SD-124

Judiciary
Courts Subcommittee
To hold hearings on H.R. 3570, to revise annuity programs for survivors of Federal justices and judges.
SD-226

1:30 p.m.

Appropriations
To hold hearings to review the President's proposed budget for fiscal year 1987.
SD-192

2:00 p.m.

Judiciary
To hold hearings on pending nominations.
SD-226

2:30 p.m.

Energy and Natural Resources
To continue oversight hearings to review those programs which fall within the jurisdiction of the committee as continued in the President's proposed budget for fiscal year 1987, focusing on Forest Service programs of the Department of Agriculture.
SD-366

FEBRUARY 20

9:30 a.m.

Small Business
To hold hearings on the cost and availability of liability insurance for small business.
SR-428A

Veterans' Affairs
To hold hearings on proposed budget estimates for fiscal year 1987 for the Veterans' Administration.
SR-418

10:00 a.m.

Agriculture, Nutrition, and Forestry
To continue hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
SR-328A

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Air Force.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Council on Environmental Quality, Selective Service System, Federal Home Loan Bank Board, Neighborhood Reinvestment Corporation, and the National Institute of Building Sciences.
SD-124

Environment and Public Works
To hold hearings on proposed legislation authorizing funds for fiscal year 1987 for the Environmental Protection Agency.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism.
SD-430

1:30 p.m.

Banking, Housing, and Urban Affairs
To hold hearings to review the Federal Reserve Board's first monetary policy report for 1986.
SD-538

2:00 p.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the Fire Prevention and Control Act.
SR-253

4:00 p.m.

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

FEBRUARY 21

9:00 a.m.

Small Business
To continue hearings on the cost and availability of liability insurance for small business.
SR-428A

9:30 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 477, to revise the standards of railroad revenue-adequacy, railroad market dominance, railroad rate reasonableness, and the Interstate Commerce Commission

review of State ruling on intrastate rail rates.
SR-253

Finance
Health Subcommittee
To hold hearings to review hospital income under the Medicare prospective payment system.
SD-215

Labor and Human Resources
Handicapped Subcommittee
To resume hearings on proposed legislation authorizing funds for education of the handicapped, focusing on discretionary programs.
SD-430

Special on Aging
To hold hearings on the impact of Gramm-Rudman on the elderly.
SD-628

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Navy.
SD-192

Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on certain proposals under the jurisdiction of the subcommittee, including S. 530, H.R. 1343, S. 1766, S. 1819, H.R. 105, H.R. 934, H.R. 1390, and H.R. 1963.
SD-366

Environment and Public Works
To hold hearings on proposed legislation authorizing funds for fiscal year 1987 for the Fish and Wildlife Service.
SD-406

FEBRUARY 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Army.
SD-192

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1686, to implement a research program regarding specified aspects of fuel cell technology, and S. 1687, to develop a national policy for the utilization of fuel cell technology.
SD-366

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Bureau of Land Management, Department of the Interior.
SD-138

Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the Resource Recovery and Conservation Act of 1984 and the loss of interim status.
SD-406

FEBRUARY 25

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on S. 1990, to establish an Education and Training Partnership to administer the Job Training Partnership Act, the Wagner-Peyser Act, and the Carl D. Perkins Vocational Education Act.
SD-430

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Disabled American Veterans.
SD-106

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Credit Union Administration, Office of Revenue Sharing (Department of the Treasury), and the Office of Science and Technology Policy.
SD-124

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary of Labor and the Employment and Training Administration, Department of Labor
SD-116

Commerce, Science, and Transportation
To hold hearings on the nominations of Daniel Oliver, of Connecticut, and Andrew Strenio, of Maryland, each to be Commissioners of the Federal Trade Commission.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the Federal role in measuring the quality of higher education programs.
SD-406

11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Strategic Petroleum Reserve, Naval Petroleum Reserve, and Office of Emergency Preparedness.
SD-138

Armed Services
Military Construction Subcommittee
To hold hearings on the strategic homeporting initiative.
SR-222

Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for the Veterans' Administration.
SR-418

FEBRUARY 26

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Paralyzed Veterans of America, Blinded Veterans of America, and the Military Order of the Purple Heart.
SD-106

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Mine Safety and Health Administration, Employment Standards Administration, and Bureau of Labor Statistics, all of the Department of Labor, and the Pension Benefit Guaranty Corporation.
SD-116

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 1999, to provide for a uniform product liability law.
SR-253

Foreign Relations
European Affairs Subcommittee
To hold hearings to review the most favored nation status of Romania.
SD-419

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Research and Special Programs Administration and the Office of Inspector General, Department of Transportation.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

1:30 p.m.
Appropriations
To hold hearings to review the President's proposed budget for fiscal year 1987.
SD-192

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1987 for NASA.
SR-253

FEBRUARY 27

9:00 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 1997, to impose a tax on the importation of crude oil and refined petroleum products, and S. 1507, to increase the tariff on imported crude oil and refined petroleum products.
SD-215

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Departmental Management, Occupational

Safety and Health Administration, and Labor Management Services, all of the Department of Labor.
SD-116

Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on S. 1999, to provide for a uniform product liability law.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings to review alleged Department of Defense subcontractor kickbacks.
SD-342

Rules and Administration
Business meeting, to mark up committee funding resolutions for 1986 and to consider other pending calendar business.
SR-301

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To holding hearings on S. 1885, to establish a Military Auxiliary Revolving Fund within the Treasury of the United States.
SD-562

Energy and Natural Resources
To hold closed hearings on the status of Micronesia.
SH-219

Foreign Relations
To hold hearings to review United States policy toward Nicaragua.
SD-419

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for Head Start.
SD-430

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

FEBRUARY 28

9:00 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To continue hearings on S. 1997, to impose a tax on the importation of crude oil and refined petroleum products, and S. 1507, to increase the tariff of imported crude oil and refined petroleum products.
SD-215

MARCH 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary of Health and Human Services.
SD-116

Commerce, Science, and Transportation
To resume hearings on liability insurance, focusing on the availability and affordability of insurance in various property and casualty lines.
SR-253

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.
SD-106

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain Defense programs, focusing on research, development, technology, and engineering.
SD-192

Energy and Natural Resources
Public Lands, Reserved Water and Resources Conservation Subcommittee
To hold hearings on certain proposals under the jurisdiction of the subcommittee, including S. 1021, H.R. 1795, S. 1568, S. 1617, S. 1638, H.R. 1593, S. 1690, S. 1888, S. 1963, and S. 2031.
SD-366

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Pennsylvania Avenue Development Corporation, Commission on Fine Arts, and the National Gallery of Art.
SD-138

MARCH 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Strategic Defense Initiative.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Science Foundation, and the Federal Emergency Management Agency.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Highway Administration and the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold oversight hearings on District of Columbia courts.
SD-342

MARCH 6

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Minerals Management Service, Department of the Interior.
SD-138

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

MARCH 7

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on nominations of Paul Lamboley, of Nevada, and J.J. Simmons, of Oklahoma, each to be a Commissioner of the Interstate Commerce Commission.
SR-253

MARCH 10

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1987 for the National Institutes of Health, Department of Health and Human Services.
SD-116

MARCH 11

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on proposed legislation authorizing funds for job training programs.
SD-430

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1987 for the National Institutes of Health, Department of Health and Human Services.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Park Service, Department of the Interior.
SD-138

MARCH 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Health Resources and Services Administration and the Office of the Assistant Secretary for Health, both of the

Department of Health and Human Services.
SD-116

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1987 for certain intelligence programs.
S-407, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Environmental Protection Agency.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the St. Lawrence Seaway Development Corporation, Department of Transportation, and the Panama Canal Commission.
SD-138

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of the Treasury, focusing on multilateral development banks.
SD-124

MARCH 13

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on proposed legislation authorizing funds for job training programs.
SD-430

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Centers for Disease Control, Alcohol, Drug Abuse and Mental Health Administration, Office of Inspector General, and Office of Civil Rights, all of the Department of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain Defense programs, focusing on guard and reserve affairs.
SD-192

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for child care programs.
SR-385

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for foreign assistance programs of the Department of State.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Indian Education, Department of Education, and the Institute of Museum Services.
SD-138

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

MARCH 14

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Navy shipbuilding programs.
SD-192

MARCH 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Health Care Financing Administration, Social Security Administration, Office of Child Support Enforcement, and refugee programs, all of the Department of Health and Human Services.
SD-116

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the retirement policy for public safety officials under the Age Discrimination in Employment Act.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Army modernization programs.
SD-192

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for international security assistance programs of the Department of State.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of the Interior.
SD-138

MARCH 19

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Human Development Services, Office of Community Services, Departmental Management (salaries and expenses), and Policy Research, all of the Department of Health and Human Services.
SD-116

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Defense programs, focusing on force management and personnel.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Veterans' Administration.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Transportation Safety Board, Department of Transportation, and the Architectural and Transportation Barriers Compliance Board.
SD-138

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Export-Import Bank.
S-126, Capitol

MARCH 20

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold hearings on proposed legislation authorizing funds for rehabilitation programs.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Geological Survey, Department of the Interior.
SD-138

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

MARCH 25

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To resume hearings on proposed legislation authorizing funds for rehabilitation programs.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Holocaust Memorial, and the Bureau of Mines, Department of the Interior.
SD-138

MARCH 26

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Interstate Commerce Commission and the Office of the Secretary of Transportation.
SD-138

MARCH 27

10:00 a.m.
Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for low-income energy assistance programs.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Forest Service, Department of Agriculture.
SD-138

APRIL 8

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy conservation programs.
SD-138

APRIL 9

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary of Education, Departmental Management (salaries and expenses), Office for Civil Rights, and Office of Inspector General, all of the Department of Education.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).
SD-138

APRIL 10

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including elementary and secondary education, education block grants, and impact aid.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for National Oceanic and Atmospheric Administration, focusing on funds for satellite and atmospheric programs.
SR-253

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Inspector General, Agency for International Development, Peace Corps, Inter-American Foundation, and the African Development Foundation.
S-126, Capitol

APRIL 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including education for the handicapped, rehabilitation services and handicapped research, and special institutions (including Howard University).
SD-116

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Agency for International Development.
S-126, Capitol

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1987 for the Agency for International Development.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Endowment for the Arts and National Endowment for the Humanities.
SD-138

APRIL 16

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, World War I Veterans, Jewish War Veterans of the U.S.A., and Atomic Veterans.
SD-106

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including student financial assistance, guaranteed student loans, higher and continuing education, higher education facilities loans and insurance, college housing loans, and educational research and training.
SD-116

10:00
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Aeronautics and Space Administration.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Coast Guard, Department of Transportation.
SD-138

APRIL 17

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including bilingual education, vocational and adult education, education statistics, libraries, and the National Institute of Education.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for foreign assistance programs.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-192

APRIL 22

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Soldiers' and Airmen's Home, Prospective Payment Commission, Railroad Retirement Board, National Labor Relations Board, National Mediation Board, Occupational Safety and Health Review Commission, Federal

Mediation and Conciliation Service, and the United States Institute of Peace.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on international narcotics control, migration and refugee assistance, and anti-terrorism programs.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Navajo-Hopi Indian Relocation Commission, and the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior.
SD-192

APRIL 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for ACTION (domestic programs), Corporation for Public Broadcasting, National Council on the Handicapped, Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, and National Center for the Study of Afro-American History and Culture.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the United States Railway Association and Conrail.
SD-138

APRIL 24

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1018, to clarify the meaning of the term "guard" for the purpose of permitting certain labor organizations to be certified by the National Labor Relations Board as representatives of employees other than plant guards.
SD-430

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on voluntary contributions to international organizations programs, and for the Office of the U.S. Representative to the United Nations.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Energy Information Administration and the Economic Regulatory Administration, Department of Energy.
SD-192

APRIL 29

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Bureau of Indian Affairs, Department of the Interior.
SD-192

APRIL 30

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Aviation Administration, Department of Transportation.
SD-138

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for territorial affairs, Department of the Interior.
SD-192

MAY 6

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

MAY 7

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Urban Mass Transportation Administration, Department of Transportation, and the Washington Metropolitan Area Transit Authority.
SD-138

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Smithsonian Institution.
SD-192

MAY 13

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

MAY 14

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Transportation and certain related agencies.
SD-138

MAY 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for fossil energy and clean coal technology.
SD-192

MAY 20

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Indian Health Service, Department of Health and Human Services.
SD-192

MAY 29

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary and Office of the Solicitor, Department of the Interior.
SD-192

CANCELLATIONS

FEBRUARY 18

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Jed Dean Christensen, of Virginia, to be Director of the Office of Surface Mining Reclamation and Enforcement.
SD-366

HOUSE OF REPRESENTATIVES—*Wednesday, February 19, 1986*

The House met at 3 p.m.

The SPEAKER. Today we have, in the opinion of the Speaker, an extra-special guest. Many years ago when the Chair was the Democratic leader of the Massachusetts Legislature and the majority party was the other party, the chaplain of the House back those 40 years ago was the Reverend Dr. J. Elmore Brown. Now he is associated with the Virginia Conference of the United Methodist Church in Richmond, so the Chair wants to particularly welcome an old friend of many, many years, who prayed for the well-being of the Commonwealth of Massachusetts.

The Reverend Brown.

The Reverend Dr. J. Elmore Brown, Virginia Conference, United Methodist Church, Richmond, VA, offered the following prayer.

Let us pray.

Almighty and Eternal God, we come to acknowledge Thy most gracious goodness to us as a nation. We are aware constantly that we are inexorably involved in the midst of a changing world order. Each day lays before us its concerns which demand our best understanding, our clearest judgment, and our noblest action.

Let Thy richest blessings be upon Thy servant, the President of these United States, and upon all who are associated with him in the arduous responsibility of government; upon the Members of this House, and their Speaker, soon to lay down his gavel. In serving the best interests of our country they likewise serve the highest interests of Thy kingdom on Earth, to bring peace and good will among all mankind.

"Grant us wisdom, grant us courage for the living of these days" and to Thee shall be praise and glory forever. Amen.

The SPEAKER. The doctor is 90 years old and a finer human being never lived. He was loved by the Massachusetts Legislature.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on the following dates the President approved and signed a bill and joint resolution of the House of the following titles:

On February 7, 1986:

H.R. 4027. An act extending the waiver authority of the District of Columbia Revenue Bond Act of 1985 to certain revenue bond acts of the District of Columbia, and for other purposes.

On February 10, 1986:

H.J. Res. 520. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1986, for the Department of Agriculture.

THOUGHTS OF THE RECENT PHILIPPINE ELECTIONS

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I was privileged last week to have been appointed to the Presidential delegation to the Philippines to observe the snap Presidential election that took place in the Philippines on February 7.

I especially want to commend the chairman of that delegation, the Senator from Indiana, Mr. LUGAR, and the cochairman of the delegation, our colleague in the House, the gentleman from Pennsylvania, Mr. MURTHA.

Both of these officials performed with great skill and courtesy, and they were a credit to the United States. The members of the observer team were dispatched to different parts of the Philippines, which embrace some 7,000 islands, so not every member of the group witnessed the election process in every area.

But the remarkable thing is that at the end of our assignment, there was unanimous agreement that the election was tainted with fraud and violence, with over 100 persons killed during that process, with stolen ballot boxes, and with tally personnel in the election return center in the Manila convention center walking out in protest to the orders of the official election commission that they put false figures on the display board to exaggerate the Marcos vote.

To provide further details of my reactions to the election, I am including with my remarks an interview with the Schenectady Gazette of February 14, by Carl Strock, a Gazette reporter, which my colleagues may find of some interest.

[From the Schenectady Gazette, Feb. 14, 1986]

REPRESENTATIVE STRATTON TURNS AGAINST MARCOS, CITES WIDESPREAD FRAUD IN ELECTION

(By Carl Strock)

Rep. Samuel S. Stratton, normally a strong supporter of America's military allies, has turned against Philippine President Ferdinand E. Marcos because of what he said was widespread fraud in the recent presidential election.

Stratton, who was one of 20 official American observers of the election, said he will oppose any further economic or military aid to the Marcos government and will press for the formation of a new government better able to resist the growing Communist insurgency.

In a telephone interview from his Washington office, Stratton disputed a remark by President Reagan that fraud and violence could have occurred on both sides in the Philippine election. He said that fraud occurred on Marcos' side, not on the side of the challenger, Corazon C. Aquino.

And he said that he was "absolutely" surprised by the blatancy of the fraud—the stealing of ballot boxes, the intimidation of voters and the falsifying of the count by the government election commission. "I didn't think they would think of doing that," he said, "but they've done it so often, they think they can get away with it."

In a televised news conference Tuesday, Reagan said while his official observers had found an appearance of fraud in the Philippine election, "they didn't have any hard evidence."

Stratton said, "The President seems to be vague on whether there was fraud. There clearly was."

He wondered at the need for Reagan to send Ambassador Philip C. Habib to the Philippines to assess the situation there. "We had 20 people with 20-20 vision who saw what was going on," Stratton said. But he added that Habib might be in a position to "talk turkey" with Marcos and tell him "You better come around or else you're going to see that we're going to cut off from the Philippines."

Stratton, a Schenectady Democrat, said he spent election day, last Friday, in the province of Batangas, south of Manila, visiting at least 10 polling places. "The people were obviously tremendously eager to get the opportunity to vote," he said. "They stood in line for hours and had to undergo a very complicated procedure." He said two ballot boxes were stolen from a polling place he visited but the provincial governor, an Aquino supporter, was able to track them down and retrieve them.

Stratton said he did not personally witness any violence.

He said he was moved by the walkout of government vote counters later in Manila. "When you find that 30 or 40 young ladies posting the number of votes had walked out because they were told to pad the Marcos figure and cut down on the Aquino one, it gives you a pretty good case of fraud."

Stratton dismissed the notion offered by Marcos that private volunteer poll watchers had cheated in favor of Aquino. "The Namfrel people were like the League of Women Voters," he said. "They were there to watch, and they were substantially nuns and priests."

Namfrel is the acronym of the National Movement for Free Elections.

Stratton said the Philippines now faces three crises—a crumbling economy, an armed Communist-led rebellion and "the credibility of Marcos himself."

"The people have really lost confidence in him," Stratton said. He cited Marcos' handling of the 1983 murder of Mrs. Aquino's husband, Benigno Aquino, who had been the principal opposition leader. Marcos' chief of staff was accused but acquitted of complicity in the murder.

Before going to the Philippines, Stratton had expressed support for Marcos as a friend of U.S. military bases and voiced reservations about Mrs. Aquino because of her ambivalence on the subject. He also saw in Marcos a staunch anti-Communist.

He said yesterday, "Marcos is more cognizant of the Communist threat, but the irony is, he's not doing anything about it." He said, "He doesn't have an effective military, just a bunch of cronies who have no military skill. The army has no strategy for combating the Communist insurgency that's slowly moving up from the south. They need somebody in government who would handle that."

He described Mrs. Aquino, whom he did not meet, as "a smart, intelligent lady, who has a nice personality but who also comes from a fairly substantial family."

He predicted that Congress will cut aid to the Philippines if Marcos insists on remaining in office.

IACOCCA DESERVES BETTER

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, with the despicable treatment Lee Iacocca received from the administration last week, I fear a new verb has been added to the English language. It is: "Iacocca." To "Iacocca" a person is to reward him for successfully achieving an important task, which you asked him to undertake without pay, by slapping him in the face. To be "Iacocca'd" is to be treated in a shabby, petty, mean, ungrateful, stupid, manner.

If anyone wonders why it is difficult to get outstanding people from the private sector to participate in Government, the administration's treatment of Lee Iacocca is exhibit A. I urge the President to intervene to undo this foolish injustice.

Lee Iacocca is a distinguished American who has donated his prodigious capabilities to a worthy cause, and he deserves the thanks of all Americans, including this administration.

ANOTHER STRUGGLE FOR DEMOCRACY—SOUTH KOREA

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, recent events in the Philippines have focused our attention on the struggle for democracy in that nation, and rightly so; but the Philippines is not the only American ally in the Pacific which preaches but does not practice democracy. In South Korea, a nation we had gone to war to defend, the seeds of democracy which were planted last year are bearing bitter fruit. Opposition leader Kim Dae Jung is being held incommunicado under house arrest by the government of Chun Doo Hwan. Government troops have ransacked the headquarters of the New Korea Democratic Party and looted the office which serves as headquarters of the petition drive calling for democratic elections. The old cycle of talking democracy and then cracking down on its manifestations is being repeated. I believe it is time we end our practice of passively watching this process and express our will to the Chun government, as we must to the Marcos government.

House Concurrent Resolution 261, sponsored by Representative FEIGHAN and cosponsored by me, calls on the Republic of Korea to restore the political and civil rights of Kim Dae Jung and to institute democracy in that nation. I believe this resolution is deserving of the support of this Congress and urge your cosponsorship. While South Korea commands less of the public eye today than the Philippines, it deserves no less attention from Congress or from the people of the United States.

COMMENDING ADMINISTRATION FOR STICKING WITH CONTADORA PROCESS

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, I want to commend the administration for sticking with the Contadora process despite Nicaragua's foot-dragging.

Just a few days ago, Secretary of State Shultz met with the foreign ministers of the Contadora group and reaffirmed our Government's support for the peace process.

Since Congress cut off military aid to the freedom fighters, the United States has put its faith in the negotiating process as the best means of achieving a peaceful settlement in Central America.

Managua has used that time to conduct a massive, multibillion-dollar buildup of Soviet military hardware and to oppose any peace initiatives.

I would urge the administration to consider asking the Contadora nations for an emergency meeting to make one more serious effort at a negotiated settlement.

If Ortega refuses to cooperate in good faith and continues to rely on a purely military solution, our decision in Congress will be much easier.

PRIVATIZATION

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, obviously over the break in our districts we all heard an awful lot about the President's budget, because the Budget Committee is now discussing what was in it and so forth.

In my district, people were particularly concerned about the privatization aspect of it and they interpret it to mean liquidation. Since I come from that beautiful part of the world where there are so many parks and so many things that have been put in trust for future generations, people were really very worried about what that meant. Did that mean that they were going to start selling the parks? So many people were having conversations about what does this privatization or liquidation really mean and is it not shortsighted in the long term?

Then all of a sudden we started getting creative offers. That went on for the first part of the week. The second part of the week, people picked up with privatization and the President may want to rethink his whole budget.

We had the NAACP Legal Defense Fund, the ACLU, the Women's Legal Defense Fund, all suddenly deciding that maybe they should get into this whole privatization and try and buy the Justice Department, because they have been so upset about what has been going on in the Justice Department, that they had better hurry up and have some fundraisers, get their money together and see if they could not buy it before corporate America did.

Once that started, all sorts of creative new ideas came out; so let us hope that the President rethinks this whole area of privatization or liquidation, because it could really get out of hand and it may end up being not exactly what he had in mind.

"LOCK UP THE COOKIE JAR, IF YOU MUST—BUT, FOR PETE'S SAKE, LEAVE THE BOOZE OUT"

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, while Gramm-Rudman promises to lock up the cookie jar from which the Federal goodies are handed out, it has left an open decanter on the table

from which money tipplers can float themselves in a dream world of capital gains. The decanter, of course, is the Federal Reserve System, and standing by to dispense the intoxicant is the bootlegger, the System's Open Market Committee.

Why not remove the bottle from the table, and lock it away, along with the cookie jar? Because in 1980 Congress put the bootlegger in charge of enforcing prohibition. In this country, inflation used to be synonymous with the monetization of the Federal deficit, so fiscal restraints were bound to result in monetary restraint. But such is no longer the case. In the exercise of authority bestowed upon it by the Monetary Control Act of 1980, the Federal Reserve System can monetize the debt of Mexico, Argentina, and Poland—in fact, it can validate any and all bank assets that have turned sour.

Present day monetary chaos is the product of money managers trying to manipulate the currency on behalf of some theory or political interest. But what world trade needs is a fixed point of reference for value, such as we have in the foot for length, and in the pound for weight. Gold may not be perfect. Even the North Star moves—yet this does not disqualify it as a valid point of reference for navigation.

Only after Congress reclaims its constitutional monetary powers that it has given away in its moments of absent-mindedness, can the dollar be stabilized, can our trade with the rest of the world be brought into balance without restrictions, reprisals, or trade war.

HIGHER EDUCATION BUDGET

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, the administration recently submitted to the Congress their budget proposal for the coming fiscal year. Included in this financial package were the President's desired cuts for education. I feel that the extent of these cuts are irresponsible.

The President has called for us to strive for a better and stronger Nation, to continue to reach for the American dream, and to continue the search for excellence. Any American should agree with these goals, but how are the youth of today going to pursue these same goals while taking away the programs that give them the opportunity to obtain an education. The President's budget calls for a cut of 23 percent in higher education programs, that amounts to a loss in higher education of $2.243 billion. The projected number of people that will be dropped, not absorbed elsewhere but altogether dropped from higher education programs will be 1,186,000.

Ours should be the business of building hope and not of destroying it. The educational training of America's youth must be considered a requirement and not an option.

CONGRESS: PARADISE FOR HOLIDAY LEGISLATION

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITEHURST. Mr. Speaker, I want to call my colleagues' attention to the Legislative Calendar of January 30. I think you will find one particular section as shocking and indefensible as I did.

Of the 240 laws enacted during the 99th Congress, 88 of these were for commemorative holidays and similar designations. Clearly one-third of this Congress' accomplishments fall into a category that should be no more than a sidelight of congressional responsibility.

I urge my colleagues to take a look, beginning on page 11-1, at this issue of the calendar and the list of bills that are now law.

Without casting aspersions on any of these designations, I ask: "Is this really why our constituents sent us here?" I suspect we all agree the answer is "no."

More than 2 years ago I introduced legislation that calls for the establishment of a commission to screen these requests and make recommendations to the President. This panel would function much like the Citizens Stamp Advisory Committee does.

To date, more than 180 of my colleagues have joined with me in this effort. We are all being asked to cut back our spending under Gramm-Rudman, and my bill, H.R. 479, would save about $1 million annually in printing and staff cost.

I do not contend that this proposal will solve the deficit, but support for it would send a clear message to our constituents that we are more interested in solving important problems than we are in designating holidays.

□ 1515

AID TO THE CONTRAS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. President, I was one of those who switched their votes on the Contra aid last year to provide you a margin of victory. I did so because you promised us that you were in support of negotiations.

Mr. President, today you are asking us for $100 million in military and humanitarian aid to the Contras. Mr. President, here is one vote you have lost because you have not fulfilled your end of the bargain. You told the Contadora countries this week to take a hike.

Second, Mr. President, you are asking us for $100 million in aid to the Contras, but you are asking us to slash funds for education, for the Job Corps, for health care, for our own people.

The Contadora process is our only hope, Mr. President, and you told them that you were going to go ahead with Contra aid even though they asked you not to, and they asked you for bilateral negotiations and you said no. You have asked negotiations and the Contadora process to take a hike.

Mr. President, here is one vote you have lost on the whole aid package to the Contras because you failed in your part of the bargain.

REMEMBERING AMERICANS STILL HELD HOSTAGE

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, slavery has been defined as bondage to a master or household. Tyranny is absolute power, especially when exercised unjustly or cruelly. Captive is one who is forcibly confined, restrained or subjugated as a prisoner.

These words accurately describe the circumstances surrounding the lives of our hostages who this very day continue to be deprived of their freedom.

The distinguished gentleman from Illinois, the Honorable GEORGE O'BRIEN, has frequently expressed his concern on this matter to the people of this House, and I urge my other colleagues to join us in focusing attention on these Americans who remain locked up against their will.

DELAYING GRAMM-RUDMAN UN-TIL THE SUPREME COURT RULES

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, 10 days from now, the reality of Gramm-Rudman will hit home across the Nation. That is the day the automatic cuts needed to accomplish the mandated $11.7 billion in savings for fiscal year 1986 will take effect.

These cuts which total 4.3 percent for nondefense programs and 4.9 percent for defense programs will occur even though a Federal district court has ruled these automatic cuts are unconstitutional. Why then the cuts? Simply put, Gramm-Rudman says only a Supreme Court determination of unconstitutionality could stop the cuts.

I believe there is another way. Yesterday I introduced H.R. 4169 to delay these cuts until the Supreme Court has ruled. My bill is equivalent to an injunction in its intent.

The bill is necessary since the Supreme Court may not rule on Gramm-Rudman until late spring or early summer. Meanwhile hundreds of programs, including a number serving the poor, needy, and aged will be forced to slash services. How foolish and cruel to impose these cuts when there is the very real potential they could be reversed in several months. Imagine the administrative nightmares as well as the individual hardships.

I offer my bill as a temporary solution to a thorny problem. I urge my colleagues to join as cosponsors so we can avert this impending catastrophe.

AN ANNIVERSARY SALUTE TO WILLIAM D. TOOHEY OF THE TRAVEL INDUSTRY ASSOCIATION

(Mr. BADHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADHAM. Mr. Speaker, this evening the fourth annual tourism industry dinner and congressional reception will be held in Washington, DC, commemorating the 25th anniversary of the U.S. Travel and Tourism Administration [USTTA] and its predecessor, the U.S. Travel Service [USTS]; 1986 also marks an anniversary for a key figure in the travel industry.

William D. Toohey is celebrating his 15th year as president of the Travel Industry Association of America. Bill has presided over tremendous growth of the organization whose members represent 1,700 travel-related businesses and associations. In 1982 largely through his efforts, the Travel and Tourism Government Affairs Council was established. The council is comprised of some 30 national travel components and serves as a major vehicle for informing the Congress and Federal agencies of matters of concern to the travel and tourism industry. Bill serves as vice chairman of the council.

As vice chairman of the congressional travel and tourism caucus since it was founded in 1979, I have worked closely with Bill Toohey. He currently serves as vice chairman of our caucus advisory board which gives us travel industry perspectives on tourism-related legislation. Bill also is vice chairman of the Travel and Tourism Industry Advisory Council of the Senate Committee on Commerce, Science, and Transportation.

Throughout his career, he has received many awards and honors for his dedicated and innovative efforts on behalf of the U.S. travel industry. Today our caucus congratulates William D. Toohey on his 15th anniversary as the leader of the Travel Industry Association and for a job well done.

A TRIBUTE TO WILLIAM D. TOOHEY OF THE TRAVEL INDUSTRY ASSOCIATION OF AMERICA

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONER of Tennessee. Mr. Speaker, as chairman of the congressional travel and tourism caucus, I would like to pay tribute to William D. Toohey as he celebrates his 15th anniversary as president of the Travel Industry Association of America. When you think of the Travel Industry Association, Bill Toohey immediately comes to mind. He has served the 1,700-member organization with distinction, voicing the concerns of all the varied components of the travel industry.

Throughout the years, many Members of Congress have worked with Bill Toohey. He has appeared at countless House and Senate hearings on a wide range of issues. Even more important, Bill was among the first to see this country's need for a national tourism policy. He played a vital role in convincing Congress to commission the National Tourism Policy Study, held from 1974 to 1978. This study led to the passage of the National Tourism Policy Act of 1981, which established the U.S. Travel and Tourism Administration [USTTA] headed by an under secretary of Commerce. He continues to be a strong advocate of congressional support for USTTA and the promotion of tourism abroad.

Mr. Speaker, it has been my privilege to work with Bill Toohey over the years and I am pleased to take note of this anniversary. He is an outstanding spokesman for the promotion of inbound and domestic tourism and for increasing our recognation of how important travel and tourism is to the economic life of our Nation.

As a Representative from the capital music city of the world, it gives me a great honor to be able to present to Bill Toohey the CONGRESIONAL RECORD Award for his outstanding service.

□ 1525

DECISIVE ACTION IS REQUIRED IN OUR RESPONSE TO THE PHILIPPINES ELECTION

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, Ferdinand Marcos has stolen the Philippine presidential election and the Philippine people look to us for a response. When all the evidence establishes massive fraud, vote-buying, and even murder of opposition leaders, it is not enough for our President to suggest—at a critical moment—that the fraud was committed by both sides, and then to try to undo the damage with a belated clarification. It is not enough to send special envoys for private consultations. The fact is that the Marcos regime is now discredited in the eyes of the Philippine people. If we stop at symbolic gestures and verbal pleas for reform, we will earn their anger and their lasting bitterness.

We must unequivocally demonstrate to the Philippine people that we are on their side and not on the side of a corrupt dictatorship which they have rejected. This means that we must adopt—without delay—legislation suspending military aid to the Philippine regime until a legitimate government is established there. If we do not take such decisive action, we will do grave damage not only to Philippine democracy but also to our own long-term interests in the region.

MR. PRESIDENT, WE NEED EVIDENCE, NOT RHETORIC, ON NICARAGUA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I have opposed Contra aid in the past largely because the administration has withheld evidence. We have an awful lot of rhetoric, but actually little documented evidence, which has basically put the American people at a fever pitch, worried about communism overrunning its boundaries.

Mr. President, If Nicaragua is exporting violence and arms to its neighbors, show us photos, give us the facts. If the Soviet Union and Cuba are providing offensive weapons, to Nicaragua, show us the photos, give us the documentary evidence so we can make a decision.

Mr. President, what has been the effect of our economic embargo on Nicaragua? What are the statistics? Give us the facts.

Finally, what have we done, Mr. President, to try and negotiate a peaceful settlement in Nicaragua rather than continuing a program of rhetoric to keep America feverishly fearful of communism at our borders?

I have introduced legislation, H.R. 4052, that states, Mr. President, by March the first you are to give us photos, documentary evidence, so that we can make a decision and Congress can vote on it intelligently.

RESTRAINT CALLED FOR IN CONGRESSIONAL INVESTIGATION OF SHUTTLE PROGRAM

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, over the past 3 weeks, NASA and its contractors have been subjected to painful public scrutiny, and they have undergone wrenching private agony in the aftermath of the *Challenger* tragedy. Although neither the exact cause of the accident nor its long-term impact on the space program have yet been determined, the accident investigation must go forward thoroughly and vigorously.

This period calls for measured restraint by all the involved parties, including the NASA family, the Presidential Commission, the aerospace industry, the Congress, and the media. The House Science and Technology Committee is prepared to review the Commission's report once the investigation is complete and then we shall report to the whole House.

In the meantime, a special steering group of the committee will oversee the detailed progress of the Commission's investigation. I hope that interested Members from the House and Senate can be patient until the complete *Challenger* story is known and it can be reviewed in a comprehensive fashion. It appears to me that sensationalizing fragmentary reports, quoting scraps of gossip, using internal memos out of context, and floating innuendos and irresponsible accusations, can only do a disservice to a proper and fair conduct of the investigation. Neither does it enhance the investigative process to have Members of Congress playing prosecuting attorney vis-a-vis the Commission or NASA while we have such an incomplete picture. I hope that all of the interested parties would act in a totally responsible manner until all the facts are known. That will be the time for careful assessment of both the near- and long-term implications of the lessons to be learned from the tragic accident.

Let us all be reminded of what a great statesman, Edmund Burke, said over two centuries ago about "an inquiry thus carefully conducted . . . if it does not make us knowing, it may make us modest."

NOW IS THE TIME FOR PATIENCE

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLAND. Mr. Speaker, I want to compliment the gentleman from Florida, the chairman of the Committee on Science and Technology [Mr. FUQUA], for his very logical and his very fair statement.

We have all been devastated and saddened by the terrible loss of the seven *Challenger* astronauts. Nothing in recent memory has affected the national psyche quite like this tragedy. But, Mr. Speaker, as the gentleman from Florida has pointed out, what is needed now is restraint on the part of Members of Congress, on the aerospace community and all involved. It is not going to help the investigation if we rush to judgment now, and expect the Commission to have all the answers before the right questions are asked.

I believe that the Presidential Commission, which has only been underway for 12 days, is going to come up with the cause of the accident, with who was responsible, and with recommendations on how to be sure that it will never happen again.

There has been no greater supporter of the space shuttle program in this body than the chairman of the Committee on Science and Technology, Mr. FUQUA, and myself. We are all going to have to undergo some serious reevaluation of that program and of the entire space program.

In the meantime, the Commission must have a chance to get at the cause of the problem so that we can have the information necessary to make those decisions in the coming months.

At the same time, I hope the Commission will keep the Congress advised as the investigation progresses. Some hearings may have to be conducted in executive session, but I am sure that Chairman Rogers will make available to the public and to the Congress new information as it develops.

As the gentleman from Florida has said, now is the time for patience. There is no reason to worry about a whitewash. Frankly, the Commission is off to an excellent start.

AMERICANS ARE BEING HELD IN SOUTHEAST ASIA

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, having just returned from Hanoi, I am convinced that based on the U.S. Government's own definition, there are live Americans being held against their will in Southeast Asia.

REACTIONS OF CITIZENS OF INKSTER, MI, TO THE PRESIDENT'S BUDGET PROPOSAL

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, during the district work period, I began the process of taking home the President's budget, of informing the public of what it proposes and of hearing public reaction. We set up a series of community forms, town meetings and site visits during this month on the President's budget.

Yesterday, I was in the suburban city of Inkster. It has a population of 35,000 and property taxes represent 45 percent of the general fund revenues. Permanent city employment there is 10 percent less than 5 years ago.

Here is what I heard regarding the proposed loss of revenue sharing; that in order to make up for it, some of these options would have to be considered: The elimination of all recreation support. The layoff at 50 percent of the permanent employees at the city hall. Or the layoff of nine police officers or firefighters.

Mr. Speaker, tomorrow I will report on other reactions in Inkster on other portions of the President's budget proposal. I am not certain what the answers are, but it is absolutely clear that they are going to be wrong if we do not understand the problem. If we do not see the likely impact of the proposals presented to us by the President.

GILMAN INTRODUCES LEGISLATION AWARDING THE CONGRESSIONAL GOLD MEDAL TO AVITAL AND ANATOLY SHCHARANSKY

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GILMAN. Mr. Speaker, I am pleased to inform my colleagues that I am introducing legislation today to award the congressional gold medal to Avital and Anatoly Shcharansky, in recognition of their immense courage and commitment to the preservation of individual human rights. This ideal is regarded by the American people as among our most dear, and is clearly why they are so deserving of this great honor. This unique, courageous couple has faced adversity separately and together; yet each has sought, throughout the many years of their separation, to bring about a greater global awareness of the importance of human rights. Anatoly Shcharansky, a symbol around the world of a man who would not submit his principles and love of freedom for political expediency; and Avital Shcharansky, waging a tireless campaign on his behalf that brought her to Washington and other world capitals many times, have shown us and the world what true commitment to human rights means. Their dedication to the cause of freedom of thought, word, and deed embodies the precepts by

which the United States acts. Their recent reunion is evidence of the triumph of the human spirit in the face of numerous adversities.

It is for these reasons that I am introducing this measure, so that the American people can recognize Avital and Anatoly's contribution and dedication to our common goal—that of human rights for every man and woman on this Earth. I urge and invite my colleagues to join me in this effort.

H.R. —

A bill to authorize the President of the United States to award congressional gold medals to Anatoly and Avital Shcharansky in recognition of their dedication to human rights, and to authorize the Secretary of the Treasury to sell bronze duplicates of those medals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Avital Shcharansky and Anatoly Shcharansky have displayed immense courage and commitment to the preservation of individual human rights, regarded as among the highest of ideals by the American people;

(2) Anatoly Shcharansky, a prominent founding member of the Moscow Helsinki Monitoring Group and active spokesman for the human rights denied to Soviet Jews, was unjustly arrested by the Soviet Union in 1977 and imprisoned for almost nine years on the false charges of espionage and treason;

(3) Anatoly Shcharansky, during his lengthy incarceration and isolation, was subjected to ongoing emotional and physical deprivation of the highest magnitude, yet continued to display raw courage and the noblest commitment to his rights as an individual, thereby setting an example for others whose individual freedoms are being denied;

(4) freedom is the ideal held most dear by the American people, and Anatoly Shcharansky has become a symbol of that love of freedom;

(5) Avital Shcharansky, while her husband was kept silent by Soviet prisons and labor camps, waged an indefatigable campaign around the world on behalf of her husband and others similarly treated;

(6) Avital Shcharansky's earnest persistence and dedication to the precepts of freedom of thought, word, and deed raised the consciousness of the world while she valiantly worked for her husband's release, thus elevating human rights to a global concern; and

(7) their reunion is evidence of the triumph of the human spirit against all adversities.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD.—The President of the United States is authorized and requested to present, on behalf of the Congress, gold medals to Anatoly and Avital Shcharansky in recognition of their supreme dedication and total commitment to the cause of individual human rights and freedoms.

(b) DESIGN AND CONSTRUCTION.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall cause to be struck two gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 3. DUPLICATE MEDALS.

(a) CONSTRUCTION AND SALE.—The Secretary may cause duplicates in bronze of the gold medals provided for in section 2 to be coined and sold under regulations prescribed by the Secretary, at a price sufficient to cover the cost of such duplicates and such gold medals, including labor, material, dies, use of machinery, and overhead expenses.

(b) REIMBURSEMENT OF APPROPRIATIONS.—Any appropriation made under section 2 shall be reimbursed out of the proceeds of the sales referred to in subsection (a).

SEC. 4. NATIONAL MEDALS.

The medals provided for in this Act shall be considered to be national medals for purposes of section 5111 of title 31, United States Code.

THE ADMINISTRATION HAS TURNED ITS BACK ON FILIPINOS VOTING FOR DEMOCRACY

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, over the next few months, this House will be hearing a lot from the administration about freedom fighters. By now, its a familiar story, full of ragged patriots quoting Thomas Jefferson and dreaming of democracy, if only we can send enough bullets.

But the reality, Mr. President, is that while your administration talked about promoting freedom, it turned its back on true freedom fighters, the majority of Filipinos voting for change. Our foreign policy has become so wedded to guerrilla diplomacy, it has developed a blind spot to genuine democratic movements. Your lapse of support for the popular will of the Philippines has cost us all valuable momentum in restoring democracy to that nation.

We are, of course, encouraged that the President has begun to call the Philippine election results what they are—a fraud. We are encouraged, too, that Special Envoy Habib is talking tough to Mr. Marcos. But despite these developments, the Philippines remain headed for tragedy as long as a corrupt and stubborn dictator remains in power. This tragedy is all the more painful when we consider the fundamental commitment of Philippine citizens to democratic ideals.

Mr. Speaker, I think our responsibilities are clear. We must use every diplomatic and financial resource to encourage a Philippine transition—peacefully, democratically, and soon. At stake is more than our important military bases—it is our very integrity as a champion of freedom.

□ 1535

CAN SDI PROCEED AFTER SHUTTLE TRAGEDY

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, the shuttle accident should teach us that no matter how sophisticated and advanced technology moves forward, the human element cannot be removed from the equation, and in fact, it usually is that human element that determines success or failure. The shuttle had been stocked full of the finest computer hardware, software and advanced materials and systems developed by anyone in the world. But all of that expensive equipment could not compensate for errors by human beings who made the key decisions governing the *Challenger* launch.

The analogies to the strategic defense initiative, or star wars are striking. It is folly to rely exclusively on the technology of lasers and advanced software to protect the United States from incoming Soviet missiles, when not only is the technology susceptible to error or failure, but the human beings who operate and build those systems can and will make mistakes. As we consider committing hundreds of billions of dollars to a star war system, let us not become so enamored with its technology that we forget one of the lessons of the *Challenger* accident: The human element is key.

PRESIDENT REAGAN SHOULD HEED THE ADVICE OF FORMER PRESIDENT EISENHOWER

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, 25 years ago in the closing hours of his Presidency, Dwight David Eisenhower gave a farewell address to the American people which has become a classic in our history. In those closing words he warned us of the growth of the acquisition of unwarranted influence by the military-industrial complex. In the words of President Eisenhower, he said:

> We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.

A few weeks ago the President of the United States submitted this budget to the Congress for consideration. A question in this budget is whether or not a warning given us by President

Eisenhower has been heeded by this administration, because President Reagan has called for a 12-percent increase in military spending at the expense of educating our children, at the expense of retraining our unemployed, helping our farmers, making our roads and bridges safer, protecting the environment, public health, and safety.

The President and Members of Congress would do well to reflect on the good counsel of President Eisenhower as we embark on this treacherous journey toward fiscal sanity. The budget submitted by President Reagan oils the machinery of the military at the expense of peaceful programs which are also essential to our national security.

DEMOCRATS DO NOT WANT TO CUT THE BUDGET DEFICIT BUT RATHER WANT TO SPEND, SPEND, SPEND

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I hope that many Americans listened to the majority party as they came to this floor today to talk about the budget. If they did, they heard why we have big deficits. The people who listened will know why every man, woman, and child in this country carries $8,000 of unwanted debt on their backs, accumulated for them by this Congress. Because the Democrats who came here to the floor today said, among other things, that they do not want to turn back some Government services to the private sector, where they can be done cheaper and better; they said here today they do not want to cut the funds that the President suggests can be cut in his budget and said they want to go on spending, spending, spending. They said here today they do not want to go ahead with the cuts that are proposed to go into place in the next few weeks. Instead, they want to delay them. They have no budget of their own. They have no plan for meeting the demands of the Balanced Budget Act. They have only complaints: "Don't do this, don't do that."

The President asked for bipartisan cooperation to get the budget problems of this country fixed. Instead, what we are hearing here today is partisan attacks.

Political rhetoric is not what we need. We need some real answers, and in today's speeches we got none of those real answers.

DEMOCRATS ARE PROUD OF THEIR PHILOSOPHY WITH RESPECT TO THE BUDGET CUTS

(Ms. OAKAR asked and was given permission to address the House for 1 minute.)

Ms. OAKAR. Mr. Speaker, I cannot help addressing myself to the speech that was just given. Those of us on this side of the aisle are proud of our philosophy. We are very, very proud of the fact that we feel that wasteful foreign aid like the $100 million that the President wants to give to the Contras, in contrast with his budget that says that, among other things, we should tag a user fee on our veterans who want to buy their first home, for example, and cut programs that relate to our agriculture, our small farmers, cut programs that relate to our educational system, cut out students.

I think we are proud of our philosophy, and I think it is about time the American people know specifically what is in the President's budget. That is all we are trying to do, point that out.

I think the American people want to know that the budget has an increase in Pentagon spending of 11 percent, which is the biggest item in the budget, and, at the same time, there is no addressing the waste, fraud, and abuse of the cost overruns, you know, those $400 hammers and $600 toilet seats and those $4 billion cost overruns on helicopter projects.

I think the American people want to know what is in the President's budget. They want to know, in contrast to what our philosophy is, and we are proud of that philosophy: We care about the American people. We care about the middle class and the moderate income people. We feel very, very strongly that the budget that the President has submitted does not address the needs of the majority of the American people.

MARCOS CAN DO NO WRONG, ORTEGA CAN DO NO RIGHT

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, who is a freedom fighter? This question is one of the mysteries of American foreign policy. Even though President Reagan seems bound and determined to overthrow President Ortega while supporting Marcos and Duvalier, I am hopeful that a bipartisan Congress and the American citizenry will restrain this rash anti-Nicaraguan impulse that seizes our President from time to time.

Two things are indisputable with regard to new funding for the Contras, our proxy army in Nicaragua. They cannot win and they are murdering thousands of their own countrymen in a way that violates the most elementary processes of democracy.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 18, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House at 3:45 p.m. on Tuesday, February 18, 1986 as follows:

(1) Said to contain the Twentieth Annual Report of the Department of Housing and Urban Development, which covers calendar year 1984; and

(2) Said to contain the Fourteenth Annual Report on the Administration of the Federal Railroad Safety Act of 1970.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance, and Urban Affairs.

(For message, see proceedings of the Senate of yesterday, Tuesday, February 18, 1986 at page 2188.)

ANNUAL REPORT ON THE ADMINISTRATION OF THE FEDERAL RAILROAD SAFETY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of yesterday, Tuesday, February 18, 1986 at page 2188.)

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, with-

out objection, referred to the Committee on Foreign Affairs.

(For message, see proceedings of the Senate of today, February 19, 1986.)

ANNUAL REPORT OF THE COUNCIL ON ENVIROMENTAL QUALITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries.

(For message, see proceedings of the Senate of today, February 19, 1986.)

□ 1550

CALENDAR WEDNESDAY

The SPEAKER pro tempore. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed on Tuesday, February 18, 1986.

HEALTH SERVICES AMENDMENTS ACT OF 1985

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2418, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2418, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 254, nays 151, not voting 29, as follows:

[Roll No. 26]

YEAS—254

Ackerman	Boggs	Clay
Addabbo	Boland	Clinger
Akaka	Boner (TN)	Coelho
Alexander	Bonior (MI)	Coleman (TX)
Anderson	Borski	Conte
Andrews	Boucher	Conyers
Anthony	Boxer	Cooper
Applegate	Breaux	Coyne
Aspin	Broomfield	Crockett
Atkins	Brown (CA)	Darden
Barnes	Broyhill	Daschle
Bates	Bruce	Davis
Bedell	Bryant	de la Garza
Beilenson	Bustamante	Dellums
Bennett	Carper	Derrick
Berman	Carr	Dicks
Bevill	Chandler	Dingell
Biaggi	Chapman	Dixon
Boehlert	Chappell	Donnelly
Dorgan (ND)	Lehman (FL)	Rostenkowski
Dowdy	Leland	Rowland (CT)
Downey	Lent	Rowland (GA)
Durbin	Levin (MI)	Roybal
Dwyer	Levine (CA)	Russo
Dymally	Lipinski	Sabo
Dyson	Long	Savage
Eckart (OH)	Lowry (WA)	Scheuer
Edgar	Luken	Schneider
Edwards (CA)	MacKay	Schroeder
English	Madigan	Schumer
Erdreich	Manton	Seiberling
Evans (IL)	Markey	Sharp
Fascell	Martin (NY)	Shelby
Fazio	Martinez	Sikorski
Feighan	Matsui	Sisisky
Fish	Mavroules	Skelton
Flippo	Mazzoli	Slattery
Florio	McCloskey	Smith (FL)
Foglietta	McCurdy	Smith (IA)
Foley	McDade	Smith (NJ)
Ford (MI)	McGrath	Snowe
Ford (TN)	McHugh	Solarz
Fowler	McKinney	Spratt
Frank	Meyers	St Germain
Frost	Mica	Staggers
Fuqua	Mikulski	Stallings
Garcia	Miller (CA)	Stark
Gaydos	Mineta	Stokes
Gejdenson	Mitchell	Stratton
Gephardt	Mollohan	Studds
Gibbons	Moody	Swift
Gilman	Morrison (CT)	Synar
Glickman	Morrison (WA)	Tallon
Gonzalez	Mrazek	Tauke
Gordon	Murphy	Thomas (GA)
Gray (IL)	Murtha	Torres
Gray (PA)	Natcher	Torricelli
Green	Neal	Towns
Hall (OH)	Nelson	Traficant
Hamilton	Nichols	Traxler
Hatcher	Nowak	Udall
Hawkins	Oakar	Valentine
Hayes	Oberstar	Vento
Hefner	Obey	Visclosky
Hertel	Olin	Volkmer
Horton	Ortiz	Walgren
Howard	Owens	Watkins
Hoyer	Pashayan	Waxman
Huckaby	Pease	Weaver
Hughes	Penny	Weiss
Jacobs	Pepper	Wheat
Jeffords	Perkins	Whitley
Jenkins	Pickle	Whittaker
Johnson	Price	Whitten
Jones (NC)	Pursell	Williams
Jones (TN)	Quillen	Wirth
Kanjorski	Rahall	Wise
Kennelly	Rangel	Wolpe
Kildee	Reid	Wright
Kleczka	Richardson	Wyden
Kolter	Ridge	Yates
Kostmayer	Rinaldo	Yatron
LaFalce	Rodino	Young (AK)
Leach (IA)	Roe	Young (MO)
Lehman (CA)	Rose	

NAYS—151

Archer	Dannemeyer	Hansen
Armey	Daub	Hartnett
Badham	DeLay	Hendon
Barnard	DeWine	Henry
Bartlett	Dickinson	Hiler
Barton	DioGuardi	Hillis
Bateman	Dornan (CA)	Holt
Bereuter	Dreier	Hopkins
Bliley	Duncan	Hubbard
Boulter	Eckert (NY)	Hunter
Brown (CO)	Edwards (OK)	Hutto
Burton (IN)	Emerson	Hyde
Byron	Evans (IA)	Ireland
Callahan	Fawell	Jones (OK)
Campbell	Fiedler	Kasich
Carney	Fields	Kemp
Cheney	Franklin	Kindness
Coats	Frenzel	Kolbe
Cobey	Gallo	Kramer
Coble	Gekas	Lagomarsino
Coleman (MO)	Gingrich	Leath (TX)
Combest	Goodling	Lewis (CA)
Coughlin	Gradison	Lewis (FL)
Courter	Gregg	Lightfoot
Craig	Gunderson	Livingston
Crane	Hall, Ralph	Lloyd
Daniel	Hammerschmidt	Lott
Lowery (CA)	Petri	Smith, Robert (OR)
Lujan	Porter	Snyder
Lungren	Ray	Solomon
Mack	Regula	Spence
Marlenee	Ritter	Stangeland
Martin (IL)	Roberts	Stenholm
McCain	Robinson	Strang
McCandless	Roemer	Stump
McCollum	Rogers	Sundquist
McEwen	Roukema	Swindall
McKernan	Rudd	Tauzin
McMillan	Saxton	Taylor
Michel	Schaefer	Thomas (CA)
Miller (OH)	Schuette	Vander Jagt
Miller (WA)	Schulze	Walker
Molinari	Sensenbrenner	Weber
Monson	Shaw	Whitehurst
Montgomery	Shumway	Wolf
Moore	Shuster	Wortley
Moorhead	Skeen	Wylie
Myers	Slaughter	Young (FL)
Nielson	Smith (NE)	
Oxley	Smith, Denny (OR)	
Packard	Smith, Robert (NH)	
Parris		

NOT VOTING—29

Annunzio	Early	Moakley
AuCoin	Grotberg	O'Brien
Bentley	Guarini	Panetta
Bilirakis	Heftel	Roth
Bonker	Kaptur	Siljander
Bosco	Kastenmeier	Sweeney
Brooks	Lantos	Vucanovich
Burton (CA)	Latta	Wilson
Chappie	Loeffler	Zschau
Collins	Lundine	

□ 1600

Mr. DICKINSON and Mrs. LLOYD changed their votes from "yea" to "nay."

Mr. LENT and Mr. MARTIN of New York changed their votes from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

□ 1615

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I rise for the purpose of trying to ascertain what the schedule will be for the balance of the day and tomorrow and if we could get the schedule for next week.

Mr. Speaker, it is my understanding that we are through for the day and tomorrow will be a pro forma session. Could the distinguished majority leader give us additional information about the schedule for this week. I yield to the gentleman from Texas [Mr. WRIGHT] for his response.

Mr. WRIGHT. I thank the gentleman for yielding to me.

Mr. Speaker, responding to the request of the gentleman from Mississippi, there is no further program anticipated for this week. We expect that tomorrow will be a pro forma session; no session on Friday and a session on Monday but no recorded votes on Monday.

The one piece of legislation which we very earnestly hope to have before the House within a matter of days and had hoped to be able to have this week, is the reconciliation bill which both the House and Senate have passed in slightly differing versions. That bill is under consideration right now between the conferees of the House and the Senate in an effort to find some mutually acceptable formula by which we could achieve the savings that are envisioned in that bill. There are about $8 billion of savings this year and some $19 billion of savings in the next 5 years cumulatively. We think it is very important that a reconciliation bill be passed. We are most anxious to act on that, but at the present time we are awaiting some agreement within the Senate as to overtures and initiatives that we have made on the part of the House.

Mr. LOTT. Does the gentleman anticipate that House Joint Resolution 3 would be on the schedule next week with regard to the Test Ban Treaty?

Mr. WRIGHT. If the gentleman will yield, I do not aniticipate action on that measure next week.

Mr. LOTT. I would assume then that the schedule for next week will be placed in the RECORD tomorrow?

Mr. WRIGHT. Tomorrow we will have a further colloquy if desired, and any other information that is developed between now and then will be divulged publicly to the membership and will be placed in the RECORD. Our schedule for next week will be spread upon the RECORD tomorrow.

Mr. LOTT. I thank the majority leader.

BILL INTRODUCED TO ESTABLISH A FAIR METHOD FOR COMPUTING YIELD FOR FARM PROGRAM PAYMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, the 1985 farm bill will cost the farmers of the First Congressional District of Arkansas between $17 and $35 million. This loss will result from the new formula to compute average farm yield for figuring deficiency payments. The 1985 farm bill significantly reduces the number of bushels used in computing deficiency payments by about 10 to 20 bushels per acre, thus reducing income to farmers when crop prices and farm income are already at rock-bottom lows.

Farmers are financially trapped into signing up for farm programs because of hard times. The drop in agriculture exports has created domestic surpluses which have driven commodity prices down. Farm income has reached an all-time low.

Yet, when farmers do sign up for farm programs the new law hits them harder. Farm income will be lower this year than last year because of the 1985 farm bill.

To correct this one inequity, I am introducing a bill to establish a fair method for computing yield for farm program payments.

My bill would prohibit a yield reduction below the 1985 crop level. Yield would be figured by taking the figures for the last 5 years, dropping the high and low years, and then averaging the remaining 3 years. Under my bill, yield for the 1986 and 1987 crops cannot fall below the 1985 yield. This bill would ensure that farmers who have worked hard and invested capital to improve their yield receive fair treatment under the law.

H.R. 4177

A bill to establish a fair means of determining 1986 and 1987 farm program payment yields for the purposes of the wheat, feed grain, upland cotton, and rice programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective beginning with the 1986 crops, paragraph (2) of section 506(b) of the Agricultural Act of 1949 is amended by—

(1) inserting "(A)" after the paragraph designation; and

(2) adding at the end thereof the following:

"(B) Notwithstanding the foregoing provisions of this paragraph or paragraph (1), the farm program payment yield for the 1986 or 1987 crop year may not be established at a level less than the farm program payment yield established for the 1985 crop year.".

THE UNITED STATES-MEXICO BORDER HEALTH EDUCATION AND TRAINING ACT OF 1986

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

Mr. BROOKS. Mr. Speaker, today I am introducing the United States-Mexico Border Health Education and Training Act of 1986.

The purpose of this act is to establish health education and training centers in those States along the border between the United States and Mexico, an area of rapidly growing population and one where the lack of adequate health care has long been a major problem. The legislation mandates that the Secretary of Health and Human Services enter into contracts with, and provide grants to, schools of medicine and osteopathy in order both to improve the supply distribution and quality of personnel providing health services in these areas and to encourage health promotion and disease prevention through public education. The measure would achieve these goals by establishing a number of Health Education and Training Center Programs in States along the border. Each program would involve the active participation of qualified schools of medicine and osteopathy from within the individual States, as well as participation from other sectors of health training education, such as nursing, public health, and dentistry. Finally, each program established under the measure would be overseen by an advisory board, a majority of whose members would be from the area being served.

The United States-Mexican border area is in dire need of programs and assistance to improve the overall quality of life in a portion of our Nation that has been too long neglected. One significant way of bringing relief to these citizens is by a cooperative effort to improve health standards along our border. Better awareness of health standards, increased access to trained professionals and adequate health facilities—all major goals of this bill—cannot help but raise the overall standard of living in the region and add to increased economic activity. The plan established under this act has the added advantages of relatively little investment in Federal dollars and active local participation, both of which help ensure long-term commitment to these important goals.

Given the broad scope of this problem and the need for sensible, effective means of combating it, I hope that the bill will receive quick and serious attention by Congress, and I look forward to the support of my colleagues.

THE TOLL OF GRAMM-RUDMAN

The SPEAKER pro tempore (Mr. COOPER). Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise today to insert an article by the noted columnist George F. Will in the RECORD because it very eloquently describes the irresponsibility of the Gramm-Rudman legislation and its impact on programs which are the essence of good government.

One institution which will be particularly hard hit is our very own Library of Congress. The Congressional Research Service, which Mr. Will aptly described as "the world's greatest research institution," is now threatened with cuts which demoralize staff who must work under the threat of the mindless descent of Gramm-Rudman's blade. I rise today to honor these dedicated employees who provide impartial, accurate, and timely information to Members from both Houses and of both parties. They work in the detail and depths of issues which our own staffs can only hope to scratch, and I am grateful for the service which they have provided to me and to this House. In doing so, they have helped ensure that we do not labor in the shadows of ignorance and illusion but rather in the light of knowledge. They are an excellent example of the effort which hundreds of thousands of Federal employees bring to their jobs every day. A Customs officer in Los Angeles, an FAA flight controller at National Airport, a Coast Guard drug interceptor in the Caribbean, a health service worker in Baltimore—all provide invaluable service to countless Americans each day.

And yet these are the very people which so many often castigate as the "bloated bureaucracy" or worse. That is why I am so happy to insert Mr. Will's column in today's RECORD. Because it is a tribute to each and every Federal worker who contributes the best of themselves to the good of their country. It is a tribute to those who labor for a wage which on average, lags 19 percent behind the private sector for comparable work. It is a much needed "pat on the back" for retirees who

were denied their cost of living adjustment this year, and for whom the President has again proposed eliminating next year's COLA. But Mr. Speaker, it is not enough. We must begin to provide Federal employees and retirees with the wages and benefits that they deserve. But most importantly, Mr. Speaker, we must begin to accord them with the respect that they so richly deserve.

The article follows:

[From Newsweek, Feb. 17, 1986]

GRAMM-RUDMAN'S MINDLESS MUSIC

(By George F. Will)

The noblest, most elevating place in America (aside from Wrigley Field) is the Library of Congress. It testifies to the finest feature of our national life, a constant commitment to rooting freedom in knowledge. It is emblematic of the compatibility of a belief in equality and a passion for excellence. It is a monument, but an intensely practical one, to the role of mind in democracy. It—and especially its ornate reading-room, which radiates the energy of 19th-century America—is just the place to contemplate Gramm-Rudman, which represents the rinsing of mind from government.

The library is not just the world's greatest national library, it is the only real library of civilization. it collects in 468 languages, has acquisition facilities worldwide and collects not only books (20 million so far) but also maps, manuscripts, photographs, films, recorded music, posters. It has the papers of individuals such as Walt Whitman and Freud, and organizations such as the NAACP. The library is the direct result of Jefferson's belief that there is no subject that legislators in a great republic will not need to know about. The 800 library people serving the research arm of Congress comprise the world's greatest research institution. The symbiosis of scholarly and legislative needs gives the library unrivaled vitality and exert a humanizing cosmopolitan influence on power.

In the library building named for the sainted Madison, these of his words are inscribed: "Learned institutions ought to be favorite objects with every free people. They throw the light over the public mind which is the best security against crafty & dangerous encroachments on the public liberty." But Madison, fortunately for him, lived before the U.S. government switched off the light of its mind and began treating Amtrak subsidies and learned institutions as equally susceptible to "across the board" parsimony.

Menu of pain: Gramm-Rudman outlaws choice, discretion, thought. After its fiscal 1986 cut, a form of vandalism, the library will be $18 million below its 1985 total of $238.5 million. And 1987 cuts will be much bigger. Now, $18 million is the cost of 47 minutes of social security and six-tenths of one percent of annual dairy subsidies. But to a complex, delicate organism like the library, an $18 million cut does substantial, lasting damage. Traditionally, the library has been open long hours, on the Jeffersonian principle that the library should not be convenient only for gentlemen of leisure. But now it will be closed on all evenings but Wednesday, and every Sunday. Services for the blind and other handicapped will suffer. In every particular the Gramm-Rudman blindfolded, cheese-paring approach to government will whittle away the stature of the institution by making its collections less complete and less accessible.

The Gramm-Rudman trigger need not be pulled. Across-the-board cuts will not happen if Congress passes the president's budget, or its own budget, to cut the fiscal 1987 deficit to $144 billion. But any such budget will be a menu of pain. So Gramm-Rudman is an incentive for Congress to pass no budget—to say, "Let President Bowsher do it." Bowsher is comptroller general. He tells the president the size of the cuts required to hit Gramm-Rudman targets. Last Friday a court said the comptroller general's role is unconstitutional. But the opera ain't over until the fat lady sings and the fat lady is the Supreme Court. Even if she agrees with the lower court, the law's defect can be corrected without altering the law's effect.

The president's budget is a series of deliberated choices, an exercise of mind, of applied political philosophy. But there remains The Question. In the early '70's some conservative senators traveled to Maryland's Eastern Shore to plan an agenda. When returning they met the local congressman, who asked: "What are you doing?" They said: "Saving the world." He replied by asking The Question: "Got the votes?" The president does not have the votes to pass his budget. In his State of the Union address he wrapped himself in Gramm-Rudman, but he asked for some big-ticket items; the Strategic Defense Initiative, the space station. He also deplored the increase in espionage and drug trafficking. Well, now.

Fewer agents: FBI agents are being overwhelmed by the influx of Soviet and East-bloc agents. After Gramm-Rudman the FBI will be even thinner on the ground. It could lose 1,000 of its 9,000 agents. When the president signed Gramm-Rudman he caused smiles to crease the faces of drug dealers everywhere. The Drug Enforcement Agency is being overwhelmed by the flood of what are called, but are not, "controlled substances." Under Gramm-Rudman the DEA will have fewer agents and may have to close some offices in drug-producing countries.

Perhaps, dear reader, you are reading this column in an airplane, and you think the most serious hazard you face is the food currently being electrocuted in the galley. Wrong. Eighty percent of the Federal Aviation Administration budget goes for operations like safety inspections and air-traffic control. Gramm-Rudman will mean substantial cuts in FAA personnel. Now, while you read those newspaper stories about cracks in 747s, have a martini. Have several.

What is coming is not just the old Washington Monument "dodge," whereby the government is told to cut back and responds by saying, "Fine—we'll close the Washington Monument on July 4," counting on an uproar to rescind the cutbacks. Under Gramm-Rudman, the "across the board" cuts are only across a few boards: 70 percent of all spending and 85 percent of all nondefense spending is either completely or partially exempt. So the law is a gun aimed especially at the Pentagon and agencies like the FBI, DEA and FAA.

All this is something to contemplate beneath the splendid dome of the library's reading room. But never on Sunday.

BLACK HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker, it was an honor and a privilege to reserve this special order in commemoration of the celebration of Black History Month. I want to thank all the Members who are joining me today to highlight the glorious contributions blacks have made to the history of America and to the world. A history replete with heroes and heroines from Crispus Attucks, Harriet Tubman, George Washington Carver, and Frederick Douglass to today's Jesse Jackson and Mary Futrell. Each has contributed something of note to the long upward climb of black people in this country.

Black Americans have a rich history and, that history is inextricably woven into the history of America. Until recently, historians either left black Americans out of the history books or grossly diminished their importance. But, black Americans can never be left out of America's history. If it had not been for black people working, fighting for and building this land, there would be no America as we know it today.

The late Dr. Carter G. Woodson, founder of the Association for the Study of Negro Life and History knew that. Dr. Woodson said:

> The achievements of the Negro properly set forth will crown him as a factor in human progress and a maker of human civilization.

Considered by many to be the true "Father of Negro history," our annual celebration of Black History Month began with Dr. Carter G. Woodson. Dr. Woodson was born in Canton, VA, in 1875. As a youth, he had little money or opportunity to attend school and he was 22 years old before he was able to complete high school. Woodson went on to finish Berea College in Kentucky. He then went on to the University of Chicago, where he received a bachelor's and a master's degree. And, in 1912, he received a Ph.D. from Harvard University.

In 1915, Dr. Woodson, almost singlehandedly created the Association for the Study of Negro Life and History and the prestigious Journal of Negro History. Not content with these achievements, he ventured into the field of mass education, initiating the observance of Negro History Week, which in 1976 was changed to Black History Month.

Dr. Woodson believed that such an observance of Negro History Week would accomplish two goals: First, it would inspire in blacks themselves, a sense of racial pride and knowledge of our rich heritage as a people and; second, it would provide other Americans with an opportunity to learn, recognize, accept and appreciate, the distinguished role blacks have played in the development of this great Nation.

What makes his accomplishments all the more remarkable is that Dr. Woodson created these cultural monuments largely by his own efforts. Stub-

born and proud, he refused to rely on white philanthropy and financed his first ventures out of the $1,000 to $5,000 a year he received as a teacher. Defiantly independent, he gave up the things most men hold dear—family, material comforts, fun and social relationships—and devoted every waking hour to the task of ensuring that blacks would escape "the awful fate of becoming a negligible factor in world thought." Like most pioneers, he was ridiculed and attacked. But in the end, he prevailed, providing one of the greatest examples in our history of the power of an impassioned individual who subordinates everything to his cause and focuses all the powers of his being on a single point.

The late Dr. W.E.B. DuBois once said of Dr. Woodson:

> He literally made this country, which has only the slightest respect for people of color, recognize and celebrate each year, a week in which it studied the effect which the American Negro has upon life, thought and action in the United States. I know of no one man who in a lifetime has, unaided, built up such a national celebration.

And, in February 1986, we continue to fulfill Dr. Woodson's dream, for black America, by acknowledging the vast and notable achievements of black Americans to the growth of our Nation.

Through his endurance and his commitment, Dr. Woodson wanted to ensure that the history and contributions of black Americans were long honored and remembered, by not just black people, but all people. And, during this month of celebration, we, as a nation, are afforded with a great opportunity, to recognize and remember the countless numbers of hard-working and proud black people who dedicated their lives to helping to make America great. Today, we remember Sojurner Truth, who was sold as a slave three times before she was 12. She could neither read nor write—yet in the early 1800's, she was considered the greatest and most revolutionary prophetess of her time. We remember Phylliss Wheately, black poetress—famous before the Declaration of Independence was signed in 1776 and we remember Harriet Tubman, who led over 300 slaves to freedom by way of the underground railroad.

Mr. Speaker, our history is long and proud. There is no single area in the history of America that is void of contributions by black Americans. Blacks served with the Colonial forces and helped shape the destiny of this country. When we think of military heroes, surely we must think about Crispus Attucks, who might have been fleeing from slavery, but, was the first man to shed his blood for American freedom, when he was shot down by British troops during the Boston massacre. Approximately 5,000 blacks fought on the American side with distinction. We were honored as heroes at Stony Point and Bunker Hill.

When we think about the struggle of conscience within America, surely we have to think about people like Frederick Douglass, Dr. W.E.B. DuBois and Martin Luther King, Jr. All three of these black Americans worked to free black Americans from second-class citizenship in this Nation. At the same time, they freed America from the insane and immoral shackles of slavery, segretation, and racism.

Blacks have made practical and significant contributions to the fields of science and invention. Albert P. Rillieus revolutionized the refining of raw sugar in the 1840's and some 40 years late, Granville T. Woods, patented many electrical and railroad devices including the controls of the New York City elevator. And, closer to our time, the distinguished Dr. George Washington Carver, of Tuskegee Institute, revolutionized agriculture in the South with his pioneering research on the peanut. In the fields of medicine, our contributions have been equally significant and noteworthy, Dr. Daniel Williams, a black surgeon, was the first man to perform a successful operation on the human heart. Dr. Charles Drew, a black man, developed the first blood plasma bank which saved numerous lives and enabled hospitals to store blood for longer periods of time. Ironically, he died because, as a black man, he was not allowed in the nearest hospital because they did not treat blacks. And, we cannot forget the contributions of Dr. Percy Julian whose research in cortisone freed millions from pain and misery.

When we consider black contributions in education we must not forget the world famous Mary McLeod Bethune Cookman who with only $1.50 in her pocket built Bethune-Cookman College in Florida.

Mr. Speaker, as we talk about the greatness of America in the arts, we certainly cannot overlook black Americans. From the genius of the Harlem renaissance writers to talented artists such as Romare Bearden, to musicians and entertainers such as W.C. Handy and Bill "Bojangles" Robinson, black Americans have pushed America to an unequal pinnacle of excellence in the arts.

And, Mr. Speaker, when you talk about the strength of the American Government, none of us in this Chamber has to look very far to note the contributions of black Americans in this area.

Mr. Speaker, throughout history, the creativity of black Americans has extended to all aspects of American life. And, in this, the 20th century, black Americans continue to work and dedicate their lives to bringing this country closer to the ideals upon which it was founded.

Last night, the Miller Brewing Co. sponsored the first presentation of the "Gallery of Greats: 20th Century Black Political Firsts" working together with the Joint Center for Political Studies, this specially commissioned exhibition portrayed black men and women who recognized the disparity between America's ideal and its practices and took it upon themselves to make the American dream a reality for all. This exhibit spotlights 13 individuals whose contributions represent but a sampling of 20th century black political leadership. The exhibit pays tribute to 13 bold men and women who, in the words of Robert Kennedy, dared to "dream things that never were and ask 'why not.'" These 13 great black achievers are: The late Mary McLeod Bethune, the first black woman advisor for the U.S. National Youth Administration; Edward W. Brooke, first black elected to the U.S. Senate since reconstruction; Andrew F. Brimmer, first black Governor of the Federal Reserve System; Yvonne Brathwaite Burke, first black woman elected to the U.S. House of Representatives from California; Robert Clifton Weaver, first black Cabinet member; Shirley Chisholm, first black woman in Congress and first black to run for the U.S. Presidency; Robert N.C. Nix, first black chief justice of a State supreme court; the late Oscar Stanton Depriest, the first black elected to the U.S. Congress from the North; George L. Brown and my distinguished colleague MERVYN DYMALLY, both of whom, shared the honor of serving as the first black Lieutenant Governors since Reconstruction; the late William Henry Hastie, the first black Federal judge; Eleanor Holmes Norton, the first female Chairperson of the Equal Opportunity Commission * * * and, my brother, Carl B. Stokes, first black mayor of a major American city. We salute the Miller Brewing Co. and the Joint Center for Political Studies for this fine exhibit.

Mr. Speaker, Black History Month is significant for not only black Americans but also for all Americans. American heroes and heroines—black and white—have made this Nation great. I am thankful, this afternoon, that the late Dr. Carter G. Woodson, initiated the annual observance in honor of the history of black Americans. I will be even more pleased when we acknowledge the monumental contributions by black Americans to the history of America not only during the 28 days of February, but every day of every year.

□ 1625

Mr. Speaker, I am pleased to yield to the distinguished chairman of the Congressional Black Caucus, the gentleman from Texas [Mr. LELAND].

Mr. LELAND. Mr. Speaker, I thank the gentleman from Ohio [Mr. STOKES].

Let me say that I really appreciate the gentleman offering the leadership today to do this special order, because this is something the Members of Congress, as well as the American people ought to pay attention to because of the deficit that we have suffered in the history of this country by having not—more often than not, that is, learned about the contributions made by distinguished black Americans as well as black people around the world in building not only this country, but this world and this civilization.

I would like to say that there also have been some extraordinary contributions made by some black people and I think being a member of the Texas delegation it is indeed opportune now for me to illustrate one of those contributions, and that is a guy named Bill Pickett from central Texas. Bill Pickett was a black man in central Texas who was working on a ranch and his steer, or a steer he was working with, rather, tried to gore his horse. At that moment when the steer tried to gore the horse, Bill Pickett jumped off his horse, grabbed the steer by its horns and flipped him over and bit him on the lip.

Bill Pickett was very upset about that because indeed he was trying to save his horse and he did not want that steer to hurt himself or the horse, neither.

Subsequent to that, some people had seen what had taken place there and so what was created is what was then called bulldogging, what is now called steer wrestling, and that is one of the highlights of any rodeo throughout this country or throughout this world, for that matter.

I just want everybody to know that these kinds of contributions were indeed made, but lost in history.

We are most proud, however, being more serious now, we are most proud that we have been able to make that kind of contribution.

A grand symbol of democracy stands in New York Harbor and lifts her arms in invitation to the world with the inscription: "Give me your tired, your poor, your huddled masses yearning to breath free." My colleagues, this promise was not meant for everyone. The covenant which was enunciated by the United States Declaration of Independence did not pertain to all. The founders of this America pledged that these States would be united upon the proposition that "all men are created equal and endowed by their creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness."

This Nation had made an absolute commitment to bring diverse races and nationalities together to share in the benefits of this society.

Largely, for black America—ours has been a dream deferred. Our forefathers rose from their knees time and again—driven by the words of Frederick Douglass who challenged that "if there is no struggle there is no progress."

I stand here today as living testimony to those black women and men who gave their lives in order that this Nation might be held accountable to its legacy of freedom. We join together, today in recognition of the heritage and achievements of those who have forged our way toward new frontiers—who have by example passed to present generations an extraordinary trust in the dignity of man.

I stand here today, 1 of 59 black Americans to serve in the U.S. Congress—and ask that this Nation join in the observance of Black History Month for the collective good of all. Our history and achievements are the mortar which has helped to build this Nation. While history books ignore these facts and many historians elect to forget—we will preserve our heritage.

That we should commemorate Black History Month is a tribute to each of the nameless faces who have championed peace and fought for justice.

It is most proper that we should engage in these special orders this evening as we follow the first Federal holiday marking the birth of an extraordinary statesman—a gentle man—who raised his enormous eloquence in a tireless quest for love and peace.

Martin Luther King, Jr. gave to the world a new understanding of equality and justice for all. He taught us that our democratic principles could be seriously impaired if they were not applied equally. He demanded that America set an example for the world. His life was a constant refutation of the impotence of the single individual and was dedicated to the empowerment of those who would refuse to accept social injustice—to risk, instead a certain destiny in challengeing the status quo.

Many remember that Dr. King was the youngest person to ever win the Nobel Peace Prize, but few recall that Dr. Ralph Bunche was the recipient in 1950. Benjamin Banneker, a black man, drew the blueprint for the Nation's Capital and the first whale harpoon was invented by a black man Louis Temple.

While others may forget, we must remember the black minutemen who defended the newly formed Colonies at the founding of this Nation. If no one else will, we must acknowledge that a black was the first settler of the city of Chicago and two blacks were with George Washington when he crossed the Delaware.

Strong black women graced this Nation's history. Sojourner Truth faced the ultimate challenges in battling to end slavery. Harriet Tubman led more than 300 slaves to freedom via the underground railroad admonishing the faint of heart to be free or die. Phyllis Wheatly, an 18th century black poet, Mary MacCleod Bethune, a renowned educator—Rosa Parks, a maker of movements—each have reshaped the face of this Nation.

World markets and science are filled with the achievements of black people. The first successful open-heart surgery was performed by Daniel Hale Williams, a black doctor at Cook County Hospital in 1893. Blood plasma, which saved millions of lives during World War II, was developed by Charles Drew, a black physician from Washington, DC. Black inventors created the paper bag, the gas mask, the electric light signal, instant coffee, and were responsible for subway train systems.

We have come far and all the world is better that there were black accomplishments throughout history. And even though we have removed many of the visible signs of racial discrimination, we cannot deny that we still live with the continuing effects of a history of discrimination. From Selma to Soweto—from Jonestown to Johannesburg, shackles still remain.

Let us, therefore, in this celebration of life, commit ourselves to remove forever from the face of society, the ugly blot of racism. Let us stand up and lead, let us together—write a new history for America.

Let me again thank the gentleman from Ohio for his great contribution here today.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Texas for his very fine and excellent remarks.

I am pleased to yield at this time to my good friend and distinguished colleague, the gentlewoman from Cleveland, OH [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I thank the gentleman. I want to commend the gentleman for this resolution and this special order honoring those who made our history a better history in our country; namely, the black Americans who served so well.

I chair a committee that relates to memorials and I am pleased that we have finally passed in the House a memorial honoring about 5,000 blacks who served in the Revolutionary War. It is something that is very seldom written about in our history books.

I guess my two favorite black Americans who perhaps their lives inspired me the most as Americans, are Harriet Tubman and Dr. Martin Luther King. They are so special in the significance of what they did and what they gave in their personal lives and the example of their lives is so important today; but you know, at the risk of embarrassing the dean of my delegation, and the gentleman certainly does not know what I am going to say, I think sometimes I surprise him, but I am really proud of the members of my own contemporary society who have made a contribution. There are many individuals who have made a tremendously significant contribution to our Nation's history who are still very active today. In my own area, I am pleased that there is an exhibit honoring black Americans who made such a valuable contribution. Mayor Carl Stokes is the first American black mayor of a large city from our own town and he is now a very distinguished judge on the municipal bench in Cleveland.

Frankly, my dean, Congressman LOU STOKES, who I think we will all agree is one of the most revered Members in the House of Representatives, he is the first black American from Ohio to ever win a seat in the House of Repre-

sentatives, so the Stokes brothers have made history, too.

I know a little bit about the Stokes brothers' history and the fact that their mother raised them and struggled and did not have an awful lot and they did not grow up in ornate surroundings, but they both went to law school. One became a Congress Member; another became a mayor and now is a judge.

So I just wanted to say to the dean of my delegation that in this Black History Month we honor people like the gentleman from Ohio and his brother, Carl, among all the many thousands of others who deserve to have that honor.

I thank the gentleman for yielding.

Mr. STOKES. Mr. Speaker, I thank the gentlewoman for her very kind and warm remarks. I want to thank her also for the legislation that she was able to get through the Congress, giving honor to blacks who served in the early American wars. That was a distinguished accomplishment and we appreciate the gentlewoman's contribution in that regard.

Mr. Speaker, I am pleased to yield at this time to the distinguished gentleman from Brooklyn, NY, Mr. OWENS.

Mr. OWENS. Mr. Speaker, I, too, would like to join my colleagues in congratulating the gentleman from Ohio [Mr. STOKES] on his sponsorship each year of this special order relating to Black History Month.

I would like to say that Black History Month is just that. It includes all of black history throughout the world since the beginning of the world.

There is African history, the history of blacks in the Caribbean area as well as blacks in America and, of course, we know from recent archeological discoveries that have been well validated that mankind, the Garden of Eden, was located in Africa, so that the history of blacks is the history of all mankind.

Every year we are provided with this opportunity to bring attention to the role of black people in history. That role has been too often overlooked. I think it is very fitting that we do this. It certainly relates directly to the current concerns that are dealt with by this body. We are concerned with events as they are developing in Africa, particularly South Africa and Angola. We are concerned with events as they are developing in the Caribbean area. The President will be, I think, in Grenada later this week. Developments are rapidly taking place in Haiti which captured our attention.

So what is of concern to blacks in any part of the world is a concern to blacks in America and should be of concern to the people who make up this body.

In this process of Black History Month observance, we have discovered that our history and the history of all peoples is better understood, if we understand our history.

Today I would like to focus on one particular area that of course has never been dramatized or focused upon, because it is not well known to American blacks. This relates to blacks who are part of the West Indies. Many of them have come, of course, to settle in our country. I have a large number of West Indian Americans, Americans of West Indian descent, who are part of my 12th Congressional District. Many of them come from Panama. Many of them come from Trinidad. Many of them come from Jamaica. For that reason, an event which is taking place very shortly in my district is of particular significance to them and to all black Americans.

I would like to focus our attention on the Panama Canal and the diggers of the Panama Canal, those who bent their backs and risked their lives to create the canal, which has been called the Eighth Wonder of the World.

Now, very few people recognize the fact that blacks had a major role in the building of the Panama Canal. I think it is altogether fitting and proper that we made that correction now and have the whole world understand the significance of blacks in the building of the Panama Canal.

Crossing the Isthmus of Panama was a logical dream in the 19th century. Between 1849 and 1855, the Panama Railroad was built. This was largely accomplished by West Indian laborers who came in the first migration of West Indians to Panama.

□ 1640

In 1880, the French initiated plans to build a canal across the isthmus and the second migration of laborers from the West Indies came to Panama at that time. By the summer of 1881, a large contingent of French engineers had come to Panama and the vast majority of the French engineers succumbed to yellow fever and malaria that summer as they attempted to direct the clearing of jungle for the building of the canal. In January 1882, actual digging began at Emperador with 2,000 West Indian laborers and another 500 black men from the gulf ports of the United States. By 1884 there were 19,243 laborers working on the canal. Of these, 16,249 were black. In February 1889 the French construction effort collapsed due to confusion, corruption and failure to correct unsanitary working conditions.

In January 1902, President Roosevelt acquired the property for the canal from the French holding company. In August 1903, the nation of Colombia rejected the Hay-Herran Treaty which was designed to give the United States control of the canal which was in Colombian territory. Not to be undone by this rejection by Colombia, the United States provided the inspiration for Panama to secede from Colombia. The flag of the new nation was actually designed in the Waldorf Astoria Hotel in New York although Panamanian schoolchildren are still taught that this symbol of the new nation was created by the wife of the first President of Panama. The Hay-Bunau-Varilla Treaty was signed by the United States and Panama in November 1903. The United States paid the new country $10 million and agreed to pay $250,000 per year beginning in 1912. The bargain was sealed with a sufficient supply of U.S. naval vessels in the area.

The Panama Canal was actually dug along its final route from 1904 to 1910. The Colibra Cut along one portion took 7 years and thousands of lives from landslides and disease. In 1909, the United States started an all-out effort to cut the death rate from disease by establishing and maintaining strict sanitary conditions. The locks were completed in 1913 and the canal opened on August 15, 1914. The total cost to the United States was $352 million. The French had spent an additional $287 million in their earlier attempt to build the canal. Over 100,000 laborers were involved in the building of the canal. Of those laborers, 30,000 lost their lives.

Black workers who made up the bulk of these 100,000 laborers and remained in Panama made significant attempts to organize after the canal was built. Mr. Samuel White, a Barbadian, organized the Silver Employees Association in 1916 and the first strike occurred. This led to the demise of the association. Preston Stoute and Sam Innis, both West Indians, organized black workers and led a strike in 1920 for better pay and benefits. The canal was closed for 1 week. The United States forced an end to the strike by cutting the workers off from the terminal cities of Colon and Panama City. In retaliation, wages were cut by 2 cents per hour.

In 1924, Sam White founded the Panama Canal West Indian Employees Association. They sought retirement benefits from the United States. In 1937, the Congress passed the Disability Relief Act which conferred a benefit of $1 per month for aged and disabled workers on the Panama Canal. These benefits were granted rather arbitrarily.

Today I know because there are some of these workers still in my district. I have had the unfortunate, very difficult task of trying to help them get their benefits.

Today, the surviving diggers are paid up to $187 per month and you know of course that is far less than Social Security benefits. From experience, I can also say that it is very difficult to prove entitlement to these benefits. A

former canal worker in my district was told that he would have to produce pay receipts to qualify as there were no records maintained officially by the U.S. Government of his employment.

The West Indians who built the canal have had their share of problems in Panama. In 1941, President Arnulfo Arias of Panama threatened noncitizens with substantial denial of rights. Children of noncitizens who were born in Panama had to declare themselves to be Panamanian citizens, thereby losing citizenship derived from their West Indian origins.

With World War II behind them, workers in the Canal Zone were organized in 1946 by the United Public Workers of America. Local 713 was formed after Len Goldsmith was sent to Panama to organize the workers. The local was expelled from the Canal Zone in 1949 for so-called Communist activities. In 1950, the AFL-CIO sent organizers to reregister workers into a new union, local 900.

The 1978 treaty which provided for gradual turnover of ownership of the Panama Canal to Panama specifies that the process be completed in 2000. Today, the workers who built the Panama Canal are acknowledged by a plaque set in the hillside which is visible to all who pass through the canal. It shows two Caucasian workers with pick and shovel. It stands as a monument to forces which have denied the diggers the acknowledgment which they deserve for their heroic struggle in building the canal in the face of natural forces and the failures of engineering and sanitation which cut into their numbers and left so many dead.

A film depicting the struggles of the diggers has been produced by Roman J. Foster of New York. It is an attempt to set the record straight and to allow the surviving diggers to die with the recognition and dignity which they seek. The diggers of the Panama Canal have waited a long time. In the film "The Diggers," six of the survivors are interviewed. They are John W. Bowen (98 years), Benjamin Jordan (94 years), Granville Clarke (93 years), Eustace Tabois (96 years), James Connell (94 years) and Arnold Small (95 years). Their story is the story of all who have worked, suffered and been denied recognition. In creating the film, Roman Foster recognized their contribution and made it possible for all to recognize them—over 100,000 black men who built the Panama Canal.

"The Diggers" will have its premier at the Whitman Theater at Brooklyn College on May 4. The surviving diggers and their wives will be honored at that time. Representatives of the Panamanian Government and the West Indian governments from which the diggers came will be on hand to attest to the accomplishments of those who made the Panama Canal a reality. The people who helped to write this chapter in history will be there to bring it to life.

Mr. Speaker, I again want to congratulate the gentleman from Ohio [Mr. STOKES] for giving me this opportunity and say that this particular chance to recognize those unknown men who helped to dig the Panama Canal, I think is perfectly fitting and proper. The Panama Canal has meant a great deal to the commerce, the security and the defense of the United States, and I think we should, even though it is rather late, record the recognition for the black men who dug the Panama Canal who deserve it.

Mr. STOKES. Mr. Speaker, I thank the gentleman for his contribution.

I am pleased to yield to the gentleman from New York [Mr. GILMAN].

□ 1650

Mr. GILMAN. Mr. Speaker, I would like to thank the gentleman from Ohio [Mr. STOKES] for reserving this time for commemorating Black History Month. I find it inspiring to reflect on this month of black history activities and projects, giving all of us an excellent opportunity to put into proper perspective the myriad ways in which black citizens have contributed to the most worthy achievements of our Nation.

It is not possible within our limitations of time to attempt to list all the black Americans who have made an indelible impression on the shape of American culture, politics, and scientific achievements; there are so many that I would need to give a full account of the role of the black in the antislavery movement, in World War II, in the black power movement, the arts and letters, in sports, and indeed the list goes on and on.

The observance of a Black History Month has resulted in a whirlwind of activities—workshops, seminars, speeches, and celebrations in schools, colleges, and universities throughout the month of February, which I look forward to and in which I encourage my colleagues to participate.

We have already been blessed this year by the first recognition of Rev. Martin Luther King, Jr.'s, birthday as a national holiday. In celebrating Black History Month, then, we are reflecting on the achievements of other great black Americans such as leading literary spokesman for the black revolution, James Baldwin; the first black woman elected to Congress, our friend and colleague, the gentlelady from New York, Shirley Chisholm; the civil rights leader, Rev. Jesse Jackson, and so many others who have been consistently in the forefront of our Nation's political, social, and moral foundations.

The designation of a Black History Month is testimony to a brighter future for today's black Americans so that they may be able to reach new heights of excellence without having to contend with the social and economic barriers which thwarted their progress in the past.

The hope for a better future plays a crucial role in the celebration and appreciation of Black History Month. While we reflect on those individuals who struggled against the tyranny of slavery, the turbulent years of discrimination in voting, housing, segregation, and other products of an uncaring society, we are also reflecting on our struggle to put into practice the true meaning of a just nation, devoid of the discrimination, and other roadblocks which have plagued us in the past and against which we are struggling even to the present day.

In closing, then, I want to stress how our Nation's history would not be complete without a full understanding of the black experience and how it has enriched and inspired our lives. The history books may have glossed over and distorted the achievements of black leaders in the past due to racism, discrimination, and injustice, but I am confident that in celebrating Black History Month our Nation is taking a step in the right direction—ensuring that a more accurate account of the important contributions of all black Americans are etched proudly into our Nation's history books as well as into our hearts.

Mr. STOKES. I thank the gentleman from New York [Mr. GILMAN] for his participation and his contribution to this special order.

I am pleased to yield now to my very distinguished friend and colleague from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, it is a privileged to have this opportunity to participate in this special order taking note of Black History Month 1986. I want to express my appreciation to our distinguished colleague from Ohio [Mr. STOKES] for giving us this opportunity.

Sixty years ago, Dr. Carter Woodson, a renowned historian, realized that an enormously important part of American history—black American history—was being ignored, even undermined by historians and the public at large. Whether by the distortion that comes from naivety, outright racism, or simply lack of information, our country's history books had ignored the outstanding contributions that blacks have made in the building of our Nation. To address this problem, Dr. Woodson proposed that a week be set aside, from Lincoln's birthday to Frederick Douglas' birthday in February, to call attention to the vital role of blacks in American history.

Ten years ago, realizing that a week was too brief to even begin to recognize our country's neglected black his-

tory, Congress set aside the month of February to excavate what many people now realize has been a buried treasure—the brilliant, dignified, and immeasurably important history of black America.

History is not simply what happened, but what is remembered. This is why it is so important for us not to only remember Christopher Columbus and his ships, the *Nina*, the *Pinta*, and the *Santa Maria*, but the fact that the captain of the *Nina* was a black man. It is important for us to recall not just Robert Peary, who set out to find the North Pole, but Matthew Henson, the black man who found it before him. And just as we appreciate researchers like Jonas Salk, we must honor scientific pioneers like Daniel Hale Williams, the black doctor in Cook County hospital who performed the first successful open-heart surgery in 1893, Charles Drew, the black man from Washington, DC, whose research on plasma and blood transfusions has saved millions of lives, and Percy Lavon Julian, who was the first scientist to synthesize cortisone.

This month is also a time to reflect on the pivotal role that black people have played in the struggle for freedom and democracy in this country—to recall that Crispus Attucks was the first patriot to die for freedom at the Boston Massacre, and that two blacks were with Washington when he crossed the Delaware. It is a time to reflect on the bravery of Sojourner Truth and Harriet Tubman, who risked their lives to transport slaves to the North where they could be free. And just as importantly, this month is a time to remember the dignity of a black woman, Rosa Parks, who stood up to the withering heat of discrimination, and began the civil rights movement that shook America in the 1950's and 1960's.

By reclaiming black history, our Nation is both rectifying the omissions of the past, and enriching our national heritage with the brilliance, the dignity, and the unshakeable commitment to freedom of black America.

Mr. STOKES. I thank my distinguished colleague from New York [Mr. WEISS] for his contribution to this special order.

I am very pleased to yield to the distinguished gentleman from Tennessee [Mr. FORD].

Mr. FORD of Tennessee. I thank my colleague, Mr. STOKES, for yielding and reserving the time on this special order to pay tribute to Black History Month here in the House of Representatives.

Mr. Speaker, during the month of February, millions of black Americans will celebrate Black History Month throughout the Nation. We celebrate Black History Month to afford all Americans the opportunity to learn, appreciate, and most importantly to respect the role of black Americans in the shaping of our great Nation.

Initiated in 1926 by the great historian, Carter B. Woodson, the celebration and commemoration of black history was observed for 1 week, but 1 week was not sufficient to acknowledge the contributions of so many talented Americans, and the week was then extended to 1 month.

Black Americans have played a vital part in the building of our Nation. The story of black America is one of valor in the face of hardships, courage in the storm of injustice, and faith in the wake of defeat. The first blacks were brought to this country against their will. Even though they were castigated, ostracized, and even criticized, they were able to remain a very strong people; and it would be impossible for me to name all of the great black Americans who have contributed to areas of art, education, religion, medicine, politics and a host of other areas.

I do think it is as important today to focus on famous black Americans and their well-noted accomplishments. We are all proud of these individuals and what they have done for America.

However, I want to make Members aware of a most alarming situation threatening the pillars of black America: the problem is well-documented, and the facts are alarming to young people. I am talking about teenage pregnancy.

Did you know that one out of every seven births in this country is to a teenage mother;

Each year more than 500,000 babies are born to teenage mothers;

The vast majority of teenagers who give birth each year have not finished high school, and some 36,000 of these mothers have not completed the ninth grade; and

The majority of all black children are born to a single teenage mother.

In 1983, nearly 12,000 Tennesseans gave birth, and right in my hometown of Memphis, TN, some 2,300 teenagers became mothers; and a shocking 82 of them were under the age of 15.

Inasmuch as there were 12,000 or so live births to teenage mothers in my State, there were just as many teenage fathers responsible for those births.

What we need in order to begin addressing this problem is an understanding of our social responsibility—the responsibility to one's self, one's family, one's friends, and one's society.

Just 2 weeks ago, the President of this Nation addressed us in his State of the Union message. In that message, the President called for a study to be conducted by his own Domestic Council, which is headed by the Attorney General, Mr. Ed Meese.

The President talked about profamily, and he talked about those who are receiving public assistance today; that one day he would like to see a welfare program that would make those recipients independent of that program.

□ 1700

I, for one, am ready to admit that, yes, there are many of our citizens, black and white alike, who are trapped in the cycle of poverty. I would call upon this Congress to respond to our President with a welfare reform package that would, in fact, address the needs of the poor of this Nation and respond to the teenage pregnancy problem that the black race is faced with, as well as other races in our great Nation. I will hope and trust that we would see fit in this Congress to report out legislation addressing the Unemployment Parent Program that would say to the structured family that, "Yes, we will place the father back into the family unit and, yes, we will have prevention measures within teenage pregnancy programs throughout this country as well as social services, like we have seen in other States like Massachusetts, California, and New York, and others which have already put to test, programs that many of those in this administration would like to refer to as the Workfare Programs, but programs that will be instituted to address many of the problems. And that is not to take away from our own institutions within our own communities, whether they be the religious institutions or those pillars in the communities throughout this Nation willing to come forward to say, "Yes, we are in fact going to not only address and offer solutions but we are going to work tirelessly to bring solutions of a fashion so that we would put to rest, and strengthen the two-parent family in America."

I thank once again my colleague for yielding to me and join with him and hopefully others in this Congress with legislation that will address many of the problems with which we are faced. Just yesterday my subcommittee, the Subcommittee on Public Assistance and Unemployment Compensation of the Committee on Ways and Means, had a panel of witnesses who addressed some of the problems of welfare reform, some of the problems of teenage pregnancy, and the problem of black teenage pregnancy in America. We are willing to say to the black communities throughout America that you must join in this crusade to address these problems. But I ask my colleagues in the Congress to join with us in reforming a system that will respond to the human needs of our people throughout this Nation.

Once again I thank my colleague for yielding.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Tennessee for his contribution to this special order.

Mr. Speaker, I yield to my distinguished colleague from Texas, Mr. GONZALEZ.

Mr. GONZALEZ. I thank the distinguished chairman from Ohio for giving me this opportunity to join with him in this year's occasion of the celebration of Black History Month.

Of course the rich and varied tapestry of black history in our country is rich with lore and heroism of many individuals. It is an epic story of a people emerging from a prostrate situation of slavery to the full stream of the country's main currents of life. Yes, of course, as the colleague from Tennessee just said a while ago, the challenge is still ahead of us. But the history is so rich and so varied that we could constantly add strands. Today I wanted to make reference to one of those that I think will be more and more prominently taking a place in this rich tapestry of black history. That has to do with the Spanish-speaking blacks.

Today in the United States, with the incursion of immigrants from Puerto Rico, from some of the Caribbean islands, from other places where the Spanish language has been the official or traditional tongue, as here in the Nation's capital, there is a substantial presence of such citizens of black descent.

Now they face tremendous problems. They perhaps are the ones that are the greatest victims of antipathy or prejudice in our society today because even with their fellow citizens, equally of black descent, the fact that they speak what, to the dominant group, is a foreign language offers some opportunity for discrimination that they face here daily not only in the District but in the Northeast predominantly, perhaps with the exception of Miami and the State of Florida.

We have a substantial presence of Cuban-originated black citizens today. As I said and repeat, also from Puerto Rico and the Dominican Republic. This is such a history that needs to be recorded in this effort to preserve and enlarge on the annals of history of black America, that we should make note of it. I am sure that as we go into the future it will be.

For instance, in the Spanish or Hispanic corpus of law and religious tradition we must never forget that in that part of the New World which was colonized by the Spanish colonizers in most if not all of the colonies there was an official religion. So that we find that in Brazil, for example, we have had black archbishops as long ago as two centuries ago. Never in the corpus of jurisprudence was there room for the Anglo-American concept of a human being considered in law as a chattel, as a slave, as only could be in law, and still occupy that servile position of slavery. We must never forget that women, for instance, wives in the common law tradition, in the common law corpus, were chattels. The softening influence of whatever some people call the Latin tradition, the religious tenor, in which a wife was considered an equal insofar as the marriage partnership was concerned. So that in those States we have what we call community property rights, the moiety right of a wife, could be equal to the husband's but unrecognized in the corpus and tradition of Anglo-American law. It was the same thing; the prejudice and the antipathy were on a social basis. In other words, if a black or a white or a Mestizile or a Creole was poor, well, by golly, he was poor, and he was down, and he was out. If he happened to be educated and a member, for whatever reason, of the affluent classes, well, he could reach such levels as being an archbishop in the hierarchies of the churches down there, he could reach high administrative positions, perhaps not on the par and to the extent that the white component, but nevertheless there was this absence of a legal definition of a subserviency.

So this is a rich tradition. I think it will offer its contribution to our heritage as time goes on in the form, in the shape, of the American black, Spanish-speaking originated, perhaps a descendant of those citizens that came to our shores from our neighboring countries that grew up in this Spanish heritage.

So that I am hopeful that as time goes on, as our treatment of the subject extends and broadens, that this rich thread will form a very important part of this tapestry of black history.

I end as I started, by saluting and complimenting my distinguished colleague from Ohio for taking this time, for preserving this special order, to give us a chance to enlarge on this subject matter which is very important to the fulfillment of America's destiny.

Mr. STOKES. I thank my distinguished friend from Texas for his participation and contribution here.

Mr. Speaker, I yield to my distinguished friend from New York, Mr. RANGEL.

Mr. RANGEL. Mr. Speaker, let me join with the many Members in congratulating the gentleman from Ohio for taking time out to recognize Black History Month. Indeed, the gentleman and his family, his brother, are part of this history, he being the first black ever to come from the sovereign State of Ohio to this august body and, of course, his brother becoming the first black mayor of any major city. To see him and pay tribute to him just last night for his accomplishments.

The question may come and has come, especially from the mouths of babes, as to why Black History Month? We do not enjoy White History Month or Red History Month or Brown History Month, and it is difficult sometimes to respond to young people as to why do we find it necessary to take just one segment of our population and set aside a month to review the history? Ofttimes I try to tell our young people maybe because it was not the proudest day in American history. Maybe it is because our historians find it so difficult to believe that Americans could treat people the way we did. Maybe going to a continent and snatching children away from their mothers' breasts and breaking up tribes and breaking up families and then bringing them here and treating cows and horses far better than you have treated human beings, in the abuse of their bodies and, far more importantly, their minds, to have them truly believe in some cases that they were inferior.

Maybe it was the fact that we wanted to cut off the rich history that all people have and sometimes with envy. As I listen to my Jewish brothers just go through their religious ceremonies which are no more than history, reminding each generation of how rich that history is and how it is something to be passed on to each generation rather than to have it forgotten. But to think that we would have that history just removed as though it never happened, as though there was no land there that they ever belonged to, and to find themselves in this country even as we are today with no country even to send a care package to. There is no place that we can say, as every other group can say, that, "I don't know whether I will ever make it, but I would like to visit the place where my father or my father's father came from or maybe one day have enough to send my kids to see at least what the homeland looks like." Maybe it is difficult to write those pages in history because we did not indeed—ever expect that blacks would become a part of contributing to America and would indeed be able to have American history as being a part of history that all of our people and all of our citizens can participate in. That is why I think it is so important that you raise these questions in the House because our history may have to be regenerated in terms of our Voting Rights Act of 1965. We may have to look to the Stokes brothers as breaking the ice. We may have to look at generations that come behind this.

But I try to tell the youngsters that let us hope that some time in our lifetime we might be able to do what other people have done and that is to say that all of our people will get a chance to participate, all of our people will get a chance to break those chattels that we have wrapped around us, shackles we have wrapped around our ankles and sometimes around our mind. Maybe this administration

would somehow understand that it is because we have been denied that history, that American history, that we come here not only asking for Black History Month but we come here asking to give us a break in terms of the jobs, the opportunity, the affirmative action, the civil rights which are historically denied, and we think that Government has a responsibility to compensate for that denial, to make certain that all of our citizens can start off on an equal and level playing field.

The gentleman from Ohio, again, is to be congratulated because it is in this body that perhaps we can give a better chance for all people to get an opportunity to participate in history, not black history but American history.

I thank the gentleman.

This year marks the first formal national celebration of the birthday of Dr. Martin Luther King, Jr. This is a significant victory in our long struggle to make America a land of freedom and equality for all of our people.

A national holiday honoring a great black man—our own prince of peace—is a symbol for all of us to hold high with great pride. But I would like to challenge you today to think about the legacy of Martin Luther King. As we celebrate Black History Month, I think we should ask ourselves whether we are closer now to achieving his dream than we were 20 years ago.

Twenty years ago, black people finally succeeded in eliminating the last vestiges of Jim Crow from the legal codes and regulations of the States. The Civil Rights Acts and Voting Rights Act of 1966 brought an end to centuries of officially sanctioned apartheid and disenfranchisement.

No longer could a restaurant owner legally refuse to serve black customers. No longer could a local ordinance set aside segregated entrances to theaters and businesses. And no longer would black people have to qualify to vote under racist grandfather clauses.

All Americans can take pride at how far black people have come in such a short period of time. We all participated in the struggles of the past, and we can all take pride in our victories.

But, we are slipping. We are slipping because of an insensitive President. We are slipping because of our old friend racism. And most ominously, we are slipping because our black institutions—family, church, and community—are in jeopardy.

If Dr. King had lived, he would call on us to look inward, to rebuild ourselves as a people. The glorious struggles in Birmingham and Montgomery were only a beginning, a chance for us to make it. He would tell us that we alone are responsible for our crisis of spirit, for failing to raise a generation of pioneers committed to exploring the new frontiers of opportunity.

The Civil Rights revolution tore down the legal barriers of racism. It threw open doors of opportunity which unfortunately are no longer open for all black people. Those left out are not tasting the fruits of Ronald Reagan's questionable economic recovery. The statistics alone are frightening:

Black children are twice as likely as whites to die in the 1st year of life. They are three times as likely to be poor, four times as likely to live with only one parent, and five times as likely to be on welfare;

Nearly 60 percent of all black children are born out of wedlock, and 85 percent of children living with single black women are poor;

Minorities are lagging in health status. HHS estimated that 18,000 "excess deaths" occur because of heart disease, 11,000 because of homicide and accidents, 6,100 from cancer, and 6,100 "excess deaths" from infant mortality;

Fewer blacks are attending college, closing an avenue of escape from poverty for many blacks;

Dr. Alvin Poussaint says that these trends are leading to "a permanent underclass."

These statistics are frightening enough, without the added problem of a President who has shown no leadership in resolving this suffering. Ronald Reagan has never shown the courage of Kennedy, Johnson, or even Richard Nixon in confronting the ills of the inner city. He has preferred to ignore them, hoping that a benevolent private sector will help the poor.

Most recently, the Reagan administration has become embroiled in what to do about affirmative action. If Reagan, Edwin Meese, and Clarence Pendleton have their way, affirmative action will become effectively immasculated. The result would be devastating to those among us who have kept the faith of Dr. King's dream.

Black History Month is a time for us to look inward for spiritual renewal, and to look backward for historical continuity. There is an unbroken link, a common thread, that stretches from the slave landing docks in the New World, through Reconstruction and the migration north, to the movements of the fifties, sixties, and beyond.

Our sense of continuity with the past is particularly pertinent today. We must never make the mistake of defining the Reagan years in a vacuum: Just as a common thread exists in our struggle for freedom, so a common thread exists for the resistance we experience each time we take a step forward.

We hear from Ronald Reagan that racism is not a great problem, that the recession we are recovering from is the cause of joblessness in our communities. He once remarked that he never noticed a race problem when he was growing up. Where has he been? Has he read the 13th, 14th, and 15th amendments to our Constitution? If so, does he realize that men and women have given their lives to taste the fruits of what they stand for?

If we take nothing else with us from our gathering here today, let it be this: Our history is one of progress and one of strife. Someone has always tried to pull us back when we move forward. This has always been our history, and I pray to God that our young people do not inherit this as their future.

We must educate our young people about the deeds of those who have gone before, so that the inspiration of the past will become the hope for the future.

Thank you.

Mr. STOKES. Mr. Speaker, I thank the gentleman from New York. I just want to say that we certainly appreciate his participation. The gentleman has in his own right, long before coming here to this body, made his own very rich contribution to American black history in the State of New York. Of course, right now he is pioneering in the House, being a candidate for the office of whip, which breaks new ground here for a black Member of Congress.

We look forward to the gentleman's accomplished feat in that regard as being another breakthrough for black Americans.

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Mr. Speaker, I am pleased to yield to my distinguished friend and colleague from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Speaker, I thank my colleague from Ohio for giving all of us a chance to join him in this celebration of Black History Month. It is absolutely right and proper that the gentleman does so.

Mr. Speaker, I want to say what great joy it gives me standing here and listening to you and CHARLIE RANGEL. Each of you has made such pioneering and record-shattering contributions, not only to the history of your own people, but to American history as well as to the history of this very House in which we stand. You have ennobled this House, the two of you, and your colleagues, and you have ennobled our lives and have given each one of us a new richness in our own lives, a new purpose for being, a new set of goals to achieve, by your marvelous example.

It is absolutely right and proper that we celebrate Black History Month. It used to be that we looked upon America as the melting pot, where peoples from all over the world came and became members of this great melting pot society and became homogenized and lost their individual differences and contrasts and conflicts and lost that heterogeneity and became an American person.

Well, I do not think we look upon America now as a homogeneous country, and I think we are very proud of the fact that of all the nations of the world, with the possible exception of that tiny little State of Israel, there is not a single nation on the face of the Earth that can match us in its heterogeneity, in its pluralism, and its diversity. And that is what makes our culture rich, and that is what makes our culture great.

We have all kinds of groups in this Congress who celebrate their particular ethnic, religious, or national group. We have the Irish and the Italians and the Poles and the Jews, and the list goes on and on and on. And are not we proud to number the blacks in Con-

gress and the blacks in America as leaders among the groups that have added richness and diversity and vitality and new meaning to American life.

So we should be studying Black History Month every month, just as we observe and reflect on the contributions of all of the multiple racial, religious, ethnic national groups that make our country such a fantastic country.

Yes, we have forgotten, I think, or discarded the idea that we are homogenized and that we are a melting pot. Rather, I think we now perceive ourselves as a mosaic, as a mosaic of all kinds of different racial and religious and ethnic national groups who are in this country and whose members continue to migrate to this country, maintaining their differences, actually strengthening their uniqueness and reveling in that uniqueness, and feeling at the same time, as we all feel, that just as they maintain their uniqueness, they are strengthening an even stronger America that is not a melting pot, but is a mosaic, a beautiful mosaic, where each of those little glittering pieces maintains its own color, its own shade, its own characteristics, while being part of a greater overall picture that is one of strength, vitality and respect for all of the other pieces of glittering mosaics.

So I can only thank my colleague for his great contribution to this body, for the increased sense of pride that the gentleman has given all of us. The gentleman from Ohio and Congressman RANGEL from New York have given all of us the vast, limitless contributions of your particular ethnic group to our history, to our culture, to our strength and vitality today. And the future is absolutely limitless for the contributions that the two gentlemen and their colleagues will make to our Congress, to our America, and the contributions that black America will make for American society. We are all in your debt. We all benefit from the enrichment that you have given us, and I want to express my gratitude to the gentleman from Ohio for having brought to us this resolution on Black History Month. The gentleman has my deep thanks, my deep respect and my gratitude. We are all the better for it, all the richer for it.

Mr. STOKES. Mr. Speaker, I thank my friend and colleague from New York [Mr. SCHEUER], for his remarks and his participation in this special order.

Mr. CONYERS. Mr. Speaker, I am very pleased to have this opportunity to join my colleagues in commemorating Black History Month. This is the 70th celebration of the accomplishments of black Americans, an activity which was begun by "The Father of Negro History," Dr. Carter G. Woodson.

Dr. Woodson established "Negro History Week" in 1926 to dramatize the achievements of the race, not to play up grievances, but to demonstrate what Negroes have achieved in spite of their handicaps. In recent years, the week has been expanded to a month-long event in order to provide for a more extensive review of our contributions.

There is much hidden history about black people which is revealed to the larger public each February when millions of Americans participate in a variety of events designed to focus our attention on black Americans.

With President Reagan having signed Senate Joint Resolution 74 on February 11, proclaiming February as "National Afro-American History Month," I am certain that an even greater number of citizens will take time to study the life and work of such heroes as George Washington Carver, Dr. Charles Drew, or Percy Julian, each one a person of science who helped to make the quality of life profoundly better for all Americans. There are so many others in various fields of endeavor that I could also mention who serve as examples for all of our Nation's youth of what they too can achieve.

It is my hope that one of these days we will not have to talk of black history as something separate from American history. However, until that day comes, blacks will have to use this opportunity to ensure that our history is understood, and that each year we continue to recognize the achievements of black Americans and the significant role which they have played in this Nation and the world.

Mr. RODINO. Mr. Speaker, it is a great privilege for me to join once again in the annual observance of Black History Month. I am especially proud of the many celebrations that are taking place in New Jersey and in the 10th Congressional District this month to pay tribute to the many contributions blacks have made to our Nation's history and culture.

Black History Month reminds us of how far we have come, and of how far we must go before we reach Dr. Martin Luther King, Jr.'s dream of a "sunlit path of racial justice." This month we celebrate the countless ways in which black Americans have enriched our Nation, and we recommit ourselves to the goals of racial equality and equal justice for all Americans.

When we consider the fight for civil rights, we cannot ignore the situation in South Africa, where the evil doctrine of apartheid is invoked to deny basic human rights to a majority of its people. The daily protests outside of the South African Embassy symbolize our commitment to bringing freedom and equality to all South Africans.

Last month, the Nation celebrated the birthday of Dr. Martin Luther King, Jr. During this time of reflection, we remember that they shot down the man, but they could not shoot down his dream, a dream that was stronger than life and more powerful than death.

This month, as we celebrate the civil rights gains of the past, let us also be mindful of the struggles which lie ahead. We recall with pride landmark legislation such as the Civil Rights Act, the Voting Rights Act, the Fair Housing Act, nutrition, education, housing, and employment programs for the poor, to name a few. Unfortunately, we must now dedicate ourselves to defending these programs from continued attack by those in the Reagan administration who seek to turn back the clock on social progress. We must protect our hard-won victories and continue the steady march toward equal opportunity in our society for all Americans.

The State of New Jersey, having officially designated February as Black History Month, has planned numerous events such as lectures, art exhibits and concerts. There will be a variety of events held at the Newark Museum, which is hosting its sixth annual celebration of Black History Month. They include two special exhibits, "David Butler and William Edmondson: The Bequest of Edmund L. Fuller, Jr.," a major sculpture collection on view through March 9, and "The Making of A Mural," which depicts the life of Martin Luther King, Jr., on view through March 2. A "Black Literature on Film" series will be shown on Wednesdays at 12:30 p.m. through February 26, and the Newark Boys Chorus, led by Margaret Harris, will give a performance on February 23.

The Essex County College in Newark is sponsoring a performance of "King: The Dream Must Live On," a dramatic presentation of Dr. King's ideals through song, dance, and slides. The play will be presented on February 20 and 21 at 7 p.m. in Mary Burch Auditorium. The college will also present a panel discussion on the role of the church in opposing apartheid in South Africa. The discussion, "South Africa, the Church and the Future: From Martin Luther King, Jr. to Bishop Tutu," will be held on February 26 at 1 p.m. in Mary Burch Auditorium.

The Newark Public Library is exhibiting photographs, newspaper clips, memorabilia, and books by and about Dr. King through February 28 at the main building, 5 Washington Street.

Mr. HAYES. Mr. Speaker, I am pleased to join with my colleagues in commemorating Black History Month. In the wake of the celebrations honoring the late Dr. Martin Luther King, Jr. I believe Black History Month has taken on new significance. Indeed, in celebrating the first official observance of Dr. King's birthday, every American had a chance to reflect on the contributions and achievements of a courageous black American. An American who had a dream that one day, all men and women, no matter what color their skin, would live in peace and harmony.

Black History Month again affords us with the opportunity to reflect upon, learn of, and honor, black Americans who have helped shape the very moral and social fabric of this Nation.

Since Dr. Carter G. Woodson first established Black History Week in 1926, Americans of all colors have taken time to commemorate black achievements in America. Although Black History Week has evolved into Black History Month, the black experience in America is one that would take an entire lifetime to chronicle. From the arts, education, technology, politics, the sciences, and the military, there is no single area in the history of America that black Americans have not made positive and significant contributions.

Unfortunately, that history has been achieved at the expense and waste of countless black lives. Untold numbers of black Americans have given their lives so that other blacks could enjoy the fruits and rewards that

life in America has to offer. I could list name after name of great black Americans who have been mentioned here today or who we've all heard about. But for each of their names, thousands of other names, unknown to history books, the so-called little people—should also be included. Unfortunately, there is no written record of their contributions. The accomplishments of heroic, hardworking men and women, the "little people," have long been neglected in acknowledging what black Americans have done to help develop this great Nation.

Let us read about, talk about, and think about those black Americans who have significantly shaped and affected American history.

However, in celebrating Black History Month, let us not forget those who came before us, the "little people"—spirits known and unknown—people whose impact on American life may not have advanced us by leaps and bounds, but nevertheless, contributed to the ever continuing growth and well-being of our Nation.

Mr. DELLUMS. Mr. Speaker, I rise today to join in the commemoration of Black History Month. It has been an annual commemoration in this country since 1926, when it was inaugurated by the late Dr. Carter G. Woodson. This year it is also being celebrated by the U.S. Congress, as a result of the passage of House Joint Resolution 448, of which I was the original sponsor.

This year's theme is "The Afro-American Experience: International Connections." For me, this theme has personal, historical, and contemporary significance of the first order. I am who I am and what I am because of the striving, struggle, sacrifice, and success of those Afro-Americans who gave of themselves in every way to make a better life for us and for all Americans, regardless of race, gender, economic status or religious preference.

The heroic struggles of our black forebears against the evils of slavery and segregation knocked down the bars of race and gender discrimination. Their perseverance opened new doors of opportunity to a future America where one can be truly judged on merit rather than on complexion, gender or age.

For more than 200 years this Nation has been trying to live up to the ideals professed in the Declaration of Independence and the bill of rights. None can deny that significant and constructive progress was made in the wake of the civil rights revolution—until the advent of the present administration. They have undermined at every opportunity the letter, intent, and spirit of every major piece of civil rights legislation passed in the last 30 years—and the entire Nation has suffered as a result.

This generation of black Americans has a rendezvous with destiny. We have the moral obligation to resist what is being done to us and against us by an administration that is dedicated to making racism respectable again.

This generation of black Americans also has a further obligation to seize this moment in time in world history, in order to be a beacon of hope and an ardent ally in the struggle to end racist repression throughout the world. This is especially true in South Africa, which is locked in a to-the-bitter-end struggle over the destruction of the apartheid system there.

This struggle for equality must also be out struggle—and our struggle to maintain and expand our hard-won freedom must also be their concern. We are not only citizens of America—we are citizens of humanity. As such, we must jointly and collectively continue the struggle for true equality so that one day in unison people around the globe all will be able to echo the words on Martin Luther King, Jr.'s, headstone: "Free at last. Free at last. Thank God almighty I'm free at last."

Mr. BROWN of California. Mr. Speaker, I am pleased to join my colleagues in commemorating Black History Month. All over the country, during the month of February, organizations, institutions and individuals have taken special efforts to highlight and reflect upon the special contributions black Americans have made.

While preparing this statement, I thought about the many voices of the black Americans who have changed our lives and our way of thinking during the last 20 years. Their voices came from all walks of life. Some were born into poverty, and others into well-to-do families. Some were educated in great institutions, and others were self-taught. Some were liberals, some were moderates, some were militants. Their philosophies are not at issue here. For, whether we believed in their opinions or not, the fact remains that they changed the way we live, think and act. I recalled the voices of the Rev. Martin Luther King, Jr., Rosa Parks, Malcolm X, Shirley Chisholm, Dr. W.E.B. DuBois, Roy Wilkins, Dr. Benjamin E. Mays, and A. Philip Randolph, to name a few. And, although these voices spoke in different tones and from different vantage points, they are virtually unanimous in affirming what is perhaps the central message of black history. Perhaps Frederick Douglass summed it up best when he wrote:

Our destiny is largely in our own hands. If we find, we shall have to seek. If we succeed in the race of life it must be by our own energies, and our own exertions. Others may clear the road, but we must go forward, or be left behind in the race of life.

As the celebration of Black History Month draws to a close, it pleases me to be able to reflect on the contributions these civil rights leaders have made to this country, some of whom I had the pleasure of meeting. Yet, somehow it disturbs me that a special month has to be set-aside to observe their special contributions. The father of Black History Week, Dr. Carter Woodson's fears that, without a special period of observance, contributions of black Americans would be belittled and forgotten, was well founded. Until recently, historians either left blacks out of their history books entirely, or grossly diminished their importance.

Mr. Speaker, I look forward to the day when it will become common knowledge to all Americans that, just as we know Thomas Edison discovered electricity, we also know Benjamin Banneker designed and built the first clock made entirely in America; just as we know Alexander Graham Bell invented the telephone, we know George Washington Carver was one of the world's greatest agricultural chemists; just as we know Paul Revere rode through the night to warn settlers that the British were coming, we know Crispus Attucks was the first American to die in the Revolutionary War; and, just as we know Christopher Columbus discovered America, we also know Mathew Henson, who was a member of Commander Perry's expedition, was the first to reach the North Pole. Until then, I salute those black Americans who, in the words of Frederick Douglas, cleared the road, went forward and continued the race in enriching our American history.

Mr. SISISKY. Mr. Speaker, February is Black History Month—a special time we set-aside to recognize and celebrate the heritage, achievements and contributions of Black Americans in the shaping of our Nation.

Black Americans have a rich history, one that is inextricably woven into the history of the country. This is a time to remember not only the struggles for acceptance and full participation, but also to honor all the great black Americans who helped to further the arts, education, religion, science, medicine and public service. This is a time to learn about our past as we shape our future.

This month has been set-aside to chronicle the time, places and events that traditional education has somehow overlooked. Until a very short time ago, our history books neglected to mention the black "buffalo soldiers" and farmers who helped settle the western frontier, the black educators that founded institutions and brought knowledge to the people, and the black scientists and inventors who helped advance our industrialized world.

George Washington Carver helped to diversify agricultural products; Louis Temple invented a mechanism that made it possible to make shoes by machine rather than by hand; the first successful open-heart surgery was performed by Dr. Daniel Hale Williams; Dr. Charles Drew developed techniques for separating and preserving blood and blood plasma; Garrett A. Morgan invented the gas mask and the electric traffic signal; Augustus Jackson invented ice cream. Blacks are also responsible for the paper bag and instant coffee, and even the phrase "the real McCoy" refers to the numerous inventions of Elijah McCoy.

The first person to set foot on the North Pole was a black man, Matthew Henson. Blacks arrived with Columbus in 1492 and landed with the Spanish explorers in South Carolina in 1526. Ralph Bunche was the first black to win the Nobel Peace Prize and Gwendolyn Brooks was the first black to receive the Pulitzer Prize. A black man was the first person to settle in the city of Chicago, and two blacks were with Washington when he crossed the Delaware. blacks were with Roosevelt in Cuba, Patton in Europe and MacArthur in the Pacific.

There are many, many more black Americans who have enriched our lives through their contributions. But as we praise these achievements, we must assure that our future is equally as praiseworthy. As we celebrate Black History Month, let us also renew our commitment to the growth and prosperity of all Americans. We must do all we can to encourage our young—black and white—to become the leaders and history makers of tomorrow.

Mr. CLAY. Mr. Speaker, I am proud to stand alongside my colleagues today as we commemorate Black History Month. This month as always we celebrate the monumental achievements of fellow black Americans. In every field, in every area of society, blacks have made histsory. From E. Frederic Morrow, the first black executive in the White House under the Eisenhower Administration, to Pfc. William Thompson, first black awarded the Congressional Medal of Honor since the Spanish-American War. From Arthur Ashe and Althea Gibson, first blacks to win the title at Wimbledon to Patricia Roberts Harris, who under the Carter administration became the first black woman appointed to a Cabinet post. Since the introduction of a black history commemoration by the late Dr. Carter G. Woodson, founder of the Association for the Study of Negro Life and History in 1926, we have set aside this month to rernember those who have made strides in black history and those who continue to do so now. Blacks have triumphed not just for themselves but for the betterment of others as well. Nobel Peace Prize winner Dr. Ralph Bunche, instrumental in creating the State of Israel through his mediations with the Palestinians is evidence of this fact. 1950 Pulitizer Prize winner Gwendolyn Brooks opened the door to recognition of our literary genius, and 1984 Pulitizer Prize winner Alice Walker has kept it open.

However, the dreams of civil rights leaders Rev. Dr. Martin Luther King, Jr., Roy Wilkins, executive secretary, NAACP, Mary Church Terrell, educator, are far from being realized. We cannot begin to wholeheartedly celebrate anything when civil rights gains such as affirmative action and quotas are targeted for elimination. When Edward W. Brooke was and still lives as the only black U.S. Senator since the reconstruction. As we commemorate on our brilliant history this month, let us also reflect on the work still to be done. The doors still unopened and the voices still unheard.

Mr. BRYANT. Mr. Speaker, black history in Texas began more than four and a half centuries ago—long before it did in any other part of what is now the United States. Blacks were preceded in Texas only by Indians. As the cosponsor of legislation that has officially established February as Black History Month, I thought I would share with my colleagues a brief outline of some interesting facts about the rich history and important contributions of black Texans to our State and Nation.

The first black person to land in Texas was a moor of Azamor in Northern Africa's Morocco—a man named Estevan. Part of a Spanish expedition to Florida under the direction of Panfilo de Narvaez, Estevan was among a small group of men who survived a storm in the Gulf of Mexico on a makeshift boat. After reaching land, they were captured by coastal Indians for whom they were compelled to work for about 5 years before finally achieving freedom, largely as a result of Estevan's talents. Because he had a gift for languages, Estevan became more of a partner than a slave to his master, Captain Andres Dorantes.

In 1691, a black bugler accompained Domingo Teran on the second Spanish missionary expedition to convert east Texas Indians.

By the 1790's—only 20 years after Crispus Attucks, a fugitive slave, was killed in the Boston Massacre, one of the first to die in the American colonies' struggle for freedom from England—blacks made up at least 15 percent of the population in what would become Texas.

Prior to the end of Mexican rule over Texas in 1836, most free black immigrants came to Texas as farmers—like Emanuel Hardin of Brazoria County and Jean Baptiste Maturia of Nacogdoches in the 1820's. A few pursued other occupations. In 1931, for example, Robert Thompson became a rancher in Montgomery County, James Richardson sold oysters and refreshments between Velasco and San Luis on the coast, and Greenbury Logan moved here from Missouri as a blacksmith.

William Goyens, a black born in North Carolina in 1794, became one of the first rich Texans through his work as a blacksmith, wagon manufacturer, freight hauler, mill owner, land speculator, and planter in and around Nacogdoches between 1820 and his death in 1856.

Perhaps the first blood shed in Texas' fight for independence from Mexico was that of Samuel McCullough, Jr., a volunteer who was crippled for life by a shoulder wound sustained in a battle at Goliad in October 1835.

After 1836, under a provision in the Republic of Texas' Constitution, free blacks who wanted to move here had to appeal to the Republic's Congress for permission. As a result of limitations on black immigration, the free black population of Texas declined from 397 in 1850 to 355 in 1860.

In the days before the Civil War—in which about 5,000 blacks served in the U.S. Army and Navy, some commanding units—60 to 70 percent of the black population achieved literacy, despite the fact that only 20 black students in 1850 and 11 in 1860 could find teachers to educate them. This commitment to self-improvement allowed some blacks to thrive and prosper—like Aaron Ashworth, a wealthy landowner who owned 2,570 cattle, the largest herd in Jefferson County in 1850—even in the face of adverse circumstances.

Milton M. Holland, born in 1844 on a small farm near Carthage in Panola County, was the first black Texan to win the Congressional Medal of Honor, our nation's highest military award. As sergeant major of Company "C", Fifth U.S. Colored Troops, he won the distinction by leading his unit in the most brilliant and daring fight of its career outside Richmond, VA, in September 1864.

Although President Lincoln signed the Emancipation Proclamation on January 1, 1863, freedom did not come for Texas blacks until Gen. Gordon Granger landed in Galveston on June 19, 1865—the day the State of Texas now officially celebrates as Juneteenth—and read a statement: "The people of Texas are informed that in accordance with the proclamation from the executive of the United States, all slaves are free, which involves the absolute equality of people of personal rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and hired labor." At that moment the 182,565 black Texas slaves became free.

The first blacks were elected to the Texas Legislature in 1870 during Reconstruction—two Senators and nine State Representatives. There were black members in all but two biennial sessions until 1897, and then none until 1966 when Representative Curtis Graves and State Senator Barbara Jordan of Houston were elected.

Henry Flipper, the first black graduate of West Point in 1878 as well as the first black to be a professional engineer, served and practiced in the Texas Panhandle and far West Texas.

The Legislature established Prairie View A&M as the first black institution of higher education in Texas in 1879.

Scott Joplin, the tormented musical genius whose work is known and loved by all Americans, was born in Texarkana in 1868 and toured widely with the Texas Medley Quartet, which he formed. Although most of his tunes were ragtime music like "Maple Leaf Rag," he also produced other music, including a grand opera entitled "Treemonisha."

One of Texas' most famous cowboys was Bill Pickett, born near Taylor in 1863. Part black and part Indian, he was so outstanding at working cattle on the range that he was recruited to perform in wild west shows where, among his assistants were Will Rogers and Tom Mix, who later became the cowboy king of silent movies. Described as "the greatest sweat and dirt cowboy that ever lived—bar none," Pickett was the first black inducted into the Cowboy Hall of Fame in Oklahoma City.

In a spectacular 14-round fight in Sydney, Australia, in 1908, 30-year-old Galveston native Jack Johnson became the first black to win the world heavyweight boxing championship, which he held for the next 7 years.

Twenty-two year old Doris Miller, who was born near Waco, distinguished himself and won the Navy Cross for his valor in attempting to save the captain of his ship and then single-handedly shooting down four enemy planes during the Japanese attack on Pearl Harbor in 1941. Lost at sea when his ship was sunk in 1943, his memory has been preserved in parks, schools, public buildings, and the Navy destroyer U.S.S. *Miller*, all of which bear his name. The first black hero to have a Navy ship named after him, the destroyer escort U.S.S. *Harmon*, was Cuero native Leonard R. Harmon who was killed in combat in 1942.

In 1948, President Harry Truman issued an Executive order directing equality of treatment and opportunity in the Armed Forces, thus totally integrating the U.S. military for the first time.

The poll tax, a vehicle used to discourage blacks from registering and voting, was discontinued following the passage of a constitutional amendment in 1965.

Multimember legislative districts, which made it difficult if not impossible for blacks to be elected to the Texas Legislature was abandoned in favor of single-member districts as a result of a Federal court order in 1964, thus beginning a steady growth in black participation not only as voters, but also as officeholders.

Overcoming the obstacles of poverty, race and sex, attorney Barbara Jordan, now a professor at the LBJ School of Public Affairs at the University of Texas at Austin, achieved

many firsts. She was the first black elected to the Texas Legislature after Reconstruction; the first black woman ever elected to the Texas Senate; the first black president protem of the Senate; the first black acting governor of a southern State; the first black elected to the U.S. House of Representatives from Texas. She won the hearts and applause of the Nation as a member of the House Judiciary Committee, of which I am now a member, when it considered the impeachment of former President Nixon.

In 1983, the U.S. Congress passed a bill which I cosponsored establishing the third Monday in January as an official national holiday in memory of Dr. Martin Luther King, Jr.'s birthday, which was January 15. This year—the first observance of the holiday—was celebrated on January 20.

Mr. ADDABBO. Mr. Speaker, it is with a great sense of honor that I join my colleagues today in paying tribute to the annual commemoration of Black History Month.

Countless are the achievements of American blacks who have surely epitomized the notion of the American dream. Despite racial discrimination, institutionalized segregation and continued denial of proper education, voting rights and other human justices, blacks have succeeded in almost every aspect of American culture.

Black Americans have given their lives in defense of our Nation in every war since the War of Independence, when Crispus Attucks was one of the first to lose his life in Boston, MA. Brave men and women such as Harriet Tubman risked their lives to free black slaves through the underground railroad.

In the arts we have indeed seen the perseverance of innovators and talented enthusiasts from singer Marion Anderson to jazz musician Count Basie, and from actor Sidney Poitier to comic Bill Cosby. Countless also are American blacks who have devoted their lives to their communities, the civil service, the education of our children.

Finally, this year's commemoration is particularly special as we have observed for the first time, a national tribute to the Rev. Martin Luther King, Jr., whose leadership of the civil rights movement helped bring us all to the realization that all men and women are indeed created equal, and that we must continue to strive for justice in our nation until all American children are born with an equal chance to fulfill their dreams.

Mr. TOWNS. Mr. Speaker, this month has been devoted to the celebration of black Americans' contributions to history since 1976. We should not forget that this celebration was largely due to the efforts of Dr. Carter G. Woodson who worked tirelessly to ensure that the history of black America was not only preserved but shared with all Americans, black and white. As we reflect on the achievements of those who have gone before us, it may also be useful to examine where black Americans stand today. Recently I wrote an op-ed column for Carib News which addresses this subject. I would like to submit it here for my colleagues' review.

HOW FAR HAVE WE COME?

(By Congressman Edolphus "Ed" Towns)

The Civil Rights Act of 1964 and the Voting Rights Act of 1965 were the two most important pieces of legislation passed to help Blacks during the Civil Rights struggle of the 1950's and 1960's. Through these two bills it was made illegal to overtly discriminate on the basis of race, as was common practice in many parts of the country. Much pain was suffered to make these bills law.

It has been more than twenty years since then. Giant strides have been made towards equality, but we have not come far enough. As we have just had the first national celebration of the birthday of the late Rev. Dr. Martin Luther King Jr., it is time to rededicate ourselves to the goals he set.

A minority of Blacks has become integrated into the mainstream of American life. There are record numbers of black corporate executives and high-ranking public officials, including the Mayors of two of America's three largest cities, as testimony that the Civil Rights Legislation has had some effect.

Despite the amount of Blacks in corporate offices, the Black unemployment rate is over twice that for Whites. The rate for Black teenage males is close to 40 percent. Economic disparities still then exist.

Despite integration in many formerly segregated neighborhoods, subtle forms of racism are still practised. For example, Black families looking for a home, are often steered away from certain neighborhoods even though they would be able to afford a home there. Periodically, one still hears of cross burnings on the lawns of Blacks who have integrated a neighborhood. Blacks are still, then, stopped from enjoying the full fruits of their economic success.

Despite the end of overtly racist attempts to deny Blacks the right to vote, districts have been gerrymandered so that Black voter influence is diluted. The Reagan Administration has been pushing to weaken the Voting Rights Act, at a time when we need to hold firm in our commitment. Fortunately, Congress has stopped this effort at each attempt.

The minority community is also witnessing the erosion of windows of opportunity the Civil Rights movement opened. Programs such as education aid, federal housing programs and job training have made it possible for minorities to advance themselves in society, and escape welfare dependency.

President Reagan in his recent State of the Union message, declared that he wanted to get people off of welfare. This is an admirable goal, but the President's budget cuts off the programs that help upward mobility.

To be able to enter the job market, a young person needs training. Part of the responsibility of the Federal Government is to train people so they can become productive members of society. The President's budget cuts job training programs by 15 percent, this vehicle for upward mobility is now closed for minorities.

Education aid has also been cut by over 10 percent in the proposed budget on the primary level, and 1 million more students will lose all federal aid for college education. Minorities have counted on education aid to advance themselves, by staying in school. If the Federal Government will not invest in our school system, especially with costs constantly going up, then who can blame kids for dropping out. A start would be an increase in teacher's salaries so once again, the best and brightest of our college graduates will be attracted to teaching, and our kids will get the education they deserve.

Superficially then, we have made great progress in the last twenty years, but superficial gains are not enough. We must make progress to remove the barriers that hinder minority advancement. Without such progress, minorities will continue to be an underclass in society and Dr. King's dream will never become a true reality.

Mr. DE LUGO. Mr. Speaker, I would like to commend the gentleman from Ohio [Mr. STOKES] and the members of the Congressional Black Caucus for sponsoring this special order.

In February of each year we pause to note the role of blacks in the history of this country. In anticipation of the day when the contributions made by blacks will be fully recognized in the collective history of the United States, I join in today's special order to bring to the attention of my colleagues a few of the contributions made by blacks in the U.S. Virgin Islands.

The U.S. Virgin Islands has a predominantly black population. We are extremely proud of our heritage and the contributions that we have made at home, on the mainland and around the world.

I first call to mind Edward Wilmoth Blyden, who left the Virgin Islands to go to school on the mainland. Disillusioned with the racism he found there, Blyden went on to Liberia where he served as professor and president of Liberia College. Mr. Blyden became Liberia's Secretary of State and its Minister of the Interior. He also served as that country's Ambassador to the Court of St. James, a post he held in 1877.

Another Virgin Islander, Alton Adams, Sr., was the first black Navy bandmaster in the United States. He served during World War I as part of the first black unit allowed to serve in this country's Navy.

Terence Todman is U.S. Ambassador to Denmark. Prior to his current post, this Virgin Islander served as the U.S. Ambassador to Spain. In that position, Ambassador Todman negotiated the first post-Franco treaty between this country and Spain. He is the top ranking black diplomat at the Department of State, recently referred to by the Deputy Under Secretary "the very best we have to offer in the Foreign Service of the United States." In 1969, when Ambassador Todman was appointed U.S. Ambassador to Chad, he was the youngest Ambassador ever appointed up to that point in our history.

Enid Baa is responsible for the development of the Virgin Islands library service, including the effort made to preserve Virgin Islands history and culture. This contribution is particularly significant given the purpose of black history month. In addition to her post as Librarian to the Virgin Islands, Ms. Baa has served as Librarian at the United Nations, the Caribbean Organization and the New York Public Library.

These as well as efforts made by other black Americans cannot and should not go unnoticed. We recently celebrated the first national holiday for the Reverend Dr. Martin Luther King, Jr., but our efforts to ensure that black Americans will continue to make significant contributions to this country must never cease.

That is why I am saddened by the President's position on Affirmative Action. Without a commitment by the Federal Government and others to provide black Americans with an

equal and fair opportunity to education, jobs, and other programs, none of the vast achievements that we have seen so far would not have been possible. Now that we have come this far, this is no time to turn back and reverse the positive changes that Affirmative Action Programs have made on the state of black America. I therefore urge the President to reevaluate his position on this issue.

It will certainly be to his credit and that of all America when we as a nation can fully embrace the efforts of all black Americans.

Mr. STOKES. Mr. Speaker, I want to thank all of our colleagues who joined with me this afternoon and participated in this special order.

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio [Mr. STOKES]?

There was no objection.

SOVIET JEWRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York, [Mr. WEISS] is recognized for 60 minutes.

Mr. WEISS. Mr. Speaker, the long-awaited release of prominent human rights activist Anatoly Shcharansky from the Soviet Union last week has been cause for celebration around the world. Shcharansky is a hero in the true sense of the word—a man who has dedicated his life to the unshakeable belief that human beings have a right to think and speak freely, to live with dignity, and to observe their religious beliefs without interference by the state. We cannot help but be moved upon seeing this man emerge from 9 years of brutal treatment in Soviet prisons, unbroken, stronger than ever before in his dedication to the cause of human rights, not only in the Soviet Union, but around the world. Anatoly, or Natan as he now asks to be called, is, in the true sense of the term, a free man.

But Shcharansky's emancipation is more than an opportunity for celebration: It is an opportunity for us to rededicate ourselves to the cause Shcharansky represents—an end to the unjust treatment of Jews and others in the Soviet Union, and a substantial improvement in Soviet emigration policies. The release of Shcharansky, and the recent announcement, following Senator KENNEDY's meeting with General Secretary Mikhail Gorbachev, that the visa applications of 19 Soviet Jews would be given "positive consideration," are hopeful signs. We must not forget, however, that there has not yet been any indication that the Soviet leadership has decided to resume Jewish emigration on a significant scale. Indeed, there is every reason for us to withhold optimism: In 1985, only 1,140 Jews were permitted to emigrate, compared to 51,320 in 1979. An estimated 350,000 to 400,000 of the 2 million Jews living in the Soviet Union have indicated a desire to emigrate.

Given the treatment of Jews in the Soviet Union, this figure is not surprising. Jews are subject to discrimination and harassment at every level of Soviet society. Officially sponsored anti-Semitic propaganda, discrimination in education and employment, and restrictions on religious practices are commonplace. Those who apply to leave are faced with losing their jobs and being placed in prisons or mental institutions.

Recent history suggests that the number of Jews allowed to emigrate from the Soviet Union is closely linked to the overall tone of U.S.-U.S.S.R. relations. When détente was at a peak in 1979, at the conclusion of negotiations for SALT II, the Soviet Union allowed some 51,000 Jews to leave its borders. In 1984, when relations had reached their nadir, a mere 894 exit visas were granted. In this respect, the recent warming trend in superpower ties is a hopeful sign for refuseniks.

Other positive trends are discernible. Hungary recently established an interest section in Israel, and there are rumors that Poland will do so soon. Presumably these countries would only do this with Soviet blessings. In fact, there have been hints that the Soviet Union itself may resume diplomatic ties with Israel.

There are several international events this year that will serve to focus attention on U.S.-U.S.S.R. relations, and we must take full advantage of them to bring pressure on the Soviet leadership to improve their treatment of Soviet Jewry.

On April 15, a 6-week meeting will begin in Bern, Switzerland, of the 35 signatories to the Helsinki agreement. The meeting is scheduled to review compliance with the provisions of the Helsinki accord dealing with human contacts—family reunifications, binational marriages, and professional and religious contacts. This will be an excellent opportunity to raise issues of concern to Soviet Jews, including emigration and religious freedom.

The second event this year will be the meeting in Vienna in early November of the Helsinki nations, to conduct a major review of all aspects of the Helsinki accords. This will give us another chance to pressure the Soviets for improved conditions.

The third important event is, of course, the second Reagan-Gorbachev summit, whose date has not been set yet, but will commence in Washington sometime this year.

The residents of my district in New York City, along the West Side of Manhattan, Riverdale, and the northeast Bronx, are among the most active and concerned citizens in the country on this issue. This is seen in the work of the Coalition to Free Soviet Jews, an umbrella group that coordinates the activities of countless groups and individuals in the New York metropolitan region, who work on behalf of Soviet Jewry; it is seen in the rallies held in front of the Soviet mission and Soviet residence in New York City, calling attention to the ongoing struggle for human rights in the Soviet Union; and it will be dramatically demonstrated this May, when the synagogues, churches, concerned organizations, and individuals join together for the 15th annual Solidarity Sunday, and march down Fifth Avenue to show their deep commitment to the cause of their Jewish brothers and sisters in the U.S.S.R. And the deep commitment to the cause of Soviet Jewry has been exemplified by the tireless work of Rabbi Avraham Weiss, chairman of the Center for Russian Jewry and Student Struggle for Soviet Jews. Rabbi Weiss has been working for the release of Natan Shcharansky ever since Shcharansky was first imprisoned in 1977. Rabbi Weiss has led many demonstrations in front of the Soviet Mission in New York City to demand his release, and conducted a 6-day hunger strike to call attention to Shcharansky's hunger strike in prison. Finally, Rabbi Weiss has provided strong support to Avital Shcharansky on her courageous and tireless efforts to bring the pressure of world opinion to bear on the Soviet Government on her husband's behalf. As we rejoice at the release of Shcharansky, we express our deep gratitude to Rabbi Weiss for his work and to Avital Shcharansky for her faith and commitment.

As we continue our efforts to obtain freedom for those Jews trapped and persecuted in the Soviet Union, perhaps there is a lesson we can learn from the case of Natan Shcharansky. As many people know, Shcharansky was a leader in the Jewish community in Moscow when he was first arrested. But it is often not recognized that he played a key role in a second group, a broad-based group of democratic human rights advocates, called the Moscow Helsinki Monitoring Group. The Moscow Group was a rare case of Soviets from all different racial and religious backgrounds coming together to protest Soviet human rights violations of all kinds: The plight of the Crimean Tartars, the persecution of Christians and Ukrainians, the abuse of psychiatry, and of course, the scandalous treatment of Jews. Many observers think that the reason why Shcharansky was given the unusually harsh treatment that he was—he was

charged with treason in addition to the usual political charge of anti-Soviet agitation—was because he brought people together, he unified people around their common passion for freedom. It was this that the Soviet Government would not tolerate.

But Shcharansky was freed for the same reason he was jailed: People, this time from all around the world, coming together to unite for a cause. It is this passion, this persistence of citizens from all backgrounds, united by a cause, that can shake the most powerful nations in the world.

□ 1725

GENERAL LEAVE

Mr. WEISS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WEISS. Mr. Speaker, I am pleased to yield to my distinguished colleague, the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. I thank the gentleman for yielding.

Mr. Speaker, words cannot express my joy over the release of Anatoly Shcharansky from the Soviet Union after 9 years in Soviet prisons and work camps. Yet, his celebrated passage to Israel must be tempered with the realization that hundreds of thousands of his brothers and sisters continue to be punished daily for the crime of wanting to live freely as Jews, and await the day when they can join him.

Anatoly Shcharansky has long been a metaphor for human rights, a symbol of hope to his fellow Jews in the Soviet Union. And his noble eloquent remarks only a few days ago from the Tarmac of Ben-Gurion Airport, upon his arrival in Isreal, give promise of his great potential for leadership—in Isreal and in the world Jewish community.

As Andrei Sakharov once said, "Anatoly is each and every one of us."

In addition to being the embodiment of his people's dreams, Shcharansky focused the attention of the free world on the terrible plight of Jews in the Soviet Union, surely one of the most shameful wholesale violations of human rights in the world today.

As a free man in a free country, Shcharansky will no doubt be a galvanizing force who will inject new life into the Soviet Jewry movement, and whose example will inspire those left behind in the Soviet Union.

Throughout the ordeal of her husband's captivity, Avital Shcharansky has been a pillar of strength.

Twelve years ago when she emigrated from the Soviet Union, Anatoly told her, "I will see you soon in Jerusalem."

Since that time, Avital Shcharansky has fought tirelessly for her husband's release.

The very fact that the day finally arrived when they were reunited should serve as a memorial to her efforts and the efforts of countless numbers of others whose dedication and determination culminated in this happy day. One hopes that Avital and Anatoly will not fall prey to narrow sectarian blandishments from any narrow fringe element of the Jewish community, but rather will magnify their influence by playing a centrist role on the world stage of Jewish life.

Mr. Speaker, as Members of Congress, we have an obligation to call upon the Soviet Union to abide by its treaty commitments.

As a signatory of the 1975 Helsinki Agreement, the Soviet Union pledged "to recognize and respect the freedom of an individual to profess and practice, alone or in a community, religion or belief in accordance with the dicates of their conscience."

The historic meeting between the leaders of our two nations last year has raised new hopes of peace.

Now those hopes must be sustained and nurtured by developing an atmosphere of trust between our nations.

Thus, in the spirit of the Geneva summit, we must send a clear signal to the Soviets that we shall continue to be deeply concerned with the plight of Soviet Jews.

Although we rejoice at the release of Anatoly Shcharansky, his emigration must not be just an isolated incident, but rather as Shcharansky himself said, "the beginning of a long process of an improved situation for emigration and human rights, a policy which will give the Soviet Union new opportunities in other fields."

Mr. WEISS. I thank my distinguished friend for his eloquent contribution.

Mr. Speaker, I yield to my friend, the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. I thank the gentleman for yielding, and I want to express my personal appreciation to the gentleman in the well for taking this special order to provide an opportunity for Members to share some reflections of the meaning of this very significant and happy event.

Mr. Speaker, people throughout the world are overjoyed with the release of Anatoly Shcharansky after 9 years of brutal imprisonment in the Soviet Union. And with freedom has come rebirth: He is to be known no longer as Anatoly, but Natan, a new name in a new homeland, at the beginning of a new life with his beloved Avital, a woman of valor who never gave up hope that her husband would be free. Shcharansky's experience is a triumph of the human spirit. It is a testament to his profound strength and courage that was not broken after years of interrogation, deprivation, degradation, and repression. Shcharansky has not only withstood the KGB and the awesome terror of the state, he has beaten them. His victory is an inspiration to all who supported him, all who cared about him—and to all whom he has left behind.

This case is particularly moving for me because of my recent involvement in the reunion of another divided couple, my constituent Sandra Gubin and her Soviet husband Aleksei Lodisev. After almost 5 years of separation, Aleksei was granted permission to emigrate from the Soviet Union shortly after the summit meetings last fall. Personally sharing in the despair and frustration of their forced separation and the incredible joy of their reunion gives me an idea of what the Shcharanskys must be experiencing now. My involvement with Sandra and Aleksei has also reinforced my conviction that we must redouble our efforts on behalf of those who remain in the Soviet Union against their will.

We rejoice in the release of Natan Shcharansky and Aleksei Lodisev, but we must not forget the hundreds of thousands left benind—ordinary people whose only wish is to leave the Soviet Union in order to be free in Israel or to join their families in other countries. Although they pose no threat to anyone, every day in the Soviet Union these individuals are being stripped of their rights and dignity and left to languish against their will in a nether world they are forbidden to leave. While we hope that the release of Shcharansky will prove to be a harbinger of freedom for Soviet Jewry and the many others seeking a new life outside the Soviet Union, this event cannot obscure the fact that emigration remains at record low levels. Our struggle must continue unabated. Any goodwill the Soviet Government wishes to reap from such releases can only be sustained with substantial, measurable and consistent improvement in their emigration policies and in permitting Soviet Jews to exercise their fundamental human rights, whether they choose to stay or leave, and to fulfull their destiny.

Mr. Speaker, again I thank the gentleman in the well for his leadership on this vital question.

Mr. WEISS. I thank my distinguished friend for his eloquent contribution.

Mr. Speaker, I am pleased to yield to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I thank my colleague.

Mr. Speaker, I merely rise to express my gratitude to my colleague from New York for informing us and enlightening us on the specifics of a case that has aroused the conscience and the attention of the world, the release of Anatoly Shcharansky. I am grateful because some of us do not know the in-depth ins and outs that the newspaper headlines tell us on these cases. We do know and have been grieved for years that such intolerable conditions should still exist in a country such as the Soviet Union. So I thank the gentleman from New York, because through the months and days he has been advising us, and also he has been sort of our conscience prodder. He prods our conscience to keep a sensitivity about us that as long as these conditions do exist we have, as free born and free citizens of a great country, the duty to be aware of these conditions and, to the extent that we can, speak out in protest and join our leaders here in the Congress such as my colleague from New York.

Mr. WEISS. I thank my distinguished friend for his very eloquent comments.

Mr. Speaker, in closing, I simply want to underscore the comment that the gentleman made. Very often we cry out against oppression and injustice around the world, not only in the Soviet Union but throughout the world, from the floor and from elsewhere, as Members of the House and as individual citizens around the country. And often we do so with sort of a sense of frustration and perhaps even a sense that perhaps what we say and what we do will not have very much effect. And yet one of the very first words that Shcharansky uttered when he arrived in freedom in Israel was that, although he was overjoyed to be free, he remembered still the people whom he left behind in prison in the Soviet Union.

I think that all of us from time to time need the kind of reassurance that we get from a Shcharansky and others who ultimately and eventually gain their freedom from injustice and oppression.

Many of us have stood in this well on the floor of the House over the course of these past 9 years, especially on the anniversary date of Shcharansky's imprisonment, and said, "Well, by next March we hope and expect that he will in fact be free," never knowing for sure whether in fact there was any possibility of that happening. And yet public opinion, world public opinion, obviously has a tremendous impact, and even in the most closed societies on the face of this Earth public concern and public sentiment ultimately break through. Although we do have the sense of frustration at times, we know from the testimony given to us by those who have been in prison and those who are still kept in oppression that the thing that gives them hope is the knowledge that they have not been forgotten.

□ 1740

To the extent that our remembrance of Shcharansky and the other "Shcharanskys;" the other prisoners of conscience in the Soviet Union and elsewhere around the globe, has had the effect of keeping their morale up while they were awaiting ultimate liberation. To that extent I think that we have helped to untimately achieve their freedom.

Mr. SOLARZ. Mr. Speaker, I would like to join my colleagues in expressing my joy and relief at the release of Anatoly Shcharansky, a courageous man who has undergone, and survived, a grim and horrific experience.

For the last 9 years, while a prisoner in Soviet labor camps, Shcharansky has been the symbol of continuing resistance to Soviet oppression against Jews—a standard bearer in the fight for freedom and the primary spokesman in a campaign to bring worldwide attention to the brutal violations of human rights against Soviet Jews.

Throughout his imprisonment he suffered from extreme physical and psychological abuse. It is a tribute to the strength and resiliency of his character that his torturers neither broke his will nor shattered his belief in the cause for which he had been fighting so fiercely.

Mr. Speaker, I hope and pray that Anatoly Shcharansky's release is the beginning of a more liberal policy of Jewish emigration by the Soviet Union. But even as Natan Shcharansky walks the streets of Jerusalem—a free man—we must not forget the 350,000 Jews who are still held captive in the Soviet Union, nearly all of whom have committed no crime, yet who are still denied the right to emigrate—further evidence of the utter defiance of the three major human rights agreements of which the Soviet Union is a cosignatore: The U.N. Declaration of Rights (1948), the International Convention on Civil and Political Rights (1966) and Basket III of the Helsinki Final Act (1975).

Since 1979, when 51,000 Jews were allowed to emigrate, the flow of Soviet Jews has slowed to a trickle—last year, only 1,140 Jews left the Soviet Union. Those who are forced to remain suffer the inhumane treatment of the Soviet authorities: an absence of the freedom of religion; discriminatory entrance exams; illegal searching of homes; false accusations of crimes, and forced institutionalization in mental hospitals.

The release of Anatoly Shcharansky and the recently revealed smuggled letters of Andrei Sakharov have allowed a brief illumination of the shroud of secrecy that is the Soviet Gulag. The revelations of forced feeding, solitary confinement, threats of death, psychological tortures, and near starvation paint a picture of a barbaric regime intent on silencing any voices of dissent and discontent.

It is imperative for us to continue to lend our support and our voices to these brave individuals and to pressure the Soviet Union into ending their state-sponsored anti-Semitism. We must not forget the brave hostages who are held in jail cells and labor camps on trumped up charges—men and women such as Yakov Levin, Vladimir Slepak, Alexander Lerner, Yuri Orlov, Ida Nudel, Zacher Zunshein, and Raold Zelichonok. People like Iosef Begun, a mathematician who applied to leave in 1971 and who has been arrested an unprecedented three times. Begun was sentenced to 5 years internal exile and 7 years in prison for anti-Soviet agitation. But the real reason for his imprisonment is that he taught Hebrew.

Mr. Speaker, even as Natan Shcharansky's suffering has come to an end, the persecution of other Soviet Jews is just beginning. We must redouble our efforts to secure the freedom of the rest of the refuseniks.

Nine years ago at his trial, Anatoly Shcharansky defiantly declared the Jewish wish for redemption: "Next year in Jerusalem." Let us hope that all of these prisoners of conscience of the Soviet regime can also rejoice in peace and freedom, next year in Jerusalem.

Mr. PORTER. Mr. Speaker, I am honored to join today's special order called by the gentleman from New York [Mr. WEISS] to celebrate the recent release of Anatoly Shcharansky.

The courageous effort that Avital Shcharansky waged on behalf of her husband and the dedication of human rights organizations around the world, joined with the work of President Reagan and Members of the Congress to secure Anatoly's release, is a triumph for the entire human rights community. Hopefully, through continued coordinated efforts, increased numbers of Soviet Jews will soon be allowed to live in freedom.

At a time when both the United States and the Soviet Union are seeking improved relations, Anatoly Shcharansky's release is a positive sign that the Soviets recognize the importance that the United States places on human rights. The potential to create greater international cooperation is great. When either side is willing to take steps to improve this international climate, that potential is much greater.

When the Soviets respond to demands made by the U.S. Government and address concerns of the American people, we can interpret these actions as a Soviet willingness to move in a peaceful direction. Anatoly Shcharansky's release is a sign that the Soviets are willing to demonstrate its commitment to improved relations with the United States by making humanitarian gestures.

Mr. Speaker, we rejoice with freedom-loving people throughout the world that Anatoly Shcharansky, a symbol of Soviet repression, is now living in freedom. Let us hope that this is the first Soviet step toward the release of hundreds of thousands of Soviets who, with Shcharansky, have human dignity and human liberty at the pinnacle of their values.

Mr. MANTON. I am pleased to join my colleagues in this special order organized by my colleague and friend from New York, Mr. WEISS. We are all grateful and delighted with the release of Soviet dissident Anatoly Shcharansky. However, I believe our best tribute to Mr. Shcharansky would be our rededication and a confirmation of our commitment to the Jewish people of the Soviet Union.

Anatoly Shcharansky's release and the triumph of his wife Avital's efforts, and unwaivering faith are just cause for celebration. Yet

Mr. Shcharansky's release also reminds us that if we are to be successful in our cause, we must follow the brave example set by he and his wife. The Congress must not waiver in its vigilance until the Soviet Union's emigration policies are improved and Soviet Jews are permitted to emigrate.

Mr. Speaker, I would like to take just a moment to talk about a prisoner of conscience who I adopted last year. I have spoken of the plight of Iosif Berenshtein and his family many times. Iosif Berenshtein, his wife Fania and their daughter Yanna, applied for an exit visa to Israel in 1979. After being subjected to a campaign of harassment, Mr. Berenshtein was arrested and sentenced to 4 years in a labor camp. Iosif was put into a prison cell with two hardened criminals and was attacked by them with a piece of broken glass. Mrs. Berenshtein believes this attack was encouraged by Soviet authorities. As a result of the attack, Iosif has lost 60 percent of the vision in his right eye, which he is unable to open, and he has lost 30 percent of the vision in his left eye. At the beginning of 1985, Mr. Berenshtein was transferred to Zheltie Vody prison camp in Donetsk. Mr. Berenshtein's sight is quickly deteriorating. A promised visit with his family was recently canceled and he has still not received comprehensive medical treatment. His daughter and her husband have also applied for an exit visa, but Soviet authorities appear unlikely to grant their request.

Mr. Speaker, let me conclude by joining with so many others in this House and in our country. I again call upon the Soviet Union to honor the universal declarations on human rights to which they are a signatory and grant the Jewish people of the Soviet Union their basic human rights. I urge the Soviet Union to end its harassment and to establish a fair and reasonable emigration policy and allow the Jewish people of the Soviet Union to emigrate.

Mrs. BOXER. Mr. Speaker, let me begin by commending my colleague, Representative WEISS, for this important special order.

For those citizens who have worked so hard and prayed so hard on behalf of human rights in the world, the release of Anatoly Shcharansky last Tuesday strengthens and bolsters this cause. Just as Anatoly Shcharansky is a symbol for those who have suffered so much for the sake of freedom, he is also living proof that working long and hard, day in and day out, to bring an end to such unnecessary and tragic suffering is worth it. That speaking out until you are tired of hearing your own voice is worth it.

Watching Mr. Shcharansky step off that plane in Israel full of spirit, I felt a personal sense of joy that the man I have nominated for the Nobel Peace Prize for the last 3 years will now be able to live the life of freedom and dignity every human being on Earth should be guaranteed.

But as Anatoly Shcharansky has pointed out to us, we must keep our attention focused on those still waiting to be free—those who never had the light of publicity on them—those who could easily be forgotten. Though we are encouraged by the Soviet Union's recent gesture, many more encouragements will be required before we stop our work.

Let us focus for a moment on a recent victim of Soviet anti-Jewish policies, Vladimir Lifshitz of Leningrad, who sits in jail awaiting his trial, where he will be charged with "anti-Soviet slander." The evidence being used against him includes a certificate of Israel citizenship and letters of appeal to the Western world. His real crime is simply that he has vocally requested his right to emigrate to Israel. Imagine putting an Irish-American in jail for wanting to emigrate to Ireland, or an Italian-American in jail for wanting to emigrate to Italy. I say to the Soviet Union that in their desire to win friends in the world such policies reveal a very paranoid and unhappy nation.

I would like to conclude with a statement received two days ago by the Bay Area Council for Soviet Jews from Anatoly Shcharansky himself, who, in his own inimitable way, justified all our efforts:

There are no words to adequately express to all of you my utmost thanks for the support you have given to my wife Avital during the many years of the struggle for my freedom. Although the KGB never allowed me the pleasure of receiving your mail, somehow I could sense the constancy and tremendous outpouring on my behalf. If I could, I would write a letter of thanks to each of you personally. I want to let you know how proud I am to have finally reached my homeland, Israel. You, the people of the free world, helped me to reach my goal. Our fight must go on. Yosef Begun, and all the Prisoners of Conscience, Ida Nudel, and all the former Prisoners of Conscience, every Jew in the Soviet Union who wishes to leave must be given that right. Together we will do it.

Mr. SMITH of Florida. Mr. Speaker, on March 20, 1985, the Members of the House gathered together on the steps of the Capitol to show our solidarity with the Soviet Jewish emigration movement and to mark the eighth anniversary of Anatoly Shcharansky's arrest, trial, and imprisonment. Today, we are gathered here in the House Chamber to proclaim our solidarity with countless Soviet Jews waiting to obtain exit visas and to rejoice that Anatoly Shcharansky has been finally set free.

The Soviet political system has made Shcharansky into the international symbol of basic human rights. Anatoly Shcharansky and other Soviet citizens have become criminals by the mere act of applying for exit visas. These scientists, engineers, artists, dentists, poets, and others who make up Soviet society are denied citizenship, a place of residence, an occupation, and stripped of their dignity simply by applying for an exit visa.

The denial of human rights is an issue dear to Americans and all freedom loving people. The policies we have pursued to encourage human rights have not been as effective as we would like or as they should be. But the release of Anatoly Shcharansky—even if it was for the Soviet's own political reasons—is evidence that our policies do work. Shcharansky's freedom illustrates that only constant and consistent public pressure will force the Soviet Union to change its treatment of Soviet Jews.

As elected officials, we must step up United States-Soviet dialog to maintain this constant and consistent message at every level of diplomatic negotiations. As we discuss arms control, trade, and economics, we should also be discussing human rights violations as an essential component of any negotiating agenda.

I have previously suggested the following guidelines for United States delegations to improve Soviet human rights practices, and I list them again because I continue to support these guidelines: (1) A substantial release of prisoners and refuseniks prior to any negotiations as an honorable gesture; (2) the inclusion in all emigration arrangements of the principles of repatriation to Israel or family reunification elsewhere; (3) the end of the harrassment of all Jewish study groups, Hebrew teachers, and so forth including restrictions on their ability to obtain and prepare educational materials; and (4) the end of inflammatory Soviet media campaigns utilizing anti-Semitic stereotypes that portary an United States-Zionist world conspiracy trying to subvert the U.S.S.R.

Shcharansky's freedom can not be interpreted as a harbinger of a new Soviet policy toward Soviet Jews. Yes, he was released, but he was also injected with vitamins, fed enough food to add 20 extra pounds and was freed in a prisoner "spy" exchange. It is time to again reexamine United States-Soviet relations. Only through a period of reassessment can the United States Government then make substantive changes to the Soviet Jews who we have committed ourselves to help. Shcharansky's release should reiterate our commitment to these people who are being harassed and intimidated by Soviet officials because they have expressed their desire to emigrate and be reunited with family members in Israel.

Human rights are important to me. I, along with many of my colleagues, have worked diligently to end the mistreatment of Soviet Jews, to allow Soviet Jews to pursue their human rights, to return to their homeland, to be reunited with relatives or to live in peace as Jews in the Soviet Union. For Anatoly Scharansky there is no more "next year in Jerusalem." That day has arrived. His prayers, hopes, and dreams have been answered. But there are many more people who we can not and will not forget.

Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in the House of Representatives in expressing my continuing deep concern about the plight of Jews living in the Soviet Union.

The recent release of "Natan ben Sharon" Shcharansky, almost 9 years after his arrest by the Soviet Secret Police on March 15, 1977, and the reuniting of several other separated spouses have been encouraging signs. However, there still has been no indication that the Soviet leadership has decided to change their policies and resume Jewish emigration in significant numbers.

Although an estimated 350,000 Soviet Jews have indicated a desire to emigrate, in 1985 only 1,140 were permitted to leave, as compared to the years 1971 through 1980, when an average of over 24,500 a year were allowed to emigrate—reaching a high point in 1979 when 51,320 Jews departed from the Soviet Union.

Natan Shcharansky is representative of the thousands of other Soviet Jews, whose commitment to the principles of religious freedom and human dignity has not waivered. The So-

viets have tried to crush the spirit and will of the Jews living under Communist rule, but thousands upon thousands have responded by indicating that they wish to emigrate. Shcharansky, unfortunately, like so many others, was forced to endure a dismal existence under Communist persecution. Yet he proved that the desire to be free can triumph over the Soviet system of repression and torture, and he will continue to serve as a source of strength and inspiration to those still living in the Soviet Union and to all of us in the free world as we remain steadfast in insisting that the Soviets release all Jews who wish to emigrate to Israel.

Mr. Speaker, even though the Soviets have allowed a few Jews to emigrate, including Shcharansky, the current situation is still severe, and we must continue to pressure the Soviets at every opportunity to allow Jews to practice their religion and to emigrate from the Soviet Union without fear of reprisal. The Soviet Union must be made to realize that the release of Natan Shcharansky does not diminish in any way the strength our commitment to the thousands of Jews who remain behind, and I am glad to join with my colleagues in the House of Representatives in calling on the Soviets to recognize the human rights of Soviet Jews, and allow them to emigrate to Israel.

Mr. YOUNG of Missouri. Mr. Speaker, Soviet Jews comprise the third largest surviving Jewish community in the world, after the United States and Israel. The latest estimates suggest that there may be as many as 2.5 million Jews in the Soviet Union. This number represents 65 percent of European Jewry and 15 percent of world Jewry.

Soviet Jews have been struggling to achieve basic human rights, including the right to maintain their own religion and culture. The right to leave any country that denies one their heritage is an internationally recognized human right, yet in the Soviet Union permission to emigrate is given arbitrarily.

Since the Reagan-Gorbachev summit meeting last year, we have heard quite a bit about the Soviet Union allowing some Jews to emigrate. The release of Anatoly Shcharansky, the reunification of several couples outside of the Soviet Union, and the extension of Yelena Bonner's visit to the United States have received headlines suggesting that this may be the beginning of a new era for Jews in the Soviet Union. Nonetheless, Soviet Jews still face impossible obstacles.

We must not allow these rare concessions to cloud our vision as far as any substantive change in Soviet policy is concerned. We must instead reaffirm our commitment to Soviet Jews.

Let us examine the facts: Jewish emigration from the Soviet Union achieved a high point in 1979, when 51,320 Jews were allowed to leave. This number has fallen steadily over the years to the point that less than 2,500 Jews have left the Soviet Union in the past 2½ years.

Another statistic that reflects the Soviet Government's attitude toward Jews is the number of synagogues in the Soviet Union. In 1926, there were more than 1,000 synagogues in the U.S.S.R.; yet, today that number has dwindled to approximately 60. Sixty synagogues for the third largest Jewish community. These facts speak for themselves.

The Soviet Government has developed a sophisticated plan for the extinction of Jewish culture in the Soviet Union. The Soviet Council of Religious Affairs has outlawed teaching religion to persons under the age of 16. In addition to prohibiting the passing on of their religious traditions to the next generation, there are no Jewish seminaries in the Soviet Union, unlike other registered religions.

Discrimination by the Soviet Government against Jews is constant and calculated. I am thankful that Mrs. Bonner has received the medical treatment that she so desperately required and that Anatoly Shcharansky has been reunited with his wife in Israel, but we must not let these events lessen our dedication to see that all people who wish to emigrate are allowed to do so in accordance with international law.

Mr. ROE. Mr. Speaker, I rise to join my colleagues in this special order on Soviet Jewry marking the release from the Soviet Union of Anatoly Shcharansky.

On this occasion, it is fitting that we recall the innumerable speeches, marches, and demonstrations for Mr. Shcharansky that have been held since he was sentenced to jail in July 1978. We must never forget the indefatigable and tireless efforts of his wife Avital in attempting to secure his freedom. We must call to mind the thousands of letters that Americans of all ages wrote to him and to Soviet officials, pleading for his release from jail. Our prayers for his release from prison and reunification with his wife in Israel have been answered, and in that we can all rejoice.

But our rejoicing must be tempered by the fact that the nightmare still goes on for thousands of other Soviet citizens, Jews as well as non-Jews, who do not enjoy basic human rights. They live in fear of imprisonment for merely trying to criticize their government or practice their religion. There are still 10,000 political prisoners who are not released. There are still 20,000 other Soviet Jews who have applied to leave but cannot. Some have been waiting for 15 years to leave. For those who want to remain in the Soviet Union, the practice of Judaism is still prevented by the government. Synagogoues remain closed, the teaching of Hebrew and Jewish studies is a criminal offense, few trained rabbis work in the Soviet Union, and the state of Israel is described in the state-run press as the successor to Nazi Germany.

Mr. Speaker, if the release of Anatoly Shcharansky leads to a lessening of Western pressure on the Soviet Union to allow Jews to emigrate and to practice Judaism openly and freely in the Soviet Union, then the Soviet leaders will have won the battle even as they let Shcharansky go free. If Western leaders are content with the freeing of Shcharansky, then the conditions of those still wanting to leave Russia will not improve. Moreover, I believe that the Russian leaders would welcome a slackening of efforts to secure the release of other Soviet Jews who wish to emigrate.

For these reasons, the release of Shcharansky compels us to redouble our efforts for securing the release of the thousands of other Jews who want to emigrate from the Soviet Union and for remembering those living there who want to maintain their centuries-old Jewish traditions and culture. No one can rest from this effort and sit back on their laurels just because one person has been freed. We dare not forget those still languishing in the jails and psychiatric hospitals of the Soviet Union, and must keep the pressure on the Soviet Union. If we do that, then the release of Shcharansky will be seen as it rightly should be, as the beginning, and not as the culmination of the liberation of the Jews of the Soviet Union.

Mr. BRYANT. Mr. Speaker, today we rejoice in the release of Soviet dissident Anatoly Shcharansky. He is a visible symbol of our concern for the plight of Jews in the Soviet Union who have increasingly been subjected to harassment, indignity, and denial of basic human liberty. We rededicate ourselves today to oppose repressive regimes wherever they exist, wherever they deny free movement, wherever they punish free thought.

The Soviet Union is certainly not the only nation in the world which practices official discrimination, but its policies are among the most blatantly offensive to the conscience of the world.

The Soviet Union is certainly not the only nation in the world which practices official discrimination, but its policies are among the most blatantly offensive to the conscience of the world.

The Soviet Union is a prison—incarcerating within its borders the vast majority of Jews not put behind bars, sentenced to work camps, or confined in what the Soviets politely refer to as hospitals.

The Soviet Union's barriers to Jewish emigration, to enjoyment Jewish tradition and culture, to practice of the Jewish faith, to use of the Hebrew language constitute nothing short of anti-Semitism.

The Nazi Holocaust destroyed 6 million lives. The Soviet Union seeks to destroy hundreds of thousands of hearts and minds and souls.

Despite the Soviet Union's commitment in 1974 to join with the civilized nations of the world in observing the Universal Declaration of Human Rights and the Helsinki Final Act, the free thought, religion, and movement guaranteed by these documents have been consistently and systematically ignored by the Soviet Union.

The emigration of Soviet Jews last year plunged to its lowest level since 1963. More than three times as many Jews were permitted to leave the Soviet Union in each month of 1979 than in all of 1983. An intolerable situation is worsening.

The Soviet Union has created an "Anti-Zionist Committee of the Soviet Public," the purpose of which is to compel the Jewish community to sever its physical, emotional, and spiritual ties with the State of Israel.

The hundreds of thousands of Jews who desperately seek to leave the Soviet Union are forced to endure again and again the labyrinthine application process for exit visas that are denied again and again. Soviet law encourages the firing of Jews who try to emigrate to countries where they may freely practice their religion.

Many of the most courageous of these people who have challenged the Soviet system for the benefit of humanity everywhere have been fired, then arrested, tried, and summarily convicted as "parasites" because they are unemployed—an institutionalized catch-22 without equal in the world.

Those who attempt to preserve and pass along the strength and wisdom of thousands of years of Jewish history, tradition, and language suffer special harassment at the hands of the Soviet state. Pravda, which has labeled the Jews of Russia as "the fifth column of our country," last year published articles attacking Hebrew teaching circles as "subversive" and calling the traditional language of the Jewish people devoid of "cultural" value. The Soviet propaganda machinery equates Jews with the "Zionist evil."

Our national commitment to justice and individual freedom means that we cannot be silent about wrongs that need righting whether they are in Dallas or Moscow. As the late Martin Luther King, Jr., so wisely observed—and as the Jewish people know only too well—"Injustice anywhere is a threat to justice everywhere."

We must, as individuals and as a nation, take a decisive and forceful stand against the oppression we witness in all too many places in the world. We must let it be known—as many of us in the Congress have sought to do—that the Soviet Union's actions against its Jewish citizens are intolerable among the civilized societies of the world.

I pray that our efforts to hold the Soviet Union to its international commitments, our letters of appeal on behalf of individual Soviet Jews, refuseniks, and prisoners of conscience, and our negotiations with those who make Soviet policy serve to bolster the spirit and courage of those spirited and courageous Jews who are confined still to the prison that is the Soviet Union.

We did not forget Anatoly Shcharansky and he was released. We will not forget our brothers and sisters in the Soviet Union yearning for freedom in the hopes that they too will someday be released. We will not forget. And one day they will be free.

Mr. ADDABBO. Mr. Speaker, it is with a great sense of honor that I join my colleagues today in paying tribute to the continuing struggle of the Jewish people in the Soviet Union.

Last week Americans were able to share in the joyous reunion of Soviet dissident Anatoly Shcharansky with his wife and family after a 12-year imprisonment for professing what he believes. However we cannot allow this single success to let us forget the thousands still denied human freedom. Rather, we should draw from this event renewed hope for our efforts as well as a greater surge of enthusiasm to help these troubled people.

Jewish emmigration has steadily declined since the mid-1970's. Only 896 were granted exit visas in 1984, compared to a high of 34,733 in 1973. While we saw a very minor increase in 1985, we must make our objective clear: Religious persecution is an abuse of human rights under the Helsinki accords, and we will not stop pressuring the Soviet Government until all Jewish people are granted the right to freely practice their religion, or are permitted the opportunity to emigrate.

A renewed relationship between our leaders to ensure peaceful coexistence has given us hope for a safer future. Let us also take this opportunity to demonstrate our spirit for freedom and encourage the Soviets to live up to their previous commitments as outlined in the Helsinki accords.

Mr. BOSCO. Mr. Speaker, I rise today to join with my colleagues in marking the long-awaited release of Soviet dissident, Anatoly Shcharansky. While Shcharansky's release is an occasion to celebrate, we must also remember those who continue to suffer persecution, and rededicate ourselves to the cause of human rights around the world.

Last week, I watched with great joy as Anatoly Shcharansky crossed Berlin's Glienicker Bridge to freedom, after having spent 9 years in a Soviet prison on trumped-up charges. Credit for his release goes largely to his wife Avital, whose tireless efforts on her husband's behalf have helped to focus world attention on the plight of Soviet Jews. Hopefully, Shcharansky's release also reflects a slight improvement in relations between Moscow and Washington. Unfortunately, as Shcharansky and many of his supporters point out, it is unlikely that his release represents a change in the Soviets attitude toward dissidents.

Many describe Moscow's decision to release Shcharansky as a "diversionary tactic" and not an indication of more liberal human rights policies. Last week, Shcharansky stated, "The usual practice for the Soviet authorities, whenever they make a concession, is to follow it up with repression against those who could take advantage of it. I'm afraid that my release can be used to tighten up on other Jews in the Soviet Union." Indeed, by all indications, the status of Soviet Jews has not improved. Last year, only 1,140 Soviet Jews were allowed to emigrate, despite the fact that some 10,000 to 15,000 others, known as refuseniks, await exit visas. So far this year, just 79 Soviet Jews have been alloweds to leave the Soviet Union, an indication that no significant improvements have been made.

Mr. Speaker, in light of these disappointing facts, it is all the more important that we continue our efforts on behalf of Soviet Jews. I would like to thank my distinguished colleague Mr. WEISS, for his leadership on this issue and for the opportunity to participate in today's special order on Soviet Jewry.

Mr. YATES. Mr. Speaker, for all of us who have been involved in the cause of human rights and the plight of the Jews in the Soviet Union, the news about the release of Anatoly Shcharansky was a truly joyous event. This courageous young man and his remarkable wife, Avital, have been in the minds and on the consciences of millions of people in this country and around the world. I am just delighted to be able to extend to both of them my personal and warmest congratulations, and I wish them a very happy and productive life together in Israel.

The Shcharansky case demonstrates that world opinion does affect events in the Soviet Union. It also underlines the fact that the situation of Jews in the U.S.S.R. remains desperate and we cannot relax our efforts. In recent years, we have seen a dramatic and sickening decline in the number of Jews that have been permitted to leave Russia. As recently as 1980, over 21,000 Jews emigrated from Russia and the year before, some 51,000 were given exit visas. Last year, the Soviets allowed only 1,140 Jews to leave.

These numbers are significant. They illustrate the harsh reality of life for Jews in the U.S.S.R. In a very real sense they are captives of the state and we must help them. As we do this, I hope we will remember the tireless efforts of Avital Shcharansky. She is an example for all of us and I would like to include at this point in the RECORD the excellent column that Mr. Richard Cohen wrote for the Washington Post on February 13.

A GIFT FROM HIS WIFE

(By Richard Cohen)

Come, I will tell you about heroes. I won't tell you of people who go up to the stars in rockets or dive into icy waters to save someone's life. There will be nothing about fires in my story or bullets, either and, most important, nothing about instantaneous decisions—an impulse, an instinct and then, somehow, heroism. No, I will tell you about Avital Shcharansky and how she saved her husband's life.

Avital and Anatoly were married in Moscow in 1974, shortly before they were both to emigrate to Israel. She did emigrate, but he could not. Eventually, Anatoly was arrested and charged with being a spy. He was nothing of the sort. Instead, he was a Jewish activist and, more than that, someone who monitored the Helsinki human rights agreement. My friends who knew him, journalists, could not talk of "Tolly" without smiling. He was something of a prankster. It is a noble calling, and it drove the KGB crazy.

Later, Avital confirmed that to me. We met in Washington after she had launched her campaign to let the world never forget that her husband was in a Russian jail. She told me stories about him, about how he used to play jokes on the KGB. She smiled when she talked of her Tolly, and her eyes danced and you could sense the man in the room. It was a Friday night, and so she returned to her hotel to light the Sabbath candles. I watched and took notes and was sad. She would never see her husband again, I thought.

For seven years, Avital put her husband's cause before the face of the world. Wherever you went, there she was. She was in New York when the United Nations convened, in Geneva when Soviet and U.S. leaders met at the summit and in Helsinki when East met West to talk about human rights. She stalked international events, a wan figure who asked for just a piece of the spotlight and held a press conference for the occasional journalist with nothing better to do. At every non-event, she was the real event, but sometimes, it seems, only she knew it.

There are questions. Would a man have been as effective? Maybe not. Avital Shcharansky fulfilled a traditional, if nearly mythical, role: she was the woman who waits, the distant figure high in the widow's walk—the woman who waits for a ship to come home, for a jailhouse door to open, for a war to end. It certainly helped that Avital Shcharansky is attractive—serene with a face out of a silent picture. It never hurts in this world to be a pretty woman.

There were other questions. Was it counterproductive to put the spotlight always on the plight of Anatoly Shcharansky? Would the Soviets then be less inclined to free

him? Would his punishment be harder? Softer? The same? And did his own knowledge that the world was watching affect his behavior? Would a less celebrated prisoner have confessed "guilt" and be done with it? And, finally, what should journalists do? If we wrote about him, did it mean that he would be beaten in his cell? Does a squeaky wheel get the oil or, in Russia, does the wheel get bent and kicked out of shape?

The answers now are clear, but for a long time they were not. Shcharansky's sentence was extended because he would not acknowledge guilt. Headaches plagued him. His weight plummeted. There was fear he would die. Everywhere Avital marched, people had to wonder whether she was helping her husband to live or helping to bury him. She marched as if the question never occurred to her?

But it must have and yet she had no choice. Anatoly had made the decision. Even in jail, even in the camps, he would remain a free man. The Kremlin had his body, but the smiling visage of Shcharansky was seen in every Western capital and greeted Soviet officials from the other side of every East-West negotiating table. Who held whom hostage?

This is what one woman did. She made it impossible for the diplomats to meet without discussing her husband, for the Soviet leaders to travel without being asked about him, for journalists to forget him. Like the mothers of "the disappeared" in Argentina, like Winnie Mandela in South Africa, she plugged her husband into the conscience of decent people. Together, they proved bigger than governments. Because of that, Anatoly Shcharansky is now what he always wanted to be—a Jew in Jerusalem. It's a gift from his wife.

Mr. GILMAN. Mr. Speaker, these past few weeks have been frought with emotion, and it appears as though the series of events which began with the Reagan-Gorbachev summit meeting in November have not yet ended. To date, we have borne witness to the release of a number of prominent refuseniks and former prisoners of conscience, most notably of late, Anatoly Shcharansky.

Anatoly Shcharansky, a founding member of the Moscow group monitoring Soviet compliance with the Helsinki accords, was released only after many years of delicate and complex negotiations. His false imprisonment on charges of espionage and treason outraged the Western World, yet his moving speech prior to sentencing touched every one of us. He spent the next 8½ years suffering mightily for his cultural activism—isolation cells, forced feedings, mail deprivation, and meetings with his mother. Yet, for the entire period of his incarceration, Anatoly Shcharansky remained determined that his principles and dedication to human rights and individual freedoms would not be undermined by anyone—not the prison officials, the KGB, or any other Soviet bureaucrat. His example was a beacon of light for his compatriots, for other men and women who languish in prisons, labor camps, or in towns of exile all across the Soviet Union for their beliefs. Anatoly remained strong-willed and stubborn—heady nourishment for a beleaguered community of ethnic and cultural human rights activists.

This unyielding determination had its counterpart in the West, embodied by Anatoly's courageous and committed wife, Avital. Unable to rest, she criss-crossed the globe on her husband's behalf to speak to anyone and everyone. Her dedication to Anatoly's human rights, as well as those of numerous others, sustained many of us over the years.

It is because of that supreme dedication and commitment to the cause of individual human freedoms, which we in the United States hold so dear, that I introduced earlier today legislation awarding congressional gold medals to both Avital and Anatoly Shcharansky. They have made a contribution to the entire world through their words and deeds, having elevated the concept of human rights to a global scale. They have earned our utmost respect and admiration, and are highly deserving of such an honor. Accordingly I urge and invite my colleagues to join in cosponsoring this bill. A copy of which I'm inserting in the RECORD following these remarks. It is my hope that we can appropriately recognize this outstanding couple with enacted legislation by the time that they visit the United States in the coming months. It would be most fitting for the President to show our country's esteem through the presentation of one of our Nation's highest honors, and would also demonstrate to the world the highest priority that we place on human rights.

Mr. Speaker, I believe we are in a period of flux right now, where the Soviet Union seems to be amenable to granting emigration permits on a case-by-case basis. Yet, we continue to wait for the signal that their overall human rights policy has changed in a concrete fashion. In 1984, only 896 individuals were allowed to participate in the family reunification process. In 1985, this figure increased only slightly to 1,140. We are nowhere near the more than 50,000 who were granted permission in 1979, yet over 400,000 have made known their desire to emigrate. It is for them that we seek a changed emigration policy. And unless and until that occurs, in concert with a cessation of the arrests and harassments that plague the Soviet Jewish community, the United States will have no other alternative than to maintain its present posture.

We cannot rest until all who desire freedom are granted it—we can do no less for our fellow human beings.

H.R. —

A bill to authorize the President of the United States to award congressional gold medals to Anatoly and Avital Shcharansky in recognition of their dedication to human rights, and to authorize the Secretary of the Treasury to sell bronze duplicates of those medals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Avital Shcharansky and Anatoly Shcharansky have displayed immense courage and commitment to the preservation of individual human rights, regarded as among the highest of ideals by the American people;

(2) Anatoly Shcharansky, a prominent founding member of the Moscow Helsinki Monitoring Group and active spokesman for the human rights denied to Soviet Jews, was unjustly arrested by the Soviet Union in 1977 and imprisoned for almost nine years on the false charges of espionage and treason;

(3) Anatoly Shcharansky, during his lengthy incarceration and isolation, was subjected to ongoing emotional and physical deprivation of the highest magnitude, yet continued to display raw courage and the noblest commitment to his rights as an individual, thereby setting an example for others whose individual freedoms are being denied;

(4) freedom is the ideal held most dear by the American people, and Anatoly Shcharansky has become a symbol of that love of freedom;

(5) Avital Shcharansky, while her husband was kept silent by Soviet prisons and labor camps, waged an indefatigable campaign around the world on behalf of her husband and others similarly treated;

(6) Avital Shcharansky's earnest persistence and dedication to the precepts of freedom of thought, word, and deed raised the consciousness of the world while she valiantly worked for her husband's release, thus elevating human rights to a global concern; and

(7) their reunion is evidence of the triumph of the human spirit against all adversities.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD.—The President of the United States is authorized and requested to present, on behalf of the Congress, gold medals to Anatoly and Avital Shcharansky in recognition of their supreme dedication and total commitment to the cause of individual human rights and freedoms.

(b) DESIGN AND CONSTRUCTION.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall cause to be struck two gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 3. DUPLICATE MEDALS.

(a) CONSTRUCTION AND SALE.—The Secretary may cause duplicates in bronze of the gold medals provided for in section 2 to be coined and sold under regulations prescribed by the Secretary, at a price sufficient to cover the cost of such duplicates and such gold medals, including labor, material, dies, use of machinery, and overhead expenses.

(b) REIMBURSEMENT OF APPROPRIATIONS.—Any appropriation made under section 2 shall be reimbursed out of the proceeds of the sales referred to in subsection (a).

SEC. 4. NATIONAL MEDALS.

The medals provided for in this Act shall be considered to be national medals for purposes of section 5111 of title 31, United States Code.

Mr. LENT. Mr. Speaker, on Tuesday, February 11, a man walked across a snowswept bridge into West Berlin and ended 13 long years of torture and persecution. Anatoly Shcharansky, the Soviet Jewish dissident, was finally released from the nightmare of the Soviet Gulag and has been reunited with his wife, Avital, in Israel. The free world rejoices in the belated release of Shcharansky and hopes that many of his fellow "refuseniks" will follow.

Tragically, there are thousands of Soviet Jews still waiting for their day of freedom. Last year, Jewish emigration from the Soviet Union was only 1,140 compared with 51,000 in 1979, and immigration officials express doubts that Shcharansky's release is a sign of a dramatic turnaround in Soviet emigration policy. Nevertheless, this joyous occasion brings renewed hope to those who remain behind the Iron Curtain, and encourages concerned people everywhere to join in the fight for human rights and freedom.

I had the privilege of meeting many of these courageous men and women during my trip to the Soviet Union in January 1983. I met Shcharansky's mother, Ida Milgrom, his brother, Leonid, and other "refuseniks" denied permission to emigrate. I listened to their stories of personal struggle, heartless repression, and relentless harassment. Yet, like Shcharansky, they never give up hope. Their message was clear: "Do not forget us. Keep up the fight for freedom." My answer, and that of my colleagues, is also clear: "We will never forget."

Mr. MOAKLEY. Mr. Speaker, I would like to join my colleagues today in recognizing the Soviet Union's release of the prominent Jewish activist Anatoly Shcharansky, and take this time to express my concern over the ongoing problem of Soviet Jewry.

Anatoly Shcharansky has been recognized throughout the world as an exemplary leader of all Jews seeking to emigrate from the Soviet Union. He first expressed his desire to leave the Soviet Union 14 years ago and permission to emigrate was denied because he allegedly had access to state secrets. Shcharansky then became very active in the dissident movement and spoke out against the Soviet treatment of Jews wishing to emigrate. He urged the Soviet Union to accord these individuals the rights granted to them by the Helsinki agreements. His dedication and perseverance to the human rights cause eventually led to his imprisonment. After spending 9 years in confinement Anatoly Shcharansky was released last Tuesday.

I applaud the Soviet Union for the release of Anatoly Shcharansky and truly hope that this gesture of good will and faith marks a change from the past few years. It is essential that each person be allowed to exercise his rights of freedom of religion, opinion and expression that is granted to them in the Helsinki accords. I hope Mikhail Gorbachev will continue with this effort to abide by the agreements and to release more Soviet dissidents. Andrei Sakharov, Ida Nudel, Vladimir Lifshitz are three of the many prisoners of conscience awaiting exit papers. These actions will undoubtedly promote better relations between the two countries.

I take this opportunity now to commend the Soviet Union for allowing Anatoly Shcharansky to emigrate and urge them to consider the other human rights advocates and grant them permission to emigrate from the Soviet Union.

Mr. WEISS. Mr. Speaker, I want to express my appreciation to all of my colleagues who joined us in these special orders.

A LETTER FROM THE PHILIPPINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 30 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the hour is late and business in the House of Representatives for all intents and purposes has been completed for this week, and many of us are here on special orders talking about issues that we are concerned about. I felt compelled tonight to talk to my colleagues and those people who may be here or watching at home on television about an issue that is weighing heavily on my heart because I was just in the Philippines about 3 weeks ago. At that time I had a chance to meet with an old friend of mine with whom I went to the Cincinnati Bible Seminary, Mr. Ronald Hoffman who runs the Manila Bible College, the Christian Bible College to talk to him and other people about the problems facing the people of the Philippines.

I met with President Marcos and I met with Mrs. Aquino's people. I talked to them about the issues that were being debated in the election, and I came away with some strong feelings about both of these people. They both were running a hard campaign and were very anxious to win and had strong reasons why they thought that they would be better suited to be the President of that great republic and an ally of the United States of America.

I came back to the United States, after having met with a number of people including Cardinal Sin and Bill Quasha, a leading attorney; and other people over there; our Ambassador and General Allen, the commander of our forces in Manila. I was convinced that the best thing the United States could do would be to tell the people of the Philippines that we are their ally, that we want to work with them, and we want to make sure that they have continued freedom, that we are supportive of their democracy. But we do not intend to try to tell them how to run their affairs.

As the election grew closer, I became more concerned because it sounded to me among my colleagues and in the media that a decision had already been made that the election was going to be fraudulent and that Mr. Marcos was definitely going to win. The election took place and we sent a commission over there to monitor the election at the request of the Philippine Government, Mr. Marcos, to make sure that the election was an honest one and was in fact an honest one.

There are over 90,000 precincts, 90,000 precincts in the Philippines. Our election commission probably went to about 200 of those precincts and they made a determination that there were irregularities in the voting process. I think they are probably accurate. There were election irregularities. There probably was vote fraud on the side of the Marcos government, but I found out today that there was also probably vote fraud on the side of the Aquino people as well. As a matter of fact, there is probably 200 cases that have been filed in Philippine courts in just the last 48 hours. I am sure that these allegations on both sides will be further investigated.

But the bottom line is to me why should the United States be dictating who should be the leader of a foreign, sovereign nation? We are not talking about Ohio; we are not talking about California, we are talking about the Philippines, halfway around the world and an ally of the United States since World War II.

Many of my colleagues in both the House and the Senate in just recent days have been talking about, because of the alleged vote fraud in the Philippines elections, that we ought to pull our bases out of there and relocate them someplace else. It would cost us $5 to $20 billion to relocate those bases and we would lose strategic position in that part of the world. If we moved our bases out of the Philippines there is no doubt in my mind that wherever we moved them would be an inferior position and would adversely impact on the balance of power in that part of the world.

Five hundred air miles away is Cam Ranh Bay. It used to be one of our biggest naval bases in that part of the world, now it is occupied by the Soviet Union. In my view, the Communists covet Subic Bay and Clark Air Base in the Philippines and they would like nothing better than for the United States to mess up over there and for the Philippines to go Communist and to be able to put Soviet battleships and Soviet airplanes in the Philippines as a further base of operation and to change the balance of power in that area dramatically.

When I was in the Philippines, as I indicated, I talked to a number of people. One of the gentleman I talked to was a fellow named Bill Quasha. Mr. Quasha is a senior member in one of the leading law firms in Manila and is an American citizen who has lived in the Philippines and practiced law there since 1946. He was an officer who went into the Philippines to retake the Philippines near the end of World War II with General McArthur. He is a man who has been a leader over there and is very highly regarded in both the Filipino and the American communities in the Philippines. His attitude is not one that should be taken lightly in my view. He sent me an urgent telegram to be read into our debate, or he asked me to read it into our debate, and I agreed to do so because I think he says concisely and

clearly what our position ought to be in the Philippines and what the situation is over there. I may not agree with everything that Mr. Quasha says, but I think he has a right to be heard because he is one of the leading Americans in the Philippines.

I had occasion to go to a subcommittee meeting on the Pacific and Southeast Asian Affairs Subcommittee of the Foreign Affairs Committee just a short time ago, and in that subcommittee meeting I had the distinct impression that the United States of America will not be satisfied until Mr. Marcos is run out of office and the Philippines' reins of leadership are turned over to someone else. Once again, that distresses me, not because I think Mr. Marcos should be President or Mrs. Aquino should be President. I just feel that it is none of our business. It ought to be up to the Filipino people. The election has taken place; the decision has been rendered, and if the Filipino people want to change that they will change it. For us to interfere I think is making a grave error.

Mr. Speaker, I would like to read to you briefly what Mr. Quasha had to say, and I hope that somebody in America and in the Congress may be listening to his words of wisdom because he has lived there, as I said, for over 40 years:

Tuesday night Col. Ed Ramsey was guest of honor and speaker of combined American Chamber of Commerce, Phils (ACCP) and Republicans abroad Phils (RAP) MIG. He is a renowned war hero having had the largest guerrilla force in the Philippines in WWII. He has lived here on and off since 1941 and is familiar with past elections. During his remarks he stated that the last Philippine election was the least dishonest and least bloody since independence. He asked if anyone in the room (40 there) disagreed. No one did. Of that number, 7 have resided in the country for more than 40 years including myself. Last night 5 of the group named in my TLX, 10 Feb., were able to join in a MTG with Chip Andreas, Sen. Lugar's A.A. including Col. Ramsey, Col. Lee Telesco who coordinated guerrilla and submarine activity for MacArthur's GHQ during WWII, myself who served on Gen. MacArthur's staff for 4 years, have practiced law here since May 1946 and am chairman of Asia/Pac RGN of Republicans abroad. J.M. Thomson, EVP of ACCP and chairman of RAP, Bruce Meyer a businessman who has lived here virtually all his life. Two of our group were unable to join MTG: Alex Keller who heads Fil-Am Memorial Endowment, is on the board of ACCP and is head of Procter and Gamble, Philippines, and John Manning a retired businessman who has lived here practically all his life. Everyone of us who has repeatedly stated that this election was the cleanest, fairest and least violent of any election held here.

The official government results represented the vote of the Filipino people The NAMFREL tally was never completed and excluded votes from pro-Marcos areas. Some U.S. news commentators have joked about a couple of areas where Marcos got all the votes. (That is not strange and is not a reflection on the integrity of the voting process.) The thrusts of their comments are contrived and are unfair.

Loyalties here are deep and extensive and can last for generations. This explains the marked partisanship. The election was highly charged emotionally but again this is not unusual. Relatively few casualties which occurred cannot be assumed to be government's fault. The NPA Sparrow unit is constantly killing people. Their scheme is to kill people and make it appear it is the government's fault. NPA wants revolution. They and their sympathizers including sectors of the U.S. press, we have to say, are determined to destabilize the government without regard to consequences. It is a replay of Vietnam and Iran. For sectors of the press to compare Marcos with Duvalier is outrageous.

Worst feature is the fact that the American Government is now seen as passing judgment on what the Philippine people have done and are doing. Certain observers are acting largely on hearsay. Their sources are often polluted. How can these observers, who were here for a few days and who evidently got their information from partisan sources and staged incidents, know more about what happened here than the American community, the members of which make our living here and have extensive knowledge of the Filipino psyche? None of us has any special relationship with President Marcos or the opposition. Each one of us has been scrupulously impartial in our activities. What we are trying to prevent is that America will be seen to be meddling in Philippine affairs and will wind up the loser in this election. No matter what official position is taken by any important person in the U.S. Government it will be utilized by the party who perceives that he/she will benefit from publicizing that statement and will be attributable to all Americans. Conversely the other side will hate us. Communist-leaning people here are already propagandizing countrywide that America is the real enemy of the Philippines. This is reason enough to stop this interventionist activity. We must avoid further damage and condemnation of the American presence.

We have extensive information regarding NAMFREL vote-buying where voters were accosted and paid to vote opposition. Payments started at 20 pesos and were gradually increased to 90 pesos towards the end of voting. My own secretary voted in Mandaluyong Metro Manila. She saw NAMFREL reps who were all over the area offering voters cash payments. Please note that NAMFREL has special privilege to be in immediate polling area. They assisted voters in locating their names on the voting lists and used this opportunity to bribe or persuade voters.

In Tondo Manila priests and nuns deputized by NAMFREL were posted inside polling places. They conducted body searches for sample ballots. They photographed voters. They told them to vote Aquino/Laurel. They said if you don't we have your name and picture and we will know how to deal with you.

In Capatagan Lanao Del Note NAMFREL people had a desk at polling places. They asked: Who are you voting for? If voter said Marcos they pretended voter's name was not on list and did not allow him to vote. NAMFREL was COMELEC's citizens arm charged with responsibility of being nonpartisan but they were openly pro-Aquino. They wore Aquino yellow shirts, ribbons and buttons. They interfered with the work of registrars using intimidation and other illegal tactics. Affidavits available if needed.

Violence was frequently staged by NAMFREL to create the impression that this was KBL conduct. Further evidence which we are now compiling will be sent within 24 hours.

In Urdaneta Village Makati a NAMFREL lady was screaming in the polling area "KBL goons are killing everyone." She was accosted by Mr. Oledan a prominent businessman who demanded proof. She had none. She had created a climate of hatred, distrust, antipathy and fear. This too was part of a systematic campaign to create an anti-Marcos atmosphere.

Continued condemnation of President Marcos by Americans will reflect adversely on the entire Philippine nation and will do irrevocable damage to our American image and will compromise continued American presence in this key and strategic crossroads in the Pacific not only militarily but commercially. This serves the purpose of the Soviets who covet our bases in Clark and Subic and hope to repeat their success in the Cam Rahn Bay takeover. U.S. men and money paid for that base. Do we want this repeated? If not we have to stop those who are hell-bent on destroying President Marcos. The only foreseeable result is the dismantling of an entire century of progress and growth of Filipino-American friendship.

Philippines had elections. We think they were fair. Some observers may think otherwise but they cannot deny that this was a legally called and open election. Can these observers point to elections in neighboring countries? Have any of these observers seen any other Philippine election? What do they know of the background of the Filipino mind? Volatility of spirit during an election period is always prevalent but normally cools off afterwards and the adversaries join hands later. Interferers, interlopers and interventionists wind up as the enemy of all. What fool will meddle in a family dispute not his own? As a lawyer I would strongly advise against it. My compatriots and I strongly urge and beg that all Americans well-meaning or otherwise remain on the sidelines, stay off the battlefield. This is strictly Filipino business. Let's get out of our big-brother complex. Our track record in intervening in the business of other nations does not qualify us for any medal.

We see the Soviet presence in the Pacific becoming increasingly stronger. Should we destroy our best and strongest ally whose blood mingled with ours in Bataan and Corregidor? Should we forget the thousands of Americans who died in WW II in combat and as enemy prisoners? A Soviet takeover can only result from our own lack of sensitivity. We justify these strong words on the basis of our deep concern for America's welfare in this important area.

Hysteria largely created by the U.S. press reminds one of other concerted and perhaps conspiratorial campaigns against other nations causing many of our people to adopt a lynch-mentality. Indeed we see press terrorism of the American psyche. This is a time to stand back and wait for real hard evidence which none of the observers can produce which would stand up in a court of law. Let us not arrogate to ourselves the role of investigator, prosecutor trial judge and supreme court. Such is not American justice.

Regards.

Mr. Speaker, I would just like to conclude by saying that I do not concur

with everything in this document which I just read, but I think Mr. Quasha and other Americans who are living in the Philippines have a right to be heard and that is why I read it. I further believe that this election and the future of the Philippines should be decided by the Philippine people. We should be concerned, as I said in the past, about good relations with them. We should let them know we are concerned about helping them rebuild their economy. We should let them know that we are concerned about the Communist insurgency over there and that we want their country to remain free and not go Communist and to that end we are willing to help them militarily wherever necessary. We should let them know that keeping out military bases in Clark Air Base and Subic Bay is not only in our interest, but in their interest as well.

Furthermore, Mr. Speaker, we should negotiate an agreement that is fair and equitable to them as well as to the people of the United States of America so that the balance of power does not shift to the Soviet Union and the Communist bloc in that part of the world.

Mr. Speaker, I implore my colleagues in this House and in the other body to think long and hard before we take drastic steps which will seriously impair the relationship that we have built up with the Philippine people over the past 40 to 50 years. If we do jeopardize that relationship, if we do hurt that relationship, I think we might all rue the day that we performed some of these hasty actions and made decisions without having all the facts before us.

Finally, I would like to say that I think the commission that went over there at the behest of President Reagan was well intentioned and I think they did a good job for the time they were there. But I think there was a great deal more that was unseen that they did not get a chance to really observe. A great many problems occurred in that election that a small group of people, 20 in size, could not possibly cover in a period of 5 to 10 days. As a result, since there are over 90,000 precincts and they were only able to cover probably 200, for them to give a very in-depth analysis of the election is virtually impossible.

So as Mr. Quasha said in his memo to us here in the United States, I think it is wise that we stand back, let the dust settle, look at this election objectively, take into consideration everything that has happened, what our interests are, what the Philippine interests are, and then work with the Philippine people to come up with a solution that is fair and equitable to all. We should not, in my view, get the image of being "Big Brother," the "Ugly American" once again trying to manipulate a sovereign government.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, on February 6, Thursday, which was the last day that we were in session before the Lincoln-Washington district recess period, work period, or holiday period, I addressed the House from this same well concerning the continuing problem that I feel will erupt in disturbing headlines and with consequential injury if not loss of life to some of our most loyal and highly trained members of our Armed Forces.

□ 1800

I refer to the components of the 101st Airborne that are stationed in the Sinai Desert. I first raised the issue at the time that the resolution, an unprecedented resolution, one which no Congress in either House had ever approved. It mandated the deployment of personnel of our Armed Forces. Traditionally, this has been the prerogative of the Commander in Chief.

Under the Constitution, we have two inescapable duties. One is to raise arms, meaning the funds for the raising of armies and armed forces. The other is the declaration of war.

Now, under the recommendation of President Reagan, the Foreign Affairs Committee of the House in December 1981 offered this resolution. I thought that it deserved some consideration and I was assured of that fact when the chairman of the committee at that time became upset because I was beginning to raise questions and angrily told me, despite a longstanding personal friendship between him and me, that I should remain quite, because the attempt was to get the resolution quickly approved.

There were about 12, no more than 14, Members of the House on the floor at the time, but I felt that the inherent potential for mischief was too great not to ask questions.

My questions, I thought, were kind of simplistic, but fairly fundamental and they were: First. Is this not an unprecedented action? When in the history of the House since 1789 has the House approved a resolution mandating the deloyment of armed services personnel combat-equipped?

The answer given to me was, first, that this was a request that President Reagan had made, based in turn on a letter that President Carter was said to have written to the Egyptian leader at the time, the head of the Egyptian State, Mr. Sadat, and the head of State of Israel, Mr. Begin at that time, following the announcement of the Camp David agreements or treaty.

My second question was, well, but we are not party signatories to that agreement. The agreement or treaty is between Egypt and Israel. So, wherein is this commitment?

It was explained after some rebuke by the chairman and the explanation was given to me by the chairman of the subcommittee on the full committee chairman's request that the fact was that President Carter had written a letter sometime after the agreement had been reached in order to assure both leaders of these countries that the United States would do what it could to make sure they felt backed up in the resolve they had entered into at Camp David.

But then that brought forth the third question. What will be their mission? You are not asking for civilian observers. You are asking for military men and one to be a multinational force.

So that raises the fourth question. What other nations are participating with us?

"Well, we can't tell you that until the United States first initiates the attempt to organize a multinational organization."

I then asked again the primary question. What is the mission? Since you are indicating, gentlemen, that you want fully equipped military forces, these are warriors, these are not politicians, these are not diplomats, these are soliders; what is their mission as soldiers?

"Well, they will be peacekeepers."

But, my goodness, peacekeepers among whom?

"Well, peacekeepers among two allies, two friends."

So that either we, the United States, cannot win one way or the other, because it is not there to try to keep the peace between an erstwhile ally and an erstwhile nonally, but between the two friendly countries to the United States at the time and up to now apparently so.

Except that since last year's events in which the President ordered the interception of an Egyptian airliner, there has been very tense anti-American sentiment very strongly rooted in Egypt; also since the President has entered into a personal conflict, it seems, with the leader of Libya, Qadhafi, which I cannot quite figure out.

I have always considered it a fundamental principle that you never get into a fight with somebody that has nothing to lose.

The President in getting into a personal encounter with such an individual as is symbolized in the person of Qadhafi is simply just promoting him, enlarging him, making him big, very much like we have Fidel Castro in Cuba.

Really, we give a lot more credit to Communists, we give a lot more credit to such leaders as Fidel Castro than

they actually should deserve; but the fact is that that is what is happening.

So that the exposure of the group—and what constitutes that group? Well, after the approval of the resolution in December 1981, a group was formed.

Now, there are no West Germans. There is just a handful, a dozen or so British, a few French, a few Italians; 500 Fiji soldiers, 500 Colombians right now; but we have about 2,000 depending on when you make the count.

The fact is that when I first spoke about this last year, many of my colleagues expressed surprise that we had such a contingent of our troops in the Sinai, they were totally unaware. It was not until the terrible accident in Gander, Newfoundland, where we lost a near battalion of that component group of American soldiers in that terrible disaster that many Americans realized we had these men there; but as things happen, the day after the spasm of publicity, they recede into the dust of immediate past history. Events become so telescoped into today's living that what was news just 2 months ago is history today.

But I do not think we can escape the responsibility for the life-and-death threat that hangs suspended over the heads of these men, the Americans as well as their associates in this so-called peacekeeping contingent in the Sinai. They have no armor. They have no air force to defend with. They are exposed. They are sitting ducks for what we call today euphemistically "terrorist forces."

I say that we have the responsibility every day, and particularly now when we proceed so complacently with apparently no legislative action of substance before us to debate. Certainly this is the time to call the attention of those who have the committee responsibility to oversee the continuing need to ask the question, What is the mission of these men? What is the mission of these military?

This is the same fundamental question I asked the President for 14 months in the case of the marines in Beirut and we already know what happened.

Who remembers the 241 marines who died? Who remembers or much cares to know that the Commander in Chief blithely ignored the continuing solid unanimous advice of the chief military experts our country can produce, the Joint Chiefs? They had unanimously advised the President against that. They are military.

The President was not deploying a football team. He was not moving in civilian observers. He was moving combat-equipped marines and placing them in an untenable military environment that any military person would have immediately recognized that, and they did, and that concerned the Commander in Chief who willfully and blithely ignored that unanimous advice.

There was some straggle of a few of us, I do not think any other Member took the floor over a 14-month period as I did. I did so as I am impelled to do today, because I feel that it is at these moments that we have more need than the average to call the attention of our colleagues to urge some kind of oversight.

Now, I spoke out after the accident in Newfoundland because of the collateral issue, and that issue is one that I took up during the sixties when President Johnson, a neighbor and a friend, was President of the United States.

I asked more than once, "Mr. President, why are we transporting our Army, our soldiers, in contracted-for airlines, most of them jerry-built, constructed just for the purpose of attracting and entering into contracts? Why do you ship cannons and the like in Department of the Air Force transportation and airplanes, but you don't our soldiers? After all, those are military purposes."

Finally, one day I heard from an assistant to the President who expressed the President's unhappiness with me and wanted to know why I was so critical.

I said, well, the remarks I made are in answer to that. I think I have spoken in fairly tough, coherent, and clear English, to have that question addressed.

He said, "Well, we will get the answer from the proper official in the Department of Defense," and they did. I had an Assistant Secretary of Defense again for procurement and logistics call and wanted to set up an appointment and finally sent a letter and explained why.

Well, to me, it was not a satisfactory answer, that it was economical, that it was more practical, and that it was not desirable to compete with private enterprise.

But who were we competing with in this transportation? With the existing airlines? No. With those groups that were organized ad hoc particularly to get this kind of job and who were very, very unsatisfactorily regulated and checked upon, as this accident in Newfoundland brought up.

So when I took the floor on February 6, the last day we had a session, just like this is the second to the last of this week, I raised the issue that that company, the Arrow Airline, was still not only transporting troops, but just that week had been given an additional nearly $9 million contract.

□ 1815

At the same time, unknown to me, a subcommittee in the Armed Services Committee was having hearings on this matter. I do not know what contributed to it, but it was later that week, the next day, in fact, on Friday, that the committee protested bitterly the announcement of the granting of that contract. And then the Department of Defense announced that it would suspend.

But, as I put in the RECORD on February 6, I had raised the issue last December, and the chairwoman of the Subcommittee on Armed Services and the ranking member of the full Committee on Armed Services in the minority answered me rather impatiently that that was being taken care of, that that airline would continue to have no business until it was investigated.

But the truth is that it was. I wrote a letter to the President. I sent a telegram first to the President requesting that he consider moving $450 million from his discretionary executive budget over to the Defense Department, because that is what the Defense Department tells me they pay out for this kind of transportation.

Instead, I got a letter just about the same time I was speaking on February 6, just shortly before, from the present Assistant Secretary of Defense for Procurement and Logistics in which he says not only are we doing it, we intend to continue to do it. He gave me a rather contradictory reason. First, that if we did it this way now, it would give the meager aircraft resources available for transportation a chance to practice for wartime. But in the same letter, that in case of war, 95 percent of the transportation of our military would be done in contracted-for private commercial craft.

Now I ask my colleagues, what more callous, cruel indifference to the proper care and welfare of our soldiers can there be? What worse insult, what worse and callous revelation than that letter?

Not only have we learned nothing through this accident in Gander, but we want to redouble with a vengeance the practice. I think it is wrong. I think that we ought to talk about it every single day that we are in or out of session.

I charge my colleagues who have the responsibility of oversight with being fellow culprits and conspirators with these administrators that are so callous and indifferent to the health and well-being of our soldiers. If that sounds harsh, so be it. Bad enough it is to have a faithless and fickle Commander in Chief as we do. What is the old biblical saying, that if the trumpet give an uncertain sound, who then can do battle. And this trumpet does give an uncertain sound.

We have just heard with prior speakers this afternoon the contradictions in our leadership in other countries, and it brings me to the second theme that I wanted to develop, and that is the same policy with respect or lack of policy to those countries that share the destiny with us south of the

border. I have spoken out since April 1, 1980, the first time after having served here about 20 years that I spoke on such questions affecting what we call Latin American affairs; though in 1966, on July 1, I was named an observer by the OAS, the Organization of American States, to observe the Dominican elections.

At the time the elections were held, we still had American troops in Santa Domingo. President Johnson had ordered the invasion of that island the year before, in May 1965.

The difference, if there be any, was that at least he went through the motions of receiving the imprimatur of approval of the Organization of American States, which he did. Rightly or wrongly, at least we went through the process of recognizing our treaty obligations with those countries in the New World with whom we have entered into three solemn treaties with respect to that type of action.

The difference with the present administration and President Reagan is that, without any attempt to initiate American leadership on a collective basis, he has opted for a unilateral military interventionist policy evoking 1929 and the last President who did that, President Calvin Coolidge. And again, crassly, and blithely at that, ignoring what that world is like today. Latin America, if that is what we want to call it, is not the same world it was even 10 years ago, much less what it was when President Kennedy announced the Alliance for Progress in 1961. As a matter of fact, I dare say that as popular as the memory of President Kennedy still is, and as much as he is cherished in that part of the world, if President Kennedy were President today and he tried to launch the equivalent of the Alliance for Progress, it would not take in today's Latin America, because even that was unilateral and it will not take hold any more.

But I believe that the impelling reason, in fact, I know the impelling reason for me finally to get up on April 1, 1980, when it was not President Reagan who was President, it was President Jimmy Carter, was to plead with the President, for he, too, had been inaccessible for about some 6 months, to plead with the President to exert America's moral power of suasion in a collective sense in the case of El Salvador, the smallest, lowliest country in the whole New World.

After $4 billion more or less that we have invested, primarily in military aid, we are not closer to any resolution in El Salvador than we were 5 years ago when Secretary of State and General Haig drew the line in that small nation. So, surely, surely we must pause and analyze and realize that, whatever that policy is, it is bankrupt, it is not working, and it is inevitably and inexorably, as surely as I am standing here and talking, leading our American boys to battle with those citizens that will share the future destiny with us in the New World, and which all prior Presidents since Calvin Coolidge feared and avoided.

President Franklin Roosevelt, in his announcement of the Good Neighbor Policy and then, of course, the intervening Presidents and President Kennedy with the Alliance for Progress were really, really new seminal approaches and recognition of a partnership approach. Maybe it would not be possible to protect basic American national interest and depend on that. But certainly we must recognize first and foremost where our vital interests are really involved and where they are not. We must, no matter what it costs, recognize the difference between a civil war, an indigenous, native civil war, and one that is imposed or attempted to be imposed by external forces.

□ 1825

We have not learned that. So I say, inevitably, given the force that this President inexorably is following; he has not deviated one iota from it, we will have our soldier boys involved in battle and dying in battle. And it will not be like Southeast Asia. It is similar, yes, but it will not be because we never had any challenge in the air in Southeast Asia. We will in Central America and South America.

Why should we make something inevitable that does not have to be? Would it not be a fact that if we develop the skill that we have—I do not think America is bankrupt in its skill, in its reservoir here; it is just heeding that voice that I think we need.

Would not it be wiser, would not it be more profitable in every way, not only in safety but in commerce and an outlet for a producing America which we no longer are. In the last 5 years, America has become a debtor nation for the first time since 1914, and above all, more importantly, a consuming nation, not a producing nation.

Now that has grave implications. What was the forerunner of this? Well, we were disturbed and said so when we noticed that between 1975 and 1980 American private enterprise investment had dropped from 37-percent or more to less than 17 percent. Why? What was the reason?

Did not this forebode problems? Of course it did, but who cared? Who really much paid attention and who properly has wanted to understand the nature of this world as it is today, not as it was in the balmy days of the thirties when we could intervene and we could help the 12 ruling families in El Salvador after killing off 30,000 of their own, to quell that civil war.

It is interesting to note, and the record ought to show, that when President Calvin Coolidge ordered the Marines into Nicaragua—we must also remember that they remained there 13 years. That is how long it took them and took us to organize the National Guard, and impose Somoza.

We should know, if we understand the history, that the moment anybody in Nicaragua called themselves Sandinistas that was not good for America, because Sandino was a resistor to the American invader, and that is what he symbolized down there, all through the years.

So we ought to remember that, if our diplomacy fails or we don't attempt it, then the one means and one resort is force. Violence and force has never resolved a thing. It is the most basic unlearned lesson of mankind in its known history. It resolves nothing and it is the poorest way to go about it.

I believe that with wit and skill that the United States can still extricate itself, but it is not going to do it militarily. I do not think it is any more necessary to have our soldiers anywhere south of the border than it is to have them in any of our cities in this country at this time.

I believe that, if I had the power and I could induce those that have the power to do so, that I would have them, instead of sending military tanks, I'd send water tanks. Instead of soldiers and military advisers, I would send nurses and doctors and stick to it. I think the Congress was headed the right way in 1979 after the so-called Sandinista revolution, or the deposing of Somoza.

Unfortunately, other elements entered into the decisionmaking processes, and I believe that those elements were one, either self-interested or callously indifferent to the nature of the world there.

What I am saying today is that I still believe that the United States has its reservoir. I asked President Carter to act on April 1, 1980; I said, "Mr Carter, you have about 90 days. You still have some residual moral suasive power of leadership, collectively speaking in the New World, but in 90 days it will erode." And it did.

I am sorry to say, I wish I had been dead wrong, but I am saying now, and I am fairly certain that events, as much as I hope they would not, will bring about the realization of a catastrophe, a real catastrophe. Not so much for us, even, but for our children and our grandchildren and our great grandchildren who will inherit an area in a country and a New World that is a replica of the Old World where ancient hatreds and rivalries still endure after massive murders of men and women, and wars, world in their magnitude, vast in their deaths of men and women and human life.

I do not think we should. I think our country is really still the last and best

hope of real freedom; but we must act in consonance with those basic principles. What I am saying is, we are not south of the border. I plead with my colleagues who have the power and have the prestige of leadership in this respect to take the second view. The President will soon be asking for a substantial sum of money for military purposes to aid a group that is not worthy of our aid. He has equated them as the moral equivalent of our Founding Fathers, and I chastize the President for that comparison, and know that he must be speaking out of sheer ignorance.

Just recently, one of the journalists that had been writing on this subject matter and reporting, as a matter of fact, for the Washington Post, just completed a book in which he is writing about having lived with this group known as the Contras.

He explains, brilliantly, exactly what composition there is in that group; and it is an unsavory group. The last thing I would ever dare do is compare them to any American hero. The last thing.

I say that so much is involved that I feel impelled, and always with the hope that perhaps things will not be that bad; that I will be in error, and am really hoping so, but realizing that it has not been the case in the immediate past, I rise on these two issues that I consider of paramount concern to Americans and particularly those who happen to be in the armed services of the United States.

I am very much concerned about the well-being and the safety of the men that are in this peacekeeping group in the Sinai Desert. I am very much concerned that there is no outcry from the committees involved about this rather contradictory and inhuman policy seconded and reaffirmed by the Defense Department, by the word of mouth of the Assistant Secretary of Defense for Procurement and Logistics.

I leave with that note, and wish to announce my intention to enlarge tomorrow on the other and continuing subject matter that I have been speaking of for 20 years, that has to do with our monetary and fiscal situation with specific reference to the Federal Reserve Board.

The Committee on Banking, Finance and Urban Affairs, of which I have been a member since I came to the Congress, had before it today this morning the Chairman of the Federal Reserve Board, Mr. Volcker. Realizing full well that a man in that position is not going to come to the Congress and say things that will rock the boat or anything, I feel it incumbent that somebody in a position of representation, be it as humble and as small as an individual Member of this House, should speak out and have the faith and confidence and the courage to inform the American people even of bad news.

I have always felt that the leaders we have had, and I have heard some, I have served with six Presidents since I have been in the Congress, and I have been very, very disillusioned when I heard so many leaders in and out of the Presidency, in and out of the Congress, who seem to feel that there is a chasm, a difference between the people and us, that somehow or other we are invested with power; therefore we know more.

□ 1835

I know the truth is that the people are way ahead of us and that rather than be insulated they would like to know the full truth. We live in critical times in which the position of the news-disseminating, the knowledge-disseminating sources are also monopolized and find it difficult to do so. So I think it puts an added task, an added burden, on those of us who are serving at this time and transitorially in these positions of representation.

Mr. Speaker, I yield back the balance of my time.

CENTRAL AMERICANS SUPPORT U.S. POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 60 minutes.

Mr. LIVINGSTON. Mr. Speaker, U.S. policy toward Central America has been one of most controversial aspects of the Reagan administration. At various times, public opinion in this country has been divided on our policies in Central America. The same has been true of Central American public opinion.

The Reagan administration has been successful in promoting democratic institutions in El Salvador, Honduras, and Guatemala, and the vast majority support our efforts to help these fledgling democracies survive.

However, Nicaragua remains another story. After 6½ years, that country remains in a state of civil war, with the prospects for peace, respect for human rights, and the establishment of democratic institutions no nearer today than under the Somoza regime. This state of affairs was brought on Nicaragua by the Sandinistas, who betrayed the people's anti-Somoza revolution to implement their Marxist-Leninst philosophy.

During this session, as we debate the question of whether to continue assisting the Nicaraguan Democratic resistance, it is important for us to take into account the opinions of those in Central America who are on the front line of democracy's march.

Recently, I came across a public opinion poll conducted by Interdisciplinary Consultants on Development, Gallup Poll's Costa Rican affiliate. This poll was conducted between June and November 1985, in Costa Rica, Honduras, Guatemala, and El Salvador. In each country, about 800 people were interviewed; those polled were based on representative samples of adults who had completed at least 1 year of secondary school.

This poll's importance should not be understated. During the past 2 to 3 years, opponents of aid to the Nicarguan democratic resistance have argued that U.S. policy is not supported by the people of Central America. This Gallup poll refutes that assertion. U.S. policies are supported by Central America.

Before going through the poll in depth, here are some of the major findings:

Majorities approve of United States military aid to El Salvador, and the victory of President Duarte's government over the Communist guerrillas is favored by at least 6 in 10 in Costa Rica, Honduras, and Guatemala.

Nine out of ten in Costa Rica and Honduras see Nicaragua—not the United States—as a military threat.

Over 75 percent of those interviewed trust the United States to come to their rescue if attacked.

The U.S. military presence in the region is seen favorably. In Costa Rica, 8 in 10 approve of the presence of our 20 military advisers, and, in Honduras, the same proportion approves of joint United States-Honduras military maneuvers.

In each country, at least 60 percent say the United States interferes in Central America. But, when asked further, nearly 70 percent in each country describes this interference as being positive. On the other hand, the Soviet Union, Cuba, and Nicaragua are together named as interfering more often than the United States, and their interference is unanimously characterized as negative.

As for the elections in El Salvador and Nicaragua, Central Americans generally hold the Salvadoran elections to have been honest, while those in Nicaragua are seen as dishonest.

And, finally, the issue of United States aid to the Nicaraguan opposition, the Contras, three-fourths of those interviewed in Costa Rica approve of our assistance, while in the other countries, aid is favored 2 to 1.

Now I would like to review some of the specific data in greater detail.

When asked, "In your opinion, which country, if any, is a military threat to our country," the respondents named Nicaragua as the first military threat by 87 percent in Costa Rica, 79 percent in Honduras, 30 percent in Guatemala, and 56 percent in El Salvador. Overall, Nicaragua was named as one of two military threats by 92 percent in Costa Rica, 89 percent

in Honduras, 48 percent in Guatemala, and 67 percent in El Salvador.

Cuba was mentioned as the first military threat by 2 percent in Costa Rica and Honduras, 21 percent in Guatemala, and 11 percent in El Salvador. As one of two threats mentioned, however, Cuba was named by 25 percent in Costa Rica, 17 percent in Honduras, 41 percent in Guatemala, and 38 percent in El Salvador.

The Soviet Union was seen as a threat by a total of 17 percent in Costa Rica, 4 percent in Honduras, 41 percent in Guatemala, and 38 percent in El Salvador,

Compare this with the United States, which was mentioned as a threat by a total of 4 percent in Costa Rica, 2 percent in Honduras, 5 percent in Guatemala, and 5 percent in El Salvador.

When asked which country "would come to our aid immediately, if we were attacked," 88 percent in Costa Rica, 94 percent in Honduras, 77 percent in Guatemala, and 80 percent in El Salvador named the United States as the country which come to their rescue.

And what about Cuba, Nicaragua, and the Soviet Union? Less than 0.5 percent mentioned Cuba and Nicaragua in Costa Rica, Honduras, or Guatemala, and 1 percent in El Salvador named all three countries as coming to their aid.

The responses to the question of who is trying to weaken their government went like this: Nicaragua was named by a total of 70 percent in Costa Rica, 63 percent in Honduras, 27 percent in Guatemala, and 52 percent in El Salvador. The total for Cuba was 28 percent each in Costa Rica and Honduras, 31 percent in Guatemala, and 38 percent in El Salvador. And the total for the Soviet Union was 17 percent in Costa Rica, 13 percent in Honduras, 15 percent in Guatemala, and 18 percent in El Salvador. The United States was mentioned by a total of 5, 3, 9, and 3 percent, respectively.

Which government is trying to keep their government stable? Nicaragua was mentioned less than 0.5 percent in Costa Rica, Honduras, and Guatemala, and 1 percent in El Salvador as attempting to keep their government stable. The same percentages went to Cuba and the Soviet Union. The United States, however, was mentioned as working to keep their government stable: Total responses were 76 percent in Costa Rica, 89 percent in Honduras, 58 percent in Guatemala, and 82 percent in El Salvador.

Much the same percentage followed for the question, "Which country is helping us be better prepared to defend ourselves?" The United States was named by a total of 84 percent in Costa Rica, 97 percent in Honduras, 47 percent in Guatemala, and 84 percent in El Salvador. Nicaragua, Cuba, and the Soviet Union were named by less than 1 percent in all four countries.

The question, "How likely is it that another country will attack us in the next few years?" was answered as "very likely" or "fairly likely" by 65 percent in Costa Rica, 74 percent in Honduras, 36 percent in Guatemala, and 41 percent in El Salvador. Those who answered that this was "little likely" or "not at all likely" was 34 percent in Costa Rica, 25 percent in Honduras, 62 percent in Guatemala, and 54 percent in El Salvador.

It should be noted that those interviewed in the two countries sharing the longest border with Nicaragua—Costa Rica and Honduras—believe an attack likely in the next few years. This is highlighted by the question, Which country is the one that could attack? Nicaragua was named by 64 percent in Costa Rica, 67 percent in Honduras, 16 percent in Guatemala, and 30 percent in El Salvador.

When queried about which country they believed was "most responsible for creating conditions that gave rise to war in Central America," Nicaragua was the first country mentioned by 33 percent in Costa Rica, 17 percent in Honduras, 18 percent in Guatemala, and 14 percent in El Salvador. As one of two countries responsible, 38 percent in Costa Rica, 21 percent in Honduras, 30 percent in Guatemala, and 24 percent in El Salvador named Nicaragua. The total for Cuba was 32 percent in Costa Rica, 42 percent in Honduras, 44 percent in Guatemala, and 39 percent in El Salvador. The total for the Soviet Union was 26, 30, 23, and 14 percent, respectively.

The United States was mentioned as the first choice creating war conditions by 10 percent in Costa Rica, 14 percent in Honduras, 12 percent in Guatemala, and 6 percent in El Salvador.

They were then asked, "In what way is [the country mentioned] responsible for conditions giving rise to war in Central America?" For Cuba, "promoting Communist ideology" was the response of 12 percent in Costa Rica, 15 percent in Honduras, 13 percent in Guatemala, and 11 percent in El Salvador. Other answers were "aiding guerrilla movements," "gives Nicaragua aid, arms, training," and "sends arms to Central America."

Respondents in Costa Rica, for example, said Nicaragua "exports communism," 11 percent; "aids guerrilla movements in Central America," 10 percent; "revolution is expansionist," 7 percent; and "deceived people about the revolution," 5 percent. Other categories came to 6 percent.

Next, those interviewed were asked their general opinion of various countries. For instance, Colombia was mentioned as "very favorable" or "somewhat favorable" by 81 percent in Costa Rica, 86 percent in Honduras, 77 percent in Guatemala, and 84 percent in El Salvador.

Nicaragua and Cuba, however, were overwhelmingly mentioned unfavorably—96 percent in Costa Rica, 94 percent in Honduras, 86 percent in Guatemala and El Salvador had a "somewhat unfavorable" or "very unfavorable" opinion of Nicaragua. The negative opinions also held for Cuba, which was mentioned unfavorably by 92 percent in Costa Rica and Honduras, 87 percent in Guatemala, and 83 percent in El Salvador.

The United States, however, was held in a favorable light—95 percent in Costa Rica, 92 percent in Honduras, 86 percent in Guatemala, and 93 percent in El Salvador responded that they had favorable opinions of the United States.

Respondents were then asked to describe the relations between their country and various others. They were asked to describe relations as being very good, somewhat good, not very good, or not at all good. Relations with Nicaragua were described as not very good or not at all good by 98 percent in Costa Rica, 94 percent in Honduras, 74 percent in Guatemala, and 90 percent in El Salvador.

Respondents were asked, "What do you think of the Sandinista government in Nicaragua—do you have a favorable opinion, somewhat favorable, somewhat unfavorable, or very unfavorable opinion * * *?" 93 percent in Costa Rica, 84 percent in Honduras, 78 percent in Guatemala, and 68 percent in El Salvador had either a somewhat unfavorable or a very unfavorable opinion of the Sandinista government.

As for the November 1984 Nicaragua elections, interviewees were asked, first, how much they had heard about these elections and, second, what their opinion of the elections was. The percentage of those saying the elections were very honest or fairly honest against those saying the elections were somewhat dishonest or very dishonest was: 5 to 86 percent in Costa Rica, 14 to 64 percent in Honduras, 19 to 48 percent in Guatemala, and 5 to 51 percent in El Salvador.

What is interesting is that in Costa Rica, Central America's oldest democracy, 73 percent thought the Nicaraguan election was "very dishonest."

Interviewees were asked if they knew who was the current President of Nicaragua. Majorities in each country named Daniel Ortega.

They were then queried as to whether they thought the Sandinista government represents the majority of the Nicaraguans or a minority. No one answered that the Sandinistas represented the majority of Nicaraguans. For example, Costa Ricans described the minority as "the military," 19 percent; "the Sandinistas," 18 percent; "Communists," 16 percent; "leaders—

dirigentes," 14 percent; "well to do," 5 percent; "the people—pueblo," 4 percent; and unspecified or others, 16 percent.

When asked about whether the Sandinista Government had become more or less democratic, 52 percent in Costa Rica, 42 percent in Honduras, 37 percent in Guatemala, and 27 percent in El Salvador answered that the Sandinistas have become "less democratic." Another 42, 38, 39, and 42 percent, respectively, said the Sandinistas have not changed much.

Following this, they were asked questions about the right of Nicaraguans to "say openly and freely what they think about their government"; about Sandinista protection of human rights; and about Sandinista treatment of the Nicaraguan people; 96 percent in Costa Rica, 80 percent in Honduras, 72 percent in Guatemala, and 61 percent in El Salvador answered that Nicaraguans cannot speak very freely or not at all freely. As for the protection of Human rights, 92 percent in Costa Rica, 72 percent in Honduras, 64 percent in Guatemala, and 54 percent in El Salvador said the Sandinistas are making little or no effort to protect human rights.

And, in answer to the question, "how does the government of Nicaragua treat the people," 93 percent in Costa Rica, 80 percent in Honduras, 65 percent in Guatemala, and 52 percent in El Salvador replied that the treatment was somewhat or very unjust. In Costa Rica, 81 percent thought the Sandinista treatment of the Nicaraguan people was "very unjust."

Next the questions turned to Cuba. Eighty-seven percent in Costa Rica, 89 percent in Honduras, 78 percent in Guatemala and 73 percent in El Salvador believe Cuba is a threat to Central America.

Larger majorities think Cuba is acting as a tool for the Soviet Union: 89 percent in Costa Rica, 92 percent in Honduras, 83 percent in Guatemala, and 76 percent in El Salvador.

As for Nicaragua acting as an instrument of Cuba and of the Soviet Union, 93 percent in Costa Rica and Honduras, 80 percent in Guatemala, and 78 percent in El Salvador agreed that Nicaragua was a Soviet-Cuban tool.

On whether it was better for El Salvador if government forces won the war, majorities in Costa Rica, 59 percent; Honduras, 71 percent; and Guatemala, 69 percent agreed. However, a fewer number, 46 percent in Costa Rica, 59 percent in Honduras, and 50 percent in Guatemala, thought the government forces were winning the war.

Cuba, Nicaragua, and the Soviet Union were named as the countries giving military aid to the Salvadoran guerrillas. Cuba was mentioned more often in Costa Rica, 53 percent; Honduras, 55 percent; and Guatemala, 60 percent; than Nicaragua, which was mentioned 40, 42, and 47 percent, respectively. In El Salvador, Nicaragua was given by 77 percent of those interviewed, Cuba by 70 percent, while the Soviet Union was named by 43 percent.

The United States was named most often as the country giving help to the Salvador government: By 59 percent in Costa Rica, 71 percent in Honduras, 75 percent in Guatemala, and 92 percent in El Salvador. When asked if they strongly or somewhat approved of United States military aid to El Salvador, 59 percent approved in Costa Rica, 69 percent in Honduras, 66 percent in Guatemala, and 77 percent in El Salvador. Those disapproving were 17 percent in Costa Rica, 11 percent in Honduras, 18 percent in Guatemala, and 13 percent in El Salvador.

Here's how they responded when asked whether there would or would not be war in El Salvador without Cuba and Nicaragua: By 55 percent in Costa Rica, 76 percent in Honduras, 59 percent in Guatemala, and 46 percent in El Salvador said there would be no war without Cuba and Nicaragua; 41, 19, 35, and 37 percent, respectively, said, "yes, there would be war without Cuba and Nicaragua."

When asked about the Soviet Union's role in armed conflicts in Central America, 93 percent in Costa Rica said the Soviets definitely or probably foment conflicts, while 92 percent in Honduras, 86 percent in Guatemala, and 79 percent in El Salvador agreed with this. Those saying that the Soviets probably do not or definitely do not foment conflicts was 4 percent in Costa Rica, 5 percent in Honduras, 9 percent in Guatemala, and 3 percent in El Salvador.

As for assistance to the Nicaraguan "Contras," majorities approve of aiding them. Responding that they approve strongly or somewhat strongly were 69 percent in Costa Rica, 55 percent in Honduras, 54 percent in Guatemala, and 52 percent in El Salvador. Those disapproving strongly or somewhat strongly were 24, 25, 22, and 19 percent, respectively.

How do they feel about U.S. treatment of their country? Answering very fair or somewhat fair was 89 percent in Costa Rica, 86 percent in Honduras, 63 percent in Guatemala, and 83 percent in El Salvador; 1 percent in Costa Rica and Honduras, 2 percent in Guatemala, and 12 percent in El Salvador said we treated them very unfair or somewhat unfair.

Mr. Speaker, what this survey shows is that Central Americans understand the threat Nicaragua, Cuba, and the Soviet Union pose to their future. They also understand that the United States is working to help them surmount their problem. When we debate the issue of continued United States assistance to the Nicaraguan democratic resistance, we should keep in mind that the people of Central America support us.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KASTENMEIER (on request of Mr. WRIGHT), for February 19 and 20, on account of a death in the family.

Mr. O'BRIEN (on request of Mr. MICHEL), for today, on account of illness.

Mr. GROTBERG (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCKERNAN) to revise and extend their remarks and include extraneous material:)

Mr. LIVINGSTON, for 60 minutes, today.

Mr. PARRIS, for 60 minutes, February 24, 25, and 26.

Mr. CRAIG, for 60 minutes, February 25.

Mr. WALKER, for 5 minutes, today.

Mr. BURTON of Indiana, for 30 minutes, today.

(The following Members (at the request of Mr. BRUCE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, on February 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCKERNAN) and to include extraneous matter:)

Mr. CRANE in two instances.

Mr. MCCOLLUM in two instances.

Mr. GINGRICH in two instances.

Mr. COUGHLIN.

Mr. LENT.

Mr. COURTER in two instances.

Mr. CONTE.

Mr. MICHEL in two instances.

Mr. YOUNG of Alaska.

Mr. BADHAM.

Mr. GUNDERSON.

Mr. SHUSTER.

Mr. DORNAN of California.

Mr. GALLO.

(The following Members (at the request of Mr. BRUCE) and to include extraneous matter:)

Mr. FAZIO in two instances.
Mr. FLORIO.
Mr. MORRISON of Connecticut.
Mr. MINETA.
Mr. BONER of Tennessee.
Mr. BEVILL.
Mr. YATES.
Mr. SCHUMER.
Mr. LEVINE of California.
Mr. OWENS in two instances.
Mr. LAFALCE.
Mr. ADDABBO.
Mr. BOSCO.
Mr. DWYER of New Jersey.
Mr. EDWARDS of California.
Mr. KOSTMAYER.
Mr. FUQUA.
Mr. COELHO.
Mr. WRIGHT.
Mr. HAWKINS in four instances.
Mr. MANTON in two instances.
Mr. JACOBS.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills, of the Senate of the following titles:

S. 1574. An act to provide for public education concerning the health consequences of using smokeless tobacco products, and

S. 2036. An act to make certain technical corrections to amendments made by the Food Security Act of 1985, and for other purposes.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1185. An act to amend the act establishing the Petrified Forest National Park, and

H.R. 4061. An act to amend title 5, United States Code, to expand the class of individuals eligible for refunds or other returns of contributions from contingency reserves in the Employees Health Benefits Fund; to make miscellaneous amendments relating to the Civil Service Retirement System and the Federal Employees Health Benefits Program; and for other purposes.

□ 1855

ADJOURNMENT

Mr. LIVINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 58 minutes p.m.) the House adjourned until tomorrow, Thursday, February 20, 1986, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2775. A letter from the Assistant Secretary of Defense (Acquisition and Logistics), transmitting a copy of the fiscal year 1987 base structure report, pursuant to 10 U.S.C. 138(c)(3) (93 Stat. 806; 94 Stat. 2840); to the Committee on Armed Services.

2776. A letter from the Assistant Secretary of Defense (Force Management and Personnel), transmitting the Department's defense manpower requirements report for fiscal year 1987, pursuant to 10 U.S.C. 138(c)(3) (93 Stat. 806; 94 Stat. 2840); to the Committee on Armed Services.

2777. A letter from the Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting notice of the plans to study conversion of the Rivet Mile Cycle II function at various installations to private contractor performance, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

2778. A letter from the Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting notice of the decision to convert the administrative telephone service function at MacDill Air Force Base, FL, to private contractor performance, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

2779. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter of offer to Norway for defense articles estimated to cost $50 million or more (Transaction No. 86-24), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

2780. A letter from the Competition Advocate General, Defense Logistics Agency, transmitting information concerning the contracting opportunities within the agency; to the Committee on Armed Services.

2781. A letter from the Director, Office of Management and Budget, transmitting the first annual report on the impact of offsets in defense-related exports, pursuant to 50 U.S.C. app. 2099; to the Committee on Banking, Finance and Urban Affairs.

2782. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-136, "District of Columbia Regional Interstate Banking Act of 1985 Amendments Act of 1985" and report, pursuant to Public Law 93-198, section 602(c); to the Committee on District of Columbia.

2783. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. 6-132, "District of Columbia Residence Doorknob Notice Act of 1985" and report, pursuant to Public Law 93-198, section 602(c); to the Committee on District of Columbia.

2784. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-133, "Foster Care Goals Act Amendment Act of 1985" and report, pursuant to Public Law 93-198, section 602(c); to the Committee on District of Columbia.

2785. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-134, "Protection of Emergency 2-Way Radio Communications Act of 1985" and report, pursuant to Public Law 93-198, section 602(c); to the Committee on District of Columbia.

2786. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-135, "District of Columbia Public Assistance Payments Increase Temporary Act of 1986," pursuant to Public Law 93-198, section 602(c); to the Committee on District of Columbia.

2787. A letter from the Chairman, Board of Elections and Ethics, Government of the District of Columbia, transmitting notice of a referendum petition submitted to the Board in support of referendum measure No. 002, the "Referendum on the 1985 Amendments to the Compulsory No-Fault Motor Vehicle Insurance Act of 1982," to the Committee on District of Columbia.

2788. A letter from the Acting Director, Defense Security Assistance Agency; transmitting a report containing the status of DOD guaranty loans as of September 30, 1985, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

2789. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter of offer to Norway for defense articles and services (Transmittal No. 86-24), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2790. A letter from the Secretary of the Interior, transmitting the 1985 section 8 report on national historic and natural landmarks that have been damaged or to which damage to their integrity is anticipated, pursuant to 16 U.S.C. 1a-5(a); to the Committee on Interior and Insular Affairs.

2791. A letter from the Chief, Forest Service, Department of Agriculture, transmitting a copy of the Illinois Wild and Scenic River management plan, pursuant to 16 U.S.C. 1274(a)(52) and (b); to the Committee on Interior and Insular Affairs.

2792. A letter from the Attorney General of the United States, transmitting the first annual report on the Department of Justice Assets Forfeiture Fund, pursuant to 28 U.S.C. 524(c)(5); to the Committee on Judiciary.

2793. A letter from the Secretary of Transportation, transmitting a report on "Transportation and Environmental Studies of the I-66 High Occupancy Vehicle Facility," pursuant to Public Law 98-205, section 5; to the Committee on Public Works and Transportation.

2794. A letter from the Secretary of Agriculture, transmitting the second quarterly commodity and country allocation table showing current programming plans for food assistance under title II of Public Law 480 for fiscal year 1986, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

2795. A letter from the Assistant Secretary, Natural Resources and Environment, Department of Agriculture, transmitting the annual report of the Forest Service covering fiscal year 1985, pursuant to 16 U.S.C. 1601(d); jointly, to the committees on Agriculture and Interior and Insular Affairs.

2796. A letter from the Chairman, Federal Reserve System, transmitting the monetary policy report of the Board of Governors, pursuant to the act of December 23, 1913, chapter 6, section 2A (92 Stat. 1897); jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

2797. A letter from the Administrator, United States Environmental Protection Agency, transmitting a draft of proposed legislation to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide interim financing and borrowing authority, and for other purposes; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Ways and Means.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Omitted from the Record of Feb. 6, 1986]

Mr. DINGELL. Committee on Energy and Commerce. H.R. 3131. A bill to identify and reduce barriers to, and distortions of, international trade affecting United States suppliers of telecommunications equipment and services in interstate and foreign commerce with an amendment. Referred to the Committee on Ways and Means for a period ending not later than April 15, 1986, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(v), rule X (Rept. 99-471, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI (for himself, Mr. JONES of North Carolina, and Mr. MCKERNAN):

H.R. 4175. A bill to authorize appropriations for fiscal year 1987 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission; to the Committee on Merchant Marine and Fisheries.

By Mr. ACKERMAN:

H.R. 4176. A bill to ensure greater security aboard passenger vessels, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, and Foreign Affairs.

By Mr. ALEXANDER:

H.R. 4177. A bill to establish a fair means of determining 1986 and 1987 farm program payment yields for the purposes of the wheat, feed grain, upland cotton, and rice programs; to the Committee on Agriculture.

By Mr. BEREUTER:

H.R. 4178. A bill to authorize the Secretary of Agriculture to use amounts available for fiscal years 1987 and 1988 for farm operating loan guarantees under the Consolidated Farm and Rural Development Act in fiscal year 1986, to establish a minimum amount which such Secretary must use in fiscal year 1986 for farm operating loan guarantees and the interest rate reduction program under such Act, and for other purposes; to the Committee on Agriculture.

By Mr. BROOKS:

H.R. 4179. A bill to provide for health education and training in States along the border between the United States and Mexico; to the Committee on Energy and Commerce.

By Mr. DELLUMS (for himself, and Mr. KRAMER (by request):

H.R. 4180. A bill to authorize appropriations for civil defense programs for fiscal years 1987 and 1988, and for other purposes; to the Committee on Armed Services.

H.R. 4181. A bill to authorize certain construction at military installations for fiscal year 1987, and for other purposes; to the Committee on Armed Services.

By Mr. DWYER of New Jersey:

H.R. 4182. A bill to amend the Food Stamp Act of 1977 to exclude income received by handicapped and disabled individuals from employment in sheltered workshops; to the Committee on Agriculture.

By Mr. FUQUA:

H.R. 4183. A bill to authorize the Smithsonian Institution to plan, design, and construct facilities for the National Air and Space Museum; jointly to the Committee on House Administration, and Public Works and Transportation.

By Mr. FUQUA (by request):

H.R. 4184. A bill to authorize appropriations to the National Science Foundation for the fiscal years 1987 and 1988, and for other purposes; to the Committee on Science and Technology.

By Mr. GALLO:

H.R. 4185. A bill to amend the United States Housing Act of 1937 to encourage resident management and ownership of public housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GILMAN (for himself, Mr. BROOMFIELD, Mr. FASCELL, Mr. KEMP, Mr. LOTT, Mr. PURSELL, Mr. FRANK, Mr. FISH, Mr. HORTON, Mr. HYDE, Mr. MCGRATH, Mr. BURTON of Indiana, Mr. LENT, Ms. SNOWE, Mr. LAGOMARSINO, Mr. GREEN, Mr. SOLARZ, Mr. GARCIA, Mr. RITTER, Mr. PORTER, and Mr. WEISS):

H.R. 4186. A bill to authorize the President of the United States to award congressional gold medals to Anatoly and Avital Shcharansky in recognition of their dedication to human rights, and to authorize the Secretary of the Treasury to sell bronze duplicates of those medals; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HENDON:

H.R. 4187. A bill to amend the Nuclear Waste Policy Act of 1982 to prohibit the development of a second or subsequent repository in proximity to a national park; jointly, to the Committees on Energy and Commerce, and Interior and Insular Affairs.

By Mr. JEFFORDS (for himself, Mr. GUNDERSON, and Mr. COELHO):

H.R. 4188. A bill to effect the reductions in net expenditures for milk price support activities as required by the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on Agriculture.

By Mr. KRAMER:

H.R. 4189. A bill to allow the National Aeronautics and Space Administration to accept gifts and donations for a space shuttle; to the Committee on Science and Technology.

By Mr. LEACH of Iowa (by request):

H.R. 4190. A bill to amend the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MOLINARI:

H.R. 4191. A bill to fulfill the purposes of the Airport and Airway Improvement Act of 1982, promote air passenger safety, and provide equity to airway users, jointly, to the Committees on Public Works and Transportation, and Government Operations.

By Mr. MONTGOMERY (by request):

H.R. 4192. A bill to waive the Congressional report and waiting period requirements of 38 U.S.C. 210(b)(2) for a planned administrative reorganization involving the transfer of certain functions from the Veterans' Administration Office of Administration; to the Committee on Veterans' Affairs.

H.R. 4193. A bill to waive the waiting period requirement of 38 U.S.C. section 210(b)(2) for a planned administrative reorganization consolidating the Veterans' Administration Office of Construction and VA Department of Medicine and Surgery; to the Committee on Veterans' Affairs.

By Mr. MRAZEK (for himself and Mr. WEISS):

H.R. 4194. A bill to amend title 18, United States Code, to prohibit the manufacture and importation of certain firearms; to the Committee on the Judiciary.

By Mr. NEAL:

H.R. 4195. A bill requiring the President to take retaliatory action against foreign barriers and restrictions that unfairly limit U.S. trade; to the Committee on the Ways and Means.

By Ms. OAKAR:

H.R. 4196. A bill to suspend for 2 years the duty on 1-(3-Sulfopropyl) pyridinium hydroxide; to the Committee on the Ways and Means.

By Mr. SCHUMER (for himself and Mr. ROTH):

H.R. 4197. A bill to provide for more detailed and uniform disclosure by credit card issuers with respect to information on interest rates and other fees which may be incurred by consumers through the use of any credit card; to the Committee on the Banking, Finance and Urban Affairs.

By Mr. TORRICELLI:

H.R. 4198. A bill to require that United States foreign assistance for the Philippines be withheld and held in trust for the Philippines until a President has been installed in that country pursuant to a free, fair, and honest election which is recognized as legitimate by the majority of the population of the Philippines; to the Committee on Foreign Affairs.

By Mr. DANNEMEYER:

H.J. Res. 526. Joint resolution to designate the week of May 25, 1986, through May 31, 1986, as Critical Care Week; to the Committee on Post Office and Civil Service.

By Mr. HAMILTON (for himself and Mr. STUMP):

H.J. Res. 527. Joint resolution to designate the week of June 1, 1986, through June 7, 1986, as "National Intelligence Community Week"; to the Committee on Post Office and Civil Service.

By Mr. HORTON:

H.J. Res. 528. Joint resolution to express the disapproval of the Congress with respect to the proposed rescission of budget authority for the general revenue sharing program; to the Committee on Government Operations.

By Mr. MANTON (for himself, Mr. DELAY, Mr. GORDON, Mr. CARR, Mr. HORTON, Mr. WORTLEY, Mr. THOMAS of Georgia, Mr. CROCKETT, Mrs. HOLT, Mr. MRAZEK, Mr. DWYER of New Jersey, Mr. HATCHER, Mr. BATEMAN, Mr. MARTIN of New York, Mr. DAUB, Mr. ADDABBO, Mr. SCHEUER, Mr. HUGHES, Mr. DE LUGO, Mr. TOWNS, Mr. RALPH M. HALL, Mr. OWENS, Mr. BERMAN, Mrs. BENTLEY, Mr. RAHALL, Mr. CARNEY, Mr. BENNETT, Mr. LEHMAN of Florida, Mr. SCHUMER, Mr. DELLUMS, Mr. AKAKA, Mr. VENTO, Mr. PURSELL, Ms. MIKULSKI, Mr. ACKERMAN, Mr. SHUMWAY, Mr. LEVINE of California, Mr. MADIGAN, Mr. BIAGGI, Mr. ROE, Mr. BRYANT, Mr. LUNDINE, Mr. MCHUGH, Mr. LAFALCE, Mr. GARCIA, Mr. SOLARZ, Mr. RANGEL, Mr. WEISS, Mr. GREEN, Mr. BORSKI, Mrs. BYRON, Mrs. COLLINS, Mr. BEDELL, Mr. CAMPBELL, Mr. ROWLAND of Georgia, Mr. ECKART of Ohio, Mr. BUSTAMANTE, Mr. DIOGUARDI, Mr. LANTOS, Mr. BONER of Tennessee, Mr. MCDADE, Mrs. BOXER, and Mr. RICHARDSON):

H.J. Res. 529. Joint resolution designating the week of September 21, 1986, through September 27, 1986, as "Emergency Medical Services Week"; to the Committee on Post Office and Civil Service.

By Mr. CRAIG:

H. Con. Res. 287. Concurrent resolution to express the sense of Congress opposing the participation of the United States in the Multilateral Investment Guarantee Agency; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FASCELL:

H. Con. Res. 288. Concurrent resolution authorizing printing of additional copies of the committee print entitled "U.N. Conference to Review and Appraise the U.N. Decade for Women: Report of Congressional Staff Advisors to the Nairobi Conference"; to the Committee on House Administration.

By Mr. LEVINE of California (for himself, Mr. LEWIS of California, Mr. LAGOMARSINO, Mr. STENHOLM, Mr. LEHMAN of Florida, Mr. MCCAIN, Mr. WORTLEY, Mr. SIKORSKI, Mr. FAZIO, Mr. BUSTAMANTE, Mr. SMITH of Florida, Mr. GEJDENSON, Mr. LAFALCE, Mrs. MARTIN of Illinois, Mr. MATSUI, Mr. KOLBE, Mr. HUNTER, Mr. SCHEUER, Mr. BLILEY, Mr. BERMAN, Mr. NEAL, Mr. BRYANT, Mr. WILSON, Mr. MORRISON of Connecticut, and Mr. COURTER):

H. Con. Res. 289. Concurrent resolution expressing the sense of the Congress that the Secretary of State should consider the issuance of a travel advisory or other appropriate warning notice with respect to any foreign country in which Libyan-supported terrorists attack U.S. citizens if that country's government fails to act immediately to require the closing of any Libyan official missions in that country; to the Committee on Foreign Affairs.

By Mr. LOWRY of Washington (for himself, Mr. MINETA, Mr. MATSUI, Mr. EDWARDS of California, Mr. WIRTH, Mr. DYMALLY, Mr. WALGREN, Mr. TOWNS, Mr. DELLUMS, Mr. SAVAGE, Mr. AKAKA, Mr. MILLER of Washington, Mr. ROBINSON, Mr. LEVINE of California, Mr. FAUNTROY, Mr. MORRISON of Connecticut, Mr. MARTINEZ, Mrs. COLLINS, Mr. HOWARD, and Mr. BROWN of California):

H. Con. Res. 290. Concurrent resolution to recognize "Jpn." as the appropriate abbreviation for the words "Japan" and "Japanese"; to the Committee on Education and Labor.

By Mr. OWENS (for himself and Mr. WEBER):

H. Res. 379. Resolution supporting the democratic aspirations of the people of Haiti and calling for free and open elections in Haiti; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BURTON of California:

H.R. 4199. A bill for the relief of Sau To Yue; to the Committee on the Judiciary.

By Mr. LIVINGSTON:

H.R. 4200. A bill for the relief of Joseph W. Newman; to the Committee on the Judiciary.

By Mr. WHEAT:

H.J. Res. 530. Joint resolution to commend Project Equality, Inc. participants for 20 years of dedicated service to equal employment opportunity and affirmative action practices; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 163: Mr. KOLTER.
H.R. 164: Mr. KOLTER.
H.R. 165: Mr. KOLTER.
H.R. 167: Mr. KOLTER.
H.R. 170: Mr. KOLTER.
H.R. 178: Mr. KOLTER.
H.R. 179: Mr. KOLTER.
H.R. 180: Mr. KOLTER.
H.R. 185: Mr. KOLTER.
H.R. 193: Mr. KOLTER.
H.R. 195: Mr. KOLTER.
H.R. 196: Mr. KOLTER.
H.R. 197: Mr. KOLTER.
H.R. 213: Mr. KOLTER.
H.R. 214: Mr. KOLTER and Mr. KILDEE.
H.R. 426: Mr. KOLTER.
H.R. 796: Mr. BEVILL, Mr. DYSON, and Mr. EMERSON.
H.R. 822: Mr. ROE and Mr. ALEXANDER.
H.R. 864: Mr. TRAXLER, Mr. PASHAYAN, and Mrs. LLOYD.
H.R. 883: Mr. CLINGER and Mr. MARTINEZ.
H.R. 979: Mr. DAUB.
H.R. 1069: Mr. COBLE.
H.R. 1089: Mr. FORD of Michigan and Mr. MURPHY.
H.R. 1294: Mr. EMERSON.
H.R. 1309: Mr. ST GERMAIN.
H.R. 1400: Mr. MAVROULES, Mr. GUARINI, and Ms. OAKAR.
H.R. 1577: Mr. DASCHLE.
H.R. 1769: Mr. EMERSON and Mr. SKELTON.
H.R. 1884: Mr. SPENCE, Mr. SCHUETTE, Mrs. LONG, Mr. CARPER, Mr. LUNDINE, and Mr. SHELBY.
H.R. 1918: Mr. DAVIS and Mr. GRAY of Pennsylvania.
H.R. 2025: Mr. DORGAN of North Dakota.
H.R. 2210: Mr. YOUNG of Alaska, Ms. MIKULSKI, Mr. EDGAR, Mr. MCKERNAN, Mr. CHANDLER, Mr. JACOBS, and Mr. WISE.
H.R. 2221: Mr. STOKES.
H.R. 2295: Mr. BARNES.
H.R. 2320: Mr. DOWDY of Mississippi.
H.R. 2406: Mr. WYDEN and Mr. RALPH M. HALL.
H.R. 2476: Mr. GUARINI, Mr. KINDNESS, Mr. CONYERS, Mr. LAGOMARSINO, Mr. MITCHELL, Mr. CLINGER, Mr. TALLON, and Mr. STENHOLM.
H.R. 2534: Mr. CRANE, Mr. BADHAM, Mr. COBEY, Mr. BLILEY, Mr. DANNEMEYER, and Mr. BROYHILL.
H.R. 2620: Mr. MRAZEK and Mr. RANGEL.
H.R. 2793: Mr. MRAZEK and Mr. SCHUETTE.
H.R. 2874: Mr. MANTON.
H.R. 2952: Mr. MANTON and Ms. KAPTUR.
H.R. 2954: Mr. SHAW, Mr. APPLEGATE, Mr. DE LUGO, Mr. WORTLEY, and Mr. HORTON.
H.R. 2957: Mrs. BURTON of California.
H.R. 2958: Mrs. BURTON of California.
H.R. 3000: Mr. MRAZEK, Mrs. BURTON of California, and Mr. COLEMAN of Missouri.
H.R. 3032: Mr. MRAZEK and Mr. EARLY.
H.R. 3041: Mr. GEJDENSON.
H.R. 3090: Mr. DELLUMS.
H.R. 3397: Mr. ANTHONY, Mr. CAMPBELL, Mr. DAUB, Mr. CRANE, Mr. SCHULZE, and Mr. MATSUI.
H.R. 3470: Mr. LUKEN, Mr. MINETA, Mr. YATES, Mr. WOLF, and Mr. MARKEY.
H.R. 3508: Ms. KAPTUR, Mr. RAHALL, Mr. TORRES, Mr. DORNAN of California, Mr. VENTO, Mr. ATKINS, Mr. JENKINS, Mr. LEVIN of Michigan, Mr. BIAGGI, Mr. EVANS of Illinois, Mr. DARDEN, Mrs. SCHNEIDER, Mr. WORTLEY, Mrs. ROUKEMA, Mr. NEAL, Mr. MARTINEZ, and Mrs. LLOYD.
H.R. 3626: Mr. LIPINSKI and Mr. DAUB.
H.R. 3704: Mr. CHAPMAN, Mr. SILJANDER, Mr. DAUB, and Mr. SWINDALL.
H.R. 3712: Mr. DORNAN of California, Mr. FUSTER, Mr. HERTEL of Michigan, Mr. LIPINSKI, Mr. MITCHELL, Mr. PEPPER, Mr. TORRICELLI, and Mr. WHITEHURST.
H.R. 3744: Mr. FRANK, Mr. BOUCHER, Mr. FUSTER, Mr. WEISS, Ms. KAPTUR, Mr. AKAKA, Mr. MITCHELL, Mr. VALENTINE, Mrs. LLOYD, Mr. RODINO, and Mr. MARTINEZ.
H.R. 3804: Mr. MARTINEZ.
H.R. 3807: Mr. O'BRIEN, Mr. LUNDINE, and Mr. JONES of North Carolina.
H.R. 3833: Mr. DARDEN and Mr. MARTINEZ.
H.R. 3906: Mr. LUKEN and Mr. KOLBE.
H.R. 3916: Mr. BEREUTER, Mr. ROBERTS, Mr. HUTTO, Mrs. VUCANOVICH, and Mr. STRATTON.
H.R. 3932: Mr. ASPIN.
H.R. 3962: Ms. MIKULSKI.
H.R. 4029: Mr. HAYES, Mr. FRANK, Mr. LELAND, Mr. EVANS of Illinois, Mr. LUNDINE, Mr. SAVAGE, Mr. MATSUI, Mr. SABO, Mr. UDALL, and Mr. BERMAN.
H.R. 4030: Mr. MORRISON of Connecticut, Mr. WORTLEY, Mr. LELAND, Mr. VENTO, Mr. CROCKETT, Mr. MITCHELL, Mr. DE LUGO, Mr. MARTINEZ, Mr. HALL of Ohio, and Mr. LIPINSKI.
H.R. 4041: Mr. DORNAN of California, Mr. HUNTER, Mr. KEMP, Mr. LEATH of Texas, and Mr. CRAIG.
H.R. 4054: Mr. ECKART of Ohio, Mr. SABO, Mr. DOWNEY of New York, Mrs. BURTON of California, Mr. HORTON, Mr. LEATH of Texas, Mr. LELAND, and Mrs. JOHNSON.
H.R. 4060: Mr. STOKES, Mr. LEWIS of Florida, Mr. RODINO, Mr. MCEWEN, Mr. KILDEE, Mr. LELAND, Mr. BONER of Tennessee, Mr. DARDEN, Mr. DICKS, Mr. SLATTERY, Mr. BEVILL, Mr. WOLF, Mr. OWENS, Mr. BREAUX, Mr. DAVIS, Mr. SIKORSKI, Mr. LANTOS, Mr. DYMALLY, Mr. MCCLOSKEY, Mrs. BURTON of California, Mrs. BOXER, Mr. REID, Mr. ROE, Mrs. LLOYD, Mr. NATCHER, Mr. MITCHELL, Mr. RANGEL, Mr. ROSE, Mr. BROWN of California, Mr. OBERSTAR, Mr. TRAFICANT, Mr. COELHO, Mr. HALL of Ohio, Mr. EDGAR, Mr. ST GERMAIN, Mr. MCDADE, and Mr. RICHARDSON.
H.R. 4065: Mr. EVANS of Illinois, Mr. MATSUI, Mr. DE LUGO, Mr. SAVAGE, Mr. MANTON, Mr. FAZIO, Mr. BIAGGI, Mr. HAWKINS, Mr. LEHMAN of Florida, Mrs. JOHNSON, Mr. MRAZEK, Mr. FRANK, Mr. SMITH of Florida, Mrs. SCHNEIDER, Mr. DYMALLY, Mr. HERTEL of Michigan, Mr. RAHALL, Mr. VENTO, Mr. APPLEGATE, Mr. HOWARD, Mr. JEFFORDS, Mr. WORTLEY, Mr. STANGELAND, Mr. CROCKETT, Mr. MITCHELL, Mr. ROBINSON, Mr. RANGEL, Mr. BERMAN, Mr. BOUCHER, Mr. MARTINEZ, and Mrs. BOXER.
H.R. 4078: Mr. BONIOR of Michigan and Mrs. SMITH of Nebraska.
H.R. 4079: Mr. BONIOR of Michigan.
H.R. 4082: Mr. LAFALCE, Mr. VENTO, Mr. NIELSON of Utah, and Mr. ECKART of Ohio.
H.R. 4085: Mr. HAMILTON, Mr. EMERSON, Mr. RIDGE, and Mr. KANJORSKI.
H.R. 4087: Mr. WYLIE.
H.R. 4103: Mr. LIPINSKI.
H.R. 4104: Mr. LIPINSKI.
H.R. 4107: Mr. MILLER of Washington, Mr. KASICH, Mr. KINDNESS, Mr. LUNDINE, Mr. WORTLEY, Mr. PENNY, Mr. HENRY, Mr.

McKINNEY, Mrs. MEYERS of Kansas, and Mr. CHANDLER.

H.R. 4115: Mr. ATKINS, Mr. FRANK, Mr. MATSUI, Mr. TRAXLER, and Mr. WEAVER.

H.R. 4117: Mr. RANGEL, Mrs. BURTON of California, and Mr. FOGLIETTA.

H.R. 4128: Mr. GUARINI, Mr. HOWARD, Mr. FAUNTROY, Mr. MARTINEZ, Mr. ANDREWS, Mrs. BURTON of California, Mr. MORRISON of Washington, Mr. FRANK, and Mr. SCHUMER.

H.R. 4147: Mr. BONER of Tennessee and Mr. DYSON.

H.R. 4166: Mr. TRAXLER and Mr. STALLINGS.

H.J. Res. 133: Mr. MONTGOMERY, Mr. DOWDY of Mississippi, Mr. NIELSON of Utah, and Mr. YOUNG of Missouri.

H.J. Res. 356: Mr. MILLER of California.

H.J. Res. 379: Mr. EDWARDS OF Oklahoma, Mr. CLINGER, Mr. ACKERMAN, and Mr. AKAKA.

H.J. Res. 381: Mr. O'BRIEN.

H.J. Res. 433: Mr. FAUNTROY, Mr. GIBBONS, Mr. LEHMAN of California, Mr. LEACH of Iowa, Mr. WOLF, Mr. SYNAR, Mr. WYLIE, Mr. SMITH of Iowa, Mr. BADHAM, Mr. JENKINS, Mr. FASCELL, Mr. OLIN, Mr. BURTON of Indiana, Mr. CLINGER, Mr. HAYES, Mr. WALKER, Mr. CHENEY, Mr. VENTO, Mr. LEWIS of Florida, Mr. SABO, Mr. BUSTAMANTE, Mr. MAZZOLI, Mr. JEFFORDS, Mr. QUILLEN, Mr. FRANK, Mr. MAVROULES, Mr. DONNELLY, Mr. PERKINS, Mr. APPLEGATE, Mr. DENNY SMITH, Mr. TAUKE, Mr. MCEWEN, Mr. MOORE, Mr. MONTGOMERY, Mr. DORNAN of California, Mr. SMITH of New Hampshire, and Mr. LAGOMARSINO.

H.J. Res. 435: Mrs. BURTON of California, Mr. HORTON, Mr. TOWNS, Mr. RAHALL, Mr. SMITH of Florida, and Mr. FUSTER.

H.J. Res. 458: Mr. GRADISON, Mr. BADHAM, Mr. STARK, Mr. PICKLE, Mr. MILLER of Washington, and Mr. SCHAEFER.

H.J. Res. 460: Mr. LIVINGSTON, Mr. WOLPE, Mr. JONES of North Carolina, Mr. ROE, Mr. HORTON, Mr. BEVILL, Mr. SUNIA, Mr. LAGOMARSINO, Mrs. BOXER, Mr. REGULA, Mr. VENTO, Mr. YOUNG of Missouri, Mr. MARTINEZ, and Mr. MINETA.

H.J. Res. 502: Mr. BARNES, Mr. BERMAN, Mr. COLEMAN of Missouri, Mr. DIXON, Mr. HOWARD, Mr. MOAKLEY, Mr. RANGEL, and Mr. THOMAS of Georgia.

H.J. Res. 504: Mr. ADDABBO, Mr. BATES, Mr. BONER of Tennessee, Mrs. BOXER, Mr. BUSTAMANTE, Mr. DANNEMEYER, Mr. DORNAN of California, Mr. FAZIO, Ms. FIEDLER, Mr. JACOBS, Mr. JEFFORDS, Mr. JONES of North Carolina, Mr. MAZZOLI, Mr. MITCHELL, Mr. MOORE, Mr. MRAZEK, Ms. OAKAR, Mr. RAHALL, Mr. ROE, Mr. SCHULZE, Mr. WOLF, and Mr. BLAZ.

H.J. Res. 508: Mr. RANGEL, Mr. DORNAN of California, Mr. LENT, Mr. LUNDINE, Mr. BOEHLERT, and Mr. MARTINEZ.

H.J. Res. 511: Mr. LAGOMARSINO, Mr. MANTON, Mr. DE LA GARZA, Mr. BRYANT, Mr. FAUNTROY, Mr. HAYES, Mr. RAHALL, Mr. RANGEL, Mr. DORNAN of California, Mr. SABO, Mr. OWENS, Mr. WILSON, Mr. IRELAND, Mrs. BOXER, Mr. COATS, Mr. LEHMAN of California, Mr. FRENZEL, Mr. DANIEL, Mr. DAUB, Mr. LUKEN, Mr. BARNES, Mr. REID, Mr. MARTINEZ, Mr. VOLKMER, and Mr. BUSTAMANTE.

H.J. Res. 523: Mr. HERTEL of Michigan, Mr. SKELTON, Mr. RAHALL, Mr. HOWARD, Mr. CROCKETT, Mr. GUARINI, Mr. BERMAN, Mr. BONER of Tennessee, Mr. COLEMAN of Missouri, Mr. SHAW, Mr. DYMALLY, Mr. LIVINGSTON, Mr. WYDEN, and Mrs. HOLT.

H. Con. Res. 26: Mr. UDALL and Mr. LELAND.

H. Con. Res. 71: Mr. CLINGER.

H. Con. Res. 74: Ms. KAPTUR.

H. Con. Res. 125: Mr. DORGAN of North Dakota.

H. Con. Res. 150: Mr. APPLEGATE, Mr. BONER of Tennessee, Mr. BROOMFIELD, Mrs. BYRON, Mr. CLINGER, Mr. COLEMAN of Missouri, Mr. CRANE, Mr. DANNEMEYER, Mr. DUNCAN, Mr. ECKERT of New York, Ms. FIEDLER, Mr. FROST, Mr. FUQUA, Mr. GALLO, Mr. GINGRICH, Mr. GROTBERG, Mr. HEFNER, Mr. HUBBARD, Mr. HUGHES, Mr. JENKINS, Mr. JONES of Oklahoma, Mr. KOLBE, Mr. LOWERY of California, Mr. MCEWEN, Mr. MCMILLAN, Mr. MOORHEAD, Mr. MURPHY, Mr. NICHOLS, Mr. RAY, Mr. RIDGE, Mr. ROBINSON, Mr. ROEMER, Mr. ROTH, Mr. ROWLAND of Connecticut, Mr. SCHUETTE, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SMITH of New Hampshire, Mrs. SMITH of Nebraska, Mr. STENHOLM, Mr. SUNDQUIST, Mr. SWINDALL, Mr. WHITLEY, Mr. WHITTEN, Mr. WILSON, and Mr. YOUNG of Alaska.

H. Con. Res. 200: Mr. ROEMER, Mr. ARMEY, Mr. DORNAN of California, Mr. WEBER, Mr. MCCOLLUM, Mr. STUMP, Mr. NIELSON of Utah, and Mr. SHUMWAY.

H. Con. Res. 261: Mr. KOSTMAYER, Mr. FAUNTROY, Mr. UDALL, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. LOWRY of Washington, Mr. TORRICELLI, Mr. SEIBERLING, Mr. MATSUI, Mr. HOWARD, Mrs. BOXER, Mr. WALGREN, Mr. BEDELL, Mr. EDGAR, Mr. FRANK, and Mr. BONIOR of Michigan.

H. Con. Res. 271: Mr. RANGEL, Mr. DE LUGO, Mr. KILDEE, and Mr. CROCKETT.

H. Con. Res. 277: Mr. ECKART of Ohio, Mr. MAZZOLI, Mr. VENTO, Mr. JEFFORDS, Mr. RAHALL, Mr. VALENTINE, Mr. DELAY, Mr. BROYHILL, Mr. BUSTAMANTE, Mr. SCHAEFER, Mr. WORTLEY, Ms. SNOWE, Mr. DORNAN of California, and Mrs. BOXER.

H. Con. Res. 278: Mr. KANJORSKI, Mr. DORGAN of North Dakota, Mr. WHEAT, Mr. MARTINEZ, Mrs. BURTON of California, Mr. MATSUI, Mr. MOAKLEY, Mr. CROCKETT, Mr. GRAY of Pennsylvania, Mr. SUNIA, Mr. MCHUGH, Mr. OWENS, Mr. FOGLIETTA, Mr. DOWDY of Mississippi, Mr. BARNES, Mr. BRYANT, Mr. DYMALLY, Mr. WOLPE, Mr. PEPPER, Mr. LIVINGSTON, Mr. SAVAGE, Mrs. BOXER, Mr. THOMAS of Georgia, Mr. NIELSON of Utah, Mr. VENTO, Mr. HOYER, Mr. JACOBS, Mr. SMITH of Florida, Mr. MINETA, Mr. HENDON, Mr. WHITLEY, Mr. MILLER of Washington, Mr. ROWLAND of Georgia, Mr. MITCHELL, Mr. MAVROULES, Mr. JONES of Tennessee, and Mr. RAHALL.

H. Con. Res. 279: Mr. JENKINS, Mr. FLIPPO, Mr. BARTLETT, Mr. KANJORSKI, and Mr. MITCHELL.

H. Con. Res. 285: Mr. ROBERTS, Mr. HAYES, Ms. OAKAR, Mr. WHEAT, Mr. GRAY of Pennsylvania, Mr. YATRON, Mr. KLECZKA, Mr. LEHMAN of Florida, Mr. DYMALLY, Mr. FOGLIETTA, Mr. UDALL, Mr. PENNY, Mr. WOLF, Mr. MRAZEK, Mr. MATSUI, Mr. LAGOMARSINO, Mr. WALGREN, Mr. CONTE, Mr. DAUB, Mr. FRANK, Mr. SMITH of New Jersey, Mr. LEVINE of California, Mr. HENRY, Mrs. BOXER, Mr. EDWARDS of California, Mr. KINDNESS, Mr. MORRISON of Connecticut, and Mr. BUSTAMANTE.

H. Res. 219: Mr. MCKINNEY.

H. Res. 309: Mr. BATEMAN, Mr. LAGOMARSINO, Mrs. BENTLEY, Mr. BIAGGI, Mr. MONSON, Mr. RUDD, Mr. BORSKI, Mr. ARMEY, Mr. DAUB, Mr. KINDNESS, Mr. ROBINSON, Mr. ECKERT of New York, Mr. COBEY, Mr. HUNTER, Mr. BURTON of Indiana, and Mr. DELAY.

H. Res. 347: Mr. EMERSON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

276. The SPEAKER presented a petition of Senator Murilo Badaro, Brazilian Senate, Brazil, relative to the Brazilian Ferroalloys Industry and United States-Brazil Trade; which was referred to the Committee on Ways and Means.

SENATE—*Wednesday, February 19, 1986*

(Legislative day of Monday, February 17, 1986)

The Senate met at 10 a.m., on the expiration of the recess, in executive session, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Eternal God, history and experience prove the validity of the proverb: "Righteousness exalteth the nation; but sin is a reproach to any people." (Proverbs 14:34).

Help our leaders to remember the truth is a fortress, falsehood a house of cards—integrity is invulnerable, hypocrisy a fragile illusion. Protect the leadership of our Nation against the insidious temptations from without which surround men and women in public life, and the temptations from within common to human nature. Strengthen them in their firm resolve to live privately and publicly in ways which honor God and preserve our national heritage. In His name, Who was "in all points tempted like as we are but without sin." Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

Mr. DOLE. Mr. President, I yield to my distinguished colleague from Mississippi, Senator COCHRAN.

Mr. COCHRAN. I thank the distinguished majority leader for yielding to me.

DEATH OF FORMER SENATOR JAMES O. EASTLAND

Mr. COCHRAN. Mr. President, I rise to advise the Senate, as many have heard, that this morning, just before 4 o'clock, our former colleague, Senator James O. Eastland, of Mississippi, died at Greenwood-Leflore County Hospital.

Funeral services have been scheduled to be held at 10 a.m. on Friday at the United Methodist Church in Ruleville, MS. Graveside services will be held at 3:30 p.m. at the cemetery in Forest, MS.

I know that many Senators will want to express themselves with respect to the death of our distinguished former colleague from Mississippi.

Senator Eastland was appointed to the Senate in 1941 by former Gov. Paul B. Johnson, Sr. He served with distinction, as we all know, for many years, and for 22 years was chairman of the Senate Judiciary Committee.

I had come to respect him. I had a great amount of personal affection for him. We will all miss him very much.

I will take time later in the day for a more complete statement on this subject.

I thank the distinguished majority leader for yielding at this time.

SENATOR EASTLAND: FAREWELL TO "BIG JIM"

Mr. DOLE. Mr. President, I am saddened today to hear of the passing of a former Member of this distinguished body, Senator James Eastland of Mississippi. He was a colleague and a friend, a man who rose to great power on Capitol Hill but never forgot his roots.

He was called "The Chairman" out of deep respect for his experience and effectiveness. I can tell you Mr. President, the Senator from Kansas learned a lot from this man from the Delta country. Senator Eastland was a man of few words. When he spoke you did not need to hear a speech to understand what he wanted to communicate. The message was always to the point, especially when it came to fighting for his constitutents. Many a Cabinet secretary, or committee witness, or President, felt the force of the senior Senator from Mississippi when it came time to deliver for the home State.

Mr. President, James Eastland was chairman of the Judiciary Committee for a record 22 years. He was President pro tempore of the U.S. Senate. He was the dominant political force in Mississippi for decades. And he was a true patriot and a defender of the Constitution. But above all he was a public servant who dedicated his life to the people of his State. This Senator and this body will miss "Big Jim."

Having known Senator Eastland, having known members of his staff, and having my office fairly close to the Judiciary Committee, I had a lot of contact with Senator Eastland. He was a friend, and a man of great skill and great power. He delivered for his home State—along with Senator STENNIS. Just as now we have a combination that help their State, Senator STENNIS and Senator COCHRAN. He was a man of few words. But when he spoke, we understood the message. This Senator did, and I appreciated his friendship.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each—or whatever time I have remaining after having yielded to Senator COCHRAN.

Then we have four special orders, for not to exceed 15 minutes each, for Senators WILSON, SYMMS, PROXMIRE, and GORE. It may be that this will be the last special order of the distinguished Senator from Wisconsin on genocide, if we complete action today on that matter.

Then we will have routine morning business, not to extend beyond 11 a.m.

Following that, by consent, at 11 a.m. we will begin consideration of the Philippine resolution, S. 345, with 30 minutes equally divided, and a vote at 12 noon.

Following that vote, we will return to the Genocide Treaty. It is my hope that we can complete action on that piece of business today.

There is an amendment pending by Senator SYMMS. We hope that Senator SYMMS will agree to a time for a vote on that amendment.

It is hoped that after that there would be no additional amendments and that we could have final passage shortly thereafter.

Then there will be a separate resolution which would indicate the hope, I believe, of a clear majority of the Senate that we will address political genocide. We will ask the President to initiate proceedings in the United Nations to read the actual text of the convention.

Then it would be my further hope, if it is not too late this evening and we have reached some general consensus on TV in the Senate, maybe not unanimously, that we might be able to offer a motion to recommit. That motion would be amendable and debatable, and I am not certain what would transpire.

I am more optimistic today about TV in the Senate than I was at this time yesterday morning. I hope that, working with the distinguished minority leader and Senators on both sides, we can come up with some package that would satisfy at least a solid majority of Members on both sides.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. SYMMS). The distinguished Democratic leader is recognized.

Mr. BYRD. I thank the Chair.

DEATH OF FORMER SENATOR JAMES O. EASTLAND

Mr. BYRD. Mr. President, I was saddened to learn of the death of Senator James O. Eastland this morning.

This long-serving, soft-spoken Mississippi Democrat will be remembered for many things. He doubtlessly will be remembered for his controversial stands and his staunch conservatism. But I believe I and others who served with him will remember him most as a man of his word and a man of deep integrity in his dealings with his colleagues. These characteristics won him the respect of his political foes, as well as the admiration of his personal and political friends. Senator Hubert Humphrey, for example, described Senator Eastland as a great man.

But I personally will always remember Senator Eastland as an integral part of this institution.

He was appointed to a seat in the Senate in 1941 to replace one of the most celebrated legislative leaders in the history of his State, Senator Pat Harrison, who had passed away on June 22, of that year. In 1942, he was elected in his own right, and began serving in January 1943.

Senator Eastland's tenure in this Chamber crossed four decades as he served until his retirement in December, 1978. His 36 years and 3 months in this Chamber make him the sixth longest serving Senator in history. During this period, he served as chairman of a number of important Senate subcommittees including Imigration, Soil Conservation and Forestry, and Internal Security. From 1956 until 1978, Senator Eastland served as chairman of the Senate Judiciary Committee—the longest continuous service as a committee chairman in Senate history.

Senator Eastland was an ardent believer in the rights and freedom of the people. "I hold with Jefferson," he once remarked, "that those who are governed the best are those who are governed least, and if liberty and freedom require the subjection of an individual to the whims and dictates of a totalitarian central government, deliver me from it."

He saw the U.S. Senate—the Chamber he loved and appreciated so deeply—as the chief protector of the rights and freedoms he cherished. In words that are still wise to heed, Senator Eastland once advised Members of this Chamber: "Far from yielding to the pressures and demands of the courts and the executive, it is our duty to resist on every side the encroachment on our power and prerogatives, and to begin here and now to restore to the people of the United States the proper balance of power between the three coordinate branches of the Federal Government."

I served on the Committee on the Judiciary under the chairmanship of Senator Eastland. He was always fair to both sides. He was a quiet, self-effacing, and unpretentious man. Senator Eastland had a sharp, incisive, and judicious mind. Throughout our years of service together in the Senate and on the Judiciary Committee, I enjoyed cordial relations and a warm friendship with him.

His word was his bond. He was a dedicated servant of our country and of the State of Mississippi. He was also dedicated highly to the Senate as an institution.

This body has missed the wisdom and integrity of Jim Eastland since his retirement, and now we will miss him personally. A significant figure has passed from the stage of modern American history.

My wife Erma and I join in extending our condolences and sympathy to his family, his wife Elizabeth, his daughters Ann, Sue, and Nell, and his son Woods.

Mr. THURMOND. Mr. President, will the distinguished Democratic leader yield?

Mr. BYRD. I yield.

Mr. THURMOND. Mr. President, I should like to associate myself with the remarks of the able and distinguished Senator from Mississippi [Mr. COCHRAN] on the death of Senator Eastland and with the remarks of the able Democratic leader of the Senate.

Mr. President, I rise to express my deep sorrow at the death this morning of former U.S. Senator James O. Eastland of Mississippi. To his devoted wife, Libby, and his four children, Nancy and I extend our deepest sympathy at his passing.

The State of Mississippi and our Nation have lost a courageous and dedicated leader, and I know my colleagues join me in mourning his death.

Mr. President, Jim Eastland was a great American, a dedicated public servant of unswerving conviction and integrity. I was privileged to serve on the Senate Judiciary Committee while he was chairman, a post he held for 22 years. During his term as chairman, he set a standard of fairness, competence, and cordiality that earned him the respect of his fellow committee members and his colleagues in the full Senate. Although in high office, he never lost the common touch.

It was during his service as committee chairman that I developed great respect for his ability, patriotism, and devotion to our country. That was best evidenced in Jim's love and respect for our Constitution. He was a man who believed in the absolute sanctity of that great document; that it meant what it said, and said only what it meant.

His love for country was also apparent in his strong support for America's defense. He knew that freedom is a precious commodity and that each new generation of Americans must work to preserve and protect it from those who seek our Nation's destruction.

Today, while we grieve at the loss of Jim Eastland, we also remember his accomplishments in life. He was a true public servant, an outstanding citizen, a loving father and devoted husband, and a distinguished Member of the Senate.

As a close friend of Jim's, I am saddened by his death. However, I am proud to have this opportunity to praise his leadership as a Senator and his qualities as a man.

Mr. President, Mrs. Thurmond and I extend our deep sympathy to Mrs. Eastland and the family in this time of sadness.

I thank the Senator for yielding.

Mr. BYRD. I thank the distinguished President pro tempore.

Mr. KENNEDY. Mr. President, I had a real personal friendship with Senator Eastland, despite the fact that we had some disagreements on issues. He had that same kind of personal relationship with Robert Kennedy and with President Kennedy.

I always respected him for both his knowledge and his civility as a Senator. His service spanned an extraordinary period of change in the life of his State and the Nation. When he retired in 1978, he felt a sense of pride in the way Mississippi had passed through difficult and painful years.

His loss is a personal one for me. On behalf of my family, I extend our sympathy and prayers to his wife and children.

THE DEATH OF FORMER SENATOR JAMES EASTLAND

Mr. LONG. Mr. President, today I was very saddened to hear the news that my dear friend James Eastland has passed on to his reward.

James Eastland was a great Senator and a great American. He provided outstanding leadership on the Senate Committee on the Judiciary that he chaired for 25 years.

It was my privilege to know James Eastland intimately and to support him in his effort to improve the judiciary and to assure a high standard among those appointed to serve in it.

At a later date, I will have more to say about James Eastland. For the moment, however, I will say that he was much beloved by those who knew him best. I list myself in that number. He was a loyal and dear friend to

those who had any right whatever to claim his friendship.

He will be mourned by millions of his compatriots from Mississippi and surrounding States and especially by those of us who enjoyed the warmth of his personality.

My sympathies, as well as those of my wife Carolyn, go to his wife Libby and their four children.

TV IN THE SENATE

Mr. BYRD. Mr. President, I wish to thank the distinguished majority leader for the support that he has given to our efforts to develop a resolution which, hopefully, can be acted upon next week which will bring a test period for television coverage of Senate debate.

With the continuing support of the distinguished majority leader, I have no doubt that the Senate will act, and act soon, to provide for the test period and also for some rules changes which would accommodate television coverage of the Senate.

I will have more to say later. We will be meeting this morning with the ad hoc committee chosen by the able Senator from Kansas [Mr. DOLE] and myself. I am pleased to say that as a result of our previous meetings, I find there is a spirit of cooperation. It gives me hope that there will be action by the Senate soon.

In my judgment, it is time for the Senate to proceed but, of course, a majority of the Senate has to feel the same way, and I believe that that time is rapidly approaching.

Mr. President, if I have any further time I yield it to the distinguished Senator from California if he wishes to have it in addition to his order.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. BYRD. I thank the Chair, and I yield the 3 minutes to the Senator.

Mr. President, if the Senator has any time remaining of my 3 minutes, if he will kindly reserve that for me during the remainder of the day, I will appreciate it.

Mr. WILSON. I am happy to do so.

RECOGNITION OF SENATOR WILSON

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized for not to exceed 18 minutes.

Mr. WILSON. Thank you, Mr. President.

I thank the distinguished Democratic leader for his courtesy.

S. 2077—NONPROGRAM CROP AMENDMENT

Mr. WILSON. Mr. President, on behalf of myself and Senators COHEN, SYMMS, MCCLURE, and RIEGLE, I send to the desk a bill which will correct what can perhaps most generously be described as an "overextension" of Federal farm subsidies—no matter how well-intentioned—and will restore some semblance of restraint and sanity to our Federal farm programs. It is noteworthy that I offer this amendment on behalf of a seemingly rare and to-be-treasured constituency: One that wants neither Federal involvement nor taxpayer assistance influencing their business affairs.

The need for this amendment results from a provision contained in the Food Security Act of 1985—commonly known as the farm bill. As my colleagues will recall, the farm bill was among the priority issues which we debated throughout last November and December and which required our presence here until late in the year. While I can assure my colleagues that I derive no pleasure from revisiting this legislation so early upon our return in 1986, I am compelled to do so because the Department of Agriculture is in the process of implementing a provision of that legislation which, in my mind, defies any logical justification.

For the past 50 years, our Government has offered subsidy programs to farmers who produce what are referred to as either "basic" or "program" crops, including wheat, rice, cotton, and various feed grains, such as corn, rye, oats, and barley. Briefly and simply, these programs presently involve two forms of Federal expenditures: a crop loan and a deficiency payment. Upon harvest, a producer can turnover his crop to the Government in exchange for a 9- to 18-month loan calculated upon a minimal per unit price. This loan allows the farmer to repay his production expenses while retaining some marketing flexibility for his crop.

Regardless of whether the commodity is sold within the loan period, eventually the Government will also provide the farmer with a deficiency payment, not to exceed $50,000, which represents the difference between either the sales price or loan level and the traditionally higher, Government set target price.

In recent years, the high level of payments have become powerful incentives for American farmers to expand production in order to increase their Federal benefits. Consequently, USDA warehouses are awash in millions of bushels and pounds and hundredweights of surplus commodities. During fiscal year 1985, these farm subsidies represented outlays from USDA's Commodity Credit Corporation of nearly $20 billion.

Production surpluses and Federal expenditures were a critical focus of the 1985 farm bill debate and, in my view, could have been addressed most effectively by lowering subsidy levels. Instead, the legislation attempts to reduce overproduction of basic commodities—which clearly results from our Federal subsidies—by offering to extend subsidies to farmers willing to grow nonprogram crops, such as fruits and vegetables or nuts and dry beans. Ironically, in a bill designed to impose some reasonable budgetary limits upon these farm programs, we have inadvertantly—and I hope, only temporarily—expanded the list of commodities subject to Federal subsidies.

Historically, only farmers of the basic crops have been eligible to receive Federal payments and only to subsidize the production of these basic crops. Now, under the 1985 farm bill, these same growers, who will continue to receive Government loans and deficiency payment checks for growing wheat, feed grains, cotton and rice, will also be receiving subsidy payments from growing potatoes or melons or lettuce or beans or alfalfa or any number of these so-called nonprogram crops.

This new subsidy on a subsidy program works like this: A farmer, who is eligible to participate in a Federal farm program, only has to plant the basic crop on 50 percent of his acres in order to receive a full 92 percent of his deficiency payment. On the other 50 percent of his land, he is then free to plant and market any nonprogram crop.

For example, let's consider a 200-acre cotton farmer in my State. In order to participate in the Federal program, he would be required to idle 20 percent of his high yielding land under an acreage reduction program. In the past, he would have had to plant all of the remaining 160 acres in cotton in order to receive a deficiency payment of roughly $48,000.

This year, however, he is free to plant only 80 acres in cotton and will still receive 92 percent of his Federal payment—approximately $44,160. On his remaining 80 acres, he may plant potatoes or melons or any nonprogram crop. Because he has received more than $20,000 from the Federal Treasury for not planting cotton on those 80 acres, that farmer will enjoy a distinct competitive advantage when he markets his nonprogram crop. Indeed, this newly created farm payment program is threatening the livelihood of tens of thousands of farmers who grow only nonprogram crops, who have never sought or received subsidy payments, and whom we in this body have placed at a competitive disadvantage by enacting this subsidy-on-a-subsidy provision.

Nationwide, nearly 110 million acres are planted in these nonprogram crops. They include more than 315,000 Idaho acres and 100,000 Maine acres planted in potatoes; almost 600,000

acres of edible dry beans in Michigan; a total of 450,000 acres of vegetables just in Minnesota and Wisconsin; as well as 660,000 California acres planted in a variety of California vegetables which run the alphabetical gamut from artichokes to zucchini.

Of the nearly 200 million acres on which we grow wheat, feed grains, cotton and rice, the Department of Agriculture estimates that as many as 40 million acres may be diverted from program crop production to participate in this obviously attractive, windfall program. It is not just potentially lucrative. Unfortunately, it is a congressionally sanctioned windfall.

For those of my colleagues who are spared the need or lack the desire to understand the painfully intricate and seemingly antiquated workings of Federal farm programs, allow me to explain this most recent twist through analogies:

This program is akin to reducing the size of Government by passing a statute allowing all Federal employees to work only 4 hours a day, in exchange for receiving 92 percent of their salary;

It is akin to alleviating overcrowded schools by adopting a law asking students to attend only half of their classes, while guaranteeing them a grade of 92 percent on their report cards;

It is akin to easing the paperwork crunch at the Internal Revenue Service by amending the code to permit taxpayers an option of completing only the front side of their form 1040A, in order to qualify for 92 percent of their tax refund.

Obviously, Mr. President, the policies embodied in these examples are absurd on their face. Yet, if such a ridiculously convoluted approach is inapplicable to civil servants, students and taxpayers, why, then, do we impose it upon the American farmers?

The bill which I am introducing today with other cosponsors would prohibit producers of basic commodities from planting nonprogram crops on half of their eligible acres in exchange for Federal subsidies. To the extent that such farmers wish to collect Government checks for not planting program crops, they would be required to devote those idle acres to conserving uses. The adoption of this bill will ensure that a significant segment of American agriculture will remain exactly where it wishes to be: Outside Government subsidy programs. As a result, they can pursue their business endeavors in a free market, instead of one distorted and depressed by inadvisable Government intervention.

For these reasons, Mr. President, I urge the Senate to act promptly and favorably upon this legislation to dispel this inequity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRODUCTION OF NONPROGRAM CROPS.

(a) WHEAT.—Section 107D(c)(1) of the Agricultural Act of 1949 (as added by section 308 of the Food Security Act of 1985 (Public Law 99-198)) is amended—

(1) by striking out "or nonprogram crops" each place it appears in clauses (i) and (iv) of subparagraph (C); and

(2) by striking out subparagraph (K).

(b) FEED GRAINS.—Section 105C(c)(1) of the Agricultural Act of 1949 (as added by section 401 of the Food Security Act of 1985) is amended—

(1) by striking out "or nonprogram crops" each place it appears in clauses (i) and (iv) of subparagraph (B); and

(2) by striking out subparagraph (I).

(c) COTTON.—Section 103A(c)(1) of the Agricultural Act of 1949 (as added by section 501 of the Food Security Act of 1985) is amended—

(1) by striking out "or nonprogram crops" each place it appears in clauses (i) and (iv) of subparagraph (B); and

(2) by striking out subparagraph (G).

(d) RICE.—Section 101A(c)(1) of the Agricultural Act of 1949 (as added by section 601 of the Food Security Act of 1985) is amended—

(1) by striking out "or nonprogram crops" each place it appears in clauses (i) and (iv) of subparagraph (B); and

(2) by striking out subparagraph (G).

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall not apply to any agricultural commodity planted before the date of enactment of this Act.

Mr. McCLURE. Mr. President, I rise in support of Senator WILSON'S amendment dealing with the new 92-50 underplanting rule. I agree with my good colleague from California and the other cosponsors of this amendment that this provision, included in the Food Security Act of 1985, the farm bill, is an overextension of Federal farm subsidies. This overextension has the potential of severely damaging several markets in my State, namely dry edible beans, potatoes, peas, and lentils and rapeseed, an oil seed.

Mr. President, the farmers in Idaho who raise these crops have never asked the Federal Government for any income maintenance programs. They have existed on an open and competitive market. The bean industry is just now recovering from several years of very low bean prices. They were beginning to see the "light at the end of the tunnel." Then came the 1985 farm bill and the light at the end of the tunnel became a freight train. The train is about to run them over.

As my colleague from California so ably explained producers of basic or program crops, wheat, rice, cotton, and various feed grains have for many years received Federal subsidies only for these particular crops. Now under the 1985 farm bill, these same growers will continue to receive Government checks for growing wheat, feed grains, cotton, and rice and will also be receiving subsidy payments for growing potatoes or beans or lentils. This is clearly not fair.

The new 92-50 underplanting rules allow any nonprogram crop to be grown on remaining base acres if the farmer plants at least 50 percent of permitted plantings and idle land according to the program rules, and he will continue to receive 92 percent of his deficiency payment. For instance: a 1,000 acre wheat farmer in Idaho, who is eligible to participate in a Federal farm program, would be required to idle 25 percent or 250 acres. In the past he would have had to plant all of the remaining 750 acres in wheat in order to receive his deficiency payment. This year he is free to plant only 375 acres to wheat and will still receive 92 percent of his Federal payment. On his remaining 375 acres, he may plant any nonprogram crop, potatoes, dry edible beans, peas, lentils, sunflowers, rapeseed, and he will be at a distinct advantage because he has already received a payment from the Federal Treasury for not planting wheat on his lands. This results in a threat to those farmers who have for years, traditionally raised these nonprogram crops, those who have never sought or received subsidy payments.

Nationwide, nearly 110 million acres are planted in these nonprogram crops. In Idaho there are more than 315,000 potato acres, 140,000 acres in dry edible beans, 110,800 acres of peas, and 17,000 acres of lentils that could be impacted by this subsidy on a subsidy.

On the nearly 200 million acres on which wheat, feed grains, cotton, and rice are grown, the Department of Agriculture estimates that as many as 40 million acres may be diverted from program crop production to participate in the potentially lucrative and doubly profitable program.

This seems a small issue, however, let me put it in terms that one of my constituents explained it to me: Idaho grower price for beans is currently from $15 to $17 per sack with roughly 1.7 million acres planted last year. If this program would go into effect USDA expects a 10- to 20-percent increase in plantings. The market elasticity is 1:25, in other words, for every 1 percent increase in production the price declines 25 percent. Thus the price of a $15 sack of beans will drop by $3.75. If bean acreages increase 20 percent the price of beans will drop to $7.50. The bean market just recovered from this type of low bean market. The economy of my State cannot stand another loss, it cannot with-

stand the potential damages wrought by this part of the farm bill. It is essential that the Congress take action, that the Senate take action today to amend the farm bill and make the light at the end of the tunnel something other than a train for growers of nonprogram crops.

Mr. COHEN. Mr. President, today Senator WILSON and I and a number of our colleagues are introducing legislation to immediately correct a fatal flaw in the 1985 farm bill, that if allowed to remain, could spell absolute disaster for many thousands of American farmers. I am referring to the so-called underplanting provision included in the wheat, feed grains, cotton, and rice sections of the farm bill which would allow farmers growing these crops to plant only 50 percent of their acreage in the program crop, plant the remaining acreage in a nonprogram crop, and still receive a deficiency payment on 92 percent of their total acreage—in effect, an additional subsidy for these already subsidized farmers to grow fruits and vegetables at the expense of the traditional nonsubsidized growers.

It has always been difficult to explain to the nonsubsidized potato growers in Maine why a wheat or corn farmer in the Midwest should get a guaranteed minimum price for his commodity, while they could not. This year, however, all fairness and equity has disappeared as these same wheat farmers will now receive a de facto subsidy to grow potatoes, dry beans, onions or other nonprogram crops in direct competition with growers who have never asked for nor received a Government subsidy for their crop. The potato growers in Maine have a hard time understanding the logic behind this provision, and frankly, so do I.

It is my understanding that approximately 40 million acres of land could become available for the planting on nonprogram crops this spring. Given the current overproduction crisis facing the potato industry in the United States, any additional acreage planted with subsidized financial assistance from USDA would surely accelerate bankruptcies already occurring in historic potato producing areas. I simply do not see the logic.

I would like to give you an example of how bad things are in the potato industry in Maine. Ironically, the crop size, quality, and yield have never been better in Maine. Unfortunately, the same also holds true for most of the United States and the major producing areas in Canada. As a result, the most recent USDA market news report quotes warehouse cash to growers at 75 cents for a 165-pound barrel of potatoes. It costs that Maine farmer about $9 to produce that barrel of potatoes. It is unthinkable that we could even consider encouraging nontraditional producers to plant potatoes with the benefit of a Federal handout. Again, the logic defies me.

In order to stop this program before it ever begins, the legislation we are introducing today simply removes the option to plant nonprogram crops in order to receive a Federal subsidy. The set-aside land can still be put to conservation use, but the growers of program crops would simply not have the Government-provided financial incentive to plant fruits and vegetables. This language should have never been included in the farm bill, and any standard of fairness dictates that we eliminate it before long-term damage occurs. I urge my colleagues to support swift passage of this important legislation.

The PRESIDING OFFICER (Mr. WILSON). Under the previous order, the Senator from Idaho [Mr. SYMMS], is recognized for a period not to exceed 15 minutes.

AMENDING THE UNDERPLANTING PROVISIONS OF THE 1985 FARM BILL

Mr. SYMMS. Mr. President, I wish to associate myself with the remarks of my distinguished colleague and friend from the State of California who just spoke on this issue on the floor.

Mr. President, I add my voice in support of this legislation introduced today. Failing to pass this legislation would deal a devastating blow to the agricultural economy of Idaho.

Congress recently passed legislation to relieve our severely depressed national farm sector. It was a good-faith effort and probably the best we could do in the final hours of the last session of Congress. Certainly our motivation was to pass a bill, giving some direction for this year's planting. As a result of this urgency, however, some provisions were not openly discussed on the Senate floor. I refer specifically to a provision of that bill which is devastating to the producers of crops for which no Federal price support program exists.

Under the 1985 Food Security Act, program crop farmers may receive Federal income support payments while planting as much as 42 percent of their allotted program crop acreage to a nonprogram crop. A wheatgrower, for example, may receive 92 percent of his wheat deficiency payment, plant only half his permitted wheat acreage to wheat, and convert the rest of his wheat land to potatoes, beans, watermelon, or some other nonprogram crop.

In the past, farm subsidies have been about as effective as clapping with one hand. While we try to reduce our production in the United States, our foreign competitors have increased their production. I do think, Mr. President, that this year's farm bill goes in the direction of putting the United States back in the agriculture market worldwide and gaining back some of those export markets that we have lost. Certainly it puts the pressure on Western Europe, Argentina, Brazil, Canada, and Australia in terms of their plans for future plantings.

Deficiency payments which attempt to maintain farmer income have only encouraged overproduction and lower prices. The farm bill provision in question trys to break the connection between payments and production. While the intention is good, the inequity it permits vastly outweighs the benefit.

Allowing farmers to plant nonprogram crops and yet still receive program payments does not curb production, it merely transfers the area of overproduction from one crop to another. Many nonprogram crops are already at less than break-even prices. So what I am trying to say, Mr. President, is why should we kick these farmers when they are already down? They have not been getting Government subsidies in the first place. These are farmers who suffered through droughts, hail, grasshoppers, and all kinds of disasters—with no benefit from Government price support programs.

In the Magic Valley in Idaho, the biggest single cash crop is dry beans. It just seems unfair to me that we should reward them by subsidizing the same overproduction that plagues the program crops.

In other words, if people plant dry beans in other areas, it will devastate the pricing of those beans, ruining the best cash crop that they have had to grow in the last few years. They are not in a profit position anyway, so it just makes a bad situation worse.

In anticipation of increased bean production resulting from this provision, Idaho bean growers have already seen prices drop $2 per hundredweight. Not even program crop producers in Idaho are enthusiastic about this provision. Lower prices for potatoes, beans, peas, and rapeseed will do no good for the grain producer who relies on these crops for rotation.

The legislation introduced today amends the Food Security Act of 1985 so that program acres planted into nonprogram crops will not qualify for deficiency payments. This change still provides an alternative to the overproduction incentives of the past. Farmers choosing not to plant program crops can maintain their acreage under some conserving cover, and receive a program deficiency payment for it.

This legislation represents the least we can do to maintain a viable and diverse agricultural sector. It helps restore fairness to our national agricultural policy. It frees those who produce farm commodities without Federal price supports from the threat

of subsidized competition. It prevents disruption of an agricultural sector that is already struggling to make ends meet. I anxiously endorse its passage and encourage my colleagues to do likewise.

Mr. President, it is my understanding that the leadership has scheduled the CCC appropriations bill for action in the near future. I would like to appeal to my colleagues on the urgency of the passage of this legislation before the 1st of March. This needs to be passed now and signed into law to stop something that has already started, a devastating rollercoaster downward of prices for nonprogram crops all across the country.

The implications of this will hit every agricultural State. Whether it is water mountain mellons in California, dry beans, peas or rapeseed in Idaho, or other crops in different areas and different parts of the country, remains to be seen. Farmers are a very innovative and entrepreneurial group. If they discover a way to grow another crop, they may try it out of discouragement with the situation with which they are faced.

I urge my colleagues, and urge the distinguished majority leader, to bring the CCC appropriations bill to the floor, so we can make the corrections I have advocated today. It was a well-intentioned farm bill in its general thrust. I believe in the overall it goes in the right direction to try to make America competitive again. It goes in the direction of restoring America's share of world grain markets which we have to do. There is a very aggressive foreign agriculture sales section in the bill. There are other parts of the bill that I think are very helpful to certain sectors of our agricultural economy; sugar and wool to name a couple that are very important in my State.

But this one section, allowing nonprogram crops to be planted on permitted base acres could be so devastating, and could do so much harm that any good that might come from the rest of the bill will be forgotten. This part of the farm bill would destroy major agriculture producing areas such as the Magic Valley, and in western Idaho in Canyon County—in that part of Idaho where there is a great deal of diversity in the crops that are grown, and most of the farmers there are farmers that grow nonprogram crops. Imagine their disappointment in the farm bill to find out that their competition is being subsidized in some other section of the country, driving prices down further than their already low and depressed state. It is most unfair.

So I urge my colleagues to move to immediate rapid action and passage of this bill.

I yield the floor.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin, Mr. PROXMIRE, is recognized for a period not to exceed 15 minutes.

THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, at long last the Genocide Treaty is before the Senate, and it looks as if we have at least a strong fighting chance of ratifying the treaty. I earnestly hope we do. I have spoken on that treaty many, many times. In fact, virtually every day I have made a statement on the treaty since January 11, 1967. That is more than 19 years. I hope I do not have to speak another 19 years before we ratify the treaty.

HUMAN RIGHTS IN GUATEMALA AND THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, Amnesty International, the international human rights organization that monitors human rights abuses around the world, recently issued a report on the human rights situation in Guatemala. The report is particularly timely because it comes just after Guatemala elected a new civilian president, Vinicio Cerezo Arevalo, who has promised to stop the numerous human rights violations which have plagued this Central American nation.

The Amnesty International report calls on Cerezo's government to bring an end to widespread torture, disappearances, and political killings that have typified previous administrations, most notably that of the last president, General Mejia. General Mejia was criticized for mass murder and "disappearances" of Catholic Church workers, trade unionists, native Indians, and university staff and students. During an April 1985 visit, Amnesty International spoke with many witnesses who told the organization that government military and security forces were responsible for most of the killings and tortures.

It is difficult to estimate how many people have died in Guatemala because the victims are from all parts of the country and the Government has kept no official records of politically motivated torture and murder. However, documented incidents abound. In a 2-week period in 1981, 171 people from the Chimaltenengo district were reportedly executed by the army; in 1982, the Guatemalan Supreme Court identified 6,870 children in the same district who had lost one parent due to political violence; and the Guatemalan press itself reported that between January and October 1984, 70 members of the university community were killed or "disappeared."

Obviously there is an enormous human rights problem in Guatemala which President Cerezo has promised to correct. Amnesty International in particular calls on Cerezo to ensure that no one is arrested or detained for political activities and to act publicly against the infamous death squads killings.

The election of a democratic government in Guatemala and the appearance of a comprehensive human rights report are hopeful signs that our Central American neighbor is on the road to peace and respect for human dignity. The U.S. Senate, however, must not stand idly by and merely hope that human rights abuses will end in Guatemala. We must do what we can to support this new democracy with humanitarian and moral support. Without a doubt, the strongest moral support we can give to President Cerezo and all Guatemalans is to add our name to the 96 other nations that have signed and ratified the Genocide Convention.

This treaty, which was first proposed nearly 40 years ago in 1948, condemns the worst human rights violation of all—genocide. The treaty defines genocide as the intent to destroy in whole or in part, a national, ethnic, racial, or religious group. It makes genocide an international crime which each signatory undertakes to prevent and punish. In recognition of Guatemala's new democracy and as a gesture of hope for Guatemala's future, let us ratify the Genocide Convention.

HOW TO MAKE ARMS CONTROL SUCCEED

Mr. PROXMIRE. Mr. President, why has there been such pitifully little progress in arms control in recent years, and especially in recent months? In the weeks leading up to the Geneva summit last November, there seemed at least some prospect that the super powers might begin to advance toward some kind of arms control agreement. Until the summit there had been 5 years of almost unrelieved arms control gloom. The arms control atmosphere between the two super powers was poisoned by charges of violations. The administration's fervent push for an antimissile system or strategic defense initiative threatened to doom the Antiballistic Missile Treaty. The second Strategic Arms Limitation Treaty—SALT II—seemed to be on its last legs first because of the administration's decision to apply the principle of proportionate response to any perceived violations of the treaty by the U.S.S.R., and also because the treaty expired on December 31. The summit at Geneva turned out to be a public relations sensation, but an arms control flop. How much

progress was made in arms control at the November summit? Exactly none.

How can arms control get back on the track? Answer: Recognize that the threat of violations of arms control treaties do not have to be met by abolishing arms control agreements, or by refusing to enter into further treaties. Arms control can work between two nations that disagree, dislike, and distrust each other provided the agreements meet these conditions:

First, mutual compliance with the agreement must be in the clear interest of both signatories, and both sides must fully understand that advantageous interest.

Second, the agreement must establish a verification system buttressed with a technology that assures both sides that they can detect violations.

Third, both super powers must vigorously use an agency like the Standing Consultative Commission. The SCC provides an opportunity for representatives of both sides to meet so that allegations of cheating can be either allayed by the alleged offender or terminated.

Fourth, both sides must have a clear understanding that any militarily significant violation of a treaty will provoke a prompt repudiation of the treaty by the other party.

What has gone wrong with arms control? What threatens to destroy it? Answer: The public allegations of cheating by one super power against the other. Of course, some of the allegations against the Soviets are well founded. When they are, they have their place. Where? At the Standing Consultative Commission, where they can be investigated, and action taken.

In the past 5 years, this country has failed to bring most of its charges of Soviet arms control cheating to the SCC. This is a serious mistake. Why has this happened? Because it richly serves the purpose of those opposing arms control to make the charge of cheating without seeking any SCC action. The charges of Soviet cheating poison public and congressional support for arms control. The argument runs: An arms control treaty with the Soviets constitutes an act of unilateral disarmament. They cheat. We do not. They will not keep the agreement. We will. So arms control diminishes our military strength. But not theirs. What is the crux of the answer? Verification. Foes of arms control agreements oppose proposed agreements on the grounds that we cannot verify them. But, Mr. President, we are not giving verification a chance.

Over the years, this Senator has suggested a series of ways to strengthen verification. Today, let me suggest one I have not previously discussed. It is prior notification. The United States has proposed that both NATO and the Warsaw Pact provide prior notification to the other side before undertaking any military maneuvers. Here is a precautionary action all of us can understand. If a few miles across a hostile border one side observes a big movement of adversary troops and tanks or the sudden buildup of warships, or a major and swift assembly of submarines, or a series of fighter aircraft squadrons taking off in rapid fire order, or most of the above, the adversary may easily misinterpret all this as activity preliminary to aggression. Prior notification, supplemented with onsite inspection, can provide a useful safety valve.

Now, why cannot the same prior notification principle apply to other arms control agreements? Would it not be far easier, simpler, and surer to monitor the production or deployment of nuclear weapons or the explosion of nuclear weapons tests if the other side were informed in advance? In the case of nuclear weapons tests, would not this pinpoint the time, the place, and the power of such tests? Any unreported explosions, detected by verification monitoring could be subject to a prompt on-the-spot investigation. If the prior notification were supplemented in this case with an agreement for onsite inspection, verification could advance significantly.

Prior notification as a verification technique illustrates another vital ingredient of arms control. It is the gradual accumulation of progressive improvements in arms control and especially in verification. Both nuclear and conventional arms are extraordinarily dynamic. The range, the speed, the penetration capacity, and many other characteristics constantly change and progress. Sometimes as with nuclear weapons the progress can be swift and dramatic.

Verification must progress, too, to keep pace with the advance in arms. This is why the reduction of funds for arms control verification by the administration is so harmful. This is especially true when at the same time the United States is pouring a huge increase in funds into advancing the efficiency of arms, actually or potentially subject to arms control agreements.

Prior notification, on-the-spot inspection, full funding, and aggressive promotion of new verification technology can all help greatly to reinforce compliance with arms control agreements.

WILL 1986 REALLY BE A BIG BOOM YEAR?

Mr. PROXMIRE. Mr. President, this Senator has been far more pessimistic about the future of our American economy than the administration or even than the consensus of economists. The Reagan administration has been optimistic about economic growth, optimistic about inflation, optimistic about interest rates, optimistic about unemployment. I have not been. In 1984 the administration was right. In 1985 they were wrong.

Now, according to a front page story in the New York Times on Tuesday, February 18, many economic experts say thay have been too pessimistic about the 1986 economic outlook. They are busy revising their forecasts. They now expect 1986 to be a better year than they had previously estimated. The newsletter of one respected Wall Street firm projects a super 1986 GNP growth year of 7 percent after allowing fully for inflation. The chief economist for Drexel Burnham admits that he had thought we might have a recession in 1986. Now he says, "We could have 6 years of growth right through 1988." And the administration's economists who had been warding off criticisms for their rosy 4-percent growth projections for 1986 after the 2.3-percent growth of 1985, now are said to wonder if they have been too pessimistic.

And that is not all the good news outlook. Many economists now expect inflation to fall sharply. They also believe interest rates are more likely to come down than to rise. Why this change? Why this rosy flush of optimism? Answer: It all stems from a single development; the sharp and steadily falling oil prices. Because oil and the energy subsitutes whose price is immediately influenced by oil constitute about 10 percent of consumer expenditures, the sharp drop in oil prices means an increase in the income consumers will have after they pay for their energy costs. That higher income will mean, in the view of many economists, an automatic increase in consumer spending and therefore a multibillion dollar economic stimulus as long as oil prices keep dropping, and that is expected to be through 1986.

So how about this theory? Will the cheaper energy result in more consumer spending on other goods? Maybe it will. But maybe it will not. Why will it not? Here is why: Last year American consumers broke out of a long and stable pattern of saving 5 to 6 percent of their income. The rate of savings as a percentage of income fell throughout the year. By November the savings rate had fallen down to only 2 percent of income. Meanwhile consumers had increased their installment purchases. By the end of last year consumer installment debt as a percent of personal income had broken all records. Mortgage debt and credit card debt also had zoomed out of sight. American consumers are now up to their neck in debt. Consumer debt relative to income has never been so high. American corporations are also more heavily in debt in relation to both their assets and their income than they have ever been. Economists for Fortune magazine recently put

this together: The oil price drop and the fall in savings. What estimate came out? It was that consumer spending will not rise as much as consumer income in 1986. Consumers will return to their pre-1985 pattern of saving. Therefore the economy will only grow at a 1-percent rate in the first 6 months of 1986 and at a 2-percent rate for the 12 months beginning July 1, 1986.

Some economists would disagree with the Fortune forecast because of the recent stock market boom. In the last few months the stock market as measured by the Dow Jones Index has risen by an astonishing one-third. Since there are tens of millions of American stock holders, there are tens of millions of Americans who undoubtedly feel, and in fact are, richer by tens of thousands of dollars. These are in many cases the same Americans who are already up to their ears in debt. Will they plunge deeper in debt? Will they borrow to buy cars? Will they take out a mortgage to buy housing? The drop in the price of gasoline and fuel oil will not stimulate many of these big capital purchases. Continued low-interest rates might help. Certainly a determined effort by the Congress to enforce Gramm-Rudman and slash the stimulating Federal deficit on March 1 and again in October is something the Congress absolutely should do. Here is one Senator who will do all he can to push such deficit reduction. But we should recognize that if the Congress does react with this sense of responsibility, the effect on the American economy in 1986 will surely be to slow it down.

What all this adds up to, Mr. President, is that in spite of the drop in oil prices, in spite of the stock market boom, the coming year probably will not be much different than 1985 and it could be worse.

PRESENTING COMMEMORATIVE GOLD MEDALS TO THE FAMILIES OF THE CREW OF MISSION 51-L OF THE "CHALLENGER"

Mr. PROXMIRE. Mr. President, although I am cosponsoring legislation to authorize the Department of the Treasury to issue commemorative gold medals to the families of the crew members of mission 51-L of the space shuttle *Challenger*, I am not happy about it. It is not a pleasant way to honor the patriotism and dedication of seven men and women. Dick Scobee, Michael Smith, Judith Resnik, Ronald McNair, Ellison Onizuka, Gregory Jarvis, and Christa McAuliffe were people of extraordinary character, and they carried with them the aspirations and dreams of a nation.

The tragedy of this particular mission is a jarring reminder to all of us of the inherent dangers and challenges all astronauts face daily in service to our country's pursuit of scientific knowledge of understanding of the vast environment which surrounds us. Because of our stunning successes in the past we have forgotten, perhaps, that such success is not routine. Exploration of the unknown—whether the Northern-most point of the Earth, or the expanse of outer space—has always involved peril and risk. The crew of mission 51-L faced that challenge willingly, knew the dangers, and accepted the risks. They were all "teachers"—they taught us that the pioneer spirit is not gone, and that the pursuit of knowledge is worth the risk.

MYTH OF THE DAY: THE SENATE HAS A MORE RESTRICTED ROLE THAN THE PRESIDENT IN ASSESSING JUDICIAL NOMINEES

Mr. PROXMIRE. Mr. President, the myth of the day is that the Senate has a more restricted role than the President in assessing judicial nominees.

This Senator has long believed—and has stated many times on this floor—that the Senate must be an equal partner with the President when it comes to evaluating nominees to the U.S. Supreme Court and, indeed, the complete Federal judiciary. To think otherwise is to believe in a myth that can and should be laid to rest.

Prof. Laurence H. Tribe of Harvard has contributed mightily to debunking this myth. In an excellent review of Professor Tribe's new book appearing in the December 16, 1985, issue of The New Republic, Walter Dellinger, a professor of law at Duke University, recounts how Tribe has amply demonstrated that the text of the Constitution, the debates over its adoption in the Constitutional Convention, and the history of senatorial review of Supreme Court appointments all reveal that the Senate has a duty to exercise a totally independent judgment about whether a nominee's judicial attitudes and philosophical views would serve the best interests of the Nation.

Mr. President, I ask unanimous consent that Professor Dellinger's review of Professor Tribe's book, "God Save This Honorable Court: How the Choice of Supreme Court Justices Shapes Our History," be reprinted at this point in this RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The New Republic, Dec. 16, 1985]

GOD SAVE THIS HONORABLE COURT: HOW THE CHOICE OF SUPREME COURT JUSTICES SHAPES OUR HISTORY—BY LAURENCE H. TRIBE

(By Walter Dellinger)

Before 1986 is over, we will have the oldest Supreme Court bench in American history: five of the justices will be 80 or older before the next presidential election. It is widely assumed that the president, acting largely at the direction of Attorney General Edwin Meese, may have an opportunity to reshape the Supreme Court and influence the nation's jurisprudence well into the next century. The president and his spokesmen have not been bashful about asserting that the president will utilize his power by appointing known conservatives who may sharply alter the Court's currently precarious moderate balance.

But why should the Senate concur in such choices? Article II of the Constitution, which contemplates, a critical Senate role in selecting justices, reads: "The President . . . shall nominate, and by and with the Advice and Consent of the Senate shall appoint . . . Judges of the Supreme Court. . . ." Some have read this provision to confer only a limited role on the Senate. Richard Nixon, for example, claimed in 1970 that the president has "the constitutional responsibility to appoint members of the Court," a responsibility that should not be "frustrated by those who wish to substitute their own philosophy or their own subjective judgment for that of the one person entrusted by the Constitution with the power of appointment."

Professor Laurence Tribe has entered this fray with a timely and helpful book. Although he fritters away too many pages with a summary recounting of cases designed to demonstrate the obvious point that Supreme Court decisions have been important in the past and are likely to be important in the future (one whole chapter consists of a capsule summary of numerous decisions handed down by a five-to-four vote), he is essentially right on the central point: the Senate is constitutionally entitled and obliged to make its own independent judgment about whether confirmation of a Supreme Court nominee would be in the best interest of the country.

The question of the degree to which the Senate should independently evaluate Supreme Court nominees is necessarily intertwined with another issue: whether either the president or the Senate may properly take into account a prospective nominee's judicial and political views. If a nominee's philosophy is not a proper concern, then the Senate is limited to a rather ministerial review of his or her formal credentials. But why should either the president or the Senate fail to take account of a prospective justice's social, economic, political, or judicial views when determining whether to nominate or to confirm?

Presidents generally have, and should have, taken into account a candidate's general orientation in making appointments. When President Washington nominated the first group of Supreme Court Justices, he chose from those who had supported with some enthusiasm the adoption of a Constitution that created an overarching national government, passing over those who had only reluctantly accepted these incursions on the previous independence of the states. Should Washington have been indifferent as to which side of this great philosophical divide a potential nominee had previously chosen?

When Lincoln debated Douglas, the great constitutional issues of the era concerned the compatibility of the Constitution with the institution of slavery. Stephen Douglas argued that a president should nominate justices with blissful indifference as to how they stood on the fundamental question of the rightness or wrongness of slavery and the power of Congress to control its spread.

Lincoln, on the other hand, made it clear that he would nominate justices who viewed slavery as a deviant institution, one grudgingly granted only limited protection by the Constitution. Similarly, when Franklin Roosevelt chose nominees, he selected from among those who appeared to share his view that the Constitution did not pose insuperable barriers to the ability of the national government to regulate the national economy. The ability of elected presidents (and elected senators) to exert some influence on the future course of the nation's jurisprudence is an appropriate (and appropriately limited) popular check on the exercise of the power of judicial review, without which that institution might not be acceptable in a constitutional democracy.

Appointing justices who assert that they will confine themselves simply to "enforcing the Constitution as the Framers wrote it" may seem an appealing way to avoid social and political considerations in the appointment process—but only to those who have never read the Constitution. The Framers left us no list of what is included in the "privileges and immunities" of citizens, or of the content of the "liberty" that the states may not, without "due process," infringe. Similarly, they left us no definition of the concept of equality that would provide a detailed guide for determining what does and does not constitute "Equal Protection of the Laws." In grappling with these and similar issues, a justice must necessarily draw upon a wide variety of sources. As Charles Black of Yale once wrote:

"It has been a long time since anybody who thought about the subject to any effect has been possessed by the illusion that a judge's judicial work is not influenced and formed by his whole lifetime, by his economic and political comprehensions, and by his sense, sharp or vague, of where justice lies in respect of the great issues of his time."

If the president may take a candidate's philosophy into account in determining whom to nominate, is there any reason why the Senate may not also take this into account in deciding whom to confirm? Nothing in the constitutional text would suggest a more restricted role for the Senate. Surely the agent charged with giving "advice" should take into account the same range of considerations the advisee may consider. By requiring "advice," as well as "consent," the Constitution may even indicate that the Senate, or its Judiciary Committee, could properly suggest in advance to the president the names of those the senators believe should be considered. This would not be unprecedented: after the Senate rejected two of his nominees, Grover Cleveland sought the Senate's advice before successfully submitting a third name.

Although Professor Tribe curiously devotes only a paragraph to the consideration of the Appointments Clause by the Constitutional Convention, those debates lend significant support to the inference that senators should make their own independent judgment, largely unfettered by the president's view, about whether to confirm a nominee. The original Virginia Plan, introduced at the convention on May 29, 1787, provided that all judges would be appointed by the national legislature. By June 19, the convention had decided that the whole legislature was too numerous for the appointment of judges, and lodged that power exclusively in the Senate. Attempts to confer the power on the president to the exclusion of the Senate were solidly defeated. George Mason stated that he "considered the appointment by the Executive as a dangerous prerogative. It might even give him an influence over the Judiciary Department itself." Only near the end of the convention was it agreed to give the president any role in the selection of judges; even then the president's power to nominate was carefully balanced by requiring the concurrence of the Senate. That final language was not seen to dislodge the Senate from a critical role in the process. Gouverneur Morris paraphrased the final provision as one leaving to the Senate the power "to appoint judges nominated to them by the President."

Though he slights the support he might have found in the Constitutional Convention debates, Tribe adds fresh arguments that prudential and institutional considerations counsel an active Senate role. Since a third of the Senate is elected every two years, the Senate reflects the popular will drawn from a series of elections over time rather than the single snapshot that produces the elections of a president. The Senate contains members from every state and representatives of both political parties, and therefore brings to the appointment process a more diverse range of views than is present in the chief executive's acting alone.

Throughout the 19th century the Senate conceived its role broadly, rejecting more than one of every four presidential nominees. It rejected George Washington's nomination of the able John Rutledge, leading to the subsequent appointment of the more strongly nationalist John Marshall, our greatest chief justice. The Senate rejected five of President Tyler's six nominees, and three of Filmore's four. Since 1900, however, only one out of every 13 nominees has been rejected. Many members of the Senate have come to view their role as more restricted than the president's. When voting to reject a nominee, Senators have thought it necessary publicly to rationalize their vote on the grounds of lack of ethics or competence, rather than on the more honest basis of objections to the nominee's philosophy. And even when a majority of the Senate mustered the courage to reject Nixon's 1970 nomination of G. Harold Carswell, nearly half of its members did not. Forty-five senators voted in favor of Carswell, widely considered the least qualified nominee in this century.

Some senators may be confused by an erroneous analogy to the Senate's more limited role in confirming nominees for executive branch positions. The president is entitled to have in his administration persons who agree with his philosophy, since their job is to carry out his wishes. This is decidedly not the case with Supreme Court justices. When asked to confirm a judicial nominee, the Senate should act as it does when asked to ratify a treaty. When voting on a treaty such as SALT II, no senator would assert that the Senate's role is limited merely to determining whether the negotiators at Geneva were corrupt or incompetent. On the contrary, each senator asks whether, in light of all relevant information, he or she believes that voting to "advise and consent" is in the overall interests of the United States.

I do not mean to suggest that a senator should attempt to impose his or her own views on the Court. In deciding whether to consent to a Supreme Court nominee's appointment, a senator certainly ought to probe for evidence of intelligence, integrity, and open-mindedness—a willingness to be persuaded by cogent argument. Whether a senator will also take philosophy into account should depend to a large degree upon whether the president has done so in making the nomination. A president may nominate a person of considerable ability whose prior career does not reveal a sharply defined constitutional view. In such cases the Senate will have little basis for resting its judgment upon the nominee's philosophical views. But when a president does attempt to direct the Court's future course by submitting a nominee known to be committed to a particular philosophy, it should be completely sufficient basis for a senator's negative vote that the nominee's philosophy is one the senator believes would be bad for the country. In making this judgment, a senator should consider the present composition of the Court, and how this appointment would affect the Court's overall balance and diversity. As the contributions of justices with backgrounds as diverse as Hugo Black, John Harlan, and Thurgood Marshall make clear, a thoughtful court should draw upon a rich diversity of backgrounds and experiences.

Those who framed the Constitution recognized that the selection of justices was too important to be left to the discretion of a single individual. A critical question for our time is whether members of the Senate are willing to discharge the responsibility for independent judgment entrusted to them by the Constitution.

RECOGNITION OF SENATOR GORE

The PRESIDING OFFICER (Mr. SYMMS). Under the previous order, the Senator from Tennessee [Mr. GORE] is recognized for not to exceed 15 minutes.

MIDGETMAN

Mr. GORE. Mr. President, I rise to address issues concerning the Midgetman missile.

Yesterday, one of our colleagues, who is at this moment present on the floor, the Senator from California, annnouced that it is his mission to derail the Midgetman missile by blocking its progress toward full-scale engineering. What my colleague wants instead is a missile more than twice as heavy as the Midgetman, carrying three warheads instead of one. He argues that we can accomplish this without diminishing the mobility of the system and hints that there will be no sacrifice in one of the Midgetman's most important attributes, its survivability.

I rise to dispute the accuracy of his data, and, beyond that, to challenge the wisdom of his undertaking.

The core of the Senator's case appears to be a television tape showing the hard mobile launcher or HML that is under development, being tested with enough ballast—according to him—to "simulate" the load of a 70,000-pound missile. He concludes that because the HML was able to move through heavy mud with the

extra load, there would be no loss of mobility were we to actually redesign Midgetman into a kind of strategic Humpty Dumpty.

I have looked into the matter, and the facts are as follows. The HML was loaded to test its mobility and performance when carrying a 30,000- to 33,000-pound missile, plus operations support equipment. Operations support equipment comprises a number of things including launcher equipment—cannister, erector, "C-cubed" equipment, environmental control equipment, and so on. Hence the total load of somewhat more than 60,000 pounds. In other words, what was being tested was not a load simulating the Senator's MIRV'd 60,000-pound missile, but a load simulating the Midgetman and associated equipment.

Were there to be a test that simulated a 60,000-pound missile, then the total weight involved would have to be proportionally higher than the weight involved in present tests. Here, the Senator correctly estimates a weight of at least a quarter of a million pounds.

Once again, however, he allows himself an engineering judgment to the effect that at this weight, there would still be no sacrifice to mobility. There are several reasons to reject this conclusion. First, an expansion of the missile to 60,000 pounds—and it would probably be more like 70,000 pounds—involves not only more weight, but major changes to the shape of the missile and the HML. For example, if Congress decides to allow the Midgetman to increase from 30,000 pounds to just 37,000 pounds, a 5-foot extension in the first stage of the missile would be required. Clearly, a 60,000- to 70,000-pound missile would require a launcher much longer and wider than presently contemplated.

Even if we stipulated for the sake of argument that a behemoth of this size could move across open terrain with the agility of an object only a fraction as heavy, the changes in geometry alone are important. They would make the launcher too wide for many of the roads intended for it, and too long to corner well.

Mr. President, I could go on for some additional time in this vein, but it seems much more useful at this point to shift from engineering to issues of broad policy and even of politics.

The United States now has two ICBM modernization programs: the MX and the Midgetman. Under the law, the issue of basing the MX remains open, and were the problem to be solved convincingly, then the present cap of 50 missiles might be lifted, especially if there were a demonstrated need for more counterforce capability.

The way to build sheer inventory is to build more MX's, and if not MX's, then the Trident D-5 will be available before much longer. MIRVing the Midgetman will not come anywhere close to serving such a requirement. It will assuredly, however, cost the Midgetman heavily in terms of its primary rationale.

One purpose of the Midgetman is to confront the Soviet Union with a force both impossible to ignore in a first strike, and too costly to attack. Another purpose of the Midgetman is to provide us with a weapon that fits well into the deep reductions concept favored by our Government in its approach to arms control. Midgetman will do these things well, if we do not tamper mischievously with it.

Finally, it is vital to keep in mind that if the Senator actually succeeds in derailing the Midgetman, he may actually also derail ICBM modernization in toto. I cannot imagine that Congress will tolerate two MIRV'd ICBM's at the same time. Either MX would drive out the Senator's Humpty-Dumpty missile, or the Humpty-Dumpty would drive out the MX. Moreover, it is entirely possible that Congress would decide that the age of the ICBM is simply over. I know a few people who might not mind, but in my opinion, that would be a mistake. And it would be a mistake which the Senator, in his eagerness to redirect Midgetman, would be responsible for helping to cause.

Mr. President, the Midgetman concept keeps on proving itself in repeated tests against challenges such as this. One recent reexamination—a study done by the Department of Defense—is already in. It validates the basic design of the missile, though pointing toward a need to upscale to about 37,000 pounds if we want a capability to add penetration aids.

I have never opposed an increase of that magnitude and if the case can be convincingly made for a marginal increase in size of that kind I think it should be supported by Congress.

The second study is the so-called Deutch panel, whose results are still pending. But there have been indications leaking from the Pentagon that this panel also will come through with a ringing endorsement of Midgetman as presently designed.

Mr. President, we do have a decision to make. It is whether we can recognize a good thing when we have it. It is whether we can lay out a sound policy course and stick with it. I believe that we should recognize the Midgetman as a rare good thing, and make it our business to keep it going—and to reject efforts to stop the program and to sow confusion.

Mr. President, I ask unanimous consent that there be printed in the RECORD a recent editorial in the Washington Times strongly endorsing the program as it currently exists.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Jan. 11, 1986]

START BUILDING THE MIDGETMAN

The Soviets have begun deploying SS-24 and SS-25 mobile ICBMs, violating SALT II's one-new-missile limit. And they continue research on two new generations of strategic terror, the SS-X-26 and SS-X-27 ICBMs.

Meanwhile, the U.S. squabbles over the American counterforce, the planned 500 Midgetman mobile missiles. Congress limited the Midgetman's size to 33,000 pounds, meaning it can carry only one warhead and no "penetration aid decoys"—devices that help a missile dodge Soviet ABMs. Congressional arms controllers fear that a bigger Midgetman, carrying multiple warheads and decoys, would spook the Soviets.

Other congressional and the Pentagon appear to favor a larger Midgetman, weighing about 37,000 pounds. (Missiles over 40,000 pounds exceed current hauling capacities.) Moreover, the Pentagon and the Reagan administration evidently still hope to double, to the originally planned 100, the 50 MX missiles authorized by Congress—something possible, but unlikely.

The U.S. should get on with building the Midgetman. The 37,000-pound version would help most. Congress should forget about frightening the Soviets and begin worrying about Soviet treaty violations. The Soviets build whatever missiles they can get away with, leaving KGB propagandists to convince the world of the U.S.S.R.'s "peace-loving intentions." Besides, only on-site inspection could verify the number of Soviet mobile ICBMs—something the Kremlin, despite its recent bluffs, is unlikely to allow.

But if Congress won't approve the best Midgetman, the second-best 33,000-pound version is better than more delays. To meet the scheduled 1992 deployment, Congress must approve full-scale Midgetman development by December. And technological jumps probably will let the 33,000-pound version pack in some decoys.

The administration should take charge and push some form of the Midgetman through Congress. We need more than America's rusting nuclear arsenal for the next summit confrontation with Mikhail Gorbachev.

Mr. GORE. Mr. President, I yield the floor.

Mr. WILSON. Mr. President, while my friend and colleague from Tennessee is still on the floor, I have a question. He has just asked unanimous consent to print in the RECORD an editorial, as he described it, from the Washington Times. My question is, is that the op-ed piece by Representative MCCURDY?

Mr. GORE. It is not, Mr. President. This is an editorial, the lead editorial in the newspaper of the middle of last week. I am sorry I do not have the exact date but the title is "Start Building the Midgetman." It is the lead editorial in the paper, not an op-ed.

Mr. WILSON. I thank my colleague. I thought it might be the op-ed piece which had earlier run in the Times in which there is, in contrast to the en-

lightened view of the Senator from Tennessee, very sharp dispute taken on the wisdom of increasing missile weight from the small missile of 30,000 pounds to 37,000 pounds. Representative MCCURDY has not yet seen the light. I commend my colleague from Tennessee because now he says that he agrees that 37,000 pounds is an appropriate weight because it will permit the inclusion of penetration aids. That is progress. I congratulate him upon it.

Mr. GORE. Will the Senator yield on that point?

Mr. WILSON. By all means.

Mr. GORE. What I said was if that case can be convincingly made, then I am prepared to support it. I believe that the current limitation of 33,000 pounds is appropriate. However, a small increase of a size not necessary to accommodate MIRV's but to accommodate penetration aids may be advisable. I have never opposed a change of that kind. What I have opposed is the change of the kind which my colleague has advocated, to greatly increase the size specifically in order to MIRV the missile.

Mr. WILSON. Mr. President, I say to my colleague from Tennessee that I thought he had gone all the way, but if not we will afford him more time. I think he will discover, as have the members of the Defense Science Board and as have those in the Air Force who performed a classified study into this question, that indeed there is a requirement to enlarge the small missiles to a weight beyond the 33,000 pounds in order to include penetration aids.

But, Mr. President, much more to the point, the basic point that both the Senator from Tennessee and I have addressed in these past few days is the larger question, no play on words intended, of enlarging that small missile so that it represents a real deterrent. The issue, Mr. President, is not mobility, and I hasten to make that point clear because there seems confusion on the point. The syllogism is that stability depends upon survivability which depends upon mobility which depends upon smallness.

Now, the videotape which the Senator from Tennessee mentioned, I did, in fact, show newsmen in order to make the point that far beyond its present requirement loaded with its 40,000 pounds of ballast, the present transporter, the so-called hardened mobile launcher, is capable of performance of all mission requirements at a far greater weight than would be imposed by a 30,000-pound missile. And as he indicated, in my statement yesterday I made clear that enlarging the missile so that it could accommodate three warheads would in fact require some enlargement of the transporter. In fact, our friend and colleague, the chairman of the House Armed Services Committee, seems, in the report that he recently issued, to be in basic agreement. He cites a range of 200,000 and 260,000 pounds as the launcher weight to accommodate a missile weight of 65,000 to 71,000 pounds, so we are, I think, agreed on basic estimates.

But I emphasize the point that what we are talking about are educated guesses; they are estimates, and what is really at stake here, Mr. President, is money. The question is, Are we going to rush to judgment and risk wasting $20 to $30 million over the life of this project in order to build a small missile that is indeed too small and that offers us no advantage because of its high cost in terms of either mobility or survivability?

Now, I say to the Senator and to anyone else who wishes to dispute the point, no one at this point can claim with any certainty that they know the answer to the question, and indeed the evidence points very clearly that increasing the size of the missile will require an increase in the size of the transporter but without a sacrifice in mobility and therefore without sacrifice in survivability.

Mr. GORE. Will the Senator yield on that point?

Mr. WILSON. I will indeed.

Mr. GORE. The Senator has used the phrase "rush to judgment." I do not know of many people who would claim that our ICBM modernization program has been characterized by any rush to judgment. And with specific regard to the Midgetman——

Mr. WILSON. Not the ICBM program, but certainly the Midgetman Program has been very definitely rushed, because the Senator will recall it was not all that long ago that the Scowcroft Commission put out its recommendations which were a combination of three elements, and it is only since that time that we have been hellbent on this path to build these new small missiles. Now, what I say to the Senator, knowing of his enthusiasm, which I in part share because I do agree that survivability makes for stability, there may very well be a place in our arsenal for the right mobile missile but we have got to ask ourselves what it will cost. We cannot ignore that cost consciousness.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GORE. I ask unanimous consent that I be allowed to speak for 3 additional minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee for 3 additional minutes? Without objection it is so ordered.

Mr. GORE. I appreciate my colleagues' forbearance.

I wish to make one point as a result of the colloquy we just had. First of all, it is not just the Scowcroft Commission which has reviewed the engineering policy and technical judgments relating to the design of the Midgetman Program. The Ballistic Missile Office within the Air Force and the Department of Defense has also examined these questions rather extensively. Their conclusions are a ringing endorsement of the program's design as it currently stands.

No. 2, the Pentagon appointed a rather distinguished defense science panel chaired by John Deutch, from MIT. Although their results are not yet public, news reports make it apparent that their conclusions also represent a ringing endorsement of the missile as it is presently constituted.

Mr. WILSON. Will the Senator yield for a question?

Mr. GORE. In just one moment I will.

After the experience of the last 5 years, it is hard for me to imagine anything more damaging to the consensus in this country on modernization or the modernization program itself than to go back and try to reopen a question decided a long time ago, and that is whether or not we should move forward with a single warhead mobile missile.

One other point. My colleague from California reaches an engineering judgment that doubling the size of the missile and increasing the size of the launcher proportionally would not hamper its mobility. Well, there is no basis upon which to make such a judgment. The evidence, to the contrary, points in the opposite direction, as the BMO study makes clear. What we will be faced with later this year is whether or not to put a hold on the modernization program, to say "Stop the modernization program, at least in the element that involves the Midgetman, and go back and study all these questions over again." Even though the Pentagon has studied them, the Air Force has studied them, the Scowcroft Commission has studied them, the Congress has studied them, and there is a bipartisan consensus that we have the right design for the program, but notwithstanding all that we will have a proposal to stop it in its tracks and put the ICBM modernization program on hold again, stop the Midgetman and open up all these questions again. I think it would be a mistake.

I am happy to yield.

Mr. WILSON. Is the Senator aware that the senior U.S. official charged with defense research and development; namely, the Under Secretary of Defense for Research and Engineering, Donald Hicks, had reached exactly the opposite conclusion and is quoted in today's Washington Post: "Hicks said he saw no technical obstacle to saving money through construction of a larger Midgetman." And he also does not see any difficulty with

respect to the mobility of a larger transporter?

Mr. President, I realize our time is up. I look forward to continuing the debate with my friend and colleague from Tennessee. I think we need the time and definitely we need to save the money. I predict that unless we do so this small missile will never be built.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GORE. I ask unanimous consent for 1 additional minute in order to respond to the Senator's question.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GORE. I appreciate it. This will be my last request. The answer to the question is yes, I am aware that this gentleman, appointed within the last few months to this position within the Department of Defense, expressed what he clearly characterized as his own personal view in opposition to the view of the Department of Defense, the National Security Council, and the President of the United States, all of which have expressed support for the design of a single warhead mobile missile. I hope the Senate will endorse that concept and continue on the path outlined by the Scowcroft Commission several years ago. I appreciate my colleagues' indulgence and I yield the floor, Mr. President.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. KASTEN). Under the previous order, there will now be a period for the transaction of routine morning business.

DELAY AGGRAVATES FARM CREDIT CRISIS

Mr. DIXON. Mr. President, at a time when thousands of farmers are involved in a financial crisis, it is absolutely incredible that the administration is dragging its feet on making appointments to the Farm Credit Administration Board. Our farmers are drowning, and the administration refuses to throw them a very much needed life preserver.

I am very concerned that this delay in the appointments may affect the availability and terms of farm loans. We have the responsibility to maintain public confidence in our Farm Credit System.

The Farm Credit System is made up of 37 banks in 12 districts around the country, as well as a variety of other agencies important to farmers. The system holds almost a third of the Nation's $215 billion in farm debt. Farmers look to it to provide short-term loans for spring planting and longer-term loans for purchasing equipment and land.

The Farm Credit System has been hurt by surpluses in the major commodities, which have caused commodity prices and land values to plummet.

The administration has had since December 23 to appoint a three-member Board of Directors for the Farm Credit System, which is farmer-owned and the largest source of loans for farmers. Spring planting will be here before we know it, and time is of critical importance.

Further delay in making the appointments means that many important features of the 1985 farm bill cannot take effect. Farmers have enough to worry about already, without having the additional aggravation of not knowing when and how they can qualify for loans for spring planting.

In a letter addressed to President Ronald Reagan, I have urged that the Board members be appointed immediately. It is vital that our Farm Credit System be fully staffed and prepared to handle the present serious farm credit crisis. Making these appointments will be an important first step in revitalizing and restoring confidence in the Farm Credit System.

I ask unanimous consent that the text of my letter to the President be inserted at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 18, 1986.

Hon. RONALD W. REAGAN,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to you today to urge the immediate appointment of the new three-member Board of Directors for the Farm Credit Administration. Congress authorized the creation of this Board, and you signed the legislation on December 23, 1985.

Record numbers of farmers left agriculture in 1985, and this year, as spring planting approaches, the agricultural sector of our nation faces another serious credit crisis. It is vital that our Farm Credit System be fully staffed and prepared to handle this crisis.

I am very concerned that this delay in the appointments may affect the availability and terms of farm loans. We have the responsibility to maintain public confidence in our Farm Credit System. The immediate appointment of the members of this Board will be a first step in revitalizing our Farm Credit System.

Thank you very much for your serious consideration of this matter.

Kindest personal regards.

Sincerely,

ALAN J. DIXON.

Mr. DIXON. Mr. President, I ask unanimous consent that an article from the Washington Post, dated February 19, 1986, entitled "Farm Lender Posts Record Loss," be printed in the RECORD at this point. It states that:

The Farm Credit System, the Nation's largest agricultural lender, said yesterday that it lost $2.69 billion last year because declining land values and low commodity prices, continued to batter the farm economy.

This is the largest loss on record for this financial institution since the Great Depression.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 19, 1986]

FARM LENDER POSTS RECORD LOSS

(By Ward Sinclair)

The Farm Credit System, the nation's largest agricultural lender, said yesterday that it lost $2.69 billion last year because declining land values and low commodity prices continued to batter the farm economy.

The loss, the largest on record for a U.S. financial institution, was the first for the farmer-owned cooperative lending network since the Great Depression. It compared with a 1984 profit of $373 million.

The Federal Farm Credit Banks Funding Corp., which raises money for the system through the sale of bonds, said in a prepared statement that the 1985 losses were in line with a third-quarter report to shareholders that warned that 1986-1987 loan losses could surpass $3 billion.

The report said that most of the 1985 loss came during the fourth quarter as system members began adding millions of dollars to their reserves to offset expected losses from the ongoing financial stress in the farm sector.

"Numerous factors, including changing governmental agricultural policies, reduced agricultural exports resulting from a strong dollar and expanded foreign agricultural capacity, high real interest rates, abnormal weather patterns and low commodity prices have led to a near-record number of farm and ranch insolvencies," the FCS report said.

James Roll, an FCS official in New York, said that yesterday's report did not list fourth-quarter losses separately because the agency's reports included, for the first time, its 37 member banks as well as about 700 affiliated production credit associations and other units of the FCS.

Because the farm credit system lost $426.3 million in the first three quarters of the year, its annual total of $2.69 billion indicates a loss of more than $2.2 billion in the fourth quarter. Roll said the fourth-quarter loss clearly was the largest ever for a financial institution. Prior to yesterday's report, the $1.16 billion loss recorded by Continental Illinois Corp. in the second quarter of 1984 was the largest quarterly loss in U.S. banking history, the Associated Press reported.

The FCS statement also said that, by the end of last year, net loans outstanding in the system were $66.6 billion compared with $78.5 billion at the end of 1984. This is another reflection of the deterioration in the farm economy as some loans were written off and others paid off by farmers who found other financing more attractive and left the FCS.

Another indicator of stress within the system was in nonaccruing loans, which rose to $5.323 billion by the end of 1985 from $1.84 billion a year earlier. At the same time, the value of property taken over by the FCS went from $505 million in 1984 to $928 million.

Troubles in the Farm Credit System, which holds about one-third of the country's $214 billion agricultural debt, led to

passage last year of legislation that directed a reorganization of the FCS and held out the possibility of last-resort federal financial assistance in an effort to restore investor confidence in FCS bonds.

FEDERAL TAX AMNESTY

Mr. DIXON. Mr. President, the President and I were talking on the phone this morning about tax amnesty. I have a clipping from the New York Times of today indicating that the State of New York has realized $334 million from tax amnesty.

I have a bill pending that I have talked to the President and others about. Illinois had a very successful tax amnesty. When we are considering Gramm-Rudman, and other things, and that the President does not want a tax increase, we ought to have a Federal tax amnesty. I will elaborate later on my bill.

Mr. President, I ask unanimous consent that the clipping from the New York Times, dated February 19, 1986, be printed in the RECORD, at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

$334 MILLION BROUGHT IN BY STATE TAX AMNESTY

(By Isabel Wilkerson)

ALBANY, February 18.—New York State's 90-day tax amnesty has yielded $334 million in back taxes from nearly 145,000 individuals and corporations, the largest amount raised and the highest turnout of any tax amnesty measure in the country, officials announced today.

The money figure, which is expected to rise slightly as the last few payments trickle in, was 60 percent higher than the $200 million officials said they had expected originally.

Of the total receipts, $186 million was already on deposit in the state's general treasury, an additional $126 million in checks was awaiting bank clearance and $22 million was interest that the taxpayers agreed to pay once the state had billed them.

Personal income taxes accounted for 42 percent of the payments on deposit, sales and use taxes made up 40 percent and corporate taxes made up 16 percent.

The second largest amount brought in by a state tax amnesty was $152.4 million in Illinois in 1984.

NO ADDITIONAL PENALTIES

New York's amnesty, which took effect Nov. 1 and ran through the end of January, applied to individuals and corporations that had failed to file state income-tax returns, had filed returns understating income, or had evaded other state taxes such as those for sales and motor fuel.

The program allowed a person or company to pay the back tax, plus interest, without being subject to additional financial penalties or prosecution. Taxpayers had to file applications for amnesty, tax returns for delinquent years and checks for the taxes due. The papers were to be postmarked by 11:59 P.M. Jan. 31 or delivered to a state tax office by that date.

Nearly two-thirds of the money, or about $200 million, arrived after the deadline, in the last two and a half weeks, said Karl Felsen, a spokesman for the State Department of Taxation and Finance.

At one point, checks were arriving at a rate of more than $5 million a day because of last-minute payments and mail delays. "We just couldn't open it all," Mr. Felsen said. "We had stacks and stacks and stacks. It was just a physical problem. I think we have opened it all now."

PROGRAM HAD BEEN OPPOSED

Seventeen other states have undertaken or are putting together amnesty programs, Mr. Felsen said. Of those that have completed programs, including California and Massachusetts, half the total taken in arrived in the final week.

Roderick G. W. Chu, the State Commissioner of Taxation and Finance, made the last amnesty figures public today at a joint budget hearing of the finance committees of the State Senate and the Assembly. "We have just completed the largest and most successful amnesty program in the nation," he told the legislators.

The Cuomo administration originally opposed the amnesty program, arguing that it was unfair to citizens who had paid taxes on time. But it agreed to the program when the State Legislature coupled the amnesty with more stringent penalties for those who continue to evade taxes.

The amnesty arrangement is a "once in a lifetime" break, Mr. Felsen said, because the state does not want people to stop paying taxes on time.

GENOCIDE CONVENTION

Mr. MITCHELL. Mr. President, I strongly support Senate ratification of the International Convention on the Prevention and Punishment of the Crime of Genocide. I regret that in order to travel to an important public hearing in Maine, I will be necessarily absent from the vote which will occur today.

The United States is a Nation in which men and women live together under the rule of law. Just as we must live together as one Nation under God, under laws based on fundamental moral principles, so too must the nations of the world live together in an international order committed to those same principles.

World history has born sad witness to crimes of genocide in the past. And we still have a long way to go in ensuring human rights and harmony among nations. But the United States shall go forward in pursuit of those goals. We shall not forget the genocide victims of the past, and we must not waver in the future in preventing—or punishing—any repetition of such crimes.

I welcome ratification of this treaty, as a reaffirmation of the moral principles which guide us, and as a commitment: "Never again."

AMERICAN AND RUSSIAN FISHERMEN EXCHANGE VIEWS

Mr. DECONCINI. Mr. President, one of my Arizona constituents has recently returned from the Soviet Union with a startling tale which I believe should be shared.

This man, who in midlife has taken the trouble to learn the Russian language, is an ardent fly fisherman and is the conservation director for Trout Unlimited in Arizona. On his own he traveled to Moscow as an emissary from Trout Unlimited and the private sportsmen of the United States and, somehow, made contact with the organization which runs hunting and sports fishing within the Russian Republic. In his halting Russian he conveyed a simple message which only American outdoorsman could have considered significant.

It was:

That the political leaders of our two countries can shout at each other forever over the points which divide our two countries, but that in the meantime the fishermen can sit down and discuss the truly important subjects—such as how better to catch fish—and now to develop friendships between the two peoples.

Mr. President, this fisherman tells me that the effect of these Russian words coming from an American was startling and the response was immediate and enthusiastic.

During the next 3 weeks, many discussions followed and several programs for trade and exchanges of visits by Russian and American fishermen are now in planning stages. My Arizona friend has even been invited back later this winter to introduce the sport of fly fishing on Soviet television.

Of most interest to me, however, is the final memorandum of understanding signed by the Russian Sports Organization. In it they pledge to encourage the exchange of private contacts between the sportsmen of both countries and this is significant. Until now, unofficial contacts have been discouraged and if this policy is being relaxed for the hunters, fishermen, and conservationists, we may be witnessing an evolution in Soviet policy which is very significant.

Their final memorandum says that sportsmen are natural friends who by their example of friendship and cooperation can provide leadership for both countries to resolve their differences. Judging by this beginning, they just may be right.

The posturing and rhetoric of the Politburo and this administration are getting neither of us anywhere. Perhaps we should follow the lead of the American and Russian sportsmen and start emphasizing and developing those areas of agreement which unite our two countries instead of dwelling on those areas of disagreement which drive us apart.

I am told the head of the Russian hunting and fishing organization is a bright and pragmatic young biologist who is an ardent conservationist, and that Alexander Ulitin, in his concern for the environment and its wildlife, is anxious to share and exchange infor-

mation with his American counterpart. I commend him and I personally plan to provide whatever assistance I can to aid in this professional interchange. I urge all of my colleagues to do the same.

And I say "hats off" to Trout Unlimited and the American sportsmen and to the Russian friends they will soon be making. Maybe you will indeed show the politicians how to prepare a peace.

TRIBUTE TO ST. VARTANANK

Mr. DECONCINI. Mr. President, as cochairman of the Democratic Council on Ethnic-Americans, whose aim is to bring traditional values to the forefront of the Democratic Party, I would be remiss if I did not call to the attention of my colleagues the recent commemoration of the Armenian holiday, St. Vartanank Day, on February 6.

In America today, we all cherish a society where people of every faith can practice their religions free from the intervention of government or opposing forces. Indeed, we acknowledge the right of all people to freedom of religion. In other times, in other places, however, things have been different. In the past, many people, including Armenians, have sacrificed their lives to preserve this freedom.

February 6 marks a date in A.D. 451, when many Armenians, led by the great St. Vartanank, or Vartan, fought valiantly against the Persians in the battle of Avarayr so that they might preserve their belief in Christianity. Vartan, a descendant of a long line of heroic army leaders of the Mamigonian dynasty, was commander of the Armenian Royal Army. For several centuries, Armenians were attacked mercilessly by Persians who sought to impose their own religion, Zoroastrianism, on the Armenian people. The battle of Avarayr was the culmination of long years of struggle and sacrifice.

Prior to the battle, Vartan traveled to the Persian capital, where he was captured and forced to renounce his faith in Christianity, in return for his release. Upon his return to Armenia, however, Vartan prepared his forces for the coming invasion by the Persians. An Armenian priest, Ghevont, blessed Vartan and his men. Tragically, Vartan's forces, greatly outnumbered, were overwhelmed in a battle that lasted just 1 day. Many Armenians, including Vartan, perished on that day, but the Armenian people persevered. In the face of tragedy, they triumphed. The Persians, despite their victory, learned that it was impossible to convert the Armenian people from their undying faith in Christianity.

Mr. President, Armenians have struggled for centuries against foreign enemies, including the Ottoman empire, in their search for freedom. As Father Kalajian, of St. Mary's Armenian Apostolic Church of Washington, DC, so eloquently states:

> Vartan underlined the yearnings of national freedom, the freedom of conscience, the natural instinct of human behavior to have independence.

All of us, as Americans, can appreciate their quest.

Again this year, Armenian-Americans join with Armenians all over the world, not only to honor those heroes who lost their lives in pursuit of religious freedom, but also to celebrate the strength and vitality of a people. Vartanank has become a symbol of their struggle and the mighty will of the Armenian people to resist the attacks of those who would destroy them.

S. 426, HYDROELECTRIC RELICENSING

Mr. BURDICK. Mr. President, President Theodore Roosevelt acted vigorously and on many occasions to protect the people's interest in the water in the Nation's rivers and streams. In 1909, as a part of the James River veto message, speaking about investor-owned electric utilities, he commented:

> They are demanding legislation for unconditional grants in perpetuity of land for reservoirs, conduits, powerhouses, and transmission lines to replace the existing statute which authorized the administrative officers of the Government to impose conditions to protect the public when any permit is issued. . .

In January of 1909, he transmitted the report of the Inland Waterways Commission to the Congress with these words:

> It is especially important that the development of water power should be guarded with the utmost care both by the National Government and by the States in order to protect the people against the upgrowth of monopoly and to insure them a fair share in the benefits which will follow the development of this great asset which belongs to the people and should be controlled by them.

Thanks to the diligence, vigor, and foresight of Theodore Roosevelt and a small cadre of wise and public-spirited men of his time, the people's interest in water power was recognized and protected. As a result of their leadership, licenses for private, for-profit development of the country's hydroelectric power resources expire at the end of 50 years. At that time, title effectively reverts to the United States—and potentially for the benefit of all the people—unless and until the United States acts to renew or extend the license.

At the end of 50 years a private licensee has had the opportunity to use and secure financial rewards from a resource that belongs to all of the people. In almost every instance, the licensee has recovered its entire investment and during that 50-year period it has received a generous return on that investment for the benefit of its stockholder.

Now in many instances the 50 years are over and the original resource and all improvements potentially belong to the people of the United States. Not satisfied to have had the beneficial use of a people's resource for 50 years, the investor-owned utilities are lobbying Members of Congress to reconsider decisions made in the first decade of this century and renew their licenses to use a people's resource in perpetuity.

I speak today because I am convinced that S. 426 warrants further examination. I urge each of you to study the matter further.

As I stated earlier, at the end of the 50-year license period the property potentially reverts to the United States, to be used for the benefit of all our citizens. The licensees accepted these terms when they were granted the license originally. They have recovered all of their investment from their ratepayers—and made profit on that investment for 50 years.

The Senators who have indicated their support for S. 426 have been told by the investor-owned utilities and FERC that the legislation is necessary to clarify the law. That is just not so. S. 426 completely reverses Federal policy established in 1920. The Court of Appeals for the District of Columbia made that clear in the Merwin Dam decision issued October 22, 1985.

I quote a portion of the final paragraph of that decision:

> Congress labored long and often to establish a public power policy for this Country. The monumental political battles which took place over this issue reflected the willingness and determination of powerful adversaries with strongly held views. Every aspect of the statute that finally emerged was repeatedly and hotly contested . . .

If Congress grants their request and acts favorably on S. 426, we will be taking a tremendously valuable resource from the people by transferring title in perpetuity to giant corporations that alarmed Theodore Roosevelt 80 years ago. It will be the largest giveaway of the people's resources in the history of the republic. I urge my colleagues to examine the legislative history regarding hydroelectric relicensing and review the recent Merwin Dam decision. In so doing, I believe my colleagues will be convinced that we must oppose S. 426.

BRIG. GEN. BILLY MITCHELL

Mr. STEVENS. Mr. President, when Brig. Gen. Billy Mitchell died 50 years ago today, the Nation lost not only a hero, but a pioneer whose vision became reality only after his death.

An early advocate of a separate U.S. Air Force and of greater preparedness in military aviation, he did not live long enough to see that many of his

prophecies were fulfilled in World War II.

His experiences as the outstanding U.S. combat air commander in World War I convinced him that one day the airplane would eclipse the battleship, an idea akin to heresy in the early part of this century.

Billy Mitchell, flying his own plane, led the largest concentration of air power ever assembled up to that time, when almost 1,500 Allied planes participated in the Battle of San Mihiel.

As a young man, not long after serving in the Spanish-American War, Billy Mitchell spent 2 years in my State, which was then the sparsely populated territory of Alaska.

As he helped complete a military telegraph line across Alaska's vast wilderness, he understood that Alaska and the polar regions would be of growing strategic importance in our country's defense, and he continued to say so as long as he lived.

He was born in 1879, the son of a U.S. Senator from Wisconsin, and enlisted in the Army at the age of 19. Later, he went on to graduate from George Washington University, and had a distinguished military career with the Army's ground forces before he became a pilot in 1916.

Billy Mitchell's foresight was not universally appreciated in his own time, but it is well understood today.

As we mark the 50th anniversary of his death, we salute the memory of a man who stood by his beliefs and fought for a strong, autonomous Air Force. Billy Mitchell's vision has made us a stronger nation.

CONCLUSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

THE PRESIDENTIAL ELECTION IN THE PHILIPPINES

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will now proceed to the consideration of Senate Resolution 345, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 345) expressing the sense of the Senate that the recent presidential elections in the Philippines were marked by such widespread fraud that they cannot be considered a fair reflection of the will of the people of the Philippines.

The Senate proceeded to consider the resolution.

Mr. LUGAR. Mr. President, it is my understanding that there is 1 hour of debate, the time to be equally divided between the majority and minority sides.

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. I yield myself such time as I may require.

Mr. President, it is timely that we consider, as our first order of business, the election in the Philippines.

I appreciate that many Members have already had opportunities to visit the Philippines in recent days, to visit with those persons who are involved in that election.

For some time, the Foreign Relations Committee has been studying the possibility for an increase of democratic activity in the Philippine Islands. Indeed we had anticipated that an election would be held in the Philippines, according to their constitutional situation, in 1987, at the end of the 6-year term of President Marcos. We noted that the President of the United States had sent one of our colleagues, Senator PAUL LAXALT, to visit with President Marcos in November of last year. We understood that a portion of that mission had to do with the efficiency of the Philippine Army—specifically, its ability to take on the NPA, the National People's Army, and to bring about greater security for the Filipino people and, likewise, for Americans who are at two vital bases and Americans who are involved in many other aspects of Philippine life.

It was a surprise to us that President Marcos, on an ABC television program, the Brinkley show, on a Sunday, called for an election in his country. Indeed, it was a surprise to many Filipinos who anticipated that, under the constitution of the Philippines, a 6-year term is a 6-year term.

The Philippine supreme court finally ruled, by a close vote, that President Marcos could continue in office through the election and would only need to resign upon the conclusion of that election and the declaration of his successor, and that in fact the election was constitutional.

The reasons for the election being called are apparent, in my judgment—namely, that President Marcos felt that he would be given a mandate by the people of the Philippines, and he was sufficiently confident of that. At the time he declared the election, he invited international observers to come to the Philippines. Specifically, he asked the President of the United States to send observers to witness a free and fair election and the size of his mandate.

Early in the election campaign, he indicated that his mandate might be 80 percent upward—in fact, such an embarrassing total that American observers might feel that he had not obtained the result fairly and he would almost be constrained to manufacture votes for the opposition.

As events turned out, the opposition coalesced and in due course came forward with a strong ticket. A campaign of some 57 days' duration transpired in the Philippines; and by the time of election day, it was apparent that the election had been well contested, with strong points of view and very strong party structures, producing large crowds for the final rallies.

Mr. President, in due course, the Acting Foreign Minister of the Philippines came to the United States. He met with members of the Foreign Relations Committee who were deeply interested in the laws promulgated by the Parliament of the Philippines with regard to this election. Many of us were satisfied that the election laws had been well drawn.

The point we made to the Acting Foreign Minister was that we had some anxiety about the will of the Philippine Government to enforce those laws—in fact, to carry them through to conclusion. Our anxieties were created, in part, by our own common sense as people in political life and specifically by an excellent report by Prof. Alan Weinstein of Boston University, the executive director of the Center for Democracy, and an excellent panel, including Republican and Democratic election experts who went with Professor Weinstein to the Philippines.

They drew up a number of items which we asked the Philippine Government to consider. They included designating UNIDO as the official opposition party, so that poll watcher rights at all phases of the election would be guaranteed; that NAMFREL, the citizens' watchdog committee, likewise be given these watchdog privileges which we felt were vital to be the eyes and ears of any observation system. We asked if the equal time provision was being enforced so that electronic media time was available to both sides. We asked that the COMELEC get together its own house, with two more independent members who had not been appointed to date, so that independent citizens of the Philippines might be represented in that situation.

We asked for the ability to observe, if we were to send a delegation of observers, precisely what was occurring close at hand. There was a ruling, which we found unusual, that observers would have to be 50 meters from the poll.

During the visit of the Acting Foreign Minister, he said he was certain that the flexibility could be found for our ability to observe, and two members of the COMELEC were appointed 2 days before the election. Some movement in the equal time situation was observed. UNIDO was declared the opposition party and had the rights and privileges. and NAMFREL did have the watchdog privileges. So that by the time our observer delegation met with the distinguished Speaker of the Parliament of the Philippines, a good number of provisions we had suggested for a free and fair election had been accommodated.

Under those circumstances, President Reagan indicated that we would have an official delegation. He asked Representative JOHN MURTHA of Pennsylvania and me to serve as cochairmen. He named additional Members of Congress—three from the Senate, four from the House—and 11 other distinguished Americans. We went to the Philippines to observe the election. Let me say concisely that we went in a spirit of friendship and we were received that way.

The first and most important conclusion from that experience, as I told President Reagan on Tuesday, after we returned, is that from the very first poll we visited, the Philippine people rushed forward to shake our hands, to embrace us, to take pictures of us. It was almost as if we were individuals campaigning for office.

We came as observers and we tried to maintain that role strictly. We were met with friendship. People wanted American observers. They saw our badges. They did not know who we were individually. They knew we were Americans. For that reason, their attention was obvious and constant, and they prayed that we would stay at the polls; furthermore, that we would keep at the polls the people from the media whom we brought with us.

They felt a sense of protection so long as we were there. There were reasons for anxiety. We saw, in various conditions, persons already injured in the preelection activities. We were to see other persons injured on that day.

At the time of the election, 93 persons had lost their lives in election-related activities. A part of the reason for this is that many persons were courageous in trying to exercise their rights.

The citizen watchdog committee people, estimated at 500,000 volunteers, did not take their task lightly. They attempted to go to provinces where watchdogs had not been allowed before. In many cases they were rebuffed. In five Provinces of the Philippines no NAMFREL observers were allowed.

In various other instances our observers found cases where the opposition party was not allowed.

In due course, Mr. President, two or three basic things occurred. We have often been asked, "Did you see a person attacked, did you see a person buy a vote, did you see a person abuse the privilege firsthand?"

There were instances in which our observers saw these instances of what might be called retail fraud, retail in the sense of one vote at a time, one precinct at a time, serious indeed, but an overall observer might ask did it change the election? Hard to tell.

What did change the election was in our judgment a systematic process during the period of registration of the omission of a significant number of names from the rolls. We have staff of our observer group still in the Philippines. They are still accumulating data which we will make a part of our final report. But they have observations from members of the Government that as many as 1 in 10 names were dropped from the rolls during the copying period this year.

The names that were dropped were significantly in the area of Manila and in other provinces that gave the opposition fairly heavy vote in 1984. We observed firsthand tens of voters disenfranchised, unable to find anyone involved in the election procedure who could be helpful and thus they were not able to vote at all.

Mr. President, first of all, it would appear at the stage of registration that there were significant omissions, significant particularly in those areas where there had been opposition problems for the Government in the past.

Second, at the time of the voting, intimidation of voters coming even in the heart of Manila in the Mekati district in which a school which had numerous precincts, persons with clubs rushed in to chase away the election volunteers. Nuns actually clutched ballot boxes and defied these persons with clubs to go after them, and those ballot boxes, protected by the nuns, were saved. The others were lost. They are gone from the election altogether.

Mekati was not unique. In Cebu and other opposition territories, 47 boxes were stolen simply out of the audit trail in an area of significant opposition.

So intimidation occurred, and it was a very tough business for those who were victims of this, random as it may have been.

When it came to the counting situation, I observed at midnight on the first night that less than 3 percent of the vote of Manila, all of them counted by 5 o'clock that afternoon, 7 hours before, were showing anywhere on the tote board. There was literally a village of counters behind computers and thousands of international press with big screen up there but no figures coming in.

It was apparent that the governmental registrars who had to collect the NAMFREL ballot counts simply were unavailable to do so.

In my judgment, and I stated at the time, someone wants to delay the count, someone wants to know how many votes he needed at that state. In terms of the provinces, I was blithely assured the telex machine were simply shut down at an early hour and would not open until the morning, whether there people there ready to punch in the figures or not. There were barely any returns from Manila, none from the provinces, in essence, a dead count.

Our committee had indicated to the acting Foreign Minister if there was delay in the count, we thought that would be trouble with a capital T.

It was not only a delay, but almost a total breakdown, and it appeared deliberate on the part of the Government.

Ultimately, things were to get worse. Unido people checked out canvassing. The canvass results, as an article dealing with the NAMFREL report in the Washington Post this morning indicates, there were vastly different results in specific provinces between votes already recorded by NAMFREL that we witnessed as valid and the final results on the canvassing.

In short, there was no check and balance in the canvassing, and I indicated to the President of the United States, and these are words I used, "Given this situation, you can cook the results any way you want to." No check and balance there, no stoppers. You can elect anybody President, anybody Vice President; as a matter of fact, at this point, nobody knows any way to determine the vote since many of the votes have been destroyed. Almost all of the tally sheets that came to the Parliament had irregularities. With but two exceptions, all were challenged for lack of signatures, lack of seals, no validity whatever, in a count which was presented to the world with a declaration almost immediately of Mr. Marcos as the winner.

Under those circumstances, Mr. President, the President of the United States declared on Saturday and the resolution before us quotes our President as saying, "The elections were marred by widespread fraud and violence, perpetrated largely by the ruling party." That is absolutely correct, and the President could have added chapter and verse and may do so as the report of the commission he sent to observe comes in.

For these reasons, Mr. President, we have difficult foreign policy problems. We will not try to solve those in the resolution offered by the distinguished Senators today and I am proud to be a part of that list. We, I think, must take some care in our responses and many Members will offer them. But I would hope all Members could agree with the draft resolution that we have today because it simply expresses the sense of the Senate that the recent elections in the Philippines were marked by such widespread fraud that they cannot be considered a fair reflection of the will of the people of the Philippines.

I believe that to be true and I commend this resolution to my colleagues.

I yield the floor.

Mr. PELL. Mr. President, over recent years, and then more intensively over recent months as the crisis in the Philippines deepened, the administration has sought to place increasing pressure on the Marcos government to

bring about needed reform—in the military, in the economy, and most importantly in the political process. Above all, the Philippine people need democracy—for in the democratic process lies the only real hope for an end to military and economic corruption and a dissipation of the violent insurrection that is rapidly leading to full-scale civil war.

In this push for democratization, Congress joined in full accord with the administration. Responding, and apparently in the belief that he could deflate American pressure with a quick referendum he could dominate through traditional techniques of fraud, President Marcos called an election. What he had not anticipated was the ability of his countrymen to overcome their own differences, and their own well-founded fears, and to muster an overwhelming demonstration of support for Mrs. Aquino.

For an American who has long lamented the evils of the Marcos regime, this national political uprising by the Philippine people was an inspiration. And for an American who has long feared that the Philippine people would someday hold the United States accountable for complicity with Mr. Marcos, the constructive role played by the administration and Congress in supporting the push for democracy was a source of gratification and reassurance.

But now the election has been held, and against high odds the Philippine people have clearly expressed their demand for an end to the Marcos regime. The challenge now—Mr. Marcos having stolen the election through blatant fraud—is to shape an American response.

Here an argument could conceivably be made that the United States faces the dilemma of choosing between its strategic interests, which would mean accepting the outcome and retaining access to American bases, and its interests in promoting justice and democracy, would mean dissociating ourselves from Mr. Marcos and pushing for his immediate retirement. But in fact no such dilemma exists. For a dramatic, historic change has occurred in the Philippines—an upheaval of public expression which we can proudly claim to have supported—and the surest path to damaging American strategic interests would be to accept the Marcos fraud and resume business as usual.

In supporting the democratic process in the Philippines, the United States made a wise and fateful decision. And in using that process—against forces of brutal intimidation—to express their will, the Philippine people also made a decision of fateful consequence. Mr. President, by both the American Government and the people of the Philippines, the choice has been made. And the task for American policy now is to act accordingly—with a clear determination that matches the courage of the Philippine people.

The resolution before us is bipartisan in origin, and is what we might call an interim response. We hope it has an effect. If it has no effect, there will have to be discussions about the withholding of military aid or the sending of civilian aid through nongovernmental channels and questions of that sort. But for the moment, this is an excellent interim response, and one that I hope our colleagues can support universally as a very significant message to the Philippine people, and more importantly still, to the Marcos regime.

I would be incorrect in not mentioning the debt we owe to our observers headed up by our colleague, Chairman LUGAR, and the work they did in watching the election and confirming the fact that it was a fraudulent election.

Mr. President, I now yield the floor to the Senator from Massachusetts for 7 minutes.

Mr. KENNEDY. Mr. President, I know we have a time limitation and this came through last night. The majority leader asked for an hour evenly divided. I ask my colleague for 7 minutes of that time if that is all right and agreeable with him.

Mr. President, I rise in strong support of the resolution before us, and it is my hope that the Senate will adopt this resolution unanimously.

No one, except perhaps Mr. Marcos himself, can dispute the fact that the Presidential elections held in the Philippines were a complete and audacious fraud, a mockery of the democratic process which once again demonstrated Mr. Marcos' contempt for justice and the rule of law.

Cory Aquino won that election lock, stock, and barrel. It is time that the United States called a spade a spade. It is time for the Senate to say it, the House of Representatives to say it, and the President of the United States to say it. She is entitled to be inaugurated President of the Philippines.

Last November, when President Marcos announced these "snap" elections, the world hoped the Filipino people would at last have the opportunity to decide for themselves who should lead them through what is fastly becoming some of the most critical years in the history of the Philippines. We held out the hope that a corrupt leader who, for 20 years, amassed a great wealth for himself and his family and close circle of friends while devastating his country's economy, whose corrupt friends in the military have demoralized the lower ranks, who invested hundreds of thousands of dollars in real estate abroad and ensured the acquittal of the murderer of his leading political opponent, we thought Mr. Marcos at least saw the need to change his ways and return the control of his country to the people of the Philippines. But the so-called elections on February 7 once again proved that Mr. Marcos refuses to submit to the will of the people. He and his cronies so flagrantly violated the most basic rules of a free and fair election that no advocate of justice and democracy can possibly accept the rigged outcome.

The American people are outraged and dismayed by the rampant fraud and manipulation that pervaded the Presidential election in the Philippines on February 7. The National Assembly, a Marcos organ, has now declared President Marcos the winner of the election, but by all other accounts, the official tally was a fabrication designed to cheat the people of their right freely to choose their leader. The losers in this charade are many—including opposition candidate Corazon Aquino, the Philippine people, and the future of democracy in the Philippines.

I spoke with Cory Aquino this morning, and we discussed the resolution before the Senate today. Despite the exercise in deceipt she has just undergone, that champion of freedom has not forsaken hope for her country. She has vowed to continue to fight for democracy in her country, the cause for which her husband, and my friend, Ninoy Aquino gave his life.

Cory thanked me and my colleagues for acting on the resolution before us. She said it will be regarded by the Filipino people as a major statement of American sentiment. This resolution sends a signal to Marcos, and to the Filipino people, that America will not stand idly by in a time of crisis. This resolution shows the people of the Philippines that the American people join with them in their struggle for justice and freedom.

The United States cannot assure fair elections in the Philippines, but we must not wink at an election that is so infected with violence, intimidation, and fraud as to make a mockery of the electoral process. The people of the Philippines want and deserve democracy in their country. None of us will ever forget the pictures of the Philippine people struggling to protect their ballots; their courage as they worked to make their elections fair and honest. And it is the responsibility of the United States to make it clear it cannot continue to support an illegitimate regime that attempts to legitimize itself by stealing the election.

The Catholic Bishops' Conference of the Philippines has declared that "the polls were unparalleled in the fraudulence of their conduct." Specifically, the bishops have condemned the systematic disenfranchisement of voters through scrambling of voter lists and

other improprieties; the exploitation of poor Filipinos through massive vote-buying schemes; ballot tampering; and the use of intimidation and brute force to influence voters to refrain from voting or change their votes.

The official United States congressional observers returned from the Philippines to report significant irregularities in an election some termed fatally flawed. And President Reagan has acknowledged that the election was "marred by widespread fraud and violence perpetrated largely by the ruling party."

As Americans, we have special reasons to denounce the rigged election in the Philippines. First, we share a special relationship with the Filipino people, many of whom fought and died side by side with Americans during the Second World War in the cause of freedom and democracy. We must stand with and support those individuals inside the Philippine nation who are working to translate those values and principles into reality and distance ourselves from those who refuse to allow democracy to return to the Philippines.

Second, the nation of the Philippines is at a moment of real crisis in its history. The economy is in shambles, and there have been widespread and increasingly credible reports of corruption at the highest levels of the Filipino Government as well as of a transfer of enormous quantities of the country's wealth abroad on behalf of President Marcos and his cronies.

Third, a Communist guerrilla insurgency seems to be gaining strength with each passing day and Mr. Marcos' continued hold on power appears to be its best recruiter. Unless the Philippines have an honest, fair, and legitimate government in place, conditions in the Philippines will continue to slip toward disaster.

Finally, the United States provides hundreds of millions of dollars in economic and military assistance to the Philippines each year, and we rely upon Clark Air Field and Subic Bay Naval Station as integral parts of our national defense. Yet, we cannot maintain those strategically important facilities without the support of the Filipino people. The surest way to lose those bases is to continue to prop up a corrupt regime that so flagrantly rejects the will of the people. Distancing ourselves from President Marcos and making clear our allegiance to the Filipino people is the best way to ensure we can keep those bases.

We all know the nature of the recent elections in the Philippines. We have all heard the reports by our party institutes, the official U.S. delegation and our own President on the massive fraud that occurred. We are all aware of the repudiation of democracy that has just taken place and we all know that we can no longer support Mr. Marcos. We must begin, and begin today, to distance ourselves publicly from the illegitimate regime that continues to cling to power in the Philippines.

Mr. President, all Americans have been following the events in the Philippines with close interest. We have read the reports of intimidation, repression, fraud, and violence with trepidation and uneasiness but rarely do such reports of events affect us personally. A recent brutal murder in the Philippines, however, has brought home to me the terror associated with political life in the Philippines—that of Evelio B. Javier.

Evi was a courageous opposition leader in the Philippines whom I had met while he was earning a master's degree at the John F. Kennedy School of Government at Harvard University. A former Governor of Antique Province, Evi had left the Philippines in 1980 when he realized he could no longer cooperate in good conscience with the Marcos regime and forfeited a promising political career in the Philippines. He returned to his country in 1984 after the assassination of Benigno Aquino to fight for the cause for which Ninoy had given his life. Since his return Evi has undergone political and physical intimidation by the members of the Marcos ruling party. Last Tuesday, February 11, six gunmen tracked him down and shot him dead in San Jose de Buenavista.

My son, Teddy, Jr., who was in the Philippines for the elections, visited Evi 3 days before he was killed. Evi knew his life was in danger, never going anywhere alone and never staying too long in one place. Evi even told my son that he did not expect to live out the week. His commitment to democracy, despite the extreme risk to his life, his dedication, and commitment to democracy in the Philippines never waivered as he courageously continued to campaign vigorously on behalf of the opposition Presidential candidate, Corozan Aquino throughout his home Province of Antique. That commitment cost him his life, but Cory won in Antique Province.

The Government of the Philippines has begun to investigate this ruthless act of terrorism. It is my fervent hope that those responsible will be brought to justice. I would like to put the Filipino Government on notice that the world will be watching those judicial proceedings and we will not rest until the murderers of this brave man are duly prosecuted.

I would like to call the attention of my colleagues to a recent article by Elliot Richardson regarding Evelio Javier for whom we both shared a great admiration. Mr. Richardson also knew Evi while he was at Harvard and recognized the strong convictions and faith in the people and in the future of this young Filipino leader. As he writes, Evelio Javier's "death will inspire with his vision countless countrymen who might otherwise never have heard his name. They will remember his decency, honesty, compassion and love of liberty. The directed energy and tenacity that were so much a part of him have not died, and they will not. His assassins have given him immortality."

Mr. President, I urge my colleagues to read Mr. Richardson's eloquent words and ask unanimous consent that his article be printed in the RECORD following my remarks.

This resolution puts the Senate clearly on record against the fraudulent elections that occurred last February 7 in the Philippines. Its text is simple:

The February 7, 1986 Presidential elections and Vice-Presidential elections in the Philippines were marked by such widespread fraud that they cannot be considered a fair reflection of the will of the people of the Philippines.

No one in the Senate can dispute such a statement and I urge a quick and unanimous adoption of this resolution. Democracy will return to the Philippines—we are not sure how soon, or how many lives will be lost in the process, but we all know President Marcos cannot maintain his facade of popularity much longer. And this resolution takes the first step in saying to the Filipino people "we are with you and will not abandon you in this critical moment."

I hope that the Senate will act favorably on this resolution and urge its immediate adoption.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 16, 1986]

A CAUSE WORTH DYING FOR

(By Elliot L. Richardson)

It happens from time to time that the promise of a life is fulfilled in death.

Let it be so with Evelio B. Javier. Born in Antique Province in the Philippines on Oct. 31, 1942, he was murdered there scant days ago—brutally, callously and deliberately gunned down. It was a mindless murder. His assassins could not have calculated the power of the force that they would thereby set in motion. Someday, somehow, it will overwhelm them.

I know this because I knew Evelio Javier. I know the qualities that made him admired and loved and that will now make him a legend.

We met in June of 1981. He had just received a master's degree from the Kennedy School of Government at Harvard. He was looking for a job. Listening to him talk about his 10 years of service as governor of Antique Province—elected in 1971 at the age of 29, he became the youngest governor in the Philippines—I was as much impressed by the way he spoke as by what he said.

His description of the upland development program he started and his pride in its support by the U.S. Agency for International Development and the Ford Foundation were

expressed with modesty, charm and humor. He had faith in people and faith in the future; he had faith in his own ability to make a difference. His genuineness was unmistakable. During the next several days I was moved to write or telephone a dozen people on his behalf.

After the assassination of Benigno Aquino, Evi Javier decided that he must go back to the Philippines and join the forces of democracy. Talking to him shortly before he left, I could sense his exhilaration. His eyes shone. He embraced the task ahead with joy and courage. Going back would be better than trying to help from a distance. Here was a cause worthy of total dedication. For him it went without saying that it was worth giving his life for. He exuded the kind of gallantry that I associate with Lee's Lieutenants and with Winston Churchill's generation of British subalterns. I had known officers like that in Normandy.

He did go back. He joined a law firm. He made plans to start a counterpart of the Kennedy School in the Philippines. He ran for parliament in Antique Province, lost narrowly, and brought proceedings in the Supreme Court of the Philippines charging fraud in the vote count. Seven of his supporters were ambushed and killed on election eve, and he filed multiple murder charges against his opponent, Arturo Pacificador. The charges were still pending when he himself was killed.

The last time I saw Evi was in April 1985. He had come to the United States with Sen. Eva Kalaw of Manila, the president of the Liberal Party, Evi was her deputy. He was also chairman of the party's platform committee. He was full of his plans to hold meetings on the platform in all parts of the Philippines. It would, he told me, be "a platform that we can truly call the people's platform."

At the close of a speech in Manila a month earlier he had said:

"Let politics then be the concern not only of the politicians but also of the citizens. Let us no longer leave politics to the corrupt and the abusive.

"My hope is that out of this partnership will merge leaders of the country who, like Cincinnatus and Garibaldi, after leading the call of their country, shall not be tempted to perpetuate themselves in power. My hope is that we shall see more leaders who shall not be afraid to go back to the farm, plow the land and milk the goats again. Then more and more citizens can take their turns at the reigns of political leadership.

"My friends, our democratic processes and institutions, our liberties have long been hanging in peril. And time is running out on us if we are still to save whatever is left of our liberties."

Evelio Javier is now a symbol of the things he stood for. A hero in his lifetime, he is now a martyr. His death will inspire with his vision countless countrymen who might otherwise never have heard his name. They will remember his decency, honesty, compassion and love of liberty. The directed energy and tenacity that were so much a part of him have not died, and they will not. His assassins have given him immortality.

Mr. DOLE. Mr. President, I wish to thank the managers of the bill for the resolution and all others who participated in putting it together.

I joined with the minority leader and a large number of other Senators to introduce the resolution which we will vote on at 12 o'clock, which will express the Senate's deep concern about the reported widespread fraud which marred the recent Philippine Presidential elections.

Declarations and certifications of electoral victory mean little if they are not accepted or believed by the people of the Philippines. In such a situation, there are no winners.

The United States has had a special relationship with the Philippines, based on a long history, a common desire for democracy and shared strategic interests. It is a relationship that has very much served our own national interest. We are determined to maintain it.

But let me stress: We do not seek to interfere in the internal affairs of the Philippines. It is not our right, and not in our interest, to tell the Philippine people or the people of the world who won or who lost the Philippine election or who should be their leader. That is not the intent of the resolution.

But, as the resolution noted, our interests in the Philippines are best served if there is in place in Manila a stable, democratic government. The resolution seeks to encourage the process by which such a government can emerge.

Mr. President, the stakes in the Philippines are high, for us and for the people of that troubled country. We have critical military installations there, which are the subject of a bill which I will introduce in just a moment or two. It is vitally important for all of us that the Philippines return soon to its tradition of stable, democratic government. I am convinced that passage of this resolution by a large majority will be a step in that direction, and I urge all of my colleagues to support it.

S. 2078—EXAMINING THE FEASIBILITY OF RELOCATION OF MILITARY FACILITIES IN THE PACIFIC REGION

Mr. President, I am introducing at this time legislation dealing with two of the most important military facilities we maintain overseas, the installations located at Clark Air Base and Subic Bay Naval Base in the Philippines.

ELEMENTS OF BILL AND COSPONSORS

This legislation is brief and to the point. First, it reaffirms our desire and our intention to maintain the facilities at Clark and Subic, as long as safe and stable access to them can be guaranteed under the terms of our bases agreement with the Philippines.

Second, in light of the currently unsettled situation in the Philippines, it directs the Defense Department to undertake, on a priority basis, a study of the feasibility and cost of relocating the facilities to other sites in the Pacific, should that be necessary. The results of that study are to be transmitted to Congress no later than June 30 of this year.

I am pleased that a number of distinguished Senators with special expertise on defense and foreign policy matters have joined in cosponsoring this bill: Senator GOLDWATER, the chairman of the Armed Services Committee; Senator COHEN, the chairman of Armed Services' Seapower Subcommittee; Senator MURKOWSKI, the chairman of Foreign Relations' Subcommittee on Asian Affairs; and Senator MCCONNELL, a member of the Intelligence Committee.

U.S. HAS VITAL STAKE IN THE PHILIPPINES

All of us are aware of the situation in the Philippines. None of us know for sure how events will evolve there. But one thing is clear—the United States has a vital stake in the way things work out.

We have a stake because the Philippines is one of our oldest and closest allies. Indeed, it was once a part of this country, and we can take justifiable pride in having helped instill in the people of the Philippines a real commitment to democracy—a commitment so visible in much or what has transpired recently.

And we have a second, and equally important, reason for being concerned about the future of that country—the military installations at Clark and Subic which are the focus of this bill. Those facilities, or facilities like them, are essential to our ability to carry out our security responsibilities in the Pacific, particularly in the face of a menacing Soviet military presence in that region.

NO INTENTION TO CLOSE INSTALLATIONS

At the outset, let me reiterate one essential element of the bill: We expect, and we are planning, to maintain our presence at Clark and Subic. To date, events in the Philippines have not affected our access to the bases in any way, and we do not expect that they will.

Most of the Philippine people understand full well the reason those bases are there, and they support the continued presence of our facilities. There is a consensus, in the Philippines as well as in the United States, that the bases and the American installations on them are essential to the peace and security of the Pacific and that they serve the interests of both governments.

Our access to the base facilities is secured in an agreement with the Philippines which runs at least until 1991 and which can be continued with the consent of both governments. We intend to live up to that agreement, and we expect the Philippine Government—any Philippine Government—will, too.

Both candidates in the recent Philippine election pledged to abide by the bases agreement. Whatever final decision the Philippine people make about a new leader, we have the right to

expect the winning candidate to live up to his, or her, promise.

UNITED STATES MUST BE PREPARED FOR ANY CONTINGENCY

Yet, at the same time, we cannot close our eyes to reality. More than at any time since World War II, the Philippines today is a nation under siege—from a determined Communist insurgency, internal political strife, and serious economic problems. I believe these problems, all of them, can be overcome. But I cannot promise you—and no one else can, either, not the President of the United States and not Mr. Marcos or Mrs. Aquino—that they will be overcome. With so much at stake and the future, as always, uncertain, we must be ready for any eventuality.

Some very useful work is already being done on aspects of the basing issue. In their conference report on the fiscal year 1986 military construction bill, the Appropriations Committees asked the Defense Department to do a study of physical security at Clark and Subic and the construction costs of relocating their facilities elsewhere. Senator COHEN's Seapower Subcommittee has planned hearings which will look at some aspects of the bases situation. The Pentagon, of course, has already done some contingency planning on its own, too.

QUESTIONS TO BE ANSWERED

The time has come, though, to bring all of this work together, on a priority basis, into a single, comprehensive study, which will thoroughly cover all the complex questions involved. I think there are a number of questions that need to be answered. I hope they will be addressed by the appropriate committee.

What are the military and political implications of any move?

Where else could the facilities be located?

Can we obtain and assure secure and stable access to those sites?

Could that access be guaranteed over time?

How soon could relocation be implemented, should it become necessary?

How much would it cost?

Is there anything we should be doing now, beyond this initial study, to lay the groundwork for possible later operational decisions?

PLANNING FOR OUR SECURITY

Mr. President, all of us wish for the best in the Philippines. We want to see that country return to its stable, prosperous, and democratic tradition. It has been one of our best and most important allies. We want it to stay that way.

But we must be prudent. And prudence dictates that we explore all of our options and prepare for any eventuality.

That is the intent of my bill. I urge all of my colleagues to join me in supporting it, so that we can get on with the vital work of assuring our Nation's strategic posture in the Pacific for the days, and the decades, ahead.

Mr. President, I send the bill to the desk and ask unanimous consent that the text of the bill be printed and that the bill be appropriately referred.

I thank my distinguished chairman, Senator LUGAR.

The PRESIDING OFFICER. Without objection, the bill will be received, printed, and appropriately referred.

The bill follows:

S. 2078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby reaffirms the intention and determination of the United States to maintain close and cordial relations with the people and Government of the Republic of the Philippines and reaffirms the desire of the United States to maintain, under the Military Bases Agreement currently in effect with the Republic of the Philippines, the military facilities of the United States at Clark Air Force Base and Subic Bay Naval Base as long as safe and stable access to and use of such facilities can be guaranteed under the agreement.

SEC. 2. (a) For the purposes of sound contingency planning, the Secretary of Defense, in consultation with the Joint Chiefs of Staff and the heads of appropriate departments and agencies of the Government, shall conduct a comprehensive study and investigation to determine the feasibility and cost of relocating the military facilities of the United States located at Clark Air Force Base and Subic Bay Naval Base in the Republic of the Philippines to an alternative secure, stable site or sites in the Pacific region.

(b) The Secretary shall submit the results of such study and investigation to the Congress not later than June 30, 1986, together with such comments and recommendations for legislation as he determines appropriate.

Mr. COHEN. Mr. President, I rise in support of the important legislation introduced today by the distinguished majority leader. I concur with his comments regarding the important role played by the United States military facilities at Clark Air Base and Subic Naval Base in the Philippines and the need for us to examine the future of these facilities. The study requested by this legislation will serve to focus critical examination on the difficult issues that are involved in this matter.

I congratulate the majority leader for taking the initiative to ensure that this question is fully examined and that the Congress plays a role in determining how the United States should proceed. The events of the last month have demonstrated how urgent it is to come to grips with the difficult issues involved. I believe that this legislation can be an important element in doing so.

Mr. President, let me also comment on the efforts of the chairman of the Foreign Relations Committee. I believe that the strong leadership that has been displayed by Senator LUGAR over the last few weeks has been admirable and has been key to ensuring a sound and measured posture toward the Philippines. In my view, United States policy in the Philippines is far more likely to remain productive if the administration and the Congress can work together to develop a coherent approach. I think that the efforts of the Foreign Relations Committee chairman, together with the initiative of the majority leader, will significantly advance this objective.

In addition to the efforts of my two distinguished colleagues, I would note that the Armed Services Committee's Subcommittee on Sea Power and Force Projection, which I chair, has scheduled a series of hearings on this matter.

These hearings, currently scheduled for next month, will examine the need for the United States forward deployment posture and presence in that region of the world in order to defend the Philippines and help maintain peace and stability in the Pacific, Asia, and the Middle East.

The subcommittee will look at how our facilities at Clark and Subic and elsewhere in the Philippines help to fulfill that role and what the prospects are for continued access to these facilities. We will also examine the need to develop options for alternatives to these facilities and the cost and ramifications of developing, and possibly exercising, such options. Finally, in light of ongoing developments, we will examine planned upgrades to U.S. facilities in the Philippines to determine which upgrades would be prudent at this time and which are inadvisable.

Mr. President, when addressing these matters, it is essential to note that while our national interest in our facilities at Clark and Subic is important, it is far from being the only consideration in formulating U.S. policy toward the Philippines. The United States has made its views clear on this matter. Testifying before the Senate Foreign Relations Committee in October, Assistant Secretary Wolfowitz stated:

> Strategic access to the naval and air force facilities at Subic and Clark . . . are of crucial importance in maintaining our forward deployment posture in the Pacific and Indian Oceans and offsetting the expanded Soviet military presence in Asia. Alternatives to our present facilities exist but would be much more expensive and considerably less desirable and effective.
>
> As important as these facilities are, however, let us be clear that our policy toward the Philippines cannot be, and is not, hostage to our interest in the bases. There is no conflict between our interest in the bases and our interest in democratic reform. We are not afraid of democratic change. To the contrary, we believe that reform is essential to prevent a communist victory that would end, at one and the same time, both our hopes for democracy and our access to these important military facilities.

I find this an excellent summation of the situation we face. Our interest in the bases will be best served if this interest is not, and is perceived to not be, the principal driver of our policy toward the Philippines. I believe that there is strong support among Filipinos for continuing the U.S. presence in the Philippines. However, this support will be undermined if the people of the Philippines come to believe that we, out of a fear of losing access to the bases, are buttressing individuals or institutions whose legitimacy they do not accept.

One of the means by which we can avoid such an erroneous and possibly damaging perception of U.S. interests and intentions, or being caught dangerously unprepared by a precipitous turn of events, is to study and develop options for continuing our vital role in the region through the use of military facilities other than those in the Philippines. This does not suggest that we are preparing or planning to move our forces from Clark and Subic to other sites. Rather it reduces the leverage that might be attempted to be exerted over us through the issue of base access. By placing the base question in its proper perspective, it will free us to contemplate economic and political options from which we might otherwise shy away.

At the same time, it is important to dispel the notion that the exercising of any option to reduce our reliance on these facilities would be easy or without consequence. It would, among other things, cost many billions of dollars; probably produce a need to increase U.S. forces; possibly create difficult political issues with some nations in the region; and, even with all these costs, result in a likely diminution in U.S. military capabilities. While this prospect is not pleasant, it would be irresponsible and dangerous to not develop options for alternatives to these facilities.

The legislation that Senator DOLE has introduced today and the efforts of Senator LUGAR's committee and the Sea Power Subcommittee can play a complementary role in furthering the discussion of these critical issues and forming a consensus on how best to proceed. It is important that there be public consideration of the actions to develop basing options already undertaken by the administration and how they might be furthered, the many costs involved in the development and potential exercise of such options, and the larger context of United States-Philippine relations in which these matters must be addressed.

In summary, Mr President, the present situation poses significant risks but also offers some new opportunities. Actions and statements coming out of the United States in the coming weeks are likely to attract unusually significant attention among our friends in the Philippines and elsewhere, and so it is particularly important that we proceed with care. At the same time, we must not hesitate to speak out on behalf of those objectives for which we have worked in the Philippines, including the advancement of democracy in the face of authoritarian and Communist threats, economic and military reform, and peace and stability in a region facing a growing Soviet presence.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield approximately 2 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, even as the U.S. Senate debates this resolution, prospects for peaceful change in the Philippines are rapidly waning. Ferdinand Marcos seems poised to reimpose martial law under the pretext of preventing violence. Once that happens, the bright beacon of democracy, for which the Philippine people have already sacrificed their lives, will be extinguished. And the aspirations of a brave nation for free and fair elections, democratic revolution through the ballot box, a market economy, political stability and modest prosperity will have been crushed.

The shame of it, the overwhelming and inexplicable shame of it, is that the United States of America is effectively paralyzed. Platitudes are not enough. We must demonstrate our solidarity with the Philippine people and our support for the democratic process now, or be mere spectators on the wrong side of history.

How will we explain to future generations why we hesitated to champion the cause of Philippine democracy? After all, Filipinos inherited their yearning for democracy from America. We were their mentors. And it was United States' pressure that finally pushed a reluctant Marcos into holding this election. We watched aghast as he and his cronies stole the election from the people. And now, as the Philippines teeters on the brink of martial law, we must not became accomplices in a perversion of democracy and therefore of our own finest values.

It is not enough to declare the election fraudulent. The time for that was a week ago when the corruption was first known. Instead, President Reagan obfuscated the truth. When the going got tough, Mr. Reagan equivocated, trying to buy more time. This emboldened Marcos to defy the express will of the people and to hold democracy in high contempt. This resolution, although better than nothing, is not enough.

For Filipinos are refusing to be silenced and Americans must heed their voice. Once again the Philippine people are risking their lives. This time not for the right to vote but to have their political mandate made law. How is Marcos reacting to this peaceful and legitimate civil protest? By threatening them with the full force of martial law and demonstrating once and for all, that democracy for him is merely a word—not a deed.

There should be no mistake about who stands to gain most from this travesty. Not Marcos. No matter what he does, his time is almost up. Not the people. Civil disobedience is rarely a match for soldiers with orders to shoot. Did not the world just relearn that lesson in Poland? No, the real winners are the Communists, the New People's Army. For they will take advantage of the economic and political chaos that will be Marcos' legacy. They will exploit the demoralization and disillusion that Marcos' betrayal will induce. And yes, let us face it, our betrayal too, unless we do a lot more soon, than is contemplated in this resolution.

What must we do? We must pass legislation to terminate economic support for the Marcos regime while continuing food and humanitarian aid through private relief agencies and the Catholic Church.

We must:

Suspend the allotment of sugar import quotas to the Philippines.

Disqualify the Philippines from preferential trade treatment accorded by the General Schedule of Preferences [GSP].

Direct the U.S. bank regulatory agencies through the Inter-agency Country Exposure Risk Committee, to classify new commercial bank loans to the Philippines as "value-impaired" or otherwise to raise reserve requirements against new Philippine loans.

Direct the Overseas Private Investment Corporation to refrain from further programs in the Philippines.

Instruct U.S. representatives to multilateral lending and financial institutions, including the World Bank, the Asian Development Bank and the International Monetary Fund, to vote against the imposition of all new lending to the Philippines.

Such legislation should remain in effect until the President certifies to Congress that a government that represents the express will of the Philippine people has replaced the Marcos regime.

For the moment, the legislation should preserve the option of uninterrupted assistance to the Philippine Armed Forces so long as they protect the civil protesters and resist the imposition of martial law. But should the military betray the people by becoming the instrument of dictatorship, that assistance should also terminate.

Mr. President, we hear a lot of concern about the American bases. I share

that concern. (Those bases are an important element of United States power projection in Asia and the Pacific.) But the best, perhaps the only, way to protect them over the long haul is to manifest our unflinching support for democracy. If we renege on our pledge to the democratic process, we will lose those bases to the Communists.

Too often, the central dilemma of American foreign policy is that our moral and our security interests diverge. Here is one place where they coincide. We can further our security interests by heeding the moral imperative to support the Philippine people.

And in the final analysis, we must heed that moral imperative for our own sake. We cannot turn our backs on this struggle for democracy without betraying our own heritage, our own most cherished values, and our stature in the world. The time for fence-sitting is past. The time has come to act.

Mr. PELL. Mr. President, I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. HART. Mr. President, the government and the people of the Philippines are being tested as we speak, but so is the Government of the United States. There are those of us who in our personal lives claim to hold values and principles. Quite often those values and principles are never tested or rarely tested in our everyday lives. But nations, like people, occasionally face the circumstance in which their values and their principles are tested. The values and the principles of the United States as a democracy, and as the world's leading democracy, are being tested by the occasion of the Philippine elections.

Mr. President, the Senator from Massachusetts has eloquently laid out a bill of particulars, a bill of indictment of the present Government of the Philippines. It is long and it is devastating. For too long this country and its Government under various administrations have winked, have temporized, and have practiced expediency for those violations for human and civil rights and democratic values which have occurred in our sister nation. We have been a camel upon which load upon load of undemocratic practices have been laid. Finally has come this election which, not as a straw but as a ton of bricks, has broken the back of the camel of the U.S. Government.

Mr. President, democracy survives in this world because of the miraculous flexibility of its form. Democracy will prevail around the world because its principles will not be denied.

Mr. President, this resolution is not a test of what kind of government the Philippine people will have. We know what kind of government they will have. They have spoken. It really is a test how strongly we feel about our own values and our own principles.

I hope by a solid, overwhelming vote by both parties of the U.S. Senate that we will send a signal not only to the freedom loving democratic people of the Philippines, but to all the people of the world that the U.S. Government, its Senate, and its people stand solidly behind the values and the principles we claim to hold for ourselves, and intend with ever-greater vigor as days go by to apply to our conduct around the world.

I hope, Mr. President, that this is the test of the world's leading democracy, and that this is the test and the lesson that we will learn from the tragic experience in the recent days in the Philippines.

Mr. President, through our action today and in the coming weeks we can dispel any illusions Mr. Marcos may have that the United States will support him in the dangerous course he is apparently bent on pursuing. We will also be showing the Philippine people, who have trusted in America's fairness and democratic sentiments, that we will not be a party to their government's corruption.

Mr. President, it is not news to anyone that the Philippines is in a state of escalating crisis. There is at this point no government with legitimate claims on the allegiance of the Philippine people. The clear evidence of fraud, delay, and intimidation in the recent election has destroyed hopes around the world that the democratic process would be allowed to go forward. Gone are hopes that free elections would restore stability and credibilty to the Government of the Philippines. Now thousands of Filipinos, especially young people, face a critical choice about how they will respond to the wholesale disenfranchisement they have just experienced.

We must stand up for the moderate and democratic forces that have demonstrated their broad base of support among the Philippine people. We must do so not only because of our principles but also because democracy is the only mechanism that can peacefully solve the country's economic and political problems. If democratic means fail to produce change, as we have seen elsewhere, violent change and radical control will be the likely outcome.

The United States has a critical role to play. We can no more sanction the corruption we have just witnessed than we can abandon our critical interest in the future of the Philippines. This is not a time for indecision, apologies, or hindsight. It is a time for us to stand up for our ideals, to stand in solidarity with all those who seek the basic freedoms which the manipulation of the Philippine election has so cynically denied.

Mr President, our strategic and political concerns in the Philippines do not conflict—they are mutually reinforcing. A strong, stable Philippines is of vital importance to our country because of that country's location, our historic ties, and the presence of important U.S. bases there. What threatens both our strategic and political goals in the Philippines is the performance of President Fedinand Marcos's regime—its corruption, discrediting of peaceful change, mishandling of the election, mistreatment of democratic forces, and incapacity to defeat the Communist guerrillas.

The United States and the Philippines have a unique historical relationship, one founded on United States-Philippine cooperation and democratic ideals. If the representative leaders of that country are ready to move forward, they can be certain the United States is prepared to move with them. We stand ready to provide the support and assistance necessary to resolve the present difficulties and restore the Philippines to its strong democratic traditions.

I thank the Senator from California.

Mr. PELL. Mr. President, I yield 7 minutes to the Senator from Montana.

Mr. MELCHER. Mr. President, there is indeed a special relationship between the Philippines and the United States. There is a tendency by us to meddle in their affairs, but we should be careful that U.S. interference is not damaging to them or to us.

After a week in the Philippines in December of 1983, which was a few months after the Aquino assassination, I publicly stated that the administration's policy was one of benign neglect toward the Philippines. That was our fault. On the other hand, at the same time I asked President Marcos to modify or repeal the extraordinary Presidential powers of amendment No. 6. He responded with the discourse on the Philippine Constitution.

I also asked Marcos to replace General Ver, to add independent members to the Commission on Elections, the COMELEC, and to accredit NAMFREL—the citizens election movement. On these points Marcos did not directly respond. Perhaps he felt I meddled too much.

But the points are of vital interest to the election process of the Filipino people. And in the case of General Ver as Philippine Armed Forces Chief of Staff, U.S. interests in Subic Bay and Clark Air Force bases and our mutual defense alliance are at stake.

In the days prior to the February 7 election, I made a friendly dinner bet with a staunch member of President Marcos' KBL party. His bet was for a Marcos-Tollentino victory; mine for Aquino-Laurel as the victors. He believed the KBL would carry Marcos, I anticipated a strong shift away from

Marcos augmented by the NAMFREL movement.

The NAMFREL operation is necessary to counterbalance the strength of the KBL party. Just as the KBL is staunchly for Marcos so, too, is NAMFREL staunchly for Aquino. That is understandable.

Before the campaign began, the State Department and the CIA decided that the ticket against Marcos should be Aquino at the top and Laurel second on the ticket, and, with NAMFREL and Cardinal Sin in the front of this ticket, the second largest party, Unido, accepted the decision and the campaign was underway.

With the State Department-NAMFREL-CIA planning, election day vote counting did not go as they had hoped.

They cite four broad areas of dissent:

First, vote buying, violence, and intimidation.

Second, disenfranchisement by deleting voters from the voting lists.

Third, fraud in tabulation of the precinct voting results.

Fourth, improper canvassing of the results by the Batasan Pambansa, the parliament which is heavily dominated by the KBL.

The vote count by that canvass result was Marcos 10½ million, Aquino 9 million votes.

This Senate resolution before us today infers, if it does not assert, that Aquino had more votes than Marcos.

It is an action in haste and one which I shall vote against.

There has been no time to collect evidence of the four serious charges.

There has been not one precinct voting list presented to us to show the posted list prior to the election and the list of election day with names deleted. Before we determine the vote count in the Philippines, we should evaluate the evidence. And should we not know the effect on the outcome? Likewise, the tabulation results are now available and can be compared between those tabulations in the Batasan used and NAMFREL's tabulations. Yet we have not had a chance to review them. Without that how would we know the cumulative vote totals to give Marcos fewer votes or Aquino more votes and would the cumulative changes amount to the 1½ million vote majority the official canvass credited to Marcos?

I have no doubt that the delegation from Congress to witness the election observed irregular, illegal election practices, violence, intimidation, and vote buying.

While it is understandable that our observers were principally with the State Department and NAMFREL, both of which groups were ostensibly for Aquino, have we convinced ourselves that the pro-Aquino voters, party workers, poll workers and NAMFREL and its backers were innocent of election abuses?

What is the cumulative effect in the total vote count? Some may conclude that that would be difficult to determine. But is the Senate's haste to act so urgent that we are not to evaluate the relevant facts as to the vote count before we condemn the result?

My friendship and respect for the Filipino people cautions me against determining their vote count based on allegations without facts. These facts are not before us at this time.

To name the victor of their election is not within the Senate's prerogative and, if it were, we have no basis in fact to make the determination.

For that reason, I shall vote against this resolution.

I shall remain a friend to the Filipino people. I shall continue to seek their consultation, and seek to further our friendship, and enhance our alliance in cultural exchange, in trade, and in mutual defense. I value their kindness, loyalty, and friendly humor. I respect their pride, their sense of family, the high value they place on every girl and boy pursuing education into adulthood, and I recognize and applaud their zeal for democracy.

We can help them and we should. It is a special relationship between the United States and the Philippines. But to dispute their election outcome on allegations unproven and on random observations predominantly from the Aquino viewpoint, is not wise at this time.

Mr. President, I yield the floor.

Mr. ROCKEFELLER. Mr. President, I am pleased to be a cosponsor of this resolution because I am deeply concerned about the recent elections in the Philippines and what they portend for the future course of political events in the Philippines.

It is clear to the Philippine people and to the American people that Mrs. Aquino was the legitimate victor in the recent elections. Widespread fraud and intimidation by President Marcos and his political cronies effectively stole the election from Mrs. Aquino. The United States has a moral obligation to support democracy in that country—and to speak out when it is being grossly violated.

There will be those who suggest that we should continue to support Marcos—regardless of the fraudulent election—because he is our best bet against Communist insurgency in the Philippines and growing Soviet military presence in the Pacific region. The widespread and courageous participation of the Philippine people in the recent election suggests to me that the choice is not between Marcos and communism—but that a genuine desire for national reconciliation which avoids the extremes of the left and the right is very much alive in the Philippines today. This may not be the case for long.

Our country now has an enormous reservoir of good will among the Philippine people. If we do not speak out clearly and authoritatively to condemn the recent Philippine elections, we will inevitably lose the respect and good will that we enjoy there. And if the Philippine people view the United States as propping up a corrupt dictator, we will almost certainly be contributing to the polarization and violence in that country. This in turn would jeopardize our security interests there.

The growing Soviet air and naval presence in the Pacific theater—including their access to Cam Ranh Bay in Vietnam—requires our continued forward deployment in the Pacific if we are to deter political and military adventurism by the Kremlin. The continued maintenance of our two largest military bases in the Pacific theater—Clark Field and Subic Bay—would clearly be threatened if the Philippines deteriorates into escalating violence and civil strife.

For these reasons, I think it is vitally important that the President of the United States make a clear and public statement to Marcos condemning the illegitimate elections which took place on February 7. To remain silent in these circumstances would be to acquiesce in the gross abuse of power which Marcos has weilded in rigging the Philippine national elections.

Overwhelming support in the Senate for this resolution will constitute a very loud message to the Philippine people that the United States stands with them in their struggle for democratic freedom—and against autocratic repression.

Mr. THURMOND. Mr. President, I have now had the opportunity to review Senate Resolution 345 which was introduced yesterday and comes before the Senate today for approval.

Senator LUGAR and those Members of Congress who accompanied him to observe the recent Philippine elections should be commended for their outstanding service to this country. There is no reason to doubt our colleagues when they report that this election was plagued with fraud. Furthermore, I agree with the provisions of this resolution which states that our national interests are served by having a democratic Philippine Government. Nevertheless, I believe that the passage of this resolution by the Senate, at the time, is inappropriate.

The President has dispatched Ambassador Habib to the Philippines to conduct a factfinding mission. The resolution acknowledges that Ambassador Habib will be reporting to the President on how our Nation "might assist the Philippines to return to a stable political situation based on

democratic principles." I am confident that the President will recommend appropriate action based on Ambassador Habib's mission as well as all other information available to him. Subsequent to that time, we will have sufficient opportunity to either reject or support the President's recommendations. According to our Constitution, this is the appropriate procedure in matters concerning Foreign relations. We should give our President an opportunity to review all the facts. We should avoid making improvident decisions. We should allow the executive branch of our Government to fulfill its traditional role in foreign policy before we vote on this resolution.

Although I repeat that the passage of this type of resolution may be appropriate in the future—I do not believe it is appropriate today. Accordingly, I will vote against this resolution.

Mr. D'AMATO. Mr. President, I rise today in support of the majority leader's sense of the Senate resolution expressing our grave concern over reports of widespread fraud in the Philippine Presidential election of February 7. President Marcos' victory, which was tainted by violence and subterfuge, is widely discredited. It is vitally important that the Senate show our distress and displeasure over the way this supposedly free and democratic election process was tampered with. The election has caused more problems than it was intended to solve.

The United States relationship with the Philippines is long and friendly. It is one of our truest allies in the entire Pacific basin. We are, and must continue to be, committed to honor our treaties and agreements with the Philippines. Although I am concerned about the fraudulent election, we should not withdraw from our bases and we should not cut off all aid. Indeed, our aid to the Philippines is tied directly to our agreement for use of Subic Bay Naval Base and Clark Air Base.

Thus, balancing our policy toward the Philippines is difficult; we must show our commitment to the Filipinos and to democracy by demonstrating our extreme concern and displeasure with the tainted electoral victory of President Marcos, yet, at the same time, we must show our commitment to strategic military installations which help provide for the security needs of the Pacific basin region. I am worried that the situation in the Philippines will deteriorate significantly. If this does happen, it is my sincere hope that President Marcos will see the wisdom of stepping down before his country's political unrest evolves into something far more serious.

This bipartisan Senate resolution serves an important function by registering U.S. displeasure over the election results. We must impress upon Marcos that increasing repressive measures to quell domestic unrest now would only be counterproductive. The situation has a disturbingly good chance of degenerating into chaos. Under such circumstances, the United States should clearly express its views that President Marcos is providing an absolute disservice to the Philippine people and to that nation's relations with the United States by remaining in office.

Unfortunately, it will be the New People's Army that benefits most from the impending instability. Some Filipinos who are discouraged from peaceful, democratic means of changing the government will turn to other, more violent, means of political action. I expect the situtation in the Philippines to get worse before it gets better.

I sincerely hope, however, that the U.S. Special Envoy, Philip Habib, will be successful in his mission. In the meantime, Congress must voice its disapproval of the widespread fraud of the February 7 election and let the Philippines Government know that we will be looking closely at the aid we provide them for fiscal year 1987.

I urge my colleagues to join me as cosponsors of this important resolution, and I urge its quick passage.

Mr. DODD. Mr. President, I rise in support of the pending resolution, which is designed for one purpose and one purpose only. It is designed to let Mr. Marcos know that we know what he knows—that he retains the position of President of the Philippines in name only; that he retains it against the will of the Filipino people; and that he retains it as a result of massive electoral fraud and the expressed willingness to use force and violence against all political opponents.

While Marcos stays in the Presidential Palace, at least for the moment, we have a responsibility to let him know that he does so with neither our approval nor our blessing. Quite the contrary—as this resolution makes abundantly clear.

It could not be otherwise, Mr. President. The U.S. Senate could not meet its responsibilities in the foreign policy arena and remain silent about the Philippine elections. So we are sending Marcos and his cronies a message, a strong message as they say, to make it unmistakably clear that he does not have our confidence or support.

And at the same time, we are sending another message, one which is equally clear, to the people of the Philippines—the voters, the workers, the peasants, the students, the church people—to all of those in the democratic opposition who are struggling to make democracy work. They have our confidence and support; they have our approval and our blessing. Thanks to them the democratic spirit in the Philippines is alive and well.

The task before us, Mr. President, is to do all we can to evidence our determination to keep faith with the Filipino people in their quest for democracy. The resolution before us is an important step in that direction. It puts Marcos and company on notice that the Senate of the United States rejects the election results and is prepared to take additional action to uphold democratic processes and procedures in the Philippines.

I should hope that such additional action would not be necessary. But let me make it clear for the RECORD that I, for one, am prepared to exert whatever pressure is necessary to ensure an honest election result. If it requires a freezing of Marcos' assets in the United States, I am prepared to support such a step. If it requires a termination of our economic and military aid programs, I am prepared to support such a step. Or if it requires moving our military bases at Clark and Subic, I am prepared to support that step as well.

I am prepared to take these steps, Mr. President, because of the commitment we have made to the Filipino people. The importance of that commitment outweighs all others, for if we can't be true to them we can't be true to ourselves. That is what this resolution is all about. I hope it will receive the unanimous endorsement of this body.

Mr. BOREN. Mr. President, in light of recent developments in the Philippines, we would do well to reflect upon an article written by our colleague, Senator PATRICK LEAHY, of Vermont, published in the Los Angeles Times on February 2. Senator LEAHY writes with the clarity and insight that those of us who serve with him have come to expect from him. He continues to make a thoughtful contribution to important policy debates.

I ask unanimous consent that the article be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Feb. 2, 1986]

PREPARE TO PULL OUT OF PHILIPPINES

(By Patrick Leahy)

Each Administration since 1964 has been crippled by a major policy crisis that it could not overcome: Vietnam, Watergate, Iran. Now there is a looming foreign-policy disaster in the Pnilippines.

The United States has major interests at stake in the Philippines. It hosts the two largest U.S. overseas air and naval bases in the world, at Clark Field and Subic Bay. While defense experts differ on precisely how critical these facilities are, their loss would require billions of dollars to establish bases elsewhere. If Clark and Subic were to fall into Moscow's hands, almost overnight the Soviet Union would become the predominant military power in Southeast Asia.

More than security is at stake. The Philippines was this country's only true colony and the model for American democracy in Asia. A growing number of Filipinos live in the United States. There is a unique rela-

tionship between our two countries. Finally, the Philippines is a member of the Assn. of Southeast Asian Nations, a grouping of non-communist countries with the highest economic growth rate of any region in the world.

Much has been said and written about the recent deterioration of conditions in the Philippines—the venality and ineptitude of President Ferdinand E. Marcos' regime, Marcos' failing health, the rapidly growing communist insurgency and the growing toll in human misery. The Philippines' presidential election, scheduled for Friday, has received extensive attention in the press and in Washington.

But there has been a near silence on what U.S. policy should be after Feb. 7. The reason is obvious: No one knows what to do. Present U.S. policy is to keep our fingers crossed and hope for the best. The "best" would be a victory by the popular but unproven moderate opposition candidate, Corazon C. Aquino. A much more likely outcome is a Marcos "victory" through electoral fraud and intimidation on a grand scale. This will mean a further, perhaps fatal, rupture of the fabric of Philippine politics as moderates give up on democracy and the poor and the angry throw in their lot with the communist insurgents.

If Marcos stays in power, what should the United States do?

We have, I believe, two broad choices. We can stick with the Administration's policy of formal economic, political and military support for the regime while exerting public and private pressures for serious reform. Unfortunately, despite the efforts of the Administration and Congress, this policy of pressure has yet to work. It has failed because Marcos rightly views reforms as the death knell for his regime, and has refused to make them.

Heavy U.S. pressure for reforms involves an overt interference in domestic affairs of another nation, which usually generates a hostile nationalistic reaction. The American track record in trying to exert influence of this kind does not inspire confidence—particularly if the target is a master politician like Marcos.

Meanwhile, the insurgency grows, and the Administration has proposed increased assistance to the Philippine armed forces. The logical outcome of this course would be the introduction of U.S. troops as Manila's counterinsurgency effort sags. First, the Marines will come to protect the bases, and eventually the Army and Air Force will be conducting counterinsurgency operations throughout the country. We have been down that road before.

A second option involves systematic disengagement to reduce U.S. involvement in a no-win situation. This would require openly breaking with Marcos and cutting back U.S. aid, particularly in the military, which many Filipinos associate with human-rights abuses. Economic aid could be redirected, where possible, through international agencies such as the Asian Development Bank, thereby minimizing opportunities for misuse by the regime.

We would maintain a diplomatic presence to keep whatever ties we can with the non-communist opposition to Marcos and remain as knowledgeable as possible. We would proceed with alternatives to Clark and Subic. The objective would be to reduce U.S. exposure if the insurgency triumphs.

If, contrary to all expectations, Marcos embraces serious reforms, or if his regime is replaced by a non-communist leadership, the United States could reinstitute its economic and military assistance programs on a major scale.

This is not a very satisfying policy option, but it is the best available. It cannot promise success. But it accepts the hard truth that our capacity to shape events in other countries—even a former colony—is severely limited. It recognizes that America can help the regenerative forces in the Philippines, but it cannot create or replace them.

The Roman Catholic church, a cadre of professional and reform-minded military officers, a sophisticated middle class and a literate citizenry devoted to democratic values and friendship with the United States do offer hope and a real basis for a non-communist future in the Philippines. But these are wasting assets. In the absence of a government in Manila seriously committed to reforms, they will mean little more than an opportunity lost.

Mr. BOREN. Mr. President, this regulation is a step in the right direction. It makes it clear that the recent election in the Philippines was flawed by fraud. The Marcos government was clearly responsible in large part for the irregularities, according to all impartial observers. The longer President Marcos attempts to stay in power without a legitimate mandate from the people, the more the Communists and those who oppose democratic government will be strengthened. We can only hope that Mr. Marcos will realize that he can best serve his country by voluntarily stepping aside and making way for an orderly transition of power to those who have the support of the people. This is not only in the best interest of the people of the Philippines, it is also the action that is most likely to preserve American bases there, which are vital to our own national security.

Mr. CRANSTON. Mr. President, I support the Philippine resolution.

It is my conviction that our national interests—and those of the Philippine people, will not be well-served until Ferdinand Marcos leaves power and leaves the Philippines.

His staying on illegitimately by fraud and force can only serve to promote violence and the cause of communism.

So I say to Marcos as Churchill said to Chamberlain in the dark days that preceded World War II: "Go. Depart. Leave. There is no more that you can do except to serve evil ends. Go."

Mr. KERRY. Mr. President, the recent Presidential elections in the Philippines have brought American policy to a critical turning point. By blatantly stealing that election by a combination of violence, intimidation, and outright fraud, Ferdinand Marcos has made a mockery of the process of democratization that the United States has tried to support for the past year. The consequences of this electoral debacle for the future of the Philippines are obviously far reaching, and they force the United States to make dramatic changes in its policy toward that country.

Mr. President, this solution puts the Senate on record for the first time officially as clearly rejecting the results of those elections as fraudulent and therefore illegitimate. It is a necessary first step in the fundamental readjustment of U.S. policy that must begin immediately. I am happy to be a consponsor of the resolution.

Those of us who have been following the preparations for the Philippine elections certainly had forebodings of cheating by the Marcos administration in the weeks preceding the election. Last November a congressional resolution focused on the importance of an impartial Commission on Elections and the recognition of NAMFREL as COMELEC's citizens arm in monitoring the vote-counting nationwide. But President Marcos steadfastly refused to name new members to COMELEC who were recognized as independent and impartial. And even more ominous, his administration carried on a nationwide campaign to discredit NAMFREL as an opposition organization, which was obviously aimed at justifying steps to limit NAMFREL's access to some polling places.

So when I went to the Philippines to document what happened in the election, I fully expected a good deal of intimidation and cheating in the counting of the ballots. But I did not anticipate the degree of violence and fraud that the Marcos administration perpetrated in that election. It is now clear that there was not only cheating on a massive scale in those areas where the Marcos party exercized virtually unlimited control over the process; there was also massive disenfranchisment of voters in areas of opposition strength.

According to Jose Conception, the president of NAMFREL, whose integrity and honesty with regard to the election results are beyond reproach, an estimated 3.3 million people were deprived of the right to vote by various means. Even if that estimate is much too high, there can be no doubt that by this strategem alone, Marcos stole the election. The official tally announced by the National Assembly had Marcos winning 10,807,197 votes to 9,291,716 votes for Aquino. That is a margin of 1,515,481 votes, or less than half the number of voters deliberately disenfranchised by the Marcos administration.

What the Marcos administration did was to arbitrarily and systematically prevent people from voting in areas where they knew Cory Aquino's popular support was greatest. In the 10 cities where the voter turnout was lowest, 8 were won by Mrs. Aquino. The results in these cities were simply ludicrous. In the province of Ifugao, which Aquino won, only 22 percent of the registered voters cast ballots. But

in the 1984 election, despite a well-organized boycott effort, 93 percent of those registered to vote cast their ballots.

Mr. President, this disenfranchisement of millions of voters was only the beginning of the outrages perpetrated by the Marcos political-military machine. In Cory Aquino's hometown of Concepcion in Tarlac Province, armed men approached the schoolroom where the ballot boxes were kept and retreated only when they found Western reporters were present. They were then driven in jeeps with Marcos stickers on them to another barrio where they seized the ballot boxes by force. It was in that barrio that Marcos was credited with winning 184 votes to 0 and 183 votes to 0 in two precincts.

The most morally reprehensible aspect of this illegitimate exercise, Mr. President, has to be the brutal killing of people in the Aquino campaign either to terrorize campaign workers or simply to eliminate those who were a thorn in the side of Marcos administration. There were dozens of martyrs to the cause of democracy in this election, but the killing which best exemplifies the unmitigated evil of the Marcos regime was the gunning down of Evelio Javier 4 days after the election in Antique Province. In the May 1984 parliamentary elections, Javier had opposed Arturo Pacificador, who became Marcos' assistant majority floor leader in the assembly, and seven of his supporters had been shot on the eve of those elections. The governor of Antique Province, who is not allied with Marcos, has charged that the men who shot Javier were driving a vehicle belonging to Pacificador.

Mr. President, after this blatant exercise in fraud, terror, and murder, we can only conclude that Marcos and his regime will stop at nothing to remain in power, regardless of the consequences for the future of the country. This tragedy leaves the United States with no choice but to disengage itself politically from the Philippine Government. To continue to deal with him as though he were the legitimate Government of the Philippines would make a mockery of our own claims to stand for democratization in the Philippines.

What we should be trying to do right now, Mr. President is to give the maximum moral support possible to the movement for democracy led by Cory Aquino. She and her followers have now embarked on an effort to force Marcos out of power by a nonviolent campaign of resistance. If the U.S. does not make it clear that it supports that movement, Mr. President, it will lose whatever remaining moral standing it has in the Philippines. The loss of our credibility as a supporter of democracy in the Philippines would be far more serious, in my view, than the loss of our bases in the Philippines, as serious as that would be.

This is a time when we must beware of false pragmatism that asserts that we should focus narrowly on our strategic interests and support whatever government in the Philippines will agree to allow us to continue using those bases. Nothing could be clearer today than the bankruptcy of a policy that ignores the aspirations of the people of the Philippines in order to maintain our own strategic interests. Mr. President, if we continue to try to do business with the Marcos regime in the belief that we are serving our strategic interests, we will be insuring an even more ignominious defeat later on. Ferdinand Marcos can no longer govern the Philippines effectively. He has lost all credibility with the Filipino people, and it is now; widely recognized that every day he stays in power more and more Filipinos will be pushed into the arms of the New People's Army.

Mr. President, the idea that we can still somehow get Marcos to carry out the very reforms that he has so brazenly rejected in this election is a discredited idea. We cannot now go back to the policy which was tried unsuccessfully for the past year. We need a new policy appropriate to the new conditions in the Philippines—a policy which clearly divorces the United States from the Marcos dictatorship while continuing to show our concern for supporting popular institutions and development in the Philippines. We best stand for our own values and interests under the present circumstances by channeling our economic aid to institutions in the Philippines that are directly connected to the people and have no connection with the Marcos dictatorship. For that reason, I intend to introduce, along with Senator LUGAR, legislation that would create a Philippine American Foundation to further the aims of Philippine development without supporting the Marcos regime.

Military aid can no longer serve U.S. interests under the present circumstances. There is not a shred of realistic hope for reform of the military as long as Marcos remains in power. It is not a neutral political institution, but an extension of the Marcos dicatorship. Moreover, counterinsurgency as practiced by the present military leadership is not only an abject failure but serves the interests of the Communist insurgency it is supposed to help reduce.

Mr. President, I urge the adoption of this resolution as a clear signal to Ferdinand Marcos that the U.S. Senate will no longer consider him the legitimate President of the Philippines. This is the first step toward what I hope will be a reconstruction of United States policy toward the Philippines.

Mr. RIEGLE. Mr. President, I rise today as a cosponsor of Senate Resolution 345, expressing the conviction of this body that the recent Philippine election was severely damaged by Government-supported fraud, in clear violation of democratic principles.

Over the past few weeks, Americans have paid close attention to the proceedings of the Philippine Presidential election. Their anxiety at the disturbing reports of election corruption is shared by many of us in this body, as the overwhelming passage of this resolution demostrates.

A shared sense of history, coupled with our mutual belief in democratic principles have bound the American and Philippine people together. Our country has important political and strategic interests in the Philippines, whose democratic system of government is patterned closely after our own. As a result, Americans identify closely with the Philippines.

Because of these close ties, Americans want to support the Philippine people in their efforts to guarantee the survival of their own democratic system. Today, that system is threatened by a growing Communist insurgency, which may have been strengthened by the widespread fraud which marred this past election.

It is my hope that this resolution, which expresses the Senate's dismay over the actions of the Marcos government in the past election, will encourage the strengthening of the democratic processes in the Philippines. The Philippine people have clearly demonstrated that they care deeply about preserving the democratic framework and making the democratic process work. We must support them in that quest.

Mr. HELMS. Mr. President, in my opinion, the Senate is about to make a dangerous misstep if it approves the resolution condemning the Philippine elections. I do not condone fraud. No rational person does. But neither do I condone the enthronement of an unknown, untested regime without a free and fair election. Fraud, which evidently occurred on both sides in the Philippine election, does not automatically prove that one party or the other would have won if there had been no fraud.

The maxim applicable here is: Look before you leap. Because the Aquino machine may be an aggrieved party in the election doesn't mean that Mrs. Aquino is herself a leader who will show respect for human rights, freedom, or the American interest. We know what happened in Zimbabwe. We know what happened in Iran. We know what happened in Nicaragua. In every one of them a supposedly corrupt regime was replaced with a left-wing regime which proceeded to de-

stroy human rights and advance the cause of communism in the world.

Mr. President, if we are so concerned about free and fair elections, what about El Salvador, when the United States itself intervened to defeat the pro-U.S. candidate of the Arena Party, Roberto D'Aubuisson, and install a Socialist regime. Now that this regime has failed to control the Communist uprising, now that it has destroyed the vigorous two-party system in El Salvador, now that it has destroyed the economy of El Salvador by imposing more Socialist nostrums upon the people, we know—too late—what we have got. If we are going to set aside the Philippine elections because of fraud, why do we not set aside the Salvadoran elections where we know all the details of the fraud? After all the United States organized and promoted the fraud, using millions of the U.S. taxpayers' money.

And what about Mexico? Does not everyone recognize that the ruling PRI party in Mexico is a one-party dictatorship, whose corruption at least equals any dreams of avarice that may be present in the Philippines. Why do we not unseat President Miguel de la Madrid while we are at it?

The fact is, Mr. President, that the Philippines happens to be on the agenda of the Socialist world right now. It is on the agenda of the major news media in the United States. And it is clear that the aim is to establish yet another Socialist tyranny in the Philippines. We will regret this day.

Mr. President, I am deeply concerned that we in this Chamber do not have all of the facts before us on the present situation in the Philippines and the true nature of the radical opposition to the Marcos government.

I am also deeply concerned about actions taken in a climate of emotion here in Congress which could lead to a fatal destabilization of the situation in the Philippines. Frankly, I am dismayed by what amounts to an almost unprecedented intervention in the internal affairs of the Philippines by those in Washington who want to install Mrs. Aquino in power whatever the consequences. This same type of manipulation led to the establishment of a terrorist regime in Iran and a Communist regime in Nicaragua. Is that really what we want for the Philippines? An uncritical and emotional approach by Washington can lead to this even though many may believe that they are acting in a progressive and constructive manner.

Senators may recall that I took a negative view of CIA intervention in the El Salvador elections which helped place Duarte in power there. Reports reaching my office from Guatemala indicate that a similar CIA financed intervention may have taken place in the recent elections which brought Mr. Cerezo into power.

Mr. President, since World War II, the CIA has been pushing the line that the best way to stop communism is to install Socialist regimes. It is a fact that this was our policy in postwar Europe and it is a fact that this same line of thought and action has been applied to Latin America for decades. Of course, there is little careful analysis of the extent of Soviet penetration of the Socialist International organization in Europe and its satellite parties around the world. Facts about KGB manipulation of the Socialist International are conveniently swept under the rug.

Mr. President, I submit that this line of thought and action merely serves to place Kerensky-type regimes in power, an action which opens the door still further to eventual Communist takeovers. Of course, this provokes joy in Moscow. After all, Lenin developed the theory of the two-stage revolution. In the first phase, orthodox Communists would make tactical alliances with so-called moderate opposition groups in order to impose what the Communists refer to as the bourgeois democratic revolution. The second stage in Leninist theory is the real Communist revolution which occurs after the vanguard Communist elements consolidate power and purge their opposition. A textbook example of this is the fate of Nicaragua since the overthrow of the Somoza regime.

In the Philippine case, it appears that our policy is to work to displace Mr. Marcos and bring Mrs. Aquino and the so-called moderate opposition into power. The administration has a track record in Latin America over the last 5 years. No doubt, the State Department and the CIA have been persuasive in pushing their pro-Socialist line of thought and action in the White House and National Security Council. This is unfortunate because it will not be long before we reap the whirlwind in Latin America. The Kerenskys will fall and communism and its attendant terrorism will loom increasingly over the Latin American world. This process, it appears, is being set into motion in the Philippines.

Mr. President, I well remember how my friend Bishop Muzorewa fared after he won an election in what was then Rhodesia. Because he won, the international left and the State Department decided that the election was a fraud. So what happened? Another round of elections was forced down the throats of the Rhodesian people. We have seen the consequences of the bloody rule of the Marxist Robert Mugabe in Zimbabwe. Of course, the massive butchery of the Ndebele people in the western part of the country by Mugabe's Shona-based forces trained by the North Koreans has been swept under the rug.

In the case of the Philippines, it appears that rather than run through another election the State Department and the international left has decided it is easier just to force President Marcos to step aside. The fraud issue is just an excuse and cover for the operation.

As for fraud in elections in the developing world, I think that we can all agree that it is a way of life. I certainly do not condone this immoral and unethical behavior and I do not doubt that there was fraud in the Philippine elections on the part of both sides. How often have we confronted fraud in elections in Latin America or in Africa? If a left-of-center government wins an election there are no complaints. But if a right-of-center government wins that is another kettle of fish. I wonder whether or not this is the case before us today with respect to the Philippines. We have to deal with the world as it is.

I do not think that the American people want us to be continually meddling in the affairs of foreign nations any more than they want the bureaucrats in Washington meddling into their affairs back home. Are we to be continually entangled in the most intimate internal affairs of foreign governments? Are we to continue playing the "Sorcerer's Apprentice" around the globe? Let us reflect on the consequences of our activities in Iran and Nicaragua.

While I had my differences with the thoughts of our distinguished colleague Senator Fulbright, I cannot forget the phrase that he used in reference to American foreign policy. His phrase was, and I quote, "the arrogance of power." Irrespective of the meaning that our distinguished colleague may have given to this phrase, I believe it is a useful point of reference not only for the situation that we confront in the Philippines but also in other cases around the world. Who are we, after all, to impose our standards of conduct on the rest of the world?

When the issue is communism, the situation is entirely different, since communism is totally incompatible with freedom and justice. But when we are dealing with other regimes, we should recognize the sovereignty of other nations, and restrict our role to that of persuasion and leadership. Can we expect that developing countries will immediately have the standards that the developed nations have achieved after many long years of work? Can we insist that every nation evolve exactly in our pattern?

Is this even possible given the vast cultural differences between the peoples and nations of this Earth? Is this desirable? Does it contribute to an ethic of a peaceful world? I submit that nonintervention and toleration might be more appropriate than intervention and intolerance, particularly

when the nation involved is an ally and willing to work with us.

As for fraud in elections, I might ask are we squeaky clean here in the United States? If we look back into our history we have any number of examples of big city machines cranking out votes from nonexistant people or people who have been improperly registered and so forth. I doubt that anyone in this Chamber can deny that there has not been fraud in American elections over the last 200 years.

In terms of Presidential elections, I can remember the controversy over the 1960 elections in which it was demonstrable that President Kennedy gained office owing to some 10,000 votes cranked out by the Daley machine in Chicago. There was no phenomenon of the Government of the Philippines or other governments, asking that President Kennedy step down from office to make way for Richard Nixon. I think all Americans would have recoiled in revulsion and contempt for any foreign governments trying to meddle in our internal affairs over the 1960 situation.

Since the imposition of martial law in 1972, a highly effective coalition of Filipino expatriate intellectuals, sustained by funds provided by anti-Marcos emigres, and linked to leftist elements in the academic and journalistic worlds have produced and disseminated massive amounts of misinformation and disinformation that has negatively influenced public opinion in these United States with respect to the situation in the Philippines. Unfortunately, this activity has extended into the Halls of Congress and an unbalanced view of the actual dynamics of the situation in the Philippines has emerged.

Mr. President, while I cannot go into detail because I do not wish to disclose classified information, it can be stated that our Government has extensive information on the activities of elements of the Philippine opposition based here in the United States. It is a fact that certain elements based in California, for example, have been under investigation for illegal activities involving the laundering of funds and the illegal supply of weapons and explosives to radical elements in the Philippines.

I would also note that information exists about the contacts that Mr. Aquino personally made with radical Islamic forces during his travels in the Middle East. It is no secret that the Libyan Government and the Iranian Government have been supportive of the activities of radical Islamic guerilla groups in the Philippines.

The Communist-backed National Democratic Front organization in its "Ten Point Program" advocates, among other things, the repudiation of the Philippines' external debt obligations, the immediate abrogation of the United States-Philippines military bases agreement, and the immediate abrogation of the military assistance agreement and the Mutual Defense Pact with the United States.

The Communist National Democratic Front organization has established substantial and influential ties with almost every segment of the so-called moderate anti-Marcos opposition including labor, clerical, student, and urban poor organizations. The so-called moderate opposition elements have entered into tactical alliances with the Communists assuming that the Communists could constitute only a minority faction in any coalition government that would succeed the current Government.

Mr. President, where have we heard this scenario before? I am sure Senators will recall that this was the same thinking of the so-called moderate opposition to the Somoza regime in Nicaragua. As is clear today, the Communist revolutionaries swallowed the so-called moderates in Nicaragua and that is why we have spent about $100 million over the last 5 years trying to help the freedom fighters in Nicaragua. Of course, orthodox Marxist-Leninist strategy calls for just this sort of tactical alliance with moderates until a regime is overthrown. Then orthodox Communists seize power and purge the so-called moderates. For Communists, this is a good strategy. It works. For those who believe in real freedom, however, this strategy is devastating.

I would call Senators' attention to the fact that the brother of Benigno Aquino, Mr. "Butz' Aquino, who is a leader of the so-called moderates has stated that any future coalition government, and I quote, "must include the CPP [Communist Party of the Philippines] as a minority member." You cannot get much clearer than that. If the history of this century is any guide, we shall see the same process of the Communist vanguard swallowing the so-called moderates should an effective destablization of the current Government occur.

Mr. President, we should reflect on the composition of the opposition in the Philippines. Unfortunately, accurate information on the nature and structure of this opposition has not as yet been presented to Congress in a detailed fashion.

The major moderate anti-Marcos opposition organization is called UNIDO which stands for the United Nationalist Democratiac Organization. It is under the leadership of former Senator Salvador Laurel. In mid-1983, this moderate organization announced its official opposition to the American military presence in Subic Bay and Clark Field. Laurel stated at that time that he had changed his position on the bases from a willingness to respect the agreement until it expires in 1991 to insistence that the treaty be abrogated.

Many of the key leaders of UNIDO have made their positions equally clear. These leaders include Jose Dionko, Lorenzo Tanada, Raul Manglapus, Jovito Salonga, and Jaime Ongpin. They have all advocated an immediate abrogation of the United States-Philippines bases agreement.

Mr. President, in December 1984, the leaders of the so-called moderate opposition groups reaffirmed their decision to demand a removal of U.S. military presence in the Philippines. This position was embodied in a "Declaration of Unity" signed on December 26, 1984. The widow and the brother of Benigno Aquino signed this document. The document states that, and I quote, "foreign military bases on Philippine territory * * * be removed."

Mr. President, I submit that the so-called opposition in the Philippines is deeply penetrated by the Philippine Communist Party. I submit further that elements of the opposition, including the late Benigno Aquino, have working contacts with Middle Eastern regimes engaged in state sponsored terrorism. The central theme that the so-called moderate opposition has been pushing is anti-Americanism and the removal of our military presence in the Philippines.

It is obvious to anyone willing to examine the facts that the prime beneficiary of this type of thinking is the Soviet Union. This Senator need not remind his colleagues of the massive and growing Soviet naval presence in the Pacific basin. History shows that the main beneficiary of the fall of free Vietnam has been the Soviet Union.

Should the United States be forced out of our naval and air bases in the Philippines, our ability to defend the vital sealanes of communication and strategic air spaces in a critical area of the Pacific basin will be called into question. This will have not only psychological consequences but also very real practical consequences for the security of the free countries of Asia.

How would we replace these critical naval and air facilities and at what cost? Do we spread our fleet around to facilities in Taiwan or South Korea or Australia or New Zealand or Malaysia or Thailand? If we were to spread our fleet around in this manner, what are the strategic consequences? Do we construct major new facilities in Guam or Tinian? Or do we simply retreat back to Hawaii to Pearl Harbor?

Mr. President, should we retreat back to Pearl Harbor, we have then lost what cost us so much in blood and treasure to secure in the Pacific during World War II. Will we have to go through these same tremendous sacrifices again should a conflict break out in the future with a Soviet Union emboldened by our collapsing global posture? If World War II and the fall of free Vietnam are any strategic les-

sons, we shall see the eventual creation of a Soviet coprosperity sphere in the Pacific. We shall simply see the replacement of the aggressive and expansionist Japanese empire of days gone by with the ruthless Soviet empire that we confront today.

Mr. President, this resolution is a mistake, and I cannot support it.

Mr. BAUCUS. Mr. President, I am cosponsoring this resolution because it condemns the corrupt government of Ferdinand Marcos for making a sham of everything that "democracy" stands for.

The jury is in and the evidence is overwhelming: the elections held by President Marcos were a fraud, a sham.

President Marcos did not play by the rules. He bought votes and destroyed ballot boxes. He failed to give real democracy a chance.

President Marcos may have "won" the election, but not through a fair, democratic process.

As Americans, we pride ourselves in honesty and freedom. Those are the hallmarks of a democratic society.

The actions of Marcos in this election have made a mockery of the word "democracy."

For the good of democracy, for the good of the Philippine people, and for the good of the United States interests, I believe that President Marcos should step aside.

I urge President Reagan to take the appropriate steps to defend the principles of democracy in the Philippines.

The President should encourage a transition from the Marcos government, and cut off foreign aid, or put America's contributions to the Philippines in a trust fund, until either a fair election has been held, or President Marcos has stepped aside.

The present path of the Philippines is full of uncertainty. Corazon Aquino is taking a courageous stand in leading a campaign of nonviolent protests, but her skill in guiding a nation is untested.

Even so, the longer President Marcos stays in power, the more likely it is that the Communists will gain control of the Philippines and the greater the risk of civil unrest and a civil war.

For the sake of democracy and the principles that free peoples everywhere cherish, I urge President Reagan to communicate, with urgency, the need for President Marcos to step aside.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield 1½ minutes to Senator COCHRAN and 1½ minutes to Senator MATTINGLY, which will exhaust our remaining time of 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I appreciate the distinguished chairman yielding to me at this time. I was honored to be a member of the President's delegation to observe the elections in the Philippines. I rise to commend the chairman of the Foreign Relations Committee and the senior Democratic member of that committee for working with the majority leader in crafting this resolution and bringing it to the floor of the Senate. It does reflect the sentiments that I think are appropriate for us to express at this time.

Mr. President, what has not been said in the debate, and what I have not heard, is the fact that there were thousands of people in the Philippines who worked very hard and conscientiously to make this election a fair and accurate reflection of the will of the people of the Philippines. It is they who have been betrayed in large measure by those who have manipulated the results to serve their own selfish political interests.

I am delighted to be a cosponsor of the resolution and I urge the Senate to adopt it.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. Mr. President, I intend to support the resolution. I hope all of my colleagues do so as well. The resolution accurately conveys the Senate's collective frustration and disappointment—indeed, its sorrow—at the fraud and violence that marred the recent presidential election in the Philippines.

As noted in the resolution, President Reagan has sent Ambassador Philip Habib to the Philippines on a fact-finding mission and his report to the President will no doubt be of significant value as the future course of United States-Philippine relations is charted.

These are difficult times for the people of the Philippines and it is entirely appropriate for our Nation, both for moral and strategic reasons, to do all we can to encourage the rule of law in that nation.

I am hopeful that the current crisis can be resolved and that democracy and stability will return to that land. The interests of the United States will be served in that case. However, we cannot ignore the fact that future events may require alternate locations for the critically important U.S. military installations located in the Philippines. It is for that reason that the Military Construction Subcommittee of the Committee on Appropriations proposed that the Department of Defense last October to begin preparation of an analysis of the costs involved in relocating the military facilities now in place at Clark Air Force Base and Subic Bay Naval Base in the Philippines. The full committee endorsed that recommendation.

As chairman of that subcommittee, it was my belief that such a report would be useful to the Congress as it weighed policy and budget issues this year in relation to the Philippines. That report is due to be submitted to the Congress not later than March 1 of this year.

It is my sincere hope that we will never need to execute such contingency plans, Mr. President, but a rational caution demands that we recognize the possibility that we may have to. However, I prefer to believe, and hope and pray, that the efforts of the American people and our Government working with the forces of democracy in the Philippines, will result in the will of the Philippine people being reflected in a government established through free and fair elections.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. PELL. Mr. President, I ask unanimous consent that the time for debate be extended for 20 minutes, to be equally divided.

The PRESIDING OFFICER. Is there objection?

SEVERAL SENATORS. Objection!

The PRESIDING OFFICER. Objection is heard.

Mr. PELL. Mr. President, whatever time I have remaining I yield to the Senator from Michigan.

Mr. LEVIN. I thank the Senator.

Mr. President, President Reagan's comments after the election, equivocating on the question of Marcos' election fraud, deeply hurt the Filipinos.

A half million Filipinos volunteered at great peril to defend democracy as poll watchers, nuns physically embraced "sacred ballot boxes" against government instigated goons, and by all independent accounts people voted for a change in governments.

The United States preached democracy to the Filipinos when they were a U.S. possession. A democratic government was our legacy to them at the time of their independence. That is why they felt so terribly let down by the wishy-washy response to Marcos' attempted murder of democracy in the Philippines.

Now we must tell Marcos we support his people in their exercise of the precious rights we taught them.

Being associated with Marcos any longer will undermine more than our moral position—dealing with this doomed dictator threatens our important bases at Clark and Subic in the Philippines.

Those bases are most secure when the Filipino people believe in freedom and democracy and know that we believe in them too.

The Marcos government has no credibility or legitimacy, and President

Reagan should now urge Marcos to step down.

The stakes are high in the Philippines.

The Communists urged the Filipino people to boycott the elections. Now they are saying, "See, elections don't work—only violence works."

If we do not make our position clear, and if Marcos is brought down by a Communist-backed insurgency, instead of by democratic processes, then the Filipino people's faith in democracy and in the United States may go down with them.

Mr. BIDEN. Mr. President, will the Senator yield me 10 seconds?

Mr. PELL. If I have any time left, I am glad to yield it to the Senator from Delaware.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIDEN. I ask unanimous consent to proceed for 10 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, there is strong bipartisan consensus in the Congress that the recent elections in the Philippines were not free and fair. Widespread fraud, intimidation and violence were perpetrated by Ferdinand Marcos and his supporters. President Reagan's waffling statements have only served to reinforce Marcos and to anger and disillusion those in the Philippines who look to us to provide moral support for democratic institutions and principles.

We cannot afford to choose between our interests in the Philippines. We have important military installations there, and we have a commitment to the survival of democracy. The two are inseparable. The only way our strategic interests will be safeguarded is if there is a stable political situation in the Philippines, and one that is responsive to the needs of the Philippine people.

If we are totally identified with a corrupt, discredited regime that does not have the support of its people, we may be able to hold on to our bases in the short term but we will so alienate the people that we will lose them in the long run.

The ultimate test of any democracy is whether the incumbent, having lost a bid for reelection, yields to the verdict of the voters. President Marcos has failed that test, and we all stand to lose.

The messages we are sending are clear. The administration must resolve its conflicts over dealing with the disintegrating Marcos regime and must make evident our displeasure with the electoral process and its outcome. Marcos must recognize the genuine commitment of the United States to the survival of democracy in the Philippines.

Mr. MURKOWSKI. Mr. President, I support Senate Resolution 345, on the Philippine election. As a member of the U.S. observer group that witnessed the Feburary 7 balloting and the events that followed, I agree that the will of the Philippine people was not fairly reflected in the election results.

My experiences during the election lead me to the conclusion that the vast majority of the people of that economically and politically troubled nation avidly want democracy to work, and they want change. Yet, my experiences also force me to conclude that the desires of the people were not realized because the democratic process was not allowed to work.

During election day, my team of observers traveled extensively in metro Manila, watching voting activities in nine polling places, representing over 430 precincts. We saw thousands upon thousands of Filipinos standing in line to vote. We saw dedicated teachers manning the polls, together with representatives of the political parties, KBL and UNIDO, and the citizen watchdog group NAMFREL. All this activity was impressive, and suggested that the Filipinos were indeed taking this election seriously, and wanted to be heard.

During election day, our group learned of various irregularities at specific polling places, and we attempted to sort out the facts from the emotions that were running high. We did see some election violations by both political parties. For example, sample ballots were handed out too close to the voting areas in a number of precincts. We also heard that representatives of NAMFREL were not permitted to participate in a polling place. However, when we investigated this incident, we were told by all concerned that the problem was resolved satisfactorily.

All in all, our observer group did not see major examples of election fraud during election day. Nor were we naive in thinking that we would be exposed to obvious fraudulent activities.

In fact, Mr. President, I was truly impressed with the spirit of the people who were exercising their democratic rights to vote throughout the day of February 7.

However, my positive reaction changed dramatically during the evening of February 7 when the crucial counting process was supposed to have taken place. At various municipal centers, which were designated as the collection places for tally sheets and ballot boxes, confusion reigned. Polling officials—schoolteachers for the most part—were physically unable to present their tally sheets to municipal officials at such key areas as Quezon City and Makati. Counting that was supposed to have begun around the city at 6 o'clock in the evening, was delayed in some places, and stopped altogether in other places. In fact, 2 days after election day, counting at Makati had not begun at all.

My observer team went from the NAMFREL counting center to the Government's counting center, [COMELEC] throughout the evening of February 7 and the following day. It became obvious that the Government's election commission was not processing the tally sheets. In short, the vote was being held.

Mr. President, our suspicion that massive irregularity was taking place was reinforced Sunday evening, when 30 COMELEC data processing workers walked out of the COMELEC center, claiming that they were being asked to input fraudulent information.

When the Philippine National Assembly took over the counting of the ballots, it became even more obvious that the ruling party was going to give President Marcos his victory.

Mr. President, after observing the election in the Philippines, I cannot say that the will of the people was heard. The once high spirits of the voters will now likely be redirected to demonstrations against Mr. Marcos, and prospects for the peaceful application of democracy in the Philippines are dim indeed.

I urge the Senate to adopt the sense-of-the-Senate resolution.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the resolution. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HEFLIN (when his name was called). Present.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER] is necessarily absent.

I also announce that the Senator from Maryland [Mr. MATHIAS] is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota [Mr. DURENBERGER] would vote "yea."

Mr. CRANSTON. I announce that the Senator from Ohio [Mr. GLENN] is necessarily absent.

I further announce that the Senator from Hawaii [Mr. INOUYE] is absent because of illness in the family.

I also announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

I further announce that, if present and voting, the Senator from Ohio [Mr. GLENN] and the Senator from Nebraska [Mr. EXON] would each vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 9, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—85

Abdnor	Gore	Moynihan
Andrews	Gorton	Murkowski
Armstrong	Gramm	Nickles
Baucus	Grassley	Nunn
Bentsen	Harkin	Packwood
Biden	Hart	Pell
Bingaman	Hatch	Pressler
Boren	Hatfield	Proxmire
Boschwitz	Hawkins	Pryor
Bradley	Heinz	Quayle
Bumpers	Hollings	Riegle
Burdick	Humphrey	Rockefeller
Byrd	Johnston	Roth
Chafee	Kassebaum	Rudman
Chiles	Kasten	Sarbanes
Cochran	Kennedy	Sasser
Cohen	Kerry	Simon
Cranston	Lautenberg	Simpson
D'Amato	Laxalt	Specter
Danforth	Leahy	Stafford
DeConcini	Levin	Stennis
Dixon	Long	Stevens
Dodd	Lugar	Trible
Dole	Matsunaga	Warner
Domenici	Mattingly	Weicker
Eagleton	McClure	Wilson
Evans	McConnell	Zorinsky
Ford	Metzenbaum	
Garn	Mitchell	

NAYS—9

Denton	Hecht	Symms
East	Helms	Thurmond
Goldwater	Melcher	Wallop

ANSWERED "PRESENT"—1

Heflin

NOT VOTING—5

Durenberger	Glenn	Mathias
Exon	Inouye	

So the resolution (S. Res. 345) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 345

Whereas, the Presidential election held in the Philippines on February 7, 1986 was plagued by widespread fraud on all levels;

Whereas, international observer groups, including a United States official observer delegation, appointed by President Reagan, witnessed numerous instances of such fraud;

Whereas, President Reagan stated on February 15, 1986 that "the elections were marred by widespread fraud and violence perpetrated largely by the ruling party";

Whereas, the Catholic Bishops Conference of the Philippines judged the elections to be "unparalleled in the fraudulence of their conduct," including systematic disenfranchisement of voters, widespread and massive vote-buying, deliberate tampering with the election returns and intimidation, harassment, terrorism and murder of the citizens of the Philippines;

Whereas, the vote totals reported in the Philippines National Assembly were inconsistent with figures tallied by the citizen poll watching group NAMFREL; and

Whereas, the President has dispatched Ambassador Philip Habib on a fact-finding mission to help determine how best the United States might assist the Philippines to return to a stable political situation based on democratic principles; Now, therefore, be it

Resolved, That it is the sense of the Senate that:

SECTION 1. America's interests are best served in the Philippines by a government which has a popular mandate;

SEC. 2. The February 7, 1986, Presidential and Vice-Presidential elections in the Philippines were marked by such widespread fraud that they cannot be considered a fair reflection of the will of the people of the Philippines; and

SEC. 3. The Senate requests that the President of the United States personally convey this concern to President Ferdinand Marcos and Corazon Aquino of the Philippines;

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, the issue before the Senate today centers around the question: Why is the Philippines important to the United States? We can all condemn the fraud and violence which undermined confidence in election results. Many would argue depriving the Filipino people of their democratic right to freely elect a President is consistent with President Marcos governments' history of corruption.

But why are we so absorbed by the drama which has unfolded over the last several weeks? Why have the elections captured our national attention and conscience?

As politicians, we all recoil from accusations of fraudulent elections. We really understand the potential and significance of being cheated of a hard-won victory. But in this case, our concern is not for the politicians, but the Filipino people. The United States has enjoyed a long, rich, and warm association with the Filipino people. The ties are personal and strong. The American people share the Filipino commitment to democracy. We applaud the strong voter participation in the elections and the courageous efforts of many to protect the sanctity of the ballot. Although hundreds of thousands of people were disenfranchised by having their names dropped from the polls, turnout was exceptionally high with nearly 90 percent of eligible voters participating. Obviously, the spirit of democracy is healthy and alive in the Philippines.

Beyond our personal, historical ties, the United States has critical strategic interests at stake in the Philippine islands. Our naval and air bases provide an important anchor to U.S. and allied strategic security in the Pacific. There may be other options but, at present, they have not been fully explored and, more importantly, relocation will undoubtedly be expensive.

Our enduring friendship and critical strategic interests demand the U.S. protest the outcome of the recent elections. In spite of the turnout, the will of the Filipino people has been ignored. All independent estimates suggest, at best, fraud makes an accurate count impossible and, at worst, Mr. Marcos has falsely claimed victory. Whatever the case, it is clear Mr. Marcos no longer has the popular mandate imperative to continue to govern the Philippines.

Mr. Marcos demonstrated his commitment to the best interest of the people by calling for elections. He launched an important process of transition and change. It is now time for him to accept the consequences of that political process, to accept and embrace democracy for the good of 8 million people.

I was pleased to learn the President sent Phil Habib to the Philippines. He is a tough-minded, fair, capable, representative of U.S. concern. The bill we have just passed by a wide margin urges the President to add to this effort and bring the exceptional weight of his personal credibility to bear on the difficult decisions Mr. Marcos must make in the coming days.

DEATH OF FORMER SENATOR JAMES O. EASTLAND

Mr. STENNIS. Mr. President, I wish to speak at this time about my close friend and former colleague, the late Senator Eastland. I was detained on a personal matter this morning and did not get the news early about the passing of Senator Eastland, otherwise, I would have been here to announce that fact to our colleagues.

Senator Eastland and I sat right here on this floor, very near each other, for a long time, almost within touching distance, and we acted on a world of important matters. We disagreed on some, but we never had any trouble getting along; and that is worth a whole lot in this Senate, worth a whole lot to me. We understood each other.

Someone down home once said:

> They don't even have to ask each other about how they are going to vote or how they feel about a certain matter, because they can look at each other and tell how the other is going to respond.

You always knew where Jim Eastland stood, because he would say what he thought. Senator Eastland had many fine qualities that are highly valued in this institution and those qualities gave him great influence here.

I want to gratefully acknowledge my years of service with Senator Eastland. His wife is a very fine lady, indeed, and I extend sympathy to her and other members of the family. I am proud to have been associated with them.

IN MEMORY OF A DISTINGUISHED PUBLIC SERVANT: WILEY T. BUCHANAN, JR.

Mr. WARNER. Mr. President, the majority and the minority leader established the hour of 12 noon today for the vote on the Philippine resolution, and at that very time, in this Capital City of our Nation, funeral

services were being held for the late Wiley T. Buchanan, Jr., former U.S. Ambassador to Luxembourg and to Austria.

Mr. President, it is with a note of sadness today that I rise to pay tribute over the loss of one of the Nation's most distinguished public servants, Wiley Thomas Buchanan, Jr.

Mr. Buchanan served our Nation with great distinction in a number of important positions during his long and dedicated career of public service.

From 1955 to 1957, Mr. Buchanan was U.S. Ambassador to Luxembourg. From 1957 to 1961, he was our Nation's Chief of Protocol with the rank of Ambassador. And, in 1975, Mr. Buchanan served as our Ambassador to Austria and Australia.

During his career, Ambassador Buchanan was recognized by many nations for his distinguised service and received decorations from Belgium, Luxembourg, Denmark, Thailand, and France.

Ambassador Buchanan also held a number of important positions in the private sector and served on the board of directors of the National Savings & Trust Bank of Washington and the Mutual Broadcasting Corp.

Mr. Buchanan held degrees from Southern Methodist University, George Washington University, Alma College, and Dickinson College.

In 1940, he married Ruth Elizabeth Hale who was his full partner in public life and a devoted wife and mother throughout his life. His three children were richly endowed with his wisdom and dedication. They are among my closest friends.

In some ways, Mr. President, he had a second career—the Republican Party. He was a respected leader and regular advisor to Presidential and congressional candidates. Once elected to office they would readily seek the advice of Wiley Buchanan. I was privileged to be among those he inspired to seek public office and then helped.

It had been my strong desire to be with his family today at noon to pay my last respects. However, the vote on the Philippine resolution came at 12 noon and precluded my joining, a decision this former diplomat would have likewise followed.

Mr. President, the career of Ambassador Wiley Buchanan was exemplary and our Nation is indebted to him and his family for their unselfish, dedicated service.

INTERNATIONAL CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

The PRESIDING OFFICER. The clerk will report the pending treaty.

The assistant legislative clerk read as follows:

Executive O 81-1, International Convention on the Prevention and Punishment of the Crime of Genocide.

The Senate resumed the consideration of the treaty.

Pending:

Symms Amemdnent No. 1585 to Article II, to add political groups to those protected from genocide under the definitions of the treaty.

Mr. LUGAR. Mr. President, the situation on the pending business boils down to this: An amendment has been offered by the distinguished Senator from Idaho [Mr. SYMMS] so that debate proceeds on the Symms amendment.

I inquire of the distinguished Senator if he wishes to give additional argument in behalf of his amendment.

Mr. SYMMS. I will, but if the Senator wishes to be heard on the amendment, I will be happy to wait.

Mr. LUGAR. I know of no other speakers, and I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of my amendment: Senators HECHT, HUMPHREY, DENTON, THURMOND, EAST, and WALLOP.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I spoke to this issue yesterday; but for the benefit of some Senators who may not be completely aware of what I am trying to do here today, I wish to go over some of the highlights of my amendment.

Mr. LUGAR. Mr. President, will the Senator yield for a question?

Mr. SYMMS. I am happy to yield to the distinguished chairman of the committee.

Mr. LUGAR. I ask the Senator if he will entertain suggestions for a unanimous-consent request for various time frames in the debate this afternoon. I know that the Senator has not had an opportunity to consider it in detail, but I visited with the majority leader; and in the event that it struck some chord, I would be in a position to offer this unanimous-consent request.

I ask unanimous consent that at 3 p.m. today, the Senate proceed to vote in relation to the Symms amendment No. 1585, to article II, and that time on the amendment be equally divided in the usual form.

I ask unanimous consent that immediately following the disposition of the Symms amendment, the Senate proceed to advance the Genocide Treaty through its various parliamentary stages, up to and including the presentation of the resolution of ratification, and all committee-reported reservations, understandings, and declarations be considered agreed to.

Then I would ask unanimous consent that the vote occur on the resolution of ratification at 4:30 today, and that no further action take place on the resolution, other than debate; and finally, I would ask unanimous consent that after the vote on ratification the Senate resume legislative session, proceed to recognize the distinguished Senator from Idaho [Mr. SYMMS] to offer a resolution on behalf of himself and Senators DOLE, LUGAR, and perhaps others, expressing the sense of the Senate regarding the crime of genocide, with no amendments or motions to commit; and that a vote occur on the Symms resolution no later than 5:30 p.m. today, and no further action occur on the resolution other than debate.

Mr. SYMMS. Mr. President, is the Senator putting that in the form of a request now?

Mr. LUGAR. I would wish to do so in the event it had the consent of the distinguished Senator from Idaho and his approval.

Mr. SYMMS. At the present moment the Senator from Idaho is not prepared to accept that. I have to object to that now. I might not object to it later on in the afternoon.

I would say to my distinguished colleague and the distinguished chairman of the committee that I do not expect a long, extended debate on the current pending amendment, and if we bring this to a vote rather rapidly this afternoon, maybe I could discuss this with some other of my colleagues to determine what they would like to do. I have two or three other amendments that I may wish to offer. But, I do not believe they will take much time to dispose of. They will require record votes, but they would not require a great deal of debate as far as I would be concerned. They deal with genocide in Cambodia, genocide in the Ukraine, genocide in Afghanistan, and some related issues.

Once that is accomplished, if there is no further opposition to this treaty, then I see no reason why the Senator would need a time agreement.

I can only speak for this Senator, just coming back from a long recess. I do not know what my colleagues' attitude about it is. But I do know there was before Christmas a hold letter to the majority leader that had some 15 signatures of Senators, and I do not know what the disposition of all those Senators on the hold letter is.

But if the Senator could withhold it until after we dispose of this amendment, maybe we could then come to some agreement on it.

Mr. LUGAR. Very well.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, I believe this amendment is an absolutely necessary prerequisite to the ratification of the Genocide Treaty.

As my colleagues know, I have opposed the U.S. participation in this convention for some time. I believe it is essential that we make some structural changes in this treaty. This is the purpose of my amendment.

My main objection would be removed by the adoption of this amendment which would simply add "political" groups to those protected from genocide under article II of the treaty.

If this simple change is made, I think much of the opposition to this treaty would disappear instantaneously.

Most of us, whether we oppose or support this treaty, know that its effect is primarily symbolic. Obviously, any nation so diseased as to be predisposed to commit genocide is not going to be prevented from doing so because of its lack of respect for international law. Those who commit genocide do so out of a desperation to hold power. They use genocide as a tool to eliminate political opposition to their rule. The base motivations of these tyrants are not going to be altered by our ratification of a treaty.

The ineffectiveness of this treaty has been demonstrated repeatedly since the treaty was first proposed and nations began to sign it. A quick glance at the list of signatories to the treaty reveals that it includes the leading practitioners of post World War II genocide. The signatories include: Albania, Bulgaria, Red China, Cuba, Czechoslovakia, Vietnam, and most cynically of all—the biggest butchers and murderers of all—the Soviet Union—have already signed this treaty.

It is obvious that our ratification of this treaty will not stop genocide in these nations. It is equally obvious that our purpose in ratifying this treaty is not to restrain ourselves from the temptation to commit genocide.

We don't commit genocide, and our society is structured to make it impossible that we ever will. We certainly do not need the Genocide Treaty as an addendum to our Constitution or civil law. Our intent, then, is to engage in symbolic opposition to this loathsome crime.

Proponents of United States ratification argue that we must ratify the treaty before we can criticize Cambodia, Vietnam, Red China, or the Soviet Union for the barbarity of their genocidal actions. This is nonsense. Our criticisms are strengthened by the fact that we have nothing to hide.

These nations have made a cynical hoax of this treaty and in so doing have contamined it, despite its admittedly noble intent. By ratifying the treaty as it is now worded we will be acquiescing in the crimes of these nations and the demeaning of intenational law.

Supporters of Senate ratification argue that the United States has lost respect in the world because of our failure to ratify this document. I disagree. The free nations of the world respect us for our actions, for the example which we provide by our concern for human life and liberty. On this issue, as in all foreign policy, actions speak louder than words. No one can convince me that despite their blatant and frequent genocidal acts, the Soviets enjoy more respect in the world than we, simply because they have signed the Genocide Treaty and we have not."

I mentioned yesterday the example of my good friend, the late-great Congressman Larry McDonald, who the Soviets murdered along with 268 other innocent people on an international civilian airline flight that drifted off course.

Murder by the government of political opponents is an everyday occurrence in that country. They killed 269 people on that day, and as George Will said in a column in the Washington Post shortly after that, they were still far below their average for the day.

An average of 500 people a day have been killed by the dictators in the Kremlin since 1917 in order for them to be able to stay in power. Yet they are so brazen that they have signed the Genocide Convention and come to the United States to say, "Look what we have done. We have signed it and you have not. The Soviets have tried to put us on the defense on this issue. And we have let them.

The United States of America should go on the offense with its foreign policy. One way of going on the offense is to amend this treaty so that "political" genocide is included in the list in article II.

We truly will deserve to lose respect in the world if we ratify a treaty which has not even addressed the central problem of genocide in today's world.

Article II of the Genocide Treaty is silent on "political" genocide. Here is what article II currently says:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

My amendment adds "political" right after the word "national." With my amendment, then, the treaty would read:

Genocide means any of the following acts committed with intent to destroy a national, political, ethnical, racial, or religious group, as such:

I know the arguments against this amendment. The State Department's argument is that if we do this, then we will have to renegotiate the treaty.

This is not true. We will simply send the treaty out with the message that the United States of America has ratified the Genocide Convention with one amendment.

The other 96 nations who have signed the treaty would have the opportunity to either ratify our amendment or reject it. For 36 years this treaty has languished here in the U.S. Senate. And if we adopt my amendment, then it can languish in the Soviet Union in the halls of the Kremlin for 36 more years, because the practitioners of political genocide in the Kremlin will surely look upon our amendment with a great deal of disdain. This would put us on the offense.

Again, we would truly deserve to lose respect in the world if we ratify a treaty that does not even address the central problem of genocide in today's world. This treaty would be fine if the only concern was Nazi Germany. But this is not the concern today. That was the concern in 1948 right after that terrible Holocaust which we all abhor.

The Genocide Convention was drawn to speak specifically to that tragedy. This treaty must be construed as a deterrent to today's genocide, not merely a condemnation of yesterday's.

If the treaty is to have any symbolic value, it must be a firm and clear statement against all genocide. I cannot for the life of me understand why those of us in the U.S. Senate would want to ratify a treaty that would define genocide as the murder of a national, ethnical, racial, or religious group but not a political group. To me it begs the imagination and it does not do justice and credit to the foreign policy of the United States. It does not make the United States look like a beacon of liberty and hope nor like the one place in the world where people recognize human rights and people's sovereignty to run their own system of government.

We are getting ready to ratify a treaty that turns our back on the genocides of Cambodia, Afghanistan, Mozambique, Ethiopia, and that committed against certain tribes in Angola where the Cubans and the Soviet troops, along with the Luanda government, are trying to annihilate members of certain tribes, including the tribe of Jonas Savimbi.

The genocidal nations of today do not wipe people out because of their national, ethnical, racial or religious affiliations, but because of their political views and activities. That is, at least, the claim they make when attention is called to their atrocities. "Don't meddle in our internal politics," they say, "that's a political question." Even if these claims are true, even if these nations only commit acts of genocide against political groups, can we engage in a treaty which contains such a gaping loophole? Can this Nation which holds the right of free speech and dissent in such esteem condone

another nation's genocide of political nonconformists?

I believe we cannot. I believe we cannot ratify a document which is silent on this crucial issue. We certainly cannot without my strongest opposition.

My amendment merely adds "political" to the list of protected groups which now includes national, ethnical, racial and religious. My amendment is an amendment to the treaty itself. And it is so for two very important reasons:

First, only by being integrated into the treaty itself will this amendment strengthen the symbolic statement we intend to make by ratifying this document. Its adoption will ensure that we are not a tacit partner in the alibi used by Communists and totalitarians to excuse their crimes against humanity. A definition of a crime which specifically excludes the most practiced form of that crime is more than slightly flawed—it is an indication to the criminal that there is no commitment to bring him to justice. As the great British author Oliver Goldsmith said, "Silence gives consent."

The adoption of this amendment will signal to the world that the United States does not consent to any form of genocide.

Second, only by becoming part of the treaty will this amendment place the nations guilty of genocide on the defensive. A great part of the motivation behind the recent Senate push for ratificaiton is the belief that the United States is at some moral disadvantage because it has not formalized its oppposition to genocide.

By ratifying a genocide treaty which includes a prohibition on "political genocide," we will force each of the 96 other signatory nations to adopt or reject our amended version. I am confident that the enormous bulk of them will adopt it, because most of these 96 are civilized nations and do not use genocide as a political tool. There will be some very notable exceptions, though, with the Soviet Union leading the pack. By refusing to ratify our simple amendment preventing political genocide, these nations will show their true colors. Those of my colleagues who do not enjoy it already will have the luxury of attacking this hypocrisy with an entirely clear conscience.

This amendment will put the United States on the propaganda offensive, while the Soviets will be forced to go on the defensive, unless or until they agree to our "political genocide" amendment. Civilized nations will be appalled at the unwillingness of the Soviet Union and its puppets to give up their right to slaughter people because of their political beliefs.

Thus, my amendment accomplishes the goals of the proponents of the treaty more effectively than the current treaty they so eagerly support.

I must say that I find it hard to believe that this body, the State Department and the most conservative and outspoken President of my lifetime are so reluctant to support this amendment.

How can so many prominent, responsible and intelligent U.S. citizens desire to ratify a treaty which lacks a protection Americans regard as a fundamental human right? I find this particularly distressing because that protection is so easily restored.

I have been encouraged to acquiesce in the passage of this treaty because so many of my colleagues support it. But I find no comfort—I said this yesterday and I will repeat it today—I find no comfort in being wrong en masse, especially when the blunder I am asked to overlook affects the law of our land.

It has been suggested that the Senate should pass this flawed document and then seek to have this amendment added through the United Nations. I appreciate the willingness of the distinguished majority leader and the distinguished chairman of the committee to offer that resolution. But I, personally, have problems with that approach.

First, this approach would have us ratify an unacceptable document in the hope that we could make it acceptable after ratification. That is a backward approach.

I would prefer to ratify a good treaty in the first place. One that speaks to human rights, and that addresses the prevalent form of genocide today.

This convention was negotiated in 1948, right after the United States had liberated Western Europe and Asia from totalitarianism of the right. We were at our peak power in the world. We were not as aware then as we are now of the goals and methods of the Soviet Union. At least that was the excuse we could give for the poor negotiating done in 1948 that allowed political genocide to be omitted from this treaty.

My other objection to the majority leader's suggestion is that this amendment would never get through the United Nations. Certainly the Soviets would veto or they would bully somebody else into vetoing it.

In conclusion, I would like to assure my colleagues who support this treaty that I sympathize with their motives and applaud their goals. I would like to see genocide forever removed from this planet. Unfortunately, it is not in the power of this body or this Nation to accomplish this most noble goal. The United Nations, because of all its necessary weaknesses, is similarly impotent to enforce such a ban. Thus, the only weapon left to us is our freedom, as individuals and as a nation, to speak out against these atrocities. Through the exercise of this freedom we can offer some hope to those who have no freedom. Symbolic acts are occasionally powerful. I have often supported legislation because of its symbolic value. But it is important to choose our symbols carefully, because they communicate to the world that our Nation stands for. The present form of the Genocide Treaty is a distorted statement of our values, because it does not protect the very right which allows us to speak out against injustice. If we are to be a party to this treaty we should make sure that it accurately addresses our concerns and fairly represents our ideals.

In my view, as it stands today, it does not. With the addition of this amendment, a very simple one-word amendment, this treaty could be a powerful statement of the principles of the United States of America, a statement which all Americans could be proud to make.

Without this amendment, I have to say with all due respect to my colleagues, this treaty should be relegated to the ash heap of history.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, in response to the distinguished Senator from Idaho who offers this amendment, let me say at the outset that he has cited correctly a large number of political violations of human rights perpetrated in many countries, with a special focus upon the Soviet Union and a legion of political violations.

The order with which the Senator from Idaho has presented that material, I believe, is commendable, and as a matter of fact, I suspect that there would be unanimous condemnation of the Soviet Union, and clearly unanimous condemnation of very specific and graphic examples of wholesale slaughter of persons in Cambodia and Afghanistan, as well as within the Soviet Union itself.

I make the point, Mr. President, and I think it is an obvious one. The debate today is not over our feelings of antipathy and horror with regard to politically motivated violations of human rights which have unfortunately historically been legion and in our own time have been associated very strongly with the Soviet Union and those countries allied with the Soviet Union.

Mr. President, the argument against the distinguished Senator's amendment is a simple one but it is an important one to understand. It is a method of procedure. It is a parliamentary argument. And I want to simply state it

as concisely and clearly as I can; that when the Senate requires that an amendment to the treaty be adopted, the President of the United States must gain the consent of all other parties, as the Senator from Idaho has correctly stated, with 96 others at this point, before he—that is the President—may ratify the treaty on behalf of the United States.

No amendment to the Genocide Treaty has been recommended by the Foreign Relations Committee for this obvious reason. As a matter of fact, approval by the Senate of this amendment or of any other amendment would be tantamount to rejection of the treaty, and of the convention, by the Senate. It is in effect not a debate about the political situation in the Soviet Union, Cambodia, Afghanistan or anywhere else. The amendment that the Senator from Idaho has offered is effectively a killer amendment. It is the same as a vote against the treaty.

The Senator has indicated that he may wish to oppose the treaty, and others have indicated that, too. There will come a time, hopefully, for that will to be expressed.

Mrs. KASSEBAUM assumed the chair.

Mr. LUGAR. Let me simply say so it is clear for all Senators that a vote for an amendment, any amendment, is a vote to kill the treaty simply because the assent of 96 other parties who have already ratified is required before our President can sign it. This is why we have offered, during the course of this debate, another course of action which I think is constructive.

The majority leader and I have indicated we would support the attempt of the distinguished Senator from Idaho to gain an amendment—as a matter of fact, the President of the United States has indicated that he would support this course of action after the United States becomes a party to the convention. In other words, as a party, 1 of 97, we would seek with the other parties to have a debate on politically motivated violations of this sort. It is worthy of consideration. If we proceed along a course of action that has been informally suggested, we will commit ourselves to do precisely that.

The points of the Senator from Idaho having been well-taken, our colleagues will have an opportunity to determine a course of action by our Government, and supported specifically by our President.

Madam President, in the meanwhile I would ask the Senate to reject the amendment offered by the distinguished Senator from Idaho, and reject other amendments that might be offered by himself or by other distinguished Senators because we ought to have a vote on the convention itself. We ought to consider whether this is the best thing for our country to do.

I will add a short argument. While I believe it is the best thing for our country to do, the Senator has pointed out that we could improve the Genocide Convention, and indeed we could. I have suggested we should—after we have become a party to it—enter into that argument with others. We should try to improve it. But, Madam President, even if the Genocide Treaty does not include the political situation which is present—although it might in due course, but even if it does not—it does include sentiments that many Members of this body feel are very important. That is the reason courageous persons have persisted with this convention for a long time.

Some have characterized their activities as symbolism. Others have been concerned, as I mentioned yesterday, that something more than symbolism was involved, that law was involved.

The Foreign Relations Committee has attempted to craft a solution to both of those problems. Let us not deny the power of the symbolism. It is important to persons who have been profoundly disturbed by the Holocaust and by other examples of genocide in our time.

I would simply tell you that throughout this country there are many persons who argue that symbolism alone is very important as an indicator of how the Senate of the United States feels about the Holocaust and about political genocide, which was unfortunately exemplified in the horrors of those activities.

So even if we were to deal just with the symbolism, in my judgment two-thirds of the Senate would vote to concur with the convention on that basis alone. Those who are worried about the legal implications I would hope have been reassured that the Constitution of the United States would have supremacy, that the world court would not have supremacy. There are colleagues who have expressed themselves eloquently, who believe that these thoughts are redundant. They have been willing in the course of this debate to say that the overall concept of the United States to ratify the treaty is the important issue, one we have tried to keep in front of us. Therefore, we have not been distracted, in my judgment. We have wisely offered safeguards for many points of view, but ultimately we cannot amend this treaty without killing it, given the nature of treaties, the nature of the parliamentary situation that we face.

Madam President, I would hope that Senators would consider this carefully but would vote against the amendment of the distinguished Senator from Idaho. I am hopeful that we might proceed to that vote soon. For the moment, however, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I would like to endorse the views of the chairman of our committee. He has expressed the argument for the treaty lucidly, succinctly, and well. The point of overriding importance for all of us who value this treaty, whether it be for symbolic reasons or the other reasons, is that this amendment, if passed by the Senate, would be truly a killer amendment that would end further ratification of the effectiveness of this treaty.

I join in seeking this amendment to be defeated or it should be tabled.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Madam President, I rise in opposition to the amendment of my friend from Idaho.

I would like to point out to my colleagues that this amendment is a good deal different than the reservations that we have entered into on this treaty. We have entered into some reservations and understandings indeed at the suggestion of the Senator from Idaho and others that affect this country's relationship to the treaty but which do not affect the relationship of other countries to the treaty.

It is an important distinction to make, Madam President, the fact that an amendment to the treaty itself would indeed effectively void it, that all other 96 nations that have already signed onto it would have to accept this amendment. But reservations that have been entered into that define the relationship of the United States to the treaty are of a different nature and of a different sort.

Those who have read the report on the Genocide Convention issued by the Foreign Relations Committee note on page 16 this distinction is made:

> A reservation is usually defined as a unilateral statement made by a contracting party which purports to exclude or modify the terms of a treaty or the legal effect of certain provisions. Ordinarily, it affects only the party entering it. All that is required of the other parties to the treaty is that they acquiesce in it. Their own treaty obligations among themselves remain unaffected.

So there, Madam President, is the difference between a reservation and an amendment such as the Senator from Idaho now suggests.

The report continues:

> The practice of entering reservations to multilateral treaties is widespread. The Netherlands, for example, entered nine separate reservations to the International Convenant on Civil and Political Rights at the time of ratification. Portugal included eight reservations in the instrument of ratification of the European Convention on Human Rights. A number of signatories have en-

tered reservations to the Genocide Convention.

The procedures followed by other parties to a treaty in giving effect to reservations are also well established. A state that wishes to enter a reservation must see that it is circulated to all other parties. These states then have a year in which to act. Each has the option of accepting or objecting to the reservation. In the event a party accepts the reservation, either expressly or by allowing a year to pass without objecting, the reservation becomes binding upon the accepting state and the reserving state in all disputes between the two.

So I would carefully make the distinction between what my friend from the State of Idaho is now offering, an amendment to the treaty itself, and the reservations that have been agreed to by a large number of Senators here in order to make the Genocide Convention acceptable to what I believe will be the vast majority of Senators when the matter comes to a vote.

So, Madam President, this amendment is, as the chairman of the Foreign Relations Committee said, a killer amendment. We cannot allow it to be adopted. It must be rejected. The Genocide Convention that has been before this body for 38 years is now close to passage. It will be a memorable day in the history of the U.S. Senate when, indeed, this treaty is ratified.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOSCHWITZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mrs. KASSEBAUM). Without objection, it is so ordered.

Mr. BOSCHWITZ. Madam President, I rise to speak in favor of the Genocide Convention and also in opposition to the amendment that is being proffered by the Senator from Idaho.

Madam President, before I begin, I wish to say that the fact that the treaty is before us today and has a good chance of passage, after 38 years of waiting in the wings, I think is a tribute to the very forceful leadership by the majority leader, Senator DOLE, and the cooperation of Senator BYRD, the minority leader. It is also an indication that the Foreign Relations Committee is being restored to the authority and luster that it once held in this body, and in this Nation, under the leadership of Senator DICK LUGAR of Indiana and also under the leadership of the ranking minority member, Senator CLAIBORNE PELL of Rhode Island, whose father was one of the outstanding heroes of a tale that I will tell and about whom I will speak at some length.

I might say that my friend from Rhode Island has the moral antenna and decency of few I have met in my life, and I am a great admirer of his.

I also wish to commend Senator PROXMIRE for his unflagging devotion to this issue in speaking to the Senate daily and for keeping the issue alive over a long period of years. Without him, the treaty would not have reached the floor today.

The Genocide Convention, Madam President, has particular significance and particular applicability to me. Though I am not sure that the treaty will do away with genocide—indeed, genocide continues to occur to this day and is perhaps proceeding at this moment in Ethiopia. It happened a few years ago in Kampuchea. It happened many years ago to the Armenians; it happened in the 1930's at the hand of Stalin to the Ukrainians. Then in the midst of 50 million other deaths, it fell upon the Jewish people to lose two out of five of their world population during the terrible period of the Second World War in the 1940's. This treaty, Madam President, has been a long time in coming to the U.S. Senate. And again, I am not sure that it will end genocide—people's inhumanities to other people, regretfully, continues—but an important step will have been taken.

Because, Madam President, who among us can say that had the Genocide Convention been passed in the 1930's as a response to the slaughter of the Armenians and then to the Ukrainians, that had the Genocide Convention been passed and ratified by the nations of the world, including the United States of America, who among us could say that the events of the 1930's and 1940's would not have been different? Perhaps thousands, hundreds of thousands, or even millions would have been saved. And I submit that none among us could say that had the Genocide Convention been passed, and had the press been aware of the desire of nations to oppose it, that the events of the 1940's would indeed not have been different.

Madam President, I said that the Genocide Convention has particular significance and applicability to me. In late January 1983, I made an appointment with President Reagan. I went to see him a few days later with my son to tell him that January 30, 1983, was the 50th anniversary of Hitler's becoming Reich Chancellor in Germany and that the Weimar Republic at that point died. Hindenburg, who was old and infirm, stepped down. And also on that day, on January 30, 1933, my father came home—and we lived in Berlin, Germany, at that time—and told my mother that we would leave Germany.

That was 53 years ago now. My father was at that time 55, the same age that I am today. He was at the height of his success. He was Handelsgerichsrat, a judge, a referee—an unusual position for a Jew in Germany to have at that time. He was also a businessman, for being a referee in the commercial courts was not a full-time position. And he was indeed quite successful. And, as we would expect from any man of that age, to leave such heights and to leave his home was difficult.

He was a highly successful man in the midst of a worldwide depression, and he knew that to move his family was a matter of great risk. Our travels from that day onward when we left Germany in July 1933, very early in the Hitler period, our travels were nevertheless difficult.

My father was born in a small town on the German-Polish border. Indeed, the border of Germany and Poland ran right through the middle of the town. My father was born on the Polish side and so we always found ourselves under the Polish quota. And the Polish quota, because of the actions of the Congress in the 1920's, was always full. The German quota, on the other hand, was often empty.

We went from American consulate to American consulate, seeking entry into this country, even in 1933 and 1934, and were turned down time and again—as my wife's father was in later years. My wife and her family eventually found their way to Brazil.

We went first to Czechoslovakia, and we spoke to the American consul there and we were refused. Then we went to Switzerland, and my father spoke with the American consul there and was refused. They said, "You are Polish. The quota is full for years and you cannot enter the United States." So we went on.

We went to several other countries—Holland and Luxembourg and finally we went to England. My father felt that he was still not far enough away from Hitler's wrath that he foresaw with considerable clarity. Finally in England we found a consul who allowed us to immigrate to the United States under the German quota. We arrived December 23, 1935. So this treaty indeed has some very special meaning to me.

For, while it is not an insurance against future genocide, if the countries of the world had ratified such a convention in the 1930's, if there had been a heightened public awareness of genocide in the world, as this convention attests that there is, who among us would not say that the genocide of the 1930's, conducted by Stalin against the Ukrainians and the genocide of Hitler against the Jews and against many other good people as well, might not have occurred. Who among us would say that history might not have taken a different course? Perhaps genocide would not have been averted,

but certainly its course, its extent, its intensity would have been much different. The borders of other countries might not have been slammed shut to the victims, as it was, even at the height of the horror in the 1940's. The Jews of that period simply had no place to go.

What if my father had not made that decision to leave Germany? We would have been among the statistics, our ashes would have risen through the chimneys of Auschwitz. The figure would have been 6 million and 6 instead of 6 million, though it would not even have been adjusted.

But had this treaty been in effect, had the awareness of the world been enlightened, had the press known that 100 countries had signed such a treaty, would they have directed their activities differently? Would hundreds or thousands or more have survived? I submit that that would have been the result.

Recently, a book was written entitled "The Abandonment of the Jews," by David Wyman, who is a non-Jew, who spoke of how leaders of the world—many of them revered in our memory, I might say—did nothing despite clear and overwhelming evidence that the atrocities that were taking place were actually happening—newspapers would not publish stories, statesmen would simply not act and millions were herded into the gas chambers, many of them from my family, none of whom I knew because I was 2 years old, Madam President, when we left Germany, but many of whom my father often spoke to me about. One of the few people, indeed, one of the very few people, during that time to speak up was Herbert Pell, the father of Senator CLAIBORNE PELL. Senator PELL's father was then a high ranking member of the State Department. For his efforts he was effectively expelled from the State Department, the budget for his activities removed.

I might say another member of the Pell family, Robert T. Pell, was instrumental in convincing the Dominican Republic to develop a haven to which somewhat less than a thousand Jews went from Europe at a time when they really could go nowhere else.

In that regard, it is interesting to note that when I made a speech not so long ago to a group of Canadians, I spoke about the book "The Abandonment of the Jews." They responded by saying, "Let us send you the one about Canada." In Canada the companion book is entitled "None Is Too Many," because there, too, the gates were closed to the Jews.

It is also interesting and sad to note that a look at immigration patterns over the history of this country shows that in the 1930's, when the need was so great, we reached the lowest levels of immigration. There was no previous period of our existence as a country when immigration was as low. Ninety percent of the quota, Madam President, went unfilled. It simply was not filled. It is emotional for me to speak about this fact when I think about the millions of people whose ashes were just swept through the chimneys of those concentration camps.

But let me read about Herbert C. Pell, who was appointed to the War Crimes Commission by President Roosevelt, an old friend. This organization first met in December 1943. The book, "The Abandonment of the Jews" that I have mentioned, goes on at some length about the attitude of the American Government during those times. It states: "From the outset Pell wanted the Commission to be as 'tough as possible.'" He strongly proposed the view that atrocities committed by the Axis on civilian populations were not outside the realm of war crimes. He won some members of that Commission over to his broader interpretation but they could not act without orders from their government. The matter bogged down because neither Pell nor Sir Cecil Hurst, the British representative, and Commission Chairman, could get his government to take the position on it.

In January 1945, after 8 months without an answer, Hurst quit in disgust. The State Department treated Pell even more shabbily. Despite his frequent requests for instructions on policy issues, it never gave him definite directions. Thus, while he could lobby other Commissioners, he had no authority to take official positions themselves. His lack of power was not acknowledged.

Further on, the book states that the State Department officials assigned to the War Crimes Commission questions intended to make Pell's mission fail. Continuing to quote:

In December 1944, Pell returned to the United States to try to clarify the problem. He made no progress with the State Department, but conferred with Roosevelt on January 9th. By then, Hurst had resigned the War Crimes Commission, and it appeared that Pell would become the chairman. The President reassured him, and as he left said, "Good-bye, Birdie. Good luck to you. Go back to London as quick as you can and get yourself elected chairman." When Pell went to the State Department to bid his formal farewell, he was astonished to hear Stettinius say that the Department had been unable to obtain the appropriation for continuing his work. The only choice was to close his office and have some regular American official represent the United States on the commission.

Later, the book also states:

What Pell definitely achieved then was to force the administration to make its war crimes policy public, a step that the War Refugee Board greatly desired. Whether his year of effort in the War Refugee Board added pressure and influenced policy itself cannot be determined.

But this man, the father of Senator PELL, was among the few who spoke out and tried to have an impact on American policy—and was totally unsuccessful.

The United States did little—close to nothing. I pointed out that immigration during that period fell to its lowest point in our history. A mere 10 percent of the quotas were filled. My people were allowed to languish, suffer, and die uncharted deaths. Other countries, as I have mentioned, did little more or did nothing at all.

My family and others who were able to get out were sprinkled all over the world: Brazil, Cuba, Kenya, Shanghai, China, the Union of South Africa, Australia, and a number of other countries as well. But many, many more were lost and are no more. Who among us, Mr. President, can say that a Genocide Treaty would not have been effective if it had been in existence back in those days? Who among us can say that the results would not have been different, whether with respect to a single human being, hundreds, thousands, perhaps millions? If the consciousness of nations had been awakened as it is now by this treaty; if the press were freer as it is today, and more aggressive as it is today, who among us can say that the presence of this treaty would not indeed have affected those terrible days?

So, Madam President, I hope we vote 100 to zero to ratify this treaty. No authority or sovereignty of the United States is threatened but countless millions may someday be saved.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mr. MURKOWSKI). The Senator from Rhode Island.

Mr. PELL. Mr. President, I feel very touched by the words of the Senator from Minnesota. I thank him very much. I remember those days very vividly. I remember the shock and horror that my father suffered—he was a gentle man—at becoming aware of the horror and heinousness of what was going on. He was then the U.S. Representative to the United Nations War Crimes Commission. But, the interesting point is just as the Senator from Minnesota mentioned, the fact that these dreadful events were going on was becoming increasingly known amongst the leaders of the world, if not necessarily amongst all the populations.

Very little was done at that time. I am convinced from the reading I have done, the book cited by the Senator from Minnesota, and another one called "Why Six Million Were Killed" by Arthur D. Morris, that came out in 1967, that there was an unwritten gentleman's understanding to ignore the Jewish problem in Germany, and that we and the British would not intervene in any particular way.

Hitler was not interested during the early years of his rule, in killing all the Jews. He wanted a Europe that

was Juden frei, free of Jews. The trouble was that there was no sanctuary, no escape. We did not take them. I remember when the *St. Louis* came over to our shores with 900 Jews aboard her and we sent her back to Bremen for the people to burn there. I can remember the lack of sympathy there was here.

The press seemed to have a policy of putting the Holocaust stories, except for Kristal Nacht, inside the pages at the bottom of the page.

You read the letter from Secretary McCoy in Yad Yashem, and you realize that the instructions were given not to bomb the railroad line between Kosice and Paesov, over which these unfortunate Jews were carried on their way to Auschwitz.

On the other hand instructions were given to bomb a factory less than 10 miles away. But, the point was as McCoy felt and our Government felt at the time, the way to help the Jews was to focus on winning the war. But we could also have given aid and sanctuary to the Jews. As the Senator from Minnesota mentioned, there were quota numbers that were not used. My recollection is in 1943 only 10 percent of the German quota numbers were actually used.

So we had all these means of helping the Jews. We knew what was going on. None of us really did very much about it. I speak particularly of the leading politicians and leaders in Great Britain and in the United States. I believe this plays also a certain role in our sense of responsibility to the sanctity of Israel. So that nobody could never again suffer their fate.

And the prejudice against Jews remains. I can remember opening the Consulate General in Bratislava on the border of Hungary after the war, and there was minipogrom there. I remember giving sanctuary to the Jews in the bottom of our Consulate General building.

So there was to be a place where a man can say ich bin Jude, to be remembered as a matter of right, and that is why I believe we took the lead in the support of Israel.

There is one other point here mentioned, and that is what was able to be effected by at least one individual, my father, speaking up. I think what happened here is that the State Department, Glenn Hackworth, Larry Preng, and other State Department lawyers, all were very legalistic.

They were more concerned about legalistic jargon and semantics than human suffering. However, there were human considerations that made one go further. I am very glad to say that after my father was effectively fired from the State Department, he went public. You find that Secretary Stettinius reversed positions and said that the U.S. policy would be to consider genocide as a war crime and subject to the war crimes tribunal.

So there was some success done there.

In the course of the firing, and this might interest the Senator from Minnesota, when my father found his and his office budget being cut, he offered to go back at his own expense. They declined and then he offered to go back and pay for the secretary and the rent. Again the offer was declined. Apparently the decision was made that they did not want to vigorously enforce human rights in that job at that time.

I am very glad that the Senator from Minnesota is aware of this.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I would like to thank the Senator from Minnesota for his remarks. It was most moving and touching to be here on the floor to hear this personal story of the experience and the agony that he and members of his family went through some 52 or 53 years ago at the hands of the Nazis.

I would like to say further that I know the Senator feels very strongly about the ratification of this treaty. I appreciate his concern and his enthusiasm to see this treaty ratified.

He made the comment that the Holocaust might not have happened as it did if the Genocide Convention had been ratified in the 1930's, in the 1920's.

I think that brings me back to the point of my amendment. My amendment is about stopping genocide. My amendment is aimed directly at the target. If we had a Genocide Convention ratified in the 1930's, what would it have done for the 10 million people in the Ukraine who were starved to death because they were political enemies of the Soviet Union?

That is the point I am trying to make.

My appeal to my colleagues is very simple: I share the concern that the Senator from Minnesota has, and I appreciate that concern very much. But we must focus that concern in the most productive way possible. We must ratify a treaty which condemns all genocide, not just that aimed at racial and religious groups.

I cannot for the life of me understand, why a nation that is the greatest symbol of human rights, personal freedom, and economic opportunity, does not want to put those countries who base their entire heritage on oppression, tyranny, and assassination of large numbers of people, on the defense.

I am talking specifically now about the Soviet Union, the dictators in the Kremlin, where they have based their entire government on tyranny and oppression.

Why do we not put them on the defense? Why do we not go on the offense? We have a story to tell. Our Nation's committment to human rights, speaks for itself. What committment have they shown? Ours is the country that allows opportunity, that respects human rights, that recognizes that our rights come from some higher power, that we have the sovereignty to run our own Government and we tell our leaders what to do. Why do we not put them on the defense? Why do we not make them answer for their crimes? Why do we instead cower, frozen by our self-imposed guilt?

I heard the distinguished Senator from Indiana and the distinguished Senator from Rhode Island make the argument—this amendment is a killer amendment. It is no such thing. Our adoption of this amendment would merely require the United States to send this amended treaty to those other countries who have ratified it and seek their approval of this addition to the protection of this treaty. I think it would be a most entertaining and a most edifying experience to see what the Soviet Union, and the other countries who base their governments on oppression, tyranny, assassination, and genocide would do when confronted with our amendment.

If my amendment is adopted, I think the Senator from Minnesota will get his wish. We will probably have a vote of 100 to 0 in favor of this treaty on the Senate floor. But without my amendment, this treaty is not a symbol appropriate to our Nation. I would urge adoption of this amendment to my colleagues, and I would say that we should not be deterred by those who say it is a killer amendment. It is no such thing. It is an amendment designed go guarantee the lives of countless millions in Communist and totalitarian nations around the world who live in daily fear that their own government will kill them for their political dissent.

Again, my amendment simply adds one simple word to this treaty. "Political." The word "political" would be added in section 2 of the treaty. It would then read:

> In the present convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, political, ethnical, racial, or religious group as such:

One simple word, Mr. President, is all that would be added to this treaty. One word without which this treaty is silent on the greatest examples of genocide in history. With the addition of this word, this treaty would have a powerful symbolic meaning which we could all be proud to endorse.

I yield the floor.

Mr. WILSON. Mr. President, I rise in support of ratification and in reluctant opposition to the amendment pro-

posed by my colleague from Idaho. My opposition to his amendment is purely procedural; and my agreement with its substance will be reflected in my subsequent vote for his proposal when it is later recast and offered as free-standing legislation, rather than an amendment to the treaty, which imperils success of the ratification process.

First, Mr. President, I am satisfied that U.S. citizens and sovereignty have been adequately safeguarded. Why then should we continue to afford the jailers of Shcharansky and tormenters of Sakharov the pretext of American failure to ratify this treaty with which to divide world attention from their actual conduct of genocide against the innocent civilian populations of Afghanistan, Cambodia, and other nations unable to resist?

Why, Mr. President, should we allow the Sandinista butchers of Miskito women and children to hypocritically point their bloody fingers at the United States?

And how, Mr. President, can we allow any inference that American memory is so short or sensitivity so lacking that we have forgotten or grown indifferent to the horrors of the Nazi Holocaust or of genocide against the Armenian people?

The answer, Mr. President, is that we dare not make such mistakes.

We are engaged in support of freedom fighters on many fronts throughout the world. In our support, we must recognize this fact: We are engaged not just in wars of arms, but in wars of ideas as well. Lose the war of ideas and we risk the loss of armed conflict in the cause of freedom.

We must deny the enemies of freedom and human rights the great tactical, psychological advantage of false moral superiority which they will brazenly foist upon the innocent, if we let them.

Mr. President, the time has long since come to deny them this advantage. The time has long since come for the Senate of the United States to ratify this treaty.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. Mr. President, I would just respond to my friend from Idaho that he offers an amendment to the treaty. Some reservations have already been made with respect to this treaty and agreed to by its sponsors here in the Senate. Reservations are different than amendments, I will say once again to my colleagues.

An amendment would require all other 96 nations who ratified the treaty to agree to it. Reservations define only our attitude with respect to the treaty and do not require the other nations to reratify the treaty.

In effect, what my friend from Idaho's amendment in asking for the single word change would require is the resubmission of the treaty to the 96 nations that have already ratified it. The President would then have to wait to sign it until they approve the treaty yet again. As a result, even this single word, by amending the treaty, is indeed a killer amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER] is necessarily absent.

I also announce that the Senator from Maryland [Mr. MATHIAS] is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota [Mr. DURENBERGER] would vote "nay."

Mr. CRANSTON. I announce that the Senator from Ohio [Mr. GLENN], the Senator from Maine [Mr. MITCHELL], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that the Senator from Hawaii [Mr. INOUYE] is also absent because of illness in the family.

I also announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

I further announce that, if present and voting, the Senator from Maine [Mr. MITCHELL] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 62, as follows:

[Rollcall Vote No. 14 Ex.]

YEAS—31

Abdnor	Hawkins	Pressler
Armstrong	Hecht	Roth
Cohen	Helms	Rudman
Denton	Hollings	Symms
Domenici	Humphrey	Thurmond
East	Kasten	Trible
Garn	Laxalt	Wallop
Goldwater	Long	Warner
Gramm	Mattingly	Zorinsky
Grassley	McClure	
Hatch	Nickles	

NAYS—62

Andrews	Chiles	Gore
Baucus	Cochran	Gorton
Bentsen	Cranston	Harkin
Biden	D'Amato	Hart
Bingaman	Danforth	Hatfield
Boren	DeConcini	Heflin
Boschwitz	Dixon	Heinz
Bradley	Dodd	Johnston
Bumpers	Dole	Kassebaum
Burdick	Eagleton	Kennedy
Byrd	Evans	Kerry
Chafee	Ford	Lautenberg
Leahy	Nunn	Sasser
Levin	Packwood	Simon
Lugar	Pell	Simpson
Matsunaga	Proxmire	Specter
McConnell	Pryor	Stafford
Melcher	Quayle	Stevens
Metzenbaum	Riegle	Weicker
Moynihan	Rockefeller	Wilson
Murkowski	Sarbanes	

NOT VOTING—7

Durenberger	Inouye	Stennis
Exon	Mathias	
Glenn	Mitchell	

So the amendment (No. 1585) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, I move that the Senate proceed to advance the Genocide Treaty through its various parliamentary stages up to and including the presentation of the resolution of ratification and that all committee-reported reservations, understandings, and declarations be considered and agreed to.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LUGAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

WHO SUPPORTS THE GENOCIDE TREATY AND WHO OPPOSES IT?

Mr. PROXMIRE. Mr. President, who supports the Genocide Treaty and who opposes it? The treaty is supported by the President of the United States. Indeed, President Truman and every one of the last six Presidents have supported the treaty. Six times the Senate Foreign Relations Committee has recommended its passage. The Senate itself went on record, as recently as December 1984, supporting the principles of the treaty and recommending its early consideration by this Congress. The vote on that pro-Genocide-Treaty resolution was 89 to 2. The American Bar Association officially opposed the treaty for the first 16 years it was before the Senate. But then a series of ABA presidents personally differed from the Bar Association's formal position. In 1974, the ABA conducted a 2-year, detailed, meticulous study of every legal aspect of the treaty. The Bar Association carefully and thoroughly examined the constitutional implications of the treaty. How did that thorough painstaking, factual examination of the treaty affect the American Bar Association's position? It completely reversed the posture the Bar Association had taken. In the past 10 years—since 1976—the Bar Association has been an

all-out, vigorous supporter of the treaty.

Mr. President, this is a religious country. The overwhelming majority of Americans recognize God as the Supreme Deity. At the same time Americans glory in the fact that we worship God in our own individual and different ways. Our country enjoys a wide variety of religions. These religions—including all of the major religions—have taken a strong and emphatic position on the Genocide Treaty: A position of vigorous support. This is true of virtually every significant Christian sect, Catholic, Russian Orthodox, and all of the varied Protestant sects. The Jewish faith, too, has weighed in emphatically on the side of the Genocide Convention. Many civic and fraternal organizations have announced their support of the Genocide Treaty. So who supports the Genocide Treaty? Mr. President, it is hard to find a major, respected organization that does not support it.

And, who opposes the Genocide Treaty? The John Birch Society, Phyllis Schafly's Eagle Forum, the Liberty Lobby, and a few other far-out, extreme fringe groups. The groups that oppose the Genocide Treaty constitute a politician's dream of what each of us dearly wish we could identify with our opponent. Is there anything more embarrassing in elective politics than to be publicly and vocally supported by the John Birch Society? Does anyone really want the general public to know that a serious candidate for the U.S. Senate has the enthusiastic support of the Liberty Lobby? Mr. President, these are thoroughly discredited organizations. But let's not kid ourselves, they can be astonishingly effective. They constitute a major reason why the Genocide Treaty has been sitting in the Senate for 36 years without action. The problem is that after 36 years, the responsible, respected, prestigious supporters of the treaty rarely discuss it. When they do discuss it, they talk about it in factual, low key, unemotional, reasonable terms. This doesn't excite anyone. The overwhelming majority of Americans agree with the treaty's supporters but they aren't excited about it. They are not moved emotionally. They rarely listen. Ah! But the far-out fringe supporters of Liberty Lobby and John Birch. They trade in the language that excites and intrigues. They trade in emotion. And let's face it. They often trade in that exciting, energizing emotion: Hate. That hate takes the form of anti-Semitism and of blatant racism. Unfortunately that still has deep appeal in this country. The extremists will deny that they deal in hate. But they do. They trade in outrageous distortions of what the treaty will do. Those distortions have been refuted repeatedly by the American Bar Association and by many, many years of hearings before the Foreign Relations Committee.

So what's the result? We go home to our States. The only time we hear the Genocide Treaty brought up, it's brought up by intense, bitter people who know the treaty only through what they read in Liberty Lobby's "Spotlight" or some publication of the John Birch Society. Has any Senator ever been confronted at home by a critic of the treaty who has actually read it or read the careful, objective analysis of the American Bar Association or the findings of the U.S. Senate Foreign Relations Committee? In the past 28 years, this Senator has repeatedly been confronted by vigorous critics of the Genocide Treaty. I have yet to meet one who gave any evidence of hearing both sides of the argument. That is not true of most Members of this body. Most Senators are now familiar with what the experts have found on the treaty. Most of us know what is right and what is not. We also know that this vote is not without some political risk. But believe this Senator who has been identified with this treaty for many years. In the long run—and that includes the next election—the political plusses in voting for the treaty and against amendments that would destroy any prospect for ratification are far, far stronger than the minuses.

Mr. LAUTENBERG. Mr. President, I rise in strong support of ratification of the Convention on the Prevention and Punishment of the Crime of Genocide. The time has come for the United States of America to take its rightful place among the family of nations that have already ratified this document. We must delay no longer.

I would like to commend Senator PROXMIRE for his efforts on behalf of ratification. Senator PROXMIRE has been a lone voice, crying in the wilderness, urging ratification of this treaty. He has made literally thousands of speeches on this matter here in the Senate, and I congratulate him for his diligent attention to this important issue. I hope that the action we take today in ratifying the U.N. Convention on the Prevention and Punishment of the Crime of Genocide will vitiate the need for Senator PROXMIRE's efforts.

I have had many opportunities to study first hand the heartrending evidence of the most far-reaching campaign of genocide in history, the despicable work of the Nazis before and during World War II. That one group of human beings can turn against another in an attempt to wipe them off the Earth is beyond comprehension, and yet it has happened, again and again.

Early in this century, the Turkish slaughter of the Armenian people was an early and unfortunate example of genocide. What was originally called the Ukrainian famine of 1932-33 is now known as a broad and orchestrated campaign of starvation, physical abuse, and internment, and called genocide by many. Today Cambodia is reported to be the site of genocide killings.

The litany goes on. The victims are many, the voices of outrage too few. The ratification of an international treaty outlawing the practice of genocide seems a small enough protest against the enormity of the crime. Still, this is a government of laws, and we write the moral bases of our society into law.

It is therefore imperative that after a 37-year delay, the Senate should give its advice and consent to the signing of the Genocide Treaty.

President Truman transmitted the Genocide Convention to the Senate for its advice and consent on June 16, 1949. Hard on the heels of the end of World War II and the revelation to the world of the Nazi extermination camps, the United States declared genocide a crime under international law. This was followed by the drafting of the Convention of Prevention and Punishment of the Crime of Genocide.

Let us not lose sight of the background. The world was shocked by the evidence of lengths to which man can go when driven by irrational forces. One reaction was the swift passage of measures to outlaw and punish such genocidal actions against a whole people.

The convention would have made it possible to punish those responsible for the atrocities committed against the Armenian people in Turkey during the time of the First World War. Some 1.5 million people of Armenian ancestry were killed throughout the Ottoman Empire, and more were driven from their homes during that time.

The convention would have made it possible to punish those responsible for the actions of the Soviet Government during the early 1930's which resulted in wholesale deaths and displacement of the Ukrainian people.

The convention would have made it possible to punish those responsible for the deportation of Jews from all over Europe to slave labor and death camps in Germany and Eastern Europe for the express purpose of wiping out the Jewish people.

The convention would make it possible to punish those responsible for the intentional uprooting and killing of millions of the Cambodian people by the Khmer Rouge forces.

Mr. President, no reasonable objection can be made to a treaty that labels genocide an international crime which must be prevented and punished.

I urge my colleagues to vote to ratify this convention. The United States must join over 90 of her sister nations in denouncing genocide.

Mrs. KASSEBAUM. Mr. President, the Genocide Treaty has been pending before the Senate since 1949 and today we find ourselves, finally, about to resolve what has been a very difficult and complex issue.

During the Foreign Relations Committee's most recent review of this treaty, it was clear that an important reason for the long delay in ratification has been the sharply differing perceptions of the force and effect of the treaty. Some believe the treaty is largely symbolic. Others regard it, first and foremost, as a legal document which commits the United States to a number of international obligations, some of which are not clearly identified.

The Foreign Relations Committee, in an attempt to bridge the gap between these perceptions, approved a number of provisos. These address concerns that the treaty might endanger the constitutional rights of U.S. citizens and infringe upon U.S. sovereignty. Even with the eight provisos developed by the committee, the treaty's legal application to the United States has been a point of controversy.

I joined the majority of the committee in voting to send the treaty to the Senate floor for debate. However, I have had reservations about the effectiveness of this treaty. While I don't believe this treaty would undermine our Bill of Rights, neither do I believe the Genocide Treaty can prevent genocide.

However, I have come to agree with the view expressed by many, particularly the committee chairman, Senator LUGAR, that Senate ratification of the treaty is important as a symbol. While I believe we too often immerse ourselves in symbolism, there are times when it becomes important for the United States to take symbolic action to influence public opinion around the world.

In doing so, we should not lose sight of reality. The history of the world since World War II makes clear that the Genocide Treaty has not stopped genocide. Millions have died in Cambodia. Religious minorities have been persecuted mercilessly in Iran and other states. An estimated 500,000 people have been killed during the Soviet occupation of Afghanistan. By itself, American ratification of the treaty will not, and cannot, change that.

As the Senate moves to ratify this treaty, important as that action is, we also must be mindful that a genuine commitment to the end of genocide and the protection of all human rights is not demonstrated by words, even the most noble ones in an international treaty, but by actions. That is the message that we must continue to send to the body of world nations, by this action and many others that must follows.

Mr. THURMOND. Mr. President, since 1949, the Genocide Treaty has been before the Senate for ratification. It has been my belief that the treaty could undermine safeguards provided by our Constitution. Consequently, I have opposed ratification.

My distinguished colleagues, Senator LUGAR and Senator HELMS, are to be commended for their efforts in the Senate Foreign Relations Committee to address these constitutional concerns. However, I am not convinced that these modifications succeed in remedying legal defects in the treaty.

For instance, in 1947, the United States acquiesced to pressure from the Soviet Union by exempting political genocide from the treaty's definition of genocide. Accordingly, the destruction or mass imprisonment of political opposition is not considered to be within the purview of this treaty. The committee-passed modifications have failed to address this important issue.

I have always opposed provisions in the treaty which would allow U.S. citizens to be extradited, tried in the country where the so called act of genocide was committed, and punished under the laws of that country. Our former colleague, Senator Sam Ervin, had a richly deserved reputation for his knowledge of the United States Constitution. In opposing the treaty, he warned that Americans captured by the Communists during the Vietnam War could have been tried and punished for genocide in a North Vietnamese tribunal.

The sovereignty of our Nation and the principles of the Constitution which we cherish require us to carefully review, not only the words of this treaty, but their potential application in the real world. It is unfortunate that other nations which do not share our love for freedom and our abhorrence of genocide have used the failure to ratify this treaty as propaganda against us. When these nations follow ours in the protection of human freedom and when we can be assured with reasonable certainty that our citizens will be allowed the same constitutional privileges throughout the world as we have in this country, then I will feel more comfortable with the ratification of this treaty. Unless I can be convinced that modifications to this treaty insure our national sovereignty, as well as all of the constitutional rights to which our citizens are entitled—I will continue to oppose the treaty.

Mr. PRYOR. Mr. President, I should like to join in this "eulogy" for BILL PROXMIRE.

His dedication to this cause is, of course, legendary—and should be. Imagine delivering a statement on the Genocide Convention every single day the Senate has been in session since January of 1967—every single day without fail. That's more than 3,000 speeches. No matter how we feel about the treaty, we can't say it hasn't been discussed thoroughly. I think it probably takes one of us to understand just how extraordinary the Senator's record is, considering the demands on a Senator's time and the uncertainty of modern travel. But then I suppose we should not be too surprised at this epic accomplishment since BILL PROXMIRE has not missed a day's work or a vote since April of 1966—20 years ago.

The Senator from Wisconsin has often speculated that many Members would eventually vote for the Genocide Treaty simply to keep from having to listen to any more of his speeches. I won't comment on that issue except to say that Morning Business will never be the same again.

My first exposure to this issue came when I was in my first few days on the job and BILL PROXMIRE took the time to personally call on me to discuss the Genocide Convention. I can't tell you what an impression that made on me. Here was the famous senior Senator from Wisconsin walking over to the office of a raw freshman Senator to explain and plead for an issue which obviously had a deep significance for him. That kind of dedication to an issue sets a very high standard for all of us.

Ratification of the 36-year-old Genocide Convention resulted from the efforts of many people, inside the Senate and out, and we should take time to mention Larry Patton of Senator PROXMIRE's staff, who worked diligently on this issue for many years.

But the treaty will forever be the legacy of the patience, passion, persistence, and persuasion of the Senator from Wisconsin.

Mr. EAGLETON. Mr. President, I join with my colleagues in paying tribute to Senator PROXMIRE for his awesome perseverance in vigorously advocating and supporting the Genocide Treaty.

Nineteen years ago, on January 11, 1967, BILL PROXMIRE gave a speech on the Genocide Treaty. On that day, Lyndon Johnson was in the White House. The war in Vietnam was still expanding. Robert Kennedy was gearing up to run for the Presidency, and Richard Nixon was practicing law in New York. Indeed, on that day 19 years ago, TOM EAGLETON was the Lieutenant Governor of Missouri. By any yardstick—social, political, or chronological—1967 is far removed from today.

Since then, on each day the Senate has met in session, Senator PROXMIRE has articulated the conscience of this Nation in calling for the Senate to ratify the Genocide Treaty. In all, he has addressed the Senate on this topic more than 3,000 times.

Those statistics are eloquent testimony to Senator PROXMIRE's dedica-

tion and commitment. His colleagues pay tribute to him for those qualities.

Mr. KERRY. Mr. President, 40 years ago, the United States won its war against the terrorism of the Nazis, and became the principal force behind the drafting of the Genocide Treaty.

Today, as our Government continues to fight terrorism around the world, it is appropriate that we at last join 96 other nations in ratifying the treaty that we originally drafted.

Mr. President, in its current form, the Genocide Convention has been weakened, for reasons having to do with ideology and politics, and not for any reasons of good policy.

But even its weakened form, it is time the United States ended the embarrassment of its failure to ratify the treaty drafted over a 2-year period by a United Nations committee chaired by a United States delegate, adopted unanimously by the U.N. General Assembly in Paris on December 9, 1948, signed 2 days later by the United States, and transmitted to the Senate for ratification the following June by President Truman.

Mr. President, along with seven other members of the Foreign Relations Committee, I opposed the additional provisions that were added to the treaty as part of the Lugar-Helms package, because I believed these provisions were unnecessary, and might cause some of our allies to refuse to recognize the U.S. ratification as valid. The Netherlands, for instance, has stated that it does not recognize as valid ratification by any nation which seeks to deny the World Court with jurisdiction over the treaty.

I think it is worth looking at which other nations have adopted the kind of provisions contained in the Lugar-Helms package:

Albania, Algeria, Argentina, Bulgaria, Byelorussian Soviet Socialist Republic, People's Republic of China, Czechoslovakia, German Democratic Republic, Hungary, India, Mongolia, Morocco, Philippines, Poland, Romania, Ruwanda, Spain, Ukranian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, and Viet Nam.

Most of these nations are Communist. Others are or were headed by authoritarian regimes at the time they ratified the convention. It is understandable why these nations might not want the World Court to exercise jurisdiction over their actions. But the United States does not commit genocide. We should not be fearful of giving jurisdiction to the World Court of any such offense.

We should not be on the same side as these Communist nations in refusing to acknowledge the jurisdiction of the Court. We have nothing to hide.

Instead, we should be taking the position taken by our allies, including Australia, Belgium, Brazil, Ecuador, Greece, The Netherlands, Norway, and the United Kingdom, who do not accept reservations in respect to article IX of the convention.

In order to avoid a lengthy debate on the Genocide Convention that might impede its swift ratification, I will not be offering an amendment to the treaty to eliminate the additional provisions to the convention reported out by a bare majority of the Foreign Relations Committee.

For the record, I wish to state that the amendment I would have offered would have replaced these provisions with the declaration by the United States it did not recognize the article IX reservations to the treaty adopted by the Communist nations, and the others I have mentioned, which is the position taken by the United Kingdom and our other allies.

Even with the additional provisions, ratification of the treaty by the United States is long overdue. As President Reagan has said of the Genocide Convention:

> If free men and women remain silent in the face of oppression, we risk the destruction of entire peoples. * * * We intend to use the convention in our efforts to expand human freedom and fight human rights abuses around the world. Like you, I say in a forthright voice, "Never again!"

We must reject the claims of some that the treaty is worthless because it does not protect political groups. It protects national, ethnic, racial, and religious groups. I find it hard to imagine a nation defending itself against charges of genocide by saying, "We are not committing mass murder against an ethnic or racial group—we are only committing mass murder against a political group."

The idea that a nation would use the defense that it is only committing mass murder against a political group is ludicrous.

We must reject the claims of some that the slaughter of the Cambodians by Pol Pot was not a genocidal action prohibited by the treaty. There is no forum in the world that ever made that determination. Yet the United States has been in no position to raise the issue, because we haven't ratified the Genocide Convention.

We must reject the claim that the Genocide Convention exempts the Soviet actions in Afghanistan from being considered genocidal. That is another issue that has not been resolved, because no one has taken the Soviet Union to the World Court to make that charge. If the United States ratifies the treaty, it has the right to do so. If the Soviet Union refuses jurisdiction, the World Court then has the right to decide both whether it can hear the case, and whether the genocide has occurred.

Because of our World Court reservation, we have weakened our position at the World Court, and the Soviet Union could under the standing principles of international law claim that the United States has lost its right to bring its claim because of its own reservation.

Still, we can bring the claim, even if the Soviets decline jurisdiction, and thus use the convention to publicize acts of genocide when we believe they have occurred.

We must also reject the claims that ratification of the Genocide Convention would violate or affect the United States Constitution. The Constitution is the supreme law of the land, and it cannot be overridden by any external agreement.

As the distinguished majority leader has stated in the past:

> The rights of all remain in major focus of our foreign policy, especially when we are today beset by issues of how to stem the advance of the enemies of human rights. Let us set an example for the world to follow. Let us ratify the Genocide Convention now.

Mr. President, I believe the opposition to the Genocide Convention in its current form demonstrates extraordinary insensitivity to the many American citizens who came here following the Armenian genocide, to those who once were refugees from or had relatives killed in Hitler's death camps, to those immigrants from Southeast Asia who fled from the Khmer Rouge.

Those who object to the treaty should recognize that their concerns are not accepted by the State Department, by the President of the United States, or by such close U.S. allies as Canada, France, Israel, Italy, and the United Kingdom.

Both West and East Germany have ratified the Convention. Our own ratification of this treaty is long overdue.

Mr. DECONCINI. Mr. President, today I rise to vote for the Genocide Convention—a controversial issue which has been long-debated and long-delayed. As we are well aware, the convention was drafted by an international committee which included representatives of the United States, and was signed in the heady days following the Second World War when the United States was the preeminent world power. At that time, we hoped that we could rebuild the world and create an era of peace, democracy and legal order. It was also our hope and desire to establish a world in which atrocities like the Holocaust would never again occur. It was in these times, as a response to these times, that the Genocide Convention was drafted. Never again, we felt, would we allow such a horror to take place.

Unfortunately, the new hopes of the late 1940's were replaced by the cold war realities of the 1950's. The Soviets continued their advance into fledgling Democratic States and their subjugation of freedom-loving peoples. Yet, every President since Harry Truman

has asked the Senate to ratify the Genocide Convention, including the likes of John Kennedy and Jimmy Carter as well as Richard Nixon.

Now, in the 1980's, President Ronald Reagan, the most conservative U.S. President this century, has asked the Senate to ratify this convention. He called upon the Senate Foreign Relations Committee to report it, and he urged its consideration on the Senate floor late in the 98th Congress. Early in the 99th Congress, President Reagan again called upon the Senate to take action, and the Foreign Relations Committee once again favorably reported the convention with eight attached reservations. I believe these reservations fully respond to the concerns raised by various groups. The reservations clearly spell out that the convention does not supersede the U.S. Constitution nor does it subject U.S. citizens to any loss of their constitutional rights.

President Reagan asked for the ratification of the convention, saying that "we now have an important opportunity to reaffirm to the international community the fundamental and unswerving American commitment to human rights." He stated the need for ratification by asserting that it "would serve as an important statement in opposing the gross human rights abuses the convention addresses. I believe that we can also use this convention effectively in our efforts to expand human freedoms and fight human rights abuses around the world. Ratification of the convention after 37—now 38—years would serve to counter the criticisms the United States had received over the years for its failure to ratify."

As a strong champion of human rights around the world and a firm believer in the prerogative of the Office of the President to direct this Nation's policy in international affairs, I have been convinced by President Reagan of the need for this convention. It will strengthen his hand in dealing with the Soviet Union. Additionally, ratification would unequivocally establish the United States as the human rights leader in free world by officially declaring genocide an international crime.

We can be proud that the United States is finally taking its place as the prominent free-world leader in the protection of human rights. I congratulate the distinguished chairman and ranking minority member of the Foreign Relations Committee, Senators LUGAR and PELL, for their leadership on this issue. Absent their superb negotiating skills, this treaty would never have reached the floor. I also commend the majority and minority leaders, Senators DOLE and BYRD, for agreeing to bring the convention before the full Senate, and, again, I applaud President Reagan, whose support and leadership were crucial to ratification of the Genocide Convention.

Finally, I would like to extend my sincere gratitude to Senator PROXMIRE for his doggedness on this matter. Senator PROXMIRE first addressed this issue on January 11, 1967 and has urged ratification of the treaty every day the Senate has been in session since that date—over 3,000 floor speeches. Without his commitment, I do not believe we would be voting today to ratify this very important document.

Ratification of the Genocide Convention will be a tribute to the untiring work of individuals like Senator PROXMIRE and other supporters of human rights throughout the world. I intend to support President Reagan because he is right on this issue and I urge all my colleagues to vote affirmatively on this important matter.

Mr. KENNEDY. Mr. President, I support ratification of the Genocide Convention, and I urge the Members of the Senate to join me in that support. U.S. ratification of this treaty is long overdue.

On December 11, 1946, the U.N. General Assembly voted unanimously to declare genocide a crime under international law. Since that time, 96 nations have agreed to that convention. The United States has been conspicuous in its absence.

In 1963, President John F. Kennedy urged the Senate to ratify this treaty. He believed that, "there is no society so advanced that it no longer needs periodic recommitment to human rights. The United States cannot afford to renounce the responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny." This sentiment applies today with equal force; we must be clear in our abhorrence of genocide and we must be emphatic in our willingness to make genocide a crime.

The arguments against ratification are unpersuasive. Nothing in the convention will override any of the basic protections of the Constitution; a treaty does not override or supersede constitutional provisions. And the convention itself makes clear that it is up to the ratifying States to adopt their own implementing legislation.

The reason why the United States should ratify the Genocide Convention is to add our name to the effort to deter genocide in the future. We have had too many examples in the recent history of humanity—the Armenian massacre, the Holocaust, and the Cambodian nightmare—not to recognize that genocide can occur and it can recur.

By ratifying this convention, genocide will become fully established in international law as a crime against humanity. This treaty is a statement of repugnance by all civilized peoples at that crime, and the name of the United States should be on that statement.

We must ratify the Genocide Convention today. We—and the peoples of the world—have waited for 35 years. We cannot wait any longer.

PERSECUTION OF THE BAHA'IS: A CASE OF GENOCIDE

Mr. HEINZ. Mr. President, I join my colleagues who support ratification of the Genocide Convention at this time as a long overdue statement by the United States that we stand at the forefront of those condemning and fighting the most horrible crime we know. Several references have been made in this debate to the origins of the Genocide Treaty in the immediate post-war period. Some have suggested that the treaty is drawn more to address the Holocaust, the event which gave us the awful term genocide, than to today's realities. We all wish that the treaty had no current relevance, but it does. As currently drafted, the treaty does indeed address current problems. If any doubt remains on that, I have yet another example of persecution, one that goes on today, that is precisely the sort of crime the Genocide Convention condemns.

The case to which I wish to call our attention is notable because it represents a phenomenon, the codification of human rights abuses, that is particularly alarming, and all too reminiscent of the horrors committed by the Nazis and their collaborators in Europe during the Second World War.

Last spring in Tehran, Iran, a pedestrian was struck and killed by an automobile. Nothing would be particularly interesting in this from the standpoint of human rights concerns, except that the pedestrian was a member of the Baha'i faith, a minority religion that the revolutionary Iranian Government has persecuted ruthlessly since coming to power. The driver of the car was tried in court for his negligence, and found to be guilty of manslaughter. This is where the systematic, codified denial of basic human rights as practiced by the Iranian Government enters the picture. The court, despite its finding that the defendant was clearly guilty, ruled that "since the victim was a member of the misguided and misleading Baha'i community, and is considered an unprotected infidel, and since there is no explicit provision in Islamic laws about damages and fines payable to unprotected infidels," the negligent driver was "relieved of any obligation" to compensate the bereaved family.

Was the driver let off scot free? No. The court found that he had violated government rules governing driving and therefore should serve 3 months in jail. This is the very heart of a system of tyranny—a calm, reasoned,

even routine process carried out in accordance with the law that results in the systematic persecution of a group deemed "unprotected" by basic standards of human rights. Random abuses of civilians by military forces, general political repression, and the imprisonment, torture, or killing of dissidents or minority groups are just as reprehensible as the outrage I have described. But the seeds of genocide are planted whenever persecution is not a matter of individual whim, or a result of chaos, anger or revenge, but a routine mandate of standing law. As citizens of a country of laws, Americans find this sort of oppression especially reprehensible, and especially hostile to our view of the proper relationship between public power and individual rights.

Mr. President, I am sure that my colleagues would join me in deploring the continuing persecution of the Iranian Baha'i community by the Iranian Government, and especially the systematic, codified denial of their basic human rights. We are a nation of laws, and nothing is more offensive than the perversion of law to persecute those it is meant to protect.

Mr. BINGAMAN. Mr. President, I rise today to offer my full support for the ratification of the International Convention on the Prevention and Punishment of the Crime of Genocide.

I believe that ratification of the convention is a long overdue act which would reaffirm our Nation's abhorrence of genocide. The convention has widespread support. President Reagan last fall wrote to the distinguished majority leader urging the Senate to ratify the convention. The President said it represents "an important opportunity to reaffirm to the international community the fundamental and unswerving American commitment to human rights." I agree with him entirely.

It has been urged by some that ratification of the convention would subordinate the American legal system to the International Court of Justice and thus jeopardize our sovereignty. However, I believe that Supreme Court Justice William Rehnquist and other legal scholars have persuasively argued that ratification will not infringe upon our constitutional safeguards.

On May 21, 1985 the Senate Foreign Relations Committee recommended by a 10-to-0 vote that the full Senate ratify the convention on condition that it contain eight reservations advocated by the chairman of Senate Foreign Relations Committee and others to ensure the inviolability of our constitutional safeguards. Now that the President has once again called for Senate ratification, I believe that we should act and act resoundingly.

The Genocide Convention was first sent to the Senate for ratification on June 16, 1949, by President Harry S. Truman. However, despite the importance of this document as a legal and moral statement on human rights, action on it has been held up for over 36 years. As we finally take up the convention today, I hope we all give the fullest possible credit to the ever-vigilant, distinguished senior Senator from Wisconsin, Senator PROXMIRE. Without his guidance and his almost daily expressions of conscience on the need to ratify the convention I know we would not be here today considering it.

Without further delay, I urge my colleagues to support the ratification of the convention.

Mr. WALLOP. Mr. President, after 37 years of wise decisions with respect to U.S. ratification of the International Convention on the Prevention and Punishment of the Crime of Genocide, the Senate once again has the matter under consideration for its advice and consent. I oppose ratification of this convention because it is an ugly political document dressed up as a pretty legal statement. It would commit the United States to international obligations which are clearly political, vague, unclear, poorly defined, or unenforceable. This convention will be used against us by enemies of the United States and our way of life by a seemingly beguiling rule of law which has no definition in precedent but a profound root in propaganda.

Mr. President, every civilized person is opposed to the crime of genocide as we learned to our horror in the Holocaust. Every civilized person must protest and resist violations of human rights around the world, whenever and wherever they occur. Who would not? Yet this cursed political document, the Genocide Convention, does not even address the goal of eradicating the international crime of genocide. Those nations which oppose and punish this crime already will continue to do so and those which do not—such as the Soviet Union and others—will be unaffected by this convention.

I believe the Genocide Convention, which originally was an instrument of the U.N. system conceived in the aftermath of World War II to express the outrage of the world community against the Holocaust in Nazi Germany, will be turned against the very countries, such as Israel, which it was first thought and always designed to protect.

Mr. President, after World War II, we had high hopes for the United Nations and its instruments. We believed that the community of nations could work together to make the world a better, more civilized place. This has not proved to be the case. Many instruments of the U.N. system have become wily, sinister weapons in the hands of parts of the world community. They have made a mockery of the basic ideas of the United Nations. Its system has become completely politicized and the most basic principles for which it was created have been undermined. The Genocide Convention is now one more weapon. Who can be against it until it fouls the very concept of genocide? There are those who will have the United States ratify this treaty so that they may turn it back upon us and our friends around the world to propagandize us before the World Court to extract maximum propaganda advantage. But they will fail. Our record on human rights stands tall for all the world to see. We need not ratify a politicized U.N. document to show the world what our record is. It is clear by itself and no amount of posturing will either enhance it or diminish it.

Mr. President, the rule of law is a dominant principle of the American system. We do not need a Genocide Convention to prove to the world or ourselves that we are committed to the principles of basic human freedoms, human rights, and the dignity of the individual. Our constitutional history stretching back from the Magna Carta to our Constitution and the Bill of Rights guarantee that crimes against persons and groups of persons will be punished. This is not true for those countries which propagandize us to sign this convention. It is not basic to them. Indeed their actions say that they do not understand it. In fact, those nations which are the worst offenders against the basic rights of man are the very ones who wish to have us sign the convention so that they may find political ways to mock us before the World Court. We believe in law and they do not. We stand on principle and they do not. The Soviets annihilate Afghanis. We do not. The Soviets killed 7 million Ukrainians. We did not. The Khmer Rouge eliminated millions of Cambodians. We did not. The North Vietnamese seek to eliminate the Hmong. We do not. This convention will not help us to stop them, sad to say. They do not adhere to treaties, nor do they count public opinion. The convention will trouble America and her allies because the garbage it defines carefully excises political annihilation but can accuse us of the crime of genocide by troubling the sleep of "groups." We who care will suffer while those who do not will continue to wreak the havoc they always have.

Mr. President, some nations have convinced many well-meaning and well-intentioned groups in the United States that the Genocide Treaty is a good thing and that it will stop the nations who do not adhere to the most basic principles of human rights from committing crimes against humanity. In fact, this convention cannot do that. Neither the U.N. General Assem-

bly nor the World Court nor any other international body has been able to stop the crime of genocide when it has occurred around the world.

The World Court cannot try the individuals who commit such crimes. Only the courts of sovereign nations can do that. The civilized nations already have laws and statutes to punish such crimes while the worst offenders of human rights do not. For example, the Genocide Convention has not made one whit of difference to the human rights practices of the Soviet Empire. Yet the Soviet Union has signed the convention.

Mr. President, some people are saying that the Genocide Convention would enable the U.S. State Department to pursue cases at the World Court. But, Mr. President, our success in obtaining World Court consent to hear let alone judge the cases we wanted to take before it has been very slim indeed. And I have my doubts that the State Department is staffed to pursue such cases vigorously, even if the World Court were disposed to hear them. These are practical realities, quite apart from all the legal complexities of international and constitutional law related to this Genocide Convention.

Mr. President, the bottom line is that this convention, which is supposed to be a legal instrument, is in reality a political instrument of the highly politicized United Nations. It is a loosely drafted flimsy thing. In today's world of guerrilla wars, international terrorism, Soviet imperialism, and Soviet deception and disinformation it must say what it means in unequivocal terms, but it does not. In short, there are no safeguards to assure that the Genocide Convention will be used to challenge genocide, and not democracy, or be used to benefit mankind and not to threaten us. It is difficult to oppose a noble thought, but that thought is not defined here. No, Mr. President, that thought is only spoken here without thought or commitment to the passion of mankind from which it springs. It is evil for its lack of nobility.

Mr. President, I ask unanimous consent that the attached article from the February 18 Washington Times regarding the Genocide Convention be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Feb. 18, 1986]

PERILS OF THE GENOCIDE TREATY

(By David Wagner)

The United Nations Genocide Convention has once again popped back to life in the Senate. As always, its backers find they have to push hard if they are to get the Senate to put the signature of the United States on it—for some very good reasons, notwithstanding the humanitarian claims made for this treaty.

It is odd that contours of the Genocide Convention debate have changed so little despite the changes, mostly for the worse, in the way words are used since the treaty was drawn up in 1948. It is particularly strange that the treaty still commands strong support from the Jewish community.

That it commanded such support back in '48 is not strange at all. The very word "genocide" was coined in response to the Holocaust, a crime so immense it needed a new category to fit it. But words can be manipulated.

Take, for instance, the word "racism." It was once associated exclusively with the kinds of attitudes that produced the Holocaust; but then diplomats of the Arab and Third Worlds, with the U.N. General Assembly resolution calling Zionism "a form of racism," demonstrated what can be done with words. (I always recall fondly a Jewish friend who told me he would introduce at the United Nations a resolution declaring that "idiocy is a form of intelligence.")

Now, as Robert S. Wistrich showed in last May's *Commentary* magazine, the identification of Zionists with Nazism is the latest tack organized anti-Semitism is taking, with help from Soviet propagandists. The utility of the Genocide Convention for this campaign has been demonstrated by the Palestine Arab Delegation, a group whose objectives are to "disprove Zionist lies," (in which category it includes the Holocaust), to "convince the United States to stop supporting illegal Zionist occupation of Palestine," and so on. The PAD sent a memo to President Reagan in 1983 charging Israel with violations of the Genocide Convention.

Not that Israel has committed what you or I would recognize as genocide, though: in order to fall afoul of this versatile treaty, you don't have to.

If the United States were signatory to the treaty, it would be much harder to tell such people to go fly a carpet. We would be pledging ourselves to "prevent and punish" a very vaguely defined set of offenses, and to submit our citizens to the jurisdiction of the World Court whenever someone takes it in mind to charge them with such crimes.

The treaty defines genocide as any kind of offense against a "national, ethnical [sic], racial, or religious group." Missing from this list, at the behest of the Soviet Union, is "political," which just happens to be the category into which the Soviets wedge all the groups they try to wipe out, whether the Ukrainians in the 1930s, the Afghans, or the Hmong tribesman, etc., today.

But while the treaty's spectrum of possible victim group is too narrow, its range of possible ways to victimize those groups is breathtakingly broad: not only actual genocide, but also "Causing serious . . . mental harm to members of the group," "Deliberately inflicting on the group conditions calculated to bring about its physical destruction in whole or in part," "Attempt to commit genocide," "Complicity in genocide," etc. A gold mine for creative Second and Third World diplomats.

Of course, the fun and games might not all be one way. For instance, genocide would be understood to include "Imposing measures intended to prevent births within the group" and "Forcibly transferring children of the group to another group," which raises the prospect of the entire staff of International Planned Parenthood and all advocates of forced busing getting hauled up before the World Court. But somehow I doubt these groups would bear the brunt of the bizarre interpretations that could be put on the treaty's language. The United States would, and Israel would.

Of course, such hypothetical abuses of the Genocide Convention might get laughed right out of the court of world opinion. But that's the best we can hope for if we sign the treaty. There is no way it can do anything about genocide that is really taking place; the Soviet editors of the treaty have seen to that.

Meanwhile, several Republican senators face a choice between their judgment and their seats. This dilemma, which threatens the Republican majority in the Senate (as Democratic backers of the treaty are no doubt aware), could largely be solved if Jewish voters stopped judging the treaty by its original intentions and instead looked hard at what it could do in present circumstances.

In lending credibility to the Genocide Convention at such a time, the United States would not be disarming neo-Nazis. It would be handing them a propaganda treasure trove—not (it should not be necessary to stress) because of anything Israel has done, but because of the presentday debasement of political language. Friends of Israel should vote no.

Mr. MOYNIHAN. Mr. President, I rise today to call attention to a resolution adopted by the National Jewish Community Relations Advisory Board on February 17, 1986, supporting ratification of the Genocide Convention. The council represents almost every major Jewish organization in the United States. In adopting this resolution, the council agreed unanimously to call upon the Senate "to give its approval to this historic declaration against the heinous crime of genocide. There must be no further delay."

Mr. President, in view of the soundness of this advice, and the reputation of the council offering it, I ask unanimous consent that the council's resolution be entered into the RECORD, together with a list of the groups comprising the council.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY THE NATIONAL JEWISH COMMUNITY RELATIONS ADVISORY COUNCIL—FEBRUARY 17, 1986

Meeting in plenary session in New York on February 17, 1986, the affiliates of the National Jewish Community Relations Advisory Council (including 11 national organizations and 111 local Jewish federations) are heartened by the prospect of Senate consideration in the next few days of the Genocide Convention.

For over 36 years, failure by the United States Senate to ratify the convention has been an embarrassment and a hindrance to more effective human rights advocacy in world affairs. But with the hearty endorsement by the President, the Secretary of State, and the Attorney General, the members of the United States Senate can now finally ratify American adherence to the convention.

Despite concerns over some of the reservations adopted by the Senate Foreign Relations Committee, the NJCRAC now calls upon the Senate to give its approval to this historic declaration against the heinous

71-059 O-87-29 (Pt. 2)

crime of genocide. There must be no further delay.

Adoption of this resolution was unanimous, with the participation of the following organizational affiliates:

Alabama: Birmingham JCC.

Arizona: Greater Phoenix Jewish Federation, Tucson Jewish Federation of Southern Arizona.

California: Greater Long Beach and West Orange County Jewish Community Federation, Los Angeles CRC of Jewish Federation-Council, Oakland Greater East Bay JCRG, Orange County Jewish Federation, Sacramento JCRC, San Diego CRC of United Jewish Federation, San Francisco JCRC, Greater San Jose JCRC.

Connecticut: Greater Bridgeport Jewish Federation, Greater Danbury CRC of Jewish Federation, Greater Hartford CRC of Jewish Federation, New Haven, Jewish Federation, Eastern Conn. Jewish Federation, Greater Norwalk Jewish Federation, Stamford United Jewish Federation, Waterbury Jewish Federation, JCRC of Connecticut.

Delaware: Wilmington Jewish Federation of Delaware.

District of Columbia: Greater Washington JCC.

Florida: South Broward Jewish Federation, Greater Fort Lauderdale Jewish Federation, Jacksonville JCC, Greater Miami Jewish Federation, Greater Orlando Jewish Federation, Palm Beach County Jewish Federation, Pinellas County Jewish Federation, Sarasota Jewish Federation, South County Jewish Federation.

Georgia: Atlanta Jewish Federation, Savannah Jewish Council.

Illinois: Metropolitan Chicago Public Affairs Committee of Jewish United Fund, Peoria Jewish Federation, Springfield Jewish Federation.

Indiana: Indianapolis JCRC, South Bend Jewish Federation of St. Joseph Valley, JCRC of Indiana.

Iowa: Greater Des Moines Jewish Federation.

Kansas: Kansas City, see Missouri.

Kentucky: Lexington Central Kentucky Jewish Association, Louisville Jewish Community Federation.

Louisiana: Greater New Orleans Jewish Federation, Shreveport Jewish Federation.

Maine: Portland Southern Maine Jewish Federation-Community Council.

Maryland: Baltimore Jewish Council (Montgomery County, see D.C.)

Massachusetts: Greater Boston JCRC, Marblehead North Shore Jewish Federation, Greater New Bedford Jewish Federation, Springfield Jewish Federation, Worcester Jewish Federation.

Michigan: Metropolitan Detroit JCC, Flint Jewish Federation.

Minnesota: Minneapolis Minnesota and Dakotas JCRC—Anti-Defamation League.

Missouri: Greater Kansas City Jewish Community Relations Bureau, St. Louis JCRC.

Nebraska: Omaha JCR Committee of Jewish Federation.

New Jersey: Atlantic County Federation of Jewish Agencies, Bergen County JCRC of United Jewish Community, Cherry Hill JCRC of Southern New Jersey Jewish Federation, Delaware Valley Jewish Federation, East Orange MetroWest New Jersey Jewish Community Federation, Greater Middlesex County Jewish Federation, Union Central New Jersey Jewish Federation, Wayne North Jersey Jewish Federation.

New Mexico: Albuquerque JCC.

New York: Greater Albany Jewish Federation, Binghamton Jewish Federation of Broome County, Greater Buffalo Jewish Federation, Elmira CRC of Jewish Welfare Fund, Greater Kingston Jewish Federation, New York JCRC, Rochester Jewish Community Federation, Greater Schenectady Jewish Federation, Syracuse Jewish Federation, Utica JCC.

Ohio: Akron Jewish Community Federation, Canton Jewish Community Federation, Cincinnati JCRC, Cleveland Jewish Community Federation, Columbus CRC of Jewish Federation, Greater Dayton CRC of Jewish Federation, Toledo CRC of Jewish Welfare Federation, Youngstown JCRC of Jewish Federation.

Oklahoma: Oklahoma City JCC, Tulsa JCC.

Oregon: Portland Jewish Federation.

Pennsylvania: Allentown CRC of Jewish Federation, Erie JCC, Greater Philadelphia JCRC, Pittsburgh CRC of United Jewish Federation, Scranton-Lackawanna Jewish Federation, Greater Wilkes-Barre Jewish Federation.

Rhode Island: Providence CRC of Rhode Island Jewish Federation.

South Carolina: Charleston JCR Committee, Columbia CRC of Jewish Welfare Federation.

Tennessee: Memphis JCRC, Nashville and Middle Tennessee Jewish Federation.

Texas: Austin JCC, Greater Dallas JCRC of Jewish Federation, El Paso JCR Committee, Greater Houston Jewish Federation, Fort Worth Jewish Federation, San Antonio JCRC of Jewish Federation.

Virginia: Newport News-Hampton-Williamsburg United Jewish Community of the Virginia Peninsula, Richmond Jewish Community Federation, Tidewater United Jewish Federation, (Northern Virginia, see D.C.).

Washington: Greater Seattle Jewish Federation.

Wisconsin: Madison JCC, Milwaukee Jewish Council.

Mr. RIEGLE. The Senate's ratification of the Genocide Treaty today is one of the most important actions ever taken by this body. As one of the first nations to endorse the convention at the United Nations 36 years ago, it is appropriate that the United States, as a key defender of human rights around the world, join the 96 other signatory nations in condemning the act of genocide.

In 1949, President Truman first submitted the Genocide Treaty to the U.S. Congress for ratification. Since then, the convention, which declares the systematic killing of racial, ethnic, or religious groups a crime under international law, has had the support of Presidents Kennedy, Johnson, Nixon, Ford, and Carter. On September 6, 1984, President Reagan became the seventh President to urge the Senate to give its consent to ratification.

Disagreement over the legal meaning and effect of this treaty has prevented the Senate from approving this convention for the past 36 years. To alleviate concerns that certain obligations under the convention are not clearly defined and may conflict with the U.S. Constitution, the Senate Foreign Relations Committee has drafted a set of eight provisos which delineate and qualify the legal obligations that the United States will incur in ratifying the convention. In so doing, the committee has quieted many of the treaty's critics, and has facilitated its approval by the Senate.

Today's ratification of the Genocide Treaty pays tribute to the millions of victims of genocide, including the 1.5 million Armenians whose massacre between 1915 and 1923 set the stage for the annihilation of 6 million Jews just a few decades later. In addition, we remember the millions of Ukrainians who perished in the only man-induced famine in history, and the killing of millions of Cambodians at the hands of the Pol Pot regime. These events are part of the darkest chapters in the world's history.

Even now, the threat of genocide is not safely in our past. Many ethnic and religious minorities around the globe—including the Baha'is of Iran—continue to be at risk.

Unfortunately, mere Senate ratification of the Genocide Treaty will not end the injustices of the world. What ratification will do, I believe, is demonstrate the commitment of this country to the protection of human rights and thereby legitimize our Nation's standing as the greatest protector of human rights in the world. No longer can our adversaries challenge U.S. dedication to human rights by focusing on our failure to ratify the Genocide Treaty.

In the three and a half decades that the world has waited for the United States to lend its support to the Genocide Treaty, distinguished proponents of Senate action have kept the debate alive. Since 1967, the regular speeches on the Senate floor by our distinguished colleague from Wisconsin, Senator PROXMIRE, urging prompt ratification of the convention, have provided daily reminders of the importance of endorsing the convention, and of the damage rendered by our continued failure to do so.

One of our greatest teachers on the moral imperative of protecting the world from the horrors of genocide is the distinguished humanitarian and survivor of the Holocaust, Elie Wiesel.

Through his words and deeds, Elie Wiesel has etched in the world's memory the horrors of his own experience, in the hope of preventing the occurrence of future holocausts. He eloquently reminds us that respect and dignity for each individual is essential to the achievement of world peace.

I am pleased that, after long years of waiting, the Senate has today taken an important step toward achieving that goal by voting overwhelmingly in favor of ratifying the Genocide Convention.

Mr. HELMS. Mr. President, the vote which the Senate is about to conduct

upon the so-called Genocide Convention is, at most, symbolic. Thanks to the eight provisos—on reservations—that some of us insisted should be a part of the instrument, the sovereignty of our Nation and the freedom of our people have been protected against assault by the World Court.

In other words, the treaty has been defanged in terms of the dangerous defects in its original version.

Mr. President, I will not delay the Senate with a reiteration of what I said on this floor yesterday. For those who may have an interest in my concerns, I would refer them to pages S 1261 through S 1273. Of particular interest will be the testimony of the late, great Senator Sam Ervin when he appeared before the Committee on Foreign Relations on May 22, 1970.

So, Mr. President, this Genocide Convention upon which we are about to vote is purely symbolic. We might as well be voting on a simple resolution to condemn genocide—which every civilized person does.

My vote against the treaty is likewise symbolic. Even in its present form, harmless as it now is, this treaty has the remote potential of an entangling alliance. So I shall vote against it for that reason—and also as a postscript of gratitude to a great American, Sam Ervin, who long ago took the time to make me aware of the great constitutional implications of this treaty in its original form.

Mr. MATSUNAGA. Mr. President, I rise to speak in full support of the measure before us today—the Genocide Treaty. In doing so, I would like to take this opportunity to express my deep appreciation for the efforts of the many who have made it possible to debate this issue on the floor of the Senate, early in this session of the Congress. To the members of the Senate Foreign Relations Committee, especially to Senator PELL, its ranking minority member, and to its distinguished chairman, Senator LUGAR, I extend my congratulations on a job well done. They have shown us that even on an issue as highly charged emotionally as this one is, that this august body can indeed choose the best, most just, most reasoned path among the many which present themselves.

To President Reagan, I also extend my congratulations, for without his support, it is doubtful that this treaty would have been considered as expeditiously as it has.

But most of all, Mr. President, I would like to extend my heartfelt thanks and congratulations to my dear friend and statesman from Wisconsin, Senator WILLIAM PROXMIRE, without whose dauntless and relentless campaign to keep the treaty in the consciousness of the Members of this body, and the consciousness of all Americans, this opportunity to ratify the treaty would never have come to pass. Day after day, year after year, this redoubtable champion of the ineffable hopes of the dead, the living, and those yet to be, has stood in this Chamber to remind us of our duty to the memory of those victims of unimaginable horror.

But perhaps it should not be said "unimaginable" horror—for the horror is that genocide is and has been contemplated, even as a matter of policy. Indeed, it has been said that a hallmark of national, racial, religious, or ethnic extermination is the commonplace manner with which it has been prosecuted. Hannah Arendt, the late political philosopher, wrote of the banality which characterized men like Eichman, who help carry out the thousands upon millions of murders committed in the Nazi camps only four short decades ago. It is this banality, this danger that the horror will be diluted by the commonplace, that the Genocide Treaty addresses. It has happened. Even in this great country, Mr. President, actions which we consider today to be barbarous, were committed—the persecution of native American Indian nations—the enslavement of blacks. But none has approached for sheer magnitude those mass killings which, sadly, seem to characterize our living generation.

Mr. President, I support the Genocide Treaty because, in the last analysis, it is a reflection of our highest nature, our conscience. There is no question of national sovereignty or legal jurisdiction, which opponents of the treaty have raised, for a nation which cannot abide by its basic precept would render meaningless its political, legal, and moral conventions. This is clear—for these conventions have not prevented men from ignoring them to perpetrate the ultimate crime against humanity. Let us hope that with the overly long-delayed ratification by the United States, this document will help direct all people on Earth down that road where the obscene is obscene, the horror truly horrible, the unthinkable truly unthinkable. Until that time, let us join the nations of the world in this declaration of conscience—if only to guard us from ourselves.

Mr. DOLE. Mr. President, I just want to take 2 or 3 minutes to thank my colleagues and to indicate that it would be my intention—and I will ask unanimous consent before we vote on this—that we bring up a separate resolution, which I think has been cleared on both sides, which would direct the President to seek a political genocide amendment to the Genocide Convention under the procedures established by the convention for that purpose.

The distinguished Senator from Idaho has a letter from the President indicating that he is prepared to do just that. I will seek a separate vote on this resolution following the vote on the resolution of ratification itself.

Mr. President, the International Convention on the Prevention and Punishment of the Crime of Genocide was approved by the United Nations in 1948. Six of the seven Presidents who have assumed office since that time have asked the Senate to consent to the treaty's ratification. The Senate has considered the treaty on no fewer than five occasions. In the last Congress, we overwhelmingly passed a resolution—I think the vote was 87 to 2—which declared the treaty to be a priority for the 99th Congress, with only two Senators dissenting. This is the 99th Congress, I remind my colleagues, and that is why the matter is before us. The time has come for the Senate to take the final step and approve the resolution of ratification. We have waited long enough.

THE PRESIDENT'S SUPPORT

The reasons for ratifying the Genocide Convention were succinctly stated by President Reagan when he wrote me last October to again urge the Senate to approve this important agreement. In his letter, he stated:

> Ratification of the convention would serve as an important statement in opposing the gross human rights abuses the convention addresses. I believe that we can also use this convention effectively in our efforts to expand human freedoms and fight human rights abuses around the world. Ratification of the convention after 37 years would serve to counter the criticisms the U.S. has received over the years for its failure to ratify.

AN IMPORTANT SYMBOL

This treaty has enormous symbolic value as a worldwide statement of outrage and condemnation over very real horrors—as real as the Armenian genocide and Hitler's death camps. We cannot wipe out the memory of these atrocities, nor can we turn our backs on the victims for whom this treaty has a special meaning the rest of us cannot even begin to appreciate. Moreover, as we rejoice in the release of Anatoly Shcharansky, can we continue to let his jailers use our failure to ratify this convention as a propaganda tool to camouflage their abuses of human rights? This was a particular concern of mine when I cochaired the Helsinki Commission. Jeane Kirkpatrick summed the problem up for the Senate Foreign Relations Committee in the last Congress, when she stated:

> The Soviets and others hostile to the United States have long focused on the United States' failure to ratify the convention as part of their anti-American propaganda. It is contrary to our national interest to provide fuel to this campaign by failing to reaffirm clearly and unequivocally U.S. support for the important objectives of the convention.

THE DEBATE OVER THE TREATY

Why then has it taken so long for the United States to ratify this agreement? Not, of course, because there is

any question that genocide should be an international offense. Rather, the debate over the years has mainly centered on legal ambiguities in the language of the treaty, perceived by critics as infringing upon the sovereignty of the United States and the supremacy of the Constitution. Fears have been expressed that these ambiguities could result in Americans being prosecuted in foreign countries without due process protections, or that our country could become vulnerable to trumped up charges of genocide by our adversaries in hostile forums.

The debate has gone on for far too long, but it has resulted in a refined understanding of the treaty which in turn has helped culminate a consensus which has placed ratification within our reach. One of the most significant developments occurred in 1976 when the American Bar Association—an outspoken critic of the treaty—changed its position and became a leading supporter.

THE PROVISOS

Another significant development occurred this past year when the distinguished chairman of the Foreign Relations Committee joined Senator HELMS in sponsoring eight carefully crafted provisos which meet the concerns of those who view the convention as an imprecise legal document, while maintaining the treaty's integrity as a strong, international condemnation of genocidal acts. I am satisfied that these provisos will protect our national interests. Indeed, Senators HELMS and LUGAR have devoted substantial amounts of time to the consideration of this treaty and the various objections that have been raised. I have a deep respect for their expertise and judgment. Moreover, there is no doubt that in drafting these provisos, they have struck a very delicate balance—any tampering, and the whole package could very well fall apart.

POLITICAL GENOCIDE

A final objection raised about the treaty is one which cannot be addressed through reservations or provisos. That is the question we just voted on—the argument that the treaty is deficient because it fails to prohibit political genocide—an omission which can be remedied only by amending the text of the treaty itself. I agree that political genocide should be included as an international crime, as does every Member in this body I would venture to guess. The problem is that if the Senate adopts an amendment to the treaty, it conditions its consent to ratification on the acceptance of the amendment by all 96 countries who have already ratified the convention—an extremely unlikely occurrence. Senate passage of the resolution of ratification would become a meaningless act. This is why I felt compelled to vote against the distinguished Senator from Idaho.

The convention itself provides for a process for amendment. So I believe we should pass the resolution ratifying the treaty as it is currently written. Once a party, this country can seek to use those procedures to extend the convention to political genocide. And again let me state for the record that immediately after we complete action on the convention, I will seek passage of a separate Senate resolution which directs the President to initiate those procedures upon depositing the instrument of ratification with the United Nations.

CONCLUSION

We have waited too long to delay further. The convention is not perfect, but that is hardly reason to reject it. As a nation which enshrines human dignity and freedom as a God-given right in its constitution, we must correct our anamolous position on this basic rights issue. The time to debate is over. The time to act is now.

DOCUMENTS FOR THE RECORD

Mr. President, at this point, I ask unanimous consent that certain documents be printed in the RECORD at the conclusion of my remarks.

First, there are various statements made by the President and other administration officials in support of the convention, including the President's speech before B'nai B'rith in September of 1984 which eloquently and forcefully presents the case for the Genocide Convention; the letters the President sent me last October urging prompt Senate approval of the treaty and to Senator SYMMS today; Secretary Shultz letter to me reaffirming the administration's support for the treaty; and Ambassador Jeane Kirkpatrick's statement before the Foreign Relations Committee in the last Congress in behalf of the convention.

Next is the text of the resolution passed by the Senate on an 87-to-2 vote in the last Congress which expresses support for the Genocide Convention and declares that it should be acted upon expeditiously in the 99th Congress.

Finally, there is a column by Jack Kilpatrick which appeared in the Wasington Post shortly before the Senate began debating the Genocide Convention in the last Congress. This article constitutes one of the best explanations by a conservative I have seen of why the Genocide Convention, with the Helms reservations, is worthy of strong support.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

THANKS TO SENATORS

Mr. DOLE. Mr. President, in concluding, I would like to thank all the Senators who have put so much time and effort into this issue: Chairman LUGAR, who made the Genocide Treaty an early priority for his committee, consistent with last Congress' Senate resolution; Senator HELMS, who has long supported the goals of the Genocide Treaty and has worked diligently to ensure that potential ambiguities are clarified through the provisos he has sponsored; Senator HATCH should also be commended for his contributions to the drafting of the provisos.

Thanks should also go to Senator PROXMIRE for his tireless advocacy of the Genocide Convention. Senator BOSCHWITZ, of course, has also been highly active in support of the treaty. And finally, a debt of gratitude goes to the ranking member of the Foreign Relations Committee, Senator PELL for his leadership on this issue.

EXHIBIT 1

THE WHITE HOUSE,
Washington, DC, October 16, 1985.

Hon. ROBERT J. DOLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: We now have an important opportunity to reaffirm to the international community the fundamental and unswerving American commitment to human rights.

Last September, following an extensive review by the Executive Branch, I announced the Administration's vigorous support for ratification of the Genocide Convention. The Senate Foreign Relations Committee, after careful consideration, subsequently recommended that the Senate give its advice and consent to ratification of the Convention subject to eight provisions. I am convinced that ratification of the Convention with these eight provisions would further the national interest and fully protect the United States.

Ratification of the Convention would serve as an important statement in opposing the gross human rights abuses the Convention addresses. I believe that we can also use this Convention effectively in our efforts to expand human freedoms and fight human rights abuses around the world. Ratification of the Convention after thirty-seven years would serve to counter the criticisms the U.S. had received over the years for its failure to ratify.

I urge the Senate this year to give its advice and consent to ratification of the Genocide Convention with the eight provisions adopted by the Committee on Foreign Relations.

Sincerely,

RONALD REAGAN.

B'NAI B'RITH—REMARKS AT THE ORGANIZATION'S INTERNATIONAL CONVENTION, SEPTEMBER 6, 1984

Thank you very much. Thank you. Max Fisher, if I'd be really smart, I'd just sit down and leave your introduction do it, and I wouldn't speak. I thank you very much. He's a long-time friend.

And I thank all of you. It's a deep honor for me to speak to you, the members of one of the oldest and largest Jewish organizations in America. For more than 140 years, B'nai B'rith has sponsored religious, cultural, and civic programs, conducted studies of vital issues, combated bigotry, and worked tirelessly to advance the cause of tolerance and humanity. And because of your efforts, today our country has a bigger heart, a deeper sense of the generosity of spirit that

must always define America. And on behalf of all Americans, I thank you.

Anyone who has contemplated the horror inflicted on Jews during World War II, the deaths of millions in Cambodia, or the travail of the Mesquito Indians in Nicaragua must understand that if free men and women remain silent in the face of oppression we risk the destruction of entire peoples. I know that B'nai B'rith has been among the most concerned of the groups advocating American support for the Genocide Convention. With a cautious view, in part due to the human rights abuses performed by some nations that have already ratified the documents, our administration has conducted a long and exhaustive study of the convention. And yesterday, as a result of that review, we announced that we will vigorously support, consistent with the United States Constitution, the ratification of the Genocide Convention. And I want you to know that we intend to use the convention in our efforts to expand human freedom and fight human rights abuses around the world. Like you, I say in a forthright voice, "Never again!"

THE SECRETARY OF STATE,
Washington, DC, October 7, 1985.

Hon. ROBERT DOLE,
U.S. Senate.

DEAR BOB: As you well know, the Genocide Treaty has failed to receive Senate approval for 37 years. Now, as a result of strong Administration support, thoughtful consideration by the Senate Foreign Relations Committee, and careful crafting of eight provisions aimed at protecting U.S. interests, Senate advice and consent now seems possible. I am convinced that ratification of the Convention with the eight provisions adopted by the Senate Foreign Relations Committee would fully protect the United States and advance the national interest.

Ratification now would remove a focal point of international criticism over the years. It would make clear to all that U.S. opposition to genocide is unequivocal. And, it would be seen as a reaffirmation of this nation's longstanding commitment to fundamental human rights and individual dignity.

I urge the Senate to give its advice and consent to the Genocide Convention, with the eight provisions adopted by the Senate Foreign Relations Committee, this year.

Sincerely yours,

GEORGE P. SHULTZ.

SELECTED CONSERVATIVE'S SUPPORT

STATEMENT OF HON. JEANE J. KIRKPATRICK; PERMANENT REPRESENTATIVE OF THE UNITED STATES TO THE UNITED NATIONS

President Reagan has joined Presidents Truman, Kennedy, Johnson, Nixon, Ford and Carter in asking the Senate to ratify the Convention on the Prevention and Punishment of the Crime of Genocide. I, of course, fully endorse and welcome President Reagan's initiative in seeking Senate ratification of this important Convention, which the United States first signed in 1948.

I believe that the Senate's ratification of the Convention will enhance the standing of the United States in the United Nations and other international organizations. The Soviets and others hostile to the United States have long focused on the United States' failure to ratify the Convention as a part of their anti-American propaganda. It is contrary to our national interest to provide fuel to this campaign by failing to reaffirm clearly and unequivocally U.S. support for the important objectives of this Convention.

Despite the horrors of the Second World War which gave rise to the term genocide, and despite various international efforts, genocidal practices continue. This Convention can be of only limited value in combatting this scourge. It has no automatic enforcement provisions and is essentially self-implementing. Ratification of the Convention would, however, as President Reagan has stated, reaffirm "the fundamental and timeless American commitment to human rights." Ratification would also advance our shared objective of realizing the goal of the Convention—a world free from genocide.

[Submitted to Foreign Relations Committee in October 1984]

S. RES. 478 (EXEC.)

Resolved, That the Senate hereby expresses its support for the principles embodied in the Convention on the Prevention and Punishment of the Crime of Genocide, signed on behalf of the United States on December 11, 1948 (Executive O, Eighty-first Congress, first session), and declares its intention to act expeditiously thereon in the first session of the Ninety-ninth Congress.

[ROLLCALL VOTE NO. 288 EX.]

YEAS—87

Abdnor, Andrews, Armstrong, Baker, Baucus, Bentsen, Biden, Bingaman, Boren, Boschwitz, Bradley, Bumpers, Burdick, Byrd, Chafee, Chiles, Cochran, Cranston, D'Amato, Danforth, DeConcini, Denton, Dixon, Dodd, Dole, Domenici, Durenberger, Evans, Exon.

Ford, Garn, Glenn, Gorton, Grassley, Hart, Hatch, Hawkins, Hecht, Heflin, Heinz, Helms, Hollings, Humphrey, Inouye, Jepsen, Johnston, Kassebaum, Kasten, Lautenberg, Laxalt, Leahy, Long, Lugar, Mathias, Matsunaga, Mattingly, Melcher, Metzenbaum.

Mitchell, Moynihan, Murkowski, Nickles, Nunn, Packwood, Pell, Pressler, Proxmire, Pryor, Quayle, Randolph, Riegle, Roth, Rudman, Sarbanes, Sasser, Simpson, Specter, Stafford, Stennis, Stevens, Thurmond, Trible, Tsongas, Warner, Weicker, Wilson, Zorinsky.

NAYS—2

East, Symms.

NOT VOTING—11

Cohen, Eagleton, Goldwater, Hatfield, Huddleston, Kennedy, Levin, McClure, Percy, Tower, Wallop.

[From the Washington Post, Sept. 19, 1984]

THE HELMS RESERVATIONS

(By James J. Kilpatrick)

Once again the International Convention of the Prevention and Punishment of the Crime of Genocide is back in the news. If the Senate will agree to the two sensible and prudent reservations sought by Sen. Jesse Helms the treaty should be ratified.

The Genocide Convention was approved unanimously by the U.N. General Assembly in December 1948. The following June President Truman sent the treaty to the Senate with a recommendation that it be approved. The Senate balked then, as it has balked for the ensuing 35 years, on questions of "understanding." It is time to have these questions resolved.

As the term "genocide" generally is understood, the crime arouses revulsion almost beyond description. Hitler's slaughter of more than 6 million Jews provides the most appalling example of genocide in the century, but there have been other instances that have aroused the condemnation of the civilized world. In this recent statement to the Senate Foreign Relations Committee, Helms spoke of the "horror" of genocide. It was precisely the right word.

Given this unanimity of opinion on genocide itself, why has a treaty with so noble a purpose languished so long? The answer lies in part with the language of the convention, and in part with the language of our own Constitution.

The convention defines five acts committed with intent to destroy "in whole or in part" a national, ethnical, racial or religious group. These are 1) killing members of the group; 2) causing serious bodily "or mental" harm to members of the group; 3) deliberatly inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; 4) imposing measures intended to prevent births within the group; and 5) forcibly transferring children of the group to another group.

The convention commits the signatories to adopting legislation "in accordance with their respective Constitutions"—note the language—providing for the punishment of public officials or private individuals who commit any of the prohibited acts. Such persons would be tried in the country in which the acts were committed "or by such international tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction."

Under Article IX of the convention—and this is one of the serious sticking points—questions of interpretation and state responsibility "shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

A threshold problem is that our own Constitution, in defining the supreme law of our land, says that the supreme law includes treaties "made under the authority of the United States." This convention would be such a treaty. It would bind all state and federal judges. The first of the Helms reservations would make it clear that the treaty authorizes only legislation "which would be valid in the absence of the convention." Surely this is a reasonable proposal.

Helms' second reservation goes to Article IX. He wants a formal understanding that the United States will not accept the World Court's jurisdiction over any domestic matter "as determined by the United States." This language echoes the Connally Amendment of 1946, which the Senate prudently adopted as a condition of recognizing the World Court at that time. Again, Helms is on sound ground.

It is unlikely that the Genocide Convention, if ratified, ever would be invoked in the United States. To be sure, opponents have concocted horror stories. By tortuous interpretation, the treaty conceivably could be invoked against racial homicides, or against a bigoted Louis Farrakhan who causes "serious mental harm" to Jews, or against public officials who fail to protect American indians and braceros who come in to pick lettuce. These are frivolous conjectures.

It is doubtful the Genocide Convention ever will amount to anything more than a symbol of man's revulsion at inhumanity to man. So long as it is made clear we are not effectively amending our Constitution and not surrendering sovereignty over our domestic affairs to any world tribunal, the Senate would do well to advise and consent.

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in

the RECORD a letter received this morning from the President, addressed to the distinguished Senator from Idaho [Mr. SYMMS].

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington.

HON. STEVEN D. SYMMS,
U.S. Senate, Washington, DC.

DEAR STEVE: As you know, in September 1984, after an intensive Administration review, I called upon the Senate to give its advice and consent to ratification of the International Convention on the Prevention and Punishment of the Crime of Genocide. I renewed that call to the Senate last October. I remain strongly committed to the Convention and hope the Senate will approve it expeditiously.

I understand and appreciate your concern that the Convention does not explicitly address the question of politically motivated genocide. If the Senate gives its advice and consent to the Convention, I am prepared, at the time of ratification, to inform the UN Secretary General of the United States' desire to obtain international agreement to include acts of politically motivated genocide within the definition of the term "genocide" under the Convention and to seek adoption of such an agreement.

I hope that this approach will alleviate your concern on this score and that the Senate will give its advice and consent to the Convention within the next few days.

Sincerely,

RON.

Mr. DOLE. Again I thank my colleagues for their patience and I believe that within the hour we will have completed action on this, and then I am not certain what Senator PROXMIRE would do when it comes to special orders and morning business, but maybe we can find another suitable topic.

Mr. SYMMS. Mr. President, will the majority leader yield?

Mr. DOLE. I am happy to yield.

Mr. SYMMS. I suggest Senator PROXMIRE take up the constitutional amendment to balance the budget as his next crusade.

Mr. DOLE. But not wait 19 years.

Mr. GORTON. Mr. President, nearly four decades have passed since this convention was submitted to the Senate for our consideration. Today we end a conscientious and certainly prolonged deliberations on this matter. I believe that we have now addressed the important reservations which have delayed the treaty for so long. Accordingly, I urge the Members of this body to grant their advice and consent to this measure.

I have advocated the general principles of the Genocide Treaty for many years. I have also taken note of the rigorous scrutiny which this treaty has received since its introduction in 1949 in the light of the reservations attached to this resolution. There is reason to believe that there no longer remain significant constitutional obstacles to our support of the Genocide Convention. Of particular note are the provisions added by the Foreign Relations Committee. The language we are adopting makes it clear that this statement of opposition to the crime of genocide in no way degrades the legal primacy of the Constitution and the protections which it guarantees to American citizens.

I am proud to add my voice to the President's request for final action on this matter. I urge my colleagues to do the same.

Mr. DODD. Mr. President, in the 5 years that I have spent serving in the Senate few issues troubled me more than our failure to ratify the Genocide Convention. For someone who takes a great deal of pride in serving in this institution where my father served before me, it has been painful for me to witness the mass misinformation that has been created and spread about on this issue, totally paralyzing the constitutional process for over 36 years. The simple act of ratifying an international agreement that 96 countries ratified to this day has been invested with superstitious powers and diabolic consequences that may torpedo and sink our Constitution and indeed our whole Nation.

Far from having such ominous consequences, our ratification would simply renew our commitment to international law and justice. It would serve our national interest, and it would acknowledge the most minimal standards of an acceptable international order.

The impetus for an international prohibition against genocide was born in the gas chambers and the crematoria of the Nazi Holocaust. The world recoiled upon learning that primitive hatreds combined with modern technology could come close to eradicating whole peoples from the face of the Earth.

The Genocide Convention, however, is not merely a monument to a historical crime of immense proportions. History may and does repeat itself. Just in our days, in the medieval darkness of Iran the gentle and peaceful people belonging to the Bahai faith are subject to a deliberate attempt to eradicate their group from existence. Our Government and Congress has raised its voice repeatedly in defense of the Bahais. How much more authority that voice would command if we had had the guts long ago to identify ourselves with the goals of the Genocide Convention by accepting it as a formal obligation.

Our late Chief Justice, Earl Warren, expressed it well: "We as a nation, should have been the first to ratify the Genocide Convention * * * instead we may well be among the last." More than 20 years has passed since the Chief Justice issued this warning and we still hesitate. In that hesitation we renege on a debt we owe both to the victims of earlier genocides and to those who are being killed in these very days in the name of benighted doctrines of hatred.

Our refusal to act has been all the more glaring in light of the legislative history of the Genocide Convention.

My friend from Wisconsin, Senator PROXMIRE, who has served as the conscience of the Senate on this issue for longer than, I am sure, he cares to remember, has called this convention an American treaty. This is a crucially important point. No nation has acted more forcefully and effectively to build the international legal order that governs the world today. Americans initiated the negotiations and the legislative crafting that lead to the convention. It was written with active American participation and incorporates American legal and moral principles. Seven Presidents, including four Democrats and three Republicans supported its ratification as did the Senate Foreign Relations Committee on seven different occasions. The time for ratification is certainly long past due.

Even with the advantage of hindsight it is difficult to understand what paralyzed this body on this issue for so long.

Certainly, there is nothing esoteric or threatening about this convention. It boils down to two simple and direct proposals. First, the United States would declare that it recognizes genocide as a crime under international law. Who would find that objectionable? We have undertaken solemn treaty obligations condemning the destruction of species of animals. What conceivable reason can there be to balk at prohibiting the extermination of entire races or nations of humankind?

Second, the United States would obligate itself to provide for the punishment of those who perpetrate genocide under its domestic jurisdiction. This Nation owes its very birth to a belief that each person was entitled to life, liberty, and the pursuit of happiness. The Constitution which governs us is rooted in the values of human dignity and individual liberty. Can we be true to that heritage and demur from punishing those who would destroy not a single life, but, in fact, the lives of whole multitudes? I think not.

The arguments that are raised against the Genocide Convention, Mr. President, are not new. They were raised and answered 30 years ago. They have been reiterated and rebutted ever since. Reading the record on the issue is frustrating—it is like listening to a dialog in which at least one of the parties is deaf. On the whole, however, it is now clear that this country and its citizens have nothing to fear, our reputation and our diplomacy have much to gain if we complete

the long overdue ratification of this treaty.

Mr. President, I made clear repeatedly in this body my opposition to any reservations and conditions that go beyond the three understandings and one declaration that were supported by the Foreign Relations Committee repeatedly, the last time in September 1984. I am resolutely opposed to the conditions that are included in the present resolution of ratification that go beyond the above three understandings and one declaration.

Nonetheless, I also know the realities of the day in the Senate. If it comes to the question of voting on the treaty with the present conditions or putting off this issue once again, then, with great reluctance and sorrow, I will vote for ratification. My joy over the completion of this long overdue step, however, will be severely tempered by the crippling impact of these ill-advised provisions.

I cast this vote not only on the merits of the issue at hand but in the hope, that the approval of the Genocide Convention will open the way for the consideration of the series of signed but unratified human rights treaties that are pending in the Senate. Frankly, the genocide debate does not give me much hope that those treaties will be treated any more favorably in this body. Still, I do not intend to abdicate my responsibility as a Senator and as a member of the Foreign Relations Committee and I fervently hope that my chairman and ranking member will agree on the need to take up those treaties without delay.

Mr. President, just on another note: there has been reference made to the distinguished Senator from Wisconsin [Mr. PROXMIRE]. This must indeed be a very happy moment for him, having spent as many years as he has in this body day in and day out urging the Senate of the United States to ratify this treaty.

I think all of us who feel strongly about this agreement, though not entirely pleased with every piece of it, owe a debt of gratitude to him and others who came before us years and years ago, who waged the good fight on this treaty.

This is a historic moment indeed.

I commend the Senator from Wisconsin.

Mr. CHILES. Mr. President, I associate myself with the Senator's remarks and again express my admiration for the Senator from Wisconsin and his persistence over the years with which he has stood up for his principles and his fight on this issue.

Mr. METZENBAUM. Mr. President, several weeks ago when the majority leader rose to ask for unanimous consent in connection with the consideration of the Genocide Treaty, there was some discussion on the floor as to the position of the American Jewish community on the matter of ratifying the Genocide Treaty.

There is one organization in this country that speaks for all of the other Jewish organizations, consisting of 12 national and 113 community agencies, and that organization is known as the National Jewish Community Relations Advisory Council.

On February 17 they met and unanimously indicated their support for ratification of the Genocide Treaty. They indicated that they still have concerns over some of the reservations adopted by the Senate Foreign Relations Committee but that notwithstanding that fact the MJCRAC now calls upon the Senate to give its approval of this historic declaration against the heinous crime of genocide.

Mr. President, I ask unanimous consent that their statement as well as a list of organizations making up that group be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL JEWISH COMMUNITY RELATIONS ADVISORY COUNCIL,
New York, NY, February 18, 1986.

To: Members of the U.S. Senate.
From: National Jewish Community Relations Advisory Council.
Subject: Jewish Community Call for Genocide Ratification.

Meeting in plenary session in New York City on this day, February 17, 1986, the 12 national and 113 community agencies of the National Jewish Community Relations Advisory Council are heartened by the prospect of Senate consideration in the next few days of the Genocide Convention.

For over 36 years, failure by the United States Senate to ratify the convention has been an embarrassment and a hindrance to more effective American human rights advocacy in world affairs. But with the hearty endorsement by the President, the Secretary of State, and the Attorney General, the members of the United States Senate can now finally ratify American adherence to the convention.

Despite concerns over some of the reservations adopted by the Senate Foreign Relations Committee, the NJCRAC now calls upon the Senate to give its approval to this historic declaration against the heinous crime of genocide. There must be no further delay.

Adoption of this resolution was unanimous, with the participation of all of the organizations listed below:

LOCAL, STATE, AND COUNTY AGENCIES AND THEIR LOCATIONS

Alabama: Birmingham JCC.

Arizona: Greater Phoenix Jewish Federation, Tucson Jewish Federation of Southern Arizona.

California: Greater Long Beach and West Orange County Jewish Community Federation, Los Angeles CRC of Jewish Federation-Council, Oakland Greater East Bay JCRC, Orange County Jewish Federation, Sacramento JCRC, San Diego CRC of United Jewish Federation, San Francisco JCRC, Greater San Jose JCRC.

Connecticut: Greater Bridgeport Jewish Federation, Greater Danbury CRC of Jewish Federation, Greater Hartford CRC of Jewish Federation, New Haven Jewish Federation, Eastern Connecticut, Jewish Federation, Greater Norwalk Jewish Federation, Stamford United Jewish Federation, Waterbury Jewish Federation, JCRC of Connecticut.

Delaware: Wilmington Jewish Federation of Delaware.

District of Columbia: Greater Washington JCC.

Florida: South Broward Jewish Federation, Greater Fort Lauderdale Jewish Federation, Jacksonville JCC, Greater Miami Jewish Federation, Greater Orlando Jewish Federation, Palm Beach County Jewish Federation, Pinellas County Jewish Federation, Sarasota Jewish Federation, South County Jewish Federation.

Georgia: Atlanta Jewish Federation, Savannah Jewish Council.

Illinois: Metropolitan Chicago Public Affairs Committee of Jewish United Fund, Peoria Jewish Federation, Springfield Jewish Federation.

Indiana: Indianapolis JCRC, South Bend Jewish Federation of St. Joseph Valley, JCRC of Indiana.

Iowa: Greater Des Moines Jewish Federation.

Kansas: Kansas City, see Missouri.

Kentucky: Lexington Central Kentucky Jewish Association, Louisville Jewish Community Federation.

Louisiana: Greater New Orleans Jewish Federation, Shreveport Jewish Federation.

Maine: Portland Southern Maine Jewish Federation-Community Council.

Maryland: Baltimore Jewish Council (Montgomery County, see D.C.)

Massachusetts: Greater Boston JCRC, Marblehead North Shore Jewish Federation, Greater New Bedford Jewish Federation, Springfield Jewish Federation, Worcester Jewish Federation.

Michigan: Metropolitan Detroit JCC, Flint Jewish Federation.

Minnesota: Minneapolis and Dakotas JCRC—Anti-Defamation League.

Missouri: Greater Kansas City Jewish Community Relations Bureau, St. Louis JCRC.

Nebraska: Omaha JCR Committee of Jewish Federation.

New Jersey: Atlantic County Federation of Jewish Agencies, Bergen County JCRC of United Jewish Community, Cherry Hill JCRC of Southern New Jersey Jewish Federation, Delaware Valley Jewish Federation, East Orange MetroWest New Jersey Jewish Community Federation, Greater Middlesex County Jewish Federation, Union Central New Jersey Jewish Federation, Wayne North Jersey Jewish Federation.

New Mexico: Albuquerque JCC.

New York: Greater Albany Jewish Federation, Binghamton Jewish Federation of Broome County, Greater Buffalo Jewish Federation, Elmira CRC of Jewish Welfare Fund, Greater Kingston Jewish Federation, New York JCRC, Rochester Jewish Community Federation, Greater Schenectady Jewish Federation, Syracuse Jewish Federation, Utica JCC.

Ohio: Akron Jewish Community Federation, Canton Jewish Community Federation, Cincinnati JCRC, Cleveland Jewish Community Federation, Columbus CRC of Jewish Federation, Greater Dayton CRC of Jewish Federation, Toledo CRC of Jewish Welfare Federation, Youngstown JCRC of Jewish Federation.

Oklahoma: Oklahoma City JCC, Tulsa JCC.

Oregon: Portland Jewish Federation.

Pennsylvania: Allentown CRC of Jewish Federation, Erie JCC, Greater Philadelphia JCRC, Pittsburgh CRC of United Jewish Federation, Scranton-Lackawanna Jewish Federation Greater Wilkes-Barre Jewish Federation.

Rhode Island: Providence CRC of Rhode Island Jewish Federation.

South Carolina: Charleston JCR Committee, Columbia CRC of Jewish Welfare Federation.

Tennessee: Memphis JCRC, Nashville and Middle Tennessee Jewish Federation.

Texas: Austin JCC, Greater Dallas JCRC of Jewish Federation, El Paso JCR Committee, Greater Houston Jewish Federation, Fort Worth Jewish Federation, San Antonio JCRC of Jewish Federation.

Virginia: Newport News-Hampton-Williamsburg United Jewish Community of the Virginia Peninsula, Richmond Jewish Community Federation, Tidewater United Jewish Federation (Northern Virginia, see D.C.)

Washington: Greater Seattle Jewish Federation.

Wisconsin: Madison JCC, Milwaukee Jewish Council.

Mr. METZENBAUM. Mr. President, we are about to conclude this debate, and it is obvious that the Genocide Treaty is going to be ratified, and I think it is a very solemn occasion and there is probably no more critical moment in the deliberation of the Senate than the significance of the act that we are about to take.

I think that many of us who feel very deeply about that which occurred in the Holocaust are very grateful to the leaders—the leadership that has seen fit to bring the matter to the floor and to push it to a vote.

It has been talked about in the past but today we see ourselves actually in action, and I commend the leadership for having done so.

But having said that, I return to comments I made earlier this morning about the one man in the Senate who has been so totally steadfast since 1967. Every day that we have been in session, except for those pro forma sessions, he has come to the floor and urged this body to act to ratify the Genocide Treaty.

Many of us come to this floor and we speak once, we speak twice, we speak and we think that if we have spoken once or twice a week, that is a lot.

Senator PROXMIRE has spoken, according to my best calculations, more than 3,000 times, urging this body to ratify the Genocide Treaty.

I think that he has been singular in his devotion and dedication, and I think he is a Senator of whom all of us can be very proud.

I say for one that I stand on this floor and salute him and indicate my deep gratitude for his constant effort for the last 18 years and better than 3,000 speeches. We are all very grateful to him.

Mr. MELCHER. Mr. President, I, too, wish to associate myself with the remarks made by the Senator from Ohio in commending the distinguished Senator from Wisconsin, Senator PROXMIRE, for his devotion to a cause that will bear fruit finally today.

Mr. President, I, too, support the ratification of the Genocide Treaty. We all agree with the principles to eliminate the terrible crime of genocide by concerted agreement of the nations of the Earth.

This treaty is to acknowledge and accomplish that goal.

I am fully convinced that our ratification of this document is just and proper. Our Nation's greatest strength is our commitment to individual freedom and rights. It is time for us to ratify this treaty which has awaited Senate action for 36 years and which seven of our Presidents have asked the Senate to ratify.

The main concern in the Senate has been to insure that that ratification of the Genocide Treaty did not in any way interfere with the rights guaranteed to U.S. citizens under our Constitution. This has been done. The Senate Foreign Relations Committee has included language in the form of legally binding reservations to the treaty that insure that the constitutional rights of American citizens will always be above the jurisdiction of the World Court. These reservations make it clear that before any dispute involving a U.S. citizen can be submitted to the jurisdiction of the World Court, the specific consent of the United States is required; and that nothing in the treaty requires or authorizes legislation or any other action by the United States that is prohibited by our Constitution.

The last hurdles have been removed from the treaty's ratification permitting the United States to join with the 96 other nations that have agreed to cooperate in bringing an end to abhorrent crime of genocide.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair, and I shall be very brief.

Mr. President, approval by the Senate of the terms of the Genocide Convention is a tribute to the sheer doggedness and determination by the distinguished senior Senator from Wisconsin [Mr. PROXMIRE]. The convention was submitted to the Senate for its advice and consent in 1949, some 37 years ago.

It was 9 years ago, on January 11, 1967, to be exact, that Mr. PROXMIRE announced on the Senate floor his intention to wage a personal crusade on behalf of the treaty.

He said on that day, and I quote from his floor address, that the

> Senate's failure to act has become a national shame * * * I serve notice today that from now on I intend to speak day after day in this body to remind the Senate of our failure to act and of the necessity for prompt action.

I would also note that it was the distinguished senior Senator from Rhode Island [Mr. PELL], who is today the ranking Democratic Senator on the Foreign Relations Committee, who was the first to raise his voice, and I quote, "I am in complete and full support of the words just uttered by the Senator from Wisconsin."

Mr. President, Mr. PROXMIRE made good on his word. He has delivered over 3,000 speeches on this floor—as was just stated a moment ago by the distinguished Senator from Ohio [Mr. METZENBAUM]—keeping the pressure on the Senate to fulfill this long-standing, long-overdue obligation to the international community and to the rights of oppressed groups of all kinds worldwide—national, ethnic, religious, or racial. It is altogether probable that the United States would never have gotten to the point of ratifying the Genocide Convention were it not for the efforts of the distinguished Senator from Wisconsin. He has scored a notable achievement, one that may well have an impact on the treatment and livelihood of men, women, and children in far-flung parts of the world into the far future. He is richly deserving of all the honor and praise that will undoubtedly be afforded to him. I join with my colleagues in congratulating him.

Mr. BOSCHWITZ. Mr. President, I wish to associate myself with the remarks of Senator METZENBAUM and the minority leader with respect to Senator PROXMIRE. I know that some of my colleagues have sometimes even found the fact that he persisted day after day to have an element of humor in it, but whether or not it did is unimportant.

There is no question that the Senator from Wisconsin, at some political risk, I might say, kept the attention of the Senate focused on the Genocide Convention that now appears to be close to passage here in this body after 38 years. He conducted a heroic fight, often a very lonely fight, a fight that I was pleased to join when I arrived in the Senate 11 years after he started it. He indeed has been the leader here on this floor. He has been the leader in a nationwide effort to gain its passage and has understood, as I have stated, considerable pressure.

I might also say, Mr. President, that it is a testimony to the leadership not only of the minority leader but also of the majority leader who has given such forceful leadership to the Senate that this treaty finally comes before us. I think it also attests to the leadership that Senator LUGAR and Senator PELL have given the Foreign Relations Committee so that the various reservations and other conditions could be successfully worked out with all Senators, enabling the treaty to be brought to the floor. I think that some of the

luster and some of the authority and some of the prestige is being restored to the Foreign Relations Committee under the leadership of Senator LUGAR and Senator PELL.

So I join with my colleagues in thanking most particularly the Senator from Wisconsin for his unflagging efforts, for his ability to not only vote on each occasion but to keep his priorities in order and to keep the attention of this body riveted on the Genocide Convention.

Mr. SPECTER. Mr. President, I rise today in support of the Genocide Treaty and to commend the distinguished Majority Leader, Senator ROBERT DOLE, for pressing for an early vote on this long-delayed issue. The majority leader understood that some of my colleagues vehemently oppose the treaty and even oppose consideration of the treaty, but nevertheless felt that there had been enough delay and that the Senate must vote on ratification. I concur with the senior Senator from Kansas [Mr. DOLE] because I believe we can no longer postpone joining in the virtually universal condemnation of the kind of large-scale attempts to annihilate a race or ethnic group such as that which characterized the Holocaust of World War II.

This treaty was adopted by the United Nations over 35 years ago, and our failure to ratify it can only be explained by misunderstanding of its impact. Many of these concerns persist today, but a careful review of the convention reveals that they are unfounded.

The treaty carefully defines genocide to require an "intent to destroy, in whole or part a national, ethnical, racial, or religious group," combined with specific actions to implement that intent. Thus, contrary to what some have alleged, this would not cover ordinary acts of war, since the objective of any justificable conflict could never be the destruction of a race or ethnic group.

Nor does the inclusion of acts causing "mental harm to members of the group" challenge constitutionally protected free speech, as some fear. No act becomes an act of genocide unless it is accompanied by a provable intent to destroy the members of a national, ethnical, racial, or religious group. Even an effort to effectively eliminate a religious sect through conversion would not constitute genocide, since it is not aimed at actual destruction of the religion's members.

The treaty also outlaws conspiracy, incitement, and attempt to commit genocide, as well as complicity in genocide. Some have claimed that this removes the requirement for an overt act. This assertion is false. As a lawyer, I can assure you that each of these crimes does require an overt act toward the actual genocide. Thus, mere thoughts and protected speech are not punishable.

Another concern frequently expressed about this convention is that it does not apply to political genocide and, thus, it is alleged that genocide conducted through a "purge of enemies of the state" would not be punishable. Again, this is not the case. What the treaty in fact provides is that the proscribed acts of genocide "shall not be considered as political crimes for the purpose of extradition." The reason for this is to avoid precisely the potential loophole that causes concern. Generally, extradition treaties contain an exception for so-called political offenses such that a country need not surrender a criminal to another country for punishment if they claim the offense was "political."

Eliminating this loophole strengthens the treaty, but it does not expose U.S. citizens to greater risk of foreign accusations because they would still have all of the protections and safeguards we have built into all of our extradition treaties. It is important to remember that this convention is not an agreement to extradite. That is still governed solely by existing treaties which are already in effect, or those we might enter in the future.

Similarly, this convention does nothing to expose U.S. citizens to greater risk of being tried in a foreign court or international tribunal, or even the United Nations, where our constitutional guarantees of due process would not apply.

Each nation that ratifies the treaty must implement its own legislation to carry out its provisions. Thus, U.S. laws and constitutional protections would have to be observed in any trial taking place in this country, and we can easily retain the power to try all U.S. citizens regardless of where the alleged offense occurred.

With regard to an international tribunal, there is currently no such court with jurisdiction over individuals, and none could be established with jurisdiction over the United States without our separate agreement to such. The World Court has jurisdiction only over countries, and then only with each country's assent. Furthermore, the World Court cannot punish countries or individuals. Sanctions can only be implemented by action taken at the United Nations, where we have a veto and where jurisdiction is again limited to nations, not individuals.

With these safeguards, I can see no justification for refusing to add our leadership to this international condemnation of the heinous act of genocide. Given the long history of man's inhumanity to man, action that draws attention to, condemns, and provides a legal framework for punishing the crime of genocide is sorely needed and should be supported by the United States of America.

I believe we should be ratifying the Genocide Convention. Fortunately, the distinguished majority leader has determined that ratification is possible. This treaty is a significant step forward and puts us clearly on record as condemning this most grave of crimes, a crime which hope relegates to history, but sobriety recognizes as a potential threat in the future.

Mr. President, I urge my colleagues to vote for ratification of the Genocide Treaty. It is a great day for the U.S. Senate. We have finally come to the point where we are about to ratify the Genocide Treaty and take action which is long overdue.

I join in commending the distinguished Senator from Wisconsin, [Mr. PROXMIRE], for his valiant efforts over the many years. The ratification of this treaty is long overdue. It is a very important statement of a principle that this body is undertaking today.

I join in commending the distinguished majority leader for bringing the matter to the floor. I commend the chairman of the Foreign Relations Committee, the distinguished Senator from Indiana [Mr. LUGAR], and the ranking member, the distinguished Senator from Rhode Island [Mr. PELL], and urge the ratification of the treaty.

Mr. SIMPSON. Mr. President, let me just say that I indeed admire the Senator from Wisconsin. I wanted to share very swiftly that when I was practicing law in Cody, WY, I used to have a terrible curse visited upon me. I actually read the CONGRESSIONAL RECORD. And I would read as the Senator from Wisconsin dealt with the Genocide Treaty. It always appeared to me that he was very sensible in what he was saying about it, even though some of the response on the other side sometimes was not of that degree. So this man, with his good sense and good humor and his absolutely dogged determination, is a study for us all in persistence. He has prevailed. And I think it is a remarkable thing that we now embrace this. We should have no fear of it at all as the greatest nation on the Earth—not one shred of fear should we have about entering into this treaty.

I commend Senator LUGAR and Senator PELL. They, indeed, bring stability and integrity into the very fine efforts of the Foreign Relations Committee and commendations to our fine majority leader and the capable minority leader for their assistance, but particularly we always have to come back to the Senator from Wisconsin and his remarkable and dogged efforts, which we now see meet with full success. He must be very pleased. I am.

Mr. CHAFEE. Mr. President, when I first came to the Senate, I did not realize that Senator PROXMIRE was speaking on this every day. But when I

would be here in the Chamber, I would hear him speak about this Genocide Convention. And day after day, I thought: Does he speak on this every day? Then I made inquiries and it turned out, yes, not only does he speak on it every day, but he has spoken on it every day for quite a while. For quite a while? How long is that? He has spoken on it every day since January 11, 1967. Now there are not many Senators who have even been in this Chamber since 1967. So when somebody talks about dogged determination, the essence of it is right here in the senior Senator from Wisconsin.

I wish to join in the tribute to him and also to my distinguished senior colleague from Rhode Island, Senator PELL, the ranking member of the committee, and Senator LUGAR and the minority leader. They all have been important. But it seems to me where the credit is due really today for bringing this forward and having us vote on it is our majority leader. Others have tried in the past, but he has brought it out and we are on the verge of passing it. I hope nothing goes wrong, so maybe we all better not say much any more. I think we all owe him a deep debt of gratitude in the passage of this particular piece of legislation.

(Mr. SPECTER assumed the chair.)

Mr. BYRD. Will the Senator yield?

Mr. CHAFEE. Yes.

Mr. BYRD. I apologize to the distinguished Senator who is the manager on this side.

I inadvertently failed to praise the majority leader. I am glad that that has been done by others. I think we all have to understand that, under the Standing Rules of the Senate, of course, any Member can move to go into executive session and take up the Genocide Convention, but by custom and by right, we normally leave that motion to the majority leader or his designee.

Now, if the majority leader does not make it and someone else makes it, then we are not so assured that we can reach a final disposition of it for various reasons. But the majority leader should make that motion, as I say. Others could, but he did it. And when the majority leader does it, that means that that is going to be the Senate's business, and we are going to stay on that convention until the leader elects to take it down or the Senate in the meantime acts in one way or another on it.

So I think that we all have to recognize that the majority leader has played a very central role in this effort, and especially by virtue of his fulfilling of his responsibility to make the calendar, decide on a program, and determine when and how the Senate will proceed to deal with such a matter. We all should join in saluting the distinguished majority leader.

And I hope that he will feel that his efforts are being recognized, and most of all, by his colleagues.

I not only salute him but I also thank him.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I join with our Democratic leader in praising and congratulating the majority leader because he could so easily have rolled this over. It has been rolled over for 20, 30, or 40 years. But instead he succumbed to the blandishment of his colleagues in the sense of what was right and went ahead with it. I thank him very much indeed.

I join also in the praise for the Senator from Wisconsin. I remember when I first came to the Senate. I was presiding where you are, Mr. President. The next day I was supposed to preside. Who was still speaking? It was the Senator from Wisconsin who was at that point in a contest with Senator Johnson of Texas.

He is a talker, and he is a doer. If it had not been for his speeches every day and giving a steady, fair wind to this project, I do not think it would have come to be.

Finally, I also add that the chairman of our Foreign Relations Committee, the Senator from Indiana, has a singular knack and skill in pulling together a consensual arrangement, a consensus where nobody gets everything they want, but everybody gets about 70 or 80 percent.

Again, this bill could not have flown had it not been for his great knack in this regard where it has secured a consensus of all of us within the committee.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the country owes a debt of gratitude to many people for the action we are about to take on the Genocide Treaty.

First, let me join in thanking Senator DOLE. I was with him when the groundbreaking occurred for the Holocaust Memorial Museum in Washington, DC a few months ago. He made a public commitment. It was a difficult one, given the various pressures which the majority leader always faces. He made a commitment, which he has kept, as he always keeps his commitments.

We are all personally indebted to the majority leader for bringing this legislation forward, and for keeping that commitment to the American people, and to his colleagues in the Senate. I am personally greatful to him for what he has done.

Senator LUGAR, Senator PELL, and the Foreign Relations Committee—for crafting this legislation that we are going to vote on, we are very much in their debt.

There are many others. Senator BYRD over the years has been a tremendous help. But, of course, first and foremost, let me commend my old friend Senator PROXMIRE. For his dogged heroism, and his 3,000-plus speeches he has been a profile in courage and in conscience.

He has been the Senate conscience on this issue with 3,000-plus speeches, if my mathematics is correct, on this issue day after day, just as he grinds out 5 miles a day or so running the streets of the District to keep in the kind of wonderful shape that he is in. He has run the distance on this Genocide Convention for all of us.

A few of us have gotten here one day at a time now and then to stand by his side. But that has been nothing. He has been here 3,000-plus days, every morning taking the time necessary to prick our conscience, and to remind us of a treaty that should have been enforced a long time ago.

If his kind of courage had been in place in the first part of the century, we might not have had an Armenian genocide. If his courage had been in place, we might not have had a Holocaust, which saw more than 6 million of our fellow humans lose their lives. And that courage hopefully now will result in future genocides being avoided.

Mr. President, we have an opportunity today—some say the best opportunity in many years—to finally move into its rightful place in the American pantheon of values that moral monument, the United Nations Convention on Genocide.

This Nation, and especially this city, has erected over the years many monuments depicting individuals, and sometimes events. We have put up these statutes essentially for two reasons: To assure that the person or the event would not be forgotten * * * and to send a message to future generations about what has been—and, we hoped, would remain—important to our society.

Sometimes, Mr. President, it is possible to do the same kind of things without even using concrete or marble. Sometimes we can do so in a medium seemingly more ephemeral but sometimes even more enduring and effective—the medium of language. That is the case with the matter before us today, ratification by this body of a concept long endorsed by our Government but not yet given the substance of law.

The concept is that most basic of human values, respect for human life. In the U.N. Convention, the concept is carried to its most logical conclusion, respect for communities of humans. It declares genocide, the murder of such communities, a crime under international law. And it binds each nation ratifying the convention to make

genocide a crime in that nation's body of law.

Our Nation was among the first to sign the convention when it was adopted in 1948, because we had been impressed twice in as many generations with man's capacity for inhumanity. We had learned with horror of the annihilation by the Ottoman Turks between 1915 and 1922 of some 1.5 million Armenians. And we had been appalled by the elimination by the Nazis in the 1930's and 1940's of 6 million Jews and millions more of other ethnic groups.

Still, subsequently, each time the convention was brought to us for the required followup action, ratification by the Senate, we demurred. Why? For nearly 40 years, we have wandered in a kind of wilderness of wishy-washiness—on record as favoring an incontrovertible moral principle, yet not willing to take the step essential to make that principle a legal commitment.

Today, I hope and have reason to believe, things at last are finally different. Opposition to ratification has been shown over the years to have no legitimate basis of concern. Support has steadily and forcefully increased.

Mr. President, there always are among us those who oppose action such as awaits us today not on legal or ideological grounds, but rather on the basis that such actions make no difference. What difference, after all, they argue, can mere declarations of opposition make to a nation determined to wreak death upon another people? And logic might seem to be on the side of those who so argue.

But we know, Mr. President, that Hitler felt impunity about moving forward to annihilate the Jews because, as he publicly asked with scorn, "Who remembers the Armenians?" Indeed, as Elie Wiesel, the chronicler of the Holocaust, commented last fall: "The world knew and kept silent. Hitler knew that the world knew—and thus felt reassured in his belief that he was doing humankind a favor * * *."

Elie Wiesel's comments were made at the groundbreaking here in October for the U.S. Holocaust Memorial Museum. He felt impelled, passionately, to tell those participating in that holy ceremony of remembrance: "We cannot leave this place today without appealing once more to the U.S. Senate to ratify the Genocide Treaty * * *." And he bespoke what I hope will be in the hearts of all of us today as we take up that treaty, mindful of the skepticism around us:

"I am not sure whether such treaties will prevent mass murder," Elie Wiesel said, "but the absence of such treaties may give the enemies of mankind the wrong signal."

I urge my colleagues to stand up and send the enemies of mankind the right signal: Genocide is a crime which this nation will not tolerate.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I thank all of my colleagues. The record should also reflect the strong commitment of the President to this issue. Once the President made it a priority, it became much, much easier, I must say, for many of us who had positions of leadership, to take the next responsible step. Obviously, in any matter of this kind, there are some who are opposed for good reasons, and some who may be opposed for reasons that may or may not have merit.

But in any event, I think in addition to all of our colleagues, and certainly Senator PROXMIRE and others, it should be noted that the President has been consistent in his position in 1984, in 1985, and again today in expressing his commitment to this treaty. I think that is an indication of the President's depth of interest and sensitivity.

Mr. President, after this vote, I ask unanimous consent—that we consider the sense-of-Senate resolution on the political genocide with 10 minutes of debate equally divided, and that we have the yeas and nays on that resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the resolution of ratification.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Minnesota, [Mr. DURENBERGER] is necessarily absent.

I also announce that the Senator from Maryland [Mr. MATHIAS] is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Maryland [Mr. MATHIAS] would each vote yea.

Mr. CRANSTON. I announce that the Senator from Ohio [Mr. GLENN] and the Senator from Maine [Mr. MITCHELL], are necessarily absent.

I further announce that the Senator from Hawaii [Mr. INOUYE] is absent because of illness in the Family.

I also announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

I further announce that, if present and voting, the Senator from Ohio [Mr. GLENN] and the Senator from Maine [Mr. MITCHELL] would each vote yea.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 83, nays 11, as follows:

[Rollcall Vote No. 15 Ex.]

YEAS—83

Abdnor	Gore	Metzenbaum
Andrews	Gorton	Moynihan
Armstrong	Gramm	Murkowski
Baucus	Harkin	Nickles
Bentsen	Hart	Nunn
Biden	Hatch	Packwood
Bingaman	Hatfield	Pell
Boren	Hawkins	Pressler
Boschwitz	Hecht	Proxmire
Bradley	Heflin	Pryor
Bumpers	Heinz	Quayle
Burdick	Hollings	Riegle
Byrd	Humphrey	Rockefeller
Chafee	Johnston	Rudman
Chiles	Kassebaum	Sarbanes
Cochran	Kasten	Sasser
Cohen	Kennedy	Simon
Cranston	Kerry	Simpson
D'Amato	Lautenberg	Specter
Danforth	Laxalt	Stafford
DeConcini	Leahy	Stennis
Dixon	Levin	Stevens
Dodd	Long	Trible
Dole	Lugar	Warner
Domenici	Matsunaga	Weicker
Eagleton	Mattingly	Wilson
Evans	McConnell	Zorinsky
Ford	Melcher	

NAYS—11

Denton	Grassley	Symms
East	Helms	Thurmond
Garn	McClure	Wallop
Goldwater	Roth	

NOT VOTING—6

Durenberger	Glenn	Mathias
Exon	Inouye	Mitchell

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the Senate does advise and consent to the ratification of the Genocide Convention.

The resolution of ratification, including its reservations, understanding, and declaration, is as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Convention on the Prevention and Punishment of the Crime of Genocide, adopted unanimously by the General Assembly of the United Nations in Paris on December 9, 1948 (Executive O, Eighty-first Congress, first session), Provided that:

I. The Senate's advice and consent is subject to the following reservations:

(1) That with reference to Article IX of the Convention, before any dispute to which the United States is a party may be submitted to the jurisdiction of the International Court of Justice under this article, the specific consent of the United States is required in each case.

(2) That nothing in the Convention requires or authorizes legislation or other action by the United States of America prohibited by the Constitution of the United States as interpreted by the United States.

II. The Senate's advice and consent is subject to the following understandings, which shall apply to the obligations of the United States under this Convention:

(1) That the term "intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such" appearing in Article II means the specific intent to destroy,

in whole or in substantial part, a national ethnical, racial or religious group as such by the acts specified in Article II.

(2) That the term "mental harm" in Article II(b) means permanent impairment of mental faculties through drugs, torture or similar techniques.

(3) That the pledge to grant extradition in accordance with a state's laws and treaties in force found in Article VII extends only to acts which are criminal under the laws of both the requesting and the requested state and nothing in Article VI affects the right of any state to bring to trial before its own tribunals any of its nationals for acts committed outside a state.

(4) That acts in the course of armed conflicts committed without the specific intent required by Article II are not sufficient to constitute genocide as defined by this Convention.

(5) That with regard to the reference to an international penal tribunal in Article VI of the Convention, the United States declares that it reserves the right to effect its participation in any such tribunal only by a treaty entered into specifically for that purpose with the advice and consent of the Senate.

III. The Senate's advice and consent is subject to the following declaration:

That the President will not deposit the instrument of ratification until after the implementing legislation referred to in Article V has been enacted.

Mr. LUGAR. Mr President, I move to reconsider the vote by which the resolution of ratification was agreed to.

Mr. BOSCHWITZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent to insert a letter in the RECORD from Senator MATHIAS.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 3, 1986

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR BOB: In the event that I should be absent at the time when the Senate votes on ratification of the Genocide Convention, I would appreciate it if you would announce, at the time of this vote, that were I present I would vote "aye."

With best wishes,
Sincerely,
CHARLES MCC. MATHIAS, Jr.,
U.S. Senator.

Mr. LUGAR. Mr. President, I have already paid tribute to the Members of this body which have done so much to see that the Senate approved the Genocide Convention. Now, if I may, I would like to single out a few of the many individuals outside the Senate whose efforts over the years culminated in today's vote.

Certainly, in any listing the name of Jacob Javits, a former Member of this body from New York, should rank high. Not only during his long and distinguished service as a U.S. Senator but even after his retirement Senator Javits has been an important force in bringing the Genocide Convention to a successful vote in the Senate.

Hyman Bookbinder should also be singled out for special mention. Mr. Bookbinder has served as Washington chairman of the Ad Hoc Coalition for Ratification of the Genocide Treaty. This has been on top of his regular duties as Washington representative of the American Jewish Committee. He has been a tireless advocate of the convention, meeting with Senators and staff, explaining the convention, addressing the many concerns that have been raised. Without his efforts, I'm not sure we'd have ever brought this matter to a successful conclusion.

Others whose efforts deserve special mention are Jess Hordes, director of special projects for the Anti-Defamation League of B'nai B'rith and Craig Babb of the American Bar Association. Both individuals have been effective advocates for convention, mobilizing the membership of their organizations, working with the staff of concerned Senators, and otherwise making invaluable contributions to today's vote. The same goes for Howard Kohr of the National Jewish Coalition.

Mr. President, I would also like to point out the contribution of the Honorable George Deukmejian, Governor of the State of California, and the work of the Armenian National Committee. The convention has a special meaning for Americans of Armenian descent. I know they are particularly pleased by today's vote.

Of course, we in the Senate probably would not be at this point were it not for President Reagan's strong endorsement of the convention in September 1984. Since that time, many in his administration have worked closely with the staff of the Committee on Foreign Relations to bring the convention to today's final vote. They include Abe Sofaer, the legal adviser of the Department of State. On his staff the efforts of Deputy Legal Adviser Elizabeth Verville and Assistant Legal Adviser James Thessin deserve particular mention. Thanks also go to Louise Hoppe, Deputy Assistant Secretary of State for Congressional Relations and Dick Shifter, the Assistant Secretary of State for Human Rights.

Again, Mr. President, this is only a few of the many who contributed to today's outcome. My thanks to all of them for their efforts. I am pleased that after so many years the Senate has given its approval to the Genocide Convention.

Mr. President, I thank all Members for their consideration and their thoughtfulness in the debate. I thank each person who has been thanked before, but especially the distinguished Senator from Wisconsin, the distinguished majority leader, who called the debate today, and the minority leader for his gracious comments and leadership, and especially my distinguished colleague, Senator PELL.

I wish to mention in particular the work in our committee and, of course, instrumental in this was Senator HELMS, our distinguished colleague from North Carolina, who made such a difference in terms of the provisos that we adopted.

I would be remiss if I failed to mention in addition Senators DODD, KERRY, CRANSTON, and SARBANES, who come to mind as those who would like to have had a different form of the treaty but were prepared to vote today in behalf of the treaty. Finally, to my colleague from Minnesota [Mr. BOSCHWITZ], who helped manage the bill on the floor today so successfully.

Mr. PELL. Mr. President, I join in the words of our chairman thanking the various individuals who helped us. I think particularly of our staffs, too. I pay a word of tribute on our side of the aisle to Brad Penney for his preliminary work and to David Keaney, and to the staff on the majority side who helped us. This was a completely nonpartisan approach. Once again, I thank the chairman for achieving this consensus and thank the Senator from North Carolina for his willingness to be a part of it.

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent the Senate return to legislative session.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

AMENDMENT OF THE INTERNATIONAL CONVENTION ON PREVENTION AND PUNISHMENT OF THE CRIME GENOCIDE

Mr. DOLE. Mr. President, I indicated earlier that I would now send a resolution to the desk and ask for its immediate consideration. There would be 10 minutes of debate equally divided. I think there is no problem with that.

Mr. President, on behalf of myself, the distinguished chairman of the committee, Senator HELMS, and hopefully others, I send this resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 347) expressing the sense of the Senate regarding further amendment of the International Convention on Prevention and Punishment of the Crime of Genocide.

Mr. DOLE. Mr. President, I ask unanimous consent that the clerk read the resolving clause on page 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill clerk continued to read as follows:

Resolved, That it is the sense of the Senate that—

(1) upon depositing the instrument of ratification to the International Convention on Prevention and Punishment of the Crime of Genocide with the Secretary General of the United Nations, the President should notify in writing the Secretary General of the desire of the United States to amend the Convention to include acts constituting political genocide within the definition of the term "genocide"; and

(2) the President should instruct the Permanent Representatives of the United States to the United Nations to take all steps necessary to see that such an amendment is adopted.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. DOLE. Mr. President, I thank the clerk for reading that section. We have a letter from the President delivered today which addresses this specific issue. It is a letter to Senator SYMMS. And I quote:

I understand and appreciate your concern that the convention does not explicitly address the question of politically-motivated genocide. If the Senate gives its advice and consent to the convention, I am prepared at the time of ratification to inform the U.N. Secretary General of the United States desire to obtain international agreement to include acts of politically-motivated genocide within the definition of the term "genocide" under the convention and to seek adoption of such an agreement.

A unanimous vote on this resolution will further support the President's efforts when he seeks to amend the convention through the United Nations.

I am pleased to rise in strong support of this resolution directing the President to immediately seek an amendment to make the Genocide Convention applicable to political genocide upon depositing the instrument of ratification with the United Nations.

By passing this resolution, the Senate will be making a strong statement condemning political genocide as a heinous, vicious act. We will be making a statement for the victims of Tibet, Cambodia, and Afghanistan. We will be reaffirming the position taken by the United States, but resisted by the Soviets, 37 years ago when the Genocide Convention was being written. And we will be challenging the rest of the world to join us in condemning those who seek to stay in power not through a democratic process, but rather through the brutal destruction of those who dare to politically oppose them.

Mr. President, I hope the vote on this resolution is unanimous. I think it is important that we send the strongest signal possible on this issue. Through passage of this resolution, we will set in motion a process by which all genocides can become a violation of international law.

I know of no one who objects to this resolution, but I will ask for the yeas and nays because I think there are many Members who voted for ratification on the basis that we would have a RECORD vote on this resolution.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. LUGAR. Mr. President, I strongly support the words of the majority leader. Clearly political genocide is abominable to all of us. The distinguished Senator from Idaho made a very strong case. We tried to argue not the point that genocide in any form could be condoned but, rather, that the particular parliamentary strategy he was pursuing would lead to destruction of our efforts to ratify the convention.

The Senate acted favorably at least with regard to that argument, but at the same time I would argue equally strongly with my colleagues from Kansas and Idaho and North Carolina in behalf of the course of action we now pursue.

Mr. PELL. Mr. President, I think this resolution is a good one. Obviously, we would like to have "political genocide" included in the treaty. In fact, we sought to do so in the original negotiations leading up to the ratification of the treaty by other nations many years ago. The problem lies in defining "political genocide." However, the objective is admirable. Therefore, I believe this is a good resolution and we should pass it now. I support its approval.

Mr. WALLOP. Mr. President, will the distinguished floor manager yield to me 1 minute?

Mr. LUGAR. Yes, of course.

Mr. WALLOP. Mr. President, I strongly support this amendment, too, but I have to tell my colleagues that they know as well as I do this will never take place. The reason it is not in the treaty at the present moment is that the Soviet Union refused to have it there. If we think we can persuade the United Nations, which is run by the Soviet Union and its client states, to buy off on a treaty amendment requiring a definition of political genocide, it is an act of self-deception which I think is unworthy of the Senate.

The appropriate place to have accomplished this was on the amendment of the Senate from Idaho. But we would not do that because, somehow or another, it would have been demeaning, I guess, to the treaty process. I do not know why we did not do it, but that amendment was the appropriate place, if the Senate really meant to have political genocide as a definition under the terms of the Genocide Treaty.

That, Mr. President, is why I voted against the treaty. It does not do it, and neither will this. I strongly support the effort, but if anybody here believes that it will happen, I wish they would explain to me what process they think would achieve it.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield myself 1 minute. I think the point made by the distinguished Senator from Wyoming is an important one. Clearly, the idea of political genocide is one in which some countries have taken exception in the past.

I would say that the difference today is that the President of the United States, in his letter to the distinguished Senator from Idaho, has asked, first of all, that we ratify the convention and, second, he said that he will support this proposition before the United Nations. I do not recall the President going that route before. The very prestige of our President, it seems to me, makes the difference.

We all share the sentiments expressed by the distinguished Senator from Wyoming with regard to the Soviet view or the view of other countries on this issue. Their cynicism has been demonstrated. Nevertheless, our idealism, likewise, should be demonstrated. This is an affirmative vote and I think an important one.

I yield back the remainder of our time.

Mr. PELL. Mr. President, I yield back our time.

Mr. DOLE. Mr. President, there will be one more rollcall vote following this vote. It will be on Calendar No. 507, S. 1429, prosecution of terrorists who attack U.S. nationals abroad. it is my hope that we can have a very brief debate and have that vote started at least by 4:40 p.m.

The PRESIDING OFFICER. All time having been yielded back, the question is on the adoption of the resolution. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER] is necessarily absent.

I also announce that the Senator from Maryland [Mr. MATHIAS] is absent on official business.

Mr. CRANSTON. I announce that the Senator from Ohio [Mr. GLENN] and the Senator from Maine [Mr. MITCHELL] are necessarily absent.

I further announce that the Senator from Hawaii [Mr. INOUYE] is absent because of illness in the family.

I also announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

I further announce that, if present and voting, the Senator from Maine [Mr. MITCHELL] would vote "yea."

The PRESIDING OFFICER (Mr. BOSCHWITZ). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—93

Abdnor	Gore	Metzenbaum
Andrews	Gorton	Moynihan
Armstrong	Gramm	Murkowski
Baucus	Grassley	Nickles
Bentsen	Harkin	Nunn
Biden	Hart	Packwood
Bingaman	Hatch	Pell
Boren	Hatfield	Pressler
Boschwitz	Hawkins	Proxmire
Bradley	Hecht	Pryor
Bumpers	Heflin	Quayle
Burdick	Heinz	Riegle
Byrd	Helms	Rockefeller
Chafee	Hollings	Roth
Chiles	Humphrey	Rudman
Cochran	Johnston	Sarbanes
Cohen	Kassebaum	Sasser
Cranston	Kasten	Simon
D'Amato	Kennedy	Simpson
Danforth	Kerry	Specter
DeConcini	Lautenberg	Stafford
Denton	Laxalt	Stennis
Dixon	Leahy	Stevens
Dodd	Levin	Symms
Dole	Long	Thurmond
Domenici	Lugar	Trible
Eagleton	Matsunaga	Wallop
East	Mattingly	Warner
Evans	McClure	Weicker
Ford	McConnell	Wilson
Garn	Melcher	Zorinsky

NAYS—1

Goldwater

NOT VOTING—6

Durenberger	Glenn	Mathias
Exon	Inouye	Mitchell

So the resolution (S. Res. 347) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 347

Whereas the Senate has given its advice and consent to the ratification of the International Convention on the Prevention and Punishment of the Crime of Genocide (hereafter in this preamble referred to as the "Convention");

Whereas such Convention excludes from its coverage genocide committed against political groups;

Whereas the Senate finds that instances of political genocide have occurred in Tibet and Cambodia;

Whereas the Senate finds that politically motivated genocide is being carried out in Afghanistan;

Whereas the Senate believes that the protections afforded by the Convention should be extended to all forms of genocide;

Whereas Article XVI of the Convention provides that any party to the Convention may notify in writing the Secretary General of the United Nations of its desire to amend the Convention; and

Whereas Article XVI of the Convention also provides that the General Assembly of the United Nations may take action, after such notification, to amend the Convention: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) upon depositing the instrument of ratification to the International Convention on the Prevention and Punishment of the Crime of Genocide with the Secretary General of the United Nations, the President should notify in writing the Secretary General of the desire of the United States to amend the Convention to include acts constituting political genocide within the definition of the term "genocide"; and

(2) the President should instruct the Permanent Representative of the United States to the United Nations to take all steps necessary to see that such an amendment is adopted.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I yield to the distinguished Senator from Alabama, Senator HEFLIN, for 1 minute.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, in my opinion, the word "national" as used in the Genocide Treaty includes, under certain circumstances, the word "political," particularly when the same political views of the vast majority of the people constitutes the philosophy and the interworkings of the Government to the extent that the rights of those of different views and philosophy are unprotected.

Mr. BRADLEY. Mr. President, today's vote to ratify the U.S. Genocide Convention after nearly four decades is a great victory for international human rights. In the aftermath of the systematic annihilation of European Jewry during World War II, the U.N. General Assembly approved the Genocide Convention. The United States participated in this unanimous vote, and President Truman immediately sent the treaty to the Senate where ratification had been stalled since 1949. Although the Senate Foreign Relations Committee favorably reported the convention six times, it has taken 38 years to bring the treaty to a vote in the Senate. Sadly, the continued persecution of racial, religious and ethnic groups throughout the world demonstrates the importance of today's vote.

During the years of debate on the Genocide Convention serious disagreement arose as to whether additional conditions should be included. I feel that these conditions seriously weaken our commitment to the treaty, making U.S. ratification a less meaningful gesture. Despite my reservations about these provisions, I am proud that the Senate finally ratified the Genocide Convention.

I am pleased that the United States has now joined 96 countries who previously committed themselves to abiding by the Genocide Convention. Today's vote sends a clear message to all nations of the world that the United States is willing to take action on the matter of genocide. This action reinforces both our dedication to the sanctity of human rights and our firm belief that the crime of genocide should not escape condemnation by the international community.

Mr. CHILES. Mr. President, I congratulate the Senate for giving its advice and consent to the Genocide Convention. Nearly 40 years after the United Nations General Assembly adopted the Genocide Treaty, the United States will, when President Reagan signs it, finally ratify the treaty. Our ratification is long overdue.

The Genocide Convention seeks to define genocide and prohibit its Commission as a international crime. This purpose is wholly consistent with article I, seciton 8, clause 10 of the Constitution which charges Congress with the power "to define and punish * * * Offenses against the Law of Nations." And it is readily evident to anyone that the Nazi atrocities against the Jews and others in World War II ranked as such an offense.

For 40 years we have been told that the Genocide Convention would somehow supersede our Constitution and nullify the sovereign powers of the United States. For 40 years we have been told that the treaty would somehow strip U.S. citizens of their constitutional rights and liberties. But in all of that time, the critics of the Genocide Treaty have never offered a viable alternative which would be acceptable in both domestic and international law.

The Genocide Treaty—like any treaty—cannot supersede the U.S. Constitution. Our rights and liberties will be protected after the treaty is ratified. The United States will stand, for the first time, among a number of nations intent on punishing this horrendous internationl crime. The treaty will also give us leverage to criticize other signatories of their genocidal actions in the world.

I am pleased that the Senate has finally expressed its utter repugnance to the international crime of genocide. I look forward to passage of the implementing legislation and the President's final ratification of the Genocide Treaty.

A SALUTE TO THOSE RESPONSIBLE FOR RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, I want to take a brief moment to thank all of those individuals whose work has helped to contribute to the Senate's vote just a few minutes ago to give its advice and consent to ratification of the Genocide Convention.

Any such list must begin with Bruno Bitker, a Milwaukee lawyer and international law expert, who first brought the Genocide Convention to my attention in the mid-sixties. Bruno Bitker had developed a well-recognized expertise in the field of human rights law and had represented the United States and the American Bar Association in

numerous positions during his professional career. In his final years, Bruno had expressed his hope that he would live just long enough to see the vote that took place in this Chamber just a few minutes ago. I only wish he could have; he deserved to see this day. He was a gentle soul who, through force of his intellectual persuasiveness and his appeal to the best in his fellow man, helped to make the world just a little better place because of his efforts. And I owe him a great debt.

Mr. President, a number of my present and former colleagues who were involved in the early days of this fight deserve mention.

From the very beginning, former Senator Jacob Javits was in the forefront of this effort, working shoulder to shoulder with me to secure ratification. He was in an excellent position as a member of the Senate Foreign Relations Committee and was singlehandedly responsible for seeing that the Genocide Convention never left the committee's agenda. He brought to the convention the full range of his intellectual prowess, but also a deep, personal moral commitment that is rarely seen in public life.

Even after he left the Senate, Jake returned to testify in 1981, at great personal inconvenience, a reflection of his abiding commitment to this treaty. In many ways this victory today is his as well and I only regret that he could not be with us today to share it. He deserves to share in it as few individuals do.

In those early years, Hugh Scott, who went on to become minority leader for the Republicans; Frank Church, who later became chairman of the Senate Foreign Relations Committee; TED KENNEDY and CLAIBORNE PELL, who is now the ranking minority member of the Foreign Relations Committee all joined with me in this effort.

And in those years, Tom Dodd, the father of Senator CHRIS DODD, contributed a special zeal to this effort. Tom Dodd had first testified in favor of ratification as a private citizen during the Foreign Relations Committee's original hearings in 1950, and as a member of the American Bar Association's Special Committee on Peace and Law through the United Nations; a commitment he maintained through his years as Senator and imparted to his son, the present Senator from Connecticut.

But it took a lot of work in the trenches as well. Individuals who wrote about the Genocide Convention, spoke out on its behalf and helped to keep the issue alive over these years. At the risk of offending some individuals I might inadvertently forget to mention, I want to thank a few of those who have labored with me and my staff in the vineyards:

Bill Korey and Warren Eisenberg of B'nai B'rith; Arthor Goldberg, the chairman of the Ad Hoc Committee on the Genocide and Human Rights Treaties and its executive secretary for many years, Betty Kaye Taylor, who deserves a special vote of thanks; Hyman Bookbinder of the American Jewish Committee who brought his tremendous knowledge of Washington to this effort; John Norton Moore and Charles Smith of the Conflict Analysis Center; Roger Cochetti, who, for many years as director of the Washington office of UNA-USA brought together the many outside groups working on the Genocide Convention; his successor in that role, Craig Baab of the American Bar Association, which has been such a great help in this effort; Neil Kritz; and Pat Rangel and Estrellita Jones of the Washington office of Amnesty International.

In addition, Marjorie Brown and Vita Bite of the Congressional Research Service deserve recognition for their scholarly contributions on this subject and their tireless hours of research in response to my requests and those of my staff. The Congressional Research Service has set a high standard for professional, nonpartisan research work of the highest caliber, serving Members on all sides of an issue. They have carried out that task ably and deserve credit for their yeoman service.

And last, but not least, I want to express my heartfelt appreciation to all of the members of my legislative staff, who have worked with me over the last 19 years to keep this issue before the Senate. There are far too many individuals, both former and present members of my staff to mention but I want to particularly thank Larry Patton, who has carried this burden for the last 13 years.

Few individuals have written more frequently regarding the Genocide Convention nor understand the provisions, and drafting history of this treaty, better than Larry and I am deeply appreciative of his work on this issue.

Mr. President, all of these individuals have contributed to this day and I want the record to show their contributions. Without their efforts, this day would not have been possible.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senator from Mississippi, Senator COCHRAN, be permitted to speak as in morning business for not to exceed 5 minutes, and following that that we then turn to Calendar Order No. 507, S. 1249, the prosecution of terrorists who attack United States nationals abroad, and that there be a time agreement of 30 minutes, equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I do not intend to object, does the distinguished majority leader mean that 30 minutes would be the overall time on the measure, including any amendments, and that no amendments would be in order, other than the committee-reported substitute and no motions to recommit would be in order?

Mr. DOLE. That is correct.

Mr. BYRD. There is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. There will be a rollcall on that and that will be the last rollcall of the day.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

SENATOR JAMES O. EASTLAND

Mr. COCHRAN. Mr. President, earlier today Senator STENNIS and I brought to the attention of the Senate the fact that early this morning the former Senator from Mississippi, James O. Eastland passed away at the Greenwood-LeFlore Community Hospital.

Mr. President, it was my honor to succeed Senator Eastland when he decided not to seek reelection to the Senate in 1978. He had served our State in the United States Senate since 1941. He was appointed to serve in the Senate by former Gov. Paul B. Johnson, Sr., when Pat Harrison, who was at the time chairman of the Senate Finance Committee, died in office. There was a special election held soon thereafter to fill the unexpired term. Senator Eastland did not seek election at the special election but he did run in 1942 for the full 6-year term and he was elected, defeating Senator Wall Doxey, who had been elected in the special election.

He served for 36 years after that. He had five races for reelection and was successful in all of them. For 22 years he served as chairman of the Senate Judiciary Committee and during the last several years of his service here in the Senate he was President pro tempore, serving in that capacity during the administrations of President Nixon, President Ford, and President Carter. So he was very much a national figure and our State was very proud of him and proud of his service in the Senate.

It was my good fortune to have an opportunity to get to know him well while I was a Member of the House of Representatives and he was serving here in the Senate. I would have an opportunity, from time to time, to be with him when we would meet as a delegation with Mississippi constituents and to meet with him in his office

to talk about matters of mutual interest back home and about politics. I came to respect him very sincerely as a person who was concerned about the average citizens. Whenever someone from Mississippi would call upon him and tell him about a problem they had with the Federal Government, he got to work on it. He was enthusiastic and aggressive about trying to ensure that the citizens of our State were treated fairly by the Federal Government.

He surrounded himself with a staff of men and women who were, likewise, very aggressive in trying to be sure that our State got its share of Federal program dollars and that the legislation enacted here took into account the interests of our State; people like Bill Simpson and Frank Barber and Sam Thompson and Courtney Pace, and there were many others whom I came to know personally and respected and liked a great deal. I developed a strong feeling of affection for Senator Eastland as well. He was unpretentious, Mr. President. He did not take himself seriously, but he took his job seriously. He worked at it very hard and diligently.

I do not know whether it is true or not, but they tell the story about the time Senator Eastland and Senator Spessard Holland from Florida were coming back to Washington, having been down in Atlanta or somewhere in the South. They were flying back to Washington, sitting together on the plane; and on the approach to National Airport from the north over the Potomac River—it was about dusk—Senator Holland looked outside and said, "Jim, look out there at this city. Isn't that a gorgeous sight?"

You could see the lights of the Washington Monument and the Lincoln and Jefferson Memorials and, over in the distance, the Capitol.

He said, "Just to think, this is the most powerful city in the world and you and I are right in the middle of it, making decisions that are affecting the course of history."

Senator Eastland looked at Senator Holland and said, "Spessard, are you drunk?" [Laughter.]

It captures the attitude of Senator Eastland; that he was not going to let service here in Washington go to his head. He was a person who took his obligations seriously, but he did not take himself seriously.

He was not one to really tell stories, but he has become the subject of many flattering stories about the great sense of humor that he possessed all these years and which he brought to his job and endeared him to people throughout our State.

He was a person who had a great deal of influence throughout Mississippi. All of my life he has been our Senator. Along with Senator STENNIS, their combined service has probably not been surpassed by two Senators from any other individual State in terms of tenure of service, and I might add distinguished service.

So this is a time when I feel that it is appropriate for us to recognize the contributions that Senator Eastland made to this institution as chairman of the Judiciary Committee and as President pro tempore. He has had a distinguished career that we can all observe and praise.

He has a fine family, a wife, Libby Eastland, a wonderful woman; and four children, Nell, Ann, Sue, and his son Woods.

Most of his staff and his family were together just recently in Mississippi when we had an opportunity to dedicate the Federal court building in Jackson, MS, to Senator Eastland and name it for him.

On that occasion, there were many good things said about him. Roman Hruska was there, his close friend on the Republican side of the aisle of the Judiciary Committee where they had served for many years, Gov. J.P. Coleman spoke and so did Judge Charles Clark, Chief Justice of the Fifth Circuit Court of Appeals.

What came through, Mr. President, is that all Mississippians respected and appreciated the way Senator Eastland had served and worked for Mississippi's interest in the Senate for the years he served here.

It is my hope that we will be able to have a delegation of Senators attend his funeral on Friday. The services will be in Ruleville at the Methodist church there at 10 o'clock in the morning.

We have lost a great citizen in Mississippi with the passing of Senator Jim Eastland, and I have lost a very good friend.

Mr. STENNIS. Mr. President, will the Senator yield for 1 minute?

Mr. COCHRAN. I am happy to yield.

Mr. STENNIS. Mr. President, I want to commend and thank the Senator from Mississippi for the very earnest, sincere, and meaningful remarks which he has made about our former colleague and friend.

Senator Eastland and I served together for years in the Mississippi house of representatives. That is an experience that is worthwhile. We both distributed that around on Capitol Hill as best we could. We knew each other mighty well. We did not have to ask each other how we were going to vote on a matter because we already knew. We knew each other so well.

Quite seriously, Jim was a man that applied himself in a quiet way, and he knew how to get the jobs done. He was very appreciative, too, of the people's attitude because of the matters he had done and tried to do.

With respect to his fine family, mention has been made of the splendid young ladies, daughters, and sons, which they are. Libby Eastland is one of the finest ladies I have known. I talked to her by telephone yesterday, and she had her usual courage of moving forward.

Again, I commend the Senator from Mississippi for his remarks as well as the expression, feeling, and tone of them all.

Mr. President, I yield the floor.

Mr. HELMS. Mr. President, will the Senator yield to me?

Mr. COCHRAN. Mr. President, I am happy to yield to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the distinguished Senator.

Mr. President, I came to Washington the first time in late 1951. I came as administrative assistance to one of North Carolina's Senators who was a good friend of Jim Eastland. So many times Mr. Jim would come by our office. I was struck by the fact that he would take the time to pay a little attention to a young fellow from North Carolina who was then on the lower side of 30 years of age. I got to know him very well.

The Senator said that he did not tell many stories. I have to correct the Senator on that. He told me a lot of stories. They were all good. But he gave a lot of good advice as well. I remember one time I walked down the corridor with him, and a vote was on. I very proudly pushed the elevator button three times. As the Senator knows, pushing the elevator button three times back in those days was a command to the elevator operator to come no matter where he was headed or where he was. Senator Eastland noticed that. He said, "Jesse, do not do that around me anymore." He said, "That is the trouble with the U.S. Senate. People come up here enamored with the idea of pushing that button three times."

Senator Eastland endured his share of criticism in the media and elsewhere. I always reflected upon the fact that those who criticized Jim Eastland did not know him because here was a man totally devoted to the Constitution of the United States, and to the fundamentals of this country, and he was faithful to his people of Mississippi. Many times I observed people from the State who came to see him. They did not merely like Jim Eastland. They did not merely support Jim Eastland. They loved Jim Eastland. So did I.

I think it is accurate to say that the exception of the distinguished senior Senator from Mississippi and the distinguished Senator form Louisiana, I have been around the U.S. Senate about as long as anybody. Of course, I was here as a staff member originally.

But anybody who has known Jim Eastland has benefited from him. As the saying goes, we are diminished by any man's death, but I am enormously diminished by his. I will miss him. I know both Senators from Mississippi will miss him.

I thank the Senator for yielding to me.

I yield the floor.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from North Carolina.

Mr. HEFLIN. Mr. President, will the Senator from Mississippi yield?

Mr. COCHRAN. I am happy to yield to the distinguished Senator from Alabama.

Mr. HEFLIN. I know the Senate wants to move forward. I do not want to take much time. I would like to concur with the remarks that have been made. I did not serve with Senator Eastland. But I have known him over a number of years. I know that his reputation as being an effective, hard-working Senator, chairman, and President pro tempore will live in the annals of the history of the U.S. Senate.

Mr. COCHRAN. I thank the distinguished Senator from Alabama, Mr. President.

I yield the floor.

TERRORIST PROSECUTION ACT

The PRESIDING OFFICER. Under the previous order, the clerk will now report Calendar No. 507.

The legislative clerk read as follows:

A bill (S. 1429), to amend title 18, United States Code, to authorize prosecution of terrorists who attack United States nationals abroad, and for other purposes.

The Senate proceeded to consider the bill (S. 1429) to amend title 18, United States Code, to authorize prosecution of terrorists who attack United States nationals abroad, and for other purposes, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Terrorist Prosecution Act of 1985".

SEC. 2. (a) Part I of title 18, United States Code, is amended by inserting after chapter 113 the following:

"CHAPTER 113A—TERRORIST ACTS AGAINST UNITED STATES NATIONALS ABROAD

"2331. Findings and purpose.
"2332. Terrorist acts against United States nationals abroad.

"SEC. 2331. FINDINGS AND PURPOSE.

"The Congress hereby finds that—

"(a) between 1968 and 1985, there were over eight thousand incidents of international terrorism, over 50 per centum of which were directed against American targets;

"(b) it is an accepted principle of international law that a country may prosecute crimes committed outside its boundaries that are directed against its own security or the operation of its governmental functions;

"(c) terrorist attacks on Americans abroad threaten a fundamental function of our Government: that of protecting its citizens;

"(d) such attacks also threaten the ability of the United States to implement and maintain an effective foreign policy;

"(e) terrorist attacks further interfere with interstate and foreign commerce, threatening business travel and tourism as well as trade relations; and

"(f) the purpose of this chapter is to provide for the prosecution and punishment of persons who, in furtherance of terrorist activities or because of the nationality of the victims, commit violent attacks upon Americans outside the United States or conspire outside of the United States to murder Americans within the United States.

"SEC. 2332. TERRORIST ACTS AGAINST UNITED STATES NATIONALS ABROAD.

"(a) Whoever outside the United States commits any murder as defined in section 1111(a) of this title or manslaughter as defined in section 1112(a) of this title, or attempts or conspires to commit murder, of a national of the United States shall upon conviction in the case of murder be punished as provided in section 1111, for manslaughter be punished as provided in section 1112, for attempted murder be imprisoned for not more than twenty years, and for conspiracy be punished as provided by section 1117 of this title, notwithstanding that the offense occurred outside the United States.

"(b) Whoever outside the United States, with intent to cause serious bodily harm or significantly loss of liberty, assaults, strikes, wounds, imprisons, or makes any other violent attack upon the person or liberty of any national of the United States or, if likely to endanger his person or liberty, makes violent attacks upon his business premises, private accommodations, or means of transport, or attempts to commit any of the foregoing, shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(c) Whoever, outside of the United States, conspires to commit murder, as defined in section 1111(a) of this title, within the United States of any national of the United States, shall be punished as provided in section 1117 of this title notwithstanding that the offense occurred outside the United States.

"(d) As used in this section, the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"(e) No indictment for this section can be returned without the written approval of the Attorney General or his designee.".

(b) The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 113, the following:

"113A. Terrorist acts against United States nationals abroad ..... 2331".

Mr. DOLE. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, this bill, S. 1429, the Terrorist Prosecution Act, fills a significant gap in our legal arsenal against terrorism by making terrorist attacks against Americans abroad a crime under U.S. law.

The bill was introducd on July 10, 1985, as a modification of a bill originally introduced on September 25, 1984, S. 3018. It was referred to the Subcommittee on Security and Terrorism where hearings were held on July 30, 1985. An amendment in the nature of a substitute was adopted and the bill was polled out of the subcommittee with a vote of 5-0 on November 19, 1985. The Judiciary Committee adopted S. 1429 by unanimous consent on December 12, 1985. The bill has the support of the administration, and is cosponsored by Senators ANDREWS, BOREN, COHEN, D'AMATO, DENTON, DURENBERGER, GRASSLEY, HECHT, LEAHY, MCCONNELL, MURKOWSKI, ROTH, LEVIN, and HAWKINS.

S. 1429 is vital to our battle against terrorism, and I urge my colleagues to support it.

Nearly 2½ years ago, the Nation was rocked by a bomb blast that destroyed our marine barracks in Beirut, Lebanon, and took the lives of over 240 marines. As our shock and grief gave way to anger, the cries to bring the terrorists to justice grew louder. Many called for military reprisals. Having spent most of my adult life in law enforcement, I turned first to the law—these terrorists were not soldiers, they were murderers and should be prosecuted in U.S. courts for their heinous crime.

However, a review of current U.S. law revealed that we had no law on the books under which we could try these criminals, even if we caught them. This same gap in our law prevents U.S. prosecution of those who brutally shot two U.S. AID [Agency for International Development] officers during the hijacking of a Kuwaiti airplane in December 1981, or those who shot and killed the Americans at an outdoor cafe in El Salvador.

A recent New York Times article on January 19, 1986, reported State Department legal advisers, Judge Abraham Sofaer, as noting "that no Federal law covers the murder of American citizens abroad, a lack that frustrated efforts to bring indictments against those responsible for slaying four off-duty American marines and two American businessmen in El Salvador last year."

To fill this gap, on September 25, 1984, I introduced S. 3018 to provide for U.S. jurisdiction over terrorist attacks against U.S. agents, officers, and employees. The bill was modified and reintroduced in the 99th Congress on June 27, 1985, as S. 1373. After receiving input from authorities on international law and meetings with administration officials, the bill was further

modified to provide U.S. jurisdiction over terrorist attacks on any American abroad and reintroduced as S. 1429 on July 10, 1985.

At the heart of this bill is the notion that international terrorists are criminals and ought to be treated as such—that they should be located promptly, apprehended and brought to trial for their heinous crimes.

In 1984, Congress enacted new laws providing extraterritorial jurisdiction for hostage taking and aircraft sabotage, but murder of U.S. nationals outside our borders and not within the special jurisdiction of the United States, other than of specially designated Government officials and diplomats, is still not a crime under U.S. law.

Judge Sofaer told the Senate Committee on Security and Terrorism during hearings on July 30, 1985, that S. 1429 will fill a significant gap in current U.S. law, and is "warranted by reality and logic, and consistent with international law." Ambassador Oakley concurred, emphasizing that the bill will be a useful tool in "the foreign policy and diplomatic aspects of our antiterrorism effort." Also testifying in support of the bill were Dr. Raymond Cline, senior associate at the Center for Strategic and International Studies, and Leo Byron, a hostage of the TWA hijacking in June 1985, accompanied by his wife, Carolyn, and daughter, Pamela, who were also on the plane.

S. 1429 fills the gap in current law without in any way contravening or conflicting with either international or constitutional law. While criminal jurisdiction is customarily limited to the place where the crime occurred, it is well-established constitutional doctrine that Congress has the power to apply U.S. law extraterritorially if it so chooses. (See e.g., *United States* v. *Bowman*, 260 U.S. 94 (1922)).

International law also recognizes broad criminal jurisdiction. If an alleged crime occurs in a foreign country, a nation still may exercise jurisdiction over the defendant, pursuant to the "protective principle," if the crime has a potentially adverse effect upon its security or the operation of its governmental functions. This basis for jurisdiction over crimes committed outside the United States has been applied by the Federal courts in contexts ranging from drug smuggling to perjury. Clearly, then, the exercise of U.S. criminal jurisdiction also is justified to prosecute a terrorist who assaults or murders American nationals abroad. In addition to threatening a fundamental function of our Government—that of protecting its citizens—such attacks undoubtedly have an adverse effect upon the conduct of our Government's foreign affairs, and potentially threaten the security interests of the United States. Terrorist attacks further interfere with interstate and foreign commerce, threatening business travel and tourism, as well as trade relations.

S. 1429 includes a statement of findings and purpose designed to make it clear the act is intended to cover acts of international terrorism, as opposed to bar room brawls or other violence which fails to trigger these national interests. Similarly, the bill specifies that no indictment may be returned under the act without the written approval of the Attorney General or his designee. The intention of this section is to further ensure that application of the law is limited to acts of national interest consistent with the findings and purpose set forth in the act. It is my sense that these provisions are adequate to satisfy this objective and, thus, the bill does not attempt to define terrorism. However, those seeking guidance on this issue can refer to the definition provided in the Foreign Intelligence Surveillance Act, title 50, section 1801(c).

But making terrorist murder a U.S. crime alone will not protect Americans abroad. We must also demonstrate our seriousness by applying the law with fierce determination.

In many cases, the terrorist murderer will be extradited or seized with the cooperation of the government in whose jurisdiction he or she is found. Yet, if the terrorist is hiding in a country like Lebanon, where the government, such as it is, is powerless to aid in his removal, or in Lybia, where the government is unwilling, we must be willing to apprehend these criminals ourselves and bring them back for trial. We have the ability to do that right now, under existing law. Under current constitutional doctrine, both U.S. citizens and foreign nationals can be seized and brought to trial in the United States without violating due process of law. See, for example, *Frisbie* v. *Collins*, 342 U.S. 519, 522 (1952); *Ker* v. *Illinois*, 119 U.S. 436 (1886).

It may surprise some to hear that such methods are an appropriate way to bring criminals to trial. If someone is charged or chargeable with an offense and is at liberty in some foreign country, it is an accepted principle of law to take that alleged criminal into custody if necessary and return him to the jurisdiction which has authority to try him. That prosecution and conviction is sustainable under the laws of the United States and under international law.

This principle has been in effect for almost 100 years, going back to 1886, in the landmark case of Ker versus Illinois, where the State of Illinois seized a defendant in Peru, a man being charged with a crime in Illinois, and brought him back to Illinois for trial, where he was convicted. The case went to the Supreme Court of the United States and the Supreme Court of the United States said it was appropriate to try that man in Illinois and to convict him notwithstanding the means which were used to bring him back to trial in that jurisdiction.

That doctrine was upheld in an opinion written by Justice Hugo Black, well known for his concern about defendants' rights, in the case of Frisbie versus Collins, handed down by the Supreme Court of the United States in 1952 and upheld in later decisions. No country in the world, no country in the history of the development of law, has more rigorous concepts of the due process of law than the United States of America and the U.S. Supreme Court.

Forcible seizure and arrest is a strong step, but the threat of terrorism requires strong measures, and this is clearly preferable to the alternatives of sending in combat troops or bombing a few neighborhoods.

When I first began urging serious consideration of forcible arrest of terrorists nearly 2 years ago, it drew some criticism. It was a unique idea, borrowed from the days of pirates.

Yet, as critics looked more closely at the solid support for convictions obtained after forcibly seizing criminals, and as the cries for bombing raids and assassinations grew louder, the idea of seizing a terrorist for trial in the United States seemed reasonable.

When Judge Sofaer testified on S. 1429, for example, he stressed his strong support for the bill but made equally clear his concern about the way I have urged it be applied—the use of forcible arrest where necessary. As we discussed it further that morning in the hearing, it became clear that we were really not as far apart as it first appeared. Before the hearing concluded Judge Sofaer and I had agreed that such measures should be taken as a last resort, with extreme caution as an extraordinary step, being aware of the sensitive nature, and only after a decision at the highest level.

On January 19, 1986, the New York Times published an article entitled: "U.S. Is Said To Weigh Abducting Terrorists Abroad for Trials Here." In it, Judge Sofaer is reported as saying he would support "seizure" of fugitives in other countries if the chances for success were reasonable. "He acknowledged that such a move would violate international law," the article went on to note, "but said there were legitimate arguments in favor of 'bending' the rules in extraordinary circumstances."

By the end of that week, on January 25, 1986, the Times ran an editorial supporting "snatching terrorists abroad," noting it "no longer sounds far-fetched."

Mr. President, the bill we are considering today represents the culmination

of one aspect of my ongoing effort of nearly 2 years to develop an effective judicial approach to dealing with terrorism. First introduced as S. 3018 in September 1984, the bill has benefitted from the ideas and suggestions of many others concerned about these same problems and from the outstanding leadership in the Senate of Senator JEREMIAH DENTON, chairman of the Judiciary Subcommittee on Security and Terrorism.

In addition to S. 1429, I have also reintroduced a resolution, Senate Resolution 190 on June 27, 1985, to provide for international prosecution of terrorists, expressing the sense of the Senate that the President should call for international negotiations aimed at determining an international definition of terrorism which could then be established as a "universal crime," like piracy, punishable by any nation that captures the terrorists.

Another necessary step in effective prosecution of terrorists as international criminals is to deny the fallacy of the "terrorist-diplomat." I have introduced legislation, S. 1383 and Senate Resolution 191, aimed at preventing any recurrence of the grotesque spectacle we witnessed after the "Libyan shoot out" in London of terrorists walking away from prosecution because of diplomatic immunity, by making it clear that murder is not, and can never be, protected diplomatic activity.

The terrorist diplomat can exist only as a product of state-sponsored terrorism, and it is to this threat that we must next turn our focus. Earlier this year, I introduced legislation to cut off all U.S. trade with Libya because of its support of international terrorism. This proposal was adopted by the Senate as an amendment to the Foreign Assistance Act giving the President authority to summarily cut off trade with Libya and other countries because of its support of international terrorism.

On July 10, 1985, the House passed a similar amendment to the House Foreign Assistance Act mandating a trade boycott of Libya, after I contacted Congressman BENJAMIN GILMAN of New York.

The provision was ultimately enacted and provided authority for the President's recent trade embargo of Libya, announced on January 7, 1986.

Finally, in response to the immediate concerns raised by the TWA hijacking, I introduced a resolution, Senate Resolution 196, calling on the President to work for a worldwide boycott of all international airports that fail to meet adequate security standards. I firmly believe that the United States must take an active role in ensuring the safety of passengers, not just on flights leaving our airports, but on all international flights.

These legislative initiatives, along with S. 1429, reflect my conviction that, ultimately, law abiding nations will succeed against this threat to law and order worldwide, not by adopting the terrorists tactics that threaten innocents, but by fiercely maintaining that threatened order and bringing the full force of the law to bear against these most heinous criminals.

Mr. President, I thank the distinguished majority leader for taking time for this bill at this time. I shall briefly summarize at this juncture what this bill does.

At the present time, as a result of legislation in 1984, it is against the laws of the United States to hijack or take hostage our American citizens. There is a significant gap in U.S. law at the present time as to attacks, assaults, or killings of other U.S. citizens abroad.

This bill fills that gap.

For example, Mr. President, there is no law on the books at the present time which would enable the United States to take action for the U.S. citizens who were murdered at the Vienna and Rome airports in the recent incidents, or take action against the terrorists who murdered the 240 marines in Lebanon on October 25, 1983, or to bring to justice the murderers of U.S. citizens at the outdoor cafe in El Salvador, or take action against the terrorists who murdered two AID officers at the airport in Tehran. This bill would fill that gap.

Mr. President, it has long been accepted that the United States, or any nation, may exert extraterritorial jurisdiction for attacks and murder on their citizens abroad. It is high time that there was a comprehensive criminal code to protect American citizens around the world from such acts of terrorism.

Mr. President, there has been a great deal of tough talk about terrorism, but very little tough action. The enactment of this measure will enable the United States to supplement the tough talk with some tough action.

There is at the present time, largely unknown but a fact, that the three terrorists who hijacked the TWA plane are now under indictment, with such charges having been issued by the U.S. District Court for the District of Columbia. This bill will put on the books a measure which will protect American citizens abroad under all circumstances from acts of terrorism.

What happens next, Mr. President, in terms of bringing terrorists to justice, is a complex matter but it is worth noting that for 100 years now the Supreme Court of the United States has upheld convictions where criminals are brought back to the United States for trial regardless of the methods by which they are brought back.

In a celebrated case called Ker against Illinois, the State of Illinois had brought charges against a man by the name of Ker who fled to Peru. Illinois officials went to Peru, arrested Ker, brought him back to the United States, and he was convicted. That prosecution was upheld by the Supreme Court of the United States in a decision which has been followed many times, with one opinion written by Justice Hugo Black, a noted civil libertarian.

In terms of bringing a terrorist to justice, that has to be very carefully considered. When these ideas were first offered in legislation by this Senator some years ago, there was some substantial criticism in trying to use the Ker doctrine to try to bring terrorists to justice in the United States. As we have seen a proliferation of terrorism, as we have seen other procedures not effective, as we have seen an effort at economic sanctions—which is a good first step but unfortunately not joined in by our colleagues—retaliatory attacks have been considered and rejected, we have been searching for ways to deal with terrorism. The criminal laws have doctrines with considerable force, and those doctrines can be effectively used in bringing terrorists to justice and bringing them to the United States for trial, for prosecution, and conviction.

I ask unanimous consent that the text of a New York Times editorial for January 26, 1986, be incorporated in the RECORD. It is entitled "Snatching Terrorists Abroad," which is a succinct statement and a policy justification for this kind of enforcement and action.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 25, 1986]

SNATCHING TERRORISTS ABROAD

If other nations can't catch terrorists or refuse to surrender them, why shouldn't Americans snatch suspects wherever they can and bring them to justice in the United States? That question no longer sounds farfetched.

The violence against Americans abroad and the failure of other nations to take it seriously have aroused Washington's interest in every conceivable countermeasure. Prudence and justice argue for striking directly at guilty terrorists. Why not take them where we can?

The main obstacles are other nations' rights and sensibilities. Governments that put a much lower priority on arresting terrorists may well regard kidnapping by American agents as a crime. They also cherish their sovereignty and insist on making their own choices about whom to arrest and to extradite. Some may also fear retribution by terrorists or remember that the United States itself has sometimes refused to deliver fugitives under extradition treaties that exclude crimes labeled "political."

Still, while other nations are unlikely to give advance approval, some might quietly applaud or even assist in specific arrests of

properly charged fugitives. American judges traditionally have not inquired about *how* a suspect is brought before them, only whether he's been duly charged. America's known regard for defendants' rights, and President Reagan's rejection of reckless retaliation against innocents abroad, are strong arguments for trying to bring some fugitives to account here.

Probably the strongest argument for unilateral action is the failure of international efforts to punish either terrorists or their sponsors. Our European allies, having refused to join in economic sanctions or airline groundings, would find it harder to object to discreet American efforts at self-protection.

Responsible Americans are not talking about a shootout on a busy Paris street. They do, however, want to warn nations that harbor the likes of Mohammed Abbas that they risk the humiliation of having him snatched away. That alone might keep him and others in distracted flight.

Mohammed Abbas is under Federal indictment, charged with plotting the Achille Lauro hijacking, with its cold-blooded murder of a disabled American. He was caught when American planes intercepted the hijackers' escape plane but was then rashly released, first by Italy, then Yugoslavia, despite a strong American showing that he was extraditable. He is a prime candidate for capture if American agents can manage it.

Such snatchings are no substitute for sustained antiterrorist campaigns, including infiltration of suspect groups. They are no substitute for joint action when it can be negotiated. But they can bring some murderers to justice and relieve the pent-up American frustration that might otherwise provoke truly rash action.

Mr. SPECTER. The enactment of this bill will give us a good weapon in our arsenal which will enable us to consider a variety of alternatives to bring terrorists to justice. It will be a great day in our battle against terrorism worldwide to bring terrorists to the Federal court here in Washington, DC, for prosecution, conviction, and punishment. I thank the Chair.

Mr. BIDEN. Mr. President, I would like to take a minute to say that I was interested to note that when we were told this was going to come up and I was suggested as the ranking member to manage this, I asked the staff to check if it was brought up as a noncontroversial bill. The only reason it is noncontroversial is because of the efforts of the Senator from Pennsylvania. The Senator from Pennsylvania addressed this issue in the Judiciary Committee, as he indicated, several years ago, and there then was a good deal of controversy about whether or not the direction he was seeking to go was proper and whether the whole window of law he was seeking to close should be closed.

So I rise to compliment the Senator from Pennsylvania for his diligence and for his persistence in this matter.

Mr. President, I rise in support of S. 1429, the Terrorist Prosecution Act. The purpose of this bill is to provide for the prosecution and punishment of persons who, in furtherance of terrorist activities or because of the nationality of the victims, commit violent attacks upon Americans outside the United States or conspire outside of the United States to murder Americans within the United States.

The legal underpinnings of this bill are sound. It is an accepted principle of international law that a country may prosecute crimes committed outside its boundaries that are directed against its own security or the operation of its governmental functions. Terrorist attacks against Americans threaten such a fundamental function of our Government—that of protecting its citizens.

Mr. President, terrorism is antithetical to the rule of law; yet, to the extent feasible, it is the rule of law upon which we must rely to fight terrorism. What is needed in the fight against terrorism is not a suspension of the very values that we as a Nation seek to embody, but an affirmation of those values by bringing the rule of law to bear on terrorist activity. It is appropriate and necessary, therefore, that we employ every legal mechanism within our power to punish those who commit terrorist acts against Americans, yet doing so in a way that respects the rule of law that we as a nation revere.

Mr. President, in conclusion I would like to commend Senators SPECTER, DENTON, and LEAHY for their commitment to seeing this legislation through. This is a very difficult area to legislate, and I think they have come up with a very good product that I believe will have tangible results in combating terrorist attacks against Americans.

Mr. SPECTER. I have one further comment, Mr. President. I thank the distinguished Senator from Delaware for his very general and kind remarks.

Mr. LEAHY. Mr. President, the hijacking of the *Achille Lauro* and the recent atrocities at the Rome and Vienna airports, have given new urgency to the debate over the proper U.S. response to international terrorism.

The United States needs a comprehensive counterterrorism strategy. Part of that strategy must be to improve our intelligence so the discriminate use of force against terrorists who have committed or are about to commit violent acts becomes feasible and legitimate.

Our strategy must also include laws which provide for the criminal prosecution in the United States of terrorists over whom we can obtain jurisdiction through extradition and other means.

Remarkably, under current law, the murder of U.S. citizens outside our borders, other than of certain government officials and diplomats, is not a crime.

The Terrorist Prosecution Act will close this serious GAP in our arsenal against terrorists, by providing for long jail sentences for individuals who conspire to commit or commit terrorist assaults, murders, or kidnapings against Americans abroad.

As ranking member of the Subcommittee of Security and Terrorism, I am proud to have worked with Chairman DENTON and Senator SPECTER on a draft of this bill which I have cosponsored and which has the strong support of the State and Justice Departments and all members of the Judiciary Committee.

Terrorism will continue to plague us in the future. There are no simple solutions, but we should have every weapon at our disposal. I urge my colleagues to give this bill their wholehearted support.

Mr. DENTON. Mr. President, I rise in support of S. 1429, the Terrorist Prosecution Act, a bill to amend title 18, United States Code, to authorize prosecution of terrorists and others who attack U.S. nationals abroad.

In reviewing the subject of international terrorism, the Judiciary Subcommittee on Security and Terrorism, which I chair, has collected sufficient evidence, through hearings, to conclude that there is more to terrorism than just a series of unrelated violent events perpetrated by several unrelated groups.

There is for example a clear pattern of Soviet supported and equipped insurgencies seeking to destabilize, by revolution, whole regions such as Southern Africa, to politicize established religion, such as in Nicaragua and the Middle East, and to export violence against the democratic governments of neighboring states.

The trends are clear. Cooperation among terrorist groups is increasing. In some instances drug money finances the violence. The lethality of the action is becoming greater as more powerful and more sophisticated weapons are employed. There is increasing disregard for the innocent. More diplomats and world leaders are targets. More innocent civilians are made into pawns. United States' interests are the No. 1 target.

The pattern that emerges from studying the testimony obtained in more than 60 hearings before the Subcommittee on Security and Terrorism, and more recently in joint hearings with the Judiciary Committee and Foreign Relations Committee, is that terrorism is the most widely practiced form of modern warfare. It is both a major force and a major trend in foreign affairs.

How successful have we been in dealing with terrorist warfare against our commerce, soldiers, diplomats, facilities, leaders, and private citizens? Not very. We in Congress sometimes adopt

self-defeating, even contradictory, measures that often put us at odds with our friends and allies. Most people are outraged at the violence of terrorism as depicted by the daily news, but that rage is short-lived.

We have come to a point that requires that we establish both a foreign and domestic policy for dealing with the obvious threat.

U.S. policy on terrorism is fragmented and only partially developed. I believe that it is essential that we determine the degree of the threat to our interests, set our goals and objectives, and then develop a policy and commitments. From there, we must explain our policy so that we can build a consensus that will enable us to persevere and to succeed over the long haul.

Terrorism must be dealt with on many fronts and a military response alone will not suffice. First, we must have laws that are sufficient to meet the threat. We must have a mechanism capable of enforcing these laws. We must pursue diplomatic initiatives and our allies must stand firm with us on this issue. We must in the end be prepared to employ a full range of sanctions: legal, diplomatic, economic, and military.

S. 1429, introduced by my distinguished colleague from Pennsylvania, Senator SPECTER, will allow for prosecution in the United States of individuals who commit terrorist murders against U.S. nationals abroad. I believe that S. 1429, with the amendments suggested by the Department of Justice and offered at the Subcommittee by Senator LEAHY and myself for Senator SPECTER, represents a step forward in our ongoing fight against terrorism.

I urge my colleagues to support S. 1429.

Thank you, Mr. President.

Mr. HATCH. Mr. President, I rise in support of Senate bill S. 1429, introduced by my colleague Senator SPECTER. The bill seeks to authorize prosecution of terrorists who attack U.S. Nationals abroad. It does this by expanding the jurisdiction of U.S. courts overseas. The crimes in question include murder, manslaughter, conspiracy to murder, and assault. In addition, it also makes it a crime to conspire outside the United States to commit murder within the United States and to commit the murder of any U.S. national.

Although I regret that the bill does not define terrorism per se, and although I believe in the need for a statutory definition of international terrorism, this bill develops the nationality theory of jurisdiction. In other words, and attack upon any U.S. citizen abroad, or a conspiracy to engage in such attack, if it includes the crimes I have just listed, grants jurisdiction to U.S. courts to try the offenders in question, once the United States has apprehended them. Among other things, this will prevent a situation similar to that of the murder of Leon Klinghoffer aboard the *Achille Lauro*, when the United States was truly unable to claim a proper jurisdiction in that instance.

What this act really does is to develop the nationality theory of jurisdiction, a theory already claimed by Israel and France, among others. An attack upon and American citizen abroad, and fits one of the above crimes, makes the attack a criminal act under our Federal Criminal Code. This is a most desirable approach in these days of a shrunken world made small by modern science and technology.

Mr. President, the United States, if it is to be at all successful in combating the terrorist threat, must put its words into deeds. This is the only way to serve notice on terrorist offenders that the United States will no longer allow them to escape the consequences of their bloody acts. How we obtain or apprehend the terrorist offenders is another question. I note that many of my colleagues, and the administration also, will not rule out abduction. Nor do I, Mr. President, if that is the only way to get these vile murderers to American shores.

One thing is clear. We cannot afford the further shedding of innocent blood or to allow political fanatics to make civilization itself their hostage. S. 1429 is a good bill because it enhances the reach of the American criminal justice system in its attempts to bring these barbaric criminals to justice. Mr. President, I urge support of S. 1429. It is a first step toward restoring legal sanity in a world reeling from terror-violence. It serves notice on terrorists and violent-wrongdoers abroad that American justice will not be denied.

Mr. SPECTER. Mr. President, I believe we are ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

I also announce that the Senator from Maryland [Mr. MATHIAS] is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota [Mr. DURENBERGER] would vote "yea."

Mr. CRANSTON. I announce that the Senator from Ohio [Mr. GLENN], the Senator from Maine [Mr. MITCHELL], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that the Senator from Hawaii [Mr. INOUYE] is absent because of illness in the family.

I also announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

I further announce that, if present and voting, the Senator from Maine [Mr. MITCHELL] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—92

Abdnor	Gore	Metzenbaum
Andrews	Gorton	Moynihan
Armstrong	Gramm	Murkowski
Baucus	Grassley	Nickles
Bentsen	Harkin	Nunn
Biden	Hart	Packwood
Bingaman	Hatch	Pell
Boren	Hatfield	Pressler
Boschwitz	Hawkins	Proxmire
Bradley	Hecht	Pryor
Bumpers	Heflin	Quayle
Burdick	Heinz	Riegle
Byrd	Helms	Rockefeller
Chafee	Hollings	Roth
Chiles	Humphrey	Rudman
Cochran	Johnston	Sarbanes
Cohen	Kassebaum	Sasser
Cranston	Kasten	Simon
D'Amato	Kennedy	Simpson
Danforth	Kerry	Specter
DeConcini	Lautenberg	Stafford
Denton	Laxalt	Stevens
Dixon	Leahy	Symms
Dodd	Levin	Thurmond
Dole	Long	Trible
Domenici	Lugar	Wallop
Eagleton	Matsunaga	Warner
East	Mattingly	Weicker
Evans	McClure	Wilson
Ford	McConnell	Zorinsky
Garn	Melcher	

NAYS—0

NOT VOTING—8

Durenberger	Goldwater	Mitchell
Exon	Inouye	Stennis
Glenn	Mathias	

So the bill (S. 1429), as amended, was passed, as follows:

S. 1429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Terrorist Prosecution Act of 1985".

SEC. 2. (a) Part I of title 18, United States Code, is amended by inserting after chapter 113 the following:

"CHAPTER 113A—TERRORIST ACTS AGAINST UNITED STATES NATIONALS ABROAD

"2331. Findings and purpose.

"2332. Terrorist acts against United States nationals abroad.

"SEC. 2331. FINDINGS AND PURPOSE.

"The Congress hereby finds that—

"(a) between 1968 and 1985, there were over eight thousand incidents of international terrorism, over 50 per centum of which were directed against American targets;

"(b) it is an accepted principle of international law that a country may prosecute crimes committed outside its boundaries that are directed against its own security or the operation of its governmental functions;

"(c) terrorist attacks on Americans abroad threaten a fundamental function of our Government: that of protecting its citizens;

"(d) such attacks also threaten the ability of the United States to implement and maintain an effective foreign policy;

"(e) terrorist attacks further interfere with interstate and foreign commerce, threatening business travel and tourism as well as trade relations; and

"(f) the purpose of this chapter is to provide for the prosecution and punishment of persons who, in furtherance of terrorist activities or because of the nationality of the victims, commit violent attacks upon Americans outside the United States or conspire outside of the United States to murder Americans within the United States.

"SEC. 2332. TERRORIST ACTS AGAINST UNITED STATES NATIONALS ABROAD.

"(a) Whoever outside the United States commits any murder as defined in section 1111(a) of this title or manslaughter as defined in section 1112(a) of this title, or attempts or conspires to commit murder, of a national of the United States shall upon conviction in the case of murder be punished as provided in section 1111, for manslaughter be punished as provided in section 1112, for attempted murder be imprisoned for not more than twenty years, and for conspiracy be punished as provided by section 1117 of this title, notwithstanding that the offense occurred outside the United States.

"(b) Whoever outside the United States, with intent to cause serious bodily harm or significant loss of liberty, assaults, strikes, wounds, imprisons, or makes any other violent attack upon the person or liberty of any national of the United States or, if likely to endanger his person or liberty, makes violent attacks upon his business premises, private accommodations, or means of transport, or attempts to commit any of the foregoing, shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(c) Whoever, outside of the United States, conspires to commit murder, as defined in section 1111(a) of this title, within the United States of any national of the United States, shall be punished as provided in section 1117 of this title notwithstanding that the offense occurred outside the United States.

"(d) As used in this section, the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"(e) No indictment for this section can be returned without the written approval of the Attorney General or his designee.".

(b) The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 113, the following:

"113A. Terrorist acts against United States nationals abroad ..... 2331".

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I am pleased the Senate voted by such a wide margin to support this legislation. I commend the dedicated effort of my colleague, Senator SPECTER, in shepherding this bill through the Judiciary Committee and to the floor.

I think it was surprising to many of us that there was this open window in our law. It is difficult to imagine why the murderers of U.S. citizens traveling abroad should be accorded status different from hijackers and hostage takers.

Murder of any U.S. citizen should be a crime. The question of apprehension and prosecution should not depend on where the crime occurs or whether the American enjoys the status of a Government official. Murder is just as wrong and just as much anguish for the victim's family whether it occurs here or abroad.

The bill is carefully crafted to ensure only acts of terrorism are covered, not back alley fights. It also requires the approval of the Attorney General or his designee to return an indictment under the act. Clearly, it addresses crimes with national implications, crimes which threaten international travel and tourism as well as trade relations.

While criminal jurisdiction is usually limited to the site of the crime, it is clearly within constitutional doctrine to extend it extraterritorially. We have extended jurisdiction in a wide variety of cases including drug smuggling.

Given the grievous nature of the crime of murder, I would suggest Congress is both legally obligated and morally bound to extend the sphere of our criminal code to protect U.S. citizens abroad. Leon Klinghoffer's family should have the confidence of U.S. law that his brutal murderers can and will be brought to justice.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond 5:30 p.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER (Mr. HATCH). Without objection, it is so ordered.

TASK FORCE ON ELDER ABUSE ACT OF 1985

Mr. DOLE. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 1919, the Task Force on the Elder Abuse Act.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1919) to establish a task force to examine the issues associated with abuse of the elderly.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the bill.

Mr. ANDREWS. Mr. President, I rise today to reaffirm my commitment to eliminate the abuse of our Nation's senior citizens. Last December, I introduced S. 1919, legislation that would create a task force to define and analyze the causes of elderly abuse; examine and assess methods of educating and encouraging cooperative efforts among the general public, health officials and appropriate agencies; and suggest remedial actions that can be undertaken in both the public and private sectors to eliminate this heinous crime.

Although Congress has addressed and sought to remedy the problems of child and spouse abuse, very little has been done to ease the plight of those among our senior citizens subject to such treatment. This legislation, Mr. President, is a first step in what I firmly believe is the right direction. Abuse of the elderly is a wide ranging, multifaceted problem encompassing physical, emotional, and economic mistreatment. It is a problem that this administration and this Congress can no longer ignore. Implicit in S. 1919 is a willingness to indeed recognize that many of our older friends and neighbors are victims of abuse. They are victims, Mr. President, of what can only be viewed as another American tragedy. For far too many people, the reality of growing old has become a living nightmare. I speak of a reality in which dignity is destroyed, hope is trampled, dreams are denied, and the human spirit is laid to waste.

The elderly are a vital and productive part of our society. They are a living and vital link to our past and a stepping stone to our future. They enrich us with their experience and sustain us with their knowledge. As a civilized society we have a responsibility to protect them and to do otherwise would be unconscionable.

The great English poet John Donne wrote that "No man is an island entire of itself, every man is a piece of the continent, a part of the main." We are all a part of the main, Mr. President, and as a part of mankind we must join forces to put an end to the abuse and victimization of our senior citizens. Mr. President, I am pleased to see this legislation move forward, and I thank my colleagues for their support. Without their help and cooperation, the road traveled thus far would surely have been much more difficult.

Mr. CRANSTON. Mr. President, I rise today to voice my support for S. 1919, the proposed "Task Force on Elderly Abuse Act of 1985", introduced by my colleague from North Dakota, Senator ANDREWS, in an effort to address the tragic and growing national problem of elderly abuse. I am honored to count myself among the original cosponsors of this legislation.

Passage of this legislation will mark the commitment of the U.S. Senate to seeking a greater understanding of the extent, causes, and—most importantly—the prevention of the abuse of elderly Americans.

It is estimated that at least 1.1 million—1 in every 25—elderly Americans are the victims of abuse each year. The actual incidence of elder abuse, however, may be many times greater as 4 out of 5 cases are believed to go unreported.

Mr. President, the legislation before us today offers hope that we can find ways to turn around these alarming statistics. Under this bill, a 17-member task force under the direction of the Secretary of Health and Human Services will examine the problem of elderly abuse and submit within 9 months to the Congress and the President a written report of its findings and recommendations. The findings of the Elderly Abuse Task Force can thus serve as an important resource in this area.

Mr. President, the proposed "Task Force on Elderly Abuse Act" represents a crucial step in our efforts to address effectively the national tragedy of elderly abuse. I urge my colleagues to support this vital legislation.

Mr. HEINZ. Mr. President. I applaud this Chamber's prompt consideration and speedy passage of legislation to create a national task force on elder abuse.

Our Nation's senior citizens, like America's children, represent a valuable national resource. Their "golden years" culminate a lifetime invested in this country's peace and prosperity—as worker, teacher, soldier, parent. They are a window on our past and a pathway to our future.

Yet too often this window clouds, the pavement cracks when these most venerable—and most vulnerable—individuals fall victim to abuse.

In the five-county area of my own hometown of Pittsburgh, 162 reports of elder abuse were made in a 12-month period ending this past June. Although physical maltreatment accounts for about 75 percent of reported cases, many abusers of the elderly employ more subtle, yet equally devastating, means.

Take the case of a 74-year-old stroke victim, left strapped to a wheel chair each day, to sit in her own urine and feces. Or the 85-year-old woman whose daughter takes her Social Security checks and spends them for shopping sprees and drugs. Or the "devoted" son who refuses to allow his elderly mother to eat.

If a nation is judged in part by how it treats its aged citizens, then we must don a hair shirt of shame. Shame that 1 million elderly Americans may be victims of abuse each year, with that number increasing by 100,000 in just 4 years. Shame that we spend less than $3 on protective services for each elder abuse victim—while we spend seven times that amount for child abuse victims. Shame that in a nation where the 75-plus is the fastest growing segment of the population, and statistically the most at risk of abuse, we know so very little about the extent of the problem, even less about the causes, and nothing at all about solutions.

Mr. President, what we do know is that family caregivers, not personnel in nursing homes and other institutional settings, most often raise their fists or their emotional ire against their aged parents or grandparents. As chairman of the special committee on aging, I am particularly sensitive to added pressures created for these caregivers by Medicare's new method of hospital reimbursement.

Under the prospective payment system, patients come out of hospitals sicker, needing greater levels of care for more extended periods of time. Families burdened with such heavy levels of care will experience stress that can lead to abuse.

Exacerbating the situation is the absence of any coherent long-term care system, including home health, homemaker services, and adult day care. Even the loving and well-intentioned family member can find caring for a chronically ill adult difficult and burdensome—and unbearable over time without help. In many ways, the abusers are as much victims of circumstance as the abused.

Mr. President, we must act to turn down the heat under the pressure cooker of families caring for elderly family members. My legislation to provide a tax credit for families who care for aged parents represents one step in that direction. More legislation is needed.

I look forward to the recommendations from the task force. Until we know the full extent of the problem, and begin to illuminate causes, we can do little to prevent further abuses.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Task Force on Elder Abuse Act of 1985".

ESTABLISHMENT

SEC. 2. There is established a task force to be known as the Task Force on Elder Abuse (hereafter in this Act referred to as the "Task Force").

DUTIES

SEC. 3. (a) The Task Force shall assess the nature and extent of public and private efforts that are needed to report, monitor, and redress the incidence of elder abuse in the United States. Task Force shall—

(1) define and analyze the factors that cause elder abuse;

(2) specify and clarify mechanisms that exist or can be developed in the private sector to alleviate elder abuse;

(3) examine and assess methods of educating and training health professionals, the general public, the clergy, law enforcement officers, and other agencies and individuals that may be instrumental in caring for those who are victims of elder abuse and also those who may be instrumental in alleviating elder abuse; and

(4) make recommendations for the conduct and coordination of continuing research concerning elder abuse.

(b) For purposes of this Act, the term "elder abuse" means abuse of an individual over 65 years of age involving—

(1) deliberate physical injury;

(2) negligence;

(3) financial injury;

(4) sexual abuse; or

(5) violation of rights.

MEMBERSHIP, APPOINTMENT, PAY, AND MEETINGS

SEC. 4. (a) The Task Force shall be composed of 17 members as follows:

(1) the Secretary of Health and Human Services (hereinafter referred to as the "Secretary") or the designee of the Secretary;

(2) five individuals appointed by the Attorney General and the Secretary who are not officers or employees of the United States and who represent health and senior citizen organizations and who have experience in handling elder abuse matters;

(3) the director of the National Institute on Aging; and

(4) ten individuals appointed by the Secretary, consisting of one individual responsible for administering State services regarding aging from each of the ten regions of the United States administered by the regional offices of the Department of Health and Human Services.

(b) A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(c) Members of the Task Force shall be appointed for the life of the Task Force.

(d)(1) Except as provided in paragraph (2) members of the Task Force shall each be paid at a rate equal to the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of the duties of the Task Force.

(2) Members of the Task Force shall be paid per diem and reimbursed for travel and transportation expenses in connection with the performance of the functions and duties of the Task Force as provided in sections 5702 and 5703 of title 5, United States Code.

(3) Members of the Task Force who are officers or employees of the United States or Members of the Congress shall receive no additional pay, allowances, or benefits by reason of their service on the Task Force.

(e) Eleven members of the Task Force shall constitute a quorum but a lesser number may hold hearings.

(f) Not later than 15 days after the effective date of this Act, the Secretary of Health and Human Services shall designate the Chairman of the Task Force from among members of the Task Force. The Chairman shall not be an officer or employee of the United States.

(g) The first meeting of the Task Force shall be held not later than 30 days after the designation of the Chairman pursuant to subsection (f). The Task Force shall meet at least five times during the existence of the Task Force. The date and time of all meetings of the Task Force shall be at the call of the Chairman or a majority of its members.

EXECUTIVE DIRECTOR AND STAFF

SEC. 5. (a) The Task Force shall have an Executive Director who shall be appointed by the Chairman of the Task Force and who shall be paid at a rate determined by the Chairman. The rate of pay may not exceed the annual rate of basic pay payable for GS-18 of the General Schedule.

(b) Subject to such rules as may be prescribed by the Task Force, the Chairman of the Task Force may appoint and fix the pay of five professional staff members and two support services staff members. A rate of pay fixed pursuant to the first sentence may not exceed the annual rate of basic pay payable for GS-18 of the General Schedule.

(c) The Executive Director and staff of the Task Force may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) Subject to such rules as may be prescribed by the Task Force, the Chairman of the Task Force may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for GS-18 of the General Schedule.

(e) Upon request of the Task Force, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Task Force to assist the Task Force in carrying out its duties under this Act.

POWERS

SEC. 6. (a) The Task Force may, for the purpose of carrying out this Act, hold such hearings and conferences, sit and act at such times and places, take such testimony, and receive such evidence, as the Task Force considers appropriate.

(b) Any member or agent of the Task Force may, if so authorized by the Task Force, take any action which the Task Force is authorized to take by this section.

(c) The Task Force may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman of the Task Force, the head of such department or agency shall furnish such information to the Task Force.

(d) The Task Force may accept, use, and dispose of gifts or donations of services or property.

(e) The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) The Administrator of General Services shall provide to the Task Force on a reimbursable basis, such administrative support services as the Task Force may request.

(g) The Task Force, through its Chairman, may enter into any contract which the Task Force considers necessary to carry out this Act.

REPORTS

SEC. 7. (a)(1) The Task Force shall transmit to the President and to each House of the Congress—

(A) an interim report five months after the first meeting of the Task Force is held pursuant to section 4(g);

(B) such interim reports as it considers appropriate; and

(C) a final report not later than nine months after the first meeting of the Task Force.

(2) The final report shall contain a detailed statement of the findings and conclusions of the Task Force, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(b) After the final report is transmitted to the President and each House of the Congress pursuant to subsection (a), each executive department and agency affected by the final report, as determined by the President, shall submit to the President recommendations for implementing the final report.

TERMINATION

SEC. 8. The Task Force shall terminate thirty days after its final report is transmitted to the President and each House of the Congress pursuant to section 7(a).

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There is authorized to be appropriated for the fiscal year ending on September 30, 1987, the sum of $350,000 to carry out this Act. Any sums appropriated under the authorization contained in this section shall remain available until expended.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, we hope to introduce later this afternoon a modified TV in the Senate package. I think there will be no further rollcall votes today, but there could be rollcall votes tomorrow on that proposal.

VIRGINIA FLOOD VICTIMS RETURNING UNUSED DISASTER RELIEF MONEY

Mr. WARNER. Mr. President, as you well know, Virginia suffered one of the most destructive floods in its history last November, causing an estimated $750 million in property damage and the lives of 20 Virginians.

With the aid of the various disaster relief programs, the cleanup effort continues in the aftermath of the flood that hit, particularly severe in the Shenandoah Valley and the Roanoke areas.

Despite their personal losses and the hardships they have endured over these past few months, the citizens of Virginia have upheld a virtue that has distinguished our State since its founding—the ability to accept hardship, survive, and renew life with vigor and honesty. I stress "honesty."

We hear and read many stories each day of persons who have made financial gains through illegal means.

Less frequently do we hear and read of persons who have resisted temptation and not taken the money and run.

I hold in my hand, Mr. President, letters from 17 flood victims in Virginia, each of whom received checks in varying amounts from the Federal Emergency Management Agency [FEMA].

Each of these persons sustained property losses to their homes and received Federal assistance to replace or repair such things as furnaces, wells, electrical equipment, and water damage.

Enclosed in each of these letters from my fellow Virginians was a refund check to FEMA for money over and above the actual cost of the repairs to their homes.

The checks from these 17 persons total $6,549.95, and represent only a sampling of the many other Virginians who have made similar refunds to the Federal Government.

Mr. President, if you would indulge me for a minute, I would like to read you excerpts from several letters which I found remarkably refreshing.

At a time when our Nation is struggling to reduce our Federal deficit, I am proud to cite these Virginians as examples of what we can do by working together to eliminate any waste of our taxpayers' dollars.

This letter comes from a gentleman in Covington who received a check from FEMA for $472.50, cashed it, then wrote back to Uncle Sam saying:

I am sending back $112.03 for replacing of electric part. I received $472.50 from FEMA, only used $360.47

A family from Shenandoah wrote:

We did not need to use all the money sent to us for the specific repairs listed. The amount sent to us was $1,418.45. I am returning a check for the amount of $526.61.

From a gentleman in Waynesboro who returned $202.50 to FEMA:

Our bill for fixing under our mobile home was $870. This is the money we owe you back from $1,072.50.

From a woman in Roanoke:

After having my gas furnace checked by the Roanoke Gas Co. last week, I was advised that the furnace was OK and no repair work was needed. I'm herewith refunding the $425 received on December 19, 1985. Thank you for processing my claim so rapidly.

From another resident in Roanoke:

We were sent a check for $195 to repair two baseboard heaters. We only need a new thermostat for the larger one and the smaller one was replaced. We had $109 left over as a friend did the labor and purchased the needed supplies, therefore not costing as much.

From a Harrisonburg woman:

Enclosed is check for $465.35 for allowed funds not used for water damage to my basement. Thank you for the courtesy and efficiency of your office.

From a woman in Salem:

Thank you so much for your help during our time of need. I am returning the $425 for repairs to the furnace. I received money to replace it. I have receipts for the remaining $116, used to clean the basement and replace the outlet. Thank you again.

And, finally, Mr. President, my favorite letter, which comes from a Roanoke woman, who writes:

My family and I want to express our sincere appreciation for your financial assistance during our recent flood disaster. It is comforting to us to know that our Government was concerned and acted accordingly. I am returning $189 that wasn't used.

Mr. President, I am sure many lessons can be derived from these letters. These persons were under no legal obligation to return the excess funds—they did so out of honesty.

Certainly, it clearly indicates that not everyone is out to make a buck any way they can.

And by reading these letters today I am in no way implying that citizens in the other 49 States would not do the same thing and refund money that was not rightfully theirs.

In the truest sense of the word, these individuals, and those like them throughout our Nation, are patriots.

I thank them for their integrity, for their honesty, and for taking what they needed, and leaving the rest for others.

We in Virginia take pride in our honesty, our love of country.

IMPACT OF GRAMM-RUDMAN-HOLLINGS

Mr. HATCH. Mr. President, I am submitting for the RECORD an analysis of Gramm-Rudman-Hollings' impact on defense-related jobs. Through 1987, there will be 413,000 fewer job opportunities in this vital sector. The analysis cannot stop there. In fact, Mr. President, I am reminded of Gramm-Rudman-Hollings' impact on our society each time I see Calder's giant mobile being erected in the lobby of the Hart Senate Office Building: Touch it in one critical place and the entire structure will tremble.

In August 1985, Congress agreed to a defense spending level of $279 billion for fiscal year 1987 in its first concurrent resolution on the budget. Since then we have agreed to the Gramm-Rudman-Hollings amendment which threatens large reductions in fiscal year 1987 spending in the fall of 1986. Pursuant to estimates of the fiscal year 1987 budget deficit released by the Congressional Budget Office yesterday, it appears that the defense share of reductions, including residual outlay reductions from the fiscal year 1986 sequester, will amount to $20 billion. I have estimated, on a State-by-State basis, the number of jobs that we are giving up by virtue of a sequester of this magnitude in the defense area. Mr. President, I ask unanimous consent that the tables providing this analysis be printed at the conclusion of my statement.

The anticipated sequester this fall under Gramm-Rudman-Hollings will weaken our national security by destabilizing our economy; and it will devastate the skilled manpower base that was to be the promise of our future. Under Gramm-Rudman-Hollings, we will have cut defense spending not because of any lessened external threat, but to avoid tough domestic choices. In the end, we will be weaker everywhere, domestically as well as externally; allow me to explain.

Gramm-Rudman-Hollings will obstruct a vital artery to the heart of our economic strength: Technology skills. Cutbacks in defense spending will cripple our high-technology sector. Here, the Bureau of Labor Standards forecasts 4 million new jobs to be created between 1982 and 1995. Under Gramm-Rudman-Hollings, over 7 percent, or 286,000 would be eliminated in fiscal year 1987 alone, if one considers all off base and about 25 percent of the onbase jobs to be technology related.

This will have a snowballing effect, Mr. President. For example, the Office of Technology Assessment reported in 1984 that skilled manpower is the single most important consideration of decisionmakers selecting high-technology site locations.

But it does not stop there. We are already short of scientists and engineers for both nondefense and defense industries. The National Science Foundation forecasts a need for 6.1 to 8.5 percent annual growth in engineers just for defense industries. We need incentives to encourage our youth to enter these disciplines. We also need facilities to train them. Last year, DOD contributed $3 billion to university research programs.

What is the payoff of DOD spending, in economic terms? One case suffices: That of our aerospace industry. This sector is symbolic of America's technological eminence. More materially, aerospace sales have continually generated a surplus in our merchandise trade balance; in 1985 that surplus amounted to $13.1 billion, up by 30 percent from the previous year.

When we cut high-skill jobs, we destroy ourselves. These skills erode, they are forever lost; they cannot simply be shelved until a new opportunity to use them arises. Our technology moves far too fast.

The job losses imposed by Gramm-Rudman-Hollings cuts in defense will hurt every State, especially since it is the small business community that will be hardest hit. These firms, with limited resources, cannot survive abrupt, wide swings in defense spending. Let us recall that, in this administration, it is small business that has really gained: Today, those firms receive more than $25 billion of direct defense spending and 20 percent of all prime contracts. They receive nearly 50 percent of all such contracts under $10 million, and 15 percent of those over $10 million.

Let me close this part of the argument, Mr. President. Under Gramm-Rudman-Hollings, we risk turning President Reagan's "Great American Comeback" into the "Great American Setback."

I urge deficit control by cuts in nonproductive spending. But I also urge that we think twice before undermining the President's economic program: What today is being condemned was only yesterday the engine that pulled this country and the rest of the world out of a recession. We have had 38 months of economic growth, and created 9 million jobs since November 1982.

And what role has defense played? Wharton Econometrics attributes 15-20 percent of all job growth for this period to direct or indirect defense spending. The conference board calls defense outlays the "single largest 'fiscal thrust' to the economy." They add that while industrial growth rose at an average of 3 percent a year for 1981 to 1984, defense and space industries grow at 9.5 percent.

Mr. President, I now turn to the more specific defense-related problems that Gramm-Rudman-Hollings will create. In a few words, our readiness will suffer and our arms control negotiation position will be weaker.

Gramm-Rudman-Hollings will impose a 10-percent, across-the-board cut in defense programs, with some exceptions. Let me demonstrate how the ar-

bitrariness of this approach will undermine our security. First, I will examine the rationale for a high-readiness posture. I will then relate Gramm-Rudman-Hollings cuts to each part of the readiness formula.

America's strategy is to deter war at all levels, strategic, conventional and low-intensity, by credibly threatening an instant, severe reprisal against attacks on our vital interests. Therefore, we don't need, and cannot afford, absolute quantitative superiority over our adversaries. And we don't have it. Thanks to the shortsightedness of past arms control agreements like the ABM Treaty, SALT I, and SALT II, the Soviets today outnumber us strategically. They also have more conventional systems like tanks and artillery pieces, as well as troops.

We keep our deterrent credible by having sufficient numbers of forces and technological edge. Because we are outmanned and outgunned, and could easily be outmaneuvered on a battlefield which is in the Soviet's backyard, but 3,000 miles from our shores, we must be immediately responsive, which is to say, ready to react to a first strike. This is the essence of our strategy.

We measure readiness by four criteria; I will show how Gramm-Rudman-Hollings will cause readiness to disintegrate by eating away at its building blocks.

State-of-the-art equipment, readily available is the first requirement of readiness. As I showed earlier in this statement, diminished spending on research and development and procurement will make our industrial base and our economy weaker, perhaps permanently as we stifle our own technological genius and dissipate our skilled manpower base.

Reliable equipment kept in combat-ready condition, is the second requisite of readiness. Yet, where will the personnel reductions be made under Gramm-Rudman-Hollings? In the support staffs that run depots, ensure the prompt delivery of spare parts and service equipment on the battlefield. This proposition defies, no ignores, the demands of modern warfare, as well as the strategy that has kept peace in Europe for the longest period of time since the Roman Empire.

The third need of readiness is skilled, available personnel. In my judgment, the single greatest accomplishment of the Reagan era is the improvement of our defense manpower, in every respect: Education, training, commitment, and self-esteem. We are doing more with fewer people because of higher quality servicemen and servicewomen. Gramm-Rudman-Hollings will return us to the Carter-era Armed Forces that no American wants.

Finally, unit training is the crucial step toward collectively integrating all four readiness components into a fighting force. Yet, training is funded from operations and maintenance accounts. Here, nearly 170,000 jobs would be eliminated by Gramm-Rudman-Hollings, in addition to the unrelenting, free-swinging, ax-like chops made in this account each year by Congress.

Reduced readiness will severely undermine our conventional force capabilities which, in the final analysis make up most of the defense budget. But I caution you: Let us remember that these are the forces most likely to be committed first if deterrence fails.

Finally, Mr. President, there is one point that demands our attention. By reducing our strategic programs 10 percent, we have unilaterally surrendered negotiation points to the Soviets.

But that is not all. On January 15, 1986, General Secretary Gorbachev sent President Reagan a plan calling for the total elimination of nuclear weapons by the year 2000. This means that our defense would reside with conventional capabilities, where we are already at a disadvantage, and would become still weaker under a large sequestration pursuant to Gramm-Rudman-Hollings. What I am saying, Mr. President, is that the highly arbitrary conventional force cutbacks discussed earlier could impede, not promote progress toward the total elimination of nuclear weapons.

The European allies already fear this. The French and others see the Gorbachev plan as a way of "making Europe safe for conventional warfare." And some of our allies will see our conventional force reductions as an attempt to "decouple" the United States from Europe.

In conclusion, Gramm-Rudman-Hollings will only kill the pain by killing the patient. That patient is our Nation's security. Its life support system is our economy on which Gramm-Rudman-Hollings has begun to pull the plug.

I ask unanimous consent to have the analysis printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1987 DEFENSE OUTLAYS $279 VERSUS $259 BILLION

[Dollar amounts in billions]

State	Direct expenditures current policy defense budget				Total DOD spending amount	Direct expenditures GRH sequest.	
	Off-base payroll		On-base payroll				
	Amount	Percent	Amount	Percent		Total	Decrease
1	2	3	4	5	6	7	8
Alabama	$0.887	24	$2.744	76	$3.63	$3.37	$0.26
Alaska	.045	4	.973	96	1.02	.94	.07
Arizona	1.771	47	2.012	53	3.78	3.51	.27
Arkansas	.359	26	1.002	74	1.36	1.26	.10
California	35.713	60	23.350	40	59.06	54.81	4.25
Colorado	2.034	45	2.493	55	4.53	4.20	.33
Connecticut	5.187	73	1.913	27	7.10	6.59	.51
Delaware	.037	10	.332	90	.37	.34	.03
Florida	5.768	45	7.124	55	12.89	11.96	.93
Georgia	1.471	26	4.294	74	5.77	5.35	.42
Hawaii	.124	5	2.519	95	2.64	2.45	.19
Idaho	.013	4	.344	96	.36	.33	.03
Illinois	2.093	38	3.410	62	5.50	5.11	.40
Indiana	2.699	56	2.126	44	4.83	4.48	.35
Iowa	.613	55	.500	45	1.11	1.03	.08
Kansas	1.720	54	1.448	46	3.17	2.94	.23
Kentucky	.233	12	1.752	88	1.99	1.84	.14
Louisiana	.763	24	2.453	76	3.22	2.98	.23
Maine	.455	42	.638	58	1.09	1.01	.08
Maryland	4.196	49	4.400	51	8.60	7.98	.62
Massachusetts	7.438	69	3.320	31	10.76	9.98	.77
Michigan	2.242	53	1.985	47	4.23	3.92	.30
Minnesota	2.482	71	1.028	29	3.51	3.26	.25
Mississippi	.830	31	1.888	69	2.72	2.52	.20
Missouri	4.182	61	2.671	39	6.85	6.36	.49
Montana	.015	5	.287	95	.30	.28	.02
Nebraska	.123	14	.773	86	.90	.83	.06
Nevada	.037	6	.607	94	.64	.60	.05
New Hampshire	.844	54	.730	46	1.57	1.46	.11
New Jersey	3.227	50	3.282	50	6.51	6.04	.47

FISCAL YEAR 1987 DEFENSE OUTLAYS $279 VERSUS $259 BILLION—Continued

[Dollar amounts in billions]

State	Direct expenditures current policy defense budget				Total DOD spending amount	Direct expenditures GRH sequest.	
	Off-base payroll		On-base payroll			Total	Decrease
	Amount	Percent	Amount	Percent			
1	2	3	4	5	6	7	8
New Mexico	.377	23	1.274	77	1.65	1.53	.12
New York	8.738	57	6.524	43	15.26	14.16	1.10
North Carolina	.718	16	3.807	84	4.53	4.20	.33
North Dakota	.029	6	.424	94	.45	.42	.03
Ohio	3.749	51	3.629	49	7.38	6.85	.53
Oklahoma	.439	16	2.289	84	2.73	2.53	.20
Oregon	.322	33	.660	67	.98	.91	.07
Pennsylvania	4.073	46	4.750	54	8.82	8.19	.64
Rhode Island	.356	37	.606	63	.96	.89	.07
South Carolina	.247	8	2.802	92	3.05	2.83	.22
South Dakota	.019	6	.302	94	.32	.30	.02
Tennessee	.732	31	1.605	69	2.34	2.17	.17
Texas	6.763	41	9.758	59	16.52	15.33	1.19
Utah	.829	39	1.310	61	2.14	1.98	.15
Vermont	.305	70	.128	30	.43	.40	.03
Virginia	4.720	29	11.519	71	16.24	15.07	1.17
Washington	3.813	48	4.193	52	8.01	7.43	.58
West Virginia	.199	40	.303	60	.50	.47	.04
Wisconsin	.994	50	.985	50	1.98	1.84	.14
Wyoming	.007	3	.198	97	.21	.19	.01
Total	125.030		139.464		264.49	245.45	19.04

FISCAL YEAR 1983 (BENCHMARK YEAR) TOTAL DOD PERSONNEL AND PAYROLL

State	Military personnel	Military personnel/ total personnel	Military payroll	Military pay/total pay	Civilian personnel	Civilian personnel/ total personnel	Civilian payroll	Civilian pay/ total pay	Total personnel	Total DOD payroll	State pay/ U.S. pay
1	9	10	11	12	13	14	15	16	17	18	19
Alabama	25,072	49	0.501	0.50	26,090	0.51	0.506	0.50	51,162	1.007	0.022
Alaska	20,680	82	.402	.79	4,616	.18	.105	.21	25,296	.507	.011
Arizona	24,432	72	.483	.69	9,725	.28	.218	.31	34,157	.701	.015
Arkansas	9,889	67	.208	.80	4,764	.33	.052	.20	14,653	.260	.06
California	204,572	61	3.890	.53	133,359	.39	3.420	.47	337,931	7.310	.159
Colorado	39,879	74	.760	.72	14,061	.26	.292	.28	53,940	1.052	.023
Connecticut	5,865	57	.105	.47	4,515	.43	.117	.53	10,380	.222	.005
Delaware	4,935	73	.109	.75	1,782	.27	.036	.25	6,717	.145	.003
Florida	70,872	70	1.505	.70	29,805	.30	.650	.30	100,677	2.155	.047
Georgia	62,941	63	1.070	.59	36,620	.37	.738	.41	99,561	1.808	.039
Hawaii	45,715	69	.860	.66	20,244	.31	.442	.34	65,959	2.302	.028
Idaho	5,999	84	.118	.83	1,176	.16	.025	.17	7,175	.143	.003
Illinois	36,289	63	.710	.66	21,591	.37	.373	.34	57,880	1.083	.024
Indiana	6,059	31	.170	.36	13,779	.69	.299	.64	19,838	.469	.010
Iowa	459	24	.012	.12	1,462	.76	.090	.88	1,921	.102	.002
Kansas	24,609	79	.448	.76	6,419	.21	.141	.24	31,028	.589	.013
Kentucky	41,378	75	.598	.71	13,605	.25	.243	.29	54,983	.841	.018
Louisiana	25,950	74	.450	.56	9,006	.26	.348	.44	34,956	.798	.017
Maine	5,419	72	.143	.77	2,067	.28	.042	.23	7,486	.185	.004
Maryland	35,759	47	.712	.43	40,857	.53	.939	.57	76,616	1,651	.036
Massachusetts	10,385	47	.216	.36	11,922	.53	.380	.64	22,307	.596	.013
Michigan	9,599	45	.194	.42	11,945	.55	.272	.58	21,544	.466	.010
Minnesota	916	25	.041	.47	2,706	.75	.046	.53	3,622	.087	.002
Mississippi	18,119	62	.413	.75	11,133	.38	.140	.25	29,252	.553	.012
Missouri	17,685	47	.285	.43	20,134	.53	.372	.57	37,819	.657	.014
Montana	4,160	79	.099	.79	1,119	.21	.027	.21	5,279	.126	.003
Nebraska	12,282	77	.345	.84	3,761	.23	.068	.16	16,043	.413	.009
Nevada	11,824	86	.233	.85	1,872	.14	.042	.15	13,696	.275	.006
New Hampshire	4,096	28	.089	.29	10,363	.72	.214	.71	14,459	.303	.007
New Jersey	21,447	44	.332	.37	27,309	.56	.572	.63	48,756	.904	.020
New Mexico	16,883	64	.357	.59	9,433	.36	.251	.41	26,316	.608	.013
New York	22,716	55	.350	.45	18,631	.45	.436	.55	41,347	.786	.017
North Carolina	97,890	86	1.590	.85	15,306	.14	.288	.15	113,196	1.878	.041
North Dakota	11,647	88	.240	.91	1,618	.12	.025	.09	13,265	.265	.006
Ohio	11,834	27	.311	.27	32,657	.73	.831	.73	44,491	1.142	.025
Oklahoma	31,875	56	.548	.53	24,749	.44	.488	.47	56,624	1.036	.022
Oregon	770	20	.047	.56	3,042	.80	.037	.44	3,812	.084	.002
Pennsylvania	7,997	13	.145	.12	53,985	.87	1.109	.88	61,982	1.254	.027
Rhode Island	3,974	49	.084	.47	4,112	.51	.094	.53	8,086	.178	.004
South Carolina	50,264	72	.788	.65	19,803	.28	.422	.35	70,067	1.210	.026
South Dakota	6,515	84	.138	.85	1,219	.16	.024	.15	7,734	.162	.004
Tennessee	11,831	61	.178	.55	7,653	.39	0.143	.45	19,484	.321	.007
Texas	133,406	68	2.649	.67	62,799	.32	1.326	.33	196,205	3.975	.086
Utah	6,241	22	.140	.23	22,156	.78	.472	.77	28,397	.612	.013
Vermont	60	10	.002	.15	535	.90	.011	.85	595	.013	.000
Virginia	94,484	47	1.779	.42	104,719	.53	2.450	.58	199,203	4.229	.092
Washington	42,570	59	.753	.54	29,246	.41	.648	.46	71,816	1.401	.030
West Virginia	438	22	.008	.35	1,577	.78	.015	.65	1,995	.023	.000
Wisconsin	943	24	.018	.25	2,936	.76	.054	.75	3,879	.072	.002
Wyoming	3,821	81	.085	.81	886	.19	.020	.19	4,707	.105	.002
Total	1,363,445		25.711		914,849		20.353		2,278,294	46.064	

Civilian jobs per $1 million expenditures	STATE		On-base only			Fiscal year 1987 current policy defense budget civilian jobs		
	On-base	Off-base	1983–87 deflator	Civilian payroll fiscal year 1987	Adjusted civilian payroll	On-base	Off-base	Total
1	20	21	22	23	24	25	26	27
Alabama	52	32	0.152	1.40	1.19	61,183	24,070	85,253
Alaska	44	32	.152	.18	.15	6,619	1,221	7,840
Arizona	45	32	.152	.57	.49	21,670	48,058	69,728
Arkansas	92	32	.152	.33	.28	25,309	9,742	35,051
California	39	32	.152	9.21	7.81	304,701	969,108	1,273,809
Colorado	48	32	.152	.65	.55	26,537	55,195	81,732
Connecticut	39	32	.152	.83	.71	27,230	140,754	167,984
Delaware	50	32	.152	.09	.07	3,697	1,004	4,701
Florida	46	32	.152	2.11	1.79	82,008	156,520	238,528
Georgia	50	32	.152	1.58	1.34	66,458	39,917	106,375
Hawaii	46	32	.152	.77	.66	30,028	3,365	33,392
Idaho	47	32	.152	.06	.05	2,249	353	2,602
Illinois	58	32	.152	1.27	1.08	62,439	56,796	119,235
Indiana	46	32	.152	1.48	1.25	57,707	73,240	130,947
Iowa	16	32	.152	.38	.32	5,242	16,634	21,876
Kansas	46	32	.152	.30	.25	11,564	46,674	58,238
Kentucky	56	32	.152	.43	.37	20,582	6,323	26,905
Louisiana	26	32	.152	.63	.54	13,869	20,705	34,574
Maine	49	32	.152	.18	.15	7,352	12,347	19,699
Maryland	44	32	.152	2.35	1.99	86,576	113,863	200,438
Massachusetts	31	32	.152	1.77	1.50	47,207	201,838	249,045
Michigan	44	32	.152	1.10	.93	40,986	60,839	101,825
Minnesota	59	32	.152	.77	.65	38,312	67,352	105,664
Mississippi	80	32	.152	.72	.61	48,455	22,523	70,978
Missouri	54	32	.152	1.42	1.21	65,264	113,483	178,747
Montana	41	32	.152	.06	.05	2,138	407	2,545
Nebraska	55	32	.152	.18	.15	8,499	3,338	11,837
Nevada	45	32	.152	.08	.07	3,136	1,004	4,140
New Hampshire	48	32	.152	.52	.44	21,485	22,903	44,388
New Jersey	48	32	.152	1.84	1.56	74,426	87,568	161,993
New Mexico	38	32	.152	.46	.39	14,554	10,230	24,784
New York	43	32	.152	2.94	2.49	106,525	237,114	343,639
North Carolina	53	32	.152	.51	.44	23,199	19,484	42,683
North Dakota	65	32	.152	.05	.04	2,838	787	3,625
Ohio	39	32	.152	2.66	2.26	88,769	101,733	190,502
Oklahoma	51	32	.152	1.00	.85	43,027	11,913	54,939
Oregon	82	32	.152	.53	.45	36,720	8,738	45,458
Pennsylvania	49	32	.152	4.14	3.51	170,781	110,525	281,306
Rhode Island	44	32	.152	.31	.26	11,432	9,660	21,092
South Carolina	47	32	.152	.79	.67	31,514	6,703	38,216
South Dakota	51	32	.152	.05	.04	2,050	516	2,566
Tennessee	54	32	.152	.63	.53	28,610	19,864	48,474
Texas	47	32	.152	3.12	2.65	125,432	183,521	308,953
Utah	47	32	.152	1.02	.87	40,685	22,496	63,181
Vermont	49	32	.152	.12	.10	4,747	8,276	13,023
Virginia	43	32	.152	6.06	5.13	219,482	128,082	347,564
Washington	45	32	.152	1.71	1.45	65,352	103,470	168,821
West Virginia	104	32	.152	.24	.20	20,815	5,400	26,215
Wisconsin	54	32	.152	.75	.63	34,374	26,973	61,347
Wyoming	44	32	.152	.04	.93	1,400	190	1,590
Total				60.38	51.20	2,345,235	3,392,814	5,738,050

CIVILIAN JOB LEVELS FY87 DEFENSE BUDGET POST GRH SEQUESTRATION

State	On-base	Off-base	Total jobs	On-base decrease	Off-base decrease	Total jobs decrease
1	28	29	30	31	32	33
Alabama	56,778	22,337	79,114	4,405	1,733	6,138
Alaska	6,143	1,133	7,276	477	88	564
Arizona	20,110	44,598	64,708	1,560	3,460	5,020
Arkansas	23,487	9,040	32,527	1,822	701	2,524
California	282,762	899,332	1,182,094	21,938	69,776	91,714
Colorado	24,627	51,221	75,847	1,911	3,974	5,885
Connecticut	25,269	130,620	155,889	1,961	10,134	12,095
Delaware	3,431	932	4,363	266	72	338
Florida	76,103	145,251	221,354	5,905	11,269	17,174
Georgia	61,673	37,043	98,716	4,785	2,874	7,659
Hawaii	27,866	3,123	30,988	2,162	242	2,404
Idaho	2,087	327	2,415	162	25	187
Illinois	57,944	52,706	110,650	4,496	4,089	8,585
Indiana	53,552	67,967	121,518	4,155	5,273	9,428
Iowa	4,865	15,437	20,301	377	1,198	1,575
Kansas	10,732	43,313	54,045	833	3,361	4,193
Kentucky	19,100	5,867	24,968	1,482	455	1,937
Louisiana	12,871	19,214	32,085	999	1,491	2,489
Maine	6,823	11,458	18,280	529	889	1,418
Maryland	80,342	105,665	186,007	6,233	8,198	14,432
Massachusetts	43,808	187,305	231,113	3,399	14,532	17,931
Michigan	38,035	56,459	94,493	2,951	4,380	7,331
Minnesota	35,554	62,502	98,056	2,758	4,849	7,608
Mississippi	44,966	20,901	65,867	3,489	1,622	5,110
Missouri	60,565	105,312	165,877	4,699	8,171	12,870
Montana	1,984	378	2,362	154	29	183
Nebraska	7,887	3,097	10,985	612	240	852
Nevada	2,910	932	3,842	226	72	298
New Hampshire	19,938	21,254	41,192	1,547	1,649	3,196
New Jersey	69,067	81,263	150,330	5,359	6,305	11,664
New Mexico	13,506	9,494	22,999	1,048	737	1,784
New York	98,855	220,042	318,897	7,670	17,072	24,742
North Carolina	21,529	18,081	39,610	1,670	1,403	3,073
North Dakota	2,634	730	3,364	204	57	261
Ohio	82,378	94,408	176,786	6,391	7,325	13,716
Oklahoma	39,929	11,055	50,984	3,098	858	3,956
Oregon	34,076	8,109	42,185	2,644	629	3,273
Pennsylvania	158,484	102,567	261,052	12,296	7,958	20,254
Rhode Island	10,609	8,965	19,574	823	696	1,519
South Carolina	29,245	6,220	35,465	2,269	483	2,752

CIVILIAN JOB LEVELS FY87 DEFENSE BUDGET POST GRH SEQUESTRATION—Continued

State	On-base	Off-base	Total jobs	On-base decrease	Off-base decrease	Total jobs decrease
1	28	29	30	31	32	33
South Dakota	1,903	478	2,381	148	37	185
Tennessee	26,550	18,433	44,984	2,060	1,430	3,490
Texas	116,401	170,307	286,708	9,031	13,213	22,245
Utah	37,756	20,876	58,632	2,929	1,620	4,549
Vermont	4,405	7,681	12,086	342	596	938
Virginia	203,680	118,860	322,540	15,803	9,222	25,025
Washington	60,646	96,020	156,666	4,705	7,450	12,155
West Virginia	19,317	5,011	24,328	1,499	389	1,883
Wisconsin	31,899	25,031	56,930	2,475	1,942	4,417
Wyoming	1,299	176	1,476	101	14	114
Grand total	2,176,378	3,148,531	5,324,910	168,857	244,283	413,140

Note: Differences in totals may be attributed to rounding.

ADDRESS BY SENATOR MOYNIHAN ON SOVIET EAVESDROPPING

Mr. BYRD. Mr. President, in a radio address he delivered last month, the senior Senator from New York warned of a very dangerous situation in the United States. Senator MOYNIHAN pointed out that ample evidence indicates that foreign agents, namely those of the Soviet Union, are using sophisticated technology to eavesdrop on American communication lines.

From their embassies, consulates, and other buildings throughout the United States, Soviet officials, including KGB agents, may be tapping in on the conversations of the President, Members of Congress, military planners, financial brokers, and the executives of our most important high-tech firms, as well as on private citizens.

This a gross violation of the constitutional rights of every American who is a victim—a constitutional violation that we would not tolerate if it were being done by our own intelligence or law-enforcement officials.

This is also a gross threat to the national security of the United States. We may spend hundreds of billions of dollars on defense, but how secure is this Nation when a foreign superpower may be listening in on most any telephone conservation?

Thus far, the U.S. Government has responded by increasing security measures, such as burying communication links underground and by developing more secure telephones.

Rather than simply controlling the worst aspects of this disease, legislation is being proposed by Senator MOYNIHAN to remedy it. I commend him for these efforts.

I further commend him for his continuous efforts over the past 9 years to educate and warn the American people of this grave danger, which he did so eloquently and effectively again when he delivered his radio address on January 11.

I ask that a transcript of that address and several newspaper editorials on the topic be placed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR MOYNIHAN

Good afternoon, this is Senator Daniel Patrick Moynihan of New York.

President Reagan spoke for the nation this week he told Colonel Qadhafi that the United States has had enough.

If Libya is determined to become an outlaw nation, then it can expect to be treated as such. The President was not all that specific. He need not have been. In a similar situation more than a century ago, the great British Prime Minister Gladstone simply warned, and I quote, that "the resources of civilization against its enemies are not exhausted."

As events unfold in the Mediterranean, we would do well to keep an eye on the Soviet connection. Libya gets its armaments from the Soviet Union. To be sure it pays for them, but not everything the Russians have is for sale. In the last few months, however, the Soviets have sent Libya their newest anti-aircraft missiles with thousands of uniformed Soviet technicians to man them. This, of course, has the makings of a "powder keg" as William Safire has put it.

In all that we do, security, especially communications security will be essential. The most important secrets a government has involve decisions to act: when, where, how. If an adversary knows what you plan to do and when you plan to do it—you are in trouble.

It is time the American people were more openly told that in this regard we are in trouble and right here in Washington. The Soviet Union, from its new embassy site on Mount Alto, the third highest hill in the capital, has commenced a massive microwave invasion of our telephone system.

Telephone calls used to be transmitted through telephone lines. Today most calls are sent by microwave. Anybody can listen in, if they are willing to break the law, and that is exactly what the Soviets are doing on a massive scale here.

New Yorkers are sensitive to this. The Soviets have been eavesdropping from their U.N. Mission buildings in our state for a very long while, eavesdropping on the commodity markets, for example.

It is only now, with their new embassy, that they have really got going in Washington. On the morning after the President spoke to us about Libya, the New York Times reported that microwave television reception in Washington neighborhood that adjoins this embassy has gone quite blooey. Home Box Office and Cable News Network all of a sudden are completely scrambled. Said an intelligence source quoted by the Times: "They're working so many different eavesdropping devices over there, it's no wonder."

In an editorial, "The Russians are Listening" the New York Daily News called attention to an incident during the hijacking of the *Achille Lauro*. The President was aboard Air Force One when he decided to order the Navy to force down the Egyptian airliner. The President's order was overheard by a ham radio operator. "And," the News asks, "who else?"

Nelson Rockefeller, as Vice President, warned us about this more than ten years ago in a public report to President Ford that communist countries had developed eavesdropping equipment of extraordinary sophistication, and were even then listening in to "thousands of private telephone conversations." A fair estimate today would be millions.

As we make our battle plans in the war against terrorism, most especially state-sponsored terrorism such as that of Libya under Qadhafi, should we not ask are we being overheard? (And not just on the telephone. Here in Washington the Government is implanting tiny loudspeakers in window panes to block Soviet laser beams from picking up sensitive conversations in government offices.) If the Soviets know our plans, won't they pass them on to Libya?

We can try to hamper their spying, but wouldn't it be better to just tell them to stop? If you have a microwave oven, you will find that the model has been approved by the Federal Communications Commission. All transmissions, even from ovens, have to be reported and approved. Excepting by the Soviet Embassy.

They violate our law with impunity. They know that we know they are doing it. Not to stop them invites contempt and in my view deserves contempt. Not long ago the distinguished Washington columnist Marianne Means wrote a column on this scandal which was titled "Send Soviets home, if that is what it takes to stop the eavesdropping."

Isn't it about time we did something, as the crisis over terrorism grows more intense.

This is Senator Daniel Patrick Moynihan, thank you for listening.

[From the New York Times, July 25, 1977]

THE RUSSIANS ARE LISTENING

At the first hint that the Central Intelligence Agency, the Federal Bureau of Investigation or the National Security Agency has been poking into the lives of private citizens by tapping their phones, we can expect frontpage stories, investigations by Congress, action by the Executive. That is as it should be in an open society. But for at least two years high Washington officials have known that the Soviet Union has been eavesdropping on countless telephone con-

versations in this country, and nobody outside those official circles was informed.

Today, from highly sophisticated installations located in their Washington embassy, their U.N. delegation headquarters in Manhattan their residences on Long Island and in Riverdale and Maryland, and their consulates in San Francisco and Chicago, the Russians continue to tune in on our long-distance telephone calls.

Their interest centers on economic information. The conversations of American bankers and brokers are plucked from the air and transmitted to a computer, probably in the Soviet Union or Eastern Europe, which sorts out the most useful data. And useful it indubitably is; intelligence sources believe that the Russians were helped in negotiating their large and highly advantageous purchases of American grain a few years ago by information obtained through monitoring the calls of grain brokers in the Midwest.

In a few days a National Security Council committee is to give President Carter a set of recommendations for protecting the nation's vital communications. It will reportedly include programs to foil eavesdroppers with coding devices or scramblers or by burying telephone cables underground.

That strikes us as a peculiarly polite approach. When a United States Government agency is found to have been doing illicit wiretapping, the expected response from law-enforcement officials is not to make the job more difficult but to order the agency to stop. If the Soviet tappers are being treated as though this were some sort of a game, it is probably because the intelligence arms of our two countries are linked in just such a game. We are probably getting valuable information from tuning in on Russians in Russia, and perhaps some of that information is deemed so vital as to justify turning a blind eye or deaf ear to Soviet activities here.

But for a nation that prizes individual privacy and public accountability, the presumption must be otherwise. If a member of the Soviet Embassy were caught stealing and shipping economic data back home, our authorities would, we hope, see to it that he was shipped back home. The blunt fact is that a foreign government on American shores is prying on American citizens. And notwithstanding the niceties of diplomatic immunity and extraterritoriality and rigamarole, the response should be equally blunt.

We agree with Senator Moynihan, who has voiced his indignation at this affront to Americans: The public must be fully informed as to the extent to which their privacy has already been invaded; and the Russians must be made to remove their monitoring equipment from this country.

[From the New York Daily News, Sept. 12, 1985]

IT'S FOR YOU, IVAN

Are Russian agents listening in on your phone calls? That's neither a joke nor a paranoid fantasy. Sen. Pat Moynihan points out that the Soviets have a batch of strategically located buildings—their UN mission on E. 67th St, a compound in Glen Cove, L.I., a tower on high ground in the Bronx, their embassy on a hill in Washington, D.C.—bristling with electronic gear. Their dishes can suck microwave phone transmissions right out of the air.

Federal agencies have guaranteed the confidentiality of *their* conversations by buying more than $6 billion worth of secure phones—a single unit can go as high as $35,000. Ordinary folks have no such protection. That's why Moynihan is ringing alarm bells.

One issue is the invasion of privacy. If U.S. agents were wiretapping indiscriminately, there'd be a national hullabaloo. Little heads would roll. Yet no one in the State Department or Congress—with the exception of New York's Moynihan—gives a hoot when Soviet spies violate a highly prized constitutional right.

The other issue is national security. There's ample evidence the Russians eavesdrop on Wall Street financial and banking traffic, gathering information that could be used to hurt this nation. They also can listen to personal calls—a client confiding in his lawyer, an executive arranging a love affair—that can be used to blackmail.

Moynihan is pushing a measure allowing the feds to expose and deport foreign agents—even those with diplomatic immunity—caught at electronic surveillance. The administration rejects the bill, saying it already has the power. If so, why isn't it using it? The Reagan administration should wake up to what is potentially a serious threat to America.

[From the Wall Street Journal, Feb. 19, 1985]

IS MOSCOW LISTENING?

Soviet defectors from diplomatic posts around the world have told enough about their former jobs to make it widely known that clandestine activities occupy a very large share of the time and efforts of the Soviet foreign service. But many average Americans might be shocked to learn that they themselves, at one time or another, could have been subjected to the attentions of the KGB.

Soviet diplomatic missions in New York, Washington and San Francisco are not only dens of spies but are also centers of electronic eavesdropping. These missions, along with a huge electronic surveillance complex in Cuba, are chock-full of equipment that can pick up telephone conversations and data transmissions sent via microwave links. One estimate says that the Soviets have eavesdropped on hundreds of thousands, even millions, of Americans.

In 1982, the Long Island community of Glen Cove protested that a Soviet retreat there was the site of an electronic intelligence operation. Soviet defector Arkady Shevchenko has said that "all the top floors of the building are full of sophisticated equipment," operated by 15 to 17 technicians, "to intercept all conversations of anything that is going on." Another Soviet building in the hills of San Francisco is used to eavesdrop on communications to and from U.S. high-tech firms in nearby Silicon Valley. A new Soviet embassy is being built in Washington on a perfect listening site in the hills of Georgetown, offering possibilities for tuning in on uncoded transmissions to and from the White House, the State Department, the Pentagon, Capitol Hill and CIA headquarters. (What foolishness ever possessed the State Department to permit Soviet construction on such a strategic vantage point?)

The Carter administration took a first step toward countering the Soviet electronic invasion by developing more secure telephones and burying many important government communication links underground. This effort, however, was extremely costly and slow. More recently, with the advances in microchip technology, the National Security Agency has proposed that government and industry be equipped with bugproof phones, which are now relatively inexpensive and unobtrusive.

On Jan. 3, the first day of the new congressional session, Sen. Daniel Patrick Moynihan rose to propose the "Foreign Surveillance Prevention Act of 1985." This would require the President, upon learning of illegal electronic surveillance by a foreign mission, to demand that it be discontinued and, failing that, to have the diplomats expelled. This legislation, said Sen. Moynihan, would "reaffirm in a singularly American way that the United States will not tolerate gross invasions of the privacy of its citizens by a totalitarian power which denies even the most elementary privacy rights of its own citizens."

Sen. Moynihan has submitted similar legislation on two different occasions since 1977, but the Senate has yet to act. We hope that this time around, Congress will send a loud and clear message to Moscow that such breaches of U.S. laws and electronic eavesdropping on government, industry and private citizens cannot be conducted with impunity.

NAIL THE KGB'S EAVESDROPPERS

Pat Moynihan has prevailed. The Senate has overwhelmingly approved a $1 million appropriation for the FBI to stop Soviet spies in the U.S. from intercepting private telephone conversations. They've been getting away with it for years, using all kinds of sophisticated electronic gear at their diplomatic missions to eavesdrop on calls.

It's a violation of privacy of course. But it's also a serious threat to national security. Federal agencies have spent billions of dollars to make their telephones secure, but most private lines are wide open to the KGB.

Moynihan's bill will help end that by giving the FBI money to track down the eavesdroppers. The appropriation now goes to a Senate-House conference. The measure reached that point last year, but House difference killed it. This year, House members should accept the Senate action.

Congress also should approve a second Moynihan proposal that would allow the government to expose and deport foreign agents, even if they have diplomatic immunity, when they are caught poking their big ears into private communications. There are all sorts of diplomatic niceties involved, and espionage is a game for all players. But there's no virtue at all in leaving open gaps that can be closed.

THE RUSSIANS ARE LISTENING

Ever since he entered the Senate, Pat Moynihan has been telling anyone who will listen that advanced technology enables the Soviets to use their embassies and consulates in the U.S. as listening posts. The purpose: To eavesdrop on the telephone conversations of U.S. officials and citizens. For a long while, Moynihan has got little attention.

This fall, at long last, Moynihan succeeded in awakening his colleagues. The Senate voted 96 to 1 to approve an amendment he wrote to the Justice, State and Commerce appropriations bill. It earmarked $1 million—out of a $1.2 *billion* FBI appropriation—for "countering the interception of telecommunications by agents of the Soviet Union." But in the House-Senate conference, the $1 million was deleted.

A million dollars, in this context, is a small sum. And what the Soviets are doing isn't just offensive, it's downright dangerous. U.S. vulnerability in the absence of scrambling equipment, for example, is real and immediate. Consider the Achille Lauro episode: The scrambler on Air Force One was broken. President Reagan had to give the order to force down the Egyptian airline "in the clear." The President's order was overheard by a ham radio operator. And who else?

Still, Congress seems unable to find a million dollars to begin to address this security problem. That's irresponsible—and bizarre. Moynihan confesses that he's baffled. He wonders, rightly, how the Soviets view this whole business: "Surely they will think either that we do not care, or do not dare to act." The conclusions they may draw from those inferences are plain scary.

THE ADMINISTRATION'S ANTITRUST POLICY

Mr. HART. Mr. President, in the next few days, the administration will be transmitting to the Congress a series of sweeping recommendations to amend our Nation's antitrust laws. They are urging us to change these statutes to improve our competitive posture in international markets. As concerned as we are about this Nation's ability to excel in international trade, it is my hope that we will look very carefully at their proposals.

Among their proposals, three are significant. First, they ask Congress to amend substantially section 7 of the Clayton Act. Under current law, a merger can be blocked if, in the Government's view, it may injure competition in a given industry. The administration suggests a new standard which requires a showing that competition will be injured—a standard which many experts believe would be impossible to meet.

Second, they propose an amendment to section 201 of the Trade Act. If an industry shows it has been injured by foreign competition, it can receive a 5 year grant of immunity from the antitrust laws in lieu of quotas or other relief. What happens after the 5 years? Will mergers which occur during that period be undone? What help will further concentration be to import sensitive industries? I will be interested in the administration's rationale for proposing this.

Third, the administration is seeking repeal of treble damages, even though this could make private plaintiffs more susceptible to predatory behavior. Treble damages serve both as an impediment to anticompetitive practices and as an incentive for effected industries to seek court relief. Will repealing treble damages help our competitive posture? I don't believe it will.

The administration's attitude toward the antitrust laws could justly be characterized as "less is better—always." In the 1985 Economic Report of the President, the administration accurately reported that the average annual reported real value of mergers between 1981 and 1984 was approximately 48 percent greater than the average reported during any 4 years of the late 1960's and 1970's.

But the report went further by saying:

> There is no economic basis for regulations that would further restrict the merger and acquisition process. Indeed, *the economic evidence suggest that existing regulations impose restraints that may deter potentially beneficial transactions.* (Emphasis added.)

Mr. President, I would challenge the administration to list for the Congress those mergers and acquisitions it has been forced to block by operation of the antitrust laws. In fact, this Nation has experienced an unprecedented wave of corporate acquisitions. In both 1984 and 1985, record amounts of money were spent on corporate takeovers. The 10 largest corporate takeovers in American history have all occurred since 1980, 8 of those in 1984 and 1985. Mergers, acquisitions, and management buy-outs are driving the alarming increases in corporate debt. If there has been a proposed merger in this country which could have bolstered our competitive position that the administration rejected, I'd like to know about it. I frankly doubt such evidence exists.

The administration must shoulder a significant burden to demonstrate how greater industrial concentration will improve our trade position. There are seven Japanese automobile manufacturers capturing progressively larger shares of the American automobile market. Is the administration actually suggesting that General Motors needs to be bigger in order to compete? Does it really believe that the recent acquisitions by the steel industry of oil companies, or mergers within that industry, stop or slow the penetration of foreign steel products in this country? In fact, the domestic steel industry continues to be in grave difficulty.

If the administration believes that less competition and greater industrial concentration will ipso facto improve our competitive posture, we are in deep trouble. If the unemployed men and women in our industrial heartland are waiting for leadership by the administration, they will be deeply disappointed.

It would be nice if the tough questions underlying the trade crisis could be so easily answered. Most economists agree that the overvalued dollar and our triple-digit budget deficits are the bad actors responsible for the trade deficit drama. The President has appointed Treasury Secretary Baker to study whether we need to do more to bring down the dollar. That's not a premature or bold proposal, but, it is nonetheless welcome. With the submission of the President's fiscal year 1986 budget, it is clear that Congress, and not the administration, will be taking a leadership role in reducing the deficit. As a member of the Senate Budget Committee, I will be doing whatever I can to ensure that significant progress is made. By comparison to the actions taken, and those which must follow, I am afraid the significance of the administration's antitrust proposals is rather small.

The Senior Senator from Colorado does not urge an ideological inflexibility on antitrust. In recent years, we've enacted amendments enabling the formation of export trading companies, modernizing the laws regarding municipalities, and promoting joint research and development activities. Where a clear and compelling case for amending the antitrust laws has been made, the Congress has been willing to cooperate.

This Senator recognizes, as I know my colleagues do, that the world economy is changing dramatically and at exponential rates. Every rule, regulation, and statute which effects economic decisionmaking and the ability of our industries to innovate and compete must constantly be reexamined. As Justice Brandeis said, "There must be power in the States and Nation to remold, through experimentation, our economic practices and institutions to meet changing social and economic needs." The antitrust laws are, of course, no exception in this regard.

For years, I have urged the adoption of industrial modernization to revitalize keystone firms in the steel, automobile, rubber and other heavy industries. These industrywide agreements would be based on negotiations involving labor, industry, the financial sector, government, and other important players. Antitrust could in some instances play a significant role. But exemptions to existing laws would be granted only on a case-by-case basis, and they would not be granted without conditions. If the steel industry, for example, sought antitrust or regulatory relief, increased profits would be targeted toward modernization. By contrast, these agreements would not countenance the affected firms drilling for oil on the floor of the New York Stock Exchange.

Several weeks ago, the distinguished chairman of the House Judiciary Committee, Congressman PETER W. RODINO, addressed the Georgetown Conference on Private Antitrust Litigation. In his speech, Chairman RODINO said something that bears repeating:

> Antitrust, it would seem, is once again being made the whipping boy for everything from record trade deficits to the perceived loss in U.S. technological leadership. * * * If there is any connection between the antitrust laws and (our) seemingly intractable economic problems, it would be that more vigorous competition—not less enforcement—is needed.

In most cases, I agree. This administration betrays a startling lack of confidence in competition and the ability of small entrepreneurs to create jobs and new approaches to promote economic growth. Even large firms like IBM and 3M are using so-called intrapreneurialism and the creation of small, internal units to spur their own ability to innovate.

The lesson here is that increasing innovation, not increasing concentration, should be the standard for our economic policy regarding trade. As former Attorney General William French Smith said, "bigness is not necessarily bad." But I would suggest that unnecessary bigness is. Inherent in the administration's proposals is that we will rely on increased merger activity to solve our trade woes. That is a dangerous course.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSMAN PETER RODINO ON ANTITRUST REFORMS

Mr. HART. Mr. President, several weeks ago, the distinguished chairman of the House Judiciary Committee, Congressman PETER RODINO, addressed the Georgetown Conference on Private Antitrust Litigation. Along with his many contributions to civil rights, equal rights and the cause of a just society, there is no contemporary Member of Congress who has brought more to the antitrust debate in this country than PETER RODINO.

Our party, indeed our Nation, is grateful for his unrelenting commitment to competition and industrial strength. As we begin a debate on the administration's proposals, which tie repeal of central antitrust statutes to our trade crisis, I urge my colleagues to review and consider carefully the guidance PETER RODINO has provided.

I ask unanimous consent that remarks of Congressman RODINO be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LET'S FIX ONLY WHAT'S BROKEN—SOME THOUGHTS ON PROPOSED REFORM OF PRIVATE ANTITRUST LITIGATION

(Remarks of Peter W. Rodino, Jr.)

I am pleased to be among this distinguished group of experts and scholars to offer my thoughts on private antitrust litigation.

Many of you have devoted substantial time to studying private antitrust litigation — or perhaps what is even more relevant to this conference — you participate actively in it as attorneys or economic experts. Collectively, I am sure we have in this one room today the highest concentration of learning and expertise on this subject yet to be seen.

Let me begin by paying tribute to Dean Pitofsky, to Professor White, and to the many others who have participated in helping to bring about a meaningful conference. Whatever one's views may be on the issues, there is no substitute for developing sound, underlying data about the workings of the private enforcement system. The emphasis of this conference on an empirical approach is a welcome departure from the often rhetorical debates of recent years. Building upon your work, others will undoubtedly seek to test and further develop your findings. Antitrust policymaking can only benefit from such a process.

Let me offer today three general observations about the current debate over private antitrust litigation. First, that this debate, though perhaps more sophisticated than earlier versions, is not original. Most of the underlying issues were visited during the debates leading up to passage of the Sherman Act in 1980. Second, although the private enforcement suit did not immediately rise to prominence, it has done so over the last 40 years to the point that it is now the body and soul of our antitrust enforcement system. Finally, although improvements in the private enforcement system should always be sought, precipitous or one-sided changes in the system are unwise and—in all likelihood—politically unacceptable. As in the 1890 debate, Congress is likely to tread a careful and pragmatic path between extremes.

I will elaborate—very briefly—on each of these points.

History, we are often told, is cyclical. What once seemed a novel—even revolutionary—notion is recast over time in familiar patterns. Certainly this has been the case with respect to antitrust enforcement. Current suggestions that the private antitrust remedy be abolished altogether, limited in application, reduced in measure, or transformed into a purely restitutionary device, are echoes of debates heard on the House and Senate floors in the years 1888 to 1890.

It should not be a surprise that then—as now—the antitrust enforcement debate tends to reflect a larger debate between two basic schools of thought. In 1890, the economic Darwinists wanted no federal intervention in the market place. They believed that any economic practice that persisted over time must be efficient and, therefore, beneficial to society. The populists, on the other hand, believed that trusts were destroying the economic and social fabric of American life. They wanted large combinations destroyed at any cost.

Today, the modern counterpart of this debate continues. Adherents of one school push for an unrestrained market place that, in their view, will most efficiently allocate the nation's resources. The modern day populists continue to urge strong and unyielding proscriptions on undue concentrations of power. In between are those who respect the workings of the free market, but concede the need for an active federal presence, perhaps including more coordinated industrial planning.

Over the years, Congress has generally kept to the high, middle ground. In 1890, Senator Hoar is credited with adding the treble damage provision—a modification of the double damages provision in Senator Sherman's original bill—during a mark up by the Senate Judiciary Committee. Accepting both a federal role and the notion of economic self-reliance, Senator Hoar noted the Committee's "positive reliance on the self-policing capacity of business." He went on—

"A man knows when he is hurt better than an agency or government can tell him. Make it worth his while—as the triple damage provision is intended to do—and injured members of the business community can be depended upon to police an industry." [1]

If the good Senator believed that—over time—private suits would become the mainstay of our antitrust enforcement system, he had good future vision. In the first fifty years after the Sherman Act was enacted, private actions were no more numerous than cases brought by the Federal Government.[2] But beginning in 1940, and accelerating during the years I have been in Congress, there has been a dramatic growth in private suits. Today, the private action is truly the heart of our antitrust enforcement system.

The numbers are clear. Over the last decade, well over 90% of antitrust cases filed in the Federal Courts have been private suits. Although a few cases filed by the Federal Government have made headlines—the AT&T case is a prime example—they no longer dominate judicial developments.[3]

One clear sign of the eclipse of federal government enforcement—and the newly achieved preeminence of private enforcement—is the Supreme Court's docket of antitrust-related cases. In the 1960s, federal government-initiated antitrust actions remained roughly at the same levels as private suits on the Supreme Court's antitrust docket. Thereafter, government-initiated suits dropped precipitously, virtually disappearing from the Supreme Court's docket in some years. In 1984, none of the Supreme Court's 24 reported antitrust decisions (including denials of certiorari) came in a case initiated by the Federal Government.

The result is the same if we look at the major antitrust opinions of the Supreme Court. Over the last two years, 8 of the Court's 9 significant antitrust rulings came in suits initiated by private parties.[4] The

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[1] 2 G. Hoar, *Autobiography of Seventy Years*, 363 (1903).

[2] Posner, "A Statistical Study of Antitrust Enforcement," 13 *J. Law & Econ.* 365 (1970).

[3] According to data compiled by Professor Garvey, 93.7% of all federal court antitrust suits filed in the years 1975 to 1983 were private cases. House Committee on the Judiciary, 98th Cong., 2d Sess., *Study of the Antitrust Treble Damage Remedy*, (Comm. Print 1984), at 14.

[4] Aspen Skiing Co. v. Aspen Highlands Skiing Corp., —— U.S. ——, 105 S.Ct. 2847 (1985); Copperweld Corp. v. Independence Tube Corp., —— U.S. ——, 104 S.Ct. 2731 (1984); Town of Hallie v. City of Eau Claire, —— U.S. ——, 105 S.Ct. 1713 (1985); Hoover v. Ronwin, —— U.S. ——, 104 S.Ct. 1989 (1985), *rehearing denied*, —— U.S. ——, 104 S.Ct. 3564; Jefferson Parish Hospital District No. 2 v. Hyde, —— U.S. ——, 104 S.Ct. 1551 (1984); Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc., —— U.S. ——, 105 S.Ct. 3346 (1985); Monsanto Co. v. Spray-Rite Service Corp., —— U.S. ——, 104 S.Ct. 1464 (1984), *rehearing denied*, —— U.S. ——, 104 S.Ct. 2378; National Collegiate Athletic Association v. Board of Regents of the University of Oklahoma, —— U.S. ——, 104 S.Ct. 2948 (1984). In the sole government-initiated case considered by the Supreme Court in 1984, the Court did not adopt the position advanced by the Department, Southern Motor Carriers Rate Conference, Inc. v. United States, —— U.S. ——, 105, S.Ct. 1721 (1985).

Government has limited itself to filing amicus or intervenor briefs in these cases.

To be sure, the key role now being played by private suits may be due in large part to the conscious choice of the current Administration to de-emphasize antitrust enforcement. Bolstered by their ideological conviction that the marketplace sweeps away most inefficient restraints, the enforcement agencies have largely abdicated enforcement efforts in what they have termed non-cartel areas.

To many of us, the private suit takes on even greater importance at a time when the enforcement agencies have not fully carried through on their mandated responsibilities. No better example exists than the area of retail price maintenance. Despite repeated and very specific signals from Congress affirming the per se rule against vertically-imposed price restraints,[5] neither federal enforcement agency has brought an enforcement action in this area during the last 5 years. What is far more disquieting, this Administration has persisted in efforts to undermine that rule. In particular, the Department has intervened in private enforcement suits in support of elimination—or more limited interpretation—of the per se rule. And, in January of this year, the Department issued Vertical Restraints Guidelines whose undisguised goal is to limit in various ways the scope of the per se rule.[6]

I am aware, of course, of those amongst us who believe that vertical restraints—even vertical price fixing—should generally be condoned. I disagree. But the point is that, until Congress changes the law, it remains the enforcement mandate. And private enforcement, though not a fully satisfactory substitute, will help to tide us through periods of indifferent or hostile attitudes by public enforcement officials.

This leads me to my last observation. It is that substantial and precipitous change in the private antitrust enforcement mechanism is unwise at this time. The political outlook for such proposals is—fortunately—not promising.

A number of very responsible experts have suggested changes in the threefold damage remedy. These proposals warrant careful study. For example, some have suggested that liability in rule of reason cases might be limited to actual damages. Strong arguments can be made that this change would discourage litigation in marginal cases brought under the rule of reason standard. But this proposal raises troubling questions.

Many rule of reason cases are not marginal—serious anticompetitive injury may be occurring. And, as some of your contributors suggest, rule of reason cases are likely to be more expensive to try than cases subject to the per se rule. Detrebling the damage award could eliminate any chance that such cases will even be brought. With little or no deterrent from private enforcement, and a lax federal enforcement policy toward most rule of reason cases, business self-discipline could disappear. This result is particularly disturbing at a time when the Justice Department has urged that more and more types of antitrust conduct be judged under the rule of reason standard.

Another more general danger in tampering with the damages multiple is the likely ripple effect on substantive law. Again, some of the papers presented here document that changes in procedures or remedies inevitably impact upon the courts' interpretation of substantive law. We cannot ignore such ripple effects in assessing the various reform proposals. If we are troubled by potentially counterproductive types of private suits, we should address directly the substantive law doctrines that allow recoveries in these cases.

History tells us that major legislative initiatives in the antitrust field succeed only when they enjoy broad, bipartisan support. This was certainly true for the Sherman Act in 1890. In my era, it has been true for the Celler Kefauver Act in 1950, the Hart Scott Rodino Act in 1976, and, most recently, for 2 bills that I shepherded through the Congress: the National Cooperative Research Act (joint research and development) and the municipal Antitrust Act.

Recently, under the banner of improving U.S. industrial and trade performance, some high Administration officials have precipitously called for repeal of Section 7 of the Clayton Act and—insofar as it applies to acquisitions—of Section 1 of the Sherman Act. All of this is very disquieting to me.

I have watched the slow but steady evolution of the antitrust laws in the Congress since 1948. I have seen the Celler-Kefauver Amendments eliminate troublesome loopholes in Section 7. I participated in the crafting of the Hart-Scott-Rodino Act that established our highly successful premerger notification system. All of this—and much more—would be discarded under these hastily concocted recipes for bolstering U.S. industrial performance. Antitrust, it would seem, is once again being made the "whipping boy" for everything from record trade deficits to the perceived loss in U.S. technological leadership.

The proposals to repeal the merger laws remind one of the words of another Administration official, who in earlier days spoke of the use of "smoke and mirrors" to implement "Voodoo economics." That will not work. If there is any connection between the antitrust laws and these seemingly intractable economic problems, it would be that more vigorous competition—not less enforcement—is needed.

All of this should not suggest that further inquiry and debate—such as this conference will surely generate—are not useful. I welcome the continuing discussion of the purposes and goals of antitrust policy. A central question for some has been how—and to what degree—antitrust policy should accommodate the "new" economic learning. As economic understanding increases, it will—as it has in the past—impact on our interpretations of antitrust laws. But we have, as yet, not arrived at a point where economists even agree on macroeconomic policy for managing our fiscal and monetary affairs, let alone the optimal antitrust enforcement approach. As Nobel laureate George Stigler has noted, the science of economics is sufficiently imprecise that "there is no position . . . which cannot be reached by a competent use of respectable economic theory." [7]

Economics, in the end, does not "win" or "lose" a debate that subsumes more than mere economic goals; it informs that debate. At the extremes, that debate over the past 100 years has encompassed suggestions ranging from the nationalization of concentrated industries to the "hands-off" capitalism of the 19th century. In 1884, Henry Lloyd, in his famous article "Lords of Industry", articulated the same dialectic in a slightly different way. He observed that there were "two outstanding tendencies" in the distinctly American economic system: "the tendency to combination" on the one hand and the "tendency for social control" on the other. Lloyd concluded that the "first promotes wealth while the second promotes citizenship." [8] He added that for the welfare of the nation, we certainly need both. I must agree.

Today, the private antitrust enforcement suit, while sometimes criticized has become the very heart of our enforcement system. Continuing reexamination of that system is constructive and will pay dividends in the long term. We cannot expect—and we should not advocate—precipitously amending laws that have been on the books for almost a century. Those laws have—and will continue—to serve us well.

At a time when public enforcement efforts are diminished and antitrust is under attack from many fronts, I do not see the Judiciary Committee embracing any proposal that would substantially undercut the private remedy. The Committee will continue its efforts, however, to gather more information on the strengths and weaknesses of private enforcement and to examine particular problem areas. Our undertaking will be substantially advanced by the careful and scholarly work of this conference.

Thank you.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TELEVISION IN THE SENATE

Mr. ARMSTRONG. Mr. President, I bring the Senate bad news. A group which has been meeting first in the leader's office, the minority leader's office, and more recently the majority leader's office, has put together a package, the effect of which I fear will

[5] Beginning with fiscal year 1984, and for each subsequent fiscal year, the House Judiciary Committee has added a rider to the Department of Justice's authorization bill prohibiting the expenditure of funds for any Departmental activity that would seek in the courts a reversal of the per se rule against resale price maintenance. Identical language was approved as a provision in the DOJ appropriations bill for fiscal 1984 (H.R. 3222). [Subsequent to the delivery of these remarks, the Congress included, and President Reagan signed into law, the same provision in the Department of Justice's appropriations bill for fiscal year 1986, H.R. 2965, P.L. 99-180].

[6] H. Res. 303, introduced by Congressman Hamilton Fish, Jr. and cosponsored by Chairman Rodino and a bipartisan majority of the House Judiciary Committee, expresses the sense of the House that the Guidelines do not accurately reflect existing law, shall not be accorded the force of law, and should be withdrawn by the Attorney General. [Subsequent to delivery of these remarks, the Committee favorably reported H. Res. 303. On December 9, 1985, the House of Representatives approved H. Res. 303 by voice vote. The language of H. Res. 303, expressing the sense of the Congress, was also enacted as a part of the State, Justice, and Commerce appropriations bill for fiscal year 1986, H.R. 2965, P.L. 99-180].

[7] G. Stigler, "The Politics of Political Economists," *Essays in the History of Economics* 63 (1965).

[8] H. Lloyd, "Lords of Industry," 138 *Am. Rev.* 535-53 (1884).

be a disgusting proposition for televising the Senate.

As Senators will recall, the idea of live gavel-to-gavel television coverage of the U.S. Senate has been a project near and dear to my heart for a long time.

I think it is intolerable that we are in 1986 and we are not ready to do something that the Australian legislature did 50 years ago, for heaven's sake; that the House of Representatives did a decade ago; that most of the State legislatures do. Here we are agonizing over whether or not we should get into the 20th century as the 21st century prepares to get under way. However, that is our situation.

At long last, a few weeks ago the Rules Committee, after agonizing over the situation, brought forth a straightforward, simple proposal, not for full-scale television, but just for a test of television, with the notion that if we tested it and we had radio, that while that was under way we could see how it worked and find out if there were any rules changes that would be necessary in order to accommodate television coverage.

That is the proposition which was agreed to after not only substantial study by the Rules Committee but indeed by a lot of study.

The burden of my bad news is this: that the ad hoc committee, which has been meeting, of which I have been a member, has agreed that they are going to try to overturn that wise decision by the Senate Rules Committee and, instead of providing for a test of television and a period to study the rules changes that may be appropriate, we are going to try to come to a vote very quickly on the question of sweeping changes in the rules of the Senate.

I am concerned about this for a couple of reasons. First of all, because I think it is going to kill the proposal to televise the Senate and I really hate to see that happen. I must congratulate those who have either openly or covertly opposed televising the Senate for their skillfulness in getting the issue framed this way. It is just a fact that a lot of people who do not want to televise the Senate now, next year or ever, are behind some of these changes. Some of them, at least privately, are pretty frank to admit that that is their motive. They just do not think television is a good idea in the Senate. They have a lot of fears about whether or not by televising the Senate we will change the fundamental character of the institution. I do not think these fears entirely groundless.

I am persuaded, on balance, that the public's right to know outweighs the potential drawbacks of electronic coverage of television. The idea of television is, frankly, a lot more commonplace and better known to Senators than was the suggestion for open public galleries at the time the Senate came into existence. That was in its time quite a revolutionary idea. But we have all grown up with television and it is familiar to us. As I pointed out a moment ago the proceedings of most legislative bodies throughout the world and in the United States are, in fact, open to television coverage, including the committees and subcommittees of the Senate itself.

So I do not think this is a big step for us to take. But there are those who fear somehow there will be an impulse to grandstand; that if Senators get a chance to be on television, somehow this will be irresistible and, therefore, we are going to be in session night and day, 365 days a year. We will be just like the 7-Eleven Stores, I guess, open for business every day of the year. It will be a horrible burden on the Senate, the quality of life will suffer, and the legislative process will grind to a halt.

There are a few cynics who might wonder if the legislative process has already ground to a halt. We are already in session every day of the year, practically, except Christmas, anyway. But I do think these fears have some substance. Nonetheless, in my view, the paramount need for the public to see what is going on in this legislative Chamber outweighs such concerns.

What I regret is that after looking at the proposition, there is now an impulse to tie rules changes to the television proposition. The two leaders have been generous of their time to take a personal interest in this. Each of the leaders, to different degrees, supports the idea of televising the Senate, but it is their conclusion, and that of some of the other members of this ad hoc committee, that we ought to have at least 4 or 5 changes.

I would like to mention for the benefit of Senators what they are. It is my understanding that the leaders have already announced it is their intention to file this proposal in the RECORD tonight.

First is a change which will limit debate on the motion to proceed to no more than 2 hours. This is a change of a fundamental, indeed sweeping, nature and which I imagine will be very controversial, and justifiably so.

Second, a 20-hour limit on cloture with an increase in the number of votes required to invoke cloture from the present 60 votes to three-fifths of those who are present and voting. That is to say 67 votes if all Members are present and voting.

Third, a reduction of the 3-day rule on reports to 2 days.

Fourth, an elimination of the Committee of the Whole on treaties.

Another proposal which I understand will be added to the proposal which was not included in the last written draft of the proposal I saw will provide a method under which a germaneness requirement will be invoked without cloture. I do not know the details of it, but in its earlier iteration, the idea is that upon motion, and adoption of a motion by 60 votes, that a germaneness requirement would be imposed even though cloture had not been invoked.

There are also floating around some other proposals for rules changes some of which I think are well advised and some of which I am very skeptical of.

My concern, let me say to my colleagues, is twofold. First, I want to see this body televised. I would like to even now suggest that we throw the galleries open and just let nature take its course. If we were to adopt a unanimous-consent request at this very instant, at 10 minutes to 6 in the evening, that television would be permitted starting at once, the cameras would be grinding away by 7 o'clock tonight. We would be on the air, certainly, within a couple of hours, and by tomorrow we would have live gavel-to-gavel coverage.

There is nothing that prohibits us from doing that in the technical sense; is it only the reticence of Senators to permit it that has this long barred the cameras.

That is what I am for, Mr. President, television. I think that proposing these rules and others which I expect to be offered are likely going to sink this proposal. I hope I am mistaken in that, but I would be very surprised if that is not the outcome.

Mr. President, having mentioned briefly my concern about what these proposed rules changes do to the prospect of televising the Senate, I would like now to turn briefly to a discussion of a couple of the proposals on their merits. I am not dead set against all of these changes; in fact, there are at least three of them I could personally support in one way or another, even though I do not think this is the time and place to consider them.

I am very much concerned about the notion of limiting to no more than 2 hours debate on the motion to proceed to consideration of the proposed legislation. That is a change of drastic and fundamental nature. Some Senators may think it is a good idea. Some may think it will make the Senate operate more smoothly, although I myself do not believe that to be the case. The idea that the Senate is often delayed for a long period of time while considering a motion to proceed to a particular piece of legislation or a nomination or treaty is simply not borne out by the record. There are a handful of occasions when this has happened. Most recently, it happened on the motion to proceed to consideration of the line item veto constitutional amendment. That was filibustered primarily by members of the minority and we were

unable ever to get that measure before us.

I regret that. I favored the line item veto proposition; I wish it had not been filibustered to death. I wish it had been brought up for full consideration and been approved. But if you look back through the history of the Senate, the number of times when that has actually happened is very, very small.

Then what is the significance of it? The significance, it seems to me, is not to delay the Senate but, in fact, to enhance the procedures of the Senate, because when every Senator has the right to prolong debate on a motion to proceed, then it brings every Senator into the process and the accommodations which are the day-to-day work of the Senate. For example, if a bill is coming up in which a Senator is interested, he sends a notice through his Cloakroom to the leader, "Please protect my rights to be on the floor and object to a unanimous-consent request to proceed to a bill." That is a signal. It is a signal that that Senator has an amendment to offer or is opposed to the bill or wants to work something out. In 99 percent of the cases—indeed, in 99.99 percent of the cases—that is what happens: they get worked out. Only on the rarest of occasions do we actually see a filibuster on the motion to proceed.

Most of the time, these agreements or accommodations that get worked out are on rules, the little bills, the bills on which there is not any debate at all, maybe a bill which involves only two Senators or five Senators or members of only one committee, maybe a bill on which the Senate generally has no knowledge or interest. So what happens is that because of the opportunity of Senators to debate the motion to proceed, before the bill ever gets up, the leaders confer on the floor and the majority leader will ask, "Can we clear this bill?" And the other leader will say, "No, we cannot," and that triggers the process by which the accommodation is worked out. We have all seen it happen here a thousand times.

If that is not possible, if all it takes is 2 hours of debate and then an up-or-down vote on the motion to proceed, it seems to me that, first of all, the rights of Senators are seriously prejudiced and the probable outcome will not be to speed up or to delay the work of the Senate, because we will end up going to the bills and they will be on the floor and then they will be subject to a filibuster under these new rules.

Mr. President, somebody thinks that these five rules changes will enhance the quality of life, and indeed, the quality of life caucus, that informal group of Senators which is trying to do something to get us out of here at a reasonable hour in the evening, to put a stop to these late night sessions and so on, to somehow restore a degree of civility to the scheduling of the work of the Senate, has weighed in heavily in support of rules changes, as if such rules changes would enhance the quality of life.

I happen to consider myself a charter member of that club. Years ago, when I first came to the Senate, I objected vigorously and on many occasions to the prolonged or repeated night sessions. I think it is just awful when we have to work at night. I think it is awful when we have to be in session for 12 hours, 15 hours, 18 hours, 30 hours. But, Mr. President, these rules changes have nothing to do with that. They are a non sequitur. They raise a concern about the quality of life and proposed rules changes which are unrelated to those concerns.

If you want to put a stop to night sessions, there are ways to do that, ways which I, for one, would support. For example, without a rules change, the majority leader could make it a practice to stack votes. That could be done far enough in advance so that Senators could plan their lives.

For example, on Thursday night, if it were the wish of the majority leader, he could simply ask unanimous consent that all the votes which occurred after 6 o'clock on Monday would be stacked for the following day at 10 o'clock. Or he could ask the same for Tuesday or for Wednesday or as far in advance, a day at a time or a week at a time, as, in his judgment, would enhance the work of the Senate, the effect of it being to put an end to night sessions.

The other way, which I do not advocate but which was once a useful tactic in another legislative chamber, would be to require a supermajority vote for protracted or contested motions after a certain hour in the evening. When I was majority leader in the Colorado Senate, on the first day I assumed leadership, I proposed a rule, which was adopted, which simply said the passage of any bill on second or third reading after 6 o'clock at night would require a two-thirds majority vote. That put a stop to the night sessions in the Colorado Senate and that rule prevailed for a number of years, to the benefit of everybody.

So far as I could tell, we never missed passing a single bill because we quit having those horrible drunken night sessions. In fact, everybody thought that doing the legislature's work by daylight and in a little more workmanlike manner was a good thing. It is not clear to me why they went back, a decade after, on the rule.

Such changes, whether you like them or not, are addressed directly to the quality-of-life concern. The proposed changes in this package on TV in the Senate do not go to quality of life. I have already said I favor some of them. In fact, I favor at least three of the four in the original package, and three of the five which are going to be in the final package are not quality-of-life issues.

This whole quality-of-life matter came to a head on a Saturday afternoon when we had been in session all day and all night on a farm bill. Everybody got up and said, look, we cannot do this, we cannot stay up all day and all night handling amendments. In fact, the speeches took place while we were waiting to write up an agreement which had been reached because a couple of our Members felt so strongly about an issue that they were willing to keep us in all night.

I disagreed with them on the issue, I did not approve of the position they took, but I cannot help admiring a Member or two Members who feel strongly enough about their position or their constituents' desires to say, "By golly, I am going to stand up here and fight for it for as long as my strength prevails." That has been a tradition of this body. I am glad to say it is not a tradition we have to endure too often, but it is part of this process. The majority leader has done it, the minority leader, perhaps every Member at some point in his or her career has felt so strongly about an issue that he or she was willing to hold up the whole process to impede the passage of major legislation, to keep us in session overnight, maybe through a weekend, because that issue was so important to his or her particular constituency.

I think that is a proper thing. I do not like it; I do not like being the victim of that kind of schedule. I think Senators would be wise to not often reward such tactics—that is to say, to not often give in to such tactics because every time we do, every time we pass or defeat an amendment because of such tactics, we encourage others to employ long debate or endless amendments or quorum calls, similar tactics, more readily on some other occasions.

That is a quality-of-life issue. It has nothing really to do with reduction of the 3-day rule, which I favor, or elimination of the Committee of the Whole for treaties, which I favor, or even the postcloture filibuster change, which I also favor. I think that is a very significant reform of the rules.

The reason I say that is not really a quality-of-life issue is that the postcloture filibusters have been so rare that you cannot really regard that as part of the routine business of the Senate. I do not know, but I shall make it my business to find out presently, how often we have actually experienced postcloture filibuster in the Senate, but it has been a fairly infrequent occurrence and has only been a practice in recent years.

It is in my opinion a real abuse of the rules, and I think there is an emerging consensus that we ought to not do that. I do not feel the same way about the opportunity of Senators to speak at length on the motion to proceed to the consideration of legislation. I think that is quite a different issue and one which is very fundamental.

Mr. President, I hope we are going to be able to work out some kind of a compromise that will satisfy everybody. I felt it my obligation as a member of the ad hoc committee to talk to quite a number of Senators on both sides of the aisle. There are a lot of them who share the concerns which I have expressed. I do not know how many, but there are certainly several. I have talked to a number, both on the Republican and Democratic side of the aisle. There are some Senators who are not going to vote for this package of rules changes and television in the Senate because they do not like the rules changes. Then there is another group which does not want to televise the Senate. There is another group that will vote only for television if they get some or all of the rules changes. And so it is a very complicated equation, but what it comes down to is the more things you add to this proposal, the less likely in my judgment at least we are ever going to see a proposal enacted into the rules of the Senate.

Indeed, let me point out to my colleagues that televising the Senate does not require a change in the rules. It only requires a motion. I am not even sure it requires that. I think technically probably it does not require any action by the body except that the officers of the Senate are not going to go ahead unless there is some expression of will by the Senate that we wish them to do so. But clearly it does not require a change in rules.

Now, that is a crucial distinction because when you get right down to it, we are probably going to have to seek cloture on something to ever get this matter to a vote. The rules changes which are proposed by the ad hoc committee will take, if all Senators are present and voting, 67 votes for cloture. The television in the Senate proposal, as I understand it, if subject to cloture, could require only 60 votes. I only emphasize that because it makes it plain that what the people who are hanging rules changes on this proposal are doing is burdening the underlying proposition. And so I hope, as they think about it and read the proposal that appears in the RECORD, most Senators will feel as I do; that we ought to have a clean up or down vote or a clean up or down cloture on the question of televising the Senate. That is not just my idea. That is the idea of the Rules Committee. The Rules Committee looked at this and considered all kinds of rules changes—electronic voting, 5-minute rollcalls, a lot of different things, some of which were good ideas and a lot of which, in my view, were questionable, but they looked at the whole spectrum of things. By gosh, they had hearings, they took testimony, they looked at this for months, and finally they came to the same conclusion which I hope the Senate will reach, and that is let us not monkey around with the rules changes now. Let us go ahead and implement a brief test of television in the Senate, and while the test itself is underway consider rules changes and make those a separate order of business.

Mr. President, I am now going to yield the floor, but I want to close by again complimenting those who have been so helpful in trying to work this out. I have arrived at a different conclusion about the best course than have the two leaders. For slightly different reasons I think and with slightly different rationale, the majority leader and the minority leader have concluded that the surest way to endorse this proposal and to get it passed will be to package it up with a bunch of rules changes. I believe they are mistaken in this judgment, but nonetheless I appreciate the fact that they have been willing to, first of all, bring this matter before us, have given generously of their own personal time and commitment to the issue to try to overcome the objections. And it is a fearsome problem because there are some Senators on both sides who say, "Look, I am not going to be for this unless there are rules changes." There are others who say, as I would say, "I am for it without rules changes; I can take some rules changes if I have to but there are some I can't take." It is all very complicated. But the reason I wanted to come to the floor and speak tonight is in the hope that by doing so, I would alert the 90 or so Members of the Senate who were not a part of that ad hoc committee to what is going on because this hot potato is going to be in our laps very shortly. I do not know what the schedule is, whether it will be tomorrow or after that, but I believe it will be at least starting up tomorrow. I hope that very Senator, anyone who is listening to this discussion in his or her office on the squawk box or who will read this account in the RECORD, or members of their staff, will start looking at these rules changes and try to figure out what they can live with and what they cannot, because I very much hope that we can work it out. I hope that after debate—and perhaps it will be prolonged debate—there will be a general consensus to go back to the original proposal of the Rules Committee, which is to implement television now and set a debate on rules changes as a separate, stand-alone matter.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered.

Mr. DOLE. Mr. President, I believe we have reached an end point in all of our negotiations on TV in the Senate, at least in the bipartisan working group. There were only about 12 that attended the meetings. Probably every other group of 12 would have different ideas. But we are trying to at least determine what the will of the Senate is.

It is my intention to move that S. 28 be recommitted to the Committee on Rules and Administration. However, I will not do that until the minority leader is here.

First, I want to thank all those Members who participated in these sessions. The so-called substitute contains provisions that I do not agree with. I understand the distinguished Senator from Colorado has indicated that there are at least two provisions he does not agree with. I believe there is only one I could not agree with.

But, in any event, if we are going to have any vote one way or the other, then I believe one way to at least start that off is get it out here and let us have some votes, see what happens, and make a judgment. I am very flexible. I am prepared to do it any way we can. I know the Senator from Colorado would rather have the rules changes come at the end of the testing period. Others have different views. Others will not let us do the testing, at least my view is, unless we have some rules changes. There are some who really are not very excited about TV in the Senate in any event. And, of course, some would just want TV without any changes. So there are, I would guess, as many views as there are Senators.

I have no clear notion of how many people support any of the rules changes. But it would seem to me, in an effort to find out, and find out whether there is going to be TV in the Senate, a discussion on these changes will be useful. We have had 4 or 5 or 6 hours of meetings, some in Senator BYRD's office, some in my office. We have tried to reflect the views of Members who were there and those of Members who we knew had views but were not present.

I know Senator LONG's name was mentioned a number of times because of his interest, and a provision has been added on germaneness. Senator DANFORTH attended one of the meetings. He has a number of questions

about gavel-to-gavel coverage, about whether there should be television unless there are time agreements. There are others who have questions about equal time, how can we make certain that the time is equally divided. My view is you cannot. There is no way you can have equal time and operate the Senate. But there are some who would like to figure out or determine some formula.

My own view is that I am not certain gavel-to-gavel coverage is in the best interests of the viewing public or the Senate. It would seem to me that maybe we can rearrange the way we do business to have the special orders come later in the day and limit the special orders to 3 minutes or 5 minutes per Senator.

In visiting with the distinguished majority leader in the other body, Congressman WRIGHT, he was telling me of some of the difficulties, because maybe there are 3 hours a day of special orders at the end of the day and most every day it is the same Members of the House. So, in some 30-day period, you will have one Member with 25 hours of special orders, another with 27, and one with 28. I do not know what that all costs.

But, in any event, in an effort to at least continue the process—and I certainly extend my thanks to everyone who has been in the process—we should discuss these changes. I hope that when it is all finished, we will have some reasonable rules changes—I am not holding out for any extraordinary rules changes—and also a test period for TV and radio in the Senate, followed by public television and radio, hopefully some time this year.

Let me indicate that in the package that I will submit for myself and the distinguished minority leader—and I certainly wish to thank the distinguished minority leader for taking the initiative in the entire effort—the first section of the resolution provides for a test period of coverage of the Senate on television beginning no later than April 15, and ending on July 25. Coverage will be gavel to gavel. Only Senators speaking and the Presiding Officer shall be shown on television. There will be no panning of the Senate Chamber.

In addition, the rules changes are included: a 2-hour limit on the motion to proceed, a 20-hour limit on cloture, which would require 67 affirmative votes to invoke rules changes and two-thirds present and voting for all other matters, a reduction of the 3-day filing rule on reports to 2 days, and elimination of the Committee of the Whole for the treaties, a provision allowing the imposition of a germaneness requirement on amendments to bills pending on the Senate floor, and a provision requiring the conference reports be available on each Member's desk before they are in order to be called up or proposed.

These rules changes, would only become permanent after the test period upon adoption of a further resolution embodying them and such other changes as may be proposed by the Committee on Rules and Administration together with the proviso making television permanent. This resolution is to be considered under expedited procedures.

Again I would call attention to some who do not want these particular rules changes that these are temporary. There will be another vote. And it seems to me if those who are not so anxious to have television are willing to have a test period of TV and radio, maybe others would be willing to have a test period on some of the rules changes. They may not work. They may in some way impact personally those who have minority views or those who would otherwise use the present rules.

MOTION TO RECOMMIT WITH INSTRUCTIONS TO REPORT BACK FORTHWITH WITH AN AMENDMENT

In any event, Mr. President, I move that Senate Resolution 28 be recommitted to the Committee on Rules and Administration with instructions to report back forthwith the following amendment.

I ask that the amendment be printed in the RECORD along with a summary.

Mr. BYRD. Mr. President, the distinguished majority leader indicated the names of the cosponsors. I hope he will include Mr. STEVENS and Mr. FORD.

Mr. DOLE. It is proposed by Senators DOLE, BYRD, STEVENS, FORD, and hopefully others.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Strike all after the resolving clause and insert the following:

"That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with provisions of this resolution;

(2) provided continuously, except for any time when a meeting with closed doors is ordered; and

(3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7; rule XXV, paragraph 1(n); and rule XXXIII, paragraph 2; and

SEC. 2. The radio and television broadcast of Senate proceedings shall be supervised and operated by the Senate.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are speaking.

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings: *Provided*, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings and copies thereof as requested by the Secretary under clause (2) of this subsection, of Senate proceedings, (3) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: Provided, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations, and

(5) If authorized by the Senate at a later date the Secretary of the Senate shall (A) obtain from the Sergeant at Arms copies of audio and video tape recordings of Senate proceedings and make such copies available, upon payment to her of a fee fixed therefor by the Committee on Rules and Administration, and (B) receive from the Sergeant at Arms as soon as practicable, and retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States archive-quality copies of such recordings.

SEC. 5. (a) Radio coverage of Senate proceedings shall—

(1) begin as soon as the necessary equipment has been installed; and

(2) be provided continuously at all times when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered.

(b) As soon as practicable but no later than April 15, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on July 25, 1986.

(a) During such test period—

(1) final procedures for camera direction control shall be established;

(2) television coverage of Senate proceedings shall not be transmitted, except that,

at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol; and

(3) recordings of Senate proceedings shall be made and retained by the Secretary of the Senate.

SEC. 6. The use of tape duplications of radio coverage of the proceedings of the Senate for political purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political purposes.

The use of tape duplications of TV coverage for any purpose outside the Senate is strictly prohibited until the Senate provides otherwise.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of $3,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

SEC. 9. That Rule XXX, paragraph 1(b), is amended to read as follows:

"(b) When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty."

SEC. 10. That paragraph 2 of Rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. Notwithstanding the provisions of Rule II or Rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators duly chosen and sworn—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree or if a complete substitute, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"After no more than twenty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The twenty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.

SEC. 11. That Rule XVII, par. 5, of the Standing Rules of the Senate is amended to read as follows:

"5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph—

(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

(2) shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress."

SEC. 12. That Rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraph:

"3. Debate on any motion to proceed to the consideration of any matter, other than an amendment to the Standing Rules of the Senate, made at any time other than the morning hour shall be limited to two hours, to be equally divided between and controlled by the Majority Leader and Minority Leader or their designees, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion, provided, however, that a motion to table a motion to proceed shall be in order at any time."

SEC. 13. Rule XXVIII, dealing with conference reports, is amended by adding the words "when available on each Senator's desk" after the words in paragraph 1 "shall always be in order".

SEC. 14. That Rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "Motions" in the caption a semicolon and the following: "GERMANENESS";

(2) by adding at the end thereof the following new paragraph:

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, without intervening action, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the Committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Ap-

peals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of germaneness of an amendment, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered germane."

Provided, That no changes to the standing rules of the Senate which shall become effective by virtue of this resolution shall continue in effect after the test period has been completed, unless a resolution which the Committee on Rules and Administration shall have two weeks following the end of the test period to report, containing these proposed rules changes together with any other proposed changes in Senate procedures that they deem wise together with a proviso making radio and television a permanent part of Senate deliberations has been adopted; such resolution to be considered privileged, with debate thereon to be limited to 20 hours, with amendments limited to 1 hour each, such time to come out of the 20 hours, all to be controlled in the usual form, and with no amendment in order after the conclusion of the 20 hours.

Mr. DOLE. Mr. President, I ask unanimous consent that the summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF T.V. IN SENATE, PLUS RULES CHANGES

The first section of the resolution provides for a test period for the coverage of the Senate on television to begin no later than April 15, and to end on July 25. Coverage will be gavel to gavel. Only Senators speaking, and the Presiding Officer, shall be shown on television. There will be no panning of the Senate Chamber.

In addition, rules changes, including a 2-hour limit on the motion to proceed, a 20-hour limit on cloture which would require 67 affirmative votes to invoke for a rules change, and two-thirds present and voting for all other matters, reduction of the 3-day rule on reports to two days, and elimination of committee of the whole for treaties, a provision allowing the imposition of a germaneness requirement on amendments to bills pending on the Senate floor, and a provision requiring that conference reports be available on each Senator's desk before they are in order to be called up, are proposed. These rules changes, however, would only become permanent after the test period upon adoption of a further resolution embodying them and such other changes as may be proposed by the Committee on Rules and Administration together with a proviso making television permanent to be considered under expedited procedures.

Mr. ARMSTRONG. Will the Senator yield?

Mr. DOLE. Yes.

Mr. ARMSTRONG. I would like to reemphasize something I said before the leader arrived, and that was the sense of appreciation that I feel toward him and the minority leader for bringing this television question to the Senate for discussion, and hopefully for a decision.

The leader recognizes that I am not completely in agreement with the approach that we are taking. In fact, I am concerned first that adding this package of amendments makes it more difficult to ever get to television in the Senate, and also that I am not entirely sympathetic to all of the changes that are being made.

But, Mr. President, the thing that really I ask be underscored by the process is this accommodation, and this idea that whenever a Senator has a chance to speak at any length and to offer any amendments in a freewheeling style the result is a meeting in the majority leader's office, or the minority leader's office, or the Cloakroom, or someplace where we try to work this out.

It is my hope that we are going to work it out. I do not think the package that has been laid down is going to be the final word on this. I hope it is not, frankly. But I hope we can work something out. I would like to make two other observations. I made a statement earlier. I do not want to try to replow that ground.

I would like to send to the desk only to be printed in the RECORD at this point a possible amendment to that proposal which has been offered by the leader, and the amendment would simply provide television in the Senate. It is not my language. It is the language reported by the Rules Committee eliminating the stricken material which I think was carelessly included so that we will have at least in the RECORD—I am not offering it as an amendment at this point—but so there will be before the body and published in the RECORD tonight two propositions. One, television; the other, television plus a package of changes. So if I may, I will send it to the desk and ask unanimous consent it appear in the RECORD at this point.

Let me also restate my understanding for the RECORD, and in fact direct an inquiry to the Chair about the parliamentary situation.

Were it to become necessary or desirable to seek cloture on either of the two proposals, that is television in the Senate, as embodied in my possible amendment, and television in the Senate plus rules changes embodied in the substitute motion offered by the leader—am I correct, Mr. President, that in order to cloture the leader's proposal it would take two-thirds of those present and voting; that is to say, 67 Members, if all Senators were here?

The PRESIDING OFFICER. That is correct.

Mr. ARMSTRONG. Am I also correct in my understanding that to gain cloture on my proposal it would require three-fifths; that is to say, 60 votes?

The PRESIDING OFFICER. That is correct.

Mr. ARMSTRONG. I emphasize this point because while I have some qualms about the provisions of certain proposed rules changes I really got started on this because I want television in the Senate. By gosh, I think that is important. It is harder to do in my view if we hook a bunch of other changes on it.

Finally, Mr. President, I thank the leader for yielding. Would the leader not think it would be a good idea in view of the nature of this matter if we were to permit broadcast of this particular debate? It probably would not be possible as a technical matter to make any elaborate arrangements for television coverage, although I judge that if we were tonight to simply ask unanimous consent that cameras be permitted with no change in lighting, with no other changes but say that in some small corner of the Chamber television cameras would be permitted only during the debate on this matter, that would serve the public interest, and it would also give Senators some foretaste of things to come.

In fact, if the leader has no objection to my doing so, I would propound that as a unanimous-consent request.

Mr. LONG. I object.

Mr. ARMSTRONG. Was objection heard?

Mr. DOLE. The Senator from Louisiana objected.

Mr. ARMSTRONG. Mr. President, let me offer a second suggestion—that there is a sort of a middle ground course between no broadcast coverage shutting the public out entirely and television coverage of this debate which would seem to be appealing. It would be in accordance with precedent of the Senate. It is something we have done before. It is something which will require no change or substitute, and it would not require any cameras or microphones in the Chamber, or in the gallery but simply to permit the use of the audio portion of the proceeding, and let that be picked up and broadcast by anyone who wishes to do so.

Mr. President, before I consider whether or not to offer that as a unanimous-consent request, may I inquire, is such broadcast now prohibited by the rules of the Senate?

The PRESIDING OFFICER. It is.

Mr. ARMSTRONG. In other words, even though the debate in the Senate, the comments and discussion and speeches of Senators and Presiding Officers are in fact in the microphones, and that is amplified and transmitted throughout the Capitol complex area, it would violate the rules of the Senate if a Senator or a broadcaster who had access to that signal were to

rebroadcast it, put it on the nightly news, or to use it in some other way? That would be prohibited by our rules?

The PRESIDING OFFICER. It is prohibited by our regulations.

Mr. ARMSTRONG. Mr. President, would it be in order under the rules for me to ask unanimous consent that for the period of this debate only—that is, the debate on broadcasting the proceedings of the Senate by radio and television—that for the period of the debate on this matter, it be in order for such audio coverage to be permitted? Would it be in order for me to ask unanimous consent?

The PRESIDING OFFICER. The request would be in order.

Mr. ARMSTRONG. Mr. President, I so ask unanimous consent.

Mr. LONG. I object.

Mr. ARMSTRONG. Mr. President, hope springs eternal. I shall perhaps at the right moment revisit this question. I hope at the right moment the Senator from Louisiana would be disposed to grant my request. I want to recall that that has been done before, that the Senate did appear on the radio much to its credit, and much to the enlightenment of the general public.

Mr. President, may I ask would it be in order for me to move that proceedings of this body be permitted on radio during the course of debate on this matter?

The PRESIDING OFFICER. Such a motion is not privileged, and upon objection would go over under the rule.

Mr. ARMSTRONG. Would the President say that again, please?

The PRESIDING OFFICER. Upon objection, the motion would go over under the rule.

Mr. ARMSTRONG. Would the President, without getting snarled up into whether it is under or over the rule explain the meaning of this?

Mr. BYRD. Mr. President, the distinguished Senator will find a table in the Calendar of Business which is titled "Resolutions and Motions, Over Under the Rule." What would happen would be that the distinguished Senator's motion, if objected to, would be placed on this table, and it would be No. 4 in the lineup of resolutions and motions to come over under the rule if rules VII and VIII were employed.

Mr. ARMSTRONG. Mr. President, I thank the minority leader. Of course, I am familiar with this provision. I thought it useful to make that record.

I do not offer such a motion at this time. It is not my purpose to delay tonight. But I want to emphasize that this would be a good matter to be broadcast for the same reason that the Panama Canal Treaty was broadcast. This is a matter of great public interest. It is a matter in which the public really has a great stake here.

What we are deciding is whether or not in the future the proceedings of the U.S. Senate will be available to radio and television viewers of this country. What could be more fitting than to have that debate televised or broadcast?

Perhaps tomorrow I shall again ask unanimous consent, or maybe think of another approach to this which would be agreeable to all Senators. In the meantime, let me again thank the two leaders for helping us bring this issue to a head and invite all the Senators who are not here tonight, but who are undoubtedly hanging on our every word in their offices listening to this by closed circuit radio, to give this matter their earnest attention and help us out with the debate tomorrow.

Mr. DOLE. I will respond briefly. I could ask for unanimous consent on these rules changes but I do not think I will do that this evening. I am sure there would be an objection on my right, my left, or both.

I think the Senator from Colorado has put his finger on the issue. I sooner or later have to make a judgment. We decided in our little group that if we tried to please everyone we would never get anywhere. We would just have meetings the rest of the year. It may finally come to a vote on just TV in the Senate with no rules changes. But I think we might part company with some of those who want to bring chaos out of this body. I appreciate the efforts of the Senator from Colorado. He has been one of the driving forces in this area. I hope we can reach some accommodation on modest rules changes.

I think the Senator is right. We should not try to rewrite every rule. If we want to do that, we should do it next year at the start of a new Congress. For the most part there does not seem to be any objection on changing the rule on cloture and limiting postcloture debate to 20 hours. I think the Senator from Colorado has a problem with the motion to proceed and the germaneness provision, as I understand his position.

Mr. ARMSTRONG. Mr. President, the Senator is absolutely correct. In fact, one of the things that I think is truly remarkable is the emerging consensus about any postcloture filibuster. When you talk about abuses of the process, that is one. The point which I made before the leader arrived is that while there is sort of a theoretical concern about filibuster of a motion to proceed, that has been farily rare and the number of occasions on which it has seemed at least to most Senators to be abused have been very, very rare indeed. In fact, I do not know that there is any case on record which has generally been called abusive. But on a postcloture situation, I do not think the Senator will have to seek cloture on that particular change. I think that will pass by a big margin.

Mr. BYRD. Mr. President, will the majority leader yield to me?

Mr. DOLE. I yield the floor.

Mr. LONG. Mr. President——

Mr. BYRD. Could I just file a notice in writing?

Mr. LONG. Yes.

Mr. BYRD. Mr. President, I hereby give notice in writing of the intention of myself and other cosponsors to propose the following rules changes which are at the desk:

The PRESIDING OFFICER. The notice will appear in the RECORD.

The proposed rules changes follow:

Strike all after the resolving clause and insert the following:

"That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with provisions of this resolution;

(2) provided continuously, except for any time when a meeting with closed doors is ordered; and

(3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7; rule XXV, paragraph 1(n); and rule XXXIII, paragraph 2; and

SEC. 2. The radio and television broadcast of Senate proceedings shall be supervised and operated by the Senate.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are speaking.

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings: *Provided*, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings and copies thereof as requested by the Secretary under clause (2) of this subsection; of Senate proceedings, (3) retain for ninety

days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: Provided, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations, and

If authorized by the Senate at a later date (5) the Secretary of the Senate shall (A) obtain from the Sergeant at Arms copies of audio and video tape recordings of Senate proceedings and make such copies available, upon payment to her of a fee fixed therefor by the Committee on Rules and Administration, and (B) receive from the Sergeant at Arms as soon as practicable, and retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States archive-quality copies of such recordings.

SEC. 5. (a) Radio coverage of Senate proceedings shall—(1) begin as soon as the necessary equipment has been installed; and

(2) be provided continuously at all times when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered.

(b) As soon as practicable but no later than April 15, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on July 25, 1986.

(c) During such test period—

(1) final procedures for camera direction control shall be established;

(2) television coverage of Senate proceedings shall not be transmitted, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol; and

(3) recordings of Senate proceedings shall be made and retained by the Secretary of the Senate.

SEC. 6. The use of tape duplications of radio coverage of the proceedings of the Senate for political purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political purposes.

The use of tape duplications of TV coverage for any purpose outside the Senate is strictly prohibited until the Senate provides otherwise.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of $3,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

SEC. 9. That Rule XXX, paragraph 1(b), is amended to read as follows:

"(b) When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty."

SEC. 10. That paragraph 2 of Rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. Notwithstanding the provisions of Rule II or Rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators duly chosen and sworn—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree or if a complete substitute, and unless it has been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"After no more than twenty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The twenty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

"Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours."

SEC. 11. That Rule XVII, par. 5, of the Standing Rules of the Senate is amended to read as follows:

"5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make evey reasonable effort to have such hearings printed and available for distribution to the Senate prior to the consideration of such measure or matter in the Senate. This paragraph—

(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

(2) shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress."

SEC. 12. That Rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraph:

"3. Debate on any motion to proceed to the consideration of any matter, other than an amendment to the Standing Rules of the Senate, made at any time other than the morning hour shall be limited to two hours, to be equally divided between and controlled by the Majority Leader and Minority Leader or their designees, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion, provided, however, that a motion to table a motion to proceed shall be in order at any time."

SEC. 13. Rule XXVIII, dealing with conference reports, is amended by adding the words "when available on each Senator's desk" after the words in paragraph 1 "shall always be in order".

SEC. 14. That Rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "Motions" in the caption a semicolon and the following: "GERMANENESS";

(2) by adding at the end thereof the following new paragraph:

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, without intervening action, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the Committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of germaneness of an amendment, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered germane."

Provided, that no changes to the standing rules of the Senate which shall become effective by virtue of this resolution shall continue in effect after the test period has been completed, unless a resolution which the Committee on Rules and Administration shall have two weeks following the end of the test period to report, containing these proposed rules changes together with any other proposed changes in Senate procedures that they deem wise together with a proviso making radio and television a permanent part of Senate deliberations has been adopted; such resolution to be considered privileged, with debate thereon to be limited to 20 hours, with amendments limited to 1 hour each, such time to come out of the 20 hours, all to be controlled in the usual form, and with no amendment in order after the conclusion of the 20 hours.

Mr. LONG. Mr. President, first let me say to the majority leader that I thoroughly approve of his suggestion that the proposal for television in the Senate should be accompanied by rules changes. There are some of us who believe that there are many rules changes that have been much too long delayed. As one who once had the honor of serving on the Rules Committee and highly admire every Member who serves there, including its chairman, I honestly feel that the Senate is entitled to some recommendations from the committee that it has not received on that subject.

In the judgment of this Senator, and I have said it many times and other Senators have agreed with this because they have told me this, we just believe there is going to be a great deal more speechmaking under the unlimited rules of U.S. Senate than previously if this is on television. That is going to impede the Senate and keep people in much longer hours than before.

If we are going to do something that is going to greatly extend the time the Senate must meet, and that is what many of us think, we think this should be accompanied at a minimum by rules that would make the Senate more efficient.

That explains to some degree the pressure that has been on the majority leader to bring us some rules in here that would make the Senate a more effective and more efficient body.

I am delighted to see that the Senator does suggest some changes of the rules in his proposal.

Mr. DOLE. That is correct.

Mr. LONG. Ordinarily, when one moves to recommit with instructions to report back, there is a tradition that, generally speaking, the Senate wants to pass that bill immediately as the mover proposes. It is safe to assume that the Senator from Kansas, our majority leader, does not have that in mind in this case.

Mr. DOLE. Correct.

Mr. LONG. So the Senator anticipates that amendment would be offered to his proposal and that they would be considered on their merits.

Mr. DOLE. And I assume there would be efforts to strike out provisions of the present measure.

Mr. BYRD. If the Senator will yield to me for a response, one of the main reasons to recommit with instructions to report back is that this is the only way that we can get to the motion in which the distinguished majority leader is so interested; namely, a motion to proceed with a limited amount of debate. It is the only way we can protect such amendment against its being ruled out of order as nongermane in the event cloture is invoked on this package.

It is to allow also the distinguished Senator from Louisiana to be able to get an amendment in dealing with germaneness. If we did not have it in this package, and if cloture were invoked on the package, the Senator's amendment with respect to germaneness would be ruled out of order once cloture is invoked as not being germane. So it is for the abled Senator from Louisiana and the distinguished majority leader that those two changes in the rules in particular will be protected by the motion to recommit with instructions.

Mr. LONG. Mr. President, it might not be necessary to invoke that. The Senator from Louisiana wants to make it clear that he does not agree with the gavel-to-gavel proposal in this measure. The Senator from Louisiana feels that at a minimum the Senate itself should be privileged by a majority vote either to be on television or not to be on television. To pass something that says that we are on television whether we want it or not, whether the majority wants it or not, just does not meet with the feeling of the Senator from Louisiana as to what would be wise.

For example, Senator DANFORTH made a speech the other day and discussed the matter of a quorum call. The way I construe this resolution it would require that the Senate would be on television all the time and the camera would either be on the speaker or the Presiding Officer. If one suggests the absence of a quorum, and I have seen quorum calls go for more than an hour, a very long time, that would mean that the camera would have to focus on the Presiding Officer for an hour. So for an hour he would be on television.

The way it stands today, at least, a Senator who is presiding ought to be able to make a few notes or sign some of his mail or get his work done or answer a telephone call when nothing else is going on in the Chamber. Under that resolution he would be on television the whole time. He is not permitted to say anything under the rules, so he must sit there and be on television. People would wonder what is this, someone is just sitting there with his face on camera for a solid hour. That is under the resolution as it is at the moment.

It seems to this Senator that we ought to change that so that he would not have to be on television. There should also be a majority vote or unanimous consent to put us on television.

There are other changes I think some of us would like to suggest. Some would like to suggest, I suspect, that when on television, particularly if we are considering a measure—not in morning hour—we ought to be under a limitation on debate. If we want to

make such a proposal, we would like to have the Senator's proposal before us so we could consider that. I would like to ask, would he be so kind as to ask that his amendment be printed and available on every Senator's desk so every Senator could have it available to prepare amendments and so that some of the work is in front of us if we wish to offer further amendments?

The PRESIDING OFFICER. Is there objection?

Mr. ARMSTRONG. Mr. President, reserving the right to object and of course, I shall not object, may I ask that we do the same with the other proposal which is pending so we shall have them both on the desks at the same time?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Louisiana. I have the same problem with gavel-to-gavel coverage, but I know the Senator from Colorado feels strongly it ought to be gavel-to-gavel, that whatever the Senate does should be before the public. Maybe we will have to have a commentator come in—I am serious about that—or at least have some explanation on the screen when there is a quorum call to explain why nothing appears to be happening. At least we may be able to get somebody to come over to preside when we are on quorum calls. I think maybe the Vice President would be interested in spending more time here.

In any event, there are a lot of possibilities I have not thought of, but it seems to me there ought to be some explanation. I assume that will be allowed so the viewing audience will know that we are in the process of a quorum call or whatever might be the circumstance.

Those are some of the problems. I think that is why we need a test period to see how it is going to operate.

I commend everybody who has been working on it. We have an opportunity now to get it done. I think what we need to do is make certain when it is done that the Senator from Louisiana, the Senator from Missouri [Mr. DANFORTH], and others are comfortable with it, that it does not seriously compromise those who do not want any rules changes at all, or very few. My view is that we are going to get this done. It may take a week or two, but we will get it done.

Mr. BYRD. Mr. President, on tomorrow, I shall have something to say which I think will explain as best I can what is included in this package. Suffice it for me tonight just to say a word of thanks to the distinguished majority leader and the others on the ad hoc committee from both sides of the aisle for the time they have given, for the determination they have displayed that the Senate will be given an opportunity to work its will on Senate TV coverage. I know all kinds of horrid stories can be conjured up and all kinds of fears may exist in this Chamber with respect to televised coverage of the debate. These fears are genuine. But is seems to me, as the distinguished majority leader has said, that this is why there should be a test period. I believe if all Senators work together in good faith and we can get this test period, many of these problems will be overcome.

There may be some problems that will be difficult. But with 100 Senators acting in good faith and in the best interests of what they seek for the country and the Senate, it seems to me we ought to be able to come to some final conclusion, which may still have some bugs, but in time, we hopefully can iron out those flaws.

I close by thanking again the distinguished majority leader for working with others to help bring this matter to an eventual conclusion. It will take some time, but we will never know precisely what the problems are and whether they can be circumvented or overcome unless we at least make an effort. That is what we are doing.

Mr. DOLE. I thank the distinguished minority leader for his continued support and tireless efforts to reach some consensus.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT ON THE COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT—PM 114

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

I am pleased to transmit to the Congress the 15th Annual Report of the Council on Environmental Quality.

By most conventional measures of environmental quality, the air and the waters of the United States continue to improve as a result of the enormous national commitment to these goals that has come about since 1970. Likewise, we continue to be ever more careful stewards of our lands and their abundant natural resources—wildlife, soils, minerals, fuels, and forests. We are moving aggressively to eliminate serious contamination of valuable land and ground water from the past mismanagement of hazardous wastes, and I have urged the Congress to reauthorize the Federal "superfund" program so that our momentum in this important work is not lost.

As the largest sources of environmental pollution have been controlled, and critical lands protected, our attention is drawn to highly specialized problems—such as detecting and determining the significance of trace levels of chemical substances in the air, in surface and ground waters, in fish tissue, and in soils. Further progress in eliminating environmental pollutants wherever they are found to have significant impacts is leading to the control of larger numbers of smaller, more dispersed sources of potential environmental contamination, including small firms, farmers, and individuals. This trend has enormous implications, both in terms of the costs of removing such small amounts of pollution from such large volumes of the medium in which it is found, and because it seems to require detailed regulatory interventions into individual lives. Recognizing this, the Council on Environmental Quality's report documents and suggests a broader range of environmental policy alternatives that ought to be considered.

The policy recommendations contained herein are based on two fundamental propositions. The first is that the spirit, creativity, and personal drive of individual Americans will always be this Nation's greatest resource. It is the human genius that turns physical substances into resources, and human creativity in a free society is never exhaustible. Second, human institutions can encourage or constrain the ability of people to make the best use of their resources and to solve environmental problems. Rational policies that recognize and make effective use of economic incentives should help to improve the management of our environment and natural resources by stimulating new achievements on the part of the American people. Efficient use of the Nation's resources, guided whenever possible by free markets rather than centralized controls, will work to promote environmental health, economic productivity, and fiscal responsibility.

Some of the specific policies that follow from these perceptions are discussed in this report. They include enlisting volunteer efforts, long charac-

teristic of this Nation, on behalf of parks, wildlife, and natural and historic preservation.

The Federal Government's own activities should avoid adversely affecting environmental quality. This is now accomplished chiefly through the environmental impact assessment process. Another means to implement such a policy is contained in the Coastal Barrier Resources Act, which removed Federal subsidies for the development of these sensitive lands. Studies are currently underway to assess its effectiveness and to consider its applicability to other areas of critical environmental concern.

Efforts to create markets and to consider market-like management practices, which are being tried by Federal agencies in air quality and some land and water resource management programs, can be extended into the other areas. A variety of successful State, local, and private market-oriented initiatives that have solved pressing water resources problems without Federal funds is documented in this report. And on the public lands, proposed user fee revenues would be invested in maintaining facilities that personally benefit recreationists and others, so that only the real public benefits would be paid by the taxpayer.

Finally, environmental protection regulations should be fashioned so that innovation and the substitution of progressively safer new products and technologies for old ones are not inhibited, especially where risk reduction or increased benefits will be the likely result. We must be alert lest government restrictions, however benevolently aimed at protecting the public as a whole, begin to hamper the creativity and productivity of entrepreneurs and other individuals who also can bring about social advances.

This administration is dedicated to promoting conservation and stewardship. Conservation means the efficient use of natural resources. Stewardship entails a love of the land and a determination to pass onto future generations a high quality environment suitable for human living. A strong nation is one that is loved by its people and, as Edmund Burke put it, for a country to be loved it ought to be lovely. The ideas of conservation and stewardship suggest also that economic productivity is not a proper end in intself, but is only a means to the end of improved lives for all Americans. Riches alone do not guarantee the maintenance of a social order in which people can take pride.

But conservation and stewardship should never come to mean opposition to change through the fear that new development will more likely bring personal decline than social advance. The discomforts of change will be more than compensated by the benefits of a dynamic economy, in securing opportunity for new generations and in rewarding individual enterprise and initiative. A society of rising accomplishment and enhanced expectations will provide a better life for its people: a cleaner environment, and improved health and nutrition, superior educational, cultural, and recreational opportunities.

Inspired by promise, sustained by hope, past generations of Americans built a free and prosperous Nation based upon the principles of individual initiative and personal responsibility and upon private institutions of many types. They worked to turn our abundant natural resources to productive use and they learned to love their new land with its grand vistas, its mountains and forests, its fertile fields, and its bustling cities. Environment and natural resources policy can be used to help further these ideals so that liberty, prosperity, and a beautiful and healthful natural environment will continue to bless the lives of the American people. Then surely our good times will not have passed; indeed, our best days will be yet to come.

RONALD REAGAN.
THE WHITE HOUSE, *February 19, 1986.*

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT—PM 115

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the provisions of Public Law 98-164, as amended, I herewith transmit the second annual report of the National Endowment for Democracy, which covers the period from October 1, 1984, through September 30, 1985.

I am pleased to forward this report, which summarizes the very important work that this organization has accomplished in the past year. The National Endowment for Democracy is a key instrument in our ability to support what we believe in around the world. The Endowment permits us to give assistance to democracy by strengthening those key sectors of society that represent the basis of a free society. One of the strengths of this organization is that it is constructed on a bipartisan basis. Its activities range from Chile to Poland, from South Africa to Nicaragua, and from the Philippines to Cuba. Although the Endowment has been in operation for less than 2 years, the enthusiasm and support with which the world's democrats have greeted this initiative has been very gratifying. The support of the Congress is essential for the continued growth of this vital program. This Administration strongly backs the National Endowment for Democracy and will work closely with the Congress to ensure the continued growth and expansion of this vital effort.

RONALD REAGAN.
THE WHITE HOUSE, *February 19, 1986.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 4:10 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1574. An act to provide for public education concerning the health consequences of using smokeless tobacco products;

S. 2036. An act to make certain technical corrections to amendments made by the Food Security Act of 1985, and for other purposes;

H.R. 1185. An act to amend the act establishing the Petrified Forest National Park; and

H.R. 4061. An act to amend title 5, United States Code, to expand the class of individuals eligible for refunds or other returns of contributions from contingency reserves in the Employees Health Benefits Fund; to make miscellaneous amendments relating to the Civil Service Retirement System and the Federal Employees Health Benefits Program, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore [Mr. THURMOND].

ENROLLED BILLS PRESENTED

The Secretary of the Senate announced that on today, February 19, 1986, she had presented to the President of the United States the following enrolled bills:

S. 1574. An act to provide for public education concerning the health consequences of using smokeless tobacco products; and

S. 2036. An act to make certain technical corrections to amendments made by the Food Security Act of 1985, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2471. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2472. A communication from the Special Counsel, Merit Systems Protection Board, transmitting, pursuant to law, a report on the findings and conclusion of the Director's allegations into time and attendance abuses in the Vietnamese Service at the Voice of America; to the Committee on Governmental Affairs.

EC-2473. A communication from the Chairman of the Federal Home Loan Bank Board, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2474. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2475. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2476. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on competition advocacy for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2477. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report on the administration of the Freedom of Information Act for calendar year 1985; to the Committee on the Judiciary.

EC-2478. A communication from the President pro tempore of the American Council of Learned Societies, transmitting, pursuant to law, the annual report of the Council for July 1, 1984 to June 30, 1985; to the Committee on the Judiciary.

EC-2479. A communication from the Acting Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, a report on the administration of the Freedom of Information Act for calendar year 1985; to the Committee on the Judiciary.

EC-2480. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the administration of the Black Lung Benefits Act during calendar year 1984; to the Committee on Labor and Human Resources.

EC-2481. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for assistance to local educational agencies in areas affected by Federal activities and arrangements for education of children where local educational agencies cannot provide suitable free public education; to the Committee on Labor and Human Resources.

EC-2482. A communication from the Chairman of the National Advisory Council on Continuing Education, transmitting, pursuant to law, the annual report of the Council for fiscal year 1985; to the Committee on Labor and Human Resources.

EC-2483. A communication from the Chairperson of the National Council on the Handicapped, transmitting, pursuant to law, a report on Federal laws and programs serving people with disabilities; to the Committee on Labor and Human Resources.

EC-2484. A communication from the Secretary of Education, transmitting, pursuant to law, notice of Final Funding Priorities—National Institute of Handicapped Research—Research and Training Centers; to the Committee on Labor and Human Resources.

EC-2485. A communication from the Commissioner of the Rehabilitation Services Administration, Department of Education, transmitting, pursuant to law, a report on the status of several reports and evaluations authorized by the Rehabilitation Act of 1973; to the Committee on Labor and Human Resources.

EC-2486. A communication from the Director of the National Science Foundation, transmitting a draft of proposed legislation to authorize appropriations for the National Science Foundation for fiscal years 1986 and 1987; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-559. A resolution adopted by the city council of Denton, TX, opposing the rescission of Entitlement Community Development Block Grant funds; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations and the Committee on the Budget.

POM-560. A resolution adopted by the legislature of the Territory of Guam; to the Committee on Energy and Natural Resources.

"RESOLUTION NO. 258

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, the residents of the U.S. Territory of Guam who are United States citizens and federal income taxpayers are desirous of obtaining greater and more effective representation in the Congress of the United States of America by securing representation in the Senate to complement our present representation in the U.S. House of Representatives; and

"Whereas, it is the collective belief of the Guamanian people that although we presently have a non-voting delegate in the House of Representatives, it is in reality insufficient representation by virtue of the fact that the United States Congress is comprised of a House of Representatives and a Senate; and

"Whereas, the people of Guam find it wholly inadequate and less meaningful to only allow representation in one house, when, in a two-house system, all legislation adopted by either house necessarily must pass through the other; and

"Whereas, without an elected U.S. Senator from Guam to whole-heartedly represent our interests on a full-time basis and who will be in a more able position to better understand our problems and position on island issues, Guam will continue to be forced to find a U.S. Senator from among the fifty states who is sympathetic to Guam's cause and who will be willing to assist us in sponsoring legislation or in pushing House-adopted legislation through the Senate; and

"Whereas, this procedure does not appear to be in the best interests of Guam, especially since we can hardly expect another state's elected representative who owes no obligation to Guam and who has no legal responsibility to its people to conscientiously and diligently work on Guam's behalf; and

"Whereas, occasions may arise wherein the interests of Guam may conflict with the interests of a sponsor's home state, thereby creating a conflict of interest which would not be favorable to Guam; and

"Whereas, the people find that the granting to Guam of only a non-voting delegate to the U.S. House of Representatives is analogous to giving a barefooted indigent only one shoe when a pair of shoes are needed and is thus a nonsensical privilege which undercuts the democratic principle of a representative form of government; and

"Whereas, without representation in both houses of the U.S. Congress, it cannot be claimed that the U.S. citizen residents of Guam have given their consent to be taxed and governed to the U.S. federal government; and

"Whereas, a fundamental belief of American colonists which provided the catalyst for the Declaration of Independence from Britain on July 4, 1776, was "no taxation without representation" as well as a long list of other valid grievances against the British Crown; and

"Whereas, the laws, policies and edicts of the British Crown unfairly and severely affected the lives of American colonists making their existence intolerable without their consent; and

"Whereas, in a similar sense federal laws, regulations and policies affect the lives of all U.S. Citizens in Guam, albeit not in the intolerable degree suffered by American colonists, but still without their consent; and

"Whereas, periodically, these laws, regulations and policies are unfair to the people of Guam; and

"Whereas, even the Organic Act of Guam which serves as the constitution of Guam up to the present was adopted in 1950 without the involvement or approval of the people of Guam and serves as a clear example of being governed without consent; and

"Whereas, the people of Guam understand that the U.S. Constitution allows only states two U.S. Senators each who each has the power to vote in the Senate; and

"Whereas, although Guam is not a state, it is the interpretation of the people Guam that the U.S. Senate is not prohibited from granting Guam one seat in the house so long as that seat is not entitled to a vote; and

"Whereas, in brief, the people of Guam desire nothing less than full-time representation in both houses of Congress by persons elected by the people of Guam who would fully and conscientiously champion their interests; and

"Whereas, in granting this request, the federal government would be demonstrating to the whole world the highest ideal of American democracy which is a representative form of government: Now, therefore, be it

"*Resolved*, That the Eighteenth Guam Legislature, on behalf of the people of Guam, who have indicated through a petition their desire for the creation of a non-voting seat in the U.S. Senate for the territory of Guam, respectfully request the United States Congress, and especially the U.S. Senate, to create such a seat for Guam; and be it further

"*Resolved*, That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States; to the President Pro Tempore of the U.S. Senate; to the Speaker of the U.S. House of Representatives; to the Chairperson of the Senate Committee on Energy and Natural Resources; to the Chairperson of the Senate Committee on Rules and Administration; to the Chairperson of the House Committee on Interior; to the Chairperson of the House Committee on Rules; to Congressman Ben G. Blaz and to the Governor of Guam."

POM-561. A resolution adopted by the board of supervisors of the county of Los Angeles, CA, favoring a check-off box on the 1986 Federal tax form to provide funds

for the purchase of the new space shuttle; to the Committee on Finance.

POM-562. A resolution adopted by the city council of Olmsted, OH, favoring the continuation of the general revenue sharing program; to the Committee on Finance.

POM-563. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Foreign Relations.

"HOUSE RESOLUTION No. 911

"Whereas, An end to the destruction and human suffering caused by strife in Northern Ireland is urgently necessary; and

"Whereas, The report of the New Ireland Forum of 2 May 1984 set out the position of Irish nationalists on the problem and made an important contribution to the Anglo-Irish negotiations over the past year; and

"Whereas, The Governments of Ireland and the United Kingdom have recently concluded negotiations and reached accord on the Anglo-Irish Agreement of 1985; and

"Whereas, This agreement reiterates the total rejection of any attempt to promote political objectives by violence or the threat of violence; and

"Whereas, The agreement has been warmly welcomed by President Reagan and the United States Congress; and

"Whereas, This agreement is aimed at establishing peace and stability in Northern Ireland and at promoting reconciliation between the two traditions in Ireland; and

"Whereas, This agreement provides for an unprecedented role for the Government of Ireland in relation to Northern Ireland through the creation of a standing intergovernmental conference; and

"Whereas, The operation of the intergovernmental conference should provide a means for the expression and accommodation of the rights and identities of the two traditions in Northern Ireland: Therefore, be it

"*Resolved*, by the House of Representatives of the eighty-fourth General Assembly of the State of Illinois, that the parties responsible for these negotiations be congratulated on reaching an agreement aimed at promoting peace and stability in Northern Ireland and improving the situation of all its people, especially the Nationalist community; and be it further

"*Resolved*, That every possible support be extended to the Governments of Ireland and the United Kingdom in the task of implementing the agreement; and be it further

"*Resolved*, That the United States Congress and the President of the United States move as quickly as possible to provide the international economic assistance now being sought to fund vitally needed development programs aimed at relieving chronic unemployment and at promoting development of areas in both parts of Ireland which have been most serverly hit by the instability of recent years; and be it further

"*Resolved*, That suitable copies of this resolution be presented to the Consul Generals of Ireland and the United Kingdom, the President of the United States, the Speaker of the House of Representatives, the President of the Senate, and the members of the Illinois Congressional delegation."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WILSON (for himself and Mr. SYMMS):

S. 2077. A bill to amend the Agricultural Act of 1949 to prohibit participating producers from devoting their permitted crop acreage to nonprogram crops if an acreage limitation program is in effect; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOLE (for himself, Mr. GOLDWATER, Mr. COHEN, Mr. MURKOWSKI, Mr. MCCONNELL, and Mr. KASTEN):

S. 2078. A bill to direct the Secretary of Defense, for contingency planning purposes, to conduct a comprehensive study and investigation to determine the feasibility and cost of relocating to an alternative site or sites in the Pacific region the military facilities of the United States located in the Republic of the Philippines; to the Committee on Armed Forces.

By Mr. NICKLES:

S. 2079. A bill to amend the Legislative Reorganization Act of 1946 to reduce the compensation of Members of Congress for any fiscal year in which outlays for nondefense programs are required to be reduced under an order issued by the President for such fiscal year pursuant to section 252 of the Balanced Budget and Emergency Deficit Act of 1985 by the uniform percentage by which outlays for such programs are required to be reduced under such order; to the Committee on Governmental Affairs.

By Mr. RIEGLE:

S. 2080. A bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections; to the Committee on Rules and Administration.

By Mr. GRASSLEY:

S.J. Res. 274. Joint resolution to designate the weekend of August 1, 1986, through August 3, 1986, as "National Family Reunion Weekend"; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself, Mr. KASTEN, Mr. NICKLES, Mr. DIXON, Mr. HECHT, Mr. ABDNOR, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. CHILES, Mr. GORE, Mr. LEVIN, Mr. LEAHY, and Mr. EXON):

S.J. Res. 275. Joint resolution designating May 11 through May 17, 1986, as "Jewish Heritgage Week"; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. STEVENS, Mr. MATHIAS, Mr. GORE, Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LEAHY, Mr. HEFLIN, Mr. SIMON, Mr. GLENN, Mr. WARNER, and Mr. BURDICK):

S.J. Res. 276. Joint resolution to designate February 19, 1987, as "National Day for Federal Retirees"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 346. Resolution expressing the sense of the Senate on Terrorism; to the Committee on Foreign Relations.

By Mr. DOLE (for himself, Mr. LUGAR, Mr. THURMOND, Mr. HELMS, Mr. TRIBLE, Mr. EAST, Mr. HUMPHREY, Mr. GARN, Mr. WALLOP, Mr. BOSCHWITZ, Mr. MATTINGLY, Mr. DENTON, Mrs. HAWKINS, Mr. SYMMS, and Mr. KASTEN):

S. Res. 347. Resolution expressing the sense of the Senate regarding further amendment of the International Convention on the Prevention and Punishment of the Crime of Genocide; considered and agreed to.

By Mr. DOLE (for himself, Mr. COCHRAN, Mr. STENNIS, and Mr. BYRD):

S. Res. 348. Resolution relative to the death of the Honorable James O. Eastland, of Mississippi; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. WILSON (for himself and Mr. SYMMS):

S. 2077. A bill to amend the Agricultural Act of 1949 to prohibit participating producers from devoting their permitted crop acreage to nonprogram crops if an acreage limitation program is in effect; to the Committee on Agriculture, Nutrition, and Forestry.

(The remarks of Mr. WILSON and Mr. SYMMS, and the text of the legislation appear earlier in today's RECORD.)

By Mr. DOLE (for himself, Mr. GOLDWATER, Mr. COHEN, Mr. MURKOWSKI, Mr. MCCONNELL, and Mr. KASTEN):

S. 2078. A bill to direct the Secretary of Defense, for contingency planning purposes, to conduct a comprehensive study and investigation to determine the feasibility and cost of relocating to an alternative site or sites in the Pacific region the military facilities of the United States located in the Republic of the Philippines; to the Committee on Armed Services.

(The remarks of Mr. DOLE and the text of the legislation appear earlier in today's RECORD.)

By Mr. NICKLES:

S. 2079. A bill to amend the Legislative Reorganization Act of 1946 to reduce the compensation of Members of Congress for any fiscal year in which outlays for nondefense programs are required to be reduced under an order issued by the President for such fiscal year pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 by the uniform percentage by which outlays for such programs are required to be reduced under such order; to the Committee on Governmental Affairs.

CONGRESSIONAL PAY AND GRAMM-RUDMAN

● Mr. NICKLES. Mr. President, when Congress approved the Gramm-Rudman Balanced Budget and Emergency Deficit Control Act, it was intended to provide fair and equitable treatment of Federal programs covered by its sequester order. In a closer review, this is not the case. Congressional pay has been exempted from the automatic reductions called for under the act.

Aside from the issue of fairness, however, the automatic spending re-

ductions should never go into effect if Congress does its job. The $11.7 billion that is scheduled for sequester can be achieved through congressional action as opposed to inaction. One option is requiring the Senate Budget Committee to report out an alternative plan for savings attributable to the nondefense programs. Currently in conference is legislation which would achieve $2.4 billion more in nondefense savings than under the sequester order. I refer to the Consolidated Omnibus Reconciliation Act of 1985 which, unfortunately, was sent to conference on the last day of session in 1985. This action has effectively killed any savings contained in the bill. By combining these savings with the $5.4 billion of sequestered defense funds, we can exceed the total sequester order by more than $1.5 billion. If we act now we can do what is responsible.

Under Gramm-Rudman we find that farm programs are reduced by $993 million, most of which come from the Commodity Credit Corporation. These savings are achieved by reductions in the loan amounts, deficiency payments, and any direct commodity purchases. We also find that Federal COLA's are frozen this year for military and civil service retirement. The cost-savings under Gramm-Rudman hits most non-low-income item of the budget but exempts the salaries of Members of Congress. If our farmers, Federal retirees, and others are being forced to tighten their belts, then I believe Members of Congress should be, too.

But in the midst of these substantial reductions, the pay of Members of Congress escaped the Gramm-Rudman ax. Since Member's pay is not appropriated by Congress and also the account containing the pay is not contained in the budget appendix, the CBO, OMB, and the GAO found it was not subject to sequester. However accurate this interpretation, it should be changed to included the pay account.

Reducing congressional pay is not without precedent. In 1907, pay was raised to $7,500, and in 1925, to $10,000. But during the Depression, Congress took a pay cut and salaries were reduced to $9,000 in 1932 and $8,500 in 1933. Today we face a $2 trillion debt and annual deficits that continue out of control. We need to follow the example of our predecessors and let the American people know that their elected Representatives in Congress are willing to share in the sacrifice that must be made to balance our bloated budget.

My bill will reduce congressional pay by 4.3 percent for this fiscal year and will subject the Member's pay account in future years to the sequestration under the act. This is the same treatment for accounts presently under the sequestration process. I know that most Members are concerned that any reductions in spending be handled fairly. In that spirit, I hope we can achieve the proper legislative reponse.●

By Mr. RIEGLE:

S. 2080. A bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections; to the Committee on Rules and Administration.

SINGLE POLL CLOSING TIME FOR PRESIDENTIAL GENERAL ELECTIONS

Mr. RIEGLE. Mr. President, I rise today to introduce a bill to establish a single poll closing time in the continental United States for Presidential general elections. This legislation is identical to H.R. 3525 which was passed by the House on January 29.

This bill addresses a problem that has become increasingly associated with the Presidential election process. The problem involves projections by the mass media concerning the outcome of an election prior to the closing of voting in all parts of the country. Such intrusions into the election process are thought to discourage remaining voters. More importantly, the long-term implications for our democracy may be the fostering of a belief that elections can be over and decided before every citizen has had an opportunity to cast his or her ballot.

With the advent of sophisticated broadcast and polling technology to monitor elections in the last two decades, the problem of election projections has developed into a genuine controversy for politicians and voters alike. In 1980, this controversy came to a head when television networks projected President Reagan's victory over Carter before all the polls had closed. As early as 6:30 p.m. e.s.t., two widely viewed network news anchors were indicating that, according to the results of their network's exit polls, a big Reagan victory was in the making. At that time, only two States, Kentucky and Indiana, had finished voting.

By 8:15 p.m. e.s.t., NBC News projected Reagan the winner on the basis of exit poll data. Voting polls were still open in several Eastern States, in approximately a third of the States in the central time zone, and in all States in the mountain, Pacific, Hawaiian, and Alaskan time zones. In California, the largest State in the country, polls were to remain open another 2 hours.

A tremendous outcry ensued from the public claiming that projections of the Presidential election had discouraged people from going to the polls. A 1980 national election study conducted by the University of Michigan concluded that early projection in 1980 had resulted in a 6- to 11-percent decline in overall voter turnout. Numerous Federal, State and municipal elections were also substantially impacted by the lowered voter turnout.

In response to this outcry, Congress passed a resolution before the 1984 election calling on broadcasters to voluntarily refrain from characterizing or projecting the results of an election before all polls had closed. In addition, all networks agreed they would avoid making projections for State races until all polls had closed in a State. But the west coast problem remained. All three networks projected Reagan the winner in a landslide by 8:31 p.m. e.s.t., almost 3 hours before voting stopped in the West. Curtis Gan, director of the Committee for Study of the Electorate, cited "voter TV discouragement" for the fewer votes cast in many States with late closing polls and Western States in later time zones.

As the networks have made a commitment of voluntary restraint with respect to exit poll projections, we can now proceed to the idea of a nationwide uniform poll closing time which will eliminate once and for all the problem of having the outcome of an election determined and announced before people in all parts of the country have an opportunity to vote. This bill will establish a single poll closing time of 9 p.m. eastern standard time—8 p.m. c.s.t. and 7 p.m. m.s.t.—for all States except Alaska and Hawaii in Presidential years. In order to provide as long a voting day as possible in the West, the bill will also extend daylight saving time in Pacific time zone States—Washington, Oregon, California, Nevada, and the Idaho panhandle—for a maximum of 2 weeks. Polls in Pacific time zones would then remain open until 7 p.m. Pacific daylight time. Since 7 p.m. Pacific daylight time is the same as 9 p.m. e.s.t., uniformity would be achieved.

The 9 p.m. e.s.t. zone poll closing raises administrative problems that are relatively modest when compared with other alternatives such as 24 hour voting, Sunday voting, and making election day a holiday. Twenty-seven percent of the States will not have to change their poll closing times at all. States that will be required to extend their hours will be extending them less than under any other proposal. None will change more than 3 hours and, if those few choose to adjust their opening times, the change will be less.

In conclusion, as a nation that values free elections as the basis of our democratic system, I believe that a uniform poll closing time will protect the voters from the infection of voting projections and will have considerable impact on voter turnout at the polls. This solution is the least intrusive to first amendment rights and is the only realistic one to a problem that modern technology has created. I urge all my

colleagues to join me in supporting this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SINGLE POLL CLOSING TIME FOR PRESIDENTIAL GENERAL ELECTIONS IN THE CONTINENTAL UNITED STATES.

Chapter 1 of title 3, United States Code, is amended by—

(1) redesignating section 21 as section 22; and

(2) inserting after section 20 the following new section:

"§ 21. Single poll closing time in continental United States

"(a) Each polling place in the continental United States shall close, with respect to a Presidential general election, at 9:00 o'clock post meridiem, eastern standard time. Any person who, as determined under the law of the State involved, arrives at a polling place after that time shall not be permitted to vote in the Presidential general election.

"(b) Notwithstanding subsection (a), a polling place shall close, with respect to a Presidential general election, as provided by the law of the State involved, in the case of a polling place at which each person who is eligible to vote has voted.

"(c) As used in this section, the term—

"(1) 'continental United States' means the States of the United States (other than Alaska and Hawaii) and the District of Columbia;

"(2) 'Presidential general election' means the election for electors of President and Vice President; and

"(3) 'State' means a State of the United States and the District of Columbia.".

SEC. 2. EXTENDED DAYLIGHT SAVING TIME IN PACIFIC TIME ZONE IN PRESIDENTIAL ELECTION YEARS.

Section 3 of the Uniform Time Act of 1966 (15 U.S.C. 260a) is amended by adding at the end the following new subsection:

"(d)(1) Notwithstanding subsection (a) of this section, in each year in which a Presidential general election takes place, the period of time during which the standard time shall be advanced with respect to the Pacific time zone shall end at 2:00 o'clock ante meridiem on the first Sunday after the date of that election.

"(2) As used in this subsection, the term 'Presidential general election' means the election for electors of President and Vice President.".

SEC. 3. TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 3, UNITED STATES CODE.—The table of sections for chapter 1 of title 3, United States Code, is amended—

(1) by striking out the item relating to section 21 and inserting in lieu thereof the following:

"22. Definitions."; and

(2) by inserting after the item relating to section 20 the following new item:

"21. Single poll closing time in continental United States.".

(b) AMENDMENTS TO UNIFORM TIME ACT OF 1966.—Section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)) is amended by striking out "2 o'clock antemeridian each place it appears and inserting in lieu thereof "2:00 o'clock ante meridiem".

By Mr. GRASSLEY:

S.J. Res. 274. Joint resolution to designate the weekend of August 1, 1986, through August 3, 1986, as "National Family Reunion Weekend"; to the Committee on the Judiciary.

NATIONAL FAMILY REUNION WEEKEND

Mr. GRASSLEY. Mr. President, as a firm believer in family as the oldest and most important institution in America, I am introducing a bill to proclaim the first weekend in August as "National Family Reunion Weekend."

At its best, family functions as the ideal network for fostering well-rounded, well-adjusted individuals. As changes in society continue to alter the fabric of the family unit, families are increasingly seeking support systems to help them adjust to new demands.

Mr. President, like President Reagan, I believe the foundation for building a better and stronger America begins at home with the family. Traditional values, morals and responsibilities are cultivated within the home through family bonds. In an attempt to help restore and reinforce the benefits of a healthy family life I am asking the President to urge families all across America to plan and attend family reunions. Whether it be 10, 50 or hundreds of kin uniting, the reunion will generate continuity between generations. Older members will bring stories of the past, preserving the family history. And the new generations will bring their dreams for the future; thus sparking unity and continuity within the extended family.

Mr. President, I'd like to recognize the Better Homes and Gardens Family Network—based in my home State of Iowa. The Family Network is an organization that has emerged from Meredith Corporation's commitment to improving family life through information and inspiration, and has been created to examine, strengthen, and celebrate American families. The Network exists as a resource, available to people who are interested in tracing their family genealogy or planning a successful reunion.

Mr. President, I hope that the passage of this legislation would help strengthen and preserve American family as an institution. Through Congress' recognition of "Family Reunion Weekend" I believe we will set the tone for building a better Nation today, and for future generations.

By Mr. D'AMATO (for himself, Mr. KASTEN, Mr. NICKLES, Mr. DIXON, Mr. HECHT, Mr. ABDNOR, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. CHILES, Mr. GORE, Mr. LEVIN, Mr. LEAHY, and Mr. EXON):

S.J. Res. 275. Joint resolution designating May 11 through May 17, 1986, as "Jewish Heritage Week"; to the Committee on the Judiciary.

JEWISH HERITAGE WEEK

● Mr. D'AMATO. Mr. President, I rise today to offer a joint resolution designating the week of May 11, 1986, as "Jewish Heritage Week." The United States prides itself on its diverse heritage. This rich and colorful heritage results from the values and ideals brought to our Nation by the people of a multitude of races and religions.

Among these immigrants, the Jewish community contributed significantly to the cultural and spiritual growth of a new nation. Many members of the Jewish community have brought distinction and honor to virtually every field of endeavor, including the arts, humanities, and sciences. Our Jewish citizens have fought and died to preserve and to protect the freedom for which the United States stands.

Indeed, our Judeo-Christian culture owes much to the Jewish community. The Jewish people cherish a tradition and culture which spans the course of many thousands of years. Their perseverance through the many tests of time has made the Jewish community vital members of our society.

Each spring, Jews throughout the United States and around the world observe a number of significant dates. Beginning with the observance of Passover, which commemorates their passage from bondage to freedom, continuing with the observance of the anniversary of the Warsaw Ghetto Uprising, and concluding with the celebration of Israeli Independence Day, American Jews rededicate themselves to the concepts of liberty, equality, and democracy.

In recognition of the told and untold contributions of Jews, who have become an integral part of the American heritage, I am introducing the following joint resolution requesting that the President designate May 11 through May 27, 1986 as "Jewish Heritage Week." I urge my colleagues to join me in cosponsorship of this important joint resolution.

Mr. President, I ask unanimous consent that this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 275

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country;

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jews to our country and society; and

Whereas the months of March, April, and May contain events of major significance in the Jewish calendar—Passover, the anniver-

sary of the Warsaw Ghetto Uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating May 11 through May 17, 1986, as "Jewish Heritage Week" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe "Jewish Heritage Week" with appropriate ceremonies, programs, and activities.●

By Mr. DOMENICI (for himself, Mr. STEVENS, Mr. MATHIAS, Mr. GORE, Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LEAHY, Mr. HEFLIN, Mr. SIMON, Mr. GLENN, Mr. WARNER, and Mr. BURDICK):

S.J. Res. 276. Joint resolution to designate February 19, 1987, as "National Day For Federal Retirees"; to the Committee on the Judiciary.

NATIONAL DAY FOR FEDERAL RETIREES

● Mr. DOMENICI. Mr. President, today I am introducing a measure in recognition of the National Association for Retired Federal Employees [NARFE], as NARFE celebrates its 65th birthday today, February 19, 1986.

Mr. President, NARFE was founded to represent the interests of our Nation's retired Federal employees. These employees are the backbone of our Nation's Government, the people who implement the administration's and the Congress' policy. These are the men and women who make the Government work for the people.

Our Nation's executive and legislative branches are of a transient nature, with a new administration every 4 or 8 years, and a new Congress every 2 years. It is our Nation's Federal employees who provide the stability in our Federal Government. Many of these workers have served their Nation for 20, 30, in a few cases even 40 years. That is 30 or 40 years of expertise and efficiency.

After so many years of dedicated effort on behalf of their Nation, retired Federal employees are assured of a solid annuity. NARFE has worked diligently on behalf of all retired Federal employees, and has grown in membership in the process. It started out with 14 members on February 19, 1921, and has grown to almost 500,000 members on NARFE's 65th anniversary. Today, there are over 1,600 NARFE chapters throughout the United States.

In recognition of the endless contributions career Federal employees have made to their Nation, I hereby request that the President of the United States of America proclaim February 19, 1987 as "National Day for Federal Retirees." I urge my colleagues to join me in this recognition.●

ADDITIONAL COSPONSORS

S. 203

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 203, a bill to provide a one-time amnesty from criminal and civil tax penalties and 50 percent of the interest penalty owed for certain taxpayers who pay previous underpayments of Federal tax during the amnesty period, to amend the Internal Revenue Code of 1954 to increase by 50 percent all criminal and civil tax penalties, and for other purposes.

S. 524

At the request of Mr. ARMSTRONG, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Idaho [Mr. MCCLURE] were added as cosponsors of S. 524, a bill to recognize the organization known as the Retired Enlisted Association, Inc.

S. 625

At the request of Mrs. HAWKINS, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 625, a bill to include the offenses relating to sexual exploitation of children under the provisions of RICO and authorize civil suits on behalf of victims of child pornography and prostitution.

S. 869

At the request of Mr. MITCHELL, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 869, a bill to provide that the pensions received by retired judges who are assigned to active duty shall not be treated as wages for purposes of the Social Security Act.

S. 1223

At the request of Mr. ARMSTRONG, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1223, a bill to authorize the erection of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces of the United States who served in the Korean war.

S. 1429

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1429, a bill to amend title 18, United States Code, to authorize prosecution of terrorists who attack U.S. nationals abroad, and for other purposes.

At the request of Mr. SPECTER, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 1429, supra.

S. 1710

At the request of Mr. MITCHELL, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1710, a bill to establish a motor carrier administration in the Department of Transportation, and for other purposes.

S. 1815

At the request of Mr. HATCH, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1815, a bill to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce.

S. 1841

At the request of Mr. DODD, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1841, a bill to require depository institutions to disclose to their customers their practices relating to the availability of funds in connection with check deposits, to require the timely payment of interest on deposits to interest bearing accounts, to improve the check clearing system, and for other purposes.

S. 1889

At the request of Mr. DENTON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1889, a bill to amend title 11 of the United States Code, relating to bankruptcy, to prevent discharge of administratively ordered support obligations.

S. 1917

At the request of Mr. BRADLEY, the names of the Senator from Missouri [Mr. EAGLETON], the Senator from Rhode Island [Mr. PELL], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 1917, a bill to amend the Foreign Assistance Act of 1961 to provide assistance to promote immunization and oral rehydration, and for other purposes.

S. 1952

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 1952, a bill to provide for the striking of medals to commemorate the Young Astronaut Program.

S. 2048

At the request of Mr. WEICKER, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2048, a bill to encourage international efforts to designate the shipwreck of the R.M.S. *Titanic* as an international maritime memorial and to provide for reasonable research, exploration and, if appropriate, salvage activities with respect to the shipwreck.

S. 2052

At the request of Mr. CRANSTON, the names of the Senator from Florida [Mrs. HAWKINS], the Senator from California [Mr. WILSON], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 2052, a bill to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986.

S. 2054

At the request of Mr. NICKLES, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 2054, a bill to provide that the National Aeronautics and Space Administration may accept gifts and donations for a space shuttle which may be named Challenger II.

SENATE JOINT RESOLUTION 251

At the request of Mr. HATCH, the names of the Senator from Washington [Mr. GORTON], the Senator from South Carolina [Mr. THURMOND], the Senator from Nevada [Mr. LAXALT], the Senator from North Dakota [Mr. BURDICK], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. RIEGLE], the Senator from Kansas [Mr. DOLE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Georgia [Mr. NUNN], the Senator from California [Mr. WILSON], the Senator from Idaho [Mr. MCCLURE], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 251, a joint resolution to designate the week of May 11, 1986 through May 17, 1986, as "National Science Week, 1986."

SENATE JOINT RESOLUTION 253

At the request of Mr. HATCH, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of Senate Joint Resolution 253, a joint resolution to designate the week of March 2, 1986, through March 8, 1986, as "Women's History Week."

SENATE JOINT RESOLUTION 256

At the request of Mr. TRIBLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 256, a joint resolution designating August 12, 1986, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 261

At the request of Mr. DOMENICI, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. LAXALT], and the Senator from Montana [Mr. MELCHER] were added as cosponsors of Senate Joint Resolution 261, a joint resolution to designate the week of April 14, 1986 through April 20, 1986, as "National Mathematics Awareness Week."

SENATE JOINT RESOLUTION 262

At the request of Mr. WALLOP, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Maine [Mr. MITCHELL], and the Senator from Washington [Mr. EVANS] were added as cosponsors of Senate Joint Resolution 262, a joint resolution to authorize and request the President to issue a proclamation designating June 2, 1986 through June 8, 1986, as "National Fishing Week."

SENATE JOINT RESOLUTION 265

At the request of Mr. HEINZ, the names of the Senator from California [Mr. CRANSTON], the Senator from Arkansas [Mr. PRYOR], the Senator from Illinois [Mr. SIMON], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of Senate Joint Resolution 265, a joint resolution authorizing and requesting the President to designate the week of March 9, 1986 through 15, 1986, as "National Employ the Older Worker Week."

SENATE JOINT RESOLUTION 271

At the request of Mr. RIEGLE, the names of the Senator from Colorado [Mr. ARMSTRONG], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 271, a joint resolution designating "Baltic Freedom Day."

SENATE RESOLUTION 82

At the request of Mr. D'AMATO, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Resolution 82, a resolution to preserve the deduction for State and local taxes.

SENATE RESOLUTION 242

At the request of Mr. MATTINGLY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Resolution 242, a resolution to express the sense of the Senate that Congress should not change the Federal income tax treatment of State and local debt obligations.

SENATE RESOLUTION 304

At the request of Mr. TRIBLE, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Resolution 304, a resolution to express the sense of the Senate that the present 3-year basis recovery rule on taxation of retirement annuities be maintained.

SENATE RESOLUTION 344

At the request of Mr. HEINZ, the names of the Senator from Maine [Mr. COHEN] and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of Senate Resolution 344, a resolution expressing the sense of the Senate with respect to the proposed rescission of budget authority for housing for the elderly and handicapped under section 202 of the Housing Act of 1959.

SENATE RESOLUTION 345

At the request of Mr. DECONCINI, his name was added as a cosponsor of Senate Resolution 345, a resolution expressing the sense of the Senate that the recent Presidential elections in the Philippines were marked by such widespread fraud that they cannot be considered a fair reflection of the will of the people of the Philippines.

At the request of Mr. BYRD, the names of the Senator from Texas [Mr. BENTSEN], the Senator from New York [Mr. MOYNIHAN], the Senator from Vermont [Mr. LEAHY], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Resolution 345, supra.

At the request of Mr. KASTEN, his name was added as a cosponsor of Senate Resolution 345, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of Senate Resolution 345, supra.

At the request of Mr. GLENN, his name was added as a cosponsor of Senate Resolution 345, supra.

At the request of Mr. DOLE, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Florida [Mr. CHILES], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Resolution 345, supra.

AMENDMENT NO. 1585

At the request of Mr. SYMMS, the names of the Senator from Nevada [Mr. HECHT], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Alabama [Mr. DENTON], the Senator from South Carolina [Mr. THURMOND], the Senator from North Carolina [Mr. EAST], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of amendment No. 1585 intended to be proposed to Executive O, 81-1, International Convention on the Prevention and Punishment of the Crime of Genocide.

SENATE RESOLUTION 346—EXPRESSING THE SENSE OF THE SENATE ON TERRORISM

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 346

Whereas international terrorism poses a grave threat to the security of western democracies;

Whereas the North Atlantic Treaty Organization (NATO) countries are prime targets of state-sponsored international terrorism;

Whereas NATO is designed to provide a cohesive, unified effort to protect our joint security interests;

Whereas the NATO foreign ministers have publicly recognized the fundamental importance of suppressing terrorism to NATO security and pledged their determination to work toward that goal;

Whereas President Reagan has announced full United States economic sanctions against Libya for its role in the terrorist attacks in Rome and Vienna airports on December 27 which cost 19 lives, including Europeans and Americans;

Whereas western European nations account for $12 billion in Libyan trade each year;

Whereas western Europe is frequently the target of state-sponsored terrorism;

Whereas Libya in 1985 sponsored five attacks against exiled Libyan dissidents living in Greece, West Germany, Cyprus, Italy, and Austria;

Whereas a shoot-out from the Libyan Mission in London in April, 1984, cost the life of a British policewoman;

Whereas there has been a clear and consistent pattern of Libyan aid to almost every major international terrorist group, including the Provisional Irish Republican Army, the Basque ETA, and Italy's Red Brigade;

Whereas Libyan diplomatic offices in foreign countries are often used as bases of support for terrorist operations;

Whereas Libya has served as a haven for terrorists fleeing Europe, including some of the slayers of the Israeli Olympic athletes at Munich in 1972;

Whereas joint action by the international community holds greater promise for reducing the export of terrorism from Libya and other terrorist countries than sanctions by the U.S. alone; Now therefore, be it

Resolved, that it is the sense of the Senate that combatting the threat of state-sponsored international terrorism is consistent with the North Atlantic Treaty Organization (NATO) mission; that each NATO member's participation in the Organization is based on every other member's participation and willingness to share the burden of maintaining the mission of the Alliance; that continued United States participation in NATO at current levels assumes the cooperation of our allies in international efforts, including economic sanctions, aimed at combatting state sponsored terrorism; and that the President should convey this sense of the Senate to our NATO allies.

2. The Secretary of the Senate shall transmit a copy of the resolution to the President.

Mr. SPECTER. Madam President, I am submitting today a resolution expressing the sense of the Senate that combating the threat of state-sponsored international terrorism is consistent with the North Atlantic Treaty Organization [NATO] mission; that each NATO member's participation in the Organization is based on every other member's participation and willingness to share the burden of maintaining the mission of the alliance; that continued U.S. participation in NATO at current levels assumes the cooperation of our allies in international efforts, including economic sanctions aimed at combating state sponsored terrorism; and that the President should convey this sense of the Senate to our NATO allies.

Madam President, it is universally recognized that terrorism is an enormous problem in the world today and that Libya has been the source of much state-sponsored terrorism.

It has been very difficult to deal effectively with the problems of terrorism; but after extensive consideration, the United States imposed an economic boycott on Libya and sought the cooperation of the NATO allies. Regrettably, very little was done by way of our NATO allies in supporting the very important economic sanctions imposed by the United States.

The sense of this resolution is to call upon our NATO allies to assist the United States in the economic pressure on Libya as a significant movement to stop the threat of terrorism. Last year, when the Department of Defense authorization bill was being considered, many in this body felt that the United States was assuming more of a burden than it should, and some 41 Senators voted to limit U.S. participation so that other NATO members would come forward and shoulder more of their fair share.

Madam President, if the allies in NATO do not support the United States on an important matter like economic sanctions against Libya, then it may well be that we ought to consider restricting our support of NATO in order to secure more cooperation from our NATO allies. Events will tell whether or not the NATO nations will be willing to assist us. But this is an issue which this Senator may well raise when the Department of Defense authorization bill is considered on the floor of the U.S. Senate, if in fact our NATO allies do not take more of a hand in supporting the very important economic sanctions which the United States is pursuing at the present time against Libya.

I offer this resolution in the hope that it will convey the seriousness with which Congress views the threat posed by state-sponsored terrorism and the urgent need for a unified international response, starting with NATO cooperation in economic sanctions against Libya. It is not meant as a threat from a heavy contribution of men, money and resources to NATO. It is the warning of one neighbor that the community must work together if it is going to defeat a common enemy.

On January 7, 1986, President Reagan announced a complete United States economic boycott of Libya for its involvement in terrorism, particularly in the airport attacks in Rome and Vienna on December 27, 1985. I joined many others in applauding the President's action; it is a measure I have been urging for some time. Following Senate hearings held at my request in November 1984, on trade with terrorist countries, and after gaining the support of Secretary of State Shultz during a hearing in March 1985, I introduced legislation to authorize an economic boycott of Libya on April 3, 1985. The provision was ultimately adopted by Congress as part of the foreign aid authorization bill for fiscal year 1986 and was used by the President as authority for executive Order 12538 signed on November 15, 1985, to ban imports of refined petroleum products from Libya. This new authority was also used in implementing the most recent comprehensive sanctions.

Although this new American embargo will have a limited impact on Libya's economy, because United States trade with that terrorist nation had already been severely limited, it is a necessary step. It sends a clear message that the United States considers Libya a pariah state and will not contribute to that economy in any way. I believe it is also an important prerequisite to any possible military action; we should use military force, if at all, only after all other options have been exhausted.

To translate this largely symbolic gesture into effective leverage for change, however, we must have international cooperation, particularly from our NATO allies. Western European powers account for $12 billion in Libyan trade each year, compared to America's trade interest which was $336 million. Libya's largest trading partners are Italy and West Germany, followed by Spain and France. In 1984, Libya sold $2.5 billion in products to Italy and $2 billion in exports to West Germany, mostly in oil. In return, Libya bought $1.8 billion worth of goods from Italy and $885 million from the Germans. Britain has reduced trade since breaking relations with Libya over the 1984 shooting of a policewoman in London. Yet, it still spends an estimated $300 million yearly there.

The loss of the economic contributions of these Western European nations would deal a severe blow to Libyan President Mu'ammar Qadhafi. Moreover, joint action would signal universal condemnation of state sponsored terrorism in a clear and unambiguous way.

Unfortunately, the response of our allies to U.S. calls for international cooperation has been largely negative. Great Britain and West Germany have reiterated their opposition to economic sanctions. Belgium has apparently indicated it intends to proceed with a trade mission to Libya in the near future designed to actually increase their trade, very likely filling the void left by the U.S. and other allied sanctions.

There have been some positive indications of allied cooperation, but they are limited. Italian Foreign Minister Andreotti has announced Italy's intention not to export "particularly dangerous weapons" to Libya, and not to replace American business interests leaving Libya. But these measures, while commendable, will hardly put a dent in the Libya-Italy trade figures. Canada has indicated it will ban exports of oil drilling equipment and will cease government insurance of exports to Libya, and Norway has said it will back President Reagan in principle but still has not decided on concrete measures. Much more needs to be done before Colonel Qadhafi begins to feel the intended pressure.

On June 20, 1984, Senators ROTH and NUNN offered an amendment to the defense authorization bill for fiscal year 1985 proposing U.S. troop reductions if NATO failed to improve its conventional defense capability.

Senator NUNN explained on the Senate floor that:

The troop reductions are not in this amendment from the point of view of punishing, from the point of view of blackmail, from the point of view of threatening. They are here because the simple reality is, if we do not have allies that are going to do their part, there is no need for the American taxpayer to continue to spend billions and billions and billions and billions of dollars on troops, on ammunition, on airlift, on all types of equipment for modernization.

Senator NUNN was urging our allies to bear their fair share of the burden to protect allied security interests.

The resolution I offer today stems from the same concern. Terrorism poses as great a threat to the survival of the open, democratic societies NATO was created to protect as any army from the East. And it demands an equally unified and strong effort to combat it.

Our allies acknowledge the important role of NATO in combating terrorism. In December 1983, the NATO ministers met and issued the following declaration:

The Allies condemn terrorist acts, which are a threat to democratic institutions and to the conduct of normal international relations. Recalling the relevant provision of the Bonn Declaration, they reiterate their determination to take effective measures for the prevention and suppression of such criminal acts.

More recently, following a meeting in June 1985, they reiterated this joint commitment:

We strongly condemn terrorism and will continue to work to eliminate this threat to our citizens and to the democrat values we hold in common.

They "stressed the need for the most effective cooperation possible to prevent and suppress this scourge."

We ask simply that they live up to these commitments. It is not adequate to say "economic sanctions do not work." It may be true that unilateral sanctions imposed by any one country alone will not deter Qadhafi. But, joint economic sanctions by all NATO allies cannot help but have a powerful impact.

The allies complain that domestic economic pressures prevent further action on sanctions. Yet, the economic costs of the continuing threat of terrorism are also significant. Across Western Europe, nations are feeling the pinch of greatly increased security costs, lost tourism, and lost business investment. For example, Greece is estimated to have suffered some $300 million in lost tourism since the TWA hijacking in June 1985. And the estimated costs to Europe and the Middle East have been put as high as $1 billion. Nor can we ignore the incalculable value of the human lives lost to state-sponsored terrorism.

Cooperation with U.S. economic sanctions need not require a full embargo. Interim measures can be effective if carefully targeted for maximum impact on Libya's economy or ability to support terrorism. For example, a unified embargo on the sale of military spare parts to Libya or spare parts and components for key civilian sectors such as oil production, communications, and airlines could quickly bring the Libyan economy to its knees.

If this resolution fails to send a loud enough message, it may be necessary to take a cue from Senators NUNN and ROTH and propose a reduction in U.S. NATO troops until some form of cooperative program against terrorism is established. I will ask the Senate Armed Services Committee to consider hearings on such a proposal.

Some will warn that this kind of measure would be "cuting off our nose to spite our face." In fact, it is more analogous to covering up your good eye for a time to encourage the other eye to grow stronger. The result will not be a weaker alliance, but ultimately a stronger one, each member working to its fullest ability toward a common objective.

It is my hope that such an amendment will not be necessary; that adoption of this resolution will send a message loud and clear to our NATO allies that we consider defense against state-sponsored terrorism a fundamental responsibility of our alliance and of the entire civilized world.

SENATE RESOLUTION 347—REGARDING FURTHER AMENDMENT OF THE GENOCIDE CONVENTION

Mr. DOLE (for himself, Mr. LUGAR, Mr. THURMOND, Mr. HELMS, Mr. TRIBLE, Mr. EAST, Mr. HUMPHREY, Mr. GARN, Mr. WALLOP, Mr. BOSCHWITZ, Mr. MATTINGLY, Mr. BENTSEN, Mrs. HAWKINS, Mr. SYMMS, and Mr. KASTEN) submitted the following resolution; which was considered and agreed to:

S. RES. 347

Whereas the Senate has given its advice and consent to the ratification of the International Convention on the Prevention and Punishment of the Crime of Genocide (hereafter in this preamble referred to as the "Convention");

Whereas such Convention excludes from its coverage genocide committed against political groups;

Whereas the Senate finds that instances of political genocide have occurred in Tibet and Cambodia;

Whereas the Senate finds that politically motivated genocide is being carried out in Afghanistan;

Whereas the Senate believes that the protections afforded by the Convention should be extended to all forms of genocide;

Whereas Article XVI of the Convention provides that any party to the Convention may notify in writing the Secretary General of the United Nations of its desire to amend the Convention; and

Whereas Article XVI of the Convention also provides that the General Assembly of the United Nations may take action, after such notification, to amend the Convention: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) upon depositing the instrument of ratification to the International Convention on the Prevention and Punishment of the Crime of Genocide with the Secretary General of the United Nations, the President should notify in writing the Secretary General of the desire of the United States to amend the Convention to include acts constituting political genocide within the definition of the term "genocide"; and

(2) the President should instruct the Permanent Representative of the United States to the United Nations to take all steps necessary to see that such an amendment is adopted.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

SENATE RESOLUTION 348—RELATIVE TO THE DEATH OF THE HONORABLE JAMES O. EASTLAND, OF MISSISSIPPI

Mr. DOLE (for himself, Mr. COCHRAN, Mr. STENNIS, and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 348

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable James O. Eastland, late a Senator from the State of Mississippi, a former President of the Senate pro tempore, and a former Chairman of the Senate Committee on the Judiciary.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

NOTICE OF INTENTION TO AMEND THE STANDING RULES OF THE SENATE

Mr. BYRD submitted notice in writing of his intention (together with Mr. DOLE, Mr. STEVENS, and Mr. FORD) to propose the following changes in the Standing Rules of the Senate:

Strike all after the resolving clause and insert the following:

"That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with provisions of this resolution;

(2) provided continuously, except for any time when a meeting with closed doors is ordered; and

(3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7; rule XXV, paragraph 1(n); and rule XXXIII, paragraph 2; and

SEC. 2. The radio and television broadcast of Senate proceedings shall be supervised and operated by the Senate.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are speaking.

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings: *Provided*, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings and copies thereof as requested by the Secretary under clause (2) of this subsection, of Senate proceedings, (3) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations, and

(4) If authorized by the Senate at a later date the Secretary of the Senate shall (A) obtain from the Sergeant at Arms copies of audio and video tape recordings of Senate proceedings *and make such copies* available, upon payment to her of a fee fixed therefor by the Committee on Rules and Administration, and (B) *receive from the Sergeant at Arms as soon as practicable, and* retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States archive-quality copies of such recordings.

SEC. 5. (a) Radio coverage of Senate proceedings shall—

(1) begin as soon as the necessary equipment has been installed; and

(2) be provided continuously at all times when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered.

(b) As soon as practicable but no later than April 15, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on July 25, 1986.

During such test period—

(1) final procedures for camera direction control shall be established;

(2) television coverage of Senate proceedings shall not be transmitted, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol; and

(3) recordings of Senate proceedings shall be made and retained by the Secretary of the Senate.

SEC. 6. The use of tape duplications of radio coverage of the proceedings of the Senate for political purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political purposes.

The use of tape duplications of TV coverage for any purpose outside the Senate is strictly prohibited until the Senate provides otherwise.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of $3,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

SEC. 9. That Rule XXX, paragraph 1(b), is amended to read as follows:

"(b) When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty."

SEC. 10. That paragraph 2 of Rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. Notwithstanding the provisions of Rule II or Rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators duly chosen and sworn—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree or if a complete substitute, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"After no more than twenty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The twenty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

"Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours."

SEC. 11. That Rule XVII, par. 5, of the Standing Rules of the Senate is amended to read as follows:

"5. Any measure or matter reported by any standing committee shall not be consid-

ered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph—

"(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

"(2) shall not apply to—

"(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

"(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress."

SEC. 12. That Rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraph:

"3. Debate on any motion to proceed to the consideration of any matter, other than an amendment to the Standing Rules of the Senate, made at any time other than the morning hour shall be limited to two hours, to be equally divided between and controlled by the Majority Leader and Minority Leader or their designees, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion, provided, however, that a motion to table a motion to proceed shall be in order at any time."

SEC. 13. Rule XXVIII, dealing with conference reports, is amended by adding the words "when available on each Senator's desk" after the words in paragraph 1 "shall always be in order".

SEC. 14. That Rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "Motions" in the caption a semicolon and the following: "GERMANENESS";

(2) by adding at the end thereof the following new paragraph:

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill on resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, without intervening action, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the Committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of germaneness of an amendment, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered germane."

Provided, That no changes to the standing rules of the Senate which shall become effective by virtue of this resolution shall continue in effect after the test period has been completed, unless a resolution which the Committee on Rules and Administration shall have two weeks following the end of the test period to report, containing these proposed rules changes together with any other proposed changes in Senate procedures that they deem wise together with a proviso making radio and television as permanent part of Senate deliberations has been adopted; such resolution to be considered privileged, with debate thereon to be limited to 20 hours, with amendments limited to 1 hour each, such time to come out of the 20 hours, all to be controlled in the usual form, and with no amendment in order after the conclusion of the 20 hours.

AMENDMENTS SUBMITTED

RADIO AND TELEVISION COVERAGE OF SENATE PROCEEDINGS

ARMSTRONG AMENDMENT NO. 1586

Mr. ARMSTRONG submitted an amendment intended to be proposed by him to the motion by Mr. DOLE to recommit with instructions the resolution (S. Res. 28) to improve Senate procedures; as follows:

In lieu of the language of the amendment in the instructions, insert the following:

That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be provided in accordance with the provisions of this resolution.

SEC. 2. The radio and television broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate, and

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, educational, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are speaking.

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate recording and photographic studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsection (b)(1) and (3) of section 2 of this resolution, and (4) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for viewing or listening on the premises where stored and upon payment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. (a) Radio coverage of Senate proceedings shall—

(1) begin as soon as the necessary equipment has been installed; and

(2) be provided continuously at all times when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered.

(b)(1) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio and television coverage of Senate

proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate.

(2) During such test period—

(A) final procedures for camera direction control shall be established;

(B) television coverage of Senate proceedings shall not be transmitted to any outside source; and

(C) video and audio recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

(3) During the test period provided in paragraphs (1) and (2), the Committee on Rules and Administration shall report a Senate resolution to the Senate specifying the times when radio and television broadcast shall be provided. Coverage of Senate proceedings shall begin upon the agreement of the Senate to the resolution reported pursuant to the preceding sentence. The test period shall end on the date prescribed by such resolution.

SEC. 6. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which may not change or contravene any Senate rule and, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of $3,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Committee on Governmental Affairs will hold a hearing on the President's Management Legislative Initiatives and related legislation. The hearing is scheduled for February 26, 1986, beginning at 10 a.m., in room 342, Dirksen Senate Office Building. Testimony will be received on the following bills:

S.J. Res. 190, to establish greater productivity in Federal Government operations as a national goal of the United States.

S. 1206, to require the Director of the Office of Management and Budget to prepare and transmit to the Congress a comprehensive report and plan on the reorganization, restructuring, consolidation, or realignment of Federal field offices, and for other purposes.

S. 1657, to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government.

S. 2004, to require the President to submit to Congress an annual report on the management of the executive branch of the Government.

S. 2005, to amend the Inspector General Act of 1978.

S. 2006, to amend the Contract Disputes Act of 1978 to facilitate the collection of claims against Federal Government contractors.

S. 2007, to amend the Office of Federal Procurement Policy Act to provide authority to test innovative procurement methods and procedures.

S. 2008, to improve the Federal procurement system by providing an alternative simplified procurement method for competitively negotiating procurements less than $5 million.

S. 2009, to authorize the Secretary of Treasury to issue regulations to require that wages be paid by electronic funds transfer or any other method determined by the Secretary to be in the interest of economy and effectiveness, with sufficient safeguards over the control of, and accounting for, public funds.

S. 2010, to eliminate or change the statutory requirements preventing the reduction of paperwork burdens and regulatory simplification.

H.R. 2401, to amend title 5, United States Code, to establish certain reporting requirements applicable in the case of any agency proposing to carry out removals, reductions in grade or pay, or other adverse personnel actions incident to closing, or changing the functions of, any of its field offices.

In addition, the Director of the Office of Management and Budget, has been invited to provide the committee with his perspectives on Government management and his plans for the coming months to improve our management systems and organization. The Comptroller General of the United States has also been invited to present his perspectives on the present state of our Government management systems and organization, and what additional actions, if any, are indicated to bring about needed improvements.

For further information, please contact Roger Sperry at the committee office (202) 224-4751.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, February 19, 1986, in order to receive testimony on the following nominations.

U.S. CIRCUIT JUDGE

Frank J. Magill, of North Dakota, to be U.S. circuit judge for the eighth circuit.

U.S. DISTRICT JUDGE

Robert J. Bryan, of Washington, to be U.S. district judge for the western district of Washington.

Miriam G. Cedarbaum, of New York, to be U.S. district judge for the southern district of New York.

David R. Hansen, of Iowa, to be U.S. district judge for the northern district of Iowa.

Ronald R. Lagueux, of Rhode Island, to be U.S. district judge for the district of Rhode Island.

Lawrence P. Zatkoff, of Michigan, to be U.S. district judge for the eastern district of Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet during the session of the Senate on Wednesday, February 19, to conduct a meeting on the availability and cost of liability insurance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on Wednesday, February 19, 1986, in order to conduct a hearing on proposed legislation authorizing funds for export administration, and export promotion activities of the Department of Commerce, and the first annual report on foreign policy controls of the Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, February 19, to hold an oversight hearing to consider the President's proposed budget for the Federal Energy Regulatory Commission for fiscal year 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, February 19, to hold an oversight hearing to consider the President's proposed budget for the Department of Agriculture (Forest Service) for fiscal year 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, February 19, to hold a hearing on reauthorization of the Commodity Future Trading Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 19, in

closed executive session, in order to conduct a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 19, 1986, in closed executive session, in order to mark up the DOD authorization for fiscal year 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FCC DECIDES FOR DISH ANTENNAS

● Mr. GOLDWATER. Mr. President, I am pleased to report that the Federal Communications Commission has adopted a strong rule preempting local ordinances which discriminate against home dish antennas. On January 14, the Commission ordered that local governments cannot impose unreasonable limitations or excessive costs on home satellite dish antennas which are not imposed on other types of antennas. The onus of proving that a discriminatory ordinance is valid is put on the local community. The text of the order and the Commission's accompanying statement were released on February 5.

Mr. President, the FCC order is a clear victory for the home Earth station consumer and industry. It will nip in the bud the disturbing trend of some communities to attempt to ban satellite dish antennas for a variety of reasons, ranging from a lack of technical knowledge about the new technology of home Earth stations to flagrant anticompetitive purposes.

The proposed rule makes it clear that the Commission will not operate as a national zoning board, but that local administrative and judicial procedures and remedies will generally be used in impelementing the FCC rule. This will place administration of the rule in the hands of local people familiar with the peculiar circumstances in each locality where they can reasonably adapt the Commission's general rule to fit local interests. Thus, the proposed rule allows flexibility for local governments, but at the same time, it protects consumers from discriminatory and unreasonable local restrictions which would effectively prevent the installation of dishes capable of adequate reception in each particular locality.

The Commission's order is firmly based on the Viewing Rights Act of 1984, section 705 of Public Law 98-549, which confers a specific statutory right upon customers to buy and dealers to sell dish antennas for private home viewing of satellite programming. The FCC action is also supported by the decision of the U.S. district court of Kansas which ruled that home Earth stations could be bought and sold both under section 705 of the Communications Act and the old section 605 which it replaced.

Mr. President, I am particularly pleased to note that the Commission announced that it stands ready to entertain requests for further action if it appears that local authorities generally are avoiding the standards of the new order. Thus, the Commission has openly invited review by it of any bad-faith efforts of localities to manufacture loopholes in the order.

Moreover, the Commission has warned communities that any restrictive ordinance enacted primarily for the purpose of giving economic protection to another communications medium, such as a cable system, might be invalid under State law for violating the principle that "zoning ordinances must be equal in operation and effect." It is clear that any such anticompetitive burden on interstate satellite reception service would also be in conflict with the Commission's announced objective of ensuring that home satellite antennas "are not treated less favorably than other antenna devices" under its earlier orders preempting certain State regulation of amateur radio facilities and SMATV operations.

Mr. President, the Commission's order is in direct response to a petition filed by the Consumer & Trade Association, known as Space and is responsive to Senate Resolution 35, which I introduced, and to the request which nine of my colleagues joined me in filing with the Commission. I wish to recognize the assistance that Senator GORE of Tennessee, Senators HELMS and EAST of North Carolina, Senator KASSEBAUM of Kansas, Senator LAXALT of Nevada, Senator BOSCHWITZ of Minnesota, Senator PRESSLER of South Dakota, Senator KASTEN of Wisconsin, and Senator STEVENS of Alaska gave by joining with me in asking the Commission to make a favorable ruling on behalf of home Earth stations.

Mr. President, in the interests of sharing this news with my colleagues and with the wide audience who reads the RECORD, I ask that the complete text of the Commission's satellite antenna order and statement be printed in the RECORD.

The material follows:

Before the Federal Communications Commission, Washington, DC

(CC Docket No. 85-87)

IN THE MATTER OF

PREEMPTION OF LOCAL ZONING OR OTHER REGULATION OF RECEIVE-ONLY SATELLITE EARTH STATIONS

REPORT AND ORDER

Adopted: January 14, 1986.

Released: February 5, 1986.

By the Commission: Commissioner Dawson dissenting and issuing a statement.

I. INTRODUCTION

1. On March 28, 1985 the Commission issued a *Notice of Proposed Rulemaking* (*Notice*) [1] stating its initial determination to adopt a rule preempting certain state and local zoning or other regulations of satellite receive-only antennas.[2] We have received extensive comments on a wide variety of issues raised in connection with this proceeding and are now in a position to adopt a final rule. The rule we are adopting is:

State and local zoning or other regulations that differentiate between satellite receive-only antennas and other types of antenna facilities are preempted unless such regulations

(a) have a reasonable and clearly defined health, safety or aesthetic objective; and

(b) do not operate to impose unreasonable limitations on, or prevent, reception of satellite delivered signals by receive-only antennas or to impose costs on the users of such antennas that are excessive in light of the purchase and installation cost of the equipment.

Regulation of satellite transmitting antennas is preempted in the same manner except that state and local health and safety regulation is not preempted.

2. This rule differs from that originally proposed [3] reflecting modifications made in response to the comments submitted.[4] Due to the large number of documents filed in this matter,[5] we will not discuss each individually. However, all parties' suggestions have been fully considered.

3. In making our initial proposal, we determined that we had the legal authority to preempt [6] and that a limited preemption of state and local zoning regulation was warranted.[7] The objective of the *Notice* was to solicit comments on the implementation of such a preemption, recognizing our obligation to ensure that federal communications policies are not frustrated while also acknowledging the strong, non-federal interest in land use regulations.[8]

II. COMMENTS

A. Authority to preempt

4. Commenters in agreement with our decision to preempt analyzed precedent supporting such Commission action.[9] Preemption, according to proponents, is fully consistent with Commission policy, has been sustained in court challenges,[10] and is not limited to cases in which discrimination is found.[11]

5. Parties opposing preemption [12] argued that the federal interest in the availability of satellite-delivered services is insufficient to rebut the presumption of validity which attaches to local regulation of traditionally local matters.[13] The League stated that municipal regulation does not directly affect the availability of Commission licensed satellites. Where alternative methods to receive video entertainment programming exist, (i.e., cable television, direct broadcast satellites, multipoint distribution systems), a federal preemption allowing the unregulated proliferation of satellite antennas where no fee is paid for programming will hurt these other services by depriving them of revenue which will in turn hurt the satellite industry by affecting its financial base.[14] The League argues that by eliminating local regulation the Commission may harm rather than advance its federal objective.

6. Section 705 of the Communications Act, 47 U.S.C. 705, according to the League, creates only a limited "sanction" of reception of satellite delivered programming. Brooks Satellite, Inc. (Brooks), in contrast, calls Section 705 rights "unequivocal" and "fundamental."[15] The League would limit the application of a case relied upon for preemption authority[16] on the basis of the "unique characteristics of MDS" where entry regulation was preempted because a reduction of reception points in one state placed a burden on interstate commerce.[17]

7. The McLean Citizens Association (McLean Citizens) stated that the cases relied on as precedent for Commission preemption were inapplicable because they involved state regulation of entry by new communications services. Comments filed by United States Satellite Broadcasting Co., Inc. (USSB), although favoring preemption, cautioned that the Commission must take care to respect the "legitimate land use concerns of state and local governments." USSB agreed with McLean Citizens that there is a distinction between federal preemption authority exercised under the Interstate Commerce Clause when the regulations are economic as opposed to based on state police powers. It stated that the Commission should try to harmonize its rule with legitimate zoning enactments.[18]

8. The League also asserted that the record before the Commission does not establish the existence of a problem and that therefore Commission action is unjustified.[19] Other parties disagreed, offering examples of ordinances which would violate the proposed preemption rule, detailing individual problems with restrictive zoning, and citing cases in which a denial of an application to install an antenna was sustained by court action, thus preventing the reception of programming.[20]

9. A final objection by the League is that the Commission's preemption will result in a significant amount of litigation and necessitate review by either the Commission or the courts. Because the proposed rule's standards are vague, judicial review would result in inconsistencies and agency review would impose extraordinary burdens on the Commission and on local authorities. Space replied that the adoption of a national standard would reduce litigation and encourage accommodation of disputes between antenna users and communities.[21]

B. Implementation of rule

10. Most parties, whether in favor of, or opposed to, preemption, offered suggestions with respect to the scope of the specific rule to be adopted. Many believed the requirements of the rule were vague and unclear and stated that it did not offer sufficient guidance to local communities[22] or would not be susceptible to application in specific cases.[23]

11. Some commenters suggested that the "discrimination" requirement be stricter and invalidate any regulation that discriminates in effect as well as on its face.[24] Others asserted that the phrase "in favor of other communication facilities" be deleted because this created a harder burden for those challenging local action.[25] Several parties suggested deleting the entire discrimination requirement, stating that the proper focus of preemption should be on the effect of the local regulation on federal objectives and not on differences in treatment.[26]

12. It was also urged by opponents that we delete the "least restrictive means" test. They claimed that requiring the least restrictive alternative would prevent zoning for legitimate objectives such as historical preservation.[27] Space argued that the least restrictive means test was consistent with first amendment requirements where local regulations were restricting constitutionally protected communications.[28]

13. Several cities and representative groups stated that the proposed rule's general exception for ordinances enacted pursuant to police power objectives was duplicative as general zoning law requires that regulations be based on legitimate health, safety or, in some cases, aesthetic objectives.[29] They asserted that such a rule was thus unnecessary. Some preemption advocates also objected to this criterion because it would allow circumvention of the discrimination requirement by creating multiple loopholes.[30] SPACE asked that any aesthetic zoning power be limited to "bona fide historic districts" that also restrict other "accourtrements of modern living."[31] American Satellite suggested that any health hazard relied upon by local authorities be required to be documented.[32]

14. Some commenters suggested preemption guidelines based on size and land use characteristics of the proposed antenna site. For example, the International Association of Satellite Users and Suppliers (IASUS) proposed an absolute preemption for construction in industrial, commercial and high density areas as well as for antennas of less than 3.5 meters with a limited preemption allowing non-aesthetically based regulation of antennas over 3.5 meters in low density single family zones.[33]

C. Alternative approaches

15. The APA asserts that the Commission should avoid the vagueness of the proposed rule by exercising preemption on a case-by-case basis and only in those instances where one communications technology is favored over another. Although acknowledging that the Commission's administrative burden might be increased under this approach, the APA maintained that there would only be a few cases of egregious discrimination necessitating review.[34]

16. Many parties supporting preemption action urged that any final rules be extended to transmitting as well as receiving antennas despite our tentative decision to limit consideration to the latter.[35] The rationale offered for this suggestion is that many smaller transmitting antennas are not visually or otherwise different from receive-only facilities and thus should not be subject to discriminatory local regulation.[36] These commenters argue that the record established in this proceeding is sufficient to justify Commission action with respect to transmitting antennas.[37] It was suggested that the Commission, by establishing the ANSI standards for regulation of radiation levels of transmitting equipment, has already preempted local control for health objectives.[38]

17. Other parties asserted that because we had stated a tentative conclusion to limit the rule under consideration to receive-only antennas, a new rulemaking might have to be established to consider preemption of local regulation of transmit antennas.[39]

18. Parties on both sides of the issues requested that in addition to, or instead of, a general rule, we should give examples of those ordinances or regulations that would be acceptable under our preemption standards.[40] Space, however, cautioned that such an approach was inadvisable because in limiting our rule with such examples, a wide variety of "local abuses" would not be properly addressed.[41]

D. Other issues

19. The League suggested that our preemption action would violate both the National Environmental Policy Act (NEPA) and the Regulatory Flexibility Act.[42] With respect to the former, it stated that under NEPA standards, the Commission is obligated to consider the authorization of an antenna over 30 feet in diameter or those to be built in an historic or scenic area a major action requiring an environmental impact statement.[43] The League contended that a similar approach is required in adopting a final preemption rule. Space, however, states that because the Commission is not authorizing any construction here and because the receive-only antennas under consideration are not required to be licensed, there is no inconsistency with NEPA. In addition, receive-only antennas usually do not approach thirty feet in height or diameter and therefore even if this rulemaking were an NEPA defined "action," no environmental policies have been implicated.[44]

20. The League also asserts that the *Notice* did not comply with the Regulatory Flexibility Act.[45] According to the League, we did not consider alternative approaches such as exempting small cities from preemption or allowing any compliance with our rules to be voluntary. Space disagreed, asserting that any exemption for small jurisdictions would circumvent Commission objectives in proposing a uniform regulatory policy. In addition, the rule would not impose any new record keeping or other additional administrative filing requirements on small cities, a determination which was made in our Initial Regulatory Flexibility Statement.

21. The National Trust for Historic Preservation (Trust) stated that the Commission illegally ignored the provisions of the National Historic Preservation Act by failing to consult with the Trust prior to enacting any rule. In addition, the Trust asserted that because historic preservation is also a federal objective, preemption is not authorized.

22. Both the District of Columbia and the National Capital Planning Association asserted that because zoning regulation in the District is promulgated under federal auspices, the Commission cannot preempt these regulations.

III. DISCUSSION

A. Preemption

23. In our *Notice* we concluded that we had the authority to preempt non-federal regulations which stood as obstacles to the accomplishment of federal objectives. We determined that the broad mandate of Section 1 of the Communications Act, 47 U.S.C. §151, to make communications services available to all people of the United States and the numerous powers granted by Title III of the Act with respect to the establishment of a unified communications system[46] establish the existence of a congressional objective in this area. More specifically, the recent amendment to the Communications Act, 47 U.S.C. §705, creates certain rights to receive unscrambled and unmarketed satellite signals.[47] These statutory provisions establish a federal interest in assuring that the right to construct and use antennas to receive satellite delivered signals is not unreasonably restricted by local regulation.

24. As stated in our *Notice*,[48] when "state regulation stands as an obtacle to the ac-

complishment of a congressional purpose," such regulation is subject to preemption.[49] Our conclusion was that the record showed local and state regulatory interference with established federal objectives and thus some type of preemption was warranted.

25. The comments submitted in this proceeding do not support a contrary conclusion and thus our final rule will implement a limited preemption. The arguments offered by commenters opposed to preemption state that a federal objective has not been established because other means of obtaining video programming are available and that a preemption in this proceeding would harm other services.[50] This position ignores the clear statement in our *Notice* that we will not permit a state to arbitrarily favor one particular communications service over another and that local ordinances which engage in arbitrary discrimination will be preempted. The existence of alternative communications media is not a sufficient justification for discriminatory local regulations. In many cases, satellites deliver a wider range of programming than that available over other media such as cable television systems or MDS. Thus, local regulation may deprive local residents of access to the broader range of choices available to antenna users in other parts of the country. In addition, this Commission repeatedly has emphasized its policies to maximize consumer choices by developing a competitive marketplace for the provision of telecommunications goods and services.[51]

26. If individuals cannot use antennas to receive satellite delivered signals because of discrimination or excessive state and local regulation, their right of access as established by Section 705 to interestate communications delivered by satellite will be useless.[52] Whether the use of satellite antennas will cause economic harm to other communications industries is not a proper basis for local regulations that effectively deny citizens direct access to satellites. Such regulations would frustrate our competitive regulatory policies which have been promulgated to provide for a variety of services by consumers. It would be contrary to those policies to permit discriminatory local regulation which reduces the range of choice.

27. The League and most commenting cities[53] have emphasized the traditionally local nature of zoning regulations. We recognized this concern in our *Notice*[54] and it was this factor which resulted in our original conclusion to propose a limited preemption. Despite this recognition, it must be emphasized that the relative importance to states or local jurisdictions of their own laws is not the proper focus in a decision to preempt.[55] The Supreme Court has recently held that a local transit authority was required to comply with the federal minimum wage and overtime requirements. The transit authority claimed it was immune from federal regulation when operating in areas of traditional local government functions. The court held that "a rule of state immunity from federal regulation that turns on a judicial appraisal of whether a particular governmental function is 'integral' or 'traditional'" is unworkable.[56] The same principle applies in this case in that it cannot be argued that preemption is automatically precluded merely because zoning has been called a traditionally local matter.

28. Other parties have questioned our reliance on prior Commission actions that have preempted state regulation of MDS and SMATV systems[57] pointing out that these cases involved non-federal economic regulations and not those promulgated under states' police powers such as zoning.[58] An analysis of cases cited which address this issue, however, demonstrates that the question of preemption authorized under the Interstate Commerce Clause is not dependent on whether the regulation at issue is economic but on whether its effect on interstate commerce is more than "incidental."[59] In this proceeding, the communications delivered by satellite are unquestionably interstate in nature and, as we found in the *Notice*, denial of reasonable access to antenna facilities significantly, not incidentally, interferes with individual rights to receive such communications.

29. An additional contention raised by commenters opposed to preemption is that the existence of a problem has not been sufficiently established to warrant action. However, the volume of comments submitted which detail significant problems with local zoning encountered by antenna users leads to a contrary conclusion.[60] In addition, the existence of cases in which an antenna user was able to obtain a favorable court result is insufficient evidence upon which to base a conclusion that a rule is unnecessary, especially when other cases to the contrary exist.[61] Whether a judicial remedy might be available in some cases and to those who can afford litigation is not determinative of our ability or of the necessity to preempt state regulations when they are obstructing federal objectives.

B. Final rule

30. Most commenters urged that we make adjustments to our final rule that would clarify its requirements and offer more effective guidance to local communities.[62] In formulating the rule adopted here, we have taken into consideration the criticism of our original proposal and to the extent possible in a general policy statement, have made our standard clearer and easier to apply to specific situations.

31. We have retained the criterion that a preemptible regulation must differentiate but have modified the rule to apply only to antenna facilities. This change is based on our conclusion that to require comparable treatment for antennas and cable systems would be unworkable in light of their distinct technologies.[63] This action is not a retreat from our condemnation of ordinances such as that of Chicago which prompted the petition initiating this rulemaking.[64] The Chicago ordinance imposed its stringent procedural requirements only on applications for satellite antennas and thus would differentiate in the treatment of other antenna facilities. This ordinance would be subject to preemption under our final rule because it would not comply with subparts (a) and (b).

32. Non-federal regulations may impose, under our adopted rule, reasonable requirements on all antennas as long as these local standards are uniformly applied and do not single out satellite receive-only facilities for different treatment.[65] An ordinance attempting to regulate all antennas by enacting restrictions on those of a certain shape, for example a ban on all spherical antennas, would differentiate between satellite antennas and other types of facilities and therefore would be preempted under our rule. Communities wishing to preserve their historic character may limit the construction of "modern accoutrements" provided that such limitations affect all fixed external antennas in the same manner.[66] In adopting this rule we intend that it be a valid accommodation of local interests as well as of two federal interests, namely promoting interstate communications and historic preservation.[67] Communities which are truly concerned with preserving their unique historic character may do so if they do not discriminate against satellite receive-only antennas.

33. If a community chooses to enact an ordinance which differentiates in its treatment of different types of antennas, it must bear a high burden. Our objective is to ensure that satellite receiving antennas are not treated less favorably than other antenna devices such as Amateur Radio antennas and Satellite Master Antenna Systems (SMATVs).[68] A community must demonstrate that its regulation meets both parts (a) and (b) of our rule. With respect to part (a), we agree with the commenters who said that our original proposal should be recast to reduce undefined and vague terms.[69] The rule has been revised in an effort to respond to that criticism, but any general policy formulation will have aspects subject to varying interpretations.

34. We have retained the use of health, safety and aesthetic objectives[70] but have merely required these to be "reasonable" and "clearly defined." These terms are readily susceptible to application by local authorities and give some flexibility in the application of local regulations to individual locations.[71] To be more specific in a general national policy statement would be inadvisable.[72] In addition, requiring local authorities to justify a differentiation in treatment will help ensure that local zoning power is not used to restrict unreasonably the installation of satellite receive-only antennas.

35. Although many commenters have argued that all aesthetic regulation should be preempted,[73] or severely restricted,[74] under prevailing law, aesthetics are permissible regulatory objectives. The preservation of such community values has been sustained even in light of first amendment challenges. Thus, any preemption which failed to recognize this strong local interest would not be sound.[75]

36. In addition to defining the reasonable objective of an ordinance which differentiates in its treatment of antennas, a community is limited in the types of restrictions it can apply. It cannot unreasonably limit or prevent reception by requiring, for example, that a receive-only antenna be screened so that line of sight[76] is obscured. Moreover, an ordinance which discriminates cannot impose size restrictions only on receive-only antennas which would effectively preclude reception.[77]

37. As a further standard we are requiring that any local restriction which fails to meet our discrimination test must not impose costs which are excessive in light of the costs of the equipment. Again, in a general policy statement, it is inadvisable to specify what "excessive" would mean in a particular situation but we are confident that local authorities who are familiar with local situations will be capable of making accurate distinctions.[78] If antenna users are not satisfied with the results of local determinations, it would be within the ability of a court to make legal determinations of reasonableness or excessiveness.

38. The requirements of part (b) are more specific and more easily applied than our original "least restrictive means" test. We agree with some commenters that the proposed requirement would be difficult to apply and might lead to unintended results.[79]

C. Alternatives

39. It has been suggested that instead of adopting a general policy statement, we should review specific zoning cases to determine if preemption is warranted in individual situations.[80] We rejected this approach in our *Notice* and disagree with the APA and others that the administrative burden created by case-by-case review will be minimal. Initially, as we stated in the *Notice*, we do not intend to operate as a national zoning board. Those cities commenting have consistently indicated their opposition to Commission involvement in local disputes and such individual review will increase rather than decrease a national presence. By issuing a rule, we expect that local authorities will conform their regulations to our standards and that they will make determinations which are in the best interests of their communities that reflect federal policy. Commission intervention in individual cases as a general policy will not further this objective.

40. We also disagree with the suggestion that if we impose a stringent threshold discrimination test, we need not adopt a general rule and could minimize the extent of Commission involvement in a policy which would instead require case-by-case review.[81] There has been increased interest and publicity surrounding this issue and we conclude that the large number of cases which might be presented for individual review would place a severe burden on our administrative process. Satellite antenna users who are dissatisfied with the results of any local zoning decision can use the standards adopted here in pursuing any legal remedies they might have.[82] In addition, we would entertain requests for further action if it appears that local authorities are generally failing to abide by our standards.[83] Any party requesting Commission review of a controversy will be expected to show that other remedies have been exhausted.

41. Many of the comments submitted urge us to include transmitting antennas in our preemption. Transmitting equipment, while visually similar to receive-only earth stations, does raise regulatory issues with respect to health and safety because of the emission of radio frequency radiation (RF radiation). This Commission has declined to preempt state or local RF radiation standards but has reserved this issue if it is brought to our attention that such standards are "adversely affecting a licensee's ability to engage in Commission authorized activities." [84] On the record before us, it would be premature to preempt health or safety standards, especially where our *Notice* indicated that issues with respect to transmitting equipment would be excluded.[85]

42. However, we see no similar impediment to the preemption of discriminatory, non-justified aesthetic regulation of transmitting antennas. There are no significant differences in the visual appearance of transmit and receive-only facilities and the same federal interest exists with respect to local restriction of access to satellite services. Thus, if a state or local regulation based on aesthetics differentiates between satellite transmitting antennas and other types of antennas, it is preempted as described in the rule adopted herein unless it has a reasonable aesthetic purpose and does not operate to unreasonably restrict or prevent transmisison. At this time, we are reserving the issue of preemption based on the health and safety aspect of RF radiation for consideration in a separate proceeding.[86] In taking this action, however, we are not preempting non-federal authority distinctions based on land use criteria such as those designating certain areas for residential, commercial or other uses.

43. We decline to attach a list of acceptable sample zoning ordinances. As has been repeatedly stated here, our preemption is intended to afford local communities some flexibility. Sample laws would curtail this flexibility. Moreover, a list of specific rules would be incomplete and could lead to circumvention of our objectives.[87]

D. Other issues

44. We agree with Space that our rulemaking does not violate either the National Environmental Policy Act or the Regulatory Flexibility Act. We are not authorizing the construction of any antenna facilities in this proceeding but merely are stating guidelines for local authorities. Thus, the NEPA regulations with respect to "major actions" do not apply. Because we are adopting a policy which will ultimately be reflected in individual local regulations including those based on aesthetics, we are taking no action in this proceeding which significantly affects the "quality of the human environment."[88]

45. In our *Notice*, pursuant to Section 603 of the Regulatory Flexibility Act, we stated that our rule would have a beneficial effect on local governments by affording guidance as to acceptable limits of governmental action. We adhere to this conclusion in adopting a final rule. Our objective in this proceeding is to avoid inconsistent local regulations which unreasonably restrict interstate communications. Any exemptions for small communities such as suggested by the League would certainly frustrate this objective. Our policies must be applied by all local jurisdictions and the commenters have not demonstrated why smaller communities should not be subject to our rule.

46. It has been argued by the District of Columbia and by the National Capital Planning Association that zoning ordinances in the District of Columbia cannot be preempted because they are promulgated under federal authority. However, it has been held that this factor is not of decisional significance in a federal preemption action.[89] With respect to federally controlled locations, it is presumed that federal authorities will follow the policy adopted here.

IV. CONCLUSION

47. Accordingly, pursuant to Sections 151, 303, 403 and 705 of the Communications Act, it is *ordered* that Part 25 of Chapter I of Title 47 of the Code of Federal Regulations is amended as set forth in Appendix B, effective March 14, 1986.

48. Pursuant to the Regulatory Flexibility Act, 5 U.S.C. § 604, we make the following determination. The policy adopted herein is intended to preempt local regulations which are interfering with the federal objective of promoting interstate satellite delivered communications. Local governments of all sizes would be affected by our rule. In addition, small businesses selling receive-only antennas would possibly be benefited by an enhanced competitive market. The National League of Cities has objected stating that we have not considered as an alternative the exemption of small governments from the rule's operation. We conclude that any such exemption would result in undesirable inconsistencies which might impede the distribution of interstate communications. There are no effective alternatives.

49. It is *further ordered* that the Secretary shall cause this Report and Order to be published in the Federal Register.

50. It is *further ordered* that the Petition for Declaratory Ruling filed by United Satellite Communications, Inc. is granted in part and denied in part as set forth above.

51. It is *further ordered* that the proceedings in CC Docket No. 85-87 are terminated.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

FOOTNOTES

[1] Preemption of Local Zoning Regulations of Receive-Only Satellite Earth Stations, 50 Fed. Reg. 13986 (April 9, 1985).

[2] This action was taken in response to a Petition for Declaratory Ruling filed by United Satellite Communications, Inc. Because of the significant local interest in the issues involved and due to the limited record compiled, especially with respect to the views of local governments, we issued a Notice of Proposed Rulemaking soliciting further comments.

[3] The proposed rule read as follows: State and local zoning or other regulations that discriminate against satellite receive-only antennas in favor of other communications facilities are preempted unless they have a direct and tangible relationship to reasonable, valid, demonstrable and clearly articulated health, safety or aesthetic objectives and constitute the least restrictive method available to accomplish such objectives.

[4] Several parties have made specific alternative rule proposals. Although none of these suggestions has been adopted in full, aspects of these proposals have been incorporated in our final action. *See, e.g.*, Comments of RCA Communications, Inc. (RCA), Hughes Communications, Inc. (Hughes), and Satellite Television Industry Association, Inc. (Space).

[5] Approximately 170 comments were filed in this proceeding in addition to many informal letters indicating interest and over 2000 postcards supporting preemption. A list of the commenters is attached as Appendix A.

[6] *Notice* at paras. 9-21.

[7] *Id.* at para. 30.

[8] *Id.* at para. 17.

[9] *See e.g.*, Comments of Hughes, Space, Cable Com. Corp.

[10] Comments of SPACE, Curtis Mathes Corp./Southern Satellite Systems, Inc./Spectrodyne, Inc. (Curtis Mathes), RCA.

[11] Comments of Brooks Satellite, Inc. at 4.

[12] At the suggestion of the National League of Cities (League), many cities stated objections to our proposed preemption. These were (1) the action is an improper federal interference in traditionally local matters; (2) the Commission does not have authority to preempt under the Communications Act; (3) local law provides adequate remedies; (4) preemption would impose unreasonable administrative burdens on states and localities. *See, e.g.*, Comments of Manhattan Beach, Ca.

[13] Space contends that this assertion is incorrect because the lawfulness of preemption action depends upon the impact local regulation has on federal objectives and not on the degree of local interest. Space comments at 6.

[14] League Comments at 5.

[15] Comments of Brooks at 11.

[16] In the Matter of Orth-O-Vision, Inc., 69 FCC 2d 657 (1978), *aff'd sub nom.* New York State Commission on Cable Television v. FCC, 669 F.2d 58 (2d Cir. 1982) (Orth-O-Vision). The League does not comment on our order in Earth Satellite Communications, Inc., 95 FCC 2d 1223 (1983), *aff'd sub nom.* New York State Commission on Cable Television v. FCC, 749 F.2d 804 (D.C. Cir. 1984) (Earth Satellite) which preempted state regulation of SMATV systems where signals were delivered by satellite.

[17] League comments at para. 4.

[18] USSB cited Hybud Equipment Corp. v. Akron, 654 F.2d 1187, 1194 (6th Cir. 1981) in support of this proposition. The constitutional basis of the Communications Act is the Interstate Commerce Clause.

[19] League Comments at 11 quoting Home Box Office, Inc. v. FCC, 567 F.2d 9, 36 (D.C. Cir. 1977).

[20] Space Comments at 5-8; USSB Comments at 1-3. Other parties' comments described particular difficulties that individual companies have encountered. *See, e.g.*, Comments of Atlantic Satellite, Spectradyne, American Satellite, Direct Broadcast Satellite Association, Curtis Mathes.

[21] Reply Comments of Space at 8-9.
[22] Comments of American Planning Association (APA), Mutual Broadcasting System, Inc.
[23] Comments of National Satellite Cable Association and Hughes.
[24] Comments of USSB at 3.
[25] Comments of Equatorial Communication Services (Equatorial) and Associated Press.
[26] Comments of Curtis Mathes, Cablecom and Hughes. *Contra*, Comments of M/A Com and Equatorial urging that a clear stand be taken against discrimination.
[27] Comments of National Trust for Historic Preservation. *See also* Comments of National Capital Planning Association.
[28] Comments of Space at 12-15.
[29] *See* Comments of APA. *See also* Reply Comments of Space at 13. Comments of the National Capital Planning Commission at 7 requested the inclusion of "security" as a criteria but did not elaborate.
[30] Comments of International Association of Satellite Users and Suppliers at 6.
[31] Comments of Space at 17. Cable Com. Corp. at 7 suggested eliminating aesthetics as an acceptable local objective.
[32] Comments of American Satellite at 1.
[33] *See also* Comments of M/A Com, Brooks, USSB, Sat Time Inc., Direct Broadcast Satellite Association (DBSA) and National Association of Broadcasters (NAB) with respect to suggested size criteria. *Cf*, Comments of Contemporary Communications Corp. which cautioned against emphasis on size or physical characteristics of antennas.
[34] Comments of APA at 9. Many cities agreed with APA's recommended approach. *See, e.g.* Cincinnati, Ohio; Tuscaloosa, Ala.; Warwick, R.I. *See also* Comments of David Preece.
[35] *See, e.g.*, Comments of Equatorial; Hughes; IASUS; RCA; Public Broadcasting Service (PBS); Satellite Business Systems (SBS); M/A Com; Atlantic Satellite; Sat Time, Inc. *See also* Comments of Contemporary Communications Corp. which urged extension to all telecommunications antennas.
[36] Comments of PBS. *See also* Comments of RCA which suggests a presumption against local regulation of antennas under 2 meters in order to encourage construction of small antenna business networks to operate in the 12/14 GHz frequency bands.
[37] *See* Reply Comments of PBS.
[38] *See* Comments of Atlantic Satellite citing LIMA Partners vs. Northvale, Docket No. L-17049-84 P.W. (Superior Court of New Jersey, Law Division, Bergen County, May 10, 1985) where a state court reached this conclusion.
[39] *See* Comments of NAB. Atlantic Satellite has filed a petition requesting the establishment of a separate rulemaking to consider preemption of local regulation of satellite transmitting antennas. RM-5021.
[40] *See* Comments of National Capital Planning Association at 8; Curtis Mathes at 5.
[41] Comments of Space at 13.
[42] 42 U.S.C. § 4321 *et seq.*; 5 U.S.C. § 601 *et seq.*
[43] Comments of League at 17.
[44] Reply Comments of Space.
[45] Comments of League at 18. We are considering this issue raised by the League's comments despite the fact that it failed to submit separate comments directed to our initial Regulatory Flexibility Analysis as required by paragraph 34 of our *Notice*.
[46] Earth Satellite Communications, Inc., note 16, *supra, citing* General Telephone Co. of California v. FCC, 413 F.2d 390, 398, 401 (D.C. Cir. 1969).
[47] The state court cases cited by the League at pp. 9-10 of its comments for the proposition that the Communications Act does not authorize preemption of zoning involve questions with respect to height limitations on amateur radio facilities. In this proceeding, we are not preempting reasonable, non-discriminatory local restrictions. In addition, these cases do not involve Section 705 rights.
[48] *Notice* at para. 9.
[49] Capital Cities Cable, Inc. v. Crisp, 104 S. Ct. 2694 (1984). *See also* Michigan Canners and Freezers Association, Inc. v. Agricultural Marketing and Bargaining Board, 104 S. Ct. 2518 (1984); Florida Avocado Growers v. Paul, 373 U.S. 132 (1963); Hines v. Davidowitz, 312 U.S. 52 (1941).
[50] The League claims that cable television systems are the primary method of delivering video programming and that existence of a dual federal-local regulatory scheme for that service precludes preemption action with respect to satellite antennas.
[51] *See e.g.*, Policy and Rules Concerning Rates for Competitive Common Carrier Service and Facilities Authorizations Therefore, 95 FCC 2d 554 (1983).
[52] *See Notice* at para. 10.
[53] *See, e.g.*, Comments of Mankato, Minn.; Aurora, Colo.; Delaware County Planning Dept.
[54] *Notice* at para. 15. *See also* Columbia Plaza Ltd. Partnership v. Cowles, 403 F. Supp. 1337 (D. D.C. 1975).
[55] Free v. Bland, 369 U.S. 663, 666 (1962). *See also* Fidelity Federal Savings and Loan Assoc. v. De La Cuesta, 458 U.S. 141, 153 (1982).
[56] Garcia v. San Antonio Metropolitan Transit Authority, 105 S. Ct. 1005, 1016 (1985).
[57] Orth-O-Vision, *supra* note 16; Earth Satellite, *supra* note 16. *See* Canton Township v. Brenner, No. 85 CT3551 (35th Dist. Ct. Plymouth, Michigan September 26, 1985) at 10 where the Court stated that the Commission in its Earth Satellite order has already preempted local zoning regulation "to a significant extent."
[58] Comments of McLean Citizens.
[59] Hybud Equipment Corp. v. Akron, 654 F.2d 1187, 1194 (6th Cir. 1981) *citing* Hughes v. Oklahoma, 441 U.S. 322 (1979).
[60] *See, e.g.*, Comments of Space discussing ordinances of Baltimore, Md. and Gaithersburg, Md. *See also* note 20, *supra*.
[61] For a favorable result, *see* Morgan v. Coral Gables, #83-42793 C.S. 22 (Cir. Ct. Fla. June 18, 1984); Canton v. Brenner, No. 85 CT 3551. For a contrary result, *see* Minars v. Rose, #13686/84, (Special Term, Nassau Co., NY, March 25, 1985); Gouge v. Snellville, 287 S.E.2d 539 (Sup. Ct. Ga. 1982). *See also* Reply Comments of Space at 7-8.
[62] We adopt USSB's suggestion that our preemption apply to all non-federal action including ordinances, statutes and regulations. In addition, we have received comments filed by Max Dean Parsons which urge extension of preemption to private restrictions such as those found in deed covenants. This issue was not raised in our *Notice* and raises some issues not presented in a consideration of local governmental action. We decline to rule on it in this proceeding and deny the request.
[63] *See* Comments of Hughes which indicate that construction approval requirements may differ for small satellite antennas and inner-city cable construction.
[64] *See Notice* at paras. 17-21. Any ordinance enacted solely for the purpose of giving economic protection to a cable system might be invalid under state law. *See* Comments of League at 12 which cites 8 McQuillin, The Law of Municipal Corporation, Sec. 25.61 at 161 (3d. ed. 1971) for the proposition that zoning ordinances must be equal in operation and effect.
[65] Some Commenters claim that the impact of interstate commerce and not discriminatory treatment is the proper focus of a preemption action. *See, e.g.*, Comments of Curtis Mathes and Hughes. It is precisely our concern that states are impermissibly burdening interstate satellite service that leads us to issue this preemption.
[66] *See* Comments of National Trust, National Capital Planning Association, Space.
[67] The National Trust states that Sections 106 & 110 of the National Historic Preservation Act, 16 U.S.C. § 470 *et seq.*, requires us to consult with them prior to rulemaking. Even if this assertion is correct, the National Trust had full opportunity to comment and its comments have been considered in formulating the final rule.
[68] *See, e.g.*, Federal Preemption of State and Local Regulations Pertaining to Amateur Radio Facilities, 50 Fed. Reg. 38813 (September 25, 1985) where we stated: "State and local regulations that operate to preclude amateur communications in their communities are in direct conflict with federal objectives and must be preempted." *See also* Earth Satellite Communications, Inc., *supra* note 16, where we stated: "we do not wish to preclude a state or locality from exercising jurisdiction over certain elements of an SMATV operation that properly may fall within its authority, such as zoning or public safety and health, provided the regulation in question is not undertaken as a pretext for the actual purpose of frustrating achievement of the preeminent federal objective and so long as the nonfederal regulation is applied in a non-discriminatory manner. Local authority over such concerns must be exercised so that a local jurisdiction in fact does not inhibit or interfere with the delivery of interstate signals through the exercise of its authority."
[69] Such terms as "valid", "clearly demonstrable" and "direct and tangible relationship" were in this category. *See* comments of National Satellite Cable Association.
[70] We find that the National Capital Planning Association's suggestion to include "security" as a criteria has no relevance to the issues raised here as national security issues relating to communications are subject to federal, not state, jurisdiction.
[71] It was such flexibility that many cities insisted was necessary if they were to exercise legitimate zoning powers. *See* Comments of David J. Preese; League at 7.
[72] For example, we cannot say that the requirements of 10 as opposed to 5 bushes of a certain kind or size for screening of satellite antennas is unreasonable without becoming involved as a national zoning arbitrator, a result we sought to avoid in our *Notice*.
[73] *See* Comments of Curtis Mathes.
[74] *See* Comments of Space.
[75] *See Notice* at n. 21 and cases cited there where we noted the Supreme Court's requirements of careful scrutiny of local aesthetic regulations which involve first amendment considerations. Metromedia, Inc. v. City of San Diego 453 U.S. 490 (1981). *See also* Canton V. Brenner, No. 85 CT 3551. L.I.M.A. Partners v. Borough of Northvale, Doc. No. 17049-84(PW) (May 10, 1985). Because we are relying on our statutory authority under the Communications Act as a basis for preemption, we are not reaching first amendment issue raised in connection with this proceeding.
[76] A receive-only antenna must have an unobstructed line of sight to a satellite in order to receive signals. It has been asserted by SPACE that cities, in enacting zoning ordinances, were somtimes unaware of the technical requirements for reception. Reply Comments at 4.
[77] Under current technology, an antenna must be at least 8 to 12 feet in diameter to adequately receive video signals transmitted by satellite. Space Reply Comments at 15 n. 7. Antenna size for Direct Broadcasting Service reception can be much smaller but that service has not as yet been instituted.
[78] This is the type of flexibility that cities have said they need to effectively enforce their zoning power. *See* Comments of Midland, Mich.; Pinellas Park, Fla.; Carmel by the Sea, Ca.; Connecticut Siting Council. Examples of excessive costs might be high filing fees or unreasonable hearing requirements.
[79] *See e.g.*, Comments of Trust at 2.
[80] *See* para. 14 *supra*.
[81] Our preemption is broader than that suggested by APA by requiring that discriminatory ordinances be justified.
[82] As Hughes observes "the preemption standard is intended to be operational, and enforceable by private parties, without further involvement of the agency." Comments at 8.
[83] *See* Comments of USSB.
[84] Responsibility of the Federal Communications Commission to Consider Biological Effects of Radio Frequency Radiation when Authorizing the Use of Radio-Frequency Devices, FCC 85-90 (released March 14, 1985) at para. 43.
[85] *Notice* at para. 27.
[86] The rulemaking requested in RM-5021 specifically addresses this issue. *See* note 39, *supra*.
[87] Comments of SPACE at 14.
[88] *See* 47 C.F.R. § 1.1301.
[89] Columbia Plaza Limited Partnership v. Cowles, 403 F. Supp. 1337, 1341 n.11 (Dist. Ct. D.C. 1975). In this case, the court found that the fact that the District of Columbia's rent control program was established pursuant to a federal enabling statute did not by itself indicate a congressional intent that the area of regulation should not be preempted.●

CONGRESSIONAL CALL TO CONSCIENCE

● Mr. HATFIELD. Mr. President, Mark Terlitsky, a Soviet Jew, graduated from the Moscow Institute of Architecture, and was formerly employed by a respected Moscow design firm. His talent and interest in historic preservation led him to work on special projects such as the restoration of ancient buildings in the Kremlin. In 1974, Mark sacrificed his career with

the Government design firm, transferring jobs to work on small residential and commercial projects. This change took place as Mark and his wife, Svetlana Kredova-Terlitskaya prepared to apply for permission to emigrate to Israel. Now, a decade later, Mark and Svetlana are still in Moscow, their exit visas repeatedly refused, and their jobs lost.

The Congressional Call to Conscience has highlighted the plight of dozens of Soviet Jews. The Senate has been informed of countless cases of beatings, family deunification and harassment inflicted upon the Jewish population living in the Soviet Union. Because these "refuseniks" desire to practice their faith and possibly to emigrate to Israel, they suffer greatly.

Unlike Mark and Svetlana, some Soviet Jews are allowed to leave. In fact, Mark's brother and Svetlana's sister were given exit visas. But the 1976 exit visa request filed by Mark on behalf of himself, Svetlana and their daughter, Olga, has again been refused. After the first application, Mark first was demoted to a draftsman, and then lost his job altogether. Svetlana, who was an economics analyst, was also fired. For 10 years they have been without employment. Harassment has become part of the Terlitsky's lives, and they have been detained and beaten on several occasions. But such abuse does not diminish their commitment to preserving their religious culture. Svetlana participated in the Womens Group of Moscow, organizing classes and summer camps for Jewish children until the group was banned by the authorities.

Despite constant fear, both Mark and Svetlana are active in the Jewish refusenik community. Their dream of emigrating to Israel seems illusory, but the hope and fortitude they exhibit are inspirational to other refuseniks and to those of us who are free to openly worship our faith. Mark Terlitsky, Svetlana Kredova-Terlitskaya and all Soviet Jews are not forgotten, and we offer our encouragement and help, in hopes that they will soon be granted freedom.●

SECOND CONFERENCE ON ORAL REHYDRATION THERAPY [ICORT II]

● Mr. KASTEN. Mr. President, in December 1985 the Second International Conference on Oral Rehydration Therapy [ICORT II] convened in Washington, DC, under the sponsorship of the U.S. Agency for International Development and the cooperation of UNICEF, World Health Organization, U.N. Development Program, and the World Bank. The conference brought together 1,200 participants from 100 countries to share their knowledge in promoting the use of ORT. ORT is a simple, low-cost solution of sugar, salt, and water, used in treating diarrhea, a major killer of infants and children in developing countries. In closing remarks at the conference, AID Administrator M. Peter McPherson challenged participants to make universal accessibility to ORT for children overseas a reality by 1990. I am pleased to provide the complete text of the Administrator's remarks.

The text follows:

REMARKS OF PETER MCPHERSON, ADMINISTRATOR, AGENCY FOR INTERNATIONAL DEVELOPMENT

We have come to the end of an extraordinarily successful meeting. 1200 participants from some 100 countries have shared their knowledge and experiences. And yet, you—the public health leaders assembled here—are only a fraction of the literally millions of health workers, volunteers and parents who carry the ORT banner.

At ICORT I, I think it is fair to say that we reached scientific consensus about ORT. At ICORT II from all I've seen and heard we have taken a leap forward and achieved a consensus for action.

Dr. Merson has summarized the key points of the meeting and Mr. Grant has raised some important points. I'd like to highlight just a few.

1. You have said here that ORT has changed the face of health care delivery. You have applied your best creative energies and developed innovative solutions to some incredibly difficult problems.

2. You have said that ORT has led health care out of the clinics and into communities and homes. We know now that new communications and marketing techniques can revolutionize the delivery of health services. We now see the importance of political and community mobilization.

3. You have shown how the private sector can play a pivotal role.

For example, private voluntary organizations have mobilized their volunteers to educate and train health care workers and parents.

Private business is playing a big role, producing and distributing oral rehydration salts. Developing countries now lead the world in ORT production, in part due to these private sector efforts.

Private practitioners and pharmacists have endorsed ORT in country after country and have shown how critical their involvement is.

4. You have proven that dramatic results can be achieved.

When the key elements are in place and,

When governments are committed to success.

5. We have also learned that ORT by itself is not enough.

We have two principal thrusts for our child survival activities: ORT and immunization. These are the engines that can drive primary health care to the far reaches of every country. They are the foundation on which a sustainable health system can be built to deliver other critical interventions such as birth spacing and nutrition.

To quote Dr. Mahler, "ORT and immunization go hand in hand, complementing one another—one curative, one preventive; one immediately life-saving—one potentially life-saving."

Now it is time to look to the future.

Many of you in this room are returning to your countries where mortality rates are painfully high, where malnutrition is ever present, where epidemics of cholera persist, poverty abounds and resources are scarce. You came to this conference because you know about ORT and wanted to know more. You came because ORT offered you an opportunity to improve the health of your people.

Your efforts and your enthusiasm give hope that the global objectives set for ORT by the World Health Assembly can be achieved. The objectives set a few years ago for 1989 were: 50% access to ORT; 35% use of ORT in children below age five; and a 25% reduction in deaths associated with diarrhea. When these targets were set, few thought they could be achieved. Even now it will not be easy.

But this conference has convinced me that we can do it and do even more.

I propose that we translate these targets and stretch them and stretch ourselves.

We should strive to make ORT accessible to virtually every child who needs it by 1990.

We should seek 45 percent use of ORT by 1990, and

Finally, we should achieve a common goal of preventing two million deaths from diarrheal dehydration in 1990. Or, in laymen's terms, two million lives saved from death due to diarrhea.

Now, in order to achieve these targets, knowledge of the correct use of ORT is essential.

The World Health community has set ambitious targets to achieve universal immunization by 1990. Along with that effort, it makes sense to reach these same parents and children with the message of ORT. We need to instill in them this knowledge, so that they know how to use ORT, and use it effectively.

If we are to achieve the goal we have set forth, it is reasonable to expect that we must instill knowledge of the correct use of ORT in 80 percent of the parents of children at risk. This 80 percent target will be a helpful tool in tracking progress for some programs. However knowledge is not the goal itself. Our primary goal is reduction of deaths.

Again, our primary goal is to reduce death due to diarrheal dehydration by two million in the year 1990.

To achieve this goal, each of us must give our very best effort. Further, each country must make its contribution in keeping with its resources and its own goals.

Some countries, such as Egypt, have achieved outstanding results as we have heard these past three days. We know that dramatic results are possible. Countries which have achieved those high levels, however, must set a goal to sustain these results—and even improve upon them.

The challenge for countries just beginning, or who haven't achieved such results with their program, is to set their own targets and apply their resources to achieving them.

Each donor must do its share and so must the private sector. ORT is low cost relative to the number of lives which can be saved. Private channels for distribution can further reduce the cost of programs. AID, for its part, intends to continue very substantial funding for ORT. In 1985 we provided $35 million for ORT, up from $15 million only three years before. We will continue our record of maximum contribution.

There are other vital steps to achieve the goals I have discussed here today:

We will need to close the gap between access and effective use of ORT. We need to teach, to train and to promote so that those who have access, use ORT, and use it correctly.

We'll need to improve donor coordination, especially on the country level. In this way donor efforts can reinforce one another and contribute to real progress toward country targets.

A key to better donor coordination lies in the developing countries themselves. Each of them must take the lead in pulling donors together behind their country's plans. Plans with clear goals and divisions of responsibility are critical to mobilize resources and to efficient implementation.

The World Bank, UNDP, UNICEF, WHO and other donors who provide major health assistance in a particular country have an important responsibility to ensure donor coordination.

Finally, we will need to continue our close communication on technical issues. We urge you to organize country and regional meetings to forge plans and share experiences and are prepared to help as appropriate. To that end, if it is desired and warranted, AID would be happy to host an ICORT III. We would, of course, want to consult with our cosponsors, bilateral donors and developing countries. At this time, the situation is not clear, but we stand ready as needed.

We have ambitious goals and global vision. ORT can lead the overall development of health care. It shows that worldwide coverage of essential health services is in fact possible. And—by reaching into every home and community—ORT can catalyze the very process of development.

We have a goal. I believe we know what is needed to achieve it. Each death we prevent will help us reach our global target. Each health worker, each program manager and every country has a crucial role to play.

If we accomplish this, together we can write one of the great chapters of human history.●

REMARKS OF THOMAS R. HERWITZ, FCC LEGAL ASSISTANT, ON BROADCAST DEREGULATION

● Mr. GOLDWATER. Mr. President, recently I read remarks by Thomas R. Herwitz, legal assistant to the chairman of the Federal Communications Commission, Mark Fowler.

His remarks were given at Boston University on November 1, 1985, and he entitled his talk, "The Fear of the Federal Soda-Tasting Commission and Other Parables on Broadcast Deregulation." I consider this an excellent commentary on one of the great failures of government and that is that it too often forgets to ask the fundamental questions about the propriety and value of its own regulation.

Mr. Herwitz points out how media regulators traditionally have been guilty of this and he offers candid examples to back up his assertions.

Mr. President, I ask that this speech be entered into the CONGRESSIONAL RECORD for the benefit of my colleagues, and I strongly urge them to read it.

The speech follows:

FEAR OF THE FEDERAL SODA TASTING COMMISSION, AND OTHER PARABLES ON BROADCAST DEREGULATION

I'm delighted to be here to speak to students, faculty and guests at Boston University. As you know, the last decade has seen a change in the direction of communications policy in the United States. What was once an activist Commission in favor of regulation, switched course. Over the last four years we've seen activism to undo regulation of electronic press.

When Mark Fowler took office as Chairman of the FCC in 1981, he described this new trajectory as "unregulation." It's the process of removing from the electronic media restriction which have accumulated at the agency over the years. We've been Spring Cleaning since Fowler came on board.

To begin exploring these developments, let me give you an example from the sports world. Let's say the Basketball Commissioner made Larry Bird play with one hand tied behind his back. Sure, Bird would be hurt—as would the Celtics—because he couldn't play his best ball. But the greatest injustice is that the fans would be harmed; they'd be deprived of seeing basketball played at its very best. That's not fair, and it certainly isn't justified. Over the last few years, more people have begun to realize this applies to broadcasting, too, and have become more appreciative of Chairman Fowler's pro-competition, marketplace, and libertarian philosophy.

I call this speech "Fear of the Federal Soda Tasting Commission, and Other Parables on Broadcast Deregulation," because I've found that by cloaking many of the actions the FCC has taken during its first fifty years in the "Emperor's New Clothes," they can be seen for what they are: ludicrous, unnecessary, and stifling of free speech.

Having spent the last 2½ years looking at Commission rules and regulations—which in most cases ranged from silly at best to harmful at worst—it's clear to me that the present FCC is on the right track. By outlining for you my path to that belief, I hope I'll convince you, too.

You can learn a lot by just looking at events here in Boston. In the 1960's, this city suffered the ill effects of Washington communications imperialism. The FCC effectively forced the demise of a prominent Boston newspaper by splitting the necessary umbilical cord between the paper and the co-owned broadcast station. As I'll discuss again later, who really is served when that type of regulation—even if well-intended—engenders the exact opposite result? Living in Washington, which saw the slow demise of its second newspaper, the Washington Star, after it was split from a TV station, I'm angry about government stepping in and shaking up newspapers that way. I'm even more upset that it stepped in bollixed up the information marketplace.

Your city also has some fine examples of how the FCC's marketplace approach to broadcast regulation works. If I recall, during the last mayoral election, the affiliate carrying the World Series preempted the game on the evening of the Boston primary. The station may have done so because the revenues from election coverage would be higher than from the World Series. It may have done so because the goodwill gained was more valuable than that evening's ratings. It may have done so out of a public spirit and a dedication to the people of Boston. For whatever reasons, the station did it. And it did, not because some government agency told them to, but because in its business judgment it was the right thing to do. All this in the midst of FCC deregulation under which the self-proclaimed media watchdogs, bemoaning the loss of any federal regulation, predicted reckless abandon by broadcasters.

As I suggested earlier, the present FCC's approach to mass media best can be capsulized by three main objectives. First, to create to the maximum extent possible an unregulated, competitive marketplace environment for the development of telecommunications. Second, to eliminate unnecessary regulations and policies. Third, to eliminate government action that infringes the freedom of speech and the press.

In effect, it means going to the "print model" for broadcast regulation. In other words, the litmus test is whether a rule or policy would or could be imposed on newspapers, books, and magazines. If not, it must be eliminated. It's the "Emperor's New Clothes."

Now, there always will be rules which remain and apply to broadcasting. Interference rules, and other technical rules, which are required to ensure that broadcasters can be heard, may not run afoul of the First Amendment, just as other reasonable time, place, and manner restrictions constitutionally can limit any speech. But we don't need an FCC to enforce such rules. We'll have a Federal Communications Administration, like the FAA, with a single administrator—probably an engineer—overseeing the purely technical communications rules which remain.

And, of course, there is some speech which is constitutionally unprotected: fighting words, obscenity, speech which will have the direct effect of inciting others to violence. Just as a newspaper can be prohibited from disseminating such speech, so too may the electronic press.

But would we require a newspaper to devote 10% of its pages to "quality" children's stories, a regulation that some in Congress would impose on broadcast stations in the form of an obligation to air an hour of "quality" children's programming each afternoon? Would we tell a newspaper that it had to cover contrasting points of view on controversial issues of public importance? Would we tell Sports Illustrated magazine that it had to devote a certain percentage of its pages to non-sports news even though its sister magazine, Time, is devoted to general news?

Would we tell a newspaper that it can't editorialize in behalf of a particular candidate? Would a newspaper have to provide equal amounts of space to all opposing candidates if it offers one candidate space; and would it have to offer all candidates space at its lowest advertising rate even if that's a volume discount rate? Would we tell The Washington Post Company that its newspaper, like its TV stations, could be challenged every five years by anybody else who wanted to run a prominent Washington newspaper—even if the Post had done nothing wrong?

Of course not! All of these clearly would flunk a constitutionality test; some, like the political equal space rule, already have. Then why do we tolerate doing all these things to broadcasters?

Some think the answer is easy. They say that broadcasters are public trustees using a scarce resource for personal profit. As a consequence, the government should levy a quid pro quo in the form of government-im-

posed regulations to assure broadcasters operate in a manner consistent with the government's version of what's good for the public.

Fifty years ago, this may have seemed proper. Today it's nothing more than archaic. This quid pro quo is stiflingly bad policy. It inhibits innovation, technological development, and true competition. More important, it is based on a false public interest conceived and constructed on the unfounded and wavering proclamations of unelected bureaucrats. It's somebody in Washington telling a broadcaster what his viewers want to watch.

Think about the different rationales which have been put forth for the differing treatment of the print press and the electronic press. Take scarcity. Are we today supposed to believe that broadcast stations are scarce and newspapers aren't? Look at this market. There are triple the number of television broadcast stations, and many times the number of radio stations, than there are newspapers. More to the point, did the framers of the Constitution do a scarcity analysis of newspapers before they provided them First Amendment protection? I don't think so. But had they, they surely would have found a scarcity under the standards set for the electronic press today.

Others suggest that it is the greater impact of the electronic press vis-a-vis newspapers that makes such regulations constitutional. But did the framers of the First Amendment really intend that the government could regulate a medium just because it's more pervasive? If so, government could constrict the very expression which most needs protection. That's turning the First Amendment on its head. And who could suggest that newspapers and leaflets did not have a tremendous impact as the predominant media when the Bill of Rights was signed?

Indeed, courts recognize the problems of applying differing treatment to these different media. In one recent case, which threw out the "must carry" rules (which required cable systems to carry all local broadcast stations), the court clearly viewed cable as an electronic publisher not unlike a newspaper. I'm certain it will not be long before the courts recognize this for broadcasting as well. The Supreme Court last year, in analyzing certain FCC political broadcasting rules, suggested that it was interested in a re-evaluation of this scarcity rationale, and a re-examination of the chilling effect of the Commission's rules on broadcasters' speech.

This past summer, the Commission squarely confronted the Supreme Court's questions. Reexamining the fairness doctrine, we found that the rule did chill speech. Surveying the media landscape, we found that the scarcity rationale—if ever appropriate—certainly no longer is.

We were told of journalists who, before airing a story, felt obliged to consider how the FCC would react. They felt they had to consider the costs of defending an FCC case against the violation of this rule. In some cases, as a result, the programs didn't air. And who benefitted? As long as people are being deprived of information by rules like the fairness doctrine—out of fear of the federal regulatory process, or for whatever other reason—the public is very much disserved.

I honestly believe these kinds of rules constrain broadcasting from functioning as a true electronic press. I hope the day comes soon when it's able to do so. Can you imagine having a newspaper in town unable or unwilling to have an editorial page and an editorial position? Why is it any better when the electronic press is kept out? There are enough broadcasters out there with enough different points of view that we'd be served better by more vibrant, vigorous broadcasting than is possible under the present content regulations.

Remember the constitutional conception of a marketplace of ideas that has strongly butting views. The American people listen to this robust debate and pick out the views they believe are right. But the federal regulations we now impose on the electronic press interfere with that marketplace of ideas and impede that robust debate. We trust our jury system to a marketplace of ideas. Why can't we trust our broadcasting system? When we stray from that constitutional scheme embodying this basic precept of our democratic society, we fundamentally damage the foundation of civil liberty upon which all others are based.

It's with this basic skepticism in mind that we began to examine all those regulations in the small print of the FCC codes and in the minds of those who sought to regulate broadcasting. It was easy to pluck those fruits of regulation which were rotting on the vine and draining the electronic press of its very strength.

Let me group these rules into four loose categories. First, there are those rules which don't accomplish what they're intended to accomplish. In fact, in some cases they do just the opposite. The fairness doctrine's a good example: rather than achieving its goal of promoting discussion, in many cases it ends up squelching it.

Or, take the regional concentration rule. At one point, the Commission outlawed any broadcaster having three stations in any given 100-mile area, to assure no one had too great of an influence on the region. But we found that rather than bringing diversity to a region, in fact it diminished the available information. Broadcasters who wished to set up regional program services or share information (and costs) among coowned stations effectively were precluded by the rule. Regional news coverage suffered. Regional sports coverage suffered.

The same thing was true of the seven station rule which prohibited any broadcaster from owning more than seven TV, seven FM, and seven AM stations. The theory was that diversity of ownership spawned diversity of programming. But a look two years ago at the predominant programming distribution sources revealed quite plainly that the national networks delivered the bulk of all television programming. Only by allowing other broadcasters to grow larger—anathema to past Commissioners—could there be hope of new competition with the networks and more diversity of programming. What the Commissioners of the past promoted was a more diverse group of owners; what they got was less diverse programming for the American people.

Now, there are new sources of information and entertainment better able to compete. Group owners get together to produce new programming of their own. Local stations open Washington bureaus to provide their own coverage of national news. We begin to see, as a regular occurrence, local news teams at national events—following their own people and the impact on their local issues, viewing the event from their own local perspective. That's diversity. That's more service and more choice.

The FCC's early regulation of cable provides another good example of federal wrong-headedness which resulted in two decades of delay in cable's ability to serve the needs of its subscribers. Under the guise of protecting cable customers and television viewers, the Commission stifled innovation by cable operators, severely limited the variety of programming cable could offer, and filled up cable's channels with duplicated signals and other benchwarmers. These regulations kept off cable some of television's true programming innovations—24-hour news, all-sports, C-SPAN, children's programming networks, and MTV. Cable subscribers wanted these services. But the government told them they had to watch something else.

In the second category of regulations for review are rules which are unnecessary because market forces provide the result at which federal regulation is aimed. It's not just superfluous; it's government bureaucrats insulating businessmen from their customers. It's Washington taking away from viewers the right to affect the services they receive.

How would we feel if a group of politically appointed Federal Soda Tasting Commissioners decided that it was better for the public to drink New Coke rather than Classic Coke? New Coke, after all, is new, improved, and "better tasting." If there was such a Commission regulating soda the way the FCC has regulated broadcasting, the recent groundswell of popular support for Classic Coke would have fallen on corporate ears deafened by the roar of federal regulation. The American people do not need that kind of protection from themselves.

But, believe it or not, the FCC was dragged into court when we said we shouldn't second guess a radio station's decision to better serve its listeners with a different programming format. People out there really think the FCC should decide if WBCN plays album rock or contemporary hit radio. They think Commissioners, living hundreds of miles outside the market, who may prefer Joe Jackson to Michael Jackson or Van Halen to Van Cliburn, should pick records, while listeners turn their radio dials hoping the government named the right tune.

The same wrong judgment applies to regulations that imposed commercial time limitations on TV and radio stations. A broadcaster knows darn well he can't clutter his programming without losing his audience. Likewise, what's the purpose of telling a station it must have a quality broadcast signal when the signal is its bread and butter? If viewers can't see the picture well enough to tell if they're watching the Golden Girls or The A-Team, they'll quick-draw the remote control.

What's the point of telling a broadcaster he needs to put on the six o'clock news when that's his greatest profit center? Or when his competitors all have news and he thinks there's an audience for Taxi reruns. Did the federal government need to tell CBS to put 60 Minutes, or ABC to put Nightline, on the air? In the days when we tried to force-feed viewers news and public affairs and no one watched, who was served?

Sure, the FCC could tell broadcasters to ascertain and serve the needs of their viewers. but we realize these are things broadcasters are going to have to do, or they're going to want to do, to operate their businesses successfully: find out what their viewers want, serve their community, not put on too many commercials, keep up the signal quality.

The fact is, the broadcasting marketplace works. It allows for broadcasting in which the public is truly interested, rather than according to a "public interest" manufactured by paternalistic bureaucratics. Broadcasters, like other businessmen, simply are unable to go off on a lark, providing whatever they want without regard to their audience. They're subject to marketplace mechanisms which force them to respond to the needs and desires of their listeners and viewers.

The third category of outmoded rules are those which are unnecessary because other laws provide adequate relief. Why do we need special rules to restrict antitrust actions by broadcasters when the Justice Department and the FTC enforce antitrust laws for every industry? We don't. That's why we don't need a Federal Grocery Store Commission, promulgating special rules for groceries, even though general business laws are applicable to grocery stores as well. The left hand of government shouldn't interfere when the right hand does a better job of enforcing or adjudicating certain laws.

We used to have specific rules prohibiting broadcasters from providing advertisers with misleading signal coverage maps; we're looking at our rules prohibiting fraudulent billing of ad time by broadcasters. Now, I'm not saying these practices aren't wrong; they're probably illegal under state and federal anti-competition laws. But what is the FCC doing spending precious tax dollars enforcing a private cause of action between buyers and sellers of air time? Can't, and shouldn't, the advertiser take care of his own business himself? Because a broadcast business is involved, should the FCC also regulate to ensure a broadcaster's not overcharged when buying a new station, program package, mini-cam, or photocopy machine?

This duplication is more than benign waste. The fact that there is a special commission with special rules for broadcasters helps perpetuate the view that broadcasting is somehow different from other businesses and, importantly, different from newspapers.

Finally, there are rules that are just silly, paternalistic, or based on a view that the American people are childlike—as are broadcasters—and need to be instructed from Washington on high. These include rules like the one we recently discovered, and eliminated, which made it illegal for an announcer to say "the amoeba are coming" in excited tones. No need for the "Emperor's New Clothes" there! We found another one prohibiting dj's from repeatedly playing the same record. Another nixed the use of sirens in commercials. One more said broadcasters couldn't have contests which resulted in scrap metal being piled on peoples' front lawns.

Now the FCC doesn't want scrap metal dumped in peoples' yards, but why does there have to be a rule saying that? Haven't we got along just fine without a rule saying newspapers can't print that amoeba are invading the town, newspapers can't reprint the front page on pages one through four, and newspapers can't have contests resulting in scrap metal being piled up on Main Street.

Should the Commission really be granting one applicant a license over another because he proposes more parking spaces or bathrooms at the studio? We've done it. Think about what that says to the American people.

My point is this. Each time the government steps in, it's hard to stop, its hard to pull out. The temptation is too great; sometimes the pressure is too great. In the past, Commissioners took office at the FCC committed to righting wrongs; often all they ended up writing was more, and sillier, and more harmful rules. That's why Mark Fowler knew he had to make a clean break from the past.

For almost fifty years the FCC tried to regulate broadcasters in this mode. It was time for the FCC to say: well, the old way just didn't work, let's try a new way. That new way looks to competiton in the marketplace and full First Amendment freedom as the sustenance of broadcasting.

When the people get to choose—and broadcasters and cable operators get to respond—we see the flourishing of programming unable to develop or survive in the desert created by regulatory intervention. It develops because programmers and broadcasters must continually innovate to beat their competition, to attract and keep viewers. They've got to be free to do that: unimpeded by federal regulations, unrestricted by federal raised eyebrows or wagging fingers, unafraid that some programming misstep will result in the loss of their license.

Deregulation of broadcasting is a good thing because providers are free to offer and consumers are free to choose. It's a good thing because it encourages competition which results in more choices and better services. It's especially important in this industry where the product is entertainment and information, clearly protected in any other form.

I think the framers of the Constitution intended that all the press be free. And I'm confident that one day the courts and Congress will think so, too. They'll ensure that broacasters receive the same First Amendment protections as do the rest of the press. How better to keep the electronic press from being trammelled by the government than by giving back to the American people the right to decide for themselves what's in their public interest, convenience and necessity?●

INDICTMENT OF YASSER ARAFAT

● Mr. LAUTENBERG, I would like to address a matter that goes back 13 years, but is still very much alive today. It appears that the Justice Department has new information concerning Yasser Arafat's involvement in the brutal slayings of two United States diplomats in Khartoum in 1973.

On March 2, 1973, eight terrorists who identified themselves as members of the PLO's Black September, seized the Saudi Arabian Embassy in Khartoum, Sudan. They held its occupants hostage while demanding the release of Robert Kennedy's murderer, Sirhan Sirhan, Fatah leader Abu Daoud, Baader-Meinhof killers being held in Germany, and other leading terrorists.

When their demands were not met, they selected three Westerners from the hostages, and murdered them in cold blood. They were U.S. Ambassador to the Sudan, Cleo Noel, Jr., Charge D'Affaires Curtis Moore, and Belgian diplomat Guy Eid. Throughout the daylong drama, the terrorists treated Noel courteously until they received a phone call with the code words Nahar El Bard, Arabic for Cold River. Cold River was the name of a Lebanese refugee camp that Israeli commandos had raided a few weeks before. Shortly after the call, the terrorists brutally machinegunned the diplomats after allowing them to write farewell notes to their families, and beating them.

A day later, the terrorists surrendered to Sudanese authorities after a lengthy round of transoceanic communications involving, among others, Arafat and the Vice President of Sudan. During their trial in Khartoum, the terrorists admitted Cold River was the prearranged signal to commence the murders.

A month after the murders, the Washington Post reported that according to Western intelligence sources, Arafat was in the Black September radio command center in Beirut when the message to execute the three diplomats was sent out, but it was unclear if he or his deputy, Abu Iyad, gave the order to carry out the executions. The Post reported that, according to its sources, Arafat was present in the operations center when the message was sent, and that he personally congratulated the guerrillas after the execution.

Mr. President, these terrorists were convicted of murder, and sentenced to life imprisonment, but they were released from Sudanese prison several weeks later into the custody of Egypt. The Sudanese Government reportedly released the terrorists because they feared repercussions from holding the terrorists, and thought that Egypt, a larger, stronger country, could hold them with less risk. However, it is believed that the Egyptians quietly, and without fanfare, let them go. This conclusion is supported by a Reuters press report of November 24, 1985, stating that a Palestinian convicted of assassinating U.S. Ambassador Cleo Noel in Khartoum in 1973 visited Khartoum earlier that month, adding to U.S. concern for the safety of American citizens in Khartoum.

Mr. President, recent press reports indicate that the Justice Department now possesses information linking PLO leader Yasser Arafat to the brutal slayings just described. The reports indicate that the evidence is under review, but that no decisions have been made on a course of action. I have also received confirmation from the Justice Department itself that it is currently reviewing this matter.

If these accounts are accurate, and these allegations can be substantiated, the Justice Department should lose no time in seeking a criminal indictment against Yasser Arafat.

Why indict a man for a 13-year-old crime? Because it's never too late to catch a murderer. There is no statute of limitations for that crime. And such

an action tells the world that the United States does not take the murder of its diplomats and citizens lightly. The indictiment of Yasser Arafat would reaffirm our Nation's belief in the rule of law. It would send a clear signal to the world of our unfaltering commitment to see justice done, and terrorists punished. If the evidence is there, indicting Arafat would be a recognition that law must prevail over violence in the modern world.

As a practical matter, an outstanding arrest warrant could make it very difficult for Arafat to travel in Western Europe or other allied countries without some risk of being arrested and extradited. It would thus deny him some measure of mobility and access to international support. And it would put an end to the notion that Arafat can play a genuine role in advancing the peace process in the Middle East.

Some may question the wisdom or utility of indicting Arafat. But no one who murders U.S. citizens and diplomats should be above the law. No terrorist should escape prosecution because of his "political connections."

Moreover, this course of action is consistent with our Nation's policy on terrorism, as stated by President Reagan. In a July 1985 speech to the American Bar Association, the President said that we must "act against the criminal menace of terrorism with the full weight of the law, both domestic and international, to indict, apprehend, and prosecute those who commit the kind of atrocities the world has witnessed in recent weeks." The issuance of an arrest warrant for Abul Abbas was another indication that the legal approach to terror was ready and waiting to be used.

The move to indict Arafat represents a legal approach to terrorism which I support because it is practical. Military action can be used only in limited circumstances and is fraught with danger. Economic action must be taken in concert with others to be most effective, and often fails because of this requirement. Legal measures can be taken by the United States unilaterally, and lack the pitfalls of military and economic action.

Mr. President, the decision to seek an indictment of Yasser Arafat should be made on purely legal grounds. Diplomatic considerations should not be allowed to influence the decision of whether or not to prosecute for murder. If we are going to have a serious policy against terrorism, we cannot exempt the main characters. We cannot say we are fighting against terror and only go after the small fry. We must follow the President's stated policy of indicting, apprehending, and prosecuting terrorists, and let the chips fall where they may.

I am not the judge of whether enough evidence exists to prosecute Arafat. That is the Justice Department's job. But I, along with 43 of my colleagues in the Senate, have written to Attorney General Meese to say that if the evidence does exist, we should act on it. To allow other factors to enter into this decision is to make a mockery of our laws and our stated commitment to eradicate terrorism.

Mr. President, I ask that a copy of my letter to Secretary Meese be printed in the RECORD for the information of my colleagues.

The letter follows:

U.S. SENATE,
Washington, DC, February 12, 1986.

Hon. EDWIN MEESE III,
Department of Justice,
Washington, DC.

DEAR MR. ATTORNEY GENERAL: We understand that the Department of Justice has received information linking PLO leader Yasser Arafat to the brutal 1973 slaying of Ambassador Cleo Noel and Charge d'Affaires G. Curtis Moore in Khartoum, Sudan.

The material is reported to include various State Department cables that may confirm Arafat's role in the murders. It is also reported to include an assertion that the U.S. government has a tape recording of an intercepted message in which Arafat allegedly ordered the assassination of Ambassador Noel and Charge d'Affaires Moore, who were taken hostage when Palestinian terrorists seized the Saudi Arabian Embassy in Khartoum in March 2, 1973.

As you know, press reports indicate that the eight terrorists involved in the incident identified themselves as members of Black September. They demanded the release from prison of Sirhan Sirhan, the Baader-Meinhof gang, and a group of Fatah members being held in Jordan.

Press reports indicate that when their demands were not met, the terrorists selected the three Westerners among the hostages—U.S. Ambassador Cleo Noel, Charge d'Affaires G. Curtis Moore, and Belgian diplomat Guy Eid, and machine-gunned them after first allowing them to write farewell notes to their families and then beating them. A day later, the terrorists surrendered to Sudanese authorities after a lengthy round of transoceanic communications involving, among others, Arafat and the Vice President of Sudan.

Press reports indicate that Sudanese President Gaafar Mohammed Nimeiri went public at once with evidence showing that the operation had been run out of the Khartoum office of Fatah. One month after the slayings, the Washington Post reported that according to Western intelligence sources, Arafat was in the Black September radio command center in Beirut when the message to execute three Western diplomats was sent out. The Post also reported that Arafat's voice was monitored and recorded. Although according to the Post's sources, it was unclear if Arafat himself or his deputy gave the order to carry out the executions, Arafat reportedly was present in the operations center when the message was sent and personally congratulated the guerillas after the execution.

These allegations, if substantiated, leave little doubt that a warrant for Arafat's arrest should be issued, and a criminal indictment filed against him. To allow other factors to enter into this decision is to make a mockery of our laws and our stated commitment to eradicate terrorism. As President Reagan told an American Bar Association convention this July, "we will seek to indict, apprehend, and prosecute" terrorists.

We understand that this matter is presently under review at the Justice Department. We urge the Justice Department to assign the highest priority to completing this review, and to issue an indictment of Yasser Arafat if the evidence so warrants. We would also ask that you keep us advised of the progress of your investigation.

Sincerely,

FRANK R. LAUTENBERG,
(with 43 Senators cosponsoring).●

MAC MATHIAS ON ABRAHAM LINCOLN

● Mr. STAFFORD. Mr. President, the annual celebration of Lincoln's birthday is an important occasion for all Americans. But it has a particular significance for Members of what we still refer to as the party of Lincoln. Many of us believe that the Republican Party best serves the American people when it holds fast to the legacy of our greatest President. No Senator better demonstrates the vitality of that legacy than our colleague MAC MATHIAS.

Senator MATHIAS has often spoken about the significance of Abraham Lincoln to our party and our Nation. This theme has recurred throughout his distinguished career of more than three decades of public service. So I was not surprised to learn that when MAC MATHIAS took his seat as a member of the Maryland House of Delegates in 1959, he gave one of his maiden speeches to that legislature on the occasion of Lincoln's birthday. Recently I read that speech, and I was struck by how eloquently it still speaks to us today. MAC MATHIAS, who had just been elected to public office for the first time, called upon his coleagues in Maryland's Legislature to make the sesquicentennial of Lincoln's birthday "a day of dedication to the kind of life Lincoln lived—a life guided by principle and personal conviction." If the party of Lincoln can rededicate itself to that goal today, then the American people, who have reposed their trust in us, will not be disapointed.

Mr. President, MAC MATHIAS' speech to the Maryland House of Delegates on Lincoln's Birthday, 1959, provides one more illustration of why his wise counsel will be missed when he leaves the Senate at the end of this 99th Congress. I ask that the speech be printed in the RECORD at the conclusion of my remarks. I know I speak for all my colleagues in wishing Senator MATHIAS great success in all his future endeavors, and in expressing my expectation that he will continue, by word and deed, to exemplify the life of principled and conscientious public

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service that is part of the vital legacy of Abraham Lincoln.

The speech follows:

LINCOLN'S BIRTHDAY ADDRESS BY CHAS. M. MATHIAS, JR.

Mr. Speaker, Members of the House, Ladies and Gentlemen, if the distinguished gentleman from Wicomico will withhold his customary motion—I shall read from the Journal of the House of Delegates.

On June 20, 1861, this House was sitting in Special Session in Frederick. Governor Hickes had convened the General Assembly to consider the problems that confronted Maryland as the result of the Secession of the Southern States. He deemed it unsafe to meet in Annapolis because of the presence of troops here, so he had directed the Senate and House to gather in Frederick.

In this atmosphere of crisis, the House of Delegates, by a vote of thirty-nine (39) to eight (8), adopted the following resolution:

"Resolved by the General Assembly of Maryland, That recognizing our relations to the Federal Government, we feel that whilst we cannot do more, we can do no less, than enter this, our solemn protest, against the said acts of the President of the United States, and declare the same to be gross usurpation, unjust, oppressive, tyrannical and in utter violation of common right and of the plain provisions of the Constitution."

This, then, was the considered opinion of our predecessors of the early days of the administration of Abraham Lincoln, whose memory we now pause to revere. The dissenting opinion of the eight (8) members who voted in the negative has been so completely ratified and confirmed by time that one is almost moved to speculate whether even a minority of seven (7) might not be right on occasion.

But among Lincoln's contemporaries there was always a diversity of opinion concerning him. The proponents of the Resolution undoubtedly represented the view of many Americans; yet Lincoln was "the grandest figure on the crowded canvas of the drama of the nineteenth century" to Walt Whitman and to countless others of his countrymen.

The observance today of the 150th Anniversary of the birth of Lincoln attests to the fact that the world has come very largely to agree with Whitman.

If history is to be more than the pastime of Antiquarians and Scholars, it must transmit to posterity, the men and women of successive generations—even to politicians—the benefits of human experience.

We have set aside these few minutes to summon up the shade of Lincoln. In that mystic presence we can well consider the factors that transformed Lincoln from one of the most controversial figures in American political history into one of the enduring symbols and talismans of democracy.

The dominant traits characteristic of Lincoln are, perhaps, revealed in his experience with adversity. Throughout his life, in his personal relationships, in his professional career, and in his political aspirations, he was defeated and frustrated in every possible way. But, he refused to stay licked. In the end, his close political friend, Governor John A. Andrews, was able to say in an official eulogy before the Massachusetts Legislature that:

"Abraham Lincoln had been spared and sustained through all these weary months and years, to witness the majestic triumphs, the conquering marches of our resistless armies, to hear the last wail of disloyal discontent in the loyal States, to receive the united congratulations of the acclaiming millions of his countrymen, to reap a sweeter and richer reward of deliverance by any ruler of the sons of men."

How did this apotheosis come about?

Was it because Lincoln was a unique man of genius? I hope not, because his example would then be limited to those few born under the same auspicious star.

I prefer to think that it was not his genius, but his principles that raised Lincoln so far above his own day and generation. And this may be the lesson of Lincoln—that each of us must live by and for our principles—however they may be shaped by our individual philosophies.

Not every one of us can be born a prodigy, but every man and woman in this Chamber can live a life true to his or her convictions. And this fact, not the transitory presence of a genius among us, is the moral ingredient of society. Without it, all the might, majesty, dominion and power on this earth will not make a man, or a people, great.

Consider Lincoln's steadfast adherence to the basic concept of justice, to the necessity for integrity, to the virtue of charity, and to the idea of liberty. Those principles did not prevent him from growing with the broadening of his experience or from changing and maturing his viewpoint on many public questions. They were not inhibitions, but pivots upon which he turned the fateful decisions that shaped not only his life, but our own.

No genius, no education, no training—could have prepared any man to direct the climactic course of events that marked Lincoln's presidency. Only by a strict reliance on unchanging principles did he daily cope with ever changing problems. Thus he was able to successfully conclude a civil war that he neither proposed nor anticipated. Thus he brought liberty to three million Americans when his only declared purpose had been to check the spread of slavery.

And so I propose, Mr. Speaker, that we make this Sesquicentennial Anniversary of the birth of Abraham Lincoln a day of dedication to the kind of life Lincoln lived—a life guided by principle and personal conviction.

If we do, and if our fellow Americans throughout the Union join with us in carrying that dedication beyond this hour and this day, there may indeed be a new birth of freedom. And then we may make it possible for our successors in this House to look back to our own generation, and to say of us on future anniversaries of this day:

In that time, the American dream was realized and American greatness was achieved by men of principle—men in the mold of Lincoln!

Which was read and ordered journalized.

SENATE CONCURRENT RESOLUTION 106, RESCISSION OF JUVENILE JUSTICE FUNDS

● Mr. CHAFEE. Mr. President, before the Senate recessed on February 7, I joined in as a cosponsor of this concurrent resolution disapproving the administration's request for rescission of fiscal year 1986 funds appropriated for the Office of Juvenile Justice and Delinquency Prevention [OJJDP]. This rescission is just as objectionable as the freeze of fiscal year 1986 funds which has been in effect for 2 months now, causing undue hardship on existing and proposed juvenile justice programs nationwide. Each year since 1983, the administration has requested zero funding for OJJDP, and each year Congress has provided funding of $70 million.

As part of its fiscal year 1987 budget proposal the administration now requests a rescission which would eliminate all funding for this office and its programs. Shelters for runaways, drug-abuse centers, delinquency prevention efforts and research are among programs that would lose federal funding if this office is eliminated.

In my own State of Rhode Island some several worthwhile programs are in jeopardy. Even the 45-day wait for Congress to act on the rescission request itself would do grave harm to some of these programs. For example the Sympatico Youth Advocacy Program provides vocational services and educational counseling to low-income and minority students in South Kingstown High School. The Sophia Little Independent Living Program provides support to older adolescent women and new teenage mothers who do not have a stable family environment in which to live.

Other Rhode Island programs such as Warwick Channel One Delinquency Prevention and the Stopover Shelters of Newport County focus on the restoration of family stability and the promotion of positive role models and noncriminal behavior. In all there are 10 very worthwhile programs in my State which give young people alternatives to crime, drug abuse, and hopelessness; programs which are threatened by this freeze and proposed rescission.

The Office of Juvenile Justice provides the national leadership, the incentives, and the seed money that is absolutely necessary for States to accomplish the goals of the Juvenile Justice and Delinquency Act. To halt these programs in my State when they are showing such positive results would be a total contradiction of the national resolve that juvenile justice and delinquency prevention is a Federal priority.

I support all efforts to stop the freeze and I oppose the rescission of fiscal year 1986 funds. We must allow the OJJDP to continue its important contribution to our Nation. Further, we must not disappoint the adolescents of Rhode Island and many other States who need these programs to help them toward more responsible citizenship and useful lives in our society.●

TAXING EMPLOYER-PROVIDED BENEFITS

● Mr. D'AMATO. Mr. President, I rise today to reiterate my support for Fed-

eral tax reform. I believe it is absolutely necessary that we pursue the administration's goal of a tax system that is both fair and simple. The proposed policies with respect to the taxation of employee fringe benefits, however, seem to fall far short of this goal.

For this reason, Mr. President, I am pleased to be added as a cosponsor of Senate Resolution 303, a resolution expressing the sense of the Senate with respect to proposals before the Congress to tax certain employer-provided fringe benefits, championed by my distinguished colleague from Pennsylvania.

Although the House of Representatives chose not to tax employee fringe benefits, the Senate Finance Committee must still face the task of forming a complete tax-reform package. Since this version of tax reform has yet to be revealed, the possibility remains that the Finance Committee will include some sort of tax on employer-provided benefits.

Any tax on employee benefits would discriminate against and penalize Americans with large families, the working aged, and the handicapped and chronically ill whose health insurance premiums are more costly than those for younger, single, and healthier workers. Any plan to tax employee benefits is antifamily and antiworker.

Today, more than 140 million Americans are covered by employee health plans, and millions more benefit from programs such as employer-provided or subsidized life insurance, unemployment and workmen's compensation. Americans rely on these benefits for their everyday needs; any attempt to tax these benefits as income would be wrong.

Mr. President, I urge the Senate to adopt this resolution.●

ANATOLY B. SHCHARANSKY RELEASED FROM SOVIET GULAG

● Mr. MOYNIHAN. Mr. President, last Tuesday, February 11, was a historic day for all who cherish human freedom. On that day Anatoly B. Shcharansky was finally freed from the Soviet Gulag, reunited with his beloved Avital and welcomed in triumph to the land for which he had sacrificed so much.

During the 9 years since his arrest on the false charge of spying for the United States, Anatoly Shcharansky became the very symbol of embattled Soviet Jewry. His tenacious devotion to his people and faith was a source of inspiration to all Americans. I am accordingly pleased to inform the Senate that Anatoly and Avital Shcharansky will be the guests of honor at this year's Solidarity Sunday for Soviet Jewry in New York City.

Solidarity Sunday is sponsored annually by the Coalition to Free Soviet Jews. It is the largest annual human rights rally held anywhere in the world. Solidarity Sunday has, in the 15 years since its inception, become something of a tradition. One regrets that this has been necessary, but one is at the same time heartened by the continued willingness of Americans to undertake this effort.

The Senate has annually passed a resolution expressing our support for Solidarity Sunday for Soviet Jewry. My office is currently preparing this year's resolution which will be circulated in the near future.

I am certain that this entire distinguished body joins me in welcoming Anatoly Shcharansky's release and in congratulating those who played a role in helping to secure his freedom. I ask to print in the RECORD Anatoly Shcharansky's remarks upon his arrival in Israel as well as his closing statement at his infamous 1978 trial.

The remarks follow:

SHCHARANSKY'S STATEMENT ON ARRIVAL AT AIRPORT IN ISRAEL

JERUSALEM, Feb. 11.—Following are excerpts from Anatoly B. Shcharansky's remarks in English on arrival in Israel today at Ben-Gurion International Airport:

I am very glad to have an opportunity to speak to an audience in which my criminal contacts are represented so widely. At the same time I feel it is very difficult for me to speak now. There are such moments in our life which are simply impossible to describe them, and feelings which are simply impossible to express them in any language. But I will say just that, frankly speaking, that storm of compliments which were poured on Avital's and my heads now do not make our position easier, do not make the task to speak easier.

But what makes it really easier is understanding the fact that all these compliments we must share between all the people of Israel, between many people all over the world, among Jews in the Soviet Union who continue the struggle for their rights. And the congratulations which we hear now concern not only the two of us, but also all of those people, Jews and non-Jews, people from the high political and grassroots level whose struggle made this day possible.

It happens so that 12 years ago I said to Avital, See you very soon in Jerusalem.

But the way to Israel continued to be very hard and very long. I know too little about what has happened in the world during these years, but I know very well how dangerous were the initial plans of K.G.B. after my arrest. And I know very well how strong was their hatred. And I know very well how firm was their determination never to let this day come.

And I felt it practically all those years, and from the very fact they had to retreat and that nevertheless this day came shows me how strong was this struggle. And I think there is no need to repeat my gratitude to all these people who took part in this struggle.

Of course, there is absolutely no plot among Jewish activists against the system of the Soviet Union, but we do have very strong spiritual contacts, connections with this land, and no persecutions can break this connection.

On this happiest day of our lives, I am not going to forget those who I left in the camps, in the prisons, who are still in exile or who still continue their struggle for their right to emigrate, for their human rights. And I hope that that enthusiasm, that energy, that joy which fills our hearts today, Avital's and mine, will help us to continue the struggle for the freedom and the rights of our brothers in Russia.

CLOSING WORDS AT 1978 TRIAL

On July 14, 1978, Anatoly B. Shcharansky was sentenced by a Moscow court to 13 years in prison and labor camp for treason, espionage and anti-Soviet agitation. Here are his closing words to the court before sentencing, as drawn from notes taken by his brother, Leonid.

In March and April, during interrogation, the chief investigators warned me that in the position I have taken during investigation, and held to here in court, I would be threatened with execution by a firing squad, or at least with 15 years. If I agreed to cooperate with the investigation for the purpose of destroying the Jewish emigration movement, they promised me freedom and a quick reunion with my wife.

Five years ago, I submitted my application for exit to Israel. Now I am further than ever from my dream. It would seem to be cause for regret. But it is absolutely the other way around. I am happy. I am happy that I lived honorably, at peace with my conscience. I never compromised my soul, even under the threat of death.

I am happy that I helped people. I am proud that I knew and worked with such honorable, brave and courageous people as Sakharov, Orlov, Ginzburg, who are carrying on the traditions of the Russian intelligentsia. I am fortunate to have been witness to the process of the liberation of Jews of the U.S.S.R.

I hope that the absurd accusation against me and the entire Jewish emigration movement will not hinder the liberation of my people. My near ones and friends know how I wanted to exchange activity in the emigration movement for a life with my wife, Avital, in Israel.

For more than 2,000 years the Jewish people, my people, have been dispersed. But wherever they are, wherever Jews are found, every year they have repeated, "Next year in Jerusalem." Now, when I am further than ever from my people, from Avital, facing many arduous years of imprisonment, I say, turning to my people, my Avital: "Next year in Jerusalem."

Now I turn to you, the court, who were required to confirm a predetermined sentence: To you I have nothing to say.●

FEDERAL TAX DELINQUENCY AMNESTY ACT OF 1985

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate bill 203, the Federal Tax Delinquency Amnesty Act of 1985, championed by my distinguished colleague from Illinois. The latest estimates by the Office of Management and Budget put the fiscal year 1986 budget deficit at $202.8 billion. Even with the Gramm/Rudman automatic spending cuts to be put in place on March 1, the deficit will still be an appalling $171.9 billion.

Under the President's fiscal year 1987 budget proposal, the deficit is projected to be $143.6 billion. The President's proposal contains no tax

increases. I agree with this principal. However, I believe that there is a need to increase revenues. There are too many valuable programs that would have to be cut or eliminated if no new revenue is acquired.

S. 203 provides the means for obtaining some of this needed revenue, not through the imposition of new taxes, but through improved tax collections. The Internal Revenue Service estimates that 19 percent of U.S. taxpayers cheat on their Federal income tax. Some surveys put the figure closer to 25 percent. The latest available figures indicate that the "tax gap," that is, the difference between the amount of tax owed to the Federal Government and the actual amount collected, was between $89 and $92 billion in 1985 alone. The IRS believes this gap could rise to $400 billion by the turn of the century.

I do not believe this bill will be able to collect all, or even most, of the unpaid taxes, but it will collect enough to save many worthwhile programs, while still allowing the President and the Congress to meet the deficit targets set out by Gramm/Rudman.

S. 203 will do this through a one-time-only tax amnesty. During this period, taxpayers who previously have underreported income, underpaid taxes, and/or failed to file tax returns at all will have the opportunity to step forward and pay the taxes they owe, along with 50 percent of the accrued interest, and avoid all criminal and civil tax penalties. The large number of people who will step forward and pay what they owe will more than compensate for the loss of these penalties and the remaining 50 percent of the accrued interest.

Without an amnesty, most of these people would never step forward voluntarily and most would never be caught by the IRS. The few that were caught would be reached only as a result of lengthy and expensive audit procedures. Put very simply, without an amnesty, very little—if any—of this additional tax revenue would be received.

It is important to point out, however, that this amnesty is not soft on criminals. The amnesty established under S. 203 will not be available to those individuals involved in drug trafficking, prostitution, or gambling. In fact, the bill goes one step further to uncover and prosecute tax cheats who do not come forward by providing 3,000 new tax agents and by increasing tax penalties after the amnesty period is over by 50 percent. Every new agent reaps 10 times his or her salary in additional tax collections. These provisions create an amnesty which is tough on crime.

The intent of this bill is to bring forward those individuals who have never filed and who fear prosecution for their delinquency, those individuals who previously have failed to report certain income, and certain businessmen who are operating illegally, but wish to "clean their slate" and begin operating in a legal manner. After these people have first come forward during this amnesty period, they are much more likely to "go legit" and continue to meet their tax obligations in the future.

Thus, this amnesty will reap far more than the $12 to $15 billion estimated by OMB. By increasing taxpayer compliance, it will have long-range effects that will assist in reducing the Federal deficit. The total increase in revenue as a result of the one-time amnesty, the increased penalties, the new tax agents, and increased taxpayer compliance in the future will go a long way toward meeting our Gramm/Rudman deficit reduction targets without imposing new taxes and without crippling needed Federal spending programs.

An amnesty such as the one proposed in S. 203 is not an untried idea. Amnesty has gained great support on the State level. In fact, 13 States already have enacted amnesty programs. Others are planned or proposed.

I know in my own State, the amnesty program was the most successful ever. Yesterday, our State commissioner on taxation and finance, Roderick G.W. Chu, announced that New York State's 90-day tax amnesty that ended on January 31 brought in at least $334 million from nearly 45,000 individuals and corporations. This is more than 60 percent higher than the original $200 million estimate and is more than double the previous record of $152.4 million raised by the State of Illinois during its 1984 tax amnesty. If these two States alone can raise a half billion dollars from State tax amnesties, the sky is the limit under a Federal tax amnesty.

Forty-two percent of New York's take came from personal income taxes, 40 percent from sales and use taxes, and 18 percent from corporate taxes. Payments are reported to have ranged from a low of 1 penny to a high of $12.5 million.

Success like this must not be ignored. It is time to repeat the process at the Federal level.

In order to reduce the deficit, there will be a need to increase revenue. I believe a one-time tax amnesty such as proposed in S. 203 will bring in a significant amount of revenue, as well as bring a large number of nonfilers onto the tax rolls for future tax collection. There are tens of billions of dollars just waiting for us. Let's bring it in now. Let us pass S. 203.●

TRIBUTE TO ARKANSAS STATE SENATOR JOHN BEARDEN

● Mr. PRYOR. Mr. President, it was my pleasure to serve my native State of Arkansas as Governor before being elected to the U.S. Senate. One of the greatest pleasures as the chief executive is working with the legislative branches; it can also be a great curse. But you remember the best of these times, not the worst of times. One of the truly great pleasures for me in serving Arkansas as Governor was working with a great State senator from Arkansas named John Bearden. He was a great politician; a man with an amazing sense of humor; well read, highly educated. A great Democrat who loved politics as much as any person in this room. My friend—Arkansas' friend—John Bearden, the president pro tem of the Arkansas Senate, died last Friday at Little Rock. Our country, my State, will miss him.

Mr. President, I submit for the RECORD a news release relating to John F. Bearden, Jr.:

STATE SENATOR JOHN F. BEARDEN, JR.

LITTLE ROCK, ARK.—State Senator John F. Bearden, Jr., 58, of Blytheville, Arkansas, president pro tem of the Arkansas Senate, died Friday, February 14, 1986, at a Little Rock hospital. Mr. Bearden, the sixth-ranking member of the 35-member Arkansas senate, had been ill for several years, but overcame great odds and remained strong enough to serve his legislative district and become the president of the Arkansas senate and the third person in line to the governor of his state.

As senate president pro tem, Senator Bearden, a Democrat, had a chance to serve briefly as governor of Arkansas when the chief executive left the state for business. In fact, Mr. Bearden's last service as governor was December 6, 1985, the day he underwent surgery in another attempt to prolong life.

John Bearden was known for his quick wit, fierce loyalty to the Arkansas Democratic Party, and a love for life that spanned 17 years in the Senate. He was a coach, principal, school board member and worked as a water resources specialist for the Lower Mississippi Valley Flood Control Association.

During his 17 years in the Arkansas Senate, Mr. Bearden sponsored more than a hundred bills, including major tax legislation, bills to improve educational standards and bills to improve life for the handicapped and mentally retarded.

John Bearden had a reputation among friends as a man of deep sensitivity, even with legislative staff members. It was not unusual for a fellow Senator or legislative aide to open the morning mail to find a hand-written note from Mr. Bearden who had written to thank them personally for their help or just to say he had been thinking of them and appreciated their friendship and loyalty.

Arkansas State Senator Max Howell, who entered the Arkansas legislature in 1946 and the man who has served longer in continuous service than any state legislator in the country, remembered John Bearden this way: "Senators the caliber of John Bearden rarely come along. It may sound a little corny, but John Bearden loved his state and his country as much as anyone can. He was a brilliant, funny, dedicated American who gave life all he had to give and this is a better country because he came our way and spent 58 years with us all."

Senator John Bearden of Arkansas was buried at his hometown of Leachville, Arkansas, Sunday, February 16th, 1986. He is survived by his wife, Junell, and six children.●

HOW ABOUT A DEPARTMENT OF ECONOMIC DEFENSE?

● Mr. HELMS. Mr. President, my friend, Eugene M. Kennedy, recently retired as president of Whitin Roberts Co., a textile machinery manufacturing company based in Charlotte, NC. The company was established in 1831 under the name of Whitin Machine Works.

A few weeks back, Mr. President, Gene Kennedy wrote a piece for the Charlotte Observer in which he discussed the enormous trade deficit that has transformed the United States into a debtor nation. Pondering all of the aspects of the situation, Gene Kennedy came up with a proposal that the United States establish a Department of Economic Defense.

Whether or not they agree with Gene's conclusions, I believe Senators will want to read Gene Kennedy's analysis. I found it of much interest, and I am confident others will, also.

For that reason, Mr. President, I ask that Mr. Kennedy's article be printed in the RECORD.

The article follows:

U.S. NEEDS A DEPARTMENT OF ECONOMIC DEFENSE

(By Eugene M. Kennedy)

Today the United States faces a threat equivalent to any hostile military action by an enemy, but of more lasting consequence. This crisis has not been caused by the Soviet Union or any other nation perceived by the Soviet Union or any other nation perceived to be our antagonist. It is a result of our own unwillingness to face reality.

This crisis is the deterioration of our manufacturing base. The facts are plain and alarming: Our vast industrial and economic wealth, which had its beginning in World War II and the immediate postwar era, has been dissipated. We are now a debtor nation.

The evidence is difficult to ignore. In 1984, the United States had a $130 billion trade deficit; the projected deficit for 1985 is $150 billion. Fifteen of the 20 basic industries of the United States (metals, minerals, chemicals etc.) were in payment imbalance for 1984. This compares to 10 in 1970, nine in 1975 and eight in 1980.

Allowing this payment imbalance to continue is similar to writing checks for money that we don't have in the bank. It catches up. And the prognosis is dire.

THE SERVICE JOB FALLACY

Additional evidence of the crisis is this nation's decline in created wealth. Of our 1984 GNP of $3.6 trillion, only 26.9% was classed as created wealth—that is, manufactured goods, mining, agriculture and fishing. All other sources account for 73.1%. Our economy would benefit enormously if we could get created wealth up to 30% or 32% of GNP.

"Not to worry," we are told. "We are now in a global economy. Regardless of where items are manufactured, the United States will prosper by providing the high technology services." There are people who really believe this. They must be made to understand how wrong they are.

Look at the unemployment statistics. The U.S. Department of Labor reports that 5.1 million people lost their jobs from January 1979 to January 1984. Two million of these are still unemployed or have left the labor force: 1.5 million have found jobs with less pay; the other 1.5 million say they are better off. In general, manufacturing jobs pay 30% to 50% more than service jobs; so each time a manufacturing job is lost, even if the person finds a service job, his purchasing power is likely to be seriously reduced.

That's not all. As manufacturing decreases, so will the market for services. It's easy to see where that leads.

So what do we do? We need a second Defense Department. The existing one deters and defends against military aggression. The new one must defend our economic way of life.

If we founded that new department—call it a Department of Economic Defense—what would it do? Here are eight steps it should push for immediately:

1. Adopt a quid pro quo trade policy: Whatever conditions a country imposes on us, give it back the same set of circumstances.

2. Establish a permanent tax incentive for exports in order to help us earn our own currency.

3. Create a permanent tax incentive for research and development.

4. Create a permanent tax incentive for investment in domestically produced capital equipment. Skeptical attention should be paid to assertions that some equipment is not available in the United States.

5. Establish a system of import licenses for transactions that exceed a certain dollar value.

6. Provide government financial assistance for the development of new technology that enhances productivity.

7. Streamline export financing, to make it more competitive with the rest of the world.

8. Allow faster and permanent depreciation for capital equipment.

This program of vigorous economic defense is urgently needed, but it alone will not solve our economic problems. It must be accompanied by an equally vigorous attack on our federal deficit. Special interests must give way to the national interest. Voluntary sacrifices must be made. To do nothing will only bring on involuntary sacrifices that will be drastic—and permanent.

Reduction of the budget deficit will result in lower interest rates, which will encourage capital formation for investment in private enterprise instead of government securities. Successful private enterprise creates payrolls instead of welfare rolls.

The creation of a Department of Economic Defense could cost money, but it would be the best investment we could make. The payoff will be a sounder industrial economic base, which will produce jobs and create wealth. If we do this, we can greatly reduce the demeaning spectacle of an otherwise willing worker standing in line for unemployment compensation or, eventually, public welfare.

WHAT YOU CAN DO

Once Americans become aware of the necessity of defending our industrial base, they will respond with understanding and patriotism. But how do we start? Many of us have told our senators, congressmen and trade associations what our feelings are. I wonder what would happen if 100 of our largest cities formed local committees to gather the best thinking on the need for and function of a Department of Economic Defense? If you want to help form such a committee here, write to Economic Defense, The Charlotte Observer, P.O. Box 32188, Charlotte 28232. Let's see if we can get something started.●

THE 118TH ANNIVERSARY OF THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS

● Mr. HEINZ. Mr. President, on February 16, 1986, the Benevolent and Protective Order of Elks celebrated its 118th anniversary. The Elks are an exceptionally proud and patriotic group. They became the first fraternal organization, in 1907, to mandate the observance of Flag Day. Their pride in our heritage has never wanted. On behalf of the 1.6 million Elks across the Nation and the 90,000 Elks in Pennsylvania, I ask that the background of the Elks be placed in the RECORD at this time.

BACKGROUNDER—THE ELKS

The Benevolent and Protective Order of Elks is one of the oldest and largest fraternal organizations in the United States.

The first formal meeting was held on February 16, 1868, in New York City. Fifteen persons turned out, most of them young, undiscovered but budding artists who had gathered for companionship and to help their order out-of-work peers.

The idea caught on and spread to other groups and other cities. As it grew, the new organization broadened its membership base to include businessmen, professionals, farmers and representatives from other occupations.

Today there are more than 1.6 million members of the Elks in 2,280 local "Lodges" found throughout all fifty states and the District of Columbia. Over the years, these Lodges have evolved into the primary building blocks of the highly decentralized Elks organization. They provide recreational facilities for the entire family, but the Lodges are also the focal point for the many community service and charitable programs that have become an Elk tradition.

Early in its history, the Elks supported groups such as the Salvation Army and the Red Cross. In 1871, they staged a benefit for the victims of the great Chicago fire. Money was raised for victims of the Seattle fire and the Johnstown flood in 1889. And the Elks were the first on the scene to supply money and rescue assistance during the San Francisco earthquake of 1906. Today, disaster relief continues to play an important part in Elk activities.

Patriotism has also been a hallmark of the Elks. In 1907, the Elks became the first fraternal organization in the nation to mandate observance of June 14 as Flag Day. More than 40 years later, fellow Elk, President Harry S. Truman signed into order a declaration naming Flag Day as an official national holiday.

The Elks National Foundation, the philanthropic arm of the organization, was created in July, 1928, as an income-producing fund to help support national Elk projects and to supplement programs at the state and local Lodge levels. Each year, scholar-

ships are awarded to 500 outstanding high school students across the nation. Emergency educational grants are also provided to children of members who have died or been disabled.

Foundation support of state association projects is based on a "revenue sharing" concept. Funds are provided to each state in proportion to the level of contributions made by individuals in the state. The Elks contributed $26 million in 1983 to support cerebral palsy research, veteran's hospitals, retarded child care and to provide wheelchairs, recreational facilities and other aids to the handicapped.

The Elks devote a great deal of attention to youth programs. Lodges and individual members today sponsor more than 1,000 Boy Scout troops and 3,000 Little League teams, as well as Boy's Clubs and Camp Fire Girls Clubs.

But one of the most important youth programs in recent years has been the annual "Elks' Hoop Shoot," a national free-throw shooting contest, for boys and girls from ages 8 to 13. Over three million youngsters from all fifty states participate yearly in the "Hoop Shoot," from local contests to the national finals where six champions were named.

The program, begun in 1972 on a national basis, provides spirited competition and the chance for youngsters to develop new friendships. Winners and their families also travel to state, regional and national competition, courtesy of the Elks.●

RULES OF THE SELECT COMMITTEE ON INDIAN AFFAIRS

● Mr. ANDREWS. Mr. President, in accordance with the requirement of Senate rule XXVI to publish the rules of each Senate Committee in the CONGRESSIONAL RECORD, I hereby submit the rules of the Select Committee on Indian Affairs for the RECORD:

RULES OF THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS FOR THE 99TH CONGRESS

COMMITTEE RULES

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent that the provision of such are applicable to the Select Committee on Indian Affairs and as supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on the first Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public except when the Committee by majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b) Each witness who is to appear before the Committee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee prescribes.

(c) Each Member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d) The Chairman and ranking Minority Member or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request for such inclusion has been filed with the Chairman of the Committee at least one (1) week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subjects on the Committee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee shall be provided to each Member and made available to the public at least three (3) days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of the Members of the Committee. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included in the published agenda.

CONDUCT OF BUSINESS

Rule 6(a). Except as provided in subsecs. (b) and (c), five Members shall constitute a quorum for the conduct of business of the Committee.

(b) A measure may be ordered reported from the Committee by a motion made in proper order by a Member followed by the polling of the Members in the absence of a quorum at a regular or special meeting.

(c) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

VOTING

Rule 7(a). A rollcall of the Members shall be taken upon the request of any Member.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or ranking Minority Member of the Committee deems such to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness shall be taken under oath. Every nominee shall submit a financial statement on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee on executive session determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned, or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording filming, or broadcasting devises shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 12. These rules may be amended only by a vote of a majority of all Members of the Committee in a business meeting of the Committee:

Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three (3) days in advance of such meeting. Such proposal amendments shall be mailed to each Member of the Committee at least seven (7) calendars in advance of the meeting.●

THE 68TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

● Mr. WEICKER. Mr. President, for Lithuanians around the world, February 16 marks the 68th anniversary of their nation's independence. Although the country has been a component republic of the Soviet Union since June 1940, Lithuanians commemorate the establishment of the modern republic of Lithuania on this date every year.

The American people share a deep commitment to the ideals of freedom and equality. Because of this heritage, basic U.S. foreign policy consider-

ations have always been built upon a strong commitment to the rights and self-determination of all nations around the globe. We remain committed to the basic values of human life and continue to support and defend these ideals around the world. Our efforts in this area must continue unabated.

By occupying Lithuania, the Soviet Union has denied the sovereignty of the nation and has attempted to destroy their identity and their dignity.

We in Congress must renew our efforts to promote and encourage respect for human rights and fundamental freedoms. As the leader of the free world, it is our responsibility to stand with the people of Lithuania in their desire for the restoration of Lithuanian independence.

On this very special and important occasion, I salute the courage and determination of Lithuanians—a people who remain unyielding in their quest for self-determination, committed to political, cultural and religious freedom in their homeland, and whose remarkable resolve stands as an example for the rest of the world.●

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to title 22 U.S.C. 276d-276g, as amended, appoints the Senator from Alaska [Mr. MURKOWSKI] as a member of the Senate delegation to the Canada-United States Interparliamentary Group during the second session of the 99th Congress, to be held in Tucson, AZ, on February 27-March 3, 1986.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Thursday, February 20, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that following the recognition of the two leaders tomorrow under the standing order, there be a special order in favor of the following Senators for not to exceed 15 minutes each: Senator WILSON, Senator PROXMIRE, and Senator MOYNIHAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that on tomorrow, following the special orders, there be a period for the transaction of routine morning business, not to extend beyond 12 noon, with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEATH OF THE HONORABLE JAMES O. EASTLAND, OF MISSISSIPPI

Mr. DOLE. Mr. President, I send to the desk for myself and the distinguished Senators from Mississippi [Mr. COCHRAN and Mr. STENNIS] and the distinguished minority leader [Mr. BYRD], a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? Without objection, it is so ordered.

The clerk will state the resolution.

The legislative clerk read as follows:

S. RES. 348

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable James O. Eastland, late a Senator from the State of Mississippi, a former President of the Senate pro tempore, and a former Chairman of the Senate Committee on the Judiciary.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

The Senate resolution (S. Res. 348) was considered and agreed to.

RECESS UNTIL 11 A.M. TOMORROW

Mr. DOLE. Mr. President, I now move that the Senate stand in recess, in accordance with the provisions of Senate Resolution 348, until 11 a.m. on tomorrow, Thursday, February 20, 1986.

The motion was agreed to; and at 7:07 p.m., the Senate recessed until Thursday, February 20, 1986, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 19, 1986:

THE JUDICIARY

Stephen F. Williams, of Colorado, to be U.S. circuit judge for the District of Columbia circuit vice Malcolm R. Wilkey, retired.

DEPARTMENT OF JUSTICE

Thomas E. Dittmeier, of Missouri, to be U.S. attorney for the eastern district of Missouri for the term of 4 years, reappointment.

NATIONAL INSTITUTE OF HANDICAPPED RESEARCH

David B. Gray, of Maryland, to be Director of the National Institute of Handicapped Research, vice Douglas A. Fenderson, resigned.

DEPARTMENT OF COMMERCE

Alfred C. Sikes, of Missouri, to be Assistant Secretary of Commerce for Communications and Information, vice David John Markey, resigned.

EXPORT-IMPORT BANK OF THE UNITED STATES

John A. Bohn, Jr., of Virginia, to be President of the Export-Import Bank of the United States for a term of 4 years, vice William H. Draper III, resigned.

EXTENSIONS OF REMARKS

LANE KIRKLAND'S SPEECH ON CENTRAL AMERICA

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. WRIGHT. Mr. Speaker, as the House considers various policy options with regard to Central America, I thought our colleagues would be interested in reading the insightful remarks of AFL-CIO President Lane Kirkland. Delivered on November 9, 1985, at the Second Conference on Peace and Democracy in Central America held in San Jose, Costa Rica, Mr. Kirkland's address presents a forceful case for democracy throughout the region.

A peaceful solution to the problems of Central America can and should be pursued. Development of democratic institutions, respect for human rights, political and religious freedoms, free elections, protection of personal and economic liberties—these are all essential elements in the democratic movement in Central America. Mr. Kirkland stresses, too, the important role that labor unions can play in creating societies that accept the motion of political pluralism.

Of special interest to me—and I think to all Americans—is Mr. Kirkland's plea for democracy in Nicaragua and his strong denunciation of Nicaragua's headlong rush into the totalitarian camp.

Mr. Kirkland's speech follows:

COSTA RICA NOVEMBER 19, 1985

President Monge, Secretary General Soares, Secretary Gonzalez, brothers and sisters:

I should first like to thank President Monge for hosting this International Conference for Peace and Democracy in Central America.

It is always a pleasure to come to Costa Rica, not only because of its natural beauty but because democracy is alive and well here, its deep roots nurtured by the great trade unionist who leads this nation.

It is a pleasure as well to be associated in this forum with Mario Soares and Ismario Gonzalez, whose grasp of the problems of the democratic revolution surpasses mere theory. They have engaged the enemies of democracy mano a mano.

We are here to assess the course of the democratic revolution in Central America since we last met, nearly a year and a half ago.

What we find, as we say in the United States, is good news and bad news. Let us first review the good news. This week Guatemala took another significant step toward democracy as some two-thirds of its eligible voters went to the polls to choose a president, a national congress and municipal officials. From all the accounts I have seen, the elections were fairly conducted.

In El Salvador, the elections last March brought a democratic majority to the National Assembly, strengthening the hand of President Duarte, as he strives to overcome the obstacles to reform.

There has been a decline in the incidence of "death squad" attacks, and while none of us can be satisfied until they are altogether terminated, there is no value in denying progress where it can be clearly demonstrated.

Since our last meeting, the United States Congress has adopted foreign aid legislation that includes funds for a Central American Development Organization, as recommended by the Kissinger Commission.

The AFL-CIO has strongly urged this recommendation upon the Commission at the suggestion of our trade union brothers and sisters in the region, and we vigorously lobbied for it in the Congress.

CADO recognizes that the problems of Central America are rooted in social, economic and political injustices that have festered for generations and that must be attacked comprehensively if peaceful progress is to be made in the region.

It also recognizes that such progress cannot be made without respect for human rights. Thus the Kissinger Commission specified that membership in CADO "should turn on acceptance of and continued progress toward: the protection of personal and economic liberties, freedom of expression, respect for human rights, and an independent system of equal justice and criminal law enforcement, political pluralism, and a process of recurrent elections with competing political parties. Only nations prepared to base their governments on the free choice of their people should be eligible. . . "

The AFL-CIO believes that such criteria, if enforced, can provide a powerful impetus to social reform and political democracy in Central America. If unenforced, they are mere words—words that will generate cynicism and bitterness.

The key to enforcement lies in the phrase, "free choice of their people." The expression of "free choice" requires, in our view, freedom of association. How can people express a free choice unless they are permitted to form their own institutions, such as trade unions, and through those institutions to make known their opinions?

That is why we attach the utmost importance to the tripartite structure of CADO. This structure, modeled on that of the International Labor Organization, would give the trade union movements of Central America a voice, along with their employers and governments, in determining the needs of their region and in assessing whether the human rights requirements for assistance had been met by the member states.

Thus CADO would give the democratic labor movements of Central America significant and practical leverage in their struggles to expand trade union and human rights. This leverage, in turn, imparts flesh and blood to the principle of conditionality.

So there is good news to report. The most revolutionary idea in modern history—democracy—is making headway in Central America, if too slowly and against terrible odds. Democratically elected governments are in power in Costa Rica, Honduras, El Salvador, and elections have just been held in Guatemala.

But the bad news is Nicaragua, where the revolutionary idea is under brutal assault by those who seized power in its name.

In recent weeks, as if to confirm the prophecies of those who warned of a revolution betrayed, the Sandinistas have suspended virtually all civil rights and liberties, including freedom of association and the right to strike.

Nicaragua's headlong rush into the totalitarian camp cannot now be denied by any who have eyes to see.

To be sure, some will continue to insist that Nicaragua's direction has been determined by the United States, not by the Sandinistas. They contend that it was U.S. hostility to the revolution and U.S. support for the contras that pushed the Sandinistas into the arms of Moscow.

Their arguments are flawed on two counts. The first is a matter of historical fact.

The anti-democratic tendencies of the Sandinistas were manifest before the contras became a factor and, indeed, while the United States was providing aid to Nicaragua.

The decision of the Nicaraguan government to force all unions into the Sandinista labor federation was made within 24 hours after they took power. The expulsion of AIFLD occurred while the AFL-CIO was supporting $117 million in aid to Nicaragua. The writings of Tomas Borge and others of the Directorate make clear that they have been inspired by the example of Fidel Castro.

But the second, more troubling problem with the argument of those who see the Sandinistas as the victims and not the authors of their fate is that it smacks of a kind of neocolonialism to which our European social-democratic friends should be especially sensitive.

I believe that we demean the Sandinistas by suggesting that they are like children with no minds or will of their own—that they would behave differently if only we were more persuasive, more generous, or set a better example in the conduct of our own affairs.

I believe that we do not take them seriously, we do not accord due respect to their dedication and vision, by suggesting that they could have been bought. Such thinking betrays a condescending, imperialist cast of mind.

We, for our part, continue to hold to the single standard which lies at the heart of the democratic revolution. We insist that human rights be respected by all governments, whether they are of the left or the right. We insist that freedom of association is essential to democracy—to bourgeois democracy, proletarian democracy, people's democracy, participatory democracy, or any other kind of democracy, so-called.

We demand that workers have the right to organize their own unions and to strike whether the means of production be owned by oligarchs or commisars, by plutocrats or bureaucrats. Whoever owns the means of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

production, workers must own their own labor.

We apply the same standards to El Salvador as to Nicaragua. We oppose violations of trade union and human rights in both countries. We oppose restrictions on the right to strike in both countries.

We urge the governments of both countries to enter negotiations with their opponents, negotiations aimed at ending violent conflict by assuring all parties the right to democratic participation in the political process.

These views, including support for the Contadora process were reaffirmed at the AFL-CIO's convention two weeks ago, and will continue to be the basis of our policies for the next two years.

We have a long and close association with the democratic labor movement of Central America. We know from experience how complex and profound the problems of the region are, and we know that they will not yield to simplistic solutions and slogans.

But however complex the problems may be, we know that no democratic solution is possible without the full participation of working people through their trade unions.

In the absence of freedom of association, the fate of Central Americans will be determined from above or from without. And that would be no solution at all. Indeed, that has been the problem for generations.

That is precisely the obstacle to be overcome if the democratic revolution in Central America is to succeed. Our task is to ensure that it does.

Thank you very much.

FOURTH ANNUAL CONGRESS-BUNDESTAG STAFF EXCHANGE

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. WRIGHT. Mr. Speaker, I am pleased to report to my colleagues that plans are underway for the fourth annual exchange of staff members of the U.S. Congress and the Bundestag of the Federal Republic of Germany. The Congressional Staff Group on German-American Affairs prepared an announcement of the program for 1986, and I am delighted to be able to share this announcement with my colleagues.

ANNOUNCEMENT OF THE 1986 CONGRESS-BUNDESTAG STAFF EXCHANGE

Since 1983, the U.S. Congress and the Bundestag have conducted an annual exchange program in which staff members from both countries observe and learn about the workings of each other's political institutions first-hand and convey the views of Members of both bodies on issues faced by both countries. The exchange also provides an opportunity for the development of professional relationships which will be beneficial to both countries over the long term.

This exchange program is one of several sponsored by both public and private institutions in the U.S. and West Germany to foster a better understanding of the institutions and policies of both countries.

This year, eight congressional staff members will visit Germany from April 12 to April 27. They will spend about ten days in Bonn attending meetings conducted by Members of the Bundestag, Bundestag staff members, and representatives of political, business, labor, academic, and media institutions. They will spend a weekend in the district of a Bundestag Member. The program will conclude with a visit to Berlin, during which they will meet with representatives of the West Berlin government and U.S. Government representatives in both West and East Berlin.

Eight Bundestag staffers will come to the U.S. in late June for a three week period. They will attend similar meetings here in Washington and will visit the districts of Members of Congress over the 4th of July recess.

The program is truly a two-way street; accordingly participants will be expected to have had a sufficient amount of Hill experience to contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staffers to the United States and a number of high ranking Members of the Bundestag take the time to meet with our staffers. We have tried to reciprocate. Accordingly, our participants should have a demonstrable interest in, if not some responsibility for, political, security, trade, or environmental issues as they relate to Europe in general and Germany in particular. And, our participants will be expected to help plan and execute the program for the Bundestag staffers when they visit the U.S. Among the contributions participants should expect to make are planning and conducting one topical meeting for the Bundestag staffers and hosting one of two of the Bundestag staffers in the District over the 4th of July.

The members of the U.S. delegation will be selected initially by the Congressional Staff Group on German-American Affairs; final determination of the list of delegates will be made by USIA.

Senators and Representatives desirous of having members of their staffs apply for participation in this program should direct those staffers to submit a resume and cover letter to John Parisi, 2158 Rayburn House Office Building, by February 28, 1986.

THOMAS F. MAHER, JR., HONORED

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. MORRISON of Connecticut. Mr. Speaker, on February 23, the New Haven Knights of Columbus will bestow one of their highest awards on Mr. Thomas F. Maher, Jr., for this generous and dedicated service to the people of Connecticut's Third Congressional District.

The Charles Carroll of Carrollton Award, given to a Catholic laymen in memory of the only Catholic to sign the Declaration of Independence, will be presented to Mr. Maher in honor of his many accomplishments as a fundraiser for numerous nonprofit orgnizations in the Greater New Haven area.

Best known for his efforts on behalf of the New Haven Register Fresh Air Fund, Mr. Maher has produced many variety shows over the past 34 years, with the proceeds being used to send inner-city children to summer camp. Other shows have benefited hospitals, churches, and convalescent homes.

Born in West Haven, Mr. Maher orchestrated his first variety show in St. Bernadette's Church 35 years ago. Today, he still does it all: Arranging talent, scheduling location and time, writing publicity, and even selling tickets. In addition to acting as master of ceremonies, he has also performed in some of his shows. Often, Mr. Maher and his wife spend up to 17 weekends a year "on the road" promoting the shows and selling tickets.

Mr. Maher, a former railroad employee, credits his parents with spawning the variety show idea. His father was a vaudeville performer and his mother was alway very supportive of his projects. While always interested in helping others, Mr. Maher has never given much thought to his own infirmities. Though stricken with polio in 1930 at the age of 5, he overcame the paralysis of his right side and does not consider himself handicapped. And indeed, his daily accomplishments demonstrate that his is not.

Mr. Speaker, I am proud to have Thomas F. Maher, Jr., as a constituent and join with many others in thanking him for his commitment to the people of Connecticut's Third Congressional District. I know my colleagues join me in extending congratulations to Tommy on the occasion of this distinguished award and wish him well in reaching his goal of producing 50 Fresh Air Fund variety shows.

DON VISCONTI

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. MINETA. Mr. Speaker, I would like to ask you and my distinguished colleagues to join me in saluting Don Visconti, fire chief for the city of Santa Clara. Don will be honored at a dinner on February 21, 1986, recognizing his retirement after 28 years of distinguished service with the Santa Clara Fire Department.

Early in his career with the department, Don served as communications officer. He composed a complete and detailed Communication Manual, and conceived and initiated a dispatcher training program for the entire city, as well as devised the run card and map book system used for emergency dispatch. Don also developed an apartment complex mapbook and index. Other achievements early in his career included: initiation of a public relations program for the fire department; invention of a hose pack; initiated the prefire plan; and assisted in the design and location of new fire stations.

In 1975, Don became fire chief and initiated progressive programs which have gained national attention and recognition. The first Chemical Hazard Assistance Program in the State of California was created in 1979. Since that time, the chemical program has been requested and shared with fire chiefs across the Nation and Canada, and has become a pilot for State legislation. He was instrumental in developing the current Fire Science Program at Mission College and was also instrumental in the creation of a cooperative industrial/government mutual aid program in the city of Santa Clara.

Under Don's expert direction, the chemical division continues to develop; fire prevention has expanded to include the Home Fire

Safety Survey Program and the Police/Fire Arson Program. The department has grown from 127 employees to 179, the number of fire stations has increased from 8 to 10, and there is now a new training center and headquarters annex.

Mr. Speaker, on the occasion of this retirement banquet. Don Visconti can be confident that our country is most grateful for his contributions and accomplishments. Therefore, I ask you, Mr. Speaker, and my colleagues to join in expressing my thanks and congratulations to Don Visconti and to wish him the best for his health and future endeavors.

Thank you very much.

FLORIO ON CONRAIL

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. LaFALCE. Mr. Speaker, on January 24, 1986, I had the privilege of introducing our distinguished colleague, JIM FLORIO, to over 100 western New Yorkers attending a luncheon in Buffalo, NY, sponsored by the Western New York Transportation Council. JIM honored our community with his presence and educated our community on an issue of great importance to western New York—the sale of Conrail.

He addressed the critical issues under consideration by his subcommittee including: Conrail's value and the adequacy of present bids for Conrail; options under consideration for the continuation of Conrail; the value of tax benefits to potential purchasers and the cost of these tax benefits to the Federal Treasury; Conrail's viability; and the competitive and structural effects of a Conrail sale.

JIM's speech is a thoughtful, carefully crafted analysis of the many concerns we in Congress and our constituents must address. It was very well received in my community and deserving of our attention.

JIM FLORIO's speech on the sale of Conrail follows:

SPEECH OF HON. JAMES J. FLORIO, CHAIRMAN, HOUSE SUBCOMMITTEE ON COMMERCE, TRANSPORTATION AND TOURISM BEFORE THE WESTERN NEW YORK TRANSPORTATION COUNCIL

Good afternoon. I'm pleased to be here today to address the Western New York Transportation Council. It's a pleasure being here in Buffalo, particularly when there's not twenty feet of snow on the ground. I would like to focus on an issue of crucial importance to this region—the sale of Conrail.

A sound rail freight system is crucial to our Nation and region for a healthy business climate and economic development. The future of that freight system is at stake, as we consider proposals to sell Conrail, the major rail freight carrier in this region.

The debate and analysis surrounding various proposals to sell Conrail has been enlightening. I have come to several conclusions, some positive, some negative, that I would like to share with you today. On the positive side, Conrail's profitability is both a part of and an indication that the Northeast economy is regaining its strength. On the negative side, the analysis of all the competing sale proposals reveals how our national rail transportation system has changed in the last five years, and that the competitive forces are not what we had hoped they would be.

Let me begin with a little history. When Conrail was formed by the Federal Government in 1976, to take over from the bankrupt railroads such as the Penn Central, it was far from a sound rail freight system. In many cases, Conrail even lost track of its own rail cars.

But the situation has greatly improved. As a result of a large Federal investment, Conrail is now profitable and generally provides good service to the shippers in the region.

As many of you recall, in 1981, the Administration took office, determined to destroy Conrail and rail service in the region. The Administration argued that Conrail could never be profitable and must be broken up and cherry picked. A breakup of Conrail would clearly have been disastrous. Many jobs would have been lost and much service would have been abandoned. Only the very best lines would have survived, and even on these, there would have been much service disruption.

Fortunately, I was not alone in opposing a breakup. For example, Conrail labor and management worked together cooperatively to show that Conrail could indeed be profitable. Conrail and its unions entered into a historic wage deferral agreement in a joint effort to help Conrail become viable. Based on this commitment to viability, I developed an alternative plan. This plan allowed Conrail to keep together as an entity if it were profitable. All affected groups would have to sacrifice to achieve this goal, but the sacrifices required were far less than what would have occurred had Conrail been broken up. This plan gathered bipartisan support and, after a process of compromise, was enacted into law as the Northeast Rail Service Act of 1981 or NERSA.

Thanks to regulatory reforms and NERSA, the cooperation of labor and the management ability of Conrail Chairman L. Stanley Crane, Conrail is now profitable. Conrail reported profits of over $300 million for 1983. For 1984, the profit was about $500 million, which was better than almost every other railroad in the country. And for 1985, Conrail expects a profit of $440 million. And when you adjust the 1984 profit for the fact that Conrail paid reduced wages for the first half of 1984, the 1985 profit is actually a five million dollar increase.

This turnaround has been remarkable. However, it was not cheap. The taxpayers have invested over seven and a half billion dollars in Conrail and rail service in the Northeast and Midwest. Of that, over three billion dollars represents the Federal investment in Conrail. Over two billion dollars represent what the government has paid to the bankrupt railroads for Conrail's property. Most of this sum went to the Penn Central, of course. As a result of this turnaround, we now have a profitable rail freight carrier providing good service to shippers in the region.

In NERSA, the Congress instructed the Department of Transportation to engage the services of an investment banker, and to return Conrail to the private sector. The law set out several mandatory goals for a sale—the continuation of rail service, the maximum return to the Federal government, and a competitive bidding process.

I have been very concerned about the efforts of the Department of Transportation. For example, in the view of many, the process followed by the Department has not maximized the return to the government. Based on its earnings to date, Conrail is worth a significant amount. Many companies sell at up to ten times annual earnings or at a price/earnings ratio of ten. Considering Conrail's history and its short earnings record, a price/earnings ratio less than that may be more realistic. Even applying a lower ratio to Conrail's current earnings yields a price of several billion dollars. This, of course, is a quick and rough analysis, but it gives some idea of Conrail's value.

Furthermore, in evaluating Conrail's value and the adequacy of any bid for Conrail, it is important to examine Conrail's current financial strength. Conrail's profit in 1984 was about $500 million, and its 1985 profit was $440 million. Conrail has over $900 million in cash. In light of this financial strength, you don't need to be an investment banker to question whether the sale price of 1.2 billion dollars is "reasonable". Indeed, with the recent higher bid by Allen and Company, and the announcement by the Morgan Stanley group that it was raising its bid to 1.4 billion dollars, the market has proven that $1.2 billion is too low. I am certainly pleased that the price is going up.

There are many other questions raised by the Department of Transportation's proposal. What sort of tax breaks are available? And what is the cost to the Federal Treasury? Conrail has available tax depreciation of over three billion dollars. It is clear this depreciation can be used to shelter Conrail's income, even though the purchase price is only $1.2 billion. But can this depreciation also be used to shelter Norfolk Southern income? The Department of Transportation says it can't, Norfolk Southern says it can and the Treasury Department says maybe. Who is right?

Secretary Dole told my subcommittee last April she would support an amendment to prevent the use of Conrail's tax benefits to shelter Norfolk Southern income but Norfolk Southern has yet to agree. Will NS support this amendment? Or will NS insist on this tax break? Indeed, the legislation being considered by the Senate contains no restrictions on NS' use of Conrail's tax benefits.

We've heard many estimates of the cost of these tax benefits to the Federal treasury. Conrail says tax breaks available to Norfolk Southern will cost over $900 million. The investment banking firm of Morgan Stanley says the cost is around $600 million. Norfolk Southern has used the figure $60 million. And the Department of Transportation claims an even lower cost to the Treasury than Norfolk Southern, of $30 million. But all these parties have clear vested interests. The non-partisan Congressional Budget Office—with no stake in the outcome of the battle for Conrail—has estimated the tax losses of a sale to Norfolk Southern to be about $400 million between 1986 and 1990.

The respected CBO also estimated that the net return to the Federal government from the sale of Conrail to Norfolk Southern was only about $200 million over the 1986 to 1990 period. For the federal investment of over $7 billion we are getting back $200 million, for a company with $900 million in cash, and annual earnings of $400–500 million. It's no wonder the Federal budget needs balancing.

I should also point out that the Morgan Stanley and the First Boston, Allen & Co. proposals raise serious questions.

Key, of course, is the threshold question of Conrail's viability. There are many differing views on this issue. Norfolk Southern, the Department of Transportation, and even CSX, an investor in the Morgan Stanley plan, have raised questions in the past about Conrail's long term viability. On the other hand, Conrail, Morgan Stanley, and the United States Railway Association have indicated their views that Conrail will be viable on a stand-alone basis.

Of course, you can't decide whether Conrail will be viable without looking at issues such as dividend payments and capital expenditures. Much concern has already been expressed about the level of dividend payments proposed in the Morgan Stanley plan. A Conrail viable with moderate dividend payments may not be viable with excessive dividend payments.

As with the Norfolk Southern proposal, the return to the government from the Morgan Stanley proposal is important. Morgan Stanley has estimated that Conrail is worth about two billion dollars, including the 15 percent reserved for the Employee Stock Ownership Plan. This translates into a value of $1.7 billion for the government's 85 percent share. Yet Morgan Stanley is offering only $1.4 billion. While Morgan Stanley is also offering warrants to the government, the private investors will get the lion's share of the profit upon resale of the stock. While I am pleased the price is going up, I believe the government still deserves better.

Morgan Stanley has emphasized that the tax consequences from its proposal are superior to the tax consequences flowing from the Norfolk Southern proposal. As I mentioned earlier, this is mostly because of Norfolk Southern's ability to use Conrail depreciation to offset Norfolk Southern income. But what if Conrail, under the Morgan Stanley plan, were to acquire a profitable company to make better use of its tax attributes? This would be intelligent tax planning, but the tax consequences to the government may then be no different than the consequences from the NS plan. Would Morgan Stanley agree to the tax amendment suggested by the Secretary?

Many of us have also been quite critical of the provision in the Memorandum of Intent between DOT and NS allowing the Secretary to unilaterally waive any of the covenants. Yet a similar "blank check" provision was included in the Morgan Stanley bill that was recently introduced.

We need to know much more about both the Morgan Stanley and the Allen and Company—First Boston plans. At the same time, they have demonstrated beyond a doubt that a public offering is a viable option. Morgan Stanley has put together an impressive list of investors with substantial resources.

There has been much discussion in the Subcommittee of British efforts to privatize several of their companies and industries, in particular the recent public sale of fifty-one percent of British Telecom, the British phone company. Investment bankers have repeatedly pointed out the remarkable ability of the American market to absorb equity in a company newly entering the public market, and the success of the British Telecom offering despite the remaining forty-nine percent government share and the restrictions on the stock designed to prevent abuses.

Despite the concerns I have outlined here, the news for the region is good. We have a sound, profitable rail system that helps the Northeast compete in the national and international marketplace. Investors will pay money for Conrail, not quite enough yet, but they will pay as they will for railroads in other parts of the country.

Let me turn to the disturbing news. In 1980 Congress passed the Staggers Rail Act which was designed to reduce federal economic regulation of the railroad industry. It was an industry in trouble and needed the discipline of the marketplace to reinvigorate itself.

The theory of the Staggers Act was that the competitive pressures would, in most cases, protect shippers and competing modes. Only where the competitive pressures did not exist would the federal government intervene.

The Staggers Act has worked; railroads have modernized, learned to market their services, and learned to compete. The industry is healthier financially and more aggressive competitively.

What the analyses of Conrail have shown is that there has been enormous structural change in the industry since the passage of the Staggers Act. There have been major mergers between virtually every large railroad in the country since the Staggers Act was passed, with the result that we now have only six large railroads left in the country.

The sale of Conrail to any of the interested parties seems likely to reduce the number of railroads even more. A sale to Norfolk Southern would obviously do so, but many believe that an independent Conrail would eventually merge with another railroad, probably a western one.

This concentration of control in the industry and the inevitable reduction in railroad competition requires a reexamination of the Staggers Act. Unfortunately, in the current environment in Washington, it is difficult to rely on the regulatory agencies charged by Congress with enforcing the law to do the job. The ICC, for example, would be abolished by the budget submitted to Congress by the President. In any event, the current ICC feels it has the ability to reinterpret the law to suit its own views. For example, I have heard arguments that recent ICC decisions, in particular with respect to the rights of employees, are a departure from previous ICC decisions and raise serious question about their consistency with the laws passed by Congress.

The analysis of the Department of Justice of the sale of Conrail to Norfolk Southern is an example of the troubling questions raised in this matter about the rail industry's structure.

Originally, the Department of Justice said there would be serious competitive problems with a sale of Norfolk Southern. Divestiture plans were put together to respond to Justice's concerns, but serious questions were raised about the proposed divestitures and other aspects of the proposed sale. Would these line divestitures create viable competitors? What would be the effect on the other railroads? What would be the effect on shippers, particularly captive shippers?

Both the United States Railway Association and the Interstate Commerce Commission reported to my Subcommittee that other railroads would lose more traffic—and thus be more adversely affected—as a result of a Conrail-Norfolk Southern merger than Norfolk Southern projected.

And in early September, the ICC submitted a report to my Subcommittee on the proposed line divestitures to Guilford Transportation and the Pittsburgh and Lake Erie Railroad. The ICC staff concluded that neither Guilford nor Pittsburgh and Lake Erie would be financially viable. If that conclusion were correct, then, according to the Department of Justice, we would be creating a giant monopoly.

In late September, in response to these troubling questions, Norfolk Southern and Guilford proposed a revised divestiture plan. The Justice Department promptly criticized this new plan.

Well, as the old saying goes, if at first—and at second—you don't succeed, try, try again. In November, Norfolk Southern submitted a new plan, a further revision. Like with the now discredited earlier plans, we are being assured by DOT and Norfolk Southern that the new divestiture plan will create viable, long-term competitors. And maybe it will. This time, the Justice Department appears to support the plan. But even the Justice Department has qualified its opinion. According to Justice, the new plan "appears on its face" to address the competitive problems previously raised by the Department.

But we are being asked to completely and irrevocably redraw the rail map in the Northeast and Midwest, whether through a sale to Norfolk Southern or to some other group which would have the right to sell Conrail at some point in the future. We will need more than quick judgments based on how a plan appears on its face. We will need careful study. And we don't yet have it.

Shippers are voicing concern about the competitive implications of a Conrail-Norfolk Southern merger. In November, the National Industrial Transportation League, the nation's major organization of shippers, voted to oppose the merger and support an independent Conrail. These are many of the same shippers who have urged reexamination of the Staggers Act.

While we can be proud and pleased at Conrail's performance and its meaning for the economy of the region, we must be vigilant as events develop. The government's investment should be protected, but so should our national rail system and its competitive structure.

From what I have seen thus far, I do not believe that the Congress should act on any of the sale proposals without protection for the consumers who use the rail system, which means changes in the Staggers Act. The Staggers Act is a good law, one that brings the railroad industry into the twentieth century by reducing federal interference, but it appears to me at this point that it needs to be reshaped in light of the structural changes that are occurring.

The stakes for the region and this country in this debate are high. We would all like to return Conrail to the private sector, earn an adequate return for the government, and reduce the federal deficit, but we cannot be oblivious to the competitive and structural effects of a sale.

I will work to see that any action taken balances the needs of the government, the region, consumers, and our national transportation system. I urge your active, continued involvement.

FEBRUARY IS HEART MONTH

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. DWYER of New Jersey. Mr. Speaker, in declaring February 1986 as American Heart Month, both the Congress and the President have recognized the need to continue the battle against this Nation's leading killer: heart disease. More than 63 million Americans have one or more forms of cardiovascular disease. Almost as many people will die from cardiovascular disease in 1986 as from cancer, accidents and all other causes of death combined.

In 1986, 550,000 individuals will die from heart attacks and 500,000 individuals will suffer a stroke. The total economic cost of cardiovascular disease in this year will reach $80 billion in direct medical expenses and indirect costs such as insurance, disability claims, lost salaries, and rehiring and training.

As alarming as these statistics may seem, there are some very positive trends as well. Since 1968, the death rate from coronary heart disease has declined by 37 percent and the death rate from stroke has plummeted by 52 percent. American Heart Association and National Heart, Lung, and Blood Institute [NHLBI] research efforts have contributed significantly to this remarkable decline in the mortality rate from coronary heart disease and stroke.

However, the scope and magnitude of cardiovascular disease demands that further progress in research, prevention, and treatment be made. The potential for further impact on the decline in death rates due to heart disease and stroke is evident as new and exciting research pathways emerge. Some examples include: The application of advances in cellular and molecular biology to the study of atherosclerosis and hypertension; research in the relationship of nutrition to cardiovascular disease; study of the effects of behavior, stress, and exercise on cardiovascular patients, and new educational efforts in the area of hypertension, cholesterol, and smoking aimed at the general public.

The above-mentioned research areas are only a few of the many being pursued by both the American Heart Association and the National Heart, Lung, and Blood Institute at this time. We encourage the continuation of this successful partnership of the private sector and the Federal Government that began with the creation of both the association and the institute in 1948 for it offers the hope that the incidence of all forms of cardiovascular disease will continue to decline in the coming years.

FULL CREDIT CARD COST DISCLOSURE ACT

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. SCHUMER. Mr. Speaker, today, along with Congressman TOBY ROTH, I am introducing the Full Credit Card Cost Disclosure Act to encourage competition in the credit card industry by facilitating comparative shopping by credit card users. This bill does not attempt to bring excessive interest rates down by imposing rate restrictions on credit card issuers but rather by increasing the amount of information available to consumers.

Card issuers would have to disclose in an easy-to-understand table complete information about all the rates and fees associated with their cards. These disclosures would be required on any application or in any solicitation that offers a "pre-approved" card. Thus, consumers could estimate the costs of the various cards before applying for them and select the card that offers the best deal.

This scenario sounds like the basic model of a competitive market and indeed it is. The problem, however, is that the current credit card market is not competitive. And it is not competitive in large part because consumers are not getting adequate information about the relative costs of different cards. Current law requires fee disclosure only before the first purchase on a revolving credit account. Therefore, a consumer can apply for and receive a card before discovering the interest rate, annual fee, and other charges to use the card. We would not order a refrigerator before we knew what it would cost us. Why should a credit card user be forced to apply for a card before learning its price?

Even when card issuers voluntarily disclose fees before they have to, this disclosure is often not complete and, even more often, not made in a manner that allows easy comparative shopping. It is not enough to compare the interest rates of two different cards if one of the cards also charges a fee for late payment of interest. Similarly, 18 percent interest that begins accruing on the date of purchase adds up to a lot more than 18 percent interest that starts accruing 25 days after the end of the billing cycle. My legislation requires a uniform disclosure table so that consumers will know when they are comparing apples and apples and when they are comparing apples and oranges.

One need take only a cursory look at today's credit card market to see the devastating effects that inadequate disclosure requirements have on cardholders. In spite of a 50-percent decline in the cost of money over the past 4 years, the average credit card interest rate has gone up by almost 2 points. With the prime rate now below 10 percent and with new automobile loans down to less than 11 percent, credit card users are still paying an average rate of almost 19 percent.

Some small and mid-size banks offer cards for less than 13 percent. However, inadequate information and the domination of the national market by a few big banks mean that most people are paying 19.8 percent to Chase Manhattan and Citicorp in New York instead of 12.5 percent to Simmons Bank and Union National in Arkansas. With tighter disclosure laws, consumers will learn their options, and the big banks will be forced to join the fray and compete.

Unfortunately, increased disclosure requirements will probably be insufficient to restore competition to the industry. Therefore, even as I urge my colleagues to pass this bill to toughen disclosure requirements, I continue to ask their support for legislation I previously introduced mandating a Federal Reserve Board study of interest rates and imposing a floating cap if rates are not competitive. We should give the free market a fair chance. But if the market is not free, we must ensure that rates are fair.

The text of the Full Credit Card Cost Disclosure Act follows.

H.R. 4197

A bill to provide for more detailed and uniform disclosure by credit card issuers with respect to information on interest rates and other fees which may be incurred by consumers through the use of any credit card

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Full Credit Card Cost Disclosure Act".

SEC. 2. CREDIT CARD COST DISCLOSURE REQUIREMENTS.

(a) DISCLOSURE REQUIRED IN SOLICITATIONS BY CREDIT CARD ISSUERS AND IN APPLICATIONS FOR CREDIT CARDS.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end thereof the following new subsection:

"(c) DISCLOSURE IN APPLICATIONS AND SOLICITATIONS.—Any application to open an account for any person under any open end consumer credit plan, and any solicitation by a creditor in which such creditor offers to open an account for any person under any open end consumer credit plan without requiring such person to complete an application to open such account, shall—

"(1) contain all the information which is required, under any paragraph of subsection (a), to be disclosed to such person before such account is opened; and

"(2) provide such information in the form prescribed by the Board under section 122(c)."

(b) CLARIFICATION OF FEE DISCLOSURE REQUIREMENT.—Paragraph (5) of section 127(a) of such Act is amended to read as follows:

"(5) Identification of any transaction fee, any fee for late payment of interest, and any other fee or charge which may be imposed in connection with the plan (which is not otherwise described in this subsection), the amount of any such fee or charge, and (where applicable) the method for computing any such amount, in accordance with regulations which the Board shall prescribe.".

(c) CERTAIN INFORMATION REQUIRED TO BE DISCLOSED IN TABULAR FORM.—Section 122 of such Act (15 U.S.C. 1632) is amended—

(1) in the third sentence of subsection (a), by striking out "Regulations" and inserting in lieu thereof "Except as provided in subsection (c), regulations"; and

(2) by adding at the end thereof the following new subsection:

"(c) TABULAR FORMAT REQUIRED FOR CERTAIN DISCLOSURES UNDER SECTION 127.—

"(1) IN GENERAL.—Any information described in paragraphs (1), (4), and (5) of section 127(a) which is required to be disclosed under such section or section 127(c) shall be—

"(A) disclosed in the precise form and manner prescribed by the Board under paragraph (2); and

"(B) placed in a conspicuous and prominent location on any application, solicita-

tion, or other document or paper with respect to which such disclosure is required.

"(2) TABULAR FORMAT.—

"(A) FORM OF TABLE TO BE PRESCRIBED.—The Board shall prescribe in regulations that the information described in paragraph (1) shall be disclosed in the form of a table which—

"(i) contains clear and concise headings for each item of such information; and

"(ii) provides a clear and concise form for stating each item of information required to be disclosed under each such heading.

"(B) BOARD DISCRETION IN PRESCRIBING ORDER AND WORDING OF TABLE.—In prescribing the form of the table under subparagraph (A), the Board may—

"(i) list the items referred to in subparagraph (A) in the table in a different order than the order in which such items are set forth in section 127(a); and

"(ii) subject to subparagraph (C), employ terminology which is different than the terminology which is employed in such section if such terminology conveys substantially the same meaning.

"(C) GRACE PERIOD.—Either the heading or the statement under the heading which relates to the time period referred to in section 127(a)(1) shall contain the term 'grace period'.".

"(d) EFFECTIVE DATE.—Any regulation required to be prescribed by the Board of Governors of the Federal Reserve System under any amendment made by subsection (a), (b), or (c) shall—

(1) take effect not later than the end of the 150-day period beginning on the date of enactment of this Act; and

(2) apply only with respect to applications, solicitations, and other material distributed after the effective date of such regulations.

IN MEMORIUM OF KENICHI "KENNY" UYEDA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. ANDERSON. Mr. Speaker, recently, a very good friend of mine, Mr. Kenichi "Kenny" Uyeda passed away. Kenny was a very positive force in the South Bay area of Los Angeles, and I think it's important that our colleagues be given the chance to read the following article on how special this man was to our community.

Although Kenny is no longer with us, his spirit, civic awareness, and good will is alive and well.

The New Times-Headlight article follows:

LATE CITY EMPLOYEE REMEMBERED BEST FOR LONGEVITY, PRIDE

(By Dr. Thomas Rische)

Torrance is one of the county's centers of Japanese businesses and Japanese-Americans. The city has come a long way since the World War II days when some businesses had signs, "No Japs or Dogs Allowed!"

One reason for the increasing number of Orientals and breakdown of old barriers was Kenichi "Kenny" Uyeda, North Torrance nurseryman who died recently at the age of 67. However, he endlessly promoted understanding between people, regardless of their race.

I interviewed him for a story about Japanese-Americans several years ago, and came away mightily impressed. In 28 years on the Torrance Planning Commission (possibly a record for the county), Uyeda established himself as a bridge between the pre-war Japanese immigrants of his parents' generation, the Nisei of his generation, and the Caucasians who were slow to drop the prejudices which reached their height during World War II.

Endlessly cheerful, Uyeda was steeped in the traditions of his race, yet intelligent and adaptable enough to adopt the ways of the Caucasian majority. He had virtually perfect attendance at Planning meets for his 28 years. He was forceful without being pushy, eloquent in a quiet way. He was a driving force in Lions Clubs and their youth exchanges and in the Japanese-American Cultural Center in Gardena.

His tenure on the Torrance Planning Commission was during a period when the city tripled its growth—and during which Oriental families became regular features of most neighborhoods instead of being isolated in their own little ghettoes, near their farms. Uyeda had a lot to do with that expansion. One major tract builder in Torrance, for instance, had restrictive clauses in his sales contracts; Uyeda arranged for the man to take a trip to Japan to see how Japanese operated and he was impressed; the restrictions were withdrawn. On many other occasions, he served as a quiet go-between for his fellow Japanese-Americans and less tolerant Caucasians.

Born in Utah as the son of a sugar beet farmer, Uyeda came to Los Angeles as a teenager.

Educated only through high school, he was an avid reader of all kinds of material. He had to speak Japanese to his parents. During the war, his family returned to Utah to farm, so they did not have to go to internment camps where many of their fellows were held. Uyeda's sister, however, who had a flower shop in Los Angeles, probably lost about $15,000 in investments when she had to hastily evacuate after Dec. 7, 1941.

Drafted in 1943, Uyeda was in charge of maintaining 140 trucks which transported agricultural products in the western states. After the war, he returned to California, finally settling on five acres at 185th and Western, where he established his nursery.

He was a participant in many local organizations, but declined to run for City Council. ("Too much work," he noted. "Who needs it?") Opposed to gambling with money, he nevertheless took Japanese pachinko machines to various carnivals to raise money for charity.

A Buddhist, his grandchildren also attended classes in that church to keep in touch with their roots. He was both proud of and saddened by the increasing Americanization of younger Japanese-Americans: "The Japanese may be losing track of some traditional values—honesty, dependability, courtesy, working hard—the things that helped us become good Americans. Our kids sometimes accuse us of being quiet Americans—of putting up with injustices."

"I never felt discriminated against in all my life," Uyeda told me, but did allow, "A couple of times when I was sitting on the Planning Commission, I did hear remarks like 'What's that Jap doing up there?' I could have taken it personally, but what the hell? That doesn't negate what I am. I'm in public life and this is a free country."

"Where else could you get a beat up old pickup, hoe, rake, $18 lawnmower, and get started? Nowhere else! There is freedom here to do right or wrong. How else is there progress?"

IN NICARAGUA: PLENTY OF BLAME ON BOTH SIDES

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. DORGAN of North Dakota. Mr. Speaker, a recent investigation by the nonpartisan group, Amnesty International, shows that both sides in the Nicaraguan civil war have committed plenty of human rights abuses.

The Sandinista government, for example, has held political, business, and labor leaders under harsh conditions. Some were packed into tiny cells and awakened every 10 minutes during the night. The Government's Interior Ministry routinely holds such prisoners incommunicado and without charge.

The report also noted that the Sandinista Contras have engaged in a pattern of abuses, including "routine torture and summary execution of captives." These charges have been exposed in recent articles by investigative reporter Christopher Dickey.

Clearly, neither the Sandinistas nor the Contras have the kind of human rights track record that warrants U.S. support. It is in our interest to advance the Contadora peace process, so that we can help end artrocities and rights violations by both sides.

The Amnesty International report should also buttress the determination of Congress to resist administration pleas for lethal aid to the Contra forces.

A summary of the Amnesty findings follows in the February 13, 1986, article in the Washington Post:

[From the Washington Post, Feb. 13, 1986]

HUMAN RIGHTS ABUSES IN NICARAGUA REPORTED

(By Terri Shaw)

The human rights group Amnesty International has reported a "pattern of intimidation and harassment" of opponents of the Sandinista government in Nicaragua as well as abuses by the U.S.-supported rebels fighting to overthrow it.

In a detailed report released Tuesday on human rights in Nicaragua since the Sandinistas took power in July 1979, Amnesty said political, business and labor leaders sometimes are arrested, held incommunicado under harsh conditions and interrogated. Most have been released.

It said former prisoners reported being held in small cells with the lights on all the time, being threatened with indefinite imprisonment and being awakened every 10 minutes all night.

The report singled out for criticism the Interior Ministry's State Security Service, which it said routinely holds prisoners incommunicado and without charge under a state of emergency imposed in March 1982 as a response to attacks by the rebels, known as contras, or counterrevolutionaries.

Nicaraguan Ambassador Carlos Tunnermann denied that the opposition figures were detained because of their political activity.

"They were not arrested because they are civilian leaders but because they were helping to destabilize the country's economy, which is against the law, or preaching against the draft or cooperating with the counterrevolutionaries," Tunnermann said.

He added that when the government learns of abuses it puts those responsible on trial.

The Amnesty International report repeated earlier criticism of the legal system created by the Sandinistas, particularly special tribunals set up in 1983 to try people accused of collaborating with the rebels.

The report also noted a "pattern of abuses" by the contras and said that it had received reports of "routine torture and summary execution of captives." It said the largest contra group, the Nicaraguan Democratic Force, known as FDN by its Spanish initials, was "frequently reported to retain no prisoners, killing captives on the spot or after brief field interrogations."

It added: "Witnesses of such killings have described in detailed testimonies made available to Amnesty International execution-style killings in which captives were bound, tortured and [had] their throats slit by FDN forces."

The report said that while Amnesty International condemns "the killing or torture of captives by anyone," it only takes action regarding governments because they are "bound by the international legal standards which Amnesty International seeks to uphold."

Last August, leaders of the rebel group said they had set up an internal organization to encourage its fighters to respect the rights of prisoners and civilians in the areas where they operate and to punish those who do not.

The report also took note of several unsolved killings and disappearances of persons detained by Sandinista forces in 1981 and 1982. It added, however, that in some recent cases members of the Nicaraguan police and military have been tried and sentenced for mistreating prisoners or civilians.

Another human rights group, Americas Watch, issued a report on Honduras, the nation to the north of Nicaragua where many of the anti-Sandinista rebels are based.

The report says the number of rights abuses in Honduras has decreased since the ouster of defense minister Gustavo Alvarez in March 1984. It added, however, that there continue to be reports of torture, illegal detentions and the jailing of citizens "on shadowy or non-existent charges."

The report charged that the Honduran military "is still responsible for the majority of human rights abuses in the country." It singled out for criticism the police and intelligence forces, considered part of the military, and noted that the Reagan administration has asked Congress to approve aid to the Honduran police.

The presence of thousands of U.S. troops in Honduras, on maneuvers designed to intimidate the Sandinistas, has had both beneficial and harmful effects on that Central American country, one of the poorest in the hemisphere, the report said.

STATE OF THE MINING INDUSTRY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. YOUNG of Alaska. Mr. Speaker, I submit for the RECORD the remarks of Robert C. Horton, the Director of the U.S. Bureau of Mines, before the 10th annual convention of the Alaska Miners Association. Mr. Horton, whose job it is to "ensure that the Nation has adequate supplies of nonfuel minerals for security and other needs," displays in his address a clarity of thought of one who is unafraid to point out the emperor's nakedness. In his address, Mr. Horton points to a particularly crippling informational disease that has for too long plagued America—"environmental extremism." He correctly points out that, regardless of the goals of this anti-intellectual movement, it's impact on jobs, productivity, and resultant competitiveness has been devastating. I hope other Members understand the Director's message, and ask that it be printed in the RECORD.

STATE OF THE MINING INDUSTRY

(By Robert C. Horton, Director of the U.S. Bureau of Mines)

The theme of this convention, "Mining: Responsible Development," is both timely and appropriate. Timely, because there is presently within our nation a growing awareness of the need to use reason and restraint in the formulation and implementation of environmental policies and regulations. Appropriate, because mining can be conducted in a responsible fashion and those that do otherwise do a disservice to the industry and the nation.

The promise of a return to sobriety and sanity in environmental matters will not be realized in the absence of vocal, effective and persistent efforts. Let me give you a few examples of that promise as well as the problems.

Elizabeth M. Whelan, executive director of the American Council on Science and Health, recently noted that the final message reaching consumers about the role of environmental pollution in causing cancer and other diseases has become badly garbled and is not supported by the official, peer reviewed conclusions, of the mainstream scientific community.

She said the public is falsely led to believe that the primary cause of cancer is "the environment," and that the most effective way of controlling the problem is to "purge our land of every suspect man-made chemical, toxin and carcinogen."

Such a philosophy, she said, is a "cunning" distortion of the scientific realities about the state of health in America and the relationship of environmental factors to human disease." "Toxic terrorists," Mrs. Whelan said, are generating unnecessary public fear of environmental pollution, resulting in excessively strict regulations that, if continued, will have a negative effect on the U.S. standard of living.

Philip Shabecoff, who covers environmental affairs for the New York Times, recently wrote, "In any revolution there are excesses and inefficiencies and so it is with the environmental revolution. Some of our decisions on how best to reach desired goals were hasty, and rules and regulations ill-considered. . . . On occasion, alarms sounded by ill-informed inky journalists such as myself have been unnecessarily shrill, arousing excessive fears in the populace. Difficult issues raised by environmental regulations, like allocation of resources have created political polarization where none existed before.

William A. Butler, vice-president for governmental regulations, counsel, and head of the National Audubon Society's Washington D.C. headquarters recently wrote: "Congress's current difficulty in reauthorizing many, if not most, of the nation's major environmental statutes underscores increasing national debate about not only the future of environmentalism, (note the term he uses, environmentalism—I will speak of it later) but also of government regulation in general."

"Whatever the ultimate worth of the benefit-cost analysis in determining the substance of regulations, there is now consensus that, done conscientiously, such analysis at least is useful in setting regulatory priorities. Some are coming to the position that it should be used more broadly to determine how and when to regulate, as well as to decide what problems are amenable to governmental regulations at all."

These observations give me some hope that reason may replace hysteria in our responses to environmental concerns.

There remain, however, the extreme environmentalists, the high priests of that new religion, environmentalism, who, like the well meaning priests of the old spanish inquisition, would burn our economy and security at the stake in order to save our collective national soul.

To illustrate the single minded purpose of the extreme environmentalist, let me quote again one sentence from Mr. Butler of the Audubon Society, a Society that has done much good for others and, I might note, for itself by granting oil and gas leases in its Louisiana Wildlife Refuge. Mr. Butler wrote, "whatever the ultimate worth of benefit-cost analysis in determining the substance of regulations, there is now consensus that, done conscientiously, such analysis at least is useful in setting regulatory priorities."

Not useful in establishing the scope and nature of regulations.

Not useful in defining the limits of regulations.

Not useful in deciding whether or not to regulate.

But "useful in setting regulatory priorities." Hang the cost—we will simply save the most costly for last.

Am I picking a fight with environmentalists? Hell, no. I am an environmentalist. All of you are environmentalists. I am picking a fight with those who would strangle our nation, our economy, our way of life, by their unceasing efforts to lockup, for all eternity, the national resources upon with our survival depends.

For four years in Washington, D.C. I have watched wilderness area after wilderness area being subtracted from the inventory of lands available for mineral exploration and development. I see no end in sight. To this now excessive practice, extreme environmentalists would have us believe that the wilderness is the true environment. Pristine tree-covered slopes, mountain meadows, crystal streams, grizzly bears and caribou, hawk and eagle—but nowhere, absolutely nowhere, a man or a woman gainfully employed, no coal being mined to fuel the homes and factories of America, no copper for the wires to carry electric power, no timber being cut to build new homes.

I want wilderness areas, but not everywhere and forever. Had the extreme environmentalist, that laity and priesthood of fundamental environmentalism, been active in the 1840's there would have been multiple streams of wagon trains backed up from St. Louis, Missouri to Bangor, Maine hopelessly awaiting approval of their environmental impact statements. And Seward's folly would indeed have been a folly.

Crown jewels, that is what our National Parks and Wilderness areas have been called. Crown jewels, and apt phrase. I, too, wish an appropriate selection of crown

jewels for our nation. But many a kingdom has gone broke trying to satisfy the crown jewel hunger of a single minded monarch.

The environment is much more than parks and wilderness. It is the tens of thousands starving in Ethiopia. It is Iran and Iraq, Afghanistan and Poland. And yes, the closed copper mines of Arizona, the closed iron mines of Michigan and Minnesota, the failing and failed heavy industry factories of Pittsburgh and South Bend. In short, the environment that should concern us most is the environment in which we live and work, not that environment a few equipped with hiking boots and knapsacks choose to visit on rare occasions. That puritanical environment, I most enthusiastically agree, fills the soul. How many soul filling stations can we afford?

What can you do? After four years in Washington, it is my firm conviction that the majority of Congressmen attempt to do that which they believe their constituents desire. How do they determine those desires? By reading letters, by reading local newspapers, but most importantly by listening. Listening to visitors, listening to lobbyists, listening to representatives of associations and corporations. They come to believe that the loudest and most persistent speakers represent the true desires of their constituents. You must, therefore, be loud, you must be persistent, you must be insistent if your desires are to prevail.

HUNTINGTON PARK—A CITY COMES BACK FROM THE BRINK OF DECLINE

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. HAWKINS. Mr. Speaker, I would like to put on the record a report regarding a milestone of achievement to be observed by the city of Huntington Park, in my 29th California District:

On March 15, the city of Huntington Park will mark the 15th anniversary of its community redevelopment agency, and one of the most successful community revitalization programs ever undertaken by any city.

The anniversary will be officially observed on Thursday, March 13, with a community celebration of achievement, calling attention to the very considerable progress the city has made in rejuvenating and restoring a town that 15 years ago was rapidly decaying and in deep economic decline.

By almost any measurement, Huntington Park has one of the most productive and successful—if not the most successful—community redevelopment programs in California. On a per capita basis, they have put more resources into rejuvenating their city than any other city, and with more visible results.

To adequately assess those results, one should consider the condition of the city 15 years ago: An aging, inner-city community, with most of its housing stock 50 to 75 and more years old. Modern developments elsewhere were leaving Huntington Park in an economic backwash. Where the city, and specifically its main street, Pacific Boulevard, had once been a major shopping center for all of southeast Los Angeles County, the new large shopping centers, with their acres of parking and freeway access, were luring away all the shoppers. Businesses up and down Pacific Boulevard were closing down. The street had a vacancy factor exceeding 20 percent.

The city's sales tax revenues were falling off sharply, and proposition 13 was threatening to decimate property tax revenues. This also was that period of economic crisis when cities were suffering a deep recession combined with skyrocketing inflation. Most cities were cutting back, venturing little, trying to conserve dwindling resources. But that was when the Huntington Park City Council decided to take bold action and gamble what resources were available to them on a massive improvement program to save their town and recover its economic strength.

The city agressively went after and secured some major State and Federal improvement grants, and poured hundreds of thousands of scarce dollars into street repair and renovation. They invested in a major restoration job on Pacific Boulevard, and encouraged merchants along the street to invest substantial private funds to renovate their businesses. They leveraged bank loans—and local banks went out on the limb to be cooperative—to extend their resources for improvement programs. And through their CRA, they initiated a growing list of bond issues of all sizes and types, some involving quite innovative approaches to bond financing. One issue, for $40 million, was the largest triple B issue ever marketed for an SB99 development project. The money was used to develop a series of affordable town home projects.

In total to date, the city has successfully marketed over $70 million in revenue bonds to pour into the redevelopment program.

The bond money—more than $1,500 per capita for Huntington Park—represents only a fraction of the money that has been invested in development projects, much of which has been achieved through private owner participation in various projects.

A major industrial development, the Westside Industrial Park, which involved the removal of some scores of aging, dilapidated and marginal industrial plants and replacement by 150 new businesses in modern, more efficient facilities, required an initial investment of $30 million. The city secured a $4 million UDAG grant as seed money for the project, and private investors put up the remaining $26 million. The market value of the development now exceeds $45 million, and the new plants have created some 2,400 new jobs.

The city won a $2.4 million EDA grant for major street renovation throughout the entire city. A $600,000 Federal grant allowed for the development of a new westside park. Some $3.3 million has gone into single family home rehabilitation, much of it private money.

Another factor in the recovery program was the changing nature of the community. Huntington Park historically had been a white, middle-class community of single family homes. But as the city aged and homes fell into disrepair under the double pressure of recession and rising interest rates, the population of the community changed, at first gradually and then more rapidly, into a poorer, working-class, predominantly Hispanic population.

Under city council prodding, merchants along Pacific Boulevard altered their entire approach to merchandising to fit the habits and traditions of the Hispanic population.

Almost none of the old decaying businesses are left on Pacific. Mostly there are new store fronts. Old buildings have been replaced by new office buildings. Whole sections of older stores have given way to new shopping centers. Blocks of old housing on the fringes of the central business district have been replaced by new condominiums.

Today there are no vacancies on Pacific Boulevard, and there is a waiting list of firms seeking locations on the Boulevard.

The city's sales tax revenues are increasing rapidly, reaching an all time high of $74,136,000 for the quarter ending June 1985—an increase of 31 percent over the same quarter the previous year, equal to an annual rate of almost $300 million. And this increase is expected to continue as more of the new commercial developments come on line.

The city's property valuation has more than doubled—from $317 million in 1977 to $684 million in 1985.

Increment tax revenues received by the redevelopment agency last year amounted to $2.6 million, and are expected to grow to $3.5 million by 1987. And, unlike many cities with CRA's, Huntington Park shares this windfall revenue with other agencies, such as the Los Angeles County Consolidated Fire District.

The city today is in solid financial condition, operating in the black, providing higher levels of police protection and other services to its citizens, and with a greatly improved infrastructure, housing stock, and commercial/industrial base. These are the results of the foresight and bold actions taken by the city council under very adverse economic conditions that are the basis for the 15th anniversary celebration of achievement that will be observed by the city on March 13, 1986.

RISK MANAGEMENT IN MEDICINE

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. McCOLLUM. Mr. Speaker, in the field of medicine it is especially important to ensure that some kind of risk management system is implemented and enforced. The American Society of Anesthesiologists has been providing this service for anesthesiologist and I would like to include in the RECORD an outline of their current initiatives.

PEER REVIEW, PATIENT SAFETY AND RISK MANAGEMENT: CURRENT INITIATIVES

One of the most important current areas of ASA activity involves a comprehensive program to achieve improvement in the quality and safety of anesthesia care in the United States. Major segments of the program include the following:

ONSITE PEER REVIEW

Since 1982, ASA has through its Committee on Peer Review made available to the nation's hospitals and their medical staffs

the opportunity to receive an on-site evaluation of anesthesia services rendered in the hospital. On-site visits, normally two days in duration, are made by a disinterested team of anesthesiologist evaluators, and a comprehensive, candid written report of the evaluation is provided to the hospital and medical staff. Approximately 35 requests for this service have been received since inception of the program, and some 18 evaluations have been completed to date, with an additional six to be completed.

PATIENT SAFETY VIDEOTAPES

In the past 18 months, ASA through its Committee on Patient Safety and Risk Management has been engaged in production of a six-part videotape series on patient safety. The series is designed for use by anesthesia staffs and individuals in training. Topics include proper checkout of anesthesia machines, anesthesia record-keeping, and common causes of anesthesia mishaps. Three of the six films are being produced with the cooperation of the Food and Drug Administration.

DEVELOPMENT OF GENERIC MACHINE CHECKOUT

In collaboration with the FDA and manufacturers of anesthesia machines, ASA has developed a generic machine check-out form for use by anesthesia personnel prior to undertaking an anesthesia procedure. The purpose of the effort is to reduce anesthesia mishaps that may be traceable to equipment failures, by providing operators with a checklist of steps to be followed, prior to starting a procedure, to insure the equipment is operating properly.

IMPROVEMENT OF DEWS

In a related effort, ASA and the FDA are working to establish a system—known as Device Early Warning System—for the reporting of incidents, including "near misses", which occur in the course of administration of anesthesia. The essential concept is to provide a system to identify potential problems with anesthesia equipment and to provide equipment users with advance information on how to avoid such problems.

ESTABLISHMENT OF PATIENT SAFETY FOUNDATION

In connection with its annual meeting in October, 1985, ASA approved the establishment of the Anesthesia Patient Safety Foundation. The purposes of the Foundation include fostering investigations that will provide a better understanding of preventable anesthetic injuries and encouraging programs that will reduce the number of those injuries. The Foundation will be governed by a 30-person Board, including representatives of the following: anesthesiologists, anesthesia equipment manufacturers, insurers, hospitals, non-physician providers, attorneys and the FDA. ASA has underwritten the activities of the Foundation to the extent of $100,000 per year.

STANDARDS OF PRACTICE

ASA's House of Delegates in October, 1985, approved appointment of a committee charged with responsibility for proposing ASA-approved standards of anesthesiology practice. In creating and publicizing such standards, the objective will be to raise the quality and safety of anesthesia care throughout the United States.

IMPLEMENTING GRAMM-RUDMAN IN THE MOST COST-EFFICIENT MANNER

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. GUNDERSON. Mr. Speaker, last week, outgoing Secretary of Agriculture John Block announced that he would achieve the 4.3 percent across-the-board Gramm-Rudman budget cut in the dairy price support program by decreasing the Commodity Credit Corporation [CCC] purchase price for surplus dairy products by 4.3 percent.

That action is fiscally wrong not only for the dairy industry, but for the Federal budget as well.

Make no mistake about it, every penny of any reduction in the purchase price of cheese (of approximately 5.5 cents/pound), butter (of approximately 6 cents/pound), and nonfat dry milk (of approximately 3.5 cents/pound) will be passed through to dairy producers. The resulting decrease in farmers' milk checks will be something in excess of 50 cents per hundredweight of milk marketed.

And this decrease will be felt by every dairy farmer in the country, not just those who sell to plants who, in turn, sell to the Government. As these producer prices go down, the M-W series—that price on which all other prices are based—will go down, and every dairy farmer in the country will get less for his milk.

The ironic thing, of course, is that there is no guarantee that this price cut will achieve the $83 million in savings required in the dairy program under Gramm-Rudman. In fact, in all likelihood, the cost of the program will go up, not down. This has been our experience every time we either froze the support price or cut that price in the last 5 years.

There is a more cost-efficient solution to this dilemma—both for the dairy farmer and for the Federal Government. Instead of a price cut, we should use an assessment of between 8 and 12 cents on all milk marketed commercially in the United States from March 1 through September 30, 1986.

Through the use of an assessment, we can guarantee that the necessary budget reduction will be achieved and, at the same time, save the average Wisconsin producer (with 40 cows and a 12,500-pound herd average) approximately $1,100 during the last 7 months of fiscal year 1986. In short, we accomplish what Gramm-Rudman requires us to do and, also, save dairy farmers money.

I am, therefore, pleased to be joined by the gentleman from Vermont [Mr. JEFFORDS] in introducing legislation today that would authorize the Secretary to achieve the required fiscal year 1986 Gramm-Rudman savings in the dairy program through an assessment, rather than through a price cut. Similar legislation is being concurrently introduced in the other body by the junior Senator from Wisconsin Mr. KASTEN.

I urge my colleagues to join us in implementing this most cost-efficient means of achieving the necessary Gramm-Rudman budget savings in the dairy price support program.

PURSUING A POLICY OF REALISM IN CENTRAL AMERICA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. DORNAN of California. Mr. Speaker, I rise today to remind my colleagues that the Nicaraguan conflict in Central America is again confronting the United States Congress. The decision our Government makes on aiding the democratic resistance forces in that country will act as a precedent for U.S. policy worldwide.

As each day passes the hopes of the Nicaraguan people to claim the representative government for which they had originally fought, are increasingly disappointed. This is the year that Congress must either make a commitment to democratic ideals parallel with our own or live permanently with the consequences.

This is precisely the reason, Mr. Speaker that I introduced H.R. 4108 to provide humanitarian and military assistance to the democratic resistance forces fighting in Nicaragua. The United States commitment outlined in this bill is designed to create pressure in Nicaragua to bringing about a negotiated solution. The legislation allocates $180 million to be dispersed over a 2-year period.

Most of us are aware that Nicaragua today stands in stark contrast to the democratic trends in Central America. The Leninist Sandinista Directorate has been able to consolidate the reins of political power and is committed to undermining neighboring democracies through subversion. The United States is obligated by the Rio Treaty of 1947 to protect our Latin allies.

The Sandinistas' commitment to Marxist-Leninist ideals should not be in question. In the words of Victor Tirado Lopez, a member of the Sandinista Front for National Liberation, [FSLN], "Marxism-Leninism is a fundamental part of the Sandinista ideology."

The Sandinistas' support for international terrorists is also well documented. "Libyan fighters, arms, and backing to the Nicaraguan people have reached them because they fight with us. They fight America on its own ground," said Interior Minister Thomas Borge.

There should also be no question about East-bloc military assistance to Nicaragua. The Managua government has:

Received more than $500 million in Soviet military assistance.

Received assistance from approximately 3,000 Cuban military/security advisers, many actively fighting in combat.

Committed troops for flight training in Bulgaria.

Accepted Libyan SF-260 aircraft and helicopters.

Actively encouraged East German, PLO, North Korean, Vietnamese, Russian, and Czechoslovakian training.

All of this has taken place despite Sandinista commitments to the Organization of American States to maintain a nonaligned status.

The United States must remain aware of the nature of its adversaries who are driven by a blind love for their ideology. Historically we have learned that Communists count on the good faith of their opponents in political negotiations to eventually undermine bargaining positions.

Insistence that a political solution via Contadora can occur divorced of military power, is both naive and dangerous. Any U.S. negotiations must operate in an environment of realism and must give every incentive to the Sandinistas to negotiate in good faith.

Mr. Speaker, below is a copy of my bill which I submit to my colleagues' attention.

H.R. 4108

A bill to provide additional assistance for the Nicaraguan democratic resistance forces

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. FINDINGS

The Congress finds that—

(1) the Sandinista regime of Nicaragua assumed power as a direct consequence of action by the Organization of American States based upon a commitment made by the Sandinistas in 1979 that they would conduct free and fair elections, pursue political pluralism and a nonaligned foreign policy, maintain a mixed economy, and guarantee the full observance of human rights and respect for religious freedom;

(2) the Sandinistas have reaffirmed their commitment to these principles by signing the 21-point Contadora Document of Objectives in September 1983 which calls for full support for democratic institutions, the establishment of democratic systems in all the countries of the region, and respect for human rights;

(3) the current conflict in Nicaragua stems from the violation by the Sandinistas of their 1979 commitments;

(4) despite generous aid from the United States for Nicaragua during the period 1979 through 1981, as a large part of the $1,600,000,000 received by Nicaragua in Western economic help, and despite United States forebearance from counteraction until late 1982, Nicaragua has committed aggression and has armed and directed subversion and terrorism against its neighbor countries, with the backing of the Soviet Union and Cuba, in violation of its commitment to the Organization of American States;

(5) the Sandinista leadership is composed of committed revolutionaries who openly embrace Marxist-Leninist ideology and the goal of extending their regime beyond the borders of Nicaragua by means of subversion and terrorism directed against their Central American neighbors;

(6) the size and equipment of the Sandinista military resulting from a massive infusion of weapons from the Soviet Union and Soviet clients, now exceeds all legitimate defensive needs and is far larger than that of any other Central American country;

(7) President James Monroe, announcing the Monroe Doctrine in 1823, declared the United States would consider any attempt on the part of European powers "to extend their system to any portion of this Hemisphere as dangerous to our peace and security";

(8) the establishment of Marxist-Leninist states as surrogates for Cuba and the Soviet Union in Central America poses a real and clear peril to the security of the United States, and all of the Americas, including a potentially serious threat to shipping lanes through the Caribbean, an increase in the level of violence, terrorism, economic disruption, physical dislocation, and political repression in the region occasioning a massive flight of refugees to the United States and a necessity for the United States to devote greater military resources to defend against what, if not contained, will inevitably become a growing threat to the southern approaches to the United States;

(9) the President announced economic sanctions against Nicaragua on May 1, 1985, in response to the emergency situation created by the Sandinista regime's aggressive activities in Central America, but that those sanctions alone are unlikely to have the effect of changing Nicaragua's behavior; and

(10) the policy of the United States toward Nicaragua has the four following objectives: (A) an end to Nicaraguan support for guerrilla groups in neighboring countries, (B) severance of Nicaraguan miliary and security ties to Cuba and the Soviet bloc, (C) reduction of Nicaragua's military strength to levels that would restore military equilibrium to the region, and (D) fulfillment of the original Sandinista promises to support democratic pluralism and respect human and civil rights.

SEC. 2. POLICY

It is, therefore, the sense of the Congress that—

(1) dialogue, negotiation, and pressure from world opinion have proven to have virtually no effect in changing the Sandinista regime's behavior and can be no substitute for direct economic and indirect military pressure;

(2) the President should consider severing diplomatic relations with the Sandinista government if that government does not fulfill its commitments to the Organization of American States and the Contadora countries and desist from further terrorism and subversion of its neighbors;

(3) the United States should provide funding for both overt and covert assistance to Nicaraguan democratic resistance forces to meet both their military and nonmilitary needs;

(4) current restrictions in law on the use of funds to provide assistance to the Nicaraguan democratic resistance forces should be removed; and

(5) additional funds should be provided for assistance to the Nicaraguan democratic resistance forces.

SEC. 3. ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE

(a) APPROPRIATION OF FUNDS.—There is hereby appropriated to the President, out of any money in the Treasury not otherwise appropriated, $180,000,000, which amount shall be used to provide assistance to the Nicaraguan democratic resistance forces.

(b) DESIGNATION OF ADMINISTERING AGENCY.—The funds appropriated by subsection (a) shall be provided to such department or agency of the United States as the President may designate.

(c) EXTENDED AVAILABILITY.—The funds appropriated by subsection (a) shall remain available until March 31, 1988.

(d) WAIVER OF RESTRICTIONS.—Assistance may be provided to the Nicaraguan democratic resistance forces with the funds appropriated by subsection (a) notwithstanding any other provision of law.

(e) REVERSION TO TREASURY UNDER CERTAIN CONDITIONS.—If the President reports to the Congress that a free, democratic, and pluralistic form of government, which respects human rights and guarantees peace, freedom, and justice, has been established in Nicaragua, then the unobligated portion of the funds appropriated by subsection (a) shall be deposited in the Treasury as miscellaneous receipts.

KEEP AFFIRMATIVE ACTION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. HAWKINS. Mr. Speaker, I rise to inform this body that affirmative action, as required by Executive Order 11246 and its implementing regulations, is under attack by those who choose to misunderstand and to obfuscate its purpose and function. The Executive order was issued by President Johnson in 1965 and has been enforced by both Republican and Democratic administrations ever since. It prohibits discrimination on the basis of race, color, religion, sex and national origin by Federal contractors. It also requires that employers establish affirmative action plans where necessary to remedy the effects of discrimination. The regulations require that these plans contain goals and timetables to provide guidance to the employer and to the Federal Government which enforces the order, concerning the employer's progress in implementing its affirmative action plan. This requirement is essential to the objective of promoting employment opportunities for women and minorities who have previously been locked out of meaningful jobs in the workplaces of this Nation.

In his news conference last Tuesday, President Ronald Reagan showed that he has also failed to grasp the fact that the Executive order and its implementing regulations prohibit the very use of quotas which he has condemned. The regulations require goals to remedy the effects of discrimination; not quotas. Secretary George Shultz, who as Secretary of Labor under President Richard Nixon, promulgated the regulations requiring goals and timetables, understands the distinction between goals and quotas. So do William Brock, the current Secretary of Labor, and Secretaries Dole, Pierce and Baldridge. Two-hundered fifty Members of the House and Senate who have signed letters to the President urging him not to modify the Executive order to prohibit the use of goals and timetables, also understand the distinction.

I move to insert into the CONGRESSIONAL RECORD a New York Times article which was written by Congressman DON EDWARDS of California, and which urges President Reagan to "Keep Affirmative Action." I also call upon those of you Members of the House who have not yet expressed your support for retaining Executive Order 11246 and its regulations regarding goals and timetables, to sign onto the letter to the President which my office has circulated to you. Join with the 250 other Members of the House and Senate who are urging the President to keep affirmative action.

[From the New York Times, Feb. 13, 1986]

KEEP AFFIRMATIVE ACTION

(By Don Edwards)

WASHINGTON.—With the utmost sincerity, President Reagan says he shares Dr. Martin Luther King's ideal of a color-blind society. I don't question his sincerity. But the Administration's apparent intention, pushed by Attorney General Edwin Meese 3d, to emasculate Federal affirmative action requirements, belies this claim.

At issue, Mr. Reagan says, are quotas. He calls numerous examples before the civil rights movement of quotas being used to discriminate against people on the basis of race, religion and ethnic origin. Today's use of affirmative action continues this tradition, he says.

But the issue is not quotas. A 20-year-old executive order, handed down by President Lyndon B. Johnson, requires Federal contractors to use affirmative action to hire more minority members and women. The most effective way to bring about affirmative action is to have contractors set numerical goals to hire and promote, and to make good-faith efforts to meet them by a certain time.

When the Government developed goals and timetables, it anticipated that some contractors might use them as quotas. So Labor Department regulations forbid quotas and never have required contractors to hire unqualified persons.

To illustrate his belief that quotas are being used in affirmative action, Mr. Reagan at his news conference Tuesday cited the use of a quota in a housing project—a quota that kept blacks out of subsidized housing. But he did not cite any employment quotas, and he is not alone. In fact, it has been pretty hard to find any quota users at all. In recent hearings on Caitol Hill, groups advocating the elimination of affirmative action requirements, such as the United States Chamber of Commerce and the Associated Builders and Contractors, were asked to name companies using quotas. They couldn't.

The same story applies to tales that goals and timetables result in reverse discrimination against white males, and that they act as a ceiling to exclude qualified minority members and women from opportunities. Despite claims that both of these problems have reached epidemic proportions, no one has been able to back up these claims with actual cases.

Over the course of 20 years, there are bound to be examples of employers who have used quotas to meet affirmative action obligations. Even today, there may be some Federal contractors who choose to use quotas. But the use of quotas in affirmative action programs has always been, and remains, illegal. So if Federal contractors are indeed using quotas, it is up to the Administration to enforce the law and see that this stops.

Affirmative action works because it's good for business. At the hearings, Ralph Davidson, chairman of the board of Time Inc., explained why corporate America favors goals and timetables: "My involvement with the executive order is pragmatic. I want to see the competitiveness of our economy strengthened, and new sources and resources of talent and creativity be made available to us to draw on." Successful businesses, large and small, see goals and timetables for everything they do. Having a benchmark makes it easier to measure success and failure, without sacrificing sound business principles.

By all accounts, affirmative action has been a success. Studies done for Mr. Reagan's Labor Department concluded that goals and timetables have been instrumental in bringing minority members and women into the workforce in increasing numbers.

If today's approach to affirmative action has flaws, let's fix it, not abandone it. No one wants Federal contractors to be subject to excessive and onerous paperwork burdens. No one believes that people should be chosen strictly on their race or sex, or without regard to qualifications.

Justice Harry A. Blackmun of the United States Supreme Court once said that to get beyond racism, we must first take account of race. It is simplistic and naive to think that in just 20 years, our nation has broken down all of the race and sex discrimination barriers that for so long excluded so many people from opportunities. A color-blind society is still a dream, not a reality. Saving affirmative action will help the nation move closer to that goal.

CHARLES AND PAULINE SULLIVAN: HEROES OF THE PEOPLE

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. BRYANT. Mr. Speaker, Charles and Pauline Sullivan are very unusual people. Democrats and Republicans alike in the Texas Legislature, whose halls the Sullivans inhabited before transfering their labors to the Halls of the U.S. Capitol late last year, admired the idealism, the dedication, and the remarkable effectiveness of this quiet, unselfish couple. Even those who disagreed with what they were attempting to do in the field of criminal justice reform and assisting the families of those serving in prison praise the Sullivans for their incredible persistence, their understanding of political and personal realities, and their kind humanity. They are very unusual lobbyists.

The success of the Sullivans in Texas is a tribute to what their talents, grassroots organization, shoestring financing, tireless energy, and big hearts can accomplish. The Texas Observer recently recognized Charles and Pauline Sullivan with a profile and its annual "Hero of the People" award. Because we will all be seeing Charles and Pauline around the U.S. Capitol, I want to share the Observer's report with my colleagues.

HEROES OF THE PEOPLE

The Heroes of the People for 1985 are Pauline and Charlie Sullivan, founders of CURE (Citizens United for the Rehabilitation of Errants), who through sheer persistence and determination have changed the way we treat criminal offenders in this state. the Sullivans, a former nun and priest, have been working in Texas for criminal justice reform since the early 1970s, when they began organizing bus trips to prisons from San Antonio for relatives of those imprisoned.

Excerpts from an interview with the Sullivans, conducted recently by our Washington correspondent Vera Titunik, illuminate their soft-spoken dedication to populist organizing for democratic ideals. The interview took place in the Sullivan's living room, under a photograph of Dorothy Day, founder of the Catholic Worker Movement.

PAULINE SULLIVAN. "We just felt very strongly that if we were going to do something with our lives . . . it should be something that was going to really be for the people at the bottom. . . . We both felt that the people in prison were people that did not have a voice, were really unorganized, and were very often there because of economics. We used to say, 'You're guilty 'til proven rich.' . . . "No [other prison reform organization] bases it on families and prisoners. . . . What you do is you subsidize it. When we started in Texas we always took part-time jobs. . . . The major funding should come from the people who are concerned. we shouldn't decide it's needed and go out and seek big grant money. It's based on the people."

CHARLIE SULLIVAN. "If you have a grant, why would you need to develop a constituency? We want to turn out numbers . . . it always had a tremendous impact. . . . An organization has to flex its muscle periodically."

PAULINE SULLIVAN. "Many of the families never belonged to an organization in their lives. What you bring them from is their individual case, their son or daughter, and you start talking about changing it for everybody. . . . I think we both see that [it will take a long time to affect national policy]. In fact, we say thirty years up here [Washington, D.C.]. . . . The only way you get things changed is to stick with it a long time."

In the halls of the Texas legislature, Pauline and Charlie Sullivan were familiar sights for more than a decade. As Molly Ivins once wrote: "But they stick out a little—your normal lobbyists wear suits that cost around $400, French cuffs, gold links, big pinky rings. There's Charlie in his wash-and-wear, drip-dry, skinny tie, earnest expression and usually a bunch of papers clutched in one hand, hoping to buttonhole Rep. Dim from Bugle Butte and to lay a few facts about crime and punishment on him."

And because they persisted, when the legislature found itself confronted with budget problems and federal ruling on Texas prisons, Charlie and Pauline were there and ready to help the legislators sort it out, providing sentencing alternatives, and new concepts of prison housing, restitution, and rehabilitation. They provided direction to aid the State in its crawl out of the 19th century.

The Sullivans are now carrying the battle to Washington, D.C., as chronicled in the following story. But Texas owes them a debt of gratitude for their persistence and their charm. Watching the Sullivans calmly work the legislative lobby, in the midst of all the gladhanders and good ol' boys, something written by another disciple of Dorothy Day, Father Daniel Berrigan, comes to mind: "Don't just do something, Buddha said, stand there."

TOWARD NATIONWIDE PRISON REFORM

(By Vera Titunik)

WASHINGTON, D.C.—At night, Charlie and Pauline Sullivan can see the illuminated Capitol building from their bedroom window in a low-rent district of Washington, D.C. The juxtaposition of that electrically charged symbol of political power and the modesty of the one-bedroom, cinder-block apartment in which this couple lives and works seems particularly appropriate for two people who have devoted themselves to

creating a political voice for some of the most disenfranchised people in the country.

The Sullivans, who for eleven years lobbied in Austin for criminal justice reform on behalf of prisoners, moved to Washington last August to spread the prison reform movement to a national level. The couple founded CURE (Citizens United for the Rehabilitation of Errants), a membership organization made up of prisoners and their families, that has pressured the Texas legislature to improve conditions in prisons and has educated the general public on a difficult and unpopular issue. While the Sullivans left the Texas CURE chapter behind, they have brought with them the knowhow and determination that made them successful lobbyists in Texas.

Where most Washington lobbyists have the institutional support of massive national associations to pay their substantial salaries and provide downtown office space, the Sullivans have nothing but their own resources. They appear to make little distinction between their work and their home life. Their apartment serves as both home and office, and it is not unusual for them to be found studying up on prison issues or Congressional legislation on nights and weekends. Meticulously arranged files, a computer terminal, and a desk piled with stamped envelopes ready to be sent out for their membership drive stand cheek-by-jowl with the dining room table. Their bedroom is home to the photocopying machine.

In Texas, the Sullivans built a 3000-member organization that lobbied successfully for such reforms as banning the use of inmates as guards, increasing the use of halfway houses for parolees, and increasing "good time" for educational accomplishments of prisoners. Texas CURE gained one-third of the members of the Texas legislature as official public sponsors. (Their national organization so far has three Congressional sponsors: Reps. Mickey Leland, D-Houston, John Bryant, D-Dallas, and Albert Bustamante, D-San Antonio.)

Their new objective are to bring prison reform to the attention of federal legislators and to establish a network of state CURE chapters across the country. For now, they venture to Capitol Hill two or three days a week, concentrating their efforts on immediate issues, including opposing legislation that would lead to a federal death penalty and lobbying for a "targeted jobs tax credit"—giving credit to employers who hire persons from specific groups. Including ex-offenders—in the tax reform package. They have been monitoring legislation to fund prison programs and are listening closely to the proceedings of a presidential commission to set sentencing guidelines. They also plan to keep a close watch on the Senate confirmation hearings of federal judges appointed by the Reagan administration.

Among their long-term goals for criminal justice reform are Social Security coverage for prisoners and institutionalized persons and the increased involvement of private industry in providing jobs and job training for prisoners. "Factories behind the walls," (as distinct from private industry's running prisons for a profit—an idea which they oppose) allow prisons to provide a "meaningful job situation where they [prisoners] would be learning skills working on a job on the inside that would carry over to a job in the free world," said Pauline. Working with businesses to set up these kinds of programs and organizing families of prisoners to buy from these companies is the kind of positive approach to improving the lot of prisoners that the Sullivans favor.

The only way to get the political strength to achieve these reforms is by building a nationwide movement from the grassroots up—to duplicate their Texas experience in the other 49 states, they said. According to Charlie, there are approximately half a million people in prisons and some 200,000 in jails. The families of these prisoners form a natural constituency that could influence legislators to make prison reform a top priority. "We have to get those families out there to vote and to show some political clout." he said. "If we can only get these people together and get them focused in on something we might be able to do it."

Creating a membership organization is an arduous task that requires one to "build brick upon brick to really set a good foundation," as Charlie put it. Interest has already been expressed in establishing state chapters of CURE in eleven states. But Charlie and Pauline readily admit that the project is only in the talking stages; there is still a long way to go. The task is made all the more difficult by the fact that many of the families of prisoners have never belonged to an organization nor have they had any lobbying experience.

The Sullivans say they are just as concerned with bringing families of prisoners together and allowing them to create a political voice for themselves as they are with the ultimate goals of criminal justice reform. The Sullivans eschew grants and other forms of artificial funding in favor of a true membership organization supported completely by its members. "If people are not concerned," said Pauline, "then the organization is not needed."

But their rare brand of pure populist politics combined with joviality and candor is something of an oddity in a Washington obsessed by bureaucratic professionalism.

"There is substance [in lobbying] in Texas . . . but hooked into that substance there is also a 'style,' " said Charlie, who recalled the "colorful era" of the Texas legislature when the likes of the Bull of the Brazos and the Duke of Paducah worked their wiles. Part of the Texas "style" was a sense of humor which they felt allowed them "to chuckle and laugh—even with your opponent." For Charlie, lobbying in Texas "was almost entertainment."

Washington lacks some of that Texas color, and the Sullivans have never tended toward stuffiness. "We try to be kind of light about something, and they [Congressional staffers] take you seriously," said Pauline. "It's a heavy scene." Nevertheless, they have accepted their new-in-town status with humility. "It's time for us just to absorb a lot and to learn," Pauline said.

A SALUTE TO SONNY MONTGOMERY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. LEHMAN of Florida. Mr. Speaker, I would like to take this opportunity to give recognition to one of our own, G.V. (SONNY) MONTGOMERY. SONNY, has had a distinguished military career spanning more than 35 years of active and reserve service. He retired with the rank of major general.

His congressional career has been equally distinguished. As chairman of the Veterans' Affairs Committee and as the ranking member on two of the five Armed Services Subcommittees, SONNY has been an outspoken advocate for the country's Guard and Reserve Forces.

SONNY's stature amony his congressional colleagues who support the Reserve components was recently recognized in an article which appeared in the National Journal, a highly regarded weekly publication. It was SONNY who was featured in the article as exemplifying the "Reserves' friend in Congress."

I know that my colleagues will want to join me in saluting a distinguished gentleman and true patriot. A portion of the National Journal article follows:

RESERVES HAVE FRIENDS IN CONGRESS

Surprisingly, perhaps, given the military's often prickly relations with those who hold the purse strings, Congress has a history of very strong support for the reserves.

"We don't have any problems in the Congress with the Reserve and National Guard," said a staunch supporter, G.V. (Sonny) Montgomery, D-Miss., chairman of the House Veterans' Affairs Committee. "In fact, the Congress would like to turn over more missions because it costs half as much to have the reserves perform them than active forces. Also, we have an armory in everybody's district in Congress, so every Member has some interest."

Illustrative of the degree of congressional involvement in reserve affairs was Montgomery's cooperative effort with the reserve commanders last year to work up a list of seven readiness initiatives. Congress last session approved most of the measures, which pertain to family and employer support and improvements in training, equipment and facilities.

James H. Webb Jr., the assistant Defense secretary for reserve affairs, laughed when asked about congressional-reserve relations. "We have a very good track record with Congress," he said. "We just had a $1.5 billion add-on." Indeed, conferees on defense appropriations, while trimming and tucking parts of the defense budget elsewhere, handed the National Guard and Reserve an unsolicited Christmas present last December for purchase of such items as trucks, missiles, transport aircraft and training devices.

"It's probably more normal than unique for Congress to add money for the reserves, because the Administration request is usually so low," said Richard C. Shultz, a counsel to the House Veterans' Affairs Committee. "Maybe they're sitting there saying Congress will add it on anyway." Webb, however, denied that any such budget strategy was pursued.

A marked undercurrent of feeling runs among many reservists that they may have stauncher allies on Capitol Hill than in the Pentagon. "There is a lot of support in Congress and a better understanding [of reserve issues], I think, and not a parochial one, than there is in the Pentagon," said retired Maj. Gen. Henry Mohr, a former chief of the Army Reserve. "The active forces are essentially in control, and the reserves have never received as much as they should."

According to Martin Binkin, a military manpower analyst at the Brookings Institution. "When [active duty officers] are pressured as they are now to expand the role of reserves and send more equipment their way, they will do that, but generally it's grudgingly. It's viewed as a zero-sum game,

less money that they [the active forces] get."

Retired Army Gen. Bruce Jacobs, staff director of the 60,000-member National Guard Association of the United States—a group Webb said has "a lot of power in the Congress"—also expressed a certain wariness of the active military. "Until we can really feel that Army and Air Force procurement includes the Guard and Reserve in the long-range planning, we'll continue to be a little nervous," he said. "That's why we frequently go to Congress and seem to be attempting to add on to the budget."

The way the Pentagon's reserve affairs billet was established in 1984—Congress authorized it over the Reagan Administration's objections—only reinforced the underdog self-image held by many reserve advocates.

Asked last spring by a House subcommittee whether he was "being hindered in any way by other forces in the Pentagon," Webb said: "I fully understand the method by which this office was created. I spoke with [Defense] Secretary [Caspar W.] Weinberger about that before I took the job. I was given a guarantee that I would not be the adopted step-sister among the assistant secretaries, and I have not been treated that way."

Webb said in a recent interview that he has no complaint about his level of access in the Pentagon. He is involved in formulating the annual Defense Guidance planning document and sits on the Defense Resources Board, which negotiates the services' annual budget requests.

Rear Adm. Robert H. Spiro Jr., executive director of the 123,000-member Reserve Officers Association, said that friction between the active and reserve forces is easing. "My judgment," he said, "is that the concept of the Total Force is now more widely accepted by all of the services than ever in my experience of 36 years in the reserves. The Army and the Air Force probably lead the way, but all the services are well accepting of the reserves."

DOCTORS YOU CAN'T SEE

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. McCOLLUM. Mr. Speaker, we have been hearing much in the news lately about the great successes that are coming about in the medical field with surgeons carrying out long and complicated operations that only a few years ago would have been impossible. What we do not hear about is the field of medicine that makes all of these successes possible—that of anesthesiology. I would like to take this opportunity to include in the RECORD an article from Newsweek which I think does an excellent job of explaining how these specialists make these medical miracles possible.

DOCTORS YOU CAN'T SEE

When the surgical team that performed cancer surgery on President Reagan last summer stepped before the cameras to herald their success, no one seemed to notice the absence of one key member—Dr. H.F. Nicodemus, the chief of anesthesiology at Bethesda Naval Hospital. It was no surprise to anesthesiologists themselves; knife-wielding surgeons have always held the operating-room spotlight. "An anesthesiologist is a mysterious person," says Dr. John J. Sassano, director of cardiovascular anesthesia at Pittsburgh's Presbyterian-University Hospital. "There are no TV shows about us, and some people are even surprised to learn we are physicians."

Yet even the most skilled surgeons give anesthesiologists credit for much of what they are able to do in the operating room. It is not just a matter of keeping a patient unconscious and out of pain during an operation. The anesthesiologist also breathes for the patient with a mechanical respirator and monitors the patient's blood pressure, heart rate and temperature. And he is in charge of administering blood and drugs as needed. "The anesthesiologist is the patient's surrogate in the operating room, acting for the unconscious patient who can't act for himself," says Dr. Howard L. Zauder, chief of anesthesiology at the State University of New York Upstate Medical Center, Syracuse. Dr. John P. Bunker, former chief of anesthesiology at Stanford University School of Medicine, puts it more bluntly: "While a surgeon's mistake may leave you impaired, an anesthesiologist's mistake can lead to death."

Anesthesiologists have other less well-known but important duties outside the operating theater. They are responsible for taking care of respiratory emergencies wherever they occur in the hospital—emergency wards, delivery rooms and pediatric wards. They are on the staffs of coronary and other intensive-care units. And they pursue their specialty in the treatment of chronic pain; many pain clinics now are run by anesthesiologists.

NIGHTSHADE

The field wasn't always so attractive. For centuries, the methods of fighting surgical pain were crude in the extreme: if patients got anything more than a piece of wood to bite hard on, it was likely to be a drug like nightshade, or hashish mixed with wine. Doctors also knocked patients out by pressing on the carotid arteries of the neck, temporarily cutting off the blood supply to the brain. Neither drugs nor semistrangulation worked very well, so most surgeons had to perform their operations with the patient still conscious—placing a premium on speed. One hundred and fifty years ago, it is said, a good New England surgeon could amputate a leg in 26 seconds.

Anesthesiology became a bit more scientific with the introduction of nitrous oxide (laughing gas), chloroform and ether. In 1842 a Georgia physician, Crawford W. Long, removed two small tumors from the neck of a patient after giving him a few whiffs of ether. A Boston dentist, Dr. William T. G. Morton, began giving his patients ether during dental extractions. He then persuaded a leading surgeon of the day, Dr. John Collins Warren, to try it in a tumor removal at Boston's Massachusetts General Hospital in 1846. The operation was widely publicized and convinced other surgeons that anesthesia (a word coined by Dr. Oliver Wendell Holmes from the Greek "without perception") was here to stay.

Still, until well into this century, putting patients under anesthesia was regarded as an undemanding task, often turned over to nurses. (Today there are 23,000 specially trained nurse anesthetists in the United States who are partners on the anesthesiology team.) As a specialty for physicians, anesthesiology came into its own only after World War II. Experience gained in the treatment of serious battlefield wounds led to a daring new era of surgery in peacetime, including open-heart operations and transplants. And none of this would have been possible without the parallel development of new anesthetics and new ways to use them. Among the innovations were fast-acting, fluoride-related anesthetic gases. These are less likely than ether to induce nausea, and are also non-flammable—eliminating the risk of explosions in the operating room.

Other important new drugs include: short-acting, potent narcotics that don't depress heart and circulatory function as much as such standbys as morphine and Demerol; short-acting muscle relaxants that are cleared readily from the body after the operation is over, and antianxiety drugs like Valium, which relieve tension prior to surgery, making all other preoperative medications easier to administer. Thanks to drug development, anesthesia can be tailored to the patient's special needs and vulnerabilities, notes Dr. Joseph F. Artusio Jr. of New York Hospital-Cornell Medical Center. "If a patient is asthmatic, you can administer an anesthetic that dilates the bronchi," he says. "If a patient has kidney disease, you use a muscle relaxant, like atracurium, which isn't excreted by the kidney."

A TALENTED HAND

But the drugs are double-edged. "They are more accurate, more precise, more powerful," says Sassano, "but they are also more dangerous. They require a more talented hand." For that reason, the anesthesiologist's responsibility to monitor the patient has grown even more critical. An array of complex electronic devices has been developed to help. A recent operation at the SUNY Downstate Medical Center in Brooklyn illustrates the intricacies of the anesthesiologist's job:

The patient was a 45-year-old woman who had suffered a succession of strokes that deprived her temporarily of speech and all movement on her right side and also impaired her memory. The neurosurgeons' task was to reroute an artery in her temple to another blood vessel, bypassing the blocked artery that had caused the strokes and restoring blood flow to her brain. In the operating room, a team of three anesthesiologists, headed by Dr. James E. Cottrell, went to work. By intravenous infusion, they administered the barbiturate Pentothal, the synthetic narcotic fentanyl and a muscle relaxant. Then they gave her nitrous oxide, intending to keep her on what anesthesiologists call a "light plane": not so deeply anesthetized as to make it difficult to detect lack of oxygen in her brain, but not so light as to let her drift into awareness. The muscle relaxant kept the patient paralyzed, since the slightest movement during the delicate surgery could be fatal.

During the next six hours the anesthesiologists stood guard over an array of tubes, flashing lights and blinking digitel displays. They drew blood samples periodically from an arterial line in her wrist. By means of a catheter threaded through her neck into the right atrium of her heart they measured cardiac function. Her temperature was taken constantly by a probe lyiing in her esophagus. An electrocardiogram continuously recorded her heart rhythm and rate, and an electroencephalogram provided constant readings of her brain waves.

Several times the patient's blood pressure shot up; Cottrell gave her more Pentothal and, finally, switched her from nitrous

oxide to an anesthetic less likely to aggravate such rises. When monitors showed a fall in oxygen to her heart muscle, the anesthesiologists administered nitroglycerin. When the pressure in her right atrium rose, the doctors assumed she was retaining too much water and stopped giving her intravenous fluids. Finally, Cottrell breathed a sigh of relief. "The worst is over," he said. "I think we have a feel for her." At the end of the operation, the anesthesiologists gave a drug to reverse the action of the muscle relaxant, wheeled her to the recovery room and slowly weaned her off the ventilator.

Modern anesthesiology has improved survival for surgical patients and made hitherto unthinkable operations feasible. Among patients recently recovered from heart attacks, for example, the risk of dying during surgery has dropped from 25 percent to only 2 to 5 percent in just the last 5 years. Meticulous monitoring makes possible major surgery on the tiniest babies, in whom the slightest error in the infusion of fluids could prove fatal. Newer techniques of anesthesia give surgeons vital time to do their work. A limb reattachment can take 18 to 24 hours, for example. Keeping a patient asleep that long, says Zauder, "is no mean feat. You have to prepare for all manner of metabolic changes with those patients . . . plus they can lose up to 200 units of blood."

With so many things that can go wrong, from drugs to the monitoring of vital signs, it's easy to see why an anesthesiologist's slip can be disastrous. The most common injury related to anesthesia is damaged teeth from the insertion of the endotracheal tube used to deliver the anesthetic. The most serious, but fortunately rare, occurrence: "undiagnosed disconnect," in which the patient comes unhooked from the anesthesia equipment. Anesthesia-related death is estimated to occur in 1 in 10,000 to 20,000 operations. Most such deaths, anesthesiologists agree, are the result of human error. "There may be simple surgery, but there is no simple anesthesiology," says Dr. Marilyn M. Kritchman, director of the Anesthesiology residency education program at New York University Medical Center. Fatigue accounts for some of the mistakes. Many of the most demanding operations for the anesthesiologist, such as multiple-injury auto accidents, occur in the middle of the night. In many cases, disaster is simply unavoidable: a patient may react unpredictably to a drug or suffer unexpectedly a massive loss of blood.

RISKS AND REWARD

These risks make anesthesiologists highly vulnerable to malpractice suits. Annual malpractice insurance premiums range from $5,000 to $40,000. Yet anesthesiologists are better off than obstetricians and neurosurgeons, whose insurance may cost more than $100,000 a year. The pay, on the other hand, is good: average annual income for an anesthesiologist approaches $145,000—about the same as for a surgeon, and far better than the approximately $70,000 that family practitioners and pediatricians earn on average. Furthermore, most anesthesiologists work in groups within hospitals, which spares them the expense of office overhead.

Indeed, anesthesiology is now one of the most popular specialties. The number of anesthesiologists has risen from 8,000 to more than 21,500 in the last decade. Residency programs, which involve three years of clinical anesthesia training plus a year of general clinical work, are always full. "The quality of physicians now coming into the specialty is superb," says Bunker. In part, that's because doctors find anesthesiology, with all its tensions and demands, intellectully challenging, as well as financially rewarding. The anesthesiologist is part internist, part technician and part pharmacologist, and each patient presents a fresh set of problems for him to solve. "It is probably the most exiciting specialty in medicine today," says Artusio. "It is attractive to young, eager minds."

"CHALLENGER'S" SEVEN

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. JACOBS. Mr. Speaker, my constituent, Richard Byfield Ohrn, says poetically what is in almost every beating heart in the world:

CHALLENGER'S SEVEN

(By Richard Byfield Ohrn)

Oh America mourns her brave pioneers
Life's sweet glow fades into the sky
Challenger's Seven are in God's arms
Smith, Scobee, and Onizuke
McNair, McAuliffe, Jarvis, and Resnik
Your voices and smiles
Are etched on our hearts
Thanks for the memory
America's brave astronauts
Of our brave new world
You've given us the strength
To correct our mistakes
Reaching out to the stars

THE ADMINISTRATION VS. CONTADORA

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. MARKEY. Mr. Speaker, many of us in Congress were encouraged by the recent diplomatic efforts undertaken by the Contadora and Contadora Support Group. The Contadora process offers the prospect of a settlement that would meet U.S. concerns without further bloodshed or U.S. military involvment. Yet, according to a recent Washington Post article, Contadora diplomats indicate that the peace talks are doomed unless the administration takes a more flexible attitude.

The Washington Post article discusses the administration's rejection of a State Department proposal aimed at rejuvenating the peace talks. The proposal implied an offer to Nicaragua to delay disbursing any new Contra aid if Nicaragua resumed participation in Contadora talks, and for as long as progress occurred in these talks. The proposal was rejected by the White House, according to a State Department source cited in the article, "in part out of fear that the Sandinistas would accept it." This decision confirms a longstanding pattern in administration diplomacy: The administration will only make proposals it is sure Nicaragua will reject.

I am attaching the text of the Washington Post article to this statement. I urge my colleagues to consider the administration's continued failure to pursue seriously a diplomatic solution, when we vote on a request for military aid to the Contras.

[From the Washington Post, Feb. 16, 1986]

LATIN PEACE TALK MOVE VETOED—ADMINISTRATION EXPECTED TO ASK $130 MILLION IN AID FOR CONTRAS

(By Joanne Omang)

The State Department proposed earlier this month that a gesture be made toward Nicaragua aimed at rejuvenating Central American peace talks, but the idea was vetoed last week by the White House and Defense Department, according to administration and diplomatic officials.

The White House rebuff lead to what one Latin diplomat called "a stone wall" from Secretary of State George P. Shultz during his meeting last Monday with the foreign ministers of eight Latin American nations.

In fact, they said, the U.S. position appears to have hardened, as indicated by the fact that Shultz and his subordinates called the leftist Sandinista government "the Nicaraguan communists," while referring to the antigovernment rebels—usually known as "contras"—as "the true Sandinistas."

The administration is expected to ask Congress soon for $100 million in covert military assistance to the contras, plus $30 million in "humanitarian aid." Pentagon analysts have told members of Congress that the 5,000 contras who had been fighting in Nicaragua have been "exfiltrating" recently because of repeated defeats and a lack of supplies. About 2,000 have left, and the rest are in danger of being driven out "over the next month to six weeks" without renewed aid, congressional sources say they have been told.

The military situation will be a key argument when the administration makes its request to Congress for new aid. Some in Congress dispute the Pentagon's assessment of the military situation. For example, Sen. David F. Durenberger (R-Minn.), chairman of the Senate intelligence committee that must pass on any covert aid request, termed reports that the contras are about to be driven out of Nicaragua "baloney."

Durenberger said he was against new military aid to the contras. "They can forget it as for as I'm concerned," he said. "I haven't seen any justification for moving to military aid at this point, either overt or covert."

Ministers of the Contadora group—Mexico, Panama, Colombia and Venezuela—and the four "Contadora Support Group" nations of Brazil, Argentina, Peru and Uruguay had asked for the Monday meeting with Shultz to press him to delay plans to ask Congress for at least $100 million in new aid to the contras, or counterrevolutionaries.

They also wanted the United States to reopen talks with the government of Nicaragua.

Shultz refused, offering instead what one participant described as "two cards you can use" to persuade Nicaragua to return to the Contadora table: The United States would reopen bilateral talks with Nicaragua if Nicaragua opened bilateral talks with the contras, and the United States would "take into consideration" any change in Sandinista behavior toward its domestic critics.

"Eyes glazed over around the table," a U.S. diplomat reported. The positions represented no change from longstanding U.S. demands and were greeted with silence, other observers said.

According to sources, the ministers had argued before they arrived that they were

putting new pressure on Nicaragua to liberalize its political system in the wake of "some unbelievably stupid things the Sandinistas did," as one diplomat put it.

Those included supplying arms to the M19 guerrillas in Colombia for their November takeover of the Palace of Justice, and then sending Interior Minister Tomas Borge to an M19 memorial service for those killed in the shootout. Borge has said he was tricked into attending, "but we don't believe him," a prominent Latin diplomat said.

The Latins said the suggested U.S. measures would be only gestures to allow Nicaragua to save face and return to the bargaining table it abandoned last December. Without any sign of flexibility from Washington, they said, the three-year-old Contadora peace talks were doomed.

The sources said that after considerable debate in the State Department, Shultz had suggested to the White House that the United States go ahead as planned with a request to Congress for new contra aid. But he wanted to offer to hold off using it—assuming it was obtained—for 30 days on condition that Nicaragua return to the Contadora talks. The hold would last as long as the talks made progress.

This position was an echo of an offer President Reagan made last April to use proposed U.S. military aid to the rebels only for nonmilitary purposes—food, clothing and medicine—as long as Nicaragua negotiated with the rebels toward elections. The Sandinistas rejected that proposal and so did Congress, which later gave Reagan $27 million in nonmilitary aid for the contras with no negotiating strings attached.

The White House rejected the new version last week, "in part out of fear that the Sandinista would accept it this time" and open negotiations with the contras, one State Department source said. The proposal was also rejected by the Defense Department because of concern that the contras' military situation is worsening and that renewed U.S. military aid is urgently needed.

"GOOD NEWS AMERICA"

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. HUBBARD. Mr. Speaker, through the kindness and devotion of my friend, Al and Martha Jolly of Jolly Communications of Louisville, KY, I have learned that more than 14 million Southern Baptists will unite in a nationwide revival effort in March and April. The program as planned will be conducted largely through public service announcements on radio and television networks.

Being the son of a Baptist minister, it is my hope that this effort will have a positive and strengthening influence not only on Baptists but people of all faiths.

I urge my colleagues to read the following letter from Al Jolly and to support this important and worthwhile effort:

DECEMBER 11, 1985.

Congressman CARROLL HUBBARD,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN HUBBARD: We are grateful for your leadership and for your strong faith in God.

In March and April of 1986, under the Home Missing Board leadership, more than 14 million Southern Baptists will join together in a 50-state, simultaneous revival effort.

To our knowledge, this is the first time such an effort has been attempted by any denomination.

The theme is:

"Good News, America . . .
God loves You."

I believe you already have a 16 minute videotape outlining the program.

We hope you might read into the Congressional Record a proclamation designating March and April of 1986 as "Good News, America . . . God Loves You" months . . . a time in which all persons, regardless of ethnic or creedal background, may give and accept love for human life and dignity.

Whatever your decision, our prayers for your health, strength, wisdom and happiness go with you.

Most Respectfully,

ALAN G. JOLLY,
APR,
PRESIDENT, JOLLY COMMUNICATIONS,
Louisville, KY.

WAGING WAR AGAINST THE PEOPLE OF NICARAGUA

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. KASTENMEIER. Mr. Speaker, the President has asked us to approve an additional $100 million in aid, some $70 million of it in covert military assistance, for the Nicaraguan Contras. While we consider this request, I would urge my colleagues to take the time to read a report I recently received from one of my constituents, Donna Vukelich, who presently is in Nicaragua.

Ms. Vukelich reports on how the Contra campaign is affecting the daily lives of the people of Nicaragua who, as it turns out, are the primary victims of the Reagan administration's failing efforts to destroy the Nicaraguan Government.

NICARAGUA JOURNAL

(By Donna Vukelich)

MANAGUA, NICARAGUA.—Only days after I arrived in Nicaragua, the government announced "Operation Iron Fist" aimed, it said, at dealing with "those who are bleeding our country dry." The operation is not a military offensive against the U.S. backed contra forces. Rather, it is the Nicaraguan government's response to a less obvious aspect of the U.S. war here, an increasingly serious economic situation.

The trenches and front lines of the war "Operation Iron Fist" is waging are the streets and shops of Managua and Nicaragua's other major cities and the targets are those men and women who are buying up large quantities of items currently scarce in Nicaragua and reselling them at grossly inflated prices. As a North American woman, living in Nicaragua for the past two years, puts it: "The war now is on the dinner table."

In 1984 and 1985 the contra attacks escalated to the point where the war was the topic of people's daily conversation and concern. The news carried almost daily reports of ambushes and contra attacks throughout the country. But, although the U.S. Congress voted in June of last year to resume funding to the contra, 1985 also marked essentially the strategic military defeat of the contra forces. yet, while the contra do not and really cannot as they are presently constituted, pose a threat to the very survival of the Sandinista government, they of course continue to force the Sandinistas to shift huge amounts of resources—both human and material—from the embryonic reconstruction and development efforts to the military defense of the country.

In addition, the contra strategy—as documented by the Americas Watch reports and Reed Brody's "Contra Terror in Nicaragua"—has been to attack and sabotage largely economic targets.

The economic costs of this strategy have been staggering: close to 50 percent of the national budget now goes for defense expenditures and huge amounts of money and resources must be expended to recoup the losses effected by the contra.

As one tiny example, last week the contra attacked a small electrical station north of Estile. The power outages caused the loss of hundreds of dosages of vaccine that had been refrigerated in Estille's hospital as well as endangering the premature infants being cared for in incubator units.

Indeed, health care is an area in which the losses have been very painful. The more remote areas of Nicaragua where many people never saw a doctor prior to the 1979 revolution have been prioritized by the government for health and other social services.

The contra, however, have targeted these new clinics and their workers for attack, destroying many and cutting people off from their newly gained access to health care. "The government," a U.S. nun working here says, "can only rebuild so many clinics. The health program in the north can't really be effective until the war is stopped."

The contra have also tried to establish a so-called internal front with the specific goal of carrying out acts of sabotage against important economic and political targets in Managua itself.

Last week the Ministry of the Interior (MINT) held a press conference in which four men detailed their involvement in counter-revolutionary activities inside Nicaragua. They all belonged to the internal front of the FDN—Nicaraguan Democratic Force, the largest of the contra groups headquartered in Honduras—and had all received training in the handling of explosives by FDN leaders in Tegucigalpa, Honduras.

This group had targeted the final week of December because of the Christmas holiday and vacation period as the date for their carrying out their planned alacran (military plan known as scorpion). Their objectives were to carry out sabotage in and around Managua, dynamiting buses, supermarkets, Managua's largest milk processing plant, popular restaurants and embassies of the socialist countries.

However, in early December over twenty-five people involved in the planned alacran were arrested by the MINT and most of the operations were not carried out with the exception of several attacks on electrical stations near the cities of Chinandega, Matagalpa, and Jinotega.

While the Sandinista army has been hugely successful in pushing back the contra and defusing the immediacy of the military threat, the economic situation in Nicaragua has continued to worsen due to

the war. This has to be seen as one more effect of the U.S. war here. The term everyone uses is: "the aggression."

One is reminded of the U.S. policymakers who, in their successful attempt to strangle the economy and government of Salvador Allende's Chile in the early 1970's, spoke of, "making the economy scream."

The economy here is screaming. Thus, the government has responded with the Iron Fist measures. For the last several weeks, the Ministry of Internal Commerce (MICOIN) has been making the rounds of Managua's stores and enterprises—often on the advice of disgruntled consumers—bringing the weight of the law down on those who are either not licensed for business or who are selling goods, particularly certain food items, at prices above those mandated by the ministry.

The Voice of Nicaragua, Nicaragua's most listened to radio station, has a daily program, Contact 620, its call numbers, that runs through most of the morning. It's a potpourri of music, news, and most important, comments and complaints about whatever from people throughout the country.

Most of Contact 620's time of late has been devoted to the problem of speculators as people call in urging MICOIN action. The other day, for example, a woman called to say that in a certain market, one of the market women was selling cheese at the stipulated price per pound, but she was only giving her customers three-quarters of what they paid for.

Contact 620 listened to the complaint and then called a MICOIN representative, also live and on the air, to alert them of the problem.

In another call someone complained that workers in the "Bimbo bread"—the closest parallel I can draw is a very white Wonder bread—factory were taking home quantities of bread far greater than any one family could possibly consume, selling the rest at unfair and illegal prices.

MICOIN is responding to these problems by fining the merchants who continue to engage in such practices. Those who do not comply with the law face the loss of their business licenses and other legal penalties.

It's too early to predict the outcome of the Iron Fist program but it has brought about a significant reduction in the speculation and hoarding that have plagued Nicaragua recently.

In other economic news, Nicaragua's coffee harvest this year is going better than anyone had expected. Coffee, one of Nicaragua's most important export crops, has been a target of contra attacks in past years and last year many prime areas were not picked because of heavy contra activity.

However, this year those same areas are being picked. The harvest depends on large numbers of volunteers. Many of Nicaragua's high school and university students—now on their summer vacations—are off in the "cortez del cafe" spending several weeks or months there without economic reward.

A woman told me of her 12-year-old son's decision to go cut coffee. "I thought he was too young but he was so serious about it. 'Mama,' he told me, 'chavalos—young boys—my age up in the north are in the militias fighting and dying to defend Nicaragua. This is how I can help Nicaragua to survive.'"

"After that," she said, "what could I say?"

In addition to the student brigades, many full time workers spend a Sunday or two picking coffee and the buses on Monday mornings are full of people's stories of their sometimes very comical encounters with the agricultural life.

There are also many "internationalists" cutting coffee who come from many countries, including the United States, Sweden, Germany, England, Panama and Argentina, to help out and to learn about Nicaragua in the process.

It might seem as though the most dangerous period militarily for Nicaragua is over. But that's not how people here see it. The specter of stepped up and more direct U.S. involvement seems more and more a serious possibility, precisely because the contra on their own have not been able to roll back the Sandinista revolution—a high priority on President Reagan's agenda since his 1980 campaign began, outlines in the Santa Fe document. Thus, most Nicaraguans scoff at the Reagan administration claim that any portion of the $100 million now being sought for the contra is "humanitarian aid." "Money for an army," a young Nicaraguan man says, "is military aid."

It is one more sign that the U.S. is determined to prop up the contra in a war the contra have proved they cannot win.

LUPUS AWARENESS MONTH

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mrs. JOHNSON. Mr. Speaker, there is a disease which is more prevalent than muscular dystrophy, cystic fibrosis, rheumatic fever, multiple sclerosis, or even leukemia, but you may never have heard of it.

The disease is called lupus. Over 500,000 Americans have been diagnosed with lupus, but no one yet has been able to identify its cause.

Lupus may affect only the skin, or it may affect any organ in the body. It has often called the great impersonator, for it is frequently misdiagnosed as arthritis, epilepsy, psychosis, and other diseases whose symptoms it mimics. Some mild cases of lupus may never even receive medical attention, but if left unchecked too long, a severe case of lupus can be fatal.

Ninety percent of lupus victims are young women in their childbearing years. However, lupus has been known to attack men, teenagers, individuals over age 55, and they will remain at risk without increased research and improved physician training. I am introducing legislation to promote greater understanding of this far too common, little known disease. It costs nothing, but it will provide hope to thousands of individuals and families across the Nation.

Join me in sponsoring legislation to make October 1986, Lupus Awareness Month. I am certain that more of your constituents than you may realize will appreciate this gesture.

H.J. RES. —

Joint resolution designating the month of October 1986 as "Lupus Awareness Month"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1986, is designated as "Lupus Awareness Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

HON. JOHN HUME EXTOLS DR. KING'S MESSAGE ON NONVIOLENCE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. O'NEILL. Mr. Speaker, one of Ireland's great statesmen, the Honorable John Hume, was the guest speaker at Catholic University on the occasion of the birthday of the Reverend Dr. Martin Luther King, Jr.

Mr. Hume is a brilliant and forceful leader in human and civil rights issues and he was a most appropriate choice by the university to comment on the contributions of the Reverend Dr. King.

I want to share with my colleagues that portion of his speech reported in the February 1986, Boston Irish News and I want to associate myself in the strongest possible way with the content, as well as the spirit, of his remarks.

The article follows:

[From the Boston Irish News, February 1986]

WHAT AMERICA CAN DO, HAS DONE FOR IRELAND

"Our own history and our own circumstances give a special power to the counsel of Reverend Martin Luther King, that violence as a way of achieving justice is both impractical and immoral. As he put it:

'It is impractical because it is a descending spiral ending in destruction for all. The old law of an eye for an eye leaves everybody blind. It is immoral because it seeks to humiliate the opponent rather than win understanding; it seeks to annihilate rather than convert. Violence is immoral because it thrives on hatred rather than love. It destroys community and makes brotherhood impossible. It leaves society in monologue rather than dialogue. Violence ends by defeating itself. It creates bitterness in the survivors and brutality in the destroyers.'

"Can anyone looking at divided societies in the world today—in Lebanon, Cyprus and Ireland—doubt the wisdom of these words of Martin Luther King?

". . . the philosophy of non-violence was rejected by a minority in my own community who followed the old law of an eye for an eye, who in the end were inevitably brutalized by the process in which they engaged, who in their savage anger and barbarous deeds have come to reflect themselves all of the hatred and sectarianism they has sought to overthrow and who, in their pursuit of violence demeaned the cause we hold dear and lost us many good allies around the world."

ANTITERRORIST TRAVEL ADVISORY RESOLUTION INTRODUCED

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. LEVINE of California. Mr. Speaker, I am today introducing a resolution, along with my colleague, Mr. LEWIS of California and 23 of our bipartisan colleagues, which expresses the sense of the Congress that the U.S. Secretary of State should consider the issuance of a travel advisory or other appropriate warning notice with respect to any foreign country in which Libyan-supported terrorists attack United States citizens if that country's government fails to act immediately to require the closing of any Libyan official missions in that country. This resolution is similar to House Concurrent Resolution 270, which Congressman LEWIS and I introduced on January 21, 1986. Since that time, my staff has met with State Department representatives to work out mutually agreeable language. This new resolution incorporates the State Department's suggestions.

Mr. Speaker, as we will know, on December 27, 1985, 12 U.S. citizens were wounded and 5 murdered in cold-blooded attacks at the Rome and Vienna airports. The individuals who carried out these attacks were members of the Libyan-backed Palestinian terrorist group, headed by Abu Nidal. Libyan leader Mu'ammar Qadhafi applauded and praised these attacks.

In response to these heinous attacks, President Reagan severed virtually all trade links with Libya, froze its assets in the United States and ordered the more than 1,000 Americans working there to leave immediately. He also said that the United States would "not understand" if other countries moved into Libya "to take commercial advantage of our departure." In addition, he called on our NATO allies to join us in isolating Libya and its outlaw leader, Colonel Qadhafi.

However, no European country has fully endorsed President Reagan's call for total economic sanctions against Libya. In fact, our allies have been cool to leveling sanctions against Colonel Qadhafi and his country. Deputy Secretary of State John Whitehead was dispatched to visit nine of our NATO allies in the hope of persuading them to reduce their ties with Libya. Unfortunately, the results of his efforts were less than gratifying.

Mr. Speaker, on January 8, 1986, the U.S. Department of State issued a report called "Libyan Sanctions." It documents in detail what one columnist meant when he wrote that next to oil, terror appears to be Libya's main export. This report makes clear that Libyan leader Mu'ammar Qadhafi has used terrorism as one of the primary instruments of his foreign policy and that he supports radical groups which use terrorist tactics. Qadhafi's activities include threats, material support for terrorism, cooperation, economic incentives and intimidation, and military aggression. He provides logistical support for terrorist operations, such as supplying passports to the Abu Nidal members responsible for the December attack on the El Al ticket counter in Vienna.

Training for radical Palestinians and other radical elements frequently takes place in Libya. During Qadhafi's reign there have been numerous instances of Libyan-sponsored attacks against United States interests, and during the past 18 months Qadhafi has made public references to expanding his terrorism campaign to include United States targets.

Mr. Speaker, the responsible international community suffers from Qadhafi's disrespect for international norms of behavior and accepted diplomatic practices. Qadhafi blatantly uses terrorist violence against political opponents and has abused diplomatic privilege for terrorist purposes, such as using Libyan embassies and diplomatic pouches for transferring and storing weapons and explosives.

Colonel Qadhafi's support for terrorist acts has clearly jeopardized the safety of U.S. citizens. It is the responsibility of the U.S. Government to protect the safety of all our citizens, at all times and in all places. In addition, it is in the interest of the responsible world community to isolate Libya economically, politically, and militarily to the greatest extent possible.

Yet we have not been able to get our NATO allies to join us in isolating the outlaw Qadhafi.

That is why Congressman LEWIS and I are introducing this resolution today. We simply must find a way to encourage our allies to take sanctions against the Qadhafis of the world. One way to do that is through economic incentives. U.S. tourists spend millions of U.S. dollars in foreign countries. Issuance of a travel advisory results in the loss of millions of dollars in revenues in the country for which an advisory is issued. If countries where United States citizens are attacked do not reduce their ties with Libya, and do not make their country safe for United States citizens, then it is entirely appropriate for the United States Government to take action to protect our own people.

Mr. Speaker, this is a responsible resolution. If the U.S. Secretary of State issues travel advisories for such countries, we might see a far different response to terrorism by our allies. The United States issued a travel advisory for Greece last June after the TWA hijacking out of Athens. Greece lost enough United States revenue to encourage it to quickly overhaul the security at Athens airport. If the Secretary had issued travel advisories for Italy and Austria after the attacks on United States citizens last June, perhaps they would feel compelled to take actions to make their countries safer.

In short, Mr. Speaker, we must find a way to encourage our allies to overcome what columnist Charles Krauthammer calls "Eurocowardice" in dealing with terrorists and terrorism. We must find a way to isolate the outlaw Qadhafi from the responsible world community. This resolution would help do that, and I urge my colleagues to support it.

A complete text of the resolution follows.

Thank you.

H. CON. RES.—

Expressing the sense of the Congress that the Secretary of State should consider the issuance of a travel advisory or other appropriate warning notice with respect to any foreign country in which Libyan-supported terrorists attack United States citizens if that country's government fails to act immediately to require the closing of any Libyan official missions in that country

Whereas the increase in international terrorism is of deep concern to the United States and to the responsible world community;

Whereas Libyan leader Mu'ammar Qadhafi has used terrorism as one of the primary instruments of his foreign policy and supports radical groups which use terrorist tactics;

Whereas Qadhafi's tactics include a mixture of threats, material support for terrorism, offers of cooperation, economic incentives and intimidation, and outright military aggression;

Whereas Qadhafi provides logistical support for terrorist operations, such as supplying passports to the Abu Nidal members responsible for the attack on the El Al ticket counter in Vienna;

Whereas training for radical Palestinians and other radical elements frequently takes place in Libya;

Whereas during Qadhafi's reign there have been numerous instances of Libyan-sponsored attacks against United States interests;

Whereas during the past 18 months Qadhafi has made several public references to expanding his terrorism campaign to include United States targets;

Whereas Qadhafi has applauded and praised the recent terrorist attacks in Vienna and Rome, which resulted in the death of 5 Americans and the injury of 12 Americans;

Whereas the responsible international community suffers from Qadhafi's disrespect for international norms of behavior and accepted diplomatic practices;

Whereas Qadhafi blatantly uses terrorist violence against political opponents and has abused diplomatic privilege for terrorist purposes, such as using Libyan embassies and diplomatic pouches for transferring and storing weapons and explosives;

Whereas Qadhafi's support for terrorist acts has clearly jeopardized the safety of United States citizens;

Whereas it is clearly the responsibility of the United States Government to protect the safety of all its citizens, at all times and in all places; and

Whereas it is in the interest of the responsible world community to isolate Libya, economically, politically, and militarily, to the greatest extent possible: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Secretary of State should consider the issuance of a travel advisory or other appropriate notice warning United States citizens of the dangers of traveling in any foreign country in which United States citizens are attacked by terrorists supported by Libya if the government of that country fails to act immediately to require the closing of any Libyan official missions in that country.

HENRY B. GONZALEZ' 25 YEARS IN CONGRESS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. GARCIA. Mr. Speaker, on January 18, 1986, I was privileged to be in attendance at a testimonial dinner in San Antonio, TX, to honor our distinguished colleague from Texas, HENRY B. GONZALEZ, celebrating his 25th anniversary as a Member of the U.S. House of Representatives.

Joining me at this testimonial dinner and serving as the principal speaker was the Governor of my great State, Hon. Mario M. Cuomo. Along with myself and Governor Cuomo, we were joined by the Governor of Texas, Mark White; our distinguished Majority Leader Jim Wright; our distinguished former colleague and now attorney general of Texas, Jim Mattox; and a legion of other Texas political figures, most of whom have known and worked with HENRY B. GONZALEZ for many, many years. It was particularly pleasing to me to see this outpouring of respect and admiration for this unique individual and extraordinary political figure who represents for many of us the soul of the Democratic Party's commitment to assist all people, particularly those whom fortune has not smiled upon.

I have served with HENRY B. GONZALEZ on the Committee on Banking, Finance and Urban Affairs since my arrival in the Congress in 1978. I serve under his chairmanship on the Subcommittee on Housing and Community Development where he has provided the moral guidance for those of us who still believe that the Federal Government has a responsibility to provide decent, safe, and suitable housing for all of our people during a time when political forces are devastating important housing programs for low- and moderate-income people.

Mr. Speaker, I am including as part of the RECORD the outstanding speech delivered by my Governor in praising the American experience that made it possible for a HENRY GONZALEZ and a Mario Cuomo to achieve political success as children of immigrant parents.

The text of the speech follows:

REMARKS BY GOV. MARIO M. CUOMO—HENRY GONZALEZ DINNER

Thank you, Mr. Mayor, Chairman Bill Sinkin, Congressman and Mrs. Gonzalez, Members of the Gonzalez family. Distinguished guests.

It is a privilege to be with you and I thank you for your graciousness in extending the invitation and making me feel so welcome.

I am especially pleased to be among some of the most effective and respected elected officials in the country. The great State of Texas, as is apparent tonight, can boast of a giant share of the Nation's distinguished leadership.

I know first hand that your Governor, Mark White, is thought of as one of the most resourceful, competent and courageous Governors in the country. His work in a number of areas, and especially in the field of education, has been an instruction to the rest of us. I look forward to his re-election by the sizable majority he deserves.

Your State treasurer, Ann Richards, has a reputation for high intelligence and great wit that goes beyond the borders of the Lone Star State. Please don't hold me to the high standards or oratory that she has set so finally with her own brilliant presentations.

Attorney General Jim Mattox—who has never forgotten that we elected officials are in the business of trying to help people, real people, on an individual basis.

Garry Mauro, one of the exciting young faces of Texas politics. His vitality and commitment make him a sure bet to long-range and escalating political success.

Lou Nelle Sutton—an excellent, dedicated State legislator.

And two others, if I may:

JIM WRIGHT.—JIM has been a great majority leader in the House. He is universally respected for his knowledge, his wisdom, his spectacular ability to communicate with all the richness and persuasiveness of a superb trial lawyer, his command and his fairness. He has been fair to my State and to all the regions of the Nation. He has earned the right to be thought of as one of the Nation's leaders at the highest level.

And finally, Mayor Henry Cisneros. Some people have it, some don't. He has it—all. He's a star already. He became one because people quickly recognized his intelligence. Commitment and determination, and the excellence of his performance here in San Antonio. There is no limit to how far he can go and how much he can do for this country. I wish him well on that political journey.

And I thank you, Mr. Mayor, for that generous introduction. It's more than I deserved.

But, frankly, I prefer your excess of generosity to some of the introductions I've received over the years.

I recall being invited to a neighboring State when I was secretary of State of New York and a confidant of the Governor, working closely with him. New York City was in crisis fiscally and that was making headlines all across the country. Everyone was interested in hearing the inside story of what was going on. I was invited, presumably to reveal all that inside information. The introducer tried to make this point in a long introduction that got to this bottom line.

"So now, we present the latest dope from New York. . . ."

There are some differences and some similarities, of course, between San Antonio and where I'm from. Mostly similarities actually.

Maybe I can sum up the comparison this way: in New York we have a street in Manhattan, an important street that's spelled "H-O-U-S-T-O-N Street." Here, of course, that's "Hughston" Street. In New York it's Howston Street.

What that shows is that Texans and New Yorkers have a lot in common. It's just that we New Yorkers sound funny.

I hope you'll not be too distracted by those peculiar accents as I speak to you tonight.

I have come here tonight amid a flurry of anniversaries. The most important this evening, of course, is the anniversary of Henry Gonzalez's 25 years of serving the people of San Antonio in the United States Congress.

But there are several others of significance, as well.

One of them is this year's celebration of the 150th anniversary of your War for Independence. And San Antonio, as the cradle of that independence, will, I'm sure, have the special place it deserves in those celebrations.

I come to you from another distinguished river city—Albany, NY—on the majestic Hudson. Albany is also celebrating an anniversary—the 300th year of its original charter.

It is a place that might, at first, seem very different from San Antonio. But it isn't.

It's a city with a great history and enduring traditions, with a charm and a subtle grandeur that is being rediscovered. All things that are so evident here in San Antonio.

And, most important, like San Antonio, it is a place where many different ethnic groups—people of the colors and accents of the wide world—have found their share of America, where they have combined to create something utterly unique—the American character—which is a thing, I have noted, that does not differ essentially, from city to city, region to region.

Finally, I am celebrating an anniversary of my own that has to do with Texas.

I stand here before you 34 years after I decided not to come to Texas—the most momentous decision of my then young life.

Let me explain.

I spent the summer of my 19th year playing centerfield for the Brunswick Georgia Pirates, a farm team in the Pittsburgh chain, in the stultifying heat of Brunswick, Thomasville, Valdosta and a busload of other Georgia towns.

I played well enough for the Pittsburgh Pirates organization to offer me a place in a stronger league the next year for the farm club that was playing in Waco, TX.

It was tempting.

I was in love with baseball, but suddenly I had to choose between baseball or going back to college.

I went to the scout who had signed me up.

He told me I could field and throw and run the bases as well as any kid he'd ever signed. And he told me what I didn't want to hear—that it was my decision alone.

He said that Waco, TX was still a long way from the major leagues, but it was a lot closer than Brunswick, GA.

I did a lot of thinking and fretting and, finally, I decided to go back to school.

Over the years when I thought about it I felt I made the right decision, but there was that nagging thought about the road I hadn't taken.

And then 3 years ago, not long after I was elected Governor of New York, that old scout's family sent me a report he'd filed with the Pittsburgh front office an age ago, about a 19-year-old centerfielder for the Brunswick Pirates.

I'd never seen it.

I read down the ratings like a kid who'd just been handed his final report card. He'd given me A's in one category after another: "Running, throwing, in attitude excellent."

I started thinking, "Gosh, maybe I would have made it all the way, if only I had gone to Waco."

And then, at the bottom of the report, just after a flattering note about how much I seemed to love running the bases, the old scout closed with one short, stunning sentence:

"It's too bad about all the things he does so well, because this kid will never hit the curveball."

I thought about that a lot on the way here.

This is, of course, Henry Gonzalez' night. But at the same time it gives me a chance to

reflect on two of my own accomplishments. First, I've finally made it to Texas.

And more than that, making it as one who has won a couple of elections in New York politics, I've also demonstrated that I finally learned how to hit a curveball—and probably to throw a couple as well.

So, I guess Texas will always be, for me, tied preeminently, to the pursuit of dreams.

And in that, it is more like New York than any other place I know.

In the popular imagination, of course, Texas and New York are supposed to represent two drastically different realms.

One is supposed to be a world peopled mostly with cowboys, wildcatters, cattle barons, and running backs. The other is inhabited mostly by financiers and police detectives, fashion designers and broadway showpeople.

But, in reality, the two places are inhabited by strikingly similar people, people of extraordinary energy and imagination. People who came to Texas or New York to live the American dream to its fullest.

The genius of these two places is that they have allowed their people—all their people—to realize their dreams. Indeed, not only allowed, but helped their people toward fulfilling those dreams.

And that is what Henry Gonzalez's life has been about, as well.

It can be a hard thing, of course, to try to capture the work of a man's life in a single phrase. Just as it can be foolish to try to sum up a people's history that way.

But this evening I am in a place noted for doing things in a big way, a bold way. And so, I am going to try to do both.

With all the highpoints and lowpoints, expansions and contractions, this astounding country of ours has endured over the last 210 years, one theme in our history has been constant—one thread ties together more than two centuries of striving:

The struggle to include.

To take the unprecedented boast of our Declaration of Independence—the promise of equality, liberty, life and the pursuit of happiness—and to extend it to every American.

Think of it:

That challenge, that opportunity, is there, moving events in period after period of our history.

It is there as the central work of every President that we call great.

It is there in the first lines of the Declaration of Independence—in the idea that governments are instituted to secure those basic elements of what we now call the American dream "for every citizen."

And it is there as the one great constant in the life and work of Henry Gonzalez.

Henry Gonzalez's career stubbornly resists being reduced to some easy label.

Has he acted as a "so-called liberal?" Yes, sometimes.

Conservative? Yes, he has been described that way from time to time.

A populist? A centrist?

It all depends on who you ask. What issue you're talking about.

Because he has not based his life on a rigid ideology, nor on a theory of economics.

He has based it on a few deeply held, ferociously defended principles:

On the belief that the fundamental purpose of government is to improve people's lives.

The belief that a budget—even a balanced budget—that leaves large numbers of people hungry, unemployed, despairing, would be the emblem of governmental hypocrisy.

On the belief that the best way to serve our people is to make real for every American the rights set forth in our Declaration of Independence.

In pursuit of those principles, Henry Gonzalez has become a champion of the politics of inclusion.

It is a politics that never divides but unites; that never rejects but embraces; that never stoops to playing one side against another—group against group, State against State, region against region.

The politics of inclusion rejoices with those who have earned success—but is forever taking up the cause of those who are not yet included—the outsider, the immigrant, the oppressed.

It is forever reminding those of us who already possess some share of the American dream that the dream is not yet fulfilled, the promise of our Founding Fathers not yet complete, until everyone has been included.

Henry Gonzalez's brand of politics makes a lot of us uncomfortable—especially if we're no longer one of the outsiders. It provokes us. It nags at our consciences.

And because of that, it is the most difficult of all politics to practice. You're likely to be dismissed as a moralist or as a crank. Or, if you stay at it long enough, as an angry, irascible prophet in the style of the old testament.

That is why I was so proud and pleased to come here.

Because Henry Gonzalez has risked that kind of criticism. Because he has directed his extraordinary life in politics on the basis of principles, not popularity polls.

Because for me, no less than for you, Henry Gonzalez has pointed the way.

Because the principles he has clung to and fought for, are the very foundations of the Democratic Party, and will be as long as that party remains worthy of our loyalty.

Henry Gonzalez' reputation as one of the stalwarts of the Congress, reaches far beyond Texas and Washington.

I know that reputation, but when I was first invited to come here by Jim Wright, among others, I had only a sketchy knowledge of the details of his career.

What I discovered, was that this story was essentially the story of millions of Americans, whether they were here by way of Plymouth Rock or Galveston, Ellis Island or the Los Angeles Airport.

It was, in some ways, my own story too. And that made me marvel at this amazing place, America, all over again.

I don't think the view of America from South Jamaica, Queens, the New York City neighborhood where I grew up, was much different than Henry Gonzalez's view from San Antonio's West Side.

I would guess there was the same aching to belong, in both places.

The sense that we could be a part of this place, America, if we wanted to work hard enough. The knowledge that we would have to work very hard because our people weren't born to the place.

And so Henry Gonzalez set his mind and heart to the task of becoming fully American.

And I think I know how hard that must have been at first—for a boy going to school where the language was not the language of his home, where the words sounded hard-edged and tight compared to the rolling, rounded rhythms of his father's and mother's tongue. Sounded so different for him from the sounds of San Antonio's Mexican West Side.

I think I know, because that language sounded so different for me from the world of words of the "Italian Blocks" of South Jamaica, where passion, pride and powerlessness all lived together, and people talked with their hands and hearts.

I came here with that image in my mind tonight: of Henry Gonzalez's first day of school, of my first day, of the two boys trying to shape the awkward sounds of this new tongue that promised so much.

I came here thinking how lucky those two boys have been, how well they have been treated. What a blessing that their parents came here, how far they have traveled to meet here tonight—as Americans.

An amazing place, America. An amazing place.

And so Henry Gonzalez mastered the new language, and in the process, he fell in love with it, too.

He first dreamed of being an engineer. He studied for his degree and when he was almost close enough to reach out and grab that next rung on the ladder, he had that dream swept away by the Depression.

But he endured. His dreams never faded. He returned to school—this time to study the law. He was awarded a degree.

And now he had his passport to prosperity. The American dream had worked for him. He had been offered a chance, an opportunity, and he had seized it.

According to a popular script, what one does next is to set about establishing one's own individual and material success. Nothing wrong with that—it is the Texas way. It's the New York way. It's the American way.

And for a man of Henry Gonzalez's energy and intelligence, it would have been very, very easy to do it even on a grand scale.

But Henry decided that although the house and the car, and the family well-provided-for, were all important for him and his family, they could not be enough.

Having come to realize in his own life what America could do, what it could be, he chose to share the awesome power and potential of this place of miracles.

And the moment he made that decision to dedicate himself to that purpose, marks, for me, the real difference between Democrats and others.

One person climbs the ladder of personal ambition, reaches a comfortable level, and then turns around—and pulls the ladder up.

Another reaches that same comfortable level, turns, and reaches down for the person behind him.

Henry Gonzalez—the Democrat—turned and reached down.

And so San Antonio gained a leader. And the politics of inclusion, the only politics worth practicing, gained a great champion.

I guess it's a matter of how you see things, really, and how you choose to live.

It's the difference between generosity and self-interest, between taking risks and playing it safe. Between optimism and cynicism.

It's the difference between Democrats and others.

Henry Gonzalez has fought to make the American dream accessible to everyone, because, I think, he understood that the American dream isn't complete until it is accessible to everyone.

That is the way he championed the cause of his constituents. Not by playing the politics of self-interest, the politics of division, but by fighting for opportunity and equality on a higher ground—equality for all, opportunity for all.

That is the ground from which the idea of America grew, and where the insistent principles of the Democratic Party that it continue to grow.

It is the Democratic Party that brought this Nation to the height of its power and greatness.

It was Franklin Delano Roosevelt who came among us at a moment when we were at the edge of despair, who lifted himself from his wheelchair to lift this Nation from its knees.

The things he taught us are the vital force of our party, still. And should be the vital force of the Nation.

We believe in a free enterprise system that produces what generations of immigrants came here for—and what many thousands of our people still yearn for—a chance to earn their own bread with dignity.

We believe that all who can work, should work. But we are not afraid to be called compassionate. We believe that those of us who have succeeded, should contribute reasonably to those who, because they are too old or too frail, or otherwise impeded, have not been able to provide for themselves in the free enterprise system.

We believe in a government working to provide opportunity for individual growth on an equitable and inclusive basis for all who are willing to use their own talents.

We believe in a government that cooperates with the private sector—unleashing the natural initiative and power of our people. A government that helps put people to work and encourages their progress, without despising their success or condemning their profits.

We believe that none of these things are possible unless we remain strong enough to defend ourselves and our friends. So we insist on a strong defense.

But most of all we believe in mutuality. The sharing of benefits and burdens. A recognition that we are—all of us—bound to one another in need and in opportunity.

We reject the preaching that we must accept new limitations—that America can no longer afford to include everyone.

That what was possible for the Gonzalez' and the Cuomos and the families of newcomers 10 generations before them, is no longer possible now.

We reject the idea that America has used herself up in the effort to help outsiders in, and that now she must sit back exhausted watching people play the cards fate has dealt them.

As long as people like Henry Gonzalez stand among us, insisting on the truth, we will not allow our aspirations as a people to be dragged down.

So tonight we celebrate Henry Gonzalez's decision to fight to include, a decision he has had to make over and over again.

It's a decision that never gets any easier.

Henry Gonzalez has been called many things for his troubles.

But his principles remain out there in the steel and concrete and spirit of this beautiful city, San Antonio, supporting its prosperity, binding its people together.

And his principles are in here, in the spirit of this gathering—in, fittingly enough—the Henry B. Gonzalez Convention Center.

Your decision to include is the secret to your success in weaving the different cultures of San Antonio into a single fabric that is richer than any single thread could ever be.

San Antonio stands as vivid proof of Henry Gonzalez's brand of politics.

Here is a city, a culture, a government, an economy that is prospering because it has decided to include the whole community. Without respect to their names, or the tint of their skin, or the accents they speak, or their sex, or the place or conditions of their birth.

Prospering, because men like Henry Cisneros are continuing on the path that Henry Gonzalez blazed. Leading San Antonio aggressively, exuberantly, into the 21st century. Smart enough to know that we don't make it unless we all make it. Bold enough to know that with courage and a refusal to give up too soon, to settle for too little, to lower our aspirations—we will make it, all of us.

Your success reminds us all what has made this Nation strong in the past, and inspires us to keep reaching for better worlds.

It instructs us, again, as to how well the principles of the Democratic Party can work.

When I leave here tomorrow, besides the memory of this magnificent evening, I am going to take the tale of your one shining city back to New York with me, and spread the word of how your success had been founded on your ambition to include everyone.

And I am going to take the story of Henry Gonzalez back with me, too. As a constant private reminder of how hard the politics of including everyone can be—but, in the end, how beautifully rewarding it is to believe and to live the truth.

I thank the good people of San Antonio for inviting me, and for showing all of us how great a place America can really be.

And I thank the great State of Texas.

But most of all tonight, to the man of many parts, of verve and strength and wit and courage—and love. Who gives all of us—by his extraordinary example—the encouragement, even the inspiration, to go on—to Henry Gonzalez.

Thank you.

A RIGHT PATH FOR EQUAL RIGHTS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. EDWARDS of California. Mr. Speaker, as President Reagan moves closer to modifying Executive Order 11246, which requires Federal contractors to use affirmative action, voices throughout our Nation are sounding out on this issue. A recent example is an editorial from the Los Angeles Times, which appeared during the recess. I commend this eloquent editorial to our colleagues, and trust that it will add to the dialog on this important issue.

[From the Los Angeles Times, Feb. 14, 1986]

A RIGHT PATH FOR EQUAL RIGHTS

President Reagan has an opportunity to follow the trail toward equal opportunity which was blazed by Martin Luther King Jr., and praised by the President during the recent King holiday celebrations. Some in his Administration counsel choosing a different path by weakening a presidential order that requires federal contractors to try to hire and promote more women and minorities. The President should stay away from that dead end.

Reagan was absolutely right on one point at his news conference this week when he said that he had seen quotas used to discriminate against people rather than help them advance in society. For many years, but especially in the 1930s, American universities and businesses refused to admit or hire more than a small percentage of Jewish people. Asian immigrants were turned away because of quotas.

But even many people who watched quotas limit their opportunities in those days understand one thing that the President apparently does not: The executive order on hiring by federal contractors doesn't involve quotas. There is a difference between what it does require—goals and timetables to meet them—and quotas. As a result, groups such as the American Jewish Committee, which opposes quotas, supports extending the existing executive order.

In fact, the regulations that govern the federal contracting program expressly forbid hiring goals from being interpreted as "rigid and inflexible quotas which must be met." Instead, the rules say they should be "reasonably attainable" targets.

President Reagan says he has heard stories about employers who've been told by government officials or their own personnel people that they have to use hard numbers so they won't be punished for failing to meet their goals. ". . . They choose the easy course, set down a system of numbers and say, well, we'll go by that. And this is what we're trying to correct," the President told reporters. That may have happened in some cases. But as Hyman Bookbinder, speaking for the American Jewish Committee, said, "The answer for violations of the spirit of the law is not to do away with the program people are violating but to improve the enforcement of the program."

Many business leaders support retaining the executive order. They fear the uncertainty a new order might bring. And they've discovered new sources of talent through hiring and promoting women and minorities. Many leaders in Congress and even within the Reagan Administration support the order because they believe it is right and because they know it is still necessary.

A society that works actively to promote the achievement of all its people was the kind of colorblind society Martin Luther King Jr. meant. He understood that often one has to help society along that course. King isn't here to provide that help any more; it must come from the President.

THE CHALLENGE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. MICHEL. Mr. Speaker, in our lifetime few events have so deeply touched the hearts of the American people as the tragedy of the space shuttle *Challenger*. Theodora W. Nichols, formerly of my hometown of Peoria, has written a poem which I believe expresses the feelings of most Americans about this tragedy.

At this point I wish to insert "The Challenge" by Theodora W. Nichols, in the RECORD:

THE CHALLENGE

And if this quest were not to be
And we resigned ourselves to anonymity
What challenge then would stir the mind
What new dimensions left for human kind?
The world needs heroes, heroines, too
Some to lead and some to follow through

We cannot grow and thrive on yesterday
Tomorrow beckons us to lead the way
The strong ones take the step for all mankind
And we must follow or be left behind.

They've found their vision now,
The planets theirs to ride
And we poor earthlings now must step aside
As they embark upon a higher plane
Until that moment when all meet again.

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the CONGRESSIONAL RECORD. I strongly believe that the people of the Second Congressional District of Arizona have a right to know where I stand on the issues decided by this body, and I have found that printing my record here is the best way to provide that information.

This is not an all inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for more specifics.

The votes are described as follows:

KEY

1. Rollcall Number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of the vote;
5. The outcome of the vote;
6. The vote total;
7. My vote, in the form Y=yes, N=no, and NV=not voting;
8. The vote totals of the Arizona delegation (yes-no-not voting);
9. The date.

51. HR 1617. National Bureau of Standards Authorization, Fiscal 1986. Walker, R-Pa., amendment to the Walgren, D-Pa., amendment to reduce the authorization level for the agency from $127.8 million to $122.6 million, the amount requested by President Reagan. Rejected 196-201: N(4-1-0), April 18, 1985. (The Walgren amendment was subsequently adopted.)

52. HR 1617. National Bureau of Standards Authorization, Fiscal 1986. Walgren, D-Pa., amendment to freeze funding for the agency at the fiscal 1985 level of $127.8 million. Adopted 398-2: Y(5-0-0), April 18, 1985.

53. HR 1617. National Bureau of Standards Authorization, Fiscal 1986. Passage of the bill to authorize $127.8 million in fiscal 1986 for the National Bureau of Standards, the Office of Productivity, Technology and Innovation, and the National Technical Information Services. Passed 282-103: Y(1-3-1), April 18, 1985.

55. H Res. 125. Soviet Killing of Major Nicholson. Hamilton, D-Ind., motion to suspend the rules and adopt the resolution to condemn the government of the Soviet Union for the March 24 shooting in East Germany of U.S. Army Major Arthur D. Nicholson Jr. Motion agreed to 394-2: Y(5-0-0). April 22, 1985.

56. H Con Res 52. Democracy in Chile. Weiss, D-N.Y., motion to suspend the rules and adopt the concurrent resolution to call upon the government of Chile to negotiate with its democratic opposition, and to call upon the United States to continue to deny security aid to the government of Chile, to cease all joint military exercises, to deny economic aid, except for humanitarian and disaster assistance, and to continue to oppose loans and grants to Chile by international institutions. Motion rejected 191-206: Y(2-3-0), April 22, 1985.

57. H J Res 239. Aid to Nicaraguan Rebels. Adoption of the rule (H Res 136) to provide for House floor consideration of the joint resolution to approve the release of $14 million in fiscal 1985 for supporting military or paramilitary operations in Nicaragua. Adoped 286-127: Y(4-1-0), April 23, 1985. (The rule also provided for consideration of Democratic and Republican alternative plans.)

58. H J Res 239. Aid to Nicaraguan Rebels. Passage of the joint resolution to approve the release of $14 million in fiscal 1985 for supporting military or paramilitary operations in Nicaragua. Rejected 180-248: N(3-2-0), April 23, 1985.

60. H J Res 247. Aid to Nicaragua. Hamilton, D-Ind., amendment in the nature of a substitute to provide $4 million for the implementation of a Contadora peace agreement in Nicaragua and $10 million in humanitarian assistance for refugees outside Nicaragua, to be administered through the Red Cross or the United Nations. The amendment also prohibited aid to military or paramilitary groups in Nicaragua until Congress passed a joint resolution repealing the prohibition. Adopted 219-206: Y(1-4-0). April 24, 1985.

61. H J Res 247. Aid to Nicaragua. Michel, R-Ill., amendment in the nature of a substitute to provide $14 million for humanitarian assistance for the Nicaraguan anti-government rebels ("contras") to be distributed by the U.S. Agency for International Development. Rejected 213-215: N(4-1-0), April 24, 1985.

62. H J Res 247. Aid to Nicaragua. Passage of the joint resolution to provide $4 million for the implementation of a Contadora peace agreement in Nicaragua and $10 million in humanitarian assistance for refugees outside Nicaragua, to be administered through the Red Cross or the United Nations, and to prohibit aid to military or paramilitary groups in Nicaragua until Congress passes a joint resolution repealing the prohibition. Rejected 123-303: Y(1-4-0), April 24, 1985.

65. HR 2068. State, USIA and Board for International Broadcasting Authorizations, Fiscal 1986 and 1987. Adoption of the rule (H Res 137) to provide for House floor consideration of the bill to authorize appropriations for the State Department, the U.S. Information Agency and the Board for International Broadcasting for fiscal years 1986 and 1987. Adopted 383-0: Y(5-0-0), April 25, 1985.

66. HR 2068. State, USIA and Board for International Broadcasting Authorizations, Fiscal 1986 and 1987. Bonior, D-Mich., motion to table (kill) the Walker, R-Pa., motion to reconsider the vote by which the rule (H Res 137, which provided for House floor consideration of HR 2068, the bill to authorize appropriations for the State Department, the U.S. Information Agency and the Board for International Broadcasting for fiscal years 1986 and 1987) was adopted. Motion agreed to 212-157: Y(1-4-0), April 25, 1985. (The roll call was ordered and the motion to reconsider was made to delay House business as part of a Republican protest of the handling of the contested election in the Indiana 8th District.)

71. S Con Res 37. Jeannette Rankin Statue. Frenzel, R-Minn., demand for a second on the Oakar, D-Ohio, motion to suspend the rules and adopt the concurrent resolution. Second ordered 318-0: NV(4-0-1), April 29, 1985. (The demand was made and the roll call was ordered to delay House business as part of a Republican protest of the handling of the contested election in the Indiana 8th District.)

72. H Con Res 130. President's Visit to Bitburg Cemetery. Broomfield, R-Mich., demand for a second on the Fascell, D-Fla., motion to suspend the rules and adopt the concurrent resolution. Second ordered 325-1: NV(4-0-1), April 29, 1985. (The demand was made and the roll call was ordered to delay House business as part of a Republican protest of the handling of the contested election in the Indiana 8th District.)

74. H Res 148. Indiana 8th District Seat. Adoption of the resolution to declare a vacancy in the 99th Congress from the 8th District of Indiana. Rejected 200-229: NV(4-0-1), April 30, 1985.

75. S Con Res 37. Jeannette Rankin Statue. Oakar, D-Ohio, motion to suspend the rules and adopt the concurrent resolution to provide for the acceptance of a statue of former Rep. Jeannette Rankin (R-Mont., 1917-19, 1941-43), and for its placement in National Statutory Hall, in the U.S. Capitol. Motion agreed to 424-4: NV(4-0-1), April 30, 1985.

76. H Con Res 130. President's Visit to Bitburg Cemetery. Fascell, D-Fla., motion to suspend the rules and adopt the concurrent resolution to express the sense of Congress that the president should reconsider his scheduled visit to the Bitburg military cemetery in West Germany, and that he should pay tribute to appropriate symbols of that nation's current democracy. Motion agreed to 390-26: NV(3-1-1), April 30, 1985.

77. H Res 151. Committee Proxy Voting. Foley, D-Wash., motion to table (kill) the resolution to direct the Rules Committee to undertake an investigation concerning voting by proxy in committees. Motion agreed to 231-187: NV(0-4-1), April 30, 1985. (The resolution was introduced and the roll call was ordered to delay House business as part of a Republican protest of the handling of the contested election in the Indiana 8th District.)

81. H Res 146. Indiana 8th District Seat. Panetta, D-Calif., motion to consider the resolution to seat incumbent Democrat Frank McCloskey as the representative from the 8th District of Indiana. Motion agreed to 242-185: Y(1-4-0), May 1, 1985. (Motions to consider are not normally voted upon in the House, but Republicans, protesting the Democrats' decision to seat McCloskey, forced a vote.)

82. H Res 146. Indiana 8th District Seat. Frenzel, R-Minn., motion to recommit the resolution to seat incumbent Democrat Frank McCloskey of Indiana to the House Administration Committee with instructions for the panel to count the remaining absentee ballots in the contested election. Motion rejected 183-246: N(4-1-0), May 1, 1985.

83. H Res 146. Indiana 8th District Seat. Adoption of the resolution to seat incumbent Democrat Frank McCloskey as the representative from the 8th District of Indiana. Adopted 236-190: Y(1-4-0), May 1, 1985.

86. H Res 127. Soviet Jewry. Adoption of the resolution t express the sense of the House that it supports "Solidarity Sunday for Soviet Jewry," on May 5, 1985. Adopted 405-0: Y(4-0-1), May 2, 1985.

87. H J Res 125. National Community College Month. Passage of the joint resolution to designate May 1985 as "National Community College Month." Passed 410-0: Y(4-0-1), May 2, 1985.

89. HR 2268, United States-Israel Free Trade. Rostenkowski, D-Ill., motion to suspend the rules and pass the bill to implement the Free Trade Area Agreement between the United States and Israel. Motion agreed to 422-0: Y(5-0-0), May 7, 1985. A two-thirds majority of those present and voting (282 in this case) is required for passage under suspension of the rules. A "yea" was a vote supporting the president's position.

90. H. Res. 145. El Salvador Vaccination Program. Yatron, D-Pa., motion to suspend the rules and adopt the resolution to commend El Salvadoran President Jose Napoleon Duarte and the participating international humanitarian organizations in carrying out the recent immunization campaign in El Salvador. Motion agreed to 420-1: Y(5-0-0), May 7, 1985. A two-thirds majority of those present is required for adoption under suspension of the rules.

92. H. Res. 163. Congressional Record Investigation. Foley, D-Wash., motion to commit to the House Administration Committee the resolution to require a Rules Committee investigation of speeches that were not given on the House floor May 1 but appeared in the Record as if they were. Motion agreed to 245-184: Y(1-4-0), May 8, 1985. (The disputed floor debate was over whether to seat Democrat Frank McCloskey as the representative from Indiana's 8th district rather than Republican Richard D. McIntyre. McCloskey was seated May 1, and H. Res. 163 was part of the continuing Republican protest of that action.)

93. HR 1869. Automobile Record-Keeping Requirements. Adoption of the conference report on the bill to repeal a provision of the 1984 Deficit Reduction Act (PL 98-369) requiring "contemporaneous" logs detailing personal and business use of automobiles, home computers and other equipment to qualify for business tax breaks. Adopted 426-1 Y: Y(5-0-0), May 8, 1985.

95. HR 2068. State Department Authorizations, Fiscal 1986-87. Hutto, D-Fla., amendment to strike a ban on the use of Pentagon funds to repair and expand the headquarters of the Coordinating Committee for Export Controls (COCOM), and delete provisions that would have let only State Department officials serve on the permanent delegation to COCOM. Rejected 196-222: N(3-2-0), May 9, 1985.

96. HR 2068. State Department Authorizations, Fiscal 1986-87. Broomfield, R-Mich., amendment to express the sense of Congress that the Soviet Union's chief of mission to the United States should be declared persona non grata beginning on June 1 until or unless the president certifies to Congress that the Soviet Union has made a formal apology for the killing of Maj. Arthur D. Nicholson Jr. Adopted 322-93: N(4-1-0), May 9, 1985.

97. HR 2068. State Department Authorizations, Fiscal 1986-87. Burton, R-Ind., amendment to delete $50,000 for special religious sensitivity instruction for U.S. foreign service officers. Adopted 224-189: N(4-1-0), May 9, 1985.

98. HR 2068. State Department Authorizations, Fiscal 1986-87. Mica, D-Fla., amendment to reduce the fiscal 1986 State Department authorization level to the fiscal 1985 appropriation level, and reduce the fiscal 1987 authorization level to the fiscal 1985 appropriation level adjusted for inflation. Adopted 398-1: Y(5-0-0), May 9, 1985. (The bill was subsequently passed by voice vote.)

100. HR 1784. Panama Canal Authorization, Fiscal 1986. Walker, R-Pa., amendment to express the sense of Congress that fiscal 1986 expenditures of the Panama Canal Commission be frozen at the fiscal 1985 levels, and that all possible steps be taken to assure that any savings from an actual freeze go into the Treasury. Adopted 241-173: NV(4-0-1), May 14, 1985. (Under the 1978 Panama Canal Treaties (Exec N, 95th Congress, First Session), article XIII, paragraph 4(c), a direct freeze on expenditures would result in the government of Panama receiving $7 million from tolls and fees collected for the use of the canal. The effect of the Walker amendment is to urge that the treaty be amended to allow the savings to go into the U.S. Treasury, rather than to the government of Panama.)

VOUCHER PLAN'S ULTIMATE AIM IS TOTALLY SUSPECT

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. HAWKINS. Mr. Speaker, the Secretary of Education once again is pushing the issue of education vouchers, which overwhelmingly failed to win support in the Congress when it was first introduced several years ago. The latest proposal to convert the chapter 1 compensatory education program for educationally disadvantaged elementary and secondary school children into a voucher program has been introduced in the House as H.R. 3821, the Equity and Choice Act of 1985. Fortunately, educators and education organizations nationwide are exposing this proposal for what it is—an ill-conceived and thinly disguised attempt to undermine our system of free public education.

I would like to share with my colleagues an article written by Mack J. Spears, president of the National School Boards Association [NSBA], concerning the voucher proposal. The NSBA represents local and State school boards throughout the 50 States, the District of Columbia, and the U.S. Virgin Islands. Mr. Spears gives, I believe, an accurate and knowledgeable assessment of why we must continue to oppose the education voucher proposal.

The article by Mr. Spears follows:

VOUCHER PLAN'S ULTIMATE AIM IS TOTALLY SUSPECT

The U.S. Secretary of Education's proposal to convert Chapter 1 into a voucher program is meeting with almost universal opposition from public educators, and has only minimal support on Capitol Hill. And for good reason. Its ultimate intent is totally suspect, its mechanisms impractical, its funding counter-productive, and its operation would likely be unconstitutional. In short, its purpose as announced is indeed simplistic, but to a fault.

The Senate and House will not consider the measure until 1986, if at all. Still, the education community cannot take it lightly. Too much is at stake if it ever sees the light of day.

Essentially, the proposal would amend Chapter 1 to permit parents of educationally disadvantaged children receiving remedial services under the program to receive a voucher and use it for tuition at any public or private school.

The idea is to give parents a choice of schools. But, of course, parents already can choose among a wide range of public school programs and magnet schools. Furthermore, Chapter 1 to some extent does serve students in both the public and non-public schools. And it would remain a fact that public schools must accept all children, while private schools would retain the right to turn students down.

From a programmatic standpoint, the new proposal would end up dissipating resources that already are inadequate. Chapter 1 programs, which have been among the most effective educational programs, currently reach only 45 percent (4.8 million) of all eligible children. Because of budget cuts and freezes, it actually serves 700,000 fewer children than in 1980.

The voucher proposal would add no new funding. But it would increase administrative and transportation costs, which would come right off the top of the available funds. Adding insult to injury, under the proposal, the local school district would be burdened with the responsibility for administering the overall program, including auditing and bill collection.

Posing an additional problem is the fact that there are no limitations on how the public or private school uses the voucher money, and private schools could use the funds to provide religious instruction. Indeed, no meaningful standards or program evaluations are established for voucher schools.

The vouchers are expected to average about $600. That falls far short of paying tuition fees of up to several thousand dollars at a significant number of private schools.

The proposal prohibits discrimination on the basis of race. But it does not prevent schools from discriminating on the basis of handicap, sex, language, educational level or student behavior.

Of serious concern is the proposal's potential for violating the constitutionally-set boundary between church and state by providing public tax monies directly to religious schools. Just last July, the U.S. Supreme Court in *Aguilar* v. *Felton* ruled that public school teachers cannot teach Chapter 1 students on religious school property. Therefore, this newest proposal can only be viewed as a subterfuge to sidestep constitutional prohibitions on subsidizing religious instruction and to bypass civil rights requirements normally placed on recipients of federal funds.

Whatever the virtues of vouchers, the burden of proof clearly rests with the Secretary of Education. Meanwhile, the proposal must be opposed for both philosophical and practical reasons.

GIFTED CHILDREN: OUR UNTAPPED RESOURCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. BIAGGI. Mr. Speaker, I wish to call to the attention of my colleagues an award-winning documentary recently produced that focuses on efforts to meet the special needs of gifted and talented children. This documentary, "Gifted Children: Our Untapped Resource," suggests methods to identify gifted children and examines current educational policy on the gifted.

"The gifted child is that one child that gets there first with the most," says Dr. Dorothy Funk-Werblo, executive producer of the documentary and Gulf Coast MENSA's Gifted Children Program coordinator. Gulf Coast MENSA, a nonprofit organization, produced the documentary in order to foster positive growth of programs for the gifted. "I want parents to realize that those three or four children that appear on talk shows reading encyclopedias and graduating from college at age 12 are not the only gifted children in this world. Giftedness can be manifested in a variety of degrees, and gifted children can be found in every possible circumstance, but can just as easily become lost or misidentified without proper attention and guidance."

Gifted children are identified as intellectually advanced, creative—children who possess the ability to think critically and those who have a great curiosity. A gifted child possesses many special talents and capacities and is undeniably our Nation's greatest resource. Displaying excellent insight, the producers of this documentary primarily focused on interview segments with gifted children and obtained their perspective on challenges, learning, and school. As a result, the many characteristics often associated with gifted and talented students and the many problems they face as schools fail to address their special needs are brought to light during the program. Often, these children are bored or unresponsive, have poor grades or may become disciplinary problems as schools fail to provide the attention and resources gifted and talented children need to fulfill their potential. It is imperative that we provide national leadership to ensure that the best and brightest of our students are adequately and effectively served by our educational system.

In order to address this critical educational issue, I have introduced legislation targeting new Federal assistance to these special youths. This bill, H.R. 3263, authorizes $10 million in fiscal year 1986 to support local and statewide programs to serve gifted and talented children, and "such sums" as necessary in subsequent years. It also provides for teacher training opportunities to assist schools in in-service training and professional development activities for teachers to assist them in the classrooms. In addition, the bill encourages the development of early identification programs to identify gifted and talented students and seeks to stimulate research in this area to foster model programs to serve this special school-age population.

Under the Department of Education fiscal year 1987 budget, the Secretary has determined that a program initiative is needed to assist and recognize gifted and talented students. I urge each Member to give H.R. 3263 their careful attention and consideration. As one teacher so dramatically illustrated in the documentary, "We do not ask any other student in the entire school population to make it on their own in the educational system. Why do we continue to expect this of the gifted child?"

NASHVILLE'S FISK UNIVERSITY

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. BONER of Tennessee. Mr. Speaker, as you know February is now being observed as Black History Month. I am very proud that the Fifth District of Tennessee can be regarded as the seat of higher education for blacks.

We have three well-known universities in our district that provide excellent educations for minorities, yet I am especially proud of Fisk University as it was founded with sheer determination and has survived hard times with the same spirit.

Gregory Jaynes of Time magazine wrote an exceptional article this week about Fisk University and its president, Henry Ponder. I would like to insert that article into the RECORD.

The article follows:

[From Time Magazine Feb. 24, 1986]

IN NASHVILLE: FISK MAKES A COMEBACK

(By Gregory Jaynes)

Little liberal arts colleges everywhere have had a hard slog lately, but the troubles at Nashville's Fisk University, the institution founded in 1866 to give freed slaves a shot at learning, have been particularly poignant. At one point about two years ago, the local utility shut off the gas forcing the faculty and student body to make do with space heaters brought from home or donated by friends of the college. Another time, food services were discontinued. On paydays, an unfounded rumor among the staff was that the first 20 employees to reach the bank stood a chance of cashing their checks; the rest would bounce.

Being on the brink of ruin was nothing new to Fisk: in October 1871, the place was down to $1 to its name; a year earlier, a teacher apologized for petitioning for back pay, saying it was a case of going barefoot through the cold months; a year before that, the faculty voted to forego desserts to cut costs in the dining room. For better than a century, then, the place has always managed to claw itself through every penurious period. And so in the spring of 1984, when the prospect of real collapse looked near, those who love Fisk were beside themselves. The anguished question on every lip: How can this be allowed to happen?

The answer: It was not. The alma mater of Philosopher W.E.B. DuBois (class of 1888), among other distinguished alumni, is still alive—not kicking, not out of the red, but alive. The paint is peeling, the roofs leak and ruptured heating pipes spout plumes of steam in places that once would accommodate quiet reflection—but Fisk still functions.

Much of the credit, by all accounts, is due Henry Ponder, who took over as president in July 1984. At the time, Fisk was $4.1 million in debt, the price of bringing the dogeared facilities back to minimum standards was put at $7 million, the creditors were beginning to feel litigious and the only remaining path appeared to be prayer. As Ponder recalls, "The morale was just in the pits, just in the pits."

Ponder, brought up in a family of 14 children on an Oklahoma farm, was introduced to education in the 1930s in a segregated country school in which two teachers taught eight grades. Fifty years later, he had a doctorate in economics from Ohio State University under his belt and was a director of the United Negro College Fund. Riding high in academic circles as the man who had built the endowment of South Carolina's Benedict College from an inconsequential sum to $20 million, Ponder came to tackle Fisk. He found a faculty that deserved medals for even bothering to stick around. They had gone years without salary increases, after voluntarily accepting cuts.

The student body, what was left of it, was demoralized. In just over a decade, enrollment had dropped by roughly two-thirds and was holding at around 500. Student activities had been slashed to nothing. The newspaper was gone. The library—whose special collections hold not only the works of DuBois but those of celebrated Black Achievers William Dawson, Marcus Garvey, W.C. Handy, Charles S. Johnson, John Mercer Langston, Aaron Douglas, Langston Hughes—was stretched so thin that in the periodicals section you would be luckly to find a well-worn *Ebony* and a month-old newsmagazine that someone had snatched from a dentist's office.

And yet, in recalling the worst of it, students and faculty alike say the level of academic excellence did not dip. History Instructor Reavis Mitchell is articulate on the subject: "The quality hasn't suffered as much as the reputation. People equate leaky faucets and cold classrooms with the totality of education. I try to tell my students there has always been an element of suffering, unfortunately, in the black tradition of education."

With that, Mitchell offers as primer from his own experience at Fisk. "It got to the point where I carried a kerosene heater to the classroom. It gave off more fumes than heat, but it made the students feel better. You cannot take notes in gloves. It got so bad that I had to write tests on the board. We had no Xerox paper. We made our own maps. We still do, with Magic Markers and butcher paper. Maps are expensive. And history professors are pretty good geographers."

Ponder says he came to the task with a lot on his mind and not enough time to make a list of priorities. Like Mitchell, he was given comfort by the school's standing. "Academically, this institution had never been in trouble. If you have credibility, the credentials, you can get the money." Looking at the ledgers, he found that his predecessors had been covering shortfalls by reaching into the endowment, reducing it from a high of $14 million in 1968 down to the present $3 million. "There was no incentive to stop spending."

Looking into the cellar, Ponder found a boiler that needed $350,000 in repairs just to pass municipal inspection. He called in an engineer from the Fisk class of '57, Vander

Harris, a maintenance genius he had known in South Carolina. Harris got the boiler going for $60,000. To this day, Harris attends to the nuts and bolts of running Fisk. "We can't afford thermostats," he was saying recently. "Either the heat is on or off. You just have to figure out the retention rate of your buildings." Always looking for ways to save a buck, Harris has put bricks in the tanks of all the toilets. "It reduces your water consumption by one-third, believe me."

While Harris was patching the place up, Ponder was looking for benefactors and credit. He was telling companies that had been burned by Fisk, "If all our creditors got a judgment against us today, we'd close down and nobody would get any money. Give us six months, twelve months, 18 months." He was also saying, "Keep working for us. We will pay for everything from this day forward, and we won't forget the back bills."

All the while, Ponder furiously searched for money. His pitch was that he would run Fisk as a business, in the black. In time he got local banks, corporations and his alumni association on the bandwagon, as well as a deeply concerned Nashville businessman, Ben Rechter, whose support at last look came to half a million dollars. At the beginning of 1986 the debt was down to $890,000. Ponder pledges that it will be erased by commencement this spring.

There is still a great air of neglect about the place, the air of people scraping by. The 54 faculty members not only continue to bring supplies from home that should be supplied by Fisk—chalk, say—but they are painfully aware that they are working for peanuts; since 1980 the school has provided a single 5% raise. Ponder says he is going for salary adjustments as soon as he is rid of the debt.

As for the students, a sampling say they are encouraged. Juliette Williams, the student government association president, remembers that as Fisk grew poorer, the young scholars grew cynical. She lists the deletions from student activities, saying, "As there was less and less to do, apathy set in. But now you look up and notice, oh, there's new paint over there. You hear there's going to be a new yearbook. There hasn't been a yearbook since '81. They're actually taking pictures! Apathy is dissipating."

April Taylor, a junior in political science and religion, says she has been sustained by "the diversity of people and the level of intelligence" at Fisk. "And what is more important, they are black people. Because of the socioeconomic status of the black man, it is important we as black people become educated, sophisticated about life and our economics." She is wearing a sweatshirt that says Black by Popular Demand.

But what of the future of any little liberal arts college, broke or flush, in the day of M.B.A.s and corporate specialization? "Big corporations won't come to small liberal arts colleges to recruit," Ponder laments. "They want engineering students." Nonetheless, he has a plan: "We will call attention to our own, a person who can read, write, spell, think. You can teach him the technique of running your shop."

Mitchell, the historian, has his own thoughts along this line: "If you're only interested in Bass Weejuns, tartan plaids and boola-boola, you probably won't have a good time here. But if you want a quality education, this is still the place."

At that moment, Harris, the maintenance director, was figuring out how he could get by without a $900 expansion joint by jury-rigging a small loop in a pipe.

THE OLD SHELL GAME

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. DORGAN of North Dakota. Mr. Speaker, when it comes to tough sanctions against defense contract violators, we have become used to "now you see it, now you don't." Sanctions may come, but sanctions may go.

The Navy has achieved a new first in this old shell game of slapping contract violators on the wrist and then pretending nothing happened. Navy officials have just granted General Dynamics blanket immunity from contract suspension or disbarment for any past offenses now being studied by Federal prosecutors and Pentagon investigators.

The Navy must think that procurement reform is a game. They should know that those of us in Congress who care about procurement reform will not give up. We're going to stop this type of waste, fraud, and abuse.

When a defense contractor engages in hiding cost overruns or making illegal billings, we must insist on tough and durable sanctions. I urge my colleagues to review the following article as we begin this year's debate on how to ensure we get our money's worth for every defense dollar spent.

The article from the February 8, 1986, Washington Post follows:

[From the Washington Post, Feb. 8, 1986]

NAVY GIVES GENERAL DYNAMICS RIGHT TO RESUME MILITARY BIDS

(By Michael Weisskopf)

The Navy granted General Dynamics Corp. blanket immunity yesterday from contract suspension or disbarment for any past offenses under investigation by federal prosecutors and the Pentagon.

In its unprecedented action, the Navy said the defense contractor had earned the right to bid on and receive billions of dollars in yearly weapons contracts because it has "satisfactorily addressed" problems that set off more than a dozen investigations and an indictment last December on fraud charges.

Assistant Navy Secretary Everett Pyatt said the immunity began yesterday with the lifting of the government's suspension of General Dynamics from federal contracts, imposed after the December indictment. Pyatt said that while the company continues to be investigated, it is undertaking a "major reformation."

"The larger rationale," he said, "was one of fairness" in not penalizing the company for problems that it has corrected. "This has nothing to do with the size of its industrial base or how big they are."

General Dynamics chairman Stanley C. Pace said in a statement that the company is "gratified" by the decision.

Rep. John D. Dingell (D-Mich.), chairman of the House Energy and Commerce subcommittee on investigations that has uncovered numerous irregularities by General Dynamics, called the action "absolutely outlandish" and said that it raises questions about whether the company is "somehow above the law."

"I thought the sale of indulgences went out with the Reformation," Dingell said.

The exemption from administrative sanction extends throughout the government, Pyatt said, but it does not spare General Dynamics from criminal prosecution in the ongoing investigations of allegations that range from deliberately underbidding submarine contracts to charging the Navy improperly for travel and entertainment expenses.

In exchange for administrative immunity, the company agreed to permit government inspectors to monitor and report monthly on 50 corporate activities, including security, cost accounting and labor charges, according to Pyatt, who negotiated the agreement.

Pace, in responding to the Navy's decision, called the provisions required of the company "demanding," but pledged to comply with them.

General Dynamics, the nation's third-largest defense contractor, with $6 billion in Defense Department business last year, also agreed to set up a $50 million escrow account to cover fines or government refunds that could result from any of the three grand jury investigations and 10 to 15 Pentagon probes of the firm, Pyatt said.

Pyatt, who negotiated the agreement because the Navy is the government's lead agency in dealing with General Dynamics, denied that the administrative grant of immunity reflects the futility of barring a contractor with a monopoly on such critical weapons as the Trident nuclear submarine, the F16 jet fighter and the M1 tank.

Pyatt said the agreement grew out of negotiations with Pace after the company was suspended from receiving federal contracts because of its Dec. 2 indictment. General Dynamics and four present and former executives, including NASA Administrator James M. Beggs, were charged with trying to hide cost overruns on an Army contract to develop the Division Air Defense (Divad) gun, also known as the Sgt. York, from 1978 and 1981.

It was the second time General Dynamics was suspended in 1985. In May, the firm was barred from Navy contracts because of improper billings and illegal gratuities. That suspension was lifted 12 weeks later and the firm was awarded nearly $1 billion in Navy work.

In removing General Dynamics' latest suspension, Pyatt said the firm has reformed its accounting techniques to prevent a recurrence of the illegal practices that it allegedly committed in understating the true cost of prototype Divad guns built for contract competition.

JUNIOR KUYKENDALL WILL BE MISSED

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. BEVILL. Mr. Speaker, I rise today to join my friends in Cordova in Walker County, AL, in remembering Charles H. (Junior) Kuykendall who passed away recently.

Junior operated a barbershop in Cordova which was the gathering place for people who wanted to talk politics. The barbershop was Junior's political stump. And, when he ran for city commissioner of public safety, Junior re-

ceived the highest vote ever given a candidate in Cordova.

Junior was a good man, a man of conviction. His political opinions were well respected in Cordova. He put his words into action and got involved in his community. We will all miss him.

I insert in the RECORD an editorial about Junior which appeared in my hometown newspaper, the Daily Mountain Eagle. The article is as follows:

CORDOVA WILL MISS "JUNIOR" KUYKENDALL

His name was Charles H. Kuykendall, but everyone knew him as "Junior."

He ran a barber shop in Cordova, where he'd lived all his life, where he'd seen the boom years in his city's economy fade away when the large cotton mill closed nearly three decades ago.

People did a lot of talking, in his barber shop, about what was to become of their city .

He listened, and he talked with them.

Usually an easy-going man, he was always ready to chat with customers or friends or neighbors about the weather, the news, local politics or even the gossip currently making the rounds.

But he had a temper, too. It flared most often when he disagreed with city officials about the way his city should be managed, and he made some hot and fiesty speeches at council meetings.

He was in the forefront of local politics long before he was elected to office. His willingness to speak out on the issues in which he believed so strongly often put him in the limelight, and he found himself the head of an unofficial coalition of citizens who advocated change.

And he decided, finally, that he could do a better job at running the city than the people with whom he disagreed so vehemently.

He didn't know, when he decided to seek office, about the cancer. He didn't have a long time to make the changes he wanted. But in July 1984, he was elected as the city's commissioner of public safety.

He was one of three commissioners that replaced the old mayor-council form of government in Cordova, a change he wanted very badly.

He was thinner, once he earned a seat at the commission's table, than a few years ago when he used to fuss at the people who occupied that table before him. Sometimes his face looked drawn.

But he smiled a lot, because he was in a position to do what he thought was best for his city.

And, despite his illness, he made city management his priority. He served on the city's Water and Gas Board as well as the commission, striving to overcome his cancer and make the contributions he felt he owed to his city and his fellow citizens.

Wednesday afternoon, at University Hospitals in Birmingham, he lost his personal battle with cancer and the City of Cordova lost a dedicated commissioner.

He had shown that citizens can, when they become involved, have a tremendous impact on local government and the way in which their communities are managed.

And the citizens of Cordova, sharing the grief of his family members over his loss, can remember Junior Kuykendall as the man who showed them the impact of community involvement.

THE LOCAL EXCHANGE BYPASS PROCEDURES ACT OF 1986

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. MARKEY. Mr. Speaker, yesterday I introduced H.R. 4172, legislation to begin repairing the public's early warning system against a looming threat to consumers which is well known to telecommunications experts—a sudden and substantial increase in local telephone bills due to high-volume customers bypassing the local exchange in favor of a direct link to the long-distance switched network. Some analysts estimate that local telephone rates could double within 2 years if such customers are lured away from local exchanges in large numbers. Should this occur, it would have a serious detrimental impact on two cornerstones of this Nation's telecommunications policy, "universality of service" and "reasonable charges."

The faulty warning system is the Federal Communications Commission. Recently, it malfunctioned while considering two tariff proposals by AT&T. The time to fix the system is now—before, not after, the public is forced to pick up the tab for the Commission's poor judgment.

Current practice at the FCC, as demonstrated most recently in the so-called Megacom and SDN tariff proceedings, is woefully inadequate. Despite the Commission's own professed concern about the impact of bypass activities on the ratepaying public, it allowed the Megacom tariff to become effective without any public hearing or investigation, and it allowed the SDN tariff to take effect without a hearing. Moreover, it made clear in its SDN order than even if it had found injurious impacts from SDN, it would still have allowed it to go ahead as a "new service."

It is folly to treat AT&T's requests to initiate bypass activities as routine tariff proceedings. AT&T's reach is nationwide, and its capital assets dwarf its competitors. When it proposes a service to bypass the local switched network, the FCC has before it both the largest telecommunications company in the world and a threat to local telephone rates which is widely considered to be potentially one of the most serious in the market today.

The bill, titled the "Local Exchange Bypass, Procedures Act of 1986," would require the FCC to give a hard look to tariffs proposed by AT&T whenever they threaten to lure key customers away from the local exchange. Current practice at the FCC places the burden on the public to show why a bypass tariff should be suspended and investigated before it becomes effective. Under this bill, the burden would shift to the FCC and AT&T.

First, the FCC would be required to suspend the effective date of the tariff for a limited 5-month period.

Second, the FCC would be required to investigate the lawfulness of the proposed tariff, which must include a hearing to provide the public a full and fair opportunity to comment on the tariff.

Third, the FCC would be required to make an affirmative finding that the tariff is "just and reasonable" before the tariff could take effect. Such tariff shall not be found "just and reasonable" if, either alone or together with other practices, it will have certain effects. These include:

Diverting a substantial portion of an exchange carrier's originating or terminating traffic;

Impeding the development of competition in the long-distance market;

Raising substantially the rates for telephone exchange service; or

Otherwise violating the Communications Act of 1934.

In addition to these procedural reforms, the bill requires the Commission to increase its vigilance to the bypass phenomenon. This includes an inquiry into AT&T's long-term plans for bypass and the estimated impact of those plans on reasonable rates, local exchanges, and long-distance competition.

Finally, the bill would require the Commission to establish an effective bypass monitoring program. Thirteen State public utility commissions monitor bypass. Yet, in a report just completed at my request, the General Accounting Office determined that the FCC does little more to monitor bypass than track residential subscribership.

Monitoring residential subscribership, while useful, is not an adequate substitute for monitoring bypass activities themselves. Bypass could be rampant and yet residential customers might continue to subscribe to their local exchange because they have no choice, or because they consider their telephone service more critical than other necessities. By the same token, subscribership could fall for reasons having nothing to do with bypass, such as deteriorating service or rate increases apart from bypass.

If the Commission were serious about protecting the public from the threat of bypass, its monitoring system would include the systematic tracking of such information as the plans of major customers to bypass, the number of lines actually disconnected, the plans of the local exchanges to compete against bypass, and the identity of bypass service providers. Some or all of these techniques are already in use at the State level. My bill would require the Commission to use similar techniques for understanding and anticipating the effects of bypass.

On the record to date, it is hard to escape the conclusion that the FCC is purposely avoiding a more cautious and deliberate approach to the threat posed by bypass. The Commission itself has done two reports concluding that bypass would grow and would increase rates for customers left on a bypassed exchange. Both the FCC and Bell Communications Research have estimates of the revenue loss due to bypass with widely differing results. Their estimates differ by 150 percent. The access charge debate made clear Congress' own interest in this subject. Yet, no effective monitoring program exists.

This legislation is not intended to, and does not, "ban" bypass. To the extent bypass services can be justified on the record, they will be approved. But under the procedure outlined above, the public would once again have confidence that any increases stemming from

bypass services would occur not as sudden, substantial price shocks, but rather as moderate rises accompanied by an advance warning from the FCC. I urge my colleagues to join me in restoring that confidence by cosponsoring the Local Exchange Bypass Procedures Act of 1986.

H.R. 4172

A bill to amend the Communications Act of 1934 to establish procedures for the approval of certain tariffs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Exchange Bypass Procedures Act of 1986".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the telecommunications industry is in the midst of a transition from monopoly to competition;

(2) consumers are already benefiting from the greater choice and lower prices available in an increasingly competitive telecommunications marketplace, and these benefits will increase with the continued growth of competition;

(3) during the transition to a fully competitive telecommunications marketplace, efforts by carriers with substantial interchange traffic to divert a significant portion of an exchange carrier's traffic could jeopardize the universal availability of affordable local telephone service, the viability of the exchange carriers, and the continued growth of competition; and

(4) the Federal Communications Commission has failed to address the serious problems inherent in these bypass plans.

SEC. 3. AMENDMENT TO THE COMMUNICATIONS ACT OF 1934

The Communications Act of 1934 is amended by inserting after section 204(b) the following new subsection:

"(C)(1) Whenever a dominant interexchange carrier files a tariff to provide a service that will avoid, or will permit users to avoid, the use of the switched facilities of an exchange carrier, the Commission shall suspend the operation of such tariff for a period of five months after the expiration of the notice period established in section 203(b)(1). During that five-month period, the Commission shall conduct a hearing to investigate the lawfulness of such tariff and shall provide interested persons an opportunity to comment thereon.

"(2) Any tariff filed by a dominate interexchange carrier to provide a service that will avoid, or will permit users to avoid, the use of the switched facilities of an exchange carrier shall not become effective unless and until the Commission finds, upon conclusion of the hearing required by paragrpah (1), that such tariff is just and reasonable. Any such tariff shall not be found to be just and reasonable if such tariff, by itself or together with other practices (including the construction or extension on any line) will have the effect of—

"(A) diverting a substantial portion of an exchange carrier's originating or terminating traffic;

"(B) impeding the development of competition in the market for the provision of long distance services;

"(C) raising substantially the rates of telephone exchange service; or

"(D) otherwise violating the provision of this Act.

"(3) For purposes of this subsection—

"(A) the term 'exchange carrier' means a carrier authorized to provide telephone exchange service on a universal basis;

"(B) the term 'switched facilities' means facilities capable of establishing a circuit between any two telephone stations with access to such facilities, or between any telephone stations selected by a customer of a service provided over such facilities, but such term does not include any dedicated unswitched lines;

"(C) the term 'dominant interexchange carrier' means an interexchange carrier that is, at the time of filing any tariff described in paragraph (1), determined to be a 'dominant carrier' pursuant to the Commission's Report and Orders in CC Docket 79-252; and

"(D) the term 'interexchange carrier' means a carrier providing service between the local access and transport areas established in the Modification of Final Judgment entered August 24, 1982, in United States v. Western Electric Co., Civil Action No. 82-0192 (United States District Court, District of Columbia) and modified by such Court from time to time.".

SEC. 4. COMMISSION INQUIRY.

(a) STUDY OF PLANS FOR BYPASS.—Within 90 days after the effective date of this Act, the Commission shall conduct an inquiry into the plans of any dominant interexchange carrier, including the filing of tariffs and the construction or extension of any line or other practices, to provide services using its own switched facilities but not using the switched facilities of an exchange carrier. The inquiry shall include and examination of the impact of such plans on the continued availability of telephone exchange service at reasonable rates, the viability of exchange carriers, and the development of competition in the provision within 270 days after the effective date of this Act.

(b) MONITORING BYPASS.—The Commission shall establish and implement a monitoring system to detect and quantify bypass activities. Such a system shall include, but not be limited to, requirements that local exchange carriers report quarterly the number of lines disconnected, and the revenues lost, due to bypass. The Commission shall include in its annual report under under section 4(k) of the Communications Act of 1934 a summary of the data collected by such monitoring system.

(c) DEFINITIONS.—As used in this section, the terms "exchange carrier", "switched facilities", and "dominant interexchange carrier" have the meanings given in section 224(c)(3) of the Communications Act of 1934 (as amended by section 3 of this Act).

SEC. 5. EFFECTIVE DATE.

This Act shall take effect upon the date of enactment, and shall be applicable to any tariff that becomes effective on or after October 1, 1985.

INSURANCE CRISIS SPARKS POLICY FORM CONTROVERSY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. FLORIO. Mr. Speaker, a somewhat technical but important issue in the current crisis in the unavailability of insurance relates to the proposed new forms which many in the insurance industry hope will limit their exposure. This initiative has been controversial and has met opposition from businesses and some State regulators. So that Members can better understand this controversy, I am here inserting in the RECORD articles on the subject from Dun's Business Month and from Professional Agent. This is also one of the issues my subcommittee will study in our hearings and inquiry into the insurance crisis.

[From Dun's Business Month, January 1986]

BIG CHANGE IN BUSINESS INSURANCE

(By Daniel Forbes)

Already buffeted by gargantuan premium increases, and, in some lines the unavailability of commercial insurance at any price, corporate America is about to be hit with a major reduction in the coverage provided by the typical business policy. Insurers of accidents on company premises, product liability and business operations will now exclude coverage they have offered in the past, put new limits on policy payouts and include legal costs in policy limits. "Insurers are selling leaky lifeboats to the few policyholders that can afford them," says Jon Harkavy, director of governmental affairs of the Risk and Insurance Management Society.

Through their rate and standards advisory body, the Insurance Services Office, Inc., commercial property/casualty insurers are proposing a new type of standard business policy, the "claims made" policy, which, pending approval by the individual state regulators, will be offered along with the traditional "occurrence" policy. Up to now, ordinary insurance—called an occurrence policy—protected a business no matter when a claim was brought. This protection has been tremendously valuable as, increasingly, claims for many ailments, such as cancers and lung diseases, arise years after the event or occurrence that precipitated the problem may have taken place.

ISO's new policy only covers claims brought during and up to sixty days after the end of the policy year and it excludes incidents before the policy's inception, or—the industry term—"retroactive date." It argues that the claims made policy will ease the availability crisis and promote company solvency. By having the amount of coverage reflect today's costs, insurers can price their products more accurately and close their books sooner.

The claims made policy proposal triggered an unprecedented uproar among brokers and corporate risk managers. It was approved by 26 state regulators, but New York disallowed it and other big industrial states—Illinois, New Jersey, Texas and Connecticut—balked at approval. ISO backed down and has a modified policy, which it hopes to be able to have insurers write business on this spring. Given the improvements, approval in more than half the states seems likely.

Corporate risk managers are very worried. Claims made policies require that a policyholder notify the insurer of a potential claim within sixty days of the policy year's end, and only in that event will they cover suits brought within five years if no other insurance applies. Critics point out that many claims are not filed within sixty days.

The risk managers also fear that insurers will refuse to cover the following year a product, say, that gave rise to a claim this year. As Glenn Totino, vice president of broker Alexander & Alexander of N.Y. Inc., says, "It gives the underwriter a chance to

get off a risk and gives them an advantage going in to renewal to exclude any product lines they've been given notice of."

Risk managers complain that problems that take longer than five years to surface will not be covered. No one knows what seemingly innocuous product might be the next asbestos, but some risk managers are already nervous about video display terminals. As Bill Blick, assistant treasurer of auto diagnostic equipment maker The Allen Group, Inc., says, "If it turns out that VDTs cause irreparable damage, given the number of exposures, yes, it could be an astronomical problem."

ISO has responded to this concern by offering an add-on feature of an unlimited reporting period, which can be purchased for no more than 200% of the original policy's premium. This means that to come close to duplicating current protection, companies will face up to a 200% price increase. And many expect that the 200% maximum will be the going rate. Without this add-on, it will be risky for companies to change insurers, unless the new insurer is willing to cover the previous period as well. As Harkavy, who has spearheaded the opposition to claims made, says, "The old carrier has tremendous leverage over its insured, knowing that a prudent policyholder who desires permanent coverage will have to pay the insurer up to 200% of its annual premium as a 'severance fee.'"

But the add-on policy won't help if a company has had many product liability claims during the year. Insurers now limit the aggregate claims they will pay just as they limit the amount per claim. Thus, if it's been a bad year with many losses, this unlimited reporting period might be purchased for not much actual coverage. An option to purchase new limits on the old policy is theoretically available, but only at the insurer's discretion. ISO claims that to guarantee the reinstatement would be akin to retroactive insurance.

Claims made policies produce new problems if an insurer cancels a policy. Finding a new insurer is difficult enough today, but getting another underwirter to assume unpaid liabilities that may have occurred under the cancelled policy may be impossible.

ISO insists that buyers will be able to get old-style occurrence policies in a competitive market, even should claims made policies become the standard. But risk managers are skeptical; they fear that, as Eugene Anderson, partner in Anderson, Russell Kill & Olick, puts it, "The occurrence policy will be like your appendix: it'll be there, but you won't use it." Moreover, Lloyd's of London, the world's most influential reinsurer, declares that it is unwilling to write reinsurance on occurrence policies.

In fact, reinsurers are in the forefront of the move toward claims made. Lloyd's has already issued its own claims made policy, which is more restrictive still than ISO's. It does not include coverage for punitive damages. Since most policies in excess of $1 million are reinsured, companies may find that coverage on their larger claims may be even more difficult to get.

Insurers will propose two other policy changes that state regulators are likely to approve: elimination of pollution coverage; and new annual aggregate policy limits on premises and operations coverage, as is currently the case with product liability.

ISO also wants—and might get—legal defense costs counted against the coverage limits. Currently, insurers pay legal costs and they are not included. ISO estimates that between 1987 and 1991 $19 billion in defense costs will be incurred.

Meanwhile, most state regulators have not yet issued their final decrees. Until the big industrial states—New York, Illinois, Texas and New Jersey—weigh in, notes Richard R. Savage, executive vice president of ISO, "there is no question there will be turmoil in the marketplace.

[From Professional Agent, January 1986]

RISK MANAGERS CONTINUE TO OPPOSE NEW POLICY

Jon Harkavy, director of governmental affairs for the Risk and Insurance Management Society, Inc. (RIMS), recently sent a letter to the nation's insurance commissioners urging them to reject the Insurance Services Office's (ISO) commercial general liability (CGL) claims-made policy. In the December 4 letter, Harkavy notes that although ISO has modified the form, the changes "do not justify the use of its proposed claims-made form to provide CGL coverage."

The RIMS letter cites several perceived defects in the policy, which was scheduled to take effect on January 1 in jurisdictions that have approved it. Many lawsuits, the letter says, will not be filed within the automatic five-year extended reporting period provided by the policy, leaving insureds without adequate protection.

Hitting on another perceived problem with the retroactive date, Harkavy's letter reads: "Please consider that under ISO's guidelines, a new carrier can still advance the policyholder's retroactive date. As long as this is possible, the old carrier has tremendous leverage over its insured, knowing that a prudent policyholder who desires permanent tail coverage will have to pay the insurer up to 200 percent of its annual premium as a 'severance fee.' If ISO had wanted to address the problem of 'insurer lock in' and not restrict the policyholder's ability to switch carriers in a free market, it would have restricted the new carrier's ability to advance the retroactive date for a new insured."

The letter also claims that ISO has failed to give a satisfactory definition of an occurrence while requiring that the insured give notice of occurrences for which claims may be made. As a result, the letter reads, "The insured, wanting to secure coverage, may inundate the carrier with a large number of files and documents, all containing what it hopes are potential 'occurrences.' Lawsuits will no doubt ensue as to what constitutes proper notification."

The RIMS letter concludes that such provisions will breed uncertainty among consumers and regulators alike. "A certificate of insurance for claims-made coverage may not be worth the paper it's written on," the letter says. "Why? Unless the insured perpetually renews coverage with the same carrier, purchases permanent tail coverage or has a claim submitted against it within the policy year, there is no assurance of indemnification by the carrier. Similarly, under such circumstances the proposed claims-made CGL guts the protection afforded to the general public when state law mandates insurance coverage as a condition of engaging in certain activities.

"Worse still, before all of the consequences of the claims-made DFGL become known, ISO will be proposing in the near future a defense cost inclusion that will exacerbate the regulator's problems," the letter continues. "Why are you being asked to act in haste and repent at leisure?"

As a temporary remedy, RIMS suggests that regulators adopt ISO's companion occurrence policy, saying in the letter, "It is a far wiser regulatory move alternative to go with ISO's modified occurrence format as an interim solution than to follow ISO's lemminglike march into the claims-made abyss of coverage gaps [and] increased litigation. . . ." The RIMS letter also calls for the creation of a blue-ribbon panel representing producers, regulators, insurers, consumers, judges and lawyers to hammer out a mutually agreeable definition of occurrence.

Two weeks after the letter was mailed, Harkavy said that the commissioners he had talked to had expressed considerable concern about the effect of the new policy.

"On one hand," Harkavy said, "they're very concerned and want to do something about the availability crisis. On the other hand, I think they're starting to recognize that [the CGL] will create more problems than it will solve." Harkavy stressed again that the amendments offered by ISO do not settle the concerns felt by his organization, which has consistently opposed adoption of the new policy.

The RIMS letter underscores that the controversy over the claims-made form is not yet dead, despite the fact that at least 28 states agreed to the form's use before ISO modified it in October. PIA agreed to endorse the form only after substantial changes to the policy had been made, and that endorsement contained the qualification that the association considered the occurrence from the preferred policy.

LITHUANIAN INDEPENDENCE DAY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. OWENS. Mr. Speaker, I join my colleagues in commemorating the 68th anniversary of the declaration of Lithuanian Independence. It is my hope that the dream of independence which the people of Lithuania have long held will become a reality.

Lithuania was an independent state from 1251 to 1795. As our Nation became independent, Lithuania entered into a period of domination by Germany, Poland, and Russia. Today, it remains under Russian control. This has led to the suppression of Lithuanian nationalism and the suppression of human rights in Lithuania. It is my hope that the day will soon come when the people of Lithuania will be able to determine their own fate as a nation. Then we can truly celebrate Lithuanian Independence Day.

TRIBUTE TO DR. ALVA MALLORY OF FLINT, MICHIGAN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. KILDEE. Mr. Speaker, I would like to ask all of my distinguished colleagues in the U.S. House of Representatives to join with me

in paying tribute to Dr. Alva E. Mallory of Flint, Michigan.

Dr. Mallory's dedication and creativity have had a lasting impact on the quality of education in Michigan and across the Nation. Dr. Mallory, who recently retired from the Genesee Intermediate School District Board of Education, has played a vital role in shaping educational programs that meet the real needs of young people entering today's competitive job market.

As initiator and implementer of the educational and career exploration system project during his service on the Genesee Board of Education, Dr. Mallory launched a program that will enhance the career opportunities and futures of countless students. His innovative approach to education and his leadership in translating this approach into tangible programs have touched the lives of countless students throughout our Nation.

Dr. Mallory's expertise and well-deserved reputation earned him a critical role in the development of the Youth Employment and Training Act and the In-School Youth and Summer SPEDY Program for 20 school districts. And his unwavering commitment to a better, more successful way of life for our young people has left a lasting imprint on the way these programs operate today.

We are fortunate in Michigan to have had the benefit of Dr. Mallory's talent and dedication for many years. His service on a State advisory commission for legislative affairs, the State Senate Manpower Task Force on Youth Employment and Training, and as Career Education Planning District Coordinator to implement Public Act 97, have had a tremendous impact on our education system in the State of Michigan.

But the influence of Dr. Mallory's work reaches far beyond the State of Michigan. His distinguished career includes serving as U.S. State Department Technical Advisor to the Kingdom of Nepal; presenting his outstanding work at American Vocational Association and American Personnel and Guidance Association conventions; and publishing articles in journals read by pioneers in the education and employment fields.

Dr. Mallory's knowledge of the legislative process and his skill in working with government agencies and officials have been key in the development of laws that frame our educational system. His input has been important to officials serving the State of Michigan, the U.S. Government, and the educational agencies of foreign governments.

Mr. Speaker, Dr. Mallory's many years of original work and dedicated service truly merit our recognition and praise. I would like to take this moment to ask my colleagues to join with me now in commending Dr. Alva Mallory of Flint, Michigan.

COMMUNICATION FROM THE PHILIPPINES

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. WEISS. Mr. Speaker, I take this opportunity to introduce into the CONGRESSIONAL RECORD copies of correspondence forwarded to me by a constituent. The constituent's letter as well as the attached communication were originally directed to one of New York City's major newspapers. I believe its contents are of importance and significance to every Member of this House. For obvious reasons, I have taken the liberty of deleting all names and other identifiers.

FEBRUARY 13, 1986.

We are a large importing company and we manufacture many of our own copyrighted designs in the Far East.

I am Art Director and Designer and I work in the Far East 3½ months a year—every year for the past 16 years. One of the countries I work in is the Philippines and we have an office there.

The enclosed telex, received today is from a fine, conservative, educated, middle class man. He has sent this to me, to deliver to you, in the hope that it will be printed and help his country attain a democratic system. This courageous act of sending such a telex represents total desperation, sent in spite of the great personal risk to himself and to his wife and his children.

I hope that his brave and courageous act will not have been in vain and that his cry for help will indeed be printed. Thank you.

Sincerely,

———.

P.S.—I am so frightened for———. He had the courage to use his name and address. You know what this means in the Philippines. If you feel that, to protect him, it is not necessary to print his name, please omit it; but, if you think it is necessary, then so be it. This is his brave decision.

TO THE AMERICAN PEOPLE: We, Filipinos, have always opted for the democratic way of changing governments—through the ballot. Last Feb. 7, 1986, widespread violence and fraud marked our presidential election. This is not a democratic way or the Philippine style of holding an election.

Despite all of this, the quick count by Namfrel, an independent citizen watchdog, shows as of Feb. 12th, Mrs. Aquino of the opposition party is leading the ruling Mr. Marcos by as much as 670,000 votes with 69 percent of the polling precincts tallied. Her lead remains consistent for the past four days.

My countrymen have spoken through the ballots. Acts to subvert the people's will for a return to genuine democracy in our country is still being done by the ruling party. Such acts will definitely have serious consequences. Mrs. Aquino is simply the instrument the Filipino people have chosen to express its mandate and we are determined for a change in our government.

What is the American people's strategic interest in the Philippines? Is it not the Clark Air Base and the Subic Naval Base? But what is the primary purpose of these bases? Are they not here in the Philippines to protect the free world in general and the freedom and democracy of the American people in particular?

If this is so, then make us, Filipinos, feel and appreciate the meaning of freedom and democracy. Our people are confronted with the forces of wickedness, of repression, intimidation, harrassment and violence. Will you allow these forces to triumph?

The odds are great but I am sure the Filipinos will prevail. But wouldn't it be far better if the forces of freedom and democracy help one another in defeating and putting an end to the forces of evil? So, we, the Filipinos, in turn will appreciate fully the importance of the American bases here in our country.

Therefore, appeal to freedom loving citizens of the world and to the American public in particular to support the Filipino people in claiming their rights and freedom. Send a letter or a telegram to your President, Prime Ministers or Secretaries, Senators, Congressmen, Governors, etc. Call up your TV stations, radio, and print media. A simple 6-word statement "support the Filipino people not Marcos" would do a great deal for our cause. Make your feelings known. This is not the time for neutrality and indecisiveness.

Sincerely,

———.

PROGRESS FOR CIBA-GEIGY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. FLORIO. Mr. Speaker, I wanted to direct the attention of my colleagues to a recent Ocean County Observer editorial relating the progress Ciba-Geigy has made in bringing their activities at their Toms River, NJ, plant into compliance with our environmental statutes.

For years, I have joined with residents of the community surrounding Toms River in deploring the discharge of chemical wastes into the ocean and have called for steps to protect our environment and clean up the waste. I was pleased to see this editorial which made mention of the tremendous progress Ciba-Geigy has made in recent months in meeting the requirements of their New Jersey pollutant discharge elimination system [NJPDES] permit and in cleaning up the discharge which now contains smaller quantities of the regulated chemicals than are allowed. Ciba-Geigy continues to look for ways to bring the plant completely under compliance by ensuring that the waste will no longer be toxic to mysid shrimp.

Although further steps need to be taken, I am encouraged by the progress made so far and hope that other companies will voluntarily mirror the commitment shown by Ciba-Geigy. The editorial follows:

CIBA-GEIGY MAKES CLEAN-UP PROGRESS

Ciba-Geigy is continuing to make significant progress in cleaning up the chemical waste going into the ocean off Ortley Beach.

Reasonable people must be impressed with the efforts the company is making to reduce the amount and toxicity of what is being discharged. Tens of millions of dollars are being spent on research, new designs for treatment equipment and the most sophisticated environmental testing ever done in Ocean County.

That work is producing results. The discharge now contains far less of every chemical regulated by a six-month-old state permit than allowed.

There is little comparison now with what the company first reported being dumped there.

A leader of Greenpeace, an environmental activist group, praised the people of the county for the efforts made to speed up this

cleanup, and urged continuance of those efforts.

An Ciba-Geigy's neighbors can look forward to further improvements in that discharge because, despite cutting every regulated chemical below the state limit, the waste is still toxic to mysid shrimp

Until those tiny creatures can swim and live in a mixture of half waste and half sea water, Ciba-Geigy has not met all of the terms of its new permit.

The company knows how to produce a waste which can keep the shrimp alive, but needs to upgrade its waste treatment plant for the kind of carbon filtering which can do that job.

Plans for those changes are being made today. The Ciba-Geigy plant cannot continue to operate unless they are made because of the deadline it has to meet the mysid shrimp tests.

Some people complain the discharge should have been cleaned up years ago. Others say continued pressure from environmentalists will close down the plant.

The complaints of the former cannot change the past. The fears of the latter appear contradicted by the massive spending Ciba-Geigy is doing to make sure the plant can continue to operate in an environmentally safe fashion.

Those who have applied the pressure that forced state regulators and the company to act should share the same pride the company does in the progress being made in eliminating sources of pollution.

True, more remains to be done. But the evidence is overwhelming that Ciba-Geigy is committed to finish the job. So, too, are the environmentalists equally committed to making sure the job is completed.

CONTRA TERRORISM

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. OWENS. Mr. Speaker, I would like to bring to your attention a letter to the editor of the New York Times, which was published on January 13, 1986. The letter was written by Edgar Chamorro, who was a member of the directorate of the Fuerza Democratica Nicaraguense, the primary recipient of Contra funding from the United States. Mr. Chamorro makes clear the Somacista origins of the FDN and the terrorist policies followed in response to the FDN's American benefactors. Mr. Chamorro's letter follows:

TERROR IS THE MOST EFFECTIVE WEAPON OF NICARAGUA'S "CONTRAS"

KEY BISCAYNE, FL,
December 30, 1985.

TO THE EDITOR: My experiences as a member of the directorate of the Fuerza Democratica Nicaraguense, the principal U.S.-funded "contra" group fighting to overthrow Nicaragua's Sandinista Government, compel me to dispute some of the statements of Arturo Cruz, Adolfo Calero and Alfonso Robelo Callejas, the directorate of the United Nicaraguan Opposition (Op-Ed, Dec. 13).

For them to claim that the "contras" "are not, and will never be, the instrument of a foreign power" is laughable. When I joined the F.D.N. in 1981, I hoped it would be controlled by Nicaraguans and dedicated to objectives we would determine. But the "contras" were, and are a proxy army controlled by the U.S. Government.

If U.S. support were terminated, they would not only be incapable of conducting any military activities against the Sandinistas, but would also immediately begin to disintegrate. I resigned rather than continue as a Central Intelligence Agency puppet.

It is cynical to assert that the "contras" respect human rights. During my four years as a "contra" director, it was premeditated policy to terrorize civilian noncombatants to prevent them from cooperating with the Government. Hundreds of civilian murders, mutilations, tortures and rapes were committed in pursuit of this policy, of which the "contra" leaders and their C.I.A. superiors were well aware.

Only when these practices were revealed in the U.S. press and by human-rights groups did the "contra" leaders feel compelled to give lip service to ending them. But no serious effort to stop them has been made, because terror is the most effective weapon of the "contras." In August 1985, in a typical case, the "contras" briefly occupied the town of Cuapa, gathered the residents in the town square, selected those civilians they suspected of sympathizing with the Government and shot them in cold blood as a lesson.

It is a gross fabrication to claim that the "contras" are composed of "democratic groups," who joined in the revolution against Anastasio Somoza." As I can attest, the "contra"' military force is directed and controlled by officers of Somoza's National Guard, who fought at the dictator's side until the very end and then fled to Honduras. My knowledge is confirmed by an April 1985 Congressional study that shows that 46 of the 48 positions in the F.D.N.'s military leadership were held by ex-National Guardsmen. At U.S. urging, some former Somoza opponents—including Mr. Cruz and Mr. Robelo—have now been affiliated with the "contras" to make them more palatable to Congress. But real power in this military organization rests with those who have the guns—the ex-guardsmen.

The Sandinistas, for all their faults, have made enormous advances in education, housing and health care, issues of vital importance to Nicaragua's poor majority. Unfortunately, the "contras" burn down schools, homes and health centers as fast as the Sandinistas build them.

While Nicaragua's economy is suffering—partly because of Sandinista mistakes, but more because of the war and the U.S. economic embargo—the Sandinistas must be credited with generating an atmosphere of genuine equality for the first time in Nicaragua's history. By contrast, the "contras" who were my colleagues, talked mostly of recovering their lost wealth and privileged status.

In the late 1920's, the U.S. created the National Guard to defeat nationalistic rebels led by Augusto Sandino. With U.S. help, the National Guard seized power, and its leader—Anastasio Somoza—began a 45-year family dynasty that was one of the bloodiest and most corrupt in Latin America.

The Nicaraguan people—deeply conscious of their own history—show no signs of falling for the same trick twice.

EDGAR CHAMORRO.

BILL GERTZ ON ADDITIONAL SOVIET ARMS CONTROL CHEATING

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. COURTER. Mr. Speaker, it was Winston Churchill in 1933 who warned: "Unless the people know the truth, one day they are going to have a very surprising awakening." But as the following article by Bill Gertz of the Washington Times demonstrates, the Reagan administration continues to amass and withhold from the public increasing evidence of the duplicity of the Soviet Union, particularly in the arms control arena.

According to the article, "Further Cheating by Soviets on Arms Control Uncovered," new reports to the White House continue to document, in ever-increasing detail, the ominous pattern of Soviet arms control violations. These reports are even more ominous when one considers the gauntlet of skepticism they must run between State Department lawyers and other ardent arms controllers in the national security bureaucracy. The Soviets must be aware that the truth about the entire range of their violations will never be made available to most Americans; only this can explain their arrogant and disingenuous protests on the rare occasions when they are confronted with the evidence of their violations. I commend Mr. Gertz' article to my colleagues' attention.

FURTHER CHEATING BY SOVIETS ON ARMS CONTROL UNCOVERED

(By Bill Gertz)

A secret report sent to President Reagan by the National Security Council reveals that Soviet arms control cheating is more serious than the White House publicly admits, it was learned yesterday.

The administration listed nine cases of Soviet cheating in the latest unclassified arms violations report sent to Congress Dec. 23.

But the secret NSC report of the same date lists a 10th major violation, as well as greater detail than the White House disclosed on the extent of Soviet efforts to circumvent or exceed limits set by past treaties and agreements.

The report identifies the 10th violation as the "throw-weight of a certain SLBM." Throw-weight is a measure of a missile's nuclear warhead-carrying capacity.

Sources said the missile in question is the submarine launched SS-X-23 missile. They said the missile's throw-weight violates limits on heavy missiles set by the 1979 SALT II arms control treaty, but the violation was not included in the public report to Congress because its detection involved sensitive equipment.

Details of the violation and evidence supporting it were not described even in the secret report to Mr. Reagan, other than a notation that "the issue is addressed separately."

The report, prepared by analysts from the Arms Control and Disarmament Agency and the Central Intelligence Agency, also contains details on Soviet deployment of new anti-ballistic missile system components, and on deployment and concealment of mobile intercontinental ballistic missiles.

The SALT II treaty was signed in 1979 but never ratified by the Senate. Since 1982, the United States and the Soviet Union have agreed to follow a "no undercut" policy, under which they observe the treaty as a political commitment, rather than a legal obligation.

The secret report contains details of U.S.-Soviet diplomatic exchanges that indicate the Soviets consistently dismissed American charges of Soviet cheating, even when the evidence offered by U.S. officials was overwhelming.

The amount of attention given Soviet violations of the 1972 SALT I Anti-Ballistic Missile Treaty in the secret report seems to indicate the administration is most concerned about those violations.

The report indicates the Soviets are continuing work on a giant phased-array radar, near Krasnoyarsk in Siberia, that the United States has previously charged is a serious violation of the ABM Treaty.

The Soviets claim the radar is being used to track satellites, but the secret report states: "Continuing construction and the absence of credible alternative explanations have reinforced our assessment of its purpose.

"Despite U.S. request, no corrective action has been taken," it says.

The secret report also provides more detail about potential Soviet violations of the ABM treaty's ban against nationwide and mobile ABM systems. The treaty allows each nation to have one ABM system at one fixed and designated site. The Soviet system is located around Moscow. There is currently no U.S. system.

The report concludes that the evidence of a Soviet violation of the ban on mobile systems is "ambiguous," but their activities "suggest" the Soviets are developing mobile components that could be quickly deployed to create a nationwide system.

It also contains a charge, omitted from the public report, that the Soviets can reload ABM launchers in a little more than two hours, possibly faster. Such a rapid reload capability would be crucial to an effective ABM defense, which would face waves of incoming warheads.

The report also reveals more information about the Soviet SA-X-12 surface-to-air [SAM] missile's ABM capability. The SA-X-12 is nominally an air defense missile for use against aircraft, but the Pentagon and other analysts have suggested that the missile also has capability against some ballistic missiles.

The report says the missile has been tested "at least once against at least one type" of short-range ballistic missile. Capability against such missiles, the report notes, would also give the SAM the ability to "intercept at least some types" of ICBM warheads.

The report indicates that U.S. intelligence also has detected three types of potential violations of treaty rules banning joint testing of tactical and ballistic missile defense systems: the firing of SAMs at test warheads, ABM radars operating during SAM firings and joint ABM and SAM radar operations during tests.

"There have been numerous events during 1985 which include one or more occurrences of each of the three general classes of activities cited above," the report states.

The report cites the Soviet SS-25 mobile ICBM as the basis for several violations of the SALT II treaty.

The treaty allows each side to "flight test and deploy" only one new type of ICBM. The Soviets announced in 1984 that the SS-X-24 rail-mobile ICBM—now being deployed—is their permitted new missile.

They claim the SS-25, also being deployed, is a permitted modernization of older-generation SS-13 missiles. But the report further documents U.S. charges that U.S. intelligence has determined that since the SS-25 was first tested in early 1983, more than 20 flight tests have shown that the SS-25 is "a completely different missile [from the SS-13]."

Also, under SALT II rules governing modernization of missiles, the Soviets must limit growth in warhead throw-weight to no more than 5 percent of the older missile's capacity. The SS-25 carries 50 percent more warhead weight than the SS-13, the report states.

Notification by Soviet officials last October that the SS-25 had been deployed also led to a new U.S. charge of exceeding SALT II limits on ICBM warheads.

The report shows that the Soviets had deployed between 2,522 and 2,544 warheads by deploying the SS-25 and dismantling some SS-11 launchers. SALT II limited the Soviets to no more than 2,504 warheads.

According to the report, a letter to U.S. officials from a Soviet arms negotiator last August stated that the Soviet warhead level had "not at any period of time exceeded the specified level [2,504]."

The Soviets also pledged under SALT II not to produce or deploy any SS-16 missiles.

But the report discloses that since last year the United States has "noted activities that indicate the Soviets probably are removing SS-16 missiles and equipment from Plesetsk." That amounts to deployment, the report says.

Two other charges related to the SS-25 concern the Soviet concealment of two missile test silos and a single-bay garage launcher at Plesetsk—which impedes verification provisions of SALT II—and the coding of missile test data relayed to ground stations during test firings, known as "telemetry."

Soviet officials told U.S. arms negotiators in 1984 that Soviet forces were under strict orders not to camouflage or conceal missiles and launchers, the report states.

"While we have routinely observed what is apparently the SS-25 launcher under camouflage or concealment near the SS-25 garage, we have never observed an uncovered missile canister and its associated launcher at the test site," the report states.

Further Soviet denials of concealing missiles and launchers made during diplomatic exchanges last spring were countered by U.S. officials' charges that "numerous instances" of concealment appear to be "standard practice in that test program," the report concludes.

A CONGRESSIONAL TRIBUTE TO REV. HERBERT W. EZELL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. ANDERSON. Mr. Speaker, I would like to take this opportunity to pay tribute to a remarkable man, Rev. Herbert W. Ezell of Wilmington, CA, on a truly momentous occasion. On March 15, Reverend Ezell will be celebrating several milestones in his life—his 50th wedding anniversary, his 50th year of being a minister in California, and his 70th birthday.

Herbert W. Ezell was born in El Centro, CA, in 1916 and has lived in southern California all of his life. An exceptional student, Reverend Ezell graduated from San Bernardino High School at the top of his class, but turned down a college scholarship to attend the College of Christian Evangelism in Long Beach. For the last 50 years, Reverend Ezell has tirelessly and humbly served Christ and others through full-time ministry.

At the age of 20, Reverend Ezell married Edna Watkins, a young woman who shared his faith in God and devotion to His service. Following an evangelistic tour in the Midwest, the Ezells settled in Torrance to continue their ministry. In 1946, Reverend Ezell established Boulevard Assembly of God in Wilmington, but he has spent the last few years witnessing the remodeling of the Harbor Christian Center, a structure he had built in the late 1940's which can no longer accommodate the standing room only crowds which flock to the Center's services.

Reverend Ezell does not limit his ministry to the Harbor Christian Center. He founded the Halo Ministries to Mexico and has recently organized and conducted twice-yearly tours of the Holy Land. He also devotes a great deal of his time to civic responsibilities, such as speaking at local schools, participating in ecumenical events, and assisting in the urban renewal efforts of the Wilmington/Los Angeles Harbor area. In 1980, Reverend Ezell was justifiably named Wilmington's Citizen of the Year.

My wife, Lee, joins me in congratulating Rev. Herbert W. Ezell on this momentous occasion. Reverend Ezell, a man who willingly and unabatedly continues to meet the needs of those around him, is undeniably one of our community's outstanding members. We wish Reverend Ezell, his wife Edna, and the rest of their family—their children, Harold and Don, and grandchildren, Pam, Sandy, Tyson, Rod, and Jeff—all the best in the years ahead.

SMOKELESS TOBACCO BILL

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. TORRICELLI. Mr. Speaker, on February 3, the House debated and then passed the Smokeless Tobacco Health Education Act, S. 1574. This bill had previously passed the Senate on December 16, 1985.

The bill brought up on the House Floor was similar in most regards to the Senate bill, but contained several notable differences. One of the differences between the bill passed by the Senate and the bill brought before the House was the addition of an unrelated technical amendment.

Congressman WAXMAN, the bill's floor manager in the House, described this technical provision, section 10 of the bill, as follows. He stated that, "Section 10 of the bill would allow those States that permit higher levels of alcohol in confectionery to be sold within their borders, to ship their products to those other

States that also permit higher levels of alcohol in confectionery".

S. 1574 was taken up by the Senate on February 6, 1986 and passed by voice vote. Senator SIMON, the Senate author of the amendment, stated that same day that, "I want to make it unequivocally clear that only confectionery products manufactured domestically would be included in the amendment."

I think the message here is clear. Confectionery containing alcohol may be offered for sale in those States which have allowed its sale as long as the product is manufactured domestically. The amendment should not be interpreted otherwise.

The alcohol confectionery industry in the United States consists of several small, specialized, and relatively new companies. Unlike their European counterparts, they receive no subsidies to manufacture their product. And certainly receive no subsidies to export their product.

Odds are that were you to see one of the U.S. companies' names on a box of their confectionery products, you would never have heard of their name. This would not be true for their European counterparts.

Right now the intrastate manufacture and sale of liquored confectionery is lawful in 11 States and the District of Columbia. The few U.S. companies which sell such products in those States where it is allowed must also manufacture the product within the State it is sold. This is so because the Federal Food, Drug and Cosmetic Act prohibits the sale of adulterated food, such as confectionery.

To allow foreign manufactured and subsidized confectionery to be sold in this country through the use of a mere technical amendment, without hearings or any research into the effect on this fledgling industry, would be a tremendous breech of faith and injustice for those U.S. companies.

FARM WOMAN KEEPS FIGHTING

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. SCHUETTE. Mr. Speaker, as we know all too well, the American farmer today faces a variety of serious problems. The problems are even more serious for the smaller, family farmer. But even with seemingly insurmountable obstacles, the American farmer continues to fight. One such fighter, whom I am very proud to have in my district, is Joan Dennison. Mrs. Dennison and her husband Warren farm nearly 250 acres in Owosso Township. In doing her part to save the traditional small American farm, Mrs. Dennison strives to improve communications between the agricultural industry and the general public as a journalist and author. She has been published in various Michigan newspapers and the Michigan Farmer magazine. Mrs. Dennison is also writing a book entitled, "The Plight of the American Farmer."

Mr. Speaker, I would like to offer my encouragement and thanks to Mrs. Dennison for her courage and effort to help the American farmer.

Recently an article about Mrs. Dennison was published in the Owosso (Michigan) Argus Press. A copy of this article follows:

[From the Owosso (MI) Argus-Press, Jan. 23, 1986]

"FARM REBEL" KEEPS EYE ON FARM PRICES, ISSUES

(By Robert J. Grnak)

Known as an "agricultural rebel" locally, Joan Dennison has written letters for years to U.S. presidents, congressmen and farm leaders urging a "return to a more reasonable parity price level and more attention to preserving the traditional small American farm."

Although Mrs. Dennison seldom gets a return response—at least from the presidents—she has challenged former President Ford to a farm debate and accused President Reagan of living in a "fantasy" world in regards to agricultural policy and advised him that God would "reward" him if he "started from the ground up." The 47-year-old Owosso Township woman also participated in a Washington D.C. tractor demonstration and is writing a book, "The Plight of the American Farmer."

Married in 1960, she and her husband, Warren Dennison, a 56-year-old lifelong farmer, have four children: Jim and Bob on the farm at 150 N. Baldwin Rd., and two married daughters, Denise Acre and Christine Zimmerman. The family farms 250 total acres—owning about 190 acres mostly to raise hay, corn and oats for 70 Holstein dairy cows and a total 160-cow herd. Warren grew up on and purchased a farm (in 1973) that his parents leased on shares for 40 years before they retired; he also hauled milk and labored in various factories during some lean times in the mid-1960s.

Members of the Burton Methodist Church, the couple are members of the Michigan Milk Producers Association and the Michigan Livestock Association. Mrs. Dennison enjoys canning, gardening, baking and writing poetry. Warren always wanted to be a farmer and "loves to see things grow."

Although Jim and Bob presently help out on the farm, they both are contemplating other full- or part-time careers. A full-time student at Lansing Community College, Jim enjoys athletics and plans to pursue a degree in business purchasing after transferring to Michigan State University. Bob enjoys auto racing and wants to become a mechanic or join the U.S. Marines. The two sons and Warren participated in Future Farmers of America activities while high school students.

Joan aspires to improve communications between the agricultural segment and the general public by becoming an author or journalist. She is currently enrolled in economics, social sciences and composition II night classes offered by LCC at Owosso High School. Her agricultural related letters have been published in the "Michigan Farmer" and numerous newspapers throughout the state.

When asked if she is proud to be a farmer, she replied: "Yes, but I wish that the farmers and farm groups would stick together and control their own destiny." Although admitting that "times are tough," she emphasized that the couple hope that farming will once again become profitable enough so they can replace some "worn out, obsolete" machinery and incorporate more modern techniques.

"I am afraid the small family farm is an endangered species unless it is small enough for a hobby type and you make your living somewhere else," said Joan. "It should not have to be that way. I prepare for the worst and hope for the best." The farm wife feels that farmers and agricultural supporters should attempt to inform legislators that 20 percent of all American jobs depends on agriculture.

Mrs. Dennison feels that "city folk" really do not understand the plight of the farmers and should spend a week's vacation on the farm and take part in the chores.

When asked what steps the U.S. Congress and/or state or local government could take to help farmers meet the challenges of the 1980s and 1990s, Mrs. Dennison replied: "One way to help would be to lower interest rates and extend payback periods. Another would be have parity at 100 percent rather than 49 percent; if they want cheap food we (farmers) want cheap expenses. Either raise the farmers' wages or lower everyone else's."

"Also, if you attempt to work within the free enterprise system," said Mrs. Dennison, "the government interferes with embargos or increases import quotas enough to keep the food cheap for the consumer. Farmers should not have to feed the entire world at their expense; it should be the other 98 percent of the American people as a whole."

In a letter to Reagan, Mrs. Dennison perhaps summarized her feelings about the state of American agriculture: "If we, as farmers, are not permitted to price our products at cost plus a reasonable profit the same as other industries, it will not only destroy the American farmer, but also the other segments of agriculture . . . that supply us and the people to whom we supply food."

U.S. MUST RECOGNIZE ITS OBLIGATION TO DEMAND PHILIPPINE REFORM

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. OBERSTAR. Mr. Speaker, on February 7, 1986, the people of the Philippines went to the polls and cast votes to determine the leadership of their nation. On February 16, the National Assembly declared Ferdinand Marcos, the incumbent, the winner of that election.

It would not have been appropriate for America to play an active role in the Philippine balloting. The Filipino people themselves had the right and the responsiblity to determine their own political future. Our interests would be most effectively served by a fair and honest election; it was proper for Americans to await the outcome of the election and then judge its fairness. The clear consensus of the official U.S. observer team is that the election not only was not fair, it was riddled with fraud perpetrated by the Marco government—blatant massive fraud, that changed the outcome of the election and denied the will of the Filipino people.

The United States, as the principal source of military and domestic aid to the Philippines, a key factor in the worldwide status of the Philippine Nation. In providing this financial support to the Philippines, we also have an

obligation to our allies to promote freedom, human rights and democracy in that troubled nation.

Seven weeks before the election, Corey Aquino, wife of assassinated Marcos-opposition leader Beningo Aquino, announced her candidacy for the Philippine Presidency. That campaign focused on the failure of the Marcos regime to sustain democratic institutions in the Philippines and its failure to strengthen the economy.

Our media, along with our own election observers, confirmed earlier suspicions of gross human rights abuses, the exodus of billions of dollars in assets from the country, and the continued suppression of opposition voices by President Marcos.

Following the election, news media across our country reported shocking accounts of election fraud, overwhelmingly intended to boost the Marcos relection bid. We learned of ballot box stealing, infants registered to vote, people registered in precincts several hundred miles from their homes, and of people being given rice or money in exchange for their Marcos vote.

We have yet to receive information contesting those reports.

Knowing all of this, it is imperative that we question the justice, the ethics and the political wisdom of continuing to provide U.S. taxpayer dollars in the form of foreign aid to the Marcos-ruled government.

The Philippine Government clearly is not working to fulfill the spirit in which that aid has been offered, and in fact, in many instances works to its detriment. We should, therefore, withhold foreign aid funds currently appropriated and condition any future funds on immediate and substantive social and economic change in the Philippines.

If we fail to demand these changes—changes we have every right to expect, then we will be a partner in the election fraud.

The Marcos victory cannot mean that conditions will remain the same. The income distribution within the Philippines—a society in which 10 percent of the population enjoys 38.5 percent of the nation's income, while the lowest 20 percent of the population shares 5.2 percent of the nation's income—needs to be addressed.

The support Corey Aquino's campaign continues to receive indicates the unrest within that nation. For the first time in Marcos' 20-year administration he faced real danger of losing power, and very likely would have been defeated had the election been free of fraud. We cannot allow Marcos to overlook the needs of the millions of citizens who risked their lives in support of Corey Aquino.

The economy of the Philippines is in a shambles, and that, in itself, is a threat to the survival of democracy. Economic instability has widened the rift between Marcos and the business sector. There is no sign of any change in the monopolistic and corrupt control by Marcos' cronies over the country's major industries. More capital has left the Philippines during the last 2 years than the total amount of aid the United States has provided since 1946. Lastly, there is no evidence of a move toward redistribution of wealth and economic equity: some 40 percent to 70 percent of the Philippine people live in poverty.

We cannot dictate Philippine domestic policy. But we can and should condition our aid on strict adherence to our principles and our insistence that reform be implemented. Otherwise we are little more than pawns in Ferdinand Marcos' dangerous game of ambition and power.

BILL WARD, U.S.S. "POTOMAC'S" 1986 MAN OF THE YEAR

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. FAZIO. Mr. Speaker, it is my pleasure to join my fellow Congressman from California, RON DELLUMS, in recognizing the role of organized labor in the restoration of the U.S.S. *Potomac.* I am also delighted to honor specifically my friend Bill Ward, the *Potomac's* 1986 Man of the Year.

The labor movement is again evidencing its leadership by organizing the fundraising drive to match the Federal grant to restore the *Potomac.* Many of our colleagues in Congress were very impressed with the number of labor leaders who made this fundraising drive a high priority. With labor leadership and rank and file involved, this drive is destined to be a big success.

A second factor that impressed Congress was the extensive community involvement including volunteers, the Mayor's Summer Job Program, and the California Conservation Corps. The sponsor's plan to include regular calls to various California ports to serve schoolchildren, retired persons, and others in the community will make this effort a valuable educational tool.

Bill Ward has played a key role in organizing the efforts of the labor community in raising funds for this restoration. As the chief legislative advocate in Sacramento for the California Building Trades, Bill has involved the several hundred thousand working men and women that he represents in this campaign. It is fitting that the *Potomac* project recognizes Bill as its honoree, as Franklin D. Roosevelt, the man who made the *Potomac* famous, was a champion of the labor movement in America.

It is encouraging that significant progress has been made in obtaining support for the restoration of the *Potomac* and that organized labor is playing a leadership role. Congratulations to Bill Ward and to all the members of the labor movement who are responsible for moving the U.S.S. *Potomac* project forward.

PIONEERS OF SPACE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. MICHEL. Mr. Speaker, the heroism of the crew of the space shuttle *Challenger* has inspired two residents of Peoria to write a song in their honor.

At this time I wish to insert in the RECORD the words of "Pioneers of Space," a song written by Bob Mason—words—and Gary Nabors—music—and an article from the Peoria Journal Star, February 9, 1986, "Pair Pen Tune About Shuttle."

PAIR PEN TUNE ABOUT SHUTTLE

(By Bill Knight)

A common background didn't bring together Gary Nabors and Bob Mason. The Peoria musicians were united by their responses to the space shuttle tragedy. The results are "Pioneers of Space," a musical memorial to the seven Challenger astronauts.

"Bob watched the disaster on TV and by 5 p.m. that Tuesday, the words were written," Nabors said. "The music was finished 20 minutes after I read the lyrics."

The 28-year-old Nabors plays piano and produces recordings at East Peoria's 16-track Frontier Recording Studio, where the song was recorded. Nabors performs on synthesizer as well as sings, backed by guitarist Randy Nelson, bassist Phil Masters, drummer Mike Grimm, and background vocalists Connie Nabors and Chris Holm.

"It was quick," Nabors said. "We started about 9 p.m. Monday and wrapped up the rhythm track on the first take. After mixing, we were done by 4 a.m. Tuesday."

After recording a rough demonstration tape earlier, Nabors and Mason, 39, sent it to WMBD for feedback.

Since Tuesday, WMBD has been broadcasting the song, and the fully produced tape has been taken to WIRL, WXCL, WSWT and half a dozen other stations, Nabors said.

Some bigger companies have made "interesting" responses, Nabors said, and the pair may get some type of offer early this week.

Nabors describes "Pioneers of Space" as patriotic, not inspirational, music.

"This was a very sad occasion, but the sone is also upbeat," Nabors said. "We wanted to do a tribute, to honor the space program and these people—they gave the ultimate—and make a powerful statement matching the powerful impact the accident had."

Mason's lyrics sing about the crew's "commitment to search the unknown," and how "their memory will live on . . . future generations will live what they just dreamed."

A cassette featuring the song backed with a soundtrack version (with no vocals) can be purchased for $4.95 from Robert Mason, 5908 Heuermann Road, Peoria, IL 61607.

PIONEERS OF SPACE

(Words by Bob Mason, music by Gary Nabors, inspired by God)

(Dedicated to the seven-member crew of the space shuttle *Challenger;* in memorium of the first Americans to lose their lives in flight on January 28, 1986.)

I watched with so much pride
Just the other day
As seven brave Americans
Were lifted into space
Riding on a dream
Headed for the stars
Then within a flash of light
The dream they had is ours.

They were all committed
To a single goal
To be part of mans quest
To search the unknown
But now they've gone beyond us
Each one to meet their call
No longer are they only part
But now they're one with all.

They were pioneers of space
Historians will write
Who fulfilled their destiny
And took that final flight
But as long as man exists
He'll know the legacy of:
Francis R. Scobee, Michael J. Smith, Ellison S. Onizuka, Judith Resnik, Ronald E. McNair, Gregory S. Jarvis, and a high school teacher named Christa McAuliffe.

Their memory will live on
Inside those chosen few
Who dare to do what others dream
Then see the challenge through.

They were pioneers of space
Historians will write
Who fulfilled their destiny
And took that final flight
But as long as man exists
He'll know the legacy:
They gave their lives to make space travel safe . . . for you and me.

They were pioneers of space
Historians will write
Who fulfilled their destiny
And took that final flight
But as long as man exists
He'll know the legacy:
They gave their lives to make space travel safe . . . for you and me and future generations will live what they just dreamed.

LITHUANIAN INDEPENDENCE DAY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. FISH. Mr. Speaker, today I join my colleagues as I have in the past to speak of the long and noble struggle of the Lithuanian people. Their hopes and aspirations to be free from Soviet domination are shared by free peoples throughout the world. Since the tragic June days of 1940 and 1941 when the Soviet Union invaded the Baltic States and Latvia, Estonia, and Lithuania, we have refused to recognize the Soviet incorporation of these three countries.

It has been estimated that approximately 45,000 Lithuanians were lost to their country in the first Soviet occupation, during World War II. There were those who were able to flee Soviet domination, but many thousands of others were sent to Siberia or executed when under German attack the Soviet forces retreated.

Unfortunately, the defeat of Germany did not secure freedom for Lithuania as it did for many other independence-loving peoples in Eastern Europe. Since its annexation by the Soviet Union, we have heard little of the events within the country. The borders of the Baltic States have been sealed to the outside world and to each other.

The news that does leak out is often bad, as a result of Soviet policies, there has been a considerable change in the composition of the population of Lithuania. When the Soviets returned to power in 1944, approximately 80,000 Lithuanians fled to West Germany and some 60,000 more were found in Eastern Germany and deported to Siberia. During the next 2 years, an additional 145,000 Lithuanians were deported. Again in 1949 another 60,000 were deported. Since the death of Stalin, there has been a revised policy of reuniting Lithuanians with their homeland. About one third of those deported have been permitted to return home. Most of the others are believed to have perished in Siberia.

The United States has always recognized the legitimate independent Lithuanian Government which was established on July 22, 1922. We continue to maintain diplomatic relations with the representative of the former independent government. Today we reassert our recognition of the sovereignty of the Lithuanian State. The Lithuanian people continue to resist their subjugators and we are here today to join them in their efforts. We support the people of Lithuania and their inalienable right to national independence and individual freedom.

A PROGRESS REPORT ON WAL-MART'S BUY AMERICAN PROGRAM

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. HAMMERSCHMIDT. Mr. Speaker, yesterday it was my great experience to once again be with Mr. Sam Walton and the many other members of the Wal-Mart Store organization, whom he refers to as his 90,000 associates. Wal-Mart Stores, Inc. is a national discount department store chain offering a wide variety of merchandise to the consumer. Wal-Mart's philosophy is to offer quality name brand merchandise at an everyday low price and not just during a sale.

Although Wal-Mart operates 859 stores in 23 States, it is headquartered in Bentonville, AR, which falls within the boundaries of Arkansas' Third District, which I am honored to represent. The occasion was to report and in fact celebrate the success of Wal-Mart's Buy American Program. Yesterday, February 17, Mr. Walton, hosted a presentation on the Buy American Program to Federal and State representatives and business leaders in manufacturing at the Statehouse Convention Center in Little Rock. Concerned with a growing Federal trade deficit, and an increase in the loss of jobs due to competition from imported items, Mr. Walton devised the program to build a stronger partnership between retailers and domestic manufacturers.

Many of these suppliers were in attendance and are now manufacturing merchandise in the United States for Wal-Mart which was formerly being purchased offshore in foreign countries. In fact, many of the manufacturers are either located in Arkansas or within the 23 States that Wal-Mart serves.

During the conference, Mr. Walton explained how Wal-Mart has effectively converted $197.3 million to domestically manufactured goods since March 1985. Joining the conference and discussing the program were top management from the Wal-Mart Co.

According to David Glass, president of Wal-Mart, The Buy American Program does not take an antiimport approach nor does Wal-Mart seek protectionist legislation. Our goal is to strengthen the partnership between retailers and manufacturers to develop increased competition, in price and quality, between American made goods and imported items. The results will be more jobs created or retained and the retention of American dollars that would otherwise be spent offshore.

The $197.3 million retained in the United States during the 9 months the program has been in effect is a start in that direction. Jobs created or retained in that time number 4,538. Executives of the company hope that the conference held yesterday will encourage additional participation from other retailers and manufacturers and that State leaders will achieve a greater understanding of how they may play a part in the program.

In a letter Mr. Walton sent to his 3,000 domestic suppliers, "between 1981 and 1984, an estimated 1.6 million American jobs were lost to imports. In 1 year, 1983–84, non-oil-related imports grew $70 billion, a 33 percent increase, while the balance of trade deficit grew 78 percent, to $123.3 billion. Something can and must be done to reverse this very serious threat to our free enterprise system." The Wal-Mart program is one method of helping to reduce the current record $144 billion trade deficit.

Mr. Speaker, it was my pleasure to make some brief comments on the day that the official celebration of Washington's birthday. It seemed appropriate to me that on the day of this occasion, that we could very well honor Sam Walton as the father of his country's Buy American Program.

Of course, Sam would be the first to say that the success of this program certainly includes President David Glass and Corporate Executive Al Johnson and all of his other 90,000 associates.

SCARS OF ANTI-SEMITISM

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. FLORIO. Mr. Speaker, I would like to direct the attention of my colleagues to a distressing article that appeared in the January 23, 1986 issue of the Philadelphia Inquirer. The article reveals figures issued by the Anti-Defamation League (ADL) of B'nai B'rith which indicate a rise in incidents of anti-Semitism in New Jersey in 1985.

Although the ADL reports an 11-percent decrease in incidents nationwide, I was disappointed to learn that in my home State of New Jersey, there was a 32-percent increase last year. The ADL found 74 anti-Semitic incidents in New Jersey last year that ranged from assaults to the drawing of swastikas.

I wanted to express to my colleagues my belief that perpetrators of these humiliating crimes must be prosecuted vrgorously and that both Federal and State governments should express their condemnation of such incidents and work to develop a climate where incidents directed at groups or individuals on

the basis of their race, sex, religious or political beliefs are neither condoned nor tolerated.

I have recently returned from my second trip to Israel where I visited Yad Vashem, the memorial to the victims of the Holocaust, and where I was able to appreciate the pain and the horror of a policy directed toward obliterating an important segment of society because of their identity. I commend the following article to the attention of my colleagues and I hope that they will join me in condeming such incidents:

N.J. SEES INCREASE OF ANTI-SEMITIC INCIDENTS IN 1985

(By Barbara Molotsky)

National incidents of anti-Semitism declined 11 percent in 1985, but vandalism and harassment against New Jersey's Jews increased about 32 percent because people reported the crimes more than they had in the past, according to the regional director of the Anti-Defamation League (ADL) of B'nai B'rith.

In 1985, 74 anti-Semitic incidents were reported in the Garden State, ranging from assaults to the drawing of swastikas. The figure was up from 56 reported incidents two years ago, said Jeffrey Maas, ADL regional director.

New Jersey had the third most anti-Semitic acts in the nation for the year. New York reported 199 incidents in 1985, while California had 85, the league's statistics show.

"We have a better reporting and monitoring process in place now," Maas said last week in explaining why the number of incidents had increased.

He said that Passaic, Bergen, Middlesex and Monmouth Counties have appointed people to monitor crimes believed to be racially or religously motivated.

"Our reporting mechanism is working because of a higher awareness of the nature of these crimes and the severity of these crimes," Maas said. "The community at large now feels comfortable enough to go to their police departments."

The higher number of incidents last year occurred in Essex, Bergen, Middlesex and Morris Counties, he said.

The ADL's annual audit of anti-Semitic acts, released last week, shows Essex County had 20 reported anti-Semitic incidents, up from 11 in 1984, while Bergen reported 11 incidents, down from 15 in 1984. In Middlesex County, 10 anti-Semitic acts were reported last year, an increase from one in 1984 and Morris County had seven incidents, up from two.

Essex County Prosecutor George Schneider said he is determined to stop anti-Semitism in his area and will meet with a South Orange-Maplewood group next week to discuss cooperation of citizens and law enforcement agencies.

"It's an internal scar," Schneider said. "It has a serious psychological effect to individuals and their families."

Nationally, the league said the decrease in incidents against Jews and Jewish institutions in the United States continued a general downward trend last year, dropping from 715 incidents in 1984 to 638.

A five-year trend was interrupted by a small increase in 1984. The peak was 974 vandalism episodes recorded by the ADL in 1981.

To sensitize authorities to the impact of bias crimes, Maas said the Anti-Defamation League has held training sessions during the past two years.

"All you have to do is talk to one of the victims and you find out the life's been changed," he said.

"A policeman who has to deal with burglaries and possibly murders often times did not understand what the impact of a swastika on somebody's door has," he said.

"This is a crime on somebody's personal being, somebody's very identity, what they believe in," Maas said, citing the example of an Essex County resident and former concentration camp prisoner who had a swastika painted on her garage.

Maas said efforts must be made in schools to discourage anti-Semitic activity because the majority of the perpetrators are youths, not "organized hate groups."

REPUBLICAN IDEAS IN BALTIMORE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. GINGRICH. Mr. Speaker, this past weekend Republicans met in the city of Baltimore to invent and discuss new ideas that will propel our party to majority status. The minority leader, Hon. BOB MICHEL, spoke proudly of the party that he is leading to majority status. These were his remarks in Baltimore:

BALTIMORE CONFERENCE REMARKS FEBRUARY 1, 1986

Let me first say that the fact we Republicans are meeting in Baltimore has more than mere geographic significance.

As we meet, the Democrats are meeting in the plush surroundings of the Greenbriar. I guess they expect to find their future in the ambience of sumptuous luxury at that upper-class resort.

We Republicans are in Baltimore—working-class Baltimore, blue-collar Baltimore, ethnic Baltimore. The Baltimore of the Orioles, a great team perfectly suited to this hard-working town.

In my opinion, this Conference is symbolic of the Republican Party's realization that the blue-collar, ethnic, working-class vote has for too long been considered the private property of the Democrats.

In recent years—especially under President Reagan's leadership—we Republicans have proved to such voters that we best represent their values, their interests, and their belief that you get what you work for.

So while the Democrats sip champagne and listen to experts trying to tell them how to get back the blue-collar vote, we can have a few beers and tell the people of Baltimore and people like them all over the country that the Republican Party is their party.

I know that our meeting is taking place at a time when all of us are still filled with sadness over the fate of Challenger and her crew.

But in one sense it is appropriate that we are meeting now.

Tragedies such as the Challenger disaster force us to strip away unessentials and begin to focus on what is important in life.

And that is exactly what the Baltimore Conference asks of each of us. What is really essential? What are the truths we fight for that are so often buried beneath the ephemeral and glittering political fashions of the moment?

I see this as a time of reflection. A time for meditating on the things that really matter. I must confess that I have some reservations that the press is here. I can say some things much more frankly and candidly in a closed door session than I can under the Klege lights. It's hard to meditate in public.

I suppose that if I were asked to sum up in one word what the Baltimore Conference means to me, I'd say: "Ideas".

In recent years "ideas" has become a magic word in politics.

Everybody wants to talk about ideas. Even the Democrats are beginning to realize that in politics you need ideas if you are going to be successful. They are somewhat belatedly setting up political think tanks trying to copy the success of the Heritage Foundation and American Enterprise Institute.

So I just want to talk for a few moments about the real meaning of ideas in politics, especially for us as Republicans.

Let's begin with the adminission that a lot of this talk we hear about "ideas" today is just pure malarkey.

If there were as many new ideas floating around in our political world as the media suggests, we wouldn't be able to count them, let alone understand or implement them.

A lot of what are sometimes called "ideas" are really slogans or cliches or platitues or personal opinions disguised under the great title "ideas".

A good many so-called ideas are just cheap imitations of the real McCoy and all of us ought to be a little more discriminating in our use of the term.

And even the most brilliant ideas need practical men and women to put them to work in the real world.

What is an idea, but a dim flicker of light without someone there to fill it with energy, give it life and make it shine?

But there can be no doubt that during the last ten years or so, ideas have become a hot item in politics.

So, at Baltimore III we take ideas seriously. We go beyond slogans. We try to find out not only what tomorrow will look like, but, more importantly, what it should look like.

But in order for us to do our jobs, in order for Baltimore III to be fruitful, we have to agree on some basic ideas that are important to us as Republicans.

These ideas are not necessarily "new ideas" to borrow that immortal phrase from Gary Hart.

No, in fact, most of the important ideas go back a long way.

When I think about Gary Hart and the Democrat's search for those "new ideas", I am reminded of the critic who said he had just read a book that was filled with new and good ideas—but the new ideas weren't good and the good ideas weren't new.

What we have to do here and what we want to do during this session is make sure our ideals will flow from the governing principles of our party and are implemented in such a way as to make us effective servants of the people rather than flashy fashion plates of the moment.

There are fundamental principles upon which we set our course from here.

We believe in a fiscal policy that ideally balances our budget and because we are so far off the mark at this point, to chart a course to achieve that goal.

We believe in economic growth as a tool for creating jobs and opportunities for all Americans. Our opposition believes in building bureaucrats and accumulating power so they can create bigger bureaucracies and accumulate more power.

We believe that in cooperation with the private and volunteer institutions of our society, government has a contribution to make in alleviating misery.

The Democrats don't have the patent on compassion. We Republicans are damned fools if we allow ourselves to be painted as uncaring.

We believe we have a cherished constituency in what some call the worker, middle class America, the family, the community, the neighborhood. That's one reason we're here in Baltimore, a city of neighborhoods and families.

We believe in a trading world in which the United States of America has a fair chance of competing.

We believe in a national defense that can protect our freedom and that of our allies around the world. And we better be prepared to fight for that principle in this session or else stop posing as national security advocates.

We believe we have a moral as well as a geostrategic duty to help freedom fighters around the world. That means Nicaragua. And yes, that means Angola.

We believe that no matter where we stand on the various social issues, they deserve full and open debate and should not be buried in subcommittees dominated by Democrats.

That is briefly what I believe Republicans have to stand for. And I believe that no matter what the specific issues during this session are, those ideas should always be our guide.

That is what I believe. Now let me tell you what I know.

I *know* the focus of attention in the coming months is going to be on deficits.

I know the very worst way to go about lessening this deficit crisis is the call for higher taxes. What we need is lower government spending. That is such an obvious truth that we sometimes forget to take it seriously. Well, under the hammer of Gramm-Rudman we better take it seriously.

I know each of us has his or her pet projects that we didn't want touched. That's human nature. That's politics.

But I also know that unless we Republicans show courage, the people are going to show us the door.

I hope that these special conferences do more than remind us that we are thinking men and women. I hope they help us unite as Republicans and show us to be a cohesive legislative and political force capable of producing.

To do that, we will all have to give maybe more than we take. To do that we will all have to trust each other, maybe more than we have in the past.

Let me turn for a moment to our opposition.

Tip is giving it his last hurrah.

He is leaving at a time when Republicans are attracting more Americans than at any time in recent history. He is leaving at a time when those from 18-30 years of age—the future of America—are finding the Republican Party increasingly attractive.

Tip knows these facts. They must be excruciating to him.

At the twilight of his long career, his party is in disarray and his vision of government is a relic of the past.

For five years he and the Democratic ledership have tried everything they could to thwart the mission of President Reagan, to turn this country toward the future, toward growth, toward a stronger national defense.

So this session is Tip's last chance to vandicate himself, his party and his principles.

So far as I'm concerned, he can spend these last months of his Congressional career cooperating with us for the good of the country or he can take the hard-line of partisanship. What course will he choose? I'd like to be optimistic but I think he will conclude his career by being as partisan as ever.

All I can say is that no matter what the Democrats do, we Republicans in the House need unity because we are small in numbers. Most of all we need courage and faith in ourselves and in our principles because if we stick together fighting for principles, we can work wonders.

Our Republican Party is growing all across the country and the day will come—sooner rather than later—when our minority status in the House will be a thing of the past.

But until that day, let's act like the winning party we are. Let's concentrate our energies on the principles we share.

Yes, we'll have our disagreements. Yes, one generation of Republicans will continue to look at the other and wonder why it acts the way it does.

That's in the nature of things. But at the same time let's go into the session thinking not so much of what we can do for ourselves, but what we can do for each other.

I've been in the House now for 30 years. I've known a lot of great House members, from both sides of the aisle.

But when I look at our House Republicans, I know with a moral certainty we have the talent, the ideas, the guts, the pride and the principles to do what's right for our country.

We Republicans have been having success in recent years exactly because the ideas we have promoted are rooted in common sense, grown out of experience and implemented by all of us working together.

That's why we ought to thank Joe DioGuardi for encouraging us to come here to talk about the ideas that matter and ways to implement them.

I just wanted all of you to know I appreciate what you're doing and believe in it. And let's remember the neighborhood and family spirit of Baltimore when we leave the city limits.

TRIBUTE TO DAN LAMBERT

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. McKERNAN. Mr. Speaker, it is with sadness that I share with my colleagues the news of the recent death of Daniel E. Lambert, a long-time Maine resident who embodied the courage and sense of duty to his country and fellow man that would be difficult to surpass. His death at the age of 62 last Saturday leaves a tragic void among those who knew him well, including the many Maine veterans whom Dan led as adjutant for the American Legion in Maine for the past decade.

Dan's record of service to his country, his State, and his community spanned a period of 40 years. During World War II, he saw action in Europe and Africa as a member of Darby's Rangers, and served as an aide to General Patton. Wounded four times, he returned to the United States, where he espoused patriotism and civic duty in an eloquent but forthright manner.

Although Dan was active in many arenas, he was probably best known for his work in the Maine Department of the American Legion. As adjutant, Dan helped to focus the attention of the legionnaires in Maine on issues that directly affected their lives. He served as editor of the Maine Legionnaire, communicating ideas and information to many veterans throughout the State. His editorial skills earned him recognition from the National American Legion Press Association for an editorial he wrote in 1980, and for the overall quality of the Maine Legionnaire in 1985. Dan's commitment through the American Legion to the Boy's State and Girl's State Programs was also exemplary.

Through the Maine Veterans Coordinating Committee, which he established, Dan helped to direct and organize the veterans service organizations so they could speak with one voice on matters of mutual importance. Always one to grab a bull by its horns, Dan also pressed for the establishment of the Maine Veterans Cemetery and the Maine Veterans Home, both located in Augusta. His work on behalf of veterans was complemented by his service to the Brewer Chamber of Commerce, and to a local mental health organization.

Dan was an extraordinary individual, one who will be sadly missed and fondly remembered by those who knew him, and by those he helped in his many areas of involvement.

AMERICA'S CHALLENGE IN THE WORLD TRADE MARKET

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. LIPINSKI. Mr. Speaker, trade policy has been a part of the makeup of American society since the Founding Fathers. Nothing is more sensitive, more politically complex and perhaps more important to the world economic community than trade.

Many have long marveled at the industry and enterprising spirit of the American people—attributes that have made our Nation the most dynamic and prosperous in the world.

U.S. economic supremacy today faces an unprecedented challenge from abroad. America is confronted by a worsening trade crisis that threatens not only the further loss of jobs and national wealth today, but also the steady decay of our economy's underlying strength.

In both domestic and foreign markets, our products and the people who make them face stiffer competition than ever before. Since 1980, the U.S. merchandise trade deficit has increased fivefold and nearly 2 million workers have lost their jobs in a flood of imports. The problem is not confined to just basic manufacturing: U.S. service and high technology industries are also losing the world market share.

At stake is America's future strength and prosperity, the ability to generate rising living standards, to pay for steady, sustained growth

in our national defense, and to assure opportunity and prosperity for all citizens.

In order to restore America's competitive edge in the global market and place our labor force on equal footing with the international community, we must reevaluate antiquated policy positions and lay a firm foundation that will build our economic strength. To accomplish this goal, we must pursue the following strategy:

First, reduce the Federal deficit and overhaul our Tax Code;

Second, increase U.S. productivity;

Third, maintain our technological leadership;

Fourth, cultivate our human resources; and

Fifth, defend the principle of free trade.

Let me expand on these five points:

First, reduce our Federal deficits and overhaul our Tax Code.

There is a general consensus among our economists that the astronomical deficits with the accompanying high interest rates and overvalued dollar have contributed significantly to our trade deficit. Serious reductions in our budget must be the first step taken in order to restore vitality and competiveness in our economy.

In addition, we need a more equitable and efficient tax system. By that, I mean lowering the tax rates for middle-class America and eliminating the unwarranted loopholes that major corporations enjoy today. Tax credits and allowances should only be offered as incentives for technological innovation which enhances our competitive edge in the international market.

Second, increase U.S. productivity.

While U.S. firms excel as originators of new products, they have been surpassed in recent years in manufacturing efficiency and quality. Often, we have failed to apply the technologies we pioneered—robotics, automation, statistical quality control—to manufacturing. Simply put, some of our competitors—especially the Japanese—are making better, cheaper products and are using more sophisticated methods to do so.

Their workers also receive lower wages, but U.S. workers need not give up high wages which sustain our high standard of living for the sake of securing a competitive advantage. Americans need not become poorer in order to compete. U.S. business should invest in driving down production costs and improving product quality. Our firms and managers must pay more attention to process engineering, manufacturing efficiency and flexible production.

To this end, we must focus more attention on American ingenuity by:

Establishing an advance technology institute that will concentrate on developing new products and discovering cost-saving production techniques including initiating an advanced curriculum for programs in manufacturing engineering at universities across the country.

Creating a factory extension service to being advanced technology and manufacturing innovations to the factory floor of U.S. industry.

Third, maintain our technological leadership.

The United States has traditionally been able to pay higher wages than other countries and yet still compete internationally because of superior technology. Productivity was higher than in other countries, and often the items produced were more advanced and could command premium prices. Because of its technological sophistication, the United States was able to develop a unique position in the world economy, and U.S. industries and workers were the beneficiaries.

The unique status of the United States has been eroding as other countries have been catching up in productivity and product technology. According to a Brookings Institute study, output per hour in manufacturing, from 1973 to 1984, grew at only 2 percent a year in the United States, compared to 6.7 percent in Japan, 4.5 percent in France, and 3.5 percent in West Germany. Research and Development [R&D] spending in these countries has also risen faster than our own, and important innovations are being made first overseas.

When productivity is rising more in other major industrial countries than it is in the United States, then U.S. wages and salaries have to decline relative to those elsewhere, after adjusting for inflation, in order for the United States to remain competitive. And when important U.S. industries lack a decisive technological advantage over competitors in low-wage developing countries, then imports come flooding in causing U.S. job losses and generating political pressure for restrictive tariffs or quotas.

America's strongest competitive advantage today rests on a solid foundation of scientific and technological knowledge. However, our R&D spending amounts to only 1.8 percent of our GNP while the R&D spending of our competitors, Japan and West Germany, amounts to 2.5 and 2.4, respectively. While we lead in basic scientific research, the United States is behind in the commercial application of promising new discoveries.

In an effort to enhance our technological lead, we must:

Commit to a national investment program of at least 3 percent of our GNP in R&D spending each year.

Financially assist universities and federally supported research and development centers to improve their laboratories and equipment.

Develop a competitive environment in this country by preparing our citizens in cultural understanding, so that we can reach out to those people who are going to be setting new economic and political philosophies in those countries that are very important to the United States.

Retain the 25-percent R&D tax credit.

Consider phased-in R&D tax credits for small firms which are disproportionately responsible for innovation in this country.

Fourth, cultivate our human resources.

Knowledge, hard work and innovative techniques confer a competitive advantage on those nations who wisely invest in their human resources—the work force.

To secure and keep a comparative advantage in international trade, America must cultivate and motivate a skilled and versatile work force. Education and training are the key tools for improving the quality of our work force.

In order to meet the future challenges of international competition, we must take the following steps:

Address the dropout dilemma and adult illiteracy. Twenty-six percent of the students enrolled in high school drop out and, consequently, flood our job market each year with unskilled and uneducated entrants. We need some private and public sector incentives to keep students in school while providing them with opportunities for advancement. In addition, we must develop a comprehensive plan that will attack adult illiteracy which handicaps millions of Americans in their search for better job opportunities.

Close the engineering gap. America is consistently facing a shortage of engineers and engineering faculty. Japan, with half the population of this country, graduates more engineers than we do each year. To close the gap and again become competitive in this field, we must provide stipends to encourage our best students to pursue an engineering career.

Improve our ability to quickly relocate our displaced workers. Possible measures should include job search banks, counseling, training and retraining, limited relocation and a voucher system which uses unemployment compensation for reemployment and training subsidies.

Fifth, defend the principles of free trade.

We as a country, must begin again to protect the basic principles of free trade. Our Government must be able to react swiftly and forcefully to the unfair trade practices of our competitors. We must meet head-on the unfair and protectionist policies of foreign governments even if it means applying a quota system or temporarily denying access to our domestic market to those persistent violators of free and fair trade.

America's markets must remain open, just as those of our trading partners must be accessible to our products.

Needless to say it is no secret what this country must do to be competitive in the world trade market. We must increase production, nuture our work force and enhance our technological capabilities. We must develop a comprehensive program that advocates increased investment in both the quality of our products and the American labor force which makes them.

Traditionally, this Nation has been the model of change and progress in the world community and the time has come to pursue a bold national strategy that will once again capture American ingenuity and technological superiority. We have a challenge in this Nation not only to excel in the international trade market but also to sustain the living standards to which the American taxpayers aspire.

THE REAGAN BUDGET PROMISE: LET GEORGE, OR RALPH, DO IT

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. DORGAN of North Dakota. Mr. Speaker, President Reagan came into office promising to balance the budget in 1982.

But this much-touted promise to wipe out the red ink has resulted in a torrent of new deficits proposed by the President. Not only has the national debt doubled under the Reagan watch from $1 to $2 trillion, but the

interest burden on the individual taxpayer has also multiplied.

A recent article in the Washington Post shows that Ralph, the designated average taxpayer, sends $700 a year to Uncle Sam simply to pay his share of interest on the national debt. Thinking that he gets a dollar's worth of Government service—defense, health care, et cetera—for every dollar of taxes, Ralph is sadly mistaken.

Of every dollar in taxes, Ralph antes up 15 cents for debt payoff. As a result, he only gets 85 cents worth of benefits for every dollar of taxes paid. This would have to be bad business and it certainly is bad government.

I bring this article to the attention of my colleagues to show why deficit reduction is so important for the average American—whether Ralph or Rita, George or Georgia.

The President promised "that we must bring those deficits down." It's time that he joined Congress in a genuine effort to do so.

The article from the February 14, 1986, Washington Post follows:

[From the Washington Post, Feb. 14, 1986]

THE FEDERAL REPORT

ANOTHER DAY OLDER AND DEEPER IN DEBT

AVERAGE TAXPAYER MUST WORK 1½ WEEKS TO PAY INTEREST ON $1.7 TRILLION U.S. DEBT

(By Dale Russakoff)

Meet Ralph, the average American taxpayer, who each year sends the government some of his paycheck to finance defense, national parks, Amtrak, education, welfare, subways, sewers, environmental protection and more.

Ralph probably doesn't know it, but this year the government will take $699.23 of his $3,537 in federal income taxes to fund something that delivers no services at all: the payment of interest on the government's unpaid debts.

These payments comprise the third-largest item in the budget that President Reagan unveiled last week, after Social Security and defense. A little-understood process that is as old as the republic, this debt service costs more today than at any time in history.

The reason is that Congress and Reagan cut taxes in 1981, while embarking on an unprecedented increase in defense spending and heading into a recession—all factors that acted as drains on the federal Treasury. Without enough taxes to finance the government, the Treasury had to borrow money, selling notes and bonds at unprecedented levels.

At the end of 1980 the government's cumulative debt—for two centuries—was $715 billion. Today it is $1.7 trillion, an increase of 137.7 percent.

The choice was not to pay now or pay later, but, as Ralph is discovering, to pay now and pay later. The growth in debt begat a growth in the interest payments required to carry it. These payments put new strains on existing revenues, begetting more borrowing, more interest payments, and so on.

In 1980, the annual interest payment on the federal debt was $52.5 billion. In 1987, according to Reagan's budget proposal, it will be $147.99 billion.

How does this affect Ralph? In 1980 the government needed only $337.16 of his taxes to pay the interest on its debt. By 1981 it needed $463.02; by 1982, $563.61. In 1983, a recession year that drove interest rates down, it dropped to $529.17. But by 1984 it rose to $544.19; by 1985 to $660.14, and this year to $699.23.

That is, if Ralph earns $33,600, the median U.S. income for 1985, he has to work for 1½ weeks this year just to pay the interest on the government's debt. As Ralph's situation illustrates, the American government may not be paying its bills, but the American people are.

It wasn't supposed to be this way. Reagan campaigned in 1980 vowing to balance the federal budget by 1983, to do what Jimmy Carter said couldn't be done.

"I refuse to accept his [Carter's] defeatist and pessimistic view of America," Reagan declared in September 1980. "I know we can do these things, and I know we well."

Had Reagan kept that promise, the debt today would stand at no more than $1.14 trillion, its total at the end of 1982. And interest payments would be about $85 billion, or $63 billion less than this year's total.

Based on figures compiled by the Office of Management and Budget, and the Treasury, roughly $442 of Ralph's $699.23 contribution to this year's debt payments will be used to finance government debts accumulated during Reagan's presidency. This is almost a week of Ralph's earnings, a drag on the family prosperity Reagan toasted in his recent State of the Union address.

Even if the goals of the Gramm-Rudman-Hollings law are met and the budget is balanced by fiscal 1991, deficits in the intervening years will have added another $334 billion to the debt, pushing the amount of money owed outside creditors beyond $2 trillion.

THE FEDERAL DEBT

This chart shows the total federal debt in billions of dollars for 14 fiscal years beginning in 1970. Figures from 1986 through 1991 are estimates that assume lower interest rates and elimination of the deficit by 1991.—James Schwartz

Year:	*Debt*
1970	$284.9
1975	396.9
1980	715.1
1981	794.4
1982	929.4
1983	1,141.8
1984	1,312.6
1985	1,509.9
1986	1,714.0
1987	1,855.7
1988	1,948.7
1989	2,015.4
1990	2,050.3
1991	2,048.1

Who are these outside creditors? Many are individual taxpayers like Ralph. Others are American corporations and banks. The Treasury Department says that $213 billion is held by foreigners—governments, banks, businesses and individuals—who have increased their holdings fourfold since 1981 to take advantage of the strong dollar. The largest chunk of debt abroad, $42.8 billion, is held in Japan. Next come oil-exporting countries, with $28.8 billion, West Germany, $27.3 billion, and Switzerland, at $17.8 billion.

Interest payments on the debt amount to transfers of money from Ralph, in the form of taxes, to bondholders, in the form of interest. Since 11 percent of the debt is held abroad, roughly $76.91 of Ralph's contribution—or just under a day of his wages—goes out of the United States.

Ralph also pays in several indirect ways, ranging from lost government services to a more precarious, if recovering, economy.

Although Congress and Reagan appear determined to pare the budget, they are legally barred from cutting funds earmarked for interest payments; otherwise, the government would go into default, triggering a financial crisis. The result is that interest payments crowd out other federal spending. In 1987, with interest payments estimated at $148 billion, debt service will claim almost 15 percent of the budget. In other words, Ralph gets 85 cents of government for every $1 worth he thinks he buys with his taxes.

What is he losing? The answer lies in Reagan's 1987 budget proposals. In meeting the targets set by Gramm-Rudman-Hollings, the president has sought to reduce food stamps, welfare and other poverty programs by $760 million. That amounts to 0.5 percent of the annual interest payment.

Reagan proposed to eliminate the $617 million subsidy to Amtrak—a move that the OMB forecasts will bankrupt the passenger rail line, which carries 21 million passengers such as Ralph every year. The president also proposed to cancel $11 million in grants for the Washington Metro, phase out $25 million in sewage treatment grants to localities, and abolish $120 million of maritime industry subsidies along with $21 million in air carrier subsidies and $58 million in miscellaneous aid.

These cuts, from Amtrak to miscellany, total $852 million, or just over 0.5 percent of the payments on the debt.

The entire package of savings proposed by Reagan to meet the Gramm-Rudman-Hollings target amounts to $38 billion savings ranging from higher fees in national parks and forests to eliminating the Legal Services Corp. This is only 25.7 percent of the current debt payment, and is only 60 percent of the increase in the payment since 1982.

In other words, had Reagan managed to balance the budget in 1982 as promised, the government would now have roughly $63 billion more than it does.

Of course, had the budget been balanced in 1982, Gramm-Rudman-Hollings would never have been invented. But for the purposes of argument, interest savings of $63 billion would not only meet next year's $38 billion target cut without cutting a nickle from programs, it also would leave $25 billion of other national priorities, or it could be used to lower tax rates.

Scholars debate whether the government's soaring debt has hurt the economy, but a number of them cite harmful effects.

Because of its enormous credit needs, the federal government consumed 22 percent of all funds raised in U.S. financial markets by people, businesses and governments in 1985, according to Bob Schwartz, an economist for Merrill Lynch, Pierce, Fenner and Smith. This heightened demand for credit, driving up interest rates, according to Schwartz and many other economists.

Administration officials insist interest rates were not affected by the deficit. But even though rates have fallen, the economists said, loans would be cheaper if the government were not putting such heavy demands on credit markets.

The reason the government's huge credit needs did not dry up loan money for people such as Ralph was that foreigners flocked to deposit money in American banks over the last several years, largely to take advantage of high interest rates, and thus supplied the extra money to satisfy the nation's credit needs. By contributing to an increase in the exchange rate for the dollar, the influx of foreign currency made imports cheaper, resulting in job losses in American

auto, steel, electronics and other industries that compete internationally.

The budget-cutting momentum and the recent slide in interest rates promise some relief for the debt burden of the future. The OMB says that every one-point change in interest rates in 1986 would add or subtract $5.1 billion in debt payments.

Despite the debt's significant effects on Ralph, the greatest burden of the debt crisis will fall on younger generations.

Take the debt for 1991, predicted to be $2 trillion even if all Gramm-Rudman targets are met. At 10 percent interest, this would cost the government $200 billion a year. Of that, the average taxpayer would pay $980 a year.

Ralph has a daughter who will enter the work force in 1991. Suppose she stays there for 40 years: Unless the government runs surpluses, her total bill for the federal debt would be $39,200—all for a function that produces no services.

Scenarios such as these prompted Reagan to say in January 1983: "We must . . . bring those deficits down. If we don't . . . we will leave an unconscionable burden of national debt for our children. That, we must not do."

MEET RALPH

According to the Treasury Department, Ralph's income of $33,600 was the median household income for Americans who paid taxes last year. Treasury's profile of the average earner also endows Ralph with a wife and two children; Ralph's is the family's only income.

Calculations of Ralph's probable annual contribution to interest on the federal debt were made by determining the proportion of federal revenues, excluding funds for Social Security, paid by individual taxpayers in each year (source: OMB); applying that percentage to the total interest paid on the debt (source: OMB); and dividing the result by the number of taxpayers (source: IRS).

NATIONAL AIR AND SPACE MUSEUM EXPANSION WOULD HONOR "CHALLENGER" CREW

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. FUQUA. Mr. Speaker, today I am introducing legislation which would authorize construction of the expansion of the National Air and Space Museum of the Smithsonian Institution to be located at Washington Dulles International Airport.

This legislation is unique in that it provides for complete private financing of a much needed facility to house our national treasures.

It is also my intention that this structure would serve as a loving memorial to the men and women of the *Challenger* crew, seven brave Americans who gave their all in our quest for knowledge and journey to the stars.

On a personal note, I visited with the crew the day before the launch. This tragedy was a great personal loss to my wife, Nancy, and I, and it would be impossible for me to adequately express my condolences to the families of this brave crew.

The National Air and Space Museum is the most visited museum in the world. Its attendence should top 100 million visitors during the first 10 years of its operation.

In September 1983, the Regents of the Smithsonian approved a plan to create an expansion of the National Air and Space Museum at Washington Dulles. This expansion is needed due to severe overcrowding of the current NASM building on The Mall in Washington, to permit a larger portion of the national collection of historic aircraft to be displayed and to make it possible for historically significant large artifacts to be accessible to millions.

Washington Dulles was selected because of its location in the Nation's Capital and the excellent transportation systems that have been developed between the airport and downtown Washington. Also, it is not possible to bring the largest aircraft to the museum on The Mall and the most practical way to deliver historic airplanes to the museum is to have them flown into an active airfield.

A group of leading business, political and civic leaders have formed the Air and Space Heritage Council, Inc., a nonprofit corporation which has offered to build the first building as part of the Dulles Wing expansion and provide it at no cost to the National Air and Space Museum. This structure would become the national home for the space shuttle *Enterprise* which is currently parked on the tarmac at Dulles Airport.

The Air and Space Heritage Council has asked the Regents of the Smithsonian to designate this first building as Challenger Hall as a positive and living tribute to the space shuttle *Challenger,* its astronauts and all men and women throughout history who have sought to challenge and conquer air and space flight.

I believe that my bill will call attention to a critical need and that this approach can achieve success.

Support of this concept would, in my opinion, make this dream a reality and add another jewel to our Nation's treasure—the Smithsonian Institution—as well as honoring Francis R. Scobee, commander; Michael J. Smith, pilot; Judith A. Resnik, mission specialist; Ronald E. McNair, mission specialist; Ellison S. Onizuka, mission specialist; S. Christa McAuliffe, payload specialist; and Gregory Jarvis, payload specialist.

TENANT MANAGEMENT OF PUBLIC HOUSING PROJECTS

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. GALLO. Mr. Speaker, I introduced a bill to amend the U.S. Housing Act of 1937 to promote tenant management of public housing projects. This bill not only makes sense from an economic standpoint but from a humanitarian standpoint as well.

For too long the prevailing attitude in this Congress has been that low-income people are not capable of taking care of themselves. Therefore massive bureaucracies have been erected to run their lives for them, resulting in inefficiency and waste of the taxpayer's money. I believe this legislation will contribute to reversing these negative trends.

The bill would promote the transfer of the day-to-day management of a public housing project away from the local housing authorities and would place it with tenant management organizations that have agreed, and are capable of, taking on the responsibility.

It has been proven that tenant management of public housing is an effective way to address the traditional ills that plague these projects which are a result of bureaucratic mismanagement and tenant apathy. In some projects rent collection increased by as much as 60 percent, the cost of ordinary maintenance dropped 25 percent, and administrative costs decreased by as much as 60 percent. The savings in administrative costs are particularly significant in that these excess funds were then put back into the projects for improvements, rather than back into the bureaucracies that contributed to the demise of the projects in the first place. In addition, it was proven that by allowing the tenants to control their own living arrangements, they adopted a sense of pride and responsibility for their surroundings. The results were dramatically improved living conditions, lower crime rates, and less Government dependency by the tenants themselves.

In addition to the social benefits of tenant management programs in public housing, the economic realities of today make this a very worthwhile idea to pursue. I believe that in the face of the present budget restraints, we have an obligation to both the taxpayers and the recipients of public funds in this country to make sure that their resources are used in as effective and efficient way as possible. This bill would be an important step to make sure that these goals are met. I urge my colleagues to cosponsor this legislation.

RICHARD FRITZKY HONORED

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. TORRICELLI. Mr. Speaker, I rise today to honor Mr. Richard Fritzky. He has recently been named Outstanding Citizen of the Year by the New Jersey Meadowlands Chamber of Commerce.

Mr. Fritzky has held many distinguished positions in both the public and private sector. It is especially fitting that his own organization should honor him for his many achievements and contributions.

As an educator, Mr. Fritzky taught at the Seton Hall Preparatory School and currently serves on the adjunct faculty of Fairleigh Dickinson University.

As a public servant, Rich Fritzky has devoted countless hours in service at the State and local level. He has served as special assistant to Mayor Kevin White of Boston and as a Hackensack municipal committee member. Rich serves on the board of directors for the Hudson County Private Industry Council, Bergen County Health and Welfare Council, and the New Jersey Advisory Council of Post Secondary Learning Disabilities.

Perhaps no one person is more responsible for the growth and development of the Mea-

dowlands than Rich Fritzky. His name is truly synonymous with Meadowlands. He played a key role in fostering the Meadowlands economic job development project and currently serves as vice chairman of the Meadowlands Transportation Brokerage. Rich developed Meadowlands USA, a quarterly publication put out by the Meadowlands Chamber of Commerce and recognized by the Communications Council of the American Association of Chamber of Commerce Executives for 3 consecutive years.

It is with great honor and pleasure that I join with so many of Rich's friends in honoring him with this distinguished award as Outstanding Citizen of the Year.

CONGRATULATIONS TO RUSSELL E. GERBER ON HIS SERVICE AS PRESIDENT OF THE MICHIGAN ASSOCIATION OF HOME BUILDERS FOR 1985

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. SCHUETTE. Mr. Speaker, it is my distinct privilege to congratulate Russell E. Gerber on his service as president of the Michigan Association of Home Builders (MAHB) for 1985.

Mr. Gerber, who is a veteran of the Korean war, has served the MAHB for many years. He has held many important elected positions within the MAHB, including MAHB secretary in 1982 and first vice president in 1984.

In addition, he has shown himself to be a strong and dedicated leader within his community, occupying such posts as president of the Reed City Public School Board since 1976 and serving on the board of trustees of Eagle Boys' Village since 1971.

Mr. Gerber, you have provided able leadership both for the members of the MAHB and for the people in your community. You embody the spirit and dedication that inspire both young and old alike, and we in Congress wish you well in your future endeavors.

HAZARDOUS WASTE MANAGEMENT AND GENERATION STUDY, NEW ENGLAND CONGRESSIONAL CAUCUS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. GEJDENSON. Mr. Speaker, I congratulate the New England Congressional Caucus for the excellent report it has released on hazardous waste generation and disposal in New England. The report provides policymakers with the objective information we desperately need to begin to intelligently address the hazardous waste problem.

Hazardous waste is a by-product of our modern lifestyle. We all benefit from products and industrial processes which create hazardous waste. All of us—industry, government, and consumers—must work together to solve the hazardous waste problem.

Our environment and economy depend upon the development of a comprehensive hazardous waste policy. We must act now. The multibillion dollar Superfund Program is a stark reminder of the massive economic, environmental, and public health costs of ignoring the hazardous waste problem. In Connecticut ground water is particularly threatened by the improper disposal of hazardous waste. Over 1,000 wells in Connecticut have been closed because of contamination from landfills, leaking underground storage tanks, and other sources.

To date, Federal and State regulation has concentrated primarily on managing hazardous waste after it has been produced. What is needed now are Federal and State programs, and incentives to encourage a reduction in the amount of hazardous waste generated. Manufacturing processes can be changed to reduce the quantity and toxicity of hazardous waste. In addition, more of an effort needs to be made to recycle useful chemicals that are contained in hazardous waste.

Many technologies currently exist to reduce hazardous waste generation and increase recycling but unfortunately there is little awareness of these technologies in many parts of the industrial community. The Federal Government must take the lead in transferring the technology to industry. Special attention must be paid to small businesses, which often lack the resources necessary to solve hazardous waste problems.

Again, I want to thank the New England Congressional Caucus and Institute for their excellent work on this study. I am committed to working together with the other members of the New England Congressional Caucus to develop innovative legislative solutions to the hazardous waste problem.

SECURITY NEEDED FOR PASSENGER SHIPS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. ACKERMAN. Mr. Speaker, today I am introducing legislation designed to improve significantly the security for commercial passenger ships leaving U.S. ports for international waters.

As we have become all too aware, terrorist attacks are growing at an average annual rate of about 12 to 15 percent, and have become an everpresent threat throughout the world. Most recently, the hijackers of the cruise ship *Achille Lauro* brutally slayed Leon Klinghoffer, a partially paralized New York appliance shop owner on the trip as a 36th wedding anniversary present to his wife.

This terrible tragedy resulted in large part because of inadequate security at one of the *Achille Lauro's* ports of call. The lack of baggage checks and passenger screening at Genoa appears to have enabled the hijackers to smuggle the weapons on board that made it much easier for them to take control of the ship.

Unfortunately, the lack of security at the Port of Genoa is not an isolated situation. Even now, months after this latest terrorist tragedy, there are still no international standards on seaport or passenger vessel security. As a result, many ports do not have sufficient baggage and personnel screening. In many places access to passenger and cruise vessels is completely unrestricted.

We must do everything within our power to extinguish any opportunities for terrorists to take hostages on the high seas. That is why I am introducing legislation to require metal detectors, luggage x rays, and other comprehensive safety measures for all passenger ships leaving U.S. ports for international waters. If adopted, my bill would also encourage ports overseas to upgrade their security standards by authorizing the Secretary of Transportation to issue travel advisories and impose boycotts of ports or vessels serving ports which do not maintain effective security measures.

Furthermore, the legislation provides authority to the President to suspend all assistance under the Foreign Assistance Act or the Arms Export Control Act to any nation determined to be a high terrorist threat country which permits the use of territory under its jurisdiction as a base of operations or sanctuary for any terrorist organization.

The goal of this legislation is ultimately to achieve a uniform set of regulations that will protect all passengers on ships in international waters, regardless of their home port and destination. Americans deserve the best possible protection against brutal affronts to the civilized world. I strongly urge my colleagues to support this needed legislation to reduce the risks of terrorism at sea.

CONGRESSIONAL SALUTE TO JIM STRENG

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. MATSUI. Mr. Speaker, I rise to call to the attention of the U.S. Congress an outstanding Sacramento citizen who will be honored on February 14, 1986 as the 1985 Sacramento Citizen of the Year, an award sponsored by the Sacramento Board of Realtors. The event will be marked by a luncheon held to commemorate his many years of selfless dedication to the community.

This auspicious award will be presented to James Streng, a deserving individual who has demonstrated a deep concern for his community through extensive volunteer work. For the past 20 years, Mr. Streng has been exceptionally active with such meritorious organizations as the American Lung Association, the YMCA, the Sacramento Metropolitan Chamber of Commerce and Sacramento Area Commerce and Trade Organization.

Far surpassing his responsibilities as president of Streng Brothers Homes, Mr. Streng has also worked conscientiously in the realm of his industry. This is exemplified by his active membership in the Building Industry Association of Superior California, which culmi-

nated in his receiving the prestigious "Builder of the Year" award in 1980.

Mr. Streng's qualities certainly more than fulfull the criteria of this award with his impressive record of community service, vast personal achievement beyond the responsibilities of his paid position, and a continuing devotion over the years to improving the quality of life in Sacramento.

Mr. Speaker, I would like to congratulate and commend Mr. Streng upon receiving this illustrious award and for his sincere commitment to his community.

TRIBUTE TO BILL GILLIS

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. THOMAS of California. Mr. Speaker, and my fellow Representatives, I would like for you to join me today in paying tribute to Mr. Bill Gillis, who is retiring on February 21 as a distinguished reporter for the Antelope Valley Press, a newspaper in Palmdale, CA.

Bill is the epitome of a seasoned newspaper reporter; always probing, always curious, but always fair and accurate. In his many years of reporting, he has set a standard for other journalists to follow.

Bill currently covers the police beat, and authors three widely read columns for the Antelope Valley Press, displaying great versatility in his reporting.

Bill came to the Antelope Valley Press in 1964, after stints as a reporter and sports writer for the Ledger Gazette, the Henderson Home News, the Inyo Register, and the Reno Journal.

He attended the University of Nevada/Reno on a basketball scholarship. Majoring in journalism, he graduated from that institution in 1949.

He joined the National Guard prior to World War II, and was in Hawaii at the time of the fateful attack on Pearl Harbor on December 7, 1941. He served out the remainder of the war in the South Pacific.

He and his wife Nancy have four children, Grant, Brent, Sheila, and Molly.

I ask you to join me today in saluting a distinguished journalist and great American, Bill Gillis on his retirement.

EDUCATION OF THE HANDICAPPED

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. CONTE. Mr. Speaker, at the start of this session of Congress I introduced House Resolution 4043 with the support of all my colleagues from Massachusetts. House Resolution 4043 is our response to an immediate and critical problem facing handicapped children in our State. I rise today, Mr. Speaker, to give warning to all Members from every State: Help correct a contradiction in the Education of the Handicapped Act before you too face the tragedy of eliminating educational services to thousands of handicapped children in your State.

Let me explain. Under Public Law 94-142, the Secretary of Education is required to allot funds to the States based on "the number of handicapped children age 3 to 21." That is good. Yet, under the law at present, the Secretary may not allocate funds for educating these children when their numbers exceed "12 percent of the number of all children aged 5 to 17 in each State." This is not only bad, it contradicts a fundamental promise of the law itself: Helping encourage and provide handicapped children with educational services from their early development all the way to adulthood.

In Massachusetts, this contradiction in the law has reared its ugly head and is now gobbling up services to more than 5,600 handicapped children. Like 23 States, Massachusetts provides services to handicapped children younger than 5 years of age, and, like 44 others, it also provides services to young adults over 18. This is what the people, the Congress, and the administration have encouraged. Unfortuantely, for the purpose of allocating Federal funds, the State census of 5- to 17-year-olds is used rather than the census of 3- to 21-year-olds. This must be changed. We must provide a consistent message to the States, the parents, and the children of this country.

House Resolution 4043 would correct the flaw that now exists in Public Law 94-142 by amending the "cap" formula to allow for the counting of all 3- to 21-year-olds. By providing an enactment date of October 1, 1985, I also hope to address the problem of withholdings already applied to the fiscal year 1986 allocations.

At this moment, Massachusetts is the only State to exceed this poorly designed cap. That is why I, and the entire delegation, have taken the cause with such urgency. But several States are next in line: Connecticut, Maine, Maryland, and New Jersey have all reached the 11-percent mark.

Mr. Speaker, I urge all my colleagues, especially those on the Education and Labor Committee, to act now. Your responsive action today will eliminate the unnecessary suffering of handicapped children all across the country, and will send a clear message that we are doing all we can to help children reach their maximum potential.

SALUTE TO NELLIE WILSON

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1986

Mr. MOODY. Mr. Speaker, today I rise to congratulate Mrs. Nellie Wilson. Mrs. Wilson, a labor leader in Wisconsin over the last 40 years, is the principal honoree at the Sixth Annual Women of Color Recognition Dinner, sponsored by the Black Women's Network in Milwaukee. She truly exemplifies the network's 1986 theme, "Women in Labor: A Labor of Love."

Her ties with the Wisconsin labor movement run deep. She was a charter member of two Wisconsin State AFL-CIO committees, the Civil Rights Committee, and the Standing Committee on Women. As an employee of the A.O. Smith Corp. from 1943 to 1969, she established the Smith Steel Worker Union Civil Rights Committee. She was also the first black woman elected to office in the Smith Steel Worker 19086 Union. Since 1963, her involvement with the Milwaukee County Labor Council put her in the forefront of every major union issue.

Mrs. Wilson has made an enormous contribution to the Milwaukee community. In 1971 she became director of the AFL-CIO Human Resources Development Institute. She placed hundreds of people in jobs—until Federal and union funding cuts forced the institute to close in February 1982. At the A. Phillip Randolph Institute, she led numerous civic projects as well.

I salute this dedicated and caring woman for her contributions to the labor movement and to Milwaukee as a whole. I ask my colleagues in the House of Representatives to join me in saluting Mrs. Wilson on this special occasion. I want you to know how proud of her we are in Wisconsin.

Finally, Mr. Speaker, I also would like to congratulate the Black Women's Network of Milwaukee. Founded in 1979 to promote the economic well-being of black women, it has taken a leadership role in educational, political, and social issues. The network's dedication and commitment has enhanced the status of women in the black community and greatly enriched our State as a whole.

ULF LANTZKE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. DINGELL. Mr. Speaker, in the death of Ulf Lantzke last week, the industrialized world lost a very great friend and a wonderful human being. His name may not be familiar to many of my colleagues, but in his years as director of the International Energy Agency in Paris, set up as a multilateral response to the 1973-74 oil embargo, Mr. Lantzke provided the most extraordinary kind of wise, calm leadership.

It is difficult for some to remember the panic into which the industrialized world was thrown when the OPEC embargo began in the fall of 1973. But panic it was, pure and simple. It was in 1975 that the United States joined with our allies in the industrialized world and established the International Energy Agency—for the sole purpose of planning for how to jointly resolve problems and allocate energy resources in the next crisis. No one could know when or how such a crisis would arise, but the sound belief at the time was that there would, inevitably, be one.

The key, obviously, was reliable information. Having that, an international cooperative agreement could function, whereby any serious interruption in supply or jolt in oil price could be dealt with rationally by the international consortium of consuming nations represented in the IEA.

The most important ingredient for success—which in any event would be difficult—was a cool head. For that, the IEA was fortunate to find Ulf Lantzke. Very quickly, Ulf gained the respect of the IEA member nations, a respect he retained until his death last week. As anyone involved in multiparty planning knows—whether in corporate, domestic or international political settings—the key thing is to demonstrate independence while garnering the high regard of all the players. Without that, there can be no multiparty or international success stories.

While the IEA trigger for sharing an oil shortfall has never actually been tested, that by itself may demonstrate the success of the endeavor. The closest we came to testing it in a real-world situation was in the weeks following the fall of the Shah of Iran in 1979, which triggered another energy crisis. Although the sharing mechanism did not come into play, there was significant cooperation among the consuming countries, and the worse was avoided. Again during the early days of the Iran-Iraq war, there appeared a serious danger of a supply disruption. Although this did not occur, the fact that the IEA was in existence and had information on the availability, price and flow of oil was extremely important.

It is most impressive that the IEA has withstood 13 years of the slings and arrows of international uncertainty. Above all, it is a measure of Ulf Lantzke that this is the case. He gave generously of his time and even more of his genious. Those of us who knew him will miss his calm, sage leadership at the International Energy Agency.

OVER A CENTURY OF CARING

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. NOWAK. Mr. Speaker, the Bristol Home in Buffalo this year marks its 100th anniversary of serving the needs of seniors. This not-for-profit, non-sectarian-assisted living home for the aged houses 53 female residents whose average age is 83.

At this milestone year, the staff is reevaluating their commitment and rededicating themselves to the work that has provided sympathetic care for women for over a century. The community is proud of their achievements and I am pleased to submit the following article about their history.

BRISTOL HOME CELEBRATES 100TH ANNIVERSARY

The Bristol Home is celebrating the anniversary of its move to the landmark structure at 1500 Main Street. The theme for the year-long celebration is "Over a Century of Caring."

In February 1868, an organization, incorporated as the Home for the Friendless, began operation in a house at the corner of Maryland and Seventh Streets in Buffalo. At the time this was uptown—today it is the lower west side and it would seem that this land was destined to be the site for care and concern—for today the Erie County Department of Health's Roberto Clemente Health Center stands on that corner.

The objective of the Home for the Friendless was to provide shelter for destitute women until they found employment and became independent. And so it operated, providing a home and care and finding employment for many. Within its first 5 years the Women's Hospital Committee of the Buffalo General Hospital and Ingleside Home for unwed mothers were spinoffs of the Home for the Friendless. Gradually it became apparent that some women who came to the home would never be able to provide for themselves. The need for a permanent home was imperative, and in its fifth year the home accepted its first lifetime care resident.

After 15 years in the house at Seventh and Maryland, caring for the "transients" and providing for the gradually increasing number of "lifetime" residents, a move to larger quarters was an absolute necessity. The real estate committee of the board of directors was commissioned to find a new home.

In 1884, the property at 1500 Main Street was purchased for $25,000. It consisted of a lot 250 feet by 250 feet with a large house and two outbuildings close behind it. The title shows the land was owned by Joseph Ellicott in 1819. The large house of Italianate design was built by the Clarke family in mid-1800's. In its last days before its purchase by the home it was a tavern, "Spring Abbey," a stop on the road between Batavia, Harris Hill, and Buffalo. This was a big step for the organization to a very big home in the "suburbs." The real estate committee took 2 years to prepare the property for occupancy.

Mr. Cyrus K. Porter, architect, was hired to supervise the remodeling. The house had a wide veranda across the front with porte-cochere over the driveway which circled up from Main Street. Both Main Street and the driveway were dirt roads. The main entrance to the house was on the front, with a wide center hall. Mr. Porter designed wings to be added on the north and south sides of the house and the cross hall to connect them. The north wing was built in 1892, at a cost of $9,000, a two-story brick and masonry building containing 18 bedrooms and 2 bathrooms. The south wing was never built and the wide cross hall today is the main entrance hall.

March 17, 1986, marks the 100th anniversary of the move of the Home for the Friendless to Main Street. And with much tender loving care the house is the same beautiful old mansion, a home for 53 ladies in their retirement years. We invite you to come celebrate with us.

MILITARY APPRECIATION NIGHT

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. BADHAM. Mr. Speaker, the history of our great Nation in both war and peace is marked by the achievements and dedication to duty of the men and women who have donned the uniforms of our Armed Forces. Indeed, the United States of America owes much of its life and liberty to the commitment and sacrifices of those who have served their country in the military.

It is my privilege to bring to the attention of this honorable body a very special annual event in my district scheduled this year on February 22, 1986. On that day, the Newport Harbor American Legion Post 291 hosts "Military Appreciation Night" in honor of outstanding members of the Armed Forces both present and past.

Honors this year will be bestowed upon a local soldier, sailor, marine, airman, and coastguardsman for their service. And, recalling the heroic actions of America at war, at least three recipients of the Congressional Medal of Honor will be present to be recognized for the highest order of service to the Nation.

Public officials throughout Orange County, CA, join me in this salute to our service men and women and the commanders of our fine military facilities in and near the 40th District.

During my tenure with the Armed Services Committee, I have been privileged to visit personally many military installations at home and abroad, speaking with our men and women in uniform. My respect for them has never been higher. The safety and security of our country is in good hands.

I commend the annual efforts of Newport Harbor American Legion Post 291 to recognize these fine Americans and past heroes for their contribution to preserving the freedom we all enjoy.

IN MEMORIAM: HARRY VAN ARSDALE, JR.

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. MANTON. Mr. Speaker, on Sunday, February 16, 1986, New York City and the Nation lost one of the giants in the labor movement when Harry Van Arsdale, Jr. died at the age of 80. At the time of his death, Harry was the president of the New York City Central Labor Council, a position he held for 29 years. Harry was also the financial secretary of local 3 of the International Brotherhood of Electrical Workers [BEW].

Mr. Speaker, Harry's life was devoted to the labor movement. At the age of 20, Harry joined local 3 of the IBEW and immediately became a very active member. In 7 short years, Harry became the business manager of the union. From this position, he launched a heroic 50-year effort to improve labor benefits, working conditions and the quality of life for union members and their families.

Harry was a dedicated and tireless leader of the labor movement. He transformed local 3 from a struggling union with a membership of 5,000 into one of the most powerful and respected unions in New York City with a membership that today exceeds 33,000 people. During his 50 years of leadership, Harry won a shorter work week, hospitalization benefits, pensions, paid vacations, and paid holidays, for his members. A strong advocate of higher education, Harry also worked to establish employee scholarship plans and union-paid college courses for the members of local 3.

As chairman of a special committee appointed by New York Mayor Robert Wagner in 1960 to resolve a teachers' strike, Harry was instrumental in winning collective-bargaining rights for teachers. Harry also played a key role in bringing about collective-bargaining rights for hospital workers, and was successful in organizing taxi drivers where others had failed.

However, what I and all of Harry's friends will remember best about Harry was his selflessness. Although Harry's achievements on behalf of the IBEW were unprecedented, Harry never sought the spotlight or asked for any personal recognition. Instead, Harry only sought the advancement of the labor movement and a better life for all workers and their families.

Mr. Speaker, Harry will be deeply missed by all of us who understand that a strong labor movement is vital to improve our standard of living at home and our international competitiveness abroad. My heartfelt sympathy goes out to Harry's family, his wife Madeline, his sons, Thomas Van Arsdale and Harry Van Arsdale III, and his two daughters, Margaret Van Arsdale and Kathryn Erickson. Although we share their grief, we hope they find comfort in knowing that many of us in the Congress realize that while Harry has departed this world, his work will live on for generations.

THE DISMISSAL OF LEE IACOCCA

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. KOLTER. Mr. Speaker, he is a best-selling author. He is a first-rate fundraiser. He is an outstanding corporate leader. He is one of the most familiar people in America. But last week he was shown the door.

Not only has Lee Iacocca led a very successful effort to raise funds for restoring the Statue of Liberty, but he has provided an outstanding example of what can occur when Government and the private sector work together. By working in unison, business and Government can accomplish things that would ordinarily be difficult, if not impossible, to attain separately.

Mr. Iacocca's dismissal from the chairmanship of the Advisory Commission on the Restoration of the Statue of Liberty was appalling. To me, it signals the private sector that their talents and leadership are not always welcomed by those who could perhaps benefit the most.

THE AMERICAN COUNCIL FOR DRUG EDUCATION

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. COURTER. Mr. Speaker, I wanted to make my colleagues aware of an extremely worthwhile organization which could prove to be an important resource for their constituents: the American Council for Drug Education.

The American Council for Drug Education was founded in 1977 as a nonprofit group which educates the public concerning the health hazards associated with the use of marijuana and other stimulants. The organization keeps the public informed through a variety of means including publishing scientific findings and educational materials, conducting seminars and conferences, and promoting scientific research.

The council is governed by a board of 21 directors from a variety of backgrounds, as well as a 9-member scientific advisory board which reviews all technical information in council publications. Information and materials available from the council include films, a 13-issue series on the problems involved in using marijuana and cocaine, brochures, a physicians' speaker kit, and a book by educator Richard Hawley entitled "A School Answers Back: Responding To Student Drug Use."

Target groups of the American Council for Drug Education include pregnant women and nursing mothers, and volunteer youth leaders. Drug abuse in the workplace is also becoming a focal point.

Next on the agenda of the council is the establishment of educational programs that may be replicated in schools, clinics, and at community functions. The theory behind this effort is that drug education must become an accepted part of formal education. One-time campaigns will not suffice. This is the reason why the council is moving beyond the preparation of drug education materials, making these programs a part of our Nation's school systems.

I highly commend each and every individual who has been a part of this important effort to rid our society of a problem which drains our most precious resources—the American people.

UNAMI STUDENTS FIGHT HUNGER

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. KOSTMAYER. Mr. Speaker, ever since the television cameras brought the tragedy of the African famine into our living rooms in 1984, the American people have responded with tremendous generosity. Our citizens have contributed over $160 million to private relief organizations working in Africa.

Now that the rains have come in Africa and the stories about hunger and disease have moved to the back pages, however, I fear that many Americans have forgotten that the people in the developing world still need our help. Hunger and malnutrition are chronic problems in the Third World, and the people of Africa and other developing nations need our assistance to break the cycle of poverty and famine and to become self-sufficient.

Today I want to tell you about a group of extraordinary young people in my congressional district who have made a lasting commitment to work to end world hunger.

The students of Unami Junior High School in Chalfont, PA, made national news last year when they raised $23,000 and collected 115 tons of food for the victims of famine in Africa. But their commitment to ending world hunger has not ended with the headlines.

Unami Junior High students, with the help of the Central Bucks County Chamber of Commerce and the Doylestown Federal Savings & Loan Association, have established a unique program to raise money for relief and development projects in the developing world. The Unami Relief Project [URP] has asked local businesses and individuals to provide part-time jobs for students. The students earn $3 an hour, which is paid directly to the URP fund. The Doylestown Federal Savings & Loan Association is sponsoring mailings to publicize the project and to bill participants.

The project is off to a flying start. About 40 businesses and individuals have provided jobs, and the students have raised over $1,000 so far. Unami students are spending weekend and after school hours doing filing, yardwork, cleaning, and a variety of other jobs to raise money for the URP fund.

Mr. Speaker, I believe that the URP is the first project of its kind in the United States. The dedication and the vision of these students and their adviser, Jack Hall, and the enthusiastic involvement of the private sector, are an inspiration to us all. I hope that their example will encourage other schools and communities to play an active role in the fight against hunger at home and abroad.

A TRIBUTE TO ALBERT WIESER

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. LENT. Mr. Speaker, it is a distinct privilege to rise today to pay tribute to an outstanding American, Albert Wieser, a constituent of mine from East Rockaway, NY. On February 23, Albert Wieser's friends and colleagues will honor him upon his retirement after 50 years of dedicated service with the East Rockaway Fire Department.

I've known Chief Wieser nearly all of my life, and can state without reservation that he epitomizes the spirit of volunteerism which has made America the great nation it is today. As a fireman, Al Wieser served with distinction, and his dedication and ability later earned him the position as chief of the East Rockaway Fire Department. Al was a member of the Garden City Fire Department for many years as well as an instructor in firematics at the Nassau County Fire Service Academy.

On many occasions, Al bravely risked his own safety to help save the lives of others. The fireman faces great challenges on the job. The risk of constant physical danger, the long and often unpredictable hours, and the intense emotional strain of life and death situations require great courage and fortitude. Yet, when called upon, they are always there ready to protect the public's safety in any emergency.

Al Wieser is an active member of many organizations including the International Asso-

ciation of Fire Chiefs, and the New York State Association of Fire Chiefs. His dedication to helping others extends to community organizations such as the Shriners and the Masonic Order. Over the years, Al has received many honors and commendations too numerous to mention here. Needless to say, his significant contributions to the betterment of the community are worthy of the highest commendation.

The motto of the East Rockaway Fire Department and the Main Street fire house is "Main Street Forever." Al Wieser has done much to preserve the traditional values and community spirit the motto signifies. I'd like to express my deepest appreciation to Al for his many years of outstanding service to the people of Nassau County, and wish him and his family much health and happiness in the years ahead.

HONORING JERRY LEWIS, GIFT OF LIFE'S "GUEST OF HONOR"

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. ACKERMAN. Mr. Speaker, I rise today in honor of Jerry Lewis, and in honor of the Gift of Life, a New York-based community service organization which is honoring him at its fourth annual Bridges of Friendship Ball.

Mr. Speaker, the talent, compassion, and commitment to life that set Jerry Lewis apart are rare indeed. He has made us laugh in his 50 years in the motion picture and entertainment business, and he had made us cry every Labor Day for the children that have come to be called Jerry's kids. Most important, he has influenced us all with his passionate belief in and love for humanity.

Mr. Speaker, Jerry Lewis is an entertainer of unsurpassed talents. In his remarkable films, he has acted, directed, produced, written, danced, and sung his way into the hearts of America, and he has brought all of those abilities to many wonderful stage shows and appearances. But Jerry Lewis, as we all know, is more than a performer. He is a deep, compassionate human being in every sense of the word. Through his work as the Muscular Dystrophy Association national chairman for over 30 years, he has touched millions of lives with his unceasing efforts to fight a killer that preys on our children. It is too easy to think of him as a 1-day-a-year saint. The Labor Day telethons alone have raised over $300 million in the past 19 years, but that figure is not complete without remembering the hundreds and the thousands of hours that Jerry Lewis spends calling children who are almost beyond hope, and visiting with youngsters that many of us forget too easily.

It is only appropriate that Jerry Lewis should receive this honor from the Gift of Life, because it too stands for a unyielding desire to conquer the demons of diseases that have plagued us for centuries. The Gift of Life began in 1974, when the Manhasset Rotary Club answered an urgent plea from the Kampala Rotary Club of Uganda to help a 5-year-old girl in need of heart surgery. The New York chapter brought Grace Agwara to the United States for the open-heart procedure that saved her life, and a new and heroic project was born.

The Gift of Life has grown in the last decade to include civic, ethnic, and community-based groups across the United States which respond to the cries of children around the world. Youngsters from 12 different countries have been flown to this Nation with a parent or guardian to gain a new lease on life. But the Gift of Life is more than just emergency operations: Technical assistance training programs have been put in place to help foreign hospitals provide medical expertise that will some day allow children to receive the best possible care in their own, local hospitals.

Mr. Speaker, America is one of the wealthiest nations in the world. Through the efforts of Jerry Lewis and the Gift of Life, we may be proud that we are also a compassionate Nation. Through them, we can imagine a day when sickness and disease have been banished from our lives.

Mr. Speaker, the honor that Jerry Lewis brings to America cannot be matched by anything we do in these halls. The credit that these lifesavers—who sacrifice their own time to make the Gift of Life possible for children all over the world—the credit that they bring to our Nation surpasses the mundane words of these debates. I call now on all of my colleagues in the U.S. House of Representatives to join me in recognition of Jerry Lewis and the Gift of Life, and in wishing them every success as they continue to set a shining example for America and the world.

A CRAZY SCHEME BUT IT MIGHT WORK

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. CRANE. Mr. Speaker, with the 2d session of the 99th Congress underway, I would like to bring to my colleagues' attention an alternative to the controversial trade protectionist measures currently under consideration in the Congress. In an effort to reduce the trade deficit and improve the U.S. international trade position, solutions must be found within the parameters of a free trade environment.

We must not forget the tragic lessons of the Smoot-Hawley Tariff and the Great Depression that followed. This act and other tariffs throughout the years have proved dramatically unsuccessful and have had tragic effects on the American economy.

One alternative to protectionism that is all too frequently disregarded, is a concerted effort to improve the quality of U.S. made products. We have access to valuable resources and the most advanced industrial technology right here in the United States. In order for Americans to buy products made in the United States, domestic manufacturers must produce products of higher quality at less expense than their foreign competitors. It is time for the American manufacturer to reassert his position as the leader in the Free World.

I have included an article by Andy Rooney which is not tongue-in-cheek and ought to be given serious thought by much of American industry.

The article follows:

A CRAZY SCHEME, BUT IT MIGHT WORK

(By Andy Rooney)

One of this country's major problems in relation to other countries is that we buy more from them than they buy from us. The difference last year was $101 billion. That's a lot of Sonys.

Sooner or later, any person, business or country that spends more for what it buys than it gets for what it sells is going to go broke.

I have an idea how we might prevent going broke in the United States. It's a crazy scheme but it just might work. It's really a trick that would get Americans to buy American-made products.

The Japanese are making 20 percent of all cars sold in the U.S. They've done it through what many Americans feel are unfair trade practices, namely, by making better cars for less money than we do. The trick would be for us to start making better cars than they do. That's all there is to my idea. Make better products here. What do you think?

General Motors could start by making Cadillacs better than Mercedes, Buicks better than BMWs or Jaguars. Ford and Chrysler would turn out cars that were better than Volvos, better than Saabs, Hondas, Toyotas or Volkswagens.

The price of American cars would come down sharply, not through pay cuts to automobile workers but through increased production. America would have a car that all Americans would want to buy, not out of any kind of bumper-sticker patriotism but rather a sense that they were getting the best deal for their money.

Kodak would start making cameras that took better pictures than Nikon, Canon, Hasselblad or Rolleiflex. Kodak would engineer new concepts into their cameras. The Japanese and the Germans would copy them but Kodak, with its superior workmanship, would run the cheap foreign imitations off the market.

RCA would introduce a new line of inexpensive television sets, tiny radios and video tape recorders that would make Sony, Mitsubishi and Panasonic look like old-fashioned Victrolas. Old electronic equipment imported from Japan would start showing up in antique shops as Americans replaced it with the superior, new, American-made machines.

In Tokyo, the Japanese public would clamor for one of the great new American TV sets. The Japanese government would be faced with the problem of how to beat back the flood of inexpensive, beautifully made electronic equipment from the United States.

Smart American women would turn their backs on Paris fashions once the designers in New York, Dallas, Chicago and Los Angeles showed their new clothes. Not only would the American designs be superior but makers of cloth would start making better wool fabric than Great Britain.

We'd start making better watches than the Swiss, better cheese than the French, the Swiss and the Dutch. Our men's clothes would be better tailored than the British, our steel industry would retool and begin making a product that was better and less expensive than Japan's.

We'd have the world beating down our doors so they could throw money at us for the great products we make.

That's how we ought to beat the trade deficit.

TRIBUTE FOR PETER RODINO

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. HAWKINS. Mr. Speaker, when I arrived in Congress in 1963 our Nation was embroiled in a turbulent civil rights debate. Given the controversy and political stalemate on the issue of civil rights it would have been easy for many Members of Congress to stand back. Not PETE RODINO.

The landmark 1964 civil rights bill passed because PETER RODINO took a leadership role and fought for what is decent and right in our Nation. Civil rights became a reality for millions of oppressed Americans because men like PETER RODINO were guided by the light of reason and strength of personal conviction.

Literary great Dante once said that the "hottest place in Hell are reserved for those who, in a time of great moral crisis, maintain their neutrality." PETER RODINO chose not to sit on the sidelines but rather to struggle for solutions to our national problems.

And through the years his leadership on key national issues had remained steadfast. His advocacy for the Voting Rights Act extension; the Martin Luther King, Jr., holiday bill; affirmative action; fair housing, jobs and education; are only a few of the many great programs he has stood for.

PETER RODINO in so many respects represents my own personal view of public service:

The leadership belongs not to the loudest, not to those who beat the drums or blow the trumpets, but to those who day in and day out, in all seasons, work for the practical realization of a better world—those who have the stamina to persist and to remain dedicated. To those belong the leadership.

I am honored to be a colleague and friend of PETER RODINO who is without question one of the great legislative champions of our era.

THE "CHALLENGER'S" CHALLENGE

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. COUGHLIN. Mr. Speaker, I rise today to share with my colleagues a song memorializing the space shuttle *Challenger* written by one of my constituents, Donna Weiss, a blind singer and songwriter from Glenside, PA.

A moving tribute to the seven Americans who made the ultimate sacrifice January 28, 1986, in the pursuit of space exploration, "The *Challenger's* Challenge" was performed by Ms. Weiss at a recent memorial service for the astronauts in my 13th Congressional District. The lyrics follow:

"The skies were blue over Florida
The shuttle had nicely cleared the tower
Our heart-felt pride we couldn't hide
So much was riding on that hour
A schoolteacher from New Hampshire, a Hawaiian engineer
Lessons from space, the Spartan Halley comet chaser
Who could know the end was so near?
In a firely blast, it all happened so fast
In a harsh reality
We saw their lives and dreams in fragments and streams
Scattered on the deep blue sea
Chorus:
"But the future belongs to the brave
The faint-hearted fall by the way
With hard work and prayer we'll get there, we'll get there
Tale the Challenger's challenge every day
"Now our hearts are blue in America
For our seven heroes and their kin
We wonder why they had to die
And dare we ever take that chance again?
Francis, Michael, Ellison
Krista, J.R., Greg and Ron,
Captain and crew, we love all of you
And your courage will help us go on
Someone had to challenge the ocean, someone had to challenge the sky
So we'll cry our tears, but not allow our fears
To let the Spirit of the Challenger die"

U.C. DAVIS FOOTBALL: 15 YEARS OF ATHLETIC EXCELLENCE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to the University of California-Davis football team, which won a 15th consecutive Northern California Athletic Conference championship this past season.

This championship broke a National Collegiate Athletic Association record, previously held by the University of Oklahoma, which won 14 straight conference titles over 25 years ago.

The success of the Aggie football team is largely due to the skill and dedication of head coach Jim Sochor, who consistently produces teams and players competitive with much larger and wealthier programs, Sochor's teams have not lost an NCAC conference game in 4 years.

Although most fans around the country know the UC-Davis Aggies as the team which produced NFL players such as Ken O'Brien, Rolf Benirshke, Bo Eason, Mike Moroski, Casey Merrill, and Rich Martini, local fans recognize the Aggies for winning consistently without the help of athletic scholarships. Academic excellence is as important—and as consistent—as winning for the Aggies.

The football success of the Aggies has also drawn attention to the overall excellence of UC-Davis, revealing to many that a school formerly known only for its agricultural programs has blossomed into a full-grown and diverse campus of the University of California, known nationally for its programs in agricultural economics, engineering, English and biological science, and for its professional schools in law, medicine, and veterinary medicine.

Mr. Speaker, I include in my remarks Council Resolution No. 7, passed unanimously by the executive council of the Associated Students of UC-Davis, congratulating the Aggies on their success.

Those of us in the Fourth Congressional District look forward to many more years of success from the Davis Aggies.

The resolution follows:

COUNCIL RESOLUTION No. 7

Whereas, Davis broke the record of fourteen (14) straight conference championships set by the University of Oklahoma over twenty-five years ago; and

Whereas, Davis prides itself upon achieving athletic excellence without the help of athletic scholarships; and

Therefore be it resolved that, the ASUCD Executive Council hereby congratulates the 1985 UC Davis Aggie football squad; and

Therefore be it further resolved that, copies of this resolution be sent to the following persons: Head Coach Jim Sochor, Assistant Coaches Bob Foster, Bob Biggs, Nick Alexander, Fred Arp, Jose Singleton, Matt Hesselgren, Sam Young, Jeff Ramsey, Dennis DiCamillo, Glenn Fricker, Jim Belenis, Dan Hawkins, and Darryl Gross, Team Captains Randy Williams, and Tim Saunders, Assemblyman Tom Hannigan, and Congressman Vic Fazio (for insertion in the Congressional Record).

TRADE OUTLOOK

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 19, 1986 into the CONGRESSIONAL RECORD.

TTRADE OUTLOOK

International trade is likely to be a troublesome issue on Congress's agenda this year. The U.S. trade balance—measuring commerce in goods between the U.S. and other countries—hit a record $148 billion deficit in 1985.

I find Hoosiers increasingly disturbed by these figures. Not only do trade deficits hurt their pride in the U.S. by suggesting that America is no longer No. 1 in the world economy; trade deficits also pinch their pocketbooks. Many areas of the country, Indiana included, are suffering from foreign imports. working people who see their jobs disappear, as well as industries and communities, have felt the effect of import competition. Members of Congress are feeling the pressure to do something about it.

Many expected this combination of patriotism and economic pressure to produce highly protectionist legislation in 1985. That did not happen, partly because the President took a stand against it. Congress passed a bill to protect textiles, shoes, and copper, but the President's veto ended the debate for the year.

No one, myself included, thinks our trade problems are past, or that the President's veto will prevent Congress from taking up the issue this year. But I do not expect Congress to pass extreme protectionist measures to protect specific hard-hit industries in 1986 unless circumstances change dramatically. Instead, I think Congress will approach the problem broadly, taking up bills that address the underlying policies and

processes of our trade laws. The debate will shift from import limits to forcing our trading partners to open their markets, cracking down on countries using unfair practices to run up outrageous trade surpluses, and setting up new monetary policies to lower the value of the dollar.

Any bill finally passed by Congress is likely to include these features:

1. Limits on the President's ability to overrule the International Trade Commission (ITC) when it finds that domestic industries are hurt by imports or unfair trade practices. For example, the process could be toughened to require the President to grant import relief once the ITC finds that an industry has been injured, instead of leaving the remedy to his discretion;

2. Increased adjustment assistance for workers and industries hurt by imports. If the ITC rules in favor of an American industry, the government could provide automatic financial assistance to affected workers, industries, and communities. This aid should be temporary and open, emphasize retraining, and complement market forces. It should promote, not delay, adjustment.

3. Permission for the Administration to join new global trade talks to strengthen the 90-nation General Agreement on Tariffs and Trade (GATT), the international organization that regulates world commerce. These talks should develop import safeguards, protect commercial counterfeiting and intellectual property rights, expand GATT to cover trade in services and direct foreign investment, and other areas of mutual concern.

4. Tougher laws against unfair trade practices. We must stand up to the persistent protectionist policies of foreign governments, even if that means temporarily restricting access to our markets.

5. Efforts to reform the international monetary system to narrow wide disparities in currency values.

6. Negotiations to reduce permanent export subsidies around the world, recognizing that we must counter other countries' trade promotion subsidies.

While these are all worthwhile proposals, my feeling is that our long-term trade health requires emphasis on several features. Generally, I prefer an open trading system. Open markets promote efficiency, offer consumers more choices, keep prices down, foster closer ties between countries, and create the competition necessary for prosperity. But it makes no sense for us to stick to a free and open trading system when, increasingly, our trading partners take advantage of our openness, ignoring the rules that, for the past 40 years or so, have well-served the U.S. and the world. For many years, the U.S. had a large trade surplus and we could afford to ignore our trading partner's unfair practices. Today, under difficult economic circumstances, we are not able to be so tolerant. The price of that tolerance is lost jobs and lowered standards of living at home.

That means I favor fair trade. We must ensure that all countries play by the same rules, and that we have access to other markets equal to other countries' access to ours. If a trading partner persists in an unfair practice, the President should respond promptly. While I prefer that export sales be made on the basis of price, quality and service—rather than on subsidies—and would prefer long-range marketing strategies to promote exports, I am prepared to support efforts to balance certain subsidies used by our competitors. I support an effective international organization to set rules for international trade. The present organization, the GATT, is creaking a bit, and we need to prepare it for the next few decades. Finally, we must take action to reduce the impact of the inordinately strong dollar on our U.S. trade balance. The key here is to reduce the federal deficit gradually, making it possible for the Federal Reserve to pursue a monetary policy that will result in lower interest rates and a decline in the value of the dollar.

Our trade difficulties did not develop overnight, and they will not be resolved overnight. We cannot maintain our current standard of living or pass that standard on to our children unless we improve our ability to compete internationally. If we act now, we can move forward to a more efficient international trading system that will serve us well in the years ahead.

BUYING INFLUENCE IN WASHINGTON

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. WOLPE. Mr. Speaker, I would like to call the attention of my colleagues to the following articles concerning the practice of foreign interests "buying influence" in Washington. I am delighted that the media is focusing on this subtle, but terribly dangerous trend toward top-dollar access-peddling by many individuals who have had the privilege to serve at the highest levels of our Government. I am convinced that the more we learn about the extent and impact of this practice, the clearer it will be that the approach taken in H.R. 3733, the Foreign Agents Compulsory Ethics in Trade Act, that I and Representative KAPTUR introduced last November, is simply a modest first step toward addressing a widespread and insidious problem.

[From the Washington Post, Feb. 16, 1986]

FOREIGNERS HIRING REAGAN'S EX-AIDES

CLIENTS PAY MILLIONS FOR EFFORTS TO BLOCK ADMINISTRATION POLICIES

(By Stuart Auerbach)

Former officials of the Reagan administration and influential Reagan-Bush campaign aides are being paid millions of dollars by foreign governments and corporations, in many cases to help those clients block or counter administration initiatives.

Foreign interests have been so successful in hiring well-connected Americans to lobby for them that some U.S. business leaders and trade officials in the administration have complained in private conversations that foreigners have greater access to White House decisionmakers than they do themselves. These business leaders and officials, many of them presidential appointees, have declined to make their comments public.

The most prominent former Reagan aide representing foreign interests for large fees is Michael K. Deaver, a confidant of President Reagan and his wife, Nancy. Deaver resigned last May as deputy White House chief of staff to found a public relations firm that now has contracts worth $2,475,000 to represent foreign interests.

Democrats such as Robert S. Strauss and Brock Adams, who served in the Carter administration, and former senator J.W. Fulbright (D-Ark.) also have been hired by foreign interests to help with trade and foreign policy problems. But the large fees involved, the high rank of many of the former Reagan aides and the fact that they are working against the administration they recently served have made this version of Washington's traditional revolving door unusual.

Deaver's highest-paying clients by far are South Koreans, who are faced with trade complaints from the administration and U.S. companies. Last fall, Reagan ordered an investigation into charges of unfair trade practices by Korea as part of an administration trade initiative.

Deaver's firm is being paid $950,000 by two South Korean government entities and $475,000 by a public foundation that wants him to "protect, manage and expand trade and economic interests" of Korea. In addition, one of Korea's largest trading companies, Daewoo International Corp., is paying Deaver's firm, Michael K. Deaver & Associates, $250,000.

Two other new public affairs firms with close ties to the Reagan White House—Gray & Co. and Black, Manafort, Stone & Kelly—also are collecting millions of dollars in fees from foreign clients, many of whom are involved in trade battles with American firms or the U.S. Government.

Gray & Co., headed by Robert Gray, who ran Reagan's 1981 inaugural committee, was paid $1.9 million by foreign clients in a six-month period last year, according to records at the Justice Department.

Among those fees was $246,000 for one month's work handling the American visit of Susumo Nikaido, vice president of Japan's ruling Liberal Democratic Party (LDP) and eight other party leaders. The visit, according to Japanese officials, was aimed at reducing trade tension with the United States.

Arrangements for the Nikaido visit were handled by retired admiral Daniel J. Murphy, former chief of staff for Vice President Bush and now a Gray & Co. executive.

Murphy said the fee for the Nikaido visit was high because it involved visits to three cities by nine LDP leaders, and all the preparatory work has to be done in four days.

Justice Department filings, required under the Foreign Agents Registration Act, show that a firm run by key operatives in the Reagan reelection campaign—Black, Manafort, Stone & Kelly—signed contracts last year worth more than $3.4 million with nine foreign clients. The fees include $950,000 from a Philippine business association with close ties to President Ferdinand Marcos and $1 million from the new military ruler of Nigeria.

Paul J. Manafort, who is in charge of the foreign part of the company's business, was political director for the 1984 Republican Nation Convention. His partner, Charles R. Black, was political director of the Reagan-Bush 1984 reelection campaign while Roger Stone was northeast coordinator for Reagan-Bush. Peter G. Kelly was finance chairman for the Democratic National Committee.

Deaver declined to talk about potential conflicts between his former White House job and his foreign clients. "I don't talk about my clients, either foreign or domestic," he said.

Manafort did not return phone calls.

Traditionally, Washington representation includes a combination of intelligence gath-

ering, lobbying of Congress and the executive branch and public relations. In most cases it is impossible to determine just what these former officials are doing for their clients or what success they have had. Secrecy is considered a sign of success among practitioners of these arts.

Stanton D. Anderson, director of economic affairs for the Reagan administration's 1980 transition team, has emerged as the leading lawyer-lobbyist for Japanese trade interests in Washington. Anderson's law firm—Anderson, Hibey, Nauheim & Blair—was paid at least $400,000 last year by Japanese electronics and machine-tool groups that face trade complaints from either the Reagan administration or U.S. companies.

Eric I. Garfinkel, who worked in the Reagan White House as a presidential assistant specializing in trade, is a partner in the Anderson firm.

Anderson's connections with Japanese interests go beyond his law firm. He is a partner in Global U.S.A., a lobbying organization that received more than $1 million last year from Japanese clients.

The Anderson law firm represents the Japanese semiconductor makers who are fighting an unfair-trade-practices complaint brought by Reagan's special trade strike force.

William Walker, who aided in the transition when Clayton Yeutter was named U.S. trade representative this summer, also picked up a $200,000 piece of the Japanese semiconductor business for his law firm, Mudge, Rose, Guthrie, Alexander & Ferdon.

Walker, a former Reagan administration trade official, also represents the Japanese Aluminum Federation, which is fighting U.S. efforts to break up a cartel that has been accused of blocking American sales in Japan and shipping subsidized, low-cost aluminum to this country.

James H. Lake, chief spokesman for the 1984 Reagan-Bush campaign, began collecting Japanese clients soon after Yeutter, a friend of 13 years, received his appointment as Reagan's top trade official. Along with Walker, Lake handled the Yeutter transition into the trade job.

"The Japanese sought me out. Did I think it was odd? No. They knew I was a friend of Clayton Yeutter. The Japanese work very hard to figure out who has access and who can communicate" their views, said Lake, a nonlawyer who is associated as a public affairs consultant with the law firm Heron, Burchette, Ruckert & Rothwell.

One of the clients Lake brought to the law firm is Japan Tobacco Inc., which was accused by Reagan this fall of unfairly blocking the sale of American cigarettes. The government-owned corporation agreed to pay the law firm $120,000 a year to represent its interests in Washington.

Japan Tobacco also hired a Washington consulting firm, International Business-Government Counselors Inc. (IBGC) to help fight the Reagan administration trade case. IBGC brought in Claud Gingrich, who resigned last spring as general counsel in the U.S. Trade Representative's Office, as a "special adviser" in the case.

"He is an expert . . . because he used to be general counsel for USTR," explained K. Taksahashi of Japan Tobacco's Washington office, who signed the contract with the consulting firm.

"I brought Claud over," added John McDermid, general counsel of IBGC, who has known Gingrich since they both worked at the International Trade Commission in 1974. "Japan Tobacco didn't say we had to hire Claud, but I'm not sure they would have hired the firm if he had not been brought in."

Under federal ethics rules, Gingrich can work on the case as long as he does not appear before his old agency, the Office of the U.S. Trade Representative. He said he is not doing anything wrong by representing foreign clients. "The law does permit me to advise them about the cases," Gingrich said.

Gingrich, a partner in a consulting firm started by Langhorne A. Motley, former ambassador to Brazil and assistant secretary of state for inter-American affairs, also represents Brazil's computer industry in fighting another trade complaint brought last fall by Reagan. That complaint accuses Brazil of unfairly blocking U.S. computer sales. The Brazilian Computer and Peripherals Industry Association is paying L.A. Motley & Co. $120,000 a year, according to Justice Department records.

The firm also was paid a $180,000 fee to help the Brazilian shoe industry protect and expand its sales in the United States.

Of all these former administration officials, Deaver appears to maintain the closest ties to the White House, thanks primarily to his personal relationship with the Reagans. His special status was symbolized by the fact that he was allowed to keep his White House pass after leaving the government. The president still calls on Deaver for help and advice. For example, Deaver was brought in to advise on public relations strategy for last November's summit meeting with Soviet leader Mikhail Gorbachev.

The language of Deaver's contracts with the foreign clients makes it clear that Deaver's presence is the reason they hired his firm. The contracts contain clauses that allow clients to pull out if he should leave the firm "whether by death, assumption of public office or otherwise."

Deaver's firm includes two other former Reagan White House aides: William F. Sittman and Pamela G. Bailey, both former special assistants to the president. To provide trade expertise, Deaver hired Doral S. Cooper, a former deputy U.S. trade representative in the Reagan administration, and Lisa Berry, considered by her colleagues as one of the brightest of the young trade professionals at the Office of the U.S. Trade Representatives.

Deaver's contracts with foreign clients also contain clauses that require the people paying the bills to keep his reports confidential. And even though the contracts are on file with the Justice Department and open under the law to public inspection, they attempt to keep Deaver's relations with his clients confidential.

"Neither party hereto shall make or cause to be permitted to be made a public announcement of or subject matter of this agreement without the express prior written consent of the other party," says the contract with the government of Mexico.

"What we do in the trade area—and we do a lot of work in the trade area—is to try to work out disagreements to the benefit of both parties," Deaver said in a telephone interview yesterday. "In areas where we have been successful, both parties have been satisfied with the results," he said.

But he declined to say what trade differences he has managed to get settled.

House Democrats link the record U.S. trade deficit to influence-peddling on behalf of foreign clients by former key administration officials. Some argue that this lobbying can be a potent campaign issue for this year's congressional races.

"Former high-ranking officials are now employed by law firms and consultants to represent foreign interest often at odds with our nation's best interests," said Rep. Don Bonker (D-Wash.) in a speech on the House floor that provided a preview of this argument.

"How can we be confident that our trade representatives are negotiating aggressively on behalf of America's interests when they may have their eyes on lucrative future employment opportunities with those on the other side of the table?" asked Rep. Howard E. Wolpe (D-Mich.), who, with Rep. Marcy Kaptur (D-Ohio), last year introduced a bill that would bar former high-level federal employes from representing foreign interests.

"We think it is simply wrong that former top-level American officials should be for sale to the highest foreign bidder," Wolpe said.

It is unclear how successful the former Reagan aids have been for their foreign clients or what exactly they have done to earn their fees. South Korea, for instance, still thinks it is being picked on by the Reagan administration for its successes in gaining footholds for new products in the United States. Korean business and government officials have said that Japan has managed to avoid trade retaliation because it has hired influential Americans to represent it and mount extensive public relation efforts on its behalf.

Japan has the largest numbers of Americans registered as its agents with the Justice Department and even more who are unregistered because they work for U.S. subsidiaries of Japanese corporations. But there are indications that some of Japan's recent efforts have backfired.

Following the advice of Anderson and Walker, for instance, a high Japanese trade official called Yeutter at home late one night to ask for an immediate meeting in an attempt to head off a presidential investigation of charges that Japan had been "dumping" sophisticated computer memory chips in the United States at prices below their cost of production. Yeutter reportedly became so annoyed at this approach that after a 6:30 meeting the next morning he recommended the investigation proceed.

Similarly, Japanese semiconductor industry lawyers persuaded the White House to water down Commerce Secretary Malcolm Baldrige's moves against possible unfair trade practices by Japan, but Baldrige forced White House aides to back down. Critical members of Congress now refer to the strong lobbying by Walker and Anderson for their Japanese clients as examples of the pressure former administration aides can exert on the government.

[From the New York Times, February 17, 1986]

THE AGE OF ACCESS

(By William Safire)

The new public relations firm launched by Michael Deaver, who is like a son to the President and Mrs. Reagan, is currently taking over $2 million a year out of South Korea. Not including expenses.

Let us assume that Mr. Deaver, known in the annals of advancemen as the Sage of Bitburg, is selling something of value.

What is that valuable something? As he must readily point out to clients, his office door revolves with former Reagan White House aides and officials in the Administration's Office of the U.S. Trade Representa-

tive. These former officials are sometimes closely connected to their successors, and may be owed favors by bureaucrats or Foreign Service officers whose careers they advanced when in power.

More important, Mr. Deaver remains intimate with the President and First Lady. No, he doesn't go into the upstairs family room to say "I'm getting two million smackers in Seoul food, so how about fixing this piece of legislation?" The business of representation is subtler than that.

He offers his clients "access" to the levers of power. In his and other firms, when principals are forbidden by conflict-of-interest laws to act on matters they handled in public office, the ball can be handed off to other staffers. And every trade official about to crack down on predatory South Korean practices must wonder: what will Mike Deaver say about him to Nancy Reagan? How will it affect his chances for promotion?

"Access" is today's euphemism for "influence." In Harry Truman's day, influence-peddling led to the repugnant "mess in Washington"; today, access-peddling—present in the first Reagan term, but mushrooming wildly in the second term—threatens to provide the first real whiff of a sophisticated form of the old political corruption.

Nothing is unethical about foreign governments hiring former officials for guidance in American ways. After years in low-pay public service, what's wrong with converting expertise into dollars? Besides, fees and contracts, if not the details of delivery, are on the public record. Thirty years ago, I worked for a firm that happily hired itself out as a "foreign agent" whenever it could steal an account from some other press agent.

Sorry, the old justifications are getting shaky: access-peddling today, even with fees adjusted for inflation, has reached a different order of magnitude. A front-page article by Stuart Auerbach in yesterday's Washington Post details how the door to the Reagan White House requires a golden key to be purchased from Republican political operatives.

Three of the guys who ran the 1984 Reagan campaign—Charles Black, Paul Manafort and Roger Stone—get a million or so from a Marcos-dominated Philippine business association, and another million from the dictator of Nigeria. At Gray & Co., a one-month job for Japanese politicians to soothe American ire at trade restrictions was run by George Bush's former chief of staff and pulled in a quarter-million. I am not one to knock honest greed, but never has rainmaking seen such moneymaking.

Lest I be looked upon as the ethicist skunk at the garden party by my former political and professional colleagues, let me suggest what may happen to those who mindlessly tread the White House primrose-garden path.

In coming months, a skirmish line of the House Democrats will bewail the lucrative access-peddling by Reagan rainmakers, tying their efforts on behalf of foreign clients to our growing trade deficit. This will not fly, because the trade deficit is an abstraction, the revolving door is not a gut issue, and the P.R. men are not that effective.

Then, maybe next year, somebody will make a boo-boo—slip an old buddy some money, promise too much, bribe a foreign potentate, write an incriminating memo bragging about a policy victory.

That would trigger not only a criminal investigation but would energize the moribund oversight at the House Judiciary Committee; Senator Joe Biden at Senate Judiciary could also find an issue here. Staffs would be appointed, investigators hired, hearings held. A stampede of disgruntled former employees, dissatisfied clients, professional whistle-blowers and surly competitors would rush to wreak vengeance and sanitize themselves, thereby tainting legitimate advocacy with evidence of illegal fixes.

Alarmist? Some free advice from Cassandra, Pandora & Associates: As the '88 campaign begins, Democrats devoid of other issues will lash out at the new mess in Washington—the Reagan-Bush mess—brought about by failure to see the incipient corruption in the excess of access.

ROMANIA: WHY IT SHOULD BE A LEAST FAVORED NATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. CRANE. Mr. Speaker, in the late 1970's the Romanian Government promised to allow an American Christian group to import 20,000 Bibles into Romania. Indeed, during the Senate hearings on renewal of most favored nation [MFN] trading status, the Romanian Ambassador cited Romania's willingness to receive these Bibles as evidence that there was no religious oppression in the country. MFN was renewed, but the Bibles seem to have disappeared after their delivery. Just over a year ago, it was discovered what happened to them: The Bibles were seized by the government and sent to a papermill plant. There they were manufactured into toilet paper. I have seen this toilet paper, and there can be no doubt that it was in fact made from Bibles.

Unfortunately, this type of incident is not uncommon; rather, it seems to be the norm. Many clergymen and Christians have spent years in jail for the mere crime of possessing Christian literature. And yet the Romanian authorities insist that there is complete "freedom of religion."

Dissidents disappear or are sentenced to lengthy prison sentences; organized groups of thugs, paid and directed by the government, kill or terrorize those who dare to speak out against the government. And yet, in spite of the abysmal human rights situation there, the United States continues to grant privileged trading status to the ruthless dictatorship that keeps the Romanian people under its thumb.

How is it that Bucharest continues to manipulate opinion in Washington so consistently in its favor? Why do we continue to pour dollars and technology into a country that uses all the means at its disposal to oppress and intimidate its population? Some here in Congress still seem to cling to the naive belief that by so doing we can wean Romania away from the Soviet Union, or that they will at the least moderate their actions. But a recent article from the Wall Street Journal, written by Ion Pacepa, the former personal adviser to Romanian President Nicolae Ceausescu, should be mandatory reading for anyone who supports continuing MFN for Romania. He details the inner workings of the Ceausescu regime, and explains why MFN should be revoked. I hope my colleagues will take time to read his comments.

[From the Wall Street Journal, Jan. 13, 1986]

CEAUSESCU: AMERICA'S MOST-FAVORED TYRANT

(By Jon Mikai Pacepa)

(Mr. Pacepa was the personal adviser to Romanian President Nicolae Ceausescu and deputy director of the Romanian foreign intelligence service until July 1978, when he was granted political asylum in the U.S. He is the highest ranking intelligence officer ever to defect to the West.)

For many Americans, Romania's Nicolae Ceausescu is the leader of the plucky little country that defied the Soviet boycott of the 1981 Olympic Games in Los Angeles. For the U.S. government, he presides over the communist country whose "most favored nation," or MFN, trade status should be renewed when it comes up for its annual review. In Washington's misguided view, MFN status can help improve human rights in Romania and encourage a degree of political independence from Moscow.

But for Mr. Ceausescu, the 1975 granting of MFN status crowned 10 years of intense propaganda and influence operations aimed at realizing his grand plan of strengthening Romanian communism by getting financial and technological help from capitalism.

DEVOTION TO STALINIST MARXISM

In October, Rep. Chris Smith (R., N.J.) and Sen. Paul Trible (R., Va.) introduced legislation that would deny Romania MFN status for six months. However, even this modest step is opposed by the State Department. In fact, during his visit last month to Romania, Secretary of State George Shultz said that "[The U.S.] would like to see trade [with Romania] flourish to the extent that it can. I believe that it can increase more in the future—and I hope it does."

Meanwhile, average Romanians who receive few, if any, of the benefits of MFN status face another bitter winter without adequate heat or light. The near collapse of the Romanian economy has led to rumors that the Soviets would not at all mind if the army toppled Mr. Ceausescu and installed a military government similar to the one that has run Poland since 1981. However, any such move is unlikely. For all of his economic bungling, Mr. Ceausescu still delivers valuable exports to the Soviet Union and serves as a conduit for the transmission of embargoed Western technology to Moscow.

Continuing to renew Romania's MFN status will not make that nation more independent of the Kremlin. Mr. Ceausescu's devotion to Stalinist Marxism is clear even to naive observers. I worked with him for many years, and the one thing I came to understand was that his position toward Moscow was never influenced by the U.S. Rather, it was primarily determined by the nature of his personal relationship with the Kremlin's top man, Yuri Andropov, whom I met, seemed to show less rigidity toward Mr. Ceausescu than Leonid Brezhnev had; Mikhail Gorbachev is apparently following the same policy.

According to recent reports relations with Moscow are getting closer again, with a large Soviet presence once more in Romania. In addition, secret bilateral agreements with Moscow, such as those between the two intelligence services for the procurement of

Western technology, are sacred obligations for Mr. Ceausescu.

Human rights in Romania have been strangled since the granting of MFN status in 1975. The proportion of security personnel in the population has steadily increased over the years, reaching a ratio of 1.15—the world's highest—by the time of my break with Bucharest in 1978. Selective mail censorship was replaced in 1976 with total censorship, with every single letter and package from abroad being opened. In February 1977 a secret Communist Party decision approved the complete monitoring of all internationala telephone calls. At the same time, Mr. Ceausescu personally ordered that the only legally permissible telephone device to be used that can be instantly converted into a microphone to monitor people's private conversations.

During the mid 1970s electronic monitoring devices were secretly installed in every Roman Catholic church and Jewish synagogue. In March 1978 a top secret decision by Mr. Ceausescu required that all but a few token Jews be quitely removed from the military and security forces as well as from sensitive posts in the party and government.

Bucharest's terrorism against the West has also increased substantially. In the mid 1979s there was a surge in the secret training given in Romania to Western communists, especially Spaniards and Greeks, in sabotage and other forms of guerrilla warfare. In 1975 the DIE, the Romanian foreign intelligence service, made secret agreements with Palestine Liberation Organization terrorist, proving them with significant logistical support and using them to operations against Romania's own political opponents in the West.

In 1975, only days after receiving MFN status, Romania had its DIE secretly kill three militant anti-communists in the West, one of whom, Vasile Zapartan, was a priest. The DIE later organized assassination attempts and savage beatings of emigres who had publicly criticized the cult of personality in Romania, using PLO terrorists in France in 1976 and criminal mercenaries in both West Germany in 1976 and France in 1977. In July 1978 I personally received the order to arrange unattributable assassinations of emigres working for the U.S. government in Radio Free Europe, and to bomb the radio's Munich headquarters (an action that finally took place in February 1981).

On July 28, 1981, Emil Georgescu, a senior editor at Radio Free Europe in Munich, was stabbed 22 times by criminals hired by Bucharest and barely escaped with his life. (He was one of the people I had been ordered to have killed.)

Nevertheless, Bucharest has always considered itself able to outwit Washington in obtaining the annual renewal of MFN. The only significant step I say Mr. Ceausescu take to ensure the renewal was his August 1975 appointment of a permanent MFN task force, consisting of the minister of foreign affairs, the minister of interior, and the deputy chief of the DIE (at that time myself). Because the U.S. indicated that Romania's emigration policy was the key to MFN renewal, Mr. Ceausescu decided to maintain emigration from Romania (mostly Jews and ethnic Germans) at the minimum level but no higher. "We should make as much money as possible on our vanishing national resources—oil, Jews and Germans," he told the task force.

As part of the task force, the DIE was also responsible for selling the West on the myth of Mr. Ceausescu's domestic popularity and persuading the U.S. government to like Romania. The DIE paid for the Western publication of hundreds of articles and books about Mr. Ceausescu's accomplishments. It mounted successful operations to develop sources of influence at the U.S. Embassy in Bucharest and to exert pressure through agents and contacts in the U.S. It created and financed Romanian emigre organizations in the U.S., which paid for thousands of emigres to come periodically to Washington from all over the U.S. and Canada to demonstrate and lobby on Capitol Hill for MFN renewal.

Nor will the most recent renewal of MFN status improve U.S. Romanian relations. Bucharest is now apparently pressing for a new official visit by Mr. Ceausescu to Washington, but its Oriental rug merchant approach to bilateral relations is entirely different from the American one. I personally was responsible for preparing Mr. Ceausescu's last visit to the U.S., in April 1978, and I also then accompanied him as a member of his official delegation.

Mr. Ceausescu assigned the visit a more pragmatic mission besides its political significance: setting the stage for the secret development and eventual recruitment of President Carter's brother, Billy. Because I broke with Bucharest shortly thereafter, the only tangible result of this planned operation was the Romanian commercial office opened in Atlanta as a first step.

BUCHAREST OUTFOXES WASHINGTON

The tactic of recruiting close relatives of foreign heads of state is one in which Mr. Ceausescu excels. On one official visit to Iran, he himself spotted the corrupt brother of the late Shah as a likely prospect, and in Syria he saw potential in the then powerful brother of President Hafez Assad. Both were later recruited, royally rewarded by fat payments into Swiss bank accounts, and used for promoting Romanian political and economic interests. Perhaps someday another Romanian defector will tell us what Mr. Ceausescu's ulterior motive is for his next visit to Washington. In any case, we may be sure that he has more than the exchange of mutual compliments in mind.

Bucharest is successfully outfoxing Washington day after day. The U.S. now has 10 years' worth of proof that MFN does not produce the desired effect in Romania, and enough is enough. America must stop supporting a communist regime that is scornful of American democratic principles and hostile to U.S. interests.

TRIBUTE TO JOY PICUS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. COELHO. Mr. Speaker, it is long overdue that our Nation should recognize the value of women's contributions to our Nation's economy, and I would like to commend pay equity champion Joy Picus and congratulate her upon her recent award as one of Ms. Magazine's 12 "Women of the Year" for 1985.

Pay equity, the vehicle by which women are seeking comparable worth status, is a controversial issue affecting work and social images of both men and women. Joy undertook the pay equity concern with ferocious determination in 1981. To settle a complaint by the American Federation of State, County, and Municipal Employees [AFSCME], Picus researched several areas where pay discrepancies existed for entry level positions in occupations predominantly of one sex. She also cochaired the Task Force on Women's Pay Equity to negotiate with elected officials in Los Angeles on the available methods to implement equitable changes in entry level salary discrepancies. After 4 years of research and negotiations, formal meetings had begun with the AFSCME group in November 1984. Joy was an integral component in the development of the first pay equity agreement to successfully take place in a major city. Her diligence and candor have led her to assist 3,900 employees to a $12 million pay adjustment over a 3-year period.

Joy should be honored today as a woman who has successfully fulfilled roles as wife, mother, and career woman. She did not begin her political career until her children were fully grown. Elected to represent Los Angeles San Fernando Valley district in 1977, Picus had previously done community relations work for the Jewish Federation Council and developed her political acumen with her involvement with the League of Women Voters. I would like to join in a richly deserved tribute to Joy and wish her good luck for the future in serving our communities for the progress of our democratic society.

A DAY OF REMEMBRANCE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. MATSUI. Mr. Speaker, I rise today to call to the attention of the House of Representatives an important anniversary which occurs today. February 19 marks the 44th anniversary of the signing of Executive Order 9066, a day which is known in the Japanese-American community as the "Day of Remembrance." Forty-four years ago our Government set in motion the process through which more than 120,000 Japanese Americans were interned in camps.

Recent court cases have highlighted the injustice of Executive Order 9066. We in the Congress also have an opportunity to set the record straight by working for redress, on behalf of those who were unjustly interned and all freedom-loving Americans. More than 120 Members of the House of Representatives have cosponsored H.R. 442, the Civil Liberties Act of 1985. This legislation would redress the grievous error made by our Government 44 years ago.

I rise today to urge those colleagues who have not already done so to join with me in cosponsoring H.R. 442. Let us make February 19, 1986 a significant day of progress for the redress movement.

IACOCCA DESERVES BETTER

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. SHUSTER. Mr. Speaker, with the despicable treatment Lee Iacocca received from the administration last week, I fear a new verb has been added to the English language. It is: Iacocca. To Iacocca a person is to reward him for successfully achieving an important task, which you asked him to undertake without pay, by slapping him in the face. To be "Iacocca'd" is to be treated in a shabby, petty, mean, ungrateful, stupid manner.

If anyone wonders why it is difficult to get outstanding people from the private sector to participate in Government, the administration's treatment of Lee Iacocca is exhibit A. I urge the President to intervene to undo this foolish injustice.

Lee Iacocca is a distinguished American who has donated his prodigious capabilities to a worthy cause, and he deserves the thanks of all Americans, including this administration.

IN HONOR OF WILLIAM DEMERS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. LEVINE of California. Mr. Speaker, I rise today to honor William Demers, a strong, effective, and compassionate leader and internationally known and respected representative of the Communications Workers of America.

Presently, William Demers acts as the International Vice President of the Communications Workers of America AFL-CIO representing 600,000 nationally and over 100,000 in California.

In the past Mr. Demers has held leadership positions with the California AFL-CIO, the Los Angeles Federation of Labor, and the Los Angeles County COPE Board.

As an active and concerned member of the community he is currently a member of the following organizations: United Way Discretionary Funds Committee; Los Angeles Community College Advisory Committee; Advisory Committee of Labor Studies at Los Angeles Trade Tech; Advisory Committee of Labor Studies at Dominguez Hills State University; advisory member of the Histadrut; Los Angeles Business-Labor Council; Board of Directors of the American Red Cross and the Budget Committee of the Community Chest.

Bill Demers acts as an executive board member with the California Consumer Federation and the Catholic Labor Institute. The Governor of California has appointed Mr. Demers to hold a membership on the California Commission on Industrial Innovation, the Employees Advisory Committee on Pension Investments and the Public Review Committee, office for Citizen Initiative and Voluntary Action.

It is a pleasure to share Bill Demers' accomplishments with my colleagues in the U.S. House of Representatives. I ask that they join me in wishing Bill the best of luck in all his future endeavors.

IN MEMORY OF WILLIAM JOE SKINNER

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. WOLF. Mr. Speaker, on January 26, 1986, one of my constituents who was also the officer of one of the Nation's leading high technology firms passed away. I wish to call attention to his lifetime achievements and to offer condolences to his family, friends and the employees of Electronic Data Systems Corp.

William Joe Skinner was corporate vice president of Electronic Data Systems Corp. He joined the company in 1970 and helped in the management of its growth from 2,000 people when he joined to approximately 40,000 employees today. A consistent leader in EDS, he managed many successful projects during his career. One of these was the management of one of the largest computer services projects ever undertaken by the Army. It produced a modern national computer system capable of handling the logistical and administrative information for all Army bases in the United States.

He was born in Elkins, WV. He entered the U.S. Military Academy, at West Point, NY, in 1956 where he distinguished himself academically and earned a bachelor of science degree in mathematics in 1960. A gifted scholar, he went on to Princeton University where he earned a master of science degree in engineering. He also taught military history at Princeton and later became a professor in the Department of Mathematics at his Alma Mater, West Point.

A two-term Vietnam war veteran, he was awarded the Bronze Star and achieved the rank of major.

Joe Skinner's professional achievements did not preclude him from serving his community where he coached little league teams, led Boy Scout troops and participated in local political affairs.

It is rare for an individual to have contributed so consistently to his country, family, and the business world. While he will be missed, we are grateful for those contributions.

CONGRATULATIONS TO CONGRESSMAN AND MRS. LELAND

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 19, 1986

Mr. FROST. Mr. Speaker, many of our colleagues know, but many may not know, that the Honorable MICKEY LELAND of Texas and his beautiful wife, Alison, are the proud parents of Jarrett David Leland, born February 6, 5:20 p.m., and weighing in at 7 pounds and 2 ounces. Jarrett stands a full 1 foot 8 inches tall.

I take this opportunity to congratulate my friends, MICKEY LELAND and Alison, and extend to them my wishes, in which I know the entire membership of the House joins, for many years of enjoyment with their son.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 20, 1986, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 21

9:00 a.m.

Small Business

To continue hearings on the cost and availability of liability insurance for small business.

SR-428A

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on S. 477, to revise the standards of railroad revenue-adequacy, railroad market dominance, railroad rate reasonableness, and the Interstate Commerce Commission review of State ruling on intrastate rail rates.

SR-253

Finance

Health Subcommittee

To hold hearings to review hospital income under the Medicare prospective payment system.

SD-215

Labor and Human Resources

Handicapped Subcommittee

To resume hearings on proposed legislation authorizing funds for education of the handicapped, focusing on discretionary programs.

SD-430

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on the proposed budget estimates for fiscal year 1987 for the Navy.

SD-192

Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on certain proposals under the jurisdiction of the subcommittee, including S. 530, H.R. 1343, S. 1766, S. 1819, H.R. 105, H.R. 934, H.R. 1390, and H.R. 1963.
SD-366

Environment and Public Works
To hold hearings and proposed legislation authorizing funds for fiscal year 1987 for the Fish and Wildlife Service.
SD-406

Judiciary
To hold oversight hearings on alternative legal dispute resolution.
SD-226

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings to discuss the present exchange rate system.
2359 Rayburn Building

10:30 a.m.
Special on Aging
To hold hearings on the impact of Gramm-Rudman on the elderly.
SD-628

FEBRUARY 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Army.
SD-192

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1686, to implement a research program regarding specified aspects of fuel cell technology, and S. 1687, to develop a national policy for the utilization of fuel cell technology.
SD-366

Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1987, with a view toward making its recommendations to the Committee on the Budget.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Bureau of Land Management, Department of the Interior.
SD-138

Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the Resource Recovery and Conservation Act of 1984 and the loss of interim status.
SD-406

2:30 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings to review the funding requirements of the Commodity Credit Corporation.
SD-124

FEBRUARY 25

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on S. 1990, to establish an Education and Training Partnership to administer the Job Training Partnership Act, the Wagner-Peyser Act, and the Carl D. Perkins Vocational Education Act.
SD-430

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Disabled American Veterans.
SD-106

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Credit Union Administration, Office of Revenue Sharing (Department of the Treasury), and the Office of Science and Technology Policy.
SD-124

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary of Labor and the Employment and Training Administration, Department of Labor.
SD-116

Commerce, Science, and Transportation
To hold hearings on the nominations of Daniel Oliver, of Connecticut, and Andrew Strenio, of Maryland, each to be Commissioners of the Federal Trade Commission.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Constitution Subcommittee
To hold hearings on S. 1853, to establish a program to facilitate the use of certified interpreters in judicial proceedings instituted by the United States.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the Federal role in measuring the quality of higher education programs.
SD-406

11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Strategic Petroleum Reserve, Naval Petroleum Reserve, and Office of Emergency Preparedness.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on reclamation programs of the Department of the Interior.
SD-192

Armed Services
Military Construction Subcommittee
To hold hearings on the strategic homeporting initiative.
SR-222

Finance
To hold hearings on the nomination of David B. Rohr, of Maryland, to be a Member of the United States International Trade Commission
SD-215

Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for the Veterans' Administration.
SR-418

Select on Intelligence
Closed briefing on intelligence matters.
SH-219

FEBRUARY 26

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Paralyzed Veterans of America, Blinded Veterans of America, and the Military Order of the Purple Heart.
SD-106

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Mine Safety and Health Administration, Employment Standards Administration, and Bureau of Labor Statistics, all of the Department of Labor, and the Pension Benefit Guaranty Corporation.
SD-116

Banking, Housing, and Urban Affairs
To hold oversight hearings on internationalization of capital markets.
SD-538

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 1999, to provide for a uniform product liability law.
SR-253

Foreign Relations
European Affairs Subcommittee
To hold hearings to revise the most favored nation status of Romania.
SD-419

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Research and Special Programs Administration and the Office of Inspector

General, Department of Transportation.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
To hold hearings on measures to establish greater productivity in Federal Government operations, including S.J. Res. 190, S. 1206, S. 1657, S. 2004, S. 2005, S. 2006, S. 2007, S. 2008, S. 2009, S. 2010, and H.R. 2401.
SD-342

10:30 a.m.
Judiciary
Courts Subcommittee
Business meeting, to mark up H.R. 3570, to revise annuity programs for survivors of Federal justices and judges.
SD-226

1:30 p.m.
Appropriations
To hold hearings to review the President's proposed budget for fiscal year 1987.
SD-192

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1987 for NASA.
SR-253

FEBRUARY 27

8:30 a.m.
Veterans' Affairs
To resume hearings on the reported sightings of live military personnel missing in action in Southeast Asia.
SR-418

9:00 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 1997, to impose a tax on the importation of crude oil and refined petroleum products, and S. 1507, to increase the tariff on imported crude oil and refined petroleum products.
SD-215

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Departmental Management, Occupational Safety and Health Administration, and Labor Management Services, all of the Department of Labor.
SD-116

Banking, Housing, and Urban Affairs
To continue oversight hearings on internationalization of capital markets.
SD-538

Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on S. 1999, to provide for a uniform product liability law.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings to review alleged Department of Defense subcontractor kickbacks.
SD-342

Rules and Administration
Business meeting, to mark up committee funding resolutions for 1986 and to consider other pending calendar business.
SR-301

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1885, to establish a Military Auxiliary Revolving Fund within the Treasury of the United States.
SD-562

Energy and Natural Resources
To hold closed hearings on the status of Micronesia.
SH-219

Foreign Relations
To hold hearings to review United States policy toward Nicaragua.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for Head Start.
SD-430

2:00 p.m.
Judiciary
To hold oversight hearings on white collar crime in the United States.
SD-226

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

FEBRUARY 28

9:00 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To continue hearings on S. 1997, to impose a tax on the importation of crude oil and refined petroleum products, and S. 1507, to increase the tariff of imported crude oil and refined petroleum products.
SD-215

MARCH 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary of Health and Human Services.
SD-116

Banking, Housing, and Urban Affairs
To resume oversight hearings to review Federal deposit insurance programs.
SD-538

Commerce, Science, and Transportation
To resume hearings on liability insurance, focusing on the availability and affordability of insurance in various property and casualty lines.
SR-253

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.
SD-106

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain Defense programs, focusing on research, development, technology, and engineering.
SD-192

Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on certain proposals under the jurisdiction of the subcommittee, including S. 1021, H.R. 1795, S. 1568, S. 1617, S. 1638, H.R. 1593, S. 1690, S. 1888, S. 1963, and S. 2031.
SD-366

Judiciary
To resume hearings on S. 447, to insure a greater measure of competition in the railroad freight industry's hauling of certain products.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Pennsylvania Avenue Develop Corporation, Commission on Fine Arts, and the National Gallery of Art.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on departmental administration of the Department of Energy.
SD-192

MARCH 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Small Business Administration, Board for International Broadcasting, and the Japan-U.S. Friendship Commission.
S-146, Capitol

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Strategic Defense Initiative.
SD-192
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Science Foundation, and the Federal Emergency Management Agency.
SD-124
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Highway Administration and the National Highway Traffic Safety Administration, Department of Transportation.
SD-138
Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold oversight hearings on the District of Columbia courts.
SD-342
2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on the Tennessee Valley Authority.
SD-192
Judiciary
To hold hearings on pending nominations.
SD-226

MARCH 6

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to review the farm credit situation.
SD-538
10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226
2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Minerals Management Service, Department of the Interior.
SD-138
Judiciary
To resume oversight hearings on white collar crime in the United States.
SD-226
4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

MARCH 7

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Paul Lamboley, of Nevada, and J.J. Simmons, of Oklahoma, each to be a Commissioner of the Interstate Commerce Commission.
SR-253

MARCH 10

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1987 for the National Institutes of Health, Department of Health and Human Services.
SD-116

MARCH 11

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on S. 2069, to improve the Job Training Partnership program stability and lessen burdensome administrative requirements, improve services to youth and the hard-to-serve, and strengthen enforcement.
SD-430
9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1987 for the National Institutes of Health, Department of Health and Human Services.
SD-116
Banking, Housing, and Urban Affairs
To resume hearings to review the farm credit situation.
SD-538
10:00 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
Business meeting, to mark up S. 1543, to prohibit the importation, use or sale in the country of products made abroad by a U.S. patented process, and S. 1093, to allow an extension of patent life for agricultural chemicals and veterinary medicines for time lost in regulatory review procedures at the Environmental Protection Agency and the Food and Drug Administration.
SD-226
2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Park Service, Department of the Interior.
SD-138
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on solar and renewable energy, energy research, and environment programs.
SD-192
Select on Intelligence
Closed briefing on arms control issues.
SH-219

MARCH 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Health Resources and Services Administration and the Office of the Assistant Secretary for Health, both of the Department of Health and Human Services.
SD-116
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Commerce, and the International Trade Commission.
S-146, Capitol
Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219
10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1987 for certain intelligence programs.
S-407, Capitol
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Environmental Protection Agency.
SD-124
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the St. Lawrence Seaway Development Corporation, Department of Transportation, and the Panama Canal Commission.
SD-138
2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of the Treasury, focusing on multilateral development banks.
SD-124
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Administrative Conference of the United States, U.S. Tax Court, Committee for the Purchase from the Blind and Handicapped, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority.
S-126, Capitol
Judiciary
To hold hearings on pending nominations.
SD-226

MARCH 13

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on S. 2069, to improve the Job Training Partnership Program stability and lessen burdensome administrative requirements, improve services to youth and the hard-to-serve, and strengthen enforcement.
SD-430

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Centers for Disease Control, Alcohol, Drug Abuse and Mental Health Administration, Office of Inspector General, and Office of Civil Rights, all of the Department of Health and Human Services.
SD-116

Banking, Housing, and Urban Affairs
To resume oversight hearings to review Federal deposit insurance programs.
SD-538

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain Defense programs, focusing on guard and reserve affairs.
SD-192

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for child care programs.
SR-385

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for foreign assistance programs of the Department of State.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Indian Education, Department of Education, and the Institute of Museum Services.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on nuclear fission, uranium enrichment, and nuclear waste management.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Financial Management Service, Bureau of Public Debt, U.S. Mint, the U.S. Savings Bond Division, and the Internal Revenue Service, all of the Department of the Treasury.
SD-124

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SD-219

MARCH 14

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Navy shipbuilding programs.
SD-192

MARCH 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Health Care Financing Administration, Social Security Administration, Office of Child Support Enforcement, and refugee programs, all of the Department of Health and Human Services.
SD-116

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the retirement policy for public safety officials under the Age Discrimination in Employment Act.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Army modernization programs.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Postal Service.
SD-124

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for international security assistance programs of the Department of State.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on the Nuclear Regulatory Commission and the Federal Energy Regulatory Commission.
SD-192

MARCH 19

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Human Development Services, Office of Community Services, Departmental Management (salaries and expenses), and Policy Research, all of the Department of Health and Human Services.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, and the Arms Control and Disarmament Agency.
S-146, Capitol

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the Intelligence community.
SH-219

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Defense programs, focusing on force management and personnel.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Veterans Administration.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Transportation Safety Board, Department of Transportation, and the Architectural and Transportation Barriers Compliance Board.
SD-138

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Export-Import Bank.
S-126, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the General Services Administration, National Archives and Records Service, Executive Office of the President, and National Park Service, Department of the Interior (regarding White House and Vice President residence).
SD-124

Judiciary
To hold hearings on pending nominations.
SD-226

MARCH 20

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold hearings on proposed legislation authorizing funds for rehabilitation programs.
SD-430

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center, all of the Department of the Treasury.
SD-124

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for the Community Services Block Grant programs.
SD-562

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the United States Geological Survey, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on the Power Marketing Administrations.
SD-192

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold oversight hearings on government nonproliferation activities for 1985.
SD-342

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

MARCH 21

9:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1992 and S. 1993, bills to preserve the rights of certain parties with an interest in certain vessels or fishing facilities, or with an interest in aircrafts, aircrafts parts, or vessels.
SR-253

MARCH 25

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To resume hearings on proposed legislation authorizing funds for rehabilitation programs.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Holocaust Memorial, and the Bureau of Mines, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on atomic energy defense activities.
SD-116

MARCH 26

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Trade Commission, and the U.S. Commission on Civil Rights.
S-146, Capitol

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Interstate Commerce Commission and the Office of the Secretary of Transportation.
SD-138

MARCH 27

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Customs Service, Department of the Treasury.
SD-124

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for low-income energy assistance programs.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Forest Service, Department of Agriculture.
SD-138

APRIL 8

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy conservation programs.
SD-138

APRIL 9

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary of Education, Departmental Management (salaries and expenses), Office for Civil Rights, and Office of Inspector General, all of the Department of Education.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Attorney General, Department of Justice.
S-146, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).
SD-138

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Personnel Management, and the Federal Elections Commission.
SD-124

APRIL 10

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including elementary and secondary education, education block grants, and impact aid.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for National Oceanic and Atmospheric Administration, focusing on funds for satellite and atmospheric programs.
SR-253

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Management and Budget.
S-126, Capitol

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Inspector General, Agency for International Development, Peace Corps, Inter-American Foundation, and the African Development Foundation.
S-126, Capitol

APRIL 14

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192

APRIL 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including education for the handicapped, rehabilitation services and handicapped research, and special institutions (including Howard University).
SD-116

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Agency for International Development.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1987 for the Agency for International Development.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Endowment for the Arts and National Endowment for the Humanities.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192

APRIL 16

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, World War I Veterans, Jewish War Veterans of the U.S.A., and Atomic Veterans.
SD-106

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including student financial assistance, guaranteed student loans, higher and continuing education, higher education facilities loans and insurance, college housing loans, and educational research and training.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Oceanic and Atmospheric Administration, Department of Commerce, and the Marine Mammal Commission.
S-146, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Aeronautics and Space Administration.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Coast Guard, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of the Treasury, Postal Service, and general government programs.
SD-124

APRIL 17

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including bilingual education, vocational and adult education, education statistics, libraries, and the National Institute of Education.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for foreign assistance programs.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-192

APRIL 22

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Soldiers' and Airmen's Home, Prospective Payment Commission, Railroad Retirement Board, National Labor Relations Board, National Mediation Board, Occupational Safety and Health Review Commission, Federal Mediation and Conciliation Service, and the United States Institute of Peace.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on international narcotics control, migration and refugee assistance, and anti-terrorism programs.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Navajo-Hopi Indian Relocation Commission, and the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior.
SD-192

APRIL 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for ACTION (domestic programs), Corporation for Public Broadcasting, National Council on the Handicapped, Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, and

National Center for the Study of Afro-American History and Culture.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Bureau of Investigation and Drug Enforcement Administration, Department of Justice, and the Equal Employment Opportunity Commission.
S-146, Capitol

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the United States Railway Association and Conrail.
SD-138

APRIL 24

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1018, to clarify the meaning of the term "guard" for the purpose of permitting certain labor organizations to be certified by the National Labor Relations Board as representatives of employees other than plant guards.
SD-430

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on voluntary contributions to international organizations programs, and for the Office of the U.S. Representative to the United Nations.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Energy Information Administration and the Economic Regulatory Administration, Department of Energy.
SD-192

APRIL 29

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Bureau of Indian Affairs, Department of the Interior.
SD-192

APRIL 30

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of U.S. Trade Representative, Federal Communications Commission, and Securities and Exchange Commission.
S-146, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Aviation Administration, Department of Transportation.
SD-138

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for territorial affairs, Department of the Interior.
SD-192

MAY 6

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

MAY 7

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Supreme Court of the United States, U.S. District Courts/Courts of Appeals, and the Commission on the Bicentennial of the U.S. Constitution.
S-146, Capitol

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Urban Mass Transportation Administration, Department of Transportation, and the Washington Metropolitan Area Transit Authority.
SD-138

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Smithsonian Institution.
SD-192

MAY 13

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

MAY 14

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Legal Services Corporation.
S-146, Capitol

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Transportation and certain related agencies.
-SD-138

MAY 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for fossil energy and clean coal technology.
SD-192

MAY 20

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Indian Health Service, Department of Health and Human Services.
SD-192

MAY 21

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Information Agency, and the National Endowment for Democracy.
S-146, Capitol

MAY 29

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary and Office of the Solicitor, Department of the Interior.
SD-192

JUNE 4

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Commerce, Justice, and State, the Judiciary, and certain related agencies.
S-146, Capitol

HOUSE OF REPRESENTATIVES—*Thursday, February 20, 1986*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

In a world filled with the strains and tensions of people trying to live together, we pray, O gracious God, that we will heed Your voice of understanding, of forgiveness, of justice, and of peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 348

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable James O. Eastland, late a Senator from the State of Mississippi, a former President of the Senate pro tempore, and a former Chairman of the Senate Committee on the Judiciary.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

The message also announced that, pursuant to the provisions of sections 276d-276g of title 22, United States Code, as amended, the Vice President appoints as members of the Senate delegation to the Canada-United States Interparliamentary Group during the 2d session of the 99th Congress, to be held in Tucson, AZ, on February 27-March 3, 1986, the following Senators: Mr. MCCLURE, Mr. MOYNIHAN, Mr. DECONCINI, Mr. HEFLIN, Mr. ANDREWS, Mr. SPECTER, and Mr. PELL.

The message also announced that, pursuant to sections 276d-276g of title 22, United States Code, the Vice President appoints Mr. MURKOWSKI as a member of the Senate delegation to the Canada-United States Interparliamentary Group during the 2d session of the 99th Congress, to be held in Tucson, AZ, on February 27-March 3, 1986.

APPOINTMENT AS OFFICIAL ADVISERS TO U.S. DELEGATIONS TO INTERNATIONAL CONFERENCES, MEETINGS, AND NEGOTIATION SESSIONS RELATING TO TRADE AGREEMENTS DURING THE 2D SESSION OF 99TH CONGRESS

The SPEAKER. Pursuant to the provisions of 19 U.S.C. 2211, and upon recommendation of the chairman of the Committee on Ways and Means, the Chair has selected the following members of that committee to be accredited by the President as official advisers to U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 2d session of the 99th Congress:

Messrs. ROSTENKOWSKI of Illinois, GIBBONS of Florida, JENKINS of Georgia, CRANE of Illinois, and FRENZEL of Minnesota.

NEW SUMMER INTERNSHIP PROGRAM IN HONOR OF BETTE SALEEBEY

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, one of the truly unfortunate aspects of the new Gramm-Rudman law is the cancellation of the LBJ Internship Program. This has been an extremely important experience for young men and women who were given the opportunity to work in a congressional office in Washington during the summer.

Even though the formal LBJ Program has been canceled, I have decided to continue a summer internship program in my congressional office and pay the interns chosen to participate out of my regular clerk-hire budget.

In so doing, I am naming my particular summer internship program in honor of Bette Saleebey, my district director who died on February 10 following a lengthy battle with leukemia.

Bette Saleebey was an extraordinary woman. Born in Massachusetts 46 years ago, she moved to Arlington, TX, in 1970 when her husband Dennis took a teaching position with the University of Texas at Arlington. A registered nurse who had served a tour of duty as an officer in the U.S. Air Force, Bette Saleebey became manager of my Tarrant County field office in January 1979 when I was sworn in as a Member of Congress. She was promoted to district director in January 1983 with responsibility for all my local congressional activities in Texas.

Bette Saleebey was one of the most dedicated employees any Member of Congress could ever have. She worked long hours, cared about the problems of the people of the 24th Congressional District, and treated everyone with equal dignity and respect, regardless of race and regardless of economic circumstances.

Bette Saleebey is survived by her husband and four children.

It is with great pride that I am creating the Bette Saleebey summer intern program and I encourage other Members to find a way to continue this valuable program in their own offices.

KIDS FOR SPACE

(Mr. ROBERT F. SMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROBERT F. SMITH. Mr. Speaker, I rise today to share with each of you one of the most inspiring and worthwhile grassroots campaigns I've had the pleasure to witness in my quarter-century of elected service.

The campaign is called Kids for Space, and it's the product of an enterprising, imaginative Oregon junior high school student in the community of Grants Pass in my Second Congressional District.

The student's name is Tami Quinn. She's 13 years old, and she has a billion-dollar dream. Tami's goal is to raise, from the school children of America, the $1.2 billion needed to replace the space shuttle *Challenger.*

When I spoke with Tami just days ago in Oregon, I saw something vital, so absolutely sincere and exciting that it had the power to melt away the grownup cynicism that you and I have come to take for granted in our everyday life.

I walked away from that conversation convinced that Tami and her fellow students in the first of America's real space generation will succeed. Tami refuses to be intimidated by billions of dollars or billions of miles.

Tami, and the campaigns like her's that have organized throughout the Nation, will succeed.

We need only to clear a path for them.

To help in that process, I'm introducing legislation today that will allow NASA to accept Tami's fund, and to

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

71-059 O-87-33 (Pt. 2)

apply it specifically for shuttle replacement.

I urge each of you to join me in sponsoring this legislation and in extending the congratulations of this Congress to Tami.

Thank you.

H.R. 4207

A bill to provide that the National Aeronautics and Space Administration may accept gifts and donations for a space shuttle to replace the Challenger

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2471 et seq.) is amended by adding at the end thereof the following new section:

"DONATIONS FOR SPACE SHUTTLE

"SEC. 208. (a) Notwithstanding the provisions of paragraph (4) of subsection (c) of section 203 of this Act or any other provision of law, the Administration is authorized to accept gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible, and expend such gifts and donations for the construction of a manned space shuttle. Such shuttle may be named Challenger II.

"(b) If the manned space shuttle program is discontinued before the completion of construction of such space shuttle—

"(1) the authority of the Administration to accept gifts or donations pursuant to subsection (a) shall be terminated; and

"(2) all such gifts or donations not expended, shall be treated as gifts and donations pursuant to paragraph (4) of subsection (c) of section 203 of this Act and may be expended by the Administrator for the activities of the Administration.".

THE PRESIDENT'S VISIT TO GRENADA

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, today the President is in Grenada for a long-overdue visit. It is right that he should go there out of honor and respect for the 19 Americans who were killed and for those who were wounded. While he is there, he should ask some questions to which we have never found the answers, because he banned the press from Grenada during the invasion. He should find out whether those Americans were killed by the enemy or by friendly fire. He should find out why America had to send 7,000 troops to defeat several dozen Cubans. He should find out why our troops landed 3 days away from the school whose students we were going to free.

The press was not there, so the President should find out now that he is going down there.

The President will receive a marvelous reception while he is there, and he should, because every man, woman, and child in Grenada has received over these past few months $8,000 of American taxpayers' money.

Mr. President, why does throwing money at Americans do no good, but throwing $8,000 apiece at Grenadians is OK?

REJECT DISCHARGE PETITION ON S. 49 AND H.R. 949, VOLKMER-McCLURE BILLS

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, yesterday Chairman BILL HUGHES of the Crime Subcommittee held another in a series of hearings on S. 49 and H.R. 949, known as the Volkmer-McClure bills. This is a series of hearings which are being held to have the input, a legislative record made, so that in the timeframe which is necessary to get all the issues clear, to get the bad parts of the bill taken care of and the good parts of the bill made better, so that when it comes to the floor we will be able to have a good product and everybody can support it.

Unfortunately, there are those who do not want to debate the issue. There are those who just want to push through what they want and do not care about having a good legislative record, do not care about having hearings that are appropriate, do not care about making the bad things good and the good things better, so that everybody can support it.

The Justice Department did not even show up at yesterday's hearings, although they were invited; in fact, they have almost refused to testify.

The Treasury officials who were there said that they knew of many bad issues in that bill.

Every law enforcement agency in this country and the associations of law enforcement officials are opposed to this bill.

This morning, Sarah Brady, the wife of Jim Brady, the Press Secretary to the President who was shot when the President was shot, called me to express her dismay that while she was there at the hearings she did not see the Justice Department there, nor did she see anybody from the NRA stand up and say, "You ought to take a look at this bill to make the bad things better."

She and I both share the same concern. We want it, we want it now, but we want it right.

My colleagues, do not sign this discharge petition. You will be stifling the debate that is necessary to make this bill good.

SIGN DISCHARGE PETITION NO. 4, VOLKMER-McCLURE BILL

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, the language of truth is simple and nothing can be more simple and straightforward than the language used by Attorney General Ed Meese's spokesman yesterday.

The Attorney General's spokesman stated: "We support the bill [Volkmer-McClure] as it passed the Senate. That is the administration's position. That is Ed Meese's position."

Also yesterday, Deputy Assistant Secretary of the Treasury, Edward Stevenson, in testifying before the House Judiciary Subcommittee on Crime stated: "The Treasury and Justice Departments and the administration considered S. 49 [Volkmer-McClure] and its predecessors and have endorsed this bill. Bureau of Alcohol, Tobacco, and Firearms [BATF] Director Steven Higgins also stated: "On balance, the administration supports the bill."

Ed Meese, Treasury, and administration officials have spent long hours with Senator MCCLURE and myself in developing this needed legislation. Many of their suggestions are a part of Volkmer-McClure insuring no adverse law enforcement effects will result. On behalf of all who are opposed to gun control, I thank them for their continued strong support.

The truth is simple. The chief law enforcement official in this land, the Justice and Treasury Departments, and the administration support Volkmer-McClure. Our colleagues can also by signing discharge Petition No. 4. Let's bring the Firearms Owners' Protection Act to this floor for fair and reasoned consideration.

HIGHER EDUCATION BUDGET

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, Congress funds a lot of good higher education programs. One of the best examples is the College Work Study Program. This program helps those students who help themselves. I believe in the American work ethic. It is an American principle that hard work receives a just award and it is a good thing to instill in our youth. The program is now helping to employ over 800,000 students who are willing to make the extra effort to get an education.

Yet the sad fact is that the administration wants to cripple the present program by combining a cut of $64.5 million with the previous cuts from Gramm-Rudman-Hollings and in effect eliminate some 123,000 student jobs. Instead of seeing the value of College Work Study the administration is willing to throw away the program and at the same time throw

away the chance for many willing students to receive an education.

If these students are willing to work for their education then we should be willing to work to help them. It is their future but it is also ours.

□ 1115

LEE IACOCCA FIRING

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, 1 week has passed since Interior Secretary Hodel fired Lee Iacocca as chairman of the Federal Advisory Commission on the Statue of Liberty. I am astounded that despite a hue and cry of protests registered across the Nation, that the Secretary has not reinstated Mr. Iacocca to this position where he served with such incredible effectiveness.

The fact is the dismissal of Lee Iacocca was crude, unprofessional, meanspirited, and most of all totally unwarranted. One of Secretary Hodel's flimsiest excuses was his concern about a potential conflict of interest between Iacocca serving as chairman of both the advisory panel and the private Statue of Liberty-Ellis Island Foundation. Imagine suddenly discovering a potential conflict of interest after 4 years. The question is: What conflict of interest? This was not a conflict of interest. Rather it was a compliment of interests which made Lee Iacocca and his leadership such an integral ingredient in the success that the Statue of Liberty-Ellis Island restoration project has thus far enjoyed.

It is high time for Secretary Hodel to get off his high horse and do the right thing—reinstate Lee Iacocca and let him finish the job he started and was doing so well.

Mr. Speaker, the people of our country know that it is not fair play to give a man an impossible job and less than 4 years to do it without costing the Federal taxpayers 1 penny, and then on the eve of the revelation, on the Fourth of July, he is fired from his job.

VOLKMER-McCLURE FIREARMS BILL

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HUGHES. Mr. Speaker, I rise today to ask my colleagues who have signed the discharge petition on the Volkmer-McClure firearms bill to strike their names from the petition.

In the courtroom, when there is a dramatic new development, such as the discovery of critical new evidence, extraordinary steps are taken: Criminal charges are dropped, or new trials ordered.

Something like that happened yesterday. Although State and local law enforcement oppose the Volkmer bill, proponents of the bill have been maintaining that Federal law enforcement supports the bill.

Yesterday, we established that this is not true. Administration witnesses appeared at our fourth hearing and offered the official administration position of support—that is true. That ceremonial act took 10 minutes. The remaining 3 hours consisted of acknowledgments on their part of the many, many major flaws in the bill. Deputy Assistant Treasury Secretary Ed Stevenson acknowledged that several of the provisions make no sense.

They could hardly have done otherwise, since we obtained and confronted them with their own documents detailing serious flaws in the bill. These documents point out that Attorney General Ed Meese recently surprised the NRA by telling them that the bill is "unnecessary" and that two provisions would weaken the mandatory penalty provision for carrying a weapon during a violent felony.

Another document, prepared by the Treasury official in charge of firearms enforcement, pointed out 13 significant negative features of the bill including granting absolute immunity to narcotics traffickers in certain circumstances or making it easier for terrorists to obtain firearms.

I include these documents in the RECORD for my colleagues to examine. The Attorney General thinks the bill is both flawed and unnecessary. The agency which would enforce it finds a dozen ways it weakens law enforcement. This is hardly the stuff that discharge petitions are made of, and I ask all my colleagues to strike their names from that petition.

THE DEPARTMENT OF THE TREASURY,
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS,

January 24, 1986.

Subject: Memorandum to the File—Meeting at the Justice Department on S. 49.

On January 22, 1986, at 3:15 p.m., I attended a meeting on S. 49 in the office of John Bolton, Assistant Attorney General, Legislative and Intergovermental Affairs, Department of Justice. I was asked to attend by Ed Stevenson, Deputy Assistant Secretary (Operations). Others in attendance were Bolton and Cary Copeland of the Assistant Attorney General's office; Deputy Assistant Attorneys General Jim Knapp and Victoria Toensing; Tom Karlogis of Timmons and Company; Warren Cassidy, Wayne LaPierre, Jim Baker and Richard Gardiner of the NRA; and Randy Rader of Senator Hatch's staff. Mr. Copeland advised me that Mr. Karlogis was formerly with the White House, is a friend of the President and now works for Timmons and Company, a public relations firm. Mr. Karlogis was an NRA representative at the meeting.

The meeting was requested by the NRA and was prompted by comments of the Attorney General on S. 49 at a recent meeting of the 721 Club. The comments were made in response to a question posed by Mr. Gardiner which was intended to elicit favorable comments on, and support for, the bill. However, the Attorney General surprised the NRA members present when he stated: that he had some problems with the bill; that the bill was no longer necessary since the Administration had solved the problems that gave rise to the bill in the first place; and that he was particularly concerned about the provision of the bill on mandatory penalties. With respect to this provision, he described two specific problems. First, he stated concern about the proposed new element that the carrying of a firearm must be "in furtherance of" the underlying violent crime. Secondly, he referred to the proposed self-defense feature of the bill allowing a convicted person to void imposition of the penalties. He stated that he was concerned that this provision could enable a fleeing felon who uses a firearm to avoid apprehension to avoid the penalties.

The NRA representatives and Mr. Rader disagreed with the Attorney General's interpretation. Mr. Rader stated that it was understood among those concerned with the bill that fleeing felons could not avoid the mandatory penalties. The NRA cited language in the bill stating that self-defense would preclude mandatory penalties only if the use of a firearm was to protect the user from danger ". . . other than the danger which was the direct result of the commission of or attempt to commit a felony . . . ." The Justice representatives stated that this language was subject to interpretation and did not resolve the issue. The NRA then read from S. Rep. No. 98-583 on the bill's predecessor, S. 914. Justice did not feel that the committee report addressed the issue. Mr. Rader and the NRA then stated that the Senate floor debates on the bill may express congressional intent on the issue. Justice asked NRA to advise them of any relevant information from the debates. It was agreed that further legislative history clarifying the issue should be included in the Congressional Record in the event the bill is debated on the House floor.

The NRA also referred to Mr. Meese's brief letter, prepared while serving in the White House, in which he expressed support for the bill. Justice responded by stating that the letter simply expressed the Administration's agreement in principle with the bill but did not expressly approve it in every detail. Mr. Bolton also stated that the bill is not perfect; however, Justice is obliged to support the bill. Someone from Justice stated that Justice had previously concerned themselves with the mandatory penalty provision and had deferred to Treasury in resolving any issues concerning the remainder of the bill.

The NRA also made these additional comments: Mr. Cassidy stated that it was important not to amend the bill in the House. This would jeopardize the bill in that the bill would then go to a conference committee appointed by the Speaker of the House; the Speaker would appoint members opposed to the bill. Also, at one point in the meeting, Mr. Cassidy read from a publication a statement of support for the bill made by an official of the Fraternal Order of Police.

DEPARTMENT OF THE TREASURY,
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS,

Washington, DC, February 10, 1986.

Memorandum to: Assistant Secretary (Enforcement and Operations).

From: Director.

Subject: S. 49, The "Firearms Owners Protection Act."

As you requested at the Heads of Bureaus' meeting, I have prepared a memorandum giving our assessment of the strengths and weaknesses of S. 49 (Firearms Owners Protection Act) from an administrative and law enforcement perspective. We provided most of these same comments to the Department when the bill was being considered in the Senate; and, as you can see, some of our concerns were accepted while others were rejected. As the agency responsible for enforcing the Gun Control Act of 1968, a fair hearing of our concerns was probably the most we could expect. We obviously hoped our recommendations would have resulted in more changes than ultimately occurred.

POSITIVE ASPECTS OF S. 49

1. *Ammunition Licensing and Recordkeeping.* The bill would eliminate dealers, pawnbrokers and collectors in ammunition only from the Gun Control Act's licensing provisions. However, importers and manufacturers of ammunition would continue to be licensed. In addition, all recordkeeping provisions concerning ammunition would be repealed. The Bureau and the Department have recognized that current recordkeeping requirements for ammunition have no substantial law enforcement value. In addition, their elimination would remove an unnecessary recordkeeping burden from licensees. Felons and other proscribed persons would still be prohibited from transporting or receiving ammunition in commerce.

2. *Sales to Prohibited Persons.* The bill makes it unlawful for any person, not only licensees, to sell or otherwise dispose of firearms to certain prohibited categories of persons, *e.g.*, a convicted felon. Under existing law it is only unlawful for a licensee to sell or otherwise dispose of firearms knowing or having reasonable cause to believe that such a person is in a prohibited category. This proposal would close an existing loophole whereby qualified purchasers have acquired firearms from licensees on behalf of prohibited persons.

3. *Repeal of Certain Provisions of Title VII of the Omnibus Crime Control and Safe Streets Act of 1968.* The bill would repeal most of Title VII and incorporate its provisions into the Gun Control Act. Thus, all provisions of Federal firearms laws imposing disabilities on felons and other prohibited persons would be combined in the GCA and existing inconsistencies between Title VII and the GCA would be eliminated. The Armed Career Criminal Act, imposing mandatory penalties based upon previous robbery or burglary convictions, would be retained in Title VII. Both ATF and the Department have supported legislation of this nature in the past.

4. *Gun Shows.* The bill would permit licensed importers, manufacturers and dealers to conduct business temporarily at locations other than that specified on their license, within the same State, pursuant to regulations issued by the Secretary. This provision is similar to regulations recently promulgated which allow licensees to conduct business at gun shows if the gun show is located in the same State as that specified on the license. See 27 C.F.R. § 178.100. The bill would remove any doubt concerning the statutory validity of such regulations.

5. *Importation of Certain "Saturday Nite Special" Parts.* Current law prohibits, among other things, the importation of firearms, including firearms frames or receivers, not particularly suitable for or readily adaptable to sporting purposes. Generally, easily concealable and inexpensive handguns are not importable under existing law. The bill would add a new prohibition against the importation of barrels for nonsporting handguns. This change will, to some extent, discourage the existing circumvention of the importation controls which allows the assembly of nonsporting handguns from imported parts.

6. *Mandatory Penalties.* The bill would provide that those who carry or use firearms in the commission of Federal drug offenses will be subject to the Act's mandatory penalties. This amendment would resolve the current uncertainty whether such crimes are crimes of violence and, thus, fall within the existing mandatory penalty provision. However, there are significant negative aspects of the mandatory penalty provision which are discussed below.

NEGATIVE ASPECTS OF S. 49

1. *Definition of "Engaged in the Business."* The definition is too narrow since it requires a person to engage in a "regular course of business for the purpose of livelihood and profit." Consequently, some criminal activity that may be prosecuted under existing law for engaging in a firearms business without a license may not be prosecutable under S. 49. For example, an individual who on several occasions disposed of firearms at cost to terrorists for the purpose of facilitating their crimes may not be held to be "engaging in the business."

2. *Interstate Sales.* The bill would permit interstate sales of firearms, including handguns, by licensees to nonlicensees if applicable State and local laws are complied with. State and local laws in the State wherein the purchaser resides would be defeated since, as a practical matter, licensees will not have knowledge of such laws. The problem is not cured by the requirement that the Secretary annually provide licensees with a publication containing such laws since the publication would not cover all local ordinances and would never be current. Purchasers' violations would be difficult to prove in view of the requirement to prove willfulness on their part, i.e., the purchaser knew that State or local law was violated. While the bill would create a presumption of knowledge of applicable State and local laws on a licensee's part, no such presumption would exist on the part of the purchaser.

3. *Warrantless Inspections of Licensees' Records and Inventory.* (a) The prohibition against unannounced inspections would enable unscrupulous licensees to conceal violations of the law; (b) limiting compliance inspections to a single, annual inspection would have the same result and would be too infrequent to ensure compliance; and (c) the prohibition against use of evidence uncovered in such inspections in prosecutions for other than willful recordkeeping violations and sales to proscribed categories of persons would preclude prosecutions for serious crimes discovered, e.g., narcotics offenses, illegal possession of machineguns and silencers, illegal interstate firearms sales.

4. *Recordkeeping.* The bill's provision allowing licensees to dispose of firearms without maintaining records of such transactions, if the firearms have been in the licensee's personal collection for at least 1 year, would enable unscrupulous licensees to easily circumvent the recordkeeping requirements. Moreover, it would hamper law enforcement's ability to trace firearms and, hence, solve crimes. The exception for transfers into a personal collection to "evade" the recordkeeping requirements could not, as a practical matter, be proved.

5. *Records in the Custody of the Government.* The bill provides that licensees' reports to the Government and out-of-business records may not be kept by the Secretary at a central location. The requirement to decentralize the storage of such records is totally unnecessary and, from an administrative standpoint, is costly and burdensome.

6. *License Denial and Revocation.* The bill would not permit license denial or revocation on grounds for which the applicant or licensee was prosecuted in a criminal case and acquitted. Because the burden of proof on the Government is less stringent in civil actions, a civil license denial or revocation proceeding should not depend on the outcome of the criminal case. No constitutional rights are violated by the civil proceeding when the applicant or licensee was previously acquitted of criminal charges.

7. *Forfeiture.* (a) The bill would generally preclude forfeiture of firearms on grounds for which the owner or possessor was prosecuted in a criminal case and acquitted. Because the burden of proof on the Government is different in civil actions, a civil forfeiture of the firearms should not depend on the outcome of the criminal case. No constitutional rights are violated by the forfeiture of firearms subsequent to the owner's or possessor's acquittal of criminal charges. *United States* v. *One Assortment of 89 Firearms*, 465 U.S. 354 (1984). (b) The bill would allow the seizure and forfeiture of firearms "intended to be used" in a violation of the GCA only in connection with certain specified offenses. The list of specified crimes is too narrow, e.g., while firearms intended to be recieved by persons under indictment may be seized, firearms intended to be received by persons such as felons, fugitives, mental incompetents and illegal aliens would not be subject to seizure and forfeiture.

8. *Relief from Disabilities.* Current law provides for the Secretary's granting of relief from Federal firearms disabilities to persons convicted of crimes punishable by imprisonment for a term exceeding 1 year. The bill would extend the right to apply for relief to other proscribed persons, e.g., fugitives, adjudicated mental incompetents, illegal drug users and addicts, and illegal aliens, and provide for de novo judicial review of administrative action denying relief.

9. *Interstate Transportation of Firearms.* The bill allows the transportation of an unloaded, inaccessible firearm in interstate commerce notwithstanding any State law to the contrary. This provision would erode the integrity of State laws and impede the efforts of State and local law enforcement officials to enforce such laws. In other words, State prosecutors will find it difficult to rebut violators' contentions that their firearms were moving in interstate commerce. Issues raised in State prosecutions relative to when interstate commerce began and when it ended will be difficult to resolve. Furthermore, a prosecution involving a purely intrastate transportation of a firearm may be defeated by the possessor's contention that an interstate journey with the firearm had just commenced.

10. *Penalties for Violating GCA.* (a) The bill provides a knowledge or intent element of proof with respect to all GCA offenses,

"knowledge" as to some and "willfulness" as to others. Willfulness may be interpreted to mean knowledge of the requirements of law and the specific intent to violate legal requirements. The willfulness element would make it extremely difficult to successfully prosecute many cases, e.g., a nonlicensee's illegal interstate firearms purchases. (b) By reducing all licensee recordkeeping violations to misdemeanors, serious violations could not be adequately prosecuted and punished, i.e., a dealer's sale of firearms off-record and his willful refusal to make or maintain any required record could only be prosecuted as misdemeanors.

11. *Mandatory Penalties for Criminal Misuse of Firearms.* The bill weakens the existing mandatory penalty provision relative to the use or carrying of firearms in the commission of a Federal crime of violence by: (a) adding an element to the carrying offense that the carrying be "in furtherance of" the violent crime (existing law already requires that the carrying be "in relation to" the underlying crime); and (b) allowing the court to avoid imposing the penalties if the defendant acted in self-defense. Relief from the mandatory penalties would occur after the defendant has been found guilty of using a firearm to commit a violent Federal crime. Moreover, the penalties could be removed even though the defendant failed to prove self-defense as a defense to the violent crime. The bill may be interpreted to allow a fleeing felon to avoid the penalties where he used a firearm to make his escape.

12. *Definition of Conviction.* The bill provides that what constitutes a felony conviction would be determined by the law of the jurisdiction where the conviction occurred. This would require the Bureau to examine the peculiar laws of each State to determine whether a person is convicted for Federal purposes. Further, any conviction which has been expunged or pardoned would not be considered a disabling offense under the GCA. Under present law, State pardons and State court proceedings which set aside a plea or verdict of guilty upon a successful completion of probation do not eliminate the underlying conviction insofar as Federal law is concerned and such a person must still apply for and receive relief from Federal firearms disabilities.

13. *Collector Recordkeeping.* The bill would require that licensed collectors maintain only a record of acquisition and disposition of firearms, i.e., the so-called "bound book." Firearms Transaction Records, Forms 4473, executed by the purchaser and used by the seller to establish the purchaser's eligibility and identity would be eliminated. The Act was recently amended to permit the importation of surplus military curio or relic firearms and since 1984 thousands of such weapons have been imported. Many of these weapons now eligible for importation are standard military weapons manufactured as late as 1945. Because of these influx of the weapons into the country, law enforcement's need for licensed collectors to maintain Forms 4473 still exists.

In your assessment of the accuracy of the above analysis of the bill's strengths and weaknesses, you should be aware that we have primarily approached it from the standpoint of its ease of administration and its impact on law enforcement. The firearms industry (including licensed dealers), the various special interest groups, and other concerned and affected members of the public in all probability view our concerns from an entirely different perspective. Accordingly, they may well perceive strengths where we see weaknesses and vice versa. Nevertheless, I hope the above analysis will better prepare you to address questions concerning the bill over the months to come.

I believe that the appropriate role of ATF is to provide technical and professional comments to you and other decision makers. Whatever the final outcome, we will enforce the law (and any changes) as effectively as we can within existing resources.

STEPHEN E. HIGGINS.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask to proceed for 1 minute for the purpose of inquiring of the distinguished majority leader the program for the balance of this week and the next week.

Mr. WRIGHT. Will my distinguished friend, the gentleman from Illinois [Mr. MICHEL] yield?

Mr. MICHEL. I am happy to yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, the legislative program for today is nonexistent. At the conclusion of such 1-minute speeches and pro forma motions and special orders, we will adjourn, having no session tomorrow and reconvening on Monday at noon.

There is no program for Monday either. There will be a pro forma session only on Monday.

On Tuesday, however, we are heavily laden with the burden of three very heavy suspensions as follows, to wit:

H.R. 4130, to correct error in the sequestering estimate for the Veterans' Home Loan Program;

H.R. 3168, require OMB to prepare annual report on the geographic distribution of Federal funds; and

H.R. 3614, restrict use of Government vehicles.

The House will meet at 3 on Wednesday and 11 for the balance of the week. We expect on Wednesday to have a report making in order certain contempt proceedings, and we hope to have a further consideration of the conference report on the reconciliation bill. That above all we earnestly hope to be able to complete next week.

Other matters that could be brought up next week are not presently scheduled. I know the gentleman has in mind certain other things, but we have not at this point scheduled them.

Mr. MICHEL. I was going to inquire of the distinguished majority leader, the other body yesterday overwhelmingly passed a resolution condemning the Philippine elections, and of course, Ambassador Habib has not yet returned from his own inquiry. Does the gentleman anticipate or expect that this body would do anything in a similar resolution or a variable of the one passed in the other body? Does the gentleman have any idea on that one?

Mr. WRIGHT. If the gentleman will yield, yes. The resolution adopted by the other body, of course, has been referred to our House Committee on Foreign Affairs, and we shall await the report of that committee. It is, of course, conceivable the committee may report that resolution in its present form. Perhaps more likely, the committee would report a resolution of its own, and if and when it does, we will, of course, schedule it for consideration by the Members.

Mr. MICHEL. Might I also inquire, I had heard about a resolution prohibiting nuclear explosions. I think it is House Joint Resolution 3. Is that in the wings or would it be possible for that to come up next week, I guess is the question?

Mr. WRIGHT. It is not presently scheduled, but I would not rule out the possibility. That one has been reported by the committee, as I think the gentleman is aware. The authors have requested that it be scheduled. But it is not certain whether they will want to bring it up next week or whether the committee would want to wait until the following week to bring it up.

Mr. MICHEL. Further, the gentleman knows that with respect to the Department of Agriculture there was a request for a considerable sum for the restoration of the Commodity Credit Corporation, something in the neighborhood of $7 billion or $8 billion. We passed a scaled-down form that got us through the Lincoln recess. Has there been any other talk about coming back with the additional amount of money that might be required for the replenishment of the Commodity Credit Corporation out of the Appropriations Committee, another supplemental, in other words?

Mr. WRIGHT. The gentleman is exactly right. Sometime before very early March, another supplemental will be required, and the leadership awaits the notification by the chairman of the Committee on Appropriations as to when he would be ready to have that.

Mr. MICHEL. I thank the gentleman and I yield back the balance of my time.

ADJOURNMENT TO MONDAY, FEBRUARY 24, 1986

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 noon on Monday next.

The SPEAKER pro tempore (Mr. COOPER). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1125

THE INSURANCE CRISIS

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, American business is today facing an "insurance crisis." This insurance crisis which has been pending for several years, is in fact here now. Many businesses, particularly, in the transportation industry, are unable to obtain affordable liability coverage and will likely go out of business absent our attention to the issue. After tax reform and the budget, this is clearly the most important of the remaining business issues before Congress.

Let me give you just one example of the significant change in liability insurance costs for one particular transportation business I know of in Nebraska:

April 9, 1983 to April 30, 1984: 1.756 cents per mile.

May 1, 1984 to December 31, 1984: 1.860 cents per mile.

January 1, 1985 to April 30, 1985: 2.310 cents per mile.

May 1, 1985 to February 28, 1986: 2.560 cents per mile.

That is a 46-percent increase in liability insurance costs in less than 3 years.

The above example, however, is only the tip of the iceberg. Overall, premium rates for trucking companies increased by an estimated 250 to 500 percent in 1985. In 1986, it is expected that premiums for truckers will increase another 100 percent. Consequently, trucking companies are assuming larger and larger deductibles or are simply without insurance coverage. The Department of Transportation estimates that 25 percent of all carriers do not have adequate insurance coverage.

The underlying causes of this insurance crisis have evolved over many years. Wide fluctuations in interest rates during the late 1970's and early 1980's resulted in less than desirable underwriting and risk mangement practices. The problem has also been compounded by activist judges and lawyers who have greatly expanded traditional tort recovery doctrines.

There are some steps which can be taken in the short term, however, quick fixes to the problem are going to be hard to come by. Nonetheless, American jobs and American businesses are counting on our timely attention to this issue. I would hope that during this Congress a coalition of Members, industries, and State and municipal governments would form with the singular purpose of addressing the overall liability insurance problem. It is time to quit fingerpointing and time to get on to positive solutions.

IS THE PRESIDENT'S VISIT TO GRENADA THEATRICS?

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, today the President will go to Grenada to honor the 19 American marines who gave their lives there. Of course, like all Americans, we are indebted to those 19 who gave their lives, but one has to wonder about the President's perspective.

Grenada was not a major issue in American foreign policy. Mr. President, this is not D-Day; this is not the Battle of the Bulge; this was a simple and swift military action where 7,000 marines faced some 290 Cuban troops and others from the island, and of course won.

But when our foreign policy is crumbling from one end of the globe to the other, from South Africa to the Philippines and in between, why is the President going to Grenada? Is it theatrics?

Mr. Speaker, we used to have a theater in Brooklyn called the Grenada Theater, and throughout the Depression, millions of people paid their admission and saw films that helped them escape. They escaped the worries of those times.

Are you, Mr. President, by going to Grenada, attempting to escape the crumbling foreign policy that you are directing around the world?

WHY THE PRESIDENT IS GOING TO GRENADA

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, the President fortunately is not going to Granada, which is in Spain; he is going down to Grenada, which is a little closer to the United States; because an important event occurred there not too long ago.

That event was that this President had the foresight to recognize that when there was an opportunity for us to defend freedom, when there was an opportunity for us to liberate people from the yoke of Marxism-Leninism imposed on them, we would do so.

Now that fact may not be startling to some Members of this House, but it is to any person who has read American history in recent times. That is, I doubt anyone would suggest that that same thing would have occurred if Jimmy Carter had been President of the United States.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. TORRES] is recognized for 5 minutes.

Mr. TORRES. Mr. Speaker, I was not present for rollcall votes Nos. 19 through 25 on Thursday, February 6. Had I been present on the House floor, I would have cast my votes in the following manner:

Roll No. 19: House Resolution 371, the rule for H.R. 3456; "yea."

Roll No. 20: Senate Concurrent Resolution 107, providing for the February District Work Period, "yea."

Roll No. 21: Dannemeyer substitute to Waxman amendment on H.R. 3456; "no."

Roll No. 22: Waxman amendment to H.R. 3456; "aye."

Roll No. 24: Dannemeyer amendment to H.R. 3456; "no."

Roll No. 25: Passage of H.R. 3456, Consumer Product Safety Commission authorization; "aye."

SOVIET INTELLIGENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, since the shooting of Pope John Paul II in 1981, the assaults of Soviet bloc intelligence upon Western society have become an increasingly concrete and vivid phenomenon for newspaper readers and television viewers across America. Only 5 days ago, the New York Times revealed a plot by the KGB to acquire banks linked to California's Silicon Valley, and thereby gain access to valuable technological information. Despite these developments, the U.S. Congress has responded in a limited fashion, perhaps owing to a misapprehension of the implications of Soviet intelligence programs. Tonight I intend to correct such misunderstandings.

My colleagues must confront the fact that the spectrum of Soviet intelligence represents not simply a long-term threat, a danger that lies hazily and safely on the horizon, but a force that is altering Western politics and society even today. In saying this, I am not espousing some bizarre conspriacy theory, but rather observing the penetration of politics and policymaking worldwide by disinformation, espio-

nage, and agents of influence. If these activities are not troubling enough, we have only to consider the battering of America and Europe by terrorism and, in recent years, a symbiosis of narcotics and terror. Once we have grasped these realities, the need for further congressional action becomes not merely apparent, but inescapable.

Last year, I delivered a speech on Soviet active measures, a discussion that highlighted the long-term dilemmas that this program engenders. Then as now, listeners queried whether the Soviets were really capable of doing such things. Are not the Soviets human beings, just like us? Don't they constantly speak of their desire for Mir, a Russian word loosely translated in America as peace?

The answer to these questions is yes, and no. Yes, the Soviets are every bit as human as we are. But no, they are not "just like us," for their political culture differs radically from our own and begets policies antithetical to Western values. the thought of Marx, Engels, and Lenin, which pervades and justifies all spheres of Soviet life, proclaims that objectivity must be supreme in both thought and action. Objective behavior consists of actions that further the dialetical laws of programs in nature. Since Marxist science reveals the inevitable triumph of communism, any action that furthers the march of history becomes ipso facto correct.

Unfortunately, this quasi-theological conception of history leads to a nihilist morality; for who would forbid the onset of perfect human freedom for the sake of ethical values that are anachronisms of history? In "The Problem of the Criterion of Moral Progress," Soviet philosophers N.N. Kulakova and G.K. Gummickij argue that "the very character of morality consists in the subordination of the individual to the interests of the collective in the preservation of the community by means of such a subordination." They add that "guaranteeing the interests of society by means of the subordination of individual interests to social, is the basic law of moral conduct." Such thinking logically excludes human dignity and integrity from the lexicon of Soviet statecraft, and neatly rationalizes disinformation, espionage and even terror.

Soviet military theory intersects this world view. Perhaps the most fundamental characteristic of Soviet military theory is surprise. Soviet armed forces have historically made unexpected attacks in unexpected areas, as they did in Byelorussia in 1944 and the Greater Khingan mountain chain in 1945. To use surprise to the fullest possible extent, the Soviets must not only achieve secrecy but also deception. Indeed, operations of defict or illusion, known in the Kremlin as maskirovka, have become integral components of Soviet military policy.

The master of maskirovka is Marshal N.V. Ogarkov, chief of the Soviet general staff. He built his strategic career on the concept, and then sculpted it into the premier doctrine of the Soviet military. In 1967, then-Colonel Ogarkov, commander of the obscure Volga military district, promoted an impressive demonstration of Soviet military strength to celebrate the 50th anniversary of Bolshevik Revolution. He advised that the Russians attempt to build a railway bridge in a matter of hours, in order to demonstrate to the West that the Rhine river was no obstacle to Soviet infantry and rear services formations. There was one problem, however: Soviet industry was completely incapable of such a feat. The ingenious Mr. Ogarkov proposed that a showpiece of a bridge, not a real one, be constructed, and that extremely lightweight wagons and a stripped down locomotive be used to cross over it. Though the bridge came within seconds of collapse, the Western media reported breathlessly on the immense military significance of this feat of Soviet engineering. But Ogarkov's subsequent promotion to the principal directorate of strategic deception of the general staff revealed the true nature of this achievement.

According to Victor Suvorov, a defector from the KGB and an expert on Soviet military intelligence, Ogarkov waged a campaign in succeeding years to establish the primacy of Maskirovka in military planning. Once again, Ogarkov triumphed. As Mr. Suvorov writes:

> Ogarkov emerged victorious from the power struggle. It was acknowledged that surprise is the most important element in victory, therefore military planning must be under the control of disinformation and not the contrary.

Suvorov adds that Soviet leaders participate in the implementation of this principle, assuring foreign officials on the eve of a Soviet military action that no such thing is contemplated. The late Mr. Brezhnev issued such communications to the President of Afghanistan and President Carter in December 1979:

> The entire Soviet media are switched into a campaign of disinformation. The Soviet command carries out maneuvers in another region, "loses" secret documents so that they fall into enemy hands and mounts numerous other measures all interconnected and supplementing each other.

Even the Politburo, it seems, contains agents of influence.

The principal directorate of strategic deception or the GUSM, performs six tasks: First, it collects data on enemy satellites; second, it disguises important military installations from the satellites; third, it assists in the concealment of political and military reality at international conferences; fourth, it governs the distribution of economic and military information by the Soviet media, and fabricates false information on its behalf; fifth, it preserves the secrets of the Soviet armaments industry by disseminating a uniformly false perspective; sixth, it collects data on the subject "what the enemy knows about us and what he still does not know," Maskirovka thus permeates the entire superstructure with international responsibilities. It constitutes not merely a tool of Soviet policy, but a governing principle of it.

Unfortunately, Soviet subversive activity extends far beyond the sphere of deception. The policy of active measures entails clandestine political activities designed to disrupt the functioning of NATO and West European governments. The campaign against the Pershing missile provided a discouraging demonstration of how successful the Soviets can be in this area. In a 1983 issue of Strategic Review, Dr. Wynfred Joshua, the Defense Intelligence Agency's officer for Soviet political and military affairs, provided a devastating case study of the manipulation of dissident politics in the Netherlands. Focusing on the use of united fronts to gain control of these movements, she writes:

> A standard technique of united-front tactics is to form an umbrella organization for the various antinuclear groups and to fashion interlocking directorates among the constituent elements, with local Communists playing key roles. The development of the anti-INF campaign in the Netherlands illustrates this technique. The Netherlands appears to be a key target for the Soviets, possibly because its tradition of pacifism and neutrality makes it the most vulnerable link in the countries scheduled to receive INF.
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> The current Dutch peace movement evolved directly from the campaign against the "neutron bomb." The pro-Moscow Dutch Communist Party played a critical role in the development of the campaign. According to (Dutch journalist J.A.E.) Vermaat, members of the Dutch Communist Party planned the campaign at a session of the World Peace Council (a front organization subsidized by Moscow and directed by the Soviet Communist Party's International Department) in East Berlin. In line with the themes of the Council's "action week" in August 1977, the Dutch Communist Party launched in the same month the "Stop the N-Bomb" movement and began an intensive campaign of petitions and rallies. The key organizer of the movement was Nico Schouten, the Communist Party's Amsterdam district leader.
>
> "Stop the N-Bomb" was rapidly expanded to include an advisory group of well-known religious and political personalities to give the movement credibility. In cooperation with East European officials, "Stop the N-Bomb" sponsored in March 1978 an "International Forum" in Amsterdam which was attended by high-ranking Communist party leaders from Eastern Europe and the U.S.S.R. The success of these activities was reflected in the more than million signatures that the movement had gathered in the spring of 1978 against the "neutron bomb." Within the Dutch Communist

Party, responsibility for the peace movement remains with Joop Wolff, a Communist member of parliament. He continues to operate as a principal contact with Moscow, the Soviet Embassy in the Hague and East German functionaries.

A key member of the advisory group of "Stop the N-Bomb" was Mient Jan Faber, the Secretary General of the Interchurch Peace Council, or IKV. The IKV is the most influential peace lobby in the Netherlands. It includes the nine largest Dutch churches, even though these are not responsible for IKV activities. More important are the approximately 400 local IKV chapters which * * * exert pressure on local politicians. The IKV's anti-U.S. orientation and its peace rhetoric, which essentially echoes Moscow's themes, derive partly from the presence of "Christians for Socialism," a front group that has penetrated the IKV, particularly at the local level.

The IKV has active links with state-controlled churches in Eastern Europe and more generally maintains a variety of contacts in the East, notably in the German Democratic Republic. A frequent vehicle for those contacts is the "Werkgroep Oost Europa Projecten," a local front in Utrecht which organizes study trips to Eastern Europe. The IKV also maintains ties with the Christian Peace Conference, a Prague-based international front. In the Netherlands, some of the IKV leaders are active as officials of other organizations with East European connections and prominent in the peace movement * * *.

In 1978, "Stop the N-Bomb" was broadened into the "Joint Committee: Stop the N-Bomb/Stop the Nuclear Arms Race" with the specific purpose of targeting NATO's missile deployment plans. Its secretary remains Nico Schouten, the Amsterdam Communist Party district leader. The Joint Committee continues to work closely with the IKV and a variety of front groups in organizing "peace weeks," rallies, signature gatherings, seminars and other activities designed to influence the Dutch government against accepting INF.

In 1979, for example, the Joint Committee organized a bicycle rally through several European countries, In Bonn, rally participants were addressed by Pastor Martin Niemoller, a well-known peace-activist in German religious circles and an honorary President of the World Peace Council. In Rome the Joint Committee's Secretary Nico Schouten and other rally organizers were received and blessed by the Pope—an event which the Joint Committee widely publicized without, of course, indicating its communist connection.

According to Mient Jan Faber's own testimony, IKV representatives met in April 1981 in Berlin with West German counterparts to plan a series of mass demonstrations throughout Europe. The result was the fall offensive which started with the marches on Bonn on October 10, 1981, followed by similar events in other West European capitals and culminating in Amsterdam on November 21 with a rally of more than 300,000 demonstrators. Some of the Dutch political parties, including the Labor and Democrats-66 Parties of the governing coalition participated in organizing the November 1981 demonstrations with the Joint Committee and the IKV. Not only does this circumstance describe the impact of the peace movement in Holland, but it also helps to explain why the fragile coalition government of the then Prime Minister Van Agt was unable to endorse INF deployment in the Netherlands.

After the November 1981 demonstrations, the Dutch peace movement, specifically the IKV, launched an effort to persuade municipalities to declare themselves nuclear weapons free zones. Soon afterwards, however, the IKV suffered a setback in its inability to justify the Polish crisis and the imposition of martial law in Poland in December 1981 * * *.

The injection of Soviet foreign policy goals into Dutch politics illuminates the ongoing challenge to the NATO alliance. In the Netherlands, the Soviets transformed religious and pacifist organizations into marionettes. They tried to garner influence not only among the leaders of these groups, but also at the level of the municipal cells of which the organizations are composed. The affiliation of many of these groups with leftist political parties allowed Soviet active measures to actually change the defense policy of an important NATO member. Dr. Joshua argues that this blueprint for subversion is not limited to the Netherlands, but can be duplicated in other West European states. Speaking of the peace movements, she writes:

Their significance * * * lies in the strategic positions they occupy in domestic political spectrums: they are numerous enough to threaten fragile West European governments. Several governments depend on parties that include important leftwing factions which champion the peace movement and constrain their government's defense and pro-NATO policies.

In other words, the Kremlin can now generate significant political disturbances in certain allied states, disturbances that are sometimes great enough to bring Soviet viewpoints into NATO state councils.

Naturally, the Soviets do not restrict their cold warfare to the allies of the United States in Europe. They seek to undercut Western interests everywhere on Earth. Ten days ago, former KGB official and Tass correspondent Ilya Dzhirkvelov told a news conference that he had engaged in active measures in East Africa during the 1960's. According to Dzhirkvelov, the Russians concluded at that time that the Peace Corps constituted a threat to their aims, Dzhirkvelov, then a Tass reporter, devised a scheme to connect the Peace Corps and the CIA. He acquired a Moscow dispatch that made such claims, and then traveled to Uganda from his Tanzania base. There he met with a reporter he knew he could bribe, and secured that individual's agreement to place his name on the Kremlin article, Dzhirkvelov reports that this article gained some credence, perhaps because the Soviets had learned that one Peace Corps volunteer had formerly worked as an intelligence officer.

We can perceive the international dimensions of Soviet active measures more clearly when we return to the world of front organizations. In the view of Richard Shultz, coauthor of the classic "Dezinformatsia," the Soviets employ these facades to further the interests of Third World insurgency movements. Obviously, the fronts serve as a forum to publicize the views and plans of such movements. They hold international conferences, which allow condemnation of those who oppose the insurgents and global publicity for the guerillas themselves. The fronts also provide a framework for cooperation with other national organizations. In the words of Mr. Shultz:

This is especially true of international conferences cosponsored with the United Nations. For instance, the World Peace Council and African-Asian People's Solidarity Organization have worked with the U.N. Committee of 24, to promote first the MPLA (in Angola), and then SWAPO and other insurgency movements in southern Africa and in the Middle East.

Soviet active measures have thus breathed political life into insurgent efforts; the latter have returned the favor by raining death upon their own troubled lands in Africa, Asia and Latin America.

But active measures do not define the scope of the Kremlin's international machinations. Soviet spies are engaging in a worldwide effort to steal technological secrets and disrupt the security of not only Western countries, but Third World ones as well. The State Department's Expulsion of Soviets Worldwide, 1985 reveals that 57 Russians were declared persona non grata last in Liberia, India, Belgium, Britain, Spain, and Switzerland. India, where KGB agents stole state secrets pertaining to that country's foreign and defense policies, as well as its armaments production, was clearly the most startling case. How in the world can Moscow explain the massive infiltration of one of its best friends in the Third World?

In Europe, the Socialist Government of France attempts to maintain at least amiable relations with the U.S.S.R., but Moscow does not make it easy for Mr. Mitterand. In 1983, the French Government expelled 47 Soviet citizens—an unusually high number. A 1985 report by the respected newspaper Le Monde explained why the number was so high. The Soviets had perpetrated a tremendous coup of technological espionage, obtaining information that the French secret service estimated to be very valuable for the Russian aeronautics industry. Le Monde stated that an astounding 156 technical samples and 3,896 technical documents had been stolen by the Russians. The newspaper quoted a French secret service memorandum which said that the stolen materials "have been used in a practical way in research projects and in the development of new weapons systems and new military materials, as well as in the improvement of weapons sys-

tems in current use." French anger over the episode was hardly assuaged by the knowledge that nine of the Soviets expelled were members of the Soviet Union's permanent mission to UNESCO.

Here in America, we have only begun to grasp the extent of Soviet espionage activities, particularly those directed at our technological advances. The New York Times reported on Sunday that the KGB once acquired three California banks with ties to important high-technology firms. Documents filed in the Federal District Court of San Francisco indicated that Amos Dawe, a Singapore businessman, received a $50 million line of credit in 1974 from the Moscow Norodny Bank for the purpose of purchasing the Peninsula National Bank in Burlington, the First National Bank of Fresno and the Tahoe National Bank of Lake Tahoe. By October 1975, Mr. Dawe had completed his negotiations with the banks. But an alert CIA agent in Singapore discovered the transactions and alerted the financial community through a Hong Kong financial newsletter. Moscow Norodny withdrew its funds and the purchases collapsed.

Mr. Dawe is presently serving a 5-year prison sentence for fraud. He has told Federal officials that the Soviet Union has, in fact, succeeded in completing such acquisitions in other areas of the United States, a statement with which Assistant Secretary of Defense Richard Perle concurs. Perle told the New York Times:

> If the Moscow Norodny Bank attempted to acquire banks in Silicon Valley, you can be sure that they made other efforts elsewhere.

The revelations of the Walker case, with their implications for submarine warfare and our command and control systems, shocked Americans and created much unease in the halls of government. The Amos Dawe episode should provide an equivalent amount of concern. If the Soviets had managed to secure control of a bank linked to the Silicon Valley, they would have acquired an ideal intelligence position for learning about our high technology firms. Their intelligence agents would have gained a frightening degree of access to the private lives of American citizens. And they would have found a new method of infiltration—the quiet, discreet avenues of international finance. The Soviet effort to acquire these banks and perhaps others should prove to the skeptics in this country that Soviet espionage is not merely an irritation for our security organizations, not merely a dilemma for our Government officials to struggle with, but a threat to the freedoms every American citizen enjoys.

Unfortunately, the Kremlin does not limit itself to attacking the freedoms of other people. During the past 4 years, journalists and intelligence officials have obtained increasing evidence of the Soviet contribution to international terror. We have all heard the reports from Afghanistan of doctors without borders, the nonpartisan international organization that has witnessed the smothering of Afghan villages and a variety of other atrocities. Yet Soviet oppression does not stop at the Afghan border. The Washington Times reported on January 23 that Moscow is now waging war on the Afghan refugees who live in the Khyber Pass region of Pakistan. According to the dispatch:

> Hardly a week goes by without a bomb blast somewhere in the area. Often the violence seems senseless, like Monday's bomb explosion in a Peshawar city butcher shop that killed a 10-year old boy and injured 13 (others). Earlier this month, a terrorist suspected of being a member of the Afghan secret police (known as the Khad) was arrested as he tried to plant a bomb in a Peshawar movie house filled with 150 people.
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> Other acts of violence reflect the cold-blooded accuracy of KGB-directed murders, like the shooting of a resistance commander in an area south of the city on January 5. The killers gunned him down from a passing car and made good their escape.
>
> Resistance leaders and Pakistani officials say the Soviet-inspired terror has two goals. One is to intimidate Pakistan so that the Islamabad government will take action against resistance fighters who operate in regions on the Afghan-Pakistan border. The other goal, they say, is to intimidate the resistance, particularly the Afghan political parties who have offices in the Peshawar area.
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> On December 22, Pakistani Interior Minister Aslam Khattak told the National Assembly in Islamabad that some 300,000 rifles had been smuggled into the Khyber tribal area, along with other weapons such as rocket launchers and anti-aircraft missiles.
>
> A deadly tactic in the KGB campaign is to use dissident tribesmen who live on the Pakistani border. The KGB and its Kabul allies have armed these tribesmen and heavily financed them to attack resistance personnel and cause general havoc among Pakistani civilians.
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> Moscow has given its official blessings to Kabul's aid to the dissident tribesmen. In an interview published in the French Communist Party paper L'Humanite, Vadim Zagladin, deputy head of the Soviet Party's International Section, praised such aid. He said that the most important thing was that what he called counter-revolutionary bands were now having a difficult time on the border.
>
> The Soviet encouragement of destabilizing activities within Pakistan fits the Kremlin's wider strategic goals in the region. The Soviets and the Kabul regime have also repeatedly raised the issues of "Greater Pushtunistan" and "Greater Baluchistan"—the union of ethnic Pustoons and Baluchis on both sides of the border. Such a union would result in the de facto partition of Pakistan.

The Soviet Government has repeatedly professed a longing for an end to international interference inside Afghanistan. But Moscow and its surrogates have not ended their war against that country, and it now appears that they are instigating a war in Pakistan. It is not so much a civil war as it is an anarchic conflict, with different tribal factions, Kabul agents, Afghan refugees and the Pakistani Government drowning in a sea of disorder. One cannot imagine a more gross instance of interference than the disruption of a province of an independent, noncombattant state like Pakistan.

Ever since the 1945 Yalta conference, the Russians have insisted on the primacy of spheres of influence in international relations. The Soviet role in international terrorism, however, increasingly suggests that they view the entire world as their sphere of influence. A 1984 State Department publication, "Patterns of Global Terrorism," stresses three points about Soviet connections to groups threatening America, her citizens, and her allies. First, Moscow gives political support, funds, and sometimes weapons to organizations that participate or engage in terrorism. Second, the Soviets have trained members of national liberation groups, and sold weapons to Palestinian terrorists and "gray market arms dealers." Third, the Russians govern the foreign policies of Bulgaria and Czechoslovakia, where KINTEX and OMNIPOL, their respective state trading organizations, distribute weapons used by terrorists.

If one is skeptical of State Department reports, then one has only to turn to last Friday's edition of the Wall Street Journal. An editorial entitled "Terrorist Links" previewed a new book in which the terrorists themselves testify to Soviet activities in this area. Robert Pfaltzgraff and four other professors from Tufts University edited the volume, entitled "Hydra of Carnage." According to the Journal;

> The close ties between the Palestine Liberation Organization and the Soviet Union are well Documented. The material show a high level of coordination of policies and actions—PLO terrorists have received military training at Simferopol, a Soviet camp in the Crimea, and from Hungary and East Germany. They are trained in small arms, rifles and machine guns, tanks and artillery; some Palestinians even become frogmen.
>
> One terrorist describes how Palestinian offices in East Berlin are used as bases for terrorist acts against the West. Additional support for PLO terrorism has been provided by Cuba, Vietnam, Nicaragua, North Korea, China and Libya.
>
> A special worry is terrorist use of biochemical weapons. A Yugoslav chemical-warfare handbook, for example, was discovered in the PLO's possession, and PLO members have received training in chemical and biological warfare apparently from Soviet and East Bloc experts. There have been at least 50 chemical-biological incidents involving terrorists in recent years, and some experts predict that this trend will escalate.

Mr. Speaker, can anyone imagine anything more savage than providing terrorists with the means to wage the most brutal form of warfare known to man? I can't, nor can I grasp why

some Westerners continue to believe Soviet good intentions even as the Kremlin supplies the armaments now being fired in Western airports and at European and American civilians.

From one perspective, that of Viktor Suvorov, the Soviet Union's role in international terrorism must not be too surprising. In March 1984, the New York Times reported Suvorov's revelations about the special forces unit of the Soviet military intelligence organization known as the GRU. During a time of war, Suvorov says, Moscow would assign special forces personnel to the assassination of Western military and political leaders. These agents would also be asked to destroy nuclear installations, attack NATO command centers and disrupt communications in the NATO countries.

Unfortunately for Moscow's image, the Wall Street Journal published an additional article on February 10 that illustrated Soviet bloc involvement with the seamy and very capitalistic world of narcotics, Prof. Rachel Ehrenfeld and Michael Kahan of Columbia University and Brooklyn College, respectively, allege that Cuba, Bulgaria and the fugitive Robert Vesco have joined forces to ship drugs from Latin America and weapons to Latin America. Ehrenfeld and Kahan cite congressional testimony that Vesco at one time engineered the shipment of drugs to the United States via Cuba. He then obtained some high-technology equipment for the Cubans and weapons for Colombia's M-19 guerrillas—recently responsible for the murder of several of Colombia's supreme court justices. More recently, Mr. Vesco, again operating with Fidel Castro's support, smuggled narcotics from Bolivia and Colombia to Nicaragua and then to the United States and Europe. Vesco transferred some of the profits to Libya, which in turn used its planes and Bulgarian freighters to take weapons to Latin America. Other portions of Mr. Vesco's revenues appeared at KINTEX, Bulgaria's state trading house. The authors state:

> According to various intelligence sources, KINTEX is responsible for the shipping of half the heroin reaching Western Europe.

Narcotics, the major affliction of Western society, thus provides the instruments of warfare to Latin America.

Not surprisingly, Moscow functions as an accomplice to narco-terrorism. On February 26, 1982, a former senior intelligence officer of the Cuban Government, Gerardo Peraza, testified before the Senate Judiciary Committee's Subcommittee on Security and Terrorism. He stated that after 1970, Cuba's intelligence service, which is directing Cuba's role in narcotics, fell under the control of the Soviet KGB. According to Mr. Peraza, he had to discuss his operational plans with Viktor Simenov, a Soviet colonel. Simenov also evaluated the budget of the Cuban intelligence service. As for Bulgaria, intelligence experts, from former Bulgarian agents to Zbigniew Brzezinski, attest to Soviet supervision of all Bulgarian activities of these proportions. The Soviet Union thus plays a supervisory role not only in the military destablization of Latin America, but in the injection of poisonous drugs into our society.

Mr. Speaker, I believe that I have provided convincing evidence that Soviet bloc intelligence constitutes a clear and immediate threat to Western security. Primarily through the use of front organizations, Moscow and its friends have demonstrated their ability to alter policymaking in Western governments. They have promoted insurgent groups that disrupt the economic and political interests of the West worldwide. They attempt to obtain strategic and technological data needed to change the global correlation of forces, and in the process may be threatening the privacy of American citizens. Finally, they have financed, armed and trained the terrorist that now can paralyze governments and murder Europeans and Americans.

Neither the governments nor the citizens of the NATO countries will be safe from fear, violence and escalating Soviet power if these challenges are not answered. To respond to this immediate threat, Congress must act promptly. It is true that espionage is now a capital crime and that no Soviet citizens may work in American embassies in the U.S.S.R. But these legislative developments will have only limited effects. We must escalate our efforts to educate the public about Soviet bloc covert activities, and we must have bipartisan participation in doing so. We must seriously consider the reduction of Soviet bloc personnel in NATO countries. And we must be more aggressive in expelling Soviet bloc visitors who have engaged in espionage and other covert activities, for as the State Department has indicated, expulsions create serious career problems for Soviet agents. These actions would be only a beginning. But Congress must start now to respond legislatively: The Soviets have a head start, and they are competing with a ferocity that envisions conclusive victory.

□ 1200

Mr. Speaker, as I said at the outset of this, I am not trying to establish some sort of bizarre conspiracy theory but rather to, as precisely and as extensively as I can, outline the true component parts of a problem which exists in this country. It does us no good to view the Soviet Union as more monstrous than it is, but it certainly does us no good to view the Soviet Union as more benign than it is. We ought to take the Soviet Union, its leadership, its governmental and party structure as it really is and deal with it as such, and if in fact they are so engaged in such disinformation activities, such overall intelligence activities, such espionage activities, then we must first alert the American people to it and then, second, take prompt action to maintain those countermeasures which we are already involved in and also to enhance and expand those countermeasures so that we in fact will not find ourselves in second place on this battlefield of the world scene.

A MESSAGE TO THE SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 60 minutes.

Mr. HOYER. Mr. Speaker, my colleague and good friend, Representative JACK KEMP, and I, have organized a special order today, with the help of the Congressional Coalition for Soviet Jews. We want to send a message to the Soviet Government on the eve of the 27th National Party Congress. In fact, 30 years ago, on February 25, 1956, Nikita Khrushchev spoke at the 20th Congress of the Communist Party and delivered his famous anti-Stalin speech. It was delivered at the height of the cold war. The speech surprised those who viewed this as a signal or a shift in emphasis of Soviet domestic policies.

Mr. Speaker, I think we learned a few lessons from that period. We learned that we should temper our expectations regarding the Soviet Union. Modern communication has made the world smaller in the last 35 years. Our concerns are no longer limited by national boundaries. A state can no longer make the blanket assertion that the manner in which it treats its own citizens is not the concern of other states. As a matter of fact, as you know, Mr. Speaker, I have the honor of cochairing the Helsinki Commission. In Helsinki, in 1975, 35 signatory nations adopted the premise that the way we treat our own citizens is of concern to the citizens of the world—in this case, 34 other nations. We adopted that premise because our concept of humanitarianism, of justice and of equality extends beyond our national boundaries. The pressure of international public opinion should never be underestimated. It has resulted, I would suggest to you, in Yelena Bonner's trip to the West for medical treatment. It has accelerated the cause of racial justice in South Africa. It has put all oppressive governments on notice that their repressive actions can no longer take place in obscurity.

I would suggest, in fact, that the latest demonstration of that principle

is this Nation's concern and regret about the recent election in the Philippines, where clearly democracy and the rights of individuals have been undermined.

Public opinion substantially assisted in the release of Anatoly Shcharansky. Anatoly Shcharansky's application to emigrate to Israel was rejected in 1973. In the 1970's, he acted as a spokesperson for Soviet Jews and was a member of the Helsinki monitoring group. He was arrested in 1977 for acting only on his right to know. He was sentenced to 13 years in prison and labor camp for that transgression alone. At his sentencing Anatoly Shcharansky stood before his accusers and judges and refused to compromise his beliefs. At that hearing Shcharansky said:

Now when I am further than ever from my people, from my Avital, facing many arduous years of imprisonment, I say, turning to my people, to Avital, "Next year in Jerusalem." Now I turn to you, the court, who are required to confirm a predetermined sentence; to you, I have nothing to say.

Anatoly Shcharansky had much to say, however, to the world at large, about justice. And how nations ought to treat their own citizens.

□ 1215

The Soviet Government tried to quiet Shcharansky's calls for freedom by imprisoning him. It effectively cut him off from the world for almost 9 years. But the public, which had earlier heard his voice, took up his cause because his cause was just. Shcharansky was aided by his wife Avital who had visited many of us here in this country and who is a very close friend of Ari Weiss, the former top assistant to the Speaker of this House. Avital Shcharansky worked untiringly not only to bring the plight of her husband, but the plight of all Soviet Jews to the attention of the Congress, the people of the United States, and the people of the world. Together they have come to symbolize the heroism that is unique to humans—resistance to bondage and persistent in hope. Shcharansky endured 9 years of personal tragedy and suffering. His sentence was even extended for 3 years. Why? Because he refused to acknowledge his guilt. For no other reason, no other offense other than he refused to kowtow to the Soviet Government that said you are guilty of speaking out against us, and you must acknowledge your guilt.

There were years when he felt abandoned because he did not know of the efforts for his freedom or the relentless campaign of his wife, Avital. There were years without any communication with the outside world and years of torture. The release of Anatoly Shcharansky is a victory that has deeply touched many of us. It is a victory that testifies to the efficacy of constant pressure upon the Soviet Government. It is one that speaks to the dedication and commitment of private and public organizations which tirelessly champion human rights issues. It is a victory for a young man and a young woman who never, never, never gave up the hope that next year indeed, as he is today, Anatoly Shcharansky would be in Israel.

Mr. Speaker, there is no question that we welcome such humanitarian gestures by the Gorbachev government. If it is correct, as claimed, that the Kremlin agreed to set Shcharansky free to remove an impediment to improved relations with the West or relented to lobbying from both U.S. and West European leaders in one specific case, it is also true, nevertheless, that it is a sign of some sensitivity by the Soviet leadership to its image abroad. I think that there is little doubt that the Soviets have come to realize that human rights is a permanent component of the United States-Soviet agenda.

We must take every opportunity to focus world public attention on human rights violations. That, as you know, Mr. Speaker, is a critical purpose of the Helsinki Commission, of which I am proud to serve as the cochair along with Senator ALFONSE D'AMATO of New York, who currently is Chairman.

Recent developments in our bilateral relations with the Soviets have yielded an environment in which significant progress on human rights is possible. More substantial steps have yet to come. Hopefully, the Gorbachev government will demonstrate the foresight to take such steps. General Secretary Gorbachev, however, has denied that there are political prisoners and that charges of anti-Semitism are nothing more than psychological warfare by the West.

While we celebrate Shcharansky's release and as we look forward to his visit to the United States, we have documented requests from 40,000 Soviet Jews who want to leave the Soviet Union.

Yes, we can rejoice that Anatoly Shcharansky has been let go and that the Soviets in this particular instance have honored the pledge they made in August of 1975 in Helsinki to allow people who desire to do so to freely emigrate. We believe in that principle as U.S. citizens. How ironic it would be if the freest Nation in the world adopted the policy of the Soviet Union and said to its own citizens, "You cannot leave our borders. You must, in fact, be a citizen of the United States." What a statement it is to the failure of the Soviet system that they have to construct an Iron Curtain, both figuratively and actually, around their borders not to keep people out, not to protect themselves from outsiders, but to keep their people in.

So it is important, and I think Anatoly Shcharansky would have us continue to remember and fight on behalf of those brave individuals. In addition, there are many thousands of Soviet citizens of other nationalities who would like to emigrate if only they had the opportunity. Vladimir Lifshitz, a Hebrew teacher, who sought permission to emigrate in 1981 was arrested on January 8 and what was the charge? Anti-Soviet slander. It is a crime of simply speaking out, of sharing his thoughts and hopes to his fellow citzens about the circumstances in which he and his fellow citizens live. His trial is pending. Last week, Yuri Orlov began his 10th year in detention. There are 40 imprisoned Soviet Helsinki monitors among an estimated 10,000 Soviet prisoners of conscience.

As I said earlier, we rejoice in the release of Anatoly Shcharansky, but we must not forget those who still remain in the Soviet Union; those who continue to be denied their right to emigrate, to practice their religion, to learn their culture, and to pass on their heritage to their children.

At this point, Mr. Speaker, I would like to add that the Commission on Security and Cooperation in Europe has just completed a brief, updated report on the 40 imprisoned members of the Helsinki monitoring groups in the Soviet Union and Lithuania, which I respectfully request be put in the RECORD following my statement.

Mr. Speaker, we in the United States and in this body have demonstrated over and over again that our commitment to human rights is bipartisan. This body as an institution has championed the cause of human rights. It is a tradition in which I and the Members of the House take particular pride.

Today we reaffirm that commitment with renewed energy and force. Our message is clear: Freedom is fundamental.

The United States will continue to conduct foreign policy with dedication to human dignity and respect for individual rights and those fundamental freedoms, and we shall do it, Mr. Speaker, as a nation with purpose.

We are joyous for Avital and for Anatoly Shcharansky.

We continue the struggle for those who are left behind, that their dreams will also be realized.

The report is as follows:

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
Washington, DC.

FORTY IMPRISONED MEMBERS OF THE HELSINKI MONITORING GROUPS IN THE USSR AND LITHUANIA (UPDATE: FEBRUARY 1986)

MOSCOW HELSINKI GROUP

Sentenced

1. *Elena Bonner*—sentenced on August 17, 1984 to five years of internal exile for "anti-

Soviet slander."—temporarily in the West for medical treatment.

2. *Ivan Kovalev*—sentenced on April 2, 1982 to five years of strict regimen camp plus five years internal exile for "anti-Soviet agitation and propaganda."

3. *Anatoly Marchenko*—sentenced on September 4, 1981 to ten years of special regimen camp plus five years of internal exile for "anti-Soviet agitation and propaganda."

4. *Viktor Nekipelov*—sentenced on June 13, 1980 to seven years in labor camp and five years of internal exile for "anti-Soviet agitation and propaganda." (Sentenced in October 1982 to prison for three years.)

5. *Yuri Orlov*—sentenced on May 18, 1978 to seven years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

6. *Tatiana Osipova*—sentenced on April 2, 1981 to five years general regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

7. *Feliks Serebrov*—sentenced on July 21, 1981 to four years strict regimen camp plus five years exile for "anti-Soviet agitation and propaganda." Also a member of the Psychiatric Working Group. (Sentenced in 1977 to one year in camp).

UKRAINIAN HELSINKI GROUP

8. *Mykola Horbal*—sentenced April 10, 1985 to eight years strict regimen camp plus three years exile for "anti-Soviet agitation and propaganda." (Sentenced on January 21, 1980 to five years of camp for "resisting a representative of authority" and attempted rape).

9. *Iosif Zisels*—sentenced on April 10, 1985 to three years strict regimen camp for "anti-Soviet slander." (Sentenced in 1979 to three years camp for "anti-Soviet slander.")

10. *Vyacheslav Chornovil*—sentenced on June 6, 1980 to five years in strict regimen camp for attempted rape. (Arrested before completion of previous term of six years camp and three years exile).

11. *Olha Heyko*—arrested in March 1983; in camp for "anti-Soviet agitation and propaganda." Sentenced in November 1983 to three years strict regimen camp. (In 1980, she got a three year camp term for "anti-Soviet slander.")

12. *Vitaly Kalynychenko*—sentenced on May 18, 1980 to 10 years in special regimen camp and five years in internal exile for "anti-Soviet agitation and propaganda."

13. *Ivan Kandyba*—sentenced on July 24, 1981 to 10 years special regimen camp plus five years exile for "anti-Soviet agitation and propaganda."

14. *Yaroslav Lesiv*—sentenced on November 15, 1981 to five years of strict regimen camp for "possession of narcotics." (In 1980, he got two-year term for "possession of narcotics.")

15. *Levko Lukyanenko*—sentenced on July 20, 1978 to 10 years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

16. *Myroslav Marynovych*—sentenced on March 29, 1978 to seven years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

17. *Mykola Matusevych*—sentenced on March 29, 1978 to seven years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda." (Sentenced in October 1980 to prison).

18. *Mykola Rudenko*—sentenced on July 1, 1977 to seven years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

19. *Petro Sichko*—reportedly re-arrested in May 1985 in camp before end of previous sentence; sentenced in June 1982 to three years in strict regimen camp for "anti-Soviet slander." (In 1979, he got three year term for "anti-Soviet slander.")

20. *Vasyl Striltsiv*—sentenced in October 1981 to six years in camp on unknown charges. (In 1979, he got two year term for "violation of internal passport laws.")

Died in camp

Oleksy Tykhy—sentenced on July 1, 1977 to 10 years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda" and illegal possession of firearms. (Died in camp from malnutrition on May 6, 1984).

Yuri Lytvyn—sentenced in April 1982 to 10 years of special regimen camp plus five years of exile for "anti-Soviet agitation and propaganda." (In 1979, he got three year term for "resisting a representative of authority.") (Died in camp, probably suicide, in late August 1984).

Vasyl Stus—sentenced on October 14, 1980 to 10 years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda." (Died in camp September 4, 1985, from stomach and kidney ailments).

LITHUANIAN HELSINKI GROUP

Died

Rev. Bronius Laurinavicius—killed (by truck) on November 24, 1981 in Vilnius. (On November 21, 1981, was subject of accusatory article in *Tiesa*, official Lithuanian newspaper).

Sentenced

21. *Viktoras Petkus*—sentenced on July 13, 1978 to three years in prison, seven years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda." (Petkus also joined the Ukrainian Helsinki Group in 1983).

22. *Vytautas Skuodys*—sentenced on December 22, 1980 to seven years strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda." (U.S. citizen. Also member of the Catholic Committee).

23. *Algirdas Statkevicius*—sentenced on August 11, 1980 to forcible psychiatric treatment after being arrested on February 14, 1980, reportedly for "anti-Soviet activities." (U.S. citizen).

GEORGIAN HELSINKI GROUP

Sentenced

24. *Merab Kostava*—sentenced in June 1985 to two years in camp for "malicious disobedience of the demands of the camp administration". (Before completion of previous term of five years camp).

25. *Valentina Pailodze*—sentenced on May 25, 1983 to eight years strict regimen camp plus three years exile for "giving bribes" and for "giving false testimony." (In 1978, he got a three year term for "anti-Soviet slander.")

ARMENIAN HELSINKI GROUP

Died

Eduard Arutunyan—died of natural causes in late November or early December 1984. Arrested in November 1982, he was sentenced to three years strict regimen camp for "anti-Soviet slander." (In 1979 received three-year camp term on these charges.)

CHRISTIAN COMMITTEE FOR THE DEFENSE OF BELIEVERS

Sentenced

26. *Father Gleb Yakunin*—sentenced on August 20, 1980 to five years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

WORKING COMMISSION ON PSYCHIATRIC ABUSE

Sentenced

27. *Anatoly Koryagin*—sentenced on June 5, 1981 to seven years strict regimen camp plus five years of internal exile for "anti-Soviet agitation and propaganda" and for "illegal possession of a firearm." (Transferred to prison July 1982).

Feliks Serebrov—(See Moscow Helsinki Group).

GROUP FOR THE LEGAL STRUGGLE OF THE FAITHFUL AND FREE SEVENTH-DAY ADVENTISTS

Sentenced

28. *Rostislav Galetsky*—sentenced on March 25, 1981 to five years in camp plus five years in internal exile for "anti-Soviet slander" and violation of laws separating church and state.

CATHOLIC COMMITTEE FOR THE DEFENSE OF BELIEVERS

Sentenced

29. *Alfonsas Svarinskas*—sentenced on May 6, 1983 to seven years labor camp and three years internal exile for "anti-state activities," "slandering the Soviet state," and "encouraging believers to violate laws and defy authority."

30. *Sigitas Tamkevicius*—sentenced on December 2, 1983 to six years strict regimen camp and four years exile for "anti-Soviet agitation and propaganda."

Vytautas Skuodys—(See Lithuanian Group).

Died

Father Juozas Zdebskis—died on February 6, 1986 in a car accident under suspicious circumstances.

INITIATIVE GROUP FOR UKRAINIAN CATHOLIC RIGHTS

31. *Vitaly Kobryn*—sentenced on March 22, 1985 for "anti-Soviet slander" to three years standard regimen camp.

32. *Yosyp Terelya*—sentenced on August 20, 1985 for "anti-Soviet agitation and propaganda" to seven years camp plus five years exile.

INITIATIVE GROUP FOR THE RIGHTS OF THE DISABLED

33. *Nikolai Pavlov*—sentenced on September 22, 1981 for "anti-Soviet agitation and propaganda" to five years exile.

34. *Vasily Pervushin*—sentenced on November 11, 1983 to an indefinite term of psychiatric detention.

MEMBERS SENTENCED BEFORE JOINING

Ukrainian Group

35. *Vasyl Ovsienko*—sentenced in August 1981 to 10 years strict regimen camp plus five years exile for "anti-Soviet agitation and propaganda." (In 1979, he got a three year term for "resisting a representative of authority.")

36. *Oksana Popovych*—sentenced in 1974 to eight years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

37. *Yuri Shukhevych*—sentenced in September 1972 to five years in prison, five years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

38. *Danylo Shumuk*—sentenced on July 7, 1972 to 10 years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

39. *Mart Niklus*—sentenced in January 1981 to 10 years in special regimen camp and five years internal exile for "anti-Soviet agitation and propaganda." Transferred

from camp to prison in July 1983. (Niklus, an Estonian human rights activist, joined the Ukrainian Helsinki Group in 1983).

LITHUANIAN HELSINKI GROUP

40. *Balys Gajauskas*—sentenced on April 14, 1978, to 10 years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

Mr. Speaker, at this time I am pleased to yield to the cosponsor of this special order, my good friend from the State of New York, Congressman JACK KEMP.

Mr. KEMP. I thank the gentleman for yielding to me.

Mr. Speaker, I particularly appreciate the gentleman's willingness to help take the leadership role in providing an opportunity for our colleagues to talk to the country about this aspect of Soviet Jewry which was so eloquently described by the gentleman from Maryland.

□ 1225

We do rejoice in the release of Anatoly Shcharansky, and I think there is no freedom-loving man or woman on either side of Capitol Hill or on either side of the aisle, or anywhere in the world who does not share in that rejoicing.

I was particularly struck by a story in the New York Times by Henry Kamm just a few days ago entitled, "Shcharansky Tells How He Clung to the Psalms." Apparently as Shcharansky was being led to freedom by his captors, the KGB, he stopped at one point because they took away the book of David's Psalms that his wife had smuggled with friends into the Soviet Union. Imagine having to smuggle the Book of Psalms into any country on the face of the Earth today, but that is the way the Soviet Union operates, unfortunately.

The Soviet authorities and captors took away the book and, according to Mr. Kamm in the New York Times, Shcharansky threw himself into the snow and told the Soviet Union that he would not leave without the Book of Psalms.

I was thinking about that, how much we in the West take for granted our freedom and our opportunity to go to church, go to the synagogue, or to worship God in any way that we want, or to protest on the steps of the Capitol or on the Ellipse, or to speak our minds on the editorial pages, to vote, all those freedoms that we have in a civil, religious, economic, and political sense, and then here is somebody who is willing to actually stay in the Gulag Archipelago because he wanted to demonstrate to the world that freedom without dignity is not freedom worth having.

In other words, it is not just to be free; what matters is freedom with dignity and justice that goes along with being able to maintain your integrity, your conscience, your humanity.

Shcharansky said at the time that to leave the Soviet Union without the Book of Psalms would have been to him a violation not only of his manhood and his dignity, but would be to turn his own back on his Jewishness.

The gentleman from Maryland has pointed out that, without denigrating the heroism of Anatoly and Avital Shcharansky, the Soviet Union can create a dozen Shcharanskys tomorrow.

I was impressed with what Shcharansky did for that reason and also for the fact that he was willing to give up his opportunity to be free, to join his wife and go to his precious Eretz Israel simply because the KGB was taking away something which was very precious to him, his religious conscience, his convictions, as symbolized by his Book of Psalms.

What a testimony, what a manifestation of courage, integrity, honor, and that ultimate freedom of conscience that no state, no system can take away from us or him.

I just want to say on the floor today in front of my colleagues that I think this is one of the most significant moments of the 20th century. To me this ranks with Solzhenitsyn describing the Gulag Archipelago. Here is someone who lived in the Chistopol Prison Camp, a KGB prison camp outside of Moscow, for all these years and was willing to give up seeing his wife and going to Israel simply because the Soviet authorities were going to strip him of that ultimate integrity and dignity of conscience so important to all of us.

This is a beautiful story. It is a beautiful love story. It is a beautiful story of the indomitable will of a man and a woman who would not give up. It is a beautiful story of the bipartisanship that exists in the Western democracies, in the United States, and particularly in the Congress, Republicans joining with Democrats, conservatives joining with liberals, Jew and Christian alike, keeping this issue alive.

I just want to say that I stand here with a heart that is beating a little bit faster, talking about the story, the effort and the struggle. It goes on, as my friend, the gentleman from Maryland, pointed out, because we cannot stand down, we cannot allow those Jews, Christians, or dissidents or Sakharov or Ida Nudel or Raoul Wallenburg or anyone else to be neglected and forgotten.

Mr. HOYER has a strong record here in the Congress of keeping his colleagues informed about the abuse of human rights. I serve with him on the Helsinki Commission and I appreciate not only the gentleman's friendship, but his willingness to keep the issue of religious freedom in the Soviet Union alive. I know that he will continue and I will be with him. I would like to express appreciation on behalf of all my colleagues who have been involved in the Shcharansky case.

Let me just add one more footnote to this. I cannot leave the Chamber or the well without paying my respects to President Ronald Reagan who kept this issue at the forefront of all the negotiations with the Soviet Union. Every time we negotiated, every time we talked to the Soviet Union on anything, the Shcharansky case and human rights has been at the forefront of that agenda.

I give credit to Ambassador Hartman. When I was in Moscow, Mr. Hartman, our Ambassador to the Soviet Union at that time, knew the names of every single Jewish refusenik, every dissident, every Christian. They kept those names in front of the Soviet authorities so that they would never forget.

This is a wonderful story, something that needs to be told to the American people. It particularly needs to be told to young people, that truth and justice will win a victory if men and women in the West do not give up and will put aside partisan and personal differences and join on behalf of one of the great struggles going on in the 20th century, the struggle of human rights, not just in the Soviet Union, but throughout the world.

Again I thank my colleague for allowing me to join with him in this very, very special order on behalf of Anatoly Shcharansky, and his wonderful, beautiful comrade in arms, Avital Shcharansky, who has touched the hearts of all of us in this Chamber with her dedication to the cause of human rights.

Mr. HOYER. Mr. Speaker, I thank the gentleman from New York, Congressman KEMP, who has been in the leadership of human rights efforts since the beginning of his career in the Congress and who continues to be one of this Nation's leading spokespersons for human rights.

I might say that he demonstrates, indeed, I think we have all demonstrated on the floor today, that there is no partisanship with respect to this issue. We are as one in the House of Representatives, and in my opinion, in the Nation on the issue of human rights.

I am now very pleased to yield to my good friend, himself one of the most eloquent leaders in this House and in the Nation on behalf of the rights of citizens of the world, my good friend from the State of Massachusetts, Congressman BARNEY FRANK.

Mr. FRANK. Mr. Speaker, I thank the gentleman from Maryland. We are all indebted to him for taking out this special order and giving us the opportunity to discuss this issue.

The gentleman from Maryland is peculiarly well qualified to do this, be-

cause he has volunteered to take on an assignment that is a little bit difficult. He is the cochair of our Helsinki Commission. In that capacity from time to time where the United States, which has a generally excellent record in terms of observing human rights, but where internally we have fallen a little short in one or two cases, he has pointed that out, as is his responsibility. I think that equips the gentleman morally quite well to help highlight the far graver, infinitely graver derogation of human rights that occurs in the Soviet Union, as well as other places.

The gentleman from Maryland in his capacity as head of the Helsinki Commission has not hesitated to say where there was a problem in the United States or where one of our allies was wrong, and that has given him the credibility to be able to lead this attack on this terribly oppressive system in the Soviet Union, which so denies and degrades individuals.

The release of Shcharansky is a good thing. If it remains, however, an isolated incident, the Soviets will have erred. The Soviet Union ought to understand that it is in its own interest to say that the tens of thousands, perhaps hundreds of thousands like Anatoly Shcharansky, who simply want to exercise the freedom to leave, ought to be granted it.

Many of us feel that the Soviet system itself ought to be changed. That is a nearly universal feeling in this House, but we want to emphasize again that people like the Shcharanskys and others are not asking the Soviet Union primarily to change their own system. What they are saying is that if this is the way you choose to run the country—of course, I care about my religious beliefs, in other cases because I care about my rights to speak out on issues that are important to me—let me go. Let me go somewhere else.

As much as I disagree with the Soviets' decision on how to run their own system, it seems to me inexplicably inhumane for that very powerful nation to say to a relative handful of its citizens, "We won't even let you leave."

No one suggests that the exit of the Shcharanskys or other Soviet Jews or other dissidents, we have had the situation of the Baptists who were finally allowed out after they lived in the basement of the American Embassy. No one suggests that this is a threat to the Soviet Union. Indeed, it seems to me it would strengthen them overall if they were able to present a more human face to the world.

So we rejoice in the exit of Anatoly Shcharansky.

We are reminded, people often ask, "Why do you do this sort of thing?"

There are two answers: First, the Russians would like us to stop, so we know it must have some impact.

Second, the people who are the victims of that system, the Shcharanskys and others, tell us that it helps.

When someone like the gentleman from Maryland with his stature in this body takes out this special order and others of us are able to join him, it has a very real impact. We have an obligation not to abandon the victims who have been left behind. We are pleased that Anatoly Shcharansky was released. We hope that the Soviet Union will understand from the reaction to that that they ought to follow and allow others to do so and we will all be the beneficiaries.

I thank the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Massachusetts for his comments. I think he has well stated the purpose of this special order, and that is to say that we are pleased, indeed we are joyous, about the release of Anatoly Shcharansky; but we are mindful of the fact that there are thousands of similarly situated individuals who have not yet been accorded the very rights that the Soviets and 34 other signatories to the Final Act promised their own citizens in August of 1975.

The purpose of this special order, as the gentleman from Massachusetts points out, is to say that that is a continuing, deeply felt, bipartisan sentiment of the Congress of the United States as well as of the people of the United States. As Congressman KEMP pointed out earlier, it is a sentiment that has been expressed by the President and by the Secretary of State, and I thank the gentleman for his comments.

Mr. Speaker, at this time I am glad to yield to my friend from the State of New York, but before I do so, let me say that probably no individual in this House has been any more involved in the particular case to which we give attention today, the release of Anatoly Shcharansky, than has the distinguised Representative from the State of New York [BENJAMIN GILMAN]. He has been tireless in his efforts, domestically and internationally, for the release of Anatoly Shcharansky.

So I am very pleased to yield to my good friend, a champion, as I have called him so many times before on the floor of this House, of human rights in this Nation and around the world, the distinguished gentleman from the State of New York, Congressman GILMAN.

Mr. GILMAN. Mr. Speaker, I join the gentleman from Maryland [Mr. HOYER], the gentleman from New York [Mr. KEMP], and the gentleman from Massachusetts [Mr. FRANK] in reiterating our concern for the more than 400,000 Soviet Jews and so many other ethnic groups behind the Iron Curtain who expressed their desire to emigrate even as we continue to celebrate the release to freedom of Anatoly Shcharansky. As cochairman of the Commission on Security and Cooperation in Europe, and a long time staunch advocate of human rights, Mr. HOYER has been kind enough to make this time available to us today, for which we are highly appreciative.

As stated earlier, next week the Communist Party Congress in Moscow will be meeting, in order to review and assess the direction of the party. It is important at this time that we in Congress continue to make our feelings known as relates to Soviet human rights practices, which continue to be a constant source of frustration and sadness to me. I sense throughout the world a growing and active desire for free and open government, as well as a grassroots effort for the inate liberties each human being should be accorded. This groundswell can be heard around the world, yet nowhere is it louder than in the Soviet Union.

Religious, cultural, and ethnic activists continue their mission, dedicated to the precepts of the Helsinki Final Act and the Universal Declaration of Human Rights, to which the Soviet Union is signatory. Soviet Jews, desirous only of the family reunification to which they are entitled, are harassed and interrogated, and in many instances arrested and detained, for the simple reason that woven within that desire are activities of a cultural and religious nature. It is a brave individual who will continue to subject himself or herself to the insidious acts of the KGB while striving for higher freedom and truth, yet there are hundreds of thousands of brave men and women who have taken this step. They deserve our constant and active support, because as we enjoy our civil liberties without much thought, Soviet Jews and others are constrained from even the most basic of freedoms of thought, word and deed.

The past several months have shown that progress can be made, evidenced by the arrivals in Israel of Isaac Shkolnik, Dr. Mark Nashpitz, Ilya Essas, Anatoly Shcharansky, and Yakov Gorodetsky. Yet, these are the exceptions to the rule, and unless and until the Soviet Union makes changes in its overall emigration policy, I cannot firmly say that the situation has measurably changed.

We remember too Yuri Orlov, still in exile; Dr. Andrei Sakharov, alone in the closed city of Gorky; Yosef Begun, a Hebrew teacher serving a third prison term that will not see him released until the 1990's; Vladimir Slepak and Ida Nudel. These are but a few of the brave individuals whose sole desire has been the freedom to speak out. Leading them in their struggle

was Anatoly Shcharansky, who for 9 long years, suffered the extreme hardships of the Soviet gulag. Anatoly has indicated his intention to work for their freedom as a spokesman, and we in Congress who have labored for so long on this crucial human rights question welcome him with open arms.

Anatoly and Avital Shcharansky have galvanized world opinion in the struggle for human rights. They have spurred other activists in elevating the human rights of the individual to its proper stature. It is for those reasons that I truly believe they are deserving of special recognition for their untiring and committed efforts over the years, and have introduced H.R. 4186 for that purpose. This measure would award the Congressional Gold Medal to both Anatoly and Avital, and will serve as yet another indication to the Soviet Union and Communist Party Congress of the importance we place on human rights. I urge and invite my colleagues to join me in this effort by cosponsoring that bill. We have used every opportunity and forum to restate our firm beliefs on this matter. We should not have to reiterate our commitment at every turn. But reality dictates that we do, and so we will.

□ 1240

Again, I thank the gentleman for arranging this opportunity for those of us who are concerned to express that concern so that the Soviet Communist Congress will understand our deep-seated feelings. And it is not, as a Soviet justice reminded just a few years ago when we visited in the Kremlin, that human rights are a propaganda vehicle of the West. These are deep-seated concerns of all of us, and I thank the gentleman.

Mr. HOYER. I thank the gentleman for his comments and his contribution, and on behalf of the Helsinki Commission, for his immeasurable contribution to the proceedings of that Commission, and more broadly, to the issue of human rights. I think, as every speaker on this floor has reiterated, it is critical that we continue to bring to bear the pressure of public opinion on the Soviets, and continue to make it clear that this is not an individual effort but a collective effort. And though the release of Anatoly Shcharansky was a significant and welcome step, it was but a step, and there are still thousands upon thousands whom we shall not forget. I thank the gentleman for his contribution.

At this time, I yield to another leader in the Congress who has taken advantage of every opportunity to join with all of us in stating his personal commitment and bringing to bear his influence and voice on behalf of the Congress of the United States and this Nation on the issue of human rights and fundamental freedoms. I yield to the distinguished gentleman from the State of Ohio, Mr. TOM LUKEN.

Mr. LUKEN. Mr. Speaker, I would like to congratulate especially the gentleman from Maryland [Mr. HOYER] for his lead efforts as a leader in the Helsinki Commission which are known worldwide.

Mr. Speaker, the free world rejoices with the news of the release of long-term prisoner of conscience Anatoly Shcharnsky. However, his freedom should only remind us to work even harder for the 18 other Jewish prisoners of conscience, the 27 former prisoners who have not been allowed to emigrate, the 15,000 refuseniks and the hundreds of thousands of others waiting to leave.

What about Vladimir Slepak? What about Yuri Orlov and Alexander Lerner? Ida Nudel and Iosif Begun? What about them? All those brave "refuseniks" and dissidents—people condemned to live as "official pariahs" in fear and trembling, condemned to undergo endless ordeals while the wait for signs that are always obscure and for visas that never come—should they not be remembered, too? Many have spent years in jail, others in labor camps, still others are subjected to daily harassment, humiliation and threats: without our support, without our solidarity, they could not carry on.

I will be visiting Russia in April primarily to focus and to spotlight the issue. I would particularily like to raise the case of one refusenik, Dr. Yuri Tarnopolsky. In 1976, Dr. Tarnopolsky applied for an exit visa to Israel for his family. In 1979, his application was denied and he and his wife Olga were dismissed from their jobs. Yuri had been a linguist and researcher in organic chemistry. Olga was a teacher.

In Kharov, where the family lives, Tarnopolsky was one of a small number of Jewish academics who organized an unofficial university for the sons and daughters of other refusenik families barred from continuing their formal education because they had applied to emigrate. In 1981, Soviet authorities clamped down on the university's activities.

In 1982, Tarnopolsky began a 40-day hunger strike to draw attention to the plight of Jewish refusenik families. He was arrested in March 1983, for allegedly slandering the Soviet state by writing letters about his ordeal to relatives abroad.

As a result of his alleged offense, Tarnopolsky was sentenced to 3 years in a labor camp near Chita, Siberia, more than 3,000 miles from the Tarnopolsky home in Kharov. Earlier last year, he suffered a heart attack.

Yuri is now finishing his prison term and will soon be released. However, reports come to us that the KGB has paid a visit to Yuri in his prison cell, to warn that once he is released, he must not resume his activities. Meanwhile, there is no reason to believe that he will be freed to emigrate to Israel.

Nearly 5 months have passed since the November summit in Geneva between United States President Ronald Reagan and Soviet General Secretary Mikhail Gorbachev. With the Soviet Party Congress approaching in a few days and the second round of summit meetings between Reagan and Gorbachev planned for June in Washington, DC. There is still no concrete evidence— despite many rumors—of a significant improvement in the plight of Soviet Jews. In fact, on December 30, the Soviet Union issued a press statement labeling all rumors of an imminent large-scale Jewish emigration as a "vicious lie." The 1985 year therefore bodes ill for the future of this beleaguered community.

The emigration figures for the beginning of 1986 remain dismally low; 79 people were allowed to leave in January. For all of 1985 only 1,140 emigrated compared to more than 50,000 in 1979.

The Soviets have not changed their overall policy regarding the emigration of Soviet Jews to Israel. While they have released several well known activists, Vladimir Lifschitz—a Leningrad activist—was arrested on trumpted-up charges. Also, in January, a group of young Jews in Leningrad were arrested for holding religious activities in a private home.

Let us remember: what hurts the victim most is not the cruelty of the oppressor but the silence of the bystander. Russian Jews, refuseniks and dissidents count on us. Do they count for us?

The United States must impress upon the Soviets that while we are grateful for the release of Anatoly Shcharansky and the freeing of Ilya Essas, Mark Nashpitz, Yakov Mesh, and Yakov Gorodetsky, we will not be satisfied until those Soviet Jews who want to emigrate, are allowed to do so and until they are able to emigrate are allowed to practice their religion freely as guaranteed by the Soviet Constitution and the many international agreements the Soviets have signed.

Hence, this appeal: Now that Shcharansky is out, let it be Tarnopolsky's turn. Let us mobilize our energies, our contacts, our professional connections, our academic links, our economic resources. Let us mobilize our passion and our anger on his behalf. And on behalf of all the others who implore us to use our freedom for the sake of theirs. Let us be bold and imaginative. We must demonstrate that we will not be deterred from raising this issue because the emigration numbers continue to be low and harassment of Soviet Jews is increasing. Prisoners of conscience in the Soviet

Union look to us as their voice and seek out our help.

What's at stake is not only the freedom and the hope of the refuseniks and other dissidents. Our honor is also at stake.

□ 1250

Mr. HOYER. I thank the gentleman for his comments as well, and his very important statement. I think the example that the gentleman speaks so eloquently of, the individual who has been taken 3,000 miles from his home, illustrates graphically that although Anatoly Shcharansky is now free, there is at least one individual who continues to suffer. In fact, of course, there are thousands of others who are in a similar situation. I think your comments with respect to our status as being bystanders and that we would be guilty of complicity if we stood silently by are correct. And I thank you for your statement.

At this time, Mr. Speaker, I yield to the gentleman from California, Congressman HOWARD BERMAN, who himself, as the others who have spoken before him, has been a leader in the effort of human rights; a leader in focusing in on the concerns of the Soviet Union's failure to accord certain fundamental freedoms to its citizens, which as the gentleman from Ohio pointed out are guaranteed in its own constitution. His leadership in this area has been significant and important, and I am very pleased that he has joined us here today.

I yield to the gentleman from California, Mr. HOWARD BERMAN.

Mr. BERMAN. Mr. Speaker, I thank the gentleman who has taken this special order for yielding me some time to join him and my other colleagues in celebrating the release of human rights activist Anatoly Shcharansky.

I might say initially that I think the gentleman deserves a very special commendation for his work in this area. How we spend our time in this Chamber and in public office tells a lot about us, and the gentleman from Maryland [Mr. HOYER] has lent his considerable skills and energy and perhaps the most precious quality of all, his time, both in this Chamber and outside this Chamber to promoting the human rights cause generally and most specifically, his trying to uplift and change the policies of the Soviet Union in this regard, and I think he deserves a special note of appreciation from all Americans and all freedom-loving people.

After more than 9 years in Soviet prisons and labor camps, Anatoly Shcharansky became the international symbol of brutalized Jewry and persecuted human rights defenders.

On the countless occasions that we have gathered on the House floor to speak out on behalf of Soviet Jews, Shcharansky's name was synonymous with the plight of Soviet Jewry itself.

Asking for his release was asking for the release of all those who seek civil and religious freedom. Shcharansky's recent walk across Glienicke Bridge evoked feelings of relief that he had survived and joy at the reunion of he and his wife.

At the same time, it focused the world's attention upon the hideous ordeal he had endured. Just as his imprisonment symbolized the fate of those who actively pursued human rights in the U.S.S.R., his release reminds us all of the thousands who remain in prison and labor camps.

This raises the question of how we should respond to Moscow's decision to release Anatoly Shcharansky. Nothing of course in the Soviet system works institutionally and in an inexorable fashion toward the flowering and promotion of human rights, in vast contrast with our own system.

To the contrary, we have learned over the past several years that to some extent, human rights conditions in the Soviet Union often respond to the status of relations with the West. So we are left with this difficult problem of how we take these kinds of gestures and seek to turn them into, and work toward turning them into significant and meaningful policy changes in the Soviet Union.

Obviously, it goes without saying, the gentleman from Maryland [Mr. HOYER] and others have spoken to this very point: We cannot alter our position with regard to human rights in the U.S.S.R. simply because of the release of Anatoly Shcharansky.

We must continue to protest the gross injustices that were inflicted on Shcharansky and that are to this day and now still being inflicted on the Beguns, the Yakirs and so many others; the hundreds of thousands, the millions of others in the Soviet Union whose freedom is denied.

We also have to remember that if Shcharansky's release is to be any indication of a possible reform, we in the United States will have to respond by welcoming the gesture and indicating that improvement in human rights can mean an improvement in overall relations.

It is a difficult and sensitive course to follow. It requires the artful use of diplomacy to maintain the pressure, to continue to speak out, and at the same time to demonstrate to the leadership of the Soviet Union that some of their goals can be promoted if they will reverse policy in this fundamental area.

Now that Shcharansky is in Israel, he will be able to pursue his efforts on behalf of those who remain imprisoned in the Soviet Union. With the combination of continued pressure and concrete indications that an increase in Jewish emigration and improvement in human rights conditions will benefit both nations, we can pursue ours.

I thank the gentleman for yielding me this time to participate in this special order.

Mr. HOYER. I thank the gentleman for giving of his talent and that precious commodity, his time. The gentleman is from California and as we are out of session, the gentleman could have gotten on a plane and returned to his district. But I know how important he feels this issue is, as he has demonstrated consistently over the years, and I think the points that he has made in his statement are well taken, and an important contribution to this special order. I thank him very much for that. Thank you, Mr. Speaker.

Mr. SAXON. Mr. Speaker, I am pleased to ber participating in this special order on behalf of Anatoly Shcharansky. His release gave me a sense of exuberance. But, even more, it gave me a sense of both relief and anxiousness. Could this be the signal we have been waiting for from the Soviets that their compliance with the Helsinki accords will finally be fulfilled?

Anatoly Shcharansky, indeed, is a great man. His perseverance and optimism most certainly are heartening to his fellow refuseniks. Hope, I believe, is the best gift he could give to these oppressed people, and he certainly has given them that.

But, our enthusiasm for this event must be tempered. The release of one man, especially under the absurd auspices of a "spy exchange," is not an acceptable demonstration of Soviet good will. Emigration numbers are still abysmally low, and the next few months will show the release of Shcharansky to be a sign of better times—or an isolated and cynical propaganda ploy.

Nevertheless, the release of Shcharansky is a most welcome first step in the direction of increased emigration rights. He and his wife have suffered greatly for the noble cause of justice, and I wish them all the best in their new life in Israel.

At the same time, I call on the Soviet Government to maintain this course until all its citizens enjoy, at last, the basic human right of emigration.

Mr. GARCIA. Mr. Speaker, Anatoly Shcharansky's release by the Soviet Government and his subsequent arrival in Israel was an international event. Nonetheless, Jewish emigration from the Soviet Union remains at an all-time low.

Prospects for the future do not look good. An article in the French Communist Party newspaper L'Humanite during the first week in February gave no indication that Mr. Gorbachev is going to usher in a new era of open Jewish emigration. He stated that the Soviet Union does not discriminate against Jews and that claims to that effect by the West is no more than "physiological warfare."

This is disturbing news. It would be naive to expect the Soviets to admit that they discriminate against their Jewish population, but I had hoped that Mr. Shcharansky's release despite the circumstances was an indication that Mr.

Gorbachev was willing to relax Soviet emigration policy.

The struggle, however, continues. It is our responsibility in the West to keep fighting in the name of human rights, in the name of human decency. There are too many Jews still in the Soviet Union who want no more than to emigrate to the West so that they can live a life free from fear and discrimination. That is not too much to ask.

Next week the 27th Communist Party Congress begins in the Soviet Union. This is an important event for all Soviet Communists. We must do whatever we can to make the delegates to that Congress aware that if they want improved relations with the West then they had better rethink their emigration policy. They should also make note that we in the West will not give up the fight, no matter how long it takes.

I want to thank my colleague from Maryland, STENY HOYER, for organizing this special order. It is one of the best means available to us for keeping the fight alive.

Mr. BRUCE. Mr. Speaker, emigrating from the Soviet Union was a problem long before I came to the Congress. Unfortunately, for all of us, I expect that it will remain a problem for some time to come.

Understanding that my individual efforts will not change the situation significantly, I want to take this opportunity to encourage others to speak out. Together, over the long haul, our struggle may change the pattern of human rights abuses in the Soviet Union.

Perhaps we can gain no greater understanding of the uncertainty and fear of life as a refusenik than to listen to what the young children of refusenik families have to say.

Mr. Speaker, I include the following short quotes from refusenik children in the RECORD at this point:

Ariel Yuzefovich, 2½ years old. Born in refusal:

"Now we are living at the summer house and then we are going home."

"Home?"

"Well, yes, home to Israel, to grandmother."

Mark Gurvich, 6 years old:

"Where's the orange from?"

"From Greece."

"Is it possible to go there?"

"Yes, it is."

"Then, is Greece part of the Soviet Union?"

Michael K., 3 years old, after the arrival of the KGB at the Kindergarten:

"Papa, do you like policemen?"

"Yes."

"And I don't!"

Dina Yoffe, 7 years old.

In a conversation with a curious neighbor in the yard:

"I'm leaving soon for Eretz Yisrael, as it's my homeland."

"How will you live there? You don't even know the language."

"Yes, I do."

"Where did you learn it?"

"Ah, that's a secret which my mother told me never to reveal to anyone under any circumstances."

After the conversation, at home:

Mother: "Why didn't you say that your mother taught you?"

Dina: "Because then she would have asked who taught mama, and anyhow, it's forbidden to say."

Mr. McGRATH. Mr. Speaker, I was very happy to hear the news last week about the release of Anatoly Shcharansky by his Soviet captors. I hope that he and his lovely and courageous wife, Avital, share many years of health and happiness together in freedom.

Shcharansky's spirit and determination overcame the force of the powerful Soviet police state. His release is a clear statement that the Soviet leadership can be forced to respond to world opinion. I have joined my colleagues on countless occasions over the last 6 years in efforts to publicize the plight of Shcharansky and thousands of others in the U.S.S.R. Progress was discouragingly slow. Our mail to the Soviet Embassy and to three Soviet Chiefs of State was never answered. Innumerable speeches and requests went unheeded.

We know, however, that we were heard. Those of us who have visited Soviet refuseniks in their homeland also know that we are their source of hope for a future in freedom. I hope that Anatoly Shcharansky's message to us will resound throughout our Nation and lead many more to support the struggle of Soviet dissidents. The brutal oppression, harassment, and imprisonment they have borne is a clear indication of the strength of the human spirit and desire for freedom. We who are so fortunate to enjoy and take for granted the protection of our Constitution, must continue to seek justice for all who suffer the indignities of the Soviet system.

This occasion is a bittersweet one. While I am overjoyed at Shcharansky's release, I fear that the Soviets may be hoping that pressure from the International Community will decrease as a result of their action. Today, we must redouble our efforts and let the Soviet leadership know that we will not rest until all who wish to share the freedom we cherish are given the opportunity.

Mr. GREEN. Mr. Speaker, I would like to thank my colleagues, Representatives KEMP and HOYER, for reserving time for this very important special order.

This special order comes at a time of celebration and renewal. Anatoly Shcharansky's walk to freedom across Berlin's Glienicke Bridge last week gave all who cherish human freedom and human dignity reason to celebrate. Shcharansky, a refusenik since 1973, was serving a 13-year sentence for being an outspoken critic of the Soviet Union's human rights policy. In doing so, Shcharansky asked only that basic fundamental freedoms be given to Jew and non-Jew alike.

It is also, however, a time of renewal—renewal of our commitment to human rights and international law and to holding the Soviets to those rights and laws. The Helsinki agreement, signed by the Soviet Union, states that, "Everyone has a right to leave any country, including his own." The Universal Declaration of Human Rights, also signed by Moscow, affirms the right to all, "To leave any country including his own and to return to his country." Yet, if these rights are invoked by Soviet citizens, they face certain harassment and punishment.

Anatoly Shcharansky's story may be better known than most, but his story is certainly not unique. Hundreds of thousands of Soviet Jews are currently being denied the right to emigrate to Israel and the right to practice their religion and culture within the Soviet Union. We can only imagine how many Soviet Jews are currently serving sentences for "parasitism" or "hooliganism" or have been fired from their jobs for applying for exit visas.

Despite the welcome release of Anatoly Shcharansky, Jewish emigration is still only a trickle. But our rededication can change this. British historian Martin Gilbert, in his book "The Jews of Hope," relays the desperate plea of a Soviet to the West:

I cannot forget the words spoken by a young Leningrad Jew when the moment came to say goodbye for the last time. As the icy wind blew in our faces he remarked softly: "Do not forget us."

The United States must continue to use every measure available to end Soviet repression and forced detention of its Jews. The United States must assure the Soviet Government that we know about the treatment of the refuseniks, that we care and that we will not forget them.

Ms. MIKULSKI. Mr. Speaker, Anatoly Shcharansky's walk to freedom across the Glienicke Bridge in Germany was more than a victory for human rights, it was a vindication of the human spirit. One individual stood up to the Soviet Union's state-sponsored mental and physical torture, and after 9 years it was Moscow who surrendered, not Anatoly Shcharansky.

While we celebrate the victory of the moment, we must pause to contemplate the struggle ahead. Millions lie anguishing in the prisons and labor camps of the gulag and under the oppression and discrimination of apartheid. It is too easy to focus only on the famous martyrs at the expense of the faceless millions. At this time, an estimated 350,000 Jews in the Soviet Union alone have indicated a desire to emigrate.

The release of Anatoly Shcharansky cannot be the end of our battle. It must mark the beginning of an even greater effort. The "positive consideration" to be given the application of 19 Soviet Jews following Senator KENNEDY's visit is a hopeful sign. Hope is all the imprisoned have. It is our duty to turn their hope into reality.

Mr. HOWARD. Mr. Speaker, I rise today to speak of the tragic situation of Jews currently residing in the Soviet Union.

The superpower relationship has several complex dimensions below the level of the strategic weapons balance, as evidenced by the linkage between the plight of Soviet Jewry and U.S.-U.S.S.R. trade. For American observers, the fate of Soviet Jews carries a great deal of symbolic significance. Officials in Moscow insist that treatment of national and religious minorities is an internal Soviet matter.

Moscow's stance on the issue, beyond its moral repugnance, is flat wrong in the context of standing international agreements and in light of basic economic facts. Upon signing the Helsinki accords of 1975, the U.S.S.R. linked a portion of its "internal affairs" to recognition of territorial settlements in Europe. In economic terms, Moscow clearly understands that American concern for the treatment of Jews in the Soviet Union bears upon United States willingness to expand trade ties. Thus,

behind the symbolism is a set of relationships that reflects the interests of both sides.

Americans concerned with the plight of Jews in the Soviet Union cannot hope to change the nature of the Soviet regime. An ideocratic state that has sacrificed millions to the dictates of history is not a viable target for moral appeals. Soviet reactions are the product of very real internal and external perssures. The release of Soviet dissident Anatoly Shcharansky addresses only the most superficial, symbolic dimension of Jewish immigration. American policy must focus on the substance of the linkage between Soviet Jewry and U.S.-U.S.S.R. trade. It is only through this linkage that the long-suffering Jews of the Soviet Union will benefit from a renewed superpower dialog.

Ms. KAPTUR. Mr. Speaker, on February 11, 1986, Anatoly Shcharansky walked across Glienicke Bridge; 18 prisoners of consience did not walk. On the 11th of February, Anatoly Shcharansky found liberty. Hundreds of thousands of Soviet Jews have found nothing but denied exit visas, harassment, and conscious bureaucratic delays.

Secretary of State Shultz has said that because of the numerous international conventions and declarations, human rights are no longer regarded as an internal concern. But what matter international conventions and declarations? A convention does not make the persecution of a religious group wrong; a declaration neither adds or subtracts from moral turpitude. We must understand completely and totally that all of us, every individual, comes into the world with a responsibility: An obligation to aid the needy, comfort the tortured, help the oppressed. Until we realize this, the Soviet Jew will remain where he does not wish to be; confined and punished for simply being what he is, a prisoner both literally and figuratively.

I am responsible. You are responsible. We are responsible.

Mr. CLAY. Mr. Speaker, I am pleased to join my colleagues today in this special order on Soviet Jewry. On the eve of the Soviet Party Congress it is most fitting that Members of the U.S. Congress reaffirm our Nation's interest in improving Soviet emigration policies and ending the unjust treatment of Jews in the Soviet Union.

The November summit in Geneva and the recent release of Soviet dissident Anatoly Shcharansky have given us some cause for hope. But, still there is no concrete evidence of real improvement in the plight of the Soviet Jews. To the contrary, reports of arrests, trials, and other forms of harassment of Jewish activists have risen alarmingly. In late December, the Soviet Union issued a statement labeling the rumors of an imminent large-scale Jewish emigration a "vicious lie."

All indications are that the Soviet Union will continue the highly restrictive emigration policy which has become more pronounced in recent years. Under the new Soviet leadership the crude harassment and imprisonment of Hebrew teachers and Jewish cultural activists continues. The maltreatment of Jews in prison and camps has worsened and the violation of human rights ranges from the denial of correspondence and visitors, to long periods of isolation and physical abuses by guards and fellow prisoners. We must use our Nation's power and influence to realize an end to this vicious, intolerable, state-sponsored religious persecution. As President Reagan prepares for the next summit meeting with Secretary Gorbachev, I hope and encourage him to place the interests of Soviet Jews high on the agenda of the American people.

Mr. MRAZEK. Mr. Speaker, like my colleagues, I was overjoyed to see Anatoly Shcharansky walk to freedom from behind the Iron Curtain last week. Yet, for those thousands of Soviet Jews who also wish to emigrate, what does the future hold?

Unfortunately, I harbor few hopes that Mr. Shcharansky's release portends a change in status for the majority of Soviet Jews. It has been the sad reality that in recent years, the release of a prominent refusenik has been coupled with increased repression against the remaining activists.

What will be the fate of Vladimir Brodsky, a Moscow cardiologist arrested last July on charges of "hooliganism," and sentenced to 3 years in a labor camp? And Yakov Levin, a leading Hebrew teacher from Odessa who has sought since 1979 to repatriate to Israel, but was arrested and then convicted in 1984 of "defaming" the Soviet state, and who is now serving a 3-year prison sentence? And what about the less celebrated individuals, who have lost their jobs and their livelihoods—but who retain the courage to fight against the unjust system?

Mark Grunkin is going blind. He, his wife, and daughter have repeatedly been denied permission to join his mother and brother in the United States. As expected, immediately after applying to emigrate in 1978, Mark lost his job as an engineer.

He now works, along with his daughter Olga, as a stocker in a public bath. Olga herself was expelled from the Technical Institute when it was learned she was the daughter of refuseniks.

Natalia Mukovozova used to be a prima ballerina with the famed Kirov Ballet—until she applied to emigrate. Since 1979 she has worked as a school teacher. She has to resign from her job every 6 months when she reapplies for an exit visa, because applicants are not allowed to teach children. Similarly, her husband lost his job as a shipbuilding engineer and now works as a manual laborer.

While I believe Mr. Gorbachev would sincerely like to see a warming trend in United States-Soviet relations, I pray that Shcharansky's release was not just a ploy designed to diffuse pressure on President Reagan to incorporate Soviet human rights abuses into the summit agenda.

By joining together only days before the 27th Soviet Party Congress, we are sending a clear message to the Soviet leadership: They ought to shelve any economic regeneration plans which rely on American goods and technology unless they begin to comply with internationally recognized human rights.

Mr. ERDREICH. Mr. Speaker, it was with a great amount of gratification and rejoicing that I watched on the news as Anatoly Shcharansky walked across the Glienicke Bridge from East to West Berlin, from persecution to freedom. This man spent 9 years in Soviet prisons and work camps being beaten, physically and mentally tortured, and virtually isolated from the outside for the crime of wanting to live freely as a Jew. It is a testament to this man who had already become a symbol for human rights to have emerged from the horrors he endured with undaunted strength, courage, and renewed sense of hope. His wife, Avital fought relentlessly for the release of her husband and their reunification should be a tribute to her dedication and determination over the last 12 years.

Unfortunately, Mr. Speaker, Anatoly Shcharansky's release is an isolated incident, which should cause us to rededicate ourselves to those in the Soviet Union that are still being denied their basic human rights. The goodwill that the Soviet Union has shown over the last few months with the release of several divided families as well as Shcharansky must be followed by the commitment of the Soviet Union to the principles of human rights and religious freedom to all those that wish to practice their beliefs whether it be in the U.S.S.R. or elsewhere. Until that day comes, this Congress and all people around the world who hold dear human dignity should continue to speak out for all those oppressed. Having met with several refusenik families while I was in the Soviet Union this past summer, I can assure you, Mr. Speaker, that the horror stories we hear about reprisals of those that wish to emigrate are not fiction but hard core facts, facts that we, who have known the precious gift of freedom abhor and despise.

Anatoly Shcharansky will no longer have to say "next year in Jerusalem," but there are thousands who still wait to taste the freedom from persecution and degradation. We must continue to fight for their rights and speak out on their behalf.

Mr. COLEMAN of Texas. Mr. Speaker, I appreciate this opportunity to speak out on behalf of the continuing plight of Soviet Jewry.

The release of Anatoly Shcharansky is important, but it is only the beginning. He is one of an estimated 10,000 or more such political prisoners in the Soviet Union, and his ordeal serves as a grim reminder of the true nature of the Soviet system and its complete repression of human rights.

There are still thousands of those like Anatoly Shcharansky, less heralded but no less important in the never-ending struggle on behalf of the most basic of human rights for Soviet Jews. We must keep up the pressure on the Soviet leadership, and the only way to ensure that is to make sure that we in turn keep up the pressure on the U.S. State Department, the administration, and the President. We must send them the message that the plight of Soviet Jewry has to be kept on the front burner, and must always be a factor in all of our dealings with the Soviets. I am sure that my colleagues share my disappointment that human rights and the plight of Soviet Jewry did not receive the proper attention at the Reagan-Gorbachev summit last year. I have urged the President to give human rights in the Soviet Union a top priority at the next summit, scheduled for later in this year, in the hopes that we can work toward achieving freedom of all of those who are still held in bondage by a system that is sworn to crush individual human liberties and freedom.

As we are all aware, the situation for Jews in the Soviet Union has not improved, despite the release of Anatoly Shcharansky, and there is little evidence to suggest that there is any hope for change. While we are happy with the release of individuals, as they are permitted to reunite with their families and go to their homeland, we must not shirk from our insistence of a regularized emigration policy that provides for the release of the prisoners of conscience, long-term refuseniks, and others who seek to leave the Soviet Union according to international agreements and the same Soviet practices which permitted large numbers to leave in the mid- to late-1970's.

We must continue, then, to pressure the administration to raise human rights and Jewish emigration in both public and private discussions with the Soviet leadership, and we must also press Secretary Gorbachev to address these issues because they are fundamental to all Americans, public opinion in the West, and the ultimate outcome of current United States-Soviet relations.

Mr. MILLER of Washington. Mr Speaker, last October, a member of my staff traveled to the Soviet Union and met with a number of refuseniks. Among those she met was Vladimir Lifshitz of Leningrad, a mathematician who had applied to emigrate with his family in 1981. Mr. Lifshitz was subsequently dismissed from his job—the normal consequence of requesting to leave the Socialist fatherland, notwithstanding that Soviet law prohibits such reprisals—and he eventually found another job as a computer programmer, although the new job was poorly paid and well below his qualifications.

When my assistant met with Mr. Lifshitz, his principal concern was for his son, who had passed the entrance exam for the prestigious Leningrad Institute of Fine Mechanics and Optics, but whom the authorities had asked to withdraw his application, evidently because of his family's request to emigrate. Vladimir had sent several letters of appeal to the Soviet authorities on his son's behalf, but no redress had been forthcoming, and his son had enrolled in a less prestigious technical college.

Since my assistant's visit, Mr. Lifshitz' fortunes have taken a turn for the worse. He was arrested January 8 at his place of work under section 190-1 of the Soviet code. Although this provision is commonly dscribed as prohibiting anti-Soviet slander, the description is somewhat misleading, since persons charged under this section need not have said anything false. A few years ago, for example, a group of workers at Sverdlovsk were arrested under this section because they had circulated copies of the 1961 Communist Party programme—a particularly embarrassing document for the Soviet authorities, since it promises the attainment of "true communism" by 1980.

Although we do not yet know what slanderous disclosures the Soviet authorities will accuse Vladimir of making, the documents the KGB seized at his apartment consisted only of letters from abroad and copies of appeals sent on his son's behalf. I do not know whether Mr. Gorbachev and his associates feel slandered by a family's desire to live elsewhere, but from what I know of Mr. Lifshitz, I fail to see what he has done beyond that.

Next week, the Communist Party of the Soviet Union will hold its 27th Party Congress. Although this Congress will no doubt have its share of fanfare about the Glorious Future, the Historic Mission of the Proletariat, and other Leninist fantasies, we also expect the Congress to produce a new party programme, as befits the change of course that the new Kremlin leadership intends. I hope that the Congress' agenda will include, in addition to discussion of alcoholism, absenteeism, and official corruption, consideration of the state of human rights in the Soviet Union. In that way, Mr. Gorbachev may find not only that he is able to offer some hope to the individuals being ground up in the Soviet bureaucratic machine, but also that people in the West will be more willing to accept him as a man of good will.

Mr. WORTLEY. Mr. Speaker, the need for this special order is really a sad comment on the policies of the Soviet Union. It's sad, first of all, because the country in which Soviet Jews have been born and raised is so repressive toward them that many have little choice but to try to emigrate. It's sad also because, having created conditions that make living in the country of their birth next to impossible, the Soviet Union then makes emigration next to impossible.

State policies in the Soviet Union make it extremely difficult to be a Jew and even more difficult for a Jew to practice his or her religion. Educational and professional opportunities are limited simply if one is a Jew. A Jew can advance only so far before running into the brick wall of state anti-Semitism.

The practice of Judaism is severely hampered by the fact that there are only three ordained and practicing rabbis in the Soviet Union. While there were over 1,000 synagogues operating in 1926, there are fewer than 60 today. Because of these severe conditions, private Hebrew services and Hebrew lessons became an alternative. They, too, however, have been repressed. Since 1984, Hebrew teachers have had their houses raided, their religious and Hebrew articles and books confiscated, and in several cases have been sentenced to prisons or labor camps.

This would appear to be part of a state campaign to encourage Jews to leave. However, when Jews oblige by applying for an exit visa, they are refused and the repression and persecution intensify. The Soviet Union has denied exit visas to over 15,000 refuseniks, some of whom have been waiting 15 years to emigrate. Harassment of refuseniks and their families includes repeated questioning by authorities, firing or demotion, expulsion from universities and professional institutions, and conscription of refusenik youth, who after serving 2 or 3 years in the military, often must wait an additional 5 years before they can apply for exit visas.

We are all pleased that the Soviet Union allowed Anatoly Shcharansky to leave for Israel, but the situation for Soviet Jews remains unchanged. The best thing that could happen would be for the Soviets to allow Jews to preserve their heritage and practice their religion free from interference or persecution. Since that is highly unlikely, the least the Soviets can do is live up to its international commitments and allow those who wish to emigrate if the want to do so.

Mr. ECKART of Ohio. Mr. Speaker, last week while we were back in our districts, history was made in the Soviet Union. Anatoly Shcharansky, held captive in the Soviet Union against his will for 9 years, was released. Mr. Shcharansky is one of the more fortunate Soviet Jews, however. There are still thousands of Jews who are being denied their right to freely practice their religious beliefs or to emigrate.

Refuseniks are forced to wait indefinitely for permission to leave the country with no assurance that they will, in fact, ever receive it. Often members of families are permitted to leave, one at a time. Families are needlessly separated for years at a time. Soviet Jews trapped in the Soviet Union during the last few years are increasingly ostracized from the Soviet society. In many instances, once an application for emigration is submitted, the refuseniks are labeled and routinely dismissed from their jobs, suffer the loss of personal property, and risk possible expulsion of their children from colleges or universities. Brutal physical attacks and harassment are not uncommon among the refuseniks.

The world's effort to end the persecution of Jews in the Soviet Union must never be abated. While we are revelling in happiness due to Anatoly Shcharansky's recent liberation, we must now focus our attention on the remaining Jewish prisoners of conscience. It is our duty as American citizens and pubic officials to speak out against countries in which human rights such as the fundamental right of living and worshipping in accordance with one's beliefs and heritage is violated.

Mr. BOLAN. Mr. Speaker, I am pleased to take part in this special order recognizing the freedom of Anatoly Shcharansky. After 13 years of waiting, one of the Soviet Union's most famous dissidents has finally won his freedom and has been reunited with his wife in Israel. Mr. Shcharansky is a man of true courage, whose dedication to what is fundamentally right, just, and humane serves as an enduring reminder that the light of freedom will prevail.

Although we all share in the joy of the events of the past few days, we must remember that thousands of Jews in the Soviet Union find their plight unchanged. We must continue to work for those Jews who have been denied emigration from a country which punishes them for their religious beliefs and belittles their values. The treatment by Soviet authorities makes a mockery of their supposed adherence to the principles of the Helsinki accords and the Universal Declaration of Human Rights. This special order gives us the chance to recognize and remember all of those who are unable to leave the Soviet Union, their families, and so many others who suffer from separation and anxiety for their loved ones who have sought permission to emigrate.

Whether the release of Mr. Shcharansky signals a general relaxation of Soviet policy toward those who defy the system or toward Jewish emigration remains to be seen. What we do know is that the efforts of those in this Chamber, and the efforts of all concerned

Americans, to call attention to those conditions are essential means of assisting the courageous Jewish men, women, and children of the Soviet Union. It is our vocal concern that help provide them with the encouragement, and the confirmation of the justness of their cause, which allows them to go on. Today we have the opportunity to reinforce the message that Jewish emigration remains a fundamental concern in United States-Soviet relations.

Mr. FEIGHAN. Mr. Speaker, I want to commend my colleagues, the gentleman from Maryland [Mr. HOYER] and the gentleman from New York [Mr. KEMP] for calling this special order, giving all Members of the House an opportunity to express our real sense of gratitude and thanksgiving at the deliverance of Anatoly Shcharansky from his long captivity in the Soviet Union.

During the last 8 years, Anatoly Shcharansky, who has now taken the name Natan, has become a symbol of hope and of courage for millions around the world. His endurance, his persistance, and his faith in God have been an inspiration not only to others in the Soviet Union who suffer persecution because of their religious beliefs, but also for all those who struggle against great odds for liberty in every corner of the globe.

For many of us who have followed the case of Natan Shcharansky, who have signed letters and marched in protest, who have met with his wife Avital and have waited for this day for many years, the news of his liberation is met with relief and with joy. His triumphal arrival in his homeland of Israel, after so many years of pain and suffering, was a scene that will not soon be forgotten by the thousands of Israeli citizens who crowded the streets of the ancient city to greet him, or by the millions of viewers watching on television who shared his emotional return.

So, at this time, we celebrate the freedom which at long last has come to a great soldier for human rights and for peace among all people. Natan Shcharansky, who since 1979 has symbolized the yearnings of all refuseniks who longed to live in Israel, has finally been released from his unjust incarceration.

At the same time, however, it is also appropriate for us to remember the struggle for which Natan Shcharansky has given so much. Today, it continues in the Soviet Union. Hundreds of thousands of Jews, Pentacostals, Baptists, and others, still wait for the right to exercise basic human rights, including the right to worship God in the manner which they choose. The Soviet Government, despite continued pleas from the West, continues to violate international charters and agreements—including the U.N. Charter and the Helsinki Final Act—guaranteeing the free exercise of religion, the right to travel, and the right of swift reunification of divided spouses and separated families.

So today, we remember those who still struggle behind the borders of the Soviet Union. We remember and we speak for them, the hundreds of thousands whose voices cry out to us for support. We speak for Benjamin Bogomolny, who first applied for an exit visa to Israel over 15 years ago. We speak for Zakhar Zunshein, who is serving a term of forced labor in a Soviet prison camp solely because of his desire to live in Israel. We speak for Yuli Edelshtein, a teacher of Hebrew arrested and prosecuted on the trumped-up charge of possession of drugs. We speak for Valentina Svoyatytsky and her family, denied the right to join their relatives in Solon, OH. We speak for Roman Kuperman, unable to join his wife Fran in Chicago for the birth of their first child—a birth expected within 2 weeks. We speak for Natasha Kashin, Lev Bronshtein, Lev and Elizaveta Shapiro, and hundreds of thousands of others who are denied the right to work, the right to live adequately, and the right to educate their children to the greatest extent possible. And we speak for another champion of human rights who continue to languish in silent captivity, a man whose courage and determination are unbounded and whose voice can never be silenced—we speak for Andrei Sakharov.

We speak for them today, and for all who suffer from a denial of basic human rights within the Soviet Union. We call on the Soviet Government to fulfill the obligations that they voluntarily entered upon by signing the Universal Declaration on the Rights of Man and the Helsinki Final Act. We call on the Soviet Government to cease its campaign of harassment and persecution of Soviet Jewry and Christian activists and to heed the scriptural call of Isaiah, "To undo the heavy burden and let the oppressed go free."

Today, we celebrate the freedom of Natan Shcharansky. Yet we also await the freedom of all who look to us for hope and assistance, and we commit ourselves to continuing to speak out until that day arrives when all who live in the dark shadow of repression can walk and gather in the light of freedom.

Mr. BONIOR. Mr. Speaker, in recent days, the world has rejoiced at the release of Anatoly Shcharansky after 9 years in Soviet prison and labor camps. As he walked to freedom—still under the ever-watchful eye of the KGB—millions of people who have worked, prayed, and protested to obtain his release, shared a moment of victory, and a moment to ponder the meaning and value of liberty itself.

From the stories that Shcharansky has told since his release, we have all been inspired by the heroism of the man who had the courage not just to survive his brutal imprisonment but to triumph.

Let us never forget this man who, even in his last moment of captivity, when told by the KGB to walk directly to the awaiting car, deliberately and defiantly zigzagged his way to freedom.

At the same time, let us not forget the other prisoners of conscience and dissidents still suffering in Soviet prisons; the thousands of refuseniks who have applied for visas to emigate to Israel but have been denied their freedom by Soviet authorities; and the hundreds of thousands of other Jews who would, if they could, escape the repressive conditions of the Soviet Union.

Our work on their behalf, as Shcharansky has so clearly reminded us, is a potent antidote to the Soviet's policy of intimidation and isolation. By remembering, by speaking out, we not only kindle the promise of future freedom, we provide sustenance to prevail through the trials of daily life in the Soviet system.

Today, let us rededicate ourselves to the cause of human rights. Let us remember not only Anatoly Shcharansky, but the Ida Nudels, the Yakov Levins, the Vladmimir Slepaks who still suffer in the Soviet Union.

And let us never be dissuaded by considerations of diplomacy, economics, or superpower politics, from raising our voices to renew the hope of freedom, to proclaim our solidarity with all those who seek to live in accordance with their own culture, religion, and traditions.

Mr. MANTON. Mr. Speaker, as a member of the Congressional Coalition for Soviet Jews, I am pleased to join in this special order to express my continued concern about the Soviet Union's emigration policies. I would like to commend my colleagues Mr. HOYER, the gentleman from Maryland and Mr. KEMP the gentleman from New York, for organizing today's special order.

We are all grateful and delighted with the release of Soviet dissident Anatoly Shcharansky. However, I believe our best tribute to Mr. Shcharansky would be our rededication and a confirmation of our commitment to the Jewish people of the Soviet Union.

The Soviet Union's emigration policies and their anti-Semetic attitudes toward Soviet Jewry continue to be a matter of grave concern. In 1979, 51,320 Jews were allowed to emigrate from the Soviet Union. In 1984, however, only 896 Jews were allowed to leave. There has been little improvement since 1984 with only 1,140 Jews leaving the Soviet Union in that year. We have all heard representatives from the Soviet Union state that all the Soviet Jews who desire to leave the Soviet Union have done so. However, the fact remains that there are over 350,000 individuals who requested and were sent affidavits from Israel, the first step in the process of family reunification. Clearly, there are Jews in the Soviet Union who desperately want to rejoin their families. The release of Anatoly Shcharansky may indeed mark the beginning of an improvement in the Soviet's policies. However, only an increase in the number of Jews allowed to leave will be proof of a new trend.

The lives of Soviet Jews continue to be ones of despair, persecution, and suppression. Jewish religious texts and ritual objects cannot be produced in the Soviet Union. Jewish religious books are often confiscated. Soviet Jews continued to be harassed for practicing their religion. One of the strongest tenants of Jewish religion and culture is that of teaching one's children. In the Soviet Union, however, it is illegal to teach religion to persons under age 16. Yet, in the Jewish religion it is at age 13 that a child is supposed to be Bar Mitzvah and is viewed as an adult by the community. Furthermore, it is extremely dangerous for Soviet Jews to teach or study Hebrew. In 1984 and 1985, Hebrew teachers in cities around the country were imprisoned on trumped up charges.

Mr. Speaker, on February 25 the Communist Party Congress will be meeting in Moscow. I strongly urge the leaders of the Soviet Union to take this time to reconsider their policies toward the Jewish people of the Soviet Union. There are still 18 prisoners of conscience, including Iosif Berenshtein who desperately needs medical attention, and

thousands of other Soviet Jews who only wish to exercise their basic human rights to emigrate and live with their families. Until there are real changes in Soviet policy, the question of Jewish emigration and the treatment of Soviet Jews will continue to be a priority concern in United States-Soviet relations. The Communist Party Congress can rest assured that the U.S. Congress and the people of the United States will continue to be the voice for those that are allowed no voice.

Mr. SCHEUER. Mr. Speaker, I am pleased to have this opportunity to join so many of my colleagues as a participant in this special order on behalf of Soviet Jewry. While I am heartened by the active support demonstrated by this body today and on many previous occasions, I am also deeply saddened by the continued necessity for these special orders. The terrible plight of Jews in the Soviet Union is one of the most shameful wholesale violations of human rights in the world today.

It is truely ironic that the nation with the third largest number of Jews in the world prohibits the publication of all Hebrew books and Bibles. Because it is not recognized by the Soviet Government as a legitimate language, Jews are not permitted to study or teach Hebrew, nor are they allowed to teach their young people anything related to their history or culture. Unlike some other religious groups in the U.S.S.R., Jews are not allowed to maintain central coordinating bodies. Jews have become the targets of increasingly harsh and virulent anti-Semitic attacks in the Soviet-controlled media, despite the Soviet Union's pledge—as a signatory of the 1975 Helsinki agreement—"to recognize and respect the freedom of an individual to profess and alone or in a community, religion or belief in accordance with the dictates of their conscience."

There has also been a steady increase in the number of prisoners of conscience. Nearly 200 dissidents—twice as many as in 1979—are arrested each year and convicted either for actions related to their religious activities or the usual trumped-up charges of treason or espionage that are often used as excuses to isolate, banish and imprison Soviet Jews. The trials of these "criminals" are a cruel farce. Proper counsel is rarely, if ever, provided and verdicts are often delivered within a matter of minutes. Sentences of up to 13 years of hard labor and exile are handed down without the benefit of anything even remotely resembling a fair trial, in open defiance of the intent of the Helsinki accords "to respect the right of national minorities before the law" and to "afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms."

As outrageous as these abuses of basic human rights are, perhaps even more disturbing is the inability of Soviet Jews to escape their living nightmare through emigration. Our joy in the release of the celebrated dissident Anatoly Shcharansky is tempered by the fact that although some 400,000 Soviet Jews currently have an invitation—or "visov"—from Israel to emigrate, only 1,139 were allowed to leave in 1985. From an all-time high in 1979, the number of Jews permitted to emigrate since then has fallen by 97.8 percent. In January, only 79 Jews emigrated. At this rate, Soviet Jewish emigration will not even reach last year's appallingly low level.

Mr. Speaker, as Members of Congress, we have an obligation to call upon the Soviet Union to abide by its treaty commitments. The historic meeting between the leaders of our two nations last year has raised new hopes for peace. Now those hopes must be sustained and nurtured by developing an atmosphere of trust between our nations. Thus, in the spirit of the Geneva summit, we must send a clear signal to the Soviet leadership that we shall continue to be deeply concerned about the treatment of these Soviet citizens who are punished daily for the "crime" of wanting to live freely as Jews. We will be watching their treatment of Soviet Jews very closely.

Mr. LOWERY of California. Mr. Speaker, last week the Nation and the world watched as a young man crossed the Glienicke Bridge to freedom. The distance was not measured in yards but rather in emotional heights.

Anatoly Shcharansky lived almost 12 years away from his bride, Avital—but on this side of the bridge her devotion never faltered.

Shcharansky lived more than 8 years in prison—but on this side of the bridge, Avital inspired millions to seek his release.

Shcharansky endured solitary confinement, weight loss, illness, and was rarely allowed letters or access to the world outside his cell. Yet the man who emerged from the Soviet Union was not broken in mind or in spirit. His faith intact and his freedom in hand, Shcharansky immediately said, "It is my duty to use my experience to help those people who stayed behind."

I am awed by such loyalty and inspired by the unconquerable faith of this couple.

My wife, Katie, joined the Committee of 21 in May of last year and learned that she was to have Anatoly Shcharansky as her "prisoner of conscience." Through that effort, she tasted a small portion of the frustration and silence that the Shcharansky's endured.

Katie's letters to Shcharansky were not delivered, letters to Mikhail Gorbachev were not answered and pleas at the Soviet Embassy were ignored.

In a letter to President Regan, Avital once said: "If Mr. Gorbachev is concerned with improving his public image, a more basic change is needed. A facelift is not enough. A new heart must be installed in a political body whose human heart stopped beating decades ago and whose vital organs have reached the advanced stages of atrophy, characterized by an unfeeling bureaucracy and a police state."

Perhaps the heart in the small person of Avital made a difference. Perhaps Anatoly's release is concerned with the public image of the Soviet General Secretary. But we know we owe a debt of thanks to President Reagan in arranging the exchange that made it all possible.

So we celebrate the victory of Shcharansky's release. But estimates are that there are 400,000 refuseniks in the Soviet Union who have applied to leave. We now have 399,999 for whom to work. In the face of the dedication, persistence and love we have been shown by the Shcharanskys, we must continue the fight for human rights.

In my district in San Diego there is a family separated by the curtain across the Glienicke Bridge. Like Anatoly I want to renew my commitment to the work that has barely begun, to reuniting the Wolfson family, as well as thousands of others.

Mr. PORTER. Mr. Speaker, I am pleased to join my colleagues in this special order at a time when we are rejoicing over the release of Anatoly Shcharansky and at a time when we are witnessing new progress being made in United States-Soviet relations.

In response to recent Soviet actions to resolve long-standing cases of individual emigration and family reunification, we in the Congress must also take this opportunity to reaffirm our strong commitment to strengthen our efforts to work on behalf of the Soviet Jews, whose basic human rights are ignored by their Government.

Anatoly Shcharansky's freedom was long overdue, but those who have worked continuously for his freedom will say that the years of fighting were rewarded because Shcharansky is now a free man. His freedom is a victory for those dedicated to human rights. But many now ask if Shcharansky's release is a sign that people like Ida Nudel, Zachar Zunshine and Josef Begun will also be allowed to emigrate to Israel. Let us hope so.

A major figure in the human rights movement, Shcharansky was sentenced to 13 years in prison for monitoring his own country's adherence to an international agreement to which it was a signatory. Unfortunately, the details of Shcharansky's arrest are more common in the Soviet Union than are the details of his release. Thousands of Soviet Jews have been arrested, their belongings confiscated, their jobs taken away and their phones have been disconnected because they want to go to Israel.

Soviet officials have stated that the plight of Soviet Jews is an internal matter that should be of no concern to the United States. But the announcement of Anatoly Shcharansky's release demonstrates that the Soviets are responding to American demands. The future of improved international relations depends on this kind of compromise and cooperation.

Mr. Speaker, people in the Soviet Union wishing to emigrate cling to the hope that one day they, like Anatoloy Shcharansky, will be living in Israel, able to practice their religion and culture without fear of punishment. In the wake of Shcharansky's freedom we must strengthen our efforts and work with the Soviet Union so that soon larger numbers of Soviet Jews will be given exit visas and so a life in Israel will not only be a dream or a prayer, but a reality.

Mr. KRAMER. Mr. Speaker, I wish to thank the gentleman from New York, Representative JACK KEMP, and the gentleman from Maryland, Representative STENY HOYER, for organizing this special order.

While we applaud and rejoice in the release of Anatoly Shcharansky from Soviet captivity, we must continue, now more than ever, to encourage the Soviet Union to grant freedom to other Jews still denied the right to emigrate. We must not forget the more than 15,000 Soviet Jews who desire to leave the Soviet

Union and be reunited with their families and loved ones in other countries.

Many of these refuseniks, who have legally sought permission to emigrate, have been systematically persecuted and harassed by the Soviet Government under an anti-Semitic environment. They have been denied the rights of religious expression and freedom of movement guaranteed to them by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Act; all of which the Soviet Union has signed.

Also, as we celebrate the release of Mr. Shcharansky, let me call my colleagues' attention to stories we hear about the tortuous treatment of prisoners of conscience in the Soviet Union. As best we can ascertain, 18 prisoners of conscience are still subject to such treatment. They live in fear of reprisals, harassment, loss of employment, and even the fear of having their academic degrees revoked. Let us continue to work with them in their pursuit of freedom, as they have struggled and dedicated their lives to the freedom of others.

History has taught us that we must not stand by and allow such human suffering to occur. Horrors of the Holocaust are all too vivid in our minds. We ask the Soviet Union how much longer it will insist on inhumanely torturing its prisoners, and deny emigration privileges to those refuseniks wishing to leave that country.

Mr. Shcharansky, upon his release, was quoted as saying, "In this happiest day of my life, I will not forget those left behind in the camps still in exile." We must take heed these words, and fullfill Mr. Shcharansky's dream that these prisoners will also walk over the Glienicker Bridge onto free soil.

Mr. DENNY SMITH. Mr. Speaker, today we are taking time out from our regular legislative business to focus our attention on the issue of Soviet Jewry. As a body, we want to make it quite clear to Soviet officials that the treatment of Jews inside the Soviet Union does not go unnoticed by the United States.

The Soviet Union is a signatore of the Helsinki accords. As such, the Soviet Government has explicitly pledged to uphold the freedom of religion for its citizens. It has also agreed to handle family reunifications in a positive and humanitarian manner.

Obviously the Soviet regime has not given any of its citizens these freedoms. It has, however, singled out Soviet Jews for particularly harsh treatment.

In 1984, only 896 Soviet Jews were allowed to leave, compared to 51,320 in 1979. In 1985, this number rose slightly, as 1,140 Jews were permitted to emigrate. There are, however, an estimated 350,000 Jews still in the Soviet Union who have indicated their desire to emigrate. The Soviet regime's contention that all who desire to leave have done so is blatantly false. We continually hear of the plight of those who initially applied for exit visas years ago, yet have been repeatedly denied the right to leave.

After making their initial visa applications, Soviet Jews are subject to all types of persecution. They lose their jobs, are denied entrance to universities, and have their mail confiscated and their homes searched. Too often, they are eventually arrested on trumped up charges. Soviet officials need to know that such actions will never be ignored, and are definite impediments to improved relations with the United States.

I am also concerned about the harassment of Soviet Jews in the practice of their faith—a clear violation of the Helsinki accords. The teaching of Hebrew is now punishable by 7 years hard labor. In fact, several Hebrew teachers have been arrested and tried. Their instructional material has been confiscated, and their homes searched. Official Soviet news articles and broadcasts denounce Judiasm and individual Jews.

Mr. Speaker, in closing let me reiterate that Jews in the Soviet Union are not alone. Those of us in the United States who cherish freedom and the rights of individuals will never look the other way so long as Soviet Jews continue to be presecuted.

Mr. BUSTAMANTE. Mr. Speaker, I want to thank both Congressman HOYER and Congressman KEMP for organizing this special order on the eve of the Communist Party Congress in Moscow. At this time it is important for us to raise a fundamental concern in United States-Soviet relations—the state of Soviet Jewish emigration and human rights.

Mr. Speaker, last week no one could help but be moved by prisoner of conscience Anatoly Shcharansky's reunion with his wife, Avital, in Israel and by their rededication to combat the plight of Soviet Jewry. While their reunion culminated their 12-year struggle to live together in freedom in their homeland, Israel, they have not given up the struggle for their Soviet brethren. We read of the remarkable spirit of defiance which sustained Anatoly in the Soviet gulag in his struggle for human rights and for his right to emigrate to be reunited with his wife in Israel.

Mr. Speaker, if Anatoly had the great courage to speak up for his rights while under the grip of Soviet repression, is it not our duty, here in the land of the free, to speak up for Soviet Jewry; for the prisoners of conscience, for the refuseniks, and for thousands of Jews who want to leave the Soviet Union? It is our duty to point out to Secretary Gorbachev before the Communist Party Congress that gestures are not enough to distract us from accurately seeing the severity of Soviet Jewry's situation. It does not distract us from seeing the ongoing campaign against Hebrew teachers and cultural activists like Aryeh Volvovsky—a campaign of persecution, brutalization and imprisonment. It does not distract us from observing the criminalization of dissent like in the cases of Yuli Edelshteyn who was convicted of trumped up charges of possession of drugs and Alexander Kholmyansky who was convicted of possession of firearms, and Iosef Berenshteyn who was charged with resisting police. It does not distract us from seeing that only 79 Soviet Jews were allowed to emigrate in January. These low emigration figures do not translate into a liberalized emigration policy. Indeed, even the gesture of exchanging Anatoly as a spy cannot be seen outside the context of the present Soviet campaign of making the right of emigration a crime.

Mr. Speaker, it is important for Mr. Gorbachev to realize before his party congress and before his visit to the United States, that gestures will not suffice. Gestures will not ease the genuine concern for Soviet Jewish emigration in the West. Actions such as significantly opening the door to Jewish Soviet emigration, and serious improvements in the treatment of Soviet Jews can have a significant effect in improving United States-Soviet relations.

Mr. YOUNG of Missouri. Mr. Speaker, Soviet Jews comprise the third largest surviving Jewish community in the world, after the United States and Israel. The latest estimates suggest that there may be as many as 2.5 million Jews in the Soviet Union. This number represents 65 percent of European Jewry and 15 percent of world Jewry.

Soviet Jews have been struggling to achieve basic human rights, including the right to maintain their own religion and culture. The right to leave any country that denies one their heritage is an internationally recognized human right, yet in the Soviet Union permission to emigrate is given arbitrarily.

Since the Reagan-Gorbachev summit meeting last year, we have heard quite a bit about the Soviet Union allowing some Jews to emigrate. The release of Anatoly Shcharansky, the reunification of several couples outside of the Soviet Union, and the extension of Yelena Bonner's visit to the United States have received headlines suggesting that this may be the beginning of a new era for Jews in the Soviet Union. Nonetheless, Soviet Jews still face impossible obstacles.

We must not allow these rare concessions to cloud our vision as far as any substantive change in Soviet policy is concerned. We must instead reaffirm our commitment to Soviet Jews.

Let us examine the facts: Jewish emigration from the Soviet Union achieved a high point in 1979, when 51,320 Jews were allowed to leave. This number has fallen steadily over the years to the point that less than 2,500 Jews have left the Soviet Union in the past 2½ years.

Another statistic that reflects the Soviet Government's attitude toward Jews is the number of synagogues in the Soviet Union. In 1926, there were more than 1,000 synagogues in the U.S.S.R.; yet, today that number has dwindled to approximately 60. Sixty synagogues for the third largest Jewish community! These facts speak for themselves.

The Soviet Government has developed a sophisticated plan for the extinction of Jewish culture in the Soviet Union. The Soviet Council of Religious Affairs has outlawed teaching religion to persons under the age of 16. In addition to prohibiting the passing on of their religious traditions to the next generation, there are no Jewish seminaries in the Soviet Union, unlike other registered religions.

Discrimination by the Soviet Government against Jews is constant and calculated. I am thankful that Mrs. Bonner has received the medical treatment that she so desperately required and that Anatoly Shcharansky has been reunited with his wife in Israel, but we must not let these events lessen our dedication to see that all people who wish to emigrate are allowed to do so in accordance with international law.

Mr. DWYER of New Jersey. Mr. Speaker, I wish to thank my colleagues, Congressmen HOYER and KEMP for bringing this special order on Soviet Jewry to my attention. It's a way of keeping the issue alive as well as keeping attention focused on the Soviet Union and the plight of Soviet Jews. It is my hope that the Soviets will give new attention to this issue, which has such important ramifications for East-West relations, at the upcoming Communist Party Congress.

With the release of Anatoly Shcharansky, new hope has been given to more than 15,000 Soviet refuseniks and prisoners of conscience. Life for a refusenik is very grim. They are invariably fired from their jobs, not allowed to worship, and are scorned on a daily basis. The case of Marat and Claudia Osnis, which I have adopted, fits this typical scenario.

The Osnis family first applied for an exit visa in 1972 together with Marat's parents and his grandmother. Marat's parents and grandmother were allowed to emigrate to Israel, but Marat was refused on the grounds that he had been exposed to classified materials at his job as an engineer. However, he was told that he would be granted an exit visa within a short time.

Marat was not allowed to continue in his profession after applying for a visa and had to support his family by tutoring and odd manual jobs. His wife, Claudia, was expelled from the university where she was a student of economics. In 1979, Marat was told that he would receive his exit visa in 1981, 10 years after leaving his former job as an engineer, however he was refused again in October 1981 without explanation. The oppression and limits on personal freedom which the Osnis family, along with other Soviet refuseniks, must endure is unconscionable in today's world.

It is my fervent wish that the new hopes lighted in the hearts of Soviet refuseniks and prisioners of conscience by the release of Anatoly Shcharansky will not be extinguished. I hope that the Communist Party Congress will take this opportunity to move in a more positive direction with regard to human rights and the plight of the Soviet Jewry.

Mr. EVANS of Illinois. Mr. Speaker, today's special order on Soviet Jewry has two purposes. One is to celebrate the release of Anatoly Shcharansky after 9 years in the Soviet Gulag. The other purpose is to remember those who remain behind.

Why do we pay so much attention to Anatoly Shcharansky, even while hundreds of thousands of refuseniks wait for freedom? Is he just a media figure?

By all accounts, no. Shcharansky is one of those rare public figures whose notoriety is equaled by his decency. As a Zionist and an activist for Jewish emigration, Shcharansky's primary focus was certainly the needs of the Jewish minority. It was his main goal: to achieve for Soviet Jews the full realization of their national, cultural, and religious identity.

But at the same time, Shcharansky is a man involved in more universal concerns. An interpreter for Sakharov, who is not Jewish, Shcharansky built bridges to the entire Soviet dissident community. He was a leader of the Moscow Helsinki Watch group, and in that role fought tirelessly for the rights of all Soviet minorities and dissidents. And now, upon his arrival in Israel, Anatoly Shcharansky has immediately turned his attention to the human rights situation in that country, saying that he would visit jails and study relations between Jews and Arabs. The advocacy of human rights for him knows no parochial limits.

With the example of Shcharansky in mind, we turn our attention to those who remain behind. They are Shcharansky's main concern. They are our main concern.

Boris Yelkin, is a husband and father. He is actively involved in the repatriation movement in Leningrad, and for seeking freedom in Israel, he has been interrogated, lost his job as an engineer, and now works as a nightwatchman. Leonid Rholkin is a Hebrew teacher under imminent threat of arrest. His search for cultural identity jeopardizes his safety. Both of these brave men are little known beyond the borders of the Soviet Union. And that is why we cannot forget them and the hundreds of thousands who still wait. Shcharansky's release has significance only in terms of the fate of those who remain behind. He would be the first to admit that.

Mr. Speaker, as relations between the United States and the Soviet Union continue to improve, making the world safer for all people, we must continue to fight for the recognition of basic human rights. Be it in Cape Town or Leningrad, injustice only makes our world a more dangerous place.

Mr. EDGAR. Mr. Speaker, I rise today to rejoice over the release of Soviet Jewish prisoner of conscience Anatoly Shcharansky and to rededicate myself to securing the release of those left behind.

I am equally glad to report the safe arrival of Soviet refusenik Yakov Mesh to the United States. I adopted the Mesh family in the spring of 1984 and have been actively working for their release since that time.

Although the goals and means of such refuseniks are peaceful, they face harassment and arbitrary imprisonment at the hands of Soviet authorities. As a member of the congressional human rights caucus, I personally realize that progress in this area is often slow and agonizing. Since 1982 I have signed over 60 letters to Soviet officials urging a resolution of specific refusenik cases. The more interest in each case that we can generate, the less likely it is that the abuse these people have suffered will continue and the more likely it is that they will be allowed to emigrate.

The successful departure of Yakov Mesh and Anatoly Shcharansky reaffirms the fact that it is only through coordinated and concerted action on all levels that attention can be drawn to individual cases and to the problem as a whole. We cannot fool ourselves into believing that such victories signal a genuine relaxation of Soviet emigration restrictions. We must continue, in the strongest possible terms, to urge the Soviet authorities to adhere to their commitment to the Universal Declaration of Human Rights and the Helsinki accords, and to open their doors to those who wish to leave.

Mr. COUGHLIN. Mr. Speaker, it is with much happiness that we note the release of Anatoly Shcharansky from his long and unjust detention by Soviet authorities for a crime he did not commit. His freedom represents the culmination of efforts by the administration, the Congress, and our allies, but most of all, by Anatoly's many friends around the world and his wife, Avital. I have seen Avital's determination to liberate her husband from personal meetings with her, and know that all of my colleagues here join me in saluting her for her untiring efforts. She is truly a tower of strength.

While we cannot help but be joyful at seeing Anatoly finally released, we must not forget the cynical and inappropriate manner in which the Soviets set him free, associating him with espionage activities to the end. That they chose to allow him to go in such a manner can only remind us of their long history of lack of respect for human rights and the personal dignity of the individual—something that I saw only too clearly first hand during my trip to the Soviet Union in October 1985.

If there is any question of the Soviets' failures on the human rights front, we need only recall the hundreds of thousands of Soviet Jews who wish to leave the U.S.S.R. today, but are denied the right to emigrate. While we celebrate Anatoly's release, we must also remember the many other prisoners of conscience, too numerous to name here, who still languish in the gulag.

Perhaps this incident, along with other recent events including some limited action on the divided spouse issue, does represent the first small step toward a more enlightened Soviet policy on Soviet Jewry and human rights. If so, let us do our utmost to encourage further deeds. The best way to do that is by making sure that we do not relax our vigil on behalf of the many other human rights and religious activists and persons seeking to emigrate.

If, conversely, Anatoly's release represents an attempt to obtain a propaganda victory, then we must expose it for what it is and pressure the Soviets all the more.

Whatever the case, Mr. Speaker, the Soviets must know in no uncertain terms that Anatoly is not enough. His release is cause for rededication as much as it is for celebration. I know that my colleagues will be joining together in the days ahead to continue the effort on behalf of Soviet Jewry, even as we wish Anatoly the greatest success in his new life in the land of his heritage, Israel.

Mr. McDADE. Mr. Speaker, once again I join my colleagues to urge Mikhail Gorbachev, General Secretary of the Communist Party, and every other member of the Communist Party Congress, who will be meeting in Moscow February 25, to end their policy of detaining Jews who desire to emigrate.

I would like to remind the leaders of the Communist Party that in 1985, only 1,140 Jews have been allowed to emigrate, compared to 51,320 in 1979. We believe that 350,000 Jews have indicated a desire to leave the Soviet Union.

The Soviet Union is a party to the Universal Declaration of Human Rights, the Helsinki Final Act, and the International Covenant on Civil and Political Rights, all of which guarantee the right to emigrate. The Helsinki Final Act demands that "participating States will deal in a positive and humanitarian spirit with applications of persons who wish to be reunit-

ed with members of their familiy," and calls for special attention to requests of an urgent nature. Mr. Gorbachev, many of the pending Jewish requests to emigrate fall within this category. Allowing Soviets who desire to emigrate would help establish the trust the United States and the U.S.S.R. must develop before we can successfully negotiate arms reduction.

The respect for the diversity of human beings and their religions has made the United States the strong democracy that it is today. Realizing differences and respecting them is freedom. And, I will continue to take every opportunity to speak out against the injustices committed against Jews and many other people within the Soviet Union.

Thousands of years ago, Moses said to the Pharaoh, who had enslaved the Jews, "Let my people go." Mr. Gorbachev, that message is still the same. Let the Jews go.

Mr. LENT. Mr. Speaker, Soviet Jewish dissident Anatoly Shcharansky's dream of freedom has come true. After 13 long years of torture and persecution in a Soviet gulag, Shcharansky has finally been reunited with his wife, Avital, in Israel. Tragically, however, there are still hundreds of thousands of Soviet Jews waiting for their day of freedom. While the free world rejoices in the release of Anatoly Shcharansky the specter of thousands of others, who like Anatoly are victims of Soviet oppression, casts a pall over this joyous occassion.

I had the privilege of meeting many of these courageous men and women during my trip to the Soviet Union in 1983. I listened to their stories of personal struggle in the face of overwhelming Soviet repression and I urge you to listen now. The message these brave and hopeful people send is clear: "Do not forget us. Keep up the fight for freedom." Today, my colleagues and I are answering their plea with our own message: "We will never forget."

We must not be discouraged by the dismal record of Jewish emigration from the Soviet Union. We must persevere and I am confident that through our hope and efforts the gates of freedom will be opened.

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, yesterday I indicated that, if given the opportunity, which I do now have, I wanted to return to the common subject of discussion that has been of concern to me, to the point where I have been discussing the issue for about 22 years, but with consistent and increased fervor or interest, since 1966, the credit crunch beginning June 19, 1966, which, to me, was the handwriting on the wall that I had hoped at the time would be read clearly for what it was, and that the then-administration of President Lyndon Johnson and the leaders in Congress would have the foresight to do something about and prevent to the degree that we could at the time, which I think was substantial at the time, what we now take for granted, which are usurious, extortionate, exploitative rates of interest which, as I have said for the past 10 years, are robbing the American people of their heritage in the sense of the standard of living that we identify with in America.

That subject matter happens to be the Federal Reserve Board, and the reason I gave yesterday for wanting to discuss this in greater detail than any of the constituents or the American people in general will read in the accounts afforded in the reports by both the newspapers as well as television and radio reports, I felt it incumbent to discuss the visit of Chairman Paul Volcker of the Federal Reserve Board to the banking committee, as it is known today as the Committee on Banking, Finance, and Urban Affairs, of which I have been a member since I came to the Congress almost 25 years ago and today am considered what we call the ranking member of such committee.

Mr. Volcker appeared in a sort of a ritual that has become customary in the last 9 or 10 years, to report on the monetary conduct or policy of our country.

Now, "monetary" is a fancy word. "Fiscal policy" is a fancy phrase. But actually what it means is that he was supposed to be discussing with us the makings of the policies that are dictating the present economic conditions that prevail in our country. He pointed out the fact and gave himself credit for the fact that there had been recorded a one-half of 1 percent drop in unemployment. What he did not bother to do was to correctly and truthfully report the extent of unemployment in this country and the fact that we used to consider absolutely unacceptable, which was an unemployment rate in excess of 4½ percent and today is taken for granted that we are doing good if it is anywhere around 8, 8½, or 9 percent.

The truth of the matter is that had the Chairman of the Federal Reserve board truthfully and correctly reported, the Nation would know that we have an unresolved, now an endemic, built-in unemployment problem of great proportions, which is reflected in such things as, or one of the contributing factors to the deficit, if not one of the main contributing factors, and also to the fact that our country as of just the last few years, during the course of the Reagan administration, has been converted from a producing country, one of the leading producers of the world, to a consuming and an importing Nation.

Also it has been only less than 2 years, and this Mr. Volcker was not about to report to the committee and therefore to the representatives of the people, for the first time since 1914, our country is a debtor nation, not a creditor nation.

In World War I and World War II, the United States was the only creditor nation in the world involved in that giant conflict or those conflicts.

Today it is a debtor nation.

What the Chairman of the Federal Reserve Board did do, and what I say and repeat is sort of a ritual in which it is obvious that the potentate, this great czar of power, in fact this week's issue of one of our leading weekly magazines, Newsweek, has a front-page picture of what they entitle the second most powerful man in the country, the Chairman of the Federal Reserve Board.

The truth of the matter is that he is no second to anybody. What we have made of the Federal Reserve Board is such a powerful agency that no country, at any time, even the industrial banks of Europe, even the Exchequer of England, as powerful as it was in years past, almost all powerful, never, never once had the power that we take for granted the Federal Reserve Board is entitled to, almost a natural right.

Now the point is this, that the country is entitled to know. The people of the United States have, in my opinion, the desire to know whether the news is bad and, politically, perhaps undesirable for those in power at this moment, not only in the White House but in the Congress and other positions of power, the fact, in my opinion, is that the American people would rather know because then in a democracy in which we pride ourselves in having the ability to govern ourselves, they, the ultimate sovereigns of power under our Constitution, can then make the decision in an environment of wisdom and knowledge.

At this point, I cannot blame the American people for not really being in a position to judge and to judge accurately and knowledgeably because, simply, that knowledge has not been given them. This is just a weak and feeble attempt to do that in what I consider to be a rendering of accountability of one Representative who has the fundamental duty to uphold his oath of office with respect to representation of a given geographical entity in

the State of Texas. Today the 20th Congressional District, which I have the honor of representing at this time, is comprised of not all of the city of San Antonio. My first 8 years in the Congress, the district was the entire county, and therefore it was the second largest district in the whole Nation, for the first 8 years that I served here.

The Federal Reserve Board has at this point the complete, untrammeled, unrestricted, unregulated power to determine the essential economic well-being of this country. It is a determinant of such things as the fundamental cost of money or the rate of interest. We must remember that the rate of interest or interest itself is a mechanism by virtue of which wealth is transferred in any given society.

We must also remember because for us not to know and not to remember is to have to pay the price that has been paid by civilizations which have risen and fallen on the basis of extortionate and unconscionable rates of interest.

All the history of mankind can be rated on a comparative basis with the rise and fall of the experience of a given society with this particular mechanism.

There were times, for example, where even a modicum of expectation of payment of interest or the exaction of payment of interest, no matter how modest, was punished by death and other punishments. As a matter of fact, when the interest rates began to push up where they became noticeable to the average citizenry just a few years ago—and I say just a few years ago; actually I am talking about some 6, 7, 8 years ago—and when finally what we had been talking about up here in this stratosphere of environment finally distilled and filtered down, and the little merchant down in my district or in the States that I happen to travel to and in the cities I visited began to say, "But Congressman, why is it I have to pay 15, 16 percent to get a loan or a credit of $3,000 for the inventory of my little shop? I thought there was a law against that. I thought there was a law against any payment of interest in excess of 10 percent."

It was very difficult to impress upon them that our country had no such law since 1865, that whatever such antiusury laws existed were on the State level and that under the pressure of the Federal Government's example, and pressure, the State governments and the State legislatures were fast removing those restrictions from their statute books.

Yes, of course, in my native State of Texas, the Constitution of 1875, which still prevails with about 230 amendments, this was the Reconstruction Constitution in the State of Texas, and it reflects the fact that it was written at a time of great turmoil and as a reaction to what down there is known as the carpetbagger era of governments; but you will find basic provisos that limited interest. In no case when I was in the State senate, the constitutional proviso in the statute still mandated, no more than 10 percent on any kind of transaction, long-term mortgages, short-term transactions, no matter what—10 percent was the limit.

□ 1315

Six percent was the limit for many, many years in the statutes in my State and in other States—I do not know now how many, but some number—in the case of long-term fixed mortgages or long-term mortgage or contract agreements.

All of that has disappeared. It was to no avail that some of us tried to point out that since there were no national standards since the elimination of the law in 1865.

Now, 1865 was a period of great turmoil. The Civil War was still being felt in the sense that the Nation was in arms. President Lincoln, the week that he died, had uppermost in his mind what he called the great threat of the corporate and banking interest in taking over the credit allocation, the power of credit allocation of the Nation. He feared that more than anything else. He had good reason, because it was during that period that we had two fundamental banking laws, the National Currency Act of 1865, and then 1 year later or maybe before, we had the equivalent of a national banking law. But the fear was there just as much as it was all through our history, the men who first were responsible for the formal organziation of our Nation. And we must recall that our national existence in the beginning provided for no such thing as an executive branch.

But the First and the Second Continental Congresses and all during the Articles of Confederation, the fact was that the form of nation of outward governmental structure still had to have its banker—what, in law, we say is the fiscal agent. So that we read the history of the utterances and the debates and the concerns of the men, and we find that in both the First and the Second Continental Congresses the biggest fear was that the Congresses, that is the people's representatives, the Government as it existed in our infancy as a Nation, would be ending up in the hands of what they called then the bankers and having to pay luxurious or inordinate high rates of interest for whatever money was needed to be borrowed by the Government.

So we had the creation of the Bank of North America in which an attempt was made to provide a fiscal agent, but not after some struggle and not after vehement denunications by such men as Thomas Jefferson, who was unequivocal and absolutely upset and very, very strong in his statements about what he considered to be the eternally existing powers among mankind, whose greed is ever unsatisfied, insatiable.

Well, that is true today. But what we have now is a monstrous operation that is heedful to nobody's control. It is not amenable to control to the Congress that created it, though you talk to some Members of Congress and most of the people outside, and particularly among the financial circles, and they seem to think that this was a body, an entity that came from heaven, that it is not supposed to be questioned, that it is supposed to be independent.

Independent of who? Well, independent of the people, of course. If the Federal Reserve Board is not answerable to the President, and the President is elected by the people, and if the Federal Reserve Board is not answerable to the Congress, and the Congress is the representatives of the people, then to whom does the Federal Reserve Board answer?

Well, the plain, unvarnished fact is that it is answerable only to the bankers who own it and run it and dictate its policies. Today in its operational form, that means about six or seven of the biggest banks in this country. It is with the presidents of some of these entities that the Chairman of the Federal Reserve Board meets in secret to figure out ways and means of what? Of using the credit resources and allocations of the Nation for the benefit of these few, nothing else. Nothing more, nothing less.

It is not the President that the Chairman is going to answer to, even though, given political inclinations at the time like right now, they may be conveniently sympathetic to the plight of the adminstration in power and, therefore, like they are doing now, running the printing presses and increasing the money supply. Naturally, when you do that, you will have a glimmer of employment, you will have an apparent reduction of interest rates, but not real. And then when the so-called momentum of this so-called well-being, though that has been only in the figment of the imagination of those who have been bamboozled, and that means the Nation.

I have said now for 4 years that we are living in a sort of a national Jonestown. Remember Jonestown, where you had about 1,000 people committed suicide on the mandate of a leader, and all the time he was telling them, "Take this potion for salvation, your salvation." Well, it meant death.

Well, that is what we have had with Reaganomics, exactly what we have had. Nothing more, nothing less. And the people have gone along because they have not been given a choice in

order to form a judgment, other than those who are perceptive, as most Americans really are, have from the beginning grasp, even those who have supported politically the President and those in power now.

But the problem is that the answer comes too late. The things that can be done now seem to me to be quite impossible to bring about in adequate time to avoid the inevitable. The inevitable is there. How we handle it is what I think now should be preoccupied upon us, and this is what I wanted to discuss after the visit by the Chairman of the Board, who did no more or no less than what he has done and his predecessors before him that I have listened to as a member of the Banking Committee time after time. They do not feel they have to account. They know they do not have to account. They come to us like potentates that are giving us a gift, the gift of their presence. They are condescending to come before the committee, they let us know. And remember, we are voluntarily wanting to go, but not because we owe you the duty of doing so.

What has happened is simply what happens in every instance of a similar nature. We, the human beings in our collective existence in government and other institutional behavior, are constructed in such a way that if given unrestricted, unlimited power, will sooner or later abuse it. It is as sure as the day follows the night. History is a long story of such a truth in human activities.

When the powers that have been given are arrogated by the Federal Reserve Board—now, let me say this. The Congress has either passively or without quite realizing or with little or no debate whatsoever, made it possible from time to time for the Federal Reserve Board to have reached this point.

□ 1325

Now, in 1965 I thought it proper to introduce some legislation that I felt was in keeping with the spirit and the letter of the original 1913 Federal Reserve Board Act, which, as I said, had been ameliorated, had been changed, in its thrust. With the formation, for example, in 1923, of the so-called open market committee, that, in effect, was the first most serious step that gave the Federal Reserve Board that power to escape scrutiny, to escape accountability, and, further, gave the control to the private-banker sector that really owns the Federal Reserve Board. The Federal Reserve Board, I remind my colleagues, is not a Federal Government agency. It is called the Federal Reserve Board, but it is not a Federal agency. It will not submit to an audit by the Government agency that the Congress has as its only watchdog agency, the General Accounting Office. It does not even have, to my knowledge, an inspector general to provide some accountability.

I have brought to the attention of the Congress in the past, placed it in the record, clear evidence of wrongdoing of monstrous proportions in which special interest bankers have benefited millions of dollars through the crooked criminal manipulation of some specific members of the open market committee.

What good has that done? I have spread the evidence on the record, even the report that after much importuning I was able to persuade the then chairman of the committee to request of the then chairman and present Chairman of the Board to give us, and that was an in-house report that was brought about by the very lawyer that represented one of the banks involved in this fraud and this illegal divulging or leaking of information that benefited the special banking interests.

What good has it done? Who cares?

But now I believe it is obvious, and I think it was obvious yesterday that, finally, the Chairman of the Board did say, even if by indirection in yesterday's testimony, that, yes, there was such a thing as a connection between a high interest rate or a low interest rate prevailing in the Nation and the policies that the Federal Reserve Board would enunciate from time to time, modify, change or announce.

Before this, when we would ask the question, the Chairman—and this is more than one, for his predecessor told me the same thing in open committee meetings, "Interest rates, we don't have anything to do with that." Why, it was like an act of God, according to them. And when we kept pointing to the connection between the statistics that the Federal Reserve open market committee would divulge 3 or 4 months after their actions and the events happening in the markets, then they denied it vehemently. But let us look at what the Chairman did not report yesterday that is the cause of a temporary flurry.

In the third quarter of last year, 1985, the money growth rate was about 3½ percent. It was certainly less than 4 percent. Yesterday the Chairman could not remember if it was 4 percent. It was thereabouts, or maybe more, he said. But it was less. Today, after they started the crank of the moneymaking machine at the Feds, it is at 15 percent. So then the Chairman says, "Oh, well, right now our biggest worry is that the decline in the value of the dollar will cause inflationary forces to rise; then we are going to have to sort of constrict"—meaning reduce—"the money supply, change our credit policies," as he says.

Well, the fact is that if you have inflation it is for the same old reason that under the old system before, they used to blame the politicians, that all they had to do was turn the printing presses and they would print money. Well, the Federal Reserve is doing that now. I will ask any of my colleagues or any citizen today to reach into his pocket and pull out a dollar bill and see what he reads, if it is not "Federal Reserve note." When I came to the Congress, about 7 out of 10 of the bills I would pull out like that out of my pocket were Treasury notes, not Federal Reserve notes, Treasury notes. And in that change is a history in itself. That, of course, is another subject matter, and that is not what I intended to discuss.

Today what I do want to remind my colleagues of again is that even if we were to take some actions that should have been taken, say, some 18 years ago, such as delimiting, perhaps even avoiding, that is, canceling, outlawing, the open market committee, going back to the original thrust of the legislation. After all, the Congress was the one that give birth to the Federal Reserve Board in the 1913 Federal Reserve Act. So that this idea that it is independent and not accountable to anybody is just simpy absurd on the face.

Now, if the Congress wishes, as it has through the years, unfortunately, to abdicate its responsibility to the people who elect us here, that is something else. But let us not confuse things. Let us see what the facts are, see what the problem is, see what if anything can be done today.

Of course, by today, as I said, the forces impinging on us are so great and they are so far out of any control that we can assert—they are international in scope, they are impinging upon us now. As a matter of fact, all of the so-called well-being that is supposed to be around the country and has been, according to the administration, the past 2 or 3 years is being fueled by foreign money that is very fickle. Today the foreign ownership of our Government bills, notes and other financial papers is disproportionate with the freedom of its so-called central bank, the Federal Reserve Board, which really is not a central bank but we call it that because it is the nearest comparison to what other countries call a central bank.

I also must remind my colleagues we are the only country in the Western world or industrialized world that handles our monetary matters this way. We are the only ones. There is no government, certainly no European government, that has its people paying a tax, paying interest to what is supposed to be their agent to print their money. And that is what we do. Every dollar bill you have, you have paid interest for the Federal Reserve Board to print it. This is supposed to be the agent, the fiscal agent, of what? Of

the U.S. Treasury. But it is the other way around. It is the U.S. Treasury that now is the agent and the handmaid of the Federal Reserve Board.

So the destinies of our people are in the hands of this mighty machine. Why should a powerful, plutocratic, oligarchic entity or group care one thing about a little businessman in my district who needs to borrow $3,000, $1,500 from the bank in order to stay alive and have a little inventory if he has to pay 14½, 15 percent or even 12 percent interest? That is extortionate. There is nobody who can stay in business for long for himself. What he is doing is paying for his loans, he is paying his banker to stay in business. He is working for the money changer. And our whole Government and our democracy is now in the hands completely of the money changers. We have let them come into the temple of democracy, and we have just simply got to chase them out sooner or later and control these forces, bring them back to the people. That is all that has to be done. Nothing more, nothing less. This idea that you cannot trust the agents of the people for their judgment in the handling of these issues is a fallacious one and is a terrible confession of the distrust in the democratic processes and in the ability of ourselves to govern ourselves.

This is the issue. This is the issue of today. This is the issue on which balance hangs the destiny of our country. We have at this point and for the last 2 years the highest rate of bankruptcies in business, out-peaking the highest points of the Depression. Granted that we have more people, granted that we have more businesses than we did during the Depression. But there is still no reason why we should sacrifice our way of life, why we should sacrifice the little independent entrepreneur on this great altar, this great expiatory altar of usurious, extortionate, and unconscionable interest rates. They are not acts of God. They are created by acts of man. Therefore, they are susceptible to remedies by acts of man. And yesterday's testimony by the Chairman of the Federal Reserve Board continued this rather obsequious, condescending, almost insulting, presentations to the Members of the Congress or the Representatives of the people. There was no indication that at any time there would be a willingness to give us a real accounting as to the policies.

What are the forces behind them molding them? Do we expect those bankers that have been so greedy and blinded by that greed that they were so foolish as to go out and lend in excess of their capitalization structure to nations that will never be able to pay back, all because that 30 percent, 35 percent interest rates they thought they were going to get from these nations blinded them to that profit?

So should we be surprised, should we be surprised, that here, where wealth accumulates in greater and greater proportions in lesser and lesser and fewer hands, that we have the rust belt, our producing areas of manufacture and industry rusting, our farmers begging for relief in every one of the growing sectors of our Nation?

We predicted this. It was inevitable. You cannot refuse to allocate the engines of credit of the Nation to the builders, the affirmative elements in our society, to the producers of goods and food and fiber, without serious consequences and concentrating them in sterile productionless endeavors, such as the mastodons taking over other mastodons, and where all the corporate endeavor and credit and the greatest extension of corporate debt in the history of our country just in the last 2 years now amounting to trillions, in order to avoid or make possible a corporate takeover that is not going to produce one job, that is not going to produce one piece of goods, but merely speculative and wasteful of the credit resources of this Nation, because they tie up billions and billions of dollars of credit resources, banking resources.

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When the H.L. Hunt family a few years ago in 1979 or thereabouts, 1980, tried to corner the silver market, they had to utilize 20 billion dollars' worth of banking resources that should be available to fire the furnaces of our steel mills, that ought to be available to manufacture automobiles, to produce steel, to produce the food and fiber that has fed the world, but today is in abject depression.

I say it is time to put a stop to it, and I think that it is never too late to start, even though it may be too late to avoid some of the catastrophic impact that we have already felt. The farmers' plight, it was not necessary. It was not one that had to be. The "Rust Belt," where here, this great glory of American production, the arsenal of democracy during World War II is idle and rusting. Where wealth accumulates and men decay, in the words of the English poet.

I say that those are important issues. Today, there should be more discussion than one, single, solitary voice, but I must confess to you that as disappointing as it might have been through the years, because, as I say and repeat, the record will show because I have always spoken for the record. It is something I have been submitting propositions about.

I introduced specific legislation, one, to amplify, if not outright, abolish and bring the Federal Reserve Board within the context of control of the Government by placing it under the Department of the Treasury. After all, the legal definition is that it should be the fiscal agent of the U.S. Treasury. Well, let us do it.

I introduced a bill many years ago that would do that. Second, I have introduced bills that I thought it would be more possible for a very serious acceptance by my colleagues, but unfortunately, they have not. That would amplify, it would enlarge the membership of the Federal Reserve Board. Instead of just bankers, it would bring in mechanics, it would bring in insurance agents, it would bring in businessmen from other walks of life, not just bankers.

You cannot expect bankers to do anything more than what they have been doing. You cannot expect Congressmen to do more under the same circumstances. As I said, given unaccoutable power, man will abuse. This is the great redeeming feature of the main principle, rationale behind our Government. That we would have a coordinate system of government. The three basic organs would be independent, coequal and separate. But today there are very few people who would say that the President was not supreme and all-powerful. Let me say that Paul Volcker is far more powerful, the way things are today, than any President of the United States or the Congress itself.

The Congress is the heart of the matter. The Congress, through actions, founded such an entity as the Federal Reserve Board. The Congress through inaction has let it get beyond supervision and control and accountability. But I think that the point, even though it is late, it is never too late to correct an evil or begin thereabouts on that job, and I think we should. I thought that perhaps after one of these hearings in which the Reserve Chairman would come before the committee there would be some semblance of reaction and movement in the midst of the Congress. I regret to see none.

I say that we cannot sell our tremendous heritage for this temporary mess of pottage.

H.R. 4130, CORRECTING AN ESTIMATING ERROR ON THE PART OF THE VETERANS' ADMINISTRATION AND THE INTRODUCTION OF THE LAKE TUSCALOOSA PRESERVATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. SHELBY] is recognized for 10 minutes.

Mr. SHELBY. Mr. Speaker, there are two subjects that I would like to discuss today here in the House.

Mr. Speaker, no doubt you and the rest of my colleagues have been hearing from veterans throughout the country inquiring about the impending shutdown of the VA's Home Loan

Guaranty Program. The committee has also heard from mortgage bankers, realtors, and homebuilders about the inability of veterans to obtain VA guaranteed loans after April 1.

This serious problem results from the fact that the Veterans' Administration and the Office of Management and Budget grossly underestimated the number of loans that would be initiated this current fiscal year due to lower interest rates.

Today, the full committee is reporting to the House H.R. 4130 to correct this estimation error.

I wanted to let my colleagues know so that when the bill is scheduled hopefully early next week, we will be able to resolve this matter so that veterans throughout the country will be able to continue to receive VA guaranteed home loans without severe restrictions.

I am also happy to report to my colleagues that the Senate is moving an identical bill, and I am hopeful that this President will have the bill on his desk in early March.

I appreciate the cooperation of the distinguished chairman of the committee, Mr. MONTGOMERY, and the ranking minority member, Mr. HAMMERSCHMIDT, for moving so quickly to report this bill.

Mr. Speaker, the other subject that I would like to address today is the Lake Tuscaloosa Preservation Act.

Mr. Speaker, I rise today to introduce the Lake Tuscaloosa Preservation Act, a bill designed to protect Lake Tuscaloosa in my home county and the people there who benefit from it.

The purpose of the legislation is to prohibit the Federal Energy Regulatory Commission [FERC] from issuing a preliminary permit, exemption, or license for the construction of a hydroelectric project at the dam on Lake Tuscaloosa in Tuscaloosa County, AL. The legislation is intended to be narrow in scope and nonprecedential in nature. I am introducing this bill in response to unified and intense local concern of my individual constituents and of the city of Tuscaloosa.

The dam impounding Lake Tuscaloosa was built in 1971 so that a water supply for west Alabama, including Tuscaloosa, would be assured. Lake Tuscaloosa is 5,885 acres in size and 27.7 miles in length. The dam itself is 1,280 feet long and 125 feet high. The dam and lake are wholly owned by the city of Tuscaloosa. Because the lake is located within the city limits, a substantial number of primary residences, as well as some second homes, have been constructed around or near the lake. Many residents of west Alabama use the lake for recreational purposes.

After the passage of the Public Utilities Regulatory Policies Act of 1978 and during the period of high energy costs in that decade, the city of Tuscaloosa conducted a study of the financial feasibility of constructing a hydroelectric facility on the Lake Tuscaloosa Dam. The report indicated that the project was marginal at best unless the water level was drawn down to an unacceptably low level during a large part of the year. A drawdown of more than 2 feet would make many public and private dock facilities unusable. Further, a drawdown of as much as 15 feet during some parts of the year might be necessary for substantial economic benefit to be derived from the project's operation. Because the project would not be feasible on a cost-benefit basis, the city rejected the idea of constructing a hydroelectric project at Lake Tuscaloosa.

However, an outside party headquartered far outside Alabama stimulated intense local concern when it made a development proposal to the FERC several years ago. Although the FERC rejected its preliminary permit application, my constituents remain concerned about an outside party obtaining permission to construct a hydroelectric project at Lake Tuscaloosa, and any resulting control over the use of their lake.

In order to ensure local control of a Lake Tuscaloosa hydro project, if the FERC were to issue such a license, the city of Tuscaloosa is currently pursuing its own preliminary permit application for the site. However, several Tuscaloosa elected officials have requested this legislative measure so that the city will not have to pursue its application any further. Local opposition to hydroelectric development at Lake Tuscaloosa is united and firm. It ranges from the mayor and city council members to individuals who have organized the Concerned Citizens for Lake Tuscaloosa.

As you know from my other legislative initiatives, I am a proponent of hydroelectric energy development. The power produced by falling water is our cheapest and cleanest energy source. However, because of the infeasibility of this particular project and the united local opposition, I firmly believe that hydroelectric development at Lake Tuscaloosa should clearly be prohibited. We should listen to the people who live near the lake and are benefited or harmed by development there.

Mr. Speaker, I thank my colleagues for their attention to this matter which is so important to my constituents and urge their support of the Lake Tuscaloosa Preservation Act.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SHELBY, for 10 minutes, today.

(The following Members (at the request of Mr. MILLER of Washington) to revise and extend their remarks and include extraneous material:)

Mr. WEBER, for 15 minutes, today.

Mr. LUNGREN, for 60 minutes, on March 6.

Mr. GINGRICH, for 60 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. TORRES, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MILLER of Washington) and include extraneous matter:)

Mr. KRAMER.

Mr. GALLO in two instances.

Mr. COURTER.

Mr. STANGELAND.

Mr. MICHEL in two instances.

Mr. LIGHTFOOT.

Mr. LEWIS of California.

Mr. SUNDQUIST.

Mr. HAMMERSCHMIDT.

Mr. MCDADE.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. LIPINSKI.

Mr. WOLPE.

Mr. MCCLOSKEY in two instances.

Mr. ROWLAND of Georgia.

BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

On February 20, 1986:

H.R. 1185. An act to amend the act establishing the Petrified Forest National Park, and

H.R. 4061. An act to amend title 5, United States Code, to expand the class of individuals eligible for refunds or other returns of contributions from contingency reserves in the Employees Health Benefits Fund; to make miscellaneous amendments relating to the Civil Service Retirement System and the Federal Employees Health Benefits Program, and for other purposes.

ADJOURNMENT

Mr. SHELBY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 53 minutes p.m.) under its previous order, the House adjourned until Monday, February 24, 1986, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2798. A letter from the Secretary of Defense, transmitting a copy of the fiscal year 1985 annual report of the Reserve Forces Policy Board, pursuant to 10 U.S.C. 133(c); to the Committee on Armed Services.

2799. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee and insurance transactions supported by Eximbank during December 1985 to Communist countries, as a result of Presidential Determinations, pursuant to 12 U.S.C. 635(b)(2); to the Committee on Banking, Finance and Urban Affairs.

2800. A letter from the Secretary of Education, transmitting a draft of proposed legislation to reauthorize the educational research and improvement activities of the Department of Education's Office of Educational Research and Improvement, to reflect the current organization of that Office, and for other purposes; to the Committee on Education and Labor.

2801. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the Corporation's 1985 annual report and copy of its 1986 legislative program, pursuant to Public Law 91-518, sections 308(b) and 805(1)(B); to the Committee on Energy and Commerce.

2802. A letter from the Chairman, President's Cancer Panel, transmitting a copy of the panel's 1985 annual report to the President, pursuant to Public Law 99-158, section 415(b); to the Committee on Energy and Commerce.

2803. A letter from the Director, Office of Personnel Management, transmitting OPM's first report on its competition advocacy program, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2804. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2805. A letter from the Commissioner, Immigration and Naturalization Service, transmitting a quarterly report of the number of waivers granted from certain admissibility requirements for refugees, pursuant to 8 U.S.C. 1157(c)(3); to the Committee on the Judiciary.

2806. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting the results of his review of the Secretary of the Army's investigation into allegations of violations of regulations and mismanagement by officials of the Office of the Chief of the Army Reserve, Washington, DC, pursuant to 5 U.S.C. 1206(b)(5)(A) (92 Stat. 1125); to the Committee on Post Office and Civil Service.

2807. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting the results of his review of the Secretary of Health and Human Services' investigation into allegations of mismanagement and a danger to public health of the Chinle Comprehensive Care Facility, Indian Health Service, Chinle, AZ, pursuant to 5 U.S.C. 1206(b)(5)(A) (92 Stat. 1125); to the Committee on Post Office and Civil Service.

2808. A letter from the Comptroller General of the United States, transmitting GAO's annual report on activities of OPM, fiscal year 1985 (GAO/GGD-86-27), pursuant to 5 U.S.C. 2304(b); jointly, to the Committees on Government Operations and Post Office and Civil Service.

2809. A letter from the Attorney General of the United States and the Secretary of Commerce, transmitting drafts of five legislative proposals that will enhance the competitiveness of American industry; jointly, to the Committees on the Judiciary and Ways and Means.

2810. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958, as amended, to strengthen aviation security programs; jointly, to the Committees on Public Works and Transportation and the Judiciary.

2811. A letter from the Secretary of the Interior, transmitting the first report summarizing the progress of negotiations on California offshore oil and gas leasing, pursuant to Public Law 99-190; jointly, to the Committees on Appropriations, Interior and Insular Affairs, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHELBY: Committee on Veterans' Affairs, H.R. 4130. A bill to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986; with an amendment (Rept. 99-472). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATES:

H.R. 4201. A bill to create a structure for the self-regulation of the commercial barter industry; to the Committee on Energy and Commerce.

By Mr. LAGOMARSINO (for himself and Mr. FIELDS):

H.R. 4202. A bill to allow the National Aeronautics and Space Administration to accept restricted gifts; to the Committee on Science and Technology.

By Mr. LIGHTFOOT:

H.R. 4203. A bill to establish an Advisory Panel for Coordination of Government Debt Collection and Delinquency Prevention Activities; to the Committee on Government Operations.

By Mr. MONTGOMERY (for himself and Mr. EDGAR):

H.R. 4204. A bill to prohibit the Administrator of Veterans' Affairs from carrying out certain proposed real estate transactions; to the Committee on Veterans' Affairs.

By Mr. MORRISON of Connecticut (for himself, Mr. SCHUMER, and Mrs. BOXER):

H.R. 4205. A bill to amend the Impoundment Control Act of 1974 to provide that deferrals of budget authority proposed by the President shall not take effect unless within 45 legislative days Congress completes action on an impoundment bill, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. SHELBY:

H.R. 4206. A bill to prohibit the Federal Energy Regulatory Commission from issuing a permit or license for certain facilities to be located at Lake Tuscaloosa, AL; to the Committee on Energy and Commerce.

By Mr. ROBERT F. SMITH:

H.R. 4207. A bill to provide that the National Aeronautics and Space Administration may accept gifts and donations for a space shuttle to replace the *Challenger*; to the Committee on Science and Technology.

By Mr. STUDDS (for himself, Mr. JONES of North Carolina, Mr. LENT, Mr. DAVIS, Ms. MIKULSKI, Mr. BIAGGI, Mr. HUGHES, Mr. YOUNG of Alaska, Mr. FOGLIETTA, and Mr. BARNES):

H.R. 4208. A bill to authorize appropriations for the Coast Guard for fiscal years 1987 and 1988, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SYNAR (for himself, Mr. JONES of Oklahoma, and Mr. TAUKE):

H.R. 4209. A bill to amend title 18, United States Code, to clarify the authority of the Occupational Safety and Health Administration concerning inspections of storage facilities where certain explosive materials are stored; jointly, to the Committees on the Judiciary and Education and Labor.

By Mrs. JOHNSON:

H.J. Res. 531. Joint resolution designating the month of October 1986 as "Lupus Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. ROYBAL (for himself, Mr. FISH, Mr. DIXON, Mr. SAVAGE, Mr. CHANDLER, Mr. MANTON, Mr. SMITH of Florida, Mr. HEFTEL of Hawaii, Mr. FAZIO, Mr. VENTO, Mrs. LLOYD, Mr. SHELBY, Mr. EARLY, Mr. BONIOR of Michigan, Mr. TOWNS, Mr. HAYES, Mr. DWYER of New Jersey, Mr. LANTOS, Mr. BIAGGI, Mr. MARTINEZ, Mr. MRAZEK, Mr. DE LA GARZA, Ms. MIKULSKI, Mr. BRYANT, Mr. FRANK, Ms. OAKAR, Mr. BEDELL, Mr. BOUCHER, Mr. WORTLEY, Mr. SILJANDER, Mr. FUSTER, Mr. DAUB, Mr. HERTEL of Michigan, Mr. RAHALL, Mr. SKELTON, Mr. CROCKETT, Mr. LUNDINE, Mr. GUARINI, Mr. BERMAN, Mr. RINALDO, Mr. BARNARD, Mr. DORNAN of California, Mr. ROSE, Mr. HUBBARD, Mr. FLORIO, Mr. O'BRIEN, Mr. YATES, Mr. CALLAHAN, Mr. YATRON, Mr. HAMMERSCHMIDT, Mr. FLIPPO, Mr. MOORE, Mr. HORTON, Mr. TORRICELLI, Mr. SNYDER, Mr. LOWRY of Washington, Mr. DENNY SMITH, Mr. BLILEY, Mrs. BOXER, Mr. MCDADE, Mr. MCGRATH, Mr. WAXMAN, Mr. HENDON, Mrs. BURTON of California, Mr. ANTHONY, Mr. MCEWEN, Mrs. BENTLEY, Mr. BUSTAMANTE, Mr. CHAPMAN, Mr. GORDON, and Mr. DARDEN):

H.J. Res. 532. Joint resolution to designate the week of May 26 through June 1, 1986, as "Older Americans Skin Cancer Prevention and Detection Week"; to the Committee on Post Office and Civil Service.

By Mr. HAWKINS:

H. Con. Res. 291. Concurrent resolution entitled: "Volunteers Are the Importance of

Voluntarism"; to the Committee on Education and Labor.

By Mr. SCHUMER (for himself, Mr. HALL of Ohio, and Mr. JEFFORDS):

H. Res. 380. Resolution expressing the sense of the House of Representatives that the recent Presidential election in the Philippines was marked by such widespread fraud that it cannot be considered a fair reflection of the will of the people of the Philippines; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 445: Mr. DE LUGO, and Mr. STARK.

H.R. 1140: Mr. MITCHELL.

H.R. 1809: Mrs. BENTLEY.

H.R. 2020: Mr. BROWN of California.

H.R. 2582: Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. DANNEMEYER, and Mr. VALENTINE.

H.R. 2741: Ms. SNOWE, Mr. PERKINS, Mr. MILLER of California, Mr. TRAFICANT, Mr. YATRON, Mr. SKELTON, Mr. MURPHY, Mrs. LLOYD, Mr. MINETA, Mr. GUARINI, Mr. CONTE, Mr. LAGOMARSINO, Mr. MANTON, Mr. KRAMER, Mr. YOUNG of Missouri, and Mr. CAMPBELL.

H.R. 3442: Mr. CONTE, Mr. RICHARDSON, Mr. TORRICELLI, Mr. ATKINS, Mr. HOWARD, Mr. STOKES, Mr. FEIGHAN, Mr. YATES, Mr. EARLY, Mr. PEASE, Mr. HEFTEL of Hawaii, Mr. WAXMAN, Mr. MCKINNEY, Mr. GEJDENSON, Mr. STARK, Mr. EDGAR, Mr. AKAKA, and Mr. ECKART of Ohio.

H.R. 3610: Mr. DAVIS, Mr. LENT, Mr. BREAUX, Mr. CHAPPIE, Mr. MANTON, Mr. ANDERSON, Mr. TALLON, Mr. JONES of North Carolina, Mr. BIAGGI, Mr. BOSCO, Mrs. BENTLEY, Mr. STUDDS, Mr. MCKERNAN, Mr. TAUZIN, Mr. HUTTO, Mr. THOMAS of Georgia, Mr. BATEMAN, Mr. FOGLIETTA, Mr. SAXTON, Mr. FRANKLIN, Mr. DYSON, Mr. LOWRY of Washington, Mr. BORSKI, Mr. SUNIA, and Mr. CARPER.

H.R. 3710: Mr. LAGOMARSINO, Mr. HARTNETT, Mr. OXLEY, Mr. SCHULZE, Mr. GUNDERSON, Mr. ROBERTS, Mr. VALENTINE, Mr. LOTT, Mr. TAUKE, Mr. RINALDO, Mr. JEFFORDS, Mr. COBEY, Mr. CLINGER, Mr. MCMILLAN, and Mr. EMERSON.

H.R. 3798: Mrs. BOXER.

H.R. 3819: Mr. STARK, Mr. MORRISON of Connecticut, Mr. DE LUGO, Mr. SCHULZE, Mr. LAGOMARSINO, Mr. PORTER, Mr. MANTON, Mr. LEVINE of California, Mr. FUSTER, Mr. CLAY, Mr. BATES, Mr. TOWNS, Mr. BRYANT, and Mr. DORNAN of California.

H.R. 3833: Mr. LIPINSKI and Mr. YOUNG of Alaska.

H.R. 4073: Mrs. BOXER.

H.R. 4130: Mr. MCCURDY, Mr. MATSUI, Mr. BARNES, Mr. HOYER, Mr. EVANS of Illinois, Mr. BEVILL, Mr. WOLF, Mr. CHAPPELL, Mr. EDGAR, Mr. PENNY, Mr. EDWARDS of California, Mr. WHITEHURST, Mr. DASCHLE, Mr. HUTTO, Mr. TORRES, Mr. BRYANT, Mr. HENDON, Mr. HEFNER, Mr. THOMAS of Georgia, Mr. MOLLOHAN, Mr. BARNARD, Mr. ROWLAND of Georgia, Mr. KANJORSKI, Mr. GRAY of Illinois, Mr. BATEMAN, Mr. APPLEGATE, Mr. MICA, Mr. WYLIE, Mr. HILLIS, Mr. SOLOMON, Mr. MCEWEN, Mr. BURTON of Indiana, Mr. SUNDQUIST, Mr. BILIRAKIS, Mr. MOLINARI, Mr. ROWLAND of Connecticut, Mr. FLORIO, Mr. REID, Mr. PANETTA, Mr. SISISKY, Mr. DARDEN, Mr. DOWDY of Mississippi, and Mr. RIDGE.

H.R. 4141: Mr. WILSON, Mr. BOEHLERT, Mr. DORNAN of California, Mr. YOUNG of Florida, Mr. WORTLEY, Mr. SMITH of New Jersey, Mr. KCKINNEY, Mrs. BENTLEY, Mr. MONTGOMERY, Mr. BROWN of Colorado, and Mr. KOLBE.

H.J. Res. 365: Mr. GUNDERSON.

H.J. Res. 480: Mr. HUBBARD, Mr. CARPER, Mr. RINALDO, Mr. STRATTON, and Mrs. MARTIN of Illinois.

H.J. Res. 497: Mr. DICKS, Mr. ECKART of Ohio, Mr. MAZZOLI, Mr. MOLLOHAN, Mr. DASCHLE, Mr. ROSE, Mr. LUKEN, Mr. STENHOLM, Mr. HAMILTON, Mr. RANGEL, Mr. BEVILL, Mr. GRADISON, Mr. THOMAS of Georgia, Mr. CARPER, Mr. MATSUI, and Mr. HEFNER.

H. Con. Res. 261: Mr. FOGLIETTA, Mr. LEVINE of California, Mr. JACOBS, Mr. ROBINSON, Mr. GEJDENSON, Mr. BEILENSON, Mr. EDWARDS of California, Mr. WOLPE, Mr. PEASE, Mr. ACKERMAN, and Mr. EVANS of Illinois.

H. Con. Res. 283: Mr. MICA, Mr. MACKAY, Mr. ACKERMAN, Mr. GARCIA, Mr. UDALL, Ms. MIKULSKI, Mr. MINETA, Mr. MCCAIN, Mr. KOSTMAYER, Mr. FRANK, Mr. BEREUTER, Mr. FEIGHAN, Mr. WEISS, and Ms. SNOWE.

SENATE—*Thursday, February 20, 1986*

(Legislative day of Monday, February 17, 1986)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer today will be offered by the Reverend Dr. Joseph Richards, retired Methodist minister, Waterville, OH. He is sponsored by Senator NANCY KASSEBAUM, of Kansas.

PRAYER

The Reverend Dr. Joseph Richards, retired Methodist minister, Waterville, OH, offered the following prayer:

Let us pray.

Father of all power and mercy, from whom nothing escapes unnoticed, we have come to this Senate Chamber together, but we seek Thee one by one. Stoop, then, to the prayers we raise from hearts that know their need of Thee, and through the silence let the voice of our longing be heard. Let each of us thank Thee for this world in which we live, the majesty of the mountains, the quiet of the woodlands, the wideness of its oceans, the glory of its skies, the richness of its fruited plains and amber waves of grain. Let each of us thank Thee for this land we love beyond all other lands, for its heritage in justice and righteousness, its ancestry, in freedom and in truth, its wealth and power, its comfort and security, its opportunities and hope. Let each of us thank Thee for America the beautiful and for its dedicated leaders, for that warm, inspiring, never-failing love of family and friends. We pray at all times and in all places that the words of our mouths and the meditations of our hearts may be acceptable in Thy sight, O Lord, our strength and our Redeemer. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The distinguished majority leader is recognized.

THANKS TO DR. JOSEPH C. RICHARDS

Mr. DOLE. Mr. President, I want to offer my thanks to Dr. Richards for his inspirational remarks this morning.

Dr. Richards is a distinguished clergyman, radio and television pastor. And in addition, is a lecturer and professor of theology, and a lifelong resident of Waterville, OH.

Dr. Richards is part of a family of doers. His daughter Judy Richards Hope is a distinguished attorney in Washington, and serves as a member of the President's Crime Commission. Judy is married to Tony Hope, who just happens to be the son of Bob Hope, one of this country's best loved and most admired entertainers.

Dr. Richards, who celebrated his 80th birthday last summer, is no stranger to Congress. He has offered the opening prayer in the House of Representatives on several occasions. And we in the Senate are especially honored to have him here today to share with us his wisdom.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order the leaders will have 10 minutes each and then special orders in favor of Senators PROXMIRE, WILSON, and MOYNIHAN, although I am not certain what Senator PROXMIRE is going to talk about today, but he may think of a new topic.

Mr. BYRD. Afghanistan.

Mr. DOLE. We need his help there. Then routine morning business not to extend beyond 12 noon. I would like to extend that, if there is no objection by the minority leader, to 1 p.m., because I think we should give many of our Members a chance to look at the record, look at the motion we both submitted on TV in the Senate so they will not think they are being pushed or crowded. I think some have indicated they would like a little more time.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. DOLE. If there is no objection, I ask unanimous consent to extend the morning hour to 1 p.m. with statements limited to 5 minutes each.

The PRESIDING OFFICER (Mr. NICKLES). Without objection, it is so ordered.

Mr. DOLE. Following morning business we will resume consideration of Senate Resolution 28, and pending will be the Dole-Byrd motion to recommit with instructions. There could be rollcall votes today but again I would hope we might spend the day—at least on our side we hope to have a number of groups come in and discuss the latest proposal to see where the problems are, if any, or where we might be able to make some accommodation. As I understand the pending motion is subject to amendment, so certainly if somebody wishes to offer an amendment or motion to strike, whatever, that can be done.

I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

A MEANINGFUL PRAYER

Mr. BYRD. Mr. President, I wish to express my own personal gratitude to the visiting chaplain this morning. I listened to his prayer, and it meant something to me. It was spiritual; it was inspirational. I felt that it was good.

RECOGNITION OF SENATOR WILSON

The PRESIDING OFFICER. Under the previous order, the Senator from California [Mr. WILSON] is recognized for not to exceed 15 minutes.

SPAIN AND PORTUGAL JOIN THE EUROPEAN COMMUNITY: BUT DON'T EXPECT THE AMERICAN FARMER TO PAY THE PRICE

Mr. WILSON. Mr. President, for the first time since the early 1970's, American agricultural exports in 1985 dropped below $31 billion. Considering that in 1981 our farmers exported a record breaking $44 billion in agricultural products to the world, last year's number is a painful indicator of U.S. vulnerability. Of course, the prosperity of our farmers to a certain extent depends on macroeconomic forces. But U.S. agriculture is more often victimized by the blatantly unfair agricultural trade practices of our foreign competitors.

In a fiercely competitive world where every agricultural export market must be guarded against unfair trade practices, the European Community is about to implement new measures which will eliminate the U.S. grain markets in Spain and Portugal. In this case, however, the United States has recourse under the rules of international trade against the EC's impending actions. Unless the U.S. Government acts immediately to defend these rights under the GATT—the General Agreement on Tariffs and Trade—we will without a doubt witness the collapse of our agricultural export markets in Spain and Portugal—valued at nearly $2 billion. Ameri-

can agriculture cannot afford to accept this loss.

Spain and Portugal just became the newest members of the European Community on January 1, 1986, but the EC's agricultural protectionists do not waste any time. On March 1, a costly new grain import policy will take effect in those two countries which will increase the cost of imported American grain by as much as 80 percent. The previously fixed tariffs on grain imports will be replaced by a system of open ended, discriminatory variable tariffs. In addition, Portugal will introduce soybean import quotas. These changes alone will adversely affect at least $900 million of American farm exports to the $1.7 billion Spanish and Portuguese agricultural markets.

Unless the United States acts immediately to protect its right to trade compensation because of this tariff change under the rules of the GATT, our farmers will be stripped of these important markets without the compensation to which they are legitimately entitled.

This new grain import policy in Spain, along with equally threatening soybean import quotas in Portugal, is the first of many transition measures designed to rationalize Spanish and Portuguese agricultural policies with those of the European Community. During the next 10 years, Spain and Portugal will adopt the entire spectrum of production, marketing, and export subsidy systems contained in the EC's common agricultural policy. This new grain policy is only a startling precursor to the other adverse consequences in store for U.S. farm exporters.

As Spain and Portugal implement the EC's generous agricultural subsidy programs, other United States markets in Europe will also be threatened. Abundant subsidies to encourage production will create a flood of Spanish and Portuguese fruits, nuts, and vegetables in the EC, quite possibly destroying what remains of my State's export market in the northern European countries. In other words, not only is direct market access to Spain and Portugal immediately threatened, but in the future, our farmers will also face subsidized and duty-free competition from Spain and Portugal in the remaining EC market.

Because the new grain import tariffs are the first of many changes as Spain and Portugal fully integrate their economies into the European Common Market, now, at the outset of this extended transition process, is the time to defend our right to compensation in the form of other trade concessions.

Right now, EC negotiators are successfully escaping their obligations to compensate the U.S. Government under the rules of the General Agreement on Tariffs and Trade. Specifically, the EC is ignoring article 24 of the GATT rules which requires them to compensate their trading partners who suffer trade losses as a result of the enlargement of the European Community. This compensation is supposed to be made before enactment of any new trade or tariff measures, not after it has become a fait accompli.

This is not a new negotiating tactic for the EC. The Community has successfully shirked its compensatory obligations during previous enlargements of the European Community. The most recent example is when Greece became the 10th member of the Community in 1981. The United States never received compensation for the millions of dollars of trade lost by our agricultural exporters as a result of the newly converted Greek tariff and trade policies. In fact, those negotiations on compensation disintegrated with both sides agreeing only to disagree. The same thing happened when England, Ireland, and Denmark joined the Community in 1973.

The precedents speak for themselves and this time around, because the European continent's two largest agrarian economies are joining the Community, the stakes for American agriculture are even higher. But not surprisingly, the EC again refuses to compensate its trading partners for the withdrawal of trade concessions as new countries enter the Community.

In my view, this time, we simply cannot turn the other cheek to the potential loss of a $1.7 billion agricultural market. I suspect that one reason the United States never received compensation when Greece joined the Community is that our Government never made it a priority trade issue. Instead, it died at the technical and the bureaucratic level, through lack of interest and political will.

While politicians don't have too much trouble assessing the political benefits offered by adding two new countries to the family of Western democracies, the fallout of this change creates extremely technical and complicated economic issues. I am not surprised that, in the past, our technical negotiators and bureaucrats in Washington, Brussels, and Geneva have been left to work out the details—without the critical political support from us necessary to ensure successful results.

Because the economic consequences of enlarging a customs union, like the EC, affect all of its trading partners, the GATT clearly delineates the rules for creating or enlarging a customs union. GATT article 24 provides that the customs union must compensate its trading partners for the loss of their prior trade concessions which result from the new or enlarged union. This compensation must occur before the EC implements any tariff changes.

In less than 2 weeks, the European Community will again violate these GATT provisions when on March 1 it changes the Spanish and Portuguese grain import tariffs without having negotiated compensation with the United States.

On that date, Spain and Portugal will begin to assess a variable levy on imports of American grains. A variable levy is a euphemism, Mr. President. It is "Eurospeak" for what actually amounts to an open ended, constantly changing tariff which serves to protect domestic producers from cheaper imports.

It would be like talking in terms of "applying pressure to permanently impair respiration" instead of describing "hanging" for what it is.

These expensive variable levies on Spanish grain imports will replace our previously fixed 20-percent tariffs on corn and sorghum. At least with fixed tariffs our exporters knew what to expect. Now, the variable levies may increase the price of imported American grain by up to 80 percent.

In other words, although our tariff binding is being withdrawn, the EC has offered us no compensation under GATT, even though it owes this compensation to trading partners with a substantial trade interest in the item.

I would say that the United States qualifies as having a substantial trade interest. In 1984 we exported $271 million in corn and sorghum to Spain. We supplied nearly 100 percent of Portugal's grain import requirements worth over $408 million. In the future, Portugal will be required to buy at least 16 percent of its grain from the EC. In other words, a loss of U.S. market share is virtually written into the accession treaty.

The EC's rationale for all this lies in a totally specious argument about compensation credits. This argument was fabricated to convince the U.S. Government that it deserves no compensation. Their argument goes something like this.

Prior to joining the EC, Spain and Portugal imposed relatively high industrial tariffs. Now that those tariffs will be gradually lowered to the existing EC-10 system, nearly all Spanish and Portuguese industrial tariffs will be reduced, to the benefit of industrial exporters.

Nevertheless, the EC has also calculated that, overall, another version of the tariff schedule for the EC-12 produced by a trade weighted average of all member states, results in an average across-the-board increase of 0.5 percent, one-half of 1 percent. In this scenario, the EC generously offers not to implement this 0.5-percent average tariff increase. According to the EC argument, the decision not to implement this increase entitles it to claim a trade credit which is supposedly more

than sufficient compensation for our lost trade concessions.

U.S. negotiators rightfully reject this completely erroneous credit argument. By fabricating this so-called credit, the EC assumes that we must accept it as their compensation. Wrong again. The GATT rules are extremely clear on this point: a country is not required to accept any compensation which is offered. We are entitled to negotiate for compensation. The EC has made no offers to negotiate.

Fortunately, we have recourse under GATT. If the United States decides that we have not been offered adequate compensation—and right now, it appears that we will be offered no compensation—then we can withdraw substantially equivalent trade concessions. That is the language of the general agreement on tariffs and trade. In other words, we have the right to retaliate.

While we clearly have a right to legal recourse the question now arises: Do we now have the political courage to pursue it? I believe that the answer must be a resounding "yes." If President Reagan, as he said in his State of the Union Address, intends to trade with other nations on a level playing field, then we must practice that policy starting with this issue. If the EC does not offer us adequate compensation, we must claim it for ourselves, up front, on March 1.

We must be prepared to retaliate against the European Community on March 1 by withdrawing substantially equivalent trade concessions to cover the $900 million in agricultural exports which we are immediately threatened with losing by the imposition of the variable levies and import quotas in Spain and Portugal.

Unless we defend our farmers from the beginning, they will never get the compensation the European Economic Community owes them. It has happened before. We cannot let it happen again.

I urge U.S. trade officials to prepare and implement a comprehensive list of items for retaliation. $900 million worth of trade concessions can cover a broad spectrum of commodities. If U.S. trade policy officials are having trouble coming up with ideas, I am sure America's agricultural producers would be happy to submit a list of commodities eligible for some trade compensation.

Only this type of action will signal to the European Community an end to our naivete and patience. The United States never got compensation when England, Ireland, Denmark, or Greece joined the Community even though EC policies were directly responsible for the loss of American farm export markets.

In 1980, before Greece joined the EC, California raisin exports to the EC reached over 22,000 metric tons. Two years later, our exports barely surpassed 9,000 tons. At the same time, Greek exports to the other EC countries skyrocketed from 11,500 tons in 1980 to 107,000 tons in 1984, nearly a tenfold increase. The EC's lucrative production subsidies, which encouraged so many Greek farmers to produce raisins, along with the EC minimum important price for raisin imports, have cut American market share by 50 percent.

The same thing will happen to walnuts this time. In 1984, the United States exported almost $36 million of walnuts to the EC. Now, EC policies will encourage Spanish farmers to overproduce their own walnuts, and those walnuts will enter the rest of the Community duty free within a few years. Meanwhile, U.S. walnuts are subject to a 30-percent tariff, itself the result of a retaliatory trade action taken against California during last year's "Pasta-Citrus" war.

Clearly, this issue concerns all of American agriculture, from my State's horticultural exports to the abundant grain and feed exports of the Midwestern States. We must work together to help our farmers defend their right to compensation. We can show the Europeans that we intend to use our GATT right to retaliate. Remember, these are valuable agricultural export markets that U.S. farmers have carefully competed for and developed over the years. They do not deserve to have those markets taken from them unfairly by unfair competition without compensation.

I cannot too strongly urge my colleagues and my constituents to contact the Department of Agriculture, the U.S. Trade Representative, the Treasury Department, the State Department, and the White House to let them know how they feel and to present their list of items for retaliation. Let us raise this issue to the national level where it belongs to ensure that American agriculture gets the fair deal it deserves. Mr. President, I thank you and I thank my colleagues.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin, Mr. PROXMIRE, is recognized for not to exceed 15 mintues.

WHY OUR NATO ALLIES NOW SUPPORT STAR WARS

Mr. PROXMIRE. Mr. President, on December 30, the New York Times reported from Paris that the Reagan administration's strategic defense initiative or star wars has steadily gained what the Times called "grudging" support among this country's NATO allies in Europe and Canada. If this news surprises you, it should not. The story of Western Europe's turnaround on star wars is a simple and very obvious epic of the power of money. Filthy lucre has bought a lot of things throughout the years but never has so much money bought so much and so conspicuously. The Reagan administration believes that the free market and big, very big, money can do almost anything. Now they are dramatically proving it. This has really been a remarkable achievement by the Regan administration.

In 1983 and 1984 the star wars program was anathema to much of Western Europe, and with good reason. Many Europeans opposed this program because, if it worked at all, it would protect the United States. But it could leave Western Europe cut off from critical American military power and vulnerable to a Soviet conventional or nuclear attack. The United States could hunker down under its astrodome defense and avoid the European holocaust. Almost no one took seriously the argument that star wars could defend Western Europe. After all, an intercontinental ballistic missile would take 20 to 30 minutes to reach America. It would travel a trajectory of thousands of miles. The apogee, the height, of the trajectory would be hundreds of miles above the Earth. Defensive intercepts could conceivably stop many, perhaps most, of such missiles.

But how about a nuclear missile attack from a bordering Warsaw Pact country on West Germany or even Paris or London? The missile could reach its target in seconds. It would traverse only a few miles. It could travel at treetop level. What kind of defense would star wars provide for our NATO allies in Europe? Obviously none.

Mr. President, SDI, or star wars, at its very best, produced, deployed and ready to defend, offers Western Europe nothing—no defense at all. It is worse. It could provide the military basis for isolating Europe from the military power and protection of the United States. Now the New York Times reliably reports that star wars is "gaining grudging support among America's major allies in Europe." Why? The answer is a real demonstration of the power of money—billions and billions of dollars of money. Few, if any, informed Europeans really believe that star wars can ever work. No responsible European official has to the knowledge of this Senator ever advanced the view that a deployed SDI or star wars could conceivably serve the security interest of Western Europe. But now there is grudging support in Europe for the program. Of course, there is.

Secretary of Defense Weinberger has sat down with his opposite number

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in European countries and worked out an absolutely irresistible proposition. The United States will pay billions to British, German, and French corporations who will put their scientists to work to secure a major part of the biggest scientific research program in history. The European countries and corporations whose scientists do the research work will get both a significant part of the U.S. money and the technology spinoffs. And what will it cost those European countries? Absolutely nothing—not one nickle. What a deal. The American taxpayer will be called on to spring for $25 billion for research in the next 5 years, and $50 billion by the middle of the 1990's. The British, French, and German taxpayers will not have to pay anything for this glorious free ride.

You might ask the question: Will not the Europeans be seduced by billions to support a military development that will isolate them and destroy their military security? Possibly. But there are two answers: First, those billions of dollars of research money and access to invaluable technological spinoffs offers a solid, immediate sure reward. Second, star wars represents a far out, impossible dream, and the Europeans know it. It will be 20 years before the United States can even begin to produce the hardware. Twenty five years will elapse before the United States could deploy the hardware. Meanwhile, offensive nuclear weapons, that can penetrate a star wars defense, will advance immensely for both superpowers. At some time in these long decades, some future American President will see the utter folly in this trillion dollar plus extravaganza and kill it. Meanwhile, the Europeans will have enjoyed a multibillion-dollar bonanza—at no cost—with American taxpayers picking up the check, and all of the check. Of course, the Europeans are giving star wars their grudging support. Would you not, if you were getting something—in fact billions—for nothing?

Mr. President, I ask unanimous consent that the article from the December 30, 1985, New York Times by Judith Miller headlined "Washington's Allies, Some With Doubts, Support 'Star Wars'" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WASHINGTON'S ALLIES, SOME WITH DOUBTS, SUPPORT "STAR WARS"

(By Judith Miller)

PARIS.—The United States space-based missile defense program has steadily gained grudging support among America's major allies in Western Europe.

Officials, business representatives and military experts say this has been occurring despite the continued reservations in Western Europe about the technical feasibility of the project and its effect on traditional concepts of nuclear deterrence and stability.

This month Britain and the United States signed a memorandum of understanding outlining the principles of participation by British companies in the research program. West Germany decided on Dec. 18 to negotiate an agreement with the United States that would help its companies take part in the five-year, $26 billion research program, formally known as the Strategic Defense Initiative and popularly known as "Star Wars," and ease the transfer of resulting technology to that country.

The two agreements leave France as the only leading European country that is theoretically hostile and unwilling to support the interests of its industrial companies in becoming part of the research effort.

Military experts who follow "Star Wars" closely now say that in late January or February, Italy will most probably approve a preliminary approach similar to the one West Germany will be negotiating early next year in Washington.

Even France has begun to qualify its opposition. France's giant Government-owned electronics and weapons companies, such as Matra and Thomson, were among the first European enterprises to express interest in the research and in the competition for contracts, according to French business executives and officials.

At a recent Geneva disarmament conference sponsored by the French Institute for International Relations and the United Nations Institute for Disarmament Research, Benoit D'Aboville, Deputy Director for Disarmament in the French Foreign Ministry, said France "Has not opposed the research program as such and permits its companies to compete for S.D.I. contracts."

And the man who is perhaps the most outspoken French Government opponent of the "Star Wars" project, Defense Minister Paul Quilès, acknowledged recently in an interview with Le Monde that the missile defense plan would lead to "partial successes, surely very spectacular ones."

The gradual reversal of opposition in Western Europe is largely the result of a tactical shift in the way the United States has promoted its "Star Wars" concept abroad, European officials said. The missile defense plan, which President Reagan first described in a March 1983 speech as a way to build a space shield that would render nuclear weapons "impotent and obsolete," has gradually been recast as a big research program that could benefit both industry and civilian scientific research.

"THE EARLY PHASE WAS BADLY HANDLED"

"The 'Star Wars' speech of 1983 was an unfortunate beginning," said Col. Jonathan Alford, deputy director of the International Institute for Strategic Studies, a private group based in London that is known for its annual assessment of the global military balance. "The early phase of this program was badly handled."

A senior official at Elysée Palace said of the missile defense plan, "This idea absolutely stood the classical concept of nuclear deterrence on its head." Europe, he noted, had decided to deploy intermediate-range Pershing 2 and cruise missiles after bruising political battles with powerful opposition groups and antimissile public campaigns in every affected country.

France, the official said, had been in the forefront of the effort to persuade European public opinion that nuclear weapons were a necessary evil, essential for deterrence and security.

"Then the American President came along and told us it was possible to get rid of the weapons by replacing nuclear deterrence with a new defensive nuclear system," the official said. "It is a very dangerous and unsettling notion, given the fragile public opinion outside of France on the nuclear issue. We simply didn't agree with him then, and we still don't."

Gradually, however, the Administration stopped emphasizing the radical new strategic implications of the missile defense plan, partly in response to European concerns and skepticism on Capitol Hill. In the last six months, Administration and "Star Wars" proponents have crisscrossed Europe promoting the missile defense plan as a vast new research effort, a modern-day equivalent of the "Manhattan Project" that developed atomic weapons, and as a program that will yield substantial benefits for the civilian and military sectors.

U.S. SHIFTS EMPHASIS IN ITS PROMOTION

The shift is perhaps most apparent in Congressional testimony given Oct. 8 by the head of the "Star Wars" research program, Lieut. Gen. James A. Abrahamson of the Air Force, whose remarks were reprinted by the United States Information Agency's "Wireless File" for distribution to senior foreign officials, prominent foreign journalists and other opinion-makers.

In his testimony, General Abrahamson said the driving force behind the program was still President Reagan's concept of rendering nuclear ballistic missiles "impotent and obsolete." But, he quickly added, "I would stress that S.D.I. is a research program"—not, he said, "a weapons development program."

General Abrahamson also sought to allay other European concerns. He stressed that the research would be conducted "in strict compliance with the Antiballistic Missile Treaty" of 1972. The program, he added, "represents no change in our commitment to deterring war and enhancing stability."

"Its aim," he said, "is not to seek superiority, but to maintain the strategic balance and thereby assure stable deterrence."

The "spinoff" of the research program, he said, would be considerable for "all facets of our economy and society," a consideration he said had prompted him to form the Office of Education and Civil Applications within the office he directs, which is formally known as the Strategic Defense Initiative Organization. The purpose of the education and application office, he said, is to develop and encourage "the widest possible use of S.D.I.-related technologies, consistent with security considerations, for civil use."

From the beginning, the allies seem to have felt more comfortable with the definition of the program as research. As early as October 1983, the North Atlantic Assembly, which is composed of North Atlantic Treaty Organization countries, reluctantly endorsed President Reagan's research proposal.

The debate over the plan heated up here last March, when Defense Secretary Caspar W. Weinberger formally invited the allies to join in "Star Wars" research and set a 60-day deadline for their response. Mr. Weinberger backed down on the deadline, which gave supporters of the plan more time to build support in Europe.

In the last six months, the argument in most European Governments has centered not on whether to encourage their companies to take part in the research program, but rather on how best to do so.

The Netherlands, Canada and, despite its opposition in public statements, France,

have decided to permit companies to take part in the program. They have, though, decided against official participation and Government-to-Government agreements that would boost the prospects of companies in their countries.

Konrad Seitz, head of the West German Foreign Ministry's Policy Planning Staff, described his country's decision to negotiate an arrangement, which he opposed, as a means of "enhancing German industry's ability to compete for and secure S.D.I. contracts."

"But the key issue is whether such agreements will result in any special priority for German firms," Mr. Seitz said. "I don't think so."

SCRAMBLING FOR PLACES ON TECHNOLOGY'S TRAIN

Mr. Seitz and other European officials also said they were skeptical that the forthcoming agreements would persuade the United States to award lucrative contracts to European companies, rather than to American companies, or that the agreements would encourage the United States to share with Europe the most advanced new technologies developed from "Star Wars."

"The Reagan Administration has told us that this high-powered technological train is leaving the station and if we want to share in its benefits, we had better be on it," the senior French official said. "But what they don't realize is that Britain and Germany won't be in the front of the train, or even in the middle. They'll be lucky if they wind up in the baggage car."

The differing reactions of each ally, however, reflect to some extent the dependence of the allies' industries on exchanges with the United States and the extent of American influence.

British officials and analysts said Prime Minister Margaret Thatcher of Britain, the first European leader to respond positively on "Star Wars," did so partly because she is the closest to Mr. Reagan of all the allies and because she has consistently tried to support American policy and allied unity in Europe. Another motivating factor, Colonel Alford said, was Britain's desire to specify formally the rules of participation and of the handling of classified information.

Finally, Britain has been especially keen to get an infusion of high technology in its lagging industry and to stop the "brain drain" that has plagued Britain, with much of the lost talent ending up in the United States.

"Basically, the decision Britain made was that we would rather be on the train than off it," said Colonel Alford.

Access to the technological benefits of the missile defense research program was a key factor in West Germany's decision, military experts said. But an equally strong factor was the feeling that Bonn wants to be on good terms with Washington.

"You simply don't hang up or say no when Washington calls if you are Chancellor Helmut Kohl," said Josef Joffe, foreign editor of the Munich newspaper Süddeutsche Zeitung.

Another argument used by Mr. Kohl and other "Star Wars" proponents was that participation by West German companies in the research program would give the allies not only access to technology, but also influence over the course of the program's development.

French officials challenge these reasons. "America isn't interested in European participation in this program," one senior French official said. "Washington is simply using this to neutralize European opposition to the program and to allay Congressional concerns that S.D.I. might cause divisions or strains within the alliance."

Military experts and officials here agreed that the "Star Wars" debate has been largely confined to the military and political elites of European countries, and has never had the potential for mobilizing rallies that the decision to deploy Pershing 2 and cruise missiles had.

MYTH THAT THE DEFENSE BUDGET IS INCREASING 3 PERCENT IN REAL GROWTH

Mr. PROXMIRE. Mr. President, the myth of the day is that the Defense budget is growing by only 3 percent in real terms. And who is propagating this myth? Our Secretary of Defense and the Chairman of the Joint Chiefs of Staff.

On February 4, 1986, in his briefing to the press on the fiscal year 1987 budget, Secretary Weinberger stated that the defense budget "is 3 percent real growth over what would have been zero this year." Ah, but do the figures really add up to 3 percent real growth? Not exactly, for the Secretary of Defense has redefined real growth, and used it in a most extraordinary and inventive way.

In terms of budget authority, the defense budget request for this year is $311.6 billion compared to an appropriated total last year of $278.4 billion. The difference from year to year is 11.9 percent or 8.5 percent real growth considering an inflation rate of 3.4 percent.

And what did the Secretary say to that observation. Well, he said that the defense budget "would have been" 3 percent in real growth. How would it have been 3 percent?

It would have been 3 percent if the Congress has stuck to the fiscal year 1986 budget resolution total for national defense. Of course, the Congress viewed this total as a ceiling not a floor, and appropriated a much lower figure. But the Secretary argued that real growth should be calculated based on the budget resolution base rather than the amount of money actually provided by the Congress. The Secretary stated "We're not talking about actuals."

"We're not talking about actuals." In other words, his 3-percent figure is a myth. It is not actual. It is based on a faulty premise.

This is a good example of what to do when you do not like the statistics handed to you by your experts. You make up your own set of statistics.

Secretary Weinberger is a man of integrity and decency but he is to creative accounting what Ferdinand Marcos is to counting votes.

Mr. President, I ask unanimous consent that the remainder of my time be delegated to the distinguished senior Senator from New York, Senator MOYNIHAN.

The PRESIDING OFFICER. Without objection.

SENATOR PROXMIRE AND THE GENOCIDE TREATY

Mr. MOYNIHAN. Mr. President, while the distinguished senior Senator from Wisconsin is on the floor, might this Senator from New York take a moment to express a sense of the gratitude of the Senate for an effort that is, I think, without parallel in the history of this body.

For 15 years, WILLIAM PROXMIRE has asked this body to do what in conscience it ought to have done nearly 40 years ago, when Harry S. Truman, as President, sent to us the Genocide Convention. When it was not adopted immediately, the man who coined the word "genocide," Mr. Raphael Lemkin, a Polish attorney and a Jew who fought courageously in the underground during World War II, made it his business. He gave up all his work and made his way through the corridors of the United Nations urging the adoption of a convention to prohibit this crime. The word "genocide" is not in the Oxford English Dictionary, which was published in 1935, and was the basic source of reference for the English language in the United States and abroad. Just as the event was new, the word was new. A new word had to be developed to describe what was indescribable in our previous vocabulary.

He succeeded in bringing about the adoption by the general assembly of the convention, and then he saw the Senate of his own country, his newly adopted country, refuse to agree to ratification. It broke his heart. He died alone and in poverty, and uncomprehending that we could not ratify the treaty. Indeed, we never would have done so were it not for the advent of WILLIAM PROXMIRE in this body, who is a kind of person who says if something is worth doing, it does not matter to him that it takes 15 years to do it.

I would like to salute the Senator, and say to him that he has enlarged the quality of this body, and certainly has made this Senator prouder still to be a Member of it.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. PROXMIRE. I cannot thank my good friend from New York enough. I have the greatest admiration for him. He is, I might say, an ornament of the Senate. He is such a distinguished scholar, so articulate, and so widely recognized as a brilliant man, and a fine Senator.

RAPHAEL LEMKIN

Now I would like to say that I am so glad the Senator mentioned Raphael Lemkin. Raphael Lemkin is indeed the man who coined the term "genocide" and pushed it. Fifty members of his family were killed in the Holocaust, a very, very large Polish family; 50 members were killed.

Of course, he almost miraculously lived through it, was able to survive, and then he went to the United Nations and he worked his heart out for a long, long time to persuade the United States and the other delegates to push the Genocide Treaty. So it is a wonderful story of a man who went through that. He certainly deserves not only the credit for coining the word "genocide" but for initiating it. That is a treaty incidentally that every major country in the world has ratified—every one.

JACK JAVITS

I might also say while I am on my feet that my good friend from New York was in this body, I believe, along with the distinguished Senator Javits. I know of no one who worked harder, more effectively on the Foreign Relations Committee and in the Senate—we worked together for many, many years—trying to persuade this body to ratify the treaty. I do wish to say on the floor of the Senate what a marvelous contribution Jack Javits made. Jack Javits was, as we all know, a great Senator. New York has a habit of sending outstanding Senators to this body. Javits and MOYNIHAN have done brilliantly.

I wish to pay my tribute to both Senator Javits and Raphael Lemkin for the superb contribution they made to the Genocide Convention, and to its ratification.

Mr. MOYNIHAN. Mr. President, may I simply observe in closing that when a Senator stands up to say something pleasant about the senior Senator from Wisconsin, he replies by praising other persons, hardly acknowledging the praise of himself. It is characteristic. That is why it is so due.

PRESIDENT REAGAN'S STATEMENTS ON WELFARE AND AMERICAN FAMILIES

Mr. MOYNIHAN. Mr. President, all of us in the Senate will recall the passage from the President's recent State of the Union Message in which he called attention to the problems of American families. To quote him precisely, he said: "As we work to make the American dream real for all, we must also look to the condition of America's families."

And he went on in a passage which I would ask unanimous consent be included in the RECORD at this point.

The PRESIDING OFFICER. Without objection.

As we work to make the American dream real for all, we must also look to the condition of America's families. Struggling parents today worry how they will provide their children the advantages their parents give them. In the welfare culture, the breakdown of the family, the most basic support system, has reached crisis proportions—in female and child poverty, child abandonment, horrible crimes and deteriorating schools. After hundreds of billions of dollars in poverty programs, the plight of the poor grows more painful. But the waste in dollars and cents pales before the most tragic loss—the sinful waste of human spirit and potential.

We can ignore this terrible truth no longer. As Franklin Roosevelt warned 51 years ago before this chamber: Welfare is "a narcotic, a subtle destroyer of the human spirit." And we must now escape the spider's web of dependency.

We will note President Reagan's quotation from President Roosevelt: "As Franklin Roosevelt warned 51 years ago before this Chamber: Welfare is 'a narcotic, a subtle destroyer of the human spirit.' "

Here, Mr. President, we encounter difficulties. It is a pattern of difficulty which I think the Chamber needs to consider.

The President quoted a previous President and to hear him, you would think that President Roosevelt had said the words, "Welfare is a narcotic, a subtle destroyer of the human spirit."

Mr. President, President Roosevelt never used the word welfare. What he was doing was proposing an employment program for people who were out of work in the midst of the Great Depression.

The President's statement from his 1935 State of the Union Message simply says that "A large proportion of these unemployed and their dependents have been forced on relief rolls."

He said, "To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit." He went on to call for "a new program of emergency public employment."

At this point, Mr. President, I ask unanimous consent that this excerpt from President Roosevelt's address be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

A large proportion of these unemployed and their dependents have been forced on the relief rolls. The burden on the Federal Government has grown with great rapidity. We have here a human as well as an economic problem. When humane considerations are concerned, Americans give them precedence. The lessons of history, confirmed by the evidence immediately before me, show conclusively that continued dependence upon relief induces a spiritual and moral disintegration fundamentally destructive to the national fiber. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit. It is inimical to the dictates of sound policy. It is in violation of the traditions of America. Work must be found for able bodied but destitute workers.

Mr. MOYNIHAN. Do these things matter? Well, yes, they do. It is not appropriate to pretend that the President was talking about a system of welfare payments to families with one parent missing that has developed over 50 years—a Social Security program—when, in fact, the President was talking about something else, an emergency jobs program. Within 3 months of his speech. President Roosevelt's recommendation was adopted by Congress. The Emergency Relief Appropriations Act, passed by Congress on April 8, 1935, established the Works Progress Administration (WPA), the largest of all work relief programs established during the Depression.

Such misrepresentation trifles with the public confidence in the things the President says. We respect the President. We wish his speech writers would not do this to him.

In just that same spirit, Mr. President, I have to call attention to the President's radio address of last Saturday in which he returned to this subject and he said, "In 1964, the famous War on Poverty was declared and a funny thing happened."

That funny thing, in his view, is that poverty ceased to decline.

I ask unanimous consent that this excerpt from the President's radio address be included in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

In 1964, the famous War on Poverty was declared and a funny thing happened. Poverty, as measured by dependency, stopped shrinking and then actually began to grow worse. I guess you could say, poverty won the war. Poverty won in part because instead of helping the poor, government programs ruptured the bonds holding poor families together.

Mr. MOYNIHAN. Mr. President, the lesson we have here is one of fact. It seems to me that for the President to ascribe to the war on poverty, as it was called, the increase in welfare dependency of recent years is not a proposition which the evidence sustains. If we are serious about this matter, we have to be serious about the way in which we discuss it and the standard by which we assess information.

Might I take from a wholly different event an example, a recent tragedy, of the explosion of the space shuttle and the death of all of the astronauts aboard. That has led to the Presidential inquiry chaired by our distinguished former Attorney General and Secretary of State, William P. Rogers of New York. Look with what care, with what minute concern for detail, Mr. Rogers is conducting that investigation, with a fearless look for the facts.

The White House Domestic Policy Council has been assigned this task with regard to family and welfare matters. Dr. Otis Bowen, as Secretary of Health and Human Services, serves on that Council and I am sure will play a role in the evaluation. I hope we can expect the members of that Council to apply the same rigor that is appropriate to this matter as to any other large national concern.

There is information, Mr. President. There is research. Responsible and qualified research in this field simply rebuts what the President asserts.

It does not mean the President could not, in turn, take issue with the research findings as they presently are. But not to acknowledge their existence, not to say, "Well, this is what scholars think; I think otherwise," is to ask whether we are serious in this matter and whether we can hope for some of the outcomes that we clearly do need.

In March 1984, Mary Jo Bane and David Ellwood, in "The Impact of AFDC on Family Structure and Living Arrangements," completed an exhaustive series of cross correlations examining various family patterns and the impact of the AFDC program. The existing welfare program provides in this regard a kind of natural experiment. Each of the fifty states has a somewhat different program, as do Puerto Rico and Guam. Benefits vary enormously. At mid-decade a family of four could collect $120 a month in Mississippi, in other states $600 or more. And the effects? They could find virtually no effect: "Differences in welfare benefit levels do not appear to be the primary cause of variation in family structure across states, or over time. Largely unmeasurable differences in culture, attitudes or expectations seem to account for most of the differences in birth rates to unmarried women and in divorce and separation patterns among families with children."

In Minnesota, benefits are high; divorce rates and unmarried births are low. It is rather the other way around in Mississippi. They conclude that, "As an explanation for the dramatic changes in family structure, welfare benefits are largely impotent."

Ellwood and Bane find an increase in the proportion of black women between ages 18 and 44 who have never married: from 27 percent in 1970 to 44 percent in 1982. White proportions increased also. They note: "The percentage employed of young black men has been deteriorating rapidly in the past decade, at the same time that marriage rates have been falling." They suggest it is "quite plausible" that the one influences the other.

Another study by David Ellwood and Lawrence Summers deserves consideration. In their 1984 work, "Poverty in America, Is Welfare the Answer or the Problem?" they state, "We are led to reject out of hand the increasingly fashionable view that poverty programs are the source of poverty problems."

They too ask, what is the effect of welfare on family structure? Ellwood and Summers compress the statistics nicely: since 1972, the proportion of all children living in a female headed household jumped quite dramatically, from 14 to almost 20 percent. During the same period, the proportion of all children living in homes receiving AFDC held constant at 12 percent. The figures are even more revealing for blacks. Between 1972 and 1980, the number of black children in female headed families rose nearly 20 percent. The number of black children on AFDC actually fell by 5 percent. Ellwood and Summers conclude:

"If AFDC were pulling families apart and encouraging the formation of single parent families, it is very hard to understand why the number of children on the program would remain constant throughout the period in our history when family structures changed the most."

What this leads me to, Mr. President, is the fear that we may be involved, quite frankly, in a double game. First, the assertion is made that we must do something about this grave national problem—as the President said on Saturday—and that obviously something is desperately wrong with our welfare system. I would not disagree. Having made that larger proposition, if you then make a subproposition that what is wrong is the programs themselves—a statement for which there is no evidence—then you have the grounds for supporting the President's budget. This is a budget which, in fact, proposes to abolish, or to cut back sharply, so many of the social programs, which have had some measurable success and about which, at the very least, no one can claim any of the deleterious effects which the President asserts.

This morning in the Finance Committee, Mr. President, we reviewed the President's budget and saw what it is he proposes to cut in the next year. We are required somehow or other to bring about certain outlay reductions and revenue increases. We are not in any way bound by the President's proposals.

Mr. President, I ask unanimous consent to place into the RECORD at this point, the President's 14 outlay proposals which are within the jurisdiction of the Finance Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

C. OUTLAY PROPOSALS IN FINANCE COMMITTEE JURISDICTION

	Fiscal year—			Total
	1987	1988	1989	
1. Social Security	0	0	0	0
2. Railroad Unemployment Insurance Program (RRUI)	1	7	12	20
3. Aid to families with dependent childen (AFDC)	−188	−183	−184	−555
4. Work Incentive Program (WIN)	−191	−222	−235	−648
5. Child support enforcement (CSE)	−41	−27	−27	−95
6. Social Service (title XX)	0	0	0	0
7. Supplemental security income (SSI)	−34	−34	−34	−102
8. Foster care/adoption assistance	−39	−61	−84	−184
9. Medicare	−4,740	−7,773	−10,749	−23,262
10. Medicaid	−1,360	−2,791	−3,658	−7,809
11. General revenue sharing (GRS)	0	0	0	0
12. Trade adjustment assistance (TAA)	0	0	0	0
13. Customs user fees	−520	−525	−530	−1,575
14. Pension Benefit Guaranty Corporation (PBGC)	−199	−214	−227	−640
Total	−7,311	−11,823	−15,716	−34,850

Mr. MOYNIHAN. They are striking, Mr. President. Over 3 years, the President proposes to take more than $1.2 billion out of the Aid to Families with Dependent Children Program and the Work Incentive Program.

Are not work incentives what we have in mind as a response to the problems of welfare dependency? Evidently not, because the administration would do away with this program.

It would cut provisions to children covered by AFDC when such benefits have already been cut by one-third since 1970. The President would have them cut further.

He would cut Child Support Enforcement, a program which insists that where there is a parent with income of value to the child, a measure of court-ordered support be secured from the absent parent.

A very successful program. He would cut it.

He would keep Social Services under Title XX of the Social Security Act frozen. And he would cut sharply Foster Care and Adoption Assistance.

What a terrible thing to do to children, Mr. President. If there is any condition that one could describe as unenviable and as society's responsibility, it is the situation of the 18-year-old child, with no parents, who "ages out" of foster care and is left on his or her own to find a job, find a home, find a community in the large cities of our Nation.

Children cannot do it. They cannot do it and they do not.

In New York City, a study published in December 1981 by the New York City Human Resources Administration showed that one-third of the children discharged from foster care were back on welfare within 18 months. The President would cut the Foster Care Program. This is social insanity.

Is this a family policy or is this an antifamily policy? Are we getting an antifamily policy disguised as a family

policy? I do not want to assume that, but I will say on this floor that Dr. Otis Bowen, Secretary of HHS, the agency in charge of these matters, must pay attention to evidence. He is a medical doctor, and he will pay attention to evidence. He did not write that speech. But he will play a role on the Domestic Policy Council which has been charged with the responsibility to report to the President at the end of the year on this matter. It is not the most promising beginning. President Roosevelt's remarks should not have been misrepresented in the manner they were. Furthermore, the President's radio address seemed to ignore or, more specifically, to deny the research findings in a field of the very largest consequence.

I must point out one last thing. I believe we have reached a point in the United States today where 1 out of every 3 children born can expect to be supported by the AFDC program before they are 18. Apart only from public education, this program affects the lives of American children as no other public activity. It must be reviewed with the attention to detail and with the rigor which the seriousness of the issue requires.

Mr. President, I yield the floor and thank the Chair for his kind attention.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. WARNER). Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m., with statements therein limited to 5 minutes each.

JIM EASTLAND—A FAIR MAN

Mr. METZENBAUM. Mr. President, we have learned within the last hours that a distinguished colleague of ours has left us: Senator Eastland passed away at the age of 82. I wish to say just a few words in memory of this very well-renowned and respected U.S. Senator.

I had a special kind of respect for him. When I came to the U.S. Senate, I had heard of Senator Eastland. I had heard of some of his predecessors in the U.S. Senate, and I think it is only fair to say that I had grave reservations. But I can say without any fear of contradiction that he was a special kind of man, a Senator's Senator, one whom all of us could respect. I particularly respected him.

There is no secret about the fact that when I joined the Committee on the Judiciary, I was aware of the fact that Senator Eastland and I came from totally different political philosophies. It was known to many and known to me. So it was with some trepidation and some concern that I joined that committee. I can say that I do not know how he could possibly have been fairer to me.

Senator Eastland had a policy of making available to every member of his committee the right to chair a subcommittee. When I came to the committee, there were no subcommittees open, all of the slots had been filled. So he inquired of me as to what committee I would like to chair or whether there was some subject that I would like to provide some leadership in. I went to him and told him after a while that I had an idea of citizens and shareholders' rights and responsibilities. I remember his looking up at me in a way that only he could look up at you and saying, "That sounds all right to me."

So such a committee was created. He helped me see to it that I had adequate staff for it. He saw to it that he never interfered in any way with respect to my responsibilities. He did everything that a chairman could do for one of his subcommittee chairmen.

Jim Eastland was a fair man. He was fair to those with whom he worked. There were often times in committee that he and I were in disagreement, but he would always let you speak your piece. He would always be considerate in hearing you out. He would never cut you off. On occasions when I had some questions and felt I wanted some advice from him, he always made himself available to give me that advice.

Jim Eastland did not concern himself about whether he agreed or disagreed with the political philosophy of another Member of this body. He encouraged those with whom he agreed as well as those with whom he disagreed to be active, to be involved. I consider it a privilege to have been able to serve with Senator Eastland. He contributed much to this body.

He will be long remembered. He made his impact upon our Nation. I consider him my friend and I am sorry that he has left this Earth.

FORMER SENATOR JAMES O. EASTLAND

Mr. BIDEN. Mr. President, the death of our former colleague, Senator James O. Eastland of Mississippi, must sadden all of us who shared the privilege of this Chamber with him.

He was a powerful and significant influence upon this body for 36 years, 22 of them as chairman of the Judiciary Committee. Although many of us disagreed with him in principle and in fact on many of the most important issues to come before the Senate, I think none of us ever doubted that he was true to his own principles and faithful to his responsibilities, as he understood them, to the people of Mississippi.

Senator Eastland and I strongly disagreed on issues in the area of civil rights, but in my personal dealings with him on the Senate floor, in the Judiciary Committee, and simply between the two of us, I found him to be unfailingly fair, courteous, and kind.

He was consistently soft spoken and civilized in manner, but he was a skillful and determined opponent as unrelenting in defeat as he was in victory; a Senator who in his time left an indelible mark upon the history of this body.

Mr. President, I join my colleagues and, I am sure, the people of Mississippi, in extending my condolences to the family of Senator James O. Eastland.

GUS EDWARDS APPOINTED EPA DEPUTY ADMINISTRATOR

Mr. TRIBLE. Mr. President, after a decade of service to the citizens of Virginia, my administrative assistant, Gus Edwards, has accepted a post with the Environmental Protection Agency. During his 10 years on the Hill as my administrative assistant in both the House and Senate, Gus touched the lives of countless Virginians. His dedication and understanding added immeasurably to my work.

Gus' achievements were recently recognized in an editorial in the Newport News Daily Press/Times Herald and I ask unanimous consent that it be printed.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Daily Press/the Times-Herald, Feb. 1, 1986]

ONCE UPON A MENTION

Sometimes that elusive political poltergeist known as the Great Mentioner is only glimpsed, as the Ghostbusters might say, as a "full-torso, vaporous apparition." But we can report with perfect authority that the Mentioner appeared in the flesh at least once right here in Newport News. The occasion was Denbigh Days 1981, and the atmospheric conditions were ideal: the year's gubernatorial and state legislative candidates had paraded and gone, the floats had been judged, and the food stands were picked over. There was nothing left but to talk politics. Out of that hot air arose the Great Mentioner.

This was the situation. Paul Trible, then congressman from the 1st District, was positioning himself to run for U.S. Senate the following year. Rep. Trible insisted that he would not oppose the re-election of Sen Harry F. Byrd Jr., but his political surrogates had been busy through spring and summer pressing for the independent Sen. Byrd to become a Republican or face a GOP opponent. In the high vapors of Denbigh Days that September, it was taken for granted that Paul Trible would run for Senate the following year, which presented a perfect opportunity for speculation: what Republican would run for Mr. Trible's seat in the House?

The most obvious choice was Herbert Bateman, then state senator from Newport News. But Mr. Bateman had just lost a bid for his party's nomination for lieutenant governor, and a sour taste lingered. Specula-

tors sorted through other possibilities, then settled on Gus Edwards, Mr. Trible's administrative assistant.

Not a political figure? The transition was not unheard of. Certainly Mr. Edwards knew the district—its problems, its potential, and its politics—from having directed the office of a congressman whose attention to constituent services was relentless. Moreover, the congressman's aide was skilled in press relations, having been a reporter for The Times-Herald. As a bonus, he was married to the daughter of a prominent, politically influential Newport News manufacturer, Lloyd Noland, Jr. He even had good connections with the Democrats, having worked for Rep. Thomas N. Downing, Jr., Mr. Trible's predecessor.

By sunset, those political vapors dissipated, but the Great Mentioner had been listening by the hot dog stand.

Early the following year, when Mr. Trible's bid for the Senate came into full view, newspaper stories turned to the question of his successor. Mr. Bateman's entry would have chased away other GOP contenders, but he was taking his time about declaring his intentions. So reporters, political operatives, and would-be candidates began to stir the pot.

What did arise but those vapors, preserved since Denbigh Days. News stories speculating about the 1982 congressional race reported that "another name mentioned" was Gus Edwards.

He did not run, of course: Mr. Bateman is the congressman today. Mr. Edwards accompanied Paul Trible into the Senate, and he has just been appointed a deputy administrator in the Environmental Protection Agency.

This tale about the Great Mentioner is by way of congratulations, and appreciation for more than a decade of direct service to this area. The point is, that 1982 news story was plausible: the Great Mentioner is not easily impressed. That Gus Edwards could be considered a believable candidate for Congress is testimony that he was effective and knowledgeable.

"Gus Edwards has been my right arm for 10 years," Sen. Trible says. "For any good work that I have accomplished, he deserves a large measure of the credit." We believe Mr. Edwards' service to the Peninsula will continue in his new position. As he well understands, environmental issues are of deep concern here, from the protection of the Chesapeake Bay to the disposal of hazardous wastes.

In short, we've been mentioning Gus Edwards for greater things for years. We don't figure to stop now.

TRIBUTE TO THE FOURTH ANNUAL CONFERENCE OF THE NATIONAL FEDERATION OF PARENTS FOR DRUG-FREE YOUTH

Mrs. HAWKINS. Mr. President, recently I had the privilege of speaking to the Fourth Annual Conference of the National Federation of Parents for Drug-Free Youth. My home State of Florida has the sad distinction of being the point of entry for more than 90 percent of the illicit drugs which enter the United States. We are making progress to reduce this, I am pleased to say, thanks to the brave work of law enforcement men and women at the national, State, and local levels, and thanks to the determination of this legislative body which shows its dedication to eradicating illicit drugs in many ways.

If we are to remove this drug menance, however, the market must be eliminated. Suppliers can't sell if buyers won't buy. This is where I am encouraged by the commitment, the work, and the results of the National Federation of Parents for Drug-Free Youth [NFP].

NFP is an umbrella organization for more than 8,000 parent groups throughout the United States. This is a grassroots movement. In big cities and small towns; in suburbs and rural areas, the men and women of NFP are attacking the drug and alcohol problem with one of the strongest forces—education and development of positive peer pressure for adolescents.

They are finding willing and eager listeners. A recent addition to the action of parents is the establishment of a youth program. Young persons are trained to serve as role models for their peers and younger boys and girls. The concept here is to give adolescents support in saying no to drugs. No longer will the only voice be of those advocating drug use which has been pushing young people into the depths of this deadly menace. Now, with the support of this NFP project, young people can now say:

No, everybody doesn't use drugs and I won't either because I have friends who support my decision to stay drug-free.

This project is called REACH, America. It is an acronym for responsible, educated adolescents can help America—stop drugs. And it is reaching America. Between 15,000 and 20,000 young people will be reached by this program in the first year.

It was extremely encouraging to see about 150 young people attending this annual conference of NFP. In all, more than 750 people participated in 3 days of concentrated dedication to keeping America's youth free of drugs. They exchanged ideas, listened to speakers, supported programs, and inspired one another and those of us who were invited to participate.

Participants included First Lady Nancy Reagan, whose tireless efforts in opposing illicit drugs is an inspiration to us all. Attorney General Edwin Meese, Drug Enforcement Administrator John Lawn, and Carlton Turner, the President's Deputy Assistant for Drug Abuse Policy, were also among those who shared their information and support for this effort by dedicated people in the private sector.

These parents and the young people they involved are really the front line of resistance to drug abuse. They are doing this with limited resources, but an abundance of dedication; with small personal reward, but an immense amount of satisfaction in seeing their efforts rewarded by healthier, safer, young people whose futures are brighter.

Most of the work of NFP is performed by volunteers. The current chairman of the board, I am pleased to say, is a resident of Florida. She is Shirley Coletti, who regularly shares with me information that is helpful in our efforts at the national level to fight illicit drugs.

The small professional staff is led by Joyce Nalepka, president of NFP, and herself an important figure in antidrug and alcohol activities. Anne Meyer of Deerfield, IL, was general chairperson of this year's conference, and she was ably assisted by Mary Jo Green, vice president of NFP, who coordinated much of the activity.

I commend to all my colleagues in the Senate the work of the thousands of individual organizations which comprise the National Federation of Parents for Drug-Free Youth. I am sure that within each of your States, there are active representatives of this unique and effective network of parents who are proving again that the home and the family are the center of civilization which can overcome all obstacles.

Representatives from a number of other nations also attended the NFP conference here in Washington. The mothers and fathers in many countries are striving to get control of their illicit drug problem. It is not just parents of America who are uniting, it is parents of the world. To see such dedication to a common problem is a heartwarming experience.

The fight against illicit drugs is crossing national boundaries and bringing together parents and young people of many nationalities, many cultures, many races, and many religions. They are uniting in one common cause: to keep their young people free of drugs and let them grow up to achieve their full potentials unencumbered by the physical and mental damage of drug abuse.

Having seen these representatives of the many local organizations at work together in the national conference, I am optimistic that they will, indeed, be triumphant in this cause. Perhaps from this we can also take renewed faith that people working together can resolve another of the world's problems.

RESPONDING TO MR. GORBACHEV

Mr. BIDEN. Mr. President, yesterday the New York Times printed an article by the distinguished ranking minority member of the Committee on Foreign Relations, Senator PELL, who has served on the Foreign Relations Committee far longer than any other Senator and whose career has been

marked by a passionate commitment to arms control.

In the article Senator PELL argues for a credible American response to Mr. Gorbachev's January proposal that the superpowers seek the total abolition of nuclear weapons by the year 2000. The path to such a goal is strewn with difficulty, but as Senator PELL persuasively writes, we now have "a window of opportunity to take the first steps toward a nuclear-free world."

I ask unanimous consent that the text of Senator PELL's essay appear in the RECORD.

[From the New York Times, Feb. 18, 1986]

TOWARD A NUCLEAR-FREE GLOBE

(By Claiborne Pell)

WASHINGTON—The Administration is consulting friends and allies in Europe, and Asia concerning a response to Mikhail S. Gorbachev's sweeping arms control proposal made in January. The Administration answer, however, is reportedly restricted to the part of the Gorbachev offer that would limit intermediate-range missiles, and, regrettably, would ignore the call for eliminating all nuclear weapons by the year 2000.

The Administration apparently would like to reach some kind of agreement, however limited, before the next summit meeting and this year's Congressional elections. Viewed in the context, a limited counter offer may make sense. But by failing to engage the Soviet Union on the issue of total nuclear disarmament, I believe we could be missing the opportunity of a lifetime.

President Reagan initially greeted the Gorbachev proposal by saying that he was "grateful," presumably because the Soviet Union for the first time made an offer that echoed his own call two years ago for a world free of nuclear weapons. Now that both leaders are talking the same language about the ultimate goal of the arms dialogue, it is difficult to understand why this common ground should be avoided—unless, of course, there is a hidden Administration agenda to insure that Mr. Reagan's goal is not achieved.

The President's goal of a nuclear-free world clearly will not be achieved in one bold leap. Many small steps will be required before the final sprint to the finish line. As a result, the immediate focus of the Geneva negotiations should be on finding ways to constrain nuclear arms competition, increasing stability and removing the sources of unpredictability that would threaten constraint and stability.

Only when that has been achieved can we reasonably expect both sides to grapple with the difficult questions associated with what should be the overriding goal of eliminating nuclear arms altogether: how to verify compliance, how to bring other nuclear and near-nuclear powers into the process, how to address the increasing importance that conventional forces assume as nuclear weapons are reduced and how to avoid confrontations that cause weapons of any kind to be amassed in the first place.

Nevertheless, not even to mention the goal of a nuclear-free world (if only to repeat Mr. Reagan's own proposal of two years ago) would be a grievous mistake. Now that Mr. Gorbachev has agreed on the ultimate goal of arms control, how can we explain to our citizens, and to the rest of a world held hostage to the superpowers' arms rivalry, that we are unprepared to discuss how that goal can be achieved or at least to confirm that we will work with Moscow to eliminate all nuclear arms?

Mr. Reagan deserves commendation for having rejected advice to stand pat in the face of the Soviet proposal, and perhaps a limited counteroffer would generate real movement in the negotiations. But he needs to reaffirm his dream of a nuclear-free world and make that the reference point for the current negotiating process. Even with that reference point, he must sooner rather than later—perhaps even to get an agreement on intermediate-range missiles—confront the "Star Wars" issue if we are to achieve the negotiating atmosphere necessary to move both sides toward total nuclear disarmament.

When I was in Moscow with a Senate delegation, it became clear that America will have to meet Soviet concerns about Star Wars testing and deployment if we are to obtain the deep cuts in strategic offensive arms that we want. The Kremlin is convinced Star Wars will be an offensive "space-strike" system, and it refuses to accept the argument that Star Wars is purely defensive, just as we reject the idea that the large Soviet intercontinental ballistic missiles do not constitute a first-strike capability against us. In short, the Russians do not trust us any more than we trust them. We have a window of opportunity to take the first steps toward a nuclear-free world. History should not show that we shut that window.

RETIREMENT OF PHILLIP S. HUGHES

Mr. MOYNIHAN. Mr. President, Phillip S. Hughes has retired from Government service. No newspaper I know of made mention of his retirement, but this does not surprise. The retirement of a civil servant, no matter how distinguished, no matter how long his term of service, does not routinely pass for news.

Still, the Senate should note his contribution to our Government and pay tribute to "Sam" Hughes, who, during a career of more than a half-century, embodied the ideal civil servant.

At his retirement, Sam Hughes was Under Secretary of the Smithsonian Institution, an organization he ably served for nearly a decade.

Sam Hughes began his life of public service in 1930 in Washington State. He came to Washington, DC, in 1949, serving at the Bureau of the Budget—now the Office of Management and Budget—and the Department of Energy before moving to the Smithsonian.

At a dinner in his honor last month, the Board of Regents of the Smithsonian presented Mr. Hughes a resolution taking note of his "manifold and extraordinary services" to the Institution.

Might I now expand on this and thank Sam Hughes, on behalf of the Senate, for these same services to our Nation. Mr. President, I ask unanimous consent that the Smithsonian Institution's resolution be included in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas Phillip S. Hughes has imparted unfailingly wise counsel to the Board of Regents of the Smithsonian Institution since 1977;

Whereas Phillip S. Hughes has given of himself unstintingly as Under Secretary of this Institution for over five years; and

Whereas Phillip S. Hughes has brought to the Smithsonian a profound sense of the responsibilities of effective and honorable public administration: Now, therefore, be it

Resolved by the Board of Regents of the Smithsonian Institution, That the Board expresses its gratitude for his manifold and extraordinary services to the Smithsonian Institution and wishes him every happiness in his well-deserved retirement.

IN MEMORY OF HARRY VAN ARSDALE, JR.

Mr. MOYNIHAN. Mr. President, last Sunday, Harry Van Arsdale, Jr., one of this century's great labor leaders, died at his home in Queens, NY. Today relatives, friends, and admirers gather at his funeral to honor his contributions to the American labor movement.

Harry Van Arsdale rose through the ranks of the International Brotherhood of Electrical Workers to become president of the 1.2 million-member New York City Central Labor Council. As president of the IBEW's Local 3, he turned a fragmented, troubled organization into the city's most powerful union.

His skill as an organizer was matched by his tenacity as a negotiator. By 1934, for example, he had successfully negotiated a 7-hour day for his workers. In later years, when many of his peers were contemplating retirement—or in it—Harry Van Arsdale continued to serve his workers: he played a crucial role in organizing New York City's teachers, its taxi drivers, its hospital workers.

Harry Van Arsdale was a pioneer who remained at the forefront of the labor movement for a half-century. Today, millions of American workers live healthier and more secure lives because of Harry Van Arsdale's unyielding commitment to them. No union leader could have a greater monument.

My wife and I mourn him as a friend of more than 30 years.

Mr. President, I ask unanimous consent that the texts of his obituaries from Monday's New York Times and Newsday be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 17, 1986]

HARRY VAN ARSDALE, JR., DIES AT 80; LED CITY'S CENTRAL LABOR COUNCIL

(By Wolfgang Saxon)

Harry Van Arsdale, Jr., president of the New York City Central Labor Council and one of the last surviving giants of the George Meany era in labor relations, died yesterday at his home in Flushing, Queens. He was 80 years old.

Mr. Van Arsdale rose from a tough blue-collar background to become a confidant of mayors and governors and a force in the business and politics of New York City. He played a key role in organizing the city's teachers, taxi drivers and hospitals, and he remained a major figure into the 1970's, when social and economic change drastically changed the makeup of the workforce and weakened the unions' power.

"Success has had an adverse effect in many ways on the labor movement," he said in his later years.

His council itself had no institutional power but rather was a loose federation of about 500 unions in the city affiliated with the American Federation of Labor-Congress of Industrial Organizations and representing perhaps 900,000 members. But the voice of the council's president was a powerful one until recent years.

HELPED OBTAIN AGREEMENTS

Mr. Van Arsdale was a master at reaching consensus and had a hand in hundreds of transactions that set up labor unions and obtained agreements with employers. His assistance was sought whenever strikes were at an impasse and when the public looked to politicians to get subways and buses running again or to see that building-service workers returned to their chores.

In 1975, Mayor Abraham D. Beame and Gov. Hugh L. Carey asked his help in the intricate negotiations that created the Municipal Assistance Corporation. And Mayor Beame named him to a nine-member panel of business, financial and labor leaders who studied the city government and recommended economies, with their own companies and organizations donating services.

Social and economic change eroded much of Mr. Van Arsdale's influence, and so did some wrong political choices. In 1977 he twice backed losing candidates in the mayoral election, endorsing Mr. Beame in the primary and Mario M. Cuomo in the runoff against Mr. Koch. In 1981 he supported Frank J. Barbaro, who opposed Mayor Koch's bid for re-election.

Mr. Van Arsdale's diminished power was also apparent that year when he moved to revive the city's Labor Day Parade to mark the 100th birthday of the labor movement. He and his council had to prod the Police Department for two months to get a permit for the grand march up Fifth Avenue. The permit was finally granted, but at one time only one telephone call to City Hall would have been necessary.

ROSE THROUGH RANKS

A man of blunt speech, Mr. Van Arsdale rose through the ranks of the International Brotherhood of Electrical Workers. He was a past president of Local 3 of the union and remained financial secretary of the local at his death.

Last August he announced that because of health problems he would step aside temporarily as president of the Central Labor Council. While he retained his title, his son Thomas, also an official of Local 3, assumed his responsibilities.

Although Thomas Van Arsdale thus was put in line for taking over as president, other powerful labor leaders may now challenge him for what remains an important post in the American labor movement. One person who is interested in the position is Victor Gotbaum, head of District 37 of the State, County and Municipal Workers Union.

Like Harry Van Arsdale, Mr. Gotbaum has long been a central figure in New York politics and its economy.

At Bal Harbour, Fla., where the A.F.L.-C.I.O. executive council is holding its annual winter session, Albert Shanker, president of the American Federation of Teachers, said yesterday said that Thomas Van Arsdale would "not be the only one around" when the leadership votes on the succession. The election, he added, "could be bloody."

AN INDEFATIGABLE WORKER

The elder Mr. Van Arsdale figured in many conversations at the Bal Harbour meeting. Sol C. Chaikin, head of the International Ladies Garment Workers Union, called him "indefatigable," and other colleagues recalled his habit of working long hours, taking a nap in the afternoon and then working into the early morning.

Mr. Shanker also remembered Mr. Van Arsdale for helping to organize the city's teachers. He recalled that Mr. Van Arsdale had headed a committee appointed by Mayor Wagner that brought collective bargaining to the teachers for the first time. According to Mr Shanker, it was the first such bargaining agreement for teachers in the country.

Mr. Van Arsdale was born Nov. 23, 1905, in what was then known as Hell's Kitchen, a crime-ridden slum on the West Side of Manhattan. His father, an electrician and member of Local 3, was unemployed at the time because of a lockout that lasted from 1904 to 1907.

The boy attended Townsend Harris High School, an experimental school for gifted pupils, but dropped out at 16 to go to work. After various jobs, he joined his father in the electrical trade and became a member of Local 3 when he was 19.

STUDENT OF LABOR MOVEMENT

From the start, Mr. Van Arsdale was an avid student of the labor movement. He attended lectures and rallies, served in a number of minor positions in the local and went to a union school to learn how to speak and organize.

In the early 1930's, Mr. Van Arsdale made a name for himself in battles to keep Communists and racketeers from taking control of the local. Union meetings often turned into brawls that were broken up by the police. After one violent meeting, in 1933, Mr. Van Arsdale was convicted of assaulting two dissident members at the local's headquarters, but the conviction was overturned on appeal.

In October 1933, the local's business manager resigned his post, the highest at the local, and Mr. Van Arsdale was named to succeed him. He was narrowly elected to the position the following year and then won re-election by wide margins until 1968, when he stepped down and became financial secretary.

Upon taking office in 1933, Mr. Van Arsdale revamped the union's mismanaged finances, and his reforms took hold and lasted. He also promised the membership that he would deliver gains in wages if they curtailed featherbedding, and he set up a night school where members could improve their skills.

In 1934 he negotiated a contract that won the electricians of Local 3 what was then a revolutionary seven-hour day.

A NATIONAL REPUTATION

Over the years, Mr. Van Arsdale gained a national reputation through legal and union battles. Once again, in 1941, he was convicted of inciting a riot on the picket line at a Queens cable-manufacturing plant, but that conviction, too, was overturned after he appealed on grounds of insufficient evidence.

But he also emerged as more than just a tough labor unionist, sticking to policies and tactics that earned him a reputation as a champion of enlightened trades unionism.

The local got a six-hour day in 1940 and a 25-hour week in 1962, the shortest work week gained by any union in the country.

In 1950 his local bought an estate in Southampton, L.I., and turned it into a school where members, paid by the union, attended week-long courses of instruction in the basics of psychology, logic, economics and history. Advanced classes and special courses then were offered at New York University, Cooper Union and Columbia University and Cornell University, along with a scholarship program for the sons and daughters of the membership.

After his election to the presidency of the Central Labor Council in 1957, Mr. Van Arsdale became a participant in every labor dispute of any importance in New York City. In 1963 he helped organize the city's taxi drivers and later became president of Local 3036 of the Taxi Drivers Union.

For many years, his support was sought by politicians with whom he cultivated a cordial relationship despite occasional disagreements. Governors and Mayors invited him to sit on many special committees, boards and task forces, and he held trusteeships in a wide range of organizations.

Mr. Van Arsdale is survived by his wife, the former Madeline Reilly; two sons, Harry 3d and Thomas; and two daughters, Margaret Van Arsdale and Kathryn Erikson; six grandchildren, and 14 great-grandchildren.

There is to be a funeral service at 10:30 A.M. Thursday at St. Patrick's Cathedral.

[From Newsday, Feb. 17, 1986]

HEADED AFL-CIO COUNCIL

(By Kenneth C. Crowe and T.J. Collins)

Harry Van Arsdale Jr., a pioneering force in the labor movement in the city, state and nation for decades, died yesterday morning of prostate cancer at his home in Queens. He was 80.

"Organized labor has lost a giant," Gov. Mario Cuomo said upon hearing of Van Arsdale's death.

Van Arsdale had taken a leave of absence in August from the presidency of the 1.25-million-member New York City Central Labor Council, AFL-CIO, which he had headed since 1957.

At the time of his death Van Arsdale was financial secretary of Local 3 of the International Brotherhood of Electrical Workers, a union that he became business manager of in 1933 at the age of 27. He died in his apartment in the 2,100-unit Electchester cooperative housing development built by the electricians' union in Flushing in 1952.

"He was an example of a man who started out as a very young labor leader . . . and along the way, while there were plenty of reasons to be discouraged and get off the track, he never did get off the track," said

his son, Thomas Van Arsdale, who has been the acting president of the Central Labor Council since Van Arsdale withdrew. "Up to his last days, those were the things he was thinking about—the trade labor movement and its importance."

When Van Arsdale took command of Local 3, it had 5,000 members, most of them unemployed, and was wracked by infighting among opposing factions, including a group of Communists, and by racketeers who tried to seize control.

Van Arsdale quickly whipped the union into shape. By 1934 he had negotiated an unprecedented seven-hour work day for its members. The six-hour work day followed in 1940 and the 25-hour work week was negotiated by the union in 1962. today, Local 3 has 33,000 members and the reputation of being the most powerful union in the city.

When he took control of the local, Van Arsdale ignored existing distinctions between craft unions and moved to widen the local's membership by organizing electricians in industry.

Along with the shorter work week came paid vacations and paid holidays, pensions, hospitalization benefits, scholarship plans and union-paid college courses for members in such things as economics, history and logic—all before any other union in the city had or even dreamed of such benefits.

In a newspaper interview in the 1960s Van Arsdale told a reporter, "I look forward to a new kind of eight-hour day. Four hours at the job and four hours of formal study in schools and colleges. Mature men and women should continue their education so that they can become informed citizens and develop so their leisure time can be used to the fullest."

Local labor leaders credit Van Arsdale with encouraging the unionization of teachers and managing to organize the taxi drivers where others had failed.

Van Arsdale was born on Nov. 23, 1905, in the Hells Kitchen section on Manhattan's West Side. His father was an electrician and a member of Local 3 who was unemployed because of a lockout by employers that lasted from 1904 until 1907.

Though he became an advocate of higher education, Van Arsdale quit Townsend High School, an experimental school for the gifted, when he was 16 and went to work. After a variety of jobs, he joined Local 3 in 1925 and soon was a fascinated student of labor history and active in union affairs.

Survivors, in addition to son Thomas, include his wife, Madeline, another son, Harry Van Arsdale III, and two daughters, Margaret Van Arsdale and Kathryn Erickson.

A funeral mass is to be celebrated at St. Patrick's Cathedral at 10:30 a.m. Thursday.

Visiting hours at the Martin Gleason Funeral Home on Northern Boulevard and 149th Street, Flushing, begin at 7 p.m. today. Burial will be in St. John's Cemetery, Queens.

LABOR LEADER VAN ARSDALE DIES—NO TIMECLOCK IN HIS JOB

Harry Van Arsdale, Jr. was a labor movement man for all causes—and all hours.

"Harry was one of the great figures of, not just the New York labor movement, but the whole American labor movement," Lane Kirkland, president of the AFL-CIO, said yesterday in Bal Harbour, Fla., where he was attending a meeting of the executive council of the AFL-CIO along with many labor leaders from the city.

"He was an extraordinarily committed and dedicated man who never spared himself and didn't spare others," Kirkland said. "When I say that, I'm thinking of the 3 o'clock in the morning calls, and it wasn't because he was carousing, he was working. He will be sorely missed. I was terribly fond of him personally."

John Sweeney, president of the Service Employees International Union, also spoke from first-hand experience of Van Arsdale's any-hour commitment to the union movement.

"When I became president of Local 32B in 1976 we had a citywide apartment strike and we were in mediation," Sweeney recalled. "I came home at 2 a.m. My wife told me Mr. Van Arsdale called and said to call no matter what time I came in. I told her I don't call anyone at 2 o'clock. At 6 o'clock that morning the phone rang. It was Harry asking what he could do. He was eventually part of a three-man fact-finding team appointed by the mayor, and their recommendations settled the strike."

Albert Shanker, president of the American Federation of Teachers, recalled Van Arsdale's efforts to help teachers organize.

"We [the teachers union] had a strike on Nov. 7, 1960, on the question of whether teachers had the right to collective bargaining," Shanker said. "The next day George Meany, then president of the AFL-CIO, called Mayor [Robert] Wagner, pointing out that here was the son of the great pro-labor senator with a union-busting strike on his hands.

"He urged the mayor to set up a committee to study the issue. Harry Van Arsdale was appointed chairman. It was the Van Arsdale committee that brought about the first collective bargaining rights for teachers in June, 1981, not only for New York City, but for the whole nation.

"When he took over the Central Labor Council, it was dead. He organized the teachers, the taxi drivers. He was the guy who got (Gov. Nelson) Rockefeller to give collective bargaining rights to the hospital workers.

"A man in continuous motion" is how Thomas Donahue, secretary-treasurer of the AFL-CIO, remembered Van Arsdale. He recalled how he used to ride around Manhattan on the back of a motor scooter driven by Arnold Beichman, who edited Local 3's newspaper in the 1960s, to save time in traffic.

"If he were on his way to an apprenticeship meeting and he met you on the street, he would sweep you up, take you along and have you make a speech to the apprentices," Donahue said.

"He organized the taxi cab drivers, Horn & Hardart. He started the Brotherhood Party around 1956 in an effort to form a labor party. He was a major figure in organizing the hospital workers [District 1199]. It wouldn't have happened without Harry.

"As of this past year, throughout 1984, Harry had a meeting at 5 o'clock every night with a different union local to ask. 'What can we do for you?' He did that right up to the time he got sick."

John Lawe, international president of the Transport Workers Union of America, said, "I've known him since the 1966 [city transit] strike. The mold is broken. I don't think we'll ever have another labor leader as dedicated as Harry V.A. He never sought publicity His work was for the membership. If it didn't serve the membership, Harry didn't think it was worthwhile."

Vito Pitta, president of the Hotel-Motel Trades Council who led a hotel workers' strike in the city last year said of Van Arsdale, "During the hotel strike in New York, he was out there just like a kid on the picket lines with the hotel workers. He was a model for the whole country. There isn't anyone who is going to replace him. Someone might run for his office, but they won't replace him."

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TV AND RADIO COVERAGE OF SENATE PROCEEDINGS

The PRESIDING OFFICER. The clerk will state the pending business.

The assistant legislative clerk read as follows:

A resolution (S. Res. 28) to improve Senate procedures.

The Senate resumed consideration of the resolution.

Pending:

Dole motion to recommit the resolution to the Committee on Rules and Administration, with instructions.

AMENDMENT NO. 1587

(Purpose: To restrict television coverage of the Senate to morning business and when coverage is agreed to by unanimous consent)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 1587.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 2, insert "and" after the semicolon.

On page 2, strike out lines 3 and 4.

On page 2, line 5, strike out "(3)" and insert in lieu thereof "(2)".

On page 4, line 12, insert "(1)" after "(a)".

On page 4, line 14, strike out "(1)" and insert in lieu thereof "(A)".

On page 4, line 16, strike out "(2)" and insert in lieu thereof "(B)".

On page 4, between lines 19 and 20, insert the following:

(2) Television broadcast coverage shall be provide only—

(A) during the consideration of routine morning business; or

(B) when there is in effect a unanimous consent agreement providing for the allocation of time between specified Senators or their designees.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. JOHNSTON. I certainly will.

Mr. STEVENS. I think I understand the nature of the Senator's amendment. Is it possible we might have the chance to vote on this amendment sometime this afternoon?

Mr. JOHNSTON. Frankly, there is no attempt to filibuster this amendment but I must leave at about 3:45. I do not know whether that is a sufficient time for debate or not. If it is, if everyone who wants to speak on the amendment has spoken by that time, I would be perfectly willing to have a vote. However, I would rather put it off until some other time. Will there be votes on Monday or Tuesday? Some time specific on Tuesday would be all right.

Mr. STEVENS. I will not push the idea of getting a time agreement. But I think the Senator should realize we ought to start having some test votes. Perhaps after an hour or an hour and 15 minutes of debate I can make a motion to table to see what the sentiment is. I will wait until that time. I think we ought to have some test votes soon.

Mr. JOHNSTON. I hope this will be considered by the Senate to be a very serious amendment.

Mr. STEVENS. I understand that.

Mr. JOHNSTON. Frankly, I hope the Senator from Alaska will be in favor of it after I explain it.

Mr. STEVENS. I will listen to my colleague with great interest and determine later whether I will support it.

Mr. JOHNSTON. Mr. President, this amendment is very simple. What it does is allow television in the Senate during morning business and when there is in effect a unanimous-consent agreement providing for the allocation of time between specified Senators or their designees. In other words, any time we have a time agreement, we would automatically have television in the Senate.

As I have said from the start, Mr. President, my objection has never been that television in the Senate would be intrusive or that it would interfere with our proceedings or, indeed, that the public does not have a right to know. The public does have a right to know, to the maximum extent possible. The public has a right, indeed, to participate in a free democracy and in learning what is going on. There is no dispute about that.

I might say there is no dispute from the standpoint of this Senator that television has worked in the House, because the House has a careful time agreement.

What does bother this Senator, and I think what bothers a lot of us, is that it would be impossible or very difficult to get our work done if we had television in the Senate, for very obvious reasons. Television is politics of the 1980's.

If you take away the right to be on television, you take away a man's right to communicate. So television would become politics. In the Senate it would be the tail that wags the Senate dog.

What this amendment does, Mr. President, is to say anytime you have a time agreement, plus the morning hour, you may have television. I think on the great debates of the day, most of them, we would have television. There would be some that we would not.

Mr. President, I wrote a piece for the February 19 issue of USA Today. I stated in that piece that if we had television in the Senate the pressure would be overwhelming to change the rules of the Senate in order to accommodate television, particularly to change the rules of the Senate with respect to unlimited debate because, as I said in the piece, Senators would have to come over here and represent themselves on television whether they wanted to or not.

Indeed, my point was proven by the main editorial in USA Today.

They went on to say that the Senate must allow television coverage. Then they stated:

> If Senators are truly worried that cameras will lengthen debate, they ought to change their rule and limit speeches to 5 minutes, as the House has done. As a bonus, they might get even more work done.

Mr. President, that little advice in USA Today, even before they have heard the first filibuster, before they have seen the first unlimited debate, would turn into an absolute roar if we allowed television in the Senate under all circumstances, particularly during the filibusters or during unlimited debate.

Mr. President, can you not see how the sentiment stated in the USA Today editorial would be repeated over and over again? They would say the Senate is inefficient, it is a spectacle, it is a charade. It is all of these things that democracy is not supposed to be. A Senator would sit on the floor attempting to delay matters—indeed, that would be his very purpose—it would not play very well on the television airwaves.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. JOHNSTON. I am happy to yield.

Mr. LONG. Mr. President, if we were on television right now, if the rule were in effect as the Senator suggest it should be, morning hour would be on television. And, if a Senator offers an amendment, and the point was made by another Senator, "Can we vote on this amendment," if the Senator were willing to enter into a time agreement to agree that we would debate this amendment for an hour and vote, then he would be on television. If he would not agree to the hour limitation to debate for any particular time and then vote, if he were not willing to agree to a limitation on debate of the amendment, then he would be on television.

Mr. JOHNSTON. Precisely.

Mr. LONG. So if the Senator wanted to claim the privilege of standing here and talking for an hour and a half, he would not be on television, so he would, in effect, not be on television by not agreeing to an hour limitation.

Mr. STEVENS. Mr. President, will the Senator yield to me for a minute?

Mr. JOHNSTON. Certainly, Mr. President.

Mr. STEVENS. I am a friend of both Senators from Louisiana and they make nice points here. But the senior Senator from Louisiana implies that if the mover of the amendment would agree, consideration of the amendment would be on television. That is not totally the case, is it? It would have to be by unanimous consent. Any one of the 100 could object; then the television would be turned off. Is that correct?

Mr. JOHNSTON. Mr. President, the Senator is correct. But let me say that I have not heard objection to television as television. The objection certainly from my standpoint, and I think from that of my senior colleague from Louisiana, is to what it might do to the Senate.

In other words, the Senate, as someone has put it, the Senate is the saucer where the passions of politics are cooled. Our mission here, among other things, is to prevent hasty and precipitate action. You do that by delay sometimes. I do not mean necessarily a filibuster, but just by delaying things. That is what I am afraid of—that we are going to take away unlimited debate or our capacity to have nongermane amendments. It would be the pressure of the public and the news media to change our rules to accommodate television. That is what worries me. I do not think we are going to have Senators objecting just to the intrusive eye of the television. That is not the objection. It is the pressure that will be put on the rules of the Senate. It will prevent us from doing our business.

Let me say, we have talked about a trial period. If we are going to have a trial period, why not have a trial period where we have television by unanimous consent? Then, if that is a smashing success, and if we find out that we could expand it, then is the time to consider expansion.

But once you get television by rule in the Senate, believe me, there is no turning back. Once it is here, it is here forever. It would be very hard to change the rules to say we are going to then limit it to unanimous consent because there would be a certain number of television junkies out there who would say, "No, you are taking away our right to know." I just say if we have to have it, then let us have it by unanimous consent, where there is a control of time.

That is why it has worked in the House. It has worked because there is a careful control of time, 5 minutes. As USA Today says, we would get more work done with a 5-minute rule. But we would not be playing the traditional role of the Senate as envisioned by the Constitution, our forefathers, who said, "Look, the Senate is different from the House. We are going to give you 6-year terms so you are a little insulated from the political passions of the day."

How many times has the Senator from Alaska seen an improvident bill, popular for the moment, which zipped through the House of Representatives and arrived in the Senate and we slowed things down and, either because of unlimited debate or extended debate or, in some cases, filibuster, we have stopped that improvident legislation?

I was just talking to the senior Senator from Mississippi. I said, "I like your advice on that."

He said, "My goodness, the number of bills I have seen of that nature which we have been able to slow down and stop in the Senate, which, without unlimited debate, would have zipped through here in a twinkling of an eye."

Oh, I think the Senator from Alaska opposed with me Federal financing of Senate campaigns. Some people would say we ought to have that, but that would long ago have been a law of the land.

What is another one? That commission, the Ralph Nader commission——

Mr. LONG. Consumer Protection Agency.

Mr. JOHNSTON. That was headed for becoming law. These are two that come to mind immediately.

Our great historian, the senior Senator from West Virginia, I am sure would really be the repository of those kinds of stories and would tell us about the history of the Senate and why it was that this body was designed differently.

Why is it that we invest in every Senator the right to stand up here and throw a monkeywrench into the wheels of Government? That is not going to play well on TV, but I think as a balance wheel in our constitutional system, it is not a quaint anachronism to say that every Senator can get up here and stop the proceedings just by talking. It is a meaningful and important part of our system, because otherwise, these bills zip through here so fast you hardly have time to see them.

The House is the place that is supposed to be efficient, they respond immediately. They have to run every 2 years and they look at their polls and if the polls say something is popular, they will have it out and passed this afternoon. We are not supposed to be like that and I hope we do not have to become that way because of the intrusive eye of television.

If we get television in this body and we continue with unlimited debate, just how silly are we going to look? We are not going to look good and you are going to have, first, a few suggestions like USA Today's, that the Senate ought to have the 5-minute rule. That is what they say. Then Time and Newsweek and every other columnist and, more important than that, the Podunk Times back in our hometowns would be saying, "You ought to have the 5-minute rule."

And how many of us can resist the will of the people? We would be in here trying to change our rules so as to accommodate television in the Senate. I just do not think we should. I think there is a place for unlimited debate in the Senate.

Mr. LONG. Mr. President, will the Senator yield?

Mr. JOHNSTON. I shall certainly yield.

Mr. LONG. I direct the Senator's attention to the original language of S. 28 as introduced by Messrs. BYRD, GORE, and BUMPERS. The original language of the amendment says, on page 3, line 2, "provided that during any television and/or radio broadcast, time shall be divided and controlled in such a way as to ensure equal time to both majority and minority parties."

Is that not a limitation on debate, that time would be divided and controlled?

Mr. JOHNSTON. That is a similar idea to the amendment which I introduced. It is not precisely the same thing, but it is certainly a similar idea. And it points up another problem.

That is, if you control the time, one Senator can stand up and hog the whole time and have C-SPAN all to himself for hours or days, as long as he can stand here.

Mr. LONG. Without the Senator's amendment, he could.

Mr. JOHNSTON. Without my amendment, he certainly could. And you just need some kind of control of time. That is why it has been successful in the House, because there is a very careful control of time, 5 minutes.

Some people think we ought to have a 5-minute rule. I hear my colleagues speaking sometimes and I think, would it not be wonderful if you could pull the chain at 5 minutes and stop their talking, and I am sure they feel that way about my speeches.

The distinguished Senator from Kansas, our majority leader, was making a joke the other day. He said, "You know, BENNETT, you stood up on the floor the other day for 2 hours making a speech as to why television in the Senate would cause Senators to speak too long." I am sure he and others thought I was speaking too long, but I was exercising my right to have unlimited debate, because I could see this thing going too fast and that Senators were not thinking it through. I wish Senators would think through this question.

Mr. STEVENS. Will the Senator yield there?

Mr. JOHNSTON. Yes, I certainly will.

Mr. STEVENS. Mr. President, I would like to ask the Senator from Louisiana a question. I see my friend from West Virginia is on the floor. I will not make a statement. This is a resolution that provides for a test period. If the Senator's point is correct that television coverage will not work without a time agreement, will we not learn that in the test period?

Mr. JOHNSTON. Absolutely not, because the test period does not provide for disseminating the signal. It provides for having the lights and the cameras. It is not the lights or the cameras that are going to change the rules. It is what you do with that electronic signal. You send it out there to the people.

Mr. STEVENS. Is it not the idea that we are supposed to find out how the Senate will react while the television lights are on? With television operating in the House as part of the regular procedure, we are only saying let us try it here in the Senate and see how it works. We can view it in our own offices, and the press can view it up in their gallery if they want to. It will not be as important as the afternoon soaps, it sounds to me. As a practical matter, does the Senator really insist on a time agreement during the test period?

Mr. JOHNSTON. As I say, the test period is really no test at all. All that does is tell you how the camera works, whether it takes a good picture, whether it is going to show other Senators, what you look like in living color, whether the lights are bright enough. That is all it is going to show.

It is not going to show how Senators react. How would the Senator react if I had a camera up here to snap a picture and saying, "Don't worry; there is no film in the camera"? The Senator would not smile. But if the——

Mr. STEVENS. Careful now.

Mr. JOHNSTON. If the New York Times was here with their camera and film and they said, "We might put this on the front page," if the Senator

from Alaska is like the junior Senator from Louisiana, he would be prancing around—as much like a peacock as his physical frame and appearance allowed because he would say that is my chance to be on the front page. But if you do not have a chance to go out in the airways to America, it does not matter. We do not care. What we do care about as Senator and as products of the TV political age is our ability to go out there to every American's living room, or wherever they are going to be watching television—in their motel room—everywhere. That is what the test is going to be.

Mr. STEVENS. Let me ask one more question, and then I will sit down and let my good friend from West Virginia take the floor.

We now have unlimited television in the committee rooms, do we not?

Mr. JOHNSTON. Yes, indeed.

Mr. STEVENS. The chairmen of the committees and subcommittees give television unlimited access to those committee hearings. At least in the committees I sit on, television cameras are allowed at any time except in closed sessions where there are security matters involved. The Senator agrees with that?

Mr. JOHNSTON. Certainly.

Mr. STEVENS. Has the Senator seen any change in the committee procedure because of it?

Mr. JOHNSTON. Oh, have I seen a change. Why, it is night and day.

Let me tell you, Mr. President, just yesterday in the Budget Committee—in the committee we allow Senators to question witnesses based on when we arrive—I was there before the chairman, and I was the last Senator to speak. Do you know why? Senators knew the cameras were going to be there because OMB Director Jim Miller was going to testify, and they were there before the hearing started.

That is good. I admit it is good for Senators to be there on time. Do you think they would have been there early—not just on time but early—if the TV cameras had not been there? Of course they would not.

Mr. STEVENS. But the Senator was at a hearing with me this morning, and we followed that rule and there were no television cameras there. So has that changed the committee structure?

Mr. JOHNSTON. Yes. It has changed the action of Senators. Now, it is not necessarily a bad result in committee hearings, although sometimes Senators who otherwise would not make an opening statement, if the television cameras are there, will make their opening statement. The other day in the Budget Committee, we had about an hour and a half of opening statements. Consequently, the last witnesses did not have an opportunity to testify. But that is OK. I am not saying we ought to take that right away. But it has dramatically changed the action of Senators. It has even changed the way I react.

Mr. LONG. Will the Senator yield?

Mr. JOHNSTON. Yes, indeed.

Mr. LONG. The Senator saw the Watergate hearings, did he not? Everybody did, I am sure. Did the Senator notice there was practically a whole committee sitting there during the Watergate investigation?

Mr. JOHNSTON. I do not think I ever saw an empty chair.

Mr. LONG. Furthermore, does the Senator ever recall a fellow not asking questions? Is it not the ordinary conduct of a committee that you get the people together to testify and a few people ask questions and that is it?

But not with that 17- 18-man committee, whatever, where everybody asked a question every time they called on them. They went through everybody three times. Every time everybody was there asking more questions, taking 4 or 5 minutes every time. I ask, did the Senator notice that during the Watergate hearings?

Mr. JOHNSTON. Absolutely.

Mr. LONG. They never missed a chance. They asked all the questions they could until their time ran out. It happened every time.

Mr. JOHNSTON. It happens every time the television cameras are there in committees, every time. There are no absent Senators when the television cameras are present. I never see them pass over their right, either to make an opening statement or ask questions.

Now, that may be OK in committee, but if you have that here on the floor of the Senate so that every bill that comes up, every Senator has to come over here and make a statement, it is going to clog the time of Senators and change our priorities. Instead of being in committee where we ought to be most of the time, we would have to be in the Chamber defending our position before the electronic eye and our constituents back home.

I am just saying, why not try it by unanimous consent because most of our big legislation, I think, goes now by unanimous consent. Why not try it that way? I do not mind being on television. Most Senators do not mind being on television. But if it took us without TV until December 21 at—what was it? 2 a.m.—before we finally ended up exhausted, maybe not making very good decisions you can imagine, with TV we would have been here until December 31 at 12 midnight. And I bet we would not accomplish the same amount of work because we would all be speaking, defending our persona, our television image. What else is there in politics today? It is how you look on television.

It is not necessarily what you say or what you accomplish. It is how you look on television. And everybody is going to have to be here to defend how he looks on television.

I would hope that some of our historians, especially the distinguished minority leader, could instruct us about unlimited debate and why it is important, if it is so. I think he thinks so, and I know I think so; however, I do not see how you can have unlimited debate if you have television in the Senate. The pressure is there. Just as is stated in USA Today, before we even get television it says we ought to go to the 5-minute rule.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. JOHNSTON. Certainly.

Mr. BYRD. There is already a 5-minute rule in the Senate which says that on a new legislative day on the call of the calendar, as you go down that call, if there is no objection to taking up a particular item on that calendar, each Senator may speak only 5 minutes.

I do not want to denigrate the newspaper by any means, but there is already a 5-minute rule.

Mr. JOHNSTON. It is not the rule by which we operate.

Mr. BYRD. I would like to ask the distinguished Senator to tell us again what his amendment does.

Mr. JOHNSTON. Yes, indeed.

Mr. BYRD. I think the Senator is entitled to a careful study of the amendment, and I would like to know again what his amendment provides.

Mr. JOHNSTON. Yes. It is quite simple. The operative part I will read in full:

> Television broadcast coverage shall be provided only (a) during the consideration of routine morning business; or (b) where there is in effect a unanimous-consent agreement providing for the allocation of time between specified Senators or their designees.

Mr. BYRD. Mr. President, if I may direct my comments, at this point, just to the first of the two situations in which there would be television. The distinguished Senator provides for television during routine morning business. I thought I heard him say something a little earlier with respect to that particular portion of his amendment, and he used the words "morning hour."

Mr. JOHNSTON. I misspoke if I did. The amendment says "routine morning business."

Mr. BYRD. Mr. President, will the Senator allow me, without infringing on his right to the floor——

Mr. JOHNSTON. I yield the floor.

Mr. BYRD. Mr. President, I congratulate the distinguished Senator from Louisiana for attempting to find a way in which the Senate might have debate televised.

Morning business does not allow for speeches. There is a difference between morning business and the morning hour. The morning hour is the

first 2 hours of a new legislative day; and when the Senate goes over by recess, there is no morning hour on the day to which the Senate has recessed.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. BYRD. If I may just finish.

As to morning business, there is no morning business when the Senate recesses over.

In recent years, the Senate has not adjourned very many times during a session. But to have a new legislative day and, concomitantly, to have morning business, the Senate has to adjourn over. When the Senate adjourns over, then when it again meets, it meets in a new legislative day. You will often find, in looking at the calendar here, that the Senate may be in the legislative day of say, January 21, while we may be in the calendar day, actually, of June 30. There is no provision for morning business on every day the Senate meets.

One may think that morning business is for speeches. Actually, a Senator can only make speeches in morning business if he gets unanimous consent. In recent years, we have been operating in a way to give Senators an opportunity to speak during morning business by asking unanimous consent that there be 20 minutes or 30 minutes or 1 hour for morning business and that Senators be permitted to speak during that period.

Sometimes the request is misstated by saying, "and that there be a limitation on speeches of 5 minutes each during morning business." That is a misstated request, because there can be no speeches in morning business other than by unanimous consent. So the leader, in his request, includes the phrase "Senators be allowed to speak for no more than 5 minutes."

Morning business is a period in which the Chair asks whether there are any petitions or memorials. Do Senators have simple resolutions? What has come over from the previous day and is on the desk? Are there any bills and joint resolutions?

So, if we were in morning business right now and I did not have consent by the Senate, I would have to say: "Mr. President, I ask unanimous consent that I may speak for 1 minute"—or 2 minutes or 3 minutes. Any Senator can object to that.

What I would be allowed to do without consent would be to stand, address the Chair, and say, "Mr. President, I have a resolution which I introduce for appropriate referral." That is all. A Senator cannot speak beyond that if another Senator objects.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. BYRD. Right now, we are operating under the legislative day of February 17, but in the calendar day of Thursday, February 20. Without unanimous consent, there would be no morning business today. Senators could not even introduce bills or resolutions today, without consent being carved out for a morning business period during which Senators may be permitted to offer such.

So a Senator would not be able to offer a bill or a resolution today, because that can be done only during morning business; and unless there is a unanimous-consent order entered, morning business occurs only on a new legislative day. So the last time we would have been able to introduce a bill or resolution would have been February 17.

In order that it might be helpful to Senators, if they will look at rule VII, page 4, of the Standing Rules of the Senate, I invite them to look at this language:

1. On each legislative day after the journal is read, the Presiding Officer on demand of any Senator shall lay before the Senate messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate, and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of.

Here is the next thing:

The Presiding Officer on demand of any Senator shall then call for, in the following order:

The presentation of petitions and memorials.

Reports of committees.

The introduction of bills and joint resolutions.

The submission of other resolutions.

All of which shall be received and disposed of in such order, unless unanimous consent shall be otherwise given, with newly offered resolutions being called for before resolutions coming over from a previous legislative day are laid before the Senate.

2. Until the morning business shall have been concluded, and so announced from the Chair, or until one hour after the Senate convenes at the beginning of a new legislative day, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the Presiding Officer, unless by unanimous consent.

So I say with all deference to my good friend from Louisiana that what we have here, if this amendment were to be adopted, would be a situation in which there would very seldom be any televised coverage of Senate debate, because the period for morning business, as I have read in the rule, comes only when there is a new legislative day. It is only by virtue of a unanimous consent request—usually entered by the majority leader—that even allows Senators to speak during morning business.

Once morning business is completed, if there is nothing before the Senate, if nothing comes over from the previous day, if the majority leader does not call up another measure, a Senator cannot speak, except by unanimous consent, because there has to be something before the Senate for a Senator to speak, if a point of order is made.

Mr. STEVENS. Mr. President, will the Senator yield there for a question? It will just be one question.

Mr. BYRD. Yes.

Mr. STEVENS. Would the Senator agree with me that Senator JOHNSTON's amendment would provide for television in effect only on a unanimous-consent basis?

Mr. BYRD. Well, as I understand it, yes.

Mr. STEVENS. Except on a new legislative day.

Mr. BYRD. He could not speak even on a new legislative day if anyone objected, during morning business.

Mr. STEVENS. It still would be covered. The question whether a Senator could speak is another thing. The Senator from Louisiana would provide that there would be television during routine morning business or under a time agreement. I agree with the distinguished minority leader's presentation concerning the rights of a Senator during morning business, but the fact remains that only on a new legislative day could there be television coverage without unanimous consent.

Mr. BYRD. Yes.

Mr. STEVENS. Otherwise, it is totally a unanimous-consent coverage as far as television is concerned under this amendment.

Mr. BYRD. I think that is right.

Let me say further that on a new legislative day, if the distinguished Senator from Louisiana wished to offer a bill, another Senator could object to his even offering a bill and he would have to wait until the next day before he could even offer his bill or resolution.

Mr. JOHNSTON. Mr. President, will the Senator yield at this point?

Mr. BYRD. Yes.

Mr. JOHNSTON. What the Senator points out is very useful and very interesting. But, frankly, what I had in mind by morning business was that period of time usually set aside in the manner that the Senator has described where Senators are given an order for a 15-minute speech. That is what I really had in mind.

But I find that that would be covered anyway under my amendment. We provide that anytime there is a unanimous-consent agreement providing for the allocation of time between specified Senators or their designees. That is exactly what we do under what I called morning business, which as the distinguished minority leader has now informed us is not actually morning business. But that is what I had in mind. That is what the House of Representatives does when they have their 1-minute speeches and they can speak to the Nation on whatever

issue they want to. Senators could likewise do that in what most of us refer to as morning business. But that would be covered and provided for under my amendment because it would be by unanimous consent.

Mr. BYRD. May I say to the distinguished Senator I would rue the day that we start limiting television to that period, a period during which 15-minute orders are gotten by unanimous consent. If that is the case, the only thing that would ever be televised around here would be 15-minute speeches. We might be able to cut them back to 10 or 5 minutes or cut them out altogether.

I know the Senator wants to find a way to help the Senate to move into the television era. But may I say this to my good friend, and he is my good friend. We work together on the Appropriations Committee. And time after time—I hope he will continue to do it—he has helped me on an amendment that gets an appropriation for some very worthwhile project in my State of West Virginia. He is a very dear friend. But I must say to my good friend that this, as he knows, is very serious business and we have to think out what we are going to do. I have to say that to limit this to morning business is to limit it to nothing.

Mr. JOHNSTON. If the Senator will yield at this point, I think he misunderstands my amendment. My amendment says in morning business "or when there is in effect a unanimous-consent agreement providing for the allocation of time between specified Senators or their designees." That is the big thing. Most of the time when we consider a big bill it is by unanimous consent. We will have a time set aside, for example, 2 hours on a side, 30 minutes for amendments. During any such time agreement there would automatically be television.

Let me make it clear there would not be a requirement to have unanimous consent for television. Rather, any time there was a unanimous-consent agreement with respect to allocation of time, then television would be automatic.

I want to make that clear to my friend, the minority leader, because I know he thinks that the Senate rules with respect to unlimited debate are important for the Senate. I wish he would speak to that because he has a sense of the history of the Senate that is probably unparalleled in this body and I wish he would tell us why unlimited debate is important, why it is important that we keep it and how this body would change us if we lose it. Then he might even add that last bit of information which is why it would be inevitable that we would have to change unlimited debate if we had gavel-to-gavel coverage because the public would insist on it.

We would look silly with unlimited debate with Senators dragging their heels trying to slow the process down. The public is not going to understand that. It is not going to appreciate the constitutional position of this body, and its mission, which is not to be efficient, which is not to get the work done in the shortest period of time, which is not to limit speeches to pear-shaped snippets that CBS news would like, but rather to have deliberation on the hot issues of the day so that if a minority cares greatly about it, it can slow the process down.

I wish the Senator would speak to those issues.

Mr. BYRD. That is quite a big order.

Let me say, unanimous-consent agreements have not always been around here.

I think it was under Lyndon Johnson that the use of unanimous-consent agreements kind of sprang into being.

I would presume to say that during the time I was majority leader and majority whip, we had more unanimous consents than ever before or since. Finally, I would also say on this point that there are not as many unanimous-consent agreements now in the Senate as there were a year ago or 2 years ago or 3 or 4.

So, they are not as usual or routine or normal here in recent months. I do not have any way of ascribing to what that may be the case.

But I do not think that we can tell the American people that now we have television, if we adopt the distinguished Senator's amendment—and I do not want to keep the Senator from Arkansas waiting—I do not think we can stand before the American people if that amendment is adopted and say: "Now here we are: We have television in the Senate."

The American people not only have a right to see and to know what their representatives in this Chamber are doing, they have a responsibility, I think, to let us know that this is what they want.

I am in favor of the Stealth bomber but I am certainly not in favor of the Stealth Senate.

What is the public going to think? What do the media—how will they know when to tune in? How will the public know when to tune in or when to expect anything out of the Senate? We may go for 2 or 3 months at a time with nothing being televised. Some of the money will have already been spent for putting in some of the equipment, but we will never know when the Senate will be on television because one cranky Senator can stop it—one. All he has to do is object to Senators being allowed to speak in morning business. If the Senate has gone over by virtue of a recess, well, then, a Senator does not have to appear to be opposing television that day. He need only say, "Mr. President, I object to any routine morning business today."

Mr. LONG. Will the Senator yield to me?

Mr. BYRD. May I yield to the Senator from Arkansas [Mr. PRYOR] first?

Mr. PRYOR. The Senator from Louisiana was on his feet before I was.

Mr. BYRD. Yes. I yield.

[Mr. ARMSTRONG assumed the chair.]

Mr. LONG. Mr. President, I would say there is not a great deal of difference between what the Senator from Louisiana is trying to do and what the minority leader himself suggested in the original draft of his proposal. There is a very strong similarity between the two.

Let us take the ordinary day that we come in. Let us take a day like today. Yesterday evening, the majority leader stood here and asked consent that certain Senators be recognized for 15 minutes to speak this morning. Now, it is the intent of my colleague that that is a limitation.

So we start out and the majority leader is recognized and the minority leader is recognized, at least for 1 hour. And they can farm that out if they want to. That is a limitation.

Mr. BYRD. Not for 1 hour; 10 minutes each. That is the normal order.

Mr. LONG. I saw somewhere in yesterday's RECORD that the Senator said he would allow someone to have a certain portion of his hour. I thought he had 1 hour because of that.

Mr. BYRD. He may have had by a previous order. There may have been.

Mr. LONG. So, before we go out on the previous day, there is an agreement. The majority leader suggests it and the minority leader passes judgment on it. Usually we have an agreement that we will come in the following day and the majority leader will be recognized for a certain period of time and the minority leader for a certain period of time, and that would be on television, in either event.

Also, before we go out, a request is made that certain Senators be recognized for 15 minutes. That is also on television. When a Senator rises and asks that he be heard for a certain period of time, that is also, by consent, on television.

When we get this routine matter behind us which was contemplated the night before, under the proposal that the Senator offered, he met with his proposal the same problem that my colleague is trying to get at. He said, "Provided, during any television and/or radio broadcast, time shall be divided and controlled in such a way as to assure equal time to both majority and minority parties."

So when a bill is laid down at that time, it is envisioned by the proposal of the Senator, cosponsored by Senator GORE, by the way, and Senator

BUMPERS, it is within the purview of that proposal that from that point forward there would be control over the amount of time a Senator could speak. So we would be under a controlled time and the time would be divided to give each side a fair chance to present their case.

Now, that is typical of what we do here. It is typical, also, of the fairness and the wisdom and statesmanship of the distinguished minority leader.

My colleague had in mind that you call a bill up and you ask unanimous consent that a time be assigned, a certain amount of time to the manager of the bill and a certain amount of time to the ranking member on the committee, the manager for the other side. So they are under a controlled time and they proceed with their debate. If that consent is given, fine, they are on television. If somebody comes in and objects to it, they are not on television.

May I say, Mr. President, as far as this Senator is concerned, I have been opposing television in the Senate but, if the Senate is on television, I would not be objecting to that unanimous-consent request. I do not know of anybody who would if we agree to the amendment as suggested.

Now, what would be the difference between that and what the Senator here is suggesting? Only that you would be more specific, that you have got to have a time agreement, but this says time shall be divided and controlled. I would leave it up to the Senator. How would you go about dividing it?

Mr. BYRD. I will tell you how I would go about it. That is the reason I have that language in there. It does not specificate. It only says that when the Senate is being televised, time would have to be equally divided and controlled, but I am leaving that language to the Rules Committee and the Senate to determine how it would be implemented. And, by virtue of the difficulty of trying to figure out a way all by myself, I was leaving it to the Rules Committee and the Senate to make sure that whatever provisions were made for television around here, time would have to be equally divided and controlled. I came to the conclusion that I could not, as one Senator, foresee all the problems that might occur. So I said, "Well, let's have a test period."

During that test period we could try Mr. JOHNSTON's approach, we could try Mr. LONG's approach, or whatever, and I would think that we would benefit by the experience of that test period so that, indeed, we would come out of that with the kind of experience that would tell us what will work, what will not work, what might work, what might not work, and what will best work. Then the Rules Committee of the Senate would incorporate whatever rules changes are necessary, together with the provisions for television coverage, and we would bring that resolution back in here and let Senators chew on it for a while.

But we are not presently going to solve every possible problem that can be conjured up here. I can think of lots of problems—lots of problems. That is why I put such language in there. Let's have a test period and let 100 Senators determine what the problems are and determine how we circumvent them or overcome them. Then let's vote, in the final analysis, on those rules changes.

I would have to say, with all due respect to the distinguished Senator from Louisiana [Mr. JOHNSTON] that his provision with respect to morning business will not work. If he is thinking of televising those 15-minute orders, which he implies are part of morning business and, indeed, they are not, then if that is all we can televise around here, let us not have television in the Senate.

Mr. JOHNSTON. Will the Senator yield?

Mr. BYRD. Yes.

Mr. JOHNSTON. I have tried to make it clear, and I said it twice. First, I understand that those special orders are not part of morning business, but they are covered under my amendment. I have repeated this now and let me repeat it for the fifth time. In addition to those kinds of orders, you would have television in the Senate under this amendment any time there is in effect a unanimous-consent agreement providing for the allocation of time between specified Senators or their designees.

Now, that is the important part of the amendment. It is not limited—let me repeat—it is not limited to those special orders, rather it would cover special orders and any other time there is a time agreement on an amendment or on a bill which is, I believe, the usual way we do business. I want to make that clear and I reiterate that point.

Mr. BYRD. I am sorry if I have tested the Senator's patience. I take it maybe I have, and I regret that, because he said it was the fifth time he had restated his amendment and its meaning.

I have no objection whatsoever to including in this test period, and I assume we would, that we would go to some time agreements and see how that would work out on a permanent basis.

Mr. President, I ask unanimous consent that rules VII and VIII of the Standing Rules of the Senate be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULE VII

MORNING BUSINESS

1. On each legislative day after the Journal is read, the Presiding Officer on demand of any Senator shall lay before the Senate messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate, and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of. The Presiding Officer on demand of any Senator shall then call for, in the following order:

The presentation of petitions and memorials.

Reports of committees.

The introduction of bills and joint resolutions.

The submission of other resolutions.

All of which shall be received and disposed of in such order, unless unanimous consent shall be otherwise given, with newly offered resolutions being called for before resolutions coming over from a previous legislative day are laid before the Senate.

2. Until the morning business shall have been concluded, and so announced from the Chair, or until one hour after the Senate convenes at the beginning of a new legislative day, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the Presiding Officer, unless by unanimous consent: *Provided, however,* That on Mondays which are the beginning of a legislative day the Calendar shall be called under rule VIII, and until two hours after the Senate convenes no motion shall be entertained to proceed to the consideration of any bill, resolution, or other subject upon the Calendar except the motion to continue the consideration of a bill, resolution, or other subject against objection as provided in rule VIII, or until the call of the Calendar has been completed.

3. The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President or the House of Representatives for appropriate action allowed under the rules and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

4. Petitions or memorials shall be referred, without debate, to the appropriate committee according to subject matter on the same basis as bills and resolutions, if signed by the petitioner or memorialist. A question of receiving or reference may be raised and determined without debate. But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

5. Only a brief statement of the contents of petitions and memorials shall be printed in the Congressional Record; and no other portion of any petition or memorial shall be printed in the Record unless specifically so ordered by vote of the Senate, as provided for in paragraph 4 of rule XI, in which case the order shall be deemed to apply to the body of the petition or memorial only; and names attached to the petition or memorial shall not be printed unless specially ordered, except that petitions and memorials from the legislatures or conventions, lawfully called, of the respective States, Territo-

ries, and insular possessions shall be printed in full in the Record whenever presented.

6. Senators having petitions, memorials, bills, or resolutions to present after the morning hour may deliver them in the absence of objection to the Presiding Officer's desk, endorsing upon them their names, and with the approval of the Presiding Officer, they shall be entered on the Journal with the names of the Senators presenting them and in the absence of objection shall be considered as having been read twice and referred to the appropriate committees, and a transcript of such entries shall be furnished to the official reporter of debates for publication in the Congressional Record, under the direction of the Secretary of the Senate.

RULE VIII

ORDER OF BUSINESS

1. At the conclusion of the morning business at the beginning of a new legislative day, unless upon motion the Senate shall at any time otherwise order, the Senate shall proceed to the consideration of the Calendar of Bills and Resolutions, and shall continue such consideration until 2 hours after the Senate convenes on such day (the end of the morning hour); and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and an objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "other resolutions", or after disposition of resolutions coming "over under the rule", and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed on motion with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

2. All motions made during the first two hours of a new legislative day to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable. Motions made after the first two hours of a new legislative day to proceed to the consideration of bills and resolutions are debatable.

Mr. JOHNSTON. Mr. President, I wish to apologize to the Senator if I was overstating the case for the fifth time. I just want to make clear that it does cover any time there is a time agreement in effect.

I want to also point out to the Senator that a test period that does not shoot live bullets, that does not get the television signal out to America, is no test period at all. I mean if you have a camera without film or a TV camera without a signal to the American people, it is not going to be a test period at all.

Mr. BYRD. I thank the distinguished Senator.

The second part of his amendment, it would seem to me, would be a very worthy thing for us to discuss during the test period. But as to the first part, that part being in the morning business, I feel the Senator would agree with me that it really will not work.

It might be that when the test period is over the experience that we will gain during that test period would lead us to do something of the nature the distinguished Senator is proposing in the second part. But again, if my dear friend intends to include those 15-minute speeches as a part of what he considers morning business, and for the sake of argument let us say that they would be part of the morning business, heaven help us. We would not be doing anything around here but having 15-minute speeches.

We would not get any work done. That is the part I would like to leave out of television.

But with a test period we may determine that they can still be covered but limit them to 3 or 2 minutes, or put them at the end of a long, long day.

I congratulate the Senator. I think the Senate would certainly want to consider the second part of his proposal, during the trial period.

Mr. PRYOR. Will the distinguished minority leader yield to me?

Mr. BYRD. Yes.

Mr. PRYOR. The distinguished minority leader has talked, as has the junior Senator from Louisiana, about the issue of special orders. I was on my feet just to say that, one, I do not want to appear to be an obstructionist to this whole idea, nor to be negative to it, but it is my greatest fear that with TV in the Senate at this moment unless, one, we limit the time of special orders, and/or move the special orders to the end of the day, we are going to be doing absolutely nothing but listening to Senator BYRD, Senator PRYOR, Senator JOHNSTON, and Senator STEVENS just talk about anything they want to.

I guarantee, if I have that chance and I do not speak a lot on the floor, I am likely to be over here every morning when the Senate opens with some pet project. I think there are a lot of us just like that. I say that very respectfully.

I would like to state to the distinguished minority leader who has put so much work into this effort that at a time, maybe not on Senate Resolution 28, but maybe after the trial period I will be very willing to work with anyone or to offer an amendment which addresses this issue of special orders because if each Senator is allowed 15 minutes, you are talking about four Senators each hour over here making speeches. We would have to start every morning at 5 a.m. and by about 10 that night we would finally get around to possibly talking about some business of the Senate.

So I think this is an area that deeply concerns this Senator. I wanted to raise that concern, and say that ultimately we may have to address this by an amendment. I hope we will be ready to face that issue.

I thank the minority leader for yielding.

Mr. BYRD. I thank my friend from Arkansas.

As to 15-minute orders, I initiated that procedure when we on this side were the majority and I was majority leader. Before then we did not have special orders of that kind in the Senate. What we did was something even worse. We would come in every day. We usually, I think, adjourned over. Before I was majority leader I was the majority whip, and did most of the programming. But I did it very carefully in accordance with the instructions of Mr. Mansfield. He was the leader, and whatever he thought best I went along with.

(Mr. PRESSLER assumed the chair.)

Mr. BYRD. The problem was if Senator LONG, or Senator STENNIS came to the floor as a chairman and wanted to get a bill up, or wanted to manage a bill that had been scheduled, he would come to the Chamber and sit, and sit, and sit for hours until, perhaps 3 or 4 o'clock in the afternoon before he would ever start managing his bill. Why? Because it was such a freewheeling process here. We had adjourned over. There would be a period for routine morning business. We were supposed to go by rule VII, and Senators would have a kind of a round robin as they called it.

They would write to each other, may I say, to the distinguished Senator from Florida, in advance or do it on the telephone, and say "I am going to speak on a given subject on Wednesday during the morning hour." That is the first 2 hours of the day. "I hope you can come over and join in the colloquy." So on that day, Senators would come to the floor and talk. There would be serveral Senators here. But each would get up and say "Mr. President, I ask unanimous consent that I may speak for 3 minutes" and he would speak for 3 minutes. That was not long enough. "Mr. President, I ask unanimous consent that I may speak for an additional 5 minutes." When the 5 minutes was up, he would say "Mr. President, I ask unanimous consent that I may speak for an additional 5 minutes." It went on and on and on.

I had sympathy for these chairmen who came to the Senate in those days ready to manage their bill, expecting it to be called up, they would sit there, sit there, sit there, miss their lunch, and patiently listen to all of this round robin. Today it would be about the Philippines, I am sure. In those days it was about Vietnam or any number of things.

When I became majority leader, and even before I became majority leader when I was majority whip, I said, "We

have got to get away from that, and expedite the business of the Senate."

So I came up with this idea of 15-minute orders, and no more. If anybody asked to speak for 2 additional minutes, I would object. Some of the Senators, probably, did not agree with me in those days about limiting time. I guess I incurred their ill feeling. But in any event, I held it right to 15 minutes.

There was another thing we had. We said, "You have to get your 15-minute order in the day before. You cannot come over here on a given day and get your 15 minutes for that same day.

So we did away with just having round robins all day long, speeches, and with the result that the business of the Senate was not done.

Mr. JOHNSTON. Will the Senator yield at that point for a question?

Mr. BYRD. Yes. And for that reason, let me say that I think the 15-minute order was a good thing. It achieved its purpose in those days. But I hope we will not go back to those days of 15-minute orders, if we decide to have the Senate televised.

Mr. JOHNSTON. I thank the distinguished Senator for yielding. I have a very important question relating to the test period.

As I understand the test period, during that period of 3 months you would take pictures of the Senate but you would not release them to the airways.

At the end of that period, which I think is July 25—it is April 15, I think, to July 25—the Senate does not at that point vote on any new set of rules, but, rather, the set of rules that are set in motion by this amendment automatically come into being. The only way you can change those rules would be by Senate resolution, which, itself, would require a two-thirds vote, I believe.

So, by passing this amendment and by agreeing to a test period, even if the test does not work, even if Senators say that is the worst thing in the world, "I am sorry we got into it," they are nonetheless locked into it unless they can summons up a two-thirds vote to change those rules after television in the Senate comes in. Am I correct on that?

Mr. BYRD. No, the Senator is incorrect on two points. One, it does not now take two-thirds vote to change the rules. It only requires a majority. It takes two-thirds only if there is a disposition on the part of the Senate to filibuster, and cloture is attempted.

No. 2, the sunset period for TV also applies to any change in the rules that we vote on.

Let us say we vote tomorrow on this motion offered by Senator DOLE, myself, Senator FORD, and Senator STEVENS. If we were to vote that up tomorrow, then by April 15 the test period can begin. Both TV and the rules changes would be on trial.

Mr. JOHNSTON. Those are included.

Mr. BYRD. Yes. So we are voting up front on the rules changes. At the end of the test period, they do not any longer govern the operations of the Senate and we would not yet have permanent television. It all would have to go back to the Rules Committee and it is to report out a resolution making television permanent, if that is the decision of the Senate, and also making the rules changes that will have been voted in by the Senate. That resolution comes back over here and the Senate then gets a second opportunity to vote on those rules changes. But nothing is made permanent until that second resolution is approved presumably by August—I would hope.

Mr. JOHNSTON. Is the Senator saying that on July 25, all these rules with respect to television in the Senate self-destruct and if the Senate did nothing further there would be no further television of the Senate? Do I understand that correctly?

Mr. BYRD. Yes. Everything self-destructs at the close of the test period.

Mr. JOHNSTON. Could the Senator direct me to the place in the resolution where that is stated, or in the amendment? I just do not see it.

Mr. BYRD. Page 13, I believe. Page 13. It provides:

> That no changes in the Standing Rules of the Senate which shall become effective by virtue of this resolution shall continue in effect after the test period—
>
> On July 25—
>
> unless the resolution with the Committee on Rules and Administration shall have 2 weeks following the end of the test period to report, containing these proposed rules changes together with any other proposed changes in Senate procedure that they deem wise together with a proviso making radio and television a permanent part of Senate deliberations has been adopted.

Mr. JOHNSTON. Just to be sure, the Rules Committee, after the test period, would have to order up the new resolution.

Mr. BYRD. Yes.

Mr. JOHNSTON. And the Senate would have to approve that?

Mr. BYRD. That is correct. Unless that is done, there will not be television in the Senate and the rules changes will also lapse. They take effect only when the Rules Committee and the Senate puts the stamp of approval on permanent coverage of the Senate by television.

Mr. JOHNSTON. Let me ask another question. How can you have an adequate test of television if the signal is not broadcast to the public?

Mr. BYRD. The House did that. They had a test before it was broadcast.

Mr. JOHNSTON. But the problem there was different. The House always had control of time. They were only concerned about camera angles and the amount of light, that sort of thing. But what I am concerned about, and some of my colleagues, is what the broadcasting signal would do to the frequency and the length of speeches, and the inability of the Senate, therefore, to tend to its business. I do not think you are going to know that until you get the signal broadcast to the public. Can the Senator speak to that issue?

Mr. BYRD. I thought I had spoken to it. The test period is for the purpose of our trying to proceed under the peculiar Senate rules. As the Senator knows, I have formerly been an opponent of television in the Senate, not, per se, television in the Senate, but I said "show me what changes in the rules you are going to propose to make this work." There were no proposed changes, so I did not support going to television in the Senate.

Now we are trying again to bring television to the Senate. The Senate rules are not like the rules in the House, so we ought to have a test period.

It seems to me that 100 men and women in the Senate should be able during a test period—having an opportunity to view the tube itself—to determine best how to go about changing the rules or whatever must be done to make television a viable thing, and to fulfill not only the Senate role to legislate under the Constitution, but also another important role, which is that of informing the people. Woodrow Wilson said that that was a function that was perhaps more important than the legislative role; namely, informing the people.

Mr. JOHNSTON. I cannot disagree with that. If the Senator will yield further, the Senator remarked a moment ago about what allowing special orders on television might do. The Senator from Arkansas said we are all going to be over here making our speeches on whatever the issue is of the day. They talked about the Philippines being an issue of the day.

Under my amendment, that could be done only by unanimous consent.

In any event, how could you test whether that would be abused unless that were broadcast to the public? The reason people would make those speeches, too many of them, would be because that signal was being heard by their folks back home. The mere fact that you had a camera and lights, if you were not broadcasting that signal, is not going to change people's habits with respect to those speeches or any other speeches. Am I not correct?

Mr. BYRD. Is the Senator saying we should not have a test period such as we have proposed?

Mr. JOHNSTON. I am saying that if you are going to have a test period that will mean anything, you ought to

go ahead and broadcast the signal and then allow the Senate to come back and vote on rules changes. But just to have a test period without sending the signal out there to the public is no test at all.

Mr. BYRD. The test period is not just with reference to the rules. The test period is also with reference to the equipment. Let us be sure the equipment is working. Let us be sure there is proper lighting. Let us be sure that the shadows or whatever are taken care of. Let us be sure that those cameras play only on Senators who are speaking.

There are some Senators who say, "If there are cameras in the Senate, I will have to go over to the Chamber. People will not be able to see me because my seat would be empty."

They are not supposed to see the empty seat, because we are saying in this resolution that the cameras will be only on the Presiding Officer and on Senators who speak. This provision, says there will be no panning of the Senate.

Mr. JOHNSTON. If the Senator will yield further, I understand that.

Mr. BYRD. That is what the test period is for. I am trying to answer the Senator's question. It is a legitimate question. I think we have to have the test period to make sure of the signals. And let us see how it goes with the cameras being on the Presiding Officer or only being on the Senator speaking. The majority of the Senators may say, "We do not like that part. Let the cameras pan the Senate Chamber." The test period may show that they should pan the Senate Chamber. That is part of the purpose of the test period.

Mr. JOHNSTON. Mr. President, I would say we need two test periods, first to test the camera angles. That is a technical sort of thing and I understand the need for it. But the real test comes when that signal goes out there to America. That is when we test whether the conduct of Senators themselves would also be changed and whether or not rule changes are necessary to accommodate that.

Mr. BYRD. Mr. President, I am the only Senator ever to authorize television in the Senate. I did that when Mr. Nelson Rockefeller was sworn in as Vice President of the United States.

I greatly opposed our going to microphones. I said:

> Oh, if we go to microphones, we are doing away with one of the great traditions of the Senate, when Senators stood on this floor and in stentorian tones spoke and the Chamber heard. Let us not go to this business of having a control console up there in the gallery and speakers having to bend over and lift up these old heavy microphones.

But the Senate did it anyway. And I have been using the microphone ever since and I like it.

On radio coverage, we heard all of the many concerns, and they were legitimately spoken. But once we had radio broadcasts, during the Panama Canal Treaty debate, I think Senators soon forgot that their speeches were going out over radio. I think they will get over that again if we ever have television here. The novelty of it at first is going to be with us. I will want to be sure I get over here, even though I may have lumbago, rheumatism, arthritis, and a broken arm. As long as I can talk, I shall want to be over here. But the novelty of it is going to wear off after awhile.

As a matter of fact, I think if we had had television coverage of the Panama Canal debate, a lot of the old wives' tales that were being used against the Panama Canal treaties would have gone away. The people, if they had had the opportunity to see and hear that debate on TV, would not have believed all the catchy slogans about "Give the Panama Canal away," or "Give it to the Panamanians and pay them to take it back," or "We built the canal and stole it fairly, let us keep it," and "Let us not give it to a Communist government."

All of those charges were pure hogwash. We were not giving the canal away, we were not paying the Panamanians $4 billion or whatever it was to "take the canal back." Nor were we dealing with a Communist government in Panama.

I am a little like Talleyrand, who, for 40 years, dominated the politics of Europe, when he said that "there is more wisdom in public opinion than in Voltaire, Napoleon, and all of the Ministers of State present and to come."

I say let us have the test period and see. I may join the distinguished Senator from Lousiana once we see how it works. I may join him in opposing it.

I thank the distinguished Senator for the effort he is making, and I welcome the opportunity to discuss his amendment.

Mr. STEVENS. Mr. President, I shall soon move to table this amendment, because I think we should see what the sentiment of the Senate really is. I say just briefly that it is my judgment, and I think the distinguished Senator from West Virginia agrees, that the rules of the Senate must be modernized soon, without regard to television in the Senate. I am also very much dedicated to television in the Senate. I represent a State that is almost 9,000 miles away, round trip. My constituents do not get down here very often to sit in the galleries and see what is going on here.

I think this concept of television in the Senate goes far beyond our rights, goes far beyond protecting our rules. It is part of the fabric of American life today that television carries to everyone the events of the day. The Senate today is just not relevant to American society unless television has access to the floor of the Senate. I think that rules of the Senate can accommodate television, and I think that television can accommodate the rules of the Senate. I do not believe there is going to have to be any massive change in either. For example, I certainly would not favor doing away with the concept of unlimited debate. I think we have to find some way, once television is granted access to the floor of the Senate, to have a more orderly presentation of our points of view, protecting all the while the rights that the Senate and Senators over the years have sought to protect.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. JOHNSTON. I must leave the floor in 6 minutes if I am to catch my plane. I hope the Senator would allow us until next week to have a vote on the matter. Of course, he has a right to move to table. However, I hope to accede to the request to vote at whatever time he wants next week or to move to table at this moment.

Mr. STEVENS. Mr. President, let me yield briefly without losing my right to the floor to the distinguished Senator from Colorado so he may speak and I may confer with the leaders on both sides to see what the leadership feels. It seems to me that we have to find some way to let the sentiment of the Senate be expressed. The leader was hopeful that we would have a vote this afternoon.

Does the Senator from Colorado wish me to yield to him on those terms?

Mr. ARMSTRONG. Mr. President, if the Senator would yield to me for a brief observation about the rubric under which he wants to yield to me, I am not too eager to seek recognition under those conditions. I have a few observations I would like to make. I do not want to be unduly restrained. I do not plan to speak at great length, but I hope the Senator would be disposed to let me get up and speak my piece. It might take a few minutes. I do not think it would take an hour or a half-hour, but I think it might take a few minutes. I hope the Senator would just permit me to go ahead.

Mr. STEVENS. I might say to my good friend, and he is my good friend, that I have, as I think every Member of the Senate knows, great respect for the leadership, having sought it. Not having achieved it, I still believe in listening to the advice of the leader. It was his advice to try to get a vote this afternoon. There are people who want to leave this afternoon, as the sponsor of the amendment does. If the motion to lay on the table fails, I am sure the Senator from Colorado would have plenty of opportunity to speak again. As a matter of fact, from what I have

heard today, it sounds like a portion of this amendment is going to be reoffered next week anyway.

I wish to accommodate the leader. If he wishes to have a vote, I would intend to make a motion to table. I think my good friend would understand it.

Mr. ARMSTRONG. Mr. President, if the Senator will yield to me, I would not want to assure the Senator from Alaska that I would be understanding of that. We are beginning debate on a very serious matter, a debate which I expect to be lengthy and I do not think a good way to start is by restraining the right of Senators to speak on the first amendment to be offered.

This is an issue about which I have long held opinions. That does not mean I have to speak at length about it. But if it is the intention or the effect of the Senator's action to cut off the right of any Senator, the Senator from Colorado or others, to speak, then I would not want to reassure the Senator that that would be OK with me because it will not be, nor would I encourage the Senator to think that if he would attempt to do so the Senator from Colorado might not have some points of order or something to make. I say to my friend, let us not start that way. In fact, part of what I wanted to say, had he let me speak my piece, was how appreciative I am of him over the last 10 years for helping to push forward the cause of television in the Senate. I have a few other thoughts in my mind. I have no objection to a vote this afternoon. I do not think this is the right time to do it and I am not even trying to delay it, but I do want to speak and I want to be heard and he can judge for himself whether or not this is the time to do it or whether he wants to exercise his right to offer a motion to table the motion of the Senator from Louisiana.

I do note in passing that there are not many Senators present. I suppose that he would want to have the yeas and nays on that and that if there is an objection raised to the number of Senators present to get the yeas and nays that will delay the body. I do not intend to do that, I say to my friend from Alaska, but I encourage him not to be too insistent on his rights and I a not going to be too insistent on mine. I just want to be heard.

Mr. STEVENS. Mr. President, I just received word from the majority leader that he desires a vote this afternoon. With due respect to my friend—and he is my friend—I do move to table and I ask for the yeas and nays.

Mr. ARMSTRONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ARMSTRONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. I do not yield.

Mr. ARMSTRONG. I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll——

Mr. JOHNSTON. Mr. President, point of order. A ruling has been made after a quorum call has been suggested.

The PRESIDING OFFICER [continuing]. To ascertain the presence of a quorum.

The bill clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, the reason I asked for a quorum call and made the point of order I did was only to establish that everybody in this Chamber has——

The PRESIDING OFFICER. The motion to table is not debatable.

Mr. ARMSTRONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that I be permitted to withdraw the amendment.

Mr. STEVENS. Mr. President, I withdraw the motion to table.

The PRESIDING OFFICER. The motion to table is withdrawn. The amendment is withdrawn.

Mr. BYRD. Mr. President, I ask unanimous consent that the yeas and nays on the motion to table be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG addressed the Chair.

Mr. BYRD. Mr. President, will the Senator yield to me briefly?

Mr. ARMSTRONG. Yes, I would be happy to yield to the Senator.

Mr. BYRD. I would be very happy if the distinguished Senator from Louisiana wished to leave his amendment pending but just consent to setting it aside while he is away, setting it aside for other amendments to be called up.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. If I may take just a moment to express the few and not too substantial thoughts which I wished to express earlier, they are as follows.

Mr. STENNIS. Mr. President, may we have quiet so we might hear?

The PRESIDING OFFICER. The point is well taken. The Senate is not in order. The Senate will be in order.

The Senator from Colorado.

Mr. ARMSTRONG. First, Mr. President, I want to take this occasion to express my appreciation to the Senator from Alaska not only for the way he is managing this bill and for his interest today but for the fact that for many, many years he has been a champion of the idea of televising the Senate. I have been interested in this for several years, but long before I came to the Senate this was something that he cared about and, along with other Members, has advanced. I think that is a commendable thing. But I cannot help recalling, particularly as this debate has droned on this afternoon, a story that is told about the great orator of Athens, Demosthenes, who arose in the public square one day and told a story about a man who bought a donkey. And it so happened that the man who had sold him the donkey nonetheless insisted on sitting in its shadow to be shaded from the Sun.

It further so happened that the buyer of the donkey vigorously objected to this. He said that when he bought the donkey he bought everything, including the shadow. Demosthenes then turned to leave and the crowd said, "Wait a minute. What happened?" They insisted that Demosthenes resolve the question which he himself had raised. He turned to the people in the public square and he said, "Do you mean to tell me that when you won't pay attention to the great issues of Athens you want me to take your time to discuss the shadow of a donkey?"

Now, I think that is the kind of debate we are likely to have if we do not focus on what the underlying issues are. This is important stuff. Televising the Senate is important. It is a major issue.

Now, a lot of the subsidiary issues, frankly, strike me as sort of the shadow of a donkey. Whether or not we violate the past practice of the Senate with respect to filibuster on the motion to proceed is an extraordinarily significant issue in my opinion. I do not think we ought to treat this lightly. Whether or not we adopt a new germaneness rule is an extraordinarily important issue.

Now, the consequences of what we are setting out to do may well be, even during the test period, almost revolutionary in the Senate because if we adopt this proposal to have little or no debate on the motion to proceed, I expect we will see in rapid succession the order entered for debate on the constitutional amendment for the balanced budget, which I favor; probably on a constitutional amendment for abortion, which I favor; no doubt on

the line item veto which was itself the subject of an extended filibuster on this floor and which prevented the motion to proceed to that issue recently. I happen to favor it.

I think all of these issues will come before the Senate very quickly during this test period and with no more than 2 hours' debate on the motion to proceed, I think that is a mistake, even though every one of the major issues which is likely to be brought to the floor as a result of that change in procedure are issues with which I am in sympathy. But I want to warn my colleagues that the changes which we are talking about will change dramatically the procedures of the Senate and probably the outcome of legislation.

Moreover, I want to point out that we will probably have a lot of last minute legislation because every night before we are ready to recess there are proposals which are stalled because somebody says you cannot bring up that thing tonight because I will filibuster it. I do not know of any major legislation that has ever been ultimately lost as a result of a filibuster on a motion to proceed but there are certainly occasions where it has been delayed and probably to the best interests of the country. Probably it is not wise to have legislation brought up late at night on the last day of the session and taken up de novo. I believe that Senators like our friend from Ohio and others who have objected to that and threatened to filibuster a motion to proceed have done a great service.

Mr. STEVENS. Mr. President, will the Senator yield on that comment?

Mr. ARMSTRONG. I yield. I am supposed to be across the street making a speech.

Mr. STEVENS. I know that my good friend is, and I tried to accelerate his departure for a minute, but it did not work.

Mr. President, the Senate saw recently the persistence of the Senator from Wisconsin and others in seeking a vote on the Genocide Treaty, which finally came to a positive result, and we did ratify that treaty.

I only say to my good friend that he is right. Having been here now for 18 years, it seems to me that there is no reason for the Senate to live outside of the whole perspective of society, and television is certainly a great part of that, as well as radio. We have had radio into our offices for many years, and we have not made that available to the public yet, and this resolution would do that.

Mr. ARMSTRONG. Does the Senator realize that the Australian Parliament has been broadcasting since 1936?

Mr. STEVENS. My people in Alaska can watch the Diet of Japan on public television, but they cannot see the Senate of the United States.

It seems to me that I ought to make everyone aware of the fact that I have decided that someone has to get committed to this thing. I think my good friend from West Virginia is committed to it. I know that I am committed to it. I say to the Senator from Colorado that the Senate is going to vote one way or the other on television in the Senate time and time again, until it happens.

Mr. ARMSTRONG. Hear! Hear!

Mr. STEVENS. I do not believe we need to change the rules to do that. I do believe that the rules will have to be changed once we do it. So this resolution, which I have helped fashion with others, I think is a good start toward meeting that objective. I would be happy to just have a vote, as I think my friend would, up or down on starting television.

Mr. ARMSTRONG. Absolutely. That is exactly the vote which I hope will occur next week.

The idea of using the motion to televise the Senate, which does not require a rule change, as the pretext of the excuse for making a lot of changes in the rules is counterproductive, both to necessary rules changes and to the notion of television in the Senate. I support some rules changes.

Mr. STEVENS. I do not believe television in the Senate will work without changes in the rules.

Mr. ARMSTRONG. The Senator may be right.

Mr. STEVENS. That is why I support this resolution. The distinguished Senator from West Virginia had put a lot of time in on it, and those of us who are trying to seek that goal think it would be better to do it to begin with, rather than agonize over it later.

I do not believe that television is like a flame to a moth. I think it will be an immediate sensation so far as the Senate is concerned, and then it will wear off.

I can go back to Alaska and see the Anchorage City Council on television, and they have done a good job of it. It has not changed the Anchorage City Council, except to make them a little more honest and more factual about what they say, and there is not any gesture that you would not want your wife and children to see; that is all.

Mr. BENTSEN. Mr. President, I rise in support of the rules changes that have been put forward.

There is no Member of this Chamber who supports more vigorously than I the public's right to know what happens here. I have long supported radio coverage of our proceedings. I support television coverage as well, but only if the rules changes being proposed today are adopted.

I am not one of those Senators who supports television just for the sake of television, and I do not support rules changes for the sake of television. I support rules changes because I believe that they are in the best interest of the Senate and will help us do the work we were sent here to do.

One need only look to the end of the last session to see how the current rules undermine the effectiveness of this body. We cannot seem to complete the work that we already have before us, and despite assurances from my colleagues that the process will not be abused when the cameras are turned on, I remain unconvinced. Television in the Senate without the rules changes will surely bring this Chamber to a standstill. We cannot afford that, and the American people will not tolerate it.

These proposals are not new. All we seek is to establish greater order in the way that business is conducted. In particular, the proposal on germaneness is one that I believe we have needed for some time. It is no secret that there are constituencies on both sides of the aisle who demand that their issues be brought up whenever possible, no matter what the business of the Senate is. I do not believe that many Senators could resist the temptation to bring extraneous issues to the forefront of debate when the lights and cameras are on. The national stage would be too much to resist.

The rules changes will facilitate our handling of the people's business. The rules changes would ensure that our national audience will not be confused and abused as they watch and listen to us.

I urge my colleagues to support these proposals—and not just for the sake of television. They are sound, reasonable and necessary, whether or not we have television in the Senate.

Mr. LEVIN. Mr. President. I will vote for this motion to recommit the resolution to the Rules Committee with instuctions to report it back forthwith with additional provisions for changes in Senate rules, but I want to make it clear that I am not committed to these many changes. It is my understanding that the majority leader's motion to add these provisions to the resolution is a procedure to bring these possible rules changes before the Senate for discussion and debate.

Mr. ARMSTRONG. Mr. President, I have to leave the Chamber. Despite the fact that I did not want to be prevented from speaking, I do not want to speak at length.

I am glad that the Senator from Louisiana has withdrawn his amendment. We have set the stage for a wholesome debate.

The issues are these, in my opinion, to set them forth as we prepare to leave this for the weekend: First, do we want to televise the Senate? I do. Second, do we want to change the rules? I am willing to consider some rules changes, but I think it is a mistake to do so in the same package with

the television resolution. I think that makes it more difficult to make more responsive changes in the rules and more difficult to pass the television resolution.

I thank the Senator and others who have been helpful, and I look forward to taking it up next week and hope it will be brought to a successful conclusion.

Mr. LONG. Mr. President, I ask what is the plan of the managers of the bill. Is it their hope to vote on this proposal today and leave it open for amendment when we come back, whether that be tomorrow or Monday, or how would they like to proceed?

There are amendments that Senators would like to offer. My colleague withdrew his amendment for reasons we can understand. He has to leave town.

Mr. STEVENS. Mr. President, it is my understanding that the resolution is pending, is open to amendment, and if anyone has an amendment, we would be pleased to respond to it.

I have heard about one proposed amendment to delete one section of the resolution. That has not been offered yet.

It was the majority leader's intention to try to get a vote on something today, if possible.

Mr. LONG. I say to the Senator that so long as the Senator from Louisiana is concerned, it is all right to vote on the motion to recommit and report back forthwith. Assuming that it carries—and I expect to vote for it—it would still be subject to amendment, and it is anticipated by the sponsors that amendments will be offered.

It is not anticipated that this would be in the tradition that has often been the case, that there would be a motion to recommit and report back forthwith and then the bill would be passed. The majority leader understands that amendments will be offered and they will be considered by the Senate. It is understood that this is not one of those situations where we expect to pass a bill precisely as it was when we voted to recommit and report back forthwith.

Mr. STEVENS. Mr. President, it is my understanding that there was a statement made in the RECORD that if this motion to recommit is voted on favorably by the Senate, the bill would come back forthwith in its new form, which would then be subject to amendment.

It is just a means to change the vehicle that is before the Senate. I take it that it is just housekeeping to have that done. I hope we will have that vote sometime today, if there is no other amendment.

Mr. LONG. Mr. President, the Senator from Louisiana has an amendment being prepared that he will offer after the Johnston amendment has been disposed of. I assume that Senator JOHNSTON might want to perfect his amendment after the discussion today. It will not be appropriate to offer my amendment until we have disposed of the Johnston amendment.

Frankly, I will be glad to tell the Senate what it is, and the Senate might be willing to accept it. My thought is that the Senate shoud have the privilege of deciding by a majority vote whether it will or will not be on television. In other words, if one brings a bill before the Senate and, for whatever reason, the sponsor of the bill feels that it would not be appropriate to debate that bill on television, they could resist a motion to be on television. So that there would be a 2-hour debate on a motion to be on television or not to be on television, depending on which way the Senate wanted to go.

So far as this Senator is concerned, I would just as soon offer the amendment before we vote on the leadership amendment or after. But I would like to offer it after we vote on the Johnston amendment.

Mr. BYRD. Motions to recommit have precedence over amendments. What we have here today is a motion to recommit with instructions; and until that motion to recommit with instructions is adopted, Senators cannot offer an amendment.

There would have to be an amendment to the motion to recommit with instructions. The Senator could amend that. Or we could adopt a motion to recommit with instructions to report back this, and then this is before the Senate.

Mr. STEVENS. That is my suggestion: that we have a vote on the motion to recommit and report back forthwith. That puts the resolution before us, and the rights of everyone are protected. I ask the Chair if that is correct: that the amendments that could be offered to this motion to recommit could be offered to the resolution itself once it is reported back. Is the Senator from Alaska correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Then may I ask, if the Senator from Louisiana does not have any objection, that we get that technicality out of the way?

Mr. LONG. Mr. President, if that is the case, then I will not object. In fact, I would be glad to support a motion for the yeas and nays on the motion by the majority leader.

Mr. STEVENS. Mr. President, I ask for the yeas and nays on the motion to recommit.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas to recommit with instructions to report back forthwith with an amendment.

On this motion, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Idaho [Mr. MCCLURE], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

I also announce that the Senator from Maryland [Mr. MATHIAS] is absent on official business.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Ohio [Mr. GLENN], and the Senator from Louisiana [Mr. JOHNSTON] are necessarily absent.

I further announce that the Senator from Nebraska [Mr. EXON] is absent because of illness.

I also announce that the Senator from Hawaii [Mr. INOUYE] is absent because of illness in the family.

The PRESIDING OFFICER (Mr. EVANS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 9, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—81

Abdnor	Goldwater	Moynihan
Andrews	Gore	Murkowski
Armstrong	Gorton	Nickles
Baucus	Gramm	Nunn
Bentsen	Harkin	Packwood
Bingaman	Hart	Pell
Boren	Hatch	Pressler
Bradley	Hatfield	Pryor
Bumpers	Hawkins	Quayle
Burdick	Heflin	Riegle
Byrd	Heinz	Rockefeller
Chafee	Hollings	Roth
Chiles	Kassebaum	Rudman
Cochran	Kasten	Sarbanes
Cranston	Kennedy	Sasser
D'Amato	Kerry	Simon
Danforth	Lautenberg	Simpson
DeConcini	Leahy	Specter
Denton	Levin	Stafford
Dixon	Long	Stennis
Dodd	Lugar	Stevens
Dole	Matsunaga	Thurmond
Domenici	Mattingly	Trible
East	McConnell	Warner
Evans	Melcher	Weicker
Ford	Metzenbaum	Wilson
Garn	Mitchell	Zorinsky

NAYS—9

Boschwitz	Grassley	Laxalt
Durenberger	Hecht	Proxmire
Eagleton	Helms	Wallop

NOT VOTING—10

Biden	Humphrey	McClure
Cohen	Inouye	Symms
Exon	Johnston	
Glenn	Mathias	

So the motion to recommit was agreed to.

Mr. ARMSTRONG. Mr. President, I have a motion to reconsider the vote by which the last motion was adopted.

The PRESIDING OFFICER. Will the Senator restate the motion?

Mr. ARMSTRONG. Mr. President, I enter a motion to reconsider the previous vote; that is, the vote by which the resolution was referred to the committee with instructions.

Mr. DOLE. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. The motion to reconsider having been entered, the immediate motion to reconsider is not in order.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, I seek recognition at this time in order to ask the distinguished majority leader what the schedule may be for the rest of the day, tomorrow, and Monday or Tuesday.

Mr. DOLE. Mr. President, I hope there might be amendments that might be laid down so that we will have before us the substitute. It is my hope that we can try to conclude on this issue before the end of next week. I hope those who are now in opposition are prepared to speak to this issue. I do not believe we will be in session on tomorrow.

But I hope we can have amendments laid down. We can have debate on Monday. We have the agreement that no votes occur after 6 p.m. on Mondays. So we will honor that this coming Monday.

I hope we can have some debate, and possibly vote on Monday. I do not know if the distinguished Senator from Louisiana is prepared to offer an amendment, or the distinguished Senator from Colorado has an amendment opposed to provisions in the matter now before us. I hope they will come forward so we can resolve this issue because we do not have unlimited time to spend on TV in the Senate.

We have a number of other Members pressing us for other things. We hope we can get to those the following week.

Mr. BYRD. Mr. President, I ask the distinguished majority leader so that Senators may be adequately informed. We hope we do not have to go to cloture, but there will be a cloture vote, and maybe more than one cloture vote at some point, if necessary. Will the majority leader join me in stating the hope that we will make a good faith effort to get action on this resolution without going to cloture but, so that Senators will not have any misunderstanding about the likelihood of one or more cloture votes if it appears that the Senate cannot otherwise be able to work its will.

Mr. DOLE. The Senator is correct. We will have cloture votes. But I hope those who are opposed to certain provisions or portions of the substitute will have ample opportunity to debate those. I am perfectly willing to stay here tomorrow, if those who are opposed to certain provisions would like to debate those areas.

What I do not want to happen is for someone to say, "Well, we did not have a chance to debate this or that." We have had all day today. It has been good debate. I think that is excellent.

I would hope we would have debate on Monday. There is a possibility that we might have to file cloture, perhaps on Monday. I will be glad to visit with the distinguished minority leader on that subject. What we do not want to happen is to have anybody who has a different view, and I know there are a number of different views on TV in the Senate and rules changes, to feel they have been shut out, precluded, or their rights have been limited. We want to take as much time as we can. I hope that we can come to some consensus so we do not need cloture.

Mr. ARMSTRONG. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. ARMSTRONG. I want to endorse what he has said about reaching an agreement that would be at least generally acceptable to the broad cross-section of Senators. I do not think we are going to be able to please 100, but I hope that we can come up with something that will please, perhaps, 80, or 90.

In that connection, and with respect paticularly to the idea we may have a cloture vote, personally I hope we can resolve this without going to cloture. I hope we can. I do want to point out that there are strongly held feelings on both sides of this. There are some Senators who only want TV and no rules changes, and some who want rules changes and television. My commitment is to television.

In that connection, I want to remind the leaders that if we have to go to cloture it takes 67 votes to cloture the rules changes. It only takes 60 votes to cloture television. In fact, it does not take any action by the Senate other than an expression of opinion to get television going. We do not have to amend a single rule to get television going.

If, as I personally think is quite likely, some of these changes in the rules prove to be terribly controversial, I would hope that the leaders and others who care about this would be disposed to drop out of the package those elements which are controversial so that we can get on with it without cloture or we can achieve cloture and a rule on the television package and, failing that, we could go to the proposition reported by the Rules Committee on television and leave to another day the subject of subsequent rules changes.

Mr. DOLE. I thank the Senator from Colorado who has been in the forefront on the proposal to have the Senate televised. He is committed to television in the Senate. I appreciate his participation in a number of the meetings we have held.

I hope we can get a consensus. There may be common ground. We are close. I am certainly flexible. However, I think there are certain Members that, without rules changes, will not support any effort. How many Members that would be—10, 20, 30—we have not made that check. But I do hope to be in a position to let Members know on Monday about cloture.

In the meantime, perhaps those of us who still have an interest in working it out will have a chance to speak.

Mr. BYRD. Mr. President, if I may have the attention of the distinguished Senator from Colorado, I hope that we can all work together in allowing Senate action on amendments. I hope that we will not see prolonged debate in any attempt to kill this major effort. I know the distinguished Senator from Colorado wants it now, he wants it the day before yesterday. I am not opposed to that.

The Senator knows and I know what the name of the game is here, and the name of the game is "votes". We have to get the votes or we won't pass anything. Sometimes we have to offer this Senator, that Senator, or a bloc of Senators something that they want in order to get what we want.

I hope that we will agree, the Senator and I, that in the final analysis we want to see the Senate take some action, one way or another, up or down, on the matter of television in the Senate. But if there are certain Senators who are dead set against television in the Senate but who would nevertheless, vote for it in the event a particular rule or another rule is changed or added or repealed, I hope we will let them have that opportunity to vote on their rules change. That may, in the final analysis, be the only way we can get television.

Mr. ARMSTRONG. Will the Senator yield?

Mr. BYRD. Yes.

Mr. ARMSTRONG. Mr. President, I take very seriously the observations of the minority leader, not only because he is master of the rules, procedure, and history of the Senate, but also because he has emerged as the real champion of televising the Senate.

I know that he and I have a common objective.

I want to keep in good perspective the history of how we got to this point. The Rules Committee said, "Let us have a test of television."

Last fall I attempted to bring that matter to a head, as did the chairman of the Rules Committee, Senator MATHIAS, and others. A test of television in the Senate, no rules changes, just a test.

Some Senators said, "We do not want that. What we want is television, but we might go along with it if you

give us something more along with it, that is, for example, a new germaneness requirement, or if we eliminate the right to debate a motion to proceed, or some other changes. If you don't give us that, by gosh, we will not let you bring this matter of television in the Senate to a vote."

There are 70 Members of the Senate who have said publicly they are for televising the proceedings of the Senate. They have stood up in some way or another and said, "We are for television." But a minority have said, "We are against it." Some Members of that group, I regret to say, are some of the most skillful, energetic, resourceful, creative, and downright stubborn Members of this Senate, who have repeatedly shown they know how to get their way, who have announced, "You will not get this to a vote unless you add something to it."

But the problem is what has been added to it is anathema by those who are equally desirous of getting their way.

What I do not see is how we compromise that. I am somewhat in the middle in that I am for television and I am for three of the five proposed rules changes. But the other two are too high a price for me to pay to get television.

In the long run, we will be televised. The Senator from Alaska is right, we will vote on this issue over and over again. The question of televising the Senate does not have to be taken up this way. It can be taken up any time by any Senator as a sense-of-the-Senate resolution. That would be in perfect order. You can amend the adjournment resolution. I thought of doing that last year, but I thought better of it.

Mr. DECONCINI. Will the Senator yield?

Mr. ARMSTRONG. I will be happy to yield the floor, in fact.

Mr. BYRD. I have the floor, Mr. President.

Mr. ARMSTRONG. I will finish my thought. I want television. I am more than willing to work with the minority leader, but I cannot offer the assurance that Members, perhaps the Senator from Colorado, will decline extended debate in order to stop the rules changes we do not like any more than Senators on the other side have said they will not permit television to go through unless they get their rules changes.

Mr. DECONCINI. Will the Senator yield?

Mr. BYRD. I yield.

Mr. DECONCINI. I want to respond because I appreciate what the Senator from Colorado has said. The minority leader was only asking if there was any compromise here. What I gather is that the Senator from Colorado said no.

Mr. ARMSTRONG. I am not saying that at all.

Mr. DECONCINI. But I think it is fair for the minority leader and those of us who want both rules changes and TV, and the Senator and I agree on some and on some we do not know where the cards are so we can make a decision on cloture.

Mr. ARMSTRONG. Yes, if the Senator will yield, I do not want for 1 minute to be portrayed or understood to be in an uncompromising position. I am ready to make a deal on practically everything. Certainly, it is not my purpose or desire to prevent the Senate from voting. It may be that after we have been on this for 1 week or however long we are on it, in the final analysis the result will be unpalatable to me or to other Senators. Clearly, if some changes in the package are not agreed to, it will be unpalatable. But I am going to come forward, and I hope other Senators will, with proposals to improve it. I am ready to work out amendments on the floor. I am ready to go back into the minority leader's office or the majority leader's office and work out a deal there, or into the cloakrooms. Maybe we ought to televise what is going on in those offices because that is probably where those decisions will be made.

I am far from being uncompromising. I am ready to make a deal. But I would not want to be false to the minority leader's question, to say that we are just going to have a series of votes and then it is all over, because I do not think we are quite to that stage yet. I hope we will be by this day next week.

Mr. BYRD. Mr. President, I am just hoping that the distinguished Senator, who really wants to see television in the Senate, will be willing to let the Senate work its will on the matter.

In any event, I have been around here a long time and I do know that in the final analysis, sometimes we have to compromise with other Senators in order to get their support, too. They are just as strong in their opinions that there ought to be some rules changes as the Senator and I are that we ought to have television in the Senate.

If we really want television in the Senate, then we are going to have to listen to those Senators who want some rules changes, at least give them a chance to vote. They are entitled to that. If the Senate wants to reject the proposals, fine. If it wants to accept them, fine. But let us get on and, in the final analysis, determine whether or not we shall have television coverage and whether we have rules changes.

Mr. ARMSTRONG. If the Senator will yield, I agree with what he says. Certainly, there are many areas in which we can compromise. My own expectation is that before this issue is resolved, we will make compromises and I look forward to that.

But I note that, as the master craftsman of the legislative process, and I think the minority leader would agree with me, usually the way we resolve these issues is through compromises where vital issues are not affected.

Where a Senator or group of Senators feel that something is of life or death importance, that does not become an area of compromise. The areas of compromise are not on issues like that, but more the areas where there are "druthers" and opinions and where there can be tradeoffs. I think there is enough of that kind of ground in here that we can find enough to satisfy the quality-of-life caucus and in the process satisfy those who are fearful of television and do it without changing the rules so drastically as to offend those who want to preserve the traditions of the Senate. I am optimistic about that kind of compromise. I do not see all the detail yet, but I am willing to work to get it done.

Mr. BYRD. Mr. President, I thank the distinguished Senator. The Senator can oppose those he wishes to oppose and support those he wishes to support, but in the final analysis, let us vote.

I hope that he would not say, "Well, if they do not take my amendment or if they take this out, I am going to debate, we are going to have a long, long summer on this." I hope that no Senator will take that position.

There may be amendments that I will not like. But after all, the Senate is larger than the sum of its parts, and I hope we would let the Senate work its will and not say, "Well, if they do not play the way I want to play, I will take my ball and go home."

Mr. ARMSTRONG. Mr. President, will the Senator yield?

Mr. BYRD. Certainly, Mr. President.

Mr. ARMSTRONG. I just want to observe that it is the critics of this proposal who have adopted this posture. It is the people who are opposed to television in the Senate who have dug in their heels and said, "By gosh, you will never get this to a vote. We are going to debate it, put in quorum calls, have amendments." It is those people who have said, "You will never do it unless you take some changes which we want."

I just want to make it clear it is not the Senator from Colorado. It is this Senator who had an entirely different proposal for television in the Senate who said, "Let us take what the committee did." It was not my recommendation; it was not even the best recommendation. But that is what the committee did, this Senator, saying, "In the interest of comity, speed, getting the thing done, let's go with it."

After the committee acted and after the Rules Committee acted, after a bi-

partisan ad hoc group comprised of Democrats and Republicans, came to agreement on it and said, "We'll try to get it to the floor," certain Senators said, "Oh, no, you don't; we are going to filibuster it."

I want the record clear I am not filibustering this, I do not want to filibuster it. I want to change it. I hope that with those changes, not only will I not filibuster it but I will warmly endorse it.

It is not those who are trying to change the latest package that are filibustering, it is those who do not want television and they are the ones who put us in this box.

Mr. BYRD. Mr. President, I do not know of anybody who is filibustering at this point. All of us are familiar with the process of making changes on the floor in measures reported out by the various committees.

I heard what the Senator said yesterday and I hope I misunderstood him. I have not gone back and read it in the RECORD today, but I thought he was indicating the good faith of Senators who are holding out for changes in Senate rules.

Mr. ARMSTRONG. Oh, no, Mr. President.

Mr. BYRD. I took it he was saying that, whether overtly or covertly, there are those Senators advocating changes in the rules who are really out to kill television in the Senate. I did not believe the Senator means to leave that impression. I hope not.

Let me say that this package does not have every change in the Senate rules that I would like to see. But in the final analysis, if the Senate turns down the package—and the Senator knows I want to see some changes in the rules to make this Senate shape up, make it be more orderly and efficient, and bring it into the 20th century before we go into the 21st century. There are changes in the rules that should be made, regardless of whether we have television.

But as for one Senator, I may not like changes in the rules that the Senate by majority vote may make, but I am not going to do anything to delay the Senate from finally acting on this package. I may not like what the Senate does but I will be willing to abide by the will of the Senate.

There are some who say if they do not get what they want in the Senate rules, they will not vote for television in the Senate. There are others who might say, "Well, if there are any changes in the Senate rules, I am not going to vote for television in the Senate." So it goes both ways.

Mr. ARMSTRONG. Mr. President, it is a fact that some Senators do not wish either to change the rules or televise the Senate. Some have confided exactly that to me. Some have made it plain that they will either support or oppose rules changes based upon their evaluation of whether that will enhance or detract from the idea of televising the Senate and they will do anything they can to throw a monkey wrench into the works. That is their right. That is their prerogative, because they are serving what they see as the most important purpose. There are other Senators, and I am one of them, who will do almost anything to enhance television of the Senate. I am willing to compromise on things I am not for because I think it is important to televise Senate proceedings. That is what complicates it. Some want television with or without rules changes, some want it only with changes in the rules, some do not want anything.

I do not think any Senators have given rise to some charge that they are acting in bad faith. I think they are doing their jobs. Even those I do not agree with are simply advancing their cause and their point of view and I think the Senate is enriched by that and the thought life in the country is enriched.

My only regret about the way we are going at this is that the proceedings are not televised. I deeply regret that when I asked unanimous consent last night that we televise this proceeding—that is the very proceeding under which we are debating the issue that the Senate be televised—that was not agreed to and I hope that next week those who objected last night will relent. Other than that, I am well-pleased with the procedure. I think we are making progress.

Mr. BYRD. The Senator can use his own judgment about making those requests. I only say he knows they are likely to be objected to.

I personally would like to see televised what we are doing and saying right now so that the American people could observe. Maybe they would come to a conclusion sooner than some Senators that there needs to be rules changes.

I say to the distinguished Senator I am not going to say you have to play with my package or none. I am not going to take that attitude. If the Senate wants to object to television in the Senate, or wants to object to some amendments that I feel are necessary, So be it. I must say I think this is the kind of package that will protect the minority as well as the majority, either of which can be tyrannical. Based on my experience as a majority leader once and as minority leader now, I have come to the conclusion that there ought to be some rules changes.

It is absolutely ridiculous to go on, as we have had to do on numerous occasions in the past when post-cloture filibusters brought on endless hours, days and nights, sleepless nights, and Senators could keep the Senate from expressing its will simply by calling up amendment after amendment and asking for quorum calls and rollcall after rollcall. So there are some rules that ought to be changed.

I ask the distinguished majority leader, does he believe there will be further votes today?

Mr. DOLE. No. I really think we have made some progress. I certainly appreciate the exchange that was just had between the minority leader and the distinguished Senator from Colorado, both of whom very strongly support TV in the Senate. I am convinced we are getting very close to some agreement.

Mr. LONG. Mr. President, will the Senator yield at that point?

SENATE RESOLUTION 28 REPORTED BACK WITH AN AMENDMENT

Mr. DOLE. First, Mr. President, pursuant to the adoption of the motion, I report back Senate Resolution 28, with an amendment.

Mr. LONG. Mr. President, at a time when the Senator was necessarily absent from the floor, my colleague proposed an amendment which suggested that the Senate should be on television only when we have some kind of limitation on debate, which would include the 15-minute statements in the morning hour and the usual limitation during morning business, as to when we could have agreements so Senators will limit themselves to the amount of time they are going to take. The original proposal by Mr. BYRD, sponsored by Mr. GORE and Mr. BUMPERS as well, also said that the time would be controlled by the majority leader and minority leader in order to assure fairness, and both sides would have an equal chance to be heard.

I hope the majority leader as well as the minority leader would give further thought to some way we could assure that we want to have a time limitation when the Senate is on television. Otherwise, I fear, as I have said so many times, it is just going to consume a great deal of time. For example, when we had the nomination of Sandra Day O'Connor to be a Justice on the Supreme Court, I think 55 Senators made a speech in favor of her confirmation. I did not make a speech, but I could have made one, and there could have been 100 speeches made on television, which probably would have been long speeches, to have this qualified lady sit on the Supreme Court.

I know a lot of us feel that now is the time for us to work out some kind of arrangement to assure control of this situation before the matter ever goes into effect in the first instance. I hope the Senator will think about it because I am trying to work something out.

Furthermore, the Senate ought to have the right to decide that it wants to be on television or does not want to be on television. For example, Mr.

DANFORTH made a speech that had a lot of merit to it. He made the point that we have long quorum calls. Sometimes a quorum call lasts longer than an hour. Under the resolution the way it reads at this moment, as I construe it, there would be no choice but to simply focus the camera on the Presiding Officer for an hour. There he sits before the camera for 1 solid hour doing nothing. I know people will look at that on television around the world and say, "Why in the Devil is that individual sitting on television doing nothing for 1 solid hour?"

We ought to provide for that type of situation, maybe do it like the House has been known to do, put up a blank with something that simply says the Senate is conducting a quorum call and not have it on television.

This Senator may not speak for the majority, but then again he may. It is the judgment of this Senator that we ought to be privileged to decide that we are not getting anywhere on television and that we want to do what we have to do about the openness rule. The Senator knows when we started the openness thing we found it more and more difficult to get something agreed to in the conferences, it seemed to take forever. So what did we do? The Senator knows what we did. We would break up into smaller groups and then we would ask our chairman, the Senator from Kansas, Mr. DOLE, to see if he could not find his opposite number on the House side and discuss this matter and come back and tell us what the chances would be of working out various and sundry possibilities. And, of course, the distinguished majority leader would do that intermediary work because we were not getting anywhere in these big open sessions. I am told that the Ways and Means Committee in trying to report this so-called tax reform bill found they had to close the doors, lock all the lobbyists out, get only their intimate staff in there and brush aside the openness for a while in order to get the job done, to put the bill together. We may have to do that in the Finance Committee, Mr. Leader, before we get through.

Now, I hope we think about that and have rules that would contemplate it rather than having to try to find an answer later on. What this Senator fears is that so far as we have mistakes in our opening TV trial, the motion is going to be simply to go on TV as is at the end of that trial period. If that is the case, this Senator for one would hate very much to see mistakes that could have been avoided in the first instance become a part of the final law. I know the leader does not want that to happen. I know the leadership could help prevent it.

Mr. DOLE. Mr. President, I appreciate the comment. In fact, I have been searching for some way where the two leaders, either through consultation or through agreement, or, if we cannot reach a mutually satisfactory agreement, through some nondebatable motion, to permit the Senate to decide matters such as the one the Senator just mentioned.

I think it would be extremely disappointing to a viewer if there is just one Senator on camera for an hour or more. I know on the House side they provide for the little blue background with an explanation on the bottom if the television is not in operation.

I know some say that would not be gavel-to-gavel coverage. How do we characterize gavel-to-gavel coverage? The Senator from Colorado has one view on gavel-to-gavel coverage. But I think again there is room for compromise. I certainly believe we should not eliminate any important proceedings. Maybe we ought to have special orders. Maybe that is part of gavel-to-gavel, even though there is no debate, no vote, only statements by Senators. But hopefully we can work out some agreement where the two leaders, whoever they may be, now or in the future, can either through consultation, agreement, or by an immediate vote of the Senate clarify some of these things that are going to come up.

Mr. LONG. May I say to the Senator, to begin with, the Senate has no business having gavel-to-gavel coverage because in secret sessions we have no business being on television. How are we going to keep it a secret from the Russians if we are talking about defense?

Mr. DOLE. The resolution provides that closed sessions will not be televised.

Mr. LONG. Well, but if you make that exception, I say to the Senator, you do not have gavel-to-gavel coverage; you made an exception. The thought of this Senator is that the Senate ought to be privileged to decide when it wants to be on television and when it does not want to be on television. For example, if you really thought your options in the Panama Canal Treaty situation were either to ratify that treaty or to go to war, if you felt that statesmanship required you to ratify that treaty and you felt you could not ratify it on television, then you should not have had to do it on television because you were left no option except to go to war with Panama. And while you might have overwhelmed that small country, you would probably have found all the Latin Americans revolting against you and sending all your ambassadors home persona non grata and ready to go to war to support Panama before you were through subjugating those poor souls down there.

So that there comes times when it might be necessary to do our duty for the country, that we not be on television. In that case, the rules ought to contemplate that, and I hope the leader will think about it.

Mr. DOLE. I still think there may be some way to address the general question where the leaders would not be helpless once we start down this road, when we cannot—I do not say turn back, but if something should develop; there should be some safety valve along the line, not that one leader, but both leaders in consultation, by agreement, or by immediate vote of the Senate, could take care of unforeseen problems.

Mr. GORE. Mr. President, will the Senator yield?

Mr. DOLE. I am happy to yield the floor.

Mr. GORE addressed the chair.

The PRESIDING OFFICER (Mr. HUMPHREY). The Senator from Tennessee.

Mr. GORE. Mr. President, I want to respond to the comments that just took place.

My reading of the resolution now pending before the Senate is that this question is satisfactorily addressed by the pending resolution, because at the end of the test period, the Senate is not automatically called upon to approve televising the Senate just as it has been televised during the test period. The Senate will have an opportunity, with the advice of the Rules Committee, to make changes in the practices that we used during the test period.

If, during the test period, we determine that different rules should apply, different procedures should be followed, then we will have an opportunity to do that.

I think it would be a mistake to set up a situation where the two leaders decided what part of the session would be on television and what part would not be on television; because it is very easy to imagine circumstances where the public would become very suspicious and even cynical about the reasoning of the leadership in turning the television cameras off during a particular debate or during a particular part of the session.

Let us suppose, for example, that the Senate took up the question of pay raises for Members of the Senate and this was not deemed to be one of those debates worthy of being televised. Can you imagine the attitude in the public about the decision to shut off the cameras during a debate of that kind? There would be a suspicion that the leadership wanted to deny the public access to that debate.

There might be many other cases where the reasons for shutting off the television cameras might seem quite valid, but those reasons would not be readily apparent or accessible to the members of the public.

So the easiest way to approach this is to do it on a gavel-to-gavel basis, and I think there has been an impressive consensus that has developed on that point.

The question of whether or not the Presiding Officer is shown during quorum calls is, if I may respectfully say so, a detail, and precisely the kind of detail that can be worked out during the test period. There will be dozens of other details of that kind which will also be worked out and can easily be worked out during the test period.

So I strongly support the pending motion. I think it is most appropriate for the Senate to hear amendments on specific rules changes that are included in this, and let us have a debate on the ones involved. It may be that during the discussions that will take place while we are debating this bill, some changes in this resolution with respect to the rules changes will occur. But I am convinced that there is now a clear path for the Senate to follow toward television coverage, accompanied by a small group of rules changes upon which a supermajority agree.

I am not yet convinced that this package will be able to attain that degree of support. I hope it will. I do not have major problems with this package. I am prepared to support it in the form that the two leaders came up with. I think it is a good package. I believe the goal is important to reach.

I am encouraged by the fact that the leaders are interested and willing to work with individual Senators to see if changes might be necessary in this package, but I disagree with those who would say that the Senators interested in rules changes are simply trying to stop television. There may be some who see a protracted debate over rules changes as a way to stop television coverage, but I am totally convinced that the majority in favor of rules changes sees an opportunity to exert leverage to get rules changes and does not want to see that opportunity pass without using it in order to improve the functioning of the Senate. I respect their desire, and I join them in common support of the fundamental goal of getting the Senate on television. I think the path is there.

So I look forward to the debate that lies directly in front of us, and I congratulate the two leaders on coming up with this package.

I yield the floor.

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an explanation of the rules changes that are included in this measure that has now been reported back from the committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF TV IN SENATE, PLUS RULES CHANGES

The first section of the resolution provides for a test period for the coverage of the Senate on television to begin no later than April 15, and to end on July 25. Coverage will be gavel to gavel. Only Senators speaking, and the Presiding Officer, shall be shown on television. There will be no panning of the Senate Chamber.

In addition, rules changes, including a 2-hour limit on the motion to proceed, a 20-hour limit on cloture which would require 67 affirmative votes to invoke for a rules change, and two-thirds present and voting for all other matters, reduction of the 3-day rule on reports to two days, and elimination of committee of the whole for treaties, a provision allowing the imposition of a germaneness requirement on amendments to bills pending on the Senate floor, and a provision requiring that conference reports be available on each Senator's desk before they are in order to be called up, are proposed. These rules changes, however, would only become permanent after the test period upon adoption of a further resolution embodying them and such other changes as may be proposed by the Committee on Rules and Administration together with a proviso making television permanent all of which are to be considered under expedited procedures.

Mr. BYRD. Mr. President, if no one else will take the floor, let me say that every rules change that is provided for in this resolution self-destructs at the end of the trial period; but by adopting this resolution which is now before the Senate, we will be voting on those proposed rules changes up front, before we go into the test period.

The sunset provision, however, applies to everything in this resolution, including the televised coverage. We should, meanwhile, have a test period, though, which would indicate problem areas.

The distinguished Senator from Louisiana [Mr. LONG] has spoken of the situation in which the camera would be on the Presiding Officer, let us say, all the time during a long quorum call.

Those are the things that are legitimately brought to our attention, but they will also provide us an opportunity, if we can have the test period, to discuss them and to take steps to eliminate such problems.

So I would hope that we would at least be willing to let the test period get under way by April 15.

I yield the floor.

Mr. ARMSTRONG. Mr. President, I think we have about run down to a conclusion of today's debate on televising the Senate and the proposals to change the rules which have surfaced in connection with the television issue. However, I think it would be helpful just for the RECORD and for those who may read the written RECORD of this proceeding to briefly outline some of the objections which arise with respect to two of the proposed rules changes.

The first of the two that I want to address is the suggestion that only 2 hours of debate would be permitted on the motion to proceed to the consideration of legislation. The idea underlying this is some way that it would enhance television coverage of the Senate, an idea which frankly seems to me to be a non sequitur.

Sometimes, where there is a problem or an abuse we get stampeded into adopting a reform, but in this case the reform is actually unrelated to the question of televising the Senate. It is instead a sweeping, indeed a fundamental change in a rule of the U.S. Senate which has been in existence for more than 60 years. However this proposed rule change has not had the benefit of hearings, committee action, committee markups. It has only publicly been available in writing for about 24 hours.

Now, it addresses, I think, a problem which in a sense is a phantom problem in that we do not see filibusters on the motion to proceed very often. Only once in a great while does a Senator or a group of Senators rise to argue against the adoption of a motion to proceed. In fact, routinely the majority leader just asks unanimous consent that we turn to the consideration of whatever is the next item on the agenda, and that is exactly what we do.

But, just to put it in perspective, let me point out, while the U.S. Senate has probably considered in excess of 100,000 bills since 1917, only on 41 occasions has there been a need to even file a cloture motion to shut off debate on the motion to proceed.

So I suggest to those who are eager to make these changes and see it as a way to enhance televised proceedings of the body that they are really shoveling smoke.

Well, one might say: "The reverse is true. If only 41 times out of 100,000 has there been any need to resort to cloture, aren't the opponents of this also shoveling smoke?"

I think not, because the fact that we have the opportunity to filibuster, the right to do so, has the practical effect of involving every single Senator—Republicans and Democrats, senior Senators, committee chairman, members of the leadership, junior Senators, every one of us get involved in the scheduling because we have the right to debate even at great length the motion to proceed.

I recall quite vividly when I was a new Member of this body—in fact, I had been here about 3 days—I came trudging over to the floor. I heard something was going on. One of the most senior Members of the United States—in fact, it happened to be the then majority leader, the master of the Senate—was up speaking and, at a critical moment, he said, "I ask unanimous consent that" we do something. I have long since forgotten what it was

he was seeking unanimous consent for. But it was in that very instant that I realize what it means to be a U.S. Senator. Because here I was, only 3 days a Member in the body, and I stood up and said, "Well, I object." And, by gosh, that put the kibosh on. I was a little embarrassed when I found out somewhat later what I objected to, and I withdrew my objection and the bill proceeded.

But the point is this: The fact that I had a right to object and would have, had I insisted, required the leader, the leader of the U.S. Senate, to offer a motion, which I could then debate at any length of my choosing, offering any reasons that might occur to me for rejecting that motion, that I could require that, made me a part of the action.

What a difference that is from the House, where the decision of what legislation gets scheduled is all made behind closed doors in the Rules Committee and in the Speaker's office, and its comes down and, by gosh, that is the way it is going to be and nobody really gets involved. Unless you have been there about 25 years, you do not even get consulted. And I say that as a person who served in the other body with great frustration.

Let me just say it directly. The opportunity that every Senator has to debate the motion to proceed gives every Senator some opportunity to participate in decisions about scheduling the legislation. And the fact it has only resulted in a cloture motion 41 times out of the last 100,000 bills does not mean it is useless any more than the first amendment of the Constitution is useless because we do not have many more court cases about it. The mere fact that our dockets in the courts are not jammed up with first amendment cases does not mean we could safely do away with the first amendment. It means the first amendment is working. It is serving its intended purpose. And, believe me, the right of Senators to debate the motion to proceed is serving its intended purpose here.

Let me also suggest that the idea that we will expedite the work of the Senate by doing away with the right of Senators to debate the motion to proceed is absolutely not founded in real-life experience, in my opinion. Because when a Senator sends over a hold, that is when he notifies his cloakroom that he wishes to be protected in his right to come to the floor and object to a unanimous-consent request and, indeed, if necessary, to debate the motion to proceed, he is really sending up a smoke signal. He is sending a message: "I have a problem. I want to be consulted. I want to be here when it is taken up. Maybe I have got an amendment."

And what happens is that the leader, or the cloakroom, or somebody calls up the Senator and says: "OK, we want to clear this thing. What is your beef?" And it may be something that is minor. It could just be that he wants a chance to be protected to offer an amendment. It may be he has a fundamental problem with the bill that is subject to accommodation or working it out. And that is what has happened day after day. That is the way the real work of the Senate is done. We work it out. We reach an accommodation. But that process is triggered by the notices which are sent when a Senator says: "I want to put a hold on this. I want to be protected in my right to come to the floor and object to the unanimous-consent request."

Let me just digress a moment to talk about a hold. There are a lot of people who do not understand, including some Senators, I may say, and who do not know what a hold is. They have the idea that some Senator can sit over in his office or in his home State or in Hawaii or Pakistan and put a hold on the bill and that bill just cannot be considered until he is jolly well ready to come back to the Senate and do something about it. That is not the case at all.

All a hold is is a notice that a Senator wishes to be on the floor when the matter which is the subject of his interest is considered so that he might protect his rights. That does not mean that if I put in a hold in my cloakroom that I can take off for 2 weeks, secure in the knowledge that this legislation is not going to be considered. It just means that, within reason, my leader, or the floor manager or whomever is responsible, is obligated by the traditions and the customs of this body to call me up on the telephone and say, "You better get over here if you want to be protected. If you are going to exercise your hold, that means come over here and object or come over and debate the motion." It happens thousands of times a year.

Now, let me talk about the kind of legislation where these accommodations work out, because it is not on the big bills that you have these kinds of situations. You do not see holds prevailing on major items of legislation. Eventually, if they cannot work those out, they just come to the floor and there is a motion made and they either succeed or fail. And on 41 occasions they went to cloture and on some percentage of those, I believe about half, they actually got cloture and on the other half it failed.

I had a situation like that not too long ago in which, predominantly, members of the minority objected to the consideration of the line item veto and they debated it at some length. We did not get it up, and more's the pity. Although I will tell you that if we stop these temporary holds and come back and get cloture, it will probably get passed and that will be great. But the process will be abused if we do that.

The way the accommodation process works out is not on big bills, it is on little bills. It is on the bills where only two or three Senators are involved, where it is maybe on some matter like the Colorado wilderness bill, where perhaps only the two Senators from Colorado care about it.

Now, we had a dispute between the senior Senator from Colorado and me that went on for a couple of years. We finally worked it out. The reason we worked it out, the reason that we finally were able to agree on boundaries and release language and all of the complex things that were inherent in designating wilderness areas in our State—a matter of extreme importance in Colorado and of great indifference, probably, to the other 98 Senators—the reason we were able to reach an accommodation is precisely because my colleagues knew that if he tried to move over my objection that I would come down and filibuster the thing to death. That is when he was in the majority.

We have another wilderness bill up, my party now happens to be in the majority, but I cannot run roughshod over him. I have to work with him. I have to seek a common ground precisely because I know that if I do not do that, he will come to the floor and he will filibuster it to death.

I do not even talk to the other 98 Senators about this, because if I try and engage the Senator from Alaska, the Senator from California, or the Senators from Maryland, Minnesota, wherever it may be, they are not going to get into it. They are going to say, "Look, you and Gary have just got to work that out between you." That is tradition. That is the way it is on most bills. There are only two or three or four or five, a handful, one committee, one subcommittee, that are interested in the subject matter under consideration. They work it out. And the reason they do is because, otherwise, they cannot move the bill, because any Senator has the right to come to the floor and debate the motion to proceed.

Now, that is why I am personally convinced that not only a change in this longstanding, venerable rule is ill-advised, but I am also convinced it will not expedite the work of the Senate. Because what will happen is we will get a lot of these bills up in sort of a half-baked status before they have had this sifting process, this accommodating process, this back-room negotiating that leads to compromise.

Sometimes a bill will go through that for a year while there is a hold in effect and then it will pass in 10 seconds because, once the deal is made, it just comes down and goes sweeping through as a part of the routine busi-

ness at the close of the day's session. So I believe, both on grounds of high policy and practicality, that those who advocate this change unrelated to television are making a huge mistake.

Mr. President, may I now turn briefly—and, again, just for the sake of the record so that anybody who is trying to may inform themselves about what the issues are—may I now turn to the consideration of the proposed change in the germaneness rule.

As Senators know, the distinctive feature, or one of the distinctive features, of service in this body is that any Senator, with rare exception, can stand up and offer any kind of an amendment or any kind of a motion at any time.

Now, there are some handful of exceptions, but we all know that some of the most significant legislation of our lifetime has originated in this Chamber as a nongermane amendment.

Somebody has a bill coming through here on the subject of railroads, somebody else offers an amendment that has to do with a water project. There is a tax bill coming through, somebody else puts on a spending limitation. There is a bill coming through on foreign policy, and another Senator uses that as a vehicle on which to offer an amendment to restrict abortions.

This is very inconvenient for Senators. Senators do not like to be confronted suddenly with unexpected amendments.

But my friend, that is the very essence of the democratic process. It is the very essence of life in the Senate. If we were to let that get away from us, as this proposed change in the germaneness rule would do, we would be surrendering something which is so precious, which is so essential to the vigor of this legislative body, and which is so unique in comparison with the other body that it would be an enormous, enormous loss.

I mentioned abortion. I guess we had 900 votes on that. The Senator from Ohio I think claimed we had 900 votes, and was very upset about that. He just does not like voting on that issue over and over again. But I want to tell you something. Had it not been for the ability of Senators to bring up nongermane amendments, and amendments at unexpected times to make it clear the Senate was going to vote and vote on that issue until it was resolved, we would not have the restrictions on permissive resort to abortion that are now a part of the law. The lives of millions of children would have been lost. We have not gone as far as I would like to go. I think we are going to have to vote on that particular issue many more times—maybe 900 times more—before we finally reach an acceptable consensus.

Those who oppose voting repeatedly on the same issue are those who like the status quo.

For example, I might want to have no more votes on the tax code. Maybe I am afraid the proposed tax amendments would not be to my liking. They might change something in a way that I did not think was desirable. It is probably true. But we are going to have votes on that. When we bring the tax bill out, it is not going to be under a closed rule the way it is in the other body. It is going to be wide open for an amendment of any kind, not just tax amendments for Heaven's sake, but any kind of an amendment could go on the tax bill, and probably will.

We will be tied up for a month. It is going to be horrible. We will be here late at night. But that is how the democratic process works. That is how this Chamber uniquely works.

In contrast, do you know how they will handle the tax bill in the House or how they did handle it? The Rules Committee will report out a rule, generally a closed or modified rule which permits only a handful of amendments. They will take 24 hours to 48 hours. Most Members of the body will never have an opportunity to get recognized to speak on it. Most of them will not be permitted to offer any amendments whatsoever. It will be a very closed process. You can vote yes or no on a proposition that has been formulated by the Ways and Means Committee and by the Rules Committee literally since it is generally understood that the Rules Committee is the arm of the Speaker. You get to vote on what the Speaker says. You get to vote on it. There are some exceptions. You get a discharge petition. That happens maybe once in 25 years. They get something discharged. But as a practical matter, you vote on issues as framed only by the Speaker. The other 435 Members of the other body just do not get much chance to decide what the agenda is.

I do not want to see the Senate go like that. I do not care to serve in the Senate under those terms. I would not serve in the Senate under such terms.

I do not suggest the proposed rule is as drastic as going to the House procedure. But it is a giant step in that direction because literally the germaneness proposal that is contained in the motion to recommit with instructions says that at any time by a simple three-fifths majority vote a germaneness requirement can be imposed and that germaneness requirement can be imposed even though cloture is not invoked, and that it will be done with little or no debate.

I think it would really be a pity if the Senate were to paint itself into that kind of a corner. I will just tell you here and now, not with a view toward being uncompromising or intransigent or anything else, that although I want to televise the Senate, I do not want it that bad.

I have been talking about it and arguing for televising the Senate for years, and, if necessary, I am prepared to continue to talk about it for a few more years if we cannot get it through on acceptable terms now. I hope we can. But to sacrifice the fundamental rights of Senators for the sake of television just is not good business. It is not good policy. It is not something that I am willing to do.

I want to stress I am not in any sense trying to hold myself out as inflexible. I am willing to negotiate, and in fact as I have already said, several of the proposed rules changes are acceptable to me, and there are others, that I could swallow, some which I like, and some which I do not. But these two it seems to me are so much the bedrock essence of life in the U.S. Senate that I am very reluctant to make any compromises in these.

I want to stress as I close that these rules changes do not have anything to do with televising the Senate.

These are just some rules changes that have been hanging around that are the pet projects of some Senators who think we have a little too undisciplined of a process, who think maybe we should not have nongermane amendments, who think perhaps issues like Cambodia bombing, abortion, tax amendments or other things that come in from left field, some of which get enacted into law we should not have, that we should have a more orderly process, that we should do things through the committees, and, if the committees do not report it, we should not bring it up, the leadership ought to have the right to schedule the bills, there should not be too much dissention about whether or not we are going to take up a bill, and that it would be a more or less routine matter. I do not think that way.

I think the issues involved are far too important to give in simply for the sake of televising the Senate.

Last, Mr. President, I thank all Senators, I thank the Chair for indulging me this time. I hope, if there be any Senators who are hearing this debate in their offices or members of the staff of Senators who are listening in their offices or who will read this in the RECORD, they will really tune in and focus on this. This is a crucial issue. This is not housekeeping stuff.

This is among the most important decisions that we are going to make in 1986, and when the debate resumes next week it will come fast and furious. My guess is we will not have any more lax, leisurely afternoons, and that we will go at it hammer and tong. When we do, I hope every Senator will be on the floor prepared to listen, participate, speak, offer amendments, and vote.

Mr. President, let me just state briefly for the RECORD that we are not

going to put into the RECORD tonight our list of major legislation enacted arising from nongermane amendments. I appreciate the Senate granting me that right, but I do not think we will do that tonight. We are in the process of compiling the list.

Let me cite one example that shows that possibility. The Gramm-Rudman-Hollings amendment came to the floor as a floor amendment which would not have met the test of the germaneness limitation propounded in this rules change. Some people may think that was a terrible idea, but nonetheless it is a fact.

There is a lot of major legislation that has arisen in that same way.

So, Mr. President, we will put a list into perhaps tomorrow's RECORD and have it available to Senators the first of the week.

Similarly, we will put a written summary on the arguments on the legislation into the RECORD tomorrow simply to be a point of reference or departure for Senators.

Mr. BYRD. Mr. President, Gramm-Rudman did not come to the floor. It sprang up on the floor. It came up like the prophet's gourd, overnight. It did not come to the floor. It sprang up here.

Mr. ARMSTRONG. That is correct.

Mr. BYRD. I am willing to defer to the Senate on the full matter. We should not take the position that whatever passes, it has to be my package, with a blue ribbon wrapped around it and with my name on it.

SENATOR GLENN'S FIRST SPACE FLIGHT

Mr. BYRD. Mr. President, 24 years ago today, for 4 hours and 56 minutes, this Nation held its breath while it fixed its eyes on the spacecraft *Friendship 7*, and Col. JOHN H. GLENN, JR., became the first American to orbit the Earth. On that day, February 20, 1962, Colonel GLENN was the man—and the United States was the Nation—with the "right stuff."

The tragic fate of the *Challenger* shockingly reminds us that space journeys can never be taken for granted; the tons of potentially explosive fuel involved, the unimaginable speed of travel, and multitude of other factors and forces mean that space travelers ride on the edge of instant death.

It is appropriate on this day, the 24th anniversary of the day the first American orbited the Earth, to recognize the pioneering effort of our distinguished colleague, Senator GLENN, and to recall the suspense, excitement, and glory of that day.

Only a generation before the flight of *Friendship 7*, space travel had been merely a figment of the imagination—a fantasy which one read about in the comic book stories of Flash Gordon, or listened to in the radio adventures of Buck Rogers. But on February 20, 1962, came the message from Colonel GLENN: "Cape is go and I am go." That which moments before had only been a fantasy became reality.

In the past decade when this Nation was putting men on the Moon, and in this decade, when we have been sending people into space on what has seemed a regular basis and have watched the magnificent interplanetary travels of the *Voyager* satellite, there has been a tendency to overlook, if not forget, the historic dimensions of Colonel GLENN's journey.

But this can be interestingly and informatively recollected by recalling the words written and spoken about the man and his mission at that time.

The Washington Post, February 21, 1962, compared his feat to Columbus' discovery of the new world and predicted that the results would be comparable.

The New York Times, February 21, explained that on February 20, 1962, "time stood still as countless millions watched * * * one of the greatest dramatic events of modern times."

From President Kennedy came the words: Colonel GLENN is "the kind of American of whom we are most proud * * *. Today, Colonel GLENN served his (country well), and we all express our thanks to him."

Nowhere was the man and his monumental feat recognized and appreciated more than in this Chamber.

Senator Humphrey explained that, because of Colonel GLENN's history-making orbital flight, "the people of the United States have a new sense of confidence and a sense of great joy."

Senator Wiley declared that the flight of the *Friendship 7* represented "an opening of new horizons—indeed, a new world—to freemen."

Senator Keating called the flight a "triumph for freedom."

Senator Yarborough proclaimed that Colonel GLENN's "place in the heart of Americans and the history books of America is preserved for all time."

The current senior Senator from South Carolina and the President pro tempore of the Senate [Mr. THURMOND], said of his future colleague:

> This brave and capable officer certainly had the prayers of millions who saw in his adventure a bold step forward in this Nation's efforts to maintain its position of leadership.

Senator PELL, the distinguished ranking member today of the Senate Committee on Foreign Relations, called "the successful orbital flight of Astronaut GLENN * * * a momentous scientific achievement for our country."

Six days after orbiting the Earth, on February 26, 1962, Colonel GLENN put his historic flight into perspective in an address to a joint meeting of the two Houses of Congress.

The flight of *Friendship 7* on February 20, he said, ". . . is another plateau in our step-by-step program of increasingly ambitious flights. . . . What we have done so far are but small building blocks in a huge pyramid to come. Exploration, knowledge, and achievement are good only insofar as we apply them to our future actions. Progress never stops. We are now on the verge of a new era.

I might point out that shortly after Colonel GLENN's speech, our colleague, Senator PELL, spoke prophetically when he said:

> We are indeed honored to have had Colonel GLENN with us. We look forward to hearing more about him.

And we have heard more about this courageous and adventuresome man, and we are pleased to have him as a colleague in this Chamber, where he has served the people of Ohio and the United States so well and so effectively.

More than simply honoring our courageous colleague for being the first American to orbit the Earth, however, I wish to recall the importance of his journey to where no American had gone before. This can be understood by recalling how the Senators in this Chamber spoke of the day on which the feat was undertaken.

Declared Senator Young:

> As long as mankind exists on this planet, yesterday [February 20] will be remembered not only as a milestone in man's continuing thirst for knowledge, but as a day when the best in freedom, democracy, and an open society was displayed to the world.

Senator THURMOND said:

> Astronaut GLENN is the man who has made February 20, 1962, go down in history as a day of unparalleled achievement.

Senator Keating proposed that February 20 be designated as "Space Day."

The Senator who appeared most enthusiastic and captured by the excitement and glory of the day was Senator Yarborough. On February 21 he proclaimed that:

> Astronaut JOHN H. GLENN, Jr., yesterday returned from a ride that will stand in American History like the ride of Paul Revere as one to be praised forever in story, poem, and ballard . . . February 20 was "go day" for American Science.

Because that day and that flight were the start of so much, in honor of Colonel GLENN's accomplishment, and in memory of the *Challenger* astronauts, and in recognition of all Americans who have ventured into space in the service and for the love and honor of their country, I am proposing that next year, the 25th anniversary of America's first orbital flight, be designated as the "Year of American Space Travel." I further propose that the year be celebrated on February 20. All current and former U.S. astronauts can be honored in this way and we again can pay tribute to the 10 astronauts who have given their lives in

pursuit of a dream they shared with their proud and adoring nation.

MESSAGES FROM THE HOUSE

At 11:12 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2453) to amend the Older Americans Act of 1965 to increase the amounts authorized to be appropriated for fiscal years 1985, 1986, and 1987 for commodity distribution, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. HAWKINS, Mr. KILDEE, Mr. OWENS, Mr. PERKINS, Mr. BRUCE, Mr. ECKART, of Ohio, Mr. JEFFORDS, Mr. COLEMAN of Missouri, Mr. PETRI, and Mr. TAUKE as managers of the conference on the part of the House.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2487. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a report on the allocation of funds made available for the fiscal year 1986 International Military Education and Training, Military Assistance, Foreign Military Sales Financing, Peacekeeping Operations Programs, and antiterrorism assistance accounts; to the Committee on Appropriations.

EC-2488. A communication from the Acting General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize the Secretary of Defense to waive application of provisions of law concerning contract procedures, contract terms and conditions, and contract performance for petroleum acquisition; to the Committee on Armed Services.

EC-2489. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to Japan; to the Committee on Banking, Housing, and Urban Affairs.

EC-2490. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the first annual report on the impact of offsets in defense-related exports; to the Committee on Banking, Housing, and Urban Affairs.

EC-2491. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to enhance effective administration of certain Federal lands and for other purposes; to the Committee on Energy and Natural Resources.

EC-2492. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on research and development efforts for improving the safety of nuclear powerplants; to the Committee on Energy and Natural Resources.

EC-2493. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for certain highways in accordance with title 23, United States Code, and for other purposes; to the Committee on Finance.

EC-2494. A communication from the Chairwoman of the U.S. International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1987; to the Committee on Finance.

EC-2495. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report of those foreign military sales customers with approved cash flow financing in excess of $100 million as of October 1985; to the Committee on Foreign Relations.

EC-2496. A communication from the Attorney General of the United States, transmitting, pursuant to law, the first annual report on the Department of Justice Assets Forfeiture Fund; to the Committee on the Judiciary.

EC-2497. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the West Valley Demonstration Project, West Valley, NY, dated January 1986; to the Committee on Energy and Natural Resources.

EC-2498. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, a report on the discharge of hazardous wastes to publicly owned treatment works; to the Committee on Environment and Public Works.

EC-2499. A communication from the Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, a report on program allocations for fiscal year 1986 after sequestration under the Balanced Budget and Emergency Deficit Control Act; to the Committee on Foreign Relations.

EC-2500. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, the notice of a decision to close, consolidate, or substantially curtail a school with respect to the Toyei Boarding School, the Pinon Boarding School, and the Greasewood Boarding School; to the Select Committee on Indian Affairs.

EC-2501. A communication from the Secretary of the Navy, transmitting a draft of proposed legislation to amend chapter 39 of title 10, United States Code, by adding a provision to exempt members of the Armed Forces on active duty from serving on State and local juries; to the Committee on the Judiciary.

EC-2502. A communication from the Secretary of Labor, transmitting, pursuant to law, a medical report prepared by the Franklin Research Center on the medical aspects of diagnosing pneumoconiosis (black lung); to the Committee on Labor and Human Resources.

EC-2503. A communication from the Assistant Administrator of the Environmental Protection Agency (Pesticides and Toxic Substances), transmitting, pursuant to law, a final rule under the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2504. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report of the Reserve Forces Policy Board for fiscal year 1985; to the Committee on Armed Services.

EC-2505. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations for fiscal year 1987, and for other purposes; to the Committee on Armed Services.

EC-2506. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1987 and 1988 for the Panama Canal Commission to operate and maintain the Panama Canal, and for other purposes; to the Committee on Armed Services.

EC-2507. A communication from the Director of the U.S. General Accounting Office, transmitting, pursuant to law, a report entitled "Housing Allowances—An Assessment of Program Participation and Effects"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2508. A communication from the Director of the U.S. General Accounting Office, transmitting, pursuant to law, a report entitled "Rental Housing—Costs and Benefits of Financing With Tax-Exempt Bonds"; to the Committee on Finance.

EC-2509. A communication from the Director of the U.S. General Accounting Office, transmitting, pursuant to law, a report entitled "Tax Policy—Congress Should Restrict Use of the Completed Contract Method"; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

H.J. Res. 409: Joint resolution to direct the President to issue a proclamation designation February 16, 1986, as "Lithuanian Independence Day".

H.J. Res. 499: Joint resolution designating the week beginning March 2, 1986, as "Women's History Week".

S.J. Res. 266: Joint resolution to authorize and request the President to designate the month of June 1986 as "Youth Suicide Prevention Month".

S.J. Res. 271: Joint resolution designating "Baltic Freedom Day".

By Mr. DOLE, from the Committee on Rules and Administration, with an amendment:

S. Res. 28. Resolution to improve Senate procedures.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Walter J. Gex, III, of Mississippi, to be United States District Judge for the Southern District of Mississippi;

Joseph M. Whittle, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years;

Roger Ray, of Virginia, to be United States Marshal for the Eastern District of Virginia, for the term of four years;

Richard S. Cohen, of Maine, to be United States Attorney for the District of Maine for the term of four years; and

Bohdan A. Futey, of Ohio, to be Chairman of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 1988.

By Mr. PACKWOOD, from the Committee on Finance:

Michael A. Samuels, of the District of Columbia, to be a Deputy United States Trade Representative, with the rank of Ambassador.

(The above nomination was reported from the Committee on Finance with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STAFFORD (for himself, Mr. DODD, Mr. KENNEDY, Mr. WEICKER, Mr. INOUYE, Mr. ANDREWS, Mr. SIMON, Mr. CHAFEE, Mr. PELL, Mr. METZENBAUM, Mr. MATSUNAGA, and Mr. KERRY):

S. 2081. A bill to reauthorize the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, the Community Services Block Grant Act, for deferred cost care programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. QUAYLE:

S. 2082. A bill to amend title 10, United States Code, to improve the management of major defense acquisition programs, to establish a Defense Acquisition Service, and to limit employment contacts between senior officials of the Department of Defense and defense contractors; to the Committee on Armed Services.

By Mr. STAFFORD (for himself, Mr. MITCHELL, Mr. LAUTENBERG, Mr. BAUCUS, and Mr. MOYNIHAN):

S. 2083. A bill to amend the Toxic Substances Control Act to require the Environmental Protection Agency to set standards for identification and abatement of hazardous asbestos in the Nation's schools, to mandate abatement of hazardous asbestos in the Nation's schools in accordance with those standards, to require local educational agencies to prepare asbestos management plans, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GARN (for himself, Mr. HECHT, Mr. RIEGLE, Mr. D'AMATO, Mr. GORTON, Mr. GRAMM, Mr. PROXMIRE, Mr. SASSER, Mr. CRANSTON, Mr. DIXON, Mr. SARBANES, and Mr. MATTINGLY):

S. 2084. A bill authorizing the President to present gold medals to the families of the crew members of mission 51-L of the space shuttle Challenger; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KASTEN (for himself, Mr. ABDNOR, Mr. BOSCHWITZ, Mr. LEAHY, Mr. DOLE and Mr. PROXMIRE):

S. 2085. A bill to amend the Agricultural Act of 1949 to require that milk assessments be increased during fiscal year 1986 to meet any deficit reduction requirements for milk price support levels; ordered held at the desk.

By Mr. SIMON:

S. 2086. A bill entitled the "Options Simplification and Clarification Act of 1986"; to the Committee on Finance.

By Mr. HART:

S.J. Res. 277. A joint resolution to establish a Trust Fund for Democracy in the Philippines; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DeCONCINI:

S. Res. 349. A resolution expressing the sense of the Senate that Ferdinand Marcos should resign from the office of President of the Philippines for the purpose of achieving a reinvigoration of democratic institutions and a peaceful political settlement to the conflict in the Philippines; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself and Mr. CRANSTON):

S. Res. 350. A resolution expressing the sense of the Senate that a full and swift investigation should be conducted on the murder of Oscar Y. Salvatierra; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STAFFORD (for himself, Mr. DODD, Mr. KENNEDY, Mr. WEICKER, Mr. INOUYE, Mr. ANDREWS, Mr. SIMON, Mr. CHAFEE, Mr. PELL, Mr. METZENBAUM, Mr. MATSUNAGA, and Mr. KERRY):

S. 2081. A bill to reauthorize the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, the Community Services Block Grant Act, for deferred cost care programs, and for other purposes; to the Committee on Labor and Human Resources.

HUMAN SERVICES REAUTHORIZATON ACT

● Mr. STAFFORD. Mr. President, I am introducing the Human Services Reauthorization Act of 1986 to provide for the reauthorization of four very vital human service programs, Head Start, Low Income Home Energy Assistance, Community Services Block Grant, and the Dependent Care Services Program. I am joined in this effort by my fellow Senators Mr. DODD, Mr. KENNEDY, Mr. WEICKER, Mr. INOUYE, Mr. ANDREWS, Mr. SIMON, Mr. CHAFEE, Mr. PELL, Mr. METZENBAUM, and Mr. MATSUNAGA.

Our bill provides for a 4-year reauthorization of four programs that serve our low income and elderly citizens. We provide for very modest growth in the program over the next 4 years even though we are painfully aware the need far outstrips the current level of appropriations for the programs.

The bill authorizes the Head Start Program for $1,130,542,000 for fiscal year 1987. This is a 4-percent increase over the fiscal year 1986 appropriation level pre-Gramm-Rudman-Hollings March 1 cuts. In fiscal years 1988-90 the authorization level would increase by 4 percent each year.

The Low Income Home Energy Assistance Program would be authorized at $2,163,000,000 for fiscal year 1987. This is a 3-percent increase over the fiscal year 1986 appropriation level pre-Gramm-Rudman-Hollings cuts. The Energy Program would grow at a 3-percent rate for the next 3 fiscal years authorized.

The Low Income Home Energy Program section of the bill also provides additional language to further clarify the income disregard provisions of the law.

The Community Services Block Grant authorization is set at $381,409,000 for fiscal year 1987. This is a 3-percent increase over the fiscal year 1986 authorization level prior to the Gramm-Rudman-Hollings cuts. The authorization levels are increased by 3 percent for the 3 additional years in the bill.

Last but not least the bill authorizes the Dependent Care Services Program at $5,150,000 for fiscal year 1987. This is a 3-percent increase over last year's appropriations level before the Gramm-Rudman-Hollings reductions.

Mr. President, the continuation of these important programs is needed to meet some of the needs of elderly and low-income Americans and I ask my fellow Senators' support for this bill.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD at the end of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this act may be cited as the "Human Services Reauthorization Act of 1986".

HEAD START REAUTHORIZATION

SEC. 2. Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

AUTHORIZATION OF APPROPRIATIONS

"SEC. 639. There are authorized to be appropriated for carrying out the provisions of this subchapter $1,130,542,000 for fiscal year 1987, $1,175,754,000 for fiscal year 1988, 1,222,795,000 for fiscal year 1989, and $1,271,717,000 for fiscal year 1990.

LOW-INCOME HOME ENERGY ASSISTANCE REAUTHORIZATION

SEC. 3. (a) Authorization of Appropriations.—Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) (hereafter in this section referred to as the "Act") is amended to read as follows:

"(b) There is authorized to be appropriated for carrying out the provisions of this title, $2,163,000,000 for fiscal year 1987, $2,227,890,000 for fiscal year 1988,

$2,294,726,000 for fiscal year 1989, and $2,363,567,000 for the fiscal year 1990.".

(b) Payments or Assistance Not Considered Income or Resources.—(1) Section 2605(f) of the Act (42 U.S.C. 8624(f)) is amended by inserting after "provision of law" the following: ", including section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) (as amended by section 1511(4) of the Food Security Act of 1985 (Public Law 99-198))".

(2) Section 2605(f) of the Act is further amended—

(A) by inserting "directly or indirectly" after "provided"; and

(B) by inserting a comma and the following: "and shall not affect eligibility deterinations or benefit amounts," after "resources".

COMMUNITY SERVICES BLOCK GRANT REAUTHORIZATION

SEC. 4. (a) Authorization of Appropriations.—Section 672(b) of the Community Services Block Grant Act (42 U.S.C. 9901) (hereafter in this section referred to as the "Act") is amended by adding at the end thereof the following new sentence: "There is authorized to be appropriated $381,409,000 for the fiscal year 1987, $392,851,000 for the fiscal year 1988, $404,636,000 for the fiscal year 1989, and $416,775,000 for the fiscal year 1990, to carry out the provisions of this subtitle.".

(b) Technical Amendments.—Section 681(a)(2) of the Act (42 U.S.C. 9910(a)(2)) is amended—

(1) by inserting "authorized in sections 6.6 and 6.7 of the Community Economic Development Act of 1981" before the semicolon at the end of subclause (A); and

(2) by inserting "Rural Community Assistance Programs for" after "and" the second time it appears in subclause (D).

DEPENDENT CARE SERVICES REAUTHORIZATION

SEC. 5. Section 670A of the Omnibus Budget Reconciliation Act of 1981 (relating to grants to States for planning and development of dependent care programs and for other purposes) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 670A. For the purposes of allotments to States to carry out the activities described in section 670D, there are authorized to be appropriated $5,150,000 for fiscal year 1987, $5,305,000 for fiscal year 1988, $5,465,000 for fiscal year 1989, and $5,630,000 for fiscal year 1990.".●

● Mr. KENNEDY. Mr. President, I am pleased to join Senator STAFFORD and my other distinguished colleagues as cosponsor of the Human Services Reauthorization Act of 1986. This bill provides inflation-only increases in the authorization levels of four important programs that provide critical services to our Nation's economically disadvantaged individuals.

Head Start is a comprehensive child development program for disadvantaged 3- and 4-year-old children that utilizes the skills of parents, teachers, and volunteers. The over 22,000 Head Start programs across the country provide disadvantaged children with the necessary education, health, and support services they need to get an even start with other children in school. Head Start also equips parents with the resources they need to insure that their children are healthy, both physically and developmentally.

We know that the Head Start Program is successful and that it is cost effective. A recently released 20-year followup study of students who attended a preschool program like Head Start showed the positive results of preschool programs. The study documented the success of preschool graduates compared to their peers on standardized tests, in college, and on the job.

Head Start works and Congress has a responsibility to authorize this successful program for 4 more years. This proven program is now only serving about 18 percent of the poor children in this country who need its services. At the very least, we should maintain current services capacity. The Low-Income Energy Assistance Program provides aid to eligible households for home heating and cooling, weatherization and energy-related emergencies. This aid has been a vital lifeline for millions of senior citizens and economically disadvantaged families who are unable to meet the expenses of heating their homes. Many times this aid has saved the lives of elderly citizens who often risked death by not turning on their heat in the winter because they were unable to pay. And, many older Americans have not escaped death because they attempted to stay warm without heat in their apartments.

Low-income energy payments to eligible individuals does not completely cover energy bills but only helps to offset these energy bills. The average assistance provided to a LIHEAP recipient is about $212 and energy bills can range on the average from $500 in California to $1,737 in Maine. In 32 States in 1984, families of unemployed workers had on average less than $100 weekly remaining out of the average unemployment check for all other living expenses after paying home energy bills during the 3 coldest months of the winter. In 47 States, single elderly persons living on SSI had only $61 or less remaining each week for all other living expenses after paying home energy costs during the 3 coldest months of the winter.

It is clear that the LIHEAP assistance is vital to low-income families and our Nation's elderly. Our legislation continues this critical aid for 4 more years.

The Community Services Block Grant helps local Community Action Agencies implement many of the existing antipoverty programs at the local level. Community Action programs help to improve the standard of living for our Nation's poor people and are able to respond to local community needs. Many of the proven poverty programs such as Head Start and the Low-Income Energy Assistance Program are implemented through local Community Action Agencies.

CSBG also offers many local programs which work to alleviate the causes of poverty. Emphasis is placed on ensuring that all individuals become self-sufficient and are able to enter the mainstream of life in their community. Some of these services include assisting people to secure and retain meaningful employment, to attain an adequate education, to obtain and maintain adequate housing, and to achieve greater participation in community affairs. The Human Resources Act requests funding that will merely maintain the current programs under CSBG and which will continue these important services through 1990.

Lastly, our bill calls for the reauthorization of the Dependent Care Block Grant which encourages the use of public school buildings for pre- and after-school care for school-age children between ages of 5 and 13 years. The changing demographics of our society show us that, of all mothers with children under the age of 18 years, 59 percent were in the labor force in 1982. No longer can mothers greet their children as they come home from school each day. In increasing numbers, mothers are working in order to provide a decent standard of living for their families. Many women are the sole wage earner in a family and many women provide the critically needed supplement to their husband's earnings. The Dependent Care Block Grant provides the necessary incentive for the development of after-school care programs for our young children whose parents are working to make their future brighter. Funding for the development of child care information and referral services is also included in the Dependent Care Block Grant.

Just this year, Congress reaffirmed its commitment to the Dependent Care programs by providing $5 million in the 1986 appropriations. Our reauthorization request asks for small authorization increases so that these valuable activities will continue to help young Americans and their families.

I plan to work hard in the months ahead to achieve swift action on the 1986 Human Services Reauthorization Act and I call on my colleagues to join in protecting these vital programs through reauthorization.●

● Mr. CHAFEE. Mr. President, I am pleased to join with Senator STAFFORD as a cosponsor of this bill to reauthorize the Head Start Program—a program which has, in its 21 years, compiled an impressive track record.

Head Start provides educational, medical, and nutritional services to more than 450,000 lower income preschoolers, with the aim of closing the

gap between disadvantaged children and their more fortunate peers.

This bill reauthorizes the program through fiscal year 1990, increasing the authorized funding level by 4 percent each year. This will mean, for example, that in the next fiscal year—fiscal year 1987, the authorization for Head Start will rise to $1.13 billion—an increase of $44 million over this year's—fiscal year 1986—appropriation.

These modest increases will allow Head Start to continue its current responsibilities, helping to alleviate need for cutbacks in services. With this 4-year reauthorization in place, the program will be assured of a future that is as successful as its past.

Head Start is a program that works. Its effectiveness has been documented time and again, in study after study. Findings like these are typical: Head Starters score higher than non-Head Starters on standardized tests of intelligence, school readiness, math, language, vocabulary, and perceptual skills. They perform better in school, and less frequently require special education. In later years, they are more likely to hold after-school jobs, and less likely to show signs of delinquency.

Head Start's results are evident in medical as well as scholastic records. Children receiving Head Start's health services improve in physical development and motor skills relative to other children. And they are more likely to be of normal height and weight, to have fewer absences from school, and to perform better on physical tests.

Thus, the good that Head Start does resounds through the years, as studies have shown. But it also resounds through entire communities, thanks to the program's consistent emphasis on parent and community involvement: for every five Head Start children, four parents volunteer their services to the program. Clearly, the program reinforces parents' commitment to their children's well-being, with results that last a lifetime.

All these factors account for the most convincing evaluation of all—Head Start's benefits, as compared to its costs. When one considers the special and remedial education that are not needed because of Head Start, the program's benefits outrun its costs by more than 2-to-1.

Head Start enriches the lives of thousands of Rhode Island children and their families, with eight programs currently in operation. These programs serve more than 1,500 Rhode Island children in Cranston, Newport, North Providence, North Scituate, South County, Providence, Riversinde, Warren, Bristol, Warwick, and Woonsocket. A letter I recently received from a young working couple in Newport—the parents of five children—expresses far better than I ever could the special quality of the Head Start Program:

> One very important part of our family's life is Project Head Start. I say "family" because it is more than just a nursery/preschool. This program accommodates all of its participants' family members. Through its workshops, health screenings and high school equivalency programs, it reaches many people's lives.
>
> Personally, I consider the staff like friends. They offer counseling and assistance in many ways. I received assistance in getting our daughter's hearing screened at the Rhode Island School for the Deaf. The center even provided transportation! This Christmas, we received a food basket and toys for the children. We are a family trying to make it, but we do need help from time to time.

Now in its 21st year, Head Start has fulfilled the high hopes vested in it at the outset. I say without hesitation that it has proven itself well worth all we have invested since then.

I urge my colleagues to support further Head Start successes by supporting this measure, and I look forward to its speedy enactment.●

By Mr. QUAYLE:

S. 2082. A bill to amend title 10, United States Code, to improve the management of major defense acquisition programs, to establish a Defense Acquisition Service, and to limit employment contracts between senior officials of the Department of Defense and defense contractors; to the Committee on Armed Services.

DEFENSE ACQUISITION ENTERPRISE AND INITIATIVE ACT

● Mr. QUAYLE. I am today introducing the "Defense Acquisition Enterprise and Initiative Act," designed to increase enterprise and initiative in the management of defense procurement programs.

I call this a "radical" proposal because I believe it is time to look at the root of the defense procurement problem rather than continuing to focus on its surface manifestations. In the past, we have tended to isolate mistakes that have been made—and then tried to outlaw those mistakes. But a huge system is bound to make mistakes—and we cannot deal with the true problems of the system by prohibiting them. Instead we must analyze the causes of the problems that do exist—and find solutions for them. That is what I have tried to do in this bill.

Defense procurement is an incredibly complex subject, but underlying that complexity are basic principles that can be stated in comprehensible terms. Attention to these basic principles provides guidelines for rational analysis of the problems that face us.

Defense procurement, like any other purchasing decision, has two essential elements: First, deciding what is needed; and, second, getting the best quality product at the lowest cost. The first requires a process for determining what weapons are needed to protect national security interests; the second, a system for purchasing such weapons in the most efficient manner.

The focus of my bill is on the second of these elements because that is the heart of the jurisdiction of the Subcommittee on Defense Acquisition Policy which I chair. The problems in the procurement of weapons basically relate to the effectiveness of the people negotiating and administering contracts, to the organizational structure for administering the contracts and, perhaps most importantly, to the complex laws and regulations that govern (and often impede) the acquisition process.

The business of buying the weapons, supplies and equipment that we need to meet our military needs is just that—a business—and it should be run as far as possible on sound business lines. A business faced with the procurement problems of the Pentagon would make every effort to (1) hire and retain the best people it could find to carry out the program, (2) hold the managers responsible for achieving good results and (3) give the managers maximum discretion in how to achieve those results.

The defense procurement process that we have at present violates all three of those cardinal rules. Civil service and other rules restrict the ability to hire, promote and appropriately pay the best people; authority and responsibility are so diffuse that it is difficult to pinpoint responsibility and even more so, to reward good, and remove bad management; and finally, the laws and regulations governing the procurement process are so involved and detailed that they make the exercise of sound discretion difficult, if not impossible.

My bill is an attempt to get to grips with these fundamental problems of people and process. It attacks the "people" problem by establishing a defense acquisition service that would provide a cadre of highly qualified persons to deal with key acquisition problems and by providing stability in high level management through a new incentive system. It attacks the inefficiencies of the process by providing for "enterprise" programs which can be managed on sound business principles.

There are no panaceas for complex problems. No system as vast as that needed to provide the United States with the essential means of national security can be managed without mistakes. In the past, we have tried too much to prevent the making of mistakes; I am convinced that what we need to do is to ensure that the system is managed by capable people and then give them the opportunity to provide effective management. That entails risks—but the willingness to take risks also provide us the opportu-

nity for higher quality products produced in more economical ways. The best way to minimize the risks and maximize the opportunities is to hold managers accountable—to reward them for excellence and remove them for inefficiency. That approach has been the dynamo that has moved the American economy, it can also solve the problems of our defense procurement system.

My bill has two basic provisions designed to increase initiative and enterprise in the management of defense procurement. The first would establish enterprise programs which can be managed without the stifling layers of bureaucracy that inhibit effective management; the second would establish a system of hiring, recruiting and retaining key acquisition personnel that will attract persons of ability and initiative into the management of these programs.

ENTERPRISE PROGRAMS

Specifically, my bill contains an authorization for the creation of so-called enterprise programs in order to return to the program manager the authority to manage their program effectively.

One of the most alarming trends we have seen over the past few years has been the erosion of the authority of the program manager. Because of the adverse attention focussed on the acquisition process in the media, the decisions of the program manager have been subject to ever greater review by the many functional and command layers between the program office and the office of the service Secretary. All too often, a program manager's performance is graded on his adherence to procedure, rather than on the success of the program. This dilution of the program manager's authority threatens to turn the position of program manager into a mere link in the bureaucratic procurement chain.

Virtually every new defense program requires innovative action to counter the effects of inevitable uncertainties in technology, funding and contractor performance. It is precisely this innovative spirit that is endangered by the current trends.

Under my proposal, each of the service Secretaries would have the authority to designate a major defense acquisition program as an enterprise program subject to the approval of the Secretary of Defense. The service Secretary would be authorized to appoint a program manager without regard to military or civilian rank or personnel policies, provided that the program manager designee has at least 8 years of experience in the acquisition, maintenance and support of weapon systems.

Once appointed, an enterprise program manager would be required to serve for a minimum period of 4 years or until the first Defense Systems Acquisition Review Council [DSARC] milestone after his appointment, whichever is less. To reduce the number of "checkers" and the layers between the program manager and the service Secretary, the enterprise program manager is to receive direction only from a single official designated by the service Secretary. The enterprise program manager would be given the authority to select his senior staff from the Defense Acquisition Service discussed below or from the military without regard to personnel policies. The enterprise program manager could appoint individuals with the technical qualifications associated with program management to his staff, such as contracting, auditing, testing and logistics, to enable him to manage the program without the supervision from the agencies who normally handle these functions. He would have the authority to reward, demote or fire his senior staff in accordance with the Defense Acquisition Service provisions.

The only regulations to which the enterprise program manager would be subject would be those contained in the Federal Acquisition Regulations and the Defense Supplement to the FAR.

The official designated by the service Secretary to oversee the enterprise program manager would have the sole responsibility for conducting an annual performance review, which would be based on the ability of the manager to achieve the program objectives, including the ability to meet cost, quality and schedule performance requirements. The functional agencies who normally oversee major systems acquisition could also provide comments to be used in the annual performance review. In order to enhance the stability of the enterprise programs, the Secretary of Defense would be required to submit a request for funding authorization covering the period to the next scheduled Defense System Acquisition Review Council [DSARC] milestone.

DEFENSE ACQUISITION SERVICE

The second major provision of my bill establishes a Defense Acquisition Service designed to enhance the recruitment, training and retention of the "best and the brightest" in the civilian acquisition work force. Members of this service would be available to the services as an elite corps to enable the services to manage their most difficult procurement problems more effectively.

There is a direct relationship between the quality of procurement personnel and the quality of management decisions that they make as representatives of the Government. Personnel deficiencies were cited in the 1984 Study of Spare Parts Problems prepared by the Office of Federal Procurement Policy, which pointed out that:

"Significantly reduced manning levels, high turnover rates, and the lack of training forced managers to take the short cuts that resulted in $700 pliers and $400 hammers."

The current personnel policies covering appointments to positions in the civil service under the General Schedule pay system preclude or inhibit the use of:

Minimum education requirements for entry into the acquisition field; mandatory training as a condition of employment; certification requirements for key positions; flexibility in compensation and benefits for rewarding and retaining competent performers; flexibility in classification—that is, rank in person—to allow interdisciplinary assignments of qualified personnel, and demotion or removal on the basis of unsatisfactory performance.

Under my proposal, the Defense Acquisition Service would consist of personnel appointed by the service Secretaries under common standards developed by the Secretary of Defense. The total DAS would be limited to 10,000 members of which no more than 3,000 could be appointed during the first 3 years following enactment of the proposal. Each of the armed services would be assigned an equal number of positions from this pool.

My proposal would provide much greater flexibility in the areas of hiring, promotion, pay, and evaluation than the current system. Personnel would be appointed to entry-level positions in the Defense Acquisition Service on the basis of competitive written examinations, with minimum education and experience requirements being prerequisites for taking the examination. Appointments to higher positions in the DAS would be on the basis of experience, ability and education. In order to insure a balanced work force, my proposal would require that at least 30 percent of all new appointments to the DAS be made at the entry level. In matters of pay, the Secretary of Defense would have the authority to create a pay structure tailored to the needs of defense acquisition. Each member of the Defense Acquisition Service would be subject to an annual performance evaluation, and on the basis of that evaluation, would be subject to promotion, award of a bonus, demotion or outright removal from the DAS.

The Secretaries of each military department would have the authority to assign members of the Defense Acquisition Service to acquisition duties that he deems most appropriate. Members of the DAS could be assigned individually or in groups to each to defense programs from the inception of the program or at a specific point in the acquisition process in the event of

problems threatening the cost, technological or delivery goals of the program.

SENIOR ACQUISITION PERSONNEL

My bill contains a third provision designed both to attract and retain senior qualified managers in acquisition positions, and to address the potential for conflict of interest that arises when senior officials discuss future employment with defense contractors.

My proposal would cover civilian Presidential appointees subject to the advice and consent of the Senate with significant acquisition responsibilities, as well as other appointees designated in advance by the Secretary of Defense with procurement responsibilities. These officials would be subject to a new prohibition on any discussion of post-Government employment, but they would also become eligible for severance pay. This combination of provisions has two objectives: First, to provide incentives for these officials to remain in Government employment longer; second, to avoid the appearance of conflict of interest while providing some compensation for the period between Government and post-Government employment.

Specifically, the bill provides that designated officers of the DOD at the Secretary and Assistant Secretary level would be prohibited from making any contact regarding post-Government employment with a defense contractor. These high-level officials have such general impact on defense procurement that any such contact creates the appearance—if not the reality—of a conflict of interest. On the other hand, this prohibition makes a hiatus in employment likely—and that hiatus would be taken care of by severance pay. The bill would provide for 3 months' severance pay for those who remain in their posts for at least 2 years, and the amount would increase to a maximum of 5 months' pay for an individual remaining for 4 years. Severance pay would end when the official starts civilian employment.

CONCLUSION

The DOE acquisition process has many ailments; we have all read about the hammers and the toilet seats and the coffee pots; we are all familiar with the indictments of defense contractors as well as the quality control and revolving door problems.

Over the last few years we have tended to look at each individual problem and sought to enact solutions on a case-by-case basis—by requiring warranties or competition, or prohibiting conflict of interest and so forth. However, in looking at these issues one by one, we have lost sight of the larger problem: The acquisition process has become so complex and so regulated that able persons can no longer make sensible decisions. That is the issue to which my bill is addressed. It is time to get away from micromanagement and time instead to reform the defense acquisition system as a whole. We must get away from the idea that program managers may make no mistakes and back to the practice of individual enterprise and initiative. That is what my bill is all about—and I believe that we will gain more from this approach than from a further piecemeal catalog of actions to be prohibited.

I ask unanimous consent that the bill and a summary of the bill be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Defense Acquisition Enterprise and Initiative Act of 1986".

DEFENSE ENTERPRISE PROGRAMS

SEC. 2. (a)(1) Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 131 the following new chapter:

"CHAPTER 132—DEFENSE ENTERPRISE PROGRAMS

"Sec.
"2221. Definitions.
"2222. Defense enterprise programs; designation and management of programs.
"2223. Defense enterprise program managers.
"2224. Defense enterprise program staff.
"2225. Authorization policy for defense enterprise programs.

"§ 2221. DEFINITIONS

"In this chapter:

"(1) 'Agency' means an agency named in clause (1), (2), (3), or (4) of section 2303(a) of this title.

"(2) 'Defense Acquisition Service' means the Defense Acquisition Service referred to in section 201 of this title.

"(3) 'Defense enterprise program' is any major defense acquisition program designated by the head of an agency under section 2222 of this title.

"(4) 'Head of an agency' means the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force.

"(5) 'Major defense acquisition program' has the same meaning as provided in section 139a(a)(1) of this title.

"§ 2222. DEFENSE ENTERPRISE PROGRAMS; DESIGNATION AND MANAGEMENT OF PROGRAMS

"(a) The head of an agency, with the approval of the Secretary of Defense, may designate any major defense acquisition program conducted by such agency as a defense enterprise program.

"(b)(1) A defense enterprise program shall be managed by a program manager appointed as provided in section 2223 of this title.

"(2)(A) A defense enterprise program manager of an agency shall report to and be under the direction, control, and authority of the head of such agency or a designee who meets the requirements of subparagraph (B). A defense enterprise program manager shall not be subject to or be required to report to any other officer or employee of the agency.

"(B) For purposes of subparagraph (A), a designee of a head of an agency is an individual who is under the direction, control, and authority of the head of such agency and who reports only to the head of such agency on defense enterprise programs.

"(c)(1) A defense enterprise program shall not be subject to any acquisition regulation, policy, directive, or administrative rule or guideline relating to the acquisition activities of the Department of Defense other than the Federal Acquisition Regulation and regulations that implement or supplement the Federal Acquisition Regulation.

"(2) Paragraph (1) shall not be construed to limit the application of Federal legislation relating to the acquisition activities of the Department of Defense.

"§ 2223. DEFENSE ENTERPRISE PROGRAM MANAGERS

"(a) The head of an agency conducting a defense enterprise program shall appoint a program manager for such program.

"(b)(1) The head of an agency shall select a defense enterprise program manager from among civilian employees of the Defense Acquisition Service who meet the requirements of paragraph (2) or members of the armed forces who meet such requirements.

"(2) A defense enterprise program manager shall have at least 8 years of experience in acquisition, support, and maintenance of weapon systems.

"(3) A member of the armed forces may be selected to be a defense enterprise program manager without regard to the grade of the member or any administrative policy relating to the duty assignments of members of the armed forces.

"(c)(1) The term of appointment of a defense enterprise program manager shall be at least (A) 4 years, or (B) the period beginning on the date of the appointment and ending on the first date (after such date of appointment) on which the defense enterprise program reaches a defense systems acquisition review council milestone established for the program, whichever period is shorter.

"(2) A defense enterprise program manager of an agency may be removed by the head of the agency only for inadequate performance or to be appointed defense enterprise program manager of a more important or higher priority defense enterprise program (as determined by such head of an agency).

"(d)(1) Under regulations prescribed by the Secretary of Defense, each year the person to whom a defense enterprise program manager reports pursuant to section 2222(b)(2) of this title shall formally evaluate the performance of such manager.

"(2) In evaluating the performance of a manager of a defense enterprise program, the person making the evaluation shall take into consideration the extent to which the manager has been able to achieve the objectives of the program, including quality, timeliness, and cost objectives, and any comments received pursuant to paragraph (3).

"(3) Under regulations prescribed by the Secretary of Defense, each officer or employee of an agency and each member of the armed forces who, except for section 2222(b)(2) of this title, would supervise or control the manager of a defense enterprise program, receive reports on the program from such manager, or have the authority to approve or disapprove the decisions of such manager in conducting the program may submit to the person evaluating such manager comments on the performance of such manager.

"§ 2224. DEFENSE ENTERPRISE PROGRAM STAFF

"(a)(1) The manager of a defense enterprise program may establish a senior staff to assist in the management of the program. The manager may select the members of the senior staff from among members of the Defense Acquisition Service and members of the armed forces.

"(2) Members of the armed forces who are selected for positions in the senior staff of a defense enterprise program shall be assigned to such positions without regard to any administrative policy relating to the assignment of members of the armed forces.

"(b)(1) A defense enterprise program manager may appoint a technical staff, including experts in contracting, auditing, testing, and logistics, to enable the manager to manage the program without the technical assistance of another organizational unit of an agency.

"(2) A defense enterprise program manager of an agency shall appoint the members of his technical staff from among members of the Defense Acquisition Service, other officers and employees of the agency, and members of any branch of the armed forces who are reasonably available for such appointment, as determined by the Secretary concerned. In making determinations of availability for the purpose of this paragraph, the Secretary concerned shall, to the maximum extent practicable, find that persons selected for appointment to a technical staff are reasonably available for such appointment.

"§ 2225. AUTHORIZATION POLICY FOR DEFENSE ENTERPRISE PROGRAMS

"(a) It is the policy of the Congress to authorize at any one time in connection with any defense enterprise program the appropriation of sufficient funds to carry out the program through at least one defense systems acquisition review council milestone established for the program.

"(b) The Secretary of Defense shall specify in each authorization request submitted to the Congress for a defense enterprise program the amount of funds necessary to carry out the program through at least one defense systems acquisition review council milestone established for the program.".

(2) The table of chapters at the beginning of part IV of such subtitle is amended by inserting after the item relating to chapter 131 the following new item:

"132. Defense Enterprise Programs... 2221".

(b) A person may be appointed to a position of defense enterprise program manager or to a position on the senior staff of a defense enterprise program under section 2223(b) or 2224(a), respectively, of title 10, United States Code (as added by subsection (a)(1)), before the date on which the Defense Acquisition Service referred to in such sections is established. The requirement for a person so appointed to be a member of the Defense Acquisition Service (as prescribed in each such section) and the civil service laws relating to the examination and selection of persons for appointment to civilian positions in the Federal Government shall not apply to the appointment of a civilian to such position before such date.

DEFENSE ACQUISITION SERVICE

SEC. 3. (a)(1) Chapter 8 of title 10, United States Code, is amended—

(A) by inserting before section 191 the following:

"SUBCHAPTER I—DEFENSE INTELLIGENCE AGENCY"

and

(B) by adding at the end thereof the following new subchapter:

"SUBCHAPTER II—DEFENSE ACQUISITION SERVICE

"Sec.
"201. Establishment of the Defense Acquisition Service.
"202. Appointments in the Defense Acquisition Service.
"203. Assignments and duties of members of the Defense Acquisition Service.
"204. Rates of pay.
"205. Performance awards in the Defense Acquisition Service.
"206. Performance evaluations; use of evaluations.
"207. Personnel actions.
"208. Regulations.

"§ 201. ESTABLISHMENT OF THE DEFENSE ACQUISITION SERVICE

"(a) There is in the Department of Defense a Defense Acquisition Service consisting of not more than 10,000 civilian positions in the military departments.

"(b) The number of Defense Acquisition Service positions in a military department shall be determined by the Secretary of Defense and shall be subject to the limitations on personnel strengths applicable to such department.

"§ 202. APPOINTMENTS IN THE DEFENSE ACQUISITION SERVICE

"(a) The Secretary of each military department may make appointments to positions in the Defense Acquisition Service.

"(b) At least 30 percent of all persons appointed to Defense Acquisition Service positions by the Secretary of a military department in any fiscal year shall be appointed to entry level positions.

"(c)(1) Persons shall be selected for appointment to entry level positions in the Defense Acquisition Service on the basis of competitive written examinations and oral interviews conducted by appropriate officers and employees of the Department of Defense and members of the armed forces. The competitive written examination may not be given to a person who does not meet the minimum education, training, and experience requirements prescribed by the Secretary of Defense.

"(2) Persons may be selected for appointment to Defense Acquisition Service positions other than entry level positions without written examination or oral interview. Selection for appointment to such positions shall be based on education, training, experience, and demonstrated ability in acquisition matters.

"(d)(1) Appointments to Defense Acquisition Service positions shall be subject to regulations prescribed by the Secretary of Defense.

"(2) The regulations shall include qualification requirements developed by the Secretary of Defense.

"(3) The Secretary of Defense may provide for a period of probation before any appointment to the Defense Acquisition Service becomes final.

"§ 203. ASSIGNMENTS AND DUTIES OF MEMBERS OF THE DEFENSE ACQUISITION SERVICE

"(a) Members of the Defense Acquisition Service appointed by the Secretary of a military department shall be assigned to perform appropriate acquisition duties in the department, as determined by the Secretary.

"(b) A member of the Defense Acquisition Service may be assigned individually to an acquisition position or to a particular acquisition program or may be assigned as a part of a team to a particular acquisition program.

"§ 204. RATES OF PAY

"(a) Subject to the requirements of this section, the Secretary of Defense shall establish the rates of basic pay for the Defense Acquisition Service.

"(b) The minimum rate of basic pay for positions in the Defense Acquisition Service shall be equal to the minimum rate of basic pay for grade GS-7 of the General Schedule. The maximum rate of basic pay for positions in the Defense Acquisition Service shall be equal to the maximum rate of basic pay established for the Senior Executive Service under section 5382 of title 5. Sections 5308 and 5373 of such title shall not apply to the rates of basic pay established under this subsection.

"(c) Subject to subsection (b), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5305 of title 5 in the rates of basic pay under the General Schedule, each rate of basic pay for the Defense Acquisition Service shall be adjusted by an amount determined by the President to be appropriate. The adjusted rates of basic pay for the Defense Acquisition Service shall be included in the report transmitted to the Congress by the President under section 5305(a)(3) or 5305(c)(1) of such title.

"(d) The rates of basic pay that are established and adjusted under this section shall be published in the Federal Register and shall supersede any prior rates of basic pay applicable to members of the Defense Acquisition Service.

"(e) The Secretary of a military department who appointed a member of the Defense Acquisition Service shall determine, in accordance with criteria established by the Director of the Office of Personnel Management, which of the rates of basic pay established under subsection (a) shall be paid to such member. The Secretary shall make his determination in the case of any person on the basis of the person's qualifications, experience, and ability and without regard to the grade (or similar status) of the position to which the member is appointed.

"(f)(1) In no event may the aggregate amount paid to a member of the Defense Acquisition Service during any fiscal year under this section and section 205 of this title exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such fiscal year.

"(2)(A) Any amount which is not paid to a member of the Defense Acquisition Service during a fiscal year because of the limitation under paragraph (1) shall be paid to that member in a lump sum at the beginning of the following fiscal year.

"(B) Any amount paid under this paragraph during a fiscal year shall be taken into account for purposes of applying the limitation under paragraph (1) with respect to such fiscal year.

"(C) The Office of Personnel Management shall prescribe regulations, consistent with section 5582 of title 5, under which payment under this paragraph shall be made in the case of any individual whose death precludes payment under subparagraph (A).

"(g) Except for any pay adjustment under subsection (c), the rate of basic pay for a member of the Defense Acquisition Service may not be adjusted more than once during any 12-month period.

"(h) The rate of basic pay for a member of the Defense Acquisition Service may be reduced only if the member is given written notice of the reduction at least 15 days in advance of the reduction.

"§ 205. PERFORMANCE AWARDS IN THE DEFENSE ACQUISITION SERVICE

"(a)(1) To encourage excellence in performance by members of the Defense Acquisition Service, performance awards shall be paid to members in accordance with the provisions of this section.

"(2) A performance award shall be paid in a lump sum and shall be in addition to the basic pay paid under section 204 of this title.

"(b)(1) A performance award may not be paid under this section to any member of the Defense Acquisition Service whose job performance was determined to be less than fully successful (or the equivalent) at the time of the member's most recent performance evaluation under section 206 of this title.

"(2) The amount of a performance award paid to a member of the Defense Acquisition Service under this section shall be determined by the Secretary who appointed the member to the Service. However, the amount of an award may not be less than the amount equal to 5 percent of the member's annual rate of basic pay nor more than the amount equal to 20 percent of such rate.

"(3) The aggregate amount that may be paid under this section by a military department in any fiscal year may not exceed the greater of—

"(A) an amount equal to 3 percent of the aggregate amount of basic pay paid to members of the Defense Acquisition Service in such department during the preceding fiscal year; or

"(B) an amount equal to 15 percent of the average of the annual rates of basic pay paid to members in such department during the preceding fiscal year.

"(c) The Director of the Office of Personnel Management may issue guidance to the military departments concerning the proportion of the salary expenses of the Defense Acquisition Service that may be appropriately applied to payment of performance awards and the distribution of awards.

"§ 206. PERFORMANCE EVALUATIONS; USE OF EVALUATIONS

"(a) The performance of each member of the Defense Acquisition Service shall be evaluated at least once each year.

"(b) Under regulations prescribed by the Secretary of Defense, an appointing authority—

"(1) may increase the rate of basic pay of a member of the Defense Acquisition Service to a rate established under section 204 of this title for overall performance which is rated as fully successful or above (or a similar rating); or

"(2) may reduce the rate of basic pay of a member of the Defense Acquisition Service to a rate established under such section or remove such member from the Defense Acquisition Service for unacceptable performance (within the meaning of section 4301(3) of title 5).

Actions under this subsection shall be based on the performance evaluations of the member.

"§ 207. PERSONNEL ACTIONS

"(a) As used in this section—

"(1) 'agency' has the same meaning provided in section 3132(a)(1) of title 5; and

"(2) 'personnel action' means—

"(A) any appointment, promotion, assignment, determination of rate of basic pay, performance award, removal, or performance evaluation; and

"(B) any decision, recommendation, examination, or ranking provided for under this subchapter which relates to any action referred to in subclause (A).

"(b) All personnel actions in the case of a member of the Defense Acquisition Service who has completed a probationary period of service applicable to such member under section 202(d)(3) of this title shall be taken in accordance with the merit principles prescribed in section 2301(b) of title 5.

"(c)(1) A member of the Defense Acquisition Service who was appointed from a civil service position held under a career or career-conditional appointment (or an appointment of equivalent tenure, as determined by the Office of Personnel Management) and who, for reasons other than misconduct, neglect of duty, or malfeasance, is removed from the Defense Acquisition Service during a probationary period is entitled to be placed in a civil service position in any agency.

"(2) A member of the Defense Acquisition Service who is removed from the Defense Acquisition Service, other than during a probationary period, for unacceptable performance, as determined under section 206 of this title, is entitled to be placed in a civil service position in any agency.

"§ 208. REGULATIONS

"The Secretary of Defense shall issue such regulations as may be necessary to carry out the provisions of this subchapter.".

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 191 the following:

"Subchapter	Sec.
"I. Defense Intelligence Agency	191.
"II. Defense Acquisition Service.....	201.

"SUBCHAPTER I—DEFENSE INTELLIGENCE AGENCY".

(b) Notwithstanding section 201 of title 10, United States Code (as added by subsection (a)(1)(B)), there may not be more than 350 members of the Defense Acquisition Service referred to in such section in the Department of the Army, the Department of the Navy, or the Department of the Air Force in fiscal year 1987, not more than 700 in any such department in fiscal year 1988, and not more than 1,000 in any such department in fiscal year 1989.

PROHIBITED PRIVATE EMPLOYMENT CONTACTS

SEC. 4. (a)(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2397a the following new section:

"§ 2397b. PROHIBITION ON PRIVATE EMPLOYMENT CONTACTS BETWEEN CERTAIN DEPARTMENT OF DEFENSE OFFICIALS AND DEFENSE CONTRACTORS

"(a) In this section:

"(1) 'Covered senior defense official' means—

"(A) the Deputy Secretary of Defense;

"(B) the Under Secretary of Defense for Research and Engineering;

"(C) the Assistant Secretary of Defense for Acquisition and Logistics;

"(D) the Secretary of the Army;

"(E) the Secretary of the Navy;

"(F) the Secretary of the Air Force;

"(G) the under secretary of each military department;

"(H) the Assistant Secretary of the Army for Research, Development and Acquisition;

"(I) the Assistant Secretary of the Navy for Shipbuilding and Logistics;

"(J) the Assistant Secretary of the Navy for Research, Engineering and Systems;

"(K) the Assistant Secretary of the Air Force for Research, Development, and Logistics; and

"(L) any other official in the Department of Defense who is appointed by the President and who has been designated by the President as a covered senior defense official for purposes of this section in an executive order issued not less than 180 days before the date on which such official is appointed to the position of such official.

"(2) 'Defense contractor' has the same meaning provided in section 2397(a)(2) of this title.

"(3) 'Employment' has the same meaning provided in section 2397a(a)(5) of this title.

"(b) A covered senior defense official may not contact a defense contractor regarding future employment opportunities for the official with the defense contractor.

"(c) A covered senior defense official shall immediately terminate any contract made by a defense contractor with the official regarding future employment opportunities for the official with the defense contractor.

"(d)(1) Upon termination of Federal Government employment, a covered senior defense official who has served in the position of such official for a period beginning not less than 24 months before the date of the termination and ending on such date shall be entitled to receive as severance pay the lesser of—

"(A) the amount determined under paragraph (2); or

"(B) the greater of—

"(i) the amount determined by multiplying the number of days between the date on which the covered senior defense official terminates such employment and the date on which he commences employment outside the Federal Government by the daily equivalent of the annual rate of basic pay for the position of the covered senior defense official on the day before the termination of his Federal Government employment; and

"(ii) an amount equal to one-twelfth of the annual rate of basic pay for the position of the covered senior defense official on the day before the termination of his Federal Government employment.

"(2) The amount referred to in paragraph (1)(A) is—

"(A) in the case of a covered senior defense official who has served in his position for at least 2 consecutive 12-month periods but less than 3 consecutive 12-month periods, the amount equal to one-fourth of the annual rate of basic pay for such position on the day before the termination of his Federal Government employment;

"(B) in the case of a covered senior defense official who has served in the position of such official for at least 3 consecutive 12-month periods but less than 4 consecutive 12-month periods, the amount equal to one-third of the annual rate of basic pay for such position on the day before the termination of his Federal Government employment; and

"(C) in the case of a covered senior defense official who has served in the position of such official for at least 4 consecutive 12-month periods, the amount equal to five-twelfths of the annual rate of basic pay for such position on the day before the termination of his Federal Government employment.

For the purpose of this paragraph, if the service of a person as a covered senior de-

fense official is terminated by reason of a change of Presidents and the number of months of service as such an official is not divisible by 12, the number of months of such service shall be increased to the next higher number that is divisible by 12.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2397a the following new item:

"2397b. Prohibition on private employment contacts between certain Department of Defense officials and defense contractors.".

(b) Section 2397(a) of title 10, United States Code, is amended—

(1) by inserting at the end of subsection (a) the following:

"(7) 'Covered senior defense official' has the same meaning provided in section 2397b(a)(1) of this title.";

(2) by inserting "or a covered senior defense official makes or receives such a contact from any defense contractor regarding such an opportunity," after "defense contractor," in subsection (b)(1);

(3) by striking out "a covered defense official" the second place it appears in subsection (e) and inserting in lieu thereof "the defense official"; and

(4) by inserting "or a covered senior defense official" after "covered defense official" each place it appears in subsections (b)(2), (d)(2)(A), (e), and (f).

EFFECTIVE DATES

SEC. 5. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment.

(b)(1) The amendments made by section 3 shall take effect on October 1, 1986.

(2) The amendments made by section 4 shall take effect with respect to persons who are appointed to positions referred to in section 2397b(a)(1) of title 10, United States Code (as added by section 4(a)), not less than 60 days after the date of the enactment of this Act.

SUMMARY OF THE "DEFENSE ACQUISITION ENTERPRISE AND INITIATIVE ACT OF 1986"

SECTION 1—SHORT TITLE

SECTION 2—DEFENSE ENTERPRISE PROGRAMS

Section 2 of the bill will allow the Secretary of each Service, with the approval of the Secretary of Defense, to designate any major defense program as an enterprise program. The enterprise program manager will be accountable to the Service Secretary or a representative designated by the Service Secretary. If the Service Secretary designates a representative to direct the enterprise program manager, that representative will be accountable only to the Service Secretary. A defense enterprise program will be subject to no acquisition regulation, policy, directive or other administrative guidance other than that contained in the Federal Acquisition Regulations and the Defense Federal Acquisition Regulation Supplement.

In choosing program a manager for an enterprise program, the Service Secretary may select a civilian from the Defense Acquisition Service mentioned below, or from the Armed Services. The selection may be made without regard to the grade or rank of the individual or administrative policies. The enterprise program manager selectee will only be required to have at least eight years of experience in the acquisition, support and maintenance of weapon systems. At a minimum, the enterprise program manager will be appointed for four years or until the first DSARC milestone after his appointment, whichever is less. Otherwise, an enterprise program manager may only be removed for inadequate performance or to manage another more important defense enterprise program.

Once a year, the enterprise program manager will have his performance evaluated by the individual to whom he is designated to report by the Service Secretary. Through regulations prescribed by the Secretary of Defense, the enterprise program manager shall be evaluated on his ability to meet the time, cost and quality objectives of the program. The functional agencies within the Department of Defense who, but for the special line of authority for enterprise program managers, would have the authority to approve or disapprove the decisions of the program manager, may submit comments to be considered in the annual evaluation.

The enterprise program manager will have the authority to appoint a senior staff either from the Defense Acquisition Service, the government civilian workforce, or from the Armed Services without regard to administrative policies. To enable him to manage the program without the assistance of other organizational units of the Service, the enterprise program manager may also appoint a technical staff, including technical experts in contracting, auditing, testing, and logistics. He may appoint the technical staff members from the civilian employees of the Military Departments, members of the Defense Acquisition Service or members of the Armed Services.

In order to enhance the stability of the enterprise program, section 2 will require the Secretary of Defense to submit an authorization request to Congress with sufficient sums to conduct the program through at least one DSARC milestone. A statement that it will be Congressional policy to authorize sufficient appropriations to conduct a defense enterprise program through at least one DSARC milestone has been included as well.

SECTION 3—DEFENSE ACQUISITION SERVICE

Section 3 establishes a Defense Acquisition Service consisting of 10,000 civilians, appointed under rules established by the Secretary of Defense. Under this provision, each Service Secretary will be authorized to appoint civilians to the DAS, with 30 percent of the individuals to be appointed at the entry level during each fiscal year. Entry-level appointments will be made on the basis of competitive written examination, with minimum education, training and experience being necessary for an individual to be eligible to take the examination. Those appointments at other than entry level will be based on education, training, experience and demonstrated ability in acquisition.

Once appointed, a member of the Defense Acquisition Service may be assigned to perform appropriate acquisition duties within the Service, as determined by the Service Secretary. The number of DAS members appointed to a Service will be offset by reductions in the assigned civilian personnel end-strength of that Service.

In prescribing regulations establishing the DAS, the Secretary of Defense will develop a special pay schedule with the minimum rate of pay equivalent to that for a grade GS-7 and the maximum equivalent to the maximum rate of pay established for the Senior Executive Service. In addition, members of the Defense Acquisition Service will be eligible for performance awards based on excellence of service.

Each member of the Defense Acquisition Service will undergo at least one performance evaluation annually. The evaluation will be conducted by the appointing Service Secretary or his delegate. On the basis of this performance evaluation, the base pay rate of the DAS member may be increased or decreased, or he may be removed from the DAS entirely.

No more than 3,000 civilians could be appointed to the DAS during the first three years after enactment, with 350 billets available to each Service in fiscal 1987, 700 in fiscal 1988, and 1,000 in fiscal 1989.

SECTION 4—PROHIBITED PRIVATE EMPLOYMENT CONTACTS

Section 4 will prohibit covered senior defense officials from any contact with a defense contractor concerning the future employment opportunities of the official with the defense contractor. Covered senior defense officials are those listed in the section, as well as any other Presidential appointee to the Department of Defense so designated by Presidential Executive Order six months before his appointment.

Upon termination of government employment, covered senior defense officials who have served for at least two years will be eligible for severance pay. A covered senior offical serving for two years or more, but less than three years, will be eligible to receive the equivalent of three months pay at the basic rate for the position last held by the covered official. A covered official serving three years or more, but less than four, will be eligible for the equivalent of four months pay. A covered official serving four years or more will be eligible for the equivalent of five months pay.

In the event that a covered official's service is terminated because of a change of Presidential administration, the number of months of the official's service will be rounded up to the next highest number divisible by 12 for the purposes of computing eligibility for severance pay.

In any case, the covered senior defense official is only eligible for severance payment for those periods in which he is actually unemployed upon leaving government service. In other words, a covered senior defense official with four years of service would only be eligible for the equivalent of one month's base pay, if he begins post-government employment within the first month after leaving government service.●

By Mr. STAFFORD (for himself, Mr. MITCHELL, Mr. LAUTENBERG, Mr. BAUCUS, and Mr. MOYNIHAN):

S. 2083. A bill to amend the Toxic Substances Control Act to require the Environmental Protection Agency to set standards for identification and abatement of hazardous asbestos in the Nation's schools, to mandate abatement of hazardous asbestos in the Nation's schools in accordance with those standards, to require local educational agencies to prepare asbestos management plans, and for other purposes; to the Committee on Environment and Public Works.

ASBESTOS HAZARD EMERGENCY RESPONSE ACT

● Mr. STAFFORD. Mr. President, I am pleased to introduce today a bill

entitled the "Asbestos Hazard Emergency Response Act of 1986." The purpose of the bill is to protect the health of our Nation's schoolchildren and school employees by assuring timely and safe abatement of hazardous asbestos in school buildings.

Asbestos is a proven human carcinogen. Its deadly fibers can penetrate deep into the lungs, leading to lung cancer, mesothelioma, and other serious diseases 20 to 40 years after exposure. It is estimated that about 31,000 schools contain asbestos fireproofing or insulation. Some 15 million students and 1.4 million school employees occupy these schools.

In many of these schools, the asbestos is not damaged so that fibers are released. In other schools, deteriorating asbestos-containing material presents a serious and immediate threat to health.

The Environmental Protection Agency has grappled with the problem of asbestos in schools since the late 1970's. Since 1982, school officials have been required, by rules issued under the Toxic Substances Control Act, to inspect for dangerous asbestos in schools and to notify parents and employees when it is found. EPA has issued technical guidance, but no standards for asbestos identification, hazard evaluation, and removal. As a result, schools have been uncertain about how to proceed. Too often, pressure from parents has forced school officials to remove asbestos that should have been left in place. Not only has money been spent needlessly, but in some cases, the danger has been increased by disturbing the asbestos. The problem has been exacerbated by untrained and unscrupulous contractors who have preyed on the fears of school occupants and school officials.

Mr. President, the bill I am introducing today would put the Asbestos-in-Schools Program on a sound footing. It would require the EPA to set much needed technical standards for asbestos identification, assessment, abatement, and disposal. These standards will define circumstances when operation and maintenance requirements are more appropriate than expensive and dangerous removal of asbestos. The bill would require EPA to publish a model contractor accreditation program for use by the States. And it would require local education agencies that have not done so to inspect their schools and develop appropriate asbestos management plans when hazardous asbestos is found.

Mr. President, this bill deserves the support of every Member of this body. Its aim is to protect our most precious resource, our children, from risk of cancer. I believe it would accomplish this goal in a reasonable and prudent manner. I believe it will be supported by a long list of public interest, environmental, and school-related groups and associations. I urge my colleagues to support it as well.

I ask unanimous consent that the bill and a description of its provisions be inserted into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Asbestos Hazard Emergency Response Act of 1986".

SEC. 2. AMENDMENT TO TOXIC SUBSTANCES CONTROL ACT.

The Toxic Substances Control Act is amended by adding at the end the following:

"TITLE II—ASBESTOS HAZARD EMERGENCY RESPONSE

"SEC. 201. CONGRESSIONAL FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds the following:

"(1) The Environmental Protection Agency's rule on inspection and notification of asbestos hazards has neither standards for the proper identification and abatement of hazardous asbestos, nor a requirement that hazardous asbestos be abated in a safe and complete manner once it is discovered. As a result, some schools have taken no action at all while many others have undertaken expensive abatement projects with no regulatory guidance from the Environmental Protection Agency on whether the actions are necessary, adequate, or safe. Thus, serious asbestos hazards continue to exist in schools, and some hazards actually may have been made worse due to the lack of national standards for asbestos hazards and abatement.

"(2) Because there are no Federal standards whatsoever regulating daily exposure to asbestos fibers in other public and commercial buildings, persons in addition to those comprising the Nation's school population may be exposed daily to hazardous asbestos.

"(b) PURPOSE.—The purpose of this title is to—

"(1) provide for the establishment of Federal standards for the identification and abatement of hazardous asbestos in the Nation's schools;

"(2) mandate safe and complete reinspection and abatement in accordance with those standards; and

"(3) require the Administrator to conduct a study to find out the extent of the danger to human health posed by asbestos in public and commerical buildings and the means to abate any such danger.

"SEC. 202. DEFINITION OF ASBESTOS; STANDARDS FOR ASBESTOS IDENTIFICATION AND ABATEMENT; MANDATORY ABATEMENT OF HAZARDOUS ASBESTOS.

"(a) ASBESTOS DEFINED.—

"(1) IN GENERAL.—For purposes of this title, the term 'asbestos' means—

"(A) friable asbestos, and

"(B) material which contains friable asbestos.

"(2) FRIABLE ASBESTOS.—For purposes of paragraph (1), the term 'friable asbestos' means—

"(A) chrysolite, amosite, or crocidolite, or

"(B) in fibrous form, tremolite, anthophyllite, or actinolite,

which can be crumbled, pulverized, or reduced to powder by hand pressure.

"(b) EPA REGULATIONS ON IDENTIFICATION AND ABATEMENT OF ASBESTOS.—Within 180 days after the date of the enactment of this title, the Administrator shall promulgate the following:

"(1) Regulations which prescribe procedures, including the use of trained personnel, for determining whether asbestos is present in a school building.

"(2) Regulations which prescribe standards for the circumstances in which the presence of asbestos in a school building shall be considered hazardous. In any standard under this paragraph, at a minimum asbestos shall be considered hazardous is the asbestos or its covering is—

"(A) visibly damaged, or

"(B) readily accessible in a manner which presents a reasonable likelihood of human exposure to airborne asbestos fibers.

"(3) Regulations which mandate abatement, in accordance with standards prescribed under paragraph (4), of hazardous asbestos found in any school building, as determined in accordance with standards prescribed under paragraphs (1) and (2). For purposes of this paragraph, 'abatement' means actions taken to eliminate the hazards posed by asbestos, including enclosure, encapsulation, repair, or removal.

"(4) Regulations which prescribe standards for performance of asbestos abatement activities in school buildings and for determination of when the hazard has been abated. Such regulations shall include standards for protection for both workers and building occupants, for the following phases of abatement activity:

"(A) Inspection.

"(B) Abatement.

"(C) Post-abatement, including any long term operation and maintenance activity.

"(5) Regulations which prescribe standards for performance of operation and maintenance for—

"(A) hazardoud asbestos which is abated by a means other than removal, and

"(B) asbestos which is found not to be hazardous.

The regulations shall include provisions for the education and protection of employees who may come in contact with the asbestos, and for periodic reinspection of the asbestos.

"(6) Regulations which prescribe such standards for transportation and disposal of asbestos as may be necessary to protect human health and the environment.

"(c) HAZARDOUS ASBESTOS STANDARD IF EPA FAILS TO PROMULGATE REGULATIONS.—If the Administrator fails to promulgate regulations under subsections (b)(1) and (2) within the prescribed period, any asbestos or its covering which exists in the school building shall be considered hazardous if the asbestos is visibly damaged, with portions of the material dislodged, missing, cracked, deteriorated, showing evidence of water damage, or flaking, in any area in the school building were there is a potential for human exposure, including an air plenum. Such standards shall be effective until such time as the Administrator promulgates different standards under regulations under subsections (b)(1) and (2).

"(d) ABATEMENT IF EPA FAILS TO PROMULGATE REGULATIONS.—If the Administrator fails to promulgate regulations under subsections (b) (3) and (4) within the prescribed period, and asbestos which is hazardous under the standard described in subsection

(c) exists in a school building, the local educational agency with jurisdiction over the school building shall abate such asbestos in accordance with the most recent version of the Environmental Protection Agency's 'Guidance for Controlling Asbestos-Containing Materials in Buildings' (or any successor to such document). The ambient interior concentration of asbestos after the completion of abatement shall not exceed the ambient exterior concentration, discounting any contribution from any local stationary source. In the absence of reliable measurements, the exterior ambient concentration shall be deemed to be less than 0.003 fibers per cubic centimeter. A scanning electron microscope shall be used to determine whether the standard has been met.

"(e) TRANSPORTATION AND DISPOSAL STANDARDS IF EPA FAILS TO PROMULGATE REGULATIONS.—if the Administrator fails to promulgate regulations under subsection (b)(6) within the prescribed period, any asbestos which is abated within a local educational agency shall be transported and disposed of in accordance with the most recent version of the Environmental Protection Agency's 'Asbestos Waste Management Guidance' (or any successor to such document).

"SEC. 203. MODEL CONTRACTOR ACCREDITATION PLAN.

"(a) MODEL PLAN.—

"(1) PERSONS TO BE ACCREDITED.—Within 180 days after the date of the enactment of this title, the Administrator shall develop model accreditation plan for States to give accreditation to persons in the following 4 categories:

"(A) Persons who inspect for asbestos in schools within a covered local educational agency.

"(B) Persons who prepare management plans for such schools.

"(C) Persons who carry out abatement of asbestos in such schools.

"(D) Persons who analyze bulk samples and air samples of asbestos from such schools in laboratories.

"(2) PLAN REQUIREMENTS.—The plan shall include a requirement that any person in the categories listed in the preceding sentence achieve a passing grade on an examination and participate in continuing education to stay informed about current asbestos abatement technology. The examination shall demonstrate the knowledge of the person, and the knowledge of any of such person's employees, in areas that the Administrator prescribes in regulations as necessary and appropriate in each of the categories. Such regulations may include requirements for knowledge in the following areas:

"(A) Recognition of asbestos and its physical characteristics.

"(B) Health hazards of asbestos and the relationship between asbestos exposure and disease.

"(C) Assessing the risk of asbestos exposure through a knowledge of percentage weight of asbestos, friability, age, deterioration, location and accessibility of materials, and advantages and disadvantage of dry and wet methods of abatement.

"(D) Respirators and their use, care, selection, degree of protection afforded, fitting, testing, and maintenance and cleaning procedures.

"(E) Appropriate work practices and control methods including the use of high efficiency particle absolute vacuums, use of amended water, and principles of negative air pressure equipment use and procedures.

"(F) Preparing a work area for asbestos work, which would include isolating work areas to prevent bystander or public exposure, decontamination procedures, and procedures for dismantling work areas after completion of work.

"(G) Establishing emergency procedures to respond to sudden releases.

"(H) Air monitoring requirements and procedures.

"(I) Medical surveillance program requirements.

"(J) Proper job-specific work practices, including work area preparation, decontamination, emergency procedures, and waste disposal procedures.

"(K) Housekeeping and personal hygiene practices, including the necessity of showers, and procedures to prevent asbestos exposure to an employee's family.

"(b) STATE ADOPTION OF PLAN.—Within 180 days after the Administrator has developed a model contractor accreditation plan under subsection (a), each State shall adopt a contractor accreditation plan at least as stringent as that model.

"(c) CONTRACTOR IN STATE WHICH HAS NOT ADOPTED A PLAN.—Any person described in subsection (a)(1)—

"(1) who plans to carry out any activities described in subsection (a)(1),

"(2) more than 180 days after the Administrator has developed a model contractor accreditation plan under subsection (a),

"(3) in a State which has not adopted a plan under subsection (b),

must be accredited by another State which has adopted such a plan under subsection (b) before carrying out any of the activities described in subsection (a)(1).

"(d) FINANCIAL ASSISTANCE CONTINGENT ON USE OF ACCREDITED PERSONS.—A school which is an applicant for financial assistance under section 505 of the Asbestos School Hazard Abatement Act of 1984 is not eligible for such assistance if the school uses any person described in subsection (a)(1) who has not been accredited under a plan based on the model plan developed under subsection (a). This subsection shall apply to any financial assistance provided under the Asbestos School Hazard Abatement Act of 1984 more than 240 days after the date of the enactment of this title.

"SEC 204. STATE GOVERNOR ASBESTOS REVIEW.

"Within 90 days after the date of the enactment of this title, the Governor of each State shall establish administrative procedures for carrying out certain provisions described in sections 205 and 206. In establishing such procedures, the Governor shall designate to carry out the provisions those State officials who are responsible for implementing environmental protection or other public health programs in the State. If the Governor of a State does not establish such procedures, the Administrator shall carry out the applicable provisions until such time as the Governor establishes such procedures.

"SEC 205. CERTIFICATION OF SCHOOL INSPECTION AND ABATEMENT.

"(a) Certification Requirement.—Within 180 days after the date of the enactment of this title, each local educational agency shall conduct a certification to determine the status of asbestos inspection and abatement in each school under its authority. A certification shall consist of submitting to the State Governor (or the Administrator if the Governor has no procedures established under section 204) a written statement, signed by the highest ranking responsible official of the local educational agency, which contains each of the following items:

"For each school building, a statement on whether an inspection was conducted to ascertain the presence of any hazardous asbestos in the building, including a specific reference to whether an inspection was conducted in the boiler room of the building. If such an inspection was conducted, the following items of information shall be included in the statement:

"(A) The dates of inspection.

"(B) The name, address, and qualifications of each inspector.

"(C) A description of the specific areas inspected.

"(D) The name, address, and qualifications of each laboratory used for analyzing bulk samples or air samples of asbestos.

"(E) The results of the inspection.

"(2) For each school building, a statement on whether any actions to abate any hazardous asbestos found to be present were taken, including a specific reference to whether any actions were taken in the boiler room of the building. If any such abatement action was taken, the following items of information shall be included in the statement:

"(A) The location or locations at which the abatement action was taken.

"(B) Whether the method of abatement was removal, enclosure, or encapsulation.

"(C) The qualifications of the persons who conducted the abatement action.

"(b) PUBLIC AVAILABILITY OF CERTIFICATION.—A copy of the certification required under subsection (a) shall be available in the administrative offices of the local educational agency for inspection by the public, including teachers, other school personnel, and parents.

"SEC. 206. INSPECTION; ASBESTOS MANAGEMENT PLANS.

"(a) INSPECTION.—Within 120 days after the Administrator promulgates regulations under section 202, or, if the Administrator fails to promulgate the regulations within the prescribed period under section 202, within 180 days after the end of such prescribed period, each covered local educational agency shall conduct an inspection for asbestos in each school under its authority. Each inspection shall comply with the regulations promulgated under section 202(b)(1).

"(b) MANAGEMENT PLAN.—

"(1) GENERAL REQUIREMENT.—Within 240 days after the Administrator promulgates regulations under section 202, or, if the Administrator fails to promulgate the regulations within the prescribed period under section 202, within 240 days after the end of such prescribed period, each covered local educational agency shall prepare and submit to the State Governor (or the Administrator if the Governor has no procedures established under section 204) a management plan for abating hazardous asbestos in school buildings under its authority. Each plan shall provide for compliance with the regulations prescribed by the Administrator under sections 202(b) (2), (3), (4), (5), and (6) (or if there are no regulations, the standards in subsections (c), (d), and (e) of section 202) and shall include the following:

"(A) A description of the results of the inspection conducted under subsection (a), including the dates of inspection; the names, addresses, and qualifications of inspectors; and a description of the specific areas inspected.

"(B) A detailed description of measures to be taken to abate any hazardous asbestos,

including the location or locations at which an abatement action will be taken and the method or methods of abatement to be used.

"(C) An evaluation of resources needed to successfully complete abatement and carry out operation and maintenance.

"(D)(i) A detailed description of criteria and procedures which were followed in selecting the persons who inspected for asbestos and who analyzed the asbestos in laboratories, and which will be followed in selecting persons to abate the hazardous asbestos, or

"(ii) if the State has adopted a contractor accreditation plan similar to the model contractor accreditation plan developed under section 203, a statement that the local educational agency followed (or will follow) its plan in selecting such persons.

"(E) The names of the consultants who contributed to the plan, along with a description of their credentials.

"(F) A detailed description of any asbestos found in the school building which was found not to be hazardous under the regulations prescribed under subsection 202(b) (or the standard in subsection 202(c)) and which is not visibly damaged or flaking.

"(G) An operation and maintenance plan developed in accordance with standards prescribed under section 202(b)(5).

"(2) EXCEPTION FOR CERTAIN SCHOOLS.—If a covered local educational agency determines that a school under its authority—

"(A) conducted an inspection of asbestos which complied with the regulations promulgated under section 202(b)(1),

"(B) found asbestos, and

"(C) removed all the asbestos existing in that school,

the local educational agency may omit that school from the management plan but must include a statement in the plan explaining how that school identified the asbestos and removed all the asbestos from the school.

"(3) PLAN MAY BE SUBMITTED IN STAGES.—A covered local educational agency may submit a management plan in stages, with each submission of the agency covering only a portion of the school buildings under the agency's authority, if the agency determines that such action would expedite the identification and abatement of hazardous asbestos in the school buildings under the authority of the agency.

"(c) STATE, EPA ACTION.—The State Governor (or the Administrator) shall approve or disapprove a management plan submitted under this section within 90 days after the date of receipt of the plan. Approval shall be based on—

"(1) the degree to which the plan is suited to the problem identified;

"(2) its conformance with the model contractor accreditation plan developed under section 203;

"(3) its conformance with regulations under section 202(a) on asbestos inspection and abatement (or with the standards in sections 202 (b) and (c) if there are no regulations); and

"(4) the reasonableness and timeliness of the abatement schedule, taking into account circumstances relevant to the speed at which the hazardous asbestos should be abated, including public exposure to the hazard while the asbestos remains unabated.

If the State Governor (or the Administrator) disapproves a plan, the State Governor (or the Administrator) shall explain in writing to the covered local educational agency the reasons why the plan was rejected and the changes that need to be made in the plan in order to receive approval. Within 30 days after the date on which notice is received of rejection of its plan, a covered local educational agency shall revise the plan to conform with the State Governor's (or the Administrator's) suggested changes.

"(d) LEA IMPLEMENTATION OF MANAGEMENT PLANS; CERTIFICATION.—After a management plan submitted under this section is approved by the State Governor (or the Administrator), a covered local educational agency shall implement the plan. Within 1 year after approval of its plan, each covered local educational agency—

"(1) shall implement the plan, and

"(2) shall certify to the State Governor (or the Administrator) that the plan has been implemented, by submitting a statement in writing detailing the implementation.

"(e) PUBLIC AVAILABILITY OF MANAGEMENT PLAN.—A copy of the management plan required under subsection (b) shall be available in the administrative offices of the local educational agency for inspection by the public, including teachers, other school personnel, and parents.

"(f) WARNING LABELS.—A covered local educational agency which has carried out its management plan activities with respect to a school building shall attach a warning label to any asbestos still in routine maintenance areas of the school building, such as boiler rooms, including—

"(1) asbestos which was abated by a means other than removal and is subject to long-term operation and maintenance activities, and

"(2) asbestos which was not abated because it was found not to be hazardous.

The warning label shall read, in print which is readily visible because of large size or bright color, as follows: CAUTION: ASBESTOS. CAUSES CANCER. DO NOT DISTURB WITHOUT PROPER TRAINING AND EQUIPMENT (or words to that effect).

"SEC. 207. EPA RESPONSE AUTHORITY.

"(a) IN GENERAL.—Whenever—

"(1) the presence of asbestos in a school building may present an imminent and substantial endangerment to human health, and

"(2) the local educational agency is not taking sufficient action (as determined by the Administrator or Governor) to abate or arrange for the abatement of the asbestos.

the Administrator or the Governor of a State is authorized to act, consistent with standards prescribed under this title, to abate or arrange for the abatement of the hazard, or to take any other response measure which the Administrator or the Governor deems necessary to protect human health.

"(b) COST RECOVERY.—The Administrator may seek reimbursement from a local educational agency or any other potentially responsible party in a court of the United States for all costs of abatement action under this section incurred by the United States Government.

"SEC. 208. ABATEMENT ACTION.

"When the Administrator or the Governor of a State determines that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of the presence of asbestos in a school building, the Administrator may request the Attorney General of the United States, or the Governor may act, to secure such relief as may be necessary to abate such danger. The district court of the United States in the district in which the threat occurs shall have jurisdiction to grant such relief, including injunctive relief, as the public interest and the equities of the case may require.

"SEC. 209. PUBLIC PROTECTION.

"(a) PUBLIC PROTECTION.—No State or local educational agency may discriminate against a person in any way, including firing a person who is an employee, because the person provided information relating to a potential violation of this title to any other person, including a State or to the Federal Government.

"(b) LABOR DEPARTMENT REVIEW.—Any public or private employee or representative of employees who believes he or she has been fired or otherwise descriminated against in violation of subsection (a) may within 90 days after the alleged violation occurs apply to the Secretary of Labor for a review of the firing or alleged discrimination. The review shall be conducted in accordance with section 11(c) of the Occupational Safety and Health Act.

"SEC. 210. POLLUTION INSURANCE.

"(a) DEFINITIONS.—As used in this section—

"(1) INSURANCE.—The term 'insurance' means primary insurance, excess insurance, reinsurance, surplus lines insurance, and any other arrangement for shifting and distributing risk which is determined to be insurance under applicable State or Federal law.

"(2) POLLUTION LIABILITY.—The term 'pollution liability' means liability for injuries arising from the release of asbestos.

"(3) RISK RETENTION GROUP.—The term 'risk retention group' means any corporation or other limited liability association taxable as a corporation, or as an insurance company, formed under the laws of any State—

"(A) whose primary activity consists of assuming and spreading all, or any portion, of the pollution liability of its group members;

"(B) which is organized for the primary purpose of conducting the activity described under subparagraph (A);

"(C) which is chartered or licensed as an insurance company and authorized to engage in the business of insurance under the laws of any State; and

"(D) which does not exclude any person from membership in the group solely to provide for members of such a group a competitive advantage over such a person.

"(4) PURCHASING GROUP.—The term 'purchasing group' means any group of persons which has as one of its purposes the purchase of pollution liability insurance on a group basis.

"(b) STATE LAWS.—Nothing in this section shall be construed to affect either the tort law or the law governing the interpretation of insurance contracts of any State. The definitions of pollution liability and pollution liability insurance under any State law shall not be applied for the purposes of this section, including recognition or qualification of risk retention groups or purchasing groups.

"(c) RISK RETENTION GROUPS.—

"(1) EXEMPTION.—Except as provided in this subsection, a risk retention group shall be exempt from the following:

"(A) A State law, rule, or order which makes unlawful, or regulates, directly or indirectly, the operation of a risk retention group.

"(B) A State law, rule, or order which requires or permits a risk retention group to

participate in any insurance insolvency guaranty association to which an insurer licensed in the State is required to belong.

"(C) A State law, rule, or order which requires any insurance policy issued to a risk retention group or any member of the group to be countersigned by an insurance agent or broker residing in the State.

"(D) A State law, rule, or order which otherwise discriminates against a risk retention group or any of its members.

"(2) EXCEPTIONS.—

"(A) STATE LAWS GENERALLY APPLICABLE.—Nothing in paragraph (1) shall be construed to affect the applicability of State laws generally applicable to persons or corporations. The State in which a risk retention group is chartered may regulate the formation and operation of the group.

"(B) STATE REGULATIONS NOT SUBJECT TO EXEMPTION.—Paragraph (1) shall not apply to any State law which requires a risk retention group to do any of the following:

"(i) Comply with the unfair claim settlement practices law of the State.

"(ii) Pay, on a nondiscriminatory basis, applicable premium and other taxes which are levied on admitted insurers and surplus line insurers, brokers, or policyholders under the laws of the State.

(iii) Participate, on a nondiscriminatory basis, in any mechanism established or authorized under the law of the State for the equitable apportionment among insurers of pollution liability insurance losses and expenses incurred on policies written through such mechanism.

"(iv) Submit to the appropriate authority reports and other information required of licensed insurers under the laws of a State relating solely to pollution liability insurance losses and expenses.

"(v) Register with and designate the State insurance commissioner as its agent solely for the purpose of receiving service of legal documents or process.

"(vi) Furnish, upon request, such commissioner a copy of any financial report submitted by the risk retention group to the commissioner of the chartering or licensing jurisdiction.

"(vii) Submit to the examination by the State insurance commissioner in any State in which the group is doing business to determine the group's financial condition, if—

"(I) the commissioner has reason to believe the risk retention group is in a financially impaired condition; and

"(II) the commissioner of the jurisdiction in which the group is chartered has not begun or has refused to initiate an examination of the group.

"(viii) Comply with a lawful order issued in a delinquency proceeding commenced by the State insurance commissioner if the commissioner of the jurisdiction in which the group is chartered has failed to initiate such a proceeding after notice of a finding of financial impairment under clause (vii).

"(3) APPLICATION OF EXEMPTIONS.—The exemptions specified in paragraph (1) apply to—

"(A) pollution liability insurance coverage provided by a risk retention group for—

"(i) such group; or

"(ii) any person who is a member of such group;

"(B) the sale of pollution liability insurance coverage for a risk retention group; and

"(C) the provision of insurance related services or management services for a risk retention group or any member of such a group.

(4) AGENTS OR BROKERS.—A State may require that a person acting, or offering to act, as an agent or broker for a risk retention group obtain a license from that State, except that a State may not impose any qualification or requirement which discriminates against a nonresident agent or broker.

"(d) PURCHASING GROUPS.—

"(1) EXEMPTION.—Except as provided in this section, a purchasing group is exempt from the following:

"(A) A State law, rule, or order which prohibits the establishment of a purchasing group.

"(B) A State law, rule, or order which makes it unlawful for an insurer to provide or offer to provide insurance on a basis providing, to a purchasing group or its member, advantages, based on their loss and expense experience, not afforded to other persons with respect to rates, policy forms, coverages, or other matters.

"(C) A State law, rule, or order which prohibits a purchasing group or its members from purchasing insurance on the group basis described in subparagraph (B) of this paragraph.

"(D) A State law, rule, or order which prohibits a purchasing group from obtaining insurance on a group basis because the group has not been in existence for a minimum period of time or because any member has not belonged to the group for a minimum period of time.

"(E) A State law, rule, or order which requires that a purchasing group must have a minimum number of members, common ownership or affiliation, or a certain legal form.

"(F) A State law, rule, or order which requires that a certain percentage of a purchasing group must obtain insurance on a group basis.

"(G) A State law, rule, or order which requires that any insurance policy issued to a purchasing group or any members of the group be countersigned by an insurance agent or broker residing in that State.

"(H) A State law, rule, or order which otherwise discriminates against a purchasing group or any of its members.

"(2) APPLICATION OF EXEMPTIONS.—The exemptions specified in paragraph (1) apply to the following:

"(A) Pollution liability insurance, and comprehensive general liability insurance which includes this coverage, provided to—

"(i) a purchasing group; or

"(ii) any person who is a member of a purchasing group.

"(B) The sale of any one of the following to a purchasing group or a member of the group:

"(i) Pollution liability insurance and comprehensive general liability coverage.

"(ii) Insurance related services.

"(iii) Management services.

"(3) AGENTS OR BROKERS.—A State may require that a person acting, or offering to act, as an agent or broker for a purchasing group obtain a license from that State, except that a State may not impose any qualification or requirement which discriminates against a nonresident agent or broker.

"(e) APPLICABILITY OF SECURITIES LAWS.—

"(1) OWNERSHIP INTERESTS.—The ownership interests of members of a risk retention group shall be considered to be—

"(A) exempted securities for purposes of section 5 of the Securities Act of 1933 and for purposes of section 12 of the Securities Exchange Act of 1934; and

"(B) securities for purposes of the provisions of section 17 of the Securities Act of 1933 and the provisions of section 10 of the Securities Exchange Act of 1934.

"(2) INVESTMENT COMPANY ACT.—A risk retention group shall not be considered to be an investment company for purposes of the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).

"(3) BLUE SKY LAW.—The ownership interests of members in a risk retention group shall not be considered securities for purposes of any State blue sky law.

"SEC. 211. PREEMPTION.

"Nothing in this title shall be construed as preempting a State from establishing any additional liability or requirements with respect to asbestos in school buildings within such State.

"SEC. 212. DEFINITIONS.

"For purposes of this title—

"(1) the term 'Administrator' means the Administrator of the Environmental Protection Agency;

"(2) the term 'local educational agency' means—

"(A) any local educational agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381), and

"(B) the governing authority of any nonprofit elementary or secondary school;

"(3) the term 'covered local educational agency' means any local educational agency which has under its authority, after conducting certification under section 205—

"(A) any school in which there was no inspection for asbestos;

"(B) any school which conducted an inspection for asbestos, found asbestos, and did not abate the asbestos, or

"(C) any school which conducted an inspection for asbestos, found asbestos, and abated the asbestos by a method other than removal.

"(4) the term 'non-profit elementary or secondary school' means any elementary or secondary school (as defined in section 198 of the Elementary and Secondary Education Act of 1965) owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(5) the term 'public and commercial building' means any building which is not a school building and which is not residential property.

"(6) the term 'school building' means—

"(A) structures suitable for use as classrooms, including school facilities such as laboratories, libraries, school eating facilities, or facilities used for the preparation of food;

"(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

"(C) other facilities used for the instruction of students or for the administration of educational or research programs; and

"(D) maintenance, storage, or utility facilities essential to the operation of the facilities described in subparagraphs (A), (B), and (C);

"(7) the term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marianas, the Trust Territory of the Pacific Islands, and the Virgin Islands.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENT TO ASBESTOS SCHOOL HAZARD ABATEMENT ACT.—Section 505(g) of the Asbestos School Hazard Abate-

ment Act of 1984 is amended by adding at the end the following new paragraph:

"(4) No financial assistance may be provided under this section to any school which uses any person described in section 203(a)(1) (to carry out any activities described in such section) of the Toxic Substances Control Act who has not been accredited under a plan based on the model plan developed under section 203(a) of that Act. This paragraph shall apply to any financial assistance provided under this section more than 240 days after the date of the enactment of the Asbestos Hazard Emergency Response Act of 1986.".

(b) CONFORMING AMENDMENT TO TOXIC SUBSTANCES CONTROL ACT.—Section 15 of the Toxic Substances Control Act is amended in paragraph (1)—

(A) by striking out "or" before "(C)",

(B) by striking out the semicolon and inserting in lieu thereof a comma, and

(C) by adding at the end thereof the following: "or (D) any rule promulgated or order issued under title II;".

(c) TECHNICAL AMENDMENTS.—The Toxic Substances Control Act is amended—

(1) by inserting immediately before section 1 the following:

"TITLE I—CONTROL OF TOXIC SUBSTANCES";

(2) by inserting in the table of contents in section 1, immediately before the item relating to section 1, the following:

"TITLE I—CONTROL OF TOXIC SUBSTANCES"; and

(3) by adding at the end of the table of contents in section 1 the following:

"TITLE II—ASBESTOS HAZARD EMERGENCY RESPONSE

"Sec. 201. Congressional findings and purpose.
"Sec. 202. Definition of asbestos; standards for asbestos identification and abatement; mandatory abatement of hazardous asbestos.
"Sec. 203. Model contractor accreditation plan.
"Sec. 204. State Governor asbestos review.
"Sec. 205. Certification of school inspection and abatement.
"Sec. 206. Inspection; asbestos management plans.
"Sec. 207. EPA response authority.
"Sec. 208. Abatement action.
"Sec. 209. Employee protection.
"Sec. 210. Pollution insurance.
"Sec. 211. Preemption.
"Sec. 212. Definitions.".

SEC. 4. AUTHORIZATION.

Section 512 of the Asbestos School Hazard Abatement Act of 1984 is amended by adding at the end the following: "In addition, for such purposes there are authorized to be appropriated out of the Asbestos Trust Fund established by section 5 of the Asbestos Hazard Emergency Response Act of 1986 $25,000,000 for each of fiscal years 1987, 1988, 1989, and 1990.".

SEC. 5. ASBESTOS TRUST FUND.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Asbestos Trust Fund", consisting of such amounts as may be transferred or credited to such Trust Fund as provided in this section

(b) TRANSFERS TO TRUST FUND.—

(1) TRANSFER.—There are hereby transferred to the Asbestos Trust Fund amounts equivalent to amounts received in the Treasury on or after January 1, 1986, as repayments of loans made under section 505 of the Asbestos School Hazard Abatement Act of 1984 as in effect on the date of the enactment of this Act.

(2) MONTHLY TRANSFERS.—The amounts transferred by paragraph (1) shall be transferred at least monthly from the general fund of the Treasury to the Asbestos Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in such paragraph. Adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were more or less than the amounts required to be transferred.

(c) MANAGEMENT OF TRUST FUND.—

(1) INVESTMENT.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Asbestos Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States and may be acquired—

(i) on original issue at the issue price, or

(ii) by purchase of outstanding obligations at the market price.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Asbestos Trust Fund may be sold by the Secretary of the Treasury at the market price.

(C) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Asbestos Trust Fund shall be credited to and form a part of the Trust Fund.

(2) REPORT.—It shall be the duty of the Secretary of the Treasury to hold the Asbestos Trust Fund and (after consultation with any other trustees of the Trust Fund) to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operation during the next 5 fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(d) EXPENDITURES FROM ASBESTOS TRUST FUND.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, only for purposes of carrrying out the Asbestos Hazards Abatement Assistance Program under section 505 of the Asbestos School Hazard Abatement Act of 1984 as in effect on the date of the enactment of this Act.

(e) AUTHORITY TO BORROW.—

(1) IN GENERAL.—There are authorized to be appropriated to the Asbestos Trust Fund, as repayable advances, $25,000,000 for each of fiscal years 1987, 1988, 1989, and 1990.

(2) REPAYMENT OF ADVANCES.—

(A) IN GENERAL.—Advances made under this subsection shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Asbestos Trust Fund.

(B) RATE OF INTEREST.—Interest on advances made under this subsection shall be at a rate determined by the Secretary (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1986.

DESCRIPTION OF BILL

The bill would amend the Toxic Substances Control Act by adding to it a new Title II entitled the "Asbestos Hazard Emergency Response Act of 1986."

Section 201 contains the Congressional findings and purpose of the bill.

Section 202 defines hazardous asbestos and requires the Environmental Protection Agency to promulgate a series of regulations related to asbestos identification, hazard assessment, abatement, operation and maintenance procedures, transportation and disposal. Fall back standards in the bill would apply should EPA fail to promulgate the required standards.

Section 203 defines the components of a model contractor accreditation program that EPA is required to publish. It requires States to adopt accreditation programs based on the model, and it provides that a school must use an accredited contractor in order to be eligible for asbestos abatement loan or grant funds under the Asbestos School Hazard Abatement Act of 1984.

Section 204 requires Governors to establish administrative procedures reviewing certifications of compliance by local education agencies and for approving asbestos management plans.

Section 205 requires local education agencies to submit to the Governor a certification describing inspections that have occurred and asbestos management activities that have been completed, are underway, or are planned. This certification must be made available to the public.

Section 206 requires local education agencies that have not done so to inspect for asbestos and, if hazardous asbestos is found, to develop a management plan in conformance with the EPA technical standards. The plan must be submitted to the Governor for approval, after which they must be implemented within one year. Asbestos remaining in routine maintenance areas must be labelled.

Section 207 authorizes the EPA Administrator or a governor to take emergency action to abate an imminent and substantial endangered to public health and to seek reimbursement from a local education agency or any potentially responsible party.

Section 208 authorizes the EPA Administrator or a Governor to seek relief from an imminent and substantial endangerment in a federal district court.

Section 209 provides protection from harassment to persons who report violations of these requirements.

Section 210 authorizes the formation of risk retention groups for purposes of providing "self insurance" to group members. Such groups need not register in each State in which a member resides.

Section 211 states that this title does not preempt a State from establishing additional liability or requirements with respect to asbestos in schools.

Section 212 contains definitions.●

● Mr. LAUTENBERG. Mr. President, I am pleased to join the chairman of the Environment and Public Works Committee, Senator STAFFORD, and other colleagues in sponsoring the Asbestos Hazard Emergency Response Act of 1986.

Asbestos is a killer material. It is a potent carcinogen. EPA has recognized this hazard in a recently published proposed regulation which will ban most uses of asbestos in the next 10

years in order to protect the health and life of the public. Having taken this step to prevent future use of asbestos, EPA should also look at past uses to determine what should be done to mitigate the dangers they create.

The bill that we are introducing today will put EPA firmly on the path to ensuring that schools seek out and clean up hazardous asbestos. It will require EPA to set standards for the identification and abatement of hazardous asbestos and for the safe conduct of that abatement. These new requirements will greatly strengthen EPA's asbestos in schools program and will enhance the ability of school districts to provide a safe and healthy environment for their students, teachers, and other employees.

Current EPA regulations require all schools to inspect and test building materials to determine the presence of friable, or crumbling and dangerous, asbestos. If the material is found, parents and school employees must be notified. EPA also provides some technical assistance to schools.

Although EPA does not require any action other than notification after asbestos is identified, many schools have decided on their own that they need to remove or otherwise abate this material. This process is expensive. In 1984, I joined my colleagues on the Environment and Public Works Committee in drafting legislation to provide a program of grants and loans to assist the neediest schools with the worst asbestos problems in meeting these costs. That legislation became the Asbestos School Hazard Abatement Act of 1984. Since that time Congress has appropriated $105 million for grants, loans, and technical assistance for the ASHAA Program.

The current program, while an important first step, needs strengthening. Discovering the problem is only half the battle. EPA will enter into a partnershp with schools to see that hazards are dealt with appropriately. This bill will require EPA to promulgate regulations dealing with identification and abatement of asbestos. The regulations will deal with procedures for determining the presence of hazardous asbestos; standards for determining if asbestos is hazardous; mandatory abatement of hazardous asbestos; standards for performance of abatement activity; standards for operation and maintenance for nonhazardous asbestos; and standards for disposal. The bill includes provisions for setting standards if EPA fails to act in the time period set in the bill.

Another important feature of the bill is a requirement for EPA to develop a model contractor accreditation plan for the States to adopt. This plan will cover asbestos inspectors, people who develop asbestos management plans, abatement workers, and laboratory workers who analyze asbestos samples. This will help to assure that all work involving asbestos is done properly and in accordance with the best and highest standards.

All schools will be required to inspect for asbestos and maintain records on what was done. They will be required to prepare a management plan for abating hazardous asbestos and maintaining nonhazardous asbestos.

Pollution insurance and a revolving fund using the repayment of loans from ASHAA are also addressed in the bill.

Mr. President, Congress and EPA have demonstrated in various ways that they recognize the dangers of loose asbestos fibers. The bill we are introducing today will help to make certain that young schoolchildren are properly protected from this danger. No longer will cleanup activities be optional, nor will it be possible for untrained workers to conduct the cleanup. If it is wrong to continue manufacturing asbestos-containing products, it is just as wrong to leave asbestos in the schools which the Nation's children must attend every day. I urge my colleagues to join us in sponsoring this bill. I look forward to working with the chairman of the committee in moving this important legislation as quickly as possible.●

● Mr. BAUCUS. Mr. President, I am pleased to join Senator STAFFORD and others in sponsoring this bill that addresses the critical issue of asbestos in our Nation's schools.

Asbestos is a known cause of cancer and serious lung disease. Unfortunately, prior to 1970, asbestos was used as insulation in thousands of public buildings across the Nation: schools, hospitals, post offices, to name just a few.

This bill is aimed at getting EPA more involved in helping schools remove asbestos from their buildings. We must do everything in our power to protect our children from this serious health hazard.

Up to now, the Environmental Protection Agency has required schools to inspect for asbestos and publicize the results. However, EPA has not required schools to remove or cover the asbestos. EPA has also been very reluctant to provide schools with financial assistance to get the cleanup job done.

As a result, we still have a lot of schools with asbestos and we have the health of a lot of children at risk.

This bill will turn EPA from a passive to an active player in States' efforts to solve the asbestos problem.

The first, and probably most important provision in this bill, would require EPA to set standards for dealing with the asbestos at several levels:

Identifying asbestos; determining the seriousness of the hazard; setting requirements for removal of the asbestos; determining the correct procedures for removing the asbestos; transporting and disposing of the asbestos; and periodic monitoring to ensure the asbestos has been completely removed.

The second provision of this bill requires EPA to set up a model contract accreditation program. This would ensure that States have a sufficient number of qualified contractors who know how to safely remove and dispose of asbestos.

The third provision requires each State to come up with its own plan on how it will comply with the Federal standards set by EPA.

The fourth provision provides contractors with an insurance mechanism that will help protect them in the event of a civil suit.

The fifth, and final provision, creates an asbestos trust fund. In 1984, Congress established a loan program to help underwrite the costs schools incurred for asbestos removal. Loan payments went back into the General Treasury. This provision would put loan payments in a special trust fund so that the money could be recycled for more asbestos work.

Together, these provisions will help provide a safe and healthy environment for our Nation's schoolchildren, teachers, and other school personnel.

This bill will force EPA to do what it should have done on its own years ago.

I urge my colleagues to support this important legislation.●

By Mr. GARN (for himself, Mr. HECHT, Mr. RIEGLE, Mr. D'AMATO, Mr. GORTON, Mr. GRAMM, Mr. PROXMIRE, Mr. SASSER, Mr. CRANSTON, Mr. DIXON, Mr. SARBANES, and Mr. MATTINGLY):

S. 2084. A bill authorizing the President to present gold medals to the families of the crew members of mission 51-L of the space shuttle *Challenger;* to the Committee on Banking, Housing, and Urban Affairs.

PRESENTATION OF GOLD MEDALS TO THE FAMILIES OF MISSION 51-L CREW MEMBERS

● Mr. GARN. Mr. President, since the terrible tragedy that took the lives of the *Challenger's* seven astronauts, some 3 weeks ago, there have been thousands upon thousands of expressions of tribute to those seven brave men and women, and sympathy for their families and loved ones. All of us have been deeply touched and moved by the words of comfort and commemoration we have heard and the acts of generosity that we have seen in the great national outpouring that has followed the loss of *Challenger* and her crew.

Two weeks ago, several of our colleagues and I were present at the memorial service in Houston, at the Johnson Space Center, where the President led the Nation in paying

formal tribute to the sacrifice of those brave Americans. It was a sad and somber day for all of us, and yet a day also of promise and hope, in the expressions of determination and renewed spirit, and the President's promise that the quest for which Dick Scobee, Mike Smith, Judy Resnik, Ron McNair, Ellison Onizuka, Greg Jarvis, and Christa McAuliffe made the ultimate sacrifice, would continue.

Out of the grief of this national tragedy has come a sense of pride, as people across the country have come to know the *Challenger* seven, and the kind of people they were, and the kind of selfless dedication they made to America's space program, and its role in the greatest search for knowledge and advancement that the world has ever known. They contributed their talents on behalf of all of us; they accepted their challenge on behalf of all of us, and they paid the ultimate price in a quest they were undertaking for all of us.

I believe it is fitting that we, as representatives of the people of this Nation, make a gesture to symbolize the acknowledgment by all Americans of the sacrifice made by the *Challenger* seven. The legislation several of my colleagues and I are introducing today provides the authority to the President to make such a gesture, in the form of seven gold medals, struck specifically for this purpose, to be presented to the families of the *Challenger* astronauts.

It is a small token, and there is much more that we can and should, and will do. But it is our hope and our purpose, by making this gesture, to convey to those families the sentiments of a nation saddened by the loss of their loved ones, sensitive to the pain they have endured, and conscious of the need to continue the spirit of commitment and dedication and enthusiasm that each of the *Challenger* astronauts had for this Nation's space program.

Mr. President, the journey of the *Challenger* seven was cut short, but the quest of which they were a part continues. That should be the message conveyed by these medals; that is the message we have heard from the American people during these past weeks: We cannot celebrate the lives they lived so well without celebrating the dream they shared; we cannot honor their lives without honoring what they lived them for.

I urge my colleagues to join us in paying this richly deserved tribute to the crew of *Challenger* and flight 51-L.

Thank you, Mr. President.●

● Mr. D'AMATO. Mr. President, I am pleased today to rise as a cosponsor of legislation, introduced by my good friend from Utah, that authorizes the President to present gold medals to the families of crew members of mission 51-L of the space shuttle *Challenger.*

The space shuttle was developed by the National Aeronautics and Space Administration [NASA] to make our access to space routine. However, the Nation experienced a terrible blow with the tragedy of the recent space shuttle flight. The memory of these brave and courageous explorers will live with us forever. They are truly our Nation's heroes.

In recognition of the extreme self-sacrifice of these crew members, I believe it is appropriate that we commemorate these brave men and women and their families by authorizing the President, on behalf of the Congress, to present a gold medal to each of the families of Francis R. Scobee, Michael Smith, Judith Resnik, Ronald McNair, Ellison Onizuka, Christa McAuliffe, and Gregory Jarvis. These medals will recognize the outstanding courage, dedication, and sacrifice of the crew members of mission 51-L of the space shuttle *Challenger.*

Francis R. (Dick) Scobee, spacecraft commander, was born May 19, 1939, in Cle Elum WA. He became a NASA astronaut in 1978. He received a B.S. degree in aerospace engineering from the University of Arizona in 1965. Francis Scobee was a reciprocating engine machanic in the Air Force. He was commissioned in 1965, after receiving his wings in 1966 he completed a number of assignments including a combat tour in Vietnam. Francis Scobee attended the Aerospace Research Pilot School at Edwards Air Force Base, flying such varied aircraft as the Boeing 747, the X-24B, the transonic aircraft technology [TACT] F-111 and the C-5; he logged more than 6,500 hours in 45 types of aircraft. He was a pilot of space shuttle flight 41-C in 1984. During his mission, the crew deployed the Long Duration Exposure Facility [LDEF], and retrieved, repaired aboard the orbiting *Challenger,* and returned to orbit, the ailing Solar Maximum Mission satellite.

Michael J. Smith, commander, USN, pilot, was born on April 30, 1945, in Beaufort, NC. Michael Smith became an astronaut in 1980. He received a B.S. degree in naval science from the U.S. Naval Academy and a M.S. degree in aeronautical engineering from the U.S. Naval Postgraduate School. He flew A-6 Intruders and completed a Vietnam cruise while assigned to Attack Squadron 52 aboard the U.S.S. *Kitty Hawk.* He was awarded the Navy Distinguished Flying Cross, 3 Air Medals, 13 Strike Flight Air Medals, the Navy Commendation Medal with "V", the Navy Unit Citation, and the Vietnamese Cross of Gallantry with Silver Star. Michael Smith flew 28 different types of civilian and military aircraft, logging more than 4,300 hours—4,000 in jet aircraft.

Judith A. Resnik, Ph.D., one of three mission specialists aboard 51-L, was born April 5, 1949, in Akron, OH. She received a B.S. degree in electrical engineering from Carnegie-Mellon University and a Ph.D. in electrical engineeing from the University of Maryland. She became an astronaut in 1978. She worked with RCA, Moorestown, NJ, designing circuits and developing custom integrated circuitry for phased-array radar control systems. She was a biomedical engineer and staff fellow in the Laboratory of Neurophysiology at the National Institutes of Health, Bethesda, MD. She also served as senior systems engineer in product development at Xerox Corp., El Segundo, CA. Judith A. Resnik was also a mission specialist on space shuttle flight 41-D. During this mission, the crew deployed three satellites; she logged 144 hours, 57 minutes in space.

Ronald E. McNair, Ph.D., mission specialist, born on October 21, 1950, in Lake City, SC, became an astronaut in 1978. He received a B.S. degree in physics from North Carolina A&T State University and a Ph.D. in physics from the Massachusetts Institute of Technology [MIT]. While attending MIT, Ronald McNair performed some of the earliest development of chemical HF/DF and high pressure of CO lasers. He became a staff physicist with Hughes Research Laboratories in Malibu, CA and conducted research on electro-optic laser modulation for satellite-to-satellite space communications. He also was a mission specialist on shuttle mission 41-B; during the flight, two Hughes 376 communications satellites were deployed. It was the first flight of the manned maneuvering unit and first use of the Canadian arm—operated by McNair—to position EVA crewmen around *Challenger's* payload bay. He logged 191 hours in space.

Ellison S. Onizuka, lieutenant colonel, USAF, mission specialist, was born on June 24, 1946, in Kealakekua, Kona, HI. He became an astronaut in 1978 and received B.S. and M.S. degrees in aerospace engineering from the University of Colorado. He was an aerospace flight test engineer with the Sacramento Air Logistics Center at McClellan Air Force Base; he participated in flight test programs and systems safety engineering for F-84, F-100, F-105, F-111, EC-121T, T-33, T-39, T-28, and A-1 aircraft. He has logged more than 1,700 hours flying time. Ellison Onizuka also was a mission specialist on shuttle mission 51-C, the first dedicated Department of Defense mission. He logged 74 hours in space.

E. Christa Corrigan McAuliffe, Teacher in Space participant, was born September 2, 1948, in Boston,

MA. She received a B.A. degree from Framingham State College and a master's degree in education from Bowie State College, Bowie, MD. Christa McAuliffe taught English and American history since 1970. Until her selection as NASA Teacher in Space, she taught economics, law, American history, and a course she developed, "The American Woman," to 10th through 12th grade students. She was selected as primary candidate for the NASA Teacher in Space Project in July 1985.

Gregory B. Jarvis, payload specialist, was born August 24, 1944, in Detroit. He received a B.S. degree in electrical engineering from the State University of New York at Buffalo, an M.S. degree in electrical engineering from Northeastern University, Boston, and completed the course work for an M.S. degree in management science at West Coast University, Los Angeles. He was selected as a payload specialist candidate in 1984. Gregory Jarvis worked at Raytheon, Bedford, MA, developing circuits on the SAM-D missile. Later, as a communications payload engineer in the Satellite Communications Program Office, he worked on advanced tactical communication satellites. He later joined Hughes Aircraft Co.'s Space and Communications Group where he worked as subsystem engineer on the Marisat Program. He was test and integration manager for the F-1, F-2, and FD-3 spacecraft and cradle in 1983.

These national medals will represent our Nation's recognition of each of the crew members who so bravely worked toward our Nation's mission of space exploration. Their families are deserving of recognition. Therefore, I trust that my colleagues will join us in commemorating the crew members of mission 51-L of the space shuttle *Challenger*.●

By Mr. KASTEN (for himself, Mr. ABDNOR, Mr. BOSCHWITZ, Mr. LEAHY, Mr. DOLE, and Mr. PROXMIRE):

S. 2085. A bill to amend the Agricultural Act of 1949 to require that milk assessments be increased during fiscal year 1986 to meet any deficit reduction requirements for milk price support levels; read twice and held at the desk until the close of business February 24, 1986, by unanimous consent.

DAIRY PRICE SUPPORT ADJUSTMENTS

Mr. KASTEN. Mr. President, today I am introducing legislation adjusting the treatment of the Dairy Price Support Program under Gramm-Rudman. My legislation would avoid an effective 55-cent-per-hundredweight cut in dairy price supports on March 1.

As the debate over Gramm-Rudman proceeded last year, those of us from dairy States anticipated that savings in the Dairy Program required by that legislation would be achieved through an assessment on milk production. There was no other logical reason why the assessment provided for in the 1985 farm bill should have been set at 40 cents per hundredweight, when a previous assessment which financed the Diversion Program in 1984 was set at 50 cents.

It is my understanding that an agreement was reached among the farm bill conferees that an additional assessment would be used to achieve the savings that would be required in the Dairy Program under Gramm-Rudman. Through a misunderstanding, however, no language authorizing the assessment was included in the Balanced Budget and Emergency Deficit Reduction Act itself.

This oversight has forced USDA to reduce purchase prices of cheese, butter, and nonfat dry milk under the surplus purchase program by 4.3 percent, effective on March 1. With this reduction, dairy farmers would be hit much harder than producers of any other commodity, and Wisconsin's dairy farmers would be hit hardest of all.

This is because of the way the Dairy Program works. The Dairy Program supports the price of milk through Government purchases of hard—i.e. storable—dairy products, like cheese, butter, and nonfat dry milk. Under the program, hard products are bought by the Government at a price sufficient to allow processors to cover their costs and still pay the farmers who supply them with milk the support price. This price now stands at $11.60.

Cuts in most commodity programs amount to 4.3 percent of a fairly small number—for example, the corn deficiency payment level of just over $1. Dairy, by contrast, would take a 4.3 percent cut in the $11.60 support price, plus 4.3 percent of the additional payment—called a make allowance—made to processors to allow them to cover their costs. This works out to about a 55 cent reduction in the effective price support level.

Not only does dairy take a larger cut than other commodities, but that cut is not spread equally among the Nation's dairy farmers. Instead, its impact falls most heavily on farmers whose milk is mostly used to produce cheese and butter, because the price of these commodities are directly supported by the Price Support Program.

The price of milk used as fluid is supported at a higher level through Federal marketing order regulations not affected by Gramm-Rudman. I would point out to my colleagues that, so far from taking cuts, dairy farmers in regions producing mostly fresh milk were given an increase in their guaranteed minimum price in the 1985 farm bill. I would further point out that this guaranteed price, along with other Federal regulations, acts as a barrier to the flow of Wisconsin milk to the South and East.

What all this means is that the reduction in the effective price support level now planned by USDA will hit Wisconsin's already hard-pressed industry first and hardest. The dairy farmers in my State understand the need to make sacrifices to reduce the Federal deficit, but they also understand that these sacrifices must be asked equally of everyone—and this is not the case here.

Besides the question of unfairness, we need to consider the fact that a cut in purchase prices will almost certainly not lead to an equivalent reduction in outlays. The reason is simple: with so many dairy farmers caught in a cost-price squeeze, burdened by heavy debt and high interest rates, the paramount concern is cash-flow. When prices decline, therefore, farmers have little alternative but to add more cows, feed more corn, and produce more milk. At a time of inexpensive feed prices this is easy to do.

It is quite possible that cutting purchase payments will lead to a producer response that would in turn cause an increase in the cost of the Dairy Program. An assessment would cut the incomes of most financially-stressed farmers less, would cause much less of a producer response, and would mean a clear, predictable savings for the taxpayers in the Dairy Program.

Finally, reducing purchase prices could lead to troublesome and unnecessary legal difficulties for USDA. There is no language in Gramm-Rudman authorizing USDA to reduce the nominal—i.e. the legal—support price for milk. Therefore, the legal requirement that the price of manufacturing grade milk be supported at $11.60 is still in force.

Obviously, it would be impossible for USDA to support milk prices at $11.60 if the prices they pay processors under the price support program were reduced by 4.3 percent.

What we would clearly have, in the absence of my legislation, is a conflict between the requirements of Gramm-Rudman and those of previously existing law regarding the price support level. The potential for lawsuits, at a time when many legal problems with Gramm-Rudman remain unresolved, is obvious.

I believe that it is imperative that we act to minimize the number of additional confusing legal issues connected with this important and necessary legislation.

Mr. President, for all of these reasons, we need to make the necessary adjustment in the Agricultural Act of 1949, to make it possible to replace the reduction in purchase prices with a reduction in the price received by producers. This reduction will become effective on April 1.

My legislation is necessary to ensure fairness to all of America's dairy farm-

ers. It is necessary to be sure that we are able to make the savings in the Dairy Program required by Gramm-Rudman. And, it is necessary to avoid yet another troubling legal problem casting a shadow over what Congress intended the Gramm-Rudman legislation to do—establish procedures that will assure that this country will get its financial house in order.

I urge my colleagues to support this legislation, and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASED MILK ASSESSMENTS TO MEET DEFICIT REDUCTION REQUIREMENTS.

Section 201(d)(2) of the Agricultural Act of 1949 (as amended by section 101(a) of the Food Security Act of 1985 (Public Law 99-198) is amended—

(1) in subparagraph (B), by striking out "The" and inserting in lieu thereof "Except as provided in subparagraph (E), the"; and

(2) by adding at the end thereof the following new subparagraph:

"(E)(i) Notwithstanding the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) and the order issued by the President under section 252 of such Act on February 1, 1986, in lieu of any reductions required under the order beginning March 1, 1986, in the payments made by the Secretary for the purchase of milk and the products of milk under this subsection during the fiscal year ending September 30, 1986, the Secretary shall increase the amount of the reduction required under subparagraph (A) during the period beginning on April 1, 1986, and ending on September 30, 1986, as the sole means of meeting any reductions that would otherwise be required under the order in the payments made by the Secretary for the purchase of milk and the products of milk under this subsection during such fiscal year.

"(ii) The aggregate amount of any increased reduction under clause (i) shall be equal, to the extent practicable, to the aggregate amount of the reduction that would otherwise be required under the order referred to in clause (i) in the payments made by the Secretary for the purchase of milk and the products of milk under this subsection during the fiscal year ending September 30, 1986, except that the amount of any increased reduction under clause (i) may not exceed 12 cents per hundredweight of milk marketed.".

Mr. KASTEN. Mr. President, I ask unanimous consent that the bill be held at the desk until the close of business on Monday next, February 24.

Mr. BYRD. Mr. President, there is no objection on this side. The matter has been cleared on this side.

Mr. KASTEN. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. LEAHY. Mr. President, I am pleased to join Senator KASTEN, Senator BOSCHWITZ, and several other of my colleagues in introducing this important bill. I would hope that the Senate will be able to act on the bill expeditiously, so as to adjust the method being used by the Department of Agriculture to achieve program savings under the President's sequestration order before the order takes effect.

Many of us who worked on the 1985 farm bill—the Food Security Act of 1985—were concerned about the potential effects on the milk price support program of a Presidential sequestration order under the Gramm-Rudman-Hollings bill. At the time we were working in the committee of conference, the conference on the Gramm-Rudman-Hollings bill had not concluded, and we did not know what the provisions of the new law might be.

We now find that our worst fears have been realized and the administration appears poised to slash the milk support price by 50 cents per hundredweight or more. A reduction in the support price of that magnitude could very likely prove excessive and force even more farmers unnecessarily into bankruptcy. Moreover, this action could place increased strain on the already ailing FmHA, as well as the FCA—in other words, a penny-wise, dollar-foolish action.

Under the provisions of the 1985 farm bill, dairy farmers will fund a portion of the cost of their price support program by an assessment—40 cents per hundredweight of milk marketed in April through December 1986 and 25 cents per hundredweight of milk marketed in January through September next year. Further, the milk price support can be reduced in later years if Government purchases remain large. None of these contributions toward reducing the deficit seem to count in the administration's calculation of the cutbacks.

Despite the self-help efforts undertaken by dairy farmers to reduce the Federal deficit, the administration appears determined to cut the milk price support by 50 cents or more. Dairy farmers have always been willing to make a fair contribution toward cutting Government spending—but why should dairy farmers endorse the administration's "double jeopardy" scheme—taking responsible action to reduce the cost of the dairy program and then being penalized for being responsible.

I had hoped that the savings achieved in the 1985 farm bill for dairy would count toward the deficit reduction program, and I had hoped that reasoned, congressional action would reduce the deficit.

Unfortunately, the administration has not cooperated to achieve reasonable budget reductions and used a decree to achieve what it could not win in Congress—a deep cut in the milk price support.

Under the bill being introduced today, the program savings to be achieved under the order issued by the President under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985—the Gramm-Rudman-Hollings bill—will be made by increasing the amount of the reduction from milk marketing proceeds. However, the increase in the amount of the reduction is limited to 12 cents per hundredweight. I would hope that the refined calculations made in the Office of Management and Budget would result in a much smaller reduction.●

By Mr. SIMON:

S. 2086. A bill entitled the "Options Simplification and Clarification Act of 1986"; to the Committee on Finance.

OPTIONS SIMPLIFICATION AND CLARIFICATION ACT

● Mr. SIMON. Mr. President, I rise today to introduce legislation designed to simplify and clarify the Federal income tax treatment of listed option contracts. The bill includes suggested changes relating to both investors in equity options and to professional options dealers and commodity traders. The enactment of this bill should not have any significant revenue effect, and its provisions are supported by sound tax policy.

Today I have asked the Treasury Department and the Joint Committee on Taxation for their comments on this legislaiton, and I hope that it can be considered by the Finance Committee in its deliberations on tax reform. Written testimony on these issues has been filed by the Chicago Board Options Exchange with the Senate Finance Committee in conjunction with its recent hearings on H.R. 3838. I would hope that members of the options industry would offer any comments they may have on this proposal for simplification and clarification.

This bill is divided into five parts, each of which amends current provisions of the Internal Revenue Code of 1954, as amended, dealing with derivative investment products.

General description of the bill is as follows:

PART I.—MODIFICATION OF THE QUALIFIED COVERED CALL RULES

The qualified covered call rules are simplified. The term "deep-in-the-money option" is defined as an option with a strike price that is less than 85% of the applicable stock price. Thus under the bill, a call that is no more than 15% in-the-money is a qualified covered call. This rule should be much easier for investors to understand than the present benchmark rules. Although the number of short calls that may be treated as qualified covered calls is increased, the class of transactions covered by the protective year end rule of Code § 1092(c)(4)(E) is expanded to further ensure that qualified covered calls cannot be used for straddling purposes.

PART II.—EXTENSION OF THE RULES OF CODE § 1256 TO PURE EQUITY OPTIONS

The rules of Code § 1256 are extended to pure equity options (*i.e.*, stock options and narrow based stock index options) held by investors. Thus, pure equity options are marked to the market at year end and gain or loss is treated as 60% long-term capital gain or loss and 40% short-term capital gain or loss (the "60/40 rule"). The term "pure equity option" includes (1) any naked equity option, and (2) any equity option that is part of a straddle that consists only of section 1256 contracts. Equity options that are part of mixed straddles do not qualify for this treatment.

This change simplifies the tax treatment of investor-held stock options by eliminating pure stock options straddles from the complex rules of Code § 1092. Also, the amendments suggested by the bill eliminate the perceived tax advantage that nonequity options and futures, which presently receive 60/40 treatment, have over equity options.

PART III.—RETENTION OF MARRIED PUT; EXTENSION TO MARRIED CALLS

The bill (1) eliminates the ambiguities contained in existing Code § 1233(c), (2) clarifies that the straddle rules of Code § 1092 do not apply to married puts, and (3) provides rules applying the married put principles to "married calls" and straddles generally. By exempting married puts and married calls from the straddle rules, the bill simplifies the treatment of these transactions without giving rise to tax abuse.

PART IV.—OPTIONS DEALER ACCOUNT

Because of the difficulties some options dealers have encountered in complying with the current mixed straddle rules, an alternative method for accounting for mixed straddles is made available to options dealers. Options dealers electing to use this account will mark positions to market upon placing them in the account and at year end. Gain and loss realized on all positions in the account during the year is netted at year end, and net capital gain or loss is taxed at a rate of 37% for individuals, assuming a maximum rate of 50%.

Thus, use of this account results in a rate that is 5 points higher than the 32% rate that applies to trading in pure section 1256 contracts, and 2 points higher than the minimum 35% rate that applies to the current mixed straddle account.

PART V.—ALTERNATIVE METHOD FOR COMPUTING CAPITALIZED EXPENSES; CLARIFICATION OF THE INTERACTION OF SUBSECTIONS 263(g) AND 263(h)

Under the bill options dealers and commodities traders are permitted to compute capitalized interest and carrying charges on a business-wide basis. This elective method is easier for many professionals to comply with, and eliminates the taxation of uneconomic gains.

The interaction of Code § 263(h) (relating to capitalization of expenses in connection with short sales) and Code § 263(g) (relating to capitalization of straddle-related expenses) is clarified by the bill.

TECHNICAL EXPLANATION OF THE BILL

PART I.—MODIFICATION OF THE QUALIFIED COVERED CALL RULES

1. Retention of Code § 1092(c)(4) (A) and (B): The general parameters of the qualified covered call exception are sound. Thus, the basic prerequisites for qualification (*i.e.*, that the option be traded on a national securities exchange, be granted more than 30 days before expiration, not be granted by an options dealer, and not generate ordinary income or loss) are not modified by the proposal.

2. Modification of Code § 1092(c)(C): The definition of "deep-in-the-money option" is modified by section 101 of the bill to provide that an option will be deep-in-the-money if it has a strike price that is less than 85% of the applicable stock price. Thus, an option is not deep-in-the-money if the strike price thereof is equal to or greater than 85% of the applicable stock price. The proposed definition maintains a consistent permitted ratio between the stock price and the lowest strike price option that will qualify as a qualified covered call.

3. Expansion of the Year-End Rule of Code § 1092(c)(E): Code § 1092(c)(4)(E) provides that if (1) an option is disposed of at a loss in one year, (2) gain on the stock is includible in a subsequent year, and (3) the stock is not held naked for at least 30 days after the option is disposed of, the positions are subject to the loss deferral rule. This rule was designed to prevent deferral of stock gains accompanied by realization of option losses.

Under section 101(b) of the bill, Code § 1092(c)(4) is broadened to provide that if (1) a stock position is disposed of at a loss in one year, (2) gain on the option is includible in a subsequent year, and (3) the option is not held naked for at least 30 days after the stock is disposed of, the positions are subject to the loss deferral rule. This revised year end rule should prevent the deferral of gain through the use of qualified covered calls.

4. Repeal of the Recharacterization Rule of Code § 1092(f)(2): The rule requiring recharacterization of losses incurred on certain in-the-money qualified covered calls is repealed by section 191(d) of the bill.

5. Modification of the Holding Period Rule of Code § 1092(f)(2): The existing rule of Code § 1092(f)(2), which states that the holding period of a stock position does not include any period during which an in-the-money qualified covered call is outstanding, is modified by section 191(d) of the bill to provide that the holding period of the stock is suspended only if an in-the-money qualified covered call (other than a replacement call) is written after the day on which the stock is purchased but before it has been held for the long-term holding period. A replacement call is any qualified covered call that replaces a qualified covered call written on the day the underlying stock was purchased. To be a replacement call, the call must be written on the same day that the previous call is disposed of. To prevent conversion, any loss realized on the closing of such option or replacement option is reflected by adjusting the basis of the stock.

PART II.—60/40 TREATMENT FOR PURE EQUITY OPTIONS

Under the bill, single or multiple equity option positions (collectively "pure equity options") are eligible for 60/40 treatment. Qualified covered calls do not qualify for 60/40 treatment.

Section 102(a) of the bill amends the definition of "section 1256 contract" to include equity options. In order to exclude equity option positions that are offset by positions in stock, section 102(b) of the bill amends Code § 1256(d) to provide that for purposes of Code § 1256, an investor who holds an equity option offsetting to a stock position is deemed to have made the election under Code § 1256(d) to take such option out of Code § 1256.

Code § 1256(f)(4), which prevents limited partners and entrepreneurs from receiving 60/40 treatment, is repealed.

PART III.—RETENTION OF MARRIED PUT; EXTENSION TO MARRIED CALLS

1. Clarification of Code § 1233(c): The current tax treatment upon the closing of a put that is a married put under Code § 1233(c) is unclear. In order to eliminate this uncertainty and to prevent abuse, Code § 1233(c) is amended by section 103(a) of the bill to provide that gain recognized upon the termination of the put in a closing transaction is includible immediately as short-term or long-term capital gain depending on the holding period of the option; loss incurred upon a closing sale transaction is reflected by adjusting the basis of the stock.

2. Incorporation of Married Put Rule: Code § 1092(b) is amended by section 103(b) of the bill to provide that the regulations promulgated under Code § 1092(b) shall take into account the principles of the married put rule of Code § 1233(c).

3. Extension of Married Calls: As indicated above, Code § 1092(b) is amended to authorize the Treasury Department to promulgate regulations extending the principles of Code § 1233(c) to covered calls and straddles generally. Until those rules are promulgated, investors are permitted to rely on the principles underlying the married put and married call rules. The basic rules governing the married call are as follows:

(a) Identification Requirement: The call writer is required to identify the call and the stock against which it is written as a married call. Identification must be made before the end of the day on which the call is written. The call must be written on the day the stock is purchased.

(b) Holding Period Rule: The holding period of the stock leg of a married call begins on the day the stock is acquired if it is married to (1) a call that is written on the day the stock is purchased, or (2) a call that replaces (on the date of disposition) a call described in (1). If the stock has been held for the long-term holding period before the call is written, the holding period of the stock is not affected. When a call is written against stock that has been held for at least one day but for less than the long-term holding period, the holding period of the stock terminates, and does not begin to run until the stock is held naked. This latter rule prevents an investor from locking in appreciation and aging the holding period of such appreciated property, thus following the basic short sale rules.

(c) Lapse: If the call expires unexercised, the call premium is includible in income as short-term capital gain at that time. This rule ensures that the married call cannot be used for conversion.

(d) Closing Transaction: If the writer's obligation under the option is terminated by a closing transaction resulting in a net loss with respect to the option, the basis of the stock is adjusted to reflect that loss. If the investor holds stock for the long-term holding period before disposing of it, the short-term capital loss on the call is, in effect, converted to a long-term capital loss by reducing long-term capital gain or increasing long-term capital loss on the stock. If termination of the writer's obligation on the call results in a net gain, that gain is includible currently as short-term capital gain.

(e) Assignment: Upon assignment, the writer must deliver the identified stock against payment of the strike price specified in the call. The premium received upon

writing the call is added to the strike price to determine gross gain from the transaction. Basis is then subtracted to determine net gain or loss attributable to the married call.

(f) Delivery of Stock Other Than Married Stock Upon Assignment: If the writer delivers stock other than the identified stock upon assignment, the marriage is annulled and the positions are treated as positions of a straddle.

(g) Sale of Stock: If the taxpayer disposes of the stock leg of the married call, the marriage is annulled, and the positions are treated as positions of a straddle.

(h) Eligible Options: Investors can elect to use the married call rule for any deep-in-the-money call and the stock against which it is written.

4. Extension to Married Straddles: As noted above, Code § 1092(b), as amended by the bill, authorizes the Treasury Department to promulgate regulations extending the principles of Code § 1233(c) to straddles generally. These rules follow the basic principles set forth in 3(a)-3(h), above, and can be relied upon by investors prior to promulgation of the regulations.

PART IV.—OPTIONS DEALER ACCOUNT

Section 104(a) of the bill amends Code § 1092(b) to provide a fourth alternative method for accounting for mixed straddles. This "options dealer account": (a) is an elective account available only to options dealers; (b) is established for a designated class of activities; (c) requires no segregation of gain or loss from section 1256 contracts from gain or loss from nonsection 1256 positions; (d) requires no daily marking to market; (e) requires that positions be marked to market only when placed in the account and at year end; and (f) treats net gain or loss as 43% long-term capital gain or loss and 57% short-term capital gain or loss, resulting in an effective tax rate for individuals of 37%, assuming a 50% maximum individual rate. This split between long-term and short-term capital gain or loss would be used even if the maximum rates are changed as proposed under H.R. 3838. Interest and carrying charges are treated as provided in Code § 263(g) or in the alternative manner described in Part V. Options dealers are required to make an election to use this account for a particular symbol early in the taxable year to prevent any look-back.

PART V.—ALTERNATIVE CAPITALIZATION RULES

1. Alternative Capitalization Rules: Under section 105(b) of the bill, certain taxpayers are permitted to elect to capitalize interest and other carrying charges associated with their straddle transactions on a business-wide basis. The election is available to options dealers (as defined in Code § 1256(g)(8)) and commodities dealers (as defined in Code § 1402(i)(2)(B)), regardless of how the taxpayer accounts for mixed straddle transactions.

The first step is to net all ordinary income and carrying charges associated with the taxpayer's activities as an options dealer or commodities trader. Items of expense include all expense items includible under Code § 263(g)(2)(A), plus any expense carried over from Code § 263(h). Income items inlcude all items includible under Code § 263(g)(2)(B) plus payments with respect to securities loans and short stock rebate. The result of this computation yields an ordinary income or ordinary loss figure for the taxable year.

Second, gains and losses from any (a) section 1256 contracts, or (b) other property that is part of a mixed straddle (however accounted for) acquired or held in the ordinary course of the taxpayer's trade or business is netted under the normal capital gain and loss netting rules.

Third, any net ordinary income is offset against any net capital loss. If the taxpayer has net capital gain there is no offset and the ordinary income and capital gains are treated under normal principles. Finally, if the taxpayer had net ordinary loss (*i.e.*, excess expense) this amount is capitalized.

2. Clarification of the Priority Rules of Code § 263(g) and Technical Amendments to Code § 263(g) Relating to Securities Loans: Under section 105(c) of the bill, Code § 263(h)(1) is amended to provide that in the case of any short sale that is subject to both Code §§ 263(g) and 263(h), any amount otherwise required to be capitalized pursuant to code § 263 (h)(1) or (h)(2) is not capitalized but rather is treated as an item of expense included under Code § 263(g)(2)(A) in the computation of interest and carrying charges allocable to personal property which is part of a straddle. Code § 263(g)(2)(A) is amended to include any amount capitalizable under Code § 263(h) as an item of expense.

Section 105(a) of the bill short stock rebate is included as an item of income under Code § 263(g)(2)(B) and amounts paid with respect to securities loans are treated as items of expense under Code § 263(g)(2)(A).

I am also proposing certain technical and conforming amendments necessitated by this legislation.

I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

This Act may be cited as the Options Simplification and Clarification Act of 1986.

SECTION 101. REVISION OF QUALIFIED COVERED CALL RULES.

(a) DEEP-IN-THE-MONEY OPTION DEFINED.—Subparagraph (C) of section 1092(c)(4) (defining deep-in-the-money option) is amended to read as follows:

"(C) DEEP-IN-THE-MONEY OPTION.—For purposes of subparagraph (B), the term "deep-in-the-money option" means an option having a strike price which is less than 85% of the applicable stock price."

(b) SPECIAL YEAR-END RULE.—Paragraph (4) of 1092(c) is amended by striking out subparagraph (D), by redesignating subparagraph (E) as subparagraph (D), and by amending such subparagraph to read as follows:

"(D) SPECIAL YEAR-END RULE.—Subparagraph (A) shall not apply to any straddle for purposes of section 1092(a) if—

"(i) the qualified covered call options referred to in such subparagraph are closed during any taxable year, or the stock to be purchased from the taxpayer under such option is disposed of during any taxable year,

"(ii) gain on disposition of such stock or of such qualified covered call options, as the case may be, is includible in gross income for a later taxable year, and

"(iii) the stock or options described in subparagraph (D)(ii) were not held by the taxpayer for 30 days or more after the disposition of the options or stock described in subparagraph (D)(i).

For purposes of the preceding sentence, the rules of paragraphs (3) (other than subparagraph (B) thereof) and (4) of section 246(c) shall apply in determining the period for which the taxpayer holds the stock or options described in subparagraph (D)(ii)."

(c) CLERICAL AMENDMENT.—Paragraphs (F), (G), and (H) of section 1092(c)(4) are redesignated as subparagraphs (E), (F), and (G), respectively.

(d) HOLDING PERIOD RULE.—Section 1092(f) is amended by striking out paragraph (1), by redesignating paragraph (2) as paragraph (1), and by adding at the end the following new paragraphs:

"(2) EXCEPTION.—Paragraph (1) of this subsection (f) shall not apply to any option granted by the taxpayer on the same day that the stock is acquired or to any replacement option. Any loss realized on the closing of such option or replacement option shall be reflected by adjusting the basis of the stock.

"(3) DEFINITION.—For purposes of this subsection, the term "replacement option" means any qualified covered call option that replaces an option described in paragraph (2) of this subsection on the same day such option was disposed of."

(e) EFFECTIVE DATE.—The amendments made by this section shall be applicable to positions established on or after the date of the enactment of this Act.

SEC. 102. SECTION 1256 EXTENDED TO CERTAIN OPTIONS.

(a) DEFINITION OF SECTION 1256 CONTRACT.—Section 1256(b) is amended by striking out the word "and" at the end of clause (3), by striking the period at the end of clause (4) and inserting in lieu thereof ", and", and by adding at the end of clause (4) the following new clause:

"(5) any equity option."

(b) DEEMED ELECTION.—Section 1256(d) is amended by adding after paragraph (4) the following new paragraph:

"(5) INVESTOR EQUITY OPTION.—With respect to any equity option, including any qualified covered call option, held by a taxpayer other than an options dealer (as defined in section 1256(g)(8)) as part of a mixed straddle, the taxpayer shall be deemed to have made an election under this subsection."

(c) CLERICAL AND CONFORMING AMENDMENTS.—Paragraph (4) of section 1256(f) (relating to denial of 60/40 treatment to certain limited partners) is deleted.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to positions established on or after the date of the enactment of this Act.

SEC. 103. AMENDMENTS RELATING TO SECTION 1233(c).

(a) MARRIED PUT RULE.—Section 1233(c) is amended by deleting the words "is not exercised", by substituting in lieu thereof the words "is allowed to expire unexercised", and by adding at the end the following new sentence: "If the holder's rights under the option are terminated in a closing sale transaction, then (1) any gain realized upon termination shall be treated as long-term or short-term capital gain depending upon the holding period of the option, and (2) any loss realized upon such termination shall not be deducted but shall be reflected by adjusting the basis of the stock with which the option was identified."

(b) AUTHORITY TO INCORPORATE MARRIED PUT PRINCIPLES.—Paragraph (1) of section 1092(b) (relating to mixed straddles) is amended by adding in the last sentence after the words "subsections (b)" and before the words "and (d)", the following: ", (c),".

(c) EFFECTIVE DATE OF MARRIED PUT RULE AND REGULATIONS RELATING TO MIXED STRADDLES.—

(1) AMENDMENT OF SECTION 1233(c).—The amendments to section 1233(c) made by subsection (a) shall apply to positions established after the date of the enactment of this Act.

(2) REGULATIONS: IN GENERAL.—The regulations described in subsection (b) shall apply to positions established on or after the date of the enactment of the Tax Reform Act of 1984.

(3) EXCEPTION.—The regulations applying the principles of section 1233(c) to covered calls and to straddles generally shall apply to positions established on or after the date of the enactment of this Act.

SEC. 104. SPECIAL OPTIONS DEALER ACCOUNT.

(a) OPTIONS DEALER ACCOUNT.—Section 1092(b)(2) is amended by adding after subparagraph (C) the following new subparagraph:

"(D) REGULATIONS RELATING TO OPTIONS DEALER ACCOUNT.—

"(i) IN GENERAL.—Any options dealer (as defined in section 1256(g)(8)) may elect to use the options dealer account provided for in this subparagraph in lieu of the methods described in subparagraph (A) of this subsection (b)(2).

"(ii) The Secretary shall prescribe regulations which shall provide that—

"(I) any options dealer may establish an options dealer account with respect to any class of activities;

"(II) positions in the account shall be marked to market upon being placed in the account and at the end of each taxable year;

"(III) gains and losses realized on all positions in the account shall be netted at the end of each taxable year; and

"(IV) net gain or loss (after the application of section 263(g)) shall be treated as 43% long-term capital gain or loss and 57% short-term capital gain or loss.".

(b) EFFECTIVE DATE.—The regulations described in subsection (a) shall apply to taxable years beginning after December 31, 1984.

SEC. 105. REVISED METHOD OF COMPUTING INTEREST AND CARRYING CHARGES UNDER SECTION 263.

(a) AMOUNTS INCLUDED IN THE COMPUTATION OF INTEREST AND CARRYING CHARGES.—

(1) EXPENSE ITEMS.—Subparagraph (A) of section 263(g)(2) (defining interest and carrying charges) is amended by striking out the word "over" at the end of clause (ii), and by inserting after clause (ii) the following new clauses:

"(iii) amounts paid by the taxpayer which are treated by the recipient as payments with respect to securities loans (within the meaning of section 512(a)(5)), and

"(iv) in the case of a straddle including a short stock position, any amount that would be required to be capitalized under subsection (h)(1), were the position not a position of a straddle, over".

(2) INCOME ITEMS.—Subparagraph (B) of section 263(g)(2) (defining interest and carrying charges) is amended by striking out the word "and" at the end of clause (ii), by striking out the period at the end of clause (iii) and inserting a comma in lieu thereof, and by inserting thereafter the following new clauses:

"(iv) any amount which is treated as ordinary income by the taxpayer and which the taxpayer receives as compensation for the use of collateral with respect to a short sale of property, and

"(v) amounts which are payments with respect to securities loans (within the meaning of section 512(a)(5)) includable in gross income with respect to such property for the taxable year."

(b) ALTERNATE COMPUTATION METHOD.—Section 263(g) is amended by adding after paragraph (4) the following new paragraph:

"(5) ALTERNATIVE COMPUTATION METHOD.—

"(A) ELECTION.—In lieu of computing capitalized interest and carrying charges as provided in paragraph (1), any options dealer (as defined in section 1256(g)(8)) or commodities dealer (as defined in section 1402(i)(2)(B)) may elect to use the alternative computation methods set forth in subparagraphs (B) through (F).

"(B) NET ORDINARY INCOME OR LOSS.—Net ordinary income or loss resulting from positions that are section 1256 contracts or are part of mixed straddles held as part of the taxpayer's business as an options dealer or commodities dealer shall be determined by netting (i) all items of income under paragraph (2)(B), with (ii) all items of expense under paragraph (2)(A).

"(C) COMPUTATION OF NET CAPITAL GAIN OR LOSS.—Net capital gain or loss resulting from positions that are section 1256 contracts or are part of mixed straddles held as part of the taxpayer's business as an options dealer or commodities dealer shall be determined by netting all capital gain and loss from such positions under the rules of section 1222.

"(D) OFFSET NET ORDINARY INCOME AGAINST NET CAPITAL LOSS.—If the computation under paragraph (5)(B) results in net ordinary income and the computation under paragraph (5)(C) results in net capital loss, the net capital loss shall be netted against the net ordinary income, and any remaining ordinary income shall be treated as ordinary income; any remaining net capital loss shall be treated as it would otherwise be treated.

"(E) NET ORDINARY INCOME AND NET CAPITAL GAIN.—If the computations under paragraphs (5)(B) and (5)(C) result, respectively, in net ordinary income and net capital gain, the net ordinary income shall be treated as ordinary income and net capital gain shall be treated as it would otherwise be treated.

"(F) NET ORDINARY LOSS AND NET CAPITAL GAIN OR LOSS.—If the computation under paragraph (5)(B) results in net ordinary loss, such amount shall be capitalized by reducing net capital gain or increasing any net capital loss determined under paragraph (5)(C)."

(c) COORDINATION OF SUBSECTIONS (g) AND (h) OF SECTION 263.—Section 263 (h)(1) is amended by striking out the period at the end, by inserting a comma in lieu thereof, and by adding the following clause: ", or, in the case of a short sale subject to both this subsection and subsection (g), such amount shall be treated as an item of expense under section 263 (g)(2)(A)."

(d) EFFECTIVE DATE.—

(1) The amendments made by subsection (a) shall apply to interest and carrying charges incurred on or after the date of the enactment of this Act.

(2) The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1984.

(3) The amendments made by subsection (c) shall apply to short sales entered on or after the date of the enactment of the Tax Reform Act of 1984.●

By Mr. HART:

S.J. Res. 277. Joint resolution to establish a Trust Fund for Democracy in the Philippines; to the Committee on Foreign Relations.

TRUST FUND FOR DEMOCRACY IN THE PHILIPPINES

● Mr. HART. Mr. President, I am introducing a joint resolution today to establish a Trust Fund for Democracy in the Philippines. This fund places in escrow all pending United States aid requests for the Philippines until a democratically constituted government is permitted to take office. With the exception of humanitarian assistance to be distributed by private organizations, aid to the Philippines is deferred—to be awarded retroactively when a democratic government assumes power.

Mr. President, it is not news to anyone that the Philippines is in a state of escalating crisis. There is at this point no government with legitimate claims on the allegiance of the Philippino people. The clear evidence of fraud, delay, and intimidation in the recent election has destroyed hopes around the world that the democratic process would be allowed to go forward. Gone are hopes that free elections would restore stability and credibility to the government of the Philipines. Now thousands of Filipinos, especially young people, face a critical choice about how they will respond to the wholesale disenfranchisement they have just experienced.

The United States has a critical role to play. We can no more sanction the corruption we have just witnessed than we can abandon our critical interest in the future of the Philippines. This is not a time for indecision, apologies, or hindsight. It is a time for us to stand up for our ideals, to stand in solidarity with all those who seek the basic freedoms which the manipulation of the Philippine election has so cynically denied.

Mr. President, our strategic and political concerns in the Philippines do not conflict—they are mutually reinforcing. A strong, stable Philippines is of vital importance to our country because of that country's location, our historic ties, and the presence of important United States bases there. What threatens both our strategic and political goals in the Philippines is the performance of President Ferdinand Marcos's regime—its corruption, discrediting of peaceful change, mishandling of the election, mistreatment of democratic forces, and incapacity to defeat the Communist guerrillas.

We must stand up for the moderate and democratic forces that have demonstrated their broad base of support among the Philippine people. We must do so not only because of our principles but also because democracy is the only mechanism that can peacefully

solve the country's economic and political problems. If democratic means fail to produce change, as we have seen elsewhere, violent change and radical control will be the likely outcome.

We should also act decisively for another reason. Our duty to the American taxpayers requires that we should not vote to distribute millions of dollars of aid when we have such good reason to believe that the money will be wasted, stolen, and misused for partisan political purposes by a discredited regime.

By taking a clear stand, as is proposed in this resolution, we will be sending a message to President Marcos and to the people of the Philippines.

Our action will dispel any illusions Mr. Marcos may have that the United States will support him in the dangerous course he is apparently bent on pursuing. We will also be showing the Philippine people, who have trusted in America's fairness and democratic sentiments, that we will not be a party to their government's corruption.

Mr. President, until there is a democratic government in the Philippines with a claim to legitimacy, there is no sense in awarding aid. If the corruption continues, we know that military aid that will not be used effectively and will only discredit the United States in the eyes of the Philippine people. And there is no sense in providing economic aid that will not reach the intended recipients but will instead become part of a massive capital flight, or be employed to subsidize the Marcos regime's corrupt system of patronage. But we also must indicate the permanence of our interests in the country—pledging to restore all of our assistance to support the U.S. commitment to a democratic Philippines.

Regardless of our actions, the recent presidential election clearly means the beginning of the end of the Marcos era. Our goal, advanced by the creation of a Trust Fund for Democracy, is to fashion a long-term United States-Philippines relationship beyond Marcos' inevitable decline.

There has been a steady deterioration of the domestic situation in the Philippines, starting even before the brutal assassination of Benino Aquino in 1983. The Philippine economy has continued to deteriorate and has pushed more Filipinos toward poverty and despair. The Communist insurgency has grown during this period—both in numbers and in military capability.

Dissent and dissatisfaction have spread within key sectors vital to the political stability of the country, including the military. Yet, the Marcos regime has continually rejected reforms proposed by the United States which would contribute to the legitimacy and stability for the Philippine Government.

The United States must encourage a peaceful transition to a genuine democracy that achieves vitally needed economic and military reforms, reaffirms the legitimacy of the Philippine Government, and restores stability to that country.

The United States and the Philippines have a unique historical relationship, one founded on United States-Philippine cooperation and democratic ideals. If the representative leaders of that country are ready to move forward, they can be certain the United States is prepared to move with them. We stand ready to provide the support and assistance necessary to resolve the present difficulties and restore the Philippines to its strong democratic traditions.

When Congress has determined that there is a democratically constituted government in place, we can quickly release the aid funds. I know that my colleagues join me in hoping that this day will come without delay, and I urge them to support this joint resolution.●

ADDITIONAL COSPONSORS

S. 1427

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1427, a bill to prohibit the suspension of an employee's benefit accrued under a retirement plan solely because of age before accruing the maximum normal retirement benefit.

S. 2014

At the request of Mr. LEVIN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 2014, a bill to amend title 5, United States Code, to strengthen the protections available to Federal employees against prohibited personnel practices, and for other purposes.

S. 2026

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2026, a bill to extend the trade adjustment assistance programs.

S. 2032

At the request of Mr. WARNER, the names of the Senator from Georgia [Mr. NUNN], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 2032, a bill to amend the Nuclear Waste Policy Act of 1982 to prohibit the development of a repository in proximity to a monitored retrievable storage facility.

S. 2033

At the request of Mr. CHILES, the names of the Senator from Texas [Mr. BENTSEN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 2033, a bill to promote economic growth and trade expansion, to amend the Trade Act of 1974 to open foreign markets, to enhance the competitiveness of U.S. firms, and for other purposes.

S. 2050

At the request of Mr. METZENBAUM, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. SIMON], and the Senator from Wisconsin [Mr. PROXMIRE] were added as cosponsors of S. 2050, a bill to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes.

S. 2052

At the request of Mr. CRANSTON, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2052, a bill to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986.

S. 2054

At the request of Mr. NICKLES, the names of the Senator from Indiana [Mr. QUAYLE], the Senator from Nevada [Mr. LAXALT], and the Senator from Alabama [Mr. DENTON] were added as cosponsors of S. 2054, a bill to provide that the National Aeronautics and Space Administration may accept gifts and donations for a space shuttle which may be named *Challenger II.*

SENATE JOINT RESOLUTION 244

At the request of Mr. DECONCINI, the names of the Senator from Alabama [Mr. HEFLIN], the Senator for Ohio [Mr. METZENBAUM], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of Senate Joint Resolution 244, a bill to designate October 8, 1986, as "National Fire Fighters Day."

SENATE JOINT RESOLUTION 246

At the request of Mr. DIXON, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Joint Resolution 246, a joint resolution to designate May 25, 1986 as "Hands Across America Day," for the purpose of helping people to help themselves, and commending United States Support of Artists for Africa and all participants for their efforts toward combating domestic hunger with a 4,000-mile human chain from coast to coast.

SENATE JOINT RESOLUTION 256

At the request of Mr. TRIBLE, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of Senate Joint Resolution 256, a joint resolution designating August 12, 1986, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 265

At the request of Mr. HEINZ, the names of the Senator from Mississippi

[Mr. COCHRAN], the Senator from Florida [Mr. CHILES], the Senator from South Carolina [Mr. THURMOND], the Senator from Indiana [Mr. LUGAR], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 265, a joint resolution authorizing and requesting the President to designate the week of March 9 through 15, 1986, as "National Employ the Older Worker Week."

SENATE JOINT RESOLUTION 266

At the request of Mr. DENTON, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Joint Resolution 266, a joint resolution to authorize and request the President to designate the month of June 1986 as "Youth Suicide Prevention Month."

SENATE JOINT RESOLUTION 275

At the request of Mr. D'AMATO, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Idaho [Mr. SYMMS], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Joint Resolution 275, a joint resolution designating May 11 through May 17, 1986, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 276

At the request of Mr. DOMENICI, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from New Jersey [Mr. BRADLEY], the Senator from Montana [Mr. MELCHER], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of Senate Joint Resolution 276, a joint resolution to designate February 19, 1987, as "National Day for Federal Retirees."

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. METZENBAUM, the names of the Senator from Kentucky [Mr. FORD], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Arizona [Mr. DECONCINI], the Senator from Nebraska [Mr. ZORINSKY], the Senator from South Carolina [Mr. THURMOND], the Senator from South Dakota [Mr. ABDNOR], the Senator from Maryland [Mr. SARBANES], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Utah [Mr. GARN] were added as cosponsors of Senate Concurrent Resolution 95, a concurrent resolution to recognize and honor the contributions of Consumers Union.

SENATE CONCURRENT RESOLUTION 105

At the request of Mr. GRAMM, the names of the Senator from Florida [Mrs. HAWKINS], the Senator from Nevada [Mr. HECHT], the Senator from New York [Mr. D'AMATO], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. BUMPERS], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Mississippi [Mr. COCHRAN], the Senator from Georgia [Mr. NUNN], the Senator from Alabama [Mr. DENTON], the Senator from Idaho [Mr. MCCLURE], the Senator from Arizona [Mr. DECONCINI], and the Senator from Mississippi [Mr. STENNIS] were added as cosponsors of Senate Concurrent Resolution 105, a concurrent resolution to express the sense of the Congress that any tax reform provisions relating to tax-exempt municipal bonds take effect no earlier than January 1, 1987.

SENATE RESOLUTION 303

At the request of Mr. HEINZ, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Georgia [Mr. NUNN], and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of Senate Resolution 303, a resolution to express the sense of the Senate with respect to proposals currently before the Congress to tax certain employer-paid benefits and other life-support benefits.

SENATE RESOLUTION 304

At the request of Mr. TRIBLE, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of Senate Resolution 304, a resolution to express the sense of the Senate that the present 3-year basis recovery rule on taxation of retirement annuities be maintained.

SENATE RESOLUTION 335

At the request of Mr. PELL, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Resolution 335, a resolution expressing the Senate's opposition to the imposition of a fee on imported oil and refined petroleum products.

SENATE RESOLUTION 349—RELATING TO DEMOCRACY IN THE PHILIPPINES

Mr. DECONCINI submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 349

Whereas the United States and the Philippines have strong ties born of shared historical experience and common interests;

Whereas the United States seeks to perpetuate that relationship and has a strategic interest in the preservation of access to two military bases in the Philippines for the security of the Pacific region;

Whereas President Marcos had indicated his intention to hold fair and free elections on February 7, 1986;

Whereas the Philippines is experiencing serious political, economic, and security problems as a direct result of unfair, fraudulent, and dishonest elections;

Whereas Senator Richard Lugar, chairman of the Committee on Foreign Relations of the Senate and the leader of the official United States election observer team to the Philippines, recently stated that the elections were infected with violence and fraud and were not an accurate reflection of the will of the Filipino people;

Whereas President Ferdinand Marcos has announced the possibility of imposing martial law in order to prohibit peaceful demonstrations from the Aquino opposition;

Whereas the Senate, in passing Senate Resolution 328 on February 3, 1986, stated that when considering further provision of economic and military assistance to the Philippines, it intends to take into account the degree to which democratic reforms are taking place in that country;

Whereas Members of Congress, the Reagan Administration, and the international community have stressed the need for fair, free, and open elections in the Philippines and that an election not meeting these democratic criteria is worse than no election at all;

Whereas the Department of State has issued its human rights report and said that the security forces of the Government of the Philippines, which are controlled by President Marcos, have engaged in murder and serious human rights violations, including summary executions of civilians and numerous instances of torture, arbitrary arrest, and disappearances;

Whereas the presidential elections in the Philippines have been labeled fraudulent by the Filipino people, Members of the United States Congress, and the Roman Catholic Church;

Whereas more than 90 Filipinos have been killed since the polls opened on election day;

Whereas the continuation of a Marcos government will lead to a continued loss of confidence in the Government of the Philippines, politicization of the military forces, erosion of democratic institutions, economic decline of the free market, and a steady rise of the Communist New People's Army; and

Whereas the continuation of a Marcos government could seriously impair the security of two United States bases of vital strategic importance to the Pacific region: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President of the United States should—

(1) encourage Ferdinand Marcos of the Philippines to resign the office of President of the Philippines in order to resolve the turmoil and conflict now existing in his country;

(2) provide assistance under part I of the Foreign Assistance Act of 1961 and sales and donations of agricultural commodities under the Agricultural Trade and Development Act of 1954 to the Philippines only to the extent that such assistance may be provided through the private and voluntary organizations or the Catholic Church;

(3) withhold assistance to the Government of the Philippines under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance and international military education and training, respectively) and under the Arms Export Control Act; and

(4) if the National Citizens Movement for a Free Election (NAMFREL) concludes that—

(A) the Government of the Philippines enjoys a popular mandate, or

(B) free and fair presidential elections which represent the will of the Filipino people have been held,

then assistance which was not provided under paragraph (2) and assistance which was withheld under paragraph (3) should be furnished to the Philippines.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. DECONCINI. Mr. President, today I am submitting a resolution expressing the Senate's outrage and disappointment in the recent election in the Philippines, which was a parody of democracy. Our common hope and desire is for a Philippines that is democratic and free. The recent election underscores in bold that a democratic Philippines must not—cannot—and should not include Mr. Marcos. This resolution, if adopted, recommends that the President of the United States encourage Ferdinand Marcos to resign the office of President of the Philippines in order to resolve the conflict and turmoil engulfing his country. This resolution will also withhold military assistance and provide economic assistance only to the extent that this aid may be channeled through private voluntary organizations or the Catholic church.

I would like to stress that withholding this military aid will not endanger or jeopardize our 18,000 Americans who serve at Clark and Subic Bay. There can be little doubt of the critical importance of these bases as a deterrent to the Communist insurgency, as a crucial strategic location situated between the Middle East and the Far East, and as a positive influence on the lives of the 50,000 Filpinos who work there. While the money for these bases is funded through defense operations and maintenance accounts and military construction, I have no intention of preparing to abandon these twin anchors of U.S. resolve to maintain freedom throughout the world. I would, however, reluctantly exchange these bases for a legitimate resurgence of democratic ideals and institutions in the Philippines. To that realistic possibility, I commend the successful efforts made by the distinguished Senator from Kansas and majority leader, who has anticipated the need to plan for policy options to our bases in the Philippines and has introduced the necessary legislation.

This scenario might present difficult choices for Americans, but it does not equal the crisis currently confronting the Filipinos. Quoting President Reagan, the people of the Philippines "Are at a major crossroads in their history. There are no easy answers." The very future of their country is at stake. Our bonds of history and common values go back almost 90 years. Our two peoples have a shared stake in a Philippines that is democratic and free. The weight of the common United States-Philippine heritage is symbolized by the 17,000 white headstones of the Americans buried in a cemetery overlooking Manila. The living ties between these two countries are dynamic and vibrant. In addition to 18,000 Americans at Clark and Subic, there are 50,000 who live and work in the country. By conservative estimates, over 1 million Filipinos reside and work in the United States.

Predictably, the current crisis precipitated by the fraud and violence instigated by the Marcos government in the flawed presidential and vice presidential elections brings a deep sadness to Americans. The United States prides itself on its rich tradition of democracy and faith in the ballot box. When the Philippine people demonstrated that they still had faith in the ballot box as a way of selecting a legitimate government, we proudly saluted their bravery and unity. Senator LUGAR, who led the U.S. observer team to the Philippines, poignantly talks of the remarkable courage displayed by Filipinos in risking their lives to exercise their vote. However, the Marcos government was only interested in preserving its fading grasp on power. These organizations which have documented their charges of disenfranchisement, intimidation, and fraud include the National Citizen's Movement for Free Elections [NAMFREL], the Philippine Catholic Bishop's Conference, and the U.S. International observer team. The sovereign will of the Filipino people has been effectively thwarted by a government utilizing the evils of power.

President John Kennedy once said, "Those who make peaceful revolution impossible make violent revolution inevitable." The Philippine people are clinging to nonviolent demonstrations and peaceful protests to voice outrage about a stolen election. The Catholic Bishops' Council has issued a call for a "nonviolent struggle for justice." President Marcos has reportedly threatened the imposition of martial law. How much can the Philippine people take? How long should the United States wait with ghosts of Iran and Nicaragua haunting our foreign policy? The Communist insurgency is the only beneficiary or delay and hesitation.

The Philippine people have been denied democracy at the ballot box and are now literally praying for nonviolent change. Mr. President, I urge my colleagues to encourage Mr. Reagan to help bring about nonviolent change by applying his persuasive skills in dislodging Mr. Marcos from power. Additionally, the suspension of economic and military assistance will act as a leverage on the Marcos government. The U.S. taxpayer need not support this failing regime with $180 million in foreign assistance and with next years Presidential request reaching $230 million.

It is imperative that the United States act in this matter. While the distinguished senior Senator from Tennessee [Mr. SASSER] has introduced legislation (S. 2071) reducing funds for the Philippines, his proposal differs significantly from this resolution. First of all, S. 2071 eliminates military construction funds for our military bases at Subic Bay and Clark Air Base. Second, S. 2071 does not include specific recommendations from the Senate to President Reagan to directly confront Mr. Marcos with a request for his resignation. And finally, S. 2071 does not attempt to channel development money and economic assistance through private organizations and the Catholic Church. My proposal would circumvent the deep pockets of government corruption and business cronyism seeking to reach those in condition of destitution. I would like to express my disappointment in not being able to fashion a way to direct assistance to reform movements in the Philippines military to fight the new Peoples army.

In conclusion, Mr. President, it seems appropriate for a friend who has established freedom and democracy as our bedrock and foundation to heed the call of another friend who desperately and courageously displayed its faith in the ballot box. We have listened to friends in the past and responded with answers that include covert aid, missions of diplomacy and goodwill, and even American blood and lives. Cory Aquino is now calling for the United States to resist the Marcos Government's looted election win. Mr. President, let me quote her, for this is the voice of our longtime friend, the Philippines: "Let me appeal to all friends of democracy and supporters of freedom abroad. Stand tall by these principles that you and I hold dear."

SENATE RESOLUTION 350—EXPRESSING THE SENSE OF THE SENATE REGARDING THE MURDER OF OSCAR Y. SALVATIERRA

Mr. KENNEDY (for himself and Mr. CRANSTON) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 350

Whereas, Oscar Salvatierra, who was the Acting Bureau Manager and Marketing Director of the Philippine News, and a United States citizen of Philippine origin was murdered in his home in Glendale, California, on February 19, 1986;

Whereas, on February 18, 1986, Oscar Salvatierra received a death note which stated: "Philippine News is a disgrace to the Filipino community in the United States. Through your paper, your unwarranted accusations and lies have attacked your own countrymen. You should be ashamed to call yourself Filipinos. So for your crimes, you are sentenced to death by execution."

Whereas, the Senior Account Executive at the Philippine News, Stan Aragon, also received a note on February 18, 1986, which read: "You're next;"

Whereas, as Oscar Salvatierra was a leader of the California Filipino-American community and an outspoken critic of the Marcos government, his murder and the

death threats appear to be politically motivated;

Whereas, the safety of the American public, the cause of justice, and sound American relations with the Philippines will best be served if a full and swift investigation of these crimes involving the full cooperation of the Philippine authorities with the appropriate United States authorities is conducted;

Now, therefore, be it resolved,

That it is the sense of the Senate that:

SEC. 1. A full and swift investigation of these acts of terrorism should be conducted by the appropriate United States authorities; and

SEC. 2. The Senate requests that the President of the United States personally convey to the Government of the Philippines a request for full cooperation in this investigation by Philippines authorities.

Mr. KENNEDY. Yesterday a brutal crime occurred in our country. A U.S. citizen of Philippine descent was shot dead in his home outside of Los Angelos, CA. He was the acting bureau manager and marketing director of the Philippine News in Los Angeles.

The Philippine News is a U.S. based publication founded in 1961 with a circulation of 77,000. The newspaper has been an outspoken critic of the Marcos regime, within the U.S.-based Philippine community. As a result, many of the newspaper's employees have been the victims of threats and intimidation presumbably by persons active at the direction of the Philippine Government. While no concrete evidence has yet surfaced linking the Philippine Government to this murder, one is immediately suspicious that the persons who committed this act of terrorism were not acting on their own.

The day before he was killed, Oscar Salvatierra received a death note in the mail which threatened him with execution for his activities at the Philippine news. I quote:

Philippine News is a disgrace to the Filipino community in the United States. Through your paper, your unwarranted accusations and lies have attacked your own countrymen. You should be ashamed to call yourself Filipinos. So for your crimes, you are sentenced to death by execution.

On the same day of the murder, another employee of the News publication received at note reading, "You're next." Stan Aragan is also a U.S. citizen of Philippine descent who is obviously in great fear of losing his life.

Oscar Salvatierra represented the finest in the Filipino-American community. He came to this country 17 years ago and began a successful career as an accountant. He married and he and his wife's 4 children were born in this country. Since his arrival in California, Oscar had been a leader in his community and an outspoken critic of the Marcos regime.

Last summer, he accepted the job at the Philippine News and shortly thereafter found a bomb planted in his desk at work. He requested an investigation—but according to Oscar's associates no investigation was ever done and no report ever prepared. Perhaps, if one had been done, Oscar would be alive today.

The FBI is already investigating this incident in California but there is good reason to suspect that the people who ordered these crimes are to be found in Manila. It is not farfetched to imagine that the same people who orchestrated the murder of Ninoy Aquino in broad daylight in the Manila airport would also dare to assassinate a political opponent on American soil.

I am sure that many of my colleagues recall the ruthless assassination of Orlando Letelier of Chile and Henry Liu of Taiwan. Those murders shocked all America—for we often hear of government-sponsored terror in foreign lands but rarely does it occur here on our own streets. These are instances of state-sponsored terrorism that are every bit as evil and reprehensible as are the incidents of terror directed against so many innocent people in the Middle East.

This murder raises concern that could have a profound effect on our future relations with the Philippine Government. Given the heightened tensions between our two countries, it is absolutely vital that the United States declare its resolve to find and bring to justice those responsible for the murder of Oscar Salvatierra.

I am therefore submitting, along with my good friend from California, Senator CRANSTON, a resolution calling for a full and swift investigation of these terrorism actions to all appropriate U.S authorities. We must resolve this case as quickly as possible—not only because of its importance to our future relations with the Government of the Philippines—but also because other lives are in real danger.

This resolution also calls for the President of the United States to request the full cooperation of the Filipine authorities in this investigation.

I urge the Senate to adopt this resolution.

I ask unanimous consent that an article from today's Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 20, 1986]

ANTI-MARCOS NEWS OFFICIAL SLAIN IN U.S.

(By Jay Mathews)

LOS ANGELES, February 19.—An executive of a leading Filipino-American newspaper opposed to Philippine President Ferdinand Marcos was shot to death today after receiving a death-threat letter calling the paper "a disgrace to the Filipino community in the U.S."

Police said several shots were heard in the bedroom of Oscar Salvatierra, 41, a naturalized American who had spoken out against Marcos. His body was found there this morning in a hilly neighborhood of suburban Glendale, Calif., they said.

Police and FBI agents said they have no immediate suspects but indicated that they will investigate the possibility that Salvatierra was the victim of recent efforts to intimidate anti-Marcos activists in this country.

The Philippine News, published in six weekly English-language editions, circulates about 77,000 copies in the United States and Canada, mostly in California. It is the largest weekly financed by advertising and paid subscriptions circulating among the nearly 1 million U.S. residents of Filipino descent.

Salvatierra was marketing director in the paper's Los Angeles bureau.

Supporters of Corazon Aquino, declared the loser to Marcos in the bitterly contested Philippines presidential election this month, charged that Marcos agents murdered Salvatierra.

If true, the killing would be the latest of several violent espionage acts by foreign agents against politically active members of growing Asian immigrant communities throughout the western states.

In the News' most recent issue, Salvatierra's name is listed first among those working in the newspaper's Los Angeles bureau. The main headline says, in red letters, "Marcos Stealing Election."

The letter sent to Salvatierra was postmarked Friday in Los Angeles and reached him Tuesday. Composed of words cut from newspapers and magazines and pasted on a sheet of paper, it said:

"Philippine News is a disgrace to the Filipino community in the U.S. Through your paper your unwarranted accusations and lies have attacked your own countrymen. You should be ashamed to call yourselves Filipinos. So for your crimes you are sentenced to death by execution."

On Saturday, before Marcos was declared winner of the Feb. 7 election, Salvatierra told a reporter from Los Angeles television station KNBC:

"I'm afraid there is going to be a lot of killings, a lot of violence. A lot of the opposition leaders will have to be killed or be put in jail to prevent the will of the people from being expressed."

Steve E. Psinakis, a San Francisco-based Aquino movement leader who acts as a consultant to the News, said Salvatierra was a quiet man who had refrained from expressing strong political feelings until after the 1983 assassination of Sen. Benigno S. Aquino Jr., Corazon Aquino's husband and Marcos' leading political opponent.

Stunned colleagues of Salvatierra's office said his wife, a nurse, was at work and his four children at school when the shooting occurred. Police said they were called by Salvatierra's elderly mother, who speaks no English, after she heard shots in her son's bedroom in the community about 10 miles north of Los Angeles.

"We have been afraid of something like this for a long time. But when it actually happened we were stunned," said Heroico Aguiluz, an attorney for the newspaper. Staffers said an unexploded bomb was found in the office last July 9.

Asked whom he blames for the killing, Aguiluz said, "Marcos."

News staff members said their Los Angeles sales representative, Stan Aragon, had received a letter similar to Salvatierra's before the killing. It said, "You are going to be next."

Sen. Alan Cranston (D-Calif.) issued a statement saying he had been told of the killing by News Publisher Alex Esclamado, who also has received threats. Cranston said

he asked FBI Director William H. Webster to investigate "this atrocity" and provide protection for Esclamado, Aragon and their families.

"Mr. Esclamado believes all this is the work of Marcos' agents and intended to intimidate him in ceasing his opposition to the Marcos regime. On the basis of Marcos' behavior in the Philippines, there is even more reason to believe Mr. Esclamado's suspicions are well-founded," Cranston said.

A statement by the Philippine consulate here, read by acting Consul General Leovigildo A. Anolin, deplored Salvatierra's death as an "apparent gangland-style killing," the Los Angeles Times reported.

"For some people to exploit the death of Mr. Salvatierra in an attempt to make political capital out of it is indeed incomprehensible," the statement said. "We sincerely hope that whoever is responsible . . . will be brought before the bar of justice to answer for his dastardly deed."

Psinakis said initial reports of the threat against Salvatierra and his murder parallel the murder of Chinese-American author Henry Liu in Daly City, Calif., in 1984.

A court in Taiwan later ruled that Liu, a critic of the Taiwan government, had been murdered by members of a criminal gang with ties to high officials of the Nationalist Chinese military on Taiwan.

Psinakis also noted that two other U.S. resident Filipinos have been killed and that one had disappeared in the last nine years in incidents in which involvement by Marcos supporters in this country was indicated.

He cited the case of Primitivo Mijares, a former Marcos censor who broke with the president and told a U.S. congressional committee in 1975 that Marcos had secretly instigated violence that led to his 1972 declaration of martial law.

Mijares was last seen Jan. 7, 1977, in San Francisco with a man identified as a Philippine intelligence agent. A letter Mijares sent from Honolulu the next day said he was returning to the Philippines but expected danger.

Psinakis said congressional investigations indicate that Philippine military officers assigned to U.S. consulates are in touch with Filipino criminals and have received orders to harass Marcos opponents.

Mr. CRANSTON. Mr. President, I rise to introduce today with my colleague, Senator KENNEDY, a Senate resolution condemning the murder of Oscar Y. Salvatierra in Glendale, CA, yesterday and calling for a swift and full investigation.

Mr. Salvatierra, the acting bureau manager and marketing director of the Philippine News, was murdered in cold blood at his home yesterday after receiving a death threat which stated:

Philippine News is a disgrace to the Filipino community in the United States. Through your paper, your unwarranted accusations and lies have attacked your own countrymen. You should be ashamed to call yourselves Filipinos. So for your crimes, you are sentenced to death by execution.

Mr. Salvatierra was a U.S. citizen of Philippine origin and an outspoken critic of the Marcos government. This violent act of terrorism, which ended tragically in Mr. Salvatierra's death, appears to have been politically motivated.

Mr. President, other lives are in danger. Stan Aragon, a sales executive with the Philippine News, also received a warning yesterday which read: "You are going to be next."

This act of terrorism is not an isolated event. Last July 9, shortly after Mr. Alex Esclamado—the publisher of the anti-Marcos newspaper—opened his Los Angeles office, a lethal bomb which failed to explode was found in his office. Mr. Esclamado believes all this is the work of Marcos' agents and is intended to intimidate him into ceasing his opposition to the Marcos regime. On the basis of Marcos' behavior in the Philippines, there is every reason to believe that Mr. Esclamado's suspicions are right.

Mr. President, we have recently witnessed a violent and fraudulent election in the Philippines. It now appears that this violence has extended even to our own shores. This heinous crime, and the cold calculation with which it was committed, requires a full and immediate investigation.

To get to the bottom of this, we are likely to require the complete cooperation of the Philippine authorities. This resolution calls upon the President to ask the Philippine Government for its full cooperation in the investigation.

In this country, freedom of speech and of the press are garanteed by the U.S. Constitution. The open exchange of diverse, and often conflicting, ideas is one of the great strengths of this country. This murder is a vicious act of terrorism and a violent attack on the most fundamental principles of our society.

We must react swiftly and forcefully to this act of terrorism. The acts of assassins and terrorists must not go unanswered. I ask my Senate colleagues to join me in cosponsoring this resolution. I urge the Senate to act decisively and quickly to send a clear message to the world that Oscar Y. Salvatierra's death will not go unpunished.

AMENDMENTS SUBMITTED

TELEVISION COVERAGE OF SENATE PROCEEDINGS

JOHNSTON AMENDMENT NO. 1587

Mr. JOHNSTON proposed an amendment to the motion to recommit with instructions the resolution (S. Res. 28) to improve Senate procedures; as follows:

On Page 2, line 2, insert "and" after the semicolon.

On Page 2, strike out lines 3 and 4.

On Page 2, line 5, strike out "(3)" and insert in lieu thereof "(2)".

On Page 4, line 12, insert "(1)" after "(a)".

On Page 4, line 14, strike out "(1)" and insert in lieu thereof "(A)".

On Page 4, line 16, strike out "(2)' and insert in lieu thereof "(B)".

On Page 4, between lines 19 and 20, insert the following:

(2) Television broadcast coverage shall be provided only—

(A) during the consideration of routine morning business; or

(B) when there is in effect a unanimous consent agreement providing for the allocation of time between specified Senators or their designees.

NOTICES OF HEARINGS

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. QUAYLE. Mr. President, the Subcommittee on Employment and Productivity, which I chair, will conduct hearings on March 11 and 13, 1986, on S. 2069, the Job Training Partnership Act Amendments of 1986.

Amendments contained in S. 2069 are designed to address programmatic issues that were identified during oversight of JTPA. S. 2069 seeks to improve program stability and lessen burdensome administrative requirements, improve services to youth and the hard-to-serve, and strengthen, enforcement of the Job Training Partnership Act's [JTPA] provisions. In addition, S. 2069 clarifies that unemployed farmers are eligible for the Dislocated Worker Program, title III of JTPA.

These are perfecting amendments to achieve some fine tuning without making major changes, reflecting the consensus of witnesses during oversight hearings. The goal of S. 2069 is to preserve congressional intent and the philosophy of the act.

Roger D. Semerad, the Assistant Secretary of Labor for the Employment and Training Administration at the Department of Labor, will testify on March 11. Other witnesses will be announced. The hearings will be conducted in the Dirksen Senate Office Building, room SD-30, at 9 a.m.

Persons desiring to testify should submit written requests to the Subcommittee on Employment and Productivity, SD-428, Dirksen Senate Office Building, Washington, DC 20510; attention: Renee Coe. Requests to provide oral testimony must be submitted by March 5. Ms. Coe may be reached at (202) 224-6306. Written testimony will be accepted from persons who cannot be scheduled for oral presentation.

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Public Lands, Reserved Water and Resource Conservation of the Committee on Energy and Natural Resources has added an additional bill which the subcommittee will receive testimony on at its hearing scheduled for Tuesday,

March 4, 1986, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building, Washington, DC.

The additional bill is S. 1911, to direct the Administrator of General Services to release, on behalf of the United States, certain conditions and reservations contained in a conveyance of land to the State of Utah. As previously announced, the subcommittee will also receive testimony on S. 1021 and H.R. 1795, S. 1568, S. 1617, S. 1638 and H.R. 1593, S. 1690, S. 1888, S. 1963, and S. 2031.

For further information regarding this hearing, please contact Patty Kennedy of the subcommittee staff at (202) 224-0613.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. COHEN. Mr. President, I would like to announce that on Thursday, February 27, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building, the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on Department of Defense subcontractor kickbacks.

ADDITIONAL STATEMENTS

IN SUPPORT OF THE GENOCIDE CONVENTION

● Mr. DURENBERGER. Mr. President, I rise to put myself on the record in support of formal ratification of the Genocide Convention. Regrettably, I was unable to be present yesterday when this historic vote was tallied as I was in Minnesota to attend the funeral of a close friend, Irene Whitney. Nevertheless, I wanted to take this opportunity to again register my support for the objectives of the Genocide Convention.

Largely inspired by widespread international revulsion at the genocidal crimes inflicted upon millions of Jews, Gypsies, and political and religious dissidents by Nazi Germany, the convention affirms that genocide is a crime under international law. It defines specific aspects of the crime, committed "with intent to destroy * * * a national, ethnical, racial or religious group," and delineates actions that would be subject to punishment. The treaty deals with issues of trial, extradition, and resolution of disputes. In addition, it requires that all of these provisions be given effect in accordance with the respective constitutions of the contracting parties.

While I have no illusions that ratification of this treaty will end the incidence of genocide, I do believe that Senate ratification of this treaty is symbolically important as our action can influence public opinion around the world and can persuade other governments to improve their human rights performance. The United States, which had played the leading role both in drafting the treaty and in lobbying for its acceptance, was correctly among the first to sign the document in 1948. Although it was transmitted to the Senate in 1949, the United States withheld ratification until yesterday. I am pleased that 83 of my Senate colleagues chose to vote for ratification.

Ratification of the Genocide Convention restates this Nation's commitment to the protection of human rights and strengthens its international moral authority. The Soviet invasion and occupation of Afghanistan since 1979 is only the most recent example of the use of genocide against a people. In 1984, Helsinki Watch, a noted international human rights monitoring group, issued a report entitled, "Tears, Blood, and Cries," which documented in appalling detail the vast violations of human rights that are being committed by Soviet occupation forces and by the quisling regime which now occupies Kabul. This past December, Helsinki Watch updated its earlier report with new information on the genocide being inflicted upon the Afghan people. This report, "To Die in Afghanistan," should be required reading for anyone who is concerned about the future of Afghanistan and its unfortunate people.

Mr. President, I ask that the introduction to the Helsinki Watch report, "To Die in Afghanistan," be printed in the RECORD.

The material follows:

TO DIE IN AFGHANISTAN

I. INTRODUCTION

On December 27, 1984, the fifth anniversary of the Soviet invasion of Afghanistan, Helsinki Watch issued a report entitled *"Tears, Blood, and Cries": Human Rights in Afghanistan Since the Invasion, 1979-1984.* The 210-page report, based largely on eyewitness testimonies, revealed the vast dimension of human rights abuse in Afghanistan:

"Just about every conceivable human rights violation is occurring in Afghanistan, and on an enormous scale. The crimes of indiscriminate warfare are combined with the worst excesses of unbridled state-sanctioned violence against civilians. The ruthless savagery in the countryside is matched by the subjection of a terrorized urban population to arbitrary arrest, torture, imprisonment and execution. Totalitarian controls are being imposed on institutions and the press. The universities and all other aspects of Afghan cultural life are being systematically 'Sovietized.' "[1]

The sixth year of the Soviet occupation saw the continuation, even intensification, of these practices. At the same time human rights violations came under increasing scrutiny. The publication of the Helsinki Watch report was followed a few months later, in February 1985, by the first report of the Special Rapporteur of Afghanistan of the United Nations Human Rights Commission, Professor Felix Ermacora of Austria, and by his interim report to the U.N. General Assembly later in the year. In a review of Professor Ermacora's first report and the Helsinki Watch report, Indian legal scholar A. G. Noorani noted, "On every major aspect, the reports tally."[2]

No one knows the number of Afghans killed since 1978, but estimates converge on a figure of about 1 million out of a prewar population of 15 to 18 million. Afghans remain the world's largest group of refugees, accounting for approximately half the world's refugee population. There are 2.5 million Afghan refugees registered in Pakistan, with perhaps another half million unregistered. Iran claims 1.9 million Afghan refugees, some of whom may be prewar migrants.

Refugees continued to flee in 1985. The flow into Pakistan has been reduced to a total of 2,000 to 3,000 per month into the Northwest Frontier Province and about half as many into Baluchistan.[3] The regions directly bordering Pakistan have already been largely emptied of population, and the new refugees are arriving from great distances: "This year we are getting people right from the Oxus River," Ahmed Zeb Khan of the Pakistan Commission for Afghan refugees, told Helsinki Watch.[4]

Monitoring human rights in Afghanistan did not become any easier over the past year. All communications media in the Democratic Republic of Afghanistan (D.R.A.) remain under the control of the ruling People's Democratic Party of Afghanistan (P.D.P.A.) and its Soviet advisers. The Soviet-Afghan authorities continue to refuse entry to human rights organizations, including not only Helsinki Watch but even the International Committee of the Red Cross (I.C.R.C.) and the U.N. Special Rapporteur, whose request to visit the country remains unanswered. With the exception of a few chosen Western journalists, the D.R.A. has refused to grant journalists even highly controlled access to the capital city. Moreover, the Soviets and the D.R.A. have made good on their threat to kill Western journalists entering Afghanistan clandestinely with the resistance. In late September 1985 Charles Thornton, a medical reporter for the *Arizona Republic,* was killed by Soviet troops in an ambush in Kandahar province, although it is impossible to determine if the attack was aimed at him specifically. A few days later a five-person medical team of the French Group Medicins Sans Frontieres (MSF—Doctors Without Borders) narrowly escaped with their lives from

[1] Helsinki Watch, *"Tears, Blood and Cries": Human Rights in Afghanistan Since the Invasion, 1979-1984,* December 1984.

[2] A.G. Noorani, "Human Rights in Afghanistan," *Indian Express* (New Delhi), June 14, 1985. The first U.N. report is United Nations Economic and Social Council, Commission on Human Rights, Forty-first session, Agenda item 12, "Report on the situation of human rights in Afghanistan prepared by the Special Rapporteur, Mr. Felix Ermacora, in accordance with Commission on Human Rights resolution 1984/55," E/CN. 4/1985/21, 19 February 1985.

[3] Anneliese Wilke, a German reporter with long experience in Iran who visited Afghan refugee camps there, reported on the German government radio, Deutsche Welle, on August 22, 1985: "From the rate of refugee arrivals, one can infer the intensity of the fighting in Afghanistan. 120 people daily were coming in the month of March. In June 2,000 people came all at once. At present the rate is about 80 per day."

[4] Interview with Barnett R. Rubin, Peshawar, August 19, 1985. The Oxus River, also known as the Amu Darya, marks the border of Afghanistan with the USSR.

an attack by helicopter gunships in Balkh province.[5]

Sources of information remain, however. Thousands of new refugees continue to arrive in Pakistan with accounts of why they fled. Some foreign reporters and medical teams still enter and work in the country clandestinely. And the official media of the D.R.A. and the Soviet Union occasionally, if inadvertently, provide information on human rights violations. To supplement the press and other published sources, Helsinki Watch sent a researcher to Pakistan in late August 1985 to question recent refugees and others coming from Afghanistan about the situation there in 1985.

Four findings stand out:

Thousands of children are being sent to the Soviet Union for ten years of education, in some, perhaps many, cases without the consent or knowledge of their parents. Under an agreement signed in April 1984, children are first gathered in institutions called *Parwarishgah-e Watan* (Fatherland Training Centers), supposedly intended for the education of orphans of "martyrs of the revolution." They are then sent to the USSR in large groups, to be raised away from their parents and culture in special centers. Some children are sent voluntarily, some under pressure, and some by force. The authorities have arrested some parents who refused to let their children be sent.

For the first time *physical* evidence has been produced of the existence of anti-personnel mines camouflaged as everyday objects such as watches, pens, and toys. Although refugees arriving in Pakistan have reported the existency of such mines since 1980, the first actual samples were produced in Kabul by the D.R.A. news agency BAKHTAR in a press conference on June 9. The press conference was reported by the D.R.A.'s domestic media and by *Krasnaya Zvyezda (Red Star)*, the newspaper of the Red Army, with the claim that they were the products of "imperialist terror." Apparently it was necessary to explain the origin of the mines to people who have seen them.[6]

Soviet strategists seem to have adopted an even harsher attitude toward civilians in areas where the resistance operates. There is an increase in massacres of hundreds of people at a time, sometimes entire villages, by specialized commando units. This report presents considerable detail on two such large massacres, in Kunduz Province on the Soviet border and in Laghman Province in eastern Afghanistan. These massacres were selected because there is more documentation available, not because the number of victims is necessarily any greater than in many other massacres that have been reported.

The State Information Service, known as KHAD, has apparently added a new set of torture devices to its already varied panoply of techniques. The new devices, imported from the U.S.S.R. or the Democratic Republic of Germany, are chairs in which the prisoner is belted securely, in order to receive electric shocks while the chair revolves at a dizzying pace. These tortures can be administered with a mere flick of a switch, making the jobs of the torturers less stressful.

This report presents new evidence of rape, brutal killings, and torture of women. One of those who provided some of this new information also suggested our title, when, after three hours of describing, indeed reliving, her experiences during two interrogations by KHAD, former teacher Fahima Naseri lost her self-control and wept: "I was in prison; I was tortured; I suffered a lot; but the hardest thing for me was to leave my country. My main wish is to die in Afghanistan." In 1985 that wish became a grim reality for thousands more of her countrymen.●

[5] On the threat to kill journalists see *"Tears, Blood, and Cries"*, pp. 186–189. The recent attacks were reported in Agence France-Presse despatches from Islamabad on September 30 and October 1. BBC reporter Jeff B. Harmon described how Afghan government militia tried to capture him and his cameraman in "Toe to toe with Russians in Kandahar's holy war," *Sunday Times* (London), August 11, 1985.

[6] The quotation is from Lieutenant Colonel V. Skrizhalin, "V Kovo Oni Tselyatsya: Press-konferentsiya v Kabulye," *Krasnaya Zvyezda* (Moscow), June 12, 1985, p. 3. This is the first occasion on which "mined" pens, watches, and toys have been exhibited. Victims among the civilian population have been unable to produce samples because the mines had exploded or been destroyed.

JOHNSON & JOHNSON

● Mr. BRADLEY. Mr. President, we are all well aware of the recent, tragic death of young Diane Elsroth by cyanide-laced Tylenol capsules. We all condemn the perpetration of this depraved act and hope that the murderer will be caught and brought to justice. But today I want to bring to the attention of my colleagues the actions of Johnson & Johnson, the manufacturer of Tylenol, in response to this tragedy.

This is, of course, not the first time Johnson & Johnson has faced adversity. In 1982, the Nation was devastated by the inconceivable and random deaths of seven people in the Chicago area—victims of cyanide-laced Tylenol capsules. Johnson & Johnson's response in 1982 was immediate, professional, and responsible. Of its own accord, and at considerable corporate expense, Johnson & Johnson completely revamped the packaging of all of its pharmaceutical products and implemented safety features which the rest of the industry soon adopted. In 1982, Johnson & Johnson was in the vanguard in the development of tamper-resistant packages.

Tragically, in 1986, we now know that there is no such thing as a tamper-proof capsule. The murder of Diane Elsroth bears witness to that fact. Once again Johnson & Johnson has been faced with a horrific corporate nightmare, and once again the company has responded with the highest level of professional ethics. Nearly 30 percent of the Tylenol products sold are in capsule form. Yet, Johnson & Johnson has announced that it will pull not only all of these from the shelves, but also any other Johnson & Johnson product in capsule form. To replace these, the company has developed the caplet, which, by nearly all accounts, is as easy to take as the capsule and which is clearly safer. In switching to the caplet, Johnson & Johnson has committed to another large corporate expense. But to the senior executives of Johnson & Johnson such expense is negligible in comparison to the suffering of Diane Elsroth's family and to the future protection of its customers.

Over the past 8 years I have worked closely with Johnson & Johnson's chairman, Mr. James E. Burke, and with other senior executives at the New Brunswick headquarters. I have seen that their concern for their customers is genuine and sincere. Johnson & Johnson, too, is a victim, the victim of domestic terrorism. I do not know why sick individuals have murdered innocent citizens, but I do know that the senior executives of Johnson & Johnson will not succumb to the perversion of terrorism. They proved this fact by their actions in 1982, and they have proved it again now. I would like to take this opportunity, to commend Johnson & Johnson and its senior executives on their outstanding commitment to provide the safest possible product to their customers. Given the integrity of the company, I am sure that Johnson & Johnson, as it has in the past, will rebound from adversity once more.●

FREEDOM AND OUR FREE PRESS

● Mr. GOLDWATER. Mr. President, Arthur Metcalf, chairman of the U.S. Strategic Institute, is a most thoughtful observer of the American scene, particularly as it applies to our defense. He has written for the coming issue of "Strategic Review" a piece related to the media of this country and what they inadvertently do to help our enemies.

I think this is something my colleagues should read and I ask that it be printed in the RECORD.

The material follows:

FREEDOM AND OUR FREE PRESS

We live in a world environment and at a time when the security of our free way of life has become the key issue underlying East-West relations. There was a time when our security arrangements were among our innermost secrets; now they are the subject of discussion with our enemies.

Two-thirds of the human race is in the grip of authoritarian ideologies so benighted and malign as to impose, in modern times, the yoke of slavery upon those people subject to their control. The Western world is confronted by communist police states in the Soviet Union, its European satellites and Mainland China. These tyrannies masquerading as governments have taken charge of the very lives of their people and the control of their comings and goings.

Moreover the world lives under the long shadow of nuclear war, a circumstance for which there is no historical precedent. This hazard is made greater by the grim reality that, despite the poverty-stricken Soviet economy, a vast nuclear arsenal is in the hands of these same communists who demonstrate little regard for human rights and human life.

The Western democracies enjoy a high standard of living and a level of freedom unknown in communist states, but behave as if the communist view of the world was the mirror image of their own; as if the communists, too, believed in a live-and-let-live world. And finally, it appears to be a tenet of Western morality that if the free democracies have a right to survival as the bastion of freedom, then the communist world has a right to survive as the bastion of tyranny.

The free democracies have accommodated to this bizarre mind-set for so long, and have become so numb to its realities, that it is rare that one finds evidence of an understanding that in any dialogue with communism the issue boils down to nothing less than the survival of Western civilization. Indeed, this ever-present and mounting threat to freedom is euphemized to the point where it is called "competition." Meanwhile, the United States is pressed for reduction in its security arrangements, engages in a disarmament dialogue with the Soviet Union and agrees to supply nuclear power generators to Communist China. How all this appears to those people under the yoke of communist totalitarianism is hard to imagine. But such behavior, endangering as it does the freedom of the West, must certainly foreclose, in their eyes, any hope of their own release from bondage.

The enslavement of human beings is not new in the history of this turbulent planet. But something new has been added to those factors which work against the survival of freedom which greatly increases the odds. The Twentieth Century miracle of instant global communications has turned the world into a whispering gallery. It has made possible those great advances which instant intelligence and understanding can bring by the rapid dissemination of information, learning and knowledge of events. It has made a village of the world.

On the other hand, and perhaps surprisingly, it has also provided an instrument for advancing the march of world enslavement by totalitarianism in whose hands it is a weapon for reaching into and influencing the policy of democratic governments. Within the confines of the communist borders all "news," printed and electronic, is official governmental pronouncement disseminated, repetitiously, to condition the minds and control the actions of their enslaved populations. This is widely understood, both within and outside communist countries.

Accordingly, it is hard to understand why the American media, in the name of news, deliver their powerful opinion-molding apparatus over to communist experts in disinformation, allowing them to repeat for Western consumption stale propaganda which has appeared over and over in the Soviet-controlled press. Further than this, our own press and television spokesmen, in dealing with issues of U.S. foreign policy, manifest, predictably, a pattern of negative bias. "If President Reagan thought he was going to change Secretary General Gorbachev's mind about giving up 'Star Wars', he failed," was the way NBC chose to put it on the morrow of the Summit Meeting, associating failure with what actually was a stunning performance in the eyes of our military alliances.

Following Chairman Gorbachev's hour-long closing statement to the press in Geneva, among the first voices to be heard on American television were those of Soviet official spokesmen. The vast communications facilities of NBC were made available to Georgi Arbatov, official Soviet processor of American public opinion, accompanied by a member of the Soviet government-controlled press, to interpret for American viewers the results and meaning of the Summit. Thus, the Kremlin, in control of all communications media in the Soviet Union and its satellites, demonstrated an ability to command the communications apparatus in the United States and its client states as well. One can only hope that the long-range significance of this is understood by the American people. To permit the Soviets to play the Western media like musical instruments, while they tightly control their own, is to ignore the effectiveness of the communications media as a means of undermining free governments.

Once our enemies can rely on having access at will to the opinion-molding apparatus in the democracies, they can play upon the universal yearning for peace to whip up public opinion in support of actions which the Soviets brand as peaceable but which, in fact, lessen the chances for peace and reduce the security of the West. The present heightened Soviet attention to public relations is not prompted by a sudden concern for world opinion, as has been averred in the press, but because they have come to a fuller realization of its power to influence the actions of the free West. That they are allowed to do this virtually without limit, must be a source of astonishment to the Soviets. It is far better, and easier, to use the communications apparatus made available by free peoples to effect their own undoing than to assault the democracies from without.

In the United States the print and the electronic media live under the protection of the American Government. Nevertheless, they follow, almost uniformly, courses of action which, over the long haul, are destructive to our Government and our national interests. Our political leaders, elected by popular vote, and therefore, to a large extent, creatures of the media, are unable to say this, but it is true, nevertheless.

Politicized television personalities who, day after day, work hard, as they do, to induce interview responses which disparage our Government, its policies and its elected leadership, cannot be unaware of the accumulative damage to the public interest. Grave issues affecting our national life and death—the Geneva Summit, for example—are reduced by television to the level of carnival entertainment presented as news.

One must not underrate the power of modern communications to plant images in the public mind. Man has never before lived in such a thought-processing environment. There exist no experimental evidence to evaluate fully the effect on the mind of uninterrupted stimuli on the human sensoria. But such evidence as does exist suggests that extensive intellectual and psychological conditioning are the predictable results. All totalitarian states have understood this; it is part of their stock in trade.

It is reported that the Soviets "rebuffed a U.S. feeler" to buy space in Soviet newspapers to present the U.S. position after the Soviets had bought a full-page ad in the *Washington Post* to present an arms control article by Soviet Marshal Akhromeyev. "Soviet newspapers don't take ads," they said, "We play by your rules, and we expect you to play by ours." It even sounds fair, if you don't stop to think: our rules let them win and their rules let them win.

Essentially identical material was published as news a few days earlier by *The New York Times* as "excerpts from . . . Akhromeyev's responses to . . . questions submitted . . . before an interview. . . ." prior to publication of still another article based on the interview. This is certainly a lot of free coverage to give Soviet views published subsequently in the paid *Washington Post* advertisement.

Thus, public opinion, which is the engine of all governmental policy in a democratic society, has, for good or for ill, become the product and the handiwork of the newspaper business and the television industry. These mercantile enterprises operated for private profit have come to exercise an all-encompassing authority over free governments without commensurate responsibility. Right or wrong, there are no consequences—elective or economic—to those wielding this awesome power: there is no one to call them to account, as there is if their product doesn't sell in the marketplace.

In the Soviet Union, the media are treated as vital instruments to be guarded by the state. In the United States the media are commodities merchandized by sensationalism and controversy, frequently featuring opposition to U.S. policies by foreign spokesmen who appeal to the electorate over the head of our Government.

The Soviet view of this is expressed by Andrei Vyshinsky in *The Law of the Soviet State* (1948, p. 617):

"In our state, naturally there is not and can be no place for freedom of speech, press, and so on for the foes of socialism. Every sort of attempt on their part to utilize to the detriment of the state, i.e., to the detriment of all toilers, these freedoms granted to the toilers must be classified as a counterrevolutionary crime."

It is worth noting that the provision in the First Amendment to the Constitution that "Congress shall make no law . . . abridging the freedom of speech, or of the press. . . ." Is a protection provided to the American people. By no means can it be interpreted juridically as a license extended to the newspaper business or the television industry. This distinction is made with clarity in the above Soviet statement which recognizes that "freedoms granted to the [people]" can be utilized "to the detriment of the state" and hence "to the detriment of all [people]." This the Soviets classify as a criminal act.

Great civilizations have disappeared for much less. The greater the freedom a country enjoys, the more responsive its government must be to the opinion of its citizens and the greater the capability of the media as molders of public opinion to impose policies which, even if well-intentioned, may be wrong and destructive to their free way of life. Such an instrument should be guarded well, not handed over to outside enemies.

It behooves the news media to consider well what they are doing to our country and to their own prospects for survival when they deliver themselves up spitted and trussed to Soviet spokesmen to disseminate alien and dangerous propaganda which impairs the judgment of a free electorate and misdirects the policies of free government.

If the media do not, themselves, take steps to recognize this obligation, it may lead to the hard choice of taking legal measures to safeguard the public interest. It has been said that where the choice is between freedom and order, it is freedom which will perish. It may be that where the choice is between freedom of the press and freedom itself, that it is freedom and of the press which will perish.—A.G.B. METCALF.●

DAN LAMBERT

● Mr. MITCHELL. Mr. President, it is sometimes easy to forget that the leaders of our Nation's veterans community do more than represent the interests of veterans before the State government and the Congress in Washington, although its leaders perform that necessary function very well and effectively.

Those leaders, through their efforts at the post and State level help those organizations provide a sense of purpose and a tradition of community service to countless towns around the State of Maine and the country. It is a contribution that is often taken for granted.

Mr. President, I am deeply saddened to speak today about the death this week of a man renowned throughout my State for his dedication and service to the veterans of Maine.

Dan Lambert, the adjutant of the Maine Department of the American Legion since 1975, died this week in Boston at the age of 62.

I offer my sympathies to his wife, Elise, and his children. I hope and, I believe, they are aware of the deep affection many people in Maine have for Dan.

The veterans of Maine, indeed this Nation, have lost a champion with the death of Dan Lambert.

Dan Lambert was a genuine war hero, a member of the "Darby's Rangers" unit in World War II, wounded four times in service to his country.

A founder of the Maine Veterans Coordinating Committee, Dan was one of the driving forces behind the creation of the Maine Veterans Home and the Maine Veterans Cemetery.

He was editor of the Maine Legionnaire, which was cited by the National American Legion Press Association in 1985 as its outstanding State publication. His editorial in 1982 was cited by that organization as the best of the year. Only last month, I placed in the RECORD, an article extolling his abilities as a public speaker. Dan Lambert was a skilled communicator.

And through his speeches, his writing, and his many public appearances throughout Maine, Dan not only brought new attention to the importance of this country's obligation to its veterans of all wars, he helped to make the role of the veterans community a more central one in all of Maine.

Dan Lambert's life was a series of challenges. He never saw one big enough to force him to retreat; he met very few that he couldn't overcome.

Dan Lambert's was a strong and enpasioned voice for many things, especially the interests of Maine's veterans. He was a long-time leader of Maine's veterans community. He was an outstanding citizen of the State of Maine. He was a good friend. We will miss him very much.●

EXTENSION OF TRADE ADJUSTMENT ASSISTANCE

● Mr. D'AMATO. Mr. President, I am pleased to rise today to add my name as a cosponsor of S. 2026, legislation to extend the Trade Adjustment Assistance [TAA] Program which expired in December 1985.

TAA provides benefits to workers and businesses adversely affected by foreign imports. At the close of the first session of the 99th Congress, final action was not completed to extend the program. Many thousands of workers entitled to benefits found their payments abruptly terminated just prior to the Christmas holidays. Under the TAA Program, qualified workers are entitled to receive up to 52 weeks of benefits. This bill will restore cash benefits retroactively to December 20, 1985.

The authorization for TAA expired on December 20, 1985. The continuing resolution for fiscal year 1986, however, contained $26 million for worker's training, job search, and relocation expenses through September 30, 1986. Unfortunately, since the reauthorization bill was not passed, workers are unable to receive weekly cash-benefit payments. This bill will rectify this situation until Congress has time to resume work on the reauthorization legislation.

The purpose of TAA is to assist workers, firms, and industries in product areas that are harmed by increased foreign imports of similar products. Eligible workers, certified by the Department of Labor, are able to receive job training, job search, and job relocation benefits of up to $800. Weekly cash benefits are provided in amounts equal to those provided by State unemployment compensation programs after exhaustion of all other available unemployment benefits.

I have been advised by the State of New York that there now are 59 pending TAA petitions, affecting over 5,700 workers, requesting certification at the U.S. Department of Labor. If certified, individuals covered under these petitions will be eligible for reemployment services, but not for weekly benefits. At the expiration of the cash-benefits program last December, 1,400 workers in New York State had their benefits abruptly terminated.

The budget reconciliation bill passed by the Senate, which is still in conference, would extend TAA for 6 years with certain changes. The House version of the bill simply would extend the current program for 4 years. However, House conferees had agreed to most of the Senate provisions by the time the conference broke down over other issues. The reconciliation measure would fund TAA through the imposition of a new, uniform fee on imports. Until the fee is negotiated by treaty, the program would continue as currently authorized.

The new program changes, to take effect after the import fee is instituted, would expand eligibility to cover firms and workers not directly impacted by import competition, but which provide essential parts or services to directly impacted firms. These provisions include the following:

First, in order to qualify for cash benefits, workers must enroll in a job training program unless excused by the Secretary of Labor;

Second, weeks not worked due to disability will be treated as weeks of employment for the purpose of meeting the basic eligibility requirement that the worker had been employed in at least 26 of the last 52 weeks;

Third, the Secretary's current discretionary power to pay for training costs will be made mandatory;

Fourth, reimbursement will be made for additional job search costs, such as job search workshops and job finding clubs; and

Fifth, firms will continue to receive technical assistance, but not financial assistance—due to a high default rate. Job training costs will be exempt entirely from income taxation.

It is my hope that S. 2026 soon will be passed by both the Senate and the House. This bill will enable workers to receive the benefits they rightly deserve. Meanwhile, Congress will gain needed time to work on the necessary reauthorization legislation.

Mr. President, I urge my Senate colleagues to support this legislation and to press for its speedy passage.●

TRIBUTE TO ANGELA THORTON

● Mr. BUMPERS. Mr. President, I am proud to pay tribute to a young Arkansan, Angela Thornton, who, with the cooperation of school personnel, law enforcement officials, and the National Center for Missing and Exploited Children, ended a 2-year ordeal for two young children and their mother. Her keen eye and her concern for others have resulted in a family reunited, the happiest of endings. Angela's mother, Mrs. Frances Easter, and her community can be justifiably proud of her.

On January 28 the 12-year-old Arkansas schoolgirl noticed a poster showing pictures of four missing children. She immediately recognized one child as a fourth grader in her school, Chicot Road Elementary, in the community of Mabelvale. Angela, a sixth-grader, immediately notified her teacher, Nancy Matlock, who took the poster to principal Otis Preslar. When he called the hotline number on the poster, things happened swiftly.

The child's abductors, though they had changed her name, had given the school her true birthdate when they enrolled her in the Mabelvale school. She and her younger sister had been

taken from their home in Topeka, KS, by a couple acquainted with their mother. They did not return home from their supposed trip to the pizza restaurant for 2 years.

Two days after Mr. Preslar dialed the hotline, the children were united with their mother. With true Arkansas hospitality, Pine Bluff Comfort Inn Manager Craig Bone and Burger King Manager W.G. Bolen saw that the children's mother had food and lodging. Sam Walton's Wal-Mart stores donated clothing for the children.

Only recently has a coordinated national effort begun to reunite missing children with their families. We see photographs of missing children on our grocery sacks and on our congressional mail, and these efforts are paying off. Angela Thorton's gift to a Topeka family is proof positive.●

ADVANCE NOTIFICATION—PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Committee on Foreign Relations.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD-423.

I submit the notification for the RECORD.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, February 12, 1986.

Dr. M. GRAEME BANNERMAN,
Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b)(1) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an East Asian country tentatively estimated to cost $50 million or more.

Sincerely,

GLENN A. RUDD,
Acting Director.●

ESTONIAN INDEPENDENCE DAY

● Mr. D'AMATO. Mr. President, February 24, 1986, is the 68th anniversary of the Declaration of Independence of the Republic of Estonia. This event will be remembered throughout the Free world, but no observances will be held in Soviet-occupied Estonia.

Estonians will not celebrate because there is nothing to celebrate. For more than four decades, ever since their forced and illegal incorporation into the Soviet Union, Estonians have suffered under the most brutal conditions. Thousands upon thousands have been slaughtered, carted off to Siberian gulags, and imprisoned for want of freedom and independence. Is this to be their reward for living as a free and independent people for 22 years?

Mr. President, the Baltic people of the Republic of Estonia have endured much, but they will never lose hope for the freedom and independence they once, so briefly, enjoyed. The Estonian American National Council in the State of New York, on behalf of Estonians everywhere, has made a plea for their freedom.

In July 1985, a distinguished panel of jurists, sponsored by the Baltic World Conference, convened in Copenhagen, Denmark, to discuss Baltic oppression in the once free States of Latvia, Lithuania, and Estonia. Their findings, which are reflected in the Copenhagen Manifesto, highlight the Soviet Union's illegal incorporation of the Baltic States and the continued suppression of national and human rights in Latvia, Lithuania, and Estonia.

I commend both articles to the attention of the Senate, and I ask that they be printed in the RECORD.

The material follows:

STATEMENT

The people of Estonian ancestry everywhere commemorate the 68th anniversary of the founding of the Republic of Estonia on February 24, 1918. At the same time, they note with sadness the continued brutality of the Soviet occupation of Estonia which began in June, 1940, when the Red Army rolled across the border to annex its neutral and peaceful neighbor. The Soviet aggression against the Baltic states—Estonia, Latvia and Lithuania—was such a blatant violation of international law that the United States and almost all other Western countries to this day refuse to accord de jure recognition to the Soviet rule there.

As Soviet rulers even today seek to expand the tentacles of their oppressive system of governance in Afghanistan and elsewhere, we would do well to recall the fate of Estonia. During the brief period of its modern statehood the Republic of Estonia was in many respects a model country. Universal suffrage and the eight-hour work day were introduced at the outset, and the records of the International Labor Office in Geneva attest that the Republic of Estonia was in the forefront of humane social and labor legislation in general.

Estonia's land reform and its minorities' laws gained international fame and were often cited by the League of Nations as examples to emulate. Indeed, in recognition and appreciation of ethnic justice, the Jewish National Fund in Palestine in 1927 awarded its special "Golden Book Certificate" to the Republic of Estonia, the only country ever so honored by the Jewish people. The American author Marion Foster Washburne traveled around the world in search of "the happy country." And in her 1940 book, A Search for a Happy Country (Washington: National Home Library Foundation), she concludes that the Republic of Estonia was that happy country.

Under Soviet domination Estonia has suffered tremendously—demographically, politically, culturally. Thus, the country lost almost one-third of its prewar population between 1939 and 1949, due foremost to Soviet atrocities; especially brutal were the mass deportations of 1941 and 1949. After the war, there has been a steady influx of Russians; the share of the population which is ethnic Estonian declined in the present territory from 92 percent in 1939 to 68 percent by 1970.

While the minority laws of the Republic of Estonia were renowned internationally, Estonians today face grave pressures of russification and sovietization in their own ancestral territory. Creative freedoms in all fields of artistic endeavor have been severely curtailed. Russian language encroachment at all educational levels, in the mass media, and in public affairs threatens to undermine the Estonian national identity. A few years ago Soviet authorities prohibited the use of Estonian in the defense of doctoral dissertations. More recently, the Communist Party's press in the university town of Tartu announced that the forced teaching of Russian would be introduced already at the level of day care centers.

Today, it is virtually impossible for Estonians in their Soviet occupied homeland to travel abroad or to emigrate. Contrast this with the fact that in 1936 alone, for example, 120,889 Estonian citizens were able to travel abroad, and a few of them chose to emigrate. In the grips of the Soviet bear Estonia today has the sad distinction of having the world's youngest political prisoner, two year old Kaisa Randpere, who is forbidden by Moscow from joining her parents in the West. The Soviet aggression against Estonia and the unremitting, systematic violation of political and human rights, have been well documented by the United States Congress and the Department of State.

From the outset of the Soviet occupation Estonians have actively resisted and protested Moscow's actions. In the ancestral homeland such protests, even when they are nothing more than peaceful memoranda, result in long periods of banishment to the infamous Gulag, tortuous confinement to psychiatric institutions, and at times even murder in confinement, as happened with the late Juri Kukk. In spite of this, Estonians in their Soviet occupied homeland as well as those in the diaspora in the Free World, will mark Estonian Independence Day once more on February 24th. The dream of the restoration of sovereignty, of political and human rights, of freedom from Soviet Russian oppression lives on in the hearts of Estonians everywhere. Their aspi-

rations, hopes and struggle for freedom are shared by freedom-loving people everywhere.

Elagu Vaba Eesti! (Long live Free Estonia!)

ESTONIAN AMERICAN NATIONAL COUNCIL.
NEW YORK, NY, *February 1986.*

COPENHAGEN MANIFESTO

The Baltic Tribunal in Copenhagen declares that the occupation and annexation of the once independent States of Estonia, Latvia, and Lithuania serve as prime examples of the violations of international public law and treaties ratified by the Soviet Union.

Mass Russian immigration has seriously damaged Baltic identity and political structure; language, culture, religion, even the learning of history in schools, have suffered under Soviet rule. The militarization of the Baltic States serves as a constant reminder of the continuing threat to world peace.

The right of the Baltic peoples to self-determination, to non-discrimination and to non-interference on their ancestral soil must be reinstated. After hearing experienced witnesses on numerous aspects of life and law and practice in occupied Estonia, Latvia, and Lithuania, the Baltic Tribunal concludes that severe injustice has been and is being done to these people by the Soviet Union.

The fate of the three Baltic States is unique in human history. Nowhere else in the world are former parliamentary democracies occupied, annexed and colonized by a conquering power. A unique fate deserves unique policies from the democratic governments of the world. We call upon them to raise the issue of Soviet occupation of the Baltic countries in all world forums, demanding freedom and independence for Estonia, Latvia, and Lithuania.

By this Copenhagen Manifesto we declare that the present situation in the Baltic countries is damaging the chance of peace and freedom in Europe and the world.

THEODOR VEITER,
Chairman.
PER AHLMARK.
JEAN-MARIE DAILLET.
REV. MICHAEL BOURDEAUX.
SIR JAMES FAWCETT.●

FLOATATION DEVICES IN SWIMMING POOLS

● Mr. SIMON. Mr. President, recently I was handed a letter by Mr. and Mrs. Jerzy Drozdowski of Schaumburg, IL.

Their letter tells of the drowning of their 15-year-old epileptic son, Michael, and their hope that other States will permit the use of floatation devices in public swimming pools for handicapped persons.

I hope that by inserting it in the RECORD, we can encourage other States to do the same thing that Illinois has done.

I ask that the letter be printed in the RECORD.

The letter follows:

NOVEMBER 24, 1985.

As parents who have suffered the devastation of a tragic loss of our beloved child, we wish to address our concerns on behalf of all other disabled persons that are not permitted to use floatation devices in public swimming pools.

Our 15-year-old epileptic son, Michael, encountered this same obstacle in his lifetime. One that deprived him of his right to experience the enrichment that "normal" children obtain through the recreation of swimming.

On January 25, 1985, his immense courage and desire to overcome this obstacle, was incapable of preventing the drowning that extinguished his precious, young life.

Through the exceptional dedication and persistence of many Illinois legislators, our urgent request to sanction the use of floatation devices in public swimming pools, was submitted before the Illinois House and Senate, and Governor James Thompson. Their commitment towards development of this law, has initiated freedom from this obstacle for Illinois disabled citizens.

The establishment of Bill HB2113 in Illinois, has inspired us because fulfillment of a dream to secure the use of a floatation device for all our disabled citizens, is becoming a reality. These worthwhile human beings will no longer have to limit their desire to participate in the pleasurable recreation of swimming!

We wish to express our heartfelt thanks for every action you direct towards the establishment of similar legislation throughout the United States.

The adoption of this legislation throughout our entire Nation, will substantiate our faith in that the outcome of Michael's death, was not one in vain!

Sincerely,

JERZY AND JANE DROZDOWSKI.●

DOLLAR'S FALL WILL NOT SOLVE TRADE PROBLEMS

● Mr. HEINZ. Mr. President, a column in today's Washington Post by Peter Behr makes a point that I suspect we will be reading frequently over the next 9 months—that the fall of the dollar alone is not sufficient to address our trade problems. Relying heavily on the report of the President's Commission on Industrial Competitiveness, which I have cited to this body on previous occasions, Mr. Behr points out that factors such as productivity growth, business investment, government tax and antitrust policies, and trade policy are all critical elements in influencing the size of our trade deficit and the magnitude of any changes that occur.

Particularly important, because we have an opportunity to do something about them this year, are tax and trade policy. Mr. Behr quotes Jerry Jasinowski, NAM's chief economist, as saying that the tax bill passed by the House of Representatives "* * * certainly is a major step backward." We have an opportunity this year, Mr. President, to pass a tax reform bill that will restore, not retard, international competitiveness, and to pass a trade bill that will give the President more resources to attack the many barriers to a free market system that exist throughout the world. Those actions, in conjunction with the decline in the dollar's value, will have a significant effect on our trade balance.

I cannot resist also mentioning, Mr. President, the irony that some of the economists who are now beginning to acknowledge that the dollar's fall will not solve our trade problems are the same ones who for the past 2 years have been saying the dollar's value is the entire problem. For several years we have been told that congressional legislation is unneccessary and perhaps harmful—if we just bring down the dollar everything will be all right. Now we are finally hearing what many Members of Congress knew all the time—the real world is more complicated than the economists' world, and the solution to our problems is a package of steps, not a single action.

Mr. President, I ask that Mr. Behr's column be printed at this point in the RECORD.

The article follows:

[From the Washington Post, Feb. 20, 1986]

DOLLAR'S FALL FALLS SHORT

(By Peter Behr)

As the price of oil and the value of the dollar continue to slide, you can almost feel the weight being lifted from the back of American industry.

A year ago, American manufacturing was on that downhill slide. A presidential commission stocked with leaders from business, finance, organized labor and academia was warning that U.S. producers were losing the ability to compete against imports at home and in foreign markets.

For five years, an overvalued dollar had imposed a brutal tax on U.S. exporters while subsidizing the flood of foreign imports entering this country. In the same 1980-85 period, industrial production grew by an average of only 2 percent a year, and company after company reacted by selling losing business operations, closing plants and cutting jobs.

"An internationally competitive U.S. economy is a prerequisite for the national goals to which we aspire—a rising standard of living for all Americans, our position as a leader of the free world and our national security," concluded the presidential commission headed by John A. Young, president of Hewlett-Packard Co.

Now the dollar has dropped dramatically from its 1985 peak, narrowing the price advantage that many foreign companies have enjoyed in U.S. markets. By the fourth-quarter of this year, the effects of a cheaper dollar should be giving a boost to corporate profits.

At the same time, the drop in oil prices has pumped up the stock market, while raising expectations of faster economic growth and a continued rosy outlook for low inflation.

But despite this good news, the competitive position of American producers and the job outlook for their employes is still imperiled.

"We're certainly not out of the woods," says Robert Z. Lawrence, a senior fellow at the Brookings Institution.

"The dollar's fall is a welcome development, because it takes some heat off of some industries," says Michael Porter, professor at the Harvard Business School and a key consultant to the Young Commission. But the fundamental problems, as he sees them, have not changed: In too many cases: "American goods are not the most advanced,

nor do they have the highest quality, nor are they updated at the same rate" as competing foreign goods.

As Lawrence noted, the decline in the dollar, initiated last fall by Treasury Secretary James A. Baker III, has reversed part, but not all of its climb during the 1980s. "We're back to somewhere at the 1982-83 level [for the dollar], and we thought then that the dollar was too strong," he said.

While the dollar's decline against the Japanese yen has been substantial, there has not been a comparable drop in relation to the currencies of other major competitors, such as Canada, South Korea and Brazil.

A second continuing weakness is business investment, according to Lawrence. Although the business-tax reductions enacted by the Reagan administration and Congress have encouraged investment, virtually all of it has been for trucks, automobiles, computers, office machines and other short-term equipment that doesn't do much to modernize and advance American plants.

That short-term focus made good sense when the dollar was high, but it hasn't helped American competiveness, Lawrence said.

Overall, the growth of nonresidential fixed investment, after excluding changes in inventories and deducting depreciation, has been slower in the current decade than in any other recent decade, government data show.

Politically, business will have a hard time winning further concessions from Congress in the form of new incentives to invest when the tax reform debate is renewed.

Porter, who believes that further incentives are essential, is pessimistic about the tax debate. "The goal of stimulating business investment has been totally lost," he said.

The tax proposal passed by the House of Representatives "raises the cost of capital [for business] and will decrease investment and reduce economic growth," says Jerry Jasinowski, executive vice president and chief economist of the National Association of Manufacturers. "That certainly is a major step backward."

A third, crucial piece of bad news concerns that economy's poor performance on productivity in the 1980s. "That's the show stopper," said Porter. "It has not gotten better. In fact, the trend lines look worse."

While the gain in productivity for manufacturing during the current recovery has been greater than in previous recoveries, it has not been strong enough to offset a terrible performance in the nonmanufacturing sector through January 1985, and apparently since then. And much of the manufacturing sector's productivity improvement has come from plant shutdowns and layoffs, rather than from investments that increase employes' productivity, said Lawrence.

Finally, said Porter, the Young Commission concluded that the competitiveness problem was not confined to an over-valued dollar and a record budget deficit.

There is a long list of government policies that affect competitiveness, Porter said—policies on trade, corporate mergers and government support for research, education and training, among others, he said.

There is still no systematic look at how these policies affect the American competitive position, and, thus, this country's standard of living, he said.●

LITHUANIAN INDEPENDENCE DAY

● Mr. PELL. Mr. President, February 16 marked the 68th anniversary of Lithuanian independence. After living for more than a century under Russian rule and tyranny, the Lithuanian people courageously rebelled against their oppressors and on February 16, 1918, declared Lithuania to be an independent state. Today, I am proud to join Lithuanians throughout the world in commemorating this memorable event.

The historic struggle waged by the Lithuanian people for freedom and self-determination did not come to an end with their declaration of independence. Soviet forces made repeated attempts to deal a death blow to the newly established republic. Nevertheless, Lithuanians successfully defeated these forces, and in 1920 the Soviet Union signed a peace treaty recognizing Lithuania's independence and sovereignty and renouncing forever all claims to Lithuanian territory.

Lithuania's existence as a sovereign nation-state was tragically and illegally ended by the Soviet Union during the Second World War. Under a secret protocol to the Nazi-Soviet Nonaggression Pact, the Soviet Union laid claims to Lithuania and other Baltic States of Latvia and Estonia. This agreement was a flagrant abrogation of the 1920 peace treaty with Lithuania. Having received the "green light" from Germany to occupy the Baltic States, the Soviet Union in October 1939 forcibly obtained the right to station Soviet forces on Lithuanian territory. The following June the Soviet Union orchestrated the downfall of the nationalist government and replaced it with a new pro-Soviet Government. In August 1940, at the request of the new government and against the wishes of the Lithuanian people, Lithuania was formally incorporated into the Union of Soviet Socialist Republics. To this day, the United States has consistently refused to recognize this unlawful annexation of Lithuania by the Soviet Union and has steadfastly supported the Lithuanian people in their valiant and unending struggle against Soviet repression.

As a member and former cochairman of the Commission on Security and Cooperation in Europe, I am deeply concerned about violations of human rights in Lithuania. As a party to the United Nations Charter and various international convenants on human rights, and as a signatory of the Helsinki accords, the Soviet Union has pledged respect for human rights and fundamental freedoms and has accepted political and legal obligations in these areas. As we commemorate the 68th anniversary, it is fitting and proper that we remind the Soviet Union of these obligations and that we reaffirm our own commitment to the principles of liberty and self-determination for Lithuanians and for all people who are forced to live in the absence of freedom.●

SISTER THERESA PECK

● Mr. LUGAR. Mr. President, I ask to have printed in the RECORD a statement commemorating the public service of Sister Theresa Peck to the city of Indianapolis, IN.

The statement follows:

SISTER THERESA TO LEAVE INDIANAPOLIS

Today, a fine Indianapolis health care facility is losing a truly outstanding administrator. Sister Theresa Peck is leaving her post as president of St. Vincent Hospital and Health Care Center, Inc., to become president of the Daughters of Charity Health Systems, Inc., one of the largest not-for-profit hospital systems in the nation.

Fortunately, St. Vincent will continue to benefit, at least indirectly, from Sister Theresa's influence, because it is a part of the Daughters of Charity health care system. But St. Vincent, Indianapolis and the State of Indiana will miss Sister Theresa's direct involvement with their activities after nearly eight years of association. We wish her well in her new pursuits and know that she will give her new position all of the attention and enthusiasm she brought to St. Vincent in 1978.

During her tenure at St. Vincent in Indianapolis, St. Vincent has grown to an 800-plus bed complex that includes the main hospital on 86th Street, the St. Vincent Stress Center, St. Vincent Family Life Center, St. Vincent Wellness Centers and the new 100-bed St. Vincent Carmel Hospital. St. Vincent has evolved from a simple, acute-care hospital to an ultra-modern, multi-faceted system of health care facilities.

Now, Sister Theresa will be responsible for continuing the development of the entire Daughters of Charity health care system. Among other duties, she will be working to unite the three regions of the Daughters of Charity Health Systems, Inc., with two other regions, called Daughters of Charity Health System East, to form a nationwide system of 40 hospitals with 15,000 beds. If her work is successful, the resulting system would be the largest not-for-profit hospital system in the country. That is truly a challenging future for a bold, insightful and energetic administrator. And we wish Sister Theresa the best in her new position.

Sister Theresa has had a remarkable career with the Daughters of Charity, which she has served since 1956. Prior to coming to St. Vincent, she was administrator at three different facilities: Seton Home Health Services, London, Kentucky; St. Joseph Hospital, Alton, Illinois; and St. Mary's Medical Center, Evansville, Indiana.

Sister Theresa is active outside the walls of the facilities for which she worked. Most recently, she serves on the board of direc-

tors of American Fletcher National Bank and Trust Company, American Fletcher Corporation, Marquette Manor and Meridian Insurance in Indianapolis and of St. Thomas Hospital in Nashville, Tennessee. She serves on several committees of the Daughters of Charity Health Systems, Inc. She is president of Indiana Catholic Hospitals; a member of the Indiana State Chamber of Commerce Health Care Committee; IHA Council on Health Care Delivery Systems, IHA Strategic Planning Task Force, and the Nursing Project Advisory Committee of the Indiana Hospital Association; and a charter member of the Major Catholic Hospital Alliance, Inc., St. Louis, Missouri. She also is a member of the Indianapolis Chamber of Commerce Greater Indianapolis Community Health Initiative; Health Sciences and Technology Advisory Committee of the Indianapolis Growth Project; Joint Hospital Planning Committee of the Greater Indianapolis District, Indiana Hospital Association; and is on the Board of Trustees of the Winona Memorial Foundation Walther Oncology Center. She helped found Health Plus HMO, Inc., and the Sagamore Health Network.

Sister Theresa truly has had a long and illustrious career of service to others, embracing the philosophy and mission of her order, the Daughters of Charity of St. Vincent de Paul.●

TEACHING ENGLISH IN PUERTO RICO

● Mr. SIMON. Mr. President, it has come to my attention that the secretary of educaton of the Commonwealth of Puerto Rico, Awilda Aponte Roque, a high level official of Gov. Rafael Hernandez Colon administration, unveiled at the beginning of this month a plan for an educational reform in the Puerto Rico public school system. A major element of that proposed reform is to eliminate, on an experimental basis, the teaching of English to Puerto Rican public school children during the first 3 years of elementary school so that they would not begin to learn English until they are in the fourth grade. A bill has been introduced in the Puerto Rico House of Representatives—House bill 619—by Representative Lopez Galarza, of the Popular Democratic Party, requiring the Puerto Rico Department of Education that all teaching in public schools from kindergarten through the fourth grade of elementary school be solely and exclusively in the Spanish language. The bill was introduced in the Legislature of Puerto Rico on November 14, 1985.

I have the greatest admiration for the Spanish language and for Hispanic culture. Spanish is one of the great languages of the world and for many years, as my colleagues know, I have strongly supported efforts to strengthen programs to allow English-speaking persons, particularly students, to learn Spanish or other foreign languages. I have also supported bilingual education for children in the United States whose mother tongue is other than English.

I believe that Puerto Ricans, as citizens of the United States, should be proud of their Spanish language and Hispanic culture, and that the United States is richer in its culture by the diversity brought to us by the different cultural and ethnic groups that have contributed so much to the life of our Nation.

I am concerned that there is an attempt to implement an educational reform that would delay for 3 years the teaching of English to public school students in Puerto Rico. That can only hurt the students. It is well known that the best time to learn a second language is during childhood. To prohibit or delay the teaching of English to public school children in Puerto Rico during the first three grades of elementary school would cause an irreparable educational injury to those students affected by this ill advised experiment. The learning opportunity lost by these students during 3 years could never be completely compensated.

Puerto Rican children should be entitled to an improvement in the teaching of Spanish in public schools in Puerto Rico, but it would be a serious mistake to conclude that they will learn Spanish better if they are not taught English as a second language, just as it would be erroneous to say that English-speaking students in the U.S. mainland public schools will learn English better if they are not allowed the opportunity to learn Spanish or any other second language in school in their early years.

In fact, studies show precisely the opposite. Students who study a language other than English become more proficient in English, in part because they have a mirror to hold up to judge their own language. While the test so conducted have all been in regard to English being the mother tongue, I have no reason to believe that the same principle will not apply to someone whose mother tongue is Spanish or Chinese or any other language.

I have traveled to many countries in the world and have found that learning a second language in addition to the mother tongue is one of the highest priorities of students, parents, and government officials involved in all countries. A proposed educational reform in Puerto Rico to exclude the teaching of English from public schools there will adversely affect the education of Puerto Rican children, including those who remain in Puerto Rico, as well as those who may come to the U.S. mainland where the lack of English proficiency would be a limitation to their opportunity to be gainfully employed.

In 1978, when I was a Member of the other body, I joined efforts with then Resident Commissioner Baltasar Corrada to amend the Primary, Secondary and Vocational Education Act to increase the level of funding for economically disadvantaged schoolchildren in Puerto Rico. As a result of those efforts, Puerto Rico's Department of Education receives around $100 million in Federal grants for the education of these children.

I have always supported and continue to support the best possible education for children in Puerto Rico. I certainly hope that plans to prohibit or delay the teaching of English to students in Puerto Rico will be rejected.

Puerto Rico is an island rich in talent and culture. My good friends there should not make the mistake of taking steps backward, steps that would harm the future for those children they are educating.

I know that the suggestion made was well intentioned. But it is wrong.

Puerto Rico should continue teaching her children two languages from the early years onward.

And here on the mainland we should be doing the same.●

ORDER OF PROCEDURE ON MONDAY, FEBRUARY 24, 1986

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, February 24, 1986, at 12 noon, the reading of he Journal be dispensed with, no resolutions come over under the rule, the call of the calender be dispensed with; that following the recognition of the two leaders under the standing order there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business not to extend beyond 1 p.m., with Senators permitted to speak therein for not more than 5 minutes each, and provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, on Monday, February 24, we will convene at noon. The two leaders will have 10 minutes each, followed by a special order for Senator PROXMIRE, and routine morning business as previously stated. It is my hope that on Monday we can have amendments laid down,

perhaps one or two votes or more, and reach some agreement that we can work out the pending business. I believe we are much, much closer than we were 2 or 3 weeks ago. I certainly thank all Senators who have been working on TV in the Senate. Whatever their view may be, we have had good cooperation from nearly everyone who has been associated with it.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 24, 1986

Mr. DOLE. Mr. President, I move that the Senate stand in adjournment until 12 noon Monday, February 24, 1986.

The motion was agreed; and the Senate, at 6 p.m., adjourned until Monday, February 24, 1986, at 12 noon.

71-059 O-87-36 (Pt. 2)

EXTENSIONS OF REMARKS

THE 25TH ANNIVERSARY OF URBAN LEAGUE OF GREATER NEW HAVEN

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. MORRISON of Connecticut. Mr. Speaker, on January 14, 1986, I attended a luncheon in honor of the 15th anniversary of the Urban League of Greater New Haven. Walter H. Monteith, Jr., chairman and chief executive officer of Southern New England Telephone, was the featured speaker. His statement was both eloquent and thought-provoking, and I am pleased to share it with my colleagues.

I hope that Mr. Monteith's words will receive the careful consideration which they deserve.

STATEMENT OF WALTER H. MONTEITH, JR.

Good afternoon, ladies and gentlemen. I'm pleased and proud to be the keynote speaker at this very special event—the 25th anniversary celebration of the founding of New Haven's Urban League. Pleased at the opportunity to honor an organization which has had so positive an impact on so many lives for so long. Proud because I share a commitment to the goals of the Urban League, and humble because I well know the dedication with which you have worked for a quarter of a century to achieve them.

That this event falls during New Haven's celebration of Martin Luther King, Jr.'s birthday is not without significance. For both the Civil Rights movement and the Urban League have deep and lasting ties.

The eloquence, compassion and commitment to change of Martin Luther King, Jr. and the Urban League's creative response to the education, employment and housing needs of urban Blacks were born of the same environmental necessities.

As you know, the National Urban League was founded some 75 years ago to assist predominantly rural Southern Blacks in their adjustment to life in Northern cities. The New Haven chapter of the Urban League, founded in 1961, was tied more closely to the goals of the civil rights movement. It was founded, according to your executive director Earl Fraser, at a time when "the mechanisms for change had not kept pace with the urgent demand for change."

The founders of New Haven's Urban League believed that the best way to stimulate change was to work with and within the established power structure. Given the makeup of society 25 years ago, it might be said your founders possessed an abundance of optimism.

For twenty-five years ago, America was often two societies—one white and the other Black. Twenty-five years ago, some states prohibited Blacks from eating in a restaurant or sleeping in a hotel or sitting in certain bus seats or going to a movie or a church or a college that was restricted.

Twenty-five years ago the numbers of Blacks in medicine, in law, in government and in the professions was much smaller than today because of ignorance and fear and prejudice.

And in New Haven, although the divisions between Black and white were less obvious than in cities where signs were posted reading "Whites Only," the real economic, educational and social divisions were less large and pervasive. The gulf between the opportunities afforded to whites and those open to Blacks was no less wide. And because of these divisions, New Haven knew its own "long hot summers"—times of racial unrest and despair.

But the individual and collective acts of courage demonstrated by Rosa Parks and Martin Luther King, Jr., the Freedom Riders, the marchers on Selma and Washington, and the establishment of organizations like the Urban League, sent forth that tiny ripple of hope that Robert F. Kennedy liked to speak of. Each time someone stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, Kennedy said, a tiny ripple of hope is sent forth. "And crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

Together, those ripples produced landmark social and economic programs on a national level that included the Civil Rights Act, the Voting Rights Act, federally-assisted housing programs, the Elementary and Secondary Schools Act and the Comprehensive Employment and Training Act.

"There is," said an Italian philosopher, "nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success than to take the lead in the introduction of a new order of things."

A new order of things. That is, in truth, what the pioneers of the Urban League and the Civil Rights movement introduced.

We like to think that much has changed in twenty-five years, and, indeed, much has. But when I read headlines like I have recently about Blacks being prevented from moving into white neighborhoods, I begin to wonder how far have we come in our quest for true understanding and brotherhood and what it will take, finally, to achieve them?

Some things have changed, however. We have moved from a time when barriers were obvious to a time when they are more subtle. In doing so we discover the dimensions of the issues still before us. And as individuals and as corporations we struggle to develop appropriate responses to these issues.

In the 1960's, the issues were clear cut. Most of us knew that it was wrong to deprive people of the ability to live and work and eat and play and vote where they wanted to because of the color of their skin. Horrified, we watched the scenes on the evening news of hoses and dogs and clubs turned on peaceful protestors . . . protestors asking only for what had been due them for centuries . . . protestors asking that the United States, in the words of Martin Luther King, Jr., "cash this check—a check that will give us upon demand the riches of freedom and the security of justice."

It was clear what had to be done. And because of the courage and the determination of countless Blacks and whites, law upon soul-crushing law was struck down and the roadblocks that had been in existence for centuries were lifted.

We found, however, that we could do away with the outward symbols of discrimination—the signs which read "Whites Only"—but how could we do away with centuries of bias? How could we dispel years of suspicion and fear and prejudice? We could integrate a school, a bus, a restaurant, a hotel and a workplace, but how could we refashion a mindset, reconfigure an attitude?

This was the hard part. For full equality and freedom for Black Americans would not be won "by a law or a lawsuit, by a single program or in a single year," as Bobby Kennedy observed. It would take, he suggested, dissolving physical ghettos, but more importantly, the "ghettos of the mind" which separate white from Black.

The Urban League is a remarkable organization because it has always known that the secret to dispelling this mindset is for Blacks and whites simply to be together. And those of you who were at Woolsey Hall last night know what I'm talking about.

For it is in the daily interaction among the races, among ethnic groups, among us all that we discover that we are all different yet all alike. We are all part of the same human family. We all have the same hopes and fears and dreams and desires. We all want a job to call our own, a home for our families, a peaceful neighborhood and world. Freedom from want and hunger and despair. A reason to get out of bed in the morning. A measure of happiness.

The Urban League has worked unstintingly for 25 years to help those who have often been deprived of their right to a piece of the American dream to have the opportunity to achieve it.

It's been said that the true test of leadership is the ability to clearly see one's own time.

The leaders of New Haven's Urban League possessed that ability, starting with Sidney Alexander, your first executive director. Working with just a secretary, out of office space on Court Street provided by the old Community Progress, Inc., Sidney began an employment recruitment program with area businesses and sought to broaden opportunities for Blacks from factory and industrial jobs to white collar ones.

In 1965, Bob Bowles took over the leadership of the Urban League, building on what Sidney had begun. In his 11 years as executive director, Bob knew that if a job with a future helped to feed one's body, a home of one's own helped to nourish the spirit, and quality education fostered the minds and spirits of the generations to follow.

Bob made these three areas—jobs, housing and education—the focus of his activities. And your next executive director, Myron Robinson, continued and expanded this three-pronged attack. Today, in programs like Project Hire, New Homes Now!, the Parent Involvement Project, Helping Hand and Project Seek Out, Earl Fraser reaffirms the goals of the Urban League and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

refashions the ways in which these goals are met.

The Urban League story is a peculiarly American story. It's a story of people of different races, different religions, and different economic groups coming together to work for a common goal.

While other groups divide people into "us" and "them," the Urban League knows that we are all "us." We are, indeed, all our brothers and sisters keepers. When one of us succeeds and prospers, we all do. When one of us gets a chance, we all do. And that's because of something fundamental and decent that the Urban League has recognized in the American character—something Franklin Roosevelt called "the American idea of neighborliness." The idea that that part of society which is affluent and comfortable cannot really enjoy its wealth when its neighbor is poor and hungry, physically or spiritually.

I suggested to you before that one of the things that has changed in the past 25 years is the ease with which we can respond to the key issues affecting race relations in our communities and in our country. Let me give you an example from my own company that may illustrate this dilemma.

In 1985, Southern New England Telephone struggled with updating and restating our corporate Race Relations policy. The group formed to do this found that there were other constituencies claiming recognition . . . constituencies that 25 years ago were not yet at center stage in the national struggle for civil rights. Constituencies including the handicapped, Hispanics, women. . .

As a corporation we struggled with the issue of whether, in the search for equal rights, some groups are not more worthy of specific attention and focus than others. And this issue, this issue of race relations, of equal rights, of affirmative action, and of the best ways in which to promote cooperation between the races, is one on which people of conscience can and do disagree. And it seems to me that there's no constant appropriate response. Our responses must reflect and change with the times.

Let me tell you what Southern New England Telephone decided about some of these questions. In our corporate commitment to Equal Employment Opportunity, we state, "Southern New England Telephone has a progressive tradition of commitment to the full integration of all persons into the life of the corporation. The company's Affirmative Action Program delineates equal employment opportunity policies for a number of protected groups, including Blacks, Hispanics, women, the handicapped, Vietnam Era and disabled veterans, and older workers. While an equal commitment to each group exists, progress for each group does not occur simultaneously. As activities and gains happen in one area, it stimulates advances in the others."

"In recent years," the statement continues, "special attention has focused on the area of race relations in response to a long and compelling national history of discrimination against Blacks, as well as to strong corporate concern and commitment in this area. In keeping with its strong tradition of positive action and response in the areas of equal employment opportunity and affirmative action," Southern New England Telephone reaffirms this Race Relations Policy.

This is how we as a corporation have responded to what we feel is an important point—while other minority groups rightly claim our attention, we cannot forget that we owe special allegiance to the cause of advancing black Americans in light of our national history of discrimination against them.

I am not here today to blow our corporate horn, but I'll tell you that I believe, as a company, SNET has tried to be progressive and take the initiative in the area of race relations. In large parts, we owe the development of this stance to organizations like the Urban League.

The Urban League has helped raise our sensitivity to those issues which impact on the black community. It has worked with our company on programs like Project Seek-Out, a program which identifies and encourages minority students to attend college. Employees of the phone company participate in the Urban League's Helping Hand program where Black adults serve as role models and friends to young Black students. SNET and the Urban League also developed a program to train and hire young Blacks as installers and technicians in our central switching offices.

In the early 1970's, we established an Office of Urban Affairs: created an Urban Orientation Program for all management employees to address racial difference and awareness in the workplace, and developed JOBS'70, a program for disadvantaged inner city youths. In the mid and late 70's, we authorized and conducted a Race Relations Study, established the Race Relations Advisory Group, and initiated an Action Plan in response to the findings of that group.

You helped us do this, and it seems to me that the best way to continue to achieve the goals of the Urban League is to stay on the road you began 25 years ago . . . working with businesses, with schools, with government to stimulate and advocate change.

Speaking as the head of a major corporation, I can tell you that we want to do what's right. But as we've struggled to do so, to the degree that we've succeeded, it's been in large part because of your ideas, your involvement, and your ongoing challenge to us. You haven't let up on us. You've told us, when it was necessary, that there's more we can be doing, ought to be doing, should be doing. You've been our conscience, our watchdog, our guide. You've helped us to see what it's sometimes hard for us to see . . . sometimes painful for us to see.

Martin Luther King, Jr. dreamed of a world in which people would be judged not by the color of their skin but by the content of their character. I share that dream and I believe that as we continue to work together we can realize it here in New Haven.

Thank you.

WASHINGTON STATE LEGISLATURE GIVES STRONG BIPARTISAN SUPPORT TO A COMPREHENSIVE TEST BAN TREATY

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. LOWRY of Washington. Mr. Speaker, I wanted to let my colleagues know that both houses of the Washington State Legislature have called for the negotiation of a comprehensive test ban treaty. The State legislature's action is particularly timely since we are about to consider House Joint Resolution 3, the comprehensive test ban resolution.

Yesterday, the State senate approved a test ban resolution by a rollcall vote of 43–0. The State house of representatives had earlier approved a similar resolution and is expected to concur with the senate language in the near future. In each body, the comprehensive test ban won impressive bipartisan support, which speaks loud and clear of the grassroots support for the idea.

I have attached the text of the senate resolution and an analysis of the issue from today's Seattle Post-Intelligencer. I am proud that Washington State has taken this step and I urge my colleagues to support House Joint Resolution 3.

To the Honorable Ronald Reagan, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress assembled:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

Whereas, Ending all nuclear tests has long been regarded internationally as the single most important, feasible, and attainable way to stop further technological advances in the arms race; and

Whereas, A Comprehensive Test Ban Treaty has been a foreign policy goal of the past six administrations in the United States and has been called for in dozens of United Nations proposals; and

Whereas, A Comprehensive Test Ban will not affect the strategic competition between the two superpowers, as testing for the MX and Trident missiles has been completed; and

Whereas, If nuclear testing is banned, nations with nuclear weapons would be encouraged to limit these weapons and countries without nuclear weapons would be incapable of carrying out a nuclear weapons development program; and

Whereas, A Comprehensive Test Ban Treaty would limit proliferation of nuclear weapons by arresting the qualitative development of nuclear arsenals, as testing nuclear weapons enables the development of new and more destructive weapons; and

Whereas, The reliability of weapons stockpiles can be checked by nonnuclear testing methods; and

Whereas, Current national technical means and verification measures can detect nuclear tests at extremely low kilotonnage; and

Whereas, Nuclear tests have leaked radiation, endangering workers and people living downwind from test sites; and

Whereas, An end to testing would reduce nuclear pollution; and

Whereas, A Comprehensive Test Ban Treaty would increase national and international security, because those nations signing the treaty would be demonstrating their commitment to eventually ending the nuclear arms race.

Now, therefore, Your Memorialists respectfully pray that the United States resume negotiations toward conclusion and ratification of a comprehensive, multinational verifiable test ban treaty.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of

Representatives, and each member of Congress from the State of Washington.

[From the Seattle Post-Intelligencer, Feb. 20, 1986]

WHY THE LEGISLATORS ARE TAKING A STAND ON NUCLEAR-TEST BAN

(By Mike Layton)

OLYMPIA.—Washington is just one legislative roll call away from being the first state in the nation to call on President Reagan and Congress to negotiate a comprehensive nuclear test ban treaty with the Soviet Union.

The Legislature is always petitioning someone somewhere to do something. But this venture into foreign policy is bigger than your average plea to higher powers to stamp out wheat smut.

It represents an entry into state level politics of a coalition of peaceniks determined to alert people to the dangers of nuclear war and to goad the public into doing something about it.

ADDITIONAL PLEA

David Foecke, director of Puget Sound SANE, said the memorial will "send a clear message to the state's congressional delegation" when the U.S. House of Representatives votes, possibly Monday, on a similar petition.

That congressional proposal also asks Reagan to submit to the Senate for ratification two treaties already signed by the United States and the Soviet Union, both limiting the size of underground nuclear explosions.

Five members of the state's delegation in the House, Reps. Norm Dicks, Don Bonker, Mike Lowry, Tom Foley and Al Swift, support the proposal.

SANE spent $25,000 in 1984 supporting Lowry and Swift and opponents of Reps. Rod Chandler and John Miller, Chandler and Miller both won.

BOTTIGER'S VIEW

In this year's election, Foecke said, SANE will for the first time support candidates for the Legislature, with money and doorbelling and other help.

So what's a provincial legislature doing expressing an opinion about lofty matters that trouble even Congress?

"It's my personal opinion that the Senate is not equipped to handle foreign policy," Senate Majority Leader Ted Bottiger said before the vote on the memorial to Congress.

But he voted for it, apparently, since the announced final vote was 43-0—although several "no" votes were heard in the hubbub during the roll call.

Rep. Dick Nelson, D-Seattle, prime sponsor of the memorial, had a different view:

"We are also citizens."

"Our citizens are paying for a nuclear arms race now. If we don't curtail the arms race, it's going to get away from us. We have to stand up to the president and the Department of Defense."

He was joined at an earlier news conference by a number of other legislators.

"As state legislators we are also citizens," said Rep. Georgette Valle, D-Seattle, "and it's important for us to let our congressmen know where we stand."

Sen. Jim McDermott, D-Seattle, said the explosion of the space shuttle Challenger "showed how safe 'Star Wars' will be. The way we're spending our national capital is the real question."

McDermott read a memorial-supporting statement for Gov. Booth Gardner, who was out of Olympia yesterday.

Gardner said he tries to stick to state questions but "I find the issue of nuclear testing so compelling that it demands comment."

"This nation must resume negotiation of a comprehensive and verifiable test ban treaty. It is our responsibility as a leader of this world to do everything in our power to limit the threat of nuclear war."

Rep. Katie Allen of Edmonds, the lone Republican at the news conference, noted that "if we're part of a federal government, we should be able to say something about the danger (of nuclear war) as a state."

But isn't the production of military hardware good for The Boeing Co. and thus for the state's economy?

GARDNER'S STATEMENT

"The technology that the United States is developing should be put to useful purposes," McDermott replied. "To say the country can't function, that we have to have war as the basis of a solid economy, is not acceptable."

Gardner's statement said that, "this test ban treaty has been a foreign policy goal of six administrations, both Republican and Democratic. I do not believe it will affect the strategic competition between the two superpowers, since testing of the MX and Trident missiles has been completed, but it can help to stem further technological advances in the arms race."

The memorial, which previously passed the House 67-28 with one Democrat voting against it and 13 Republicans for it, got through the Senate after an amendment was added to soothe Republican fears that it was asking for unilateral disarmament.

PHRASES REMOVED

Originally, the memorial concluded by calling on the administration to "resume negotiations toward conclusion and ratification of a comprehensive, multinational verifiable test ban treaty, halt the testing of all nuclear warheads, and halt nuclear explosions for peaceful purposes as well,"

The amendment, adopted in the Senate Energy and Utilities Committee, removed the words "halt the testing of all nuclear warheads, and halt nuclear explosions for peaceful purposes as well."

Nelson said the change is not significant and the House is expected to accept the amendment, and the memorial, today.

It's not just at the national level that compromises are forged.

STUDENT ASSISTANCE MUST REMAIN A TOP PRIORITY

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. HUBBARD. Mr. Speaker, I recently received an excellent letter from my friend and constituent Johnny McDougal, director of student financial aid at Murray State University in Murray, KY.

He is extremely concerned about the President's fiscal year 1987 budget proposal which calls for major reductions in Federal student financial assistance programs. Mr. McDougal points out the impact that these reductions would have on students at Murray State University. He recognizes the importance of retaining higher educational opportunities as a top national priority.

I encourage my colleagues to read and carefully consider Johnny McDougal's insightful comments regarding this issue which is so crucial to the future of our Nation.

His timely letter follows:

FEBRUARY 14, 1986.

Congressman CARROLL HUBBARD,
Washington, DC.

DEAR CONGRESSMAN HUBBARD: President Reagan's fiscal 1987 budget proposes major reductions for student grant, loan and employment programs. In addition, the specter of the Gramm-Rudman-Hollings hangs over the entire process. If Congress and the President cannot agree on a budget to cut the deficit, the law will impose automatic across-the-board reductions. This action would mean an estimated 25 percent cut in all student financial aid programs.

Fortunately, you and other concerned members of Congress can prevent this from happening. It is requested that you call for and work for a fairer approach to the deficit problem, an approach that would place a larger share of the federal budget on the table for inclusion in across-the-board cuts. It is our understanding that currently, only 20 percent of the budget is targeted in the Gramm-Rudman law. Let's make certain that any funding reductions do not go beyond the reasonable share that higher education should contribute to this country's commitment to reduce the federal deficit.

For the sake of students, parents, colleges and universities, and the future of national good, it is vital to preserve reasonable levels of funding for student aid programs. The economic impact on the local community must also be considered with the magnitude of these proposed reductions.

The scheduled reductions will be financially devastating to our students at Murray State University. On our campus, 44 percent of all students enrolled one-half time or more are receiving federal student financial assistance. It is obvious from the President's budget proposal that the Administration places little priority on the needs of students who are attending Murray State and other colleges and universities.

Let me share with you the projected impact these funding reductions will have on students at Murray State.

Pell Grants—512 of the current 2,200 recipients would be eliminated from the program for a dollar loss of $614,978. Further reductions in this program will be necessary because the Administration is not requesting a supplemental appropriation to make up a $215 million funding shortfall and the $154 million sequestered by Gramm-Rudman. This action would impact students from family incomes between $12,000 and $20,000. Since a major segment of Murray State students come from low middle and middle income level families, these funding reductions would be severely felt on our campus.

Guaranteed Student Loans—over 40 percent of the current 2100 GSL recipients could become ineligible under the proposed changes and lose 1.5 million dollars. Changes proposed in the budget threaten the collapse of the entire program. Nationally, this program accounts for 62 percent of the total federal financial assistance.

College Work-Study—146 of the current 700 student employees would be denied the opportunity to work and earn part of their

educational expenses. These students would lose $102,522.

Supplemental Educational Opportunity Grants—135 of the current 375 recipients would lose $71,945.

National Direct Student Loans—proposed to be replaced by a new, unsubsidized and substantially higher interest loan program and repaid on an income contingent basis. An estimated 100 students would lose $75,000.

Over 1700 student financial aid awards would be eliminated for a staggering loss to our students of over 2.3 million dollars.

Hundreds of Murray State students will not be able to commence or to continue enrollment if these proposals go unchallenged by you and your colleagues. It may appear politically expedient to agree to these cuts as a means of reducing the budget deficit; however, we should also consider the long-range effect of actions being taken at this time. A college education has become a reality for a number of students only because of the availability of these aid programs. It would be unwise to promote and support policies which make a higher education a possibility only for those from wealthy families.

Your support for student assistance programs is urgently needed. It is requested that you do all that you can do to insure that these programs are funded at reasonable levels and that the ultimate federal funding decisions recognize that one of the top national priorities must be educational opportunity.

Sincerely,

JOHNNY MCDOUGAL, *Director,*
Student Financial Aid,
Murray State University, Murray, KY.

SALUTE TO BRIDGE STREET AME CHURCH 220TH ANNIVERSARY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. OWENS. Mr. Speaker, families and neighborhoods have recently received a considerable amount of national attention. Both social scientists and elected officials have been reaffirming the pivotal role of the family in the complex fabric which makes our Nation great. Neighborhoods and the institutions which make up local communities are of vital importance in the process of nurturing strong families. Within the black community, none of the institutions are of greater importance than the church.

Within the Bedford-Stuyvesant community in Brooklyn, NY, the Bridge Street African Methodist Episcopal Church serves as a magnificent example of such a powerful, nurturing religious institution. On Saturday, February 22, 1986, the Bridge Street Church family will be celebrating its 220th anniversary and will be dedicating the Bridge Street Church expansion project. The celebration will commemorate a rich and glorious legacy of service to God and service to the community. The occasion will also highlight a new expansion and renovation of the church facility which cost more than a half million dollars.

The Bridge Street African Wesleyan Methodist Episcopal Church, Inc., is located at 277 Stuyvesant Avenue, in the heart of Brooklyn's Bedford-Stuyvesant community. The congregation traces its roots back to 1766. Bridge Street is Brooklyn's oldest black congregation, presently in its 219th year of existence.

The primary purpose of this grand old institution, incorporated in 1818, continues to be the provision of spiritual, social, educational and recreational activities for community families and residents of all ages, regardless of race or creed.

Over the years, a host of community improvement activities have been offered to area youth, adults and senior citizens, including Boy Scouts, Girl Scouts, Brownies, Drum and Bugle Corps, the Bridge Street Relief Society—founded in 1895 as a financial self-help organization for Brooklyn's black widows and orphans—and the Bridge Street Senior Citizens Organization. The Boy Scout Troop is presently in its 52d year of service to Brooklyn youth.

With a membership of over 3,700, there are presently over 60 active organizations and auxiliaries striving to actively involve Bridge Streeters and the community at large in cooperative efforts to improve the quality of life for all. Represented in the congregation's membership are residents of all five boroughs, the States of New Jersey and Connecticut and 18 nations—including Jamaica, Barbados, Trinidad, Aruba, Haiti, Grenada, Guyana, Sierra Leone, Liberia, Ghana, Nigeria, Panama and Canada.

The church's efforts to respond to the present-day needs of community residents includes: the Bridge Street Food Coop; participation in the Federal Food Distribution Program—presently distributing cheese, milk, honey, and foodstuffs to 3,000 needy persons per month; the Bridge Street After-School Tutorial Center—in its second year of operation and presently servicing 65 youths with funding from the New York State Commission of Education; the Bridge Street Federal Credit Union—chartered in 1983; the Bridge Street Teens in Transition Program—a teen pregnancy prevention program funded by the New York City Department of Human Resources; two basketball teams; two bowling teams; a 70-voice youth and young adult choir; the Bridge Street Single Parents Organization; the Bridge Street Couples Club; and the Bridge Street Scholarship Fund—distributing up to $10,000 annually to needy, college-bound high school seniors.

Additionally, the Bridge Street Church building is the site of numerous community meetings, seminars, banquets and luncheons, freely offering the use of its ample mass assembly, educational and dining facilities to local political leaders and community organizations.

ROLE OF THE UNITED STATES EMBASSY IN SOUTH AFRICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. HAMILTON. Mr. Speaker, I wish to bring to the attention of the Members, correspondence with the Department of State concerning the role of the United States Embassy in South Africa.

On December 30, 1985, Anthony Lewis wrote in the New York Times that in order to pursue "constructive engagement," the United States Embassy had limited its contact to whites and representatives of the white South African Government. I asked the State Department to comment on Mr. Lewis' assertions. The State Department's response addresses the charges raised by Mr. Lewis and makes some observations about the objectives of current United States policy in South Africa. The situation in South Africa is one of the leading foreign policy issues facing the Congress.

The correspondence and Mr. Lewis' article follow: Several speeches by the United States Ambassador to South Africa which were attached to the State Department's reply are not included here because of their length.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 3, 1986.

Hon. GEORGE P. SHULTZ,
Secretary, Department of State,
Washington, DC.

DEAR MR. SECRETARY: I write concerning the operations of the United States Embassy in South Africa and would like the detailed response of the Department of State to the statements in the attached New York Times Op-Ed article of December 30, 1985 written by Anthony Lewis.

Specifically, I would like to know if this article reflects the facts of the operations of our Embassy and if its conclusions are accurate: Does constructive engagement as practiced by the United States mean engagement almost exclusively with the white South African government and other whites in that country: Has there been a change in the character of Embassy functions during Ambassador Nickel's tenure which has meant that only a handful of blacks who cooperate with the government are seen at the Embassy? Is it true that there is hardly any contact or communication between the Embassy personnel and blacks in their townships? Is it accurate that the leading black opposition groups shun the U.S. Embassy and that the leaders of the United Democratic Front have no relationship with Ambassador Nickel or his senior aides and they do not go to Embassy functions? Who in the Embassy deals with black opposition groups and leaders? How frequently do they meet with them and where do they meet? What is the policy of the Embassy on dealings with black opposition groups? And is it accurate that the depth of bitterness against the U.S., its policies and its Embassy has reached the point that many black South Africans refuse to be associated with anything touched by the U.S. Government and that some respected South African organizations do not want any U.S. assistance because blacks would be turned away if such aid were accepted?

I would appreciate an early reply to the assertions in this article and these questions.

With best regards,

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on
Europe and the Middle East.

ALIENATING THE FUTURE

(By Anthony Lewis)

BOSTON.—The U.S. Ambassador to South Africa, Herman W. Nickel, has taken issue with a statement of mine in a recent column. I wrote that many black South Africans, offended by Reagan Administration policies toward their country, now refuse even to attend embassy functions. Ambassador Nickel says that his embassy hosts more black community leaders than any other diplomatic mission.

If this were a small factual dispute, it would not be worth exploring further. But it is more than that America's future place in southern Africa is at stake. And so I return to the subject to say that I greatly understated the estrangement of the black community from Mr. Nickel's embassy and from the United States.

President Reagan's Assistant Secretary of State for African Affairs, Chester Crocker, made "constructive engagement" U.S. policy in South Africa. It has turned out to mean engagement almost exclusively with the white Government and other whites.

Mr. Crocker goes to South Africa several times a year. The Senate Foreign Relations Committee asked him in 1984 what black Africans he had met on those trips. In December 1984, he sent the committee a list of those he had met over the three previous years: 11 names. And some of those black South Africans he had encountered in the United States.

Ambassador Nickel, for his part, has told people that he is accredited to the white Government and must focus his efforts there. And according to many reports, his tenure has seen a dramatic change in the character of embassy functions. One of the best-informed observers of the South African scene put it as follows:

"In the 1960's the United States and Britain at about the same time broke the color bar at embassy functions. There were great multiracial gatherings: Every black person who was anybody turned up. That continued through the 1970's at the American Embassy. It has the most interesting gatherings in town.

"It dried up very rapidly from the time Mr. Nickel arrived. One saw a handful of the sort of blacks who cooperate with the Government.

"And the embassy people on the whole don't go to the black townships either. There's no contact, no communication."

The neglect of human contacts has accompanied policies that most politically-minded blacks in South Africa detest. What Mr. Crocker and Mr. Nickel see as a attempts to persuade Pretoria look to blacks like all carrot and no stick: gestures that in fact give the white Government the legitimacy it craves.

Blacks were especially angry when the Reagan Administration welcomed the constitutional "reform" that continued to deny Africans all political rights. Scorn for that "reform" started what by now are 15 months of protest. Blacks note that the American engagement with Pretoria has not moderated its harsh repression of protests, or kept South Africa from repeatedly invading neighboring black-ruled countries.

Resentment of American policy has brought the leading black opposition groups to shun the U.S. Embassy. The United Democratic Front is by far the most important anti-apartheid movement still allowed to operate in South Africa. Its leaders have no relationship with Ambassador Nickel or his senior aides. And they do not go to embassy functions.

Bishop Desmond Tutu has declined for the last year to go to the embassy or meet American diplomats. I asked him why. He said it was "not anything personal, but "my small protest against [Reagan] Administration policy."

Among younger black South Africans there is a depth of bitterness at U.S. policy that expresses itself in emotional anti-Americanism. They increasingly refuse to be associated with anything touched by the United States Government. I personally know of humane South African institutions that have feared to accept U.S. aid lest blacks turn away.

None of this is any secret, except perhaps to Ambassador Nickel. Many Americans have encountered the bitterness. South Africans visiting here, black and white, speak of it. The phenomenon is obvious and extremely worrying. It menaces U.S. relations with a future non-racist South Africa—and menaces that South Africa's whole outlook.

The one role the United States might have played in South Africa at this critical time was as a respected interlocutor between the parties. Its behavior toward South African blacks in the last five years has come close to discrediting it for that role.

U.S. DEPARTMENT OF STATE,
Washington, DC, January 28, 1986.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter of January 3, requesting a detailed response to the op-ed article written by Anthony Lewis in the New York Times of December 30, 1985.

The article makes various statements about the operations of the U.S. Embassy in South Africa and specific allegations which concern Ambassador Nickel. For this reason, the Department has cabled your letter to the Embassy in Pretoria for a direct response.

With best wishes,

Sincerely,

WILLIAM L. BALL III,
Assistant Secretary,
Legislative and Intergovernmental Affairs.

U.S. DEPARTMENT OF STATE,
Washington, DC, February 14, 1986.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives.

DEAR MR. CHAIRMAN: I am writing in reply to your letter to Secretary Shultz about the operations of our Embassy in South Africa based on assertions in a December 30 newspaper column by Anthony Lewis of the New York Times.

Having contacted our Ambassador in South Africa on this matter, let me state at the outset that Mr. Lewis' characterization of the way our Embassy operates in South Africa is unfair and distorted in the extreme. As anywhere we are represented, the U.S. Mission in South Africa is accredited to the Government, but it sees its task as representing America to the full spectrum of its host country's society. In South Africa, from the outset, Ambassador Nickel and staff at all levels have met and talked with, developed self-help and humanitarian aid projects with and entertained black South Africans representing ideologies as disparate as AZAPO, Inkatha, and the leaders, patrons and affiliates of the UDF after its mid-1983 creation. Embassy functions over the past years have gained praise as among the few places where blacks of different ideologies meet each other and with white South Africans as well. Ambassador Nickel has placed heavy emphasis on this role of the mission from the outset.

The expansion of linkages with the black community in the past four years has accelerated. The U.S. Embassy is often seen as a mediator of black grievances with the South African Government. In this context, the Ambassador has met with senior delegations of organizations like the UDF on the matter of treason trials and, more recently, with leaders of a homeland community protesting incorporation into a different area. At the invitation of the Anglican suffragan Bishop of Johannesburg, the Ambassador paid a widely noted visit to a particularly troubled township in late 1985, the only Ambassador to do so. Further, the Ambassador invited representatives of every key non-white political grouping in South Africa to a joint meeting to discuss American assistance programs in the coming year. All accepted and the resultant discussion, although often heated, represented the first exchange on the subject between such disparate groups.

Senior members of the mission, including the Ambassador, the Deputy Chief of Mission, the Counselor for Public Affairs, and the Consuls General in Durban, Cape Town and Johannesburg are regularly in contact with black opposition groups. The Counselor for Political Affairs was the only diplomat who attended AZAPO's recent annual Congress, following a practice that has seen U.S. Mission participation at all AZAPO national Congresses open to foreign observers. The Mission officer whose duty is to follow black politics, a former Peace Corps Director and later Counselor in our Mission in Geneva, as well as his colleagues in the Consulates General and the Embassy Economic Section, are in frequent, practically daily, contact with the spectrum of black opinion in the townships.

I believe congressional visitors to South Africa can attest to the Mission's ability to schedule meetings with and to entertain black South Africans. Messrs. Solarz, Gray and Senator Pressler and staffs have recently visited.

This is not to say that all the smoke is without fire. A major element of black politics in South Africa is the great frustration with the slow pace of change away from apartheid. Bishop Tutu articulates this sentiment. Many blacks sincerely believe, however mistakenly, that the United States has the coercive power to force the pace of change dramatically, even to bring apartheid to an end "tomorrow". Some deduce that we are somehow in collusion with the South African Government because we have not used this mythical leverage. A smaller number of revolutionary blacks correctly view U.S. policy and tactics as inimical to their aims to destroy that society before rebuilding it as a black state. Some elements of both these tendencies have chosen to refuse public meetings with American policy makers to demonstrate their views. Refusal to meet with an official American is used at times as a tactical position rather than as a matter of fundamental principle, as when a black political figure refused to see Congressman Gray on his recent visit. Certainly no policy of the U.S. Mission closes doors or bars tables to opposition groups, and contacts do in fact continue.

Let me assure you that this Administration accepts the critical importance of communication with South Africa's black majority. It cannot be in the interest of peaceful change to adopt a stance that maximizes intransigence among black and white political leaders alike. To document the tone that Ambassador Nickel has set over the past years in articulating our effort to bring apartheid to an end, I am enclosing a selection of his speeches.

With best wishes,

Sincerely,

WILLIAM L. BALL III,
Assistant Secretary,
Legislative and Intergovernmental Affairs.

COMMONWEALTH OF PUERTO RICO EXPRESS CONDOLENCES

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. FUSTER. Mr. Speaker, I would like to enter into the RECORD the following resolution No. 668 approved by the House of Representatives of the Commonwealth of Puerto Rico expressing condolences for the untimely death of all the members of the crew of the space shuttle *Challenger*.

I assure you, Mr. Speaker, and all my colleagues in the U.S. Congress that the people of Puerto Rico also join me and the members of the House of Representatives of Puerto Rico in sharing this loss and extending our heartfelt condolences.

The resolution follows:

[Commonwealth of Puerto Rico House of Representatives]

RESOLUTION No. 668

To express the heartfelt condolences of the House of Representatives of the Commonwealth of Puerto Rico to the President of the United States of North America, the Honorable Ronald Reagan, the Congress, and all of the People of the United States of America for the "Challenger" space shuttle tragedy which occurred on Tuesday, January 28, 1986, in which seven brave astronauts died.

STATEMENT OF MOTIVES

The People of Puerto Rico and the House of Representatives have been consternated from the moment they became aware of the horrible tragedy which occurred to the "Challenger" space shuttle on Tuesday, January 28, 1986, at the beginning of its historical space flight. Seven brave astronauts aboard the shuttle perished; among them a school teacher who was a pioneer in the heroic efforts by the United States and humanity, to enhance ever-broadening horizons for man's existence.

The boundless and heroic deeds of the men and women who gave their lives in pursuit of knowledge and for humanity in this holocaust should not, and must not be forgotten. Their lives are an example for all of us; particularly for our youth, because the responsibility for a future which has already been indicated and illumined by the brave astronauts who perished, rests on their shoulders.

The House of Representatives of the Commonwealth of Puerto Rico wishes to express its heartfelt condolences to the President of the United States of North America, the Honorable Ronald Reagan, the Congress of the United States, and all the People of North America for this tragedy. Now, therefore:

Be it resolved by the House of Representatives of Puerto Rico:

SECTION 1. To express the heartfelt condolences of the House of Representatives of the Commonwealth of Puerto Rico to the President of the United States of North America, the Honorable Ronald Reagan, the Congress of the United States and all the People of North America, for the "Challenger" space shuttle tragedy which occurred on Tuesday, January 28, 1986, in which seven brave astronauts perished; among them, the first woman school teacher representing the teachers of the North American continent, who was part of the crew.

SECTION 2. That this Resolution be translated into the English language and individual copies be sent to the President of the United States of America, the Honorable Ronald Reagan, and to the Congress of the United States of North America.

And in testimony whereof; I issue this certificate in my office at the Capitol Building in San Juan, Puerto Rico, and set my hand and affix the Seal of this House of Representatives hereon, this 3rd day of February of the year nineteen hundred and eighty-six.

JOSE RAMON MORALES,
Secretary of the
House of Representatives.

LETTER TO MARCOS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. BENNETT. Mr. Speaker, I have today written to President Marcos in a letter urging that he step down or share power in the government of the Philippines in the best interests of the Philippine people. The letter reads as follows:

FEBRUARY 20, 1986.

His Excellency FERDINAND MARCOS,
President of the Philippines, Manila, The Philippine Islands.

DEAR PRESIDENT MARCOS: You have long had the honor to preside over the government of one of the most beautiful and delightful peoples of the earth, the Filipino people. The recent election has been very disturbing to many of your constituents and to those who have read in the media about it. I remember when I was serving as a guerrilla in the Philippine Islands in World War II, I had heard of you and your guerrilla service. Therefore, I feel a degree of rapport on that basis to be bold and speak to you as I am speaking in this letter.

Under the circumstances as they now exist in the Philippine Islands, it would seem to me that it would be in the best interests of the country over which you preside and which you love, and its peoples, that you arrange for a transition of power in an appropriate way or a sharing of power with millions of Filipinos who now feel frustrated. This could be done in a variety of ways. I am not trying to point out any particular course. I merely urge you from the bottom of my heart that you do arrange for a prompt transition of power or a sharing of power in a broad democratic way. It is not a question of who is right, but a question of what is right. The Filipinos have demonstrated that they deeply believe in democracy—an affirmative and great achievement of the recent election which you brought about. You have served a long time in difficult times. To crown your leadership for the Philippine Islands, it would seem to me that a conciliatory movement on your part, of your own initiative, would not only be in the best interests of the Philippine Islands, which I know you want to help, but also in the best interests of your own leadership position in history. As a former guerrilla in the Philippine Islands, I appeal to you as one who also similarly served. Could I hear from you as to what you feel you could do in this?

With kindest and best regards, I am

Sincerely,

CHARLES E. BENNETT.

COMMEMORATION OF VA MEDICINE AND SURGERY 40TH ANNIVERSARY

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. HAMMERSCHMIDT. Mr. Speaker, it was a personal and official pleasure to join Veterans' Affairs Committee Chairman G.V. "SONNY" MONTGOMERY in recognizing the 40th anniversary of the Veterans' Administration Department of Medicine and Surgery at a celebration last evening hosted by the Disabled American Veterans.

In honor of the occasion, the Committee on Veterans' Affairs of the U.S. House of Representatives passed a congratulatory resolution, which was presented to Dr. John W. Ditzler, Chief Medical Director, Veterans' Administration.

Recognition and appreciation were also expressed by Albert H. Linden, Jr., National DAV Commander, in behalf of our Nation's disabled veterans.

Chairman MONTGOMERY was introduced by Butch Joeckel, executive director of the Washington office of the Disabled American Veterans.

For the benefit of congressional colleagues, the text of Chairman MONTGOMERY'S remarks, the presentation of our committee resolution, and the comments of National Commander Linden follow.

REMARKS OF CHAIRMAN MONTGOMERY

You know, it's tough enough just to do a job for forty years, but to excel at that job for forty years deserves special recognition.

That's why we're here tonight. To honor the VA's Department of Medicine and Surgery for the outstanding work it does in serving not only the health care needs of veterans, but the population as a whole. You've done it through quality care and through research.

We're proud of VA health care and we're proud of the administrative and medical staffs that deliver it.

Dr. Ditzler and his associates spent a long morning testifying on the budget before our Subcommittee on Hospitals and Health Care so we thought we ought to do something nice for them tonight to stay on their good side.

Now, I'll call on my colleague John Paul Hammerschmidt, the committee's ranking minority member, to present the commit-

tee's resolution to the Department of Medicine and Surgery.

CONGRESSMAN HAMMERSCHMIDT PRESENTS COMMITTEE RESOLUTION

The resolution reads as follows:

Whereas the Veterans Administration's Department of Medicine and Surgery has for forty years engaged in the delivery of compassionate health care of the highest quality to the men and women who have been called upon to serve in the nation's armed forces—our veterans, and

Whereas the department has prospered due to the professional excellence of its administrators and staff, individuals motivated by concern and caring, inspired by challenge and need, and highly successful in fostering an atmosphere of cooperation among the worldwide medical community, and

Whereas through an intensive research and development program, the department has earned and enjoyed international recognition and respect for pioneering numerous scientific breakthroughs and achieving major advances in medical diagnosis and treatment vital to improved standards of life for all humanity: Now therefore be it

Resolved, That the Committee on Veterans' Affairs of the United States House of Representatives on this 19th day of February, 1986 congratulates the Veterans Administration's Department of Medicine and Surgery, established by Public Law 293 of the 79th Congress, upon the observance of its fortieth anniversary, commends the department for its achievements and triumphs in carrying out life's most noble cause, that of linking arms with our fellow man in order to battle disability and misfortune, extends its deepest gratitude for the outstanding manner in which the department has fulfilled the Nation's obligation to those who have borne arms and who have sustained disability in the course of freedom's defense and salutes the Department for establishing itself as a provider of preeminent health care.

Signed: G.V. (Sonny) Montgomery, chairman, and John Paul Hammerschmidt, ranking minority member.

Dr. Ditzler, our congratulations to you and the department and our best wishes for continued success.

REMARKS OF ALBERT H. LINDEN, JR., DISABLED AMERICAN VETERANS

Let me extend the congratulations of the Disabled American Veterans to all of you who work in the VA's medical system. The 40th Anniversary of the VA's Department of Medicine and Surgery is a great landmark for all of us.

I say "All of Us" for a reason. This celebration is focused on those who provide health sevices through the VA system. But there's another side to the equation—the veterans who receive those services.

That's why the organization I represent—the Disabled American Veterans—is so pleased to sponsor this observance. It gives us a forum to say thank you for so many years of sincere dedication and terrific work on behalf of all of us.

The members of our organization came home from war and other armed conflicts disabled. Some of us had lost arms or legs. Others were blinded by shrapnel or diseased indigenous to far-away regions of the world.

Still others had been deafened by explosions in combat. There were those who suffered the after effects of malnutrition, deprivation and torture in POW camps. And war can take a psychological toll as well.

The list of disabling conditions could go on and on. But I think you can see the point I'm trying to make. Warfare creates a very unique set of medical needs among those who serve. And those needs must be met by a very unique medical system.

Because of the VA, America's veterans have enjoyed access to just such a medical system.

Nowhere in the world is there a medical system with greater expertise in the treatment of war-related injuries and diseases. In America, that knowledge is concentrated in the VA Department of Medicine and Surgery.

I can't think of any other system that's more thoroughly geared toward the rehabilitation of veterans disabled by those injuries and diseases.

Nor is there another system more sensitive to what our country's veterans have done to earn their right to VA care.

And, if there were no VA health care system, could veterans count on anyone else to realize the importance of research aimed at solving the problems of those disabled in military service? I don't think so.

In short, we veterans have much to be thankful for as we join the VA in celebrating this 40th Anniversary.

And we offer that thanks to you and to all of the dedicated people who make quality care for America's veterans a reality every day.

It's been said that America is number-one thanks to its veterans. And , if that's true, America's veterans are number-one thanks to the care they receive from the Veterans Administration and its health care system.

Not only veterans—but our entire country—has a precious resource in the VA medical system. And, in these times of severe cutbacks in government spending, that resource must be protected.

The Gramm-Rudman balanced budget law and the Administration's proposed budget for Fiscal Year 1987 threaten everything we've worked to build over many decades. No one is more aware of how serious the danger is than you, the people who work in the VA's Department of Medicine and Surgery.

We veterans know that your commitment to quality care runs deep. We fully understand the concern you feel when your ability to deliver that quality is threatened.

That's why I want to assure you that you can count on the DAV to fight to preserve the VA health care system through thick and thin.

Thank you and congratulations.

THE "SAY HEY KID" IS BACK

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mrs. BURTON of California. Mr. Speaker, today I am honoring an individual who is one of San Francisco's favorites, but who is also a national treasure—Willie Mays.

Last year, the commissioner of baseball had the good sense to overturn his predecessor's decision to bar Willie and his illustrious colleague, Mickey Mantle, from employment in baseball. The San Francisco Giants recently decided to hire Willie and he has joined the team as a special assistant. He is now in Arizona at their training camp, teaching young ballplayers how to play Hall of Fame baseball.

I met Willie Mays when he first came to San Francisco and throughout the years he was a supporter of my husband Phillip and me. He and his wife Mae are, of course, popular and well known in the city and San Franciscans are overjoyed to have them back.

I would like to bring to the attention of my colleagues a column by San Francisco Chronicle writer Lowell Cohn on the return of the "Say Hey Kid":

[From the San Francisco Chronicle, Feb. 13, 1986]

THE "SAY HEY KID" IS BACK—WILLIE MAYS TAKES A JOB WITH THE GIANTS

The kid came home yesterday. He'd been away since 1972.

His body is thicker than it used to be, his hair a little thinner. He is arguably the greatest baseball player who ever lived, and on the pocket of his shirt were embroidered the words "Say Hey."

The Kid is 54 now. God, the years went by fast.

He came to a press conference at Candlestick Park in his honor where it was announced that he has rejoined the Giants. He is officially Special Assistant to the President and General Manager. They even made up business cards for him containing that long-winded title. They also presented him with a Giants cap and a jersey with the number 24 on it, and if I have to tell you what the 24 stands for, you just haven't been around.

He held them in his hands, stared at them, then told the press in his Alabama drawl, which sometimes sounds like Brooklynese, "Foist of all, they gave me a cap here I haven't had on for many years. Then a shoit."

It was as if he had come out of exile. The Kid was that moved by the occasion. Even though he was who he was, the Giants had traded him to the Mets in 1972. "That was one of the hoit spots of my heart," The Kid said.

He retired after the 1973 season and was supposed to do special projects for the Mets. But it didn't work out. "My foist two years out of baseball, I couldn't stay at the ballpark . . . I couldn't stay at the park when the game started," The Kid admitted sadly.

But in his heart he was dying to be in baseball. For years, he has left March open on his calendar in the hope that the Giants would invite him to spring training. He would do anything they asked. The four last digits on his phone number are 2424.

But March would come and go and he never received the summons. Last May, Giants owner Bob Lurie said, "Really, we don't have a spot for him. Where are we going to offer him a job?"

Enter Al Rosen, the new general manager. He talked to Lurie about The Kid, suggested bringing him home. Give credit to Lurie for casting aside whatever bad feelings there were. Sure, Lurie said, he's family. He belongs. Which is why The Kid was standing there fingering the shirt and cap yesterday and, frankly, seeming a little lost.

What are you going to do for the Giants?

"I don't know really what I'm gonna do. You tell me," The Kid said shyly.

What he's going to do may not seem like much. He'll hang around with the players in spring training, talk to the outfielders about the fine points of their craft, maybe he'll give a few speeches, conduct some clinics.

But those aren't the reasons the Giants brought him back.

They brought back The Kid to be himself—to stand in the bright sun in a clean white Giants uniform and radiate his greatness. They brought him back because of his pride in being himself, and more than that, his pride in being a Giant. They brought him back because he was what a Giant should be—exciting, competitive, hungry, infuriating to the other team.

They brought him back so the fans and players can drink up his spirit.

They brought him back because they finally understand how deep the Giants' roots reach in our lives. (The Oakland A's perceived that already. That's why they hired Juan Marichal as a special scout.)

They brought back The Kid to be a living symbol.

They figured if they can recapture the past, maybe they can begin to create a future.

THOUGHTFUL NOTE FROM JAPAN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. MICHEL. Mr. Speaker, yesterday I inserted into the CONGRESSIONAL RECORD the beautiful lyrics of a song composed by two of my constituents, Bob Mason and Gary Nabors, in memory of our seven astronauts who lost their lives in the *Challenger* tragedy. I also read into the RECORD a poem that was sent to me by one of my former high school classmates, whose words were so appropos.

To illustrate how far and wide were the repercussions and effects of the tragic *Challenger* accident, I should like to read into the RECORD today a letter just received from Mr. Keiichiro Koyano of Tokyo, Japan. Isn't it nice that someone so far away should be so moved as to sit down and write such a thoughtful note?

At this point I am inserting a letter I received from Keiichiro Koyano, of Tokyo, Japan, into the RECORD.

TOKYO, JAPAN,
January 29, 1986.

Hon. ROBERT H. MICHEL,
House of Representatives, Rayburn House Office Building, Washington, DC, U.S.A.

DEAR MR. MICHEL: I would like to offer my deepest sympathy for the seven heroic astronauts who gave their lives to the cause of space exploration.

The *Challenger* crew members have shown us the true meaning of the word challenge. For one who challenges, there is no tomorrow. Only the moment itself when danger is continually confronted with one's whole strength.

Death must surely come. The important thing, however, is how to live for the present. They have reaffirmed the truth of this for us, which tends to be forgotten in present times.

This unfortunate accident is not in any way damaging to the honor and prestige of the United States. Rather it is an expression of profound respect and admiration for the noble ideals and spirit of sacrifice found in your country.

The crew members of *Challenger* are now with the stars, they tried to fulfill a dream of mankind.

It is up to us to continue the challenge anew to those far away stars in honor of them.

Respectfully yours,

KEIICHIRO KOYANO.

NICARAGUAN CONTRAS AND HUMAN RIGHTS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. MARKEY. Mr. Speaker, I am inserting into the RECORD an article in today's New York Times, discussing human rights abuses on the part of the Nicaraguan Contras. In addition to describing several recent incidents, the report calls attention to two studies just issued by Amnesty International and the Washington Office on Latin America.

The President is expected to request soon about $100 million in aid to Contra forces that the administration describes as "freedom fighers." Before we vote on the request, we should consider very carefully the nature of the Contras and the uses to which U.S.-supplied arms might be put. I believe the following article helps to answer these questions.

CONTRAS' ATTACKS ON CIVILIANS CITED—2 REPORTS DESCRIBING ABUSES IN NICARAGUA WAR ATTRIBUTE MOST OF THEM TO REBELS

(By Stephen Kinzer)

MANAGUA, NICARAGUA, Feb. 19.—On a remote, unpaved road a few miles from the Honduran border Sunday night, a land mine tore through a pickup truck carrying 17 civilians. A rebel band waiting in ambush then opened fire.

Five women, ranging in age from 29 to 70, were killed. A Swiss agronomist who had worked in the area for three years also died.

The motive for the attack was not clear. Rebels often operate in the border area, but they apparently attacked the truck at random.

In recent months, according to interviews conducted in several parts of Nicaagua, rebel bands have carried out attacks in which civilians have been killed, kidnapped, robbed or otherwise abused. Government soldiers have also been accused of abuses.

CONGRESS CONSIDERS AID

The tactics used by warring forces in Nicaragua have come under close scrutiny as Congress considers a Reagan Administration request to provide military aid to the rebels, who are known as contras.

Last week, the human rights group Amnesty International issued a study asserting that the rebels were guilty of "tortures and murders." It also said the Government had not explained reports of "extrajudicial executions by Nicaraguan troops" in past years.

Today, the Washington Office on Latin America, a liberal lobbying group that opposes Administration policy toward Nicaragua, made pubic a study concluding that rebels continually abuse civilians "evidentially as a matter of policy."

Among the 139 cases of abuse reported in the study were 21 said to have been committed by Government forces.

A spokesman for the rebels, Bosco Matamoros, said in a telephone interview from Washington that charges of rebel abuses were "exaggerated and distorted." He said the Sandinista Government was engaged in a propaganda campaign designed to influence Congress.

CITES REBEL CODE OF CONDUCT

Mr. Matamoros said that the rebels adopted a code of conduct in 1984 and that a number of guerrillas had been disciplined for violating it. A guerrilla whom a rebel tribunal found guilty of rape, he said, was recently sentenced to serve four years in jail and then be expelled from the rebel force.

Among the regions that have suffered most from the war in he last few months is south-central Nicaragua, a remote area whose principal town, Nueva Guinea, is 170 miles from the capital and accessible only by a long dirt road.

There have been several military confrontations in that region. In recent weeks, scores of residents have been arrested on suspicion of collaborating with rebel forces.

In Nueva Guinea last weekend, Emilio Hernández, dressed in an olive-green uniform, spoke to a visitor while cleaning his AK-47 automatic rifle. He said that on Oct. 2 a rebel band kidnapped his brother and six other people, among them a 14-year old girl. Two of those kidnapped were Sandinista militiamen, he said.

A neighbor of Mr. Hernández, Maria Luisa Gómez Medina, 40 years old, said that on the night of Oct. 24-25 rebels came to her home, apparently expecting to find weapons kept by her husband, who had served in the militia. When they found none, she said, they killed her husband, her brother-in-law and her daughter.

"They did it for vengeance," Mrs. Gómez said.

TWO KILLINGS REPORTED

Residents of the Nueva Guinea area told of two cases of abuses committed by Government soldiers. In one case, a Cuban adviser shot two civilians dead after one spilled beer on his uniform. In the other, a Sandinista solder killed a mentally retarded 24-year-old man in the village of El Paraisito.

One Sandinista soldier, Osbaldo Espinosa Sequiera, said that in November he was sent to recover the bodies of a health worker and his wife killed on a road near the village of El Almendro. He said the health worker was carrying an automatic rifle and had returned contra fire when attacked.

Rebels placed four mines around the body of the dead woman with the intention of wounding anyone who tried to recover her body, Mr. Espinosa said.

These and other cases were included in the study issued today by the Washington Office on Latin America.

Mary Dutcher, a lawyer who directed the study, said in an interview that she and most of the 26 volunteers who helped compile it opposed continued United States aid to rebel forces. She said their opinions did not influence the study's conclusions.

STUDY'S FAIRNESS DOUBTED

But Lino Hernández, director of the Permanent Commission on Human Rights, Nicaragua's only non-governmental rights group, said he doubted that the study issued today was fair. He said he suspected it was politically motivated.

The report compiled by Miss Dutcher was concerned exclusively with violations of the 1949 Geneva Convention on the treatment of civilians in wartime. Last week's Amnesty

International report, however, also covered other sorts of violations.

The Amnesty report found "little apparent change in the operational tactics" of contra forces, which it said were guilty of "continued cases of tortures and murders."

PETER PEREZ

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. STANGELAND. Mr. Speaker, upon my return to Washington this week following the Lincoln/Washington district work period, I was deeply saddened to learn of the death of Peter R. Perez while most of us were in our districts.

Peter's mother and five brothers and sisters have suffered a tremendous loss. We, in the Congress, have too, though probably no greater than that suffered by his colleagues at the Environmental Protection Agency, by his many other friends, and by the millions of Americans throughout the country who, without knowing Peter personally or the details of his work, highly value maintaining the highest possible quality of our Nation's waters.

Peter Perez was the consummate public servant. Most recently, as special assistant to EPA's Assistant Administrator for Water, he was one of the top policymaking advisers to the Federal executive branch official most directly charged with protecting the quality of our lakes, streams, oceans, and ground water supplies. He served a number of different assistant administrators under different administrations, always in a remarkably competent and totally professional fashion.

Peter also was a tremendously valuable asset to those of us in Congress who have responsibility for writing our Nation's water quality laws. Whether Democrat or Republican, liberal or conservative, we felt totally able to seek information and analytical work from Peter. We did this knowing that regardless of what Peter may personally have felt about the specifics of any given issue, he would respond in a way that was as reliable, accurate, thorough, and objective as he was personally capable of responding. The level of trust was such that Peter was often asked to leave his home phone number in case problems requiring his assistance arose after normal working hours at night or over the weekend. Very few public servants earn that kind of professional reputation in the course of their careers. Only the best do, and Peter was one of the very best.

The Clean Water Act, the Safe Drinking Water Act, and the Ocean Dumping Act will all carry forward the fruits of Peter's efforts for the benefit of us all. So will the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund, the country's principal law dealing with the problem of abandoned hazardous disposal sites, which Peter played a major role in developing.

Other aspects of Peter's life were equally as impressive. He served his country during the Vietnam war in a most honorable and courageous fashion, earning six Bronze Star and two Purple Heart awards for his sacrifices and performance in combat. In his personal relationships, he was equally as committed and outstanding an individual as in his professional and military life.

It is with tremendous regret and a sense of loss that we must note Peter's passing. We have all benefited and will continue to benefit from the work of his 40 years. We will also sorely miss the tremendous additional public contributions that Peter could and would have made if his tenure had not been cut short.

PRIVATIZATION: AN IDEA WHOSE TIME HAS COME

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. COURTER. Mr. Speaker, John McLaughlin's column in the February 28 National Review—"Going Private"—discusses an element of the President's budget which deserves a great deal of attention. Privatization should be a cornerstone of a political philosophy in which less government is better government.

Beyond proposals to put government properties up for sale or require those who make use of Federal land, parks and other assets to pay for that use, proposals such as the privatization of public housing, which Mr. McLaughlin mentioned, will have added benefits beyond deficit reduction. In that particular case, pilot programs have demonstrated that the sale of subsidized homes to poor families could result in a variety of societal benefits in urban areas.

In the following article, John McLaughlin provides a balanced look at the privatization concept which, while no panacea for the problems of centralized government, could, in many cases, result in better quality and lower costs.

[From the National Review, Feb. 28, 1986]

GOING PRIVATE

(By John McLaughlin)

Regarding government, the less the better. This dictum forms the backbone of the Reagan Theory of Governance. A corollary to this is that the private sector routinely offers higher-quality goods and services at lower costs. Now this thinking is being structured by the Administration into formal policy. Watch for "privatization"—the transfer of federal properties and activities to the private sector—to become the watchword of the rest of the Reagan second term.

Mr. Reagan's inclination to privatize has been reinforced by the experience of other leading industrialized nations. Thus, during the seven years of Margaret Thatcher's stewardship, more than two dozen government-owned businesses have been sold to the private sector for some $28 billion, including British Telecom, Jaguar, and British Aerospace. This year, Mrs. Thatcher will hang a "For Sale" sign on British Gas, all major British airports, British Airways, and the National Bus Company. In 1987, Rolls-Royce aero-engine manufacturers and the remaining publicly held portion of British Petroleum will be on the block. Revenue from these and other sales will permit Mrs. Thatcher to make good on her promise to cut the basic income-tax rate from 30 to 25 per cent.

For his part, President Reagan is looking to privatize Amtrak and the Naval Petroleum Reserve. J. Peter Grace says that $11.2 billion could be saved over the next three years by privatizing Dulles and National Airports in Washington, D.C., plus fleets of vehicles, all military commissary stores, and a goodly portion of the Coast Guard. Budget Director James Miller would like to sell the Postal Service, small airports' traffic-control units, and the Federal Housing Administration. Indeed, if the OMB has its way, 11,000 commercial functions will go private, permitting the market discipline to strip away fat and fraud.

The FHA, by the way, is already privatizing, in a less obvious way. Last year, the agency issued forty thousand vouchers to poor families, giving them the choice of living in private rather than public housing. This year a pilot voucher experiment will probably be set up for veterans to get care at medical centers of their choosing rather than at a VA hospital.

In states and cities, privatization is already big. Phoenix contracts out for security, street repair, and maintenance of the public dump. In Tennessee, a Nashville company operates correctional institutions in Memphis and Chattanooga, and Republican Governor Lamar Alexander wants to turn over two new prisons to the private sector.

The privatization concept thrills the heart of conservatives everywhere, but it also appeals to a wide ideological spectrum, as Stuart Butler of the Heritage Foundation notes, "It's the wave of the future, the trend of the decade," crows a Democratic congressman who voted for Gramm-Rudman-Hollings and sees the sale of government-owned assets as yielding revenues needed to meet GRH's deficit-reduction goals through 1991, meaning that less will need to be cut from the military budget.

Some Capitol Hill types, however, believe that Mr. Reagan's "infatuation" with privatization is based neither on ideology nor on any eagerness to shrink the deficit. "It's a diversionary tactic," they say. The centerpiece of Reagan's domestic agenda—tax reform—is headed for a long, bitter fight in the Senate. Furthermore, the Administration's foreign policy is, in the words of a senior GOP Senate aide, "inarticulate," especially in response to terrorist attacks. Privatization serves nicely as a political attention grabber.

Even supporters of privatization are quick to point out that it is no panacea. Thus, it doesn't necessarily reduce costs to consumers, but often simply transfers assets from one monopoly (federal) to another (private). The privatization of Conrail, according to Butler, is an instance of "how not to privatize" since it fails to spread ownership widely, as Maggie Thatcher did with British Telecom.

Representative Gary Ackerman (D., N.Y.) has studied privatization through his Civil Services subcommittee, and he notes lots of deficiencies in its practice, like civilian Navy security guards who, a recent internal audit by the Navy revealed, were not required to gain security clearance. The guards in general, according to Ackerman's account of the Navy report, "were not trained, not qualified with weapons, and inadequately supervised."

Gerald McEntee, president of the American Federation of State, County, and Municipal Employees, will supply any interest-

ed party with reams of horror stories. Rochester, New York, saved $2.5 million in one year when it stopped using a private trash collector; New York City saved a half-million dollars a year on custodial and printing contracts when city employees got back into the act. And so on.

So, don't look for privatization to sweep Capitol Hill or the nation like a prairie fire. Yet, it is an idea whose time has come, and with proper vigilance can be implemented with no threat to national security or public safety, no termination of necessary services, and no discrimination against minorities or the poor. In Britain, recall, the privatization experiment has largely worked, and current thrusts in Brazil, Mexico, Chile, Spain, Italy, and Japan are all pointing in the same direction. So it looks as if Mr. Reagan, in addition to SDI, tax reform, and Summits I and II, has yet another shibboleth to protect himself from the hex of lameduckery: privatization, or putting the government up for sale.

LIBERTY IN REVERSE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. RODINO. Mr. Speaker, I would like to introduce into the RECORD today an editorial, "View point," from the Newark Star Ledger dated February 19, 1986, which I want to share with my colleagues. As the son of immigrants who entered this country through Ellis Island, I am deeply concerned that any restoration effort not commercialize this important symbol of our Nation's heritage. It is important that this facility be preserved as closely as possible to its original design as a memorial to the foundation upon which this country was built:

[From the Neward Star Ledger, Feb. 19, 1986]

VIEW POINT—LIBERTY IN REVERSE

Most jobholders are usually fired for incompetence. That's not the case with Lee Iacocca. He's been fired twice, not for incompetence, but for being an overachiever. The first firing was probably the best thing that could have happened to Mr. Iacocca's career in the highly competitive auto industry.

He bounced back from his peremptory dismissal as a ranking Ford Motor Co. executive, taking over a financially ailing Chrysler Corp. and restoring it to even stronger standing than it had in its best years before the tailspin that brought it to near insolvency.

Mr. Iacocca has been fired again, this time from a nonsalaried post with a federal advisory commission involved in the restoration of the Statue of Liberty. Interior Secretary Donald Hodel's explanation for dismissing Mr. Iacocca was that he wanted to "avoid any question" of conflict of interest.

The so-called ethical issue involves Mr. Iacocca's other post, the chairmanship of a fund-raising foundation which thus far has raised almost $250 million for the restoration effort. For obvious reasons, Secretary Hodel very much wants Mr. Iacocca to remain in that post. But he doesn't want Mr. Iacocca to have any say in restoration planning.

That is the "conflict", it had nothing to do with the dual posts held by Mr. Iacocca. If it is a conflict now, why wasn't it in September, when Secretary Hodel reappointed Mr. Iacocca to the advisory commission?

The real conflict involves fundamental differences over Interior Department plans to build a conference center and hotel on Ellis Island. Mr. Iacocca, who has an understandable reverence for that enduring symbol of this country's immigrant heritage (his parents passed through Ellis Island early in the century as Italian immigrants), is adamantly opposed to the commercialization proposed by Secretary Hodel.

Unlike the secretary, Mr. Iacocca believes this memorial to American immigrants deserves something much better than the commercial trappings in the Interior Department plans, which would be completely out of character with the historical meaning of Ellis Island.

If Secretary Hodel's main concern is over available hotel accommodations in the area, it is a misplaced concern. He may not be aware of it, but there are a number of first-class hotels in the Meadowlands, within easy reach of the Statue of Liberty. Some even have conference centers.

LITHUANIAN INDEPENDENCE DAY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. VISCLOSKY. Mr. Speaker, last Sunday I had the opportunity to attend a program sponsored by the Lithuanian-American Council of Lake County, IN, in commemoration of the 68th anniversary of the proclamation of Lithuanian independence.

At the request of Mr. Albert Vinick, the president of the Lithuanian-American Council, I am pleased to introduce into the RECORD the following resolution, adopted by the council in recognition of the restoration of Lithuanian independence 68 years ago. I sincerely hope the present administration and the 99th Congress continue their efforts to restore both self-government and recognition of basic human rights and liberties in Lithuania so that, at some time in the future, the introduction of such a resolution will not be necessary.

The resolution follows:

RESOLUTION

We, the Lithuanian Americans, Council of Lake County, IN, assembled this 16th day of February, 1986, at 3905 Fir Street, East Chicago, Indiana, to commemorate the restoration of Lithuania's independence, do hereby state as follows:

That February 16, 1986, marks the 68th anniversary of the restoration of Independence to the more than 700 year old Lithuanian State:

That Lithuania was recognized as a free and independent nation by the entire free world, she was a member of the League of Nations; however, she was by force and fraud occupied and illegally annexed by the Soviet Union.

That the Soviet Union is the last remaining colonial empire, subjugating independent countries; Lithuania was one of its first victims.

That the Soviet invaders, even though using tortures in jails, concentration camps, psychiatric wards are unable to suppress the aspirations of the Lithuanian people for self-government and independence as is highly evident from the numerous underground press and strong dissident activities. Now, therefore, be it

Resolved that we are grateful to President Reagan and the Department of State for statements that an official diplomatic nonrecognition of the forced incorporation into the U.S.S.R. of the three Baltic nations will continue to be a position of his administration also; and we are very grateful for the declaration of Baltic Freedom Day.

We urge the United States of America and other nations of the free world to use diplomatic and other possible pressures that the Soviet Union withdraw its military forces, secret police apparatus, foreign administration, and release from jails, concentration camps and psychiatric wards people who struggle for human rights and liberty and restore self-government in Lithuania.

We express our most sincere gratitude to the U.S. Congress for the impressive annual commemoration of Lithuanian independence.

BEAUTY, BRAINS, AND TALENT

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. RALPH M. HALL. Mr. Speaker, beauty, brains, and talent are three of the good things we brag about in the Fourth Congressional District of Texas; and Judy Taillac handles all three with style. For this reason, Judy has been added to our list of bragging rights as, we hope, the next "Mrs. Texas of 1986."

Judy was chosen a finalist in the Mrs. Dallas competition in August 1985 and will be competing with 75 to 80 other contestants in the "Mrs. Texas" competition March 21–23.

Judy acts and models with the Sara Norton Agency and has appeared on the famous television series Dallas.

She and her husband own Rug-Mart, a floor covering business, with three locations; they have two children, Tammy, age 13, and Tony, age 10, who are proud and supportive of their lovely mother.

Her home of Rockwell, where she is active in community concerns—and serves as a member of the Rockwall Women's Tennis League—is very proud of its contestant; and all who know her fully support her as she vies for the State title.

Mr. Speaker, I am personally proud to have Judy Taillac as a representative of my hometown, our congressional district and the State of Texas. Her talents, beauty, and personal integrity exhibit the best our State has to offer. As she travels to the Mrs. Texas pageant in Houston, March 21, we know that we will be able to hold our heads high and brag on another native product of our great State—for win, lose, or draw, all of us in Rockwall hail her as our queen—and recommend her—first, as Mrs. Texas, to be followed, of course, by her selection as Mrs. America. We are proud!

ENOUGH IS ENOUGH—FARMERS CAN'T TAKE ANY MORE

HON. JIM ROSS LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. LIGHTFOOT. Mr. Speaker, since I first took office a little over 1 year ago, I've worked to get this administration to better understand agriculture and the problems farmers have been facing; frustration does not begin to describe my attitude after seeing 13 months of insensitivity compounded by the recent announcement that the administration is requesting an 11-percent increase in defense spending while cutting agricultural programs.

While I have no doubt that this outlandish budget request was dead upon arrival in Congress, I remain astounded by the audacity of administration officials in proposing this budget.

I've continually supported an across-the-board freeze, where every agency takes a fair share in budget reductions. For that reason, I've opposed most spending bills, including defense measures, brought before Congress. That the administration can't abide by such a freeze I find difficult to justify.

We're not demanding this type of astronomical increase in spending for farm programs; we just want some reasonable level of support for financially troubled farmers. Most farmers want budget deficits cut because they know how damaging Federal deficits can be, and they're willing to share in the burden. But how can they be expected to take a great percentage of cuts than other agencies when farmers have been the hardest hit, financially, of any sector of our economy in the past few years.

I, for one, will not stand for an 11-percent increase in defense spending while farm programs are cut 20 percent. I intend to fight for fair treatment for farmers. Along that line, I was pleased to support Congressman FOLEY in his introduction of H.R. 4102 to prohibit cutting acreage bases below last year's levels, and I applaud his actions.

As further attempts to gut farm programs are made, I will be supporting similar efforts to H.R. 4102; whatever is necessary to protect the farm economy from additional hardships.

At this time when most other parts of the Nation are enjoying economic recoveries, we should be doing everything in our power to help bring the farm sector out of its economic crisis so that it can prosper along with the rest of the country; not further depressing rural America by making unfair cuts in necessary farm programs.

LEGISLATION TO CONSOLIDATE THE INSPECTION OF FIREWORKS MANUFACTURING

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. SYNAR. Mr. Speaker, today I am introducing legislation, along with Congressman JAMES JONES and Congressman TOM TAUKE, which would consolidate in one agency the responsibility for inspecting fireworks manufacturing facilities. The inspection authority that is now divided between the Bureau of Alcohol, Tobacco, and Firearms (BATF) and the Occupational Health and Safety Administration (OSHA) would be given exclusively to OSHA.

The problems of duplicative oversight responsibilities became tragically apparent last June when a fireworks manufacturing plant exploded in Hallett, OK, killing 21 people. Our investigation into the matter revealed that OSHA was not aware of the existence of the plant, even though BATF officials had inspected plant records only a few weeks before. OSHA was relying on published corporate listings, such as Dun and Bradstreet's, to identify the location of fireworks plants. There apparently was no cooperation between OSHA and BATF, who already has a complete listing of these plants. OSHA and BATF have since resolved this lack of cooperation, but the basic problem of duplicative inspection authority still remains.

Current law requires that BATF license fireworks plants and inspect their storage facilities. OSHA is responsible for inspecting the manufacturing facilities. At best, this division of authority results in waste and inefficiency. At worst, it creates a regulatory void that has left horrendous plant conditions unnoticed by Federal inspectors.

Representative JOE GAYDOS, chairman of the House Education and Labor Subcommittee on Health and Safety, conducted a hearing on these issues in Tulsa, OK, on October 5, 1985. Numerous witnesses verified the need to consolidate inspection authority in one agency. Dr. John Complan, executive director of the American Pyrotechnic Association, stated that, "For a small industry, it would be most helpful to have just one set of rules and regulations in one book." William Earle, Chief, Firearms and Explosives Division of BATF, stated, "If you're looking at it—you're standing back looking at it, it would not make sense to have two or three different agencies coming in as Dr. Complan alluded to." Mr. Earle continued to explain that OSHA and BATF should nonetheless continue its dual responsibilities.

John Miles, Director of Field Operations for OSHA, said, "I see there's an overlap between us and BATF. I think it would be much cleaner if you had just one person going out there."

Representatives TAUKE and JONES, who were also present at the hearing, have indicated their support for consolidating inspection authority by joining with me in introducing this bill.

This certainly is not a major issue in the context of the problems Congress is now facing. But to the families of the 21 employees who died at Hallett, OK, nothing could be more important than preventing such future disasters. A prior inspection of the Hallett plant might have prevented this accident.

During this period of large budget deficits, we have a responsibility to use Government resources as efficiently as possible. OSHA is fully capable of inspecting both the manufacturing and storage facilities of fireworks plants. This bill recognizes that one agency can better perform the functions that currently are performed by two. I urge my colleagues to join with me in enacting this legislation.

A TRIBUTE TO W.R. "BOB" HOLCOMB

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. LEWIS of California. Mr. Speaker, I rise today to recognize the achievements of a very special man from my home State, W.R. "Bob" F. Holcomb. Bob is being honored on March 7, 1986 at a banquet to be held at the Inland Empire Hilton in San Bernardino, CA. A native of San Bernardino, Bob's life-long contributions to the well-being of the community and its citizens have been felt by all; we owe him many thanks.

Bob Holcomb served as mayor of San Bernardino from 1971 until 1985, and has been a driving force in the growth of the city. In 1977, the National Municipal League named the awarded San Bernardino the "All-America City" award. This was quite an accomplishment for a community that, when Mayor Holcomb first took office, was considerably in the red. Bob's fiscal prowess, together with his talent for leadership, helped to dig San Bernardino out of its slump and put it back on the right track. Throughout Bob's term as mayor, the city has operated with a balanced budget.

Among Bob's many accomplishments are the State College Industrial Park, the Southeast Industrial Park, and the Commerce Center, featuring Hospitality Lane. These are three shining examples of Bob's commitment to expand San Bernardino's tax base and to provide jobs for its citizens.

His involvement in Western Regional Little League, the Arrowhead United Way, various capital fund drives and countless civic and charitable organizations demonstrates Bob's commitment to the people of San Bernardino. Bob Holcomb is a caring individual whom we have been lucky to have as mayor.

Mr. Speaker, I ask my colleagues here in the House of Representatives to join with me, family and friends in saying thank you to Bob Holcomb, a remarkable American who has touched the lives of many in a most positive way.

HONORING THE CITY UNIVERSITY OF NEW YORK

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. ACKERMAN. Mr. Speaker, I rise today to commend and congratulate New York City for the expansion and enhancement of a unique higher educational system: The City University of New York.

In 1847, the innovative thinking of the people of New York City led to the positive endorsement of a municipal public referendum to underwrite the cost of a tuition-free institu-

tion of higher learning. The Free Academy that was thus born later grew into the City College of New York. To educate women, Hunter College was founded in 1870, and with it the beginnings of a city university system was established.

Today, 139 years later, we are proud to have in our great city an equally great system of higher education that has developed from that forward-looking beginning. In 1961, the colleges in the system were designated as the City University of New York, sparking a new era of growth. What began as an earnest innovation is now an establishment comprised of 16 colleges, the Mount Sinai School of Medicine, the New York City Technical College, and its most recent addition, the City University School of Law at Queens College. The City University of New York is an extensive provider of higher learning that also maintains reasonable tuition fees. It is an establishment that makes the American dream possible for everyone.

Mr. Speaker, it is important for us to recognize the large-scale contribution the City University makes toward the city itself. Whether it is the cultural resources provided through libraries, lectures, and concerts, or the generations of national and local leadership that the university has provided, it is hard to imagine New York without CUNY.

I would particularly like to personally acknowledge Joseph Murphy, chancellor of CUNY, and the board of trustees of the City University of New York, who have led this grand institution to a tradition of access and excellence: James P. Murphy, chairperson; Edith B. Everett, vice chairperson; and Paul P. Baard, Blanche Bernstein, Sylvia Bloom, Maria Josefa Canino, Louis C. Cenci, Armand D'Angelo, Judah Gribetz, William R. Howard, Harold M. Jacobs, Melvin E. Lowe [ex officio], Robert L. Polk, Joaquin Rivera, Margaret Titone, Henry Wasser [ex officio], and Brenda Farrow White. New York is proud indeed of these men and women, who have helped make New York the intellectual capital of the Nation, and who are working hard to build on a proud heritage of academic and civic contributions.

Mr. Speaker, as a graduate of CUNY, I can personally attest to the success of this excellent and unique system. I call now on all of my colleagues in the U.S. House of Representatives to join me in honoring the students, the alumni, the faculty, the administrators, and the trustees of the City University of New York, and to wish them every success as they continue to add to their tradition of a strong education for all New Yorkers.

ESTONIAN INDEPENDENCE DAY

HON. BRUCE A MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. MORRISON of Connecticut. Mr. Speaker, I rise today in commemoration of the 68th anniversary of Estonian independence and in support of the long-term struggle of Estonians everywhere against Soviet domination.

The modern history of Estonia is a proud but tragic one. After many centuries of foreign domination, the hopes and aspirations of the Estonian people were realized on February 24, 1918, with a declaration of independence proclaiming Estonia a free democratic republic. Invaded later that year by Soviet forces, the Estonian people fought a determined war in defense of their freedom, and succeeded in expelling the Soviets in February 1920.

Estonia thrived during the next 20 years of freedom. Commerce and culture flourished. Estonia became the first nation in the world to grant its minorities autonomy through government-subsidized ethnic schools. Land reform spread equality and prosperity throughout the country.

Economic progress and social tolerance ended with the secret 1939 pacts between the Soviet Union and Nazi Germany which gave control of Estonia, Latvia, and Lithuania to the Soviet Union. Estonia was incorporated into the Soviet Union in 1940, ruled by the Germans from 1941–44, and then returned to Soviet power. These were years of extreme hardship for the small nation: All told, one-third of the population was lost to deportation, execution and emigration during the 1940's.

The Soviet Union has dominated Estonian life since World War II. The Estonian land reform achievements of 1919–25 were destroyed by the traumatic forced agricultural collectivization of 1947–51. Today, Estonia, a country traditionally blessed with agricultural surpluses, cannot even produce enough to feed itself.

Russification—the imposition of the Russian language, customs and people—is a harsh and ongoing reality in Estonia. Estonian culture is discouraged or forbidden; the Estonian language is discouraged in favor of Russian.

Yet despite all hardships, the will and spirit of the Estonian people remain strong and independent. Estonians continue to place the highest value on freedom.

The hope that Estonia may once again join the rank of free nations inspires Estonians throughout the world. The depth of Estonian national consciousness in the face of continuing Soviet aggression and imperialism is an inspiration to all oppressed peoples. I am very proud to join with Estonians everywhere in honoring the indominitable Estonian spirit as exemplified in Estonian Independence Day.

THE 65TH ANNIVERSARY OF THE NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to the National Association of Retired Federal Employees on the occasion of the organization's 65th anniversary. Since 1921, when a group of 14 retired Federal employees met in the Nation's Capitol to form NARFE, the association has served annuitants, prospective annuitants and their families. One of the National Association's first accomplishments was to secure a livable, minimum annuity for those who retired from Federal service. Today, the organization continues its effort by sponsoring and supporting beneficial legislation and promoting the general welfare of civil service annuitants and their families.

Mr. Speaker, I would like to pay particular note of the NARFE Michigan chapters in Battle Creek, Kalamazoo, and Lansing. With over 4,000 men and women currently in civilian Federal employment in Michigan's Third District, these three chapters have provided an invaluable service to current and future Federal retirees as well as those who have retired from other fields of employment.

I am honored to represent a district in which so many Federal employees have worked to enrich the lives of all Americans and where Federal retirees have chosen to remain and serve their communities in countless ways.

IN HONOR AND MEMORY OF DR. JOHN WALTER MORRIS

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. SUNDQUIST. Mr. Speaker, a leading constituent of mine, Dr. John Walter Morris, retired general practitioner and former mayor of Somerville, TN, died this past month. He had celebrated his 100th birthday on January 1 of this year. Dr. Morris graduated from Vanderbilt Medical College in 1911. He began his practice in Somerville in 1912, often riding on horseback to visit patients.

Dr. Morris served in World War I where he was the only American assigned to the Black Watch, a Scottish regiment. He was among the first Tennesseans to see combat in World War I and was regarded as the oldest living former prisoner of war. He returned to his Somerville practice and continued serving his community until 1961. He is credited with starting the first countywide health care unit. Today, the facility is named in his honor.

Dr. Morris was active in all aspects of life. He enjoyed hunting and was a loyal member of American Legion Post 38 in his hometown. He will be missed by all the people that had the privilege of knowing him and those who benefited by his service to his community.

COMMITMENT TO A HIGHER CALLING

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. GALLO. Mr. Speaker, people who volunteer their time and talents to efforts that improve the quality of life for our children are making essential contributions to our future well-being and the future of our communities. Those individuals who undertake such projects on a voluntary basis can claim a commitment to a higher calling—they are men and women who care very deeply about their communities and are willing to dedicate themselves to projects that promote the common good.

In our society, the Parent-Teacher Association is an organization that exemplifies these American values of dedication and community betterment.

For Jean Socolowski, her election as president of the New Jersey Parent-Teacher Association marks a milestone in a career of public service that adds a new and deeper meaning to the word dedication.

Jean has been an active PTA member in Morris County since 1964. In fact, she has achieved the status of life member as a result of her dedication to the development of child day care centers in Parsippany.

At the local level, Jean has helped to found the Parsippany-Troy Hills High School PTA and the Brooklawn Junior High School PTA and she has served as president of the Mount Tabor Elementary School PTA.

Jean also has been active in county PTA activities and has held virtually every office within the organization. She has been active with the Morris County Coalition for Public Education and has served as its president.

In State and national PTA activities, Jean has been very active, serving on the State Legislative Advisory Committee and the State board since 1980. In 1984, she was State convention resolution chairman and delegate to the National PTA Convention.

Jean Socolowski has actively promoted programs in the arts and supported historical preservation efforts. She has worked tirelessly to enrich the lives of children and to strengthen the family unit through greater understanding.

And all of these good works are added to Jean's considerable career accomplishments as an educator and guiding force behind the Parsippany Child Day Care Center, Inc.

We wish for Jean and her husband, Norbert, the continued health and happiness that they richly deserve. But, more than that, we hope that Jean's example of voluntary public service in her community will provide inspiration for others to join the cause of promoting the health, education, and welfare of our children—the future of our community and our Nation.

GREENE COUNTY BICENTENNIAL

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. ROWLAND of Georgia. Mr. Speaker, it is my privilege to report to Congress that Greene County, one of the most historic and beautiful counties in the State of Georgia, is observing the bicentennial of its founding on February 3, 1786, with a yearlong celebration.

Greene County, named for Revolutionary War Gen. Nathaniel Greene, was settled by Revolutionary soldiers who moved into this new frontier from Virginia and the Carolinas.

From the beginning, these settlers were greatly concerned with both education and military defense. They set aside land for a future State university, and eventually the Penfield Female Academy and the Greensboro Female Academy, where the writer Louisa Mae Alcott and future U.S. Secretary of State William H. Seward taught, were established in the area. Forts were soon constructed to protect against Indian raids, but the town of Greensboro was nevertheless attacked and destroyed, with 31 citizens killed, during the community's first year.

Greensboro was soon rebuilt, and has been going strong ever since.

Greene County is where the first paper mill was built in Georgia, back in 1810. The Georgia Railroad began in Greene County, built to carry heavy cotton mill machinery into Georgia's cotton belt country. Greene County also became the point of origin for the first road to the West from the original 13 States. It was ordered built by President Thomas Jefferson from Greensboro to the Mississippi River.

Union Point, just east of Greensboro, is the site of an early gold rush, and a site just south of Greensboro, near Park's Ferry, is reported to be the location of the missing Confederate gold.

Mr. Speaker, Greene Country will be celebrating its bicentennial with a number of events throughout the year, ending with closing ceremonies and the burying of a time capsule, to be opened a century later, on November 30. Bicentennial May Fest will be held on May 3, an all-day celebration including craft demonstrations, antique exhibits, an historic costume show, and a community dinner ending with historic dancing and singing. An old-fashioned picnic and historic games and relays will be held in August, an event called chestnuts and chinquapins days. Many other activities are planned.

A very special invitation is extended to people everywhere to visit Greene County during this bicentennial year.

TAXPAYERS SHOULDN'T UNDERWRITE "BABY DOC'S" RETIREMENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. MILLER of California. Mr. Speaker, after 30 years of repressive rule, the Duvalier dictatorship in Haiti has ended.

"Baby Doc" is gone. Unfortunately, he has reportedly taken with him hundreds of millions of dollars that was provided to the Government of Haiti to promote the economic improvement of its people. He leaves behind the poorest country in the Western Hemisphere, a nation whose average income is $160 per person, and a national treasury with only about $1,000 left in it.

Meanwhile, his personal fortune is estimated at as much as $800 million.

"Baby Doc" did not earn his fortune the old-fashioned way. He stole it, pure and simple, from the American taxpayers.

There may be few signs of America's investment in Haiti. But there is a lot of evidence of "Baby Doc's" investment in America. According to reports, "Baby Doc" owns considerable amounts of property in the United States, including an exclusive home in the Trump Tower in New York City.

Must American taxpayers sit by while "Baby Doc" flaunts his ill-gotten booty? I think not.

I am calling upon Attorney General Edwin Meese to take appropriate steps, in cooperation with the new Government of Haiti, to recover Haitian and American assets which have been pilfered by "Baby Doc."

I also am requesting that Attorney General Meese investigate all lawful means for freezing "Baby Doc's" assets in the United States while we determine whether these assets can be reclaimed for the people of Haiti and the taxpayers of the United States who were defrauded by the Duvalier regime.

Much of Duvalier's fortune has been spirited away to Swiss bank accounts and lies beyond our ability to recover. But where we have the ability to recoup millions of dollars, we should do so. Our action should serve as a precedent to others who steal American aid to line their own pockets.

ESTONIA'S FIGHT FOR FREEDOM

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. MOAKLEY. Mr. Speaker, the American author Marion Foster Washburne traveled around the world in search of what she called "the happy country." In the conclusion of her 1940 book, "A Search for a Happy Country," she recognizes that the Republic of Estonia was that happy country.

But in June of that year the Red army rolled across the neutral border of Estonia and began a rule of aggressive Soviet occupation. Since that time creative freedoms in all fields have been severely curtailed. The forced teaching of the Russian language has been introduced in all schools, including day care centers. Mass Russian immigration has seriously damaged Estonia's identity and political structure. Language, culture, religion, and even the learning of history in schools, have suffered under Soviet rule. The militarization of Estonia serves as a constant reminder of the threat to world peace. And today, it is virtually impossible for Estonians in their Soviet occupied homeland to travel abroad or to emigrate. Under the domination of the Soviets, Estonia has the sad distinction of having the world's youngest political prisoner, 2-year-old Kaisa Randpere, who is forbidden by Moscow from joining her parents in the West.

However, it was not always this way. There once was a time when Estonia was a free nation. On February 24, 1918, Estonia declared its independence. Now on the 68th anniversary of the Declaration of Independence, we commemorate Estonia's fight for freedom, and celebrate the independence that they cannot.

Mr. Speaker, we look forward to the day that Estonians everywhere will be able to celebrate their independence. Their aspirations, hopes, and struggle for freedom are shared by freedom loving people all over the globe.

OLDER AMERICANS MELANOMA/ SKIN CANCER DETECTION AND PREVENTION WEEK

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. ROYBAL. Mr. Speaker, today I introduced a joint resolution, the "Older Americans Skin Cancer Detection and Prevention Week," scheduled for May 24 to June 1, 1986.

As chairman of the House Select Committee on Aging, I have long been concerned about improving disease prevention services for older Americans. I believe that the joint resolution I am introducing will help publicize the threats of melanoma and other skin cancers to the population at greatest risk.

It is a fact, Mr. Speaker, that the population at risk of melanoma and other skin cancers is the population over age 50, and that the risk increases exponentially with age. But early detection of melanoma (a potentially fatal cancer) and other skin cancers assure a high cure rate. Not only a high cure rate, but a decrease in disfigurement, in suffering, in anxiety can also be assured.

Last year, the American Academy of Dermatology, which has over 7,600 members, along with its constituent State and local dermatologic societies, publicized heavily the threat of these diseases to our entire population. Massive efforts were made by the academy membership in public education, in over 400 screening programs throughout the country, and in many of our schools, to make our citizens aware of the dangers, and also the possibility of detection and prevention, of these diseases. I am pleased that this group of doctors has taken upon itself one of the most valuable efforts that can be made by medicine, the early detection and prevention of diseases within its scope of practice. We need much more of this kind of activity on the part of physicians—activity which, like the dermatologists', is voluntary, with screening programs which are free and instructional.

The older Americans of this Nation did not learn, when they were young, because the knowledge was not then available, about the threats of melanoma and other skin cancers from excessive sun exposure and from toxic substances in the workplace. But older Americans can learn now that; if detected early, melanoma and other skin cancers can have a very high cure rate. They can learn about screening programs, and can learn how to examine themselves for skin cancers.

It is my understanding that this year, like last year, the American Academy of Dermatology will work with the American Cancer Society and similar organizations which represent, serve, and work for the interests of older Americans to get the most widespread information campaign and screening program possible.

ACID RAIN COUNTDOWN

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. SIKORSKI. Mr. Speaker, as Congress rushed through its legislative priorities at the 11th hour before the Christmas recess, we hardly had time to acknowledge the giant step forward to reduce acid rain made by our northern neighbors in Canada.

Early last year Canadian officials agreed on a plan to reduce sulfur dioxide emissions nationwide to 50 percent of their 1980 levels by 1994. Owning up to its end of the bargain, Canada's Ontario Province recently announced its own Acid Rain Countdown Program. Ontario's top environmental official ordered the Province's four biggest emitters of sulfur dioxide to reduce their polluting emissions by two-thirds by 1994, constituting the single largest acid rain control initiatives in North America.

Countdown acid rain will do more than just help Ontario's environment start the long journey back to normalcy after years of acid rain pollution and abuse. It will also reduce acid rain in the Adirondack Mountains and in the State of New Hampshire by approximately 8 percent, and to a lesser extent in other parts of the United States. My home State of Minnesota receives a small portion of acid rain emissions from Ontario, so we will also enjoy a slight emissions' decrease.

Further, like Ontario and in accordance with its own 1982 State legislation, Minnesota has proposed an in-State acid rain control program. Calling for sulfur dioxide emissions to be cut by 25 percent of 1980 emissions levels, Minnesota will require significant reductions from two large powerplants. By exacting this strict standard of environmental performance, Minnesota is doing what Ontario is doing and what other States will have to do in order to preserve America's lakes and forests.

The momentum is building for acid rain control legislation. Canada is living up to its pledge to the United States to sweep its own porch. Wisconsin, Michigan, Pennsylvania, Maryland, New Hampshire, New York, and Minnesota are involved in establishing strong in-State emissions reduction plans. In the wake of this groundswell of support, the President's representative on acid rain, Drew Lewis, has issued a report "officially" acknowledging that "acid rain is a serious environmental problem in the United States and Canada" with the potential for high long-term socioeconomic costs.

If the President throws his support behind Lewis' acid rain report, his action will be hailed as a small step forward in the battle against acid rain. Yet the report lacks one important feature, a scheduled emissions reduction program similar to Ontario's and several States. It calls for research, not reductions. Only when such a cleanup effort is mounted will the President be able to sincerely reciprocate the favor our Canadian friends have done for us. Until then, the Lewis report holds empty promises for Canada and those of us in the United States committed to a cleaner and healthier environment for our children and the generations that follow.

A TRIBUTE TO DOROTHY FIELDER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. RALPH M. HALL. Mr. Speaker, the community of Van Alstyne, TX, and the entire north Texas area, has lost its most loved and vital pillar, Dorothy Fielder—who died January 19, 1986, 6 days short of her 78th birthday. The people she touched during those years—her church, her former students, her friends, and of course, her family—that she loved and who loved her so dearly—will miss her.

Dorothy loved life—its joys which made her life so rich and its sorrows which built her strength. She gave her utmost for God, her country, her family, and her friends. Dorothy was the kind of person we should all hope to be.

The legacy she leaves behind continues to live in everything she touched. She lives in all our hearts—she lives in her children and their children and the people they touch as well. Her love and influence was contagious.

Her teaching career spanned 29 dedicated years during which time she taught nearly all grades including English, literature, and Spanish, on every scholastic level.

Dorothy was also a gifted musician. She used her talent as church organist and pianist at the Van Alstyne Methodist Church for more than 30 years and served on the church administrative board and taught Sunday School at all grade levels.

Dorothy Fielder will be missed by all of us, but especially by those who meant the most to her—her husband, Robert E.B. Fielder; her son, James Park Fielder III; her daughter, Julia Caroline Jeffress, and her husband, Robert; and certainly her three grandchildren, Robert, Tim, and Jennifer; her great-grandchild, Caroline; and her brother, James Nelson Taylor.

LITHUANIAN AMERICAN'S DAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. LIPINSKI. Mr. Speaker, I rise today to salute the township of Lyons in the Fifth Congressional District of Illinois for proclaiming February 16, 1986, to be Lithuanian American's Day. In recognition of this day Lyons has directed that the Lithuanian flag be flown on the lawn of the township offices from noon, Saturday, February 15, 1986, to February 22, 1986, and has called upon the residents of Lyons to acknowlege that many Lithuanian-Americans have chosen the township as their home.

I believe that the proclamation of the township serves important purposes. First, it recognizes the valuable contribution Lithuanian-Americans have made to the well-being of the

Lyons community and to the Nation as a whole. It also reveals the fact that Lithuanian immigrants to the United States enjoy freedom and independence that their friends and relatives in Lithuania do not have. Since 1795, the sovereignty and independence of the Lithuanian people have been interrupted by the ravages of war and by Russian domination. After a brief period of liberation in the post-World War I era, the country fell once again under Russian rule.

Today, Lithuania is dominated and oppressed by a Communist dictatorship. Soviet mass immigration and the forced use of the Russian language has inflicted serious harm on the country's language, culture, religion, and history. In short, the Lithuanian national identity is in danger of being overwhelmed by Russification and Sovietization.

It is actions like the Lyons township proclamation that remind us of our Nation's rich ethnic heritage and the freedom and independence immigrants seek here.

HONORING THE QUEENS LIGHTHOUSE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. ACKERMAN. Mr. Speaker, I rise today in recognition of the works of the Queens Lighthouse and the New York Association for the Blind, which is honoring columnist Walter Kaner at their 27th Annual Restaurateur Dinner Dance on February 24, 1986.

Mr. Speaker, miracles and wonders are an everyday occurrence at the Queens Lighthouse. People who have the gift of sight taken from them come to this extraordinary institution and receive the comfort, warmth, and training that they need to fully reach their potential. From job placement to rehabilitation to health care, the Queens Lighthouse provides a full range of services to the blind.

The Queens Lighthouse also provides unique residential services for the blind; at the present time, about 70 people are housed there. In all, 500 adults use the superb facilities at the Lighthouse every week, taking advantage of everything from special classes to a bowling alley.

The Queens Lighthouse is only one of a series of Lighthouses in the New York metropolitan area that are associated with the New York Association for the Blind, a nonprofit organization funded by private donations. Over 5,500 blind New Yorkers use their facilities each year. By pooling the resources of the various facilities, the Lighthouse program has become the largest direct-service agency for the blind and visually impaired in the world. People from around the world have come for treatment to this outstanding institution, and its methods have become the model for agencies in many Nations.

Mr. Speaker, the miracles that the Lighthouse works every day are impossible to grasp; this is an organization that has helped countless numbers of Americans to lead full, healthy lives when they might have resigned themselves to a life of despair. I would especially like to single out Dr. Barbara Silverstone and Harold Wilmerding, the executive director and the president of the New York Association for the Blind; and Raymond Cristofoletti, the executive director of the Queens Lighthouse. The hard work and dedication of these outstanding citizens richly deserve the congratulations of this Congress.

Mr. Speaker, I call now on all of my colleagues in the U.S. House of Representatives to join me in honoring the Queens Lighthouse and the New York Association for the Blind, and to wish them further success as the most important facilities of their kind in the world.

THE DEBT COLLECTION ADVISORY ACT OF 1986

HON. JIM ROSS LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. LIGHTFOOT. Mr. Speaker, today I'm introducing legislation to establish a Presidential Advisory Panel to coordinate Government debt collection and delinquency activities.

As you know, the Federal Government is likely the largest single lender of funds in the world. In 1984, $40 billion of the $200 billion plus debt owed the Federal Government was delinquent, not counting delinquent taxes. Considering that our Government is now over $2 trillion in debt and that interest on the national debt is now the third largest single item in the Federal budget, we can't afford to have loans outstanding from individuals who can afford to pay the Government back—it hurts every American and the generations who will follow us.

The "Private Sector Survey on Cost Control," otherwise known as the Grace Commission, recognized this problem. One example found by the Commission was in reviewing the Department of Housing and Urban Development's [HUD] debt collection procedures. It was learned that HUD makes only three attempts annually to collect charged-off accounts, while the private sector makes about 24 to 36 attempts annually. HUD's success rate stands at about 15 to 20 percent, while the private sector success rate is about 80 to 85 percent.

Also brought to light in the Grace report was the fact that about 95 percent of the Government's debt is managed by 24 different agencies, many using different tracking and collection methods. This lack of uniformity makes it extremely hard for the Justice Department, the major agency handling debt collection referrals, to deal consistently with the varying methods.

Furthermore, it was found that agencies have little incentive to collect debt owed them, because the collected funds are turned over to the Treasury. The Grace Commission estimated that more uniform collection methods and incentives for agencies to collect could save upwards of $9.3 billion in tax dollars over 3 years.

In light of our Federal debt and continuing annual deficits, I believe we owe it to the American taxpayer to make every effort possible to see that tax dollars are used in the wisest, most cost-effective manner.

This legislation would create a panel of experts from the private sector to evaluate current Federal debt collection policies and to develop and recommend new policies to improve our Government's efforts in this area. A large pool of talented people exists in the private sector which we should take advantage of to address this problem. I encourage my colleagues' support for this measure as we look for ways to achieve cost savings.

HOUSE OF REPRESENTATIVES—*Monday, February 24, 1986*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore [Mr. WRIGHT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 24, 1986.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore for two legislative days.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, You have told us that when we use the things of the world to alleviate want, they become the things of the spirit. Remind us that when we give the cup of cold water to the thirsty, we do Your bidding; when we give food to the hungry, we are Your ministers; when we give clothing and the necessities of life to the needy, we are truly Your people, and when we speak for justice in our world, we are Your prophets. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1429. An act to amend title 18, United States Code, to authorize prosecution of terrorists who attack United States nationals abroad, and for other purposes; and

S. 1919. An act to establish a task force to examine the issues associated with abuse of the elderly.

A DISINFORMED WHITE HOUSE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the Reagan administration has borrowed a play from Philippine President Marcos' strategy book.

When you've nothing left, label your opponents as "Communists."

These are desperation tactics from desperate administrations.

Today the Reagan administration said it has shocking evidence that a foreign government is trying to influence U.S. foreign policy. They call it "disinformation." So what else is new?

Is there any country anywhere in the world not trying to influence U.S. foreign policy in Washington?

In fact the major growth industry in town is ex-Reagan officials opening up lobbying companies to represent foreign powers.

"Disinformation" is a term applied by the administration to the lobbying efforts of any country not rich enough to hire ex-White House aides. If you hire Michael Deaver, its called access. If not, it's disinformation.

Will the Reagan administration hold another press conference to release secret documents about foreign policy, access, and lobbying campaigns being conducted by the new rich revolving door Reaganites selling access?

I doubt it!

FERDINAND MARCOS OUGHT TO ABDICATE

(Mr. LEACH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEACH of Iowa. Mr. Speaker, a century ago, civil war threatened to tear apart Japan, with forces of the last Tokugawa shogun confronting the populist forces of the Emperor. Just before a climactic battle was to occur, Tokugawa Keiki recognized the senselessness of the confrontation and abdicated his claim to power, thus saving thousands of lives and insuring a generous place in Japanese history for himself and his family.

Ferdinand Marcos' claim to power in the Philippines is now that of a Japanese shogun: might makes right. For the sake of his own honor as well as that of the Philippine people, he ought to abdicate and peacefully allow his house of illegitimate wealth and power to collapse. As a humanitarian gesture, the United States in turn ought to offer Marcos and his family sanctuary.

Heroes in history are usually the conquerors, but sometimes the vanquished command even greater respect—if they lose for the sake of principle or if they step aside to prevent societal division. Compassion and legitimacy are greater callings than personal power and glory.

UNITED STATES POLICY IN THE PHILIPPINES

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, as the crisis in the Philippines unfolds, it is important that the White House and the Congress work together. At this very sensitive stage, it is time for a moratorium on congressional statements and criticism. It is time to leave to our diplomats and representatives on the scene the flexibility to protect American interests.

Over the weekend, this administration has come out foursquare for the democratic process, nonviolence, and against the Marcos fraudulent regime. That is the proper policy and they deserve our support. It appears that Mrs. Aquino and her forces have acted responsibly also.

In the past 2 weeks, U.S. policy has been faced with the fate of two corrupt dictators, Baby Doc Duvalier and Ferdinand Marcos, who lost support of their own people because they were repressive and did not respect the legitimate aspirations of their populations.

If there is anything to be learned from these experiences, it is that these autocratic, often pro-U.S. rules, will jeopardize U.S. interests just as much as Marxism by losing touch.

The best course of action for the United States is to be on the side of the democratic process. So far in the Philippines and Haiti, it appears that we have.

INSERTION IN CONGRESSIONAL RECORD OF REMARKS OF MEMBERS REPRESENTING THE HOUSE AT OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY, FRIDAY, FEBRUARY 21, 1986

Mr. NEAL. Mr. Speaker, I ask unanimous consent that the remarks of the two Members representing the House of Representatives, the gentleman from Virginia [Mr. DANIEL] and the gentleman from Virginia [Mr. SLAUGHTER] at the wreath-laying ceremony at the Washington Monument for the observance of George Washington's

Birthday on Friday, February 21, be inserted in today's CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

COMMEMORATION OF 254TH BIRTHDAY OF PRESIDENT GEORGE WASHINGTON

Mr. DANIEL. We are gathered here today to honor the man who, perhaps above all others has exemplified the ideals of the people of this Nation since its founding.

The fires of revolution which illuminated the New World in the late 18th century might well have consumed the new Republic, had it not been for George Washington. He was a man for his time, and had he not been present, our history might have taken a vastly different turn.

So much of the shape of our Government is taken for granted, it is hard to realize that many of the methods now employed have existed less than 200 years. George Washington, having led this Nation through the first successful national revolution in modern history, found himself with no precedents and little by way of guidance in our national charter, the Constitution.

His was an awesome task. What should this infant Nation be—a loose accommodation among the States, or a group of lesser States, subordinate to a strong central government? Debate raged within the States themselves yet, as an anonymous Philadelphia editor stated in 1788, "Thirteen staves and ne'er a hoop will not make a barrel." Washington was the hoop.

But what of Washington's relationship with the Congress? At the outset of the Republic, legislative and Executive powers were viewed as "natural enemies," primarily because doubt existed as to where the powers of both began and ended. The first President of our country in no way sought to expand his powers, nor would he permit his powers to be encroached upon. Privately, Washington was cautious of the relationship between the two branches of Government. Officially, Washington behaved courteously to the Congress, and his messages were void of suggestions on what the Congress should do.

By other methods he did, however, let his opinions be known. His interest in the Congress was avid and apparent and by the end of Washington's two terms, the Congress had begun to assert itself more emphatically.

While Washington never spelled out in detail his own role, he was very sure of the course he sought for this Nation to follow in world affairs.

Washington was a believer in a strong central government, and for his time this was perhaps the best—the only—approach to hold the shaky alliance together.

There are certain conditions presently experienced with which Washington would have been familiar.

There was the matter of public demonstration. The origins were different, for Washington's difficulties arose from his first efforts at treaty negotiation—difficulties not unknown to his 20th century successors. In a letter to Alexander Hamilton describing public reaction to the Treaty of 1795, he stated:

> The cry against the treaty is like that against a mad dog, and everyone, in a manner, seemed engaged on running it down.

And words he wrote in 1796 have an altogether modern ring:

> The American people seem more disposed to promote the views of another nation than to establish a national character of their own.

The difficulty of public officials with the press was also known to our first President. As early as 1790, he wrote:

> It is to be lamented that the editors of the different Gazettes in the Union do not more generally, and more correctly (instead of stuffing their papers with scurrility, and nonsensical declamation, which few would read if they were apprised of the contents), publish the debates in Congress on all great national questions. . . .

Later, in a 1796 letter to Thomas Jefferson, he referred to the abuse heaped on him by certain publications, in which the language was

> in such exaggerated and indecent terms as could scarcely be applied to a Nero; a notorious defaulter; or even to a common pickpocket.

Washington's task was an awesome one, but he knew what he wanted. To Patrick Henry he wrote that he wanted to see the United States "independent of all, and under the influence of none." Simply put, he said:

> I want an American character, that the powers of Europe may be convinced we act for ourselves, and not for others.

"An American character" what would that mean? How do you establish a national attitude? The only patterns in existence for the young Nation known as the United States of America were the government against which it had rebelled and others of the same sort. We had no monarchy, no aristocracy, no single common heritage. The rest of the world viewed us somewhat as upstarts, who would probably fail in our experience with self-government.

We had some things in common, to be sure. After more than 150 years as a Crown colony, we shared the British system of laws, and our own adaptation of the Church of England. Our dress, our speech, even our holidays, reflected the predominantly English heritage brought to our shores. Yet we were no longer subjects of the King, and so we were required to develop our own national attitudes among a people as diverse as the New England merchant, the Southern planter, the frontiersman whose individuality matched neither.

From this diversity of attitudes and backgrounds—for our English forebears had already begun to be joined by others—an American character began to emerge. And it is no accident that this character closely resembled the pattern envisioned by George Washington.

Washington was not an intellectual. A successful farmer, a general of the army without superior, he was first and last an administrator. Standing between the towering intellects of his time—Thomas Jefferson and Alexander Hamilton—he steered a course of reason, taking the best thoughts of both, and using their ideas for the advancement of this new Nation. Over and over, in describing the personal character of Washington, his contemporaries and biographers have used the same words—system, plan, energy, dignity. These were the virtues reflected in his life, and instilled in the Nation. We are often told that Washington was "first in war, first in peace, first in the hearts of his countrymen." He also set us firmly on the path to our role of prominence we hold in the world today.

And so we stand today before the monument which bears the name of our first President.

Like Washington, it has a simplicity which belies its strength. Like him, it compels us to raise our eyes to higher goals and distant vistas.

Our respect and admiration for both, so long held by freedom-loving people the world over, shows no sign of diminishing with time.

Mr. SLAUGHTER. We are here today as a part of this ceremony to pay tribute to George Washington whose services to his country are universally acclaimed as being essential to the winning of our liberty and to its preservation during the first years of the United States of America.

The duties that Washington had as a Commander in Chief of the Revolutionary Army and later as our first President were awesome responsibilities. It is easy to see how the failures of the leader in these positions could have been fatal to the cause of American independence.

When we look at Washington's career, we see that important tasks were given to him early in his life; and from such experience, added to his native abilities, he developed into the man that the American colonies gave the positions of Army commander and President.

Washington was born in 1732 on his father's farm in Westmoreland County in the Northern Neck of Virginia. He spent most of his boyhood on a farm called Ferry Farm in Stafford County just across the river from the town of Fredericksburg. At the age of 17 years, he was appointed surveyor of Culpeper County upon the formation of Culpeper County in 1749. He received this experience by virtue of his acquaintance and connection with the Fairfax family, Culpeper County, and the northern part of Virginia being a part of the land grant by the Crown to the Fairfaxes, all of which was the subject of complicated legal disputes. Washington's position was a responsible one and of great local importance in colonial days. In the course of his duties, he surveyed and laid off the town of Washington, VA—the first place to be called "Washington" in American history. It is today the county seat of Rappahannock County and is a small, beautiful town lying at the base of the eastern side of the Blue Ridge Mountains of Virginia, with many of the town lot boundaries being the same boundaries as surveyed by Washington.

After several years of these responsibilities, Washington undertook a career in agriculture and he was eventually to become an active and innovative farmer with substantial land holdings in the Mount Vernon area on the Potomac and from time to time he owned inter-

ests in western lands; that is, lands beyond the Allegheny Mountains.

His public service continued, however, by active military duty as a Virginia Militia officer notably serving as a colonel in the Virginia Militia in command of the Virginia regiment serving with General Braddock in the French and Indian War in the 1750's. The campaigns were in and around Fort Duquesne, now Pittsburgh, PA, and all through the northern part of the Shenandoah Valley. For much of this time Washington was based in and near Winchester, VA.

Washington's political service began with his election to the House of Burgesses representing Frederick County which included the then small town of Winchester.

Thence from this point Washington continued in service in the House of Burgesses until the Revolutionary War. He served in a number of Continental Congresses and, of course, was selected by the Continental Congress to command the Revolutionary Army.

Washington was chosen for these positions in large part because of the exercise of wise counsel and sound judgment in public affairs. Also, his experience in both political and military affairs was unique and unmatched by any other resident of the colonies. His colleagues in the Continental Congress knew they could rely upon his strong convictions on the necessity of American independence and his wisdom and balance in making sound and common sense decisions.

Washington's leadership of the Continental Army justified the confidence of the Congress and Washington's relations with soldiers and civilian leaders from all of the colonies placed him in a position of preeminence and knowledge of American colonies that few men in public life possessed.

Washington's service as President drew frequent and bitter criticism but he never lost the confidence of the people of the United States and succeeding generations have ever honored him. Many who have studied his career and his era in American history have concluded that he was the indispensable man in the attainment of our independence and the formation of our union.

Though I have emphasized his connection with Virginia and, particularly, the Seventh Congressional District of Virginia, Washington's experience also included dealing with colonial problems on a national scale. His leadership of the Continental Army and in the adoption of the Constitution and his service as our first and greatest President impresses us as well as it did his contemporaries that he, indeed, was "first in war, first in peace and first in the hearts of his countrymen."

HOUR OF MEETING ON WEDNESDAY, FEBRUARY 26, 1986

Mr. NEAL. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, February 25, 1986, it adjourn to meet at 12 noon on Wednesday, February 26, 1986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Government Operations:

COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC, February 18, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that Peter Barash, Staff Director of the Commerce, Consumer, and Monetary Affairs Subcommittee on the Committee on Government Operations, has been served with a deposition subpoena issued by the United States District Court for the District of Columbia. After consultation with the General Counsel to the Clerk, I will notify you of my determinations as required by the House Rule.

Sincerely,

JACK BROOKS,
Chairman.

□ 1210

THE FEDERAL SAFETY NET FOR THRIFT INSTITUTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. PARRIS] is recognized for 60 minutes.

Mr. PARRIS. I take the well of the House, today, Mr. Speaker, to continue my effort to add to the public understanding of the serious problems facing the Nation's thrift industry. My purpose is to ensure the safety and soundness of the insurance fund and the depositors and thrifts it protects, not to alarm any depositor or to reflect adversely on any given institution or the thrift industry as a whole. We must prevent a crisis from developing, not trigger one. Yet the truth is that the Federal safety net for savings associations is straining at the seams, and is at risk.

On November 6, 1985, on the floor of this House, I shared with my colleagues in Congress and the public the preliminary results of an independent study by the General Accounting Office [GAO] which revealed the troubles affecting a significant portion of the savings and loan industry and the pressures their precarious financial position places on the Federal Savings and Loan Insurance Corporation called FSLIC—the insurance fund for the Nation's thrift industry.

Because of the serious concerns raised by the GAO findings through 1984, I asked that team of independent auditors to report back to me with their assessment of information using financial data through mid-1985. Today, I would like to share their findings with you.

Mr. Speaker, I have repeatedly stated that while the thrift industry is in the midst of a serious situation, there is no reason for the average depositor to be concerned. And, my fellow Virginians should be assured that, according to Federal regulators, Virginia savings institutions are generally very safe and very sound.

Congress will never allow insured deposits at federally insured savings institutions to be lost. That precedent has been firmly established and will not be repudiated. In 1982, when a portion of the thrift industry was collapsing, Congress pledged the full faith and credit of the U.S. Treasury in support. I don't believe there is one Member of Congress who does not feel obligated to stand behind that promise, even though the thrift industry still faces costly problems today.

As I said in November, no account holder should feel compelled to withdraw their deposits from their neighborhood savings and loan. Yet, all of us as taxpayers must urge the thrift industry, its regulators and the Congress to calmly and decisively begin correcting the situation which exists at institutions that threaten this $1 trillion industry, the bulwark of our housing finance structure. I reemphasize that we simply cannot afford to ignore the situation any longer. It would be unthinkable to permit the excesses of a few institutions to jeopardize the future of the many in this important industry.

I want to reiterate the importance of the principles advocated by the Federal Deposit Insurance Corporation, the insurer of commercial bank deposits when it says, "public confidence in the banking system is enhanced when the public receives fair and meaningful disclosure, and confidence is eroded when the public believes it is being deceived or is not receiving all the facts it needs to evaluate a situation."

As one Member of Congress and one member of the House Banking Committee, I want to reiterate my belief that it is long since past time to be candid with the American people about the extent of the problems at the Federal Savings and Loan Insurance Corporation. Therefore, these remarks hopefully continue a dialog of increased candor by all concerned with this situation.

The GAO report provides a snapshot of the industry's problems over the first 6 months of 1985. While this report has limitations, it provides us with the best independent analysis outside of but using FSLIC's own figures.

These sobering numbers illustrated in tables and charts, to which I will refer throughout these remarks, are based on data supplied to the GAO by the Federal Home Loan Bank Board. The GAO analyzed the Bank Board's

data in a sophisticated computer study, using one of the best data bases on the thrift industry currently available. The result is a consistent set of data on the thrift industry for the entire period from 1977 through mid-1985.

I wish I could assure my colleagues that substantial improvement has occurred for the majority of thrifts since last fall. The healthy institutions are doing much better; unfortunately, however, the unhealthy ones are increasingly getting worse and some of them are getting much worse. The situation among this weak segment of the industry has not significantly changed since October of 1985. While 1985 industry earnings reached $4 billion—primarily going to the profitable, adequately capitalized, well-managed thrifts, mounting insolvencies are at the same time threatening FSLIC's safety net.

We now know more clearly that the problems facing FSLIC are a tale of two distinct industries within one. The GAO report states that:

> The thrift industry is composed of two segments: one with firms which are insolvent and generally unprofitable and the other, larger segment that is solvent and generally profitable.

The GAO has concluded in its February 12 report that

> by the middle of 1985 there were nearly 1,300 out of 3,180 FSLIC-insured institutions whose financial condition was unacceptably weak when judged by conventional standards of financial strength. The assets of these 1,300 institutions totalled $433.3 billion and compromised 42.8 percent of the industry's total assets.

G-A-A-P, called GAAP is a euphemism for generally accepted accounting practices which are consistent in the profession. The is as opposed to RAP which is regulatory accounting practices used to determine regulatory net worth which has been used by the industry for some time.

The number of GAAP insolvent, but still operating S&L's has risen to 461 by June of 1985. These 461 insolvent institutions have $112.7 billion in assets. Thus in the last 6 months the number of federally insured S&L's that are insolvent has increased by an additional 27 institutions, when measured by generally accepted accounting principles [GAAP], which is the most widely recognized and used guage within the commercial banking industry. An insolvent thrift simply owes more money to its depositors and other creditors than it is owed by its borrowers and other debtors. That is, 14.5 percent of all thrifts were insolvent by mid-June, up from 13.8 percent of all institutions at the end of 1984.

Federal Home Loan Bank Board Chairman Edwin Gray told a Senate appropriations panel that year-end figures now show that roughly 15 percent of all thrifts are now insolvent.

This increase in insolvent S&L's comes at a time when the thrift industry as a whole has returned to profitability and average net worth has improved. Net worth—or what is left after liabilities are subtracted from assets—is considered the most important factor in determining the health of a savings and loan.

Based on reasonable assumptions it is an inescapable conclusion that this data establishes a truly frightening picture for a substantial percentage of the thrift industry. Not all, but a significant portion of the industry is in trouble and, for some, the situation is getting worse everyday at an accelerating rate while the regulatory agencies and their insurance programs are inadequate for the task of correcting the problems.

FSLIC is a wholly owned Government corporation that is governed by the Federal Home Loan Bank Board, and is responsible for insuring the safety of deposits in thrift and home financing institutions up to $100,000 per depositor per institution. In many instances, these accounts are the life savings of American citizens and their families. It is unthinkable to believe that they should not or would not be protected by the Federal Government against loss.

But unfortunately, more troubles loom on the horizon. In addition to the insolvent institutions, by June of 1985 the number of low net worth S&L's amounted to another 833 institutions. This is the number of ailing thrifts with inadequate net worth, or net worth between 0 and 3 percent of assets, which is considered below acceptable standards by the regulators and the regulations. These institutions had total assets of $320.6 billion.

Before 1982, savings and loans with a net worth below 3 percent were often closed by FSLIC, but now they are being permitted to continue in operation in spite of the risk. A ray of hope in a bleak picture for weak thrifts is that the number of low net worth institutions dropped by 76 from a total of 909 thrifts at the end of 1984 to 833 by the middle of 1985.

The number of institutions with 0 percent to 3 percent net worth in the last 6 months has dropped from 29 percent of the total industry at the end of 1984, or 39.1 percent of assets, to 26.2 percent of all thrifts, or 31.7 percent of assets. But remember, while some have worked their way out of low net worth, 29 plunged into insolvency during this same 6-month period.

If you combine the 833 savings associations with low net worth with the 461 insolvent thrifts being kept in business because FSLIC lacks the resources to reorganize them, you find a staggering total of 1,294 problem institutions. Viewed on a percentage basis, approaching or just short of one-half of the industry's entire assets—42.8 percent—are held by institutions that should be technically closed if the regulatory standards were impartially applied. Many of these are not earning a profit and are, in fact, accumulating losses.

The most troubling aspect of this situation is that the institutions with net worth of less than acceptable amounts are experiencing losses in the greatest amounts so that their troubles—and their possible needs to call on the taxpayer for assistance—is being approached at an ever accelerating pace.

Over time, the GAO estimates that the potential cost to the Federal Government in one form or another of merging or liquidating all the 461 insolvent institutions is between $17 and $22.5 billion. These estimates are based on FSLIC's own figures showing the cost of bailouts running between 15 percent to 20 percent of insolvent thrift's assets. A more conservative estimate is that it would cost FSLIC about $11.8 billion to merge or liquidate the worst 239 of this group of 461 institutions—the so-called brain-dead thrifts that are both GAAP-insolvent and unprofitable.

Of greatest concern to the insurance fund regulators are the 239 thrifts that are both insolvent and unprofitable. The are the sickest of the sick in terms of degree. If they received financial assistance of some form or other at the end of June 1985, the cost to FSLIC would be almost $9 billion. Even though the number of insolvent and unprofitable thrifts dropped by 15 between the end of 1984 and mid-1985, the cost of assistance rose by roughly $500 million. This is based on 1984 losses of almost 15 cents for every dollar of assistance FSLIC rendered, and in 1985 the loss ratio was actually 23 percent, substantially higher than this chart shows. Therefore, the cost to FSLIC of dealing with these failed institutions is getting worse. This is in spite of overall industry profits of $4 billion in 1985.

At the same time, the cost could amount to between $30 and $50 billion according to some independent observers and to FSLIC officials who are monitoring the potential losses their examiners are uncovering. It must be remembered that there are a large number of institutions which are not even being currently dealt with or examined because of our inability to take positive action regardless of the situation that is found. It has been estimated that, especially in the energy producing areas of our Nation, there are dozens of single location, no-branch, moderate-sized—$300 to $500 million—thrifts whose assets at market value are worth substantially less than their deposits. They are simply being ignored and have been so for some time now.

The former Chairman of the FSLIC, Peter Stearns said in a December 12, 1985, interview with the American Banker shortly after he left FSLIC in November, that the current problem is growing:

There are a lot more cases out there than anyone wants to believe. The calendar in Texas and California is full of really sick institutions. We're talking about problems with 30 percent, 40 percent, 50 percent of asset value, not 10 percent. All they do is pile up. Texas, Louisiana, Arkansas alone is a disaster. There are dozens in the $500 million—$1 billion range (with problems).

It is important to keep in mind that the definition of "net worth" has been continually compromised by the Bank Board, with the blessing of the appropriate agencies of Government. Prior to the adoption of these creative accounting "reforms," FSLIC could and would close or liquidate a savings institution when its net worth fell below 5 percent. By 1982, this was reduced to 3 percent because of the serious interest spread problems plaguing the industry at that time. In contrast, banks are generally required to hold 6 percent GAAP net worth, or twice as much as thrifts. In fairness, it should be said that FSLIC has, to its credit, begun to return to real world accounting standards and past creative accounting practices may be diminishing.

Fortunately, it is unlikely that FSLIC will be required to bail out all of the financially weak S&L's over time. It is also unlikely that it will have to suffer huge losses all at once. For instance, there simply isn't information available to show how many of the 833 low-net-worth thrifts will ultimately fail. Only the Bank Board knows whether thrifts are failing because of old interest rate problems or newer bad real estate loans and investments. And they haven't released the figures. However, the bottom line is that FSLIC's financial exposure is much greater than its current reserves.

The effective reserves FSLIC has available to deal with failed institutions is subject to much speculation. Determining a number depends on how FSLIC records changed the cash advances used to bail out thrifts. Bank Board Chairman Ed Gray told a Senate appropriations panel last Thursday that the insurance fund has an unobilgated balance of $2.7 billion as of December 31, 1985. This is a preliminary figure. According to Government accounting methods, FSLIC's unobligated balance is one key measure of the fund's ability to meet these insolvencies. FSLIC's usable reserves are estimated to be $2.247 billion in fiscal 1986, according to FSLIC's budget projections. President Reagan's fiscal 1987 budget, which begins October 1 of this year, projects that the insurance fund's unobligated balance will drop to $1.187 billion—as compared with troubled institutions with total assets of $433 billion.

The estimated $1 billion drop in usable reserves is the result of expenditures by the agency in liquidating or merging failing institutions or in writeoffs on the promissory notes the agency will issue to prop up failed S&L's in fiscal 1986. Thus the fund's reserves are shrinking and are expected to deteriorate further in fiscal 1987.

Chairman Gray told the Senate panel that FSLIC's total income in 1985 was $2.3 billion, increasing from $1.3 billion last year. The increase is almost exclusively attributed to additional premiums collected by the Bank Board in 1985. Chairman Gray said the special assessment will continue through 1986, but this money, unfortunately, is being spent at a high rate and the Chairman revealed that the insurance fund absorbed over $1.7 billion in case-related losses last year alone.

These losses included all losses on liquidations, mergers, income capital certificates, and net worth certificates among other expenses to the fund. This left the fund with a net revenue of $396 million by year end. Clearly, additional revenue received from the regular premium and special permium charged to the industry is being consumed at a fast rate.

Assuming, for the sake of argument, that FSLIC has approximately $2.7 billion to deal with troubled thrifts, the crucial point is that under anybody's estimate the magnitude of the problem far outstrips FSLIC's current and future resources unless other funds are provided. The money is simply not available to close or otherwise deal with insolvent savings institutions, and their plight is being ignored. The Bank Board is trying to avoid direct cash outlays and has been pursuing a policy of providing troubled thrifts with promissory notes and management expertise for the time being in a desparate hope that the day of reckoning can be avoided.

Meanwhile, the insurance regulators remain on the sidelines powerless to assist troubled S&L's. FSLIC is like a lockmaster at a Tennessee River dam. It is trying to raise the empty side of the dam with insurance revenue before the pressing wave of insolvent thrifts upriver crashes through the gate. And the cost in dollar terms and confidence is mounting for the taxpayers, for the depositors, and for the healthy thrifts, which make up the balance of this critical industry, as I warned last November.

To be sure, we are all hoping for continued recovery. Chairman Gray estimates that industrywide earnings were roughly $4 billion in 1985, breaking the previous record of $3.9 billion set in 1978. But these earnings are being enjoyed by one portion of the industry while another part of the industry is jeopardizing the whole because of their condition.

The General Accounting Office states:

If there were signs that GAAP-insolvent thrift institutions were recovering, the level of concern over the condition of the industry and its implications for potential demands on FSLIC's resources probably would not be high. However, the data indicate that through the middle of 1985 many of the GAAP-insolvent institutions in the industry continued to experience a deterioration in their financial condition because of losses.

Chairman Gray said on February 20 that there are "unprecedented strains on the FSLIC fund." The Chairman says that "historic losses (have) been brought about by recent inflation and severe high short-term interest rates and, more recently and ominously, severe and widespread asset quality problems."

President Reagan's economic report, submitted to Congress just this month, says that the savings and loan industry is confronted with four serious problems:

First, many thrifts with negative net worth continue to operate, and many of these continue to lose money. Second, the resources FSLIC has available to close failed institutions are very strained. Third, the industry as a whole is poorly capitalized, even by its own standards, and the capital standards of the thrifts are well below those of the commercial banks. And fourth, the thrifts are still exposed to considerable interest rate risk.

The real issues surrounding this crisis, Mr. Speaker, only indirectly relate to the current balance of the Federal savings and loan insurance fund. The real issue is when do we deal with this problem? Can we afford to rely on future profitability to solve what Chairman Gray says is the "present crisis (of) bad asset cases?"

I told you in November that scores of our Nation's thrifts see little prospect of an early return to profitability; therefore, these institutions have little to lose by making highly speculative loans and direct equity investments with money obtained from the Federal credit window; they know that the Government will cover all their losses. Regrettably, this analysis continues to hold true. The situation therefore, amounts to a substantial portion of the industry that is steadily deteriorating—a condition that can no longer be tolerated.

The Bank Board has formulated an elaborate method of buying more time—it's called creative accounting. These looser accounting standards temporarily preserved many failing institutions. Unfortunately many of them gambled wildly on real estate projects and some industry loans to try to make up their losses, and the gambles failed.

There are those who indicate that the mounting problems of a substantial segment of the industry that are the most serious are not really significant because, with time, many of these institutions will recover. Meanwhile, FSLIC can quietly close the thrifts that are unable to make it. But that scenario is simply unrealistic.

We know all too well that there is no shortage of problem thrifts. Right now FSLIC is operating a holding operation for 30 insolvent thrifts it was forced to take over, but for which it lacks a buyer. A team of recognized experts from solvent institutions, who are on loan to FSLIC under short-term management consignment programs, called MCP's, operate these federally chartered institutions.

The Management Consignment Program, or MCP, was conceived as a means of stabilizing problem thrifts without having to dip into the FSLIC coffers. The problem with this temporary management is that they cannot aggressively clean house—partly because FSLIC cannot afford the write-downs on the losses it must assume if they did. As a result these ailing thrifts do not fundamentally improve, while their operating losses continue to erode the fund as we have seen with the cost of income capital certificates. These programs only postpone the day of reckoning, according to Peter Stearns, the former head of FSLIC—and again, I agree. The reasons stem from poor asset quality—bad real estate loans and investments—not the more easily remedied problem of adverse interest rate spreads that rocked the industry between 1979 and 1982.

But unless inflation increases dramatically in the near future, even declining interest rates simply won't turn around the "present crisis in bad asset cases," to use Mr. Gray's description.

FSLIC injects capital into these MCP's through income capital certificates [ICC's]. This capital infusion is simply a promise by the Government to pay in the form of a promissory note. They are carried on the FSLIC books as assets, but not by the institutions as an obligation, a practice some thrift executives and accountants criticize, and they contend that it enables the FSLIC to report an unrealistic level of total assets. In addition, it should be asked, how long is a competitive institution going to loan its operating officers to an insolvent competitor down the street when it has its own management responsibilities to fulfill?

Chairman Gray told the House panel that FSLIC could run out of money much sooner than (a year) if we chose to resolve all these cases and not just keep them. Most of these problem cases are in four States: California, Texas, Florida, and Louisiana, but in those States particularly, those problems are severe.

In his October testimony before the House Banking Committee, Chairman Gray indicated that he had another 40 to 70 thrifts he wanted to place in the Management Consignment Program, or otherwise bail out. This is on top of the 30 MCP's currently in existence. Since October, FSLIC has only added nine troubled thrifts to this caretaker program. Ten of these 30 thrifts, or one-third, are in California alone. It is safe to assume this number will be much greater for all of 1985. For instance, the San Francisco Regional Bank has requested an additional $500 to $700 million of ICC's to bring the troubled California thrifts to a zero net worth position. This number may go higher and does not include thrifts in other States according to San Francisco Bank president James M. Cirona in a January 15 article in the Wall Street Journal. The implications of that estimate are nothing less than staggering.

By mid-1985 the total face value of all ICC's issued amounted to $1.36 billion. ICC's aren't given only to institutions in the Management Cosignment Program, but also for sales and liquidations. An additional $289 million worth of certificates have been issued. All in all, FSLIC has issued ICC's and net worth certificates of roughly $2.5 billion through the end of 1985. But, FSLIC expects a significant loss on these ICC's and net worth certificates and has significantly reduced their preliminary stated value for FSLIC accounting purposes, but they have not been reduced on the thrift's books.

While critics of this report will charge that the GAO loss assumptions are overstated at 14.7 percent of assets, which is the average cost to the FSLIC of dealing with failed institutions in 1984. As I said earlier, however, other knowledgeable sources claim the assumptions are conservative and could be as high as 25 percent of the stated value of assets compared to their market value. We are informed that the FSLIC record of failures in 1985 indicated a loss ratio of 23 percent of assets.

Prof. James Barth, who recently studied the data while a visiting scholar at the Federal Home Loan Bank Board, said earlier this month that it would cost FSLIC approximately $30 billion to close all 462 insolvent thrifts he has estimated exist, given Bank Board data he has studied through September 1985. Mr. Barth, a George Washington University economics professor, estimates that to liquidate or merge an institution costs the FSLIC an average amount equal to 25 percent of a thrift's assets, very close to the loss history of 1985.

These troubled institutions have largely seen their capital eroded by bad loans—resulting in what bankers call a negative net worth. Put simply, the market value of their assets isn't nearly enough to pay off all their deposits. Every day these institutions remain open it costs FSLIC money. We have tens of billions of dollars of deferred losses snowballing across the balance sheets of troubled thrifts. By avoiding writeoffs of bad loans and allowing the problems to drag on, we're digging ourselves into a deeper hole. And public money is lining the hole. We can no longer push today's problems and the bad news, out toward tomorrow and on into the future. At some stage, we will have to consider whether we will undermine public confidence by continuing to ignore the problem, and ultimately risk setting off deposits runs. And we will make it harder to raise capital to cushion future losses. Institutions weakened by loss deferral often have to pay premiums to attract deposits, and make ever more risky loans with hopefully higher returns. But, that raises interest rates generally and increases the strains on marginal thrifts trying to recover. In effect, they raise the cost of doing business for the S&L industry as a whole.

Chairman Gray told the House Banking Committee on October 17 that deferring action of the current and projected cases "can only result in greater costs to the FSLIC down the road."

I agree. So does former FSLIC head Peter Stearns. Stearns told the American Banker in December:

> You'd have to be blind to miss this. There is a major crisis out there. It has to be resolved. It isn't going away. All the industry leaders are doing is putting their heads in the sand.

Almost 4 months ago I stood on the floor of this House and urged my colleagues, the regulators and the thrift industry to recognize and admit that we had a crucial window of opportunity to address the insolvency crisis at FSLIC before the cost escalates dramatically for the taxpayers and impacts adversely on the healthy segment of the thrift industry.

Those who would do nothing point to the record industrywide earnings and significant drop in interest rates which has enhanced the market value of many well run thrift's loan portfolio. I hope so. But no one knows what the toll of refinancing will have on future profits as homeowners roll over their old mortgages to new lower rates. Remember that the number of insolvent thrifts continues to grow despite these record profits, in 6 months the numbers and the assets of those most likely to need a bail out actually increased.

Those who criticize my candor concerning this situation point to the newly chartered Federal Asset Disposi-

tion Association as another major source of possible relief for FSLIC.

But Mr. Stearns says that the new Federal Asset Disposition Association's primary advantage is increased efficiency in the disposition of bad assets, not as a means of raising money. There is hope that this so-called section 406, quasi-Government corporation will be helpful in resolving FSLIC's funding problems. But let's not kid ourselves; there is no way of disposing of a bad debt without someone taking a loss. That someone is the American taxpayer. This corporation has been chartered simply to shift billions of dollars in troubled loans to a different entity—it is called debt warehousing—or follow the bouncing ball. The gamble may pay off if interest rates continue to drop and stay lower for some time. To be sure, FSLIC can't recognize all the losses in one fell swoop.

This liquidation corporation was set up at the suggestion of S&L leaders by the Bank Board to sell, at the best possible prices, properties that the Insurance Corporation was forced to take over from failed S&L's. But, to date, the Corporation's only act has been to hire its new president whose $250,000 annual salary far outstrips even that of the President of the United States. No additional staff has been named and it is not, as of this date, even in business.

Mr. Gray is critical of the GAO report because he is "concerned that the report, perhaps inadvertently, overstates the problem facing FSLIC." It is difficult to overstate the problem when even he testifies that at least 15 percent of the industry he regulates is in trouble. I submit even his own figures are cause enough for serious concern.

Let's use Mr. Gray's figures for a minute. He told the Senate subcommittee on February 20 that:

> Despite last year's increase in aggregate industry profitability, however, somewhat more than 15 percent of all FSLIC-insured institutions had a regulatory net worth/assets ratio below 3 percent.

One of the difficulties in this situation is that failure of an institution is not equivalent to insolvency or inadequate net worth. A failure occurs only when the Home Loan Bank Board takes action—and only then—and then only when a given institution meets the Bank Board's narrowly defined definition of a problem institution which includes undercapitalization and unprofitability and a bad management situation.

An institution fails only when the Bank Board says it fails—very much like a current popular underwear commercial on television. This leads to two unacceptable situations—failure is not determined by a stated, clearly defined, reasonable standard that can be assessed by all and which can be determined to have been reached at any point in time, and it is obviously attractively easy for the Bank Board to define a failed institution only as one which they have already done something about—ignoring the hundreds of others which they know are at best troubled and at worst "brain dead" because they are powerless to help them in any event.

We are confronted by a bad aggregate capital situation that is getting worse for the weakest segment of the industry fastest. It is reasonable to ask can S&L's grow their way out of their current capital deficiencies merely by retaining earnings as they accrue or by generating internal capital growth? The answer is "No." Prof. Mark Flannary in a report presented to the December conference of the San Francisco Federal Home Loan Bank stated "the representative S&L cannot expect to retain sufficient earnings to restore itself to adequate capital within a timeframe the FSLIC should accept." In addition, he reports it will take between 5 to 20 years to attain adequate net worth and capitalization depending on the growth rate of assets and retention of earnings—a period which the sound institutions and FSLIC certainly cannot endure.

Limitations on undercapitalized S&L's who attempt to sell new debt and equity are quite severe with mergers to a minimum efficient size being frequently required. But currently insolvent firms will be left out of the consolidation process because of their limited market value. It is clear that S&L's as a group must raise substantial new capital from external sources in the face of substantial holdings of assets that are of questionable marketability.

The situation is clearly dynamically unstable. In our Nation today, undercapitalized thrifts have a strong private incentive to undertake extreme risks that will eventually generate numerous additional failures and will surely precipitate and accelerate another time of crisis for the industry.

Mr. Gray is critical of the GAO's estimates of how much it would cost FSLIC to correct the problem of the 461 insolvent thrifts. Yet, if their estimate is in error, why hasn't he come forward with a figure? What is his estimate of the cost to the insurance fund or the Federal Treasury?

In fact, the Bank Board has not proposed legislation to reach the crux of FSLIC's problem—its lack of money. Congress needs to produce a definitive plan for injecting more money into the insurance fund or find some method of taking care of its expensive caseload of insolvent S&L's. Congress, depositors, taxpayers, and the thrift industry need to know and admit how bad the problem is and what needs to be done before the cost of bolstering our Federal insurance safety net for thrifts becomes exorbitant.

Those of us who are most concerned about the problems believe this holding pattern cannot continue indefinitely. The reasons in large part are because the price tag for resolving problem S&L's, including those already in the management consignment programs, will only increase even if interest rates stay level. That is the reality of the situation. The Congress cannot or should not design a solution without leadership from the expert at the bank broad.

Mr. Gray has repeatedly told Congress that FSLIC needs more money. Just 4 days ago he told a Senate subcommittee "recapitalization is clearly needed." But in fact the Bank Board has not proposed legislation to reach the crux of FSLIC's problem—its lack of money. To paraphrase a popular hamburger advertisement; Mr. Gray, "where's the proposal?"

If the current leadership at a Federal Home Loan Bank Board retreats from its earlier calls of concern about the fund, it may be time for a new perspective to resolve the problem.

For months, we have been urging Chairman Gray to take affirmative action; and to present a specific series of proposals to the Congress for its consideration. If the Chairman is neither willing nor able to do so, although there is uncertainty that that is the case, perhaps we ought to get someone in that position who is. I charge the Chairman with the task of leading the effort, in cooperation with the Congress, to achieve immediate action in solution of this situation or tendering his resignation so we can find someone who will do so.

The GAO report is based on reasonable assumptions and reaches distasteful but reasonable conclusions. While the industry, as a whole, was profitable during 1985, this profitability is not evenly spread across all institutions. Another 27 thrifts joined the GAAP insolvent institutions in 6 months time. And of the 833 thrifts with GAPP net worth of between 0 and 3 percent, the GAO study shows that 233 are also unprofitable.

In addition, 74.04 percent of the stated net worth of all FSLIC insured institutions is made up of either deferred losses or goodwill, with intangible goodwill accounting for almost 60 percent of the net worth reported. Common sense will tell every ordinary citizen that an industry whose stated assets are made up of 15 percent unreported, previously realized losses and 60 percent of blue-sky estimates of goodwill so that three-fourths of their value is intangible, is an industry that bears watching closely.

There are no easy answers to the severe problems facing the thrift industry and its insurance fund. There is

no ready cure—only painful, costly options. Many of these options are so costly that perhaps none of us in the Congress could support any or all of them.

As I proposed in November, the alternatives must also be considered against the Nation's current backdrop of fiscal problems:

We have a national deficit approaching $200 billion and under the Gramm-Rudman Budget Balancing Act, the budget must be balanced by 1991;

Congress has just enacted a multibillion dollar bail-out of the Farm Credit System, which may still not be sufficient to cover all future losses;

We may have to provide billions of dollars of funds to our neighbors in the less developed countries of the world who are running out of cash and cannot obtain loans from the international banking system because these countries are no longer good credit risks.

Nevertheless, we must address the immediate and long-term funding problems that face FSLIC. Through a combination of some of the following alternatives, and those that are developed through the ingenuity of the many responsible parties at work to save the thrift industry, I hope and believe that we can reduce the number of troubled institutions and renew confidence in the majority of thrift institutions so that they will remain in a profitable position.

The following solutions to the problem, some of which I have advocated before, are at least potential alternatives to be considered.

The first alternative is, obviously, to do absolutely nothing. We could turn our backs on depositors and the industry, allowing them to bear the cost. I continue to believe this would be indefensible. Deposits and depositors must be fully proctected. We cannot return to the uncertainty of the 1920's, when depositors had to sort out the good financial institutions from the bad without any guidance or backing if their guesses proved wrong, and lost everything they owned if they were wrong.

The second alternative is just as undesirable. Congress could write a blank check on the treasury for FSLIC to draw upon whenever the need arises. This option, too, is unacceptable. At a time of rising deficits and other pressing fiscal problems, the taxpayers would not support an increase in the deficit, or increased taxes to bail out the thrift industry, and we simply cannot permit some existing operators to continue to have unlimited access to the Federal credit window.

A third option involves collecting more money directly from the savings and loan associations themselves. Although the thrift industry has always provided the capital necessary to enable FSLIC to meet its obligations to insured depositors, increasing the industry's operating costs will only exacerbate the problems particularly as it impacts most heavily on the most troubled institutions.

The Federal home loan banks are authorized to raise money in the financial markets and lend what they borrow to FSLIC. The district banks could issue bonds in the financial markets as a possible option to assist FSLIC.

Also, we might want to explore using the existing positive net worth of the Federal home loan banks to bolster FSLIC in some way.

Rather than having the district banks go to the credit market, Congress could increase the FSLIC credit line at the U.S. Treasury from the current line of $750 million to something approaching the $3 billion line of credit enjoyed by the Federal Deposit Insurance Corporation [FDIC], the commercial banks' insurance fund.

The merger of FSLIC with FDIC appears to be undesirable from everyone's perspective and it is unrealistic to expect it will be seriously proposed or considered anytime soon by the Congress.

Another industry option would be to attract additional capital to the thrift industry from whatever source.

One industry trade group has recommended the liberalization of Bank Board rules to permit bank holding companies to acquire ailing thrifts. In addition, advocates of this approach suggest that any responsible, well-capitalized source such as real estate, securities and insurance firms should be permitted to buy troubled S&L's. Under current law, bank holding companies are a last-resort-only choice to be eligible to bid for failed thrifts and brokerage firms and insurance companies are prohibited from purchases by Bank Board regulation.

It is reported that the Treasury Department will soon unveil a plan to allow nonfinancial companies to acquire troubled thrifts. This plan, if adopted, could open up the bidding process of ailing thrifts and reduce the financial strains on FSLIC. Nonfinancial firms are anxious to acquire S&L's, but this plan would subject thrifts to an even greater competitive marketplace. Under this plan, the highest bidder, whether another S&L, bank or bank holding company or a commercial or industrial firm, would be able to buy a failing S&L. The Treasury contends that by expanding the range of acquirers, FSLIC would have to take over fewer S&L's.

Congress has a ready vehicle available to it to address FSLIC's problems. Major parts of emergency legislation passed in 1982, the Garn-St Germain Act, are scheduled to expire on April 15 of this year. They include the Net Worth Certificate Program and the Emergency Acquisition Program for failed banks and thrifts. We should move quickly to hold hearings to ensure the continued safety and soundness of S&L's. If the Bank Board is unable to close insolvent institutions; we must move to give them additional authority to alleviate that problem. We simply must shore up the Federal safety net for S&L's, and do it soon.

There are other possible alternatives, of course, and all of them must be considered. But this description of the magnitude of the problems facing the thrift industry and its insurance fund makes it clear that no easy answers exist. I think it bears repeating that Congress must act calmly and decisively, but it cannot act alone. The marketplace and the public, after all, is the final arbiter of what actions are taken by its representatives. We need the assistance and suggestions of all responsible parties associated with the thrift industry—beginning with the Federal Home Loan Bank Board.

In the meantime, depositors should remain assured that the full faith and credit of the U.S. Treasury stands behind their money. In 1982, when similar problems confronted the thrift industry, Congress voted overwhelmingly to restore confidence to our historic system of Federal deposit insurance. I have little doubt that Congress will renew this important pledge so that we can act decisively to revitalize the thrift industry, an important partner in the financial activities of many Americans.

□ 1245

THE LATE HONORABLE HARRIS ELLSWORTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. WEAVER] is recognized for 30 minutes.

Mr. WEAVER. Mr. Speaker, 2 weeks ago, in Albuquerque, NM, Harris Ellsworth died at the age of 86. Harris Ellsworth, a fine, wonderful man, a many-year resident of Roseburg, OR, was the first Member of Congress to hold the Fourth Congressional District seat of Oregon, newly created after the census of 1940.

Former Congressman Harris Ellsworth was elected in 1942 and served through 1956. He was born September 17, 1899. He served in the armed services in World War I. He graduated from the University of Oregon, in Eugene, in 1922, and in 1923 he married his wife, Helen, who died before him.

□ 1300

He is survived by Mary Margaret Ditmann, a daughter, of Tacoma, WA, and another daughter, Jane McKenna who now lives in Albuquerque, NM.

He had, at the time of his death, 11 grandchildren and 12 great grandchil-

dren. He was a member of the St. Bernadette Catholic Church in Albuquerque.

Harris Ellsworth I came to know and admire. A tall man, quiet, distinguished; he was a newspaper man. In 1929, he purchased a part interest of the Roseburg News Review and became its editor. A successful editor, who is one of my very favorite people of all the people I have known in the Fourth Congressional District, Charles Stanton, a grand old curmudgeon, the kind of great newspaper editor that this country used to have who spoke their mind forcefully, the way they saw things, and regardless of whose feathers they ruffled.

Charles Stanton said of Harris Ellsworth that he was such a fine Congressman that he should be elected unanimously by the Fourth Congressional District. Former Congressman Ellsworth became, in his seven terms in the House of Representatives, the ranking Republican on the Rules Committee, a distinguished position.

He held the Fourth Congressional seat for seven terms, the longest of any Member who has had the honor and privilege to be elected to the Fourth Congressional District.

The Fourth Congressional District is situated in southwest Oregon. It is a magnificent land bordered by the Pacific Ocean, stark, rock-cliffed beaches, to the high Cascades with its abundant, magnificent forests. In this congressional district which I now have the honor to represent are five great national forests. The Siuslaw, Willamette, Umpqua, the Siskiyou, the Rogue; the Willamette being the largest national forest in the lower 48. It also contains 2 million acres of Bureau of Land Management-managed forests called the Alsea Forest.

The rivers of the Fourth Congressional District are fascinating names: Siuslaw, the Umpqua, the Smith, the Alsea, the Coos, the Coquille, the Rogue, the Chetco, and streams that empty into the Pacific Ocean such as the Two Mile and the Four Mile and the Sixes. The Millicoma that goes into the ocean through the Coos River, the Euchre, the Hunter, the Pistol. Two interior rivers, my favorite of all, the Illinois River, a clear pristine river that flows into the Rogue, and the Applegate.

The lakes of the Fourth District, in some of the areas I mentioned are not quite in the Fourth District; they may be situated a few miles outside, but I claim them. The Odell, Crescent Lake, Diamond Lake, Waldo; this magnificent fresh water lake high in the Cascades. Then along the ocean, famous clear water, fresh water lakes along the Pacific Ocean near the dunes, the fabulous dunes that lie from Florence down to Coos Bay. These lakes, some of them called Sutton, Mercer, Siltcoos, Tahkenitch, Woahink, and then the Fourth District has had many public works, and lakes have been created from dams: Fern Ridge, Lookout Point, Hills Creek, Green Peter, Foster, Detroit, Lost Creek.

The counties of the Fourth Congressional District, seven of them, Linn, Benton, Lane, Douglas, Coos, Curry, Josephine, and Jackson. Note how strong the southern influence is here. Lane, my home county, was named after the Vice-Presidential candidate on the Rump Democratic ticket in the 1860 election. Joe Lane, our first U.S. Senator. Douglas, named for Stephen Douglas, the Presidential nominee of the Democratic Party on the regular Democratic ticket with strong roots in the south.

Andy Jackson. Josephine, named for the first European baby born in southern Oregon. The names, such a diverse district filled with lumber mills from the giants called Weyerhaeuser, International Paper, Boise Cascade, Louisiana Pacific, to the more or less homeowned companies called Bohemia, owned by or previously owned by the Stewarts, or Justina, a great family of lumbering people, or to Roseburg Lumber Co., where the largest lumbermill in the United States is situated in Winston Dillard, south of Roseburg.

The workers living in small communities or up the draws of the foothills of the Cascades of the coastal ranges, it is a rural, industrial district. Of course, it contains as well the University of Oregon in Eugene, but it also contains the fishing in port towns along the Pacific Coast.

Such a diverse district has these names I would like to read, Mr. Speaker, the names of the towns and cities of the Fourth Congressional District; some of them from the old Fourth Congressional District before it was reapportioned in 1980. I do this from memory, and forgive me if I forget any, but these are places that I have visited, every nook and cranny in this congressional district, this great area of southwest Oregon I have seen and been in, and these names, each one, have memories for me.

Idanha, Sweet Home, Lebanon, Brownsville, Halsey, Sodaville, Harrisburg, Junction City, Philomath, Tangent, then into the metropolitan area of Eugene, and Springfield, those two great twin cities that straddle the Interstate 5, with suburbs called Bethel and Danebo, Santa Clara, River Road, and Thurston.

Then up the Mackenzie to Blue River and Nimrod and Walterville. Up into the Cascades, the timber towns of Oak Ridge and Westfir. Oak Ridge having lost its last lumber mill, now closed. Dexter and Lowell; the towns by the dams on the Willamette River.

□ 1310

And over in western Linn County, Deadwood, Cheshire, Blachly, Swisshome, Mapleton, Florence, the Dunes, Waldport, Monroe, Coburg, Veneta, Elmira, Vaughn, Noti, little communities circling Eugene in Lane County, Cottage Grove, Creswell, Goshen, my own home town precinct; Yoncalla, Drain, Curtain, Elkton, Scottsburg, Reedsport, Gardiner, Lakeside, North Bend, Coos Bay, Charleston, Eastside, Empire, Coquille, Norway, Myrtle Point, Bandon, Port Orford, Gold Beach, Brookings, Harbor; and then in the interior of the mountains of the coastal range, that vast fascinating piece of geology, Agnes, where the Illinois and the Rogue meet; Remote, there on Highway 42, the highway that twists and turns its way through the coastal range between Coos Bay, and Roseburg, Camas Swale, Ten Mile, Winston, Dillard, the home of the largest lumber mill in the United States; Roseburg, up into the Cascades to Glide and Idleyld; Winchester, Sutherlin, Myrtle Creek, Ridle, as we go south on Interstate 5; Wolf Creek, Canyonville, Glendale, Sunny Valley, the towns of Josephine County, Hugo, Merlin, Grants Pass; and into Jackson County, Gold Hill, Rogue River, Central Point, Cave Junction, Medford, Ashland, Butte Falls, Eagle Point, Sams Valley, Jacksonville, Phoenix, Talent.

There are others that I missed in my first list; Shedd, Horton, up in Linn County; and the two main cities that are not properly in the Fourth Congressional District, but who are most important to the Fourth District, Corvallis, where Oregon State University sits; Albany, all industrial towns on Interstate 5.

There are other cities and towns that I have missed in my first list, Wedderburn, Langlois, Winchester Bay, Galice, O'Brien, Kerby, Applegate, Selma, White City, the industrial town out of Medford; McLeod, Trail, Shady Grove, Steamboat, a little community up the North Umpqua, where the steelhead fishing is the best in the world; Foster, Cascadia by the dams of Linn County.

This great diverse congressional district, producer of more lumber than any congressional district in this country, with more trees than any congressional district, vast dams of Douglas fir, hemlock, and other species, has 20 percent of the standing timber in the United States on national forest land.

It is not an easy district to represent with its diversity and its cycles in the housing and timber industry, but Harris Ellsworth, the first Member to serve this district held this office for seven terms, but it became a swing district, a district that turned from party to party and candidate to candidate.

Harris Ellsworth was finally defeated by Charles O. Porter, a dear friend of mine, a Democrat from Eugene, who served with distinction and with a

great deal of relish, raising causes that no one would raise. Charlie Porter was criticized back in the late fifties for espousing the recognition of Red China, something that happened then 15 or 20 years later when President Richard Nixon went to China and President Jimmy Carter finally established diplomatic relations.

Charlie was ahead of his time, but he was right. Charlie himself was defeated in 1960 by Dr. Edwin Durno of Medford, who after one term ran unsuccessfully for the U.S. Senate.

He was in turn succeeded by another very dear friend of mine, Bob Duncan from Medford, who served two terms. Everyone said he could have served out his entire life as Congressman from the Fourth District, but he also ran unsuccessfully for the U.S. Senate in 1966.

He was replaced in turn by Republican John Dellenback of Medford, who I would like to say served with great distinction in this body. John Dellenback was one of the finest people I know who has served in this House and we are proud of him, a conscientious, decent, highly intelligent man, who did his very best; but swing district it was and in 1974 I was able to defeat John Dellenback and have now had the honor and privilege of serving the Fourth Congressional District for six terms.

I have now announced that I will not run for reelection to the House of Representatives, and so Harris Ellsworth who died 2 weeks ago in Albuquerque, NM, will remain for at least another 12 years the undisputed longest serving Member of Congress from Oregon's great Fourth Congressional District.

I look back with fondness to the Fourth Congressional District that Harris Ellsworth served.

I came to Oregon when my folks did in the late 1940's and saw Eugene grow from a little college town of 30,000 to a metropolis that now in its metropolitan area has over 200,000 people, including the great city of Springfield.

I think of those quieter days that Harris Ellsworth served in the Congress. He served with quietness and distinction, a fine man, a man we in Oregon are proud of, and we wish him well in his final retirement.

THE NEW RULES OF GRAMM-RUDMAN-MACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. WEBER] is recognized for 30 minutes.

Mr. WEBER. Mr. Speaker, before I begin my own special order, may I say it was a pleasure for me to sit here and listen to my friend and colleague from across the aisle discussing his congressional district. It reminds me of two things. One is that I have to visit Oregon soon. It is one of the few places in the country I have not spent any time and I look forward to it.

The second is that despite the fact that the gentleman from Oregon and I may not agree all the time in this body, we will miss the gentleman a great deal and we will be impoverished by his absence.

Mr. WEAVER. Mr. Speaker, will the gentleman yield?

Mr. WEBER. I yield to my colleague, the gentleman from Oregon.

Mr. WEAVER. Mr. Speaker, I want to thank the gentleman from Minnesota for his kind remarks. He is welcome in Oregon as my guest and the guest of all Oregonians.

I want to say that I know of no more distinguished and finer Representative than my friend, the gentleman from Minnesota [Mr. WEBER].

Mr. WEBER. Mr. Speaker, I thank the gentleman.

Mr. Speaker, an article in yesterday's Washington Post reported the slow start Congress has made in preparing a budget. In the face of a fiscal emergency, we are again approaching our annual budget stalemate at a sluggish pace. However, this year something may break our cycle or failure: The new rules of Gramm-Rudman-Mack.

The budgetary anarchy we have had in Congress the past 4 years has proven that we need new rules. The question now is whether Congress will adopt a strategy that will make these new rules succeed.

We all agree that we must reduce the growing deficit. The country has called for it. The Congress has admitted the need for it. But even as the crisis developed, Congress continued to follow a failed budget process.

Each year, we would start the budget cycle by announcing the need to cut the deficit drastically. Then we would juggle the numbers, throw in phony cuts, and talk about the serious deficit reduction action we had taken to cut $30 or $40 or $50 billion from the deficit. But the cuts all evaporated early into the fiscal year, and when the counting was done at the end of the year, the deficit had actually increased by $30 or $40 or $80 billion.

The kind of chaos we have lived under has made a provision like Gramm-Rudman-Mack inevitable. The idea of this legislation is simple: Chart a realistic path to a balanced budget. Set mandatory, declining deficit targets for each year that zero out the deficit by 1991.

Because of our recent track record, it was obvious that we also needed some more built-in discipline in the whole process. So Gramm-Rudman-Mack also included changes that make it harder to waive budget ceilings and spend more money.

The final piece to the new process was the well advertised "club in the closet," the threat of across-the-board cuts which attempts to jolt Congress into taking serious action. If Congress doesn't make the savings through its own decisions, Gramm-Rudman authorizes across-the-board cuts in programs that will make the savings automatically. The club was not intended for use. It was meant to force Congress to act.

Gramm-Rudman-Mack is a simple and promising plan to reduce the deficit. But when you plunge a simple plan into the political and technical swamp of the Federal budget, it can drown in complications. The idea itself is not enough. The fate of the plan depends upon the strategy we follow in carrying it out.

In this body, two absolutely opposite strategies have developed. I will outline how Republicans are developing a strategy to make Gramm-Rudman-Mack succeed. On the other hand, many Democrats have clearly adopted a strategy designed to make Gramm-Rudman-Mack fail.

Democrats backed—almost unanimously—a ridiculous alternative to the original proposal. In the conference committee between the House and the Senate, Democrats forced changes that made automatic cuts more likely and less successful. After the bill had passed, they repeatedly misrepresented it in wild and irresponsible rhetoric. Before we had even tried to make these new rules work, they introduced legislation to repeal the entire legislation.

Let's take a look at the record, to see exactly how the strategy to make Gramm-Rudman-Mack fail has unfolded. The first step in this strategy was to fashion an absolutely unworkable version of the Gramm-Rudman-Mack concept.

On November 1, this body voted almost straight down party lines—two Democrats and one Republican crossed over—on a proposal to make Gramm-Rudman-Mack fail. The proposal first set impossible deficit targets. Instead of the target of $144 billion for fiscal year 1987, we would have had a target of $110 billion. In subsequent years, we would have been forced to make further reductions of $50 billion and more, instead of consistent reductions of $36 billion a year.

Think of how transparent a political gesture this was. Members on the other side of the aisle wanted to write home and tell their constituents that they had voted for even more stringent deficit reductions. But they never expected that they might have to back up their vote with action. Those who are now arguing that a reduction to a $144 billion deficit will shut down the Government voted a short time ago for a bill that would have required far more stringent cuts.

At the time they voted for a deficit limit of $110 billion in 1987, estimates showed the 1986 deficit approaching $220 billion. They voted to reduce the deficit by $110 billion in 1 year, and now they are declaring impossible a reduction of between $38 and $50 billion.

While calling for deeper cuts overall, the Democrats' version exempted many programs from the threat of automatic cuts. Their alternative protected every bureaucrat's salary from the threat of reductions. It excluded programs like food stamps, supplemental security income, aid to families with dependent children, child nutrition, and two other food assistance programs.

The Republicans in the Senate wanted to schedule the first round of automatic cuts for October 1, 1986, which would have given us 9 months to cut spending before we faced the alternative of automatic cuts. The Democrat alternative called for automatic cuts in 1986, accelerating the timetable and making it more difficult for Congress to put together its own package of cuts.

Automatic cuts should always be a last resort, only used if Congress has failed to cut spending on its own. The changes in the Democrat alternative made the last resort of automatic cuts more likely, more painful, and less effective.

When the final version, one that just might work, came to the floor for a vote, a lot of Democrats changed their minds; 248 Democrats supported the phoney bill, that included drastic reductions in spending and severe automatic cuts. When a bill calling for far more gradual reductions in spending came to the floor for a vote, only 118 Democrats supported it. Obviously, it was too realistic to support.

The strategy to make Gramm-Rudman-Mack fail continued in the final version of the bill agreed upon by the House and the Senate. Look at the elements from the Democrat alternative that remained in the final package. We face automatic cuts on March 1 because House Democrats insisted that it be included, not wanting to give Congress until October 1 to make the savings on its own. And the automatic cuts we face will be far more painful on those it includes because Members on the other side of the aisle exempted many programs from the cuts.

For example, let's just look at a few programs they exempted: Aid to families with dependent children, child nutrition, Medicaid, food stamps, supplemental security income, and women, infants and children special food program. If just those programs had been included in the cuts, the across-the-board reduction for all domestic programs would have been 2.8 percent instead of 4.3 percent.

Farmers are getting a 4.3-percent cut in their checks, instead of 2.8 percent, because welfare recipients aren't getting a cut. There are no reductions in Medicaid, but we are endangering air safety with deep cuts in the Federal Aviation Administration. By exempting their favored programs, Democrats made more severe the reductions everyone else has to take.

The strategy to make Gramm-Rudman-Hollings fail continued in the media, where those on the other side of the aisle blatantly misrepresented the legislation to the American people. Members were claiming on national TV that this bill, if carried out, meant that we would soon have no FBI, no Coast Guard, and no Army.

This is what we call the Washington Monument ploy. If there is any threat of reductions in spending, the first thing you do is shut down the Washington Monument and drain the reflecting pool next to it. If you make every cut as visible and as painful as possible, the thinking is, you can convince people that nothing can be cut.

Those who say that Gramm-Rudman is impossible are really claiming that it is impossible to balance the Federal budget, and if anyone tries we are going to shut down the FBI, the Army, and the Washington Monument just to prove it.

The strategy to make Gramm-Rudman-Mack fail continues. Members from the other side of the aisle introduced bills to repeal Gramm-Rudman-Mack almost before the ink on the printed legislation was dry. As of today, six bills have been introduced to Gramm-Rudman, five in this body and one in the other body. All have been introduced by Democrats. Democrats have continued to predict an utter collapse unless the threat of fiscal responsibility is removed. They have determined to make any attempt to balance the budget fail, unless it is paid for out of the family budget.

Now let's look at the strategy that is developing among Republicans, a strategy to make the idea of Gramm-Rudman-Mack succeed. That strategy began in the other body, where the idea Gramm-Rudman-Mack first took hold.

The first part of the strategy is to set tough but realistic deficit targets. In the old budget process, we would set the deficit figure only after we had decided how much we wanted to spend. Now we're starting with a budget number that is tough but realistic. We're entering the process like every family that looks at their budget and then decides how to live within it.

If we respond to the challenge, this deficit target will get us to finally establish a true priority budget, one that accomplishes the things Americans want from their Government, at a price Americans are willing to pay.

The second part of the strategy to make Gramm-Rudman-Mack succeed is for Congress to take advantage of every opportunity to set intelligent spending priorities that will avoid the mindless, automatic cuts. There isn't a Member of Congress who will stand up and say that automatic cuts are the least painful, most intelligent, most successful way to reduce spending. The best way is for us to make those decisions.

I should add a word about the automatic cuts. A three-judge panel recently ruled those cuts unconstitutional, and that ruling has been appealed to the Supreme Court. Even if the Supreme Court invalidates the automatic cuts, however, Gramm-Rudman will continue. The deficit targets will remain in law, a requirement that the Congress must reach. If we don't reach that target on our own, we will be required to vote on a package of cuts very similar to the automatic cuts. We will be faced then with the unpalatable choice of voting for mindless cuts or throwing out Gramm-Rudman and admitting failure once again. The only way we can avoid this no-win scenario is by setting intelligent priorities now.

Yet many have taken such a passive attitude that they appear willing to drift toward these cuts without taking any action. Two weeks ago, Congressmen BOULTER, MACK, and I, along with over 40 other original cosponsors, introduced a resolution that would get things moving again. Our legislation would set Congress in motion and offer an alternative to the automatic cuts scheduled for March 1.

Our bill instructs each authorizing committee to find cuts equal to those they have under the automatic cuts. Agriculture would review the programs in its area. Education and Labor would review the programs under its supervision. Then they would recommend ways to make savings that would equal those under the automatic cuts. Important programs would be protected. Programs that can't be justified would be terminated. The cuts would be just as even and just as deep, but they would reflect choices and not just be the work of a mindless mechanism.

This resolution is not an attempt to escape the responsibility of reducing the deficit. Rather, we are calling upon Congress to accept the responsibility of making these spending decisions itself. Our resolution mandates that the alternative must reduce the deficit by the same amount as the automatic cuts. But we are saying that those cuts can be made far more intelligently, preserving essential services and terminating programs that can't be justified.

If Congress does not respond to this first sequester, we will be setting a dangerous precedent. By abdicating our responsibility on these cuts, we may well be paving the way for a far more disastrous abdication in October,

when the cuts would be considerably deeper. We can't allow Congress to make that abdication.

A strategy to fail is a strategy based on rhetoric, throwaway votes, and legislative deadlock. That has the strategy of many Democrats.

A strategy to succeed is a strategy based on congressional action. That is the strategy we are advancing on the Republican side. The idea of Gramm-Rudman-Mack was to force Congress to set spending priorities that will lead to a balanced budget by 1991. It was not meant to exempt Congress from making decisions.

With signs that the economy is once again heating up, we have an excellent opportunity before us to set our deficits on a downward trend. The question is, which strategy will we choose? A strategy for success or a strategy for failure?

□ 1325

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, last Thursday, I did not quite complete what I feel is the duty that those of us that belong to the Committee on Banking, Finance and Urban Affairs should perform, and that is report what, if anything, is produced by the now-and-then appearance of the Chairman of the Federal Reserve Board to discuss what euphemistically we call the monetary policies being conducted or directed by this all-powerful body.

We must also remember that I speak out as a member of this committee since I first came to the Congress just a few months short of 25 years ago.

□ 1335

I have seen a total of five different Chairmen of the Federal Reserve Board come before us. I have also noted for the record through these years that the Federal Reserve Board as more and more gradually but steadily, completely out of any kind of control or accountability to the American people, either by way of responding and rendering an accounting to the representatives they have elected in the Congress, or to the Chief Executive and the Vice President that they also have elected.

Because the Federal Reserve Board no longer accounts to anybody, but their own ruling oligarchy and those private bankers who happen to occupy the powerful position of being the chief financial institutions of this country. We now can draw a short circle, all totally within the city of New York; and that circle will encompass almost 40 percent of the total financial resources of this country.

What is more awesome and should be of constant cause of concern to us is that within the last 5 years; that is the 5 years that coincide with this President's administration, Ronald Reagan, more and more the concentration of wealth has reached the point where just about 6 percent of Americans control 90 percent of the wealth of this country.

This is an exponential change of diffusion of wealth in our country. The basic mechanism that has brought this about is what we call the rates of interest. Rates of interest, we must always remember, is the mechanism by virtue of which the wealth in a society is transferred. It is no more: it is no less. Even though it seldom has been defined that way in terms of real understanding.

When we speak of deficits and the like, when we speak of who is to blame and the like, of course it becomes a political matter that may or may not catch the popular attention at the moment, but the inescapable conclusion is there because the facts are staring us in the face.

What are those facts? Well, to illustrate an ancient scriptural as well as an ancient adage: By their fruits you shall know them. A good tree will not produce bad fruit. A bad tree cannot produce good fruit.

What has been the fruit of those that have governed our Nation in power in the executive branch and now at least half of the Congress?

Well, at the time of taking office, this administration was enjoying a favorable balance in international trade. Jimmy Carter, the man that has been blamed by this President and his party followers to this day for everything that has gone wrong, but certainly can be blamed here, left this administration a $6.3 billion credit or surplus in our international trade account even though we were being drained of the lifeblood of a good chunk of our financial resources in the importation of foreign oil, and the outpouring of tremendous sums, and billions and billions and billions of dollars of the American people's money to the oil producing nations of the Middle East and other places.

So that by that alone, also, the fact is that by 1984, we were importing $60 billion more than we were exporting. That was just within a matter of 2½ years.

By 1985, we have become a debtor nation for the first time since 1914. We must never forget the origins of our country, and what it took to develop the country: It took foreign capital. The Panama Canal, for example, we boast how we picked up where the French, de Lesseps and others had failed, but what we don't mention is that before we could start a shovel digging, we had to borrow the necessary capital from the French bankers in the amount of $40 million, is what it took initially at that time.

We were a borrowing nation. We were a debtor nation; and then shortly before the outbreak of World War I, we emerged as we began to foment industry, manufacturing, and produce and export. We then become a net creditor nation, right before the beginning of World War I.

So that in both wars, World War I and World War II, we were the only creditor nation of the world. We were the ones that made it possible for our allies, so-called, to win the war.

Without American credit, and the allocation of American credit in vast sums and quantities, in short periods of time, the Allied effort in both World War I and World War II could not have lasted more than 6 months.

So then what happened after World War I? Well, we had a situation that we have almost exactly duplicated after World War II, in which the United States became known not as Uncle Sam, but "Uncle Sap." In which we did not learn a thing after World War II. We have learned nothing; we are like the ancient Bourbon kings: We learn nothing and forget nothing.

The facts are here, the fact that the Chairman of the Federal Reserve Board, which now dictates the monetary as well as the fiscal policies of our country. Now, those are fancy words; it's a lot of jargon, really; but what I'm telling you is that this is the agency that determines the American standard of living.

When this present Chairman had freshly been inaugurated as Chairman of the Federal Reserve Board, I had had some knowledge of his personality and background because he had served under prior administrations as an Assistant Secretary of the Treasury.

One of the subcommittee assignments I was given, which I still, until 1981 held and was chairman of the subcommittee for 10 years, was what used to be known as the Subcommittee on International Finance.

Shortly after I became chairman of that subcommittee, we had what the newspapers called a quick, fast shift in hot money in the international markets, and the pressure on the deutsche mark; and it shook the world.

But what amount of money moved? It just took $8.5 billion to move and cause that shake, but it was a harbinger; the handwriting was on the wall just as clear as it had been in 1966 when we had the first credit crunch, in June of 1966, and the prime interest rate was jumped overnight 1 whole percent. That hadn't happened even at the height of the civil war, so that obviously if there was any kind of historical perspective, if there was anything that we should learn from read-

ing the history of our country, a history which has been forged, not only by the sweat and the toil but by the blood of Americans; then how can we afford to forget, how can we afford to look the other way now?

The President nor the Chairman of the Federal Reserve Board want to discuss the monstrous $150 billion international trade deficit that we recorded as of the end of 1985, $150 billion.

Jimmy Carter had left them an asset of $6.3 billion, if we want to give credit to Presidents. You know, Presidents will take credit when they have something they can point to and ostensibly take credit; but they never want to accept responsibility when things go wrong. And nothing has happened with the six Presidents I have had the honor to serve with as badly as it happens with this President.

I think one of the most unlikely and most distasteful aspects of President Reagan's personality has been his constant attempt to try to blame somebody else for whatever is going wrong now.

□ 1345

And of course the American people know better. The American people know that no matter how many predecessors were to blame, that he was elected, President Reagan was elected and reelected because of his promises to do something about it. What I am saying is that if a leader does not lead, if a President will not even acknowledge the fact that there is a problem and will not even mention—I did not see any emphasis or direct or indirect reference—the $150 billion-plus international trade deficit. Now we can piddle around, and I think we just heard one of my colleagues mention, though he did not use those words, but you can piddle around with our domestic debt for a little while without a lot of ado, even though it is kind of spinning wheels; but you cannot temporize with our international balance of trade and deficit, not in this amount, because what it means is that not only are we no longer a producing nation, we are now a consuming nation, an importing nation.

We are a debtor nation.

We have a higher external debt than all of the so-called underdeveloped nations, where we say we have a debt problem, all put together. We are bigger debtors and yet we are being asked at this very moment by these very same nations that the Federal Reserve Board and the bankers who own it and run it were so foolishly and greedily overextending with the greed in sight of 30 and 35 percent compound interest which, incidentally, is at the bottom of America's problems today.

What Americans do not realize is that we are not just paying interest, we are paying compound interest. You can talk all you want to about these debt reduction amendments and who is and who is not for it and what really should be done and who should be cut and who should not be.

Well, let me tell you something: All history shows you know who is going to get cut. It is going to be the average man, the little man, the poor, because they are the defenseless, the helpless, the weak ones.

In any crisis in the past those are the ones paying the price for the wild, irresponsible, reckless spending spree of those powerful, powerful bankers who run our country today, to all intents and purposes, and for whom the Federal Reserve Board is working.

The Federal Reserve Board is not a Federal Government agency at all. So many of my associates seem to be surprisd when I keep reminding them of this. But it is not. The Federal Reserve Board has arrogated to iteself, with the witting or unwitting help of the Congress, over the course of the years in nearly imperceptible amendments to the basic 1913 Federal Reserve Board Act, they have empowered this agency to the point where it has the most power that any agency of its kind has anywhere in the world. There is not a country in the industrialized world that handles its money the way we do. There is not a country in or out of Europe that has any kind of a complex, modern, developed industrialized civilization that has its people paying the bankers to print their money, which is what we are doing in the United States today. It is not the U.S. Treasury, it is the Federal Reserve notes that you have in your pocket. For each one of them you are paying interest for the production of that note, whether it is a $1 or a $5 or a $10 bill. So that by their fruits you shall know them.

What has been the result of all of this great leadership, this great, powerful, knowledgeable banking elite and oligarchs in the financial communities? What have they produced? They have brought this country to its knees industrially. They have reduced the standard of living of the American people, let there be no doubt of that. And the direct loans has been the mechanism of interest rates, and with a vengeance, compound interest rates because that is what you, the American people, have been having to pay. You can talk all you want to about these budget reductions and even if you were to enforce the original or the amended or the very first draft of the Gramm amendments in their pristine beauty and legislative perfection, if you were to say that you were going to meet that goal of reductions as they have now for March 1, let me remind you that just the interest payment for that first quarter in March will be twice the savings that you say you are going to bring around in the deficit reduction.

Just remember you are paying compound interest, not simple interest. It is at the heart of the matter because it is all interlocked. With that we have now become not only owned, and our banks have a very, very perilous situation, because foreign investors have come in in droves. The thing that is different from the economic law of supply and demand is that you now have compound interest functioning. If you were talking about simple interest, yes, the good old-fashioned laws of supply and demand would work, and if you have a profusion of credit you would have the consequences in prices, but it is not working because we have allowed, for the first time in our history in this 20th century and the last half of the 19th, to go back to the old mercantile system of operation where the Colonies and the country, as it built up clear to the 20th century was having to import. It would produce the raw materials and for years in fact that was the basic reason, the economic reason for the independence of the colonies. Finally breaking away from the mother country because they were prohibited from manufacturing their own raw goods into materials. They would have to purchase them in the mother country.

This is where we are today, our industrial steel-producing industrial belt is now the rust belt; the growers of fiber and food are in hock; their credit system has collapsed. Nobody wants to talk about that in realistic terms because nobody is looking at the causes and wanting to address those causes. It is now such a complex thing that you cannot just come in and with a simplistic legislative resolve, even address the beginning of the resolution of the problem. It is quite out of hand. What we see now is what the Federal Reserve Board Chairman did not report to us. He did not want to talk about that. I asked him about the perilous situation. The only major economic thing that has happened in the last 3 months has been the depression in the oil prices. Well, so you are not one of the five producing States of the country, so who gives a hoot? But you have billions of dollars of banking resources that are trembling; they are hanging, as they used to say, in the wind.

When I asked the Chairman, "Mr. Chairman, how far will you go in trying to rescue these banks as you did with the Continental Illinois?" I remember when I asked the same question and he answered pretty much the same way 5 years ago. He said such things will not happen. But it has happened. It was obvious to me 5, 6, or 7 years ago that it was going to happen. You cannot possibly forget simple

arithmetic and be right. You still have to add 2 and 2 to get 4.

And the whole mischievous thing of the approach to the beginning of the so-called 1981 Reaganomics or Reagan economic recovery plan was that it was all based on myth; it was all based on the type of reverse mathematics, as I then pointed out to my then Texas associate in the House, PHIL GRAMM, and to my equally admired and very much respected colleague from New York, JACK KEMP. I said, "How in the world are you going to tell me you are going to get a balanced budget when you are going to cut $42 billion from the nondefense and add $58 billion in the defense? That makes a discrepancy of $16 billion."

Their answer was, "Wait until we get the tax bill, because when you get the tax bill, then we will reduce taxes and manufacturers will begin to produce, they will start giving employment, we will lessen the unemployment rolls, people will pay taxes, and the Government will have revenue."

I said, "Show me your tax bill." Well, they did not until it got to the floor because they were telling me it was identically the same thing as Jack Kennedy's writeoff and credits in 1962, which did work. But they worked as it was then explained to me personally by the then-economist for Jack Kennedy, Walter Heller, it worked because they tied it in. No corporation was going to get a fast accelerated writeoff unless it tied it in to enhance its toolworks, its production facilities, its employing of people. Then if they did, they got the tax cutoff.

But not so in 1981. In 1981 should we be surprised that we have a monstrous domestic deficit? Why this Congress with the insistence of President Reagan and all of the main corporate panjandrums in this country demanded and got a $755 billion writeoff in their responsibilities and that point was reached just last year. Now how can you drain the Treasury of $755 billion and not expect one or two or three things to happen? One, a deficit; two, finding other means of revenue such as new taxes or more taxes; or three, shifting the burden of taxation to somebody else.

That is where we are going to go. I predict, my colleagues, that in a few months you will be seeing that the only remedy, the only salvation will be a value-added tax, which in common parlance will be called a national sales tax.

There again the poor will be socked. They will be asked to pay for the profligacy of the most powerful and richest elements in our country. I think it is wrong. I think it is wrong morally, I think it is wrong governmentally, I think it is wrong politically, I think it is just doggoned-right wrong and a crime and a shame. And if it is my voice that says it, only one, so be it; and if that be treason, so be it. It is the truth and the truth will make you free, as the scriptures tell you.

Ultimately it will because the American people are not going to accept bondage helplessly. Yes, it is true, the worst of slaves are those corrupted free men. But I do not think the American people are corrupted. If anything has been corrupted, that has been the process over which they have no direct conduct and to which they entrust us. If the corruption has set in, therein is where it is.

What I find as I have had the privilege of visiting the country, particularly in the 5 years that I have served as chairman of the largest subcommittee in this Congress, the Subcommittee on Housing and Community Development, what I see there is a people that want to have the facts. They want to be knowledgeable. They want to exercise their only real sovereign right wisely and knowingly.

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And unless given choices and given the knowledge with which to make those choices, they cannot be expected to.

Let us see what other fruits we have produced and for which our chief monetary agency is directly responsible for, but will not mention. The Chairman certainly was not about to refer to it. That is that not only has the Government piled the highest debt ever, but the corporate and the consumer indebtedness has risen over the past 2 years faster, mind you. Public and private debt today is about $6.7 billion, which is twice as much as 1978, three times as much as 1975. Last year alone, the combined government, corporate, and consumer debt grew considerably faster than our gross national product.

Why? There is a reason for that. Our economy is being drained just in compound interest of $600 billion annually. How can we endure financially?

But then, as I said, some 6 or so years ago when this Federal Reserve Board Chairman took over, and his predecessor to whom I also asked the same question, Mr. Arthur Burns, a great economist and whatnot, I asked him the same question. I said, "Look, if these policies that you are advocating, if we carry them out, will it not affect the American standard of living?

They said, "Well, yes, it would."

I said, "For whom? Wouldn't it be for the kind of people that I represent?

They both nodded their heads. That is right.

In other words, they knew that there would be some impact of an adverse nature if we were taking the standard of living that then existed as a base. Of course, who was that going to be? Well, that was going to be the average little guy in America.

We have these vast engines of banking credit resources controlled and, under the law, subject to the control of the Federal Reserve Board.

What have they been doing? What did they do with that $755 billion they got written off as their tax obligation.

Let me tell you. The corporate debt is due largely to the takeover fever which is one more of the three money madnesses that have run amuck in our country, the takeovers that have proliferated over the past 2 years. Companies threatened with takeovers borrow huge sums to buy back their own stock or to keep the takeover sharks away from them, with huge compensation agreements.

Phillips Petroleum Co., for example, borrowed $4.5 billion to stave off the takeover specialist T. Boone Pickens and Carl Icahn. The defense maneuvers worked, but now the company has to sell off $2.5 billion of its assets.

PAPAGO CLAIMS LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, today, with my colleagues JOHN MCCAIN, I am introducing legislation to resolve the remaining water and land claims which the Papago Indian Tribe of Arizona has against the United States.

This legislation would settle water claims in the Chuichu area of the Sif Oidak District of the Sells Papago Reservation. It would settle land and water claims of the Gila Bend Papago Reservation. And it would resolve damage claims arising out of the construction of Tat Momolikot Dam on the Sells Papago Reservation.

The Papago Tribe is one of the largest in the United States, with more than 15,000 members living on three reservations in southern Arizona with a combined acreage larger than the State of Connecticut. The tribe's government has a history of stable, progressive leadership which has worked hard to find creative ways to resolve the tribe's economic, legal and other problems.

In 1982, after extensive deliberations and compromise by tribal representatives, major water users in and around Tucson, and the Department of the Interior, Congress enacted legislation to settle the water rights claims of two other Pagago areas, the San Xavier Reservation and the Schuk Toak area of the Sells Reservation. These claims had been in litigation for more than 7 years.

In the course of negotiating that settlement, it was agreed that the tribe's remaining claims, which primarily lay against the United States, would be addressed in subsequent legislation. It is these claims that are the subject of the three bills which we introduce today.

The settlement proposals in this legislation were developed essentially by the tribe through extensive deliberations among its

members at village, district council, and tribal council meetings. In effect, these proposals constitute a good faith offer by the tribe to the United States to settle their claims without litigation.

I believe the Congress and this administration, which has pursued a commendable policy of negotiating rather than litigating Indian claims wherever possible, should and will give this legislation full and serious consideration. I look forward to working with all parties who have an interest in this legislation in hopes of achieving a fair and honorable resolution to the Papago Tribe's claims.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore, entered, was granted to:

Mr. GONZALEZ, for 30 minutes, today.

Mr. GONZALEZ, for 60 minutes, February 25.

(The following Members (at the request of Mr. NIELSON of Utah) to revise and extend their remarks and include extraneous material:)

Mr. WEBER, for 30 minutes, today.

Mr. BATEMAN, for 30 minutes, February 25.

Mr. BOULTER, for 60 minutes, February 26.

(The following Members (at the request of Mr. RICHARDSON) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. WEAVER, for 30 minutes, today.

Mr. DYMALLY, for 60 minutes, February 26.

Mr. DASCHLE, for 60 minutes, February 27.

Mr. DORGAN of North Dakota, for 60 minutes, February 27.

(The following Member (at the request of Mr. GONZALEZ) to revise and extend his remarks and include extraneous material:)

Mr. UDALL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. NIELSON of Utah) and to include extraneous matter:)

Mr. DIOGUARDI.

Mr. FISH.

Mr. BROOMFIELD in two instances.

Mr. FAWELL.

Mr. LOWERY of California in two instances.

Mr. GILMAN.

(The following Members (at the request of Mr. RICHARDSON) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. ASPIN.

Mr. SIKORSKI.

Mr. ACKERMAN.

Mr. YATRON.

Mr. ADDABBO.

Mr. MCCLOSKEY in two instances.

Mr. DYSON.

Mr. LIPINSKI.

Mr. DORGAN of North Dakota in two instances.

Mr. GUARINI.

Mr. PEPPER in two instances.

Mr. KANJORSKI.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1429. An act to amend title 18, United States Code, to authorize prosecution of terrorists who attack U.S. nationals abroad, and for other purposes; to the Committee on the Judiciary.

S. 1919. An act, to establish a task force to examine the issues associated with abuse of the elderly; to the Committees on Education and Labor, Energy, and Commerce, and the Judiciary.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, (at 2 o'clock and 4 minutes p.m.) the House adjourned until tomorrow, Tuesday, February 25, 1986, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2812. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the decision to convert the keypunch function at the Naval Shipyard, Philadelphia, PA, to contract performance, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

2813. A letter from the Commissioner for Rehabilitation Services, Office of Special Education and Rehabilitation Services, Department of Education, transmitting an evaluation of the Projects With Industry Program, pursuant to 29 U.S.C. 795g(d)(2); to the Committee on Education and Labor.

2814. A letter from the Commissioner of Food and Drugs, Public Health Service, Department of Health and Human Services, transmitting a report on the management of the Tylenol crisis; to the Committee on Energy and Commerce.

2815. A letter from the Executive Director, Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the Securities and Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for years 1986 through 1988; to the Committee on Energy and Commerce.

2816. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Australia (transmittal No. 13-86), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

2817. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on progress of the case involving the disappearance of Drug Enforcement Administration Agent Enrique Camarena Salazar, disappearances of United States citizens and general safety of United States tourists in Mexico, pursuant to Public Law 99-93, section 134(c) (99 Stat. 421); to the Committee on Foreign Affairs.

2818. A letter from the Acting Secretary of State, transmitting the ninth annual report on Americans incarcerated abroad, pursuant to 42 U.S.C. 2151n-1; to the Committee on Foreign Affairs.

2819. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2820. A letter from the Chairman, Task Force on Broadcasting to the Jewish Population of the Soviet Union, Board for International Boradcasting, transmitting the report of the task force with respect to broadcasts to Soviet Jewry, pursuant to Public Law 99-93, section 306 (99 Stat. 436); to the Committee on Foreign Affairs.

2821. A letter from the Chairman, The Board of Foreign Scholarships, transmitting a report entitled "Fulbright Program Exchanges"; to the Committee on Foreign Affairs.

2822. A letter from the Acting Secretary, Federal Home Loan Bank Board, transmitting notice of a new Federal records system, pursuant to 5 U.S.C. 522a(o); to the Committee on Government Operations.

2823. A letter from the Assistant Secretary of State for Administration, transmitting a report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2824. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2825. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Jury Selection and Service Act of 1968, as amended, to improve the administration of the jury system in courts of the United States; to the Committee on the Judiciary.

2826. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide an appropriate retirement system for fixed term judicial officers; to the Committee on the Judiciary.

2827. A letter from the Under Secretary, Smithsonian Institution, transmitting the National Society of the Daughters of the American Revolution's report entitled: "Annual Proceedings of the Ninety-Fourth Continental Congress," pursuant to the Act of February 20, 1986, chapter 23, section 3; to the Committee on the Judiciary.

2828. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on the Delaware River basin, New York, New Jersey, Pennsylvania, and Delaware, together with other pertinent reports; to the Committee on Public Works and Transportation.

2829. A letter from the staff director, Commission on Civil Rights, transmitting a report on the factfinding role of the Commission; jointly, to the Committee on Appropriations and Judiciary.

2830. A letter from the Chairman, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting a report on the Safety Research Program, pursuant to AEA, section 29 (91 Stat. 1483); jointly, to the Committee on Energy and Commerce and Interior and Insular Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARTLETT (for himself, Mr. JEFFORDS, and Mr. GOODLING):

H.R. 4210. A bill to extend and improve the Rehabilitation Act of 1973; to the Committee on Education and Labor.

By Mr. EDWARDS of Oklahoma:

H.R. 4211. A bill to provide that the National Aeronautics and Space Administration may accept gifts and donations for a space shuttle which may be named *Challenger II;* to the Committee on Science and Technology.

By Ms. MIKULSKI (for herself, Mr. JONES of North Carolina, and Mr. LOWRY of Washington):

H.R. 4212. A bill to provide for the reauthorization of the Deep Seabed Hard Mineral Resources Act, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Interior and Insular Affairs, and Foreign Affairs.

By Mr. PEPPER:

H.R. 4213. A bill to amend title 18 of the United States Code to increase the existing penalties for mail fraud and to provide for criminal and civil forfeitures for such offense; jointly, to the Committees on the Judiciary, and Post Office and Civil Service.

By Mr. ROBERT F. SMITH:

H.R. 4214. A bill to amend the provisions of the Federal Land Policy and Management Act of 1976 relating to the acquisition of public lands; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself and Mr. MCCAIN):

H.R. 4215. A bill to provide for the settlement of certain water claims of the Papago Tribe of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself and Mr. MCCAIN):

H.R. 4216. A bill to provide for the settlement of certain claims of the Papago Tribe arising from the operation of Painted Rock Dam and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself and Mr. MCCAIN):

H.R. 4217. A bill to provide for the settlement of certain claims of the Papago Tribe of Arizona arising from the construction of Tat Momolikot Dam, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANDER JAGT:

H.R. 4218. A bill to provide for a temporary suspension of duty on m-Diethylaminophenol for a period of 3 years; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 4219. A bill to provide for a temporary suspension of duty on sethoxydim, for a period of 3 years; to the Committee on Ways and Means.

By Mr. PEPPER:

H.J. Res. 533. Joint resolution designating April 28, 1986, as "National Nursing Home Residents Day"; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. TORRICELLI:

H.R. 4220. A bill for the relief of Joseph W. Newman; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 73: Mr. SHUMWAY.

H.R. 864: Mr. OLIN, Mr. COLEMAN of Missouri, and Mr. MACKAY.

H.R. 1031: Mr. LOWRY of Washington.

H.R. 1032: Mr. LOWRY of Washington.

H.R. 1207: Mr. CHAPPELL.

H.R. 1395: Mr. COATS.

H.R. 1459: Mr. KOLTER.

H.R. 1577: Mr. LOTT.

H.R. 1720: Mr. STALLINGS.

H.R. 2489: Mr. KOLTER.

H.R. 2578: Mr. APPLEGATE, Mr. BEVILL, Mr. BLILEY, Mr. CHAPPELL, Mr. FAUNTROY, Ms. FIEDLER, Mr. FUSTER, Mr. JEFFORDS, Mr. KEMP, Mr. LIPINSKI, Mr. LIVINGSTON, Mrs. LONG, Ms. OAKAR, Mr. PASHAYAN, Mr. WILSON, Mr. WORTLEY, and Mr. YATES.

H.R. 2688: Mr. KOLTER.

H.R. 2759: Mr. KOLTER.

H.R. 2760: Mr. KOLTER.

H.R. 2761: Mr. KOLTER.

H.R. 3000: Mr. KINDNESS, Mr. TRAXLER, and Mr. APPLEGATE.

H.R. 3064: Mrs. SCHROEDER.

H.R. 3357: Mr. TORRICELLI.

H.R. 3371: Mr. ARMEY.

H.R. 3593: Mr. DAUB.

H.R. 3646: Mr. PACKARD, Mr. STENHOLM, Mr. HARTNETT, and Mr. BEVILL.

H.R. 3647: Mr. STENHOLM and Mr. HARTNETT.

H.R. 3648: Mr. STENHOLM, Mr. HARTNETT, and Mr. BEVILL.

H.R. 3649: Mr. HARTNETT.

H.R. 3767: Mr. NEAL, Mr. EMERSON, Mr. SYNAR, Mr. MONTGOMERY, Mr. BOULTER, and Mr. SILJANDER.

H.R. 4057: Mr. DYSON, Mr. BARNES, Mr. RICHARDSON, Mr. MARTINEZ, Mr. FOGLIETTA, Mr. TRAXLER, Mr. SAXTON, Mr. NATCHER, Mr. MCEWEN, Mr. MURPHY, and Mr. DAUB.

H.R. 4075: Mrs. HOLT, Mr. WHEAT, Mr. LEWIS of Florida, Mrs. BURTON of California, Ms. KAPTUR, Mr. AKAKA, Mrs. LLOYD, Mr. BEVILL, Mr. LELAND, Mr. WOLF, Mr. NICHOLS, Mr. MARTINEZ, Mrs. BENTLEY, Mr. TRAXLER, Mr. RAHALL, and Mr. RANGEL.

H.R. 4103: Mr. DORNAN of California and Mr. DOWNEY of New York.

H.R. 4104: Mr. DOWNEY of New York and Mr. DORNAN of California.

H.R. 4135: Mr. BRYANT, Mr. COYNE, Mr. KRAMER, Mr. MARTINEZ, Mr. GREEN, Mr. KINDNESS, Mr. DASCHLE, Mr. FRANK, Mr. RICHARDSON, Mr. LEWIS of Florida, Mr. WILSON, Mr. BEVILL, Mr. MATSUI, Mr. BATEMAN, Mr. DAUB, Mrs. BOXER, Mr. LAGOMARSINO, Mr. SHAW, Mr. REID, Mr. LIPINSKI, Mr. HORTON, Mr. STARK, Mr. BUSTAMANTE, Mrs. BENTLEY, Mr. COBEY, and Mr. DANNEMEYER.

H.J. Res. 10: Mr. Bevill, Mr. CARNEY, Mr. EARLY, Mr. MARTINEZ, Mr. THOMAS of Georgia, and Mr. WORTLEY.

H.J. Res. 297: Mr. SOLOMON, Mr. KEMP, Mr. MRAZEK, Mr. TOWNS, Mr. LIVINGTON, and Mr. COURTER.

H.J. Res. 492: Mr. JEFFORDS, Mr. YATRON, Mr. ADDABBO, Mr. MORRISON of Connecticut, Mrs. KENNELLY, Mrs. JOHNSON, Mr. MCDADE, Mr. GONZALEZ, Mr. HAWKINS, Mr. DOWDY of Mississippi, Mr. MCCOLLUM, Mr. RODINO, Mr. DELLUMS, Mr. THOMAS of Georgia, Mr. BRYANT, Mr. WHEAT, Mr. STOKES, Mr. DWYER of New Jersey, Mr. LELAND, Mr. JACOBS, Mr. DAUB, Mr. RINALDO, Mr. DORNAN of California, Mr. OWENS, Mr. BOEHLERT, Mr. GARCIA, Mr. DANNEMEYER, Mr. BREAUX, Mr. SOLARZ, Mr. MCHUGH, Mr. DIXON, Mr. LEHMAN of Florida, Mr. IRELAND, Mr. GUNDERSON, Mr. ROYBAL, and Mr. EVANS of Iowa.

H. Con. Res. 224: Mr. HARTNETT.

H. Con. Res. 278: Mr. MCKERNAN, Mr. ANTHONY, Mr. CLAY, Mr. MORRISON of Connecticut, Mr. RANGEL, Mr. MAZZOLI, Mr. LUJAN, Mr. ROGERS, Mr. EVANS of Illinois, Mr. HUBBARD, Mr. SYNAR, Mr. EVANS of Iowa, Mr. HUTTO, Mr. LEACH of Iowa, Mr. MARKEY, Mr. FAUNTROY, Mr. DERRICK, Mr. NEAL, Mr. HEFTEL of Hawaii, Ms. MIKULSKI, and Mr. ACKERMAN.

H. Res. 12: Mr. SHARP, Mr. SMITH of New Hampshire, Mr. MCKERNAN, Mr. ATKINS, and Mr. EARLY.

SENATE—*Monday, February 24, 1986*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

In a moment of silence, we should be remembering Ruby and Marty Paone, to whom a son of 8 pounds was born this morning. Ruby is still under the anesthesia from a cesarean. Let us remember Ruby and Marty, that all may be well. Thank you, Father, for them and for this precious child.

Father, all our hearts are concerned about the Philippines, and we pray for leadership and special wisdom in this matter.

Oh praise the Lord, all ye nations;
Praise Him all ye people.
For His merciful kindness is great toward us;
And the truth of the Lord endureth forever.—(Psalms 117).
Praise ye the Lord.
Praise God in His sanctuary;
Praise Him in the firmament of His power.
Praise Him for His mighty acts;
Praise Him according to His excellent greatness.
Praise Him with the sound of the trumpet;
Praise Him with the psaltry and harp.
Praise Him with the timbrel and dance;
Praise Him with stringed instruments and organs.
Praise Him upon the loud cymbals;
Praise Him upon high sounding cymbals.
Let everything that has breath praise the Lord.
Praise ye the Lord.—(Psalms 150).

Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, to be followed by a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

There will be routine morning business, not to extend beyond 1 p.m. I might extend that period. In fact, I think I will extend it right now, and I ask unanimous consent that the time for routine morning business be extended to 1:30, with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER (Mr. QUAYLE). Without objection, it is so ordered.

Mr. DOLE. Following routine morning business, the Senate will resume consideration of Senate Resolution 28, television in the Senate. Votes could occur during the day, but not after 6 p.m., as previously agreed to.

I also indicate that sometime this week we need to deal with either the House-passed bill or a Senate-passed bill dealing with, I would guess, six or seven areas in the massive piece of farm legislation we passed last December. There have been six or seven areas of either outright mistakes or misunderstandings or failure to understand certain provisions that we have been trying to work out on a bipartisan basis. If we can do that, we can address those matters.

One deals with dairy, and one deals with the position of someone in the White House, whether it should be Cabinet level or below. One deals with what we call yields, primarily wheat and feedgrain provisions. Another one, which Senators LEVIN and RIEGLE are particularly interested in, deals with planning. I think there is one additional provision we hope we can work out on a bipartisan basis, and we will try to pass that measure without much debate.

The chairman of the Agriculture Committee is willing to bypass the committee. I have discussed it with Senator ZORINSKY, and he feels the same way. So perhaps we can accomplish that.

We need to do it quickly because one item would be affected by Gramm-Rudman, which is effective March 1. The other provisions would be the so-called sign-up for farm programs which starts on March 3. Unless these provisions are changed by Congress and signed by the President, it will be too late. So it is of some urgency.

I hope we wind up TV in the Senate this week. If not, we are prepared to spend a little more time on it next week.

We are pretty much on schedule because the Genocide Convention did not take long. In addition, I understand there may be—may be; I am not certain—an agreement on the balanced budget amendment, which now may be bipartisan. I understand from the chairman of the Judiciary Committee that an agreement on the balanced budget amendment may be in the offing.

Is that correct?

Mr. THURMOND. Mr. President, we will be ready when it is brought up. I think an agreement has been reached.

Mr. DOLE. So it has fairly broad bipartisan support?

Mr. THURMOND. Yes, sir.

Mr. DOLE. I thank the chairman of the committee.

I reserve the remainder of my time.

BLACK HISTORY MONTH

Mr. DOLE. Mr. President, in 1926, Dr. Carter Goodwin Woodson, founder of the Association for the Study of Afro-American Life and History, initiated the first formal tribute to black Americans by establishing Negro History Week. This event has since become an annual tradition, and, this year we have designated the month of February as Black History Month.

BLACK HISTORY IN THE SENATE

In celebrating black history, I feel it is especially important to draw attention to the contributions made by blacks in the Senate. The first black to serve in either House of Congress was Hiram Revels, a Mississippi Republican. Although Revels was born free in 1822, he became politically active during the problematic period of Reconstruction. Thanks to the support of Republican Senators such as Henry Wilson and Charles Sumner, Revels was seated in the Senate in 1870, and later became the first president of Alcorn College in Rodney, MS.

The second black Member of the Senate was Blanche Kelso Bruce who was born a slave in 1841 in Virginia. He later fled from slavery to the free State of Kansas, where he opened the first elementary school for black Americans. His political career began when he moved to Mississippi, where he was elected sergeant at arms of the State Senate. From there he became sheriff then superintendent of education and, in 1874, was elected as a Republican to the U.S. Senate. During his term, Bruce voted and spoke on behalf of black Americans. His most important accomplishment was his investigation of the floundering Freedmen's Savings & Trust Co., which held over $57 million in ex-slaves' earnings. Bruce was instrumental in returning three-fifths of the depositors' money before the company went bankrupt due to corruption and incompetence. After the expiration of his senatorial term, Bruce served in the administrations of Presidents Garfield, Arthur,

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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Harrison, and McKinley, before his death in 1898.

Finally, there was my good friend and former colleague, Edward William Brooke, who was born and raised in this city. He attended law school in Boston, and was admitted to the Massachusetts bar in 1948. His political career began in 1962 when he won a tough election for attorney general of Massachusetts, the second highest office in the State. In 1966, Brooke was elected as a Republican to the U.S. Senate. Whereas Hiram Revels and Blance Bruce were appointed to the Senate by their State legislatures, Brooke was the first black to be elected by popular vote, in a State that had less than a 2 percent black population and is predominantly democratic. Brooke served in the Senate for 12 years and was one of the most effective and articulate spokesmen for equality and justice to ever serve in this body.

CONCLUSION

These three men played an important role in tearing down racial barriers, and we learn from their experience that perseverance can overcome adversity. But as we reflect on the past accomplishments of these and other black leaders during Black History Month, we must also look to the future. I take great pride in the fact that the three black Members of the Senate have been Republicans, and am also honored to have had the opportunity to appoint the first black, Trudi Michelle Morrisson, as the Senate's deputy sergeant at arms. At the same time, I am troubled to know that no black has been elected to this body since Ed Brooke's defeat in 1978. Black Americans have made great strides in the political arena, but clearly, there remains a long road ahead. So I urge my colleagues to join me in paying tribute to the contributions of blacks throughout the history of the Senate. Let us look forward to the day when a black serving in the Senate will no longer be so uncommon an occurrence.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the minority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve my time for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I yield the floor.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for a period of not to exceed 15 minutes.

WHAT THE U.S. ARMS CONTROL AGENDA SHOULD BE

Mr. PROXMIRE. Mr. President, President Reagan and his administration deserve warm commendation for their decision to respond positively to Secretary Gorbachev's proposal to negotiate an arms control agreement. Secretary Gorbachev's proposal of a few weeks ago was far and away the most ambitious series of arms control options ever proposed by a head of state. The Russian leader declared his aim was the elimination of nuclear weapons from the face of the Earth by the year 2000. That extreme and transparently unrealistic proposition might have been designed to surpass the Reagan announcement that star wars would ultimately make nuclear weapons obsolete. These astonishing flights of fancy of the leaders of the two superpowers have created an aura of futile rhetoric for what should be the most serious business in the world—I might say in world history—that is, nuclear arms control negotiations. Former Secretary of State Kissinger has called this talk of abolishing nuclear weapons forever propaganda. Kissinger is right. True, throughout the nuclear age arms control negotiations have been halting, erratic and sadly ineffective. The two superpowers have been virtually unimpeded in building nuclear arsenals unrestrained by any of the arms control agreements. In spite of the limited Test Ban Treaty and the later 150-kiloton limitation on nuclear weapon testing, there has, in fact, been no practical limit on testing nuclear weapons. In spite of the Anti-Ballistic Missile Treaty which had the simple and single purpose of strictly limiting comprehensive missile defenses by either superpower, both countries have moved ahead about as fast as their individual technologies would permit in constructing missile defenses. And the U.S. star wars program is expressly designed to build exactly the kind of system the ABM Treaty was drafted to prevent.

SALT I and SALT II have been noble experiments in designing limits on the size of offensive nuclear arsenals. But what practical effect have they had? Obviously almost none. Both superpowers have built and deployed more than 10,000 nuclear warheads on land-, sea-, and air-based launchers. Ten thousand strategic warheads each. Some limitations. Does SALT I or II constitute any kind of serious limitation? If either treaty does how do we explain the fact that the National Academy of Sciences tell us that if just 1 percent of the present Soviet or American arsenal struck the cities of either the Soviet Union or the United States there would instantly be 35 or 55 million killed in the Soviet Union or in the United States. Tens of millions more would be terminal that is dying with virtually no medical care available. Each superpower has 100 times what it needs to devastate the other. Some arms control.

What can we conclude from this appalling situation? We can only conclude that to date the arms control treaties have provided no significant abatement whatsoever in the arms race. In the last few years we have seen a serious erosion in the limited remnants of arms control that remain. The ABM Treaty is sure to be a victim of star wars. If star wars is never deployed it will not be because the ABM Treaty prevented the deployment, it will be because a future President and a future Congress awakened to the technological idiocy and the trillion-dollar-plus extravagance of the star wars defense. The ABM Treaty will not stop star wars. The fact that it will not work will stop it. Even the pitifully feeble limitation placed by SALT II on nuclear deployment is likely to expire. The treaty technically died on December 31, 1985. It is kept alive by a President who has announced that this country will follow a policy of proportional response to that treaty. That means if we believe the Soviets have violated the treaty, we will select the part of the treaty that it suits our interests of the moment to violate to match that violation. This policy will sooner or later—probably sooner—destroy whatever small significance SALT II still has.

In spite of the grossly unrealistic nature of Secretary Gorbachev's announcement that his proposals were designed to eliminate all nuclear weapons everywhere by the year 2000, he did offer specific nuclear weapon limitations along the way that could permit serious and significant negotiations between the Soviet Union and the United States. But do not count on it. This Senator herewith offers a series of specific arms control limitations this country should pursue to take advantage of the Gorbachev announced proposals. Here they are:

First. Let us negotiate a ban on all nuclear weapons testing. We can and should take Secretary Gorbachev up on this proposition that he has made. But we should insist on a tight, thorough and detailed verification that would include the following: (a) The placement of at least 10 seismic monitoring stations throughout the U.S.S.R. and 10 throughout the United States; (b) these would be inspected frequently and without notice by international teams including Americans inspecting suspicious Soviet explosions and Soviets inspecting American explosions; (c) immediate referral to the Standing Consultative Commission of any alleged violation by either superpower; (d) a 1-year sunset on the treaty with renegotiation required. This would put great

pressure on both sides to comply or assume responsibility for gutting the agreement.

Second. The United States should agree not to proceed to any development, testing, production, or deployment of star wars, provided the Soviets agree to a mutual 75-percent reduction over 2 years in offensive missiles.

Third. Mutual agreement to destroy all conventional weapons that have an explosive force of more than 1 kiloton with the same verification measures required for the cessation of weapons testing above.

Fourth. Advance notice of all maneuvers or military tests of any kind or any activity that might be construed as within arms control treaties.

Fifth. Mutual military personnel reductions with frequent on-the-spot inspections to verify compliance.

Sixth. A meeting of the Soviet Union, the United States, France, China, and the United Kingdom to negotiate a reduction in nuclear warheads and megatonnage by all nuclear weapon powers.

Seventh. Superpower negotiations to destroy all biological and chemical weapons, buttressed by stringent verification and monitoring provisions to insure compliance.

Eighth. Negotiations with the four parties: The Soviet Union, France, the United Kingdom, and the United States to try to reach an agreement on intermediate nuclear weapons stationed in Europe.

Ninth. An agreement between the United States and the Soviet Union to intensify greatly both the verification of all nuclear agreements and the reliance on the Standing Consultative Commission. If this agreement is reached the superpowers should also agree not to resort to a policy of proportional response to treaty violations. Instead both superpowers should agree that if after resort to the Standing Consultative Commission either party to a treaty were convinced that the other is in violation, it would announce its intention to renounce the treaty. Would this kind of discipline work? I think it would. Here is why: It is the only sanction that can work in arms control involving the superpowers. Each country will only comply with an arms control treaty if it is convinced that the treaty is in its interest and if it knows that violations can be successfully monitored and that the other party will renounce the treaty if it is convinced that violations are taking place.

MYTH OF THE DAY: THE UNITED STATES IS NOW A PARTY TO THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the myth of the day is that the United States is now a party to the Genocide Convention.

How can this be? After all, did not the U.S. Senate make us a party to the Genocide Convention by our historic, and overwhelming, vote to give advice and consent to this treaty?

The answer is almost. But in the resolution of ratification, the Foreign Relations Committee provided that the United States will not formally deposit its instrument of ratification—the formal document making us a party to the treaty—until we have adopted the necessary implementing legislation.

That was only appropriate. We do not want our enemies making any propaganda charges that we have not taken all of the necessary steps to put this treaty into force.

So what is left to do? We must adopt legislation, consistent with our Consitutition, to make genocide a crime under our Criminal Code and to provide for trial of individuals accused of this crime before American courts and to establish penalties for punishment of those found guilty. As with all such legislation, it would be subject to Presidential signature and Supreme Court review to assure its constitutionality.

So the issue now goes to the House and Senate Judiciary Committees now. And they have an excellent draft of legislation with which to start—a draft written by the Nixon administration and submitted to the Senate by then—Assistant Attorney General William Rhnquist. The American Bar Association indicated a decade ago its strong support for that implementing legislation and we should now move ahead with it.

I hope that we can count on the continued strong support of President Reagan for this final step which will make us a party to the Genocide Convention.

So we are in the homestretch. But it is a myth that the struggle is over—yet. It will take continued, consistent support to make it happen.

A SALUTE TO THOSE WHO WORKED FOR RATIFICATION OF THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, in thanking a number of individuals who worked so hard and so long to secure ratification of the Genocide Convention, in my remarks on Wednesday I inadvertently neglected to mention several individuals whose work was very helpful in this effort.

From outside organizations, I particularly want to thank Laurens Ayvazian of the Armenian Assembly; Howard Kohr of the American Jewish Committee; Lenny Steinhorn; Sandy Elster of Amnesty International, who singlehandedly organized a major grassroots campaign in support of the treaty; Harry Inman, Rita Hauser, Art Rovine, Morris Abrams, and Charlie Brower, prominent members of the American Bar Association, who were so helpful in getting the ABA to reverse their position; former Ambassador Charles Yost, whose testimony regarding the difficulties that our diplomats faced as a result of our failure to ratify the Genocide Convention was so enlightening; as well as the insightful testimony of both Prof. Richard Gardner of Columbia University and Prof. John Murphy of Villanova.

In addition, Chuck Berk and Fred Tipson, former professional staff members of the Senate Foreign Relations Committee deserve special mention as well for the tremendous support they gave me and my staff in this effort.

And last, but far from least, is an individual who gave this treaty such a tremendous push when President Truman first sent the treaty to the Senate for consideration, Senator CLAUDE PEPPER. He was one of the treaty's most outspoken supporters during those first hearings in 1950 and it is important that his crucial role in those years not be overlooked today.

S. 2087, ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH BLOCK GRANT AMENDMENTS OF 1986

Mr. PROXMIRE. Mr. President, on behalf of myself and the distinguished Senator from Iowa [Mr. GRASSLEY], I am introducing legislation to amend the alcohol, drug abuse, and mental health block grant.

The change we are proposing is very simple: It requires that the Department of Health and Human Services in carrying out any sequester order mandated by the Gramm-Rudman-Hollings balanced budget legislation must apply that cut equally to all States and territories receiving funds under this block grant.

Our proposal is that simple. But the present language of the block grant has raised a question regarding the Department's ability to carry out the clear mandate of Gramm-Rudman-Hollings—for evenhanded cuts—and our proposal will make it clear that the Department is to meet that mandate.

BACKGROUND OF THE ADAMHA BLOCK GRANT

Mr. President, in 1981 Congress created the alcohol, drug abuse, and mental health [ADAMHA] block grant out of 10 separate categorical programs providing funds to the States and local community mental health centers. At that time it was determined that each State would continue to receive their share of all three funds in the future based upon the share they received in 1981.

This certainly appeared equitable on the surface in the rush to complete action on the 1981 Omnibus Reconciliation Act. But as we were to learn

later, it was far from fair. There was no particular problem with applying this approach to the alcohol or drug abuse funds which had been distributed to the States on a formula basis and were being distributed on a reasonably fair basis. The problem was the mental health funding, which did not go through the States but was distributed to individual community mental health center grantees. That funding was on an 8-year funding cycle, which increased in the early years and tapered off as the centers achieved financial self-sufficiency.

This meant that States, like Wisconsin, which had developed early in the program a number of community mental health centers and, were at the tail end of the funding cycle, received an insignificant amount of mental health funds in 1981. And the block grant distribution formula worked to lock us into a ludicrously small share of the total block grant funding when these funds were consolidated.

A number of States, including Iowa and Kentucky, faced a similar problem.

THE 1984 FORMULA CHANGE

As a result of this inequity, the authorizing committees in both houses attempted to assure that a larger portion of new funding for this block grant would be distributed to the States which had been inadvertently disadvantaged.

While the final formula is complicated, its essential features included a "hold harmless," a pledge to the States that they would not receive any less than they had in 1984 as long as the block grant funding was over $462 million; and, using two different formulas the block grant allocates a disproportionate share of the new funds to those States which were disadvantaged.

The block grant is now funded at $490 million and the 4.3-percent sequester order mandated by the Gramm-Rudman-Hollings legislation will require the funding to drop to $468 million.

The difficulty is the "hold harmless" contained in the 1984 legislation. The Department has concluded that since the 4.3-percent cut leaves the block grant funded above the "hold harmless" level of $462 million, they must take the cut solely out of that handful of States which had been disadvantaged in the past and were now receiving most of the funds being eliminated by the sequester order.

Mr. President, you can imagine what happens when the burden of a 4.3-percent cut is placed on the backs of just a few States. They lose and lose big.

For Wisconsin, this cut will be 15 percent, not 4.3 percent, and other States will receive no cut at all.

EQUITY, NOT SPECIAL TREATMENT

Mr. President, our proposal is not an effort to amend Gramm-Rudman-Hollings. The problem is not there but in the language of the ADAMHA block grant.

We are not asking for special treatment. We are not asking to exempt our States from the cut.

Ours is a simple plea for equity. As undesirable as any cut is, 4.3 percent from all States and territories, disbursements from this block grant is at least fair. That was the entire point of Gramm-Rudman-Hollings.

But forcing some States to face 15 percent cuts or more, while others face no cut is not equitable or fair, and our proposal will correct that inequity.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. 2087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1913(a) of the Public Health Service Act is amended by adding at the end thereof the following new paragraph:

"(5) In carrying out any order of the President under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 which requires the sequestration, through the application of a reduction percentage, of budget authority provided for a fiscal year to carry out this part, the Secretary shall—

"(A) determine, in accordance with paragraphs (1), (2), and (3), the allotment which would be made under this part to each State for such fiscal year if such order were not in effect; and

"(P) apply the reduction percentage required by such order to be applied to budget authority provided under this part for such fiscal year by—

"(i) determining, for each State for which such an allotment is made for such fiscal year, an amount equal to the product of the allotment of such State calculated pursuant to subparagraph (A) and such reduction percentage; and

"(ii) reducing the allotment of each State calculated pursuant to subparagraph (A) by the amount determined for such State pursuant to clause (i).".

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 1:30 p.m., with statements therein limited to 5 minutes each.

TAKING NAMES

Mr. MURKOWSKI. Mr. President, it is past midnight in the Philippines. As near as can be determined, there is a standoff between military forces loyal to the Provincial Government and forces loyal to President Marcos. For the Philippine people it is clearly a time of taking sides.

The Philippines is an independent nation and the United States has no intention of interfering in its internal affairs. Our President, President Reagan, is quite correct, however, in urging "in the strongest possible terms that violence be avoided as Filipinos of good will work to resolve the ongoing crisis."

The American people are indeed watching the events in the Philippines with great concern. The countdown for President Marcos has begun. We earnestly hope that President's words will be prophetic and violence will be avoided.

Nevertheless, it may be that an order resulting in violence will be given. Such an order would have the most adverse consequences on the American people and their attitude toward those who might seek refuge here for themselves or their capital.

Violent events in the Philippines are not without consequence in the United States. U.S. courts are open to victims of such violence who might wish to be compensated. The property of those who are principals or accessories to crimes in the Philippines can be reached by our courts.

In short, Mr. President, we are taking names. Those who might wish to use the United States as a place of refuge must consider the President's words very carefully.

THE LIABILITY CRISIS

Mr. McCONNELL. Mr. President, no one can deny the fact that there is a serious problem facing us today. It's been called the insurance crisis, the litigation flood, hyperlexis, and perhaps most appropriately, the liability crisis. Whatever it's called, the issue is the same—how to come to grips with the potentially devasting effects of too many lawsuits, unreasonable awards of damages, and the potential for economic disaster that's going about our daily lives now represents.

In recent times, we have come face to face with the problem. Insurance companies, apparently strapped by hemorrhaging liability costs, raise their rates 1000 percent, or cancel coverage entirely, putting small businesses and day-care providers out of business. City officials face ruinous liability for going about their routine, official duties. City council members refuse to serve, and little league baseball managers refuse to coach, all because of the growing threat of being sued.

America's passionate love affair with the courts is threatening to choke off the vibrance of our economic well-being. It has created a crisis of confidence among Americans in our court system, in our legal profession, and for its indifference to the problem, or, for its inability to cope with it, in our Government.

Several weeks ago, I introduced two bills aimed at stopping this flood, and solving the crisis. They are the Alternative Dispute Resolution Promotion Act, S. 2038, and the Litigation Abuse Reform Act, S. 2046. The first of these complementary bills would encourage the early settlement or other resolution of cases in litigation.

The second bill, the Litigation Abuse Reform Act, proposes a number of modifications in the law of damages in cases in Federal court. In essence, it seeks to introduce a degree of predictability to the legal system, and to put reasonable limits on the amount of judgments that may be awarded for product liability, negligence, and other tort cases. It also imposes additional sanctions on lawyers who file lawsuits without actually believing there is legal and factual support for an award of damages. Finally, it limits the fees lawyers can receive in a case so that a greater percentage of an award goes to the injured party.

Of course, litigation is not necessarily a bad thing, nor are the results of litigation to be uniformly condemned. A great deal of good has come from the creative use of the court system by lawyers and judges. The free and open access Americans have to the judicial process and to an independent trier of fact is one of the basic freedoms so fundamental to this great Nation. Yet we have an obligation to recognize that there is a limit, and that "all things in moderation" is perhaps the most sensible watchword for the day. I believe, Mr. President, that we have lost sight of the importance of moderation in our civil justice system.

I intend to pursue the reform I have introduced with S. 2038 and S. 2046 vigorously, because I believe these are the kinds of fundamental reforms we must make if we are to have a lasting impact on the problem. I urge each of my colleagues in the Senate to join me in this effort, and to cosponsor this legislation.

Finally, Mr. President, I noted that the Litigation Abuse Reform Act was highlighted by James Kilpatrick in his column yesterday, and I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

MCCONNELL BILL WOULD SLOW LITIGATION FLOOD

(Commentary by James J. Kilpatrick)

WASHINGTON.—There was the case of the professional gymnast who tried a one-and-a-half rollout flip from a trampoline and landed badly on a mat. There was also the case of a homeowner who stacked some Corning Ware dishes in his kitchen cabinet. One of the dishes fell off and broke. The owner suffered a serious gash.

A jury awarded damages of $14.7 million against the manufacturer of the mat. Another jury awarded $804,000 against the Corning company. The theory in the first case, says Kentucky's Sen. Mitch McConnell is that the manufacturer had failed to warn the gymnast of the potential danager in doing one-and-a-half rollout flips onto a mat that was 18 inches thick. The theory in the case of the broken dish was that Corning "failed to warn the owner that the dishes might fall and shatter if stacked five deep, with their lids inverted, in the kitchen cabinet."

McConnell cited the two cases earlier this month in the course of introducing the "Litigation Reform Act of 1986." Remarkably, the full Senate Judiciary Committee has scheduled the bill for immediate hearing. It will face thundering opposition from plaintiffs' lawyers, but the bill's purpose is admirable and its specific provisions might do a world of good.

The Kentuckian could have cited a hundred other cases that have turned on novel theories of product liability. There was the case of the Biro Manufacturing Co. of Ohio. In 1959 or thereabouts, it sold a hamburger grinding machine to the U.S. Air Force. In the course of time the machine was sold as surplus. It passed into private hands, and somewhere along the way it lost its safety guard. Twenty-seven years later, the company is being sued by a cook who injured his hand.

Such litigation has contributed heavily to the explosive expansion of civil litigation in American courts. Roughly 2 million cases are filed every year in state courts. Civil filings in federal courts have grown from 67,700 lawsuits in 1965 to 274,000 in 1985. (The 1985 figure is swollen by 57,000 suits brought by the government to recover defaulted loans and overpayments, but the increase is nonetheless impressive.)

The trend has provided a bonanza for lawyers who take the risk of launching suits for fees that are contingent upon their winning. It has meant misery, and sometimes bankruptcy, for respectable companies thought by juries to have deep pockets. As they used to say in springtime down on the farm, frog gigging is fun for the boys but hell on the frogs.

McConnell's bill, affecting federal courts only, would require that judgments of more than $100,000 be paid in installments over the estimated lifetime of the winning plaintiff. Jury awards would be reduced by offsetting payments from private insurers. Demonstrable economic losses, such as lost wages and hospital bills, would not be limited, but damages for pain and suffering would be capped at $100,000. Attorneys' contingent fees could not exceed 35 percent of an award for economic loss. Punitive damages would be paid not to the plaintiff or his lawyer, but rather to the registry of the trial court. Plaintiffs would have to establish by a preponderance of the evidence that the harm they had suffered "was the result of conduct manifesting a conscious disregard for the safety" of the injured party.

Finally, in an exceptionally useful section, McConnell's bill would impose court costs, fees and expenses on any lawyer who initiated a suit merely for the purpose of wangling a settlement out of court. There are the nuisance suits that many defendants wearily will settle rather than face the high costs of litigation.

Insurance companies, which have lost their shirts over the past couple of years, will applaud McConnell's effort. Plaintiffs' lawyers will fight like bobcats against it. My own thought is that a person who is injured by a manufacturer's provable negligence of course should recover appropriate awards, but punitive damages that provide a windfall to the plaintiff and a lush reward to the lawyer should be stopped. I hope the Senate agrees.

FILIPINO SOLUTION FOR FILIPINO PROBLEMS WITHOUT BLOODSHED

Mr. MELCHER. Mr. President, the hope of avoiding armed conflict resulting in bloodshed and the killing of hundreds, even thousands, of Filipinos was reaffirmed in a meeting in my office this noon with Philippine Labor Minister Blas Ople. Minister Ople's purpose in the United States during these most critical hours in Philippine history is to point out that negotiation to avoid bloodshed is critical for the Philippines and also essential for our relationship with the people of their country.

In order to avoid destabilizing the delicate balance that has existed in this power struggle in the Philippines during the past 72 hours, I believe it is important for the United States to recognize the facts as told to me last evening by Jaun Ponce Enrile, that their undertaking is "a Filipino solution for the Filipino problem of transferring the reins of power from Marcos to the new government of the Philippines under Corazon Aquino." I am acquainted with Defense Minister Enrile and hold him in high respect as a shining star in the Marcos cabinet and KBL Party. Gen. Eddie Ramos is a personal friend and the uncle of Ranjit Shahani, who was an intern in my office during the summer of 1984. Like so many of our own military officers, I regard General Ramos as I found him in meetings with him in Manila in 1983 and 1985 to be a professional soldier of great capability and integrity. Among the Philippine people he is, in my judgment, viewed as one of the most highly respected citizens of their country.

On Saturday after learning of the stand taken by Enrile and Ramos, I was able by telephone to talk to both of them and also to Cardinal Sin. They made their position very clear; they stated that they would avoid at all cost any use of weapons and would depend upon the outpouring of thousands of Filipino citizens backing their efforts along with declarations of support from components of the Philippine armed forces to gain a peaceful victory in forming a new post-Marcos government for the Philippines under Mrs. Aquino.

The declaration by Minister Enrile and General Ramos that the results in the recent election should recognize Corazon Aquino as the president-elect carries massive weight in the viewpoint of Filipino citizens whether they had voted for either Marcos or Mrs. Aquino. The position of Enrile and

Ramos carries great credibility and acceptance by the people of both political convictions. To avoid either a protracted stalemate with further damage to Filipinos or a revolution with armed conflict, which would debilitate and devastate the Philippines, Enrile and Ramos took their forthright stand to end any doubt and bring a rapid outcome to end the Marcos regime.

All too often the U.S. Government interferes too much in attempting to arrange foreign governments. During the past several days, President Reagan and his administration have performed remarkably well with restraint. That's as it should be, to allow as Enrile told me last night, "the Filipino solution for the Filipino problem" of forming a new government to conclude the Marcos regime.

United States stakes are vital in the Philippines which concern particularly our Mutual Alliance Defense Treaty, Clark Air Force Base, Subic Naval Base, and trade and cultural ties. During these particularly trying and dangerous hours for the transition to the new government it is of utmost interest to us that bloodshed is avoided. I fully respect the efforts that are being undertaken by Filipinos to accomplish that goal. The restraint to avoid using armaments has been a near complete success but could erupt at any time. It is noteworthy that Marcos has restrained General Ver and elements of the Philippine armed forces which he commands that might easily have been used to slaughter thousands of people. I recognize that that could still happen, but I fervently hope along with the 55 million Filipinos that attaining the goal of transition will remain peaceful.

FARMERS HOME ADMINISTRATION BORROWERS PROVIDED NECESSARY LOAN SERVICING

Mr. HELMS. Mr. President, the Agriculture Committee held a hearing on January 30 to review programs of the Farmers Home Administration.

Witnesses testified on two related issues involving this agency. First, the General Accounting Office reviewed the findings in its recent study of the FmHA farmers loans portfolio. Second, officials of the Department of Agriculture and the Farmers Home Administration discussed their revised regulations on servicing delinquent loans.

Recent reports in the national news media relating to the servicing regulations now being implemented by FmHA indicate the need to provide Senators with the information made available during the committee's hearing. I continue to be concerned about misrepresentation of how these regulations will effect FmHA farm borrowers.

Before undertaking an objective discussion of loan servicing, it would be instructive to review the quality of the FmHA farmers loan portfolio. This past September I requested the General Accounting Office to conduct a study of the farmer loan programs of FmHA and the financial condition of its borrowers. It is my understanding that this was the first such comprehensive examination of the portfolio ever conducted. The findings by GAO are helpful in understanding the magnitude of the delinquency problems of FmHA borrowers and the difficulty for the agency in attempting to responsibly address them.

Mr. President, one of the significant points in the GAO data is that there are approximately 37,000 borrowers who have not made a regularly scheduled payment on principal or interest in 3 years or more. During this time of delinquency, FmHA has continued to provide operating credit to keep these farmers in business. Also, over $2 billion was lent, during the first 6 months of 1985, to farmers who were either insolvent—having debts exceeding the value of their assets—or were classified as having "extreme financial difficulty"—a 70-percent debt-to-asset ratio.

In addition, information compiled by USDA indicates that approximately one-third of all FmHA farm borrowers were provided with servicing actions last year which enabled these financially troubled borrowers to stay in business.

To listen to the political rhetoric of late, one might assume that FmHA has been engaged in a determined effort to foreclose on delinquent borrowers. The facts prove otherwise. Indeed, it might occur to some to criticize FmHA for laxness in the management of collecting debts due the taxpayers and in extending new loans to persons who have no realistic prospect of repaying such loans.

The FmHA, as "lender of last resort," properly provides credit assistance to the riskiest farm borrowers who are not able to receive credit from private lenders. The credit title of the recently enacted farm bill contains several provisions which will provide FmHA with additional authorities to assist financially troubled borrowers and I am proud of our efforts in that regard. Testimony from USDA indicated that regulations will be published in the very near future to implement these provisions.

Any objective review of the farm credit situation must conclude that some farmers are not going to make it. This is unfortunate, but farmers who are hopelessly burdened with debt cannot be rescued even with the most generous of programs. I strongly believe we should do all we responsibly can to help those farmers who are viable, and to assist in the transition to other livelihoods for those who are not.

FmHA is charged with the responsibility of helping borrowers who pose the greatest credit risks—that is the intent of Congress. But, this agency also has an equally important responsibility to use taxpayers' money in an efficient and effective manner. My review of the new loan servicing regulations has convinced me that every appropriate means is being utilized by FmHA to ensure that both of these objectives are accomplished.

As most Senators are aware, servicing letters are now being mailed to appproximately 65,000 delinquent FmHA borrowers. The statement of FmHA Administrator Vance Clark before the Agriculture Committee offers a complete explanation and description of these letters and the revised regulations that require such notification of delinquent borrowers. I ask unanimous consent that the testimony of Mr. Clark be printed at the conclusion of my statement.

Mr. President, let me stress that no one in this Chamber is more sympathetic to the plight of farmers experiencing financial difficulty than this Senator. I have consistently supported programs to provide necessary assistance to producers who have reasonable chances for profitable operations and will continue to do so.

However, we must consider FmHA programs in a rational and fiscally responsible fashion, Certainly, the prudent servicing of this portfolio is necessary to ensure that each delinquent borrower is offered the full range of authorities existing under current law to help. When it is apparent that a borrower just cannot obtain a positive cash flow, then, of course, liquidation is appropriate in order that needless erosion of his equity position does not occur. When a farmer or rancher is caught up in a truly hopeless financial situation, with debts that can never be repaid from his operations, it is simply not in his interest, let alone the taxpayers', to have his remaining equity eroded away by continuing heavy negative cash flow operations.

Politically motivated misrepresentation of these loan servicing regulations can only foster needless confusion and stress for delinquent borrowers. I hope that farmers will not, once again, be forced to bear the brunt of such rhetoric.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF VANCE L. CLARK, ADMINISTRATOR, FARMERS HOME ADMINISTRATION

Mr. Chairman, members of the committee, I appreciate this opportunity to discuss the Farmers Home Administration's (FmHA) servicing regulations and notices to farm borrowers who are seriously behind in loan payments.

A brief background is necessary for a complete understanding of FmHA's goals and procedures.

For many years the Farmers Home Administration has been helping its farm borrowers who found themselves in economic trouble through no fault of their own. The agency routinely helped these farmers, when possible, through rescheduling or reamortizing loans and, in some cases, deferring part of their payments. The direction to the field to provide this assistance came from the national office through regulations and Administrative Notices.

In November 1983, the Federal District Court in Bismarch, North Dakota, issued a preliminary injunction, that later became permanent, which required Farmers Home to take steps to inform borrowers of the loan servicing alternatives available to them.

On November 30, 1984, the agency issued a proposed rule in the Federal Register to comply with the court ruling. Following the comment period and necessary adjustments, the regulations were issued as a final rule on November 1, 1985. The regulations, encompassing 63 pages of the Federal Register, covered all options and procedures in detail. Certainly, the agency made every effort to comply with the court's mandate to assure due process for every FmHA borrower.

The options are clearly spelled out in notices which are being sent to FmHA farm borrowers who were delinquent as of December 31, 1985. That date was selected because it is historically the lowest delinquency point of the year. Most of the loan agreements call for an annual payment which is due on or about January 1. So most borrowers receiving the notices are at least one year delinquent.

The intent of the notice is to alert the farmer that he or she is seriously delinquent in loan payments and to spell out the various options available to help bring the account current.

Those options include:

Rescheduling at regular rates and terms;

Rescheduling of operating and farm ownership loans at limited resource rates and terms;

Deferral of payments on principle or interest or both for 5 years;

Subordination of FmHA's security interest to another lender;

Restructuring by selling a portion of assets;

Paying the account current; and

Liquidating the account by selling, conveying to the Government or transferring the security.

Eligibility for these options is spelled out in detail in the regulations. Basically, to be eligible, borrowers must show that their delinquency is due to circumstances beyond their control; that they have lived up to all agreements made with FmHA; and that, with the extra assistance, they can eventually repay their loans.

All FmHA borrowers who have made no payments for three or more years as of December 31, 1985, or who have failed to properly account for security property, or who have abandoned the farming operation will be sent by registered mail a notice of "Intent to Take Adverse Action." It will cite the specific problem with the borrower's account and require the borrower to respond within 30 days.

When the borrower's response is received, an appointment is set up to review the borrower's financial condition. If one of the servicing options is approved, the notice to take adverse action is terminated. If the borrower fails to respond within 30 days or the servicing options cannot restructure the debt, FmHA will proceed to collect the account. Failure to respond within 30 days also forfeits any appeal rights.

Borrowers who are less than three years delinquent will receive a registered letter requiring them to contact the county office within 30 days to make an appointment to try to work out their loan problems. The same list of servicing options will be available to them. These borrowers will not receive a notice of intent to take adverse action.

The idea is to have the farmer and the FmHA county supervisor sit down together and develop a workout plan that yields a payment schedule that can be handled within the farmer's cash flow.

In addition to the options in the FmHA regulations, the Farm Bill contains a number of provisions that are presently being analyzed. They include the softwood timber section, conservation easements, and the homestead provisions.

Only after every option has been tried and failed will there be any move toward additional action. Even then, the borrower has a right to appeal FmHA's decisions.

It is expected, that with all the options and assistance available to FmHA borrowers, many will be able to work out of their financial difficulties. There are some who are so far behind that no amount of assistance can help. Of course, we cannot estimate the number of farmers that will be in that category until we have made every effort to help them work out a reasonable solution to their problems.

Mr. Chairman, this FmHA forbearance policy offers borrowers much more assistance than the policy of any other lending institution that I am aware of. The 5-year deferral option alone offers more relief to borrowers than typical state moratoriums which, at best, prohibit foreclosure for a year if the borrower can make interest payments.

I believe the Farmers Home Administration is making every possible effort to assist its seriously delinquent farmers under these regulations. Predictions by some of massive foreclosures under these regulations are unwarranted in my view.

We believe we are making a fair, reasonable and equitable attempt to provide every possible assistance to farmers who are behind in paying their debts to the government while, at the same time, carrying out our responsibilities to the Nation's taxpayers.

A TRIBUTE TO SENATOR JAMES O. EASTLAND

Mr. COCHRAN. Mr. President, last Friday, on February 21, funeral services were held in Ruleville, MS, for my distinguished predecessor in the Senate, James O. Eastland. On that occasion, Bill Simpson, who is a former member of the staff of Senator Eastland, delivered a eulogy. It was outstanding in many respects. It was eloquent, it was appropriate, it was from the heart.

Bill Simpson has been a tremendous asset for our State of Mississippi during the time he served as a member of the staff of Paul B. Johnson, Jr., who was Governor of our State, and as a member of the staff of Senator Eastland. On this occasion, he demonstrated again his great ability and his good judgment, and I am rising today to commend him, not only for the excellent eulogy which he delivered at Senator Eastland's funeral, but for his many years of dedicated service to the people of the State of Mississippi.

I ask unanimous consent that a copy of Bill Simpson's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

A TRIBUTE TO SENATOR JAMES O. EASTLAND

(By Bill Simpson)

At a dinner on the gulf coast I said that three of the linch pins in my life were my brother—Jim—Senator Eastland—and Governor Johnson.

It occurs to me—on this sad morning—that the Senator was an irreplaceable link in many lives—those of the high and mighty—and those of countless plain people. Eight Presidents achieved historic accomplishments through his leadership—and deserving citizens received Social Security checks because he cared.

I have always believed that one of his great strengths was the fact that he was a farmer. He brought the farm philosophy to living and working—to his actions in the political arena—to his relationships with men and women from every strata of society.

One of the many invaluable things I learned from him is that power is not evil—only its misuse is evil.

I was present when he employed the power and influence he had earned to rebuild lives and property smashed by storms and flooding. I was there when he waged successful battles to protect agriculture—to advance education—to promote our counties and communities—to guard our economic and financial systems. I saw him preside over the Federal judiciary from the district level to the U.S. Supreme Court. And—I saw him work equally hard to make certain that the individual citizen was not forgotten—or allowed to fall by the wayside.

The name—James Eastland—brings to mind immediately one of the finest of human virtues. I speak of loyalty. His sense of that term was encompassing—it included family—friends—country—State and people. "Friend" was an honored title in his usage. Its translation—to him—meant lasting—indeed—unbreakable.

The Senator was a man—and a leader—who—in my judgment—combined a vital balance between principle and practicality. In any situation where he held a strong conviction—he was immovable. No power or pressure changed his position. But—when the cause was important—and the circumstances right—he used the degree of flexibility required to bring the matter to a successful conclusion.

Should I be asked to describe his attitude toward the many political struggles in which he was engaged—I would use some words I learned long ago. They say:

"O Lord—in the battle that goes through life
I ask but a field that is fair
A chance that is equal with all in the strife
A courage to strive and to dare

"And if I should win let this be the code
With my faith and my honor held high

And if I should lose let me stand by the road
And cheer as the winners go by."

The Senator possessed that rare talent which allows a leader to fight with every resource he can command—and—emerge from the conflict without enemies. His unwavering practice of keeping his word—of total honesty with his colleagues and with citizens—of fairness always—of genuine courtesy and consideration to all—won him the respect—admiration—and affection of thousands from the Halls of Congress to the crossroads at home.

Even in the atmosphere of deep sadness and painful loss that surrounds us here—I suggest that a quiet note of celebration is in order. I believe—as we come to this parting with a man we will miss—it is fitting and proper to reflect—with pride—on a truly full and successful life.

Here is a husband and a father who enjoyed the closest of family ties. This is a family in which real love remained constant through all the years.

Here is a man who left a small town in Mississippi to rise to a position third in the line of succession to the Presidency.

Here is a leader of his Nation and of his State who went to Washington and came back with a spotless reputation.

In sum, our friend reached the top of the earthly mountain—rich in his family and in a legion of friends—successful in his profession—in farming—and in the field of political activity at the highest level.

I submit that any person—in any line of endeavor—would do well to follow the path marked by James Eastland in their public and private lives.

Some of us are given to using terms like "giant" and "great man" too loosely. I want to state to this gathering—as sincerely as I can—my firm belief that the Senator was a giant—a great man—one of the finest and most productive representatives of the people of Mississippi in all of our history.

I would close with a personal note and another of my beliefs.

The Senator will live in Simpson hearts as long as a Simpson heart is beating.

A question—from long ago—asks:

"What doth the Lord require of thee—except that thou do justly—and love mercy—and walk humbly with thy God?"

I am convinced that the Senator met that requirement even as he met many others in the course of the life of a good and decent man.

IN RECOGNITION OF DR. BERNARD J. DUNN

Mr. WARNER. Mr. President, I am pleased today to salute an individual who has done a great deal to enhance our Nation's national security.

Dr. Bernard J. Dunn of Middleburg, VA, one of the three founders of BDM International, Inc., will retire soon from the company that he started just over 25 years ago with his colleagues and friends, Dr. Joseph V. Braddock and Dr. Daniel F. McDonald.

In recognition of his retirement, I would like to take just a moment to recognize someone who has dedicated his career to improving the technical excellence of our Nation's military system.

It's impossible to talk about Dr. Dunn without talking about BDM Corp., a major employer and good corporate citizen in the Commonwealth of Virginia.

More than 85 percent of the company's revenue and earnings are derived from tests, experiments, designs, analysis, research, and systems services intended to strengthen the defense of the United States and friendly and allied nations.

As one of the company's three founders, all with Ph.D.'s in physics from Fordham University, Dr. Dunn established a foundation of technical excellence at BDM which still exists today.

He was the first president of the company, which has grown from 300 employees in 1970 to about 4,000 across the United States and abroad.

Dr. Dunn's insightful studies and analysis are too numerous to mention here, but his technical brilliance in such areas as operations analysis, command, control, and communications analysis, simulation and modeling, infrared research and countermeasures, cost-effectiveness analysis, arms control study, and many others is widely recognized.

Dr. Dunn's initiative and innovation have made him a valued asset for our country's national security.

Most recently, Dr. Dunn has held the position of corporate vice president and chief scientist at BDM as well as being a member of the board of directors.

Upon retirement he will remain on the board of directors.

I am proud to recognize the accomplishments of this outstanding individual and ask my colleagues in the U.S. Senate to wish him the very best in the future.

TRIBUTE TO SENATOR EASTLAND

Mr. HATCH. Mr. President, I would like to pay tribute to a remarkable man, the late Senator James O. Eastland of Mississippi. Senator Eastland was a patriot, a dedicated public servant, and a loyal father. He was proud to be called an American; possessed a rare love and respect for the U.S. Constitution; and spoke out continually in favor of a strong national defense. He was a dominant political force in Mississippi and in Washington, DC. He will be missed by all who knew him.

After my election to the Senate in 1976, I had the distinct privilege of being tutored by Senator Eastland in the law while I served on the Judiciary Committee. As a result of our discussions, I also gained a number of valuable insights into the operation of the Senate which helped me to become a more effective legislator. I grew to love and respect his wise counsel and patient, yet firm, manner. His persistent efforts to ascertain the original intent of the framers, who drafted the Constitution, has served as a guide to me while chairing the Subcommittee on the Constitution. I will always be in his debt. He was a trusted friend and colleague.

Born in Doddsville, MS, Senator Eastland was raised in the town of Forest. As a student he attended the University of Mississippi and the University of Alabama. He passed the Mississippi bar exam after studying law under the tutelage of his father.

He served two terms in the Mississippi Legislature from 1928 to 1932. In 1932, the same year he began managing the family's 5,400 acre cotton plantation in Sunflower County. Senator Eastland married Elizabeth Coleman. They had four children: Nell, Anne, Sue, and Woods Eugene.

In 1941, Senator Eastland was appointed by former Gov. Paul B. Johnson, Sr., to fill a seat in the U.S. Senate left vacant by the death of Senator Pat Harrison, who died on June 22. In 1942, he was elected to the Senate and served for six consecutive terms.

During his years of public service in Washington, DC, Senator Eastland served as chairman of several important subcommittees, including Immigration, Soil Conservation and Forestry, and Internal Security. In 1956, he assumed chairmanship of the Judiciary Committee. He served in that post for 22 years. No one in the Senate has ever served in a chairmanship for a greater number of years.

As chairman of the Judiciary Committee, Senator Eastland upheld a standard of fairness which earned him the respect and admiration of his colleagues. He also served as president pro tem of the Senate from 1972 to 1978. The Senate greatly benefited from his service in Washington. My sympathies, as well as those of my wife, Elaine, go to his wife, Elizabeth and their four children.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENDING ROUTINE MORNING BUSINESS UNTIL 2:30 P.M.

Mr. DOLE. Mr. President, I ask unanimous consent that routine morning business be extended until 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:30 P.M.

Mr. DOLE. Mr. President, in view of the fact that there will be a briefing on the Philippines for Republican and Democratic Senate leaders by the Secretary of State and Mr. Habib, which is going to start here in a few moments, I ask unanimous consent that we stand in recess until 2:30 p.m.

There being no objection, the Senate, at 1:31 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. PRESSLER].

Mr. DOLE. Mr. President, the briefing with the Senate and House Republican and Democratic leaders on the Philippines is still in progress with the leadership of the Senate and House, as I have indicated, in S. 407.

Since a number of those Senator are also interested in TV in the Senate I think we would be best served by extending the recess until 3:15 p.m.

RECESS UNTIL 3:15 P.M.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess until 3:15 p.m. today.

There being no objection, the Senate at 2:31 p.m., recessed until 3:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. HECHT].

RECESS UNTIL 4 P.M.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, since a number of Members are still being briefed on the Philippine problem and there are a number of other meetings going on involving direct participation of Senators, I move we stand in recess until 4 p.m.

The motion was agreed to and, at 3:15 p.m., the Senate recessed until 4 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. HECHT].

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. I yield the floor.

VISIT TO THE SENATE BY TURKISH PARLIAMENTARIANS

Mr. PRESSLER. Mr. President, it is my pleasure as the chairman of the European Affairs Committee to have hosted a coffee this afternoon for some Turkish Parliament visitors. We are very honored to have them with us. They are on the Senate floor.

I am proud and extremely privileged to present six senior Turkish parliamentarians to the U.S. Senate. They are Mr. Umit Haluk Bayulken, Mr. Ismet Ozaslan, Mr. Bulent Akarcali, Mr. Ogan Soysal, Mr. Halil Ibrahim Karal, and Mr. Kamran Inan.

Our fellow parliamentarians are meeting this week with Vice President BUSH, Secretary of Defense Weinberger, Deputy Secretary of Defense Taft, Assistant Secretary of Defense Perle, Under Secretary of State Armacost, and the Armed Services Committee, among others. The Senate Foreign Relations Committee hosted a coffee this afternoon for them at 3 p.m.

We are, indeed, privileged to have our Turkish colleagues meet with us at the beginning of what may be our most effective year of bilateral cooperation ever. Over the past few years, United States-Turkish relations have improved greatly, and we expect that 1986 will be even more encouraging.

Of course, at the base of our long relationship has been the extremely close United States-Turkish cooperation in NATO. The United States cherishes Turkish support in the protracted struggle against communism. Indeed, Turkey fought at our side in Korea, just as the United States worked to strengthen Turkey against the Communist menace in the immediate post-World War II period.

Recently, the United States-Turkish relationship has strengthened and deepened across a variety of fronts, not just the strategic. The United States has supported the difficult steps that Turkey has undertaken to turn its economy around, and warmly applauds the significant drop in inflation and the impressive real growth in GNP. The United States is also impressed by Turkey's serious attempt to reduce its budget deficit and foreign debt.

In terms of trade, the United States is appreciative of Turkey's moves to drop its tariff and nontariff barriers, and its general encouragement of foreign investment. Indeed, there appears to be no impediment to a significant increase in United States-Turkish trade and commerce, although there are some small areas such as steel and textiles where further progress can be made.

In addition, the United States has been impressed with the progress that has been made on human rights issues. My fellow colleagues share a recognition of how important are the cherished ideals of democracy, due process, and pluralism that are common to the United States and Turkey. Indeed, Mr. Akarcali of this delegation can take special pride in his efforts on this issue. He chairs the parliamentary, multiparty committee set up to investigate prison conditions. His effort, comparable to blue ribbon commissions in the United States on prisons, has just recently published its first report. We applaud this effort, and look forward to subsequent reports.

Finally, I am personally very appreciative of the efforts that have been made by the Turkish Government, its leadership, and its citizenry in improving bilateral ties with Greece. The Prime Minister initiated the dialog by beginning discussions with the Greek-American community in the United States, and by meeting with senior officials of the Greek Orthodox Church. Such discussions are extremely important in reducing an unfortunate legacy of misunderstandings that has marred bilateral ties, and complicated relations with the United States. I warmly encourage your future progress in this area, and know that the United States will continue to support its two important allies in the eastern Mediterranean.

I wish to express great welcome to our guests from the Turkish Parliament.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Allow me at this time to join in extending a very, very warm welcome to our distinguished visitors. [Applause.]

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. First, I want to join in welcoming our friends from Turkey, and I hope that Turkey, Greece, and the United States ever working together can particularly solve this very difficult Cyprus problem. I think it will improve relations all the way around. We applaud your presence here, and we are very pleased to have you.

SPOUSES DIVIDED BY SOVIET UNION

Mr. SIMON. Mr. President, I want to also call attention to Members of this body to the reception that is just commencing in room S. 207 for divided spouses. Some of them have been united, thanks in part to the help of my colleagues have given here in letting the Soviet leaders know that this is important. Some of those who will be in the reception are people who have yet to be with their spouses. There is perhaps nothing more basic than when you get married, you ought to be able to be with your spouse. Yet, for reasons that defy logic that is not always the case.

They are a remarkable group of people—courageous people who have wanted to live normal lives, but because of what nations have done to stand in the way, that has not been possible.

I urge my colleagues who hear this on the speaker system in their offices to join in this reception—we would appreciate it—to honor some very courageous Americans, and people who have joined us from the Soviet Union to recognize that there is a continuing problem.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TV IN THE SENATE

Mr. ARMSTRONG. Mr. President, my desire to speak for a few minutes.

Have we closed morning business?

The PRESIDING OFFICER. We have not.

Mr. ARMSTRONG. Very well.

Mr. President, I wanted to take a moment to bring Senators, and others who may be following this in their offices over the closed-circuit audio system, a quick report of where I think we are on the television issue because I had indicated to a number of our colleagues that perhaps there might be some action forthcoming this afternoon.

It appears that will not be the case.

I think it is the intention of the majority leader to come to the floor presently and then, after a transaction, perhaps, of routine morning business, to take us out until tomorrow without any action this afternoon on the television issue.

As Senators know, a controversy is really starting to brew up over the question of the rules changes which had been attached to the underlying television proposal, rules changes which in the view of some are killer amendments, which I hope, myself, can be modified or taken off the resolution so we can get on with the underlying issue of televising the Senate.

Senators know that I have pending somewhere, at least at the desk if not pending, the amendment Calendar No. 420, which, in effect is the proposal recommended by the Senate Rules Committee. It just provides for pure vanilla television for a test period with no accompanying rules changes.

There is now pending before the Senate a proposal which incorporates not only television but a number of rules changes. I will not take time to speak on those now because I have previously outlined my concern. When we get back to it, I will speak at greater length.

In addition to the two amendments I have sent to the desk for printing, one to strike language relating to the germaneness requirement, and a second to strike language relating to the motion to proceed, I will also in due course send to the desk an amendment which would strike the last few lines of the amendment providing for expedited, fast-track handling of future rules changes. I hope Senators will really think about this because perhaps of all of the proposed changes in the rules of the Senate which concern me, this is the one which is really alarming.

If I understand it correctly, it would simply provide when the Rules Committee reports a package of rules changes, which might or might not include television, which might or might not include any of the changes already suggested by this resolution, and might be on any subject, might amend every rule in the book, that there would be only 20 hours of debate, there would be no opportunity for filibuster, and by a simple majority vote we would adopt that proposed rule.

It is my belief that that kind of a time bomb ticking away would not be in the best interest of the Senate and that it clearly ought to be eliminated or modified in some way.

I honestly do not think it was the intention of the sponsors of the pending amendments to create quite such a fast-track procedure. I would have no objection, for example, to a fast-track procedure that related only to things that were adopted by the Senate first in the regular way, after cloture, if that becomes necessary. But the notion of just an open-ended, any rule change, precloture process would not be agreeable to me.

Let me just state that specifically.

As it now reads, if I understand it correctly, any rules change which is brought to the floor or offered as a floor amendment under this resolution would be brought to a final vote after no more than 20 hours of debate and adopted or defeated by a majority of those voting, presumably by a vote of 51 Senators but conceivably as few as 26 if only a bare quorum were present.

While I do not have that amendment with me today, I will have it at the appropriate time.

Other than that, Mr. President, may I say that while there is an increasing sense of urgency among Senators who do not wish to see the rules amended at this time in the sweeping and dramatic manner proposed by the pending amendment, there remains, I think, a spirit of accommodation and a great desire to see if we cannot work something out. I want to get these amendments off of here, but I also want to work with my colleagues, some of whom think it is important that we have some changes in the rules. I will be trying overnight to meet with Senators to see if we can come to some agreement so that we can head off filibusters, so that we can head off a collision of wills and end up with a proposition that if not every Senator can support at least 80 or 90 of us can do so.

I yield to my colleague from South Dakota.

Mr. PRESSLER. I commend my colleague for the work he has done on this. I want to address a question to him. I am one of those who favors TV in the Senate and I favor rules changes, too. I hate to see one trip the other one up.

It seems as though we are in the situation where everybody says they are for TV in the Senate and everybody says they are for rules changes, but some have one little detail on one or the other. It is almost a parliamentary tactic to tie these together so that it almost guarantees that both will fail.

Why not have a vote on TV in the Senate and then have a vote on rules changes?

Mr. ARMSTRONG. I would say to the Senator I think that would be a very good process. In fact, it may work out in that way.

The Rules Committee, after looking at a range of proposals for television in the Senate and for rules changes, decided that tying the two together was not a good idea and sent to the Senate for its consideration a test of television with the understanding that permanent television would await the outcome of the test and during that time there would be further consideration of what changes in the rules, if any, were necessary and desirable.

I share the Senator's concern that there is sort of a reverse synergism here, that by tying the two together we make the passage of either revised rules changes or television less likely.

I am not sure of the Senator's feeling on each of the changes. I favor two of the proposed changes and am vigorously opposed to the other three.

Mr. PRESSLER. What about agreeing to six rollcall votes, one on TV and one on the five rules changes? Then we would settle the whole thing. What is happening here, and I am frustrated, is that under the cloak of tying these two together and under the cloak of some people objecting to one or the other in this line or that line, the whole thing is falling down and we are tied up in the Senate. Could there be a unanimous consent agreement that we will have six votes, one on TV on the Senate and one on each of the five rules changes and that would settle it, rather than tying them all together in one vote?

Mr. ARMSTRONG. I say to my colleague that is a possibility. I do not know if there are going to be five or six votes, but there will be, in my opinion, at least several votes, unless we are able to arrive at a package which is generally agreeable. I think that is at least a possibility, too; we are going to be working on that overnight. It would be my purpose tomorrow, or at whatever is the appropriate time, to offer an amendment to strike from the package one of the provisions which I personally find offensive. Presumably that would come to a vote in due course. Then another and another.

As a prelude to that, possibly as an alternative to the procedure the Senator has suggested, we are going to try to put together a package which would be agreeable to all, or at least a high majority of Senators.

One of the things that is interesting, I say to my friend from South Dakota, is that the objections to some of these rules changes, particularly to the three that I have previously mentioned, span the gamut of Members of both parties, those Senators who are generally thought of as the most liberal and those who are generally thought of as the most conservative expressing alarm about the drastic change in the procedures accompanying these rules. They are drastic changes. For that reason I hope we will approach it with some caution.

Mr. PRESSLER. I have previously said that if we bring TV into the Senate we would probably have a lot of rules changes in the form in which we do business on the Senate floor. Maybe we would not. I find it unfortunate that this issue is so blurred that it is going to fall by its own weight, having so much attached to it.

I have been mildly irritated by the fact that we have these things tied together. Why do we not attach rules changes to the defense appropriations bill or to the agriculture bill?

Mr. ARMSTRONG. I urge the Senator not to raise that for fear that it might happen.

Mr. PRESSLER. I think we are obfuscating the issue here. I would hope that the leadership, and the Senator is part of our distinguished leadership, will find a way that we Members in the back benches can vote on this, on each of the issues up or down. If there are six issues let us vote on them. I am sure the leadership in this room are skillful enough to arrange such a series of votes.

Here is another skillful leader, the Senator from Mississippi, who is with us. With all the skillful leaders here except me, everybody holding a leadership title except me, I am sure that such skill would bring it to five or six votes shortly.

Mr. ARMSTRONG. I thank the Senator for the encouragement that he has given to those of us who are trying to televise the Senate.

Mr. BYRD. Mr. President, I compliment the distinguished Senator from Colorado. He has indicated that there is a problem for some Senators in respect to certain provisions that are written into the package that is before the Senate, and specifically with regard to those that appear at the end, which provide for the "fast track" to use the distinguished Senator's expression. He has put his finger on an area that could stand some modification. I shall be working toward that end and with him, may I presume to hope.

The distinguished Senator from South Dakota [Mr. PRESSLER] asks why we do not use a defense appropriations bill or an agriculture appropriations bill to use as a vehicle for rules changes. I hope we would not pursue that course. I think that changes in the Senate rules, if there are to be changes, should be subject only to the decision of Senators; whereas, if there were an effort to attach a rules change to, say, a defense appropriations bill, then we would be letting the House of Representatives have a voice in rules changes in the Senate. We would also be sending that same package to the President's desk. He could veto the package. I do not want any President to be in a position either to veto or to indicate approval with respect to Senate rules changes.

The other proposal that the distinguished Senator from South Dakota made was that we agree to have separate up or down votes on TV in the Senate and on the rules changes in the measure before us—and soon. I think that is a good idea. Let the Senate work its will on each of those proposed rules changes and on TV in the Senate.

Let me say to the Senator from Colorado, the bottom line of what I want is TV in the Senate. In other words, the package that the Rules Committee reported out I can vote for; I have no problem with that. But I do know that there are Senators who want rules changes, and I, personally, feel that there should be some rules changes, whether or not we have TV in the Senate. I think the rules changes proposed by Mr. DOLE and I in the package before the Senate would be useful, particularly useful in the event of television in the Senate. I think those rules changes would require the Senate to shape up its act and conduct its business in a more expeditious and effective way as the American people look at the television set.

In any event, may I say to the distinguished Senator from Colorado and all Senators: That is my bottom line. If we cannot have the rules changes, I want still to have the trial period for television and radio coverage of Senate debate. I say once again, however, that there are rules changes that I believe—after having served both as majority leader and minority leader—are really overdue. I speak especially with reference to those that pertain to Senate rule XXII.

Most of us would probably agree on changes that would do away with the postcloture filibuster, which is the real filibuster. A filibuster has really just begun when the Senate invokes cloture, as we have seen in recent years.

I certainly want to work with Senators to see if we cannot reach a decision on these things sooner rather than later. Perhaps we could allow the Senate to work its will on the proposals that are in the legislation now before the Senate.

I hope we can get together this afternoon and try to resolve this.

Mr. ARMSTRONG. Mr. President, if the leader will yield, let me affirm that I share his sentiments. I am cautiously optimistic that we are going to be able to put together a package. I know that he has really advocated this, both in public and in private. What he has described as his bottom line, which is television in the Senate, is mine as well.

Mr. BYRD. I thank the distinguished Senator. I hope the Senate will, in the final analysis, approve more than just the bottom line of TV in the Senate. But whatever the Senate's will is, I can accept.

I yield the floor.

Mr. SIMPSON. Mr. President, I commend Senator BYRD on his comments, which I listened to. I happen to have heard some of Senator ARMSTRONG's remarks also, and Senator PRESSLER's. I share with my friend from South Dakota, my neighbor, the hope that we will get to some votes on this issue in one way or the other at some point, because we need to do that.

I must say that I speak only for myself when I say that, having managed bills on this floor, I enjoy legislating—it is more fun than anything else except it is the driest form of human endeavor if done correctly. This is legislating. It means hearings; it means meetings; it means compromising while not compromising yourself; it is the gut kind of hard work. It is not the camera; it is not getting your suit bleached out while you try to have an eight-camera hearing that so many in this place are skilled at. It is hard work, but very gratifying when you see something go through both bodies and obtain the signature of a President.

So I hope, in view of that, that we will deal with some rules changes. In my mind, many of them seem minimal but are so critically important.

We are getting near the close of today's Senate business. I hope we can get to that. But I would really appreciate it if someone could furnish me some remarkable tome or treatise on why it is good to be able to filibuster the motion to proceed.

I really do not want to hear too much about it right now, but perhaps someone could scribble it on the back of a matchbook and tell me why that is good for the U.S. Senate, unless, of course, you are just interested in a little raw, potent obstructionism, which can really gum up any leadership operation like the simple phrase, "Gee, I like that bill, but I am going to have to filibuster the motion to proceed."

I knew that I would create an interesting discussion at this point, Mr. President. It was a harrowing thing for me to do. I wish I had waited until the Senator from Colorado had retired to his chambers, but he did not, and now I am going to get the whole load.

Mr. ARMSTRONG. Mr. President, if the Senator will yield to me, he is not going to get the whole load, but since he asked for a tome, I would like to hand to my friend from Wyoming a "Dear Colleague" letter which attempts to discuss in a thoughtful, not an inflammatory way why the opportunity of Senators to filibuster the motion to proceed is an important prerogative of Senators.

I will not take time to discuss it at length except to say that the notion that it is used primarily for obstruction of the work of the Senate I think is a misunderstanding of what actually happens around here. On only 41 occasions in the last 60 years has cloture even been sought against debate on the motion to proceed, but what happens 41 times every month, maybe every week, is that a Senator will send in a hold, in effect saying to his leaders, "Please reserve my right to object when the motion to proceed is raised." That is a signal that he wants to be consulted and he wants to be brought into the process, to get into the scheduling, to have an amendment qualify. Where it really works, let me say to my friend from Wyoming, the distinguished assistant leader, is on a bill where nobody cares except two or three Senators. And a classic example of it which I cited last week but I would like to cite again—I think perhaps the assistant leader was not on the floor when I did so—is a bill like the Colorado wilderness bill or the Wyoming wilderness bill where 98 Senators do not care but two care deeply and the reason that they get together is precisely because they know that neither of them can move the bill on his or her own. In a specific case, in the Colorado wilderness bill during the time when our party was in the minority, I say to the Senator, I could not agree with my senior colleague in Colorado on the terms of the bill, and yet he could not bring it to the floor because every Senator, even a minority Senator, has the right to filibuster the motion to proceed.

Then subsequently when our party took control of the Senate, we could not bring a bill over his serious objection for the same reason. The effect of it was to force us to get together and work out a bill which when it finally did come to the floor did not occupy as much as 5 minutes, in fact maybe not 3 minutes, of the Senate's time. I believe that is the real purpose and underlying meaning of this opportunity to filibuster the motion to proceed. I honestly think those who feel it is delaying the work of the Senate are shoveling smoke because the record simply does not bear out the belief that it is frequently used in that way. As I say, only 41 times in half a century has there been a motion of cloture filed, and it is a valuable protection.

Now, you might say, if it only happened 41 times that we have had a cloture petition filed on this, maybe the opponents of this change are shoveling smoke, too, but I think not. I think the very fact that we rarely have such filibusters shows that our present system works pretty well. There is, if my friend would indulge me just a moment longer, an abuse in the process which I would like to clean up and I think he would, too, and that is this business where Senators call into the Cloakroom and say, "I want to put a hold on that bill" and then leave town. I think they have some right to be protected, and I believe the assistant leader and the leader are faced with that all the time. I do not endorse that for a minute. I think, by gosh, if a Senator wants to be protected, that means his rights are protected; he has a right to be notified when the matter is coming up and, if he wants, to be on the floor to say so on his own behalf and not have his leaders protect him for an indefinite period of time. But that abuse could be corrected without a rules change.

And so I thank my friend for yielding. I am going to hand to him, if I may, a written explanation of why I think this is an important prerogative of Senators and hope as he reflects upon it he will agree.

Mr. SIMPSON. Mr. President, I will read it and I will do it attentively. I appreciate it because I admire the Senator from Colorado. I work with him and know how able he is. I must say, if the issue has come up only 41 times, at least I can say in the last 5 years it has been my experience that it is becoming an art form around here as to filibustering the motion to proceed. It may not have been so 10 years ago or 20 years ago. I would love to hear the minority leader in his remarkable history of the Senate maybe, if he could, advise how many times that may have been done before we have made it such a device. But I just know from my own personal knowledge in the last 5 years, when you have the filibuster threat on a motion to proceed you are effectively tying up the Senate for 1 or 2 weeks. I do not see where that is good for the business of the Senate or how the Senate can work its will properly when you have two filibusters instead of one. We are not denying anyone, two Senators particularly, small States like my own, from doing whatever they need to do under the filibuster because they get that opportunity. When did we come to this double-layering process? That is the disturbing thing, if we are talking about quality of life in the Senate.

Mr. BYRD. Mr. President, will the distinguished assistant Republican leader yield?

Mr. SIMPSON. Indeed.

Mr. BYRD. Anent the quality of life in the Senate, I think that once in a while we ought to consider the quality of life for the majority leader. The mere threat of a filibuster on the motion to proceed is going to impact on that leader's thinking and on his action, because, otherwise, he can more efficiently and effectively schedule the program of the Senate. But if he is faced with a threatened filibuster on a motion to proceed to a matter, then he may not elect to proceed to take up such matter. Time and time again when I was majority leader I would go to the leader on the other side, Mr. Baker, and I would say, "How about this calendar order; we would like to go to that." He would say, "Well, I cannot agree to proceed by unanimous consent because I would have to check that out with another Senator." And I would say, "Well, how about calling him on the cloakroom line and see if he will give that approval." And he would say, "Well, he is out in Chicago, or he is out in the Midwest, far West or up North, or maybe out of the country and I cannot reach him." So faced with that kind of situation, then I had to try to call up something else. That is where his problem lies.

As to having a second chance at the filibuster, of course, there is more than a second chance because aside from the filibuster on the bill or resolution itself, once the Senate acts on it, the Senate can have three additional filibusters in getting the bill to conference—the motion to insist, the request for a conference with the other body, and that the Chair appoint the conferees. These are three separate motions, really, if they are divided, and a filibuster could be had on each of those three motions. And then, of course, when the conference report comes back before the Senate, there can be another filibuster or filibusters.

So there are ample places along the way where filibusters can develop. As to "holds," there is no Senate rule with respect to holds. There is a custom of honoring a Senator's request that a hold be placed on such a measure; but even so, the leader is not bound to recognize that hold for a moment or a few days. In most instances, as it has been stated, Senators request holds on bills so that they might be assured that they will be informed or contacted so they can be present when the matter is called up, or have an opportunity to offer an amendment. Most holds are for those purposes. But for a Senator to put a hold on a measure and just keep it there, 2, 3, or 4 months, thinking that that hold protects him from its being

called up, it is a only matter for the leadership to decide. The Senate itself is not bound.

If the leadership wishes to notify a Senator at some point that the leadership is going to have to proceed with a given measure, that is as far as a hold can really be effective.

Mr. SIMPSON. Mr. President, I appreciate the information from the minority leader. He is always helpful.

I will have three more arrows in my quiver now, when we get to that type of situation.

He is right. Whether he is the leader of this body, as he has been in the past, or whether it be our present leader, or whoever the leader is here, you have to have the machinery to do that. There are many, many ways to obstruct it. At some point, we have to deal with that honestly, and this is an opportunity, perhaps, to do so.

I am now very much in favor of television in the Senate. I was not at first, because of various things I will not go into at this time, but I am now a convert, and we are always good converts.

Mr. GORE. Mr. President, will the Senator yield?

Mr. SIMPSON. I yield.

Mr. GORE. I thank the Senator for yielding.

Mr. President, I have been following the debate today about television in the Senate, and on previous occasions I have spoken in strong support of moving forward expeditiously toward television in the Senate.

Frankly, in spite of the opposition which has been expressed to various parts of the pending resolution, I feel some increased optimism that we are on a path that will lead to televising the Senate.

An important statement of the reasons why we should take that step was in today's edition of the Washington Post, on the editorial page, and I ask unanimous consent that the editorial to which I refer be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 24, 1986]

STAY TUNED FOR THE SENATE

Do you remember how much handwringing and worrying went on when the House Judiciary Committee decided to allow television coverage of impeachment proceedings in 1974? Even some politically knowledgeable people were concerned that members would grandstand, hog the camera and destroy the decorum of these extremely serious meetings. Instead, committee members rose to the occasion and brought credit to themselves and the House in allowing the American public to observe every step of the process. By 1979, the House had begun televising proceedings on the floor.

The Senate, meanwhile, has been relatively camera shy. Television coverage of committee hearings is allowed, but cameras are barred from the floor. After years of wrangling over whether to amend this rule, it now appears that senators are ready to take the big step. Some worry, though, that many Senate rules, devised in a more leisurely era, will make them look anachronistic, even foolish. Plans are being made to change some of these rules in preparation for television—to "clean up our act," says Sen. Robert Byrd—and that's fine.

There's no reason for lengthy, delaying quorum calls, for example, and more disciplined scheduling could be instituted. Nongermane amendments might have to go and electronic vote counting be adopted.

Hesitant legislators should have more faith in the viewing public. The people who would sit for hours watching the Senate debate are likely to be intelligent, involved citizens and fans of the legislative process. Within a single session many will be second-guessing the parliamentarian and futilely trying to prompt the debaters. They may be horrified by arcane rituals, inefficiency, and bluster, but they will understand and accept the rules that make sense.

As for the lense-louse factor—the fear on the part of some senators that others will pose and pontificate—the public will not be fooled. In years of watching televised committee hearings we all remember certain senators whose very appearance on the screen caused millions of viewers to rush to the bathroom, head for the refrigerator or go downstairs to move the laundry from the washer to the dryer. Television enables us to separate the wits from the windbags, and it is the former who have the most to gain by allowing coverage. Let the cameras roll.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on February 21, 1986, during the adjournment of the Senate, received messages from the President of the United States submitting sundry nominations and withdrawals, which were referred to the appropriate committees.

(The nominations and withdrawals received on February 21, 1986, are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on February 24, 1986, during the adjournment of the Senate, received a message from the House of Representatives announcing that pursuant to the provisions of section 2211 of title 19 of the United States Code, and upon recommendation of the chairman of the Committee on Ways and Means, the Speaker has selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 2d session of the 99th Congress: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. JENKINS, Mr. CRANE, and Mr. FRENZEL.

MEASURE HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent until the close of business February 26, 1986:

S. 2085. A bill to amend the Agricultural Act of 1949 to require that milk assessments be increased during fiscal year 1986 to meet any deficit reduction requirements for milk price-support levels.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2510. A communication from the Deputy Associate Director of the Minerals Management Service transmitting, pursuant to law, a report on 23 refunds of excess oil and gas lease royalty refunds; to the Committee on Energy and Natural Resources.

EC-2511. A communication from the Administrator of the General Services Administration transmitting, pursuant to law, a lease prospectus for the Social Security Administration in Wilkes-Barre, PA; to the Committee on Environment and Public Works.

EC-2512. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on the status of Department of Defense guaranty loans to various countries for the procurement of defense articles; to the Committee on Foreign Relations.

EC-2513. A communication from the Chairman of the D.C. Board of Elections and Ethics transmitting, pursuant to law, notice of the submission of a referendum petition relative to suspension of 1985 amendments to the Compulsory/No Fault Motor Vehicle Insurance Act of 1982; to the Committee on Governmental Affairs.

EC-2514. A communication from the special counsel of the U.S. Merit Systems Protection Board transmitting, pursuant to law, a report on allegations of violations of regulations and mismanagement by officials of

the Office of the Chief of the Army Reserve; to the Committee on Governmental Affairs.

EC-2515. A communication from the special counsel of the U.S. Merit Systems Protection Board transmitting, pursuant to law, a report on allegations of mismanagement and a danger to public health at the Chinle comprehensive Care Facility, Indian Health Service, Chinle, AZ; to the Committee on Governmental Affairs.

EC-2516. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the annual report on competition in contracting; to the Committee on Governmental Affairs.

EC-2517. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "GAO's Annual Report on Activities of OPM, Fiscal Year 1985"; to the Committee on Governmental Affairs.

EC-2518. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "1980 Multiemployer Pension Amendments: Overview of Effects and Issues"; to the Committee on Labor and Human Resources.

EC-2519. A communication from the Assistant Secretary of Agriculture transmitting, pursuant to law, a report on the annual accomplishments of the Forest Service for fiscal year 1985 and the annual report on forest and rangeland renewable resources planning; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2520. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a confidential report on a foreign military assistance sale to Norway; to the Committee on Armed Services.

EC-2521. A communication from the Assistant Secretary of Defense transmitting, pursuant to law, the annual report on Defense manpower requirements for fiscal year 1987; to the Committee on Armed Services.

EC-2522. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, a report to Congress on the feasibility of application of section 1622 of the Defense Authorization Act of 1986 to persons born before January 1, 1960, who knowingly and willfully fail to register with the Selective Service System; to the Committee on Armed Services.

EC-2523. A communication from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, the Board's Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-2524. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to strengthen aviation security programs; to the Committee on Commerce, Science, and Transportation.

EC-2525. A communication from the Vice President of Amtrak transmitting, pursuant to law, the Corporation's 1986 legislative program and its 1985 annual report; to the Committee on Commerce, Science, and Transportation.

EC-2526. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the I-66 high occupancy vehicle facility; to the Committee on Environment and Public Works.

EC-2527. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Social Security Quality of Services Generally Rated High By Clients Sampled"; to the Committee on Finance.

EC-2528. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide interim financing and borrowing authority, and for other purposes; to the Committee on Finance.

EC-2529. A communication from the Acting Secretary of the Federal Home Loan Bank Board, transmitting, pursuant to law, a report on a proposed new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2530. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-133 adopted by the council on January 28, 1986; to the Committee on Governmental Affairs.

EC-2531. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-134 adopted by the council on January 28, 1986; to the Committee on Governmental Affairs.

EC-2532. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-132 adopted by the council on January 28, 1986; to the Committee on Governmental Affairs.

EC-2533. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-135 adopted by the council on January 28, 1986; to the Committee on Governmental Affairs.

EC-2534. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-136 adopted by the council on January 28, 1986; to the Committee on Governmental Affairs.

EC-2535. A communication from the Assistant Secretary of State (Administration), transmitting, pursuant to law, the annual report on competition advocacy for calendar year 1985; to the Committee on Governmental Affairs.

EC-2536. A communication from the Attorney General of the United States, transmitting five drafts of proposed legislation designed to enhance the competitiveness of American industry; to the Committee on the Judiciary.

EC-2537. A communication from the Chairman of the President's Cancer Panel, transmitting, pursuant to law, the annual report of the Panel for calendar year 1985; to the Committee on Labor and Human Resources.

EC-2538. A communication from the Associate Director of the Information Management and Technology Division, General Accounting Office, transmitting, pursuant to law, a report entitled "ADP Acquisitions-Information on Navy's Personnel and Pay Computer Project"; to the Committee on Armed Services.

EC-2539. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on converting the keypunch function at the Naval Shipyard, Philadelphia, PA, to performance by contract; to the Committee on Armed Services.

EC-2540. A communication from the Executive Director of the Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the Securities and Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1986 through 1988; to the Committee on Banking, Housing, and Urban Affairs.

EC-2541. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, and report on loan, guarantee and insurance transactions supported by the Bank to Communist countries during December 1985; to the Committee on Banking, Housing, and Urban Affairs.

EC-2542. A communication from the Secretary of the Interior, transmitting, pursuant to law, the first annual report on the progress of negotiations on California offshore oil and gas leasing; to the Committee on Energy and Natural Resources.

EC-2543. A communication from the Chairman of the Advisory Committee on Reactor Safety, Nuclear Regulatory Commission, transmitting, pursuant to law, the committee's comments on the Commission's Safety Research Program for fiscal year 1987; to the Committee on Environment and Public Works.

EC-2544. A communication from the Acting Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the annual report on Medicare for fiscal year 1982; to the Committee on Finance.

EC-2545. A communication from the Director of the Office of Technology Assessment, transmitting, pursuant to law, a report entitled "Payment for Physician Services; Strategies for Medicare"; to the Committee on Finance.

EC-2546. A communication from the Acting Administrator of the Health Care Financing Administration transmitting, pursuant to law, a report on a new Privacy Act system of records to the Committee on Governmental Affairs.

EC-2547. A communication from the Director of the Administrative Office of the U.S. Courts transmitting a draft of proposed legislation to improve the operation of the jury selection system; to the Committee on the Judiciary.

EC-2548. A communication from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, a report on the number of waivers of grounds of inadmissibility for refugees under sections 207(c)(3), 212(a)(1), (3), (6), (9), (19), and (28), and a summary of the reasons therefore; to the Committee on the Judiciary.

EC-2549. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, the 1985 report on the administration of the Freedom of Information Act; to the Committee on the Judiciary.

EC-2550. A communication from the Secretary of Education transmitting a draft of proposed legislation to reauthorize the research and improvement activities of the Department's Office of Educational Research and Improvement; to the Committee on Labor and Human Resources.

EC-2551. A communication from the Commissioner of the Rehabilitation Services Administration transmitting, pursuant to law, a report on the conduct of the Projects With Industry Program; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Veterans' Affairs, with an amendment:

S. 2052. A bill to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986 (Rept. No. 99-238).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PROXMIRE:

S. 2087. A bill to amend part B of title XIX of the Public Health Service Act to specify the method of determining State allotments; to the Committee on Labor and Human Resources.

By Mr. HELMS (for himself, Mr. HUMPHREY, Mr. GRAMM, and Mr. EAST):

S. 2088. A bill to amend the Internal Revenue Code of 1954 to deny a taxpayer's personal exemption deduction for a child who lives temporarily after an abortion, and for other purposes; to the Committee on Finance.

By Mr. BENTSEN:

S. 2089. A bill to provide for health education and training in States along the border between the United States and Mexico; to the Committee on Labor and Human Resources.

By Mr. PRYOR (for himself, Mr. WALLOP, Mr. GRASSLEY, and Mr. BOREN):

S. 2090. A bill to provide that the Internal Revenue Service may not before July 1, 1987, enforce its regulations relating to the tax treatment of the personal use of vehicles, and for other purposes; to the Committee on Finance.

By Mr. HATFIELD:

S. 2091. A bill to amend the provisions of the Federal Land Policy and Management Act of 1976 relating to the acquisition of public lands; to the Committee on Energy and Natural Resources.

By Mr. PACKWOOD (for himself, Mr. PROXMIRE, Mr. BURDICK, Mr. QUAYLE, Mr. ABDNOR, Mr. ARMSTRONG, Mr. BOSCHWITZ, Mr. DURENBERGER, Mr. GARN, Mr. HATCH, Mr. KASTEN, Mr. BUMPERS, Mr. DIXON, Mr. FORD, Mr. LEVIN, Mr. MOYNIHAN, Mr. NUNN, Mr. RIEGLE, Mr. SASSER, Mr. DECONCINI, Mr. SPECTER, Mr. PRESSLER, Mr. GRASSLEY, Mr. THURMOND, Mr. GORTON, Mr. EVANS, Mr. GORE, Mr. LEAHY, Mr. SIMON, and Mr. ROCKEFELLER):

S.J. Res. 278. A joint resolution to designate March 16, 1986, as "Freedom of Information Day"; to the Committee on the Judiciary.

By Mr. GORE (for himself, Mr. CHILES, Mr. DOLE, Mr. HOLLINGS, Mr. INOUYE, Mr. NUNN, Mr. QUAYLE, Mr. RIEGLE, Mr. SASSER, Mr. STENNIS, Mr. THURMOND, and Mr. WARNER):

S.J. Res. 279. A joint resolution to designate the month of October 1986, as "Lupus Awareness Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 2087. A bill to amend part B of title XIX of the Public Health Service Act to specify the method of determining State allotments; to the Committee on Labor and Human Resources.

(The remarks of Mr. PROXMIRE and the text of the legislation appear earlier in today's RECORD.)

By Mr. HELMS (for himself, Mr. HUMPHREY, Mr. GRAMM, and Mr. EAST):

S. 2088. A bill to amend the Internal Revenue Code of 1954 to deny a taxpayer's personal exemption deduction for a child who lives temporarily after an abortion, and for other purposes; to the Committee on Finance.

BENEFIT-FROM-HARM DENIAL ACT

Mr. HELMS. Mr. President, I am today introducing legislation, along with my distinguished colleagues from New Hampshire, Texas, and North Carolina [Messrs. HUMPHREY, GRAMM, and EAST], to correct the problem under current IRS rules of allowing taxpayers a dependency exemption in the case of a baby who lives momentarily after an induced abortion and then dies. If parents seek to destroy their own child through abortion, and the abortion momentarily produces a live instead of a dead baby, I do not believe that the parents should be rewarded with a tax break. This legislation, the Benefit-From-Harm Denial Act, will make sure that there are no tax incentives for an abortion resulting in a momentary live birth.

Mr. President, the tragedy which the Supreme Court inflicted on the United States when it legalized abortion in January 1973 is incalculable. Millions of living unborn babies have been killed, women have been mangled, families destroyed, and innocence lost. Congress should act to overcome the Roe versus Wade decision—root and branch—but it does not. Perhaps it lacks the courage, or the wisdom, or the will—frankly, I don't know.

But, Mr. President, with each passing day Roe versus Wade is producing effects in the law so bizarre and so ridiculous that not even a delinquent Congress can fail to see them. Who would ever have thought, for example, that our law would allow parents to take a tax exemption for a dependent—just like any other child in the family—when an induced abortion produces a baby who lives momentarily and then dies? What have the parents done for that poor victim of abortion to deserve a dependency exemption? Have they supported, cared for, or loved their baby in any way that corresponds to what Congress had in mind when it created the dependency exemption?

Of course not, Mr. President. In fact, they have engaged in conduct that was criminal in every State of the Union until the Supreme Court obliterated State abortion laws 13 years ago.

Mr. President, the problem of tax deductions for live birth abortions first came to my attention in late 1984 when I saw an article in the October issue of Fidelity magazine entitled, "Killing the Exemption," by James G. Bruen, Jr. Mr. Bruen described the sordid details concerning the background of Revenue ruling 73-156, which held that a dependency exemption may be taken for an infant who lives only momentarily and for whom a birth certificate is issued. On its face, the ruling did not mention abortion, but its original motivation very much involved abortion.

Mr. President, I ask unanimous consent that Mr. Bruen's article, "Killing the Exemption," from the October 1984 issue of Fidelity magazine, 206 Marquette Avenue, South Bend, IN 46617, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KILLING THE EXEMPTION

Babies born in December are sometimes portrayed as last minute tax exemptions, and we are subjected each April to cartoons that show a father visualizing his tax returns while hugging his children. These depictions are humorous because they contrast with the still widespread (but obviously not universal) perception that children are priceless gifts. We also smile because the typical parent is animated by love, not economics; and we realize that a child is not a particularly good tax shelter since the cost of raising one greatly exceeds the amount of the exemption. Similarly, while the Internal Revenue Service frowns on frivolously claimed exemptions, the occasional report of someone claiming a pet as a dependent gives most of us a good laugh because we recognize the absurdity of equating humans and animals.

In allowing dependency exemptions when the taxpayer supports another person rather than a pet, the tax system incorporates the view that human life is special, that it is set apart from animal life. Or, to use terms that have become controversial, the tax system implicitly recognizes that human life is sacred or holy. And, although the amount of the dependency exemption is now inadequate, its very existence is a statement of public policy on the value of the family: the larger the taxpayer's family is, the less he has to pay; taxes are decreased not increased, because of an increase in the number of individuals in the family that use government services. The dependency exemption, then, can be viewed as inherently prolife, profamily legislation.

Moreover, the parent is allowed the full dependency exemption as long as he paid more than half of the child's support, regardless of the amount of that support or the length of time the child, once born, lived during the year. Thus, a six-year-old child who died early on New Year's Day may still be claimed by his parents as a dependent for the year. Similarly, a premature infant who died immediately after birth may also be claimed. While the six year old

and the premature infant probably received little or no government services during the tax year, while neither child contributed financially to the government, and while probably little of their parents' money was spent during the tax year to support them, a full dependency exemption in these and similar circumstances easily fits within the prolife, profamily characterization.

Indeed, the very issue of the applicability of the dependency exemption to an infant who dies shortly after birth was the subject of an Internal Revenue Service Ruling, 73-156, which appears on its face to incorporate a prolife profamily outlook. In its entirety, that Revenue Ruling states:

"A child was born alive during the taxable year, but lived only momentarily. Under the applicable state law, the child was considered to have lived, and thus both a birth certificate and a death certificate were issued. The medical expenses incurred in connection with the birth of the child were paid for by the parents.

"Held, the parents in the subject case may claim a dependency exemption under section 151 of the Internal Revenue Code of 1954 for their child born alive during the taxable year, even though the child lived only momentarily. For purposes of this Revenue Ruling, a child shall be considered to have lived where applicable state or local law treats the child as having been born alive, and where such treatment is evidenced by an official document, such as a birth certificate."

Even on the face of the ruling, however, all is not well. Its incorporation of the prolife, profamily outlook is only partial: while the ruling allows a dependency exemption "even though the child lived only momentarily," it also allows the states or localities to determine whether a child is "considered to have lived," and, therefore, inplicitly recognizes that it would be proper for a jurisdiction to decide that the child should not be "considered to have lived," and need not be "treat(ed) as having been born alive." This language, of course, raises the "question" of when life begins, invokes the spectre of infanticide, and shows that the ruling is not unequivocally prolife and profamily.

Beneath the surface of the revenue ruling, moreover, lurks an even more vehement antilife, antifamily animus: consistent with the wording of the revenue ruling, the parents of an aborted child who is born alive but who is then killed or allowed to die may claim a dependency exemption for that child. Think of it: parents who try to have their child killed before birth can pay less income tax if their child lives momentarily outside the womb before dying. If the child survives the abortion for a short time instead of dying inside of his mother, the child's killers can receive a tax break.

Does this interpretation of the revenue ruling sound farfetched? After all, proabortion activists generally oppose the issuance of birth and death certificates for the "waste-products" of abortion, don't they? Who would bother to get documentation for the Internal Revenue Service that the child they wished to kill actually lived momentarily after an abortion? Can't we safely assume that dependency exemptions are near the bottom of the list of things that concern aborting parents? Isn't this interpretation just an intellectual exercise undertaken by a lawyer who is able to see problems that don't really exist? If faced squarely with the situation, the Internal Revenue Service surely would disallow a dependency exemption claimed by parents whose child momentarily survived an abortion, wouldn't it?

To help answer these questions, I filed a Freedom of Information request with the Internal Revenue Service to obtain the records that underlie Revenue Ruling 73-156. Although the Internal Revenue Service withheld a number of documents and although it censored those that it did produce, the parts of the record that were revealed include handwritten notations that the case is "sensitive" and "controversial." The "sensitive" and "controversial" nature of the revenue ruling is not, of course, readily apparent on its face, and the uncensored portions of the documents that contain these words provide no explanation of them either.

One public document, however, reveals the reason for those tantalizing characterizations. Before the revenue ruling was issued, the chief counsel of the Internal Revenue Service was asked to concur or comment on a draft of the ruling. That draft was withheld from me by the Internal Revenue Service, but the chief counsel's reply memorandum, G.C.M. 35124, is public. The precise issue that provoked Revenue Ruling 73-156 is stated more clearly in that reply memorandum than in the revenue ruling itself. The memorandum asks: "whether a dependency exemption is allowable . . . to a taxpayer for his child who lived only momentarily after being prematurely born alive in a hospital in an operation to terminate a pregnancy by induced abortion."

The chief counsel's conclusion?

"[T]he subject taxpayer may claim a dependency exemption for his child born in a premature delivery induced by an abortion even though such child lives only monetarily [sic]. . . ."

So, the Internal Revenue Service has already faced the situation squarely, and it allows the exemption claimed by the parents who had their child aborted. But, why didn't the Internal Revenue Service disclose on the face of Revenue Ruling 73-156 that it was dealing with an aborted child? Was that fact unimportant to the Internal Revenue Service?

On the contrary, the chief counsel's comments, written two months before the decision in Roe v. Wade, proposed substitute wording designed to obscure the controversial fact that an abortion was involved:

"[I]n view of the highly sensitive nature of the subject of abortion we suggest that a more general revenue ruling broad enough to cover all live births regardless of their natural or artificial inducement would be the best approach in the subject case. . . . [W]e think that the proposed ruling unnecessarily focuses upon the morally and emotionally sensitive issue of abortion. Thus, we have prepared . . . a draft of a proposed revenue ruling . . . that would cover not only artifically [sic] induced abortion situations but all birth situations in which a child is born alive but lives only momentarily."

The Internal Revenue Service adopted that chief counsel's suggested method of avoiding public indignation and controversy, and his redrafted language was issued thereafter as Revenue Ruling 73-156. By using the tactic suggested by its chief counsel, the Internal Revenue Service successfully swept "the morally and emotionally sensitive issue of abortion" under the rug while simultaneously permitting a tax break to the aborting taxpayer.

One additional question remains, however: How could the Internal Revenue Service decide that the aborted child had been "supported" by the taxpayer? Again, the chief counsel's memorandum speaks for itself:

"Since the only expenditures made by the parents during the life of their child were those in connection with the abortion, the question of support narrows to whether the payment of medical expenses in connection with an abortion constitutes "support" within the meaning of section 152 of the Code. . . .

"Since the Service presumably would not question the existence of parental support where a child is born at 11:59 P.M. on December 31, or where a child dies at 00:01 A.M. on January 1, we do not think the Service should raise the parental support question where a child is born but lives only momentarily, even though such birth was caused by an artificially induced abortion. Any attempt by the Service to question the existence of support in the case of an artificially induced abortion which results in momentary life, but not to raise such a question in other cases involving momentary life, would have to take the form of an arbitrary allocation to the mother of the expenses of medical care attributable to the time period encompassing both the abortion operation and the child's momentary life. We think such an allocation would be extremely difficult to advance in a medical abortion situation where the life of the mother was at stake, and indefensible in litigation since it would, in effect, be reflective of moral rather than legal principle."

I don't know whether to laugh or to cry instead. I surely agree with the Internal Revenue Service that the case involved "parents" and "child" rather than a "woman" and a "product of conception." But the only "expenses incurred in connection with the birth of the child (that) were paid for by the parents" were the expenses incurred to abort the child, thereby ensuring the child's death. Welcome to Wonderland. Perhaps eager abortionists could increase their practices by advertising that they employ techniques likely to result in significant tax savings? To equate killing a child with supporting one is a perversion of the teaching that only in dying do we find life. Why should parents who deliberately kill their child—and provide him no other "support"—be allowed a dependency exemption for that child?

People joke that only two things in life are certain—death and taxes. Under Revenue Ruling 73-156, however, the Internal Revenue Service will let you avoid some of your taxes if you use the proper method to inflict death on your child, and that's not funny.—JAMES G. BRUEN, Jr.

Mr. HELMS. Mr. President, because of Mr. Bruen's article, I wrote the IRS Commissioner on December 31, 1984, and asked him about the applicability of Revenue ruling 73-156 to the situation of a live birth abortion. I ask unanimous consent that my letter to the IRS Commissioner be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 31, 1984.

Hon. ROSCOE L. EGGER, Jr.,
Commissioner, Internal Revenue Service, Washington, DC.

DEAR MR. COMMISSIONER: A constituent has brought to my attention Revenue

Ruling 73-156 and its potential application to babies born alive after abortion. I enclose a copy of an article by James G. Bruen, Jr., which appeared in the October 1984 issue of Fidelity Magazine.

The existing anomaly would seem to be this. Under Revenue Ruling 73-156, parents could claim a dependency exemption under section 151 of the Internal Revenue Code for a child who was born alive and lived only momentarily after an induced abortion, even though the parents never intended to raise a child. Thus, a dependency exemption would be extended to parents whose only "support" for a child was to destroy it through abortion.

Obviously, there are many problems with such an interpretation of section 151. One of the worst may be that, at least in theory, a tax incentive would be provided for parents to seek an abortion in which the child is born alive then dies.

Is the above interpretation of section 151 required by Revenue Ruling 73-156? If so, what is the statutory language or legislative history supporting it?

Thank you for your help in this matter.

Sincerely,

JESSE HELMS.

Mr. HELMS. Mr. President, after many months of delay, I finally got a reply from the IRS dated July 17, 1985. The reply stated that Revenue ruling 73-156 would be clarified by a new revenue ruling and that the original general counsel's memorandum underlying 73-156 would be revoked.

Mr. President, I ask unanimous consent that the July 17 IRS letter and the subsequent Revenue ruling, No. 85-118, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMISSIONER OF INTERNAL REVENUE,
Washington, DC, July 17, 1985.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: This is in response to your questions concerning a potential application of Revenue Ruling 73-156. You have asked about the circumstances under which a dependency exemption may be allowed if a child is born alive and lives momentarily after an induced abortion.

Revenue Ruling 73-156 holds that a parent may claim a dependency exemption for a child born alive during the taxable year, even though the child lives only momentarily. The ruling states that the exemption is allowed only if state or local law treats the child as having been born alive and if such treatment is evidenced by an official document, such as a birth certificate. Although the ruling does not mention abortion, a General Counsel Memorandum (GCM 35124) prepared at the time the ruling was issued suggests that a dependency exemption may be allowed even if the only expenses incurred by the parents are those of the abortion procedure itself.

After a careful review, the Service has determined that Revenue Ruling 73-156 should be clarified and that GCM 35124 should be revoked. The new revenue ruling, clarifying Revenue Ruling 73-156, will conclude that expenses for an induced abortion do not qualify as an item of support.

The clarified ruling will state the general rule that in order to claim an exemption for a dependent a taxpayer must satisfy the requirements of both Section 151(e) and Section 152 of the Internal Revenue Code. Section 151(e) of the Code provides for the year 1985 a $1,040 exemption for dependents who meet the provisions of that Section. Section 152 defines the term "dependent" and establishes a support test as part of that definition.

The ruling will state that a dependency exemption for a child may be claimed by a taxpayer only when it can be demonstrated that the support test of Section 152 has been met. Whether the support test is met is a question of fact and the taxpayer claiming the dependency exemption must show under all the facts and circumstances that over half of the child's support was received from the taxpayer. Expenses attributable to the support of the child, such as medical expenses, qualify as items of support for purposes of meeting the test. The modified ruling, however, will make clear that expenses for an induced abortion are not incurred for the benefit of the child and do not qualify as items of support.

With kind regards,

Sincerely,

ROSCOE EGGER.

SECTION 152.—DEPENDENT DEFINED

26 CFR 1.152-1: General definition of a dependent

Dependency exemption; child alive only momentarily; induced abortion expenses. Expenses incurred to induce an abortion do not qualify under section 152 of the Code as an item of support for a child born alive during the tax year. Rev. Rul. 73-156 clarified.

Rev. Rul. 85-118

ISSUE AND FACTS

Do expenses incurred to induce an abortion qualify under section 152 of the Internal Revenue Code as an item of support for a child born alive during the tax year?

LAW AND ANALYSIS

Section 151(e)(1)(B) of the Code provides for a dependency exemption for each dependent (as defined in section 152) who is a child of the taxpayer and who (i) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or (ii) is a student.

Section 152(a)(1) of the Code provides that the term "dependent" means a son or daughter of the taxpayer, or a descendant of either, over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer.

Section 1.152-1(a)(2)(i) of the Income Tax Regulations provides that the term "support" includes food, shelter, clothing, medical and dental care, education, and the like.

Rev. Rul. 73-156, 1973-1 C.B. 58, holds that a parent may claim a dependency exemption under section 151 of the Code for a child born alive during the taxable year, even though the child lives only momentarily, provided state or local law treats the child as having been born alive and the live birth is evidenced by an official document, such as a birth certificate. The ruling assumes, for purposes of its holding, that the "support" test of section 152 of the Code has been met.

The question of whether a taxpayer has met the support test of section 152(a)(1) of the Code is a question of fact, and the taxpayer claiming the dependency exemption must show, under all the facts and circumstances, that over one-half of the child's support was received from the taxpayer. Expenses attributable to the support of the child, such as medical expenses, qualify as items of support for purposes of meeting the support test. *See* section 1.152-1(a)(2)(i) of the regulations. Expenses for an induced abortion, however, are not incurred for the benefit of the child and do not qualify as an item of support.

HOLDING

Expenses incurred for an induced abortion do not qualify under section 152 as an item of support for a child born alive during the tax year.

EFFECT ON OTHER DOCUMENTS

Rev. Rul. 73-156 is clarified.

Mr. HELMS. Mr. President, these materials which I have put in the RECORD show that the IRS has made some effort to correct the problem of allowing dependency exemptions for live birth abortions. The principal improvment is the new position of the IRS that it will not allow the expenses of the abortion procedure itself to be considered as support for purposes of determining a dependency exemption. But does this change in the IRS position solve the problem as a practical matter?

I don't think so, Mr. President, and here's why. Let's say a parent paid $1,000 for a late-term abortion. A child was born alive, lived momentarily, and then died, and a birth certificate was issued. While the child was alive, $50 in medical expenses were incurred for the child's benefit, and the parent later paid the bill.

Nothing in the IRS letter of July 17 or Revenue Ruling 85-118 would prevent the parent from taking the full dependency deduction for the tax year of the live birth. The $50 of support gets the parent a $1,040 tax deduction, even though the parent killed the child by having the abortion.

Thus, Mr. President, the would-be corrective action by the IRS turns out to be more sterile logic than practical problem solving. The problem of tax breaks for live birth abortion remains, and that is why I am today introducing the Benefit-From-Harm Denial Act. It is virtually identical to H.R. 4041 introduced in the House of Representatives by Congressmen BLILEY and BARTON, with whom I have worked on this problem.

Mr. President, the bill basically accomplishes two things. First, it creates a new rule in the Tax Code that a taxpayer who causes the death of a dependent, including a baby born alive after an induced abortion, will not be allowed a deduction for that dependent. In essence, this part of the bill merely codifies the well-known principle of the common law that a wrongdoer shall not benefit from his wrongful act. It applies not only to the live birth abortion situation but to all situations in which a taxpayer causes the death of a dependent.

Second, the bill changes the Internal Revenue Code to make clear that the definition of medical care in section 213(d)(1)(A) does not include the expenses of an abortion. This change is necessary so that a tax incentive is not provided for abortion by treating its costs like other bona fide medical expenses. Revenue Ruling 73-210 holds in part that abortion expenses are included under the definition of medical care in section 213; this interpretation ought to be reversed. Abortion takes the life of an unborn child, and as such it should not be considered a medical expense for which a tax deduction may be available. American taxpayers should not, even indirectly, promote the deliberate destruction of innocent human life.

Mr. President, as the Senate considers the tax reform legislation we received from the House of Representatives, H.R. 3838, I hope we will also consider the changes to the Tax Code proposed by this Benefit-From-Harm Denial Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Benefit-From-Harm Denial Act".

SEC. 2. DEDUCTION FOR PERSONAL EXEMPTION DENIED FOR SPOUSE OR DEPENDENT IN CASE OF TAXPAYER WHO INTENTIONALLY CAUSES THE DEATH OF SUCH SPOUSE OR DEPENDENT OR FOR CHILD WHO DIES AFTER AN ABORTION.

Section 151 of the Internal Revenue Code of 1954 (allowing deduction for personal exemptions) is amended by adding at the end the following new subsection:

"(g) DEDUCTION DENIED IF TAXPAYER CAUSES THE DEATH OF A SPOUSE OR DEPENDENT.—

"(1) GENERAL RULE.—No deduction shall be allowed under subsection (a) for any amount determined under subsection (b), (c), (d), or (e) with respect to the spouse of, or any dependent of, the taxpayer if the taxpayer intentionally causes the death of such spouse or dependent.

"(2) COURT DETERMINATION OF INTENTIONAL CAUSE OF DEATH.—For purposes of paragraph (1), a taxpayer shall be considered to have intentionally caused the death of the spouse or a dependent of the taxpayer only if the Secretary determines that, on the basis of a criminal conviction of the taxpayer or a civil judgment against the taxpayer in a court of competent jurisdiction, there is a reasonable basis to believe that the taxpayer intentionally caused or substantially contributed to the death of such spouse or dependent.

"(3) DEDUCTION DENIED FOR CHILD WHO DIES AFTER ABORTION.—No deduction shall be allowed under subsection (a) for any child who—

"(A) is born alive after an induced abortion or an attempt to perform an abortion, and

"(B) dies as a result thereof (or of complications resulting therefrom).

"(4) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection."

SEC. 3. DENIAL OF DEDUCTION FOR ABORTION EXPENSES.

Subparagraph (A) of section 213(d)(1) of the Internal Revenue Code of 1954 (defining medical care) is amended by striking out the comma at the end and inserting in lieu thereof the following: "(except for the purpose of abortion unless the abortion was performed to save the life of the mother),".

SEC. 4. EFFECTIVE DATE.

The amendments made by sections 2 and 3 shall apply to taxable years beginning after December 31, 1985.

Mr. HUMPHREY. Mr. President, as an original cosponsor, I want to state my strong support for this bill.

Each and every one of us in this body should be deeply troubled that this bill even has to be introduced. It should disturb all of us that the problem addressed by this bill even exists. As we have seen in various newspaper accounts, and as my distinguished colleague from North Carolina has related, the Internal Revenue Service has allowed an absolutely absurd and morally unconscionable ruling propounded in 1973 to stand to this day. It is time to fully and thoroughly correct the IRS' 1973 ruling and its 1985 clarification.

It is true that the Internal Revenue Service has partially reconsidered some of its earlier decrees regarding the matter at hand. Last year, following inquiries from my distinguished colleague from North Carolina, the IRS reconsidered its appalling 1973 decree. As a result, a parent may no longer claim a tax exemption if his or her child lives briefly after an attempted abortion. I find it difficult to believe that it took the Internal Revenue Service almost 13 years to repeal such a ruling. Imagine, our Government, for 13 years, granted a tax exemption to parents who intended to abort their child, but who had the "misfortune" to have the baby survive at least a few moments.

But we are still left with what amounts to a morally bankrupt incentive to abort one's own child, because the IRS' clarification would permit the exemption if some small support—say, payment for a bed—was provided for the child before she died. All of a sudden, as a result of a botched abortion, what the parent once called "a product of pregnancy," he or she now calls "my dependent." What the parent once viewed as discardable tissue or as a burden that could not be supported, now may be viewed as a tax exemption worth over $1,000.

Clearly, the current status of the law cannot be tolerated, regardless of one's views on abortion. As people who oppose abortion, we cannot approve of persons benefiting from a tax exemption after they attempt to take the very life of their dependent child. Similarly, those who favor "choice"—who favor abortion—will oppose the use of taxpayer money to subsidize a parent who has attempted, but failed, to abort the child, and has not provided a substantial amount of support on behalf of the child.

Mr. President, I appeal to all of my colleagues to correct this unjust and intolerable subsidization of an activity that many of us abhor, and most of us prefer not to promote. Even those who have views opposite my own on the abortion issue cannot defend the proposition that American taxpayers should indirectly fund this hypocrisy. The bitter and cruel irony evidenced by the subsidization of parents who abort their children should not continue. I urge all my colleagues to support this bill.

Mr. GRAMM. Mr. President, today I am pleased to join my good friends and distinguished colleagues, Senators HELMS and EAST of North Carolina and Senator HUMPHREY of New Hampshire, in introducing the Benefit-From-Harm Denial Act. This legislation corrects a glaring loophole in the Internal Revenue Code as well as an apparent anomaly in an earlier Revenue ruling, and further applies the Federal Government's "no-subsidy" approach to abortion to include the nondeductibility of medically unnecessary abortions.

The Benefit-From-Harm Denial Act draws on the ancient common law principle that no person who harms another shall profit from such an action. Even though this principle is widely recognized, it is not written into the Internal Revenue Code making provision for personal exemptions.

This legislation amends section 151 of the Internal Revenue Code to disallow the taxpayer's personal exemption for his spouse or child if the taxpayer intentionally caused the death of his spouse or child.

The Benefit-From-Harm Denial Act also addresses an unusual element of the Internal Revenue Code spawned by a 1973 Revenue ruling (73-156) defining a dependent for purposes of the personal exemption. Under that ruling's broad and ambiguous language, the IRS held that a child who lived only momentarily before death may be claimed as a dependent for purposes of the exemption. However, under this same language, a child born alive as a result of an induced abortion or attempted abortion but who then dies as a result of or due to complications from the abortion would also qualify as a dependent.

Clearly this is a misapplication of the personal exemption; furthermore, no one could reasonably argue that parents are entitled to a dependency exemption for their aborted child

should that child inadvertently be born alive and then die following the abortion procedure. When the intent of the mother is to take deliberate action to prevent having a living child, and when this in fact is the result, it is profoundly inappropriate for the aborted child to be presented for tax purposes as a dependent. The purpose of the tax deduction for dependent children is to defray the costs to parents of providing for and raising a child. To allow this tax deduction for such an utterly different purpose is obviously inconsistent with the intention of the Congress and the purpose of the dependency exemption. This legislation clarifies the IRS's earlier ruling by disallowing such unintended deductions.

Finally, this legislation applies the traditional congressional standard of "no-subsidy" to abortion by denying the deductibility of abortion expenses under ordinarily deductible medical care, except when the life of the mother is endangered.

Mr. President, I believe this legislation is important in rectifying several significant loopholes in our tax code. Our laws are rooted in the ancient common law, one of whose most cherished and recognized principles is that no person shall profit from actions harming others. In addition, this legislation corrects an absolutely indefensible provision of the tax code and continues the standard congressional prohibition against any subsidy for abortion except when the mother's life is endangered. This legislation does not pass judgment on the troubling question of abortion itself and in no way restricts abortion beyond what the law now provides. It does set out and reaffirms a time-honored principle of our law. I encourage my colleagues to join me in supporting this long-overdue legislation.

By Mr. BENTSEN:

S. 2089. A bill to provide for health education and training in States along the border between the United States and Mexico; to the Committee on Labor and Human Resources.

UNITED STATES-MEXICO HEALTH EDUCATION AND TRAINING ACT

● Mr. BENTSEN. Mr. President, today I am introducing S. 2089, a bill to establish a Health Education and Training Program in States along the United States-Mexican border.

In 1985, the University of Texas, in cooperation with the Carnegie Corp., sponsored a United States-Mexico Border Health Conference, which focused primarily on the difficulties inherent in providing accessible quality health care along our Nation's southern border. Participants in the Conference included both United States and Mexican officials and a broadly representative group of health professionals. Conferees were unanimous in their view that the health needs of area residents far exceed the ability of the existing network of providers to meet those needs, and that if we are to be successful, efforts to address identified problems will have to transcend geopolitical boundaries.

In the words of Mexican Deputy Secretary for Health and Public Assistance Dr. José Laguna Garcia:

> We are not talking about health delivery to Mexicanos, Americanos, Chicanos * * * we are talking about a body of people who belong to both of us (both of our nations), all of the time.

The border between the United States and Mexico encompasses a region which substantially impacts the social, economic, and health interests of both countries. Rapid and profound changes in the area during recent years have strained the capacity of local residents to respond effectively. Numerous devaluations of the Mexican peso (400 to 1 in 1985 as compared with 20 to 1 in 1980 and 12.5 to 1 in 1970), loss of State revenue due to the drop in world oil prices, the unprecedented influx of illegal immigration through this region, and severe unemployment problems have combined to overwhelm the existing health care network with additional demands for service.

According to testimony presented at the 1985 Conference and to hearings held during the last Texas legislative session, public health problems are serious and widespread. Many families do not have access to preventive or primary health care services, unacceptably large numbers of women and young children are at nutritional risk, and professionally trained personnel—particularly bilingual/bicultural nurses and allied health providers—are in short supply.

During its almost 12 years of involvement in this area, the University of Texas Medical Branch at Galveston has been instrumental in improving the educational training of local health professionals. While under contract to the Department of Health and Human Services, UTMB recruited promising young high school students with an interest in health-related careers, and worked closely with junior colleges and 4-year higher education institutions in south Texas to offer courses of study designed to alleviate demonstrated manpower shortages. In addition, UTMB restructured its teaching programs to allow more than 230 young physicians to spend a portion of their residency in south Texas.

Pediatric, family medicine, and geriatric residents were especially encouraged to participate. Over the course of the 6-year UT/Federal contract nearly 1,400 student nurses, more than 200 dental students, and several hundred allied health trainees, provided much needed care. It is interesting to note that 83 percent of the students recruited from south Texas into these programs have remained to practice in the region, and that they, and other practicing professionals, have benefited from thousands of hours of continuing education courses also sponsored by the UT Medical School.

While the record posted by UTMB in cooperation with local colleges and health providers is laudatory, problems associated with manpower shortages and access to services persist. Experts familiar with the health care network and community needs have made a compelling argument that the complexity and interrelated nature of problems in the area could be better addressed if they were approached cooperatively by skilled professionals from both sides of the border. By jointly organizing data, conceptualizing problems and developing action strategies, initiatives aimed at improving maternal and child health care, immunization programs, control of communicable diseases, sanitation and environmental health could be more efficiently targeted.

The bill I am introducing today authorizes the Secretary of Health and Human Services to make grants to States along the border which in turn will contract with schools or medicine or osteopathy to create border health education and training programs. The goal of such programs is to evaluate the manpower needs of the service area; to plan, develop and conduct training programs designed to meet those needs; to support educational opportunities for local area students interested in health related professions; and to periodically evaluate the effectiveness of the training activities offered by the programs. These activities are to be carried out in cooperation with similar initiatives in contiguous communities on the Mexican side of the border. No United States funding may be diverted to participating Mexican institutions.

Ten million is authorized for fiscal year 1987, and the Federal contribution is limited to 75 percent of total project costs. If additional financial support is required, the legislation specifies that, to the maximum extent feasible, it shall be raised from private sector sources. Available Federal funds are allocated among the eligible States according to a formula that takes into consideration Hispanic population, demonstrated need, and statisticially valid indicators of health status—for example, infant mortality.

Mr. President, years of experience and good will have taught us that the border between the United States and Mexico cannot be closed. In fact, with the development of positive collaborative efforts between out institutions of higher education, we will go a long way toward improving access to health care in area communities while ex-

panding educational opportunities for local students. I can think of no better investment as a long-term strategy for improving the economic well-being of the border region.

I ask unanimous consent that the text of S. 2089 be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United States-Mexico Border Health Education and Training Act of 1986".

PURPOSE

SEC. 2. It is the purpose of this Act to require the Secretary of Health and Human Services to make grants to and enter into contracts with schools of medicine and osteopathy in order to—

(1) improve the supply, distribution, utilization, quality, and efficiency of personnel providing health services in areas along the border between the United States and Mexico; and

(2) encourage health promotion and disease prevention through public education in such areas.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "border" means the international boundary between the United States and Mexico;

(2) the term "school of medicine" has the same meaning as in section 701(4) of the Public Health Service Act;

(3) the term "school of osteopathy" has the same meaning as in such section;

(4) the term "Secretary" means the Secretary of Health and Human Services;

(5) the term "service area" means the area to be served by a border health education and training center, as designated by the Secretary under section 5(c); and

(6) the term "State" means Arizona, California, New Mexico, and Texas.

ALLOTMENTS

SEC. 4. The Secretary shall allot the amounts appropriated under section 6(a) for a fiscal year to States based on a formula prescribed by the Secretary which is based on—

(1) the population of Hispanic Americans in each State.

(2) the need of each State for additional personnel to provide health care services along the border; and

(3) the most current information concerning infant mortality and morbidity and other indicators of health status in each State.

GRANTS AND CONTRACTS

SEC. 5. (a) From the amounts allotted to each State under section 4 for a fiscal year, the Secretary shall make grants and enter into contracts with schools of medicine and osteopathy in such State for the planning, development, establishment, maintenance, and operation of border health education and training center programs. A border health education and training center program shall be a cooperative program of one or more schools of medicine or osteopathy and one or more nonprofit private or public health education centers located along the border.

(b) Each school of medicine or osteopathy participating in a border health education and training center program shall—

(1) provide for the active participation in such program by individuals who are associated with the administration of the school and with each of the departments or specialties in the school; and

(2) provide for the active participation in such program of at least two schools or programs of other health professions.

(c) The Secretary, in consultation with a school of medicine or osteopathy which receives a grant or contract under this Act, shall designate a service area along the border to be served by the border health education and training center program to be planned, developed, established, maintained, or operated by such school with such grant or contract. Such service area—

(1) shall not be located, in whole or in part, outside any State in which is located any school of medicine or osteopathy participating in such program; and

(2) shall not duplicate or overlap, in whole or in part, the service area of any other border health education and training center program supported by a grant or contract under this Act.

(d) Each border health education and training center program shall—

(1) evaluate the specific needs of the service area of the program for health care personnel;

(2) assist in the planning, development, and conduct of training programs to meet the needs identified pursuant to paragraph (1);

(3) provide for or conduct training in health education services, including training to prepare community health workers to implement health education programs in communities, health departments, health clinics, and public schools which are located in the service area of the border health education and training center program;

(4) provide for out conduct continuing medical education programs for all physicians and for other health professionals (including allied health personnel) practicing in such service area;

(5) support educational opportunities designed to provide secondary school students residing in such service area with education and training in the heatlh professions;

(6) assist in the coordination of health education and training programs in such service area with any similar programs carried out in an area of Mexico which is contiguous with such service area;

(7) provide for or conduct periodic evaluations and assessments of the effectiveness of the education and training activities carried out under the border health education and training center program in meeting the needs of such service area for health care services; and

(8) have an advisory board—

(A) of at least 8 members; and

(B) of which 75 percent of the total number of members are individuals from such service area, including health service providers and health service consumers from such service area.

(e) In making grants and entering into contracts under this section, the Secretary shall assure that—

(1) at least 75 percent of the total funds provided to a school of medicine or a school of osteopathy shall be expended by a border health education and training center program in the service area of such program;

(2) to the maximum extent feasible, the school of medicine or osteopathy will obtain from nongovernmental sources the amount of the total operating funds for such program which are not provided by the Secretary;

(3) no grant or contract shall provide funds solely for the planning or development of a border health education and training center program for a period in excess of two years; and

(4) no grant or contract shall provide funds to be used outside the United States except as the Secretary may prescribe for travel and communications purposes related to the conduct of a border health education and training program.

AUTHORIZATION OF APPROPRIATIONS; LIMITATION ON CONTRACT AUTHORITY

SEC. 6. (a) To carry out this Act, there are authorized to be appropriated $10,000,000 for fiscal year 1987, $20,000,000 for fiscal year 1988, and $30,000,000 for fiscal year 1989.

(b) The authority of the Secretary to enter into contracts under this Act shall be to such extent or in such amounts as are provided in appropriation Acts.●

By Mr. HATFIELD:

S. 2091. A bill to amend the provisions of the Federal Land Policy and Management Act of 1976 relating to the acquisition of public lands; to the Committee on Energy and Natural Resources.

OREGON-CALIFORNIA LAND EXCHANGE REVISION

● Mr. HATFIELD. Mr. President, I rise today to introduce a bill to amend provisions of the Federal Land Policy and Management Act of 1976 [FLPMA] as it relates to the revested Oregon & California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands in Oregon. The purpose of this legislation is to authorize the Secretary of the Interior to manage lands received in exchange for such revested or reconveyed lands under the same laws as the lands which were released.

Ever since the lands were returned to the Federal Government and particularly since the passage of the Oregon and California Sustained Yield Act of 1937, the Department of the Interior has sought land exchanges, where desirable, as a means of blocking up these checkerboard ownerships and bettering management practices. Where mutually advantageous, exchanges between the Department of the Interior and private owners, counties, and the State were encouraged.

Under the pre-FLPMA exchange provisions, the lands acquired assumed the identity and status of the lands exchanged. However, section 705(a) of FLPMA repealed the act of July 31, 1939 (53 Stat. 1144) which authorized the Secretary of the Interior to exchange such revested and reconveyed lands and required that the acquired lands be administered in accordance with the same provisions of law as the revested or reconveyed lands exchanged therefore. Consequently, the Department of the Interior—opinion of February 1, 1978—has determined

that section 206(c) of FLPMA does not give the Department of the Interior the discretionary authority to manage the acquired lands as revested Oregon & California Railroad grant lands or reconveyed Coos Bay Wagon Road grant lands, as the case may be. Lands acquired pursuant to sections 205 and 206 of FLPMA simply become "public lands." This situation obviously is an oversight and was not the intent of the Congress in 1976.

The repealed revested Oregon & California Railroad grant lands and reconveyed Coos Bay Wagon Road grant lands exchange law provided that those lands could be exchanged for private, State, or county lands either within, or contiguous to, the former limits of such grants when, by such action, the Department of the Interior was able to consolidate the U.S. land holdings.

The current law, as interpreted, acts as a disincentive for such exchanges that would otherwise be mutually beneficial to both the Federal Government and the localities. The management objectives of these grant lands differ from those of public lands. The receipts-sharing formulas are different, and the funding mechanism differs as well.

Therefore, due to potential revenue losses, county and State officials are reluctant to endorse otherwise good land use opportunities.

Let it further be stated that this legislation is in no way related to any legislation concerning land interchanges between the Bureau of Land Management and the U.S. Forest Service.●

By Mr. PACKWOOD (for himself, Mr. PROXMIRE, Mr. BURDICK, Mr. QUAYLE, Mr. ABDNOR, Mr. ARMSTRONG, Mr. BOSCHWITZ, Mr. DURENBERGER, Mr. GARN, Mr. HATCH, Mr. KASTEN, Mr. BUMPERS, Mr. DIXON, Mr. FORD, Mr. LEVIN, Mr. MOYNIHAN, Mr. NUNN, Mr. RIEGLE, Mr. SASSER, Mr. DECONCINI, Mr. SPECTER, Mr. PRESSLER, Mr. GRASSLEY, Mr. THURMOND, Mr. GORTON, Mr. EVANS, Mr. GORE, Mr. LEAHY, Mr. SIMON, and Mr. ROCKEFELLER):

S.J. Res. 278. Joint resolution to designate March 16, 1986, as "Freedom of Information Day"; to the Committee on the Judiciary.

FREEDOM OF INFORMATION DAY

● Mr. PACKWOOD. Mr. President, today, along with 29 of my colleagues, I am introducing a joint resolution which authorizes the President to proclaim March 16, 1986, as National Freedom of Information Day.

March 16 marks the 235th anniversary of James Madison's birthday. Mr. Madison, our fourth President and father of the Bill of Rights, is the American most responsible for many of the constitutional freedoms we enjoy today, in particular freedom of speech and the press.

James Madison is considered the architect of our Bill of Rights, yet his contribution to our democratic society is all too often overlooked. Mr. Madison understood the importance of free speech and a free press to a democratic government. He knew intuitively that if the American people had access to information about their Government then that Government would be more responsive to their desires. His vision of a society where everyone could openly express their thoughts has helped preserve the other freedoms guaranteed by the Constitution.

Thanks to the efforts of Mr. Madison and others like him, Americans can speak their convictions without fear of censure. A National Freedom of Information Day will remind the American people and the rest of the world that our freedom of expression plays a vital role in both shaping our country and preserving our liberties.

By proclaiming Madison's birthday as National Freedom of Information Day we will reaffirm the significance we attach to our most precious liberties. I urge the Senate to adopt this proposal honoring Madison and the principles for which he stood.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 278

Whereas a fundamental principle of our Government is that a well-informed citizenry can reach the important decisions that determine the present and future of the Nation;

Whereas the freedoms we cherish as Americans are fostered by free access to information;

Whereas many Americans, because they have never known any other way of life, take for granted the guarantee of free access to information that derives from the First Amendment to the Constitution of the United States;

Whereas the guarantee of free access to information should be emphasized and celebrated annually; and

Whereas March 16 is the anniversary of the birth of James Madison, one of the Founding Fathers, who recognized and supported the need to guarantee individual rights through the Bill of Rights: Now, therefore, be it

1. Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That March 16, 1986, is designated as "Freedom of Information Day", and the President is authorized and requested to issue a proclamation calling upon Federal, State, and local government agencies and the people of the United States to observe such day with appropriate programs, ceremonies, and activities.●

By Mr. GORE (for himself, Mr. CHILES, Mr. DOLE, Mr. HOLLINGS, Mr. INOUYE, Mr. NUNN, Mr. QUAYLE, Mr. RIEGLE, Mr. SASSER, Mr. STENNIS, Mr. THURMOND, and Mr. WARNER):

S.J. Res. 279. Joint resolution to designate the month of October 1986 as "Lupus Awareness Month"; to the Committee on the Judiciary.

LUPUS AWARENESS MONTH

● Mr. GORE. Mr. President, I rise today to introduce a joint resolution designating October 1986 as "Lupus Awareness Month."

Ask a doctor about lupus erythematosus and you will see a grimace of pain as he or she recalls the terrible effects of this disease. Skin rashes, fever, joint pains, weight loss, anemia, kidney malfunction, nausea, and mental and emotional problems are only some of the symptoms of this tragic disease, which affects an estimated 500,000 Americans. Yet most people have never even heard of lupus.

It is thought that lupus attacks the body by causing an allergic reaction. Current research suggests that, in victims of lupus, the body becomes allergic to normal components of the cells, forming antibodies designed to break down healthy tissue. In other words, the body of a lupus victim is trying to destroy itself.

A majority of individuals affected by lupus erythematosus are women in their childbearing years. With prompt attention, 80 to 90 percent of lupus victims can look forward to a normal lifespan. Proven treatment and therapy techniques can improve the quality of life for all. But treatment must begin promptly. All too often, delays resulting from the difficult diagnosis of this multifaceted and little-known disease result in the death of the lupus victim.

Even when prompt diagnosis takes place, physicians can only treat the symptoms of lupus. No cure is possible. This lack is one of the most important arguments in favor of a national awareness project. Increased awareness is instrumental in securing the early diagnosis that is essential to saving lupus victims from extreme pain or untimely death. More importantly, awareness points the way to a redoubling of research efforts. Only in this way can we hope to find a cure.

The tragedy of lupus erythematosus speaks strongly for a concerted effort to eradicate the disease. I believe that a national awareness month is a vital step in embarking on that important work. I urge my colleagues in the Senate to support the resolution declaring October of this year "Lupus Awareness Month."●

ADDITIONAL COSPONSORS

S. 174

At the request of Mr. GORE, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 174, a bill to provide for the

designation of 20 regional centers for the treatment of Alzheimer's disease and related dementia, and for other purposes.

S. 318

At the request of Mr. HEINZ, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 318, a bill to extend the Revenue Sharing Program for local governments through fiscal year 1991.

S. 945

At the request of Mr. THURMOND, the names of the Senator from Missouri [Mr. DANFORTH] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 945, a bill to recognize the organization known as the National Association of State Directors of Veterans' Affairs, Inc.

S. 1250

At the request of Mr. HEINZ, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1250, a bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit for 5 years, and for other purposes.

S. 1446

At the request of Mr. ANDREWS, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 1446, a bill to amend title 38, United States Code, to improve veterans' benefits for former prisoners of wars.

S. 1595

At the request of Mr. WARNER, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1595, a bill to prevent the implementation of Revenue Ruling 83-3 and other similar considerations affecting the housing allowances of the military and clergy.

S. 1773

At the request of Mr. LEAHY, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1773, a bill to express the policy of the Congress on the number of members of the Soviet mission at the United Nations headquarters.

S. 1847

At the request of Mr. MITCHELL, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1847, a bill to provide for a Samantha Smith Memorial Exchange Program to promote youth exchanges between the United States and the Soviet Union, and for other purposes.

S. 1848

At the request of Mr. HATCH, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 1848, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish conditions for the export of drugs.

S. 1889

At the request of Mr. DENTON, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Mississippi [Mr. STENNIS], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1889, a bill to amend title 11 of the United States Code, relating to bankruptcy, to prevent discharge of administratively ordered support obligations.

S. 1900

At the request of Mr. ROTH, the names of the Senator from Ohio [Mr. GLENN], the Senator from Nebraska [Mr. EXON], the Senator from Colorado [Mr. HART], the Senator from Wyoming [Mr. WALLOP], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 1900, a bill to amend the Foreign Agents Registration Act of 1938 by providing for the 5-year suspension of exemptions provided to an agent of a foreign principal convicted of espionage offenses.

S. 1901

At the request of Mr. ROTH, the names of the Senator from Ohio [Mr. GLENN], the Senator from Nebraska [Mr. EXON], the Senator from Colorado [Mr. HART], the Senator from Wyoming [Mr. WALLOP], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 1901, a bill to amend the Foreign Missions Act regarding the treatment of certain Communist countries, and for other purposes.

S. 1917

At the request of Mr. BRADLEY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1917, a bill to amend the Foreign Assistance Act of 1961 to provide assistance to promote immunization and oral rehydration, and for other purposes.

S. 2042

At the request of Mr. ABDNOR, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 2042, a bill to amend the Agricultural Act of 1949 to provide for an equitable method of establishing farm program payment yields for the 1986 and 1987 crops of wheat, feed grains, upland cotton, and rice.

S. 2043

At the request of Mr. MURKOWSKI, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Illinois [Mr. SIMON], the Senator from Oklahoma [Mr. NICKLES], the Senator from Wyoming [Mr. WALLOP], the Senator from California [Mr. WILSON], the Senator from Florida [Mrs. HAWKINS], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 2043, a bill to provide assistance benefits to dependent children of certain deceased members of flight crews of space flight vehicles of the National Aeronautics and Space Administration.

S. 2051

At the request of Mr. DIXON, the names of the Senator from Indiana [Mr. QUAYLE] and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 2051, a bill to ensure payment of the regular duties imposed on imported ethyl alcohol and payment of the additional duty imposed on ethyl alcohol when imported for use in producing a mixture of gasoline and alcohol or used otherwise as fuel.

S. 2054

At the request of Mr. NICKLES, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Georgia [Mr. MATTINGLY] were added as cosponsors of S. 2054, a bill to provide that the National Aeronautics and Space Administration may accept gifts and donations for a space shuttle which may be named *Challenger II.*

S. 2067

At the request of Mr. LAUTENBERG, the names of the Senator from Alabama [Mr. HEFLIN] the Senator from Maryland [Mr. MATHIAS], the Senator from Connecticut [Mr. DODD], the Senator from Montana [Mr. MELCHER], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 2067, a bill to overturn the deferral of the Fiscal Year 1986 Urban Development Action Grant and Community Development Block Grant Program.

S. 2074

At the request of Mr. RIEGLE, the names of the Senator from Connecticut [Mr. WEICKER], the Senator from Maine [Mr. COHEN], the Senator from Montana [Mr. MELCHER], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from South Dakota [Mr. ABDNOR], and the Senator from Florida [Mrs. HAWKINS] were added as cosponsors of S. 2074, a bill disapproving the proposed deferral of budget authority for Community Development Block Grant Programs.

S. 2075

At the request of Mr. LAUTENBERG, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Maryland [Mr. MATHIAS], the Senator from Connecticut [Mr. DODD], the Senator from Montana [Mr. MELCHER], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 2075, a bill to overturn the deferral of Urban Development Action Grant funds.

S. 2079

At the request of Mr. NICKLES, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2079, a bill to amend

the Legislative Reorganization Act of 1946 to reduce the compensation of Members of Congress for any fiscal year in which outlays for nondefense programs are required to be reduced under an order issued by the President for such fiscal year pursuant to section 252 of the Balanced Budget and Emergency Deficit Reduction Act of 1985 by the uniform percentage by which outlays for such programs are required to be reduced under such order.

SENATE JOINT RESOLUTION 200

At the request of Mr. THURMOND, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of Senate Joint Resolution 200, a joint resolution to provide for the erection of an appropriate statue or other memorial in or near the Arlington National Cemetery to honor individuals who were combat glider pilots during World War II.

SENATE JOINT RESOLUTION 256

At the request of Mr. TRIBLE, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 256, a joint resolution designating August 12, 1986, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 262

At the request of Mr. WALLOP, the names of the Senator from Virginia [Mr. TRIBLE], the Senator from Georgia [Mr. MATTINGLY], the Senator from Kansas [Mr. DOLE], the Senator from Missouri [Mr. DANFORTH], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Nevada [Mr. HECHT] were added as cosponsors of Senate Joint Resolution 262, a joint resolution to authorize and request the President to issue a proclamation designating June 2 through June 8, 1986, as "National Fishing Week."

SENATE JOINT RESOLUTION 266

At the request of Mr. DENTON, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 266, a joint resolution to authorize and request the President to designate the month of June 1986 as "Youth Suicide Prevention Month."

SENATE JOINT RESOLUTION 271

At the request of Mr. RIEGLE, the names of the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Nevada [Mr. LAXALT], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 271, a joint resolution designating "Baltic Freedom Day."

SENATE JOINT RESOLUTION 275

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 275, a joint resolution designating May 11 through May 17, 1986, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 276

At the request of Mr. DOMENICI, the names of the Senator from Florida [Mr. CHILES], the Senator from South Carolina [Mr. THURMOND], the Senator from Rhode Island [Mr. PELL], the Senator from Kentucky [Mr. FORD], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. TRIBLE], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 276, a joint resolution to designate February 19, 1987, as "National Day for Federal Retirees."

SENATE CONCURRENT RESOLUTION 105

At the request of Mr. GRAMM, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Illinois [Mr. SIMON], the Senator from Utah [Mr. GARN], the Senator from New Hampshire [Mr. RUDMAN], the Senator from South Dakota [Mr. ABDNOR], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Indiana [Mr. QUAYLE], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Concurrent Resolution 105, a concurrent resolution to express the sense of the Congress that any tax reform provisions relating to tax-exempt municipal bonds take effect no earlier than January 1, 1987.

SENATE RESOLUTION 304

At the request of Mr. TRIBLE, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Resolution 304, a resolution to express the sense of the Senate that the present 3-year basis recovery rule on taxation of retirement annuities be maintained.

SENATE RESOLUTION 333

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut [Mr. DODD], the Senator from Montana [Mr. MELCHER], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Resolution 333, a resolution to express the sense of the Senate regarding the Urban Development Action Grant Program.

SENATE RESOLUTION 339

At the request of Mr. BYRD, the names of the Senator from Connecticut [Mr. DODD], the Senator from Alabama [Mr. HEFLIN], the Senator from Rhode Island [Mr. PELL], the Senator from Iowa [Mr. HARKIN], the Senator from Georgia [Mr. NUNN], the Senator from Missouri [Mr. EAGLETON], the Senator from Arizona [Mr. DECONCINI], the Senator from Maryland [Mr. SARBANES], the Senator from Vermont [Mr. LEAHY], the Senator from Massachusetts [Mr. KERRY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Resolution 339, a resolution to express the sense of the Senate with respect to proposals currently before the Congress to tax certain employer-paid benefits and other life-support benefits.

SENATE RESOLUTION 343

At the request of Mr. RIEGLE, the names of the Senator from Maine [Mr. COHEN], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. WEICKER], and the Senator from Montana [Mr. MELCHER] were added as consponsors of Senate Resolution 343, a resolution expressing the sense of the Senate with respect to the proposed rescission of budget authority for urban development action grants.

AMENDMENTS SUBMITTED

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

LONG AMENDMENT NO. 1588

(Ordered to lie at the desk.)

Mr. JOHNSTON (for Mr. LONG) submitted the following amendment intended to be proposed by him to the resolution (S. Res. 28) to improve Senate procedure, together with a notice in writing; as follows:

Mr. LONG. Mr. President, I hereby give notice in writing of my intention to propose the following changes to the Standing Rules of the Senate:

On page 14, line 7, insert "and" after the semicolon.

On page 14, strike out lines 8 and 9.

On page 14, line 10, strike out "(3)" and insert in lieu thereof "(2)".

On page 25, between lines 13 and 14, insert the following:

SEC. 15. Rule XXXIII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

3. (a) Television broadcast coverage of Senate proceedings shall be provided only upon agreement of the Senate to a motion providing such coverage for a specific matter or specific time period under terms and conditions specified in such resolution.

(b) Television broadcast coverage provided by a motion agreed to as provided in subparagraph (a) may be terminated at any point upon agreement to a motion terminating such coverage.

(c) Debate on a motion under this paragraph shall be limited to two hours, to be equally divided between and controlled by the Senator making the motion and a Senator in opposition designated by the Chair, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion:

Provided, however, That one motion to table shall be in order at any time. The time provided for consideration of a motion under this paragraph shall be reduced by the amount of time used to consider a motion to table.

(d) No television broadcast coverage of Senate proceedings shall be provided when a meeting with closed doors is ordered.

ARMSTRONG (AND OTHERS) AMENDMENT NO. 1589

Mr. ARMSTRONG (for himself, Mr. DIXON, and Mr. WEICKER) submitted an amendment intended to be proposed by him to the resolution (S. Res. 28), supra; as follows:

On page 23, strike line 3 through line 14.

ARMSTRONG AMENDMENT NOS. 1590 AND 1591

Mr. ARMSTRONG submitted two amendments intended to be proposed by him to the resolution (S. Res. 28), supra; as follows:

AMENDMENT 1590

On page 25, strike line 14 through page 26, line 3.

AMENDMENT 1591

On page 25, line 23, strike everything after "adopted" through "hours".

ARMSTRONG (AND OTHERS) AMENDMENT NO. 1592

Mr. ARMSTRONG (for himself, Mr. DECONCINI, Mr. HEINZ, and Mr. WEICKER) submitted an amendment intended to be proposed by him to the resolution (S. Res. 28), supra; as follows:

On page 23, strike line 19 through page 25, line 13.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of 2 days of hearings before the Committee on Energy and Natural Resources in Washington, DC. The hearings will be oversight hearings on the domestic and international petroleum situation and will be held as follows:

Wednesday, March 12, at 2 p.m. in room SH-219 of the Senate Hart Office Building and will be closed.

Friday, March 14, at 1 p.m. in room SD-366 of the Dirksen Senate Office Building and will be open.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, room SD-358, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Debbi Rice or Howard Useem at (202) 224-2366.

Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, March 20, 1986, 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC, and will be an oversight hearing on the implications of fees on imported oil.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, room SD-358, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Debbi Rice or Howard Useem at (202) 224-2366.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, February 24, to conduct a hearing on S. 1686, the "Renewable Energy/Fuel Cell Systems Integration Act of 1985"; and S. 1687, the "Fuel Cells Energy Utilization Act of 1985."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the Budget scorekeeping report for the week of February 17, 1986, prepared by the Congressional Budget Office in response to section 5 of the first budget resolution for fiscal year 1986. This report also serves as the scorekeeping report for the purposes of section 311 of the Congressional Budget Act, as amended.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 24, 1986.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of congressional action on the budget for fiscal year 1986. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, Senate Concurrent Resolution 32. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32 and is current through February 20, 1986. The report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

Since my last report no changes have occurred.

With best wishes,
Sincerely,

EDWARD GRAMLICH
(For Rudolph G. Penner).

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 99TH CONGRESS, 2D SESSION, AS OF FEBRUARY 20, 1986

[Fiscal year 1986—In billions of dollars]

	Budget authority	Outlays	Revenues	Debt subject to limit
Current level [1]	1,073.0	986.9	793.6	1,963.5
Budget resolution, Senate Concurrent Resolution 32	1,069.7	967.6	795.7	[2] 2,078.7
Current level is:				
Over resolution by	3.3	19.3		
Under resolution by			2.1	115.2

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level excludes the revenue and direct spending effects of legislation that is in earlier stages of completion, such as reported from a Senate committee or passed by the Senate. Thus, savings from reconciliation action assumed in Senate Concurrent Resolution 32 will not be included until Congress sends the legislation for his approval. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,078.7 billion.

FISCAL YEAR 1986, SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONGRESS, 2D SESSION, AS OF FEBRUARY 20, 1986

[In millions of dollars]

		Budget authority	Outlays	Revenues
I.	Enacted in previous sessions:			
	Revenues			793,551
	Permanent appropriations and trust funds.	708,634	632,166	
	Other appropriations	554,277	543,994	
	Offsetting receipts	−190,586	−190,586	
	Total enacted in previous sessions.	1,072,325	985,573	793,551
II.	Enacted this session: Commodity Credit Corporation urgent supplemental appropriation, 1986 (Public Law 99-243).			
III.	Continuing resolution authority.			
IV.	Conference agreements ratified by both Houses: Federal Employees Benefits Improvement Act of 1986 (H.R. 4061).		4	
	Total		4	
V.	Entitlement authority and other mandatory items requiring further appropriation action:			
	Payment to air carriers, DOT.	26	24	
	Maritime, operating-differential subsidies.		3	
	Retirement pay for PHS officers.	3		
	Medical facilities loan guarantee.	2		
	Payment to health care trust funds [1].	(907)	(907)	
	Advances to unemployment trust fund [2].	(51)	(51)	
	Federal unemployment benefits and allowances.	65	64	
	Black lung disability trust fund.	46	46	
	Veterans compensation.	286	235	
	Veterans readjusted benefits.	180	137	
	Veterans pensions	10		

FISCAL YEAR 1986, SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONGRESS, 2D SESSION, AS OF FEBRUARY 20, 1986—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Defense pay raise—military.	.....	675	.....
Compact of free association.	92	92	.....
Total entitlements ...	710	1,276	.....
Total current level as of February 20, 1986.	1,073,035	986,853	793,551
1986 budget resolution (S. Con. Res. 32).	1,069,700	967,600	795,700
Amount remaining: Over budget resolution.	3,335	19,253	.....
Under budget resolution.	.....	.....	2,149

[1] Interfund transactions do not add to budget totals.
[2] Note: Numbers may not add due to rounding.●

THE YOUNG ASTRONAUT PROGRAM (S. 1952)

● Mr. D'AMATO. Mr. President, I rise today to recognize the Young Astronaut Program and to express my support for the Young Astronaut Program Medal Act (S. 1952). I was pleased to join my distinguished colleague from Utah in cosponsoring this legislation on February 19, 1986.

This legislation was developed to heighten our youth's interest in the sciences. The Young Astronaut Program is a national program that has been in existence for about 1 year; it focuses on the sciences, math, and technological education for elementary and junior high school students. This program has done an outstanding job of increasing our youth's awareness of the sciences by using the excitement of national science activities.

The Young Astronaut Program should be commended for producing diverse classroom curriculum materials for grades one through nine, and for sponsoring field trips for our youth. A national newsletter also has been published by this organization for its member chapters. The Young Astronaut Program has been supported entirely by contributions from the private sector. However, the dedication and commitment of this program, its members, and its leaders deserve congressional recognition.

It is appropriate, therefore, that Congress recognize this program by passing S. 1952. This bill calls for the minting of medals to commemorate this program; it permits the Young Astronaut Council to sell the medals and to use proceeds to sponsor program activities in schools throughout the country. Mr. President, I hope my colleagues will join me in supporting S. 1952 to benefit our youth nationwide.●

ESTABLISHMENT OF A SPECIAL PANEL ON ASYLUM

● Mr. HUMPHREY. Mr. President, over 100 days have passed since the Soviet Freighter bearing Miroslav Medvid departed the United States. Despite the passage of almost 3 months, we know little more about the case today, than we did on November 9, 1985. What little we do know is disturbing. Last October a young man desperately attempted to seek asylum in the United States. He jumped twice into the waters of the Mississippi River, to avoid returning to the Soviet Union. Yet, for some reason, he was returned to his ship, against his will.

In order to get to the bottom of this case, I have introduced a resolution to investigate the handling of the defection attempt of Miroslav Medvid, and U.S. asylum procedure in general. This resolution (S. Res. 267) presently has the support of 59 of our colleagues, and endorsements from a wide range of organizations across the political spectrum. Earlier this month, the Guild of Catholic Lawyers, and the Committee on International Law of the New York State Bar Association, passed resolutions in support of Senate Resolution 267. I ask that the legislative report of the New York State Bar Association and a letter of support from the Guild of Catholic Lawyers be printed in the RECORD.

The material follows:

LEGISLATIVE REPORT OF THE NEW YORK STATE BAR ASSOCIATION

Senate Resolution No. 267, the Humphrey-Dixon Resolution, was inspired by the circumstances surrounding the apparent attempt of a Ukranian seaman, Myroslav Medvid, to defect to the United States. The Resolution calls for the creation of a disinterested panel to investigate the Medvid case and to review current U.S. procedures in handling defectors from Soviet Bloc countries.

The Committee on International Law supports the Resolution. The published accounts of the handling of the Medvid case have raised serious questions, not merely about the treatment of Mr. Medvid, but about the adequacy of existing procedures to protect the rights of persons seeking asylum in the United States. Among the aspects of this incident that merit further inquiry are the following:

1. Why was Mr. Medvid twice returned to his ship against his will and despite a request for asylum?

2. Why did an American civilian shipping agent assist in Medvid's return to the Marshal Konev? Moreover, when Medvid leaped a second time from the launch which was bringing him back to the Marshal Konev, why did the agent return to the Marshal Konev and obtain the aid and assistance of Soviet seamen, who allegedly beat Medvid, shackled him, and dragged him back on the ship kicking and screaming?

3. Despite knowledge of drugs used upon Medvid, why did the American physician who subsequently examined him not order blood and urine tests to see if drugs were currently in his system?

4. Why did the American physician not conduct a physical examination of Medvid's left arm, which was bandaged from the base of the fingers up to the arm pit? Why did the physical not include analysis of the slash marks on Medvid's finger tips, and the gradations of eechymosis on Medvid's right and left arm?

5. How did the Air Force psychiatrist reach the conclusion that Medvid jumped for the "glitter and gusto", and that he had no real desire for political asylum in this country?

These circumstances raise grave doubts about the adequacy of the procedures employed in reaching the conclusion that Mr. Medvid had changed his mind and wished to return to the Soviet Union. Furthermore, this incident calls into question the sufficiency of existing agency procedures to protect persons seeking asylum in the United States.

GUILD OF CATHOLIC LAWYERS,
Scarsdale, NY, February 6, 1986.

Re: Humphrey-Dixon Resolution No. 267.

Senator HUMPHREY,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUMPHREY: It is resolved that we, the members of the Guild of Catholic Lawyers of the State of New York, do hereby endorse passage of the Humphrey-Dixon Resolution, No. 267, currently pending before the Senate. Humphrey-Dixon inspired by the circumstances and events surrounding the attempted defection of the Ukrainian seaman, Myroslav Medvid, calls for a two-fold investigation by a disinterested senate panel: 1) to investigate U.S. asylum procedures for defectors from soviet bloc countries, and 2) to investigate the case of Myroslav Medvid.

The Guild of Catholic Lawyers supports this resolution due to the fact that published accounts of the handling of the Medvid case raises serious questions, not only with respect to the treatment accorded Myroslav Medvid, but also with respect to the adequacy of existing procedures to protect the rights of persons seeking asylum in the United States.

Moreover, the Guild of Catholic Lawyers supports the concept of a uniform U.S. approach with respect to defectors seeking political asylum in the U.S., without regard to distinctions made based upon the influence of political pressure groups, or preferential treatment of one ethnic group over another. U.S. policy in this regard should be based upon sound principles made applicable across the board when considering requests for persons seeking political asylum.

The United States has had the envious tradition of being the champion of universal human rights based upon freedom, equality and justice, and we believe it behooves us to apply these fundamental principles uniformly lest we be accused of double standards.

Thank you for your consideration of the foregoing.

Very Truly Yours,
GREGORY DE SOUSA,
President.●

TRIBUTE TO RONALD S. LAUDER

● Mrs. HAWKINS. Mr. President. I would like to pay tribute to Ronald S. Lauder. For the past 3 years he has wholeheartedly served as the Deputy Assistant Secretary of Defense for European and NATO Policy in which he

has distinguished himself. In recognition of this substantial contribution to the international security policy interests of the United States, President Reagan has just nominated him to be his Ambassador to Austria.

Ron Lauder went to the Office of the Secretary of Defense in January 1983 after serving as the Executive vice president of Estee Lauder, Inc., and chairman of Estee Lauder International Operations, with headquarters in New York City. Estee Lauder Cosmetics is the largest privately owned cosmetic company in the world. He organized and established 10 manufacturing plants. Previous to this he served as executive vice president of Estee Lauder International (1975-78), executive vice president, general manager, Clinique Inc. (1972-75), vice president sales promotion (1969-72) and Estee Lauder sales promotion director (1968-69). He also served in Paris with Estee Lauder S.A. France (1967) and in Brussels with Estee Lauder N.V. Belgium (1965-67).

Ron Lauder graduated from the University of Pennsylvania—Wharton School of Finance and Commerce—with a bachelor of science in international business (1965), the University of Paris (Sorbonne) with a degree in French literature (1964), the University of Brussels (School of International Business) with a certificate in international business (1966).

Ron Lauder was active with the Economic and Development Board of New York State (1972-78) and was finance chairman, New York State Republican Party (1979-83). He is a trustee for the Museum of Modern Art, a corporate member of the Council of Foreign Relations and a trustee of Mount Sinai Hospital. He speaks French and German fluently.

Ron Lauder is married to the former Jo Carole Knopf and they have two children, Aerin, 15 years old, and Jane, 12 years old, who will accompany him to Vienna, Austria.

Across the Potomac in the Pentagon, Ron Lauder has served for the past 3 years in the highest traditions of political office. He conducted bilateral relations with high-level officials associated with European governments on defense issues here in Washington on a day-to-day basis and in Europe during numerous trips to capitals. He played a major role in analyzing problems, defining policies and negotiating differences relating to defense cooperation, base agreements, and security talks with Greece, Portugal, Spain, and Turkey.

He successfully orchestrated key actions on conventional defense initiatives, armaments cooperation enhancement and the takeoff of emerging technologies within the North Atlantic Treaty Organization. This determination to improve NATO's conventional defense had much to do with the success of the Geneva summit. He also participated in the semiannual Defense Planning Committee ministerials in Brussels and the Nuclear Planning Group ministerials, providing the Secretary of Defense with invaluable counsel. He helped revitalize the United States and Canadian relationship after the Conservatives came into power in Ottawa. He initiated air defense negotiations with both Belgium and Italy and served as the president of the United States delegation conducting bilateral discussions with Yugoslavia.

Finally, closer to us in this Chamber, Ron Lauder established an effective liaison with the Congress and promoted a dialog with key Defense committees and Members on the troublesome but important issues of NATO burdensharing, European troop strength restrictions, military construction and security assistance to the base rights countries on the southern flank of NATO.

It is obvious that he has been involved in all of the major decisions of this administration on European and NATO policy issues. He is ready and eager for additional responsibilities.

Mr. President, on behalf of the people of Florida, I would like to salute Ronald S. Lauder for his many contributions, for his successes, for his sacrifices, for his patriotism, for his good citizenship, and his sense of public responsibility. He will continue to serve his country and he will indeed be a great Ambassador.●

THE FREE TRADE HOAX

● Mr. HEINZ. Mr. President, as the Congress begins what I expect will be a landmark debate in 1986 over the future course of our trade policy, I think Senators would benefit from a recent analysis that adds an element of historical perspective to the discussions.

Don Bedell, who authored the most penetrating analysis of the Smoot-Hawley Act I have yet seen, which I placed in the RECORD on two previous occasions, has just produced a dissection of what he refers to as the "Smith Myth"—the idea that Adam Smith was a free trader in the contemporary sense of the term. In fact, Smith's views were based on an acute perception of national interest not so very different from what we see now all over the world.

That is not necessarily to suggest that such a prescription is entirely appropriate for today's economic system, but the first step to developing intelligent policy is to understand what has gone before. Don Bedell provides that background concisely, and in doing so better prepares us to develop a modern trade policy that best reflects our interests.

Mr. President, I ask that Mr. Bedell's article be printed at this point in the RECORD.

The article follows:

THE VILLAINY OF THE FREE TRADE HOAX

If the current 13 year trend of expanding trade and payments deficits is to be reversed, 4 myths must be exposed and understood. The four comprise both the basis for much contemporary thought and theory, and typical federal government reactions toward them.

The first myth is that an international monetary system has existed since 1973 which smoothly and continuously redresses trade balances among nations and which rationally promotes an economic and equitable exchange of goods and services.

The second myth assumes the existence of a dispute settlement mechanism in the U.S., and internationally, which resolves international trade conflicts equitably and promptly in a timely way at minimum cost to petitioners.

Number three myth presumes the federal government is in control of an effective trade policy co-ordinating and implementing authority with clear policy objectives clearly defined.

Myth four rests on a profound mis-reading of international commercial and political history. It sweeps by the basic facts of history by denying that economic nationalism powered the trade policies of most trading nation-states from their very beginnings; for 600 years, as in the case of west Europe, and a mere 130 years for Japan, in a speeded up version of history.

This myth is known as the Smith myth, also known as a hoax. It assumes that nationalistic behaviour has finally given way to a general acceptance of the "free trade" ideas of Adam Smith's and the "comparative economics" of David Ricardo, roughly in the 40 years since the end of World War II. Or, that there is some prospect that the bitter competitiveness of economic nationalism will diminish through the blandishments of Smith and Ricardo and their latter day followers.

The first 3 myths are surely crucial to the development of a long overdue U.S. foreign policy that can be understood as consistent and balanced in the interests of all Americans.

But it is the fourth myth, the pervasive myth of Smith, that deserves special attention.

The pervasiveness of his visions has caused gross mis-readings and mis-interpretations of history, particularly since the end of World War II. The visionary goals he and his modern day interpreters have held out shielded American policy-makers from the harsh realities which they must daily confront. In short, Smith's myth has served to confuse the economic dream world with the real world of continuing bitter nationalistic competition. Only after that myth is fully exposed, for the fantasy it has been throughout history, can America proceed to deal effectively with the first 3 myths.

What has been the history and the prime trade motivation of America's trading partners? What has made international trade tick?

The motivations come in 2 parts.

The first has been the simple urge of individual merchants and manufacturers to negotiate an exchange of goods between the parties in accordance with agreed terms and in the self-interest of each party.

The second is the urge of individual governments to promote, protect and control such international trade for its own nationalistic purposes.

These are not new findings. Yet 2 fundamental facts of history continue to be ruled out of basic policy-making in the United States.

The first is that central governments in all trading nations, except the United States, began involving themselves politically in commercial matters very early in their history. For European countries such involvement began more than 600 years ago, (400 years before the U.S. became a nation in 1787), and it includes 130 years of compressed Japanese history. It presents a single and continuing pattern of international trade policy-making; central governments of all America's trading partners have controlled, or provided guidance and direction to, all major buyers and sellers (producers) within their political boundaries.

In this history framework, the world was offered the ultimate in "beggar-thy-neighbor" trade policies, uncounted plunder sparked by aggressive nationalistic political ambition, and the slaughter of millions of people.

The second is that Adam Smith's concept of "free trade" itself is not only antithetical to the nationalistic history of America's trading partners policies. Because of its basic reliance on *government* to insure that international trade practices are pursued for "the public good," (Smith's words), it is antithetical to America's current love affair with the concept of "free market forces." It is therefore, without relevance to history or contemporary policies.

Yet, it is the implication of this second finding that has been lost at the federal level in seeking to legislate programs for American trade.

Of crucial importance in this ancient government-industry partnership scheme is the fact that trade decisions continue being made solely on the basis of a government's perception of its individual national self-interest. Economic advantages have surely been a factor, but nationalistic political objectives have always been clearly overwhelming. Included also in achieving such perceived nationalist objectives, as history so clearly records, are countless examples of imposing trade terms by military force or economic blackmail.

Even Adam Smith recognized that basic principle of government involvement. "I have never known much good done by those who affected to trade for the public good." If, then, merchants do not operate for the public good, and cannot even be expected to assume such a role, who but governments can assume such a role? Perhaps he was a socialist? Or a "protectionist" when he wrote that retaliation was clearly acceptable "when some foreign nation restrains by high duties or prohibitions the importation of some of our manufactures into their country . . . Revenge naturally dictates retaliation, and that we should impose the like duties and prohibitions upon the importation of some or all of their manufactures into ours."

The government-industry partnership of our trading partners continues to challenge successfully an American system, established by law 100 years ago, which requires the *absence* of a partnership. With a deep historical appreciation of the "managed economy" threat to the U.S. which flows from the partnership, responses will continue to be misdirected and ineffective. The cost will grow each year, until Americans support harsh counter measures at last, and bitterness will flower. We have only to continue on the present path to witness measures of which we may not be proud as a nation, but cannot afford to continue.

With few exceptions, these 2 fundamentals of international trade history have been essentially untouched by faddish contemporary economic theorists, except in the U.S. Over the past 40 years economists have insisted that there exists, or could exist, some new overarching *worldwide* order of individual motivation based exclusively on *theoretical economic* considerations. The God they worship is Adam Smith and the scripture they study is his "Wealth of Nations" from which the "free trade" verse flows. That treatise was published 200 years ago in the simple early days of Britain's industrial revolution. The Saint they revere is David Ricardo, and the Gospel he proposed speculates about universal happy days of "comparative advantage," by and by.

An immeasurable torrent of words have been uttered and written about the thoughts of Smith and Ricardo, and outrageous and unsupportable claims made on their behalf. Economists and professors by the tens of thousands, principally in the U.S. but elsewhere as well, have succumbed to the Smith myth and its preposterous proposition that the international freedoms needed to allow "free trade" ("comparative advantage" as well) even to begin, much less to thrive, were in place! The record of American economists in the 1970s for forecasting trade and explaining economic cause and effect is a national tragedy. It is reminiscent of Alice in Wonderland. "'The cause of lightening,' Alice said very decidedly, for she was quite sure about this, 'is the thunder-no, no' she hastily corrected herself, 'I meant the over say.'" We might heed the Red Queen's admonition to Alice that once said she couldn't change it. "When you've once said a thing, that fixes it, and you must take the consequences."

Neither Smith's or Ricardo's theories has ever been, is now, or ever shall be, the foundation of *any* nation's international trade policy. To base policy options on such a prospect must, therefore, lead to grievous mistakes and miscalculations, as the post-War history of the United States conclusively demonstrates. Mr. Bruce-Briggs, a former consultant to the Hudson Institute, observes that "No country has adopted free trade because of the plausible arguments of economic science; rather free trade became a policy when nations found it in their economic interests." He took note of the English invention of the Industrial Revolution in the mid-19th century after the Dutch were crushed by England's mercantile system, thus providing Adam Smith a great opportunity to convince them of the benefits of "free trade."

Jacob Dreyer, of the American Enterprise Institute, made a very perceptive observation in 1983 that "free trade would be the best of all economic alternatives if it were the only objective of government to maximize the aggregate real income of their respective national communities and of the international community as a whole."

In 1971, the Senate Finance Committee concluded that the theory of "comparative advantage," for example, cannot serve as a useful policy guide because it "assumes complete mobility of labor, capital and management across international boundaries," and because it "assumes no government interferences with free market forces and flexibility of exchange rates." Because neither of the assumptions is valid, the theory cannot be valid.

World War II was the ultimate in nationalistic behaviour. Perhaps understandably, it became fashionable in the United States to avoid discussion of nationalism and how it might be internally reformed or modified. Despite 600 years of authentic history the deep international thinkers downplayed it as a relevant factor in policy considerations. The key new policy approach focused on "internationalism" into which some of the dreams of Adam Smith fit quite neatly. This simplistic, single plane notion of "One World," and "global interdependence" of nations emerged as the premier philosphical foundation of a preponderance of academic and economic thought. Many nationalistic actions have been very bad dreams. But to shove the concept into the attic has been a grievous error. When individuals fail to come to terms with their own bad dreams psychological evaluation is typically the remedy.

Sigmund Freud would surely look upon such mass rejection of the bad dream of nationalism's excesses as the product of emotionally disturbed patients. Why? Nationalistic behaviour, frightening as it has often been, is nothing less than the manifestation of the basic human need to "belong." People *belong* to a social group for personal expression, a religious group for solace and spiritual refreshment, and the ultimate nation-state political group for protection from hostile forces. The nationalism phenomenon, expressed in so many diverse and surprising ways, transcends social and religious organizations. It translates to "home" in a world perceived by most people as potentially or actually hostile and it remains a fundamental of human motivation.

William Safire put the matter in simple perspective. "Anyone who thinks nationalism is the wave of the past will surely be flattened by it." Had the nationalistic spirit died with the formation of the United Nations, that organization would be a resounding success today. The GATT would be an international body with the strength and wisdom to bring about a world trading community totally committed to living by the rule of law.

What have the internationalists, the interdependent world of nations' deep thinkers substituted for the rejected nationalism? Primary allegiance to an international "economic man" theoretical concept; that man does indeed live by bread alone. Further, they project the same failed worldwide conceptual view that a body of international monetarists can tinker its way into manipulating currencies to "allocate resources" more equitably. Both concepts fly in the face of history and the human nature that made much of it. Can anyone long remain convinced that policies based on such concepts alone will succeed where the United Nations and the GATT have so grossly failed?

Forgotten by most European leaders, and Japanese leaders as well, are the unmatched leadership efforts of the U.S. after World War II to resurrect those nations. Resurrecting them economically, however, did not include changing their basic habits and predispositions about what makes trade tick. They soon returned to their former habits and policies. The War had taught them little about the need to re-orient commercial policies away from past nationalistic ideas to a liberalized, open market system. Ameri-

cans, by and large, thought or hoped that such liberalization would be in their interests. The record shows a return to the patterns of the past, with modest exceptions.

Doesn't that record suggest that Americans expect too much a mere 40 years after it began asking its trading partners in 1945 to renounce their past and embrace a new world, e.g., the UN and the GATT? Is there real prospect that, now at last in the post-World War II period, the freedoms needed to permit the rule of law to function are in place? Can they be identified? Are we sure? If not, must not an alternative philosophical foundation more consistent with history, and its gradual evolution of institutions, replace the current, and exclusive, "interdependence" dream?

In the modern post-World War II period, are there nations who ever followed a "free trade" policy, or adhered to a "protectionist" policy? Let's look at that record.

The Japanese "miracle" after 1953 serves as an outstanding example of an imaginative and successful trade program, built on the most discreet use of every nuance of trade policy ever invented or devised. How to describe it? Was it "free trade"? Perhaps "Protectionist"? Or, rather "Mercantilist"? Debate has unnecessarily raged endlessly over this question. What are its main components?

The former President of Mitsui, Yohize Ikeda, described most of the key elements in a *New York Times* news report in 1984:

1. subsidies, loans and other kinds of financial aid and direct assistance to favored industries.

2. a tax system designed to promote a high level of savings and investment and designed to offer accelerated depreciation and tax deferrals.

3. tight control in interest rates enabling the government to direct resources to targeted industries.

4. exemption of Japanese companies from anti-trust rules when desirable.

5. Special incentives for joint research.

What he omitted was Japanese government import protection to favored domestic industries with export potential, strict foreign exchange allocation to control purchases of imported goods, and, interest rates for loans at less than market price and guarantee of re-payment to the bank.

There's no Adam Smith in that program. It's a deft, partly illegal, partly predatory, government-industry partnership arrangement which exploited every loophole in U.S. laws as quickly as they were revised.

Equally lacking in historical accuracy are efforts by many to portray the west European nations, likewise with no trade liberalization history, as some latter day form of "free trade" bastion. Their commercial histories reveal no attachment to any policy philosophy. On the contrary, use was made of any and all devices perceived to enhance the wealth of each nation. The eminent commercial historian Fernand Braudel describes well the potpourri of "policies" and the continuing mixture, confusing and overlapping applications, from the 13th through the 18th century.

Particularly confusing were the experiences of many countries in the 17th and 18th centuries applying what later historians refer to as the so-called "mercantilist" theory. One well known historian is certain there were as many "mercantilists invented the nation, unless it was the nation which, by inventing itself, invented mercantilism." Even Holland's brief flirt with "free trade" in the late 18th century was less than skin deep. Its cartels and monopolies were left intact, and its colonial policy was among the worst in all Europe. No Adam Smith there.

What about post-World War II Europe? Most monopolies and cartels were re-instituted, and most pre-War trade patterns were re-established as in the past as noted by the OECD in its 1983 study. The Treaty of Rome makes no mention of trade policy at all. The key emphasis was to attempt to bind them together for mutual survival by all means available, according to the European Economic Community Treaty. No Adam Smith there.

As for the rest of the world, there remain non-market countries, Taiwan and South Korea, which didn't exist as a trade force until after World War II, Latin American and African countries, China and India. All are centrally controlled countries with all the trappings: exchange control, support for export industries, protection against unwanted imports, subsidies, cartels and monopolies. No Smith.

The current debate on international trade policy too often focuses on use of terms, or epithets, like "free trade," or "protectionist". Clearly history shows that those terms should be viewed simply as 2 or many descriptions to describe the continuing and ever-changing economic and political interests of individual nations, at any given time, and for any given product or market. It is often "free trade" for one product or market, "protectionist" for another, and as national interests change so do the policies, and so on, and so on, and so on.

What to do?

Discard unquantified and mis-leading phrases and terms like "free trade" and "protectionism" and get to the basics of policy.

Return to basic laws of human nature, deal with nationalism as it now exists, and reject shallow, mechanical "tinkering" theories proposed by those whose record of forecasting and analysis of cause and effect has done the country a disservice.

Fear not the phrase "managed trade" since America is already well along toward that policy. Do a better job than the "managed economies" of our trading partners.

Prepare a Congressional and Presidential budget and forecast of international trade 1, 3, 5 and 10 years out, by industrial sector, based on what's best for all Americans. Include specific plans for reducing trade and payments deficits.

Fear not to retaliate when the cause is just. The statutory authority exists.

Cease threatening foreign nations to open markets. In the words of Adam Smith, punish them for intransigence.

Scrap GATT of the past, and reform it as a condition for any final solution of the upcoming multi-lateral negotiations.

Above all, re-assert the bold leadership that helped a devastated world out of the morass of World War II. The western world, and the entire trading world for that matter, is awaiting new and dramatic initiatives from the U.S.

The present course of the federal government does offer some new initiatives. But, they are not cause for any celebration that a brave new pragmatic trade program for the future is near at hand.●

COMMEMORATING THE U.S. DISABLED SKI TEAM (S. RES. 298)

● Mr. D'AMATO. Mr. President, I rise today in recognition of the accomplishments of the U.S. Disabled Ski Team. I was pleased to join my distinguished colleague from Connecticut by cosponsoring Senate Resolution 298 on February 18, 1986.

The U.S. Disabled Ski Team is a special group of athletes. Its members have displayed the courage and dedication necessary to qualify for both national and international sports competitions. Their commitment to excellence will be demonstrated during the month of April 1986 when they will compete at the World Disabled Ski Championship in Salen, Sweden.

Disabled persons long have shown excellence that has gone unnoticed. I urge my colleagues to change this trend. There needs to be a collaborative effort in recognizing the special achievements of the disabled.

This legislation is an effort to accomplish the goal of recognizing the dynamic commitment, energy, and skills of disabled athletes. They are truly deserving of commendation.

The Disabled Ski Team has been instrumental in changing misperceptions about disabilities. The participants of the World Disabled Ski Championships are prepared to show continued courage and skills during this prestigious event. I commend each team member.●

ESTONIAN INDEPENDENCE DAY: FEBRUARY 24, 1986

● Mr. SIMON. Mr. President, today marks the 68th anniversary of Estonian Independence. From 1918-40, Estonia enjoyed independence and freedom. The country saw cultural progress, as well as agricultural and economic development. Although Estonia is under Soviet rule, Americans recognize this day of independence and join with Estonians in their struggle for freedom.

In 1922, the United States recognized the Baltic republics of Estonia, Lithuania, and Latvia. In 1925, Estonia became the first country in the world to grant cultural autonomy to its minorities—Russians, Jews, Germans, and Latvians. This era of growth and prosperity ended abruptly in 1940 in a Soviet invasion. Estonia, along with the other Baltic republics, was incorporated into the Soviet Union.

In an attempt to gain total control over the Baltic population, the Russian Troops used violence. Over 665,000 Estonians, Latvians, and Lithuanians were deported to Siberia where thousands died in concentration camps. The violence continued when Nazi Germany invaded Estonia in 1944. Thousands were killed, but many Estonians managed to escape to freedom in the West. The Soviets regained control in 1944 and the Estonians continued their struggle through the 1950's. The struggle continues today in an attempt by the Estonian people to

maintain their individuality and culture.

Today, the Estonian population has been declining due to forced relocation of the people and colonization in the country by Russians and other immigrants. The Soviet Union is establishing Russian as the official language in Estonia in the attempt to break the traditions and values of Estonians. The Estonians face imprisonment if they dare to speak out against the violations of their national and human rights under the Russians.

The United States must continue to recognize the Estonian plight and appropriately demonstrate against the Soviet domination in the Baltic States. Estonian have made significant contributions to our culture, but their hopes and dreams of independence in their native country remains.

Mr. President, the Estonian American National Congress, representing many Americans of Estonian descent, has asked me to place a statement they will issue today, on the 68th anniversary, in the CONGRESSIONAL RECORD. I ask that the statement be printed in the RECORD.

The statement follows:

STATEMENT

The people of Estonian ancestry everywhere commemorate the 68th anniversary of the founding of the Republic of Estonia on February 24, 1918. At the same time, they note with sadness the continued brutality of the Soviet occupation of Estonia which began in June, 1940, when the Red Army rolled across the border to annex its neutral and peaceful neighbor. The Soviet aggression against the Baltic states—Estonia, Latvia and Lithuania—was such a blatant violation of international law that the United States and almost all other Western countries to this day refuse to accord de jure recognition to the Soviet rule there.

As Soviet rulers even today seek to expand the tentacles of their oppressive system of governance in Afghanistan and elsewhere, we would do well to recall the fate of Estonia. During the brief period of its modern statehood the Republic of Estonia was in many respects a model country. Universal suffrage and the eight-hour work day were introduced at the outset, and the records of the International Labor Office in Geneva attest that the Republic of Estonia was in the forefront of humane social and labor legislation in general.

Estonia's land reform and its minorities' laws gained international fame and were often cited by the League of Nations as examples to emulate. Indeed, in recognition and appreciation of ethnic justice, the Jewish National Fund in Palestine in 1927 awarded its special "Golden Book Certificate" to the Republic of Estonia, the only country ever so honored by the Jewish people. The American author Marion Foster Washburne traveled around the world in search of "the happy country." And in her 1940 book, A Search for a Happy Country (Washington: National Home Library Foundation), she concludes that the Republic of Estonia was that happy country.

Under Soviet dominaton Estonia has suffered tremendously—demographically, politically, culturally. Thus, the country lost almost one-third of its prewar population between 1939 and 1949, due foremost to Soviet atrocities; especially brutal were the mass deportations of 1941 and 1949. After the war, there has been a steady influx of Russians; the share of the population which is ethnic Estonian declined in the present territory from 92% in 1939 to 68% by 1970.

While the minority laws of the Republic of Estonia were renowned internationally, Estonians today face grave pressures of russification and sovietization in their own ancestral territory. Creative freedoms in all fields of artistic endeavor have been severely curtailed. Russian language encroachment at all educational levels, in the mass media, and in public affairs threatens to undermine the Estonian national identity. A few years ago Soviet authorities prohibited the use of Estonian in the defense of doctoral dissertations. More recently, the Communist Party's press in the university town of Tartu announced that the forced teaching of Russian would be introduced already at the level of day care centers.

Today, it is virtually impossible for Estonians in their Soviet occupied homeland to travel abroad or to emigrate. Contrast this with the fact that in 1936 alone, for example, 120,889 Estonian citizens were able to travel abroad, and a few of them chose to emigrate. In the grips of the Soviet bear Estonia today has the sad distinction of having the world's youngest political prisoner, two year old Kaisa Randpere, who is forbidden by Moscow from joining her parents in the West. The Soviet aggression against Estonia and the unremitting, systematic violation of political and human rights, have been well documented by the United States Congress and the Department of State.

From the outset of the Soviet occupation Estonians have actively resisted and protested Moscow's actions. In the ancestral homeland such protests, even when they are nothing more than peaceful memoranda, result in long periods of banishment to the infamous Gulag, tortuous confinement to psychiatric institutions, and at times even murder in confinement, as happened with the late Jüri Kukk. In spite of this, Estonians in their Soviet occupied homeland as well as those in the diaspora in the Free World, will mark Estonian Independence Day once more on February 24th. The dream of the restoration of sovereignty, of political and human rights, of freedom from Soviet Russian oppression lives on in the hearts of Estonians everywhere. Their aspirations, hopes and struggle for freedom are shared by freedom-loving people everywhere.

Elagu Vaba Eesti! (Long live Free Estonia!) Estonian American National Council.●

RISK-TAKING REWARDS

● Mr. SIMON. Mr. President, we have all had time to reflect on the explosion that destroyed the space shuttle and tragically killed its seven astronauts. Now, the President's Commission and NASA are going about the painful process of finding the cause. But the space shuttle tragedy has larger implications and lessons for us all. One of these lessons is the necessity of taking risks.

I ask that a column I have written on the challenge of risk taking be printed in the RECORD.

The column follows:

THE REWARDS OF RISK-TAKING

(A weekly column by U.S. Senator Paul Simon)

You can remember exactly where you were when word reached you about the Space Shuttle disaster. So can I. It's one of those things indelibly impressed on our minds.

Since that time, in one form or another, I have heard people ask the question: Should we be taking these risks?

The answer is clear: If humanity is to make progress, some risks have to be taken.

The most incredible space flight of all was that of John Glenn, now a United States senator, who crawled into a tiny piece of metal not much bigger than he is and became the first American to be hurtled into orbit.

The odds against his making it were much greater than those facing our latest seven heroes whose tragic death we saw.

And on that day of grief, John Glenn joined Vice President George Bush and Sen. Jake Garn, another former astronaut, in going to Florida to console the families.

I said to John, "It must have been tough, talking to those family members."

He replied that it was and then added, "I thought of my own children who were at that age when I went up. Before I went up I called them together and explained that it was a risk, that I might not be back, but that risks are essential for creating a better world."

John Glenn was, and is, right.

I have just returned from an airplane flight, less of a risk than a highway trip but more of a risk than staying home. When I got to the airport I crossed the street to get to my car, more of a risk than not crossing the street.

I ran for the United States Senate, requiring untold miles on highways and planes, to be elected to a body where there are security people around all the time because of the risks.

To be in a position to move a community, a nation or the world, risks have to be taken.

Everyone takes risks, sometimes foolishly, sometimes for a purpose.

Those of you who smoke are taking a risk, most people would say for no purpose, but some smokers would say for the satisfaction it gives them.

When you get into an elevator you probably take a greater risk than walking up the stairs, and get less exercise. But there are few of us who don't take elevators.

When you get married, you take a risk.

When you sign up for a college course, you take a risk.

Probably 20 or more times a day you take actions that involve conscious risk-taking. That is part of life.

The astronauts who were launched into space knew they were taking a risk, but they made the right decision to take the risk.

That is a part why we honor them. They knew the danger and volunteered anyway.

That's what heroes are made of.

And there is a small bit of hero in each of us.

Perhaps not much, but enough so that we will continue to conquer space, probe the depths of the sea, and perhaps one of these days even show enough courage to build a world of peace.●

MORATORIUM ON NUCLEAR TESTING

● Mr. SIMON. Mr. President, U.S. News & World Report is generally regarded as a conservative journal that does not go off on the deep end.

Recently its editorial director, Harold Evans, had an editorial comment on the back page that is generally reserved for editorial comment, calling on us to have a moratorium on nuclear test.

What Harold Evans has to say makes eminent good sense, and I urge my colleagues in both the House and Senate to read his comments, as well as people in the administration. We are not talking about some luxury item that might or might not be good. We may be talking about the survival of humanity itself. We have taken enough steps in the wrong direction; let us take a step in the right direction.

I ask that the Evans article be inserted at this point.

The article follows:

THE PRESIDENT'S CHANCE

(By Harold Evans)

The war is on for President Reagan's ear. Bud McFarlane is the first casualty. It is hard to believe that he has quit as national-security adviser because of personality tiffs in the White House. Hell, no, as the President would say. McFarlane is a Marine combat veteran. What is at stake in the conflicts in the administration is policy, not protocol, and the 600-pound gorilla in the Oval Office demanding daily attention is the Soviet Union.

How can the spirit of Geneva be kept alive? McFarlane was rewarded in his advocacy of a summit meeting by a brilliant performance from the President, but not by an arms deal. Geneva's fireside chats have raised expectations that cannot be satisfied by swaps of ballerinas and consuls. In Washington, the President has now to resolve the divisions between State and Defense on arms control in favor of a realistic effort. In Moscow, Gorbachev has to produce movement on Afghanistan and on the plight of the thousands of Jewish "waitniks."

The Scylla to avoid is the disillusion that followed the 1972 summit. The Soviet Union has not changed. It is not about to reform itself. It will remain a challenge. We cannot solve the conflict. We can only hope to manage it better—for our sake and the sake of those who are oppressed. But manage it better we can and must do: The Charybdis to avoid is the hot rhetoric and cold-war freeze of the '80s. That is futile and dangerous. It did not get more Jews out of Russia; it kept them in.

If there can be no giant leap forward, what small steps can be taken? There is one we can take before Christmas.

Gorbachev announced in July a Soviet moratorium on nuclear testing that would run to January, 1986, and beyond that if the U.S. joined in. We did not. We have carried out five more tests. Now, we have two weeks left to join the moratorium and thereby perpetuate it for both sides. Why not?

The question is littered with misconception and mystery. Richard Perle, assistant secretary of defense, has said the Soviets cannot be trusted. They "broke the 1958-61 testing moratorium." The record shows this is not so. It was President Eisenhower who, on Dec. 29, 1959, declared the 1958 voluntary moratorium at an end; and the French were the first with a test, on Feb. 13, 1960. It is not a question of trusting the Soviets. Of course we cannot take them on trust. Too much is at stake, and their system is too secretive. But arms-control deals that are verifiable are another matter. Gorbachev has said the Soviets will agree to seismic monitoring and onsite inspection. Why not take him up?

The mystery is this—that the principal reason the U.S. has turned down a comprehensive test ban seems to be that it would stop testing in the Excalibur program of the X-ray laser for the Stategic Defense Initiative. The laser is pumped by a nuclear explosion. But the President is right to insist that his concept of SDI is that it is non-nuclear. How can we possibly ever realistically—or honestly—test a weapon that requires a nuclear explosion in space in violation of not one but three arms-control treaties?

In that case, why not stop tests that do not add to our security but also complicate the fearful asymmetry of Soviet-U.S. arsenals and the chances of ending the arms race? Perle says testing "is indispensable to maintaining the credibility of our nuclear deterrent." Is it? Surely the Soviets know—as well as we do—that even without further testing we have for the next 100 years enough reliable warheads to destroy their society 10 times over. If the Soviets prolonged their moratorium, would we say we had nothing to fear because their deterrent had lost its credibility? Eliza Doolittle had the answer: Not bloody likely.

In 1963, it was President Kennedy who took the lead. He announced a U.S. moratorium on atmospheric tests that led to the 1963 Limited Test Ban Treaty. The Soviets have for more than 20 years followed the limits of that treaty. The world has been cleaner and safer for it. It remembers John Kennedy for what he did, and it will remember a Ronald Reagan who takes a similar small step for mankind.●

ESTONIAN INDEPENDENCE DAY

● Mr. BRADLEY. Mr. President, I am honored to join with many of my colleagues in the U.S. Senate to pay tribute to the brave Estonian people on the occasion of the 68th anniversary of the Declaration of Independence of the Republic of Estonia. On this day of celebration, I applaud the people of Estonia in their struggle for freedom, human dignity, and national independence.

The Republic of Estonia declared independence from Russia on February 24, 1918. Estonia was able to survive as an independent republic from 1918 until 1940. However, in June 1940 the Russian Army crossed into Estonia and occupied this once independent nation by force. Although Estonian sovereignty was short lived, citizens of Estonian ancestry fondly recall a time of self-determination when the Republic of Estonia was free from Soviet domination. To this day the Estonian people share the dream of restored sovereignty. Despite Soviet brutalities they have not lost their love of freedom and the pride in their separate identity.

The Soviet occupation of Estonia and the Baltic States is marked by the repression of the basic human rights we, as Americans, hold so dear. Under Soviet rule drastic actions have been taken to eradicate Estonian language, cultural values, artistic traditions, and religious freedom. Currently, very few Estonians are allowed to emigrate from their Soviet-occupied homeland. Although there are numerous examples of Soviet repression and cruelty in Estonia, the tragic plight of 2-year-old Kaisa Randpere deserves our immediate and continued attention. Kaisa's parents were forced to leave their daughter behind when they fled from Estonia over a year ago. Since then, Kaisa's parents have made repeated formal applications for an exit visa for their daughter. Each time, however, their application has been denied. Kaisa's grandmother, who has been watching the child, was fired from her job and threatened with imprisonment in a psychiatric hospital if she refuses to denounce the actions of Kaisa's parents. Soviet officials have even threatened that Kaisa will be placed in an orphanage.

I joined many of my esteemed colleagues in urging the President to bring up the case of Kaisa Randpere at the recent summit meeting in Geneva with Secretary Gorbachev. I believe that as we celebrate the spirit of Estonian independence we must also remember those who are not free, including Kaisa, and we must continue to speak out against Soviet human rights violations. We, as a nation, must not forget our struggle for freedom. On this day of recognition, let us rededicate ourselves to the cause of freedom as we support those who are speaking out against oppression.

Despite the attempts of the Soviet Union to dominate the Estonian people, their national spirit thrives. They are a people who are not willing to submit to their powerful adversary. I join my colleagues in praising the strong will of the Estonian people and in deploring human rights violations inflicted on these courageous people in their quest for freedom and dignity.

Mr. President, I ask that a copy of a statement issued by the Estonian American National Council and a copy of the Copenhagen Manifesto which reflects the finding of a distinguished panel of jurists regarding Soviet aggression in the Baltic States be printed in the RECORD.

The material follows:

STATEMENT

The people of Estonian ancestry everywhere commemorate the 68th anniversary of the founding of the Republic of Estonia on February 24, 1918. At the same time, they note with sadness the continued brutality of the Soviet occupation of Estonia which began in June 1940, when the Red Army rolled across the border to annex its neutral and peaceful neighbor. The Soviet

aggression against the Baltic states—Estonia, Latvia and Lithuania—was such a blatant violation of international law that the United States and almost all other Western countries to this day refuse to accord de jure recognition to the Soviet rule there.

As Soviet rulers even today seek to expand the tentacles of their oppressive system of governance in Afghanistan and elsewhere, we would do well to recall the fate of Estonia. During the brief period of its modern statehood the Republic of Estonia was in many respects a model country. Universal suffrage and the eight-hour work day were introduced at the outset, and the records of the International Labor Office in Geneva attest that the Republic of Estonia was in the forefront of humane social and labor legislation in general.

Estonia's land reform and its minorities' laws gained international fame and were often cited by the League of Nations as examples to emulate. Indeed, in recognition and appreciation of ethnic justice, the Jewish National Fund in Palestine in 1927 awarded its special "Golden Book Certificate" to the Republic of Estonia, the only country ever so honored by the Jewish people. The American author Marion Foster Washburne traveled around the world in search of "the happy country." And in her 1940 book, *A Search for a Happy Country* (Washington: National Home Library Foundation), she concludes that the Republic of Estonia was that happy country.

Under Soviet domination Estonia has suffered tremendously—demographically, politically, culturally. Thus, the country lost almost one-third of its prewar population between 1939 and 1948, due foremost to Soviet atrocities; especially brutal were the mass deportations of 1941 and 1949. After the war, there has been a steady influx of Russians; the share of the population which is ethnic Estonian declined in the present territory from 92% in 1939 to 68% by 1970.

While the minority laws of the Republic of Estonia were renowned internationally, Estonians today face grave pressures of russification and sovietization in their own ancestral territory. Creative freedoms in all fields of artistic endeavor have been severely curtailed. Russian language encroachment at all educational levels, in the mass media, and in public affairs threatens to undermine Estonian national identity. A few years ago Soviet authorities prohibited the use of Estonian in the defense of doctoral dissertations. More recently, the Communist Party's press in the university town of Tartu announced that the forced teaching of Russian would be introduced already at the level of the day care centers.

Today, it is virtually impossible for Estonians in their Soviet occupied homeland to travel abroad or to emigrate. Contrast this with the fact that in 1936 alone, for example, 120,889 Estonian citizens were able to travel abroad, and a few of them chose to emigrate. In the grips of the Soviet bear Estonia today has the sad distinction of having the world's youngest political prisoner, two year old Kaisa Randpere, who is forbidden by Moscow from joining her parents in the West. The Soviet aggression against Estonia and the unremitting, systematic violation of political and human rights, have been well documented by the United States Congress and the Department of State.

From the outset of the Soviet occupation Estonians have actively resisted and protested Moscow's actions. In the ancestral homeland such protests, even when they are nothing more than peaceful memoranda, result in long periods of banishment to the infamous Gulag, tortuous confinement to psychiatric institutions, and at times even murder in confinement, as happened with the late Jüri Kukk. In spite of this, Estonians in their Soviet occupied homeland as well as those in the diaspora in the Free World, will mark Estonian Independence Day once more on February 24th. The dream of the restoration of sovereignty of political and human rights, of freedom from Soviet Russian oppression lives on in the hearts of Estonians everywhere. Their aspirations, hopes and struggle for freedom are shared by freedom-loving people everywhere.

Elagu Vaba Eesti! (Long live Free Estonia!)

ESTONIAN AMERICAN NATIONAL COUNCIL.

COPENHAGEN MANIFESTO

The Baltic Tribunal in Copenhagen declares that the occupation and annexation of the once independent States of Estonia, Latvia, and Lithuania serve as prime examples of the violations of international public law and treaties ratified by the Soviet Union.

Mass Russian immigration has seriously damaged Baltic identity and political structure; language, culture, religion, even the learning of history in schools, have suffered under Soviet rule. The militarization of the Baltic States serves as a constant reminder of the continuing threat to world peace.

The right of the Baltic peoples to self-determination, to non-discrimination, and to non-interference on their ancestral soil must be reinstated. After hearing experienced witnesses on numerous aspects of life and law and practice in occupied Estonia, Latvia, and Lithuania, the Baltic Tribunal concludes that severe injustice has been and is being done to these people by the Soviet Union.

The fate of the three Baltic States is unique in human history. Nowhere else in the world are former parliamentary democracies occupied, annexed, and colonized by a conquering power. A unique fate deserves unique policies from the democratic governments of the world. We call upon them to raise the issue of Soviet occupation of the Baltic countries in all world forums, demanding freedom and independence for Estonia, Latvia, and Lithuania.

By this Copenhagen Manifesto we declare that the present situation in the Baltic countries is damaging the chance of peace and freedom in Europe and the world.

THEODOR VEITER,
Chairman.

PER AHLMARK.
JEAN-MARIE DAILLET.
MICHAEL BOURDEAUX.
JAMES FAWCETT.●

NATIONAL TEACHER APPRECIATION DAY

● Mr. CHILES. Mr. President, I recently introduced legislation (S.J. Res. 257) which would designate the first Friday of each May as "National Teacher Appreciation Day." I am pleased that over 35 of my colleagues have joined as cosponsors of this important resolution. In the House, companion legislation introduced by Congressman CLAY SHAW has gathered well over 200 cosponsors.

Today, I am happy to announce the endorsement of the American Federation of Teachers for this resolution. I ask that the letter of support from the AFT be printed in the RECORD.

The letter follows:

AMERICAN FEDERATION OF TEACHERS, AFL-CIO,
Washington, DC, February 19, 1986.

Hon. LAWTON CHILES,
U.S. Senate,
Senate Russell Office Bldg.,
Washington, DC.

DEAR SENATOR CHILES: The American Federation of Teachers applauds your effort, and the efforts of your co-sponsors, to designate the first Friday in May as National Teacher Appreciation Day.

Teachers struggle, often at great personal sacrifice, to provide a vital service to America's youth. However, many teachers feel their labors are unappreciated, that their role in society is denigrated.

Senate Joint Resolution 257 serves the need to give teachers greater recognition for their work.

Sincerely,

GREGORY A. HUMPHREY,
Director of Legislation.●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under the act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the RECORD at this point the notification which has been received. The classified annex referred to the covering letter is available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, February 19, 1986.
In reply refer to: I-00569/86.

Hon. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding under separate cover Transmittal No. 86-24, concerning the Department of the Navy's proposed Letter(s) of Offer to Norway for defense articles and services estimated to cost $14 million or more. Since most of the essential elements of this proposed sale are to remain classified, we will not notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

[TRANSMITTAL No. 86-24]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

(i)(U) Prospective Purchaser: Norway.

(ii) Total Estimated Value: Major Defense Equipment [Deleted]; Other [Deleted]; Total [Deleted].

(iii) Description of Articles or Services Offered: [Deleted].

(iv)(U) Military Department: Navy (SAI, JGN).

(v)(U) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi)(U) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See Annex under separate cover.

(vii)(U) Section 28 Report: Case not included in Section 28 report.

(viii)(U) Date Report Delivered to Congress: 19 February 1986.

MILITARY JUSTIFICATION

[Deleted.]

[Deleted.]

(U) This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Norway; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

[Deleted.]

(U) The sale of this equipment and support will not affect the basic military balance in the region.

(U) The prime contractor will be Lockheed California Company of Burbank, California.

(U) Implementation of this sale will require the assignment to Norway of ten additional U.S. Government personnel for five months and two contractor representatives for one year.

(U) There will be no adverse impact on U.S. defense readiness as a result of this sale.●

ORDER FOR S. 2085 TO BE HELD AT THE DESK

Mr. SIMPSON. Mr. President, I ask unanimous consent that S. 2085, the milk bill, be held at the desk until the close of business on Wednesday, February 26, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. SIMPSON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Tuesday, February 25, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

RECOGNITION OF SENATORS PROXMIRE AND SIMON

Mr. SIMPSON. Mr. President, following the recognition of the two leaders under the standing order on tomorrow, I ask unanimous consent that there be special orders in favor of the Senator from Wisconsin [Mr. PROXMIRE] and the Senator from Illinois [Mr. SIMON] for not to exceed 15 minutes each.

ROUTINE MORNING BUSINESS

Mr. SIMPSON. Following the special orders, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond 12 noon, with Senators permitted to speak therein for not more than 5 minutes each.

RECESS BETWEEN 12 NOON AND 2 P.M.

Mr. President, I ask unanimous consent that the Senate stand in recess tomorrow between 12 noon and 2 p.m., in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. At 2 p.m., the Senate will resume consideration of Senate Resolution 28, television in the Senate. Votes could occur during the day on Tuesday with regard to that matter.

RECESS UNTIL 11 A.M. TOMORROW

Mr. SIMPSON. Mr. President, there being no further business, I ask unanimous consent, in accordance with the previous order, that the Senate stand in recess until 11 a.m., on Tuesday, February 25, 1986.

There being no objection, at 4:46 p.m., the Senate recessed until tomorrow, Tuesday, February 25, 1986, at 11 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 21, 1986, under authority of the order of the Senate of January 3, 1985:

THE JUDICIARY

Daniel A. Manion, of Indiana, to be U.S. circuit judge for the seventh circuit vice Wilbur F. Pell, Jr., retired.

DEPARTMENT OF ENERGY

William F. Martin, of the District of Columbia, to be Deputy Secretary of Energy, vice Danny J. Boggs.

David B. Waller, of the District of Columbia, to be an assistant secretary of energy (International Affairs and Energy Emergencies), vice Jan W. Mares, resigned.

RAILROAD RETIREMENT BOARD

Charles J. Chamberlain, of Illinois, to be a member of the Railroad Retirement Board for the term of 5 years from August 29, 1984, reappointment.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

Edward Nelson, Jr.
Clyde E. Robbins
Theodore J. Wojnar
Arnold M. Danielsen
Howard B. Thorsen

IN THE ARMY

The following-named officers for appointment under automatic integration in the Regular Army of the United States, in their promotion grades, under the provisions of title 10, United States Code, sections 531, 532, and 533:

To be colonel

Moody, James I., xxx-xx-xxxx
Peterson, Eugene, xxx-xx-xxxx
White, James W., xxx-xx-xxxx

To be lieutenant colonel

Flowers, George A., xxx-xx-xxxx

To be major

Andersen, William H., xxx-xx-xxxx
Babcock, John M., xxx-xx-xxxx
Barbosa, Hector J., xxx-xx-xxxx
Barnes, John H., xxx-xx-xxxx
Bearden, George, xxx-xx-xxxx
Beatty, Murel, E., xxx-xx-xxxx
Bengco, Jose C., xxx-xx-xxxx
Beverly, Paul C., xxx-xx-xxxx
Blickhan, Donald, xxx-xx-xxxx
Breaker, Donald xxx-xx-xxxx
Brown, Lloyd A., xxx-xx-xxxx
Burch, Phillip R., xxx-xx-xxxx
Burlingame, T., xxx-xx-xxxx
Call, Larry D., xxx-xx-xxxx
Carter, Troy G., xxx-xx-xxxx
Christopher, Jon B., xxx-xx-xxxx
Cooper, Richard A., xxx-xx-xxxx
Crews, James P., xxx-xx-xxxx
Demond, Dennis E., xxx-xx-xxxx
Dempsey, Terry A., xxx-xx-xxxx
Espino, Saul J., xxx-xx-xxxx
Enriquez, David J., xxx-xx-xxxx
Fair, Daniel, xxx-xx-xxxx
Fowler, Gene S., xxx-xx-xxxx
Gilman, Harry W., xxx-xx-xxxx
Grod, David, xxx-xx-xxxx
Hill, Greg W., xxx-xx-xxxx
Hill, Robert B., xxx-xx-xxxx
Kleinbrook, William L., xxx-xx-xxxx
Humphrey, John D., xxx-xx-xxxx
Isler, Albert C., xxx-xx-xxxx
Jones, Rodrick L., xxx-xx-xxxx
Kelman, Marvin C., xxx-xx-xxxx
Leroe, Robert G., xxx-xx-xxxx
Lura, Wayne T., xxx-xx-xxxx
Mercer, Jeffrey, xxx-xx-xxxx
Minsky, Barry J., xxx-xx-xxxx
Mitchell, Nevalo, xxx-xx-xxxx
Nichols, Delton, xxx-xx-xxxx
Oreilly, Edward, xxx-xx-xxxx
Owens, Johnny C., xxx-xx-xxxx
Pendrak, Gary A., xxx-xx-xxxx
Porter, Ronald J., xxx-xx-xxxx
Roberts, Stanley, xxx-xx-xxxx
Savage, Gerald L., xxx-xx-xxxx
Seel, Teddy R., xxx-xx-xxxx
Smith, Charles E., xxx-xx-xxxx
Spragg, Eduardo, xxx-xx-xxxx
Stagner, William, xxx-xx-xxxx
Simmons, Michele E., xxx-xx-xxxx
Stalker, James B., xxx-xx-xxxx
Steedley, Kerry, xxx-xx-xxxx
Strange, Herbert, xxx-xx-xxxx
Thomas, Jaime A., xxx-xx-xxxx
Todd, Roger W., xxx-xx-xxxx
Truitt, James T., xxx-xx-xxxx
Tyson, Granville, xxx-xx-xxxx
Waters, William G., Jr., xxx-xx-xxxx
White, H.R., xxx-xx-xxxx
Wildeman, Robert, xxx-xx-xxxx
Wilkinson, James R., xxx-xx-xxxx
Witt, William A., III, xxx-xx-xxxx
349X, xxx-xx-xxxx
315X, xxx-xx-xxxx
306X, xxx-xx-xxxx

The following-named distinguished honor graduates of Officer Candidate School for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 531, 532, and 533:

Atanasio, Russell J., xxx-xx-xxxx

Frey, Neil J., xxx-xx-xxxx
Baker, David D., xxx-xx-xxxx
Bauman, Celia, xxx-xx-xxxx
Welch, Robert P., xxx-xx-xxxx

The following-named Reserve Officers' Training Corps, cadets for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 531, 532, 533, 2106, and 2107:

Anderson, John M., xxx-xx-xxxx
Keating, Joseph, xxx-xx-xxxx

The following-named officers from the Temporary Disability Retired List for reappointment in the Regular Army of the United States, in the grade of captain, under the provisions of title 10, United States Code, section 1211:

Castle, James M; xxx-xx-xxxx
Johnson, Michael V; xxx-xx-xxxx

IN THE ARMY

The Following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, sections 624 and 628:

DENTAL CORPS

To be colonel

Philip J.B. Stanley, xxx-xx-xxxx

CHAPLAIN CORPS

To be lieutenant colonel

Jack A. Wallace, xxx-xx-xxxx

ARMY

To be major

Peter G. Tuttle, xxx-xx-xxxx
John H. Viehe, xxx-xx-xxxx

JUDGE ADVOCATE GENERALS CORPS

To be major

Gene A. Dickey, xxx-xx-xxxx
Raymond M. Saunders, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be major

Robert J. Werner, xxx-xx-xxxx

ARMY NURSE CORPS

To be major

Mary J. Bryant, xxx-xx-xxxx

DENTAL SERVICE CORPS

To be major

Robert S. Carter, Jr., xxx-xx-xxxx
Paul L. Christianson, xxx-xx-xxxx

IN THE MARINE CORPS

The following-named officer for promotion to the grade of colonel under the provisions of article II, section 2, clause 2 of the Constitution of the United States of America:

Lt. Col. Charles F. Bolden, Jr., U.S. Marine Corps, xxx-xx-xxxx/7511.

Executive nominations received by the Senate February 24, 1986:

DEPARTMENT OF AGRICULTURE

Richard E. Lyng, of Virginia, to be Secretary of Agriculture.

DEPARTMENT OF STATE

Ronald S. Lauder, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Evan Griffith Galbraith, of Connecticut, to be a member of the board of directors of the Overseas Private Investment Corporation for a term expiring December 17, 1987, new position.

WITHDRAWALS

Executive nominations withdrawn by the President February 21, 1986:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Glen A. Holden, of California, to be a member of the National Museum Services Board for a term expiring December 6, 1989, vice Anne Carroll Badham, term expired, which was sent to the Senate on April 17, 1985.

U.S. POSTAL SERVICE

Barry D. Schreiber, of Florida, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1992, vice Frieda Waldman, which was sent to the Senate on January 22, 1986.

71-059 O-87-38 (Pt. 2)

EXTENSIONS OF REMARKS

PROGRESS REPORT ON HAITI

HON. ROBERT GARCIA
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. GARCIA. Mr. Speaker, the Washington Post ran two articles yesterday on the present atmosphere in Haiti and on the relationship between that nation and our own.

It is my hope that Haiti will be able to soon begin the long process of rebuilding its economy and of building a democracy. I am also hopeful that the United States will be able to play a positive role in that process.

I am submitting the two articles from the Post for my colleagues' perusal.

The articles follow:

[From the Washington Post, Feb. 23, 1986]

A NEW ATMOSPHERE IN PORT-AU-PRINCE

(By Edward Cody)

PORT-AU-PRINCE, HAITI.—For years, the blond cur lay peacefully in the sun, smack in the middle of a broad street passing before the white presidential palace. Jean-Claude Duvalier's guard had closed off the street to keep away pedestrians, automobile traffic and potential assassins.

Now Duvalier has fled the palace. A military-dominated junta is running the country. For the time being, at least, the fear of assassins has abated and the street has reopened to the capital's busy auto and pedestrian traffic.

Everybody seems happy about the new arrangement except the dog. He has been trying to return to his sunning spot. But honking motorists make an old dog pay the price of change.

Since Duvalier's departure, pedestrians have been clustering at two spots along an iron fence surrounding the palace grounds. These mark the pillboxes where soldiers used to lie on concrete platforms inside and point light machine guns toward the street through firing slits, just in case the people attacked their president-for-life.

The soldiers are still there, sometimes wearing boots, sometimes barefoot. But instead of guarding a dictator, they spend their time chatting through the slits with passers-by curious about life inside the fence.

The curiosity is understandable. Duvalier and his father before him surrounded the dictatorship with mystery and rarely mingled with the people. As a result, the twin-domed white building had something of the Forbidden City about it. This impression was heightened by antiaircraft batteries on the lawn and in the shrubs, and by a radar antenna turning relentlessly on the roof.

The antenna still turns and no one has dismantled the guns. But the atmosphere has changed here under Lt. Gen. Henri Namphy, head of the National Council of Government that took over from the fleeing Duvalier, and people on the street can feel it.

A taxi driver wanted to record the change to show his family. He asked a foreign photographer to take his picture standing in the main palace doorway after he drove the photographer up for an event inside. Few photographers, much less taxi drivers, used to get that far under Duvalier.

The change in atmosphere has yet to pose a direct challenge to the rich, even though Haiti has one of the world's most glaring disparities between wealth and poverty.

A Porsche that used to be seen prowling the streets of the capital has been garaged in recent days. But stylishly dressed women still whisk by in BMWs like the one Duvalier drove to the airport. And the high-priced restaurants of Petionville in the suburban hills still offer nightly dinners worth 20 percent of the average annual income.

"These people are so nice," purred the French owner of one such establishment the other night. "We have had a revolution, and nothing seems to change."

Even the looting that followed Duvalier's flight in the night seemed restrained. With only a few exceptions, mobs attacked homes and businesses that belonged to officials or merchants associated with Duvalier and left others alone.

An auto dealership selling the Soviet-made Lada was sacked, for example, while a nearby Japanese car emporium was untouched. The reason, Haitians explained, was that the first belonged to Ernest Bennett, father of Duvalier's wife, Michele, and one of Haiti's biggest businessmen until the system collapsed.

[From the Washington Post, Feb. 23, 1986]

OUR HAITI MEDDLING WORKED—AMERICA HELPED TOPPLE A GOVERNMENT AND EVERYBODY CHEERED

(By Keith B Richburg)

For every Haitian, from the taxi driver to the peasant, the two most important dates in history are 1804—the establishment of Haiti as the first black republic—and 1934, the end of American military occupation. Those dates, repeated over and over on radio and in newspapers, are a passion, a unifying force for the troubled island.

So it was hardly to be expected that a country so proud of having thrown out white foreigners would burst into an orgy of flag-waving *"Vive l'Amerique"* chants in front of the American embassy on the day dictator Jean-Claude ("Baby Doc") Duvalier fled into exile.

The Reagan administration supplied the pressure for Baby Doc's ouster. It was a classic example of American interventionism without the use of American troops. But, unlike other historical non-military meddling in the region, it was a case that won nothing but praise—from Haitians themselves to begrudging liberals in this country.

The full extent of U.S. involvement is not yet clear. But even if the American campaign went no further than what was overt, the pattern demonstrates a strong U.S. role in the dictator's ouster.

As early as last Thanksgiving, U.S. diplomats were putting out the word that they thought Duvalier couldn't last. When street protests escalated in January, $52 million in aid was suspended. White House spokesman Larry Speakes' inaccurate announcement at the height of the protest that Duvalier had been ousted was widely interpreted in Haiti as a sign that the United States would not be sad to see him go. Then Secretary of State George Shultz said the United States wanted to see democratic elections in Haiti, and it was all over.

The story of how a conservative Republican administration came to intervene on the side of human rights to force out a repressive regime is particularly poignant now that the administration is grappling with the Philippines. And the old question of whether to disengage totally from *Haiti* as a protest, or stay involved and use money as leverage for change, is a debate that could have ramifications not only in Manila, but in Johannesburg.

Comparisons between countries are always problematic, the parallels imprecise. But examining the specifics of Haiti can teach lessons on the use of American influence, while demonstrating how a broad consensus can sometimes develop on the side of U.S. intervention abroad.

In Haiti, three dynamics came into play in the early 1980s, before the mass street protests and ensuing repression made obvious what Haiti-watchers had known for years: The government there had to change—or be changed by the United States. It was the combination of all three that shifted the Reagan administration from an attitude of benign neglect to a champion of human rights.

The Reagan shift was motivated, first and foremost, by the scene of Haitian exiles showing up by the thousands on the shores of Miami, flooding South Florida with a pool of unskilled black refugees, illiterate even in their strange language (Creole), straining the social safety net. That refugee influx made U.S. intervention not a case of moralistic crusading, but pure and simple American self-interest.

There was also a heightened concern about official corruption diverting the flow of U.S. aid dollars into the Swiss bank accounts of Duvalier and his cronies—corruption that was base even by Third World standards. Stealing local tax dollars is one thing, but selling plainly labeled U.S. gift rice on street corners is a step too far.

Third was an unusual coalition of liberals, members of the congressional black caucus, and the new U.S. ambassador, Clayton McManaway, whose shared concern over human-rights abuses led to tougher aid requirements, over State Department objections. Those dynamics were played out against one peculiarity that made Haiti's dictator unlike repressive counterparts elsewhere: Jean-Claude Duvalier, who inherited the presidency-for-life from his father, had been in the position for 15 years and had accumulated vast wealth. He lacked the passion for power of a Marcos or a shah or a Somoza, according to some who knew him. This made it easier to talk him into leaving.

"Money was always more important for Jean-Claude than power," said one former aide. "Money for his father was a way of keeping power. Power for Jean-Claude was a way of making money."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Haiti's geography is significant in the case for intervention because it is less than 60 miles from Cuba, raising the specter of an uprising there that could be coopted by communism. Havana radio regularly beams broadcasts in Creole, and thousands of Haitian exiles now reside in Cuba, their rickety boats never having made it all the way to Miami. No one has claimed a communist force behind the largely unorganized popular movement to oust Duvalier, but neither has anyone denied the possibility that the small (less than 300-member) Haitian Communist Party later might try to take some of the credit.

The proximity to the United States is more relevant. Packed into small boats, Haitians can easily navigate the 700-mile trip north to Miami by using the tightly-packed Bahaman islands as stepping stones, to break up the journey into manageable chunks. More than 600,000 Haitians had fled to U.S. shores by the end of Reagan's first year, escaping the poverty of the island and providing a badly needed safety-valve for its exploding population.

The influx led the administration to order U.S. Coast Guard cutters to begin intercepting the boats at sea, and they used the threat of a U.S. aid cutoff to get Duvalier to cooperate and help stem the human tide. But at the same time there was a recognition in Washington that something had to be done to tackle the root problem: the misery that the refugees were fleeing.

Faced with the continuing economic misery compounded by Duvalier's often brutal repression—with reports that returning boat people were systematically arrested, beaten and tortured—Congress in 1982 admonished Haiti to observe "basic human rights," and tied aid money to continuing improvement on human rights issues.

Throughout that period of the early 1980s, two schools of thought developed among congressional Haiti experts, prominent exiles, and administration policymakers. The first was the "pull the plug" school, which said Duvalier's regime was beyond reforming and the best way to express U.S. disgust was to cut all aid money. The second school of thought said that the United States had a moral responsibility to help; that the aid cut-off would only hurt the island's impoverished masses. According to this line, aid money should bypass the government and be given to private, voluntary organizations, while U.S. policymakers continued to push for incremental change.

The path of pushing for "incremental change" has typically come to mean turning a blind eye to repression. But congressional critics of Haiti found an unexpected ally when the U.S. ambassador there, Ernest H. Preeg, was replaced two years ago by Clayton McManaway.

Working together, McManaway and congressional staffers toughened the language on Haiti's aid-certification progress, making free labor unions and democratic reforms a new requirement for U.S. aid, and then earmarking $1 million for a literacy program, at a time when the Duvalier regime was cracking down on the Catholic Church's literacy program there.

Now that the ousting of Baby Doc seems to be the textbook case on how to build a broad consensus for successful intervention, the tendency for American policymakers might be to try to take a hand in the shaping of the government that comes after Duvalier. To follow that tendency would be to misread the Haitian example, and ignore the significance of 1804 and 1934.

"We still have a sensitivity about solutions dictated from abroad," said Leslie F. Manigat, exiled head of Haiti's National Progressive Democrats. "We want to have our own Haitian solution, but one that will be accepted by the United States."

He added: "When you see Haitians with American flags, it means they want the friendship of the U.S. But I'm not sure they'd want another U.S. military intervention."

TRIBUTE TO CHARLES E. RAINSBURY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. PEPPER. Mr. Speaker, it is a particular privilege for me to rise today in tribute to Mr. Charles E. Rainsbury of St. Petersburg, FL, who celebrated his 100th birthday on February 12. Mr. Rainsbury, who is affectionately known as Hundred-Year-Old-Charlie, will be the honored guest at a grand affair on March 3 when the city of St. Petersburg and the State of Florida join in hosting a major salute to America's great senior citizens. Because he has so generously chosen to use the precious gift of longevity God has bestowed upon him in service to others, his community has responded in gratitude by declaring February 12, 1986, the 100th anniversary of his birth, as "Charles E. Rainsbury Day" in the city of St. Petersburg.

Following is the text of the proclamation issued by the mayor of St. Petersburg. It is my pleasure to join the city in honoring this beloved gentleman.

PROCLAMATION, CITY OF ST. PETERSBURG

Whereas, on February 12, 1986 Charles E. Rainsbury will Celebrate his 100th Birthday and

Whereas, Charles E. Rainsbury, because of his love for our City, our Citizens and our Nation, worked long and hard to bring the need of a Multi-Service Senior Center to the attention of City officials and

Whereas, Charles E. Rainsbury has been a leader with the President's Union of the States Societies for over thirty years and

Whereas, Charles E. Rainsbury has volunteered six days per week at the Sunshine Center since its opening 8½ years ago and is, in fact, the City's oldest Volunteer and

Whereas, Charles E. Rainsbury has brought fame to St. Petersburg for his role in the acclaimed movie Cocoon

Now, Therefore, I, Edward L. Cole, Jr., M.D., Mayor of the City of St. Petersburg, Florida, do hereby proclaim February 12, 1986 as Charles E. Rainsbury Day in the City of St. Petersburg.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of St. Petersburg, County of Pinellas and State of Florida to be affixed this 7th day of February, 1986.

EDWARD L. COLE, Jr., M.D.,
Mayor.

ESTONIAN INDEPENDENCE

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. DIOGUARDI. Mr. Speaker, I rise to pay tribute to the people of Estonia who, today, will be celebrating their nation's 68th anniversary of independence. Unfortunately, Estonia is a country trapped behind the iron curtain and remains a victim of Soviet expansion and violations of human rights. Nevertheless, the Estonian people have not accepted Soviet tyranny and, over the last 40 years, they have battled courageously against Soviet control.

While Estonians have been stripped of their human rights and have been oppressed by Soviet expansion, they have managed to maintain their national identity. All of the Baltic States are presently struggling for independence from the Soviets. Estonia, in particular, is now crying out to the rest of the world to recognize their independence.

The United States, as the leader of the free world, must answer these cries and stand behind them in their fight for freedom. Whenever the rights of free-minded men are violated, we must be ready to support them in their struggle for equality. Mr. Speaker, I would like to include in the RECORD the following statements made by the Estonian American National Council and commend all Estonians on their noble efforts to achieve total independence.

Thank you Mr. Speaker.

The material follows:

[Estonia American National Council]

STATEMENT

The people of Estonian ancestry everywhere commemorate the 68th anniversary of the founding of the Republic of Estonia on February 24, 1918. At the same time, they note with sadness the continued brutality of the Soviet occupation of Estonia which began in June 1940, when the Red Army rolled across the border to annex its neutral and peaceful neighbor. The Soviet aggression against the Baltic states—Estonia, Latvia and Lithuania—was such a blatant violation of international law that the United States and almost all other Western countries to this day refuse to accord de jure recognition to the Soviet rule there.

As Soviet rulers even today seek to expand the tentacles of their oppressive system of governance in Afghanistan and elsewhere, we would do well to recall the fate of Estonia. During the brief period of its modern statehood the Republic of Estonia was in many respects a model country. Universal suffrage and the eight-hour work day were introduced at the outset, and the records of the International Labor Office in Geneva attest that the Republic of Estonia was in the forefront of humane social and labor legislation in general.

Estonia's land reform and its minorities' laws gained international fame and were often cited by the League of Nations as examples to emulate. Indeed, in recognition and appreciation of ethnic justice, the Jewish National Fund in Palestine in 1927 awarded its special "Golden Book Certificate" to the Republic of Estonia, the only country ever so honored by the Jewish people. The American author Marion Foster

Washburne traveled around the world in search of "the happy country." And in her 1940 book, "A Search for a Happy Country" (Washington: National Home Library Foundation), she concludes that the Republic of Estonia was that happy country.

Under Soviet domination Estonia has suffered tremendously—demographically, politically, culturally. Thus, the country lost almost one-third of its prewar population between 1939 and 1949, due foremost to Soviet atrocities; especially brutal were the mass deportations of 1941 and 1949. After the war, there has been a steady influx of Russians; the share of the population which is ethnic Estonian declined in the present territory from 92% in 1939 to 68% by 1970.

While the minority laws of the Republic of Estonia were renowned internationally, Estonians today face grave pressures of russification and sovietization in their own ancestral territory. Creative freedoms in all fields or artistic endeavor have been severely curtailed. Russian language encroachment at all educational levels, in the mass media, and in public affairs threatens to undermine the Estonian national identity. A few years ago Soviet authorities prohibited the use of Estonian in the defense of doctoral dissertations. More recently, the Communist Party's press in the university town of Tartu announced that the forced teaching of Russian would be introduced already at the level of the day care centers.

Today, it is virtually impossible for Estonians in their Soviet occupied homeland to travel abroad or to emigrate. Contrast this with the fact that in 1936 alone, for example, 120,889 Estonian citizens were able to travel abroad, and a few of them chose to emigrate. In the grips of the Soviet bear Estonia today has the sad distinction of having the world's youngest political prisoner, two year old Kaisa Randpere, who is forbidden by Moscow from joining her parents in the West. The Soviet aggression against Estonia and the unremitting, systematic violation of political and human rights, have been well documented by the United States Congress and the Department of State.

From the outset of the Soviet occupation Estonians have actively resisted and protested Moscow's actions. In the ancestral homeland such protests, even when they are nothing more than peaceful memoranda, result in long periods of banishment to the infamous Gulag, tortuous confinement to psychiatric institutions, and at times even murder in confinement, as happened with the late Jüri Kukk. In spite of this, Estonians in their Soviet occupied homeland as well as those in the diaspora in the Free World, will mark Estonian Independence Day once more on February 24th. The dream of the restoration of sovereignty of political and human rights, of freedom from Soviet Russian oppression lives on in the hearts of Estonians everywhere. Their aspirations, hopes and struggle for freedom are shared by freedom-loving people everywhere.

Elagu Vaba Eesti! (Long live Free Estonia!)

COPENHAGEN MANIFESTO

The Baltic Tribunal in Copenhagen declares that the occupation and annexation of the once independent States of Estonia, Latvia, and Lithuania serve as prime examples of the violations of international public law and treaties ratified by the Soviet Union.

Mass Russian immigration has seriously damaged Baltic identity and political structure; language, culture, religion, even the learning of history in schools, have suffered under Soviet rule. The militarization of the Baltic States serves as a constant reminder of the continuing threat to world peace.

The right of the Baltic peoples to self-determination, to non-discrimination, and to non-interference on their ancestral soil must be reinstated. After hearing experienced witnesses on numerous aspects of life and law and practice in occupied Estonia, Latvia, and Lithuania, the Baltic Tribunal concludes that severe injustice has been and is being done to these people by the Soviet Union.

The fate of the three Baltic States is unique in human history. Nowhere else in the world are former parliamentary democracies occupied, annexed and colonized by a conquering power. A unique fate deserves unique policies from the democratic governments of the world. We call upon them to raise the issue of Soviet occupation of the Baltic countries in all world forums, demanding freedom and independence for Estonia, Latvia, and Lithuania.

By this Copenhagen Manifesto we declare that the present situation in the Baltic countries is damaging the chance of peace and freedom in Europe and the world.

THEODOR VEITER,
Chairman.
PER AHLMARK.
JEAN-MARIE DAILLET.
Rev. MICHAEL BOURDEAUX.
Sir JAMES FAWCETT.

JULY 26, 1985.

ESTONIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. ANNUNZIO. Mr. Speaker, February 24 is the 68th anniversary of Estonian Independence Day, and Estonian-Americans all over this Nation are commemorating this inspiring benchmark in the history of freedom-loving peoples the world over.

On February 24, 1918, 68 years ago, Estonia became independent, and created a government free from the domination imposed on them for centuries by the Russians. The Estonian Diet in its declaration of independence proundly proclaimed that "all citizens of the Republic of Estonia, irrespective of their religion, ethnic origins, and political views, shall enjoy equal protection under the law and courts of justice of the Republic," and "all civil freedoms, such as the freedom of expression, of the press, of religion, of assembly, of association, and the freedom to strike as well as the inviolability of the individual and the home, shall be irrefutably effective within the territory of the Estonia Republic."

In 1919, the Estonians and their allies successfully defended their country against attacks by the Red Army, which under Lenin tried to force communism on the newly independent nation, and on February 2, 1920, a peace treaty was signed between the new Republic of Estonia and the Soviet Union, which "agreed to renounce voluntarily forever all rights over Estonian territory and people."

Sadly, Estonia remained free for only 20 years, because in 1940, the Soviet Union again attacked and invaded this country, and incorporated it into the Soviet empire. The United States has never recognized this brutal seizure by the Communists, and we as Americans must continue our strong protests of violations of human rights in Estonia at the hands of the Soviets.

The Estonian American National Council has issued a statement concerning the continued supression of national and human rights in Estonia, and that statement follows:

[Estonia American National Council]

STATEMENT

The people of Estonian ancestry everywhere commemorate the 68th anniversary of the founding of the Republic of Estonia on February 24, 1918. At the same time, they note with sadness the continued brutality of the Soviet occupation of Estonia which began in June 1940, when the Red Army rolled across the border to annex its neutral and peaceful neighbor. The Soviet aggression against the Baltic states—Estonia, Latvia and Lithuania—was such a blatant violation of international law that the United States and almost all other Western countries to this day refuse to accord de jure recognition to the Soviet rule there.

As Soviet rulers even today seek to expand the tentacles of their oppressive system of governance in Afghanistan and elsewhere, we would do well to recall the fate of Estonia. During the brief period of its modern statehood the Republic of Estonia was in many respects a model country. Universal suffrage and the eight-hour work day were introduced at the outset, and the records of the International Labor Office in Geneva attest that the Republic of Estonia was in the forefront of humane social and labor legislation in general.

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Under Soviet domination Estonia has suffered tremendously—demographically, politically, culturally. Thus, the country lost almost one-third of its prewar population between 1939 and 1949, due foremost to Soviet atrocities; especially brutal were the mass deportations of 1941 and 1949. After the war, there has been a steady influx of Russians; the share of the population which is ethnic Estonian declined in the present territory from 92% in 1939 to 68% by 1970.

While the minority laws of the Republic of Estonia were renowned internationally, Estonians today face grave pressures of russification and sovietization in their own ancestral territory. Creative freedoms in all fields or artistic endeavor have been severely curtailed. Russian language encroachment at all educational levels, in the mass media, and in public affairs threatens to undermine the Estonian national identity. A few years ago Soviet authorities prohibited the use of Estonian in the defense of doctoral dissertations. More recently, the Communist Party's press in the university town of Tartu announced that the forced teaching

of Russian would be introduced already at the level of the day care centers.

Today, it is virtually impossible for Estonians in their Soviet occupied homeland to travel abroad or to emigrate. Contrast this with the fact that in 1936 alone, for example, 120,889 Estonian citizens were able to travel abroad, and a few of them chose to emigrate. In the grips of the Soviet bear Estonia today has the sad distinction of having the world's youngest political prisoner, two year old Kaisa Randpere, who is forbidden by Moscow from joining her parents in the West. The Soviet aggression against Estonia and the unremitting, systematic violation of political and human rights, have been well documented by the United States Congress and the Department of State.

From the outset of the Soviet occupation Estonians have actively resisted and protested Moscow's actions. In the ancestral homeland such protests, even when they are nothing more than peaceful memoranda, result in long periods of banishment to the infamous Gulag, tortuous confinement to psychiatric institutions, and at times even murder in confinement, as happened with the late Jüri Kukk. In spite of this, Estonians in their Soviet occupied homeland as well as those in the diaspora in the Free World, will mark Estonian Independence Day once more on February 24th. The dream of the restoration of sovereignty of political and human rights, of freedom from Soviet Russian oppression lives on in the hearts of Estonians everywhere. Their aspirations, hopes and struggle for freedom are shared by freedom-loving people everywhere.

Elagu Vaba Eesti! (Long live Free Estonia!)

Also, in July of 1985, a distinguished panel of jurists held a trial in Copenhagen, Denmark, and issued the Copenhagen Manifesto detailing the many acts of Soviet aggression and persecution against the Baltic States. This trial was sponsored by the Baltic World Conference, and a copy of the manifesto follows:

COPENHAGEN MANIFESTO

The Baltic Tribunal in Copenhagen declares that the occupation and annexation of the once independent States of Estonia, Latvia, and Lithuania serve as prime examples of the violations of international public law and treaties ratified by the Soviet Union.

Mass Russian immigration has seriously damaged Baltic identity and political structure; language, culture, religion, even the learning of history in schools, have suffered under Soviet rule. The militarization of the Baltic States serves as a constant reminder of the continuing threat to world peace.

The right of the Baltic peoples to self-determination, to non-discrimination, and to non-interference on their ancestral soil must be reinstated. After hearing experienced witnesses on numerous aspects of life and law and practice in occupied Estonia, Latvia, and Lithuania, the Baltic Tribunal concludes that severe injustice has been and is being done to these people by the Soviet Union.

The fate of the three Baltic States is unique in human history. Nowhere else in the world are former parliamentary democracies occupied, annexed and colonized by a conquering power. A unique fate deserves unique policies from the democratic governments of the world. We call upon them to raise the issue of Soviet occupation of the Baltic countries in all world forums, demanding freedom and independence for Estonia, Latvia, and Lithuania.

By this Copenhagen Manifesto we declare that the present situation in the Baltic countries is damaging the chance of peace and freedom in Europe and the world.

THEODOR VEITER,
Chairman.
PER AHLMARK.
JEAN-MARIE DAILLET.
Rev. MICHAEL BOURDEAUX.
Sir JAMES FAWCETT.

JULY 26, 1985.

Mr. Speaker, I am privileged to join with Americans of Estonian descent in the 11th Congressional District of Illinois which I am honored to represent, and Estonians all over this country, as they share with Estonians everywhere the prayers, the hopes, and the determination that the Estonian people will have a free nation once again, and that the American people will remain alert to the ferocious nature of the Communists' tyrannical system of persecution and repression.

ESTONIA INDEPENDENCE DAY—ELAGU VABA EESTI?

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. BIAGGI. Mr. Speaker, I rise today to celebrate Estonian Independence Day—a day which should be celebrated in the Republic of Estonia. However, because of Soviet occupation, Estonia is no longer independent; 68 years ago today, the Republic of Estonia was established. Today should be a day of celebration, but instead it must be a day of dedication to the eventual and inevitable freedom of the Estonian people, and all people like them who continue to have their basic rights and liberties denied.

Shortly after its founding, in 1940, Estonia came under Soviet occupation. Before this time, Estonia had established a democratic government. With Soviet seizure came a Communist government. Since the language and culture of Estonia are different from that of Russia and the other Baltic States, the Soviet Union has worked hard to incorporate Estonia. Today the Estonian population is barely growing, while the Russian population in Estonia is increasing rapidly, because of Soviet-encouraged emigration.

Although 85 percent of Estonians cannot join us today to celebrate their independence day, we look forward to the time that all Estonians can joyfully acknowledge this day in their homeland, free from oppression.

At this time I would like to submit into the RECORD a statement of the Estonian American National Council in honor of this day, and a copy of the Copenhagen Manifesto, calling for freedom for the Baltic nations.

The material follows:

[Estonia American National Council]

STATEMENT

The people of Estonian ancestry everywhere commemorate the 68th anniversary of the founding of the Republic of Estonia on February 24, 1918. At the same time, they note with sadness the continued brutality of the Soviet occupation of Estonia which began in June 1940, when the Red Army rolled across the border to annex its neutral and peaceful neighbor. The Soviet aggression against the Baltic states—Estonia, Latvia and Lithuania—was such a blatant violation of international law that the United States and almost all other Western countries to this day; refuse to accord de jure recognition to the Soviet rule there.

As Soviet rulers even today seek to expand the tentacles of their oppressive system of governance in Afghanistan and elsewhere, we would do well to recall the fate of Estonia. During the brief period of its modern statehood the Republic of Estonia was in many respects a model country. Universal suffrage and the eight-hour work day were introduced at the outset, and the records of the International Labor Office in Geneva attest that the Republic of Estonia was in the forefront of humane social and labor legislation in general.

Estonia's land reform and its minorities' laws gained international fame and were often cited by the League of Nations as examples to emulate. Indeed, in recognition and appreciation of ethnic justice, the Jewish National Fund in Palestine in 1927 awarded its special "Golden Book Certificate" to the Republic of Estonia, the only country ever so honored by the Jewish people. The American author Marion Foster Washburne traveled around the world in search of "the happy country." And in her 1940 book, *A Search for a Happy Country* (Washington: National Home Library Foundation), she concludes that the Republic of Estonia was that happy country.

Under Soviet domination Estonia has suffered tremendously—demographically, politically, culturally. Thus, the country lost almost one-third of its prewar population between 1939 and 1949, due foremost to Soviet atrocities; especially brutal were the mass deportations of 1941 and 1949. After the war, there has been a steady influx of Russians; the share of the population which is ethnic Estonian declined in the present territory from 92% in 1939 to 68% by 1970.

While the minority laws of the Republic of Estonia were renowned internationally, Estonians today face grave pressures of russification and sovietization in their own ancestral territory. Creative freedoms in all fields or artistic endeavor have been severely curtailed. Russian language encroachment at all educational levels, in the mass media, and in public affairs threatens to undermine the Estonian national identity. A few years ago Soviet authorities prohibited the use of Estonian in the defense of doctoral dissertations. More recently, the Communist Party's press in the university town of Tartu announced that the forced teaching of Russian would be introduced already at the level of the day care centers.

Today, it is virtually impossible for Estonians in their Soviet occupied homeland to travel abroad or to emigrate. Contrast this with the fact that in 1936 alone, for example, 120,889 Estonian citizens were able to travel abroad, and a few of them chose to emigrate. In the grips of the Soviet bear Estonia today has the sad distinction of having the world's youngest political prisoner, two year old Kaisa Randpere, who is forbidden by Moscow from joining her parents in the West. The Soviet aggression against Estonia and the unremitting, systematic violation of political and human rights, have been well documented by the United States Congress and the Department of State.

From the outset of the Soviet occupation Estonians have actively resisted and protest-

ed Moscow's actions. In the ancestral homeland such protests, even when they are nothing more than peaceful memoranda, result in long periods of banishment to the infamous Gulag, tortuous confinement to psychiatric institutions, and at times even murder in confinement, as happened with the late Jüri Kukk. In spite of this, Estonians in their Soviet occupied homeland as well as those in the diaspora in the Free World, will mark Estonian Independence Day once more on February 24th. The dream of the restoration of sovereignty of political and human rights, of freedom from Soviet Russian oppression lives on in the hearts of Estonians everywhere. Their aspirations, hopes and struggle for freedom are shared by freedom-loving people everywhere.

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The right of the Baltic peoples to self-determination, to non-discrimination, and to non-interference on their ancestral soil must be reinstated. After hearing experienced witnesses on numerous aspects of life and law and practice in occupied Estonia, Latvia, and Lithuania, the Baltic Tribunal concludes that severe injustice has been and is being done to these people by the Soviet Union.

The fate of the three Baltic States is unique in human history. Nowhere else in the world are former parliamentary democracies occupied, annexed and colonized by a conquering power. A unique fate deserves unique policies from the democratic governments of the world. We call upon them to raise the issue of Soviet occupation of the Baltic countries in all world forums, demanding freedom and independence for Estonia, Latvia, and Lithuania.

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THEODOR VEITER,
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Sir JAMES FAWCETT.

JULY 26, 1985.

ESTONIAN INDEPENDENCE DAY

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. BRYANT. Mr. Speaker, this day marks the 68th anniversary of the establishment of an independent Estonian state. It is a day for all of us to remember that there are millions of people living in Estonia and other nations around the world who do not enjoy basic human rights—freedom of thought, expression, and movement—that we all take for granted. On this day we pay tribute to such brave patriots as Mart Niklus and Juri Kukk, who dared to exercise the rights of ostensibly guaranteed to them by the Soviet Constitution. And we pay tribute to all the people of Estonia for their courage in their continued struggle for freedom and self-determination.

During its brief 22 years of independence, Estonia demonstrated what a small nation can achieve while enjoying a democratic way of life. Estonia made great progress in agriculture, industrial enterprise, and cultural achievement during those years. It became the first nation in the world to grant all its minorities cultural autonomy through government-subsidized schools, theaters, and libraries. The Estonian people achieved an exceptionally high educational level, and their folklore continues to win recognition for originality, colorful variety, and great artistic value.

The sovereignty of Estonia was shortlived, however, as its territorial integrity and political independence fell victim to Soviet expansionism in 1940. The Molotov-Ribbbentrop Pact condemned Estonia, Latvia, and Lithuania to Soviet domination. The United States, as well as a great number of other Western countries, have refused to recognize the forcible and unlawful annexation of these three Baltic states by the Soviet Union. We continue to provide moral support for Estonia while recognizing the untold sufferings the Soviet-imposed rule has brought: arrests, deportations, and executions, as well as the so-called nationalization of all private property and the downgrading of social and working conditions. We also deplore the human rights violations which the Soviet Union continues to perpetrate in violation of the United Nations and Helsinki accords.

Estonia has now been subject to the economic and political exploitation of Moscow for more than four decades. Yet, Estonians, like their valiant neighbors, are fiercely dedicated to the preservation of their language, their religions, and their culture. That spirit of determination has helped them to survive the attempted suppression of their national identity by the Soviet Union.

We have not forgotten and will not forget Estonia. Today I am honored to join my colleagues in praising the people of Estonia for their courage and spirit. I pledge my unwavering commitment to the quest for freedom and self-determination of all of the Baltic nations. Together with the people of Estonia, we will keep alive the hope that someday they will once again be able to raise the Estonian national flag in a new declaration of independence from Soviet rule.

The material follows:

[Estonia American National Council]

STATEMENT

The people of Estonian ancestry everywhere commemorate the 68th anniversary of the founding of the Republic of Estonia on February 24, 1918. At the same time, they note with sadness the continued brutality of the Soviet occupation of Estonia which began in June 1940, when the Red Army rolled across the border to annex its neutral and peaceful neighbor. The Soviet aggression against the Baltic states—Estonia, Latvia and Lithuania—was such a blatant violation of international law that the United States and almost all other Western countries to this day refuse to accord de jure recognition to the Soviet rule there.

As Soviet rulers even today seek to expand the tentacles of their oppressive system of governance in Afghanistan and elsewhere, we would do well to recall the fate of Estonia. During the brief period of its modern statehood the Republic of Estonia was in many respects a model country. Universal suffrage and the eight-hour work day were introduced at the outset, and the records of the International Labor Office in Geneva attest that the Republic of Estonia was in the forefront of humane social and labor legislation in general.

Estonia's land reform and its minorities' laws gained international fame and were often cited by the League of Nations as examples to emulate. Indeed, in recognition and appreciation of ethnic justice, the Jewish National Fund in Palestine in 1927 awarded its special "Golden Book Certificate" to the Republic of Estonia, the only country ever so honored by the Jewish people. The American author Marion Foster Washburne traveled around the world in search of "the happy country." And in her 1940 book, *A Search for a Happy Country* (Washington: National Home Library Foundation), she concludes that the Republic of Estonia was that happy country.

Under Soviet domination Estonia has suffered tremendously—demographically, politically, culturally. Thus, the country lost almost one-third of its prewar population between 1939 and 1949, due foremost to Soviet atrocities; especially brutal were the mass deportations of 1941 and 1949. After the war, there has been a steady influx of Russians; the share of the population which is ethnic Estonian declined in the present territory from 92% in 1939 to 68% by 1970.

While the minority laws of the Republic of Estonia were renowned internationally, Estonians today face grave pressures of russification and sovietization in their own ancestral territory. Creative freedoms in all fields or artistic endeavor have been severely curtailed. Russian language encroachment at all educational levels, in the mass media, and in public affairs threatens to undermine the Estonian national identity. A few years ago Soviet authorities prohibited the use of Estonian in the defense of doctoral dissertations. More recently, the Communist Party's press in the university town of Tartu announced that the forced teaching of Russian would be introduced already at the level of the day care centers.

Today, it is virtually impossible for Estonians in their Soviet occupied homeland to travel abroad or to emigrate. Contrast this with the fact that in 1936 alone, for example, 120,889 Estonian citizens were able to travel abroad, and a few of them chose to emigrate. In the grips of the Soviet bear Estonia today has the sad distinction of having the world's youngest political prisoner, two year old Kaisa Randpere, who is forbidden by Moscow from joining her parents in the West. The Soviet aggression against Estonia and the unremitting, systematic violation of political and human rights, have been well documented by the United States Congress and the Department of State.

From the outset of the Soviet occupation Estonians have actively resisted and protested Moscow's actions. In the ancestral homeland such protests, even when they are nothing more than peaceful memoranda, result in long periods of banishment to the

infamous Gulag, tortuous confinement to psychiatric institutions, and at times even murder in confinement, as happened with the late Jüri Kukk. In spite of this, Estonians in their Soviet occupied homeland as well as those in the diaspora in the Free World, will mark Estonian Independence Day once more on February 24th. The dream of the restoration of sovereignty of political and human rights, of freedom from Soviet Russian oppression lives on in the hearts of Estonians everywhere. Their aspirations, hopes and struggle for freedom are shared by freedom-loving people everywhere.

Elagu Vaba Eesti! (Long live Free Estonia!)

COPENHAGEN MANIFESTO

The Baltic Tribunal in Copenhagen declares that the occupation and annexation of the once independent States of Estonia, Latvia, and Lithuania serve as prime examples of the violations of international public law and treaties ratified by the Soviet Union.

Mass Russian immigration has seriously damaged Baltic identity and political structure; language, culture, religion, even the learning of history in schools, have suffered under Soviet rule. The militarization of the Baltic States serves as a constant reminder of the continuing threat to world peace.

The right of the Baltic peoples to self-determination, to non-discrimination, and to non-interference on their ancestral soil must be reinstated. After hearing experienced witnesses on numerous aspects of life and law and practice in occupied Estonia, Latvia, and Lithuania, the Baltic Tribunal concludes that severe injustice has been and is being done to these people by the Soviet Union.

The fate of the three Baltic States is unique in human history. Nowhere else in the world are former parliamentary domocracies occupied, annexed and colonized by a conquering power. A unique fate deserves unique policies from the democratic governments of the world. We call upon them to raise the issue of Soviet occupation of the Baltic countries in all world forums, demanding freedom and independence for Estonia, Latvia, and Lithuania.

By this Copenhagen Manifesto we declare that the present situation in the Baltic countries is damaging the chance of peace and freedom in Europe and the world.

THEODOR VEITER,
Chairman.
PER AHLMARK.
JEAN-MARIE DAILLET.
Rev. MICHAEL BOURDEAUX.
Sir JAMES FAWCETT.

JULY 26, 1985.

ESTONIAN INDEPENDENCE DAY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. PORTER. Mr. Speaker, February 24 marks the 68th anniversary of the Declaration of Independence of the Republic of Estonia. This event will be commemorated throughout the free world, however no observances can take place in Soviet-occupied Estonia.

The strong nationalism of the Estonians contributed to their valiantly fought, successful struggle against the Soviet Union in 1920, at which time they were finally granted their long-sought freedom.

In the 20 years that they practiced true sovereignty the Estonians were able to demonstrate their commitment to the principles of democracy. Their constitution was dedicated to the ideals of justice and liberty and protected the rights of all Estonian citizens regardless of their ethnic background.

However in 1940 Estonia was invaded by the Soviet Union, and today remains under Soviet control. They are unable to exercise any cultural or political sovereignty and they are deprived of their basic human freedoms, despite the commitments of the Soviet Union to honor the Helsinki accords.

The Estonians are a people of great courage and strong spirit, a spirit that will not be broken until their nation enjoys its true freedom. Let us hope that this anniversary of independence signals a new beginning in the fight for the Estonian people.

I would like to submit for the RECORD a statement by the Estonian National Council on this 68th anniversary of independence and also a copy of the Copenhagen Manifesto, a document written at the 1985 Baltic World Conference in Copenhagen, Denmark, by a distinguished panel of jurists, regarding the Soviet aggression the Baltic States. I encourage my colleagues to join in the call for a renewed effort on behalf of the goal of restored freedom for Estonians.

The material follows:

[Estonia American National Council]

STATEMENT

The people of Estonian ancestry everywhere commemorate the 68th anniversary of the founding of the Republic of Estonia on February 24, 1918. At the same time, they note with sadness the continued brutality of the Soviet occupation of Estonia which began in June 1940, when the Red Army rolled across the border to annex its neutral and peaceful neighbor. The Soviet aggression against the Baltic states—Estonia, Latvia and Lithuania—was such a blatant violation of international law that the United States and almost all other Western countries to this day refuse to accord de jure recognition to the Soviet rule there.

As Soviet rulers even today seek to expand the tentacles of their oppressive system of governance in Afghanistan and elsewhere, we would do well to recall the fate of Estonia. During the brief period of its modern statehood the Republic of Estonia was in many respects a model country. Universal suffrage and the eight-hour work day were introduced at the outset, and the records of the International Labor Office in Geneva attest that the Republic of Estonia was in the forefront of humane social and labor legislation in general.

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Mass Russian immigration has seriously damaged Baltic identity and political structure; language, culture, religion, even the learning of history in schools, have suffered under Soviet rule. The militarization of the

Baltic States serves as a constant reminder of the continuing threat to world peace.

The right of the Baltic peoples to self-determination, to non-discrimination, and to non-interference on their ancestral soil must be reinstated. After hearing experienced witnesses on numerous aspects of life and law and practice in occupied Estonia, Latvia, and Lithuania, the Baltic Tribunal concludes that severe injustice has been and is being done to these people by the Soviet Union.

The fate of the three Baltic States is unique in human history. Nowhere else in the world are former parliamentary democracies occupied, annexed and colonized by a conquering power. A unique fate deserves unique policies from the democratic governments of the world. We call upon them to raise the issue of Soviet occupation of the Baltic countries in all world forums, demanding freedom and independence for Estonia, Latvia, and Lithuania.

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Chairman.
PER AHLMARK.
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Rev. MICHAEL BOURDEAUX.
Sir JAMES FAWCETT.

JULY 26, 1985.

THE 68TH ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE OF THE REPUBLIC OF ESTONIA

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. MANTON. Mr. Speaker, today marks the 68th anniversary of the Declaration of Independence of the Republic of Estonia. I join many of my colleagues today in commemoration of this important event which cannot be observed in Soviet-occupied Estonia.

Sixty-eight years ago today the Republic of Estonia was established as a sovereign, democratic nation. However, after only 22 short years of freedom, Estonia was invaded by the Soviet Union, a forced occupation that continues to this day. Under Soviet occupation, the people of Estonia have been subject to a campaign of persecution and russification. Creative freedoms in all fields of artistic endeavor have been severely curtailed. The forced use of the Russian language at all educational levels and in public affairs threatens the continuation of the Estonian national identity.

The repeated denial of human and political rights to Estonians by the Soviet Union is well documented. The people of Estonia and their families here in America, have struggled unwaiveringly for the day when Estonia will be free again. For the people of Estonia, this struggle continues to be extremely dangerous. Estonian dissidents and religious believers are often imprisoned, or sent to psychiatric institutions for resisting Soviet policies. The Soviet Union's all to familiar repressive emigration policies also affect Estonia. Estonia can claim the dubious honor of having the world's youngest political prisoner, 2-year-old Kaisa Randpere, who is forbidden by Moscow from joining her parents in the West.

Mr. Speaker, today, I join many of my constituents and the people of Estonia in reaffirming their dream, of the restoration of sovereignty, political and human rights, and freedom from Soviet Russian oppression. Their dream of freedom is one shared by freedom loving people everywhere. I would like to insert into the RECORD the Copenhagen Manifesto which reflects the findings of a distinguished panel of jurists regarding the Soviet aggression against the Baltic States and the suppression of human rights in Estonia, Latvia, and Lithuania:

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Sir JAMES FAWCETT.

JULY 26, 1985.

EAGLE SCOUT H. SAM SCHRODT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. LIPINSKI. Mr. Speaker, It is with great pleasure that I call to the attention of my colleagues an exemplary young citizen, H. Sam Schrodt. Sam will very shortly be recognized in my district for achieving the highest rank in scouting, the "Eagle Scout."

In becoming an Eagle Scout, Sam will join the ranks of quite a select group. The individual tasks which Sam had to complete are impressive alone. They include acts which challenged him on every facet of his personality—mental, physical, psychological, and more. Yet, this accomplishment becomes even more notable when it is looked at cumulatively. That is, the entire sum of achievements and the perseverance of character they demand illustrate just what a high caliber of a young man Sam is.

In today's society, our youth are truly bombarded with a variety of life paths to choose from. While the freedom of choice is in itself good, too often we hear of young people who are led astray by the ignorance of their years to a lifestyle they do not deserve. It is always refreshing to recognize a young man who has not only chosen a constructive way of life but excels at it too. Though some credit should be given to Sam's family and Scout leaders for providing support, Sam today knows that he can participate in society in a manner that will benefit himself as well as his community.

Your achievement of attaining the rank of Eagle Scout lays an excellent base for a productive future, Sam. I'm sure my fellow Members of Congress join me in wishing you good luck in your endeavors.

THE CONCEPT OF SANCTUARY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. GARCIA. Mr. Speaker, the January 25 edition of the Nation magazine ran an editorial on the sanctuary movement in the United States. The editorial discusses INS infiltration into the church inspired sanctuary programs throughout the country.

It is not my intention to bash the INS for doing what it perceives to be its job. Although, the Nation editorial talks about some questionable INS tactics. It is my intention however, to point out that most of those involved with the sanctuary movement are involved out of a sense of moral commitment, not out of a desire for profit and gain. It is, therefore, important that they not be treated as criminals. I personally support the concept of sanctuary. My father was a minister, and he always taught me to help out those less fortunate than me. That's really what is behind the present sanctuary movement.

I am submitting the Nation editorial for the RECORD for my colleagues' perusal:

[From the Nation (NY), Jan. 25, 1986]

INS ON TRIAL

With no discernible trace of irony, the Immigration and Naturalization Service in 1984 developed a campaign of surveillance, infiltration, search, and seizure against Central American refugees, and named it Operation Sojourner. The fruits of its labor are now displayed in a Tucson, Arizona, courtroom, where eleven activists from among the clergy and laity of the sanctuary movement are on trial. They are charged with various criminal acts involving the transporting and harboring of illegal aliens.

What presents a more interesting judicial problem is the behavior of the I.N.S. in the course of the trial it has become clear that

the goverment is employing tactics against political organizations that are more invasive than any that have been seen in this country since the F.B.I.'s Cointelpro and the C.I.A.'s CHAOS, during the era of Vietnam War protests. The sanctuary movement has a strong religious base, and for that reason two major churches, the Presbyterian and the Lutheran, are suing the government over Sojourner. They maintain that the campaign of secret tape recording, infiltration of agents into churches and other forms of surveillance violate several constitutionally guaranteed protections, including those of religious observance, privacy and due process. The government responds that the sanctuary movement is no more than a criminal racket, trafficking in illegal immigrants, and that what's fair against the mob is fair against the ministry.

Optimists thought that the reforms instituted to rein in government surveillance activities after the chaotic 1960s would permanently prevent the kind of harassment the I.N.S. conducted against the churches and refugees in the Southwest. As another suit, filed by the Center for Constitutional Rights, details, the government's tactics also included break-ins and warrantless searches in several states in an obvious atenpt to cripple the movement, not simply to capture aliens (see Alfie Kohn's article on page 74). The optimists seem to have been wrong. A new political movement has provoked a new wave of repression, and another go at reform will have to stem the tide.

END GENERAL REVENUE SHARING

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. FAWELL. Mr. Speaker, the budget resolution for fiscal 1986 assumes the termination of the general revenue sharing program at the end of this year. There is now, however, an effort in Congress to sustain this program through at least 1987. The program should be put to rest.

The Federal Government can no longer afford revenue sharing. There is little justification for sending borrowed dollars to State and local governments, many of whom are operating with budget surpluses. If there is one budget item on which we should all agree, it is revenue sharing. This is a fine opportunity to save the Federal Government $4.2 billion next year.

Mr. Speaker, DuPage County, a suburban area of Chicago, is planning its budget next year under the assumption that revenue sharing funds will no longer be channeled to them from the Federal Government. This fiscal planning is based on the realization that Congress and the administration have given every indication that the program will soon be ending. Instead of claiming that it has been treated unfairly by the Federal Government, DuPage County is mobilizing now to meet this challenge head on. Whereas other muncipalities may have to take draconian action when revenue sharing funds cease flowing, DuPage County will have efficiently planned for the future without such funds.

Mr. Speaker, I would like to share with my colleagues an editorial that appeared in the Chicago Tribune on February 13 which conveys the prudent decisions taken by DuPage County officials with regard to revenue sharing.

The editorial follows:

[From the Chicago Tribune, Feb. 13, 1986]

WHEN UNCLE'S CHECKS STOP

The ink on Du Page County's 1986 budget was hardly dry when County Board members were handed a balance sheet for 1987. The rush into that county's fiscal future, it turns out, is driven to a large extent by the impending loss of federal revenue-sharing funds.

The pressures on the federal budget that have resulted in the elimination of revenue-sharing funds later this year are just now being felt in the courthouses, township buildings and city halls across the nation. Local government in Illinois will lose more than $190 million, about 68 percent of that in the Chicago metropolitan area.

Although Chicago receives the largest chunk of revenue sharing—about a third of the total for the State—suburban counties, townships and municipalities combined will lose in excess of $70 million. Unfortunately, they have become dependent on that revenue to pay for a variety of programs, everything from maintenance of water mains to subsidies for bus service for the handicapped.

The nation's big city mayors have chosen to appeal the impending loss of federal money to their congressional delegations. It is a tactic that has worked many times in the past. However, in Du Page, the state's wealthiest county, the approach has been to accept the loss of revenue sharing as inevitable and plan for the county's sirvival without it.

That is probably the wisest choice for all local government. It should be obvious even on Main Street America by now that the practice of borrowing money in Washington to give it to city hall is coming to an end.

That means local leaders are going to have to make some tough decisions about how to replace or live without revenue sharing and a variety of other funds they receive from Washington. Those decisions inevitably will involve local tax increases or cuts in service or both. Du Page, for example, will need the equivalent of a 15-percent increase in property taxes in 1987 just to retain existing programs and those on the drawing board. According to a recent study by Western Illinois University, federal revenue sharing accounted for 4 to 6 percent of all municipal income—an amount equal to 14 to 20 percent of local property taxes.

Voter resistance to tax increases of that magnitude may make budget cuts necessary. Rather than waiting until the crisis is at hand and whacking away at programs with a meat ax, local governments need to engage in some strategic thinking and reevaluating of the necessity of their programs.

Uncle Sam has given fair warning his checks will stop coming. The time for local government to start planning for the tax boosts or service cuts is now.

A TRIBUTE TO THE MEMBERS OF THE "CHALLENGER" CREW

HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. McCLOSKEY. Mr. Speaker, the tragic loss of the *Challenger* and its heroic seven-member crew has deeply saddened our Nation and all of those committed to the conquest of space. This shuttle mission held special significance for the school children of America because of Christa McAuliffe, an educator dedicated to the pursuit of excellence and dreams. It also recalled the tragic fire of January 1967 when Gus Grissom of Mitchell, IN and his two crew members lost their lives in a ground test of the *Apollo* command module. Recently, I received a resolution signed by the 8th grade class at North Knox East Elementary and Junior High School which expresses the renewal of spirit and support for the U.S. Space Program. I wish to commend these students on the eloquence of their statement in support of the pursuit of knowledge. The response of these students to the courage of the *Challenger* crew should serve to inspire us all.

To the Honorable Frank McCloskey, Member U.S. House of Representatives.

Whereas: On January 28, 1986, seven people were lost in the explosion of the Challenger 7;

Whereas: Several individuals have suggested that the space shuttle program be curtailed; and

Whereas: The students of the eighth grade class at North Knox East Elementary and Junior High whose signatures appear below believe that the potential of space exploration should be a privilege protected for their generation;

Be it hereby resolved that we the undersigned agree that:

I. We wish to express our sympathy to the families of those seven who gave their lives;

II. We support the efforts of the National Aeronautics and Space Administration [NASA] to place men and women, both military and civilian, in space;

III. We support the efforts of NASA and private enterprise to use space as a resource in the development of new products and new knowledge of our universe; and

IV. We support the continuation of the space shuttle program as a tribute to the lives of the nine astronauts and one civilian who have died in service to us and in pursuit of knowledge.

Anna Martin (and 131 other signatures were received).

TASK FORCE TO STUDY THREAT OF NUCLEAR TERRORISM

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. DOWNEY of New York. Mr. Speaker, I would like to bring my colleagues' attention to an important new private task force, set up to study the hazards of terrorists engaging in nu-

clear violence. Cochaired by Rear Adm. Thomas Davies, USN retired, and Bernard O'Keefe, chairman of EG&G, Inc., the International Task Force on Prevention of Nuclear Terrorism will assess the risk of nuclear terrorism and will issue a report with recommendations for preventing its occurrences.

The task force is a project of the Nuclear Control Institute and is cosponsored by the State University of New York's Institute for Studies in International Terrorism.

The Task Force on Prevention of Nuclear Terrorism is comprised of 26 specialists from 9 countries, including experts in terrorism, international law, national security and intelligence, nuclear weapons design and deployment, civilian nuclear commerce and proliferation, physical protection and safeguard, emergency management and disaster relief.

I am looking forward to their findings, as too little discussion has taken place on the security dangers that exist if our civilian and military nuclear facilities are not sufficiently guarded. I expect the expertise of Davies, a former Assistant Director for Nuclear Non-Proliferation of the Arms Control and Disarmament Agency and a former Chief of Naval Development, and O'Keefe, chairman of a Fortune 500 high-technology company involved in development, testing, and protection of nuclear weapons, to guide the task force to important conclusions.

[From the New York Times, Jan. 29, 1986]

PANEL OF EXPERTS TO STUDY DANGERS OF TERRORISTS USING NUCLEAR ARMS

WASHINGTON, Jan. 28.—A panel of experts on nuclear weapons design, terrorism and intelligence matters will study the danger of terrorist' stealing a nuclear bomb or the material to make one.

At a news conference today, leaders of the group asserted that the risk of nuclear terrorism is increased by poor security at storage depots and weapons plants, and by the growing amount of weapons-grade plutonium that has been entering the commercial market after being separated from power plants' nuclear waste.

According to Paul Leventhal, a former Congressional staff member who is the group's executive vice chairman, if current processing rates continue, there will be 400 tons of separated plutonium in private heads by the year 2000, twice the amount now contained in Soviet and American nuclear weapons.

The panel, the International Task Force on Prevention of Nuclear Terrorism, is financed by the Carnegie Corporation. It is headed by Rear Adm. Thomas Davies, retired, and Bernard O'Keefe, chairman of EG&G Inc., a corporation that has done development and testing of nuclear weapons. Admiral Davies is a former Assistant Director of the Arms Control and Disarmament Agency and a former head of the Nuclear Nonproliferation Bureau.

Mr. O'Keefe, one of those who developed the firing circuits for the first atomic bombs, expressed concern that while American military defense resources focused on a possible Soviet nuclear attack on the United States or a Soviet invasion of Western Europe, a third and more likely possibility—nuclear terrorism that could provoke one of the others—received little attention or financing.

Admiral Davies criticized plans to reduce financing of security improvement projects at nuclear installations in the United States while exempting from budget cuts the production of nuclear warheads.

Theodore Taylor, another member of the panel, who has designed nuclear research reactors, said that he would meet at the nuclear research center at Los Alamos, N.M., with three other specialists to examine the question of whether a terrorist group could manufacture a nuclear weapon.

The 26 panel members, who are from nine countries, also include Harold Agnew, former director of the Los Alamos National Laboratory; Brian Jenkins, an expert on terrorism for the Rand Corporation; Yonah Alexander, director of the Institute for Studies in International Terrorism of the State University of New York, Inga Thorsson, former Swedish Under Secretary of State for Disarmament; Stansfield Turner, former Director of the Central Intelligence, and Yuval Neeman, an Israeli physicist and politician who has been instrumental in developing Israel's nuclear weapons capability.

EAGLE SCOUT DARREN TABOR

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. LIPINSKI. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the achievements of a fine young man in my district, Darren Tabor. Recently, Darren was honored for achieving the highest rank in scouting, that of Eagle Scout.

The path of Eagle Scout is truly a long and difficult one. It requires an extraordinary amount of dedication and determination not usually seen in youths of this age. The tasks which must be completed to become an Eagle Scout cover virtually every realm of human experience. Some require intellectual and creative abilities while others call for physical agility and strength. Some tasks help integrate the young man into society through community action that benefits his neighborhood and world. Still other acts are performed alone intended to develop internal growth and maturity. Always, however, is the challenge to set and strive for goals through initiative and diligence.

Young men like Darren are leaders. The achievement of Eagle Scout is likely to be only the beginning of a future full of accomplishments. For this young man has shown that he can perform exceptionally well without a compelling hand of authority over him. I say this not to downplay the importance of the encouragement he received from his family and scout leaders but, rather, to assert the independence and self-motivation he has already shown.

Your achievement of becoming an Eagle Scout is praised and applauded. It is with sincere pleasure that I commend you, Darren Tabor, before my fellow Members of Congress.

WASHINGTON, EUROPE, AND NUCLEAR MISSILES

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. GARCIA. Mr. Speaker, the Washington Post ran an editorial last Friday on current arms talks and the possibility of the United States withdrawing medium-range nuclear missiles from Europe.

As a member of the House delegation to the North Atlantic Assembly and as a supporter of that organization, I think at least one of the points the Post makes is worth considering. It is that those who make nuclear policy for this country must "pay close attention to the signals of doubt and dissent that come from Western Europe." I agree.

I submit the editorial for my colleagues' perusal.

[From the Washington Post, Feb. 21, 1986]

EUROPE AND THE MISSILES

When the United States first contemplated sending the new medium-range nuclear missiles to Europe, a great frightened cry went up in protest. Many European voices asserted that the Americans were recklessly increasing the risk of incinerating their countries. They did not even pause to acknowledge that the first *request* for such missiles had in fact come from Europeans, starting with Helmut Schmidt, who were then complaining of American lack of care for the allies' security.

Now—two turns later—the United States is talking about the possibility of negotiating the withdrawal of those same missiles. The European reaction is hardly one of relief. On the contrary, it's reported to be yet another rumble of anxiety that the Americans are once again failing to take adequate account of Europe's basic defense requirements.

Each turn in American nuclear policy seems to be greeted with an equal and opposite reaction in Europe. An amusing folk custom? Well, in some respects, yes. But it's something deeper as well: a reflection of the central political tension in the Atlantic alliance. One of the partners in that alliance is very much more powerful than any of the others, and the second most powerful, West Germany, has undertaken a firm commitment not to possess nuclear weapons. This disparity in control over the weapons leads to deep ambivalence toward the plans for managing them and a certain perennial discontent.

One reaction is the militant pacifism that has now been widely embraced among the churches of Germany and northern Europe generally. It was particularly audible in the demonstrations against the new missiles. The other side of the European debate is rooted among the defense experts who, regardless of party and nationality, acknowledge that the conventional military forces in eastern Europe greatly outweigh those in western Europe. Withdrawing the nuclear weapons on the western side, they warn, would only increase the danger to the West. These are the people you are mainly hearing now, although accuracy requires that some account be taken of the permanent floating critics, who express despair over American policy whatever it is.

All sides share the concern that too much of their security depends on decisions by another country several thousand miles away which, unlike themselves, has the good fortune to be separated from the Soviets by two oceans. The strategic arms control negotiations between the United States and the Soviets always heighten those concerns. Nearly all Europeans welcome the negotiations. But the sight of the negotiators working on subjects that sharply affect fundamental European interests, with no Europeans at the table, troubles them—no matter that the Europeans (Britain and France) whom Moscow has now invited to a separate nuclear table are not at all eager to get there.

The remarkable thing about the Atlantic alliance is that, after 37 years, it is still in good working order. There's nothing quite like it in the history of modern diplomacy. But it will remain in that condition only so long as people who make nuclear policy in Washington pay close attention to the signals of doubt and dissent that come from western Europe.

NATIONAL NURSING HOME RESIDENTS' DAY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. PEPPER. Mr. Speaker, I am today introducing a joint resolution designating April 28, 1986 as "National Nursing Home Residents Day." I am pleased to say that the distinguished Senator from Arkansas, DAVID PRYOR, has introduced an identical measure in the other body.

This is the sixth year I have had the privilege of sponsoring this resolution which is designed to focus attention on the achievements of the nearly 1½ million Americans living in nursing homes today. I am hopeful that my colleagues will join me in letting these people know that we care about them and are grateful for their substantial contribution to the growth and development of this Nation. They played and continue to play a vital role in our society.

Many of those residing in nursing homes are there not because they require the level of care provided in nursing homes. Often it is because they are without family to care for them, or without the necessary community services that would allow them to remain independent.

Numerous nursing home residents have lived in isolation in our cities and towns. Through major cooperative efforts, significant progress has been made toward turning this situation around and actively integrating these citizens into their communities. We hope that this joint resolution will give recognition to the substantial progress that has been made while also fostering efforts to make this integration more complete by stimulating a broader range of activities aimed at recognizing resident concern, accomplishments, and community involvement.

I would like to offer my deep thanks to the untiring efforts of the many members of the National Citizens' Coalition For Nursing Home Reform. This dedicated network of resident advocates around the country have contributed immeasurably to empowerment of our Nation's nursing home residents.

I urge my colleagues to join me in sponsoring this important and timely legislation. I submit for the RECORD a copy of the resolution:

H.J. RES. 533

Joint Resolution Designating April 28, 1986, as "National Nursing Home Residents Day"

Whereas over one million older Americans reside in nursing homes and one in five older Americans likely will reside in a nursing home at some time;

Whereas nursing home residents have contributed to the growth, development, and progress of this Nation and, as elders, offer a wealth of knowledge and experience;

Whereas Congress recognizes the importance of the continued participation of these institutionalized senior citizens in the life of our Nation;

Whereas in an effort to foster reintegration of these citizens into their communities Congress encourages community recognition of and involvement in the lives of nursing home residents;

Whereas the Congress recognizes the importance of safeguarding the rights of nursing home residents; and

Whereas it is appropriate for the American people to join in support of nursing home residents to demonstrate their concern and respect for these citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 28, 1986, is designated as "National Nursing Home Residents Day," a time of renewed recognition, concern, and respect for the Nation's nursing home residents. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN MEMORY OF THE "CHALLENGER" SEVEN

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. SEIBERLING. Mr. Speaker, nearly a month has passed since the terrible tragedy that enveloped the crew of Space Shuttle *Challenger,* a tragedy which affected all Americans deeply. Since Judith Resnik was an Akron woman and a graduate of Akron high schools, the tragedy was particularly poignant for residents of the Akron area. It is fitting that local residents are now establishing a scholarship fund in her memory.

Not long after the *Challenger* disaster, I received a letter from one of my constituents, Mrs. E. June Akom, enclosing a copy of a poem she had written in memory of the *Challenger* Seven. She wrote that at 4 a.m. on the day following the disaster, she woke suddenly with the thoughts contained in her poem and quickly wrote them down. She added, "I am a widow, recently retired from banking, and like all of us share our Nation's sorrow. I pray it will comfort you as it did me."

Mr. Speaker, it did indeed comfort me and I am offering it for the RECORD in the hopes that it will do the same for others. The full text follows these remarks:

IN MEMORY OF THE CHALLENGER SEVEN

Francis R. Scobee.
Michael J. Smith.
Ellison S. Onizuka.
Judith A. Resnik.
Ronald E. McNair.
Gregory B. Jarvis.
Christa C. McAuliffe.

JANUARY 28, 1986

FOR THE FAMILIES AND OUR NATION

Today we left you, to search in space,
But instead, we hold God's hand
And look into His face.
Mourn for we seven,
And shed all your tears,
But keep looking up,
And let go of your fears.
For we did what gave us life and hope,
Of a better world, and a dream,
All of us often spoke.
So now when you look up
At a clear blue sky,
With white clouds floating by,
Think of us,
Our life,
Our love,
Our dreams,
Our hopes.
For what was, and what will be.
And always know,
"We hold one hand of God, and
The other hand holds Thee."

E. JUNE AKOM,

Akron, Ohio.

STUDENTS WRITE POEM IN HONOR OF SHUTTLE CREW

HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. McCLOSKEY. Mr. Speaker, few were affected more deeply by the terrible loss of the *Challenger* shuttle and its seven heroic crew members than the Nation's schoolchildren. The sudden shock of that tragic moment prompted concern that its impact on the young would cause lingering confusion and sadness. While our Nation continues to grieve for the crew of the *Challenger* and our hearts go out to family members, the Nation's elementary schoolchildren are demonstrating a resilience of spirit and determination to overcome the shock of the January 28 tragedy. Particular evidence of this from my congressional district was a wire story about a poem written to the brave pioneers of *Challenger* by Lincoln Elementary School students in Evansville.

I ask unanimous consent that this story be printed in the CONGRESSIONAL RECORD.

EVANSVILLE, IND. (AP).—Third-graders at an Evansville elementary school who wanted to express some positive feelings about the space shuttle tragedy have written a poem in honor of the seven fallen astronauts.

Teacher Alma Smith said that her class at Lincoln Elementary School felt confused and sad after last week's tragic ending to the space mission they had followed.

"I wanted the kinds to be able to see some positive lessons coming from this tragedy," Ms. Smith said. "Through writing the poem,

I wanted the children to learn that the members of the Challenger crew were pioneers.

"I wanted the children to learn that people have to take risks if they are to gain knowledge," she said.

The poem is titled "An Ode to the Space Explorers."

Hail.
Hail to space explorers.
You dare to travel the unknown world of space.
You dare to risk your life.
We the children of America praise you.
Cheers.
Cheers to Michael Smith, Francis Scobee, Ronald McNair, Ellison Onizuka, Sharon Christa McAuliffe, Gregory Jarvis and Judith Resnik.
A brave task you have tried for the up-and-coming generation.
We the children of America honor you.
We the children of America honor you.
Mighty heroes,
Ordinary people, astronauts, scientist, teacher and space travelers.
You've trained long and hard,
You've set the good example of adventure into space.
We the children of America look up to you.
We the children of America look up to you.
Space Shuttle Challenger was not in vain.
As children of America we want to be challenged.
As children of America we want to go onward, forward into space.
We have an ode to heroes.
We sing in your memory.
We sing of your bravery.
As children of America we will remember you.
As children of America we will remember you.
Space Explorers.
Honor Space Travelers.
We the children of America salute you.
We the children of America salute you.

EAGLE SCOUT MICHAEL A. PIERCE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. LIPINSKI. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the achievements of a fine young man in my district, Michael Pierce. Recently, Michael was honored for achieving the highest rank in Scouting, that of Eagle Scout.

The path of Eagle Scout is truly a long and difficult one. It requires an extraordinary amount of dedication and determination not usually seen in youths of this age. The tasks which must be completed to become an Eagle Scout cover virtually every realm of human experience. Some require intellectual and creative abilities while others call for physical agility and strength. Some tasks help integrate the young man into society through community action that benefits his neighborhood and world. Still other acts are performed alone intended to develop internal growth and maturity. Always, however, is the challenge to set and strive for goals through initiative and diligence.

Young men like Michael are leaders. The achievement of Eagle Scout is likely to be only the beginning of a future full of accomplishments. For this young man has shown that he can perform exceptionally well without a compelling hand of authority over him. I say this not to downplay the importance of the encouragement he received from his family and Scout leaders but, rather, to assert the independence and self-motivation he has already shown.

Your achievement of becoming an Eagle Scout is praised and applauded. It is with sincere pleasure that I commend you, Michael Pierce, before my fellow Members in Congress.

A TRIBUTE TO BILL MARTIN—COMMUNITY SERVANT

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. GUARINI. Mr. Speaker, for nearly 40 years of community service William E. Martin, executive director of the United Way of Hudson County, is being honored. A grateful Hudson County community under the leadership of the board of directors of the United Way of Hudson County is coordinating the celebration "Bill Martin—30 Years of Helping People—the United Way."

At the testimonial dinner where hundreds of community leaders and grateful citizens will gather on Thursday evening, February 27, 1986 at the Meadowlands Hilton, Secaucus, NJ. Bill Martin will be honored for his untiring efforts, providing service above self.

Perhaps one of the first occasions I met Bill is when he was involved in organizing "Biddy basketball" teams after World War II. He showed his leadership at that time, which has indeed grown from what has been likened to "a tiny acorn to a great oak of service."

Community leaders including Ed Davin, Roy Lenahan, Assemblyman Joseph Charles, Janet Haynes, president of the New Jersey Coalition of 100 Black Women, Dave Leff, secretary-treasurer, Mechanics Finance Co., vice president, United Way of Hudson County, member of board of directors of United Way of Tri-State; William J. Aramony, president, United Way of America, will join me in testimonials next Thursday evening.

With the assistance of Joseph Brown, of Bill Martin's office, we have put together the following information concerning our honoree.

Helping others has always been a way of life for Bill Martin. Born in Jersey City, Bill has worked extensively in the community of Hudson County for nearly 40 years for the good and welfare of others.

Appointed director of the CYO Center of Hudson County in 1946 by Archbishop Boland of the Archdiocese of Newark, Bill established the largest day camp in the State with over 1,000 youngsters in attendance annually.

In 1956, Bill was selected as executive director of the United Community Fund of Jersey City, and under his direction, a volunteer group built the current United Community headquarters in 1966. Bill was instrumental in forming the United Way of Hudson County in 1973 by merging nine communities into one organization. the following year, he was elected president of the New Jersey State Association of United Way.

Bill played a key role in the study process to bring the United Way of Hudson County into partnership with the United Way of Tri-State, joining forces with 22 United Way organizations from New York, New Jersey, and Connecticut.

Elected president of the Jersey City Rotary Club in 1977, Bill was awarded the first Jersey City Paul Harris Fellowship of the Rotary International the following year.

Bill is currently serving as chairman of the Professional Advisory Council of the United Way of Tri-State, a position he has held since 1979. He also represents 33 partner communities of the United Way of Tri-State on Tri-State's Board of Trustees.

The humanitarian has played an active role in the "Bunker project," a program to construct a new Boys' Club in downtown Jersey City, as well as the relocation and procurement of property for the Occupational Center Shelter Workshop of Hudson County.

For his outstanding work in the community, Bill has been honored by many organizations including: the Grover Post Jewish War Veterans, the Urban League of Hudson County, the Hudson County Welfare Board, the city of Jersey City, the United Way of Tri-State, the United Way of America, the Retired Senior Volunteer Program, the Jersey City Branch of the NAACP, and the Visiting Homemaker Services of Hudson County. In 1985, he received the Humanitarian Award from Action For Sickle Cell Anemia.

Bill was also honored by the directors of the Jersey City YWCA for his key role in the multimillion dollar renewal program for the YWCA.

Bill is an alumnus of St. Aloysius High School in Jersey City, and graduated with a Bachelor of Science degree from Kansas State University. He has served in the U.S. Army as director of Special and Morale Services and also on the faculty of Washington Lee University. Currently residing in West New York, Bill has two daughters, Lynn and Carol, and a son, William, Jr.

Bill Martin, through his work, has aided tens of thousands of individuals with family problems. He has helped industries improve employee relations, increasing productivity. He has made it easier for many a young person in Hudson County to enter the professions. Some of those he has helped today are teachers, doctors, lawyers, and community leaders.

Bill Martin has to be pleased with his involvement. His life indeed echoes the words of John F. Kennedy, who said:

Happiness is the full use of your powers along lines of excellence in a life affording scope.

I feel certain that my colleagues here in the House of Representatives wish to join me in this tribute to Bill Martin, truly a giant of a man.

CRISIS IN THE PHILIPPINES

HON. ROBERT GARCIA
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. GARCIA. Mr. Speaker, yesterday's New York Times ran two essays on the Philippines, one by Stanley Karnow, a long-time observer of the Philippines, the other by distinguished journalist, James Reston.

In light of rapidly unfolding events, and increased tension in the nation, I thought it might be useful for my colleagues to take a moment to examine Mr. Karnow's and Mr. Reston's insights on this subject.

How To Handle the Philippines—American Power Is Limited

(By Stanley Karnow)

MANILA.—An old Chinese proverb—"save a man from death and you owe him a living forever"—may apply to the future relationship between the United States and the Philippines. For the United States, having intruded into domestic Philippine affairs in an effort to keep the presidential election honest, has assumed a new long-term responsibility for its former colonial possession.

There is much to be said in favor of United States involvement. But Americans and Filipinos could have reason to regret that involvement in the years ahead.

The fraud and violence that tilted the election, most of it perpetrated by Ferdinand E. Marcos's political machine, might have been worse had it not been for the presence of official and unofficial American observers, including the news media.

Expressions of concern by President Reagan and members of Congress also reminded the Filipino people that the United States, which originally encouraged their allegiance to democracy, understands that its own strategic interests are intimately linked to the Filipinos' right to credible government.

What I find disturbing, however, is the extent to which Filipinos now expect America to save them in the event of a fresh crisis. It may be, too, that many Americans have lately come around to the view that America has an obligation to intervene in the Philippines. The biggest challenge on the horizon is the rise of the Communist-led New People's Army, whose ranks have swelled from a few hundred men a decade ago to 12,000 guerrillas and about five million active sympathizers operating in 62 of the 74 provinces.

It is no secret that Communist units are deployed within striking distance of America's naval installation at Subic Bay and the Clark Field air base. According to one of their agents, they have so far refrained from threatening those facilities out of fear of American military intervention in the Philippines. But should the Communists become stronger, as seems likely, they are almost certain to jeopardize the security of the bases. At that stage, we will be confronted with the question of whether to protect the bases with American troops or move the bases elsewhere.

A United States withdrawal from the Philippines, while technically feasible, would shake the power balance in the Pacific and alarm China and Japan, which see the enormous Soviet fleet in the region as a menance. It would also shock the Filipinos, most of whom are profoundly pro-American despite their occasional jibes at the United States.

On the other hand, the commitment of American fighting forces or even advisers would surely prompt American protests against the danger of "another Vietnam." Ironically, the most vocal foes of such a course probably would be those who advocate a tougher policy here.

Thus, America faces a potential dilemma in which the alternatives are equally unattractive. Yet the deepening American involvement will make it difficult, perhaps impossible, to escape that dilemma.

A thesis being advanced is that the Communist threat can be contained if we exert further pressure on President Marcos to reform by denying him aid. Another argument holds that the Communists would have been checked if Corazon C. Aquino, who represents change, had been elected. I am skeptical.

In the first place, Mr. Marcos has no intention of dismantling the autocratic regime he has built up over 20 years, even though it is visibly on the verge of collapse. His announced reforms are merely a rearrangement of deck chairs on the Titanic.

As her astonishing performance demonstrated, Mrs. Aquino managed to crystallize an opposition to Mr. Marcos that surprised Mr. Marcos himself. But little in her campaign proposals suggested that, if elected, she would have given the Philippines the drastic overhaul it desperately needs.

After more than 25 years of reporting from the Philippines, I am persuaded that the country is either approaching or has already reached what the Marxists call a "revolutionary condition." The Communists are succeeding because this society has been dominated too long by a oligarchy that, out of greed or neglect, permits appalling extremes of wealth and poverty. The Roman Catholic Church recognizes this reality, and many of its humane aims parallel those of the Communists. A key difference, however, is that the Communist have guns.

As the situation deteriorates, many Filipinos will undoubtedly appeal to the United States for help. But the problem of the Philippines is their problem, and no amount of American assistance will resolve it.

Hope in Manila?

(By James Reston)

WASHINGTON.—The problem now in the Philippines is how to avoid a bloody civil war, and it's just possible that there's still a chance of doing so.

The military in Manila has now joined the bishops of the Roman Catholic Church in insisting that President Marcos must decide whether to stick and fight for his life and his palace, and maybe lose both in the process, or resign and seek refuge at home or elsewhere.

President Reagan can't do anything now other than tell Mr. Marcos that he has lost the battle and created a crisis in Manila and in his relations with Washington, one that can be resolved only by his departure.

Mr. Marcos, clearly, hasn't got the message. He's sore at President Reagan, who hates conflicts and who has tried to help him, but the Philppine President is still denouncing the "modern-day-imperialists"—meaning Mr. Reagan—who are interfering with the election in Manila. And Mr. Marcos is vowing that the Filipino people will "pay with their blood" against this foreign intervention.

But all the friends of the Philippines are against him. Even the Congress of the United States, which seldom agrees on anything, is almost unanimous in thinking that Mr. Marcos stole the election and should do his country a favor by resigning.

This is not merely the thought of the President and the Congress, but of opinion in other democratic nations.

The Economist of London, for example, said the other day: "The longer President Marcos clings to power, the likelier he is to bring on the deluge.

"That means," The Economist continued, "not only violent unrest, continued economic decline and renewed repression. At the end . . . it could lead to the storming of Malacanang presidential palace, the closing of America's two biggest bases in Asia, and a communist take-over of this archipelagic aircraft carrier."

Well maybe that's a little too dramatic, but whatever is said about the Philippines outside, the main point is that the people on the ground in those islands are beginning to deal with the facts.

When the Catholic bishops and the military generals, and the press and the business folk in Manila began to say out loud that Mr. Marcos is not the hope, as he says, but the problem of the Philippines, then Mr. Marcos, like Jean-Claude Duvalier in Haiti, has to begin checking his bank accounts and looking for an airplane and somewhere to hide.

Recent history, as The Economist has pointed out, is replete with alarming examples of dictators who forgot that their time had run out.

President Bhutto of Pakistan, for example, who fiddled with an election and faced up to four months of protests against his deceptions, was finally opposed by his own military officers and hanged in the night.

President Marcos may not be faced now with such a horrible end, but the military officials in Manila have made quite clear that they cannot tolerate the situation as it is. The top generals are divided, some of them for the President and some against him, but the young officers, looking to the future at home and their relations with the United States, clearly want him to go.

That is also what Mr. Reagan desires, though he has been hesitant to say so directly to Mr. Marcos. He had hoped that maybe he could work out a deal between Mr. Marcos and the opposition party for a coalition government, and sent Ambassador Habib to Manila for that purpose, but Mr. Habib found that no such deal was possible.

Mr. Marcos insisted that he had won the election, and demanded that the United States, without naming it, stop interfering.

"There are those in foreign lands," he said, who for their own reasons have impugned the integrity of our recent presidential elections, and have even called for foreign intervention in our national affairs."

So, at least for the time being, Mr. Marcos is determined to defy public opinion abroad.

"I would like to remind them," he said the other day, that Filipinos "have many times before paid with their blood, their lives and their honor to preserve their freedom and national integrity, and so they will again."

But the difference now is that these sonorous platitudes have lost their effect at home. The bishops no longer believe them, and what is probably more important, the military officers are tired of them and want a change.

Unfortunately, not all the military. Mr. Marcos still has some of them on his side,

and is determined to fight rather than to quit. If they stick with him, there could be a bloody battle, and this is the thing that Washington is now trying to avoid.

ANTITERRORISM TRAINING FOR CENTRAL AMERICAN POLICE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. BROOMFIELD. Mr. Speaker, as Communist-backed terrorism spreads throughout Central America and in other parts of that region, our Government must provide our friends in the area with counterterrorism training so that they can better protect themselves against this aggressive onslaught. Why sit back and let the terrorists undermine those fragile democratic societies? Why turn the field over to the Nicaraguans and their Cuban friends who use terrorism to intimidate and undermine America's allies in that area?

During this session of Congress, a Senate version of the administration's proposal to provide counterterrorism training to select Central American countries will probably be considered. Although the Senate version is different from the original proposal, it provides counterterrorism training for police forces in El Salvador, Honduras, Costa Rica, and Guatemala. The planned training would only be given to Guatemala if that country met a series of stringent human rights requirements.

While we all regret the human rights abuses in certain countries in that region, leftwing terrorism is increasing. The Communist-backed Salvadoran FMLN recently admitted that it targeted mayors and others as part of a concerted effort to bring down the Duarte government.

While our Government has done much to oppose rightwing terrorism in Central America, we cannot sit back and ignore the mounting offensive from determined leftists who will use terrorism as a tool to destabilize the entire region. We must act now and face the threat with open eyes. Now is the time to help stop terrorism in Central America.

With these concerns in mind, I commend the following editorial on terrorism from the Dallas Morning News to my colleagues in the Congress.

EL SALVADOR: THEIR TERRORISTS

If U.S. aid to Central America amounts to aiding "our thugs against their thugs," let's save a few hundred million dollars and leave the policing of the region to the Soviets and their Cuban surrogates. Until recently .U.S. policy toward Angola (to cite only one case) had been just that, so why not for Central America?

Because aiding the region's democratic forces is strategically and morally sound. Also urgent. The Dallas Morning News' Chris Hedges cites persuasive evidence that murders, detentions and harassment of Salvadoran civilians by the Marxist guerrillas increased greatly this year.

Note above all that this has taken place despite the huge steps that El Salvador, under President Duarte, has taken toward democracy and the rule of law. Guatemala's recent election of the Christian Democrat Vinicio Cerezo shows that that beleaguered nation, too, has opted for democracy in repudiation of the tyranny of both left and right.

Contrast that with Nicaragua. There the ruling Marxists, fortified by Cuban combatants and Soviet-bloc aid and advice, no longer even pretend to worry about such bourgeois frills as humaneness and civil liberties.

So the region's fledgling democracies look to Washington. What kind of help can they expect as they strive to tame terrorists of all stripes and build the foundations of a democratic, orderly and prosperous society?

That's rather hard to do when at the same time you must fend off terrorists bent on undermining just that kind of society. That's why the Reagan administration wants $54 million to train the region's police forces in counterterrorism.

This is not money for indiscriminate headhunts for death squads. No doubt right-wing abuses still take place, but not because the democratic governments of the region want them to. It is the Sandinistas and El Salvador's Marxist guerrillas who do most of the indiscriminate headhunting.

Still, whether Congress approves funding for this depends on its uncertain ability to recognize the elemental distinction between force used to protect civilization and force used to destroy it.

A MESSAGE TO THE SOVIET UNION

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. JONES of Oklahoma. Mr. Speaker, I thank my colleagues, the gentleman from New York [Mr. KEMP] and the gentleman from Maryland [Mr. HOYER], for requesting this special order to recognize the plight of Jews in the Soviet Union and for allowing me to add my views and those of my constitutents in Oklahoma.

The people in Oklahoma join with me in welcoming Anatoly Shcharansky to freedom. We are encouraged by his release after 9 years in Soviet prisons. However, this is only one step toward ending the mistreatment of Jews in the Soviet Union.

Positive relations between the United States and Russia will be hindered until the Soviet Government ceases in its discrimination against Jews.

Soviet Jews are now engaged in a daily struggle for survival. The Soviet Government has been successful in interfering with all Jewish activity. Judaism is not only a religion, it is a way of life. Through harassment, arrests, imprisonments, and anti-Semitism supported by the government, Soviet Jews are suffocating and risk having their faith taken from them.

Alleviation of the conditions under which Jews are forced to live in the Soviet Union is as big an issue as allowing Soviet Jews to emigrate to Israel and other countries where their religious beliefs are recognized and respected.

Mr. Shcharansky is a symbol of endurance and dedication to his faith. His account as a prisoner of conscience cannot be written off as a lone example of the ways Jews are treated in the Soviet Union. Currently, there are 18 other prisoners of conscience, 27 former prisoners who have not been allowed to leave, and thousands of other refuseniks and people who are waiting to emigrate.

The release of one prisoner of conscience is the beginning to what I hope is a change of attitude by the Soviet Government. We must not abandon the cause of promoting freedom of worship.

VOCATIONAL REHABILITATION ACT

HON. STEVE BARTLETT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. BARTLETT. Mr. Speaker, today I am introducing a piece of legislation which amends the Rehabilitation Act of 1973 as part of the reauthorization process this very valuable program is undergoing. This bill is not a comprehensive reauthorization package, but rather a supplemental bill to the Rehabilitation Act Amendment of 1986.

The Vocational Rehabilitation Act trains and prepares disabled individuals for employment. The program has a well-deserved reputation for cost-effectiveness, returning many times over the Federal investment through taxes paid by disabled Americans who have been given the assistance they need to work or return to work.

The success of the Vocational Rehabilitation Program is due in large part to the fact that it has stayed within its original training mission. Disabled individuals move in and out of the program, into the private or public job sector of the job market. Those who are successfully rehabilitated are replaced by a steady supply of other individuals seeking services.

The bill that I am introducing today contains a number of provisions, some of them unrelated, to improve the program. Foremost among these are provisions which address the needs of severely handicapped individuals. Provisions in the bill which redefine the term "severely handicapped" and clarify reasonable rehabilitation goals for these individuals, essentially "update" the status of severely handicapped individuals in the program.

It is my intent to maintain equal access for all persons with disabilities to vocational rehabilitation services. Unfortunately, the demand for services far outweights the program's capacity to serve, and some estimates indicate that the number of individuals with disabilities seeking services outruns the number served by as high a ratio as 10 to 1. Recognizing this situation, it remains only fair that all disabled persons who seek services face the same chance of receiving them.

It is difficult to find an area of progress in the field of disability which compares to the strides that have been made in services to severely handicapped individuals. Because of this progress, many severely handicapped individuals today are working and living independently in ways which quite literally were not imagined 10 and 15 years ago. Provisions

in my bill recognize that progress and amend the act accordingly by redefining the term and recognizing part-time, supported employment and other degress of full-time employment as feasible rehabilitation goals for individuals with severe handicaps.

The concept of supported employment is a relatively new development in the field of disability and essentially involves providing a severely handicapped individual with intensive, ongoing, postplacement support services to perform work. My bill authorizes the Vocational Rehabilitation Program to train severely handicapped individuals for any number of employment options, including supported employment.

The bill does not authorize the State Grant Program to fund the supported work opportunity for reasons other than training and short-term postemployment services. I have included explicit language in the bill to clarify that vocational rahabilitation services for the purposes of preparing a disabled individual for supported employment are bound by the traditional time-limited restrictions which apply to other rehabilitation outcomes and training regimens.

In addition to those provisions regarding the definition of the term severely handicapped and supported work, this bill also:

First, requires that the annual report contain an evaluation of the status of individuals with severe handicaps participating in the program.

Second, requires that the State plan include plans, policies, and methods to be followed to assist in the transition from education to employment and rehabilitation services.

Third, requires that the order of selection for services made by the vocational rehabilitation agency be accompanied by a justification.

Fourth, includes within the State plan section on cooperative agreements, community mental health as potential agencies.

Fifth, requires that the goals of the Individualized Written Rehabilitation Program be based on an assessment determined through an evaluation of rehabilitation potential.

Sixth, requires that the scope of vocational rehabilitation services include an evaluation by personnel skilled in rehabilitation technology.

Seventh, allows the research and training centers to disseminate their findings.

Eighth, redesignates the National Institute of Handicapped Research, the National Institute on Disability and Rehabilitation.

Ninth, indicates that developmentally disabled individuals are included as eligible for services under title VII for services related to independent living.

Tenth, requires that the chair and vice chairperson of board of the Architectural and Transportation Barriers Compliance Board be either a public or Federal official.

My plans for this bill are to place it before the interested public for review and comment and offer portions of the bill as amendments as the vocational rehabilitation reauthorization process progresses. I am particularly interested in comments on the provisions affecting severely handicapped individuals, including supported employment.

H.R. 4210

A bill to extend and improve the Rehabilitation Act of 1973.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO THE GENERAL PROVISIONS.

SECTION 101. DEFINITION OF SEVERELY HANDICAPPED.

The Rehabilitation Act of 1973 (hereinafter in this Act referred to as "the Act") is amended in section 7 by striking out paragraph (13) and inserting in lieu thereof the following new paragraph:

"(13) The term 'severely handicapped individual' means a handicapped individual—

"(A) who has a severe physical or mental disability which seriously limits functional and employment capacities such as mobility, communication, learning, self-care, self-direction, interpersonal skills, independent living, economic self-sufficiency, work tolerance or work skills in terms of employability;

"(B) who can be expected to require multiple services over an extended period of time; and

"(C) who has one or more physical or mental disabilities resulting from amputation, autism, arthritis, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle cell anemia, specific learning disability or a combination of disabilities determined on the basis of evaluation of rehabilitation potential to cause comparable substantial functional limitation.".

SEC. 102. SUPPORTED WORK.

(a) DEFINITION.—Section 7 of the Act is amended by inserting at the end thereof the following new paragraph:

"(16) The term 'supported employment' means competitive work in intergrated work settings for individuals with severe handicaps for whom competitive employment has not traditionally occurred and who, because of their handicap, need intensive, on-going, post-employment support services to perform such work. Supported employment shall include individuals with severe handicaps and shall involve work sites in which non-disabled individuals are employed. Funds available under section 110(b)(1)(A) may only be used for training and tracitional short-term post-employment services for supported employment.

(b) ACTIVITIES RELATED TO SUPPORTED EMPLOYMENT.—

(1) Section 7 of the Act is amended—

(A) in paragraph (5)(c) by inserting "in supported or independent employment" after "performance,"; and

(B) in paragraph (11) by striking out "and (L)" and inserting in lieu thereof "(L) supported employment, and (M)".

(2) Section 101(a) of the Act is amended—

(A) in paragraph (5)(b) by inserting before the semicolon "including cooperative efforts with other public and private agencies to operate supported employment programs"; and

(B) in paragraph (16) by striking out "market," and inserting in lieu thereof "market or in support employment,".

(4) Section 103(a) of the Act is amended by inserting at the end thereof "(12) training and traditional short-term post-employment services for supported employment.

(5) Section 204(a) of the Act is amended in the second sentence by inserting "studies, analyses, and other activities related to supported employment;" after "special needs of handicapped individuals;".

(6) Section 302(b)(3)(A) of the Act is amended by inserting before the semicolon ", including supported employment".

(7) Section 304(b) of the Act is amended by inserting "specialized personnel in providing employment training for supported employment," after "job placement services for handicapped individuals".

(c) REHABILITATION GOALS.—Section 102(b)(1) is amended by inserting at the end thereof "which for severely handicapped individuals may include supported, homebound, or part-time employment,".

SEC. 103. ANNUAL REPORT.

Section 13 of the Act is amended by inserting at the end thereof "The annual report shall include an evaluation of the status of individuals with severe handicaps participating in programs under this Act.".

TITLE II—AMENDMENTS TO VOCATIONAL REHABILITATION SERVICES

SEC. 201. STATE PLANS.

(a) TRANSITION.—Section 101(a) of the Act is amended by inserting at the end thereof "(23) contain the plans, policies, and methods to be followed to assist in the transition from education to employment related activities.".

(b) JUSTIFICATION OF ORDER OF SELECTION.—Section 101(a)(5)(A)(i) of the Act is amended by inserting "(and the justification for such order or selection)" after provided.

(c) COOPERATIVE ASSISTANCE.—Section 101(a)(11) of the Act is amended by inserting "community mental health programs," after "veterans programs,".

SEC. 202. INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM.

Section 102(b)(1) of the Act is amended by striking out "goals," and inserting in lieu thereof "goals based on an assessment determined through an evaulation of rehabilitation potential under section 7(5),".

SEC. 203. SCOPE OF VOCATIONAL REHABILITATION SERVICES.

Section 103(a)(1) of the Act is amended by inserting "evaluation by personnel skilled in rehabilitation technology," after "appropriate,".

TITLE III—AMENDMENTS RELATED TO RESEARCH AND TRAINING

SEC. 301. RESEARCH.

Section 204(b)(2)(A) of the Act is amended by inserting "and disseminate" after "develop".

SEC. 302. NATIONAL INSTITUTE OF HANDICAPPED RESEARCH.

(a) REDESIGNATION.—The Act is amended by redesignating the National Institute of Handicapped Research as the "National Institute on Disability and Rehabilitation".

(b) REFERENCES.—The Act is amended by striking out "National Institute of Handicapped Research" each place it appears in the Act and inserting in lieu thereof "National Institute on Disability and Rehabilitation". Any reference in any other provision of law to the "National Institute of Handicapped Research" shall be considered to be a reference to the "National Institute on Disability and Rehabilitation".

TITLE IV—AMENDMENTS RELATED TO SERVICES FOR INDEPENDENT LIVING

SEC. 401. ELIGIBILITY.

Section 702(a) of the Act is amended in the second sentence by inserting before the period ", including developmentally disabled individuals".

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Section 502(a)(1) of the Act is amended by inserting at the end thereof "The chairperson and vice-chairperson of the Board may not both be members of the general public or Federal officials.".

TRIBUTE TO CLARISSA M. MILLIGAN

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. DE LUGO. Mr. Speaker, on Friday, February 14, 1986, the U.S. Virgin Island's first obstetrical nurse supervisor, Clarissa M. Milligan, was paid homage by having the obstetrics/gynecology wing of the St. Croix Hospital named in her honor.

A nurse-midwife for 42 years, Ms. Milligan delivered over 2,000 babies during her years of service. It is most fitting that Valentine's Day was selected as the day for her dedication program, for it was with great love that she delivered the precious gift of life.

I would like to share with my colleagues the news article that appeared in our local paper honoring Ms. Milligan for her contribution to our community.

[From the Virgin Islands Daily News, Feb. 15, 1986]

HOSPITAL WING DEDICATED TO CLARISSA M. MILLIGAN

(By Smerri A. Hildebrandt)

More than 2,000 Crucians owe their lives to Clarissa M. Milligan. She was the person who brought them into the world.

Milligan, a nurse-midwife for 42 years, was honored Friday for that achievement with a long-lasting tribute. The obstetrics/gynecology wing at St. Croix Hospital has been named for her.

"It feels great," Milligan said before the dedication program. Surrounded by friends, relatives and colleagues, she explained she had learned three years ago that the wing would be named in her honor, but it wasn't until last week that she found the dedication would take place.

A plaque bearing her name will be a permanent symbol of appreciation for her years of service to the Virgin Islands.

Milligan, 67, retired in 1980 after a lifetime as a nurse.

—— from the Basic Nursing Training Program in Frederiksted in 1941 but had been working as a nurse since 1938. She continued her nursing education in Puerto Rico at the School of Tropical Medicine, and in 1948 received a license to practice as a nurse-midwife.

She took refresher courses, and worked at Freedman Hospital and Johns Hopkins Hospital in Maryland before returning to St. Croix, where she became the territory's first obstetrical nurse supervisor, a position she held for 10 years. When she retired, she was assistant director of Nursing Services.

Milligan smiles when asked about the babies she delivered.

"The first one is in the states someplace," she recalled. "He must be in his late 30s by now."

She also remembered when Frederiksted had one doctor who worked 12 hours a day and was on call the other 12 hours. One of the great strides in the Health Department, she noted, has been an increase in staff.

She holds dear certain memories of her profession. "The best part of being a midwife was to hear an infant's first cry," she said. "Midwifery is part of the culture of these islands since way back when."

Milligan also had words of wisdom for young men and women entering the profession.

"Nursing is a noble profession," she said. "There are many opportunities today for young people in the profession. Any young man or women who wants to make a contribution would do so as a nurse."

Milligan's colleagues had many words of praise for her.

"She gives everything," said Dr. Randall James, who served as master of ceremonies. "She came up in the old school of nursing. She was very dedicated and worked for very little pay."

"She's been a mother to the staff, to her family and friends," said Nursing Director Lydia Thomas. "She literally takes people under her wing. And she's responsible for many of our nurses becoming RNs (registered nurses)."

Health Commissioner Roy Schneider was among those who praised Milligan for her work and pointed to her as an example and inspiration to other nurses.

ANATOLY SHCHARANSKY AND SOVIET JEWRY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. FISH. Mr. Speaker, once again my colleagues and I have come to the floor to speak out for the right of free emigration, religious freedom, and basic human rights. The recent release of Anatoly Shcharansky serves as a monument to our untiring efforts at ameliorating the plight of Soviet prisoners of conscience. We must continue to pressure the Soviet Union to respect the human rights of her citizens.

We have often come to speak out for freedom with hopes that our message will be heard. We must continue, for silence is complicity. We have let the people of the world know that terror, suppression, and institutionalized anti-semitism will not be tolerated. We must continue to let our unfortunate brethren in the Soviet Union know that they are not and will not be forgotten.

The Jews are used as pawns of the Soviet Union. We must have an atmosphere in which it behooves the Soviet Union to loosen up their repressive policies and open up their doors closed to immigration. The summit talks have given us some hope for a better Soviet emigration policy. The release of Anatoly Shcharansky is a fresh reminder that we have a responsibility to the thousands who are presently suffering.

We hope that our voices here today will have some effect on the official Soviet Union policy. As long as the Soviet Union continues to oppress its people, we will continue to raise our voices and focus the world's attention on their persecution.

While celebrating the release of a man who symbolizes the spirit and courage of Soviet Jews who seek to live free from persecution and oppression, we must pledge to continue the fight so that the joy of his recent emancipation may be known by the many thousands he left behind.

IMMIGRATION STATISTICS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. GARCIA. Mr. Speaker, as chairman of the Subcommittee on Census and Population, I have held a number of hearings this year on the demographic impact of immigration on the United States. I held one hearing specifically on immigration statistics. There has been a great deal of uproar about the increased number of immigrants trying to get into this country without proper documents. While I, too, am concerned that the situation may be escalating, I, nonetheless, believe that it is important to take a realistic look at the data surrounding immigration to this country.

In that light, I am submitting for the RECORD two recent articles on this subject appearing in the National Journal and American Demographics. I hope my colleagues will find them useful when considering their position on how best to reform our immigration law.

The articles follow:

[From the National Journal, Feb. 8, 1986]

ILLEGAL IMMIGRATION IS AN UNKNOWN QUANTITY

A GUESS AS GOOD AS ANYONE'S

With Congress considering an overhaul of the nation's immigration law, statistics on illegal crossings by aliens over U.S. borders are some of the most closely watched numbers around. But they're also very slippery. As the chart at right shows, informed estimates of the number of illegal immigrants living in the United States have ranged widely, sometimes within a single government agency. But that may soon change if two key federal agencies succeed in a recent effort to get their acts together.

The Immigration and Naturalization Service (INS) and the Census Bureau have been poring over data from the 1980 census, private studies and recent Census Bureau population surveys. Their best guess: from 3 million-6 million undocumented persons are now living in the United States, and from 100,000-300,000 enter the country each year.

A look at the methodology shows, however, that the numbers still will be far from precise. For example, the estimate of the yearly flow of illegal immigrants is based on a correlation with the number of apprehensions made by federal border patrol officers. Presumably, when their workload rises, it is because more aliens are trying to sneak across U.S. borders; other factors, such as

aliens improving their technique or the border patrol suffering a lapse in efficiency, aren't taken into account. Nor can this system discriminate between two illegal aliens caught and one who is caught twice.

Robert E. Warren, Acting INS statistics chief (1986), 3-6 millions.

Maurice C. Inman, INS general counsel (1986), 15 millions.

Health and Human Services Department (1984), 6.25 millions.

Congressional Budget Office (1984), 4.5 millions.

Immigration legislation sponsor Sen. Alan K. Simpson, R-Wyo. (1986), 3.5-6 millions.

Colorado Gov. Richard D. Lamm, Co-author of the Immigration Time Bomb (1985), 8.5-11 millions.

Federation for American Immigration Reform (FAIR) (1975 prediction for 1985), as many as 32 millions.

FAIR (1985), 6-10 millions.

JAIL IS HOME AWAY FROM HOME

Illegal aliens who cannot be deported immediately are held in detention facilities or state and local jails. According to the Immigration and Naturalization Service, the average stay is 10 days at about $26.45 per day, but cost varies, with the Los Angeles County jail costing as much as $80. The chart below shows federally and privately run detention facilities and the number of beds in each. All but Oakdale, La., which is under construction, are operating at or above capacity for a combined total of 1,273,850 days of alien incarceration in fiscal 1985. State and local jails were used for 559,000 days.

Federal facilities (beds): Oakdale, La., 1,000; Port Isabel, Texas, 668; Miami, 525; El Paso, Texas, 342; El Centro, Calif., 340; New York, 250; Florence, Ariz., 160; and Boston, 50.

Private facilities (beds): Houston, 300; Laredo, Texas, 175; Los Angeles, 250; El Paso, 120; Denver, 75; and Las Vegas, 60.

STATISTIC OF THE WEEK

El Salvador, California . . . According to a survey done by the Urban Institute in Washington, there are 250,000-350,000 Salvadorans living legally or illegally in Los Angels. San Salvador, the biggest city in El Salvador, had a population of 445,054 in 1983, and Santa Ana, the second-largest city, had a population of 174,546 in 1978.

MOST ILLEGALS ARE MEXICAN MEN

The overwhelming majority of aliens trying to enter the United States illegally are Mexican. Of 1,348,749 such persons caught or blocked from entry by immigration officials in fiscal 1985, 94 per cent were of Mexican origin, and 80 per cent of those were men, according to the Immigration and Naturalization Service. From 1970-80, approximately 7.5 million Mexican nationals were returned to Mexico, and another 4.5 million have been returned to that country since 1980. The table shows the number of deportable aliens apprehended by origin. Importantly in the case of Mexico, the count does not distinguish between aliens apprehended once and those making multiple attempts.

1980: Mexico, 817,479; Central America, 36,096; South America, 8,757; other, 48,029.

1985: Mexico, 1,266,999; Central America, 39,205; South America, 11,362; other, 31,183.

[From the American Demographics, March 1986]

DON'T KNOCK IMMIGRATION

(By Courtenay Slater)

The rise in the number of immigrants coming to the United States in recent years, especially illegal immigrants, is widely viewed as a national problem. But immigrants make up a smaller share of the population today than they did in 1940. The foreign born are about 7.5 percent of U.S. residents today, compared to 8.8 percent in 1940 and over 11 percent in 1930.

The proportion of the population born in another country reached its low around 1970, when only 4.7 percent of Americans were foreign born. The increase since then reflects the recent wave of new immigration—both legal and illegal. Although the total proportion of foreign born is well within the range of past experience, new immigrants' proportion of all foreign born is higher than it has been since early this century.

The new immigrants come primarily from Asia and Latin America, a marked shift from earlier periods when the majority of immigrants came from Europe. Of the 14 million residents identified as foreign born in the 1980 census, 5.4 million had entered the United States before 1960. Europeans accounted for well over half these long-time residents, while Asians made up only 6 percent, Mexicans 8 percent, and other Latin Americans just 5 percent. Among those who came to the U.S. between 1975 and 1980, however, Asians accounted for more than one-third, Mexicans for over 20 percent, and other Latin Americans for about 17 percent, while Europeans made up only 12 percent.

Though recent immigrants are from different parts of the world than earlier ones, they came to the United States for the same reasons as immigrants in the past—for economic and political freedom. Within the United States, they live where they think jobs are available and where others from their homeland are living. This results in geographic concentrations of immigrants. Of 2.2 million Mexican-born individuals counted in the 1980 census, 1.3 million were living in California, 498,000 in Texas, and 168,000 in Illinois. Sixty percent of Cubans were living in Florida, 78 percent of Dominicans and 54 percent of Jamaicans in New York State. One-third of Asian immigrants were living in California.

THE ILLEGALS

The Census Bureau estimates that slightly over 2 million illegals were counted by the 1980 census—one-half of whom were from Mexico. The results of several recent studies suggest that about 1 million illegals were not counted by the 1980 census, mostly recent arrivals, with over one-half of them from Mexico.

Illegal immigrants live in the same places as legal immigrants. About three-quarters of the illegals counted in the 1980 census were in 12 metropolitan areas and one nonmetropolitan area: Los Angeles-Long Beach, Anaheim-Santa Ana-Garden Grove, San Francisco-Oakland, San Diego, Riverside-San Bernardino-Ontario, and San Jose, California; Houston, Dallas-Fort Worth, and nonmetropolitan Texas; New York City, Chicago, Washington, D.C., and Miami.

Notably absent from this list are the Texas border cities, which do not have large numbers of permanent illegal residents. They do have large numbers who cross the border every day—legally and illegally—to work in the U.S.

Except for Chicago, all the areas with large illegal populations are found on the East and West Coasts and along the southern border of the United States. Elsewhere in the country, there are few areas with large numbers of illegals.[1]

Most illegals are recent immigrants. Among all the foreign born counted by the 1980 Census, 60 percent had lived here ten years or more. Among illegals, only about one-fourth had been here that long, and nearly one-half had been here less than five years. This high proportion of recent entrants among illegals reflects not only the increased numbers of illegals coming to the U.S. in the 1970s, but also the fact that many who came here years ago have since returned to their home countries.

Since 1980, the number of illegal residents has been growing by an estimated 100,000 to 300,000 a year, according to Census Bureau studies. If there were 3 million illegals living here in 1980 (2 million counted in the census and 1 million missed), the net increase since then would bring the total number of illegals in the U.S. today to between 3.5 and 4.5 million. While the exact number is uncertain, there is enough evidence from recent studies to say with confidence that the estimate of 3 to 5 million is closer to the true number than are the much larger numbers that often have been cited in the past.

Even at 3 or 5 million, the illegal population is large. But not that large in comparison to the 18 million foreign born in this country (including the illegals), or in comparison to the total U.S. population of 240 million. Since the foreign-born population, and especially the illegal population, is highly concentrated in a few metropolitan areas, the national problems created by the new immigrants may not be as staggering as is often alleged.

ECONOMIC IMPACT

One reason for the widespread concern over immigration is the belief that immigrants take jobs away from American workers. Immigrants, especially the illegals, are prepared to work hard for low wages. Employers thus find immigrant labor attractive, often preferring immigrants to native-born workers.

On the other hand, the availability of lower-cost labor may draw new industry to an area, creating jobs. In addition, immigrants are consumers as well as workers, and growing consumer markets mean more jobs.

But do immigrants create more jobs than they take from native-born workers? While no definitive answer is available, recent studies by the Urban Institute suggest that immigration's impact is more positive than negative.

Among all the metropolitan areas in the nation, Los Angeles has the highest proportion of recent immigrants. Mexicans are the largest single group of foreign born in Los Angeles. There were 700,000 Mexican immigrants counted in the 1980 census in Los Angeles County, of whom 456,000, or 65 percent, had arrived since 1970. The average educational level of these recent Mexican immigrants is low; only 22 percent of those aged 25 and over had completed high school. Their knowledge of English is limited, with about two-thirds of adults speaking English poorly or not at all. If an influx of low-skill, low-wage immigrant workers dis-

[1] See "The Illegals," by Courtenay Slater, American Demographics, January 1985, pp. 26-29.

places native-born workers, then the flow of Mexicans into Los Angeles must have cut into domestic employment, raising unemployment rates.

Yet the Urban Institute's researchers found "no evidence of an immigration-induced increase in unemployment in the Los Angeles metropolitan area." While the national unemployment rate was rising from 4.9 percent in 1970 to 7.1 percent in 1980, unemployment rates in Los Angeles fell. Labor force participation rates in Los Angeles exceed the national average, and black workers in Los Angeles upgraded their occupational status between 1970 and 1980.

Underlying this progress was an employment increase of 645,000 jobs, including a 113,000—or 14 percent—increase in manufacturing jobs. This compares with only a 5 percent growth in manufacturing employment nationally. Immigration did not prevent, and may well have spurred, employment growth in Los Angeles during the 1970s.

Urban Institute researchers also examined the relationship of Hispanic immigration to black unemployment rates in 247 metropolitan areas across the country. They found no evidence linking increased unemployment of native-born black workers to immigration.

What the researchers found, however, was that the flow of immigrants into Los Angeles occurred simultaneously with a reduced flow of low-wage workers to Los Angeles from other parts of the United States. The researchers do not know whether this was because immigrants were taking the low-wage jobs, or because Americans became less interested in moving to Los Angeles for some other reason.

The jury is still out whether immigration reduces the national pool of job opportunities for low-wage workers. But because there is no evidence that recent Hispanic immigration has systematically led to black unemployment, and because the metropolitan area with the most immigration showed stronger than average employment growth and falling unemployment rates, the argument that immigration takes jobs away from native-born workers begins to look weak.

Some areas of the United States are characterized today by distressingly high unemployment, but other places have labor shortages—especially of less-skilled, low-wage labor. American companies continue to relocate manufacturing plants in countries where labor costs are lower. Perhaps it is time to stop seeing immigration only as a problem and to start asking how immigrants can help to meet our nation's need for workers.

QADHAFI IS STILL MEDDLING: LIBYAN BOMBER ATTACKS CHAD

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. BROOMFIELD. Mr. Speaker, again, Colonel Qadhafi is actively trying to destabilize Chad. A few days ago, a Libyan bomber attacked N'Djamena Airport in response to a French airstrike on an airfield in northern Chad. In spite of prior agreements with France, Qadhafi is again trying to bring down the government of President Habre. I commend the French Government for firmly dealing with this new Libyan threat to the government of that country.

A few years ago, France sent 3,000 troops to Chad to support the besieged government of President Hissein Habre against attacks by the Libyan-backed former president, Mr. Goukouni Oueddei. After a brief conflict, the two disputing parties agreed that the 16th parallel in Chad would separate the northern part of that country, which is controlled by the Libyan-backed Oueddei, from the area under the control of President Habre. Colonel Qadhafi promised to withdraw his troops from Chad. U.S. intelligence, however, subsequently showed that Qadhafi had reneged on the deal and was keeping a large force in northern Chad.

After a period of calm, the Libyans broke the agreement and actively supported recent attacks by Oueddei's troops against the forces of President Habre south of the 16th parallel.

The forces of Mr. Oueddei seized a number of towns south of that line and threatened to march on the capital, N'Djamena. There are indications that Libyan troops are working closely with those of Mr. Oueddei, especially in the area of logistical support.

In response to this Libyan-sponsored threat, President Habre formally asked France to meet the new attacks. French aircraft bombed a Libyan built and manned airfield in the northern part of Chad and sent a small contingent of troops to N'Djamena. That field had been used as a key base for the latest rebel offensive.

In reacting to the French action, Qadhafi ordered a Libyan airstrike by a Soviet-built bomber on the airport at N'Djamena.

While Chad may not appear to be a critical country in that part of Africa, its northern region contains uranium and other minerals of great utility to Libya's nuclear efforts. Chad borders on many African countries with which France has strategic agreements. They are also countries which Libya would like to destabilize.

I commend President Mitterrand for his firmness and decisiveness in reacting to the Qadhafi-backed effort to undermine the legitimate government of President Habre. In the face of Libyan aggression and terrorism, a strong stand is the only policy to follow.

With these concerns in mind, I commend the following Washington Post article on the Libyan bombing incident to my colleagues in the Congress.

[From the Washington Post, Feb. 18, 1986]

LIBYA BLAMED IN RAID ON CHAD'S CAPITAL

(By Michael Dobbs)

PARIS, Feb. 17.—A Soviet-built Tupolev-22 aircraft, said by France to belong to Libya, today bombed the airport in Ndjamena, the capital of Chad, in apparent retaliation for a French raid against a Libyan-built airport in northern Chad.

French Defense Minister Paul Quiles later announced that France was sending a "deterrent force" to Chad following a new offensive by Libyan-backed rebels against the government of President Hissene Habre. About 200 French air commandos arrived in Ndjamena over the weekend to supervise the flow of military supplies to the government troops and defend the airport.

Military analysts here said today's moves brought France and Libya closer than ever before to a direct military confrontation over Chad. The two countries have backed opposite sides in the 20-year-old civil war in Chad, a French colony until 1960.

Quiles dismissed today's bombing raid by a "Libyan Tupolev," flying at 15,000 feet, as ineffective, saying that only one bomb had fallen on the runway. He said the "limited damage" would not prevent French planes from continuing to land at the airport, Chad's main point of entry from the outside world.

The Defense Ministry later said two Mirage F1 fighters and a Jaguar plane arrived at Ndjamena airport this afternoon, to join four Jaguars already there. The airport remained closed to civilian aircraft.

In Tripoli, the official Libyan news agency Jana attributed the air raid to Chadian rebel forces led by former president Goukouni Oueddei. This assertion, however, was discounted by military analysts here who said Goukouni's forces have no Tupolevs.

[In Washington, State Department spokeswoman Anita Stockman said a single plane "of a kind known to be in the Libyan inventory" had bombed the Ndjamena airport. "Presumably it was a Libyan aircraft," she said.

[She said Washington was expediting $6 million in U.S. military aid to Chad and consulting with the French and Chadian governments "to continue our individual efforts," as well as "consulting to see what other efforts to make."

[U.S. military aid to Chad consists of providing spare parts and maintenance for two U.S.-supplied C130 transports and supplying light arms and ammunition, boots, uniforms, jeeps and trucks to its 12,000-man Army.]

The bombing raids coincided with the opening in Paris of the first summit meeting of the world's French-speaking countries, with leaders of 42 states including former French colonies in Africa. The leaders of several French-speaking countries in West Africa have urged France to take tough action against what they see as the threat of aggression from Libya.

The latest French moves in Chad are the fourth direct military intervention by France in that African state since the civil war began in 1965. Quiles insisted, however, that it would be quite different from the last intervention, in 1983 and 1984, when 3,000 French troops were sent to Chad.

French officials said that the new force in Chad would consist primarily of Air Force units stationed in Ndjamena. The aim, military specialists said, is to reduce the risk of casualties to French troops while increasing the ability to respond flexibily to renewed attacks by the Libyan-backed rebels.

France has accused Libya of providing logistical aid for last week's rebel offensive across the 16th Parallel, known as the "red line," which Paris has pledged to defend.

In the view of some observers, the bombing raids form part of an elaborate game of psychological and military bluff involving French President Francois Mitterrand and Libya's leader, Col. Muammar Qaddafi. The assumption here is that neither France nor Libya has an interest in getting dragged into an all-out confrontation over Chad.

With just a month to go before legislative elections in France, Mitterrand's decision to bomb a Libyan-built airfield at Ouadi Doum has generally been supported by right-wing opposition parties that are usually quick to criticize him.

The Socialist president has sought to exploit a wide consensus on most foreign

policy issues to press his claims to be allowed to complete his seven-year term of office in the event of a right-wing victory in the elections.

Today, Quiles denied a Libyan claim that the Ouadi Doum airstrip was a civil airport used to ferry food supplies to famine victims in northern Chad. He said it was "a military base and equipped as such." The Defense Ministry said the landing strip was damaged in six places in Sunday's bombing raid by French Jaguar aircraft stationed in the Central African Republic.

CHICKEN OR EGG?

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. BEDELL. Mr. Speaker, I would like to draw my colleagues' attention to an editorial written by Flora Lewis that appeared in the February 23 edition of the New York Times. This article addresses the Reagan administration's policy on nuclear weapons testing and is relevant to our pending debate on House Joint Resolution 3.

The 210 sponsors of this legislation recognize that passage of House Joint Resolution 3 enhances Presidential flexibility and betters the prospects for success in our arms control negotiations with the Soviet Union. Opponents of this legislation argue that a comprehensive test ban agreement remains in the best long-term interests of the United States but should not be negotiated at this time. I believe this business-as-usual approach toward the Geneva negotiations must be changed and that the best step in this direction rests with overwhelming passage of House Joint Resolution 3 as approved by the Committee on Foreign Affairs.

[From the New York Times, Feb. 23. 1986]

CHICKEN OR EGG?

(By Flora Lewis)

PARIS.—Without quite admitting it, the Reagan Administration has turned America's formal policy on nuclear testing on its head. This could be veiled so long as the Russians refused verification measures to make sure any cheating could be immediately detected. But now Mikhail Gorbachev has told the 40-nation Disarmament Conference in Geneva that the Soviet Union "is agreeable to the most strict control over a ban on nuclear weapons tests, including on-site inspections and the use of all achievements in seismology."

But instead of renewing negotiations with the Russians on a comprehensive test ban, broken off by President Reagan, Washington has reversed its argument. The official Defense Department line is no longer that the U.S. can't be certain that the Russians aren't conducting sneak tests. It is that the U.S. has to continue its own testing so long as it must rely on nuclear deterrence.

The position was spelled out in a letter from Deputy Assistant Secretary Frank J. Gaffney Jr., designated to reply to Representative Ed Markey, Democrat of Massachusetts, who had asked Defense Secretary Caspar Weinberger why weapons weren't designed to be reliable without continued tests.

The Senate has passed a resolution calling on the Administration to resume full test ban negotiations. There are 207 co-sponsors of a similar House resolution and they are getting increasingly irritated with the Orwellian arguments of the Administration.

Mr. Gaffney's letter said a "comprehensive test ban that strenghtens global stability and enhances security has been a long-term objective of the U.S. for some time." But he went on to claim that a ban "in the foreseeable future would not strengthen stability but rather lead to a less secure and more dangerous world . . ."

The upside-down premise of this assertion was that, without testing, both the U.S. and the Russians would worry whether their arsenals were still in working order and might get edgier. The "long-term" goal of when it might be acceptable to stop making more and better nuclear weapons was defined as "a time when a nuclear deterrent is no longer as essential an element as currently for internal security and stability."

Secretary Weinberger has said about the same, that tests to improve weapons and prove they work have to continue until there is either a reliable defense against them ("Star Wars") or a vast reduction in arsenals. In other words, first demonstrate that the weapons are obsolete or nonexistent, then we'll think about stopping tests in order to make new ones.

Hidden behind this gobbledygook is the Administration's desire to keep working on the X-ray laser, which requires underground nuclear explosions. Out loud, the official stand is that tests have to be conducted on existing weapons from time to time to check them out again.

This is also a circular argument, since weapons could be designed to assure reliability if the designers weren't so keen to keep trying out new types. Representative Markey wrote to Dr. Glenn T. Seaborg, head of the Atomic Energy Commission in the early days, to ask what the policy used to be and whether tests of existing weapons were always considered necessary. They have rarely been conducted.

Dr. Seaborg replied that "our national policy was to seek a comprehensive test ban. I do not recall that the proof testing of stockpiled nuclear weapons was ever an issue in this connection. It is my impression that the same situation prevailed during most of the 1970's."

The U.S. committed itself to seeking the end of tests in the preamble to the 1963 Limited Test Ban Treaty and in Article 6 of the Nuclear Non-Proliferation Treaty of 1968, which pledges it "to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end."

The current treaty threshold on nuclear tests is 150 kilotons, quite high enough for everything the nuclear weapons builders want to do. In response to the argument that you can never be absolutely certain that weak shock waves were an earthquake and not a secret test, there have been proposals to set a low limit, one to five kilotons, above which an explosion would surely be detectable. But the Administration isn't interested.

If it continues to refuse negotiations to see how far Mr. Gorbachev is willing to go to guarantee "strict control," Washington will be telling the world that it would rather continue its own tests than stop the Russians, that it likes the nuclear arms race.

DR. PHILIP J. SCHLESSINGER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. WAXMAN. Mr. Speaker, after 37 years of service as a professor of political science, Dr. Philip J. Schlessinger has retired from Los Angeles City College. In his long and distinguished career spanning 48 years, Dr. Schlessinger has been a colorful and innovative instructor who was able to transmit to his students his own zeal and enthusiasm for our democratic process and the importance of political awareness.

Dr. Schlessinger prepared for his involvement in America's political scene at the University of Minnesota, where he received his bachelor's and master's degrees and where he began his teaching career as a graduate assistant. He was a fellow classmate, longtime friend, and supporter of the late Senator Hubert H. Humphrey dating back to the early days in Minnesota. Dr. Schlessinger came to Los Angeles in 1941 and received his Ph.D. in public administration from the University of Southern California in 1943.

Dr. Schlessinger has been able to give succeeding generations of students an awareness of the relevance of political thought and action to their lives. By his rousing and dramatic lectures, he motivated students to participate in government and political party decisionmaking. He encouraged campus debates, led them on field trips to the State captial to see first hand how bills were passed and inspired them to seek careers in public office. His former students include a judge of the superior court, a former professional campaign director, a former Governor of Minnesota, a former mayor of Minneapolis, a political director of an international union, a former head of broadcast standards at NBC, a former head of nursing at Los Angeles Valley College, and, a president of Fullerton College.

During his illustrious career, he has had the honor of serving as adviser to many governmental organizations. He was appointed to the regents' advisory committee by the State senate rules committee, has given lectures for the U.S. Information Agency in Europe, and was panel member and chairman of the Review Boards for the National Science Foundation in Washington, DC. He has been a candidate for the State assembly and maintains a close working relationship with political leaders on city, county, State, and Federal levels of government. In addition, his coauthorship of "Elements of California Government" has brought him to the attention of even a wider range of statesmen and scholars.

With his wife, Phyllis, Dr. Schlessinger traveled to every part of the globe, observing different political and social systems which added enrichment to his thought and lectures.

I ask the Members to join me in saluting Dr. Philip J. Schlessinger as an outstanding educational leader, citizen, and patriot.

THE 68TH ANNIVERSARY OF THE DECLARATION OF ESTONIAN INDEPENDENCE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. LIPINSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues that February 24 marks the 68th anniversary of the Declaration of Independence of the Republic of Estonia and to remind them that, though the event will be commemorated throughout the free world, there will be no observances in Soviet-occupied Estonia. As the world focuses on recent Soviet oppression in Afghanistan and elsewhere, it is appropriate to recall the tragic fate of Estonia.

From its founding on February 24, 1918, until the brutal Soviet occupation in June 1940, Estonia was in many respects a model country. The Republic's policies on land reform and minority rights as well as its acceptance of universal suffrage and the 8-hour workday were held up by the League of Nations and other international organizations as examples worthy of emulation. In 1927, the Jewish National Fund in Palestine awarded Estonia its special "Golden Book Award" in recognition of the Republic's high standards of ethnic justice—the only country ever to be so honored by the Jewish people. In her 1940 book, "A Search for a Happy Country," American author Marion Foster Washburne concluded that, of all the countries she visited, Estonia was that happy country.

Under Soviet domination, Estonia is no longer a happy country. Due in large part to Soviet atrocities and brutal mass deportations, Estonia lost almost one-third of its prewar population between 1939 and 1949. After the war, the steady influx of Russians created a situation where only 68 percent of the population in 1970 was ethnic Estonia as compared to 92 percent in 1939. Even more insidious is the russification and sovietization that has followed the influx. The forced use of the Russian language in all sectors of society—in education, in the mass media, in public affairs—threatens to undermine the Estonian national identity. It is virtually impossible for Estonians to travel abroad or to emigrate. In fact, the country has the unhappy distinciion of having the world's youngest political prisoner, 2-year-old Kaisa Randpere, a child who is forbidden by Moscow to join her parents in the West.

Estonians, from the outset, have resisted and protested this blatant Soviet aggression. Yet, these protesters—even those involved in peaceful demonstrations—have been banished to the infamous gulag or confined to inhuman psychiatric institutes. In spite of this, Estonians in their Soviet-occupied homeland mark February 24 as their day of independence and dream of the restoration of their sovereignty, of their political and human rights, and of freedom from Soviet Russian oppression. Let us remember the plight of the Estonian people on their special day.

REAUTHORIZATION OF THE DEEP SEABED HARD MINERAL RESOURCES ACT

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Ms. MIKULSKI. Mr. Speaker, as chairwoman of the Subcommittee on Oceanography, I am pleased to introduce this bill to reauthorize the Deep Seabed Hard Mineral Resources Act of 1980 for fiscal years 1987, 1988, and 1989, at the current funding level of $1.5 million each year.

Reauthorization of funding under the Deep Seabed Act will keep alive the Ocean Minerals Program of the National Oceanic and Atmospheric Administration, maintain the orderly development of an American ocean mining industry, and ensure progress toward the day when the vast deposits of ocean minerals such as manganese, nickel, and cobalt will be mined to provide raw materials for our industry, jobs for the American people, and benefits to our national economy.

The depressed state of the world metals market has drastically slowed the development of ocean mining over the past several years. However, it would be shortsighted if we failed to do today what needs to be done to prepare for future development of ocean minerals.

The bill I have introduced will allow NOAA to continue its efforts to manage the exploration of the mineral resources of the deep seabed. To date, NOAA has issued four licenses to ocean mining companies to explore large areas of the Pacific Ocean. Currently, NOAA is preparing regulations to manage commercial recovery of deep seabed minerals and carrying out environmental studies necessary for the development of ocean mining.

Testimony at the subcommittee's oversight hearing on NOAA's Ocean Minerals Program unanimously supported reauthorization of the Deep Seabed Act and continuation of NOAA's program at current funding levels. These witnesses represented the ocean mining industry, the administration, the Coastal States, academia, and the environmental community.

I urge my colleagues to support the reauthorization of the Deep Seabed Hard Mineral Resources Act.

TO FLY THROUGH THE AIR WITH THE GREATEST OF EASE AND SAFETY IN THE T-46

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. LENT. Mr. Speaker, in the Reagan administration's fiscal year 1987 budget, the President has taken the unfortunate step of proposing the elimination of funding for a very important program, the Fairchild Republic Co.'s T-46 trainer airplane.

The T-46 would replace the 25-year-old Cessna T-37's in the Air Training Command. There are many reasons for replacing the antiquated T-37 with the modern T-46, but I would like to focus on the major one, the safety factor. The most glaring deficiency in the T-37 is the inability of pilots to eject safely at low altitudes. A recent tragedy illustrates this fatal flaw in the T-37. On August 8, 1982, an Air Force instructor and her student were flying a navigational training mission when their 1957 model T-37 crashed near a base house area shortly after takeoff. Both the instructor, 1st Lt. Heidi Kniupis, and the student, 2d Lt. Britt Simpkins, were killed. Had these two pilots been flying a T-46 trainer jet, they probably would have walked away from the crash. Unlike the T-37, the T-46 trainer has Zero/Zero ejection seats which can safely eject at low altitude and slow air speed. Any pilot will tell you that the most dangerous part of a flight is the takeoff and landing. At these critical, low-altitude points it is essential that a young, inexperienced pilot have the option to eject safely.

The T-37 also has a wide range of other operational deficiencies which have been largely corrected in the T-46. The U.S. Air Force has stated publicly that these deficiencies in the T-37 severely restrict their ability to conduct undergraduate pilot training. Among the variety of problems with the current trainer is its limited performance ability which restricts training to lower altitudes and, therefore, more congested airspace.

The T-46, on the other hand, can fly at much higher altitudes—46,000 feet as opposed to the T-37's maximum capability of only 25,000. This increased altitude allows the T-46 to fly in open airspace and above most weather patterns. These two advantages increase the safety margin dramatically.

I have provided just a couple of example of the T-46 trainer's superiority over the outdated T-37. The list of safety modifications implemented in Fairchild's T-46 is lengthy and laudable. I am encouraged by the many statements of praise for the T-46 by officials in the Air Force. Colonel Wirtanen, T-46 System Program Officer, states, "The Air Force has a specific training requirement, and this aircraft fits it exactly." General Skantze, commander of Air Force Systems Command, exclaims, "The T-46 is a solid airplane, of good design, performs well, and it will make a good trainer."

In a letter to my office from the Department of the Air Force, Maj. Gen. Clifford Rees states that 1985 was the "safest year in the history of the U.S. Air Force." General Rees goes on to say that "ongoing support for force modernization, operational and training requirements, and personnel programs will ensure that we continue these dramatic improvements well into the future." I intend to do everything I can to achieve this goal of increased safety in our military flight programs. The funding of the T-46 trainer plane in the fiscal year 1987 budget will ensure that these goals are met. I urge my colleagues to support this effort.

RAQUEL BENSIMON

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. WAXMAN. Mr. Speaker, in recent times, much has been written and said about celebrities and other benefactors who lend their names and work on behalf of a specific worthy cause. It is all too rare, however, when an individual, usually unheralded, makes a lifetime commitment to service in the community. Such a person is Raquel Bensimon.

Raquel Bensimon was born in Tangier, Morocco. Her parents, Aaron Bengio and Estrella Laredo Bengio, were both descendants of distinguished families whose origins can be traced to the 12th century. Many of her ancestors were renowned as religious and secular scholars. Had political unrest which threatened the Jews in Morocco not occurred, Raquel and her family would have continued in their familiar way of life.

In her teens, she was already involved in work helping the less fortunate, collecting and distributing food and clothing to the poor. Inspired by the work of her uncle, Isaac Laredo, she performed the highest form of charity—Mattan Basseter—where the benefactor receives no recognition and the receiver is not shamed by acceptance.

After arriving in Los Angeles in 1961 with her husband, David, and son, Ronny, Raquel continued life in the family tradition, with a deep sense of Judaism and a warmth which extended from the family to personal commitment to the community.

On March 1, 1986, Sephardic Temple Tifereth Israel will deservedly present its Sephardic Heritage Award to Raquel Bensimon. She will become the first woman and the first person of Moroccan origin to receive this high honor since it was created in 1962. Raquel has become a pivotal leader at the temple and has continually expanded her efforts on behalf of the total Sephardic community of Los Angeles. She is a member of the board of directors of both the Sephardic Hebrew Academy in Los Angeles and the Sephardic Education Center in Jerusalem. Raquel was also the recipient of the congregation's "Los Merecidos"—The Deserving Ones—Award in 1980.

I ask the Members to join me in commending Raquel Bensimon for her lifetime dedication to helping others. May the years ahead bring happiness and fulfillment to Mrs. Bensimon and her family as they carry on the traditions of their rich heritage.

RABBI HIRSHEL JAFFE: A COURAGEOUS PROFILE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. GILMAN. Mr. Speaker, one of the joys of representing the mid-Hudson region of New York has been in coming to know outstanding community leaders such as Rabbi Hirshel Jaffe of Newburgh, NY.

Rabbi Jaffe has become well known throughout our region for his genuine concern for people of all faiths. He was one of the few foreigners allowed to visit our American hostages in Tehran, Iran, during the 1979–81 hostage crisis. Rabbi Jaffe has also been an inspiration due to his closely knit and loving family, consisting of his wife Judi and their daughters, Rachel and Nina.

Rabbi Jaffe has taught us all valuable lessons on dealing with adversity. Although he had kept himself physically fit—his reknown as the "Running Rabbi" in the New York Marathon earned him widespread fame—Rabbi Jaffe was recently stricken with a rare form of leukemia.

His valiant, and apparently successful, struggle against this disease is a profile in courage from which all of us can profit.

With typical unselfishness, Rabbi Jaffe has chosen to share his fight for life with us all. His book, "Why Me? Why Anyone?" is due to be published by St. Martin's Press in March. His book recounts the incredible faith, strength, and courage which helped and inspired Rabbi Jaffe to overcome his adversity.

The Middletown, NY, Times Herald Record recently published an article about Rabbi Jaffe and his forthcoming book. I would like to share this article with my colleagues which I am requesting to be reprinted at this point in the RECORD:

DIARY OF DESPAIR . . . AND REBOUNDING HOPE

(By Debra Scacciaferro)

NEWBURGH.—Death is no stranger to clergymen. They deal with it all the time, offering words of compassion to mourners and the fatally ill.

But when Rabbi Hirshel Jaffe, of the Temple Beth Jacob in Newburgh, goes to comfort someone close to death, he speaks from personal as well as professional experience.

Three and a half years ago, at age 46, Jaffe brushed so close to death he almost fell in.

His fight against "hairy cell leukemia," a rare cancer that strikes some 400 people a year, is the basis of a book "Why Me? Why Anyone?" from St. Martin's Press. It was written by Jaffe and his long-time friends Rabbi James and Marcia Rudin of New York City. The book, which will sell for $15.95, is scheduled to be published in March.

Jaffe's succession of hospital visits, surgery, remission, and more surgery—all chronicled in the book—was hard for his family and friends to comprehend. The Brooklyn-born rabbi with the unflagging energy, who ran the 1978 New York City Marathon in a T-shirt that proclaimed him the "Running Rabbi," at one point didn't have enough energy to walk down the hall.

Jaffe says he has been helped by alpha interferon, a new and controversial drug used only in controlled test programs. His doctors at the University of Chicago have told him 95 percent of the disease has disappeared from his bone marrow.

"My doctors call it the miracle drug," he said excitedly. "They still don't know exactly how it works, but the miracle of it is that I'm alive."

These days, Jaffe sits in his office surrounded by mementos of his 1980 visit to the hostages held in Iran, marathon days, and photos of family and friends. His eyes sparkle. He speaks with a strong voice. And when he flashes a smile he looks younger than his almost 50 years. He is walking, not running these days, but he is happy about being alive. He is happy to see his book finally in print.

Written throughout his illness, "Why Me? Why Anyone?" is a diary of sorts. It examines the spiritual as well as physical effects of the disease on Jaffe, his family, and the people around him.

It also is a dialogue between Jaffe and Rudin, exploring their friendship, their often intertwined lives, and their attitudes toward the moral questions of hope and faith in times of despair.

"At first I thought, 'Why not me? You're not immune.' Why should I be any different from other people," Jaffe said.

But there were other times when he asked, "Why me? Why should God want me to go through this?" just like everyone else does when they are confonted by serious illness. With all his religious training, Jaffe found he was still vulnerable to despair and to anger about his illness.

"The book poses an interesting question," Rudin said, "Do the (religious) teachings really mean anything when they apply to you? We rabbis tell patients many things to help them cope. Hirshel never really grappled with those questions for himself before."

Jaffe writes in his book that "I used to preach to my congregants—I'd say God isn't just for bad times, He's for good times too.' But as a rabbi, I didn't follow my own advice . . . I shouldn't have waited until I felt helpless to acknowledge my need for God."

Although Judaism talks about an afterlife, it tells people to choose life over death and hope over despair, the rabbi says. It also teaches people not to curse God during the bad times, but to depend on him for strength and dignity.

Jaffe said he had always known these precepts but never really had put them into practice. Now, in counseling ill patients, he still quotes scripture, but he also listens more closely to their fears, reassuring them with incidents from his own illness.

While he was in the hospital, Jaffe tape recorded his thoughts, fears, angers, and frustrations. He couldn't write, since most of the time he was too weak to even pick up the telephone.

The Rudins, who had both published books previously, worked out the details and Mrs. Rudin did most of the work, piecing together Jaffe's tapes and scrawled notes with his later reflections and memories.

"Hirshel would remember things sometimes two years later," Mrs. Rudin said, "and we would add it in the book."

By the time the Rudins signed a contract in the summer of '84, Jaffe was in the hospital.

"I felt terrible sending him this work to do when he was so sick," Mrs. Rudin said of the 250 long pages he had to go over for corrections. But Jaffe remembers how excited he was when he received a packet of the first typed pages. He was so weak the nurse had to open it for him.

"At times, I didn't know whether the book would be a legacy to my family or something I would see completed," Jaffe said. "It's amazing to think I could end the book with hope."

The book is also a tribute to the value of a strong marriage and a close family. It is dedicated to Jaffe's wife, Judi, a professor of nursing at Mount St. Mary College in Newburgh and former trauma unit nurse in Texas. With her medical background and her no-nonsense approach to illness, she was

able to think clearly, question the doctors, and find the best specialists in cancer treatment.

Although she figures prominently in the book, along with Jaffe's two daughters, Rachel, 15, and Nina, 13, Mrs. Jaffe wasn't thrilled about her husband's working on it while sick.

"I kept saying, 'why would you want to write about something you want to get over with? Why do you want to hash it all out on paper?'

"But at some point I realized that it was a form of therapy for Hirshel. It was a way to get some perspective on the whole thing," she said.

Jaffe feels it was more concrete. In the same way he used to train for a race, he would use goals to get him through his illness—his daughter Rachel's bat mitzvah, the High Holy Days. The book gave him another goal to work for.

"There were times I just clung to some of those pages they sent me . . . The book spurred me on . . ."

Jaffe had always thought that with his strong regimen of health foods and running, he would be forever healthy. "But my wife, Judi, was always saying, 'Hirshel, don't think it couldn't happen to you.' She warned me."

"I don't believe anybody was ever helped by any of that (health) stuff," Mrs. Jaffe said, "It's the mental outlook that makes all the difference . . . I never once gave Hirshel the sense he was ill. People make it through because there's some will in them that keeps them going."

Jaffe said, "Someone once told me that in the middle of the night, when there is no one to comfort you, you have to learn to comfort yourself . . . to learn to cheer yourself on."

Although he used to hurry through his hospital visits when he was younger, tending to the sick has become a very personal mission to him now. His doctors in Chicago refer their leukemia patients to him. For him, the book will be a part of that mission.

"The book doesn't give final answer," said Rudin. "It does talk about spiritual strength."

"My God has become much more personal," said Jaffe. "I've learned not to take it all on upon myself, but give it over to God." That, he said, is the ultimate source of comfort for anyone.

"WHY ME? WHY ANYONE?" LEUKEMIA VICTIM ASKS

Following are some passages from "Why Me? Why Anyone?" by Rabbi Hirshel Jaffe:

"I feel so inadequate. What can I tell the distraught young man robbed of his future with the woman he loved so much? What can I tell others who bear terrible losses? What words can comfort them? And dammit, why should I even have to try? I'm only human—I want to run away from sorrow. I don't want constantly to face these tragedies. Why should I always have to try to answer these difficult questions?

"It's at times like this that I wonder why I ever became a rabbi. Do I have the strength to cope with this? How can I be a rabbi when I can't even deal with my own doubts and confusions brought on by my illness? Maybe I should have been something else. Maybe Jim is right, I'd be better off in another profession now. But have I ever measured up to this superhuman task?

"Yet, really, who does? And, in spite of my doubts, I am a rabbi, and I know more than ever that I want to be one for the rest of my life. So I feel compelled to wrestle with these issues and try to give people answers, especially since now I'm agonizing too because of my leukemia.

"I recite all the traditional philosophical and Jewish responses to the problem of evil I've thought about since rabbinical school. But they usually don't help people. Sometimes I say, 'I have no other answers for you. I've been asking these same questions myself since my illness, and I can't come up with satisfying explanations for myself, so how can I help you?' One mourner told me, 'Rabbi, it's partly because of your illness that I come to you for answers. I feel you have something to give me, more since your illness than before.'

"Maybe she's right. Maybe that is the reason for my illness—that now I do have something to give people that I didn't have before. That now, even if I can't answer their agonized questions of 'Why?' at least I can give them my real understanding and concern, at least I can give them myself."

"I've learned you shouldn't feel cursed if you have a disease with a foul name. Don't think of yourself as worth less or worthless because you've been stricken. People tend to blame themselves for their misfortune. They think they must have done something wrong, and they feel guilty if they're too sick to do anything."

"I'm learning to laugh at myself more. I guess it's 'gallows humor.'

"Today I found some shoes I loved and I bought two pairs black and brown. I said to myself, 'Hirshel, will you get enough use out of them?' And once when Nina was opening up a can of Nine Lives cat food, she read the label out loud and said, 'Here Daddy, you could use some of this.'

"I've learned to laugh not only at trivial things, but at serious and even horrendous things. My ability to laugh has grown more and more as my health problems get tougher.

"You have to laugh. It's the only way to survive."

ESTONIAN INDEPENDENCE DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. ADDABBO. Mr. Speaker, February 24 marks the 68th anniversary of the Declaration of Independence of the Republic of Estonia. I wish to take this opportunity to call my colleagues' attention to this important commemoration.

Like July Fourth in our own country, this date should be marked with joyous celebration, however, in this Soviet occupied Baltic nation, there will be no observance this year.

Ever since the Soviet Union annexed this small country in June of 1940, the Estonian people have watched their culture stifled, their freedoms denied, and their family lives disrupted. Estonian children are subject to persistent Sovietization in their schools, religious persecution is prevalent, and local governments are operated and directed by foreigners.

There are over 60,000 Estonian-Americans here in the United States who still cling to their heritage. They continue to educate their children in the Estonian culture, keeping the language, folklore, and tradition alive. Their community here in America is very tightly knit, and each year participates in celebrations with Estonian communities all over the world.

Almost all Estonian-Americans still have relatives—brothers, sisters, parents, and cousins—who continue to reside in this forgotten land. Rarely awarded tourist visas for these Americans provide us with proof of Soviet attempts to deprive these people of artistic creativity, academic endeavors, and a host of other cultural pursuits and human justices.

I ask my colleagues to join with me today in remembering these people and sharing in their struggle to bring independence and human freedom to fruition.

ESTONIA INDEPENDENCE DAY

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. STRATTON. Mr. Speaker, I am pleased to rise in Congress today to commemorate the 68th anniversary of Estonian independence. I join my colleagues, Estonian Americans, and Estonians throughout the world in support of the brave people of Estonia in their struggle against Soviet tyranny. It is appropriate on this date to remember the proud—yet tragic—history of Estonia in this century.

After World War I Estonia declared herself a free, democratic nation. The Estonians were then forced to wage a difficult 2-year war against the invading Soviet forces to guarantee the freedom and democracy they had declared. The Estonians prevailed, and for the next two decades Estonia prospered as an independent nation.

This 20-year period saw great strides in the economic development of Estonia. Industrial enterprise thrived; and the gross national product doubled under free, democratic government. Yet economic growth was not the only success of the Estonian people. The arts and literature flourished. And human rights were manifest through the creation of Government-subsidized, ethnic schools for minorities in Estonia. This small, Baltic State had embraced democracy and independence grew from it.

However, as you know, the Nazi-Soviet, nonaggression pact of 1939 brought a tragic end to Estonian independence. In 1940 the Soviets annexed the Baltic States of Estonia, Lithuania, and Latvia and incorporated them into the U.S.S.R.

Since that time, Estonia has suffered under Soviet domination. In the 1940's Estonia experienced a tragic loss of her people through deportation, emigration, and execution. The russification of Estonia through the imposition of the Russian people, their language, and their culture has threatened the national heritage of Estonia. Yet Estonians at home and abroad have endured these hardships and made great efforts to preserve their culture and heritage.

Today, as we observe this 68th anniversary of Estonian independence, it is heartening to see the continued strength and resolve of the Estonian people in the face of Soviet oppression.

It is vital, therefore, that we in Congress continue to support the Estonians—and oppressed people throughout the world—in their struggle to regain their rightful independence.

ESTONIAN INDEPENDENCE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. HOWARD. Mr. Speaker, Estonian independence survived only until Soviet power came of age and renewed the bonds of a vast and dangerous empire. In concert with Hitler, Stalin took from the Estonians and the other Baltic peoples their nationhood, but could extinguish neither their pride nor their dreams.

Today Soviet policy, as a systematic continuation of Stalin's historic crimes, seeks to obliterate the national identity of every Estonian. Today, against the overwhelming repressive power of the Soviet empire, Estonian dreams live on. Freedom exists not only in laws and behavior, but also in the mind. The strongest enemy of Soviet tyranny is the power of the human spirit, the power that even Stalin in his carnival of death against the people of the Soviet Union could not crush.

Based upon ideas that deny the essential worth of the individual human spirit, the Soviet regime struggles not only against freedom, but also against the desire to be free. The Soviets have taken from the Estonians and from others the institutions of freedom and nationhood. They have not succeeded, however, in taking away the basic aspirations that are at the core of human existence. It is to these aspirations of the Baltic peoples that we address ourselves. As guardians of freedom, we are responsible for all of its manifestations. Thus, as Americans, we must adopt the dreams of the Estonian nation, dreams that live on in spite of a system which denies their essential truth.

TAX REFORM SHOULD BE FAIR FOR ALL AMERICANS

HON. RICHARD ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. ARMEY. Mr. Speaker, I wish the tax bill which recently passed the House met the goals the President asked for when we entered into the tax reform process. That is, I wish it were simple, fair and growth-oriented.

I believe we need to overhaul our Tax Code. Americans are forced to spend too much time preparing their returns, and then they have to send too much of their hard-earned money to Washington. We need to make taxes simple and fair while preserving the incentives that keep Americans working and our economy growing.

Unfortunately, after examining the huge 1,379-page tax reform bill that the Ways and Means Committee produced, I'm forced to conclude that it doesn't simplify our present code. Furthermore, its many inequities and inconsistencies make it difficult to claim that it's fair, especially for everyone. But the biggest problem I have with the committee proposal is that it doesn't meet the goal of promoting economic growth.

Let's examine for a moment the fairness question. Does the Ways and Means bill treat everyone fairly, and if it doesn't, who is discriminated against? Quite simply, the bill passed by the House is inequitable and anti-family. It allows a full $2,000 personal deduction, but only for those who don't itemize on their tax returns. That means that three out of the four taxpayers who will be denied their full deduction will be heads of families.

Under the House bill, middle America will also be forced to pay taxes at higher rates than those proposed by the President. A family with two wage earners would face a tax rate of 35 percent at a combined income of $43,000; under the President's original proposal, however, the 35-percent tax bracket wouldn't be reached until joint income exceeded $70,000.

Furthermore, the tax bill creates severe disincentives to save for retirement. It does not allow a full IRA deduction for spouses working in the home, and it limits IRA contributions for those who participate in a profit sharing plan.

The Ways and Means bill will have an immediate negative effect on our ability to sustain economic growth. The bill lengthens depreciation periods and eliminates indexing for inflation, abolishes the investment tax credit, and raises the capital gains tax. These features will inhibit capital formation and discourage the investment in machinery and equipment necessary to keep Americans working and productivity increasing. They will also make businesses subject to inflation-generated tax increases.

The bill would have the additional effect of making the United States less competitive internationally. By eliminating the foreign tax credit and raising the cost of capital for manufacturers, we would further exacerbate our trade situation by reducing the ability of American firms to compete abroad.

These concerns are borne out by a recent econometric study conducted for the U.S. Chamber of Commerce. The study shows lower real GNP and declining capital investment if the committee version of tax reform is enacted into law.

Finally, I am very concerned with the effective dates of this proposed legislation. The House-passed version of tax reform contains an effective date of January 1, 1986, yet it appears that the earliest the Congress could enact a tax reform proposal would be sometime this summer and maybe even later. This effective date is causing havoc among our local and State governments, not to mention the cloud it casts over every major personal and business decision.

It is a cruel hoax to offer lower rates for some at the expense of undermining our economy's ability to provide employment for American workers. I am all for lowering marginal rates—in fact I think they should come down further—but it is naive to think we can keep our economy growing if we undermine the mechanisms which create jobs and opportunity for all Americans.

HOUSE JOINT RESOLUTION 3

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. BEDELL. Mr. Speaker, on January 3, 1985, JIM LEACH and I reintroduced House Joint Resolution 3, a measure to prevent nuclear explosive testing. Since that time, House Joint Resolution 3 has gained the solid, bipartisan support of 209 of our colleagues.

Extensive hearings have been held on the merits of our proposal and I am pleased that the House Foreign Affairs Committee has reported House Joint Resolution 3 unamended for further consideration by the House. The committee filed its report on this measure on July 24 (Rept. 99-221) and I commend it to my colleagues' attention.

Because House rules preclude the addition of cosponsors after a committee has filed a report on legislation approved for House consideration, I am, today, extending my remarks to add the cosponsorship of yet another Member of the House who would like to associate his name with House Resolution 3 and urge its passage. This Member is the Honorable ROBERT W. DAVIS of Michigan. His support in this effort is deeply appreciated and raises the total number of cosponsors of House Joint Resolution 3 to 210.

ESTONIAN INDEPENDENCE DAY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. YATRON. Mr. Speaker, I rise to take this opportunity to commemorate the 68th anniversary of the independence of Estonia. On February 24, 1918, the hopes and desires of the Estonian people were realized with a declaration of independence proclaiming Estonia a free democratic republic.

For the next two decades, peace, prosperity, and freedom flourished in this Baltic State. The Estonian people demonstrated what a small nation could achieve under a democratic way of life.

World War II, however, ushered in a brutal era of repression and tyranny. Stalin forcibly incorporated Estonia into the Soviet Union and embarked on an intensive campaign of russification. While I am proud that the United States has not recognized the Soviet takeover, I am saddened by the fact that Moscow's efforts to completely suppress the Estonian culture continue.

The Kremlin is increasingly eliminating the Estonian language and ethnic traditions. Estonian mores and values are being eroded. Many places of worship have been closed. Religious and political activity is tightly controlled and any person who expresses a view not sanctioned by the Government is dealt with harshly. A significant number of religious believers and peaceful dissidents continue to be imprisoned, harassed, physically and psychologically abused, and subject to other

forms of inhumanity, for courageously bringing Soviet violations to the attention of the world.

Nevertheless, even while enduring these insufferable injustices, the Estonian people have not lost their determination to recover their freedom. They are brave and valiant people who are destined to enjoy, once again, democratic government.

As chairman of the Subcommittee on Human Rights and International Organizations, I have a deep interest in the plight of the Estonian people. The subcommittee will closely monitor Soviet abuses of its citizens and work to help those everywhere who are victimized by totalitarianism. As a free nation, we must continue to support the Estonian people in their struggle to remove the chains of oppression.

INSPECTOR MARTIN R. RAHINSKY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. BORSKI. Mr. Speaker, I rise in recognition of my good friend, Inspector Martin R. Rahinsky of the Philadelphia police force. After 2 years as commanding officer of the northeast division of the police department, he is leaving to become a member of the department's civil affairs bureau.

Marty Rahinsky joined the police force in 1959 and through his skilled service and dedication has moved steadily up the ranks. He first came to the great northeast as captain of the second district from 1975 to 1978. Since 1984 he has served capably and effectively as commander of the northeast division.

I came to know Inspector Rahinsky through the energetic community outreach efforts he made as captain of the 24th district. Through his activism in community and police service programs and his high professionalism, Marty has proven himself to be an exemplary police officer.

As he leaves the northeast to take on yet another challenge in Philadelphia's police department, I want to join the many people who will regret losing Marty Rahinsky's fine service and great contributions. We all wish him much success in his new duties, and we are certain that his service there will be a credit to himself and his badge.

JOHN SAXON HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. KANJORSKI. Mr. Speaker, it is my pleasure to take this opportunity to share with you the accomplishments of a distinguished public official from the borough of Swoyersville, PA. Mr. John Saxon is retiring as commissioner of public works after providing 48 years of unselfish, meritorious service.

Mr. Saxon is a fine example of a leader who has contributed his energy and talents to the betterment of his community. He is a charter member of the Swoyersville Police-Community Ambulance Association, which he helped to found. A World War II veteran, Mr. Saxon answered his nation's call and served patriotically.

As commissioner of public works, Mr. Saxon has received commendations from the Senate of the Commonwealth of Pennsylvania for his long and successful tenure and from his colleagues who have served with him. A versatile public official, Mr. Saxon is described as a "jack of all trades" by a colleague who often witnessed his capable temporary substitution for other borough officials.

Mr. Saxon is well-known in Swoyersville and appreciated as a cheerful and dependable neighbor. A friend told me of the reputation he has earned as an honest man. "Everyone gives him their house keys when they go on vacation. They know they can count on John," he said.

Mr. Speaker, John Saxon will be retiring from his position as commissioner of public works in Swoyersville, and I join his many friends and colleagues in extending best wishes for a happy and healthy retirement. Individuals like John Saxon are the best America has to offer, and I am proud to take this opportunity to share with my colleagues in the House of Representatives his unselfish contributions to his community and his nation.

CHIEF JAMES EARL WALKER, JR.: A QUARTER CENTURY OF SUPERLATIVE SERVICE LEADS HAVRE de GRACE POLICE DEPARTMENT INTO THE MODERN ERA

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. DYSON. Mr. Speaker, I would like to bring to the attention of my colleagues the exemplary achievements of James Earl Walker, Jr., chief of police of the Havre de Grace Police Department since 1961.

It comes as a great honor, Mr. Speaker, to share these words of praise for a man whose untiring and unselfish commitment to excellence has meant so much to the people of Harford County, MD. Mr. Walker is one of those truly rare individuals, who, through their example and enthusiasm, inspire others to action.

Even before the Maryland Police Training Commission introduced mandatory training programs in 1968, Chief Walker has begun sending himself and his officers to the Maryland State Police Academy. As a result of these inservice training classes, Chief Walker has been able to forge a force that is well equipped to meet the ever-changing challenge of effective community law enforcement. So successful has this program become, that in 1981 the Havre de Grace Police Inservice Training Academy received the certification of the Maryland Police Training Commission.

In a similar vein, in 1980, Chief Walker foresaw the need for a readily available police firing range. Today, at no cost to the citizens of Harford County, the Havre de Grace Police Range is one of the few modern ranges in the area. And all this accomplished not with taxpayer dollars, but by tapping the spirit of voluntarism that exists in every community in America. Yes, Mr. Speaker, in Havre de Grace there is now a widely used target range that was built upon the initiative of police department personnel and other community members of Maryland's National Guard and the local business community.

Never content to rest upon the laurels of past achievement, 2 years ago, Mr. Walker provided the impetus for the ground breaking of the Havre de Grace Police Training and Community Center. Today, thanks to a massive community volunteer effort, this impressive 11,000-square-foot facility is nearing completion.

I believe, Mr. Speaker, that Chief James E. Walker exemplifies the spirit of optimism that has made our Nation great. Possessed of rare inner strength and fortitude, Chief Walker has demonstrated time and again, that no goal is unreachable, no dream unattainable—that we as individuals can make a difference.

ESTONIAN INDEPENDENCE DAY

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. LOWERY of California. Mr. Speaker, today marks the 68th anniversary of the declaration of independence of the Republic of Estonia. Toward the end of the 19th century Estonia was invaded by the Soviet Union and it was not until February 24, 1918, that Estonia was liberated. On March 1, 1918, France became the first nation to recognize Estonia as an independent state.

This independence did not last long. By a secret protocol of the nonaggression treaty between the Soviet Union and Nazi Germany, Estonia was assigned to the Soviet Union. Finally in November of 1944 Estonia was invaded and has remained in the imperialistic grasp of the Soviet Union ever since.

Since assuming control of Estonia, as well as the other Baltic States of Latvia and Lithuania, the Soviets have imposed a conscious policy of Sovietization and russification. Both of these policies are designed to break down the cultural and political heritage of the people of the entire Baltic region. These policies are each accomplished through a variety of measures, some of which include the deportation of children, the mandatory use of the Russian language, and the suppression of peaceful protests through imprisonment. These policies are an absolute insult to the people and beliefs of the Baltic nations.

In 1975 the Helsinki accords were signed by the United States, the Soviet Union, and many other countries with the idea that Moscow would become more responsive to basic human rights. This was not the case however, as Russia continually abused and ignored the accords, even increasing their persecution of Estonians.

A young Estonian couple who escaped the U.S.S.R. were forced by the Soviet Union to leave behind their 1-year-old daughter. Ap-

peals for international pressure on the Soviet Union have had no impact and today the infant Kaisa Randpere lives without parents in the Soviet Union.

Estonia today continues to suffer under the abusive policies enacted by an imperialist society bent on expansionism. At one time Estonia was a member of the League of Nations and was even honored by the League for its laws on minority rights. Today Estonia is shut off from its westward looking historical tradition.

Mr. Speaker, the United States has rightfully never formally recognized the Soviet occupation of the Baltic States, and I would like to personally commend the people of Estonia for their determination and perseverance. I hope and pray that one day they may possess the freedom we take for granted.

THE PROBLEM IS SERVICEISM, NOT MILITARISM

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. ASPIN. Mr. Speaker, when we think about what's wrong in the Pentagon these days, what comes to mind is $600 toilet seats and $400 hammers. Over the years there have been other scandals—billion-dollar cost overruns; guns that don't shoot; weapons that aren't ready on time.

These scandals shock and offend—and cry out for correction.

So, we look for the person or persons responsible. We launch an investigation. We seek people we can fire, or court-martial. The natural tendency is to look for someone to pin the blame on.

But the root problems that persistently bedevil the Pentagon aren't caused by incompetents or crooks. The problem in the Pentagon is the Pentagon—the way it is structured and organized to do business.

For 4 straight years, the House Armed Services Committee has voted for fundamental reforms of the Joint Chiefs of Staff—approving legislation that would provide the chairman with increased authority and stature. That legislation is now before the Senate Armed Services Committee, where a new chairman is showing genuine interest in reform. JCS reform is one step in untying the Gordian knots that frustrate Pentagon operations. But it is only one step. Much more remains to be done.

First, I'll have to explain a little history. From our very beginning as a Nation, we had a separate Navy and Army. They could pretty much go their own ways. Only rarely did they have to work together. In a war in the 19th century, the Navy could sail the seas fighting its own war while the Army prowled the countryside fighting another war blissfully ignorant of the Navy's operations. Each operated in a unique sphere. By World War II, things had changed fundamentally. The Navy had to carry ground troops to North Africa, Sicily, Normandy, and dozens of Pacific Islands. The Navy had to provide gunfire to protect troops landing on beaches. The Army couldn't fight without the supplies the Navy had to bring. And we had the new element of airpower, which could bomb the enemy's supply lines so he wouldn't be such a threat to our troops, and which could rain bombs and cannon fire on enemy lines right in front of our troops, and which could carry urgent supplies to the front. In modern warfare, armies are no longer self-sustaining forces. They must have a lot of help from the other services.

After World War II, we decided we needed to restructure our military forces. We recognized that we couldn't fight any longer as separate services, so we created what we call the Unified Commands. For example, we have the Pacific Command; the commander-in-chief Pacific—CINCPAC—resides in Honolulu and is in charge of military planning for warfare in that vast expanse. If there's a war out there, CINCPAC will fight it. He will report to the President through the Secretary of Defense.

Note that he does not report to the Chief of Staff of the Army or Air Force or Navy. They don't fight wars. They are in charge of recruiting troops, training them, and equipping them. But they don't fight wars. They don't run any military operations. That's because our experience has shown the service chiefs to be insular and parochial, concerned mainly about turf—not because they are small-minded men, but because they run large bureaucracies and have to respond to the demands of those bureaucracies. The public generally thinks the service chiefs run operations, because they have such a large say in forming budgets and deciding what weapons to buy.

Here's what Henry Kissinger had to say after 8 years of working with the government on national security policy:

> The inevitable * * * concern of the service chiefs * * * is the future of their service, which depends on their share of the total budget. Their incentive—

And I underscore the word incentive—

> Their incentive is more to enhance the weapons they have under their exclusive control than to plan overall defense policy.

Now, you see one of our problems emerging. We can't let the service chiefs run a war because operations today require the close coordination of all the services in each geographic theater. So, we have the Unified Commands to run a war. But the unified commanders don't control budgets or determine what weapons to buy—the weapons they will have to fight with. That's all left to the service chiefs.

Here's the problem as described by Gen. David Jones. He was the Air Force commander in Europe, then the Chief of Staff of the Air Force, and finally the Chairman of the Joint Chiefs of Staff. He describes his experience when he was the Air Force commander in Europe. In that position, he had two bosses. One was the head of the Unified Command in Europe—the commander-in-chief Europe or CINCEUR—the man who has the responsibility for fighting any war that erupts in Europe. The other boss was the Chief of Staff of the Air Force. Here's what General Jones had to say about that arrangement:

> The Chief of Staff of the Air Force assigned me all my people, gave all my rewards to my people, controlled all my money, gave me all my equipment. Obviously, he had nine times the influence over me that my Unified Commander had. So, he who controls the resources can have a tremendous impact.

And what does the current Unified Commander in Europe have to say. General Bernard Rogers has written:

> There is an imbalance between my responsibilities and accountability as a unified operational commander and my influence on resource decisions. * * * There remains in Washington a pre-eminence of service goals in the program and budget process.

In other words, the incentives aren't there to produce the right decisions.

Historians like to joke about the Holy Roman Empire—saying it really wasn't an empire, nor was it Roman, and it certainly wasn't holy. We can say today that the Unified Commands really aren't commands and certainly aren't unified.

The incentives are still not there for our military to operate as the U.S. Armed Forces. They still operate as the U.S. Army, the U.S. Navy, and the U.S. Air Force—they are separate but equal, with all the evils that term conjures up.

Contrary to what you often hear, we are not plagued by militarism. We are plagued by serviceism.

Look at Vietnam. During our 8 years in Vietnam, a lot was written about the air war there. Actually, we fought four air wars in Vietnam. The U.S. commander, who was General Westmoreland, for most of the war, only directed the air war fought inside Vietnam with American planes based inside Vietnam. The commander-in-chief Pacific—CINCPAC—conducted air operations against North Vietnam and Laos, and for that he had two subordinate commands: one Air Force command in Bangkok and one Navy offshore Vietnam. When he used B-52's, they were directed by the Strategic Air Command from its headquarters in Omaha, NE.

Take another example. At the pinnacle of our military structure, we have the Joint Chiefs of Staff. Those five men are assisted by a thousand officers who serve on the Joint Staff and who ostensibly spend their time making military plans that will best protect the interests of the United States. But do they? Every officer serving on the Joint Staff knows that any promotion he receives must come from his own service. It is made clear to him at an early date that he serves on the Joint Staff as an ambassador from his service, charged with looking after his own service's interest. When national interest and service interest conflict, guess who wins? Joint Staff officers draft papers on national policy. Those papers go to each service. And each service can then propose changes. It's not uncommon for each service to call for a hundred or more changes in a policy document—and for the proposed changes to conflict with one another. A Joint Staff officer soon learns that the easiest way to keep peace in the house is to draft for the lowest common denominator—to write mushy policy. That's the way the incentives work. But, as a taxpayer, do you really need to pay a thousand people to write mushy policy?

Napoleon wrote, "Nothing is so important in war as an undivided command." Abraham Lincoln, who had a lot of unfortunate experi-

ences with generals, said, "An Army is better directed by a single mind, though inferior, than by two superior ones at variance and cross-purposes with each other."

It's as if Lincoln and Napoleon were looking over our shoulders at the U.S. Armed Forces today.

We have divided command. We have officers—whole organizations—working at cross-purposes. We created the Unified Commands four decades ago to get away from serviceism. But we didn't give the Unified Commanders much in the way of authority. The power remained with the services—and the incentives for officers was to advance the cause of their services rather than the interests of national security. You are promoted by your own service. How can a Navy officer expect to remain a Navy officer if he suggests that maybe we ought to buy more cargo ships to carry Army gear to a war zone. The Navy is interested in sea warfare, not in running a freight service for the Army.

Sealift—that is, Navy cargo operations—is an orphan mission. The service that has the responsibility for doing it lacks the incentive to do it well.

"Close air support" is another orphan mission. The Air Force was formed by two types of air power advocates—one group comprised warriors fascinated by the new technology, and the other group was composed of defense intellectuals who saw air power breaking the mold of warfare. The first type went for fighters and the glory of air-to-air combat. The intellectuals fashioned a philosophy of strategic bombing, in which long-distance aircraft would bomb the enemy to defeat, thus, they hoped, making irrelevant the infantry and putting an end to the bloodletting horrors that the First World War represented. Thus, the Air Force centered on fighters and bombers. Nowhere was there room for an Air Force that would help the infantry by carrying firepower to the frontline. The Army isn't allowed to have fixed wing warplanes to carry out close air support for frontline troops. Only when the Army pushed development of helicopters to fulfill the close air support role, did the Air Force get off its duff and build the A-10—the first, and only, American aircraft designed exclusively for close air support of ground troops. But the Air Force has little interest in developing close air support further. There are no incentives in the Air Force to do so. And now the Air Force is resisting efforts to build a successor to the A-10.

What I'm leading up to are some fairly fundamental changes—in fact, the most fundamental changes since the late 1940's when we thought we had "unified" the services under the umbrella of the Department of Defense. We need to finish the job we started then. I'm not talking about forming a single service, like the Canadians shifted to. But I am talking about major changes.

Tomorrow, a group of us in the House of Representatives—led by Congressman BILL NICHOLS of Alabama, IKE SKELTON of Missouri, and myself—will be introducing a package of bills. The goal here is to follow up on the start we made with JCS reform.

I hope I have made clear today that the kinds of problems I'm talking about are well understood within the military. Intelligent officers can see that the system doesn't serve our Nation as well as it can and as well as it ought. The smart officers are crying out for change. And that's what I hope we will give them.

I'm not talking about punishing anyone in the military.

I'm not talking about downgrading the military.

I'm not talking about voluminous new laws that will generate voluminous new bureaucrats.

I am talking about reforming the military's decision-making structure.

I am talking about giving more authority over allocating resources to officers—like the Unified Commanders—who must think every day about how they would fight a war.

I am talking about honoring the principle of unity of command more in the observance than the breach.

I am talking about changing the incentives inside the military so that honest, hardworking, dedicated officers are encouraged to do what they know is right because what is right will, for a change, win them plaudits and promotions.

I am talking about clipping the wings of serviceism.

The problem isn't people. It's structure. It's bureaucracy. Every organization has its own culture. Sometimes that culture works at cross-purposes with the goals of the organization. That's what's happened with our armed forces. And that's what we have to change.

The overwhelming majority of people are honest and intelligent. Whether they be in the military, in small business, in large business, in labor unions, or whatever, most people are honest and intelligent. The key point to remember, however, is that most people respond to the incentives of their workplace. Take the Soviet Union, for example. Russian workers aren't inept. But a Russian worker in a shoe factory gets rewarded for producing 100 pairs of shoes a day, regardless of whether those shoes are properly sewn and regardless of whether the right and left shoes are the same size. With that incentive, we shouldn't be surprised that the Russian worker produces 100 shoes a day—and that many are improperly sewn and that the left shoe and the right shoe are out of sync.

Within our own Government, we frequently have such twisted incentives as well. Often, however, we think we see incompetence or thievery where the problem is actually twisted incentives. Take one recent scandal, the one about the contractor who submitted a bill to the Pentagon for dog kenneling. The immediate reaction was what a crooked act that was. It wasn't crooked. It was perfectly legal. That was the problem. The law said business firms should submit their bills for overhead costs to the Pentagon. The Pentagon would reimburse the contractors and then review the bills. If any bills were disallowed as inappropriate, then the contractor would have to pay the Government back. A bill for dog kenneling would be inappropriate, and the money would have to be paid back. But it takes the Pentagon auditors years to review all the thousands of bills that firms submit. And years later, when a firm is told to pay back the money it received for dog kenneling, the firm doesn't have to pay any interest. In essence, the firm has gotten a free loan. But the company that submitted the dog kenneling bill didn't do anything illegal. It would have been criminal if it submitted the dog kenneling bill disguised as phone calls to the Pentagon. That would have been fraud. But the firm didn't do that. It was completely honest. So was the company that billed the Pentagon for a golf outing, and the firm that submitted a bill for a political contribution. None of them lied. They simply responded to the "system," which said, "Hey, here's a way you can get a free loan honestly." We've changed that now. If a company's billing is disallowed, it has to pay interest and it can be fined for submitting bills for things like dog kenneling.

But the Pentagon is still rife with all sorts of incentives that prompt honest and intelligent men and women to do things that make little sense. These incentives cause $600 toilet seats. High ranking military officers and civilian officials of the Defense Department often make conscious policy decisions that could be injurious to our health as a Nation—even to our survival as a Nation. And these people aren't spies or crooks. For the most part, they are dedicated, hardworking, loyal Americans, whose foremost desires are to preserve our freedoms and avoid warfare.

The problem isn't the people, whether they be military or civilian, conservative or liberal, Republican or Democrat. The problem is the system of internal incentives that often encourages upstanding men and women to act in seemingly insane ways—that you then read about in the newspapers while shaking your head in disbelief.

TRIBUTE TO BLACK HISTORY MONTH

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 24, 1986

Mr. BEVILL. Mr. Speaker, I rise today to commemorate Black History Month which is observed during the month of February. This is a time when we take special note of the fine contributions of black Americans to the history of our Nation.

I am proud that a number of outstanding black Americans hailed from my home State of Alabama. Educator Booker T. Washington is remembered for founding Tuskegee Institute, a nationally known institution for higher education. Many, many blacks earned their college educations at Tuskegee at a time when blacks were not allowed to attend predominately white colleges and universities.

We are happy that those times have changed. But, we are proud that Tuskegee has remained a strong leader in the education community. The school serves as a fine tribute to Booker T. Washington and I know he would be proud of its fine students and graduates.

We are also proud of the accomplishments of Gen. Chappie James, who trained black pilots at Tuskegee during World War I. James was the first black to become a general and

he will always be remembered for his service in the defense of our Nation.

There is one other very special black American I would like to recognize here today. George Washington Carver was born to slavery in Missouri. He and his mother were stolen by night raiders and he was bought back by his master for the price of a race horse. It was hardly an impressive beginning for a young man who would become an outstanding scientist.

But George Washington Carver had a dream which he fulfulled by bringing improved agriculture to the South. Working at Tuskegee Institute in Alabama, Carver pioneered many crops grown in Alabama today. He is best known for his work in cultivating the peanut which has been an important cash crop for our State. Alabama is, in fact, the second largest producer of peanuts in the country.

Alabama and the rest of our Nation owes a debt of thanks to George Washington Carver for pursuing his dream in the face of adversity. His accomplishments have made life better for all of us.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 25, 1986, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 26

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Paralyzed Veterans of America, Blinded Veterans of America, and the Military Order of the Purple Heart.
SD-106

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Mine Safety and Health Administration, Employment Standards Administration, and Bureau of Labor Statistics, all of the Department of Labor, and the Pension Benefit Guaranty Corporation.
SD-116

Banking, Housing, and Urban Affairs
To hold oversight hearings on internationalization of capital markets.
SD-538

Foreign Relations
European Affairs Subcommittee
To hold hearings to review the most favored nation status of Romania.
SD-419

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Research and Special Programs Administration and the Office of Inspector General, Department of Transportation.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
To hold hearings on measures to establish greater productivity in Federal Government operations, including S.J. Res. 190, S. 1206, S. 1657, S. 2004, S. 2005, S. 2006, S. 2007, S. 2008, S. 2009, S. 2010, and H.R. 2401.
SD-342

10:30 a.m.
Judiciary
Courts Subcommittee
Business meeting, to mark up H.R. 3570, to revise annuity programs for survivors of Federal justices and judges.
SD-226

1:00 p.m.
Appropriations
Business meeting, to consider those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1987, with a view toward making its recommendations to the Committee on the Budget.
SD-192

1:30 p.m.
Appropriations
To hold hearings to review the President's proposed budget for fiscal year 1987.
SD-192

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

2:30 p.m.
Armed Services
To resume markup of a staff proposal on defense reorganization.
SR-232A

Foreign Relations
European Affairs Subcommittee
To continue hearings to review the most favored nation status of Romania.
SD-419

FEBRUARY 27

8:30 a.m.
Veterans' Affairs
To resume hearings on the reported sightings of live military personnel missing in action in Southeast Asia.
SR-418

9:00 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 1997, to impose a tax on the importation of crude oil and refined petroleum products, and S. 1507, to increase the tariff on imported crude oil and refined petroleum products.
SD-215

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Departmental Management, Occupational Safety and Health Administration, and Labor Management Services, all of the Department of Labor.
SD-116

Banking, Housing, and Urban Affairs
To continue oversight hearings on internationalization of capital markets.
SD-538

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 1999, to provide for a uniform product liability law.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings to review alleged Department of Defense subcontractor kickbacks.
SD-342

Rules and Administration
Business meeting, to mark up committee funding resolutions for 1986 and to consider other pending calendar business.
SR-301

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1885, to establish a Military Auxiliary Revolving Fund within the Treasury of the United States.
SD-562

Energy and Natural Resources
To hold closed hearings on the status of Micronesia.
SH-219

Foreign Relations
To hold hearings to review United States policy toward Nicaragua.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for Head Start.
SD-430

1:00 p.m.
Judiciary
To hold oversight hearings on white collar crime in the United States.
SD-226

2:00 p.m.
Armed Services
Closed business meeting, to consider proposed legislation authorizing supplemental funds for fiscal year 1986 for the Department of Defense.
SR-232A

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

FEBRUARY 28

9:00 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To continue hearings on S. 1997, to impose a tax on the importation of crude oil and refined petroleum products, and S. 1507, to increase the tariff on imported crude oil and refined petroleum products.
SD-215

MARCH 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary of Health and Human Services.
SD-116

Banking, Housing, and Urban Affairs
To resume oversight hearings to review Federal deposit insurance programs.
SD-538

Commerce, Science, and Transportation
To resume hearings on liability insurance, focusing on the availability and affordability of insurance in various property and casualty lines.
SR-253

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.
SD-106

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain Defense programs, focusing on research, development, technology, and engineering.
SD-192

Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on certain proposals under the jurisdiction of the subcommittee, including S. 1021, H.R. 1795, S. 1568, S. 1617, S. 1638, H.R. 1593, S. 1690, S. 1888, S. 1963, S. 2031, S. 1911, and H.R. 850.
SD-366

Judiciary
To resume hearings on S. 447, to insure a greater measure of competition in the railroad freight industry's hauling of certain products.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Pennsylvania Avenue Development Corporation, Commission on Fine Arts, and the National Gallery of Art.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on departmental administration of the Department of Energy.
SD-192

MARCH 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Strategic Defense Initiative.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Science Foundation, and the Federal Emergency Management Agency.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Highway Administration and the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold oversight hearings on the District of Columbia courts.
SD-342

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on the Tennessee Valley Authority.
SD-192

Judiciary
To hold hearings on pending nominations.
SD-226

3:00 p.m.
Conferees
On S. 1078, authorizing funds for fiscal years 1986, 1987, and 1988 for the Federal Trade Commission.
S-205, Capitol

MARCH 6

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Small Business Administration, Board for International Broadcasting, and the Japan-U.S. Friendship Commission.
S-146, Capitol

Banking, Housing, and Urban Affairs
To hold hearings to review the farm credit situation.
SD-538

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Minerals Management Service, Department of the Interior.
SD-138

Judiciary
To resume oversight hearings on white collar crime in the United States.
SD-226

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

MARCH 7

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Paul Lamboley, of Nevada, and J.J. Simmons, of Oklahoma, each to be a Commissioner of the Interstate Commerce Commission.
SR-253

MARCH 10

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1987 for the National Institutes of Health, Department of Health and Human Services.
SD-116

MARCH 11

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on S. 2069, to improve the Job Training Partnership program

stability and lessen burdensome administrative requirements, improve services to youth and the hard-to-serve, and strengthen enforcement.
SD-430

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1987 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Banking, Housing, and Urban Affairs
To resume hearings to review the farm credit situation.
SD-538

10:00 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
Business meeting, to mark up S. 1543, to prohibit the importation, use or sale in the country of products made abroad by a U.S. patented process, and S. 1093, to allow an extension of patent life for agricultural chemicals and veterinary medicines for time lost in regulatory review procedures at the Environmental Protection Agency and the Food and Drug Administration.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Park Service, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on solar and renewable energy, energy research, and environment programs.
SD-192

Select on Intelligence
Closed briefing on arms control issues.
SD-219

MARCH 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Health Resources and Services Administration and the Office of the Assistant Secretary for Health, both of the Department of Health and Human Services.
SD-116

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1987 for certain intelligence programs.
S-407, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Environmental Protection Agency.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the St. Lawrence Seaway Development Corporation, Department of Transportation, and the Panama Canal Commission.
SD-138

11:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Commerce, and the International Trade Commission.
S-146, Capitol

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of the Treasury, focusing on multilateral development banks.
SD-124

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Administrative Conference of the U.S., U.S. Tax Court, Committee for the Purchase from the Blind and Handicapped, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority.
S-126, Capitol

Energy and Natural Resources
To hold closed oversight hearings on the domestic and international petroleum situation.
SH-219

Judiciary
To hold hearings on pending nominations.
SD-226

MARCH 13

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on S. 2069, to improve the Job Training Partnership program stability and lessen burdensome administrative requirements, improve services to youth and the hard-to-serve, and strengthen enforcement.
SD-430

Office of Technology Assessment
The Board to hold a general business meeting.
S-205, Capitol

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Centers for Disease Control, Alcohol, Drug Abuse, and Mental Health Administration, Office of Inspector General, and Office of Civil Rights, all of the Department of Health and Human Services.
SD-116

Banking, Housing, and Urban Affairs
To resume oversight hearings to review Federal deposit insurance programs.
SD-538

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain Defense programs, focusing on guard and reserve affairs.
SD-192

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for child care programs.
SR-385

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for foreign assistance programs of the Department of State.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Indian Education, Department of Education, and the Institute of Museum Services.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on nuclear fission, uranium enrichment, and nuclear waste management.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Financial Management Service, Bureau of Public Debt, U.S. Mint, the U.S. Savings Bond Division, and the Internal Revenue Service, all of the Department of the Treasury.
SD-124

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

MARCH 14

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Navy shipbuilding programs.
SD-192

1:00 p.m.
Energy and Natural Resources
To resume oversight hearings on the domestic and international petroleum situation.
SD-366

MARCH 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Health Care Financing Administration, Social Security Administration, Office of Child Support Enforcement, and refugee programs, all of the Department of Health and Human Services.
SD-116
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the retirement policy for public safety officials under the Age Discrimination in Employment Act.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Army modernization programs.
SD-192
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Postal Service.
SD-124

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for international security assistance programs of the Department of State.
S-126, Capitol
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of the Interior.
SD-138
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on the Nuclear Regulatory Commission and the Federal Energy Regulatory Commission.
SD-192

MARCH 19

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Human Development Services, Office of Community Services, Departmental Management (salaries and expenses), and Policy Research, all of the Department of Health and Human Services.
SD-116
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, and the Arms Control and Disarmament Agency.
S-146, Capitol
Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Defense programs, focusing on force management and personnel.
SD-192
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Veterans' Administration.
SD-124
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Transportation Safety Board, Department of Transportation, and the Architectural and Transportation Barriers Compliance Board.
SD-138

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Export-Import Bank.
S-126, Capitol
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the General Services Administration, National Archives and Records Service, Executive Office of the President, and National Park Service, Department of the Interior (regarding White House and Vice President residence).
SD-124
Judiciary
To hold hearings on pending nominations.
SD-226

MARCH 20

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1987 for NASA.
SR-253
Energy and Natural Resources
To hold oversight hearings on the implications of fees on imported oil.
SD-366
Labor and Human Resources
Handicapped Subcommittee
To hold hearings on proposed legislation authorizing funds for rehabilitation programs.
SD-430

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center, all of the Department of the Treasury.
SD-124
Judiciary
Business meeting, to consider pending calendar business.
SD-226
Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for the Community Services Block Grant programs.
SD-562

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the United States Geological Survey, Department of the Interior.
SD-138
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on the Power Marketing Administrations.
SD-192
Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold oversight hearings on government nonproliferation activities for 1985.
SD-342

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

MARCH 21

9:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1992 and S. 1993, bills to preserve the rights of certain parties with an interest in certain vessels or fishing facilities, or with an interest in aircrafts, aircrafts parts, or vessels.
SR-253

MARCH 25

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To resume hearings on proposed legislation authorizing funds for rehabilitation programs.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the

Forest Service, Department of Agriculture.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on atomic energy defense activities.
SD-116

MARCH 26

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Trade Commission, and the U.S. Commission on Civil Rights.
S-146, Capitol

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Interstate Commerce Commission and the Office of the Secretary of Transportation.
SD-138

MARCH 27

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Customs Service, Department of the Treasury.
SD-124

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for low-income energy assistance programs.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Holocaust Memorial, and the Bureau of Mines, Department of the Interior.
SD-138

APRIL 8

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy conservation programs.
SD-138

APRIL 9

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary of Education, Departmental Management (salaries and expenses), Office for Civil Rights, and Office of Inspector General, all of the Department of Education.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Attorney General, Department of Justice.
S-146, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).
SD-138

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Personnel Management, and the Federal Elections Commission.
SD-124

APRIL 10

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including elementary and secondary education, education block grants, and impact aid.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for National Oceanic and Atmospheric Administration, focusing on funds for satellite and atmospheric programs.
SR-253

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Management and Budget.
S-126, Capitol

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Inspector General, Agency for International Development, Peace Corps, Inter-American Foundation, and the African Development Foundation.
S-126, Capitol

APRIL 14

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192

APRIL 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including education for the handicapped, rehabilitation services and handicapped research, and special institutions (including Howard University).
SD-116

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Agency for International Development.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Endowment for the Arts and National Endowment for the Humanities.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192

APRIL 16

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, World War I Veterans, Jewish War Veterans of the U.S.A., and Atomic Veterans.
SD-106

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the De-

partment of Education, including student financial assistance, guaranteed student loans, higher and continuing education, higher education facilities loans and insurance, college housing loans, and educational research and training.

SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Oceanic and Atmospheric Administration, Department of Commerce, and the Marine Mammal Commission.

S-146, Capitol

Energy and Natural Resources
Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Aeronautics and Space Administration.

SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.

SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Coast Guard, Department of Transportation.

SD-138

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.

SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of the Treasury, Postal Service, and general government programs.

SD-124

APRIL 17

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including bilingual education, vocational and adult education, education statistics, libraries, and the National Institute of Education.

SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for foreign assistance programs.

S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Fish and Wildlife Service, Department of the Interior.

SD-192

APRIL 22

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Soldiers' and Airmen's Home, Prospective Payment Commission, Railroad Retirement Board, National Labor Relations Board, National Mediation Board, Occupational Safety and Health Review Commission, Federal Mediation and Conciliation Service, and the United States Institute of Peace.

SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on international narcotics control, migration and refugee assistance, and antiterrorism programs.

S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Navajo-Hopi Indian Relocation Commission, and the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior.

SD-192

APRIL 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for ACTION (domestic programs), Corporation for Public Broadcasting, National Council on the Handicapped, Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, and National Center for the Study of Afro-American History and Culture.

SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Bureau of Investigation and Drug Enforcement Administration, Department of Justice, and the Equal Employment Opportunity Commission.

S-146, Capitol

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the United States Railway Association and Conrail.

SD-138

APRIL 24

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.

SD-116

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1018, to clarify the meaning of the term "guard" for the purpose of permitting certain labor organizations to be certified by the National Labor Relations Board as representatives of employees other than plant guards.

SD-430

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on voluntary contributions of international organizations programs, and for the Office of the U.S. Representative to the United Nations.

SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Energy Information Administration and the Economic Regulatory Administration, Department of Energy.

SD-192

APRIL 29

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.

SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.

SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Bureau of Indian Affairs, Department of the Interior.

SD-192

APRIL 30

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of U.S. Trade Representative, and the Federal Communications Commission.
S-146, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Aviation Administration, Department of Transportation.
SD-138

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for territorial affairs, Department of the Interior.
SD-192

MAY 6

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

MAY 7

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Supreme Court of the United States, U.S. District Courts/Courts of Appeals, and the Commission on the Bicentennial of the U.S. Constitution.
S-146, Capitol

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Urban Mass Transportation Administration, Department of Transportation, and the Washington Metropolitan Area Transit Authority.
SD-138

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Smithsonian Institution.
SD-192

MAY 13

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

MAY 14

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Legal Services Corporation, and the Securities and Exchange Commission.
S-146, Capitol

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Transportation and certain related agencies.
SD-138

MAY 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for fossil energy and clean coal technology.
SD-192

MAY 20

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Indian Health Service, Department of Health and Human Services.
SD-192

MAY 21

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Information Agency, and the National Endowment for Democracy.
S-146, Capitol

MAY 29

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary and Office of the Solicitor, Department of the Interior.
SD-192

JUNE 4

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Commerce, Justice, and State, the Judiciary, and certain related agencies.
S-146, Capitol

CANCELLATIONS

FEBRUARY 25

2:00 p.m.
Armed Services
Military Construction Subcommittee
To hold hearings on the strategic homeporting initiative.
SR-222

FEBRUARY 26

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 1999, to provide for a uniform product liability law.
SR-253

71-059 O-87-39 (Pt. 2)

HOUSE OF REPRESENTATIVES—*Tuesday, February 25, 1986*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore [Mr. WRIGHT].

Rabbi Morris B. Margolies, Beth Shalom Congregation, Kansas City, MO, offered the following prayer:

Dear God, Your seal is truth. Your ideal is peace. Thus have the rabbis of old taught.

We pray that our Congress apply itself with zeal to that which is truthful, and that with full heart it strive for the attainment of peace.

Help us, dear Lord, to banish malice and prejudice from our midst, to view all human beings of all races and creeds as having been created in Your image, to regard Your magnificent Earth as our sacred charge—a gift to nourish and to cherish, to cultivate and to beautify.

May the vision of Isaiah be fulfilled in our day: "They shall not hurt nor destroy in all my Holy Mountain. For the earth shall fill with knowledge of the Lord as the waters cover the sea." Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that we will recognize the gentleman from Missouri [Mr. SKELTON] for a 1-minute statement and then will take other 1-minute requests after we have considered one bill under suspension of the rules today.

RABBI MORRIS B. MARGOLIES

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, it is with a great deal of personal pride and pleasure that I introduce and welcome Rabbi Morris B. Margolies to the Members of this body.

An ordained rabbi since 1943, Rabbi Margolies will be retiring this June after 25 years as the rabbi at the Beth Shalom Congregation in Kansas City, MO.

Along with a Ph.D. in Jewish history and modern European history from Columbia University, and a master of arts degree in English from the University of Chicago, Rabbi Margolies has written a total of four books and numerous articles.

Mr. Speaker, his many academic honors and his personal devotion to his congregation and to his community in the Kansas City area have brought him honor and renown through the years.

Rabbi Margolies and his wife of 34 years, Ruth, are the proud parents of four beautiful children and one grandchild.

I, along with the Members of this body, take the opportunity to welcome Rabbi Margolies to this Chamber of the House of Representatives and wish him and wish his family all the very best in the years to come.

VA HOME LOAN GUARANTEE

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4130), to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986, as amended.

The clerk read as follows:

H.R. 4130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, the guaranteed loan limitation amount applicable for that fiscal year to loan guarantee commitments under chapter 37 of title 38, United States Code, is an amount equal to $18,200,000,000 reduced by 4.3 percent.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during the past few weeks, the committee, and most Members of the House, have received calls from hundreds of veterans, homebuilders, realtors, and lending institutions throughout the country expressing concern over the Veterans' Administration's reported plan to severely restrict VA home loans effective March 1.

Last week the agency was advised that it could not implement the planned restrictions and announced that unrestricted loans would continue to be processed until the agency had reached the ceiling contained in the President's sequestration order issued on February 1, pursuant to Public Law 99-177.

In all the time that there has been a home loan benefit available to veterans, we have honored our commitment to those who answered this Nation's call by providing the Government's guaranty on a veteran's mortgage when qualified veterans apply for such loans. The program has helped millions and millions of veterans to obtain housing at a time when it may have otherwise been impossible. We in the Congress have never rationed this benefit, because veterans earned it when they served; they are entitled to this benefit.

When the House considered the Senate amendments to House Joint Resolution 372 last October, it was noted that there was no explicit protection for the Veterans' Home Loan Program. We addressed this situation when we amended the deficit reduction provisions in the House on November 1. As passed on that day, the VA Loan Guaranty Program, as well as other Federal credit guarantee and insurance programs, would have been exempted from any reduction under the sequestration procedure. As finally enacted following the House-Senate conference, however, the exemption only extends to prior legal obligations of the Government; thus new loan guarantees made by the VA could be limited to the extent that such limits would reduce the deficit.

The Congress entrusted the Congressional Budget Office [CBO] and the Office of Management and Budget [OMB] to come up with certain calculations and to make the initial policy decisions with respect to the application of the sequester procedure. It is my belief that there was a good-faith effort to adhere to the congressional intent, but these were mainly budget analysts, not judges or lawyers, who had to ascertain that congressional intent. I believe that they made three serious errors with respect to the VA Loan Guaranty Program.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The first error was fundamental. The deficit reduction procedure was distorted beyond anybody's imagination when it was determined to apply it to the loan guaranty fund. This distortion arises because when the VA's authority to guarantee loans is reduced, the deficit increases in the current fiscal year. A full explanation of this result is contained in the committee report (99-472).

The House Budget Committee has recently issued a summary of Public Law 99-177 in which this effect is noted. Had this effect been noted at the time that this act was being debated, I believe it would have been altered. The plain fact is that the language of the act does not require limiting loan guaranty commitments if the net effect is to increase the deficit in the current fiscal year, notwithstanding the views of the Budget Committee in its postenactment analysis and the views of the budget analysts at CBO and OMB.

Having trapped themselves in this quandary, CBO and OMB made another mistake. Rather than estimating the level of the Government's contingent liability for VA home loans made during fiscal year 1986, they decided to apply the sequestration procedure to the total dollar value of loans guaranteed. By doing so, they ensured that the VA would have to deny some veterans the loan guaranty benefit. The VA would either be forced to ration loan guaranty commitments to selected veterans, or to cease issuing guarantees once the ceiling had been reached. The VA first announced it would follow the former course; more recently, it announced that it would choose the latter. The result of placing a ceiling on the value of loans, rather than on the Government's contingent liability, is that the provision in the act which states that benefits shall not be denied by reason of an order issued pursuant to the act is violated. There is simply no way to avoid denying an eligible veteran's guaranty benefit if there is a ceiling on the value of loans which may be guaranteed.

The final mistake made by CBO and OMB is addressed by this legislation. Frankly, we considered whether the first two errors should be specifically addressed in legislation. Our answer was yes, but we recognized that such legislation might require prolonged consideration, and could be seen as a departure from the agreement that was so carefully worked out in the closing days of the first session. It is my belief that there is a way to address these issues, but time is of the essence and we must address the most critical issue at hand. Because CBO and OMB grossly underestimated the value of loans guaranteed by the Veterans' Administration, the VA has announced that it will have to terminate the Loan Guaranty Program in about 6 weeks if present trends continue. We cannot allow this to happen.

Last summer, the VA routinely furnished OMB with an estimate of the value of loans it planned to guarantee in fiscal year 1986. OMB failed to ascertain whether this estimate was still accurate when it included the number in the January 15 sequester calculations. The CBO estimate was similarly out of date. Within days, officials of the VA's Loan Guaranty Program were quoted to the effect that the latest VA estimate revealed that the agency could—except for the ceiling contained in the sequestering order—guarantee loans with a value of $18 billion. I believe these mistakes could have been avoided had either CBO or OMB looked at the available information on loan guaranty originations. A decline in home mortgage rates is an indicator that should not have been ignored.

The bottom line, Mr. Speaker, is this. OMB, VA, and CBO grossly underestimated the volume of loan applications filed with the Veterans' Administration for the current year and the VA Home Loan Program is going to cease operation if we don't act. The reported bill, if enacted, will correct the errors that have been made and the VA Home Loan Program will not be disrupted.

I want to commend the distinguished gentleman from Alabama [Mr. SHELBY], chairman of our Subcommittee on Housing and Memorial Affairs, for the quick action he and his subcommittee have taken to correct the situation. He recognized the problem right away and asked the full committee to move the bill to the floor.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. SHELBY] for the explanation of the bill.

Mr. SHELBY. Mr. Speaker, as the chairman of the full committee has stated, H.R. 4130 simply corrects an estimation error adopted in the President's February 1 sequestration order as pertains to the VA Home Loan Guaranty Program.

Prior to the enactment of Public Law 99-177, the VA Guaranteed Home Loan Program never had a ceiling as does FHA. Under this program, if a veteran met the credit requirements, the VA would guaranty his loan. This has been a very successful program; and since its inception, nearly 12 million veterans have taken advantage of it.

Gramm-Rudman imposed a 4.3-percent reduction in budgetary resources. The Veterans' Administration, the Office of Management and Budget, and the Congressional Budget Office were requested to come up with their best guess on overall loan guaranty activity in fiscal year 1986 in order to impose a ceiling and subsequent 4.3-percent reduction. Unfortunately, these agencies fell approximately 50 percent short of the real mark.

When I first saw the estimates in the January 15 Federal Register, I believed them to be low and wrote letters to all the agencies concerned requesting the rationale upon which their estimates were based and whether or not they had considered current marketing trends. After all, interest rates are at their lowest point in the last 6 years, and it did not make sense to me that loan guaranty activity would not increase commensurately.

I was right. Both VA and CBO admit that the estimates included in the January 15 Federal Register notice did not take into account the low home mortgage interest rates which are prevalent in today's market.

In its reply to the committee, CBO revised its previous estimate of VA loan originations. CBO now projects that VA could guarantee loans, the principal amount of which would be between $16 and $17 billion. CBO noted, however:

> That estimates of home loan activity contain a high degree of uncertainty. A wide variety of factors, including but not limited to mortgage interest rates and general economic activity, could cause the loan volume to be significantly different from these estimates.

The VA reply was similar. The Acting Administrator stated:

> Our current thinking is that VA would guarantee approximately 270,000 loans amounting to $18.2 billion during fiscal year 1986, without the limitation imposed by Public Law 99-177.

The estimate used by OMB in the January 15 Federal Register notice was provided by the VA in mid-1985 in conjunction with the fiscal year 1987 budget process, and did not reflect the decline in home mortgage interest rates since that time.

Although these agencies admit that their initial estimates are inaccurate, the President's sequestration order cannot be remedied other than legislatively. Therefore, my bill does just that, and raises the ceiling to $18.2 billion.

As background, let me proceed to explain how the VA Home Loan Guaranty Program operates. The VA's loan guaranty revolving fund, established by 38 U.S.C. 1824, is a business-type revolving fund which supports the housing loan guaranty activities of the Veterans' Administration. The Veterans' Administration guarantees home loans made by private lending institutions. The guaranty is equal to 60 percent of the value of the loan up to a maximum of $27,500. The VA does not incur a financial obligation from a government accounting perspective at the time that a loan is guaranteed. It merely promises to pay in accordance with the terms of the guaranty, as authorized by chapter 37 of title 38, in

the event of an incurable default by the veteran purchaser. When an incurable default occurs and the mortgage is foreclosed by the lender, the VA is legally obligated to pay the claim of the lender subject to certain financial limitations set out in 38 U.S.C. 1816. In order to cut the potential loss on the lender's claim, the VA will often purchase the foreclosed property from the lender and attempt to resell the property.

The amount of the lender's claim and other expenses incurred by the VA in managing and disposing of the property are legal obligations of the Government. At the time that such obligations are paid, they are recorded as outlays of the U.S. Government and the fund.

On the other hand, the fund generates receipts through a variety of mechanisms, including money received from the sale of defaulted properties which the VA has acquired, and from loans which the VA makes to finance the sale of such properties. In addition, at the time that the VA guarantees a loan, a 1-percent funding fee is collected at settlement and deposited in the fund.

The fiscal year 1987 budget indicates that the loan guaranty program is in good shape. Defaults on GI loans are expected to decline from the high levels of the last few years. The program is expected to be self-supporting and no Federal appropriation will be necessary.

Mr. Speaker, I want to emphasize that this bill is not an appropriation measure. As a matter of fact, it will generate approximately $51 million in additional origination fee revenue in fiscal year 1986.

Without the enactment of this legislation, the VA states their program will shut down completely around April 1. Mr. Speaker, now is not the time to start denying veterans who are in the position to buy a home for the first time in 6 years or to tell them that they can't refinance their loan at 10½ percent when their original loan has a much higher interest rate. Allowing veterans to refinance their loans at lower rates makes them a much safer risk and could lead to a reduction in the foreclosure rate in the future.

Are we going to tell veterans who want to use their entitlement for the first time, "Sorry! due to a miscalculation error on the part of the Government, you and 90,000 other veterans are out of luck?"

And what about our active duty military personnel who want to use a VA guaranteed home loan to secure housing when they are transferred? This would impose an undue hardship on them.

Mr. Speaker, I strongly believe in reducing Federal spending and in balancing the budget. Therefore, I cannot stress enough that this legislation does not circumvent the intent of Gramm-Rudman for which I voted. Rather, it assures its proper application. The sequestration order of the President reduced budgetary resources by 4.3 percent and the reported bill carries forward this reduction but from a corrected baseline.

Mr. Speaker, this is emergency legislation. I have been advised that the other body is also moving expeditiously. We have been in touch with the Senate Veterans' Affairs Committee, and it is expected that similar legislation will receive floor consideration in the other body some time this week or next.

I want to thank the distinguished chairman of the committee, Mr. MONTGOMERY of Mississippi as well as the ranking minority member of the full committee, Mr. HAMMERSCHMIDT of Arkansas, and the ranking minority member of the subcommittee, Mr. SMITH of New Jersey, for their efforts in expediting this legislation. I urge favorable consideration by all of my colleagues.

□ 1210

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. SHELBY. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Before I make my own statement, Mr. Speaker, I have some questions. I would like to enter into a colloquy with the gentleman from Alabama.

Mr. SHELBY. I yield to the gentleman for that purpose.

Mr. HAMMERSCHMIDT. My question is: Will this legislation still be applicable to the VA's Housing Program if the Supreme Court agrees with the district court that the sequestration order issued by the President is unconstitutional?

Mr. SHELBY. No. If the Supreme Court strikes down the sequestration order, the ceiling contained in this legislation will no longer be applicable to the VA's Home Loan Program in fiscal year 1986. This would result because the language of the bill states that it is "for the purpose of implementing any order issued by the President"; if that order is determined to be unconstitutional, this law would cease to have effect.

Mr. HAMMERSCHMIDT. By reporting this legislation, is the committee endorsing the application of the sequestration process to the VA's loan guaranty fund, as carried out in the sequestration order?

Mr. SHELBY. No. I think the gentleman has raised a very important issue, but it was one that we thought could be addressed in greater depth at some other time. This legislation is only designed to correct an error in the estimates used by the Congressional Budget Office and the Office of Management and Budget in the sequestration procedure.

The issue which the gentleman raises goes to the intent of the Gramm-Rudman-Hollings deficit reduction procedure and whether it should be applied when the effect is to increase the deficit in the current fiscal year. This was the case when the VA's authority to make loan guarantees was reduced. Because the Government collects a 1-percent fee at the time that a loan is closed, revenues increase as loan volume increases. As far as we have been able to learn, this is the only program where sequestration caused an increase in the deficit in fiscal year 1986. I think that in their endeavor to insure that this process was applied across the board, the preparers of the CBO and OMB reports may have gotten carried away. We are thinking about how best to address this problem in case some type of automatic budget cutting is triggered in the future. I don't believe the right result was reached in this instance, and we are not endorsing that approach by enacting this legislation.

Mr. HAMMERSCHMIDT. I thank the very able chairman of the Housing and Memorials Subcommittee for clarifying those points.

Mr. SHELBY. I thank the gentleman.

The SPEAKER pro tempore. (Mr. BARNARD). The gentleman from Mississippi [Mr. MONTGOMERY] has consumed 8 minutes.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as ranking member of the Veterans' Affairs Committee and as a cosponsor, I rise in strong support of H.R. 4130, as amended. It is imperative that this body act quickly to remedy the serious situation of the Veterans' Administration's Home Loan Guaranty Program.

Put simply, the VA's Home Loan Guaranty Program is going to reach its operating ceiling under Gramm-Rudman-Hollings sometime this April, and then will have to discontinue its processing of loan guarantee applications until at least October 1, 1986.

What happened to cause this situation is that the original estimates made last summer by the VA, OMB, and CBO of the level of loan guarantees for fiscal year 1986 were far short of the mark, due to a favorable development in the mortgage market. Interest rates have dramatically declined since then, and many more veterans are now buying homes or are refinancing their mortgages.

It would be most unfortunate if just as the program would be of benefit to so many veterans, it could not continue to operate. The VA has now provided us with an up-to-date estimate of the amount of loan guarantees for the

rest of this fiscal year. It is $18.2 billion, as compared to last summer's estimate of about $12 billion. The $18.2 billion does not represent a spending level; rather, it represents a future contingent liability composed of guaranteed loans.

In addition to veterans being denied their loan guaranty benefit, broad sectors of the economy would feel the effect of the erroneous baseline. The mortgage banking, real estate and residential construction industries and their related support industries would experience a drastic decline in business just because some people in Washington made an estimate that turned out to be wrong. We must not let that happen.

Mr. Speaker, I think it is important to understand that this legislative measure is not an attempt to obtain an exclusion from Gramm-Rudman-Hollings. If this measure is adopted, Gramm-Rudman-Hollings, for better or worse, will continue to apply to the VA Home Loan Guaranty Program. Sequestration would simply take place from a new base, as opposed to one that was erroneous.

Several of my distinguished colleagues on the Veterans' Affairs Committee deserve special recognition for their part in bringing this legislation to the floor in such a timely fashion. My good friend and the chairman of our committee, Mr. MONTGOMERY; the chairman of the Subcommittee on Housing and Memorial Affairs, Mr. SHELBY; and the ranking member of the subcommittee, Mr. SMITH of New Jersey have all had indispensable leadership roles with respect to H.R. 4130.

Mr. Speaker, I urge the passage of this bill. We face an unnecessary program shutdown which the Congress did not intend or foresee. This legislation amounts to nothing more than a technical correction, but it is a vitally important one, and it can't wait.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, as an original sponsor of H.R. 4130 I rise in strong support of this vital legislation which will raise the ceiling of the VA Guaranteed Home Loan Program from $11.5 billion to $18.2 billion.

This significant change is necessary to ensure the continued viability of the VA Home Loan Program—one of the finest programs the VA has to offer.

Mr. Speaker, the sequestration provision of Public Law 99-177, the Balanced Budget and Emergency Deficit Control Act of 1985, imposed a ceiling for the first time on the VA Guaranteed Home Loan Program. The President's sequestration order incorporated estimates submitted by CBO and OMB on projected fiscal year 1986 loan origination activity. Since adoption of these figures in the President's sequestration order, Mr. Speaker, reports from both the VA and CBO indicate that the estimates of home loan guaranty origination have been underestimated by about 50 percent. CBO now estimates that VA loan originations will be between "$16 and $17 billion" instead of the earlier estimate of $11.9 billion. In like manner, the VA has revised their figures from $12.2 billion to $18.2 billion.

It seems obvious to me, Mr. Speaker, that based on these new figures, the ceiling for the program must be raised. H.R. 4130 raises the ceiling to the VA estimate of loan volume of $18.2 billion.

I believe that H.R. 4130 demonstrates this body's ability to fine tune and preserve important programs in light of Gramm-Rudman. I would point out to my colleagues that without this bill, the VA would have been forced to suspend the VA Home Loan Program in early April.

I would remind my colleagues that the VA Home Loan Program has enabled over 11.5 million veterans to fulfill the American dream of home ownership. In 1985, approximately 179,000 loans totaling $11.4 billion were guaranteed. H.R. 4130 will protect and preserve this valuable program. In 1986, it is estimated that the VA will guarantee 270,000 loans, a significant increase.

Finally, let me say that this has been a bipartisan effort and I would like to congratulate Mr. MONTGOMERY, chairman of the Veterans' Affairs Committee and Mr. HAMMERSCHMIDT, ranking member. Let me also commend Mr. SHELBY, chairman of our subcommittee for his excellent work on this bill.

□ 1220

Mr. MONTGOMERY. Mr. Speaker, I yield as much time as he may consume to the chairman of the Subcommittee on Appropriations of HUD and Independent Agencies.

Before that, Mr. Speaker, let me say that the funding for the Veterans' Administration comes through Mr. BOLAND's subcommittee. Mr. BOLAND has been honored by veterans' organizations not only this year but last year. He has been a great supporter of veterans' programs.

I yield to the gentleman from Massachusetts at this time.

Mr. BOLAND. Mr. Speaker, I thank the gentleman from Mississippi for yielding. I want to congratulate the distinguished chairman of the Committee on Veterans' Affairs and the ranking minority member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], and also the chairman of the subcommittee responsible for this legislation coming to the floor today, the gentleman from Alabama [Mr. SHELBY], and also the ranking minority member of that subcommittee, the gentleman from New Jersey [Mr. SMITH].

Mr. Speaker, I rise in support of H.R. 4130, a bill which will provide an increase in the ceiling for the fiscal year 1986 Veterans Home Loan Guarantee Program.

There can be no denying the need for this legislation. Without it, thousands of eligible veterans would find themselves locked out of the Home Loan Guarantee Program by April of this year. As a result, their participation in the housing market, with all of its attendant benefits, would be lost to our economy. Obviously, that is a result that should be avoided, and this legislation will ensure that it is.

We all know why we are here. H.R. 4130 really represents a technical correction to Gramm-Rudman, or at least to the Gramm-Rudman process. I would venture to say that this will not be the last such correction we will have to make. The situation we would remedy through this legislation is illustrative of the difficulties inherent in attempting to take a "snapshot" of the economy and then have the results of that snapshot bind the future operation of important programs and activities. To put it simply, Mr. Speaker, times change.

When the Congressional Budget Office and the Veterans' Administration calculated the likely demand for housing loan guarantees for the purposes of the President's February 1 sequestration order, the results were a ceiling for the guarantee program of $11.5 billion. In the few short weeks since those calculations were made, mortgage rates have fallen and veterans, being judicious consumers, want to take advantage of those reductions. We should encourage that desire, not thwart it by maintaining a cap on the program which does not reflect reality. I am pleased that we are taking action today to make that cap a more accurate reflection of demand for this program. I hope we will be willing to take the same type of action in the future when other essential programs face a similar situation.

Again I congratulate the distinguished chairman of the Committee on Veterans' Affairs and all the members thereof for bringing this proposal to the floor so quickly and to do so in order to be sure that veterans are not taken advantage of.

Mr. HAMMERSCHMIDT. Mr. Speaker, I commend the gentleman from Massachusetts [Mr. BOLAND], who just made that fine statement, not only for his statement but for the long-term work he has done in supporting the veterans affairs and veterans of this country from his position on that important subcommittee on appropriations.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I thank my colleague for yielding.

As many of our colleagues are aware, just a couple of weeks ago, the Veterans' Administration, in response to a Gramm-Rudman/OMB imposed reduction of maximum VA home loan guarantee levels, announced a number of proposed rule changes which would have effectively gutted the VA Home Loan Guarantee Program and, consequently, would have removed many veterans from the housing market.

Specifically, the proposed rules would have capped loan amounts for VA guarantees at $90,000; restricted the use of this benefit to a one-time-only use; prohibited refinancing of existing VA loans; and, would have prohibited partial VA loans.

I will not take the time to postulate on the potential impact of these rules, had they been imposed, because it is quite clear—especially in metropolitan areas such as Washington where the average home sells for well over $90,000, that the results would have been devastating.

I was delighted to hear last week, following the introduction of legislation by myself, H.R. 4152, and Mr. SHELBY, H.R. 4130, that the Veterans' Administration was abandoning its proposed restrictions on this program. However, the basic problem still exists—namely, the fact that the VA, according to the OMB, will only be able to guarantee $11.5 billion a portion of the amounts needed in home loans for veterans during this fiscal year, a guarantee level which may well be exhausted before the start of the summer.

H.R. 4130 would effectively restore authority for the VA to guarantee $18.2 billion for veterans home loans—a level which it is estimated will carry the program through the end of the fiscal year.

The fact of the matter is that this program should never have been targeted for Gramm-Rudman cuts in the first place. This $18.2 billion is not real money—at least not in the sense that it represents an actual expenditure. The only loss on these guarantees is a maximum of $17,000 per loan in the event of a foreclosure which contingent liability is a small price to pay for the benefits which the program provides to our veterans and to the Nation's housing markets.

I strongly support this legislation and urge my colleagues to support it as well.

Mr. MONTGOMERY. Mr. Speaker, I would like to commend the gentleman from Texas [Mr. LEATH] who had wanted to make some comments but had to leave the floor.

Mr. LEATH is a member of this committee and also a member on the Committee on the Budget that has been very helpful in veterans affairs.

Mr. Speaker, I yield such time as he may consume to the gentleman from Hawaii [Mr. HEFTEL].

Mr. HEFTEL of Hawaii. I thank the chairman of the committee for yielding to me.

Mr. Speaker, I rise in support of this legislation and to commend the committee and its chairman for their leadership and to point out that this is an example of legislation that is needed because the administration thinks that they are going to save money if they go forward with their cutback in the mortgages under the Veterans' Administration program. Actually, what they will do is lose money because those mortgages produce revenue and because the default rate is so very low there is not a loss of money, there is a gain of money. I hope this point can be made and that our colleagues will support the legislation.

Mr. Speaker, I rise today in support of H.R. 4130, to correct the error in the sequestration estimate for the Veterans Home Loan Program. The drastic measures proposed on the basis of a faulty loan guarantee ceiling calculation would seriously jeopardize the ability of thousands of veterans to obtain decent housing nationwide. In my home district, the restrictions in eligibility, denial of opportunities to refinance and the $90,000 mortgage cap would make an already tough housing situation in Hawaii impossible for most veterans.

I question the need for such severe measures, and was pleased to note that VA deferred implementation to give Congress a chance to correct the situation. By all accounts, the program is working well, and moving closer to the point where it sustains itself. As my distinguished colleagues, Mr. MONTGOMERY and Mr. SHELBY, point out, a loan guarantee ceiling that more closely reflects reality will generate more revenue for the government as more applications are made. Under the current 1-percent origination fee, projections indicate that the home loan guarantee fund will show an unobligated balance at the end of fiscal year 1987, funds sorely needed in this time of fiscal austerity. Regardless of the loan guarantee ceiling we adopt, it will still be subject to a 4.3-percent reduction as specified in Gramm-Rudman, so the program will make an equitable contribution to the deficit reduction effort.

VA proposed the drastic steps to ration home loan guarantees, based on projections indicating that VA would only be able to guarantee about 180,000 home loans in fiscal year 1986. Without remedial legislation, VA would be locked in to guaranteeing only 180,000 loans, regardless of the number of veterans applying for the loan program, in fiscal year 1986. New estimates show that VA will guarantee 250,000 home loans in fiscal year 1986. VA guaranteed 1,217 home loans in Hawaii last year, and VA officials expect to guarantee about the same, or slightly more, in the coming year. These loans contributed $130 million to our local economy last year, and greatly benefited our construction, housing and realty sectors in particular.

To deny eligibility to veterans who have already participated in the program is unsound policy even under emergency circumstances. It makes little sense to exclude a veteran who has bought and sold VA-guaranteed property and faithfully met the terms of the loan agreement. The denial of opportunity to refinance is equally ludicrous when considered in the context of Hawaii's housing market. Default rates for VA guaranteed loans compare favorably with other Federal and conventional loan programs, and average only 4 percent since inception of the program.

I would like to share with you today some statistics on Hawaii's housing situation. A typical single family dwelling in Hawaii cost 215 percent more than the national average in 1981. Among the 50 States and the District of Columbia, Hawaii ranks No. 1 in housing costs. In 1983, the average sale price of a single family home in Hawaii was $189,900. The Veterans Home Loan Guarantee Program does not make it easy for a Hawaii veteran to own a home, but it does make this dream possible for many families.

Certainly, present conditions do not warrant virtually shutting down the Veterans Home Loan Program. Interest rates are at their lowest point in years, and the economy is relatively strong. I understand that the threat of the proposed restrictions has precipitated a rush of applicants hoping to be processed before the April 1 deadline. Now and in the future, before we allow drastic and perhaps unnecessary measures to limit veterans home loan guarantees, let us ensure that our assumptions are based on true market conditions, and not a faulty estimate. I commend Mr. SHELBY and Mr. MONTGOMERY for their excellent efforts in bringing this issue to the floor today, and wish to express my strong support for their legislation. Thank you.

Mr. HAMMERSCHMIDT. Mr. Speaker, I associate myself with the remarks of our distinguished chairman regarding the gentleman from Texas [Mr. LEATH] who has been an invaluable member of our committee and does such a good job of coordinating the actions of the Committee on the Budget with that of the Committee on Veterans' Affairs.

Mr. MCCAIN. Mr. Speaker, I rise in support of H.R. 4130 which corrects an error in the sequestering estimate for the Veterans' Home Loan Guaranty Program.

In developing this program, the goal was to help our veterans, who have given of themselves to our Nation, enjoy the many benefits of owning a home. Because of their absence from the normal credit system during certain periods of time, many have not had the opportunity to establish the good credit rating they desire. The VA Home Loan Program has given over 12 million veterans the opportunity to establish a credit rating, something that is very important in our society and gaining importance everyday.

I supported the adoption of Gramm-Rudman-Hollings. I believe it represents a positive step in strengthening the economic

future of our Nation. However, this measure does not undercut Gramm-Rudman-Hollings. In fact it only corrects the inaccurate estimate provided to OMB/CBO and replaces it with a realistic guaranty level amount. This is a necessary bill—one that corrects a mistake which would jeopardize the future of a program which has helped our veterans for 42 years. If legislation is not adopted to increase the existing guaranty level, estimates are that between 3,500 and 9,000 veterans will not be able to secure mortgage loans.

I strongly urge my colleagues to vote in favor of H.R. 4130 which will correct the estimate and set the program back on its original desired course.

Mr. WIRTH. Mr. Speaker, I rise in support of H.R. 4130, a bill that is of great importance to the men and women who have served our country so faithfully in the armed services. One of our most important commitments is to insuring and maintaining our veterans' hard-earned benefits. Veterans and their families should not be denied the opportunity, through a miscalculation on the part of Federal agencies, to own their own homes. This error can be corrected if we pass H.R. 4130.

Traditionally, the VA Home Loan Guarantee Program has not been subject to a ceiling or any other comparable measures. However, the President's February 1 sequestration order imposed a ceiling of $11.5 billion on VA loan guarantees for first year 1986. The proposed ceiling was based on an average of VA and Congressional Budget Office [CBO] estimates of the demand for loans.

Unfortunately for our veterans, the estimates of both the VA and the CBO were calculated at a time when mortgage interest rates were considerably higher than they are today. The VA lowered its loan rate to 10.5 percent late last year and the result has been an upsurge in loan applications by veterans. Given the increase in applications, the VA Home Loan Guarantee Program could be forced to close for lack of funds as early as mid-April. If we fail to enact a more realistic loan guarantee ceiling—in this case, $18.2 billion—as many as 90,000 veterans may be denied a chance to realize the dream of owning their own home. They would also be denied the critical option of refinancing their mortgages at current low interest rates.

Mandating an increase in the ceiling on funds allotted to the program would not increase VA outlays for fiscal year 1986 because revenue generated by the 1 percent origination fee on all loans will cover administrative and default costs to the VA. I would emphasize at this point that the effect of H.R. 4130 would not be to exempt the VA Home Loan Guarantee Program from the cuts mandated by Gramm-Rudman. Rather, it would make the quantity of loan guarantees available to the veterans more realistic in view of current trends in the home mortgage area. In fact, the $18.2 billion in loan guarantees which would be available to the program would still be subject to the Gramm-Rudman mandated cuts. However, these cuts would not be nearly as severe in their impact on veterans and their families if we correct the loan guarantee ceiling.

Mr. Speaker, H.R. 4130 makes an important technical correction, one which has been recognized as necessary by the VA. It is a measure enjoying strong bipartisan support in the other body. And, most importantly, it is a measure which helps fulfill our longstanding commitment to assisting America's veterans. In view of their outstanding service to America, we cannot forsake that commitment.

Mrs. LLOYD. Mr. Speaker, I rise in strong support of the legislation we are considering today to raise the ceiling for the Veterans' Home Loan Guarantee Program. We in Congress must stand behind our commitment to home ownership and to our veterans. Two-thirds of the American population owns their own homes and in order for home ownership to continue and increase, people must be able to continue to purchase through efforts like the VA program which is self-supporting and cost effective.

The effect of this legislation is not to circumvent Gramm-Rudman-Hollings, but to assure its proper application. A wide variety of factors, including mortgage interest rates and general economic activity will cause the VA loan volume for fiscal year 1986 to be significantly different than originally estimated by the VA and CBO. Because of this many veterans may have to wait for years before buying their first home.

Our veterans are deserving Americans and they must not be penalized because of an error in the sequestering estimate. They answered our country's call to serve and now we must act for them. Without a change to the current ceiling, the VA predicts that it would have to close the program by mid-April, thereby denying loan guarantees to approximately 90,000 veterans. This is clearly unconscionable.

I urge my colleagues to join with me in giving strong support to this resolution.

Mr. MORRISION of Connecticut. Mr. Speaker, I support H.R. 4130, a bill to raise the ceiling for the Veterans' Home Loan Guarantee Program in fiscal year 1986 from $11.5 to $18.2 billion.

This change is necessary because earlier estimates of loan demand by the Veterans' Administration significantly understated the number of applications for loan guarantees that would be made to the fund by veterans this fiscal year.

In the absence of the Gramm-Rudman legislation, this shortfall in the projection would not have been a problem since the act authorizing the loan guarantee program does not place a ceiling on the annual level of activity that the loan fund can support.

The sequestration provision the Gramm-Rudman law, however, imposed a ceiling on the VA Home Loan Guarantee Program. The President's February 1 sequestration order set an $11.5 billion ceiling for VA loan guarantees in fiscal year 1986 based on an average of Congressional Budget Office and VA estimates of the demand for loans. Unfortunately, the ceiling on which the sequestration was based reflected earlier projections which did not anticipate lower home mortgage interest rates. Because of falling rates, application to the loan guarantee fund have skyrocketed.

Unless we act quickly to raise the loan ceiling, thousands of veterans will be denied access to the loan guarantee program, thereby raising the cost of mortgages for many and preventing other veterans from obtaining mortgages at all.

I urge Members to vote in favor of this bill.

Mr. BROWN of California. Mr. Speaker, I rise in support of H.R. 4130, a bill which would correct the error in the sequestration estimate for the Veterans' Home Loan Program. Without the passage of this legislation thousands of veterans will be denied the right to own their own home. The Presidential sequestration order that required Congress to impose across-the-board domestic spending reductions could force the Veterans' Administration [VA] Home Loan Guaranty Program to shut down by early summer.

Under the sequestration order, the VA is to limit the number of home loans it guarantees to $11.471 billion during fiscal year 1986. The VA estimates that at its current level of activity, this guaranty ceiling would be reached by June 1986. The Office of Management and Budget and the Congressional Budget Office estimated the fiscal year 1986 VA home loan guaranty volume at $11.987 billion. Applying the Gramm-Rudman-Hollings sequestration ratio of 4.3 percent for domestic programs, a total of $515.420 million must be sequestered, resulting in fiscal year 1986 VA budget authority of $11.471 billion.

Since the publication of this figure, the VA has announced severe restrictions on the home loan program. The new VA regulation will: First, place a $90,000 limit on the size of home loans it will insure; second, prohibit refinancing of existing VA insured loans; and third, prevent second-time use of the VA home loan program. These changes will take place on March 1, if we do not act quickly.

When the OMB and CBO estimated the housing activity, it failed to take into consideration the fact that mortgage interest had fallen dramatically. The VA mortgage interest rate is currently 10½ percent; the lowest it has been in years. It is a shame that our Nation's veterans will not be able to take advantage of this.

During the past few months, I have received many letters from irate veterans and mortgage lenders, complaining about the difficulty they are already experiencing with the VA Home Loan Office. This office has been turning down record numbers of applications for home loans because it is trying to curtail the number of foreclosures. VA officials explained that it was necessary to save the Government money and to protect those veterans who could not afford to buy a house from becoming indebted. It resulted in their turning down hundreds of applications if the veteran did not have picture perfect credit ratings, a long work history and a large downpayment. If this is happening before Gramm-Rudman takes effect, I hesitate to think what will happen if we do not correct the sequestration estimate.

The VA has been guaranteeing loans at a rate of 20,000 a month and there is an estimation that there will be a demand for approximately 250,000 loans this fiscal year. Come June, there will be thousands of angry veterans. Although I did not support the passage of the Gramm-Rudman-Hollings Emergency Deficit Control Act, I do understand the importance of getting our Federal deficit under control. However, this indiscriminate formula of cutting 4.3 percent from all programs, no

matter what the consequences, is not the best solution. By reducing the number of home loans the VA can guarantee, the Federal Government is not saving money, it is losing it. According to estimates by OMB and CBO, the reduction of $515.420 billion in maximum allowable guaranty activity by the VA will result in a drop of Federal income of $5.350 million due to the drop in receipts of the VA funding fee.

I plan to hold a town hall meeting in my district with veterans and military retirees at the end of next month. Please help me take some good news to them, in light of the deficit reduction bill, by passing H.R. 4130.

Mr. McCURDY. Mr. Speaker, I rise in support of H.R. 4130. As a cosponsor, I hope that we will pass this bill to correct a technical problem with the loan ceiling of the VA Home Loan Guarantee Program.

This $6 billion miscalculation has caused unnecessary confusion among eligible veterans and servicemen in my district, especially among those who are thinking of refinancing their VA loans. You'd think by their reaction that the VA had announced that the program was being scrapped altogether.

In fact, this VA program has been greatly relied upon since 1944. Today, I hope to tell the thousands of eligibile participants living near military bases in the Oklahoma City, Lawton, and Altus, OK, areas that this wrong is on the way to being set right. We need to raise the program's loan ceiling to better reflect the estimate of anticipated demand for VA home loans this fiscal year.

The chairman of the Veterans' Affairs Committee, Mr. MONTGOMERY, and the gentleman from Alabama [Mr. SHELBY] are to be commended for their prompt attention to this matter. I urge my colleagues to support this bill so that our hard-working servicemen and deserving veterans have one less worry.

Mr. HOYER. Mr. Speaker, I am happy to rise in support of H.R. 4130 today and to commend the chairman of the Housing and Memorial Affairs Subcommittee for his leadership and quick action on this important corrective legislation.

This bill is distinct from Gramm-Rudman, because it seeks to correct an estimating error which imposes undue hardship on the Veterans' Administration. Whatever your position on Gramm-Rudman, it is clear that this House did not intend to subject any program to more than its fair share of the budget cuts. It is important then, when taking the cut, to be sure that the base from which the cut is made is accurate. Otherwise, the actual impact of the cut will be much more severe than intended.

Unfortunately, CBO and OMB miscalculated the number of loan activity which would occur this year, predicting that loan guarantees for VA housing would total approximately $12 billion. In reality, the VA has reported that the number of loan guarantees would total $18.2 billion. The result being, that 4.3 percent off of $12 billion yields a far different number than when it is subtracted from $18 billion. In response to this the Veterans' Administration has produced its recommendations of how it will have to implement the miscalculated error, unless we act to correct it. First, each veteran will be limited to only one loan per veteran. That loan cannot exceed $95,000 and that loan may not be refinanced.

Trust me, if you haven't heard from your constituents already, when this regulation goes into effect, you'll hear more than you ever expected.

But these regulations do not have to go into effect. We can stop them due to the quick action of the chairman and the Veterans' Affairs Committee. This bill solely provides that the 4.3 percent Gramm-Rudman cut will be taken from a base of $18.2 billion rather than $12 billion.

One last thing that we should note. Because the VA charges a 1-percent fee when they guarantee a loan, allowing them to make fewer loans has the unintended consequence of reducing revenues—so that using the miscalculated base number and capping loan activity at a ridiculously low level, would substantially reduce the revenue which the VA collects.

Mr. Speaker, lower interest rates are a boon to the housing industry and the American people who want and deserve to live in homes they can afford. We should not penalize veterans and their families during this time by establishing an artificially low loan cap on the VA solely as a result of a calculation error. I urge this house to support this important corrective bill and I commend the chairman for his efforts and thank him for this opportunity to speak.

Mr. DASCHLE. Mr. Speaker, I rise in strong support of H.R. 4130, legislation which is critically needed to avert the impending crisis in the VA Home Loan Guaranty Program. As a cosponsor of this legislation, I call upon my colleagues in the House to give overwhelming support to this measure today.

The VA Home Loan Guaranty Program is one of the most successful programs available to the men and women who have served our country in the Armed Forces. VA loan guarantees have given veterans a fair chance in the housing market, making decent housing available to veterans and their families. Veteran participation in this program is widespread, and the worthiness of this program is incalculable. Without passage of this legislation the VA Loan Guaranty Program will shut down for this fiscal year.

Last December, a limitation was placed on the activity of the VA's home loan guarantee program for the first time as a result of the Balanced Budget and Emergency Deficit Control Act. In establishing this limitation, the estimators of loan activity made a mistake of monumental proportions. Instead of projecting $18.2 billion in home loan guarantees, the correct estimate of activity for this fiscal year, the "guesstimators" projected $11.5 billion, a nearly $7 billion miscalculation.

As a result of this gross underestimation, VA officials quickly realized that many veterans would be denied a home loan guarantee this year. While the VA recognized the problem, its proposed response would only make matters worse.

On February 6, the VA announced its intention to impose a series of administrative actions which would aggravate and intensify an already untenable situation. Specifically, the VA announced it would no longer approve requests for refinancing of existing loans, no longer guarantee loans based on restored entitlement or partial entitlement, and would limit loans approved to a maximum of $90,000.

The legislation we are considering today addresses both the initial miscalculation of loan activity and the VA's ill-conceived response to the problem. It corrects the grossly underestimated assessment of home loan guarantee originations this fiscal year and revises this projection from $11.5 to $18.2 billion. Thousands of veterans will benefit from this legislation, and the VA can now totally discard the administrative actions which it had proposed in response to this crisis.

Mr. Speaker, I compliment the gentleman from Alabama Mr. SHELBY, for authoring and introducing H.R. 4130. As chairman of the House Veterans' Affairs Subcommittee on Housing and Memorial Affairs, he has rapidly developed a sound and sensible solution to this crisis. I am pleased to be a cosponsor of this critically important legislation and urge my colleagues to give it their support.

Mr. BONER of Tennessee. Mr. Speaker, I rise in strong support of H.R. 4130 and I commend Veterans' Affairs Committee Chairman SONNY MONTGOMERY and Subcommittee Chairman RICHARD SHELBY for bringing this important measure to the floor so quickly.

H.R. 4130 increases the ceiling on VA loan guarantee commitments that is used for the purpose of applying the 4.3-percent reduction mandated under Gramm-Rudman-Hollings. For the President's February 1 sequestration order, the loan guarantee commitment ceiling was estimated by the Congressional Budget Office and OMB to be about $12 billion. This estimate, however, was based on figures provided in mid-1985 when the Veterans' Administration was putting together its fiscal 1987 budget request. It did not reflect the decline in home interest rates since that time and, as a result, underestimated loan originations by about 50 percent.

Nonetheless, using the CBO–OMB calculated ceiling, Gramm-Rudman-Hollings reduced the amount of new loan guarantee commitments by $515 million. Ironically, in reducing VA's authority to guarantee new loans, the amount of offsetting receipts derived from the 1-percent funding fee was also reduced. The net result of this estimate was not only to decrease the total number of loan commitments that VA could approve but also to increase fiscal 1986 outlays.

In response to concern expressed by Members such as myself as well as veterans' organizations, the members of the Veterans' Affairs Committee requested information from the Congressional Budget Office, OMB and the Veterans' Administration in an effort to get a correct estimate of loan guarantee activity for the remainder of fiscal 1986. These corrected estimates, primarily reflecting the decline in mortgage interest rates, are the basis of the changes made by H.R. 4130.

We should assure everyone that the effect of H.R. 4130 is not to circumvent the requirements of Gramm-Rudman-Hollings but, rather, to assure its proper application. Therefore, the bill corrects the loan guarantee activity baseline against which the 4.3-percent reduction will be made.

I look forward to joining my colleagues and friends from the Veterans' Affairs Committee in securing quick Senate passage of this important bill. As you know, Mr. Speaker, the Veterans' Administration has already announced the steps it will take to restrict loan guarantee activity if it is required to comply with the original Gramm-Rudman-Hollings reduction. Some of these proposed restrictions, particularly the one denying veterans the opportunity to refinance high-interest loans, had the potential of increasing the number of loan defaults. Such an increase in defaults would only increase the cost to the Government.

The VA Loan Guarantee Program is vital to many of our Nation's veterans. H.R. 4130 assures the continued availability of the guarantee to first-time home buyers and, again, I commend the members of the Veterans' Affairs Committee for bringing the bill to the floor today.

Mr. GREEN. Mr. Speaker, I rise in support of H.R. 4130, legislation that will accomplish the necessary task of raising the ceiling of the VA guaranteed Home Loan Program from $11.5 to $18.2 billion.

As my colleagues know, this legislation was necessitated by the fact that the base used for computation of the sequestration order for this program was low by 50 percent. CBO now estimates that VA loan organizations, rather than being $11.9 billion will actually be between $16 and $17 billion. This legislation will allow this important program to continue unimpeded by unrealistic budgetary ceilings.

Mr. Speaker, this has been one of the most important programs the VA operates, and for that matter, one of the most important in our Government. This program has enabled over 11.5 million veterans to share in the American dream of home ownership. In 1985, approximately 179,000 loans were issued, totaling $11.4 billion in loan guarantees. This year, we estimate that the VA will guarantee 270,000 loans.

In light of the continuing budget pressure on this and all Government programs, I believe we should address a longer term approach to this program. I'm not opposed to ceilings on loan guarantees, but I am concerned that without some means of establishing priorities for the limited amount of loan guarantees, the loan guarantee process becomes a frenzied rush, rather than a selection of those most deserving of the loan guarantee. I would hope the administration and the Congress would address this issue in the near future.

Mr. Speaker, I once again urge my colleagues to resoundingly approve this important bill.

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of H.R. 4130. This measure corrects a serious error made by the administration in estimating the volume of loans that VA will make in this current fiscal year.

On February 1, when the President issued his sequestering order under Gramm-Rudman, the snapshot of the economy revealed that VA would process loans totaling $11.5 billion. Under the order issued by the President, the VA would be prohibited from processing loans once that ceiling was met.

As the chairman of the full committee indicated a few weeks ago, the administration approved a release by the Veterans' Administration announcing that severe restrictions would be placed on veterans home loans for the rest of the fiscal year. The administration proposed to make the VA home loan a one-time benefit. It proposed to limit the maximum amount of the loan to $90,000 and it decided it would not allow veterans to refinance their homes even though many veterans were holding mortgages with interest rates of 13.5 and 14 percent. The VA was challenged on its decision to proceed with these limitations on the basis that it was illegal to do so because of a restriction on eligibility. The Office of Management and Budget then decided to let VA proceed to process loans until it reached the ceiling at which time no further loans would be approved. This is expected to occur the first of April unless we act favorably on H.R. 4130.

Mr. Speaker, Congress has never intended to ration the home loan benefit. Veterans have earned their right to obtain VA home loans. They have paid the price for that right and the right to receive many other benefits and services for defending our country and we must not allow this to happen. I urge the adoption of H.R. 4130 and I hope it will receive speedy consideration in the other body.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 4130, as amended.

The question was taken.

Mr. HAMMERSCHMIDT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 386, nays 0, not voting 48, as follows:

[Roll No. 27]

YEAS—386

Ackerman
Addabbo
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Barnard
Bartlett
Barton
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Bosco
Boucher
Boxer
Breaux
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bruce
Bryant
Burton (CA)
Burton (IN)
Bustamante
Byron
Callahan
Carper
Carr
Chandler
Chapman
Chappell
Chappie
Cheney
Clay
Clinger
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Coughlin
Coyne
Craig
Crane
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Eckert (NY)
Edwards (CA)
Edwards (OK)
Emerson
Erdreich
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Frank
Franklin
Frenzel
Frost
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hendon
Henry
Hertel
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (TN)
Kanjorski
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Manton
Markey
Marlenee
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McMillan
Meyers
Mica
Michel
Mikulski
Miller (OH)
Miller (WA)
Mitchell
Molinari
Mollohan
Monson
Montgomery
Moody
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Price
Pursell
Quillen
Rahall
Rangel
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Stallings
Stangeland
Stark
Stenholm
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant

Udall	Weaver	Wolf
Valentine	Weber	Wolpe
Vander Jagt	Weiss	Wortley
Vento	Wheat	Wright
Visclosky	Whitley	Wyden
Volkmer	Whittaker	Yates
Vucanovich	Whitten	Yatron
Walgren	Williams	Young (AK)
Walker	Wilson	Young (FL)
Watkins	Wirth	Zschau
Waxman	Wise	

NOT VOTING—48

Akaka	English	Miller (CA)
Barnes	Evans (IA)	Mineta
Bentley	Foley	Moakley
Bilirakis	Fowler	Moore
Borski	Gephardt	Morrison (CT)
Boulter	Gingrich	O'Brien
Brooks	Grotberg	Porter
Campbell	Jeffords	Ray
Carney	Jones (OK)	Savage
Collins	Kaptur	Shuster
Courter	Latta	Staggers
Crockett	Leland	Stokes
DeLay	Loeffler	Traxler
Dellums	Madigan	Whitehurst
Dixon	Martin (NY)	Wylie
Edgar	McKinney	Young (MO)

□ 1245

Mr. SMITH of Florida changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION TO EXCUSE FROM SERVICE AS CONFEREE ON PORTION OF CONFERENCE AND APPOINTMENT OF NEW CONFEREE ON H.R. 2005, SOCIAL SECURITY MINOR AND TECHNICAL CHANGES ACT OF 1985

Mr. SNYDER. Mr. Speaker, I ask unanimous consent that the gentleman from Arkansas [Mr. HAMMERSCHMIDT] be excused as a conferee on that portion of the Superfund conference on the bill (H.R. 2005) to amend title II of the Social Security Act and related provisions of law to make minor improvements and necessary technical changes, providing for consideration of title III of the House amendment to the Senate amendment, and sections 110, 111, 127, and 160 of title I of the Senate amendment.

The SPEAKER pro tempore. (Mr. BARNARD). Is there objection to the request of the gentleman from Kentucky? The Chair hears none and, without objection, appoints the gentleman from Minnosota [Mr. STANGELAND] to fill the existing vacancy.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

HONORABLE RAY J. MADDEN'S 94TH BIRTHDAY

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute.)

GENERAL LEAVE

Mr. VISCLOSKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks regarding the occasion of the 94th birthday of the Honorable Ray J. Madden, former chairman of the Committee on Rules.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. VISCLOSKY. Mr. Speaker, I am deeply honored to have the privilege to address the House today, as we celebrate the 94th birthday of the Honorable Ray J. Madden, who represented the people of northwest Indiana for 34 years, longer than any other Representative in Indiana's history.

Ray Madden is an extraordinary individual whose life should be recognized not only for its longevity but for its quality. During the past 94 years, Chairman Madden has worked hard to influence positively not only northwest Indiana but our society as a whole.

Ray Madden first demonstrated his interest in politics at the age of 8, when he traveled with his father—by way of horse and buggy—to a town 25 miles away from their farm in Waseca, MN, to hear the Democratic Presidential candidate, William Jennings Bryan.

Chairman Madden embarked upon his political career at the age of 23, when he was elected municipal judge of the city of Omaha, NE.

During the Great Depression, Ray Madden moved to Gary, IN, where he first served as city controller and was eventually elected to represent northwest Indiana in the U.S. Congress.

I first had the opportunity to meet the Honorable Ray J. Madden when I visited Washington, DC, at the age of 13 with my father, John. As my U.S. Representative, Chairman Madden took the time to invite me to my first committee hearing, join my father and me for dinner, and pose with us for a picture on the Capitol steps.

Today, nearly 25 years later, this great gentleman continues to spend his life helping and giving to those around him. Each time that I have actively sought advice from Chairman Madden regarding my duties in Congress, he has provided that advice both willingly and thoughtfully.

The Honorable Ray J. Madden should be recognized today, both for his contributions to northwest Indiana and for his contributions to our society. He is a benevolent and conscientious gentleman who lives his life with an open heart and an open mind.

On his 94th birthday, I wish to congratulate Chairman Madden, and wish him continued good health and a very happy life.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Indiana.

Mr. JACOBS. I thank the gentleman for yielding and for taking this occasion to honor our dear colleague, Ray Madden, who, as anybody can plainly, see, is utterly indestructible. He will live forever. He already has a good start on that.

There are about 10,000 Ray Madden stories, but I think the one I will enter into the RECORD right now is the one about the year the time-zone legislation came before the Committee on Rules, and Bill Colmer of Mississippi was chairing and Ray Madden was a member of the committee. Bill was usually strictly business, and I am not sure how happy he was about this, but Ray, when he had his turn to ask questions, said that out in Indianapolis, IN, a man walked into the bus station and asked the ticket salesman, "When does the bus leave for Lebanon, IN?"

The ticket salesman said, "10 o'clock."

He said, "What time does it get there?"

The ticket salesman said, "10 o'clock."

The man turned around, walked away, and came back and said, "What time did you say that bus leaves?"

The ticket salesman said, "10 o'clock."

"What time does it get there?"

"Ten o'clock."

He walked away again, and the ticket salesman said, "Say, do you want to buy a ticket for Lebanon?" And the gentleman said, "No, I don't, but would you mind if I stayed around and watched that bus take off?"

Now, that is Ray Madden and that is how much sparkle he brought to the U.S. House of Representatives. He reminded Americans to remember their most precious asset, their sense of humor.

Happy birthday, Ray.

Mr. NATCHER. Mr. Speaker, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Speaker, our friend Ray Madden was elected to the 78th Congress and began serving on

January 3, 1943. He served as a Member of Congress for 34 years.

During his service he never hesitated to speak out against any proposal which he felt was not sound or in the best interest of our people. In every position he held, either private or public, he achieved distinction and his service in all of his assignments was marked with a high sense of conscience and duty.

After serving for many years on the Rules Committee, he became chairman and possessed the necessary qualifications to serve in this capacity with distinction and honor. I remember back during the days of Clarence Brown, Howard Smith, Bill Colmer, Ray Madden, Jim Delaney, Dick Bolling, and now CLAUDE PEPPER. When Ray Madden served on the Rules Committee, and especially prior to the time that he became chairman, it was not an easy assignment. I recall distinctly that my friend Sam Rayburn at one time proposed certain changes in the Rules Committee which would make this committee more accessible to the legislation pending before the House and at times during that period, it was right difficult to get the committee together to consider requests for rules.

None of this applied to the Rules Committee when Ray Madden was chairman.

During the 20th century, Indiana has not sent a Member to the House of Representatives that established a better record than Ray Madden. I have served, Mr. Speaker, with about 2,000 Members in the Congress of the United States and none that I like or respected any more than my friend Ray Madden. I recall on many occasions when we had right unpopular issues before the House, that our friend Ray Madden had the courage to rise and speak out vigorously on the positions he maintained in regard to those particular issues. The working people of this country never had a better friend to serve in this Congress than Ray Madden. He was interested in all legislation pertaining to education, health, working conditions of our men and women in this country, the elderly, the handicapped, and our young people. I remember his strong voice on behalf of the working people of his district and of the Nation.

Mr. Speaker, Ray Madden always believed that if you keep your eyes on the people, you will never lose your way. When Ray Madden left the House of Representatives the working men and women in this country lost one of their best friends in the Congress. He loved the House of Representatives and he served in this body with distinction and honor.

Mr. Speaker, I want to wish my friend Ray Madden the best of everything on his birthday and to say to him that one of the nicest things that has happened to me during my lifetime is the opportunity I had to serve with him for many years in the greatest legislative body in the world.

(1300)

BIRTHDAY OF THE HONORABLE RAY MADDEN

(Mr. PEPPER asked and was given permission to address the House for 1 minute.)

Mr. PEPPER. Mr. Speaker, Members of the House, I am delighted today to have the privilege of joining my colleagues in expressing our great pride today on the birthday of one of the best friends I ever had and one of the ablest and finest gentlemen who ever served in this House on his 94th birthday, today, the Honorable Ray Madden.

Mr. Speaker, it gives me, a lad of 85, a great deal of confidence to see my colleague who is now 94; you give me something to shoot at, Ray. We are all very proud that you could be here today.

What happy memories we have of your time here with us, and the great service you rendered our country. For over three decades you served the First District of Indiana as its Representative, and for many years you were one of my predecessors as chairman of the Rules Committee. I shall never forget the integrity, the forcefulness and the wisdom which you exhibited in the performance of your duties as chairman of that important committee.

Ray Madden's heart was always one of compassion for those who needed help. He believed in our democracy, trying to help those in the lower levels of our life, lifted up to walk on higher ground. Wherever Ray Madden had the chance, by his effort or by his vote, to lift up a child, an ill person or an elderly one who needed help, he extended the helping hand. So his career here was a career filled with heartwarming service to the people of our country and especially to the people who needed the aid and the assistance of our Congress.

So I am very proud today to see this noble man still in good health, still showing his youthful strength, and still making a confirmation of those beautiful lines of Browning, who said:

"Come grow old along with me, the best is yet to be."

Ray Madden is proving that to be true. Ray, God bless you, and may you have many more years of health and happiness, joy to your friends and service to your beloved country.

Mr. WHITTEN. Mr. Speaker, I join with my colleagues in honoring our friend, Ray Madden, with whom I served for many years. Ray has had a great and successful career and I am glad to note that he has lived to enjoy the fruits of his service.

Ray, I remember well your outstanding service as chairman of the Committee on Rules, one if not the most powerful positions in the House of Representatives, second only to the Speaker.

We congratulate you on this birthday and wish for you many more.

Mr. HILER. Mr. Speaker, I would like to take this opportunity to salute former Congressman, Ray Madden, on the occasion of his 94th birthday.

Ray served the State of Indiana as a Representative longer than any other Hoosier. From the early days of WW II until our Bicentennial Year of 1976. Ray Madden was a part of this great body as it debated pertinent issues of the day through war and peace, recession and prosperity. The wisdom and experience obtained during those 34 years of service are indeed a national treasure, and as such it is entirely appropriate that we recognize them today on Ray Madden's 94th birthday.

Happy birthday, Ray.

Mr. MYERS of Indiana. Mr. Speaker, I thank my Hoosier colleague from the First District of Indiana, Mr. VISCLOSKY, for taking this time today to honor, Ray Madden, our former colleague and a Member of this body of many years upon the celebration of his 94th birthday.

All you can recall that the early days your work here in Congress was difficult and often bewildering. It can be made easier through advice and help from more senior Members. We all know how important and valuable experience is here in Congress. We didn't think that the first time we ran and even as we were being sworn in the first time. Experience helps all when it is shared. Ray Madden helped me most in my early days here even though we served on opposite sides of the aisle.

Ray, we thank you for your years of service here in this body, but most of all we thank you for your continued advice and leadership.

May you celebrate many more and continue to permit us to share them with you.

Happy birthday, Ray.

Mr. BURTON of Indiana. Mr. Speaker, it is with great pleasure that I join my Indiana colleagues and other Hoosiers from all walks of life to honor Ray Madden on this, his 94th birthday.

Ray Madden should be recognized for the fine service he performed in Congress for over three decades for the people from Indiana's First District and the Nation.

Who can deny the profound impact he has had on this country with his active participation as chairman of the Rules Committee. It can be said that Ray's unselfish devotion to this country has distiguished him as a doer and a risk taker, always concerned with the welfare of others.

Congratulations, Ray, on your 94th birthday and for your outstanding career of service here in Congress. Your example of motivation inspires all of us to follow your lead in public service.

Mr. BOLAND. Mr. Speaker, I am pleased to join my colleagues in celebrating the 94th birthday of one of the most distinguished former Members of this Chamber, Ray Madden.

I had the pleasure and the privilege of serving for over 20 years with Ray during his long

and distinguished congressional career. Ray Madden was first elected in 1942 to the 78th Congress and served with distinction until he retired at the close of the 94th Congress. Mr. Madden was one of the legislative giants of the 20th century, and the people of Gary, IN, as well as the Nation, to whom he gave so much for so long, have cause to be proud of him. Ray was an able and dedicated legislator, a friend of labor, and one of the greatest independent and progressive Members of this House.

Ray Madden served as chairman of perhaps one of the most important of all committees, the Rules Committee. During his tenure, Chairman Madden played an essential role in the consideration and passage of some of the most important bills to come before the House. It was a position of considerable power and tremendous responsibility. He earned the respect and admiration of every Member, Democrats and Republicans alike. In every instance, he showed himself to be a man of great character, integrity, and appreciation for the needs of his fellow man.

Today, as he has for the past 70 years, he continues to be committed to the people and the country he served.

I want to extend my very best wishes to Ray on his 94th birthday and I wish him many more.

Mr. BENNETT. Mr. Speaker, it is wonderful to have Chairman Ray Madden with us today on his 94th birthday. I served for many years in Congress while he was here and I always found him to be a true friend to every Congressman and to his well-known political principles, which were indeed inspiring. I can honestly say that I do not know of any Member of Congress who has manifested more vigorously a strong support for all the people in the United States who most needed the Government. In other words, he was a man fighting uphill battles to see that people who are not fortunate in their lot were helped to the maximum extent the Government could help. That is the chief trust of this fine man's life. As a Congressman serving for years with him I must also say that he was greatly inspiring to all of us as chairman of the Rules Committee, always fair, very thoughtful and very progressive in his handling of difficult problems that came before that committee. He leaves us a rich heritage. We are all grateful for his leadership and thankful to the good Lord who has allowed Chairman Madden to live into these his harvest years, ones which we hope will always be pleasant years for him. He has earned it.

Mr. DOWNEY of New York. Mr. Speaker, today, the former colleagues of Ray Madden are celebrating his 94th birthday here in Washington. I want to add my congratulations to those of my friends here and all the people in Indiana who have benefited from his hard work, concern, and wisdom for so many years.

Ray came to Congress from Gary in 1942. During his 34 years, he saw many changes in this institution. As chairman of the House Rules Committee he exercised a great influence over the way we carry out our business today. When he left this House in 1976, I was just completing my first term in Congress. Ray Madden's career as a skillful legislator who cared deeply about the needs of his constituents was a great inspiration to me and I am sure to countless other new Members who joined this body in the 94th Congress.

We welcome Ray back today. We thank him for all he did to make this a more effective institution. Mr. Speaker, his presence here on his 94th birthday reminds us all of the great tradition which makes this body the people's house. Happy birthday, Ray Madden.

Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in the House of Representatives in honoring the former chairman of the House Rules Committee, Ray J. Madden, on the occasion of his 94th birthday.

It was truly a rewarding personal experience for me to have known Ray as a colleague and a good friend during the 12 years we had served together in the House of Representatives before his retirement at the end of the 94th Congress. As a Congressman, Ray compiled a splendid record of excellence and achievement, and seldom does one find a man so wholeheartedly dedicated and responsive to the needs of the people he served.

Ray was first elected to the 78th Congress, and proved himself to be a most capable legislator, fully worthy of the trust and confidence of his constituents of the First Congressional District of Indiana. He also was highly respected for his fairness and his leadership abilities by every Member in Congress who had the privilege to work with him during the 34 years he served in Congress.

Mr. Speaker, I am glad to join with my colleagues in celebrating Ray's 94th birthday, and I hope Ray will continue to enjoy good health and much happiness in the years ahead.

Mr. YATES. Mr. Speaker, this is a very special day. Ray Madden is here and he is celebrating his 94th birthday. What a wonderful friend he is and I am delighted to be able to extend to him my very best wishes for a most happy birthday.

When I came to the House in 1949, Ray was already here. He was extremely kind and helpful to me in those early years and my admiration, which began the day I met him, has continued to this very moment. Ray Madden is a man of principles, humanity, and capacity who opened doors and created opportunities for men and women all across this country. I know what he accomplished when he was here and I am just delighted to see him today and to have him with us.

Mr. ADDABBO. Mr. Speaker, today we celebrate the 94th birthday of the Honorable Ray J. Madden. I had the privilege of serving with Ray during part of his three-decade tenure in this House and take great joy in saluting him.

As Representative from the First District of Indiana and as chairman of the Rules Committee, Ray Madden earned the respect and admiration of us all. Those of us who worked with him can attest to his diligence and to the measure of fairness he brought to all he undertook. For 34 years Ray Madden gave his constituents dedicated service. He was much concerned with their welfare, and with ours too. How well I remember Ray's concern for the image Congress presented to the Nation and to the world at large. He saw the Federal Government as the "No. 1 Government that represents all its citizens," and worked hard and long to see that Congress fulfilled that role to its best ability. Today, as we struggle to represent all our people in the face of massive budget cuts and rising deficits this is an all important lesson, and I am pleased that we continue to have Ray Madden's advice and guidance.

Happy birthday and many more to come, Ray.

Mr. MAZZOLI. It is with great pleasure that I join my colleagues today on the occasion of the 94th birthday of our good friend and former colleague, the Honorable Ray J. Madden of Indiana.

Ray Madden served his constituents in the First District of Indiana—and this Nation—well and with distinction for over 30 years in the House of Representatives. Those of us who served with Ray have profited greatly from his leadership and guidance as a legislator—one who, as chairman of the Committee on Rules, was dedicated to seeing the House conduct its business smoothly and effectively.

An ardent supporter of American working men and women, Congressman Madden always has fought the "good fight" for those issues in which he believes so strongly. And, he deservedly earned the respect and admiration of everyone with whom he worked throughout his remarkable career of more than six decades in public service.

Ray Madden is an extraordinary gentleman who brought only dignity and honor to this body. We are all in his debt. I salute you, Ray, and wish you all the best.

COMMENDING PRESIDENT REAGAN FOR HIS HANDLING OF THE PHILIPPINE CRISIS

(Mr. BROOMFIELD asked and was given permission to address the house for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, I want to take this opportunity to praise President Reagan for his masterful handling of recent developments in the Philippines. The change of Government in that country was brought about with minimal bloodshed. Through his leadership, a major change in power in the Philippines was brought about in a calm and controlled manner. Civil war was avoided. I commend the administration for ensuring that the Filipino people will again enjoy the fruits of democracy.

I understand that our Government just recognized the provisional government of Corazon Aquino. We have also offered political asylum to the Marcos family.

The new Government in that country was brought about through the democratic process. The roots of democracy there are deep. Many courageous Filipino people struggled against overwhelming odds to cast their votes for freedom and justice. I wish Mrs. Aquino good fortune as she faces the challenges of restoring the confidence of the Filipino people in their Government.

We have witnessed a new spring of democracy in that lovely land. Long live the warm relations between the Filipino people and all Americans.

Congratulations, President Reagan, for a job well done.

CIVIL SERVICE RETIREES TRUST FUND

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, the Gramm-Rudman Act answered a public outcry to cut Federal spending. However, it is flawed in one critical respect. It treats our Nation's retired people inequitably.

To exempt some recipients from the measure's cutting edge and leave Federal retirees vulnerable is an outrage.

In response to many letters and phone calls from my district's residents I have introduced legislation to exclude the civil service retirement and disability fund from the U.S. budget.

The fund would operate just as the Social Security Trust Fund and would remove any excuse for unequal treatment of Social Security recipients and Federal retirees.

I believe that instead of putting Band-aids on its mistakes Congress should practice some preventive medicine for a change. Let's give civil service retirees a fair chance.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL INTRODUCED TO AID VICTIMS OF CALIFORNIA STORM DISASTER

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, northern California has been battered by a series of brutal storms over the past 2 weeks. These storms have caused a disaster of immense proportions: at least 13 lives have been lost, tens of thousands of people have been left homeless and hundreds of millions of dollars worth of public and private property has been destroyed or damaged.

Today, Mr. Speaker, I am introducing, along with a bipartisan group of my affected colleagues, an emergency supplemental apropriations bill of $425 million to provide Federal assistance for the victims of this disaster.

I cannot emphasize enough how important it is that we take up and approve this legislation as soon as we possibily can. As I am sure many of you are aware, an extraordinary number of natural disasters in the last year has exhausted the financial resources of the Federal Emergency Management Agency. In fact, before the recent storms in California where damage may exceed $500 million, FEMA had requested a $250 million supplemental for expenses already incurred.

My bill would provide funding to meet FEMA's present and future shortfalls. It would also call for additional funding for relief efforts by the Army Corps of Engineers, and the Department of Agriculture.

I urge my colleagues to join me in supporting and passing this vital piece of legislation with the greatest possible expedition.

THE SESQUICENTENNIAL CELEBRATION OF TEXAS

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. FIELDS. Mr. Speaker, in recognition of the Texas sesquicentennial celebration, which is a celebration of Texas being 150 years old, I want to bring to the attention of the House a letter written by Col. William Barrett Travis, commander of the Alamo; 150 years ago Colonel Travis and 180-plus men held a Mexican Army of over 6,000 at bay for 13 days. In Texas, we call those our 13 days of glory.

Colonel Travis and his men, who included Davey Crockett and Jim Bowie, all died at the Alamo but through their deaths gave Sam Houston time to better equip, train, and prepare his army. Ultimately, Sam Houston led our army to victory at San Jucinto.

One hundred and fifty years ago, this is the letter that was sent by Colonel Travis from the Alamo.

To the People of Texas and all Americans in the world—

Fellow citizens and compatriots—I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man.

The enemy has demanded a surrender at discretion, otherwise the garrision are to be put to the sword if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls.

I shall never surrender or retreat. Then, I call on you in the name of liberty, of patriotism, and everything dear to the American character, to come to our aid, with all dispatch.

The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country—

Victory or death,

WILLIAM BARRETT TRAVIS.

P.S.—The Lord is on our side.

A GREAT VICTORY IN THE PHILIPPINES

(Mr. SOLARZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLARZ. Mr. Speaker, the people of the Philippines have won a great victory. In one of the few authentic democratic revolutions in history, they have succeeded in toppling a corrupt and discredited dictatorship, and have replaced it with what we all hope will be a viable and vital democracy.

In the last few days as we witnessed on television the scenes of hundreds of thousands of Filipinos taking to the streets of Manila in order to put their lives on the line for democracy, I alternatively trembled and thrilled at the human and political drama unfolding before our eyes. I trembled with fear at the possibilities for massive bloodshed and civil war, but I thrilled at the sight of nuns and ordinary people turning back tanks with their prayers and with their presence.

Forty years ago, Stalin cynically asked, "How may divisions does the Pope have?" This week we found out on the streets of Manila. For the first time in history, it was the people who protected the army rather than the army who protected the people.

There is no power so great as an idea whose time has come. In the Philippines today, the idea is democracy and its time has surely come. But as we rejoice over this triumph for democracy, let no one think that the problems of the Philippines will be solved overnight. The Communist insurgency will not automatically disappear. The economy, ravaged by a decade of crony capitalism and government-led capital flight will not instantaneously recover.

The new government is going to need all the help it can get, and given the enormity of our political and strategic interests in the Philippines, it would be penny-wise and pound-foolish, even in this era of Gramm-Rudman, for us not to provide it.

I plan to go to the Philippines next week to meet with President Aquino and Prime Minister Laurel, how good it sounds to say those names with those titles, to learn from them how we can be most helpful in the critical days ahead.

Having helped to bring about the end of the dictatorship, we have a vital interest in the success of democracy. I hope to convey to President Aquino and Prime Minister Laurel the sympathy and good will of my colleagues in the Congress and the American people who rejoice with me in this triumph over tyranny.

□ 1310

INTRODUCTION OF LEGISLATION TO REPEAL DAIRY DIFFERENTIAL INCREASES IN LATEST FARM BILL

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, today I am introducing legislation to repeal the dairy differential increases contained in the latest farm bill.

Unfortunately, we have a dairy surplus in this country. The farm bill aimed to reduce that surplus by lowering effective milk prices for farmers in the upper Midwest, and by paying farmers to go out of business.

Yet that very same farm bill actually increased the prices farmers receive for fluid milk in most other parts of the country. Now, an elementary truth of economics is that when you raise the price of something, people tend to produce more of it.

Sure enough, a foreign corporation plans to build 11 2,000-cow dairy operations in Georgia. Why Georgia? Because the price is right, thanks to the increases in the farm bill. Meanwhile, the Midwest is producing enough milk to satisfy the southern thirst. But Uncle Sam is paying our farmers to go out of business.

This is madness.

I urge my colleagues to support repeal of the price increases for fluid milk.

A TRIUMPH FOR DEMOCRACY IN THE PHILIPPINES

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, I rise today to speak of a triumph for democracy. The Philippines have a new President, and we have a new leader in that democracy. President Aquino has taken her place as the duly elected President of the Philippines.

So often today we see repressive governments of the right fall, only to be replaced by equally repressive governments of the left, but not in the Philippines today.

Why does this happen? Not because the insurgents storm the barricades, but because the people of the Philippines flocked to the voting booths and they made sure that the voice of their vote was not denied.

We in the United States know, Mr. Speaker, how difficult it is to sustain a democracy. We know how much courage it takes and how much vision it takes for a democracy. We know that Mrs. Aquino has proven herself once. Instead of being devastated by the cold-blooded murder of her husband, she joined hands with the wonderful people of the Philippines to return that country to the column of democracy.

So today we in this body send her our prayers, our hopes and our congratulations to President Aquino.

HOUSE CONCURRENT RESOLUTION 287, EXPRESSING SENSE OF CONGRESS NOT TO PARTICIPATE IN NEW INTERNATIONAL AGENCY, MIGA

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, last week, I circulated a letter offering an opportunity to stop a new drain on Federal funds and credit.

House Concurrent Resolution 287 expresses the sense of Congress that we should not participate in a new international agency called MIGA—the Multilateral Investment Guarantee Agency.

Now, there are bad ideas, and there are mega-bad ideas. And MIGA is a mega-bad idea. It would insure international loans against political risks like war, civil unrest and government seizure of assets. It would send our scarce Federal resources overseas when the need here at home is increasing. It would take foreign aid dollars out of congressional control and back loans that could well be contrary to our own foreign policy goals, at a time when we should be looking for ways to get a bigger bang out of every Federal buck. It would encourage international lenders to make risky loans, threatening the security of U.S. funds, credit, and investors.

Stop a mega-bad idea before it starts. Cosponsor House Concurrent Resolution 287 opposing participation in MIGA.

LET THE BELLS RING AND PEOPLE REJOICE, DEMOCRACY HAS ARRIVED IN THE PHILIPPINES

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, let the bells ring and people rejoice, democracy has arrived in the Philippines. In a world where it seems so often that power prevails over justice, in this case might did not make right. The power of the people prevailed.

The Marcos dictatorship has been deposed and an era of democracy has dawned in the Philippines.

Let us hope it is the dawn of a new era of democracy throughout the Third World so that it spreads to Chile and Korea, to Afghanistan and to Nicaragua.

Wisely, the United States has offered Mr. Marcos the Baby Doc express so he could depart with a minimum of violence. Wisely he accepted, but the United States should learn another lesson from the case of Baby Doc. A dictator does not depart without his spoils. Mr. Duvalier raided the Haitian Treasury upon his departure. If Marcos has done the same, the United States must prevent that money from being deposited in U.S. banks. At the very least, any money deposited should be credited against the debt of the Philippine nation. We must not saddle Mrs. Aquino's fledgling democracy with repaying loans stolen by a fleeing dictator.

Mr. Marcos may not have to pay for his crimes, but he must not profit from them.

SOVEREIGNTY OF STATE WATERS

(Mr. STRANG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRANG. Mr. Speaker, today I am introducing a measure which is designed to give Federal recognition to unchallenged State sovereignty over State waters by reversing the calamitous decision of Federal Judge John Kane in Sierra Club versus Block.

While on the one hand it will reverse bad law, it will on the other hand affirm for the first time in Federal law the need to protect stream flows in wilderness areas, Mr. Speaker.

While this proposal is confined to addressing the crisis in the State of Colorado, it is my hope that my colleagues will join me in forming a western water coalition to resolve this problem in all the 18 Western States in which water may be appropriated by law.

The sovereignty of western water rights are at stake, Mr. Speaker, and we should all urge the speedy enactment of this initiative.

FREEDOM AND U.S. FOREIGN POLICY

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, today, Ferdinand Marcos resigned as President of the Philippines leaving behind the embarrassment of another foreign dictator with whom we have aligned ourselves through the investment of millions of dollars in military aid. First, Haiti and now, the Philippines. The tragedy in both cases is that the United States has asserted its vaguely defined security interests over the legitimate aspirations of a people yearning for freedom.

Tomorrow President Reagan is once again calling up the spector of national security to justify an overwhelming commitment of American military aid—this time, to Central America. Even as he pulls himself from the ashes of Haiti and the Philippines, Mr. Reagan seems ever more determined to make this same ill-fated policy succeed.

The real enemy of America in the developing world is the hunger, disease, and poverty that enslaves its people and denies them opportunity for a better life. The President should understand the Communist threat in this region is merely a symptom of the far more profound disease of desperation and despair.

Mr. Speaker, one form of insanity is trying the same thing over and over again with the expectation that the next time the results will be different.

PHILIPPINE LEGITIMACY AND THE FUTURE OF MARCOS

(Mr. LEACH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEACH of Iowa. Mr. Speaker, as the crisis of Philippine legitimacy unfolds, the United States is confronted with a series of profound, and, to some degree, unique, decisions.

In his wanton theft of the financial resources of his people, Mr. Marcos lost the moral capacity to govern. In his theft of the ballot box, he has lost all stamp of legitimacy. The Marcos government, therefore, had to fall and the United States had no responsible option except to recognize the legitimacy of Mrs. Aquino's assertion of authority.

But as a favor to the Philippine people—as an insurance policy against the prospect of civil war—the United States should offer sanctuary to Mr. Marcos. This sanctuary should apply to the man, not his fortune. His life belongs to his family, but his wealth belongs to the people from whom it was taken.

The question some may ask is why offer sanctuary to Marcos and not Duvalier. The answer rests in part on the conviction that "Baby Doc's" safety could not be guaranteed in a country where over a million Haitian refugees may be inclined to retribution. But the case for differing assessments of the appropriateness of sanctuary rests on a fundamental distinction between a mass murderer and a mass burglar. Duvalier's crime is simply greater than Marcos'.

As for extradition, if requested, judgments will have to wait the legal merits of the case, the status of extradition agreements in place at the time, and the question of what commitments the executive branch may have felt compelled to make this week. Preassessments would simply be premature.

Now that the politics of the Philippines appears to have been righted, the bigger challenge of righting the economy and dealing with the Communist insurgency lies ahead. To change the Government has taken great courage; to turn the economy around and address effectively the insurgency will take great perseverance. The world community has a responsibility to help an extraordinary people address an extraordinary problem.

P.R. AND LOGIC

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, the following sentence was published on February 22, 1986, by UPI:

United Press International: Washington, DC.—President Reagan venturing to Capitol Hill, reiterated to House Republicans his strong opposition to any new tax increase, including an oil import fee, and urged support for $100 million in aid to Nicaraguan rebels.

Question: In the blood red valley of $200 billion deficits, does a person get to:

First, urge $100 million in new Federal spending;

Second, oppose any new Federal tax to pay for it; and

Third, be a "conservative?"

P.R. will allow all three. Logic will not.

CORAZON AQUINO, JOAN OF ARC OF 20TH CENTURY

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, I rise also to salute Corazon Aquino. She is the Joan of Arc of the 20th century. The transition of the Philippine Government, the peaceful transition to an honest government of the people, is a triumph that must be accredited to Corazon Aquino.

It is also a triumph for the way of nonviolent resistance and a triumph of peaceful activism. It is a reaffirmation of the wisdom of the people that says that the masses cannot be fooled only for so long. The masses will rise up and follow a courageous and honest leader.

Mrs. Aquino has resolved the question of her leadership ability. I think she has already passed all the crucial tests. She has shown that she is honest, she is courageous. She has the ability to inspire great masses. The rest is fairly easy after what she has already accomplished.

I salute the Philippine people. I salute the church leaders of the Philippines. I congratulate the military for the wisdom of their decision to go over to the side of Mrs. Aquino.

I also congratulate the administration for avoiding the blood bath which would have taken place if Ferdinand Marcos had had his way and loosened the military upon the people; but most of all, I congratulate and I salute Corazon Aquino. Corazon Aquino is responsible for this unprecedented triumph of good over evil.

AIRPORT SECURITY THREATENED BY PLASTIC WEAPONS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, recent terrorist attacks have made us all very concerned about airport security. But, the problem may be far worse than we ever imagined.

I am referring to a fast-moving trend toward plastic firearms, this very serious problem was recently brought to my attention by WNBC-TV channel 4 in New York, and the Federal Law Enforcement Officers Association. They specifically raised concerns about a relatively new Austrian-made pistol called the Glock 17, which is made mostly of hardened plastic. I have tested this weapon against metal detectors and x-ray equipment at the U.S. Capitol and found that it is easier to conceal than conventional metal firearms.

To make matters worse, I have been informed by FAA officials that at least one all plastic firearms has been developed in the United States, although it is not currently being marketed.

Responding to these very serious findings, I am introducing legislation today requiring Federal testing of all nonmetal firearms to check their detectability by airport security equipment. If a firearm fails the detection test, it would be outlawed, with certain exceptions. In addition, my bill would direct the FAA to perform the research and development activities necessary to improve their weapon detection system.

□ 1325

OUR BEST TO YOU, PRESIDENT AQUINO

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, I want to address the thousands of Filipino Americans in my congressional district, so many of whom have worked so hard for this day. They have reason to feel proud.

Rarely have we seen such a thirst, such a longing for democracy. I shall never forget the scene of Philippine

people standing in front of the Marcos tanks and guns, turning them away from violence.

Mrs. Aquino's measured, calm, yet firm reaction to the election fraud perpetrated on her people was a model for all leaders. President Reagan's reversal on this issue was wise, and we appreciate the official observer team, the gentleman from Pennsylvania [Mr. MURTHA] and others who told it like it was.

Let us work closely with the Aquino government to bring stability and prosperity to the Philippines, for when the Philippines are thriving under democracy, it will act as a beacon for the rest of the Third World.

Let us remember guns do not bring democracy—people do.

Our best to you, President Aquino.

PRESIDENT'S EDUCATION BUDGET—FISCAL YEAR 1987

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, the President often puzzles me when it comes to the programs he wishes to eliminate, but I am at a loss as to why he would destroy the Follow Through Program.

A mother, father, and child sit down to share the most special time of all, a time of learning. They are poor, disadvantaged if you will, but they want with all their hearts to do better, and an educational program is giving them just this chance. The children will learn to read and write; have a better start as they go from kindergarten through the third grade. Often their parents learn to read and write for the first time, too. There are 20,000 such families in this country the Follow Through Program is helping today, 20,000 families with a better chance.

And now the President proposes to snatch it all away. 20,000 families are to forget their dreams for a better future; 20,000 families are suddenly without this hope. Let us not turn our backs on these good people; instead, let us fight to keep their opportunities alive.

WAGE INFLATION ADJUSTMENT ACT

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, it is a sad fact that for many Americans, working full-time, year-round is no longer sufficient to pull themselves out of poverty. Today, a minimum wage worker earns a yearly salary of just $6,968. Such a worker, with two dependents, has a standard of living 19 percent below the poverty level. The effect of this is to force hardworking Americans to seek welfare to bring their families above the poverty line.

It has been 5 years since the minimum wage was last increased. In that period, its purchasing power has declined over 25 percent. As a result, the value of the minimum wage has never been lower in its 48-year history.

The Minimum Wage Inflation Adjustment Act, which I am introducing today, would increase the minimum wage from its current level of $3.35 per hour to $3.65 in January 1987 and $3.95 in January 1, 1988. By recouping over 70 percent of the wage's recent loss in purchasing power, this bill will permit mimimum wage workers to achieve a respectable standard of living.

I invite my colleagues to cosponsor this effort to make the mimimum wage what it should be: a living wage.

AMERICA'S EXAMPLE IN PHILIPPINES SHOULD BE EMULATED IN OTHER WORLD COUNTRIES

(Mr. CARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARPER. Mr. Speaker, Americans have a right to hold their heads a bit higher in the world today because of our recent actions in the Philippine Islands. We are true to our democratic principles; yet, we have not totally turned our back on an old ally. We have, however, played a critical role in causing President Marcos to yield to the popular mandate of the Philippine people.

Widespread bloodshed in that island which was viewed as inevitable just a few days ago may now not occur. Our Nation's relations with the Philippine people have not been irretrievably damaged. We can look forward to developing a solid working relationship with the new government there. We can look forward to continuing to play a major role in that part of the world.

Just as the Philippine people have earned our respect for their devotion to democracy, we too may have earned the respect, the renewed respect, of the rest of the world by the way we have conducted ourselves in the past several weeks.

I believe, Mr. Speaker, we owe it to ourselves to look at these recent historical events as an example to emulate in other parts of the world where our legitimate strategic interests are threatened in part because of our blind devotion to an ally who no longer enjoys the popular support of his or her own people.

In Haiti and now in the Philippine Islands, we have done the morally right thing, and in doing so, have ensured that our roles there are enhanced and not diminished.

SANDINISTA DISINFORMATION CAMPAIGN

(Mr. BONIOR of Michigan asked and was given permission to address the House for 1 minute.)

Mr. BONIOR of Michigan. Mr. Speaker, in the Philippines and in Haiti, we may have done the morally right thing, but we certainly are not doing it in Nicaragua or here in the United States.

Last week, CIA Director Casey appeared at a White House briefing carrying, in a brown paper wrapper, a classified report marked "Sandinista Disinformation Campaign." We were promised the document would be made public yesterday.

Well, where is it?

By failing to release the document, the administration has laid the groundwork for a campaign of vicious innuendos. The effect is to smear every American who has dared to speak out on U.S. foreign policy.

If the administration has proof of a conspiracy in this country, it should come forward. If not, the President should apologize—not just to the groups and individuals whose opposition to the war in Nicaragua is well known—but to the vast majority of the American people who want no part of secret wars, and smear campaigns.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I just want to congratulate the gentleman for his statement. It is distressing to contemplate the fact that the administration is unwilling to discuss an important national policy issue on its merits. I think the kind of statement the gentleman from Michigan makes underlines the point.

There is no substantive case to be made for taking $100 million of the American taxpayers' dollars to subsidize a war in Nicaragua that no one in this administration thinks we could win. And instead of having an argument based on the merits, we are getting from them the kind of impugning of people's motives that we had thought was long since past here.

I congratulate the gentleman for zeroing in on this.

DEPOSIT INSURANCE REFORM

(Mr. BARNARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARNARD. Mr. Speaker, today, I am introducing legislation to reform the Federal Deposit Insurance Corporation's operations.

I do not consider this bill the "be all and end all" on this subject. However, the ideas it contains should be placed on the legislating docket.

The dialog on deposit insurance has missed one major concern completely. That is the extraordinary cost to the banking industry of maintaining the FDIC.

In more normal times, one would say that its fund could not be too large. However, these are not normal times. In the tax bill we passed last year, we increased the pressure on bank earnings. Further, the regulators of banks are pushing them for more and, in many ways, expensive capital. We have sectoral problems as well with banks heavily into agriculture and energy.

My bill will not weaken the FDIC's reserves, but it will allow those reserves to be mobilized as needed bank capital to relieve some of the pressure on these financial institutions.

In 1984, banks paid $1.25 billion in insurance assessments, even accounting for a rebate which the FDIC normally pays them. This was equal to 7.5 percent of industry profits.

The FDIC earned $1.7 billion on its investments, which are mainly highly liquid Government securities. All of that money was added to the FDIC fund.

The total fund at the end of 1984 was $17.1 billion.

All of these figures will increase for 1985, even after the FDIC books losses involved with the Continental Bank reorganization, the largest salvage operation it has ever undertaken.

All of the cost of the FDIC, including operating expenses, the cost of examinations, and insurance losses are paid for by the banking industry by means of annual insurance assessments. The FDIC is a federally managed but industry funded self-insurance program. No tax dollars are spent or appropriated to fund the FDIC, and neither FDIC income or expenditures actually affect the deficit although for reasons which are probably unsound, the FDIC is subject to Gramm-Rudman.

After paying all of its expenses out of the annual assessment, the FDIC rebates about 60 percent of the remainder of the assessment to the banks and adds the balance to the trust fund. This percentage, however, is variable at the FDIC's discretion. As noted, the fund is invested, primarily in U.S. Treasury obligations. In 1984, the FDIC had total investment income of $1.7 billion. None of the investment income is ever used to meet expenses. It simply accumulates.

The time has come to take a fresh look at the economics of this arrangement. To repeat, this is particularly true in light of the current dialog on deposit insurance reform. Many proposals that have been made are designed to reduce risk to the deposit insurance fund, and therefore protect the fund from losses.

If banks are protecting the deposit insurance fund by absorbing risk themselves, why should they also pay current levels of deposit insurance premiums?

At a time when the banking industry is striving to boost its capital, it makes little sense to drain over $1.25 billion from the banking system to finance the FDIC. After all, those premium assessments come out of bank profits, and profits are the first line of defense against loan losses.

Here are two suggestions for ways to reduce the cost of FDIC insurance for the banking industry.

First, FDIC should be authorized to use its investment income to meet its operational and insurance expenses. There is no logical reason why all FDIC expenses should be paid out of the annual assessment income when FDIC has a very large alternative source of funding.

Investment income has exceeded FDIC expenses in every single year since the Corporation began operations 51 years ago. If investment income were used to meet expenses, then the entire annual premium assessment would be subject to the rebate formula.

If this change had been in effect in 1984, in a year when the FDIC incurred alltime record expenses, the trust fund would "only" have grown $1 billion, rather than the $1.7 billion that was actually added to the kitty. The insurance fund has grown every year of its existence. It has grown by well over $1 billion annually since 1980, despite the recent spate of bank failures.

This single change would have increased banking industry profits by $700 million, or 5 percent in 1984. Of course, that income would be taxable domestic income, so the Treasury would benefit substantially.

The second proposal for reducing the cost of the FDIC involves a new treatment of the annual assessment income that is retained by FDIC after paying the bank rebate. At present, that money is added to the FDIC trust fund and invested in U.S. securities. While this strengthens the fund by increasing its size, it weakens the banks by reducing earnings.

A better way to handle the retained assessment is for the FDIC to invest it in a new financial instrument which would be issued by banks called a Federal deposit insurance capital note. The funds would be counted as part of each bank's primary capital, while the capital notes would be counted as part of the FDIC trust fund. In this way, the banking industry would be able to use the money as part of its capital, while the FDIC would retain ownership of the funds.

Under this concept, the annual assessment would continue to be paid to the FDIC. The FDIC would determine what percentage, if any, of the assessment is actually needed to meet expenses and would then calculate the rebate using the present formula. The retained assessment would then be invested in Federal deposit notes issued by each bank. The FDIC would retain legal ownership of the funds. However, the funds would be on virtually permanent investment in the banks, and thus would qualify as capital. The banks would not pay interest or dividends to the FDIC on the capital notes.

The banks would be required to invest the funds obtained in U.S. Government securities, which would provide them with a steady stream of income. Over time, that flow of income would become very large and would form the first line of defense against any losses, thus making the banks safer and sounder and insulating the insurance fund from risk. In addition, since the money counts as capital, banks could support other leveraged investments with the additional capital and further boost earnings.

The FDIC would continue to hold its present fund, and would function exactly as it does today. The trust fund would continue to grow by adding surplus investment income to the trust fund. It would also grow because the Federal deposit insurance capital notes would be considered part of the trust fund.

In the unlikely event that the FDIC should ever exhaust its $17 billion trust fund, it could call the notes, pro rata among all banks. Should such a call occur, banks would handle it in exactly the way they handle a call on their bad debt reserve today. The bad debt reserve is part of primary capital, and when banks incur a loss they deduct it from their bad debt reserve. Since a call would be spread pro rata among all banks, the amount of such a call would be small for any one bank.

There is a precedent of sorts for this concept. In the credit union industry, advances from credit unions to the insurance fund are carried as assets on credit union books. The credit unions may earn interest on these advances, depending upon the condition of the fund. This procedure was implemented in 1984.

□ 1335

POLAND INCORRECTLY IDENTIFIED BY GAO AS NAZI ALLY

The SPEAKER pro tempore (Mr. CARPER). Under a previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 5 minutes.

Mr. FISH. Mr. Speaker, recently, my colleague, the Honorable PETER W. RODINO, JR., of New Jersey, brought to the attention of the House an error made by the General Accounting Office in identifying Poland as a Nazi ally in a report issued June 28, 1985, by the

Comptroller General entitled, "Nazis and Axis Collaborators Were Used to Further U.S. Anti-Communist Objectives in Europe—Some Immigrated to the United States."

Mr. RODINO also noted that the GAO had corrected its error and apologized for any offense felt by our citizens and immigrants of Polish ancestry.

I wish to thank Chairman RODINO for helping to correct the error and I join him in stressing the heroic efforts of the Polish people and the Free Polish Government in resisting the Nazis. The contributions of the Polish people are well documented and played a crucial role in defeating the Nazis.

I sincerely hope that by publicly noting the GAO's error and its subsequent correction, justifiable offense felt by our citizens and immigrants of Polish ancestry will be atoned.

RAY J. MADDEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 5 minutes.

Mr. MOAKLEY. Mr. Speaker, I wish to commend my colleagues from Indiana [Messrs. HAMILTON and VISCLOSKY] for affording Members an opportunity to reflect on the career of our esteemed friend and retired colleague, Ray Madden.

Mr. Speaker, I will always count it my great fortune having been elected to the Committee on Rules during Ray's chairmanship of that committee. He was a loyal friend and an able chairman, and I learned a great deal from my service with him.

After his Navy service in World War II, Ray practiced law and served his community in the city of Gary as comptroller and Lake County as treasurer, until his election to Congress in 1942. He was selected to serve on the House Rules Committee in 1949, and served on the committee until becoming its chairman from 1973 until he left Congress in 1977.

The evolution of the Rules Committee from the "graveyard of legislation," that it was termed under the chairmanship of Judge Horward Smith of Virginia, into the arm of the leadership that it has become today was a gradual process. But, if a date had to be fixed for the long-delayed entry of the committee into the 20th century, it would certainly be marked by the elevation of Ray Madden to the chairmanship in 1973.

Ray transformed the committee into a more collegial body. His immediate predecessors had placed their stamp on the committee's policy decisions with arbitrary use of their prerogatives. Ray Madden relied more on his ability to persuade his colleagues on the committee, by debate and by diligent efforts to accommodate their concerns whenever possible.

He came to Congress with a burning zeal to advance the needs of the working men and women who were the backbone of his district, and to use Government to help those who suffered in poverty, in illness, and in old age. And, during the 34 years he served in this House, the fire of that zeal never lessened.

From Ray Madden I learned that the House Rules Committee can be a great force for helping Congress to get on with the Nation's work in a manner that is both efficient and fair. I am grateful to him for that lesson and for his friendship.

CONGRESS NEEDS TO TAKE STRONGER ACTION TO PREVENT TOBACCO-RELATED DEATHS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, I will not pretend that the House Chamber is full of people. In fact, there are just a few people in the House Chamber presently. I want to take this special order time to speak about tobacco use in America.

Last week, I saw a startling advertisement on TV. In the ad, Yul Brynner introduced himself as the "late" Yul Brynner and identified smoking as the cause of the cancer which recently killed him. He said: "I've always wanted to make an advertisement, and so I am, but I'm no longer around because I have passed away. The message I want to leave with you is don't smoke. Whatever, you do, don't smoke."

Tobacco killed Yul Brynner, and it is the No. 1 killer in America today. Every year tobacco is the major cause of death for 350,000 Americans—that's almost 1,000 American lives every day. Because those 1,000 deaths are spread across the country in hospitals large and small, they don't receive the publicity due them.

But what would this Congress and the American people do if those deaths occurred all at once and in the same place? What would we do, for example, if every day of the year, three fully loaded jumbo jets crashed in the United States, killing all aboard? Better yet, what would the American people do if they discovered that this Congress was spending millions of dollars to subsidize the faulty construction of the very kind of jumbo jets that were going down every day?

Well, I can assure you, they would raise heck with the Congress and the Federal Aviation Administration. The national outcry to take constructive steps would be deafening and Congress would have no alternative but to take drastic action. But in the case of tobacco, it seems like Americans are extremely limited in the measures we take to curb tobacco use. I often ask myself why that is so?

In other areas, we have passed strict laws and spent billions of dollars to protect our citizens, and yet tobacco is left largely untouched. For example, during the last 20 years, Congress has spent billions to protect our citizens from cancer-causing agents in our food, water, and air, and just a few years ago, we embarked on a massive nationwide campaign to reduce the yearly 20,000 drunk-driving deaths in America.

The social and economic costs of drunk driving and pollution are great, but certainly not as great as the costs of tobacco. It is estimated that the total direct health care costs associated with smoking are in excess of $16 billion annually. Indirect losses due to smoking for lost productivity and lost earnings from disability and premature death are estimated at $37 billion annually.

The EPA recently proposed a plan to eliminate asbestos which is thought to cause cancer. EPA officials said the ban would cost $2 billion, but would eliminate 1,900 cancer deaths over the next 15 years. That comes out to about $1 million per life saved. It just doesn't make sense. The Federal Government spends billions to protect our citizens from asbestos, which may kill about 126 Americans a year, yet it spends millions to subsidize the growth of tobacco, a substance which kills about 350,000 Americans yearly.

Government has taken some steps to discourage tobacco use. It has banned cigarette advertising on TV and radio, but it can do much more. In the upcoming weeks, I plan to address issues such as the electronic advertisement of cigars and smokeless tobacco, the printed advertising of tobacco in general and the Federal Tobacco Subsidy Program.

It's time we did more to solve our tobacco problems. It's time to declare that all human use of tobacco is dangerous and that tobacco is an addictive drug. In fact, Dr. William Pollin, the Director of the National Institute of Drug Abuse, says that tobacco is the most lethal and the most addictive of all drugs. He says that tobacco use may be as much as eight times deadlier than excessive use of alcohol and far more resistant to successful treatment than heroin addiction.

In August of 1945, the United States dropped an atomic bomb on Hiroshima killing 340,000, about the number of Americans killed every year by tobacco in the United States. Like the gray mushroom cloud which hung over Hiroshima 40 years ago, a blue pale of tobacco smoke hangs over America today and, the death toll rolls on—1,000 Americans today, 1,000 tomorrow.

Mr. Speaker, it is time for this Nation and this Congress to take stronger measures to prevent these tobacco-related deaths.

The SPEAKER pro tempore. The Chair would respectfully request the gentleman to revise his comments, and delete all references to the TV audience.

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, deleting all comments as specified by the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GROTBERG (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

Mr. ENGLISH (at the request of Mr. WRIGHT), for February 25 through 27, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HANSEN) to revise and extend their remarks and include extraneous material:)

Mr. FISH, for 5 minutes, February 25.

Mr. CRAIG, for 60 minutes, March 5.

Mr. BATEMAN, for 30 minutes, February 27.

Mr. HANSEN, for 5 minutes, February 25.

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. MOAKLEY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. WEISS, for 5 minutes, today.

Mr. CROCKETT, for 20 minutes, today.

Mr. GONZALEZ, for 60 minutes, February 26.

Mr. GONZALEZ, for 60 minutes, February 27.

Mr. ANNUNZIO, for 60 minutes, March 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MCCURDY, prior to the vote on H.R. 4130, VA home loan guarantee, today.

(The following Members (at the request of Mr. HANSEN) and to include extraneous matter:)

Mr. GILMAN.

Mr. DORNAN of California in 11 instances.

Ms. SNOWE.

Mr. KEMP in three instances.

Mr. CARNEY.

Mr. WEBER.

Ms. FIEDLER.

(The following Members (at the request of Mr. FRANK) and to include extraneous matter:)

Mr. GRAY of Pennsylvania.

Mr. ST GERMAIN.

Mr. FUQUA in two instances.

Mr. DYSON in three instances.

Mr. BOLAND.

Mr. SOLARZ.

Mr. MAZZOLI.

Mr. PEPPER.

Mr. KASTENMEIER.

Mr. RANGEL.

Mrs. BOXER in two instances.

Mr. LAFALCE.

Mr. MORRISON of Connecticut.

Mr. DOWNEY of New York.

Mr. STOKES.

ADJOURNMENT

Mr. FRANK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 43 minutes p.m.) under its previous order, the House adjourned until Wednesday, February 26, 1986, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2831. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the message from the President proposing the deferral of budget authority, pursuant to 2 U.S.C. 685 (H. Doc. No. 99-168); to the Committee on Appropriations and ordered to be printed.

2832. A letter from the Secretary of Health and Human Services, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2833. A letter from the Acting Administrator, Veterans' Administration, transmitting notice of a change of Veterans' Administration records entitled "Personnel and Accounting Pay System—VA," pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2834. A letter from the Secretary of Transportation, transmitting a draft bill to amend section 1303 of the Merchant Marine Act, 1936, to annually permit six additional Panamanian nationals to receive instruction at the U.S. Merchant Marine Academy; to the Committee on Merchant Marine and Fisheries.

2835. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on the South Quincy Drainage and Levee District, IL, in partial response to a resolution adopted October 11, 1969, by the Committee on Public Works of the U.S. House of Representatives, (H. Doc. No. 99-167); to the Committee on Public Works and Transportation and ordered to be printed.

2836. A communication from the President of the United States, transmitting a report of efforts to promote a negotiated settlement in Nicaragua, pursuant to Public Law 99-83, section 722(j) (99 Stat. 255) and Public Law 99-88, chapter V, section 104 (99 Stat. 326); jointly, to the Committees on Appropriations, Foreign Affairs, and the Permanent Select Committee on Intelligence.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. House Joint Resolution 17. Resolution to consent to an amendment enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; with an amendment (Rept. 99-473). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AUCOIN (for himself and Mr. BONKER):

H.R. 4221. A bill to establish the Columbia Gorge National Scenic Area, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. BIAGGI:

H.R. 4222. A bill to preserve the historic values of Ellis Island; to the Committee on Interior and Insular Affairs.

H.R. 4223. A bill to amend chapter 44 of title 18, United States Code, to prohibit sale, delivery, and importation of certain nonmetal firearms and to require the Administrator of the Federal Aviation Administration to conduct research to improve effectiveness of airport security devices with respect to detection of nonmetal firearms; jointly, to the Committees on the Judiciary and Public Works and Transportation.

By Mr. FAZIO (for himself, Mr. BOSCO, Mrs. BOXER, Mr. CHAPPIE, Mr. COELHO, Mr. DIXON, Mr. EDWARDS of California, Mr. LEHMAN of California, Mr. LEWIS of California, Mr. MATSUI, Mr. MINETA, and Mr. PANETTA):

H.R. 4224. A bill making supplemental appropriations to increase amounts available under certain Federal disaster and emergency programs; to the Committee on Appropriations.

By Mr. BARNARD:

H.R. 4225. A bill entitled: "The Federal Deposit Insurance Modernization Act of 1986"; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FAZIO (for himself, Mr. PANETTA, Mr. AUCOIN, Mr. RICHARDSON, Mr. PENNY, Mr. LAFALCE, and Mr. HAMILTON):

H.R. 4226. A bill to call for a multilateral conference to seek a new flexible exchange rate structure, to foster private sector development in less developed countries, to reform the trade laws, to enhance the competitiveness of American industry, to assist firms and workers dislocated by foreign trade, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs; Ways and Means; Foreign Affairs; the Judiciary; Energy and Commerce; Science and Technology; and Education and Labor.

By Mr. KLECZKA (for himself, Mr. FRANK, Mr. OBEY, Mr. SAVAGE, Mr. SCHUMER, and Mr. SEIBERLING):

H.R. 4227. A bill to amend the Fair Labor Standards Act of 1938 to increase the mini-

mum wage; to the Committee on Education and Labor.

By Mr. LEWIS of Florida:

H.R. 4228. A bill to amend title 5, United States Code, to provide that the civil service retirement and disability fund be excluded from the budget of the U.S. Government; jointly, to the Committees on Post Office and Civil Service and Government Operations.

By Ms. MIKULSKI:

H.R. 4229. A bill to ensure adequate civilian personnel for certain Coast Guard facilities, to limit Coast Guard contracting of core logistics functions, and to require construction of Coast Guard vessels in U.S. shipyards; to the Committee on Merchant Marine and Fisheries.

By Mr. MOLINARI:

H.R. 4230. A bill to amend the Federal Aviation Act of 1958 to increase civil penalties for aviation safety violations; to the Committee on Public Works and Transportation.

By Mr. NELSON of Florida (for himself, Mr. FUQUA, and Mr. WALKER):

H.R. 4231. A bill to provide that the Administrator of the National Aeronautics and Space Administration may accept gifts and donations for construction of a space shuttle orbiter, and that such orbiter shall be named *Challenger II*; to the Committee on Science and Technology.

By Mr. PETRI (for himself and Mr. CRAIG):

H.R. 4232. A bill to repeal the minimum adjustments to prices of fluid milk under marketing orders; to the Committee on Agriculture.

By Mr. STRANG (for himself and Mr. CRAIG):

H.R. 4233. A bill to provide a process for the Federal Government to seek minimum instream flows of streams in Colorado wilderness areas, and for other purposes; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 239: Mr. DREIER of California.

H.R. 555: Mr. DANNEMEYER and Mr. SAXTON.

H.R. 945: Mr. ANDREWS.

H.R. 1140: Mr. LELAND, Mr. EDWARDS of California, Mr. FEIGHAN, Mr. DE LUGO, Mr. BEDELL, and Mr. CROCKETT.

H.R. 1607: Mr. LELAND and Mr. SAVAGE.

H.R. 1809: Mr. MCCOLLUM.

H.R. 1926: Mr. KILDEE.

H.R. 2157: Mr. NIELSON of Utah.

H.R. 2295: Mr. HOYER.

H.R. 2320: Mr. KASTENMEIER.

H.R. 2700: Ms. MIKULSKI and Mr. BILIRAKIS.

H.R. 2701: Mr. BILIRAKIS.

H.R. 2897: Mr. HARTNETT.

H.R. 2943: Mr. FLIPPO, Mr. FROST, Mr. MURTHA, Mr. MARLENEE, Mr. BEVILL, Mr. NATCHER, Mrs. COLLINS, Mr. BIAGGI, Mr. BOULTER, Mr. WIRTH, and Mr. SUNDQUIST.

H.R. 3263: Mr. BARNES.

H.R. 3298: Mr. BARTON of Texas, Mr. LAGOMARSINO, and Mr. CLINGER.

H.R. 3465: Mr. MCKINNEY, Mrs. COLLINS, Mr. RICHARDSON, Mr. BORSKI, Mr. LEHMAN of Florida, Mr. COELHO, and Mr. EVANS of Illinois.

H.R. 3521: Mr. QUILLEN, Mr. MADIGAN, Mr. ROSE, Mr. MCEWEN, Mr. LENT, Mr. MURPHY, Mr. COLEMAN of Texas, Mr. ROBINSON, Mr. AUCOIN, Mr. MCCLOSKEY, and Mr. MONSON.

H.R. 3615: Mr. GROTBERG.

H.R. 3688: Mr. DORNAN of California, Mr. BRYANT, and Mr. BARTON of Texas.

H.R. 3808: Mr. MATSUI, Mr. ROE, Ms. KAPTUR, Mr. LUNDINE, Mr. MOODY, Ms. MIKULSKI, Mr. TORRES, and Mr. RANGEL.

H.R. 3845: Mr. WIRTH, Mr. DELLUMS, and Mr. ROBINSON.

H.R. 3876: Mr. FRANK, Mr. DYSON, Mr. DREIER of California, Mr. DE LUGO, and Mr. RANGEL.

H.R. 3894: Mr. KOSTMAYER, Mr. LUNDINE, Mr. SWIFT, Mr. MOAKLEY, Mr. CLAY, Mr. MCCLOSKEY, Mr. KOLTER, Mr. GARCIA, Mr. EDGAR, Mr. KILDEE, Mr. STALLINGS, Mrs. BOXER, Mr. DYMALLY, Mr. MOODY, Mr. WILLIAMS, Mr. HEFTEL of Hawaii, and Mr. CHANDLER.

H.R. 4003: Mr. JACOBS.

H.R. 4012: Mr. HAYES, Mr. DE LUGO, and Mr. RANGEL.

H.R. 4033: Mr. GARCIA and Mr. RANGEL.

H.R. 4067: Mr. GRAY of Illinois, Mr. TRAFICANT, Mr. LAGOMARSINO, Mr. WORTLEY, Mr. MARTINEZ, Mr. YOUNG of Missouri, Mr. TRAXLER, Mr. ECKART of Ohio, Mr. OLIN, and Mr. HENRY.

H.R. 4073: Mr. KINDNESS.

H.R. 4103: Mr. GARCIA.

H.R. 4104: Mr. GARCIA.

H.R. 4169: Mr. CLAY, Mr. KANJORSKI, Mr. FRANK, Mr. MOODY, Mr. STOKES, Mr. GONZALEZ, Mr. ADDABBO, Mr. EVANS of Illinois, Mr. FUSTER, Mr. DE LUGO, Mr. HAYES, Mrs. COLLINS, and Mr. ACKERMAN.

H.R. 4188: Mr. STANGELAND, Mr. SCHUETTE, Mr. PENNY, Mr. BEDELL, Mr. SWIFT, Mr. KASTENMEIER, and Mr. MCDADE.

H.J. Res. 91: Mr. PETRI, Mr. SMITH of New Hampshire, and Mr. PACKARD.

H.J. Res. 94: Mr. MOLINARI and Mr. PACKARD.

H.J. Res. 244: Mrs. BURTON of California, Mr. KEMP, Mr. ACKERMAN, Mr. CLAY, Mr. MCKERNAN, and Mr. YOUNG of Missouri.

H.J. Res. 266: Mr. SHAW, Mr. LELAND, Mr. PEPPER, Mr. LUNDINE, Mr. WOLF, Mr. SNYDER, Mr. WYLIE, Mr. STUMP, Mr. AKAKA, Mrs. BENTLEY, Mr. CALLAHAN, Mr. COELHO, Mr. DANIEL, and Mr. DARDEN.

H.J. Res. 435: Mr. BRYANT, Mr. HOYER, Mr. MARTINEZ, Mr. MRAZEK, and Mr. DE LUGO.

H.J. Res. 438: Mr. AKAKA, Mr. ANDERSON, Mr. BADHAM, Mr. BARNES, Mr. BATEMAN, Mr. BLAZ, Mr. BLILEY, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CARPER, Mr. COELHO, Mr. CONTE, Mr. COURTER, Mr. DANNEMEYER, Mr. DASCHLE, Mr. DOWDY of Mississippi, Mr. FISH, Mr. FROST, Mr. HATCHER, Mr. HOWARD, Mr. HUNTER, Mr. KEMP, Mr. KINDNESS, Mr. KOSTMAYER, Mr. LELAND, Mr. LEVINE of California, Mr. LEWIS of California, Mrs. LLOYD, Mr. LUNDINE, Mr. MADIGAN, Mr. MARTINEZ, Mr. PASHAYAN, Mr. SCHAEFER, Mr. SHUMWAY, Mr. SMITH of Florida, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VENTO, Mr. WATKINS, Mr. WILSON, Mr. WYLIE, and Mr. YOUNG of Alaska.

H.J. Res. 470: Mr. STRANG, Mr. CHANDLER, Ms. KAPTUR, Ms. MIKULSKI, Mr. TRAXLER, Mr. DE LA GARZA, Mr. VALENTINE, Mr. WORTLEY, Mr. JEFFORDS, Mr. STALLINGS, Mr. HEFTEL of Hawaii, Mr. CONYERS, Mr. DIXON, Mr. TAUZIN, Mr. WYDEN, Mr. STENHOLM, Mr. WALGREN, Mr. MARTINEZ, Mr. BATES, Mr. DARDEN, Mr. FRANK, Mr. CLAY, Mr. OWENS, Mr. O'BRIEN, Mr. NATCHER, Mr. HANSEN, Mr. GRAY of Illinois, Mr. KASICH, Mr. MCCLOSKEY, Mr. MCHUGH, Mr. MILLER of Washington, Mr. MOAKLEY, Mr. MOODY, Mr. MOORE, Mr. MURPHY, Mr. FAUNTROY, Mr. MARKEY, Mr. KILDEE, and Mr. HOYER.

H.J. Res. 504: Mr. ANDERSON, Mr. BROWN of California, Mr. CHANDLER, Mr. DANIEL, Mr. EVANS of Illinois, Mr. HENRY, Mr. LEHMAN of California, Mrs. LONG, Mr. MCGRATH, Mr. MARTINEZ, Mr. NICHOLS, Mr. STRANG, and Mr. OLIN.

H.J. Res. 521: Mr. BORSKI, Mr. STRATTON, Mrs. BURTON of California, and Ms. SNOWE.

H.J. Res. 522: Mr. WATKINS, Mr. MCCOLLUM, Mr. KILDEE, Mr. MOLLOHAN, Mrs. BURTON of California, Mr. SWIFT, Mr. LUNDINE, and Mr. DE LUGO.

H.J. Res. 528: Mr. ACKERMAN, Mr. BEVILL, Mr. CLINGER, Mrs. COLLINS, Mr. DURBIN, Mr. FRANK, Mr. HEFNER, Mr. JEFFORDS, Mr. KANJORSKI, Mr. KINDNESS, Mr. KOLTER, Mr. MARTIN of New York, Mr. MAZZOLI, Mr. REID, Mr. RIDGE, Mr. SAXTON, Mr. STOKES, Mr. SWIFT, Mr. WOLPE, Mr. WORTLEY, and Mr. YATRON.

H. Con. Res. 36: Mr. TAUKE, Mr. MCKINNEY, Mr. YATES, Mr. BARNES, Mr. PENNY, Mr. LEACH of Iowa, and Mr. MARKEY.

H. Con. Res. 233: Mr. OWENS, Mr. UDALL, Mr. FEIGHAN, Mr. GEJDENSON, Mr. MORRISON of Connecticut, Mr. FAZIO, Mr. DIXON, Mr. MATSUI, Mr. WEISS, Mr. LEVIN of Michigan, Mrs. BURTON of California, Mr. WOLPE, Mr. MARTINEZ, Mr. JACOBS, Mr. STUDDS, Ms. KAPTUR, Mr. MINETA, Mr. RANGEL, and Mr. LEVINE of California.

H. Con. Res. 271: Mr. MINETA.

H. Con. Res. 278: Mr. BOLAND, Mr. ADDABBO, Mr. AKAKA, Mr. REID, Mr. RICHARDSON, Mr. SKEEN, Mr. SMITH of Iowa, Mr. CHANDLER, Mr. SCHEUER, Mr. WEISS, Mr. CALLAHAN, Mr. HATCHER, Mr. HAYES, Mr. HAMMERSCHMIDT, Mr. LEVIN of Michigan, Mr. ERDREICH, Mr. MANTON, Mr. BREAUX, Mr. STUDDS, Mr. TALLON, Mr. OLIN, Mr. LOTT, Mr. FEIGHAN, Mr. FRANKLIN, Ms. SNOWE, Mr. SHELBY, Mr. DAUB, Mr. COLEMAN of Texas, Mr. DICKS, Mr. ST GERMAIN, Mr. VALENTINE, Mr. MCKINNEY, and Mr. WYDEN.

H. Con. Res. 287: Mr. ANNUNZIO, Mr. COBEY, Mr. DORNAN of California, Mr. GOODLING, Mr. JACOBS, and Mr. KINDNESS.

H. Res. 173: Mr. NEAL, Mr. KOLTER, Mr. MATSUI, Mr. EVANS of Illinois, Mr. FISH, Mr. LEVIN of Michigan, Mr. MITCHELL, Mr. SEIBERLING, Mr. RANGEL, Mr. CLAY, Mr. WEISS, Mr. GILMAN, Mr. MRAZEK, and Mr. BEDELL.

PETITIONS, ETC.

Under clause 1 of rule XXII,

277. The Speaker presented a petition of Lithuanian American Council, Brockton, MA, relative to Lithuanian independence; which was referred to the Committee on Foreign Affairs.

SENATE—*Tuesday, February 25, 1986*

(Legislative day of Monday, February 24, 1986)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father God, thank You for the big, wonderful family that is the U.S. Senate. Help us never to forget or ignore our interdependence. We need each other whether we are Senators or maintenance people, Senate staffs or food service people, Senate officials or elevator and subway operators. We are all in this together: security, pages, receptionists, clerks, secretaries, reporters—whether we work in the Chamber or outside—we are all part of the action. Help us, Gracious Father, to love one another, serve one another, defer to one another, protect one another, so that whatever part we play, the decisions made in the Senate will accrue to the blessings and benefit of all the people. We ask this in His name for Whom to rule was to serve, to wield power was to love. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

Mr. COHEN. I thank the Chair.

Mr. President, Senator DOLE has been called away to a speech. This is not part of a rebellion taking place over here on the Republican side. There was no coup in operation now.

But I wish to take this opportunity to tell my colleagues what the schedule will be for today.

SCHEDULE

Mr. COHEN. Mr. President, the two leaders under the standing order will have 10 minutes each. There will be special orders not to exceed 15 minutes each for Senator PROXMIRE and Senator SIMON.

There will be routine morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for not more than 5 minutes each.

The Senate will stand in recess between the hours of 12 noon and 2 p.m. for the weekly party caucuses.

At 2 p.m., the Senate will resume consideration of Senate Resolution 28, television in the Senate.

Rollcall votes could occur during the session today.

The Senate may also turn to any other legislative or executive items which have been cleared for action.

Mr. President, I reserve any time and yield to the acting minority leader.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER (Mr. PRESSLER). Under the previous order, the minority leader is recognized.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the minority leader be reserved for his use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

CBO'S SMOKE AND MIRRORS DEFICIT REDUCTION

Mr. PROXMIRE. Mr. President, the Congressional Budget Office has drastically revised its estimate of the deficits the country will face in 1990 if we pursue the Federal Government's present spending and taxing policies. Last August the Congressional Budget Office forecast that if we follow such a status quo policy the deficit in 1990 would be a massive $285 billion. Now the CBO says: "not so." Without any further action after March 1 of this year the deficits will be far less. In fact, CBO now forecasts a baseline deficit in 1990 of $120 billion. That is a whopping $165 billion reduction. That means Congress could bring the deficit as a percentage of the gross national product down close to 2 percent compared to its present level in excess of 5 percent. The news gets even better when we take the national debt into account. The CBO tells us that by staying with current policies—no further sequestration after March 1 of this year. By staying with current policies, the national debt will actually be a smaller proportion of the gross national product in 1990 than it is right now.

We make this great progress by doing nothing more than standing still. Congress does not balance the budget by 1991, but it makes a respectable reduction by cutting the deficit in half by 1990. So what is the catch? Here is what is wrong. First, the basic CBO assumption counts on no real increase in military spending for the next 4 years—through 1990. By 1990 that would cut defense spending by $96 billion below the defense spending figure CBO had estimated last August for 1990. CBO also estimates a far more modest reduction of $22 billion in baseline spending for all domestic spending by 1990. CBO forecasts that other spending will increase net over their estimates of last August by $4 billion. Because of the big net reduction in spending that would take place over the years between the present and 1990, the national debt, according to present estimates of the CBO would be lower in 1990 than CBO estimated last August. Interest rates would also be a little lower. Result: A handsome $51 billion reduction in interest cost on the national debt in 1990.

So that is the way CBO accomplishes its hocus-pocus magic and presto the 1990 fatso deficit that had weighed in last August at a revolting $285 billion, dwindles down to a perfect bikini size $120 billion. It sounds like a neat trick, like one of those reducing diets that shows a grossly fat man who has dieted down to his school boy figure without exercise and while eating three delicious meals a day. And that, Mr. President, is just about what CBO does to provide such a dramatic effect on the budget. This CBO projection has about the same chance of working as the kind of come-on diets that promise all your fat off with no real pain.

So what is wrong with it? The crucial error is in the defense estimates. To secure the reduction in defense spending next year, that is in 1987 alone, budget authority for defense would have to come down by a whopping $49 billion below the President's request. Will Congress make that kind of reduction? It may be that Congress can so design such a reduction in defense appropriations. Why not? Congress controls the purse. But the President and the Defense Department have literally hundreds of billions of dollars of unexpended balances. Tens of billions of these balances appropriated in previous years have not been allocated. If Congress should limit ap-

propriations, that is budget authority in 1987, to the same real level in dollar terms that it provided in 1986, could the Defense Department, if it desired, be able to spend the full amount the President had requested by simply drawing down unexpended and readily available balances? It could, indeed. Eventually, perhaps by 1990 the limitation of Senate budget authority would begin to bite but meanwhile defense spending would continue at a high level close to the President's request. In that event the centerpiece of the CBO estimate would collapse. Interest would decline far less than the $51 billion in the latest CBO estimate. And the deficit would stay at best in the $200 billion range.

Furthermore the CBO estimate relies on the rosiest kind of economic assumptions. They estimate continued economic growth for 5 more years at an average level of 3.5 percent accompanied by continued low interest rates and low inflation. That would mean no recession for 8 years and very substantial—in fact, vigorous—growth. The odds against that are at least 5 to 1. Could the American economy deliver that kind of growth without major increases in interest rates and inflation? The odds against that are 10 to 1 or more. In combination, the odds against CBO's glowingly optimistic estimates coming to pass are 50 to 1. That is a sucker bet.

WISCONSIN HIGH SCHOOL STUDENTS NO. 1 IN ACT SCORES

Mr. PROXMIRE. Mr. President, the State of Wisconsin is No. 1 in the just-released record of high school students as measured by the most recent American College Testing Program scores, the ACT scores. Frankly, Mr. President, I cannot think of a better distinction for any State. Wisconsin does not have the climate of our beautiful Southern States. We do not have the wealth of New York or Connecticut. We do not have the rich energy resources of Texas, Louisiana, and Oklahoma. But we do have the most important resource of all. We have people who enjoy working and working hard. We have teachers and parents, as well as students, who take deep pride in excellence in education.

There is no State that does as much with what the good Lord has given us as Wisconsin. Our teachers, our parents, and our students deserve great credit for achieving this No. 1 status of all the 50 States. It makes this Senator proud to represent Wisconsin in the U.S. Senate.

HOW SIGNIFICANT IS SOVIET CHEATING ON NUKE TREATIES?

Mr. PROXMIRE. Mr. President, if there is any problem as critical to our survival as arms control, I challenge any Senator to find it. Arms control goes right to heart of human survival on this planet. Here's why: If the United States and the Soviet Union can find a way to limit the arms race, we can avoid the supreme catastrophe of nuclear war. What is the central key to nuclear peace? It is the negotiation of verifiable, reliable arms control treaties that will win compliance from both sides. Compliance is essential. If the United States complies with an arms control treaty and the Soviet Union does not, that treaty become a foolish act of unilateral disarmament for the United States.

So what do we need to assure that compliance? First we need to agree to treaties that are sufficiently unambiguous and that are subject to effective verification so that neither side can engage in militarily significant violations without the knowledge of the other part to the treaty. Second, when either superpower has grounds to suspect a violation, rather than simply wringing its hands in public with wild charges against the other side, it should go to the Standing Consultative Commission promptly and press for a full explanation. Third, if the President is satisfied that the Soviet Union has violated an arms control treaty in a militarily significant way, after exhausting our recourse to the Standing Consultative Commission he should inform the Soviet Union that unless they promptly desist in their violation, this country will renounce the treaty.

Compliance with arms control treaties is essential to world peace. In recent months, the country has been swamped with allegations that the Soviet Union has violated these treaties. The New York Times reported on January 9 that the Defense Department "has asserted that the Soviet Union has a 'policy of treaty violation.'" A number of Members of the Congress have made similar charges. Other Members of the Congress including this Senator have challenged these charges. The administration itself is more clearly and sharply divided on this issue than any big issue that confronts this country. So how about it? Who is right? Have the Soviets frequently and willfully violated the nuclear arms control treaties?

Mr. President, on January 10, the New York Times carried an article by Michael Gordon that reports testimony given almost a year ago in an executive session of the Senate Armed Services Committee. Allegations of Soviet treaty violations have not changed significantly since that time. In fact, most of the serious allegations of Soviet arms cheating by the administration go back before the testimony. That testimony of February 1985 was delivered by Lt. Gen. John T. Chain, Jr. Chain was then Director of the Bureau of Politico-Military Affairs in the State Department. He is now chief of staff for the NATO commander. This testimony has since been published in an unclassified form.

General Chain told the committee that the Soviet Union had kept most of its treaty commitments although there had been some violations. He said: "If you take the body of the treaties in a macrosense, they—meaning the Soviet Union—have complied with the large majority of the treaties." General Chain also contended that the Soviet Union might be better prepared to move ahead if the treaties were scrapped. His reasoning made sense. He argued the Soviet Union could move ahead more swiftly because the Soviet Union does not need public support to increase its arms buildup. And, Mr. President, that was before Gramm-Rudman had tightly insulated the U.S. restraint against pouring more resources into the arms race. Assistant Secretary of Defense Richard Perle vigorously disagree with General Chain in that testimony. Perle supported the Weinberger view that Soviet treaty violations are a way of life for the Soviet Union and that the treaties in effect exert no significant restraint over the U.S.S.R.

Mr. President, it is obvious the administration is at war with itself over what is the most significant national security policy that confronts this country. No wonder this is the first administration since the U.S.S.R. and the United States both emerged as nuclear powers that has made exactly no progress in advancing arms control. I will go further than that. This is the first administration that has in fact reversed the policies of previous Republican as well as Democratic administrations to vitiate arms control treaties that have been adopted in the past.

The administration has announced that for the time being it will abide by the SALT II Treaty. But that vital treaty has technically expired as of last January 1. It is true that the President has announced that at least for the time being this country will abide by its terms. But there not only has been no effort to negotiate an extension of the vital SALT II limitation on the nuclear arms buildup. It is worse. The President has announced a policy of "proportional response," meaning that if the United States feels the Soviets have violated the treaty, instead of going to the Standing Consultative Commission to determine if the Soviets can allay our suspicions or will desist from their violations, we will proceed to select another segment of the treaty's restraints for our own selective violations. Of course, the administration has also set the country on a sure collision course with the Anti-Ballistic Missile Treaty of 1972 that prohibited either power

from building defenses against nuclear missiles with a single exception. The administration's star wars would obviously make the ABM Treaty a dead letter.

But, Mr. President, the most insidious subversion of arms control comes from administration charges that the Soviets are engaging in wholesale violations of the arms control treaties. Those charges poison the well of arms controls. If they are false they represent a terrible disservice to our national security. And, Mr, President, this Senator is still waiting for an answer to his challenge to any Senator to show that any or all of these Soviet violations even if they are accurate in full detail, constitute a militarily significant gain for the Soviet Union and a loss to the United States.

Mr. President, I ask unanimous consent that the article to which I referred from the January 10 issue of the New York Times be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. AIDE SAYS SOVIET HAS KEPT MOST ARMS PACTS

(By Michael R. Gordon)

WASHINGTON, Jan. 9.—The Soviet Union has complied with the vast majority of important arms control provisions, according to private Congressional testimony by a ranking State Department official.

The same State Department official also said in private Congressional testimony that the United States would risk starting an arms race that it might lose, if it responded to purported Soviet violations with American actions that run counter to the unratified arms limitation treaty of 1979.

The disclosure of the testimony was made against a background of repeated charges by some Reagan Administration officials that the Soviet Union has routinely violated arms control treaties.

The State Department testimony was given early last year in a closed-door session of the Senate Armed Services Committee and was recently published by the committee in an unclassified form.

DEEP DIVISIONS

The State Department views run counter to Defense Department assertions, and provide a look at the deep divisions within the Administration on the issue of Soviet compliance with arms treaties.

The Defense Department has asserted that the Soviet Union has a "policy of treaty violation." Defense Secretary Caspar W. Weinberger has recommended to the White House that the United States take a number of steps that would conflict with the unratified 1979 treaty in order to respond to a purported pattern of Soviet violations.

The State Department comments were presented last February by Lieut. Gen. John T. Chain Jr., who was then director of the bureau of politico-military affairs in the State Department and is now chief of staff for the NATO commander.

The Administration's allegations of Soviet treaty violations have not changed fundamentally since that time.

In the committee deliberations on the purported violations, General Chain said there was a need for the committee "to put a little balance into the conversation."

He told the committee that the Soviet Union has kept most of its treaty commitments, although he asserted that it had committed some violations.

"If you take the body of the treaties in a macrosense," he said, "they have complied with the large majority of the treaties."

"I would hate to see this body walk out of here at the end of the day thinking of arms control as no good because the Soviets always cheat," he added. "That is not the position of the Administration. It certainly is not the position of the State Department."

During the closed session, General Chain also differed with Richard N. Perle, an Assistant Secretary of Defense, over the value of the 1979 treaty limits.

General Chain argued that the Soviet Union might be in a better position to move ahead in the strategic arms race if the treaty limits were dropped.

He noted that the Administration was considering, at that time, whether to dismantle a Poseidon submarine when a new Trident submarine went to sea. A decision not to dismantle the submarine would have pushed the United States over a treaty limit on the number of multiple-warhead missiles.

RISK IS DESCRIBED

General Chain said that "if we cross this line" and abandon some treaty limits, the United States could be at a disadvantage since the Soviet Union probably had a far greater potential for building up its strategic arms than the United States. This is because the Soviet Union does not need public support to increase its arms buildup, General Chain said.

This view was disputed by Mr. Perle, who said in a subsequent committee session that there would be "no militarily significant difference" through 1990 if the United States abandoned the 1979 arms limitation treaty.

He told the committee that "the Soviet program for the next few years is accommodated" by the treaty because the limits set in the treaty are high and because the Soviet Union can cheat.

The Administration eventually decided to stay within the treaty limits by dismantling the Poseidon submarine. But the issue has re-emerged because yet another Trident submarine is going to sea this May and because the continuing deployment of air-launched cruise missiles on bombers will also push the United States over a treaty limit unless the Administration takes action to offset it.

The United States could stay within the treaty limits by dismantling two Poseidon submarines.

Mr. Weinberger has recommended that the Administration not dismantle the two Poseidon submarines.

Instead, he has suggested that the submarines be retired for a year. After that time, the United States would decide whether to overhaul the submarines and send them out to sea, or dismantle them. Mr. Weinberger also proposed other responses that run counter to the 1979 treaty.

President Reagan, in the public report on Soviet "noncompliance" that he made to Congress on Dec. 20, did not assess the overall Soviet record on arms control. While asserting that there had been a pattern of violations, Mr. Reagan did not address the subject of what steps the Soviet Union had taken to comply with arms treaties.

MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, my myth of the day is that supply-side economics has the answer to poor productivity performance in the U.S. economy. The widely hailed solution supplied by the supply-side economists was that our Nation had inadequate capital investment as a result of high tax rates. Since 1981, we have seen a substantial cut in both corporate and personal income taxes but unfortunately the productivity growth rate which should now be rising is taking a nosedive.

According to the Labor Department, nonfarm productivity dropped by an annual rate of 1.8 percent in the fourth quarter and this meant that for all of 1985 there was no improvement at all in productivity.

The revised figures for 1984 show that productivity grew by a paltry 1.6 percent.

Mr. President, the ability of the United States to be competitive in world markets and to generate a continued rise in prosperity for all Americans depends critically on our ability to increase each worker's hourly output.

Certainly, the bloated Federal budget deficit is absorbing gigantic amounts of savings that should be going into the investment sector. In addition, our economic recovery is going into its fourth year and productivity usually surges in the first stages of an economic recovery and then tends to slow down.

In light of the recently released statistics on productivity, it is clear that no one has yet found any easy or certain way of generating productivity gains in our economy.

RECOGNITION OF SENATOR SIMON

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized for not to exceed 15 minutes.

Mr. SIMON. I thank the Chair, and I assure you I shall not exceed 15 minutes.

COMPROMISE ON CONSTITUTIONAL AMENDMENT REQUIRING A BALANCED BUDGET

Mr. SIMON. Mr. President, Senators THURMOND, HATCH, DECONCINI, and I have worked out a compromise on a constitutional amendment requiring a balanced budget that I think is sound, is simple, and is constitutional in language and concept. I hope it will be adopted by this body.

I will over the next few days take a little time of the Senate to discuss why we should do this.

The Constitution now permits a call for a constitutional convention. We

have never had one. Article V of the Constitution says:

> The Congress . . . on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which . . . shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof.

We are now in a situation where 32 of the necessary 34 States have ratified the call for a convention.

Several States, New Jersey, Kentucky, Washington among others, now have such a call pending. There is a question of the validity of that call because the language is not identical. but it is a dangerous thing.

This body, and the country, I hope can take steps to avoid having a constitutional convention. We do not know what a convention would do. A constitutional convention could deal with basic civil liberties. We could have I think, and inevitably would have, questions like abortion, and who knows what, which would come up in a constitutional convention.

If you had some very unpopular figures getting before television, and taking the fifth amendment, a constitutional convention may very well decide let us do away with the fifth amendment.

I can remember—and my colleague from Wisconsin can remember—when at one point in this Nation's history the fifth amendment was a very unpopular thing—back a few decades ago.

We simply should not have a constitutional convention. The simplest way to avoid having a constitutional convention is to negotiate the cause for the call for the constitutional convention. That cause is this budget that has just gone way wild. We simply have to get hold of things. This fiscal year we will spend $181 billion on interest. You will always see a net interest figure that is somewhat lower than that put out by the administration. They calculate net interest, they take the offset from the trust funds, and they come up with a net figure that is horrendous enough—$181 billion.

In the last 6 years, the expenditure by the Federal Government on interest has grown 240 percent. We are at the point where we will double the interest expenditure every 4 or 5 years. You just cannot continue that without having major problems.

For example, in the last 3 years we have increased the deficit $600 billion. The interest on that is approximately $50 billion a year in perpetuity. That is three times what we spend on all the education programs, student loans, student grants, education for the handicapped, bilingual education, chapter I, all of them—just a ridiculous way to operate Government. And in the last 3 years we have moved from being the No. 1 creditor Nation in the world to being the No. 1 debtor Nation.

This year 60 percent of the deficit is going to be bought by the people beyond the borders of our country. How long can we keep that up? We have to get hold of it. Gramm-Rudman is maybe part of the answer. I hope it is. I voted for it. It was the right vote. I do not want to see across-the-board cuts. But I want to force us to act. I think it may force us.

But I also believe—and I say this with some reluctance—we need a constitutional amendment that says we have to balance the budget unless there is a three-fifths vote to the contrary.

I see the chairman of the Judiciary Committee on the floor who has led in this. I commend him.

I yield to my colleague from Wisconsin.

Mr. PROXMIRE. Mr. President, I commend my good friend from Illinois for the statement he has just made. I think few of us realize how reckless it would be to fail to act on the balanced budget amendment because, as the Senator so well points out, we could have a constitutional convention, and we have had one consitutional convention in the last 200 years. What did that do? That drafted the entire Constitution.

I think on the basis of precedent it is pretty clear that the constitutional convention could easily become runaway. There is no way you could effectively limit. They could abolish the whole Bill of Rights. They could transform this country. They could do anything they wanted to. Maybe they would not. They probably would not. But it is a risk we should not take. We do not have to take it. We can do this in an orderly way, the way we have amended the Constitution in the past.

The balanced budget objective is a very good objective. I am all for it, and have been consistently. There is no way we should risk a runaway constitutional convention because we could have an entirely new Constitution, and although we have great reverence for the Constitution in this body, there is no telling what that constitutional convention can do.

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. SIMON. I am pleased to yield.

Mr. THURMOND. Mr. President, I just walked in. I believe my two friends and colleagues were discussing the constitutional amendment to balance the budget.

I want to say this is a matter that has been worked on for many years. We passed it in the Senate, and sent it to the House. But they did not act favorably. We have one now that we think the Senate will pass, and the House may pass.

I want to commend Senator SIMON for the contribution he made to this matter. We feel the quicker we get it up and passed the better. Ever since I have been in the Senate I have worked on this matter as other Members of the Senate have, such as the former Senator from South Dakota, Carl Mundt, and the former Senator from Virginia, Mr. Harry F. Byrd, Jr. In my judgment, it is the proper way to go. We have not balanced the budget but once in 25 years.

The pressures on Congressmen are so great it seems they have not been able to resist spending. If we pass this constitutional amendment, it will mandate a balanced budget. The Congress will have to balance the budget. They cannot spend more than they take in. I feel that once we get this budget balanced this will be the vehicle that will keep it balanced.

And I am anxious for it to be taken up as soon as possible.

I have been told by the majority leader that it will probably come up following the action on the bill concerning television in the Senate.

I thank the Senator very much.

Mr. SIMON. I thank the chairman of the Judiciary Committee for his support on this as well as my colleague from Wisconsin.

I might add one little story. When I was first elected to the State legislature in Illiniois I received a letter from a man in South Roxana, IL. There were 13 points to his letter. The first 12 were increased services he wanted from government, and the 13th point was to cut taxes. We have just about adopted his program.

What we need is some restraint. If we want a program, we have to tax ourselves for it, and if we are unwilling to tax ourselves for it, then we have to cut out the programs. That is the reality.

I do not care whether you are a liberal, conservative, Democrat, or Republican. It does not make sense to spend an increasing percentage of our tax dollar on interest rather than goods and services.

I thank my distinguished colleague, the lead sponsor of this, Senator THURMOND, for that, and for his leadership on the Judiciary Committee.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 12 noon with statements therein limited to 5 minutes each.

RESIGNATION OF PRESIDENT MARCOS

Mr. THURMOND. Mr. President, I am hopeful that events occurring in the last few hours in the Philippines assist in the orderly transition to a new, democratic government. Only yesterday, it appeared that civil war and major bloodshed were the likely outcomes of the political crisis in the Philippines.

I take this opportunity to publicly commend President Reagan for the leadership he has demonstrated in avoiding this bloody alternative. After a careful review of all the facts including the latest information provided to him by his very competent envoy, Ambassador Phillip Habib, the President made a wise decision to request the resignation of Mr. Marcos. It appears that Mr. Marcos no longer had the mandate or the confidence of the Philippine people. Americans have a special relationship with the Philippine people. Accordingly, it is appropriate for our Nation to have a high degree of concern for the safety of millions of Filipinos.

It is my understanding that Mr. Marcos has now resigned. I join Secretary of State Shultz in commending Mr. Marcos for following the advice of our President and relinquishing his position in order to avoid further bloodshed.

The new government of Mrs. Aquino is certain to face many challenges. I wish her the very best in her efforts to reduce the political tension currently existing in the Philippines.

Now that the administration has acted and fulfilled its traditional role in foreign policy, I am pleased to take this opportunity to state my support for the manner in which the President has handled the Philippine situation. I especially commend the President for resisting popular pressures to rush to judgment in this complex matter before he was in possession of all the facts.

Last week, I voted against a resolution regarding the Philippines elections because I did not believe that the timing of that vote was appropriate. I felt it was important for my colleagues to withhold judgment until Ambassador Habib returned from his factfinding mission. I felt it was more prudent to wait for the President's recommendations, before the Senate, which we consider to be the greatest deliberative body in the world, made a decision on the Philippines. Today, I am satisfied that the facts are in and our President has acted wisely.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LITIGATION ABUSE AND THE LIABILITY CRISIS

Mr. McCONNELL. Mr. President, the insurance and liability crisis has become a pervasive problem in the American economy. As an indication of just how significant a problem, let me point out that last week in the Senate three separate committees held hearings addressing some part of the crisis. Both the Commerce Committee and the Small Business Committee held hearings on the particular problems in the insurance industry, while the Judiciary Committee, at my request, held a hearing on the broader issue of abuses in the civil justice system that have led to the crisis.

As a further indication of the significance of this situation, I invite each of my colleagues who may be listening to take a look at most any newspaper in the country. On almost any given day, newspapers from the largest major dailies to those with the most modest regional coverage run stories examining the extent and impact of the problem. For the past 3 days, the Washington Post has run an informative series on the liability crisis, which I believe puts much of the problem in the proper perspective. We can all benefit from reading carefully the Post series, and for the benefit of my colleagues I ask unanimous consent that the entire three-part series be reprinted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCONNELL. Mr. President, the Judiciary Committee hearing was the first of several hearings. Others are scheduled for late next month, focusing specifically on the legislation I have introduced, S. 2038 and S. 2046. These bills seek to bring the runaway costs of our civil justice and tort law system under control, and I am optimistic that they will receive favorable consideration. Ultimately, reforms of the kind proposed in S. 2046 have the potential to be the most far-reaching, and therefore the most effective, of any of the reforms proposed thus far.

This is a problem that we, in the Congress, have an obligation to address, and I am glad to see that we are at least taking the initial steps. But it is not a problem that we can hope to deal with effectively only on the Federal level. Many State legislatures are dealing with the problem in one form or another, and they are to be applauded. Tomorrow, to encourage the remaining States to take similar action, I will be introducing a sense-of-the-Senate resolution urging the States to consider and adopt reforms of their civil justice and tort law systems, and I invite each of my colleagues who would like to be an original cosponsor of that resolution to let me or my staff know.

EXHIBIT 1

INSURANCE FAMINE PLAGUES NATION

(By T.R. Reid)

You cannot use a sled in Denver city parks. You cannot have a baby delivered in Monroe County, Ala. You cannot buy any of the 58,000 published copies of Barbara Hutton's biography.

If you have the stomach upset known as hyperemesis, you cannot get the pill that is certified as safe and effective against it. You can no longer buy the classic Jeep sedan, an automotive best-seller for four decades. You may not find a fireworks display next Fourth of July. You cannot set foot on dozens of the finest hiking trails in Yellowstone National Park.

This multifaceted list of "Thou Shalt Nots" stretches across the spectrum of modern life. Yet each of these diverse prohibitions, and many others as well, stems from the same central problem, a problem that will be one of the preeminent legal, economic and political issues of the late 1980s: the civil liability crisis.

Alone in the developed world, the United States today faces an excess of business, governmental and personal liability, and an acute shortage of insurance to cover it. The American insurance industry can't, or won't, provide all the coverage needed, and the big "reinsurance" firms abroad can't, or won't, take up the slack.

The resulting imbalance between demand and supply is as severe and as far-reaching as the oil shortages that plagued the nation more than a decade ago.

This year's equivalent of the frustrated motorist waiting hours in line to buy a few gallons of gas is the frustrated doctor, business owner or government official shopping for weeks to find a few more months of liability coverage. This year's equivalent of the "Out of Gas" sign taped to the pump is a curt message stamped across last year's insurance policy: "Not Renewed."

Many insurers have stopped selling some lines of coverage. Day-care centers, bars, bus lines, chemical companies, nurse-midwives and commercial fishing companies, among others, are being "nonrenewed" by their insurance carriers.

Where insurance can be bought, it is often at hugely increased prices. The Southern California Rapid Transit District had no increase in accidents last year, but its insurance premium went from $67,000 to $3.2 million—a 4,700 percent jump in one year. If the oil industry were to raise its prices by the same rate, a gallon of "inexpensive" gas would cost $47.

The liability insurance shortfall comes as an acute blow in a society where the legal notion of "liability" has been expanding broadly. Legislators, judges and juries have been pushing out the frontiers of responsibility, so that individuals, businesses and public agencies are being required to compensate injured people more readily, and more generously, than ever before.

The insurance famine has not directly affected individuals as yet: house, car and personal liability policies are still generally available.

But individuals will clearly bear the cost of the liability crisis. Consumers will pay higher fees for health care, education and entertainment, higher state and local taxes, and higher prices for everything from fish fillets to fire extinguishers.

Society will bear the cost in the form of the countless products and activities—including all those "cannots" listed above—that are no longer available because they can't be insured. And society will suffer through the chilling of the entrepreneurial spirit that must result if insurance is unavailable for new goods or services.

Predictably, the liability issue has sparked a major political battle. But the political system has been unable to agree on a fix because there's no agreement on what is broken.

Some people talk of a "tort crisis," some see an "insurance crisis" and some speak of an "attitudinal crisis" in a society that has rejected the old virtue of keeping a stiff upper lip and now demands total redress for every hurt.

Insurance crises have hit the United States before—this is the third in two decades. The last one was in 1975–76, when the nation faced a shortage of medical malpractice and product liability coverage. The current crisis, though, is broader and deeper than past ones.

"This time, the impact is much greater," said Victor Schwartz, a Washington lawyer who is an author of a leading tort law textbook known in the legal trade as "Schwartz on Torts," He said, "It reaches every business, every profession and every level of government. It goes to product liability, malpractice, municipal liability, drugs, toxics—just about everything."

The shortage of malpractice insurance this year has hit not only doctors and lawyers but also architects, accountants, authors, engineers, ministers. In New Jersey, even insurance agents are receiving nonrenewable notices on their professional "errors and omissions" coverage.

As a result, some professional services once taken for granted are becoming scarce.

Physicians from central Manhattan to several counties of rural Alabama have stopped delivering babies because of the high premiums on insurance coverage for the procedure. Some pregnant women in Montrose, Colo., must make a two hour trek to Grand Junction when the baby is due because most of the doctors in Montrose have quit delivering babies.

Liability law has even reared up against Melvin Belli, one of the nation's most prominent liability lawyers. The San Francisco attorney who is often billed the "King of Torts" is the defendant in a $5 million malpractice suit brought by a former client. Belli, in turn, has sued the ex-associate in his firm who represented the dissatisfied client.

The crunch has hit not only small businesses such as bars and skating rinks but giant national firms: auto and aircraft makers, drug and chemical companies, retail chains.

Companies are responding by curtailing or eliminating products and services that cost too much to insure.

Cessna Aircraft stopped production of five small plane models because insurance costs priced them out of the market. The last American Motors "CJ" (Civilian Jeep) jeep sedan rolled off the assembly line last month. After 46 years of popularity, the model was discontinued, in large part because its high center of gravity made it a target for so many liability suits that American Motors could no longer afford to carry product liability insurance.

Governmental liability coverage—when it can be purchased at all—is so expensive that taxpayers in some towns this year will likely shell out more for insurance premiums than for basic services such as police and fire protection.

A dozen states and hundreds of city governments have lost all or part of their liability insurance coverage in the past six months; the result has been temporary or permanent elimination of municipal services.

The mayor of Collegeville, Pa., shut down the local police force in December when coverage was canceled. They were taking no prisoners in Lafayette County, Mo., for seven weeks because the county board couldn't get liability coverage for the jail. The jail finally joined a self-insurance pool with other "nonrenewed" counties and reopened last month. Lacking liability coverage, Denver has banned all sleds and toboggans from public parks in that winter sports capital. The city council feared a crippling liability judgment if a sledder were injured on city snow.

The federal government is mainly self-insured. But federal agencies, too, have changed or curtailed functions and services because of the threat of liability.

At Yellowstone, for example, rangers have closed nearly a quarter of the famous park to keep people away from grizzly bears. This was done partly to protect the bears, partly to protect park visitors and partly to protect the government from liability actions.

The National Park Service already faces a liability suit brought by a hiker who was mauled by a grizzly in Glacier National Park in 1984.

"If they lose that suit, I'm afraid they're going to take all the grizzlies out of Yellowstone and Glacier and ship them to Alaska," said Terry Anderson, an economist and naturalist at Montana State University. "They've spent years trying to save the grizzly in Yellowstone, and now a lawsuit could undo the whole program."

The expansion of personal, corporate and governmental liability and the contraction of insurance have a salutary effect in one regard: the liability crisis is making the United States a safer country.

"The evolution of the substantive law . . . has brought safety to the living standards of America and created the highest safety standards in the world," Sen. Ernest F. Hollings (D-S.C.) said.

A familiar example of the increasing concern for public safety is the demise of an American tradition called "happy hour." Fewer and fewer bars hold out the lure of cheap or free drinks to attract customers during the afternoon drive home from work; bar owners are afraid to have happy hours because they might be held liable for enormous-damages if a customer drives off drunk and causes an accident.

The development and expansion of the bartender's responsibility for his customers' accidents demonstrates the kind of growth that has occurred throughout liability law.

The basic concept traces back to the early days of the automobile. A few progressive state legislatures enacted statutes known as "dram shop" laws ("dram shop" is an old English term for bar) requiring an innkeeper to pay damages to the victim of a crash caused by a driver who left the bar drunk. The rationale was that the negligent bar owner might have a "deeper pocket" than the customer and was thus in better position to compensate an accident victim.

Once unusual, this form of third-party liability now applies in nearly every state; in many jurisdictions (including the District of Columbia), judges have imposed the liability even where the legislature has not passed a dram shop act.

Initially limited to bartenders, the scope of the liability was gradually increased to cover liquor stores, hotels that provide drinks via room service, businesses that host after-work social functions and individuals who let guests drive away intoxicated from a cocktail party.

Initially restricted to automobile accidents, "dram shop" liability was extended to cases where the drunken patron shot someone in the bar, then to shooting cases outside. A recent treatise in American Law Reports includes a long roster of other circumstances where the third-party liability has been applied: "fighting," "starting fire," "pushing party on stairs," "friendly scuffle," "door closed on finger" and so on.

Much of the expanded liability—in dram shop cases and countless others—has been borne by insurance companies. One of the explicit messages of the current insurance shortage is that the insurer are no longer willing to accept continually expanding liability.

Faced with reduced liability coverage, governments and businesses are taking steps to reduce their exposure.

This movement has prompted the emergence of a new professional discipline called "risk management." Today nearly every large business and every governmental body from medium-size on up employs "risk managers." Their job is to search out potential hazards in corporate and governmental activities and eliminate the risks before someone gets hurt and someone else gets sued.

You can see the results everywhere. Next time you're in a hardware store, look at the complex new safety switches built into virtually all power tools. Next time you enter a hotel room, look up at the ceiling: You'll see sprinklers and smoke alarms that probably weren't there before the November 1980 fire at the MGM Grand Hotel in Las Vegas and the large liability settlements it spawned. Next time you see a delivery truck backing into the loading alley, listen for the beep and watch for a "navigator" on the street guiding the driver. Many trucking firms now refuse to let their drivers back up unassisted, and most big trucks come with a "beeper" that sounds a warning whenever the transmission is put into reverse.

The results of such "risk management" initiatives can be dramatic. After Charlotte-Mecklenburg County, N.C., set up a risk management agency and strong safety rules, injuries dropped markedly. The county's workman's compensation bill fell 52 percent in four years. Its auto liability payments (for accidents caused by county vehicles) fell 82 percent, all at a time when population and county services were growing.

Nearly every observer of the liability crisis agrees that the United States has a long way to go in improving risk management practices. But no society can be made risk-free. Accordingly, insurance remains a vital commodity for the nation right now, it's a commodity in acutely short supply. The shortfall will be felt in numerous aspects of daily life.

"An insurance shortage," said Robert Hunter of the National Insurance Consumers Organization, an Alexandria-based interest group, "is just as critical to our society

as an oil shortage. Without insurance, the whole economy just grinds to a halt."

LITIGATION LOOSENS THE STIFF UPPER LIP

(By T.R. Reid)

Whatever happened to the stiff upper lip? What happened to the tough, self-reliant, forbearing American—the kind who brushed off setback or injury and got on with the job?

Somewhere along the line, according to many social critics, that traditional role model of the American breed has given way to a new set of values reflecting a new attitude. This attitudinal shift, some say, has rejected the stiff upper lip and replaced it with a national mood demanding near-total redress for nearly every injury.

The shift is evident—to the point of becoming a stale joke—in the familiar cry of "Whiplash!" that accompanies many minor auto accidents. It is reflected in the curious incidents wherein passers-by at the site of accidents pretend to be victims in hope of grabbing a piece of the inevitable lawsuit.

This attitudinal shift may be one cause of the nation's current "civil liability crisis": America today has an excess of personal, corporate and governmental liability and a shortage of insurance to cover it.

The liability insurance crunch touches almost every element of American life. It will almost surely lead to higher prices and taxes for every consumer. It is forcing some familiar products and services off the market because they cannot be insured. And it could have an adverse effect on the worldwide competitiveness of U.S. companies.

This broad impact, in turn, has sparked major political battles in state capitals and in Washington as governments search for a solution. To date, the official responses have been atomized and often contradictory. There's nothing close to agreement on corrective action.

One reason the political system has not agreed on a fix is that there's no agreement on what is broken. Some talk of a "tort crisis," some see an "insurance crisis" and some speak of an "attitudinal crisis" in society.

Many business and political leaders argue that the nation's liability problem reflects a growing litigiousness in American life. This camp holds that there has been a "tort explosion" in recent years, with unprecedented numbers of civil cases burdening the legal system and civil defendants.

"Filing lawsuits has replaced baseball as our national pastime," says Colorado Gov. Richard D. Lamm. " 'See you in court' used to be a real threat," Lamm says. "Now it's as common as 'Have a nice day.' "

Although many legal scholars have studied the question, there is no hard data showing a "tort explosion" in recent years. The per capita number of civil suits has increased in some states and dropped in others. In Lamm's Colorado, there are fewer personal injury suits per capita now than a decade ago.

As Chief Justice Warren E. Burger regularly complains, there has been a huge increase in civil cases filed in the federal courts over the past decade. But a "tort explosion" isn't the culprit.

Professor Marc Galanter of the University of Wisconsin, one of the leading scholars in this area, says the statistics mainly reflect a big increase in lawsuits over government aid payments. For liability cases, he says, "the pattern of use . . . is conservative, departing relatively little from earlier patterns."

The professor's point is that the United States, bulwark of individualism, has always been a litigious society. Alexis de Tocqueville's observation that every American dispute eventually finds its way to court was first published, after all, in 1835.

For these reasons, Galanter and others conclude that the alleged "explosion" in numbers of civil suits does not exist—and thus cannot explain the country's current liability crisis. They look for other explanations: economic patterns, social trends and changes in the substance, rather than the quantity, of civil law.

The insurance industry argues that the crisis is the fault of activist judges and fee-hungry lawyers who have expanded the legal concept of liability for physical, financial or emotional injury far beyond its traditional limits. Some consumer groups and many trial lawyers argue that the current crunch is the fault of short-sighted insurance executives who led their industry to the brink of financial disaster and want their business, professional and governmental customers to bail them out.

Both sides are right.

THE 'TORT CRISIS'

The "tort crisis," as reflected in the expansion of legal definitions of liability, stems from a gradual but fundamental change in our society's notion of risk.

Once the American people prided themselves on qualities of toughness and forbearance. When the stagecoach turned over atop John Wayne, he dusted himself off and shrugged to Olivia de Havilland, "It's nothing, ma'am." That rugged acceptance of the risks of everyday life was considered a cardinal American virtue.

This attitude was enshrined in American law. "The general principle of our law," Oliver Wendell Holmes wrote in a famous treatise, "is that loss from an accident must lie where it falls, and this principle is not affected by the fact that human being is the instrument of misfortune."

That "general principle" probably wouldn't stand a chance in an American courtroom today. Our society has decided that loss from an accident need not lie with the victim. To the contrary, we have created mechanisms to assure that almost anyone who suffers injury will be reimbursed. The chief mechanism serving this purpose is the legal tort system. (In civil law, "tort" means a violation of the duty to avoid harming others.)

Where did this change in attitude come from?

Some sociologists suggest that the shift from quiet self-reliance to aggressive demand for redress results from a growing dependence on government. According to this theory, the same mindset that sees an "entitlement" to a government benefit check sees an "entitlement" to reimbursement for any hurt.

Another explanation lies in a "lottery" mentality, fueled by extensive state lottery advertising that seems to suggest that people are entitled to a windfall.

D.C. City Council member Nadine P. Winter noted this connection last fall when the council was debating no-fault auto insurance. She said some people think of an accident, and the resulting lawsuit, the way others think of the lottery: a way to make a quick million.

Whatever the soundness of this theory, the courts have been aligning themselves with this emerging social impulse for decades.

Two men played a crucial role in the extension of tort liability: Justice Roger Traynor of the California Supreme Court, one of the most distinguished state judges of his time, and Prof. William L. Prosser, a scholar and author who was to torts what Dr. Spock is to child care.

Prosser's books and articles, together with a series of Traynor opinions from 1946 to 1962, created an influential concept called "risk distribution." This theory deemphasized the question of who was at fault for an accident—in many modern accidents, the fault was hard to pinpoint—and moved toward a notion of "strict liability" that often made businesses (or their insurance carriers) pay damages to an injured person even if they had done no wrong.

The soaring expansion of civil liability in the state courts was matched by a series of federal court decisions that sharply increased the liability exposure of local and state governments. The old notion of "sovereign immunity"—the rule that a governmental unit could not be sued—was condemned to the trash heap as the courts permitted people to fight city hall in court over wrongs from police brutality to puddles on a public skating rink.

The momentum of legal changes has continued almost unabated for four decades. Courts and juries continue to expand the range of business and governmental liability.

Exacerbating the changing rules of liability, the courts have been changing the rules for awarding damages as well. In addition to standard "compensatory" damages, which are supposed to make good any losses the victim suffered in an accident, courts and juries have been much more willing in recent years to award "punitive" damages. This kind of award is designed to punish a defendant for reprehensible conduct and the punishment sometimes runs into the millions of dollars.

If there has been a "tort explosion" in recent years some contend, it is not in the numbers of cases filed but rather the explosive growth of punitive damage awards.

Highly publicized litigation, such as that following the 1981 collapse of the Kansas City Hyatt Regency Hotel skywalks that killed 114 during a tea dance, attracts great attention. So do large awards of punitive damages, or "punies," to use the trial lawyers' shorthand: $9 million to a man whose insurance company refused to pay a $46,000 claim; $128 million to a man burned when the fuel tank of his Pinto exploded in a crash.

People reading those headlines conclude that something crazy must be going on. Indeed, a business group called The Product Liability Alliance, which is working to reverse the expansion of tort liability, distributes a list of recent awards that it calls "the crazy cases list."

But almost all these "crazy" awards have come from juries of ordinary, same people. Many of them are later reduced by judges or appeals courts (the Pinto award was cut to $6.3 million.) And according to a recent study by the American Bar Foundation, the number and size of the megajudgments in liability cases are not as high as many believe.

To understand what prompts a jury to return a huge damage award, it might be instructive to look at one of the classic "crazy" cases.

A California man, Earl Norman, visited his doctor and then filed the $48 bill with his medical insurance company. The insur-

ance company refused to pay, saying the visit wasn't covered in Norman's policy. Norman sued the insurance company over the unpaid $48 bill: the jury awarded him 4.5 million.

What possessed a jury to return an award 100.000 times as great as the unpaid doctor bill?

At the trial, Norman produced evidence showing that the insurer had paid that kind of bill routinely for years. Then Norman received a letter from the insurer urging him to buy a new and better policy at a higher premium. Norman bought the new policy. But under this new, more expensive policy, Norman's routine doctor visit was excluded from coverage.

Norman's lawyer argued that the insurance company had deliberately cut back its coverage—and deliberately misled its customers about the change. An actuarial expert testified that the new policy, if issued to all the insurance company's customers, would save the insurer $4.5 million.

The jury concluded that Norman had been victimized—and gave him the entire $4.5 million as recompense.

"This is the pattern for a lot of the so-called 'crazy cases,' " says Robert Hunter, an insurance expert who heads the National Insurance Consumer's Organization, a group affiliated with Ralph Nader.

"In the Earl Norman case, you have to say that the plaintiff was unjustly enriched by that million-dollar award. But you also have to say the defendant deserved the penalty it got. So yeah, it's crazy, but it's also not crazy."

The insurance company that lost the Norman case denounced the jury's award and swore to appeal. Eventually, however, the firm agreed to pay Norman $2 million and the case was settled before it reached the appellate court.

The expansion of the legal doctrine of "liability" and the growth of punitive damage awards have made it difficult to predict what a company or a government might be held liable for in the future. The uncertainty has been disastrous for insurance companies. They have no way to know what their liability exposure might be a year or a decade from now.

"There is no rule of law that today is certain," says Victor Schwartz, the Washington lawyer and tort scholar whose textbook is known to thousands of law students as "Schwartz on Torts." "That's an impossible situation for an insurance company. They try to set rates and run a business under certain rules of law, and then the rules change—and change constantly." (Schwartz has represented The Product Liability Alliance, a coalition of business groups that has lobbied for a change in the country's product liability laws.)

THE "INSURANCE CRISIS'

But the uncertainty of liability law provides only a partial explanation of the liability crisis of 1986. Much of the blame for the current problems facing the insurance industry belongs to the industry itself.

Insurance leaders readily admit that their industry is in fiscal trouble—and that the trouble is largely the industry's fault. A study carried out last year by the industry's research arm reached this conclusion: "The property/casualty industry must accept the major responsibility for its current financial condition."

In the late 1970s, when interest rates were reaching historic highs, insurance companies were eager, to put it midly, to sell policies and thus take in premium payments that they could invest at interest rates as high as 20 percent. To sell more insurance, companies slashed prices and sold unusually risky policies. Actuarial and experience data were ignored in the competitive frenzy to accumulate premium dollars.

Today the insurers are reaping the results of their six-year binge. The firms are no longer getting high-interest returns on premium dollars, but claims are still coming in on policies sold at deep discounts. In consequence, property and casualty insurance companies reported record operating losses in the past two years.

It's key to note that despite the big losses on "operations"—that is, on selling insurance and paying claims—the insurance industry still racked up $1 billion in net profits last year, thanks to gains on investments and federal tax credits.

This explains why insurance stocks remain the darlings of Walls Street. In 1985, while insurance executives were bewailing their operating losses and talking of a "crisis," property-casualty insurance stocks jumped by twice as much as the overall Standard & Poor's stock index.

That experience has prompted Ralph Nader and other consumer advocates to argue that the present insurance famine is simply a ploy by a healthy industry to force rates higher and change the rules governing liability. The Federal Trade Commission is reportedly investigating whether insurance firms are engaged in a concerted boycott to drive up prices.

Insurance executives say, though, that the decline in interest earnings and the losses on operations have cut sharply into the reserve accounts they maintain to pay future claims. And with reserve accounts depleted, the companies say they have to limit the coverage they provide.

In summary, then, the current liability crunch that extends across the fabric of American life stems from disparate social and economic phenomena: a basic change in the nation's notion of risk, a broad expansion of the legal concept of liability and a series of managerial blunders by the insurance industry.

"There's not a single explanation," says Schwartz. "And that means there's not going to be a solution that works unless it gets to all the causes."

[From the Washington Post, Feb. 25, 1986]

HOW A GOOD TOWN BECAME A BAD RISK

(By Kathy Sawyer)

Welcome to Schaghticoke, N.Y., a chaste Grandma Moses landscape of snow-blown birches, farms, rivers, little commerce, orderly neighbors and no police force.

As recently as four years ago, this township (pop. 7,090) was courted ardently by a pack of insurance companies that expected to profit from her virtue. She'd never been sued. Her virtue remains intact, yet one morning last spring, town supervisor Mark Zaretzki was stunned to read in the Knickerbocker News that good little Schaghticoke's insurance was going to be canceled.

In the words of Mae West, goodness had nothing to do with it.

Schaghticoke had collided with the world of insurance underwriting, where a distinct, and hotly disputed, version of reality prevails. In this world, a computer had digested statistics about distant, scattered events and then decreed that this hamlet in New York's Upper Hudson region suddenly—without making any mistakes, causing any harm or costing anybody money—had become a minefield of dangers: a bad risk.

Her insurer, Utica Mutual, headquartered about 100 miles to the west of Schaghticoke near Utica, N.Y., announced last April that, by next August, it will have withdrawn from all municipal liability coverage. The decision applies to 229 townships and villages in New York state and 83 in 13 other states. Utica's president says he knew it would create "chaos."

The "chaos" is not limited to towns and villages. Truckers, baby doctors, chimney sweeps, liquor dealers, bartenders, child care centers, churches, abortion clinics, schools, ski lift operators, bus companies, pest exterminators, trade associations. Girl Scouts and governments around the country are canceling activities, raising prices or taxes, or going out of business—all because of the difficulty of getting insurance to protect them in case of lawsuits.

Some who have never filed a claim now face rate hikes of 1,000 percent or more. Others can't get insurance coverage and are either doing without it or scrambling for some sort of self-insurance or pooling arrangement.

"We went into a panic," town supervisor Zaretzki recalled. Paying a whopping premium increase for the one, possibly temporary, new insurer they could find has already cost Schaghticoke taxpayers most of a planned tax cut. Their schools, fire and rescue services are also experiencing massive insurance rate hikes. And Zaretzki and the town board still face the possibility that they might have to join the growing ranks of the naked cities with no insurance.

In the nearby state capitol at Albany, soon after he got the news, Zaretzki angrily confronted one of Utica's top executives, who was trying to explain his company's action at a hearing of the legislature.

"I wouldn't repeat some of the language I used," Zaretzki said. "But I was outraged. . . . I asked him how they could cut off such a good town, one that they made money on. . . . The gentleman was unable to explain in any rational way."

APPORTIONING SOCIAL COSTS

Trial lawyers and other critics charge that the liability crisis that has hit Schaghticoke and the rest of the country is a conspiracy to gouge the public, an illusion cooked up by the wizards of odds in the insurance industry to stampede legislators into changing laws to its benefit. The industry responds with charges of greed by fee-hungry trial lawyers.

But at bottom, the debate is about how best to apportion, or broker, the social costs of misfortune.

Although insurance companies vary widely in size and situation, the reasons offered by the executive at Utica to explain their rejection of municipal liability reflect broader concerns in the industry. By way of another attempt to answer the outraged Zaretzkis of the world, the company's top executives retraced for The Washington Post the process they say led to their controversial decision.

Utical Mutual is part of the Utica National Insurance Group, a middle-sized company, founded in 1914, which provides a mix of commercial and personal insurance and related services. Major policies are set by no more than a handful of senior executives.

They have much in common with town supervisor Zaretzki. Like him, they are educated, middle class, active in community affairs. Jack B. Riffle, the company's chairman of the board, president and chief executive officer, is on the Boy Scouts of Ameri-

ca's National Executive Board, has earned the Silver Beaver and Silver Antelope Awards for his leadership.

Zaretzki lives with his wife and son in a rambling, 150-year-old farmhouse that used to be a stagecoach stop. He commutes to his full-time job in Albany but figures he spends a minimum of 20 hours a week on his $7,300 per year supervisor's job.

In their computer printouts, Utica officials said, Schaghticoke and every other town and village, regardless of their histories, presented equal possibilities of death, paraplegia, discrimination, official brutality and other eventualities. What concerns them most, they said, is that in the new legal scheme of things, one of these occurrences can deliver any town into the clutches of a volatile creature known as a jury—whether or not the town has been negligent or wrong in some way.

The civil justice system "was designed primarily to hold wrongdoers responsible for wrongdoing, not to compensate victims," said Utica's Riffle. "Now we're using the court system to redistribute wealth."

The decision that panicked Schaghticoke was born in a climate of distress for the property and casualty side of the industry (as distinct from the other major segment—life and health). Every year since 1979, industry analysts say, it has lost its shirt selling insurance, and 1985 was its worst ever.

The losses also spooked the companies (most are foreign-owned) that insure the insurance companies. These so-called reinsurers, such as Lloyd's of London, had joined the orgy of bargain-rate competition and took a worse shellacking than the primary insurance companies.

Where the industry was doing well was not in providing insurance, but in its investments of the tens of billions of dollars in premiums it collected from policyholders.

More than six years of high interest rates produced very high yields on those investments. Company executives guessed (wrongly, as it turned out) that they could lower their premiums drastically, the better to compete, and make up the difference when they invested the premiums.

In short, an insurance price war occurred, driven by the high yields on investments.

"If one overestimates his investment, he will underprice his product. We all did that," said Utica's Riffle.

For a time, Schaghticoke was a beneficiary of that competition.

Town supervisor Zaretzki, who is a specialist in budget and administration for the speaker of the state assembly, had appealed to the heavily Republican citizenry with promises of fiscal conservatism to become, in 1982, the first Democrat elected to the office in 40 years.

He thought his Republican predecessors had been paying too much for insurance, so he put it out for bid. Utica was the low bidder, at $10,010 a year, or less than half what the town had been paying. Zaretzki won praise in the local press for this coup.

For Utica, the momentum of competition still outweighed the emerging negatives associated with municipal liability coverage.

In Riffle's words, "It was kind of a little market niche we'd established for ourselves." A number of Utica executives, including the chief underwriter, were reluctant to abandon it. This produced what Riffle called "a very heated debate at the top levels of this company."

Utica was hearing the reports circulating in the industry about rising court judgments and settlements against municipalities. And like most property-casualty insurers, Utica was seeing the actuarial, or statistical, information on national insurance trends—collected, analyzed and circulated by a nonprofit organization called the Insurance Services Office (ISO), which helps insurers decide how much to charge.

One recent judgment in particular had a shattering impact on insurers. A $15.5 million court judgment against Jackson Township, NJ., required its insurer, Hartford Accident and Indemnity, to pay damages for years of contamination of town wells by chemicals from a landfill. Hartford's policy had specifically excluded pollution coverage, except for "sudden and accidental" incidents. But the court interpreted those terms as applicable to slow years of seepage. (A portion of the verdict was reversed on appeal, leaving a $7.4 million award standing.)

Among other things, the case illustrated to insurers their inability to protect themselves even with the most painstaking contractual language against the whims of court interpretations, many said.

As for Utica's policyholders, officials said the problems came into view a little at a time, on pieces of paper called "serious claims forms," which are circulated to all the top executives.

In November 1983, for instance, there was a report on a single-car accident on a rural road in the town of New Windsor, 100 miles south of Schaghticoke.

"Remarks: Town employees repaved a town road covering repaved section with gravel. Accident occurred on repaved section at intersection with county road. Plaintiff (18) allegedly lost control because of gravel, resulting in one-car accident. Quadriplegia resulted. . . . He was in top 10 percent of high school class and member of honor society. Makes a good appearance and attends college. . . . Settled before trial for $950,000. Our share $650,000, county share $300,000."

That was one of two single-car accidents on the same stretch of road in less than two years. The other involved a motorcycle rider who lost the use of his legs. The allegations were the same.

The New Windsor cases cost Utica more than $1 million.

"Those two cases brought our undivided attention to municipal liability," said Joseph L. Kronen, senior vice president for claims.

Utica executives said they began to notice a change in the overall pattern of such claims, in their "complexion and success" and in their numbers.

Said Riffle, a tall, personable man, "It seems to me that every time there is a serious auto accident in the state, particularly when the 'at fault' driver has low limits [on his insurance coverage], the government responsible for maintaining the street, road or highway gets sued: for too much salt, or not enough salt; for too few signs, or too many signs; for signs too high or signs too low. Or something."

The increasing uncertainty of an outcome in court, said Riffle, often leads the company to settle, rather than fight and risk a much higher cost at a jury's hands.

In 1980, Utica policyholders nationwide (in all types of insurance, not just municipal) were attracting 196 new lawsuits a month, officials said. Last year, as of October, 278 new suits a month on average were being filed.

Two years ago the Utica executive vice president for underwriting, who had championed municipal coverage, retired. His successor, Wallace Watkins, recalled that he promptly asked for a breakout on how Utica was doing with that line of coverage. After several months, officials said they found that in municipal coverage, for at least two years, Utica had been paying out two dollars for every premium dollar it took in.

It was at this point, said Richard J. Beidleman, a vice president for underwriting, that he changed his mind and joined those who wanted to stop insuring towns.

Underwriters such as Watkins and Beidleman are the oddsmakers of the insurance business. They "select" which risks to bet on, or cover, and they make recommendations about how much the bet is worth. They operate on a basic principle of insurance: the law of averages, or as their boss Riffle prefers to call it, the law of large numbers. "The law of large numbers is what distinguishes insurance from gambling," said Beidleman. Without it, Riffle said, "Take your money to the track."

Simply put, the law states that events occur with predictable regularity, and the more times an event happens, the more closely the results will approach the predicted outcome.

OPERATING LOSS REPORTED

Officials at Utica and elsewhere state flatly that they are a for-profit business, not a quasi-social service bureau. In its 1984 annual report, Utica reported a net operating loss of more than $13 million. Its net worth was nearly $103 million, but that fell short of the ratio of $1 for every $3 in premiums sold that is widely accepted as a safe standard for a reserve fund to pay off possible claims.

There came a time, late in 1984 by some estimates, when the industry collectively began to slap itself out of its binge and try to return to first principles. Their investments were, and are, still making money, but no longer enough to overcome massive losses on the insurance underwriting side, analysts say. Some industry officials say their critics are right when they charge that premiums are being raised more than necessary just to cover claims. Insurers are also building back their depleted reserves and working capital.

At Utica, Riffle recalled, there came a day when his underwriting, marketing, claims and other senior executives recommended the drastic measure of withdrawing—gradually, they emphasize—from an entire market. "They came to me and said, 'Well, there could be some political fallout.' I said, 'Do what you gotta do. . . .' "

But he added, "Give me a choice between chaos and insolvency and I'll take a little chaos. And it [our decision] is creating chaos. We've got a lot of people mad at us."

The state superintendent of insurance, whose office regulates Utica and other New York-based companies, and some state legislators are among those mad at Utica and other insurers.

"We didn't like it, but it was the company's right to do it," said Kevin Foley, a spokesman for the state insurance superintendent's office.

Dick Lownes, an independent insurance agent in Schaghticoke who had followed in his father's footsteps in selling policies, including Utica's, to area towns and villages, is another who is upset.

"Schaghticoke had next to nothing as far as claims experience. Fender bumps, a stone that fell off a truck and busted a windshield. That kind of thing. And they've bent

over backwards on their town dump. It's the only one in the county that meets state guidelines," Lownes said.

Across the street from Lownes, the Hoosick Valley Central School District elementary and high schools that serve the area, formerly insured by Utica under a separate policy, are facing a 400 percent increase in premiums for one-fifth the amount of coverage, according to Superintendent Joe Colistra. The volunteer fire and rescue squads are also facing large increases and have asked the township of Schaghticoke for extra financial help.

One recent snow-covered day in Schaghticoke (an Indian name meaning "warriors of the mingling waters"), Zaretzki inventoried the situation, at the home of town bookkeeper Nancy Harder, who keeps the city records in her son's bedroom under a Hulk Hogan poster.

GETTING LESS FOR MORE

After Utica withdrew, the only new insurance policy the town could get increased the premium by 400 percent, to $48,000 a year, for one-third the amount of coverage.

The total town budget for 1986 is $800,000, of which $246,000 comes from local taxes (the lowest in the county) and the rest from state and other sources. Its citizens were looking forward to a 35 percent tax cut, Zaretzki said. Instead, the cut was only 10 percent.

Meanwhile, he said, "We're trying to govern defensively." The 15-square-mile township, whose roads follow paths used by horse-drawn carriages and Indian hunters centuries ago, has increased spending by $16,000 for road repairs and maintenance, with another $300 spent on a device to measure the distance of signs from intersections. "A road gets fixed or it gets closed."

The closing of one road has cut off irate property owner Gwendolyn Fox from her farm, she complains. But the township can't afford the $3 million it would cost for repairs and "the board has decided our possible liability exposure is so high we can't take chances."

As for the new insurance policy, it can be canceled on 30 days notice, Zaretzki said. "We don't know what the situation will be next year. . . . We could literally be talking about a 300 percent increase in taxes if we had to cover a major court award."

A TRIUMPH OF DEMOCRACY

Mr. CRANSTON. Mr. President, the events which have unfolded in the past hours and days in the Philippine Republic have moved us all.

Rarely in the course of human events has simple faith in democracy triumphed with such awesome power. We are reminded again of what the human spirit can accomplish with determination, with courage, and with commitment to noble ideals.

With the transfer of governing authority to President Corazon Aquino, the men and women of the Philippines have taught us all a lesson.

They have reminded us that the human desire for freedom can triumph over fascism.

They have shown us that persistence and faith can triumph over despair and cynicism.

And they have forcefully demonstrated that democracy can and will triumph over dictatorships—and that it can triumph not simply by the force of guns but by human willpower as well.

The individual acts of courage harken back to the days of Dunkirk, when stoic fishermen crossed the treacherous English Channel in their small boats in the methodical rescue of hundreds of thousands of beleaguered Allied troops.

They remind us, too, of the power of the human spirit displayed in our own country by the freedom marches of Dr. Martin Luther King, by Americans who risked their lives in the 1960's to realize the dream of greater social justice for us all. And they recall the wisdom and strength of Mahatma Ghandi, who led the people of India by nonviolent example to freedom and independence.

The Filipino nuns who literally lay down and prayed in the face of tanks—the average citizens in Manila who confronted Marcos' soldiers with flowers—the poll watchers of NAMFREL who guarded ballots with their lives—it was these hundreds of thousands of Filipinos who through their twin commitment to democracy and nonviolence accomplished what most believed could not be accomplished. And it was Corazon Aquino who refused to be intimidated or embittered by the brutal assassination of her husband—whose deepest act of revenge has been to topple the sleazy Marcos dictatorship and lead the crusade for a renaissance of Philippine democracy.

We in the United States are humbled by these displays of courage. We are reminded not to take for granted the great freedoms we enjoy. And we are reminded of the great peril we risk when we align ourselves with extremist dictatorships at war with their own people.

As a member of the Senate Foreign Relations Committee and as the senior Democrat on the Asia subcommittee, I have worked long and hard to bring about the day when democracy again rules in the Philippines. I authored the first amendment adopted in the Senate to cut aid to the Marcos dictatorship. And I joined with colleagues in drafting a number of key resolutions, all designed to achieve the same purpose—to make absolutely clear to the Filipino people that the United States hopes to advance democracy, not dictatorship in their island nation. We have been joined in this effort by wise leadership at the State Department. In particular, I want to single out Ambassador Steve Bosworth and Ambassador Paul Wolfowitz, who have repeatedly provided honest counsel and sage advice to all branches of our government.

We had our setbacks, to be sure. There have been unfortunate statements from our national leadership, statements lauding Ferdinand Marcos' alleged "commitment to democratic principles," statements suggesting that Aquino supporters perpetrated fraud and violence.

But let us put these errors behind us. Let us look ahead to the future with a commitment to strengthen our bonds to the Filipino people and their democracy. Let us look for more ways to promote security and democratic development in the vital Pacific rim.

Now the long national nightmare for Philippine democracy is ending. A new day is dawning for the brave people of that nation.

At this hour of triumph, we would do well to take inspiration from a favorite quotation of the late Senator Robert Kennedy:

> Let us dedicate ourselves to what the Greeks wrote so many years ago * * * to tame the savageness of man and make gentle the life of the world. Let us say a pray for our country and for our people.

TRIBUTE TO FLO HYMAN

Mr. PACKWOOD. Mr. President, it is with great sorrow that I rise today to pay tribute to one of the greatest American athletes of this century, Flo Hyman. Ms. Hyman was a 1984 Olympic silver medalist and considered the greatest female volleyball player in the world.

Last month on January 24, 1986, Ms. Hyman died at the very young age of 31 while playing in a volleyball game in Tokyo, Japan. Ms. Hyman died of a ruptured aorta caused by Marfan syndrome, which is a congenital condition. Ironically, this tragic death occurred just a few days prior to the shocking news reporting the loss of the seven Americans aboard the space shuttle *Challenger*, which exploded shortly after takeoff. Great athletes, like those brave participants in the U.S. space program, are symbolic of what we hold special in this country. It is, indeed, a tragedy that America should lose so much in 1 week's time.

Flo Hyman represented so much for so many of us. Her athletic achievements alone gave our Nation great pride. She was a three-time all-American volleyball player at the University of Houston. Ms. Hyman was a key member of the U.S. volleyball team at the 1978 and 1982 world championships. At the World Cup tournaments in 1977 and again in 1981, she was acclaimed the outstanding volleyball player of the competition and named to the six-member All-World Cup team. She led the women's U.S. volleyball team to win the silver medal in the 1984 U.S. Summer Olympics.

Beyond her athletic achievements, we will also remember her strong personal spirit. Mr. President, I met Flo Hyman when she came to Congress in 1984. Ms. Hyman, along with other Olympic athletes, joined a bipartisan group of Senators and Representatives

in support of restoring landmark civil rights protections for minority women and disabled athletes, which had been severely weakened by the Supreme Court Grove City College decision. At that historic and crowded September 4, 1984, news conference, she delivered a moving and inspiring speech about how title 9 of the Educational Amendments of 1972 had enabled her to fulfill her dream and "reach for the gold."

Ms. Hyman was not merely a symbol of our Nation's pride, she was a patriot who truly believed in our country's promise of equal opportunity for all Americans, regardless of disability, sex, race, or age. She dreamed all could be champions and lived that dream for many.

Ms. Hyman was a winner. We honor her today for her spirit, talent, and accomplishments. She will be remembered forever for the pride she gave all of us and for the lasting role model she represents to young women and minority athletes. This Nation prides itself on its heroes. Flo Hyman, the champion and the person, deserves our recognition, remembrance, and appreciation.

At the conclusion of my statement, I ask unanimous consent to have a copy of the Washington Post and Sports Illustrated articles about Ms. Hyman reprinted in the CONGRESSIONAL RECORD.

Mr. President, I would also like my colleagues to know that I plan to offer a resolution in the near future establishing a National Women in Sports Day in honor of Flo Hyman.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post]

HYMAN WAS AN ATHLETE OF STRENGTH AND SPIRIT

(By William Gildea)

The letter and the picture . . . Arie Selinger looks at both of them with disbelief. His volleyball protege, America's finest woman player, Flo Hyman, wrote the letter—an unfinished letter—to him the morning of her shocking death Jan. 24 during a game in Japan. The picture, which appeared in a Japanese newspaper, "was taken five minutes before she died," said Selinger, who coached the 1984 U.S. women's Olympic volleyballs team. "She's out there with her hands up, smiling, powerful, an awesome human being."

Then she died. "It happened so unexpectedly," said Selinger. "It's a terrible shock. Unbelievable, at this time in life."

To Selinger and his wife, the powerful spiker seemed like "our daughter." For years they had kept a room in their house for her.

The 31-year-old, 6-foot-5 Hyman, who led the Olympic team to a silver medal in Los Angeles, was playing for Daiei in a Japanese women's match in Matsue City, about 380 miles west of Tokyo. After a player change, she took a seat on the bench—"The last thing she said, she was cheering somebody on," said Selinger—and collapsed. She was carried from the gymnasium on a stretcher, taken by ambulance to a hospital and shortly after arrival was pronounced dead, of heart failure.

A Daiei spokesman told reporters: "There wasn't anything strange about her health before the match. She didn't have any health problems."

In what apparently were unrelated incidents, Hyman did have fainting spells—two in the 1980s before the Olympics that Selinger could recall. They happened during long opening ceremonies of major events held in high temperatures. "We knew she was sensitive to heat," said Selinger, who added that Hyman was "checked out" afterward by doctors who found "everything was okay."

With her performance in the Olympics, Hyman established herself as a clearly superior performer, one of America's all-time greatest women athletes. But although her fame may yet grow, she had dropped in visibility in this country since the Olympics. For many women athletes, Olympic fame can be meteoric. "Once you've played with the national team," said Selinger, "there's no place to go."

With the major exceptions of golf and tennis, few women's professional leagues exist. Quickly, a great woman athlete with no way to turn pro can fade from sight. For one, Lynette Woodard, star of the gold-medal-winning U.S. women's Olympic basketball team, has latched onto an alternative, becoming the first woman Harlem Globetrotter. In addition, four members of the U.S. Olympic women's volleyball team went to Japan to play. There, as Selinger put it, Hyman became a "legend."

Admired and loved, she had led the Daiei team to an improvement that duplicated her dynamic role with the U.S. women's Olympic volleyball program from 1975 to its silver-medal effort in 1984. "She took Daiei from the third division to the first division," said Selinger. "She was always concerned with the team. This was going to be her last season, but she was planning on going back next year to help coach.

"The most amazing thing, I got a letter from her written on the day of her death. She wrote it at 9:50 in the morning, in the hotel, waiting for the match. It was a big match, with Hitachi, which had won 88 consecutive matches. The week before, Daiei had lost to Hitachi. After that, Flo organized a program for her team. She studied video. She reorganized the team and helped coach it with the approval of the coach. In the letter, she says she's so anxious to go play it, knowing that Daiei is going to win it. She says, 'I'm feeling so proud, so positive, so strong. I can't wait. . .

"'I look at them (her teammates) and they seem calm and confident. We feel like a team again.'

"That's Flo. That's Flo. She was a team player."

The manager of the team gave Selinger the letter when Hyman's body was brought to Los Angeles.

"She did play like that, and they won the match," said Selinger. "And that kind of reflects Flo's spirit."

Surely, it's a spirit that will endure among those who knew her—and among those who didn't, should her story become better known.

In 1974, she made the U.S. national team, which was struggling greatly. The United States had failed to qualify for the '72 Games in women's volleyball. By 1975, the national team was without a coach and was barely holding together.

"We refused to disband," Hyman once said of her early teammates. "As long as we stuck together, we were the national team. We stayed together three months without a coach. Finally, they said, 'Okay, these girls aren't going to leave, so we'd better give them a coach.'

"We wanted to go somewhere, but we didn't know how to get there. Arie took us there."

Selinger was born in Poland in 1937, and in May 1945 escaped with his mother from the Nazis. He grew up in Israel, played volleyball and became coach of the Israeli women's national team. He moved to the United States in 1969. While pursuing a doctorate at the University of Illinois, he saw the 18-year-old Hyman in an exhibition match with the U.S. national team in Chicago.

He was struck by her height and agressiveness. When he became coach of the national team and reported to its Pasadena, Tex., camp, he believed Hyman would be a future star. Though known for his demanding training methods, he found believers among his players—Hyman was one of seven who stuck with the program even after the United States boycotted the '80 Olympics. She had been playing since 10th grade.

At Morningside High in Inglewood, Calif., she ran track and played some basketball but was not happy with her ability, or her height. (As early as sixth grade, she had stood 6-1.) A teacher invited her to play volleyball. When she learned it was an Olympic sport, she took it seriously, earning a scholarship to the University of Houston and further developing her game of overpowering offense and intimidating defense. Her reputation spread. The game's fiercest hitter, she was regarded with awe. Rita Crockett, an Olympian and teammate in Japan, once said of the first time she saw Hyman play, "My first reaction was 'Duck!' "

In 1978, Selinger moved the team to the U.S. Olympic Training Center in Colorado Springs. By then, Hyman had finished three years of math and physical education at Houston and said of the move to Colorado: "You can go to school when you're 60. You're only young once and you can only do this once."

She had learned determination from her mother, who died several years ago, and her father, a former railroad steward who once worked the fields in the segregated South of the 1920s. They taught her—one of six daughters and two sons—to ignore jeers about her color and height. Once she had come to terms with her height, she walked with her head up and played the game of volleyball with an obvious dignity, too.

Selinger said that because of her height she had to work many years to become proficient on defense—in fact, she came to be the team's No. 1 defensive player, just as she was the offensive leader. In the little spare time she had—even when she had a two-week vacation, she'd return to practice after just a week—she liked to read gothic tales and paint. She hoped to be a volleyball coach and do what she could to spread interest in the sport. Still single, she thought one day she'd get married, said Selinger, "that everything happens in due course." She once said of volleyball. "I'm in this because I love the sport and I love my team."

She also said: "I have no fears and no insecurities about the future."

Friday, she was buried in Inglewood after a service attended by more than 500 friends. Relatives thanked a delegation from Japan for the special way she had been treated there. The eulogy was given by an uncle, Rev. J.A. Barber, who said that "years ago"

Hyman had requested he speak "if anything happened to her." She had heard him speak at a service. "I told her, 'You're too young to be talking about death.' "

Said Selinger earlier in the week, "She belonged to the whole team. She belonged to everybody."

[From the Sports Illustrated, Feb. 17, 1986]

MARFAN SYNDROME: A SILENT KILLER

(By Richard Demak)

Flo Hyman, the best American woman volleyball player ever, was spending this winter as the star of a talented team in a top-class Japanese league. On the night of Friday, Jan. 24, Hyman's team, Daiei, was playing in Matsue, a city on the shores of the Sea of Japan, some 380 miles west of Tokyo. During the third game, Hyman was taken out in a routine substitution. She sat down on the bench. Seconds later she slid silently to the floor and lay there, still. She was dead. An hour later, doctors at the Red Cross Hospital in Matsue ruled that the cause of death was a "heart attack."

Flo Hyman had died of no such thing. An autopsy performed in Culver City, Calif., at the request of Hyman's family six days after her death revealed that what killed this strong and vital 31-year-old athlete was a disorder much less common than a heart attack. Hyman, the star of the 1984 U.S. silver medal-winning team, had died of a ruptured aorta caused by Marfan syndrome, a congenital condition that exacts a disproportionately large toll among tall, lanky people such as Hyman, who was 6'5". For this reason, Marfan syndrome is—or should be—of special interest to physicians who treat basketball and volleyball players and other athletes who tend to be tall.

The pathologist who performed the autopsy, Dr. Victor Rosen, was given permission by Hyman's family to talk to SI about his findings. Rosen, once an assistant in the office of Los Angeles County coroner Thomas Noguchi, said that Hyman had been in superb condition except for a single fatal flaw—a dime-sized weak spot in her aorta, the massive artery that carries the entire flow of blood leaving the heart. That small spot, less than an inch above her heart, had been there since her birth, and there the artery had burst, exploding inside her chest as she sat on the sideline in Matsue. It was the result of Marfan syndrome.

The malady was first described in 1896 by Antoine Marfan, a French pediatrician. It is a genetic abnormality that affects connective tissue—the stuff that binds and supports all the cells in the human body. The defective genes that cause Marfan syndrome result in critical changes in the protein that gives connective tissue its strength. This weakens and, in effect, loosens the tissue, producing, in ways that are not always clear, characteristics by which victims of Marfan syndrome are commonly identified: tallness, long fingers, deformities of the breastbone (in some cases protruded, or pigeonbrested, and in other cases indented) and nearsightedness. Hyman was nearsighted and wore glasses on the court. To some experts, Abraham Lincoln's long fingers and great height (he was 6'4") indicate that he may have suffered from the syndrome. It has also been suggested that the long fingers that helped account for Niccolo Paganinis dexterity on the violin were the result of Marfan syndrome.

Of all the symptoms, tallness is the most obvious. The average height of white males with the disorder is 6'2". People with Marfan syndome are often tall even when other members of their families are not. (However, Hyman's father is 6'1" and her mother, who died several years ago, was tall—5'11".) Also, the arms tend to be disproportionately long. With most people, when the arms are extended from the sides, the distance between the fingertips of the left and right hands is about equal to one's height. For someone with Marfan's, the arm span is usually much greater than the height.

Why the genes, that control the connective tissue malfunction in this way is a mystery. Men and women of any race can be affected, and in two-thirds of the cases, the syndrome is clearly inherited, but not necessarily from both parents. Every child of a carrier of the defective gene has a 50 percent chance of having Marfan's and some of its characteristics.

Marfan syndrome is particularly frigntening because its diagnosis is very difficult. Most people who are very tall or have supple fingers or are nearsighted do not have it. It affects only one person in 10,000. There is no laboratory test that will detect it. It doesn't show up in blood tests or biopsies. Dr. Reed Pyeritz, director of the Medical Genetics clinic at Johns Hopkins Medical Institutions in Baltimore, is an expert on Marfan's. Pyeritz, an associate professor of medicine and pediatrics, treats 400 people for the syndrome every year, but he says there are many others, including, presumably, some playing sports at various levels, who are Marfan sufferers but don't know it. Pyeritz says, "Often the first person to make the diagnosis of Marfan's is the coroner."

Tragically, such was the case with Hyman. A similar case involved a University of Maryland basketball player 10 years ago. Chris Patton, a 6'9" sophomore, had just finished his second season with the Terrapins. Patton's coach, Lefty Driesell, recalls what happened: "The season was over, and the nets were up on some outdoor courts near the stadium. Chris lived nearby. It was a pickup game, and he went up for a dunk. They told me he was dead before he hit the ground." An autopsy showed young Patton's aorta had burst because of the lifelong weakening effects of Marfan's. No hint of the illness had been detected before he died.

It was the same with Hyman. In spite of all the physical exams she received in her athletic career, not even the tiniest sign had surfaced. She had been a member of the U.S. volleyball team since 1974—one of seven players who stayed with the team after America's 1980 boycott of the Moscow Olympics. The hard-driving U.S. coach. Arie Selinger, purposely used techniques that were brutal in order to condition his team, and he chose players accordingly. He wanted only the best and seemingly fittest of athletes, even if they weren't the most polished volleyball players. Hyman was sensitive to heat and suffered occasional fainting spells, but this is not believed to be related to Marfan syndrome.

In March 1982, Hyman was given a physical at the Olympic Training Center in Colorado Springs. "Her exam revealed nothing," said Jenny Stone, the head athletic trainer at the center. Hyman had at least one more thorough physical from doctors connected with the U.S. Olympic program, and in 1984, she, like all Olympic athletes, was examined upon arrival at the Olympic Village in Los Angeles. All was apparently normal. She continued to give the appearance of perfect health right up to the moment of her death. "The pathologist told me she had a beautiful body," says Hyman's sister, Suzanne Jett. "He said she had the heart of a baby." Rosen told SI, "There was no fat on her. She had tremendous muscle development. She had what we call a time-bomb lesion. Only no ticking is heard."

Hyman's autopsy report will identify the cause of death as "classic cystic medial necrosis of the aorta." Here is what that means: Normal connective tissue, magnified by a microscope, looks like crocheted strands of steel, but the damaged spot on Hyman's aorta contained fibers that resembled "broken rubber bands," according to Rosen. During the volleyball match, her blood pressure had evidently risen so high that the weak spot in the artery could not withstand the increased force. When her heart pumped the highly pressurized flow of blood through the weakened aorta, the flow simply tore the aorta apart. The blood then flooded the sac surrounding her heart, smothering it. Rosen found evidence that Hyman's aorta had actually been torn twice: There was a three-week-old blood clot around the tear, indicating that an earlier rip in the same spot had already begun to heal when the fatal second rupture occurred.

Had Hyman's weakened aorta been discovered in time, she might have lived a long life. Pyeritz and his colleagues at Johns Hopkins monitor people diagnosed as having the syndrome with echocardiograms: Sound waves are reflected off the heart to a machine that converts the waves into a visible image. When the doctors see that the aorta is dangerously enlarged, they operate, replacing the damaged section of the artery with a Dacron tube. Without such surgery people with Marfan's usually have less than half the normal life expectancy; with it, they can expect a full life span, so long as they limit the scope of their physical activity.

Because of the weakened aorta that plagues those with Marfan's, experts believe that contact sports and those requiring sudden exertion should be avoided. One bump to the chest or the strain of jumping or stretching can rip the artery apart, In fact, Hyman was probably very lucky to have survived as long as she did playing such an explosive sport as volleyball.

The risks to some basketball players may be equally great. Pyeritz says, "I take care of a lot of people in their 30s and 40s who played college ball, and their Marfan's was never picked up. I think there are one or two players in the NBA right now with Marfan syndrome." He also guesses there are dozens of high school and college basketball players who unknowingly have the disorder.

"The most difficult case is a kid whose identify is his height and his basketball," says Pyeritz, who has counseled his share of disappointed athletes. "We tell parents that just because their child is the tallest in the class doesn't mean he or she has to play basketball."

Robert Liburd, Chris Weisheit and Vory Billups are among those who should have a greater opportunity for long life because their Marfan's was detected before it could kill them. All three were hotly recruited high school stars who received basketball scholarships to NCAA Division I universities and had cases of Marfan's detected or confirmed at physicals before their freshman seasons began. In each of the cases, the team physician noticed during a routine exam some of the characteristics of the syn-

drome and referred the athlete to a cardiologist to examine the heart and aorta and confirm the diagnosis.

The three are still in school—Liburd at Temple, Weisheit at Maryland and Billups at St. Bonaventure—and although none of them will play so much as one second of college basketball, each will keep the athletic scholarship he was awarded.

Weisheit had heard of Marfan's before he learned that he had it. "My sister is a medical student back in Germany," says Weisheit, who is a native of Cologne. "She told me one day about this disease she was studing where the people were tall and needed to wear glasses. She said, 'You know, I think you might have this.' I told her she must be crazy."

It was a coincidence that Weisheit wound up at the school Patton had attended. Weisheit had a feeling something was wrong that afternoon last October when the team had its physicals. "Everyone else was in and out in five minutes," says Weisheit. "I was in for 40. I knew it had to be something." A few days later, Driesell and the team trainer, J.J. Bush, told Weisheit that he had Marfan syndrome. "Chris asked me what this all meant," recalls Driesell. "I told him that this was serious. I said, 'Christ, I had a player who died of this.'" The moment stuck with Bush, too, who remembers, "Chris said, 'I don't want to die playing basketball.'"

If it hadn't been for his myopia, Liburd might never have discovered he had Marfan's. He had worn prescription goggles during his senior year at Dewitt Clinton High School in the Bronx. "He said during the preseason running and weight training that he wanted to wear contacts in college. So we sent him to an ophthalmologist," says Tom Goelke, the assistant trainer at Temple. "The doctor, said he found dislocated lenses, one of the signs of Marfan's," Temple coach John Chaney told Liburd the news after a practice the same week that Weisheit was told at Maryland. "Since then I've been having trouble sleeping," says Liburd. "Sometimes I think they're doing it for the best, and then sometimes I still think the decision of whether or not to let me play should have been left up to me."

Unlike Weisheit or Liburd, Billups knew he had Marfan's before he got to college. What he didn't know when he arrived at St. Bonaventure in the fall of 1984 was that it would prevent him from playing. Billups says, "During high school [Bennett High in Buffalo] my doctor noticed the symptoms. He felt it was O.K. for me to play at that level. Later, they decided college ball would be too strenuous."

No one ever told Flo Hyman she couldn't play volleyball. She was passionately dedicated to her sport. When the U.S. women's volleyball team set up training headquarters in Colorado in 1978, Hyman had spent three years studying math and physical education at the University of Houston. She dropped out, went to Colorado and told her friends. "You can go to school when you're 60. You're only young once, and you can only do this once."

Mr. DOLE. Mr. President, I ask unanimous consent to join in and be associated with the statement made by the Senator from Oregon [Mr. PACKWOOD] paying tribute to Flo Hyman.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent to join in and be associated with the statement made by the Senator from Oregon [Mr. PACKWOOD] paying tribute to Flo Hyman.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FLO HYMAN

Mr. CRANSTON. Mr. President, I join with the Senator from Oregon and my colleagues in the statement paying tribute to Flo Hyman, a great athlete and a fellow Californian.

Her sudden death, at the height of a brilliant athletic career, was a great shock to the world and the many Americans who watched and cheered as she led the U.S. women's volleyball team to the silver medal in the 1984 summer Olympics in Los Angeles. She was widely recognized as one of America's all-time greatest women athletes. Californians, in particular, felt a special pride in the achievements of this spectacular young athlete from our State.

Flo Hyman's legacy, however, was not limited to the annals of Olympic history. None of us can forget how, fresh from the Olympic victory, she came to Washington in September 1984 to lobby on behalf of the legislation to restore the civil rights laws in the wake of the Grove City College case. She told us in eloquent terms how title IX of the Educational Amendments of 1972 had made a real difference in her life and had given her the chance to become a world-class athlete. She urged us not to let the doors of opportunity close on other young women.

Mr. President, I can think of no better tribute to this outstanding American than passage of the Civil Rights Restoration Act, so that young women growing up today can follow the path so well carved out by Flo Hyman and the other women Olympians who brought such honor and pride to our Nation in 1984.

Mr. WEICKER. Mr. President, I ask unanimous consent to join in and be associated with the statement made by the Senator from Oregon [Mr. PACKWOOD] paying tribute to Flo Hyman.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, I ask unanimous consent to join in and be associated with the statement made by the Senator from Oregon [Mr. PACKWOOD] paying tribute to Flo Hyman.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from South Dakota, asks unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will stand in recess until 2 p.m.

Thereupon, at 12 noon, the Senate recessed until 2 p.m.; whereupon, the Senate was called to order by the Presiding Officer [Mr. PRESSLER].

THE PHILIPPINES

Mr. KENNEDY. Mr. President, for the second time in half a century, the Philippines have been liberated: in 1944, from Japanese occupation—and in 1986, from the Marcos dictatorship.

In recent days, the Philippine people have demonstrated again the power of the idea of democracy. Unarmed men, women, and children gathered to guard elements of the armed forces who broke with Mr. Marcos because they knew that their oath was not to defend one man, but to defend the Philippines and the liberty of all its people. The Philippine people deserve full credit for this victory. They confounded the experts, the intelligence agencies, the cynics and the ideologues. They, and their church, believed—and they overcame, against seemingly impossible odds.

Rarely, if ever, has the world witnessed such an extraordinary day in the history of human freedom. The story of these dramatic and deeply moving events will be told and retold for generations. The irresistible force of democracy met the immovable object of dictatorship, and the immovable object moved.

Yet it is also fair to say that other forces outside the Philippines played an important role as well. Because of the news media, Mr. Marcos knew that the whole world was watching—and that he could not slaughter innocent civilians, as his henchmen had gunned down Benigno Aquino in cold blood in 1983. I am convinced that in the perspective of history, we will regard that day of infamy as the day when the Marcos regime itself began to die.

In the past, I have been critical of President Reagan's course in the Philippines—and I still believe that this administration, like its predecessors, held on too long to the Marcos regime.

Yet today President Reagan also deserves credit for his recent and decisive action in a new direction. He reversed a failing policy. He discarded his own preconceptions. And he acted on the basis of reality, not rightwing assumptions. He even broke with his own past suspicion of protest and civil disobedience. In the end, he enlisted in a cause he had disdained only weeks ago—and he put America on the right side of history.

The result is this day of pride—not only for the Republic of the Philippines, but also for the United States of

America. And it is a day whose peaceful dawn could not have come without the leadership of President Ronald Reagan.

There is one other President to whom this day especially belongs—President Corazon Aquino. We can debate whether individuals or events move history. But in the Philippines, this uncommon woman who picked up the fallen standard of her husband mastered and directed the tide of her country's freedom. She earned the loyalty of her people—and in doing so, she won the respect of the entire world.

In the past, America's aid was too generously given to the dictator. Now, in looking to a brighter future for the Philippines, let us pledge our friendship and our support to President Aquino and her people on this, their new independence day.

EXTENDING MORNING BUSINESS UNTIL 3:15 P.M.

Mr. DOLE. Mr. President, I am advised by the distinguished Senator from Mississippi, Senator STENNIS, that he would like to be heard on the matter that will be before the Senate later on this afternoon, Senate Resolution 28, TV in the Senate. I certainly want to accommodate the Senator.

Rather than have the bill come down, I ask unanimous consent that we continue in morning business until the hour of 3:15 p.m. and that Senators be permitted to speak therein for 5 minutes each, with the exception of Senator STENNIS, who may have whatever time he desires.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. DOLE. Yes.

Mr. STENNIS. Mr. President, to be sure we understand each other, I am entirely willing to accommodate the leader in any way, but is this matter likely to come before the Senate as a matter of settlement or agreement around the table here this afternoon sometime? I want to be sure about that. Maybe the Senator could say. But if there is going to be a session where there is better attendance than there is now, I would like to speak then rather than to this group. [Laughter.]

Mr. DOLE. Let me indicate to the distinguished Senator from Mississippi that it is a little sparse right now. But there are a number of meetings going on on this subject matter. Whether we can reconcile our differences, work them out and come to the floor, I hope we can finish today. But that may not be possible.

I announced at our policy luncheon that I was working with the distinguished minority leader and others to bring together the various groups to see if we could reach some compromise. If that were done, we would probably not know until around 4 p.m. or maybe a little bit after that.

It is unlikely we can complete action today. But we are certainly shooting for tomorrow.

Mr. STENNIS. I request to speak today, and I might request to speak tomorrow, too. If so, I would want to do it.

Mr. DOLE. I would be happy to provide the time.

Mr. STENNIS. I have had to postpone this once. I would rather go on, and now.

I have no objection to proceeding in the morning hour for 30 minutes, or more, if I need it.

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, as the Senator from Mississippi understands, he is recognized in the morning hour. But the Senator from Mississippi is ready to speak in the morning hour. As of now, is there any time limitation?

The PRESIDING OFFICER. Until 3:15.

Mr. STENNIS. It is now 2:22; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. I thank the Chair.

Mr. President, am I recognized?

The PRESIDING OFFICER. The Senator is recognized.

Mr. STENNIS. Mr. President, there is nothing personal about this—and I have never read anything about it in the rule book. But I was chairman on the subcommittee. When the Senate is in session, and particularly when someone is addressing the Chair, the Chair will give his undivided attention. That rules out the use of the telephone; is that correct?

The PRESIDING OFFICER. That is correct.

TV IN THE SENATE

Mr. STENNIS. Mr. President, we have a very far-reaching proposition here before the Senate. It is very honestly considered, I am sure, by every single Member of this body. I think, among other things, this proposal to televise Senate proceedings will have a very, very far-reaching effect upon the U.S. Senate in, say, maybe 5 years from now, or 10 years, or 15 years from now. We will certainly see its full effect within 15 years.

I believe that by then what we have known as the Senate as a deliberative body, a body of last resort, so to speak, is going to be a thing of history. It will not be a thing in use. It will not be a servant of the Constitution. It will not be a servant of the people of the United States. I hope that is not a correct conclusion. But it is certainly one filled with truth, as I see it.

I want to make several points in no reference whatsoever to any individual Member of the Senate, or in any capacity they may hold. There is no reflection on them. Certainly it is not a reflection on either one of the floor leaders when we are blessed—and I mean literally blessed—by having among the best that this institution has ever had. But if we are going to switch over now, and televise a Senate Member making an official speech on the Senate floor during a Senate session, we will certainly have to show the entire scene of action or inaction or we shall be guilty of a fraud and a falsehood on the American people.

In other words, if there is no one here hearing the speech or paying any attention to it—and for the moment that is true about the speech I am making now, but that does not offend me in the least bit—if we are going to have these speeches of the type to which I have already referred, then to be honest and fair and fully exercise our responsibility, we owe it to the American people to show the rest of the Chamber, or at least some glimpses of it so it will be a full picture of what is happening, and what is being done.

Let us just make this the entire picture, make it complete, or make it truthful and honest.

I say that we ought to show the entire scene and the action of the debate or presentation, or we make a false presentation, and thus make a farce of the entire matter. Unfortunately, the Senate floor now is often in disorder, and I have to advertise this, but anyone who comes here can see. It is in disorder by having Members walking to and fro much of the time, talking to each other, or doing business on the floor in tones that really drown out the speaker in whole or in part. These conditions are an affront not only to the speaker who has the floor, but also to the constituents of the speaker who have the right to have their Senator heard and, of course, other Senate Members in the Chamber have the right to hear the speaker if they wish.

Appeals by the speaker to his fellow Members requesting order and quiet so the speaker can be heard are often made, but often do not get enough attention by the Chair or to the one causing the noise to remedy the situation by any means.

That goes for common, ordinary, regular conduct. A man has a right to be recognized by the Chair, and a Member of this body in good standing has the right to proceed to make a speech. If there is so much noise, interference, talking, and other things going on, he knows that he is not being heard. He knows that his con-

stituents are not being heard, and everybody else knows it that looks around.

That is not a sin, a moral sin, but it is a condition that ought not exist. The speaker is calling, requesting, and begging for order to the extent that he can be heard.

I think in that regard, it is not uncommon to see a Senator standing and seeking recognition so he may speak on some matter which his constituents consider to be of vital interest, but he cannot get through. There is noise, confusion, talking going on. I am sure that most Members who cause the disturbance do not realize at that moment the extent of that disturbance but it is a fact of life.

I certainly do not claim to have been above and beyond all of that kind of misbehavior myself, even though I consistently try to remember where my place is while the other Senators are speaking. That is to keep quiet.

Let me make clear that my remarks are not in any way a reflection on our floor leaders, the Senators from Kansas [Mr. DOLE] and the Senator from West Virginia [Mr. BYRD]. They each render an exceptionally high quality of service, are well informed of the rules, are uniformly fair, considerate, and painstaking during most all the time.

I have seen many of them come and go, but I have never seen any that are better than are these two men. Their motives are the very highest. Their understanding of the hard questions is good. I have no complaints and no one else has as to their conduct or their failure to be more successful in keeping down the noise and confusion.

My opposition to putting the television cameras on the Senate floor is by no means an objection to television itself. Television renders a great service to the Nation in many ways. I was chairman of the Senate Armed Services Committee during the war in Vietnam, and I give television great credit for material aid in bringing about an ending to that war.

It seems that no one else could get at it in an effective way to carry the message in its true form, in its depth and its terror, at times. But when television cameras started reflecting throughout America those scenes from the battlefield, I realized myself that there was going to be a response, but it came quicker, faster, and harder than I realized. That brought about the conditions which brought an end to the war.

My objection to television cameras being used in the Senate Chamber, for one reason, is because of my great respect for the Senate Chamber itself and what it symbolizes in our Government and the service it renders to our people. I think if we are going to show any of it as a session in progress, we should show all of it and not just a part which converts it into a fakery.

I just believe it is misleading to the people to have any special setup of any kind in here, to put it on television, and to deliberately exclude from that same view conditions that do not restrict what is being done but which shed a light on the ceremony or the procedure being had, to give it its true light and true condition. I do not think it would be approved by the American people. They would find out that they are being left out of things, or I think they will find out, if we do not remedy this situation, if we are going to make the change that will permit television.

Let me say a word about the procedures of the House of Representatives.

No one in this body has any more respect for the House membership or the House of Representatives and its officers and leaders as a whole than I have. I have always been conscious of that and fulfilled that obligation to them the best I could. But it is a different institution. It is a different purpose in many ways. The Senate has matters concerning foreign affairs, treaties, nominations, a great many matters that I could name. But a big difference is the finality, to a degree, if I may use that word, the finality as to any major issue—whether it is a resolution, a law, whatever it may be—being most likely to come in the Senate.

To that degree, it is a court, by tradition, 200 years, lacking a year or two, having gone by since we molded and started the use of our present Constitution of the United States—200 years.

Now to come along and change the nature and the mission, I submit, to change the meaning of the U.S. Senate, the meaning to the American people, to come along and change that just to give one Member a chance to make one speech, even if it is just occasionally of a relatively few minutes but under circumstances that makes it look like, makes it seem like, to the viewer of television that it is something far different from what it actually is, I think is out of keeping with the Senate.

Concerning the House of Representatives, with its added membership and added differences with reference to elections, to campaign areas, the extent of the terms of office, those things make a great difference between the two bodies. If what the House has suits them the best, as they see it, if it serves them the best, as they see it, then I am for it. But I think, as I have already said in my reasons, that would not properly apply in this case here. To use it as I have outlined would be a modification that would leave the matter incomplete and inadequate.

Mr. President, as I was saying, the Senate is by its very nature a parliamentary body, within itself to a degree, with an added jurisdiction in the field of foreign treaties and confirmation of appointments. The Senate is almost a third body. But it is the sheer powerful voting strength of every State on every issue that has to me a far-reaching appeal. This is the most far-reaching provision of the Constitution of the United States in my humble judgment. This is not something I picked up to use in this debate. I have believed that ever since I was in law school and had the privilege of studying constitutional law. One of the great strokes of genius by the writers of the Constitution of the United States was how they finally settled the argument about the voting strength that was going to apply to each of the States. At that time they had been known as colonies. And then under the old confederation they got off into something that did not work.

Now, those men, I humbly believe, realized—and they were men of genius and understanding and experience—that a compromise or a judgment call of some kind had to be made as a basic move to get a foundation on which to write in effect a new constitution. The proposal was made to let every State, regardless of population, size, or any other dimension, have two votes in the U.S. Senate, to which a quick response was made from the smaller States that had been complaining, "Yes, you give us that now, yet next year, even after 1 year, you can offer a proposal and get it adopted by the majority and change that back to one vote."

So they came back finally with the clause that really sealed the bond, the provision that said two votes per State shall not be changed without the consent of the State involved, period. Period. That period has been there these 200 years, and right now everything you turn every Senator uses his vote every day. You go to a subcommittee meeting on some remote, small item, and that smaller State in the Union in money, in population, in square miles, in every way, can send one or even both of its Senators to that meeting. And then take the smallest full committee we have. To a degree in the same way that smallest State is represented, maybe not by everyone but it is a part of the whole, it is represented. Maybe every committee does not have two Senators on it from one State, but it has the representation en masse. And come to this floor on the most minute matter that could possibly be brought up, insignificant matter as it may be. When the roll is called, when the vote is taken, every State has a chance to have two votes cast and counted.

Now, that matter is not temporary. That cannot be changed under our form of Government, our Constitution, regardless of how many States

might vote for it, unless the State affected directly would consent to that change.

"Well," you say, "that is an odd situation; it is not right; it is not fair to give to a small State with a population of a few hundred thousand or a million or two, two votes, and here are the great States of New York, California, and the others, with tens of millions of people." I cannot pronounce the word it would take to tell about the wealth of that State sitting right there by Delaware, New Jersey, or any of the other so-called small ones. Yet you could not change that vote. You could not change the registration of that vote.

Now, those matters have a meaning, and it has saved this country. It paved the way for getting the Constitution of the United States adopted. I am satisfied of that. There is no use to go into details about it. It made the difference, and in operation it has sailed through now, as I said, for 200 years.

The Senate is a different type of institution. That is what I am arguing. It is different from other institutions. For all these years it has exercised by and large the same jurisdiction that it was given in the beginning. We should not now come along and upset and change all these matters that go to the very substance, the innards, the operation, the power of a State in the U.S. Senate. Anything that materially changes those tried and true and adopted provisions that regulate and control the operation of the Senate ought not to be flirted with, especially with a television appearance where it is not even going to be required to show any part of this Chamber. They are going to call it the Senate, but they are not going to let anything be shown, as I read the resolution, except the person who is making the speech and the person who is presiding over the body.

Now, if we can compromise that into representation or a picture of this body in full operation in a day's work, day's session, if we can reconcile those things, I am willing to get out, go away and withdraw my objections. But I tell you, we are flirting here in many ways with the very heart and soul, the operating values of this great body, and once we let it become changed it will not be within us to change it back.

We can say, thankfully, that sound self-government has been successfully sustained over these two centuries under the basic provisions of our Constitution. It shall be the continuing duty of our people to keep the principles of our Constitution in operation for countless centuries to come. And, of course, I am talking about the operation of the Senate from day to day and the procedures and all which make up this body. We change the substance of the law every day as it may apply to our people.

So, Mr. President, I like to think, by contrast, of the former years when we had highly enlightened debates in the Senate, which were due in part to the thorough and extensive work of our Senate committees, with splendid and complete reports prepared by our committee staff members. We would have the benefit of a number of the members of the committee, who were well versed in their knowledge of the subject matter and very firm in their final position on the bill or resolution that was up for passage. Attendance was what I would call splendid, and that itself added to the atmosphere, to the feeling, to the dignity, to the solemnity, to the importance of the occasion and the bill or resolution that was being passed on.

Say what you want, that is a part of our system. Our people cannot come here and vote themselves; they have to send representatives. Their representatives are entitled to the best opportunity that can be given them, as they attempt to pass on these matters, some of which are far reaching.

Without being critical of any individual Member, we now are inclined to turn aside from this procedure I have briefly outlined and put on a new program on the Senate floor. This new program will be a personal appearance of one of our Members when he gets the floor for the purpose of making a televised statement to the Nation at large, or at least to any TV station that is willing to carry the message. It can be addressed primarily to people of the speaker's home State or to a larger area of the Nation or to the people at large throughout the Nation. In order to get more extensive coverage, this Member could let his speeches of this type accumulate and deliver them on Friday or Saturday or Monday, as would best suit the occasion. I mean by that, as would best suit the occasion of getting it televised to a national audience.

If we adopt this procedure, we will not have to have the current intention of following this course, but it will soon develop in the course of time to a procedure similar to what I have outlined, which is a long, long way indeed from our former concept of the U.S. Senate.

Yes; I believe that it will change. I do not put a firm figure on my estimate of how long it would take. As I have observed things here—not read in a book about it but have seen it on this floor—I believe that, in the course of years, it will be a very substantial change in the ability to get at the problems of this great body.

As I have already said, I think that if we are going to adopt a plan of televising the proceedings of the Senate and get the Members out in that role, whatever their motives may be, if we are going to adopt that now as our official way, we certainly owe it to everyone to give the whole issue, the whole picture, and I am not saying that because there is poor attendance here. The number in attendance here is very low. That does not offend me. Maybe it should, but I have become accustomed to it, I suppose. To that extent we have already changed, to a degree, the nature of our great institution which we hold in trust.

We do not own this place. We did not earn this authority we have here. This authority, this power, belongs to the people, under our system. We are servants of those people, because we were selected for that purpose.

I cannot think of anything else that would touch the very heart and spirit and soul of this institution, that would have within its rules and practices something that appears to me to be partly for entertainment or partly for special purposes beyond what is ordinarily the mission and the jurisdiction of this great body.

I have always believed that the real success of our system of Government was not just the relatively few people who are here at a time, entrusted with that trust and power that belongs to the people, but because there were enough of them who tried to do their best and did their best. They were selected by the people. They were conscientious about it and realized what they were doing. The power that gives them their freedom is wrapped up in the relatively few words and provisions of the Constitution of the United States, and it is temporarily embodied in the person who is elected to carry out that power and that responsibility—those judgment calls.

Beyond that, we, the membership here at any given time, are nothing compared to the overall mission and purpose of this body: the continuity, the perpetuation, to the extent of 200 years—to me, that is a long time; it may not be to some, but it is a long time—and the way we have come along and the battles we have had to overcome and conquer. We have even fought the most unfortunate war that has ever been fought, in my judgment, and survived all that. We carry on today in a way that is not perfect. We are not better than anybody else, but we have a tremendous capacity in material things and in other values.

I want us to keep the soul and body of this thing together—this power, this institution. I feel certain that we are about to materially and substantially change this Nation by this proposal.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 3:30 P.M.

Mr. ARMSTRONG. Mr. President, with the approval and direction of the majority leader and with the approval of the minority leader, I now ask unanimous consent that the Senate stand in recess until 3:30 p.m.

There being no objection, the Senate, at 3:03 p.m., recessed until 3:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ARMSTRONG).

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, may we have a statement of the business pending before the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

TV IN THE SENATE

Mr. HEINZ. Mr. President, the remarks that I will make relate to a measure that the Senate has been debating for the past several days, namely, the resolution concerning television in the Senate.

Although the Senate is not formally on that measure, it will be the pending business of the Senate when we conclude morning business. In order to expedite the procedures of the Senate, it is my intention to talk about the pending motion, namely, whether or not we should have TV in the Senate and, if so, under what circumstances, during morning business.

I speak to my colleagues and to you, Mr. President, as a longtime supporter of televising the Senate. This is the people's business that we are about. The people have a right to know what it is. The Senate, which has been open to the printed press for many, many years, has come more and more to take much of its public information from the electronic news media, radio, and television. It is this Senator's view that the deliberations of this body should be open to public scrutiny as are those of the House.

As a Member of this body for almost 9 years, I am sensitive to the fact that there are Members who are concerned that televising the Senate will, in some way, change the fundamental character of this institution and change it in some detrimental way.

It is my considered judgment that television will improve the way the country views the Senate, it will improve the performance of the Senate, and it will enhance the reputation of the Senate.

When I was growing up and I scratched my knee, after my mother washed it, I would always think about putting a bandage on it. She would say, "You only need to put a bandage on it if you are afraid of getting it dirty. Actually, fresh air and sunshine are the best disinfectant."

If anybody doubts the virtues of fresh air and sunshine, whether it be the fresh wind of debate or the sunshine of illuminating the business of government, I would suggest that the House of Representatives, which has been covered by television for a number of years now, has become a better deliberative body than it was when both the Presiding Officer and myself served in that body some 7 and 9 years ago respectively.

It has been my view, literally, from watching C-SPAN, that the quality of debate in that body has improved; that the efficiency and effectiveness of the House in disposing of the people's business has improved. I think the ostensible conclusion that we should draw is that by and large television is likely to make this body better.

Critics of televising the Senate point out that the structure of our rules is very different from the House, and they are quite correct. The House operates under very strict rules of germaneness. Legislation is considered under rules that are voted on by a majority present and voting, which rules usually preclude much in the way of amendment. They set strict time limitations on the oratory of individual Members of the House, best known as the 5-minute rule. Consideration of an amendment and the time therefor is limited very explicitly under the rule. All of these things are quite different than what we have here in the Senate.

One of the things that I think most of us cherish about this body is that in the rush to make decisions which this body sometimes feels compelled to make, just as individuals in their lives sometimes feel compelled to make rush decisions, it is, in the U.S. Senate, the right of an individual Senator, by a variety of means, to say to the Chair and his colleagues and the Nation, ultimately, "Wait, we are going too fast. We are making a decision too soon. There needs to be reflection. There needs to be greater consideration. There needs to be more thorough debate. We need to reconsider the rapidity with which we are reaching this decision."

Mr. President, here we are at 3:33 on Tuesday, and I say this without any criticism implied toward my colleagues, but there are, insofar as I can see, a very small number of Senators on the floor. That number is certainly greater than 2 and less than 10. We are debating something that almost all of our colleagues suggest is a very important issue. Whether you are for TV in the Senate or against TV in the Senate, I do not know of anybody who does not have strong views on the subject. And yet very few of our colleagues have, to my knowledge, actively entered into this debate, even though most of them hold very strong feelings on the issue.

It seems to me that there is a legitimate issue as to whether televising the Senate is in fact, under our rules, going to make it more difficult for the Senate to work its will. I have told you that I do not believe that is the case. I believe that the problems that the Senate has in doing the people's business lie in factors that have little to do with our rules, as we now have them, and would have little to do with the advent of television should we choose to have it.

It is this Senator's view that most of the problems related to the Senate are that we have attempted, as we have considered fewer and fewer bills, to do more and more with each single legislative initiative reported to the floor, and having decided to try to do a good deal more in the way of sweeping changes when we consider a Budget Act resolution, or when we consider a measure from the Finance Committee on reconciliation that deals with 20, 30 or 40 different titles of the law, including Social Security, Medicare, aid to families with dependent children, tax provisions, and so forth, when we bring before this body, as did the Banking Committee on which I serve, a measure that included the housing authorization, the extension of the authority for the Export-Import Bank, and a $6 billion or $7 billion increase in authority for the International Monetary Fund, you have made legislative decisions not only more complicated but more controversial. As a result, we find it more difficult to get things done.

I think the second reason for the difficulties in which this body may find itself from time to time is that the decisions we make are in fact more difficult.

It is hard, given the restraints under which we operate in this day and age, to make decisions on appropriation bills, where there is the pressure to cut, not to add, that do not make somebody unhappy. Politicians do not like to make people unhappy. As a result, since we know we are in a major budget deficit squeeze, since we understand that it is wrong to leave larger and larger deficits for our children and our grandchildren to pay, if not the principal at least the interest, we inflict upon ourselves much more difficult, much more contentious, decisions than this body has ever had to cope with.

I suppose I could compile a far longer list of what is making the quality of life in the Senate—broadly stated, our ability to get the people's business done and do it well—more responsive, more reflective of what the

people want us in their heart of hearts to do. I could mention that there seems to be a proliferation of both subcommittees and staffs of subcommittee chairmen that feel obligated to grind out far more legislative ideas in a week than we could dispose of in a month or a year.

Without going on at length, I would like to speak to the issue that we will vote on shortly; namely, the provision that would invoke a new germaneness requirement here in the Senate that I believe would be extremely dangerous. The provision to which I refer, of course, is the one which would permit, absent the invocation of cloture—or in the common parlance the vote that we have to shut down a filibuster—the imposition by a three-fifths vote of those present and voting a requirement that any amendment to business pending before the Senate be "germane."

On its face, that does not seem at first glance to be a totally unreasonable proposition. The reason it does not seem unreasonable is that most people would interpret that to mean if you have a bill on agriculture before the Senate, it makes sense to limit that bill to amendments having to do with agriculture, and if people do not want an amendment on the MX missile being brought up on an agriculture bill or when we are considering a tax bill they do not want abortion brought up on a tax bill, there is some logic to that position. But that is really not the issue, because the issue in the Senate is our particular definition of germaneness, which is so narrow, Mr. President, it is going to be difficult I think for most people to understand just how narrow it is, except by an example.

It is literally true that a few years ago, during the consideration of a farm bill, an agricultural provision, the Chair held that when the word "corn" was going to be added to a phrase which at that point included wheat and barley, it added new material to the legislation and violated the germaneness rule.

Now, I am not saying this to be critical of the germaneness rule. I am simply pointing out that when you have as a possibility of frequent use a rule which says you may not in a list of feedgrains—corn, barley, wheat, rice, whatever—include one additional feedgrain or commodity, which might be sunflower seeds, it might be popcorn, it might be sorghum, it is not exactly the way the people would like to see us go about doing their business. That is too narrow a constraint on debate and the right to offer amendments in the Senate. Yet, that is what the imposition of germaneness without the imposition of cloture and the limitation of debate is all about.

Now, I am a member of the Senate Finance Committee, and we deal with tax policy. We are charged with bringing to the Senate a tax reform bill. As a member of the Finance Committee, there is no doubt in my mind, being one of 20 Senators on that committee, that I will have an excellent opportunity to substantially influence what is in the tax reform bill. And because I believe it is important legislation, because I believe there are vital choices to be made, I welcome, indeed I am truly grateful for that opportunity. Were we to impose germaneness on a Finance Committee bill, I suppose in the narrowest sense I would like that, I would probably love it, because then the choices that the committee and I made, our committee of 20 out of 100 Members of the Senate, those choices, those understandings, those arrangements, that consensus building that we reach would be locked in. I should be all for a germaneness requirement that is easier to get, as this in fact would be.

But, Mr. President, I am not for that germaneness requirement for a very simple reason. I think it is unfair to the other 80 Members of the Senate who are not on the Senate Finance Committee. They represent States. They have constituents. They have legitimate groups of people constituting vital interests to them and their States that deserve full consideration. I think it is true, not to be critical of the committee process, that committees cannot always fully consider the wishes of all Members of the Senate. We are a limited number of people. Our ability to do work is necessarily limited and will never be perfect.

And so it would be with great trepidation, I must tell you, Mr. President, that I could ever agree to any kind of limitation on the rights of other Senators to offer amendments dealing with issues like this, even if it were in my self-interest to do so.

And so I believe that the amendment that the Senator from Colorado, currently the Presiding Officer, myself and Senator DECONCINI will offer, to delete the proposed Senate rule change on germaneness is an absolutely essential amendment upon which we need to agree. I trust that our colleagues will understand not only our strong feelings about the specific issue that is involved, namely, the proposed germaneness rule really limits the rights of individual Senators or minority groups of Senators, be they political, geographical or common interest, in representing something that we cherish quite specifically in this country, but also, it is the right of individuals and minorities and groups of people and regions to be well-represented in this body.

The Senate is different from the House in a number of vital ways. It was created, of course, as we all know from our American history that we got in seventh or eighth grade, because the small States did not want to join the Union and create a united 13 States of America. They were worried that if there were just a Continental Congress, a one-man, one-vote body, the big States—New York; Pennsylvania, from which I am proud to come—would have the votes and that the small States would not have the power to prevent the tyranny of the majority.

The Senate was established to prevent the tyranny of the majority. Imposition of a germaneness requirement of the type I have described comes perilously close to allowing a majority—in this case a slightly larger than average one—of three-fifths of those voting and present to tyrannize the minority with respect to a very narrow application of a rule.

It is also worth pointing out that the three-fifths is of those voting and present. That means that this germaneness rule, if the right people were present and the right people were absent, could be imposed by as little as 31 Senators—51 being a quorum, and 31 being three-fifths plus one of that quorum.

So, Mr. President, I suggest that this is a dangerous requirement that is being proposed to be included in our rules. I think the Armstrong-DeConcini-Heinz amendment which is before us—or will soon be before us—needs to be adopted. I trust that it will be. This is a vital issue to this Senator. I believe that the continued inclusion of the germaneness proposal in this package is nothing less than a killer amendment when it comes to whether or not we are going to consent to the Senate going on television. By "killer" amendment, I mean that if it is left in this package, enough Senators will take offense at that provision that they will not want to pay that high a price in order to televise the Senate.

I do not say that the original sponsors of the provision had it in mind that it be a killer amendment. Nonetheless, I think that is its effect; and if there are as many Senators as I think there are who would really like to put the Senate before the public through television coverage in the electronic media, I would urge them to vote in favor of the Armstrong-DeConcini-Heinz amendment, in the assurance that that will facilitate their goal of televising the Senate.

I do not wish to imply that this is the only amendment I care about. There are others; there are other issues here. But this is a critical issue for this Senator, and I believe it is a critical issue for the Senate.

Mr. President, I yield the floor and I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. QUAYLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TRIBLE). Without objection, it is so ordered.

Mr. QUAYLE. Mr. President, let me start by saying that I enthusiastically support televising the Senate. I believe that the issue is not different—except for the progress of science—from the issue the Senate resolved in 1802 when it debated and passed a resolution permitting "any stenographer, or note taker, desirous to take the debates of the Senate in legislative business" to do so. That courageous step did not disrupt the Senate—in fact, it resulted in the kind of praise that I hope will be replicated after we permit this more modern form of "taking the debates." Listen to the National Intelligencer of January 8, 1802:

> On the adoption of the * * * resolution, which opens a new door to public information, and which may be considered as the prelude to a more genuine sympathy between the Senate and the people of the United States, than may have heretofore subsisted, by rendering each better acquainted with the other, we congratulate every friend to the true principles of our republican institutions.

The objections to televising the Senate today are the same as those that were made to opening the Senate to the public in the first Congress. These objections were described by George Washington in a letter of 1789 "Why they (the Senate) keep their doors shut when acting in a legislative capacity, I am unable to inform you; unless it is because they think there is too much speaking to the gallery in the other House, and business thereby retarded." While fear of showboating and delay are legitimate concerns, they should not prevail over the public's right to know what we are doing.

The public should be able to see and hear what we are doing because the Senate is supposed to be the "greatest deliberative body" in the world. Concern that the Senate is no longer that institution has been vigorously and frequently expressed and I call my colleagues' attention to pages 2 to 6 of the Report of the Temporary Select Committee to Study the Senate Committee System (S. Prt. 98-254) for a selection of such views.

The coming of TV to the Senate gives us both an opportunity and an obligation to reform the rules under which we operate. It is an opportunity because it has forced us into a period of self-analysis and an obligation because we owe it to ourselves and to the Nation to restore the Senate to its rightful place as the focus of national debate. With television, the Senate can resume its rightful place; with television the Senate must resume that place or else be cast into permanent irrelevancy.

It is the function of a legislature in a democracy to inform the public, as well as to make decisions. The Senate can perform that function better if it is televised—but only if its proceedings are such as to inform rather than to confuse.

While we need changes in the rules under which we operate for the televised Senate to perform its role in debating issues and informing the public, we must ensure that reforms do not undermine the basic purpose of the Senate as a second chamber. In the Federalist Papers, Alexander Hamilton described the need for a body that will not constantly be swept by the whims of change, a body that can dispassionately review the actions of the more numerous branch. The Senate, he said, was designed to protect us against the "effects of a mutable policy." Such a policy, he said, "poisons the blessings of liberty itself. It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man who knows what the law is today can guess what it will be tomorrow."

Senate rules must protect against hasty action and protect minorities so that, in the words of Lord Bryce, the Senate will "express more adequately the judgment, as contrasted with the emotion, of the nation."

I am pleased that the rules package offered by the two leaders is consistent both with the historic role of the Senate and is designed to enable us to perform our role in the glare of the cameras. The fact that the reforms relating to germaneness, the motion to proceed and to filibuster track those of the Temporary Select Committee is, of course, both a source of pride and pleasure for me.

The leadership package is, I believe, a minimum that we must pass to give the televised Senate an opportunity to function. During the test period, we should examine whether other procedural changes are appropriate so that the Senate can perform its educational and informing function. Particularly worthy of examination is a special procedure for "major legislative issues" in which debate would be more focused and structured. I trust that the Rules Committee will hold hearings as soon as the test period starts, to receive this and other suggestions.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMM). Without objection, it is so ordered.

U.S. INSTITUTE OF PEACE

Mr. MATSUNAGA. Mr. President, this great country of ours has become even greater with the passage of events of this day, for it has taken one step further toward becoming and reestablishing itself as the peacemaker of the world.

It is with extreme pleasure and gratification that I rise to inform my colleagues that the confirmed members of the Board of Directors of the newly created U.S. Institute of Peace were duly sworn into office and held its first organizational meeting today here on Capitol Hill.

The overwhelming majority of both the House and the Senate, especially the cosponsors of the bill which established the Institute, will be happy to know that a reception is being held in honor of its Chairman, John Norton Moore, and members of the Board in room 430 of the Dirksen Building between 6 and 8 o'clock this evening. I am sure all Senators will be happy to attend to congratulate the Board members.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TV IN THE SENATE

Mr. ARMSTRONG. Mr. President, this is just a weather report to kind of let Senators and others know what might happen next. It is an unofficial report, and it will not become official until the arrival of the Senator from Alaska, Mr. STEVENS, manager of the bill for the Republican side.

We have agreed I think that we are not going to do anything until he arrives which I think would be appropriate.

But in the interest of time let me express my view of what has happened during the negotiations today in the issue of televising the Senate. I would like to begin by expressing, as I have on at least one previous occasion, my profound admiration and appreciation for the majority leader and the minority leader who have sat through about every possible combination of meetings that you can imagine to try to reconcile the divergent points of view. I believe the two leaders have sat with people who like television in the

Senate, who detest the idea, those who are in favor of rules changes with or without television, some who want to make extensive rules changes but are not in favor of television, others who favor television and rules changes, some who think rules changes are the sine qua non of television, and vice versa.

They have done just about everything, and I believe that out of all this we are going to get a successful resolution of the problem.

We are not quite there yet. But I sense there is sort of a converging of opinion among Senators, and that perhaps by this time tomorrow or the next day we will be able to actually adopt the resolution which will be broadly acceptable to the vast majority of Senators—maybe not to 100 Senators, but certainly to a large majority—and even, I hope, more than a two-thirds majority if that should become necessary, although I hope it will not. I hope we are not going to have a filibuster. I think there is a reasonable chance we can head that off.

So my expectation of what is likely to happen is this: When the Senator from Alaska arrives, the bill will be laid before the Senate; and then by prearrangement with the majority leader and the minority leader, I will call up an amendment which is amendment No. 1592, which I will at the proper time offer on behalf of Senator DECONCINI, Senator HEINZ, Senator WEICKER, and myself. The effect of this amendment will be to strike out of the pending motion that provision which creates the new germaneness requirement.

I anticipate that once we have that amendment laid down, we will then give up for the night, come in at whatever hour the leaders decide in the morning and debate that for a couple of hours, or whatever time it may take, and go to a vote on it.

After that, depending on how the vote turns out, I believe the two leaders will then be in a position to propound a package which many of us in the Chamber will be prepared to sponsor. The broad outlines of it I think are known to many Senators. I am not going to go into details of it now. But it involves a substantial degree of compromise, give and take by those who would like to see dramatic, sweeping changes in the rules of the Senate and those of us who are less willing to entertain such changes.

For the benefit of anybody who might be listening on their squawkbox or anybody who would like to make plans, my own guess is that we are moving slowly but steadily toward the resolution of the problem.

I note the Senator from Alaska has arrived. I am going to yield the floor to see if my prediction that we will then take up the bill and I can call up my amendment turns out to be correct.

Mr. STEVENS. Mr. President, is there further morning business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no further morning business, morning business is closed.

TV AND RADIO COVERAGE OF SENATE PROCEEDINGS

The PRESIDING OFFICER. The clerk will state the pending business.

The assistant legislative clerk read as follows:

A resolution (S. Res. 28) to improve Senate procedures.

Mr. STEVENS. Mr. President, I have no argument with my good friend from Colorado. I would like to see us resolve the issue of television. If it takes some changes in the rules to achieve that, I am for the rules changes. If we can get by without rules changes and attack them later, I am for that, too.

But I would say to my good friend that I am certain the rules of the Senate will need modification in the event we turn on the television. So I am going to agree with whatever you would like to do right now. As I understand it he would like to make a motion or file an amendment?

Mr. ARMSTRONG. If the Senator will yield to me, the Senator from Alaska is correct. It is my intention to ask we now turn to the consideration of amendment No. 1592 with the expectation that we would not go into debate on it tonight but simply lay it down so whenever we come in in the morning that would be our business. We would get right at it promptly. I know a number of Senators will want to speak at that time, as I will.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ARMSTRONG. Yes; of course.

Mr. LONG. The Senator is aware of my attitude about the matter. I am strongly in favor of a proposal whereby the Senate can invoke germaneness on a bill if it wants to do so. I have been advocating that for many years. I am pleased to say the minority leader, Mr. BYRD, has come to the belief it should be that way also. We would like the opportunity to debate on it and vote on it.

I think it might be better for us to enter into a time agreement tomorrow. I will be perfectly content to enter into an agreement, perhaps 3 hours equally divided, for both sides to be heard. We might not need that; we might be able to yield some of that back. But in any event, we should vote on that tomorrow.

Mr. ARMSTRONG. That procedure is fine with me or perfectly acceptable to me to call it up tomorrow, talk on it, and see how much time we need to vote on it—either way. It may be faster to simply get on with it.

Mr. LONG. I would rather not debate it this evening. I would like Senators to know we will be debating it come tomorrow, and they should listen in or arrange to familiarize themselves before the rollcall occurs.

AMENDMENT NO. 1592

(Purpose: To strike proposed rules changes on germaneness)

Mr. ARMSTRONG. I agree. With that word of explanation, I do have an amendment at the desk, 1592, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado proposes an amendment (No. 1592), on behalf of himself, and Senators DECONCINI, HEINZ, and WEICKER.

On page 23, strike line 19 through page 25, line 13.

Mr. STEVENS and Mr. LONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, could I ask that I be provided with a copy of the pending amendment? I do not see it on my desk. I have not been in the Chamber until now. I would like to have a copy of what we are going to be voting on.

Mr. President, I ask unanimous consent that it be printed so that there will be a copy available.

The PRESIDING OFFICER. Is there objection?

Mr. LONG. May I have a copy of it? I have now received it.

Would the Chair please state what is the amendment, page what and line what?

The PRESIDING OFFICER. The amendment is page 23, strike line 19, through page 25, line 13.

Mr. LONG. I thank the Chair. I will be available to discuss this tomorrow. I oppose the amendment, but I will be happy to wait until tomorrow.

Mr. BYRD. Mr. President, I ask unanimous consent that the lines to be stricken be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 14. That rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "MOTIONS" in the caption a semicolon and the following: "GERMANENESS";

(2) by adding at the end thereof the following new paragraph:

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the

committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, without intervening action, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of germaneness of an amendment, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered germane.".

Mr. STEVENS. Mr. President, I would like to state to the Senate and all concerned that I think this is an important move that the Senator from Colorado has suggested and I think it is important enough to have a vote tomorrow on it. I hope we can achieve a vote on the amendment itself tomorrow. If we can achieve an up or down vote on it, that is all right with me. If we cannot achieve an up or down vote on it tomorrow, and I can get recognition tomorrow, I think I will make a motion to table it to find out what the sentiment is with regard to the Senator's proposition, with the thought that if we cannot get to a vote otherwise, we can work out our arrangement here.

I do not intend to try to cut off any debate or any discussion. But I think after a reasonable time tomorrow we ought to see if we can get a vote up or down on it. If we can, fine, and if we cannot, then I think we ought to try to find out what the sentiment is.

I think this is a key amendment, as suggested by our friend from Louisiana, a very important one. Yet, I know how important it is to the Senators who oppose the basic resolution. I think sometime tomorrow we ought to have a vote on this.

Mr. ARMSTRONG. If the Senator will yield, I think we all agree on that. I do not think the Senator from Alaska will find it difficult to get a vote on it. There is a general disposition of those on both sides of the issues to have all the votes they want but not delaying tactics in the slightest.

Mr. LONG. Mr. President, if the Senator will yield, I fully support the proposition to have a vote tomorrow. I do not see why it should take 3 or 4 hours. I do want to say I normally support the proposal that we should not have to invoke cloture if the Senate wants to have the benefit of germaneness. The Senator from Louisiana on occasion has been managing a revenue bill and has asked the Senate to vote cloture. The Senate has done so. That was to have the benefit of the germaneness rule. This Senator had no interest in limiting the time, but simply felt that in order to get on with the bill we needed the benefit of a germaneness rule. We found when we had the benefit of the germaneness rule, we could make more headway.

I want to explain for the record that it is not the thought of the Senator from Louisiana that this would be invoked on all bills or most bills. It is only from time to time in order to get on with the business of the Senate that we ought to be in the position to have the benefit of a germaneness rule. Those who might have an amendment to offer, those that might be eligible under the very strict interpretations customary for the Chair with regard to germaneness, will find that matter out by discussing it with the Parliamentarian in advance. They may want to offer an amendment that is appropriate although not strictly germane to the bill and it would be in order that there would be a unanimous-consent agreement that the amendment would be regarded as germane when the germaneness rule was invoked or that it be voted on notwithstanding the germaneness rule. We have repeatedly done that type of thing when someone had an amendment that would be appropriate in connection with the bill.

Of course, if it could not be agreed that amendment would be voted, then, of course, a Senator could oppose an effort to invoke germaneness.

So there would be time provided, 1 hour equally divided, which I believe is all that is necessary, for people to debate whether we should have a germaneness requirement. That is plenty of time for people to inform the sponsors of the motion that they do not feel a germaneness rule should be invoked. They might find it necessary to oppose the germaneness requirement unless they could be assured that they would have an opportunity for their amendment.

I would anticipate that where one has an amendment that is appropriate on a bill, Senators seeking to invoke germaneness would be glad to give consent even though it would not be eligible under the strict germaneness requirement. But, by the same token, they might feel that we should not have an amendment that has to do with abortion, prayer in school, or various other things on the bill, almost anything that one could think of, which would be far afield from the purpose of the bill before the Senate.

It should not be necessary to invoke cloture or limit debate to have the benefit of germaneness. That is the purpose of this proposal.

Mr. BYRD. Mr. President, I support the viewpoint that has been expressed by the distinguished Senator from Louisiana. I think this amendment should be adopted, although I believe it is controversial. I shall not attempt to explain the language that is in the resolution at this point. Senator LONG has already done that very nicely. The language will be printed in the RECORD tonight for Senators to read so that they will know on tomorrow what is going to be stricken if the motion to strike is adopted.

I would like to see this language stay in the resolution and, of course, I would like to see the resolution adopted.

The language in the resolution that is the subject of the motion to strike would prevent the Senate from having to vote time after time after time—10 times, 20 times, or whatever—on the same subject during the same session. Let us say it is an amendment on busing, and I favor the amendments which have been offered, generally speaking, dealing with busing of school children. I am usually opposed to calling up nongermane amendments on appropriation bills, and so forth. There is no Senate rule on germaneness, ordinarily, in the Senate, other than under cloture, or on budget resolutions, or on an appropriations bill when a Senator raises the question of germaneness.

It would require a three-fifths vote, as the distinguished Senator from Louisiana said, to invoke the germaneness provision on a bill, and if three-fifths voted to invoke, then it would be just as though the Senate had invoked cloture so far as germaneness is concerned, and only germane amendments would be in order. Then if the Chair ruled an amendment not germane, the Senate would have to abide by that unless two-thirds of the Senators on appeal voted to overrule the Chair. It would eliminate sense-of-the-Senate resolutions or sense-of-the-Congress amendments that are called up so often. They are not legally binding anyway. All they are for is to put Senators on the spot with respect to their voting record. They are, otherwise, absolutely meaningless.

If a sense-of-the-Senate resolution is adopted, it has no binding effect. But the purpose of it is, of course, to put Senators on record as having voted for or against busing or whatever. It means nothing. It is purely a political obstacle course that is being used here time after time, and it takes up the time of Senators. It takes up the time of the Senate. I think it is a good provision and should not be stricken if we are going to have television in the Senate, so that the American people would not see the charade that we put the Senate through repeatedly in voting on senseless sense-of-the-Senate resolutions that do not mean anything. But I am willing to abide by whatever the Senate wants to do. If the Senate wants to strike the provision, I am not going to say, "OK, I will take my ball and go home."

I compliment the distinguished Senator from Louisiana, who feels strongly about this language and has advocated it for years here; yet, he is willing to put it to the test. He is willing to let the Senate decide, and so am I. I accept the will of the Senate on the matter, and we can go on to something else.

Mr. LONG. Mr. President, I thank the distinguished minority leader for the statement he has made. I just want to make it clear that every Senator would have all sorts of ways, if this rule is in effect, to protect himself against arbitrary action by the Presiding Officer or others.

For example, if a Senator was not happy about the way things were going, he would be in position, if he wanted to do so, to offer innumerable, germane amendments to the bill and the Senate would have to consider and vote on those proposals, and there would be no limitation of time on it. The only purpose here is to try to fix it so when the Senate wants to act on a piece of legislation—and the Senate has considered even all the nongermane amendments that it wants to consider in connection with the bill—at some point the Senate can say well, now, we have voted on all the nongermane things we feel like voting on and now we would like to limit ourselves to germane amendments. And it does have a proviso to make it effective, that is, once the germaneness has been voted we would protect ourselves.

I hope that in the future Senators would like it well enough that it would apply to the cloture rule, we would protect ourselves against a case where Senators who are voting on the merits of the amendment rather than the merits of the germaneness would proceed to overrule the Chair even though the Chair was doing its duty and the Chair was following the advice of the Parliamentarian who was doing his duty. We would seek to protect the Senate against having something added to a bill in violation of the rules and in violation of the agreement among Senators that involves germaneness.

That is going to be more and more of a problem. And so this would give us an opportunity to have some experience of a rule where if the Parliamentarian advises the Chair, advises the sponsor of the amendment that the amendment is not germane and if the sponsor is not willing to abide by that after germaneness has been voted, he would need a two-thirds majority in order to overrule the Chair.

Mr. President, I cannot recall any time in my 38 years that the Chair, no matter who was presiding, has failed to in good conscience follow the advice of the Parliamentarian and the Parliamentarian has failed to advise in good faith on the germaneness of amendments. And yet I can recall on at least two occasions where the Senate has overruled the Presiding Officer and in doing so overruled the Parliamentarian, when they were doing their duty as their merciful Maker gives them the light to see their duty.

The Senate should not be confronted with that in the future, and we ought to have a rule that requires more than a simple majority when the Senate has limited itself to germaneness to overrule the Chair when the Chair is doing its duty. This is a much greater threat, may I say, under cloture, although I seek to do anything about that at this point. It is a great threat to the future of this country when a Senator can offer amendments that are not germane to the bill and offer a threat to this Republic, and yet when cloture has been voted and the Chair proceeds to rule as is his duty that the amendment is not germane they can appeal the ruling of the Chair. If a majority of the Senate so vote to overrule the Chair, and they are in effect overruling the Parliamentarian as well, those who are not in agreement with the amendment are powerless to defend themselves because they did not anticipate that the Chair would be voted down and the Parliamentarian would be voted down when they are doing their duty conscientiously as they swore to do under the Constitution. This type of procedure to expedite the legislation on the floor of the Senate is very much needed. I have been thinking about it for many years. Many Senators have said they agree with it. I hope the Senate will agree to keep it in the bill.

Mr. STEVENS. I wonder if my good friend from West Virginia would be prepared to do a few routine matters to wind up the matters of the Senate.

Mr. President, the majority leader has authorized a statement to be put out on the hotline that there would be no further votes this evening.

VETERANS' LOAN GUARANTEE COMMITMENTS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4130, dealing with the sequestration of new loan guarantee commitments for veterans, which has just been received from the House.

Mr. BYRD. Mr. President, it is my understanding that this measure is identical to Senator CRANSTON's bill, S. 2052, which is on the Senate Calendar.

Mr. STEVENS. The Senator is correct.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4130) to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986.

The PRESIDING OFFICER. Is there objection to present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MURKOWSKI. Mr. President, I rise in strong support of H.R. 4130, the proposed increase in credit extension authority for the VA Home Loan Program as passed by the House. This measure is the companion to S. 2052, introduced by Senator CRANSTON, myself, and others, and reported unanimously by the Committee on Veterans' Affairs. I urge my colleagues to join me in supporting its final passage.

The Veterans' Administration's Home Loan Guaranty Program was established at the close of World War II to assist veterans in obtaining home mortgages. Designed to be a short-term program to assist veterans in readjusting to civilian life, it proved to be a highly popular and successful national program which led to a permanent authorization in 1970. Since its inception, over 11.5 million veterans have purchased homes through this program. Although the program has experienced high rates of foreclosure in recent years, I am confident with management and program reform it will continue to meet the home mortgage needs of our Nation's veterans.

The legislation before the Senate today would establish a more accurate fiscal year 1986 loan activity baseline estimate. This estimate will be used in determining the limitation on the number of VA home-loan guaranties issued this fiscal year pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, Public Law 99-177.

Let there be no mistake about it, this legislation is not, in any way,

"tampering" with the Gramm-Rudman process. S. 2052 and H.R 4130 are legislative cures to the VA's inaccurate estimate that VA home-loan activity would only reach $12 billion in fiscal year 1986. This estimate was adopted by the Comptroller General and became the basis for the fiscal year 1986 4.3 percent sequester order. As a result the VA loan volume would be limited to $11.5 billion in fiscal year 1986. Gramm-Rudman is not the cause of this inaccurate estimate, nor did Congress intend for the fiscal year 1986 sequestration process to have such as adverse impact on this or any other credit extension authority program. This legislation is a technical adjustment and is not intended to revise basic tenants of Gramm-Rudman law. This would simply make a correction in the so-called base amount to which sequestration would apply. If the loan volume projection had been more accurate, the Gramm-Rudman sequester requirement would have been imposed on a higher baseline figure and this legislation would not have been offered. Loan activity will still have to be curtailed by 4.3 percent; however a higher credit level would allow for significantly more loan guarantees in 1986.

Based upon current housing market trends and declining interest rates, loan activity is far ahead of where it was at this time last fiscal year and is projected to reach 270,000 loans amounting to $18.2 billion. In order to preclude this valuable program from being unduly curtailed, the Committees on Veterans' Affairs from both Houses, have endorsed an increase in the VA's credit extension authority to $18.2 billion. It is my hope that this increased level will be adequate to meet the home-loan mortgage needs of our Nation's veterans. In view of the difficulties inherent in accurately estimating loan volume, as chairman of the Committee on Veterans' Affairs, I intend to monitor this program very carefully for the remainder of the year. I have directed the VA to provide the committee with updated information on total guaranteed-loan activity and estimates for the remainder of the fiscal year.

It is important that this legislation be enacted swiftly. We want to ensure that by March 1, just 4 short days away. The VA will be assured of a more realistic baseline of projected loan activity. The enactment of this bill will go a long way to allay the fears of veterans who have been given very mixed and changing signals from the VA as to the future of this very important benefit.

I urge your support and move the adoption of this measure.

Mr. CRANSTON. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I am pleased to rise and urge the Senate to support the pending measure, H.R. 4130. This measure, which was passed by the House earlier today, is substantively identical to my bill, S. 2052, as reported by our committee yesterday. The purpose of this measure is to establish a corrected fiscal year 1986 loan activity baseline estimate to be used to determine the limitation that the order issued by the President on February 1, 1986, under the Balanced Budget and Emergency Deficit Control Act of 1985 will impose on Veterans' Administration home-loan guarantees under chapter 37 of title 38, United States Code.

On February 5, 1986, I introduced S. 2052, together with the chairman of the committee, Mr. MURKOWSKI, as well as the Senators from Arizona, Mr. DECONCINI; South Carolina, Mr. THURMOND; and West Virginia, Mr. ROCKEFELLER, who also serve on the committee. Since introduction, Senators ABDNOR, BAUCUS, BOREN, DENTON, DODD, EAGLETON, GORE, GORTON, GRASSLEY, HAWKINS, HOLLINGS, INOUYE, KERRY, MATSUNAGA, MATTINGLY, MOYNIHAN, SARBANES, SIMON, TRIBLE, WARNER, WILSON, and HELMS have joined as cosponsors of the measure. On that same date, H.R. 4130 was introduced by the distinguished chairman of the House Veterans' Affairs Committee's Subcommittee on Housing and Memorial Affairs, Mr. SHELBY; it was subsequently reported by the House Committee on February 20.

BACKGROUND

Mr. President, chapter 37 of title 38, United States Code, establishes the VA's Home-Loan Guarantee Program. Under the program, a veteran is entitled to a maximum loan guaranty of $27,500 for the acquisition, including the refinancing of an existing loan, or improvement of a conventional home, a single-family residential unit in a condominium, or a farm residence, or a maximum loan guaranty of $20,000 for the acquisition of a manufactured home.

The VA loan guaranty is designed to substitute, in large measure, for the down payment that would otherwise be required when a veteran purchases a home. Under chapter 37, the loan guaranty is limited to 60 percent of the amount of the loan principal or $27,500 whichever is less, for conventionally built homes and condominium apartments and to 50 percent or $20,000, whichever is less, for manufactured homes. Lenders are thus assured of the substantial protection afforded by the VA loan guaranty and are generally willing to make loans to veterans without the necessity of a down payment or with a lower down payment than would otherwise be required. More than 12 million veterans have received over $250 billion in guaranteed loans under this program since its inception in 1944.

The underlying premise of both S. 2052 and H.R. 4130 is to protect this valuable assistance from being drastically and unduly curtailed pursuant to restrictions planned to be placed on it under the President's February 1, 1986 sequestration order issued pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

Under section 252 of that act, Mr. President, generally known as Gramm-Rudman, the President—to the extent necessary to reduce outlays by amounts sufficient to reach certain reduced budget deficit levels in each of fiscal years 1986 through 1990 and a balanced budget in fiscal year 1991—is required to sequester various forms of budgetary resources, including, for example, new budget authority and loan guaranty commitments. For fiscal year 1986, the reduction generally required to be applied to nonexempted, nondefense programs is 4.3 percent.

In order to develop the data necessary to determine whether a Presidential sequestration order is needed so as to keep the Federal deficit within the maximum limit specified for a particular year and, if such a sequestration is necessary, what percentage reduction must generally be made in defense and nonexempted, nondefense programs, section 251(a) requires the Directors of the Congressional Budget Office [CBO] and the Office of Management and Budget [OMB] jointly to prepare and submit to the Comptroller General of the United States a report providing that information. Subsequently, section 252(b) of the act requires the Comptroller General, taking into account the CBO and OMB Directors' report, to submit to the President a report dealing with the same matters and specifying any required percentage reductions.

Based on information provided by the VA, the Directors of CBO and OMB, in their January 15, 1986 joint report under section 251(a), estimated that VA-guaranteed loans would total approximately $12 billion in fiscal year 1986. Specifically, the OMB Director's estimate was $12,084,543,000 and the CBO Director's was $11,888,500,000. The average of these two—$11,986,522,000—was used in their report and adopted by the Comptroller General in his definitive report under section 251(b).

Also, it appears that they determined, and the Comptroller General agreed, that to provide for sequestration of 4.3 percent of new loan guarantee commitments, a limitation reducing that amount by $515,420,000, to $11.47 billion, was required.

The President's February 1 order directed that certain actions be taken "to implement the required sequestration * * * determined by the Comptroller General," including, as specified in

paragraph (3) of the order with respect to nondefense accounts, the sequestration of "new loan guarantee commitments" and various other forms of budgetary resources.

INACCURACY OF THE ESTIMATE

Unfortunately, Mr. President, the estimate of $12 billion is inaccurate by a very substantial amount. In section 1(b)(15) of the first concurrent resolution of the budget for fiscal year 1986 (S. Con. Res. 32), VA-guaranteed loans were estimated to total $17.6 billion in fiscal year 1986. Based on information provided by the VA regarding the amounts of loans guaranteed by the VA during the last quarter of fiscal year 1985 and the first quarter of fiscal year 1986, the VA now projects a loan activity level in fiscal year 1986 far greater than $12 billion.

Due largely to lower interest rates and a rapidly expanding housing market, activity in the VA's Home Loan Guarantee Program is far ahead of where it was at this time last fiscal year, during the entirety of which the VA guaranteed $11.45 billion in home loans. Through the first quarter of fiscal year 1985, the VA guaranteed 40,084 loans at a total loan guarantee amount of almost $2.6 billion. In contrast, during the first quarter of the current fiscal year, the VA guaranteed 62,466 loans—a 55.8-percent increase over the first quarter of fiscal year 1985—at a total loan guarantee amount of more than $4.2 billion. Indeed, the VA, in a February 5, 1986, letter to Representative RICHARD SHELBY, chairman of the House Committee on Veterans' Affairs Subcommittee on Housing and Memorial Affairs, advised that the agency's "current thinking" is that, without the limitation imposed by the President's order, the VA would guarantee approximately 270,000 loans amounting to $18.2 billion during fiscal year 1986.

In addition, in a February 5 letter to Representative SHELBY, the Director of the Congressional Budget Office advised that, based on "final" data for fiscal year 1985 and actual data for the first quarter of fiscal year 1986, it "would currently estimate" that VA loan activity "would result in a total loan volume of between $16 and $17 billion (in fiscal year 1986)." The Director went on to note that "estimates of home loan activity contain a high degree of uncertainty. A wide variety of factors * * * could cause the loan volume to be significantly different from these estimates."

Thus, the estimate of a program level of $12 billion in fiscal year 1986 is unrealistic, and sequestration based on the $12 billion level would have an extremely drastic impact on the VA Loan Guarantee Program, resulting in a 37-percent reduction in the total amount of loans that would otherwise be guaranteed in fiscal year 1986. The VA has now announced, specifically on February 19, that the effect of sequestration at this $12 billion level would be to eliminate all further guarantees after April 1, for the last 6 months of fiscal year 1986.

Mr. President, in order to comply with sequestration, the VA originally announced on February 6 that it planned, effective March 1, not to approve any guarantee for a loan that either exceeded $90,000, would be made to a veteran who has previously made some use of his or her loan guarantee entitlement, or would be made for the purpose of refinancing an existing VA-guaranteed loan. Had these restrictions failed to prevent the limitation from being exceeded, we were advised that the VA would suspend the issuance of all guarantees, beginning on the date that the limitation was reached, until the end of fiscal year 1986.

Subsequently, as I've indicated, the VA announced on February 19 that it would not implement any program changes and, in the absence of legislative relief, expected to reach the $11.5 billion limitation on or about April 1 and, at that point, cease guaranteeing loans for the remainder of fiscal year 1986. Additionally, the VA expressed support for legislation raising the level at which the limitation applies.

Mr. President, I am certain that the Congress did not intend for the fiscal year 1986 sequestration process to have such an enormous adverse impact on this program of such importance to our Nation's veterans and our economy.

PROVISIONS OF S. 2052 AND H.R. 4130

Thus, without contesting or attempting to revise basic tenets of the Gramm-Rudman law, H.R. 4130—as would my bill, S. 2052 as reported—would simply make a correction in the so-called base amount to which sequestration would apply. To do this, the bill would provide that, for purposes of implementing the President's fiscal year 1986 sequestration order, the VA-guaranteed loan limitation amount would be $18.2 billion reduced by the percentage generally being applied under Gramm-Rudman to nonexempted, nondefense programs, 4.3 percent—or $17.417 billion.

This $18.2 billion level is, as previously noted, the VA's current estimate of loan guarantee activity in fiscal year 1986.

Mr. President, I want to stress that this legislation is not intended to resolve or express any view on certain question regarding the legality of sequestration being made applicable to this program in fiscal year 1986 or of any particular methods by which the VA plans to implement sequestration with respect to this program. It simply provides for a corrected estimate to be used in carrying out the sequestration order and does not address whether the order itself or the sequestering of VA loan guarantee commitments is lawful.

I raised these questions in a February 5 letter to the Acting Administrator of Veterans' Affairs, to which I have not yet received a response from the VA. The text of that letter was printed in the RECORD for February 5, page S1065, at the conclusion of my remarks on introducing S. 2052.

CONCLUSION

Mr. President, at this time I want to take a moment to express my appreciation to the distinguished chairman of the committee, Mr. MURKOWSKI, for his cooperation in expediting the committee's favorable consideration of my bill, S. 2052, and action on this issue generally. By so doing, we will have, upon the enactment of this legislation, insured the continued operation of the VA's Loan Guarantee Program without the serious and unwarranted disruption that would otherwise occur as early as April 1.

I urge the Senate to approve unanimously H.R. 4130.

Mr. GORTON. Mr. President, I rise today in support of H.R. 4130, legislation to increase the baseline estimate of the fiscal year 1986 volume of activity within the Veterans' Administration loan guaranty revolving fund, as required under Gramm-Rudman-Hollings. This legislation is the House version of S. 2052, a bill which I cosponsored.

The VA loan guaranty revolving fund is an important program; it provides many veterans the opportunity of home ownership. Under this program, a veteran is entitled to a maximum loan guaranty of $27,500 for the purchase—including refinancing of an existing loan—of a conventional home, a single-family residential unit within a condominium, or a farm residence; or a maximum guaranty of $20,000 for the purchase of a manufactured home. This program, by design, is intended to serve as a substitute for the downpayment otherwise required when an individual purchases a home. This program assures lenders that they are protected, thus, they are generally willing to finance a home without requiring a down payment.

In fiscal year 1985, 4,303 veterans in Washington State benefited from the VA Home Loan Guaranty Program. So far in this fiscal year, 2,497 veterans have made use of this program. It is the fact that these individuals, as well as 174,628 other veterans from across the Nation, utilized this program in fiscal year 1985 and 79,955 in fiscal year 1986, that illustrates its importance.

On January 15, in accord with the guidelines of Gramm-Rudman-Hollings, a snapshot of the activity level within the VA Loan Guaranty Program was taken to determine by what amount this program must be reduced

under the sequester process. Apparently relying on agency estimates—for there is no cap on fund expenditures—the Congressional Budget Office and the Office of Management and Budget basically agreed on $12 billion as the figure representing the estimated level of credit extension authority activity in 1986. This figure, however, was significantly lower than the figure, of $18 billion, contained in the 1986 concurrent budget resolution. Due to the increased activity in this program, largely because of the sharp drop in VA mortgage interest rates over the past year, it appears that the figure of $18 billion more accurately reflects the program activity for 1986.

Under Gramm-Rudman-Hollings, the VA Home Loan Guaranty Program will be constrained to a ceiling of $12 billion minus the March 4.3-percent sequester in credit extension, which is unprecedented. The program has never before been constrained by a ceiling. These figures translate into a reduction in loan guaranties of approximately 30 percent. In order to achieve this sizable reduction, the VA is currently planning, effective March 1, to deny any guaranty for a loan which exceeds $90,000, is made to a veteran who has previously made some use of his or her loan guaranty entitlement, or is made for the purpose of refinancing an existing loan. If the VA believes the ceiling is going to be exceeded despite these restrictions, if VA says that it will most likely suspend the issuance of all guaranties until the end of fiscal year 1986.

Mr. President, S. 2052, legislation which I am pleased to cosponsor, corrects the ceiling that has been placed on the credit extension of the VA Home Loan Guaranty Program by the Gramm-Rudman-Hollings Deficit Reduction Act. This is accomplished, not by changing any of the basic tenets of Gramm-Rudman-Hollings, but by providing that, for the purposes of implementing the President's fiscal year 1986 sequestration order, the ceiling placed on the guaranteed loan amount would be $17.6 billion—the level projected by the Congressional Budget Office for purposes of the 1986 budget resolution—as opposed to $12 billion. This amount would then be reduced by 4.3 percent, as required by Gramm-Rudman-Hollings.

It is my belief, that given the decline in VA mortgage rates, an adjustment in the credit extension ceiling will afford veterans the opportunity of enjoying home ownership. In addition, those veterans who already have loans will be able to get out from under the burden of high interest rates, by being able to refinance their loans.

Mr. President, it is my hope that as my colleagues examine this situation, and look at the effect that it could potentially have on veterans, that they will join with me in voting in support of S. 2052.

Mr. CHILES. Mr. President, I have agreed to the unanimous-consent request to consider the bill to set a temporary loan ceiling for the Veterans' Administration Home Loan Guaranty Fund, and I support the bill.

The bill will put into law a ceiling on total VA home-loan commitments of $18.2 billion for fiscal year 1986, reflecting current best estimates of total fiscal year loan activity. This action will correct a situation in which a too conservative early projection of loan fund activity of $12 billion would result in an effective March 1 sequester under the Gramm-Rudman-Hollings deficit reduction law of 37 percent. This is a much larger impact than intended for any programs under sequester.

This is a unique case. The bill does not change Gramm-Rudman-Hollings. It does not provide any exemption from sequester and it should not be interpreted that way. The bill simply takes a new and more realistic estimate into account and puts into law a guaranty ceiling, for fiscal year 1986 only, which did not previously exist.

The Veterans Home Loan Guaranty Program is an entitlement for veterans. The Federal Government guarantees lenders against financial loss on loans made to eligible veterans for the purchase, construction, or improvement of homes. Home loans may be guaranteed up to 60 percent of the amount of the loan, but not to exceed $27,500. Private lenders are thus able to extend favorable credit terms to veterans who might not otherwise have adequate resources to qualify for conventional financing.

Because of the entitlement nature of the program, there is no ceiling on total loan obligations which may be carried by the Veterans' Administration during any fiscal year. Under the new deficit reduction law, however, it was necessary to estimate the total loan activity projected to occur throughout all of the fiscal year to derive a ceiling from which a sequester cut could be calculated. At that time, both CBO and OMB estimated a total loan volume of about $12 billion based on VA projections at the time. After application of the 4.3-percent sequester, there would then be a cap on total loan commitments which the VA could make for the rest of the fiscal year of $11.5 billion.

It is difficult to make such estimates accurately since the volume of loan applications can be affected by fluctuations in interest rates as well as in local housing markets. Since the original projection was made there has been greatly increased demand for VA-insured housing loans. The Veterans' Administration and the Veterans' Affairs Committee now project that, if left at the original authorization for unrestrained loan activity, total fiscal year 1986 volume would be $18.2 billion. Applying the same sequester percentage to this more realistic projection would result in a new actual cap of $17.4 billion for the remainder of the fiscal year.

If we do not make this change, keeping the artificially low estimate for the original sequester calculation means that many more veterans would be denied loans than anticipated under a 4.3-percent sequester. The actual sequester in this case would be 37 percent. The bill corrects this problem by putting the more accurate estimate into law as a ceiling. There will still be a sequester, and some veterans will still find their total loan guaranty amounts reduced. But the real impact will be more in line with original expectations. I also want to note that the increase in the ceiling to the more realistic level actually results in a decrease in budget outlays for fiscal year 1986, due to a higher volume of loan origination fees.

Mr. President, I'd once again like to point out the unique case here. In this entitlement program, we have to rely on a very uncertain peek into the future to come up with a base for sequester purposes. That is not the case with other programs subject to the deficit reduction law in which there is a set appropriated amount, or a loan commitment ceiling set in authorizing law, which provides the guidance. Even in other entitlement programs subject to sequester, there is a specific payment rate, or known COLA increase amount which serves as the base for sequester rather than total anticipated program size.

In this case, we have the uncertainty of a too conservative peer into the future which results in thousands of loan denials which no one intends to occur.

I support the bill, and I urge my colleagues to do the same.

Mr. DOMENICI. Mr. President, I rise today to support H.R. 4130, a bill to establish a revised guaranteed loan limitation for the VA's Loan Guaranty Revolving Fund. As I understand it, H.R. 4130 provides for technical reestimate of the Gramm-Rudman-Hollings baseline for the VA's Home Loan Program.

Mr. President, even though I support this bill, I am also distressed that this body has been placed in the position of having to consider this legislation in the first place. I want my colleagues to know that, contrary to what some would have us believe, we are not here today to revise this program's baseline because of unfair cuts to veterans programs as a result of Gramm-Rudman-Hollings. Rather, we are revising the baseline because of a bad technical estimate relating to the activities of the VA's Home Loan Pro-

gram. It is not because of Gramm-Rudman.

By now I am sure that my colleagues are well aware of the chain of events that lead us here today:

At the time of the fiscal year 1986 Gramm-Rudman-Hollings snapshot, the VA was projecting $12 billion in new loan commitments for the VA's Loan Guaranty Resolving Fund; this was $5.6 billion below the fiscal year 1986 budget resolution assumption of $17.6 billion.

The 4.3 percent Gramm-Rudman-Hollings reduction then put a ceiling of $11.5 billion on new loan commitments. As my colleagues know, this is the first time that such a limit has been placed on this program's credit activity.

Shortly after the $11.5 billion limit had been estimated, the VA began to state that this level was below actual program activity for fiscal year 1986 by nearly $6 billion in new loan guaranteed commitments.

The VA subsequently announced that, effective March 1, they would reduce the maximum loan amount to $90,000, no longer approve refinancings, and no longer make loans to veterans who have previously used the program.

In addition, the VA stated that they would have to stop making loans in April or July because they would reach their loan limit at that time.

Mr. President the fact is that the VA released an extremely low estimate of program activity at the time of the snapshot. The VA failed to consider that interest rates have fallen substantially—from 12.5 percent to 10.5 percent over the past 10 months—and, quite simply, they did not have an accurate reading of what was happening in this program.

The VA projection is inexplicable given all of the information available at the time. Had the VA been more aware of actual home loan activity, they would have known—at the time of the snapshot—that new loan guarantee commitments for fiscal year 1986 are closer to $18 billion. Thus, Gramm-Rudman-Hollings is not to blame. Gramm-Rudman-Hollings simply required a 4.3-percent reduction from the estimate of activity at the time of the snapshot.

And so, Mr. President, we are now faced with revising the limit on new guaranteed-loan commitments because of a bad technical estimate. We are faced with this revision because, if we stood by and did nothing, veterans would suffer and I can not see denying veterans the benefit of home ownership simply because of a bad technical estimate.

Mr. President, in closing I would like to state that it has become increasingly obvious VA's Home Loan Program is in need of reform. I know that the distinguished chairman of the Committee on Veterans' Affairs, Mr. MURKOWSKI, has looked into this program in the past and will continue to look into it in the future. I commend my distinguished colleague, Mr. MURKOWSKI, for his continued concern for veterans and his efforts to assure that the brave men and women who have served our country receive all of the benefits that they so clearly deserve.

Mr. HOLLINGS. Mr. President, I am pleased to cosponsor legislation to correct the amount of the sequestration of VA Home Loan Guaranties. Our legislation seeks to correct a mistake that was made in calculating the amount for the guaranteed-loan limitation to be applied to the Veterans' Administration Loan Guaranty Program. This error, if allowed to stand uncorrected, would greatly change the program and seriously hamper the ability of many veterans to take advantage of its important, and deserved, benefits. Mr. President, let me take 1 minute to explain how this problem arose and why it is so imperative for us to pass this bill and remedy this matter.

It was the responsibility of the Congressional Budget Office and the Office of Management and Budget to issue a joint report estimating the total expenditure arising under the VA Loan Guaranty Program for fiscal year 1986. The figure arrived at was $12 billion. Unfortunately this amount, Mr. President, is substantially less than the amount that will be necessary to meet the needs for fiscal year 1986. In fact, the correct amount is $18.2 billion, and, therefore, CBO and OBM were approximately $6.2 billion under the amount necessary. It's obvious, Mr. President, that the legislation we have before us today is a necessary and prudent response to the problem created by the erroneous estimate.

If it was not enough of a problem that an incorrect estimate was given, the confusion was compounded by assertions that the massive shortfall in funding, and the resulting reductions in loan guaranty benefits, was because of the Gramm-Rudman-Hollings legislation mandating a balanced budget. This problem has nothing to do with Gramm-Rudman-Hollings and the very important effort underway to bring this Nation's budget into balance. The application of Gramm-Rudman-Hollings' automatic budget reductions to particular programs is basically very routine. It became complicated in the case of the VA Loan Guaranty Program because Congress has not previously established a spending target for the operation of the program. But, when OMB and CBO were requested to establish an operational level for the program, and that target was set at $6.2 billion less than the necessary amount, great problems arose requiring the legislation that we offer today. From a technical point of view, our bill increases the baseline estimate of the fiscal year 1986 volume of activity within the VA Loan Guaranty Revolving Fund to a more accurate figure of $18.2 billion. This would insure that for purposes of implementing the President's sequestration order for fiscal year 1986, the loan limitation amount would be based on an appropriate baseline figure—$18.2 billion—and not on the original, incorrect, estimate of $12 billion.

Mr. President, there is a call in the Nation for Congress and the President to come to grips with the massive Federal debt that continues to spiral up and out of control. Gramm-Rudman-Hollings will provide the discipline for that job. Sacrifice will be called for and there is a willingness to make that sacrifice so long as no group is singled out for more severe treatment than another. If we allow the incorrect estimate for the Loan Guaranty Program to stand, we will treat our veterans most unfairly. It will greatly reduce or curtail an important benefit. It will have a very negative impact on the housing industry and seriously affect realtors and mortgage bankers as well. None of these important groups are above the sacrifice needed to bring our economic house in order, but then none of them should be targeted for more than their fair share. This problem was never intended by Gramm-Rudman-Hollings and restoring the program to the proper amount is most consistent with our balanced budget goal.

We are not backing off our commitment to fiscal responsibility, and I urge my colleagues to join with me in adopting this legislation protecting a program vital to our Nation's veterans.

The PRESIDING OFFICER. The bill is open to amendment. If there is no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar No. 518, Senator CRANSTON's bill, S. 2052, the Senate companion bill, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES ON H.R. 2005, SUPERFUND IMPROVEMENT ACT OF 1985

Mr. STEVENS. Mr. President, pursuant to the order of February 7, 1986, I move that the Chair be authorized to appoint conferees on the part of the Judiciary Committee on the conference of the disagreeing votes of the two Houses on the Superfund Improvement Act of 1985, H.R. 2005, for the purpose of joining in the consideration of sections 135, 143, 144, and to the extent it may affect the Federal courts or relate to claims against the United States, section 150 together with such amendments related directly thereto as may have been adopted by the House.

The motion was agreed to, and the Chair appointed Mr. THURMOND, Mr. SPECTER, and Mr. KENNEDY conferees on the part of the Judiciary Committee.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering certain nominations on the Executive Calendar; namely. Calendar Nos. 661, 662, 663, 664, 665, plus nominations placed on the Secretary's desk that are listed on page 4 of the Executive Calendar.

Mr. BYRD. Mr. President, reserving the right to object, may I ask the distinguished acting Republican leader if any one of these nominations that he has enumerated has been polled out of the committee?

I am speaking with reference to those nominees under the Judiciary, the Department of Justice, and the Executive Office of the President.

Mr. STEVENS. If they have been polled out?

Mr. BYRD. Have they been polled out or reported out in accordance with the rule requiring a majority of the committee to be physically present when they are reported out.

Mr. STEVENS. It is my understanding, and I am informed by the staff, that none of them were polled out of the committee.

I further state to my good friend that I have made an error on page 4 of the nominations placed on the Secretary's desk. The Foreign Service nomination of Edwin G. Corr has not been cleared, and I ask that that be deleted from the nominations that are referred to as being the subjects which we will consider if we go into executive session.

Mr. BYRD. Mr. President, I am satisfied now on the question of polling. The distinguished Senator has offered a satisfactory response on that.

I would just want to make sure. Is he including Calendar Order No. 666?

Mr. STEVENS. Mr. President, the request did not include Calendar Order No. 666 at this time, only Calendar Order Nos. 661 through 665, plus the nominations placed on the Secretary's desk, minus the one that I have mentioned that pertains to Mr. Corr.

Mr. BYRD. Mr. President, there is no objection.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

Mr. STEVENS. Mr. President, I ask unanimous consent that the nominations be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations confirmed en bloc are as follows:)

THE JUDICIARY

Walter J. Gex, III, of Mississippi, to be U.S. district judge for the southern district of Mississippi, vice a new position created by Public Law 98-353, approved July 10, 1984.

DEPARTMENT OF JUSTICE

Joseph M. Whittle, of Kentucky, to be U.S. attorney for the western district of Kentucky for the term of 4 years.

Roger Ray, of Virginia, to be U.S. marshal for the eastern district of Virginia for the term of 4 years.

Richard S. Cohen, of Maine, to be U.S. attorney for the district of Maine for the term of 4 years.

Bohdan A. Futey, of Ohio, to be Chairman of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 1988.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, FOREIGN SERVICE, MARINE CORPS

Air Force nomination of Jerry L. Ross, which was received by the Senate on January 24, 1986, and appeared in the CONGRESSIONAL RECORD of January 27, 1986.

Air Force nominations beginning Roy J. Barnes, and ending Harold Yaskovich, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1986.

Army nomination of Lt. Col. Sherwood C. Spring, which was received by the Senate on January 24, 1986, and appeared in the CONGRESSIONAL RECORD of January 29, 1986.

Army nominations beginning Gilbert M. Horita and ending Hubert Zinsmeister, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1986.

Marine Corps nomination of Lt. Col. Bryan D. O'Connor, which was received by the Senate on January 24, 1986, and appeared in the CONGRESSIONAL RECORD of January 27, 1986.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

ADDITIONAL ASSISTANCE FOR NICARAGUA—MESSAGE FROM THE PRESIDENT—PM 116

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

When the Congress approved humanitarian assistance for the Nicaraguan democratic resistance last year, it assured the survival of those fighting for democracy in Nicaragua. However, this assistance has not been sufficient to bring about changes in the policies of the communist Government of Nicaragua that would make possible a peaceful resolution of the conflict in Central America and end Nicaragua's aggression against our allies there.

DETERMINATIONS

Negotiations based on the Contadora Document of Objectives of September 9, 1983, have failed to produce an agreement, and other trade and economic measures have failed to resolve the conflict. At the same time, the legislation for humanitarian assistance is about to expire. If no further action is taken, it is clear that the Nicaraguan communists will steadily intensify their efforts to crush all opposition to their tyranny, consolidating their ability to use Nicaragua, in concert with their Soviet-block patrons, as a base for further intimidating the democratic nations of Central America and spreading subversion and terrorism in our hemisphere.

In these circumstances, the laws providing for humanitarian assistance to the Nicaraguan democratic resistance

permit me to request authority to provide additional assistance, and specify expedited procedures for action by the Congress on my request. I am transmitting herewith a formal request for such additional assistance. As required by law, I have consulted with the Congress in formulating this request.

WHY NEGOTIATIONS AND OTHER MEASURES HAVE FAILED

In reports that I transmitted to the Congress in November 1985 and February 1986, I described the continued efforts by the United States to promote a negotiated settlement in Central America and in Nicaragua based on the Contadora Document of Objectives. Our persistent efforts to achieve a peaceful solution have failed to resolve the conflict because Nicaragua has continued to reject meaningful negotiations. Communist attempts to circumvent and subvert Contadora, apparent from the beginning of the negotiating process, have left a clear trail of lost opportunities for peaceful reconciliation. In most recent months, Nicaragua has repeatedly frustrated negotiations aimed at producing a final, comprehensive Contadora treaty.

Recent Contadora meetings to discuss a comprehensive, verifiable regional agreement have been inconclusive largely due to Nicaraguan intransigence on key issues. Following two rounds of talks in October, on November 11, 1985, Nicaragua made public a letter from President Ortega to the Contadora Group and Support Group governments setting forth objections to the September 12, 1985, draft agreement tabled by the Contadora Group governments. Nicaragua argued that it could not assume the obligations of a Contadora agreement unless it reached a prior accommodation with the United States.

On December 3, President Ortega formally requested a suspension in Contadora negotiations until May 1986, that is until after the governments to be elected in Costa Rica, Honduras, and Guatemala will have been installed. Costa Rica, Honduras, and Guatemala, however, joined 25 other OAS member states in voting for a resolution at the OAS General Assembly in Cartagena that urged continuation of the Contadora negotiations. Of all OAS members, only one member—Nicaragua—voted against the resolution. Subsequently, only Nicaragua refused to resume Contadora talks—a major reason why the United Nations General Assembly failed to achieve consensus on a resolution of support for the Contadora process.

On January 12, the Foreign Ministers of the Contadora Group and Support Group, meeting at Caraballeda, Venezuela, issued a joint statement intended to revitalize the process. The Foreign Ministers of the five Central American states, including Nicaragua, signed the "Declaration of Guatemala" on January 15, endorsing the Caraballeda message. Afterwards, the Government of Nicaragua issued a press communique which, although claiming "total adherence" to the Caraballeda message, characterized the various actions suggested in the Caraballeda message as prerequisites to resumption of Contadora negotiations. This communique also reaffirmed the Nicaraguan position of November 11 objecting to the Contadora draft agreement.

On February 5, President Ortega repeated this position in his speech to the Third Cuban Communist Party Congress in Havana noting that "the peace document that the Contadora Group submitted in September 1985 is unacceptable to Nicaragua."

On February 10, Secretary of State Shultz met with the Foreign Ministers of the Contadora Group and Support Group. The Secretary welcomed the good offices of the two Contadora groups to promote national reconciliation as expressed in the Caraballeda message, and offered to resume bilateral talks with Nicaragua simultaneously with the beginning of Sandinista dialogue with the democratic resistance. Secretary Shultz also informed the Foreign Ministers that the United States was prepared to take further steps in response to changes in Nicaraguan behavior on the four key issues of concern—support of subversion, the Cuban/Soviet presence, the military buildup, and internal repression. He pointed out that a dialogue and ceasefire would mean that cessation of the application of force and the process of national reconciliation would go forward at the same time. My Special Envoy, Ambassador Harry Shlaudeman, began consultation with the Contadora and Support Group governments the week of February 16 on this initiative.

Meanwhile, the Sandinistas have rejected a February 6 proposal from opposition political parties in Nicaragua for suspension of hostilities, an effective general amnesty law for reconciliation of all Nicaraguans, a repeal of the state of emergency, an agreement for the establishment and observance of a new electoral process, effective fulfillment of Nicaragua's commitments for democratization and international assistance in the implementation of these demands. Also, another Contadora negotiating session held February 14-15 was inconclusive because of continued Nicaraguan refusal to address the remaining issues to be resolved in the current Contadora draft agreement.

DESCRIPTION OF REQUEST

The request transmitted herewith asks your approval for the transfer of $100 million from funds already appropriated for the Department of Defense so that those funds would also be available for assistance to the Nicaraguan democratic resistance. I am requesting this transfer authority, in lieu of a supplemental appropriation, because I regard this request as a matter of high priority for the national security of the United States. Including a proposal for additional funds in this request would have diverted attention from the basic national security issues here involved. However, the resulting reduction in the funds available for the Department of Defense, if not remedied, will inevitably impair ongoing efforts to restore and maintain the readiness of the armed forces. This impairment in defense readiness will be addressed separately.

The $100 million to be made available for assistance to the Nicaraguan democratic resistance would include funds that have been appropriated to remain available for obligation beyond September 30, 1986. Obligations will be made on an incremental basis, with 25 percent available when the request is approved and an additional 15 percent to become available at 90-day intervals as reports are provided to the Congress on actions to achieve a resolution of the conflict in Central America. However, no obligations may be incurred after September 30, 1987.

Of the $100,000,000, $30,000,000 will be for a program of humanitarian assistance administered by the present Nicaraguan Humanitarian Assistance Office, including $3,000,000 exclusively for strengthening the observance and advancement of human rights. This emphasis on human rights reflects a determination that human rights must be respected. As in our support for democracy elsewhere, human rights training and assistance can be expected to achieve significant positive results.

Should a peaceful settlement of the conflict in Central America be achieved during the period these funds remain available, the remaining funds could then be used for assistance to Central American countries, including Nicaragua, for relief, rehabilitation, and reconstruction.

Approval of this request will permit me to use any department or agency in the Executive Branch, including agencies involved in intelligence activities, in carrying out programs and activities to assist the Nicaraguan democratic resistance. The statutory requirements for congressional approval of the use of such agencies, as well as statutes requiring prior authorization for the use of appropriated funds will be satisfied by the approval of my request.

Finally, the request contains a series of undertakings by me, which I am asking the Congress to accept. These undertakings, which were developed in consultation with the Congress, are intended to assure that a clear and ex-

plicit understanding exists between the Executive and Legislative Branches as to the purposes of the requested assistance to the Nicaraguan democratic resistance and United States objectives in Central America.

In particular, I am undertaking in this request:

—That United States policy toward Nicaragua will be based on Nicaragua's responsiveness to our well-known concerns about the Government of Nicaragua's close military and security ties to Cuba and the Soviet Union, its military buildup, its unlawful support for subversion and terrorism, its internal repression, and its refusal to negotiate in good faith with its neighbors or its own people;

—That, in addition to support for the democratic resistance, the United States will rely on economic, political and diplomatic measures to address these concerns. In this regard, I am publicly affirming two offers that I have previously made through diplomatic channels in an effort to obtain a peaceful resolution of the conflict. First, we will engage in formal bilateral discussions with the Nicaraguan Government, to commence *simultaneously* with a church-mediated national dialogue in Nicaragua, as has been proposed by the United Nicaraguan Opposition. Second, we will take other positive actions in response to Nicaraguan steps toward meeting our concerns.

In determining how to implement these offers, I will consult with the Congress and will be guided by the observable behavior of the Government of Nicaragua. We will not be satisfied with expressions of intent. But we will respond to changes of behavior in areas such as freedom of the press and religion, reductions of foreign arms and military personnel, respect for a cease-fire, and cessation of support for insurgents and terrorists.

My request affirms that our actions are consistent with our right to defend ourselves and assist our allies, and are directed toward achieving peace based on the Contadora Document of Objectives and a democratic reconciliation in Nicaragua, all without the use of force by the United States. I do not intend to introduce the armed forces of the United States into combat against the Government of Nicaragua, and I affirm that I will not regard approval of my request for assistance as authorizing any such action.

The final undertaking in this request responds to the desire of the Congress to be kept informed about efforts to achieve resolution of the conflict in Central America. I am undertaking to report every ninety days on progress toward a negotiated settlement, as well as on the disbursement of assistance funds and on human rights issues. The continued availability of assistance funds will be contingent upon the receipt by the Congress of these periodic reports.

THE NEED FOR THIS ASSISTANCE

Since the beginning of my first Administration, there has been no foreign policy issue more directly affecting United States national interests than the conflict in Central America, for this conflict challenges not only our strategic position but the very principles upon which this Nation is founded. We can be justifiably proud of progress in the region to alleviate and ultimately eliminate the causes of that conflict. With strong support from the United States, freedom and democracy, the fundamental pillars of peace, have made dramatic gains. Guatemala, Honduras, and El Salvador have held free and open elections. Costa Rica continues its tradition as a vigorous democratic example. United States economic, political, and military support have strengthened the moderate center in Central America and reversed the tragic polarization on the left and right that threatened to engulf the region in endless violence. As a result, the only president in Central America who wears a military uniform today is Daniel Ortega of Nicaragua. He presides over a repressive regime, armed to the teeth by the Soviets and Cubans, which is the most immediate threat to the progress of its neighbors.

Few now question that the rulers of Nicaragua are deeply committed communists, determined to consolidate their totalitarian communist state. Their long, documented record of brutal repression leaves no room for doubt. Nor can there be any dispute that they seek to export their ideology through terrorism and subversion to neighboring countries. Their neighbors' success in offering democracy as a viable alternative for the people of Central America is a major threat to the system they advocate. The Sandinistas have been constrained principally because they have not yet crushed opposition to their regime at home. The struggle of the Nicaraguan democratic resistance for democracy in their own homeland has provided a shield for democratic progress in other Central American countries. But the Sandinistas, with massive Soviet and Cuban military assistance, have clearly made the elimination of these freedom fighters their number one priority. If they achieve that goal, there will be no remaining obstacle to their efforts to destabilize neighboring states.

Despite this threat to peace, we do not accept that conflagration is inevitable in Central America. The path to peace is clear. The origin of the conflict in Nicaragua is the revolt of the Nicaraguan people themselves against tyranny. A church-mediated dialogue, serious negotiations between the Sandinistas and the external and internal opposition, including the democratic resistance, is the place to begin. The United States strongly supports such negotiations, and we welcome the efforts of the Latin American nations of the Contadora Group and Support Group to promote national reconciliation talks to resolve the Nicaraguan conflict. We will steadfastly support the Contadora process in its efforts to find a solution in Central America that will be the basis for lasting peace. We will also continue to look for flexibility in the Nicaraguan position and are prepared to respond with appropriate measures to encourage them to come to terms with their own people in a democratic framework.

At the same time, we can entertain no illusions that the Sandinistas will enter negotiations on steps to allow legitimate democratic dissent unless democratic forces in Nicaragua can credibly and forcefully assert their right to a voice in Nicaragua's future. The Sandinistas' record of repression of democratic opposition groups leaves little hope that they will willingly follow such a course. They will never embrace open, democratic norms unless confronted with undeniable demands from steadily growing numbers of Nicaraguans prepared to fight for liberty and for their right to participate in their country's political life.

Our experience with the Sandinistas over six and a half years points unmistakably to the need to accompany diplomatic policy with substantial pressure focused on the same objectives. Without power, diplomacy lacks leverage. The Sandinistas will not take meaingful steps toward national reconciliation until they realize that opposition to the consolidation of a Marxist-Leninist regime is too strong to be repressed. Approval of this request will enable the United States to be in a position to provide assistance that permits the resistance to conduct sustained operations in Nicaragua and expand their area of operations. The resistance will be able to incorporate more of the thousands of volunteers waiting to join their forces but who cannot be accepted for lack of supplies. They will be able to establish a stronger presence among a larger segment of the Nicaraguan population, thus increasing the pressure on the Sandinistas to enter into dialogue with all opposition elements, and to negotiate seriously in the Contadora process.

The cause of the United States in Nicaragua, as in the rest of Central America, is the cause of freedom and ultimately, our own national security.

The Soviet Union and its satellites understand the great stakes in Nicaragua. The Soviets have already made their decision to support the Sandinistas. Cuba's Castro has already made his decision to support the Sandinistas. Libya's Qadhafi has already made his decision to support the Sandinistas

saying, we support them, ". . . because they are fighting America at its doorstep. Nicaragua means a great thing; it means fighting America near its borders."

Congress must act decisively to prevent an outcome deeply injurious to the security of our Nation.

If the enemies of democracy thousands of miles away understand the strategic importance of Nicaragua, understand that Nicaragua offers the possibility of destabilizing all Central America, of sending a tidal wave of refugees streaming toward our southern border, and of tying down the United States and weakening our ability to meet our commitments overseas, then we Americans must understand that Nicaragua is a foreign policy question of supreme importance which goes to the heart of our country's freedom and future. With its vote, Congress will make its decision.

Those fighting for freedom in Nicaragua deserve and desperately need our help. The humanitarian assistance approved by the Congress in 1985 has proven insufficient. Cuban and Soviet military aid in the form of training and sophisticated hardware have taken their toll. If the Nicaraguan democratic resistance is to continue its struggle, and if peace, democracy, and security in this hemisphere are to be preserved, the United States must provide what is necessary to carry on the fight. If we fail to help friends in need now, then the price we will pay later will be much higher.

Your approval of the request I am transmitting to you will provide the necessary help. I urge the prompt enactment of a joint resolution expressing that approval.

RONALD REAGAN.

THE WHITE HOUSE, *February 25, 1986.*

MESSAGES FROM THE HOUSE

At 5:10 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker appoints Mr. STANGELAND as a conferee in the conference on the disagreeing votes of the two Houses on the amendments of the House to the amendments of the Senate to the bill (H.R. 2005) entitled "An act to amend title II of the Social Security Act and related provisions of law to make minor improvements and necessary technical changes," solely for the consideration of title III of the House amendments to the Senate amendments, and sections 110, 111, 127, and 160 of title I of the Senate amendments; vice Mr. HAMMERSCHMIDT, excused.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4130. An Act to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CHAFEE (for himself and Mr. DURENBERGER):

S. 2092. A bill to provide for consistent Federal actions affecting resources of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ARMSTRONG:

S. 2093. A bill to recognize the organization known as the National Mining Hall of Fame and Museum; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself and Mr. STENNIS):

S. 2094. A bill to establish a commission for the amelioration of Parkinsonism; to the Committee on Labor and Human Resources.

By Mr. ANDREWS (for himself, Mr. MELCHER, Mr. ABDNOR, Mr. BAUCUS, Mr. GOLDWATER, Mr. DECONCINI, Mr. PRESSLER, Mr. BURDICK, Mr. SIMON, Mr. INOUYE, and Mr. BINGAMAN):

S. 2095. A bill to reauthorize the Tribally Controlled Community College Assistance Act of 1978 and the Navajo Community College Act; to the Select Committee on Indian Affairs.

By Mr. D'AMATO:

S. 2096. A bill to preserve the historic values of Ellis Island; to the Committee on Energy and Natural Resources.

By Mr. ARMSTRONG:

S. 2097. A bill to designate certain additional national forest lands, national park lands, and public domain lands in the State of Colorado as components of the National Wilderness Preservation System and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENTSEN (for himself, Mr. FORD, Mr. MATSUNAGA, and Mr. BINGAMAN):

S. 2098. A bill to establish a National Space Grant College Program; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH (for himself, Mr. WALLOP, and Mr. DURENBERGER):

S. 2099. A bill to amend section 201 of the Trade Act of 1974; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. BOSCHWITZ, and Mr. MOYNIHAN):

S. 2100. A bill to provide a one-time amnesty from tax penalties for taxpayers who pay previous underpayment with interest, to improve compliance with the internal revenue laws by increasing authorization to the Internal Revenue Service for enforcement, to prohibit the awarding of Federal contracts and certain licenses to taxpayers who have tax delinquent accounts, and to amend the Internal Revenue Code of 1954 to annually increase criminal and civil monetary penalties by the increase in the Consumer Price Index; to the Committee on Finance.

By Mr. HEINZ (for himself and Mr. SPECTER):

S. 2101. A bill to recognize the organization known as "Veterans of the Vietnam War, Inc."; to the Committee on the Judiciary.

By Mr. HEINZ:

S.J. Res. 280. A joint resolution designating the month of November 1986 as "National Alzheimer's Disease Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for Mr. BUMPERS (for himself, Mr. PELL, Mr. STAFFORD, Mr. ABDNOR, Mr. ANDREWS, Mr. BURDICK, Mr. CHAFEE, Mr. COHEN, Mr. DOLE, Mr. DOMENICI, Mr. EVANS, Mr. HOLLINGS, Mr. KERRY, Mr. LEVIN, Mr. NUNN, Mr. PRYOR, Mr. ROCKEFELLER, and Mr. CHILES)):

S. Con. Res. 109. A resolution expressing the sense of the Congress that February 28, 1986, should be designated "National Trio Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE (for himself and Mr. DURENBERGER):

S. 2092. A bill to provide for consistant Federal actions affecting resources of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL PARK RESOURCES ACT

Mr. CHAFEE. Mr. President, today I am introducing the National Park System Resources Act. This bill will provide a clear and consistent policy with respect to activities on Federal lands which adversely affect resources in units of the National Park System.

Over the past several years it has become evident that our National Park System is facing serious problems. Although many of these problems are generated by activities within as well as outside the park boundaries, the majority of threats to park resources originate outside park boundaries. Congressional hearings, reports, and other data have identified a number of threats to the Park System. Here are a few examples:

In Yellowstone National Park, geothermal development, oil and gas leasing, and timber harvesting on adjacent lands may threaten Old Faithful and other geysers, as well as habitat important for the grizzly bear—one of three recoverable populations of this species in the lower 48 States. The park also faces air and water quality problems as a result of those activities.

In Glacier National Park, major resource exploration activities including coal, oil, and gas exploration and extraction, and timber harvesting which pose major threats to park resources. Threats from these activities include

degradation of park air and water quality, adverse affects on forest habitat for mammals, birds, and fish, as well as visitor experiences.

Although information on park threats continues to be generated, the most comprehensive study to date is the 1980 State of the Parks Report prepared by the National Park Service. This first-ever systemwide survey found that the scenic, natural, and historic resources in many park units are seriously threatened by numerous external and internal activities. The study identified 4,345 specific threats to park resources.

More than 50 percent of the reported threats were attributed to activities located external to the park. These external threats to parks often arise as a result of federally supported projects and activities on contiguous Federal lands. Testimony from the administration and other interested groups confirms that these external threats are a serious and real problem.

The House of Representatives has twice passed comprehensive park protection legislation, and Senate hearings on park problems have been held over the past 2 years.

In 1984, I introduced the Wildlife and Parks Act, which was aimed at protecting native fish and wildlife species found within the various Park System units. The amendment would have resulted in three things—it would have ensured protection of park wildlife on contiguous Federal lands outside the park boundaries as well as any lands inside the boundaries; assured consultation between park managers and other Federal land managers; and required a biannual report on park units' fish and wildlife resources.

During hearings on the amendment it became increasingly clear that some of the biggest threats to the parks come from development activities—such as oil and gas exploration, coal mining, and timber harvesting—on Federal lands that are contiguous to the parks. We received testimony from the administration and other interested groups which confirm that threats to the parks are real and are a problem.

Last year the Subcommittee on Public Lands and Reserved Water held hearings on the future of the National Park System. During these hearings we heard once again from the administration and other interested groups like the National Parks and Conservation Association, and the Conservation Foundation that activities occurring on federally managed lands adjacent to parks threaten the national park resources.

If we are going to remove these external threats we must require better coordination between the Park Service and the "multiple-use" agencies in the Interior Department and Forest Service.

The bill I am introducing today builds upon the Wildlife and Parks Act. This new comprehensive legislation, entitled the National Park System Resources Act of 1986, creates a mechanism to resolve differences among the Federal land management agencies and establishes a clear and consistent policy with respect to activities on Federal lands which may impact on parks.

The bill has four key elements.

First, it would prohibit new Federal expenditures or financial assistance for projects on federally managed areas contiguous to park boundaries, unless the Secretary of Interior determines that such activities would not degrade or destroy the scenic, natural or cultural resource found within a park unit. The Secretary, however, has the option of forgoing the determination process if he identifies "park resources protection areas" on the contiguous Federal lands to assure protection of the park.

Second, the bill recognizes the importance of those national parks which have been internationally designated "biosphere reserves" or "world heritage sites." The Secretary would be required to review the boundaries of these parks and make recommendations to assure they are sufficient for full U.S. participation in the Man and the Biosphere Program.

Third, the legislation calls for comprehensive biannual reports on the condition of the National Park System. These reports would identify threats to park resources and provide baseline data which could be used to evaluate trends and problems in parks.

Fourth, the legislation would allow fees to be increased at certain parks. The increased revenue, however, is not intended to supplement existing funds, but generate new revenue which would flow back into the Park System for land acquisition, visitor services, maintenance, and other park programs.

Mr. President, it is important to note that the bill would not give the Interior Secretary any new authority over Federal expenditures or activities on private land outside park boundaries. Its simple and commonsense approach says, "Before we go off and spend a lot of Federal tax dollars that may damage park resources, which could cost a lot of dollars to restore, let's decide if this expenditure will have a detrimental effect on these park resources." If the answer is "Yes," then the project could not go forward, or would have to be modified accordingly—but we would save tax dollars and give greater protection to our irreplaceable park resources.

Mr. President, 70 years ago Congress established the National Park Service by enacting the Organic Act of 1916. Through the years we have developed a park system which is the envy of the world. We can be proud of our vision and foresight in setting aside these areas for protection. Now we must continue our efforts to ensure that our Nation's most spectacular natural, cultural, and historic treasures will be protected for future generations. I hope the Senate will give the legislation expeditious and favorable consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park System Resources Act of 1986".

TITLE I

SEC. 101. FINDING AND PURPOSE

(a) FINDINGS.—The Congress finds that—

(1) the natural and cultural resources of the National Park System embrace unique, superlative and nationally significant resources, constitute a major source of pride, inspiration, and enjoyment for the people of the United States, and have gained international recognition and acclaim;

(2) the Congress has repeatedly expressed its intentions, in both generic and specific statute and by other means, that the natural and cultural resources of the National Park System be accorded the highest degree of protection;

(3) many of the natural and cultural resources of the National Park System are being threatened or degraded as a result of certain incompatible activities;

(4) certain actions and programs of the Federal government have subsidized and permitted actions having detrimental effects on the natural and cultural resources of the National Park System;

(5) a program of coordinated action by Federal agencies and appropriate public notice when one Federal agency's proposed actions may be in conflict with the responsibilities of the National Park Service is critical to the more appropriate use and conservation of the National Park System; and

(6) full participation by the United States in the international Man and the Biosphere Program requires the designation of Biosphere Reserve Boundaries which include federally managed lands contiguous to the protected core areas of National Park System units that have been designated as World Heritage Sites or International Biosphere Reserves. Sustainable resource management and use within such designated boundaries may proceed in a manner that is consistent with protection of such core areas.

(b) PURPOSE.—The Congress declares that it is the purpose of this Act to assist in the protection and conservation of natural and cultural resources of the National Park System by restricting future Federal expenditures and financial assistance which have the effect of threatening, degrading, or destroying such resources within units of the National Park System and by assuring, through improved Federal interagency and public involvement, consistency among Fed-

eral agency actions affecting the resources of the National Park System.

SEC. 102. DEFINITIONS.

For purposes of this Act—

(1) "contiguous federally managed area" means any area owned or managed by the Federal Government that is contiguous to a unit of the National Park System;

(2) "financial assistance" and "expenditure" means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance or expenditure including the issuance of a permit or lease but not including:

(A) assistance for environmental studies, planning, and assessments that are required incident to the issuance of permits or other authorizations under Federal law;

(B) deposit or account insurance for customers of banks, savings and loan associations, credit unions, or similar institutions;

(C) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation; and,

(D) assistance pursuant to programs entirely unrelated to development or habitat alteration, such as any Federal or Federally assisted public assistance program or any Federal old-age survivors or disability insurance program;

(3) "National park system" has the meaning provided by section 2 of the Act of August 8, 1953 (16 U.S.C. 1b-1c);

(4) "natural and cultural resources" includes—

(A) in the case of natural resources, the geology, paleontological remains, and flora and fauna which are of indigenous origin, and

(B) in the case of cultural resources, the historic and prehistoric districts, sites, buildings, structures, objects and human traditions associated with or representative of human activities and events, including related artifacts, records and remains;

(5) "park resource protection areas" are areas within or conterminous with contiguous federally managed areas that are designated by the Secretary as necessary to protect and conserve park resources;

(6) "Secretary" means the Secretary of the Interior acting through the Director of the National Park Service except where specific reference is made to the Secretary of the Interior.

SEC. 103. LIMITATIONS ON FEDERAL EXPENDITURES AFFECTING THE SYSTEM.

(a) Except as provided in subsection (b) of this section or in section 104, no new expenditures or new financial assistance may be made available under authority of any Federal law for any purpose within the Congressionally authorized boundaries of any unit of the National Park System or of any contiguous federally managed areas unless the Secretary has determined, after public notice and an opportunity for public comment, that—

(1) the expenditure or financial assistance will not degrade or destroy the natural or cultural resources within any unit of the National Park System; and

(2) such expenditure or financial assistance is consistent with and subject to the limitations and requirements of other applicable Federal law.

(b) The Secretary may designate and periodically update and revise, as appropriate, park resource protection areas within the Congressionally authorized boundaries of contiguous federally managed areas. Following designation of a park resource protection area within a contiguous federally managed area—

(1) the limitation set forth in subsection (a) of this section shall not apply to new expenditures or new financial assistance within such contiguous area; and

(2) each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action within a designated park resource protection area that is authorized, funded, or carried out by such agency is not likely to degrade or destroy the natural or cultural resources of any unit of the National Park System.

(c) An expenditure or financial assistance made available under authority of Federal law shall, for the purposes of this Act, be a new expenditure or new financial assistance if—

(1) in any case with respect to which specific appropriations are required, no money for construction or purchase was appropriated before the date of the enactment of this Act; or

(2) no legally binding commitment for the expenditure or financial assistance was made before the date of the enactment of this Act.

SEC. 104. EXCEPTIONS.

Notwithstanding section 103, the appropriate Federal officer may, after written consultation with the Secretary on the extent to which natural or cultural resources within any unit of the National Park System may be adversely affected, make Federal expenditures or financial assistance available to the extent authorized by applicable Federal law for—

(1) military activities essential to national security;

(2) assistance for emergency actions essential to the savings of lives and the protection of the public health and safety, provided such assistance is limited to actions that are necessary to alleviate the emergency; and

(3) any of the following actions or projects, but only if the making available of expenditures or assistance therefor is consistent with the purposes of this Act—

(A) projects for the study, management, and protection of fish and wildlife resources under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) projects under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 through 11);

(C) maintenance and restoration of natural and cultural resources within a unit of the National Park System;

(D) maintenance of existing facilities or existing infrastructure within contiguous federally managed areas or park resource protection areas designated under section 103; and

(E) scientific research promoting the conservation of natural and cultural resources of the National Park System.

SEC. 105. INTERAGENCY COOPERATION AND REVIEW.

(a) The Secretary of the Interior shall review other programs of the Department of the Interior and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by assisting in the protection and conservation of natural and cultural resources of the National Park System.

(b)(1) Each Federal agency shall, at the earliest practicable time prior to authorizing, funding, or carrying out any new expenditure or new financial assistance within a contiguous federally managed area or designated park resource protection area that is likely to have a signficant detrimental effect on natural or cultural resources within a unit of the National Park System, notify the Secretary that the agency proposes to take such action.

(2) In addition to the notice required by paragraph (1), each Federal agency proposing to take such action shall provide the Secretary with a description and a summary of the factual and legal basis for the proposed action and, thereafter, in accordance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.), an assessment of the proposed action's environmental impacts.

SEC. 106. REPORT TO CONGRESS.

(a) The Secretary shall, on a biennial basis, prepare a report on the condition of the units of the National Park System. The report shall correlate to a fiscal year base and shall be transmitted to the Speaker of the United States House of Representatives and to the President of the United States Senate by March 1 of each odd numbered year. Successive reports shall update previous submissions. The report shall include, but need not be limited to, the following major components:

(1) a brief description, for each unit of the National Park System, of

(A) the past, current, and projected condition of the unit's natural and cultural resources;

(B) the impact from identified factors and forces, ranked in order of priority, emanating from both inside and outside the unit, which damage or threaten to damage the welfare and integrity of the unit's natural and cultural resources, with identification of the trends and the severity of impact of such factors and forces; and

(C) a description and assessment of ongoing and proposed Federal programs and actions which may have a detrimental effect on the unit's natural and cultural resources;

(2) a description and assessment of Federal laws and regulations which can be or are being used to prevent and reverse those factors and forces identified under paragraph (1) which are altering or damaging, or threatening to alter or damage, the welfare and integrity of natural and cultural resources of park system units; and

(3) recommendations for the protection and conservation of National Park System resources based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions, Federal actions (including increased interagency cooperation, acquisition or transfer of lands for administration as part of the National Park System, and application of Federal incentives and disincentives designed to influence government and private actions), and initiatives by private organizations and individuals.

(b) In the preparation of the report, the Secretary shall consult with appropriate Federal and State agencies and shall take appropriate steps to solicit public involvement. A preliminary draft of the report shall be made available to the public for a period of not less than thirty days for review and comment not less than three months prior to submission of the report to the Congress. Notice of the availability of such draft for public review and comment shall be published in the Federal Register.

A summary of public comments received shall be transmitted with the report.

(c) Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report documenting the establishment and structure of a National Park Service Program. Such report shall include a schedule of present and future staffing levels, a summary of ongoing scientific projects within the National Park System, and a summary of anticipated scientific research projects, together with a statement of funding requirements to accomplish such research.

SEC. 107. PROPERTY VALUE.

In the event of government acquisition of property or donation of a conservation interest in property to any qualified recipient, any adverse effect on the fair market value of such property or interest resulting from this Act shall not be considered in the establishment of just compensation or the assessment of the value of the donation.

SEC. 108. TECHNICAL ASSISTANCE, COOPERATION, AND PLANNING.

The Secretary is directed to cooperate with, and is authorized to provide technical assistance to, any governmental unit managing lands within or adjacent to the units of the National Park System where the results of such cooperation and assistance would likely benefit the protection of park resources. The superintendent of each unit of the National Park System shall initiate an effort to work cooperatively with all governmental agencies and other entities having influence or control over lands, resources, and activities within or adjacent to that unit for the purpose of developing, on a voluntary basis, mutually compatible management plans or policies for the general area.

SEC. 109. SCIENTIFIC ADVISORY ASSISTANCE.

The Secretary is authorized and directed to establish within the National Park Service, a program or division to engage in scientific research in support of the National Park Service mission and mandate as set forth in the Act of August 25, 1916 (39 Stat. 535) and specific requirements of enabling legislation for units of the National Park System.

SEC. 110. INTERNATIONALLY RECOGNIZED AREAS.

(a) Those units of the National Park System that are, following nomination by the United States, accorded the designation of "Biosphere Reserve" under the International Man and the Biosphere Program or "World Heritage Site" by the World Heritage Committee shall receivd priority attention and consideration for prompt, heightened resource data collection, monitoring, and resource protection efforts.

(b) The Secretary shall review the boundaries of those Biosphere Reserves that are managed under authority of the Department of the Interior to determine if such boundaries are sufficient for full United States participation in the Man and the Biosphere Program. The Secretary shall submit to the Congress within 12 months after the date of enactment of this Act a report which includes—

(1) a description of those Biosphere Reserves covered under this section,

(2) recommendations for any needed adjustments to Biosphere Reserve boundaries to include federally managed lands contiguous to the protected core areas of National Park System units, and

(3) recommendations for administrative or legislative actions to ensure that multiple uses of such contiguous lands will be protected of such core areas.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Department of the Interior such sums as may be necessary for purposes of carrying out the provisions of this Act. Funds otherwise appropriated for the operation and management of the National Park System and contiguous federally managed areas may also be used to carry out the provisions of this Act.

SEC. 112. CITIZENS SUITS.

(1) Except as provided in paragraph (2) of this subsection any person may commence a civil suit on his own behalf—

(A) to enjoin any person, including the United States and other governmental instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution), who is alleged to be in violation of any provision of this Act or regulation issued under the authority thereof; or

(B) against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under this Act which is not discretionary with the Secretary.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce any such provision or regulation or to order the Secretary to perform such act or duty, as the case may be.

(2) No action may be commenced under paragraph (1) of this section prior to sixty days after written notice of the violation has been given to the Secretary, and to any alleged violator of any such provision or regulation, except that such action may be brought immediately after such notification in the case of an action under this section respecting an emergency posing a significant risk to the well-being of any natural or cultural resources of the National Park System.

(3)(A) Any suit under this subsection may be brought in the judicial district in which the violation occurs.

(B) In any such suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Secretary, may intervene on behalf of the United States as a matter of right.

(4) The court, in issuing any final order in any suit brought pursuant to paragraph (1) of this subsection, may award costs to litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(5) The injunctive relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief (including relief against the Secretary or a State agency).

TITLE II

SEC. 201. ENTRANCE FEES.

(a) Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a) is amended by—

(1) amending subsection (a) by striking "No admission fees of any kind shall be" and by inserting in lieu thereof "Entrance or admission fees may be";

(2) amending paragraph (1) of subsection (a) by striking "$10" and inserting in lieu thereof "$25";

(3) amending subsection (d) by adding at the end thereof the following: "It is the intent of Congress that fees collected at the entrance to a federally owned area—not be considered an access fee, but a fee for the services and facilities provided within the area which is merely collected, for convenience, at the entrance. Fees collected pursuant to this Act should not have the purpose of making federal recreation areas self-sufficient, but should be considered supplementary to, rather than in substitution of, Federal appropriations for the operation and maintenance of these units. Fees collected should not be used to offset or reduce appropriated funds, but to augment or expand existing programs."; and

(4) amending subsection (f) by (i) inserting ", except the National Park Service," immediately after "which are collected by any Federal agency" and (ii) adding at the end thereof the following: "Fees collected in any unit of the national park system shall be allocated by the Director of the National Park Service from funds appropriated pursuant to this subsection each fiscal year for purposes of supporting the interpretation, resource protection and visitor impact management functions of the Service, on the following basis: 30% to be returned to the parks which operate fee collection programs, generally on a proportionate basis relative to the amount of fees collected by each of these parks; 40% allocated among parks that do not utilize a fee collection program; and 30% allocated among all national park system units based on specific interpretation, resource protection or visitor impact management program enhancement needs identified to and approved by the Director.".

(b) Section 402 of the Act approved October 12, 1979 (Public Law 96-87, 93 Stat. 666) is hereby repealed.

By Mr. ARMSTRONG:

S. 2093. A bill to recognize the organization known as the National Mining Hall of Fame and Museum; to the Committee on the Judiciary.

FEDERAL CHARTER FOR THE NATIONAL MINING HALL OF FAME AND MUSEUM

● Mr. ARMSTRONG. Mr. President, today I am introducing a bill which would grant the status of a Federal corporation to the National Mining Hall of Fame and Museum, Inc., located in Golden, CO.

Is mining important to our economy today? You bet it is. Mining and agricu!ture are the two basic industries from which everything else evolves. They are the primary sources of wealth including job creation and job sustenance which fulfill the needs of this great country with a wide variety of essential, reliable, and reasonable priced mineral supplies. Our $3.4 trillion U.S. economy uses about $244 billion worth of minerals and processed material of mineral origin annually. The annual output of American mining, mineral processing and refining, mineral reclamation, and energy industries is worth more than $270 billion. Over 4 billion tons of new mineral supplies are needed every year in our economy. That's about 20 tons for every man, woman, and child! Moreover, Americans' use of fuel energy is equivalent to the work of 300 round-the-clock servants for each citizen. The industries that extract and process our minerals and fuels provide pay-

checks to nearly 2 million employees directly and many millions indirectly.

Minerals and fuels are so much a part of our daily lives that most Americans take them wholly for granted. Who gives a thought to the tungsten in a light bulb, the silica in a bottle, the petrochemicals in a plastic garbage bag, the pigment in paint, or the magnesium in cosmetics?

Our forefathers have given us a mining legacy that has the potential of become extinct. In this era of rapidly changing social and economic values, our Nation is confronted by a clearly defined challenge which stems largely from the simple fact that we've lost sight of our forefathers' idealistic motivation, sacrifices, hardships, and far-reaching accomplishments.

In our harried preoccupation with the present, we've permitted the dust of almost two centuries to all but completely bury a priceless part of our great American heritage.

That grand, prodigious history of the American mining industry and its inestimable impact on the national life style, the American economy, wealth, national defense, scientific, technological and medical advances, and its vital role in the creation of the world's greatest power must not be lost.

One example of someone who deserves recognition for his contribution to the economy is Nathaniel P. Hill, an investor in the mines of Leadville, CO. As a metallurgist, he was particularly interested in the complex ores of Colorado. He arranged to have concentrates from several of the mines in Leadville sent to a special smelter in Swansea, Wales. The extracted metals were then shipped back to Colorado.

Mr. Hill spent a year in Wales working in the mills and studying complex ores. Upon his return to the United States, he organized the Boston & Colorado Smelting Co. In 1868 he built the Argo Mill in Idaho Springs and a smelter in Black Hawk. The process was costly but very successful, for this mill and smelter were the first to adequately process the complex ores of Colorado. In 1878 he moved the smelter from Black Hawk to Denver. Colorado coal was used to power the smelter, and the success of the facility made Denver and Golden major leaders in the smelting industry.

Later Mr. Hill became a professor at the Colorado School of Mines in Golden. He was known as the father of scientific smelting in Colorado.

It is my honor to introduce this legislation which recognizes the National Hall of Fame and Museum as the showcase and research center of the mining industry to do the following:

First, to honor the memory of the men and women who participated actively in the founding and development of the American mining industry such as prospectors, miners, mining leaders, engineers, teachers, scientists, inventors, government leaders, "rascals," financiers, and others.

Second, to recapture the romance and tumult of pioneer mining with all its boom-camp and empire-building aspects, and utilize every means to attract the interest of writers, artists, and media representatives to portray this flaming era in all its exciting glory.

Third, to offer the public a comprehensive library on the mining industry; display paintings, sculpture, photographs and historical and memorabilia pertaining to the infancy of mining in the United States.

Fourth, to maintain a repository for documents, reports, and similar items of great value which may contribute to the education of future mining students.

Mining built Colorado and this Nation and there is an important need for the public to fully understand the relationship and impact the mining effort has on each and every aspect of our modern society and economy. Granting this Federal charter will help to create the exposure necessary for the National Mining Hall of Fame to be recognized nationally as the place to learn about the contributions the products of the mining industry have made to the enrichment of our everyday life.●

By Mr. COCHRAN (for himself and Mr. STENNIS):

S. 2094. A bill to establish a commission for the amelioration of Parkinsonism; to the Committee on Labor and Human Resources.

PARKINSON'S DISEASE AMELIORATION ACT

● Mr. COCHRAN. Mr. President, I rise today to speak on a matter about which little is known, yet estimates are that more than 1.5 million elderly Americans are affected by it. I am speaking of Parkinson's disease—a neurological disorder affecting the center of the brain which controls movement. Its symptoms include tremors, rigidity, and acute bent posture. It seriously interferes with the ability of its victims to lead normal and productive lives.

Medical and scientific experts do not know the cause of this disorder, and, consequently, little is being done to aid those who are afflicted. I believe we must make a national commitment to alleviate the ills associated with Parkinson's disease. Today, along with Senator STENNIS, I am introducing legislation to establish a commission for the amelioration of Parkinsonism.

This commission would undertake a number of initiatives to begin to combat this dreadful disease. It will conduct a comprehensive study of the medical and social management of Parkinsonism, and, through its analysis of research and investigatory activities, begin to develop a national plan for the control of the disease.

The commission members will serve without salary. They will prepare a report of their findings and submit it to the President and the Congress within 6 months of this undertaking. At that time the commission will be disbanded. The cost of this endeavor would be minimal.

Mr. President, I urge my colleagues to join us in supporting the passage of this bill, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Parkinson's Disease Amelioration Act".

SEC. 2. ESTABLISHMENT.

There is established the Commission for the Amelioration of Parkinsonism Disease (hereafter in this Act referred to as the "Commission").

SEC. 3. DUTIES OF COMMISSION.

The Commission shall—

(1) conduct a comprehensive study of the medical and social management of Parkinsonism in the United States;

(2) determine whether there is an appropriate balance between basic brain research and clinical research on Parkinsonism and other ailments;

(3) investigate and make recommendations concerning the proper roles of Federal, State, and local governments and public and private agencies in the research, prevention, and identification of Parkinson's disease and the treatment and rehabilitation of persons with Parkinson's disease; and

(4) develop a comprehensive national plan for the control of Parkinsonism and its consequences based on the most complete and accurate information available on the disorder.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members appointed by the Secretary of Health and Human Services as follows:

(1) Six shall be professionals with extensive research or clinical experience with Parkinson's disease; and

(2) Three shall be laypersons with a demonstrated interest in or familial involvement with Parkinson's disease. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(b) PAY.—Members of the Commission shall serve without pay.

(c) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the manner as persons employed intermittently in the Government service are allowed travel expenses under section 5703 of title 5 of the United States Code.

(d) CHAIRMAN.—The Chairman and Vice Chairman of the Commission shall be designated by the Secretary of Health and Human Services.

(e) MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its members.

SEC. 5. MAIL; SUPPORT SERVICES.

(a) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(b) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 6. REPORT.

The Commission shall transmit a final report to the President and to each House of the Congress not later than 6 months after the date of enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislative, administrative, or other actions as it considers appropriate.

SEC. 7. TERMINATION.

The Commission shall cease to exist 30 days after submitting its final report pursuant to Section 6.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect October 1, 1986.●

By Mr. ANDREWS (for himself, Mr. MELCHER, Mr. ABDNOR, Mr. BAUCUS, Mr. GOLDWATER, Mr. DECONCINI, Mr. PRESSLER, Mr. BURDICK, Mr. SIMON, Mr. INOUYE, and Mr. BINGAMAN):

S. 2095. A bill to reauthorize the Tribally Controlled Community College Assistance Act of 1978, and the Navajo Community College Act; to the Select Committee on Indian Affairs.

REAUTHORIZATION OF CERTAIN INDIAN EDUCATION PROGRAMS

● Mr. ANDREWS. Mr. President, it is with great pleasure that I rise today to introduce a bill to reauthorize the Tribally Controlled Community College Assistance Act of 1978. This bill would authorize the tribally controlled community colleges and the Navajo Community College through fiscal year 1990. As some of you may recall, the Tribally Controlled Community College Assistance Act of 1978, was amended in 1983, by Public Law 98-192, and authorized the colleges through fiscal year 1987. The 1983 amendments included a formula for computing the Indian student count, which was to be the basis for funding for the title I colleges. The 1983 law also authorized the establishment of an endowment program which provided for matching grants between the Department of the Interior and the colleges. To date, neither of these amendments have been implemented by the Department of the Interior. I hope that by beginning the reauthorization of the colleges now, rather than waiting until next year, we will encourage the Department of the Interior to actively work on regulations implementing the new counting method and the endowment program.

There are currently 20 title I tribally controlled community colleges serving over 3,000 students. In addition, the Navajo Community College serves an additional 850 students. These 21 schools offer degrees as diverse as their student population: bachelor of science degrees, associate degrees in science, science nursing and applied science, and vocational certifications. These colleges do a fine job in providing a good, quality education to their students. The majority of the colleges are located on Indian reservations and serve tribal members. In most instances, these colleges offer the only chance for young tribal members to continue their studies beyond high school without leaving the area. For many Indian men and women, the tribal colleges play a most important role. For some, the colleges serve as the beginning step in obtaining a degree from a higher education institution: many graduates go on to 4-year colleges or to masters and/or doctorate degrees. Other graduates become excellent tribal employees utilizing skills learned at the colleges, such as nursing or business administration, to help their people and tribal government. Others find employment in the private sector, some even establishing their own small businesses, banking on their education experiences at the colleges. All in all, without these fine tribal colleges, very few of these young men and women would have had such a journey to success.

I have had the opportunity and pleasure to see four of these colleges, located in my home State of North Dakota, in action and talk with the administrators, staff, students, and tribal members about the role of the tribal colleges. At every college I have heard success stories—stories as individual as the students. I have talked with high school dropouts who, encouraged by the availability of the nearby tribal college, went back and obtained their high school diploma or GED and then enrolled in the college. Many of these young Indians are now in positions of tribal and community leadership. The Indians into Medicine Program at the University of North Dakota draws many fine students from the tribal colleges, and these students prove themselves to be dedicated, intelligent, and caring members of the medical community. I have heard about grandparents who have, after years away from the classroom, returned to school at the tribal colleges and are now proud holders of college degrees and working in their communities for the betterment of all the members.

As I said, the stories are as diverse as the people involved. Yet, the bottom line is the same—the tribal colleges are doing a fine job in educating the young men and women in Indian country. I welcome my colleagues joining me today in sponsoring this bill to reauthorize the colleges and I urge my fellow Senators to take a look at this program and join in supporting the reauthorization of a fine group of colleges.

Mr. President, I ask unanimous consent this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OPERATION AND IMPROVEMENT GRANTS.

(a) AMOUNT OF GRANTS.—Paragraph (2) of section 108(a) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1808(a)(2)) is amended to read as follows:

"(2) $5,820,".

(b) AUTHORIZATION.—Subsection (a) of section 110 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

(1) by striking out "1985, 1986, and 1987" in paragraph (1) and inserting in lieu thereof "1987, 1988, 1989, and 1990", and

(2) by striking out "such fiscal years" in paragraphs (2) and (3) and inserting in lieu thereof "the fiscal years 1987, 1988, 1989, and 1990".

SEC. 2. ENDOWMENT PROGRAM.

Section 306 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1836) is amended by striking out "1985, 1986, and 1987" and inserting in lieu thereof "1987, 1988, 1989, and 1990".

SEC. 3. NAVAJO COMMUNITY COLLEGE.

Section 5 of the Navajo Community College Act (25 U.S.C. 640c-1) is amended—

(1) by striking out "the fiscal year beginning October 1, 1984, and for the three succeeding fiscal years" in subsection (a)(1) and inserting in lieu thereof "each of the fiscal years 1987, 1988, 1989, and 1990", and

(2) by striking out "for any fiscal year" in subsection (b)(1) and inserting in lieu thereof "for each fiscal year".●

● Mr. MELCHER. Mr. President, I am pleased to sponsor this bill to reauthorize the Tribally Controlled Community College Assistance Act. This law, first enacted in 1978, provides the basic support for the operation of postsecondary institutions on Indian reservations.

There are now 20 tribal colleges, 7 of which are in my State of Montana. I am proud to report that there is an eligible institution of higher learning on each of the seven reservations in Montana, the most recent addition being Stone Child Community College on the Rocky Boy Reservation which just was determined eligible this month.

The most important aspect of these colleges is that they are operated by the tribes themselves with boards of regents made up primarily of Indians who are tribal members and who live on the reservations. The success of these colleges in providing culturally relevant curriculums to Indians where they live has far surpassed what we initially expected in adopting the original 1978 law. For example, dropout rates are significantly lower for

students at these colleges than for those who attend traditional colleges. A large number of graduates become employed on the reservations, thus benefiting the entire community with their skills and education. Many graduates of these 2-year tribal colleges go on to receive bachelor's and master's degrees at other colleges. Of the 20 colleges, 2 now offer 4-year programs; seven are accredited by the same accrediting institutions that accredit State and private colleges; seven are candidates for accreditation and six are in precandidacy status. This, by any measure, is impressive; it has been less than 8 years since the authorizing legislation was originally passed. And these colleges offer more than degrees to students: They serve as academic, cultural, and resource centers for the entire reservation communities.

This bill provides for needed reauthorization to assure the colleges a stable funding base so they can continue to build their programs and provide needed postsecondary training and skills to Indian people. Title II of the bill reauthorizes program support for the Navajo Community College. I am pleased to have been a sponsor of the original act and the 1983 amendments. I am equally pleased to sponsor this bill to extend authorization through 1990. It is a program that all Americans can be proud of, a program where Federal dollars are very well spent.●

● Mr. ABDNOR. Mr. President, I am pleased to join with the distinguished chairman of the Senate Select Committee on Indian Affairs, Mr. ANDREWS, and other Senators in introducing legislation to reauthorize tribally controlled community colleges.

As a longtime supporter of these important educational institutions, I am again proud to take part in efforts to assure the future of these important schools.

Just recently, I had the distinct privilege to meet with representatives of the three native American colleges located in South Dakota. They related to me the importance of these colleges in our State and how they have encouraged more native Americans to continue their education and to also return to school to further their education at the local level. I am proud to point out that Sinte Gleska, Oglala Lakota, and Sisseton-Wahpeton are all accredited colleges.

Last year, I saw firsthand the great opportunity which these schools provide to their community and their people. I had the honor of being selected as the commencement speaker at Oglala Lakota College on the Pine Ridge Sioux Indian Reservation. As I looked out upon the crowd of families and friends of the graduates, I was struck by the pride of parents, students, and friends in the accomplishments which had occurred there.

Far to often we spend time talking about the shortcomings of Federal native American policy. It is also important to point to the successes. The tribal colleges are a prime example of the types of policies which we should pursue at the Federal level and I am pleased that I can again join with my colleagues in offering legislation to extend and reauthorize this vitally important Federal Indian education program. I call on my colleagues in the Senate and the Reagan administration to support this important legislation to protect the future of these tribal colleges and the students they serve.●

● Mr. PRESSLER. Mr. President, as an advocate of education and a better way of life for the Indian people of this Nation, I am proud to consponsor this Reauthorization of the Tribally Controlled Community College Act. I had the privilege of introducing the Tribally Controlled Community College Assistance Act of 1978 as a member of the House Committee on Education and Labor. Since that time, tremendous progress has been made in these tribal colleges, progress that must not be halted or minimized.

The budget deficit has forced many difficult decisions upon this body. We have found it necessary to decrease funding to many programs aimed at helping the disadvantaged. The support of education, however, should be viewed much like a loan or an investment. Any appropriations expended will be returned many times over by the power of knowledge, for it is knowledge that will solve the problems on our reservations. Tribal colleges are not only educating but instilling new hope and opportunity where none previously existed. With every bit of knowledge received by students at tribal colleges comes a sense of accomplishment and pride, a boost in the individual's self-confidence. It is this atmosphere, one filled with visions of a better life, that prevails in these colleges—an atmosphere that must be perpetuated.

We cannot ignore the distressing statistics that surround the quality of life on Indian reservations. Many are plagued with unemployment figures exceeding 80 percent. Tribal colleges may be one of the antidotes for this affliction. The resources available to Indian students through the tribal colleges are being utilized with promising results. The term "student" knows no age boundaries in tribal colleges. People who have been out of any type of education system for many years are returning to these colleges, tapping reservoirs of talent and capabilities. The graduates of tribal colleges develop the wisdom and intellectual tools necessary to preserve the rich culture of their heritage while combating problems on the reservations.

Let us reaffirm our commitment to the continuation of our tribal colleges and the success of Indian education. Let each of us reflect for a moment upon the path of our own lives if we had not had access to a good education. I am sure many of us would not be here today without the opportunity to attend an institution of higher learning. Indian students are deserving of the same benefits. A reauthorization of the Tribally Controlled Community College Act will allow dreams to become a reality.●

By Mr. D'AMATO:

S. 2096. A bill to preserve the historic values of Ellis Island; to the Committee on Energy and Natural Resources.

ELLIS ISLAND PRESERVATION ACT

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation, the "Ellis Island Preservation Act," which will preserve the history and significance of Ellis Island for future generations. My bill will restrict the use of Federal funds and the disposition of Federal land for the commercial development of this island.

Ellis Island served as the portal to freedom for more than 12 million immigrants seeking relief from political or religious persecution, or from the poverty in which they lived in their native country. Ellis Island, a 27-acre speck which sits in New York Harbor less than 1 mile from the tip of Manhattan, operated as an immigration processing facility for more than 60 years beginning in 1892. It has been a part of the Statue of Liberty Monument since 1965 and has been open to the public since 1976.

In 1982, proposals were submitted to the U.S. National Park Service for the development of Ellis Island. At least one of these proposals seeks to erect a convention center and hotel. This crass and improper commercialization is not welcome. The history and the symbolism of this island must not be overrun with bricks and mortar and then forgotten in the race for profits. Rather, this historical landing place of our ancestors must be preserved for all of our children and grandchildren.

As we celebrate the centennial year of liberty, let us not forget the dreams, aspirations, and hopes that our forefathers brought with them as they set foot in America—the land of opportunity—for the first time on Ellis Island. The spirit of these pioneers should live on in all of us as we continually strive to improve our lives. The development of Ellis Island should be consistent with this spirit. Let us make certain it is.

Mr. President, I urge my colleagues to join with me in preserving this great island by passing this legislation expeditiously, and I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Ellis Island Preservation Act"

SEC. 2. No Federal funds may be obligated or expended in any fiscal year for—

(1) the commercialization of Ellis Island; or

(2) maintenance or development of Ellis Island;

unless the obligation or expenditure of such funds is specifically authorized by law.●

By Mr. ARMSTRONG:

S. 2097. A bill to designate certain additional national forest lands, national park lands, and public domain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

COLORADO WILDERNESS ACT

Mr. ARMSTRONG. Mr. President, today I am introducing Colorado wilderness legislation to designate an additional 1,044,937 acres of national forest, national park, and public domain lands in Colorado as part of the National Wilderness Preservation System. In addition, my bill would designate 19,570 acres—Spanish Peaks Wilderness Study Area—as a national recreation area and would release about 39,189 acres of Forest lands from wilderness study status under the 1980 Colorado Wilderness Act and the Endangered American Wilderness Act of 1978 to be managed for a broad range of public uses.

In drafting this measure, I conducted a thorough review, area by area and issue by issue—just as I did during consideration of the Colorado Wilderness Act of 1980. I reviewed the numerous letters and comments from Coloradans, the detailed comments of State and local officials, as well as the advice of numerous interest groups. In addition, I studied the recommendations of the Federal agencies, which themselves were the product of literally thousands of letters and comments by public officials, private citizens and public interest groups. After this, I drew my proposed boundaries on official Forest Service reference maps and introduced my initial proposal in August of 1984. I then sent a delegation of my staff to the State with the official reference maps and invited people to come in for a series of open house meetings around the State to go over the maps in detail. These meetings were well attended and a great deal of additional information was generated. After this and further comments raised at the hearing before the Senate Energy and Natural Resource Subcommittee on Public Lands on the Colorado wilderness proposals, held September 18, 1984, my staff and I entered into lengthy negotiations with the other members of the Colorado delegation.

The proposal I am introducing today is a result of these discussions and tentative agreements and, in my opinion, represents an excellent compromise. However, I remain flexible with respect to modifications as the Colorado delegation works toward a consensus wilderness bill for our State.

Let me say at this point that the possibility of a Federal reserved water right arising from designation of Federal lands as wilderness is the issue with the highest priority. What began as caution on my part last year with the inclusion of a provision that would neutralize the water issue has turned into a conviction that the water rights issue must be addressed to everyone's satisfaction before agreements on boundaries can be finalized. That conviction has been underscored by the November 25, 1985 Federal Court decision in the Sierra Club versus Block litigation and by a recent resolution of the Colorado Water Congress, a State association of agricultural, industrial and municipal water users representing 356 sustaining members—cities, corporations, banks, law firms, and so forth—and 106 individual members. That resolution states, in part:

Now, Therefore, be it *Resolved* that it is the consensus of the Colorado Water Congress that wilderness legislation covering any area in Colorado should not be passed unless it contains adequate safeguards for present and future development of Colorado water resources. This legislation should address past wilderness designations in Colorado as well. The Colorado Water Congress is willing to work this year for wilderness legislation that contains these protections for development of Colorado resources. Until such time, the Water Congress opposes the creation of additional wilderness in Colorado. If a bill goes forward, the Colorado Water Congress supports the legislation proposed by Senator Armstrong in S. 2916, 98th Congress 2nd Session . . .

Mr. President, as I mentioned 2 years ago when introducing S. 2916, my original wilderness proposal, Gifford Pinchot, America's first forester, and one of the driving inspirations behind the conservation movement in this country, outlined in 1910 the objectives of conservation in these now celebrated words:

Conservation means the wise use of the earth and its resources for the lasting good of man. Conservation is the foresighted utilization, preservation, and/or renewal of forests, waters, lands and minerals for the greatest good of the greatest number for the longest time.

More than 70 years later, these words still ring true. And yet, few people today seem to speak about natural resources with such moderation and compelling good sense. Our national public discussion of natural resource issues has too often become strangely and bitterly divided between the extreme poles of development and preservation, and this country cannot be well served by any policy produced from a battle between two such extremes.

The Nation is moving through an extraordinarily important era of decisionmaking in which we will have to balance the need for resource development against the need to preserve the priceless natural and scenic values that still exist. For Colorado—with its large undeveloped energy and water potential, its rapidly growing economy and industries, and its unique natural splendors—this debate has special significance. The time has definitely come, in my opinion, for a return to the first principles of conservation outlined by Pinchot and a new, moderate consensus approach to the management of the public lands.

This was the moderate and reasonable spirit that guided Coloradans in 1980, when we got together and wrote a very sensible wilderness bill. That process began in controversy and covered a long list of fundamental issues. But in the end, we Coloradans agreed on a bill that was well balanced, and one that was good for our State and good for the Nation. At the same time, we laid the foundation for a lasting consensus on how to approach these critical natural resource issues. In Colorado, Mr. President, we are demonstrating how to tackle these tough issues in practical, commonsense ways.

It is in this spirit and with this intention that I am today introducing the Colorado Wilderness Act of 1986. Before going into the details of this legislation, I would like to put it in perspective by reviewing the nature of Federal land ownership in Colorado and the history of wilderness legislation in our State.

The Federal Government owns outright and actively manages 36 percent of Colorado—covering an area larger than 13 individual States. The largest Federal landholders are the Forest Service, with 14.4 million acres, and the Bureau of Land Management, with 8.3 million acres. Our first wilderness area was created in 1931 with the Mount Zirkel/Dome Peak Primitive Area located in the Routt National Forest, and 10 more primitive areas were set aside by 1939. Five new wildernesses were designated in Colorado with the passage of the Wilderness Act of 1964. This act created the National Wilderness Preservation System and described potential wilderness as areas untrammeled by man and shaped largely by the forces of nature, offering exceptional opportunities for solitude and primitive recreation.

In the 22 years since the Wilderness Act was passed, Colorado's federally owned lands have been the subject of intense study for their wilderness character. In Colorado alone, the

Forest Service has studied 6.15 million acres during its roadless area review evaluations, popularly known as RARE I and RARE II. At the same time the Bureau of Land Management and the National Park Service have been conducting studies of their own.

Colorado took the lead in addressing its wilderness concerns when the Colorado congressional delegation forged an agreement in 1980, which added 12 Colorado Forest Service areas and 1.4 million acres to the National Wilderness Preservation System. This action brought our total wilderness acreage in Colorado to 2,651,078 acres. Because the delegation was unable to reach a final decision on 18 other proposed wilderness areas consisting of nearly 675,000 acres, the 1980 legislation directed the Forest Service to study the areas in greater detail and to make recommendations by December of 1983.

In 1982, I introduced a bill, S. 2783, to complete the wilderness system in Colorado's national parks and monuments, recommending designations for National Park Service lands in Rocky Mountain National Park, Colorado National Monument and Dinosaur National Monument. Although national parks generally are already protected from several kinds of developments, we should add this extra measure of protection from the heavy development pressures that even our national parks will begin to feel. This is nowhere more true than in Colorado, where there is a large and rapidly growing population within a few hours' drive of every park in the State.

While the Forest Service studies directed by the 1980 Colorado Wilderness Act were being completed in 1984, the Colorado congressional delegation introduced proposals of their own for designating these areas wilderness. Early in 1984, Senator HART and Congressman WIRTH introduced a proposal that would have added 735,815 acres, while Congressman KOGOVSEK introduced a bill to designate 372,483 acres. My proposal, introduced later in 1984 (S. 2916), with the advantage of semifinal Forest Service study recommendations, would have selected 443,131 acres of national forest land plus 435,624 acres of national park land for wilderness designation.

During the course of negotiations among the delegation, two major obstacles were discussed—the reserved water rights issue and the question of agreement on boundaries. Despite a fundamental disagreement over the necessity to include language to assure that designation did not create any new reserved rights, the Colorado congressional delegation agreed to explore the possibility of a boundary compromise. While no final agreement was reached, it appeared likely that we would recommend proposed wilderness protection for 608,100 acres of national forest and Bureau of Land Management lands, as well as 436,837 acres in national parks and monuments. In the closing days of the 98th Congress, however, the delegation was unable to reach an agreement on the reserved water rights issues raised by the Sierra Club Against Block litigation.

On November 25, 1985, District Court Judge Kane ruled in that case that the designation National Forest System lands in Colorado carried with it a reserved water right in the Federal Government and that water resources passing through such Colorado wilderness areas are threatened. Although the court found insufficient evidence that the Forest Service was negligent in not filing for wilderness reserved water rights in the Colorado water courts, he did say that their inaction reflected at least "benign neglect." The court recognized, however, that there may be other means available to the Federal Government to protect wilderness water resources and directed the Forest Service to submit a plan to the court of how it intends to protect wilderness water resources by April 1, 1986. The State of Colorado, the Colorado Water Congress and other interests have recently filed an appeal from this decision to the U.S. Court of Appeals for the 10th Circuit.

Regardless of the final outcome of this litigation—which is not expected in the near future—I believe that Congress should resolve the situation as to Federal reserved water rights for wilderness purposes, so that we may finish the wilderness designation process. In proceeding, I believe there are two principles central to the final development and passage of Colorado wilderness designations. One is a respect for private property rights, and the second is that Federal lands belong to all of the people. The members of the delegation have an overriding responsibility to provide the fullest information to all concerned, but particularly to those who are directly affected in our State—to ensure that all Coloradans have an opportunity to participate in this process.

There has already been a great deal of public input in the preparation of the bill I am introducing today and, as far as I am concerned, the more the better. I don't think any member of the Colorado delegation will claim to be an expert on forest management, land use or the intricacies of wilderness legislation. We are eager to hear from as many interested parties as possible, in order to conform this legislation more closely to the land use ideal Pinchot has set for us.

My aim is to produce a balanced bill and one that represents the interest of all Coloradans. In doing so, several management issues must be addressed. In many ways, these issues are similar to ones resolved during consideration of the Colorado wilderness bill of 1980. That legislation clarified grazing guidelines to eliminate grazing use questions that had plagued ranchers for years. The problem of access to privately owned inholdings within wilderness areas was addressed. Language was included in the law calling for a reassessment of Forest Service practices for controlling fire, disease and insect outbreaks in wilderness areas. The buffer zone questions were also addressed to give the Forest Service and nonwilderness users a degree of certainty in their land management planning. The legislation also included a nationally significant compromise on language to release nonwilderness lands to multiple use management. Finally, it designated several areas for further review, all of which are dealt with in the legislation I am introducing today.

In completing the wilderness designation process for forest and park lands, several significant management issues have arisen. First and foremost is the issue over whether designation of national forest lands creates a new and additional reserved water right for the purposes of wilderness. The second issue involves establishment of wildlife management guidelines—much like the guidelines provided for grazing in the 1980 legislation. The third and final issue involves revised release language on which there is now general agreement, but which represents a change from our 1980 bill. The following is a detailed discussion of each of these issues.

WATER RIGHTS

There is an old story from Colorado Dust-Bowl days about a farmer who, when asked if he thinks it's going to rain, replies, "Hope so. Not so much for my sake as the children's. I've seen rain."

Colorado most valuable natural resource is water, and it is scarce—really scarce. Colorado receives only about 16.5 inches of precipitation in an average year. It is because of this, Colorado's pioneer settlers invented a special system for the use of water to meet the practical necessities of living in arid areas of the country. Faced with severe shortages of water, these early westerners evolved the priority system of water utilization that has become the foundation for water use and water law throughout the West.

Unlike the water use system that evolved in areas with plentiful rainfall, the Western States' priority system of water use is based on the concept of "first in time, first in right"—not who owns the land along a certain stretch of river. In Colorado first priority is given to those who first lay claim to the water and put it to beneficial use. When water supplies dwindle, later appropriators are required to stop their use to ensure an adequate supply to

those who have established a prior right.

The Western States, including Colorado, have formalized the prior use theory in law, and all water users are required to file on their water right claims. All claims are adjudicated in court, quantified and given a ranking in the priority system based on the date of their adjudicated claim.

Because of the increasing scarcity of water, water rights have become the most valuable and fundamental property right in the western areas of the United States. Since a large percentage of water has now been claimed, those who need new supplies of water must either purchase rights from others or develop storage systems to accumulate excess water during periods of high runoff or low usage. Colorado's economy, based on industry, agriculture, municipal development, and recreation, is critically dependent upon our scarce water supplies, which are in turn hinged upon the priority system of water use.

In competition with these private water rights are Federal reserved water rights created by congressional withdrawals of public domain lands for special purposes. The Supreme Court ruled back at the turn of the century in the case Winters against United States that, when the Federal Government set aside some of its land for a specific purpose, it reserved to itself enough water for that purpose. These were labeled reserved water rights and have been the subject of considerable controversy for many years because they more often than not displace other water rights established on the same stream. After many years of struggle, Colorado has made progress against the Federal Government's reserved rights claims by forcing the Government into State water courts to quantify these otherwise vague rights. Now there is a very real threat that the reserved rights doctrine may be expanded by judicial interpretation to the detriment of private water rights and the State's system of water law—without any congressional debate or expression of intent that such should occur. I would like to take a moment to outline this concern.

On November 25, 1985, the Federal District Court in Colorado, Judge John Kane, ruled in Sierra Club against Block that wilderness designation of lands previously reserved—national forest lands in this particular case—creates a new reservation accompanied by a wilderness reserved water right under the judicially created "implied-reservation-of-water" doctrine. Without speaking to the legal particulars of the case, I believe that the decision goes far beyond congressional intent. In enacting the Wilderness Act of 1964 and any other wilderness designation since then in Colorado, Congress never contemplated, debated, or dreamed of creating a reserved water right for wilderness purposes.

The regulation of such a water right has serious implications for water rights established by Colorado's urban and rural communities. In a June 11, 1985, memorandum to the Colorado congressional delegation, the Colorado Water Congress outlined some of the problems that can be foreseen at this time:

In defining "wilderness", the Act (1964 Wilderness Act) states that it is an area of undeveloped federal land which retains its primeval character and influence and is protected and managed so as to preserve its natural conditions. 16 U.S.C. sec. 1131(c). The term "natural conditions" is not further defined, but certainly it is the fear of the Colorado Water Congress that it may be interpreted so as to preclude any stream depletion in wilderness areas should a federal reserved water right be recognized. Thus, under Colorado water law, even one holding a senior water right may be unable to change the place, amount, or type of his water use. For example, a senior appropriator could ostensibly be barred from changing a point of diversion for sound engineering reasons, by moving the point of diversion 100 feet upstream within the wilderness area, due to the fact that such a change could adversely affect the junior federal reserved water right in that span.

Further, though recognition of a wilderness reserved water right which prevents diversions in headwaters may provide water for downstream users, such water would be provided at the expense of senior water rights entitled to divert the headwaters out of the basin. The geography of Colorado is such that at times water must be taken out at the headwaters and transported to an adjacent watershed for use by downstream appropriators, i.e., transmountain diversion projects through wilderness areas are required. Though these projects are designed to have a minimal impact, if any, upon the wilderness area, any change of the place, type or amount of water use could be effectively forestalled by the existence of a federal reserved water right. It is therefore apparent to anyone with even a passing knowledge of the geography of the State of Colorado that the recognition of federal reserved water rights in wilderness areas would adversely impact existing and future water appropriations.

The degree of seriousness of the problem for Colorado is evident from information sent to me by Colorado's State Engineer Jeris A. Danielson, which reveals that 1,569 adjudicated private water rights exist either above or within national forest lands designated or proposed for wilderness designation in Colorado. Moreover, very few of those rights have been placed on the State's abandonment list. In 1984, Colorado began updating its list of active water rights. Of the 1,569 water rights at issue, only 239 have been challenged as abandoned. It is important to know that these rights on the abandonment list are only being questioned—their validity has yet to be litigated in each of Colorado's 7 water divisions.

This presents a particular problem for Colorado, because the impact of a possible new Federal reserved water right for wilderness purposes has never been considered by the Congress in any wilderness designation of Federal lands in Colorado, or elsewhere to my knowledge. During the debate on the 1980 Colorado wilderness bill, the Colorado delegation took special care at looking into all perceived conflicts with wilderness designations. On the official Forest Service quadrangle maps, timber sales, mining claims, oil and gas leases inholdings, wildlife management, insect control, recreational uses, avalanche control, and other conflicts were carefully mapped out and considered. But the impact of creating Federal reserved water rights in conflict or competition with private water rights was not analyzed because there has been an historic understanding that designation of wilderness had no affect on water rights. If this historic understanding is not preserved, then as responsible legislators we will be forced to consider the impact of wilderness designation on water usage—a monumental task. It is estimated that it will cost up to $300,000 to map Colorado's existing water diversions that could be affected by a wilderness-reserved water right.

For this reason, my bill contains language to protect Colorado's system of water law and the integrity of existing rights that directly affect most Coloradans. This provision, found in section 8 of the bill introduced today, is identical to the provision I placed in my Colorado wilderness bill in 1984—S. 2916, section 7—and is intended to clear up any possible ambiguity in existing law. It provides that wilderness designations are neutral as to water rights, neither creating nor denying any water right, nor interfering with its implementation. On January 16, 1986, the Colorado Water Congress endorsed this language by resolution, and I ask that a letter from Mr. Harold Miskel, president of the Colorado Water Congress, along with the resolution, be placed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

WILDLIFE GUIDELINES

Mr. ARMSTRONG. Mr. President, I was recently contacted by Colorado's Division of Wildlife, who expressed concern over the lack of consistent guidance for wildlife management in wilderness areas. The State division of wildlife, as you know, has the management responsibility over wildlife on State, national forest, and public domain lands—including lands designated as wilderness. Because of this lack of guidance, the Colorado Division of Wildlife has asked that I incorporate guidelines prepared by the International Association of Fish and

Wildlife Agencies into report language for the Colorado Wilderness Act of 1985—much like the grazing guidelines were incorporated into the report language for the Colorado Wilderness Act of 1980. I have agreed to ask that this be done.

The International Association of Fish and Wildlife Agencies is an organization whose voting membership consists mainly of State fish and wildlife agencies having legal and managerial responsibility for most of the wildlife resources of the United States, Canada, and Mexico. Up until now, Congress has responded to concerns raised by the international and the State wildlife agencies on a piecemeal basis. An attempt to be more uniform is found in House Report No. 98-40, on the California Wilderness Act of 1983, which contains a lengthy discussion of fish and wildlife management in wilderness. However, I have been advised that, while a step in the right direction, it omits mention of certain important elements of professional fish and wildlife management. Therefore, the States are requesting that Congress set forth, at one place, policy guidance for the management of fish and wildlife in wilderness areas and wilderness study areas administered by the U.S. Forest Service and the Bureau of Land Management. At this point I ask that a letter dated October 25, 1985, and statement prepared by the Wildlife Management Institute and the International Association of Fish and Wildlife Agencies appear in the RECORD following my statement.

It is therefore my recommendation that the suggested guidelines be considered for inclusion in both the Senate and conference reports of the Colorado Wilderness Act of 1985.

RELEASE LANGUAGE

Included in my bill is the "release/sufficiency" language negotiated and adopted by the House and Senate in several State wilderness proposals this session—for examples see the Senate Reports 98-461 and 98-465. Although section 107 of the Colorado Wilderness Act of 1980 contains express release language, the relevant House and Senate committees found in their review of other State wilderness bills that further clarification was necessary.

The controversy on "release"—that is, making lands available for nonwilderness management—began because of concern over the future management of areas that were reviewed during the 1977 RARE II process. The controversy was about whether RARE II study lands not designated for wilderness or wilderness study can again be considered for wilderness and, if so, how they will be managed in the meantime.

The "sufficiency" aspect of the question arose in 1979, when the State of California brought suit against the Secretary of Agriculture challenging the legal and factual sufficiency of the RARE II final environmental impact statement as it related to California's wilderness bill. This suit, which eventually succeeded, raised serious questions about what was a "sufficient" EIS and threatened to paralyze the RARE II process.

As one of the first States to establish wilderness in the RARE II process, Colorado in 1980 was in uncharted waters with our compromise release/sufficiency language. Since that time, a slightly different formula has been more commonly used and this new wilderness bill seems a good opportunity to standardize our release/sufficiency language. Therefore, this bill contains the same new provision used in the House-passed bill, H.R. 5426, making it clear that areas studied in the RARE II process will be considered for wilderness in the future planning process by the Forest Service, but meanwhile will be managed for multiple use. As the Senate Energy and Natural Resources Committee put it in Senate Report 98-465 at page 30:

> In short, this language means that the Forest Service cannot be forced by any individual or group through a lawsuit, administrative appeal, or otherwise to manage lands not recommended for wilderness designation in a "de facto" wilderness manner. Of course, the Forest Service can, if it determines it appropriate, manage lands in an undeveloped manner, just as it can, if through the land management planning process, it determines it appropriate, develop released lands. The emphasis here is that the Forest Service will be able to manage released lands in the manner determined appropriate through the land management planning process.

Where lands managed by the Bureau of Land Management are to be released, the statutory language expressly does so.

AREA-BY-AREA DESCRIPTION

The following is an area-by-area description of the designations proposed in the bill I am introducing today, which I ask uninimous consent to have printed in the RECORD at the conclusion of my remarks. The boundaries are intended to follow the tentative agreements reached among the Colorado congressional delegation in the extensive discussions in the fall of 1984, as faithfully as possible—agreements which I might add that were never finalized nor formalized. It is possible that certain details have been unintentionally overlooked. Therefore, I urge the members of the Colorado delegation to take a close look at the proposal.

I believe that this bill represents a good and practical compromise of the varied interests. As I mentioned before, in introducing this proposal, I remain flexible on all the boundary proposals in this legislation. I regard this measure as setting the outside limit for wilderness designations of the particular areas under consideration, but I do not consider any of the proposed designations set in concrete.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BYERS PEAK (ST. LOUIS PEAK) WILDERNESS AREA

Armstong Proposed Compromise Recommendation: 8,600 acres of wilderness.

Original Armstrong acreage: None.

Located in the Arapaho National Forest in Grant County, the area is southeast of Kremmling. It lies directly north of the Williams Fork FPA and adjoins the Vasquez WSA on its eastern boundary. Elevations in the area range from 9,000 to 12,800 feet. Studied in the RARE II process, the Wilderness Act of 1980 left 12,800 acres in further planning status. In the Final Environmental Impact Statement on the Routt National Forest, the Forest Service recommended that none of the area be designated.

The major problems with the area are locating a manageable boundary and close proximity to conflicting land uses. About two-thirds of the FPA's boundary is very irregular, crosses drainages or follows broad ridges where precise topographic features are less prominent. Considerable timber cutting has occurred to the west of the area and is visible from within the area. Other external influences include the Henderson mill, railroad and other roads and water diversion facilities, which are visible and can be heard from within the area.

The proposed compromise boundary would eliminate the long narrow neck of the FPA which parallels the Henderson tunnel from the Henderson mine to the mill. Acreage would be added to the proposed Vasquez Peak Wilderness Area. The designation would avoid conflict with existing mining and water diversion activities in the area and provide more manageable boundaries. The proposed compromise boundaries do exclude, however, Saint Louis Peak itself from the designation. The proposed compromise would name the area the Byers Peak Wilderness Area.

VASQUEZ PEAK WILDERNESS AREA

Armstrong Proposed Compromise Recommendation: 12,700 acres of wilderness.

Original Armstrong acreage: 12,400 acres of wilderness.

The Vasquez Peak unit is located in the Arapahoe and Roosevelt National Forests in Grand County south of Frasier. The area lies along the Continental Divide in the Vasquez Mountains, an hour's drive from Denver. Elevations range from 8,600 to 12,000 feet. Studied in RARE II, 12,800 acres were designated a wilderness study area by the Colorado Wilderness Act of 1980. The Forest Service recommended designation of 12,800 acres in their Final Environmental Impact Statement for the Routt Land and Resource Management Plan.

Because of its closeness to the Denver Metropolitan Area, this area is popular with primitive recreationists for hiking and cross country skiing. Designation as wilderness is designed to help alleviate the pressures being felt in nearby wilderness areas from the rapidly growing communities along Colorado's Front Range of the Rocky Mountains. Wildlife species in the proposed area include elk, mule deer, black bear and the newly introduced mountain goat.

The proposed compromise proposal makes a minor westerly adjustment to the eastern boundary to accommodate the needs of the

Winter Park and Berthoud Ski Areas for avalanche control and ski lift construction. Acreage was added on the western boundary to include a portion of the Saint Louis Peaks Further Planning area. The boundary was designed to avoid conflicts with the Henderson tunnel.

WILLIAMS FORK WILDERNESS AREA

Armstrong Proposed Compromise Recommendation: 23,800 acres of wilderness.

Original Armstrong acreage. None.

The area is located in the Arapaho National Forest, in Grand and Summit Counties north of Dillon and south of Kremmling. The major access is by Forest Road 138 which leaves U.S. 40 near Parshall and from Colorado Highway 9 and Forest Roads 132 and 138. Elevations in the area vary from 8,800 to 13,500 feet. After the Colorado Wilderness Act of 1980, the area containing 53,888 acres, was left in further planning status. The Forest Service, in its final Environmental Impact Statement for the Routt National Forest, recommended that none of the area be designated wilderness.

The Williams Fork area presents an interesting combination of competing and conflicting uses. The Forest Service did not recommend wilderness designation for several reasons, the most important of which was the proposed development of Denver's water rights in the north central portion of the area. In addition, evidence of man's activities can be seen and heard from most parts of the area, including the Henderson mine and mill north of the area and traffic noise from I-70 and Colorado Highway 9 on the west and south side of the Williams Fork Divide. The area also includes patented and unpatented mining claims.

On the other hand, there is an important need to provide areas closer to large population centers for the enjoyment of wilderness, and this area is quite spectacular in that it is traversed by the Continental Divide. Wildlife in the area is abundant, and the Forest Service Land and Resource Management Plan calls for semi-primitive and primitive management for most of the area, with an emphasis on non-motorized recreation.

Taking all these things into account, proposed compromise boundaries were drawn in close consultation with the Denver Water Broad and Metropolitan Water Providers which eliminate areas within the FPA that would conflict with the proposed Williams Fork water diversion project. In addition, a major mining claim block, where interest in mining was indicated, was excluded from the proposed designation. Although the resulting boundaries will not be easy to manage for the Forest Service, the proposed designation will address designation of wilderness close to population areas and will eliminate the great majority of conflicts. The proposed compromise boundary would close off the Ptarmigan Peak jeep road and would include acreage on the western side of the Divide that show signs of pine beetle infestation.

LOST CREEK WILDERNESS ADDITION

Armstrong Proposed Compromise Recommendation: 7,300 acres of wilderness.

Original Armstrong acreage: None.

Located in Park County in the Pike National Forest, the east side of the area adjoins the existing Lost Creek Wilderness Area. The area is about 50 miles southwest of Denver and 10 miles from Bailey and is at the north end of the North Platte River mountains to the east of Kenosha Pass. Elevations range from about 8,500 feet to 12,300 feet. In the RARE II process, the total Lost Creek Area was inventoried and the Forest Service recommended wilderness designation of 71,000 acres and further study of 48,040 acres. In the 1980 Colorado Wilderness Act, 106,000 acres of the Lost Creek FPA were designated wilderness, leaving the 23,000 in further planning status. In the Final Environmental Impact Statement for the Pike and San Isabel National Forests, the Forest Service recommended against designation of any of the FPA.

Like the Williams Fork Area, the Lost Creek FPA presents an interesting combination of competing and conflicting uses. The area has been classified by the Forest Service as containing high to moderate potential for minerals, and the State owns the mineral estate in two tracts—totalling 3800 acres—in the north central part of the area. In addition the area contains 19 miles of logging roads, 600 timbered acres, a 60 acre plantation, and radio repeater site.

The proposed compromise boundaries were drawn to designate a portion of the FPA as wilderness, including the Ben Tyler, Rock and Craig trails. The proposed compromise boundaries also avoid most of the conflicts. However, a portion of the State owned mineral lands are within the proposed designation. This was done after consultation with the Colorado Land Board, the entity responsible for the State's mineral lands, which indicated its support for wilderness designation with the hope that a future exchange of these mineral rights can be worked out.

BUFFALO PEAKS WILDERNESS AREA

Armstrong Proposed Compromise Recommendation: 43,800 acres of wilderness.

Original Armstrong acreage: 36,060 acres of wilderness.

The Buffalo Peaks unit lies atop the Continental Divide between the Arkansas and South Platte Drainages in the Pike and San Isabel National Forests in Lake, Chaffee and Park Counties. It is located 80 miles southwest of Denver and 10 miles southeast of Leadville. Elevation ranged from 9,200 and 13,326 feet. In the Colorado Wilderness Act of 1980, 56,950 acres were classified as a wilderness study area. The Forest Service, in its Final Environmental Impact Statement for the Pike-San Isabel Forest Resource Management Plan, recommended designation of 36,060 acres as wilderness.

The character of this area is alpine peaks and ridges with lower wet meadows and willow areas north of the peaks. At lower elevations, there are large stands of Engelmann spruce and aspen; lodgepole pine, bristlecone pine and Douglas fir are also common at still lower elevations. The Buffalo Peaks area contains significant habitats for deer, elk and bighorn sheep.

The original Armstrong proposal for this area excluded the outer fringe of the study area which has a variety of conflicting nonwilderness uses. In the proposed compromise agreement, acreage adjustments included additional acreage which is habitat for big horn sheep in the south and western portions of the study area. Wildlife experts were divided on the best program to protect the sheep, but there is a strong contention that the absence of man's activity is the most important need for the sheeps' survival. Perhaps adoption of the wildlife guidelines recommended by the Colorado Division of Wildlife and the International Association of Fish and Game Agencies will take care of some of the concerns raised about the State's ability to enhance habitat for the benefit of the sheep.

Other boundary adjustments in the proposed compromise included additional acreage on the north and northwest portions of the study area to include a small drainage, but the boundary carefully avoids areas where there is logging activity and motorized recreation. On the northeastern side of the area, bounaries were drawn to avoid established mineral claims and areas with high mineral potential. Other boundary adjustments were made for more manageable boundaries.

SANGRE DE CRISTO WILDERNESS AREA

Armstrong Proposed Compromise Recommendation: 227,000 acres of wilderness.

Original Armstrong acreage: 190,500 acres of wilderness.

The Sangre de Cristo Wilderness Study unit lies along the mountains of the same name and divides the San Luis Valley and the Rio Grande Drainage from the Wet Mountain Valley and the Arkansas River drainages. The total length of the area is about 70 miles, with widths ranging from 2 to 10 miles. It is in the San Isabel and Rio Grande National Forests, in Freemont, Custer, Huerfano, Alamosa, and Saguache Counties, about 120 miles southwest of Denver, 40 miles west of Walsenburg, and 10 miles south of Salida. Elevation ranges from 8,200 to over 14,000 feet. 222,742 acres were classified as a wilderness study area by the Colorado Wilderness Act of 1980. In the Final Environmental Impact Statement for the Pike-San Isabel Forests, the Forest Service recommended designation of 190,469 acres as wilderness.

The area is nationally famous for its towering mountain peaks that rise 6,000 to 7,000 feet above the surrounding countryside. The range was formed by gigantic fault blocks of Precambrian granite which were thrust through the surrounding rocks and represent a geological formation unique in Colorado. The diversity and magnitude of the area's spectacular scenery have made it very popular for primitive recreation; it contains hundreds of miles of trails used by hikers, horsemen and other recreationists. Heavy snowfall results in abundant water supplies of high quality and has helped establish healthy populations of a wide variety of trout species together with black bear, cougar, elk, bighorn sheep, eagles, and peregrine falcons. After much analysis and discussion, a proposed compromise was reached. The following describes the highlights of the agreement, referencing the official Forest Service quadrangle maps in three parts:

North Portion: Starting at the northern end of the area, the northeast boundary was drawn on the western side of the Rainbow trail, and the northest boundary was drawn to follow the natural ridge. Concerning Hayden pass, a boundary was established 500 feet on both sides of the pass to provide sufficient space for a possible Public Service Company of Colorado power line corridor. The eastern boundary would continue to parallel the Rainbow trial down to the Cloverdale basin. Because of oil and gas lease applications pending along the eastern edge of the study area, boundaries were drawn to include the upper portion of the Cloverdale basin, where there was no conflict. This would minimize impact on oil leases and recreational vehicle use in the southern end of the Cloverdale basin. South of Cloverdale the boundary would straighten to provide a more logical boundary and still keep the impact on oil and gas leasing to a minimum.

Middle Portion: In the Horseshoe Lake area on the eastern side of the area, the proposed compromise included acreage where there were outstanding non-surface occupancy restrictions on oil and gas leasing. This would enable wilderness to exist without seriously reducing the oil leasing potential. Continuing south, in the South Colony Lakes basin area, where there are 4 peaks over 14,000 feet, the boundary agreed to would include the whole area and close the road. The proposed agreement recognizes that closure of the road may restrict access to the area somewhat, but those most attracted to the area seem to be mountain climbers and the road is badly eroded so the designation appears to be an acceptable decision for those most likely to be affected by it. On the eastern edge, both north and south of Medano pass, the boundaries were drawn to minimize conflict with oil and gas lease applications. This section from Colony Creek to the Huerfano addition contains what appears to be the best oil and gas potential in the area. There are lease applications along virtually the entire stretch, many of which abut existing oil and gas leases further east.

South Portion: On the southern end of the WSA, agreement was reached to add what is known as the Huerfano addition. This area was not included in the wilderness study area, but the boundaries were drawn to close consultation with the Forest Service to include areas with minimal wilderness conflicts. The far eastern boundary follows the Strawberry Creek trail, avoiding the area east of Strawberry Creek which contains many conflicts, including old mining activity and current oil exploration. On the northern side of the addition, the boundary was drawn to follow the Ute trail from the study area to the Huerfano River and then north to the forest boundary. This agreement avoids an irrigation ditch conflict, and cuts off motorized access south of the Ute trail . . . but provides an area for parking. There are no apparent conflicts in the addiiton, except there are private inholdings on Blanca peak. These properties, however, are at such high elevations that access is extremely difficult, and it does not appear that they would present a serious management problem in the future.

Western Boundary: On the western boundary of the entire area, the tentative agreement was to include National Forest lands and Bureau of Land Management lands recommended by the joint efforts of the Forest Service and Bureau for designation in wilderness at this time. Other Bureau of Land Management lands adjacent to the Wilderness Area would be recommended for further study through Senate and House Committee report language. This would insure that any logical extensions to the west of the area would be added in a timely and organized manner. Other boundary agreements were made to make the area more manageable.

GREENHORN MOUNTAIN WILDERNESS AREA

Armstrong Proposed Compromise Recommendation: 22,000 acres of wilderness.

Original Armstrong acreage: 21,100 acres of wilderness

The Greenhorn Mountain wilderness proposal is located on the southern end of the Wet Mountain Range in the San Isabel National Forest, in Huerfano and Pueblo Counties, about 130 miles south of Denver and 20 miles southwest of Pueblo. Elevation ranges from 7,600 to over 12,000 feet. The focal point of the area is Greenhorn Mountain at 12,349 feet elevation. The area, containing 22,330 acres, was classified a wilderness study area in the Colorado Wilderness Act of 1980. The Forest Service, in its final Environmental Impact Statement for the Pike and San Isabel Forest Land and Resource Management Plan recommended that the entire area be designated.

About 65 percent of the area is forested with a variety of trees, including pinon/juniper, ponderosa pine and Douglas-fir. However, little logging has occurred in the area because the slopes are too steep. The area is also habitat for endangered or threatened species, including the greenback cutthroat trout and peregrine falcon. The area is also an important habitat for mule deer and winter range for bighorn sheep.

In the original Armstrong proposal (which coincided with the House bill), a private inholding on the western boundary of the area was excluded from the designation proposal. However, the Forest Service and the owners of the private inholding, a Buddhist church organization, supported designation. Therefore, the acreage is added in the proposed compromise proposal. Nonetheless, the parties will be contacted again to insure that this is what everyone wants. On the remaining boundaries, small adjustments were made to make the boundaries more manageable.

SOUTH SAN JUAN ADDITIONS (MONTEZUMA PEAK AND V-ROCK TRAIL)

Armstrong Proposed Compromise Recommendation: 15,500 acres of wilderness.

Original Armstrong acreage: None.

The two areas adjoin the South San Juan Wilderness Area on the north and south. Both areas lie entirely within the Pagosa Ranger District of the San Juan National Forest, about 20 miles east of Pagosa Springs and to the west of the Continental Divide. They include both Archuleta and Conejos Counties. Elevation ranges between 8,200 to 13,000 feet. This expansion area was identified several years ago as potential wilderness. Included in both RARE I and RARE II, the expansions were not recommended for designation. Congress, however, in the Colorado Wilderness Act of 1980, established 13,000 acres as the Montezuma Peaks WSA and 19,800 acres as the V-Rock WSA. The Forest Service in its Final Environmental Impact Statement for the San Juan National Forest recommended against designation.

No acreage in either area was recommended in Armstrong's original bill primarily because of mining and timber conflicts. Similar to the conflicts affecting Fossil Ridge, about 37 percent of Montezuma Peak has high to moderate potential for locatable minerals and around 48% of V-Rock has high/moderate potential for oil and gas. The areas contain two patented and 165 unpatented mining claims, 7 outstanding oil and gas leases and 3 oil lease applications covering 3,320 acreas.

The Montezuma Peaks area is extremely rugged high terrain with high mountain lakes. In the last two years the major mining claim holders have done exploration work. Contacts with the claim holders indicated that some of the claims were being abandoned. Therefore, a proposed compromise boundary was agreed upon which followed the WSA boundaries, but excluded the mining claim block in the northwestern part of the WSA, were interest in mining was still active. In addition, there was some interest in off-road vehicle use of the Montezuma Peaks area on the Quartz Creek Trail. However, information we had said it was minimal and that the trails in this area were steep and few.

To accommodate the problems with the V-Rock area, the proposed compromise boundary was drawn from Flat Top Mountain directly south to intersect the WSA boundary. This excluded the portion of the WSA with the 7 active oil and gas leases, the oil and gas lease applications, and the majority of the timber proposed for sale. The proposed compromise would also leave open the V-Rock Trail to motorized use. The designation, however, would preclude a timber sale planned for 1987 by the Forest Service.

PIEDRA WILDERNESS AREA

Armstrong Proposed Compromise Recommendation: 41,500 acres of wilderness.

Original Armstrong acreage: 41,500 acres of wilderness.

The Piedra unit is located in the San Juan National Forest in parts of Archuleta and Hinsdale Counties between the towns of Durango and Pagosa Springs. Elevation in comparison to other wilderness study areas is low, ranging from 6,800 to 10,500 feet. The area was studied in RARE I and II and in the Colorado Wilderness Act of 1980 41,500 acres were classified as a wilderness study area. In the Forest Service Final Environmental Impact Statement for the San Juan Forest Resource Management Plan, the entire area was recommended for designation.

With the exception of a few open meadows and stream zones, the terrain is generally rolling and heavily wooded by a coniferous forest and is an excellent habitat for elk, deer, black bear, turkey and other wildlife. The Piedra River, the main drainage, cuts deeply through the surrounding forest to form a spectacular box canyon and a renowned fishery and river ecosystem that includes landlocked salmon and endangered river otter. Due to its low elevation, healthy wildlife populations, gentle terrain and distinctive scenery, the Piedra unit is very popular for camping and backpacking.

In the proposed compromise, acreage beyond the WSA on the northeastern boundary was not included because of existing timber operations and plans to harvest over-mature timber vulnerable to being blown dow.. by wind. Minor boundary changes were agreed to for manageability reasons.

WEST NEEDLES WILDERNESS AREA

Armstrong Proposed Compromise Recommendation: 23,000 acres of wilderness

Original Armstrong acreage: 20,690 acres of wilderness.

The West Needles unit is made up of both Forest Service and Bureau of Land Management lands. Located in the San Juan National Forest and the San Juan Resource Area, in San Juan and La Plata Counties, the area lies between Durango and Silverton. To the west of the Weminuche Wilderness Area, elevations in the unit range from 8,000 to 13,100 feet. Studied in both RARE I and II, 15,800 acres of Forest land were designated a Wilderness Study Area (WSA) in the Colorado Wilderness Act of 1980. As required by the Wilderness Act of 1964 and the Federal Land Policy and Management Act of 1976, the Bureau of Land Management concluded in its initial inventory of this area in 1979 and 5,780 acres of BLM land were set aside for wilderness study. This BLM acreage is often referred to as the West Needle Contiguous WSA. The West Needles Wilderness Study Area is directly across from the three areas known as Weminuche Contiguous WSA, Whitehead

Gulch WSA, and Needle Creek WSA. These three areas are adjacent to the existing Weminuche Wilderness Area and are separated from the West Needles Wilderness Study Area by the Animas River Gorge. The three areas are dealt with separately in Section 2, subsection 27, as additions to the Weminuche Wilderness area.

Because of the dual jurisdiction over the area, the Forest Service and the BLM, by interagency cooperative agreement signed July of 1981, agreed to jointly study designation of the areas, with the Forest Service taking the lead as part of its Resource Management Plan for the San Juan Forest. The Final Environmental Impact Statement on this plan recommended designation of 20,340 acres of the West Needles WSA.

This proposal contains several peaks above 13,000 feet and a number of exceptionally beautiful lakes. Its western boundary overlooks the Animas River Gorge. Wildlife is abundant in the area, including a population of mountain goats. Much of the area is accessible from U.S. highway 550 and is popular for primitive recreation, especially hiking.

The original Armstrong bill followed the boundaries recommended by the Forest Service, except south of the Andrews Lake area where Armstrong's boundary included more acreage for a more manageable boundary. The boundary, however, would still exclude a possible powerline corridor and existing snowmobile use. The proposed compromise boundaries follow the original Armstrong boundaries, except on the southwestern edge of the area where the House passed boundary was agreed to after the Forest Service assured the delegation that there were no conflicts with a wilderness designation in the extended area and that the boundary was more manageable.

The designation would include 640 acres of land owned by the State . . . a school land section granted to Colorado upon statehood. The proposed compromise agreed to legislative language that would direct the Forest Service to seek an exchange with the State for this acreage.

WEMINUCHE CONTIGUOUS ADDITIONS

Armstrong Proposed Compromise Recommendation: 8,010 acres of wilderness.

Original Armstrong acreage: 8,010 acres of wilderness.

The Weminuche Contiguous Additions are made up of three separate wilderness study area proposals. The additions are proposed to the western border of the existing Weminuche Wilderness Area. Located in the San Juan National Forest and the San Juan Resource Area, in La Plata and San Juan Counties, the areas lie directly east of the West Needles WSA across the Animas River Gorge. The three areas are Weminuche Contiguous, Whitehead Gulch and Needle Creek. Studied in RARE I and II, the Weminuche Contiguous and Needle Creek areas were left in further planning status by the Colorado Wilderness Act of 1980. Whitehead Gulch was transferred to the Forest Service from the BLM by P.L. 98-141 on October 31, 1983. The Weminuche Contiguous FPA contains 1,980 acres; the Whitehead Gulch WSA contains 5,560 acres; and the Needle Creek FPA contains 4,540 acres. The Forest Service recommended designation of 375 acres in the Weminuche Contiguous, 3,475 acres in Whitehead Gulch, and 4,160 acres in Needle Creek. The proposed compromise adopted these boundaries.

The northern addition, called the "Weminuche Contiguous" unit is characterized by high elevations, and steep, mountainous topography, containing the headwater areas of streams that are tributary to the Animas River. Much of the area is alpine tundra, with several rugged peaks and ridges separating basins and isolating them from one another.

The middle addition, called the "Whitehead Gulch" unit, is noted by steep, rugged canyon walls rising from the channel of the Animas River on the west at about 8,800 feet elevation to peaks as high as 13,000 feet. The western boundary for the most part follows the Durango-Silverton narrow gage railroad right-of-way, through the Animas River Gorge. Except for foot and horse trails, this railroad provides the only access into the area. The higher parts of the area afford scenic vistas of vast landscape—mountains, valleys, forest and tundra, including the West Needle Mountains, Needle Mountains, and the Grenadier Range. This combination of jagged peaks, cirque basins, alpine tundra and subalpine forest produce unique and outstanding scenic qualities.

The Needle Creek unit located on the south contains several small stream drainages which flow westerly through it, creating side canyons in the main canyon of the Animas River. The area consists of rugged mountains with high peaks, narrow canyons and several lakes, including Webb, Pear, Ruby and Emerald lakes. In conjunction with the Weminuche Wilderness Area, this unit contains outstanding opportunities for primitive and unconfined wilderness recreation.

The recommended boundaries originally introduced by Senators Armstrong and Hart were in agreement. The House, however, had excluded a cherry stem in the Needle Creek WSA, to accommodate fly-in of helicopters to the Emerald lake area. The proposed compromise agreed upon would not include the cherry stem, but would request report language protecting the existing helicopter access and landing rights to the Emerald lake area.

WHEELER GEOLOGIC WILDERNESS AREA

Armstrong Proposed Compromises Recommendation: 15,900 acres of wilderness.

Original Armstrong acreage: 11,390 acres retained in study status.

The area is located in the Rio Grande National Forest, in Mineral and Saguache Counties, about 6 miles northeast of Creede. The area is adjacent to the La Garita Wilderness area and is on the western slope of the La Garita Mountains. Elevations range between 8,800 at the bottom of West Bellows Creek to 12,880 feet on the crest of the La Garita Mountains. Named in honor of Captain George M. Wheeler, who conducted geological surveys of Colorado between 1873 and 1884, the "Wheeler Geologic Area" gained national recognition in 1908, when it was designated a National Monument by President Theodore Roosevelt. In 1933, jurisdiction over the monument was transferred from the Forest Service to the Park Service, and the Park Service after developing criteria on what areas belong in the "National Park System" recommended that the lands be returned to the National Forest because of difficulties in administering and developing the Monument due to its small size. Therefore in 1950 Congress enacted P.L. 652 abolishing the Monument and returning jurisdiction to the Forest Service. However in July, 1962, the Forest Service withdrew 640 acres from mineral development to protect the fragile geologic formation known as the "Wheeler Geologic Area." In April 1978, the Colorado Department of Natural Resources registered the Wheeler Geologic Area as a State Special Interest Area.

Studied in RARE I and II, the Colorado Wilderness Act of 1980 established 11,390 acres as the Wheeler Geologic Wilderness Study Area, directing the Forest Service to take into account the geologic values of the area, other land management options . . . such as national monument, National Park or national recreation area designations . . . and the need for road access with special attention to access by the elderly and handicapped. The Forest Service in its final recommendation on the area decided only that wilderness designation was not appropriate.

The Wheeler Geologic WSA is a subalpine plateau abutting against Palmer Mesa, which forms the crest of the La Garita Mountains. The plateau is dissected by steep-sided canyons known as East and West Bellows Creeks, characterized by exposed rock outcrops. The WSA is characterized by interspersed subalpine parks, forests, and meadows. Portions of Wason and Silver Parks lie within the WSA. Unusual rock formations form the focus of attention in the Wheeler Geologic Study Area and are remnants of one of the layers of interlaid volcanic tuff. Ice and water erosion have carved fluted walls, caves, undulating canyons, ridges, pinnacles, and domes in the tuff. The tuff is sandy in texture and is extremely soft. Erosion of the formations continues at a rapid pace.

The proposed compromise boundary was developed in close consultation with the Forest Service. The boundaries were drawn to include the Geologic Area and areas adjacent to the La Garita Wilderness Area and effectively all of Wason Park. To provide road access into the Wheeler Geologic area, Silver Park and the road were left out of the designation, but the boundary effectively parallels the road on the north. The boundaries were drawn to allow the wildlife habitat management and timber management planned below Silver Park.

POWDERHORN (CANNIBAL PLATEAU) WILDERNESS AREA

Armstrong Proposed Compromise Recommendation: 62,300 acres of wilderness.

Original Armstrong acreage: 56,910 acres of wilderness.

The area contains both Forest Service and Bureau of Land Management lands. It is located in the Gunnison National Forest and in the Gunnison Basin Resource Area, about 25 miles southwest of Gunnison, 3 air miles east of Lake City, and 160 air miles southwest of Denver. Elevations range from 8,800 to 12,644 feet. The Forest Service acreage known as the Cannibal Plateau was studied in RARE II and 31,990 acres were left in further planning status by the Colorado Wilderness Act of 1980. The acreage managed by the Bureau of Land Management, known as the Powderhorn Area was designated a "Primitive Area" by the Secretary of the Interior in August of 1973 and became an instant wilderness study area, containing 40,480 acres, as a consequence of section 603(a) of the Federal Land Policy and Management Act (FLPMA) in 1976. The Forest Service recommended in its Final Environmental Impact Statement on the Grand Mesa, Uncompahgre, and Gunnison Forest Land and Resource Management Plan that 13,599 acres be designated. The Bureau of Land Management recommended in the summer of 1984 that 43,311 acres of the Powderhorn area be designated wilderness.

The *Powderhorn unit*, historically used by the Ute Indians as a summer hunting ground, is noted for its level alpine plateaus deeply dissected by glacial valleys and cirque basins. It encompasses a wide variety of distinctive wilderness attributes: alpine tundra, spruce and fir forests, Ponderosa pine, wide-open parks, sagebrush, grassland and several ponds or small lakes. The area contains outstanding opportunities for solitude, together with primitive and unconfined recreation. The *Cannibal Plateau unit*, includes a portion of the largest alpine tundra in the nation outside Alaska. Its terrain consists of level, open plateaus that break off into steep, rugged slopes and canyons on the fringes of the area. Due to the gentle nature of the plateaus, they offer outstanding opportunities for hunting, hiking and other forms of primitive recreation, with many locations affording sweeping, 360 degree views. Wildlife is abundant, and includes large populations of elk and mule deer. The bulk of the area is overlain with thick tertiary volcanic deposits and is rated low in mineral potential. Most of the area is devoid of timber due to its high elevation.

During the consideration of these two areas, there was originally disagreement among the delegation over whether the Powderhorn Primitive Area should be designated at the same time the Cannibal Plateau Further Planning area is. During the delegation's negotiations, the Bureau made a final recommendation to designate 43,311 acres. The proposed compromise adopted the Bureau recommendation, including recommended release from wilderness study status of acreage found incompatible with wilderness designation. Concerning the Cannible Plateau Further Planning Area, the proposed compromise adopted a boundary that would follow the Forest Service's recommended boundary on the south and northward until the snowmobile trail moves away from "Devils Canyon." The proposed compromise boundary then follows the snowmobile trail north until it intersects the trail from the Slumgullion Campground to the Devils Lakes. The boundary then goes northwest to intersect the Forest Service's recommended boundary (in section 5). As part of the proposed compromise, it was agreed that special report language would be included to recognize the importance of the unique values for scientific study in the Mesa Seco Area in the Cannibal Plateau unit.

FOSSIL RIDGE WILDERNESS AREA

Armstrong Proposed Compromise Recommendation: 39,100 acres of wilderness.

Original Armstrong acreage: None.

Fossil ridge is located in the Gunnison National Forest, eight miles northeast of Gunnison, Colorado and 125 air miles southwest of Denver. The area is roughly located between Taylor Canyon and Union Park on the north and east; and Quartz Creek on the south. Elevation varies from 9,000 to 13,200 feet. The Colorado Wilderness Act of 1980 classified the area as a wilderness study area, containing about 47,400 acres. The Forest Service in its final Resource Management Plan for the Grand Mesa, Uncompahgre, and Gunnison Forest Land and Resource Management Plan recommended against designation of any of the area wilderness.

The Fossil Ridge area contains exceptionally rough and rugged terrain. 2,700 acres of the study area are being studied for inclusion in the National Natural Landmarks Program of the National Park Service because of the unusual presence of Paleozoic fossils in the sedimentary rock of the ridge. Because of the terrain, the area is unique as habitat for wildlife including endangered and rare species of wildlife . . . timber wolf sitings have been reported. The area is known for its big name. A large elk herd uses the area as a migration route to and from winter range and also as a calving ground. There is a growing herd of mountain goats that reside year round, and black bears are abundant in the area.

The study area, however, contains several conflicting interests to wilderness designation. It has a high potential for locatable minerals, including molybdenum, uranium, limestone, gold and silver, and contains 465 acres of patented mining claims and 1,154 (currently inactive) unpatented mining claims covering 23,080 acres. However, there are no active mines in the area at this time. The area also provides a unique opportunity for limited motorized vehicle recreation, and there is a possible conflict with a transmission facility for a proposed hydroelectric project.

According to the Forest Service's Land and Resource Management Plan for the Grand Mesa, Uncompaghre and Gunnison National Forests, the area is to be managed diversely, with core areas to be managed as primitive/non-motorized, while allowing corridors for semi-primitive motorized traffic to traverse the area. Special wildlife habitat management is identified, including emphasis on big game winter and summer range, and other special areas for livestock grazing emphasis.

Consequently the proposed compromise would preserve the core of the area as wilderness, eliminating about 237 acres of the patented mining claims. Unless otherwise mentioned, the boundaries follow generally those of the wilderness study area. The southern boundary of the proposed designation follows the study area boundaries on the east, but instead of turning south, it stays north to intersect the Summerville trail and then runs north (and parallel) to the Fossil Ridge Trail. The north boundary of the study area was maintained to give the Forest Service flexibility to manage beetle infected trees near the Lodgepole and Cold Springs Campgrounds. And the boundary on the northeast was revised to avoid Union Park proposed Pumped Storage Hydroelectric Project. However, there is still an outstanding question regarding the eastern boundary and the location of the the Union Park project's power transmission corridor. Therefore, this boundary is expected to be altered if the corridor is considered necessary through this portion of the area.

SPRUCE CREEK ADDITION TO THE HUNTER-FRYINGPAN WILDERNESS AREA

Armstrong Proposal Compromise Recommendation: 8,000 acres of wilderness.

Original Armstrong acreage: 8,000 acres of wilderness or None

The Spruce Creek unit is located in the White River Forest, in northeastern Pitkin County about 9.5 miles northeast of Aspen. When Congress enacted the Hunter-Fryingpan Wilderness in 1978, it directed a study of the Spruce Creek addition containing 8,000 acres. This study resulted in a positive recommendation by the Forest Service, and it was included in the Armstrong Colorado Wilderness Bill of 1982 (S. 2783) as an addition to the Hunter-Fryingpan Wilderness, but Congress did not act on it prior to adjournment.

Designation of the area would round out the existing Hunter-Frying Pan Wilderness by adding lower elevation lands that comprise an important migration route for deer and elk. The creed for which the area was named provides a valuable habitat for the declining Colorado cutthroat trout. The area is also popular for cross country skiing and ski touring.

The original Armstrong boundaries conformed to the wilderness study area boundaries. The proposed compromise retained study area boundaries, except on the western boundary of the area where a more manageable boundary was drawn. The Forest Service assured the delegation that there were no conflicts existing in this addition for such a designation. On the northern boundary of the area, the House had originally decided to exclude acreage because of a mining claim. However, the proposed compromise included the area because the Forest Service advised that the claim was abandoned.

SERVICE CREEK WILDERNESS AREA

Armstrong Proposed Compromise Recommendation: 43,200 acres of wilderness.

Original Armstrong acreage: 39,860 acres of wilderness.

Lying in Routt County is the Routt National Forest, the Service Creek unit is located just a few miles southeast of Steamboat Springs; its elevation ranges from 7,000 to 10,700 feet. The area was studied in RARE II and 39,860 acres were left as a Further Planning Area by the Colorado Wilderness Act of 1980. The Forest Service in its Final Environmental Impact Statement for the Routt Forest Land and Resource Management Plan recommended designation of the entire area.

Unlike most of the other wilderness area in Colorado, this area is at lower elevation. Due to this elevation, its drainages provide excellent wildlife habitat. There is a large elk herd in residence, a significant population of mule deer and an unusually high concentration of black bear. The area is also popular for rock climbing, with a wide array of cliffs, and rock towers at the headwaters of Service Creek.

The proposed compromise boundaries were drawn to include acreage previously released from wilderness study status, but were drawn to exclude existing timber cuts and existing timber sales. The proposed compromise agreed to include acreage on the south, which would prevent a timber sale planned by the Forest Service for 1986, and to extend the boundary on the east in the Service Creek area near an existing timber sale, but not interfering with it. The proposed compromise agreed, however, not to include acreage additions to the north, not to interfere with a planned timber sale for 1987, and a proposed ski area.

DAVIS PEAK ADDITION TO MOUNT ZIRKEL WILDERNESS AREA

Armstrong Proposed Compromsie Recommendation: 14,400 acres of wilderness.

Original Armstrong acreage: 8,100 acres of wilderness.

Located in the Routt National Forest in Jackson County, the Davis Peak unit is about 33 miles northwest of Walden. The proposed designation is adjacent to the Mount Zirkel Wilderness Area. Elevation ranges from 8,600 to 10,900 feet. The area was studied during RARE II, and the Colorado Wilderness Act of 1980 left 8,100 acres in Further Planning Status. In the Final Environmental Impact Statement for the Routt Forest Resource Management Plan, the Forest Service recommended designation of the entire area as wilderness.

This area is formed by rounded peaks and broad, deeply glaciated valleys; ten percent of it is covered by alpine tundra and another ten percent is meadowland located in drainage bottoms of the Main and West Forks of the Encampment River. Much of the forested portion is very steep. There are dense stands of spruce, fir and lodgepole, with small groups of aspen interspersed among the conifer. Big game species in the area include black bear, mule deer, elk and a few bighorn sheep that drift into the Davis Peak area from Wyoming.

The proposed compromise boundaries excluded areas timbered, under pending timber contracts, and proposed for timbering (for example the Hog Park area). Minor extensions were agreed to on the east and south of the area for a more manageable boundary, but the boundaries were carefully drawn to exclude any uses that would conflict with wilderness designation. The southern boundary follows the Continental Divide, but avoids including acreage to the south because of stock drive ways and jeep roads. The eastern boundary is drawn carefully to avoid concentrated recreation use near Big Creek Lakes and Big Creek Falls.

ROCKY MOUNTAIN WILDERNESS AREA

Armstrong Proposed Compromise Recommendation: 235,374 acres of wilderness; 4,692 acres potential wilderness.

Original Armstrong acreage: 235,668 acres of wilderness.

Four separate wilderness units would be established within Rocky Mountain National Park, all to be named the Rocky Mountain Wilderness Area. The Mummy Range wilderness proposal in the northern portion of the Park contains approximately 81,320 acres and is adjacent to the Comanche Peak Wilderness in the Roosevelt National Forest. The proposed Never Summer unit contains approximately 9,620 acres and ies adjacent to and becomes part of the existing Never Summer Wilderness in the Arapaho National Forest. This legislation provides for the continued management by the Forest Service and the Park Service of their respective portions of the enlarged Never Summer Wilderness. The Trail Ridge Wilderness proposal contains approximately 4,300 acres and is located in the center portion of the Park between the Fall River Road and the Trail Ridge Road. The Enos Mills Wilderness proposal is in the southern portion of the Park and contains approximately 140,428 acres: this proposal would add approximately 2,917 acres of the Indian Peak Wilderness within Rocky Mountain National Park to the Enos Mills unit.

Pursuant to the Wilderness Act of 1964, Rocky Mountain National Park was studied by the National Park Service for wilderness designation. In 1972 and 1974, the Administration sent recommended wilderness designations to Congress. However, until now, no action has been taken. Since those recommendations over a decade ago, the Park Service has refined its recommendations and in testimony before the Senate Energy and Natural Resources Committee on September 18, 1984, recommended several changes in the original Armstrong bill. Those recommendations are reflected in this proposal.

The Mummy Range unit contains large areas of the alpine, subalpine, wet meadow and montane forest ecosystems.

The Never Summer unit includes the steep upper slopes and peaks of the Never Summer Mountains. About two-thirds of the area is above timberline, and it is capped by a row of twelve jagged peaks reaching over 12,000 feet in altitude.

The Trail Ridge unit is forested mountainside sloping northward to Fall River, between the Trail Ridge and Fall River Roads. It contains much studied examples of sub-alpine forest and alpime tundra. Lodgepole pine, Englemann spruce and sub-alpine fir are dominant in the forest cover. Although the area is visible from various points along the two roads, the wilderness traveler within it feels quite isolated.

The Enos Mills unit contains examples of all the ecosystems present in Rocky Mountain National Park, including a spectacular array of rugged peaks, snow fields and glacial cirques. In this unit are located both the Park's most popular backcountry destinations and some of its least visited valleys. The high peaks are visible from as far away as Fort Collins, the Denver metropolitan area and many parts of the eastern plains of Colorado.

COLORADO WILDERNESS AREA

Armstrong Proposed Compromise Recommendation: 15,135 acres of wilderness; 1 acre potential wilderness.

Original Armstrong acreage: 13,842 acres of wilderness.

This area consists of two parts. The Monument Mesa proposal contains approximately 10,237 acres, which is nearly all of the roadless acreage in that portion of the park north of the Rim Rock Drive road; the No Thoroughfare Canyon Wilderness proposal contains approximately 3,605 acres and is located in the portion of the park south of the Rim Rock Drive Road.

Pursuant to the Wilderness Act of 1964, Colorado National Monument was studied by the National Park Service for wilderness designation. In 1972 and 1974, the Administration sent recommended wilderness designations to Congress. However, until now, no action has been taken. Since those recommendations over a decade ago, the Park Service has refined its recommendations and in testimony before the Senate Energy and Natural Resources Committee on September 18, 1984, recommended several changes in the original Armstrong bill. Those recommendations are reflected in this proposal.

The Monument Mesa unit includes an unusual and extremely interesting series of box canyons carved out of the Uncompahgre Highland by severe erosion. The Highland forms one rim of the Grand Valley of the Colorado River. Scattered minor archeological sites are evident where primitive man visited and hunted. Visitors to this deep canyon experience solitude and isolation from man's activities. Hikers and horseback riders reach the area on existing primitive trails which are the only developments in the proposed wilderness area.

The No Thoroughfare Canyon unit includes typical erosion patterns and geological formations of interest. It is a good example of pinon/juniper woodland and is interspersed with sagebrush, service berry and mountain mahogany.

DINOSAUR WILDERNESS AREA

Armstrong Proposed Compromise Recommendation: 186,328 acres of wilderness; 4,215 acres potential wilderness.

Original Armstrong acreage: 186,114 acres of wilderness.

The Monument, located in both Utah and Colorado, will be protected with two areas: the Green-Yampa Wilderness proposal contains approximately 160,635 acres and is located in the northern portion of the park, while the Blue Mountain Wilderness proposal is located in the southern portion of the park and consists of approximately 25,479 acres.

Pursuant to the Wilderness Act of 1964, Dinosaur National Monument was studied by the National Park Service for wilderness designation. In 1972 and 1974, the Administration sent recommended wilderness designations to Congress. However, until now, no action has been taken. Since those recommendations over a decade ago, the Park Service has refined its recommendations and in testimony before the Senate Energy and Natural Resources Committee on September 18, 1984, recommended several changes in the original Armstrong bill. Those recommendations are reflected in this proposal.

The Green-Yampa unit, the largest of the Park Service units in this bill, contains the spectacular canyons along 44 miles of the Green River and 48 miles of its main tributary, the Yampa. These river canyons contain outstanding displays of geology. There is a high degree of ruggedness and remoteness which creates a true challenge to the visitor. The high plateaus along the canyon rims offer spectacular views of the canyons and the rivers. This is a semi-arid environment which provides for many different plant and animal communities. Unexpected examples of Ponderosa pine and Douglas fir are found in the protected canyons and unusual animals such as mountain lion and big-horn sheep continue to exist in this remote area.

The Blue Mountain unit lies south of the Yampa Bench Road and contains the Blue Mountain Plateau, which is 2,000 feet above the Yampa Bench and offers dramatic views of the canyons and rivers of the Monument.

SPANISH PEAKS NATIONAL RECREATION AREA

Armstrong Proposed Compromise Recommendation: 19,570 acres National Recreation Area.

Original Armstrong acreage: None of the area was recommended for wilderness.

Located in the San Isabel National Forest between the Cucharas and Apishapa River drainages, the area lies along the Continental Divide in Huerfano and Las Animas Counties. The area is about 160 miles south of Denver and 20 miles southwest of Walsenburg. Elevations in the area range between 8,400 and 13,626 feet. West Spanish Peak is 13,626 feet and East Spanish Peak is lower at 12,683 feet. Designated a wilderness study area in the Colorado Wilderness Act of 1980, the Forest Service recommended against designating the area wilderness in its Final Environmental Impact Statement on the Pike and San Isabel Forests.

The area includes several old mines, 870 acres of private land—including patented mining claims. About 90 percent of the area has high to moderate potential for locatable minerals and about 93% of it has high to moderate potential for oil and gas. In fact there are pending oil and gas lease applications on about 78% of the wilderness study area. The Land and Resource Plan for the Pike-San Isabel National Forests indicates an intent to manage about 80% of the eastern portion for non-motorized recreation in a non-wilderness semi-primitive setting, while managing the western portion for motorized outdoor recreation and potential commercial timber production.

Because of the diverse uses of the area and in recognition of its unique beauty and character, the proposed compromise would establish it as a National Recreation Area

(NRA). Specific legislative language, however, detailing the specifics of management of the NRA was not defined by the Senators. As a basis for discussion, the Armstrong proposal directs the Forest Service to prepare a management plan within 2 years of enactment of the Act, which would "conserve, protect and manage (the area) in a substantially undeveloped condition", recognizing valid existing rights. Allowed in the plan would be management of timber to prevent, or salvage, timber downed by fire, insects, disease, blowdown or other causes. Hard rock mining and oil and gas development would be allowed only where the plan does not exclude entirely or prevents surface occupancy. In addition, the Forest Service is asked to study the area adjacent to the NRA boundaries for possible addition if these lands enhance the values and objectives of the recreation area, with special attention to the unique rock spines that occur to the north of the area. Of course all of these provisions are intended to be open for discussion.

COLORADO WATER CONGRESS,
Denver, CO, January 22, 1986.

Senator WILLIAM ARMSTRONG,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR ARMSTRONG: Enclosed please find a current statement of position of the Colorado Water Congress relative to wilderness federal reserved water rights and the designation of additional wilderness areas in Colorado. A brief explanatory comment is attached thereto for your review and use. The Colorado Water Congress firmly believes that Judge Kane's recent opinion in *Sierra Club v. Block*, in which he found that Congress intended in the Wilderness Act to reserve previously unappropriated waters for wilderness purposes, is in error. The decision is being appealed to the Tenth Circuit Court of Appeals and hopefully will be reversed.

The implications of the existence of federal reserved water rights in Colorado wilderness areas have been thoroughly explored in previous materials submitted to the Colorado Congressional Delegation by this organization. Needless to say, the water users of Colorado did not choose to raise the reserved rights issue in the judicial arena and thereby create the current deadlock over additional wilderness designation. This was the decision of the Sierra Club. It is the belief of this organization that the instream flow program of the Colorado Water Conservation Board provides a mechanism for federal land managers to work with the state and water users to appropriate instream flows where such flows may be necessary or desirable to protect wilderness areas. There has simply been no showing, as to any wilderness area in Colorado, that the above program is insufficient or inadequate in any respect.

The Colorado Water Congress is firm in its position that any future Colorado wilderness legislation must contain an explicit declaration that wilderness designation does not create an implied federal reserved water right. However, it continues to believe that wilderness and the rights of water users can co-exist if wilderness proponents, such as the Sierra Club, acknowledge this fact rather than attempt to undermine Colorado water law and appropriations made thereunder.

If we can be of any further assistance in resolving this matter, please do not hesitate to call upon us.

Sincerely,

HAROLD MISKEL,
President.

POSTION OF COLORADO WATER CONGRESS REGARDING WILDERNESS RESERVED WATER RIGHTS

The Colorado Water Congress adopts the following position regarding wilderness federal reserved water rights:

Now, therefore, be it resolved that it is the consensus of the Colorado Water Congress that wilderness legislation covering any area in Colorado should not be passed unless it contains adequate safeguards for present and future development of Colorado water resources. This legislation should address past wilderness designations in Colorado as well. The Colorado Water Congress is willing to work this year for wilderness legislation that contains these protections for development of Colorado resources. Until such time, the Water Congress opposes the creation of additional wilderness in Colorado. If a bill goes forward, the Colorado Water Congress supports the legislation proposed by Senator Armstrong in S2916, 98th Congress 2nd Session, at Section 7 which provides as follows:

"No provisions of this act nor any other act of Congress designating areas in Colorado as part of the National Wilderness Preservation System, nor any guidelines, rules, or regulations issued thereunder, shall constitute the establishment of right to the use of flow of water in the Federal Government because of the designation; provided, however, that this provision does not constitute an express or implied claim or denial on the part of the Federal Government to the use of flow of water in any other Congressionally designated wilderness area in the United States."

If additional wilderness areas are proposed for Colorado, it is the consensus of the Colorado Water Congress that such legislation should not be passed unless it contains adequate safeguards for present and future development of Colorado water resources. The impact of wilderness designation upon water rights has seldom been an issue in previous wilderness area designtions. In contrast, mineral rights, grazing, timber, energy resources are fully evaluated in determining whether wilderness designation is appropriate. In the past, water resources did not receive evaluation, because the President of the United States has the power to allow water projects to be built in designated wilderness areas, and it was assumed that wilderness designation did not create federal reserved water rights. This presidential exemption process will be frustrated by any federal reserved water rights in wilderness areas. Thus, if Judge Kane's decision in the *Sierra Club v. Block* case is upheld, water resource impacts of proposed wilderness designations and existing wilderness designation will have to be a major consideration in all future wilderness designations.

Wilderness reserved water rights will have adverse impacts on water rights outside wilderness areas. Such adverse impacts include impairment of exchanges, transfers, changes of use and changes of points of diversion. This is in addition to already existing federal land use regulatory controls which make it difficult to excercise water rights. Any proposed wilderness area, especially wilderness areas downstream of existing water rights, can significantly impair Colorado's management of its water resources. Colorado has an instream flow program which already provides for water rights to be obtained by the Colorado Water Conservation Board for the protection of the environment to a reasonable degree. The Water Congress opposes a preemptive system of federal reserved water rights.

OCTOBER 25, 1985.

Hon. WILLIAM L. ARMSTRONG,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR ARMSTRONG: It is our understanding that consideration is being given to the drafting of a Colorado Wilderness Bill.

In that respect, wish to call your attention to the lack of an adequate congressional policy statement regarding fish and wildlife management of wilderness. Various committee reports on earlier wilderness Acts contain occasional reference to fish and wildlife. But in no single document is there a comprehensive statement that covers the subject adequately. Administrators confronted with decisions must sort through innumerable reports, and even if they had the time to do so, and the documents available, they would find congressional guidance incomplete at best.

This presents problems in the field, because of split responsibility. The Forest Service and the Bureau of Land Management, the two major federal wilderness-administering agencies, are responsible for fish and wildlife habitat, and the states are responsible for resident wildlife and fish. That fact, plus the varying interpretations that are being placed on permissable management activities in wilderness and how they may be accomplished, strongly underscores the need for Congress to address the problem.

Our organizations have had this matter under consideration for several years. Most recently, and drawing on an extensive 1976 report of a committee of the International Association, a 15-point draft statement on Fish and Wildlife Management Guidelines for Wilderness was prepared, reviewed and approved. While it has been discussed with Senate and House staff, it has not been formally offered for consideration. Senator Goldwater inserted the guidelines in the August 9, 1984 *Congressional Record* for the information of his colleagues.

The recommended guidelines are contained in the enclosed statement that was prepared in the form of draft report language for inclusion in a committee report on a wilderness bill. Please note that we do not suggest amendment of the Wilderness Act. What we do urge is that the guidelines be inserted in a committee report and be made applicable to the Wilderness System as was done on the matter of livestock grazing in connection with the earlier Colorado Wilderness Act (Conference Report No. 96-1521 and House Report No. 96-617). Done this way, Congressional declaration of policy for fish and wildlife management in wilderness would help resolve problems and ease misunderstandings in every state in which Forest Service and Bureau of Land Management Wilderness is or will be located.

Please note also (beginning at the bottom of page 2 of the enclosed) our concurrence that fish and wildlife management activities in wilderness are to conform to the "minimum necessary" requirement of Section 4(c) of the Wilderness Act: temporary in nature, leave no permanent marks and employ the

minimum tool necessary to accomplish the task at hand.

We commend this matter to your favorable attention and would be pleased to discuss it with your staff at their convenience.

Sincerely,

DANIEL A. POOLE,
President, Wildlife Management Institute.

JACK H. BERRYMAN,
Executive Vice-President, International Association of Fish and Wildlife Agencies.

FISH AND WILDLIFE MANAGEMENT

According to the International Association of Fish and Wildlife Agencies, an organization whose voting membership consists mainly of state fish and wildlife agencies having legal and managerial responsibility for most of the wild living resources of the United States, Canada and Mexico, nearly every fish and wildlife agency in states having designated wilderness and/or wilderness study areas has experienced some difficulty with the federal administrative agencies' interpretations of the Wilderness Act of 1964 relative to fish and wildlife conservation. The difficulties encountered have varied regionally and among federal administrative personnel. State agencies find that activities permitted in one region or in one wilderness are prohibited in others.

Cognizant committees of Congress have responded to some of these concerns, mainly in report language, but these responses have been piecemeal rather than orderly and comprehensive. Fish and wildlife are important elements of wilderness. So it is essential that Congress set forth guidelines and policies for managing fish and wildlife in wilderness for lands administered by the U.S. Forest Service and the Bureau of Land Management. This guidance is needed, because, despite the federal government's ownership of the lands involved, the ownership and legal responsibility to protect and manage most fish and wildlife occurring in wilderness is vested in the states. This responsibility is discharged by the legally constituted fish and wildlife agencies in the various states. Thus, there is need for continual coordination and cooperative efforts between the state fish and wildlife agencies and the federal land agencies to ensure that state agencies can properly conserve fish and wildlife resources in wilderness and wilderness study areas. And at the same time, other wilderness values must be maintained.

In striking contrast to this problem is the way House and Senate committees in 1980 clarified policy regarding livestock grazing in national forest wilderness areas. House Report No. 96-617 contains an orderly, point-by-point listing of guidelines and policies, which subsequently were included by reference in Section 108 of the Colorado Wilderness Act (Conference Report No. 96-1521). The availability of grazing guidelines and policies in a single document has been of considerable assistance to the agency administering wilderness and to grazing permittees.

No such document exists with respect to fish and wildlife. The Committees instead have responded to individual questions on an issue-by-issue basis, the result being that such policy guidance that does exist is scattered in narrative form through several documents, lacks order, and is incomplete.

In apparent recognition of this, House Report No. 98-40, pertaining to the "California Wilderness Act of 1983," contains a lengthy discussion of fish and wildlife management in wilderness. The Committee has been advised by state agencies responsible for fish and wildlife that the suggested policy guidance in this document, while a step in the right direction, omits mention of certain important elements of professional fish and wildlife management. Therefore, through their International Association of Fish and Wildlife Agencies, the states have suggested that Congress set forth, at one place, policy guidance for the management of fish and wildlife in wilderness areas and wilderness study areas administered by the U.S. Forest Service and the Bureau of Land Management.

As an over-all preface to the statement of the Committee's policy on this subject, it is the Committee's intention that fish and wildlife management activities in wilderness will be planned and undertaken in conformance with the "minimum necessary" requirement of Section 4(c) of the Wilderness Act. The guiding principles of that section are that permitted activities will be temporary in nature, will leave no permanent marks, and will employ the minimum tool necessary to accomplish the task at hand.

As general policy, lands within the National Wilderness System shall be managed to allow ecological succession, including fire and infestations of insects, to operate freely insofar as they do not endanger significant resources outside such area. Fish and wildlife conservation should be directed toward maintenance of species identified in wilderness management plans and with special emphasis on species indigenous to the area, and on the preservation of those classified as endangered or threatened under the provisions of the Endangered Species Act of 1973 or by the state in which the area is situated.

It is the intention of the Committee that these guidelines and policies be considered in the overall context of the purposes and direction of the Wilderness Act of 1964 and this Act, and that they be promptly, fully and diligently implemented and made available to Forest Service and Bureau of Land Management personnel at all levels, to appropriate state fish and wildlife agencies, and to other appropriate individuals and parties:

1. FISH AND WILDLIFE RESEARCH AND MANAGEMENT SURVEYS

Research on fish and wildlife, their habitats and the recreational users of these resources is a legitimate activity in wilderness and study areas. Methods which temporarily infringe on the wilderness character may be used provided the information sought is essential for conservation of the species and alternative methods or locations are not available.

Helicopters and fixed-wing aircraft may be used to conduct approved fish and wildlife research activities in wilderness and study areas. Aircraft shall be used in a manner to minimize disturbance of other users, including humans and wildlife.

All fish and wildlife studies conducted within and over wilderness and study areas shall be conducted within the basic concept of preserving the natural character of the areas. Aerial counts and observations of wildlife shall be permissible for conservation of wilderness wildlife resources. Capturing and marking of animals, radio telemetry, and temporary installations, such as shelters for cameras and scientific apparatus, enclosures and exclosures, essential for wildlife research and conservation shall be permitted.

2. FACILITY DEVELOPMENT AND HABITAT ALTERATION

There are situations where facility development and habitat alterations may be necessary for the continued existence or welfare of fish and wildlife living on or adjacent to wilderness or study areas. This is particularly true in the case of wildlife species adversely impacted through the activities of man in such areas.

Flow maintenance dams, water developments, water diversion devices, ditches and associated structures and other fish and wildlife habitat developments necessary for fish and wildlife conservation and in existence prior to designation of a wilderness or study area may be permitted to remain in existence and be operated and maintained. The use of equipment should be based on the "minimum necessary" requirements of Section 4(c) of the Wilderness Act.

Clearing of debris which impedes the migratory movements of fish on critical spawning streams shall be permitted.

Maintenance of existing water supplies is an accepted practice in most wilderness areas and development of additional water supplies is permitted, but only when essential to wildlife survival. The use of mechanical equipment by management agencies in this context is permissible, but should be the "minimum necessary" as required by Section 4(c) of the Wilderness Act.

3. ENDANGERED AND THREATENED SPECIES

The importance of wilderness and study areas in providing habitat for endangered and threatened species of wildlife, as identified by federal and state governments, is recognized.

4. ANGLING, HUNTING AND TRAPPING

Angling, hunting and trapping are legitimate wilderness and study area activities subject to state and applicable federal laws and regulations.

5. POPULATION SAMPLING

Scientific sampling of fish and wildlife populations is an essential procedure in the maintenance of balanced populations in wilderness and study areas.

6. CHEMICAL TREATMENT

Chemical treatment may be necessary to prepare waters for the reestablishment of species identified in resource plans, to establish endangered or threatened species, or to correct undesirable conditions resulting from the influence of man.

7. SPAWN TAKING

The collection of fish spawn shall be permitted from wilderness and study areas when alternative sources are nonexistent or unreliable or where spawn taking was an established practice prior to the area being officially designated.

8. FISH PLANTING AND TRANSPLANTING

Planting or transplanting of fish may be conducted by the state agency, using means appropriate for wilderness or study areas, when any one of the following criteria is met: (a) to reestablish or maintain a species identified in the resource plan, (b) to restore an endangered or threatened species, or (c) to maintain or enhance recreational values as identified in the wilderness management plan.

Barren lakes and streams may be considered for stocking after it has been mutually agreed that there will be no appreciable loss

of scientific values or adverse effects on wilderness resources.

Numbers, size and species of fish and time of planting will be determined by the state wildlife agency.

9. AERIAL FISH PLANTING

Aerial planting of fish shall be permitted in wilderness and study areas where this was an established practice before the area was classified as a wilderness or study area, or where other practical means are not available.

10. TRANSPLANTING WILDLIFE

Removal, reintroduction or supplemental transplants or terrestrial wildlife species in wilderness or study areas shall be permitted if: (a) the status of a threatened or endangered species would be enhanced; (b) the population of a native species eliminated or reduced by acts of man would be restored or enhanced; (c) other significant wilderness or study area values would not be imparied. Motorized methods may be permitted if they are necessary to accomplish a transplant and otherwise meet the "minimum necessary" requirements of Section 4(c) of the Wilderness Act.

11. CONTROL OF PROBLEM ANIMALS

Control of problem wildlife in wilderness and study areas may be necessary to reduce depredations on and conflicts with other wildlife and domestic livestock, to remove animals creating a public nuisance related to human interests, and to prevent trasmission of diseases or parasites affecting other wildlife or humans.

12. RESTORING ESSENTIAL FOOD PLANTS

When restoring essential food plants after disturbance, such as wildfire, only native species are permitted.

13. PRESCRIBED OR CONTROLLED BURNING

Prescribed or controlled burning, designed to maintain natural burn and regrowth cycles favorable to wildlife, is an acceptable and often a necessary management task in some wildnerness areas.

Prescribed burning or allowing wildfires to burn under controlled conditions should be permitted only when: (1) the activity is designed to replace or to stimulate vegetative response in those areas where wildfire had been an essential ingredient in the maintenance of the wilderness character of an area but where past strict wildfire control measures had interfered with natural, evolutionary processes; and (2) the program is designed to maintain wildlife diversity in an area, with priority emphasis on habitat requirements for rare or endangered wildlife species.

14. CONTROL OF VISITORS

Many wildlife species are sensitive to human encroachments on their ranges. Grizzly bear, bighorn sheep, elk, mountain goat, some migratory and resident birds and other wilderness wildlife species cannot tolerate excessive human intrusions, particularly during certain seasons of the year.

Wilderness managers should identify those specific areas within a wilderness which are essential to the continuance of sound native wildlife populations and meet the specific needs of individual wildlife species by initiating visitor use controls, particularly during those periods of the year in which wildlife's needs are the most critical.

15. USE OF AIRCRAFT, MOTOR BOATS OR MOTOR VEHICLES

Section 4(c) of the Wilderness Act permits the use of motorized equipment in wilderness if such use is found "necessary to meet minimum requirements for the administration of the area for the purposes of this Act." This language is viewed as permitting the occasional, temporary use by Federal and State officials of motor vehicles, helicopters, aircraft and the like, in furtherance of the purposes of a specific wilderness area. This language means that any such use should be occasional and temporary (example: transporting animals that have been trapped in a temporary enclosure to a release point outside the wilderness); that no roads should be built to accommodate vehicles; and that such use must be determined by wilderness managers to be the minimum necessary to accomplish the task.

By Mr. BENTSEN (for himself, Mr. FORD, Mr. MATSUNAGA, and Mr. BINGAMAN):

S. 2098. A bill to establish a National Space Grant College Program; to the Committee on Commerce, Science, and Transportation.

NATIONAL SPACE GRANT COLLEGE ACT

● Mr. BENTSEN. Mr. President, our space program has provided tremendous technological advances in our everyday life. In this regard, I am pleased to introduce S. 2098, a bill to establish the National Space Grant College Program. I urge my colleagues to join me as cosponsors of this legislation, which would expand the availability of related educational resources to those who might not otherwise hope to participate in a national effort to study the uses of space.

S. 2098 is based on the idea that a system of space grant colleges would do for space exploration what land grant colleges have done for agriculture and mechanical arts over the past 123 years. Texas A&M, one of the finest institutions of higher learning in my State, was established as a land grant college in 1876, only 14 years after Congress passed legislation permitting the creation of such institutions. In 1981, Texas A&M became one of the first four universities in this country to be designated a sea grant college.

I believe that it is time for schools like Texas A&M to take their programs of research and education beyond the bounds of Earth and into space exploration and development.

Today, just a quarter-century after the first people ventured into space, hundreds of corporations are directly involved in space-related business. Satellites launched under the auspices of the space program have revolutionized communications, mapmaking and weather forecasting. Developments aided by the space effort include microcircuitry, which itself has created a huge new computer and electronics industry. The next quarter-century will undoubtedly bring even greater breakthroughs.

The Space Grant Program's research and development efforts would be directed toward space technology and commercialization, for the purpose of furthering commerce, national security and the general quality of our life. This program would be administered through the National Aeronautics and Space Administration [NASA] and would utilize existing universities. Also, it would encourage the establishment of interdisciplinary schools of space, as well as regional consortiums of universities and industry.

The Space Grant Program would award grants on a competitive basis to applicants who propose the most cost-effective programs for the development and utilization of space resources, as determined by NASA. Additionally, a space grant fellowship program would be established to provide educational and training assistance to qualified individuals at the undergraduate and graduate levels of education in space-related fields. Total funding for the National Space Grant College Program would be $10 million for fiscal years 1986 and 1987, and $15 million for fiscal years 1988 and 1989.

I am committed to continued development of this Nation's space program. I believe that our universities and colleges can make significant contributions toward this development. The National Space Grant Program would allow NASA to tap into the resources of these universities and, similarly, would give students access to a course of study which otherwise will be closed to them. President Reagan recently remarked that every family member of *Challenger's* crew specifically urged that we continue the space program. This legislation would reinforce efforts in that direction, and I ask that you join me in establishing the National Space Grant College Program.●

By Mr. ROTH (for himself, Mr. WALLOP, and Mr. DURENBERGER):

S. 2099. A bill to amend section 201 of the Trade Act of 1974; to the Committee on Finance.

SECTION 201 LEGISLATION

● Mr. ROTH. Mr. President, I rise to introduce a bill on behalf of myself and my colleagues Senators WALLOP and DURENBERGER to amend section 201 of the Trade Act of 1974.

I offer this legislation because I am increasingly concerned that the trade debate on Capitol Hill has entered a new, and more dangerous phase. I refer to the growing tendency to blur the distinction between our attitudes and policies on fair and unfair trade. More and more, we see not only a tough and aggreesive posture by the Congress on unfair trade, but also a tough and aggressive stance on fair trade as well.

Make no mistake, I have no quarrel with a tough stand on unfair trade. But as far as I am concerned, toughness on fair trade is synonymous with protectionism and protectionism is the

surest way to sacrifice our future economic prosperity.

This tendency to blur fair and unfair trade is now evident in the debate on reform of U.S. trade laws.

Some in the Senate are pressing the view that it is not enough to tighten up the trade statutes that deal with unfair trade—those that provide for remedies for dumping and subsidization, action against imports which infringe U.S. intellectual property rights and section 301 of the Trade Act of 1974, which covers other foreign practices that restrict or burden U.S. commerce. Now there is as well a serious effort to rewrite section 201 of the Trade Act of 1974, the section of the law that establishes general procedures for new import restrictions where no demonstration of unfair trade is required.

Section 201—our general import relief statute—is intended to provide industries facing tough import competition a temporary period of import relief, so that they can take action to adjust to this competition. Let me make clear at the outset that in this section 201 debate we are not talking about situations in which imports threaten our national security. That issue is addressed in section 232 of the Trade Expansion Act of 1962 and I agree with many of my colleagues that that statute needs tightening.

I do not believe the time is right for extensive changes in our laws on fairly traded imports, where national security is not the issue. In today's charged trade environment, we are likely to do more harm than good.

Nonetheless, since some in the Congress are pushing the fair trade debate this year, and since I believe their proposals amount to a dangerous get-tough approach to fair trade, today I am introducing an alternative, comprehensive proposal for section 201 reform.

My legislation involves an alternative approach to each of the three central issues of section 201 reform:

Issue 1—Should the President have the discretion to deny relief to an industry seriously injured by imports?

Issue 2—How can the statute more effectively encourage protected domestic industries to use the period of protection to adjust to import competition?

Issue 3—Should there be an outside limit to the duration of import protection provided to any industry?

PRESIDENTIAL DISCRETION

A key feature of proposals by detractors of section 201 is to tie the President's hands on 201 relief decisions. When the President receives an affirmative recommendation for import relief from the International Trade Commission [ITC], he would be required to put it or something substantially equivalent to it in place. This would be the basic procedure—and only if the Congress passes a bill would the President be able to reject or modify the ITC's remedy recommendation.

Under this scheme, the national interest would be the exception, the special interest the rule. This is because the ITC's remedy recommendation is based on a narrow finding of the economic facts of the case—injury to the domestic industry and the link between that injury and imports. This scheme would eliminate any weighing of this narrow finding against our broader national economic interests without special legislation from the Congress.

But I believe the national interest must not be relegated to a back seat where fair trade is concerned. Therefore, the legislation I am introducing today does not tamper with the current statutory framework on Presidential discretion. Instead, I am proposing that we reform section 201 to put the President under more discipline and to encourage use of the statute, while maintaining the President's discretion.

It is legitimate, in fact essential, that on a regular basis all aspects of the national economic interest be taken into account before import protection is provided to a particular domestic industry requesting general import relief. That is why the statute now, in section 202C, specifically directs the President to examine the full scope of domestic interests before deciding whether to provide import relief.

Here I would emphasize that the full scope of domestic interests is just that—not only does the President examine interests that could argue against relief, such as consumer effects, requirements for compensation, and our international economic interests, he assesses as well interests that could argue for relief, such as the geographic concentration of imported products, the extent to which the U.S. market is a focal point for exports of the product, and the economic and social costs to workers and communities if relief is not provided.

Let me make clear that in a section 201 decision there is never a clean win. There are always American winners and American losers. What do I mean by this. Under section 201 when the President provides import protection to a petitioning industry, our international trade obligations require him to provide compensation to our trading partners for these restrictions. In other words, when he raises tariffs or imposes quotas for the petitioning industry, he must also lower U.S. tariffs on an equivalent amount of trade in product areas of interest to the countries whose trade will be affected by the new U.S. import restrictions. This means that while the petitioning industry benefits from the import restrictions under section 201, other American industries—usually our more competitive sectors, like agriculture and high technology—will face greater import pressure as a result.

The tradeoff between the interests of various U.S. industries can become even greater if, in addition to compensation, retaliation becomes an issue. Retaliation, the imposition of new import restrictions on U.S. exports by other countries, could become an issue if the countries affected by the new U.S. trade restrictions are not satisfied with the President's offer of compensation. Again, retaliation would cost American jobs, jobs of workers producing goods, services or agricultural products for export in industries that are not even the subject of the section 201 case.

Thus, in the end, under the statute as currently drafted, the President makes a judgment as to whether the economic interests of the country as a whole outweigh the special case presented for relief by the petitioning industry.

Still, some would argue that the President can be mistaken in his judgment of the national economic interest. That may be * * * and it is important to remember that the statute already sets limits to the President's discretion. The Congress can pass a joint resolution putting the ITC remedy in place, thus overturning the President's judgment of the national interest. Or the Congress could become involved with alternative legislation to help the petitioning industry. Section 201 set up the general procedures for decisions on import relief; the Congress can act, and does act, when there are special circumstances.

Some say that because the President has the option to reject relief, the present statute too often puts the Congress into the thicket of individual trade decisions, and almost everyone agrees that Congress is not the best place to make individual trade decisions on a regular basis. It is true that so long as the import relief system provides the Executive discretion, industries that are not satisfied with the President's decision, particularly those with political clout, will seek congressional action.

But proposals before the Congress do not satisfactorily resolve this problem. If you take Presidential discretion away, you will establish a system that will simply give in to all special intersts automatically by guaranteeing protection or, again, throw controversial trade cases into the Congress' lap should the President want to reject or modify relief.

Rather than taking Presidential discretion away, the best way to avoid undue congressional involvement in individual trade cases is for Members of Congress to respect the current system, which provides for a fair balancing of our national and special in-

terests. But that gets to the crux of the problem. Members are now being urged to reject section 201 as a legitimate arbiter of trade cases. Why? Because some believe that the President's decision not to provide import protection to the footwear industry proves that the statute is obsolete, that no industry can use the established administrative process to get temporary protection from imports.

It amazes me that such a view could be offered given this administration's record in section 201 decisions. Of 11 section 201 cases brought since 1980, in 5 instances the International Trade Commission recommended that the President provide temporary protection; in 6 cases the Commission did not find the petitioning industries to be hurt by imports; in 3 of these 5 cases—motorcycles, specialty steel, and carbon steel—the majority, the President has provided significant import protection following the 201 investigation. Relief on motorcycles and specialty steel was given formally under the 201 statute; relief to carbon steel was given outside the framework of the statute.

For copper and footwear, the President did not provide relief. But as I have discussed, this is in keeping with the statute. The statute specifically provides that the President need not provide relief if it is not in the national economic interest. In the case of copper, the President found that many, many more jobs would have been lost in the fabricating industry than would have been saved in the mining industry if protection had been put in place. For footwear, the President found that consumers, particularly low-income consumers, would have had to pay a very high price to provide protection for an industry that has already received relief in the past and whose noncompetitive segments have little chance of ever becoming competitive.

Section 201 is not dead. In fact, five new cases—by the U.S. foundry, wood shakes and shingles, electric shavers, fork-lift truck arms, and apple juice industries—have been brought since the footwear decision. Another case, by the industry producing auto harnesses, is expected to be filed soon. Section 201 is alive and as far as the Presidential discretion issue is concerned, functioning exactly as it ought to.

QUID PRO QUO

As I see it, if we in the Congress are to focus on section 201 reform, we would do better to concentrate on the adjustment issue than the discretion issue.

The basic purpose of providing temporary import protection to a domestic industry is to provide the firms and the workers in that industry a breathing space—time to adjust, to take actions that will make them competitive when the protection ends. Yet, as currently written, section 201 does little to guarantee adjustment during the relief period. As a result, rather than functioning as an adjustment statute, section 201 becomes, instead, a simple protective device and when section 201 deterioriates into a simple protective device, this discourages the President from granting relief.

Recognizing this basic flaw in the current law, proposals have been introduced in the Congress intended to assure a quid pro quo from firms and workers when import protection is provided under this statute. The trouble with proposals now before the Congress, however, is that they look more like industrial policy for the losers than a simple quid pro quo.

Why do I say this?

I say this because the proposals now before us simply go too far. They involve an unnecessary degree of Government intervention in the economy and an unnecessary and costly increase in Government responsibility in trade cases.

Some proposals, for example, would provide for the establishment of tripartite—Government, labor and industry—committees for any industry which petitions for import protection under section 201. The purpose of the committees would be to develop an adjustment strategy for the industry concerned.

What's wrong with this? First of all, it means that Government resources would be tied up working with an industry for up to 6 months, even though the ITC had not yet even made a determination that the industry is experiencing injury due to imports. In addition to providing staff to participate in this possibly unwarranted exercise, the Government would take responsibility for arranging meeting rooms, calling meeting, and so forth.

Perhaps an even more serious problem is the fact that the executive branch would be put right smack in the middle of a section 201 case, before the ITC has ruled. This creates both the appearance of and potential for executive influence in ITC decisions. But we all have a stake in objective, independent economic analysis by the ITC. This helps us to limit portection—and the costs that it creates for the rest of our society—to economic situations in which it is objectively warranted. It also helps assure our trading partners that we are fairly carrying out our international trade obligations, a factor critical to keeping foreign markets open to U.S. exports.

It makes sense for Government to require a quid pro quo from firms and workers when relief is granted. After all, the purpose of relief is to facilitate, not delay adjustment. Besides, the Government is extending a special favor to an industry and it should get something in return. From industry and labor's point of view, the existence of a quid pro quo will encourage the President to grant relief.

But it doesn't make sense to tie up limited Government resources with every industry that petitions. Many of us see little merit in the broader concept of industrial policy—Government direction of our industrial structure that deals with both winners and losers. Legislating industrial policy for the losers only, through section 201, raises even more problems.

A basic objective of the legislation I am introducing today is to set forth a series of statutory changes that I believe can assure a quid pro quo in section 201 cases, while avoiding the pitfalls of "industrial policy for the losers." This legislation expands on ideas I introduced in January 1985 with Senators CHAFEE and SYMMS as part of S. 234, the Trade Expansion Act of 1985.

A good basis for building a quid pro quo into the statute exists in the current law. The law already directs the industry petitioning for relief to include a statement describing "the specific purposes for which import relief is sought, which may include such objectives as facilitating the orderly transfer of resources to alternative uses and other means of adjustment to new conditions of competition." The law also now provides for consideration, by the President, of the probable effectiveness of import relief as a means to promote adjustment. My legislation would elaborate on these two parts of the statute, elevating them in importance.

The key statutory changes I am proposing to assure a quid pro quo are as follows:

PETITIONER'S ADJUSTMENT PROPOSAL

The petitioner's statement of objectives would be referred to as the petitioner's adjustment proposal. In addition to the broader objectives already included in the statement, it would be expanded to include specific objectives to be achieved during the relief period, for example, levels of capital investment, capacity utilization, et cetera. The statement would also set interim goals to be reached at specified intervals during the relief period.

REMEDY HEARING

An ITC hearing on remedy would be explicitly required and it would cover not only the issue of import relief, but also an examination of the petitioner's adjustment proposal and consideration of the probable effectiveness of the proposed remedies in promoting adjustment.

ADDITIONAL COMMISSION DETERMINATION

In addition to its injury finding, the ITC would also make a determination of the probable effectiveness of import relief in promoting adjustment.

NEW ITC REPORT REQUIREMENTS

The ITC report to the President would be expanded to include an evaluation of the petitioner's adjustment proposal as a means of achieving international competitiveness.

NEW PRESIDENTIAL REPORT REQUIREMENTS

The President's report to the Congress, when he decides to grant import relief, would include a description of all actions which the firms and workers in the domestic industry concerned, and the Federal, State, and local governments are taking or have agreed to take during the period for which the remedy will be provided as a means of achieving adjustment to international competition. These actions would constitute the adjustment agreement. The adjustment agreement would, like the petitioner's adjustment proposal, include as well a description of the objectives of the relief and of the interim goals to be achieved at specified intervals during the relief period.

The adjustment agreement would not necessarily be identical to the petitioner's adjustment proposal. The President would have the flexibility to develop a satisfactory adjustment agreement, based on the ITC advice and his own assessment.

LEGISLATIVE REMEDIES

Any legislative proposals submitted to the Congress by the President to carry out the adjustment agreement would be considered on a legislative fast-track.

TERMINATION OF RELIEF

The President would establish procedures for monitoring the achievement of the goals in the adjustment agreement and for terminating or modifying relief in the event that firms or workers do not take actions agreed to.

In contrast to proposals now before the Congress, this scheme puts the burden on the petitioner, not the Government, until the point at which there is serious consideration of relief—after the ITC vote and injury—and it provides a more flexible means for working out a quid pro quo with the industry requesting relief. At the same time, it puts the President under more discipline—through the requirements for more detailed explanation of his decision—without taking away his discretion. Finally, it increases the likelihood that the President will grant import relief to petitioning industries by transforming section 201 into an effective adjustment statute.

DURATION OF RELIEF

Should we embark on a serious review of section 201, I believe the last issue—the duration of relief—merits particular attention.

The statute is intended to provide temporary import protection. Yet, it allows industries to receive relief for up to 5 years, with a possible extension of 3 additional years. Then, following this relief, after a 2 years' lapse of time, an industry can file again for relief.

Section 201 must not become a mechanism for permanent protection of inefficient industries. Suppose we establish a system for automatic protection under section 201 provided there is an affirmative ITC injury finding as some have suggested. If industries can reapply for more relief 2 years following the end of the initial import protection, inefficient industries are likely to qualify again for protection and the President will again be required to grant protection.

Our country has prospered for over 200 years with a dynamic economy and this is no time to establish a system to maintain industries that the market targets as losers.

Already this statute has a record of repeat filers. Of 58 section 201 investigations that have taken place, 13 involved industries that had been the subject of prior investigations. Proposals now before the Congress could increase this tendency. For example, some would allow for repeat filing without a 2-year lag, under some circumstances.

I think we should change the law in the other direction. It should be clear that relief is for a limited duration. This will put additional pressure on firms to adjust and it will limit the costs that the rest of society must bear when protection is provided to a particular industry. At the same time, I think such a change merits the support of labor and industry because it would encourage the President to grant relief in the first place.

The bill I am introducing today would set an outside limit to relief for any industry. This proposal is also tied to the other changes concerning the quid pro quo. Industries would continue to be able to receive relief for 5 years, with a possible extension of 3 years, and they would be able to petition again for relief 2 years after the initial relief period. But the only purpose for which import relief could be granted a second time would be to facilitate the orderly transfer of resources to alternative uses. The petitioner's adjustment proposal accompanying this second petition would specify goals and objectives to accomplish this transfer. The second relief period would have a maximum duration of 5 years, with no extension possible and relief during this second period would not be greater than that given during the initial period. No further relief would be granted under this statute. In other words, no industry would receive more than 13 years of import protection under section 201.

CONCLUSION

I have concentrated in these introductory remarks on three key issues in the section 201 debate. I would point out, however, that the legislation I am introducing includes some further changes, particularly concerning inclusion of targeting under threat of serious injury, consideration of consumer effects, and the expansion of the remedy options available to the President.

As I indicated at the outset of these remarks, I think the Congress would do better to concentrate its efforts on tightening our laws against unfair trade, rather than changing our basic policies on fair trade. But if we are to deal with fair trade this year, let's put the President under more discipline, rather than denying him discretion and let's make the kinds of statutory changes that by transforming section 201 into an effective adjustment statute will encourage him to grant relief.

I urge my colleagues to keep four points in mind as the section 201 debate proceeds: First, that the national economic interest is a legitimate consideration in fair trade cases; second, that section 201 already limits the President's discretion through the joint resolution process; third, that a quid pro quo is necessary in import relief cases, but need not involve heavy Government involvement and expense; and fourth, that section 201 should not be a mechanism for permanent protection of inefficient industries.

In the volatile trade debate which is likely to ensue this year, I urge my colleagues to draw a sharp distinction between fair and unfair trade. Let's move with particular care on section 201.●

● Mr. DURENBERGER. Mr. President, I am pleased to cosponsor with Senator ROTH legislation that will improve the effectiveness of section 201 of the Trade Act of 1974.

This legislation is designed to enhance the President's options for providing relief to industries injured by unfair foreign competition. It will also broaden the factors to be considered by the International Trade Commission [ITC] in both determining a threat of serious injury to a domestic industry, and the effectiveness of relief recommended for an injured industry.

We should recognize that this legislation will not cure our record $148 billion trade deficit. Only when we begin to responsibly address the budget deficit, will our trade imbalance begin to shrink? Nor will this legislation satisfy those in Congress who would prefer that we close our shores to imports and move down the protectionist road which can only lead to devastating trade wars, inflation, and higher unemployment?

Instead, this legislation will provide the President with a broader array of relief options and will require the ITC to expand the scope of its import relief analysis to include an evaluation of

the effectiveness of proposed import relief. Most importantly, in evaluating the effectiveness of proposed import relief, the ITC will have to assess the effects of the proposed relief on consumers.

In addition to preserving the President's discretion to grant or deny import relief, the requirement that ITC weigh the impact on consumers of import relief is a critical component of this bill.

For too long, the American consumer has been asked to shoulder the burden and pay excessive costs to protect jobs in certain industries. Whether achieved through "voluntary" quotas or by section 201 remedies, selective import restraints place an intolerable cost on American citizens.

What has the American consumer paid to prop up the profits of the domestic auto industry and preserve domestic autoworker jobs? A recent Brookings Institution study estimates that the voluntary quotas on imports of Japanese automobiles has raised the domestic retail price of Japanese cars by approximately $2,500 a car. And the quotas have allowed domestic auto manufacturers to charge approximately $1,000 more than would otherwise have been possible. Just in the last 2 years, the quotas have cost American consumers $27 billion.

For $27 billion we did save jobs in the domestic automobile industry. According to the ITC, about 44,000 jobs were preserved. That works out to approximately $300,000 a year for each job retained—10 times the average wage of these American workers. No reasonable person would doubt that if American consumers had been able to spend that extra $27 billion however they pleased, a far larger number of jobs in American industry would have preserved and created. That is the price we pay when we selectively choose to protect workers in particular industries. And that is why it is critical that the ITC evaluate the consumer cost of selected import relief.

I think it is important to emphasize that this legislation significantly expands the number of options available to the President in providing import relief when deemed necessary. For example, the President will not be able to consider authorizing special exemptions from the antitrust laws, and will have the authority to enter into multilateral negotiations to address problems not susceptible to unilateral solutions.

Of utmost significance, this legislation retains full Presidential discretion in determining whether import relief should be granted or denied. If the President, after carefully weighing the overall domestic cost of granting specialized import relief, determines not to provide relief, or modifies the relief recommended by the ITC, Congress, by joint resolution, can overrule the President and require him to adopt the ITC's proposed remedy.

It is essential that the President retain full discretion to grant or deny relief recommended by the ITC. It is never an easy decision for the President to deny import relief when it appears that an industry's viability has been threatened by imports. Yet, the President must weigh the costs that our society as a whole must pay before deciding to preserve jobs in a selected industry. When the costs exceed the potential benefits, the President acts most responsibly in denying the requested relief. Any attempts to tie the President's hands in this area can only lead us down the road of substituting the interests of the narrow few at the expense of all the Nation's citizens. For these reasons, it is essential that we preserve the President's discretion in this area.

This legislation also serves to clarify that the ITC may not only recommend import relief but can also recommend that adjustment assistance be provided to workers in the affected industry. It is most important to provide a more efficient and effective mechanism to ensure that workers whose jobs are jeopardized by foreign competition be provided with the necessary resources to adapt to changing market conditions. This legislation is a major improvement in this area.

Finally, I believe that if we adopt this legislation in conjunction with most of the provisions of the Trade Enhancement Act of 1985, S. 1860, we will have taken a major step toward providing a fairer and more open trading system and a more effective and aggressive American trade policy. Along with many of my colleagues who cosponsored S. 1860, I believe that bipartisan bill has sent an important signal to our major trading partners that America wants to see foreign trade barriers come down and international trade conducted under the principles of fairness and openness. The legislation I am cosponsoring today represents a significant improvement over the restrictive provisions of title III of S. 1860 and should be substituted for that title.

S. 1860 represented a first step in bringing together many varying trade interests under a single umbrella. The development of a concensus national policy on trade will be a difficult and time-consuming task. However, I believe we will soon achieve that unity and improve the competitiveness of the international environment.●

By Mr. LAUTENBERG (for himself, Mr. BOSCHWITZ, and Mr. MOYNIHAN):

S. 2100. A bill to provide a one-time amnesty from tax penalties for taxpayers who pay previous underpayments with interest, to improve compliance with the internal revenue laws by increasing authorizations to the Internal Revenue Service for enforcement, to prohibit the awarding of Federal contracts and certain licenses to taxpayers who have tax delinquent accounts, and to amend the Internal Revenue Code of 1954 to annually increase criminal and civil monetary penalties by the increase in the Consumer Price Index; to the Committee on Finance.

FEDERAL TAX AMNESTY AND IMPROVED TAX COMPLIANCE ACT

● Mr. LAUTENBERG. Mr. President, I rise to introduce legislation to establish a Federal tax amnesty, along with a program of increased tax enforcement and compliance. I am pleased to be joined by my distinguished colleagues from Minnesota [Mr. BOSCHWITZ] and New York [Mr. MOYNIHAN].

We face a serious challenge this year to reduce the deficit. It will not be easy to reach the $144 billion budget deficit target set for fiscal year 1987 under the Gramm-Rudman-Hollings law.

There is some disagreement over the extent to which new tax and revenue measures should be a part of any budget plan. However, there should be little disagreement that before Congress imposes additional burdens on the honest taxpayers of this country, it should do a better job of collecting revenues from those who have failed to pay what they owe.

It is estimated that over $90 billion a year in taxes due and owing go uncollected. A tax amnesty, by making even a small dent in this amount, could secure an immediate, and significant infusion of revenues for reduction of the deficit, and could add taxpayers to the rolls in future years. As members of the Budget Committee, we intend to press the idea of a tax amnesty and enhanced tax enforcement program as part of the budget plan for the coming year.

We propose a program under which taxpayers could come forward and remit unpaid taxes without civil or criminal monetary penalties, or criminal prosecution. Interest on back taxes, however, would not be waived, and amnesty would not be available to individuals whom the IRS is already pursuing.

Information supplied by tax amnesty recipients would not be shared with the States unless they offered comparable amnesty. Those who qualify, based on need, would also be able to pay their back taxes in installments, over a period of as long as 5 years.

Under the legislation, penalties for tax avoidance would be raised. Penalties would also be pegged to increases in inflation, so that they retain their deterrent value. Restrictions on Federal contracting and the availability of Federal licenses would be imposed on

persons who are delinquent in the payment of their taxes.

In addition, staffing at the IRS would be increased by 2,500 persons a year for 3 years, along the lines of the President's own initiative.

State amnesty programs have raised significant amounts for their State treasuries. New York, most recently, received $334 million in an amnesty program. Massachusetts collected over $80 million.

The National Taxpayers Union estimates that a Federal amnesty could collect over $7 billion in the first year. Individuals back on the tax rolls presumably would increase the revenue flow in future years. Increasing IRS staffing as we propose would result in the collection of an additional $4.7 billion over 3 years, according to the administration.

I recognize that some concern has been expressed that an amnesty could reduce future compliance with the tax laws if taxpayers wait for another amnesty in the future. I do not believe that is a likely result.

Little incentive to hold out is created by a program that retains interest on back taxes, that substantially increases the likelihood that noncompliance will be discovered, and that increases penalties if one is caught. Until 1952, what was then the Bureau of Internal Revenue offered amnesty. That was over 30 years ago. I find it hard to believe that taxpayers have been withholding taxes all this time, in the hope of the renewed amnesty we offer, and I find it hard to believe that once the amnesty we propose is concluded, taxpayers will wait another 30 years for the next one.

Rather than breed public discontent, a tax amnesty would have a positive impact on the public's view of the tax system. It would bring people back on to the rolls. It would send a signal to those who have been paying taxes that we will make every effort to make everyone pay their fair share, before imposing additional burdens on them.

Mr. President, I would note that this is not the first proposal on tax amnesty to be introduced in this Congress. My distinguished colleague from Illinois [Mr. DIXON], has introduced legislation along the lines of the successful program of his State. While the program we propose differs in several respects—perhaps, most significantly, in that we do not propose to waive any part of interest on taxes—I applaud my colleague for his initiative in this area, and I look forward to working with him and others to fashion an acceptable program that will ultimately become law.

Mr. President, a Federal tax amnesty, coupled with a program of increased enforcement, can make a significant and lasting contribution to deficit reduction. It can increase compliance with our tax laws.

I urge my colleagues to join me in supporting this legislation.

I ask unanimous consent that the full text of S. 2100 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Tax Amnesty and Improved Tax Compliance Act of 1986".

TITLE I—AMNESTY FROM CRIMINAL AND CIVIL PENALTIES

SEC. 101. WAIVER OF CRIMINAL AND CIVIL PENALTIES.

(a) GENERAL RULE.—In the case of an underpayment of Federal tax for any taxable period, the taxpayer shall not be liable for any criminal or civil penalty (or addition to tax) provided by the Internal Revenue Code of 1954 with respect to such underpayment if—

(1) during the amnesty period—

(A) the taxpayer files a written statement with the Secretary which sets forth—

(i) the name, address, and taxpayer identification number of the taxpayer,

(ii) the amount of the underpayment for the taxable period, and

(iii) such other information as the Secretary may require for purposes of carrying out this Act, and

(B) the taxpayer agrees to a waiver of any restriction on the assessment or collection of such underpayment.

(2) when filing the statement described in paragraph (1), the taxpayer pays the amount of the underpayment shown on such statement, together with the interest due thereon.

(b) INSTALLMENT PAYMENT OF TAX PERMITTED IN CERTAIN CASES.—

(1) Installment payment agreements allowed.—The requirements of paragraph (2) of subsection (a) shall be treated as met if—

(A) the taxpayer in the statement filed under subsection (a)(1) requests the privilege of making installment payments under this subsection, and

(B) the taxpayer enters into an agreement with the Secretary for the payment in installments (for a period to be determined by the Secretary but not to exceed 5 years) of the amounts required to be paid under paragraph (2) of subsection (a) within 30 days after the taxpayer is contacted by the Secretary for purposes of entering into such an agreement.

(2) Balance due.—In the case of the failure of the taxpayer to pay any installment at the time such installment payment is due under an agreement under paragraph (1)(B), or in the event the taxpayer's request for installment payment agreement is denied, the balance of the amounts required to be paid under paragraph (2) of subsection (a) shall be due immediately.

(3) Eligibility criteria for installment payment agreement.—

(A) IN GENERAL.—Each publication of general instructions with respect to any statement under subsection (a)(1) shall include specific criteria which shall allow the taxpayer to determine, before applying for amnesty, whether the taxpayer is eligible to enter into an installment payment agreement and, if so, the length of such agreement for which the taxpayer is eligible.

(B) FACTORS CONSIDERED IN ESTABLISHING CRITERIA.—In establishing criteria described in subparagraph (A), the Secretary of the Treasury or the Secretary's delegate shall consider among other factors—

(i) the necessity of an installment plan in enabling the taxpayer to pay the underpayment and interest,

(ii) the extent to which the availability of an installment payment option would encourage taxpayers to participate in the amnesty program, and

(iii) the extent to which such an option would increase administrative costs.

(c) AMNESTY NOT TO APPLY IN CERTAIN CASES.—

(1) WHERE TAXPAYER CONTACTED BEFORE STATEMENT FILED.—Subsection (a) Shall not apply to any underpayment of Federal tax for any taxable period to the extent that before the statement is filed under subsection (a)(1)—

(A) such underpayment was assessed,

(B) a notice of deficiency with respect to such underpayment was mailed under section 6212 of the Internal Revenue Code of 1954, or

(C) the taxpayer was otherwise put on notice that the Secretary has substantive questions about the taxpayer's tax liability for the taxable period.

(2) WHERE FRAUD IN SEEKING AMNESTY OR WHERE CRIMINAL INVESTIGATION PENDING.—Subsection (a) shall not apply to any taxpayer if—

(A) any representation made by such taxpayer under this section is false or fraudulent in any material respect, or

(B) a Department of Justice referral (within the meaning of section 7602(c)(2) of the Internal Revenue Code of 1954) is in effect with respect to such taxpayer as of the time the statement is filed under subsection (a)(1).

(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AMNESTY PERIOD.—The term "amnesty period" means the 6-month period which—

ends on September 30, 1987.

(2) FEDERAL TAX.—the term "Federal tax" means any tax imposed by the Internal Revenue Code of 1954.

(3) TAXABLE PERIOD.—

(A) IN GENERAL.—The term "taxable period" means—

(i) in the case of a tax imposed by subtitle A of the Internal Revenue Code of 1954, the taxable year, or

(ii) in the case of any other tax, the period in respect of which such tax is imposed.

(B) SPECIAL RULE FOR TAXES WITH NO TAXABLE PERIOD.—In the case of any tax in respect of which there is no taxable period, any reference in this section to a taxable period shall be treated as a reference to the taxable event.

(4) ADDITION TO TAX INCLUDES ADDITIONAL AMOUNT.—The term "addition to tax" includes any additional amount.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(6) FORM OF STATEMENT.—Any statement under subsection (a)(1) shall be filed in such manner and form as the Secretary shall prescribe.

(7) UNDERPAYMENT.—The term "underpayment" means the excess of the amount of tax that was required to be paid by the taxpayer over the amount of tax actually paid.

(8) INTEREST DUE THEREON.—The term "interest due thereon" means interest accrued

according to applicable rates, which shall be set forth in each publication of general instructions with respect to any statement under subsection (a)(1).

(e) PERIODS FOR WHICH AMNESTY AVAILABLE.—The provisions of this section shall apply only to underpayments of Federal tax for taxable periods ending before January 1, 1985 (or, in the case of a tax for which there is no taxable period, taxable events before January, 1985.

(f) CONFIDENTIALITY OF INFORMATION.—Notwithstanding section 6103(d) of the Internal Revenue Code of 1954 or any other provision of law, no return, return information, or taxpayer return information (within the meaning given to such terms by paragraphs (1), (2), and (3), respectively, of section 6103(b) of such Code) provided to the Secretary by any taxpayer under subsection (a)(1)(A) with respect to any taxable period may be open to inspection or disclosed to any State agency, body, or commission, or its legal representative, unless such State hereafter allows similar tax amnesty for such taxpayer under the laws of such State.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR PUBLICITY.

There are hereby authorized to be appropriated to the Secretary of the Treasury for fiscal year 1987 such sums as may be necessary to provide such publicity about the amnesty program as the Secretary of the Treaury or the Secretary's delegate determines to be necessary and appropriate to provide notice to taxpayers to whom this Act applies, including direct-mail contacts and radio, television, and print-media advertising.

TITLE II—COMPLIANCE PROVISIONS

SUBTITLE A—INCREASE IN COMPLIANCE PERSONNEL

SEC. 201. SENSE OF THE CONGRESS CONCERNING ADDITIONAL FUNDING FOR ENFORCEMENT AND COMPLIANCE PROGRAMS.

It is the sense of the Congress that in addition to any other appropriation of funds, there be appropriated to the Secretary of the Treasury for revenue enforcement and compliance programs such an amount as may be cost effective of the revenue attributable to the amnesty program established under section 101, such funds to remain available until expended.

SEC. 202. ADDITIONAL 7,500 COMPLIANCE PERSONNEL.

In addition to other amounts authorized to be appropriated, there are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to provide an additional 2,500 compliance personnel for the Internal Revenue Service for each of fiscal years 1987, 1988, and 1989.

SUBTITLE B—DENIAL OF FEDERAL CONTRACTS, LICENSES, ETC., TO TAXPAYERS WITH TAX DELINQUENT ACCOUNTS

SEC. 211. RESTRICTION ON FEDERAL CONTRACTS AND SUBCONTRACTS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) no Federal contract (or subcontract thereunder) may be awarded to any person who has a tax delinquent account, and

(2) any Federal contract awarded to any person who has such an account may be canceled after due notice and an opportunity for a hearing.

(b) DEFINITIONS.—For purposes of this section—

(1) FEDERAL CONTRACT.—The term "Federal contract" means any contract to perform services for, or provide property to, any Federal agency.

(2) TAX DELINQUENT ACCOUNT.—The term "tax delinquent account" means a tax account which remains due and owing 30 days after exhaustion of all administrative and judicial appeals.

(3) FEDERAL AGENCY.—The term "Federal agency" has the meaning given to such term by section 551(1) of title 5, United States Code.

(c) SPECIAL RULES.—

(1) DISCLOSURE PERMITTED.—

(A) IN GENERAL.—Upon written request, the Secretary of the Treasury or the Secretary's delegate shall disclose to the head of any Federal agency with respect to any Federal contract (which has been or may be awarded by such agency) whether or not any person seeking or holding the award of such contract has a tax delinquent account.

(B) SAFEGUARDS.—Subsection (p) of section 6103 of the Internal Revenue Code of 1954 shall apply to any disclosure made under this paragraph in the same manner as such subsection applies to disclosures under subsection (l)(3) of such section.

(2) REGULATIONS.—The Secretary of the Treasury or the Secretary's delegate may prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.

SEC. 212. RESTRICTIONS ON FEDERAL LICENSES, ETC.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) no Federal business license may be issued with respect to any person who has a tax delinquent account, and

(2) any Federal business license issued to any person who has such an account may be revoked after due notice and an opportunity for a hearing.

(b) EXCEPTION.—Subsection (a) shall not apply to any business license—

(1) related to public health, or

(2) specified in regulations prescribed by the Secretary of the Treasury or the Secretary's delegate.

(c) DEFINITIONS.—For purpose of this section—

(1) FEDERAL BUSINESS LICENSE.—The term "Federal business license" means any license, permit, or similar authority which is—

(A) for use in connection with a trade or business, and

(B) issued by any Federal agency.

(2) TAX DELINQUENT ACCOUNT.—The term "tax delinquent account" shall have the meaning given to such term by section 211(b)(2) of this Act.

(3) FEDERAL AGENCY.—The term "Federal agency" has the meaning given by such term by section 551(1) of title 5, United States Code.

(d) SPECIAL RULES.—

(1) DISCLOSURE PERMITTED.—

(A) IN GENERAL.—Upon written request, the Secretary of the Treasury or the Secretary's delegate shall disclose to the head of any Federal agency with respect to any Federal business license (which has been or may be issued by such agency) whether or not any person applying for or holding such a license has a tax delinquent account.

(B) SAFEGUARDS.—Subsection (p) of section 6103 of the Internal Revenue Code of 1954 shall apply to any disclosure made under this paragraph in the same manner as such subsection applies to disclosures under subsection (l)(3) of such section.

(2) REGULATIONS.—The Secretary of the Treasury or the Secretary's delegate may prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.

SUBTITLE C—INFLATION ADJUSTMENT OF CRIMINAL AND CIVIL MONETARY PENALTIES

SEC. 221. INFLATION ADJUSTMENT OF CRIMINAL AND CIVIL MONETARY PENALTIES.

(a) IN GENERAL.—Subchapter C of chapter 80 of the Internal Revenue Code of 1954 (relating to provisions affecting more than one subtitle) is amended by adding at the end thereof the following new section:

"SEC. 7873. INFLATION ADJUSTMENT OF CRIMINAL AND CIVIL MONETARY PENALTIES.

"(a) ADJUSTMENT FOR TAXABLE YEAR BEGINNING IN 1987.—

"(1) IN GENERAL.—Not later than December 15, 1986, the Secretary shall prescribe a schedule of tax monetary penalties which shall apply for the taxable year beginning after December 31, 1986, in lieu of such penalties in this title as of the date of the enactment of the Federal Tax Amnesty and Improved Tax Compliance Act of 1986.

"(2) METHOD OF PRESCRIBING SCHEDULE.—The schedule of tax monetary penalties shall be prescribed by increasing each penalty amount by the historical cost-of-living adjustment. Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $10, but in no event shall such increase exceed 100 percent of the original penalty amount.

"(3) HISTORICAL COST-OF-LIVING ADJUSTMENT.—For purposes of paragraph (2), the historical cost-of-living adjustment for each penalty amount is the percentage (if any) by which—

"(A) the average of the Consumer Price Index as of the close of the 12-month period ending on September 30, 1986, exceeds

"(B) the average of the Consumer Price Index as of the close of the calendar year in which such penalty amount was last determined under law prior to the date of the enactment of the Federal Tax Amnesty and Improved Tax Compliance Act of 1986.

"(b) ANNUAL ADJUSTMENTS FOR TAXABLE YEARS BEGINNING AFTER 1987.—

"(1) IN GENERAL.—Not later than December 15 of 1987 and each subsequent calendar year, the Secretary shall prescribe schedules of tax monetary penalties which shall apply in lieu of the schedule prescribed under subsection (a) with respect to taxable years beginning in the succeeding calendar year.

"(2) METHOD OF PRESCRIBING SCHEDULES.—The schedule which under paragraph (1) is to apply in lieu of the schedule prescribed under subsection (a), with respect to taxable years beginning in any calendar year shall be prescribed by increasing each penalty amount by the cost-of-living adjustment for such calendar year. Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $10.

"(3) COST-OF-LIVING ADJUSTMENT.—For purposes of paragraph (2), the cost-of-living adjustment for any calendar year is the percentage (if any) by which—

"(A) the Consumer Price Index for the preceding calendar year, exceeds

"(B) the Consumer Price Index for the calendar year 1986.

"(4) CONSUMER PRICE INDEX FOR ANY CALENDAR YEAR.—For purposes of paragraph (3) the Consumer Price Index for any calendar year is the average of the Consumer Price Index as of the close of the 12-month period ending on September 30 of such calendar year.

"(c) DEFINITIONS.—For purposes of this section—

"(1) CONSUMER PRICE INDEX.—The term 'Consumer Price Index' means the Con-

sumer Price Index for all-urban consumers published by the Department of Labor.

"(2) TAX MONETARY PENALTIES.—The term 'tax monetary penalties' means the criminal and civil monetary additions to tax, additional amounts, and assessable penalties under provisions of the following chapters;

"(A) Subchapter A of chapter 42.

"(B) Subpart A of part III of subchapter A of chapter 61.

"(C) Chapter 68.

"(D) Chapter 75.

"(E) Chapter 95.

"(F) Chapter 96.".

(b) CLERICAL AMENDMENT.—The table of sections of subchapter C of chapter 80 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new item:

"Sec. 7873. Inflation adjustment of criminal and civil monetary penalties.".

Subtitle D—Revision of Certain Penalities

SEC. 231. PENALTY FOR FAILURE TO FILE INFORMATION RETURNS OR STATEMENTS.

(a) GENERAL RULE.—Subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end thereof the following new part:

"PART II—FAILURE TO FILE CERTAIN INFORMATION RETURNS OR STATEMENTS

"Sec. 6721. Failure to file certain information returns.

"Sec. 6722. Failure to furnish certain payee etc., statements.

"Sec. 6723. Failure to include correct information.

"Sec. 6724. Waiver; definitions and special rules.

"SEC. 6721. FAILURE TO FILE CERTAIN INFORMATION RETURNS.

"(a) GENERAL RULE.—In the case of each failure to file an information return with the Secretary on the date prescribed therefor (determined with regard to any extension of time for filing), the person failing to so file such return shall pay $50 for each such failure, but the total amount imposed on such person for all such failures during any calendar year shall not exceed $100,000.

"(b) PENALTY IN CASE OF INTENTIONAL DISREGARD.—If 1 or more failures to which subsection (a) applies are due to intentional disregard of the filing requirement, then, with respect to each such failure—

"(1) the penalty imposed under subsection (a) shall be $100, or, if greater—

"(A) in the case of a return other than a return required under section 6041A(b), 6045(a), 6050H, 6050J, 6050K, or 6050L, 10 percent of the aggregate amount of the items required to be reported, or

"(B) in the case of a return required to be filed by section 6045(a), 6050K, or 6050L, 5 percent of the aggregate amount of the items required to be reported, and

"(2) the $100,000 limitation under subsection (a) shall be increased by the amount of the penalties determined under paragraph (1).

"SEC. 6722. FAILURE TO FURNISH CERTAIN PAYEE ETC., STATEMENTS.

"(a) GENERAL RULE.—In the case of each failure to furnish a payee etc. statement on the date prescribed therefor to the person to whom such statement is required to be furnished, the person failing to so furnish such statement shall pay $50 for each such failure, but the total amount imposed on such person for all such failures during any calendar year shall not exceed $100,000.

"(b) FAILURE TO NOTIFY PARTNERSHIP OF EXCHANGE OF PARTNERSHIP INTEREST.—In the case of any person who fails to furnish the notice required by section 6050K(c)(1) on the date prescribed therefor, such person shall pay a penalty of $50 for each such failure.

"SEC. 6723. FAILURE TO INCLUDE CORRECT INFORMATION.

"(a) GENERAL RULE.—If—

"(1) any person files an information return or furnishes a payee etc. statement, and

"(2) such person does not include all of the information required to be shown on such return or statement or includes incorrect information,

such person shall pay $5 for each return or statement with respect to which such failure occurs, but the total amount imposed on such person for all such failures during any calendar year shall not exceed $20,000.

"(b) COORDINATION WITH SECTION 6676.—No penalty shall be imposed under subsection (a) with respect to any return or statement if a penalty is imposed under section 6676 (relating to failure to supply identifying number) with respect to such return or statement.

"SEC. 6724. WAIVER; DEFINITIONS AND SPECIAL RULES.

"(a) REASONABLE CAUSE WAIVER.—No penalty shall be imposed under this part with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.

"(b) PAYMENT OF PENALTY.—Any penalty imposed by this part shall be paid on notice and demand by the Secretary and in the same manner as tax.

"(c) SPECIAL RULES FOR FAILURE TO FILE INTEREST AND DIVIDEND RETURNS OR STATEMENTS.—

"(1) HIGHER STANDARDS FOR WAIVER.—In the case of any interest or dividend return or statement—

"(A) subsection (a) shall not apply, but

"(B) no penalty shall be imposed under this part if it is shown that the person otherwise liable for such penalty exercised due diligence in attempting to satisfy the requirement with respect to such return or statement.

"(2) LIMITATIONS NOT TO APPLY.—In the case of any interest or dividend returns or statements—

"(A) the $100,000 limitations of section 6721(a) and 6722(a) and the $20,000 limitation of section 6723(a) shall not apply, and

"(B) penalties imposed with respect to such returns or statements shall not be taken into account for purposes of applying such limitations with respect to other returns or statements.

"(3) SELF ASSESSMENT.—Any penalty imposed under this part on any person with respect to an interest or dividend return or statement—

"(A) shall be assessed and collected in the same manner as an excise tax imposed by subtitle D, and

"(B) shall be due and payable on April 1 of the calendar year following the calendar year for which such return or statement is required.

"(4) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed under this part with respect to an interest or dividend return or statement.

"(5) INTEREST OR DIVIDEND RETURN OR STATEMENT.—For purposes of this subsection, the term 'interest or dividend return or statement' means—

"(A) any return required by section 6042(a)(1), 6044(a)(1), or 6049(a), and

"(B) any statement required under section 6042(c), 6044(e), or 6049(c).

"(d) DEFINITIONS.—For purposes of this part—

"(1) INFORMATION RETURN.—The term 'information return' means—

"(A) any statement of the amount of payments to another person required by—

"(i) section 6041 (a) or (b) (relating to certain information at source),

"(ii) section 6042(a)(1) (relating to payments of dividends),

"(iii) section 6044(a)(1) (relating to payments of patronage dividends),

"(iv) section 6049(a) (relating to payments of interest),

"(v) section 6050A(a) (relating to reporting requirements of certain fishing boat operators), or

"(vi) section 6051(d) (relating to information returns with respect to income tax withheld), and

"(B) any return required by—

"(i) section 4997(a) (relating to information with respect to windfall profit tax on crude oil),

"(ii) subsection (a) or (b) of section 6041A (relating to returns of direct sellers),

"(iii) section 6045 (a) or (d) (relating to returns of brokers),

"(iv) section 6050H(a) (relating to mortgage interest received in trade or business from individuals),

"(v) section 6050I(a) (relating to cash received in trade or business),

"(vi) section 6050J(a) (relating to foreclosures and abandonments of security),

"(vii) section 6050K(a) (relating to exchanges of certain partnership interests),

"(viii) section 6050L(a) (relating to returns relating to certain dispositions of donated property),

"(ix) section 6052(a) (relating to reporting payment of wages in the form of group term life insurance), or

"(x) section 6053(c)(1) (relating to reporting with respect to certain tips).

"(2) PAYEE ETC. STATEMENT.—The term 'payee etc. statement' means any statement required to be furnished under—

"(A) section 4997(a) (relating to records and information; regulations),

"(B) section 6031(b), 6034A, or 6037(b) (relating to statements furnished by certain passthru entities),

"(C) section 6039(a) (relating to information required in connection with certain options),

"(D) section 6041(d) (relating to information at source),

"(E) section 6041A(e) (relating to returns regarding payments of remuneration for services and direct sales),

"(F) section 6042(c) (relating to returns regarding payments of dividends and corporate earnings and profits),

"(G) section 6044(e) (relating to returns regarding payments of patronage dividends),

"(H) section 6045(b) or (d) (relating to returns of brokers),

"(I) section 6049(c) (relating to returns regarding payments of interest),

"(J) section 6050A(b) (relating to reporting requirements of certain fishing boat operators),

"(K) section 6050C (relating to information regarding windfall profit tax on domestic crude oil),

"(L) section 6050H(d) (relating to returns relating to mortgage interest received in trade or business from individuals),

"(M) section 6050I(e) (relating to returns relating to cash received in trade or business),

"(N) section 6050J(e) (relating to returns relating to foreclosures and abandonments of security),

"(O) section 6050K(b) (relating to returns relating to exchanges of certain partnership interests),

"(P) section 6050L(c) (relating to returns relating to certain dispositions of donated property),

"(Q) section 6051 (relating to receipts for employees),

"(R) section 6052(b) (relating to returns regarding payment of wages in the form of group-term life insurance), or

"(S) subsection (b) or (c) of section 6053 (relating to reports of tips)."

(b) INCREASE IN MAXIMUM PENALTY FOR FAILURE TO SUPPLY IDENTIFYING NUMBERS.—Subsection (a) of section 6676 (relating to failure to supply identifying numbers) is amended by striking out "$50,000" and inserting in lieu thereof "$100,000".

(c) CLARIFICATION OF PENALTY FOR FAILURE TO FURNISH PAYEE STATEMENTS.—

(1) Subsection (d) of section 6041 is amended to read as follows:

"(d) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each person with respect to whom such a return is required a written statement showing—

"(1) the name and address of the person required to make such return, and

"(2) the aggregate amount of payments to the person required to be shown on the return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made. To the extent provided in regulations prescribed by the Secretary, this subsection shall also apply to persons required to make returns under subsection (b)."

(2) Subsection (c) of section 6042 is amended to read as follows:

"(c) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return, and

"(2) the aggregate amount of payments to the person required to be shown on the return.

The written statement required under the preceding sentence shall be furnished (either in person or in a separate mailing by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made, and shall be in such form as the Secretary may prescribe by regulations."

(3) Subsection (e) of section 6044 is amended to read as follows:

"(e) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every cooperative required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the cooperative required to make such return, and

"(2) the aggregate amount of payments to the person required to be shown on the return.20The written statement required under the preceding sentence shall be furnished (either in person or in a separate mailing by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made, and shall be in such form as the Secretary may prescribe by regulation."

(4) Subsection (b) of section 6045 is amended to read as follows:

"(b) STATEMENTS TO BE FURNISHED TO CUSTOMERS.—Every person required to make a return under subsection (a) shall furnish to each customer whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return, and

"(2) the information required to be shown on such return with respect to such customer.

The written statement required under the preceding sentence shall be furnished to the customer on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made."

(5) Subsection (c) of section 6049 is amended to read as follows:

"(c) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—

"(1) IN GENERAL.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(A) the name and address of the person required to make such return, and

"(B) the aggregate amount of payments to, or the aggregate amount includible in the gross income of, the person required to be shown on the return.

"(2) TIME AND FORM OF STATEMENT.—The written statement under paragraph (1)—

"(A) shall be furnished (either in person or in a separate mailing by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made, and

"(B) shall be in such form as the Secretary may prescribe by regulations."

(6) Subsection (b) of section 6050A is amended to read as follows:

"(b) WRITTEN STATEMENT.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing the information relating to such person required to be contained in such return. The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made."

(7) Subsection (b) of section 6050B is amended to read as follows:

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return, and

"(2) the aggregate amount of payments to the individual required to be shown on such return and of payments received from the individual.

The written statement required under the preceding sentence shall be furnished to the individual on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made. No statement shall be required under this subsection with respect to any individual if it is determined (in the manner provided by regulations) that such individual did not claim itemized deductions under chapter 1 for the taxable year giving rise to the refund, credit, or offset or, in the case of payments described in paragraph (2), will not claim itemized deductions under chapter 1 for the taxable year during which such payments are paid or incurred by the individual."

(8) Subsection (b) of section 6050E is amended to read as follows:

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name of the State or political subdivision thereof, and

"(2) the information required to be shown on the return with respect to refunds, credits, and offsets to the individual.

The written statement required under the preceding sentence shall be furnished to the individual during January of the calendar year following the calendar year for which the return under subsection (a) was required to be made. No statement shall be required under this subsection with respect to any individual if it is determined (in the manner provided by regulations) that such individual did not claim itemized deductions under chapter 1 for the taxable year giving rise to the refund, credit, or offset."

(9) Subsection (b) of section 6050F is amended to read as follows:

"(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name of the agency making the payments, and

"(2) the aggregate amount of payments, of repayments, and of reductions, with respect to the individual required to be shown on such return.

The written statement required under the preceding sentence shall be furnished to the individual on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made."

(10) Subsection (b) of section 6050G is amended to read as follows:

"(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—The Railroad Retirement Board shall furnish to each individual whose name is required to be set forth in the return under subsection (a) a written statement showing—

"(1) the aggregate amount of payments to such individual, and of employee contributions with respect thereto, required to be shown on the return, and

"(2) such other information as the Secretary may require.

The written statement required under the preceding sentence shall be furnished to the individual on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made."

(11) Subsection (d) of section 6050H is amended to read as follows:

"(d) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return, and

"(2) the aggregate amount of interest described in subsection (a)(2) received by the person required to make such return from the individual to whom the statement is required to be furnished.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made."

(12) Subsection (e) of section 6050I is amended to read as follows:

"(e) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return, and

"(2) the aggregate amount of cash described in subsection (a) received by the person required to make such return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made."

(13) Subsection (b) of section 6050K is amended to read as follows:

"(b) STATEMENTS TO BE FURNISHED TO TRANSFEROR AND TRANSFEREE.—Every partnership required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the partnership required to make such return, and

"(2) the information required to be shown on the return with respect to such person.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made."

(14) Subsection (b) of section 6052 is amended to read as follows:

"(b) STATEMENTS TO BE FURNISHED TO EMPLOYEES WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every employer required to make a return under subsection (a) shall furnish to each employee whose name is required to be set forth in such return a written statement showing the cost of the group-term life insurance shown on such return. The written statement required under the preceding sentence shall be furnished to the employee on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made."

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 6652 is amended—

(i) by striking out subsection (a) and by redesignating subsections (b) through (k) as subsections (a) through (j), respectively, and

(ii) by striking out "OTHER RETURNS" in the heading of subsection (a) (as so redesignated) and inserting in lieu thereof "RETURNS WITH RESPECT TO CERTAIN PAYMENTS AGGREGATING LESS THAN $10".

(B) Subsection (g) of section 219 is amended by striking out "section 6652(h)" and inserting in lieu thereof "section 6652(g)".

(C) Sections 6033(e), 6034(c), and 6043(c) are each amended by striking out "section 6652(d)" and inserting in lieu thereof "section 6652(c)".

(D) Section 6047(e)(1) and 6058(f) are each amended by striking out "section 6652(f)" and inserting in lieu thereof "section 6652(e)".

(E) Paragraph (1) of section 6050C(d) is amended by striking out "section 6652(b)" and inserting in lieu thereof "section 6722".

(F) Subsection (g) of section 6057 is amended by striking out "section 6652(e)" and inserting in lieu thereof "section 6652(d)".

(2) Section 6678 is hereby repealed.

(3) Subchapter B of chapter 68 is amended by inserting after the subchapter heading the following:

"Part I. General provisions.

"Part II. Failure to file certain information returns or statements.

"PART I—GENERAL PROVISIONS"

(4) The table of sections for subchapter B of chapter 68 (as in effect before the amendment made by paragraph (3)) is amended by striking out the item relating to section 6678.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which (determined without regard to extensions) is after December 31, 1985.

SEC. 232. INCREASE IN PENALTY FOR FAILURE TO PAY TAX.

(a) GENERAL RULE.—Section 6651 (relating to failure to file tax return or to pay tax) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) INCREASE IN PENALTY FOR FAILURE TO PAY TAX IN CERTAIN CASES.—

"(1) IN GENERAL.—In determining the amount of addition to tax under paragraph (2) or (3) of subsection (a) with respect to each month (or fraction thereof) beginning after the day described in paragraph (2) of this subsection, paragraph (2) or (3) (as the case may be) of subsection (a) shall be applied by substituting '1 percent' for '0.5 percent' each place it appears.

"(2) DESCRIPTION.—For purposes of paragraph (1), the day described in this paragraph is the earlier of—

"(A) the day 10 days after the date on which notice is given under section 6331(d), or

"(B) the day on which notice and demand for immediate payment is given under the last sentence of section 6331(a)."

(b) REPEAL OF CERTAIN REDUCTION IN FAILURE TO PAY PENALTY.—Paragraph (1) of section 6651(c) is amended to read as follows:

"(1) ADDITIONS UNDER MORE THAN ONE PARAGRAPH.—With respect to any return, the amount of the addition under paragraph (1) of subsection (a) shall be reduced by the amount of the addition under paragraph (2) of subsection (a) for any month (or fraction thereof) to which an addition to tax applies under both paragraphs (1) and (2). In any case described in the last sentence of subsection (a), the amount of the addition under paragraph (1) of subsection (a) shall not be reduced under the preceding sentence below the amount provided in such last sentence."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts assessed after December 31, 1985, with respect to failures to pay which begin before, on, or after such date.

SEC. 233. AMENDMENTS TO PENALTY FOR NEGLIGENCE AND FRAUD.

(a) GENERAL RULE.—Section 6653 (relating to failure to pay tax) is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) NEGLIGENCE.—

"(1) IN GENERAL.—If any part of any underpayment (as defined in subsection (c)) is due to negligence or disregard of rules or regulations, there shall be added to the tax an amount equal to the sum of—

"(A) 5 percent of the underpayment, and

"(B) an amount equal to 50 percent of the interest payable under section 6601 with respect to the portion of the underpayment which is attributable to such negligence or disregard for the period beginning on the last date prescribed by law for payment of such underpayment (determined without regard to any extension) and ending on the date of the assessment of the tax (or, if earlier, the date of the payment of the tax).

"(2) UNDERPAYMENT TAKEN INTO ACCOUNT REDUCED BY PORTION ATTRIBUTABLE TO FRAUD.—There shall not be taken into account under this subsection any portion of an underpayment attributable to fraud with respect to which a penalty is imposed under subsection (b).

"(3) NEGLIGENCE.—For purposes of this subsection, the term 'negligence' includes any failure to make a reasonable attempt to comply with the provisions of this title, and the term 'disregard' includes any careless, reckless, or intentional disregard.

"(b) FRAUD.—

"(1) IN GENERAL.—If any part of any underpayment (as defined in subsection (c)) of tax required to be shown on a return is due to fraud, there shall be added to the tax an amount equal to the sum of—

"(A) 75 percent of the portion of the underpayment which is attributable to fraud, and

"(B) an amount equal to 50 percent of the interest payable under section 6601 with respect to such portion for the period beginning on the last day prescribed by law for payment of such underpayment (determined without regard to any extension) and ending on the date of the assessment of the tax or, if earlier, the date of the payment of the tax.

"(2) DETERMINATION OF PORTION ATTRIBUTABLE TO FRAUD.—If the Secretary establishes that any portion of an underpayment is attributable to fraud, the entire underpayment shall be treated as attributable to fraud, except to the extent the taxpayer establishes that a portion of such underpayment is not attributable to fraud.

"(3) SPECIAL RULE FOR JOINT RETURNS.—In the case of a joint return, this subsection shall not apply with respect to a spouse unless some part of the underpayment is due to the fraud of such spouse."

(b) SPECIAL RULE FOR INTEREST OR DIVIDEND PAYMENTS EXTENDED TO OTHER AMOUNTS SHOWN ON INFORMATION RETURNS.—Subsection (g) of section 6653 (relating to special rule in the case of interest

or dividend payments) is amended to read as follows:

"(g) SPECIAL RULE FOR AMOUNTS SHOWN ON INFORMATION RETURNS.—

"(1) IN GENERAL.—If—

"(A) any amount is shown on an information return (as defined in section 6724(d)(1)), and

"(B) the payee (or other person with respect to whom such return is made) fails to properly show such amount on his return,

any portion of an underpayment attributable to such failure shall be treated, for purposes of subsection (a), as due to negligence in the absence of clear and convincing evidence to the contrary.

"(2) PENALTY TO APPLY ONLY TO PORTION OF UNDERPAYMENT DUE TO FAILURE TO INCLUDE AMOUNT.—If any penalty is imposed under subsection (a) by reason of paragraph (1), the amount of the penalty imposed by subparagraph (A) of subsection (a)(1) shall be 5 percent of the portion of the underpayment which is attributable to the failure described in paragraph (1)."

(c) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 6222 is amended by striking out "intentional or negligent".

(2) Subsection (f) of section 6653 is amended by striking out "or intentional disregard of rules and regulations (but without intent to defraud)".

(d) CHANGE IN SECTION HEADING.—

(1) The heading for section 6653 (relating to failure to pay tax) is amended to read as follows:

"SEC. 6653. ADDITIONS TO TAX FOR NEGLIGENCE AND FRAUD."

(2) The item relating to section 6653 in the table of sections for subpart A of chapter 68 is amended to read as follows:

"Sec. 6653. Additions to tax for negligence and fraud."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which (determined without regard to extensions) is after December 31, 1986.●

● Mr. MOYNIHAN. Mr. President, I rise today to join my colleagues, Senators LAUTENBERG and BOSCHWITZ, in introducing S. 2100, legislation to establish a program of Federal tax amnesty and increased tax enforcement and compliance.

Last year, Senator LAUTENBERG and I three times proposed that Congress sell off part of its extensive loan portfolio as a first step toward reducing the Federal deficit. In Senator LAUTENBERG's words, we would be reducing overhead—by turning over responsibility for managing loans to the private sector—and selling off unneeded assets. In so doing, the Government would be taking a lesson from the experience of the business world.

Today, we are proposing that the Federal Government take another such lesson: When a business is in financial straits, it calls in its receivables. The tax amnesty program we propose is a means to collect taxes owed to the Government.

The Federal Government is in financial trouble. We have doubled the national debt over the past 5 years; and now we are faced with a deficit ceiling—$144 billion—of our own creation. It will be neither easy nor painless to reach this target. Despite the optimism of both the Office of Management and Budget and the Congressional Budget Office, we will probably have to reduce the deficit about $50 billion to reach the Gramm-Rudman targets.

It is estimated that each year $90 billion of taxes that ought to be received by the Treasury go uncollected. The National Taxpayers Union estimates that a Federal amnesty program could collect over $7 billion in the first year. Most importantly, once taxpayers are again on the tax rolls, we can expect to receive their tax payments in the future.

Our bill would establish a program under which taxpayers could come forward and remit unpaid taxes without civil or criminal monetary penalties, and without criminal prosecution. Interest on back taxes, however, would not be waived, and amnesty would not be available to individuals whom the Internal Revenue Service is already pursuing.

Staffing at the IRS would be increased by 2,500 persons a year, for 3 years, as recommended in the President's budget for fiscal year 1987. The President estimates that such an increase in personnel would raise collections by $4.7 billion over the next 3 years.

Also, penalties for tax avoidance would be raised, subsequently indexed for inflation, so that their deterrent value will be retained. Persons found to be delinquent in payment of Federal taxes would face restrictions on Federal contracting and the availability of Federal licenses.

In New York State, $334 million was recently raised in an amnesty program. Similar tax amnesty programs have been effective in Massachusetts and Illinois.

Some are concerned that a Federal tax amnesty program will actually lead to future problems with tax compliance, as citizens wait for the next opportunity to pay taxes without civil or criminal penalty. I share that concern, and I want to emphasize that I expect this program to be a unique venture, and not the first in a series.

The United States is the only Nation in the world in which income taxes are self-assessed. The vitality of our democracy is demonstrated each April by those who honestly report their income and pay their taxes. It is all the more incumbent on us to return to our tax rolls those citizens who, for whatever reasons, have not paid taxes in recent years. The tax amnesty program we today propose, is a proper first step in that direction.●

By Mr. HEINZ:

S. 2101. A bill to recognize the organization known as "Veterans of the Vietnam War, Inc."; to the Committee on the Judiciary.

VETERANS OF THE VIETNAM WAR, INC.

● Mr. HEINZ. Mr. President, it is my pleasure to introduce a bill to grant a Federal charter to Veterans of the Vietnam War, Inc. Veterans of the Vietnam War is a national service organization, dedicated to meeting the needs of all veterans, while paying particular attention to the needs of Vietnam-era veterans.

Veterans of the Vietnam War, Inc. is headquartered in Wilkes-Barre, PA, and has chapters throughout the Nation. Currently, VVW provides counseling, job placement assistance, and social services to their 15,000 members in 100 posts. In addition, Veterans of the Vietnam War are in the forefront, working to assist veterans with the difficulties of agent orange-related illness, delayed stress, and the continuing pain of families with service men who are still missing. This is in addition to their hard work on behalf of veterans filing claims for disability and compensation, representation before appeals boards, and more.

For the past 6 years Veterans of the Vietnam War have brought the needs of Vietnam-era service men and women to the attention of the public and the Government. Its counsel has been sought by Members of Congress and veterans organizations throughout the Nation.

Veterans of the Vietnam War is already chartered under the laws of the Commonwealth of Pennsylvania. Granting them a Federal charter will allow Veterans of the Vietnam War to use VA offices, and participate in veterans' affairs forums which are normally limited to chartered organizations. In this simple and inexpensive way we can assist Veterans of the Vietnam War to expand its much needed services to America's veterans.

Some are concerned that this is a regional organization. That is untrue. Veterans of the Vietnam War have posts in States throughout the Nation. In addition, Mr. President, I am not introducing this bill in order to slow the progress of any other charter, but only to recognize an organization which is worthy of a charter in its own right.

Mr. President, I ask unanimous consent that the legislation appear in the RECORD at the conclusion of my remarks. I urge my colleagues to support this measure, and join me in sponsoring it.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. Veterans of the Vietnam War, Inc., organized and incorporated under the

laws of the Commonwealth of Pennsylvania, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. Veterans of the Vietnam War, Inc. (hereafter in this Act referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation including—

(1) to support and promote the Constitution of the United States;

(2) to better the condition and benefits of all veterans and their heirs; and

(3) to advance the health, welfare, social, charitable, and educational opportunities of its members and to ensure justice for all.

MEMBERSHIP

SEC. 4. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 5. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 6. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 7. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this chapter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the Commonwealth of Pennsylvania.

LIABILITY

SEC. 8. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SERVICE OF PROCESS

SEC. 9. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right of vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(60) Veterans of the Vietnam War, Inc.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954.

TERMINATION

SEC. 16. If the corporation fails to comply with any of the restrictions or other provisions of this Act, the charter granted by this Act shall expire.●

By Mr. HEINZ:

S.J. Res. 280. Joint resolution designating the month of November 1986 as "National Alzheimer's Disease Month"; to the Committee on the Judiciary.

NATIONAL ALZHEIMER'S DISEASE MONTH

● Mr. HEINZ. Mr. President, today I am introducing a joint resolution naming the month of November 1986, as "National Alzheimer's Disease Month."

Alzheimer's disease is one of the most frightening illnesses to strike older Americans. According to the most recent estimate by the National Institute on Aging, dementias of the Alzheimer's type plague more than 4 million people aged 65 and older, and roughly half of these people are victims of Alzheimer's disease. Because we know neither the cause nor the cure for this horrible condition, the onset of Alzheimer's brings infinite pain to patients and family care givers. For those afflicted, living with Alzheimer's is a lonely irreversible path into an endless night.

For the family members, this irreversible journey means a struggle to provide continuous emotional support and physical care—at great expense. The NIA has estimated that, if families were to hire a nurse's aide to care for their afflicted family member—rather than providing the care themselves—the cost would be more than $26 billion a year. Clearly, the family of an afflicted person is the "second victim" of Alzheimer's.

Recently, a "third victim" of Alzheimer's has been identified—the entire older generation. For years Congress has supported Alzheimer's victims and care givers in trying to spread the word about the seriousness of this illness and the need to support research into its cause and cure.

A recent national opinion survey of public attitudes toward Alzheimer's conducted by Prof. Neal Cutler of the University of Southern California's Andrus Gerontology Center disclosed that older people, for the most part, have a great deal of knowledge about Alzheimer's. The study also found that many older people, however, still have incomplete or inaccurate information. They mistake everday "benign forgetfulness" for symptoms of the disease and needlessly begin to fear that they are losing their mind. Dr. Cutler refers to these victims of fear and misinformation as the "third victims" of Alzheimer's disease.

As chairman of the Senate Committee on Aging, I see Alzheimer's disease as an inseparable element of the more general need to reform the American long-term care delivery system. We all are increasingly aware of the need for long-term care reform. More people are living longer, requiring more care, at home, in the community and in nursing homes. Given current demographic projections, the demand for services is certain to mushroom.

I have introducted a package of bills—the Home Health Tax Credit Act, the Health Care Coordination Act, and the Independent Community Care Act—which would ease the financial burden on Alzheimer's victims and their families. I have also been a strong supporter of research funding which can bring us the cure we so desperately need. And I requested a report from the Office of Technology Assessment on how Alzheimer's is treated under Federal health care programs which will be useful in tailoring those programs to better cover the

costs which victims and families now bear.

But the goal we can serve today is that of keeping public awareness high, and of dispelling myths and misinformation. I believe that by continuing to observe "National Alzheimer's Disease Month" during the month of November, we can provide a valuable service to our older population.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 280

Whereas more than two and a half million Americans are affected by Alzheimer's disease, which is a surprisingly common disorder that destroys certain vital cells of the brain;

Whereas Alzheimer's disease is the fourth leading cause of death among older Americans;

Whereas Alzheimer's disease is responsible for 50 per centum of all nursing home admissions, at an annual cost of more than $25,000,000,000;

Whereas in one-third of all American families one parent will succumb to this disease;

Whereas Alzheimer's disease is not a normal consequence of aging; and

Whereas an increase in the national awareness of the problem of Alzheimer's disease may stimulate the interest and concern of the American people, which may lead, in turn, to increased research and eventually to the discovery of a cure for Alzheimer's disease: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1986 is designated as "National Alzheimer's Disease Month". The President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 719

At the request of Mr. DURENBERGER, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 719, a bill to provide assistance to agricultural producers.

S. 837

At the request of Mr. HEINZ, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 837, a bill to amend the Social Security Act to protect beneficiaries under the health care programs of the act from unfit health care practitioners, and otherwise to improve the antifraud provisions of that act.

S. 985

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 985, a bill to protect the rights of victims of child abuse.

S. 1107

At the request of Mr. NUNN, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 1107, a bill to authorize the Society of the Third Infantry Division to erect a memorial in the District of Columbia or its environs.

S. 1209

At the request of Mr. CHILES, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1209, a bill to establish the National Commission To Prevent Infant Mortality

S. 1342

At the request of Mr. HARKIN, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 1342, a bill to amend title 11 of the United States Code with respect to bankruptcy proceedings involving debtors who are family farmers, and for other purposes.

S. 1900

At the request of Mr. ROTH, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1900, a bill to amend the Foreign Agents Registration Act of 1938 by providing for the 5-year suspension of exemptions provided to an agent of a foreign principal convicted of espionage offenses.

S. 1901

At the request of Mr. ROTH, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1901, a bill to amend the Foreign Missions Act regarding the treatment of certain Communist countries, and for other purposes.

S. 1919

At the request of Mr. ROTH, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 1919, a bill to establish a task force to examine the issues associated with abuse of the elderly.

S. 1921

At the request of Mr. D'AMATO, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1921, a bill to amend title 31, United States Code, to require that in the President's budget for a fiscal year the economic assumptions pertaining to inflation for major weapon system programs of the Department of Defense be the same as those for the rest of the budget.

S. 1964

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1964, a bill to extend the revenue-sharing program for local governments through fiscal year 1988.

S. 1980

At the request of Mr. THURMOND, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1980, a bill to amend title 17, United States Code, regarding the conveyance of audiovisual work, and for other purposes.

S. 2037

At the request of Mr. DURENBERGER, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 2037, a bill to create a fiscal safety net program for needy communities.

S. 2043

At the request of Mr. MURKOWSKI, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 2043, a bill to provide assistance benefits to dependent children of certain deceased members of flight crews of space flight vehicles of the National Aeronautics and Space Administration.

S. 2052

At the request of Mr. CRANSTON, the names of the Senator from Alabama [Mr. DENTON], the Senator from Illinois [Mr. SIMON], the Senator from Maryland [Mr. SARBANES], the Senator from Washington [Mr. GORTON], the Senator from Georgia [Mr. MATTINGLY], the Senator from Iowa [Mr. GRASSLEY], the Senator from Tennessee [Mr. GORE], the Senator from Missouri [Mr. EAGLETON], the Senator from New York [Mr. MOYNIHAN], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 2052, a bill to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986.

S. 2063

At the request of Mr. DODD, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 2063, a bill to provide financial assistance to small businesses seeking relief under the antidumping and countervailing duty laws.

S. 2067

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey [Mr. BRADLEY], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 2067, a bill to overturn the deferral of the fiscal year 1986 Urban Development Action Grant and Community Development Block Grant Program.

S. 2075

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey [Mr. BRADLEY], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 2075, a bill to overturn the deferral of urban development action grant funds.

S. 2090

At the request of Mr. PRYOR, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 2090, a bill to provide that the Internal Revenue Service may not before July 1, 1987, enforce its regulations relating to the tax treatment of the personal use of vehicles, and for other purposes.

SENATE JOINT RESOLUTION 13

At the request of Mr. HATCH, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 13, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget and tax limitation.

SENATE JOINT RESOLUTION 143

At the request of Mr. GORE, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Tennessee [Mr. SASSER], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 143, a joint resolution to authorize the Black Revolutionary War Patriots Foundation to establish a memorial in the District of Columbia at an appropriate site in Constitutional Gardens.

SENATE JOINT RESOLUTION 156

At the request of Mr. MURKOWSKI, the name of the Senator from Virginia [Mr. TRIBLE], was added as cosponsor of Senate Joint Resolution 156, a joint resolution authorizing a memorial to be erected in the District of Columbia or its environs.

SENATE JOINT RESOLUTION 246

At the request of Mr. DIXON, the names of the Senator from North Dakota [Mr. ANDREWS], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 246, a joint resolution to designate May 25, 1986, as "Hands Across America Day," for the purpose of helping people to help themselves, and commending United Support of Artists for Africa and all participants for their efforts toward combating domestic hunger with a 4,000-mile human chain from coast to coast.

SENATE JOINT RESOLUTION 251

At the request of Mr. HATCH, the names of the Senator from North Carolina [Mr. EAST], the Senator from California [Mr. CRANSTON], the Senator from Florida [Mrs. HAWKINS], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 251, a joint resolution to designate the week of May 11, 1986, through May 17, 1986, as "National Science Week, 1986."

SENATE JOINT RESOLUTION 253

At the request of Mr. HATCH, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 253, a joint resolution to designate the week of March 2, 1986, through March 8, 1986, as "Women's History Week."

SENATE JOINT RESOLUTION 257

At the request of Mr. CHILES, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate the first Friday of May each year as "National Teacher Appreciation Day."

SENATE JOINT RESOLUTION 267

At the request of Mr. HEINZ, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Ohio [Mr. METZENBAUM], the Senator from Arkansas [Mr. PRYOR], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Nevada [Mr. HECHT], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Virginia [Mr. TRIBLE], the Senator from Connecticut [Mr. DODD], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 267, a joint resolution designating the week of May 26, 1986, through June 1, 1986, as "Older Americans Melanoma/Skin Cancer Detection and Prevention Week."

At the request of Mr. TRIBLE, the names of the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Illinois [Mr. SIMON], the Senator from Rhode Island [Mr. PELL], the Senator from Florida [Mr. CHILES], the Senator from North Carolina [Mr. HELMS], the Senator from Arkansas [Mr. BUMPERS], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Tennessee [Mr. GORE], the Senator from North Carolina [Mr. EAST], the Senator from Vermont [Mr. STAFFORD], and the Senator from Montana [Mr. Baucus] were added as cosponsors of Senate Joint Resolution 267, supra.

SENATE JOINT RESOLUTION 272

At the request of Mr. HUMPHREY, the names of the Senator from Illinois [Mr. DIXON], the Senator from Nevada [Mr. LAXALT], the Senator from California [Mr. WILSON], the Senator from Utah [Mr. HATCH], the Senator from Kentucky [Mr. FORD], the Senator from Oklahoma [Mr. NICKLES], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Michigan [Mr. RIEGLE], the Senator from Alabama [Mr. HEFLIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Arizona [Mr. DECONCINI], the Senator from Idaho [Mr. SYMMS], the Senator from Utah [Mr. GARN], the Senator from Ohio [Mr. GLENN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Wyoming [Mr. WALLOP], the Senator from Illinois [Mr. SIMON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Tennessee [Mr. GORE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Georgia [Mr. MATTINGLY], the Senator from New York [Mr. MOYNIHAN], the Senator from Nevada [Mr. HECHT], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 272, a joint resolution to authorize and request the President to issue a proclamation designating March 21, 1986, as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

SENATE JOINT RESOLUTION 275

At the request of Mr. D'AMATO, the names of the Senator from Indiana [Mr. QUAYLE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Rhode Island [Mr. PELL], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 275, a joint resolution designating May 11 through May 17, 1986, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 278

At the request of Mr. PACKWOOD, the names of the Senator from Arizona [Mr. GOLDWATER] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 278, a joint resolution to designate March 16, 1986, as "Freedom of Information Day."

SENATE RESOLUTION 267

At the request of Mr. HUMPHREY, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of Senate Resolution 267, a resolution establishing a special panel on asylum.

SENATE RESOLUTION 304

At the request of Mr. TRIBLE, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from Montana [Mr. MELCHER] were added as cosponsors of Senate Resolution 304, a resolution to express the sense of the Senate that the present 3-year basis recovery rule on taxation of retirement annuities be maintained.

SENATE RESOLUTION 339

At the request of Mr. BYRD, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Resolution 339, a resolution to express the sense of the Senate with respect to proposals currently before the Congress to tax certain employer-paid benefits and other life-support benefits.

SENATE RESOLUTION 344

At the request of Mr. HEINZ, the names of the Senator from Florida [Mrs. HAWKINS], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Resolution 344, a resolution expressing the sense of the

Senate with respect to the proposed rescission of budget authority for housing for the elderly and handicapped under section 202 of the Housing Act of 1959.

SENATE CONCURRENT RESOLUTION 109—DESIGNATING NATIONAL T.R.I.O. DAY

Mr. BYRD for Mr. BUMPERS (for himself, Mr. PELL, Mr. STAFFORD, Mr. ABDNOR, Mr. ANDREWS, Mr. BURDICK, Mr. CHAFEE, Mr. COHEN, Mr. DOLE, Mr. DOMENICI, Mr. EVANS, Mr. HOLLINGS, Mr. KERRY, Mr. LEVIN, Mr. NUNN, Mr. PRYOR, Mr. ROCKEFELLER, and Mr. CHILES) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary.

S. CON. RES. 109

Whereas, the Special Programs for Students from Disadvantaged Backgrounds, commonly known as the TRIO Programs, are integral to the federal strategy aimed at advancing equal opportunity in post-secondary education;

Whereas, The 1280 TRIO Programs—Educational Opportunity Centers, Special Services, Talent Search, Upward Bound and TRIO Staff Training—Presently provide over 460,000 disadvantaged youth and adults the upward mobility afforded by higher education;

Whereas, TRIO Programs are targeted to students whose family incomes fall below 150% of poverty where neither parent graduated from college;

Whereas, 41% of TRIO students are black, 35% are white, 17% are Hispanic, 4% are American Indian, and 3% are Asian;

Whereas, the TRIO Programs are an important retention mechanism for physically handicapped students in higher education, currently serving over 14,000 disabled students;

Whereas, TRIO Programs have a record of success in providing students information about college, motivating them to attend college and enabling them to succeed in college;

Whereas, the financial investment in the TRIO Programs has been a wise one and thousands of students are at risk of losing services because of budget cuts,

Resolved by the Senate (the House of Representatives concurring), that February 28, 1986, be declared National TRIO Day, a day on which the Nation is asked to turn its attention to the needs of disadvantaged young people and adults aspiring to improve their lives, to the investment necessary if they are to become contributing citizens of this country, and to the talent which will be wasted if that investment is not made.

● Mr. BUMPERS. Mr. President, I am pleased to submit a concurrent resolution that will proclaim February 28, 1986, National TRIO Day. It is my hope that proclaiming this day will draw widespread attention to the proven success of the TRIO Programs and to the vital role they play in assuring equal educational opportunity for all Americans.

The TRIO Programs, which are formally called the Special Programs for Students From Disadvantaged Backgrounds, provide a helping hand to economically disadvantaged students who are the first college students in their families. The TRIO Programs—Educational Opportunity Centers, Special Services, Talent Search, and Upward Bound—mean for some students the difference between attending college or not or between graduating and dropping out. The TRIO Programs provide students information about college, motivate them to attend college, and help them succeed in college. At present, over 460,000 disadvantaged students are served by 1,280 TRIO Programs.

One of the greatest pleasures I have in Washington is meeting with Arkansas students who have traveled here to observe our Government in action. During the last year, I had the opportunity to meet with students and teachers from the Upward Bound Program at Arkansas State University. I was very impressed by the students and by their insightful questions and comments about the Federal Government. I could see from that experience that the academic guidance, the encouragement, and the extracurricular opportunities which students receive through Upward Bound really can make a difference in their lives. There are other outstanding Upward Bound Programs—as well as other TRIO Programs—at the several other institutions in Arkansas which are serving hundreds of deserving high school and college students.

TRIO's record is outstanding. For example, Upward Bound graduates are more than four times as likely to graduate from college as similar students who did not have the benefit of these services. Special Services students who receive counseling, tutoring, and basic skills instruction are more than twice as likely to remain in school as similar students who do not participate in the programs. A record like that deserves recognition.

Investing in TRIO Programs is an investment in the future of this Nation. As we debate budget priorities, I hope all of us will be mindful of the financial commitment that is necessary if disadvantaged youths are to become contributing citizens of this country and if the talents of all young people are to be fully developed.

I would like to take this opportunity once again to acknowledge the fine work of Ms. Robbie Lyle, Director of the Arkansas State University TRIO Programs. This year Robbie is serving as the President of the National Council of Educational Opportunity Associations. Arkansas is fortunate to be represented by Robbie, and the NCEOA is fortunate to have Ms. Lyle's leadership this year.

I urge my colleagues to join me in sponsoring this resolution to declare February 28, 1986, National TRIO Day.●

AMENDMENTS SUBMITTED

PHARMACEUTICAL EXPORT AMENDMENTS

PROXMIRE AMENDMENT NOS. 1593, 1594 and 1595

(Ordered to lie on the table)

Mr. PROXMIRE submitted three amendments intended to be proposed by him to the bill (S. 1848) to amend the Federal Food, Drug, and Cosmetic Act to establish conditions for the export of drugs; as follows:

AMENDMENT No. 1593

At the end, add the following:

SEC. 9. (a) Section 203 of Public Law 86-618 is repealed.

(b) The repeal made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

(c) Any provisional listing or deemed provisional listing of a color additive which is in effect—

(1) on the date of enactment of this Act; or

(2) during the period beginning on the date of enactment of this Act and ending on the date which is 60 days after the date of enactment of this Act.

shall expire 60 days after the date of enactment of this Act.

AMENDMENT No. 1594

At the end, add the following:

SEC. 9. (a)(1) Section 502(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(e)(1)) is amended to read as follows:

"(e)(1) If it is a drug, unless (A) its label bears, to the exclusion of any other nonproprietary name (except the applicable systematic chemical name or the chemical formula) (i) the established name of the drug and (ii) in case it is fabricated from two or more ingredients, the established name and quantity of each active and inactive ingredient, including the quantity, kind, and proportion of any alcohol, and the established name and quantity or proportion of any bromide, either, chloroform, acetanilide, acetphenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, or thyroid, or any derivative or preparation of any such substance, contained therein, and (B) the established name of such drug or ingredient on such label (and on any labeling on which a name for such drug or ingredient is used) is printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient. Active and inactive ingredients shall be listed separately. To the extent that compliance with the requirements of clause (A)(ii) or clause (B) of this subparagraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary.".

(2) The amendments made by paragraph (1) shall take effect upon the expiration of one hundred and eighty days after the date of the enactment of this Act.

(b) Within two years after the date of enactment of this Act, the Secretary of Health and Human Services, through the Commissioner of the Food and Drug Administra-

tion, shall prepare and transmit to the Congress a report which describes the use of inactive ingredients in drugs and which summarizes available medical and scientific data concerning the safety of the use of such ingredients in drugs.

AMENDMENT No. 1595

At tne end, add the following:

SEC. 9. (a) Chapter IX of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end the following:

"APPOINTMENT OF COMMISSIONER

"SEC. 903. The Food and Drug Administration shall be headed by a Commissioner of Food and Drugs who shall be appointed by the President, by and with the advice and consent of the Senate.".

(b) The amendment made by subsection (a) shall apply to individuals appointed to the office of Commissioner of Food and Drugs after the date of the enactment of this Act.

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

EVANS AMENDMENT NO. 1596

(Ordered to lie on the table.)

Mr. EVANS. Mr. President, I submit the following notice in writing:

In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend rule XII of the Standing Rules of the Senate for the purpose of proposing to the resolution (S. Res. 28) to improve Senate procedure, the following amendment:

On page 25, between lines 13 and 14, insert the following new section:

SEC. 15. Rule XII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"5. (a) Each Senator, during the yeas and nays, shall vote from the assigned desk of the Senator.

"(b) It shall be the duty of the Chair to enforce the rule contained in subparagraph (a) on the initiative of the Chair and without any point of order being made by a Senator. No motion to suspend the rule contained in subparagraph (a) shall be in order.".

PHARMACEUTICAL EXPORT AMENDMENTS

METZENBAUM AMENDMENT NOS. 1597 THROUGH 1619

(Ordered to lie on the table.)

Mr. METZENBAUM submitted 23 amendments intended to be proposed to the bill S. 1848, supra; as follows:

AMENDMENT No. 1597

On page 24, between lines 9 and 10, insert the following:

"(C) An antibiotic drug which is subject to certification by the Secretary under section 507 may be shipped for export only to a country described in paragraph (2) and only if the antibiotic drug meets the requirements of paragraph (3).

At the end, add the following:

SEC. 9. (a)(1) The provisions of section 801(e) of the Federal Food, Drug, and Cosmetic Act, as added by section 3 of this Act, shall not apply, for a period of one year beginning on the date of enactment of this Act, to any antibiotic drug which—

(A) is subject to certification by the Secretary of Health and Human Services under section 507 of the Federal Food, Drug, and Cosmetic Act;

(B) has been exported prior to the date of enactment of this Act;

(C) does not comply with the provisions of section 801(e) of the Federal Food, Drug, and Cosmetic Act, as added by section 3 of this Act; and

(D) complies with the provisions of paragraph (2).

(2) An antibiotic drug to which paragraph (1) applies may be exported if—

(A) such antibiotic drug has not been the subject of final action by the Secretary of Health and Human Services denying, withdrawing, or suspending approval or certification of such antibiotic drug on the basis of safety and effectiveness, or otherwise banning such antibiotic drug on such basis; and

(B) such antibiotic drug is not the subject of a notice by the Secretary of Health and Human Services of a determination that the sale of such antibiotic drug in the foreign country to which such antibiotic drug is to be exported is contrary to the public health and safety of such country.

(b) The Secretary of Health and Human Services may extend the one-year period for which, pursuant to subsection (a)(1), the provisions of section 801(e) of the Federal Food, Drug, and Cosmetic Act do not apply to an antibiotic drug if the Secretary determines that the manufacturer of such antibiotic drug is making a good faith effort to comply with the provisions of section 801(e) of the Federal Food, Drug, and Cosmetic Act, as added by section 3 of this Act, with respect to such antibiotic drug. Any extension under this subsection shall be for a period not in excess of one year.

AMENDMENT No. 1598

On page 23, line 7, insert "(a)" before "Section".

On page 37, between lines 20 and 21, insert the following:

(b)(1) Section 505 of such Act (21 U.S.C. 355) is amended by adding at the end thereof the following:

"(n)(1) If a new drug for which an application has been approved under this section is sold outside the United States and if the manufacturer of the drug or a subsidiary of the manufacturer changes the labeling of the drug from the labeling permitted under such application in a manner which affects the safe or effective use of the drug, the manufacturer of the drug will for purposes of section 301 be considered to have misbranded the drug in interstate commerce unless the manufacturer can demonstrate that the change did not adversely affect the safe or effective use of the drug.

"(2)(A) Except as provided in subparagraph (B), any person may commence a civil action against any person who manufactures a new drug misbranded as described in paragraph (1) to restrain such misbranding. Such a civil action shall be brought in the United States district court for the district in which the alleged violation occurred, in which the defendant resides, or in which the defendant's principal place of business is located or in the United States District Court for the District of Columbia.

"(B) No civil action may be commenced under subparagraph (A) to restrain a misbranding described in paragraph (1) in violation of such paragraph before the expiration of 60 days after the plaintiff has given notice of such violation to the Secretary. If before the expiration of such 60-day period, the Secretary—

"(i) finds that such misbranding occurred, such civil action may not be commenced,

"(ii) finds that such misbranding did not occur, such civil action may not be commenced,

"(iii) makes no finding, such civil action may be commenced.

"(C) If a court issues a restraining order in a civil action brought under subparagraph (A), the court may award the costs of the action, including reasonable attorneys' fees and reasonable expert witness fees, to the plaintiff in such action.".

(2) Section 507 of such Act (21 U.S.C. 357) is amended by adding at the end thereof the following:

"(i)(1) If a drug approved under subsection (a) is sold outside the United States and if the manufacturer of the drug or a subsidiary of the manufacturer changes the labeling of the drug from the labeling permitted under such approval in a manner which affects the safe or effective use of the drug, the manufacturer of the drug will for purposes of section 301 be considered to have misbranded the drug in interstate commerce unless the manufacturer can demonstrate that the change did not adversely affect the safe or effective use of the drug.

"(2)(A) Except as provided in subparagraph (B), any person may commence a civil action against any person who manufactures a drug misbranded as described in paragraph (1) to restrain such misbranding. Such a civil action shall be brought in the United States district court for the district in which the alleged violation occurred, in which the defendant resides, or in which the defendant's principal place of business is located or in the United States District Court for the District of Columbia.

"(B) No civil action may be commenced under subparagraph (A) to restrain a misbranding described in paragraph (1) in violation of such paragraph before the expiration of 60 days after the plaintiff has given notice of such violation to the Secretary. If before the expiration of such 60-day period, the Secretary—

"(i) finds that such misbranding occurred, such civil action may not be commenced,

"(ii) finds that such misbranding did not occur, such civil action may not be commenced,

"(iii) makes no finding, such civil action may be commenced.

"(C) If a court issues a restraining order in a civil action brought under subparagraph (A), the court may award the costs of the action, including reasonable attorneys' fees and reasonable expert witness fees, to the plaintiff in such action.".

(3) Section 512 of such Act (21 U.S.C. 360b) is amended by adding at the end thereof the following:

"(o)(1) If a new animal drug for which an application has been approved under this section is sold outside the United States and if the manufacturer of the drug or a subsidiary of the manufacturer changes the labeling of the drug from the labeling permitted under such application in a manner which affects the safe or effective use of the drug, the manufacturer of the drug will for purposes of section 301 be considered to have misbranded the drug in interstate commerce

unless the manufacturer can demonstrate that the change did not adversely affect the safe or effective use of the drug.

"(2)(A) Except as provided in subparagraph (3), any person may commence a civil action against any person who manufactures a new animal drug misbranded as described in paragraph (1) to restrain such misbranding. Such a civil action shall be brought in the United States district court for the district in which alleged violation occurred, in which the defendant resides, or in which the defendant's principal place of business is located or in the United States District Court for the District of Columbia.

"(B) No civil action may be commenced under subparagraph (A) to restrain a misbranding described in paragraph (1) in violation of such paragraph before the expiration of 60 days after the plaintiff has given notice of such violation to the Secretary. If before the expiration of such 60-day period, the Secretary—

"(i) finds that such misbranding occurred, such civil action may not be commenced.

"(ii) finds that such misbranding did not occur, such civil action may not be commenced,

'(iii) makes no finding, such civil action may be commenced.

"(C) If a court issues a restraining order in a civil action brought under subparagraph (A), the court may award the costs of the action, including reasonable attorneys' fees and reasonable expert witness fees, to the plaintiff in such action"

(c) Section 301 of such Act (21 U.S.C. 331) is amended by adding at the end thereof the following:

"(t) the export of a drug in violation of section 505(n), 507(i) 512(o), or 801(e).".

AMENDMENT No. 1599

On page 29, line 3, strike out "and".

On page 29, line 11, strike out the period and insert in lieu thereof a semicolon and "and".

On page 29, between lines 11 and 12, insert the following:

"(H) the Secretary has determined that the drug is a biotechnology drug.

For purposes of subparagraph (H), the term 'biotechnology drug' is a drug which is synthesized through the use of recombinant DNA, cell fusion, and novel bio-processing techniques.

AMENDMENT No. 1600

On page 23, line 22, strike out "and if " and insert a comma.

On page 23, line 23, insert before the period a comma and "and the Secretary or the Secretary of Agriculture approves the shipment of such drug to such country in accordance with paragraph (5)".

On page 29, line 3, strike out "and".

On page 29, line 11, strike out the period and insert a semicolon and "and".

On page 29, between lines 11 and 12, insert the following new subparagraph:

"(H) the shipment of such drug to such country is approved by the Secretary or the Secretary of Agriculture in accordance with paragraph (5).

On page 31, beginning with line 24, strike out through line 21 on page 32 and insert the following:

"(5) A drug may be shipped to a country under this subsection only if, within sixty days after the notice of intent to ship the drug to that country is received under paragraph (4), the Secretary or the Secretary of Agriculture determines that the shipment of the drug to that country will promote the public health and safety of that country and publishes a notice in the Federal Register specifying such determination and approving the shipment of such drug to such country.

AMENDMENT No. 1601

On page 27, beginning with line 17, strike out through line 7 on page 28 and insert the following:

"(D) in the case of a drug to be shipped to a country on a list established under clause (i) or (ii) of paragraph (2)(A)—

"(i) an application for approval or licensing has been submitted or approved for the drug and the drug has not been the subject of any action by the Secretary or the Secretary of Agriculture denying, withdrawing, or suspending approval or licensing on the basis of safety or effectiveness or otherwise banning the drug; and

"(ii) such application has not lapsed or has not been withdrawn;

AMENDMENT No. 1602

On page 25, line 3, strike out "and".

On page 25, between lines 3 and 4, insert the following:

"(IV) standards and procedures (in addition to the procedures described in subclauses (I), (II), and (III)) for determining the safety and effectiveness of drugs which are similar to the standards and procedures specified in section 505; and

On page 25, line 4, strike out "(IV)" and insert "(V)".

On page 25, beginning with line 10, strike out through line 2 on page 26.

On page 26, line 4, strike out "or (ii)".

On page 26, line 13, strike out "lists" and insert "list".

On page 26, line 14 strike out "clauses (i) and (ii)" and insert "clause (i)".

On page 26, line 15 strike out "lists" and insert "list".

On page 26, line 16 strike out "clauses (i) and (ii)" and insert "clause (i)".

On page 26, line 18 strike out "lists" and insert "list".

On page 26, line 19 strike out "clauses (i) and (ii)" and insert "clause (i)".

On page 27, line 3, strike out "or (ii)".

On page 27, line 4, strike out "(iii)" and insert "(ii)".

On page 27, lines 17 through 20, strike out "a country on the list established under clause (ii) of paragraph (2)(A) or a country described in clause (iii) of such paragraph" and insert "a country described in clause (ii) of paragraph (2)(A)".

On page 28, strike out lines 8 through 25.

On page 29, line 1, strike out "(F)" and insert "(E)".

On page 29, line 4, strike out "(G)" and insert "(F)".

On page 30, strike out lines 5 through 16.

On page 30, line 17, strike out "(D)" and insert "(C)".

On page 31, strike out lines 1 through 4.

On page 31, line 5, strike out "(v)" and insert "(iv)".

On page 31, line 14, strike out "(vi)" and insert "(v)".

On page 31, line 20, strike out "clause (v)" and insert "clause (iv)".

On page 33, line 8, strike out "(F)" and insert "(E)".

On page 33, line 19, strike out "(E), or (F)" and insert "or (E)".

On page 34, line 3, strike out "(E) or (F)" and insert "or (E)".

On page 36, line 19, strike out "paragraph (4)(D)(v)" and insert "paragraph (4)(C)(iv)".

On page 38, beginning with line 18, strike out through line 12 on page 39 and insert the following:

SEC. 5. (a) Within three years after the date of enactment of this Act, and every two years thereafter, the Comptroller General of the United States shall complete a study of and transmit to the Congress and to the Secretary of Health and Human Services the findings and recommendations of the Comptroller General on the extent to which drugs shipped under section 801(e) of the Federal Food, Drug, and Cosmetic Act (as added by section 3 of this Act) are introduced into countries not authorized to receive such drugs by such section, and the effect of such shipment, if any, on the health of the population of such country.

AMENDMENT No. 1603

On page 23, line 7, insert "(a)" before "Section".

On page 37, between lines 20 and 21, insert the following:

(b)(1) Section 301 of such Act (21 U.S.C. 331) is amended by adding at the end thereof the following:

"(t) the export of a drug in violation of section 303(e) or section 801(e).".

(2) Section 302 of such Act (21 U.S.C. 332) is amended (A) by striking out "this section" in subsection (b) and inserting in lieu thereof "subsection (a)", and (B) by adding at the end the following:

"(c)(1) Except as provided in paragraph (2), any person may commence a civil action against any person who exports a drug under section 801(e) which has been found in a substantial quantity in a country to which export is not authorized by such section to restrain the export of such drug. Such a civil action shall be brought in the United States district court for the district in which the defendant resides or in which the defendant's principal place of business is located or in the United States District Court for the District of Columbia.

"(2) No civil action may be commenced under paragraph (1) to restrain an export of a drug before the expiration of 60 days after the plaintiff has given notice of such action to the Secretary. If before the expiration of such 60-day period, the Secretary—

"(A) finds that a substantial quantities of the drug were found in a country to which export is not authorized by section 801(e), such civil action may not be commenced,

"(B) finds that a substantial quantities of the drug were not found in a country to which export is not authorized by section 801(e), such civil action may not be commenced, or

"(C) makes no finding, such civil action may be commenced.

"(3) If a court issues a restraining order in a civil action brought under paragraph (1), the court may award the costs of the action, including reasonable attorneys' fees and reasonable expert witness fees, to the plaintiff in such action.".

(3) Section 303 of such Act (21 U.S.C. 333) is amended by adding at the end thereof the following:

"(e) If—

"(1) the Secretary makes a finding under section 302(c) that a substantial quantity of a drug which was exported under section 801(e) was found in a country to which export is not authorized by section 801(e), or

"(2) a court in an action brought under section 302(c) makes a finding described in paragraph (1),

the person who exported such drug may not export such drug during the 90-day period beginning on the date of such finding. If the Secretary of a court makes such a finding after previously making such a finding, the person who exported the drug with respect to which the findings were made may not export such drug after the date of the subsequent finding.".

(4) For the fines authorized to be imposed under section 303 of the Federal Food, Drug, and Cosmetic Act, see section 3623 of title 18, United States Code, for the period ending October 31, 1986, and sections 3559 and 3571 of such title for the period beginning November 1, 1986.

AMENDMENT No. 1604

At the end of the proposed section 801(e), add the following new paragraph:

"(9) The Secretary shall promulgate regulations requiring that a person shipping a drug pursuant to this subsection establish and maintain such records and make such reports to the Secretary as are necessary in order to enable the Secretary to determine whether to continue to permit the shipment of such drug. Such regulations shall require that such person promptly report to the Secretary information concerning side effects of the drug which occur in foreign countries, changes in the marketing of the drug in foreign countries, and voluntary withdrawal of the drug from marketing in foreign countries.

At the end of the bill, add the following new section:

Sec. 7. Section 301(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(e)) is amended by striking out "or 519" and inserting in lieu thereof "519, or 801(e)".

AMENDMENT No. 1605

On page 28, line 19, strike out "and".

On page 28, line 25, strike out the semicolon and insert in lieu thereof "or effectiveness; and".

On page 28, after line 25, insert the following:

"(v) the drug has not been withdrawn from sale or use in a country on the list established under clause (i) of paragraph (2)(A) after reports of problems relating to the safety or effectiveness of the drug;

AMENDMENT No. 1606

On page 27, strike out lines 7 through 11 and insert in lieu thereof the following:

"(B) the drug has not been withdrawn from sale or use in the United States after reports of problems relating to the safety or effectiveness of the drug;

AMENDMENT No. 1607

On page 29, line 3, strike out "and".

On page 29, line 11, strike out the period and insert in lieu therof a semicolon and "and".

On page 29, between lines 11 and 12, insert the following new subparagraph:

"(H) in the case of a drug to be shipped to a country described in clause (iii) of paragraph (2)(A), the drug is a drug which is used to treat a vector-borne disease or a tropical vector-borne disease.

AMENDMENT No. 1608

On page 29, line 19, strike out "and" and insert a comma.

On page 29, line 20, insert before the period a comma and "and requests public comment with respect to the shipment of the drug".

On page 29, line 20, insert after the period the following new sentence: "The Secretary or the Secretary of Agriculture shall provide for the receipt of public comments with respect to the shipment of such drug for a period of 30 days after the publication of such notice.".

On page 30, line 15, strike out "and" and insert a comma.

On page 30, line 16, insert before the period a comma and "and requests public comment with respect to the shipment of the drug".

On page 30, line 16, insert after the period the following new sentence: "The Secretary or the Secretary of Agriculture shall provide for the receipt of public comments with respect to the shipment of such drug for a period of 30 days after the publication of such notice.".

AMENDMENT No. 1609

On page 37, beginning with line 21, strike out through line 17 on page 38.

On page 38, line 18, strike out "Sec. 5." and insert "Sec. 4.".

On page 40, line 6, strike out "Sec. 6." and insert "Sec. 5.".

On page 40, line 14, strike out "Sec. 7." and insert "Sec. 6.".

On page 40, line 22, strike out "Sec. 8." and insert "Sec. 7.".

AMENDMENT No. 1610

On page 25, line 21, strike out "and".

On page 25, between lines 21 and 22, insert the following:

"(III) to obtain adequate information concerning drugs, including information concerning the legal status of drugs in the United States; and

On page 25, line 22, strike out "(III)" and insert "(IV)".

AMENDMENT No. 1611

On Page 37, line 20, strike out the end quotation marks and the period the second place it appears.

On Page 37, between lines 20 and 21, insert the following:

"(9) In order to ensure that drugs shipped under this subsection are only shipped to the countries authorized by this subsection, the Secretary and the Secretary of Agriculture shall promulgate—

"(A) regulations requiring each person who ships drugs under this subsection to report annually to the Secretary or the Secretary of Agriculture, as the case may be, concerning—

"(i) the total amount of each drug sold to each purchaser of such drug in each country to which such drug is shipped under this subsection during the one-year period for which the report is made;

"(ii) the nature of each such purchaser; and

"(iii) the size and characteristics of the market in which each such purchaser operates in each country to which such drug is shipped under this subsection; and

"(B) such other regulations as the Secretary or the Secretary of Agriculture, as the case may be, consider necessary to carry out this subsection.".

AMENDMENT No. 1612

On page 34, beginning with line 15, strike out through "countries." in line 21 and insert the following:

"(7) The Secretary or the Secretary of Agriculture, or in the absence of either such Secretary, the officer acting as such Secretary, may prohibit the shipment of a drug to a country to which shipment is authorized under this subsection if the Secretary or the Secretary of Agriculture, as the case may be, determines that the shipment of such drug to such country is contrary to the public health and safety of such country.

AMENDMENT No. 1613

On page 35, beginning with line 4, strike out through line 17 on page 37 and insert in lieu thereof the following:

"(8)(A) If at any time the Secretary or the Secretary of Agriculture determines, with respect to a drug which is authorized to be shipped under this subsection, that such drug is present in substantial quantities in a country to which shipment is not authorized under this subsection, the Secretary or the Secretary of Agriculture, as the case may be, shall—

"(i) immediately prohibit the shipment of such drug from the United States to any country;

"(ii) give the person shipping the drug from the United States prompt notice of such determination and prohibition; and

"(iii) afford such person an opportunity for an expedited hearing.

On page 37, line 18, strike out "(F)" and insert in lieu thereof "(B)".

AMENDMENT No. 1614

On page 29, strike out lines 4 through 11 and insert the following:

"(G) the labeling of the drug contains the following statement: 'This drug is not approved for sale or use in the United States. This drug may only be sold or offered for sale in . The sale or offering for sale of this drug in any other country is a violation of the laws of the United States.', the blank space therein being filled with the names of the countries to which the drug is authorized to be shipped under this subsection.

AMENDMENT No. 1615

At the end, add the following:

SEC. 9. The amendment made by section 3 of this Act and the provisions of section 4 of this Act shall cease to be in effect after the date which is two years after the date of enactment of this Act.

AMENDMENT No. 1616

On page 37, line 20, strike out the end quotation marks and the period the second place it appears.

On page 37, between lines 20 and 21, insert the following:

"(9) The Secretary shall promulgate regulations requiring that a person shipping a drug pursuant to this subsection establish and maintain such records and make such reports to the Secretary as are necessary in order to enable the Secretary to determine whether to continue to permit the shipment of such drug. Such regulations shall require that such person promptly report to the Secretary information concerning side effects of the drug which occur in foreign countries, changes in the marketing of the drug in foreign countries, and voluntary withdrawal of the drug from marketing in foreign countries.

At the end, add the following new section:

SEC. 9. Section 301(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(d)) is amended by striking out "or 519" and inserting in lieu thereof "519, or 801(e)".

AMENDMENT No. 1617

On page 37, line 20, strike out the end quotation marks and the period the second place it appears.

On page 37, between lines 20 and 21, insert the following:

"(9) For the purpose of implementing and monitoring compliance with the requirements of this subsection, the Secretary shall enter into agreements with or utilize the services of any foreign government or United States embassy in a foreign country to obtain drug labeling used in any foreign country or information available in a foreign country with respect to the safety and effectiveness of drugs.".

AMENDMENT No. 1618

On page 28, line 12, strike out "a country" and insert "at least half of the countries".

AMENDMENT No. 1619

On page 38, between lines 17 and 18, insert the following:

SEC. 5. (a) Within six months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study of, and transmit to the Congress a report concerning, whether the provisions of section 801(e) of the Federal Food, Drug, and Cosmetic Act (as added by section 3 of this Act) are sufficient to, and will be efficacious in, preventing the introduction of drugs which will be exported under such section into countries which are not authorized to receive such drugs under such section.

(b) The provisions of section 3, 4, and 6 of this Act and the amendments made by such Act shall take effect three months after the date on which the Comptroller General transmits the report required by subsection (a).

On page 38, line 18, strike out "Sec. 5." and insert in lieu thereof "Sec. 6.".

On page 38, lines 18 and 19, strike out "date of enactment of this Act" and insert in lieu thereof "effective date of this section".

On page 40, lines 1 and 2, strike out "date of enactment of this Act" and insert in lieu thereof "effective date of this section".

On page 40, line 6, strike out "Sec. 6." and insert in lieu thereof "Sec. 7.".

On page 40, line 14, strike out "Sec. 7." and insert in lieu thereof "Sec. 8.".

On page 40, line 22, strike out "Sec. 8." and insert in lieu thereof "Sec. 9.".

● Mr. METZENBAUM. Mr. President, today I am submitting for the RECORD a number of amendments which I intend to offer to the drug export bill, S. 1848. I believe that these amendments serve to illustrate the range of problems posed by this controversial piece of legislation. I remain opposed to the bill in its entirety because it codifies an immoral double standard in our food and drug law. Drugs which have not been approved as safe and effective for use in the United States will be exported to foreign countries. Such a policy will end up threatening the health and safety of foreign consumers and tarnishing the "made in America" label.

Mr. President, S. 1848 is a blank check for the American pharmaceutical industry. Congress has no way of knowing, or controlling, the drugs which will be exported under this bill. My hope is that Members will review these amendments and conclude that this is a badly-flawed piece of legislation which should not be endorsed by the U.S. Senate.●

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

BYRD AMENDMENT NO. 1620

(Ordered to lie on the table.)

Mr. BYRD. Mr. President, I hereby give notice in writing of my intention to amend the Standing Rules of the Senate with the following amendment:

In lieu of the language proposed to be inserted, insert the following:

"That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with provisions of this resolution;

(2) provided continuously, except for any time when the Senate is conducting routine morning business which shall both begin and end by a non-debatable motion, a quorum call, or when a meeting with closed doors is ordered; and

(3) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7; rule XXV, paragraph 1(n); and rule XXXIII, paragraph 2.

SEC. 2. The radio and television broadcast of Senate proceedings shall be supervised and operated by the Senate.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are speaking.

SEC. 4.(a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, and (2) make audio and video tape recordings, and copies thereof as requested by the Secretary under clause (2) of this subsection, of Senate proceedings, (3) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations, and (4) if authorized by the Senate at a later date the Secretary of the Senate shall (A) obtain from the Sergeant at Arms copies of audio and video tape recordings of Senate proceedings and make such copies available, upon payment to her of a fee fixed therefor by the Committee on Rules and Administration, and (B) receive from the Sergeant at Arms as soon as practicable, and retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States archive-quality copies of such recordings.

SEC. 5. (a) Radio coverage of Senate proceedings shall—

(1) begin as soon as the necessary equipment has been installed; and

(2) be provided continuously at all times when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered.

(b) As soon as practicable but no later than April 15, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on June 1, 1986.

(c) During such test period—

(1) final procedures for camera direction control shall be established;

(2) television coverage of Senate proceedings shall not be transmitted, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol; and

(3) recordings of Senate proceedings shall be made and retained by the Secretary of the Senate.

SEC. 6. The use of tape duplications of radio coverage of the proceedings of the Senate for political purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political purposes. The use of tape duplications of T.V. coverage for any purpose outside the Senate is strictly prohibited until the Senate provides otherwise.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of $3,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

SEC. 9. That Rule XXX, paragraph 1(b), is amended to read as follows:

"(b) When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise directs, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty."

SEC. 10. That paragraph 2 of Rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. Notwithstanding the provisions of Rule II or Rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a year-and-nay vote the question:

'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree or if a complete substitute, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"After no more than twenty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The twenty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

"After cloture is invoked, the reading of any amendment, includling House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours."

SEC. 11. That Rule XVII, par. 5, of the Standing Rules of the Senate is amended to read as follows:

"5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph—

(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

(2) shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress."

SEC. 12. Rule IV, paragraph 1.(a) is amended by adding after the words "the Journal of the preceding day shall be read" the following words "unless by non-debatable motion the reading shall be waived, the question being, "Shall the Journal stand approved to date?".

SEC. 13. Rule XXVIII, dealing with conference reports, is amended by adding the words "when available on each Senator's desk" after the words in paragraph 1 "shall always be in order".

SEC. 14. Provided, That radio and television coverage of the Senate shall be made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, educational, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

SEC. 15. The rules changes contained herein shall continue, if the Senate agrees to the question, which shall be put one hour after the Senate convenes on the last day of the test period, "Shall radio and television coverage continue after this date and be made available to the public, and shall the rules changes contained herein continue?" There shall be six hours of debate on this question, to be equally divided and controlled in the usual form, at the end of which any Senator may propose as an alternative the question, "Shall the test period continue for thirty days?". If that question is decided in the affirmative, then thirty days hence, one hour after the Senate convenes, the Senate shall proceed to vote without intervening action on the question, "Shall radio and television coverage continue after this date and be made available to the public, and shall the rules changes contained herein continue?".

BYRD AMENDMENT NOS. 1621 THROUGH 1634

(Ordered to lie on the table.)

Mr. BYRD. Mr. President, I hereby give notice in writing of my intention to amend the Standing Rules of the Senate with the following amendment:

AMENDMENT No. 1621

SEC. 2. The radio and television broadcast of Senate proceedings shall be supervised and operated by the Senate.

Mr. BYRD. Mr. President, I hereby give notice in writing of my intention to amend the Standing Rules of the Senate with the following amendment:

AMENDMENT No. 1622

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are speaking.

Mr. BYRD. Mr. President, I hereby give notice in writing of my intention to amend the Standing Rules of the Senate with the following amendment:

AMENDMENT No. 1623

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by

the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings, and copies thereof as requested by the Secretary under clause (2) of this subsection, of Senate proceedings, (3) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations, and (4) if authorized by the Senate at a later date the Secretary of the Senate shall (A) obtain from the Sergeant at Arms copies of audio and video tape recordings of Senate proceedings and make such copies available, upon payment to her of a fee fixed therefor by the Committee on Rules and Administration, and (B) receive from the Sergeant at Arms as soon as practicable, and retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States archive-quality copies of such recordings.

Mr. BYRD. Mr. President, I hereby give notice in writing of my intention to amend the Standing Rules of the Senate with the following amendment:

AMENDENT No. 1624

SEC. 5. (a) Radio coverage of Senate proceedings shall—

(1) begin as soon as the necessary equipment has been installed; and

(2) be provided continously at all times when the Senate is in session (or is meeting in Committee of the Whole), except for any time when a meeting with closed doors is ordered.

(b) As soon as practicable but not later than April 15, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on June 1, 1986.

(c) During such test period—

(1) final procedures for camera direction control shall be established;

(2) television coverage of Senate proceedings shall not be transmitted, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capital; and

(3) recordings of Senate proceedings shall be made and retained by the Secretary of the Senate.

Mr. BYRD. Mr. President, I hereby give notice in writing of my intention to amend the Standing Rules of the Senate with the following amendment:

AMENDMENT No. 1625

SEC. 6. The use of tape duplications of radio coverage of the proceedings of the Senate for political purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political purposes. The use of tape duplications of T.V. coverage for any purpose outside the Senate is strictly prohibited until the Senate provides otherwise.

Mr. BYRD. Mr. President, I hereby give notice in writing of my intention to amend the Standing Rules of the Senate with the following amendment;

AMENDMENT No. 1626

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the proposes of this resolution.

Mr. BYRD. Mr. President, I hereby give notice in writing of my intention to amend the Standing Rules of the Senate with the following amendment:

AMENDMENT No. 1627

SEC. 8. Such funds as may be necessary (but not in excess of $3,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

Mr. BYRD. Mr. President, I hereby give notice in writing of my intention to amend the Standing Rules of the Senate with the following amendment:

AMENDMENT No. 1628

SEC. 9. That Rule XXX, paragraph 1(b), is amended to read as follows:

"(b) When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise directs, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty."

Mr. BYRD. Mr. President, I hereby give notice in writing of my intention to amend the Standing Rules of the Senate with the following amendment:

AMENDMENT No. 1629

SEC. 10. That paragraph 2 of Rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. Notwithstanding the provisions of Rule II or Rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree or if a complete substitute, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"After no more than twenty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The twenty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one claendar day.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

Notwithstandng other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours."

Mr. BYRD. Mr. President, I hereby give notice in writing of my intention

to amend the Standing Rules of the Senate with the following amendment:

AMENDMENT No. 1630

SEC. 11. That Rule XVII, par. 5, of the Standing Rules of the Senate is amended to read as follows:

"5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph—

(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

(2) shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress."

Mr. BYRD. Mr. President, I hereby give notice in writing of my intention to amend the Standing Rules of the Senate with the following amendment:

AMENDMENT No. 1631

SEC. 12. Rule IV, paragraph 1. (a) is amended by adding after the words "the Journal of the preceding day shall be read" the following words "unless by non-debatable motion the reading shall be waived," the question being, "Shall the Journal stand approved to date?".

Mr. BYRD. Mr. President, I hereby give notice in writing of my intention to amend the Standing Rules of the Senate with the following amendment:

AMENDMENT No. 1632

SEC. 13. Rule XXVIII, dealing with conference reports, is amended by adding the words "when available on each Senator's desk" after the words in paragraph 1 "shall always be in order".

Mr. BYRD. Mr. President, I hereby give notice in writing of my intention to amend the Standing Rules of the Senate with the following amendment:

AMENDMENT No. 1633

SEC. 14. Provided, That radio and television coverage of the Senate shall be made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, educational, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts and the rules changes contained herein shall continue, if the Senate agrees to the question, which shall be put one hour after the Senate convenes on the last day of the test period, "Shall radio and television coverage continue after this date and be made available to the public, and shall the rules changes contained herein continue?" There shall be six hours of debate on this question, to be equally divided and controlled in the usual form, at the end of which any Senator may propose as an alternative the question, "Shall the test period continue for thirty days?". If that question is decided in the affirmative, then thirty days hence, one hour after the Senate convenes, the Senate shall proceed to vote without intervening action on the question, "Shall radio and television coverage continue after this date and be made available to the public, and shall the rules changes contained herein continue?".

Mr. BYRD. Mr. President, I hereby give notice in writing of my intention to amend the Standing Rules of the Senate with the following amendment:

AMENDMENT No. 1634

SEC. 15. The rules changes contained herein shall continue, if the Senate agrees to the question, which shall be put one hour after the Senate convenes on the last day of the test period, "Shall radio and television coverage continue after this date and be made available to the public, and shall the rules changes contained herein continue?" There shall be six hours of debate on this question, to be equally divided and controlled in the usual form, at the end of which any Senator may propose as an alternative the question, "Shall the test period continue for thirty days?". If that question is decided in the affirmative, then thirty days hence, one hour after the Senate convenes, the Senate shall proceed to vote without intervening action on the question, "Shall radio and television coverage continue after this date and be made available to the public, and shall the rules changes contained herein continue?".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing on the executive nomination of Richard E. Lyng to be Secretary of Agriculture.

The hearing will be held on Tuesday, March 4, 1986, at 10 a.m. in room 328-A Russell Senate Office Building.

For further information, please contact the committee staff at 224-2035.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Innovation and Technology will hold two oversight hearings on the Small Business Innovation and Research Program, Public Law 97-219. The first hearing will be held on March 3, 1986 at the Hilton in Merrimack, NH, and will commence at 9 a.m. The second hearing is scheduled for March 11, 1986 in Washington, DC. The hearing will be held in room 428A, of the Russell Senate Office Building and will begin at 9:30 a.m. For further information, please call Anne Caplin of Senator RUDMAN's office at 224-3324, or Skip Waddell of the committee staff at 224-5175.

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER, AND RESOURCE CONSERVATION

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Public Lands, Reserved Water and Resource Conservation of the Committee on Energy and Natural Resources has added three additional measures on which the subcommittee will receive testimony at its hearing scheduled for Tuesday, March 4, 1986, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building, Washington, DC.

The additional measures are H.R. 850, to modify the boundary of the Humboldt National Forest in the State of Nevada, and for other purposes; H.R. 1740, to direct the Secretary of the Interior to release a reversionary interest in certain lands in Orange County, FL, which was previously conveyed to Orange County, FL; and S. 2091, a bill to amend the provisions of the Federal Land Policy and Management Act of 1976 relating to the acquisition of public lands. As previously announced, the subcommittee will also receive testimony on S. 1021 and H.R. 1795, S. 1568, S. 1617, S. 1638, and H.R. 1593, S. 1690, S. 1888, S. 1963, S. 2031, and S. 1911.

For further information, please contact Patty Kennedy of the subcommittee staff at (202) 224-0613.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, February 25, 1986, in order to conduct a hearing on the nomination of David Rohr to be a member of the U.S. International Trade Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 25, in closed session, to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CALL TO CONSCIENCE

● Mr. MITCHELL. Mr. President, as coordinator of this year's Senate Call to Conscience Program I would like to submit my colleague, Mr. BUMPER's eloquent statement. Although Senator BUMPERS is ill today, he has asked that

his remarks be placed in today's RECORD.

The remarks follow:

(By Senator Dale Bumpers)

1986 CONGRESSIONAL CALL TO CONSCIENCE FOR SOVIET JEWS

Mr. President, it is with cautious optimism that I rise today to participate in the 1986 Congressional Call to Conscience for Soviet Jewry. Many of my distinguished colleagues and I have risen to participate in this daily vigil in the United States Congress to show our resolute stand against the continued denial of freedom to Soviet Jews seeking to emigrate. This year's Call to Conscience is being ably coordinated by my honored and eloquent colleague from Maine, Senator George Mitchell.

The recent release of Anatoly Shcharansky from the bonds of Soviet internment provides us with reason to be more hopeful. As I read the news accounts of this brave man making his way across the Glieniche bridge in East Germany, I saw a glimmer of hope for many others who remain behind. We must not forget that our fight is far from complete. Many thousand Soviet Jews still await emigration from the Soviet Union, and it is for these people that I rise once again today in remembrance of their struggle for religious freedom. It is also with deep skepticism of Soviet intentions that I hedge my optimism with caution.

As a citizen of a country whose Constitution manifests the solemn right to religious freedom, I find the plight of the Soviet Jews appalling. Perhaps one of the greatest challenges we can embrace is this effort to bring religious freedom to those who have sought it so long. We must not fail to hear the cry of the Soviet Jew for religious freedom. And we must not falter in efforts to see this freedom manifested.

We have a moral and legal responsibility to continue our demands that the Soviet Union adhere to the international conventions that explicitly grant the right to free movement beyond borders: the Universal Declaration of Human Rights, the United Nations Charter, and the Helsinki Accords. These documents clearly guarantee the rights of the Soviet Jews to emigrate and protect them from persecution and oppression if they remain in the Soviet Union.

Unfortunately, the Soviet Union has violated both the letter and intent of these agreements. An estimated 350,000 Jews have been denied their right to emigrate. During the 1980's, Jewish emigration has dropped significantly from an all time high in 1979 of 51,320 to a disturbing low of 896 in 1984. The figures for 1985, despite a slight increase to 1,140, are not much better. Even more troubling is that many of those who are forced to remain suffer for their desire to emigrate. There are consistent reports of harassment, searches, arrests, and imprisonment. We cannot and must not tolerate this usurpation of religious freedom and human rights.

I am proud to have signed with my colleagues letters to President Reagan and Mikhail Gorbachev, General Secretary of the Soviet Union, expressing congressional concern over this violation of human rights and denial of religious freedom. The summit process must be used toward this noble end, and I have urged these men, as leaders of the two most powerful nations on earth, to take personal interests in the sad plight of would-be Jewish emigrants from the Soviet Union. I know that President Reagan has raised these issues, and I hope that Secretary Gorbachev will respond.

Mr. President, I would like to share with you one example that has consistently touched me deeply. On October 22, 1985, 41 of my distinguished colleagues and I sent a letter to President Reagan on behalf of the world's youngest political prisoner, Kaisa Randpere. Her parents, Valdo Randpere and Leila Miller, escaped from Estonia over a year ago. However, in their tragic flight, they were forced to leave their two-year-old daughter behind. Despite repeated attempts to obtain an exit visa for Kaisa, the Randperes remain separated from their daughter. They have recently been told by the Soviet consulate in Sweden that they will never again see their daughter. This sad situation underscores our need to remain tireless in our efforts to secure her release.

The situation in the Soviet Union is just as bleak. Kaisa's grandmother, who is caring for the child, recently was fired from her job and threatened to be imprisoned in a psychiatric hospital if she did not renounce the efforts of Kaisa's parents. If something is not done to guarantee the right of emigration and reunification of families in the Soviet Union, Kaisa Randpere will grow up not knowing the love of her family.

This situation can never be condoned or justified; however, we must be careful not to get so discouraged with the situation that we fail to see the positive light of the future. This positive light I am referring to is the Experts Meeting on Human Contacts in Berne, Switzerland in April and the Third Helsinki Follow-up Conference in Vienna, Austria in November of this year. In addition to these two conferences, the success of the summit meeting in opening communication between the Soviet Union and the United States and the fact that Secretary General Mikhail Gorbachev will have the opportunity to bring stability to the leadership of the Soviet Union should be included in this positive light.

I am encouraged by these opportunities for change. It is my fervent hope that progress will be made. We must never lose patience in our efforts to realize this progress. We, as citizens of the free world who enjoy the sanctity of human rights and religious freedom, must never forget our responsibility to those who cannot enjoy such rights.●

THE NCO CORPS

● Mr. GOLDWATER. Mr. President, in the March issue of Army magazine, there appeared a very fine article entitled "Release the Brakes on NCO Corps—Power Down." It is a very short, succinct statement about the feelings relative to the noncoms and the officer and I think my colleagues should read it.

Maj. Michael McGee has done a fine job putting this together and I ask that it appear at this point in my remarks.

The article follows:

RELEASE THE BRAKES ON NCO CORPS—POWER DOWN

(By Maj. Michael L. McGee)

We have been at it again. Once more, we validated another study that validated something we already knew and tried to verify something that probably did not need verifying, all in an attempt to reduce uncertainty and reassure ourselves. As usual, we may be focusing on the hole instead of the doughnut.

This time we were looking at the non-commissioned officer (NCO) corps—pulling it up by its roots so we could see if it was growing. We poked and gouged, looking for that golden screw we could turn to make it all right. And guess what?

The NCO corps is not broken; for that matter, neither is the officer corps.

What is broken is the linkage between the two corps—how each thinks about and uses the other. We know, talk and write about how to fix the broken linkage. We have even written field manuals about it, but we rarely go beyond the rhetoric.

The Army had the precise instrument to fix the linkage. The chief of staff commissioned the NCO professional development study, more commonly referred to as the "soldiers study." This study group was chartered to review and validate the U.S. Army Training and Doctrine Command's (TRADOC's) recent review of the NCO education system (NCOES) and enlisted personnel management system (EPMS), fine tune EPMS and find the strengths and weaknesses of NCOES and EPMS.

Guess what?

Results of the TRADOC review of NCOES and EPMS were fundamentally valid and reliable. The TRADOC study did not discover anything new.

Therefore, we need to adjust our aim.

Why don't we do a study aimed at releasing the power and energy of our NCO corps?

All those NCO study group tasks were content oriented. They were predictably similar to the tasks and expectations of the recent review of the officer personnel management system and the recently completed "professional development of officers" study, simply because they were content oriented.

As long as the Army continues to focus only on content, without addressing the linkage between the officer and NCO corps, we will continue to achieve predictable, traditional, short-term adjustments to each corps without seriously moving either group into the future.

The "brake" that has traditionally frozen the problem-solving energy of our NCO corps and officer corps is not professional development or personnel management. The block is mental; it exists as a lack of context somewhere in the relationship between the two corps—not in a theoretical sense, but in an operational sense.

This lack of a clear, operationalized, role-modeled context is the source of unclear day-to-day duties, responsibilities and authority. Again, this lack of clarity is not in a textbook or field manual sense, but in an everyday, AirLand battlefield sense.

This block causes frustration, mistrust, dissatisfaction, shattered respect, fear, wasted energy, a thousand false starts and a zillion restarts. It makes the officer corps leap through hoops in a futile quest for time and has the NCO corps searching for a sense of purpose in an Army that, in fact, desperately needs them.

Our behavioral manifestations of this frozen energy can best be described as our collective inability to "power down." In a nutshell, powering down means to empower subordinates with authority that is commensurate with their responsibilities. Implicit in the definition is two-way trust and respect.

Although there has not been a formal study of this issue, the following list pinpoints some of the reasons why powering

down is rarely attempted, much less achieved:

Lack of trust in NCO experience and competence.

Mission/task complexity.

Failure to understand that powering down does not equate to abrogation of responsibility.

A personal leadership style that is in conflict with powering down.

Time, personnel and resource constraints.

The fact that powering down appears to conflict with the traditional image of the military leader being in charge.

A belief that powering down promotes low standards and productivity.

The fact that powering down is hard to implement. Results are slow; therefore, it conflicts with priorities. Personnel turnover makes it difficult to achieve.

Lingering pervasiveness of the Vietnam syndrome, were officers where overly involved in NCO business.

Officers' fears of career failure; therefore, avoidance of risk.

Failure to follow up verbal support for powering down with role-modeling behavior.

Failure to see powering down as an inherent part of doctrinal AirLand Battle leadership.

Failure to see powering down as a long-range effort with long-range outcomes.

A belief that NCOs lack a perspective on the big picture, which is necessary for powering down.

The idea that powering down conflicts with the adage that "the unit does best what the commander checks."

The idea that powering down has a symbolic connotation that is different from what is meant.

Inadequate feedback from NCOs when powering down is working.

Powering down does have a positive impact on NCO development. NCOs operating in a climate or culture which *lives* powering down show initiative, responsibility, innovation, creativity, flexibility and that ability to take risks, all with discipline and within their commanders' intent.

Isn't that what AirLand Battle doctrine says they are supposed to do?

These NCOs have a postive feeling about themselves, their soldiers, their units and the Army. They feel challenged and good about the contribution they are making to the Army. They truly care for their soliders. They seek to stay in and return to units that live powering down. They perform tasks and make decisions that are retained by officers in non-power-down environments. They live courage, candor, competence and commitment. They have the loyalty and respect of their soldiers and officers.

That is the kind of NCO corps our Army needs and our country deserves.

So the mission of the soldiers study should have been to place the NCO corps in proper operational context with the officer corps, focusing on the creation of an environment that will cause behavioral acceptance of powering down.

How can we do that?

First, for the sake of clarity, we should redefine the NCO in terms of what he was, what he is, what he could be and what he may have to be.

This should be done in terms of competencies, behaviors, attributes, values and expectations; that is, Be, Know, Do. It should be done in terms of creating, training, educating and socializing NCOs.

Second, we know that NCOES and EPMS are basically okay. Those systems may need some small, short-term fixes, but they are fundamentally well.

Third, and most important, we should determine how best to use the NCO corps. We should not use the old way—a historical perspective on the individual with a platitudinous look at the future. We should use a new way—a future perspective on the organization with an eye on history.

That should be done by attacking the contextual blocks to powering down. This is a generic, broad-based, flexible avenue of approach for improving our NCO corps, or rather improving the operational relationship between the NCO corps and the officer corps.

Today, the human inputs to the Army are different. Battlefield demands are more exacting for everyone. Today, some people understand that control in all complex systems is dispersed; leadership is spread throughout each unit and organization.

It is time we all started acting as if we understood that simple fact.

That means we do not really have to fix anything. All we have to do is release the brakes on the NCO corps.

Power down . . .●

PENTAGON TELEPHONE DIRECTORY—U.S. MARINE CORPS

● Mr. GOLDWATER. Mr. President, ever since Senator NUNN and I presented the preliminary findings of the task force which has been working on the organization of the Pentagon and the military for the past 3 years, we have had innumerable calls from the Pentagon or from people associated with the Pentagon questioning our motives.

I was utterly amazed at picking up a 1984 telephone directory from the Department of Defense to see the thousands of people, employed in that building to oversee the operation of our military. In order that my colleagues might become better acquainted with the astronomical number of people we are dealing with, I am going to insert into the RECORD in the next week or 10 days the lists from the telephone directory so that my friends in the Senate and the House can have a thorough understanding of the size of the body we are attempting to deal with, the number of officers, the number of enlisted people, and the number of civilians who are listed in this book, and mind you this book is last year's, not this year's. For example, a cursory count shows approximately 2,000 people for the Marine Corps staff alone.

I ask that the pages from the directory listing the headquarters of the U.S. Marine Corps and those assigned to the functions which fall under the headquarters, be inserted at this point in my remarks.

The material follows:

PENTAGON TELEPHONE DIRECTOR—U.S. MARINE CORPS

HEADQUARTERS U S MARINE CORPS

Information
(From 0800 To 1630 Monday thru Friday) 1010 41235
(From 1630 To 0800 Monday thru Friday) and Weekends 1007B 42645
Staff Duty Ofcr (1630 to 0800) Weekdays & Weekends) 1007B 42645
Staff Duty NCO (1630 to 0800) (Weekdays & Weekends) 1010 41235

OFC OF THE COMMANDANT (MARINE CORPS)

Gen Paul X Kelly 2044 ..... (CMC) 42500
Mil Secy To CMC Col J H Alexander 2004 ..... (CMC) 42500
Aide-de-Camp To CMC LtCol F Libutti 2004 ..... (CMC) 42500
Aide-de-Camp To CMC Capt Lee H Farmer 2004 ..... (CMC) 42501
Naval Aide to CMC CDR E G McDonough 2004 ..... (CMC) 42500
Pers Secy To CMC MGySgt C G Gardner 2007A ..... (CMC) 44468
Social Asst To CMC Regina Gaines 2103 ..... (CMC) 41872
Admin Ch To CMC GySgt M L Milligan 2006 ..... (CMC) 41743
SgtMajMarCor SgtMaj Robt E Cleary 2038 ..... (CMC) 42475

OFC OF THE ASST COMMANDANT (MARINE CORPS)

Gen J K Davis 2140 ..... (ACMC) 41523
Mil Asst to ACMC Col D D Page Jr 2104 ..... (ACMC) 78537
Aid-de-Camp Maj H P Osman 2104 ..... (ACMC) 78537
Secy to ACMC
Sgt Mary-Julia E Fitzgerald 2104 ..... (ACMC) 78537
Admin Ch to ACMC CySgt P J Kelly 2104 ..... (ACMC) 78538

OFC OF THE CHIEF OF STAFF (MARINE CORPS)

LtGen D'Wayne Gray 2010 ..... (CS) 42541
Aide-de-Camp Maj E B Hailston 2010 ..... (CS) 42541
Secy of the Gen Staff Col J J Carty 2010 ..... (CS) 42828
Asst Secy of the Gen Staff LTCOL J W Oster ..... (CS) 42541
Secy to CS Sgt Eliz R Burton 2010 ..... (CS) 42541
Admin Ofcr LtCol J C Barfield 2010 ..... (CS) 41367
Admin Ch GySgt V K Cosgriff ..... (CS) 41128

SPEC PROJ DIRECTORATE

Dir Col J Pipta 2110 ..... (SPD) 41515
Admin MSgt C L Downing 2108 ..... (SPD) 41515
Spl Events Br Capt B L Bechtol 2108 ..... (SPD) 41515
DepDir Maj G W Anderson 2110 ..... (SPD) 41515
Speechwriter Maj J A Kennan 2108 ..... (SPD) 41515

DEPUTY CHIEF OF STAFF FOR AVIATION (MARINE CORPS)

LtGen W H Fitch 2335 ..... (A) 41022
Secy to DC/S Avn S Griffith 2335 ..... (A) 41022
Asst DC/S Avn BGen J R Dailey 2333 ..... (A) 41022
Secy to Asst DC/S Avn M Garza 2335 ..... (A) 41022
Exec Asst Col M Lenzini 2335 ..... (A-1) 41023
Admin Asst Maj J L Reeve 2335 ..... (AC) 41023
Admin Br
1stLt C McBride 2324 ..... (MC-AAB-1) 42401
Admin Ch Ssgt B L Stewart 2324 ..... (MC-AAB-2) 42401

AVIATION PLANS POLICY & REQUIREMENTS DIV (MARINE CORPS)

Bgen J R Dailey 2333 ..... (AP) 41022
Aviation Command & Control Br
Col L E Obenhaus 2313 ..... (APC-1) 41850
Air Spt Con Ofcr Maj T F Reath 2313 ..... (APC-2) 41850
Air Def Con Ofcr LtCol H R Norton 2313 ..... (APC-3) 41850
Sur/Air Wpns Sys LtCol J Della-Corte 2313 ..... (APC-4) 41850
Term ATC SysOfcr LtCol C R Armstrong 2313 ..... (APC-5) 41856
Air Cont-Rad Sys Ofcr Maj J E Thigpen 2312 ..... (APC-31) 41850
Aviation Plans Progs Doctrine Jt Materials & Budget Br
Col G O Booth 2336 ..... (APP-1) 41033
Progs & Budget Rev Sec
Hd Col D B Herbert 2334 ..... (APP-2) 41794
Budget & Legis Ofcr LtCol B P Miller 2334 ..... (APP-21) 42261
TACAIR Prog Ofcr LtCol A Fitch 2334 ..... (APP-22) 42189
Land Forces Prog Ofcr LtCol M J Tennes 2334 ..... (APP-23) 41035
Budget Anal C L Franklin 2334 ..... (APP-24) 42261
Plans Doctrine & Joint Matters Sec
Hd LtCol W Barba 2334 ..... (APP-3) 42189
Asst Br Hd Col H F Crouch 2334 ..... (APP-11) 42261
TACAIR Plans Ofcr Maj W Stanely 2334 ..... (APP-31) 41794
Svc Plans/Doctrine Ofcr Maj R R Faucher 2332 ..... (APP-32) 42261
Land Forces Plans Ofcr Maj J Castellaw 2334 ..... (APP-33) 42261
Res Avn Ofcr LtCol D P Connelly 2334 ..... (APP-4) 42261
Aviation Weapons Sys Requirements Br
Col R Balch 2312 ..... (APW-1) 41937
Offensive Air Support Sys Sec
Hd LtCol J Lillie 2312 ..... (APW-21) 41937
Avn Ord Prog Coord Maj D Mitchell 2312 ..... (APW-22) 41824
Anti-Air Warfare Sys Sec
Hd LtCol G Elsten 2312 ..... (APW-31) 41824
Electronic Warfare Sys Sec
Hd LtCol R P Hansen 2312 ..... (APW-41) 41824
Air Assault Sys/Tactical Transport Sec
Hd LtCol J Schaefer 2312 ..... (APW-51) 41729
Wpns Sys Prog Coord LtCol D J Moseler 2312 ..... (APW-52) 41729
Wpns Sys Prog Coord Maj L Outlaw 2312 ..... (APW-53) 41824
Research Devel & Studies/Air Recon Sec
Hd LtCol W D Carr 2312 ..... (APW-61) 41824
Avn Trng Devices/Aircrew Survivability Sec
Hd Maj G S Mead 2312 ..... (APW-71) 41729

AVIATION SUPPLY & SUPPORT DIV

Aviation Logistics Support Br
Col L J. McDonald 2318 ..... (ASL-1) 41028
Aviation Maint/Material Sec
Hd LtCol G O Jensen 2320 ..... (ASL-21) 41028
Avn Ord Ofcr LtCol J M Jewett 2318 ..... (ASL-22) 42237
A/C Maint Ofcr LtCol U L. Brown 2318 ..... (ASL-23) 42237
Avionics Ofcr Capt W Whitington 2318 ..... (ASL-24) 41028
A/C Support Ofcr LtCol J M Valovich 2318 ..... (ASL-26) 41028
Aviation Support-Supply Sec
Hd Col D E Davis 2318 ..... (ASL-31) 41835

Supply/Spt Ofcr LtCol W H Hamlin 2316 (ASL-31) 41133
Aviation Installations/Facilities Sec
Engineer J Karps 2316 (ASL-42) 41028
LtCol J E Hatch 2318 (ASL-42) 41133
Meteorological Ofcr Capt L Swope 2318 (ASL-44) 41835
Aviation Support & Manpower
Col S Brutcher 2330 (ASM-1) 41309
Aviation Mpr Anal Sec
Hd LtCol J Winternheimer 2330 (ASM-31) 41244
Prog Anal L E Price 2328 (ASM-32) 41244
T/O Aircrew Req Ofcr Maj G H Rohloff 2328 (ASM-33) 41244
Aircrew Prog Ofcr Capt M J Wenzel 2330 (ASM-34) 41244
Mpr Anal C A Kiley 2328 (ASM-35) 41244
Mpr Anal S A Norton 2330 (ASM-36) 41244
Air Trans Coord Sec
ATCO Maj L Arthur 2328 (ASM-41) 42170
ATCO NCOIC GySgt H J Loeback 2328 (ASM-42) 42756
Aviation Safety & Anal Br
Hd Col C T Huckelbery 2322 (ASA-1) 42147
Aviation Anal Sec
Hd Maj T L Blickensderfer 3317 (ASA-3) 41565
Avn Safety Sec
Avn Safety Ofcr Maj K L Maxfield 2327 (ASA-2A) 41201
Functional Sys Anal SSgt C Miller 3317 (ASA-32) 41077
Avn Safety Sec Hd LtCol W L Culver 2327 (ASA-2) 42147
Safety/NATOPS Ch GySgt L G Middleton 2327 (ASA-22) 42147

DIR COMMAND CONTROL COMMUNICATION & COMPUTER (C4) SYS DIV(MARINE CORPS)

Dir BGen P D Slack 3020 (CC) 42604
Gen Secy M L Reynolds 3018 (CC-3) 42604
Dep Dir Col C P Swenson 3018 (CC-1) 45114
Spec Asst/Tech Advisor J A Painter 3018 (CC-2) 42628
Admin Asst Maj R H Bogart 3018 (CC-3) 42628
Admin Ch GySgt R L Rauchwarter 3018 (CC-3) 42628
Tactical Command & Control (C2) Sys Br
Col N W Huddy 3204 (CCA) 42082
Admin P M Talbott 3202 (CCA) 44522
Interop Ofcr Maj G D Simon 3203 (CCA-10) 48780
Interop Asst Capt R A Graham 3203 (CCA-11) 48780
C3 Sys Integration Ofcr (Vacant) 3203 (CCA-12) 44522
Fire Spt Sys Acq Ofcr LtCol L E Smith 3204 (CCA-20) 44522
Gound/Air Acq Ofcr Maj J D Cockle 3203 (CCA-21) 48780
Gnd Sys Acq Ofcr Maj L Craig 3202 (CCA-30) 44522
Embedded Comp Res Ofcr (Vacant) 3203 (CCA-50) 44522
Embedded CompResAsst Capt M D Stotzer 3203 (CCA-51) 44522
USMC Rep to JSASO LtCol P D Winer 1D631 (CCA-60) 42082
Data Sys Spt Br
Hd Maj L K Newell 3219 (MC CCDH) 42678
Admin S N Belair 3219 (MC CCDH) 42678
Opers Sec 3205 (MC CCDH) 41615
OpsCh MSgt G E Martin 3205 (MC CCDH) 41615
Scandata Coord Cpl G M Pietras 3205 (MC CCDH) 54196
Customer Svs Sec
Cust Svs Ofcr Capt S S Brown 3218 (MC CCDH) 44487
Production Control Unit
Hd PCU W R Rafferty 3218 (MC CCDH) 44487
(Actg) I/O Supv R A Wallace 3224 (MC CCDH) 41410
Production Sys Spt Sec
Hd E F Denney 3217 (MC CCDH) 41013
Network Control SSgt R A Fansler 3205 (MC CCDH) 43039
Info Sys Spt & Mgt Br
LtCol D G Miller 3022 (CCI-1) 41162
Dep F D Troyan 3022 (CCI-2) 41162
Admin Unit 3022 (CCI-10) 41436
Admin Asst T T Brown 3022 (CCI-11) 41436
Sys Engr Sec
Hd Maj R W Roesch 3318 (CCIE-1) 44297
Sys Software Unit D H Shiffert 3318 (CCIE-2) 41013
Comp Spec S M Lipscomb 3217 (CCIE-20) 41013
Sys Prog Sgt J H Rairdan 3127 (CCIE-21) 41013
Data Base Admin Unit Maj Grabow 3217 (CCIE-50) 41013
Std/Sec Unit R M Kurtz 3217 (CCIE-30) 42297
H/W Valid Unit Capt M J Neitzey 3217 (CCIE-40) 41013
Sys Anal MSgt W V McCormack 3217 (CCIE-41) 41013
Admin T A Hamlin 3217 (CCIE-10) 41013
Sys Anal & Rev
HD LtCol J G Paccassi II 3023 (CCIS-1) 48726
Plans & Pgms Anal Maj L J Sims 3023 (CCIS-20) 48726
Res Sys Anal Maj M L Ballard 3023 (CCIS-30) 48726
Mgmt Anal C E Day 3023 (CCIS-40) 48726
Mgmt Anal R M Albright 3023 (CCIS-22) 48041
Oper Sys Anal Capt C E Opel 3023 (CCIS-21) 48041
Mpr Sys Anal Capt T B Born 3023 (CCIS-41) 48041
Log Sys Anal Capt W H Malone 3023 (CCIS-42) 48041
Avn Sys Anal Capt M D Carriger 3023 (CCIS-43) 41589
Sys Anal Lt S E Kelley 3023 (CCIS-31) 41589
Admin L F Carius 3025 (CCIS-10) 41589
Admin J P Proctor 3025 (CCIS-11) 41589
Admin Prog Sec
Maj T M Printy 3304 (MC–CCIP–1) 41482
Admin T W Whiteside 3304 (MC–CCIP–10) 41482
Records Mgt R G McElvane 3304 (MC–CCIP–5) 41482
Forms Mgt D C Marshall 3304 (MC–CCIP–2) 41483
Forms Mgt J E Rantovich 3304 (MC–CCIP–6) 41483
Reports Mgt M E Cover 3304 (MC–CCIP–7) 42657
Mgt Anal J C McGlasson 3304 (MC–CCIP–4) 42657
Mgt Anal N H Smith 3304 (MC–CCIP–3) 42657
Resources Mgt Sec
Hd J L Feeney 3307 (CCIR–1) 41857
Admin Unit R V Rivers 3309 (CCIR–10) 42654
Per Trng Unit Maj C H Cox Jr 3307 (CCIR–40) 45080
Mil Pers Spec Capt P W LeBlanc 3307 (CCIR–41) 45080
Mil Pers Spec C T Bruzek 3307 (CCIR–43) 45080
Proc/Equip Unit Maj J E Hull 3305 (CCIR–20) 41857
AsstHd S Polinsky 3305 (CCIR–23) 41927
Comp Spec J Baughan 3305 (CCIR–21) 41928
Budget Unit Capt L A Price 3301 (CCIR–30) 44636
Accty Spec M T Anderson 3301 (CCIR–31) 41927
Plans & Prog Br (CCP)
Hd Col A R Moore 3201 (CCP) 43976
Admin Cpl S L Krabler 3202 (CCP–19) 42980
Plans Sec
C4 Plans Off LtCol J M Hudock 3201 (CCP–12) 43959
Joint Matters Coord L B Waller 3201 (CCP–20) 43959
Amphib C4 Sys Plans Off Capt B R Vorgang 3201 (CCP–11) 43959
Asst C4 Sys Plans Off Capt R W Gose 3201 (CCP–15) 43976
Telecomm Sys Plans & Studies Off
Maj R D Montgomery 3201 (CCP–17) 43976
C4 Sys Plans Off Capt G A Steffanetta 3201 (CCP–18) 43959
Progs Sec
Progs Off LtCol R R Welpott 3201 (CCP–14) 43976
Asst Progs Off Capt J L Lunceford 3201 (CCP–10) 43959
Telecommunications Br
Col R C Kelley 3308 (CCT) 43080
Admin D L George 3308 (CCT) 41306
SysAcqSec LtCol S J D'Lugos 3308 (CCTS) 41306
Switch Ofcr Maj T D Lewis 3308 (CCTS) 41306
Multichannel Radio Ofcr Maj J E Bond 3308 (CCTS) 41306
Record Terminals Ofcr Maj R K Burns 3308 (CCTS) 41306
Satellites Ofcr Maj R B Kowalcyk 3308 (CCTS) 41197
Single Channel Radio Ofcr Maj D C Litchfield 3308 (CCTS) 41197
COMSEC Ofcr Maj M C Albano 3308 (CCTS) 41197
Prog Budget Anal Maj L A Stensen 3308 (CCTS) 41197
Oper/Readiness Sec LtCol S E James 3308 (CCTO) 42026
Base Comm Spec J E Czajkowski 3308 (CCTO) 43485
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DEPUTY CHIEF OF STAFF FOR MANPOWER (MARINE CORPS)

LtGen W R Maloney 4018 48003
Asst to DC/S Mpr J W Marsh 4016 43000
Exec Asst Col W M Fitts 4020 48103
Spec Asst to DC/S M LtCol K R Stuber 4016 43000
Admin Asst LtCol R G Larson 4020 48103
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Asst to Dir LtCol J W Fitch 4302 (MC–MH–2) 42890
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SOCIAL WORK

● Mr. INOUYE. Mr. President, over the past decade, I have met with a number of professional social workers and have joined with them in urging greater support for the recognition of social work as one of the primary professions engaged in the delivery of mental health services. During this period, I have been pleased to introduce a number of bills on their behalf.

I am concerned, however, that this large and growing profession is not clearly understood by the public in general or by many of us in Congress. I want to take this opportunity to present a brief statement on the social work profession today, and a clear definition of its role as one of the helping professions.

The scope of social work practice is remarkably wide. Social workers practice not only in the traditional social service agency, but also: in elementary schools; in the military; in businesses, factories and offices; in Federal, State, and local government agencies and legislative bodies; in private practice—as individual, family, and marriage therapists; in hospitals and in mental health facilities; in courts and correctional settings; in home health care; and services to the elderly. In fact, social workers can be found anywhere and everywhere there are people who need the help of a professional to alleviate personal or social problems. Social work is the largest of the four core mental health professions, the others being psychology, psychiatry, and psychiatric nursing.

The need for service by the growing number of elderly, the increased effort to curb child and spouse abuse and to assist the disabled and mentally ill, has led to continued growth in the number of persons involved in the delivery of these services. Unfortunately, I must point out that most of those who are charged with providing these critical services to vulnerable and needy people are often not professional social workers and are forced to assume many responsibilities for which they are not properly trained. Thus, there is a clear need for enacting appropriate social work licensure acts in the various States.

Social work today requires of its practitioners formal education, based on a knowledge of human development, social policy, and the interpersonal skills needed for diagnosis and treatment of a variety of social and emotional problems. That level of professional preparation is also required by the 36 States who now regulate social work practice. More than 9,000 students earn their master's degree in social work each year from the 90 colleges and universities that offer such postgraduate training. In addition, over 300 programs graduate 8,000 baccalaureate social workers annually. A growing number pursue doctoral level education in social work as well.

Broadly, social work can be defined as the professional activity of helping individuals, groups, or communities improve their social functioning and creating societal conditions favorable to this goal. It can be further described as consisting of the professional application of social work values, principles, and techniques to one or more of the following ends: helping people obtain tangible services; providing counseling and psychotherapy to individuals, families, and groups; helping communities or groups provide or improve social and health services; and participating in relevant policymaking forums. The practice of social work requires knowledge of human development and behavior; of social, economic, and cultural institutions; and of the interaction of all these factors.

The bills I have sponsored over the past decade are designed to recognize the importance of those social workers who have specialized clinical skills. Clinical social workers practice in private, fee-for-service settings, in mental health centers, hospitals, family and martial counseling agencies, and many other settings. In my own State of Hawaii, social workers have held a number of important policy-setting positions, such as managing director of the city and county of Honolulu, director of the State department of social services and housing [DSSH], trustee of the Kamehameha schools/Bernice Pauahi Bishop estate, and even vice president of one of our major trust companies. Fifteen States have amended their insurance codes—or otherwise provided recognition—to ensure that clinical social workers can be reimbursed as providers of mental health services, along with other qualified mental health professionals.

At the direction of the Congress, both the Department of Defense Civilian Health and Medical Program of the Uniformed Services [CHAMPUS] and the Federal Employees Health Benefits Program [FEHBP] recognize clinical social workers as qualified, independent providers of mental health services. And, Public Law 98-232 proclaimed March 1984 as "National Social Work Month."

The National Association of Social Workers represents the more than 100,000 professional social workers throughout the country who practice in the varied ways and settings I have described. On a personal level, I have found their elected leadership and staff to be outstanding individuals who possess unsurpassed leadership, dedication, and compassion. The association has adopted the following definition of clinical social work as a subset of the profession:

Clinical social work shares with all social work practice the goal of enhancement and maintenance of psychosocial functioning of individuals, families and small groups.

Clinical social work practice is the professional application of social work theory and methods to the treatment and prevention of psychosocial dysfunction, disability, or impairment, including emotional and mental disorders. It is based on knowledge of one or more theories of human development within a psychosocial context.

Clinical social work services consist of assessment; diagnosis; treatment, including psychotherapy and counseling; client-centered advocacy; consultation; and evaluation.

Since the days of such social work pioneers as Dorothea Dix and Jane Addams, this evolving profession has been concerned not only with the plight of the hurting individual, but also with the social context in which that hurt occurs. The highly skilled professional social workers of today continue to help the individual, but also work to bring about change that will ensure that we fulfill our potential as a progressive, humane, and healthy Nation.●

SECTION 202 HOUSING

● Mr. HEINZ. Mr. President, on Tuesday, February 18, 1985, I introduced,

with numerous cosponsors, Senate Resolution 344, a resolution opposing the administration's proposed recission of funds appropriated for the section 202, housing for the elderly or handicapped, program. As chairman of the Senate Special Committee on Aging, I would like to address the importance of the section 202 program and the reasons why I believe that this resolution is necessary.

Current demographic projections indicate that the number of households headed by older persons is rising steadily. More than one-fifth of all U.S. households today—approximately 17 million—are headed by persons 65 years of age or older; 7 million are headed by persons over 75. From 1980 to 1995, the percentage or households headed by persons over 65 will rise by 33 percent, and those headed by persons over 75 will increase 52 percent. In 1995, 21.4 million households will be headed by Americans over 65. The implications of these projections for housing in America and for Federal housing policy are enormous.

The availability of affordable, appropriate housing continues to be a source of great anxiety for many older people. Rapidly escalating housing expenses have placed a tremendous burden on many older homeowners and tenants who live on fixed incomes. Housing costs are being driven up by taxes, rising utility bills, higher home repair costs, and insurance, as well as rent hikes and condominium conversions. The result is a serious lack of affordable and safe shelter for a large number of older Americans. The problem is particularly acute for renters who pay a far larger share of their incomes for housing than homeowners. Recent data indicate, for example, that an elderly woman living alone spends nearly 50 percent of her income on housing. Some 2.3 million elderly households spend over 35 percent of their incomes on housing. Americans are also deeply concerned about the human and economic costs of unnecessary institutionalization of the Frail elderly.

The section 202 program is the primary Federal financing vehicle for building housing for older persons that enables them to remain self-sufficient and independent in our society. Under the section 202 program, the Federal Government makes direct loans to private, nonprofit organizations who sponsor the construction and management of housing projects to serve elderly or handicapped individuals. Projects developed under section 202 also carry a section 8 subsidy, which enables the rents of lower income elderly or handicapped tenants to be reduced to a maximum of 30 percent of their income.

The stated philosophy of section 202 housing is to "foster independent living." Section 202 projects are designed to provide a range of services to meet the needs of the elderly and handicapped. While it is not the largest of the Federal housing programs, the section 202 program is the flagship of HUD's production programs. It has had few management problems, almost no defaults, and there appears to be a high degree of tenant satisfaction with 202 projects, as evidenced by low turnover and long waiting lists.

Efforts, in effect, to wipe out the section 202 program fly in the face of the results of a national survey conducted by the staff of the Special Committee on Aging in 1984. That survey found that there are an average of six section 202 units for every 1,000 elderly persons in the country and that there were over a quarter of a millon persons—270,000—waiting to get into the 1,776 section 202 projects nationwide. The typical section 202 facility has 146 persons age 62 or older waiting to get into an average of 16 to 17 units that become available in a year. Only 1 out of 5 applicants to these projects per year can expect to get into the facilities to which he or she applied. These figures represent only a fraction of the true number of persons who want the type of shelter provided by section 202 projects. Waiting lists represent only those who chose to apply—not those who are discouraged by the prospect of a long wait and do not apply.

Mr. President, the results of the survey also show that the majority of 202 tenants are "aging in place" and that the average age of a tenant living in one of the older 202 projects is 78 years old. One out of six elderly 202 tenants are considered "frail." Without the section 202 program, many elderly individuals might be forced to move prematurely into high cost nursing homes and other long-term care institutions.

I might add, Mr. President, that since 1981, many changes have been made to the section 202 program in order to increase the cost effectiveness of the program and to allow more units to be built with the same amount of money. Indeed, I have harbored a continuing concern that the new requirements may change the program from one of providing housing with supportive services for the elderly to one of providing only minimal housing. Housing for both the elderly and handicapped means more than simply placing a roof over their heads. It often means the opportunity to continue an independent life within a supportive physical an social environment—one that provides for the continued dignity of the individual.

Although some would argue, Mr. President, that the elderly have won more than their share of federally funded housing assistance programs, roughly 2 million of the 3.2 million low-income elderly renters eligible for Federal housing assistance are currently not served by Federal programs. President Reagan's proposed rescission comes not only at a time of high demand but also at a time when the demand is increasing. The present need for affordable housing and shelter assistance shouts for continued and even increased Federal efforts and resources—not less. The resolution I have introduced reaffirms our commitment to meeting the housing needs of America's elderly and handicapped population.●

50TH ANNIVERSARY OF SOCIAL SECURITY—WRITING CONTEST WINNERS

● Mr. SIMON. Mr. President, last year, Americans paused to celebrate the 50th anniversary of the enactment of the Social Security Act. In conjunction with that event, the Senior Services Department of the city of Highland Park, IL, held a writing contest on the theme of Social Security. Nineteen senior citizens wrote entries and seven were selected as winners of the contest.

The winning entries convey personal viewpoints on the effectiveness and equity of a system that works to help those who are less advantaged and who are in need.

At this time, I would like to reaffirm my commitment to the Social Security Program, one of this Nation's most meaningful and effective tools in the struggle to maintain a decent standard of life for all Americans. And to pledge my assistance in maintaining and promoting Social Security's continued success in the future.

I ask that the winning entries be printed in full in the CONGRESSIONAL RECORD.

The material follows:

LONG LIVE SOCIAL SECURITY

O Social Security, your purity's suspenseful.
O Social Security, your anxiety successful.
When payment's due to my account,
My pulse and pressure do surmount.
O Social Security, you're entity's susceptible.
O Social Security, with fifty years of brevity;
O Social Security, we wish you great longevity.
When bills are brought before the House.
And then the Senate must endorse,
We pray for Reagan's surety,
And long live Social Security.

(May be sung to the tune of "O Christmas Tree".)—By Marian Jenkins.

DEAR MR. PRESIDENT: In 1941, my father's sparse gray hair was dyed. He fooled no one. His advancing age and his concern about its declining value in the market place was used by his boss to underpay him. His knowledge and experience was his ace in the hole.

Then came an incapacitating stroke. Instead of it being accompanied by disaster it was followed by a miracle. He received his first Social Security check. Not charity, but

insurance payments on his premiums of six years. He was the first of his peers to be so blessed.

How can you publicly proclaim that the saving of a home, the peace of mind of the aged and the dignity of a man is less important than the weapons of nuclear war?

Now that you are forced to face your own mortality, show empathy for your fellow man. If, in your personal book of macho behavior, it is a sign of wellness to reverse a stand, let your much touted but infrequently heeded God help you do it.

But, do it.

Very sincerely,

BERNICE ALLEN.

OH! WHAT A BEAUTIFUL DAY!

To a great many people Social Security means survival. Without it they would be pawns of the government. With it, is the difference between feeling like a Prince or a pauper.

Fifty years ago, wages were paltry compared to those of today, and the realization that a partisan of that meager salary would be collected by the government for our future use was not easily accepted, especially by those already in difficult financial straits. It was a form of enforced savings and not until one became eligible to receive a monthly check did the wisdom of the process unfold.

Not every business enjoyed having to contribute their share. Consequently, raises and bonuses were less frequent for a time, but we can all be grateful that, so far, we have escaped any drastic change, in spite of threats to the contrary.

If we don't all feel like Princes and Princesses, we are not paupers. We are able to stand straight and tall, and confident about our future.

We wish Social Security a happy anniversary on its fiftieth birthday. May there be many more.—By Vi Perry.

SOCIAL SECURITY—MANNA FROM HEAVEN

Less than three months after the signing of the Social Security Act, my father died. Mother was left with a minimum amount of money and a small cottage they lived in for many years.

My brothers and myself were raising our families during the depression so could offer her little assistance.

However, on the third of every month, she would receive this small Social Security check, I believe it was $25.00 per month at its inception, and together with her small savings she lived independently for many years. As time went by, she received many increases. In the last years of her life, which she was living with me, she always said, "Do you realize how much money I would have to have to collect interest that Social Security just gives to me?"

To her, Social Security was indeed a "Gift from the Gods".

She collected her Social Security monthly checks for 47 years.—By Josephine Herd.

A LITTLE TRIBUTE TO SOCIAL SECURITY

So you made it to your 50th!
Three cheers, hip, hip, hooray!
But before you cut that birth cake,
Here's what I'd like to say.

You're not a baby anymore,
You've grown up very fast,
And proved yourself quite worthy,
Of a monumental task!

They say you are a bit shaky,
But you're far too young for that,
Just get your act together,
So millions won't fall flat!

You never promised us a rose garden,
Just a great big helping hand,
And you've done just that these many years,
C'mon, folks, strike up the band!

We thank you, and are grateful
For the benefits you bring,
Since, if we didn't have them,
We couldn't do our thing!

So congrats and all best wishes,
Good luck and good health, too,
Because, dear friend, let's face it,
What would we do without you!—By Ruth Johnson.

SOCIAL SECURITY HELPS GRANDPA

MY GRANDPA IS GREAT

Everyone should try to have a grandpa. A grandpa doesn't have to do anything, just be there. I'm lucky cause grandpa lives in our house. Grandpa has time to answer my questions. "Are you glad I'm a boy? Is God married? Why does our cat hate birds and fish? Why does dirt and water mixed together get mushy? Why is soap slippery?"

When we have company it's hard to understand what they say. Especially when they shout. Grandpa never shouts.

Grandpa can do tricks like taking his teeth out, and the gums are stuck to the teeth. He likes to play cards with me, and is so smart he can do tricks with the cards.

Some grandpas are thin. Some are fatter. Mine is fatter, and he wears long grey underwear. But he can bend down and do everything the thin ones do.

Grandpa goes for walks with me. He talks about old times when he was a little boy.

Grandpa tells me stories about when he was a young man living on a farm. He milked cows and fed the chickens and pigs. Grandpa tells me the same stories over again. I don't mind cause I like to hear them.

Grandpa has surprises for me. Marbles, gum, new string for my kite and lots of pennies. And once he really had a big surprise—bird—a little yellow and white bird that sang tweet-tweet. A bird cage too.

Grandpa takes me to the zoo to see the animals. He buys a balloon from the balloon man—any color I want.

When grandpa becomes tired, he sits on a bench to rest, and we share the surprise snacks from a brown paper bag. A banana and an apple.

When leaves fall down from the trees after summer is over, grandpa gives me a shoe box, I stuff it with beautiful colored leaves—rust, brown, red, orange and yellow.

Grandpa lets me sit on his lap and I play with the watch and chain that hangs across his vest.

I love my grandpa. He's great. And he says, "Getting Social Security helps me a lot."

I wonder what that means?

On well, everyone should have a grandpa.—By Birdie Stallman.●

AMERICAN HEART MONTH

● Mr BINGAMAN. Mr. President, the proclamation by Congress and the President of February 1986 as "American Heart Month" reminds us that just over 2 years have passed since the overall finding of the U.S. Surgeon General's report was announced: cigarette smoking should be considered the most important of the known modifiable risk factors for coronary heart disease in the United States. Several months later, Surg. Gen. C. Everett Koop, M.D., challenged the health community to work toward attainment of a smoke-free society by the year 2000.

What has been the response of the health community? I am pleased to report that the leadership of the three major voluntary organizations—the American Heart Association, the American Cancer Society, and the American Lung Association—immediately committed their organizations to work with the Surgeon General to achieve this goal. Numerous other major voluntary and professional health organizations have announced their desire to join the effort as well. In late 1984 the Subcommittee on Smoking of American Heart Association concluded that attaining the Surgeon General's objective requires the development and implementation of public policies designed to facilitate the transition from a smoking to a nonsmoking society.

Late in 1985 the AHA announced its recommended policies developed by a working group of experts. These policy initiatives are: Increase the Federal cigarette excise tax, eliminate or restrict tobacco advertising and other forms of promotion, promote the rights of nonsmokers to clear air through legislative and voluntary means, and identify mechanisms to ease and assist the transition of tobacco farmers to other crops or careers.

As these proposals are debated in this and future sessions of the Congress, I think we might well consider these conclusions of the AHA panel:

A unifying feature of these recommendations is that each addresses both prevention of the initiation of smoking habits and encouragement of cessation. The first three do so directly, the fourth indirectly, by attending to the needs of tobacco farmers. Two of the recommendations—those concerning taxation and advertising—will have the most substantial impact on the younger members of society. Encouraging adult smokers to give up their smoking habits is an essential ingredient in any major smoking and health initiative, but ensuring that the next generation of adults never begin smoking must be the fundamental strategy underlying the goals of a smoke-free society. Toward that end, the working group urges that individuals and organizations in position of influence implement these recommendations and convert this ambitious agenda into reality.

I urge my colleagues to support legislation that will make America a smoke-free society by the year 2000.●

RULES OF COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

● Mr. GARN. Mr. President, I submit for the RECORD the Rules of Procedure

and Jurisdiction of the Committee on Banking, Housing, and Urban Affairs.

RULES OF PROCEDURE AND JURISDICTION OF THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, SENATE

Ninety-ninth Congress, 2d Session, February 1986

JAKE GARN, Utah, *Chairman*
JOHN HEINZ, Pennsylvania
WILLIAM L. ARMSTRONG, Colorado
ALFONSE M. D'AMATO, New York
SLADE GORTON, Washington
MACK MATTINGLY, Georgia
CHIC HECHT, Nevada
PHIL GRAMM, Texas

WILLIAM PROXMIRE, Wisconsin
ALAN CRANSTON, California
DONALD W. RIEGLE, JR., Michigan
PAUL S. SARBANES, Maryland
CHRISTOPHER J. DODD, Connecticut
ALAN J. DIXON, Illinois
JIM SASSER, Tennessee

M. DANNY WALL, *Staff Director*
KENNETH A. MCLEAN, *Minority Staff Director*

SUBCOMMITTEE ASSIGNMENTS, 99TH CONGRESS, 2D SESSION

Housing and Urban Affairs

Hecht, *Chairman*

Garn	Riegle
Heinz	Sarbanes
Armstrong	Proxmire
D'Amato	Cranston
Gorton	Dodd
Mattingly	Dixon
Gramm	Sasser

International Finance and Monetary Policy

Heinz, *Chairman*

Garn	Proxmire
Armstrong	Dixon
Gorton	Sasser
Mattingly	Riegle
Hecht	Sarbanes

Financial Institutions and Consumer Affairs

Gorton, *Chairman*

Garn	Sarbanes
Hecht	Proxmire
Gramm	Cranston
D'Amato	Dodd

Securities

D'Amato, *Chairman*

Heinz	Cranston
Hecht	Sasser
Gramm	Riegle

Economic Policy

Mattingly, *Chairman*

Armstrong	Dodd
Gramm	Dixon

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

(Adopted in executive session, February 4, 1981)

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) *Investigations.*—No investigation shall be initiated by the Committee unless the Senate or the full Committee has specifically authorized such investigation.

(b) *Hearings.*—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(c) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part by way of summary, unless specifically authorized by the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(d) *Interrogation of witnesses.*—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the ranking minority member of the Committee.

(e) *Prior notice of markup sessions.*—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session at least 48 hours prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) *Prior notice of first degree amendments.*—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless twenty written copies of such amendment have been delivered to the office of the Committee at or before 2:00 p.m. on the business day prior to the meeting. This subsection may be waived by a majority of the Members of the Committee or Subcommittee voting. This subsection shall apply only when at least 48 hours written notice of a session to mark up a measure is required to be given under subsection (e) of this rule.

(g) *Cordon rule.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

(a) *Authorization for.*—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) *Membership.*—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) *Investigations.*—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) *Hearings.*—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the ranking minority member of the Subcommittee or by a majority of the Committee.

(e) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the ranking minority member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) *Interrogation of witnesses.*—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the ranking minority member of the Subcommittee.

(g) *Special meetings.*—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular, addition, or special meeting of the Subcommittee, the ranking member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) *Voting.*—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken

unless a majority of the Subcommittee are actually present. Any absent member of a Subcommittee may affirmatively request that his vote to recommend a measure or matter to the Committee or his vote on any such other matter on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

(a) *Filing of statements.*—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (before noon, 24 hours preceding his appearance) 75 copies of his statement to the Committee or Subcommittee. In the event that the witness fails to file a written statement in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) *Length of statements.*—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his views to the Committee or Subcommittee. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) *Fifteen-minute duration.*—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 15 minutes duration. This period may be extended at the discretion of the Chairman presiding at the hearings.

(d) *Subpoena of witnesses.*—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the ranking minority member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) *Counsel permitted.*—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(f) *Expenses of witnesses.*—No witness shall be reimbursed for his appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and ranking minority vote of the Committee.

(g) *Limits of questions.*—Questioning of a witness by members shall be limited to 10 minutes duration, except that if a member is unable to finish his questioning in the 10-minute period, he may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 10 minutes until all members have been given the opportunity of questioning the witness for a second time. This 10-minute time period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) *Vote to report a measure or matter.*—No measure or matter shall be reported from the Committee unless a majority of the Committee are actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) *Vote on matters other than a report on a measure or matter.*—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of a Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him during such public or executive hearing on the dais. If a member desires a second staff person to accompany him on the dais he must make a request to the Chairman for that purpose.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions, economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least five days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.●

HOMELESSNESS IS EVERYBODY'S RESPONSIBILITY

● Mr. DIXON. Mr. President, I want to take a few minutes to discuss an issue which continues to haunt this Nation, the fact that there are millions of people in this country who have no homes and nothing to eat. Hunger and homelessness, as I have mentioned many times before, is a national disgrace.

Recently, an article appeared in the magazine published by the American Federation of State, County, and Municipal Employees, or AFSCME. The cover story of the February/March issue is entitled: "Homelessness in Suburbia—a Damn Shame for America." I ask that the article be reprinted

in the RECORD at the conclusion of my remarks.

This article focuses on the people who come into contact with the homeless and the hungry in Martinez, CA. The resources are diminishing and the need is increasing. It is causing a great deal of demoralization among workers in that State.

As my colleagues know, I have tried to address the most basic needs of the homeless and hungry in this Nation through several appropriations amendments for the Emergency Food and Shelter Program. I am distressed that the President's budget fails to include the very minimal amount of funding the Congress has continued to provide for this very effective program. I urge the Senate Budget Committee to consider providing for at least last year's level of funding for this basic assistance. I also continue to call on the distinguished chairman of the Governmental Affairs Committee to hold a hearing on S. 739, my bill to establish a National Endowment for the Homeless.

On May 25, 1986, a private effort is underway to form a human chain from New York to California, to raise funds for the hungry and homeless in America. It is called Hands Across America, and I am pleased to report that we now have 33 cosponsors of a resolution designating May 25, 1986, as "Hands Across America Day." If you have not done so, I urge you to join us in this resolution to commend this private effort to help the neediest among us. Anyone wanting to join the chain, by contributing $10 or more, can call 800-USA-9000.

As we begin deliberations on the budget for 1987, I hope we can show some compassion for our less fortunate citizens who need the help of all of us.

The article follows:

[From Public Employee, February/March 1986]

HOMELESS IN SUBURBIA, "A DAMN SHAME FOR AMERICA"

(By Fred Solowey)

ITEM: On a sunny afternoon a proud father videotapes his children as they play here in beautiful Shoreline Park. Less than 30 yards away—though seemingly invisible to the happy family—a man in dirty, worn clothing heats canned food on a park grill. His name, he says, is Tom Hunt, and he has been living in the park bushes for weeks. It is but his latest "residence" during eight years of homelessness, which began in the Southeast. "Many people I meet seem lost," says Hunt (who is shown on our cover).

ITEM: Three men emerge from the reeds in a swampy area near Shoreline Park, routed by the police. They refuse to have their pictures taken, but say they are all homeless and alcoholics. One came from Oklahoma a couple of months ago to escape the cold. "I had a seizure the other night," says another. "The paramedics took me to the hospital and gave me a shot, and let me go. I wound up in jail over night." The third man adds, almost matter-of-factly, that here in Contra Costa County "they couldn't care less whether we live or die."

ITEM: A man sits in the small, picturesque square on Main Street in downtown Martinez. He is willing to talk and be photographed, but is very uneasy. "There is a white thing in the sky that is trying to kill me," he says.

It's been some time since stories about the homeless in affluent Contra Costa County have shocked AFSCME Local 512 Pres. Barbara Jean Smith. She has too many of her own stories to tell.

"For a good year, a man lived behind the welfare office where I work, sleeping in the dumpster," she said. "He was a fire bug, and had other problems too, but I couldn't do anything to help him." Her face tightened as she continued the story.

"We are always afraid he'd be killed for the disability money he gets each month. He's out there somewhere."

After 18 years with the county welfare department, Smith has seen the problem of the homeless—and especially the mentally ill homeless—grow to enormous proportions here. Her anger has grown too.

"When he was governor, Ronald Reagan literally dumped thousands of patients from state mental hospitals into the streets, and money never came to help counties and communities provide services. Someday I'd like to ask Ronald Reagan if he knows all the suffering he has caused. I've heard that he likes anecdotes; I'd tell him about that man in the dumpster."

According to one county mental health official, there were 37,000 available beds in state mental hospitals in 1969 but only 5,000 today—with many of those reserved for criminal justice system placements. How many of the formerly institutionalized people are homeless? How many homeless mentally ill are people who never made it into state institutions due to lack of space? "Nobody knows how many there are," said Smith. "The state doesn't want to know."

The state is not alone in that desire, explained Local 2700 Pres. Helen Shea, an account clerk in the Martinez Social Services office. "The services just aren't here for the homeless in communities like this one. There is a general attempt to keep things hidden and glossed over. The popular way of dealing with the homeless is to call the police and get them moved out."

"In suburban places like Martinez there aren't food pantries or churches that give hot meals. It's catch-as-catch-can," added local 512 Executive Board member Richard Cabral, an eligibility work supervisor. He also noted that one transient hotel was pressured into closing. "The idea seems to be that if services are provided it will just attract more homeless people."

Still, they come.

"People come in with all of their earthly belongings in a bag. There's a two-year waiting list for public housing, and you have to tell them that it takes two or three weeks for them to get any help at all," said Shea. "We've had severe staffing cuts and often feel like we are working against time to get people assistance quickly."

There isn't much to offer.

"One of the worst things I see is that when you are homeless and don't have an address, it's as if you're a non-person—you can't get General Assistance," said Shea.

The job stress for Contra Costa County AFSCME members grows as the ability to offer the help declines.

Local 512 Sec.-Treas. Pat Avalos is eligibility supervisor in the small town of Rodeo. "The morale of the employees here is shot, "said Avalos, a 17-year veteran. "We used to feel like we were helping people. Before Prop 13 there were 12 social workers in this office, with plenty of work to do. Now there are two. I've seen the destruction of so many programs and of 20 years of progress in social services."

Increasingly she also sees people she never would be seeing "if the hospital system was still intact. They come by bus, sometimes still wearing hospital slippers. Incoherent, they can't explain why they've come here.

"Worst of all, added Avalos, "unless they threaten bodily harm, I can't send them to an institution. I can just give them $1.20 in bus money and hope there is room in the rescue mission in Richmond," an urban part of the county.

There usually isn't much room at the Richmond Rescue Mission, *the* one intitution generally mentioned as serving the homeless in the county. Its 188 beds usually are full, explained Rev. Cliff Hubbard, who runs it and arranges to serve some 500 hot meals per day.

Hubbard estimated the number of homeless in Contra Costa County at between 10 and 15 thousand—a somewhat higher estimate than offered by some other sources—but all agree the number is growing. Many who come to the mission, he said, are simply poor and unable to afford housing, or they are down-and-out people who come to "sunny California." "At least 30 percent," he added "were in state mental institutions, need to be, or both."

The mission gets the people that nobody knows what to do with, said Hubbard, who added that the police generally kick the homeless out of more residential parts of the county toward downtown Richmond. A single man can stay no more than a week.

Hubbard said plans are under way to open another mission elsewhere in the county. He expressed skepticism about government properly providing services to the poor.

AFSCME members like Dorothy Olden fight to defend existing services and do the best they can in an ever worsening situation. Olden, a medical records clerk in the Richmond clinic, testified eloquently for Local 2700 last year against proposed cuts in clinic funding. Her warnings about what the cuts would mean to services for the poor went unheeded, and sharp cuts in staffing and clinic hours went into effect last June.

"I see hungry, cold people come into the county medical building and collapse. I see people virtually begging for help having to wait and wait," said the Local 2700 steward. "With the cutbacks we also get more irate mental patients, and you can't help but be afraid of them going over the edge, and yet you feel sorry for them at the same time." As she spoke, she got more angry. "I'll tell you," she said "it's a damn shame for America."

The pressure grows for staff and clients alike. And AFSCME members take home the frustration.

"People just don't believe that we see the kind of mental health, drug, and other problems we do see every day," said Joyce Stripe, former president of Local 2700 and a supervising clerk at the Richmond clinic. "You have to tell sick people they can't be seen today. Some of them need people to talk to—someone to listen—but you can't take the time even to do that. We had no preparation for what we're facing.

Stripe also worries about "the trend of closing clinics for poor people"—especially

for the mentally ill homeless. "If we don't do something, what will it be like five or ten years from now. Without coming out and saying it, they're telling these people they have no right to exist—that they should be exterminated. It's scary."

It gets scary in another way, explained Local 2700 Chief Steward Jim Hicks, who works in the county social services center in Richmond.

"Our reception area is more and more crowded with people with imaginary pets, people in bathrobes, and with hostile clients—many who threaten violence," said the account clerk. "One woman recently began screaming 'I have a gun in my purse.' Luckily, she didn't—she was just trying to get off the street and back into a state hospital, or at least into the county hospital for a couple of days."

Such incidents are more and more common—screaming, threatening, throwing things, said Hicks. "Homeless people commit crimes just to get out of the rain."

All of these things—and others, like people defecating in the hall—"now are almost routine, and though it's uncomfortable, I've almost gotten used to it," added Hicks, who pointed out, however, "that while most people who act out just want to get back into an institution, if you assume that, you may wind up dead."

The system takes its toll on AFSCME members. The union has negotiated hazardous duty pay for some workers, said Local 2700 President Shea, but she noted that the growing absenteeism and the stress-related illnesses like high blood pressure can't be solved to pay adjustments.

According to *Newsweek* magazine, experts differ on how many homeless there are in our country. Some say 350,000; others say as many as 3 million. A recent *New York Times* story warned that New York City's suburbs "are struggling with a growing problem of homelessness that is fast overwhelming local support programs." Studies have pointed out that "new homelessness" caused by the housing crisis and unemployment has sent many thousands of families into the streets to join the emotionally and mentally disabled who have been dumped there over the last 15 years as state after state has emptied institutions.

"What's happening in Contra Costa County is happening all across California," said AFSCME Council 57 Exec. Director George Popyack. "The homeless are less visible in the suburbs than in the cities, but not to our members working in social services, who struggle with high case loads and few resources to intervene on behalf of the homeless. Many of the homeless have special needs and often have severe psychological and emotional disabilities. Yet more cuts are threatened—from Washington and Sacramento—in hospital beds, and in programs and aid, while our prisons fill up," said the International vice president.

Here in Contra Costa County, the county-owned Merrithew Memorial Hospital—a crucial institution to the poor—continues to be threatened with cuts, closure, or transfer to a private company. For now, the hospital carries on, and the county has received some $500,000 in state money to begin providing services to the mentally ill homeless.

"The federal and state governments have created a very tragic situation, and counties and cities are responsible too," said Contra Costa County District 1 Supervisor Tom Powers. "Government has abrogated its traditional responsibility."

Will government take back that responsibility? "Not until the places where the money is—places like Contra Costa County—get so appalled that they decide to do something about it," added Local 2700 President Shea—"not until then."●

PROF. LESZEK KOLAKOWSKI

● Mr. SIMON. Mr. President, I read an article stating that Prof. Leszek Kolakowski has been selected by the National Endowment for the Humanities to give its annual Jefferson lecture this coming May.

He apparently will be the first non-American to join in this distinguished lecture series. He is an opponent of the Government in power in Poland and an authority on Marxism.

He teaches at Oxford and the University of Chicago; and every time he comes to this country, he is asked whether he has ever been a Communist. When he acknowledges that he once was a Communist, he has to go through all kinds of paperwork to get back into the United States. People advise him simply to lie on the form, and clearly our law encourages people to lie.

In the New York Times article which announces his lecture, there is a section on the ridiculousness of our present regulations for temporary visas.

I hope one of these days we have the good sense to change that.

I urge my colleagues to read the story in the New York Times by Irvin Molotsky.

I ask that the article be printed in the RECORD.

The article follows:

FOE OF POLAND'S GOVERNMENT GETS U.S. HUMANITIES HONOR

(By Irvin Molotsky)

WASHINGTON, Dec. 1—Leszek Kolakowski, an opponent of the Polish Government and an authority on Marxism, has been selected by the National Endowment for the Humanities to give its annual Jefferson Lecture in May.

Professor Kolakowski, who teaches the history of philosophy and religion at both Oxford University and the University of Chicago, said he believed he was the first person who was not an American citizen to be selected by the endowment to give the lecture. It is the highest honor the Federal Government confers for achievement in the humanities.

"I realize that I am probably the first one," Professor Kolakowski said by telephone from Oxford, where he is on the faculty of All Souls College. "Obviously, I am pleased by it."

Professor Kolakowski's pleasure at the American honor, however, does not tempt him to hold back on his criticism of United States institutions when he finds them inappropriate, one of them being the McCarran-Walter Immigration Act of 1952.

Every year, when he returns from Oxford to Chicago, Professor Kolakowski must apply for a visa, and each time he is asked if he has ever been a Communist (or a prostitute or a drug smuggler). When he acknowledges past membership in the Communist Party in Poland, he is told his visa could be issued more easily if he says he was forced to join.

"I've never been refused a visa, but, unfortunately, I fall under the McCarran Law, which is rather silly," Professor Kolakowski said, "I find it silly because no one is compelled to join the Communist Party, so people who sign such a document are liars and the American practice self-selects liars, while it punishes those who tell the truth."

Professor Kolakowski will deliver the Jefferson Lecture here May 7 and at another city not yet determined a week later. The lecture carries a stipend of $10,000, and the lecturer is selected each year by the National Council on the Humanities, the endowment's advisory body.

The previous lecturers have been Lionel Trilling, Erik Erikson, Robert Penn Warren, Paul A. Freund, John Hope Franklin, Saul Bellow, C. Vann Woodward, Edward Shils, Barbara Tuchman, Gerald Holton, Emily Townsend Vermeule, Jaroslav Pelikan, Sidney Hook and Cleanth Brooks.

"I haven't yet clearly defined the subject I am going to talk about," Professor Kolakowski said. "Obviously, because it is called the Jefferson Lecture, it must have some relevance to politics, but I don't think it will about current political affairs."

Professor Kolakowski's views on current political affairs are well known in the academic and political communities. In 1968, he was expelled for political reasons from Warsaw University, where he had been a professor of the history or modern philosophy, and he has been a severe critic of the governments of his native Poland and other Eastern European countries in the Communist bloc.

He was asked to comment on a statement once attributed to him—that he had once compared the possibility of democratic Communism to having a belief in the existence of fried snowballs, and he answered:

"If Communism is defined in terms of historical practice and its own self-definition, then it means two things: one-party rule and the nationalization of everything, including of people, which is a kind of slavery."

"I am reluctant to state my own politics," he said in reply to a question. "I don't need to identify myself with any particular party, but I am interested in Eastern European and Polish affairs, the democratic antitotalitarian movement in Poland."

"I would favor attempts to keep all institutions which guarantee freedom to people," he said. "At the same time, I favor the welfare state, although I realize that these sometimes conflict."●

THE CONCEPT OF POLITICAL GENOCIDE

● Mr. DODD. Mr. President, although I did not oppose the passing of Senate Resolution 347 last week, I feel a need to comment on the issues involved. I did not oppose the resolution because it was a ransom to be paid for getting a final vote on the Genocide Convention. I also realized that this resolution was not binding. I feel, however, that it should not get out of this body without at least one Member giving a realistic assessment of this situation.

Mr. President, anyone who talks about political genocide has missed the whole point of the Genocide Con-

vention and its 37 years history. "Genocide" literally means the killing of a people, of a race. The word derives from the Greek and Latin words for race, kind, people—(genos, gens)—and the Latin "caedere," meaning to kill. It is obvious that it is meant to establish an objective criteria, to denote the killing of people for what they objectively are, not for what they may do. The Genocide Convention was not written for the prevention of all kinds of political violence, not even of all abhorrent mass killings. It aims at a particular odious example of the above, the wholesale extermination of large groups of people for the sole reason of what they are: Jews, Armenians, Bahais, blacks, et cetera. It does not include subjective criteria, that is, what people do, what political goals they pursue by what means. It is, therefore, not applicable to many kinds of outrageous mass violence, but to conclude, that, as a consequence the convention excuses or condones other kinds of mass violence is just a non sequitur, and was invented by the opponents of the convention to muddy the water and confuse the issues.

There is no political genus and to speak of political genocide is a contradiction in terms. The Genocide Convention has not been written to prevent and penalize all mass violence that the international community may disapprove of. There are many other rules of international law—for example on fundamental human rights protecting the life and integrity of the human individual, on aggression, on war crimes, on crimes against humanity, on treatment of victims of international armed conflicts and prisoners of war, on elimination of certain kinds of weapons et cetera—that try to set limits to the violence governments apply to their own populations as well as those of their adversaries. If several of my colleagues are indeed so eager to eliminate politically motivated mass violence I call their attention to the human rights treaties pending before the Senate, such as the International Covenant on Civil and Political Rights that have provisions against such violence. Their support for the ratification of these treaties will be most welcome.

There is a more substantial reason, however, why the concept of political genocide is useless. Not all political violence is illegal or immoral. There is simply no way to distinguish in legal terms between what may qualify for some as political genocide and what may be regarded as legitimate violence, for instance, a bitter and bloody fight by a subjugated people for its freedom. The use of this elusive concept would do nothing but provide ammunition for endless propaganda battles that we already have enough of. Opponents of the Genocide Convention never ceased to worry about American citizens who served in our military in Vietnam who may be accused with genocide as a result of their service. This was, of course, absurd. We were taking part in an armed political conflict, and were not trying to kill all Vietnamese, or all Buddhist, or any other objectively identifiable group.

We, however, could arguably be accused of having tried to kill all Communists, or at least all Vietcongs. This is the essence of war, ugly as it is. Do the champions of the concept of political genocide really want to expose our ex-servicemen to the charge of political genocide on this account? How about the Afghan freedom-fighters who certainly try to kill all who belong to the occupying Soviet powers and who are allied with them? Do the sponsors of this resolution really want to say they are committing political genocide?

My point is, that the Genocide Convention omitted political groups from its definition with good reasons. The reason was not to excuse extreme political violence. The reason was to give a clear and objective definition, to try to raise a well defined international standard that every nation can endorse, even if that endorsement is often hypocritical.

I oppose Soviet brutality in Afghanistan and despise mass murder in Cambodia just as much as any of my colleagues. To me, however, the claim that the way to fight political mass murder is to tie up or gut the Genocide Convention that tries to prevent racial, ethnic and religious mass murder is the height of hyprocrisy. There are more direct and positive ways of fighting political terror and violence. The first and immediate step for us ought to be the ratification of the pending human rights treaties.

Senate Resolution 347 will accomplish little and although it will do no harm either, Senators at least ought to be aware of the issues involved here.●

THE BITTER LESSONS OF TENNESSEE-TOMBIGBEE WATERWAY

● Mr. MOYNIHAN. Mr. President, I wish to call to the Senate's attention recent figures on traffic on the Tennessee-Tombigbee Waterway released by the Corps of Engineers and reported in the New York Times by Mr. William E. Schmidt. I submit this article for the RECORD following my remarks.

In 1976 the Corps of Engineers predicted confidently that 27 million tons of cargo would move along the Tenn-Tom Waterway in its first year of operation. Since the Tenn-Tom opened in January 1985, only 1.7 million tons of cargo have crossed the midpoint lock at Columbus, MS. This is barely 6 percent—I repeat, 6 percent—of the original forecast. The corps study also predicted that 17 million tons of coal would be moved in the first year of the waterway's operation. In fact, only about 500,000 tons of coal were shipped. In Mobile, where city and State officials invested $230 million for new docks and loading facilities to meet this projected demand, they are going virtually unused.

A Tenn-Tom spokesperson said that the waterway has spurred more than $100 million of local development and a boom in recreational boating in the area. But were such the purposes for which Congress spent over $2 billion on Tenn-Tom?

The sad truth is that the Tenn-Tom debate has already done much to damage the reputation of legitimate and essential public works. The Tenn-Tom has undermined the public's confidence in Congress' ability to discern a good public investment from a wasteful one.

An official with the Tenn-Tom Development Authority said that the waterway had been the victim of slumping foreign demand for coal, lumber, grain, and other bulk projects. There may be some truth to this explanation, but the essential point is that the Corps of Engineers cannot afford to err on such a scale in critical projections.

Mr. President, I fought against allocation of Federal funds for Tenn-Tom for years; not because I oppose public works projects, but because I believed that the facts did not support construction of the waterway. In 1979 I introduced a bill, S. 769, to deauthorize the Tennessee-Tombigbee Waterway. As chairman of the Water Resources Subcommittee, in 1980 I held an oversight hearing on Tenn-Tom where experts reviewed corps predictions of future traffic on the waterway. At that time Dr. Robert Haveman, professor of economics at the University of Wisconsin testified:

[The Tennessee-Tombigbee] is justified with a benefit-cost ratio of 1.09 which is based on the most shoddy, inaccurate benefit study that I have seen in my 15 years of scrutinizing and analyzing the Corps of Engineers.

Another expert, Dr. Joseph Carrol, director of the Transportation Institute at Pennsylvania State University said that the corps violated its own regulations by "claiming benefits for hypothetical and highly speculative traffic."

In 1981 I proposed that if the Tenn-Tom was so vital to the commerce of this region that the affected States should be willing to share 50 percent of the remaining costs of the project. Later in 1981 I helped to lead a Senate floor fight for an amendment to delete the remaining Tenn-Tom appropriation, a fight which narrowly failed 48 to 46.

Mr. President, the history of the Tenn-Tom is a sordid one. For 21 years following its 1946 authorization, the corps was unable to justify the project on economic grounds. In 1951 the House Appropriations Committee recommended that funding be discontinued and that the project be shelved indefinitely. Unfortunately, there ensued studies and more studies and the project seemed to spring like the phoenix from the ashes of these reviews. In the space of 1979–80 alone, corps estimates to complete construction of Tenn-Tom jumped by 50 percent from $2 billion to over $3 billion.

This latest revelation underscores the need to reform the water project planning process. The Senate will soon have this opportunity when it considers S. 1567, the Water Resources Development Act of 1986. It is my hope that the bitter lessons of Tenn-Tom will not be forgotten.

The article follows:

[From the New York Times, Feb. 16, 1986]

TOMBIGBEE WATERWAY USE FALLS SHORT OF FORECASTS

(By William E. Schmidt)

ATLANTA, Feb. 15.—For decades Congress hotly debated the Tennessee-Tombigbee Waterway, a 234-mile-long system of rivers, dams, locks and canals that snakes through the cotton fields and poor rural landscape of eastern Mississippi and western Alabama.

Proponents in Alabama and Mississippi, who ultimately prevailed, said it was a much-needed link in the nation's system of inland waterways, a shortcut from the Tennessee and Ohio Valleys to the Gulf of Mexico. Congressmen from other regions called it a $2 billion boondoggle, the worst kind of pork barrel politics.

The waterway, known locally as the Tenn-Tom, was opened to barge traffic in January 1985 and has come up embarrassingly short of expectations. In its first 12 months, according to figures made public early this month, 1.7 million tons of cargo, barely 6 percent of the tonnage originally predicted, moved through the lock and dam at Columbus, Miss., the midpoint on the waterway.

A 1976 study by the Army Corps of Engineers forecast that 27 million tons of cargo would move along the waterway in its first year of operation. Even last summer officials of the Tennessee Tombigbee Waterway Development Authority were hoping it would carry 15 million tons.

BIG COAL TRAFFIC PREDICTED

The 10-year-old corps study was frequently cited by proponents to justify building the waterway, one of the costliest public works projects ever constructed in the United States. The study predicted that 75 percent of the shipments would be coal bound for foreign markets.

The study predicted that 17 million tons of coal would be moved in the first year of operation, but only about 500,000 tons of coal was shipped.

Pat Ross, assistant director of the authority, said the Tenn-Tom had been the victim of slumping foreign demand for coal, lumber, grain and other bulk products that inland waterways are designed to move most efficiently.

Barge operators on the Mississippi River have experienced similar economic difficulties, Mrs. Ross said.

TONNAGE INCREASES PREDICTED

"In 1976 it looked like rising energy prices would force everyone to go to coal," she said. "As we all know, that didn't happen." Mrs. Ross predicted that tonnage would rise at least to four million tons through 1986 as new loading facilities along the waterway come into use.

A Corps of Engineers study forecasts an increase to 13 million tons, but Mrs. Ross believes that estimate may be too optimistic.

Although many others do not agree, Mrs. Ross says the system is no boondoggle. "Up to now, people in this part of Alabama and Mississippi have lived in depressed circumstances, emotionally and economically," she said. "The waterway at least holds out the hope of industrial and economic development. You can't just look at the tonnage."

Although some local economists dispute the figures, the waterway's proponents say that more than $100 million in public and private development has occurred along the waterway, including new grain terminals, a steel fabricating plant and scrap iron terminals.

RECREATIONAL USE POPULAR

The waterway has had at least one effect on the communities along it. There has been a boom in recreational boating as residents take advantage of the wide canals and the reservoirs created by the locks and dams. Several marinas have opened, and boat dealers report good sales, Mrs. Ross said.

Mrs. Ross said shipments on the waterway increased steadily over the year. In its first seven months about 626,000 tons moved through the Columbus lock. In the last five months more than one million tons was shipped.

"Part of the problem is that we finished two years ahead of schedule, so that some industries and companies have been slow to invest in loading and unloading facilities," she said.

But in Mobile, Ala., at the mouth of the waterway, the opposite is true. There, city and state officials invested $230 million in new docks and loading facilities that are going virtually unused because so little traffic is using the canal.●

NATIONAL INSTITUTIONAL FOOD DISTRIBUTOR ASSOCIATES (NIFDA)

● Mr. NUNN. Mr. President, I would like to recognize a major contribution by the National Institutional Food Distributor Associates [NIFDA] of Atlanta, GA in support of professional education at the Culinary Institute of America in Hyde Park, NY.

By a unanimous vote of its board of directors and member distributors, NIFDA, one of the Nation's largest food distribution organizations, has pledged a $100,000 NIFDA Culinary Endowment Scholarship Fund to the Culinary Institute of America. This is the largest endowment of this type ever received by this institution.

Through this and many other supportive acts, NIFDA has demonstrated clearly its determination to share in the responsibility for developing a new generation of foodservice professionals that our Nation needs, as well as encouraging established professionals—through numerous continuing education programs—to upgrade their skills and realize their full potential.

As Robert L. Mays, Jr., chairman of NIFDA, said at the announcement ceremony for the Endowment Fund,

At NIFDA, we have long felt that one of the most important services that we could provide to our member distributors and their customers was to support meaningful career development programs in whatever ways possible.

The NIFDA Culinary Endowment Scholarship Fund to the Culinary Institute of America is a tangible expression of NIFDA's ongoing commitment to helping individuals advance and assume positions of responsibility in our field.

Today, one in three meals is eaten outside the home. And by the year 1990, that ratio will rise to one in two. Of necessity, this presents a major challenge to the foodservice industry; that being to satisfy the public's growing demand for high quality yet economically priced foodservice.

NIFDA's magnanimous contribution to support the educational efforts of the Culinary Institute is a fine example of how industry can and should support vocational education. In essence, it is a mutually beneficial arrangement: industry assists the educational institutions which, in turn, provide the skilled entry level people that the industry needs to ensure its future strength and vitality.

A sharing of the responsibility to educate future professionals by industry and academia is a cornerstone of our economic system. By working as a team, industry can help provide young people who show promise with the means to obtain the education they need to become contributors to, rather than merely recipients of, the reward of our society.

Let us hope that the NIFDA Culinary Endowment Scholarship Fund to the Culinary Institute of America serves as a challenge to others in the foodservice industry, as well as firms in other fields, to share in this important task: to take a leadership role and support in every way possible the cause of vocational education.

NIFDA and other farsighted organizations realize that the soundest investment a business can make is in the development of human potential.●

ESTONIAN INDEPENDENCE DAY

● Mr. SARBANES. Mr. President, February 24 marked the 68th anniversary of the Estonian Declaration of Independence, a declaration that is both a reminder of the rich heritage of the Estonian people and an expression of their enduring faith in the future. It is therefore a particularly appropriate time to pay tribute to the courage of the Estonian people, for while their personal and national integrity is cru-

elly oppressed it has not been extinguished.

European nations and empires of Europe have fought over the Estonian soil for centuries but foreign domination has never destroyed the identity, dignity, or pride of the Estonian people. When the Estonian Republic was established after World War I, its citizens expressed their commitment to a free and democratic society in a remarkable Constitution, a document modeled after the Swiss, French, and United States Constitutions, and a beacon of democratic government and human rights.

During the brief period between World Wars I and II, Estonians prospered. They attained exceptionally high educational standards, and growth in the major spheres of industry and agriculture became a model for other democratic nations. In our Nation today 100,000 Estonian Americans contribute greatly to the cultural, economic, political, and academic growth of their adopted American communities. They truly bring a deep respect for the traditions of freedom and democracy to every activity, traditions carried with them from their homeland.

Estonian Independence Day symbolizes the spirit and perseverance of the Estonian people. It provides an opportunity for Americans to reflect upon the proud heritage of their fellow citizens of Estonian descent and their dedication to the principles of liberty and freedom for which Independence Day stands. It is an occasion to remember courageous Estonians like Mart Niklus, who has spent virtually all of his adult life in prison, and others like Tiit Madisson and Lagle Parek, who also continue, against all odds, to speak out in support of the basic human rights defined in the Helsinki Final Act and in protest of Soviet violations of these and national rights.

Let us also take this occasion to remember Jüri Kukk, who did not survive his terrible ordeal, but who left behind indelible memories of his devotion to freedom. In this connection let us recall Prof. Ivar Ivask's poem "Verandaraamat," a portion of which has been printed in "The Case of Jüri Kukk" by Rein Taagepera, professor of social science and Chair of the Program in Politics and Society at the University of California, Irvine.

The passage eloquently sums up Jüri Kukk's own devotion to freedom, and I ask that it be printed in the RECORD.

Freedom's children
don't always make it
to Freedom Square
they get sidetracked
temporarily
to history's
choked-off
dead-end streets
they try to lift
the whole city
into the air
but not easily
is one detached
from native shores
For centuries now
Saint George
has been lopping off
dragon heads
proliferating
from a sea of blood
until one day
the yesterday-
butchered
rooster of freedom
will crow
for freedom's children
on Freedom Square●

MOST DISTINGUISHED GREEK AMERICAN AWARDS

● Mr. DIXON. Mr. President, on March 8, 1986, the United Hellenic Voters of America will honor four men for their outstanding contributions to the Greek-American community. It is my privilege to acknowledge these well deserving recipients of the Most Distinguished Greek American Awards for 1986.

Dr. Alexander Doolas is presently a senior attending surgeon at the Rush Presbyterian St. Luke's Hospital in Chicago. He is also a director of undergraduate surgical education at the Rush Medical College and a very respected individual in the Greek-American community.

Rev. Father Emmanuel M. Lionikis has served the church in many capacities during his 39 years in the Diocese of Chicago. He has published a number of church service books and is highly regarded in the community at large.

The Honorable Steven G. Nash was elected to the Senate of the Illinois General Assembly in 1978–82 and then elected to the house of representatives in the Illinois General Assembly. He is well respected as a legislator and community leader.

Mr. Tom Angelos was a newspaper publisher and editor in Greece. Currently, he is the owner and manager of the successful Ambassador Banquets and in 1983 received "A Good American Award" for his distinguished leadership in the American Security Council. He is a fine businessman and great contributor to the Greek-American community.

The Greek-American community now recognizes these men for the continuous and dedicated services they have rendered. I join in congratulating these honorees for this well-deserved distinction.●

THE YEAR OF THE TIGER: CHINESE NEW YEAR

● Mr. SIMON. Mr. President, February 9, 1986, marked the 4684th Chinese New Year. This is the Year of the Tiger, which signifies prosperity and courage. Chinese New Year is a very special holiday to all Chinese people. It is regarded as a time of new beginnings to be celebrated with family and friends. The new year is an opportunity for the Chinese to honor their ancestors and remember those who are dear to them by exchanging gifts and celebrating.

We, as Americans, should recognize the importance of this holiday and join in the spirit of festivity. The Chinese people have made significant contributions to our society in many areas. With the increasing Chinese immigration, we see their culture being molded with ours. The Chinese have made remarkable contributions in the areas of science and technology and receive our utmost respect and gratitude.

In my home State of Illinois, the Chinese have united to form an Asian coalition. This year they celebrated the third annual recognition of Chinese New Year. This demonstrates the desire of all Asians to be recognized and become active participants in their communities, of which they constitute a growing percentage.

In America, we pride ourselves on individuality, but also as a united nation of all races and cultures. The celebration of the Chinese New Year offers an opportunity to recognize the accomplishments of our Chinese Americans and look to the future for prosperity, as in the theme of the Year of the Tiger.●

REMARKS OF AMERICAN LEGION NATIONAL COMMANDER ON BUDGET CRISIS

● Mr. HEINZ. Mr. President, the American Legion has, for more than six decades, provided invaluable public service to our Nation. The national commander of the Legion, Dale Renaud, has asked me to have his remarks from the forthcoming American Legion magazine placed in the RECORD. While I am not always in full agreement with Commander Renaud, I think his views should receive careful consideration. I am glad to have this opportunity to present those views. I ask, that Commander Renaud's statement be printed in the RECORD.

The remarks follow:

VA DIDN'T CAUSE BUDGET CRISIS

(By Dale Renaud, National Commander, the American Legion)

During the first six months of my service as National Commander, I have gained an even greater respect for The American Legion's commitment to the nation—a sense of responsibility demonstrated virtually every day through efforts that may be directed toward the classroom, a local hospital, city hall, or Capitol Hill. In 1985 a substantial portion of those efforts were concentrated on Capitol Hill where our organization worked diligently to protect veterans programs from unreasonable budget cuts, and, in the process, to convince Congress that the Veterans Administration's record of effi-

ciency is unsurpassed by any other agency of its size.

Most of our objectives in Washington were achieved last year, but our struggle to ensure the reliable delivery of veterans benefits and services has already been resumed and we expect that it will continue throughout 1986. Our campaign during this Second Session of the 99th Congress will again be based upon VA's consistent ability to meet its mission at minimal cost to the taxpayer. As National Commander, I respect VA's record of service to veterans and, as a businessman, I respect its performance in providing a good product at a fair price.

From 1975 through 1984 federal spending for veterans programs increased by 55 percent, compared to a 163 percent average among other federal agencies. If government wide spending had maintained VA's ten year pace, federal revenues (taxes and other receipts) generated in 1984 would have been $168 billion greater than federal spending—a surplus of that amount. Unlike virtually all other agency budgets, one major account within VA's budget has automatically dropped to less than one-fifth its previous size. This item, educational assistance provided by the GI Bill, was funded at $5.5 billion in 1976 and is expected to cost less than $1 billion in 1986. When considering the billions of dollars in increased taxes paid by former GI Bill participants, the program's contribution to federal budget solvency is even more obvious.

As the second largest VA account, veterans medical care has been and is expected to be the principal focus of avid budget-cutters on or around Capitol Hill. Even this account, despite the rapid rise in medical costs generally, has been subjected to regular cost containment over the past ten years. Since 1975 federal spending for Medicare has increased three times faster than the budget for veterans medical treatment. Over the same period VA's health care costs have risen only 40 percent as fast as those of the private medical sector.

It's obvious that VA has not been a burden to the American taxpayer, and there can be no factually-based accusation that VA has aggravated the government's current budget dilemma. However, as a major government agency, VA is again being asked to sacrifice its "fair share" in order to restore financial stability.

CURRENT CIRCUMSTANCES

Amid mounting public pressure to regain some control over budget deficits, Congress and the President agreed last December to the most sweeping plan in history to reduce federal spending. Designed to balance the federal budget by 1991, this new law (P.L. 99-177) required cuts of $11.7 billion in the current fiscal year, $36 billion in Fiscal Year 1987, and similar amounts in each of the following four years. Known for its authors—Senators Gramm, Rudman, and Hollings—the plans primary objectives are to enforce aspects of the existing budget process and to slightly accelerate the process.

Gramm/Rudman/Hollings assumes that each of the next five Presidential budget requests submitted annually to Congress in January will conform to deficit targets set forth in the new law, beginning with a figure of $144 billion in Fiscal Year 1987. Congress may adjust the President's request, but all program savings and 13 regular appropriations bills must be enacted by late summer. The total cost of these measures will not be allowed to exceed the governing deficit target.

If Congress and the President fail to agree on these budget and appropriations bills by September 1 of any year, a "sequester" order will be issued mandating across-the-board cuts in many federal agencies effective October 1. These cuts, to be equally shared among defense and non-defense programs, will be at a percentage necessary to bring overall spending in line with that year's target.

In the event of a sequester order several programs, including veterans compensation, pension, and health care, would be sheltered from the full impact of automatic cuts. Compensation and pension would be exempt from any "freeze" in cost-of-living adjustments, and health care funds could not be reduced more than 2 percent. However, it must be emphasized that none of these sheltering provisions would apply if any earlier budget agreement is reached through the normal process.

We are currently encountering an example of this as Congress preliminarily considers the Fiscal Year 1987 budget. A variety of proposals have already surfaced to impose dramatic limitations in VA spending. With the goal of hitting the $144 billion deficit target, recommendations have been made that call for elimination of agencies such as the Small Business Administration.

Veterans health care is clearly on the list of budgets to be cut. "Increased productivity" ideas and related proposals seek to eliminate thousands of VA health care personnel, while fewer medical services for "non-priority veterans" are expected to shrink VA's annual inpatient caseload by more than 60 thousand and its outpatient treatment capacity by more than one million.

Recommendations have also been made to severely limit major hospital construction projects and to completely withhold funding for others. Regardless of local or regional demands, all replacement hospitals are expected to be built on a smaller scale.

All of these health care restrictions are being presented at a time when aging veteran demands for treatment are increasing, and VA construction projects are routinely coming in "under budget." To further aggravate these conditions, there are pending recommendations to deny transportation assistance to and from VA medical facilities.

Veterans of all ages could be affected because recently-enacted services to provide employment counselling, vocational rehabilitation training, and drug/alcohol abuse treatment are being challenged. All of these initiatives are relatively inexpensive and they were precisely tailored to meet specialized needs.

OUTLOOK

The American Legion, while supporting an adequate VA budget now and in future years, does not have to employ a sophisticated campaign. Our message to Congress is rather simple, and our position is strongly reinforced by budgetary facts. We are convinced that VA has done an admirable job of serving its veterans clientele within limited resources.

Credit for the job VA has done should be shared with Congress for constantly monitoring the manner in which veterans benefits and services have been delivered. Oversight hearings by the House and Senate Veterans Affairs Committees have been frequent and thorough over the years. A similar method of evaluation has been regularly carried out by both Appropriations Committees and, more recently, by both Budget Committees. These separate oversight activities have combined to create a balance between meeting the legitimate needs of veterans and observing the limits of federal funds.

In our opinion, specific efforts to modify the "Gramm/Rudman/Hollings" plan (P.L. 99-177) before enactment last December strongly suggested that Congress, in fact, does recognize VA's cost effectiveness. By exempting disability compensation and pension and by protecting veterans health care, Congress effectively sheltered almost 90 percent of the VA budget from the full force of automatic cuts under the plan.

Although these sheltering provisions are reassuring if future budget targets are not met, the regular budget process to meet those targets will involve serious consideration of much deeper VA cuts. We, of course, have already seen evidence of such cuts over the past 30 days as Congress begins to look at budget guidelines for Fiscal Year 1987.

The task that lies ahead will be difficult. Decisions to be made in Washington this year could fundamentally change veterans benefits and services, and excessive VA budget cuts would almost certainly destroy VA's ability to carry out its assigned mission.

Without the active participation of all concerned Legionnaires, these unfortunate events will likely occur. It, therefore, is our collective responsibility to constantly remind the Nation's leaders (1) that VA remains a strong example of cost effectiveness and (2) that elimination of services to veterans would likely transfer demand for those services to other government-sponsored programs, probably at greater expense. We simply cannot afford to allow VA to be victimized by a budget-cutting frenzy in which dollars may be saved with little regard for the associated human costs.●

SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS

● Mr. THURMOND. Mr. President, at the Judiciary Committee business meeting on Thursday, February 20, 1986, Senator SPECTER and Senator KENNEDY were added to the Subcommittee on Patents, Copyrights and Trademarks.

The membership of the subcommittee is as follows:

SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS

Mr. Mathias, Chairman

Mr. Laxalt	Mr. Leahy
Mr. Hatch	Mr. Metzenbaum
Mr. Simpson	Mr. DeConcini
Mr. Specter	Mr. Kennedy●

ORDERS FOR WEDNESDAY

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Wednesday, February 26.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. STEVENS. Mr. President, I ask unanimous consent that on tomorrow,

following the recognition of the two leaders under the standing order, there be special orders in favor of the following Senators, for not to exceed 15 minutes each: Senators McCLURE, DOLE, BAUCUS, BYRD, PROXMIRE, and HAWKINS.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that following the special orders just identified, there be a period for the transaction of routine morning business, not to extend beyond 11:30 a.m., with Senators being permitted to speak therein for not more than 5 minutes each, and that at the conclusion of routine morning business, the Senate resume the consideration of Senate Resolution 28, television in the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, the Senate will be asked to proceed to the consideration of any legislative or executive items that may be cleared.

Rollcall votes can be expected during the day on Wednesday.

When the television-in-the-Senate resolution is under consideration by the Senate tomorrow, the pending business will be the Armstrong amendment to delete from the amended version of Senate Resolution 28 the LONG germaneness concept.

Again I state that we do expect a vote on that measure tomorrow.

NOTICES IN WRITING OF INTENTION TO MOVE TO CHANGE CERTAIN RULES

Mr. BYRD. Mr. President, I hereby at this point in the RECORD file certain notices in writing of my intent to move to change certain rules among the Standing Rules of the Senate.

(The notices in writing of intent to change certain rules are printed in today's RECORD under Routine Morning Business.)

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess pursuant to the previous order.

There being no objection, the Senate at 6:58 p.m. recessed until Wednesday, February 26, 1986, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate February 25, 1986:

THE JUDICIARY

Eugene R. Sullivan, of Maryland, to be a Judge of the United States Court of Military Appeals for a term of fifteen years, vice Albert B. Fletcher, Jr.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 25, 1986:

THE JUDICIARY

Walter J. Gex III, of Mississippi, to be U.S. district judge for the southern district of Mississippi.

DEPARTMENT OF JUSTICE

Joseph M. Whittle, of Kentucky, to be U.S. attorney for the western district of Kentucky for the term of 4 years.

Roger Ray, of Virginia, to be U.S. Marshal for the eastern district of Virginia for the term of 4 years.

Richard S. Cohen, of Maine, to be U.S. attorney for the district of Maine for the term of 4 years.

Bohdan A. Futey, of Ohio, to be chairman of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 1988.

IN THE AIR FORCE

The following-named officer for promotion to the grade indicated under the provisions of article II, section 2, clause 2, of the Constitution of the United States of America:

To be lieutenant colonel

Jerry L. Ross, [redacted]

IN THE ARMY

The following-named officer for promotion to grade indicated under the provisions of article II, section 2, clause 2 of the Constitution of the United States of America:

To be colonel

Lt. Col. Sherwood C. Spring, [redacted]

IN THE MARINE CORPS

The following-named officer for promotion to the grade of colonel under the provisions of article II, section 2, clause 2 of the Constitution of the United States of America:

Lt. Col. Bryan D. O'Connor, U.S. Marine Corps, [redacted]/7508.

IN THE AIR FORCE

Air Force nominations beginning Roy J. Barnes, and ending Harold Yaskovich, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 29, 1986.

IN THE ARMY

Army nominations beginning Gilbert M. Horita, and ending Hubert Zinsmeister, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 29, 1986.

EXTENSIONS OF REMARKS

STRONG GROWTH AND LOWER INTEREST RATES REDUCES DEFICITS: LET'S CUT THE BUDGET DEFICIT BY CUTS IN SPENDING, NOT RAISING TAXES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. KEMP. Mr. Speaker, the turning point has been reached. The budget deficit is falling, just as many of us predicted it would. There are many reasons for the decline, including budget reductions arising from last year's budget resolution. But the underlying reason is that the economy has grown for 39 straight months and interest rates have come down.

The deficits will come down even more if the Federal Reserve Board reduces the discount rate and Federal funds rate, and the Congress passes a fair and simple tax plan to increase economic incentives for economic growth with reducing Federal spending as well.

I hope my colleagues will read this article. Perhaps some of the counterproductive hysteria about deficits will be reduced, and we can get on with the important work of promoting full employment with inflation.

ECONOMISTS NOW DETECT FALLING TREND IN DEFICIT

(By Peter T. Kilborn)

WASHINGTON, February 19.—The Federal budget deficits that have bedeviled the economy since the start of the Reagan Administration have reached a turning point, according to Government and private analysts.

They have stopped going up, and as far as such experts can see, they are now going down. They are declining, they say, even without the contribution of cuts required under the new balanced-budget law, except for the small ones taking effect this year.

An awareness of this shift has not yet become part of the conventional economic wisdom, because the turnaround is only now being detected by economic analysts in Government and the private sector. The emerging trend, if it continues, means that the nation's most divisive economic issue would begin to recede.

No longer do most analysts worry about $200 billion deficits stretching "as far as the eye can see," in the words of the President's former budget director, David A. Stockman. Many analysts now believe that the deficit is likely to fall by $20 billion a year even without further action by Congress, and by more as Congress strives to meet the declining deficit ceilings of the new law.

"The problem that was unsolvable is now solvable," said one of Mr. Stockman's former chief economists, J. Gregory Ballentine.

"There's no question that anybody who had in mind the projections of some months ago now sees a very much more favorable outlook," said George L. Perry, senior fellow at the Brookings Institution, the public policy research organization here, and economic adviser to former Vice President Walter F. Mondale, who lost to Mr. Reagan in the 1984 Presidential campaign.

Declining deficits, economists say, should contribute to lower interest rates, help the dollar decline, strengthen the industries that have lost ground to foreign competitors, and in general put the economy on a sounder footing.

INTEREST RATES KEPT UP

To be sure, the deficits remain high. Analysts say they still trouble the economy in that they keep interest rates higher than they might otherwise be, stifling business investment.

And, they say, the deficits would worsen if the economy falls into a severe recession. Even without a recession, deficits would remain large if for any reason interest rates should rise or if the economy were to grow slowly for a period of years.

Higher inflation, too, could create difficulties by causing higher interest rates. Today, Paul A. Volcker, the chairman of the Federal Reserve Board, expressed concern that the falling dollar might touch off new inflation by raising the price of imported goods. One way to support the dollar would be to keep interest rates from falling further; high interest rates have attracted foreign investors to the dollar, giving it much of its strength.

Henry Kaufman, the economist at Salomon Brothers, and one of the most severe critics of deficit spending, said that "I still believe we have not yet shown a capacity to really deal with 'structural' deficits," the budgetary shortfall that persists even in a strong economy. But he added that "we have probably come off the top of the deficits."

Evidence of declining deficits, officials here said could weaken Congress resolve to cut them further. "It probably blunts our efforts a little bit," a senior Administration official said. "But now we see that we're not really as out of control as we thought we were."

The turnaround in deficit spending was occurring, analysts say, even before this winter's collapse of oil prices and the Gramm-Rudman-Hollings law that the President signed last December. Lower oil prices help close the deficit by speeding the economy's growth, which in turn means more jobs and higher profits for business, which in turn imply higher tax revenues for the Government.

Officials and economists attribute the underlying declining in deficits primarily to an expanding economy, lower interest rates than expected, and budgetary decisions Congress made last summer, notably cuts in future military spending from the levels President Reagan had projected.

The new law, requiring elimination of the deficit by 1991, would accelerate the now-apparent decline in the deficits, if it is not declared unconstitutional by the courts and if Congress does not amend it.

CHANGE IN ARITHMETIC

On Tuesday, with the publication of its annual outlook for the budget and the economy, the nonpartisan Congressional Budget Office, demonstrated the extent to which the deficit arithmetic has changed.

One year ago, the budget office projected annual increases in the deficit, from $214 billion the last fiscal year—the actual figure was $212 billion—to $296 billion in 1990.

The figures, called "baseline" projections that assume no change in budget policy, also showed the deficits representing slightly more than 5 percent of the gross national product, unusually high except in wartime.

The new budget office outlook, by contrast, shows steadily falling deficits from $208 billion in the current 1986 fiscal year to $120 billion in 1990, or less than half last year's projection. In addition, it shows the deficit falling as a percentage of the gross national product from 5 percent this year to 2.1 percent in 1990.

The projections are based on a stable military budget, after years of substantial increases; economic growth of slightly more than 3 percent a year, slowly falling interest rates and declining unemployment.

DOUBTS RAISED IN CONGRESS

Such assumptions, substantially more optimistic that those used previously by the budget office, have raised doubts in Congress that deficits can decline at the rate that such projections show.

Using different techniques and in some respects different data, the Administration's Office of Management and Budget shows similar trends in the budget that the President proposed to Congress early this month.

The new budget shows significant changes in two major categories of Government spending—the military, which accounts for 28 cents of the budget dollar and the interest the Treasury pays on the accumulated deficits in the national debt, which accounts for 14 cents.

For 1990, the year for which both the President's budget projects a deficit of $126 billion, military spending is projected at $354 billion on a "current services basis," which assumes no policy changes before then.

The figure is nearly $90 billion below the level the President projected a year ago.

Also by 1990, the President's budget shows interest expenses of $135 billion, nearly $60 billion below the figure published in last year's budget proposal. The interest expense reduction is largely the consequence of lower deficits on which the Government has to pay interest and as assumption of steadily lower interest rates. The Administration's assumed interest rates are a good deal below those of the Congressional Office.

Because of such changes and because both the budget office and the Administration both assume a longer stretch of recession-free growth than the economy has experience in two decades, deficits are projected to drop by roughly $20 billion a year from 1987 through 1991.

The deficit figures of the two forecasts vary somewhat year by year, but by 1991,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

each reaches a deficit of $104 billion, or 1.7 percent of the gross national product expected then.

TEST BAN RESOLUTION DESERVES WIDE SUPPORT

HON. GEORGE E. BROWN, JR.
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. BROWN of California. Mr. Speaker, tomorrow we will be voting on the Bedell-Leach resolution regarding the limitation of nuclear testing (H.J. Res. 3). I urge my colleagues to support this measure, for it represents a sound step toward enhancing U.S. national security. More importantly, its passage could improve the prospects for progress in the Geneva talks.

House Joint Resolution 3 calls on the President to take two sensible actions: First, request advice and consent of the Senate on the ratification of two testing limitation treaties signed during the Nixon and Ford administrations; and, second, propose to the Soviet Union the resumption of negotiations on a comprehensive nuclear test ban treaty. Let me first address the importance of the two unratified testing treaties, the Threshold Test Ban Treaty [TTBT] of 1974 and the Peaceful Nuclear Explosions Treaty [PNET] of 1976.

The value of these treaties is not that they place strict limitations on nuclear testing; they do not. The United States has conducted more than 150 underground nuclear tests during the period that it has informally adhered to the treaties. No, the real value of ratifying these treaties lies in other areas.

First, ratification of these treaties would demonstrate to the world that the United States is capable of carrying the arms control process through from beginning to end. The fact is that the United States has failed to ratify three important arms control treaties—SALT II, TTBT, and PNET—which it has negotiated and signed with the Soviet Union. Each has fallen victims to political forces in our society that are opposed to arms control. Ratification of these signed and sealed—yet officially inactive—treaties would show that we, as a nation, can rise above partisan and ideological differences to unite around arms control measures. Doing so could only assist our efforts to reach new agreements with the Soviets.

Second, ratification of these treaties would initiate the process of developing new verification measures for future United States-Soviet arms accords. The Threshold Test Ban Treaty—which sets an upper limit of 150 kilotons on underground explosions—includes unprecedented cooperative measures for enhanced verification, including onsite inspections and the exchange of geological data. Only through ratification will we enjoy the benefits of these provisions. For an administration that has consistently opposed arms control on the grounds of inadequate verification measures, opposition to these already established, important verification procedures is wholly contradictory.

The most important contribution of House Joint Resolution 3 is its second provision, which calls for the resumption of negotiations aimed at a comprehensive test ban treaty [CTBT]. A CTBT is long overdue. The superpowers have been working toward a complete cut-off of nuclear testing for close to 30 years. A final treaty was nearly achieved in 1980, but the talks broke off in the wake of the Soviet invasion of Afghanistan and have not been resumed since.

A complete ban on nuclear testing has been a goal of every American President—Democratic and Republican—since Dwight D. Eisenhower, except President Reagan. Yet this administration's opposition to a test ban is based on unsubstantiated and conflicting claims.

When the Soviet Union announced its unilateral testing moratorium 7 months ago, inviting the United States to join in a test ban, the administration quickly rejected offer with a claim that the United States was trailing the Soviets in nuclear testing. Mr. Reagan told the press, "The Soviet Union is ahead of us in the development and modernization of nuclear weapons. They have just finished their tests."

This is patently false. In terms of numbers of nuclear detonations since 1945, the United States has conducted nearly 200 more than the Soviet Union—750 for the United States compared to 560 for the U.S.S.R., according to the Stockholm International Peace Research Institute. Moreover, the United States is years ahead of the Soviets in nuclear weapons design. The Soviets need many more tests to achieve the same miniaturization of warheads that the United States has accomplished. A comprehensive test ban would prevent further reductions in Soviet warheads, and thus preclude a possible doubling or tripling of the warheads carried atop each Soviet SS-18, SS-19, and SS-24. For this reason a CTBT would enhance our national security.

The administration argues that continued warhead testing is needed to maintain a reliable nuclear arsenal. But this argument is completely at odds with one of the principal arguments now used in support of the administration's prized strategic defense initiative [SDI] program.

Administration officials have conceded that the SDI is incapable of producing an astrodome defense that would protect the United States public from Soviet nuclear attack. Instead, the most popular current argument for developing an SDI space shield is that it would enhance deterrence by complicating Soviet attack plans. Yet a CTBT could accomplish the same goal more quickly and without the expense. One of the great dividends of a lasting ban on nuclear testing would be that over time both nations would lose confidence in the reliability of their arsenals. A comprehensive test ban would be a no-cost method of adding new uncertainties to nuclear warfighting plans, and it is available to us today. In sharp contrast, an SDI defense is decades—and hundreds of billions of dollars—away.

Inadequate verification is the third objection raised by the administration against a CTB. Yet the verification argument is a ruse. The United States has developed an effective worldwide seismic monitoring network to detect, locate and identify Soviet nuclear explosions. The capability of this system was recently demonstrated when a seismic station in Norway detected a one-half kiloton nuclear detonation 2,600 miles away at the central Soviet test site. The United States is in the process of placing additional monitoring stations in other Nordic countries. And new verification technologies are emerging, such as sensors that detect the effects of underground nuclear tests on the ionosphere.

There are also cooperative efforts that could be undertaken. During the 1978 CTB negotiations the Soviets agreed in principal to the installation of 10 tamper-proof seismic monitors on their territory. This also accepted the need for challenge inspections, which would provide for onsite verification in the event of uncertainty over compliance. The Soviet position on verification of a nuclear test ban has evolved substantially over the years. Consider, for example, the statement made by Soviet Premier Gorbachev last month, during his speech announcing the new Soviet arms control proposal:

> There are no grounds for possible references to verification as an obstacle to establishing a moratorium on nuclear explosions. We state quite categorically that verification is not a problem for us. If the United States embarks on ending all nuclear explosions on a reciprocal basis, the proper verification of the observance of the moratorium will be fully ensured by national technical means and also with the help of international procedures—with on-site inspections where necessary. We invite the United States to agree to this.

This is a remarkably forthcoming statement regarding verification. Yet only through negotiations will the United States learn how far the Soviets are willing to go to meet our verification concerns. House Joint Resolution 3 recommends that negotiations on this matter be resumed at the earliest possible date. This seems entirely in order.

One of our Nation's leading seismology experts, Dr. Lynn Sykes of the Lamont Doherty Geological Laboratory, has put the verification issue into perspective well with these words:

> The scientific and technical basis of verification of a comprehensive test ban were in place at least 15 years ago. I think the time has long since passed in which verification could be cited as a possible argument against concluding a comprehensive test ban.

The time for such arguments against the CTBT has indeed long since passed. The "sorry, but it can't be verified" argument belongs to an earlier era, a time when verification technologies were far less sophisticated then they are today. Remember, my colleagues, this is an administration that claims it is possible to develop a star wars defense; a system that would be required to detect hundreds of thousands of small targets traveling at high velocities thousands of mile away. Compared to this daunting technological feat, the detection of seismic shock waves from a surreptitiously detonated nuclear bomb would be easy.

The true reason for the administration's opposition to a nuclear test ban is that it wants to keep testing. It wants to develop the X-ray laser device for its SDI Program. It wants a new tactical nuclear missile for battlefield use

in Europe. It wants two new nuclear weapons for antisubmarine warfare missions. In short, it has no desire to curb the development and deployment of new nuclear weapons.

But the spiraling arms race must be brought to a halt. It is one of the great misfortunes of our time that a comprehensive test ban was not achieved by President Kennedy and Soviet Premier Khrushchev in 1963 when they settled instead for a partial test ban treaty. If a CTBT had been enacted then we never would have heard of the SS-18, SS-19, the MIRV, or the neutron bomb. These destabilizing developments would have been prevented. The nuclear weapons deployed today would have been rendered obsolete by the test ban, and we would have been spared the star wars proposal allegedly aimed at the same objective.

Having missed the opportunity to stop testing in the 1960's is no reason to refrain from negotiating a test ban now. On the contrary, a nuclear test ban would play a valuable role in preventing the creation of new and yet unforseen nuclear genies.

I urge my colleagues to support House Joint Resolution 3. It is a modest initiative aimed at a worthy goal.

A MENSCH WITH A MISSION

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to an outstanding individual, Elmer Cerin, whose sheer energy and commitment to his work is an inspiration to us all.

The unique qualities that Elmer possesses have earned him much admiration and respect on Capitol Hill. His achievements and dedication are testimony to his fighting spirit and to the passion he applies to his work. The fact that he is recognized across the Hill is evidence of his commitment—in my office alone we consider him a member of our staff.

He is a rare breed, a man who does what he does not for public recognition, but because he believes in it. Thus, when honored, the honor is all the more deserved.

I commend to the attention of my colleagues the following article: "A Capitol Hill Persuader Nonpareil" which appeared in the New York Times on February 5, and wish a man I am proud to call my friend, Elmer Cerin, every continued success.

A CAPITOL HILL PERSUADER NONPAREIL

Washington, February 21.—At an age when most people are retiring, 67-year-old Elmer Cerin began a new career as a lobbyist, and unlike most others in the pinstriped army that invades Capitol Hill each day, he works free of charge.

His motivation? In 1977 Mr. Cerin's wife, Sylvia, was diagnosed as having amyotrophic lateral sclerosis, a usually fatal degenerative disease of the nerve cells more commonly known as Lou Gehrig's disease or A.L.S. Mr. Cerin could do little to ease her suffering, and as a lawyer well-schooled in the minutiae of this city's bureaucratic legal practice, he recalls feeling frustrated and powerless.

"When the doctor first diagnoses it, A.L.S., they don't even know how to pronounce it," Mr. Cerin said. "I was lost. I didn't know who to go to or what was involved."

Mr. Cerin became vice president of the Amyotrophic Lateral Sclerosis Association for the Washington area and began lobbying for research money.

HE'S A SPITFIRE

According to Jean O'Shea, operations manager of the association, Mr. Cerin has raised several hundred thousand dollars. "He's a spitfire," she said. "That man has more energy than 10 of us."

Mr. Cerin has since become a kind of all-purpose health lobbyist. The issues he works on include Medicare and Medicaid, home health care for the elderly and victims of neurological disorders, and hospice care. He has taken on the tobacco industry, drug manufacturers and the Reagan Administration.

Mr. Cerin's technique is not subtle. Now 75, he is in constant motion, moving through the marble halls of House and Senate office buildings, a 5-foot-3 whirlwind with a white beard, thinning hair, bright eyes and quick stride.

"He's a tiger," said Representative Ronald Wyden, Democrat of Oregon. "He just bursts into our office with enthusiasm about issues important to seniors. He keeps us informed, and he keeps the Congress on its toes."

Representative Henry A. Waxman, the California Democrat who is chairman of a House panel on health and the environment, said of Mr. Cerin, "He's an unofficial member of my subcommittee staff."

"He is very sincere and knowledgable, and it's hard to say no to him," Mr. Waxman added. "He tells you what is at stake, and usually what is at stake is life or death for many people."

Known to staff members all over Capitol Hill, Mr. Cerin has been particularly successful in securing co-sponsors for legislation. His secret? "I spend no more than 20 seconds in one office unless the individual wants to spend more time with me asking questions," he said, adding that most members and staffs were cooperative and he was not deterred by the few who hamper his efforts.

"I give ulcers, I don't get them," the lobbyist said.

Mr. Cerin counts among his most recent victories efforts that helped produce the law requiring rotating warning labels on cigarette packets. He also helped bring about passage last year of a law that provides incentives for the development of drugs for rare diseases or conditions.

"We were very worried the President would veto the bill," Mr. Waxman said of the drug law. "Elmer got together with all the groups and got them to write letters and make phone calls to the White House."

In this legislative session, Mr Cerin is focusing on proposals that would restrict the advertising and sale of smokeless tobacco, limit smoking in government buildings to specific areas and provide heroin to terminal cancer patients.

"Eventually, we're going to win," he said of each effort.

Meantime, Mr. Cerin also maintains an interest in the illness that ultimately killed his wife. The disease affects about 4,600 people in the United States each year and is fatal to most within three to five years.

With the aid of private nurses, Mr. Cerin cared for his wife at home until she could no longer move, then helped care for her at a nursing home until her death in 1980. Since then he has helped other victims secure literature and medical equipment.

"During my lifetime if I can reduce suffering in this world a little bit, I will be more than rewarded for all my efforts," Mr. Cerin said.

Why does he now work for nothing? He doesn't need the money, he says: "I was a good lawyer."

Mr. Cerin has had four careers in his more than 50 years in Washington, including service in the Roosevelt and Truman Administrations, more than two decades with the Postal Service, private law practice and lobbying.

The only exception to this trail of success was a recent venture into theater.

"They panned it terribly," Mr. Cerin said of the reviews of "Marmara the Gypsy," a play, in which he played a rabbi, that ran for only four days at the Kennedy Center last fall.

But he was not unduly distressed by his failure to achieve stardom. He plans to continue lobbying.

"I have another 25 years to go," he said. "A lot of people are looking to me to help them."

PACIFIC CAUCUS OF PARLIAMENTARIANS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. HAMILTON. Mr. Speaker, in January 1986, several of my colleagues and I had the opportunity to meet with colleagues from Parliaments in Europe and Asia to discuss common problems and economic, political, and security issues which span both the Atlantic and Pacific Oceans.

Following is a summary of the conference prepared by the Honorable George M. Seignious II, president of the Atlantic Council. The Council, and the Pacific Forum, located in Hawaii, organized the conference. I urge my colleagues to familiarize themselves with the Pacific Caucus because I believe it is likely to play an increasingly important role in fostering dialogs among parliamentarians on critical foreign policy issues we confront in the Pacific region.

The summary follows:

THE PACIFIC CAUCUS

A CONTINUING DIALOG AMONG PARLIAMENTARIANS OF THE DEVELOPED DEMOCRACIES

In June 1983, a working group of the Atlantic Council of the United States, under the chairmanship of the subsequent U.S. Ambassador to NATO David M. Abshire, recommended in the policy paper "Strengthening Interparliamentary Consultation" that closer interparliamentary ties should be encouraged among developed democracies in Western Europe, Canada, the United States, Australia, Japan and New Zealand, all members of the Organization for Economic Cooperation and Development—a recommendation seconded personally by President Reagan in his foreword to the paper. The recommendation was made in light of the growing interrelationship of Atlantic and Pacific political, economic and security issues, and the belief that the future well-being of our society will be determined not only through our continuing

collective security arrangements but through increasingly broader economic and political cooperation among the developed democracies.

Within two years of the announcement of this recommendation, a significant step in its implementation was achieved with the inaugural Pacific Caucus of Parliamentarians held at Makaha, Oahu, Hawaii January 4-7, 1985. This first Pacific Caucus, organized by the Pacific Forum in cooperation with the Atlantic Council, was attended by twenty-five parliamentarians from the United States, Canada, Australia, Japan, New Zealand and the European nations of the North Atlantic Assembly (NATO's parliamentary asembly). The United States delegation was led by Senate Governmental Affairs Committee Chairman William V. Roth and House Foreign Affairs Committee Chairman Dante B. Fascell. A third Congressional committee chairman, Representative Lee H. Hamilton of the Select Committee on Intelligence, was an active participant as were several other distinguished members of Congress from both parties. Non-American attendees included the Canadian Defense Minister, the leader of the New Zealand Opposition, representatives of three of Japan's political parties including the Secretary General of the Japanese Diet Committee on Comprehensive Security, as well as the President and Members of the Standing Committee of the North Atlantic Assembly.

Reinforcing the North Atlantic Assembly's broadened parliamentary dialogue, this first Pacific Caucus provided an informal, candid and off-the-record opportunity for members of Congress and parliamentarians to: Exchange views on the interrelationship of Atlantic and Pacific political, economic and security issues; and develop personal rapport with their counterpart parliamentary leaders, enhanced understanding of each other's perspective of the issues, and fresh insights on shared problems and opportunities critical to their national parliamentary decision-making processes.

The 1985 participants concluded that the Caucus had proven to be a singularly valuable vehicle, not only in broadening their understanding of their respective regions of the globe, but in focusing on the increasing interdependence of the issues affecting them. The parliamentarians made particular reference to their need to counter the lack of information on this latter development among their publics, especially the successor generation of young leaders in their respective countries. There was also a firm consensus among the parliamentarians that the Pacific Caucus should be continued and broadened to include observers from the newly industrialized developing democracies of the Pacific.

The second Pacific Caucus, held at Turtle Bay, Oahu, January 10-13, 1986, and again sponsored by the Pacific Forum and the Atlantic Council, reinforced the conclusion reached at the first Caucus that a continuing Atlantic-Pacific dialogue is essential in arriving at a more comprehensive understanding of the complex global and regional issues with which we are confronted. Political, economic and strategic problems were discussed from various perspective providing the participants once again with an opportunity to share their deeper concerns and to examine their differences in an atmosphere of complete cordiality and candor.

Heading the seven-member United States delegation to the 1986 Pacific Caucus were Senator Roth and Representative Hamilton, the other attendees being Representatives Sala Burton (D-CA); Steny Hoyer (D-MD); Eldon Rudd (R-AZ); Denny Smith (R-OR); Larry Smith (D-FL); and Gerald Solomon (R-NY). The Japanese were again represented by a high-level Diet delegation including key members of the Comprehensive Security Committee. Representing Europe were two SPD members of the German Bundestag, two Conservative M.P.'s from Britain's House of Commons, a French Socialist member of the National Assembly and an Italian Senator with considerable experience in the defense field. Improved bipartisan participation was achieved from Australia, Canada and New Zealand, with those attending including, for example, the Chairman of the Australian House of Commons Committee on Arms Control and the External Affairs/Defense Critic of Canada's New Democratic Party. Also present for the first time were observers from Tiawan and the Republic of Korea.

At the 1986 Caucus, there was a frank and detailed discussion of international economic issues focusing on the dangers of protectionism and the need for fairness in our trade relations. The impact of Gramm-Rudman on the increasingly complex U.S. budget process and its implications for U.S. trade and aid policies also received special attention with U.S. congressional representatives urging other participants to recognize its importance in the coming year. Out of this developed an improved consensus on the global scope of and interrelationship between economic and security issues cutting across Atlantic and Pacific. A narrow, negative concept of "burden sharing" and toward a broader, more positive view of shared opportunities to improve our common welfare.

General concern was expressed about the increasing Soviet military presence in the Pacific and it was against this background that the participants discussed those regional disputes and the internal political and economic unrest in some countries that could contribute to instability in the area. Some problems touched upon in this discussion included:

The Philippine and the importance of free and honest elections there;

The Korean Peninsula where North Korea might seek to take advantage of any political or economic weakness in South Korea or any evidence of diminished U.S. will to maintain the military commitment to South Korea;

Balancing human rights and socio-economic stability as Korea moves toward elections and greater democratic rule in 1988;

Taiwan's self-image and the question of her continuing membership in the ADB as well as Taiwan's difficulties in trading with Europe and Canada;

The absence of any clear solution to Cambodia which is viewed as part of Vietnam's larger effort to absorb all of Indochina;

Terrorism and the need for a tough response but early consultation between allies on coordinated actions;

Soviet political influence in the South Pacific through the support of nuclear free zones concepts and the exploitation of anti-nuclear feeling in the region;

The increasing need for the West to recognize the political aspirations and economic needs of the newly emerging island States of the South Pacific;

The activities of the pro-Soviet WFTU with Pacific trade unions and its consequences unless countered by the free trade union movement;

The impact of the anti-nuclear posture of the Lange Government in other areas and its effect on the ANZUS alliance in preserving future security in the region.

The second Pacific Caucus, however, ended its deliberations on a high note of optimism for the future. Among the grounds cited for such optimism were the following:

The Soviets are back at the Geneva table thanks to SDI and INF but the U.S. must continue to consult with its allies on the SDI and begin negotiations with the Soviets about ABM ambiguities;

There is a new "Euro-optimism" as Europe increases intra-European cooperation on high technology;

Increased Japanese attention to defense and foreign aid with five defense budget increases and an increase of the self-defense perimeter to 1000 miles;

The PRC's moderate and effective agricultural and industrial policies resulting in greater stability in the region;

The rebound of the U.S. and European economies, impact of this rebound in the Atlantic and Pacific with a new optimism and unity now prevailing; and

An increasing political identity and economic dynamism with the development of ASEAN and its close alignment with the West.

So impressed were the participants of the second Pacific Caucus with its frankness, substantive depth and action-orientation that they called for broader participation, especially from Europe and the Pacific, at the next Caucus. Considerable sentiment was expressed for holding subsequent meetings annually in Hawaii if funding were available and, in this regard, Pacific Forum Chairman Phil Habib called for greater foundation support for this worthwhile endeavor. Whenever the next meeting is held, there can be little doubt that the first two meetings of the Pacific Caucus have proven its value in fostering a successful and continuing dialogue among parliamentarians of the developed democracies.

A LIFE OF LEADERSHIP AND SERVICE, FRANK RAICHLE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. KEMP. Mr. Speaker, it is with great sadness that I rise today to note the passing of a very good friend and great civic leader Frank Raichle, on January 24, 1986. Frank's life was dedicated to the service of our country, particularly in our home community of Buffalo, NY. Frank was a nationally respected and known trial lawyer, as well as a former leader of the Republican Party throughout New York State. His death is a loss we all share, and I commend to my colleagues the following retrospective from the Buffalo News:

FRANK G. RAICHLE IS DEAD AT 87; CELEBRATED BUFFALO TRIAL LAWYER

Frank G. Raichle, a nationally known Buffalo trial lawyer whose life became devoted to law after he stood in the wrong waiting line in City Hall 70 years ago, died today (Jan. 24, 1986) in Buffalo General Hospital. He was 87.

Raichle, a member of the firm of Raichle, Banning, Weiss and Halpern and its predecessors since 1921, was a fellow, regent and

past president of the American College of Trial Lawyers. For an American courtroom lawyer, there is no higher honor.

Although he argued countless cases in courts across the nation for decades, receiving many honors, Raichle was perhaps best known for his early association with Gen. William J. "Wild Bill" Donovan, his defense of controversial lawyer Roy M. Cohn and his roles as special prosecutor in a payroll-padding scandal that rocked City Hall in the late 1930s and, more recently, as an attorney for Mayor Griffin and the Common Council in the 1984 federal court fight over Board of Education funding.

In 1915, the Lafayette High School senior had passed the entrance exam to the U.S. Military Academy at West Point when his father sent him to City Hall to pick up a tax bill. But instead of waiting in the bill line, young Raichle found himself in a line for a sensational murder trial. The courts, not the military, beckoned him thereafter.

Over his father's objections, Raichle went to the University of Buffalo Law School and, at age 20, graduated third in the class of 1919. Raichle soon joined the law firm of "Wild Bill" Donovan, the World War I hero and former U.S. attorney for whom the Gen. William J. Donovan State Office Building is named. The firm became "Donovan and Raichle" in 1925, and Raichle became its local head when Donovan moved on to Washington, D.C., and the national political scene in 1929.

Raichle was married for 53 years to the Gladys Ferrin Raichle, who died in 1982. A music conservatory graduate and 6-handicap golfer when he married her in 1929, Raichle told friends he had only one regret about his new wife: "It's bad for family discipline when your wife can hit a golf ball twice as far as you can."

Raichle tried cases throughout the state, argued many appeals in all four Appellate Divisions and had numerous cases before the State Court of Appeals. He tried cases in all U.S. District Courts in the state and argued appeals in the U.S. Court of Appeals and U.S. Supreme Court. He also had cases in federal and state courts in many other states.

Raichle argued both for plaintiffs and defense clients in all types of civil and criminal proceedings, including antitrust, public utilities, condemnation, corporate, negligence, torts, defamation, civil rights and federal securities law.

In 1938, the governor ordered an investigation into Buffalo's affairs and named Raichle as special investigator. The probe initially centered on payroll-padding but spread to include the Police Department. A grand jury indicted 57 persons and six corporations and, in the end, 13 city officials were convicted, including a former mayor.

In 1965, Earl Warren, chief justice of the United States, named Raichle to a special committee to establish uniform rules of evidence for federal courts.

Cohn, legal aide to Sen. Joseph McCarthy in McCarthy's infamous communist "witch-hunting" days in the 1950s, was perhaps Raichle's most famous client. Cohn was hauled into court on criminal indictments twice in the 1960s and acquitted both times.

In the book "A Fool for a Client", Cohn referred to Raichle as "the eloquent and affable leader of the bar in Buffalo, typical of the breed of great trial lawyers. Raichle's genius is his distinguished courtroom presence and his keen sense of drama and humor."

Raichle was awarded the State Bar Association's 50-year Lawyer Award in 1976. He served on several special bar association study committees. He was also a member of a governor's committee on compensation for victims of car accidents in 1968.

In the 1950s, Raichle successfully represented Trico Products Corp. in one of the longest suits ever tried. For nearly 10 years in the same decade, he served as trustee in the Stirling Homex Corp bankruptcy proceedings. He was also a former chairman and director of the $200 million Donner Foundation in Philadelphia.

He was the original general counsel for the Buffalo Bills and was the Bills' corporate director until his death.

Raichle was a regent emeritus of Canisius College, where he served as regent from 1966 to 1975. In 1979, the college presented him with its Distinguished Citizen's Achievement Award.

Raichle was a member of the New York City, New York State, Erie County and American bar associations, the Trial Lawyers Association of Erie County, the American Judicature Society, the American Law Institute, the National Legal Aid and Defender Association and the International Academy of Trial Lawyers. In the American College of Trial Lawyers, a hallmark of the profession, Raichle became a fellow in 1954 and served as president in 1966.

He is survived by a brother, Joe L. Raichle, of Denver.

A memorial service is scheduled at 4 p.m. Tuesday in Trinity Episcopal Church, 371 Delaware Ave.

OSTEOPOROSIS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Ms. SNOWE. Mr. Speaker, I am submitting parts of the following article for the consideration of my colleagues, because I want to bring attention to osteoporosis, the "quiet disease."

I first introduced "National Osteoporosis Awareness Week" in 1984. Again this year, I have sponsored this resolution since I believe we continue to have a responsibility to inform our citizens about this essentially preventable disease. By designating a week beginning with Mother's Day, May 11, as "National Osteoporosis Awareness Week," I hope to encourage mothers, daughters and grandmothers to pay special attention to this serious problem by stressing the intergenerational aspects of osteoporosis. Men and women of all ages must become aware of this condition and learn what they can do to increase bone density in the younger years and diminish bone loss with age. I urge my colleagues to support this educational effort by cosponsoring "National Osteoporosis Awareness Week."

The following article, "The Quiet Disease," by Gerri Kobren was published in the Baltimore Sun on February 9, 1986:

[From the Baltimore Sun, Feb. 9, 1986]

"THE QUIET DISEASE"

(By Gerri Kobren)

For Madelin Osgood, the backaches, intermittent and not unbearable, did not seem to be a cause for concern. She was, after all, a sprightly 75. And, she says, "I thought almost every woman has a certain amount of low back pain."

Her back was bending, too, the once straight spinal column curving forward. "Over the years," she confesses, "I must have noticed it was changing." Since Mrs. Osgood had been a hairdresser for most of her life, she figured the days she spent hunched over her customers had taken their toll.

It was her daughter Carol, a teacher at Archbishop Keough high school, who recognized what was happening.

"I noticed that either I was growing, or that she was shrinking," Ms. Osgood recalls. At 44, she knew the first possibility was out of the question. "With all the publicity about osteoporosis, I thought maybe that was the problem."

Osteoporosis: porous bones. It is a quiet kind of disease. It gives no warning till the weakened bones begin to break. Vertebrae crumble and compress, sometimes painfully and sometimes not. The victim seems to get smaller or bent over. An elderly person slips and breaks a bone or, perhaps, sustains a number of tiny fractures and then falls down, and is suddenly incapacitated, maybe for months, maybe forever. National estimates put the number of osteoporosis victims at 15 million to 20 million, the number of osteoporotic fractures at 1 million to 1.3 million a year, the number of deaths from complications following fracture at 10 to 20 percent of patients.

The cost of care runs to $3.8 billion annually; the cost in human suffering is incalculable.

It's an ancient problem: old people—old women, in particular—have always had a lot of bone-breaking accidents; the kind of spinal curvature Mrs. Osgood has was recognized as a common development in older women and was referred to as "dowager's hump." And, while it has long been assumed that the jaws of the toothless elderly become smaller because there are no teeth to stimulate them, some scientists, according to the July 1984 issue of the *Tufts University Diet and Nutrition Letter*, have suggested that osteoporosis-weakened jaws may have caused or accelerated the tooth loss in the first place.

Science and technology have begun to catch up with observation and speculation. In the past few years has come understanding of some of the causes, preventive measures and treatment of osteoporosis.

"I never liked milk," declares Madelin Osgood.

Strike 1 against her: Milk is the primary source of calcium in the American diet; calcium is the primary component of bone, and most women in this country do not get nearly enough of it in their adult years.

"I never weighed more that 112 pounds in my life," she says.

Strike 2: Oddly enough, bone is strengthened by weight-bearing; most victims of osteoporosis are slender, lightly built women.

"We're of European background, Swiss-German on my mother's side and English on my father's side," Carol Osgood points out.

Strike 3: It can happen to anyone, but it is rare in men and black women, and occurs most often in white women of European background. Like her mother, Ms. Osgood does not drink milk; moreover, she smokes and she drinks phosphate-containing sodas, which are believed to cut down on calcium absorption. Her mother has the disease; she is at risk.

We like to think of bone as solid and stable, the stuff that remains firm and dependable while the rest of us shrinks and

wrinkles and withers away. But bone is not uniform. In the long bones of the arms and legs, it is primarily a compact "cortical" type; the vertebrae are a spongier, more changeable "trabecular" bone.

And change it does, constantly and continually. Generally bone grows and gets stronger in young people, and then weakens and gives up mineral after we hit 35. It is the repository of calcium, which the body requires for everyday processes like heartbeat, nerve conduction, and muscle contraction. If we take in more calcium-containing foods than we need, the body banks the excess in bone. If we do not take in enough, the body more efficiently extracts if from what we do eat.

If the deficit continues, the body begins to withdraw calcium from bone. This loss can be halted and reversed to a degree, but osteoporotic bone doesn't appear to regain normal density.

Because standard X-rays do not show losses until 30 percent or more of bone is gone, until the introduction of CAT scanning and the more recent a radiologic method known as "dual photon absorptiometry," doctors have not had a precise fix on how deteriorated the vertebrae might be. Dual photon absorptiometry calculates bone density in the trabecular bone of the spinal column by measuring how many photons pass through and how many are absorbed.

Researchers at the National Institute of Aging's Gerontology Research Center, housed at Francis Scott Key Medical Center (formerly City Hospitals), have produced dramatic charts of bone thickness in men and women aged 20 to 95:

For males, the graph shows a gradual decline starting at about age 45. For women the line drops precipitously from the mid-40s to age 60, and then forms a slower slope.

Another strike against women. Men, who generally consume more calcium-rich foods throughout their lives, who are generally more active, who generally have thicker, heavier bones in the first place, do not fall victim to osteoporosis or fracture—even in advance old age—as often as women.

Women, on the other hand, who are lighter-boned to start with, who traditionally are less athletic, who often are calcium-deficient even in their teens, are disadvantaged even before the menopausal shut-off of estrogen leads—for reasons not easily understood—to a sudden depletion of the already minimal stores. But excessive exercise can also be dangerous for young women, since it can lead to a reduction in body fat that results in a shut-off of estrogen.

The kind of publicity that made Carol Osgood aware of what was happening to her mother is pretty much inescapable these days. Pharmaceutical companies are producing an array of calcium supplements and are advertising them to the general public. Dairy producers and most medical and nutritional experts also are urging us to increase our intake. The 800 milligram RDA is now passe: A panel convened at the National Institutes of Health in April 1984, the American Academy of Family Physicians, and the American College of Obstetricians and Gynecologists are recommending a premenopausal intake of 1,000 a day and a post-menopausal increase to 1,500 a day.

There may be other benefits associated with increased calcium. Blood pressure reportedly has been lowered in some hypertensive patients who received calcium supplements, and cellular activity in the colons of people known to be at risk for colon cancer also has been reduced to normal levels.

However, all supplements are not created equal. They are of varying costs, tastes, and, since they are all compounds, contain varying amounts of calcium.

There are differences in palatability to consider, and differences in the number of pills needed for the 1,000 milligram-a-day requirement. And not everyone should run right out and buy a bottle of supplements of any kind; while studies to date indicate that extra calcium is benign for most of us, people prone to form kidney stones should certainly check with their physicians before swallowing any more of it.

When the Osgoods went to the Osteoporosis Clinic in August, their evaluations included diet histories, physical examinations, blood tests and X-rays, which showed severe bone loss in the mother and normal mineralization in the daughter.

Both women consulted with hospital dietician Ilene Fine. For Carol, still premenopausal, but with a history of milk avoidance, Ms. Fine recommended a daily supplement of 1,000 mg. of calcium. For Madelin, already suffering the effects of osteoporosis, she recommended a supplementation of 1,500 a day. She also gave Mrs. Osgood a list of other calcium-rich foods, like salmon and sardines, ice cream, cheeses, broccoli and tofu.

Madelin Osgood, an active woman whose episodes of backache generally followed several hours of gardening or other standing labors, also was seen by the hospital's director of physical therapy, Phil Schimberg. He advised her to allow hereself some rest, instructed her in the kind of "body mechanics" that would allow her to lift and pull without strain and pain, gave her muscle-strengthening exercises for her back, and told her to continue the walking she was doing.

"This is not something you do for two weeks," Mr. Schimberg says. "You have to commit yourself for the rest of your life, not to cure the osteoporosis but to remain as functional and comfortable as possible. The alternative is further postural problems, more pain, and greater disability."

THE 175TH ANNIVERSARY OF MASSACHUSETTS GENERAL HOSPITAL

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. BOLAND. Mr. Speaker, on this date, 175 years ago, the great and general court of Massachusetts granted a charter to an institution that has since become one of the preeminent medical facilities in the world, Massachusetts General Hospital. I take great pleasure in recognizing that historic date today. I regret that I am not able to join with my colleagues in public service, along with those from the business and medical community, as they celebrate the granting of that charter today in Boston.

Massachusetts General Hospital is a cherished institution for those of us who reside in the Bay State. By its contributions to the field of medicine, whether they be in research into the myriad ailments that face mankind, or in the education of physicians and scientists in the newest medical techniques, Massachusetts General has established itself as a leader in the health community.

For those people, in our country and around the world, who have benefited from the medical breakthroughs that have occurred at Massachusetts General, no amount of thanks or recognition could ever suffice. I would, however, like to especially note the foresight of those legislators who in 1811, granted the hospital's charter. I also want to congratulate Mr. Francis H. Burr, chairman of Massachusetts General's Board of Trustees, the hospital's director, Dr. J. Robert Buchanan, and all those individuals affiliated with Massachusetts General, as they mark this historic date in medical history.

Mr. Speaker, yesterday's Boston Globe ran an editorial which noted not only the 175th anniversary of Massachusetts General and its many contributions, but reminded us of the constrained economic climate in which medical institutions now operate. Quality medical care and research has always been expensive, and the costs related to that care can only be expected to increase in the years to come. But the results of that research have quite literally changed the quality of life on this planet. We have seen, however, numerous recent efforts to restrict the availability of funds for medical research, while requiring those with the least ability to pay a larger portion of their income for medical care. As we have come increasingly closer to finding solutions to today's great medical questions, we clearly should not be placing the research and treatment activities of institutions like Massachusetts General in a budgetary straitjacket. I believe that point is well made in the Globe editorial, which I commend to the attention of my colleagues. I would like to insert it at this point in the RECORD.

[From the Boston (MA) Globe, Feb. 24, 1986]

BARGAIN-BASEMENT MEDICINE

No one can question the past and present excellence of America's medical institutions, and particularly not when some of the preeminent among them—in Boston—celebrate important anniversaries. The real question is whether the current, hostile climate of cost containment will extract too high a price in the years ahead, eroding their capacity to maintain medical excellence.

Tomorrow, the Massachusetts General Hospital reaches the venerable age of 175 years. Like a mighty ocean liner, MGH has plowed the waters of medical greatness throughout its history.

In the 19th century, ether was first publicly demonstrated there, ending forever the suffering of surgery; appendicitis was first described and surgery proposed; the first antiseptic operating room opened; and the first medical use was made of X-rays.

In the 20th century, the staff of MGH described lead poisoning and found treatment for it; successfully reattached severed limbs; made practical the freezing and long-term storage of blood; and made, from living cells, the first artificial skin to treat terrible burns.

Through the years, MGH has triumphed on two other fronts—the training of doctors in affiliation with Harvard Medical School, and making sure that all sick patients who come to its door have equal access to quality care.

Now, as are other medical-teaching centers, MGH is threatened economically on all its fronts of excellence. Its director, Dr. J. Robert Buchanan, foresees that "MGH will have as good a shot as any in the country at maintaining preeminence and vigor," but he concedes that "all our institutions face great difficulty."

What began as desirable efforts to restrain rising medical costs now has become a national obsession. The Reagan administration finds allies in both political parties in Congress when the subject is trimming medical bills. Previous measures—such as caps on Medicare payments, tougher Medicaid eligibility, and new hospital reimbursement systems that shorten the time a person may stay in a hospital—are minor compared with the next round of proposed cutbacks.

Medicare changes would ask the elderly to pay for early days of hospitalization, humiliating older patients who cannot afford to do so. But they also harm hospitals that must take care of them—and bear the loss. Buchanan says, "If we were to sustain a 10-percent loss of Medicare reimbursement—Medicare patients now account for 35 percent of our work—I do not see how we can manage in the long run, even though we are committed to remain a bastion of quality and access as long as anybody in this business."

Major reductions also are pending in programs that support residency programs under which doctors train in hospitals. The cuts would slash funds for the senior physicians who supervise and administer the programs. How can quality medical training be maintained without appropriate instructors?

Under Gramm-Rudman budget-cutting, MGH and other teaching hospitals also face the loss of research funds—a spinoff of major cutbacks for the National Institutes of Health. This is singularly misguided economy. One of America's strengths is its prowess in biotechnology, which not only benefits mankind, but also has enormous economic implications.

Earlier this year, the New England Deaconess Hospital marked its 90th anniversary, and the Boston Visiting Nurse Association its 100th. Deaconess, another Harvard Medical School affiliate, is a national center for treatment and research into AIDS, diabetes and liver disease. Yet it faces the same pressures as MGH.

The mission of visiting nurses, exemplified by the Boston VNA, is similarly threatened. Nearly 85 percent of the Boston VNA's clientele are Medicare or Medicaid patients.

Unlike profit-making operations that can trim home-nursing costs by shaving quality, the Boston VNA set the standard for professionalism in the field. Although its services are more needed than ever, as patients are discharged from hospitals "quicker and sicker," federal cutbacks will provide it with less money and more work.

A former dean of Harvard Medical School, Dr. Sydney Lee, once wisely noted that "there is no bargain-basement medicine. Good medical care costs a lot of money."

At stake now is a larger question than medical cost alone. It is whether to let an overly narrow concern with pure costs undermine great medical institutions, as they struggle to carry on against formidable financial constraints.

NEW TECOM CHIEF, COL. JOSEPH V. DiGIACINTO, FACES EXCITING CHALLENGES

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. DYSON. Mr. Speaker, I would like to take this opportunity to congratulate Col. Joseph V. DiGiacinto on his selection as chief of staff for the U.S Army Test and Evaluation Command at Aberdeen Proving Ground in Maryland's First Congressional District.

In assuming this important post, Colonel DiGiacinto will begin filling the shoes of Col. Samuel L. Eure, who will serve as special assistant to the commanding general until his retirement this summer from what has been a most distinguished Army career.

Colonel DiGiacinto, who came to TECOM headquarters in 1983, brings the benefit of broad experience to his new assignment. Commissioned as a second lieutenant from the Reserve Officers Training Corps in 1958, Colonel DiGiacinto was transferred to Aberdeen Proving Ground in 1978 to command the 3d Battalion of the U.S. Army Ordnance and Chemical Center and School. He was graduated from the University of Dayton in 1958 and received his master's in bacteriology from the University of Wisconsin in 1964.

A decorated soldier, Colonel DiGiacinto is the recipient of the Bronze Star Medal (with oak leaf cluster); the Meritorious Service Medal (with four oak leaf clusters); the Air Medal; the Joint Service Commendation Medal; the Army Commendation Medal; the Expert Infantry Badge, and the General Staff Badge.

It comes as a great honor, Mr. Speaker, to share the news of Colonel DiGiacinto's promotion with my House colleagues. I wish him well as he undertakes the challenges of his new assignment, and thank him for his proud and patriotic service to our great Nation.

OUR HEROS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. DORNAN of Califorina. Mr. Speaker, once again I would like to share with you and my colleagues an outstanding tribute to the crew of the *Challenger.*

"Our Heroes," written by Mr. Monroe Sharpless of Santa Ana, CA, expresses most beautifully so many of the feelings that are with us as a Nation after the tragedy.

I thank Mr. Sharpless for sharing his thoughts with me and urge my colleagues to take the time to read the few paragraphs. The sentiments are sincere and comforting.

OUR HEROES

Nearly two years ago, we experienced a patriotic fervor in watching our athletes in competition in Los Angeles. We took great pride in the accomplishments of our young people, almost as though they were our own children. Americans are great hero worshippers. Many of us actually wept with joy when our athletes were in the top three of the competitions. And they appeared in these spots more often than we hoped for or expected. These merely were games, but our pride in our athletes' achievements knew no bounds. And last Sunday, the people of Chicago went through the same type of ecstasy when their team won the super bowl. There is no emotion that quite equals the feelings of the fans of football when their team wins. Football demands a greater dedication to excellence than most any other game by its sacrifice to injury and pain which always goes with the territory. Astonishingly, relatively few actually lose their lives in playing the game. But the possibility of such sacrifice always is present.

Today, January 28, 1986, our hearts are heavy with grief and our eyes are wet with tears because on this day, as President Reagan expressed it, seven of our heroes slipped the bonds of this earth and touched the face of God. Only five minutes earlier, the news on television showed these same young heroes, their faces bright with the thrill of adventure, making their way to one of the most shocking spectacles of anyone's lifetime. Only one and one half minutes after a perfect take-off from the launching pad at Cape Canaveral, an incredibly powerful explosion of seven hundred fifty tons of pure oxygen and hydrogen ripped a hole in the blue sky of Florida, instantly incinerating our seven bright young heroes. There could have been no warning nor pain. Who could ask for a more perfect way to check out of this life? Add to that the pinnacle of accomplishment associated with this supreme sacrifice for the advancement of human knowledge. One may ask "What did they accomplish of any value? What do we gain by learning to orbit the earth?" Knowledge is valuable for its own sake. Already, we are profiting from research in zero gravity conditions in the creation of new medicines. And no one can foretell the extent to which this knowledge can lead us. The thirst for knowledge is one of the characteristics of the man-animal which makes him different from all the other animals.

Grief for departed loved ones also is unique to mankind. One might say that our seven heroes are better off in whatever afterlife our creator has provided for them. But it is very hard for us to think that the eleven children of the victims of this accident are better off. We know from looking around us that nature is cruel and death is a part of life. Thus, we are better able to accept death when it comes to us. It makes more sense to us to realize that the ones left behind are the deprived ones. Logic supports the belief that a creator who is responsible for the existence of our universe has used this life as a training facility for something much better to follow. Anyone with normal intelligence could plan a happier and more rewarding life experience than is available to us here on earth. If life on this planet constitutes the whole purpose of the Creator's efforts, what is the point of it all?

When we recover from the shock and the grief of this catastrophe, we shall continue in the direction established by NASA during the past three decades. This is because we belong to the genus Homo Sapiens and the thirst for knowledge and accomplishment is born in us. We can't escape it! And the number whose lives have been sacrificed to our thirst for knowledge in the NASA program in three decades is exactly ten. A single school bus accident has cost us more in numbers. We do and should grieve for our

lost heroes, but if they could command us, they would shout "Go ahead".

INDEPENDENCE DAY FOR ESTONIA AND LITHUANIA

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mrs. BOXER. Mr. Speaker, this week we remember two very special anniversaries. Yesterday, February 24, 1986, was the 68th anniversary of the establishment of the Republic of Estonia. Tomorrow, February 26, will mark the 68th anniversary of the founding of the Republic of Lithuania.

As my colleagues are aware, these once-independent countries were subsequently annexed by the Soviet Union.

I think it is appropriate for us to give pause for a moment to think about what our own independence means to us, and then to imagine how we would feel if we did not have the right to practice the self-determination that we so desperately won. This is the sad situation in which the Estonian and Lithuanian people find themselves today.

As the 27th Party Congress assembles this week in Moscow, it is important that we focus our attention not only on the Estonians and Lithuanians, who are celebrating their bittersweet anniversaries, but on all the peoples in the Soviet Union who are not free to practice their own religions, speak their own language, and engage in the other activities that are so important to their own cultures.

I would like to conclude my remarks by submitting a statement from the Estonian American National Council and a copy of the Copenhagen Manifesto, reflecting the findings of a distinguished panel of jurists regarding Soviet actions against the Baltic States:

[Estonia American National Council]

STATEMENT

The people of Estonian ancestry everywhere commemorate the 68th anniversary of the founding of the Republic of Estonia on February 24, 1918. At the same time, they note with sadness the continued brutality of the Soviet occupation of Estonia which began in June 1940, when the Red Army rolled across the border to annex its neutral and peaceful neighbor. The Soviet aggression against the Baltic states—Estonia, Latvia and Lithuania—was such a blatant violation of international law that the United States and almost all other Western countries to this day refuse to accord de jure recognition to the Soviet rule there.

As Soviet rulers even today seek to expand the tentacles of their oppressive system of governance in Afghanistan and elsewhere, we would do well to recall the fate of Estonia. During the brief period of its modern statehood the Republic of Estonia was in many respects a model country. Universal suffrage and the eight-hour work day were introduced at the outset, and the records of the International Labor Office in Geneva attest that the Republic of Estonia was in the forefront of humane social and labor legislation in general.

Estonia's land reform and its minorities' laws gained international fame and were often cited by the League of Nations as examples to emulate. Indeed, in recognition and appreciation of ethnic justice, the Jewish National Fund in Palestine in 1927 awarded its special "Golden Book Certificate" to the Republic of Estonia, the only country ever so honored by the Jewish people. The American author Marion Foster Washburne traveled around the world in search of "the happy country." And in her 1940 book, *A Search for a Happy Country* (Washington: National Home Library Foundation), she concludes that the Republic of Estonia was that happy country.

Under Soviet domination Estonia has suffered tremendously—demographically, politically, culturally. Thus, the country lost almost one-third of its prewar population between 1939 and 1949, due foremost to Soviet atrocities; especially brutal were the mass deportations of 1941 and 1949. After the war, there has been a steady influx of Russians; the share of the population which is ethnic Estonian declined in the present territory from 92% in 1939 to 68% by 1970.

While the minority laws of the Republic of Estonia were renowned internationally, Estonians today face grave pressures of russification and sovietization in their own ancestral territory. Creative freedoms in all fields or artistic endeavor have been severely curtailed. Russian language encroachment at all educational levels, in the mass media, and in public affairs threatens to undermine the Estonian national identity. A few years ago Soviet authorities prohibited the use of Estonian in the defense of doctoral dissertations. More recently, the Communist Party's press in the university town of Tartu announced that the forced teaching of Russian would be introduced already at the level of the day care centers.

Today, it is virtually impossible for Estonians in their Soviet occupied homeland to travel abroad or to emigrate. Contrast this with the fact that in 1936 alone, for example, 120,889 Estonian citizens were able to travel abroad, and a few of them chose to emigrate. In the grips of the Soviet bear Estonia today has the sad distinction of having the world's youngest political prisoner, two year old Kaisa Randpere, who is forbidden by Moscow from joining her parents in the West. The Soviet aggression against Estonia and the unremitting, systematic violation of political and human rights, have been well documented by the United States Congress and the Department of State.

From the outset of the Soviet occupation Estonians have actively resisted and protested Moscow's actions. In the ancestral homeland such protests, even when they are nothing more than peaceful memoranda, result in long periods of banishment to the infamous Gulag, tortuous confinement to psychiatric institutions, and at times even murder in confinement, as happened with the late Jüri Kukk. In spite of this, Estonians in their Soviet occupied homeland as well as those in the diaspora in the Free World, will mark Estonian Independence Day once more on February 24th. The dream of the restoration of sovereignty of political and human rights, of freedom from Soviet Russian oppression lives on in the hearts of Estonians everywhere. Their aspirations, hopes and struggle for freedom are shared by freedom-loving people everywhere.

Elagu Vaba Eesti! (Long live Free Estonia!)

COPENHAGEN MANIFESTO

The Baltic Tribunal in Copenhagen declares that the occupation and annexation of the once independent States of Estonia, Latvia, and Lithuania serve as prime examples of the violations of international public law and treaties ratified by the Soviet Union.

Mass Russian immigration has seriously damaged Baltic identity and political structure; language, culture, religion, even the learning of history in schools, have suffered under Soviet rule. The militarization of the Baltic States serves as a constant reminder of the continuing threat to world peace.

The right of the Baltic peoples to self-determination, to non-discrimination, and to non-interference on their ancestral soil must be reinstated. After hearing experienced witnesses on numerous aspects of life and law and practice in occupied Estonia, Latvia, and Lithuania, the Baltic Tribunal concludes that severe injustice has been and is being done to these people by the Soviet Union.

The fate of the three Baltic States is unique in human history. Nowhere else in the world are former parliamentary democracies occupied, annexed and colonized by a conquering power. A unique fate deserves unique policies from the democratic governments of the world. We call upon them to raise the issue of Soviet occupation of the Baltic countries in all world forums, demanding freedom and independence for Estonia, Latvia, and Lithuania.

By this Copenhagen Manifesto we declare that the present situation in the Baltic countries is damaging the chance of peace and freedom in Europe and the world.

THEODOR VEITER,
Chairman.
PER AHLMARK.
JEAN-MARIE DAILLET.
Rev. MICHAEL BOURDEAUX.
Sir JAMES FAWCETT.

JULY 26, 1985.

INTRODUCTION OF LEGISLATION TO PROTECT MINIMUM STREAM FLOWS IN COLORADO WILDERNESS AREAS

HON. MICHAEL L. (MIKE) STRANG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. STRANG. Mr. Speaker, today I am introducing legislation to help protect the flow of water in wilderness areas in the State of Colorado. A minimum flow of water must be maintained where it occurs in Colorado wilderness areas. I have consistently argued that minimum instream flows must be guaranteed in Colorado streams to protect aquatic life, but I do not believe Congress intended there to be Federal reserved water rights granted with wilderness area designations.

No one wants to dry up Colorado streams within or outside of wilderness areas. This legislation recognizes the desire to maintain a minimum flow of water for aquatic life in Colorado wilderness areas.

My hope is this alternative to Federal reserved water rights will be a vehicle to move the wilderness water rights discussion in a positive and constructive direction in an effort to minimize the conflicting and polarized points of view. This is a good faith effort to stimulate discussion and move the process along.

The following is an analysis of the legislation and the text of the bill:

SECTION-BY-SECTION ANALYSIS

STRANG BILL PROVIDING FOR MINIMUM INSTREAM FLOWS IN COLORADO WILDERNESS AREAS

February 25, 1986

General: The thrust of Congressman Strang's minimum instream flow legislation for wilderness areas is based on the concept set forth in Colorado water law (SB 97), i.e., a minimum flow of water must be maintained in streams running through wilderness areas in Colorado. Strang was the House sponsor of SB 97, which created the policy of the State of Colorado to maintain minimum instream flows in Colorado streams. The bill was adopted by the State Legislature and signed into law in 1973.

Strang's new legislation sets forth a process by which the Federal land managers may make a claim for minimum instream flows in wilderness streams upon a finding that the Colorado Water Conservation Board has not done so or not sufficiently so; after considering minimum instream flow recommendations of various water interests in Colorado, and on an equal footing with all other water right claimants in Colorado.

No one wants to dry up streams in Colorado, within or outside of present or future wildness areas. Congressman Strang believes, as he demonstrated as a Member of the Colorado Legislature in 1973, that establishment of minimum instream flows is crucial.

Thus, the purpose of the legislation proposed by Congressman Strang is to (1) reverse U.S. District Court Judge John Kane's decision of November, 1985, granting special Federal reserved water rights in Colorado wilderness areas; and (2) to set forth as an alternative, the basis and process for the Federal land managers to seek minimum instream flows in streams and lakes in Colorado wilderness areas, on an equal footing and within the same adjudicatory and priority process as all other entities pursuant to established Colorado water law, for the protection of aquatic life to a reasonable degree.

SECTION I

Section I of the legislation amends the 1980 Colorado Wilderness Act, to reverse Judge Kane's decision regarding the granting of Federal reserved water rights for wilderness areas. The Strang language says simply there are no Federal reserved water rights granted or conveyed with the designation of wilderness areas in Colorado. The language makes this provision applicable to all past, present and future wilderness designations in Colorado.

SECTION II

Section II of the legislation amends the 1980 Colorado Wilderness Act and is a direct acknowledgement of the desire to keep a minimum flow of water in streams and lakes in wilderness areas in Colorado for the protection of aquatic life, to a reasonable degree, and authorizes the Secretaries of Agriculture and Interior to make a claim for such rights, except during periods of drought, within a specified process:

THE PROCESS

The minimum instream flow claims are authorized to be made as provided below, pursuant to Colorado water law: [Sec. 113. (a)]

Prior to making any such claim, the Secretary must first determine and declare by publication in the Federal Register and by other means of public notice in the State of Colorado, that the Colorado Water Conservation Board (which is designated under Colorado water law as the agency authorized to claim minimum instream flows in and for Colorado streams) has either not done so or has not done so in sufficient quantities to protect aquatic life to a reasonable degree in one or more Colorado wilderness areas. [Sec. 113. (a)(1)]

Having so found and declared, the Secretary must then consult with the Colorado State Engineer, the Colorado Divisions of Wildlife and Parks and Outdoor Recreation, and any other affected water conservation or policy officials, districts or agencies in the state, as to an appropriate level of minimum stream flow to be claimed for a given area for the purpose of protecting aquatic life to a reasonable degree. The use of the powers of eminent domain (condemnation) is prohibited. [Sec. 113. (b)]

Having assessed the minimum quantity of instream flow necessary to carry out his authorized duties, the Secretary may enter his claim pursuant to the water adjudication laws and processes established under Colorado water law. The eventual priority of the claim, once granted by the water courts, would be the priority date established within the adjudication proceedings, but no earlier than the date of the Act that created the wilderness. [Sec. 113. (c)]

The authorization to claim minimum instream flows pertains to all wilderness areas as necessary, regardless of the date of designation. [Sec. 113. (d)]

H.R. 4233

A bill to provide a process for the Federal government to seek minimum instream flows of streams in Colorado wilderness areas, and for other purposes

SECTION 1. NO IMPLIED RESERVATION OF FEDERAL WATER RIGHTS.

The Colorado Wilderness Act of 1980, P.L. 96-560 (94 Stat. 3265), is amended by inserting a new section at the end of Title I, as follows:

"SEC. 112. (a) The designations made by this Act or any other Act of any area as wilderness in the State of Colorado and, therefore, as a component of the National Wilderness Preservation System shall not, directly or indirectly, reserve or otherwise create a right to the appropriation, diversion, use or flow of water to or by the United States for that purpose.

"(b) Paragraph (a) shall apply with respect to any area designated as wilderness in the State of Colorado before, on, or after the date of enactment of this section."

SEC. 2. MINIMUM INSTREAM FLOWS.

The Colorado Wilderness Act of 1980, P.L. 96-560 (94 Stat. 3265) is further amended by adding a new section at the end of Title I, as follows:

"SEC. 113. (a) In order to maintain a minimum flow of water in streams and lakes for the protection of aquatic life in designated wildernes areas in Colorado, the Secretary is authorized, on behalf of the people of the United States of America, to claim where necessary and as provided in (1) below, in a manner consistent with and in accordance with the substantive and procedural laws governing water appropriation in the State of Colorado, such minimum instream flows of the waters of natural streams and lakes within designated wilderness areas as may be required to preserve and protect, except during drought events, minimum instream flows to maintain aquatic life to a reasonable degree.

"(1) Prior to making any such claim as authorized in this section, the Secretary shall first find and declare by public notice that the Colorado Water Conservation Board has not, pursuant to Colorado water law, previously sought and obtained such minimum instream flows, or has not sought and obtained sufficient minimum instream flows, so as to protect aquatic life to a reasonable degree.

"(b) Prior to the initiation of any such minimum instream flow claims, the Secretary shall request, review and consider minimum instream flow recommendations from the Colorado State Engineer, and the Colorado Divisions of Wildlife and Parks and Outdoor Recreation, and any other appropriate or affected water conservation or policy officials, districts or agencies in the State of Colorado: *Provided*, that nothing in this section shall be construed as authorizing the acquisition of water by eminent domain, or to deprive the people of the State of Colorado of the beneficial use of those waters available by law and by interstate and international compacts.

"(c) Any claims by the Secretary for such minimum instream flows as authorized in this section shall be adjudicated and assigned a priority within the designated water appropriation forums or agencies, and pursuant to the established water adjudication laws and processes of the State of Colorado, but in no instance shall the priority date be earlier than the date of the Act which designated the wilderness area.

"(d) The provisions of this section shall apply with respect to any area designated as wilderness in the State of Colorado before, on, or after the date of enactment of this section."

NO AID TO SAVIMBI

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. KASTENMEIER. Mr. Speaker, I wish to call to the attention of my colleagues a February 17, 1986, Business Week editorial which opposes U.S. aid to Jonas Savimbi.

Notwithstanding the expensive public relations campaign waged on behalf of Savimbi and his support among rightwing elements in the United States, there is, according to Business Week, no good reason to back Savimbi. On the contrary, there are powerful reasons, as noted by Business Week, for not backing Savimbi.

WHY SHOULD THE UNITED STATES BACK A LOSER?

Before it is too late, President Reagan should abandon his wrongheaded insistence on giving aid—whether overt or "covert"—to Jonas Savimbi, a rebel fighting Angola's Marxist government with backing from South Africa. By supporting Savimbi, Reagan hopes to recoup political support at home from right-wingers who were angered by his mild sanctions against Pretoria's racist regime. The likely result, though, will be a severe setback for U.S. political influence and economic stakes in the rest of black Africa, where Savimbi is seen as a tool of Pretoria. Moscow, not Washington, is likely to gain prestige if continued Soviet support enables Luanda to turn back any new Savimbi offensive.

In Afghanistan, massive U.S. aid to Islamic guerrillas has successfully helped to tie down a Soviet army for more than six years. But the "freedom fighters" have widespread support among Afghans against the alien invader. Equally important, the U.S. is winning political prestige and influence among sympathizers and active supporters of the Afghan rebels around the world—a diverse group that ranges from conservative Arab states to China and even Iran.

By contrast, Savimbi has been unable, in 10 years of fighting, to expand his operations much beyond the one-third of Angola traditionally occupied by his tribe, the Ovimbundu. A former Maoist trained in guerrilla tactics in China, Savimbi more nearly resembles a Latin caudillo, or military swashbuckler, than the leader of a democratic political alternative to the Luanda regime.

The U.S. has no important strategic stake on Angola, and a Luanda government of any hue will probably be happy to keep U.S. oil companies pumping. But aid to Savimbi will be interpreted by most of black Africa as a hostile act. To squander U.S. influence in this way will benefit neither America nor black Africa in the turbulent times ahead.

ESTONIAN INDEPENDENCE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. DORNAN of California. Mr. Speaker, I rise today to express my support for the 68th anniversary of the Declaration of Independence of the Republic of Estonia. Today, I join my colleagues in an expression of celebration and concern.

On this day we pay tribute to our Estonian friends and reaffirm our support for their exiled government. Like the Latvian and Lithuanians, millions of Estonians now live under the yoke of foreign subjugation—their very nationhood stolen from them by the evil designs of the Soviet empire. The courageous effort of the Estonian people to maintain their national identity and patriotism should be an inspiration to all peace-loving societies of the free world. They are an important link between freedom fighting movements around the world.

Mr. Speaker, I submit for the RECORD a statement issued by the Estonian American National Council regarding the Soviet aggression against the Baltic States and the continued suppression of the national and human rights in Estonia, Latvia, and Lithuania. Please join me in saluting the people of Estonia on their February 24 tradition. My only hope is that in the near future we will be able to celebrate this day in a truly free republic.

The material follows:

[Estonia American National Council]

STATEMENT

The people of Estonian ancestry everywhere commemorate the 68th anniversary of the founding of the Republic of Estonia on February 24, 1918. At the same time, they note with sadness the continued brutality of the Soviet occupation of Estonia which began in June 1940, when the Red Army rolled across the border to annex its neutral and peaceful neighbor. The Soviet aggression against the Baltic states—Estonia, Latvia and Lithuania—was such a blatant violation of international law that the United States and almost all other Western countries to this day refuse to accord de jure recognition to the Soviet rule there.

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The right of the Baltic peoples to self-determination, to non-discrimination, and to non-interference on their ancestral soil must be reinstated. After hearing experienced witnesses on numerous aspects of life and law and practice in occupied Estonia, Latvia, and Lithuania, the Baltic Tribunal concludes that severe injustice has been and is being done to these people by the Soviet Union.

The fate of the three Baltic States is unique in human history. Nowhere else in the world are former parliamentary democracies occupied, annexed and colonized by a conquering power. A unique fate deserves unique policies from the democratic governments of the world. We call upon them to raise the issue of Soviet occupation of the Baltic countries in all world forums, demanding freedom and independence for Estonia, Latvia, and Lithuania.

By this Copenhagen Manifesto we declare that the present situation in the Baltic countries is damaging the chance of peace and freedom in Europe and the world.

THEODOR VEITER,
Chairman.
PER AHLMARK.
JEAN-MARIE DAILLET.
Rev. MICHAEL BOURDEAUX.
Sir JAMES FAWCETT.

JULY 26, 1985.

SOVIET JEWRY

SPEECH OF

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. MAZZOLI. Mr. Speaker, I would like to take this opportunity to help focus attention on the plight of Soviet Jews and other prisoners of conscience in the Soviet Union who are denied basic human rights and privileges—

such as the right to practice their religion freely and to emigrate.

I join with many of my colleagues in the House and Americans all across the Nation to applaud the long-awaited release and emigration of Soviet dissident Anatoly Shcharansky, in the hope that this action marks a new trend in Soviet policy.

If it represents a new trend, it would be a most welcome event. Because, despite the best efforts of Members of Congress and concerned American citizens in recent years, there has been little noticeable improvement in Soviet emigration policy toward its Jewish citizens.

In fact, sadly to note, Soviet Jewish emigration has been in decline since 1979—when Soviet officials placed more stringent restrictions on emigration. Emigration reached its highest level in nearly 2 years in April 1985, when 166 Jewish citizens were permitted to leave. And, that number is appallingly low.

The testimony of Mr. Shcharansky, recounting his horrifying and painful experiences as a prisoner in the Soviet Union, makes clear the abysmal value placed on human life by the U.S.S.R. His tragic recital of brutal prison conditions, persecution, and harassment are appalling to all who believe that the observance of basic human rights is fundamental to life itself.

It has been reported that as many as 15,000 Jewish citizens have requested permission to leave the Soviet Union over the past few years, and have been denied this privilege. I hope Mr. Shcharansky's release will serve as a goad to the Russian political leaders to release all these others so that soon they will have what is rightfully theirs, freedom, justice, and basic human rights.

EPISCOPAL DIOCESE OF MARYLAND INVESTS 12TH BISHOP

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. DYSON. Mr. Speaker, I would like to bring to the attention of my colleagues in Congress, an ecumenical celebration which recently took place in Baltimore, MD.

On January 18, 1986, the Right Reverend A. Theodore Eastman was invested as the 12th bishop of the Episcopal Diocese of Maryland in the Roman Catholic Cathedral of Mary Our Queen.

On the occasion of this procession, I would like to offer these words of praise to the people of the diocese, who through their enduring faith, offer comfort and light to so many.

REPRESENTATIVE DOUG WALGREN PRESENTED AMERICAN PSYCHOLOGICAL AWARD

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. FUQUA. Mr. Speaker, recently I had the privilege of joining with the president of the American Psychological Association, Dr. Robert Perloff, of the University of Pittsburgh, in presenting our distinguished colleague from Pennsylvania, Representative DOUG WALGREN, with the 1986 Presidential Award of the Association.

Several years ago, the American Psychological Association established this presidential award program which authorizes the president of the association to confer upon public figures awards for their noteworthy contributions to psychology and to the public good. Since the inception of the program, only a handful of distinguished public figures have received this honor which has been reserved for, in their words, "endeavors which are unarguably extraordinary".

The commendation took place during the meeting of the Council of Representatives of the Association at its 3-day midwinter meeting, during a reception in the Cannon Caucus Room, hosted by Representative BILL GRAY and myself. The council, the policymaking body of the American Psychological Association, consists of eminent scholars, practitioners, and researchers, elected by their 76,000 colleagues throughout the United States. It was appropriate that they could be on hand to join with the many of DOUG'S colleagues in applauding him on this honor, and I hope that we will have more occasions for informal exchange of ideas between men and women of science and Members of Congress. I personally found the atmosphere of the reception both stimulating and informative, and I hope that our psychologist-guests found it beneficial as well, and that they will be encouraged to continue to be active advocates in the legislative process for the many important issues affecting health and science policy, as well as those affecting the public welfare of this country.

Mr. Speaker, without further adieu, I would like at this point to insert into the RECORD the full text of the presidential commendation of the American Psychological Association to DOUG WALGREN, and to join with them, once again, in thanking DOUG for his outstanding contributions to the understanding of us all of the importance of the behavioral sciences.

The text follows:

AMERICAN PSYCHOLOGICAL ASSOCIATION, JANUARY 30, 1986

PRESIDENTIAL COMMENDATION PRESENTED TO THE HONORABLE DOUG WALGREN, U.S. HOUSE OF REPRESENTATIVES

On the occasion of the mid-winter meeting of its Council of Representatives, the American Psychological Association formally recognizes your strong leadership and tireless support of psychology in Congress.

Your voice has consistently been a clear and reasonable one on Capitol Hill in your efforts to advance the behavioral research so important to the future health and welfare of the citizens of this country.

As Chairman of the Science, Research and Technology Subcommittee of the House of Representatives' Committee on Science and Technology, you have often courageously taken on the role of the lone defender of research support for behavioral and social science programs.

In particular, your vocal and vigilant support in 1981 of increases for behavioral science research funds at the National Science Foundation, at a time when drastic and potentially disabling budget cuts were proposed, virtually saved many of these important research programs from extinction.

Because of your effective and diligent work in the controversial area of scientific research involving animals, legislation was passed by Congress in which your reasonable approach to this difficult issue was clearly evident and much appreciated by the behavioral research community.

In all of these efforts, you have acted with a strong sense of commitment and a quiet dignity. I take a distinct pleasure in presenting you with this Presidential Commendation on behalf of the American Psychological Association.

ROBERT PERLOFF, Ph.D.,
President.

TALKING WITH THE NICARAGUANS

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. WEBER. Mr. Speaker, we will soon be asked to consider a request to militarily aid the freedom fighters of Nicaragua. Of concern to all is the opinion of the ordinary Nicaraguan.

I would like to share with my colleagues an excerpt from a report written by a traveler to Nicaragua and Costa Rica in 1985. In this situation, Mr. Gay Johnson shares comments and opinions from a number of Nicaraguans on the current situation in their country. Mr. Johnson visited Central America on a Meso-America study seminar set up to focus on the crisis in Central America.

I believe these individual travel reports can be helpful to Members as we continue to address this issue. If you are interested in receiving a complete copy of Mr. Johnson's report, please contact Amy Wolak in my office.

The material follows:

During our week in Nicaragua, we had not been given access to individuals or organizations that were not aligned with the government and we felt compelled to attempt to get their side of the story. Embassy officials helped us contact a number of these people as well as representatives from the Commission on Human Rights—also on the agenda but canceled. However, Commission staff members responded that they were too apprehensive to meet with my friend and me since one of their staff had recently been killed after reporting on human rights violations by the Sandinistas.

We also talked to a half a dozen individuals out on the streets and shared tea with a Nicaraguan family, friends of friends whom we tried to look up earlier in the

week but were unable to meet with because of the tight control over the Meso American group by Fred Morris. We found that many people felt threatened, indeed terrorized by the present regime. Free speech was nearly non-existent. Most of the people who expressed a dissenting view did so in private and very carefully.

We talked with one farmer (his and others' names are withheld to protect their safety) who told us: "We have less money now than ever. Even if we had money, there is nothing to buy. The people are afraid. The only reason we stay here is because this is OUR country and we hope that somehow [the Sandinistas] will learn about the things that they have to do and must do. They were good guerillas but very poor managers. We expected much, much more. We also expected them to comply with the resolutions that they signed. Nobody has ever said that we were saints but everybody in Nicaragua was against Somoza. In that, we were all united. When Somoza left, everybody was happy. After a while, they started with this business of Marxism, economic planning, dictating to you how much you can make. They began believing that anyone who was not totally aligned with their way of thinking was suspect. The government's lack of trust [in their own people] has hurt this country immensely. Now, quality, production and enthusiasm is impossible to achieve."

This man recounted how a year earlier, Jorge Salazar, president of the country's largest agricultural union, was killed. "He was a powerful and natural leader and a potential danger [to the Sandinistas]. At that time, many others in the private sector were also jailed. The Sandinistas will take your property away if they think you're against them. The United States and other Central American countries can not afford a cancer in the center of our world.

"The solution," according to this farmer, "is not talking to Reagan or Alfonsin [President of Argentina]. The solution is within us. We have to recognize that we are Nicaraguans, all of us. The Contras are Nicaraguans. Bull about Somozistas. Somoza is dead and gone. Even the way we used to hate him is gone. I was born an anti-Somozista and right now, I don't think he was so bad. Especially when I see so many of the abuses that are going on today. The people are being moved so that the Sandinistas can bomb the mountains. They tell you how much you are going to earn, how and where you are going to work. They never leave you in peace. There are only a few small areas that are safe. Peace can be bought, but at a very high price. So I cooperate with them and keep my mouth shut."

We also talked to an industrialist in the private sector. He told us: "The Sandinistas claim this is a beautiful revolution and this is a free country. Unfortunately, they are wrong. The steps of the revolution are way off. Who overthrew Somoza? Not the Sandinistas. Nineteen different political groups—as well as the churches, labor unions, members of the private sector—all got together to overthrow Somoza. The Sandinistas have tried to turn the Nicaraguan revolution into a Communist revolution in the name of Sandino, a legendary hero who died more than 50 years ago. But when they took power, we all withdrew. They killed many of their opponents. The election was a total fake. It was completely controlled by the FSLN. And ever since Ortega's victory, the situation has been getting worse and worse."

This man also told us that the Sandinista's methods of agricultural reform just were not working. He said that the government had not redistributed the land to the peasants as they had promised they would do. He said that the Sandinistas keep changing their land reform goals to serve their own best interests and that the nation's Supreme Court was merely a puppet of the Sandinistas and had not tried to ensure that agrarian reforms were carried out justly. He called Managua a center of world terrorism, pointing out that even the PLO had an embassy there.

"When Somoza was president," this man continued, "our external debt was $1.6 billion, even with all of his corruption and stealing from the treasury. Now, only five years later, with this new government, our external debt is $4.6 billion. Where has the $3 billion gone? Production is the same as it was seventeen years ago."

This man claimed to have received a copy of a secret government study that documented the drop in the country's agricultural output since the Sandinistas instituted their agrarian reforms. "Coffee is down 60%, sugar cane down 44%, and rice down 25%," he said. "We even have to buy our corn from Guatamala. Our problem is not consumption, but production. One of the problems is a lack of people to help produce because everyone is involved in politics and the war. Another problem is the government's adversarial attitude toward the private sector. The Sandinistas want a one party state. It would be easier for them to run the country without the private sector.

"The Sandinistas want to perpetuate the image that the Nicaraguans hate the U.S. and that's not true. We identify somewhat with the U.S. culturally, with baseball for example. But the Sandinistas say that everything that's wrong with this country is the fault of the U.S. This is also not true."

This man said that he was not concerned about a U.S. invasion of Nicaragua but added, "If they invaded today, I would be better off." He denied that the Contras were currently receiving economic aid from the U.S. while saying that the Sandinistas were receiving financing from the Russians. "They say that they are not spending any money on arms," this man added, "but I look around and see nothing but tanks."

THE COLUMBIA GORGE NATIONAL SCENIC AREA ACT

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. AuCOIN. Mr. Speaker, I am introducing today, along with my friend DON BONKER, legislation to protect one of America's most precious and vulnerable natural gems: The Columbia River Gorge. And I introduce this bill today confident in the knowledge that the region and the Congress are closer than ever to agreeing on a comprehensive management and protection plan for this wonderful area.

The Columbia Gorge National Scenic Area Act is a product of years of deliberation, negotiation, perspiration, and inspiration. And while the legislation I am introducing today is not identical to the product that I understand is also being introduced in the other body, it is close.

It is close enough that perfect legislation to protect the gorge, while still an ideal, must be set aside in favor of a realistic, pragmatic solution such as this. I am proud of this bill, and commend it to my colleagues from the Northwest and the entire Nation.

I must also say, Mr. Speaker, that the four Members of the other body from Oregon and Washington have done an extraordinary job of winnowing down the issues and producing a good basis for action. We are all in the debt of our colleagues on the other side for their concern and perseverance.

Mr. Speaker, the Columbia Gorge National Scenic Area Act identifies an area on both sides of the river from the Portland/Vancouver metropolitan area on the west end roughly to the mouth of the Deschutes River on the east end as an area of national interest.

Within this belt along the river, it delineates the land into three essential components: Special management areas, the most critical areas that require the most protection; urban areas, the major population centers of the region in which there is already substantial development; and scenic area lands, special lands that must be protected as well.

My bill sets out a series of management prescriptions and procedures for each of these three categories of land. For the special management areas, the Department of Agriculture, through the U.S. Forest Service, will be charged with preserving and protecting the scenic, natural, cultural, and recreational qualities there.

The scenic areas will be overseen by a bi-state commission, charged with developing a management plan for these lands in particular and ensuring that the management of six members from each of the two States. One member from each of the six counties in the gorge area will be chosen by the governing bodies of the respective counties. The Governors of each State will also appoint three members each.

In approving the management plan, a majority of the membership appointed to the commission from each State must vote in favor of the plan. The Secretary of Agriculture, if he or she finds the plan deficient, may reject it. The commission may override such a veto by a vote of a majority of the members appointed to the commission from each State plus one more vote from a commissioner from either State.

If the commission fails to adopt a management plan within 2 years, the Secretary is then charged with fulfilling that task. The bill also sets standards to guide the commission in developing its management plan.

Urban areas, as identified in the legislation, are to continue to be the centers for industrial, commercial, and substantial residential development.

Once the plan is completed and approved, the affected counties will adopt and implement zoning ordinances that are consistent with the guidelines set forth by the commission in its management plan.

Until the management plan is adopted, interim management guidelines will govern key activities in the scenic area. Those guidelines and procedures are set forth in the legislation.

The bill authorizes acquisition of land within the special management areas. The special management area lands on the Oregon side

of the river will be incorporated into the Mount Hood National Forest, and the lands on the Washington side will become part of the Gifford Pinchot National Forest.

The bill also requires preparation of a program to preserve, protect, and restore the old Columbia Gorge Scenic Highway, which is truly one of the architectural and construction marvels of 20th century America.

Mr. Speaker, those are the highlights of this legislation. I am excited by the prospect of finally getting the Columbia Gorge the recognition and protection it deserves, and I look forward to early, complete action on this vital initiative.

DESTINATION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. DORNAN of California. Mr. Speaker, it is difficult to express the sadness and shock we as a nation are feeling in the aftermath of the shuttle *Challenger* tragedy. But many Americans are making a special effort to pay tribute to our seven heroes by sharing their thoughts and feelings.

One such example came from Mr. George Navarijo of my district in Garden Grove, CA. Mr. Navarijo composed a poem, "Destination," which I have inserted here in the permanent RECORD for all of my colleagues to read.

Mr. Navarijo's heart goes out to the families and friends of our seven brave Americans and I thank him for his beautiful words at this difficult time.

DESTINATION

I'm a caring citizen with thoughts in mind.
Who's 30 years old, watching the space program develop with time.

Each launch is a challenge to all mankind.
Everyone's watching with prayer and thought on their mind.

Great moments have happened, you shine like a star.
Don't let tragedies like these stop what you've accomplished so far.

I'm not ashamed to say I cried out loud.
You have me so interested, I Honor your cloud.

To the families, the friends, the school and the States;
I can only wonder how strong is your faith.

Though I never knew the dreams of your heart.
God knew best—that's why he spread us apart.

These seven people who's journey is beyond belief;
Are looking and smiling saying keep striving, your goal is good and with time be complete.

A FLAG FOR SENIOR CITIZENS

HON. WILLIAM CARNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. CARNEY. Mr. Speaker, from its inception over two centuries ago, this Nation has depended upon the maturity, wisdom, and experience of our senior citizens. The United States has become the great land it is today thanks to the many contributions of these people, who continue to be active and influential members of our society.

For these reasons, it is only fitting that we take special note of our older neighbors, and I am proud to say that an organization in my community, New York's First Congressional District, has designed a flag that all senior citizens can call their own.

The flag was designed by Tax Action for Senior Citizens, one of Long Island's leading senior organizations. It has a solid blue background signifying loyalty with a circle of 13 gold stars within another circle of 37 gold stars. The 50 stars represent seniors from every State in the Union. The flag can be customized by placing a senior group's name inside the inner ring of stars, with the State or town's name displayed across the top.

Mr. Speaker, a growing number of communities in my district have adopted this as the official senior citizen flag for their localities. I am convinced that this flag would serve well as the banner for senior organizations across the United States, and I hope that my colleagues in the House will agree.

I would be more than happy to show this flag to any Member, and I would urge those of my colleagues who might be interested in seeing this flag fly in their home district to contact my office. Our senior citizens have given us all so much, now it's time for us to give them the recognition they so richly deserve.

CIVIL SERVICE RETIREES TRUST FUND

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. LEWIS of Florida. Mr. Speaker, the Gramm-Rudman Act answered a public outcry and a national need to cut Federal spending. However, it is flawed in one critical respect: it treats our Nation's retired people inequitably. To exempt certain recipients from the measure's cutting edge and leave Federal retirees vulnerable is unconscionable.

In response to many letters and phone calls from residents of Florida's 12th Congressional District, and in the interest of equity, I have introduced legislation to provide that the civil service retirement and disability fund be excluded from the budget of the U.S. Government. The fund would operate just as the Social Security trust fund and would, in the future, remove any excuse for unequal treatment of Social Security recipients and Federal retirees.

Several Members have introduced legislation to reinstitute cost-of-living adjustments. I applaud their efforts, and have cosponsored those bills which I view as most effective.

My bill takes a different approach, however. It is not a one-time cure for a ridiculous congressional mishap; rather, it is a future-oriented move for a fairness and equity. Instead of just putting Band-Aids on its mistakes, Congress should practice some preventive medicine for a change. Let's give civil service retirees a fighting chance.

OVERVIEW: PROPOSED FISCAL YEAR 1987 BUDGET ASSAULTS THE ENVIRONMENT

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mrs. BOXER. Mr. Speaker, Douglas Wheeler, executive director of the Sierra Club, testified at the February 14 field hearing of the House Budget Committee in San Francisco. His statement, which follows, contains an excellent overview of the impact of the President's proposed fiscal year 1987 budget on the environment. I commend his remarks to my colleagues.

OVERVIEW: PROPOSED FISCAL YEAR 1987 BUDGET ASSAULTS THE ENVIRONMENT

"We will use the budget system to be the excuse to make major policy decisions."—James Watt, Secretary of the Interior, May 1981.

Although James Watt is gone, his legacy of using budget cuts to eviscerate environmental protection and reward special interests lives on. Environmental programs are only a microscopic part of federal spending, yet the budget deficit has been used as an excuse to cut environmental programs to the bone. These cutbacks are voiding the environmental protection contract that Congress made with the American people in the 1970's. President Reagan's proposed budget for Fiscal Year 1987—combined with previous cuts and inflation—pose an assualt on the environment which is wholly unacceptable to the American people.

This Budget would continue subsidies to those who reap profits by stripping our publicly-owned lands of their resources. This Budget benefits private interests at the public's expense. In lieu of this Budget, the Sierra Club strongly urges this Committee to pass a budget which fulfills our obligation to protect our natural heritage and be good stewards of our natural resources for future generations. This can be done in a budget which also raises revenues by ending anti-government hand-outs to special interests.

OUR PRECIOUS NATIONAL HERITAGE

In the 1970's, Congress made a commitment to the American people to preserve our natural heritage by providing for our "environmental defense." Congress enacted critical legislation including the Clean Air and Water Acts, the Superfund, and the Alaska Lands Act. Unfortunately, this commitment has been abandoned. Since 1981, our natural resources have suffered from mismanagement, neglect, and—at times—open hostility from those sworn to protect them. Worst of all, funding to clean up and protect our resources has steadily declined. For instance, cuts in the Environmental Protection Agency budget have reduced its purchasing power to the 1976 level, even though it has five new pollution laws to enforce. At the same time, acquisition of threatened natural areas has come to a near stand-still. Overall, budget cuts in environmental programs threaten the quality of life for this and future generations by

shredding the programs which defend our environment from assault.

ENVIRONMENTAL PROTECTION: PROMISES MADE, PROMISES BROKEN

One of the most important functions of the federal government is to ensure that its citizens can breathe fresh air and drink pure water. In the 1970's, Congress enacted seven critical environmental protection laws to combat pollution. Yet, that promise of protection made during the last decade has been forgotten in this decade as budget cuts and inflation have bled these critical public health programs to death. Starved for funding, the implementation and enforcement of our "national public health defense" programs have proceeded at a snail's pace.

Current funding for the Environmental Protection Agency's programs (excluding Superfund and sewer construction grants) is nearly twenty percent lower in actual dollars purchasing power than in 1981. President Reagan's proposed FY '87 EPA budget would continue to hack at our environmental protection programs by again reducing its operating budget, and slashing one-fourth of the funds to build sewage treatment plants essential to keep human wastes and toxics out of our rivers and lakes.

Administration officials claim that the proposed budget "provides a stable and sound resource base" for environmental programs. This is the politics of lower expectations. The proposed budget continues to starve an agency that faces an ever-growing task of protecting the public from toxic contamination. The President's Budget would pay for the long overdue cleanup of hazardous waste dumps by taking money away from air and water quality programs, which are already underfunded and understaffed.

For instance, enforcement of the Clean Water Act's pollution controls is already woefully inadequate. A General Accounting Office survey found that 82 percent of the major wastewater dischargers were violating clean water standards. Yet, the FY '87 Budget would cut Clean Water Act enforcement by another 17%. Law-abiding firms have little incentive to comply with pollution laws if they know their competitors are violating pollution laws with impunity. And voluntary compliance is the backbone of our protection from industrial toxics.

Since the dramatic leaks of poisonous gases at Bhopal, India, and Institute, West Virginia, there has been justifiable public concern about toxic air pollutants. EPA has set standards for only some sources of just six hazardous pollutants, while at least 85 more need to be regulated. Yet, the proposed 1987 Budget would actually CUT funding to regulate cancer-causing air pollutants by 13 percent.

EPA has identified over $100 billion in unmet sewage treatment needs—essential for clean water—yet the budget proposes to slash funding to build sewage treatment plants by 25 percent. The Administration reasons that the financially-strapped states can pick up the tab for environmental protection.

The biggest threat to public safety posed by the Administration's FY 1987 Budget is in the urgently needed programs it hardly funds at all. Potential environmental disasters such as groundwater contamination, acid rain, and toxic hot spots that are simply not being addressed by this Administration. Postponing solutions to these pollution problems ensures that they—and the price tag for solving them—will continue to grow. Fighting the fiscal deficit now by slashing environmental protection only builds a potentially catastrophic public health deficit for the future.

Mr. Chairman, we should not be fooled about who this short-sighted budget hurts. Ordinary middle class people and the urban poor are the ones who will be forced to pay the price for shrunken safeguards from industrial wastes. Working families in places like Love Canal, New York, and Times Beach, Missouri, have paid the deadly price of inadequate defense from toxics. The Reagan Budget promises only more of the same.

The American people should not have to foot the bill for polluting industries. We strongly urge the Committee to fulfill the promise of environmental protection Congress made in the 1970's by providing adequate funding to make that promise a reality in the 1980's.

INTERIOR AND RELATED AGENCIES: ONE-THIRD OF OUR LAND

Since the beginnings of our Republic, the nation has treasured its publicly held land, which is the most enduring source of our wealth. Publicly held land is our ultimate gift for the future. Most treasured of all are our spectacular national parks, our wilderness areas and wildlife refuges, and our undeveloped forests and deserts. Despite the vast size and wealth of our public land estate, our land managing agencies make up only a tiny fraction of the Federal Budget. Yet that small fraction is under disproportionate pressure in the overall financial squeeze. Many of the specific proposals in the President's Budget are short-sighted and environmentally harmful. We must combine sound fiscal policy with conservative environmental protection policies which will benefit not only the nation now, but the nation which our children will inherit.

Our public lands are capital assets. In recognition of that fact, the Congress very wisely established a trust fund for the acquisition of public lands—the Land and Water Convervation Fund. LWCF revenues are obtained from selling our public assets, such as nonrenewable resources, and should be recaptured for the long-term public benefit through capital investment by acquiring urgently needed park, wilderness and wildlife refuge lands for lasting public benefit. At present, there is a backlog reserve of $4,493 billion within the LWCF—authorized but never spent for the purposes for which the fund was established; most of these funds have reverted to the general treasury.

This Administration repeatedly attempts to squander our assets by selling off our non-renewable resources without acquiring other public assets. If we delay buying private lands for our parks and wilderness areas, they may be altered or destroyed before we can purchase them for public purposes. Even if the land is available in the future, it will undoubtedly be more expensive. This is foolish fiscal and environmental management.

The LWCF should receive a full appropriation of $900 million instead of the $250 million average which has been appropriated over the past 5 years—or the paltry $18 million in the President's Budget. The Administration policy and budget would squander the nation's wealth by selling off our natural resources without reinvesting the funds in other capital assets.

Over the past five years, all of the so-called "multiple use" programs in the Forest Service and Bureau of Land Management have been distorted by repeated shifts in funding towards resource development. For example, the Forest Service's proposed FY 1987 budget would make only microscopic cuts in funds for timber administration, forest road construction for logging, and minerals and energy exploration. The budget actually proposes to INCREASE funding for grazing and range management. By contrast, the proposed Forest Service budget would make big cuts in land acquisition, grants to states and localities, and forest fire protection.

Incredibly, the President's Budget proposes raising millions of dollars in fees for recreational use but no increase at all in fees for timber, grazing, energy, and mineral exploitation. It would raise $50 million by imposing recreational fees on the public while cutting the recreation budget, which will involve "closing some recreation sites and operating others on a shorter season." If Congress refuses to hike fees, then the recreation budget would be cut by 50 percent. This is a budget so intent on building new roads to open undeveloped areas for logging, that it had to cut funds for maintenance of roads, closing roads which had already been constructed and open to the public.

BUDGET CUTS WE ARE HAPPY TO RECOMMEND

The visitor to national parks, the hiker in a wilderness, is not a profit-making corporation operating through government subsidy. Neither are these visitors to our publicly-owned land extracting resources—renewable or non-renewable—to make that profit. Not so for the nation's federal timber operators, public land grazers, hard rock miners, and energy companies. Many cuts could be made from public funds currently going to subsidize environmentally shortsighted and harmful land development programs.

For five years, the Forest Service road construction program has been funded at or above the President's Budget and constructed at a rate exceeding the Forest Service's own goals—despite a slump in timber markets. Savings of $67 million could be achieved in 1987 by placing a one-year moratorium on new forest road construction without impacting overall timber harvest goals.

A special fund established by the Alaska Lands Act provides at least $40 million annually from receipts (royalties) on natural resources to the Forest Service to maintain the timber sales program in the Tongass National Forest at a constant, heavily subsidized level—with grave harm to the environment. In 1987 this fund would provide $45 million despite the fact timber companies do not consume the mandatory timber cut requirements. Road building activities there have already provided access for timber which has not been sold. This program is wasteful, destructive, and should be returned to the appropriation process and reduced.

Many federal timber sales do not return their preparation costs. According to the President's Budget document, "Forest Service costs for timber and mineral activities exceeded the federal share of receipts by $621 million in 1985, and some timber sales did not cover costs." These sales are costly and environmentally destructive because of road construction needed to make them possible. In new forest plans the agency actually seeks to increase timber sale offerings and build thousands of miles of new logging roads. Congress should restrict spending on forests which habitually run a deficit on their timber operations.

CONGRESS CAN REDUCE DEFICIT BY ENDING DESTRUCTIVE SUBSIDIES

The Gramm-Rudman-Hollings deficit reduction act mandates that congress reduce the federal deficit to $144 billion in FY '87. Drastic cuts in already starved environmental programs will only reduce the deficit by a minuscule amount, while causing permanent harm to public health and natural resources. Instead, the Committee could meet the FY '87 deficit target by ending subsidies for resource exploitation and pork barrel projects that benefit private interests, such as those I have outlined below. Tax loopholes that encourage or reward environmental degradation should also be eliminated.

Both the Bureau of Land Management and the Forest Service subsidize grazing on the federal lands. It costs a rancher only $1.35 to graze a cow for one month on federal land, while private ranchers pay four times more. In the absence of fair market grazing fees, Congress should cut back on funds expended for grazing permits. This subsidy encourages overgrazing, which has denuded the land and degraded fish and wildlife habitat. We lose $75 million annually in foregone revenues from our grazing give-away.

The oil and gas leasing system also sells publicly-owned nonrenewable resources for less than their true value. Currently, 95 percent of oil and gas tracts on public land are leased through the noncompetitive lottery system, which is rife with abuse and inconsistencies. Several hundred million dollars of revenue could be raised each year if the lottery system were replaced by a competitive bidding system.

Although the Federal Budget deficit was nearly $200 billion in FY '85, Congress continues to pass multi-billion dollar bills to build large water projects. These projects waste millions of hard-earned tax dollars, and destroy wetlands and forests, while the barge industry reaps millions in cheap transportation costs. Private interests who benefit from federally subsidized navigation, ports, or irrigation water should pay user fees to recoup at least a portion of their market value cost.

The tax code also includes billions of dollars of hidden subsidies which reward resource exploitation. The deduction for interest from second home mortgages subsidizes and encourages the development of such fragile areas as the Outer Banks of North Carolina. Congress decided to tax timber at the lower capital gains rate because the forest products industry claimed it would invest more in reforestation and other conservation measures. However, the capital gains tax benefit is three times larger than the estimated forest costs, and does not promote conservation goals.

Similarly, the land clearing deduction and capital gains treatment have encouraged developers to convert highly erodible rangelands and wetlands to cropland, and then sell them it for a tidy tax deduction profit. Perhaps the largest tax subsidies are for nonrenewable energy development. Accelerated depreciation and investment tax credits encourage construction of unneeded central station powerplants. Depletion allowances and intangible drilling deductions offer artificial incentives for extracting finite fossil fuel resources.

Taken together, these provisions add billions to the federal deficit annually through tax write-offs, and encourage more construction, drilling, and mining in fragile wild areas, barrier islands, rangelands, and coastlines. Congress should completely eliminate opportunities to mine, harvest, drill or farm the tax code before it deprives our emaciated environmental programs of one more cent.

NEW TAXES

Looking ahead at the deficit reduction targets established in Gramm-Rudman-Hollings last year, the Sierra Club is convinced that the Federal Government will need additional revenues to maintain quality of life programs and to balance the budget. We believe that substantial revenue increases can be achieved in ways which also contribute directly to the quality of life.

The two obvious areas for such tax increases are on pollution emissions and on the consumption of non-renewable energy resources. A variety of proposals have been advanced in this area. The Sierra Club and other environmental groups are currently reviewing these proposals to develop a package that will generate additional revenues with the greatest possible increase in overall public welfare. We will be releasing these proposals in the next month.

SUMMARY: PUBLIC DEMANDS ENVIRONMENTAL PROTECTION

As the Reagan Administration's assault on environmental programs wears on, public support for fulfilling the promise of environmental defense made in the 1970's grows. A New York Times/CBS News poll in January 1986 found that 66 percent of the 1500 people surveyed "believe environmental improvements (are) necessary regardless of cost," up from 45 percent in 1981.

This and other opinion polls reflect what we already know: that the quality of life in the United States depends on a healthy, protected environment. President Reagan's proposed FY '87 Budget is another inexorable step towards irreversible environmental degradation. The Sierra Club strongly urges the House Committee on Budget to pass a budget which meets deficit reduction targets by ending subsidies to and taxing private interests who despoil our resources, rather than slashing the environmental safety net which protects our priceless natural heritage and the public health.

THE COST OF AMRAAM

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. DENNY SMITH. Mr. Speaker, the Secretary of Defense, by act of Congress, must certify by March 1 that the AMRAAM [advanced medium range air-to-air missile] will have an average cost of $305,000 per missile. At present, the Secretary of Defense's annual report to the Congress for fiscal year 1987 shows an average cost per missile of $13.9 million each for fiscal year 1986. Raytheon, the coproducer of the AMRAAM, estimates that the cost per missile will be at least $100,000 over the price that Congress has mandated.

Historically, no air-to-air missile program has even approached the cost savings needed to bring the AMRAAM in at an average cost of $305,000.

I have asked, and I strongly urge my colleagues to ask, Secretary Weinberger how he plans to bring the AMRAAM cost down to the required level.

I bring this to my colleagues' attention because of my concern, during the days of Gramm-Rudman, that the Congress and the American taxpayer cannot afford any more Pentagon "golden bee-bees."

I've included for my colleagues' information two letters I have written to the Defense Department on this matter.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 24, 1986.

Hon. CASPAR WEINBERGER,
Secretary of Defense,
The Pentagon,
Washington, DC.

DEAR MR. SECRETARY: I am writing to you regarding a subject of great importance: the AMRAAM program.

As I'm certain you're aware, Congress has mandated that by March 1st you must certify that "the total production cost for the program, for a minimum of 17,000 missiles, will not exceed $5.2 billion". This works out to an average cost per missile of $305,000.

In your "Annual Report to the Congress for FY 1987", DoD estimates that in fiscal year 1986 the cost per missile will be $13.9 million dollars each.

It is unfathomable that an average cost of $305,000 per missile will be achieved when the starting price is $13.9 million. Such a tremendous reduction in cost is unprecedented in an air-to-air missile program. It is foolhardy to believe that it will be achieved this time.

How does the Air Force plan to reconcile these facts? I would appreciate receiving this information prior to your decision on the AMRAAM.

Mr. Secretary, there is a far more important issue that must also be addressed in your decision to continue with the AMRAAM: adequate combat realistic testing.

Until testing is completed, there will be no hard design of the AMRAAM. Without a hard design, it is very difficult to have any realistic estimation of the final cost per missile.

At present, there have been no operational tests of the AMRAAM. The first test is expected in July of this year. Operational and Developmental testing are not expected to be completed until April, 1988.

It is inconceivable that funding for production is being considered before the results from combat-realistic testing are known. As a pilot in Vietnam, tragic experiences with air-to-air missiles convinced me of the vital necessity of adequate testing before production. Our fighting men deserve no less.

Therefore, I strongly urge you to withhold any funds for production of the AMRAAM and institute a full-scale testing program, with at least 200 missiles for a valid OT&E. I will be pleased to support you in this effort.

I look forward to working with you to provide our fighting men with the most effective weapons possible. Thank you for your time and assistance.

Best regards,

DENNY SMITH,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 27, 1986.

Maj. Gen. J.M. LOH,
Director of Operational Requirements,
The Pentagon, Washington, DC.

DEAR MAJOR GENERAL LOH: Thank you for your reply to my letter of October 21st re-

garding the AMRAAM program. I read your comments with interest and want to express my appreciation to the Air Force in keeping me updated on the program.

However, I feel that you did not fully address the most important subject I raised—adequate operational testing of the weapon. According to your letter, the Air Force is now planning to conduct only 25 OT&E test launches for the AMRAAM. In my opinion, Mike, this number is unacceptably low. 200 OT&E test launches is a bare-bones minimum when there are so many different parameters that have to be thoroughly explored in realistic tests. Those parameters include (as stated in the JSOR):

Capability to attack successfully at very low altitude (ie: that altitude stated in your previous letter);

Beyond Visual Range/Identification Friend or Foe capability;

Successfully attack multiple targets;

Ability to perform in all weather conditions;

Capable of intercepting and defeating a high G maneuvering target (G level stated in the JSOR);

Missiles performance not degraded by current electronic counter-measures;

Establish that the pk is equal to or better than the pk required by the DCP

It will be a mistake of major proportions if the AMRAAM—a $10.5 billion dollar program—is subjected to only 25 OT&E test launches. In my previous letter, I said I would be more than happy to consider actions in Congress that will lead to funding the purchase of the additional 175 missiles needed to perform adequate OT&E. You made no reply to this in your letter, nor have I heard any response from the Air Force on the subject. What is the Air Force's position on such an offer?

In addition, I appreciate your providing me with the OT&E and DT&E firing schedule. The firing schedule shows that OT&E and DT&E tests will not be completed until April, 1988. However, I understand the Air Force has budgeted nearly $800 million to purchase a lot of 260 production AMRAAMs after the DSARC III decision in April, 1987. It seems to me inconceivable that the Air Force is going to make a decision on production before the completion of a valid OT&E and DT&E program.

I hope the Air Force will consider this matter closely.

Best regards,

DENNY SMITH,
Member of Congress.

TRIBUTE TO BILL WARD

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. DELLUMS. Mr. Speaker, in 1984, Congress appropriated $2.5 million toward the restoration of the U.S.S. *Potomac,* the Presidential yacht used by Franklin D. Roosevelt. Efforts to restore the former floating White House enjoys the support of a wide political spectrum ranging from Lane Kirkland, president of the AFL-CIO to Attorney General Ed Meese. On February 21, in Oakland, CA where the restored vessel will be homeported, Mr. William "Bill" Ward was honored as the 1986 Potomac Man of the Year. Bill Ward is the secretary treasurer of the California State Building and Construction Trades Council AFL-CIO.

One condition of the Federal grant is the need to match the total sum from gifts from private and other sources. Organized labor is committed to a national fund-raising program. The Bill Ward dinner was the third fund raising event by labor in California and the kickoff of a campaign that is designed to reach every level of the American labor movement. It is appropriate that Bill was honored in Alameda County where he served for many years as the head of a local union before his election as the secretary treasurer of the Building and Construction Trades Council.

Congress and the White House decided to support the *Potomac's* restoration because of project's broad base of community support. The yacht was purchased by the Port of Oakland, much of the work required to lift the ship out of the water and on to land was performed by young men and women from the California Conservation Corps were supervised by retired union craftsmen. Local steamship companies and other maritime related employers have also made substantial contributions to save this historic vessel.

Work on the vessel should begin in a few months and be completed by the summer of 1987. The restored Presidential Yacht U.S.S. *Potomac* will serve as a floating classroom and provide thousands of school children a unique lesson in American history.

CHIEF JAMES EARL WALKER, JR.: A QUARTER CENTURY OF SUPERLATIVE SERVICE LEADS HAVRE de GRACE POLICE DEPARTMENT INTO MODERN ERA

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. DYSON. Mr. Speaker, I would like to bring to the attention of my colleagues the exemplary achievements of James Earl Walker, Jr., chief of police of the Havre de Grace Police Department since 1961.

It comes as a great honor, Mr. Speaker, to share these few words of praise for a man whose untiring and unselfish commitment to excellence has meant so much to the people of Harford County, MD. Mr. Walker is one of those truly rare individuals, who, through their example and enthusiasm, inspire others to action.

Even before the Maryland Police Training Commission introduced mandatory training programs in 1968, Chief Walker had begun sending himself and his officers to the Maryland State Police Academy. As a result of these inservice training classes, Chief Walker has been able to forge a force that is well equipped to meet the ever changing challenge of effective community law enforcement. So successful has this program become, that in 1981 the Havre de Grace Police In-Service Training Academy received the certification of the Maryland Police Training Commission.

In a similar vein, in 1980, Chief Walker foresaw the need for a readily available police firing range. Today, at no cost to the citizens of Harford County, the Havre de Grace police range is one of the few modern ranges in the area. And all this accomplished not with taxpayer dollars, but by tapping the spirit of voluntarism that exists in every community in America. Yes, Mr. Speaker, in Havre de Grace there is now a widely used target range that was built upon the initiative of police department personnel and other community volunteers, including members of Maryland's National Guard and the local business community.

Never content to rest upon the laurels of past achievement, 2 years ago Mr. Walker provided the impetus for the ground breaking of the Havre de Grace Police Training and Community Center. Today, thanks to a massive community volunteer effort, this impressive 11,000 square foot facility is nearing completion.

I believe, Mr. Speaker, that Chief James E. Walker exemplifies the spirit of optimism that has made our Nation great. Possessed of rare inner strength and fortitude, Chief Walker has demonstrated time and again, that no goal is unreachable; no dream unattainable—that we as individuals can make a difference.

A CONGRESSIONAL SALUTE TO DESPINA ZOUNATIOTIS, PAN-ARCADIAN FEDERATION OF AMERICA'S (CHAPTER 102) "WOMAN OF THE YEAR"

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. ANDERSON. Mr. Speaker, on March 1, Chapter 102 of the Pan-Arcadian Federation of America will honor 99-year-old Despina Zounatiotis as their "Woman of the Year."

As some may know, the Pan-Arcadian Federation of America was organized in New York over 50 years ago and is a philanthropic organization composed of Greek Americans. The name was taken from Arcadia, Greece and among the group's most notable accomplishments was the construction and continued maintenance of a general hospital in Arcadia which serves all villages in the area.

Despina Zounatiotis was born in January of 1887 in Selimni, Tripolia, Greece. She arrived in the United States on the 4th of July, 1969 with her husband, George. They were married for 61 years. They have four children, Mrs. Panayiota Bicos, Mr. Dimitrios Zounatiotis, Mrs. Evyenea Katzavalos and Mr Theordore Zonos. Today, Mrs. Zounatiotis is blessed with 12 grandchildren and 17 great-grandchildren.

As a resident of Downey, she has received the love and respect of her friends and neighbors in recognition of her selfless service to better the lives of countless children and adults over her lifetime.

My wife, Lee, joins me in offering our warmest congratulations to Despina Zounatiotis on being selected as "Woman of the Year." And, on behalf of the people of the 32d Congressional District we wish you continued happiness in all the years ahead.

NATIONAL HOME BUILDERS HONORED BY SERVICE OF JOHN J. KOELEMIJ

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. FUQUA. Mr. Speaker, recently I had the privilege of participating in the program of the annual convention of the National Association of Home Builders. The reason I speak today is that this was a special occasion for the organization and for me.

My friend, John Koelemij of Tallahassee, FL, was completing his term as national president.

There have been other outstanding presidents of this great professional organization, but John is unique. He is unique because he only moved to this country from his native Netherlands as an emigrant following World War II.

John's story is eminently worth telling for it says so much about this great land of ours and its opportunities. It also says a great deal about this basic industry of providing homes for the American people.

His story is eminently worth telling for what it has to say about the rich opportunities here in America. There is no limit to what an individual can accomplish in this great Nation of ours once he has set his sights upon realizing the American dream. For himself, for his family, for the citizens of Tallahassee, for the Nation's homebuilding industry and for the millions of American families that industry so ably serves each year, John Koelemij has embraced what is best about his country and has made our democratic system of government and our free enterprise economy work for the constant betterment of mankind.

John Koelemij has a special way of seeing his country and too often we Americans take for granted the freedom and rich bounty our Nation has to offer. If it takes the fresh perspective of a newcomer to our shores to remind us of what our great Nation stands for around the world, then John Koelemij, through his example, should rekindle that fresh perspective that has been a constant inspiration to our forebears and today stands as a beacon of light wherever individual liberties are trampled by the injustices of undemocratic government.

The chronicle of John Koelemij's rise to eminence in America is a simple story. The same story could be told about any number of individuals who have made their fortune in America and used their new station in life to be of service to others. John Koelemij emigrated to America in 1954 from Aruba, where he had been stationed with Dutch Army troops and later went into the insurance business. With little experience in the construction industry, he set up his own homebuilding business in Jacksonville, FL. His first homes were three-bedroom, frame homes priced from $14,000 to $16,000. They were all VA-financed at 4¾-percent interest and it took only 3 months to build them.

Today, his diversified company, Orange State Construction, Inc., builds single-family homes and apartments, develops land and manages rental properties that the company built or for others.

Along the way, John Koelemij became a strong advocate of housing opportunities for the American family. He has been active in the National Association of Home Builders for more than 25 years. In 1958 and 1964 he was president of the Tallahassee Builders Association. In 1966 he was president of the Florida Home Builders Association. In 1974 he was the first person to be honored as a "Builder of the Year" by the Florida Home Builders Association. John Koelemij has made the highest public commitment through his endeavors in the Tallahassee Chamber of Commerce, the Leon County Mental Health Center, the Tallahassee Junior Museum and the United Way and has been appointed by two Governors of the State of Florida as chairman of the Governor's Council on State Housing Goals. He has earned wide public admiration and gratitude throughout the Second District of the State of Florida.

John Koelemij has been a leader in his industry for decades, but most of the distinguished Members of this Congress will remember meeting him last year, as he carried the banner for the Nation's housing industry as president of the 138,000-member National Association of Home Builders. In 1985, John Koelemij carried his concern for upholding a strong national priority for housing to Members of this Congress, the President and leaders in his administration and public officials across this land. I hope he knocked on your door at least once because he is an individual worth meeting, and more than that, he carried an indelible message that we must never forget on behalf of our national commitment to housing. One of the greatest responsibilities that has fallen upon your shoulders is protecting and advancing the tremendous progress America has made over the past half century in providing housing for its citizens. We do it better than any other nation in the world today. And John Koelemij won't let you forget it.

Advocating a strong national priority for housing is a battle that must be fought constantly on every front. John Koelemij fought every one of those battles in the past few years during his visitations to Members of the Congress. He led his association as it stood in the vanguard of organizations urging its Government to address the fundamental economic issue of the day—reduction of the towering Federal deficit. John Koelemij told you that year after year of new Federal indebtedness smacked of irresponsible Government and was leading to a bleak economic future for coming generations of Americans. John Koelemij told you that runaway Federal borrowing was making it harder for that young family to qualify for a mortgage loan to buy a home because it was keeping mortgage interest rates far higher than they should have been and far higher than they would have been if that prospective home buyer were not forced to compete in the credit markets with Uncle Sam. On the issue of the deficit, tax reform, countervailing duties on Canadian lumber and a host of other financial and regulatory issues, John Koelemij never let this Congress forget its responsibility to the American homeowner or renter.

John Koelemij has impressed upon me that housing is not an ordinary industry. Housing led the way out of the darkness of the recession earlier in this decade to a sustained, full-blown economic recovery—with new jobs, a new sense of purpose and a return to prosperity, with the hopes of a better way of life for all Americans. The construction of 100,000 single-family homes generates 176,000 worker-years of employment in construction and construction-related industries, $3.25 billion in wages and $1.5 billion in combined Federal, State and local tax revenues. Housing, more than any other American industry, keeps our economic wheels turning. Although investment in housing acounted for only about 3.5 percent of the Nation's gross national product in 1983, housing was responsible for about 29 percent of total economic growth, or for $16 billion of the $55 billion increase in real GNP experienced during the year. In 1984, residential fixed investment grew at a real rate of 12.2 percent, nearly double that for the total gross national product.

John Koelemij, the Nation's housing industry and the National Association of Home Builders are interested in preserving the economic recovery that has brought so much good news to so many Americans because there are still millions of citizens out there who have yet to attain the goal of living the American dream. That is the hope we hold out to them. I urge all of you to do what you can to make that dream a reality for all. John Koelemij will join you in that resolve. For his dedication to such a worthy cause, we salute John Koelemij, and urge him to keep up the good fight on behalf of a nation of rising opportunities for generations yet to come.

THE 1987 BUDGET: "A RURAL DISASTER"

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. DORGAN of North Dakota. Mr. Speaker, the President sent his budget to the U.S. Congress with a great deal of flourish and rhetoric.

But it's a budget of missed opportunities and misplaced priorities. He says let's throw our money away on things we don't need and dry up funds for the things we do need. It also says that this conservative President wants another very large Federal deficit in the next fiscal year. He calls for a big deficit even as he asks for the U.S. Constitution to be changed to prevent others from doing what he's now doing.

If the American people are confused by this, they have a right to be.

I came across an editorial written by Blanche Denison from the Cando Record-Herald, a North Dakota weekly newspaper. It was such an incisive and thoughtful analysis of the President's budget, I want to share it with my colleagues here in Congress.

THE 1987 BUDGET: "A RURAL DISASTER"

(By Blanche M. Denison)

If the 550 page budget which was sent to Congress this week by the administration had instead been a bomb dropped on Rural America with malicious intent of wiping out some of its most basic qualities that made rural businesses and farmers the solid heart of this nation, it could not have been more effective.

That this unreasonable document is "dead in the water" as a Republican leader said, is the one hope that it cannot work its damage.

It is the biggest spending budget in history, so the excuse of balancing the budget is a farce. It has a $45 billion raise in spending for destruction and war and has slashed at basic programs that have survived over 50 years, many carrying their own weight financially.

This leaves an almost unbelievable burden on a Congress who wants more than anything to cut the deficit. Senator Andrews begged for a freeze on all spending including the military and Gramm-Rudman promised in the bill the President signed that the military and foreign aid would be cut equally with all other American programs.

A loyal citizenry will do their share, and that includes Rural America which had already been kicked when they were down. Now the first blow is a 16 percent cut in the farm assistance to give a price that was equal to expense.

Builders of war equipment, contractors for government building are all awarded cost plus, and all the over runs and bonuses they wish. This is a guarantee. A budget that asked for 350 billion of 1947 "real dollars" strikes at more than 50 percent of the tax income.

The only reason Social Security is not included is that even the President admitted in January that it should not be part of the budget, for it is a trust fund, solvent and with no influence on budget figures.

It does have an influence however, for as long as it is in the budget its yearly surplus that was to be put away for your children and your retirement, is being milked as a "loan" year after year and disappears in the two trillion dollar pit of national debt never to return.

$12 billion was taken right before Christmas to keep other checks from bouncing. Since 1981 Congress has cut Medicare benefits by $56 billion of funds they had paid in, and hospitals and patients have been in panic ever since with early discharges.

What a different face of the economy is shown when the budget requests $100 million to wage a covert war in Nicaragua to overthrow their government; to keep 5000 American troops in Honduras and another $100 million to keep the El Salvador dictator in power.

There is $5 billion in cash and weapons sent already this year to Isreal, and they are selling their weapons to whom they chose and using them at will with no reporting to this nation. There is $96 billion for new weapons, another $35 billion for Star Wars which 200 top scientists have taken out a New York Times full page advertisement to say it cannot work, or if it does, it is at least 50 years away for the first successful step. Missiles, nuclear weapons, and $51 billion Wienberger admits is hid in the pipeline. Is this honest deficit cutting?

The President said inflation was licked (29.7 percent in the past four years increase), un-employment is down—(which for the correction about March 1, for figures are released and times like this). The budget cuts by $9 billion the most effective of all programs to get people off welfare and working, the Job Training program and the Job incentive program. Just plain wipes them out.

Agriculture and our rural America is the principal target Senator Burdick says it is tragic, and will cause 50,000 farm homes to be vacant. He claims 24 percent is the total cut. Since this also includes food stamps, it means a 24 percent cut in food to the needy. Rep. Dorgan is so thunderstruck, he calls it all "foolishness". Senator Andrews says he has hope it can be corrected in the Senate for the Administration program last year was worse, and they overturned part of it. Considering the last years results in rural America, that is not encouraging.

The budget totally eliminates the ASCS, where farm programs are administered. It does away with Federal Grain Inspection service to try and stop fraud by exporters that dupes those who do buy our exports.

It picks away at Agricultural research and the Extension service, the safety net that helps make Agriculture the most efficient industry in the nation and the largest. Its research has saved billions in times like the Durum rust tragedy.

The Farm Home Administration direct loan program would be cut 45 percent with foreclosures to be enforced. Rural Electrification, who has paid all their loans with interest, is also to have the guarantees pulled. Evidently the 80 percent vote rural America gave this administration did nothing to make them respect the people who have in the past proved so stable. Now they are to be punished.

Compare this with the 40,000 troops we support on the Korean borders, to keep them from killing each other, as their total research goes to manufacture goods to close our factories.

The same situation exists in Japan when all their research is freed to put our Economy in rubble, because we promise them military protection.

A half million American troops are on the Russian Border in Germany supported and trained by us. What a fuss we would make if Russian troops were on our Canadian border. We have 58 similar bases around the world.

Are our priorities justified: General Jones, former Chief of Staff of the United States when questioned if there was danger from a major power attack said "On a scale of one to ten he would rate the chances as minus five". Terrorists perhaps, but we also have in our budget to cut the Coast Guard—which searches for our space ships, tries to stop the drug dealers flooding America with drugs, and rescue those in trouble. In case of terrorist attack they would be a vital part of our defense, Indeed Dorgan is right—this is foolishness.

Finally we are told if we stop the factories building weapons joblessness will collapse us as a nation. We spent $1 trillion on military in the last four years, with our domestic needs in shambles. Is this really the answer to a balanced budget?

THE GIRL WHO SPELLED FREEDOM

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mrs. LLOYD. Mr. Speaker, on Sunday, February 23, our entire Nation had the privilege of viewing a 2-hour film on ABC, "The Girl Who Spelled Freedom," on the courageous story of Linn Yang and her family, who I am proud to say are now residents of my fair city, Chattanooga, TN. In 1979, Linn Yang, her mother, and five brothers and sisters fled from Battambang, Cambodia, where the whole family was imprisoned, and through the grace of God made their way toward Thailand until they reached a refugee camp over the border.

George and Prissy Thrash, and their daughter Laura, decided to sponsor the family after hearing at the Red Bank United Methodist Church about the Cambodian refugees. The Yangs were flown to Tennessee and through the generous sponsorship of the Thrashes and the support of the community, are well on their way toward rebuilding their lives. At the age of 9, Linn Yang had never been to school or handled a pencil; now, at the age of 15, Linn is a veteran of the nationwide spelling bee which she won in 1983 and the national Scripps Howard spelling bee in which she placed fourth last year. Linn's mother holds a responsible job and today the children are all in school.

Mr. Speaker, the hard work and perseverance set forth by both the Yang and Thrash families are a true embodiment of the American dream and spirit. I know the entire Congress joins with me in applauding the Yangs for their courageous journey and commending the Thrashes for so unselfishly opening their hearts and home, and giving of their talents, energy, and resources so that others may be free.

DEMOCRACY'S VICTORY IN THE PHILIPPINES

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. LaFALCE. Mr. Speaker, I take this opportunity to express my congratulations to the Filipino people and their new President, Corazon Aquino.

The past few tumultuous days in Manila were filled with danger and uncertainty, but it became increasingly evident that the people of the Philippines wanted Cory Aquino to be their President. If this fact was obscured by the fraud-marred election of February 7, it was no longer in doubt when we saw thousands of Filipinos, armed only with their faith in God and the justice of their cause, face down the tanks of Ferdinand Marcos. In the end, the tanks joined the people, but it is to their credit that President Aquino's forces relied on "people power," not military force, to win their great and historic victory.

Expectations run high for the new Philippine Government, but we should recognize the difficulty President Aquino will face in achieving her goals of "reconstruction, reconciliation, and unity." The unique relationship of the United States with the Philippines requires that we assist her Government by providing generous military aid, to be used by the newly reformed armed forces to become more professional and more effective in dealing with the Communist insurgency, as well as generous economic aid, to be channeled honestly to projects that can revive the Philippine economy and help the people of the Philippines develop the vast natural and human resources of their country.

The national interests of the United States are served by a stable and legitimate Government in the Philippines. Moreover, the United States is committed, by its historically close ties to the Philippines, and by the democratic principles of its own founding, to support the self-determination of the Filipino people. That self-determination has been made, and America applauds it.

A CONGRESSIONAL SALUTE TO JOHN G. FOUTRIS, PAN-ARCADIAN FEDERATION OF AMERICA'S (CHAPTER 102) "MAN OF THE YEAR"

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. ANDERSON. Mr. Speaker, on March 1, chapter 102 of the Pan-Arcadian Federation of America will honor Mr. John G. Foutris as their "Man of the Year."

The Pan-Arcadian Federation of America is a philanthropic organization which was organized in 1934 and is composed of Greek-Americans. The name was taken after Arcadia, Greece and today, Pan-Arcadia has chapters throughout the country for men, women and children.

Mr. Foutris, who was born in Makri, Tripolia, Greece in June 1886, first came to the United States in 1905. In 1912, he returned to his homeland to fight in the Balkan war, where he was wounded. Two years later, he was married and returned to the United States where he settled in Tennessee. Shortly thereafter, his son, Gus, was born. In 1923, Mr. Foutris moved to Long Beach, CA, where he has lived ever since. It was here where his daughter, Mrs. Alice Kiapos, was born. He also was the owner and operator of Liberty Hat Works, Shoeshine and Repair in downtown Long Beach.

Mr. Speaker, Mr. Foutris is truly deserving of this special award. He has contributed much to the betterment of our seaside community and is known by all to be a generous and loving family man and friend.

My wife, Lee, joins me in commending John G. Foutris on this important occasion. And, on this, his 100th birthday, he can reflect with pride on his many contributions to society. We wish him continued happiness in all the years ahead.

HUMAN RIGHTS AND THE CATHOLIC CHURCH IN EL SALVADOR

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. MILLER of California. Mr. Speaker, as this city begins to gear up once again for a major debate on aid to Contra rebels in Nicaragua, I fear we risk ignoring the ongoing critical situation in El Salvador. On two occasions in recent weeks, the Catholic archdiocese in San Salvador has spoken out about the army's treatment of civilians trapped by the conflict.

Earlier this year, Archbishop Arturo Rivera y Damas traveled to the heavily-contested Chalatenango province, where he heard the bombing runs of Salvadoran Air Force planes and took testimony from peasants in the area about government bombing of the region. In a statement read in his name at the Metropolitan Cathedral in San Salvador, Archbishop Rivera y Damas pleaded with the Salvadoran government to take account of civilians in the zones of combat. "The greatest pleas is that I advise that there is a large civilian population," he said. "It is not the case that there is not a civilian population. The petition is clear, that I make myself the voice of all and express to those who should hear that the bombings cease in areas inhabited by the civilian population."

Approximately 2 weeks later, Auxiliary Bishop Gregorio Rosa Chavez issued a plea for the army to respect the lives of civilians who were apparently trapped during an extensive army sweep of the Guazapa volcano north of San Salvador.

"We fear for the physical integrity and the lives of these Salvadorans and in addition we ask the authorities to act very carefully to avoid irreparable damage to innocent people," he said during a Sunday homily at the Cathedral.

On January 26 of this year, San Francisco's Archbishop John Quinn traveled to El Salvador to take part in a "World Day of Peace" celebration. Archbishop Quinn called for "the humanization of the war, a humanization which means the ending of the bombing of civilians, the ending of the torture of political prisoners or of any other human being, the disappearance and arbitrary arrest of civilians and an ending of economic sabotage."

Archbishop Quinn also called for an "end to the exaggerated emphasis on the East-West character of the problem and an insistence that both the East and West respect the sovereignty of El Salvador and permit it, through political means and through honest dialogue, to resolve its own conflicts."

As our own Government continues to deny or downplay the seriousness of aerial bombardment as a human rights issue in El Salvador, I urge you to consider the statements of the Salvadoran Catholic Church and of Archbishop John Quinn, as well as newspaper accounts of military operations in El Salvador.

MAPPING THE JOURNEY TO PEACE (EXCERPTS)

My last visit to your country was on Palm Sunday in 1980. We were gathered together in the plaza before the cathedral where an altar had been placed before the main doors. On the cathedral steps, in front of the altar, lay the casket containing the body of our beloved Archbishop Romero. In union with the whole church we began together on that day the journey to our Lord toward his passion and death. But it was also the beginning of his journey toward the resurrection.

Today I come to you in a different spirit. In the tradition of the apostles who traveled over vast distances visiting the local churches, I have come today at the invitation of Archbishop Rivera Damas as a witness of our communion in faith and charity in the mystery of the church. Indeed there are many bonds which join us together. My country and yours share many common interests and perils. For many decades citizens of El Salvador have lived in San Francisco, where they enrich the life of the church by their faithful witness of Christ. In recent years many Salvadorans who have fled the tragic upheavals of their country have come to San Francisco to find refuge and welcome in the church there. But the greatest bond between us is the Holy Spirit, who gathers us all into Christ Jesus and makes us living stones in the temple of his body which is the church. . .

As you are called to follow Christ on the special path of suffering and persecution and division, the Gospel also calls you to work for a peaceful and just resolution of the conflict. After all, the Scriptures teach us, "By this will all know that you are my disciples, if you have love of one another. . . This is my commandment: that you love one another."

How can we claim to love one another and be content with hatred, divisions and violence?

It is clear, then, that the very Gospel of Christ calls out to all parties in the conflict to stop the killing, the violence of war, and the institutionalized violence of degrading poverty and the economic systems which cause and augment that poverty. The bombing of civilians in the countryside cannot be justified, and the use of arms against brothers and sisters who are unarmed in an outrage against the law of God and international law.

The Gospel of Christ calls not to violence but to reconciliation. And so Paul, himself a prisoner for the name of Christ, writes to us:

"I plead with you . . . to live a life worthy of the calling you have received, with perfect humility, meekness and patience, bearing with one another lovingly. Make every effort to preserve the unity which has the Spirit as its origin and peace as its binding force" (Eph. 4:1-6).

You began the process toward reconciliation in La Palma and Ayagualo. Dialog directed toward a political, not a military, solution is the only effective and moral approach to the resolution of this terrible conflict that has already taken the lives of too many of our brothers and sisters. Most recently on Jan. 1 our Holy Father, Pope John Paul II, underscored the imperative of dialog:

"The right path to a world community in which justice and peace will reign without frontiers among all peoples and on all continents is the path of solidarity, dialog and universal brotherhood. This is the only path possible. . . . Dialog is the means by which people discover one another and discover the good hopes and peaceful aspirations that too often lie hidden in their hearts.

True dialog goes beyond ideologies and people meet in the reality of their human lives."

The bishops of El Salvador, in their own pastoral letter, also spoke with great conviction about dialog:

"Yes, the dialog is extremely difficult, but it is the sole human and Christian option for peace in El Salvador. For this reason we affirm that it is necessary . . . (and) we continue to maintain that it is possible. It is necessary to stop a military buildup which is on the point of exploding. It is necessary if there is to be reconciliation among Salvadorans. (Dialog) is necessary, understood as 'the sincere effort to respond with a search for an agreement (which will end) the anguish, the pain, the weariness and the fatigue of so many who long for peace. Those who want to live, to be born again from the ashes, search for the warmth of children's smiles far from terror and in an atmosphere born of living together (in a democratic society).' Dialog is necessary, and it is possible. Possible if one looks above all for the common good. Possible if one acts with sincerity. In a word, if one enters on an authentic dialog."

I am conscious as an American of the role our Nation plays in the unfolding drama of El Salvador. It is for this reason that the Catholic bishops have repeatedly pleaded with our government to seek a political and not a military solution to the problems of El Salvador. In speaking of the role of the United States we are also aware of the interventions of other political powers, and our position toward them is the same. The infusion of large quantities of military aid and sophisticated weapons system by any party does not promote the dialog without which an effective solution is impossible.

But in striking language John Paul II challenges us to seize the opportunities that lie hidden in the present conflict:

"The present difficulties are really a test of our humanity. They can be turning points on the road to lasting peace, for they kindle the boldest dreams and unleash the best energies of mind and heart. Difficulties are a challenge to all; hope is an imperative for all" (Jan. 1, 1985).

It is imperative then to demilitarize the conflict, to stop the killing and violence, and to begin a true dialog based on mutual respect and the shared hope of a more human future. All this, if it is to be more than a flight into some poetic abstraction, must build on the age-old truth that peace is the fruit of justice. And so sincere dedication to the construction of authentic peace will only be revealed by the measure of your dedication to building the social, economic, and political structures that support family life, uphold the dignity, freedom, and human rights of the person, and foster a genuine civic communion dedicated to the creation of public tranquility and consecrated to an unselfish defense of the common good of all.

The church in El Salvador, under the courageous but always loving leadership of its Archbishop Rivera Damas, has been an outstanding example to the whole church of a heroic witness to the call of the Gospel to patience and charity in trial and conflict. Not least of your glories is your admirable care for the more than half a million displaced Salvadorans inside El Salvador and your continuing service to the poor and destitute.

In the United States and particularly in San Francisco, we are very conscious of your relatives and friends who have fled the war and violence in El Salvador. We are conscious too of our fundamental duty before the Gospel of Christ to care for the refugee as we would care for Christ. . . ."I was hungry and you fed me, naked and you clothed me, a stranger and you took me in." Is there any believer in Jesus Christ who could hear those words of the Lord and close his heart or his door against the stranger and the refugee?

In this connection too we continue our repeated efforts to urge our own government to grant the protection of our laws to those who flee from your country seeking refuge and protection in the United States.

Where then can we find a map for our journey toward true peace?

The map must begin with the stirring revelation of God in the Book of Genesis, where we see man and woman created by God in his own image and then entrusted with the Earth to develop and control it in the service of their human destiny. This is, of course, also the revelation of interdependence. the interdependence of humanity and all the rest of creation, and the interdependence of all human beings on the Earth. Interdependence is perhaps one of the most profound realities of life in the modern world. Arab oil prices AIDS, American arms policy, Libyan politics, to mention only a few things, affect every man, woman, and child on the Earth.

And so we must begin the map by affirming our belief in the divinely revealed truth that the whole human family is truly one, that we all need one another and are joined together by a bond of solidarity which calls us all to a sincere search for justice in love. To do this it is necessary to call into question and to reform the historical, political, and economic factors which have divided and separated us from one another and made enemies of brothers and sisters. The Holy Father points to some of the practical aspects of this when he says:

"But the person who sees peace as a universal value will want to use this opportunity to reduce the differences between North and South and foster the relationships that will bring them closer together. I am thinking of the prices of raw materials, of the need for technological expertise, of the training of the work force, of the potential productivity of the millions of unemployed, of the debts poor nations are carrying and of a better and more responsible use of funds within developing countries. I am thinking of so many elements which individually have created tensions and which combined together have polarized North-South relations. *All this can and must be changed"* (Jan. 1, 1986; emphasis by Pope John Paul II in original text).

Certainly the map of our journey toward peace must involve an end to the intense militarization and regionalization of the conflict. It must involve an end to the exaggerated emphasis on the East-West character of the problem and an insistence that both East and West respect the sovereignty of El Salvador and permit it, through political means and through honest dialog, to resolve its own conflicts.

Noting that "even if there is no actual armed conflicts as such where injustice exists, it is in fact a cause and potential factor of conflict," Pope John Paul goes on to point out that "between the countries which form the 'North bloc' and those of the 'South bloc' there is a social and economic abyss that separates rich from poor." It is within this framework then that the pope affirms: "Local problems and regional differences are aggravated and perpetuated through armaments supplied by wealthier countries and by the ideologizing of local conflicts by powers that seek regional advantage by exploiting the condition of the poor and defenseless" (Jan. 1, 1986).

Our map must highlight the need for a true dialog, which "goes beyond ideologies, and where people meet in the reality of their human lives." The bishops of the United States have publicly supported the dialog begun in October of 1984 between the government of El Salvador and FDR-FMLN and facilitated by the bishops of El Salvador. And we have urged "the U.S. government to do everything to support and nothing to hinder the dialog process."

The map of our journey toward peace should surely include a section on the humanizing of the war, a humanization which means the ending of the bombing of civilians, the ending of the torture of political prisoners or of any other human being, the disappearance and arbitrary arrest of civilians, and an ending of economic sabotage. The map will clearly show that the journey toward peace cannot reach its goal until there is a genuine willingness to address the root causes of poverty and injustice which have created the war in the first place.

The deepest root of injustice and war lies in the human heart. And so our map finally leads us to the need for a profound conversion of heart in our search for true peace. For this reason your bishops recently said to you in their pastoral letter:

"We need this conversion of heart when we feel drowned by violence and when the temptation to return evil for evil arises in us. We need this conversion when we despair of dialogue as a road to peace and when we are tempted to believe that peace is found at the point of a rifle or in the power of lethal weapons. We need this conversion when we are confronted with the temptation to absolutize ideologies and to relativize the gospel imperative of love and pardon for enemies."

SALVADOR PRELATE ACCUSES AIR FORCE

(By James LeMoyne)

SAN SALVADOR, January 12.—In one of his strongest statements to date, the Archbishop of El Salvador today condemned the indiscriminate bombing of civilians by the Government air force and the destruction of homes and crops in army sweeps of rebel-held areas.

The Archbishop's charges, made in a prepared statement read this morning in his name at the national cathedral, come after a highly unusual one-week trip by the Archbishop to rebel-held territory in northern Chalatenango department.

The Archbishop, Arturo Rivera y Damas, also charged that two bombs had been dropped within four miles of him on the first day of his visit. The charge by the nation's highest Roman Catholic prelate directly contradicts a statement by the Minister of Defense, Gen. Eugenio Vides Casanova, that no bombs were dropped in the area.

The army high command had given assurances that the Archbishop could make his visit without fear, according to church officials. But the Salvadoran Air Force is the most conservative part of the military and appears to be the least controlled. If it bombed near the Archbishop, it appears to have done so in violation of explicit rules prohibiting any bombing not approved by the high command and monitored by an army officer on the ground.

BOMBING IS DENIED

The Archbishop's charges corroborate evidence gathered by several journalists that the air force has attacked a number of villages occupied by civilian supporters of the rebels despite the prohibition of such attacks by President José Napoleón Duarte.

The Salvadoran Government, the United States Embassy here and the Salvadoran Air Force have all denied that villages are being bombed. The Archbishop's condemnation, however, would now appear to make it less easy to sustain that position.

The area in Chalatenango visited by Archbishop Rivera y Damas is one of the few where almost all villagers support the guerrillas.

In a sermon broadcast live from rebel territory by the rebel radio, Venceremos, last week, the Archbishop said hundreds of peasant villagers had asked him to speak for them and counter often-repeated army statements that there are no civilians living in northern Chalatenango. The army appears to treat the area as a free-fire zone occupied only by guerrillas.

THE PETITION IS CLEAR

"The greatest plea is that I advise that there is a large civilian population here," the Archbishop said. "It is not the case that there is not a civilian population."

"The petition is clear," he added. "That I make myself the voice of all and express to those who should hear that the bombings cease in areas inhabited by the civilian population."

Archbishop Rivera y Damas said in his statement that he walked and rode on horseback through the region, baptizing, marrying and taking confessions from hundreds of villagers who have been cut off from the rest of the country because of their decision to live with and actively support the leftist guerrillas of the Farabundo Marti National Liberation Front.

NEW PEACE TALKS URGED

Caraballeda, Venezuela, January 12,—Eight Latin American countries called today for an urgent resumption of negotiations to bring peace to Central America.

"Faced with increasing threats to peace in Central America and the risk of a diplomatic vacuum which could heighten tension in the region," they said in a joint statement, "it is urgent and necessary to give new momentum to negotiations promoted by the Contadora group."

The statement was issued after a two-day meeting of foreign ministers at this Venezuela seaside resort.

The Contadora group of Colombia, Mexico, Panama and Venezuela has been searching for three years for a negotiated settlement to Central American conflicts. The four founding nations were joined last year by a "support group" of Peru, Argentina, Uruguay and Brazil, the other four nations attending the meeting here.

[From the Dallas Morning News, Feb. 2, 1986]

SALVADORAN FORCES REMOVE PEASANTS FROM VOLCANO'S SLOPES: RELOCATION AIMED AT CUTTING OFF SOURCE OF REBEL LOGISISTICAL SUPPORT

(By Chris Hedges)

GUAZAPA, VOLCANO, EL SALVADOR.—In the largest forced civilian relocation in a 6-year-old civil war, the Salvadoran armed forces are trying to remove an estimated 800 to 1,000 peasants from the Guazapa volcano, 30 miles north of the capital.

More than 250 peasants have been transported in the past two weeks by army helicopters from their homes on the volcano to temporary detention centers. An estimated 2,500 soldiers are searching the area for the remaining civilians, and the air force is bombing the area each day.

The army contends that the peasants living on the mountain are *masas*, or people who provide crucial logistical support to the guerrilla army. A number of former volcano residents interviewed in a detention center confirmed that they farmed land and performed other services for the rebels.

The military operation, however, has been criticized by the Roman Catholic Church. The Auxiliary archbishop of San Salvador, Gregorio Rosa Chavez, called on the army last week to respect the lives of civilians on the volcano, which is a rebel stronghold.

"Approximately 1,000 civilians, among which are wounded, pregnant women, elderly people and children, are surrounded" by government soldiers, he said.

The rebel radio, Radio Venceremos, has claimed that the government battalions "are conducting a terrible persecution and massacre against women, children and elderly people."

Peasants relocated from the mountain, however, say that government troops are working in small groups to find civilians and have not trapped any peasants. They also had not seen any civilians killed by the troops.

The press spokesman for the armed forces, Col. Mauricio Hernandex, called the archbishop's statements "distortions" and said they had "no foundation."

U.S. and Salvadoran military strategists have long contended that the displacement of civilians from guerrilla territory is a key component in El Salvador's counterinsurgency program.

Last year, the army relocated about 600 peasants from the volcano in a series of operations. Army commanders contend that the current operation, code-named Phoenix, will not end until the volcano has been totally depopulated.

"We will clean out the area inch by inch," said Gen. Adolfo Blandon, the army chief of staff.

The countryside around the volcano was home to about 28,000 peasant farmers before the war.

The general and other military officials have described the relocation of the peasants as a "rescue operation." Some of the peasants interviewed last week acknowledged that they wanted to leave the volcano, while others left only under pressure.

The peasants, many of whom contend that their crops and homes were burned by army troops, eventually will be transferred to refugee camps in government-held territory or turned over to relatives, according to military commanders.

Peasants being held in a temporary detention center on a sugar cane plantation at the base of the volcano appeared demoralized and exhausted. Many had gone without food for several days before they left their homes, and most said they would not attempt to return to the volcano region when released by the army.

The loss of the *masas* on the volcano and elsewhere is a major concern to the rebels. Rebel documents captured late last year show both a rise in desertions by *masas* and a preoccupation by rebel commanders with *masa* morale.

"Our political-ideological campaigns have not been sufficient to stem *masa* desertions and infiltration by enemy agents," read a document captured last September.

When the hungry and often sick peasants from Guazapa are taken to the detention centers, army doctors, social workers and psychologists descend upon them with medicine, food, clothes and words of comfort. At night, soldiers show popular movies to the peasants on a videotape recorder.

"We attend to their physical necessities," said an army psychologist from the 1st Brigade unit who would not give her name. "And then we speak to them about their situation in the mountains with the guerrillas. We tell them how they have been lied to and used by the guerrillas. We explain that the bombs we drop on the mountain are not meant to kill them, but that they pay the consequences because they are with the guerrillas."

"The army has won," said 60-year-old Jesus Yanes. "With this operation they have destroyed the *masas*. Without the *masa* the guerrillas will be unable to get food."

Yanes, along with several other gaunt peasant farmers said that the guerrillas require peasants to work three days a week on small plots of land set aside for the rebel army. The farmers, at the time of each harvest, are required to carry the corn and beans to the rebel camps.

The peasants also tend rebel wounded, serve as spies and lookouts, cook for the rebel fighters and assist in acts of sabotage.

"These rules were imposed upon us. We were tricked by the rebels into believing that we would have a better life with them," Yanes said.

"I do not want to return now," said 50 year-old Martin Rivero. "I cannot take the daily bombing and the hunger anymore."

"The soldiers burned my house, my clothes and my crops," said Tomasa Rivera. "I am only left with the dress I am wearing."

Peasants said that the air force begins bombing strikes as early as 5 a.m. and continues to drop the 750- and 1,000-pound iron fragmentation bombs on the rugged countryside throughout the day.

"It is a hard life there," said Lucio Landaverde, a 26-year-old farmer. "We can farm our land, but only for a few moments. We have to keep hiding from the planes."

Landaverde said his brother had been killed by a bomb a few years ago and his cousin wounded.

Most of the peasants said they initially hid in underground shelters from the soldiers when the most recent relocation operation began Jan. 10. Many said they existed on only honey and water, which had been stored in their dugouts, for the days preceding their capture.

"We went 10 days with almost no food," said Rosalina Chavez, a 40-year-old mother of three. "We finally could not take it anymore, and we yelled out to the soldiers. There were eight of us. We yelled so they would take us away. We can't live up there anymore."

Army units have begun to take recently captured peasants back into the mountains to make contact with civilians still hiding in the area.

"They took me back up and gave me a megaphone," said Jesus Alas. "I yelled out to those who were still hiding to turn themselves in to the army. I told them about the food and medicine the army would give them and told them how they would not be harmed."

Six families emerged from the undergrowth to leave with Alas and the soldiers for the detention center.

The soldiers have treated us well," said Concepcion Hernandez, a 48-year-old mother. "They have given us food and medicine. They have explained to us how we were lied to by the guerrillas. We used to be afraid of the army, now we are not."

IN DEFENSE OF RICO

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. GRAY of Pennsylvania. Mr. Speaker, I rise today to call my colleagues' attention to an article by a fellow Philadelphian, Anthony Green, an attorney with the law firm Mesirov, Gelman, Jaffe, Cramer & Jamieson.

In an article in the January 3 edition of the Philadelphia Daily News, Anthony Green eloquently affirms the importance and effectiveness of the RICO statute noting that RICO, the Racketeering Influenced Corrupt Organizations Act, is an important part of the artillery added by Congress in the 1970's to fight organized crime.

Mr. President, at this time I wish to insert in the RECORD Mr. Green's insightful article on the importance of the RICO legislation.

[From the Philadelphia Daily News, January 3, 1986]

WE SHOULD HIT CORRUPT COPS WITH RACKETEERING STATUTE

(By Anthony Green)

Many are leading the charge to have Congress kill or, at least, drastically amend the RICO statute. However, an ongoing newspaper story dominating the front pages and citizens' thoughts in Philadelphia stands as one powerful piece of evidence as to why RICO should remain in the statute books, in some form.

RICO is the Racketeering Influenced Corrupt Organizations Act, an important part of the artillery added by Congress in the 1970's to fight organized crime. The criminal provisions give prosecutors a vital tool to get at organized crime families and corrupt organizations that, prior to RICO, realistically only could be prosecuted under the tax laws.

However, when RICO was drafted, Congress inserted a provision giving private citizens, corporations and others the power to sue for civil damages if they were injured by fraudulent conduct. Under civil RICO, a victorious plaintiff can receive triple his damages, attorneys fees and other forms of equitable and injunctive relief.

In recent years, civil RICO has been widely used, and instead of getting at today's AL Capones, the targets of RICO civil actions have been big companies, banks, stock brokerage houses and accounting firms like Merrill Lynch, American Express and Lloyds of London—hardly characters out of "The Godfather" for violations of the securities laws and what some courts have characterized as "garden variety fraud".

Some federal courts have been understandably antagonistic to plaintiff's attorneys using RICO to strike at the prominent names of American business, and the interests finding their good names scarred by RICO actions expected the U.S. Supreme Court to diminish the impact of civil RICO. But early last year, the court cleared away two important stumbling blocks standing in the way of RICO plaintiffs, and encouraged courts to give RICO a liberal construction. Now, it's a RICO free-for-all.

There is a criminal enterprise amongst us, however, which is ripe for a civil RICO action, one good reason why RICO wasn't such a bad idea after all—the police officers who operated a business of extortion and crime within the Philadelphia Police Department.

These organized criminals should go to jail, and the U.S. Attorney's Office is working hard to put themn there. But jail is not enough to make the city whole. It has been testified that for many of these cops, taking bribes predominated over catching muggers, killers, and rapists. The city—which could certainly use the revenue—should bring a civil RICO action against them, not only to gain back the salaries they obtained while they operated their criminal enterprise.

The police officers' scheme is just right for a civil RICO action. The liable "persons" are the individual officers who operated through a pattern of rackettering activity—extorting bribes. And we were damaged—these officers were paid with tax dollars.

Some might say that such a lawsuit would be kicking good men while they're down. But these aren't good men; they are criminals, gangsters, racketeers. In the fight against police corruption, every tool in the arsenal should be used. The deterrent effect of such an action would be an important step.

RICO should be amended. Possibly mail, wire and securities violations should not be sufficient to plead a civil action. Possible "enterprise" should be better defined.

However, RICO can be an important weapon in the war against organized crime because the government prosecutors cannot do it all. And make no mistake about it: The police officers on trial for running the extortion ring are organized criminals in the same league with those they were supposed to be catching.

RENDEZVOUS BALLROOM COMMEMORATION

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. BADHAM. Mr. Speaker, I rise today to honor a very special part of the history of my home city in the 40th Congressional District, Newport Beach, CA, and, more specifically, the beautiful Balboa Peninsula. For nealry 40 years, the peninsula was home to the Rendezvous Ballroom, a gathering spot for some of the greatest names in American music for several generations. The grand old building is gone now, destroyed by fire 20 years ago, but it is impossible to forget.

On March 4, 1986, the Newport Beach Historical Society joins with the Orange County Historical Commission and the city of Newport Beach in the dedication of a plaque commemorating the site of the Rendezvous and the years of carefree entertainment it provided through good times and bad, through wars and peacetime, through the Great Depression and the postwar boom years. A portion of this plaque reads, "The music and dancing have ended but the memories linger on."

Indeed, Mr. Speaker, I literally cut my teeth on the rehearsal sessions of Stan Kenton's Big Band at the Rendezvous and even sneaked in on occasion to listen to the music before I knew what dancing was all about.

The Rendezvous was one of many popular ballrooms that dotted the west coast in the 1930's, 1940's, 1950's, and even into the 1960's and helped nurture many of our country's modern musical traditions. This huge building, which covered half a city block, grew out of a backroom dance floor in a popular Balboa eatery called the Green Dragon Cafe. During the summer season and Easter vacation, the Rendezvous was the place to be in Orange County.

The Rendezvous survived one fire in 1935 that nearly burned it to the ground. It was brought back to life bigger and better than before, with a house band led by Stan Kenton that took us through the golden era of swing and "Balboa Bandwagon" Saturday radio broadcasts across the Nation on the Mutual Broadcasting Network.

The 1950's were tougher times for the Rendezvous, but it still attracted such name entertainers as Nat King Cole and the Four Freshmen. And finally, in the 1960's, the venerable ballroom reverberated to the rhythms of surf guitarist Dick Dale and the blues of the Righteous Brothers.

When the final blaze struck, a piece of real local history that touched tens of thousands of lives was gone forever but by no means forgotten. The generations of people who swayed to the music of big bands, swing, rhythm and blues, and rock and roll remembered the Rendezvous and now have made sure those memories will last.

I commend the Newport Beach Historical Society, the Orange County Historical Commission, and the city of Newport Beach for their efforts in placing the commmemorative plaque on the site of the Rendezvous Ballroom and wish them well in their ongoing efforts to preserve the past so the future will never forget.

THE PHILIPPINE FUTURE

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. DREIER of California. Mr. Speaker, I rise to praise the courage and tenacity of the Philippines people in returning their nation to the path of democracy. The Philippine future remains troubled by vexing economic and political uncertainties, but the spirit of reform and hope for change have never been so positively asserted in that republic.

So far, the democratic opposition, now turned leadership, has provided an exemplary standard of nonviolence. I think we can safely say that the Philippines has provided a model for the restoration of democratic freedoms for oppressed countries everywhere.

Mr. Speaker, the air of optimism in the Philippines provides the opportunity for the United States to reaffirm the strong bonds of friend-

ship which exist between our two countries. The United States should be more than willing to extend whatever help possible as the new government pursues its promised reforms. Through cooperation, our nations will remain close allies, and together, witness the development of progress.

Mr. Speaker, I repeat my congratulations to the Philippines and urge its continued pursuit of a peaceful restoration of democracy.

GRAMM-RUDMAN—ANOTHER MEDICINE SHOW

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. DORGAN of North Dakota. Mr. Speaker, in my hometown of 400 people, the folks who sit on Main Street can quickly tell the difference between those who are telling a joke and those who are committing fraud.

Here in Washington, DC, it's not quite so clear. A lot of screwball ideas are taken seriously. That's the case with the Gramm-Rudman budget balancing act.

In a town where defense contractors admit to defrauding the Government on a Monday and the Government signs a new contract with them on Tuesday, I guess it's not surprising that the politicians are willing to view the incredible as credible and to take a joke seriously.

In 1981, a Congressman named PHIL GRAMM helped President Reagan concoct a plan which they said would balance the Federal budget by 1984. It worked just the opposite way. The deficit grew and grew. The American people are now saddled with an additional $1 trillion in debt racked up over the past 5 years under that plan. If this fellow GRAMM were a doctor, he would probably be sued for malpractice, but since he's an elected official, he's been promoted to the Senate, and now he's giving us advice on the next step in his fiscal policy maze.

The new plan is called Gramm-Rudman. I think it is a fraud, and if it were proposed anywhere but in Washington, DC, it would be dismissed as something goofy.

In another age, these people who now sell the Gramm-Rudman medicine would be traveling in covered wagons from frontier town to frontier town selling worthless colored water as a cure for everything from hiccups to heart attacks. Back then they had fast horses hitched to those wagons for quick getaways after they had fleeced their audiences.

Now these modern snake oil salesmen are traveling around saying that we can balance the Federal budget by increasing defense spending and opposing all tax increases. Well, I hope they've got fast horses!

In fact, the Gramm-Rudman proposal will, in this fiscal year, allow an increase in defense spending even after sequestering—that's because defense spending was padded in the last continuing resolution—and will miss the first year's deficit target of $171 billion deficit by nearly $40 billion. Why, you might ask, does it miss so miserably in its first year of operation? Because 1986 is an election year, and the plan itself was designed with enough vasoline to squeeze the Senators through the 1986 election. They do want to move to a balanced budget, but not before the next election. Sound familiar? Yes—"I'll quit drinking in the morning, but pass the bottle tonight."

I agree that we've got to balance the budget. It's time to tear up the Federal credit card. But it's also time for us to say this medicine show called Gramm-Rudman has gotten enough serious attention. Let's heat up the tar and pluck the geese. It ought to be obvious by now that we're not going to find a cure from those who administered the poison.

So, who and what will solve this problem? Some good old fashioned leadership, that's what!

Some years ago, President Reagan asked the question, "If not us, who; and if not now, when?" Little did we know that his response in future years on the issue of Federal deficit would be to say, "Not us, not now."

Well, it has to be us. And it has to be now. We can't accept Reagan's proposals for draconian cuts in domestic programs and a 7-percent increase in defense on top of an already bloated defense system that buys overpriced toilet seats, hammers, and coffeepots. That's not what America is about.

There is one central fact at the core of our deficit problem that must be recognized and addressed. We are now spending $150 billion more on defense than we did 5 years ago, but no one has been asked to pay for it. If America is willing to accept that type of defense buildup, then it must pay for it. Until the President and Congress recognize that, the deficit problem will remain unsolved.

The President and the leaders of Congress from both parties serve the American people, and they must get together on a deficit reduction plan that is acceptable to the American people.

A domestic economic summit meeting at Camp David between the President and the Democratic and Republic leaders of Congress is absolutely essential. Gramm-Rudman will explode as soon as its effects become obvious to the President. He won't accept a $30 billion defense cut in fiscal year 1987. But when this plan explodes, we are still faced with the serious task of trying to balance the Federal budget.

A balanced budget can come about in only two ways: Reduction in Federal spending, or an increase in Federal revenues. A compromise between the leaders in Congress and the President on those issues is essential, and I think it could be achieved if all of them understood that postponing that decision is slowly chipping away at the foundation of America's economic future.

THE PHILIPPINES, A NEW ERA

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. FORD of Tennessee. Mr. Speaker, the world learned early this morning that the longtime leader of the Philippines, Ferdinand E. Marcos, had stepped down as president of that nation.

I commend Mr. Marcos for finally accepting the mandate of the Filipino people. This transition of power is truly the end of an era.

It is now time to get on with strengthening the Philippines, particularly its faltering economy.

Mrs. Aquino, the apparent new president, will face a nation which is experiencing an economic decline unprecedented for it since World War II.

Along with the depressed economy, the Philippines must also face a Communist insurgency which becomes better organized the further one moves from Manila.

This is not a problem that should be overlooked.

Mr. Speaker, today is a time to look ahead, a time to rebuild. We must help our longtime ally recorganize itself.

As we help the Philippines, we help ourselves.

A strong Philippines is an essential aspect of our own ability to defend the right of self determination the world over.

Americans and Filipinos have had a long history of respect and friendship for one another.

It is my sincere hope that the events of the past few days do not alter that relationship.

CONGRESSMAN STOKES SALUTES AMERICAN HEART MONTH

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. STOKES. Mr. Speaker, February has been declared "American Heart Month" by both Congress and the President. This affords us the unique opportunity to reflect how far we have come as a nation in the battle against cardiovascular disease. Because of the research, prevention and education efforts of the American Hearth Association [AHA] and the National Institutes of Health [NIH], we have witnessed unparalleled declines in the incidence of heart disease and stroke in this country. Since 1968, the death rate from heart disease has declined by approximately 37 percent; the death rate from stroke has declined by approximately 52 percent.

However, over 63 million Americans have one or more forms of cardiovascular disease. Stroke is one form of cardiovascular disease that affects blood vessels supplying oxygen and nutrients to the brain. Over 500,000 persons will be afflicted by stroke this year, and many of these individuals will die. Stroke is an especially serious problem for black Americans who are more likely than white Americans to suffer from hypertension—a major risk factor for cerebrovascular disease. Because of the severity of stroke and its debilitating consequences, it is one of the most expensive diseases in the United States. In 1986 stroke will cost us approximately $11.3 billion in indirect and direct medical care costs.

As indicated above, significant advances have been achieved in the reduction of the death rate due to stroke. Advances in prevention of the occurrence of stroke include the

identification and treatment of major risk factors for stroke—hypertension, atherosclerosis, high red blood cell count and diabetes. Advances in the treatment of stroke have shown that certain procedures administered immediately after a stroke may minimize its debilitating effects on individuals.

Now that we have an appropriate knowledge base for the identification of risk factors and proper treatment of stroke victims, the future challenge is even greater—to prevent totally the future occurrence of stroke and its debilitating consequences. As our population ages, this goal becomes more and more important for stroke primarily occurs in the elderly.

During American Heart Month, I urge my colleagues to recognize and reflect on our past biomedical research achievements and reaffirm our commitment to future advances in all research fields, including stroke.

OLIVE VIEW MEDICAL CENTER

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Ms. FIEDLER. Mr. Speaker, on April 5, 1986, the San Fernando Valley will be celebrating the rebirth of the Olive View Medical Center at a gala fundraising dinner sponsored by the newly formed Olive View Medical Center Foundation.

Olive View Medical Center, located in the 21st Congressional District, has served the San Fernando Valley since 1920 when it was first built among the olive groves of Sylmar. Initially, Olive View was a tuberculosis and chronic care facility administered by Los Angeles County, and it became one of the country's leading sanitariums. As it grew, its functions expanded and it became an innovative center for programs in chronic care. In 1959, the medical center began treating general acute problems as well as chronic related diseases. In 1962, a disastrous fire consumed several of the wooden ward units, and it was recognized that a modern building was needed to house the hundreds of patients. Eventually in 1970, an 888 bed acute care hospital was built on the 535-acre site. That new hospital was tragically destroyed by the earthquake of February 9, 1971, just 4 months after its formal dedication. Following this major setback, plans were set in motion to rebuild the hospital, but changing times and fiscal uncertainties repeatedly impeded progress.

Shortly after the earthquake, Los Angeles County bought a small hospital in Van Nuys to serve as a temporary facility. It also entered into an agreement with the UCLA School of Medicine to make Olive View Medical Center serve as one of its associated teaching hospitals. The midvalley hospital grew to be a center of high-quality care for county patients, and it has been a major source for the training of physicians, nurses, and other health professionals, many of whom have subsequently worked in the private hospitals of the San Fernando Valley.

In 1986, after years of planning, construction of a new hospital has been completed. The new Olive View Medical Center, built on the original site, is a 350-bed acute care hospital with a comprehensive range of outpatient specialty services including medical and psychiatric emergency services.

The large Sylmar campus offers a tremendous opportunity to expand its services to further benefit the surrounding communities. The staff of Olive View Medical Center have dedicated their careers to the health care needs of the population they serve. That dedicated staff is now working toward establishing Olive View Medical Center as a major health education/training resource to complement its traditional patient care activities. To achieve the ambitious goals envisioned for the medical center, a nonprofit fundraising organization, the Olive View Medical Center Foundation, Inc., has been established.

This new foundation will be an adjunct to the medical center and provide support through its private fundraising efforts. The community and business leaders and celebrities who have joined the foundation share a common vision of providing excellent hospital care and community support programs that will greatly benefit the residents in the San Fernando Valley and surrounding communities.

The founders of the foundation are to be congratulated for their contribution and foresight in bringing together this public-private partnership. It is with great pride that Olive View Medical Center, its staff and supporters celebrate "A Tradition of Caring * * * A New Era of Commitment."

THE CRISIS IN THE PHILIPPINES

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. KOLTER. Mr. Speaker, today I rise in recognition of the current crisis in the Philippines.

Although Mr. Marcos, President of the Philippines will in all probability, never hear these words—they are words that, nevertheless, should be spoken.

In the past few days we have witnessed the beginning of the end for Mr. Marcos and his brand of self-serving "democracy." Indeed, the handwriting is already on the wall.

One-time Marcos supporters and military leaders are now joining the ranks of the government of Corazon Aquino. In fact, as of yesterday, Lt. Gen. Fidel Ramos announced that 85 percent of the Philippine Armed Forces had backed the Aquino government. Both sides now command an incredible amount of weaponry. Weapons that will inevitably result in the loss of innocent lives should Mr. Marcos not accept the mandate of the people.

Mr. Marcos had pledged to fight "until the last drop of blood." These are the words of a desperate man seeking to hold power where none exists. Mr. Marcos ruled by fear. Fear is no longer present in the hearts of the Philippine people. They have found a leader in "Cory."

Even if Mr. Marcos could succeed in defending what little he has left, one must ask for how long? A month? A year? And at what cost does Mr. Marcos intend to hold power? Hundreds—perhaps thousands of Philippine lives?

Charles de Gaulle once said that the inevitable fate of all dictatorships is that "which crumbles in misery and blood." Let us hope that Mr. Marcos realizes that the greatest power at his disposal right now is the power to avert a bloody and senseless revolution.

These are the final moments of the Marcos regime. It is time for him to accept his fate and step down from whatever power he has left.

If Mr. Marcos truly loves his country as he says he does, he must spare his countrymen the violence and destruction that would ensure should he continue his hopeless grasp for power.

Whatever the outcome of the recent events in the Philippines, the United States must be willing to help an inveterate friend through a period in its history that is just as much an ordeal as our own civil war was between North and South. We must remember that dictators will come and go . . . but the brightness of the Philippine people will never be tarnished. Their culture and creativity; virtue and honor—will flourish. For what we are witnessing is not a death of an old friend, but the birth of a new Philippines. An old friend, thirsting for true democracy.

A TRIBUTE TO IRVINE H. SPRAGUE

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. ST GERMAIN. Mr. Speaker, today I want to pay tribute to Irvine H. Sprague, who will soon be retiring from his post as Director of the Federal Deposit Insurance Corporation. Irv's 11½ years at the FDIC were not easy ones. He served during one of the most turbulent financial periods in our history, with more banks failing than any time since the Great Depression. Faced with the three largest bank failures in our Nation's history—Detroit's Bank of the Commonwealth, Philly's First Pennsylvania Bank, and Chicago's Continental Illinois—Irv has proven himself more than adept at handling crises.

Irv tells me he plans to devote some of his retirement years to writing his memoirs. I know he will give us the inside scoop on how he handled these bank failures. And, he promises to impart his knowledge of the inner workings of the FDIC. He knows I'm interested in learning how the FDIC arranged a $4.5 billion bailout for Continental Illinois without first consulting the Congress. And, how the agency was able to camouflage the bailout so it didn't appear as if taxpayer's moneys were being used.

Maybe Irv can even explain why the FDIC rushes to bailout giants such as Continental, all the while turning a deaf ear to depositors at a failed small bank in New York's Chinatown who, almost a year later, are still waiting for the FDIC to pay them off.

If any one can set the record straight, it's Irvine Sprague.

First appointed as an FDIC Director by President Johnson in 1968, Irv returned to the Board as Chairman in 1979, following his appointment by President Carter. This is no small honor—no other FDIC Director has been selected by two different Presidents. And to add frosting to the cake, Irv boasts the second longest tenure at the Corporation since its founding in 1934.

During his tenure, Irv has sat on nine different FDIC Boards, has chaired three standing FDIC committees, and has served both as Director of the Neighborhood Reinvestment Corporation, and as Vice Chairman of the Federal Financial Institutions Examination Counsel. He has worked closely with four FDIC Chairmen, four Comptrollers of the Currency, two Acting Comptrollers, four Federal Reserve Chairmen, and nine Treasury Secretaries.

When the Congress voted in 1980 to give depositors more interest on their money by phasing out interest rate caps over a 6-year period, Irv wasted no time in implementing this program. He served as the first Vice Chairman of the Depository Institutions Deregulation Committee and worked to ensure that the phaseout benefited both the depositor and the financial industry. In just a few weeks, Irv will see the culmination of his efforts when the last interest rate cap—on 5½-percent passbook savings accounts—is removed. I hope the financial industry will give Irv his due by paying market rates on all accounts—no matter how small—rather than penalizing small savers by instituting a tiered interest rate system.

Serving the public is nothing new to Irv—he's been a dedicated public servant for the past 29 years. He served as special assistant to President Lyndon Johnson, as Executive Director of the House Steering and Policy Committee for Speaker TIP O'NEILL and as Director of the House Majority Whip's Office for Representative John McFall. Before coming to Washington he served as deputy director of finance for California Governor Pat Brown. He began his career as a journalist.

It's no surprise then that Irv is cited in "Who's Who in America," in "Who's Who in Government," in "Who Who in Politics," and "Who's Who in Finance and Industry."

A retired Army lieutenant colonel, Irv served as an infantry rifle platoon leader in the Philippines and later served on General MacArthur's GHQ staff in Japan. He earned the Combat Infantry Badge, two Bronze Stars, the Purple Heart and the California Medal of Merit.

He boasts an eclectric education, having received an English degree from Stockton College, an economics degree from the University of the Pacific, and a business degree from Harvard. He also majored in engineering at Indiana University, and attended the George Washington University Law School.

On a more personal note, Irv is happily married to Margery Craw and is the father of three, Michael, Terry, and Kristine. He also is the proud grandfather of five: Nick, Jenna, Sam, Nicole, and Gail.

While Irv will be sorely missed, he will be remembered for his many contributions to FDIC policies and programs.

We haven't heard the last from Irv—there's still his memoir.

TRIBUTE TO DR. CHARLES SPURGEON JOHNSON

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. GRAY of Pennsylvania. Mr. Speaker, I should like to ask my colleagues to join me today in honoring the memory of Dr. Charles Spurgeon Johnson. On March 16, 1986, the Fisk University Jubilee Singers will present a concert dedicated to the memory of Dr. Johnson, their sixth president, marking the 30th anniversary of his death.

Dr. Johnson, in 1946 was appointed as the first black president of the integrated Fisk University, and served in that position until his death in 1956. The presidency of Fisk was the culmination of a most distinguished career.

I would like to touch upon the highlights of his noted and productive life. Johnson received his B.A. degree from Virginia Union University and his Ph.B. from the University of Chicago and served in World War I in France. Appointed secretary and research director of the Chicago commission of investigation in 1920, Johnson produced a massive report, the Negro in Chicago. That same year, he became national research director for the Urban League. He founded and edited Opportunity, a journal of black life dedicated to the improvement of social conditions and to furthering black creativity in literature and art. In 1928, he became professor of sociology and director of the social sciences department at Fisk University.

The next 18 years established Dr. Johnson's national reputation. As research director for both the Julius Rosenwald Fund and the American Missionary Association, he traveled constantly, raising funds for field studies. He succeeded in making Fisk a center of southern social science research, carrying out projects and training students on an interracial basis. He wrote a dozen books and more than 60 articles.

Dr. Johnson served on national commissions dealing with such issues as housing and rural farm tenancy. He investigated forced labor in Liberia for the League of Nations, was a member of the first American delegation to UNESCO and served on President Truman's commission for the reorganization of education in postwar Japan. The annual race relations institutes he developed brought a steady stream of foreign scholars and political leaders to the Fisk campus.

I am proud to be able to call to your attention this man of knowledge, ability and dignity, whose work has served to increase awareness of all of society, a man whose life's work was dedicated to people working productively together for a quality life.

WEST SENECA WEST'S DECA CELEBRATES FREE ENTERPRISE DAY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. KEMP. Mr. Speaker, on February 16, 1986, the West Seneca West High School Chapter of Distributive Education Clubs organized an event with the cooperation of merchants at Southgate Plaza to demonstrate the free enterprise system to residents of West Seneca and Erie County shopping at the plaza. The West Seneca West DECA Chapter, which has actively competed throughout New York State and the Nation, declared 1986 as "Free Enterprise Year." The work of the active DECA members, their faculty advisors, and the participating merchants helps to prepare students for future participation in the free enterprise system while providing a service information to the public about the vital role free enterprise plays in the American economic system. Therefore, I rise today to commend the West Seneca West DECA Chapter for their initiative in designing this worthwhile project, and wish them success.

SENATE—*Wednesday, February 26, 1986*

(Legislative day of Monday, February 24, 1986)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of the macrocosm and the microcosm, thank You for an orderly universe, designed to operate according to immutable law. Of which we are reminded as we hear the care and precision with which the cause of the *Challenger* tragedy is investigated. Meticulously and precisely, one tiny principle is examined—the effect of temperature on metal. We take Your physical laws seriously and make unbelievable progress technologically. We disobey physical law and are destroyed.

God of love, You created humans to function according to precise moral law which, when obeyed, brings blessing and social order—when transgressed, brings social regression, and ruin. Keep us mindful, gracious God, that moral order is the strength and glue of our Nation and make us wise to take it seriously. In His name who fulfilled all the law. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, and then this morning we have six special orders not to exceed 15 minutes each for Senator MCCLURE, this Senator, Senator BAUCUS, Senator BYRD, Senator PROXMIRE, and Senator HAWKINS; then routine morning business not to extend beyond the hour of 11:30 with Senators permitted to speak not more than 5 minutes each.

Then we take up Senate Resolution 28, television in the Senate. Pending is the Armstrong amendment No. 1592 to strike proposed rules changes on germaneness. We should have a record vote, I hope, on that matter before 1 o'clock; maybe 1:30.

Depending on how that vote comes out we may or may not stay on TV in the Senate much longer. We have really been trying to put something together. I think we have just about reached the point today where we ought to make some decisions. We ought to either do it or not do it.

So I am prepared to indicate that, if there does not seem to be much chance of bringing all the diverse groups together today, it may be in the interest of the Senate to move to something else. There has been a lot of work done—I do not want to be misunderstood—on both sides of the aisle, with bipartisan meetings all over the place, all this week and part of last week. We are not prepared, as someone suggested, to throw in the towel, but we are prepared to find out just what Members of this body would like to do as far as TV in the Senate is concerned and hopefully the first vote will be some indication of that. Then maybe if Senator BYRD and I could get together on a substitute of some kind, we could then offer that and speed up the process. I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished Democratic leader is recognized.

TV IN THE SENATE

Mr. BYRD. Mr. President, I join with the distinguished majority leader in urging that the Senate and Senators prepare to have votes on the TV resolution, if I may call it that. Our problems at the moment, I think, revolve around certain rules changes that are proposed in Senate Resolution 28.

I hope the distinguished majority leader will accept this in the spirit in which I say it. I do not want Senators to believe that, if we do not make progress today, this matter is going to go away. If there are Senators who are harboring that hope, I do not want to give them encouragement. I intend to offer a cloture motion at some point if we do not move ahead and deal with these matters expeditiously and within a reasonable timeframe. Whether the Senate is ready to invoke cloture, I do not know.

The distinguished majority leader has given the utmost cooperation and he has worked with diligence and dedication in the effort to bring Senators together on some of the rules changes that are proving to be controversial. But I think we ought to have some votes. I want to assure the distinguished majority leader that I will continue to do everything I can. After all, the distinguished majority leader and the Senate have invested a great deal of time and effort in this matter, and I think that we ought to have some votes.

I shall be satisfied with whatever is the will of the Senate. If some of my proposed rules changes go down, I will not retire to my tent, as did Achilles, in a sullen mood. We should accept the will of the Senate, and I will abide by that will. But let us get on with voting, debating, and acting.

I also want to express appreciation to Senators on both sides of the aisle who feel so strongly about some of the rules changes and yet who are willing to let the majority work its will. I am encouraged by that spirit especially exemplified today by Senator LONG, who so strongly supports the germaneness provision that is in Senate Resolution 28. He is, nonetheless, willing to have a vote. He is not attempting to stretch this debate out, hopeful that, in the final analysis, it will fall of its own weight. He is willing to have a decision. I hope that all Senators will emulate Senator LONG in that respect. Let us have a vote on this and other amendments and let the chips fall where they may.

As I say, I will work with the distinguished majority leader. I again thank him for the effort that he has made to keep this matter before the Senate. Senators will recall that, prior to the recess, there was some indication that this matter might be taken down and some other matter might be called up. The distinguished majority leader listened to my request that TV in the Senate remain the pending business before the Senate throughout the recess and that it be before the Senate when the Senate returned. And he so arranged for that.

So I owe thanks to the majority leader, and to the majority leadership on the other side of the aisle.

I think that is about all I need to say except to urge once more that all Senators who are interested in rules changes and those Senators who do not want to see rules changes, try to reach a time for a vote on the rules changes in the resolution and on the resolution itself.

Senate Resolution 28 has been before the Senate a long time. There has not been a great deal of debate on

it. Most of the work has been going on behind the scenes. Yet, that is important. But Senators who are supportive of the rules changes that are proposed in the resolution, and those who are opposed, I hope, will be willing to let us have votes one way or the other thereon.

Mr. President, I ask unanimous consent that the special order which I have may be transferred to the distinguished Senator from Montana [Mr. BAUCUS].

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR BAUCUS

The PRESIDENT pro tempore. Under the previous order, the Senator from Montana [Mr. BAUCUS] is recognized for not to exceed 15 minutes.

SPECIAL ORDER SESSION ON CANADIAN LUMBER IMPORTS

Mr. BAUCUS. Mr. President, today is a historic day for several reasons. One of them is because today the largest number of Senators are assembled here this morning in the history of the Senate to speak out under the special order section of the today's proceeding on one issue; that is, subsidized Canadian lumber imports. I repeat: The largest assembly of Senators to speak on one issue in the history of the Senate—41 Senators.

It includes the leadership on both aisles: Senator DOLE, the majority leader; Senator BYRD, the minority leader. It also includes the trade leadership on both sides of the aisle: Senator PACKWOOD, chairman of the Finance Committee; Senator DANFORTH, chairman of the International Trade Subcommittee; Senator LONG, ranking member of the Finance Committee; and Senator BENTSEN, ranking member of the International Trade Subcommittee.

It also includes 11 members of the Senate Finance Committee—the committee with authority to authorize the President to begin negotiations on a free trade agreement with Canada. It includes Senators from every region of the country, not just the Northwest, with heavily populated forest products, and heavily timbered areas of the country. It also includes the Southwest, the Northwest, and the Southeast. That is because sawmills are being devastated all over the country by the Canadian flight of subsidized imports.

All of us are concerned about one issue: The subsidy of Canadian lumber imports.

In the United States, stumpage is auctioned off. Stumpage, so that everybody knows, means the price of the trees that are sold to the sawmill. In the United States, stumpage is auctioned off. On public land it is auctioned off; that is, stumpage sells at the market price. The trees are sold to sawmills in the United States at the market price.

In Canada it is different. In Canada the Government sets the stumpage price with no auction, no bidding, and no competition. As a result of this cozy system Canadian sawmill operators can buy stumpage for about one-tenth of what United States operators pay for logs. That is creating a flood of imports that is having a disastrous effect on U.S. lumber sawmill workers.

Between 1975 and 1985, only a 10-year period, Canadian imports have grown from less than 20 percent to up to 34 percent of the United States market; that is to say, of all the softwood consumed in the United States today throughout the whole country, about 34 percent is Canadian lumber.

As I have said, that lumber is purchased by Canadian mills at about one-tenth the price that American sawmills have to pay for trees in the United States. That is why we are upset. It is not just that the Canadians are allowed to purchase lumber at one-tenth of what American sawmills are allowed to purchase lumber. It is also that the Canadian price is low because Canada subsidizes the sales of timber to its sawmill workers, and to its sawmills in Canada.

Over the last several weeks, United States negotiators have been pressing their Canadian counterparts to resolve this issue, and to eliminate their subsidies. And today 41 Senators rise to tell the Canadians to get serious about these negotiations, to resolve them because, if negotiations are not resolved, not only will tensions rise between our two countries but other serious negotiations between our two countries will be jeopardized.

We are all today speaking out with a single voice. We are all saying to the Canadian Government, "Resolve the timber issue—now."

CANADIAN LUMBER IMPORTS

Mr. BAUCUS. Mr. President, I join my colleagues in decrying the Canadian softwood lumber imports problem.

Mr. President, our mills are modern and efficient.

Nevertheless, the U.S. lumber industry has become a victim of the international trade war.

Since 1980, the industry has gone from a $400 million trade surplus to a $2 billion trade deficit.

This has had a devastating effect.

U.S. sawmills are operating at only 83 percent of capacity.

In 1984, U.S. companies reported pretax losses of over $300 million.

And 629 sawmills have closed and 30,000 U.S. lumber industry workers have lost their jobs since 1977.

The overvalued dollar is a large part of the problem. But so are unfair foreign trade practices.

The United States industry has been inundated by subsidized Canadian imports which have risen from 19 percent of United States consumption in 1975 to about 33.5 percent now.

UNITED STATES-CANADIAN NEGOTIATIONS

Mr. President, the administration currently is negotiating with the Canadians to resolve this issue.

The negotiators have met twice. They will meet again here in Washington on March 10.

The Senators assembled here today want to send a loud message to the Canadian negotiators on March 10.

That message is, "Resolve the lumber issue now!"

This Congress will not stand for repeated foot-dragging in these negotiations.

It will not stand for more lost jobs in the lumber industry.

And it will not stand for continued subsidies to Canadian lumber imports.

We have had enough!

LEGISLATIVE ACTION

If Canada fails to resolve this issue through negotiations, Congress will be forced to act.

First, failure to resolve this issue will certainly affect the proposed United States-Canadian free trade agreement.

The Canadians tell us they want free trade. Yet they continue to grant subsidies to lumber industry in violation of every rule of free trade.

They cannot have it both ways. If they expect the United States to enter a free trade agreement, they must engage in free trade.

That is why I and nine other members of the Senate Finance Committee have told Ambassador Yeutter that we want this lumber issue resolved before the United States begins negotiations on a free trade agreement.

I am optimistic about the benefits a free trade agreement might bring, but I cannot support such an agreemnt, so long as subsidized Canadian lumber makes a mockery of tree trade.

CANADIAN SUBSIDIES

Let me explain why these imports are unfairly subsidized.

In the United States, about half the softwood lumber comes from public land. The price for cutting rights, which is called stumpage, is set by either an open auction or competitive bidding, and naturally rises to the fair market level.

In Canada, about 95 percent of the softwood lumber comes from public land, but the pricing system is very different from ours. A handful of huge companies have monopoly leases over vast tracts of timberland. From time to time, the Government sets a stumpage price.

There is no auction, no bidding, no competition.

As a result of this cozy system, Canadian sawmill operators can buy stumpage for about one-tenth what United States operators can.

Mr. President, that practice violates every free trade principle we have tried to instill in the world's trading system.

THE 1983 DECISION

The Canadian system gives Canadian producers an unfair advantage over United States producers, because the Canadian Government provides them with raw materials at a fraction of the market price.

In 1983, a coalition of United States sawmill operators brought a countervailing duty petition, charging that the Canadian system constituted an illegal subsidy under United States trade law.

But the Commerce Department rejected the coalition's petition.

The linchpin to the Commerce Department's decision was the legal holding that stumpage was "generally available" throughout the Canadian economy because it was provided to the furniture industry and other wood products industries.

Mr. President, this is a cramped, unreasonable interpretation. I have looked at the GATT, the subsidies code, and our own CVD law from every possible angle, and I cannot find this "general availability" test anywhere.

And even if it does exist, it makes no sense to interpret "general availability" as broadly as Commerce did in the softwood lumber case. As trade law expert Gary Hufbauer has said:

Neither in practice nor intent were cheap stumpage rights in Canada . . . generally available.

Mr. President, last October, the Court of International Trade issued the Cabot decision, which directly calls into question the Commerce Department's interpretation of the "general availability" test. In Cabot, the court agreed that there is a general availability test, but that the Commerce Department has applied it too broadly. The court said that:

The distinction that has evaded the [Commerce Department] is that not all so-called generally available benefits are alike—some are benefits accruing generally to all citizens, while others are benefits that when actually conferred accrue to specific individuals or classes. Thus, while it is true that a generalized benefit provided by government, such as national defense, education or infrastructure, is not a countervailable bounty or grant, a generally available benefit—one that may be obtained by any and all enterprises or industries—may nevertheless accrue to specific recipients. General benefits are not conferred upon any specific individuals or classes, while generally available benefits, when actually bestowed, may constitute specific grants conferred upon specific identifiable entities, which would be subject to countervailing duties.

The appropriate standard focuses on the de facto case by case effect of benefits provided to recipients rather than on the nominal availability of benefits.

Consequently, the court remanded the case to the Commerce Department for reconsideration.

This decision makes good sense. As Gary Hufbauer says:

The general availability standard should be used sparingly to excuse only those incentives that in practice and design are used by a broad range of industries and geographic areas. Otherwise, the international community risks taking countermeasures against little subsidies while big subsidies run free.

Mr. President, the Commerce Department's broad general availability rquirement has done exactly what Hufbauer warned against, thereby permitting Canadian lumber subsidies and Mexican natural gas subsidies to run free.

By reversing the Commerce Department, the Cabot decision restores our countervailing duty law to the scope Congress intended. For this reason, I urge the administration to adopt the reasoning of the Cabot decision in future countervailing duty litigation.

THE ITC REPORT

Mr. President, last October, the International Trade Commission issued a report on conditions relating to U.S. softwood lumber imports.

That report confirmed what we believed all along.

Mr. President, that report confirmed that Canadian stumpage prices generally have been much lower than United States prices. It notes that:

Since 1982, stumpage prices . . . have fallen and stabilized at a point where United States prices are roughly 10 times the Canadian price.

Mr. President, let me repeat that statistic, from page 59 of the ITC report, United States prices—which are set in a free, competitive marketplace—are 10 times Canadian prices.

The report also undercuts two main Canadian arguments.

First, the report shows that the high value of the United States dollar has not had nearly the impact the Canadians have claimed, rising by only 8.5 percent against the Canadian dollar from 1978 to 1984. What is more, the real value of the Canadian dollar has remained relatively constant since the end of 1978, but the Canadian share of the United States market has risen by more than 12 percent.

Second, the ITC report shows that the noncompetitive Canadian system gives Canadian producers an advantage even after logging costs are added.

The Canadians have repeatedly asserted that a comparison of delivered logs costs would show that Canadian prices were no lower than United States prices. To the contrary, the ITC finds that Canadian delivered log costs average $28 less than United States costs, and are $59 less in the comparable northwest and coastal British Columbia markets.

Mr. President, this delivered cost advantage is a direct result of the Canadians subsidy. And it is the fundamental reason that Canadian producers can charge from $23 to $76 less than United States producers can for similar lumber.

PRODUCTIVITY

Mr. President, when the ITC report was issued, the Canadians crowed that the report showed that the Canadian industry is more efficient than the United States industry, primarily because productivity statistics showed that Canadian workers produced significantly more board feet of lumber per worker than American workers.

However, these statistics were just plain wrong. Our trade representative, suspicious that these statistics might be inaccurate, asked that they be renewed. In response, the Commission issued a revised productivity report. This report reduced the productivity differential between United States and Canadian workers. What is more, it concluded that in four Northwest States where product mixes and production levels are similar—Washington, Oregon, Montana, and Idaho—productivity was "about equal" to productivity in British Columbia.

CONCLUSION

Mr. President, the Canadians are using bargain-basement Government resources to expand their market share.

I call that a subsidy.

And I think that we ought to do something about it.

United States negotiators currently are negotiating with the Canadians to counter these unfair subsidies. I encourage the administration in these efforts, as do all my colleagues who speak today.

Otherwise, we must forge ahead legislatively to close the natural resources subsidy loophole and put United States producers back on a fair footing.

Mr. President, I look forward to hearing from other Senators. I see the distinguished Senator from Idaho is on the floor. I also see that my leader, Senator BYRD, is rising.

Mr. President, I reserve the balance of my time.

Mr. BYRD. Mr. President, will the distinguished Senator yield 3 minutes to me?

Mr. BAUCUS. I yield.

LUMBER EXPORTS: SENATOR BAUCUS' LEADERSHIP

Mr. BYRD. Mr. President, in October 1983, I offered a successful amendment to provide Federal support for a lumber export program for the State of West Virginia. As one of the top 20 lumber-producing States, West Virginia employs more than 5,000 people in lumber-related jobs. Between 1976 and

1980, West Virginia lumber exports more than doubled. As a result of my amendment and the leadership of then-Governor Jay Rockefeller, trade missions from West Virginia began to extend sales of the State's hardwood and softwood products to new markets, including Pacific rim nations.

The people in West Virginia who depend upon expanding sales of the State's great renewable resource want to increase trade in lumber products. They know the value of fair and open markets for their excellent hardwood and softwood products, and they are willing to compete with the rest of the Nation—and the rest of the world—in the sale of these products.

Unfortunately, West Virginians find that they are not competing against foreign producers, but against foreign governments. The International Trade Commission reported that Canadian softwood lumber benefits from subsidies from Canadian provincial governments. Some 90 percent of the timber sold in Canada is controlled by the Government and sold under a system of artificial prices.

Mr. President, I want to commend Senator BAUCUS for his work in keeping attention riveted on this problem. His advocacy on the part of the people of his own State has raised this issue to an appropriate level of national attention. He has performed a service for all of those Americans who depend upon the forest products industry which is an important industry in my State as well for their livelihood.

Here is an example of a product in which the United States enjoys a clear comparative advantage but is losing out to foreign goods because the foreign government chooses to engage in anticompetitive prices.

As many of my colleagues know, the United States and Canada are considering a free trade agreement. Our two great nations enjoy the largest trading relationship in the world. My own State has a strong, positive balance of trade with Canada. An agreement to provide for further opening of markets could be of great benefit to both economies not only of Canada but also the United States and particularly, may I say, West Virginia. But the practice of subsidizing lumber could undermine those negotiations.

I hope and trust that the Canadian Government will take the concern expressed by Senator BAUCUS and his colleagues into consideration as we begin to build a foundation for a new and broader approach to trade with Canada. Senator BAUCUS has a solid record in support of open and growing trade between the United States and Canada. His leadership on the lumber issue is a natural extension of his continued support for the strongest possible United States-Canadian relationship, based on deeply shared interests and mutual advantage.

I thank the Senator for yielding. I thank him for the leadership that he has demonstrated, and continues to demonstrate, in this important subject area.

Mr. BAUCUS. Mr. President, I very deeply thank the Senator from West Virginia. I think the Senator's statement shows that this is a truly national issue; that is, it is not a regional issue. Virtually every State in our Union is affected by Canadian subsidies, and the timber that is exported from Canada into the United States puts our sawmill workers out of work, and jeopardizes our mills.

I very deeply thank the Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator.

RECOGNITION OF SENATOR MC CLURE

The PRESIDENT pro tempore. Under the previous order, the Senator from Idaho, Mr. MCCLURE, is recognized for not to exceed 15 minutes.

Mr. MCCLURE. Mr. President, I, too, want to join my distinguished colleague from West Virginia in expressing our thanks to the Senator from Montana for his diligence and leadership on this issue, an effort which I have shared with him since near the beginning of this controversy.

I want to underscore what he has just said, that this is a national issue, not just a regional issue as far as those of us who may come from the Northwestern part of the United States are concerned.

I recently visited a lumberyard, a specialty lumberyard, in Arlington, VA. I could not help but note that ever piece of prepackaged lumber of specialty wood products in that yard came from British Columbia, clear across the continent. I believe we can all cite examples such as that.

Mr. President, I want to thank my colleagues who have taken time from their busy schedules to join me today on the floor to address the problems Canadian timber imports pose for the United States timber industry.

The dumping of inexpensive Canadian lumber into United States markets continues at an unprecedented rate. Census Bureau figures for 1985 show that Canada flooded our markets with more than 14 billion board feet of Government-subsidized lumber. This represents an increase of 1 billion board feet—nearly 10 percent over 1984's record levels.

The results of this dumping are decimating the U.S. industry. Sawmills are closing, putting people out of work and sending economies into tailspins. In my home State of Idaho alone, the last 6 months have seen three mills close, some temporarily, putting over 3,000 people temporarily or permanently out of work. Idaho depends on natural sources for employment and economic stability. Similar stories can be heard in Northeast States and my neighboring Pacific Northwest States.

Action must be taken soon before U.S. timbermen have reached the point of no return. The solution is clear. Canada must voluntarily cut back the amount of timber it exports to the United States, or the United States must limit the amount of timber it imports from Canada.

Do not get me wrong. I am not asking for protectionist legislation. I am asking for fair trade. Our free trade practices are not working. The U.S. timber industry is not on the same playing field as their subsidized counterparts. The Canadians are playing on Astroturf, while we are playing on a muddy, grassless playground.

If this country is to continue advocating—and practicing free trade—then it should demand that other nations play by the same rules. We cannot continue to permit countries who are subsidizing their industries to have unencumbered access to our markets. By doing so, we are exporting jobs and money.

And it affects more than current markets. It also affects expansion and investment. Just look at the recent deal which will see a United States-based corporation build a $40 million, 400-job waferwood plant in British Columbia. A site near a railroad, a guaranteed 20-year supply of raw material, and a 25-year loan—the first 3 years interest free—formed a $10 million incentive to locate in Canada instead of the United States.

To the Reagan administration's credit, talks with Canada on the lumber issue are underway. Unfortunately, nothing substantive has so far been borne from them. I might add that only recently have we received constructive help from the administration in dealing with the situation—and I thank Secretaries Shultz and Hodel for that.

It is important the administration recognize the fact that by threatening to veto legislation on the matter, they effectively bind our negotiators' hands. If the Canadians know we are not going to act, why should they?

We do, however, hold a trump card. Seemingly oblivious to the hardships their actions are placing on our industry, Canada has asked the administration to participate in a round of talks on expanding free trade. The Senate, beginning with the Finance Committee, must express its approval before those talks begin. I am confident my colleagues on the committee will take into consideration the contempt that has thus far been shown to Congress and to the people who depend on the forest products industry for their livelihood.

My constituents and the constituents of other timber-dependent States are demanding accountability on this

issue from the administration and the Congress. They deserve results. It is time to stop playing cat-and-mouse games and resolve this alarming state of affairs.

As neighbors and allies, we would hope that Canada would take action on its own. But their refusal to act after repeated talks indicates that we in the Congress are probably going to have to solve this problem ourselves. Today's discussion in the Chamber, I believe, will underscore the fact that we mean business, and that the time for us to act is drawing near.

Mr. DOLE. Mr. President, we all know that the U.S. trade deficit reached an all-time record last year of $150 billion. Some think it may grow even larger this year in spite of the fact that the U.S. dollar has weakened against many foreign currencies.

But one currency that has not strengthened against the U.S. dollar is the Canadian dollar. In 1985 the United States recorded a trade deficit with Canada of over $22 billion. While much of this deficit did reflect the strong U.S. dollar, the flood of Canadian softwood into this market has little to do with the relative value of our two currencies.

Since 1975, shipments of Canadian softwood lumber to the United States have nearly tripled so that today, Canada controls over one-third of the U.S. lumber market. From 1977 to 1984, the United States lost a net 629 softwood lumber mills, while Canada added 85 * * * and more U.S. mills closed in 1985. Yet, while Canada captures more and more of the U.S. market, it is the U.S. lumber manufacturer that has the natural comparative advantage.

U.S. forests are more productive than Canadian forests. U.S. mills are closer to the market. United States and Canadian mills producing the same product are almost equally efficient and U.S. wage rates are lower. There is one primary reason why Canadian softwood lumber has added over $2 billion to the U.S. trade deficit: Canadian lumber manufacturers enjoy huge timber subsidies.

In Canada, almost 95 percent of the commercial forestlands are owned by the provinces. The timber of that forestland is virtually given away to Canadian lumber mills to promote Canadian lumber production and the concomitant employment. That Canadian employment, however, is at the expense of U.S. employment. U.S. mills which must pay a competitive price for timber simply cannot compete against the Canadian timber which is given to Canadian producers at far less than a fair market value.

Now, I know the Canadians argue that there is nothing illegal about the pricing practices. Well, let me say that this is not a legal problem. Americans are losing jobs as a result of the Canadian practices. And whether or not Canada can devise a technical defense of its practices, it is clear that they should consider the political consequences of their action. A lot of my colleagues are getting pretty tired of hearing foreign governments lecture us about the principles of free trade while these same governments promote practices which interfere with the free market and throw Americans out of work. This is not a time for Canada to hire lawyers, public relations consultants and others to put a respectable face on its timber practices. I hope the Canadian Government will instead put its energies into finding an amicable solution to this problem. For my part, I intend to work with my colleagues to provide the U.S. timber industry with a fair chance to compete.

Mr. McCLURE. Mr. President, I ask unanimous consent that the time remaining under my special order and the special order for Mr. DOLE be given to Mr. BAUCUS and made available to Senators who wish to speak on the topic of Canadian timber.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, again I express my thanks to the Senator from Montana for assisting the leadership in this matter and for his role here on the floor today in our discussion of this topic.

Mr. BAUCUS. I thank the Senator. The Senator from Idaho has introduced bills and sponsored legislation on this subject. We have worked together with the leadership setting aside this time this morning. The Senator from Idaho has performed yeoman service in this matter.

I also want to thank the Senator for drawing out a very important point. We are not advocating a protectionist measure. The point is that we want free trade. We are not getting free trade. We want free trade. We want Canada to practice free trade. Because Canada is subsidizing its product below market value, it is Canada which is not practicing free trade.

We, as Americans, are willing to compete freely with Canada so long as Canada does not subsidize, so long as the Canadian logs sold to mills in Canada for purchase in the United States are freely available to everyone, whether they be in Canada or the United States, so long as Canada is not subsidizing the sale of timber to its mills. That is the critical point.

Mr. President, we are going to do whatever it takes to ensure that Canada is practicing free trade and not practicing protectionist measures, in this case subsidies.

I thank the Senator for drawing that out.

Mr. McCLURE. I thank the Senator for making that comment. We must underscore again and again that point. If this were a matter of free competition in which all the players had equal access to timber at competitive prices, if they all had the same opportunities for transportation and market price, if they all had the same opportunity for financing and modernizing mills without the kind of practices we are confronted with in Canada, we could compete. But we cannot overcome all of the subsidies the Government of Canada has practiced and still maintain our market against a floor of timber being subsidized and flowing into this country. They must stop and if they do not stop, we must stop them.

I thank the Senator for his comments.

I have joined with the Senator in sponsoring legislation that he has introduced. I will continue to do that. I will introduce legislation on my own, whether it be a tariff and what kind of tariff, or whether it be a quota and what kind of quota. I am not wedded to a particular piece of legislation. I am trying to find a solution. If the Canadians will not act, we must.

I again thank the Senator for his comments and for his involvement in this issue.

Mr. LONG. Mr. President, will the Senator yield for a moment?

Mr. BAUCUS. I am happy to yield.

Mr. LONG. Mr. President, I have no objection to the administration proceeding to negotiate a free trade agreement with Canada. However, that does not mean I have no concerns about our trade with Canada.

I believe our trade with Canada under the bilateral trade agreement should be subjected to stricter rules than we can ever achieve in the multilateral system known as GATT, or the General Agreement on Tariffs and Trade.

That multilateral system is so vague and general and is subject to such wide interpretation that any idea of enforcing a system of market-oriented trade agreements under it is just about impossible.

The United States has more trade with Canada than with any other country in the world. It is, therefore, important that we try to get more discipline in the trade rules than apply to trade with Canada than we are able to get on a multilateral basis. I have hope of getting the Government of Canada to agree to trade rules that are consistent with those we have learned to live with in the United States.

One of the areas in which we will have to work toward some form of agreement is in limiting imports of subsidized lumber from Canada.

The production of lumber is extremely important in my State. I have visited the Manville plant in Monroe, LA, and I can assure you that it is a very modern facility. However, it

cannot compete with lumber shipped all the way from Canada, and the reason is that Canadian trees are mostly owned by the Provincial Governments, who make them available to mills in Canada at very low prices.

Senator BAUCUS and I have cosponsored a bill to deal with this and a number of other natural resources subsidies. Such subsidies hurt the cement industry in Texas; the lumber industries in Oregon, Montana, and Georgia; and the chemical industries in Louisiana and Delaware.

I am not talking just about the Canadian subsidies but those of our trading partners generally.

Essentially, the idea of our bill is that natural resources are subsidized if they are sold below the fair market value of that commodity. Fair market value is simply what a willing buyer would pay a willing seller in an arms-length transaction. It has long been U.S. law that if an imported product is subsidized, then the United States should place an offsetting duty upon the importation of that product.

So I am happy to join with Senator BAUCUS and others in expressing concern about imports of lumber from Canada. We need to arrive at a good bilateral agreement with Canada, one that expands trade between the two economies on a basis that is fair to both countries. Resolving these problems over subsidized Canadian lumber is, I believe, an essential element of any trade agreement.

Mr. BAUCUS. Mr. President, I thank the Senator from Louisiana for his statement. It draws out an important point; that is, natural resource subsidies that exist, particularly those of Canada and Mexico, to the detriment of our country. He and I are jointly cosponsoring legislation to make that natural resource subsidy—timber in the case of Canada—a countervailable duty. That is, under our countervailing duty laws, the lumber from Canada's natural resource subsidy that is imported into the United States is subject to our countervailing duty laws. Once the proper tribunal in our country finds it is a subsidy, that the subsidy substantially contributes to the detriment of the interests of American producers, then that is countervailable and the duty can be applied.

I thank the Senator for joining me and cosponsoring and working with legislation that draws that out, because it is an area of international trade law that has to be resolved.

Mr. LONG. Mr. President, the Senator knows that in negotiating with Canada, down through the years, we have repeatedly, from our point of view, permitted the Canadians to get the best of us on the theory that Canada is a good friend and trading partner and very important to the United States and, in view of our close relationship and high admiration—even our love—of the good Canadian people, who have been our friends in time of adversity, through thick and thin, and whom we appreciate very much, we should let them have advantages that we would not permit as far as the world in general is concerned. But as far as natural resources are concerned, Canada is a very, very large country.

I do not have available to me at this moment a comparison of the size of Canada and the amount of timber, oil, and gas, for example, that they have compared to the United States. But they compare very favorably to the United States in those areas. They have huge amounts of natural resources, much of which have not been completely developed as yet. For us to let the Canadians get the best of us in that area, for us to stand still while they discriminate in taking our markets for natural resources, is almost to commit a death sentence for many of our efficient operations in the United States.

We would not be representing our constituents, we would not be representing those who pay taxes to support this Government if we stood still for the kind of discrimination we have been suffering down through the years.

The Canadian provinces make their timber available off their Government land for practically nothing, while it costs a good deal for people to harvest timber off public or private land in the United States. All we want is equal treatment.

You have to compare this, just to illustrate the problem, to the football leagues. Some people have been urging that we have a common market on oil, a common market on gas, and certain other things. That is fine if you are both playing by the same rules. But if you are playing football with Canada and they are allowed to have 12 people on the field and you have only 11, if you have any team worthy of the name our there, that 12th man will kill you because you do not have anybody to cover him. We simply have to insist that we play by the same rules. If we do that, there is no reason why both countries cannot profit.

I am sure the Senator agrees with me, we want Canada to profit, we want to trade to our mutual advantage. But the United States has permitted our friends to victimize us to the point that we as a country have to look after our own people. Failure to do that, may I say, is going to cause our own people to send somebody here who will, and we do not want that to happen.

Mr. BAUCUS. Mr. President, I thank the Senator for his tremendous contribution and for his presence on the floor to point those things out. It again shows that this is a national issue, not a regional issue.

Mr. President, I yield to the Senator from Arkansas [Mr. PRYOR].

The PRESIDING OFFICER Mr. (ABDNOR.) The Senator from Arkansas.

Mr. PRYOR. I thank the Senator from Montana for yielding to me at this point. I want to take this opportunity to commend the junior Senator from Montana for bringing this matter to our attention at this time. I think this special order is constructive, I think it is overdue. I commend him for his leadership in this area.

Mr. President, 30 years ago, in 1956—I believe it was 1956—it was at the Democratic National Convention in Chicago, IL. I know that the Senator from Montana is too young to remember the national convention of 1956. He is too young to recall the keynote address of that convention. It was given by the late Frank Clement, the Governor of Tennessee. Frank Clement went to Chicago and he rehearsed and got his speech down just right, but, Mr. President, I cannot remember but one line. I was sitting in that convention as a page or something like that. Anyway, I went to my first convention, and the Governor of Tennessee, Governor Clement, made a speech, and the only line of that speech that I can remember is, "How long, oh, America? How long, oh, America?"

When I think about the Canadian imports and what is happening to us in the world of trade, I somehow hear those words reverberate once again in my mind: "How long, oh, America?" How long will it be until we wake up, how long will it be until we do something constructive to protect our timber industry.

Mr. President, something must be done about the rising Canadian softwood lumber imports into the United States and the severe damage these imports have inflicted on the U.S. lumber industry in recent years. I would like to give the Senate a brief look at the devastating impact these imports are having on our U.S. wood industry and our local economies.

Year 1984 was a moderately strong one for lumber demand, with 1.75 million housing starts in the United States, and one would expect that America's wood products business would have prospered accordingly. U.S. lumber mills, however, operated at only about 80 percent of capacity, with over 13 billion board feet of Canadian softwood lumber imports account for nearly one-third of U.S. consumption. The U.S. industry sustained pretax losses exceeding $300 million, largely because depressed prices and curtailed operations caused by high levels of Canadian lumber imports. Because of this factor and other losses suffered since 1980, major U.S. wood

products manufacturers announced shutdowns and took write-offs totalling more than $600 million. According to the forest products industry, over the last 5 years domestic firms lost more than 30,000 jobs, of which 22,000 can be attributed to increased Canadian lumber imports.

Over the past decade, Canadian lumber imports have increased from 19 percent to 34 percent of total United States softwood lumber consumption. This huge penetration of the United States market has occurred in all regions of the country and in some very unlikely States, far distant from Canada, such as Florida, where nearly 60 percent of the lumber consumed is Canadian, or Georgia, where Canadian imports are 50 percent of consumption.

My constituents from Arkansas have been letting me know of their very strong concern.

From Gurdon, AR, comes a letter which states:

> The U.S. lumber market is being devastated by flood-level Canadian imports. The reason? The Canadian government sells its producers raw materials at virtually no cost. We can compete with any country's forest industry head to head. But we can't compete against their governments.

Another correspondent from south Arkansas says:

> Having been born, raised, and now making my living in Arkansas, I am very much aware of how dependent this area is upon the lumber industry. It is a necessity for any type of economic continuance for this area, as well as the State of Arkansas, and other areas of our country.

From Harrison, AR:

> As helicopter pilots, we work closely with the forest industry in the South, the Lake States and the Northeast. I was optimistic earlier this year when I heard of an increase in housing starts, knowing this should mean an increase in lumber demand. However, my optimism was soon dimmed, when I was informed this increased demand would not help our U.S. producers, but instead would increase Canadian imports. . . If something doesn't happen, you will see logged areas return to a brushy situation, rather than become the beautiful pine plantations we seem to have taken for granted.

From the mayor of Monticello, AR:

> As you know, Drew County depends on the lumber industry for its economic stability. The timber industry provides the largest payroll in our county. I have talked to a number of the lumber companies and have found that some companies are being eliminated by the imports of Canadian lumber. One of our lumber mills, Selma Timber Company, has had to close due to this situation.

Finally, from Emerson, AR:

> I work in the forest product industry as manager of a plywood and lumber complex in Emerson, AR. I know for a fact that Arkansas and Louisiana forest product workers are just as productive and even more productive than our counterparts in Canada. The only reason we are not able to compete is the Canadian government subsidy.

Mr. President, this trade imbalance is not simply a matter of a strong United States dollar or competitive advantage in favor of the Canadians. The problem is largely due to the Canadians' stumpage rate, that is, the price of standing timber.

Nearly all Canadian timberlands are Government-owned, and we believe that the stumpage is sold at arbitrarily low prices by the Government to ensure mill operations and provide employment. These bargain basement prices essentially give Canadian lumber a price advantage in nearly every market in the United States, despite the great distances often needed to transport this product to the customer.

We believe that this continued upward surge of Canadian lumber imports caused by Canadian Government action will continue, unless checked by our own Government. If the problem goes unresolved, a depressed wood products industry will continue to take multihundred million dollar losses, many more mills will close, and thousands of additional jobs will be lost. Moreover, sawtimber prices will drop to a level at which intensive forest management, which has helped make the United States the woodbasket of the world, may well have to be abandoned. This could reduce the quality and quantity of wood fiber grown in our country, with a significant adverse impact on our industry. The industry predicts that an additional 15,000 forestry jobs could be lost.

Along with Senator BAUCUS and several other Senators, I wrote to United States Trade Representative Clayton Yeutter to let him know that I did not think I could support a United States-Canada free trade area unless and until the stumpage issue had been resolved. I was very pleased that Ambassador Yeutter agreed to try to reach an agreement on that issue separately so that we can take a more sympathetic look at the whole Canadian package.

Mr. President, the most striking example of the effect of Canadian subsidies can be found in Prescott, AR, which is located in the far southern end of my State. There they have a modern, automated, and efficient mill that manufactures lumber from the pines that grow abundantly nearby. In 1985 a motel was built within shouting distance of that sawmill, with lumber manufactured by Olympic Forest Products of Vancouver, British Columbia. The contractor said the only reason he used Canadian lumber was its low price. He paid $13 less per thousand board feet for stud lumber than the price at the loading dock of the mill right there in Prescott.

When you see a situation like that, you know that market forces have not been allowed to work freely and that Canadian prices are unnaturally low.

The administration recently began discussions with Canada over problems in the wood products industries in both countries and the issues of Canadian imports and stumpage pricing practices. If the administration and the Canadians cannot come to a reasonable agreement on these issues, then the Congress may take the matter out of their hands and approve legislation to achieve fair trade.

Mr. President, again I harken back to the words of the late Frank Clement of Tennessee when he asked, "How long, oh, America?" I ask that same question, Mr. President: How long are we going to allow these Canadian imports to come into our country and totally deplete the forest and lumber industry of America?

Mr. President, I yield back the remainder of my time and again commend the Senator from Montana.

Mr. BAUCUS. Mr. President, I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today to call attention to the unfair situation confronting our domestic timber industry.

Mr. President, those involved with the timber industry manage one of our greatest natural resources: the American forests. Many individuals, particularly in rural America, are employed by the timber industry. Loggers, often in remote areas, harvest the trees; truckers transport the logs over frequently difficult terrain; and workers in sawmills process the lumber, which then goes to the lumberyards where it is distributed for a variety of uses. Over 700,000 people nationwide are employed in this industry. In fact, for every one logger, there are three to four jobs generated in the processing of timber.

Timber is essential to our housing, wood products, and paper industries, and is a component used in many other manufacturing processes. It is critical to our economy that we maintain a vital domestic timber industry.

Unfortunately, Mr. President, our domestic timber owners, the loggers, and all those others involved with the industry, are threatened by subsidized imports of both raw and processed timber from other nations, especially Canada. The situation is particularly acute in the northwestern region of the country, where employment in the industry dropped 25 percent from 1977 to 1982. This dangerous situation has also spread to other parts of the Nation. In South Carolina, Canada had over 40 percent market share of the timber industry in 1981. From 1981 to 1983, Canadian imports to South Carolina increased by almost 12 percent. Nationwide, Canada has captured over 30 percent of our domestic market.

Practices of the Canadian timber industry have created and exacerbated

this trade situation. The Provincial and Crown Governments of Canada own nearly all Canadian timberland. These governments lease vast acreages of timberland to mills for 20 to 25 years per lease. Over the life of the lease, the total cost of timber is actually very low. Furthermore, in Canada, many sawmills were built using guaranteed loans or outright grants from the Provincial or Crown Governments.

In the United States, on the other hand, 7 out of every 10 acreas of timberland that is harvested for commercial use is privately owned. Landowners here invest their land and monetary resources for years in order to produce sellable timber. They comply with strict laws and regulations to protect the environment, which are often expensive to implement. Furthermore, timber purchasers in this country bid for the right to cut federally and privately owned timber.

According to the International Trade Commission [ITC], in 1984, the cost of lumber in Canada was $10 per thousand board feet. This same ITC report estimated the cost of U.S. lumber at over $100 per thousand board feet. Mr. President, the relatively low value of Canadian lumber due to direct and indirect Canadian subsidies, combined with the low value of the Canadian dollar as compared to the United States dollar over the last few years, are forcing many of our logging operations, sawmills, and lumberyards out of business.

Earlier this year, the administration began talks with Canada concerning the current trade situation between Canada and the United States. Both sides would like to institute a "free trade zone" between the two countries. Any such agreement, however, in my opinion, should include a resolution of the unfair trade practices affecting our timber industry. I urge the administration to negotiate with Canada on this issue.

If the negotiations are not successful, S. 982 and S. 1224, currently pending before the Senate Finance Committee, should be considered by the Senate. S. 982, the Wood Products Trade Act of 1985, would authorize the President to enter into agreement with Canada to reduce imports of softwood lumber through voluntary restraints or elimination of subsidies. If such an agreement is not reached, the bill would provide for the imposition of a duty on Canadian softwood lumber. S. 1224, the Softwood Lumber Stabilization Act of 1985, would limit imports of softwood lumber according to historical percentage, depending on U.S. consumption. If the President cannot reach a favorable agreement with the Canadians in the current trade talks, the Senate should act on one of these measures.

This Nation needs a strong domestic timber industry, in all stages of the process, from harvesting the trees to the sawmills and the lumberyards. I urge my colleagues to closely follow the ongoing negotiations with the Canadians on the timber issue, and to keep this industry in mind should any "free trade agreement" with the Canadians be considered by the Senate.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Senator from South Carolina for his superb statement.

I yield to the Senator from Mississippi [Mr. STENNIS].

Mr. STENNIS. I thank the Senator for yielding to me.

Mr. President, I want to give a personal illustration. I live in east Mississippi, where we have many pine trees, large and small. I have lived there all my life, and I know the ups and downs of the timber and pulpwood industry. I have known of the good business we had there until fairly recently, when upheaval came and drove into bankruptcy some of the operators in the local market and closed down a high percentage of the local manufacturing units, large and small.

This is a devastating thing and is traceable directly to people who have been our friends, and I think they are still friendly. I have the kindest feeling and respect for the Canadian Government and their enterprises. But we have reached the point now in this industry where something meaningful must be done.

When I first discovered the downturn in the lumber products industry where I live and where I know the people who are engaged in it, I thought that the entire cause was a reduction in the home building industry. Certainly, that did have an effect years ago; but when the housing industry picked up, I continued to call for a report, and the demand for lumber had not increased as I had expected. I had expected those lumber products industries in Mississippi to increase tremendously, but that did not happen.

On close examination of the issue, I have discovered that while the United States lumber products industry had declined, imported lumber products from Canada had increased from a 19-percent share of the United States market to more than 30 percent in less than a decade.

Those figures have great meaning and they are accurate and are given for the entire industry. When I asked why, I found out that a businessman in Canada can cut a tree, process it into lumber products, and transport it to a dealer in Mississippi at a lower cost than a lumber mill in the same county as that dealer can deliver it to him.

There are certainly several reasons for this less expensive Canadian product, but only two that have a significant impact on fair competition between producers in Canada and the United States. The first reason is one which has affected not only forest products but also all imported and exported products—the strength of the American dollar. For a while, that was perhaps the primary reason for our losses in world trade. Canada was able to provide much more lumber for a United States dollar than a United States producer could. However, with our efforts to reduce the deficit, interest rates have dropped and the exchange rate has improved, so that this is no longer the primary reason why Canadian lumber producers still hold such a large share of our domestic lumber markets.

This leaves us with one major reason for the strong position of Canadian producers in our markets, and that is the reason why we are discussing this matter today. The Canadian Government owns most of the forests in Canada and makes them available to their lumber producers at a minimal cost, while most of the United States forests are owned by private individuals or industry, and the cost to cut trees here is much higher than in Canada. This Canadian Government subsidy puts their producers in an unfair position in our domestic markets.

There have been feeble efforts by the United States officials to work out an agreement with the Canadian Government that would be fair to all, but they have produced no results of significance. It is time that we get more serious about this grave problem.

I know of people who have these little businesses in which they buy pulpwood. I know one little lady who lives within 2 or 3 miles of me. She took the lead years ago in a small pulpwood business. She has been industrious and frugal and careful and worked hard and has expanded, and now her business has grown to where she has some of the larger trucks that cost thousands of dollars, for which she paid mostly cash. Now, almost all of a sudden, the bottom has fallen out of the market. The prices have changed, as I have indicated, and it has left her, not bankrupt, but stranded and very materially injured in her business, and she will not be able to withstand the storm much longer.

There is private enterprise there that I, personally, know about. I know her record and I know how frugal and industrious she is. When she is affected this way I know it is a real genuine case where something has to be done to save the situation.

I would prefer that the administration work with Canada to find a solution, but I am prepared to support action here in Congress for a solution that does not now seem to be forthcoming otherwise. I hope that our ef-

forts here today provide incentive for the President and our Trade Representative to move forward.

In the event this does not happen, I think there is nothing left that we can do except for Congress to take prompt action to provide equity, for this important segment of our Nation's and Mississippi's economy.

Mr. President, I am not meaning to be unduly critical of any official who has worked on this problem. I know it is a problem for the administration, but my emphasis is that something must be done and something must be done soon. Otherwise, there is going to be a collapse of this industry. In the area that I am familiar with, it is a certainty. It is bound to come. And I think it will come elsewhere too. It will just be the same course, and it is of a magnitude and importance not only to the individuals involved, but to our entire economy.

It involves raw timber in all of the different kinds that one can classify it into and use it for. It is the backbone of our products of this kind in the southern area, the western area and also much in the east.

So it is one of those things when fairness compels us to act, not in an unfriendly way, in order to save this industry, in order to save business itself, and in order that things may move forward to be a positive factor in our economy rather than an injurious and a losing one.

I thank the Senator again for his leadership here. I appreciate his providing some time here for all of us who find ourselves confronted with this problem.

I certainly wish to do my part and I know others do, and we are going to dig and dig hard and keep hitting hard.

I thank the Senator again for his time.

Mr. BAUCUS. Mr. President, I thank the Senator from Mississippi. The Senator from Mississippi is one of the statesmen in the Senate. He has a long-term view and a solid view. He has been a Senator and is a Senator that the remainder of us look to for advice because he is so deep and pervasive in his thinking.

I thank the Senator for his efforts here today and for his statement, and also the Senator's efforts here show this is a national issue. The State of Mississippi is very directly affected by the Canadian subsidy as well as most other States in the country.

I thank the Senator for his statement.

I yield to the Senator from Georgia.

Mr. MATTINGLY. Mr. President, I rise today to protest unfairly subsidized lumber imports from Canada. However, before I begin my remarks I commend the efforts of my colleagues Senator McCLURE, Senator BAUCUS, Senator THURMOND, and Senator PRYOR in organizing this bipartisan effort to convey our serious disappointment in the progress being made in negotiations with our neighbor to the north.

The problem of unfair lumber imports from Canada is of growing concern to the State of Georgia, my State, where forestry and related economic activities comprise a $8.6 billion industry employing 80,000 people. Though Georgia is the second largest timber producing State in the Nation, 50 percent of all lumber sold in the State is Canadian. The reason is fairly straightforward. Although United States companies maintain a competitive advantage over their Canadian competitors in the area of labor and transportation costs and are equally efficient, Canadians who export are able to purchase timber at subsidized, nonfree market prices giving them a price advantage in the United States market. I will go so far, Mr. President, as to say that I believe the Canadian stumpage system amounts to an unfair, selfish and destructive export subsidy. The predatory nature of Canadian lumber policies is apparent when, in an overcapacity environment, those policies both encourage rapid cutting and fail to provide adequate resources for reforestation. It has been estimated that Canada is losing a million metric acres of forest each year due to its failure to finance reforestation efforts. Some industry analysts are predicting a sharp falloff in Canadian lumber production in 10 to 15 years as existing forests are consumed. By that time the United States lumber industry, in the absence of a "level playing field," may well have been destroyed by Canadian competition. There is then the real possibility that the United States construction industry could find itself without a sufficient lumber supply as a result of Canada's blind desire to export as much lumber as possible now.

The problems of the American lumber industry are not new nor did they occur over night. For the past decade United States lumber producers have been losing market share to Canadian lumber firms. From 18.7 percent in 1975, the Canadian share of the United States grew to 32.7 percent in 1985. Today, almost two-thirds of the Canadian production is shipped to the United States. I note that the United States lumber industry has sought to address its problems through existing trade remedy channels for several and I commend this effort. I readily acknowledge that other factors, such as the high value of the United States dollar, have perhaps added to the advantage enjoyed by Canadian lumber. Let me point out, however, that the exchange rate imbalance has been partly offset by Canadian inflation rates which have been higher than those in the United States. We have watched as American sawmills closed throwing thousands out of work. In Georgia, we had 108 sawmills in operation in 1978. By 1984 that number was reduced to 89. In 1984, the six largest U.S. producers of forest products wrote off 551 million dollars' worth of milling facilities, equipment, and timber land. Since 1978, employment in the United States lumber industry has fallen by almost 30,000 workers, primarily as a result of unfair competition from Canadian lumber. And the situation continues to worsen.

I do not support protectionist measures. I remain committed to a global market system in which fair trade and equitable opportunities are the rule not the exception. However, unfair subsidization of an industry that offers that industry an explicit advantage over the same industry in another country is not fair trade and eliminates even the remotest possibility of equitable opportunity in the marketplace.

Mr. President, I cite the example of Georgia-based Georgia-Pacific Corp. Georgia-Pacific is not only one of the largest manufacturers of United States lumber but is also one of the largest importers of Canadian lumber. As both a manufacturer and importer, Georgia-Pacific had, understandably, remained neutral in this controversy and continued its support of policies and legislation that encourage fair trade. However, despite the fact that a reduction of Canadian imports could prove costly to Georgia-Pacific, Mr. Stanley Dennison of Georgia-Pacific testified before the International Trade Commission in July of last year that Georgia-Pacific "can no longer remain neutral * * * these imports have reached levels that are causing a liquidation of our U.S. industry." Mr. Dennison further testified that Canadian Government subsidies are "disrupting markets for our Nation's forest products industry and is not fair trade."

I have repeatedly urged United States trade officials to discuss the lumber problem at every opportunity with their Canadian counterparts. I believe that our representatives have made a good faith effort to resolve the problem through diplomatic and negotiating channels over the past several years. In discussions with United States trade officials, they have been unable to offer much that is positive other than the fact that United States and Canadian representatives have agreed to meet again next month. That does not hold out much hope. It is with regret that I say I no longer feel a negotiated solution is possible without further action by Congress and I am joined in that sentiment by a great many of my colleagues in the Senate. Failure to resolve this conflict

with our largest trading partner could have a devastating impact on bilateral relations between the United States and Canada.

Let me close by saying that while I am committed to a positive solution to U.S. forest products trade problems, neither Congress nor the executive branch should stand by and watch another nation's unfair preferential treatment of its own industry harm ours.

Mr. BAUCUS. Mr. President, I thank the Senator from Georgia for his able statement.

I yield to another distinguished Senator, the Senator from Maine.

Mr. COHEN. I thank the Senator for yielding.

Mr. President, I wish to associate myself with the remarks of my colleagues in this colloquy this morning on the Senate floor. I guess my colleagues have probably heard me speak on too many occasions about problems that Maine and New England and other regions of this country are now experiencing at the hands of foreign competition. I have taken the floor in the past to talk about shoes. We have an industry about to be extinguished, apparently with either the indifference or the blessing of this administration, because we now have a situation where 80 percent of the shoes that are worn in this country and sold in this country now come from abroad. The administration's response has been, "We are committed to free trade. Don't talk to us about any sort of protection for any industry in general and certainly the shoe industry in particular."

The problem I have tried to articulate over the weeks and months and recent years has been one that pertains to every aspect of our trade policy because, in fact, we have no trade policy. This administration has been committed rhetorically to free trade, except we find that very few nations, if any, are committed to the same policy. They all articulate it; they practice something quite different.

I had occasion to travel with Senator DOLE to the Far East last summer in order to bring our concerns directly to those nations. I found it extraordinary. Every one of the nations that we visited said, "My God, the Senate and the Congress are about to embark on a protectionist binge. This will be disastrous to the world trade economy."

Yet we found that, while they were so fundamentally opposed to "protectionist measures" in the United States, each and every country that we went to had the most visible and invisible protectionist measures and subsidy programs that one could imagine.

In Korea, for example, we found a great concern with "protectionism" in the United States, but it is a crime in South Korea to be found in the possession of American-made cigarettes. How is that to be? We found, for example, there was very little protection for intellectual property rights in that country; that American insurance companies and banks could not do business in Korea.

We found the same story in each and every country. In Japan we found a barrier to blueberries, by way of example. Even though no blueberries are produced in Japan, they had a 100-percent tariff on blueberries. The list goes on and on.

Now we come to yet another industry, the forest products sector, which is certainly in my State and many of the States represented here during today's debate, a major industry. Each of our industries is told by this administration that we are committed to free trade. I will tell you that the people of Maine, the rest of New England and the other States who are involved, are willing to compete. We are willing to compete against our counterparts in Canada or any other country. However, we are not willing and cannot compete against the treasuries of those countries, particularly Canada in this instance.

The American lumber industry is forced to get its product by competitive bidding. The Canadians do not have the same system. The Crown owns 94 percent of all the timber and they allocate that timber according to whatever process they see fit. The Canadian manufacturers are not required to go out in the private market. They are not required to bid competitively. As a result, they enjoy a huge advantage. They are, in fact, heavily subsidized.

In addition to the subsidy, they also enjoy at this moment between a 35-cent and 40-cent exchange rate advantage on the dollar. If you take the heavy subsidization, plus the exchange rate, there is virtually no way that any American producer can compete. That is not free trade. That is not fair trade.

This administration keeps bowing down to this idol called free trade while, in fact, every other country is ignoring it and taking advantage of our industries and putting them out of business.

We have lost, in the Northeast alone, at least 11,000 jobs in the forest products sector. We have lost $75 million in payroll as a result of practices carried out by the Canadian Government to aid its lumber industry.

If there is a message to our negotiators, we are saying, "Enough is enough. We are not going to see industry after industry simply disintegrated because you folks downtown are more concerned about good relations than you are with having a solid industry and a solid, viable economic base in this country."

Canada is important to us. Historically, culturally, geographically, and from a defense point of view, Canada is very important to us. We have a good and long-standing relationship. But the fact that we are good neighbors, and the fact that we enjoy a common border and common heritage and cultural basis is no reason why we should ignore the devastation that is taking place to our industry as a result of our neighbor's unfair trade practices.

Now, in my State, 80 percent of the lumber is coming from Canada; a major State that is mostly forest, yet we still get 80 percent of our lumber from Canada because they are able to flood our market with a lower priced product as a result of Government subsidization.

If our negotiators are unwilling to see to it that some sort of formula is arrived at whereby our Canadian counterparts have to pay a fair and competitive price for their lumber, it seems to me that Congress has no choice but to take legislative action. If that runs contrary to the sensitivities and sensibilities of the administration, I can only say that they have had fair warning.

In closing I would encourage our trade negotiators to listen very carefully to what the Members are saying here today, because we are not going to be deferred much longer in the face of what I consider to be an unfair and unwarranted assault.

Mr. BAUCUS. Mr. President, I thank the Senator from Maine.

I now yield to the Senator from Mississippi.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I am happy to join with my colleagues today to express my concern for the adverse impact that is occurring throughout our Nation because of the increased volume of imports of timber from Canada. It is time for action on this issue. What we must have, in my opinion, is an agreement with the Canadian Government that provides an equitable and healthy competitive environment for both the United States and Canadian timber industries. I know there are other alternatives, but that is the alternative that I think is preferable.

The industry in my State of Mississippi is in serious trouble. There are approximately 133,000 private forest land owners in my State. Forests cover 55 percent of the land in Mississippi. The hard work of the people involved in this industry has resulted in the harvesting of 518 million dollars' worth of forest products in 1984, making it the third most valuable crop in the State.

But the large volume of imports has resulted in a dramatic drop in the price private landowners receive for

their pulpwood and sawtimber. The price per thousand board feet has dropped from about $230 to $130 in the last 2 years. This drop has had an adverse impact on the total economy of our State.

Mississippi timber owners usually sell more than 50 percent of the volume of lumber grown in the State to firms in Georgia, Florida, and other places within the United States for large construction projects. While the Mississippi share of this market is still 10 to 20 percent, it has previously had as high as 30 percent of the share of the Georgia market, for instance. But the Canadian share of the market for softwood lumber in Georgia has now risen to over 60 percent, as the Mississippi share has dwindled.

Mississippi landowners have intensified their management of forest resources. We have embarked upon incentive programs to reforest our lands, to encourage the use of lands for growing timber rather than unprofitable row crop operations.

But we cannot continue that effort if we are going to see the prices that are being paid to landowners decline further.

We are reaching a point, Mr. President, where this very vital and important industry is collapsing. I urge those who are involved in trying to work out a solution with our Canadian friends to intensify their efforts. Failing that, I am afraid that the Congress, the American people, and those directly affected by the consequences of these imports are going to urge that more drastic and dramatic action be taken.

I think we have to say that we are prepared to take other action, but for the time being let us increase our efforts to reach an agreement with the Canadians on this very important issue.

I appreciate the Senator from Montana yielding to me. I yield back the balance of my time.

Mr. BAUCUS. Mr. President, I thank the Senator for his comments.

Mr. President, I yield such time as he may require to the Senator from Oregon [Mr. PACKWOOD].

Mr. PACKWOOD. Mr. President, the fact that the United States recorded a $150 billion trade deficit in 1985 is a source of great concern to us. The cause and consequences of this emormous trade deficit are complex, and do not lend themselves to simple solutions.

But the flood of Canadian softwood imports which contributed over $2 billion to this deficit represents a more simple reality: Canadian lumber manufacturers enjoy substantial price advantages made possible by Canadian Government policies.

I have asked Ambassador Yeutter, the U.S. Trade Representative, to negotiate a solution to this problem which affords softwood lumber producers on both sides of the border the opportunity to compete fairly. I can understand the desire of the Canadian Government to promote Canadian lumber production and the concomitant employment. But the proximity and integration of the Canadian and United States lumber markets makes it imperative that Canada consider the United State impact of its policies. We simply cannot tolerate Canadian policies which promote Canadian production and employment at the expense of United States production and employment.

It is time for the Canadian Government to recognize the consequences of its softwood lumber pricing practices. Whatever the legal arguments over the legitimacy of these practices, whatever the Canadian considerations, Canada must come to terms with the severe dislocations experienced by the American softwood lumber industry and the reaction which that has produced. With the number of closed lumber mills and unemployed lumber workers growing daily, it is high time for Canada to find a way to "live and let live." This cannot wait. It certainly cannot wait until the conclusion of any free trade agreement which the administration has proposed to negotiate with Canada.

Mr. BAUCUS. Mr. President, I yield such time as he may require to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

TIMBER TRADE

Mr. DENTON. Mr. President, I am most pleased to be able to participate in this colloquy today.

Although I expect that many of the comments will have to do with the particular problems that are being experienced by the timber-rich region vis-a-vis Canadian timber exports, my colleagues should know as the two Senators from Mississippi are here to testify that the Southeast has a large traditional timber industry, which is also under seige.

Some 70,000 individuals are employed in the forest products industry in Alabama, which compares respectably to the roughly 108,000 men and women who work for our largest employer—the textile and apparel manufacturers.

That figure alone, however, does not tell the degree to which the forest products sector is integral to the Alabama economy. The industry contributes $3 billion annually to the State's economy, which is more than any other manufacturing group in the State.

Furthermore, unlike the timberland in the Northwest, which is largely owned and administered by the National Forest Service, fully 75 percent of our timberland is privately owned. That means that the fruits of a prosperous timber industry, or the pain of one on the losing end of unfairly subsidized competition, is distributed widely and deeply throughout Alabama.

For this reason, I could not forgo the opportunity to participate today. I join my colleagues in vigorously protesting the timber policies of the Canadian Government. Furthermore, I am disconcerted by the Canadian Government's unwillingness to hold meaningful discussions on possible solutions to the resultant trade problems.

Those problems have reached major proportions. Although our domestic timber industry is one of the most efficient in the world, hundreds of mills have closed during the past 6 years. Tens of thousands of U.S. lumber workers have lost their jobs, and, in 1984 alone, the U.S. industry wrote-off over $550 million in softwood lumber assets.

The decline has occurred under the intense pressure of rising Canadian imports, the flood of which has depressed prices. Despite the fact that U.S. lumber consumption reached record levels in 1984, and again in 1985, U.S. lumber prices have fallen and remain at recession lows.

I believe that this disastrous situation is largely due to the Canadian Government's timber policies, which seek to maintain Canadian employment at the cost of American jobs, and of the long-term health of the forest resources in both Canada and the United States.

The immediate issue, of course, is Canadian stumpage pricing practices. By selling its Government-owned timber to Canadian firms at extremely low prices and in a noncompetitive system, the Canadian Government has encouraged overproduction and maintained employment. In the past 10 years, Canadian softwood lumber production has increased 96 percent, while our rate of production increase is only 19 percent.

With Canadian domestic consumption unable to absorb the increased output, it is not surprising that Canada has had to export the surplus. Canada's share of our lumber market has grown from one-fifth to one-third. It has accomplished this through an unfair advantage, that is, low stumpage prices, deliberately pegged to undercut the price of American timber.

That such an advantage exists is apparent when one considers the fact the small percentage of timber sold competitively in Canada sells for as much as 16 times the price set by the Canadian Government.

That is, Canadian timber sold in Canada sells at 16 times the price set by the Canadian Government for its exports. It is hard to believe that when timber consumption increased between 1983 and 1984, stumpage

prices in the Canadian Panhandle Forest decreased, but that is, in fact, what happened. The Royal Commission on the Northern Environment found, in its June 1985 report, that Canadian stumpage pricing practices do "not reflect the market value of timber cut."

The cost of that policy is being borne by the American timber industry. Under current conditions, the only avenue of survival for U.S. lumber producers is to pay less for timber. In time, that can only result in timber prices dropping to a level that will force the abandonment of our intensive forestry management system and the reversion of our woodlands to lower quality, lower yielding natural stands.

In the long term, that could reduce both the volume and the quality of wood fiber grown in the United States, with a potentially significant impact on the $100 billion wood products and paper industries, including the possible loss of an additional 15,000 forestry jobs.

The United States, therefore, has no real choice but to pursue every available remedy, including those under existing law, and new legislation to put Canadian timber on an equal economic footing with the United States, if Canadian lumber is to be imported into our country.

I prefer to see the matter resolved through bilateral negotiations. I believe that is better than unilateral action by the President or Congress. During the upcoming United States trade negotiations with Canada on lumber and wood products, I urge the President's negotiators to remain firm in their commitment to correct the inequities and unfairness involved in Canadian lumber imports.

At stake is the survival of the U.S. lumber industry, and, in the long term, the strategic issue of U.S. wood fiber sufficiency. When Canadian production falls due to depletion of the Canadian resource base, will we have an industry able to rebound and provide American consumers with a stable supply of reasonably priced quality lumber? I hope that we will not have to answer that question.

I thank the Senator from Montana and I yield the floor.

Mr. BAUCUS. Mr. President, I thank the Senator from Alabama for his yeoman efforts here.

Mr. President, I now yield to the distinguished Senator from Idaho, who has worked long and hard on this issue, and on this legislation. I think he is one of the most effective spokesmen on this issue.

Mr. SYMMS. I thank my good friend from Montana. I thank him for his leadership on this, and say I am pleased also to be one of original cosponsors of his natural resource countervailing duty bill. That bill is important to this entire discussion.

I appreciate the fact that so many of our colleagues are joining in on this effort. I particularly appreciate Senator BAUCUS for drawing attention to the timber problem and encouraging many of our colleagues to speak on the floor on this issue because we are talking about a major basic industry. It is not a localized problem. Jobs are being lost from Maine to California. There is a crisis in the softwood lumber industry. This industry ranks about sixth in importance to the national economy. The crisis is not the product of eroding demand or the inability to meet that demand. It is a direct result of a flood of imported lumber from Canada.

In 1975, Mr. President, Canada had less than one-fifth of the United States market. By 1985, they increased their market share to over one-third of the market, and during that 10-year period the Canadian production doubled while the United States production was up only a scant 20 percent. No one can argue that our domestic softwood lumber problems are not pure and simply the byproduct of the Canadian invasion. It is obvious to anyone familiar with the wood product industry that this invasion is only possible because of unfair competition.

Before detailing the evidence indicating unfair competition, I want to document the extent of the injury to our domestic industry. Bear in mind that demand, fueled by a booming housing market, hit 43 billion board feet in 1984, and when the books are closed on 1985, it is expected it will be 44 billion board feet. That is an all-time high in softwood consumption.

This boom is reflected in the United States in a rather strange way, Mr. President. Between 1977 and 1984, 629 U.S. mills were forced to close. Employment dropped by one-fourth, from 119,500 in 1975 to 89,000 in 1984. I am sorry to say that this trend is reflected in Idaho. We had a high of 19,000 workers involved in the wood processing industry in 1979, and we are now down to 13,500 by 1985. These mill closings cause terrible disruptions to small, independent communities struggling to provide good schools, to keep the local hospital open, and to extend other basic services.

It is dramatically difficult for these small communities when people start leaving town. We have had to build the schools, to educate them, the hospital facilities, to care for them and then they start moving away. It is very difficult for those who are left, as well as those who have the traumatic experience of having to leave. Idaho ranks about fifth in softwood production, and the forest products industry makes up about one-fourth of our nonfarm economic base. Obviously these closures are very hard on our State.

Mr. President, the basic issue here is whether the expansion of Canadian imports is the result of unfair competition. In my mind, there is no question. It is unfair. None of my colleagues speaking on this issue today would be participating if they felt the Canadian competition was fair.

Many arguments have been advanced during this long-running debate on timber imports to discount the charge of unfair competition. However, no matter how the disclaimers are couched, the fact remains that Canadian imports have increased dramatically while domestic exports have suffered. The most glaring inequity appears to be the difference in stumpage prices—the cost of raw material.

The information provided by the Coalition for Fair Lumber Imports shows that the Canadian stumpage costs about one-tenth of what the United States stumpage costs. Does a 10-to-1 advantage, or edge in raw material cost constitute unfair competition? Or is it merely a result of physical factors, and as such an advantage nullified by other considerations? Let us take a look at the arguments, Mr. President.

Is the difference in stumpage rates the result of physical differences in the timber on two sides of the border? The answer to that question is: There is no fundamental difference in timber species, distribution, or stand composition that would account for a dramatic difference in value. Are there inherent differences in topography or logging requirements, which are sufficient to justify a significant difference in the value of the residual stumpage? The answer to that: It does not seem logical. The topography is quite similar as is the timber size. These are two of the major factors in logging cost variations.

If there are some differences, they should be more than balanced by the fact that American logging requirements seem to be much more exacting which would tend to reduce the cost of U.S. stumpage.

Is the stumpage differentiation an incidental issue with the increasing Canadian market share the result of other factors? I see no convincing evidence of this. The most common reason suggested for the shift in market share is the advantage in the exchange rates. That is a logical argument. However, it would be more convincing if it were not that the real value of the United States dollar has remained relatively constant in comparison with the Canadian dollar since the end of 1978. In other words, the big jump in imports has occurred without the benefit of the significant jump in exchange rates.

Some time ago, there were claims that the Canadian sawmills were more productive than the American saw-

mills and, therefore, Canadian import increases were the natural result of competition. Such assertions have proven to be inaccurate. As a matter of fact, the latest ITC study shows that American sawmill costs are 7 percent lower than Canadian costs. I know that the Idaho sawmills have become more productive in the past few years. The information available indicates that this is a national trend.

I think the claims that the Canadian loggers are more efficient are equally false. As a matter of fact many, many sawmill workers in Idaho, have taken pay cuts in order to help the sawmill they work for maintain the competitive edge that they have had. They have had to do this in order to survive. Even with these paycuts, that have come up to 15 to 20 percent of their basic pay, they are still having trouble, and still struggling. The information available indicates this is a national trend.

Most Idaho loggers are small, independent businessmen. Much of their work is obtained on a competitive-bid basis.

The Idaho loggers have a proud record for innovation and development of new technology. Their prices have not increased as rapidly as the inflation rate for the past 10 years or so. I cannot believe that any loggers, anywhere are more efficient.

Its well documented that Canadian stumpage prices are held at artificially low rates that do not cover even the basic costs of reforestation. Various units of the Canadian Government in 1985 committed $900 million to assist reforestation. In contrast the U.S. Forest Service timber sale program returned $124 million net to the Treasury after all costs were paid in 1984. All reforestation costs were included before the net return was calculated.

Looking at the situation realistically its obvious that the boost in Canadian imports is directly related to the vast difference in stumpage costs between the two countries. It is absolutely necessary that this situation be resolved in the near future. We are all aware of, and very concerned about, the immediate impacts on our industry and our people. However, I am becoming increasingly alarmed about the long-term injury to our society. If something is not done soon we may not have an adequate, reasonably priced domestic supply of softwood lumber at any time in the foreseeable future. I base this on the fact that Canadian forests are being overcut and they just will not have the wood on the ground. At the same time it appears that the U.S. Forest Service is basing their timber sale program for the next decade on the removal rates of the last few years when the import-depressed prices have severly limited the harvest rates. If this continues the needed raw material simply will not be available from our Federal forests. To make matters worse the depressed condition of the American industry during the past few years has tended to limit investment in new equipment and development. If this trend is not reversed at some point in the future our industry will not be competitive with our neighbors.

Mr. President, there are several options for solving our timber crisis. I would prefer a good faith agreement from the Canadians to either restrict their lumber exports or price their stumpage on a realistic basis. Failing this there are at least three legislative remedies.

One that I mentioned earlier was offered by Senator BAUCUS, myself and several cosponsors, redefines subsidy; one that my senior colleague, Senator MCCLURE, has introduced is quota bill; and one that I have introduced is a straight tariff that would offset the 30-percent differential between the Canadian dollar and the United States dollar. I will support any reasonable action which will bring about fairness for our wood products industry.

I thank my senior colleague from Idaho for his efforts in behalf of this industry, and I thank my good friend from Montana for his interest.

Mr. BAUCUS. Mr. President, I ask unanimous consent that all statements submitted by Senators who do not actually give those statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I further ask unanimous consent that all statements on the lumber import issue submitted anytime today, Wednesday, be printed in the RECORD along with other statements on this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

RIGHT OF U.S. TIMBER COMPANIES TO DEFEND THEMSELVES

Mr. BUMPERS. Mr. President, I am pleased today to join in this expression of concern about subsidized imports of Canadian lumber. I want to thank Senator BAUCUS for organizing this special time to discuss this important issue. As a cosponsor of all three Senate bills introduced on this issue—S. 982 and S. 1292, introduced by Senator BAUCUS and S. 1224, introduced by Senator MCCLURE—I feel strongly about the need to give U.S. timber producers the right to defend themselves against unfair government subsidies being given to the Canadian timber industry.

The right to defend oneself against unfair trading practices of ones foreign competitors lies at the heart of our system of trade remedy laws and it is the key to the issue we are discussing here. Under the countervailing duty and dumping laws U.S. companies which believe that their foreign competitors are being subsidized or are pricing their exports below their cost of production can bring complaints with the appropriate U.S. agency and present their case. If they prevail on the facts, a duty is imposed which offsets the unfair advantage conferred by the subsidy or which raises the price of the product at least to the export's costs of production. What has happened is that the right of U.S. timber companies to protect themselves against the subsidies being provided to their competitors by foreign government has been denied by this administration. The damage which has resulted from this action already has been severe.

The damage which this administration's policies is having on the Arkansas timber industry is real and substantial. In Arkansas the forest products industry employs 42,000 people, about 20,000 of whom are engaged in the lumber and wood products segment which is affected by lumber imports. One out of every four manufacturing jobs in Arkansas is directly related to the timber industry—75 percent of the forestland in Arkansas is owned and managed by private, independent landowners who stand to lose markets if Arkansas lumber production is reduced due to lumber imports. The lumber and wood products industry in Arkansas has an annual payroll in excess of $297 million. And Canadian lumber imports have already captured 12 percent of the Arkansas timber market, up from 7.4 percent in 1983. The artifically low prices charged for these timber imports depresses prices for the entire industry, not just for the Canadian timber that is sold.

As a result of timber imports, many pine lumbermills in Arkansas are running below capacity and profit margins have almost disappeared despite an exceptionally high level of consumption of timber in the United States. When one pine stud lumbermill in El Dorado, AR, closed with the loss of 100 jobs, the vice president of Georgia Pacific said that "It is rather staggering to close a Southern pinemill in Arkansas when softwood from interior British Columbia, a thousand miles away, is thriving in the same market."

The reason we are here today, however, is not just that an important U.S. and Arkansas industry is suffering damage from imports. Many U.S. industries are suffering as our country runs unprecedented trade deficits. All U.S. companies which find themselves in competition from imports or which export goods are adversely affected by the inflated value of the dollar, which in turn is due to the misguided fiscal policies of the last 5 years.

Rather, the reason we are here is that this administration has effectively denied United States companies

their right to defend themselves against unfair subsidies being provided by the Canadian Government to its timber industry. The U.S. timber industry has presented its case to this administration and the Commerce Department dismissed the case on the basis of an absurd and novel interpretations of our United States trade laws, an interpretation which in October of last year was held by the U.S. Court of International Trade to be without legal basis in a case involving imports of petrochemicals from Mexico. In short, U.S. timber companies have been forced to come to the Congress because this administration has shut the door on the normal avenue for redress under the trade laws.

The U.S. timber industry filed a countervailing duty petition before the U.S. Commerce Department's International Trade Administration 4 years ago claiming the Canadian Government was providing a subsidy to its timber industry by failing to sell its timber at market prices. The Commerce Department rules that the Canadian timber industry was not subsidized because the system of stumpage prices in Canada applied to all sales of timber in Canada, not just to sales of timber to one or another producer. The Department argued, in effect, that because the Canadian Government sold all of its timber on a subsidized basis, none of it was subsidized. In other words, because the subsidy was given to all Canadian timber producers, and to related industries, it was not given to any one specific enterprise or industry and, by some logic, therefore, ceased to be a subsidy to all the companies benefiting from the stumpage system.

Clearly, the Commerce Department's legal doctrine is absurd on its face. If a subsidy is being given to all Canadian timber producers, that subsidy is being given to each producer. That a subsidy is generally available to all companies means that the subsidy is even more blatant and confers an unfair competitive advantage on all Canadian timber producers.

This legal doctrine was relied upon by the Commerce Department in a series of other cases brought by the U.S. petrochemical industry, which argued that Mexico was unfairly subsidizing its petrochemical industry by selling natural gas and petroleum at a fraction of the market price—a situation directly analogous to the stumpage fee system in Canada. In these petrochemical cases, the Commerce Department applied the same strained interpretation of the countervailing duty law as it had applied in the Canadian softwood lumber case. But, in one of these cases, an appeal was taken to the U.S. Court of International Trade. In a decision on this appeal the court found that the Commerce Department had failed to understand the difference between government benefits made generally available to all citizens of a country—such as construction of roads and provision for education—and benefits that are conferred on all companies within an industry. In the latter case the court held that when such benefits are conferred on an entire industry, they may well constitute subsidies to each company within that industry, precisely the logic that the Commerce Department had rejected.

Had the Commerce Department permitted U.S. timber producers to defend themselves in the countervailing duty proceeding 4 years ago, we would not be here today. And if the Canadian Government were not subsidizing its timber producers, we would not be here today. What U.S. timber producers want is the right to defend themselves against illegal subsidies. If they are not barred at the door by some novel and strained interpretation of the countervailing duty law, they can attempt to prove their case and establish their injuries. If they prevail on the merits of their petition, a duty will be imposed solely to offset the unfair competitive advantage conferred by the subsidies that are found. United States companies will not be given any competitive advantage but only given the opportunity to compete with Canadian producers on the basis of market prices, productivity, and production costs.

You will hear that this is an issue about import quotas. Well, it is true that we could impose a quota on Canadian timber imports and a quota that would provide immediate relief to the United States timber industry. The bill introduced by Senator McCLURE would establish a quota and I support that approach to this problem if we have no other way to proceed. Given the damage that has been done to the United States timber industry by unrestrained Canadian timber imports—damage that has been done by the failure of this administration to provide effective relief—quotas might be the only way to provide the timely and effective relief necessary to control the deluge of imports which has occurred since the Commerce Department ruling.

It would appear, however, that the response that is more likely to be adopted by the Congress is that taken in the natural resource subsidy bill, which has been favorably reported by the Trade Subcommittee of the House Ways and Means Committee, H.R. 2451. S. 1292, which I have cosponsored, is identical to the reported bill. What this bill would do is bar the Commerce Department from avoiding its responsibilities and force it to rule on the merits of the United States timber industry's case. It would take the same position on the general availability issue as was taken by the U.S. Court of International Trade. It would simply permit United States timber producers to defend themselves on the merits of the issue of Canadian subsidies.

You also may hear that giving United States timber producers an effective remedy for Canadian Government timber subsidies will hurt United States companies that currently benefit from low-priced timber imports. Clearly, if there is any increase in the price of timber in the United States, companies which use timber will find themselves paying this higher price. In this sense, downstream companies always have a short-term interest in cheap imports. But, in the long term, everyone loses when imports are subsidized. If U.S. companies are damaged by subsidized imports, they will become less competitive, less productive, and may even go out of business altogether. When there is less competition from United States producers, importers will raise their prices. There will be fewer sources of supply. There will be fewer local producers who can give special service to U.S. companies which buy their products. It is not fair for some U.S. companies to receive the benefits of subsidized imports when these subsidies put productive American workers of other U.S. companies in the unemployment line.

Just as important, when foreign countries subsidize their exports, the entire international trading system is affected. Artificial, rigged prices become the norm, rather than prices set by the market. Certain industries benefit but the market becomes inefficient. U.S. companies will demand that they be subsidized in response to foreign subsidies. International trade becomes competition between governments, not companies.

The United States must play a special role in protecting the international trading system. We have one of the most open markets in the world and we thrive on competition. If we do not challenge illegal foreign subsidies, which country will? If the United States cowers in response to every threat of retaliation by our trading partners and does not react to illegal foreign government subsidies, not only U.S. companies but the international trading system will suffer. When U.S. companies fight foreign export subsidies, they are fighting protectionism. The subsidies they fight are protectionist. In fighting subsidies, U.S. companies defend the fundamental premise of the entire free trade and free market system.

The United States timber producers are not here simply complaining about increased imports of Canadian timber. They are not complaining about increasing foreign competition. They are not here trying to protect an unpro-

ductive industry. They are not even here complaining about the fiscal policies that have led to the bloated dollar and record trade deficits.

They are just demanding a right to defend themselves against subsidized competition. They want the right to compete on a fair basis, with stumpage fees determined by market forces rather than contrived government subsidies. They are confident that they can compete on an even basis if their competitors are not given an unfair advantage by the Canadian Government. They can compete with foreign timber producers; they cannot compete with foreign governments. They could even survive the tax imposed by the inflated value of the dollar. But, they demand that at a minimum they have the right to defend themselves when their competitors are receiving huge and decisive subsidies by a foreign government.

When the natural resource subsidy provision was considered in the 1984 trade remedies reform legislation, this administration was adamantly opposed and even threatened a veto for the legislation if this provision was retained in the conference. On that basis, the provision was deleted—by a narrow 4-3 vote among the Senate conferees—despite strong support for the provision by the House conferees. The administration remains opposed to any legislation on this issue, but it has finally agreed to raise the issue with Canada in the on-going negotiations over a possible free trade zone with Canada.

I support these negotiations and I would think the interest of Congress in the timber import issue would strengthen the bargaining position of the U.S. negotiators. But, our patience here in Congress is wearing very thin. If the Canadian Government does not move quickly to agree to eliminate its current subsidies, Congress will be forced to act. If the Canadian Government does not believe that Congress will act, or if the administration continues to state that it would veto any legislation on this subject, however, the Canadian Government will have little incentive to face the issue.

All I can say is that if the negotiations do not soon result in an agreement to eliminate stumpage subsidies, I will do all that I can to see that Congress does act decisively and, if necessary, overrides any veto of the legislation by the President. It is time that the U.S. industry was given the right to defend itself against illegal and unfair foreign subsidies. Nothing could be more American and less protectionist.

Mr. HELMS. Mr. President, I strongly disapprove of Canada's continued policy of pricing stumpage in a manner that is totally lacking in fair trade sensibilities. We have come today to impress upon the Canadian Government the need for flexibility in softwood lumber trade negotiations.

Mr. President, the situation is intolerable. Despite record lumber consumption in 1984, led by a housing boom, the average lumber prices for the entire year were more than 20 percent below the average prices of 1979. The principal culprit for our depressed prices is the tidal wave of Canadian lumber imports. Depressed U.S. softwood lumber prices translate into depressed stumpage prices for softwood timber. This situation of low stumpage prices poses a serious long-term threat to the resources and economies of the Southeast. Private nonindustrial landowners no longer have the economic incentives to invest in expensive forest practices—especially regeneration of pine.

In my State the primary forest products industry employs 32,000 people and produces over $2 billion worth of wood products. North Carolina ranks fourth in the South and ninth in the Nation in softwood lumber production, and we rank third in the South in softwood growing stock. Clearly, my State is a primary source of softwood lumber for the Nation, yet in 1984 the Canadians controlled 46 percent of the softwood lumber market in my State. Even more stunning is the fact that British Columbia—on the opposite side of the continent—alone has over 30 percent of the North Carolina market.

Mr. President, I wonder, how can a softwood producer in a Canadian Province—thousands of miles away—sell lumber more cheaply in North Carolina than my State's own softwood producers?

This is not a case where U.S. softwood producers are uncompetitive. The problem is that United States producers must compete with Canadian producers who have the full force of their Government's resources behind them. Clearly this is not a free market trading relationship.

The Canadian Provinces—which own 90 percent of Canada's commercial grade timberland—determine stumpage prices by estimating the market value of the end products and deducting the processing costs and a profit-and-risk margin. This is known as residual value appraisal. Over the past decade, Canada has exported 50 to 60 percent of its lumber production to the United States, since the primary market for Canadian softwood lumber is the United States, the Canadian residual value appraisal system is in effect Canadian trade policy.

Hopefully, legislation to restrict Canadian lumber imports can be avoided, but when the policies of the Canadian Provinces are responsible for their unfairly increased share of the United States softwood lumber market, then we must stand ready to defend ourselves.

CANADIAN LUMBER SUBSIDIES MUST END

Mr. TRIBLE. Mr. President, Canadian lumber exports to the United States are heavily subsidized, and the results of Canada's "begger my neighbor" lumber policy are plain to see:

Since 1975, the Canadian share of the United States lumber market has increased from 20 percent to nearly 34 percent.

Between 1977 and 1984, over 30,000 U.S. softwood mill employees—more than one-quarter of such employees—lost thier jobs, as the United States lost 629 softwood lumber mills.

But during that same period Canada gained 85 softwood mills.

Canada is importing jobs and mills from the United States, and exporting its unemployment to us, by a deliberate "begger my neighbor policy" based on hugh subsidies for the most important lumber input—timber—stumpage.

In fact, Canadian firms pay an average of $50 per thousand board feed less than fair market value for their timber.

By selling government-owned timber to the Canadian lumber industry at prices well below fair market value, the Canadian provincial governments are providing a deep subsidy which sustains production of Canadian lumber at the expense of the United States lumber industry, its employees, and thousands of United States loggers and haulers.

Over $2 billion of America's large trade deficit with Canada is caused by these unfairly subsidized lumber imports.

The Canadian governments must stop subsidizing stumpage, sell timber at a fair market price, and let Canadian lumber makers compete head to head against American firms.

But if those governments don't mend their ways, we must not tolerate unfair subsidies any more.

We should strictly limit imported Canadian lumber for as long as this anticompetitive practice continues, or impose stiff countervailing duties to wipe out the artificial price advantage caused by the subsidies.

I wholeheartedly support this administration's efforts to end Canadian lumber subsidies. But I am ready to vote for tough unilateral measures to restore fair lumber trade if sweet reason fails.

Mr. EVANS. Mr. President, I come to the floor today to express my support for intensified discussions between the governments of Canada and the United States on the softwood lumber issue. An acceleration of these discussions is particularly timely due to the scheduled meeting next month between Prime Minister Mulroney and President Reagan. I think we have had adequate discussions at the technical level on our differences regarding stumpage, transportation costs, char-

acteristics of the timber, and reforestation. Now is the time to bring those talks to a higher level of discussion for prompt resolution.

I am a strong believer in open trade—in reducing barriers to trade rather than creating new ones. The open, multilateral trading system in the postwar period has brought great prosperity to the American people. Yet there is also no question that governments have become increasingly involved, both directly and indirectly, in providing selected industries special competitive benefits. Unfortunately, such a preference is directed at increasing shares of export markets, which thus distort relative prices and comparative advantage in the trade relationship. We are not innocent in the United States. Yet the multilateral mechanism set up to police these subsidies and preferences—the GATT subsidies code—has been ineffective in eliminating them. And the industry that we are considering today—Canadian stumpage and processed lumber trade—is one such case of active government involvement.

I also believe that the United States has a unique relationship with Canada. I am an enthusiastic supporter of the free trade area negotiations with Canada and believe that more open trade will bring about the greatest benefits to our two countries over the long term. In general, I believe that a mutual reduction of tariff and nontariff barriers will benefit consumers and producers in both countries.

Mr. President, I also believe that softwood lumber is a special problem that deserves great attention from our trade negotiators prior to commencement of the FTA negotiations. Differences between Canada and the United States over softwood lumber trade are nothing new. During the last multilateral negotiations in the Tokyo round, the mutual reduction of tariffs on softwood lumber was one of the last unresolved issues. Due to that disagreement, the tariff has remained at a relatively high level of 20 percent. And, of course, most members on the floor today are aware of the unsuccessful countervailing duty [CVD] petition against Canadian stumpage practices in March 1983. It is a large industry that employs thousands of people and generates millions of dollars of income on both sides of the border. The large United States market is crucial for Canadian producers, especially those in British Columbia: exports account for about 76 percent of total Canadian production, mostly to the United States. Exports are less important to American mills, accounting for only about 6 percent of domestic production. To put in perspective, Canadian exports, in terms of million board feet, were about eight times greater than United States exports in 1984. Our industry in the Pacific Northwest has gone through wrenching changes during the past several years, throwing thousands of people out of work and devastating certain communities. That is why the rising imports of Canadian softwood lumber in the past 5 years is of such great concern to constituents in my State.

I do not advocate any particular resolution of this difficult issue. I believe that our negotiators, led by the USTR should have the flexibility to negotiate an agreement on softwood lumber, fully cognizant of the high level of concern in the U.S. Congress. In general, however, I must add that I do not favor the imposition of quotas and quantitative restrictions.

I also believe that the discussions should include a serious discussion of removing Canadian barriers to the free trade of raw, unprocessed logs across our borders. If labor and transportation costs are roughly equal, then wouldn't the equalizing of each mill's raw material costs through mutual access to stumpage go a long way toward eliminating the Canadian competitive advantage? The Canadian provinces, however, have strict limitations on the export of raw logs, many of which were instituted in the early 1950's. For example, an exporter of unprocessed logs from British Columbia has to undergo a complicated, unpredictable certification with the provincial government to demonstrate that such logs are surplus to the province's needs. These restrictions don't lend themselves to sustainable, long-term contracts across the borders. I am aware that USTR negotiators have broached this idea with their Canadian counterparts, who, as expected, voiced strong opposition to it. But that is no reason to give up.

I also think that the talks should not be limited to tariff and nontariff barriers. They should also include an extensive review of the respective reforestation practices in each country, and an estimate of their impact on the trade advantage. Despite Canadian protests to the contrary, I believe there is strong evidence indicating that the Canadian provinces are cutting timber at a rate which is not sustainable over the long term. This provides the Canadian holder of stumpage rights with a competitive advantage.

Mr. President, we should also keep the larger picture in mind as we enter such discussions. If we focus too narrowly on one product in one country, or if we extend such a model to a number of products in other key trading countries, the overall basis for multilateral, nondiscriminatory trade will vanish. In fact, it has already been seriously eroded with the imposition of VRA's, VER's, and other such euphemisms, which restrict the flow of trade and, at least in spirit, violate the GATT.

The first element of the larger picture is the currency relationship. In spite of the general depreciation of the United States dollar of about 20 percent since last September's G-5 agreement, the relationship of the Canadian dollar to the United States dollar has hardly budged. In fact, the dollar began to appreciate, not depreciate, against the Canadian dollar recently, which forced the Central Bank of Canada to intervene in the currency markets to prop up the value of its currency. It remains today at a level of 70 to 71 cents to the U.S. dollar. Of course, this provides the Canadian producer with a 20- to 30-percent competitive advantage in our markets. The macroeconomic causes of this disequilibrium are not readily apparent. GNP growth in Canada has been strong recently: 4.4 percent over the past 12 months and 6.7 percent over the past 3 months. Canadian unemployment fell below the 10-percent level, to 9.8 percent, recently. It is unclear how much the Canadian Government can do to further stimulate economic activity without the risk of reigniting inflation. The external balance does little to explain the relatively undervaluation of the Canadian dollar. After all, in the current account, Canada has a slight surplus of $300 million for the last 12 months, while the United States faces a huge deficit of $114 billion.

I would suggest that we supplement our trade negotiations with representatives from our respective Treasury Departments to attempt to bring our currencies into greater balance. Possible steps to be taken could be those to bring about greater macroeconomic policy coordination, or coordinated efforts by our central banks to intervene in currency markets at the appropriate time.

The second element is to move quickly in the multinational arena toward a new GATT round. In particular, such a round should include an intense review of the GATT subsidies code and the rules affecting the trade of state enterprises. We need to come up with some creative ideas about how to increase the enforcement authority of the GATT without undermining the economic sovereignty of each nation. This is not going to be an easy task, but it will be a crucial one to ensure the reinvigoration of the multilateral trading system. The United States and Canada should actively participate in this discussion.

Mr. RUDMAN. Mr. President, I rise to express my concerns over the onslaught of Canadian lumber imports and to urge the Canadian Government to work with the United States to reach an equitable trade agreement in this regard.

Mr. President, it is becoming all too frequent that we in Congress are faced with a domestic industry beseiged by foreign imports asking us for legislative relief. I, for one, am reluctant to support protectionist legislation. I prefer to see trade policy set by the administration rather than in Congress, where there are some 300 pieces of trade legislation pending. Nonetheless, when the administration fails to take appropriate action, or when trade negotiations are unproductive, I will support congressional action to protect our domestic industries and to ensure that our trading partners are operating on a level playing field.

The lumber industry has tried to seek relief through existing administrative mechanisms. These efforts have been unsuccessful. While I have not endorsed any particular bill at this point, it is worth noting that a number of bills have been introduced to address the concerns of lumber producers.

There is no doubt that the domestic industry is being hurt by Canadian imports. In 1975 Canadian imports accounted for about 18 percent of U.S. consumption. Now they control about 33 percent of the domestic market. Mr. President, I do not want to see this figure rise to 77 percent as is the case in the footwear market. The industry faces a $2 billion lumber trade deficit with Canada and market conditions characterized by overproduction and depressed prices, in spite of record levels of demand.

Industry representatives inform me that 629 mills have closed since 1977 driving 25 percent of U.S. softwood mill employees out of work and displacing thousands of other workers in logging camps and transportation services. At the same time, it appears that 85 Canadian mills have opened. Domestic sawmills are operating at about 83 percent of capacity while the industry reports millions of dollars in pretax losses.

Mr. President, clearly there are a number of factors which have contributed to this situation. Average stumpage prices in the United States are as much as $100 per thousand board feet higher than average Canadian stumpage prices. The strength of the U.S. dollar also helps Canadian producers compete in our domestic market. What is clear is that a problem exists. I strongly urge the administration to work with Canadian officials to resolve the problem now.

Mr. WALLOP. Mr. President, I wish to focus on an important issue that will be the subject of negotiations during the bilateral trade talks with our Canadian neighbors. Simply stated, the Canadian Government is taking advantage of our open market with disastrous consequences for the United States lumber industry.

The policy of Canada's provincial governments is to maximize employment within their forests products industry. They accomplish this by essentially giving away their trees at prices totally unrelated to market values and one which ignore reforestation costs.

By contrast, forest landowners in the United States, by law and economic necessity, must earn a fair return on the trees they grow and sell. This means United States lumber producers pay a market price for their wood, a discipline not imposed on their Canadian competitors.

Canadians have refused to alter their system so that United States and Canadian companies can compete on an equal footing; consequently many of our companies are being driven out of the market.

Since 1975, Canadian imports have risen sharply, from 17 percent to 32 percent of United States consumption. This trend has contributed to the decline of sawmills and to increased unemployment within the lumber industry. These statistics do not even include the economic mill closures to the merchants and people of the usually small communities.

Mr. President, I believe any free trade agreement should be built on a foundation of mutually advantageous trading practices. Canada, a country that espouses free trade, should properly address the softwood lumber trade issue during the negotiations for a free trade agreement.

Mr. BINGAMAN. Mr. President, I rise today to join my colleagues in expressing concern for the problem of Canadian timber imports. I want to thank my distinguished colleague from Montana, Senator BAUCUS, for bringing this issue to the Senate's attention.

PROBLEM

The problem can be stated simply. Canadian Provinces, that is the governments of those Provinces, which own more than 90 percent of the timber in Canada, sell timber to Canadian lumber firms at a small fraction of what similar timber on similar terrain costs in the United States. The Canadian Provinces maintain low timber prices to promote Canadian production and employment. As a consequence, efficient U.S. lumber firms are being driven out of business.

Let me review some specific concerns. Canada currently enjoys about $2 billion lumber trade surplus with the United States. Canadian lumber imports have increased from 5.7 billion board feet in 1975 to a projected 14.8 billion board feet for 1985. In 1975, Canadian lumber accounted for 18.7 percent of U.S. consumption. By 1985, however, Canada had captured over one-third of our market.

In Canada, about 95 percent of the timber is owned by the Provincial and Federal Governments and sold in a noncompetitive market with prices set by a regulatory scheme. By comparison, over two-thirds of U.S. timber is privately owned, and virtually all U.S. timber is sold competitively. As a result, in 1984 U.S. timber is sold for, on average, $104.16 per thousand board feet [MBF] while Canadian timber sold for an average $11.84 per thousand board feet. Subsidized Canadian stumpage induces production.

Canadian timber pricing simply does not reflect a fair market value. From the Atlantic to the Pacific, Canadian stumpage immediately north of the border sells for much less than virtually identical timber immediately south of the border. In fact, in a recent comparison by United States and British Columbia appraisers of the same timber stand, the U.S. appraisal was about $10 per thousand board feet above the Canadian appraisal, and the estimated sales price in the competitive U.S. market was more than $36 per thousand board feet above the Canadian sales price.

IMPACT ON UNITED STATES

How does the increasing Canadian market share affect our domestic economy? From 1977 to 1984, 629 U.S. mills closed while 85 Canadian mills opened. In the same period, over 25 percent of the U.S. softwood mill employees were driven out of work. Tens of thousands of other workers in logging camps and transportation have lost their jobs. In 1984, the U.S. industry wrote off more than $550 million in assets and had $300 million in pretax losses. In New Mexico, employment has dropped 16 percent since 1977 and three sawmills have shut down.

INDUSTRY CONCERNS

I have heard from a number of companies and associations involved in the selling, fabricating and transporting of lumber and other wood products on this subject. They fear that any action to deal with the Canadian issue would lead to higher costs in home building and potential job losses. However, I am satisfied with a September 1985 Congressional Budget Office study that finds that the legislative remedies being proposed would only increase the cost of the average U.S. house by only $300. The short-term benefit of saving $300 on an average $75,000 house cannot be measured against the long-term damage to the U.S. lumber industry and the potential impact on American consumers. Absent a remedy for escalating Canadian lumber imports, the damage caused by the unfair Canadian stumpage advantage to the U.S. economy, our tax base, and a basic U.S. industry will continue to grow. The timber industry is just one in a long list of industries, including copper, potash and uranium in New Mexico that have been prevented from receiving effective attention or relief

through our existing system of trade remedies. We must change this system and find a means that will allow our threatened domestic industries to compete fairly.

I urge my colleagues to examine the issue of Canadian timber imports and the potential remedies that have been recommended. I hope effective action can be taken this year.

UNFAIR CANADIAN TIMBER IMPORTS IMPACT THE BLACK HILLS

Mr. ABDNOR. Mr. President, when most people hear of the State of South Dakota, they think of the prairies and farming. A closer look will prove something else—roving hills and a large timber industry. The timber industry is the third largest industry in my State employing thousands of people and maintaining the economic stability of main street business throughout the Black Hills region.

A couple of weeks ago I spent a day in the woods getting a closer look. The mill operators, loggers, cutters, and truckers of the Black Hills showed me first hand the problems facing the timber industry. One of the primary problems is the unfair trade practices they encounter with the Canadians.

From 1977 to 1984, the Canadians were able to add 85 new mills while the United States had to close 629 lumber mills. Canada controlled 51.5 percent of the Midwest lumber market in 1983. These statistics carry right home to the businesses in places like Rapid City, Custer, Hill City, and Piedmont.

What accounts for these lopsided statistics? Could it be due to the fact that Canadian timber sells for about $50 per thousand board feet less than fair value, or could it be due to the fact that 90 percent of Canada's timber is sold noncompetitively? Both I believe are true.

To play in this trade game, the rules we abide by must be fair. The Canadian Government is a good friend of ours—no one doubts that. Our relations are solid. Nevertheless, as the United States Government enters into trade negotiations with the Canadian Government, I can only hope and urge that the outcome be fair.

The timber industry in the Black Hills wants the rules to be the same. They are ready and willing to take on the Canadians in timber trade if they can compete fairly. The message I bring from the woods in South Dakota is "let's trade fair."

Mr. President, we are here to encourage the United States and Canada to reach an agreement that promotes fairness. We are also here today to unite and state that if fairness is not reached we will be ready to move legislation like S. 1224—legislation limiting the amount of Canadian timber imports into the United States will address the problem if negotiations are not successful. As I stated before, it is my hope and desire that we do negotiate a realistic, reasonable, even handed agreement.

PRODUCTS INDUSTRY AND CANADIAN IMPORTS

Mr. GORTON. Mr. President, I am grateful for the opportunity to join my colleagues for the purpose of drawing attention to the plight of the American lumber industry. In the State of Washington, which has a long and proud history as a leader in the production of quality wood products, the industry's hardships have proven a particularly hard blow. Since 1980, hundreds of mills have closed, hundreds of others are operating below capacity, and 17,500 jobs have disappeared. Employment has plummeted from 55,000 jobs in 1979 to—at best—37,500 last year.

While these numbers are forceful, they do not begin to convey the human costs exacted by such a dramatic decline. Towns virtually shut down, families devastated, and for those who remain, the constant anxiety of wondering if they are next.

This is a problem that tries to the utmost a Senator's ability to reconcile his commitment to a balanced and consistent trade policy with his compassion for the deep concern about his constituents. I continue to believe that the Nation, Washington State, and even the State's wood products industry will be best served in the long run by a policy of free trade. While there is an understandable appeal in the notion of simply shutting our doors to foreign imports, it would be naive and self-destructive to pursue such a course as a serious and sustained policy. On the other hand, it is impossible to watch dispassionately while one of my State's primary industries is decimated by those imports.

I am persuaded that the explosive growth of Canadian imports has several causes. First, it cannot be denied that at least one factor that has made all Canadian goods more attractive to Americans is the strong dollar. For years, the American and Canadian currencies were so closely aligned that the two countries' coins were virtually interchangeable throughout Washington State and British Columbia. In recent years, however, the Canadian dollar has declined by almost 30 cents against the American dollar. This builds in a tremendous competitive advantage to all Canadians selling in the United States. Although actions taken by the administration since last fall have caused the decline of the dollar against some currencies, particularly the yen, I am convinced that it will not reach and remain at a reasonable level unless we bring our Federal budget deficits under control. That continues to be my No. 1 priority.

Our existing trade laws recognize that in some instances it is appropriate to grant assistance to industries that have been injured as a result of a surge in imports, regardless of the cause of that surge. I have encouraged our industry to pursue its rights under those laws, and in fact a decision should be rendered this morning by the ITC on a petition filed under section 201 by the domestic shake and shingle industry. I believe that the industry has made a compelling case, and hope that the Commission finds in its favor.

The industry has also petitioned Congress for relief in the form of legislation to make subsidization of natural resources actionable under our trade laws. While I have not yet finished exploring this proposal in detail, it appears to represent a reasonable means of dealing with the Canadian import problem. I will give it my close attention if it comes before the Senate.

Finally, the administration has made resolution of this problem a paramount priority. As we all know, high level negotiations are ongoing between our country and Canada. Because of our long and close ties with our neighbor to the north, I would strongly prefer to see this matter settled by agreement than by unilateral action on the part of the United States. I would, therefore, urge negotiators on both sides of the table to explore every possible avenue of compromise. Both of our countries will benefit from a swift and equitable accord.

Mr. HATFIELD. Mr. President, I rise today to lend my voice to the chorus of those calling for some solution to the problem of lumber mill closures in this country. For the past several years my State has witnessed a slump in the lumber industry that has caused widespread unemployment and business failures in those communities which are dependent upon a healthy wood products economy. Thousands of Oregonians have told me of their plight in the face of economic ruin. The Federal Government has a responsibility to alter the policies which have helped lead to this situation.

As all of my colleagues know, Oregon is heavily dependent upon the forest products industry for its economic health. Anyone who travels to my State soon realizes the reason for this—nearly half the State is covered with forests. Since 1938 Oregon has led the Nation in timber production, reaching its peak in 1952 when 9.8 billion board feet were harvested. This is still true today; in fact, two Oregon counties, Douglas and Lane, combine to produce more lumber than any State except Washington. And although lumber and wood products have fallen from 50 percent of the manufacturing work force in 1960 to 33 percent today, it is still by far the largest manufacturing employment component in the State.

In times of low interest rates and a high volume of housing starts, Oregon

has prospered. However, once these factors were reversed, few States could match the hardships Oregon has suffered. The cyclical nature of the industry was readily apparent earlier in this decade when the States timber harvest plummeted from 8.2 billion board feet in 1978 to only 5.7 billion board feet in 1981. While there has been some recovery in the domestic industry recently, we have seen the market share of the Canadians grow from 20 percent in 1975 to over 33 percent in 1985. This increase translates into mill closures and lost jobs in Oregon.

There are numerous reasons for the increase in Canadian lumber imports, many of which are a direct result of Government policies on both sides of the border. Both Governments must take the appropriate steps to end the practices which have led to this problem. As an advocate of free trade, I am encouraged that finally there are bilateral trade talks concerning possible solutions to the problem.

In my many discussions with my counterparts in Canada, I have always stressed the need to engage in trade talks as the best solution to resolving disputes. However, Mr. President, I issue this warning to my friends in the Canadian Government: If the current bilateral talks do not produce results in curtailing Canada's share of the softwood lumber market in this country, then Congress will establish restrictions on those imports. I do not take pleasure in issuing this warning because this action would be, I fear, the opening shot in a trade war which would have lasting and negative impacts on both nations.

Mr. JOHNSTON. Mr. President, we are here to discuss the problem the United States lumber industries are having with Canada. Once again we are here to talk about the trade problems U.S. companies face in response to unfair trade practices. This time the problem emanates from Canada.

We have traditionally had a very favorable trade relationship with Canada and its Government is one of our closest allies. I do not want to undermine the friendship we have with our northern neighbor, that is not my purpose. But it has become increasingly apparent that the Canadian Government needs to realize that as legislators we stand united behind the efforts of the administration to find a workable solution to this timber issue.

Today U.S. timber companies are only operating at 80-percent capacity. The primary reason is that the Canadian Government subsidizes its lumber industry. The subsidies often come in the form of direct loans and grants. The most damaging subsidy to United States lumber industries, however, is the low stumpage price the Canadian Government provides its manufacturers. The U.S. lumber industries, of course, must bid competitively for the right to cut federally owned timber. These practices allow the Canadian lumber industry to obtain its timber for approximately one-sixth of the cost encountered by its United States counterpart.

In 1975, the Canadian share of the United States softwood market was 17 percent. This figure climbed to 33 percent by 1985. Without any agreed upon action by our Government and the Canadian Government, softwood lumber imports will continue to rise.

In 1983, the Canadian market share of softwood lumber in Louisiana was 6.6 percent. This figure may not sound devastating now, but we are all painfully aware of the effect imported Canadian softwood lumber is having on the Southeastern and Northwestern regions of our country. In the Northwestern States alone, 30,000 jobs have been lost since 1977 with numerous mills closing.

Commercial forest land comprises 51 percent of the total land area of Louisiana, 93 percent of which is owned by private forest owners. Competition with Canadian softwood is hurting Louisiana's domestic sales. States that traditionally buy Louisiana timber are buying the cheaper-priced softwood lumber from Canada. Louisiana's private forest owners cannot continue to compete with a country that is providing its industries with timber at one-sixth the price of U.S. markets.

Some 13,564 workers are employed by the lumber and wood products industry in Louisiana. In 1978, there were 31 active pine sawmills in Louisiana employing 5,200 people. Nine of these mills have closed since 1978 and the number of people working for the mills has been reduced to approximately 2,900. More mills will close, more people will be laid off, and U.S. timber sales will continue to decrease if we do not put a stop to Canada's unfair softwood lumber practices.

Mr. President, I applaud the administration's efforts to negotiate a settlement with Canadian officials on the problem of timber imports. I am ready to work with my colleagues and the administration and hope that we can expeditiously correct the inequity U.S. lumber industries face as a result of unfair Canadian timber policies. The timber industry is simply too valuable to Louisiana's economy to allow this trend to continue.

Mr. HEFLIN. Mr. President, I rise today to join with many of my colleagues in addressing what is surely one of the most serious problems in my home State of Alabama and the entire Nation.

I speak of the problem in which the American timber industry currently finds itself due to the ever increasing level of imported timber from our neighboring country of Canada.

Mr. President, between 1978 and 1982, the consumption and production of softwood lumber by American timber firms fell by nearly one-third. American communities and families that depend on timber employment have been devastated. Over the past 6 years our lumber industry has closed over 250 lumber mills across the Nation. This has caused the loss of more than 30,000 American timber jobs since 1978 and, Mr. President, that number continues to rise. In 1984, lumber consumption in the United States set a new record high, yet the timber industry still took a pretax loss of over $300 million.

The clear reason for these problems is the increase in Canadian lumber imports. Thousands of homes in the United States are being built daily with lumber that has crossed the border.

As far south as Miami, construction camps prefer to build with Canadian lumber even if a domestic mill is located next door. Why would this happen? It is simple, Canadian lumber is cheaper. The reasons for this are many.

First, our domestic market is being drastically under sold by Canadian firms that operate the most modern and efficient computerized and laser guided sawmills in the world. And contrary to the private investment required in such plants in the United States, many of these mills were built using guaranteed loans from the Provincial or Crown governments.

To compound the problem, the timber to run these mills generally comes from vast acreages of timberland that is leased from the Canadian Government. Some leases span up to 25 years and insure the companies that hold them a cheap supply of raw material. Total cost for the lease holder is as low as $1 to $7 per thousand board feet. It is evident that publically owned stumpage is sold at prices low enough to ensure employment.

Mr. President, we all know the situation in our country is drastically different. Timber purchasers must bid for the right to cut federally owned timber. Environmental costs drive up the price of timber to be cut, and escalating prices in the marketplace are shared with the Government. This leads to much higher rates in the United States, particularly where competition for Government timber is intense. The result of these differences in appraisal and selling methods is that Canadian stumpage prices are about one-half of U.S. forest region 6 prices in good market years, and in some years may be as low one-sixth of the U.S. market prices.

Furthermore, strict environmental requirements in the United States contribute to increased stumpage prices. Before the U.S. Forest Service can offer any timber for sale, our laws require that they conduct a battery of

studies. Fish and Wildlife biologists, hydrologists, landscape architects, soil scientists, civil and forest engineers, recreational specialists, and range managers as well as professional foresters, entomologists, and forest pathologists must each review a sale proposal to make certain that it meets all of the applicable State and Federal regulations.

After all of the various studies have been completed, the sale must then be prepared. Property and sale boundaries must be located and marked, contracts must be drawn, and then an environmental assessment or an environmental impact statement must be prepared. The additional cost attributable to these activities must be recovered through increased stumpage prices.

On the other hand, Canadian companies do not have to meet such strict environmental standards. They are allowed under their leases to operate as they see fit. They alone decide when, where, what, and how to cut.

Mr. President, I don't want to be misunderstood on this point. I am wholeheartedly in favor of the high standards necessary to protect our environment. We should feel proud to live in an environmentally aware Nation, and we must do our best to protect our forest. Nevertheless, the difference on Federal environmental regulation dues contribute to the difference in prices.

On top of these regulatory differences between the United States and Canada, the strong U.S. dollar has driven the rate of exchange from a difference of about 10 to 12 percent a few years ago to more than 30 percent last year, thus providing some advantages, even when all other costs are equal.

There are also the Canadian reload yards strategically located throughout the best marketing areas of the United States and the operators of these reload yards are not required to tie up a single cent for their inventory when markets are tight. They don't pay for anything unless it is sold. This is quite a contrast to the cash flow requirements of our own free market producers, this further helps the Canadians.

These factors have naturally caused the United States to be inundated with Canadian lumber. The Canadian timber industry has increased its share of the U.S. market from 19 percent to more than 30 percent and this number is rapidly growing.

Mr. President, I have not said anything here today that I have not said to this body before. I find it regrettable that I and so many of my colleagues must continue to come to the floor of the Senate and speak about the terrible problem in which our Nation's industries find themselves due to imports of one kind or another. However, Mr. President, the problem is real and the problem of Canadian lumber imports is one we must deal with soon. We must deal with this problem for the simple reason that no one else will.

Unless Congress passes legislation to address this problem quickly, more loggers, truck drivers, and thousands of sawmill workers will soon be out of work and find themselves standing in the unemployment line.

As I have said many times before, I am a firm believer in free trade. I believe that it is the backbone of the American system and truly one of the elements of our society that once made this Nation a leading figure in the international market. However, the rules of free trade must be followed by all involved. In this matter of Canadian lumber imports, such is not the case. The status quo must not be allowed to continue or escalate.

While I am not a fan of protectionist legislation, I do feel that until the Canadian Government and Canadian timber producers are willing to play by the rules of free and fair trade by their own choice, we must take the necessary steps to protect our own timber industry which is so very vital to our great Nation.

Thank you, Mr. President.

Mr. NUNN. Mr. President, the issue of Canadian lumber imports is obviously of great and growing concern to many of my colleagues and myself. Georgia is the second largest lumber-producing State in the Nation but I continually hear reports from Georgia millowners that they cannot compete with Canadian softwood lumber. The statistics support their contention as nearly 50 percent of the softwood lumber sold in Georgia comes from Canada.

Southern labor costs are lower than Canadian mill labor costs. Southern mill productivity is comparable to Canadian mill productivity and certainly southern transportation costs are, at the very least, equal to and more often cheaper than the cost of transporting British Columbian lumber to the South. It definitely costs less to ship lumber from Valdosta, GA, to Atlanta than it does from British Columbia to Atlanta.

Differences in lumber quality and species do not explain why the Canadian market share has increased from 18.7 percent to 33.5 percent. Nor does the exchange rate explain why Canadian softwood lumber imports continue to flood into the United States.

The only explanation of why Canadian softwood lumber continues to increase its United States market share is that the Canadian provinces sell timber to Canadian companies in a noncompetitive market with prices set by a regulatory scheme in order to maximize Canadian mill employment. That's a perfectly legitimate objective but we do not have to accept it at the cost of lost U.S. jobs and closed mills here in the United States.

This is not a case of an inefficient U.S. industry being beaten in the marketplace by an efficient exporter. It's a case of our closest trading partner, Canada, subsidizing a very important domestic industry, lumber. The only reason for the vast increase of Canadian lumber in our market is that the Canadian systems of pricing their Government-owned timber gives Canadian producers an unfair advantage over United States mills. Stumpage in Canada sells for about one-tenth of what comparable stumpage sells for in the United States free market. It's because of this unfair advantage that I have cosponsored S. 1292 and why I urge my colleagues to join me. This legislation clarifies existing, ambiguous United States trade law and would allow the United States lumber industry to bring a countervailing duty against the Canadian timber subsidies.

One bright spot on the horizon is the possibility of a negotiated solution to this problem. Representatives of the Canadian Government and the United States Government are meeting to discuss the problem and hopefully to seek a speedy, meaningful resolution to it. I hope they succeed, but if they do not, we will have no choice but to take legislative action. The facts are too overwhelming. The U.S. lumber industry is being wronged and it will be up to us to help correct that wrong.

Mr. HOLLINGS. Mr. President, in South Carolina, trees and lumber have played a key role in our State's history. In 1776, the patriots of Fort Moultrie were able to repel the British fleet largely because the soft timber of the palmetto tree—which was used to build the walls of the fort—absorbed the impact of the British cannon balls.

Now, in South Carolina and throughout America's timber-producing States, we find the industry under a siege of a different kind. It is a war of competition. A trade war. And this time, the attack comes not from the British, but from our neighbor to the North, Canada.

As with textiles, steel, shoes, and a variety of other industries, our Government has decided to sit the battle out and allow an industry to be clobbered by subsidized imports. The Canadian lumber industry has taken more than 42 percent of the market in South Carolina and 34 percent of our national market. Since 1978, 30,000 American lumber workers have lost their jobs. In my State, three mills have closed and 300 jobs have been lost in the last year alone.

The reason this is occurring is quite simple. More than 90 percent of Canadian timber is owned by the Provincial governments. In order to stimulate local production and employment, these governments set very low stumpage prices for timber which is almost

identical in quality and accessibility to that in the United States. Thus, lumber companies operating North of the border are able to cut timber at a fraction of the cost of cutting timber in America.

The result of this is a flood of inexpensive lumber pouring across the border from Canada. Our timber industry is competitive. Our lumber workers are productive. Yet common sense tells us that we cannot expect them to withstand this deluge of subsidized imports.

Now, the Reagan administration is negotiating a free trade agreement with Canada. How can we have free trade when the Canadians are flooding the United States with subsidized lumber?

The administration's lock-step adherence to this ridiculous notion of "free trade" is impossible to understand. The Commerce Department doesn't even recognize the setting of artificially low stumpage prices as a subsidy. What is it then? How desperate must things get for our timber industry before the administration wakes up and realizes that we're in the third quarter of a trade war? How much higher must our trade deficit soar? How many more industries must we lose to foreign competition? How many more jobs must we export?

I'm not mad at the Canadians. I'm mad at our leaders in Washington—and an administration which would sooner watch this Nation slide into Third World status than institute a sensible trade policy.

Clearly, before any free trade agreement with Canada passes congressional muster, the administration must resolve this problem. And if the administration does not, Senator BAUCUS, myself, and others have sponsored legislation that will. S. 1292, "The Wood Products Trade Act of 1985," would recognize the timber-pricing practices of the Canadian Provincial governments as a subsidy. It would modify the definition of a subsidy under U.S. trade laws to include natural resource "removal rights" which are dictated to a domestic industry at less than market value. Such practices, under the legislation, would then be subject to countervailing duty laws.

Mr. President, during the debate on textile trade legislation last fall, I said right here on the floor of the Senate that textiles do not present the entire scope of our trade problem. That industry is only in the forefront. I said then and I say now that until this administration sets down and enforces a trade policy, we in the Senate will continue to come to the floor month after month with tales of industries in trouble and exported jobs. What we are faced with is an educational process. We're going to take every opportunity we can to bring our message to the administration and let them know of the serious economic hardships caused by its failed trade policy.

We must look at the big picture, and seek a trade policy which will enhance the competitiveness of our industries. It is clear that we can not entrust this obligation to an administration which cannot see the forest for the trees.

Mr. PRESSLER. Mr. President, today I am pleased to join a number of my colleagues in discussing the issue of Canadian lumber imports. If the American timber industry is to survive, some actions must be taken against these subsidized lumber imports.

Lumber imports from Canada more than doubled between 1975 and 1984. During that period, Canada's share of the United States lumber market increased from 18 to 33 percent. This rapid increase in imports has had a dramatic impact on the U.S. timber industry. Since 1978, employment in the timber industry has declined by more than 30,000 people. These people live in areas where there is often no other employment. The timber industry is a major sector in South Dakota's economy and it has been adversely impacted by subsidized Canadian imports.

The major reason for the rapid increase in lumber imports is the subsidization of timber by the Canadian Government. Nearly all timber in Canada is owned by the Provinces. About 90 percent of the time, the provincial governments sell this timber noncompetitively. As a result, the stumpage prices in Canada are well below the United States price. In many cases, the difference in stumpage prices is nearly $50 per million board feet. In 1982, the International Trade Commission investigated Canadian lumber imports and determined the United States industry was being injured. The cause of the rising imports was determined to be the low stumpage prices. Since timber is considered a natural resource, the low selling price is not considered a subsidy under trade law. As a result no action could be taken by the ITC against these lumber imports. I have cosponsored several bills and resolutions calling for action against Canadian lumber imports. Currently the administration is trying to negotiate with Canada on this issue, but to date the negotiations have been unsuccessful.

Mr. President, if no progress is made in the United States-Canada timber negotiations in the near future, I would urge Congress to take legislative action against these subsidized imports.

COMPETITIVE U.S. SOFTWOOD LUMBER INDUSTRY

Mr. WARNER. Mr. President, I am pleased to join with my colleagues in bringing to the Senate's attention the continuing problem of the importation of government subsidized Canadian softwood lumber into the United States market.

In order to better understand the nature of this problem, I have discussed it with my constituents on several occasions, in particular with Mr. Wilber S. Doyle, chairman of the board of Doyle Lumber, Inc., of Martinsville, VA.

Doyle Lumber has held or reduced the line on labor costs and overhead in terms of real dollars over the past 5 years.

Over this period, productivity has increased such that Doyle Lumber is 25 percent more productive than the average Canadian firm, yet their profit line has come down from 3.5 percent to less than 1 percent on sales.

As Mr. Doyle has informed me, no industry can continue to invest and grow under these circumstances.

Indeed, this observation is borne out by an inspection of the state of the U.S. lumber industry nationwide.

From 1977 to 1984, a net of 629 United States mills closed, while 85 Canadian mills opened.

Tens of thousands of workers in logging camps and transportation have lost their jobs.

In 1984, the U.S. Industry wrote off more than $550 million in assets and had $300 million in pretax losses.

However, an inspection of the Canadian industry reveals a very healthy picture.

Despite depressed prices, Canada currently enjoys about a $2 billion lumber trade surplus with the United States.

Canadian lumber imports have increases from 5.7 billion board-feet in 1975 to a projected 14.8 billion board-feet for 1985.

In 1975, Canadian lumber accounted for 18.7 percent of United States consumption.

By 1985, however, Canada had captured over one-third of our market.

If United States firms have been increasing productivity over this period and are now 25 percent more productive, how can we be losing business to the Canadian industry?

The simple answer is that, in Canada, about 95 percent of all timber is owned by the Provincial and Federal Governments and sold in a noncompetitive market, with prices set by a regulatory scheme.

By comparison, over two-thirds of U.S. timber is privately owned, and virtually all U.S. timber is sold competitively.

Canadian timber pricing simply does not reflect a fair market value.

Canadian stumpage immediately north of the border sells for much less than virtually identical lumber immediately south of the border.

In 1984, United States timber sold for, on average, $104.16 per thousand board-feet while Canadian timber sold

for, on average, $11.84 per thousand board-feet.

Mr. President, the American softwood lumber industry is willing and eager to compete with the lumber industries of any nation.

However, they must compete on an even playing field.

They cannot compete with governments which insure a supply of raw products at absurdly low cost in order to prop up their industries in order to provide high employment rates.

We must take steps to make the field level for our own industry so that we can compete fairly and equally.

Mr. BENTSEN. Mr. President, a number of important problems should be placed on the agenda of the administration's proposed negotiations with Canada under the free trade area provisions of the 1984 Trade Act.

Under the 1984 act, the notification given to Congress on December 10, 1985, started a preapproval period running on the Canada trade negotiations, during which the trade committees in Congress have an opportunity to consult with the administration on Canadian trade issues of importance to Congress. We have many subjects on which consultation is appropriate, none more important than lumber imports.

Over 90 percent of Canadian timber is owned by Canadian Provinces and about 90 percent of it is sold noncompetitively. When this timber is cut, the resulting lumber is available at a price which may be as much as $50 per million board-feet less than the price at which timber is sold competitively in the United States. As a result, it is not surprising that Canada's share of the United States market for lumber has grown from less than 20 percent in 1975 to one-third today.

Canadian lumber has a dramatic effect in many parts of the United States. Between 1977 and 1984, 30,000 United States softwood lumber mill employees have lost their jobs; 629 softwood lumber mills have closed in the United States.

Without complete consultations with Congress on lumber and other issues, it will be difficult to build the necessary support for a free trade area with Canada.

It is not "consultation" for administration members to visit Senators in their offices for the purposes of convincing them not to adopt legislation, especially when the administration itself has not even testified with regard to the legislation—as in the case of the Telecommunications Trade Act.

Nor is it consultation for the administration to tell us what it plans to do in trade a few hours before it announces to the press what it is going to do.

Consultation means coming to Congress to get our views on the situation, giving us the full international situation and an opportunity to react to administration proposals for action in the future. Over the 6 years since the end of the Tokyo round trade agreements, it is my observation that the administration's willingness to consult with Congress has declined seriously.

Lumber is a matter of great concern to those of us with substantial logging and lumber industries, and I would hope that the administration would find the time to consult with us over the next few weeks and take into account our concerns in developing the program for negotiating with the Canadians.

Mr. MITCHELL. Mr. President, I welcome this opportunity to join my colleagues today in discussing the problem of Canada's subsidization of timber. It is well known that the United States and Canada have the largest bilateral trading relationship in the world. This relationship should be founded above all on the concept of free and fair trade. Sadly, trade in lumber has not followed this admirable principle. The Government of Canada highly subsidizes the price of timber to its lumber industry. In contrast, U.S. timber is priced in the free market. Below-market pricing has allowed Canada to make significant new inroads into the United States lumber market, at the cost of thousands of American jobs, and millions of dollars of lost production.

If Canadian lumber mills were truly more efficient than their American competitors, such a cost, though no less painful, could at least be economically justified. The facts show clearly however, that Canadians are not better at producing lumber than Americans. According to the ITC, the average unit cost of lumber production was almost identical in Canada and the United States in 1984. Yet, despite higher transportation costs, Canada is increasingly able to undersell American lumber. Further, the trend has little to do with fluctuations in the exchange rate. One cannot but conclude that artificially low stumpage prices in Canada enable the country's industry to compete so effectively.

In the interest of fair trade, Canada must end its practice of selling timber to its lumber industry at artificially low rates. At this time the President's Trade Representative is negotiating with representatives from Canada toward that end. I sincerely hope that the negotiations will result in a commitment from Canada to end subsidy practices. If they do not, we in the Senate must commit ourselves to strong action to redress this problem. American lumber producers deserve no less. We are not seeking protection for our lumber industry: The best solution would be a simple end to subsidization in Canada. One way or the other, I hope we see this solution soon.

Mr. DANFORTH. Mr. President, the growth of Canadian lumber imports into the United States is one of the most serious trade problems confronting our two countries. During the past decade, Canada's share of the United States' lumber market has grown rapidly, and the trend shows no sign of abating. Thousands of American jobs have already been lost in milling, logging, and hauling.

The Canadian lumber trade problem is of immediate concern to Congress not only because of the adverse impact it is having upon our domestic lumber industry, but also because of its impact as a potential irritant in the upcoming bilateral trade negotiations between the United States and Canada. Preparations for the free trade area [FTA] talks are now underway, and for these negotiations to succeed, there must be an expeditious resolution of the lumber trade issue.

The special order session today marks an important step toward that goal. I commend Senators SYMMS and BAUCUS, Chairman PACKWOOD, and others for their efforts in raising the visibility of the Canadian trade lumber problem and in pushing for a just solution.

Mr. HEINZ. Mr. President, the U.S. lumber industry is but one of many industries in the United States being denied the protection that the Congress intended when we amended the countervailing duty provisions included in the 1979 Trade Agreements Act. This unfortunate state of affairs is a direct result of the Commerce Department's mistaken interpretation of the definition of a domestic subsidy contained in that statute.

The countervailing duty law is designed to ensure fair competition in the U.S. market by removing any advantage exporters receive through subsidies from their governments. This is done by imposing duties that offset the amount of subsidization found by the Commerce Department. For most of our largest trading partners—those countries who have agreed to the Subsidies Code or who have assumed substantially equivalent obligations with respect to the United States—there must also be a finding that the subsidized imports materially injure a U.S. industry before duties can be imposed.

By defining subsidies broadly and coupling this definition with an injury test, Congress sought to avoid arbitrary and technical denials of relief to U.S. industries suffering from unfair foreign subsidies. Indeed explicit assurances were provided to me on the Senate floor that the language in the statute reflected this purpose. Yet the Commerce Department has chosen to ignore the clear purpose of the statute, going to great lengths to exclude

what are plainly industrial targeting and subsidy practices.

Perhaps the most egregious and unfair narrowing of the definition of a subsidy is the Commerce Department's interpretation of the so-called specificity test. The statute provides an illustrative list of practices that, if provided to "a specific enterprise or industry, or group of enterprises or industries," will be considered a countervailable subsidy. The limiting words in the definition were included to ensure that the widest Government programs such as roads, schools, the Armed Forces and the like, that are not targeted at particular industries, would not be considered subsidies. The Commerce Department has then taken this reasoning to subvert the fundamental purpose of the subsidy definition. Any Government program that is not by its terms explicitly directed at an industry or group of industries is considered by the Department to be "generally available" and therefore not a subsidy, even though the actual effect of the program is to benefit a specific industry that injures its U.S. competitors.

Two examples of this tortured reasoning should suffice. In the Certain Softwood Products from Canada investigation, the Department found that Canadian Provincial programs that provide Canadian lumber manufacturers with the right to harvest trees for a small fraction of their actual value are not subsidies, because they are "generally available" to anyone who wishes to harvest trees, even if no one but the forest products industry has any use for them.

In Carbon Black from Mexico, the Department held that the Mexican Government was not providing a subsidy when it refused to sell a byproduct of the petroleum refining process called carbon black feedstock to United States producers of carbon black, and instead transferred it at a much lower price to two Mexican companies, who then exported carbon black to the United States, injuring the United States industry. The feedstock is only used to produce carbon black. Therefore, no purchasers other than the two Mexican carbon black producers possibly could have been interested in purchasing the feedstock. Nevertheless, the Department held that because the feedstock was available to any Mexican company that wished to purchase it for the unfairly low price, the price was not a subsidy.

One type of subsidy included in the statute's illustrative list of domestic subsidies is the provision of goods and services at preferential rates. As if to add insult to injury, the Department's interpretation of this preferentiality language sets up an additional hurdle for domestic companies confronting unfair low prices of foreign-government controlled input products. The Department has held that a price, no matter how low, is not preferential unless it discriminates against some purchasers in the exporting country. Thus, in the feedstock example I just mentioned, because the two companies purchased feedstock for the same below-market price, the Commerce Department would have found that the price was not "preferential" because it was the same for both companies, and, therefore, would have found that the below-market price for the feedstock was not a subsidy.

There is no basis for Commerce's position in the statute or in policy. Insisting that "preferential rates" means only differing rates within the exporting country rather than differing rates from commercial practice or a world market again contradicts the congressional purpose of broadly defining subsidies. Moreover, whether the United States should remedy an unfair foreign subsidy that injures U.S. industry should not depend as a policy matter on the existence of discrimination against domestic suppliers in the foreign country.

Viewed from the point of view of a U.S. industry forced to compete with exports that are subsidized by foreign governments, the general availability and preferentiality doctrines make no sense. It is small comfort for U.S. industries to know that the reason they cannot receive relief from unfair foreign subsidies is because other industries in the exporting country also are subsidized. Where these industries also export, we have the anomalous situation of the Commerce Department providing relief if one industry is affected by the subsidy, but refusing to do so if a number of industries are affected in the same way by the same subsidy. The situation is no different when one considers the preferentiality doctrine. The United States lumber industry is injured by its Canadian competition's access to below-market timber regardless of whether the Canadian pulp and paper industry also has access to below-market timber.

When Congress amended these laws in 1979, we provided for greatly expanded opportunities for judicial review, in order to prevent just this sort of maladministration of these statutes. I am gratified that the Court of International Trade has recently rejected the Commerce Department's crabbed interpretation of the countervailing duty law, and has ordered the Department to determine whether Mexican companies were benefiting from unfair low prices of natural gas and carbon black feedstock, and, if so, to impose countervailing duties. The case is titled *Cabot* v. *United States*, 620 F. Supp. 722 (Ct. Int. Trade 1985).

Unfortunately, the Commerce Department has refused to comply with the Court's order, and, instead, is attempting to appeal. We can only hope that courts succeed in forcing the Department to administer the law correctly. If no resolution appears imminent, then I believe Congress must act to ensure that the unfair and harmful subsidy practices of foreign governments are offset by the imposition of appropriate countervailing duties, regardless of whether such subsidies are provided to one or many industries, and regardless of whether all companies in the subsidized industry benefit equally.

Mr. President, I believe it is clear that the Reagan administration has made a major trade blunder. Their continued insistence on giving way to unfair trade practices directly undermines President Reagan's stated policy of cracking down on dumping and subsidies.

I demand that the administration reverse their clearly wrong decision, abide by the judgment of the Court of International Trade, and withdraw their appeal forthwith.

Mr. President, I ask that an excerpt of my colloquy with Senator Ribicoff from the debate on the Trade Agreements Act of 1979 be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT

Mr. HEINZ. I thank the Senator from Connecticut.

Another major area of controversy in our negotiations with the administration was the concept of subsidy, both its definition and method of calculation. The existing countervailing duty law does not contain a detailed definition of a subsidy or bounty or grant. Similarly, the concept of net subsidy is undefined, which has led to some serious abuses by the Treasury Department in its attempt to reduce the amount of subsidy to levels sufficiently low to mollify our trading partners.

In order to eliminate this unfortunate practice, the committee has sought to more clearly define the concept. First, we have provided a specific, though not inclusive, list of subsidies including all those listed in annex A of the Subsidies Code, which I ask unanimous consent be included in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ILLUSTRATIVE LIST OF EXPORT SUBSIDIES

(a) The provision by governments of direct subsidies to a firm or an industry contingent upon export performance.

(b) Currency retention schemes or any similar practices which involve a bonus on exports.

(c) Internal transport and freight charges on export shipments, provided or mandated by governments, on terms more favourable than for domestic shipments.

(d) The delivery by governments or their agencies of imported or domestic products or services for use in the production of exported goods, on terms or conditions more favourable than for delivery of like or directly competitive products or services for use on the production of goods for domestic consumption, if (in the case of products)

such terms of conditions are more favourable than those commercially available on world markets to its exporters.

(e) The full or partial exemption, remission, or deferral specifically related to exports, of direct taxes[1] or social welfare charges pair or payable by industrial or commercial enterprises.[2]

(f) The allowance of special deductions directly related to exports or export performance, over and above those granted in respect to production for domestic consumption, in the calculation of the base on which direct taxes are charged.

(g) The exemption or remission in respect of the production and distribution of exported products, of indirect taxes[1] in excess of those levied in respect to the production and distribution of like products when sold for domestic consumption.

(h) The exemption, remission or deferral of prior stage cumulative indirect taxes[1] on goods or services used in the production of exported products in excess of the exemption, remission or deferral of like prior stage cumulative indirect taxes on goods or services used in the production of like products when sold for domestic consumption; provided, however, that prior stage cumulative indirect taxes may be exempted, remitted or deferred on exported products even when not exempted, remitted or deferred on like products when sold for domestic consumption, if the prior stage cumulative indirect taxes are levied on goods that are physically incorporated (making normal allowance for waste) in the exported product.[3]

(i) The remission or drawback of import charges[1] in excess of those levied on imported goods that are physically incorporated (making normal allowance for waste) in the exported product; provided, however, that in particular cases a firm may use a quantity of home market goods equal to, and having the same quality and characteristics as, the imported goods as a substitute for them in order to benefit from this provision if the import and the corresponding export operations both occur within a reasonable time period, normally not to exceed two years.

(j) The provision by governments (or special institutions controlled by governments) of export credit guarantee or insurance programmes, of insurance of guarantee programmes against increases in the costs of exported products[4] or of exchange risk programmes, at premium rates, which are manifestly inadequate to cover the long-term operating costs and losses of the programmes.[5]

(k) The grant by governments (or special institutions controlled by and/or acting under the authority of governments) of exports credits at rates below those which they actually have to pay for the funds so employed (or would have to pay if they borrowed on international capital markets in order to obtain funds of the same maturity and denominated in the same currency as the export credit), or the payment by them of all or part of the costs incurred by exporters or financial institutions in obtaining credits, in so far as they are used to secure a material advantage in the field of export credit terms.

Provided, however, that if a signatory is a party to an international undertaking on official export credits to which at least twelve original signatories[6] to this Agreement are parties as of January 1, 1979 (or a successor undertaking which has been adopted by those original signatories), or if in practice a signatory applies the interest rates provisions of the relevant undertaking, an export credit practice which is in conformity with those provisions shall not be considered an export subsidy prohibited by this Agreement.

(l) Any other charge on the public account constituting an export subsidy in the sense of Article XVI of the General Agreement.

FOOTNOTES

[1] For the purpose of this Agreement:

The term "direct taxes" shall mean taxes on wages, profits, interest, rents, royalties, and all other forms of income, and taxes on the ownership of real property.

The term "import charges" shall mean tariffs, duties, and other fiscal charges not elsewhere enumerated in this note that are levied on imports.

The term "indirect taxes" shall mean sales, excise, turnover, value added, franchise, stamp, transfer, inventory and equipment taxes, border taxes and all taxes other than direct taxes and import charges.

"Prior stage" indirect taxes are those levied on goods or services used directly or indirectly in making the product.

"Cumulative" indirect taxes are multistaged taxes levied where there is no mechanism for subsequent crediting of the tax if the goods or services subject to tax at one stage of production are used in a succeeding stage of production.

"Remission" of taxes includes the refund or rebate of taxes

[2] The signatories recognize that deferral need not amount to an export subsidy where, for example, appropriate interest charges are collected. The signatories further recognize that nothing in this text prejudges the disposition by the Contracting Parties of the specific issues raised in GATT document L/4422.

The signatories reaffirm the principle that prices for goods in transactions between exporting enterprises and foreign buyers under their or under the same control should for tax purposes be the prices which would be charged between independent enterprises acting at arm's length. Any signatory may draw the attention of another signatory to administrative or other practices which may contravene the principle and which result in a significant saving of direct taxes in export transactions. In such circumstances the signatories shall normally attempt to resolve their differences using the facilities of existing bilateral tax treaties or other specific international mechanisms, without prejudice to the rights and obligations of signatories under the General Agreement, including the right of consultation created in the preceding sentence.

Paragraph (e) is not intended to limit a signatory from taking measures to avoid the double taxation of foreign source income earned by its enterprises or the enterprises of another signatory.

Where measures incompatible with the provisions of paragraph (e) exist, and where major practical difficulties stand in the way of the signatory concerned bringing such measures promptly into conformity with the Agreement, the signatory concerned shall, without prejudice to the rights of other signatories under the General Agreement or this Agreement, examine methods of bringing these measures into conformity within a reasonable period of time.

In this connection the European Economic Community has declared that Ireland intends to withdraw by 1 January 1981 its system to preferential tax measures related to exports, provided for under the Corporation Tax Act of 1976, whilst continuing nevertheless to honour legally binding commitments entered into during the lifetime of this system.

[3] Paragraph (h) does not apply to value-added tax systems, and border-tax adjustment in lieu thereof and the problem of the excessive remission of value-added taxes is exclusively covered by paragraph (g).

[4] The signatories agree that nothing in this paragraph shall prejudge or influence the deliberations of the panel established by the GATT Council on 6 June 1978 (C/M/126).

[5] In evaluating the long-term adequacy of premium rates, costs and losses of insurance programmes, in principle only such contracts shall be taken into account that were concluded after the date of entry into force of this Agreement.

[6] An original signatory to this Agreement shall mean any signatory which adheres ad referendum to the Agreement on or before 30 June 1979.

Mr. HEINZ. In addition, however, the committee included in its subsidy definition four types of domestic subsidies:

If provided or required by government action to a specific enterprise or industry, or a group of enterprises or industries, whether publicly or privately owned, and whether paid or bestowed directly or indirectly on the manufacture, production, or export of any class or kind of merchandise:

(i) The provision of capital, loans, or loan guarantees on terms inconsistent with commercial considerations.

(ii) The provision of goods or services at preferential rates.

(iii) The grant of funds of forgiveness of debt to cover operating losses sustained by a specific industry.

(iv) The assumption of any costs or expenses of manufacture, production or, distribution.

This list is intended to define as subsidies some of the more egregious practices of our trading partners and to include, among others, the practices and objectives listed in articles 11 of the Subsidies Code.

The point of this language and these examples, Mr. President, is to define subsidy broadly so as to catch within the scope of our law as many unfair trading practices as we can. That, of course, does not mean we countervail, because injury must also be found. It was the committee's intent, however, that the Treasury Department, or whatever administering authority ends up with this new law, not resolve petitions by arbitrarily concluding that various practices are not subsidies. Better to define the term broadly, as it ought to be defined, and then use the injury test as it is intended to be used.

Can the managers of the bill confirm for me these comments on the definition of subsidy?

Mr. RIBICOFF. May I respond that I can confirm the Senator's comments, and the Senator is correct.

Mr. MURKOWSKI. Mr. President, one of the strongest and most appealing arguments for allowing Canada to dominate our lumber market is the economic one.

If Canada wants to send us her timber-based products at distress prices, we should gladly accept, according to this argument, even if it means closing down our own industry. In the long run, the value of United States timber products will go up, and even Canada will have to buy from us at higher prices if we are patient enough.

There is another part to that argument. Lower prices are good for the American consumer, and lower lumber prices can reduce the cost of housing in this country and make it possible for more U.S. buyers to buy homes and for all U.S. buyers to get more home than they otherwise would be able to get.

Take that long run argument, first.

In order to get there, you first have to survive the short run. Carried to its extreme, this thesis would allow a foreign competitor to have as large a piece of the U.S. market as it wanted to buy, using subsidies. In theory, the

whole U.S. industry could be put into mothballs.

The trouble is that you cannot put an industry in mothballs.

Plants would deteriorate, companies would fail into bankruptcy, lenders would have to write off defaulted loans, investment in new processes and new plants would be impossible, and even the investments needed to grow and protect forests could not be financed, with no cash flow. That is the economic side of the counterargument.

The human side is worse. Pragmatically, you could say that it would be more efficient, in the long run, to allow logging and lumbering communities to die. People would move away; they would have to. Maybe someone would come back, in the long run, when Canada ran out of trees.

But it would not be the people who would lose their homes today, who would have to beg for financial assistance and job retraining today. It would not be the businessmen who would see their investments become worthless, and whole communities who would have to tell their children there was no money for college and no prospect of any. We would have to sacrifice a whole generation of businesses and families just to get some potential benefits in the long run.

And there would not even be any long term benefits if Canada managed to keep growing timber, using the profits it is making on lumber, and if our rate of timber growth slacked off because our loss of that market made it impossible to invest in forestry at the current rate.

In regard to consumer benefits, there do not really appear to be any in the present situation.

A business school study in mid-1985 indicated that the low prices generated by Canada's inroads into our markets makes possible savings of up to $2,000 in the average house. That is a significant amount, and the National Association of Home Builders rightly defended it.

But the Congressional Budget Office took a somewhat closer look at all of the factors in that study and came to a different conclusion.

Allowing Canada free rein in our lumber market does produce a saving, but not of $2,000. CBO said the saving on an average house is $297.

Nationwide, the average price of a new home is in the neighborhood of $80,000, so a saving of that magnitude would correspond to three or four tenths of 1 percent. A better grade of carpet, a different front door, even a refrigerator icemaker could make a bigger difference.

The home builders' association, when it realized the first figures were distorted, changed its position on Canada, even though Canadian manufacturers still are quoting the incorrect numbers.

I think we would be hard put to find any homebuyer who would support the destruction of a major American industry for a price cut of $300 on an $80,000 house.

And I think it is impossible for the U.S. Government to justify the destruction of that industry on the basis of arguments that are even related to these.

Canada is confident of the economic benefits of what it is doing, and the policies of Canada are not designed for the economic betterment of the homebuyer or any other American. They are designed for the welfare and benefit of Canada, and Canadians. As they should be. I am not speaking today as an opponent of Canada or Canada's policy, but, rather, the necessity of the old cliché that sharing begins at home.

Our task here today is to make it clear that the policies of the United States should just as clearly promote the economic welfare of the people and the citizens of this country. Putting the so-called economic argument advanced by the Canadian Government in its proper perspective is an important part of that task.

Mr. SPECTER. Mr. President, although the U.S. lumber market is booming, the U.S. lumber industry, one of the most efficient in the world, faces serious problems. Tens of thousands of lumber workers are out of work. Hundreds of mills are closed. Based on information provided by the Forest Products Coalition, I am deeply concerned that depressed lumber prices are caused by Canadian overproduction.

Since 1975, I am informed Canadian production has increased dramatically. Recent reports indicate that more than two-thirds of Canada's production is shipped to the United States. As a result, Canada's share of the United States market has risen greatly.

I am concerned that Canada's production is induced by unnaturally low prices for provincial stumpage. Canadian firms appear to receive stumpage for a small fraction of what United States firms pay for comparable stumpage. Since the Canadian provincial governments own the vast majority of Canadian timber, it is asserted that they can sell it to producers at prices which fail to place market constraints on Canadian production. If Canada subsidizes its lumber industry, this can only have adverse effects on Pennsylvania's 600,000 timber owners and timber, paper, and related industry employees.

Free trade is fair trade and this implies that there is balance and equality in trade practices. U.S. lumber producers need an opportunity to compete in a fair, competitive market. I strongly support any efforts which are necessary to ensure fair play and a level playing field for the American lumber industry.

Mr. D'AMATO. Mr. President, I rise today with many of my colleagues to express concern over increase imports of Canadian lumber at very low prices. This is causing severe economic distress in the domestic lumber industry.

At a time when we are about to begin negotiations with our neighbors to the north on a free trade area agreement, I am astounded by their refusal to stop flooding the U.S. market with lumber products. The issue focuses upon the Canadian Government subsidizing many of its industries, including lumber. Despite the softwood lumber industry's modernization and efficiency it cannot compete against the treasury of a foreign nation.

Mr. President, I support the free trade area negotiations with the Canadians. We share much more than a common border. However, I strongly recommend that the subsidization of its lumber industry be discontinued before we pursue these negotiations further.

Thank you, Mr. President.

Mr. BAUCUS. I yield to my colleague, the senior Senator from Montana [Mr. MELCHER].

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I thank my colleague. I wish to participate in this dialog on the problems that the timber industry in the United States is currently facing.

Canada, our good neighbor, subsidizes the timber industry through the price of the trees in their nationally owned forest. The subsidy occurs when they lower the price of the trees. That makes logs cheaper for the sawmills in Canada and that brings up the classic economic rule that when supply exceeds demand, the prices of the product decline. That is exactly where we are right now.

There is little question that the U.S. timber producers can compete aggressively on a level playing field. However, they cannot hope to compete against products the price of which is based on natural resource subsidies that bear no relation to the fair market value.

Canada is indeed entitled to set their prices as low as they desire in their own country, but the United States must not allow the importation of the subsidized lumber if it wrecks a domestic industry in our country. But we are doing just that. We can change the amount of the Canadian imports and we should. That is our prerogative.

Those of us who represent States on the border with Canada are very much aware of the presence of unresolved trade differences. The Canadian Government must understand that give and take between our two Govern-

ments is a fact of life, accepted on both sides of our common border. The current United States trade with unrestricted imported Canadian lumber is a severe hemorrhage that is not acceptable.

Mr. President, the second current severe problem afflicting the domestic timber industry involves the threat of increasing taxes on the industry. That proposal is contained in the House-passed bill now under consideration in the Senate Finance Committee and the proposal to increase the domestic timber industry's taxes is one that would very much threaten the continuation of many of these companies.

In so doing, if they are driven out of business by this twofold problem we have right now—the low market price for lumber products and the threat of increasing the taxes if the Senate should pass the House-passed bill with that feature in it—that is totally unacceptable. Our work is cut out for us in the Senate—first of all, to draw the public's attention to matters that are afflicting our domestic industry. We are doing that in these special orders arranged for by my colleague [Mr. BAUCUS].

Second, we must make sure that if there is going to be a tax bill this year, it does not contain this feature which would impose an additional tax burden on the domestic lumber industry, one which they can ill afford and which, if inflicted upon them, would decrease the number of jobs available in an industry that is already on its knees.

Mr. BAUCUS. Mr. President, I am very grateful for my colleague's statements, particularly for pointing out other issues such as the impact of potential tax law changes on the forest products industry. As the Senator stated, the House bill, H.R. 3838, imposes a very severe additional burden on the forest products industry with the changes that bill makes in tax law, particularly as applied to the forest products industry.

I thank the Senator for joining with me and others. It is my hope that that bill will be modified, on this side of Capitol Hill, changed very significantly so that those adverse provisions will not remain in any tax bill that may pass this year and be signed by the President.

Mr. President, I am very grateful to all the Senators who have spoken. At least 15 Senators have come to the floor to speak personally on this issue and very directly state to the Government of Canada and to remind our American negotiators that the Government of Canada, particularly the provinces, must change its ways. They must become free traders. They can no longer practice unfair protectionist measures such as subsidizing their forest products industry.

We are all Americans. It is our hope that all of us as North Americans are particularly close and will work particularly closely together.

The Government of Canada is urging the United States to agree to a free trade agreement. It is obvious that the Government of Canada and the Canadian people by and large want to have closer ties with the United States; they want to have not only more open, more free trade but they want a free trade agreement.

It is important, if we do have a free trade agreement with the Government of Canada, that it is in fact free trade. Canada must not continue to subsidize the sales of its trees to Canadian lumbermills at below market value. On average the price the Canadians charge to Canadian lumbermills is about one-tenth the price that the American Government, particularly the United States Forest Service, charges American sawmills when they purchase timber off of Forest Service lands.

The PRESIDING OFFICER. All of the time of the Senator from Montana has expired.

Mr. BAUCUS. Mr. President, I ask unanimous consent to proceed for 1 additional minute.

Mr. PROXMIRE. Mr. President, I think I am next in order. I yield 1 minute of my time to the Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Senator. I am grateful to the Senator from Wisconsin, who I know has 15 minutes. I will be very, very brief.

Mr. President, I thank all Senators for participating and I hope that we made a very strong point and give a clear message to the people of Canada and the Government of Canada so that we can quickly and easily and forthrightly resolve this issue so we do not have to come back and address it again.

Mr. President, I thank the Chair and I also particularly thank the Senator from Wisconsin.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. The Senator from Wisconsin is recognized under a special order for not to exceed 15 minutes but at 11:30 the time closes, so the Chair will be lenient.

ARGENTINA-BRAZIL NUCLEAR PACT DEPENDS ON UNITED STATES

Mr. PROXMIRE. Mr. President, on December 30 the Washington Post's lead editorial rejoiced in the joint declaration between Argentina and Brazil committing the two countries to "nuclear cooperation." Of course, the cooperation is very welcome, indeed. Brazil and Argentina have taken a constructive step. But there was a strange omission from this Washington Post editorial. Think of it. Here is a leading American newspaper. It analyzes the contribution this agreement between two developing countries in South America makes to nuclear peace. It does so without a whisper or a hint about the overwhelming threat of United States and Soviet development of new nuclear weapons technology on Argentina and Brazil.

Consider: Leading American newspapers, like the Washington Post, are read by top American nuclear weapons policymakers. The Washington Post readership in Argentina and Brazil must range from small to insignificant. But American nuclear weapons policymakers have a certain and direct effect on the nuclear policies followed by Argentina, Brazil, and other potential nuclear powers throughout the world.

For example, the administration has refused to negotiate with the Soviet Union to try to achieve an agreement that would end nuclear weapons testing. That refusal flaunts promises made by the United States in two treaties. The Soviet Union unilaterally stopped testing for 5 months in 1985 in an attempt to persuade the United States to negotiate an agreement to end testing. They extended that unilateral cessation for several months this year. What effect would such an agreement have on Argentina and Brazil? The effect could be profound. As the head of the Livermore Lab has declared, an end to nuclear weapons testing would perform a "frontal lobotomy" on the development of new nuclear weapons. And what will the continuation of nuclear weapons research produce? Isn't it obvious? Continued nuclear weapons research will produce new nuclear weapons. Some of those nuclear weapons will be cheaper, smaller, easier to transport and certainly more "efficient" and "effective."

What does more "efficient" and "effective" means? It means that dollar for dollar and pound for pound, they will wreak greater destruction. For less and less money, they will kill more and more people. Will this tempt Argentina or Brazil or, for that matter, Pakistan or India, Syria or Libya? Will it attract terrorist groups operating inside or outside the direction of any sovereign countries? Of course the development of such new cheap, small, and superdestructive nuclear weapons will proliferate widely and quickly. Nuclear proliferation has not been prevented by moral judgments or even by fear. How has proliferation been prevented? The answer is simple. It has been inhibited by dollars-and-cents cost.

Some will argue that testing may also produce more stable nuclear weapons that will deter violence and war. Yes, it will. Is this what we need?

Isn't it time that the most hawkish U.S. administration in the nuclear age, as well as the leader of the Soviet Union, have both flatly declared that the nuclear deterrant is so effective right now that a nuclear war can never be won and must never be fought? It is time, indeed. So what is the purpose of continuing on this rush to nuclear weapons that threatens a sure spread throughout the world of weapons of even greater destruction?

The Post has properly commended Argentina and Brazil for cooperatively pledging they will work together in "all fields of the peaceful uses of nuclear energy." As the Post says, this will provide both with assurance that neither is diverting its research to military purposes.

But the big contribution to nuclear peace between Argentina and Brazil, or Pakistan and India and elsewhere will depend on the willingness of the superpowers to negotiate an end to the testing of nuclear weapons that will otherwise bring breakthroughs that will surely proliferate. The nonnuclear countries have known this throughout the years. They have consistently pleaded with the superpowers to end the arms race and specifically to end nuclear weapons testing that constitutes an essential ingredient of the nuclear arms race. Unless we do stop, heartening agreements such as the Argentine-Brazil pact will have little effect as cheap, small, devastating nuclear weapons "equalizers" come on the market. That is not up to the likes of Argentina and Brazil. It is up to the Soviet Union and the United States. The major opinion leaders, like the Washington Post, should recognize this.

Mr. President, I ask unanimous consent that the editorial from the December 30, 1985, issue of the Washington Post to which I have referred be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 30, 1985]

NUCLEAR COOPERATION

In a notable contribution to the world's safety, the presidents of Argentina and Brazil have committed themselves to nuclear cooperation. Since each of those countries in the past has viewed the other as the chief threat justifying the pursuit of nuclear weapons, this joint declaration offers reassurance to the whole continent and beyond.

Both countries have the industrial capacity to develop nuclear weapons and both—but particularly Argentina—have in recent years engaged in activities hinting that they were actively contemplating that goal. Both operate nuclear facilities that are not under international safeguards. If their cooperation reaches "all fields of the peaceful uses of nuclear energy," as the two presidents promised, it will provide both with the best possible assurance that neither is diverting its research to military purposes.

The swing from military government to civilian democracy in these two countries had diminished the likelihood that either would build nuclear weapons—but not entirely eliminated it. In Argentina, President Raul Alfonsin repeatedly appeared to be having trouble keeping the nuclear program under control. In Brazil, President Jose Sarney's views on the subject were not known. Their statement, issued after their recent meeting, strongly affirms their intention of pursuing only the peaceful uses of this technology.

This assurance is particularly important because both countries are emerging as suppliers and exporters of nuclear equipment. The two, for example, signed nuclear cooperation agreements last year with China. The dissemination of this technology can no longer be controlled by a small number of advanced industrial countries meeting in London.

What about the even more dangerous nuclear rivalry now underway in South Asia? Circumstances there are less promising than in Latin America, but not hopeless. The president of Pakistan and the prime minister of India met on Dec. 17 to discuss, among other things, nuclear policy. Unlike the Latin countries, one of these rivals, India, has already exploded a nuclear bomb. Both have neighbors, the Soviet Union and China, that are heavily armed. But at least Pakistan and India are now talking, and their leaders announced that they have agreed not to attack one another's nuclear sites. While that is far from a full-scale settlement, it is more than they have had in the past and suggests possibilities for further easing of tensions in the future.

A few years ago cooperation between Brazil and Argentina would also have seemed pretty unlikely. The two Latin presidents have demonstrated that there is no inevitable drift toward more nuclear weapons in more hands. In nuclear arms control, the failures are generally much more dramatic than the successes. But there have been genuine successes, and the Argentine-Brazilian declaration is one of them.

THE MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, the myth of the day is that the difference between 4 percent real GNP growth, as forecast by the administration for 1985, and 2.5 percent, which is how fast the economy really expanded, is only "a little below our expectation." This is the phrase used by the Treasury Secretary to describe this error in testimony before the Joint Economic Committee.

The myth that there is not much difference between 4 and 2.5 percent is helped along by a quick impression. After all, the difference—1.5 percent—really is insignificant, isn't it?

To answer that question, imagine the reaction if a baseball player had an equivalent slump. Before the season started, he was expected to hit .400. He would become an instant media star, a natural, and be compared to Ted Williams, Ty Cobb, and Pete Rose. But instead of hitting that .400, his average turns out to be a puny .250. Would he be able to get away with describing his year as "a little below our expectation?" Think what a George Steinbrenner would say to that.

Returning to economics, that little difference between the forecast and actual growth means a loss of $60 billion in output. That loss can never be recovered and is not chicken feed, even these days.

This slower growth adds to the deficit. It reduces tax revenues. It increases spending on such programs as food stamps and unemployment compensation. Such disappointing economic performance would add something like $12 billion to the deficit in the year in which it occurred. Then in the next year, the budget year, that figure starts snowballing, jumping to perhaps $35 billion. The year after that, the third year, it would add about $60 billion to the deficit.

Assume that Gramm-Rudman were in place at the time this faulty forecast were made. That means that the deficit in the budget year would be about $35 billion higher than projected and would have to be made up by automatic cuts. The defense budget's share would be $17 billion in projected spending and perhaps $50 billion in authority to spend. This Senator looks forward to hearing the Secretary of Defense describe his budget, after cuts of this magnitude, as being "a little below our expectation."

EXERCISE AND ITS IMPORTANCE TO AMERICAN HEART MONTH

Mr. PROXMIRE. Mr. President, as sponsor of last year's CPR awareness week, I would like to point out that President Reagan has joined with Congress to recognize February 1986 as American Heart Month.

What better time for all Americans to begin to take responsibility for their own health than American Heart Month? And one step that everyone can take is a program of moderate exercise. Exercise, when linked with the reduction of risk factors such as high blood pressure, high cholesterol level, and cigarette smoking, significantly decreases the likelihood of heart disease. Regular exercise also has been shown to reduce the occurrence of coronary heart disease, since physical activity improves the ability of the body to break down fats in the blood stream.

In addition to its positive impact on cardiopulmonary health, exercise improves physical and psychological well-being. Physical activity assists in weight control and helps the body make the best use of nutrients. For managing a stressful lifestyle, physical fitness offers a simple yet effective method of releasing tension and for bolstering enthusiasm and optimism. With so many benefits to be gained from exercise, it is not surprising that

in the last few years various forms of activity rapidly have become a refreshing part of many Americans' lifestyles.

In light of the progress made toward greater health awareness, we should take this opportunity—the recognition of American Heart Month—to encourage those who do not yet exercise to share this benefit already enjoyed by so many Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. COHEN assumed the chair.)

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR HAWKINS

The PRESIDING OFFICER (Mr. GOLDWATER). Under the previous order, the Senator from Florida [Mrs. HAWKINS] is recognized for not to exceed 15 minutes.

ECUADORAN DRUG TRAFFICKING SITUATION AND ACHIEVEMENTS

Mrs. HAWKINS. Mr. President, I rise today to praise and commend President Leon Febres Cordero Rivadeneyra and the people of Ecuador for their bold and courageous actions against the deadly narcotics traffickers. Under the dynamic leadership of President Febres Cordero, Ecuador has begun to hit the drug traffickers where it hurts. By direction of the President, the Ecuadoran police have launched an aggressive program of coca eradication. In addition, the number of seizures of cocaine HCL has increased dramatically. Clearly Ecuador is taking action where many other countries are still only talking. President Febres Cordero has shown himself a leader not only of Latin America, but truly a world class leader. And narcotics is not his only area of accomplishment. He is instituting a broad vision that holds out the hope of revolutionizing Ecuador's economy and bringing prosperity to all Ecuadorans.

Though I admire his initiatives on economics, agriculture and politics and believe they will serve the Ecuadoran people well, as an American I am grateful that he has thrown himself vigorously into the war on drugs. In addition to protecting the children of Ecuador, he has joined the fight that is critical to ridding American homes, neighborhoods, and schools of the scourge of drug abuse. It is true that he is doing this for the good of his own people, but I believe we Americans owe him a debt of gratitude ourselves.

Ecuador is both a coca cultivation and transshipment country. The amount of land under coca cultivation has not been firmly determined since there has been no reliable aerial surveillance. In fact, large scale cultivation was not discovered until September 1984. However, estimates put the coca cultivation at about 2,500 hectares. If this estimate were to prove accurate, then given the vigorous activity on the part of the Ecuadoran Government there are reasonable prospects of totally eliminating coca cultivation in Ecuador over the next 2 or 3 years. The primary constraint appears to be funding.

Ecuador is also a transshipment country. Coca moves both in and out of Ecuador. It moves in for both export and for processing. There are also indications that processed cocaine, after being processed in Ecuador, is shipped back into Colombia and Peru.

Eradication is a top priority of the Febres Cordero government. President Febres Cordero has gone out into the jungle and pulled coca bushes himself last month, making him the first head of state to do so. So far, the Government has eradicated 464 hectares in 1984, and plans to eradicate 1,000 hectares in 1985. According to the Government plan, all the known coca locations should be eliminated before the end of 1987.

Ecuador has also increased its number of cocaine HCL seizures by over tenfold in the last year, up from 80 kilograms in 1984 to 1,000 kilograms in 1985. There has also been a doubling of the number of cocaine labs destroyed in the last year—27 in 1984 and 57 in 1985. The Ecuadoran police, while enthusiastic, need additional training and equipment if they hope to put a serious dent in the transshipment problem.

Another one of the bright spots of the drug war in Ecuador has been in the area of international cooperation. Ecuador has held cross border operations with both Columbia and Peru. The operations with Columbia have been very successful and involved over 170 hectares eradicated and 39 labs destroyed. They are expected to be repeated. The exercises with Peru were good, but, given the history of Ecuadoran-Peruvian difficulties, were judged somewhat less effective.

While the strides taken by President Febres Cordero are both significant and impressive that does not mean that there are no challenges facing him and his people. Ecuador needs to better determine the actual coca acreage under cultivation; it needs to increase its efforts on interdiction; and it needs to investigate some of the problems reported at Dinactie. Some of these things we in the United States can help with, others will have to be solved by the Ecuadorans themselves.

Leon Febres Cordero is his own man. His first response has always been for the good of his people. But he is also a good friend of the United States. I believe that it is good sense and good policy to help our friends especially on such important topics as illegal narcotics trafficking. I hope that we will take advantage of the commitment of the Febres Cordero government to help him do the job that needs to be done.

EXPRESSING UNITED STATES POLICY TOWARD THE PHILIPPINES AND SUPPORT FOR THE NEW PHILIPPINES GOVERNMENT

Mr. DOLE. Mr. President, I send a resolution to the desk for myself, the distinguished minority leader Mr. BYRD, and Senators LUGAR, PELL, KASTEN, DODD, KENNEDY, PRYOR, MELCHER, LEVIN, NUNN, SASSER, MURKOWSKI, COCHRAN, STAFFORD, D'AMATO, and WILSON and ask for its immediate consideration. There will undoubtedly be other cosponsors added during the days.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 351) expressing U.S. policy toward the Philippines and support for the new Philippines Government.

S. RES. 351

Whereas the Government of the United States has recognized the legitimacy of the new Government of the Philippines under the popularly supported leadership of President Corazon Aquino;

Whereas the Senate has stated, in S. Res. 345, that "America's interests are best served in the Philippines by a government which has a popular mandate;"

Whereas the Congress has stated, in H. Con. Res. 232, that the reinvigoration of Philippine democratic institutions offers the best means of restoring public confidence in the government and of defeating the growing Communist insurgency;

Whereas, on January 30, 1986, the President of the United States stated that "A free and fair election, if also followed by a genuine reform effort in the economic and security areas, will assist the Philippines along a path of growth, prosperity and stability that will benefit the entire region.";

Whereas in this same statement, the President referred to the growing Communist insurgency in the Philippines by saying "The Communist strategy can be defeated. But defeating it will require listening to and respecting the sovereign voice of the people.";

Whereas the strong historical bonds between the United States and the Philippines, and the deep commitment by the peoples of both nations to the principles and exercise of democracy, have been reaffirmed through this critical period in the history of Filipino-American relations;

Whereas Filipinos and Americans have fought and died together to defend liberty

and the right of all peoples to choose governments whose moral and political legitimacy is based on their being created and maintained through free elections and other democratic processes;

Whereas the Filipino people, through their participation and perseverance in the recent election, have demonstrated courageously their commitment to the exercise of democratic freedoms, and have had that faith in democracy justified by the transition to a popularly-supported government of the Philippines;

Whereas the Philippines now is facing political, economic, and military crises so grave that close cooperation between the United States and the Philippines is required for them to be overcome;

Whereas the most effective means to combat the Communist insurgency in the Philippines is through significant economic, political, and military reforms: Now, therefore, be it

Resolved,

SEC. 1. The United States Senate:

(A) fully supports the recognition by the Government of the United States of the legitimacy and legal stature of the new Government of the Philippines under the leadership of President Corazon Aquino, who clearly enjoyed the support of a majority of the Philippine people in the February 7, 1986, election;

(B) praises the progress toward restoration of democracy in the Philippines, and commends President Aquino for the statesman-like and peaceful methods employed to bring about an orderly transfer of power;

(C) praises the people of the Philippines for their valor and couragous commitment to democracy, especially during the recent activities in Manila, which resulted in the peaceful and expeditious transition of power to the Aquino government;

SEC. 2. The President is urged to convey these findings and sentiments of the United States Senate personally to President Aquino.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, I ask unanimous consent that the debate on the resolution be limited to 20 minutes equally divided, and that no amendments be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

The majority leader.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the resolution.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. I alert my colleagues that the vote should come at about quarter to 1. There may be a brief quorum call after the time expires but I hope we can start the vote no later than at 5 minutes to 1, 10 minutes to 1. Most Members have been put on notice that a vote on TV in the Senate will be at about 1. Members should be there.

AQUINO GOVERNMENT OFF TO GOOD START

Mr. President, President Aquino's performance during the Presidential campaign and its aftermath won her widespread international acclaim, and she now appears to be moving with the same skill and decisiveness to form a government of national reconciliation. By reaching out to include responsible elements of the former government in her administration, she will broaden the base of her own support and increase the prospects for longer term stability in the Philippines—something essential to the interests of both of our countries.

MAJOR CHALLENGES AHEAD

As she pursues that and the other challenges facing the Philippines, President Aquino needs and deserves our support. There is a near euphoria surrounding the emergence of the Aquino government, a feeling not unexpected in the circumstances. But we must not lose sight of the enormous problems she faces: completing the formation of her government and revitalizing public administration at all levels; coping with the political jockeying inevitable in the kind of abrupt governmental transition we have seen; implementing much-needed reform in the armed services; and reforming and restoring confidence in an economy now in near shambles.

Nor should we suffer the illusion that the new government will inevitably view every problem or make every decision in precisely the way we would wish. There is still much we do not know about how the Aquino government will act and evolve. For example, President Aquino has come to office with and through the support of many disparate groups, including some whose interests may not parallel our own. How much she will want or need to continue to rely on those elements and how much influence they will have on Philippine policy remains to be seen.

BASES REMAIN KEY CONCERN

One of our main concerns, of course, will be the status of our military facilities at Clark and Subic. I am encouraged by the repeated assurances that President Aquino and other senior members of her government have given that the bases agreement will be honored. From our standpoint, we certainly hope and expect that it will remain in full effect. At the same time, as a matter of prudence, I do intend to continue pushing for passage of S. 2078, my bill ordering a study of the feasibility and cost of relocating those facilities.

BIPARTISAN SUPPORT

Mr. President, our interest in the Philippines and our support for the Aquino government are not partisan matters. I am pleased to be joined as cosponsor of this resolution by the distinguished minority leader and by Senators LUGAR, PELL, KASTEN, KENNEDY, DODD, PRYOR, MELCHER, LEVIN, NUNN, and SASSER.

Members of my staff have worked closely with staff on the other side in developing the language of this resolution. It embraces sentiments I believe we all can support.

Mr. President, as I indicated, our interest in the Philippines is long, has been bipartisan, nonpartisan. I applaud the President for his handling of the entire affair. I applaud my colleagues, including Senators LUGAR, LAXALT, and others who have had direct contact with those in the Philippines. And certainly, I applaud all those who were in the Philippines during the election to monitor the returns.

I believe that this is a smashing foreign policy success, that the right result has been achieved. I urge all Senators to join in passing the resolution and sending this clear message of support to President Aquino, her colleagues in the new Philippine Government, and all her countrymen.

I say, as I did earlier, that I think we need to go back and read carefully some of the statements Candidate Aquino made to determine where we may have differences but, above all, where we need to work with the new Government, as we have with the Governments of the Philippines in the past.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The minority leader.

Mr. BYRD. Mr. President, am I in control of the time on this side of the aisle?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I designate Mr. PELL to be in control of the time on this side.

Mr. PELL. I thank the Senator.

Mr. BYRD. Will the Senator yield me some time?

Mr. PELL. I yield such time as he desires to the distinguished Senator from West Virginia.

Mr. BYRD. I thank the Senator.

Mr. President, I am pleased to sponsor this resolution welcoming the transition to a popularly supported government in the Philippines and reaffirming the Senate's support for democracy in that nation.

This resolution further praises the valor of the Filipino people, whose courageous commitment to democracy, especially in the past few days in Manila, brought about a new government, a popularly supported government, in the Philippines.

This bipartisan effort, cosponsored by the distinguished majority leader, the minority leader, and the distinguished chairman and ranking minority member of the Foreign Relations

Committee—Mr. LUGAR and Mr. PELL—also requests President Reagan to convey personally the Senate's sentiments to the new Philippines President, President Corazon Aquino.

Passage of this resolution will promote the best interests of both the Philippine and American peoples. It will demonstrate that the elected representatives of the American people in the United States Senate support the restoration of true democracy in the Philippines.

It is a strong signal to the Philippine people that the Senate believes that Philippine democratic institutions now can be, and will be reinvigorated, and that this reinvigoration offers the best means of resolving the grave political, economic, and military crises besetting that nation. For example, renewal of democracy in the Philippines could be the most effective way to neutralize the growing Communist insurgency there.

The historical bonds between the United States and the Philippines are long and deep. Philippine and Americans have fought and died together to defend liberty and the rights of all people to choose governments whose moral and political legitimacy are based on their being created and maintained through free and fair elections and other democratic processes.

Mr. President, I call attention to the Senate's 85-to-9 vote last week for a resolution declaring that fraud was so widespread in the Philippines election that the balloting could not be considered a fair reflection of the will of the Philippine people.

The resolution we are now considering is a further contribution the Senate can make to support democracy in the Philippines, and to encourage a continued harmonious relationship between our two nations.

The United States has many interests in common with the Philippines: the historical bonds I mentioned; the shared faith of our peoples in the validity of democracy; and extensive economic and security relationships.

American Navy and Air Force facilities contribute immeasurably to the economic and military security of both nations. The continuation of the bases is important to both countries.

United States policy toward the Philippines, however, should be directed first toward reaffirming the faith of the Philippine people in democracy and in our Nation as a genuine symbol and protector of democracy. Not only is such a policy true to the sacred principles on which our own Nation was founded, but it is the most effective way to ensure the continued acceptance of these military facilities in the Philippines.

Mr. President, no Senate discussion of the situation in the Philippines could be complete without some mention of the contributions made by various Members of this body to promote democracy in that country. Senators KENNEDY, KERRY, COCHRAN, LUGAR, PELL, DURENBERGER, DOLE, SASSER, DODD, BOREN, PRYOR, LEVIN, NUNN, HART, DECONCINI and others on both sides of the aisle have all made contributions to the efforts and they all should be commended for their activities. I urge passage of the resolution. I yield the floor.

Mr. PELL. Mr. President, I think this is an excellent resolution. It has been worked out on a bipartisan basis between both sides of the aisle and I trust and commend to my colleagues that it be passed. In addition, I think the administration deserves a great deal of commendation for the way they have handled this problem in the last few days. Again, this is a sentiment I think all of us on both sides of the aisle share.

I yield the floor. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER (Mr. KASTEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent that the time of the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DOLE. Mr. President, if the Senator will yield, yield the management of the remainder of the time to the distinguished Senator from Mississippi, who was one of the observers of the election.

Mr. COCHRAN. Mr. President, I applaud the majority leader and the minority leader for bringing this resolution to the floor. I support it enthusiastically and commend them and the chairman of the Foreign Relations Committee, the Senator from Indiana, for the leadership they have given to the Senate on this entire issue. I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I yield 3 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Parliamentary inquiry, Mr. President. Have the yeas and nays been requested?

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. KENNEDY. I want to express my appreciation to the Senate leadership and to the Foreign Relations Committee for bringing this new Philippine resolution before the Senate so promptly.

Our first Senate action after returning from the February recess last week was to adopt a resolution condemning the Philippine elections as fraudulent; that resolution, approved by an overwhelming majority in the Senate, made clear to the people of the Philippines that the United States supports their struggle for freedom. Today, in the wake of the dramatic events of recent days, we offer a new resolution congratulating President Aquino on her victory and affirming our support for her new government.

The Philippine people have fought for liberty twice in the past generation—once to free themselves from Japanese occupation, and now to free themselves from the Marcos dictatorship. In both these struggles, the desire for freedom and justice of the Philippine people prevailed. But the victory was not without a heavy price. Benigno Aquino, Evilio Javier, and scores of other brave Philippine patriots gave their lives in this struggle for liberty.

I also commend Cardinal Sin and the Catholic Church in the Philippines, who provided a consistent moral voice for fairness, justice, and nonviolent change. Who will forget the nuns lying down in front of the tanks, the young students confronting the armed forces, the workers and the business men and women interposing themselves as human shields against military attack, and the scores of young citizens offering food to Marcos soldiers and placing flowers in the barrels of their guns.

And I pay tribute as well to Defense Minister Enrile and Acting Chief of Staff Ramos, who had the courage to join the Aquino forces at a moment of extreme danger last weekend. For years, those leaders had seen their armed forces weakened and demoralized by corrupt leadership, and their brave move toward freedom was an important catalyst toward President Aquino's victory. The resolution now before us honors these historic events and sends a clear message to the Philippine people that America will be on their side in the ongoing struggle to preserve their newly won democracy.

I talked with Cory Aquino last night. She knows of this resolution, and she is heartened that the Senate is about to address this issue and offer this vote of confidence in her country and her leadership.

I am hopeful that at an appropriate time in the near future, President Aquino will visit the United States and address a joint session of Congress. I know that Members of the House and the Senate, and the American people as well, would welcome her to the United States and welcome the opportunity to reaffirm in person the strong

commitment to democracy that so closely links our peoples.

Finally, let me say that one of the most appalling symbols in recent weeks of the wrong course of our past policy was the increasing incidence of protest demonstrations with signs linking the United States to the repressive Marcos regime. There was no more damning indictment of our policy than the signs that condemned the "United States-Marcos Dictatorship." Today, our policy is on the right course, and those signs could now fairly say, with pride, "United States-Aquino Democracy."

I hope this resolution will be adopted unanimously, and I urge my colleagues to support it.

Mr. PELL. Mr. President, I yield 1 minute to the Senator from Connecticut.

Mr. DODD. Mr. President, I join in commending the leadership on both sides of the aisle for bringing this matter before the Senate.

I should like to commend a couple of people in the Reagan administration who I think deserve tremendous credit for how these events unfolded.

First of all, Stephen Bosworth, our Ambassador to the Philippines, has done a masterful job over the last 1½ years, as have Secretary Wolferwitz and Secretary Armitage. This has been a great leadership team. As a result of their efforts I think we saw the final culmination, in the last several days, of what has been one of the great victories in this country for democracy.

The hard work for Mrs. Aquino begins now. Along with the Senator from Massachusetts, through his good offices, I had the opportunity to speak to Mrs. Aquino. She is grateful for this resolution. She said she would look for some help and assistance from this country, and I think that is something all of us are going to be willing and anxious to do in the months and years ahead, as the tries to rebuild her country.

We have seen in the past where administrations have clung too desperately to leaders in Iran and Nicaragua. Had we done in those situations what we did here, the world might look different today.

I commend Mrs. Aquino, the Philippine people, and the Reagan administration.

Mr. COCHRAN. Mr. President, I yield myself such time as I may consume.

In closing the comments in support of this resolution for the Senate, I cannot help but think back to the experiences of our observer group who were sent by the President to the Philippines and the fact that on election day there was such a great amount of hope and enthusiasm throughout the Philippines for the democratic process.

I am very serious when I say that there were thousands and thousands and even millions of citizens in the Philippines who participated in that election, hoping that this was going to bring change—that the election itself was going to bring reform in the military and in economic policies, to assure the people of better economic opportunities and a stronger country in every way. I am convinced that their efforts have not been in vain.

I was disappointed at first because of the manipulation and the obvious efforts to serve the selfish interests of a few there by frustrating the democratic process. But I think the actions of our Government and the decisions that have been made in the Philippines have salvaged what could have been a disastrous situation. It could easily have deteriorated into widespread bloodshed, but it has not; and there is every reason now, I believe, for optimism and hope in the days and years ahead for the people in the Philippines, our friends.

So I am enthusiastic when I say that our Government deserves a great deal of praise and has earned that praise—the administration and here in the Senate—as we have tried to work our way through this difficult period of time.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the resolution. On this question the yeas and nays have been ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent the name of the distinguished Senator from New York [Mr. D'AMATO] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, the continuing commitment of the Filipino people to the democratic process was a persecuted struggle of citizens clinging to the ballot boxes against a government determined to trample their rights. This bold conviction and dream of democracy became reality today when President Marcos resigned his office and Mrs. Corazon Aquino officially assumed responsibility for the Presidency of the Republic of the Philippines. I would like to congratulate Mrs. Aquino and her Vice President, Mr. Laurel, for this successful achievement of a democratic government through nonviolent methods. In order to avoid bloodshed, armed conflict, and possible civil war, Mrs. Aquino and Mr. Laurel worked closely with the Catholic Church to peacefully protest the fraudulent elections held on February 7, 1986. Today their peaceful battle for freedom and democracy has been won.

I would like to commend President Reagan for his steady leadership in this struggle. After initial hesitation, he has diligently and adroitly handled a very delicate foreign policy issue. All too often in the past, the United States has failed to master this type of issue with the prudence and resolve displayed by Mr. Reagan. The distinguished Senator from Indiana, Senator LUGAR, also deserves high praise for his role in this victory. In his dual role as leader of the U.S. international election observer team and as chairman of the Foreign Relations Committee, he carefully monitored the volatile situation in the Philippines and subsequently channeled advice to the President.

Certainly the distinguished Senator from Nevada, PAUL LAXALT, played a very meaningful part in this constructive change of government as the President's personal envoy to Mr. Marcos. His successful diplomacy strengthened the harmonious relationship between our two nations.

I would like to wish President Aquino well in continuing this courageous commitment to reinvigorate democratic freedoms and sustain the trust of her popularly supported government. The Philippine people, of course, still have problems to resolve. The elections are not a panacea for the future. President Aquino is faced with a faltering economy, a $26 billion foreign debt, and a Communist insurgency of considerable force. Discontented voters have tossed Mr. Marcos from his dictatorial throne but now face difficult choices. Although there are uncertainties ahead, yet another country has consolidated its grasp on the democratic process. Mr. President, I salute and admire the Filipino tenacity, determination, and courage. They truly represent government of, by, and for the people.

I would also like to express my enthusiastic support for this resolution, yet state my reservation that the United States should not grant political asylum for Mr. Marcos. Although this resolution does not make any such recommendation, Mr. Marcos is now living in Hawaii. We have been badly tainted in the past by allowing pernicious leaders such as Mr. Somoza and the Shah of Iran to take refuge in this country. I do not believe that Mr. Marcos has acted in the best interests of the Philippines or the United States to foster democracy or judiciously monitor the Philippine Treasury. I therefore suspect that difficult questions will be raised by the Aquino government with respect to Mr. Marcos'

financial status. Congressman SOLARZ held hearings in February which indicated potential graft and illegal investment by the Marcos family. Consequently, if Mr. Marcos is given political asylum in the United States we are painted into a corner regarding his dubious financial dealings. This can only hinder our nascent and promising relationship with the Aquino government.

Mr. STAFFORD. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the Dole resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. Mr. President, I make the same request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Maryland [Mr. MATHIAS] is absent on official business.

Mr. CRANSTON. I announce that the Senator from Michigan [Mr. RIEGLE] is necessarily absent.

I further announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from Nebraska [Mr. EXON] are absent because of illness.

I further announce that, if present and voting, the Senator from Arkansas [Mr. BUMPERS] and the Senator from Michigan [Mr. RIEGLE] would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—95

Abdnor	Gore	Metzenbaum
Andrews	Gorton	Mitchell
Armstrong	Gramm	Moynihan
Baucus	Grassley	Murkowski
Bentsen	Harkin	Nickles
Biden	Hart	Nunn
Bingaman	Hatch	Packwood
Boren	Hatfield	Pell
Boschwitz	Hawkins	Pressler
Bradley	Hecht	Proxmire
Burdick	Heflin	Pryor
Byrd	Heinz	Quayle
Chafee	Helms	Rockefeller
Chiles	Hollings	Roth
Cochran	Humphrey	Rudman
Cohen	Inouye	Sarbanes
Cranston	Johnston	Sasser
D'Amato	Kassebaum	Simon
Danforth	Kasten	Simpson
DeConcini	Kennedy	Specter
Dixon	Kerry	Stafford
Dodd	Lautenberg	Stennis
Dole	Laxalt	Stevens
Domenici	Leahy	Symms
Durenberger	Levin	Thurmond
Eagleton	Long	Trible
East	Lugar	Wallop
Evans	Matsunaga	Warner
Ford	Mattingly	Weicker
Garn	McClure	Wilson
Glenn	McConnell	Zorinsky
Goldwater	Melcher	

NAYS—1

Denton

NOT VOTING—4

Bumpers	Mathias
Exon	Riegle

So the resolution (S. Res. 351) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BOSCHWITZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HUMAN RIGHTS AND THE NICARAGUAN INSURGENCY

Mr. LEAHY. Mr. President, nearly a year has gone by since the administration last came to Congress with a request for military assistance to the Contras in Nicaragua. Certainly one of the most important factors that prevented approval of the President's request by Congress was continuing concern over the widespread reports that the Contras were engaging in a pattern of violent human rights abuses. Despite this, there is little evidence that the executive branch takes seriously the persistent, credible, and widespread reports of systematic violation of human rights by the Contras, especially the forces associated with the Nicaraguan democratic force, or FDN.

Very shortly, the Congress will again engage in a debate about United States support for the Contra rebels and the nature and aims of administration policy toward the Sandinista government of Nicaragua. My purpose today is to try to ensure that, as that debate begins, the problem of human rights abuses by those we finance, advise and aid, is in the forefront of Senators' minds. We cannot duck this issue, or close our eyes to it.

RECENT STUDIES OF CONTRA HUMAN RIGHTS VIOLATIONS

Three new studies—two reports by respected organizations and a book by a well-known journalist—have recently appeared. They describe the history of Contra human rights abuses during the civil war in Nicaragua, based on firsthand testimony.

The Amnesty International report, "Nicaragua: The Human Rights Record" (February 11, 1986) recounts Amnesty International's own experience in promoting human rights in Nicaragua and the testimony of eyewitnesses and victims. Amnesty concludes that there has been "a pattern of abuses by armed opposition forces[,] * * * including routine torture and summary execution of captives." Amnesty says that, "Since 1981 reports have been regularly received of detentions, torture and summary execution by armed opposition forces, with most reports coming from the areas of Jinotega and Matagalpa bordering Honduras—operating zones of the FDN—and the Atlantic coast region." It is worthwhile quoting Amnesty's summary:

> While some prisoners were reportedly taken to bases outside Nicaragua by opposition forces, the forces of the FDN were more frequently reported to retain no prisoners, killing captives on the spot or after brief field interrogations. In some areas they reportedly killed their captives before the assembled residents of target communities. Witnesses of such killings of relatives and neighbors, and FDN personnel who have deserted the force, have described in detailed testimony made available to Amnesty International execution style killings in which captives were bound, tortured, and their throats slit by FDN forces. In some cases captives were shot dead or beheaded. The number of captives tortured and put to death by FDN forces since 1981 is impossible to determine, but is believed to total several hundred.

In addition to describing the abuses of the Contras themselves, Amnesty International also took note of apparent cooperation by Honduran and Costa Rican authorities, which permitted the Contras to remove prisoners to their bases in these countries. Amnesty International also complained about the role of the U.S. Government in supporting, directing and instructing the Contras, especially by providing the infamous "Tacayan" psychological warfare pamphlet which called for selective "neutralization" of civilian officials and others.

The Amnesty report also says that, "Widespread publicity about the 'Psychological Operations' manual, and detailed reporting—including the Americas Watch and Brody reports discussed below—of continued cases of torture and murder of captives attributed to FDN and the MISURA (Miskito Indian rebel organization) forces in the course of 1985 have resulted in little apparent change in the operational tactics applied by these forces." Amnesty International stated that it was unable to obtain a copy of the "code of conduct" announced by the FDN to prevent further human rights abuses by its forces or to obtain any information on its implementation.

The Washington Office on Latin America also recently released a report, "Nicaragua: Violations of the Laws of War by Both Sides, February-December 1985" (February 19, 1986). While it is well known that WOLA opposes United States policy in Central America, particularly support for the Contras, its study was directed by an American attorney with excellent legal credentials and experience in Central America. The investigators themselves were for the most part missionaries who were able to speak to victims and eyewitnesses directly. A staff assistant to Vermont Congressman JIM JEFFORDS recently traveled to

Nicaragua to verify some of these accounts.

The WOLA report makes grim reading, containing as it does numerous eyewitness descriptions of violent human rights abuses. The report concludes:

The preponderance of the evidence indicates the continuation of a systematic pattern of gross violations committed by contra forces. * * * The presence of Contra troops in a given locale seemed to give rise to a pattern of indiscriminate attacks against civilian targets, kidnappings, rapes, assassinations, mutilations and other forms of violence.

The third recent study is the book "With the Contras" (January 1985) written by Christopher Dickey, A reporter for the Washington Post. Dickey's materials are somewhat dated, dealing for the most part with events that occurred just after the establishment of the Sandinista government—and especially with the ragtag bands of rebels that operated along the northwest border of Nicaragua. The most notorious of these was the band led by Comandante "Suidica." But Dickey also conveys a graphic impression of the mood and tactics of the Contra bands in the field, which the Amnesty International and WOLA reports leave little doubt continue in great part today. It should be mentioned that, in a perverse twist of irony, the FDN executed Suicida himself to counter the damage that his atrocities had done to their international image.

INADEQUATE RESPONSE BY ADMINISTRATION

As against all this credible—even compelling—evidence the administration has been able to do little to make a case that the armed groups it supports in Nicaragua have not engaged in systematic, violent human rights abuses.

The most comprehensive official statement on this subject is the President's report on Nicaragua submitted to Congress last November 14. This report was required by the provisions in the Foreign Assistance and Supplemental Appropriations Acts which created and funded the Nicaraguan Humanitarian Assistance Program administered by the State Department. In this report, the administration essentially conceded that a significant number of serious human rights abuses are attributable to the Contras and admitted that there still is little systematic information on the situation.

The administration also contends, largely based on a small number of cases which are described in very general terms—and therefore cannot for the most part be independently verified—that the Sandinistas falsify or even fabricate human rights abuses by the Contras. Rather than responding to the need for better information directly, the administration indicates that it expects the Contras themselves—through their umbrella organization the United Nicaraguan Opposition, or UNO—to monitor as well as ameliorate the situation.

Listen to some of the administration's own conclusions:

Some excesses, however, including instances of forced recruitment and summary execution of military prisoners or, in certain cases, Sandinista officials and regime informers, may well have occurred. It is also clear the individual soldiers in the course of combat have committed random abuses or atrocities.

* * * * *

As in any conflict, there has been a serious lack of reliable information on human rights abuses that occur in isolated combat zones. While UNO has begun to record instances of abuse by its personnel, as well as remedial or punitive measures taken in response, such information was not in the past collected on a systematic basis.

* * * * *

In most instances, however, it is not possible to confirm or deny allegations presented by the (Sandinista) regime, a situation that should be partially remedied by more complete information being collected by UNO.

* * * * *

There is reason to believe that the resistance has in the past abducted civilians. Statements from a number of sources who have themselves been taken by the resistance indicate a pattern in which civilian prisoners, under reasonably humane circumstances, are exposed to "political indoctrination" * * *

* * * * *

There have been civilian casualties from resistance attacks, in some cases as a direct result of the Sandinista policy of placing civilians in situations in which they are likely to be endangered during attacks on legitimate military targets.

* * * * *

There is no reliable information to confirm that military prisoners have been executed by resistance forces, although some executions may have occurred.

The report then goes on to describe various UNO efforts to improve the human rights situation, including through instruction, discipline, and contacts with international organizations. One can only hope that these efforts will have a major effect.

The State Department also in late January released a refutation of certain accounts contained in a report written last year by Reed Brody, a Washington attorney whose research was apparently supported by the Nicaraguan Government—"Attacks by the Nicaraguan 'Contras' on the Civilian Population of Nicaragua" (March 1985). Brody interviewed numerous eyewitnesses and victims of Contra attacks and compiled affidavits based on his interviews.

The points contained in the State Department analysis plainly attempt to refute the eyewitness accounts cited by Brody by challenging details or disputing the context; occasionally exaggerations, especially concerning numbers of personnel, are also pointed out. While the administration comments certainly do call into question some of the details they really do not appear to address the core of the charges made against the Contras. (Occasionally the comments are laughable, as for example when descriptions of knife attacks are derided on the grounds that "This runs against the policies of the FDN as an organization (and) FDN troops are normally not equipped with * * * combat knives.")

For the most part, however, the administration's "refutation" relies on a characterization of many attacks as justified because directed against supposed military targets. The writers go through the stories compiled by Brody very carefully, seizing on any details that might indicate that the civilians who were attacked or abused were in or near anything that could be construed as a military target. If Nicaraguan civilians ride with soldiers or in certain government cars or trucks they are apparently considered fair game. Civilian economic, social and political organizations are acceptable targets to the Contras, and also apparently the administration. And according to the administration, anyone who is taken captive by the Contras appear to go willingly.

Mr. President, I had some role in seeing to it that the executive branch prepared these comments on the Brody and other reports that were circulating last spring. Even before the issuance of the three reports, I had indicated on several occasions in the Appropriations and Intelligence Committees, on the Senate floor, and elsewhere my grave concern about widespread human rights abuses by the Contras. When those reports were published, the chairman of the Select Committee on Intelligence and I wrote to the Directors of the CIA, Defense Intelligence Agency, National Security Agency, and State Department Bureau of Intelligence and Research requesting copies of all recent intelligence reports and analysis that had been prepared on the subject of human rights violations by either side in the Nicaraguan conflict. Our letter of March 12, 1985 stated, "Reports of atrocities and other human rights violations by the parties to that conflict will bear importantly in Congress' consideration of any administration request" for assistance to the Contras.

In comments on the Senate floor when the time agreement for the proposed joint resolution reinstituting funding for the Contras was announced on April 4, 1985, I also indicated that there should be an opportunity in the upcoming debate for the Intelligence Committee to present information to the Senate on the allegations of atrocities by the Contras. I also recommended that Members of

the Senate review the classified material that had been received from the intelligence agencies in response to our request.

Mr. President, I was startled to read, an unclassified letter from John McMahon, Acting Director of Central Intelligence, transmitting the Agency's response that the materials were the CIA's "first comprehensive look at this subject, and [that] previous analysis has dealt with abuses only in passing." I am not free to go beyond this quotation in citing from the intelligence documents received by the select committee, which remain classified, but this statement is sufficiently illuminating about the attention the administration has accorded to an issue of grave concern to many Members of this body.

It is clear from the State Department's analysis of the Brody report that the executive branch does not have very good sources of information about the activities of the Contras, especially with respect to human rights. The unclassified comments are plainly based on summaries of Contra operations provided through the chief Contra organizations. For the most part they do not refer to eyewitness or details accounts. It is clear that the original information contained little if any reference to human rights matters, and that further prodding produced little but rationalizations.

Mr. President, I cannot go into the classified, intelligence-based analyses of the human rights situation in Nicaragua. However, I have had staff members of the Intelligence Committee prepare a summary and analysis of the intelligence provided to the committee last spring, and I would encourage other Senators to review this material. But it should be clear that the kind of information the State Department uses for its comments on the Brody report is wholly inadequate to refute the charges against the Contras.

Aside from the generalizations contained in the President's report and the comments on the Brody report circulated by the State Department, the administration has yet to come forward with meaningful on the extent of abuses being practiced by the Contras. Instead, there is an intense effort to divert attention to repression and abuses by the Sandinistas. The Sandinistas certainly deny human rights, especially political and economic rights, to the Nicaraguan people, as all the reports, official and unofficial, make clear. Nevertheless, the weight of human suffering in the ongoing conflict in Nicaragua unfortunately appears to be attributable to the violent abuses of the Contras. And, there is an important distinction to be made about the U.S. attitude toward the abuses committed by both sides. We do not give American aid to the Sandinistas and have little influence over how they treat their own citizens. But the Contras owe their very existence to U.S. support and assistance. This makes us at least partly responsible for how they carry out their insurgency.

PAST STUDIES OF HUMAN RIGHTS IN NICARAGUA

Mr. President, the administration has also not responded convincingly to the earlier reports on Contra human violations. Three reports were published last spring, including by the Americas Watch Committee, "Violations of the Laws of War by Both Sides in Nicaragua 1981-1985" (March 1985); the International Human Rights Law Group and Washington Office on Latin America, "Statement by Donald T. Fox and Michael J. Glennon" (March 7, 1985); and Mr. Brody. The report of Americas Watch, for example, conceded that "both sides in the conflict have committed serious violations of the laws of war." But the group found that "the evidence * * * shows a sharp decline in violations by the Nicaraguan government following 1982," while "in the case of the Contras, serious abuses were committed throughout the conflict."

Like Amnesty International this year, Americas Watch concluded:

> Contra forces have systematically violated the applicable laws of war throughout the conflict. They have attacked civilians indiscriminately; they have tortured and mutilated prisoners; they have murdered those placed hors de combat by their wounds; they have taken hostages; and they have committed outrages against personal dignity.

Americas Watch also concluded that by its association with the Contras, the U.S. Government had "aided and abetted" these abuses.

SANDINISTA "DISINFORMATION"?

Instead of a substantive response to those of us who are revolted by the notion that our good and decent country may be in league with torturers and murderers, we have gotten from some in the administration an attack on our motives and even our patriotism in raising the human rights issue. In recent days, there have been detailed press accounts of intelligence information purporting to show a sophisticated Sandinista campaign to manipulate Congress, the press, opinionmakers and the American people. Evidently, the strategy of certain ideologues in the executive branch is to insinuate that numerous well-meaning Americans who have raised the human rights issue have been unduly influenced by the Sandinista government.

Mr. President, I have already said that I do not consider myself free to describe for other Senators today the contents of the classified intelligence reports that are in the possession of the Intelligence Committee dealing with human rights abuses in Nicargua. I am angry that the administration would feel free to publicize similar reports for political purposes.

MEANING OF THE HUMAN RIGHTS ISSUE

We all are waiting for an administration request for renewed assistance, including military assistance, to the Contras in the amount of $100 million. It is incomprehensible to me how the administration can seek our support for a policy in Central America which has so clearly failed after 5 years of effort. If we cannot control the methods of the Contras, then I cannot understand how we can direct their objectives to suit stated goals of the administration. As I have said over and over, the Contras cannot win, they cannot overthrow the Sandinistas, and the administration's insistence on continuing to support them prevents any meaningful peace process, as the Contradora and Contradora Support Group Foreign Ministers themselves declared publicly in the recent communique of Caraballeda.

Mr. President, if the Sandinistas are guilty of trying to export their revolution, particularly in the forms of arms and other support to rebels elsewhere in Central America, if they are bringing in the Soviets and Cubans and jeopardizing U.S. interests in Central America and throughout the hemisphere, then let us respond to those problems directly. I would support firm action to protect American interests and the rights of the governments and peoples of Central America. But the American people do not support a "secret war" against the Government of Nicaragua, especially a sordid conflict which continues to brutalize the civilian population of that poor country.

WINSTON CHURCHILL AND THE "SINEWS OF PEACE"

Mr. EAGLETON. Mr. President, 40 years ago, Winston Churchill warned of the coming "Cold War" between the United States and her allies and the Soviet Union. Today we may marvel at his powers of reason and foresight, but at the time his remarks sparked outcry and consternation across America and the world. I was one of those fortunate enough to be present to hear Churchill, and the memory remains in my mind as vividly as if 40 years had not intervened.

How did Winston Churchill come to travel from the halls of Westminster, London to the gymnasium of Westminster College in Fulton, MO? It was, in fact, a chance occurrence, helped along by friendly hands. As recounted, in October 1946 Westminster president, Franc "Bullet" McCluer, hit upon a wonderful idea: "Why not," McCluer wondered, "invite Churchill to give this year's Green Foundation lecture?" Churchill planned to be in the United States at the time and pos-

sibly would have time to travel out to Missouri. McCluer must have felt he had a few hole cards. He remembered a schoolmate of his from undergraduate days at Westminster, a football-playing kid named Harry Vaughan, now become an aide to President Truman. Bullet went to Vaughan with his idea, and then in to see Truman. Truman, not so coincidentally a fellow Missourian, penned a note to Churchill at the bottom of McCluer's invitation: "It is a wonderful college in my home state," he wrote, "and if you consent to speak, I will go with you to Fulton and introduce you."

McCluer's invitation, aided by the President's note, fit in well with Churchill's own needs. He accepted the invitation, noting that speaking under Truman's "aegis might possibly be advantageous from several points of view." In not so subtle terms, Churchill was clearly indicating that he had something important to say. Events in the world were moving rapidly, and to Churchill's view, rapidly in the wrong direction.

While Churchill was writing to Truman with his acceptance, America was adjusting to her newly won peace. Millions of U.S. soldiers were coming home in a pell-mell rush to demobilize. In May 1945, America's army numbered some 3.5 million. By March of the following year it had shrunk to 400,000. The end of 4 years of war gave new impetus to the traditional American sentiment of turning inward in times of peace. To millions of Americans, diplomacy and foreign affairs were not the topics of peacetime discussions, but the symptoms of trouble.

Perhaps for the first time in American history, however, a countervailing sentiment was in evidence. There was some conviction, particularly in Washington, that a new era had begun, one that would require the active involvement of America around the globe. Perhaps the most significant signal of this changing opinion was the public conversion of one of the staunchest proponents of American isolationism—Senator Arthur Vandenberg of Michigan. In 1945, he reversed his long-standing opposition to American involvement abroad by declaring, "I do not believe that any nation hereafter can immunize itself by its own exclusive action. I want maximum American cooperation. I want a new dignity and a new authority for international law. I think American self-interest requires it."

If some in America were beginning to see the light in early 1946, then Churchill had already witnessed the dawn. He sensed America's emerging preeminence, and understood that Soviet actions in Eastern Europe were inextricably binding the countries of the region to the side of the Soviet Union. He saw clearly that the new day would bring conflicts between the Soviets and the West. To his mind, the West had to enter those conflicts united in the strongest terms, implacable in its resolve and certain of its abilities and purposes.

All of this was running through Churchill's mind when he accepted Bullet McCluer's invitation. The coincidence of President Truman's involvement and perceived endorsement would be the essential ingredient to insure that his remarks received wide exposure.

On the morning of March 5 I squeezed into a car with four other friends of my father, who somehow obtained a ticket for me, and we set out for Fulton, some 100 miles from my St. Louis home. I was a senior in high school at the time, and had been "let out" on the condition that I report on the speech the next day to my school.

There was scant room in the Westminster gym, but we shoehorned our way into our seats. The body heat thrown off by the crowd made the atmosphere inside a tropical contrast to the blustery mid-Western March outside.

It didn't matter. Churchill was masterful. I have never watched, nor do I ever expect to watch, anyone who equals Churchill's ability to meld writing and delivery. The audience rewarded his performance with long and sustained applause at the conclusion of his remarks.

I would like to tell you that I noted the phrase "iron curtain" and said, "Ah, there's one for the history books." I did not. In fact, the centerpiece of his speech was a call for greater and closer cooperation between the British Commonwealth and the United States. His remarks on Soviet activities and intentions in Eastern Europe seemed intended to buttress his arguments on the need for such cooperation.

Whatever the sum of his remarks, however, it was Churchill's treatment of the Soviets that attracted the most attention. His remarks were a blunt indictment of the Soviet Union, one that struck a discordant note with some Americans. The U.S.S.R., after all, had been our wartime ally, one, we were told, that had borne great suffering and hardship. In 1946, the Soviet Union certainly was not behaving like a friend, but America, at that time, was not fully ready to hear that fact stated so plainly. We were not yet fully ready to accept that the cold war had already begun.

Thereafter, however, we became deeply troubled by Soviet belligerence, by its repressive behavior in Eastern Europe, and by the reports of Communist gains around the globe because we quickly adjusted to the new world that confronted us.

Churchill's address, "Sinews of Peace," was delivered under the auspices of Westminster's John Findley Green Foundation. His speech, although the most renown and widely remembered, was the seventh in a series of lectures begun in 1937 and continued through the present. The series was established to honor John Findley Green, a St. Louis attorney and Westminster graduate, by promoting understanding of economic and social problems of international concern. This year, the Green lecture will be delivered by Vice President Bush. On a personal note, I should say that Mr. Green's grandson, Lewis Green, a distinguished St. Louis attorney, has been my staunch friend and supporter through the years.

I ask my colleagues to join me in tribute to the fine traditions of Westminster College and the Green Foundation Lecture Series, and to remember a time, 40 years ago, when a great man came to Fulton, MO, to deliver a message that echoed around the world.

THE SINEWS OF PEACE

Mr. DANFORTH. Mr. President, 40 years ago, on March 5, 1946, an event of great historical import took place in the small college town of Fulton, MO. Winston Churchill, recently turned out of office as Prime Minister of Great Britain, delivered a speech entitled "Sinews of Peace" at Westminster College, under the auspices of the John Findly Green Foundation Lectureship.

The speech was notable because it exposed to a still too-trusting world the fact of Soviet hegemony over "all the capitals of the ancient states of Central and Eastern Europe." It was, of course, the famous "Iron Curtain" speech—the phrase derived from Churchill's warning that "from Stettin in the Baltic to Trieste in the Adriatic, and iron curtain has descended across the continent." With those words the cold war can be said to have begun.

The theme of Churchill's address was the need for the Western democracies and particularly the English-speaking peoples to stand together militarily to preserve the peace against the Soviets' desire for expansion. "I am convinced that there is nothing they admire so much as strength," he said, "and there is nothing for which they have less respect than for weakness, especially military weakness."

Much has been said of the prophetic nature of these words, and with good reason. But in reviewing this great text 40 years after it was delivered, I would like to focus also on a passage that, while less well remembered, nonetheless has a special resonance today. It comes at the beginning of the speech, when Churchill was warning of "the two gaunt marauders—War

and Tyranny." I will quote here at some length:

We cannot be blind to the fact that the liberties enjoyed by individual citizens throughout the United States and throughout the British Empire are not valid in a considerable number of countries, some of which are very powerful. In these States, control is enforced upon the common people by various kinds of all-embracing police governments, to a degree which is overwhelming and contrary to every principle of democracy. The power of the State is exercised without restraint, either by dictators or by compact oligarchies operating through a privileged party and a political police. It is not our duty at this time, when difficulties are so numerous, to interfere forcibly in the internal affairs of countries which we have not conquered in war. But we must never cease to proclaim in fearless tones the great principles of freedom and the rights of men, which are the joint inheritance of the English-speaking world and which, through Magna Carta, the Bill of Rights, the Habeas Corpus, Trial by Jury and the English Common Law, find their most famous expression in the American Declaration of Independence.

All this means that the people of any country have the right and should have the power by constitutional action, by free, unfettered elections, with secret ballot, to choose or change the character or form of government under which they dwell, that freedom of speech and thought should reign, that courts of Justice independent of the Executive, unbiased by any party, should administer laws which have received the broad assent of large majorities or are concentrated by time and custom. Here are the title deeds of freedom which should lie in every cottage home. Here is the message of the British and American peoples to mankind. Let us preach what we practice and let us practice what we preach.

This is the heroic side of Churchill's vision. When we think of the Iron Curtain speech, we recall a great wartime leader warning us of dangers yet to come—a dark and fearful vision. But the other message in Churchill's speech would be echoed by John Kennedy and others who called for America to hold high the lamp of liberty to the world.

Recently we have seen the end of long and increasingly repressive dictatorships in Haiti and the Philippines. In both, the United States boldly blessed the insurgents at a critical moment for success. By proclaiming "in fearless tones the great principles of freedom and the rights of men," we have helped the peoples of those countries to overthrow tyrants. These have been great and glorious victories.

Forty years ago Winston Churchill warned us of the ambitions of our newest and most dangerous adversary, the Soviet Union. He rightly advised that we maintain a position of military strength, both independently and with our allies, to discourage those ambitions and preserve our freedom. But he also gave us a vision of how we might take the lead among nations in our quest for a peaceful and a freer world. That is a message to be remembered today as well.

IN MEMORY OF PETER R. PEREZ

Mr. CHAFEE. Mr. President I would like to bring to the attention of my colleagues the passing of Peter R. Perez, who died February 9 while recuperating from open heart surgery. Although he was only 40 years old, Peter led a remarkable life and proudly served his country in time of war and peace.

Many on Capitol Hill came to know Peter through his work at the Environmental Protection Agency where he was a powerful driving force behind strong environmental protection policies. He was available to our staffs and Members any time of the day or night to answer questions or provide analysis on complex issues.

Joining the EPA in 1972, he served in the San Francisco office, where his accomplishments in environmental planning and water quality assessment provided a sound basis for the Agency's environmental protection policy in the Western States.

In 1977 he came to EPA headquarters in Washington where he played a major role in the development and enactment of the Comprehensive Environmental Response Compensation and Liability Act of 1980—Superfund—particularly its revenue system. He also coauthored reports on the consolidation of environmental permits programs, water conservation policy and funding of multiple-purpose projects.

Most recently he served as a key policy advisor on the Clean Water Act. As EPA's "point man" handling the reauthorization of this most-important environmental law, he was the crucial link between Agency professionals and congressional staff as well as outside interest groups. His superb knowledge of the clean water program, his ability to present complicated issues in a clear and objective manner, and his gift of selling ideas without promoting himself strongly influenced the thinking of successive EPA Administrators and many on Capitol Hill. His efforts culminated in the passage of clean water legislation in the Senate and the House last summer. Although both those bills are now in conference, the final product will most certainly bear the fruit of his efforts.

Mr. President, Peter not only served his country at EPA, but also in Vietnam, where he served two tours of duty. His two Purple Hearts, seven Bronze Medals and four Air Medals are a testament to his acts of heroism, his resourcefulness and his willingness to risk his life for his comrades. Although his second wound took him out of frontline action, he passed on his knowledge of survival techniques at training camp to others being sent into combat.

Peter Perez was one of these rare, selfless individuals who put his own needs aside to work for the common good of his country and those he served. Perhaps EPA Administrator Bill Ruckelshaus summed it up best: "Peter epitomized all the best things about EPA. He was hardworking, dedicated, diligent, and loyal—an outsanding public servant."

Peter's commitment to environmental protection, to the Nation and our governmental process is an example for every public servant. He will be sorely missed by all those he touched but he will always be remembered for his personal and professional achievements, his integrity, his boundless energy and enthusiams, and his kindness.

THE INDUCTION OF HON. JOHN BRADEMAS INTO THE ACADEMY OF ATHENS

Mr. SARBANES. Mr. President, for 22 years John Brademas served in the House of Representatives as a Congressman from Indiana, and for the last 4 of those years as majority whip. His distinguished career in Congress reflected his life-long devotion to education and educational opportunities, and he was a principal sponsor for more than two decades of virtually all legislation in support of education, the arts and humanities, libraries, and museums. His appointment in 1981 as president of New York University, the Nation's largest private university, was in a sense a logical continuation of his work in the Congress.

It is not surprising that on November 26 of last year John Brademas—the first native-born American of Greek origin to be elected to Congress—was inducted as a corresponding member of the Academy of Athens, thereby becoming one of the academy's 102 corresponding members, of whom 30 are Americans. The modern academy, the most prestigious intellectual body in Greece, was founded in 1929. Its forerunner was the academy of the philosopher Plato, established in 387 B.C. and in truth the first university in the Western World.

In his remarks to the academy following his induction, Dr. Brademas reviewed the state of international studies and research at American colleges and universities, and gave particular attention to the growing interest in our country in courses on contemporary Greece. "Americans," he said, "now recognize not only the greatness of classical Greece, the first love of philhellenes worldwide, but also the glories and richness of the Byzantine era and the many exciting contributions of contemporary Greece." At the same time he called for the creation of a Hellenic Cultural Center in New York City, emphasizing that America's

position in the world as "leader of a coalition of democratic countries" gives Americans a "special responsibility to learn about other peoples and cultures."

Dr. Brademas was presented to the Academy of Athens by Dr. Constantine Tsatos, former President of the republic of Greece, and I ask unanimous consent that the text of President Tsatos' remarks appear in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF DR. CONSTANTINE TSATOS IN PRESENTING DR. JOHN BRADEMAS TO THE ACADEMY OF ATHENS

Leaving Troy, his devastated homeland, Aeneas lifted his father, the aged Anchises, on his shoulders, and, clutching his household goods, he set off by sea to begin a new life in new lands.

This ancient myth symbolizes the fate of all peoples when poverty and persecution send them off across the ocean to begin a new life in a new land and build there a new fatherland, but only if they have within them the strength and will to live, only if they are honorable and brave.

Among those who have suffered this harsh fate, but had deeply rooted within the creative urge, are the Greeks.

From the time when, on the other shore of the Mediterranean, the Phoenicians colonized the area around present-day Marseilles and on beyond into Spain, from the era when the Epirotes and the Kephallonians and other brave Greeks went to the Black Sea, to Odessa, and to Egypt, this centrifugal force sent them to lands where they found ways to create a new life.

For the last hundred years, when the Greek was seeking a better fortune, he chose a land far off where he could satisfy his material needs, but at the same time take with him, as did Aeneas, his household goods and an eternal memory of the ancient fatherland. But above all, he required a country where the ideas of individual freedom and a democratically organized society were deeply planted.

Thus, in the more vigorous ranks of our people, there developed a current toward the United States, a current which gained force and grew strong, and finally became a positive element in the great American democracy.

In the beginning, as was natural, this current operated at the lower levels. This was true with almost all the immigrants of the first generation. The second and third generations, however, rose higher and higher, thanks to the industry of the Greek, when he is living abroad, but also, thanks to the democratic character of American society where, without reference to origin, nationality, religion, or language, industry and honor are rewarded.

THE GOOD GREEKS BECAME GOOD AMERICANS

The good Greeks became good Americans, good business men, and good citizens. And the best of them achieved high office in that great democratic nation.

In former days, we who remained here in the land of our forefathers admired our fellow Greeks who grew rich abroad and sent part of their wealth back to their villages. Now among them we admire also eminent scientists, dynamic political figures, outstanding Greek-American citizens. We marvel, too, at the way the household goods have developed into a great church, a radiant bond which strengthens and honors the Ecumenical Patriarchate and all of Greek Orthodoxy.

Today we have the great good fortune to receive into our ranks one such preeminent American citizen of Greek Orthodox origin. He has achieved one of the highest positions in the American nation as President of New York University and previously for twenty-two years as U.S. Representative in Congress from the State of Indiana: John Brademas.

We are proud of what he has contributed and continues to contribute to the American nation as an American citizen, proud of the high position he has achieved in the life of the United States, always protecting democracy and freedom whenever these grant values are threatened.

A LEADER IN THE HOUSE OF REPRESENTATIVES

As a leader in the House of Representatives, John Brademas made the organization and promotion of education his central interest. After completing his studies magna cum laude at Harvard, he went on to Oxford where he continued to give priority to problems of education. And we must not overlook another line of study: The Anarchist Movement in Spain (1930-37), the results of which he published, also in Spanish (Barcelona, 1974).

After long and brilliant service as Congressman, John Brademas returned to the academic arena, assuming an enviable position in the university world. It would be futile to try to report here all the offices he has held and the long list of his achievements. Still more futile to read a catalogue of the honors bestowed on him by the highest foundations in America, England, and France. I mention only his membership in the American Academy of Arts and Sciences and his election to the National Academy of American Education, both in 1984.

ADMINISTRATOR AND ANIMATING SPIRIT OF NEW YORK UNIVERSITY

Our own Academy has now unanimously elected him a Corresponding Member. So, after many years, this son of Greek forebears returns to the land of his ancestors, but he returns as President of New York University among whose thousands of students there are many Greeks. He has become its administrator and animating spirit.

Here in Greece we do not have this office of university president, and perhaps we do not altogether understand the importance of this post which combines intellectual and political functions. John Brademas offers a rare combination of these two capacities.

Dear Colleague, however much we wish to do so, we cannot escape from our old sins. For twenty-five years you functioned as a political figure, and even today you must remain political.

Let me note two great enterprises which go beyond the bounds, broad as they are, of your activities as an educator.

You are Chairman of the New York State Council for the consideration of such basic matters of taxation and economic policy. Furthermore, you are Chairman of the Board of Directors of the New York Federal Reserve Bank, an economic giant on which vast economic interests of the whole world depend.

These two activities indicate how broad is the sphere of your current influence, far beyond the presidency of New York University.

Dear Colleague, it is always an agreeable moment when we expand our family by recognizing worthy intellectual achievement, but let me assure you that our joy is much enhanced in welcoming an eminent intellectual from the United States who has roots in the Greek soil, one who values both his ancestry and the Greece of today.

But tonight this select gathering is not here to listen to me, but to hear you, our new colleague, and the message you bring us. Truly the subject is one of special interest to all thoughtful Greeks.

THE PLIGHT OF JEWS IN THE SOVIET UNION

Mr. BURDICK. Mr. President, about this time every year, the Student Coalition for Soviet Jewry comes to Washington to lobby Members of Congress on behalf of a group that sorely needs our attention and our help—Jews in the Soviet Union.

I am expecting some of these students in my office tomorrow. On the one hand, we will have something to celebrate—the release of Anatoly Shcharansky and his joyous reception in Israel. On the other hand, our happiness will be tempered by the sad reality that thousands of Jews who desperately want to emigrate remain captives of the Soviet system.

The numbers are all to familiar to us, but they bear repeating, so we never lose sight of the magnitude of the problem. Some 350,000 Soviet Jews have expressed the desire to emigrate—a right to which they are entitled under the Helsinki accords—but a mere 1,140 were granted permission to leave last year. The rest are not only denied their rights to emigrate, they are also subject to harassment and intimidation. Many Jews lose their jobs, and some are imprisoned on trumped up charges. The price these people pay is simply appalling. We can only marvel at their courage and determination.

Mr. President, much has been made of the potential for improving United States-Soviet relations now that Mr. Gorbachev is on the scene. We have reason to hope for progress in the areas of arms control, cultural exchanges, etc. If only we could hold the same hope for the emigration issue.

Last November, 90 Senators signed a letter to the President in which we noted that the issues of peace and human rights are intertwined, and our commitment to both is firm. We pledged to do all we can on behalf of Soviet Jews, and we asked the President to forcefully convey our concerns and commitment to Mr. Gorbachev when they met in Geneva.

We stated then, and would repeat now, that the United States must seize every opportunity to secure an agreement with the Soviets which ensures the emigration of all refuseniks, and the cessation of punitive actions against prospective emigrants and Jews who try to engage in Jewish cultural and religious activities. We will

reaffirm our commitment to these principles when we meet with the student coalition this week.

The year has gotten off to a good start with the release of Mr. Shcharansky, but many more Jews will have to be released by the Soviets if 1986 is to be remembered as a year when real progress was made on an issue of utmost importance to United States-Soviet relations.

TAX REFORM

Mr. ROTH. Mr. President, during the recent recess, I had the opportunity to hear concerns from many constituents regarding tax reform.

The specific formation of the Senate tax reform package is currently being considered in the Finance Committee, but I would like to emphasize to my colleagues another concern of equal importance in this issue.

While we sit here in Washington discussing the pros and cons of taxation, businesses and individuals in Delaware and across America are postponing expansions, stalling sales, and limiting investments. It is impossible for such decisions to be made when for over 14 months the people of our Nation have been waiting to learn under what rules they will conduct business next week and possibly even last week.

I urge this body to look quickly and carefully at tax reform, to make a final decision, and to resist the temptation to alter it annually to allow the American public to make long-term business and investment decisions.

It is also essential that no tax changes be made retroactively. It is clearly unfair to punish individuals on their prior economic decisions. I urge that the earliest effective dates for the new provisions be January 1, 1987 and that other transition rules be adopted as necessary.

WISHING B. OGLESBY WELL

Mr. DIXON. Mr. President, I would like to call the attention of my colleagues to the departure from the White House staff of M.B. Oglesby, Jr., who has served the administration ably and well as Director of the White House Office of Congressional Affairs. I am sure that every Senator has worked with B. Oglesby over the years.

My staff and I have always found B. Oglesby to be efficient and cooperative. We have known him from his days when we were all associated in State government together in Illinois. As a matter of fact, Mr. President, B. Oglesby has enjoyed a career in both government and business. In government, he has had the advantage of both State and Federal experience.

He worked in Illinois State government as assistant to Gov. Richard Ogilvie. He was executive assistant to the speaker of the Illinois House of Representatives. He spent 3½ years in the business field as an executive with Illinois Bell.

Here in Washington, B. Oglesby first served as deputy acting director of the State of Illinois office in its early and formative years. Later he moved over to the Federal level as executive assistant to Congressman ED MADIGAN. He did a tour of duty here in the congressional Chambers as minority staff associate for the House Energy Commerce Committee.

B. Oglesby topped off his Government career in Washington by moving to the White House staff. He will be leaving his post there Friday.

Mr. President, even though B. Oglesby and I are of different political persuasions, we have always been able to work together on a professional level to better serve our fellow citizens of Illinois and the Nation.

My staff and I are sorry to see B. Oglesby leave his job at the White House, but we wish him well in his new duties that he will soon be embarking upon. He will be missed by all of us who have worked with him over the years. We look forward to continuing to work with him in the future, as he adds a new dimension to his already distinguished dual career in government and business. I am sure my colleagues join me in thanking "B" for his past service and in congratulating him on his new post with Bill Hecht & Associates.

RICHARD HOOVER, PRESIDENT, PARALYZED VETERANS OF AMERICA

Mr. DECONCINI. Mr. President, this morning I had the privilege of introducing Mr. Richard Hoover, president of the Paralyzed Veterans of America, to the joint House-Senate hearing on the legislative priorities of three outstanding veterans' organizations: The Paralyzed Veterans of America, the Blinded Veterans of America and the Military Order of the Purple Heart.

By way of introduction, I would like to share with you a little of Dick Hoover's background. After graduating from Utah State University, Dick joined the U.S. Air Force. From 1965 to 1973, Dick had a variety of impressive assignments: Officers Training School, the U.S. Air Force Pilot Training School, the Advanced Air-to-Air Combat School, the U.S. Air Force Aerospace Defense Command, and the Instructor Pilot Training School. During his Air Force career, Dick flew 148 combat missions as an F-4 tactical fighter pilot, 100 of which were over North Vietnam. After ejecting from a disabled aircraft in 1973, Dick suffered a spinal cord injury and was permanently retired from the Air Force in 1975.

Dick's military decorations include the Distinguished Flying Cross, the Air Medal with 12 oak leaf clusters, the Presidential Unit Citation, the Air Force Outstanding Unit Award, the Vietnam Service Medal with two campaign stars, the Air Force Meritorious Service Medal and the Air Force Commendation Medal.

Dick has served his country, the community in which he resides—Tucson—and the Paralyzed Veterans of America with extraordinary distinction. With good reason, Arizona is proud to count Dick Hoover as one of its own.

Mr. President, this morning Mr. Hoover made one of the most moving and articulate statements I have ever had the privilege of hearing during my 6 years as a member of the Senate Committee on Veterans' Affairs. His powerful remarks make the case for the importance of veterans' benefits to those who have given their lives and their limbs during service to this great Nation far better than I could ever hope to do, and I thought they should be shared with all my colleagues. I hope you will take the time to read them prior to voting on the fiscal year 1987 budget for the Veterans' Administration.

Mr. President, I ask unanimous consent that the full text of Mr. Hoover's statement appear at this point in the RECORD.

There being no objection, the presentation was ordered to be printed in the RECORD, as follows:

RICHARD D. HOOVER'S PRESENTATION BEFORE VETERANS' AFFAIRS SUBCOMMITTEE

Chairman Murkowski, Chairman Montgomery, and members of the Senate and House Committees on Veterans' Affairs, I am Richard Hoover, national president of the Paralyized Veterans of America. On behalf of PVA it is an honor for me to present our legislative concerns for 1986.

Mr. Chairman, the budget proposed for fiscal year 1987 is, without a doubt, the most deplorable attack ever performed on veterans programs and benefits. Never before has such a blatant abdication of responsibility to the men and women who have rendered service been proposed. It is an overt attempt to eliminate veterans benefits and preclude veterans access to needed services. I particularly bring to your attention a thorough discussion of specific issues about which we are concerned in our submitted written testimony. Briefly, these areas cover, under medical care, a reduction of over 57,000 outpatient and over 1,100,000 inpatient episodes of care; a reduction of over 7,500 full time equivalent employees which includes over 1,300 nurses and 475 physicians (while admittedly the V.A. turns away almost 40,000 eligible veterans each month for health care); and a failure to properly manage prosthetic and medical research; these, additionally, coupled with the recent action whereby there is a reduction in monies for specially adapted housing, auto grants, and adaptive equipment which serve the most seriously disabled of America's veterans, and in specific instances poor resource management which impacts not

only on efficiency of administrative function, but on health care delivery as well. Although I have highlighted some specific areas of concern, there are others I have not mentioned. We as well have submitted recommendations which we believe may be of interest and possible assistance to these committees in improving the operation of the Veterans' Administration. These opening comments lead me to the thrust of my concern about this administration's philosphy in addressing the entire issue of American veterans.

Mr. Chairmen and members of the committees, in a recent news conference President Reagan was asked about the impact of Gramm-Rudman on the ability of eligible veterans to buy VA homes. Frankly, the President was not responsive to the question and his reply demonstrated a lack of knowledge and a lack of concern about the impact the cutbacks would have on veterans eligible for participation in that program. I think this is an indication of the myopic view that this administration has consistently exhibited in its failure to develop a comprehensive understanding of why veterans programs exist and why in its zeal to accomplish budgetary cutbacks it has wildly swung its monetary saber with total disregard to the people issue which is the original basis for the creation of programs for veterans and their dependents.

Mr. Chairmen and members of the committees, in 1967 I and three close friends: Charles Lane from the wheat fields of South Dakota; Don Kemmerer from the coal fields of Pennsylvania; and Ron Sittner from the streets of New York were sent to Southeast Asia. We had much in common. We were all young fighter pilots, deeply devoted to our country and the principles for which it stands. We supported the right of self-determination for the people of South Vietnam. There was one difference in us. I was single and had no family of my own. Don, Chuck and Ron were married and had very young children. Mr. Chairmen, of the four of us, I was the only one who came back. Don Kemmerer's fighter was blown to pieces by anti-aircraft fire north of the demilitarized zone. Charles Lane and Ron Sittner were killed by the North Vietnamese after being shot down and captured during bombing raids over Hanoi.

As you look out of this group of wheelchairs in front of you, you will see men of diverse backgrounds and histories. They have one thing in common. They all served their Nation. You see Frank Harper, an Oklahoman, who was injured and paralyzed during the invasion of Saipan in World War II; you see Ed Jasper, a Californian and an army veteran shot and paralyzed near the 38th parallel during the Korean conflict; and you see Gordon Mansfield, from Massachusetts and an Army 101st airborne veteran shot and paralyzed during action near Hue during the Tet offensive in Vietnam. You see James Heffernan, also from Massachusetts, who served 24 months with the Third Armored, 45th division in Korea, and was involved in 11 major actions. A recipient of 2 silver stars, 2 bronze stars, 3 purple hearts, and paralyzed subsequent to his service.

Mr. Chairmen and members of the committees, we are in the midst of addressing proposals which have the potential of devastating and long-term effects on veterans and their dependents. As Congress debates the administration's devastating cutbacks affecting veterans, what do we as a nation tell Marsha Kemmerer, Cheryl Lane and Connie Sittner at a time when their children, for whom they have struggled and raised without a father, now need V.A. college education benefits that might no longer exist? What do we tell Frank Harper, Ed Jasper and Gordon Mansfield and James Heffernan when they require V.A. medical care and no beds are available? Are we at a time in our society when we have arrived at a point where making good on the promises that turn citizens into soldiers has grown beyond what a grateful government cares to pay? Have we arrived at the point where the death, disability and sacrifice which has preserved every star and stripe on our flag is of no consequence?

Not long ago I spoke before a group on veterans issues. I began by asking everyone in the audience who was a veteran, who was related to a veteran, or knew a veteran to raise their hand. Every hand in the room went up.

Americans love, respect, and recognize the debt they owe the nations' veterans. They do so because it is to them a people issue and not a program issue. It is their brother, or father, or uncle, or the neighbor down the street. It is the 4th of July, and Memorial Day, and Veterans' Day. It is history teachers in classes across our country teaching how far we have come as a nation and how the Declaration of Independence and the Constitution have been preserved for over 200 years and the cost in human lives and suffering of that preservation. Unfortunately, when we leave those towns, and those days of remembrance and recognition, and the teachers, and come to our Nation's Capital, the issue turns on money and programs, and compassion and people can easily be forgotten.

Chairman Montgomery, in a recent newsletter sent out by your office of the House Veterans' Affairs Committee, you discussed the thorny issues facing veterans and asked for our support, help and assistance.

In this room you see men who have fought in several wars on many battlefields and under varying rules of engagement and rules of war. We have come very close to making that ultimate sacrifice that Charles Lane, Don Kemmerer and Ron Sittner made. Our disability is a reminder of what the maintenance of liberty extracts from a nation.

The war in which we now find ourselves engaged in on a different battlefield, under rules of engagement with which we are not familiar. The battlefield is in our Nation's halls of Government and the generals are the chairmen and members of these two committees. We in PVA can provide support, but the war to be waged on insuring the preservation of care for America's veterans will, in a large part, depend on the strategy and tactics you use in fields with which you are familiar and with rules in which you are expert.

I urge you to consider deeply the people for which the programs were developed. The veterans, their wives, and their children override any other consideration. I urge you to insure the maintenance of health care and benefits for those who have answered the call when the alarm has sounded.

Mr. Chairmen and members of the committees, I urge you to remember as you consider the issues you must address, all the Don Kemmerers and Charles Lanes and Ron Sittners, and what was left behind when their lives were taken. I urge you to remember these wheelchairs before you and the people you see in them, because that is the issue at hand. People, Mr. Chairmen, people is the issue. The administration looks on it as programs and money. Programs and money don't sacrifice and suffer. People do. And in turn for that consideration in your deliberations, Mr. Chairmen and members of the committees, I pledge to you my support and my organization's support in giving any assistance we can provide, for only together can we fight the battles which lie ahead with a probability of success. A success which assures care for people who are veterans, who in turn, have given of themselves to assure freedom for all.

Mr. Chairmen and members of the committees, it has been my pleasure to have this opportunity to testify before you on behalf of the members of PVA. I will be pleased to address any question that I can.

TRIBUTE TO FORMER SENATOR JAMES O. EASTLAND

Mr. DECONCINI. Mr. President, I would like to join with so many of my colleagues in expressing my sadness over the news of the death of Senator Eastland. To his wife Elizabeth, his son and daughters, I extend my sympathy at his passing.

I was privileged to serve with Senator Eastland during my first 2 years in the Senate. At the time, he was the chairman of the Committee on the Judiciary and I was its most junior Democratic member. When I arrived, Senator Eastland had already been chairman of the committee for 20 years and he was then serving in his 34th year in the Senate. I learned many valuable lessons from "The Chairman;" most importantly by his daily actions he exemplified the proper uses of power in a democratic institution. It was his high standards of fairness, competence, and cordiality that earned him the respect of his colleagues who served with him. It also won him respect of parties such as Ralph Nader, who in a study of the Judiciary Committee and other committees of Congress gave Senator Eastland the highest marks for fairness despite disagreeing with him on many issues.

I enjoyed a warm friendship with Senator Eastland. In retrospect, he went out of his way to educate me in the ways of the Senate. I recall that he assigned me to conduct all nominations hearings, typically the task of the most junior Member, but in return for the many hours of mundane work that I put into that work, the chairman didn't forget about me when I struggled to get the attention of the committee on a matter of importance to me.

It has been said by many others also, but nobody can deny that Senator Eastland was a dedicated public servant of unswerving conviction and integrity. He was a quiet, unpretentious man who tried to do right as he saw it. Over the years, I know that Senator Eastland enjoyed close relations with Senators from Arizona who have pre-

ceded me including Ernest McFarland and Carl Hayden. Like them, he was a workhorse, not a showhorse, driven by patriotism and a devotion to country. He will be missed by this institution he served for so long and so well.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. KASSEBAUM). Morning business is closed.

TV AND RADIO COVERAGE OF SENATE PROCEEDINGS

The PRESIDING OFFICER. The clerk will state the pending business.

The legislative clerk read as follows:

A resolution (S. Res. 28) to improve Senate proceedings.

Pending:

Armstrong amendment No. 1592, to strike the language relative to germaneness.

The Senate resumed consideration of the resolution.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I would like to inquire of the distinguished senior Senator from Louisiana, Mr. LONG, as to when he would be ready to have a vote on the motion to strike the provision with respect to germaneness.

Mr. LONG. Madam President, I am familiar with the difficulty of maintaining full attendance in the Senate Chamber to hear a debate. I realize that we may get some messages through by way of the squawk box in some of the offices that would not hear it otherwise. In order to move on with the business, I would be glad to cooperate in helping to bring this matter to a head. The Senator from Louisiana would be pleased.

With any kind of luck, we ought to be able to vote by 2:30. It is now 1:15. Perhaps in about an hour and 15 minutes, assuming that our side would debate about half of the time, that ought to be enough.

Could I ask if the Senator from Colorado would indicate how much time he thinks would be consumed on his side?

Mr. ARMSTRONG. Madam President, if the Senator will yield to me, I think the general time parameter which the Senator from Louisiana has suggested will in fact be entirely satisfactory to Senators on this side. But I think I should point out that a number of Senators will be off the Hill from 2 to 3 to take part in a meeting at the White House. So it would be my opinion that we would not wish to go to a vote until sometime after 3 o'clock. It just so happens that would just about nearly encompass the amount of time we probably need for debate.

I have no objection to a time agreement. I think it is frankly easier and simpler to go ahead and debate the amendment. I think debate will naturally draw to a close shortly after 3 o'clock. If it does not, or if Senators are impatient, it would certainly be timely to move to table, or whatever is the best way.

I assure the minority leader, and other Senators, that there is absolutely no disposition on anybody's part to delay this but only to have a good, though fairly brief, discussion of it, and then move on.

Mr. BYRD. Madam President, I thank both the distinguished Senator from Louisiana, Mr. LONG; the distinguished Senator from Colorado, Mr. ARMSTRONG. It would appear then that the Senate would probably be ready to vote by 3 o'clock or shortly thereafter.

So I hope Senators will prepare themselves for a rollcall vote at about that time.

Mr. LONG. Madam President, the Senator from Louisiana wants to assure the leader that he will be glad to cooperate. If we have not voted on this matter by 3 o'clock, the Senator would be glad to enter into a time agreement to limit ourselves to another 20 minutes or something of that sort if the other side is willing to agree. I think all Senators ought to be on notice that we are planning to vote on this proposal at about 3 o'clock or sometime thereafter.

Mr. BYRD. Madam President, I thank the Senator again, and I compliment him. He is strongly supportive of the language that is in the resolution with respect to germaneness. As a matter of fact, this is a change in the rules which the distinguished Senator from Louisiana has advocated for a long, long time. Yet, he is willing to subject the matter to a vote, willing to abide by the will of the Senate, and not string out the debate. I compliment him. I surely do.

Mr. ARMSTRONG. Madam President, I am not sure who has the floor. I am willing to defer to the Senator from Louisiana, or if he thinks it more orderly for me to state the case in support of my amendment before he proceeds, I will be glad to do that. I defer to his judgment.

Mr LONG. Madam President, I believe it would be more appropriate for me to state the case for the germaneness rule because the Senator's amendment is to strike. I would like to speak in favor of the language in the resolution.

Mr. ARMSTRONG. I think the Senator is correct.

I yield the floor, and look forward to the presentation of his statement.

Mr. LONG. I thank the Senator.

What the Senator from Louisiana wants to see done, as far as the Senator is concerned, is to make it possible for the Senate to have germaneness other than by unanimous consent or by invoking cloture. People in the Nation who look at us on television are going to wonder why, when we have a major, important measure before us—maybe it is a tax bill, maybe it is a budget bill, or something very significant and important to the country—all of a sudden here we go off to argue about busing in schools, here we go off to debate for a period of time on prayer, or the prayer amendment, here we go off on the right to life or equal rights amendment. Why do we not talk about what they are tuned in to hear about? They will wonder why does it take forever to get something done? Why?

For the sake of common sense, if someone tunes in and would like to know what we are going to do, why not vote on the bill, vote on something that has to do with the bill, rather than vote on everything on God's green Earth and talk about everything except what they tuned in to hear about?

This rule would not require everything to be germane. It would only say that when the Senate wants to be germane, the Senate can be germane. It gives the Senate that opportunity.

Madam President, under the rule, as the Chair so well knows, we have it within our power, by majority vote, to make things be be germane with regard to amendments. We have it within our power to vote for cloture. If we vote for cloture, we are under a germaneness rule. So when the Senate is under the germaneness rule, the Chair would not permit the Senate to vote on amendments which are not germane to the bill.

So the Senator seeks, as the rule change proposes, that we would not have to limit Senators to 1 hour apiece, and it would not be necessary to limit the Senate to 100 hours or 20 hours as is being proposed in the other rules change, in order to get a germaneness rule.

All one would need to do would be to propose that further amendments to a measure should be germane. There would be 1 hour equally divided, so both sides would have a half hour to discuss it. Those who sponsor the amendment and those on the other side would each have a half hour to discuss whether we should be germane from that point forward.

If they vote to be germane, they would be.

One of the facets to the germaneness proposal is that that when Senators vote to make everyone be germane in the amendments that they offer, they should be willing to abide by the judgment of the Parliamentarian. That is basically what we are talking about. Senators and Presiding Officers have been extremely scrupulous and proper in following the honest

conscience or advice of the Parliamentarian. May I say we have a fine Parliamentarian, a man of honor. So was our previous Parliamentarian, our previous Parliamentarian and our previous Parliamentarian, all honest men who have not asked the Chair to rule other than as the rules require.

Yet, when Senators seek to overrule the Chair, they can overrule the Parliamentarian 9 times out of 10, especially on germaneness.

Madam President, never in my service here in the Senate have I ever known the Chair to decline to follow the advice of the Parliamentarian on the matter of germaneness. In my 37 years here I have never known the Parliamentarian to advise the Chair other than his own honest, conscientious judgment with regard to the issue of germaneness.

Senators who complain about the matter usually do so because they simply are not aware of what their rights are under the germaneness procedure. If one is to be confronted with a cloture petition today or confronted with a unanimous-consent request, all you have to do is to talk to the Parliamentarian and say, "Here is my amendment. Tell me, if we agree to germaneness, would my amendment be germane to this bill?" The Parliamentarian would advise him whether it would be germane. If he then wants to oppose germaneness, he can oppose it.

If one wants to offer an amendment to a bill and he cannot get 41 votes to resist germaneness, he is not going to be able to get that amendment agreed to anyway. But more often than not, the manager of a bill, and I have frequently found myself in that position, looking at an amendment that is not strictly germane according to the precedents, but that is relevant and appropriate to be offered on a particular bill, almost without exception would be glad to ask unanimous consent that in the event germaneness is invoked, that that amendment would be in order or that that amendment would be considered germane. In either event, it would be in order to vote on the amendment.

Otherwise, the person seeking to offer an amendment not germane to the bill would simply resist and call upon his friends in favor of the amendment to vote against the germaneness until the matter is decided upon. That is not unusual.

When the Senate is seeking to impose cloture, more often than not in the 2 days between the time the cloture petition is filed and we vote on cloture, those who have nongermane amendments bring them in and seek votes on those amendments.

So we would have the same kind of votes to accommodate Members who have amendments appropriate to the bill though not germane according to the strict precedents.

There is one other matter in the amendment which in my judgment would be needed in this regard and in other respects as time goes by. It has to do with the fact that Senators all too often will not vote on the germaneness. Repeatedly, Senators will vote to stultify themselves knowing the amendment is not germane, knowing the Parliamentarian is doing his duty under the law, knowing that the Presiding Officer is doing that person's duty as the good Lord gives him the light to see it. They stultify themselves to say the amendment is germane even though the Chair has ruled to the contrary on the advice of the Parliamentarian.

Why do they do that? They do it because they know the popular support for the amendment; that some of their constituents expect the Senators to vote that way; there are pressure groups around the Nation that favor the amendment and they do not want to be put in a bad light with those groups. So they vote to rule the amendment germane even though they know it is not.

On very, very few occasions has the Senator from Louisiana done that. Maybe once or twice, but seldom.

Madam President, this Senator would have never voted to say that an amendment was germane and to overrule the Chair on a matter of this sort if other Senators would behave themselves. But after you find that people just in droves proceed to vote contrary to their own conviction on that matter, because they agree with the amendment on its merits, sometimes it is easier to go along than to try to explain to people why you would not go along.

To meet that growing problem in this Senate it is proposed in this measure that once you vote to be germane you have to have a two-thirds majority to overrule this Chair.

This will leave a difference between the situation under cloture and the situation under unanimous consent as compared to this germaneness rule. You might say you would have one standard under a germaneness rule voted by the Senate and another standard in the Senate when it voted on cloture.

Is that good or bad? Well, I think it would be very good. You would have a chance to see it both ways. Under this rule, if germaneness is voted, you would have a chance to see how it would work. I predict with confidence, if we try it for a while—and we are talking about a trial period of 100 or 30 days—if we try it for a while, if we try it for those days, or perhaps try it for long enough where you are doing it a few times and see how it works, I have no doubt in my mind that in good time Senators would say that it is best to require that once we agree we are going to be germane and vote it upon ourselves, you would have to have a two-thirds vote to overrule that Chair, because so far the Chair has a perfect record and Senators do not. In fact, I must say that if you look at the average of the Senate itself, the record of the average Senator is not very good. It is almost inexcusable on voting on the germaneness rule, especially when you look at the precedents of the Senate.

So, Madam President, this Senator submits that on both counts, it is worthy of a trial. I am satisfied most Senators will like it.

Several years ago, the Senator from Louisiana was managing a major tax bill. It was one of those things we had to vote on before we could go home. In order to get on with the business, to get out before Christmas, the Senator from Louisiana submitted a cloture motion. He explained at the time that he was not trying to limit Senators to 1 hour; he was not interested in that. He was not interested in limiting the Senate to 100 hours. He was interested only in the benefit of a germaneness rule and that was the only way he could get it. Having submitted that, without much expectation that it would be agreed to, he started telling Senators something that helped a lot. He said that a vote for cloture was a vote to be home for Christmas. May I say, that was about December 1 and it had tremendous appeal to Senators. So they voted cloture.

The Senator from Louisiana, at that time, as manager of the bill, was perfectly willing to ask unanimous consent to give anybody more time, to ask unanimous consent to extend the time or whatever it took to accommodate Senators. But with the benefit of that germaneness rule, we drastically limited the number of amendments that would be offered. No effort was made to keep somebody from offering something that was appropriate or had any place on a tax bill.

The result of offering that was that we were able to get our business done in a week or two. We were able to finish up the business on the tax bill, finish the business of the Senate, and adjourn and get out of here.

Madam President, we need this rule. It helps the Senate to be efficient and to work to the benefit of the people of the country. The rule gives the Senate the opportunity to be germane when it wants to be germane. It is not the purpose of this Senator to suggest that we should be under a germaneness rule on all bills or even on most bills, even on 20 percent of bills. But now and then, the Senate is going to have business that should be acted upon and in those situations, we ought to be willing to give ourselves a tool that does not require unanimous consent.

This rule gives Senators all the latitude they need to protect themselves. They could protect themselves before the germaneness is acted upon or even after. If they feel they have been treated unfairly, they can submit all the amendments they want to, or talk all they want to. But they would certainly not be permitted to submit nongermane amendments.

I hope the amendment to strike is defeated and that the language in the resolution will be accepted.

Madam President, if the germaneness rule is agreed to, I would be happy to support an amendment to the resolution that is before us to assure that at the end of the trial period, Senators would not only be permitted to vote on whether the rules changes should go into effect or be continued, but Senators would be permitted to vote individually on each one of these rules changes, including this one, or even to amend them if they want to do so. The purpose would be to allow Senators, having had a little experience with this rule, to say, we want this to continue. Or even say, we would want it to continue for perhaps 6 months or a year to see how it is working.

There are so many things that should be done in the Senate that we cannot do to improve the efficiency and appropriateness of this body because Senators are afraid to try something. I submit, Madam President, we ought to be willing to try some things, see how they work. If they do not work, get rid of them. If it does work, keep it and then proceed to try something else that might improve the Senate. It is only by trial and error that we find out who is right about some of these things.

The goal of the Senate should be to pass legislation not based on who is right, but based on what is right. Many times we do not know what is right until we have had some experience and an opportunity to try it.

Mr. BENTSEN. Madam President, I defer to the minority leader to ask a question and then shall ask the Senator to yield to me.

Mr. BYRD. I thank the distinguished Senator.

Madam President, if the distinguished Senator from Louisiana will yield, may I remind the Senate that on Saturday, September 29, 1984, cloture was invoked on an amendment constituting the Grove City bill offered to a continuing resolution. When cloture was invoked, that meant that, in addition to other requirements under cloture, nongermane amendments would henceforth not be in order on that amendment throughout the further discussion and action on it.

What happened? A Senator called up an antigun control amendment. I do not remember what that amendment contained, but that is not the point here. That antigun control amendment was called up.

The Chair properly ruled that the amendment was not germane, and the amendment fell. What happened? An appeal was taken from the ruling of the Chair.

Mr. Baker moved to table the appeal and the tabling motion failed, which meant that the appeal was going to carry.

Let me summarize the dilemma in which we found ourselves. It took a three-fifths vote to invoke cloture on the Grove City amendment—60 votes, a supermajority. In fact, cloture had been invoked in this case by the overwhelming vote of 92–4.

So, Madam President, here you had more than three-fifths of the Senate invoking cloture, which under rule XXII requires that further amendments must be germane. Then it became clear that a simple majority could come in and overrule the Chair and permit a nongermane amendment to be in order.

What would have happened if that little scenario had been able to complete its turn? It would have meant that in the future, Senators like me and the Senator from Louisiana might never again vote for cloture. It was going to destroy rule XXII as far as cloture is concerned.

A Senator could not be sure that he would be protected from unknown, unrelated, nongermane amendments that might be offered once he agreed to limit his right to debate by voting to invoke cloture under rule XXII.

We were headed for the cliff, had two wheels of the car over it, and drew back at the last second. The Senate went out.

Between Saturday night and the following Tuesday, October 2, Senator Baker and I and other Senators were able to convince Senators that what they were about to do would destroy rule XXII. We probably would have had a terrible time ever getting cloture again. A unanimous-consent agreement was reached that permitted all the nongermane amendments then pending to be tabled in exchange for the tabling of the Grove City amendment.

Mr. BENTSEN. Will the Senator from Louisiana yield?

Mr. LONG. Let me briefly comment and I will yield to the Senator.

Madam President, no one here has the imagination to think of all the mischief that could happen under a situation where the Senate had voted cloture and someone comes in with an amendment that looks good on its face but that has potential for harm far beyond what any of us could dream at this moment. It could happen when there is only about 1 hour left for debate for all Senators, and it could happen on a bill which has such popular drive behind it there is no way you could defeat the bill once cloture was voted.

I have heard all kinds of illustrations, depending upon individual Senators. I know the Senator from West Virginia has told on occasion of a fight he would make if his State were required to pay the tax that some would invoke by an acid rain amendment and put the extreme requirements to it that could conceivably be urged. He could be denied all those rights by an amendment offered totally nongermane to a bill after cloture had been invoked. Every Senator could think of something that would be a disaster for his State or his part of the country which could happen once cloture had been voted.

Now, we ought to protect ourselves against that type of thing. This amendment would not do it but it would set a precedent and would give us a chance to have some experience with a rule where once having voted to be germane we would stay with it thereafter.

Mr. President, I do not believe there is any situation where one with a meritorious amendment could not find a way to obtain a vote on it one way or another, and usually in fairly short order. The single issue people who offer their amendments, in my judgment, just are in error. Assuming they are right for a moment, Mr. President, I am willing to vote on their issues, be it abortion or gun control or whatever. I am willing to vote on it once a year and I think most Senators are. But to have to vote on various versions of that proposal on different bills many, many times during a session and many times during the following session is really asking too much. We are certainly willing to accord them every consideration, but they do not have a right to have the amendment voted on every bill that passes the Senate. It is just asking too much to expect.

I yield to the Senator from Texas.

Mr. BENTSEN. If the Senator yield for a moment, let me first say that there is no one who knows the rules any better than the minority leader, and I think the Senator from Louisiana would be a close second. To see these two men who know the rules so eminently supporting this kind of a rules change I think gives it a great deal of credibility.

People say, "Well, we are talking about changing, and why should we change a great institution like this one." Well, the reason is because if you go back to when most of these rules were put in, a session was 6 months long and we were citizen legislators. Now you are talking about virtually a year-round session and the pace is incredibly accelerated. We are looking in addition here at some of the most momentous decisions this Senate has ever seen, when we are talking

about the budget, when we are talking about Gramm-Rudman and trying to achieve that kind of a glide path and cutting back on the deficit, when we are looking at something that would have all the ramifications and the breadth and depth of the tax bill and the amendments that will be offered on this floor on that one. What we are talking about is not a limitation on the minority to discuss the issues that are at hand, that are before the Senate. You are talking about trying to avoid what we saw in the hectic days of the close of the last session and the kind of legislation that took place on the farm bill. And we are trying to correct it now this week because of those kinds of pressures.

Then we see the interruptions that take place whether we are talking about school prayer or we are talking about gun control or we are talking about abortion. The Senator from Louisiana said time and time again Members of this Senate—and I have done some of that—voted for something that we knew was really not germane. We have overruled that Chair when we knew that the Parliamentarian had given the best advice that they are capable of giving, and objective advice. But why have we done it? Because some rating organization, some group out there that is going to say it is a substantive vote and that is how we are going to rate you, when you and I know it is a procedural vote to try to make this Senate work effectively and efficiently. That is what we are trying to bring about. No one is for more openness about the work of this Senate than the people who are gathered here today.

I have been for radio in the Senate for a long time. I am willing to consider TV in the Senate, but not unless we can at least, if they say that it is going to be on a trial basis, try some of these changes in the rules at the same time. Let them walk side by side. Let us see if they work. I am not scared to try TV, but I think we ought to try the other at the same time. I am going to push for that. I support that. If we can get these changes, modest as they are, in the rules agreed to by this body, then I will vote for TV in the Senate and we will give that a try, too—put them both on a trial basis.

I congratulate the two Senators for the work they have done. I know it is not easy. I know the concern about change, but it is about time that this body moved into the 20th century and brought about some efficiency and effectiveness in discussing these issues because they are major issues for the country.

Mr. EVANS. Madam President, will the Senator from Louisiana yield?

Mr. LONG. Yes.

Mr. EVANS. Let me see if I thoroughly understand—perhaps the Democratic leader would aid in this also—the potential mischief which could arise under our current rules if carried to their extreme.

Assume for the moment that the Senate has voted cloture and, as the Senator from Louisiana has pointed out, after that time presumably all amendments then must be germane, but we are then operating under essentially a time limit, a time limit of 100 hours under current rules, so once we have closed that barrier we now have limited debate. We have now made it possible eventually to bring something to a vote. After that time an amendment is brought up, clearly nongermane, as was the case pointed out by the Democratic leader. The Senate now has the opportunity by majority vote to declare it germane or to declare it in order and so that amendment is up and available in front of us. Presumably in the shrinking amount of time which then remains in the 100 hours of debate one after another of those amendments which may have a majority of support but which clearly could not gain the 60 percent necessary to get cloture on their own could be added on to this bill one after the other after the other, and unless we do change our rules, there is the open possibility for this kind of total distortion to take place.

Is that a correct understanding of where we are today?

Mr. LONG. That is the way it stands.

May I say to the Senator, when cloture is voted, this proposed rule change would not change that but we would have a rule when we vote germaneness on a bill rather than cloture that it would be the way I think it ought to be, that you would have to have a two-thirds majority in order to overrule the Chair in a situation like that.

Mr. EVANS. It seems to me, regardless of whether we are talking about having television in the Senate or not, a rules change of this kind is important and perhaps vital, lest at some point in the future some one or several Senators decide to use an opportunity for cloture to open up the chance for a whole host of nongermane amendments which may have 51 or 52 supporters to be added on to what would become a rather interesting conglomeration of issues.

Mr. LONG. That is something on which the Senate should act.

The answer that the Senator thinks is correct for this is in this proposal with regard to germaneness. As to those who might fear that perhaps some harm might come from it, may I say that under what I am proposing, they have all the leverage in the world to defend their position. I am just proposing that the limitation on overruling the Chair should be on a new rule that has to do with germaneness, that does not limit the ability of Senators to speak or does not limit the number of amendments they can offer.

In other words, if Senators are not happy about how things are going under the germaneness rule I am suggesting, which was submitted by the minority leader to begin with, they can offer all the amendments they want. They can keep offering amendments. They must be germane. They can, for example, insert the word "not" in the middle of a sentence, which reverses the meaning of the entire sentence.

There is nothing here to say that an amendment cannot be dilatory, nothing to say that they cannot talk forever, only that the amendments must be germane, or it would require a two-thirds majority to overrule the Chair.

I hope the Senate can agree that that is the way it should be and would amend the rule with regard to cloture so that there would have to be a two-thirds majority. Likewise, when a unanimous consent agreement is made for a bill, limiting amendments to those which are germane, there should have to be a two-thirds majority to overrule the chair.

For example, say that we are going to agree to vote on a certain day, at a certain hour, on a bill. Every Senator has a right to protect himself or herself. After that agreement is made, someone brings in an amendment that has nothing whatever to do with the bill, totally nongermane. Whether it be the Senator from Washington or any other Senator, he would be utterly powerless to defend himself unless he had a majority of the votes.

Someone could offer an amendment that is popular on the face of it. A majority could vote for it because they would rather be recorded in favor of it than not in favor of it, even though it is not germane. They could do what I seen many Senators do, and freely confess—proceed to vote on the merits of the amendment to declare it germane, rather than on the germaneness itself. The result is that every Senator opposed to that amendment has done a great injustice. It could not possibly have passed. So, to prevent that kind of mischief from happening, we should be acting on it in the future.

All this amendment would do is to include the part that would say that when you have agreed to germaneness, you have not agreed to a limitation of debate; you have not agreed that you will not offer more amendments; you have not agreed not to be dilatory. You can be as dilatory as you want. But you have to have a two-thirds majority.

Mr. EVANS. One more question to the Senator from Louisiana:

As to the fear of those who may feel that this would be repetitively and frequently utilized, it seems to this Senator that the requirement for three-

fifths of those present and voting to assert germaneness on any bill is, for all practical purposes, about the same as our current requirements for cloture. Most of the time, especially on a proposal of any consequence, we have between 95 and 100 Senators present and voting.

So you are practically at the same point in the voting of cloture, and it seems to this Senator that this would be used very rarely, and only under those important circumstances where it would appear to be necessary.

Mr. LONG. The Senator from Louisiana was chairman of the Finance Committee for 14 years. On one occasion, the Senator sought germaneness rather than cloture because he thought that germaneness was all he really needed in order to pass that bill before Christmas. It worked out exactly that way. I would not think that some other chairman of the Finance Committee would find it much different, that once in a long time he would ask for germaneness.

May I say that germaneness would not give him anything like the advantages he would have under cloture. It would be only when he wanted to ask for a lesser remedy for a problem. Let Senators talk all they want.

At the time this Senator did it, he was willing that any amendment appropriate to that bill could have been offered. He tried to keep out a host of amendments that had nothing to do with the bill. That procedure should be available under other situations.

Put this on the other side for a moment. Let us assume that you want your amendment agreed to, and here is a bill coming through that the President is going to sign. Let us suppose that the manager of the bill was opposed to your amendment and moved for germaneness. If you cannot get 40 Senators to vote against germaneness at that point, you cannot get that amendment agreed to, anyway.

May I cite an example the Senator is familiar with. Some time ago, Mr. LEVIN had an amendment to a revenue bill. Mr. DOLE was managing the bill for the majority. When Mr. LEVIN's amendment was pending, we were discussing it, and it was an amendment appropriate to the bill—not germane, under the precedents of the Senate. The time ran out.

When we voted on cloture, word was passed on the Democratic side of the aisle that if we vote cloture, that would mean Mr. LEVIN's amendment could not be considered. Once the Democrats realized that that was the problem, they thought it would be unfair, so every Democrat voted against cloture, including this Senator, even though ordinarily he would have been willing to vote for cloture, but it had been discussed, and the Senate wanted to vote on it. So we voted cloture down, and it would always be that way, even under this germaneness rule.

What happened then? Mr. DOLE, the manager of the bill, saw that it had enough support and deserved to be considered, so Mr. DOLE offered the amendment on behalf of himself and Mr. LEVIN, and it was agreed to overwhelmingly because, while not strictly germane, it was relevant.

This Senator simply proposes that we should be able to solve a germaneness problem without having to gag the Senate, you might say, with a cloture rule. You would have the opportunity under cloture; but while one had it, let him also think about the mischief which is becoming more and more of a threat.

I am like the Senator from West Virginia: I know that the sponsor of the amendment was in complete good faith. But when that tabling motion by the majority leader, Mr. Baker, failed, this Senator was terrified to think what could happen to the Senate under that rule.

Usually, when we do something bad, we find a way to get the genie back in the bottle. It has been my experience that the best way to get out of a trap is not to go in there to begin with. If you never step inside that trap, you do not have to find a way out of it. So you look down the road and see a problem that would occur. This amendment says that for this purpose you would have to have a two-thirds majority to overrule the Chair.

Mr. EVANS. I thank the Senator. He has been most eloquent. I think he will agree that the sword of Damocles which he talks about is still hanging over our heads, and the thread is getting more and more frayed with each passing day.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BYRD. May I say to Mr. EVANS that the requirement of two-thirds to overrule the Chair when an amendment has been ruled out of order as not being germane, applies only to the amendment offered to rule XV. It is to be found in section 14 of the legislation that was reported back forthwith from the Committee on Rules with certain instructions.

The distinguished Senator from Washington has referred to the need for such an amendment in the cloture rule. May I say that when I first introduced Senate Resolution 38, star print, and it was referred to the Rules Committee, my resolution carried language that would have required a two-thirds vote to overrule the Chair on the question of germaneness. I want to read that. I read from my original Senate Resolution 28. This has to do with rule XXII which is the cloture rule:

Whenever an appeal is taken under this rule from a decision of the Presiding Officer on the question of germaneness of an amendment, the vote necessary to overturn the decision of the Presiding Officer shall be two-thirds of the Senators present and voting.

So in my original resolution, I applied the two-thirds requirement also to the cloture rule for the Chair to be overruled, but the committee, in reporting out my amendment, struck all of my proposed rules changes and left in the measure only that phraseology that provides for television and radio coverage.

So may I just say, in closing, that I very much support a provision in the cloture rule similar to the provision in the germaneness rule which is now being debated.

Mr. LONG. Yes.

Mr. BYRD. But just to make sure that we all understand, if the resolution language requiring a three-fifths vote to rule out nongermane amendments is stricken, along with it will be the provision that requires two-thirds of the Senators present and voting to overrule the Chair.

Mr. LONG. Let me make one more interesting point. Those who would oppose this amendment or at least some of those who oppose this amendment, I am told, do so out of fear of an arbitrary Presiding Officer who might overrule the Parliamentarian and do wrong and be upheld by the Senate by one-third plus one vote.

If that is what they are worrying about I would like them to look at who sponsored the amendment. The original sponsor was Mr. BYRD, the minority leader. The majority does not need any rules. They can defend themselves very easily. It is the minority that needs some rules to defend themselves. That is the minority leader proposing that rule. He is the one who would be victimized more than anyone else by an unruly or unfair Presiding Officer who might overrule the Parliamentarian and do mischief to this body.

The Senator from Louisiana is part of the minority. We are the ones that need rules to protect us, and yet we propose rules that give more leverage and more potential, more effectiveness to the leadership, the majority leadership and their Presiding Officer, because we think when the Presiding Officer is doing what is right he should be upheld.

So those who are worried about arbitrary action by the Senate, let the record show those of us over whom the sword of Damacles would hang. We are the ones proposing it because we are familiar with what it is like to be on the other side of the fence trying to do what is good for the country and being frustrated by a great deal of irrelevance and also by a great deal of irresponsibility, people voting expediency rather than voting their

honest convictions on a procedural matter.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. DURENBERGER). The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I have been here listening to the distinguished Senators from West Virginia and Louisiana. I respect these gentlemen immensely, and I appreciate their long experience in the Senate on this subject matter. I find myself in disagreement and I would like to explain why.

I support the Armstrong amendment that would strike the proposed rule change relating to germaneness. Frankly, I do not understand why the rule change has been really proposed, why this has anything to do with TV in the Senate or is necessary, even though I do agree with the distinguished minority leader that the opportunity is right to make some changes. If germaneness is crucial, cloture can be invoked and then germaneness is in effect. That seems to me to be enough. We already have certain instances where we do require germaneness, the budget resolution and reconciliation are two examples that come to my mind. I do not believe we need another method to invoke germaneness.

The Senate has always differed from the House of Representatives in that it is touted as a deliberative body. Sometimes we make jokes about that because of foolishness that goes on on this floor. But, indeed, we are a body that is able to bring up things that cannot get up on the House floor. That, at least in this Member's mind, is important to this Nation. In this Chamber we take the time and have the opportunity to consider any issue that a Senator might believe is necessary and wish to raise. We can react swiftly to crisis without waiting for a break in the so-called rule that might be governing the debate. A single Senator can raise any issue on the floor if it is important enough to that Senator. We consider not just what the leadership chooses to consider, but every Senator has that right except in a few circumstances when the germaneness is imposed.

The Senate in a way is a microcosm of the United States. We make special efforts to preserve the rights of the minority recognizing that the strength of the majority needs to be tempered by enhancing the opportunities of those of us in the minority. We believe in majority rule, but we also believe that the minority deserves at least to be heard, and then cut off if that is what the majority rules.

I am concerned that the germaneness issue conjures up images of major floor fights on social issues. But this proposed change in germaneness rules speaks not only to the big social issues with absolutely no connection to the underlying bill, but also to the related but not strictly germane amendments. Let me give a few illustrations of the kind of amendments that I believe could be nongermane if this proposal were agreed to:

Say, for instance, that the Senate was considering a bill on terrorism which proposed to increase the number of sky marshals by 500. As I understand the present germaneness rules as they might apply to proposed germaneness rules that an amendment to increase the number of sky marshals above 500 might very well be nongermane.

So we are starting off with no opportunity for a Senator to have the Senate consider some increase in sky marshals if the justification were there. The only option would be to find another vehicle or overrule this germaneness rule that had been agreed to.

If the Senate was considering a bill regarding lemons and oranges I think that we might be prohibited under the germaneness rule from including grapefruit.

In considering a bill to improve air safety by improving airline maintenance, the Senate would not be able to add an amendment to improve air safety by improving standards for air traffic controllers. These may be questioned because the Chair or Parliamentarian makes that ruling. But, indeed, there is ample history here where those rulings have been strictly interpreted as to germaneness and cases such as I have described would not be able to be brought forward.

I could give more examples, but the point is this: We do not need a new germaneness provision. Rather than improving the operations of the Senate, I believe this new proposal would do irreparable harm.

Let me close by assuring my colleagues that I strongly support television in the Senate. My opposition to this proposed rule change is not an attempt in any way to undermine the minority leader. The Senator from Colorado, and many of us who have a common interest here would like to get beyond this and on to the possibility and the reality of having a vote to televise this body in some manner. In fact, I do not believe that this rule change is necessary in order that TV in the Senate come about. I urge Senators to join in this.

It is interesting to note that for the first 50 votes of 1985, calculated by my staff, 10 were nominations, 10 were final passages, 18 were amendments to certain legislation, and 13 of those 18 amendments were nongermane; only 5 of those offered were germane. So it is an important part of this body to be able to offer nongermane amendments.

Now, I am like everyone else. I am not looking for an opportunity to vote on abortion or gun control every time the issues come around. But that is part of the job, we all realize that and that is what we are here to do. We have to vote on those things and we step up to it and we make those decisions, popular or unpopular, based on merit, political pressure, or religious belief, or whatever they may be. That is part of the process.

I defend that, too, because, although I would just as soon not spend all of the time maybe on school prayer when I think it is important that we get to something else, there is no reason that someone, who believes strongly in whatever the issue, should not have an opportunity to have it come up.

But also there are many, many smaller, or let me say less national in nature, issues that a Senator may want to bring us. In my case, I offered a nongermane amendment on the arms sale to Jordan here that we were debating on the supplemental appropriations bill. It was nongermane and I got my head beat in on it, but I felt very strongly about it.

Now, it took probably 2 hours, at most, to go through the debate and to vote on it. There was no germaneness rule being imposed. But if this rule were there, my amendment would have been nongermane. Now, I feel anyone else should have an opportunity to bring such an amendment up.

So, with the greatest respect to my leader and to the Senator from Louisiana for what they are trying to do to improve this place—and, needless to say, they have far more experience than this Senator of 9 years here of trying to make this a workable place so we could get on with the business that is necessary—I really believe it would be a mistake to put this rule in. I hope that the Senate will move favorably on the Armstrong amendment to strike this proposed rule change.

The PRESIDING OFFICER. Who seeks recognition?

Mr. ARMSTRONG. Mr. President, unless someone else desires to speak at this moment, I might just take a brief time to state the case in support of the amendment which my colleague from Arizona [Mr. DECONCINI] and my colleague from Pennsylvania [Mr. HEINZ] and I have offered.

It comes down to a very simple proposition of whether or not the majority of the Senate should deny, or have the power to deny, the minority the right to offer an amendment. I think the answer to that question is, on every philosophical and practical ground, no.

Yet the right of Senators to offer an amendment, at least in certain circumstances, is exactly what would be precluded by the Senate rule on germaneness, which is suggested by our friend

from Louisiana. The proposed new rule on germaneness is part of a package of changes which have been developed really as the quid pro quo of Senators who are only reluctantly willing to let the issue of televising the Senate come to a head some 50 years after broadcast coverage of other legislative bodies began elsewhere.

Now, I am not going to at this moment even get into the thicket of whether any rules changes are necessarily the condition precedent or the sine qua non of televising the Senate. I just want to state that I do not think so; that the best approach to televising the Senate would be to simply say that, starting this afternoon at 3 o'clock, that portion of the gallery or that portion of the gallery would be reserved for the use of anybody that had a television camera and wanted to come in and televise the proceedings of this body. Now, if we did that, it is now 2:15, let me say if we did that, I will tell you we would be on television by 3 o'clock today. The notion that we have to make elaborate preparations in order to get televised is simply not borne out by the facts. Within this building, there are television cameras, and I guarantee you that at least for the period of the novelty there would be those who would like to start broadcasting from here at an early time. I do not think we have to amend the rules in order to permit that.

I do think, however, that there are other rules changes that may be desirable and, on their own merits, deserve to be considered. But that is not the point of my amendment at all. It is not a philosophical question of whether or not rules changes are really the price that we must pay for television coverage. Every Senator can make up their own mind on that. And, while I do not happen to think so, there are some rules changes that I am, nevertheless, prepared to support.

What I am concerned about is that in this amendment we are tinkering around with one of the most cherished, fundamental, bedrock rights of Senators, and because the rights of Senators are affected the rights of those who we represent are also affected.

Germaneness, under our present rules, is invoked through cloture. For most amendments to legislation to be considered in the Senate, there is at the present time no separate requirement for germaneness. There are some exceptions to that, but the general rule, I believe, is nonetheless correctly stated.

The proposed change in rules would allow adoption, by a three-fifths majority of the Senators present and voting, of a motion imposing a germaneness requirement on an amendment, even though cloture had not been invoked.

The pending Armstrong, DeConcini, Heinz, Weicker amendment strikes this proposed new germaneness test. Here is why.

First, often the lack of germaneness rules is the only means by which a minority or a single Senator can gain access to the legislative process and legislative vehicles. A number of Members of the Senate served in the other body and may have had the same traumatizing experience that I did of going day after day, week after week, month after month, and, yes, year after year, unable to present an amendment on the floor of the U.S. House of Representatives because they operate so much of the time under closed rules and also under a requirement of germaneness. Literally on the issues that I cared about, I could not be recognized on the floor of the U.S. House of Representatives to offer an amendment. I even had the experience on at least one occasion of being recognized by the Speaker, who asked: "For what purpose does the gentleman from Colorado rise?" And when I stated the purpose, the Speaker blithely responded: "I do not recognize the gentleman for that purpose."

I am not suggesting and it would really be an abuse of the opportunity I have to speak to even hint that the amendment offered by the Senator from Louisiana has such drastic effect. He is not talking about doing that.

But I am saying to him that many of us have reacted perhaps more strongly to his modest limitation on the rights of Senators than we would otherwise because we have lived in an environment where the rights of Members are so severely limited in the other body.

Now, the point is this: Once the germaneness requirement is imposed, it is virtually impossible to add anything to a bill. As my colleague from Pennsylvania pointed out, and others have mentioned, if you got a bill up that talks about corn and barley and you try to add wheat, you cannot do it because wheat is not, at least in the arcane world of the Senate, germane to the other grains which I have mentioned.

It even turns out, based on a ruling in 1982, that it is nongermane to replace a section of a bill purporting to restate the criminal law with the exact language which it purported to paraphrase.

Let me say that again. In 1982 the Presiding Officer of the Senate upon the advice of the Parliamentarian ruled it was nongermane to replace a section of a bill purporting to restate the criminal law with the exact language which it was purportedly paraphrasing.

At this point the then majority leader, our friend and distinguished colleague Howard Baker, called this peculiar Senate definition of germaneness an anomaly in our procedure, and referred to it correctly in my view as a procedural cul de sac. So narrow is the definition of germaneness that one of the pivotal precedents on the interpretation of the germaneness held that when a section deal—Mr. President, I am wandering from the point I want to make. Let me interrupt myself and get back to that point. We have established the germaneness as a very tough test.

I want to make the larger point which is this: What is at stake here is the right of a minority—even a tiny minority, even one Senator—to raise an issue. This proposed rule provides the majority of the Senate with all of the benefits of cloture with none of cloture's consequences. If germaneness were voted on pending legislation, and cloture were not invoked, there would no longer be the need as required under cloture to file amendments with the desk or stay on the pending legislation before it is completed as is now required.

Mr. President, I want to also point out that I do not subscribe to the notion that nongermane amendments are per se second-class amendments, that they are undesirable amendments, that they are off the wall amendments, that they are frivolous amendments, nor that they are amendments aimed at the grandstand and not serious legislation. It just is not so. Some of the most important legislation of our time has arisen in this Chamber as nongermane amendments to other bills. I have mentioned previously the Gramm-Rudman-Hollings proposal which was nongermane to the matter to which it was subsequently attached and became law, technically nongermane that is.

I also mentioned the Criminal Code provision, a massive piece of legislation that came to the floor as a nongermane amendment. That does not say they might not have been attached anyway, that it might have been impossible for someone to get a 60-vote margin to require and impose germaneness. But it just makes the point that nongermane amendments are not necessarily a bad thing.

I want to in closing, point out that it is not just the general concept of a germaneness requirement to which I object. There are several quite specific aspects of this proposal which I think should give us real doubt.

First, the motion to invoke germaneness can be made twice each and every calendar day. This means repeated votes are possible in 1 day and over several days to strengthen the hands of those who are seeking to invoke germaneness. It could be used—it might not be but it could be used—to harass.

Second, the motion to invoke germaneness is privileged. It can be made on a very short time deadline, and as this proposal is written could easily

catch Senators off guard. It might not happen that way. The better traditions of the Senate would indicate that Senators would be notified, and so on, through the hotline. But it could happen.

Third, the motion to invoke germaneness will only receive 1 hour of debate—a very, very brief time. It is not at all hard to imagine or even to recall circumstances in which a Senator might monopolize that time or a couple of Senators might do so.

Fourth, the motion to invoke germaneness can be approved by three-fifths of Senators present and voting. That is not really analogous to the present cloture requirement which is a constitutional three-fifths.

Fifth, the germaneness requirement can be invoked at any point during the consideration of the bill. There has been some talk of modifying the proposal of the Senator from Louisiana to say well, the germaneness motion would be in order on the first day of consideration, or the second day, or the third day, or not until the expiration of some period of time. I think that would improve it. I would still oppose it. I want to point out that you could make this germaneness motion anytime. The manager could make it during his opening statement if he wished to do so.

Finally, let me point out that once germaneness is invoked, the only nongermane amendments allowed would be ones coming from the committee. This means the Senate—while it is not moving all the way to the House procedure, and far from it, even under the suggestion of the Senator from Louisiana—is moving a long way in the direction of the House procedures.

I have already pointed out the test to determine germaneness is extremely narrow. In fact, I think I am correct in stating that once germaneness were invoked under this amendment, only four types of amendments would be in order.

First, to strike;

Second, to express the sense of the Senate on matters within the jurisdiction of the committee. That means if you have an agriculture bill before us, maybe a bill that is going to take 2 or 3 weeks of debate, and some matter of foreign policy comes up, it would not be, as I understand it, in order to take up a sense-of-the-Senate resolution on that kind of a matter. Perhaps unanimous consent could be granted, but maybe it could not. It would be technically nongermane.

Third, to change a number up or down; and fourth, amendments which narrow the scope of the bill.

Mr. President, I am opposed not only to the general notion which is expressed by the proposal of the Senator from Louisiana, great though my respect, admiration, and affection for him may be, but in addition, even if I were for the general concept, I find this particular proposal full of shortcomings which would nonetheless cause me to vote against it.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise to support the Armstrong amendment, in opposition to that of the distinguished Senator from Louisiana.

I think I probably also rise as the resident expert at being in the minority. When I came to the Senate in 1971 as a Republican, we were in the minority. When the Republicans took over the Senate in 1980, I found myself in the minority. [Laughter.] So I understand what it is like to be in terms of philosophy and partisanship in the minority.

I also understand the extraordinary protections which this body has afforded me to express my views, and I might add not only express them in academic terms but express them in very real terms where today there are substantial parts of the law which I have had a hand in writing. None of that would have been possible under a situation where as a matter of partisanship I was in the minority from 1971 to 1980, and I was as a matter of philosophy in the minority from 1980 to the present time.

The one question that I am asked the most as a former Member of the House of Representatives is what is the difference between the two bodies. Really it does come down to this: From the day I arrived in the U.S. Senate, January 1971 as the youngest and newest Member of this body, the minute I walked through that door I had all the power, I have all the power of the majority leadership, minority leadership, or the Senate as a whole. I have all of that as one person. There are many ways I can exercise it.

One of them is very frankly the raising of legislation which could well be considered nongermane on a bill even though that legislation had not been approved by the committee on which I sat, even if it were not to be approved by the Senate itself, and even if it were not approved by my own leadership or the leadership of the other side.

It serves another purpose, I might add, in the sense that many times such amendments serve as the beginnings of ideas which later come to fruition.

I was listening to the excellent debate on both sides here. I remember during the course of the busing debate making the suggestion that maybe one way out of all of this was to build magnet schools. This was 8 years ago or so. To put our money, in other words, into building schools of excellence where people would want to go.

As most of you in the Chamber know, I certainly have been a staunch defender of the remedies imposed by the Supreme Court of the United States. So I do not want to misstate that I am against busing; I am for whatever remedies that are imposed on those that violate the law.

But I made the suggestion as I was attempting to get at my friends on the other side of this issue, and that, if indeed they did not like busing, maybe we could have magnet schools. And therefore as a part of my amendment I also proposed a tax to pay for those schools. Needless to say, nobody wanted the tax, either.

Well, now, that is an idea that seemed a little silly at the time except now it does not seem so silly, either in terms of the magnet school concept or in terms of the fact if we are going to raise an issue on the floor of the Senate we also ought to be willing to have a concurrent tax to pay for it.

Those are ideas that were proposed out here in the way of amendment 7 or 8 years ago.

Several years ago, during the course of the energy debate, I made a suggestion that possibly one means of conservation might be a gasoline tax, and that we could use that tax to go ahead and reduce the deficit. It was a silly idea at the time, except now, of course, it is one of the main topics of conversation as we seek to reduce the deficit, and we realize the necessity of imposing a conservation ethic in this country.

So the matter of amendment not only includes its value in terms of what can be passed and goes into law, but as in terms also of raising issues which later on could very well become law.

I suppose one of the matters that bothers me the most about the proceedings of Government in this Nation during the past several years has been our attempt to blame the lack of decision, the lack of quality in decision, on the process. The most recent example of that would be the Gramm-Rudman legislation, where we try to find automatic mechanisms, a corporate mechanism, to substitute for individual courage.

In the final analysis, no mechanism can substitute for the men and women in this Chamber that make the decisions so necessary to our continuation as the preeminent nation in this world. I predicted the mischief that automatic mechanism is going to cause now and in the future.

I remember when we thought the appropriations-authorization process was inadequate so we conceived of this budget process. My Lord, what mischief that has caused. It has been used and misused. It has gotten us into much of the waste of time which now precipitates a desire to change the rules.

I joined my friends in the main from the South when I first came to the

Senate in 1971. There was an effort to reform. Many were surprised when I voted to retain the two-thirds requirement to cut off debate. I was thought of as a northeastern liberal Republican, and I should be against the two-thirds requirement in favor of a lower number to cut off debate. I was not. Even then I think I understood what was important to this institution in terms of an individual being able to express his or her views, in terms of the power it represented in that individual by virtue of the rules of the U.S. Senate.

I think the revamping of that rule from two-thirds to 60 percent is much of the cause for the trouble we now face. Once that two-thirds was invoked everybody knew the Senate had made up its mind. But 60 percent was a little less, so the matter continued to be dragged on into what is called a postcloture filibuster.

What I am suggesting to my colleagues is that in this body where we have the opportunity to discuss and persuade each other, no automatic mechanisms, no diminishing of rights, no legislation to substitute for established practical experience—none of these things are going to work. It is that sense of fairness as between and among ourselves that must take hold. It is the feeling that no matter how unpopular the view of one of our colleagues, he or she should be heard because, indeed, they might be right, and if not now maybe in the future. This is what is important in the U.S. Senate.

This Nation wants everything delivered up to it on a fast-food line, whether it is ideas, laws, or whatever. We want to be cured of our ills tomorrow. We want to eat within the next minute. We want the U.S. Senate to go ahead and make its decisions so we can all get to our televisions in time to watch either the soaps or whatever the miniseries is for the evening.

I was appalled, I was absolutely appalled, the other night when I found out that the speech of the President of the United States, the State of the Union Speech, was tailored to some miniseries that was going to appear that same evening.

Some things do take time and do take consideration. Some things are important even if the Nation does not think they are. I can now speak with a great deal of feeling that I and a few others have played a very crucial role in the last several years protecting certain elements of the Constitution of the United States. We would not have been able to do so were it not for these rules that we are discussing here today and on tomorrow, rules protecting the minority.

I do not have allies in terms of numbers either on my side of the aisle or on the Democratic side. My allies are the rules of the U.S. Senate.

In that regard, I do not fear at all for television in the Senate. I think that will be a great ally to a minority, either in terms of its members, its partisanship, or its ideas. The cause pled in the U.S. Senate will then be judged to a far greater extent on its correctness when the Nation hears the arguments.

These matters that I and others, a handful of others, have discussed over the last several years, have long gone out of political vogue: the Constitution, civil rights. These matters do not really make very interesting listening or viewing. They do not make the evening news to any great extent. People are more interested in overthrows of other governments, defense budgets, and all the rest of the things which are far spicier, far more interesting.

I think it absolutely key to the exposition of these ideas to the American people to have an opportunity to see this body and hear these ideas. So, again, I believe television in the Senate would be a great protector of the minority points of view, and I welcome it. I hope that portion of the legislation passes.

Let me give you a little story which I think uses words of a modern jargon, yet the story comes from the past.

On his return from France, at one point it is reported, Jefferson called Washington to account at the breakfast table for having agreed to a second Chamber, "Why," asked Washington, "did you pour that coffee into the saucer?"

"To cool it," said Jefferson.

"Even so," said Washington, "we pour legislation into the senatorial saucer to cool it."

That is part of the job of this body. We are not part of a neat packaging process that involves the House of Representatives, the Senate, and the President.

I remember, and now I speak from my personal point of view, obviously, not as cosponsor of the legislation, when I first challenged my good friend Senator HELMS—who, I might add, is with me on this issue—on the matter of the independence of the judiciary, what he called busing, and what later came to be called by editorial writers court stripping. The press reported that Senator HELMS had offered an amendment and its passage was expected the next day. Everywhere I was criticized, even in my State of Connecticut, for "being for busing."

It took close to 8 to 9 months to have this body and the Nation understand that what was involved was not busing, but, rather, the independence of the judiciary and its maintenance as a separate but equal branch of Government.

Not many people had read their Constitution up to that point, or their constitutional history. It took that much time. I lost the fight, but the battle was won.

The legislative year was up and it died in the House. So on to the other constitutional battles where, for the first time in years, this Nation was forced, by virtue of the length of the debate in this body, to read the Constitution of the United States.

We have expended about everything else that we can in this Nation in terms of our money and hocking our future, but some things I think should be left intact for our children, one of them being the Constitution, even though nobody understands it. To bring that about requires all of those protections embodied in the rules of this Chamber: germaneness, the motion to proceed, the reading of the Journal, all of that.

I have no quarrel, I might add, with those rules changes that are proposed for once issues are resolved. That is what I referred to earlier, that sense of fairness, the sense that once you have had your shot, that is it. Fair enough. I think a postcloture filibuster is an abomination. I say that even though I would lose, in effect, under the cloture. I have had my shot, in effect; be done with it. But I can assure my colleagues that I would have had a futile 15 years in the U.S. Senate were it not for these protections which we are now debating.

I might add, I also find it very demeaning that this is a horse-trading situation between television and Senate rules. But that is the way it comes to us.

Someday, I know—and this is my famous immodesty showing forth—I know that many of you, such as my good friends, BILL ARMSTRONG and JESSE HELMS, are going to be in the minority. And even though it seems that I am fighting for what I believe in now, I can assure them these principles have to last long after the Democrats or Republicans control, long after it is a conservative or liberal philosophy. This is the genius and the greatness of this country and of this Chamber.

I urge that this amendment be approved.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have listened with great interest to my friend from Connecticut, and I remind him and the Senate that the rules changes that I proposed in 1984 and again at the beginning of this Congress did include a means to impose germaneness. I think it is important to note that the rules change before us now does not deal only with germaneness but also deals with the concept of relevancy.

I really do not think that the proposal supported by the Senator from

Louisiana is an unfair one. I think that we ought to keep our eye on the goal, which is to try to see if there is a way in which the overwhelming majority of the Senate—and I am not talking about the Senate on a partisan basis, but the overwhelming majority of the Senate on both sides of the aisle—can determine that it is time to deal with just the issue at hand.

Relevancy, in my opinion, is much broader than germaneness. If Senator LONG's proposal were approved, an amendment that deals with the subject matter of the pending measure would be relevant even though it might not be germane. I do not think that the proposal before us is as narrow as some persons think it is.

But I rise very briefly, Mr. President, to address once again the basic problem of the resolution before us, to determine whether or not the Senate will move, whether we like it or not, into the 21st century along with the rest of the world. We are soon going to be the only public body that is not open to modern means of communication. Here we sit in a capital city that is 3,000 miles from our west coast and a very large population center and 4,500 miles away from my home, and we say that we have the right to conduct public business even though the only public that sees our deliberations is the public that is within driving distance or, on occasion, flying distance of our galleries.

I support the concept of television in the Senate without any reservation because, if for no other reason, I think it would be a great benefit to the people who live on Little Diomede, which is just 3 miles from the Soviet Union's Big Diomede, in the Bering Strait, to be aware of what we are doing here on the floor. We do have televisions out there in the remote areas of our Nation, whether people remember that or not.

I think that just as we insisted and have continued to insist that the mail system of this country be a national system, available to all, we ought to insist that news coverage of events in the public arena be available nationally. The standard should be that if a meeting is open, it is open to the latest means of technology to report on that meeting.

I do not know where my friend from Connecticut stands on television in the Senate. I believe he would be for it. He indicates he probably is. I hope he is; I think he is. We might disagree on germaneness, but I hope we do not disagree on the question of whether it is timely now that we get down to resolving the issue of the coverage of Senate debate by television and to making the radio that is already hooked up available to the airwaves of this country and the world.

I have reluctantly decided that I am going to support my friend from Colorado in his effort to delete the proposal supported by the Senator from Louisiana. That proposal is a good one, and its day will come some time in the future.

Mr. President, I hope the Senate will concentrate today on getting this resolution down to a point where we can get a vote on making available the proceedings of the Senate to the airwaves, first by radio and eventually by television.

In my judgment, that task should have been accomplished a long time ago. By the very fact of doing it, we will have to reexamine, sooner or later, our past procedures and some of the protections that we have used in the past to ensure our individual freedom of action, in order to make certain that the work of the Nation is completed.

I say to my good friend from Connecticut: I remember many times when nongermane amendments have been offered here on the floor of the Senate to intentionally destroy legislation. That to me is something that the Senate ought to be able to prevent. The only way you can prevent it now is to go through cloture. I think that is such a traumatic experience—and it ought to be traumatic—that we ought to find a means to assure that if we have a bill of national significance, we can get down to completing that bill and not let someone standing alone raise an issue that has an effect like the throwing of a bomb into a theater, that just breaks up everybody and prevents us from achieving consensus on an issue of national importance.

So germaneness in my opinion, Mr. President, is something with which we will have to deal. I hope that we deal with it, as the Senator from Louisiana said, with the moderating concept of relevancy attached to it. But for now, along with those who agree with me that it is time to ensure television coverage of the Senate, I will, albeit not enthusiastically, support the amendment of the Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I had not expected to speak again before the vote on this amendment, but I do so briefly for two reasons: First, to thank the Senator from Alaska for his statement and for his decision, though tempered for the reasons he has said, to support my amendment. Frankly, I think it is crucial to have his support on this matter. In fact, as the manager of the bill, his statement carries special weight. But even beyond that because he is known to be such a vigorous advocate to television in the Senate and an authority on rules of the Senate, so I am really grateful to him.

But the other reason why I wanted to rise for a moment was to call attention and really to invite the thoughtful consideration of all Senators, and indeed of everybody who might read this RECORD, of the statement made a very few minutes ago by the Senator from Connecticut. I guess that I must have heard 20,000 speeches in the years I have been in Congress. Sometimes it seems like 20 million, but I have heard a lot of them, as we all have. I think the statement made about 5 minutes ago by the Senator from Connecticut is absolutely one of the finest explanations, really one of the most eloquent and thoughtful presentations of what it means to be a Senator, of what this institution means and particularly how one person who is willing to stand up when the whole crowd is going the other way can make a difference.

I only hope that staffers will clip that portion of the RECORD which contains the remarks of the Senator from Connecticut and lay it on their boss' desk, and I hope there will be Senators motivated perhaps to reprint it and send it out to high school students when they are asked because that really is a statement that is far more in scope even than this important amendment that we are discussing. I could not help thinking as the Senator from Connecticut spoke of what the brilliant journalist Chesterton said to the effect it is a common misconception that an idea has been disproved just because it has been defeated. What the Senator from Connecticut reminds us is that often an idea which is defeated on this floor will in subsequent years become popular and eventually be enacted even if it only gets 1 vote or 2 votes or 3 votes or 10 votes or 30 votes the 1st or 2d or 10th time it is raised, and I think he has really done us a service by making this statement.

Needless to say, I am proud to be associated with him on the pending amendment, but even more than that I think this is a very important and worthwhile statement.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

Mr. LONG. Mr. President, since this is a motion to strike, I think it would be appropriate that those of us who favor the language that would be stricken close the discussion. Someone may speak after me. I need a few minutes to summarize the case for the amendment.

First, Mr. President, the distinguished Senator from Colorado pointed out a number of things with which he takes issue. It is suggested, for example, that when a motion for ger-

maneness is made, you have 1 hour equally divided to debate the germaneness. So far as I am concerned, that kind of thing is no problem. If you want to have a germaneness rule available to the Senate, if you want 24 hours' notice or something of that sort, there is no problem.

The details, from the point of view of the Senator from Louisiana, are not important. The important thing is that if you want to do anything along this line—and that is what I would like to know—it is appropriate to find out on a motion to strike, because if the motion fails, the amendment would be subject to amendment.

So that when you are talking about whether you should debate it for 2 hours rather than 1 hour or be able to make a motion twice in the same calendar day, all those matters are details that are negotiable. So far as I am concerned, I would be glad to go along with the opponents on any reasonable modification, provided that we can agree that we should have a germaneness rule.

We have had a lot of talk about abuses under the rule. With regard to abuses—and there could be abuses of the rule—I would respond that there is no abuse possible under this germaneness rule that would not be a much greater abuse under the cloture rule which is available to us now. In other words, you can obtain cloture in the Senate by a 60-percent margin right now.

The Senator from Connecticut made a very eloquent point to the effect that he does not want to limit the right of Senators. If I were the manager of a bill, which I am not, and I were seeking to pass that bill through the Senate, if I had 60 votes with me, I could vote cloture. When I voted cloture, I would limit your right to speak. You could not speak more than 1 hour. I would be limiting your right to make dilatory motions. I would be limiting debate on the bill to 100 hours. If the amendments go through that are presently before us, I could limit the whole Senate to 20 hours of debate, as the Senate is now limited to 20 hours of debate on a reconciliation bill.

So there is no abuse possible here that is not subject to 10 times the abuse under the cloture rule we have now.

If I am trying to limit the rights of Senators, and I am merely trying to limit those who want to offer amendments to germane amendments, that is minor compared to what is available to me under the rule with the same 60 votes. This proposed rules change does not limit your right to debate at all. You can debate as long as your legs and your lungs and your constitution will hold you to stand up and talk. May I say, Mr. President, that I have done that many times.

Many Senators know the definition of a filibuster, but I am not sure others know it. A filibuster is, by definition, an act of piracy. So Senators are permitted to engage in piracy willy-nilly, at will, any time they want to, on the Senate floor; and the rights we have to put a pirate in his place are pretty severe under the cloture rule.

We all have rights, and I am not seeking to change that. All I am saying is that when the Senate wants to be germane, it should be permitted to be germane, without having to invoke the severe limitations that are available to us under the cloture rule. From time to time, we need it. This Senator does not anticipate that we would use this rule more than once in a long time.

One of those speaking against the amendment was a member of the Appropriations Committee. The Appropriations Committee has a germaneness rule that we do not have in the Finance Committee. In fact, the Appropriations Committee has a germaneness rule that is not available to any committee except the Appropriations Committee. Sometimes they do not like their own rule. What the rule says is that when you offer legislation on an appropriation bill and that is challenged as legislation, you can nevertheless offer an amendment not germane to language that is in the bill. That is the rule we go by. It has been there for many years.

The Appropriations Committee people thought they needed it, apparently. I am not sure how it got there, whether someone was trying to limit the power of the Appropriations Committee or they were trying to limit the power of other Senators to offer amendments on their bill. In any event, it makes sense.

And we have such a limitation as far as the Appropriations Committee is concerned, but on Finance we do not have it. On an appropriations bill, you have got to get a majority to offer a nongermane amendment if it has to do with legislation to change the legislative situation of the country.

So all we are saying is that if 60 Senators are willing to give you the benefit of a germaneness rule in order to get the job done on some measure, that the Senate should be permitted to give you that power, which is a great deal less power than would be available to you if you wanted to invoke cloture to achieve the same objective.

As I say, Mr. President, it has been the good fortune of this Senator, trying to do the Senator's work, to persuade the Senate to invoke cloture just to get us the benefit of a germaneness rule when that is all we really wanted. We did not want to limit the right of anybody to debate. All we wanted to limit it to was the germaneness that is available to the Senate.

Now, it was said we would be tinkering with the rights of Senators. That is what the rules do. That is what rules are all about. They tinker with the rights of the Senators. Sometimes they give you something; sometimes they take it from you.

This would give you some additional advantage to those seeking to pass a bill when they run into a very prolonged debate with all sorts of amendments that have no business being offered to that bill. As I said, we used that approach on a major revenue bill some time ago, and most of us who are here were there at the time we did it. We managed to get out of here for Christmas, and we would not have gotten out before Christmas if we had not had the limitation of that vote on cloture. But on that occasion this Senator explained to the Senate that we did not need cloture in order to limit Senators to speak for 1 hour less. We needed the cloture to confine ourselves to something that Senators could do by germaneness.

This deals with one other item that has not been discussed as much as germaneness, and that is this issue of an appeal of the Chair after, either by unanimous consent or a proposal on cloture, or any other way, someone comes up with an amendment that is not germane. That Senator then proceeds to appeal the ruling of the Chair and is sustained, even though the Chair did his duty and the Parliamentarian did his duty. This may result in an amendment put on and enacted into law that could never have been passed with debate and under the ordinary protections Senators have in this body. The proposed rule would apply only to this limited situation.

But let me just challenge the conscience of Senators. How many times have Senators in this body voted to overrule that Chair when they knew the Chair was doing his duty under the laws and rules of the Senate? How many times have they voted down that honorable, decent man who is our Parliamentarian and they knew that the Parliamentarian was doing what the precedents of the Senate required him to do in advising the Chair that an amendment was not germane?

In that respect, Mr. President, I think I am a sinner, but I am not nearly as much a sinner as most Senators. I would say most Senators are about a hundred times as bad as was the Senator from Louisiana on that subject.

Many, many times the Senator from Louisiana voted to sustain that Chair when, on the merits, he was for the amendment. And many times he has had to explain that to pressure groups and other people lobbying for legislation. The Senator from Louisiana

votes to sustain the Chair when the Chair is right and he votes to sustain that Parliamentarian when he is doing his duty. We ought to have something to say that when Senators have something that could not pass under ordinary procedures; that you cannot do it by letting the Senate agree to a unanimous consent that amendments would be in order, but they have to be germane; or an amendment could be offered under a limitation, but only amendments that are germane could be offered to it, then see that agreement violated by having someone offer an amendment totally out of order and see the Chair overruled, the Parliamentarian voted down, and then see the Senate adopt something. That is just wrong. I am not here to argue about whether it is right on the merits; I am talking about violating the procedural rights of Senators.

That is the biggest abuse in the Senate. It is an abuse and an outrage and a disgrace to democracy for Senators to ask people to agree to unanimous consent to vote on an amendment and to agree that all amendments would be germane to it and then to violate that germaneness requirement and abuse the rights of Senators. That is the greatest abuse possible of the Senate.

This amendment would at least set us on the record as saying that, when you seek to overrule the Chair on a matter of germaneness, you have to have a two-thirds majority.

Now, Mr. President, there has been some suggestion that we must not do this; that if the Chair is violating the rights of a Senator, if the Chair is being arbitrary or unfair, it is suggested that he could do all kinds of mischief to this country by being unfair as the Presiding Officer.

Mr. President, I can recall a time when this was accepted; that the Chair could be more partisan and be excused for being more partisan. I can recall during my service in the Senate that it was sort of expected that the Chair would be favorable to his side in a partisan manner. The Senate has moved in the right direction in that regard.

But in my 37 years here I cannot recall a time ever when the Chair has been at fault in failing to follow the advice of the Parliamentarian on a matter of germaneness—I am just talking about germaneness.

If one is thinking about abuse of the rules, it is the minority that needs the rules. The Senators who are speaking for this amendment happen to be Members of the minority—the minority leader and a Senator in the minority on this side of the aisle. If you are talking about abuse, we are the ones who ought to be worried about it because we are the ones whose rights would be at stake.

We are not worried about it because we feel that this will help the Senate do its job. We know that if you are talking about abuse on matters of germaneness, the abuse is right here where I am standing, right here on the floor, not up there in the Chair, not at the Parliamentarian's desk. It is right here in the Senate itself with Senators, many of them openly confessing their sins, me and others, who repeatedly vote to overrule the Chair when they knew the Chair was doing its duty and knew the Parliamentarian was doing his duty.

This is at least to say that, insofar as this little germaneness proposal is concerned—it would not be used very often, once in a long time, at least in this area—when the Chair is doing his duty, it would take a two-thirds majority to vote him down and overrule him. That, Mr. President, I think ought to be a part of whatever we do with regard to rules. I hope, Mr. President, the Senate does vote down the amendment to strike the proposal before us.

The PRESIDING OFFICER. The Chair would remind the Senator from Louisiana that there has been no call for the yeas and nays.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, it was with great reluctance in the past few minutes that I have informed my friend, the majority leader, that if this amendment does not carry, future debate upon television in the Senate at this time would be meaningless. The odds against being able to work out some sort of compromise with this provision in the resolution are too great. And I say that as one who has twice now offered a similar proposal for changing the rules of the Senate dealing with germaneness.

The goal of starting television and radio coverage in the Senate is the primary reason for having this resolution before us. We cannot achieve that goal if we try, at the same time, to incorporate too many other changes in this resolution.

So, in my judgment, those who support televison in the Senate should support the amendment of the Senator from Colorado even if they feel, as I do, that the Senator from Louisiana has made an excellent case and that his proposal would improve the life of Senators and the work product of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado [Mr. ARMSTRONG]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Maryland [Mr. Mathias] is absent on official business.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from Nebraska [Mr. EXON] are absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—60

Abdnor	Gorton	Mattingly
Andrews	Gramm	McClure
Armstrong	Grassley	McConnell
Boschwitz	Harkin	Mitchell
Bradley	Hart	Murkowski
Chafee	Hatch	Packwood
Chiles	Hatfield	Pressler
Cochran	Hawkins	Roth
D'Amato	Hecht	Simon
Danforth	Heflin	Simpson
DeConcini	Heinz	Specter
Denton	Helms	Stevens
Dixon	Hollings	Symms
Dodd	Humphrey	Thurmond
Dole	Kasten	Trible
Domenici	Kennedy	Wallop
Durenberger	Lautenberg	Warner
Eagleton	Laxalt	Weicker
East	Leahy	Wilson
Garn	Lugar	Zorinsky

NAYS—37

Baucus	Gore	Pell
Bentsen	Inouye	Proxmire
Biden	Johnston	Pryor
Bingaman	Kassebaum	Quayle
Boren	Kerry	Riegle
Burdick	Levin	Rockefeller
Byrd	Long	Rudman
Cohen	Matsunaga	Sarbanes
Cranston	Melcher	Sasser
Evans	Metzenbaum	Stafford
Ford	Moynihan	Stennis
Glenn	Nickles	
Goldwater	Nunn	

NOT VOTING—3

Bumpers	Exon	Mathias

The amendment (No. 1592) was agreed to.

Mr. ARMSTRONG. I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ARMSTRONG. Mr. President, in just a moment, I am going to move that the Senate stand in recess for a brief period. Before I do so, let me first thank all Senators for their thoughtful consideration of the amendment which we have just adopted, which I hope will be the prelude to further action leading to the adoption of a resolution allowing the Senate to be televised. I hope that will come later today, or perhaps on tomorrow.

Mr. President, I should like particularly to say that while a point of view which I espouse, along with the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. WEICKER], and the Senator from Pennsylvania [Mr. HEINZ] and others has prevailed, I want to publicly ac-

knowledge that many of my colleagues who voted with us on this issue did so more because they thought this was not the time and place to handle the question of germaneness rather than acting dispositively. I would like to express my appreciation to them for being helpful in this way.

Mr. President, I want also to say that while I do not agree with and am not persuaded by the arguments put forth by the Senator from Louisiana, I think the problems he has identified are real ones and ones which I hope sometimes we can come to agreement on, without limiting the rights of Senators as this would have done but in some ways that will be helpful.

Mr. President, with the approval of both the majority and minority leaders——

Mr. BYRD. Mr. President, will the Senator yield so I may say just a word in response?

Mr. ARMSTRONG. I am happy to yield.

Mr. BYRD. Mr. President, I congratulate Mr. LONG on the persuasive arguments he made.

Mr. ARMSTRONG. Mr. President, may we have order? I think the statement of the minority leader will be of great interest to all Senators.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, I thank the Chair. I also thank the distinguished Senator from Colorado [Mr. ARMSTRONG].

The vote was 60 to 37 to strike the language in the resolution which was supported, and advocated eloquently by the distinguished Senator from Louisiana, not just today but also going back over a period of years. Some of these who voted to strike would have voted with the distinguished Senator if that provision had not been in this resolution.

They are subordinating that particular language to their desire to support TV and radio coverage of the Senate. I congratulate those Senators who voted that way in order to save the resolution.

I voted with the Senator from Louisiana and I think that as the years come and go, more Senators will find that the position of the distinguished Senator from Louisiana was right. I, too, have served in the House of Representatives before coming to this body, and I pretty well have an understanding of how things are done over there. They are done much differently from the way they are done here.

I want particularly also to congratulate the able Senator from Connecticut [Mr. WEICKER]. I listened to his speech here and in my office where I had to be for a time. I think that was one of the most eloquent, and effective speeches that I have heard since I have been in the Senate.

Mr. ARMSTRONG. Hear, hear.

Mr. BYRD. Let me close by saying that the distinguished Senator from Colorado is to be complimented also. He, too, is trying to move this measure forward. But the Senator from Louisiana feels as strongly about this language in this resolution as does any Senator on this floor, I would venture, about my provision in this resolution. Yet, the Senator from Louisiana was willing to state his case and let the Senate make a decision and work its will. That is what we have seen here. As far as I am concerned, that is true statesmanship.

He did not say, "Well, if you don't do this, I will take my ball and go home and I am not going to play anymore."

He said, "Let the Senate work its will."

I hope that Senator DOLE and I can meet again and possibly come up with a substitute that he and I can support on all fours. I think we are pretty close from what I understand. Senator DOLE and I are going to get together a little later this afternoon. Right now I am meeting with my colleagues on this side of the aisle in a room just off the floor to discuss TV in the Senate and rules changes. The distinguished Senator from Colorado is going to recess the Senate.

Mr. LONG. Mr. President, will the Senator from West Virginia yield to me for just a moment?

Mr. BYRD. Yes.

Mr. LONG. Mr. President, let me say to the Senator I thank him very much for the gracious remarks he said about me. The Senator from Louisiana has been here long enough to have a philosophy that one person on the side of God is a majority. So far as the Senator is concerned, if he loses on something he thinks is right, as far as I am concerned, it is just too bad for somebody else that they did not realize or did not see what is right as early as I did. So in time they will learn, and I am satisfied the wisdom of the Senator from Louisiana will prevail in the end. And if it never does it will not be because I am wrong. So the Senator does not worry.

I urge the Senator, as he discusses this matter with our distinguished majority leader, Mr. DOLE, that he discuss with him the possibility of at least doing something about this matter of appeals from the ruling of the Chair. I did not hear anybody argue or respond to the argument the Senator made that we ought to be doing something about this situation where we enter into unanimous-consent requests that we are going to vote on an amendment and only amendments germane to that amendment, or we enter into unanimous-consent requests that further amendments will be germane and we will limit time and vote on the bill. And when we have done that every Senator has given away his right to defend himself against germane amendments but he never intended to agree to give up his right to defend himself against nongermane amendments.

When cloture is voted that is also a contract among Senators; 60 Senators agree that they will limit themselves to germane amendments. In effect, they have signed a compact to protect other Senators against nongermane amendments once that goes into effect. Yet, Senators have been known to violate that. That is a great threat, as the Senator himself pointed out. I hope that might yet be considered before we put this matter to bed.

Mr. BYRD. Mr. President, I thank the distinguished Senator again.

RECESS UNTIL 4:25 P.M.

Mr. ARMSTRONG. Mr. President, we have had a good afternoon's work. We are not done yet. It is to the credit of the Senate that a debate of this kind has occurred and that we are moving forward on what I believe, if achieved, will be a historic accomplishment, that of televising the Senate.

Mr. President, the Democrats I gather are going to meet with their leader, and in fairly short order it is my expectation that the two leaders will jointly offer a package which will qualify for the support of all, or virtually all Senators. The two leaders have met extensively with Members of both parties, with Members of the pro-rules change caucus and the anti-rules change caucus, with Members of the pro-television but no rules change group, of the pro-television but only if there are rules change organization, and other various, assorted interest groups and hangers-on. The leaders confide to me that they have had all the meetings they can stand, and so I think we are approaching the point of action. In the meantime, I am instructed to ask unanimous consent that the Senate stand in recess for approximately 30 minutes. To make it easy, I should say I ask unanimous consent that the Senate stand in recess until 4:25.

There being no objection, the Senate, at 3:53 p.m., recessed until 4:25 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. EVANS].

RECESS UNTIL 4:40 P.M.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the Senate stand in recess until 4:40 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 4:26 p.m., the Senate recessed until 4:40 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. EVANS).

RECESS UNTIL 5 P.M.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 5 o'clock.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate recessed at 4:40 p.m. until 5 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. EVANS).

Mr. DOLE. Mr. President, I understand that the Democrats are caucusing on TV in the Senate and are about winding down. Maybe we can reach some agreement. In my view, the last vote indicates that we might be able to put together a package here that would pass—it seems to me that that is what we should be attempting to do—a leadership package in which everybody gives some, and we get this resolution behind us. It seems to me that we are very close to getting the resolution agreed to.

I have a meeting with a group of Senators at 5 o'clock, and I hope that as soon as the Democratic caucus ends, I will be able to sit down with the distinguished minority leader, Senator BYRD, and others who have been involved in this matter—the Senator from Colorado [Mr. ARMSTRONG], the Senator from Alaska [Mr. STEVENS], the Senator from Washington [Mr. EVANS], and a number of others on both sides—and go over a package, bring it up, and see what happens.

We have been dragging this bone around long enough, a couple of weeks. I know that the time has not been wasted, because we have been in meetings. There has been a lot of give and take, and I appreciate that. I do not want to give up on this proposal. As the minority leader indicated this morning, we have put in a lot of time and energy, and there is a lot of interest.

So I hope we can come to some conclusion, because we have other items starting to back up on the calendar now. It is my hope that we can dispose of TV in the Senate no later than tomorrow.

I urge my colleagues not to escape too early this evening, because we may be here for a while.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. RUDMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Without objection, it is so ordered.

Mr. DOLE. Mr. President, there will be no more votes this evening.

Mr. President, let me indicate to my colleagues that I would again state that we are very, I think, very close to reaching some agreement on televising Senate proceedings. Hopefully, by tomorrow morning the two leaders can join in offering a substitute which will provide, after a considerable test period which we have not quite agreed on at the time, live coverage of Senate proceedings. There are still a few areas that we need to study, negotiate, whatever.

I think rather than keep other colleagues here this evening, it might be in our interest to recess the Senate so I can visit with the distinguished minority leader and others who have a direct interest in this effort.

Mr. President, I feel certain that we are going to resolve this matter. I feel more certain than ever we are going to resolve the matter, and I feel more certain than ever that it will be tomorrow.

Then we will either want the balanced budget amendment or the Regional Airport Authority.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:49 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate.

H.J. Res. 534. Joint resolution making an urgent supplemental appropriation for the Department of Agriculture for the fiscal year ending September 30, 1986, and for other purposes.

MEASURE HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent, until the close of business February 27, 1986:

H.J. Res. 534. Joint resolution making an urgent supplemental appropriation for the Department of Agriculture for the fiscal year ending September 30, 1986, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2552. A communication from the Chairman of the National Advisory Committee on Oceans and Atmosphere, transmitting, pursuant to law, a report entitled "Shipping, Shipyards, and Sealift: Issues of National Security and Federal Support"; to the Committee on Commerce, Science, and Transportation.

EC-2553. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend section 1303 of the Merchant Marine Act, 1936, to annually permit six additional Panamanian nationals to receive instruction at the U.S. Merchant Marine Academy; to the Committee on Commerce, Science, and Transportation.

EC-2554. A communication from the Acting Assistant Secretary of State (Legislative and Intergovernmental Affairs, transmitting, pursuant to law, a report on the camarena investigation, the investigations of the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico; to the Committee on Foreign Relations.

EC-2555. A communication from the Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting, pursuant to law, a report on the conversion of the protective coating function at Eglin Air Force Base to performance by contract; to the Committee on Armed Services.

EC-2556. A communication from the Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting, pursuant to law, a report on the decision to convert the grounds maintenance function at Chanute Air Force Base, Illinois to performance by contract; to the Committee on Armed Services.

EC-2557. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of certain offshore lease revenue overpayments; to the Committee on Energy and Natural Resources.

EC-2558. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to refund overpayments of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2559. A communication from the Chairman and the Task Force Chairman of the Board for International Broadcasting, transmitting, pursuant to law, the report of the Task Force of the Board for International Broadcasting on Broadcasting to the Jewish Population of the Soviet Union; to the Committee on Foreign Relations.

EC-2560. A communication from the Assistant Legal Advisor For Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to February 21, 1986; to the Committee on Foreign Relations.

EC-2561. A communication from the Acting Administrator of Veterans' Affairs, transmitting, pursuant to law, a report on a change in a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2562. A communication from the Acting Secretary of the Postal Rate Com-

mission, transmitting, pursuant to law, notice of the request of the Commission for an advisory opinion in COD service and an order fixing date for intervention and designating officer of the Commission; to the Committee on Governmental Affairs.

EC-2563. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1985; to the Committee on the Judiciary.

EC-2564. A communication from the Chairwoman of the United States International Trade Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1985; to the Committee on the Judiciary.

EC-2565. A communication from the Acting Administrator of Veterans' Affairs, transmitting, pursuant to law, notice that no activities of the Department of Medicine and Surgery were contracted out during fiscal year 1985; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-564. A resolution adopted by the city commission of Opa-Locka, Florida opposing the deferral of certain Community Development Block Grant Funds; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Banking, Housing, and Urban Affairs.

POM-565. A resolution adopted by the Senate of the Commonwealth of Massachusetts; to the Committee on Banking, Housing, and Urban Affairs.

"RESOLUTIONS MEMORIALIZING CONGRESS, THE SECRETARY OF TRANSPORTATION AND THE URBAN MASS TRANSPORTATION ADMINISTRATION TO DESIGNATE THE OLD COLONY RAIL SYSTEM PROJECT AS A 'REHABILITATION' PROJECT

"Whereas the Massachusetts Bay Transportation Authority Commuter Rail System provides mass transportation services to the citizens of the Commonwealth thereby promoting the economic and social well-being of the commonwealth; and

"Whereas the Old Colony Commuter Rail System is an existing rail system in the Commonwealth of Massachusetts; and

"Whereas the Old Colony Commuter Rail Project is intended to rehabilitate and improve the existing rail system; and

"Whereas the Old Colony Commuter Rail System rights of way are owned by the Commonwealth and were purchased with the assistance of the federal government years ago for the purpose of protecting and developing these commuter transportation routes; and

"Whereas the Southeast Expressway and existing mass transportation services cannot adequately meet the current and future transportation needs of this area of the Commonwealth; and

"Whereas the delay in the implementation of the project would result in more substantial costs, prolonged inconvenience to commuters, continued environmental pollution and further limitations on the economic growth of this area; now therefore be it

"Resolved, by the Massachusetts Senate that the Old Colony Commuter Rail System Rehabilitation Project proceed without delay in the most expeditious manner and furthermore that the United States Department of Transportaton recognize the Old Colony Project as a 'rehabilitation' project and therefore not subject to the Urban Mass Transportation Administration's major capital investment program; and be it further

"Resolved, that a copy of this resolution shall forthwith be transmitted by the Clerk of the Senate to each member of the congressional delegation from this State, to the Honorable Elizabeth H. Dole, Secretary of Transportation, and to Administrator Ralph Stanley, Urban Mass Transportation, 400 Seventh Street, SW, Washington, D.C. 20590.

POM-566. A resolution adopted by the House of Representatives of the Commonwealth of Puerto Rico; to the Committee on Commerce, Science, and Transportation:

"COMMONWEALTH OF PUERTO RICO HOUSE OF REPRESENTATIVES CAPITOL BUILDING

"I, José Ramón Morales, Secretary of the House of Representatives of the Commonwealth of Puerto Rico, do hereby CERTIFY, that the House of Representatives, in its Session of January 30, 1986, and by request of Representatives Jarabo, Ramírez, Santiago-García, Aponte-Hernández, Arrarás, Batista-Montañez, Cabán-Dávila, Calcador-Berríos, Cepeda-García, Colberg-Ramírez, Concepción-Báez, Corujo-Collazo, Mme. Couto-Octaviani, Messrs. Díaz-Gómez, Díaz-Tirado, Fernández-Pacheco, González-Cruz, Granados-Navedo, Mlle. Hernández-Torres, Messrs. Jiménez-Resto, Loperena-González, López-Galarza, López-Hernández, Luciano-Hernández, Maldonado-Vélez, Marrero-Hueca, Misla-Aldarondo, Mundo-Ríos, Muñoz-Arjona, Noriega-Rodríguez, Ortiz-Ortiz, Peña-Quiñones, Pérez-Rivera, Rivera-Morales, Rodríquez-Colón, Rolón-Marrero, Rondón-Tolléns, Rosa-Guzmán, Rosa-Ocasio, Rosado-Báez, San Antonio-Mendoza, Surillo-Rodríquez, Tonos-Florenzán, Torres-Quiles, Torres-Santiago, Varela-Fernández, Mme. Vélez de Acevedo, Messrs. Vélez-Hernández, Velilla-Reyes, Zayas-Bonilla and Zayas-Chardón, passed House Resolution No. 668, which reads as follows:

"RESOLUTION NO. 668

"To express the heartfelt condolences of the House of Representatives of the Commonwealth of Puerto Rico to the President of the United States of North America, the Honorable Ronald Reagan, the Congress, and all of the People of the United States of America for the "Challenger" space shuttle tragedy which occurred on Tuesday, January 28, 1986, in which seven brave astronauts died.

"STATEMENT OF MOTIVES

"The People of Puerto Rico and the House of Representatives have been consternated from the moment they became aware of the horrible tragedy which occurred to the "Challenger" space shutle on Tuesday, January 28, 1986, at the beginning of its historical space flight. Seven brave astronauts aboard the shuttle perished; among them a school teacher who was a pioneer in these heroic efforts by the United States and humanity, to enhance ever-broadening horizons for man's existence.

"The boundless and heroic deed of the men and women who gave their lives in pursuit of knowledge and for humanity in this holocaust should not, and must not be forgotten. Their lives are an example for all of us; particularly for our youth, because the responsibility for a future which has already been indicated and illumined by the brave astronauts who perished, rests on their shoulders.

"The House of Representatives of the Commonwealth of Puerto Rico wishes to express its heartfelt condolences to the President of the United States of North America, the Honorable Ronald Reagan, the Congress of the United States, and all the People of North America for this tragedy. Now, therefore:

"Be it Resolved by the House of Representatives of Puerto Rico:

"SECTION 1.—To express the heartfelt condolences of the House of Representatives of the Commonwealth of Puerto Rico to the President of the United States of North America, the Honorable Ronald Reagan, the Congress of the United States and all the People of North America, for the "Challenger" space shuttle tragedy which occurred on Tuesday, January 28, 1986, in which seven brave astronauts perished; among them, the first woman school teacher representing the teachers of the North American continent, who was part of the crew.

"SECTION 2.—That this Resolution be translated into the English language and individual copies be sent to the President of the United States of America, the Honorable Ronald Reagan, and to the Congress of the United States of North America."

POM-567. A resolution adopted by the Detroit Lithuanian Organizations Center expressing appreciation to the Congress and the President for the designation of "Lithuanian Independence Day"; to the Committee on Foreign Relations.

POM-568. A petition from a citizen of Guanica, Puerto Rico, relating to the classification of residents of Puerto Rico under the Social Security system; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCLURE:

S. 2102. A bill to amend the Strategic and Critical Materials Stock Piling Revision Act of 1979 in order to prescribe the method for determining the quantity of any material to be stockpiled under such act, and for other purposes; to the Committee on Armed Services.

By Mr. McCLURE (for himself, Mr. SIMPSON, Mr. HEFLIN, Mr. KASTEN and Mr. SYMMS):

S. 2103. A bill to clarify the application of the Clayton Act with respect to rates, charges, or premiums filed with State insurance departments or agencies; to the Committee on the Judiciary.

By Mr. HEINZ (for himself and Mr. SPECTER):

S. 2104. A bill relating to the tariff classification of certain work gloves: to the Committee on Finance.

By Mr. GOLDWATER (for himself and Mr. DECONCINI):

S. 2105. A bill to provide for the settlement of certain claims of the Papago Tribe arising from the operation of Painted Rock

Dam and for other purposes; to the Select Committee on Indian Affairs.

S. 2106. A bill to provide for the settlement of certain water rights claims of the Papago Tribe of Arizona and for other purposes; to the Select Committee on Indian Affairs.

S. 2107. A bill to provide for the settlement of certain claims of the Papago Tribe of Arizona arising from the construction of Tat Momolikot Dam and for other purposes; to the Select Committee on Indian Affairs.

By Mr. KASTEN:

S. 2108. A bill to provide that Federal tax reform legislation shall not take effect before January 1, 1987; to the Committee on Finance.

By Mr. CHILES:

S. 2109. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to exempt from Social Security coverage retired Federal judges on active duty; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. LAUTENBERG, and Mr. KERRY):

S. 2110. A bill to establish an Internal Revenue Service publicity campaign and public relations program to encourage voluntary tax compliance, to increase such compliance through improved enforcement activities and strengthened penalties and information reporting requirements, to provide a one-time amnesty from criminal and civil tax penalties owed for certain taxpayers who pay previous underpayments of Federal tax during the amnesty period, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. BYRD, Mr. SIMON, and Mr. EAGLETON):

S. 2111. A bill to amend the Federal Unemployment Tax Act to provide for an additional limitation on the reduction in the credit applicable to employers in certain States which have outstanding loan balances but have a high rate of unemployment; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. PROXMIRE, and Mr. RIEGLE):

S. 2112. A bill to amend section 203 of the National Housing Act to reduce losses under the single family mortgage insurance program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DIXON (for himself, Mr. HARKIN, Mr. GRASSLEY, Mr. PRYOR, Mr. SIMON and Mr. HOLLINGS):

S. 2113. A bill to advance a portion of Commodity Credit Corporation loans to eligible producers, to support the 1986 planting season operation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself and Mr. DOLE):

S. Res. 352. Resolution relating to the commemoration of the bicentennial of the Senate of the United States; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. Con. Res. 110. Concurrent resolution to express the sense of the Congress with respect to the effective date of certain provisions of tax reform; to the Committee on Finance.

S. Con. Res. 111. Concurrent resolution to express the sense to the Congress that any tax reform provisions relating to tax-exempt municipal bonds take effect no earlier than January 1, 1987; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCLURE:

S. 2102. A bill to amend the Strategic and Critical Materials Stock Piling Revision Act of 1979 in order to prescribe the method for determining the quantity of any material to be stockpiled under such act, and for other purposes; to the Committee on Armed Services.

STRATEGIC AND CRITICAL MATERIALS STOCK PILING REVISION ACT

● Mr. McCLURE. Mr. President, today I am reintroducing legislation to prescribe a new method for determining the quantity of any material to be stockpiled under the Strategic and Critical Materials Stock Piling Act. It is vital to our national security that a stockpile realistically and adequately provide us with the proper amount of resources needed in times of national emergency.

Since the inception of the Strategic and Critical Materials Stock Piling Act, the quantity of resources known as stockpile goals needed in times of emergencies has fluctuated. Previous administrations have established zero stockpile goals for numerous commodities only later to reappraise defense requirements and set new goals for these same commodities. These frequent and violent shifts in stockpile goals are costly to the American taxpayer and extremely disruptive to industry where planning for expansion has frequently been deferred due to stockpile sales.

Over the years, the fluctuations have been inexcusable. Neither our country's need nor our foreign dependence for these commodities has been truly considered. Notable critical commodities which have been put on this roller coaster are aluminum, copper, lead, nickel, and zinc. All holdings of aluminum, copper, and nickel, most of the zinc and about half of the lead held by the Government were sold during the period 1963-1975.

Documenting the up-and-down goals of these commodities exhibits the dramatic trends of the roller coaster the Strategic and Critical Materials Stock Piling Act is on. To dramatize this trend I am providing two tables presenting the stockpile goals from 1944 to 1976 for nickel and copper. Both of these tables represent frequent and violent shifts in stockpile goals, and I would like to point out that these are representatives of only two commodities out of 93 covered by the Strategic and Critical Materials Stock Piling Act.

TABLE 1.—*Stockpile goals for nickel from 1944 to 1976*

[In thousands of short tons]

1944	118.0
1950	290.0
1954	450.0
1955	337.5
1958	181.5
1963	50.0
1967	20.0
1969	55.0
1971	0
1976	204.0

TABLE 2.—*Stockpile goals for copper from 1944 to 1976*

[In thousands of short tons]

1944	1,250
1950	2,100
1952	1,100
1954	3,500
1958	1,900
1959	1,000
1963	775
1973	0
1976	1,299

Many of my colleagues will recall these trends and also congressional efforts in the late 1970's to put an end to them. After years of debate and the introduction of numerous bills, Congress amended the Strategic and Critical Materials Stock Piling Act in 1979. I participated in this endeavor and the legislation I am introducing today is a modified version of legislation I introduced in 1981. Portions of the 1981 legislation were incorporated in the final 1979 amendments, but it is still necessary for additional congressional action on this issue. We have not solved the problem of violent fluctuations and this is evident in the 1976 stockpile goals and 1986 disposal legislation recently introduced.

The national stockpile was originally established by the act of June 7, 1939, as subsequently amended by the act of July 23, 1946—50 U.S.C. 9898h. Following World War II, the stockpile policy was to provide sufficient strategic and critical materials to sustain the Nation through a 5-year emergency. This requirement was reduced to a 3-year emergency during the 1960's. In 1973, the administration reduced the stockpile requirement to a 1-year emergency basis and sought legislation to dispose of large quantities of excess materials to balance the budget. However, much of this legislation was not passed by Congress. In 1976 the stockpile planning basis was returned to the first 3 years of an emergency of indefinite duration. A minimum base of a 3-year emergency has not been established legislatively in the Strategic and Critical Materials Stock Piling Revision Act of 1979.

Other important provisions of the Strategic and Critical Materials Stock Piling Revision Act of 1979 include:

First, clarification that the purpose of the stockpile is to provide for national defense and not for economic or budgetary purposes.

Second, authorizing the President to determine stockpile requirements and providing for the first time congressional guidance as to how these determinations are to be made.

Third, creation of a national defense stockpile transaction fund as a separate entity within the Treasury to handle all funds generated by the disposal of stockpiled materials, and from which funding of purchases for the stockpile can be obtained.

These amendments are not enough. The congressional guidance has not affected the continuing and somewhat questionable nature of developing stockpile goals. Presently, the Federal Emergency Management Agency periodically reviews the goals and takes into consideration the recommendations of the Departments of Defense, Commerce, Interior, State, Treasury, and the Central Intelligence Agency. There is no simple formula used to set criteria and no consistency. It is still possible to use the national stockpile for economic or budgetary purposes with this type of subjective development. The proposed stockpile goals as announced in the President's July 8, 1985 national defense stockpile "modernization" proposal leads me to conclude that the national defense stockpile is still being used for the purpose of generating revenue. It should not be used to provide each administration with a slush fund of valuable minerals and materials. It must be used for its true purpose. To provide this country with the strategic materials needed in a national emergency.

Mr. President, my bill today will take us one step closer in achieving this purpose. It will bring a more direct involvement of Congress in the setting of stockpile goals and to more closely tie these goals to our import dependence. The bill provides that the executive branch, through the leadership of the Secretary of Defense, should continue to designate the materials that are needed for the stockpile. But, the bill recognizes that an order of priority exists with respect to the quantity of each material stockpiled and that fundamental to that priority is the dependency and potential vulnerability this Nation has on imports to meet raw material needs.

The United States is obviously most vulnerable to supply difficulties with respect to commodities which it does not produce in any significant quantities. In the bill these materials are designated as class A. Those commodities which represent materials of which the United States has some production but is unlikely to achieve self-sufficiency even with severe rationing or substitution are classified as class B. Finally, those commodities which the United States produces in substantial quantities but for which it has some import dependence are designated as class C. The importance of these designations is that the goals would rely on our foreign dependency. For commodities in class A, the goal would be equal to a 3-year supply of a 5-year average of net imports. For class B, the goal would be a 2-year supply; and for class C, the goal would be a 1-year supply.

The executive branch, through the leadership of the Secretary of Defense, is authorized to designate the classification of the individual commodities under the terms of the bill and in so doing will be expected to calculate average annual United States net imports of each. These calculations will be based on the 5 calendar years immediately preceding and the calculations will be made at least once in each Presidential term.

When stockpile acquisitions are taking place, imports will tend to rise and subsequently, when stockpile liquidations are taking place, imports will tend to fall. Therefore, in calculating net imports, the bill requires that stockpile acquisitions be deducted and that stockpile liquidations be added to arrive at figures not influenced by stockpile activities. This would be accomplished by adding the average annual shipments from Government stockpile excesses of such material made from the stockpile during such 5-year base period.

The bill further recognizes that in some special cases the formula outlined may not yield a result in line with the 1979 amendment requiring the stockpiling of sufficient quantities to sustain the United States for a period of not less than 3 years in the event of a national emergency. It is not the intention of this bill to change the not less than 3-year requirement in event of a national emergency. There is a provision in the bill which allows the executive branch to propose a different goal. However, the administration must come to the Congress and explain the proposed departure. Congress would have 90 days to consider the administration's reasons and would, therefore, become more directly involved in the setting of the stockpile goals. Due to the subjective nature of determining the material needs in a national emergency, congressional oversight will help to eliminate the use of the national stockpile for budgetary purposes.

The following tabulation compares the quantities for certain key materials which are involved in the stockpile program under two alternatives. The first alternative is the stockpile program existing in October 1984 and the second alternative is embodied in the legislative proposal I am introducing today. To explain the executive branch alternative previously mentioned, I would like to concentrate for a moment on the commodity cobalt. Under the October 1984 stockpile alternative, the stockpile goal for cobalt is 85,400,000 pounds. Under my alternative, the goal is 43,382,000 pounds. If the executive branch determines that the 43,382,000 pounds is not a sufficient quantity for the United States in a national emergency, it must justify its reasons to Congress. It would be the responsibility of the administration to present its reasons for why the goal derived from the import formula does not yield a proper result. It will then be the responsibility of the Congress to review the goal and the administration's reasons for proposing a change.

For the purposes of tabulating the quantities for certain key materials as class A, B, or C, I have chosen to use percentages of net import reliance as a percent of apparent consumption. Net import reliance of greater than 65 percent is a class A material; 30 to 65 percent is a class B material; and less than 30 percent is a class C material.

In 1977, when I first introduced the concept of relating stockpile goals to import dependence. I believe this simple procedure would provide stability to the stockpile goals and provide the Nation with the means to realistically and adequately meet the demands required in the times of emergencies. This is essential.

In time of war we must be able to meet our economic, civilian, and defense needs. We are a nation dangerously and costly dependent on foreign nations for raw materials. Presently, of the 32 minerals and materials identified as strategic and critical to the United States in terms of national security, we are dependent on foreign sources in excess of 50 percent for 25 of these minerals. We simply cannot afford to overlook this and expect the current stockpile to realistically meet our needs. What will we do? Will we turn to our allies who have no stockpiles to speak of? Will we depend on continued imports across the sealanes which would be subject to unsafe passage? Will we depend on imports from countries close by whose own demands may infringe upon the quantity of exports it will allow? Excessive dependence is dangerous.

In 1973, during the Arab oil embargo, the Canadian National Energy Board declared that Canadian oil supplies would not be adequate to serve traditional Canadian markets. The Canadian Government therefore imposed export restrictions with the goal of reducing exports to zero by 1983. In addition, an export tax was levied on oil shipments to the United States. The U.S. Senate passed Senate Resolution 249 on January 24, 1974, condemning Canada, along with Venezuela and the Arab oil producing countries, for actions which raised the price of oil.

In subsequent months, however, most American observers came to accept the fact that Canada's energy

supplies were not limitless, and that Canada was within its rights to exercise reasonable prudence in their exploitation. Mineral supplies are also not limitless and we must look at the possibility of such an activity occurring again in the area of mineral import-exports with Canada as well as with other friendly countries. These are issues and questions we must address now, not in a time of national emergency.

In a time of war, our own national economy and foreign relations are a very different proposition than in a peacetime. In war, all countries turn their efforts to military needs and what once might have been exported will remain within existing borders. A country cuts back sharply on the production of automobiles, household goods, residential construction, and may even prohibit entirely the output of certain items. All of this for the sake of meeting one's own demands.

Mr. President, I believe this bill will assist the Nation in being able to meet its own demands in time of a national emergency. I ask each of my colleagues to join me in making sure that this will occur.

I ask unanimous consent that a table relating to my bill and the text of my bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.2102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Strategic and Critical Materials Stock Piling Revision Act of 1986".

SEC. 2. (a) Secton 2(a) of the Strategic and Critical Materials Stock Piling Revision Act of 1979 (50 U.S.C. 98a(a)) is amended by adding at the end thereof the following: "To effectuate this policy determinations shall be made from time to time, as provided in this section, regarding which materials are strategic and critical to the United States and the quantities of such materials that should be stockpiled under this Act.".

(b) Section 2 of such Act is further amended by redesignating subsection (b) as subsection (c) and adding after subsection (a), as amended by subsection (a) of this section, a new subsection (b) to read as follows:

"(b)(1) The President shall appoint an interagency advisory committee chaired by the Secretary of Defense and composed of representatives from appropriate departments and agencies of the Government to determine which materials are to be acquired under this Act and what classification such materials shall be assigned under paragraph (2).

"(2) Materials selected to be stockpiled under this Act shall be classified by the interagency advisory committee provided for in paragraph (1) as being one of the three classes prescribed below, as appropriate:

"(A) Class A materials are those materials not produced in the United States or produced in the United States in limited quantities, that are necessary for the security of the United States, are essential to the economy of the United States, and are primarily obtained from foreign sources.

"(B) Class B materials are those materials produced in the United States but are not available in sufficient quantities in the United States to offer the potential for meeting total domestic needs, are necessary to the security of the United States, are essential to the economy of the United States, and are obtained to a substantial extent from foreign sources.

"(C) Class C materials are those materials produced in substantial quantities in the United States, are available in sufficient quantities to meet total domestic requirements, are necessary to the security of the United States, are essential to the economy of the United States, and are obtained to a lesser extent from foreign sources.

"(3) The quantity of any material to be acquired under this Act (stockpile goal) shall be determined as follows:

"(A) the stockpile goal for any material designated as a class A material designated as a class A material shall be a quantity equal to three years' domestic net imports of such material.

"(B) the stockpile goal for any material designated as a class B material shall be a quantity equal to two years' domestic net imports of such material.

"(C) the stockpile goal for any material designated as a class C material shall be a quantity equal to one year's net imports of such material.

"(4) Subject to appropriate adjustments under paragraph (5), a year's domestic net imports of any material for purposes of clause (A), (B), or (C) of paragraph (3) shall be a quantity of the material equal to the average annual imports of such material during the five calendar years immediately preceding the calendar year in which the determination for the stockpile goal is being made (base period), plus the average annual shipments from Government stockpile excesses of such material made from the stockpil during such five-year base period, reduced by the average annual exports of such material during such five-year base period.

"(5) In determining the quantity under pararaph (4) of any material to be acquired for the stockpile appropriate adjustment shall be made in the computations made under such paragraph in the case of any material which is acquired in both its crude form and in its refined or processed form so as to avoid duplicate calculations with respect to the same material.

"(6) The stockpile goal for any material acquired for the stockpile under this Act shall be reviewed once every four years by the interagency advisory committee referred to in paragraph (1). A revised objective for such material shall be established only if the average annual quantity of imports of such material during the five calendar years immediately preceding the current calendar year increased or decreased by more than 10 per centum of the average annual quantity of such material at the time of the preceding mandatory review under this paragraph.

"(7) Nothing in paragraph (6) shall be construed to prohibit the Secretary of Defense and the interagency advisory committee referred to in paragraph (2) from conducting a review of the stockpile goal for any material at any time other than that prescribed by paragraph (6); but in any case in which such committee determines that the stockpile goal for any material should be computed in a manner other than that prescribed in paragraph (3), the Secretary of Defense shall notify the Congress in writing of that determination and set forth the proposed new formula for computing the stockpile goal for such material. The new formula shall become effective with respect to such material within a period of ninety days after the day on which the Congress was notified by the Secretary of Defense.".

STRATEGIC STOCKPILE: PRESENT STOCKPILE GOALS, HOLDINGS AND McCLURE OBJECTIVES

[Figures in thousands]

Commodity	Class	1984 FEMA goal	October 1984 holdings	McClure legislative goal	McClure deficiency or surplus
Aluminum (short tons)	C	7,150	4,279	367	+3,192
Antimony (short tons)	B	36	38	34	+4
Cobalt (pounds)	A	85,400	46,194	43,382	+2,182
Copper (metric tons)	C	1,000	29	203	−174
Lead (short tons)	C	1,100	601	74	+527
Nickel (short tons)	A	200	32	261	−229
Tin (metric tons)	A	42	186	118	+68

By Mr. McCLURE (for himself, Mr. SIMPSON, Mr. HEFLIN, Mr. KASTEN, and Mr. SYMMS):

S. 2103. A bill to clarify the application of the Clayton Act with respect to rates, charges, or premiums filed with State insurance departments or agencies; to the Committee on the Judiciary.

ANTITRUST DAMAGES CLARIFICATION ACT

● Mr. McCLURE. Mr. President, today I am introducing, along with Senators SIMPSON, HEFLIN, KASTEN, and SYMMS, the Antitrust Damages Clarification Act of 1986. This legislation limits the use of the treble damage remedy against an insurance company that has complied with State law and State regulatory requirements.

In 1945, Congress passed the McCarran-Ferguson Act, which made it clear that the States were to have regulatory authority over insurance matters. The McCarran Act contains a specific exemption to Federal antitrust laws for activities which are regulated by State law and which make up the business of insurance. In response to the McCarran Act, individual States passed legislation creating different statutory systems to regulate the insurance industry. In at least 13 States, rating bureaus are provided for by State statute as a part of the system for regulating the rates to be charged by companies which underwrite title insurance. Similar organizations have been created for other segments of the insurance industry as well.

Rating bureaus are organized pursuant to State law and have assisted State insurance regulators, as well as their member insurers, in complying with State requirements concerning title insurance rate regulation. They collect income and expense data on behalf of their members and file that data, as well as proposing rates for

some or all of the charges for title insurance, with the appropriate State insurance department. The proposed rates undergo review by the State insurance department. Only in compliance with such laws and regulations do title insurance rates become effective. The purpose of these systems of rate regulation is to benefit consumers by assuring reasonable charges and continued financial soundness of insurers.

Mr. President, despite the long history of the McCarran Act and the responsible actions taken by States in response to it, the Federal Trade Commission is now attempting to disrupt the balance.

On January 7, 1985, the FTC filed an administrative complaint which alleged that the participation by title insurers in State-authorized rating bureaus violated the Federal antitrust laws. Immediately following the filing of the FTC complaint, numerous private antitrust actions for treble damages were filed against the same insurers named in the FTC complaint, making virtually identical allegations to those made by the FTC. This subjected title insurance companies to claims for conduct carried on in good faith pursuant to State and Federal statutory authority. The purpose of treble damages is to deter businesses from illegal conduct. The use of treble damages litigation against title companies for their past participation in rating bureaus is fundamentally unfair and entirely inappropriate. These insurers have been acting openly and entirely under State law for years.

For example, in the State of Idaho, title insurance companies withdrew from the State ratemaking bureau to avoid the cost of extended litigation. Their withdrawal forced the Idaho Insurance Commission to freeze rates because they do not have sufficient staff, time, or funding to hold hearings and review each individual application separately. Therefore, a title insurance company cannot raise or lower their rates.

The Idaho Commissioner of Insurance has expressed concern that if this is not changed some companies may be forced to cease all business in Idaho. This would end in fewer and fewer companies issuing policies in Idaho until a real problem of competition would result.

The FTC's actions are particularly troublesome in light of the latest Supreme Court interpretation of the "state action doctrine." On March 27, 1985, in Southern Motor Carriers Rate Conference versus United States, the Court ruled that motor carrier rating bureaus were exempt from the antitrust laws because the relevant state laws had authorized participation in the bureaus. Southern Motor Carriers and title insurance rating bureaus have similar characteristics, yet the FTC and private plantiffs continue to proceed against the title companies.

The bill I am introducing today, Mr. President, deals with this situation in a very limited manner. The bill simply removes the threat of treble damage liability for insurance companies that are operating under State insurance regulations. The bill does not limit the ability of Government agencies or private parties to obtain injunctive relief with respect to the future conduct of State regulated businesses.

I strongly believe that the question of FTC jurisdiction should be addressed. I intend to pursue that as a separate matter at a later time. However, the intent of Congress that the business of insurance is a State regulated matter should be made clear. I urge my colleagues to cosponsor this bill and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be entitled the "Antitrust Damages Clarification Act of 1986".

SECTION 1. No damages, costs, or attorney's fees shall be awarded under section 15, 15A, or 15C of title 15, United States Code, with respect to the establishment or use of any rate, charge, or premium filed with a State insurance department or agency; or authorized, approved or permitted to become effective pursuant to the insurance laws of that State.

SEC. 2. Nothing contained in section 1 of this Act is intended to alter or affect the ability of any person or any governmental agency to obtain injunctive relief, with respect to the establishment or use of any such rate, charge, or premium.

SEC. 3. Section 1 shall apply to all cases pending on the effective date of this Act.●

● Mr. KASTEN. Mr. President, I rise in support of my colleague from Idaho, Mr. MCCLURE, who today is introducing important and much-needed legislation to clarify the application of the Clayton Act as it applies to rates, charges, and premiums filed with State insurance departments.

The Antitrust Damages Clarification Act is especially vital to the title insurance industry. That industry has lately been confronted by a spate of treble damage suits arising from a Federal Trade Commission complaint issued in 1985. In the complaint, the FTC charged that the rating bureau activities that title insurers are often required by State law to engage in constitute price-fixing.

Clearly, the objective of the FTC complaint was to use the litigative process to reduce the scope of the McCarran Act's antitrust exemption. If the complaint is upheld by the courts, it would place many title insurance companies between the rock of judicial interpretation of Federal law and the hard place of the laws of the many States that have created rating bureaus for the express purpose of regulating the rates that title insurance underwriters can charge.

Moreover, there is the matter of the treble damage actions now pending against many of these insurers, in large part because of the FTC complaint. Regardless of one's feelings on which of the activities of title insurers constitute the business of insurance as defined by the McCarran-Ferguson Act, it seems obviously inequitable to subject title insurance companies to ruinous treble damage suits for past practices, engaged in in good faith, that might now be deemed inconsistent with appropriate policy in this area. This legislation leaves open injunctive relief as a remedy for those who feel they have been victimized by price-fixing or other abuse of State-regulated insurance rates or charges.

Mr. President, I am pleased to join Senator MCCLURE in introducing this legislation, and urge my colleagues to support this reform.●

By Mr. HEINZ (for himself and Mr. SPECTER):

S. 2104. A bill relating to the tariff classification of certain work gloves; to the Committee on Finance.

TARIFF CLASSIFICATION OF CERTAIN WORK GLOVES

● Mr. HEINZ. Mr. President, this bill is needed to clarify the definition of textile work gloves in the Tariff Schedules of the United States, for the following reasons.

THESE WORK GLOVES HAVE MAINTAINED THE ESSENTIAL CHARACTERISTIC OF A TEXTILE PRODUCT

This bill is needed because these work gloves—constructed of a cut-and-sewn textile fabric which is coated, filled, impregnated or laminated, in whole or in part, with rubber or plastics or constructed of a textile lining or shell dipped in or impregnated with rubber or plastics—have maintained the essential characteristic of a textile product. While rubber or plastic may form the outer surface of the product, the textile material—either on the internal or external surface—is essential to the product's characteristic. Indeed, of all wearing apparel articles constructed of such materials, work gloves are the only articles in which the textile material forming the internal surface is designed to be in contact with the wearer's skin. What touches the hand and gives the product definition is the textile lining or backing of a glove. As such, the gloves have maintained the essential characteristic of a textile product.

SOME WORK GLOVES ARE BEING CONSTRUCTED IN SUCH A MANNER AS TO AVOID HIGHER TARIFFS AND TEXTILE QUOTA RESTRAINTS

This legislation is also needed to thwart attempts to circumvent current textile glove classifications due to, first, the differences in current tariff rates for textile work gloves compared to rubber or plastic work gloves and, second, the quotas on textile products under the Multifiber Arrangement [MFA].

Notably, U.S. imports of textile work of gloves coated fabric or dipped supported gloves—with seams—more than doubled between 1983 and 1984 and again doubled in 1985. Imports of seamless dipped supported gloves also increased substantially.

With some products, coating, laminating, filling, dipping, or impregnating with rubber or plastics will be used to avoid paying the higher duty on a glove wholly of textile materials, as well as to avoid coverage under a bilateral quota under the MFA.

This legislation eliminates the uncertainty as to what is a textile work glove.

CUSTOMS HAS DIFFICULTY IN THE UNIFORM ENFORCEMENT OF ITS OWN DIRECTIVES

This legislation is also necessary because the U.S. Customs Service has difficulty in the uniform enforcement of its directives concerning these types of work gloves. It is often unclear to the importer or the competing domestic producer whether a work glove such as described in the amendment will be classified under a provision for textile gloves or rubber or plastic gloves. Customs directives on this subject are not consistently applied. The evident lack of clarity about the proper classification of this merchandise causes a substantial degree of uncertainty for all parties concerned.

CERTAIN TEXTILE WORK GLOVES ARE NOT COVERED BY CUSTOMS RULINGS

This legislation is also necessary because of the absence of directives regarding proper tariff classification by the U.S. Customs Service with respect to certain types of textile work gloves. Customs has not gone far enough in concerning itself with certain types of work gloves constructed of a cut-and-sewn textile fabric which is coated, filled, impregnated, or laminated, in whole or in part, with rubber or plastics or constructed of a textile lining or shell dipped in or impregnated with rubber or plastics. These are types of textile work gloves not specifically covered by any Customs ruling or directive, further confusing the issue as to where such gloves are properly classified.

THE IMPACT OF THE AMENDMENT IS RESTRICTED TO TEXTILE WORK GLOVES

This bill would affect only work gloves of textile materials which are constructed of (i) a cut-and-sewn textile fabric which is coated, filled, impregnated, or laminated, in whole or in part, with rubber or plastics or (ii) a textile lining or shell dipped in or impregnated with rubber or plastic. Other types of gloves, including dress gloves and gloves wholly of rubber or plastics are not covered nor affected by this amendment. Indeed, the tariff classifications for dress gloves and gloves of rubber or plastics remain unchanged.●

By Mr. GOLDWATER (for himself and Mr. DECONCINI):

S. 2105. A bill to provide for the settlement of certain claims of the Papago Tribe arising from the Painted Rock Dam, and for other purposes; to the Select Committee on Indian Affairs.

S. 2106. A bill to provide for the settlement of certain water rights claims of the Papago Tribe of Arizona, and for other purposes; to the Select Committee on Indian Affairs.

S. 2107. A bill to provide for the settlement of certain claims of the Papago Arizona arising from the construction of Tat Momolikot Dam, and for other purposes; to the Select Committee on Indian Affairs.

PAPAGO TRIBE OF ARIZONA LAND AND WATER CLAIMS SETTLEMENT LEGISLATION

● Mr. GOLDWATER. Mr. President, today, I am introducing legislation to resolve the outstanding water and land claims of the Papago Tribe against the United States. The legislation, in the form of three separate bills, would settle the land and water rights claims of the Chuichu area of the Sells Papago Reservation, of the Gila Bend Papago Reservation, and of those tribal lands in the Sells Papago Reservation used for the construction of the Tat Momolikot Dam.

In 1982, Congress enacted legislation to resolve the water rights claims of two other Papago areas, the San Xavier Reservation and the Schuk Toak area of the Sells Reservation. That voluntary settlement was the result of many months of negotiation and compromise by a dedicated group of people representing the tribe, the major water users in and around Tucson, AZ, the State of Arizona, and the Department of the Interior. My experience with this 1982 settlement furthers my conviction that negotiation is far more preferable than litigation as a means of solving difficult water conflicts. I hope that our experience gained in the first Papago negotiations will be a guide as we pursue resolutions of these other claims.

The major provisions of the three proposals have been developed by the Papago Tribe extensive meetings among its tribal members and discussions with local and State officials. Though I am not wedded to this legislation, I think it is a good faith offer by the tribe and an invitation to negotiate which the Department of the Interior should seriously consider. These bills represent vehicles for discussion on how best to resolve these critical issues. It should be noted that similar proposals are being introduced in the House of Representatives by my colleague from Arizona, Mr. UDALL.

Mr. President, at this point, I ask that the text of these three bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Papago-Gila Bend Settlement Act".

SEC. 2. FINDINGS.

For the purpose of this Act, the Congress finds that:

(1) It is the policy of the United States, wherever possible, to settle Indian land and water claims through negotiation rather than costly and lengthy litigation.

(2) Painted Rock Dam, constructed by the Corps of Engineers, Department of the Army, to provide flood protection to the Gila Reclamation Project and the City of Yuma, Arizona, has, since its completion in 1960, caused frequent flooding of the Gila Bend Indian Reservation of the Papago Tribe.

(3) The land and water rights claims of the Papago Tribe with respect to the Gila Bend Indian Reservation are the subject of prospective lawsuits against the United States.

(4) Congress, in section 308 of the Act of October 12, 1982 (97 Stat. 1274; Public Law 97-293), authorized and directed the Secretary of the Interior to determine which lands, if any, within the Gila Bend Indian Reservation have been rendered unsuitable for agriculture by reason of the operation of Painted Rock Dam, Arizona.

(5) That study has determined that the entire reservation—comprising 10,297 acres of land held by the United States in trust for the Tribe, including 5,962 acres of agricultural land—has been rendered unsuitable for economic use by reason of the operation of Painted Rock Dam.

(6) This Act provides for the final settlement of Papago claims against the United States respecting the Gila Bend Indian Reservation by—

(A) authorizing the Tribe to assign to the United States all right, title, and interest to 9,880 acres of land within the Reservation, including the water rights attached to this land, as a consideration for fair and equitable compensation;

(B) authorizing the Secretary to hold in trust replacement lands which the Tribe may acquire, subject to certain limitations; and

(C) promoting the economic development of the Tribe.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) The term "Central Arizona Project" means the project authorized under title III of the Colorado River Basin Project Act (82 Stat. 887; 43 U.S.C. 1521, et seq.)

(2) The term "Tribe" means the Papago Tribe of Arizona organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476).

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "San Lucy District" means the political subdivision of the Papago Tribe exercising governmental functions on the Gila Bend Indian Reservation.

SEC. 4. ASSIGNMENT OF TRIBAL LANDS.

(a) ASSIGNMENT.—If the Tribe assigns to the United States all right, title, and interest of the Tribe in 9,880 acres of land within the Gila Bend Indian Reservation, the Secretary of the Treasury shall pay to the authorized governing body of the Tribe the sum of $30,000,000 together with interest accruing from the date of enactment of this Act at a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Federal obligations of comparable matury to be used for the benefit of the San Lucy District. The Secretary shall accept any assignment under this subsection.

(b) CERTAIN RIGHTS RETAINED.—The provisions of subsection (a) shall not apply to hunting, fishing, and gathering rights of the Tribe.

(c) AUTHORIZATION.—There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SEC. 5. USE OF SETTLEMENT FUNDS.

(a) INVESTMENT.—The Tribe shall invest sums received under section 4 in interest bearing deposits and securities until expended. The authorized governing body of the Tribe may spend the principal and the interest and dividends accruing on such sum held and invested pursuant to subsection (a) on behalf of the San Lucy District for land and water rights acquisition, economic and community development, and relocation costs. Income may be used for planning and administrative purposes.

(b) ACQUISITION OF LANDS.—The Tribe is authorized to acquire by purchase private lands in an amount not to exceed, in the aggregate, 9,880 acres.

(c) TRUST STATUS.—The Secretary shall hold in trust for the benefit of the Tribe any land which the Tribe acquires pursuant to subsection (b) which meets the requirements of this subsection. Any land which the Secretary holds in trust shall be deemed to be a Federal Indian Reservation for all purposes. Land does not meet the requirements of this subsection if it is outside the counties of Maricopa, Pinal, and Pima, Arizona, or within the corporate limits of any city or town. Land meets the requirements of this subsection only if it constitutes not more than 3 separate areas consisting of contiguous tracts. At least one of such areas shall be contiguous to San Lucy Village. The Secretary may waive the requirement set forth in the preceding sentence if he determines that additional areas are appropriate.

(d) WASTE MANAGEMENT.—The Secretary shall establish a water management plan for any land which is held in trust under subsection (c) which, except as is necessary to be consistent with the provisions of this Act, will have the same effect as any management plan developed under Arizona law.

SEC. 6. REAL PROPERTY TAXES.

(a) PAYMENTS.—With respect to any private land acquired by the Tribe under section 5 and held in trust by the Secretary, the Secretary shall make payments to the State of Arizona and its political subdivisions in lieu of real property taxes.

(b) TRANSFER OF OTHER LANDS.—The Secretary is authorized to enter into agreements with the State of Arizona and its political subdivisions pursuant to which the Secretary may satisfy the obligation under subsection (a), in whole or in part, through the transfer of public land under his jurisdiction or interests therein, including land within the Gila Bend Indian Reservation or interests therein.

SEC. 7. WATER DELIVERY.

If the Tribe acquires rights to the use of any water by purchase, rental, or exchange within the State of Arizona, the Secretary, at the request of the Tribe, shall deliver such water, at no cost to the United States, through the main project works of the Central Arizona Project to any land acquired under section 5(c), if, in the judgment of the Secretary, sufficient canal capacity exists to convey such water. The rate charged to the Tribe for water delivery shall be the same as that charged by the Central Arizona Water Conservation District pursuant to contracts entered into pursuant to the Colorado River Basin Project Act (43 U.S.C. 1521, et seq.). Nothing in this section shall be deemed to obligate the Secretary to construct any water-delivery system.

SEC. 8. WAIVER AND RELEASE OF CLAIMS OF PAPAGO TRIBE.

(a) WAIVER AND RELEASE.—The Secretary shall be required to carry out the obligations of this Act only if within one year after the enactment of this Act the Papago Tribe executes a waiver and release of any and all claims for injuries to land or water rights (including rights to both surface and ground water) with respect to the lands of the Gila Bend Indian Reservation from time immemorial to the date of the execution by the Tribe of such a waiver, which the Tribe has against the United States.

(b) CLAIMS UNDER THIS ACT.—Nothin in this section shall be construed as a waiver or release by the Papago Tribe of any claim where such claim arises under this Act.

(c) EFFECTIVE DATE.—The assignment referred to in section 4 and the waiver and release referred to in this section shall not take effect until such time as the full amount authorized to be appropriated in section 4 has been appropriated by the Congress and paid to the Tribe.

(d) EFFECT OF SETTLEMENT.—The settlement provided in this Act shall be deemed fully to satisfy any and all claims of land or water rights (including rights in both surface and ground water) of the Papago Tribe in the Gila Bend Indian Reservation.

SEC. 9. FACILITIES FOR SAN LUCY VILLAGE.

The Secretary, in consultation with the Director of the Indian Health Service, shall design, construct, operate, maintain, and replace each of the following:

(1) A water treatment facility to provide domestic water to San Lucy village.

(2) Sewage disposal facilities to serve said village.

The facility referred to in paragraph (1) shall be provided as soon as possible but not later than 2 years after the date of enactment of this Act.

SEC. 10. COMPLIANCE WITH BUDGET ACT.

No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 20, 1986.

S. 2106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Papago-Chuichu Settlement Act".

SEC. 2. The Congress finds that—

(1) it is the policy of the United States to settle, wherever possible, the water rights claims of Indian tribes without costly and lengthy litigation;

(2) water rights claims of the Papago Tribe with respect to the Chuichu area of the Sif Oidak district of the Sells Papago reservation are the subject of prospective lawsuits against the United States;

(3) over the past three decades, the Tribe has been forced to abandon its irrigated agricultural enterprises in the Chuichu area as well as joint tribal-Federal plans to develop eleven thousand acres of land in that area as a result of the decline in the water table;

(4) it is the duty of the United States to protect the water resources of the Tribe or mitigate the impacts of its failure to do so;

(5) in 1980, the Secretary of the Interior, in partial recognition of the equitable claims of the Tribe, made an Indian allocation of eight thousand acre-feet of Central Arizona Project water to the Chuichu area pursuant to the authority contained in the Colorado River Basin Project Act of 1968 (82 Stat. 887; 43 U.S.C. 1521, et seq.);

(6) it is in the long-term interest of the United States and the Papago Tribe to settle the water rights claims of the Tribe with respect to the Chuichu area; and

(7) the settlement contained in this Act will constitute a fair, equitable, and final settlement of those claims.

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) the term "acre-foot" means the amount of water necessary to cover one acre of land to a depth of one foot;

(2) the term "Central Arizona Project" means the project authorized under title III of the Colorado River Basin Project Act (82 Stat. 887; 43 U.S.C. 1521, et seq.);

(3) the term "December 11, 1980, contract" means the Central Arizona Project water delivery contract between the United Sttes and the Papago Tribe.

(4) the term "Papago Tribe" means the Papago Tribe of Arizona organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476);

(5) the term "Secretary" means the Secretary of the Interior;

WATER DELIVERIES

SEC. 4. (a) In carrying out his authority to allocate water from the Central Arizona Project under the Reclamation Act of 1902 (43 U.S.C. 391) and the Colorado River Basin Project Act (43 U.S.C. 1501), the Secretary shall offer to contract with the Tribe to deliver additional water to the Chuichu area of the Sells Papago Reservation. The additional water delivered pursuant to such contract shall be 3.0 percent of the water developed by the Central Arizona Project, not to exceed twelve thousand acre-feet annually, which is not allocated for either of the following: (1) Indian communities for irrigation or maintaining tribal homelands; or

(2) municipal and industrial use. During years of water supply shortages the water delivered pursuant to a contract under this section shall have the same priority for reduction as water allocated for non-Indian agricultural use. Water delivered pursuant

to a contract under this subsection shall be in addition to water the Secretary is obligated to deliver to the Chuichu area of the Sells Papago Reservation pursuant to the December 11, 1980 contract.

(b) The Secretary shall deliver water pursuant to a contract under subsection (a) and the December 11, 1980, contract at no cost to the Tribe.

(c) If the Tribe acquires any water by purchase, rental, or exchange within the State of Arizona, the Secretary, at the request of the Tribe, shall deliver such water through the main project works of the Central Arizona Project to the irrigation system referred to in section 5(a) to the extent that such water is needed by the Tribe to replace any of the water supplies the Secretary is unable to deliver pursuant to a contract under subsection (a) and the December 11, 1980, contract. The capacity of said main project work shall be deemed sufficient to convey such replacement water. The rate charged to the Tribe for water delivered pursuant to this subsection shall be the same as that charged by the Central Arizona Water Conservation District pursuant to contracts entered into pursuant to the Colorado River Basin Project Act (43 U.S.C. 1-521, et seq.)

(d) As soon as possible, but not later than two years after the date of enactment of this Act, the Secretary, in consultation with the Director of the Indian Health Service, shall plan, design, construct, operate, maintain, and replace facilities to furnish domestic water to the villages of Chuichu, East Chuichu and White Horse Pass.

DISTRIBUTION OF WATER

SEC. 5. (a) The Secretary, acting through the Bureau of Reclamation, shall plan, design, and construct an irrigation system within the Chuichu area of the Sif Oidak District of the Sells Papago Reservation, including flood-protection measures and such canals, laterals, farm ditches, and irrigation works, as are necessary for the efficient distribution of twelve thousand acre-feet of water, at no cost to the Tribe. The irrigation system the Secretary is obligated to plan, design, and construct under this subsection shall be in addition to the irrigation system the Secretary is obligated to design and construct pursuant to the December 11, 1980, contract. The Secretary shall subjugate such land as is necessary for the irrigation system referred to in the first sentence of this subsection and the December 11, 1980, contract at no cost to the Tribe.

(b) The Secretary shall be required to carry out the obligation with respect to the irrigation system under subsection (a) only if the Tribe agrees to assume the responsibility, through the Tribe or its members or an entity designated by the Tribe, as appropriate, following the completion of that irrigation system and upon delivery of water under this Act, for operation, maintenance, and replacement of those systems in accordance with the Act of August 1, 1914 (38 Stat. 583; 23 U.S.C. 385).

DISPOSITION OF WATER

SEC. 6. The Tribe shall have the right to devote all water supplies under this Act to any use, including but not limited to agricultural, municipal, industrial, commercial, mining, or recreational use.

WATER MANAGEMENT PLAN

SEC. 7. The Secretary shall establish a water management plan for the Chuichu area which, except as is necessary to be consistent with the provisions of this Act, will have the same effect as any management plan developed under Arizona law.

WAIVER AND RELEASE OF CLAIMS

SEC. 8. (a) The Secretary shall be required to carry out the obligations of this Act only if within one year after the date of enactment of this Act the Tribe executes a waiver and release in a manner satisfactory to the Secretary of any and all claims for injuries to water rights (including rights to both surface and ground water) within the Maricopa-Stanfield water basin respecting the lands of the Chuichu area of the Sif Oidak District of the Sells Papago Reservation from time immemorial to the date of execution by the Tribe of such waiver, which the Tribe has against the United States. This waiver and release shall become effective and binding on the Tribe only after the Secretary has completed all of the obligations as set forth in section 4 and the full amount authorized to be appropriated in section 7 has been appropriated by the Congress and paid to the Tribe.

(b) Nothing in this section shall be construed as a waiver or release by the Tribe of any claim where such claim arises under this Act.

(c) The settlement provided in this Act shall be deemed fully to satisfy any and all claims of water rights (including rights in both surface and ground water) of the Tribe in lands of the Chuichu area of the Sif Oidak District of the Sells Papago Reservation, as of the date the waiver and release referred to in this section takes effect.

ESTABLISHMENT OF TRUST FUND: EXPENDITURES FROM FUND

SEC. 9. (a) If the Tribe executes the waiver and release referred to in section 8(a), the Secretary of the Treasury shall pay to the authorized governing body of the Tribe the sum of $10,000,000 together with interest accruing from the date of enactment of this Act at a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Federal obligations of comparable maturity to be used for the benefit of, first, the Sif Oidak District and, second, other districts of the Tribe. The Tribe, shall invest such sums in interest bearing deposits and securities until expended.

(b) The authorized governing body of the Tribe may spend the principal and the interest and dividends accruing on such sum held and invested pursuant to subsection (a) for water rights acquisition, the development of water resources, economic and community development, and costs associated with the economic dislocation of residents of the Chuichu area arising from the depletion of groundwater supplies. Income may be used for planning and administrative purposes.

(c) There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of subsection (a).

SOUTH VEKOL WATER BASIN

SEC. 10. (a) Except as provided in subsection (b), after enactment of this Act, no water may be withdrawn from the South Vekol water basin which underlies the following Federal lands located in Arizona, Gila and Salt Meridian:

Township 8 South, Range 1 East—
Sections 1 through 4 inclusive.
Sections 7 through 18 inclusive, except the northwest quarter, section 14.
Sections 19 through 30 inclusive, except the east one half, section 26.
Sections 31 through 36 inclusive.
Township 9 South, Range 1 East—
Section 1.
Section 3 through 15 inclusive.
Section 17 and Section 18.
Township 8 South, Range 2 East—
Sections 18 through 20 inclusive.
Sections 28 through 31 inclusive.
Section 33.

(b) The prohibition set forth in subsection (a) shall not apply to water withdrawn by—

(1) the Tribe, or

(2) persons withdrawing water pursuant to permits which are in effect on the date of the enactment of this Act.

Such prohibition shall also not apply to water withdrawn pursuant to a renewal of any such existing permit. Existing permittees shall be given the opportunity to renew their permits under regulations of the Secretary to the same extent and in the same manner as such permits could have been renewed if the prohibition set forth in subsection (a) had not been enacted.

APPLICATION OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

SEC. 11. The functions of the Bureau of Reclamation under this Act with respect to lands within the Sells Papago Reservation shall be subject to the provisions of the Indian Self-Determination and Education Act (88 Stat. 2203; 25 U.S.C. 450) to the same extent as if performed by the Bureau of Indian Affairs.

COMPLIANCE WITH BUDGET ACT

SEC. 12. No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1986.

S. 2107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Pagago-Tat Momolikot Dam Settlement Act."

FINDINGS

SEC. 2. The Congress finds that—

(1) it is the policy of the United States to settle, wherever possible, the land claims of Indian tribes without costly and lengthy litigation;

(2) Tat Momolikot Dam was constructed in 1974 by the Corps of Engineers, Department of the Army, on lands belonging to the Papago Tribe to provide off-reservation flood protection to Pinal County, Arizona, and water conservation for the Tribe;

(3) the Papago Tribe agreed to donate appropriate rights to approximately five thousand three hundred twenty-four acres of land for the Tat Momolikot project on condition that the United States provide certain water conservation, irrigation, fish and wildlife and other benefits to the Tribe;

(4) the United States has failed to provide those benefits;

(5) as a result, the United States has failed to acquire appropriate rights to the lands required for the construction of the dam and its reservoir;

(6) the claims of the Papago Tribe for damages for the use of tribal land by the United States without authorization by the Tribe or compensation to it are the subject

of prospective lawsuits against the United states;

(7) it is in the long-term interest of the United States and the Papago Tribe to provide a fair and equitable settlement of the claims of the Papago Indians for the injuries they have sustained;

(8) the settlement contained in this Act will—

(A) provide fair and equitable compensation and other valuable considerations to the Papago Tribe and the former residents of Tat Momoli village; and

(B) secure for the United States appropriate rights for Tat Momolikot Dam and its reservoir;

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) the term "acre-foot" means the amount of water necessary to cover one acre of land to a depth of one foot;

(2) the term "Papago Tribe" means the Papago Tribe of Arizona organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 478);

(3) the term "Secretary" means the Secretary of the Interior; and

(4) the term "Tat Momolikot Dam" means the dam constructed by the Corps of Engineers, Department of the Army, on Santa Rosa Wash in the Sif Oidak district of the Sells Papago Reservation.

VAIVA VO DEVELOPMENT

SEC. 4(a). The Secretary shall fulfill his prior obligation to the Tribe to furnish benefits for donation by the Tribe of appropriate rights to land which were required for construction of Tat Momolikot Dam and its reservoir. To meet this obligation, the Secretary, acting through the Bureau of Reclamation, shall—

(1) as soon as possible but not later than three years after the date of the enactment of this Act, improve the existing Vaiva Vo irrigation project located within the Sif Oidak District of the Sells Papago Reservation, and subjugate such additional land, and plan, design, and construct such additional canals, laterals, farm ditches, and irrigation works, including wells, as are necessary for the efficient distribution for agricultural purposes of an additional seven thousand seven hundred twenty acre-feet of water annually, without cost to the Tribe:

(2) operate, maintain and replace the existing Vaiva Vo irrigation project and the additions thereto referred to in subsection (a)(1), without cost to the Tribe;

(3) within two years after the date of enactment of this Act, construct such fences and cattleguards in the immediate vicinity of Tat Momolikot Dam and its reservoir as may be necessary to protect livestock; and

(4) within one year after the date of enactment of this Act, determine what additional dam safety measures, if any, are necessary to protect life and property in the vicinity of Tat Momolikot Dam and its reservoir and, within three years after the date of enactment of this Act, take appropriate actions to correct any deficiency.

(b) The functions of the Bureau of Reclamation under this Act with respect to lands within the Sells Papago Reservation shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act (88 Stat. 2203; 25 U.S.C. 450) to the same extent as if performed by the Bureau of Indian Affairs.

PAYMENTS TO TRIBE

SEC. 5(a). If the Tribe executes the waiver and release referred to in section 6(a)(1) and the grant of rights referred to in section 6(a)(2), the Secretary of the Treasury shall pay to the authorized governing body of the Tribe the sum of $3,000,000 for the benefit of the Tribe, and the sum of $100,000 for the benefit of the former residents of Tat Momoli village in compensation for their relocation, together with interest accruing on such sums from the date of enactment of this Act at a rate determined by the Secretary of the Treasury taking into consideration the average market yield on Federal obligations of comparable maturity.

(b) There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of subsection (a).

WAIVER AND RELEASE OF CLAIMS

SEC. 6. (a) The Secretary shall be required to carry out his obligations under this Act only if, within one year after the date of enactment of this Act, the Papago Tribe executes—

(1) a waiver and release in a manner satisfactory to the Secretary of any and all claims arising from the use of tribal land in connection with the construction of Tat Momolikot Dam and its reservoir prior to the date of enactment of this Act, and

(2) a grant of appropriate rights for said dam and reservoir;

(b) The waiver and release referred to in subsection (a)(1) and the grant of appropriate rights referred to in subsection (a)(2) shall not take effect until such time as the Secretary has completed the measures referred to in section 4(1) and the payments referred to in section 5 have been made.

COMPLIANCE WITH BUDGET ACT

SEC. 7. No authority under this title to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provision of this title which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1986.●

● Mr. DECONCINI. Mr. President, I am pleased to cosponsor the legislation being introduced today by my colleague and friend, Mr. GOLDWATER. Similar legislation is being sponsored by Congressman UDALL in the House of Representatives.

The Papago Indian water settlements, contained in the legislation for the Gila Bend Reservation, Chuichu, and Tat Momoli, provide for a reasonable disposition of claims against the Federal Government for actions which have adversely affected the Papago Indian Tribe. Passage of this legislation will effectively resolve all outstanding water claims the Papago Tribe has against the Federal Government. More importantly, it wiil provide sufficient resources to the tribe to move toward greater economic independence.

Mr. President, I think the majority of the American public would agree that legislative settlements for Indian claims against the Federal Government are far preferable to lengthy and costly litigation. Costs to the American taxpayers are much less and many times the provisions contained in the settlements are more satisfactory to all parties concerned. What we have in the case of the three claims being settled in the legislation introduced today is the final resolution of claims the tribe has made against the Federal Government for failure to comply with commitments to the Papago Tribe. This failure has resulted in severe damage to tribal lands and in the case of the Gila Bend Reservation, the entire reservation has been declared unsuitable for agricultural purposes.

The Papago Indian Tribe has worked very diligently to develop settlement proposals which do not demand acquisition of water which must be taken from existing rights' holders in the State of Arizona. Instead, the legislation provides compensation to the tribe for damages and allows the tribe to acquire its own water and utilize the Federal funds for economic self-sufficiency. The legislation is supported by the State of Arizona.

While the cost of the bill may be somewhere in the range of $65 million, I feel confident that this sum is much less than the Federal Government would be required to pay if litigation takes its course. However, because we all are very concerned about Federal deficits and budgetary dilemmas, I would suggest some modifications once the bill goes through the hearing process. For example, the Gila Bend settlement requires the Secretary of the Interior to pay the tribe $30 million for acquisition of new reservation land and water rights attached thereto. The land to be purchased is private property. Because of the need to keep the costs of the legislation as low as possible, I would suggest that language be included in the bill directing the Secretary to provide comparable Federal land for such a reservation. If that effort proves unsuccessful, then the Secretary would be authorized to make payment for private lands. Second, under the Chuichu settlement, provision is made requiring the Secretary of the Interior to pay the operations, maintenance and repair costs for delivery of central Arizona project water to the Indian reservation. Under present law, Indian and non-Indian water users are required to pay operation, maintenance and repair costs for CAP water delivery. Again, because of fiscal concerns, I believe this policy should be continued and an exception not be made for the Papago Tribe.

Overall, Mr. President, I believe the legislation being proposed today is a fair and just offer to the Federal Government from the Papago Tribe. This legislation is exactly that—an offer. It has not been negotiated with the Department of the Interior. It is, however, a responsible attempt to settle outstanding claims and one which should be seriously considered by the authorizing committees and the Department

of the Interior. I congratulate the Papago Indian Tribe for taking the initiative on this issue and look forward to productive discussions by all interested parties.●

By Mr. KASTEN:

S. 2108. A bill to provide that Federal tax reform legislation shall not take effect before January 1, 1987; to the Committee on Finance.

EFFECTIVE DATE OF TAX REFORM LEGISLATION

Mr. KASTEN. Mr. President, today I am introducing legislation to help clarify the many questions about effective date of any changes in the tax code.

The House of Representatives has adopted a tax bill which sets January 1, 1986, as the effective date of changes in the Tax Code. This has created a climate of uncertainty and confusion that is paralyzing many critical business and public sector decisions.

It is unclear to anyone how the decisions they are making today will be treated for tax purposes.

The result is a "Twilight Zone of Taxes." In this "Twilight Zone" no one can predict what will be the tax effect of their actions.

The legislation I am introducing today will remedy this problem by setting a precise date in the future for any changes in the Tax Code. This legislation provides that no changes in the Tax Code initiated as a part of current tax reform legislation will become effective until January 1, 1987.

It is totally unacceptable to require taxpayers to accept a retroactive date for new tax provisions as provided in the House bill.

This condition is blocking critical decisions that would provide more jobs and important services across the Nation. In effect, the effective date issue precipitated by the House legislation is putting the breaks on the current economic expansion.

Around my State municipalities and private industry have withheld initiating important building and capital improvement projects. These same problems are occurring around the Nation.

Mr. President, I call on all of my colleagues who are interested in steering our Nation to continued economic expansion and out of the "Twilight Zone of Taxes." I hope they will join me in supporting this legislation to set a certain date for any changes in the Tax Code.

Mr. President, I ask unanimous consent that the text of this legislation be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no provision of, or amendment made by, any Act providing Federal tax reform based on the President's tax reform proposal submitted to the Congress on May 29, 1985, shall take effect before January 1, 1987.

By Mr. CHILES:

S. 2109. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to exempt from Social Security coverage retired Federal judges on active duty; to the Committee on Finance.

EXEMPTION OF RETIRED FEDERAL JUDGES ON ACTIVE DUTY FROM SOCIAL SECURITY COVERAGE

● Mr. CHILES. Mr. President, today I am introducing legislation which, if enacted, will help protect our judicial system from a drastic reduction in the number of senior judges who contribute to the efficiency and effectiveness of our Federal judiciary. Very simply, my bill would remedy a critical defect in the Social Security Amendments of 1983, which caused the retirement income of Federal judges to be treated as wages if they volunteered their services to the courts.

My bill would amend title II of the Social Security Act and the Internal Revenue Code of 1954 to exempt retired Federal judges on active duty from Social Security coverage. This title, if left unchanged, penalizes any retired Federal judge who, having taken senior status, voluntarily agrees to perform any service for the courts. This bill will correct a potentially costly congressional failure—the failure to extend the judges' Social Security exemption.

Mr. President, first let me clarify what my bill will not do. It will not have an impact on any individual in the judicial, legislative, or executive branches other than senior judges. In addition, it will not significantly reduce the total contribution to the Social Security fund. As of December 31, 1985, there were 276 senior judges performing valuable services for the courts. If each of these judges has continued to work after that date, the date their exemption expired, they would be obligated to pay FICA taxes, to an average tune of $3,000 a year. Additionally, they could lose their Social Security and Medicare benefits. In my view, the immeasurable contributions of an important element of the judiciary more than compensates for the reduction in revenue.

This talent bank of senior judges is under no obligation to serve. They do so because they are needed. The Constitution provides for them to continue receiving the same monetary compensation after attaining senior status, whether or not they contribute their time. Their voluntarism is now threatened. As of January 1, 1986, these individuals have become subject to this tax, which is simply a penalty for offering their services. When their tax exempt status ran out, due to our not passing the reconciliation bill, it became individually costly for them to give our judiciary the much needed assistance they provide by hearing cases. The failure of Congress to pass this legislation was not because of our opposition to exempting senior judges, but due to the crush of business at the close of the session and strong feelings about other provisions in the bill. If we fail to correct this, there will be a crush of business in the courts, and the cost that will be incurred if we don't act could hit more than our pocket books. We have not yet released any criminals because the backlog of work precluded a speedy trial, but that may be a possibility.

Mr. President, our senior Federal judges, who work voluntarily, and without additional compensation to their pensions, provide our judicial system with the work equivalent of 85 full-time judges. Chief Justice Warren Burger has informed Congress that this cost-free talent bank has kept the Federal bench afloat for the past 20 years in the mounting sea of litigation. Circuit Chief Judge Wilfred Feinberg says that we simply cannot keep up without them.

In my State of Florida, one U.S. district court alone reports a backlog so severe that 1,931 cases were still pending at the end of 1985, despite the efforts by local judges to speed things up. Chief Judge John Godbold, of the 11th U.S. Circuit Court, which is one of the busiest circuits in the country, estimates that as much as one-third of the hours of coverage by qualified judges in his circuit, could be lost if we continue to penalize these senior judges. This would be a serious loss. If we are forced to hire new full-time judges—the American Bar Association estimates that it would require at least 50—to compensate for the loss of senior judge services, the price of replacing them will drastically overshadow the small amount of revenue gained through the Social Security taxes forced from these dedicated men and women.

There is no official tally of senior judges who would stop working if this corrective legislation doesn't pass, but a few estimates illustrate the critical nature of the situation. Justice Burger has estimated that 30 percent of the senior circuit court of appeals judges and 39 percent of the district court judges may decline to hear cases because of the Social Security controversy. The Administrative Office of the U.S. Courts believes that as many as 50 percent of the senior judges might stop working. What this will mean to the efficiency of our Federal courts is frightening.

Mr. President, I hope that my colleagues join me in recognizing the solution of this problem, and help with the speedy passage of this legislation. The Nation and the Federal judiciary derives a great value from these senior Federal judges. I urge my colleagues

to support this simple and cost-effective measure which will go far in allowing the continued assistance of senior judges.

Mr. President, I ask that two articles from the National Law Journal, and the Washington Post be included in the RECORD at this time.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 14, 1986]

TAXING THE VOLUNTEERS

Suppose you retired at 65, began to collect your pension and Social Security and were having a fine time visiting your granchildren, soaking up the Florida sun and improving your golf game. Then one day your old boss called and asked for your help. The office was shorthanded, a particularly difficult project had come up, and you were both knowledgeable and experienced. He couldn't offer you any pay, but wondered if you might come in out of a sense of loyalty, challenge or just because you had enjoyed your work. But suppose your boss added one final line: "Oh, by the way. Even though you won't be paid, if you take on this job you'll lose your Social Security benefit and you'll have to pay thousands of dollars in Social Security taxes on your pension." Still interested?

While such an offer might sound preposterous, it is exactly what has been proposed to hundreds of retired federal judges. The constitution requires that such jurists be given lifetime appointments, and it prohibits any reduction in their compensation. In order to allow older judges and those in poor health to retire, thus opening vacancies to be filled by younger judges, the law allows federal judges to assume "senior status"—that is, to retire. Because of the constitutional mandate, their compensation remains the same, but because it is given for services performed in the past, not the present or the future, it has been treated as a pension rather than a salary.

There are now 760 active federal judges and 273 seniors. None of the latter is required to work, but because they are needed, almost all of them do, at least part of the year. Their contributions are important not only because they represent such a large proportion of the judiciary but because they are experienced. On Jan. 1, because Congress failed to extend or make permanent a special provision of the Social Security law, judges who continue to work as volunteers began to be treated as salaried persons rather than retirees. Their pensions are now treated as earned income, subject to Social Security tax and counted against the Social Security earnings limitation.

Exemptions from the Social Security tax are, in general, a bad idea. But in this case, imposing the tax makes no sense. According to the Administrative Office of the U.S. Courts, federal judges are unique in that they continue to receive the same compensation before and after retirement. Imposing large money penalties on those judges who volunteer to work for no additional pay is pennywise and pound foolish. The present policy provides a substantial disincentive to judges who want to donate their time and talent. Congress, when it returns, should tackle the issue so that these critically needed volunteers will not be penalized for their public spirit.

[From the National Law Journal, Jan. 13, 1986]

SITTING GETS COSTLY FOR SENIOR JUDGES

(By David Lauter)

WASHINGTON.—When U.S. District Judge Oliver Gasch steps up to the bench here next week to hear arguments over the constitutionality of the Gramm-Rudman budget balancing bill, that step will cost him $250 in taxes.

For other senior federal judges, taking a case this month could be even more costly, potentially jeopardizing Medicare coverage, pension benefits and insurance plans.

The roughly 260 semiretired senior district court and appeals court judges have fallen afoul of a little-noticed tax-law glitch that went uncorrected in the hectic last days of Congress' 1985 session.

By forcing some judges to stop work lest they lose benefits, the glitch, which cannot be corrected until after Congress returns to work Jan. 21, could lead to serious docket problems in several district and appellate courts, federal judicial officials fear.

"Everybody is kind of walking around in a blind fog about the matter," said U.S. District Senior Judge Milton Pollack of New York. "The attitude is that there is a dedication to duty and at the same time a feeling that some of the senior judges who are particularly affected may have to pull out."

"It's a very serious matter for us," said Chief Judge John C. Godbold of the 11th U.S. Circuit Court of Appeals. "Between now and June 30 we have 22 weeks of court set, 22 panels of three judges, and every one of these 22 panels except one has a senior judge on it."

Many of the judges slated for those panels will not sit, Judge Godbold said.

"I've spent a good part of my time for the last few days scrambling around trying to solve this," he added. "This is the busiest circuit in the country; losing one-third of our available judge power is a very severe blow."

The roots of the problem reach back to 1983. Until then, judges, like other federal employees, were not covered by Social Security. That year, Congress changed the law to provide coverage to all federal workers, including judges, and to require them to pay the Social Security tax, now up to 7.15 percent of the first $42,000 of a person's pay, with a maximum of $3,003 per year.

Federal judges may retire on full pay, and their retirement pay is not subject to Social Security taxation. Senior judges have been exempted from the tax since 1983 by a temporary law that expired Dec. 31. A bill in Congress would have made the exemption permanent, but it was part of a larger package that did not pass.

AVOID DUTIES

So, as of Jan. 1, senior judges who keep working are to be taxed for each month they work in the same manner that judges on regular active duty are. The more they work, the more they will have to pay.

Or, as the choice was put in a memorandum to all senior judges mailed just before Christmas by Director Ralph Meachum of the Administrative Office of the U.S. Courts: "Senior judges who wish to avoid paying FICA (Social Security) tax are constrained only to avoid performing duties."

The problem is particularly acute for those senior judges between the ages of 65 and 70. If they take cases and are, therefore, considered to be working, they would lose retirement benefits they now receive. Several judges said they also fear losing Medicare coverage.

Another group of judges, about 15 percent of the senior judge pool, have worked nearly their entire lives for the federal government and, therefore, never have paid Social Security tax until now.

Most of them probably never will receive Social Security benefits for the taxes they now will have to pay, because they would have to pay the tax for 10 years before becoming eligible.

Judicial officials expect Congress to solve the problem soon after it reconvenes, noting that its failure to do so at the end of the last session was a result of the crush of business, not of any opposition to exempting the senior judges from the tax.

Given Congress' schedule, however, a change in the law is not likely to come before late February at the earliest.

And in the meantime, if senior judges begin to decline cases, docket pressure in most circuits and some districts could mount rapidly.

The already-existing docket problem caused by too few judges is serious enough to have been the main theme of Chief Justice Warren E. Burger's annual State of the Judiciary message issued late last month. Without senior judges, the docket problems would be far worse in many areas.

"Without them, we simply could not keep up," said 2d Circuit Chief Judge Wilfred Feinberg.

"Senior judges literally work for nothing, since they will receive their salaries whether they work or not." Judge Feinberg added. "Now they're going to be penalized."

By Mr. BAUCUS (for himself, Mr. LAUTENBERG, and Mr. KERRY):

S. 2110. A bill to establish an Internal Revenue Service publicity campaign and public relations program to encourage voluntary tax compliance, to increase such compliance through improved enforcement activities and strengthened penalties and information reporting requirements, to provide a one-time amnesty from criminal and civil tax penalties owed for certain taxpayers who pay previous underpayments of Federal tax during the amnesty period, and for other purposes; to the Committee on Finance.

TAX GAP ACT

Mr. BAUCUS. Mr. President, the Federal deficit is the most pressing problem facing our country today. The latest estimate for the fiscal 1986 deficit is $200 billion. I have consistently supported efforts to control the ever-increasing deficit problem by proposing across-the-board freezes on Federal spending and supporting the Gramm-Rudman-Hollings "Emergency Deficit Control Act of 1985."

While the debate on the mechanics of the Gramm-Rudman-Hollings deficit reduction process continues, members of the Senate Finance Committee are drafting a revenue-neutral tax reform proposal that President Reagan has made his main economic priority.

Given this situation, we must give greater attention to the Nation's "tax

gap"—that is, the amount of taxes due, but unpaid. The Federal tax gap is a problem of major national proportions that contributes significantly to the Federal deficit and is symptomatic of the erosion of public confidence in our national tax system.

The statistics, Mr. President, are staggering. In 1981, the latest year for which comprehensive tax data is available, the tax gap was $90.5 billion. Conservative estimates for 1986 exceed $100 billion. For the last 6 years, from 1981 to 1986, the tax gap exceeds $600 billion.

These figures suggests two things. First, a significant part of the solution of our Federal deficit problem rests on our ability to close the tax gap by improving taxpayer compliance with our tax laws and by collecting the tax debt that is owed. Second, our tax system is in deep trouble. Reformation of our tax policies is only one part of the solution; improved enforcement of our tax laws is equally important if we are to regain public confidence in our tax system and improve compliance with our tax laws.

DECLINING CONFIDENCE

Public confidence in our tax system may be at an all-time low. A majority of Americans believe that tax cheating is widespread. Unfortunately, they may not be far off the mark. In a national survey on taxpayer attitudes completed in December 1984 on behalf of the Internal Revenue Service by the firm of Yankelovich, Skelly, and White, dramatic findings indicated that 1 in 5 Americans admits to having cheated on their Federal income taxes: 7 percent admitting to overstating deductions, 16 percent admitting to underreporting income, and 4 percent admitting to doing both.

Where does this tax gap come from? According to the IRS, 60 percent of the tax gap is due to unreported income of individuals who file their tax returns; 14 percent to overstated business expenses and overstated itemized deductions; 7 percent to corporate tax cheating; 10 percent to unreported income from illegal activities such as drugs, gambling, and prostitution; and only 3 percent to nonfilers. Further, the IRS has concluded that where income is not subjected to mandatory withholding compliance is declining. Capital gains income has slipped from 75 percent reporting in 1973 to 59 percent in 1981. Dividend income slipped from 90.7 percent in 1973 to 83.7 percent in 1981. Proprietor income slipped from 84 percent reported in 1973 to 78.7 percent in 1981. All in all, only 67 percent of nonwage and salary income was voluntarily reported in 1981; in other words, one-third of all income received from sources other than wages and salaries was not reported. In stark contrast, the income earned from wages and salaries is reported at a compliance level of 94 percent.

Mr. President, noncompliance with our tax laws has created a tax debt that is a significant part of our national debt. It is time for us to recognize that tax cheating is a serious crime and not just an inconsequential eye-winking springtime ritual. The honest taxpayer who, year in and year out, pays his taxes on time pays more than he should and gets less service from Government than he deserves at the expense of the tax cheat.

Mr. President, tax cheating has cost us $600 billion these past 6 years, while we debate the prescription of pain that forces us to cut national programs to the bone, I think it is time that we turn our attention to this national disgrace that cannot be allowed to continue. And while we look for solutions, we should give serious consideration to the experiences of the many States that have addressed similar problems at the State level.

ADOPTING STATE FORMULA FOR SUCCESS

In the past few years, several States have combined tough enforcement programs with one-time taxpayer amnesty. At the latest count, Alabama, Arizona, California, Colorado, Idaho, Illinois, Kansas, Louisiana, Massachusetts, Minnestota, Missouri, New Mexico, New York, North Dakota, Oklahoma, South Carolina, Texas, and Wisconsin, have collected over $822 million from over half a million new taxpayers added to their tax rolls. These States have used the carrot-and-stick approach. The carrot has been tax amnesty: a one-time window of opportunity for tax evaders and nonfilers to come forward and avoid criminal prosecution for their tax crimes and the imposition of severe civil penalties, on the condition that past taxes and interest due would be paid in full. The conditions of the amnesty program varied from State to State, but each State required payment of back taxes due in full. The "stick" was a significant increase in the civil and criminal penalties assessed against tax crimes and, in most States, substantial increases in State revenue enforcement resources.

Mr. President, the success of the State programs is something that we can no longer ignore. That's why I am today introducing the Tax Gap Act of 1986. Congressmen GEPHARDT and DONNELLY, both members of the Ways and Means Committee, are introducing companion legislation in the House.

This bill combines a comprehensive, one-time Federal tax amnesty program with a dramatically stepped-up Federal tax enforcement program—a program that includes strengthened penalty provisions, strengthened information reporting provisions, and the introduction of a major publicity campaign.

This bill proposes the same strategy that has been so successfully adopted among the States. It has two main parts. The first part is a broadsweeping publicity campaign that re-educates the American public to the enormity of the tax gap problem and the effects of tax cheating on honest taxpayers. The publicity campaign also describes the availability of a one-time Federal amnesty program offered to allow any person, individual, company, or taxpayer to come forward and wipe the slate clean of past tax liability. The publicity campaign also describes significant increases in IRS tax examination activities, taxpayer service activities, and tax collection activities that will take effect at the end of the amnesty program. In addition, the publicity campaign will focus on the strengthened penalty and information reporting provisions and the customer service function of the Internal Revenue Service.

IMPROVED ENFORCEMENT PROGRAM

The second part is a tough new enforcement program. The bill authorizes an immediate addition of 2,500 IRS examining officers in 1986 and 2,500 in 1987, 1988, and 1989. This will double the number of returns selectively audited on an annual basis. In addition, funds are authorized to improve the returns processing and taxpayer service activities, to substantially increase tax fraud investigation activities, and substantially increase the taxpayer collection activities. This will allow the number of criminal prosecutions on an annual basis to be doubled and the amount of accounts receivable—that is, the tax gap on taxes owed but not paid—to be cut in half.

At the same time, the tax compliance and tax administration sections of the Internal Revenue Code are amended to provide for selective strengthening of penalty and information-reporting provisions.

Recognizing that the compliance penalties were substantially strengthened in 1982 under the Tax Equity and Fiscal Responsibility Act (TEFRA), the Tax Gap Act strengthens the penalty provisions in the areas that are most needed: The penalty for fraud is doubled from 50 percent to 100 percent of tax liability; the penalty for failure to pay taxes when due is doubled from one-half percent a month to 1 percent a month; the penalty for substantial understatement of tax liability is doubled; the maximum penalty for failure to file information returns is doubled; and the negligence penalty is extended to all forms of Federal taxes.

In addition, the Tax Gap Act strengthens the information-reporting provisions to give IRS the opportunity to crack down in areas where voluntary reporting has declined most. For example, the Tax Gap Act will address

the $400 million annual tax gap in real estate capital gains nonreporting. It will require that all real estate transactions be reported to IRS by the middleman, the settlement attorney, or the real estate broker. In addition, it will require Federal agencies to report the names and taxpayer identification of anyone contracting with the Federal Government, thereby providing the IRS with the information needed to collect delinquent taxes from those who do business with the Federal Government and cheat on their tax returns or fail to pay their taxes when due.

FEDERAL TAX AMNESTY

Finally, the Tax Gap Act introduces tax amnesty, the most successful, creative, and effective idea in tax enforcement in years. The Federal Amnesty Program is patterned after the examples used in most of the 18 States. It is a simple concept that will cost very little in comparison to the revenues to be gained. For example, in California, $26 was collected for each dollar of administrative costs in running the California Amnesty Program.

The basic amnesty program will provide for a waiver of criminal prosecution and all civil penalties due on any violation of the tax laws for each tax year for which the applicant comes forward. In return, the amnesty applicant must pay the taxes due and the accumulated interest due on the taxes. Exceptions will be made for individuals and companies that have been previously contacted in writing by IRS that they are under investigation or that their tax returns are being examined for the tax year in question.

Amnesty would be applied on a tax-year basis for all past tax years consistent with the existing statutes of limitation. For example, if a person has committed fraud, there is no statute of limitations. Whereas, if a person substantially omitted reporting income, for example, in excess of 25 percent of the total tax liability, the statute of limitations is 6 years. Amnesty is designed to allow anyone who has a past tax liability to come forward for all past tax years through December 31, 1985. Nonfilers will be allowed to apply for amnesty for any tax year in which the individual failed to file a return.

Mr. President, I realize that amnesty critics will claim that amnesty on a Federal level is both unfair and could cause further erosion of compliance with the tax laws. To those, I would say, first, that the State experience in amnesty proves otherwise. Amnesty has proven to increase tax compliance and increase the number of taxpayers on the tax rolls. In addition, in several States that have had public opinion polls on the amnesty experience, taxpayers completely accepted amnesty because the States were forcing the tax cheats to pay up.

Second, amnesty is not totally new to the Federal Government. While the recent State experience with amnesty is far more comprehensive in scope and more extensively publicized, the old Bureau of Internal Revenue conducted a limited amnesty program from 1934 to 1952. Back then, they followed the general practice of not recommending criminal prosecution in cases where taxpayers made voluntary disclosure before investigations had been initiated. In 1952, this practice was officially abandoned, partly because taxpayers who had received immunity subsequently defaulted on their liabilities and could not be prosecuted, and partly because of extensive litigation over eligibility exceptions. Recent State amnesty programs have completely overcome such problems by making repayment of tax liability an absolute condition and by clearly identifying excepted taxpayers.

PERCEPTION THAT AMNESTY IS UNFAIR

The perception that amnesty is unfair to the millions of taxpayers who pay their taxes on time is false. In order for a person to obtain Federal amnesty under the Tax Gap Act, that person must pay all the taxes that are due plus the accumulated interest on those taxes. The only items being waived are the penalty charges added on top of the taxes and interest, and the prosecution for tax crimes. Amnesty clearly is a break for those people who choose to take advantage of it. But the Federal Government is getting all the money that it was originally due, plus the accumulated interest. In addition, these people are now added to the tax rolls so that the Federal Government and the honest taxpayer gains by the increased level of voluntary reporting and by the number of new taxpayers on the tax rolls for future tax years.

IRS CRITICISM OF AMNESTY

Nevertheless, IRS Commissioner Roscoe Egger has testified against implementing amnesty at the Federal level, emphasizing the possibility that people might believe that amnesty would be repeated in the future, thereby encouraging more current tax cheating. Mr. President, such views are shortsighted. States faced the same problem, and overcome it with effective publicity. We can do that too. And, the idea that the administrative difficulties of the past will haunt us again ignores the effectiveness of the States. Through preparation for amnesty as a key ingredient to tax reform and improved enforcement is the answer.

STATE REVENUE SUCCESS

Other critics will question the amount of revenue that can be raised through a Federal amnesty program. To them I would again point out the enormous success of the States. All of the States raised substantially more revenue than expected given the size of the State, the scope of the program, and the small cost of running the program. For example, in California, $9 million in back sales taxes was estimated before the program began and $44 million was collected (overall, $150 million was collected). Illinois, whose successful collection of over $150 million has obviously inspired my colleague, Senator DIXON to bring this important issue to our attention, has been a leader among the States in amnesty.

Massachusetts, the model for State amnesty programs, raised $85 million under its amnesty program. In addition, in the 2 years following the amnesty program, Massachusetts experienced record increases in total revenues over the base year of 1983—$664 million added in 1984 and $759 million added in 1985. The success of Massachusetts has inspired several States to adopt similar programs. My colleague, Senator KERRY, and Congressman DONNELLY have identified many of this successful ingredient's to their State's enormous success in measures they introduced last year.

In Minnesota, preprogram estimates of $3 million were quadrupled by a total collection of $12 million. In New Mexico, similar results were achieved—estimates of $3 million exceeded by collections of $12 million. In New York, the most recent and certainly the most successful in total dollars received, $334 million was collected, and they are still counting. In Oklahoma, $5 million was the preprogram estimate and $13.9 million was collected. Wisconsin collected $25 million in contrast to the $10 million estimated.

$ 80 BILLION TARGET

Mr. President, the States have once again shown the way. If we set a target of a mere 5 percent of the 6-year tax gap of $600 billion, we can raise $30 billion during this one-time Federal amnesty program. If our improved tax enforcement program is half as successful as the Massachusetts program, we can expect to cut our annual tax gap by 10 percent a year or $50 billion in 5 years. That means that we could raise $80 billion in combined amnesty and improved compliance level revenues by 1991. That is the equivalent of the revenue projected over the same period through the enactment of an $8-a-barrel oil import tax.

AMNESTY NOT JUST A REVENUE RAISER

Mr. President, there is another side to the amnesty debate. Amnesty should not be reviewed solely as a revenue option. In this watershed year in which the complex issues of budget and tax reform have finally gained the attention of Congress, tax amnesty should be the spotlight that focuses attention on the missing person in this

discussion—the honest taxpayer. As Justice Holmes once said, "Taxes are what we pay for civilization." It is the honest taxpayer who quietly, year in and year out, is contributing the wherewithal that forms the fundamental price that must be paid to ensure the continued stability of our democratic way of life. It is the cynic who cheats the system and brags about it who should be punished. The Tax Gap Act uses the opportunity presented by comprehensive tax reform to set things straight. Well, let folks "come in from the cold." After that, the gloves are off.

Mr. President, while this Congress continues to debate the budget deficit and tax reform issues, I urge my colleagues to seriously consider the role that improved compliance with our tax laws combined with amnesty legislation can play both in reducing the deficit and achieving the fairness that we all desire in the administration of our tax laws. The States have once again demonstrated their effectiveness as a laboratory for the Federal Government. There is no reason why the Federal Government cannot duplicate and even improve the experience of the States in this area.

I urge my colleagues to consider this proposal carefully as we debate the compliance provisions of the tax reform issues before us. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tax Gap Act of 1986".

TITLE I—INTERNAL REVENUE SERVICE PUBLICITY CAMPAIGN AND PUBLIC RELATIONS PROGRAM

SEC. 101. PROGRAM TO INFORM TAXPAYERS.

(a) IN GENERAL.—Beginning on the first day of the first calendar month following the date of enactment of this Act, the Secretary of the Treasury shall supplement existing taxpayer service programs with a publicity campaign and public relations program to inform the taxpaying public—

(1) of the renewed efforts of the Internal Revenue Service to serve the taxpayer as a customer,

(2) of the provisions of tax reform that reduce marginal tax rates, eliminate tax preferences, and produce a tax code that is simpler, fairer, and pro-growth,

(3) that tax compliance is an essential ingredient of tax reform,

(4) that tax evasion is not a victimless crime,

(5) that honest taxpayers subsidize tax evaders and people who underreport income and tax liability or overreport tax deductions,

(6) that tax evasion creates an annual tax gap in excess of $100,000,000,000,

(7) of the special effort to audit previously filed tax returns of those taxpayers screened as potential tax evaders as the principal enforcement effort to close the tax gap of $600,000,000,000 that has accrued during the past 6 years,

(8) that individuals and businesses doing business with the Federal Government have a higher duty to ensure compliance with Federal tax laws and will be subject to higher examination priority,

(9) of the rules for increased public disclosure of certain delinquent taxpayers,

(10) of the new increased enforcement provisions to close the tax gap in future years,

(11) of the tax amnesty program to be announced by the Secretary of the Treasury in 1987,

(12) of the combined benefits of participation in Federal and State amnesty programs, and

(13) of the renewed attack against tax evasion and the underground economy while tax reform cures abusive tax policies and creates a fair tax system for all taxpayers.

(b) TAX GAP DEFINED.—For purposes of this Act, the term "tax gap" means the difference between total Federal tax liability and total Federal tax revenues collected pursuant to the Internal Revenue Code of 1954.

(c) PUBLICITY TECHNIQUES.—The publicity campaign and public relations program shall include direct-mail contacts and the aggressive and effective use of both public service and paid commercial advertising through the aid of professional media consultants, market research, and public opinion surveys.

(d) ADDITIONAL AUTHORIZATION FOR CAMPAIGN AND PROGRAM.—There are authorized to be appropriated such additional sums as are necessary to administer the publicity campaign and public relations program established under this section.

TITLE II—INCREASED TAXPAYER COMPLIANCE THROUGH IMPROVED ENFORCEMENT ACTIVITIES AND STRENGTHENED PENALTIES AND INFORMATION REPORTING REQUIREMENTS

PART I—INCREASED AUDITS

SEC. 201. NUMBER OF RETURNS AUDITED DOUBLED.

(a) IN GENERAL.—Beginning on April 16, 1987, the Secretary of the Treasury shall initiate a highly publicized audit program coordinated with improvements in information reporting under this Act targeted at—

(1) the unreported legal source income sector of the tax gap for the period between 1981 and 1986, and

(2) in the discretion of the Secretary of the Treasury any sector of the tax gap growing in noncompliance during the period following 1986.

(b) ADDITIONAL AUTHORIZATION.—In order to implement the audit program described in subsection (a) and immediately double the number of returns audited each taxable year there are authorized to be appropriated such sums as are necessary to employ 2,500 additional examiners in each of the fiscal years 1986, 1987, 1988, and 1989.

PART II—PUBLIC DISCLOSURE OF CERTAIN TAXPAYERS

SEC. 211. PUBLIC DISCLOSURE OF CERTAIN DELINQUENT TAXPAYERS.

(a) IN GENERAL.—Section 6103(m) of the Internal Revenue Code of 1954 (relating to disclosure of taxpayers identity information) is amended by adding at the end thereof the following new paragraph:

"(5) CERTAIN DELINQUENT TAXPAYERS.—The Secretary may disclose the TIN to the press and other media with respect to any taxpayer who has been found after final administrative or judicial action to have willfully and knowingly—

"(A) become delinquent in the payment of taxes in excess of $10,000, or

"(B) become subject to enforcement actions under this title,

in any case in which substantial publicity would encourage others to comply with the provisions of this title. In the case of enforcement actions, the disclosure to the press and other media should, if possible, precede such actions in order to fully realize the benefits with respect to tax compliance.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1986.

PART III—REVISION OF CERTAIN PENALTIES, ETC.

SEC. 221. PENALTY FOR FAILURE TO FILE INFORMATION RETURNS OR STATEMENTS.

(a) GENERAL RULE.—Subchapter B of chapter 68 of the Internal Revenue Code of 1954 (relating to assessable penalties) is amended by adding at the end thereof the following new part:

"PART II—FAILURE TO FILE CERTAIN INFORMATION RETURNS OR STATEMENTS

"Sec. 6721. Failure to file certain information returns.

"Sec. 6722. Failure to furnish certain payee etc., statements.

"Sec. 6723. Failure to include correct information.

"Sec. 6724. Waiver; definitions and special rules.

"SEC. 6721. FAILURE TO FILE CERTAIN INFORMATION RETURNS.

"(a) GENERAL RULE.—In the case of each failure to file an information return with the Secretary on the date prescribed therefor (determined with regard to any extension of time for filing), the person failing to so file such return shall pay $50 for each such failure, but the total amount imposed on such person for all such failures during any calendar year shall not exceed $100,000.

"(b) PENALTY IN CASE OF INTENTIONAL DISREGARD.—If 1 or more failures to which subsection (a) applies are due to intentional disregard of the filing requirement, then, with respect to each such failure—

"(1) the penalty imposed under subsection (a) shall be $100, or, if greater—

"(A) in the case of a return other than a return required under section 6045(a), 6041A(b), 6050H, 6050J, 6050K, or 6050L, 10 percent of the aggregate amount of the items required to be reported, or

"(B) in the case of a return required to be filed by section 6045(a), 6050K, or 6050L, 5 percent of the aggregate amount of the items required to be reported, and

"(2) the $100,000 limitation under subsection (a) shall be increased by the amount of the penalties determined under paragraph (1).

"SEC. 6722. FAILURE TO FURNISH CERTAIN PAYEE ETC., STATEMENTS.

"(a) GENERAL RULE.—In the case of each failure to furnish a payee etc. statement on the date prescribed therefor to the person to whom such statement is required to be furnished, the person failing to so furnish such statement shall pay $50 for each such failure, but the total amount imposed on

such person for all such failures during any calendar year shall not exceed $100,000.

"(b) FAILURE TO NOTIFY PARTNERSHIP OF EXCHANGE OF PARTNERSHIP INTEREST.—In the case of any person who fails to furnish the notice required by section 6050K(c)(1) on the date prescribed therefor, such person shall pay a penalty of $50 for each such failure.

"SEC. 6723. FAILURE TO INCLUDE CORRECT INFORMATION.

"(a) GENERAL RULE.—If—

"(1) any person files an information return or furnishes a payee etc. statement, and

"(2) such person does not include all of the information required to be shown on such return or statement or includes incorrect information,

such person shall pay $5 for each return or statement with respect to which such failure occurs, but the total amount imposed on such person for all such failures during any calendar year shall not exceed $20,000.

"(b) COORDINATION WITH SECTION 6676.—No penalty shall be imposed under subsection (a) with respect to any return or statement if a penalty is imposed under section 6676 (relating to failure to supply identifying number) with respect to such return or statement.

"SEC. 6724. WAIVER; DEFINITIONS AND SPECIAL RULES.

"(a) REASONABLE CAUSE WAIVER.—No penalty shall be imposed under this part with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.

"(b) PAYMENT OF PENALTY.—Any penalty imposed by this part shall be paid on notice and demand by the Secretary and in the same manner as tax.

"(c) SPECIAL RULES FOR FAILURE TO FILE INTEREST AND DIVIDEND RETURNS OR STATEMENTS.—

"(1) HIGHER STANDARDS FOR WAIVER.—In the case of any interest or dividend return or statement—

"(A) subsection (a) shall not apply, but

"(B) no penalty shall be imposed under this part if it is shown that the person otherwise liable for such penalty exercised due diligence in attempting to satisfy the requirement with respect to such return or statement.

"(2) LIMITATIONS NOT TO APPLY.—In the case of any interest or dividend returns or statements—

"(A) the $100,000 limitations of section 6721(a) and 6722(a) and the $20,000 limitation of section 6723(a) shall not apply, and

"(B) penalties imposed with respect to such returns or statements shall not be taken into account for purposes of applying such limitations with respect to other returns or statements.

"(3) SELF ASSESSMENT.—Any penalty imposed under this part on any person with respect to an interest or dividend return or statement—

"(A) shall be assessed and collected in the same manner as an excise tax imposed by subtitle D, and

"(B) shall be due and payable on April 1 of the calendar year following the calendar year for which such return or statement is required.

"(4) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed under this part with respect to an interest or dividend return or statement.

"(5) INTEREST OR DIVIDEND RETURN OR STATEMENT.—For purposes of this subsection, the term 'interest or dividend return or statement' means—

"(A) any return required by section 6042(a)(1), 6044(a)(1), or 6049(a), and

"(B) any statement required under section 6042(c), 6044(e), or 6049(c).

"(d) DEFINITIONS.—For purposes of this part—

"(1) INFORMATION RETURN.—The term 'information return' means—

"(A) any statement of the amount of payments to another person required by—

"(i) section 6041 (a) or (b) (relating to certain information at source),

"(ii) section 6042(a)(1) (relating to payments of dividends),

"(iii) section 6044(a)(1) (relating to payments of patronage dividends),

"(iv) section 6049(a) (relating to payments of interest),

"(v) section 6050A(a) (relating to reporting requirements of certain fishing boat operators), or

"(vi) section 6051(d) (relating to information returns with respect to income tax withheld), and

"(B) any return required by—

"(i) section 4997(a) (relating to information with respect to windfall profit tax on crude oil),

"(ii) subsection (a) or (b) of section 6041A (relating to returns of direct sellers),

"(iii) section 6045 (a) or (d) (relating to returns of brokers),

"(iv) section 6050H(a) (relating to mortgage interest received in trade or business from individuals),

"(v) section 6050I(a) (relating to cash received in trade or business),

"(vi) section 6050J(a) (relating to foreclosures and abandonments of security),

"(vii) section 6050K(a) (relating to exchanges of certain partnership interests),

"(viii) section 6050L(a) (relating to returns relating to certain dispositions of donated property),

"(ix) section 6052(a) (relating to reporting payment of wages in the form of group term life insurance), or

"(x) section 6053(c)(1) (relating to reporting with respect to certain tips).

"(2) PAYEE ETC. STATEMENT.—The term 'payee etc. statement' means any statement required to be furnished under—

"(A) section 4997(a) (relating to records and information; regulations),

"(B) section 6031(b), 6034A, or 6037(b) (relating to statements furnished by certain passthru entities),

"(C) section 6039(a) (relating to information required in connection with certain options),

"(D) section 6041(d) (relating to information at source),

"(E) section 6041A(e) (relating to returns regarding payments of remuneration for services and direct sales),

"(F) section 6042(c) (relating to returns regarding payments of dividends and corporate earnings and profits),

"(G) section 6044(e) (relating to returns regarding payments of patronage dividends),

"(H) section 6045(b) or (d) (relating to returns of brokers),

"(I) section 6049(c) (relating to returns regarding payments of interest),

"(J) section 6050A(b) (relating to reporting requirements of certain fishing boat operators),

"(K) section 6050C (relating to information regarding windfall profit tax on domestic crude oil),

"(L) section 6050H(d) (relating to returns relating to mortgage interest received in trade or business from individuals),

"(M) section 6050I(e) (relating to returns relating to cash received in trade or business),

"(N) section 6050J(e) (relating to returns relating to foreclosures and abandonments of security),

"(O) section 6050K(b) (relating to returns relating to exchanges of certain partnership interests),

"(P) section 6050L(c) (relating to returns relating to certain dispositions of donated property),

"(Q) section 6051 (relating to receipts for employees),

"(R) section 6052(b) (relating to returns regarding payment of wages in the form of group-term life insurance), or

"(S) subsection (b) or (c) of section 6053 (relating to reports of tips).".

(b) INCREASE IN MAXIMUM PENALTY FOR FAILURE TO SUPPLY IDENTIFYING NUMBERS.—Subsection (a) of section 6676 of the Internal Revenue Code of 1954 (relating to failure to supply identifying numbers) is amended by striking out "$50,000" and inserting in lieu thereof "$100,000".

(c) CLARIFICATION OF PENALTY FOR FAILURE TO FURNISH PAYEE STATEMENTS.—

(1) Subsection (d) of section 6041 of the Internal Revenue Code of 1954 (relating to information at source) is amended to read as follows:

"(d) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each person with respect to whom such a return is required a written statement showing—

"(1) the name and address of the person required to make such return, and

"(2) the aggregate amount of payments to the person required to be shown on the return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made. To the extent provided in regulations prescribed by the Secretary, this subsection shall also apply to persons required to make returns under subsection (b).".

(2) Subsection (c) of section 6042 of such Code (relating to returns regarding payments of dividends and corporate earnings and profits) is amended to read as follows:

"(c) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return, and

"(2) the aggregate amount of payments to the person required to be shown on the return.

The written statement required under the preceding sentence shall be furnished (either in person or in a separate mailing by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made, and shall

be in such form as the Secretary may prescribe by regulations.".

(3) Subsection (e) of section 6044 of such Code (relating to returns regarding payments of patronage dividends) is amended to read as follows:

"(e) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every cooperative required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the cooperative required to make such return, and

"(2) the aggregate amount of payments to the person required to be shown on the return.

The written statement required under the preceding sentence shall be furnished (either in person or in a separate mailing by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made, and shall be in such form as the Secretary may prescribe by regulation.".

(4) Subsection (b) of section 6045 of such Code (relating to returns of brokers) is amended to read as follows:

"(b) STATEMENTS TO BE FURNISHED TO CUSTOMERS.—Every person required to make a return under subsection (a) shall furnish to each customer whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return, and

"(2) the information required to be shown on such return with respect to such customer.

The written statement required under the preceding sentence shall be furnished to the customer on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.".

(5) Subsection (c) of section 6049 of such Code (relating to returns regarding payments of interest) is amended to read as follows:

"(c) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—

"(1) IN GENERAL.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(A) the name and address of the person required to make such return, and

"(B) the aggregate amount of payments to, or the aggregate amount includible in the gross income of, the person required to be shown on the return.

"(2) TIME AND FORM OF STATEMENT.—The written statement under paragraph (1)—

"(A) shall be furnished (either in person or in a separate mailing by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made, and

"(B) shall be in such form as the Secretary may prescribe by regulations.".

(6) Subsection (b) of section 6050A of such Code (relating to reporting requirements of certain fishing boat operators) is amended to read as follows:

"(b) WRITTEN STATEMENT.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing the information relating to such person required to be contained in such return. The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.".

(7) Subsection (b) of section 6050B of such Code (relating to returns relating to unemployment compensation) is amended to read as follows:

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return, and

"(2) the aggregate amount of payments to the individual required to be shown on such return.

The written statement required under the preceding sentence shall be furnished to the individual on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.".

(8) Subsection (b) of section 6050E of such Code (relating to State and local income tax refunds) is amended to read as follows:

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name of the State or political subdivision thereof, and

"(2) the information required to be shown on the return with respect to refunds, credits, and offsets to the individual and of payments received from the individual.

The written statement required under the preceding sentence shall be furnished to the individual during January of the calendar year following the calendar year for which the return under subsection (a) was required to be made. No statement shall be required under this subsection with respect to any individual if it is determined (in the manner provided by regulations) that such individual did not claim itemized deductions under chapter 1 for the taxable year giving rise to the refund, credit, or offset or, in the case of payments described in paragraph (2), will not claim itemized deductions under chapter 1 for the taxable year during which such payments are paid or incurred by the individual.".

(9) Subsection (b) of section 6050F of such Code (relating to returns relating to social security benefits) is amended to read as follows:

"(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name of the agency making the payments, and

"(2) the aggregate amount of payments, of repayments, and of reductions, with respect to the individual required to be shown on such return.

The written statement required under the preceding sentence shall be furnished to the individual on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.".

(10) Subsection (b) of section 6050G of such Code (relating to returns relating to certain railroad retirement benefits) is amended to read as follows:

"(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—The Railroad Retirement Board shall furnish to each individual whose name is required to be set forth in the return under subsection (a) a written statement showing—

"(1) the aggregate amount of payments to such individual, and of employee contributions with respect thereto, required to be shown on the return, and

"(2) such other information as the Secretary may require.

The written statement required under the preceding sentence shall be furnished to the individual on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.".

(11) Subsection (d) of section 6050H of such Code (relating to returns relating to mortgage interest received in trade or business from individuals) is amended to read as follows:

"(d) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return, and

"(2) the aggregate amount of interest described in subsection (a)(2) received by the person required to make such return from the individual to whom the statement is required to be furnished.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.".

(12) Subsection (e) of section 6050I of such Code (relating to returns relating to cash received in trade or business) is amended to read as follows:

"(e) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return, and

"(2) the aggregate amount of cash described in subsection (a) received by the person required to make such return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.".

(13) Subsection (b) of section 6050K of such Code (relating to returns relating to exchanges of certain partnership interests) is amended to read as follows:

"(b) STATEMENTS TO BE FURNISHED TO TRANSFEROR AND TRANSFEREE.—Every partnership required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the partnership required to make such return, and

"(2) the information required to be shown on the return with respect to such person.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.".

(14) Subsection (b) of section 6052 of such Code (relating to returns regarding payment of wages in the form of group-term life insurance) is amended to read as follows:

"(b) STATEMENTS TO BE FURNISHED TO EMPLOYEES WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every employer required to make a return under subsection (a) shall furnish to each employee whose name is required to be set forth in such return a written statement showing the cost of the group-term life insurance shown on such return. The written statement required under the preceding sentence shall be furnished to the employee on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.".

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 6652 of the Internal Revenue Code of 1954 is amended—

(i) by striking out subsection (a) and by redesignating subsections (b) through (k) as subsections (a) through (j), respectively, and

(ii) by striking out "OTHER RETURNS" in the heading of subsection (a) (as so redesignated) and inserting in lieu thereof "RETURNS WITH RESPECT TO CERTAIN PAYMENTS AGGREGATING LESS THAN $10".

(B) Subsection (g) of section 219 of such Code is amended by striking out "section 6652(h)" and inserting in lieu thereof "section 6652(g)".

(C) Sections 6033(e), 6034(c), and 6043(c) of such Code are each amended by striking out "section 6652(d)" and inserting in lieu thereof "section 6652(c)".

(D) Section 6047(e)(1) and 6058(f) of such Code are each amended by striking out "section 6652(f)" and inserting in lieu thereof "section 6652(e)".

(E) Paragraph (1) of section 6050C(d) of such Code is amended by striking out "section 6652(b)" and inserting in lieu thereof "section 6722".

(F) Subsection (g) of section 6057 of such Code is amended by striking out "section 6652(e)" and inserting in lieu thereof "section 6652(d)".

(2) Section 6678 of such Code is hereby repealed.

(3) Subchapter B of chapter 68 of such Code is amended by inserting after the subchapter heading the following:

"Part I. General provisions.

"Part II. Failure to file certain information returns or statements.

"PART I—GENERAL PROVISIONS".

(4) The table of sections for subchapter B of chapter 68 of such Code (as in effect before the amendment made by paragraph (3)) is amended by striking out the item relating to section 6678.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which (determined without regard to extensions) is after December 31, 1986.

SEC. 222. INCREASE IN PENALTY FOR FAILURE TO PAY TAX.

(a) GENERAL RULE.—Section 6651 of the Internal Revenue Code of 1954 (relating to failure to file tax return or to pay tax) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) INCREASE IN PENALTY FOR FAILURE TO PAY TAX IN CERTAIN CASES.—

"(1) IN GENERAL.—In determining the amount of addition to tax under paragraph (2) or (3) of subsection (a) with respect to each month (or fraction thereof) beginning after the day described in paragraph (2) of this subsection, paragraph (2) or (3) (as the case may be) of subsection (a) shall be applied by substituting '1 percent' for '0.5 percent' each place it appears.

"(2) DESCRIPTION.—For purposes of paragraph (1), the day described in this paragraph is the earlier of—

"(A) the day 10 days after the date on which notice is given under section 6331(d), or

"(B) the day on which notice and demand for immediate payment is given under the last sentence of section 6331(a).".

(b) REPEAL OF CERTAIN REDUCTION IN FAILURE TO PAY PENALTY.—Paragraph (1) of section 6651(c) of the Internal Revenue Code of 1954 (relating to limitations and special rule) is amended to read as follows:

"(1) ADDITIONS UNDER MORE THAN ONE PARAGRAPH.—With respect to any return, the amount of the addition under paragraph (1) of subsection (a) shall be reduced by the amount of the addition under paragraph (2) of subsection (a) for any month (or fraction thereof) to which an addition to tax applies under both paragraphs (1) and (2). In any case described in the last sentence of subsection (a), the amount of the addition under paragraph (1) of subsection (a) shall not be reduced under the preceding sentence below the amount provided in such last sentence.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts assessed after December 31, 1986, with respect to failures to pay which begin before, on, or after such date.

SEC. 223. AMENDMENTS TO PENALTY FOR NEGLIGENCE AND FRAUD.

(a) GENERAL RULE.—Section 6653 of the Internal Revenue Code of 1954 (relating to failure to pay tax) is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) NEGLIGENCE.—

"(1) IN GENERAL.—If any part of any underpayment (as defined in subsection (c)) is due to negligence or disregard of rules or regulations, there shall be added to the tax an amount equal to the sum of—

"(A) 5 percent of the underpayment, and

"(B) an amount equal to 50 percent of the interest payable under section 6601 with respect to the portion of the underpayment which is attributable to such negligence or disregard for the period beginning on the last date prescribed by law for payment of such underpayment (determined without regard to any extension) and ending on the date of the assessment of the tax (or, if earlier, the date of the payment of the tax).

"(2) UNDERPAYMENT TAKEN INTO ACCOUNT REDUCED BY PORTION ATTRIBUTABLE TO FRAUD.—There shall not be taken into account under this subsection any portion of an underpayment attributable to fraud with respect to which a penalty is imposed under subsection (b).

"(3) NEGLIGENCE.—For purposes of this subsection, the term 'negligence' includes any failure to make a reasonable attempt to comply with the provisions of this title, and the term 'disregard' includes any careless, reckless, or intentional disregard.

"(b) FRAUD.—

"(1) IN GENERAL.—If any part of any underpayment (as defined in subsection (c)) of tax required to be shown on a return is due to fraud, there shall be added to the tax an amount equal to the sum of—

"(A) 100 percent of the portion of the underpayment which is attributable to fraud, and

"(B) an amount equal to 50 percent of the interest payable under section 6601 with respect to such portion for the period beginning on the last day prescribed by law for payment of such underpayment (determined without regard to any extension) and ending on the date of the assessment of the tax or, if earlier, the date of the payment of the tax.

"(2) DETERMINATION OF PORTION ATTRIBUTABLE TO FRAUD.—If the Secretary establishes that any portion of an underpayment is attributable to fraud, the entire underpayment shall be treated as attributable to fraud, except to the extent the taxpayer establishes that a portion of such underpayment is not attributable to fraud.

"(3) SPECIAL RULE FOR JOINT RETURNS.—In the case of a joint return, this subsection shall not apply with respect to a spouse unless some part of the underpayment is due to the fraud of such spouse.".

(b) SPECIAL RULE FOR INTEREST OR DIVIDEND PAYMENTS EXTENDED TO OTHER AMOUNTS SHOWN ON INFORMATION RETURNS.—Subsection (g) of section 6653 of the Internal Revenue Code of 1954 (relating to special rule in the case of interest or dividend payments) is amended to read as follows:

"(g) SPECIAL RULE FOR AMOUNTS SHOWN ON INFORMATION RETURNS.—

"(1) IN GENERAL.—If—

"(A) any amount is shown on an information return (as defined in section 6724(d)(1)), and

"(B) the payee (or other person with respect to whom such return is made) fails to properly show such amount on his return,

any portion of an underpayment attributable to such failure shall be treated, for purposes of subsection (a), as due to negligence in the absence of clear and convincing evidence to the contrary.

"(2) PENALTY TO APPLY ONLY TO PORTION OF UNDERPAYMENT DUE TO FAILURE TO INCLUDE AMOUNT.—If any penalty is imposed under subsection (a) by reason of paragraph (1), the amount of the penalty imposed by subparagraph (A) of subsection (a)(1) shall be 5 percent of the portion of the underpayment which is attributable to the failure described in paragraph (1).".

(c) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 6222 of the Internal Revenue Code of 1954 is amended by striking out "intentional or negligent".

(2) Subsection (f) of section 6653 of such Code is amended by striking out "or intentional disregard of rules and regulations (but without intent to defraud)".

(d) CHANGE IN SECTION HEADING.—

(1) The heading for section 6653 of the Internal Revenue Code of 1954 (relating to failure to pay tax) is amended to read as follows:

"SEC. 6653. ADDITIONS TO TAX FOR NEGLIGENCE AND FRAUD.".

(2) The item relating to section 6653 in the table of secue date for which (determined without regard to extensions) is after December 31, 1986.

SEC. 224. INCREASE IN PENALTY FOR SUBSTANTIAL UNDERSTATEMENT OF LIABILITY.

(a) IN GENERAL.—Subsection (a) of section 6661 of the Internal Revenue Code of 1954 (relating to substantial understatement of

liability) is amended by striking out "10 percent" and inserting in lieu thereof "20 percent".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for which (determined without regard to extensions) is after December 31, 1986.

PART IV—INFORMATION REPORTING PROVISIONS

SEC. 231. REQUIREMENT OF REPORTING FOR REAL ESTATE TRANSACTIONS.

(a) GENERAL RULE.—Subsection (c) of section 6045 of the Internal Revenue Code of 1954 (relating to returns of brokers) is amended by adding at the end thereof the following new paragraph:

"(5) REAL ESTATE TRANSACTIONS.—In the case of any real estate transaction, the term 'broker' means the settlement attorney or other stakeholder (or if there is no such stakeholder, the person designated in regulations prescribed by the Secretary). Any person treated as a broker under the preceding sentence shall be treated as doing business as a broker for purposes of subsection (a).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1987, and shall apply without regard to whether the Secretary of the Treasury requires a return under section 6045(a) of the Internal Revenue Code of 1954.

SEC. 232. INFORMATION REPORTING ON PERSONS RECEIVING CONTRACTS FROM CERTAIN FEDERAL AGENCIES.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1954 (relating to information concerning transactions with other persons) is amended by adding at the end thereof the following new section:

"SEC. 6050M. RETURNS RELATING TO PERSONS RECEIVING CONTRACTS FROM FEDERAL EXECUTIVE AGENCIES.

"(a) REQUIREMENT OF REPORTING.—The head of every Federal executive agency which enters into any contract shall make a return (at such time and in such form as the Secretary may by regulations prescribe) setting forth—

"(1) the name, address, and TIN of each person with which such agency entered into a contract during the calendar year, and

"(2) such other information as the Secretary may require in order to assign a higher priority of return examination with respect to such person.

"(b) FEDERAL EXECUTIVE AGENCY.—For purposes of this section, the term 'Federal executive agency' means—

"(1) any Executive agency (as defined in section 105 of title 5, United States Code) other than the General Accounting Office,

"(2) any military department (as defined in section 102 of such title), and

"(3) the United States Postal Service and the Postal Rate Commission.

"(c) AUTHORITY TO EXTEND REPORTING TO LICENSES AND SUBCONTRACTS.—To the extent provided in regulations prescribed by the Secretary, this section also shall apply to—

"(1) licenses granted by Federal executive agencies, and

"(2) subcontracts under contracts to which subsection (a) applies.

"(d) AUTHORITY TO PRESCRIBE MINIMUM AMOUNTS.—This section shall not apply to contracts or licenses in any class which are below a minimum amount or value which may be prescribed by the Secretary by regulations for such class.".

(b) CLERICAL AMENDMENT.—The table of sections for such subpart B is amended by adding at the end thereof the following new item:

"Sec. 6050M. Returns relating to persons receiving contracts from Federal executive agencies.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1987.

SEC. 233. INFORMATION REPORTING OF INCOME TAXES AND REAL AND PERSONAL PROPERTY TAXES.

(a) IN GENERAL.—Subsection (a) of section 6050E of the Internal Revenue Code of 1954 (relating to State and local income tax refunds) is amended to read as follows:

"(a) REQUIREMENT OF REPORTING.—Every person who, with respect to any individual, during any calendar year—

"(1) makes payments of refunds of State or local income taxes (or allows credits or offsets with respect to such taxes) aggregating $10 or more, or

"(2) receives payments of State or local income taxes or real or personal property taxes aggregating $10 or more,

shall make a return according to forms or regulations prescribed by the Secretary setting forth the amount of such payments, credits, or offsets, and the name and address of the individual with respect to whom a payment described in paragraph (1), credit, or offset was made or from whom a payment described in paragraph (2) was received.".

(b) TECHNICAL AMENDMENTS.—

(1) Subsection (b) of section 6050E of the Internal Revenue Code of 1954 (as amended by this title of this Act) is amended—

(A) by inserting "and of payments received from the individual" before the period at the end of paragraph (2), and

(B) by inserting "or, in the case of payments described in paragraph (2), will not claim itemized deductions under chapter 1 for the taxable year during which such payments are paid or incurred by the individual" before the period at the end of such subsection.

(2) Subsection (c) of section 6050E of such Code is amended to read as follows:

"(c) PERSON.—For purposes of this section—

"(1) IN GENERAL.—The term 'person' means—

"(A) the officer or employee—

"(i) having control of the payments of the refunds (or the allowance of the credits or offsets), or

"(ii) receiving the payments described in subsection (a)(2), or

"(B) the person or persons appropriately designated for purposes of this section.

"(2) POLITICAL SUBDIVISIONS OF STATES WITH LESS THAN 5,000 PEOPLE EXCLUDED.—The term 'person' does not include any person of a political subdivision of any State with a population of 10,000 people or less.".

(c) CLERICAL AMENDMENTS.—

(1) The section heading for section 6050E of the Internal Revenue Code of 1954 is amended to read as follows:

"SEC. 6050E. CERTAIN STATE AND LOCAL TAX PAYMENTS AND REFUNDS.".

(2) The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by striking out the item relating to section 6050E and inserting in lieu thereof the following:

"Sec. 6050E. Certain State and local tax payments and refunds.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments received after December 31, 1987.

SEC. 234. TAX-EXEMPT INTEREST REQUIRED TO BE SHOWN ON RETURN.

(a) IN GENERAL.—Section 6012 of the Internal Revenue Code of 1954 (relating to persons required to make returns of income) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the new subsection:

"(d) TAX-EXEMPT INTEREST REQUIRED TO BE SHOWN ON RETURN.—Every person required to file a return under this section for the taxable year shall include on such return the amount of interest received or accrued during the taxable year which is exempt from the tax imposed by chapter 1.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1986.

PART V—ADDITIONAL AUTHORIZATIONS

SEC. 241. ADDITIONAL AUTHORIZATIONS FOR PROCESSING RETURNS AND ENFORCEMENT ACTIVITIES.

There are authorized to be appropriated such additional sums as are necessary to—

(1) increase the returns processing and taxpayer service activities of the Internal Revenue Service by a sufficient amount to correct the processing problems experienced in 1985,

(2) increase the tax fraud investigation and collection activities of the Internal Revenue Service to substantially increase the investigation presence of the Internal Revenue Service and to improve the collection process so that accounts receivable are halved in 2 years, and

(3) increase the litigation activities of the Internal Revenue Service so that prosecutions are substantially increased to keep pace with increasing workloads.

TITLE III—TAX AMNESTY

SEC. 301. ONE-TIME AMNESTY FROM CRIMINAL AND CIVIL PENALTIES.

(a) GENERAL RULE.—In the case of any underpayment of Federal tax for any taxable period, the taxpayer shall not be liable for any criminal or civil penalty (or addition to tax) provided by the Internal Revenue Code of 1954 with respect to such underpayment if—

(1) during the amnesty period—

(A) the taxpayer files a written statement with the Secretary which sets forth—

(i) the name, address, and taxpayer identification number of the taxpayer,

(ii) the amount of the underpayment for the taxable period, and

(iii) such information as the Secretary may require for purposes of determining the correct amount of the underpayment for the taxable period, and

(B) the taxpayer agrees to a waiver of any restriction on the assessment or collection of such underpayment,

(2) when filing the statement described in paragraph (1), the taxpayer pays the amount of the underpayment shown on such statement, and

(3) not later than 30 days after the date on which the taxpayer is notified by the Secretary of the amount of interest payable with respect to the underpayment (and the amount of any tax delinquent amount with respect to the taxpayer), the taxpayer pays the full amount of such interest (and such tax delinquent amount).

The preceding sentence shall apply only to the extent the underpayment for the taxable period does not exceed the amount set forth on the written statement filed under paragraph (1).

(b) INSTALLMENT PAYMENT OF TAX PERMITTED IN HARDSHIP CASES.—

(1) IN GENERAL.—The requirements of paragraphs (2) and (3) of subsection (a) shall be treated as met if—

(A) the taxpayer in the statement filed under subsection (a)(1) requests the privilege of making installment payments under this subsection for reasons of financial hardship, and

(B) the taxpayer enters into an agreement with the Secretary for the payment (in installments) of the amounts required to be paid under paragraphs (2) and (3) of subsection (a) within 30 days after contacted by the Secretary for purposes of entering into such an agreement (or in any case where the Secretary determines under rules prescribed by the Secretary that financial hardship is not present and that permitting the payment in installments of such amounts is not appropriate, the taxpayer pays the entire amount of such amounts within 30 days after notified by the Secretary of such determination).

(2) BALANCE DUE UPON FAILURE TO PAY AN INSTALLMENT.—In the case of the failure of the taxpayer to pay any installment at the time such installment payment is due under an agreement under paragraph (1)(B), the agreement shall cease to be effective and the balance of the amounts required to be paid under paragraphs (2) and (3) of subsection (a) shall be due immediately.

(c) AMOUNT OF UNDERPAYMENT DISPUTED.—If the amount under paragraph (3) of subsection (a) is disputed by the taxpayer, such amount must be paid within the period described in subsection (a). If the taxpayer is entitled to a refund as a result of the resolution of the dispute through normal administrative and judicial procedures, the Secretary shall refund the amount plus interest at the 6-month Treasury bill rate in effect as of the date the dispute is resolved.

(d) AMNESTY NOT TO APPLY IN CERTAIN CASES.—

(1) WHERE TAXPAYER CONTACTED BEFORE STATEMENT FILED.—Subsection (a) shall not apply to any underpayment of Federal tax for any taxable period to the extent that before the statement is filed under subsection (a)(1)—

(A) such underpayment was assessed,

(B) a notice of deficiency with respect to such underpayment was mailed under section 6212 of the Internal Revenue Code of 1954, or

(C) the taxpayer was informed in writing by the Secretary that the Secretary has questions about the taxpayer's tax liability for the taxable period.

(2) WHERE FRAUD IN SEEKING AMNESTY OR WHERE CRIMINAL INVESTIGATION PENDING.—Subsection (a) shall not apply to any taxpayer if—

(A) any representation made by such taxpayer under this section is false or fraudulent in any material respect, or

(B) a Justice Department referral (within the meaning of section 7602(c)(2) of the Internal Revenue Code of 1954) is in effect with respect to such taxpayer as of the time the statement is filed under subsection (a)(1).

(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AMNESTY PERIOD.—The term "amnesty period" means a 6-month period, the beginning date of which shall be—

(A) during calendar year 1987, and

(B) at the discretion of the Secretary.

(2) FEDERAL TAX.—The term "Federal tax" means any tax imposed by the Internal Revenue Code of 1954.

(3) TAXABLE PERIOD.—

(A) IN GENERAL.—The term "taxable period" means—

(i) in the case of a tax imposed by subtitle A of the Internal Revenue Code of 1954, the taxable year, or

(ii) in the case of any other tax, the period in respect of which such tax is imposed.

(B) SPECIAL RULE FOR TAXES WITH NO TAXABLE PERIOD.—In the case of any tax in respect of which there is no taxable period, any reference in this section to a taxable period shall be treated as a reference to the taxable event.

(4) ADDITION TO TAX INCLUDES ADDITIONAL AMOUNT.—The term "addition to tax" includes any additional amount.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(6) FORM OF STATEMENT.—Any statement under subsection (a)(1) shall be filed in such manner and form as the Secretary shall prescribe.

(7) NOTICE TO RELATED PERSONS TREATED AS NOTICE TO THE TAXPAYER.—

(A) IN GENERAL.—For purposes of subsection (d)(1)(C), any notice to a related person with respect to a matter which may materially affect the tax liability of the taxpayer for any taxable period shall be treated as notice to the taxpayer with respect to such taxable period.

(B) RELATED PERSON.—For purposes of subparagraph (A), the term "related person" means—

(i) any person who during the taxable period bore a relationship to the taxpayer described in section 267(b) of the Internal Revenue Code of 1954,

(ii) any partnership in which the taxpayer was a partner during the taxable period, or

(iii) any S corporation (as defined in section 1361 of such Code) in which the taxpayer was a shareholder during the taxable period.

(f) PERIODS FOR WHICH AMNESTY AVAILABLE.—The provisions of this section shall apply only to underpayments of Federal tax for taxable periods ending before January 1, 1986 (or, in the case of a tax for which there is no taxable period, taxable events before January 1, 1986).

(g) CONFIDENTIALITY OF INFORMATION.—Notwithstanding section 6103(d) of the Internal Revenue Code of 1954 or any other provision of law, no return, return information, or taxpayer return information (within the meaning given to such terms by paragraphs (1), (2), and (3), respectively, of section 6103(b) of such Code) provided to the Secretary by any taxpayer under subsection (a)(1)(A) with respect to any taxable period may be open to inspection or disclosed to any State agency, body, or commission, or its legal representative, unless such State provides that such return, return information, or taxpayer return information will not be used to prosecute such taxpayer under the laws of such State.

(h) ADDITIONAL AUTHORIZATIONS FOR AMNESTY PROGRAM.—There are authorized to be appropriated such sums as are necessary to administer the amnesty program, using special efforts to publicize such program including direct-mail contacts and radio, television, and print-media advertising.

Mr. LAUTENBERG. Mr. President, I am pleased to join my distinguished colleague from Montana [Mr. BAUCUS] in introducing the Tax Gap Act of 1986. This bill would establish a Federal tax amnesty, coupled with stiffened penalties and increased enforcement.

The bill is, in key respects, virtually identical to a measure I have introduced, with two of my colleagues on the Budget Committee, Senator BOSCHWITZ and Senator MOYNIHAN. I am pleased that Senator BAUCUS has joined in cosponsoring that bill.

Mr. President, we face a serious challenge this year to reduce the deficit. A Federal amnesty, and enhanced compliance and enforcement, could secure an immediate, and significant infusion of revenues for reduction of the deficit. Before imposing additional burdens on the honest taxpayers of this country, it should do a better job of collecting the revenues from those who have failed to pay what they owe.

I intend to work hard in the Budget Committee, with my colleagues there, to see that an amnesty is built into the budget plan for the coming year. I am pleased to join forces with Senator BAUCUS, in this effort.

I urge my colleagues to join us.

By Mr. ROCKEFELLER (for himself, Mr. BYRD, Mr. SIMON, and Mr. EAGLETON):

S. 2111. A bill to amend the Federal Unemployment Tax Act to provide for an additional limitation on the reduction in the credit applicable to employers in certain States which have outstanding loan balances but have a high rate of unemployment; to the Committee on Finance.

DEFERRAL OF HIGHER UNEMPLOYMENT LOAN REPAYMENT TAX FOR STATES WITH UNUSUALLY HIGH UNEMPLOYMENT

Mr. ROCKEFELLER. Mr. President, today I am introducing legislation to address a problem with the unemployment insurance system that, perversely, is contributing to the economic difficulties of States with high rates of unemployment. The minority leader [Mr. BYRD] and my distinguished colleagues from Illinois [Mr. SIMON] and Missouri [Mr. EAGLETON] join me in sponsoring this measure.

Since the law was amended in 1981, States which borrow from the Federal unemployment insurance trust fund have been required—after a grace period of 2 years—to meet certain conditions for repayment of these loans. These provisions, intended to prompt States to take action to restore the solvency of their unemployment insurance programs, apply regardless of the condition of a State's economy or its level of unemployment. Economically distressed States are left with the following choices: either raise taxes or cut unemployment insurance benefits to try to pay off the Federal loans, or face an increase in the Federal payroll tax rate levied on their employers.

Either way, the requirements manage to hit the economies of high-unemployment States when they're clearly already down.

The Federal unemployment insurance tax rate on employers is normally 0.8 percent. But in eight States, as well as Puerto Rico and the Virgin Islands, the payroll tax rate ranges from 1.4 to 2 percent. In four of these States—Illinois, Ohio, Louisiana, and West Virginia—unemployment is still way above the national average. And as these States struggle to catch up with the rest of the country's recovery, the increased payroll tax rates place them at a decided disadvantage compared to their neighbors—and undercut their chances of expanding employment.

Under existing law, the Federal payroll tax rate on employers rises at the end of each year, typically in increments of 0.3 percent, if the State still has outstanding loans as of November of that year. It's possible, once the penalty tax rate has risen to 0.6 percent, for States to prevent further increases by taking certain actions to restore the solvency of their unemployment insurance programs. But because it's tough to raise taxes on employers or cut unemployment insurance benefits when unemployment is high, several of the States with outstanding loans have little immediate hope of paying them off—or of meeting the solvency requirements in the Federal unemployment insurance law. West Virginia has been trying to repay its debt and has taken some action to meet the Federal solvency test. But because it couldn't fully satisfy the conditions, its Federal payroll tax rate jumped from 1.4 to 1.6 percent at the end of last year.

The measure I'm introducing today does not relieve States which have borrowed from the Federal unemployment insurance trust fund of the obligation to repay their loans. But it would postpone the higher payroll taxes which result from failure to meet solvency requirements until the State's unemployment rate comes down. If a State's unemployment rate is at least 8 percent and exceeds the national average by at least 25 percent, the penalty payroll taxes will not be charged.

To qualify for this treatment, a State cannot take advantage of the situation by lowering its taxes or by increasing its unemployment insurance benefit levels without raising its own taxes. But as long as its unemployment rate remains high, a State would be spared from having to meet the full set of solvency requirements in the 1981 law. Once the State's unemployment rate dropped below the threshold, the deferred increases in payroll taxes would return. But by then, with a healthier economy, the State should be in a better position to repay its Federal unemployment insurance loans.

At present, this measure would apply to only a few States. But should the national economy deteriorate again, additional States will face this problem. While I understand the reason for the solvency requirements—and the need for States to repay their debts, I believe the timing of the requirements is flawed. In States with high unemployment, the imposition of additional payroll taxes on employers works against recovery—and can thwart the efforts of such States to attract new industry and turn their economies around. My bill would permit States to repay their loans in a far less disruptive manner, and I urge my Senate colleagues to consider it.

Mr. President, I ask unanimous consent that a short description of the legislation be printed in the RECORD.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

DEFERRAL OF HIGHER UNEMPLOYMENT LOAN REPAYMENT TAX FOR STATES WITH UNUSUALLY HIGH UNEMPLOYMENT

Present law allows states to maintain the Federal loan repayment tax at the higher of 0.6 percent or the prior year rate if they meet several requirements set out in section 3302(f)(2) of the Internal Revenue Code. These requirements are:

1. The state must not have decreased its unemployment tax effort;

2. The state must not have taken any action to reduce the solvency of its program (i.e. benefit liberalizations not paid for by increased taxes);

3. The current level of taxes must be as high as average benefit costs in the prior 5 years;

4. The state must not have increased its level of borrowing over the past year.

PROPOSED AMENDMENT

Allow a state whose total unemployment rate is at least 8 percent and is 25 percent or more above the national average unemployment rate to defer any Federal loan repayment rate, provided that conditions 1 and 2 are met. This determination would be based on the total unemployment rates for the most recent 12-month period for which such information is available for both the state and the United States, as of September 30 of the year to which the provision is being applied. That is, this provision would be used to defer the tax increase for the tax year 1986 on the basis of information available on September 30, 1986. (The 1986 rate affects the payment made by employers in January 1987).

Once the state no longer meets this qualifying requirement, the schedule of higher Federal loan repayment rates provided by existing law would resume from where it had left off in the year prior to the first year in which the state qualified for this deferral.

Mr. BYRD. Mr. President, I am pleased to cosponsor this legislation with my friend and colleague from West Virginia. The legislation would amend the Federal Unemployment Tax Act to provide to States with very high unemployment additional flexibility with respect to the repayment of their loans from the Federal Government used to help pay unemployment insurance benefits.

The need for this legislation stems from the unevenness of the Nation's economic recovery. While nationally the economy is stronger than it was 3 years ago, in many areas—in rural counties, in urban central cities, and in the hamlets of my beloved West Virginia—the economic recovery has yet to be felt. In these places, major factories have closed, and remain closed, and many industries are holding on by their fingertips. While this may not show up in national averages of economic activity, it is happening nonetheless. In these places, large numbers of Americans remain without work and are increasingly without hope.

The national unemployment rate is now 6.7 percent for the civilian population. The unemployment rate in West Virginia is averaging roughly 13 percent—nearly double the national average.

West Virginia, because of its stubbornly high rate of unemployment, has had to borrow substantial sums from the Federal Unemployment Program in order to pay benefits to jobless West Virginians still numbering over 100,000. That high unemployment rate and the cost of unemployment benefits have also prevented the State from being able to repay those Federal loans as rapidly as both the Federal Government and West Virginia would desire.

Under present law, each State that has not been able to meet the Federal repayment schedule must increase the unemployment insurance payroll tax imposed on employers in the State. The purpose is to increase revenue to the State's unemployment trust fund and enable more rapid loan repayment. In West Virginia, this has meant an increase of roughly 0.3 percent per year in the payroll tax, to the point where half the total tax now levied in West Virginia is attributable to the law applying to outstanding loans. It will be necessary to raise that tax yet again next year.

According to the West Virginia Employment Security Agency, the current tax rate serves as a real disincentive for businesses to locate in the State and a higher rate will only exacerbate the problem.

Mr. President, this is a vicious circle. The higher tax burden on employers is a disincentive for the State's economic growth and serves to limit job creation opportunities, which, in turn, keeps unemployment high.

The bill we introduce today will, hopefully, break that circle. It will spare States acutely affected by the ravages of unemployment from the requirement to increase their payroll taxes until their unemployment drops close to the national average. Thus, a State such as West Virginia will have a

better chance to achieve economic growth, rather than being penalized for not doing so.

I want to emphasize that this bill does not affect the requirement that States repay their loans. Full payment will continue to be required. With this bill, hopefully, States may be able to repay even faster than they would under current requirements.

I urge my colleagues to support this legislation.

By Mr. LAUTENBERG (for himself, Mr. PROXMIRE, and Mr. RIEGLE):

S. 2112. A bill to amend section 203 of the National Housing Act to reduce losses under the single family mortgage insurance program; to the Committee on Banking, Housing, and Urban Affairs.

SINGLE FAMILY MORTGAGE INSURANCE FRAUD DETECTION AND PREVENTION ACT

Mr. LAUTENBERG. Mr. President, today I am introducing legislation with my distinguished colleagues, Senators RIEGLE and PROXMIRE, to reform the Single-Family Property Disposition Program of the Department of Housing and Urban Development. Over the last 2 years, this program has been beset by fraud and abuse. In a time of extreme budget austerity, with deep cuts recommended for federally assisted housing programs, we have seen unscrupulous real estate speculators defraud HUD of badly-needed housing assistance dollars.

The scandalous practices which occurred in this program were first brought to light by a series of articles in the Philadelphia Inquirer. The Inquirer disclosed an elaborate scheme employed by real estate speculators in Camden, NJ, to falsify employment and credit records in a cynical swindle which cost the poor their hopes for a home and the taxpayer his or her money.

Mr. President, the Camden scandal has resulted in 15 convictions so far. But, the scandal is not limited to Camden. Similar swindles have occurred in New York, Washington, DC, Milwaukee, Houston and Seattle. The breadth of these fraudulent practices has led HUD Secretary Pierce to appoint a single-family task force to advise him how to rectify this situation.

Mr. President, what did the Philadelphia Inquirer tell us about the fraud that occurred in Camden, NJ? The Inquirer reported that speculators would buy HUD-held properties in bulk sales or single sales conducted by HUD. These homes came into HUD possession when HUD-insured mortgages fell into default. The speculators would identify low-income individuals, often on welfare, who desperately wanted a home of their own. The speculators would assist the buyer by falsifying an employment and credit record. The speculator would make cosmetic improvements to homes bought at nominal cost from HUD and sell it to the low-income person for substantially more. After a brief period of ownership, the mortgage would fall again into default, because the owner could not sustain the mortgage payments. The poor person would be back on the streets and HUD would again be left holding the bag.

Mr. President, the courts are the proper forum for deciding if those accused of defrauding the Federal Government are innocent or guilty. But there is a more basic question raised by the experience in Camden and elsewhere with the single-family property disposition program. As the U.S. attorney in Newark, Thomas W. Greelish, has stated:

> You can't solve a problem by throwing money at it. You have to have some internal controls and audit programs to control abuses.

It is precisely the lack of such internal controls that made this program such a sitting duck for abuse in Camden and elsewhere. We, in the Congress, have a responsibility to identify ways to tighten the procedures of HUD to decrease the likelihood of this kind of fraud happening again.

Mr. President, when the story of the Camden scandal broke in the press, I, along with other cosponsors of this legislation, requested a GAO investigation. We also registered our concern with Secretary Pierce. The GAO, while avoiding involvement in the criminal proceedings, examined the internal controls employed by HUD in its Single Family Property Disposition Program and made recommendations for reform. The legislation which we are introducing today requires the Department of Housing and Urban Development to adopt the reforms recommended by the GAO.

The GAO recommended five steps to insure more rapid detection and prevention of fraud. Those five steps are:

Independent verification of the buyer's ability to pay in 10 percent of all loan originations and 20 percent of those which occur in areas where the default rate is 120 percent or more than the national average;

Examination of all lender data if a default occurs within 12 months of loan origination. In some cases, speculators would actually pay the first 3 months mortgage payments to avoid detection;

Verification of all lender data where no prior credit rating is established;

Examination of all lender data which involves a default by an investor within 12 months of loan origination;

Limits on the use of non-HUD or VA personnel as appraisers unless it can be certified that the use of contract appraisers is necessary or cheaper.

Mr. President, the essence of the GAO recommendations and our legislation is to cast a broader and brighter spotlight on the lending practices which occur within this Property Disposition Program. The bill requires tighter control and closer examination of all parties involved in this program. It is my hope that these recommendations and others that might be made by Secretary Pierce will result in making the likelihood of detection so strong that swindlers will not even try to prey on this program in the future.

Mr. President, the Federal support which Congress provides in a variety of forms through the Department of Housing and Urban Development is devoted to one goal: to provide shelter to those in need. We are in the midst of a massive retrenchment in such support. In fiscal year 1986, the Congress has sought to maintain a minimum effort toward meeting our Nation's housing needs. The administration is not prepared to assist in achieving even this admittedly minimum effort.

In its fiscal year 1987 budget submission to Congress, the administration has requested that we rescind $5.1 billion in fiscal year 1986 funds already provided to the Department of Housing and Urban Development. The administration has requested that another $2.8 billion in spending be deferred. The list of programs curtailed or eliminated is a long one. It includes section 8 rental assistance, housing for elderly and handicapped, housing and urban development action grants and the rehabilitation of rental housing.

For fiscal year 1987, the administration has again put all its eggs in one basket, the voucher program. It argues that affordability and not availability is at the core of the Nation's housing problem. That contention is a harsh one in a State like New Jersey which has a desperate need for more low and moderate income housing. The 50,000 vouchers recommended by the administration is precisely half of what Congress has deemed to be a minimal effort to meet the Nation's housing needs.

Mr. President, if the administration is going to request that Federal housing support be reduced below broadly accepted minimums, if the impact of the administration's budget request and Gramm-Rudman-Hollings is to be a reduction not only in housing support but also in HUD's ability to manage its programs and police fraud and abuse, then it is even more imperative that HUD have systems in place to detect fraud and abuse and prevent its occurrence. The very least we can ask of HUD is that it not be a sitting duck for real estate speculators.

Mr. President, I have supported programs to meet the housing needs of our Nation. I believe in responding to

our Nation's need for shelter, within reasonable fiscal restraints, in a compassionate manner. But, there is no greater enemy of a compassionate social program than a poorly managed social program. In the face of fraud and abuse, compassion quickly evaporates and the level of cynicism of taxpayers and beneficiaries heightens.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD along with an article from the New York Times which explains the pattern of fraud which our legislation addresses.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Single Family Mortgage Insurance Fraud Detection and Prevention Act of 1986".

SEC. 2. Section 203 of the National Housing Act is amended by adding at the end thereof the following:

"(q) The Secretary shall take appropriate action to reduce losses in connection with the mortgage insurance program carried out pursuant to this section. Actions taken by the Secretary pursuant to this subsection shall include—

"(1) independent verification, after loan approval, of the borrowers' ability to pay on a sample of not less than 10 percent of the mortgage applications submitted by each lender in both the direct endorsement and prior approval programs, to be carried out by the Secretary using the least expensive method of verification, except that the Secretary shall independently verify incomes with respect to not less than 20 per centum of the applications involving properties located in areas where the default rate on mortgages insured under this section exceeded 120 per centum of the national default rate on such mortgages during the most recent 12-month period for which data are available;

"(2) requiring immediate submission of all data from the lender relating to all loans on which there are defaults during the first 12 months after loan origination;

"(3) independent verification by the Secretary of all credit reports indicating no prior credit history; and

"(4) independent verification by the Secretary of all appraisals involving investor-owned property which was acquired by the investor less than 12 months prior to the date of the mortgage application.

"(r) The Secretary shall only use the services of employees of the Department of Housing and Urban Development or of the Veterans' Administration for the purpose of appraising single-family dwellings which are subject to mortgages insured under this section, and which are located in any metropolitan city or urban county, unless the Secretary determines and certifies to the Congress—

"(1) that there is an insufficient number of such employees to carry out appraisals; and

"(2) that the use of private appraisers is not more costly than the use of appraisers who are employees of the Department of Housing and Urban Development or the Veterans' Administration.".

U.S. INQUIRY FINDS PATTERN OF FRAUD IN HOUSING LOANS

(By Philip Shenon)

WASHINGTON, January 20.—Federal investigators say that they have uncovered a pattern of frauds against the Department of Housing and Urban Development involving falsified documents used to obtain tens of millions of dollars in Government-backed mortgages.

More than a dozen real estate agents and mortgage industry officials have already been indicted or convicted because of their involvement in such schemes in southern New Jersey. In the last year, similar swindles have been reported in Houston, Seattle and Milwaukee.

The housing agency said it appeared that the frauds were somehow related. "We're very alarmed because there seems to be some sort of whispering campaign among these people," said Robert E. Nipp, an agency spokesman. "These schemes go from city to city, and it looks like they use the same routine."

FOCUS IS ON WASHINGTON

Investigators say the largest of the frauds apparently took place in Washington, and that they are studying nearly 500 mortgages guaranteed by the Federal Housing Authority, a branch of H.U.D., in low-income areas of the capital.

A Federal official knowledgeable about the investigation said that the Government faced a possible loss of more than $25 million in Washington alone, which makes it potentially the costliest mortgage swindle in H.U.D.'s history.

The official said indictments were expected shortly, and that nearly 20 people, including major real estate investors, were targets of the inquiry by the housing agency and the United States Attorney's Office for the District of Columbia.

Most of the people publicly identified as subjects of the investigation were either unavailable by telephone or unwilling to talk with reporters. The few who agreed to discuss the investigation denied wrongdoing.

USE OF FRAUDULENT APPLICATIONS

In Washington and elsewhere, officials say, investors used fraudulent applications of secure mortgages backed by H.U.D., often claiming that buyers had made substantial down payments when they had paid no money. Court documents filed by the Government suggest that the loans were based on inflated appraisals.

Many of the mortgages then went into default, leaving the Government liable for the loans, they said. Prosecutors say that the swindle, in effect, allowed investors to be reimbursed by H.U.D. at fraudulently inflated prices.

Concerned by reports of the frauds, the Secretary of Housing and Urban Development, Samuel R. Pierce Jr., appointed a task force last year to find ways of stopping the schemes.

Paul A. Adams, the agency's inspector general, whose office is in charge of the investigations, said that H.U.D. "was putting considerable effort" into uncovering the frauds. "We're trying to be enough of a presence to be a deterrent," he said.

Through the loan program, H.U.D. provides insurance protection to private lenders that finance mortgages to home buyers. Federal law requires that a nonoccupant buyer seeking one of the loans must make a down payment of 15 to 20 percent. Buyers who decide to live in their homes must make a down payment of 3 to 5 percent.

Congress required the down payments in the hope that a buyer with a financial stake in purchased property will be less likely to default on a mortgage.

In Washington, the rules were flaunted, according to an affidavit filed last year in Federal District Court here by agents of the housing department and the Federal Bureau of Investigation. The affidavit was filed as part of a request for a search warrant.

AT LEAST 11 ARE ACCUSED

The 34-page affidavit accused at least 11 people of conspiring to defraud the Government by buying and selling homes in low-income areas of Washington using falsified loan applications and settlement statements.

According to the F.B.I., the suspects face charges of conspiracy, racketeering and fraud involving nearly 100 mortgages that are now in default. Since the affidavit was issued one official said, the list of questionable mortgages has grown to nearly 500.

The United States Attorney here, Joseph E. diGenova, refused to discuss details of the investigation, noting that no indictments had yet been issued in the case.

Among those named in the affidavit was Jack Spicer, president of Jack Spicer Real Estate Company in Washington. H.U.D. said that a review of its records showed that Mr. Spicer had sold a large number of homes in which buyers later defaulted on a mortgage backed by the agency.

APPLICATIONS HELD FALSIFIED

According to Government witnesses, the affidavit said, Mr. Spicer obtained F.H.A. mortgages for buyers and did not require them to make the down payments required by law. According to the affidavit, Mr. Spicer and others submitted falsified loan applications to H.U.D., claiming that the down payments had been made.

In determining his sales price, the affidavit said, Mr. Spicer inflated the value of his property to include an amount of money necessary to cover the down payments.

The affidavit said that many of Mr. Spicer's sales involved the same brokerage firm, settlement agent and mortgage companies. The chief loan officer of one of the mortgage concerns is the wife of Mr. Spicer's sales manager, the affidavit said.

A large number of the transactions involved appraisals done by the Veterans Administration, and many of those appraisals were conducted by a V.A. employee who is the father of one of Mr. Spicer's business partners, according to the court papers.

Through a lawyer, Mr. Spicer refused comment on the investigation. The loan officer and the Veterans Administration appraiser also declined to talk with the reporter about the charges, although they denied wrongdoing.

Earlier this month, in Camden, N.J., five men were sentenced to jail sentences and ordered to pay restitution in a similar scheme involving hundreds of thousands of dollars in Government-backed mortgages.

According to prosecutors, real-estate investors in the Camden area obtained H.U.D. mortgages by filing falsified documents with the Government, indicating home buyers had jobs and credit histories. As in Washington, officials said, buyers frequently did not make the down payment required by law.

Many of the buyers were unemployed and dependent on welfare, and when they were unable to meet mortgage payments, the Government became liable for the loans. In

some cases, the buyers listed on Government forms were children.

"It becomes apparent with each passing indictment the fraud is more extensive than this court ever thought," Federal District Judge Stanley Brotman said as he sentenced the men on Jan. 10. "The court cannot close its eyes to the fact that every taxpayer is hurt. Money is being stolen."

By Mr. DIXON (for himself, Mr. HARKIN, Mr. GRASSLEY, Mr. PRYOR, Mr. SIMON, and Mr. HOLLINGS):

S. 2113. A bill to advance a portion of Commodity Credit Corporation loans to eligible producers, to support the 1986 planting season operation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM EMERGENCY CREDIT ACT

● Mr. DIXON. Mr. President, this Congress has struggled over the past year to provide a more stable agricultural economy for our farmers. Despite all our efforts, a record number of farmers left agriculture in 1985.

In the past year, the administration and the Secretary of Agriculture have spoken much about the Debt Adjustment Program. They were reluctant to accept congressional initiatives, aimed at easing the farm crisis, in favor of an expanded version of the administration's program. Now, Mr. President, the administration assured this Senator, and many of my colleagues in both the House and Senate, that their Debt Adjustment Program would be sufficient to handle the problems our farmers face.

Well, Mr. President, it has not been sufficient. Only 244 farmers across the Nation received guaranteed loans through the administration's Debt Adjustment Program. Only 9 farmers in my own State of Illinois were assisted by this program.

I ask unanimous consent that an article from the February 24, 1986, edition of the Wall Street Journal appear at the end of my statement.

This article reports that the Farm Credit System is "expected to shunt more than 100,000 of its debt-soaked farmers," because the Farm Credit System lost $2.7 billion in 1985. This means that 1 out of every 9 farmers, who previously obtained credit from the Farm Credit System, will have to find credit elsewhere.

Well, Mr. President, it is going to be mighty difficult to find credit this spring. In fact, my home State of Illinois has run out of money for Farmers Home Administration insured operating loans. We all know about the failure of the administration's Debt Adjustment Program.

Commercial banks in Illinois, and, indeed, across the Nation, are facing serious financial difficulty. In the past year, the number of agricultural banks on the FDIC's problem bank list has risen to 440.

I also ask unanimous consent that an article, written by Dick Orr, which appeared in the February 22, 1986, edition of the Chicago Tribune be printed in the RECORD at the end of my statement.

In his article, Mr. Orr refers to a recent survey of farmers which predicts that as many as 5,000 Illinois farmers may go out of business this year.

Mr. President, prospects for credit this spring look particularly bleak, and it is time the Congress took action.

For this reason, I rise to introduce the Emergency Farm Credit Act of 1986. This legislation is similar to S. 776, which I introduced in 1985, along with 14 cosponsors. It is also similar to my amendment which passed both the House and Senate last February, but which was vetoed by the President.

I believe this bill addresses an issue that is facing hundreds of thousands of American farmers in the next few months. It is emergency legislation which will, without costing the Federal Government a single cent in additional spending, enable these farmers to begin their spring planting.

What this bill does is very simple. The nonrecourse loans, which are made available to farmers at harvest time, are advanced on a recourse basis. The Emergency Farm Credit Act of 1986 would permit an advance of one-third, or up to $30,000, of this loan, based on his historic yield, to the farmer before he plants rather than when he harvests.

These loans would be extended on the same basis as the nonrecourse loans already are. If this were a normal year, the ASCS would start making them in September and October. This bill mandates the Secretary of Agriculture to advance one-third of this loan now, so the farmer can begin planting.

I would like to emphasize three things about this bill: First, it does not cost the Federal Government an additional cent. If anything, it will save the Government millions of dollars in welfare and other safety net payments, because farmers may have to go on welfare if they can't get their crops in the ground.

Second, this is a short-term solution to a short-term problem. This bill simply allows the farmer some breathing room.

Third, this is emergency legislation. If we can help the farmers get their crops in the ground now, then we have some time to take another look at the long-term solutions for our problems in farm credit. A first step would be to allow commercial banks to renegotiate farm loans and write down a portion of the loss over a 10-year period, which is an idea I have offered here in the Senate.

Spring planting will be upon us quickly. We must act now. If the farmer doesn't plant, the farmer doesn't harvest. We must allow him to do both.

Mr. President, I ask unanimous consent that the text of the bill, together with the articles mentioned earlier be printed at this point in the RECORD.

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

S. 2113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Farm Emergency Credit Act of 1986".

ADVANCE RECOURSE COMMODITY LOANS

SEC. 2. Effective for the 1986 crops, the Agricultural Act of 1949 is amended by adding at the end thereof a new section 424 as follows:

"SEC. 424. (a) Notwithstanding any other provision of this Act, the Secretary shall make advance recourse loans available to producers of the commodities of the 1986 crop for which nonrecourse loans are made available under this Act, as follows:

"(1) Advance recourse loans shall be made available only to those producers of a commodity who are unable to obtain sufficient credit elsewhere to finance the production of the 1986 crop of that commodity taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes as determined by the Secretary. No producer, who has received a commitment or been furnished sufficient credit or a loan for production of the 1986 crops, shall be eligible for an advance recourse loan to finance the production of such crops.

"(2) Advance recourse loans shall be made available to producers of a commodity at the applicable nonrecourse loan rate for the commodity. Within the limits set out in paragraphs (4) and (7) of this subsection, advance recourse loans shall be available (A) to producers of wheat, feed grains, cotton, and rice who agree to participate in the program announced for the commodity on an amount of the commodity equal to one-half of the farm program yield for the commodity times the farm program acreage intended to be planted to the commodity for harvest in 1986 as determined by the Secretary, (B) to producers of tobacco and peanuts who are on a farm for which a marketing quota or poundage quota has been established on an amount of the commodity equal to one-half of the farm marketing quota or poundage quota for the commodity, as determined by the Secretary, and (C) to producers of other commodities on an amount of the commodity equal to one-half of the farm yield for the commodity times the farm acreage intended to be planted to the commodity for harvest in 1986, as determined by the Secretary.

"(3) An advance recourse loan under this section shall come due at such time immediately following harvest as the Secretary determines appropriate. Each loan contract entered into under this section shall specify such due date. The Secretary shall establish procedures, where practicable, under which producers, simultaneously with repayment of the recourse loans, may obtain nonrecourse loans on the crop, as otherwise provided for in this Act, in amounts sufficient to repay the recourse loans. In cases in which nonrecourse loans under this Act are not normally made available directly to producers, the Secretary shall establish procedures under which a producer may repay

the recourse loan at the time the producer receives advances or other payment from the producer's disposition of the crop.

"(4) Advance recourse loans shall be made available as needed solely to cover costs involved in the production of the 1986 crop that are incurred or are outstanding on or after the date of enactment of the Farm Emergency Credit Act of 1986.

"(5) To obtain an advance recourse loan, the producers on a farm must provide a first lien on the growing crop covered by the loan as security for the loan or such other security as is available and determined by the Secretary to be adequate to protect the Government's interests.

"(6) To obtain an advance recourse loan, the producers on a farm must obtain multiperil crop insurance, if it is available, to protect the growing crop that serves as security for the loan. In counties where the signup period for multiperil crop insurance has expired, producers on a farm must obtain crop insurance, if available.

"(7) The total amount of advance recourse loans that may be made to any person under this section shall not exceed $50,000.

"(8) Advance recourse loans shall be made available only to producers who agree to comply with such other terms and conditions determined appropriate by the Secretary consistent with the provisions of this section.

"(b) The Secretary shall carry out the program provided for under this section through the Commodity Credit Corporation, using the services of the Agricultural Stabilization and Conservation Service and, in addition, the services of the county committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act to make determinations of eligibility with respect to the credit test under clause (1), and determinations as to the sufficiency of security under clause (5), of subsection (a) of this section, and in such other capacities, as the Secretary determines appropriate.".

REGULATIONS

SEC. 4. Notwithstanding any other provision of law, the Secretary of Agriculture shall issue, or as appropriate amend, regulations to implement the provisions of this Act as soon as practicable but not later than fifteen days after the date of enactment of this Act, and loans and other assistance provided under this Act shall be made available beginning on the date such regulations are issued or amended.

[From the Wall Street Journal, Feb. 24, 1986]

MANY FARMERS MAY FACE LOAN CUTOFFS: EXPECTED FARM CREDIT MOVE COULD FUEL CRISIS

(By Charles F. McCoy)

The Farm Credit System is expected to shunt more than 100,000 of its debt-soaked farmers—roughly one in nine of its borrowers—toward the government this year, fueling a credit crunch that will drive thousands of farmers out of agriculture and cost farm lenders billions of dollars.

Farm Credit System regulators wouldn't comment on that possibility, but sources at the Farmers Home Administration—a government agency considered the farm lender of last resort—said the credit system intends to deny new financing to those farmers, its most-troubled borrowers. That would help purge the system's sick portfolio and position it for the federal funding provided for in the bailout bill passed for it last December.

Those farmers would be steered toward the FmHA, but the vast majority are almost certain to be turned away because the FmHA itself is wallowing in $12 billion of bad loans and has had its appropriations slashed by budget cutters. The sources also said the agency expects commercial banks to send it another 35,000 strapped borrowers.

"We can take their applications, talk to them, but there's just no way in the world we can help more than a few," an FmHA official said. "And there probably will be nowhere else for them to turn."

NON-ACCRUAL LOANS

A Farm Credit System spokesman said the system doesn't know how many borrowers it will be forced to cut off. But he said, "obviously, we have a lot of non-accrual loans, and it's difficult to imagine how farmers with non-accrual loans could get financing at any institution." And the system's big St. Paul, Minn., bank already has informed Wisconsin Gov. Anthony Earl that it may deny new financing to as many as 4,000, or 10%, of the state's farmers.

As of Dec. 31, the system had $5.32 billion of non-accrual loans—sour loans on which no payments are being received—about 8% of its $66.62 billion in total loans. The FmHA expects to have about $3.8 million available next year for direct and guaranteed loans for planting and land—the most common farm loans. Last year, it lent $5.4 billion in those categories.

The bind the system and the FmHA appear headed for is part of an unprecedented credit vice squeezing farmers across the nation. Just six weeks from spring planting, about a third of Iowa's farmers don't have credit; last year at this time, only about 8% didn't have loans. In the Texas Panhandle, Plainview banker Joe Don Scott says more than a third of the farmers in his area are still scrambling to line up money. Alan Fish, an aide to Wisconsin's Gov. Earl, estimates that as many as 20% of Wisconsin's farmers may not get new loans this year.

"DAY OF RECKONING"

"The day of reckoning is here," says Steven Gabriel, a Washington farm economist. "This will be a bloody year."

Credit mayhem has been predicted before. Last year, farm economists said that between 10% and 15% of farmers wouldn't get loans; only about 5% didn't, largely because lenders threw much good money after bad on the slim hope that a turnaround would save them.

But the dismal farm economy and massive problems at commercial and government farm lenders may have left bankers and farmers with no place to hide this year. And the toll—human and financial—could be staggering.

Denying credit to large numbers of farmers would finally force farm lenders to begin facing up to long-deferred losses, rattling agricultural banks and the besieged government farm agencies as well. They hold most of the nation's $210 billion in farm debt; Mr. Gabriel, the Washington economist, said up to $50 billion of that debt will have to be wrung out before agriculture is on firm footing. "And the process is starting now," he said.

PROBLEM BANKS GROWING

Scores of agricultural banks already are in grim shape. The number of farm banks on the Federal Deposit Insurance Corp.'s problem bank list has risen to 449, up from 370 at the end of 1984. In Iowa alone, banking commissioner William Bernau said 80 banks have more troubled loans than capital, considered by banking regulators to be a leading indicator of failure. Thomas Huston, who resigned recently as the state's banking chief, has said that as many as 25 Iowa banks may fail this year, Eleven failed last year; only three failed in 1984.

The oil-price collapse is making matters worse, many farm banks in Kansas, Texas, and Oklahoma have heavy energy loan exposure, too. "It's the worst of both worlds," said Jerry Hazlick, president of Citizens State Bank, Utica, Kan. And regulatory good will, which allowed many farm banks to avoid losses for years, has faded. Complains Evans Rector, president of First National Bank & Trust Co. of El Reno, Okla.: "That may have been too easy on us for a while, but now they're tough as nails.

Many farm economists believe the kind of wrenching shakeout that's looming is the only thing that can save agriculture. But in the short run, it will further undermine farm economics. Widespread denial of credit will ultimately mean throwing more farmers off the land, worsening an already gigantic land glut that has devastated land values, the collateral for most farm loans. Prospective buyers, knowing that a new surge of foreclosures will spill more land onto the market, will "stay on the sidelines and bide their time, doing nothing to put an end to the deterioration in asset values," says Neil Hari, an economist at Iowa State University.

The human cost is running ever higher. Tim Jackson, a Des Moines, Iowa, attorney who works with a farm crisis hotline, says, "We see so many more trying to bear the despair and uncertainty with quiet resolve, yet they are closer to the edge than at anytime and it's only going to get worse." Adds Maxwell Smith, an agricultural extension agent in Tattnall County, Ga.: "There's terrible pain when an old boy who's been farming 50 years can't go on. They come and get his land, his machinery. There's nothing left for him."

Maybe that's why L.D. Hill, a 67-year-old tobacco farmer in Burke County, Ga., put a bullet in his head at 10:40 one morning two weeks ago. They were auctioning off his 700 acres at 11 a.m.

[From the Chicago Tribune, Feb. 22, 1986]

UP TO 5,000 FARMERS MAY CALL IT QUITS IN '86

(By Richard Orr)

Between 4,000 and 5,000 Illinois farmers have indicated they may go out of business this year. That expected decline in farm numbers reflects an accelerated trend that has been apparent in recent years.

The trend was indicated in a recent survey of farmers by the Illinois Cooperative Crop Reporting Service, a state-federal agency. It is based on reports from 883 Illinois farmers, which the service thinks is representative of all types of farmers in all sections of Illinois.

The survey was part of a nine-state survey of farmers sponsored by the Midwest Association of State Departments of Agriculture.

The survey did not ask farmers why they plan to go out of business this year. But Fred Barrett, chief statistician of the Illinois service, said in an interview that in the last 10 years Illinois farmer number have declined by an average of 2.5 percent annually.

"This rate of decline has accelerated in the last three years to about 5 percent annually," Barrett said. "That has reduced the number of Illinois farms to about 90,000 currently."

Presumably, Barrett said, the previous average 2.5 percent annual rate of decline rep-

resented about normal attrition of farmers going out of business because of retirement or death. The accelerated rate of decline in more recent years may result from financial stress or other reasons, he said.

The survey found that Illinois farmers have an average debt-to-asset ratio of 30.8 percent. That means that for every $100 of assets, they have an average of debt of $30.80.

But the survey also indicated that 11.2 percent of Illinois farmers have a debt-to-asset ratio of 70 percent or more.

"We consider that farmers who have a debt-to-asset ratio that high have severe financial problems and probably won't be able to survive," Barrett said.

The survey indicated that Illinois was in the middle range of average debt-to-asset ratios among the nine states. The highest ratios were found to be in the western Corn Belt states; the lowest in the eastern part of this region.

For example, Iowa had the highest average debt-to-asset ratio, 36.9 percent. Average ratios in other western Corn Belt states were North Dakota, 34.7 percent; Nebraska, 34.3 percent, and Kansas, 31.8 percent.

Barrett said one of the relatively encouraging results of the survey was that, among Illinois farmers who said they had real estate debt, 88.4 percent said they were current in both interest and principal payments. That, of course, indicates that 11.6 percent were delinquent in payments of either interest or principal.

"When we looked at debt other than real estate, we found that 85.7 percent of Illinois farmers said they were current on interest and principal, while 14.3 percent were delinquent on one or the other," Barrett said.

The survey also indicated that 38.5 percent of the total income of Illinois farmers came from sources other than farming. That means that farmers or their wives or children have jobs or other sources of income to supplement the family income from crop and livestock production.●

● Mr. GRASSLEY. Mr. President, I am pleased to cosponsor this legislation offered by my friend and colleague from Illinois that would provide for advance commodity loans for farmers participating in our farm programs. Last year he and I offered similar legislation, which was accepted by the Senate, but unfortunately vetoed by the President.

The Wall Street Journal recently reported that as many as one-third of Iowa farmers have not yet been able to arrange operating capital for their spring planting. This is up from approximately 8 percent last year.

The idea of allowing advance commodity loans to farmers is a good way of assuring farmers are given an opportunity to plant another crop this year, without struggling with lenders unwilling or unable to provide this crucial support.

If administered properly, Government costs should be minimal. Furthermore, farmers should also benefit from a reduced interest rate, providing a breath of fresh air by lowering cost of production.

I might add, also, that discretionary authority for an advance commodity loan program was included in the 1985 farm bill passed by Congress and signed into law by the President. I am urging USDA officials to utilize this discretion in the event this legislation fails to pass Congress in a timely manner.

This program can provide significant relief for our struggling farmers, and I strongly urge my colleagues to support it.●

ADDITIONAL COSPONSORS

S. 951

At the request of Mr. GORTON, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as cosponsor of S. 951, a bill to amend the Fair Debt Collection Practices Act to provide that any attorney who collects debts on behalf of a client shall be subject to the provisions of such Act.

S. 1381

At the request of Mr. QUAYLE, the name of the Senator from Washington (Mr. EVANS) was added as cosponsor of S. 1381, a bill to amend the General Education Provisions Act to improve and expand the Assessment Policy Committee.

S. 1516

At the request of Mr. HEFLIN, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as cosponsor of S. 1516, a bill to amend title 11 of the United States Code with respect to proceedings under chapter 11 and chapter 13 therein involving debtors who are family farmers, and for other purposes.

S. 1562

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as cosponsor of S. 1562, a bill to amend the False Claims Act, and title 18 of the United States Code regarding penalties for false claims, and for other purposes.

S. 1747

At the request of Mr. ROTH, the name of the Senator from Tennessee (Mr. GORE) was added as cosponsor of S. 1747, a bill to amend the Foreign Assistance Act of 1961 to protect tropical forests in developing countries.

S. 1900

At the request of Mr. ROTH, the name of the Senator from Georgia (Mr. MATTINGLY) was added as cosponsor of S. 1900, a bill to amend the Foreign Agents Registration Act of 1938 by providing for the 5 year suspension of exemptions provided to an agent of a foreign principal convicted of espionage offenses.

S. 1901

At the request of Mr. ROTH, the name of the Senator from Georgia (Mr. MATTINGLY) was added as cosponsor of S. 1901, a bill to amend the Foreign Missions Act regarding the treatment of certain Communist countries, and for other purposes.

S. 1912

At the request of Mr. DANFORTH, the name of the Senator from Hawaii (Mr. INOUYE) was added as cosponsor of S. 1912, a bill to provide for a 6-month extension of certain temporary provisions relating to the Internal Revenue Code of 1954.

S. 2052

At the request of Mr. CRANSTON, the name of the Senator from North Carolina (Mr. HELMS) was added as cosponsor of S. 2052, a bill to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986.

S. 2054

At the request of Mr. NICKLES, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 2054, a bill to provide that the National Aeronautics and Space Administration may accept gifts and donations for a space shuttle which may be named Challenger II.

S. 2067

At the request of Mr. LAUTENBERG, the names of the Senator from Pennsylvania (Mr. HEINZ), the Senator from Massachusetts (Mr. KERRY), and the Senator from Illinois (Mr. SIMON) were added as cosponsors of S. 2067, a bill to overturn the deferral of the fiscal year 1986 Urban Development Action Grant and Community Development Block Grant Program.

S. 2070

At the request of Mr. THURMOND, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2070, a bill to require United States representatives to international financial institutions to oppose assistance by such institutions for the production for export to the United States of any fiber, textile, or article of apparel, and for other purposes.

S. 2075

At the request of Mr. LAUTENBERG, the names of the Senator from Pennsylvania (Mr. HEINZ), the Senator from Massachusetts (Mr. KERRY), and the Senator from Illinois (Mr. SIMON) were added as cosponsors of S. 2075, a bill to overturn the deferral of Urban Development Action Grant funds.

S. 2100

At the request of Mr. LAUTENBERG, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of S. 2100, a bill to provide a one-time amnesty from tax penalties for taxpayers who pay previous underpayment with interest, to improve compliance with the internal revenue laws by increasing

authorization to the Internal Revenue Service for enforcement, to prohibit the awarding of Federal contracts and certain licenses to taxpayers who have tax delinquent accounts, and to amend the Internal Revenue Code of 1954 to annually increase criminal and civil monetary penalties by the increase in the Consumer Price Index.

SENATE JOINT RESOLUTION 143

At the request of Mr. GORE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsors of Senate Joint Resolution 143, a joint resolution to authorize the Black Revolutionary War Patriots Foundation to establish a memorial in the District of Columbia at an appropriate site in Constitution Gardens.

SENATE JOINT RESOLUTION 170

At the request of Mr. SIMON, the names of the Senator from Oklahoma (Mr. BOREN), and the Senator from Washington (Mr. EVANS) were added as cosponsors of Senate Joint Resolution 170, a joint resolution to designate the month of March 1986 as "Music In Our Schools Month".

SENATE JOINT RESOLUTION 246

At the request of Mr. DIXON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of Senate Joint Resolution 246, a joint resolution to designate May 25, 1986 as "Hands Across America Day", for the purpose of helping people to help themselves and commending United Support of Artists for Africa and all participants for their efforts toward combating domestic hunger with a 4000 mile human chain from coast to coast.

SENATE JOINT RESOLUTION 259

At the request of Mr. DIXON, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 259, a joint resolution designating February 16, 1986, as "Lithuanian Independence Day".

SENATE JOINT RESOLUTION 264

At the request of Mr. PRYOR, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Tennessee (Mr. GORE) were added as cosponsors of Senate Joint Resolution 264, a joint resolution designating April 28, 1986 as "National Nursing Home Residents Day".

SENATE JOINT RESOLUTION 275

At the request of Mr. D'AMATO, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of Senate Joint Resolution 275, a joint resolution designating May 11 through May 17, 1986, as "Jewish Heritage Week".

SENATE JOINT RESOLUTION 276

At the request of Mr. DOMENICI, the names of the Senator from Georgia (Mr. MATTINGLY), the Senator from Indiana (Mr. LUGAR), the Senator from Maryland (Mr. SARBANES), and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of Senate Joint Resolution 276, a joint resolution to designate February 19, 1987, as "National Day for Federal Retirees".

SENATE JOINT RESOLUTION 278

At the request of Mr. PACKWOOD, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of Senate Joint Resolution 278, a joint resolution to designate March 16, 1986, as "Freedom of Information Day".

SENATE CONCURRENT RESOLUTION 109

At the request of Mr BYRD, the names of the Senator from Arizona (Mr. DECONCINI), the Senator from Michigan (Mr. RIEGLE), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of Senate Concurrent Resolution 109, a resolution expressing the sense of the Congress that February 28, 1986, should be designated "National Trio Day".

SENATE RESOLUTION 82

At the request of Mr. D'AMATO, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of Senate Resolution 82, a resolution to preserve the deduction for State and local taxes.

SENATE RESOLUTION 275

At the request of Mr. HUMPHREY, the names of the Senator from Alabama (Mr. DENTON), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of Senate Resolution 275, a resolution to express the opposition of the United States to the "one-child" family planning policies of the Government of the People's Republic of China and to encourage the People's Republic of China to abandon such policies.

SENATE RESOLUTION 333

At the request of Mr. LAUTENBERG, the names of the Senator from Pennsylvania (Mr. HEINZ), the Senator from Massachusetts (Mr. KERRY), and the Senator from Illinois (Mr. SIMON) were added as cosponsors of Senate Resolution 333, a resolution to express the sense of the Senate regarding the Urban Development Action Grant Program.

SENATE CONCURRENT RESOLUTION 110—RELATING TO THE EFFECTIVE DATE OF TAX REFORM LEGISLATION

Mr. CRANSTON submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 110

Whereas the prospect for significant revision of the tax code has been pending for over a year and may continue for the greater part of this year;

Whereas because of the possibility of significant tax changes occurring with an effective date of January 1, 1986, many individuals and businesses have been unable to determine with certainty how to plan investments in the near future and for the long term in low and moderate income multifamily housing.

Whereas it is necessary to minimize the economic impact of any delay or uncertainty which major tax reform may create;

Whereas the uncertainty created by this situation has had and will continue to have significant and adverse effects upon long-term investments in low and moderate income multifamily housing; and

Whereas this uncertainty, and certain provisions of the tax reform act passed by the House of Representatives (H.R. 3838), could result in a substantial lessening of investment in low and moderate income multifamily housing which would have a detrimental effect on the economy as a whole: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the effective date for tax reform proposals should be no earlier than January 1, 1987, for those items of tax reform, such as the depreciation schedules, at-risk provisions, amendments to the alternative minimum tax and investment interest limitations which if the effective date is earlier than January 1, 1987, would result in a severe lessening of investment in low and moderate income multifamily housing during 1986.

SENATE CONCURRENT RESOLUTION 111—RELATING TO THE EFFECTIVE DATE OF TAX REFORM PROVISIONS AFFECTING MUNICIPAL BONDS

Mr. CRANSTON submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 111

Whereas on December 17, 1985, the House of Representatives passed H.R. 3838, entitled the "Tax Reform Act of 1985", which includes amendments to the provisions of the Internal Revenue Code of 1954 that relate to the exclusion from gross income for Federal income tax purposes of the interest payable on bonds issued by or on behalf of the States and their political subdivisions;

Whereas if enacted in their current form and substance these amendments, in general, would be effective as to bonds which are issued after December 31, 1985 and certain prior dates, and would impose new restrictions and requirements relating to the investment, uses, and expenditure of the proceeds of tax-exempt bonds, and the use of facilities financed with such proceeds in order to qualify the interest thereon for exclusion from gross income for Federal income tax purposes;

Whereas such amendments would additionally require that the interest payable on certain bonds be treated as a tax preference item in the computation of the alternative minimum tax imposed by section 55 of the Internal Revenue Code of 1954, and would further impose taxes on the interest on bonds held by property and casualty insurance companies under circumstances and in amounts and beginning at times made confusing by the Committee Report of the House Ways and Means Committee;

Whereas the above factors and effective dates have caused serious and dangerous disruptions in all areas of State and local government financing and construction ac-

tivities throughout the United States in that H.R. 3838 is being treated and applied as law prior to the consideration of its provisions and impact by the Senate; and

Whereas the Congress considers this to be a matter of imperative public necessity and is adopting this concurrent resolution for the purpose of assuring the States and their local bond-issuing agencies and the lenders and buyers of tax-exempt bonds that the effective dates under any new tax legislation approved by the Congress will be prospective only and that, until the provisions of tax reform legislation are finally agreed to and until such dates are finally established by enacted law, which dates shall conform to this concurrent resolution, State and local government financing activities will be permitted to proceed under current law without concern for adverse retroactive effect: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress agrees, and instructs its committees and any conferees, that the Congress will not approve any provisions in H.R. 3838 or in similar legislation that would adversely affect the tax-exempt status of the bonds or other obligations of the States or their political sub-divisions and instrumentalities which comply with current law and which are issued before—

(1) January 1, 1987, or

(2) any later date provided in enacted law.

Mr. CRANSTON. Mr. President, the Federal Government has for many years been committed to encouraging housing and has used tax policy to attain those objectives. Affordable housing for low- and moderate-income persons is an essential part of our social policy has been a national commitment for many years. Tax policy is of major importance additionally to those who finance housing as well as those who reside in housing. On December 17, 1985, the House of Representatives passed H.R. 3838, the Tax Reform Act of 1985. This bill, as passed by the House, now pending in the Senate Finance Committee, would have, if passed as is, a profound effect upon individuals and businesses, particularly those involved in housing, such as on home buyers, home owners, renters, and investors. These effects must be weighed carefully before proceeding with any final tax reform proposal.

My most immediate concern about H.R. 3838 is its effective dates. A number of provisions affecting low- and moderate-income housing would become effective January 1, 1986, if no changes are made. Other provisions have retroactive effective dates back to 1985. Some of these provisions may be changed during Senate consideration of a tax bill. However, notwithstanding that the timeframe for passage of a tax bill is very uncertain, these effective dates are already causing severe distortions to particular sectors of the economy. The housing industry is currently in the position of having to guess what the consequences will be for decisions that require long-term planning. The price of multifamily rental housing cannot be determined without knowing what depreciation treatment will apply and what the amortization period will be for construction interest. Other provisions that would be retroactive are the at-risk limitation on losses; new restrictions on tax-exempt bonds for low-income housing, the first year phase-in of interest deduction limitations, and amendments to the alternative minimum tax.

The January 1, 1986, effective date provisions affecting State and local bonds has virtually shut down that market. Testimony before the Senate Banking, Housing, and Urban Affairs Committee recently revealed the extent of the distortions being caused by those retroactive dates. The volume of new issues of tax exempt bonds to finance housing education, health care, student loans, roads, and other traditional public purposes has dropped from 11.3 billion in the first 6 weeks of 1985 to 3.4 billion respectively in 1986.

State and local tax-exempt bond volume reached $30 billion in 1985 in California, the largest bond issuer in the United States.

Since January 1, 1986, only two tax-exempt financing bond issues have been completed in California. These two bond issues total less than $60 million. This change clearly illustrates the impact of the proposed retroactive effective dates of new restrictions on the municipal bond market in the tax reform bill, which is not now law. In 1985, the single greatest "public purpose" bonds which were financed by local government in California was for housing. Housing accounted for $6.4 billion or 35 percent of the total long-term local debt issuance of $21.9 billion. Housing bonds also provided low-interest mortgages for 300,000 first time home buyers across the United States. Thus if the House bill became law with a January 1, 1986, effective date, not only would investors with these tax-exempt bonds find themselves holding taxable bonds they thought were going to be tax free, no new bond for housing would be issued.

The most far-reaching implications St1The most far-reaching implications for the municipal market will result from the proposed amendments to the alternative minimum tax which provide that interest on all nonessential function bonds issued on or after January 1, 1986, will be treated as a preference item in the calculation of the alternative minimum tax. As a result, taxpayers are not expected to acquire nonessential function bonds but rather purchased only fully tax-exempt function bonds. State and local government are being required to shoulder severe restraints in their ability to raise funds for local needs as direct Federal funding is being cut off.

While I am a supporter of the alternative minimum tax and believe that tax burden should be fair across the board, the alternative minimum tax new preference item amendments on bonds interest when combined with at risk rules, ceiling caps on bonds and investment interest expense limitations, all to be imposed retroactively, puts the burden most heavily on investments in low- and moderate-income housing. Specifically, the extension of the at-risk rules to real estate with respect to nonrecourse seller financing will affect partnerships that have already purchased real estate, structured the investment, and incurred legal, accounting, and other fees. Many of these investments were made on the basis of statements made by Chairmen PACKWOOD and ROSTENKOWSKI of the respective Senate and House Finance Committees last March, when they promised that businessmen would be able to make decisions throughout 1985 without fear of retroactivity. At this point few of these partnerships can be restricted without enormous cost, and investors could be subject to recapture back to the 1980's.

As late as October 31, 1985, the House Ways and Means Committee issued a press release announcing that very low-income housing was excepted from the at-risk rules. However, that did not turn out to be the case when the committee report was issued.

The uncertainty surrounding these dates in tax reform proposals is causing consternation from coast to coast, and while all bills must have effective dates, it appears that this situation is imposing a double penalty on the affected parties. Tax reform should be accomplished in a manner which provides an orderly transition to the new rules. The effective dates must be clarified and not made retroactive.

For these reasons, I am submitting two Senate concurrent resolutions, one to clarify the dates on tax-exempt bond provisions, and the other resolution to clarify that the effective dates shall not apply retroactively so as to undermine investment decisions made prior to January 1987 in housing partnerships. It also provides that the extension of the at-risk rules application to low- and moderate-income housing not be retroactive to seller financed real estate in partnerships where the real estate was acquired prior to 1987; amendments to the investment interest expense limitation should not apply to payments made on investments entered into prior to January 1987 and amendments to the alternative minimum tax should not apply to investments made prior to January 1987.

I believe the Congress has a responsibility to clarify the effective dates in the most needed areas by passing a binding concurrent resolution containing a list of certain provisions to which retroactive effective dates will not apply. I believe that the provisions above fit that category, and I urge the Finance Committee of both Houses to provide guidance in the other affected areas.

I ask unanimous consent that several news articles on the subject be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

FIRMS POSTPONING, CANCELING PLANS

(By Jane Seaberry)

Almost two years ago, a Platteville, Wis., businessman began doing what he thought were all the right things to prepare for the opening of his second McDonald's restaurant.

"I sat down with our CPA, talked about our advantages and disadvantages of expanding," said the businessman. A crucial consideration was whether the investment would be worth it in terms of the tax advantages.

The accountant said go ahead, but the weatherman refused to cooperate. The 1985 opening had to be postponed because of extraordinarily wet weather and when the fast food store finally opened last week, the businessman was not overjoyed.

If his restaurant had opened before the new year, the owner would have been assured of lucrative tax breaks that are slated to be eliminated retroactively as of Jan. 1 in the tax overhaul plan now under consideration in Congress.

"It's not fair. If you do anything on a tax bill, it has to have an effective date somewhere in the future so people can plan accordingly," the businessman complained. "I'm not trying to say a tax bill is good or bad. It has to have an effective date and not penalize people who made commitments in 1984 and 1985."

Uncertainty over the tax overhaul debate in Congress is causing consternation, from coast to coast as businesses scramble to postpone, cancel or hurry up investments to beat the threatened elimination of tax breaks.

The tax-revision plan was intended to encourage businesses to buy equipment, expand plants and make other capital commitments based not on tax decisions, but on the economics of the investment itself. Instead, the uncertainty about the tax legislation is causing businesses to make investment decisions driven largely by their tax implications.

There are at least three schools of thought on the impact of tax revision on companies. One is that businesses will cancel or postpone plans because they are not sure how tax revision will affect them. Another is that businesses will hurry and make all of their investments this year in hope that the effective dates will be moved back when the bill is finally passed. And finally, there is the feeling that tax revision won't pass, so business will go on as usual.

"For the most part, there's skepticism," that any bill will pass, said Delos Smith, associate economist for the Conference Board, a research organization supported by business. "Is there really going to be a bill? There's uncertainty about Gramm-Rudman and everything going on, especially in the financial community and that's a community that hates uncertainty. That makes them very, very nervous."

Uncertainty over tax revision was "one of the factors which entered into business spending plans in 1986 showing no growth in real terms," said Robert Ortner, the Commerce Department's chief economist. "Uncertainty is never a favorable factor for investment. . . ."

"If anything, the high probability that there will be a tax revision bill this year is causing business to hurry up their business decisions so they can get in under the wire," said Jerry Jasinowski, chief economist for the National Association of Manufacturers. "Business investment in '86 could be higher."

Firms ranging from small and large manufacturers to real estate developers are particularly concerned about these provisions of the tax bill passed by the House of Representatives and pending in the Senate:

Elimination of the investment tax credit, which subsidizes up to 10 percent of the cost of new equipment and machinery;

Changes in depreciation, which will make it less lucrative to purchase equipment and real estate;

Restrictions on industrial revenue bonds, which prohibit their use for financing many projects with nongovernmental uses;

Limits on the deductibility of interest; and

Creation of a comprehensive alternative minimum tax on corporations.

[From the Washington Post, Feb. 24, 1986]

CONFUSION MOUNTS WITH NEW DELAYS

(By Anne Swardson)

One year ago yesterday, House Ways and Means Committee Chairman Dan Rostenkowski (D-Ill.) stood before an audience of New York business people and told them he understood their fears about overhauling the tax code and the interim confusion such massive changes could create.

"Business has good reason to gripe about continued uncertainty," Rostenkowski said then. "Tax reform can't be a game with endless overtimes."

That was long before Rostenkowski's committee produced a sweeping tax bill, which passed the House of Representatives in December. The legislation is pending before the Senate Finance Committee, and the final whistle on a tax package is months away, at best.

The politics have changed, but the confusion remains. Just as they were doing last year at this time, the business and financial worlds are operating in darkness, unable to calculate the tax consequences of transactions with certainty.

If anything, the situation has worsened. The House bill has an effective date of Jan. 1 of this year, but the Senate has not yet acted. As a result, investors and companies do not even know whether the economic decisions they are making this minute are covered by the current tax code or by some as-yet-unspecified new system. The only certainty is that uncertainty will be around for a while, complicating decisions about expenditures for facilities, equipment, research and development, and other investments.

"People are confused and some of them are angry," said Gerald Padwe, national tax director for Touche Ross, an accounting firm. "It's difficult, when you realize that the federal government is the biggest partner most busineses have."

Rep. James R. Jones (D-Okla.), who recently toured his state, said signs of a slowdown due at least in part to tax uncertainty can be found in small-town finances, in hospitals, in libraries and among businesses.

"The feedback I have gotten in Oklahoma, plus the limited feedback I have gotten from colleagues from other states, is that everything is at a standstill," Jones said.

Efforts are under way on Capitol Hill to try to lift this fog, perhaps through a joint statement from the leaders of the House and Seante tax-writing committees specifying the effective dates for any tax-revision bill. Nonbinding resolutions have been passed in both houses calling for postponement of the effective dates of tax overhaul. Treasury Secretary James A. Baker III said last week that he and congressional leaders should meet "as soon as we can" to resolve uncertainty, according to Knight-Ridder.

But only one meeting between the principals—Rostenkowski and Senate Finance Committee Chairman Bob Packwood (R-Ore.)—has been held. Last week, the two chairmen decided to have their staffs study the consequences of changing the effective dates of selected provisions, and the consequences of not changing them.

The two plan to meet again next week to discuss this and other questions, but Rostenkowski has little interest in wholesale postponements of effective dates of the tax legislation, except in dire cases. When specific extensions have been granted in the past, congressional aides point out, they have encouraged other interests to come in and seek similar postponements, undermining the purpose of the legislation.

Putting off the dates of implementation for provisions limiting deductions also makes it more difficult for the eventual bill to bring in the same amount of federal revenue as the current tax system because the funds gained by limiting deductions rolls in later than the revenue lost by cutting rates, which the bill also would do.

"You could have a tremendous loss of revenue," said Sen. Lloyd Bentsen (D-Tex.), who wants the committee chairmen to issue a statement promising to delay implementation of the entire bill, including rate cuts, for a year.

Packwood has been asked by Finance Committee members to negotiate such an agreement, and, like Rostenkowski, wants to distinguish the cases where postponement is needed from those where it will lead to abuses, aides said. Last week, Packwood cautioned against making economic decisions on the basis that the effective date might be postponed.

Several sources also suggested that Rostenkowski and Packwood might have difficulty in agreeing to a joint statement because they do not have the best of personal relations. Rostenkowski is said to remember that Packwood convened a House-Senate conference committee in December, even notifying the House conferees of the meeting, despite the fact that Rostenkowski had refused to schedule the meeting. Other sources said the incident did not lead to personal animosity between the two.

The longer it takes to produce some kind of agreement, the greater the possibility that other members of Congress will step in on their own. Rep. J.J. (Jake) Pickle (D-Tex.) and others, for example, already are pushing a resolution to postpone the effective date of the bill for limiting benefits from certain tax-exempt bonds.

Even if congressional leaders could produce a statement on effective dates for tax overhaul, however, it is unlikely the business and financial communities would be able to operate with complete certainty. Until the Senate passes a tax bill, a conference committee produces a compromise and President Reagan signs it—an outcome that is far from certain—the exact provisions to be changed, if any, won't be known.

"The question is, does the market demand a 'for sure,' or will they bet on a Packwood-Long-Rostenkowski-Duncan statement as the closest thing?" asked William Diefen-

derfer, chief of staff for the Finance Committee. "It's not law, it's four relatively powerful people saying, 'this is how we want it to come out.' . . . There's still all those what-if's."

Investors show few signs that they are reassured by the possibility of a congressional agreement on postponing some dates. Accountants and lawyers say they are flooded with telephone queries.

"I can't tell you how many calls we're getting from clients who are going crazy," said one source at a large accounting firm. "How you feel about changes in the tax laws depends on whether you're paid by the year or by the hour," said another.

Uncertainty over tax legislation is nothing new. Ever since Congress passed Reagan's tax cut in 1981, tax increases or tax revision have been on the table. Reagan himself raised the possibility of higher taxes just two months after the 1981 bill became law. In 1982, Congress passed a $98-billion, three-year tax increase.

In 1983, the House debated a revision measure, and Congress raised Social Security taxes. In 1984, additional legislation altering the tax code and raising revenue was approved. Even now, there is concern that the Gramm-Rudman-Hollings balanced-budget law could lead to higher taxes if it is upheld by the Supreme Court.

"It's not just tax reform, and it goes beyond this year," said Emil Sunley, a former Treasury Department official who is with the accounting firm of Deloitte, Haskins & Sells. "We've had five years of major changes being considered and talked about."

This time around, however, the stakes are higher than they have been on other occasions. The House bill, like the president's proposal, is a sweeping rewrite of virtually the entire tax code. And the confusion is greater because the effective date incorporated in the House bill already has passed. Companies deciding whether to purchase a new piece of equipment or construct a building thus cannot be sure how they will be able to write off those costs.

The list of provisions that could affect ongoing economic decisions, depending on when or if they are enacted, covers purchases of equipment and machinery, construction of and investment in real estate, tax-exempt bonds, tax-deferred savings plans, trusts and estates, mergers, and takeovers, research and development, long-term construction and production contracts and investments in securities, to name a few.

Tax provisions that expired at the end of last year are caught up in the morass, as is legislation covering operating losses that was first enacted in 1976 but never has gone into effect. Virtually the entire tax code is in limbo.

Adding to the confusion is the fact that no one knows when the bill will go into effect, if it becomes law. The recently passed House resolution called for a meeting of the four committee leaders and Baker to postpone until 1987 the effective date of "selected items;" the Senate wanted to delay the effective date for the whole thing to next January 1.

Such a postponement, if announced in advance, could produce distortions in economic activity as investors rush to protect themselves from the consequences in advance. It would be especially easy to do so if the transition deadline were extended. Now, the bill specifies that an investment made after the proposed effective date is covered by current tax law only if a binding contract for that investment was entered into before September 25.

Tax bills often are made effective as of the date of committee action, or when the legislation is introduced, to prevent distortions in economic activity. The September 25 date, for example, is when Rostenkowski first released the proposal that became the House tax bill.

One possible compromise, analysts suggest, is to retain that deadline for binding contracts and postpone the effective date for most other provisions to the next year. That could forestall some distortions that could spring from a blanket postponement.

[From the Washington Post, Feb. 22, 1986]

TAX-LAW UNCERTAINTY STALLS INVESTORS—REVISIONS PENDING IN CONGRESS PUT SOME PROJECTS ON HOLD

(By Ann Mariano)

Plans to sell and rehabilitate Paradise Manor, a large, subsidized housing project in Northeast Washington, are stalled by the specter of tax-law changes that could slash heavily into the profits of investors, according to a consultant working with the Mayfair Foundation, the nonprofit owners of Paradise Manor.

The proposal calls for selling the complex to investors seeking the tax deductions available under current law, with an agreement that the residents could buy Paradise Manor when the benefits are exhausted, probably in about 10 years, said Marilyn Meikonian, head of Telesis Corp., a housing consulting firm. The infusion of capital is needed to fund major renovation of the 20-year-old apartment buildings.

But uncertainty over what kind of tax law may emerge from Congress this year has real estate investors holding off on this and other major decisions. Many of the deductions and shelters that pull billions of dollars annually into multifamily housing, low-income projects and other types of real estate transactions could disappear or be sharply reduced if the bill passed late last year by the House of Representatives, or a similar measure, becomes law.

Several provisions of the House bill as it now is written would take effect retroactive to Jan. 1, 1986, raising the possibility that tax-favored investments made now suddenly could become less so later this year. The tax advantages often make the difference between profit and loss in real estate investments.

Congress is expected to change the dates to make most, if not all, parts of the law effective after its passage, but without more reassurance than has come from Capitol Hill so far, the real estate industry is leery of taking chances.

The "most dangerous" aspects of the bill for the industry are changes lengthening the depreciation period on property to 30 years, limitations on deductibility of interest, and a retroactive, more comprehensive alternative mimimum tax, according to an analysis by the National Realty Committee, which represents developers, investors and owners of large-scale commercial real estate projects. Under the present law's accelerated method, large deductions for depreciation of property can be taken in the early years of ownership.

Most deals now "dead in the water" are those financed by limited partnerships and tax-exempt bonds, which state and local governments issue, tax analysts say. Investors pay no taxes on the interest they receive from the bonds.

Much of the multifamily rental housing built in the United States is financed through these two sources, and real estate industry leaders say the tax uncertainty will significantly slow construction. Resulting shortages of apartments will arise in a year or so, then rents will rise, believes Stephen D. Driesler, executive vice president of the National Multi Housing Council.

Brookings Institution economist Anthony Downs said, however, that other factors could offset "the negative effects of tax reform" on the rental housing supply and possibly push down rents. A flurry of multifamily housing construction starts took place late in 1985 by developers anxious to avoid the danger of losing tax benefits in 1986, he said. In addition, Downs said, money that investors once put into office-building construction now is going into rental apartments because of a nationwide oversupply of office space.

The House bill's restrictions on the bonds "dried up" that market on Jan. 1 of this year, according to Driesler. "The market won't come back until the tax uncertainty is cleared up", he said.

Several analysts also reported they know of no housing bonds issued so far in 1986. Tax-exempt bonds, issued as a way to provide housing for low- and moderate-income Americans, financed about 25 percent of all rental housing built in the United States in 1983 and 1984, according to a General Accounting Office report issued this month. To qualify for the low-cost financing the bonds provide, developers must agree to set aside 20 percent of the units they build for renters with incomes 80 percent or less of the area median. The remainder of the apartments may be rented to anyone.

Housing bonds also provide low-interest mortgages for first-time home buyers, about 300,000 last year, according to estimates.

Among the House bill changes causing investor jitters are provisions sharply limiting the dollar volume of tax-exempt bonds that could be issued annually, tightening the rules qualifying bonds for tax-exempt status, and calling for retroactive taxing of interest if conditions change so that the requirements no longer are being met. Thus, if the House bill became law with a Jan. 1, 1986, effective date, investors could find themselves holding taxable bonds they thought were going to be tax-free.

As interest rates rose in the late 1970's and tax code changes in 1981 allowed greater depreciation deductions in the early years of a project, more and more developers sought tax-exempt bonds because interest rates were lower and tax advantages greater, according to the GAO report.

The GAO report, made for the Joint Committee on Taxation, said tax-exempt bonds cost the U.S. Treasury $2.3 billion in lost tax revenue for 1983 and 1984, benefit developers, bondholders and others associated with issuance of the bonds, but largely fail to fill the needs of low-income tenants because they are charged market-rate rents in most developments.

The House bill would require builders to increase the number of units reserved for low- and moderate-income families to 25 percent, or lower than the qualifying income to 70 percent of the area's median if only 20 percent of the units are set aside.

To maintain the tax-exempt status, operators of the housing would have to certify every year that they are meeting the requirements. If they fail to meet this standard, interest income would be taxed retroactively to the date the bonds were issued, a requirement that would increase borrowing costs and make the bonds riskier for investors, according to an analysis by the accounting firm of Coopers & Lybrand.

More serious threats to bond-financed housing are the state caps the House bill

would impose on the dollar volume of tax-exempt bonds for all purposes that can be issued annually, several analysts said.

The cap would be set at $175 per state resident, or $200 million, whichever is greater, and would have the most impact on state and local governments that have counted heavily on tax-exempt bonds to meet their housing needs, they said.

Montgomery County is one of these areas, according to county housing officials. Montgomery County financed an estimated 3,700 rental units with $278 million in tax-exempt bonds last year, with 740 of the apartments set aside for low- and moderate-income families.

Under the House bill's formula for allocating portions of the bond financing allowed each state, Montgomery County would receive about $25 million for housing, according to Vivian Benjamin, multifamily underwriter for the county's Housing Opportunities Commission. At least one-third of the money must go into multifamily development and one-third into single-family construction.

The $25 million would pay for 208 units in apartment buildings, of which about 40 would be reserved for low- and moderate-income tenants.

Syndications of the type the Mayfair Foundation hoped to put together for Paradise Manor in the District of Columbia would not attract many investors under the House bill, analysts said.

The new alternative minimum tax, "narrowing" of deductions and lower tax rates would combine to discourage most syndications or resyndications of low-income housing, according to Lawrence J. Ross, former chief counsel for the House Ways and Means oversight subcommittee in the late 1970s.

Irwin J. Deutsch, president of Century Pacific Investment Corp. of Los Angeles, said he has "put a number of projects on the back burner, waiting for legislative clarification." Century Pacific put together syndicates, which invest in housing construction and rehabilitation, about 60 percent of them for low- and moderate-income residents, he said.

The company considered investing in Paradise Manor, "but I put the project on hold," Deutsch said.

Existing subsidized housing like Paradise Manor could be especially hard hit, said Melkonian, who was HUD deputy assistant secretary for housing in the Carter administration. About 2 million low- and moderate-income units built in recent years under HUD programs have no other way to attract capital except through "tax-minded investment," Melkonian said.

SENATE RESOLUTION 351—EXPRESSING POLICY TOWARD AND SUPPORT FOR THE NEW PHILIPPINES GOVERNMENT

Mr. DOLE (for himself, Mr. BYRD, Mr. LUGAR, Mr. PELL, Mr. KASTEN, Mr. DODD, Mr. KENNEDY, Mr. PRYOR, Mr. MELCHER, Mr. LEVIN, Mr. NUNN, Mr. SASSER, Mr. MURKOWSKI, Mr. STAFFORD, Mr. D'AMATO, Mr. WILSON, and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 351

Whereas the Government of the United States has recognized the legitimacy of the new Government of the Philippines under the popularly-supported leadership of President Corazon Aquino;

Whereas the Senate has stated, in S. Res. 345, that "America's interests are best served in the Philippines by a government which has a popular mandate;"

Whereas the Congress has stated, in H. Con. Res. 232, that the reinvigoration of Philippine democratic institutions offers the best means of restoring public confidence in the government and of defeating the growing Communist insurgency;

Whereas, on January 30, 1986, the President of the United States stated that "A free and fair election, if also followed by a genuine reform effort in the economic and security areas, will assist the Philippines along a path of growth, prosperity and stability that will benefit the entire region.";

Whereas in this same statement, the President referred to the growing Communist insurgency in the Philippines by saying "The Communist strategy can be defeated. But defeating it will require listening to and respecting the sovereign voice of the people.";

Whereas the strong historical bonds between the United States and the Philippines, and the deep commitment by the peoples of both nations to the principles and exercise of democracy, have been reaffirmed through this critical period in the history of Filipino-American relations;

Whereas Filipinos and Americans have fought and died together to defend liberty and the rights of all peoples to choose governments whose moral and political legitimacy is based on their being created and maintained through free elections and other democratic processes;

Whereas the Filipino people, through their participation and perseverance in the recent election, have demonstrated courageously their commitment to the exercise of democratic freedoms, and have had that faith in democracy justified by the transition to a popularly-supported government of the Philippines;

Whereas the Philippines now is facing political, economic, and military crises so grave that close cooperation between the United States and the Philippines is required for them to be overcome;

Whereas the most effective means to combat the Communist insurgency in the Philippines is through significant economic, political, and military reforms; Now, therefore, be it

Resolved,

SEC. 1. The United States Senate:

(A) fully supports the recognition by the Government of the United States of the legitimacy and legal stature of the new Government of the Philippines under the leadership of President Corazon Aquino, who clearly enjoyed the support of a majority of the Philippine people in the February 7, 1986, election;

(B) praises the progress toward restoration of democracy in the Philippines, and commends President Aquino for the statesmanlike and peaceful methods employed to bring about an orderly transfer of power;

(C) praises the people of the Philippines for their valor and courageous commitment to democracy, especially during the recent activities in Manila, which resulted in the peaceful and expeditious transition of power to the Aquino government;

SEC. 2. The President is urged to convey these findings and sentiments of the United States Senate personally to President Aquino.

SENATE RESOLUTION 352—CREATION OF THE COMMISSION ON BICENTENNIAL OF THE SENATE

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 352

Whereas the Senate of the United States in the year 1989 will celebrate the two hundredth anniversary of its establishment under the Constitution, and;

Whereas the Senate's historical development has been inextricably bound to the development of our national heritage of individual liberty, representative government, and the attainment of equal and inalienable rights, and;

Whereas it is appropriate and desirable to provide for the observation and commemoration of this anniversary, and;

Whereas the Study Group on the Commemoration of the United States Senate Bicentenary in 1982 recommended a "coordinated program of publications, ceremonial events, conferences, and a film to inform the nation on the role of the Senate" to be undertaken within the Office of the Secretary of the Senate by the Senate Historical Office and the Office of the Senate Curator, and;

Whereas the Study Group further recommended that the Senate on the eve of the 100th Congress might "wish to establish a special bicentennial commission to coordinate specific activities of the bicentennial period 1987-1989": Now, therefore be it

Resolved, That there is hereby established a Commission on the Bicentennial of the United States Senate (hereafter in this resolution referred to as the "Commission") to coordinate ceremonial events and related activities as appropriate.

SEC. 2. The Commission shall be composed of the following members:

(a) The president pro tempore of the Senate;

(b) The majority leader and minority leader of the Senate;

(c) Two members of the Senate to be appointed by the majority leader;

(d) Two members of the Senate to be appointed by the minority leader.

SEC. 3. The Majority Leader shall designate one of the members of the Commission to serve as Chairman of the Commission, and the Minority Leader shall designate one of the members of the Commission to serve as Vice Chairman of the Commission. Four members of the Commission shall constitute a quorum for the transaction of business.

SEC. 4. Any vacancy in the membership of the Commission shall be filled in the same manner as the original appointment.

SEC. 5. The Commission shall oversee the development of projects and activities as outlined in the Final Report of the Study Group on the Commemoration of the United States Senate Bicentennary. It shall seek to coordinate Senate bicentennial activities with related organizations outside the Senate, including the Commission on the United States House of Representatives Bicentennary and the Commission on the Bicentennial of the United States Constitution.

SEC. 6. The Commission shall be staffed by the Senate Historical Office and the Office of Senate Curator, under the jurisdiction of the Secretary of the Senate, and with the

assistance of the U.S. Senate Commission on Art and Antiquities.

SEC. 7. The routine administrative expenses of the Commission shall be paid from the Contingent Fund of the Senate, out of the account of Miscellaneous Items, upon vouchers approved by the chairman of the Commission. For any fiscal year, not more than $100,000 shall be expended for such purposes.

SEC. 8. The Commission shall seek to assemble a private sector task force to explore ideas and funding from private sources for appropriate projects to commemorate the Bicentennial.

SEC. 9. The Commission may submit periodic reports on its activities to the Senate and shall submit a final report at the time of its termination.

SEC. 10. The Commission shall cease to exist at the end of the 101st Congress, unless otherwise provided by law or resolution.

Mr. BYRD. Mr. President, I am submitting a resolution on behalf of myself and the distinguished majority leader. In 3 short years the U.S. Senate will commemorate its 200th anniversary. This major milestone offers a unique opportunity for spirited celebration and thoughtful reflection as we consider the Senate's past, present, and future. To ensure that we make the most of this bicentennial period, I introduce a Senate resolution on behalf of the distinguished majority leader and myself providing for the establishment of a Commission on the Bicentennial of the U.S. Senate.

The purpose of this Commission would be to oversee the many Senate bicentennial plans already underway and to coordinate ceremonial events with such related panels as the Commission on the Bicentenary of the House of Representatives and the Commission on the Bicentennial of the United States Constitution. I am pleased to note that among the 23 members of this latter distinguished national commission are Senators THURMOND, KENNEDY, and STEVENS.

In 1980 Senator STEVENS joined with me and the then-minority leader Howard Baker to sponsor a resolution establishing a study group on the Bicentenary of the Senate. The study group included the majority and minority leaders; the chairman and ranking member of the Rules Committee, Senators PELL, WARNER, and GORTON; former Senators Hugh Scott, Milton Young, and Wendell Anderson; the Librarian of Congress; the Archivist of the United States; and three distinguished constitutional scholars. Under the chairmanship of Hugh Scott, the study group, in 1983, issued a final report that has served over the past 3 years as a blueprint for Senate bicentennial planning.

In establishing and supporting the work of the study group, the Senate became the first major entity within the U.S. Government to undertake constructive planning for the forthcoming bicentennial of the U.S. Constitution and Federal Government. Throughout its deliberations the Senate study group distinguished between those activities that could be best accomplished within the Senate and those that independent individuals and organizations might see fit to undertake. That panel also emphasized projects that could be accomplished with existing staff resources. Appropriately, the study group drew upon the assistance of the offices of the Senate Historian and the Senate Curator, rather than creating a separate staff. In a similar vein, the proposed Senate Bicentennial Commission would rely on these same existing staffs. This would minimize the cost of the bicentennial commemoration while maximizing its effectiveness.

Mr. President, for the information of my colleagues, I will mention just a few of the Senate bicentennial projects already completed or underway. They include publications for Members, scholars, and the general public; exhibitions; ceremonial events; conferences; and a documentary film. In 1983 the Senate published as "Senate Bicentennial Publication No. 1" a comprehensive "Guide to Research Collections of Former United States Senators." This unique and valuable reference book provides information on the location, in 350 repositories across the Nation, of most former Members' papers, portraits, photographs and, for more recent times, oral history interviews. "Senate Bicentennial Publication No. 2," designed to ensure that current Senators leave behind the richest possible collection of papers, is entitled "Records Management Handbook for United States Senators and Their Repositories."

With the completion of these two publications devoted to Senators' papers, work is now underway to provide similar guides to committee records and other unprinted official Senate documents. The National Archives is cooperating in a project to prepare a guide to the 20,000 cubic feet of Senate records in its custody. These priceless documents date back to the First Congress in 1789 and the bicentennial offers an opportunity to produce, for the first time, an inventory that will make their contents more readily accessible to Senate staffs, scholars, and the general public. For records currently being created, Senate committees will have a manual, by year's end, that will assist them with the identification and preservation of their permanently valuable records.

At the end of the last session, Congress adopted a concurrent resolution authorizing publication of a revised edition of the "Biographical Directory of the United States Congress." For the first time in the 127-year history of this popular reference volume, it will be compiled by professional historians in the historical offices of the Senate and the House.

Mr. President, these publications projects that I have just mentioned are designed primarily to assist Members, their staffs, and scholars. When we turn to the larger American public, we should not be surprised at the general lack of understanding of the Senate's specific role in the American governmental process. I am certain that televising our proceedings will contribute to broader public enlightenment of our present and future activities. But what of the past? There is no single published history of the Senate yet available in the schools and colleges of the Nation. There is no film or video tape, describing the two centuries of Senate development, available for viewing in living rooms and classrooms across our country. The bicentennial provides an opportunity to change this.

Since March 21, 1980, I have, on nearly 80 occasions, addressed the Senate on topics related to its history and its traditions. The bicentennial study group recommended that these addresses be compiled in book form and made available to the widest possible audience. I also hope that the proposed Senate Bicentennial Commission would follow up on the study group recommendation that the Senate encourage an independent film maker to produce a documentary film on the Senate or the entire Congress. I agree with the study group's conclusion that it would be inappropriate for the Senate to finance or otherwise determine the content of such a film. Rather, that undertaking should challenge the imagination and resourcefulness of the Nation's best independent film makers.

The Office of the Senate Curator, in collaboration with the Senate Commission on Art and Antiquities, of which I am a member, has already demonstrated its great professional competence in guiding the restoration of the historic Capitol Chambers that housed the Senate and the Supreme Court in the first half of the 19th century. The Curator and the Commission, with the bicentennial in view, continue to design exhibits and publications that interpret for the visiting public the rooms, furnishings, and decorative arts associated with the Senate's residence in the Capitol.

Mr. President, while these various projects are underway, there are matters that deserve the attention of the proposed Bicentennial Commission. Although the Senate's bicentennial birthday will not occur until the spring of 1989, the 100th Congress, beginning next January, offers many commemorative occasions associated with the creation of the Senate at the 1787 Constitutional Convention. May

25, 1987, is the 200th anniversary of the first meeting of the Philadelphia Convention. The men who met at Independence Hall during that hot 1787 summer immediately recognized the need for a Senate as part of their plan to replace the decrepit Articles of Confederation. Under the Articles, Congress consisted of but a single Chamber. Its Members worked under the complete control of the State legislatures that elected them and paid their salaries. Members served single-year terms and they could remain in Congress for no more than 3 years in every 6-year period. Each State could send to the Confederation Congress from two to seven Members, but those Members collectively could cast for their State only one vote. Members could be recalled and replaced at any time.

The Framers of the Constitution, in providing greater powers to the central government, also established greater checks on those powers. The Senate, to be elected by State legislatures, became a crucial instrument in reviewing the deliberations of both the popularly elected House of Representatives and the President. Consequently, the Framers established a grater minimum age for Senators, a longer term than for either House Members or the President and they ensured continuity by providing that only one-third of the senatorial terms would expire every 2 years. With a 6-year term, Senators were granted a degree of independence greater than that of any other national office holder.

The great significance of the Constitutional Convention's debate over the Senate lay not with its relationship to other parts of the Government, or with the length of Members' terms, but rather with its capacity to ensure that the interests of both large and small States were equitably balanced. Disagreement over the issue of whether States would be represented equally or in proportion to their population threatened to destroy the convention at mid-point. It moved Benjamin Franklin, at one critical moment, to suggest the "desperate" remedy of prayer.

July 16, 1987, will mark a significant anniversary in the Senate's history. On that date in 1787, after nearly 3 weeks of deliberation in the Convention, during which one delegate declared "the fate of America was suspended by a hair," the Framers arrived at the so-called "Great Compromise." This compromise determined that the States would be equally represented in the Senate while they would be represented in the House in proportion to their populations. The Senate, however, was to be more than a council of States as the Congress had been under the Articles of Confederation. The Framers intended the Senate to be a body of independent Members beholden to no single source of influence or pressure. Senators were to be more than merely the instructed pawns of State legislatures. To ensure this independence, Senators, as well as House Members, were to be paid by the central government instead of by their respective States as under the Articles. Of equal importance, Senators were to vote as individuals and not as a State bloc.

Plans are taking shape now in Philadelphia to mark the occasion of the "Great Compromise"—a milestone in the creation of the Senate and House—by convening a special legislative session of Congress on July 16, 1987, at Independence National Historical Park. This first ceremonial event of the congressional bicentennial period requires the attention of the proposed Senate Bicentennial Commission. If this trip to Philadelphia takes place, it will be the first time in American history that this Congress has met outside the seat of government and the first time in 187 years that Congress has met away from Washington. During 1988, we will observe the 200th anniversary of the first Senate elections, an event that has relevance today as we consider reforms for the funding of Senate election campaigns.

As one of its last acts, the old Congress of the Confederation set March 4, 1789, as the date the new Federal Congress would convene. The proposed Commission will want to consider appropriate ceremonies for March 4, 1989, as well as for April 6, 1989, the date the Senate achieved its first quorum and got down to the business of counting electoral ballots and establishing the framework for the executive and judicial branches. The bicentennial of the First Congress, from 1989 to 1991, will present many opportunities to focus attention on the important precedents that the Senate and the House established in those crucial early years. To examine those precedents and the subsequent development of Congress, several research conferences are in the early planning stages. One, that might be held in 1987, would examine the state of research and public understanding of Congress. It could bring together experts in the congressional processes including current and former members, political scientists, historians, and journalists. There are also emryonic plans for a more broadly based conference of Pulitzer Prize winners in history and biography. These distinguished writers would prepare essays on the development of the Senate and House with an eye to the present and future, as well as the past. These plans, shaped in their early phases by staff, now require involvement by members to ensure that the bicentennial commemorations reflect the needs and interests of those of us privileged to serve here, as well as the interests of the American people.

Mr. President, it will be a privilege to stand among the 100 Senators to serve in the 100th Congress and to usher in the third century of the U.S. Senate. Two hundred years ago this world was ruled by autocratic monarchs—whether kings, or tsars, or emperors. Outside of the British Parliament, freely elected national legislatures were a dream rather than a reality. Over the past 200 years, revolutions have been fought in every corner of the globe to achieve the rights and freedoms that the American people won in the 18th century.

The government created under our Constitution in 1787, and inaugurated in 1789, has now survived for two centuries, through prosperity and depression, through civil war, world wars, and a cold war. We have grown from 4 million people in 13 States along the Atlantic seaboard to over 200 million people in 50 States across the continent and into the Pacific. We are the richest, most powerful and influential Nation on Earth. We have sent men to the Moon, and satellites to photograph the distant planets. We have done all of this under a form of government that has evolved from, and yet is remarkably close to the fundamentals devised by the Framers of the Constitution in Philadelphia 200 years ago. The continuation of our national government and the preservation of our rights and freedoms under that government have served as an inspiration to the world. We cannot forget, or take for granted, those accomplishments. It is only proper that we begin now to commemorate them with the forethought, deliberation, and dignity that are in keeping with the best traditions of the U.S. Senate.

I thank the Chair, and I yield the floor.

Mr. DOLE. Mr. President, in 3 years, the Senate will celebrate the bicentennial of its creation.

Instituted in 1789, under article I of the Constitution, the Senate has a long and rich history. The sum of its actions paints a colorful and accurate portrait of the development of this Nation—from its infancy, through its internal struggles and into its maturity as the world's greatest democracy.

The story of the Senate is one each and every American should know, because the Senate's story is America's story. To aid in this effort, we today will form a special Commission on the Bicentennial of the Senate. The bicentennial period actually begins in 1987, so it is not too early to initiate this project.

In 1982, a study group on the Senate's bicentenary suggested that there be an organized program to educate the American public about the Senate.

The seven-member Commission this resolution establishes, composed of the President pro tempore of the Senate, the majority and minority leaders, and two members to be appointed by each of the leaders, will be charged with coordinating all ceremonial and related bicentennial activities.

I would like to take this opportunity to announce that following adoption of this resolution I plan to name Senator STROM THURMOND, President pro tempore, as chairman of the Commission. Senator THURMOND is eminently qualified for this post. As one of the deans of the Senate, as its presiding officer, and as chairman of one of the Senate's most important committees, the Judiciary Committee, Senator THURMOND will bring the breadth of experience and understanding of the Senate this position deserves.

As the resolution states, no additional staff will be required for this Commission, and it will be dismantled at the end of 1989, which the bicentenary celebration ends.

Mr. President, as the majority leader I, of course, have very special feelings about the Senate. It is a unique and fascinating institution, one which every citizen should be familiar with. Perhaps if we, with help of this Commission, do a good job of explaining the Senate, its history, and its operations, then the American people will better understand how and why we work as we do. That knowledge will make our jobs easier and make us all better Americans. That is why the creation of this Commission is so important, and why I urge adoption of this resolution.

I commend the distinguished minority leader for his effort. We have discussed the resolution, gone over it carefully. I hope the committee will act expeditiously so we can take appropriate action on the Senate floor.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEES ON GOVERNMENTAL AFFAIRS

Mr. McCLURE. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, February 26, to hold a hearing on the President's Management Initiative and related legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. McCLURE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 26, in closed session, to hold a hearing on the fiscal year 1987, intelligence authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. McCLURE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 26, in closed executive session, in order to mark up the DOD organization draft bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, February 26, in order to receive testimony concerning the following nominations:

U.S. DISTRICT JUDGE

Con G. Cholakis, of New York, to be U.S. District Judge for the Northern District of New York;

Raymond J. Dearie, of New York, to be U.S. District Judge for the Eastern District of New York.

U.S. CLAIMS COURT JUDGE

Eric G. Bruggink, of Virginia, to be a Judge of the United States Claims Court;

Marian B. Horn, of Maryland, to be a Judge of the United States Claims Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICES OF HEARINGS

SUBCOMMITTEE ON LABOR

Mr. NICKLES. Mr. President, the Subcommittee on Labor will hold a hearing on S. 1018, a bill amending section 9(b)(3) of the National Labor Relations Act to clarify the meaning of the term "guard" for the purpose of permitting certain labor organizations to be certified by the National Labor Relations Board as representatives of employees other than plant guards.

The hearing is scheduled for April 24, 1986 at 9:30 a.m. in room 430 of the Dirksen Senate Office Building.

Persons wishing to testify should submit a written request to Chairman DON NICKLES, Subcommittee on Labor, Washington, DC 20510 by March 14, 1986.

If you have any questions concerning the hearing, please contact Chuck Carroll, of the subcommittee staff, at 202-224-5546.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a hearing before the Committee on Energy and Natural Resources on Friday, March 7, at 10 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC. The purpose of this hearing is to consider the nomination of Jed Dean Christensen, of Virginia, to be Director of the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, room SD-358, Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Jim Beirne at (202) 224-2564 or Nan Morrison at (202) 224-7143.

ADDITIONAL STATEMENTS

THE INFLUENCE OF BUSINESS IN CONTRIBUTING TO SUBSTANTIVE REFORM IN SOUTH AFRICA

Mr. HATCH. Mr. President, much has been written and broadcasted about the current situation of unrest in South Africa, particularly the pros and cons of disinvestment. President Reagan has made it clear that the administration abhors apartheid and racial discrimination. The President's policy is aimed at encouraging the complete eradication of the odious system of apartheid and the institution of democratic reforms leading to a society in which South Africans of all races are treated equally and fairly.

A key objective of the President's policy is to help South African blacks gain economic power because economic growth provides the foundation for peaceful political change, while economic stagnation produces unemployment and increased deprivation which can lead to violence. In short, South African blacks' best weapon against apartheid is to develop economic muscle.

Encouragingly, South African business leaders have played a major role in influencing their Government to institute reforms. South African Premier P.W. Botha has noted that many of the reforms which have occurred in South Africa have been promoted directly by business. South African business leaders have already been a significant force in instituting reforms on the shop floors, in management, transportation, housing, and education. Last fall they placed advertisements in key national newspapers urging the Government to accelerate the pace of change.

As my colleagues are aware, Chief Mangosuthu Gatsha Buthelezi, chief minister of South Africa's 8 million KwaZulu people, does not advocate violence as an instrument of change and sees disinvestment as a recipe for greater bloodshed and misery in South Africa. Breaking out of the downward spiral of violence and repression and extending the benefits of the free enterprise system to all people in South Africa should be, then, the highest of priorities.

The international business community with interests in South Africa have a unique opportunity to play an important and constructive role in accelerating the pace of change. Since 1977, over $78 million have been spent by U.S. companies alone on black education, health, welfare, entrepreneurship, and management training. The "Sullivan Principles" endorsed by President Reagan include nondiscrimination in employment, equal opportunity, and upward job mobility. These principles as adopted by American businesses in South Africa have helped to create a climate of social responsibility among the entire South African business community.

The Urban Foundation, a South African business organization, introduced a "Code of Employment Practices" after the 1976 Soweto riots that helped promote and enhance the quality of life of urban black communities. The Urban Foundation's efforts resulted in significant and meaningful change. European companies doing business in South Africa instituted reforms to help dismantle discrimination, create jobs, train and educate workers, and provide pensions, home loans, and bursaries for workers and their families.

Mr. President, I am happy to report the formation of a new Utah-based organization called the South African Vocational Endowment [SAVE]. SAVE is an international foundation committed to the education and training of black wage earners and/or small businessmen by establishing vocational schools in South Africa. A high priority of the organization is to help South African blacks to establish their own small businesses. SAVE is headed by a board of advisers from all racial groups and backgrounds and is funded by both American and European business interests that are already committed to bringing peaceful reform to South Africa. SAVE's mandate is consistent with President Reagan's goal of assisting South African blacks to gain economic power.

Mr. President, I urge my colleagues and the American people to support business organizations and associated foundations such as the South African Vocation Endowment [SAVE] which are working to eradicate apartheid by helping South African blacks become prosperous. I ask that an excerpt from a press release announcing the formation of SAVE be printed in the RECORD:

The press release follows:

TWO UTAH FIRMS HELP SOUTH AFRICANS FORM SAVE, LAUNCH VOCATIONAL TRAINING PROGRAMS FOR BLACKS.

SALT LAKE CITY, UTAH.—Two Utah firms, Video Vantage, Inc. and CAI, Inc. through Ron Heyns, vice-president, international relations for Video Vantage, have been instrumental in forming "South Africa Vocational Endowment", a non-profit South African education foundation. Ron Heyns reported today that the foundation has been established and that his company together with selected Utah educators and vocational consultants will provide competency-based education for blacks. The new foundation will also help graduates form their own businesses.

Mr. Heyns, a SAVE director, states the foundation has received initial financial commitments in South Africa for the early start of a $7.5 million pilot project. "We expect significant support from American firms doing business in South Africa. Establishing the foundation is a prime example of what private enterprise can do to address major educational needs. Our collective positive approach is in direct contrast to the destruction of jobs for blacks caused by sanctions or by the withdrawal of financial support from companies doing business in South Africa. We will be helping blacks to become trained and, in addition, to set up their own small businesses."

Mr. Heyns reported that the initial board of directors for the foundation are the following:

Ron Heyns, interim chairman of the board of directors. American representative and vice-president of Video Vantage, Inc. Ron has been instrumental in forming the South African Vocational Endowment Foundation.

Mrs. Wendy Ackerman, president of the Ackerman Family Foundation for the Pic & Pay Supermarket Chain in South Africa.

Wynand Malan, member of Parliament from the Randburg district of Johannesburg.

Peter Matshitse, works for Burroughs Corporation. He is a director on the Committee for Black Education for the Sullivan Signatories.

Tony Fabian, educator and owner of a South African computer consulting firm.

Frank Lubke, president of the U.S. Chamber of Commerce in South Africa.

Malcolm Ayers, secretary. Mr. Ayers is a chartered accountant.

These individuals comprise the initial board of directors for the foundation. The board will be expanded to about 25 representatives from South African blacks, businesses, and government.

S.A.V.E. will contract with Video Vantage and CAI to provide high-technology educational delivery systems. These classroom systems allow students to progress at their own speed in their chosen vocations. According to Hal Fox, president of Video Vantage, "we will involve Utah educators and other Utah educational consultants in providing the best educational delivery systems to S.A.V.E."

At the heart of the high tech educational delivery system to be used in South Africa is "Aesop" an instructional management system developed by CAI, Inc. "Aesop" is a teacher's management tool that tracks the progress of every student, says Reese Miller, vice-president for marketing of CAI, Inc. Mr. Miller states that CAI, Inc. has developed the "Aesop" computer software around specifications developed by Dr. Brent Gubler and his staff at the adult education curriculum development group of the Utah Office of Education. Mr. Miller announced that parts of the high tech educational delivery system will be shown at the Utah Educational Association [UEA] convention at the Salt Palace, October 10-11, 1985, booth 624.

The foundation has been established as a positive program to help South African blacks. Previous actions taken by some United States companies have caused about 200 blacks a day to become unemployed. U.S. businesses are encouraged to volunteer their help in this excellent step forward where two countries work together for the benefit of both South African blacks and South Africa.●

AFGHANISTAN IS NOT NICARAGUA

● Mr. SIMON. Mr. President, President Reagan is asking for a $100 million aid package for the Contras fighting the Sandinista government in Nicaragua, including a resumption of military aid. I oppose that request and hope Congress rejects it too. I have written a column for newspapers in my State explaining why I oppose aid to the Contras, but at the same time, support efforts to aid the freedom fighters in Afghanistan. I ask that it be printed in the RECORD.

The article follows:

AFGHANISTAN IS NOT NICARAGUA

(By U.S. Senator Paul Simon)

Someone asked me a good question: "Isn't it inconsistent for you to help lead the effort to aid the Freedom Fighters in Afghanistan but to oppose aid to the Contras in Nicaragua?"

My stand may appear to be inconsistent, but if you examine the facts carefully those two positions provide the basis for a consistent and sound policy.

Let's look at the facts.

Afghanistan was invaded by a foreign power, the Soviet Union, and there is no question that the huge majority of people in Afghanistan resent and resist that foreign occupation.

In Nicaragua we are supporting a civil war action designed to overthrow the government. There was no invasion. The Sandinistas who run the government are not Boy Scouts and are not universally popular, but apparently more popular than the Contras whom we support.

Helping people who are resisting an invasion is very different from getting enmeshed in a civil war.

In the case of Afghanistan the overwhelming opinion of the world as expressed by the United Nations vote, is opposed to the Soviet occupation. Even two of the communist nations have supported resolutions condemning the Soviets and urging withdrawal. Our limited efforts on behalf of the Afghan refugees and the Freedom Fighters are supported by world opinion.

What we are doing in Nicaragua is supported by virtually no one. Democratic nations of Latin America think we are making a mistake. The CIA publishes a pamphlet on how to assassinate leaders there and mines the Nicaraguan harbor, both violations of international law that embarrass us.

When we announced an economic boycott of Nicaragua, even El Salvador (on whose behalf we are theoretically doing this) criticized our actions.

About a year ago the State Department asked me to speak to a group of educators from around the world gathered in Washington. Before I spoke I asked if there were any there from Nicaragua, and two men raised their hands. I asked them to stay for a moment after my remarks and then I asked these two, "What should the United States be doing in Nicaragua?"

Both said they did not like the Sandinistas, but added, "but we like the Contras even less. Don't send down your weapons that are killing us. Let us solve our problems ourselves."

Last year 6,000 Nicaraguans—mostly innocent civilians—were killed in the struggle between the Contras and the government troops. What did the United States get out of it? A black eye. We reaffirmed in Latin America an already prevailing opinion that Uncle Sam is a bully and an exploiter, insensitive to local opinion.

In Afghanistan we are sending a message to the Soviets not to invade other countries. That is particularly important when you look at Iran, where instability may reign after the Ayatollah's repressive regime passes from the scene. I want the Soviets to get a message through Afghanistan: no invasions.

In Nicaragua we are playing into the hands of the communists, confirming what they say about us.

The Democratic nations of Latin America have offered to negotiate a settlement in Nicaragua that guarantees no foreign troops and equipment in that country—ours or any one else's. Why not accept that offer to negotiate? Instead we are resisting. Every day we continue our present policy in Nicaragua we add to the propaganda arsenal of the Marxists.

Finally, we should recognize one other reality: if we want to overthrow governments we don't like, that's about two-thirds of the governments on the face of the earth. We have plenty of problems without launching into that.

Let's attack hunger and illiteracy and the things that Marxism breeds upon. When there are invasions, let us support the people who resist them. But let's stay out of civil wars.

More than two centuries ago the English philosopher, Thomas Hobbes, wrote: "Prudence in the conduct of peace or war is power." In Nicaragua our country is not being prudent. We are eroding our power.●

OPPOSING RECISION OF UDAG FUNDS

● Mr. HEINZ. Mr. President, I recently joined a number of my colleagues in offering legislation to disapprove the administration's proposed deferral of community development block grant [CDBG] funds and the proposed recision of urban development action grant [UDAG] and section 202—housing for the elderly and handicapped—funds. The legislation we introduced condemned the deferral and recisions, but I must also protest the action of the Department of Housing and Urban Development [HUD] in ordering its regional offices to return all urban development action grant applications and to refuse to accept any other applications.

Although the President proposed rescinding $206.4 million in UDAG funds for 1986, that recision will not go into effect if the House of Representatives and the Senate do not approve the recision. Votes on the UDAG Program that have occurred in the Senate in the 99th Congress indicate that the majority of the Members of the Senate continue to support the program. I do not believe the recision will be approved.

HUD's order to return UDAG applications and refuse to accept any more applications was premature. It will have the effect of delaying the use of the already appropriated 1986 funds. Although this may have been the purpose of the order, it is shortsighted.

The UDAG Program has been extremely successful in accomplishing its objective—fomenting economic development of blighted urban areas. The facts speak for themselves. Since its inception in 1977, the program has fostered the creation of 513,000 new permanent jobs and 429,000 construction jobs, and it is credited with saving 124,000 jobs.

The UDAG Program has distributed about $3.9 billion in assistance since 1977. Because of the programs' leveraging requirements, that $3.9 billion in Federal money has resulted in $23.7 billion in private investment. That $23.7 billion in private investment would not have been made without the UDAG Program as a catalyst. The UDAG Program's "but for" test—requiring that the project could not be built "but for" the UDAG assistance—is strictly enforced. Without this program, we will lose the best and one of the last remaining incentives for private business investment in our distressed communities and neighborhoods.

Each job that is created and each company that is able to expand as a result of UDAG Program aid produces revenue for the Treasury. Elimination of the UDAG Program may save money in the short run, but it will not in the long run.

Because it is unlikely that Congress will approve the requested recision of UDAG funds, the HUD regional offices should be redirected to accept applications for UDAG funds that have already been appropriated for 1986.

I respectfully submit that the President should reconsider his order regarding UDAG applications and reconsider his recision request.●

DISCIPLINED INTELLIGENCE

● Mr. SIMON. Mr. President, Burnell Heinecke, who is a former reporter for the Chicago Sun Times and now works for Illinois State Treasurer James Donnewald, sent me an article by Thomas Winship that appeared in "Nieman Reports."

It is so clearly on target, dealing specifically with the press' response to poverty in our society, that I thought I should put it in the CONGRESSIONAL RECORD and let my colleagues see it.

But it really deals much more with all of us in decisionmaking positions, not simply the press.

When the author, Thomas Winship, former editor of the Boston Globe, writes: "Passionate memos are not piling up in the editor's box," I could add that there is too little passion about poverty in the Senate and the House also. Newspapers want to be respectable, and Senators and Members of the House want to be respectable and so we move away from identifying with the cause of the poor and the oppressed. And as we become more acceptable to the country club set, we serve our country less and less.

I do not know that I have ever had the privilege of meeting Thomas Winship. I want to. He has a message that is important for this country.

I urge my colleagues to read his remarks, addressed originally to a national meeting of black journalists convening in Baltimore in August of last year.

I ask that the article be inserted in the RECORD at this point.

The article follows:

DISCIPLINED INTELLIGENCE: AN EFFECTIVE WEAPON FOR SOCIAL JUSTICE

(By Thomas Winship)

My friends of the National Association of Black Journalists, you have done me a great honor, and I thank you. I am especially pleased to be asked by you to be your first W.E.B. DuBois speaker.

Dr. DuBois—what towering figure in American history he was! He devoted his life to redefining the role of black people at home and abroad. His intellectual leadership came from many platforms, those of teacher, sociologist, poet, editor, and writer. He died in Accra, Ghana, where he moved, as he put it, to "pass the evening of his life" at age 95. The date: August 28, 1963, the very same day Martin Luther King, Jr. delivered his "I have a dream" speech on the steps of the Lincoln Memorial during the march on Washington. I am humbled at the thought of even attempting to say anything under the DuBois banner, but as I understand the purpose of the DuBois talk, I am expected to discuss some overriding current issue in our craft.

Dr. DuBois has given me my issue. In the foreword of a report entitled "A Policy Framework for Social Justice" by Kenneth Clark and John Hope Franklin, the authors noted that even in the early 1940's, W.E.B. DuBois was saying that the most difficult stage in the struggle for racial justice in America would be reached when it became clear that basic inequities persisted in spite of litigation, legislation, and confrontation. The success or failure of the civil rights struggle, he said, would ultimately be determined by the ability of highly trained groups of black professionals to use their disciplined intelligence as effective weapons in the battle for social justice.

More specifically, I want to share with you some thoughts on how newspapers can become a more vital force in our everyday life; how they can make a greater difference; how newspapers and you can help to nudge our nation out of the self-centered stupor into which television and government policy have driven it. We, as a nation, and as the press, are in big psychic trouble at the moment, suffering from too much cynicism, defeatism, and downright selfishness. I am feeling rather grim about the state of the press and the state we ourselves are in these days.

The time has come again for a new generation of social concern and activism in journalism. It is my fervent hope that black reporters and editors will be in the vanguard.

I hasten to add, I do not mean the kind of activism practiced in many newspapers in the 1960's, when newsroom bleeding hearts were riding so high that a page-one news story and an editorial often were indistinguishable.

I am talking about more activism in the editing assignment process. I am rooting for covering more stories of more social importance. I am rooting for more urgent and constant attention to our people in deep trouble, and for less superficial, show-biz reporting.

We in the news business are becoming too damned comfortable. We simply are not stretching ourselves.

It would be one thing, if the reality of the news in our country and world justified our self-satisfaction and indulgence: there have been such periods in our lives, and we should recognize that. The fact is that today our nation and our profession do not give us grounds to reach around and pat ourselves affectionately. This is not a time to pat backs, it is a time to kick rears.

For fifteen years, between John F. Kennedy's election through Richard Nixon's resignation and the fall of Saigon, we faced a series of stark choices from which it was impossible to shrink and which gave off few grays. Overt racial discrimination was wrong or right. The prosecution of a full-scale war in Indochina was either immoral or a noble cause. Nixon was perceived as being hounded by lefty kids or as a crook. Women should be given either equal status in society or kept out of the workplace. Our air and water were either being poisoned or not.

Throughout this heady 1960's and 1970's period of revolutions, one after another, the pressure on newspaper editors was tremendous. A new generation of reporters and editors assaulted me constantly, agitating endlessly to write stories that couldn't have been done before, and in a style previously unthinkable. In the midst of Boston's soul-wrenching confrontation with itself, black journalists came to me more than once, with all barrels blazing. I loved the reporter-demands, welcomed them, even their excesses.

On the occasions when people were way out of line, it was relatively easy to get them back into place. For working on the sidelines to keep a tidal wave of intellectual and political ferment in check and channeled into productive and creditable reportage is not—if you think about it—a frustration.

What is hard is when there is no ferment, no electricity, no anger, no pressure in the newsrooms, which, I fear, is the case today. The fact is that the passionate memos are not piling up in the editor's box.

Groups of young reporters are not lining up to pester the boss, and if the truth be known, our newspapers are in danger not only of becoming less focused on what is truly important, but also more than a bit dull.

I shall take a moment on this matter of dullness, because it relates so directly to the effectiveness and the circulation of the press. Certainly, newspapers have improved immeasurably in the last twenty years—in scope, in new areas of coverage and expertise, in fairness, in photography, and in makeup.

But in their march toward more respectability, newspapers became a bit too cerebral. Though I consider myself the world's greatest fan of newspapers, I must say I find many papers today cold, remote, and boring. They have lost some of the spunk, the warmth, the sparkle, and some of the funkiness that in the first place made them vital institutions.

I wish editors wouldn't let their dignity show quite so much. In becoming more professional, too many editors have lost the nerve to follow their own creative instincts. I suspect you could publish the St. Louis Post-Dispatch in Phoenix, The Chicago Tribune in Philadelphia, The Philadelphia Inquirer in Chicago, and it would be days before customers noticed. [There is no significance whatsoever to the examples I have chosen here.]

As metropolitan editors, we have become so peer conscious, we are afraid to retain our old-time identity and idiosyncracies. Readers love weather ears, puns and all. They love, I know, The Boston Globe's "Confidential Chat" exchange column where real live people write to each other in the paper, over their noms de plume. I think readers like those colorfully name editions (Night Owl, Early Bird, or Red Streak), and even sports sections printed in green. Too often, now, they are written off as old-fashioned or corny.

Morning newspapers have forgotten they are newspapers. They just about shut down their newsrooms after watching the 6 p.m. local television shows. And local television stations are content merely to update their 6 p.m. report for their 11 o'clock news.

Networks are down for the night and morning television shows have a relatively small audience. So newspapers ought to beef up their night staffs, including a ranking editor or two, re-staff police headquarters, cover late meetings, big and little crime, and sports extensively. Newspapers can and should own the news between 7 p.m. and 3 a.m., and, to compete with television, editors and reporters should be urged to write "second day" stories with a forward spin. This was how evening newspapers were written before the day of television and traffic-clogged cities.

Why are newspapers so timid about giving readers the small items they cannot get on the tube? We should not be so bashful about offering recipes, advice columns, comics, and mini-movie reviews.

There is another underlying reason why newspapers are so homogenized, and so out of touch with their community: It's the bright, young college graduates who populate newsrooms today. They are an ambitious lot. They want to work in the big cities, but cover only big-time state, national, and foreign news. It is this over-infatuation with "glamour" news, spoon-fed to reporters who know this will put them on Page One or on the evening news, that bothers me so much.

Moreover, too many reporters are highly nomadic and consequently don't know their own adopted cities. They don't live in the neighborhoods, except for the gentrified ones, or care about their community's future. I wish young reporters and editors were not quite such rolling stones. By jumping too often for a better buck they are short-changing their own development, to say nothing of putting too much emotional strain on themselves, their families, and their communities.

Meanwhile, the press is missing the biggest domestic time-bomb story of the decade. You know what it is. It is the worsening plight of the underclass—black, Hispanic, and white—in our large cities. None of us has grasped the full dimensions of this crisis. This bottom stratum of society is worse off today than it was in the wake of the civil rights movement and all the affirmative action programs, which allowed only the present middle-class minorities to walk through the doors to a better life.

The growth of the starvation-level urban underclass here and in a score of Third World countries is not an easy story to cover. Its roots go down deep, twisting and penetrating into seats of power and greed everywhere.

Meanwhile, the preponderance of impact stories in the press, especially on television, concerns the life and times of the well-to-do folks. And the most popular shows are about the white super-rich. For example, Dallas and Dynasty.

How does this help destitute people deal with the world as they find it? What does this sense of media priority do for the unmarried 15-year-old mother, or the 17-year-old boy who can't find a job?

Consider also the two weeks of around-the-clock television coverage and page after page of newspaper stories about the hostages at the Beirut airport.

Do we ever see that kind of commitment to the underclass story?

Yes, the report from the Kerner Commission on Civil Disorders issued seventeen years ago still rings true, with its famous description of two societies, one black, one white, separate and unequal.

The depressing fact is that real poverty in the United States has been increasing at the same time as prosperity is increasing for the upper half of society.

The crisis in affordable housing is worse than ever, the provision of medical care for those without insurance is a national disgrace, the leadership of our public and private institutions is damn near as lily-white and male as it was after the first show of concern twenty years ago. We may have lost the better part of a generation of young blacks and Hispanics to the twin scourges of inadequate education and minimal job opportunities, as the scene has shifted from confrontation on the streets to passive poverty in the parks and in the projects.

Eleanor Holmes Norton marshalled the facts in unrelenting detail recently in a New York Times Magazine piece.

Fact: Seventy percent of black children under the age of 18 who live in female-headed households are being brought up in poverty.

Fact: The average black child can expect to spend more than five years of childhood in poverty; the average white child, ten months.

Fact: Since 1960, the employment rate of black men has dropped from 74 percent to 55 percent.

Fact: And this year, that most constant of all statistics—teenage black unemployment—still holds at 39 percent, two-and-a-half times that of whites.

What bothers me so much is the lack of sustained effort by the press to take these social crisis stories beyond the statistics stage. We simply are not examining with adequate vigor the broad rising problems of the poor, much less exploring avenues of possible solutions. Take a ruler sometime and measure the space your newspaper has given to homelessness over the year and compare it to what it gave to the plight of the more broadly defined poor.

Think again of the incredible amount of television time and space given to the hos-

tage crisis at the expense of the non-coverage of segments of people out of work, the rise of tuberculosis among the poor, and people eating out of trash cans, which one sees every day in New York City. The fact is, we're going much more for the obvious human interest story—the tear-jerker—and not digging deeper for tougher, more systemic stories.

The same thing is happening internationally. Look at the space we gave to the magnificent outpouring of support by the rock music world for starvation in Africa. Then measure the number of column inches the press has given to the causes of starvation—starting with the frightening march of the deserts and possible long-range solutions. These stories are coming in far behind. And how many stories have you read recently that focus on international development aid and its shortcomings? And whose fault is it that most of the writing on these topics, which makes its way into print, is so dry and dull it is buried inside the paper?

For the past decade, editors and publishers have spent most of their time and resources bringing our newspapers kicking and screaming into the late twentieth century. We have shiny new and very silent VDT newsrooms. And wisely, we have invested heavily in special sections providing people with a daily diet of almost every conceivable thing they have demanded.

I say the time now has come for news to make a comeback in our newspapers and society.

And, that's where you come in. I think reporters and editors have been too quiet lately. Where is that social bite of earlier times?

You are privileged to be in an enterprise able to effect change. Do you have the privilege to walk ahead without looking back?

I hope and pray that your generation of journalists will roll up its sleeves. I see good signs. The time has come to shake up the newsrooms of this country again, and the topic must be the unfinished business of society because the safety net has sprung a tear.

I am an optimist; I believe the vigorous practice of vigorous journalism can produce great stories that people will devour and that will slip a burr under the saddle of what we should still call the "system."

Please light that fire inside the newsroom. Suck in your guts and start making pests of yourselves. You know what stories are not getting into print.

Please be the catalyst for writing about the complex and desperately complicated job of redesigning public education, the need for a better welfare system that does not perpetuate unemployment, the problems of teenage pregnancies and disintegrating families, the need for tax breaks and other subsidies for drawing businesses into the depressed areas.

And covering these smoldering problems out on the street today is not a professional dead-end path. You have the expertise. Put it to work. I tell you—it will pay off in a better job and better pay. Give your all to this story, and you need not worry about distancing yourself from your roots or from your newspaper employers. Work from your strengths, your special knowledge. From the housing projects in South Bronx to the teeming refugee camps of the Sudan, there is some grubby and vital reporting to be done.

It's up to you to keep your editor's feet to the fire. Start producing the memos that produce the meetings in the editor's office that produce the two inches of forward movement.

Finally, I wager that you will not encounter hostility for your activism. The newspapers that have made it successfully into the mid-1980's are generally led by people with generous visions. But newspapers are largely sleeping giants these days. Wake 'em up.

The spreading ghettos of blacks, whites, and Hispanics are threatening the livability and the very economic base of almost every large city. They are becoming steamrollers that will force a new national crusade for better opportunities for the urban poor. Yes, a powerful "economic rights" movement is upon us. It is your special business to help your newspaper or television station to focus it.

As that appealing Mr. Good Guy, John Chancellor, said recently:

". . .When you did get out on the street (as a reporter), life was both glorious and horrifying. . . .You saw day after day things that were wrong with society, and you began to think that something more should be done to make it better. That didn't make you a Republican or Democrat, but it made you think that action is better than inaction.

"If there is a bias in the press," he said, "it is not a bias toward liberalism, it's a bias toward activism."●

IRISH SOCIETY OF PHILADELPHIA

● Mr. SPECTER. Mr. President, every year on or about March 17, St. Patrick's Day, the feast of the patron saint of Ireland, the Irish Society of Philadelphia honors one or more persons of Irish descent for their contributions to society and to their fellow man.

This year, the society has chosen to laud a jurist, Judge Eugene J. Maier, of the Philadelphia Court of Common Pleas; a lawmaker, Francis Rafferty, a member of the city council of Philadelphia; and Thomas J. Walsh, a union delegate, of Roofers Local 30.

The society will present Judge Maier with its "Award for Judicial Excellence"; Councilman Rafferty with its "Man of the Year Award"; and Delegate Walsh with its "Award for Public Service."

Judge Maier, a recognized expert in election law, served as a member and as chairman of the city commissioners before his election as judge in November 1981. He has served in a great many capacities, always with distinction, in community, fraternal, and fraternal-religious organizations, including the Philadelphia Urban League. In all of these endeavors, he has earned the respect, admiration, and gratitude of these groups.

Councilman Rafferty has won the admiration and affection of many Philadelphians for his fight against drug trafficking and for his efforts to create jobs for the unemployed. A staunch law and order advocate, he has been a consistent supporter of all legislation to increase the numbers of city police and firemen. Beyond his duties as councilman, he has served his community as president of the Grays Ferry Community Council and as president of the Philadelphia Citizens Committee Against Drugs.

Thomas J. Walsh has shown concern, compassion, and competence in his efforts to counsel alcoholics and troubled youth and in working tirelessly for countless charitable endeavors, great and small. No task in this regard has been too great for his energies or too small for his notice. A lifelong unionist, he has used these offices to help those less fortunate than himself.

Each of these men share a common heritage, of which they are justifiably proud. They are Irish.

And the Irish Society of Philadelphia is justifiably proud of them and honors them during this season when all Irishmen rejoice in their heritage and when all of us become just a little bit Irish.●

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

● Mr. MURKOWSKI. Mr. President, paragraph 2 of rule XXVI of the Standing Rules of the Senate requires each standing, select, or special committee of the Senate, at the beginning of each session to publish in the CONGRESSIONAL RECORD the rules the committee has adopted to govern procedures within the committee.

Thus, pursuant to that requirement, I ask that the current rules of the Committee on Veterans' Affairs be printed in the RECORD.

The rules are as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON VETERANS' AFFAIRS

I. Meetings.—(a) Unless otherwise ordered, the committee shall meet on the first Wednesday of each month. The chairman may, upon proper notice, call such additional meetings as he deems necessary.

(b) Except as provided in subparagraphs (b) and (d) of paragraph 5 rule XXVI of the Standing Rules of the Senate, meetings of the committee or a subcommittee shall be open to the public.

(c) The chairman of the committee or of a subcommittee, or the vice chairman in the absence of the chairman, or the ranking majority member present in the absence of the vice chairman, shall preside at all meetings.

(d) No meeting of the committee or any subcommittee shall be scheduled except by majority vote of the committee or by authorization of the chairman of the committee.

(e) The committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the committee shall immediately notify such designated office.

II. Quorums.—(a) Subject to the provisions of paragraph (b), seven members of the committee and four members of a subcommittee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Four members of the committee or a subcommittee shall

constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a committee or subcommittee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

III. Voting.—(a) Vote may be cast by proxy. A proxy may be written or oral, and may be conditioned by personal instructions. A proxy shall be valid only for the day given except that a written proxy may be valid for the period specified therein.

(b) There shall be a complete record kept of all committee action. Such record shall contain the vote cast by each member of the committee on any question on which a "yea" and "nay" vote is requested.

IV. Subcommittees—(a) No member of the committee may serve on more than two subcommittees. No member of the committee shall receive assignment to a second subcommittee until all members of the committee, in order of seniority, have chosen assignments to one subcommittee.

(b) The committee chairman and the ranking minority member shall be ex officio nonvoting members of each subcommittee of the committee.

(c) Subcommittees shall be considered de novo whenever there is a change in committee chairmanship and, in such event, subcommittee seniority shall not necessarily apply.

(d) Should a subcommittee fail to report back to the committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and so notify the committee for its disposition.

V. Hearings, and Hearing Procedures—(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the committee or a subcommittee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcement of the date, place, time, and subject matter of such hearing.

(c) The committee or a subcommittee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the committee not later than 48 hours prior to the witness' scheduled appearance unless the chairman and ranking minority member determine there is good cause for failure to do so.

(d) The presiding officer at any hearing is authorized to limit the time allotted to each witness appearing before the committee or subcommittee.

VI. General—All applicable requirements of the Standing Rules of the Senate shall govern the committee and its subcommittees.

VII. Presidential Nominations—Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(A) information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

VIII. Naming of Veterans' Administration facilities—It is the policy of the committee that no Veterans' Administration facility shall be named after any individual unless—

(A) such individual is deceased and was—

(1) a veteran who was instrumental in the construction or the operation of the facility to be named.

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility, or

(3) an Administrator of Veterans' Affairs, or a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicated in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

IX. Amendments to the Rules—The rules of the committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension. ●

RULES OF THE COMMITTEE ON APPROPRIATIONS

● Mr. HATFIELD. Mr. President, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on Appropriations for the 99th Congress.

The rules of the committee follow:

RULES OF THE SENATE COMMITTEE ON APPROPRIATIONS

I. MEETINGS

The Committee will meet at the call of the Chairman.

II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. for the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARING

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

When the bill and report of any subcommittee is available, they shall be furnished to each member of the Committee twenty-four hours prior to the Committee's consideration of said bill and report.

VII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriation bill, is hereby authorized and directed to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill. ●

RAISE REVENUES FIRST, NOT TAX RATES: A FEDERAL TAX AMNESTY

● Mr. LAUTENBERG. Mr. President, yesterday, my colleagues from Minnesota, Mr. BOSCHWITZ, and New York, Mr. MOYNIHAN, joined me in introducing legislation, S. 2100, to offer a Federal tax amnesty, coupled with a program of stiffened tax penalties, and beefed up tax enforcement.

As members of the Senate Budget Committee, we intend to seek the inclusion of tax amnesty in the fiscal year 1987 budget plan. While additional revenues may be needed to reduce the deficit, the first step should not be additional taxes. The first step should be an enhanced effort to collect what is due under existing provisions of the tax law.

Massachusetts Gov. Michael Dukakis has been a leader in this effort. His State ran one of the most successful State amnesty and compliance programs. His recommendations should have important impact on the debate

in the Congress, about how we can best reduce the deficit.

Mr. President, I ask that an article by Governor Dukakis in support of a Federal tax amnesty and tougher enforcement, which appeared today in the New York Times, be printed in the RECORD at the conclusion of my remarks.

The article follows:

FOR A TAX AMNESTY TO CUT THE DEFICIT

(By Michael S. Dukakis)

BOSTON.—At a time when the Federal Government is hacking away at important programs in order to balance its budget and reduce its deficit, the Reagan Administration and Congress should be looking first at the revenue side—not to raise taxes but to get serious about collecting what is already owed the Treasury. They should adopt what has worked for many states: tax amnesty combined with tougher enforcement.

Tax evasion and cheating have become serious problems. To fool around with the Internal Revenue Service was once to court serious fines, prison sentences and, at least, public humiliation. But as the I.R.S. now admits, those days are long gone.

According to I.R.S. figures, voluntary tax compliance has fallen to 81 percent, down from 94 percent 20 years ago. More starkly put, 19 percent of all taxes owed on legitimate earnings are not collected. Nor does that include other major sources of lost tax revenue, such as illegal drugs and organized crime. What it all adds up to is $100 billion in Federal taxes that go uncollected every year. That's half the Federal deficit.

What to do? Once again the states have come up with a good idea. It is an idea that has taken hold in Massachusetts and has been picked up by 18 other states, including New York, which recovered $334 million.

In January 1983, Massachusetts faced a multimillion dollar deficit. I was urged to do what President Reagan and Congress have been asked to do: raise taxes, cut programs or both. But we discovered that dodging the tax man had become almost as popular a sport as watching the Celtics play basketball. We inaugurated a program called Revenue Enforcement and Protection, which aimed to collect taxes owed to the state treasury.

First, we raised the stakes by getting tough on enforcement—adding tax auditors, introducing computers and launching an aggressive campaign to seek out and prosecute tax evaders. After we had demonstrated just how tough we could be, we offered the delinquents an amnesty, a 90-day grace period to make good on what they owed the state with interest but no civil or criminal penalties.

When the amnesty period ended, we got tough again. Restaurants were padlocked and seizure notices slapped on doors, luxury yachts registered out of state to evade taxes were seized and other tax-delinquent businesses were forced to pay up. The word quickly got out—Massachusetts was serious about tax collection.

We also decided it was time to treat honest taxpayers as valued customers—men and women whose business and tax payments we appreciated. We introduced a simplified tax form, expanded taxpayer assistance programs and guaranteed that those who file early could get their refund checks within three weeks.

Amnesty was only a part of the reason for Massachusetts' success. In two years, tougher enforcement under the Revenue Enforcement and Protection Program has accounted for tens of millions in new revenues from evaders and delinquents. There has been an even more dramatic increase in voluntary compliance—a total of $564 million in new revenue in the last two years. Only $85 million of it came from amnesty.

As a result, Massachusetts enjoyed its biggest tax cut in history last year. We have a healthy surplus in the state treasury and we have the resources we need to invest in economic growth, good schools, important social services and environmental protection.

Could this work at the I.R.S.? I believe it could. In the 18 states offering amnesty programs, almost 500,000 people have paid more than $650 million in back taxes and interest.

A tough, fair, competently administered Federal revenue recovery program would yield $20 billion to $25 billion annually from amnesty, better enforcement and the increased voluntary compliance that comes with it. Getting our national tax compliance rate back to where it was 20 years ago would mean $65 billion a year in new revenue without raising taxes.

That's a serious beginning toward erasing the deficit. State programs across the nation have demonstrated the potential for a fair tax system. The Federal Government could restore public confidence in the revenue system without carving the heart out of programs that provide health, housing and job opportunities, or blowing holes in the President's defense budget.●

LITHUANIAN INDEPENDENCE DAY

● Mr. RIEGLE. Mr. President, February 16 marked the 68th anniversary of Lithuanian Independence Day. In commemorating this historical event we, who cherish our own freedoms, are reminded that, until the illegal incorporation of the Baltic nations by the Soviet Union in 1940, independence was also enjoyed by the people of Lithuania. Our vigilance in guarding the liberties of American citizens must extend to our active support for the return of freedom to those to whom it has been denied.

The struggles, accomplishments and hopes of the Lithuanian people are portrayed in their national flag, which was approved by the Lithuanian Constituent Assembly of Free Lithuania in 1920. Their history is told in the flag's three horizontal stripes of yellow, green and red. The yellow stripe represents the fields of ripening wheat, symbolizing freedom from want. The green stripe represents the beautiful evergreen forest of Lithuania, symbolizing hope, and the red stripe symbolizes the blood shed for freedom.

Each year, in marking this independence day, we recall the remarkable accomplishments of Lithuanians during their brief time as a free people. During the 22 years of independence, significant progress was made in the country's social, cultural and economic life. In recognition of the needs of the poorer citizens, a land reform program was put into effect which allowed about 89 percent of Lithuania's rural population to become landowners. This radical land reform was the first of its kind in postwar Europe. In addition to the impressive progress made in agriculture, industrial output of Lithuania between 1929 and 1939 increased at rates which exceeded that of the rest of the world. Similarly, Lithuania's foreign trade increased 100 percent during that decade.

Equally important was the progress made in the areas of art and education. The considerable investment in Lithuania's educational and cultural institutions allowed the creative and intellectual abilities of the Lithuanian people to find full expression—to the benefit not only of the Lithuanians, but to the citizens of Europe as well.

Tragically, the life of this independent nation was cut short by the Soviet invasion in 1940. Since that time, the struggle for freedom in Lithuania has been ongoing. In the words of Hedrick Smith, author of the best seller "The Russians," the Lithuanian nationalist movement is "one of the strongest in the Soviet Union."

An important element of the national resistance effort, despite official Soviet efforts to silence it, is the largely underground Roman Catholic Church, which preaches the religion of 85 percent of the Lithuanian people. The expressions of support from Pope Paul II have helped harden the resolve of Catholic priests, who are the targets of state harassment, not to yield to government pressure to cease their cries for human rights and religious freedom.

Today's resistance movement, led by Lithuanians who have lived their entire lives under Soviet oppression, is no less dedicated to restoring freedom to Lithuania than it was when led by those who grew up during the years of independence. For the passage of time can never make the unacceptable acceptable. The sacrifices endured by those who fought before them inspires this generation of Lithuanians to continue to fight for the freedom only their parents have known.

In marking the anniversary of Lithuania's independence 68 years ago, we pledge our support to the effort to restore its lost freedoms. Along with Lithuanians everywhere, we look toward the day when Lithuania once again takes its rightful place among the free and independent nations of the world.●

SENATOR PACKWOOD AND TAX REFORM

● Mr. HUMPHREY. Mr. President, I would like to call to the attention of my colleagues a recent article in the Washington Times by nationally syndicated economics columnist Warren

Brookes concerning the deductibility of State and local taxes. In his column of February 13, entitled "Senator Packwood's Dilemma," Mr. Brookes spells out why a partial repeal of this unfair deduction is not a good idea. Only total repeal will accomplish the necessary task of reforming the Tax Code.

Mr. Brookes clearly and concisely demonstrates that maintaining the deductibility for income and real estate taxes, which make up 80 percent of the deduction, "does not make sense either from a revenue or an economic standpoint." In this column, Mr. Brookes concludes that the State and local exemption as it presently stands may well be the single most anti-growth provision of the Federal Tax Code, because it penalizes low-tax, high-growth States in order to subsidize high-tax, low-growth States. I would urge my colleagues to strongly consider the arguments raised by Mr. Brookes as the Senate continues consideration of the tax reform issue.

Mr. President, I ask that the article referred to above appear in the RECORD at this time.

The article follows:1

[From the Washington Times, Feb. 13, 1986]

SENATOR PACKWOOD'S DILEMMA

(By Warren Brookes)

As he approaches the prickly subject of tax reform, Sen. Robert Packwood, Republican of Oregon, faces a serious personal political dilemma—to do the economically right thing by the nation at the short-term fiscal expense of his own state, by wiping out the state and local tax deduction, or to risk tax reform altogether by trying to use a new oil tax as a "fig leaf."

The dilemma was forced on him when President Reagan and Treasury Secretary James Baker promised House Republicans, especially Jack Kemp of New York, that they would not approve any "reform" that did not deal with four problems in the House Rostenkowski bill:

The need to restore indexing of depreciation; providing the $2,000 exemption for *all* taxpayers; the 35 percent top rate; and higher income thresholds for the upper-bracket rates.

The total cost of this "restoration" is more than $26 billion a year, and it leaves the Senate Finance Committee only three serious options: (A) accept the president's original proposal to end all or most of the deduction for state and local taxes; (B) pass a new value-added (or BTT—Business Transfer) tax (VAT) to pay for the differential; or (C) start all over from a radical 19-25 percent "flat-tax" concept and "compromise back" toward the House bill.

Not surprisingly, Sens. Packwood and Daniel Patrick Moynihan, Democrat of New York, both representing very high-tax states, immediately tried to shoot down Option A right after the House vote back in December.

Then, on Jan. 24, Mr. Packwood learned that Option B, a VAT or a BTT, was unacceptable to the White House, although the door was unwisely left open for some kind of energy tax.

This is why the Jan. 25-26 Finance Committee "retreat" in West Virginia was just that—a "retreat" to Option C, or starting over from scratch, with Mr. Packwood trying to write a bill.

Unfortunately, as attractive as that might be to the radical tax reformers, it poses such mammoth technical and political challenges that it could kill tax reform altogether. Mr. Packwood learned this from his Jan. 30 oil-import-tax trial balloon, which ran into a storm from Budget Committee Chairman Pete Domenici, Republican of New Mexico, who is now tax reform's chief enemy.

This may be why Mr. Packwood told the media on Jan. 22 that he might consider a fallback position within Option A, namely the wiping out of the exemption of sales and personal property taxes, while keeping the full exemption for income and real estate taxes.

While that position reflects Mr. Packwood's parochial Oregon interests (Oregon has the nations' third-highest income tax, the fifth-highest property tax, and no sales taxes), it does not make sense either from a revenue or an economic standpoint.

Not only do income and property taxes constitute more than 80 percent of the "itemized" tax deductions—and therefore would cut the potential revenue gain on wiping out the total exemption from $35 billion a year to less than $8 billion—but they are the two taxes most directly related to real economic growth.

There is, for example, a direct connection between a state's total property wealth and its property tax rate, and it's called "tax capitalization," the 10-to-1 ratio that exists between property values and tax rates.

Every dollar up or down in property tax assessment inversely changes the value of the property by $10 up or down. A $1,000 reduction in the property tax assessment will increase values by $10,000, and vice versa for a rise in tax assessment.

When, as a result of Proposition 2-12, Massachusetts lowered its property tax rates from a 1980 average of $39 per $1,000 to its current average of $21, its total property value base jumped from $88 billion to $154 billion in three years, a 48 percent real rise over and above national real estate price inflation. And this is one of the key reasons the state's personal income soared from only 102 percent of the national average in 1979 to 116 percent in 1985.

As for income taxes, a September 1985 regression analysis by former Joint Economic Committee economist Richard Vedder of Ohio University demonstrated that variations in state personal income taxes appear to "explain" or predict more than half of the variations in state economic and personal income growth.

From 1970-83, the 10 states (including Oregon and New York) with the highest personal income tax burdens had a total real personal income growth of 32 percent, a third less than the national growth average of 47 percent—a terrible performance.

At the same time the 10 states with no (or very low) income taxes had a real personal income growth of 103 percent, more than triple the pace of the high income tax states, and more than double that of the nation as a whole.

This is why the state and local tax exemption as it presently stands may well be the single most anti-growth provision of the federal tax code, because it penalizes low-tax, high-growth states in order to subsidize high-tax, low-growth states. Getting rid of it is the indispensable key to any serious tax reform.

The president must make the Senate understand this.●

ESTONIAN INDEPENDENCE DAY

● Mr. RIEGLE. Mr. President, February 24 marks the 68th anniversary of the proclamation of Estonian independence.

On this date in 1918, the Estonian people celebrated the end of nearly seven centuries of oppression. The proclamation of the "Manifest to All the Peoples of Estonia" represented the fulfillment of their struggle to live as free people in their own land.

With the signing of a peace treaty on February 2, 1920, between Soviet Russia and Estonia, the government of the Republic of Estonia was recognized as the only legal governing entity in the country, and Soviet Russia renounced any interest in Estonian territory "for all times."

During its 22 years of independence, the nation experienced a period of rapid economic growth and democracy. Estonians, aware of their own persecution, demonstrated the highest principles of tolerance for non-Estonian ethnic groups. A key part of the Manifest was the protection it guaranteed for all minorities living inside of Estonia.

The Molotov-Ribbentropp Pact, entered into between Hitler and Stalin, brought to a tragic end Estonia's brief period of freedom and independence. This pact foreshadowed the occupation of Estonia after only 22 years of independence. Tens of thousands of Estonians were murdered by the Soviets during the first few years of the occupation.

Since 1940, the Soviet presence in Estonia has caused great suffering and hardship for the Estonian people. In 1941, 60,000 Estonians were killed or sent to concentration camps; in 1949, 80,000 Estonians were sent to Siberia.

Today, the Soviet Union, ignoring its obligations under the Final Act of the Helsinki accords, continues its unrelenting campaign of human rights violations. In addition to fighting to preserve their human rights, Estonians, on a daily basis, are confronted with Soviet policies designed to eliminate their centuries-old religious and cultural traditions. The success of the Soviets' brutal policy of "Russification" is unmistakable. Today, only half of the total population of the Estonian Capital of Tallinn are native Estonians.

In commemorating Estonian Independence Day, we express our undying support for the brave men and women who risk their personal safety and that of their families to protest the denial of their rights to live as free people.

Because the Soviet authorities reject most requests for emigration visas, Estonians are unable to experience freedom even outside of their homeland. One of the most tragic victims of this inhumane policy is 2-year-old Kaisa

Randpere. Despite her parents' numerous pleas that their daughter be granted a visa, officials refuse to allow Kaisa to join her parents in the West. Mr. and Mrs. Randpere are in Washington today to seek additional support in their efforts to be reunited with their daughter, and we must do everything possible to end this family's separation.

As a free people, Americans must never forget that the independence of one nation is closely interwined with the independence of all nations. By joining forces with the Estonian people in their struggle to regain their lost freedoms, we advance the cause of justice and human rights not only in that captive nation but in our own country as well.●

MEASURES HELD AT THE DESK

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate receives from the House, House Joint Resolution 534 making an urgent supplemental appropriation for the Department of Agriculture for fiscal year ending September 30, 1986, it be held at the desk until the close of business Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I also ask unanimous consent to hold at the desk S. 2085, the dairy bill of Senators KASTEN and LEAHY, until the close of business on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate completes its business today, it stand in recess until 11 a.m. on Thursday, February 27, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Mr. President, I further ask unanimous consent that following the recognition of the two leaders under the standing order, there be special orders in favor of the following Senators for not to exceed 15 minutes each: Senators SIMON, GORE, and PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there then be a period for the transaction of routine morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF SENATE RESOLUTION 28

Mr. DOLE. Mr. President, at the conclusion of routine morning business, we will resume consideration of Senate Resolution 28, televising the Senate proceedings. I would hope at that time, or shortly thereafter, we would be in a position to offer the leadership proposal. We could debate that and then have final disposition sometime tomorrow afternoon.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, we also need to dispose of the Commodity Credit Corporation appropriations bill, which has not been cleared.

Also tomorrow—and we have had meetings earlier today with, I would say, about 20 or 25 Senators, about an equal number on each side—four or five provisions need to be corrected or changed in the 1985 farm bill. Some are minor, but a couple are rather substantial. We have some difference of opinion with the Office of Management and Budget as far as the cost is concerned. We hope to resolve that difference so we can dispose of that bill tomorrow sometime by unanimous consent.

I hope that those who attended the meeting and have direct interest will be able to help us clear that bill for action. It is very important that we do that because, as far as the dairy provision is concerned, that would have an adverse impact on dairy farmers as of March 1.

As far as the balance of the bill is concerned, the sign-out begins for other programs next week and it would at least inconvenience many farmers who have to make a couple of trips to the ASC office. We would like to complete action on that.

Then we at least hope to lay down some legislation for debate on Friday. I am not certain about rollcall votes on Friday, but much will depend upon whether we are able to finally dispose of Senate Resolution 28.

Mr. BYRD. Will the distinguished majority leader yield?

Mr. DOLE. Yes.

Mr. BYRD. Mr. President, the distinguished majority leader and I have met again just a short while ago. We have been meeting repeatedly over several days. This afternoon, I met with my Democratic colleagues and we went over the resolution together. I think there were some suggestions that came out of that Democratic conference that were good. Certainly, they were all worth considering. I have now passed them on to the distinguished majority leader. He in turn is giving consideration to them and running them by Members on his side.

I believe that we are now very close to agreement on a package which I am hopeful the distinguished majority leader and I can join in presenting here. If we are able to do that, I believe that this matter can be completed tomorrow—I hope—certainly maybe Friday or Monday or Tuesday. But I hope it can be done tomorrow, and I believe it can be done. I shall be meeting again with the distinguished majority leader this evening. I hope that on tomorrow, we can present a package and state that we are jointly supporting it. If we are able to do that, then I think we are about at the end of debate on this matter at this time and we can go on to the trial period. As we are in that trial period, we can more easily find out what the problems are—the quirks, the kinks, and so forth—and hopefully, adjust to them.

At the end of that trial period, we shall finally vote on the question as to whether or not television coverage will be projected to the public and whether or not the rules changes that have been agreed upon shall continue.

I thank the majority leader for his cooperation. He has put a great deal of effort and time into it. I hope we indeed are nearing a favorable climax to this matter.

RECESS UNTIL 11 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move we stand in recess until 11 a.m. on Thursday, February 27.

The motion was agreed to, and at 6:46 p.m. the Senate recessed until Thursday, February 27, 1986, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 26, 1986:

THE JUDICIARY

John W. Gill, Jr., of Tennessee, to be U.S. attorney for the eastern district of Tennessee for the term of 4 years, reappointment.

DEPARTMENT OF EDUCATION

C. Ronald Kimberling, of Virginia, to be Assistant Secretary for Postsecondary Education, Department of Education, vice Edward M. Elmendorf, resigned.

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

John O. Laird, of Wisconsin, to be a member of the National Council on Women's Educational Programs for a term expiring May 8, 1988, vice Eunice S. Thomas, term expired.

NATIONAL TRANSPORTATION SAFETY BOARD

James Eugene Burnett, Jr., of Arkansas, to be a member of the National Transportation Safety Board for the term expiring December 31, 1990, reappointment.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Phyllis P. Berney, of Wisconsin, to be a member of the National Council on the Arts for a term expiring September 3, 1990, vice Norman B. Champ, Jr., term expired.

HOUSE OF REPRESENTATIVES—Wednesday, February 26, 1986

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray for wisdom, O God, to make decisions that are beneficial to the people here represented and also for all the people of Your good creation. Help us to see not only individual needs, but to focus on the needs of the human family and the issues of justice and responsibility for people everywhere. May each of us be instruments of Your peace in all our relationships and so fulfill the law of love. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. RUSSO. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RUSSO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will inform absent Members.

The vote was taken by electronic device, and there were—yeas 291, nays 110, answered "present" 1, not voting 32, as follows:

[Roll No. 28]

YEAS—291

Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Barnard
Barnes
Bateman
Bates
Bedell
Bellenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Brooks
Broomfield
Broyhill
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Callahan
Carper
Carr
Chappell
Clinger
Coats
Coble
Coelho
Coleman (TX)
Combest
Conyers
Cooper
Coyne
Craig
Daniel
Darden
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Franklin
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jeffords
Jenkins
Jones (NC)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kindness
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lipinski
Long
Lott
Lowry (WA)
Lujan
Luken
Lundine
MacKay
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McCurdy
McDade
McEwen
McHugh
McKinney
McMillan
Mica
Mikulski
Miller (CA)
Mineta
Mollohan
Montgomery
Moody
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Packard
Panetta
Pashayan
Pease
Pepper
Perkins
Petri
Pickle
Porter
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Rudd
Russo
Savage
Saxton
Schaefer
Schneider
Schulze
Schumer
Sharp
Shelby
Shumway
Siljander
Sisisky
Skelton
Slattery
Smith (IA)
Smith (NE)
Smith (NJ)
Snyder
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sweeney
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams
Wilson
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (MO)

NAYS—110

Armey
Badham
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Brown (CO)
Burton (IN)
Carney
Chandler
Chappie
Cheney
Clay
Cobey
Conte
Coughlin
Courter
Crane
Dannemeyer
Daub
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Dyson
Edwards (OK)
Emerson
Evans (IA)
Fawell
Fields
Gallo
Gekas
Gingrich
Goodling
Gregg
Gunderson
Hendon
Henry
Hunter
Ireland
Jacobs
Kolbe
Kramer
Lagomarsino
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Lungren
Mack
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McGrath
McKernan
Meyers
Michel
Miller (OH)
Mitchell
Molinari
Monson
Moorhead
Murphy
Oxley
Parris
Penny
Ridge
Roberts
Roemer
Rogers
Roth
Roukema
Rowland (CT)
Schroeder
Schuette
Sensenbrenner
Shaw
Shuster
Sikorski
Skeen
Slaughter
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Spence
Stangeland
Strang
Sundquist
Swindall
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Weber
Whittaker
Wolf
Young (AK)
Young (FL)
Zschau

ANSWERED "PRESENT"—1

Smith (FL)

NOT VOTING—32

Annunzio
Bentley
Brown (CA)
Campbell
Chapman
Coleman (MO)
Collins
Crockett
English
Ford (TN)
Fowler
Fuqua
Grotberg
Heftel
Johnson
Jones (OK)
Kemp
Latta
Loeffler
Miller (WA)
Moakley
Moore
Morrison (CT)
Nichols
O'Brien
Price
Sabo
Scheuer
Seiberling
Solomon
Weaver
Yates

□ 1220

Mr. BEREUTER changed his vote from "yea" to "nay."

Mr. LEVIN of Michigan changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

The SPEAKER. Mr. Fred Sparrow has been for many years the messenger from the Senate. Fred is retiring, and this is the last message that he will deliver to the House. He has extended through his years many courtesies to the House and we want to wish him happiness in the future and thank him for his steadfastness to the Government.

Fred, you are a beautiful individual and a great American.

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4130. An act to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any

law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986.

The message also announced that pursuant to the order of February 7, 1986, the Chair appoints conferees on the part of the Judiciary Committee to the conference on the disagreeing votes of the two Houses on the Superfund Improvement Act of 1985, H.R. 2005, for the purpose of joining in the consideration of sections 135, 143, 144, and to the extent it may affect the Federal courts or relate to claims against the United States, section 150 together with such amendments related directly thereto as may have been adopted by the House, Mr. THURMOND, Mr. KENNEDY, and Mr. SPECTER.

OPPOSITION TO CONTRA AID PACKAGE

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, I rise to express my opposition to the administration's request to make $100 million available for aid to the Contras in Nicaragua.

Mr. Speaker, according to the documents submitted to the Congress this morning, $30 million of those funds are for humanitarian assistance.

I would point out that a significant portion of the goods and equipment, which were to be provided to the Contras through the $27 million provided last year for humanitarian assistance, has not yet reached them.

So with regard to providing additional humanitarian assistance, I believe that is an issue which should be addressed at some future date when a clearer picture emerges of how effectively the $27 million is being expended.

Mr. Speaker, with regard to the providing of military assistance, I am against it.

The House has spoken in the past on this question through majority votes opposing military assistance.

The House and Senate rejected military assistance last year, when they agreed to provide only humanitarian assistance.

In a recent communique, the Ministers of Foreign Affairs of the Contadora Group have voiced their support calling for the renewal of negotiations to solve the Central American crisis within political channels.

Mr. Speaker, it is time for the diplomatic process to be intensified, rather than an intensification of violence.

□ 1230

OUR FORGOTTEN HOSTAGES

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. I thank the Speaker.

Today, Mr. Speaker, headlines and news broadcasts are filled with comments about the situation in the Philippines. I am pleased that a peaceful solution to that troubled area seems to be at hand. While we are focusing all the attention on the Philippines, six Americans quietly wait in captivity in another part of the world and another day goes by without a mention of their plight.

I am referring to the six Americans who are being held against their will in Lebanon, some for as long as 2 years. We must continue to bring attention to them so they and their families will know that we have not abandoned nor forgotten them.

That is why I continue to speak out to my fellow colleagues and the American public from this podium. While the Philippines garners all the headlines and the Philippines are indeed important, there will be no news reports today about the hostages. We have to remember that they are being held as prisoners and we must continue our efforts to win their freedom.

I thank the Speaker.

LIMITING NUCLEAR TESTING

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, today the House will vote on House Joint Resolution No. 3. It is an important bill because it: First, strengthens Geneva arms control negotiations; second, enhances Presidential flexibility; third, it is endorsed by 52 national security experts including Presidents Ford and Carter; fourth, it reduces risk of nuclear war and the arms race; fifth, it reaffirms the specific arms control policy of every President since Eisenhower; sixth, it strengthens American credibility; seventh, it maintains confidence in existing weapons stockpiles; eighth, it promotes mutual, not unilateral, arms control; ninth, it reduces the chance of Soviet cheating through enhanced verification; tenth, it preserves SDI research; eleventh, it promotes nuclear nonproliferation objectives; and twelfth, it was approved by the other body by a substantial margin

A substitute will be offered that should be rejected for the following reasons:

It restricts negotiating flexibility, it reduces chances for success at the Geneva negotiations, it continues the arms race in space and on Earth, complicates verification, makes Soviet cheating easier.

Let us pass House Joint Resolution No. 3 for the following reason: It promotes peace and says that the United States is solidly behind arms control.

CONGRESSMAN PARRIS KNOWS

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, there was a cartoon advertisement printed in yesterday's Washington Times that says "Does STAN PARRIS know there's a cop-killer in the House?"

Maybe the jokers who placed this ad should be told that Congressman PARRIS knows that the way to keep killers out of your house is to make them believe the occupant is properly armed.

STAN also knows that harassing law-abiding citizens and mollycoddling criminals only encourages criminal activity. McClure-Volkmer corrects that, and focuses law enforcement efforts on apprehending criminals instead of browbeating law abiding gun owners.

We all know that the twin cesspools of crime, Washington, DC, and New York City, have strict handgun control and harass those who would protect themselves with handguns.

I'll bet that the people of Virginia are glad STAN PARRIS represents them and not someone who would support the killers who would love to have them disarmed.

Incredible, isn't it, that "handgun control" would buy a full page ad to intimidate Members of Congress and to raise money from the uninformed? They want your name for their mailing list.

I hope handgun control doesn't come to Montana. The welcoming committee wouldn't need a gun.

SENIOR CENTER WEEK, MAY 11-17

(Mr. ROWLAND of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. ROWLAND of Georgia. Mr. Speaker, today I am introducing a resolution to designate the week of May 11, 1986, through May 17, 1986, as "Senior Center Week."

The first senior center opened in New York City in 1943. Today, over 8,000 senior centers help 5 million Americans nationwide remain a vital part of our towns and communities. These centers provide a variety of services, from counseling to employment information, as well as social and recreational opportunities.

In addition, senior centers also help maintain and improve the health and

well-being of our Nation's elderly population. For that reason, the National Institute of Senior Centers' 1986 theme is "Senior Centers are Wellness Centers." This is especially important in light of the recent trend in health care toward preventive medicine.

Because of their great contribution, I feel we should celebrate Senior Center Week during May, the month that is traditionally designated as Older Americans Month.

Under the Older Americans Act, Congress recognized the value of multipurpose senior centers as a place where older Americans could receive health and legal services. Once again, we should join together in declaring Senior Center Week as part of the proclamation for Older Americans Month.

THAT THY DAYS MAY BE LENGTHENED

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, the wisdom of fixing weights and measures, including the measure of value, is enshrined in the Constitution, but it is derived from the Scriptures. This is how the word of God is recorded in the Old Testament:

> Thou shalt have a perfect and just weight, a perfect and just measure shalt thou have: that thy days may be lengthened in the land which the Lord thy God giveth thee. (Deuteronomy XXV, 15.)

President Reagan was on firm constitutional and Scriptural grounds when he advocated a "sound and stable dollar at home and reliable exchange rates around the world" in his State of the Union Address.

A sound and stable dollar can mean a dollar whose value has been defined by statute as a fixed weight of gold. It is the constitutional duty of the Congress "to coin money, regulate the value thereof, and of foreign coin" (art. I. sec. 8).

Mr. Speaker, I call on this House to rally to the support of the President's initiative, to reassert its constitutional prerogative in coining money, thereby furnishing perfect and just measure, as God has ordained us to do.

LEADERSHIP SHOULD REDOUBLE EFFORTS TO GET RECONCILIATION BILL ON THE FLOOR

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, I rise to urge you, all the other members of the House leadership, and all members of the leadership of the other body to double and redouble your efforts to get the reconciliation bill on the floor of the House.

The reconciliation bill will reduce Federal deficits by billions of dollars this year and next year and the year after, thereby moderating the impact of the Gramm-Rudman cuts.

Equally important, the reconciliation bill will resurrect several programs which expired on December 18. One of those programs is the Trade Adjustment Assistance Program which provides assistance to workers who have lost their jobs because of foreign imports.

Thousands of workers in this country who have lost their jobs because of imports are now waiting to see whether they will be eligible or not. They are going week after week without the benefits to which they should be entitled.

Dozens of firms which have been impacted by imports are going without the help which they should get from the Commerce Department to help them readjust to new competition from overseas. This is a very important program. It needs to to continued.

I urge the leadership to act quickly.

INCREASING SUPPORT AND ASSISTANCE TO DEMOCRATIC RESISTANCE IN NICARAGUA

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, President Reagan submitted his request to Congress yesterday for assistance to the Nicaraguan resistance. Last year's approval of humanitarian assistance reflected U.S. support for the forces seeking democracy and for an end to Sandinista-supported subversion against Nicaragua's neighbors. That assistance was not enough to force changes in the policies of the Communist Government of Nicaragua. The President's request for assistance now is necessary to pressure the Sandinistas to change their policies and fulfill their promises for democracy, respect for human rights, a mixed economy and nonalignment.

Supporting assistance to the democratic resistance in Nicaragua does not undercut the Contadora peace efforts. Contadora calls for internal reconciliation and dialog. Approving the President's request for assistance provides greater incentive for the Sandinistas to negotiate. If we fail to provide aid to the democratic resistance, the Sandinistas will have no reason to negotiate because they will no longer have to worry about any internal opposition. They will have eliminated it all.

□ 1240

HOSPITAL DISCHARGE OF MEDICARE PATIENTS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, as an original member of the House Select Committee on Aging, I commend Secretary Otis Bowen for his leadership in addressing one of the most pressing problems facing senior citizens today—the problem of premature discharge of Medicare patients from hospitals.

In a Monday announcement, Secretary Bowen said the Nation's 9 million Medicare beneficiaries who are hospitalized each year will be notified about their rights to appeal what they feel is a premature discharge. The HHS announcement included a telephone number where patients can file emergency appeals.

The Department also stated that it is Federal policy that a discharge date is to be based on medical needs not on Medicare payment to a particular hospital.

The establishment of the prospective payment system under Medicare has solved one problem and created another. It has lowered overall Medicare costs by radically changing the way hospitals are reimbursed. However it has also led to an erosion in quality of care for some elderly, especially those who are victims of the "quicker and sicker" method of hospital discharge.

HHS has taken an important initiative but we cannot stop here. We must continue to monitor all quality of care issues related to DRG's. We must also begin to "plow back" some of the DRG savings into those community-based programs where many Medicare patients are turning to for help.

ROUKEMA LAUDS VALLEY MIDDLE SCHOOL, OAKLAND, NJ

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, my colleagues, a month after the fateful explosion and tragedy of the *Challenger* and the continuing investigation now in progress, I want to bring to your attention the outstanding project undertaken by the students of the Valley Middle School in Oakland, NJ.

For 10 hours, starting tomorrow night, nine student-astronauts, supported by scores of student ground-support crew members from the Valley Middle School will travel through space in their own shuttle Explorer. Of course, in reality, the student-astronauts of Valley Middle School will never leave the ground,

but clearly this is one of the most ambitious and creative educational experiences I have known.

Working side by side over the last few months, students, faculty, parents and community groups enlisted the support of NASA, constructed a 24-foot mock up of the space shuttle, appropriately named "Explorer," established a complete mission control center, developed an impressive shuttle tracking system, garnered the aid of a local ham radio club to add realism to the mission and conducted an impressive competition to fill the nine student-astronaut slots. The students even went as far as to design their own mission logo and slogan "Kids in Space—Forward to the Future."

Quite expectedly, when the shuttle *Challenger* met disaster on that fateful day January 28, the students shocked and uncertain, cancelled the project. After extensive discussions with their teachers, and parents, the students decided to press on with their program and dedicated their efforts to the *Challenger 7.* By the time the shuttle Explorer lands Friday morning, all the students involved will have learned many valuable lessons.

They will have learned from the *Challenger 7* that our pioneers and explorers into a dangerous unknown, work on the brink of physical danger and death as they press the frontiers of space.

And there are lessons from the astronauts lives and deaths that are more immediate and more tangible. They remind us of a basic quality of human relations too often ignored in modern society. It is an old fashion quality we call character.

It is easy to think you are a success when everything is going your way and life is easy. But the true test of character is to be steadfast and persevere when the going is plain tough or tragedy strikes.

Their decision to press on with their project shows me that the students of the Oakland Valley Middle School have learned their lesson about character and I commend their example to my colleagues.

In advance of their return landing of the shuttle Explorer I welcome the nine astronauts home and congratulate them and their dedicated ground crew for a job well done. I ask my colleagues to join me in commending the administration, faculty, parents, and the entire Oakland community for their generous support of this educational project.

INAUGURATION OF PRESIDENT AQUINO

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. The Marcos dictatorship has ended, and President Corazon Aquino is now the universally recognized leader of the Philippines. She and her people have the heartfelt best wishes of the American people; that is absolutely certain.

We admire the magnificent courage and determination of the Filipino people who have made the change possible and wish them a future of peace, prosperity, justice, and freedom.

The smoothness of the transition was due in no small part to the efforts in the last days of the Marcos regime of President Reagan. He and his administration, in particular the State Department, deserve our highest commendation.

But these dramatic events should also be the cause for serious reflection. The U.S. Government supported and subsidized Mr. Marcos for 20 years. We sent millions to Marcos, and much of it wound up in his pockets and those of his cronies. It is a familiar pattern. From Marcos to Duvalier to Somoza, our Government has consistently supported rightwing dictators against the wishes of their own people. And now an equally heavyhanded approach in Central America is uniting the countries of that region against our policies.

The Filipino people at last have begun to choose their own destiny. We should encourage and permit other peoples around the world to choose their own as well.

GENERAL REVENUE-SHARING PROGRAM

(Mr. KINDNESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINDNESS. Mr. Speaker, I call upon my colleagues, all of them whose actions, legislative and otherwise, are ruled by common sense and reasonability, to cosponsor a bill I am introducing today which would extend the life of the General Revenue-Sharing Program for 4 years but would decrease the authorized level of spending by 25 percent each year, so as to terminate in fiscal year 1990.

I feel that the principle of general revenue sharing is still flawed, but in the atmosphere of budget restraint that we are experiencing today, the unrestricted general revenue-sharing funds can help local governments to meet the needs and bridge the gap that appear in this budget-cutting period, and I call upon my colleagues to cosponsor.

WASTE AND FRAUD IN FEDERAL PROGRAMS

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, to hear some politicians talk of the President's proposed cuts in Federal spending, you'd think all the fat in the Federal Government had been trimmed and that the knife was now heading directly for the bone. Mr. Speaker, that simply is not the case.

Unfortunately, there are still countless examples of waste and fraud in Federal programs. Case after case. Day after day. And believe you me, there is a right way and a wrong way to live up to our obligation to meet every American's basic needs. Yes, our Government must maintain a sense of caring, but at the same time, with the Federal deficit almost at a point of no return, we must also retain a sense of what the cost will be to every taxpayer.

Let me give you just one example.

I have two constituents in my hometown of Mobile, AL. He and his wife are examples of our proud, patriotic senior citizens. Both are still active and enjoying what would be "retirement" years for many of their peers.

Recently, this gentleman's wife entered the hospital. Like any responsible citizen should, this man had been paying premiums to his insurance company for years and years. But shortly after her release from the hospital, they received a statement from the hospital, indicating that out of a bill of $11,052.05, their insurance company had to pay only $412. Medicare had paid $10,633.30.

Mr. Speaker, this is just one example of how the Federal Government has overstepped its responsibilities. We cannot, and we must not, continue to drain the fiscal integrity of our Government at the expense of further waste and fraud.

IN SUPPORT OF HOUSE JOINT RESOLUTION 3

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, I rise today in support of House Joint Resolution 3, detailed to prevent nuclear explosive testing.

As an official congressional observer to the arms control talks in Geneva, I can attest to the fact that we have an excellent negotiating team over there. And they deserve the support of this Congress and the American people. Today, we are going to have an opportunity to demonstrate our support for the fine work that they are doing.

As long as the Geneva talks are underway, Mr. Speaker, we should let the Soviets know that we are willing to sit down again to complete the Test Ban Treaty negotiations which began

years ago. Let us give our negotiating team, our Geneva negotiators, something to show the Soviets how serious we are, indeed, about meaningful arms control. Let us pass House Joint Resolution 3 today.

□ 1250

WORLD'S YOUNGEST POLITICAL PRISONER

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, I and my distinguished colleague from Massachusetts [Mr. DONNELLY] as cochairmen of the Ad Hoc Committee on the Baltic States and Ukraine, invite our fellow Members today to join with us in meeting the parents of the little girl, Kaisa Randpere, of 2 years of age, considered to be the world's youngest political prisoner. The Randperes will be in 2218 Rayburn today from 2 to 4 p.m. to meet with any Members and staff who would like to learn more about their daughter Kaisa and what we can do to help her leave the Soviet Union.

Kaisa's mother, Leila Miller, is a noted folk singer. In 1984, she and Kaisa's father, Valdo Randpere, were given permission to leave their native Soviet-occupied Estonia and travel to Finland and Sweden on a singing tour. Because Kaisa was just a tiny infant at the time, they were not allowed to bring her out of the country. While in Sweden, as they had planned, the Randperes defected to the West.

Valdo Randpere had been a high-ranking Estonian official and both he and Kaisa's mother had been members of the Communist Party. Their defection was particularly embarrassing to Soviet authorities. Both regional Estonian and Soviet officials have been adamant in refusing to release the 2-year-old Kaisa.

Kaisa is currently living with her grandmother in Tallinn, in Estonia. The authorities are reported to be persecuting Kaisa and her grandmother. They have threatened to take Kaisa away and put her in an orphanage, denied correspondence privileges, fired the grandmother from her job, and even threatened the grandmother with psychiatric imprisonment.

This Soviet abuse of human rights is in violation of the Helsinki accords. It is unconscionable that the Soviets continue to hold hostage a 2-year-old girl to punish her parents for exercising their rights under the Helsinki accords. We hope that these informal discussions with the Randperes will allow Members to become more familiar with Kaisa's plight.

Last fall, I hand-delivered a letter to then-Foreign Minister Andrei Gromyko asking Gorbachev to offer a humanitarian gesture and release young Kaisa. Gromyko asked me about the letter and I told him that it was about a nice young girl who wanted to leave the country to rejoin her parents in the West. He asked me, with a smile, but what about her parents? I said: "They are nice people, too." The implication was clear.

The Randperes are in this country briefly to gain broad-based public support for the release of their daughter from Soviet-occupied Estonia. They will be in 2218 Rayburn today from 2 to 4 p.m. This is an informal gathering to hear the Randperes discuss their experiences in the Soviet Union, why they left, and their current efforts to have their daughter released. There will be no formal presentation so Members should feel free to drop by any time between 2 and 4 this afternoon in 2218 Rayburn. Kaisa's parents hope to see as many of you there as possible.

WE ALL SHARE A RESPECT FOR THE SAME GOD

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, before our President's Day district work period, I took this well and pointed out to the world that the father of one of our hostages held in Beirut, AP correspondent Terry Anderson, that his father was very ill. I appealed to the mercy of the kidnappers in Beirut to release Mr. Anderson. What is the purpose of holding a newsman anyway?

I am sorry to report that Terry Anderson's father has passed away, and I appeal to the kidnapers again of our six Americans, Mr. William Buckley, our diplomat, was taken in March 1984. The librarian at American University who is over 61 years of age now was taken in December 1984. The four who have been allowed to write to two of us here in the Congress. Mr. Terry Anderson was taken 1 year ago on the 16th of next month. Father Jenko has already been in captivity over a year, taken on January 8, 1985. The two others, Mr. Tom Sutherland, who was taken June 9, and one of my own constituents from Orange County, David Jacobsen, was taken May 28 of last year.

As we approach the year anniversary for all of our American hostages, I appeal once again to the kidnapers in Beirut: Communicate with us; communicate with our Government; be merciful and release these men. We all share a respect for the same God.

URGENT SUPPLEMENTAL APPROPRIATION FOR DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR ENDING SEPTEMBER 30, 1986

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 534), making an urgent supplemental appropriation for the Department of Agriculture for the fiscal year ending September 30, 1986, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 534

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture for the fiscal year ending September 30, 1986, and for other purposes; namely:

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

For the operations of the Commodity Credit Corporation, not to exceed $5,000,000,000 for capital restoration, to enable the Corporation to use the authority authorized by the Charter of the Corporation and other laws to carry out programs handled by the Corporation: *Provided,* That Corporation programs shall retain the goal of sufficient production to meet domestic needs, maintain the supply line, and provide for our share of exports at competitive prices: *Provided further,* That after fiscal year 1986, funds available to the Corporation may be used to carry out the programs of the Federal Crop Insurance Corporation or to carry out section 1241(a)(1) of the Food Security Act of 1985, only to such extent or in such amounts as provided in advance in appropriation Acts.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] is recognized for 1 hour.

Mr. WHITTEN. Mr. Speaker, I yield the customary 30 minutes to the gentlewoman from Nebraska [Mrs. SMITH] for debate purposes only, pending which I yield myself such time as I may consume.

Mr. Speaker, we bring to you today a supplemental for the restoration of capital to the Commodity Credit Corporation in the amount of $5 billion. As the Members will recall, on February 6 we brought to the floor of the House an emergency supplemental for CCC in the amount of $5 billion. However, objection was made to that amount and we finally were able to enact an emergency supplemental in the amount of $1,492,857,000. As we pointed out at that time, that amount of money was expected to be what it would take to allow the Corporation to

continue to carry out the farm programs through approximately the end of February of this year. The best estimates that we have been able to receive from the Department of Agriculture is that CCC will run out of money again sometime within the next day or two.

CCC is, of course, a $25 billion corporation that carries out all of the farm programs that are specified in the various agricultural laws. By providing the $5 billion in this joint resolution, we will allow the Commodity Credit Corporation to begin next Monday making the advance deficiency payments on the 1986 crops as required by the recently enacted farm bill. In addition, CCC will be able to continue making the 1985 crop deficiency payments which are also now due. Other programs that CCC will be carrying out are the regular loan programs to farmers; the dairy program—not only purchases but also the new whole herd buyout program—as well as a myriad of other programs operated by the Corporation. According to the Department of Agriculture, the $5 billion recommended herewith will carry the Corporation well into the coming summer months. Because of the uncertainties of CCC estimates and since the requirement for CCC funds fluctuates so extremely based on weather conditions and world prices, it was decided not to fully fund the entire remaining request of $7.4 billion. By providing $5 billion at this point, we will be able to take another look at the funding needs of the Corporation next summer to see how much additional, if any, is required to carry the Corporation through the full fiscal year.

To point up the difficulty in accurately estimating CCC's financial requirements, I would mention that in the fiscal year 1986 President's budget the request for the Commodity Credit Corporation was $9.3 billion. From all indications the actual fiscal year 1986 requirements will be in the range of $21 to $23 billion. So in the case of the Commodity Credit Corporation, even the President's 1986 budget estimate was off by well in excess of 100 percent.

A review of the record clearly shows that in recent years the CCC funding requirement has been fairly routinely understated in the President's annual budgets.

The joint resolution also recommends language that states that the Corporation should retain the goal of providing sufficient production to meet domestic needs, maintain the supply line, and provide for our share of exports at competitive prices. This, of course, should be the goal of any sound farm program and, I believe, is the intended goal of the recently enacted 1985 farm bill, but not necessarily the way the law is being implemented.

Mr. Speaker, in the language of the joint resolution we have also recommended to the House two additional provisions that would operate as limitations on the use of Commodity Credit Corporation funds. In view of the many demands being placed on the CCC, it is necessary to include a proviso that would prevent funds from being drawn from the Corporation, unless first approved in appropriation acts, for purposes of making payments under the Federal Crop Insurance Corporation or the acreage conservation reserve, effective with the start of fiscal year 1987. The recommended language, of course, would allow these payments to be withdrawn from the Corporation for the remainder of fiscal year 1986.

I say again, this amount of $5 billion, with the $1.5 billion, approximately, that we provided a few weeks ago, should enable them to operate the programs of the Corporation until late summer. I may say to my colleagues here that the outlook is that we will later have an urgent supplemental bill where we will deal with many, many subjects. But insofar as this one is concerned, we are just dealing with what is absolutely essential and we need to pass it without further ado.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman.

Mr. DICKS. I would like to ask the chairman: one, does the administration support this request?

Mr. WHITTEN. Well, may I put it this way: They have urged us to do it. Their Office of Management and Budget's real recommendation was to take off all ceilings on the Commodity Credit Corporation and provide them unlimited funds. This resolution does limit the amount to $5 billion, but the request we have is for just striking out any limit in the amount they could spend. So as far as I know, they have urged in every way in the world to go ahead.

You may wonder about why we selected the $5 billion figure. I think the total amount that is left in the allocation we have under the budget ceiling is $7.4 billion. This resolution is $5 billion, which is essential to carry out things that are pending at the moment.

Mr. DICKS. If the gentleman will yield further, the gentleman from Mississippi, of course, is chairman of the Appropriations Committee and chairman of a very important Agriculture subcommittee, I was just informed the other day of a problem out in the State of Washington where we have got another Gramm-Rudman-type problem that deals with the inspectors that are necessary in a production plant where you are going to slaughter chickens. You have got to have two inspectors and a veterinarian.

Because of Gramm-Rudman, there is a hiring freeze on at the Department of Agriculture, and we cannot, even though we have got a company out there that wants to add 50 to 70 additional jobs, they cannot do that because there are no inspectors available. The Federal Meat and Poultry Act requires that there be inspectors and veterinarians at these plants in order for them to go ahead and process and slaughter these chickens.

Now, I know that this is a much more important matter, but I would hope that the chairman, when he has an opportunity in the second supplemental, would certainly consider some relief here because this is a problem that is vitally important. In fact, I think that the chickens have come home to roost for Gramm-Rudman; this may be called the Chicken Preservation Act of 1985.

Seriously, this is a matter of great concern. I understand it is a national problem.

Mr. WHITTEN. I am sure that it is, and we have various others of the same kind. I might call attention to the fact that we have the citrus canker problem in Florida having to do with infected orange trees. We have the floods in California, Washington, Oregon, Nevada, Idaho, Arizona, Texas, Utah, and other States. Those are things that we will have to deal with and I am sure that we will have a further supplemental.

I am told that unless we stick to this one item here that there are at least 15 amendments waiting in the other body. If this resolution gets loaded down as it has in times past, we never will get it through.

Mr. DICKS. If the gentleman will yield, I say I appreciate the gentleman assuring me that we will take a look at it.

Mr. WHITTEN. We will, and I also say here that sooner or later we are going to have to deal with the Gramm-Rudman Act. Many folks do not seem to realize that the act that was sold to the Congress provides for cuts across the board, but excludes two-thirds of the budget. It means the other third of the budget takes about three times as much of a reduction as the justification offered in support of the bill.

So we are going to have to tangle with that along the line, but we cannot do it here; we have to do this immediately.

Mr. Speaker, I reserve the balance of my time.

□ 1300

Mrs. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support immediate approval of this legislation,

House Joint Resolution 534, making an urgent supplemental appropriation for the Department of Agriculture for the fiscal year ending September 30, 1986.

I thank the chairman of our Appropriations Committee for his leadership in bringing up the Reagan administration's request for $5 billion to fund our farm programs and to help keep our beleaguered agricultural economy from chaos that would otherwise engulf it as the result of the Government's inability to follow through in funding the authorized national farm programs so essential at this time.

The $5 billion should be sufficient to run these essential programs and to allow the Government to keep its legal commitments through late summer. At that time, the Congress and the Department of Agriculture should be able to more accurately assess additional needs.

The Commodity Credit Corporation now is going to have to cease operations very soon, probably at the end of today's business, according to estimates provided me this morning.

I will provide for the record, if it has not been already, a table showing the current status of CCC borrowing authority, indicating the balance available as of February 19 as being only $323.5 million.

This resolution also provides protection for congressional power to continue to control Commodity Credit Corporation expenditures. The bill provides that after the current fiscal year, the 1985 farm bill to the contrary notwithstanding, that funds for the newly established conservation reserve and the Crop Insurance Program shall continue to be subject to the vital appropriations process—and not be circumvented by the executive branch.

The most important point to remember is that this supplemental appropriation is absolutely crucial for putting the new 1985 farm bill into effect. On March 3, the Government has committed itself to providing 40 percent of desperately needed deficiency payments in advance, 75 percent of which shall be in cash and 25 percent in the form of payment-in-kind certificates.

I ask the House to approve House Joint Resolution 534 expeditiously so that our agricultural economy can hope for better outlook for the 1986 crop year.

Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire [Mr. GREGG].

Mr. GREGG. Mr. Speaker, I find it is a bit incongruous that we should have this language on the floor again. Obviously, there is concern in the agricultural community for funding this program properly. But this is the second supplemental that we have had on this matter. It is a $5 billion item, and I think it reflects a basic failure of the way we manage this institution that we have to continue to return here to fund this program.

It would seem much more proper to me if it had been properly funded in anticipation of this expense in the original bill, and it also appears that the underfunding which has occurred in this program threatens the entire budgetary process because we find ourselves, in the face of Gramm-Rudman, having to bring up supplementals which clearly are not consistent with the intent of Gramm-Rudman, although they may be able to get by legally Gramm-Rudman.

So from my viewpoint, this is an expenditure which is inappropriate to bring up in this manner, which should have been brought up properly at an earlier date in the orginal funding. We seem to do this on almost an annual basis, and it threatens the budgetary process and undermines the confidence of this House and I think the American people in general in our budgetary process when we continue to fund programs or underfund programs in the manner in which this program has been consistently underfunded year in and year out for what appears to be a lack of commitment to bring forward properly budgeted bills in their original form.

As such, I object to the bill and I think it is inappropriate.

I yield back the balance of my time.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Speaker, as Chairman WHITTEN and I have discussed, the U.S. Department of Agriculture has been delinquent in disbursing already obligated funds to Florida citrus growers.

These growers, under Federal order and good faith, allowed their trees to be burned in order to prevent the spread of citrus canker.

Records indicate that no Florida grower has received any type of indemnification payment since August 1985.

Myself and other members of the Florida delegation have made numerous advances toward the USDA for the release of this obligated money.

Unfortunately there are those in the administration who believe this contract, this obligation, already made to the Florida growers is not worth honoring.

While I can sympathize with budget constraints I cannot tolerate a broken promise.

Mr. Chairman, should this supplemental be cleared by Congress. It is my hope that the administration would see it clear to live up to its own commitment and use these appropriated funds to honor past financial commitments and to ensure the continuing of the program through the end of this fiscal year.

Mr. Chairman, you have been patient and understanding to my concerns over the past several weeks and I want you to know that I and the other members of the delegation appreciate your help.

We would like to beseech you, Mr. Chairman, to assist us in our endeavor to provide payments to the citrus growers.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Florida. I yield to the gentleman from Mississippi.

Mr. WHITTEN. May I say to my colleague that through the years we have always been interested in the orange industry and in the State of Florida. I have the letter addressed to me as chairman from the delegation, and we thoroughly agree as to the need and all of the things that would go with it to cooperate in the control of citrus canker, which is a real problem.

But what we have here is funds for something that has to be done immediately. I am advised that should we add things that in the other body it would lead to about 15 amendments which are certain, or maybe 200 or 300 amendments as we have experienced in the past.

Not only that, but other items such as flood control problems that we have in Utah, Texas, Washington, Oregon, Nevada, Idaho, Arizona, California and other States. There are many things which make me know that within the next 30 days we are about to have another supplemental before the committee, and I would assure the gentleman that it would be my intention to help solve this problem in Florida. But with any amendment at this time we probably would end up to where we could not get this problem handled or that one either.

So I appreciate the cooperation of my friend from Florida in waiting until we have an appropriate vehicle where we can deal with the problem in Florida which is for real.

Mr. LEWIS of Florida. Mr. Chairman, we would appreciate any help and assistance you could give us on the next supplemental appropriation. As we know, we have until the 31st of March.

Mr. WHITTEN. Personally I will try to meet that deadline. It would be my recommendation to do that. We do have to deal with the leadership and the other body and what have you, but it would be my expectation to meet the need in time.

Mr. LEWIS of Florida. I thank the gentleman.

Mr. CONTE. Mr. Speaker, I yield myself whatever time I may need.

Let me say to the gentleman from Florida that he spoke to me about this and that I was prepared to offer an amendment to help the Florida citrus growers whose crops have been devas-

tated by canker. Unfortunately, under this procedure there is no way that I can offer that amendment.

But if the gentleman will consult with me, I think there is going to be a request for further funds for the CCC, and I will work with him at that time or on another measure to obtain this assistance.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may require.

Mr. CARPER. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Delaware.

Mr. CARPER. Mr. Speaker, I thank the gentleman for yielding. I have a question.

The question is What is the impact of this supplemental appropriation on the fiscal year 1986 budget deficit estimates that we are receiving from CBO and OMB?

Mr. WHITTEN. May I say that the request that came to us from the Office of Management and Budget was to take the ceiling off of the CCC. This resolution is well within the deficit limits. Unfortunately, we are getting very close to the limit available to us under the budget resolutions and this does not perhaps meet all the need that we have at the present time. But we are trying to keep a cushion so any emergency could be dealt with.

But this is well within the limits.

Mr. CARPER. If the gentleman will continue to yield, let me restate my question. We are receiving from CBO and OMB estimates of the fiscal year 1986 budget deficits in compliance with the Gramm-Rudman directives, and they have estimated that the deficit will be x dollars. I guess my question is: Will this supplemental appropriation increase that deficit estimate to x dollars plus $5 billion? Is this something OMB has already included in its deficit estimates or is this something new?

Mr. WHITTEN. It is my understanding it has.

Mr. CARPER. I thank the gentleman for his information.

Mr. CONTE. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I thank our ranking minority member on the committee for yielding me this time.

Once again your committee is being criticized for a procedure used here where the committee has no choice. The criticism has been made that it is insufficient, an insufficient amount of money for what we are probably going to need, and why do we not just come forward with the truth.

It is impossible for this committee, for any other living mortal today, including the Secretary of Agriculture when we get one, to tell you how much money the Commodity Credit Corporation is going to need this year, just absolutely impossible. We can anticipate what the needs are going to be in a very near forseeable future. But how many people are going to sign up in the programs or be eligible for diversion payments, how many are going to be signed up or be eligible for deficiency payments is impossible for anyone to know.

So it just really is not fair, it is not right to criticize this committee for doing its job.

Now to say we are dishonest to the American people, we are not. It is not going to save one penny whether we appropriated $12 billion today or $5.5 billion, it is not going to save one penny. These are legal obligations that are made by the Department of Agriculture pursuant to law. We have to fulfill them.

So we are doing it this way, staying within the statutory limitations as placed by the Congress itself. But it may well have to be lifted, as have already been suggested here.

But you do not save anything regardless of how much you appropriate today. The obligations and the responsibilities are there and the Government is going to have to pay its just dues and they will be the same regardless.

So I would agree that we could save time of the Congress and save the grief that we all have to go through, particularly members of this committee, if we appropriated more money than we needed and then only use up to a certain amount of money. But it is not going to save any dollars.

Mr. GREGG. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from New Hampshire.

Mr. GREGG. I guess my point was that this is the second supplemental we have had on the Commodity Credit Corporation. Now I understand we are most likely going to get a third one on this, is that not correct?

Mr. MYERS of Indiana. In all probability, yes. I will discuss one way to escape that in a moment.

Mr. GREGG. We just had a sequestration order of $11.7 billion.

□ 1310

Mr. GREGG. If we are honest with the American people, that $11.7 billion that we just had the sequester order on, which was supposed to save $11.7 billion, by passing this supplemental of $5 billion if we are going to account correctly essentially, we have ended up with a sequester order of $6.7 billion because this is an add on. This is going to be an add on to the deficit in 1986.

Mr. MYERS of Indiana. There will be some sequestering, as I understand it, from the funds appropriated here applied to the individual payments later on, but here again the total dollars will be reduced; but how much we appropriate will not impact on that.

Mr. GREGG. If the gentleman will yield further, that is not my point. My point is that we are trying to address Gramm-Rudman through an $11.7 billion sequester order in 1986, but we are coming right around the end here, and we are just knocking $5 billion more.

Mr. MYERS of Indiana. What would you do? What would the gentleman do if he was running this show, how would the gentleman address this problem?

Mr. GREGG. Well, I would have begun by passing an original appropriations bill that would have anticipated these supplementals, and then when I got around to my sequester order of $11.7 billion, I would have acknowledged that we would have had a higher deficit that we were going to have to sequester from, and the sequester order would have been higher, which is exactly what we should have done.

Mr. MYERS of Indiana. The only thing the gentleman would do by doing that would be to say——

Mr. GREGG. And we are neutralizing the sequester order.

Mr. MYERS of Indiana. Pardon me, the gentleman was not finished?

Mr. GREGG. We are neutralizing the sequester order.

Mr. MYERS of Indiana. The only thing the gentleman would have done by doing it his way, you would save the time of this committee; but dollars saved would be absolutely zero. You would not change the outcome; it is going to be exactly the same when we get to the end of the road, whether it is the gentleman's way or ours.

I would not do it this way, either, if I had the choice; it would be much simpler to do it the gentleman's way; but as far as the taxpayers are concerned, there is no difference. Now, there is one way, one way you can save; that is going to have to come back here.

That can be done by the Commodity Credit Corporation. They have surpluses on hand now, something in excess of I believe $7 billion. They could dispose, on world markets some of that $7 billion-plus surplus commodities they presently own. They could sell it in world markets, then they could use that money to pay our farmers. Then we would not have to come back; and some of us including the chairman I am sure are going to suggest we do that; but that is the only way we can save the taxpayers any money.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, the American farmer is in a state of emergency. The net income of American farmers has plummeted to the lowest annual average since 1929–32, during the Hoover administration. The aver-

age net farm income during President Reagan's 5 years in office is $8.36 billion. The figure for the Hoover years was $8.2 billion.

The chairman of the committee, Mr. WHITTEN, is entirely correct when he says that this legislation is needed to avert an emergency. I rise, Mr. Speaker, in support of this bill in order to respond to the farm crisis in America.

The farm crisis will become worse because the current law will reduce farm income even more.

The farm bill reduces price supports at a time when farm income is at its lowest point. The loan rate for all commodities will be reduced each year during the 5-year life of the farm bill. In addition, the farm bill reduces the farmers' deficiency payments. The formula for figuring yield will cost the First District of Arkansas up to $35 million. For the current year, farmers who have invested money and hard work to improve their yields are being cut 10 to 20 bushels per acre below their 1985 level. Some farmers face reductions as much as 45 bushels per acre. These reductions mean a sizable monetary loss to each farmer. For example, a farmer with 250 acres of rice stands to lose as much as $42 per acre, up to a loss of $10,500. Farmers are financially trapped into signing up for farm programs and deficiency payments, but when they do, the farm bill just hits them harder.

And if the farm bill isn't enough, then there's Gramm-Rudman. It will have the effect of reducing loan rates and all other payments to farmers by 4.3 percent in fiscal year 1986. For example, if a soybean farmer offers 10,000 bushels as collateral for a nonrecourse loan at the 1986 rate of $5.02 per bushel, the farmer will only receive $48,041 instead of the full $50,200. Deficiency payments will also be reduced by 4.3 percent in 1986. Thus, effectively, the new payment cap will be $47,850. Beginning in October 1986, the picture will get worse. Facing Gramm-Rudman cuts of up to 25 percent, fiscal year 1987, the deficiency payments cap could go as low as $37,500. At a time when farmers desperately need help, their Government is backing away.

I support this bill of additional appropriations for the CCC because the American farmer needs its Government to stand by him in this time of economic stress.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have stood in this House here many, many times during the past 28 years to address my colleagues on the agricultural programs. I have offered, and I have cosponsored many amendments to various authorizations and the appropriations bills which have placed limitations on Government subsidies, on cotton, bees, and other commodities that we support. Unfortunately, there is not much we could do to limit or reduce the commitments we have under existing law today.

I agree with the remarks just made by the gentleman from New Hampshire. I stood on this floor about 2 weeks ago and argued that we should not be passing a supplemental for $1.4 billion at that time for the Commodity Credit Corporation. The administration estimated remaining fiscal year 1986 need to be $8.85 billion. We could not agree to provide the full amount and we did not agree to provide $5 billion because of objection here on our side.

So today the chairman comes with a $5 billion, supplemental when it really should be much higher than that. There should be several more billion in there, at least $2.3.

The thing that frightens me, the thing that has been alluded to here, is that on March 1, which is this Saturday, the end of this week, the sequester order takes effect, cutting $11.7 billion, cutting a lot of programs by 4.3 percent: the Coast Guard and IRS and Customs, FAA, the air controllers, and all. Here we are in 20 days passing two fiscal year 1986 supplementals for about $7 billion, like a drop of the hat.

I do think that this Congress realizes the monster that we passed in the last agricultural bill. There is not going to be enough paper out there to print all of the money that is going to be needed to meet the payoffs of the 1985 farm bill we passed last year.

With the Gramm-Rudman bill, a lot of our favorite community assistance programs including housing, urban, and rural development, the health programs, the education programs, are all going to get the squeeze through the agricultural segment of this society because of the farm bill that was passed recently.

I am just forewarning you. This money is not growing on trees out there. It is all part of the same pie, and there are going to be more and more and more of these supplementals taking larger slices during the next 6 months or 8 months that we are here in the Congress.

I am just pointing this out. There is nothing that we can do about this bill that he has here today. It provides the money that is owed. But it is going to be a dark day at Black Rock as we go down the line and meet the funding required by provisions of the new agricultural bill.

I yield to my good friend from New Hampshire.

Mr. GREGG. I appreciate the gentleman yielding to me. I would like to expand on the point which I think he has made. That is, that under Gramm-Rudman, we are working with a defined pie. The size of the pie has been defined by the Congress, and it cannot get any larger.

When we come in with these supplementals, we are cutting big slices out of that pie for the benefit of this function of the Federal expenditures, this function of the economy.

We are taking it out of, as you mentioned, a whole series of other areas in order to satisfy this function. What we should have done was early on recognize the size of this cost of this program and either scale back the program or increase the sequester from Gramm-Rudman; because otherwise we are going to end up skewing the Gramm-Rudman results and we are not going to live up to Gramm-Rudman.

These two bills are juxtaposed; they cannot merge.

Mr. SMITH of Iowa. will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. SMITH of Iowa. I think there is a mistaken impression here. As I understand it, an estimate was made on January 10th as to the fiscal year 1986 revenues and to the outlays. At that time, it was estimated that there would be a $20 billion deficit over and above the $172 billion that was the limit in Gramm-Rudman.

This money, including some more, was included within that $20 billion increase. All we are doing today is appropriating some of what was not appropriated prior to that time. This money today is no different than money that was previously appropriated for the military or for HHS or for anything else.

It was estimated at that time that there would be a $20 billion deficit, but there was a ceiling of $11.7. What we are doing today has nothing to do with the 11.7 or with the total deficit for the year. Is that not right?

□ 1320

Mr. CONTE. I think the gentleman is right. This joint resolution provides $5 billion in new budget authority, but does not have a fiscal year 1986 outlay impact. The more important point I am making is that we are in for some real bad times.

Mr. SMITH of Iowa. No question about it. We may require other supplementals which are not included in our fiscal year 1986 assumptions. But this money was included within the estimated amount that would be spent during the year.

Mr. CONTE. That is right. But even though it was included, it still has a significant impact on other programs. You only have one pie out there. When you figure in $25 billion or more for the Commodity Credit Corporation, a 4.3-percent cut is going to mean a bigger squeeze for all of the other unexempted programs. The other thing I want to make clear in regard to these payments is exactly how bad

they are. Right now, we have $186 million in loans outstanding in the honey program and we have 141 million pounds of honey in outstanding inventory. Why can we not take that, with all those Embassies that we have got out there, all those agricultural attaches at all those Embassies, and sell that honey? I mean even if we sell it at 5 cents a pound, we should make money.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield, of course, to the chairman of the committee.

Mr. WHITTEN. I thank the gentleman for yielding.

Mr. Speaker, they have my permission. The Commodity Credit Corporation can do it any time. They have the go-ahead signal. We have repeatedly tried to get them to offer commodities for sale at competitive prices.

Mr. CONTE. As long as we keep giving them this money, they are not going to get off their butts and go out and try to sell this stuff.

We are all going to drown in honey here; it is dripping all over the darned place.

I would yield to my friend from Indiana [Mr. MYERS] and maybe he knows where we can get rid of this honey.

Mr. MYERS of Indiana. I know nothing about any honey.

Mr. WHITTEN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GREGG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 321, nays 86, not voting 27, as follows:

[Roll No. 29]

YEAS—321

Ackerman	Barnes	Boehlert
Addabbo	Barton	Boggs
Akaka	Bateman	Boland
Alexander	Bedell	Boner (TN)
Andrews	Beilenson	Bonior (MI)
Anthony	Bennett	Bonker
Applegate	Bereuter	Borski
Atkins	Berman	Boucher
AuCoin	Bevill	Boulter
Barnard	Biaggi	Boxer
Breaux	Hopkins	Pursell
Brooks	Horton	Quillen
Broyhill	Howard	Rahall
Bruce	Hoyer	Rangel
Bryant	Hubbard	Ray
Burton (CA)	Huckaby	Regula
Burton (IN)	Hunter	Reid
Bustamante	Hutto	Richardson
Byron	Jacobs	Ridge
Callahan	Jeffords	Rinaldo
Carr	Jenkins	Roberts
Chapman	Johnson	Robinson
Chappell	Jones (NC)	Rodino
Chappie	Jones (OK)	Roe
Clay	Jones (TN)	Roemer
Clinger	Kanjorski	Rogers
Coats	Kaptur	Rose
Cobey	Kasich	Rostenkowski
Coble	Kastenmeier	Roth
Coelho	Kemp	Rowland (CT)
Coleman (MO)	Kennelly	Rowland (GA)
Coleman (TX)	Kildee	Rudd
Combest	Kindness	Russo
Conte	Kleczka	Savage
Conyers	Kolbe	Schneider
Cooper	Kolter	Schroeder
Coyne	Kostmayer	Schuette
Craig	Kramer	Schumer
Darden	LaFalce	Selberling
Daschle	Lagomarsino	Sharp
Daub	Lantos	Shelby
Davis	Leach (IA)	Siljander
de la Garza	Leath (TX)	Sisisky
Dellums	Lehman (CA)	Skeen
Derrick	Lehman (FL)	Skelton
DeWine	Leland	Slattery
Dickinson	Levin (MI)	Slaughter
Dingell	Levine (CA)	Smith (FL)
Dixon	Lewis (CA)	Smith (IA)
Donnelly	Lightfoot	Smith (NE)
Dorgan (ND)	Lipinski	Smith (NJ)
Dowdy	Livingston	Smith, Robert (OR)
Duncan	Lloyd	Snowe
Durbin	Long	Solarz
Dwyer	Lott	Spence
Dymally	Luken	Spratt
Dyson	MacKay	St Germain
Early	Madigan	Staggers
Eckart (OH)	Manton	Stallings
Eckert (NY)	Marlenee	Stangeland
Edgar	Martin (IL)	Stenholm
Edwards (CA)	Martin (NY)	Stokes
Edwards (OK)	Martinez	Strang
Emerson	Matsui	Stratton
Erdreich	Mavroules	Stump
Evans (IA)	Mazzoli	Sundquist
Evans (IL)	McCain	Sweeney
Fascell	McCloskey	Swift
Fazio	McCurdy	Swindall
Feighan	McDade	Synar
Fiedler	McEwen	Tallon
Fish	McHugh	Tauke
Flippo	McKernan	Tauzin
Foglietta	McKinney	Taylor
Foley	McMillan	Thomas (CA)
Ford (MI)	Meyers	Thomas (GA)
Ford (TN)	Mica	Torres
Franklin	Michel	Torricelli
Frost	Mikulski	Towns
Fuqua	Miller (OH)	Traficant
Garcia	Miller (WA)	Traxler
Gejdenson	Mineta	Udall
Gekas	Mollohan	Valentine
Gephardt	Montgomery	Vander Jagt
Gilman	Moody	Vento
Gingrich	Morrison (WA)	Visclosky
Glickman	Mrazek	Volkmer
Gonzalez	Murphy	Walgren
Gordon	Murtha	Watkins
Gradison	Myers	Waxman
Gray (IL)	Natcher	Weber
Green	Neal	Weiss
Guarini	Nielson	Wheat
Gunderson	Nowak	Whitley
Hall (OH)	O'Brien	Whittaker
Hall, Ralph	Oakar	Whitten
Hamilton	Oberstar	Williams
Hammerschmidt	Olin	Wilson
Hartnett	Ortiz	Wirth
Hatcher	Owens	Wise
Hawkins	Oxley	Wolpe
Hayes	Panetta	Wortley
Hefner	Parris	Wright
Heftel	Pashayan	Yatron
Hendon	Pease	Young (AK)
Henry	Pepper	
Hiler	Perkins	
Hillis	Pickle	

NAYS—86

Anderson	Frenzel	Penny
Archer	Gallo	Petri
Armey	Gibbons	Porter
Badham	Goodling	Ritter
Bartlett	Gray (PA)	Roukema
Bates	Gregg	Roybal
Bilirakis	Hansen	Sabo
Bliley	Hertel	Saxton
Bosco	Holt	Schaefer
Broomfield	Hughes	Schulze
Brown (CO)	Hyde	Sensenbrenner
Carney	Ireland	Shaw
Carper	Lent	Shumway
Chandler	Lewis (FL)	Shuster
Cheney	Lowery (CA)	Sikorski
Coughlin	Lowry (WA)	Smith, Denny (OR)
Courter	Lujan	Smith, Robert (NH)
Crane	Lungren	Snyder
Daniel	Mack	Studds
Dannemeyer	Markey	Vucanovich
DeLay	McCandless	Walker
Dicks	McCollum	Weaver
DioGuardi	McGrath	Whitehurst
Dornan (CA)	Molinari	Wolf
Downey	Monson	Wyden
Dreier	Moorhead	Young (FL)
Fawell	Morrison (CT)	
Fields	Nelson	
Florio	Obey	
Frank	Packard	

NOT VOTING—27

Annunzio	Gaydos	Nichols
Aspin	Grotberg	Price
Bentley	Latta	Scheuer
Brown (CA)	Loeffler	Solomon
Campbell	Lundine	Stark
Collins	Miller (CA)	Wylie
Crockett	Mitchell	Yates
English	Moakley	Young (MO)
Fowler	Moore	Zschau

□ 1340

Messrs. SCHUMER, BOSCO, FRENZEL, and WYDEN changed their votes from "yea" to "nay."

Messrs. RUDD, SCHUMER, and O'BRIEN changed their votes from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PREVENTING NUCLEAR EXPLOSIVE TESTING

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 281 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 281

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 3) to prevent nuclear explosive testing, and the first reading of the joint resolution shall be dispensed with. After general debate, which shall be confined to the joint resolution and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution and the preamble shall be considered as having been read for amendment under the five-minute rule. No amendment to the joint resolution or to the preamble shall be in order except one amendment in the nature of a

substitute to the preamble and to the joint resolution printed in the Congressional Record of October 1, 1985, by, and if offered by, Representative Broomfield of Michigan or his designee. Said amendment shall not be subject to a demand for a division of the question in the House or in Committee of the Whole and shall not be subject to amendment, but shall be debatable for not to exceed two hours, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 281 is a modified closed rule, providing for the consideration of House Joint Resolution 3. The rule provides for 2 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Foreign Affairs Committee. The rule makes in order an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of October 1, 1985, by, and if offered by Mr. BROOMFIELD or his designee. The substitute is debatable for 2 hours with time equally divided and controlled by the proponent of the amendment and a member opposed to it. No amendment to the substitute is in order and the substitute is not subject to a demand for a division of the question. The rule also provides one motion to recommit.

Mr. Speaker, House Joint Resolution 3 has two basic purposes. First, it urges the President to request the advice and consent of the Senate to the ratification of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties. Second, it urges the President to propose to the Soviet Union the immediate resumption of negotiations toward a verifiable comprehensive test ban accord.

In 1974, President Nixon signed the Threshold Test Ban Treaty prohibiting all underground nuclear weapons tests at yields greater than 150 kilotons. In 1976, President Ford signed the Peaceful Nuclear Explosions Treaty prohibiting all peaceful underground nuclear explosions at yields greater than 150 kilotons. Neither treaty has been ratified by the Senate.

The comprehensive test ban talks began in 1977. The talks were suspended in 1980 as a result of the introduction of Soviet troops in Afghanistan. In July 1982, the Reagan administration announced its intention not to resume the comprehensive test ban negotiations.

As I stated earlier, House Joint Resolution 3 is straightforward in its purpose. It simply urges the President to seek Senate ratification of the treaties and to seek the resumption of the comprehensive test ban talks with the Soviet Union.

Now I am aware that there is considerable difference of opinion as to what is the correct approach that should be taken by this Congress relating to the issues embodied in this legislation. That difference of opinion even extends to whether the Congress should be considering this legislation at this time. It seems to me that we have an affirmative duty as legislators in this people's Congress to express our views on an issue as timely and as important as the testing of nuclear devices. Now some say that this resolution will undermine the negotiations currently underway. Nothing in this resolution tells the President or his negotiators what to do or say. Nothing tells the President what the substance of his proposals should be. All we are requesting of the President is to please seek the advice and consent of the Senate to two previously signed treaties and to propose resumption of the comprehensive test ban negotiations to the Soviet Union.

Mr. Speaker, I know there is opposition to this rule because the Rules Committee did not recommend an open rule. The committee was faced with the possibility of a situation in which members would attempt to delay this legislation by proposing countless amendments. The Rules Committee has an obligation to ensure that members have the opportunity to fully debate an issue and to exercise their right to vote on that issue. This rule accomplishes these two objectives. The rule provides a total of 4 hours of debate on the legislation and on the proposed substitute. The rule also gives members a clear choice between the two basic approaches to the issues embodied in this legislation. The Rules Committee felt that in the absence of this type of modified rule, the very real possibility existed that members would engage in the amendment process, not for the improvement of the legislation, but to effectively deny members the opportunity to vote on this issue of vital concern and importance.

Mr. Speaker, I would urge the adoption of this rule.

□ 1350

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I regret very much that this rule is before the House today. As I recall, it was scheduled last year and withdrawn because the President was meeting with the Russian leader. We all know that to prevent nuclear explosive testing without reliable verification will be a one-sided street.

I think the Hyde amendment which should bring about negotiations to limit and to decrease the number of warheads that the Russians have in stock before we actually get underway on negotiating a Comprehensive Test Ban Treaty is necessary. We do not have adequate ways to verify what the Russians have. We do not want to get into a situation where we have the low end of the totem pole, and that is exactly where this resolution puts us.

Mr. Speaker, I intend to vote against the rule, but should the rule pass, I intend to vote for the Hyde substitute. I think this is a political ploy to make it embarrassing for the President of the United States and for those conducting our negotiations now underway.

I urge the defeat of the rule.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. I thank the gentleman for yielding me this time.

Mr. Speaker, I hope the Members will oppose this rule.

At this very moment the United States and the Soviet Union are discussing nuclear arms reductions in Geneva.

President Reagan, just a few days ago, made a counterproposal to Soviet leader Gorbachev in regard to the Geneva talks and our negotiators have placed on the table a concrete plan calling for reductions in intermediate range nuclear missiles.

What is Congress' response? Apparently, just to cloud the issue. As we negotiate in Geneva, the Congress is issuing new instructions to our President and our negotiators.

Mr. Speaker, it is clear to me that some are trying to force this issue now for one simple reason—to embarass the President of the United States.

As a House observer to the Geneva talks, I can assure my colleagues that the United States is doing its part to foster the practical give-and-take process which can lead to deep arms reductions.

I also believe that the United States and its allies depend upon a credible nuclear deterrent, and nuclear testing plays an important role in ensuring such a deterrent.

At the very time when the President is pursuing real arms reductions in Geneva, there are those doing everything in their power to make things as difficult as possible for our U.S. negotiators.

When this resolution was introduced more than a year ago, the current negotiations in Geneva were not underway nor had President Reagan and

Soviet leader Gorbachev held their summit meeting.

Let's face it, this legislation has been overtaken by events.

It signifies distrust of our President, and our negotiators in Geneva, at the very time when they need and deserve our support.

If you are truly committed to arms control, if you really believe that arms reductions must be our top priority, then now is the time to support our President, and our arms control negotiators in Geneva.

I urge a "no" vote on this rule.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 263, nays 152, not voting 19, as follows:

[Roll No. 30]

YEAS—263

Ackerman	Chappell	Ford (TN)
Addabbo	Coelho	Frank
Akaka	Coleman (TX)	Frost
Alexander	Conte	Fuqua
Anderson	Conyers	Gallo
Andrews	Cooper	Garcia
Annunzio	Coughlin	Gaydos
Anthony	Coyne	Gejdenson
Applegate	Darden	Gephardt
Aspin	Daschle	Gibbons
Atkins	Daub	Gilman
AuCoin	Davis	Glickman
Barnard	de la Garza	Gonzalez
Barnes	Dellums	Gordon
Bates	Derrick	Gradison
Bedell	Dicks	Gray (IL)
Beilenson	DioGuardi	Gray (PA)
Bennett	Dixon	Green
Berman	Donnelly	Guarini
Bevill	Dorgan (ND)	Hall (OH)
Biaggi	Dowdy	Hamilton
Boehlert	Downey	Hatcher
Boggs	Durbin	Hayes
Boland	Dwyer	Hefner
Boner (TN)	Dymally	Heftel
Bonior (MI)	Dyson	Henry
Bonker	Early	Hertel
Borski	Eckart (OH)	Horton
Bosco	Edgar	Howard
Boucher	Edwards (CA)	Hoyer
Boxer	Erdreich	Huckaby
Breaux	Evans (IA)	Jacobs
Brooks	Evans (IL)	Jenkins
Bruce	Fascell	Johnson
Bryant	Fazio	Jones (NC)
Burton (CA)	Feighan	Jones (OK)
Bustamante	Flippo	Jones (TN)
Byron	Florio	Kanjorski
Carper	Foglietta	Kaptur
Carr	Foley	Kastenmeier
Chapman	Ford (MI)	Kennelly
Kildee	O'Brien	Smith (NJ)
Kleczka	Oakar	Snowe
Kolter	Oberstar	Solarz
Kostmayer	Obey	Spratt
LaFalce	Olin	St Germain
Lantos	Ortiz	Staggers
Leach (IA)	Owens	Stallings
Leath (TX)	Panetta	Stark
Lehman (CA)	Pease	Stenholm
Lehman (FL)	Penny	Stokes
Leland	Pepper	Stratton
Levin (MI)	Perkins	Studds
Levine (CA)	Pickle	Swift
Lightfoot	Pursell	Synar
Lipinski	Rahall	Tallon
Long	Rangel	Tauke
Lowry (WA)	Ray	Tauzin
Luken	Regula	Taylor
MacKay	Reid	Thomas (GA)
Manton	Richardson	Torres
Markey	Ridge	Torricelli
Martinez	Rinaldo	Towns
Matsui	Robinson	Traficant
Mavroules	Rodino	Traxler
Mazzoli	Roe	Udall
McCloskey	Roemer	Valentine
McCurdy	Rose	Vento
McDade	Rostenkowski	Visclosky
McHugh	Rowland (CT)	Volkmer
McKinney	Rowland (GA)	Walgren
Mica	Roybal	Watkins
Mikulski	Russo	Waxman
Miller (CA)	Sabo	Weaver
Mineta	Savage	Weiss
Mitchell	Saxton	Wheat
Mollohan	Scheuer	Whitley
Monson	Schneider	Whitten
Montgomery	Schroeder	Williams
Moody	Schumer	Wilson
Morrison (CT)	Seiberling	Wirth
Mrazek	Sharp	Wise
Murphy	Shelby	Wolpe
Murtha	Sikorski	Wright
Natcher	Skelton	Wyden
Neal	Slattery	Yatron
Nelson	Smith (FL)	Young (MO)
Nowak	Smith (IA)	

NAYS—152

Archer	Gekas	McKernan
Armey	Gingrich	McMillan
Badham	Goodling	Meyers
Bartlett	Gregg	Michel
Barton	Gunderson	Miller (OH)
Bateman	Hall, Ralph	Miller (WA)
Bereuter	Hammerschmidt	Molinari
Bilirakis	Hansen	Moorhead
Bliley	Hartnett	Morrison (WA)
Boulter	Hendon	Myers
Broomfield	Hiler	Nichols
Brown (CO)	Hillis	Nielson
Broyhill	Holt	Oxley
Burton (IN)	Hopkins	Packard
Callahan	Hubbard	Parris
Campbell	Hughes	Pashayan
Carney	Hunter	Petri
Chandler	Hutto	Porter
Chappie	Hyde	Quillen
Cheney	Ireland	Ritter
Clinger	Jeffords	Roberts
Coats	Kasich	Rogers
Cobey	Kemp	Roth
Coble	Kindness	Roukema
Coleman (MO)	Kolbe	Rudd
Combest	Kramer	Schaefer
Courter	Lagomarsino	Schuette
Craig	Lent	Schulze
Crane	Lewis (CA)	Sensenbrenner
Daniel	Lewis (FL)	Shaw
Dannemeyer	Livingston	Shumway
DeLay	Lloyd	Shuster
DeWine	Lott	Siljander
Dickinson	Lowery (CA)	Skeen
Dornan (CA)	Lujan	Slaughter
Dreier	Lungren	Smith (NE)
Duncan	Mack	Smith, Denny (OR)
Eckert (NY)	Madigan	Smith, Robert (NH)
Edwards (OK)	Marlenee	Smith, Robert (OR)
Emerson	Martin (IL)	Snyder
Fawell	Martin (NY)	Spence
Fiedler	McCain	Stangeland
Fields	McCandless	Strang
Fish	McCollum	Stump
Franklin	McEwen	Sundquist
Frenzel	McGrath	Sweeney
		Swindall
		Thomas (CA)
		Vander Jagt
		Vucanovich
		Walker
		Weber
		Whitehurst
		Whittaker
		Wolf
		Wortley
		Wylie
		Young (AK)
		Young (FL)
		Zschau

NOT VOTING—19

Bentley	Fowler	Moore
Brown (CA)	Grotberg	Price
Clay	Hawkins	Sisisky
Collins	Latta	Solomon
Crockett	Loeffler	Yates
Dingell	Lundine	
English	Moakley	

□ 1410

Messrs. NICHOLS, VANDER JAGT, COLEMAN of Missouri, and RALPH M. HALL changed their votes from "yea" to "nay."

Mr. BOEHLERT changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 281 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 3.

□ 1418

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for consideration of the joint resolution (H.J. Res. 3) to prevent nuclear explosive testing, with Mr. MCHUGH in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the rule, the first reading of the joint resolution is dispensed with.

Under the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 1 hour and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 1 hour.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, House Joint Resolution 3 is a straightforward joint resolution that simply begins a process aimed at eventually ending the greatest threat to mankind today, and that is the spiraling nuclear arms race. Whether one considers it separately or as part of a package, the point is that every effort should be made to reduce the tension that exists in the world and to stop the acceleration in the buildup of nuclear arms.

President Reagan has undertaken with the new leadership in the Soviet Union to do just those things, and he perhaps has the greatest opportunity of any modern President to reach a substantive agreement.

Obviously, it will have to involve all components satisfactory to both sides in order to make that possible. We know what all of the arguments are in terms of lack of trust on both sides; the necessity to protect ourselves and the security of our country, as well as the difficulties and the complexities evident in dealing with the subject.

□ 1420

These issues are in the competent hands of experts in our Government who are now very busily negotiating.

I think it would be useful at this point to simply read the resolve clause of the pending resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That at the earliest possible date, the President of the United States should—

(1) request advice and consent of the Senate to ratification (with a report containing any plans the President may have to negotiate supplemental verification procedures, or if the President believes it necessary, any understanding or reservation on the subject of verification which should be attached to the treaty) of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties, signed in 1974 and 1976, respectively;

So we are saying, "Mr. President, send those two treaties up to the Senate for their consideration. If you have any reservations or any question with respect to the verifiability of the treaties send those concerns up along with the treaties for the consideration of the United States Senate."

I cannot imagine for the life of me what is the danger in that. But I am sure we will hear all kinds of reasons why that great deliberative body on the other side should be refused the opportunity to either ratify or not ratify these treaties.

The second operative paragraph of this resolution is to "propose to the Soviet Union the immediate resumption of negotiations toward conclusion of a verifiable comprehensive test ban treaty," and I stress "verifiable comprehensive test ban treaty."

The final paragraph states existing law and is common sense "in accordance with international law, the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating." We will hear a lot about who is violating what, and why it is not in our interest to do anything with the Soviets because they are always violating agreements. But the truth of the matter is, Mr. Chairman, we are negotiating with them now, notwithstanding violations.

The question of violations is in constant disagreement.

I would conclude that part of the discussion by simply saying that whatever mechanism needs to be put in place to discuss violations after a treaty has been entered into, force had better well be considered in the negotiating of the treaties as we have in the past. Furthermore we do not expect any President of the United States to undermine the security of the United States by entering into an agreement that he does not like or that is not verifiable.

So I want to stress again, Mr. Chairman, that the pending resolution does not mandate or require the President to do anything, it does urge him, at the earliest possible date, to seek the ratification of these two treaties which have already been signed, one negotiated in the Nixon administration and one negotiated in the Ford administration. The resolution urges that the President "send up whatever reservations or questions he may have regarding verification and let the other body make up their mind on this matter."

I want to remind my colleagues that this identical language was already approved in a sense of the Congress action by the other body in 1984 by a vote of 77 to 22 and again I cannot see any rationale as to why we should have an objection to submitting the matter to the other body to let them exercise their judgment. That is their constitutional prerogative. Even though the President may have some reservations with regard to sending up the treaties at the time they were signed obviously both President Nixon and President Ford thought these treaties were in the best interests of the United States.

Finally, House Joint Resolution 3 proposes the immediate resumption of negotiations toward a verifiable, and let me stress again, a verifiable treaty, nobody is talking about a unilateral approach to any of these problems; we know that is not sensible. We are talking about a verifiable comprehensive test ban treaty which has been a long-term goal of this and five previous administrations both Democratic and Republican, as a matter of principle.

Now it may be that for a variety of reasons, technical, political, or otherwise, we may never get there. But we certainly ought to try. We ought to make the proposal. We ought to talk. This resolution has overwhelming support in this body as well as in the other body. The House ought to express our feelings and act on this matter.

It is going to be pleasant to discuss a whole bunch of technical questions, Mr. Chairman, and I guess all of us like to do that; arcane matters that are the jargon and the business of arms control, and they are very essential, of course. I do not demean them one bit. It is very important for our negotiators to understand, as they do, all of the niceties and the technical applications of the problem. But here we are talking about a principle only. And whoever wants to discuss the technicalities, scientific or otherwise, is perfectly at liberty to do so. But I submit none of that has anything to do with common sense. Common sense tells you that if you adopt a policy which says "keep the status quo," continue to adopt a policy which says that you must continue to test forever, then one must question whether or not you could ever get a handle on the acceleration of the arms race in the nuclear field. As long as you go into the new weapons area you force constantly the acceleration of the process.

It seems, therefore, very logical that one of the things that ought to be discussed, and we urge the President to consider that at the earliest possible time, is a comprehensive test ban, not in the water, not in the air, not underground, a comprehensive test ban. Now we do not tell him when to do it. We say we would like him to do it as immediately as possible. That is what we urge. But we do not set a scenario as to when that should be done.

I would submit that when we get around to discussing the substitute which the distinguished gentleman will propose, that we will be talking about their concept of a scenario as to when this should be done. We both think that a comprehensive test ban is fine but this resolution, Mr. Chairman, the basic pending resolution does not set a scenario for the President. We expect the President to use his good judgment. We would like for it to be as soon as possible.

Now when one considers that, it seems to me that the timing is fortuitous. The first big meeting at the summit has gone by, and summits are useful, I have supported them. I think it would be useful to have another one. I think the question of timing is an important question. I would hope we could do more than talk at the next summit. But let us face it, in order to get to the next summit we have to do what the two leaders have already agreed upon at the first summit which is accelerate the talks. This was the principal point agreed to in the joint statement of the two leaders as far as I am concerned. This resolution says that we should propose discussions on a comprehensive test ban treaty, since that would be a major initiative in conjunction with the other matters on the table, but it does not set a timetable as to when and how it should be done.

Now as far as the two treaties that have already been entered into force, let me say that if the President sends the treaties to the Senate for their advice and consent—which I support, the President is also urged to submit House Joint Resolution 3 and to submit whatever verification concerns he has at that time as well. All I can say is if we ratify those two treaties which two administrations thought were very good treaties for the United

States, it would make verification better and easier; not having the information that these treaties provide upon ratification, makes verification more difficult. It is quite clear that it is in the best interests of the United States to get as much information as we can from the other side, which is provided for in these treaties, and to set up the mechanism for on-site inspections under the PNET. This makes it possible for us to get better verification.

So I do not see any reason to delay the initiative at all. There will be several meetings on this matter. And I frankly fail to follow the logic that says "Oh, don't do this now—this just cuts the arms and legs off of our negotiators." Well, they do not listen to anybody but the President. All this resolution does is urge the President to consider as soon as possible the proposition of a comprehensive test ban treaty.

The judgment is still the President's because we do not mandate the scenario as is done in the substitute agreement.

Twenty years ago President Eisenhower said one of the things he regretted the most about his administration was that he was not able to get a comprehensive test ban treaty. Since then the world has seen an escalation in the arms race that is hardly understandable, and frankly if we fail in this proposal at Geneva at this time, I do not see where the end is in terms of the tension and the potential for warfare and the destruction of mankind which is on the horizon. I just do not see it. As long as we take the proposition that overkill is not enough, that you have got to always be better than the other guy because the other side is taking exactly the same position, we won't get anywhere in the first place. They have finally realized through the great force of common sense, not because of science and technology which is often used to destroy mankind, but because of the fact that knowing full well if we continue in the present mode, the conclusion might be inescapable.

□ 1435

This is a small step, a very small step for people who are yearning to reduce the tension, and stop the enormous cost of an escalating arms race. Let us see if we cannot together—I am talking now about the President and the Congress—support the negotiations. We support the President. We are saying to the President we will even support you if you decide to take up a comprehensive test ban treaty negotiation, which is something that we all envision is a good place to start. And we will support all of the negotiations.

So we should have done so 20 years ago? As President Eisenhower said, should we act in the future—20 years from now? Should we wait until the next summit? Should we wait until next month? Should we wait until the monsoon? Shall we wait until the time is right?

Mr. Chairman, I submit the time is now. The people of the world now need the kind of leadership that is being exhibited by the two leaders of the superpowers who have come together to say let us put an end to this madness.

What the resolution says is, Mr. President, we admire all that, we support you. Let us put one of the fundamental elements into the pot, and that is a comprehensive test ban treaty.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must say at the outset I found the comments made by the chairman of the Foreign Affairs Committee very interesting.

I notice the date is February 26, 1986. The bill that we have before us was introduced January 3, 1985.

Why is that significant?

A lot of things have happened since then. On January 3, 1985, we did not have any talks going on between General Secretary Gorbachev and President Reagan.

Mr. Chairman, it is accurate when the gentleman says that a similar resolution was introduced and passed in the Senate on June 20, 1984. The difference is that it was a sense of the Senate resolution. Do you know where it is now? It is tucked into the DOD authorization bill for fiscal year 1985.

So I just merely ask a question for the Members to consider: What is the urgency today for the House to pass a joint resolution that would have to go to the President and either be signed or rejected by him?

Negotiations are now going on in Geneva. There were none when House Joint Resolution 3 was introduced. We are now, I think, making progress in Geneva on a wide range of arms control talks. In other words, events have overtaken this legislation. I cannot see who is going to benefit, unless we want to embarrass the President of the United States.

I think one of the reasons, Mr. Chairman, that I am so seriously concerned about this bill is because of the numerous verification problems with the threshold test ban treaty. Nuclear testing is essential for the maintenance of our deterrent capability, and achievement of reductions in nuclear weapons should precede and not parallel or follow negotiations on a comprehensive test ban.

The threshold test ban treaty in its current form is not effectively verifiable. Ratification of that treaty before verification improvements can be negotiated with the Soviet Union is not in the national security interests of the United States.

Ambassador Stoessel, who negotiated the threshold treaty, and is one of our foremost distinguished diplomats, testified before my Subcommittee on Arms Control recently that there is continuing controversy regarding our ability to verify with sufficient accuracy the yields of nuclear explosions in the Soviet Union. He told our subcommittee that given the persisting controversy over verification technology and the evidence of Soviet noncompliance with a number of arms control agreements, including the threshold treaty, that it would be desirable to provide for enhanced verification procedures in the threshold treaty and peaceful nuclear agreements before they are ratified by the U.S. Senate.

Ambassador Stoessel also believes that because of the verification uncertainties, plus the Soviet record of violations, it would be inadvisable to proceed immediately to comprehensive treaty negotiations.

I also want to take strong exception to the call in House Joint Resolution 3 for an immediate resumption of comprehensive test ban talks with the Soviet Union. Given the persistent questions over verification technology for a comprehensive treaty, serious work still needs to be devoted to new and improved technologies, which our national laboratories are still doing.

In addition to serious verification problems, there continue to be significant concerns about the national security implications of entering immediately into these negotiations. The security of the United States and our allies depends upon a credible nuclear deterrent, and nuclear testing plays an important role in assuring such U.S. deterrent, which is very important in view of the ongoing Soviet modernization of their nuclear forces.

For this reason and many more, Mr. Chairman, I hope that this bill will be defeated.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Chairman, I rise today to encourage my colleagues to support House Joint Resolution 3, of which I am a cosponsor. I believe this measure, which calls on the President to reestablish talks aimed at achieving a comprehensive nuclear test ban with the Soviets and the other nuclear nations and to submit the 1974 Threshold Test Ban Treaty negotiated by President Nixon and the 1976 Peaceful Explosions Treaty achieved by President Ford to the Senate, represents an extremely important step toward arms control.

The principle behind the comprehensive nuclear test ban is simple—by disallowing all further nuclear testing—both military and civilian—we can put a halt to qualitative advances in our nuclear technology that have

continued since the birth of the A-bomb. This is because without the data obtained from tests on new types of nuclear explosives, the world's nuclear powers will be reticent to deploy newly developed and ever more fearsome nuclear weapons. The level of technology utilized in the design of operable nuclear warheads will be frozen.

I have long believed that the test ban approach to arms control offers great promise. It can be imposed without the lengthy and tortuous process of what I call bean counting, or the requirement that we classify the many different types of weapons and argue about numbers, range, megatonnage, reentry vehicles, and more, and offers real progress in a realistic time frame.

The impact of a comprehensive nuclear test ban would be dramatic in other ways as well. First, it would create the wherewithal to reduce nuclear test expenditures, enabling either an overall reduction in our defense costs, and hence the budget deficit, or an increased emphasis on improvements to our conventional forces, which will in fact further heighten the nuclear threshold, especially in Europe.

Moreover, enactment of a comprehensive nuclear test ban is, in my view, extremely important to the continued success of the Nuclear Non-Proliferation Treaty. The nonnuclear weapons signatories of this latter treaty have repeatedly called upon the superpowers to move promptly toward a comprehensive test ban. Appeals to prospective signatory nations have yielded bitter comments about the lack of progress on the part of the superpowers in this regard, and may be leading some previous signatories to reconsider altogether their participation in this regime and their nonnuclear status.

In addition, the initiation of a comprehensive test ban will provide a positive environment for continued progress on other arms control issues. While the ends pursued by United States and Soviet negotiators in Geneva are critical to continued progress on arms control, the means are, as mentioned previously, unavoidably bound by the great complexities of today's technology. Adopting the test ban will permit negotiations on the more difficult question of launch vehicles and overall numbers to continue in a positive atmosphere, based on greater trust and substantial prior achievement.

Furthermore, halting nuclear tests will yield positive environmental benefits. The environmental organization Greenpeace has reported that since the singing of the Partial Test Ban Treaty in 1963, which limited nuclear tests by signatory nations to those staged underground, some 40 accidental releases of radioactive elements have occurred at the U.S. Nevada test site alone. The incidence of leukemia was reported in a 1979 New England Journal of Medicine article to be 40 percent higher than the national average in those parts of Utah downwind of the Nevada test site.

With all this going for it, why has the comprehensive test ban treaty not been adopted? Critics have pointed especially to two problems, and they are certainly issues about which we should be concerned.

The first of these issues regards our ability to ensure that the nuclear weapons we have already developed and deployed continue to function effectively. Periodically, representative weapons are selected randomly for testing, to determine the reliability of the class of weapon tested as a whole. Opponents of the treaty argue that it is dangerous for us to deny ourselves this important data.

In response let me note that few tests to determine the reliability of weapons in our nuclear arsenal require actual nuclear detonations. In fact, most tests are conducted on subcomponents of these weapons. According to the former director of the Los Alamos National Laboratory, Norris Bradburg:

> The assurance of continued operability of stockpiled nuclear weapons has in the past been achieved almost exclusively by nonnuclear testing—by meticulous inspection and disassembly of the components.

In other words, replacement parts, where needed, can be provided based on the exacting performance standards already established for such subcomponents. And we should not lose sight of the very important fact that the Soviets would be subject to the same terms under this agreement. Soviet perceptions of the reliability of their weapons would be, at the very most, equal to our perceptions of the reliability of our weapons. I defy anyone in this body to find a U.S. Air Force general who would trade Soviet nuclear systems for the ones we have.

Another important criticism of the proposed treaty revolves around the question of verifiability. Opponents maintain that our ability to verify such a treaty is uncertain—for example, they maintain that our ability to differentiate between small nuclear blasts and earthquakes does not exist, or that the Soviets will be able to engage in a test practice called decoupling, in which large underground caverns absorb most of the blast—and that as a result the Soviets will cheat on the treaty. But today's modern satellites and seismographic equipment are able to detect and identify nuclear blasts of extremely small yield. According to an article in the Washington Post last August 10, the United States has developed new, supersensitive seismic devices that are now deployed in at least one allied country. Other devices are currently deployed by the United States in some 35 other countries, according to the article, and new radar and acoustic technologies are being developed. Scientists associated with U.S. detection equipment have reported that the United States had the ability to detect Soviet tests below 10 kilotons, even when decoupled, prior to the deployment of this latest technology. With this new gear, our ability to detect Soviet tests is much improved.

Moreover, Soviet General Secretary Gorbachev has now made clear his willingness to allow some form of United States onsite inspection at Soviet nuclear test facilities. The introduction of sophisticated United States seismic arrays into the Soviet Union could, according to seismic expert W.J. Hannon of the Lawrence Livermore Laboratory—who the Union of Concerned Scientists considers "more pessimistic" on the detection issue—allow us to approach the capability of detecting decoupled 1-kiloton blasts with 90 percent confidence in 90 percent of the U.S.S.R. under certain conditions. Tests of such small yield are of little true military value.

If discussions with the Soviets are resumed on a comprehensive nuclear test ban, then we can pursue verification issues to our satisfaction. This resolution does not require us to sign a comprehensive nuclear test ban treaty—it merely expresses this body's interest in pursuing negotiations on the matter.

I believe that, if talks resume, the United States and Mr. Gorbachev can iron out differences on the verification issue. Every previous administration since President Eisenhower's has worked to reach agreement with the other nuclear powers to halt nuclear tests. Entering into negotiations does not represent some unilateral concession on the part of the United States; neither does signing a verifiable treaty. We will realize a great many benefits if we can obtain a workable treaty with the Soviets. The time has come for the current administration to build on the accomplishments of previous presidents and devote its attention to continuing work toward a comprehensive treaty to ban nuclear tests.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

□ 1445

Mr. HYDE. Mr. Speaker, I am going to have much more to say later on in this debate, but since there seems to be a lull, I though I might say a couple of things.

I take this issue very seriously because we are talking about not how many friends we have in the House, not whether we want to support the administration or want to embarrass the administration. We are talking

about national security; we are talking about world war III and preventing the same.

Let me look at the "Dear Colleague" letter from one of the chief sponsors the gentleman from Iowa [Mr. BEDELL], that I received today. He says in part:

House Joint Resolution 3 supports the Administration's stated objective of achieving a verifiable Comprehensive Test Ban Treaty.

Well, then, the administration ought to support this resolution. But they do not, because they do not want a Comprehensive Test Ban Treaty outside the context of mutual militarily significant and verifiable reductions. And they feel that if we give the Soviets a Comprehensive Test Ban Treaty they will lose any incentive to reduce, and we will sit there with all of these bombs, staring at each other.

So point one, I am sorry, I do not agree with.

Now, another point the gentleman from Iowa [Mr. BEDELL] makes:

House Joint Resolution 3 strengthens presidential flexibility in conducting arms control negotiations.

Just the opposite. It tells the President and the Russians and the world that we in Congress, the people assembled, have our own agenda. It may not be yours, Mr. Nitze, it may not be yours, Mr. Kampelman, but we want you to negotiate immediately a comprehensive test ban. Never mind reductions, never mind conventional force, never mind chemical, never mind all that stuff, we are telling you what cards to play.

So this gives Presidential flexibility? My mind boggles at that use of the English language.

Now, let us move to another one:

It is true that such a treaty would limit United States weapons programs. It should be kept in mind that we accept such limits in order to secure the benefits of limiting Soviet weapons programs. A Comprehensive Test Ban Treaty agreement in 1970 would have precluded the Soviet Union from developing and deploying the 308 SS-18 missiles that currently threaten the United States.

Well, that is a tradeoff, then. They lock us into where we are, pleading on our knees to see an MX missile, maybe one, before I die, or a Midgetman, maybe one, before I die, while they sit there with 308 SS-18's, twice as big as the MX, if we ever get one, twice as big. and they have SS-24's, SS-25's, and much more.

You know, the guy that is ahead always wants to freeze. The guy that is ahead wants to stop you where you are and keep his advantage. They have a modern strategic nuclear force, and we maybe will see 50 MX's, maybe, maybe, maybe. How silly.

Then it says down here, another one of the gentleman's statements: "provides an opportunity to expand current negotiations, to include a discussion of a ban on nuclear weapons testing."

Well, I did not think that the President or Mr. Kampelman needed us to pass a joint resolution so that they then could expand what they are putting on the table.

Is that not a little arrogant? Does not that trespass upon separation of powers? Must we always have our special agenda different from the negotiators and the administration?

Nobody is against a comprehensive test ban within the context of verifiable reductions. But I am against a test ban that tells our scientists, "Go get a job somewhere else," meanwhile the Soviets keep theirs right on the job. I am against an unreliable stockpile, after the *Challenger* exploded, after Three Mile Island, to hear somebody from Pennsylvania say that we should not test these things, "Go work around them, you GI's. But maybe they are deteriorating, maybe they are unsafe, don't worry about that, we have passed comprehensive test ban."

We are intruding on what the President and his negotiators are trying to do in very difficult complex negotiations by putting our own ideosyncratic priority ahead of arms reductions.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. I thank the gentleman for yielding.

Mr. Chairman, the hearings on House Joint Resolution 3 printed by the Foreign Affairs Committee indicate that its Subcommittee on Arms Control held only 2 days of hearings on this subject. The committee approved the resolution, by voice vote, over the objection of 10 of its members.

Unfortunately, House Joint Resolution 3 was not referred to the Committee on Armed Services which has both the responsibility for arms control oversight and the maintenance of U.S. nuclear deterrent forces. Had the bill been so referred, it could have reached the House with the benefit of the long experience that the Armed Services Committee has had with the technical and operational sides of arms control and arms control verification.

For example, during the past 3 years a special panel on arms control and disarmament has held extensive hearings, conducted studies, visited nuclear weapons facilities and operational units, observed arms control negotiations, and held discussions with our negotiators. The panel held 10 days of hearings in Washington and 3 days of hearings in Geneva and Vienna.

Last year, the special panel, under my chairmanship, concentrated on nuclear test ban issues raised by House Joint Resolution 3, H.R. 3100 and H.R. 3442.

Based on these extensive hearings and studies, including the hearings on House Joint Resolution 3 held by the Foreign Affairs Committee, the panel recently issued a comprehensive report.

The panel's report points out numerous problems with the approach to arms control taken by the proponents of House Joint Resolution 3.

First, it is inconsistent. It is completely inconsistent to urge ratification of the threshold test ban treaty permitting tests up to 150 kilotons, while also urging negotiations to stop all testing.

Second, it is inconsistent to urge ratification of a treaty permitting unlimited so-called peaceful nuclear explosions, while also urging negotiations to end all nuclear explosions.

Third, because the Soviet Union has consistently violated the 150-kiloton limit of the threshold test ban since its effective date in 1976, House Joint Resolution 3 states that "the United States shall have no obligation to comply with" the threshold test ban treaty even if it were to be fully ratified. This is not only inconsistent; it is illogical.

Fourth, House Joint Resolution 3 accomplishes nothing for arms control. The threshold test ban and PNE agreements do nothing except impose a 150-kiloton limit on testing. The United States adheres to this limit; the Soviets say that they also adhere to it. How does House Joint Resolution 3 reduce the Soviet SS-18 and SS-19 and SS-20 threat? How does it enhance our national security?

Fifth, House Joint Resolution 3 would have a negative effect on verification problems—not only with respect to nuclear testing but for other possible agreements such as biological and chemical weapons.

President Nixon negotiated the threshold test ban in 1 month in 1974 when he was in serious political trouble at home. That agreement contains the weakest verification provisions since the Geneva protocol of 1925. Yes, it provides for the exchange of data—unverified and unverifiable Soviet data—no onsite inspection by anyone at any time other than Soviet officials.

The peaceful nuclear explosions agreement allows nuclear explosions up to 150 kilotons anywhere in the huge land mass of the Soviet Union or in the countries under its control. Yes, it also provides for the exchange of data—unverified Soviet data. Onsite inspection—yes, but only in the unlikely event that the Soviets desired to admit that they were going to explode a group of nuclear explosions in excess of 150 kilotons all at once.

House Joint Resolution 3 is a very poor approach to arms control and repeats the mistakes of the past.

Why legislate the Soviet position and impose it on our own negotiators?

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. LAGOMARSINO], a member of the Committee on Foreign Affairs.

Mr. LAGOMARSINO. Mr. Chairman, I, too, have serious problems with this legislation, House Joint Resolution 3. I share the view of the administration and all those who oppose a comprehensive test ban on the grounds that it is not sufficiently verifiable. It will in the long run, however, serve to compromise vital U.S. national security interests, not enhance those interests as some would have us believe.

Mr. Chairman, this is an important, highly contentious and technically oriented issue. The House Foreign Affairs Committee has heard from experts, including the director of Los Alamos Lab, Don Kerr, and Ambassador Walt Stoessel, who negotiated the Threshhold Test Ban Treaty [TTBT]. They believe that any CTBT agreement cannot be adequately verified. Sincere and long-standing disagreement continues to arise over the question of whether U.S. seismographic verification technologies can monitor Soviet nuclear weapons tests of under 20 kilotons, 15 kilotons, or as low as 1 kiloton, as some have suggested. As Ambassador Stoessel stated in his testimony, "On the technical side, there is continued controversy regarding our ability to verify with sufficient accuracy the yields of nuclear explosions in the Soviet Union."

The point here, Mr. Chairman, is that there is at least great doubt that a Comprehensive Test Ban Treaty is in fact adequately verifiable. It should also be pointed out that the stakes are high here. We are talking about maintaining high confidence in our nuclear stockpile—our deterrent to nuclear war—and about entering into agreements with an adversary who has knowingly violated previous arms control agreements, including the Threshold Test Ban Treaty which is, in effect, easier to monitor than what is being advocated here today.

Also on verification, Ambassador Stoessel said:

> I feel uncertainties condemning verification technology, plus the Soviet record of violations make it inadvisable to proceed immediately to bilateral—or resumed trilateral with the United Kingdom—negotiations for a CTB with the Soviet Union.

I don't have to remind my colleagues that it was the Carter administration which broke off the CTB negotiations due to the Soviets cruel invasion of Afghanistan. I cannot believe that the proponents of this resolution are arguing that the Soviets have improved their international behavior since that point. In fact, I would be interested in hearing that line of reasoning in light of the continued atrocities against the people of Afghanistan, the continued violations of the ABM Treaty, SALT II, and other arms control agreements, the crackdown against Solidarity in Poland, the repression of Soviet Jews and other minorities, and the list goes on and on.

Mr. Chairman, by approving this resolution, the House is, I believe, sending the wrong signal to the President and to Moscow. If it approves this resolution it will at least appear to be saying that it does not care about Soviet arms control violations, it does not care about verification, it does not care about the actual worth of an agreement—all it cares about is getting an agreement. And that, Mr. Chairman, is a recipe for failure.

Let me for a moment, Mr. Chairman, add a few words about the substitute which is to be offered by the gentleman from Illinois [Mr. HYDE]. This amendment in the nature of a substitute is a much more modest and reasonable approach to this subject. The Hyde substitute is drafted in such a manner as to insert a bit of realism into our "policy of negotiations." It is wrong for this House to pressure the President of the United States into entering into negotiations for an agreement that cannot be adequately verified. We have heard so many witnesses tell us—including the head of our national laboratories—that in at least one instance we learned of a Soviet underground nuclear explosive test through a human source, that is, our seismic monitoring equipment was incapable of detecting it. It is incredible for the proponents of House Joint Resolution 3 to stand before this body today and state that the United States can detect all Soviet nuclear explosive tests. That simply is not true. We can detect most Soviet tests. But is most tests enough, I ask my colleagues? I would have to answer "no" to that question. Unless we can detect all militarily significant underground explosive tests in the Soviet Union, we ought to go with the plan offered by the distinguished gentleman from Illinois.

U.S. national security has got to come first in instances such as this, Mr. Chairman. We simply cannot afford to play partisan politics with an issue as important as maintaining the integrity of our nuclear defenses. It would be a tragedy of immense proportions were we to reject the modest approach offered by Mr. HYDE, and approve House Joint Resolution 3 as it was reported from the Foreign Affairs Committee.

I urge my colleagues to oppose House Joint Resolution 3 and vote for the Hyde substitute.

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I rise in strong support of the resolution, the consideration of which in this body is long overdue.

The single most important goal of our foreign policy should be the limitation and control of nuclear arms. Unfortunately, and incredibly, that does not happen to be the view of this administration. Secretary of State Shultz recently told the Committee on Foreign Affairs that arms control does not lie at the heart of relations between the United States and the Soviet Union, that other issues are more important. I do not agree.

The fact is that the nuclear dilemma is central to our life on this planet. The numbing power and complexity of nuclear weapons can create a sense that we have indeed become the prisoners of our own technology, a race of Doctor Frankenstein's helpless to rein in the product of our own best intentions and finest technical expertise.

But our county has never failed to respond to a genuine threat to its security; and we face such a threat now—to our very survival—not only from the weapons of our adversaries, but also from the arms we have built ourselves.

A nuclear test ban cannot, in itself, halt the arms race, but it can slow its pace, and reduce its danger. Billions of dollars, and billions of rubles, are spent annually designing weapons that can kill more quickly and more surely than those we have now. I, for one, am satisfied that if we choose to destroy all of Russia; or if the Russians choose to kill all of us, the weapons we now have on hand will be sufficient to get the job done.

This resolution calls upon the President to take two simple steps—

To seek Senate advice and consent to the ratification of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties; and

To propose to Russia the immediate resumption of negotiations aimed at concluding a Verifiable Test Ban Treaty.

The successful implementation of the first of these steps would improve our ability to verify Soviet compliance with existing practice—which is to refrain from underground nuclear tests in excess of 150 kilotons. The implementation of both would put an end to Soviet nuclear testing completely. I can imagine no circumstances under which such a ban could be harmful to our interests.

The simple fact of the matter is that if the Russians don't test; we don't need to test. And if we don't test, the Russians can survive without that option, as well. The competitors in the nuclear arms race don't run, they leapfrog; each technological improvement or design change provokes a countermove that drives both countries closer to the brink of nuclear war.

Testimony received by the Subcommittee on Arms Control indicates that the technical means of verifying a comprehensive test ban are at hand; the issue of verification is no longer a legitimate grounds for hesitation; it has become, instead, merely an excuse for inaction and for a lack of imagination, leadership, and political will. Our failure to move forward on a nuclear test ban has been, in my judgment, both bad policy with respect to our own interests, and bad politics, with respect to preserving America's leadership position in the world.

It is also clear, based on the testimony we received, that we will remain able, under a nuclear test ban, to ensure the reliability of our existing stockpile of nuclear weapons. After four decades of experience with nuclear bombs, we have a pretty good idea what it takes to blow up the world, and a high degree of confidence in our ability to do so. It is true that a test ban may inhibit the development of new weapons; that is, after all, the whole point; but in that fact I find little cause for sorrow.

The theory that the next weapon, the next technological breakthrough, will make the world safer and more stable is one of the many false gods of the nuclear arms race. In pursuit of stability, we began building multiple-warhead missiles; in pursuit of a counter-force capability, we came up with the MX; now, to render nuclear weapons obsolete, we are told to pursue star wars. And we are not alone in our folly, for similar debates, similar projects, and similar mistakes have characterized Russian nuclear policies, as well. If we had only stopped 20 years ago—when a comprehensive test ban was first seriously considered—the task of living with the Soviet Union, and with numerous other actual and potential nuclear states, would be far easier today.

This resolution is a truly conservative document; it is consistent with the arms control goals of the five national administrations of both political parties that preceded the one currently in power; it was approved in 1984 by a 77 to 22 vote in the other body; it recognizes explicitly the principle that Soviet noncompliance would free the United States from any obligation to comply with a test ban agreement; and it is not binding on the President, but simply tells him that if he decides to seek a test ban, he will be able to do so with strong bipartisan support from the House.

I believe this is a good resolution; I am pleased that it has finally been brought up for consideration; I congratulate its sponsors, and I want particularly to recognize the leadership of the gentleman from Florida [Mr. FASCELL] on this issue.

□ 1500

Mr. IRELAND. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in opposition to House Joint Resolution 3.

The Oversight and Evaluation Subcommittee of the Permanent Select Committee on Intelligence, on which I serve as the ranking member, began a lengthy series of hearings on arms control compliance and verification last fall. The subcommittee received testimony and information from a vast array of senior executive officials and intelligence officers. Under the Intelligence Committee's rules, I cannot impart any specific information about the content of our executive session hearings. But I can say I am more concerned than ever about numerous significant compliance and verification problems under existing arms control agreements.

As the experts are almost unanimous in their conviction that a test ban treaty is not presently an effective means of arms control. Simply put, a test ban treaty does not control or limit the proliferation of nuclear arms.

House Joint Resolution 3 gives no incentive for further arms limitation. In fact, by increasing uncertainties and decreasing confidence in our nuclear deterrent force, it may promote or encourage increases in the numbers and megatonnage of weapons stockpiled.

It is clear that the purpose of this measure is to exert political pressure on the President to sign a treaty—any old arms control treaty—regardless of its wisdom or verifiability, all for a transparently political symbolic statement, that Congress is a stronger supporter of arms control than our President or our arms control negotiators.

Why should the Soviet Union negotiate a reasonable agreement on verification issues when the Soviets need only wait and allow the U.S. Congress to undercut U.S. credibility and constrain U.S. Government negotiation options? Why should Gorbachev cooperate with President Reagan if he knows Congress will force the President to give him what he wants for nothing in return?

The truth is, this administration is willing to ratify the currently observed Threshold Test Ban Treaty limiting the size of permitted tests, provided that the Soviets accept minimally intrusive verification techniques.

I urge my colleagues to vote against this charade called House Joint Resolution 3 and vote for the only sensible alternative that we will consider today, the Hyde-Byron amendment.

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. BEDELL].

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, I rise in strong support of House Joint Resolution 3.

As we consider this legislation, I call upon my colleagues to remember the goal of every administration since Eisenhower to seek a comprehensive test ban treaty. As signatories of the 1963 Nuclear Test Ban Treaty and the Nuclear Nonproliferation Treaty of 1968, we expressed our determination to end nuclear testing for all time. Though the commitments of the 1950's and 1960's seem long ago, the spirit in which we pledged to achieve an end to all nuclear tests is now more compelling than ever.

Today, Mr. Chairman, I ask that we reconsider our present policy which, sadly, centers about a spirit of distrust. Without mutual respect, and without a vigorous effort to create an atmosphere of mutual understanding, this spirit of distrust can only be increased. The end result is an acceleration of the nuclear arms race.

Mr. Chairman, through this legislation we have the chance to increase stability and slow the nuclear arms race. This legislation is made even more timely by Secretary Gorbachev's statements at the 40-nation disarmament conference at which he stated his willingness to renew negotiations. As Mr. Gorbachev has indicated that the Soviet Union is amenable to the strictest controls over the ban on weapons testing, it is now time to re-examine our own policies. I assert that if we can establish negotiations with the Soviets based on integrity and good faith, the fundamental argument against a nuclear test ban treaty will be rendered meaningless.

Mr. Chairman, this is a window of opportunity. Now that Mr. Gorbachev is agreeable to controls, including on-site inspections and the use of highly advanced seismographs, the doubts about verification need no longer be a factor. Since it is clear that we can negotiate with confidence, there exists an invaluable opportunity to dismantle the spirit of distrust, and to build upon the "spirit of Geneva."

Mr. BEDELL. Mr. Chairman, I want to first of all thank Congressman JIM LEACH, my colleague from Iowa, and the 208 other cosponsors of this resolution. I think this is a historic moment in this body.

It seems that whenever we have no good arguments against a piece of legislation, a method of debating is to try to confuse the issue. I plead to my colleagues: Do not let that happen on this issue; read the resolution. This resolution does not require the President to agree to anything that he does not want to agree to.

Allow me to read to you the specific language that has to do with this, and I quote:

"That at the earliest possible date the President should propose to the Soviet Union the immediate resumption of negotiations towards conclusion of a verifiable, comprehensive test ban treaty." That is it. That is what it says. It follows:

In accordance with international law, the United States shall have no obligation to

comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating.

The issue here is not viability; the President does not have to agree to any treaty if he does not think it is adequately verifiable. It does not tell the Soviets that they can do what they want and violate the treaty while we stand still. It simply says we ought to talk.

The issue is whether we ought to talk to the other side. Apparently we should not. Apparently we should not even talk about it to see if we can reach an agreement to bring the nuclear arms race under control.

My resolution has been criticized, and I think legitimately so. It is criticized because it is too blamed modest, because it does not go farther in trying to address the issue.

Let me read to you from the Nuclear Nonproliferation Treaty:

Each of the parties to the treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament. On a treaty on general and complete disarmament under strict and effective international control.

That is what the treaty says. That is the treaty we have agreed to; that is the treaty we have signed. That is the treaty that other countries have joined. The purpose of that treaty is to keep other countries from getting into the nuclear arms race. Now the question is, are we going to abide by it by talking to the other side, or are we not going to abide by it? If we do not, are the nonnuclear states going to abide by it? Will the nonnuclear states have a reason to go nuclear?

Mr. Chairman, my farmers are in trouble. Mr. Chairman, we are cutting back on the budget on all sorts of items. Mr. Chairman, if our Members feel that it would be in the interest of our constituents to slow down the arms race, if indeed the other side had to do so, then surely we should vote against this substitute and surely we should vote for this resolution.

□ 1510

Mr. Chairman, if your constituents are in trouble now, like mine are, certainly we should address the problem now and not put it off to a later date. If you think the deficit is a problem now, then now is the time to address this issue.

I could go on and on, but if indeed, as the administration has said, this is a long-term objective of the United States, let us start on this objective now. I do not know how it is in your area, but I can tell you how it is in mine. In my area, the problem is now. My people think we should move now. I urge us to do so now. I urge us to vote against the substitute that would say, "Wait, wait, wait, don't do it now," and urge your support for this resolution.

Mr. Chairman, Congressman LEACH and I, along with 208 Members of the House of Representatives have lent our cosponsorship to House Joint Resolution 3—a measure to prevent nuclear explosive testing. Although modest in nature, House Joint Resolution 3 represents a positive, straightforward, and effective arms control policy statement. Simply stated, House Joint Resolution 3 recommends that "at the earliest possible date, the President of the United States should request ratification of two previously negotiated yet not ratified treaties limiting nuclear testing, the Threshold Test Ban Treaty [TTBT] and the Peaceful Nuclear Explosion Treaty [PNET], and propose to the Soviet Union the resumption of negotiations aimed at the implementation of a verifiable comprehensive test ban treaty [CTBT]."

House Joint Resolution 3 has no secret or hidden agenda. It is not an effort to undermine or disrupt the ongoing arms control negotiations currently underway in Geneva. It does not represent unilateral U.S. disarmament. However, what it does accomplish is far reaching and in the best national security interests of the United States. House Joint Resolution 3 is about arms control.

The issue of nuclear arms control and reduction remains of paramount importance to the United States and global security. I believe we share no greater responsibility than to support such efforts. House Joint Resolution 3 is supportive of such efforts. House Joint Resolution 3 relies upon past treaty commitments and negotiations, as well as future negotiations to achieve an end to all nuclear weapons testing. In this regard, House Joint Resolution 3 remains supportive of this administration stated objectives of reduction and elimination of nuclear weapons. In fact, House Joint Resolution 3 strengthens our efforts in Geneva and betters our prospects for a successful conclusion of those efforts because it enhances Presidential flexibility in the conduct of those negotiations.

In its present form, House Joint Resolution 3 strengthens American negotiating credibility and reaffirms our national commitment in the Limited Test Ban Treaty of 1963 "to achieve the discontinuance of all test explosions of nuclear weapons for all time." House Joint Resolution 3 also reaffirms our national commitment in the Nuclear Non-Proliferation Treaty of 1968 "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race." Finally, House Joint Resolution 3 upholds the goal—a verifiable comprehensive test ban—of every Presidential administration since that of Dwight D. Eisenhower.

House Joint Resolution 3 represents a sensible policy statement for the Congress to take. Ratification of the Threshold Test Ban and Peaceful Nuclear Explosion Treaties would lend to the United States a verification bonanza. The Threshold Test Ban Treaty included provisions for geological data exchanges which clearly would enhance our present verification efforts. The Peaceful Nuclear Explosions Treaty goes further and contains provisions for additional data exchanges and limited on-site inspections. Given Secretary Gorbachev's recent reassertion and reaffirmation that the Soviet Union is willing to accept on-site inspections and the installation of tamper-proof and intrusive United States seismic monitoring equipment on Soviet territory, isn't it about time that we begin discussions on the implementation of a verifiable comprehensive test ban? In my view, by refusing to at least discuss such a concept, the United States has surrendered the moral high ground to the Soviet Union. We are perceived as being disinterested in genuine arms control.

Rightly or wrongly, we have acquired the reputation of negotiating treaties in good faith but failing to ratify them. Examples include the threshold test ban, the Peaceful Nuclear Explosions Treaty and SALT II. Because House Joint Resolution 3 seeks ratification of two of those treaties and resumption of negotiations on a treaty for a comprehensive test ban—a treaty that most experts believe to be the most readily achievable and securely verifiable treaty available to us, it restores our international leadership in arms control and negotiation.

A verifiable Comprehensive Nuclear Test Ban is in the national security interests of the United States and could be realized with minimum risk to our national security. An agreement to end all nuclear testing would impede further qualitative improvements in existing nuclear weapons arsenals. Just think, if we had achieved such an agreement in 1970, the Soviets would have been prevented from deploying any of their heavy MIRV'd SS–17 and SS–18 missile systems. These are the same Soviet missiles which the administration constantly parades in front of us to gain support to modernize United States nuclear weapons systems. In other words, without a comprehensive test ban, the arms race goes on and on and on. Thus, while it is true that agreement to a comprehensive test ban treaty would limit future U.S. nuclear weapons programs, we must keep in mind that we accept such limits in order to secure the benefits of limiting future Soviet nuclear weapons programs.

In closing, I would only like to reassert that the achievement of a verifiable comprehensive test ban treaty would provide positive momentum to other ongoing negotiations in Geneva. Each side's confidence in the reliability of the other's intentions would increase. The prospects for deep reductions in both strategic and intermediate nuclear weapons inventories would improve. The need to forge ahead into a defensive arms race in space would be minimized as would the economic burden of such a race. Our mutual interest in preventing the proliferation of nuclear weapons to nonweapons states would be enhanced and better enforced. The world would be a safer place. For each of these reasons, I urge all of my colleagues to support House Joint Resolution 3 as approved by the Foreign Affairs Committee and the other body, and to oppose the substitute.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in opposition to House Joint Resolution 3. I do so reluctantly, because I am not opposed to the goals of this

measure. Indeed, I want to emphasize that I share the desire to lessen the likelihood of nuclear conflict by securing verifiable arms reductions. Yet I must oppose this measure before us today because I strongly believe that this is not the appropriate time—with delicate negotiations proceeding in Geneva—for Congress to be acting on controversial arms control proposals.

Now, at first glance, this nonbinding resolution does not apper controversial, and indeed, taken alone its wording could be termed almost harmless. But my colleagues, we are not taking action in a vacuum. Before we pass this legislation, there is another consideration to be weighed.

Many who oppose this measure will speak today about the problems of verifying a threshold test ban or a comprehensive test ban, others will oppose this measure because they believe that continued nuclear testing is essential if our current nuclear arsenal is to maintain its capacity for deterrence. But I am not here to speak to those arguments. Some are persuasive, others are not.

I oppose this measure today because I do not believe that we—the Congress—should be the instrument to distort serious arms control negotiations by passing legislation that could upset the delicate balance in Geneva and Vienna.

In recent months, both the United States and the Soviet Union have tabled major arms control initiatives. This past November, when President Reagan traveled to Geneva to meet with General Secretary Gorbachev, he carried with him a proposal to reduce nuclear warheads by 50 percent. On January 15, Mr. Gorbachev responded by making public a proposal to eliminate intermediate-range missiles from Europe over the next decade, and to eliminate all strategic weapons by the end of the century. This recent proposal was made even more salient by subsequent indications from Moscow that Soviet objections to a space-based defense system were no longer an impediment to negotiations regarding intermediate-range missiles. Finally, this past week President Reagan, to his credit offered a counterproposal with two options for eliminating intermediate nuclear forces over the next 3 years.

These proposals clearly indicate the President's commitment to achieving an arms control agreement with the Soviet Union. Yet despite the evident progress in Geneva, and despite the real possibility of a genuine arms reduction agreement, the House is being forced to consider this legislation which certainly appears to be politically motivated, and worse yet, may even be potentially harmful to the arms reduction process.

When originally introduced in early 1985, before the Geneva talks and before the Soviet-American Summit had taken place, House Joint Resolution 3 may have seemed to its main sponsors to be a useful means of spurring on the administration in the arms control area. Now, however, this legislation has been overtaken by the events of the last 6 months.

My colleagues, this is not the time to be considering this legislation. Instead, it is time for Congress to drop the politics, and to give our President the support he needs to pursue meaningful arms reductions without undue congressional interference. Clearly, where administration and Congress are seen working together, our chances for success in arms control are greater. For this reason, I urge you to oppose House Joint Resolution 3.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

I take the time to ask a question to the author of the amendment or somebody on the other side who maybe can answer it.

I have taken the time to read the resolution. Now, that is sometimes dangerous to do, I realize that, but I have taken the time and I have read through it.

I would really like to know—I would like somebody to answer me—what in this resolution is substantively different from the present Soviet negotiating position? Can anybody answer me? What in this resolution is substantively different from the present Soviet negotiating position?

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman.

Mr. LEACH of Iowa. Well, I thank the gentleman. I appreciate that the gentleman wants a response.

Let me say, the question is, what in the resolution is different from international obligations signed by the President of the United States?

Mr. WALKER. Well, let me take back my time. That is not the question.

Mr. LEACH of Iowa. It happens that both our countries are obligated under similar treaties.

Mr. WALKER. Mr. Chairman, I reclaim my time.

I asked a specific question and the gentleman gives me rhetorical gymnastics.

What I want to know is, what in this resolution is different from the present Soviet negotiating position?

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am very glad to yield to the chairman of the committee.

Mr. FASCELL. Well, I am willing to admit for the record, publicly and otherwise, that the gentleman in the well is a true American.

Mr. WALKER. Well, I thank the gentleman. I will say the same thing about the gentleman, but I still want an answer to my question.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman.

Mr. HYDE. Mr. Chairman, I do not know if this answers the gentleman's question, and I did not think the gentleman's Americanism was in question, nor that of the gentleman from Florida; but today's Wall Street Journal has an article: "Soviet leader rebuts Reagan arms proposal."

The last paragraph:

> Mr. Gorbachev, whose first summit meeting with Mr. Reagan was last November in Geneva, avoided responding directly to an outstanding U.S. invitation for a second summit in June. He said the question of the meeting's timing would be "resolved of itself" if the United States shows readiness to reach agreement on cessation of nuclear tests than the abolition of U.S. and Soviet medium range missiles in the European zone.

A readiness Mr. Gorbachev said he has not seen yet.

So the difference is, Gorbachev wants a comprehensive test ban treaty, too, but he also wants us to get our Pershings out of Europe and he will take his SS-20's out, maybe, but he will keep them in Asia. That is the difference.

Mr. WALKER. So the gentleman is telling me that the difference between the Gorbachev position and this resolution is that they did not go quite as far as Gorbachev? If I understand it correctly, that to me is not necessarily a position that I am very comfortable with.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am very glad to yield to the gentleman who is the author of the resolution.

Mr. BEDELL. Had the gentleman read the resolution?

Mr. WALKER. I said I made that mistake of reading the resolution and as I read it, I will say to the gentleman that I find no substantive difference between this and the present Soviet negotiating position. I would like someone to point out to me what the substantive difference is between this and the present Soviet negotiating position.

Mr. BEDELL. The gentleman's colleague has already done that on his side of the aisle, and I appreciate him doing it.

The CHAIRMAN pro tempore (Mr. HUCKABY). The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 30 additional seconds to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding me 30 additional seconds.

What the gentleman from Illinois just pointed out was the fact that this resolution does not go quite as far as what the Soviets want to do. They want in addition for us to pull all our Pershing missiles out of Europe, but that does not mean that there is anything in this resolution which is substantively different from what the Soviet negotiating position is. That is not to say anything about any Member of this body. I am simply trying to get an answer to my question. I still have not gotten an answer beyond the fact that this resolution simply does not go as far as what the Soviets are evidently willing to go. That to me is not an appropriate answer to the real question about the resolution.

Mr. FASCELL. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. TORRES], also a true American.

Mr. TORRES. I thank the chairman for yielding this time to me.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. TORRES. I will, indeed.

Mr. FASCELL. I wanted to say that the gentleman is one of our observers at the Geneva arms conference.

Mr. TORRES. Mr. Chairman, I rise today in support of House Joint Resolution 3, to prevent nuclear explosive testing. I thank the chairman for acknowledging that I am an official congressional observer at the arms control talks in Geneva.

As an official congressional observer to the arms control talks in Geneva, I can attest to the fact that we have an excellent negotiating team over there. And they deserve our support. Well, here's our opportunity to demonstrate our support for the work they are doing.

By passing this resolution, we call for the resumption of negotiations with the Soviets for a comprehensive test ban treaty. This will enhance the prospects for meaningful arms reductions and, in so doing, complement our efforts in Geneva. The resolution does not specify to the negotiators the terms or the timing of such a treaty. It does not undercut the leverage of our negotiating team. Rather, it preserves the flexibility they need to negotiate an arms control agreement.

Opponents of this resolution have contended that the timing is not right for us to consider House Joint Resolution 3. I disagree. The timing could not be better as my able colleague from Iowa stated. Look at the wording of the resolution. It says "at the earliest possible date, the President of the United States should propose to the Soviet Union the immediate resumption of negotiations toward conclusion of a verifiable comprehensive test ban treaty." All it says is that we want to talk again, and we want to talk now. What's wrong with talking? We have been a party to comprehensive test ban talks under every administration since President Eisenhower's, as Chairman FASCELL has ably stated. If we reject this resolution because "the timing is not right," we acknowledge to the Soviets that, for the first time in decades, we don't want to come back to the table to resolve this issue, at least not just yet. Well, I say, if not now, then when?

As long as the Geneva talks are underway, we should let the Soviets know that we are willing to sit down again to complete the test ban treaty negotiations which began years ago. Let us give our Geneva negotiators something to show the Soviets how serious, indeed, we are about meaningful arms control. Let us pass House Joint Resolution 3 today.

I take issue with my colleague, the gentleman from Illinois, saying that we are silly. We are not silly. I stand here before this House today with my colleagues assembled and I state this is a very serious issue for the people of the United States. We are not being arrogant. We are not intruding into the rights of the President and the negotiators.

My kind colleagues, we are being responsible, over 200 Members of this House are being responsible to the will of the people of the United States, because we represent them. This is why we take that action and that is why I call upon my colleagues on both sides of the House, on this aisle and on that aisle, to pass this resolution.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. TORRES. I yield to the gentleman.

Mr. HYDE. Mr. Chairman, is the gentleman aware in view of the fact that he said this is our opportunity to support our negotiators that Mr. Nitze opposes this resolution?

Mr. TORRES. That may be the case. I am speaking, as I said today——

Mr. HYDE. Him we are not supporting, I understand.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Chairman, I have two documents that I will later ask to be placed in the RECORD. One is the statement of Dr. Richard Wagner, who is the Assistant Secretary of Defense for Atomic Energy. He testified before our committee the other day. I think he made some rather important points.

First of all, he asked himself, "What is really the central issue here?"

He answered that by saying:

It is certainly not whether nuclear testing is required to modernize systems and maintain stockpile reliability—if this were a less emotionally and politically charged matter the answer to that would be an obvious "yes" to anyone not technologically naive.

The central issue is not verification, though effective verification is essential.

The central issue, instead, he said to our committee, and this is a 24-hour job with Dr. Wagner, is that there are underlying assumptions in this resolution that are just plain invalid and untrue. The resolution says that we will promote somehow the security of the United States by constraining the nuclear arms competition by not doing testing.

Now, that on the face is invalid and untrue.

On the other hand, our Soviet friends, we cannot advertise in Pravda, but the Soviet Union can advertise in the Washington Post, and I am not saying anything about the Washington Post being un-American, believe me; but the Pravda ad in the Washington Post says:

Since nuclear arms were unleashed like an evil spirit out of the Manhattan project in the summer of 1945, humankind has been waging a stubborn struggle to limit and ultimately eliminate these weapons of mass annihilation.

That is the same Soviet Union who stole our secrets, who stole our people, who subverted our people who were working on these projects in order that they could get nuclear arms that they now want to ban by banning testing.

I think it might be of interest to some of the Members of this body to understand that the United States of America since the inauguration of President Reagan in 1981 has fewer nuclear weapons, we have fewer now than we had in 1981.

□ 1525

That is the responsibility of this administration who is looking forward.

When this old resolution was introduced, ladies and gentlemen, we were not talking with the Soviet Union. They walked away.

Today we are talking, balanced force reduction, intermediate nuclear force reduction and strategic arms limitations and reductions. This resolution in no way helps the situation. It allows, as it would in the period from 1958 to 1961, the Soviets to prepare for massive testing while the United States would not be testing.

I would like to say just one thing further and that is this: We do not and cannot design aircraft without testing them. We do not design nuclear power plants or fossil fuel plants without testing them. We do not design automobiles without testing them.

So do not let anybody say with any kind of mock seriousness that we can use and we can design nuclear weapons without testing. It is impossible to

design, it is impossible to maintain without it.

The Soviets have their designs for their warheads for SS-24, SSN-25, SS-18, SS-17, SSNX-21, and that is why they are not testing. We do not have a warhead that has ever been tested for Midgetman, which is so near and dear to the hearts of some of my colleagues on the other side of the aisle.

Do not tie the hands of the President and our negotiators. Do not do things that will put the United States under a gun it should not properly be under.

We are talking. We are negotiating. Let our people talk and negotiate without binding resolutions that will not accomplish anything.

SUPPLEMENTAL STATEMENT OF DR. RICHARD L. WAGNER, JR.

Mr. Chairman, there is a lot of talk these days about stopping U.S. nuclear testing. If approved, H.J. Res. 3 would give formal status to such talk, and H.R. 3442, if it became law, would stop U.S. testing. These two measures are based on so many false premises, stated and unstated, that it is hard to know where to start in dealing with them, especially since this entire nuclear testing issue has become obscured by unnecessary argument over fine technical details.

On thinking about all this again last night, I asked myself, "What is really the central issue here?" It is certainly not whether nuclear testing is required to modernize systems and maintain stockpile reliability—if this were a less emotionally and politically charged matter the answer to that would be an obvious "Yes" to anyone not technologically naive, and the central issue is not verification, though effective verification is essential.

The central issue, instead, relates to two underlying assumptions in these two measures—H.J. Res. 3 and H.R. 3442. The former asserts that a CTB would "promote the security of the United States by constraining the nuclear arms competition" and the latter that it would be a "positive indication of a sincere desire * * * to end the arms race." Both assumptions are invalid, and we can begin to see why if we look carefully, behind the rhetoric, at why the Soviets might have interrupted their testing and proposed a joint moratorium. Is it just for propaganda and to try to make the U.S. appear to be the foot-dragger, or is it really a "positive indication of a sincere desire * * * to end the arms race?", or is it something else?

Now, of course, we cannot know what the Soviets' real motives are; no doubt their decision to interrupt their testing was made for a variety of reasons. But we can look at some things we do know and we can try to see what their pragmatic assessment of the risks and advantages to them might be.

First, we can look at their behavior with regard to other nuclear testing issues. They used the 1958-1961 moratorium to great advantage, breaking out of it with an incredibly intense atmospheric test series that had been extensively prepared for years, perhaps even before the moratorium began. Since the Limited Test Ban Treaty in 1963, they have routinely allowed large amounts of radioactive debris to escape from their underground tests in violation of that treaty—a result of relaxed testing practices which save them tremendous amounts of money compared to the expensive and technically constraining measures we follow to prevent such releases. And during the last several years it is likely that they have violated the Threshold Test Ban agreement; I have looked at all the relevant data in detail myself and personally subscribe to that judgment as rendered more fully by careful administration review. This long history certainly does not attest to "a sincere desire" to do anything other than use testing limitations to manipulate the situation to Soviet advantage. Now many of the sponsors of the two measures in question here might argue that this time it's different, and I suppose it could be, in the abstract. But it puts that argument in a more realistic perspective when one realizes that the same man who was in charge of their nuclear weapon program in the 1950's—Yefim Slavskiy—is still in charge, having recently been awarded the Order of Lenin. He has certainly learned, as have his colleagues, that nuclear testing limitations can be manipulated to Soviet advantage.

One such potential advantage to them at this time would be a bilateral moratorium accompanied by negotiations toward a CTB which dragged on for many months or years, finally breaking down because of the difficulty of ensuring that low yield but militarily important tests could not be done clandestinely by the Soviet Union. This would be a repeat of the 1958-1961 situation; the Soviets could keep their program alive by fiat, while in the U.S. the same thing would happen as in 1960—our best people would leave, and our preparations to resume would soon become unfocussed.

Most telling, however, in the Soviet assessment of the risks and advantages to them of a long moratorium or test ban, would be this—that they almost certainly rely much less than we do, in their national security equation, on design features built into the nuclear warhead itself, which require underground nuclear testing to develop. This is so because of underlying asymmetries, in our respective situations—in different attitudes toward personnel and public safety, in a rigidly controlled populace as opposed to an open society as regards nuclear weapon security, in the large missile throwweight disparity, and in several other differences that I have developed in detail in my classified prepared statement. In addition, their stockpile is younger than ours. For all these reasons, they can do without nuclear testing better than we can. Therefore, to whatever extent the Soviet proposals for a moratorium and test ban are genuine, rather than for the obvious propaganda purposes, it is because mutual cessation of testing would be to their relative advantage.

So, Mr. Chairman, the most fundamental assumption of H.J. Res. 3 is simply false—a CTB would not "Promote the security of the United States by constraining the nuclear arms competition." It would, in fact, exacerbate the arms competition by constraining U.S. force development asymmetrically, and it would increase the danger of nuclear war by making U.S. Forces less stable, less survivable, less safe, less secure and less controllable. And the Soviet interruption of testing, on the basis of experience, cannot be said to be based on "a sincere desire * * * to end the arms race." I urge you to reject measures based on such unsound assumptions.

Finally, I'd like to take the liberty of commending to you the just published proceedings of the hearings on arms control activities conducted by Mrs. Byron and her panelists last fall. Those hearings represent the most comprehensive coverage of test ban issues in many years, and are a valuable addition to the body of information on the subject.

[An advertisement from the Washington Post]

NUCLEAR BLASTS SHOULD BE BANNED

(The newspaper Pravda published the following article in its December 19 issue.)

Since nuclear arms were unleashed like an evil spirit out of the Manhattan Project in the summer of 1945, humankind has been waging a stubborn struggle to limit and ultimately eliminate these weapons of mass annihilation. The campaign against nuclear weapons has become an international, truly worldwide movement uniting members of the most varied classes, ideologies and professions. This is only natural since the matter at issue is removing the threat to life itself on Earth and ensuring a peaceful future for the present and succeeding generations.

An important part of this problem is the issue of putting an end to nuclear weapons tests. It is common knowledge that testing is a kind of motor propelling the nuclear arms race. It is tests that make it possible to try out new, still more sophisticated and deadly types of these weapons and to upgrade them. And this, for its part, fuels the process of stockpiling more and more nuclear ammunition in the form of warheads on cruise missiles, ICBMs, submarine-launched missiles and so on.

There has lately come to light yet another, exceptionally dangerous aspect of the nuclear experiments: In shafts and drifts at the Nevada Test Site in the United States they are trying out lasers powered by nuclear explosions with a view to using them in "Star Wars," the plans for which keep American strategists very busy.

In short, continued nuclear testing is a source of increasing tension, a growing war threat and deepening mistrust among nations.

This is why from the very start of the nuclear era the Soviet Union has been and continues pressing consistently for an end to nuclear weapons testing. It should be said that the efforts by the Soviet side and all Peace-minded forces toward this goal have not been wasted. The early 1960s saw the conclusions of a multilateral treaty banning nuclear tests in the atmosphere, in outer space and underwater which is still valid. Under a 1974 treaty the USSR and the United States agreed to limit the yields of underground nuclear weapons explosions to 150 kilotons. The Soviet-U.S. treaty of 1976 set strict rules also with regard to underground nuclear blasts for peaceful purposes. Significant progress was achieved at tripartite talks that were conducted by the USSR, the United States and Great Britain on a general and complete prohibition of nuclear weapons tests, that is, a comprehensive ban on nuclear weapons testing everywhere—in the atmosphere in outer space, underwater or underground.

Regrettably, the 1974 and 1976 treaties remain unratified to this day, and not through the USSR's fault. It was not on our initiative at all that the tripartite talks, too, were broken off.

A complete end to nuclear tests thus remains among the pressing problems of present-day international politics. Mikhail S. Gorbachev stressed: "As time goes on, the question of bringing nuclear tests to a halt is becoming more and more acute. First of

all, because this would put an end to the development of new and the upgrading of existing types of nuclear weapons. Furthermore, because without testing, without renewal, there would gradually unfold the process of the withering away of nuclear arsenals, the necrotizing of nuclear weapons. Lastly, because the nuclear explosions, and they number in the hundreds, should no longer be allowed to deface our beautiful Earth, heightening concern about how the succeeding generations will be able to live on it.

World public concern about the continuing nuclear tests and strong public sentiments for an end to them have been shown in the call by the leaders of six states of different continents, namely, Argentina, Greece, Mexico, India, Tanzania and Sweden, on the USSR and the United States agreeing on a reciprocal end to nuclear testing. They also urged an early conclusion of a comprehensive nuclear test ban treaty. A similar call was recently made also by the UN General Assembly. A message to the Soviet and U.S. leaders on this score from a group of eminent scientists, Nobel Prize winners, has evoked broad international response.

Eager to keep the wheels moving on the issue of terminating tests, the Soviet Union last summer made a major initiative by unilaterally halting all kinds of nuclear blasts as of August 6 and urging the U.S. Government to follow suit. As has been declared, the Soviet moratorium will remain in effect until January 1, 1986, but it can be extended beyond that date if the United States joins the moratorium as well.

As it took that step, the Soviet Government was guided by a desire to check the further buildup and upgrading of nuclear armories, which have continued now for more than 40 years. In other words, a joint Soviet-U.S. moratorium on any nuclear explosions would become a major landmark on the way toward eliminating the nuclear danger.

The Soviet Union's decision has been highly appreciated throughout the world and has won extensive support. But in Washington they have, so far at least, taken a different approach to it. Using all manner of far-fetched pretexts or sometimes making no arguments at all, they have taken care to leave our calls for a joint moratorium without a positive response. The crash program for underground nuclear weapons testing in the United States is still being carried out.

All this cannot help but arouse legitimate concern. For if the U.S. Administration keeps ignoring the proposal for renouncing nuclear explosions, this will lead to the Soviet commitments under the unilateral moratorium becoming no longer valid after the announced deadline, which is only a short time away. For obvious reasons, in the face of military preparations overseas, the USSR cannot sacrifice the interests of its security and the security of its allies and friends.

The Soviet people, however, do not want the competition in the nuclear field to go on at all. It is imperative to do everything lest the favorable chance to end nuclear testing which has been created by the USSR's efforts be missed. Although time for this, we repeat, is running out, there is still enough of it left to take the right, well-considered decision.

It should be clearly realized that if there really is an intention to move toward an end to the nuclear arms race, a mutual moratorium cannot draw any objections, while the benefit from it would be substantial. An end to nuclear blasts is an issue on which concrete results, and tangible and palpable ones at that, can be achieved right now. The political significance of such a joint step by the USSR and the United States would be great. It would give a certain signal also to the other nuclear powers and create a qualitatively new situation which would be much more felicitous for a positive development of the process started by the Soviet-U.S. summit meeting in Geneva and for effective practical measures to reverse the arms race.

The resumption of the tripartite talks on a comprehensive nuclear test ban would certainly be a real step in the same direction. The Soviet side is prepared for it to be taken without delay, at the very beginning of next year.

When examining the issue of a moratorium on nuclear explosions, in the West, most notably in the United States, they plead the difficulties of vertification. It is well-known, however, that both the Soviet Union and the United States have very sophisticated national technical means to enable them to reliably verify the moratorium.

Renouncing any nuclear explosions for either military or civilian purposes, as the Soviet Union has done now, would provide an extra guarantee of effective verification. With the testing ranges silent and without peaceful nuclear blasts being conducted, neither side would risk violating the moratorium and assuming grave political responsibility for such a step before the entire world public.

In order to increase the effectiveness of verification, in which the USSR has a direct interest, the Soviet Union has also supported the idea of using an international verification system.

With this aim in mind, it would be possible, for instance, to take advantage of the proposal of six states to set up special monitoring stations in their territories to verify compliance with the accord on ending tests.

The Soviet Union is prepared to go even further. It stands for coming to terms with the United States an establishing a moratorium on nuclear explosions now, also on certain measures of on-site verification to remove the possible doubts about compliance with such a moratorium.

Thus the verification problem cannot be seen as an impediment to reaching agreement on a mutual moratorium. It is quite solvable, and the Soviet Union proposes concrete ways of resolving it in a mutually acceptable way.

For the joint Soviet-U.S. moratorium on any nuclear blasts to become a reality one thing is needed, and that is the political will to move along the road of adopting specific measures to reverse the arms race and eliminate the war threat, in other words, the road of implementing the positive results of the Geneva meeting.

It is to be hoped that Washington will display a constructive approach to the moratorium issue. The interests of all people, including the people of the United States, urgently require an end to nuclear testing. The American Administration has every opportunity to respond to the people's wishes and come to terms with the Soviet Union on a joint moratorium on any nuclear blasts.

Mr. MOODY. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. If I have any time left, I yield to the gentleman from Wisconsin.

Mr. MOODY. The gentleman says that we have fewer weapons than we had in 1981.

Mr. BADHAM. Fewer nuclear weapons today than we had in 1981.

Mr. MOODY. If that is true, what have we been spending all of this money on? Is the gentleman suggesting that we are weaker by that volume?

Mr. BADHAM. I did not say that we were weaker. We have, through our testing program, through our developing and testing program, been able to supplant older weapons with newer weapons. We have been able to build our conventional forces, so we have raised the nuclear threshold. We have revitalized our forces so that they are more stable, more reliable, and therefore we are really better off. We are in better shape than we were in 1981.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I am happy to yield to the gentleman from New York.

Mr. DOWNEY of New York. The gentleman is making a point that since 1981, we have improved our ability to wage war of all sorts, both conventional and nuclear; is that a fair statement?

Mr. BADHAM. That is correct.

Mr. DOWNEY of New York. What is the gentleman's point: That if we have fewer nuclear weapons, we are more capable? Is there any point to the point the gentleman made that we have fewer nuclear weapons?

Mr. BADHAM. Does the gentleman want me to answer?

Mr. DOWNEY of New York. I am waiting for the gentleman to answer.

Mr. BADHAM. We have fewer nuclear weapons and the weapons that we have are more reliable and more efficient.

Let me say to the gentleman, the name of the game is deterrence, and deterrence has been effective. Deterrence can only be effective when you have balance.

Ask the people of Afghanistan, ask the people of Southeast Asia when you face the Soviet Union without any means of deterrence or retaliation what happens. Ask the people of Afghanistan, ask the people of Southeast Asia.

Mr. DOWNEY of New York. Will the gentleman yield for another question?

Mr. BADHAM. I am happy to yield to the gentleman from New York.

Mr. DOWNEY of New York. Would the gentleman like to see the Soviet Union begin another cycle of nuclear weapons tests so that they might be able to correct the current United States advantage in weight-to-yield or miniaturization?

Mr. BADHAM. If the gentleman believes that the United States has a deterrent advantage, I have some neat

swampland in Florida that I would like to sell the gentleman.

I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. STRATTON], a member of the Armed Services Committee.

Mr. STRATTON. Mr. Chairman, earlier in the day, the distinguished and persuasive chairman of the Foreign Affairs Committee, Mr. FASCELL, urged me to vote in favor of this resolution, and he said this was a good Democratic vote. I think there must be some Democrats in this Chamber who have forgotten what President Kennedy had to say on this particular subject of a nuclear moratorium. Let me quote from a speech the late President made in March 1962:

> We now know enough about broken negotiations, secret preparations, and the advantages gained from a long test series never to offer again an uninspected moratorium. Some may urge us to try it again—
>
> As they are doing today—
>
> Keeping our preparations to test in a constant state of readiness but in actual practice, particularly in a society of free choice, we cannot keep top-flight scientists concentrating on the preparation of an experiment which may or may not take place on an uncertain date in the future, nor can large technological laboratories be kept fully alert on a stand-by basis waiting for some other nation to break an agreement. This is not merely difficult or inconvenient—we have explored this alternative thoroughly and found it impossible of execution.

Let us remember that old aphorism, "Fool me once, shame on you. Fool me twice, shame on me."

There was another Democratic President who also confronted this comprehensive test ban treaty, proposal some years ago, President Jimmy Carter. He had been persuaded that a comprehensive test ban treaty would be a fine idea, but when Dr. Harold Agnew, the head of the laboratories in Los Alamos met in the White House and with Mr. Carter, he pointed out to the President that such a treaty not be verified because we cannot even today, know the size of the explosions the Soviet Union has been setting off from time to time. They are not supposed to be exploding more than 150 kilotons, but many of them have apparently exceeded that range because we have no real ability to verify these explosions. Dr. Agnew also persuaded President Carter that if we did not test our weapons, if we were not allowed to test our weapons, if we enter into this kind of a treaty we would soon lose the capability of our nuclear arsenal. President Kennedy said, to embrace an unverifiable comprehensive test ban treaty would mean that we would end our testing but we would never know for sure what the Soviets were testing. We simply cannot verify Soviet tests.

Both of those distinguished Presidents understood the fallacy, the illusion of this piece of legislation. It sounds good. It is like the nuclear freeze resolution, those who support it say they favor a mutual verifiable freeze. But the fact is that you cannot get a verifiable freeze. Nor can you get a verifiable test situation. This is a dangerous illusion we must reject.

Mr. FASCELL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Massachusetts [Mr. MAVROULES].

□ 1535

Mr. MAVROULES. Mr. Chairman I rise today in strong support of House Joint Resolution 3, and in opposition to any weakening amendments to the measure. In an effort to maintain an essential balance between the superpowers, bilateral, verifiable arms control agreements are a must in this nuclear age. A comprehensive test ban agreement is an essential part of any arms control package.

Today we are going to hear all the old arguments, but no new ones. Arguments about why we should not tie the President's and our negotiators' hands. Why we should not pass this bill, at this time, which represents a first step toward nuclear sanity.

The Hyde substitute is just that—a substitute—

A substitute for a true comprehensive test ban resolution;

A substitute for real congressional call for a ban on the testing of nuclear weapons; and

A substitute for a bill which will put the U.S. Congress on record demanding that the President seriously negotiate an end to the ever-growing threat of nuclear annihilation.

We have heard the arguments which are being used against this bill before. They were voiced in in 1963, when the debate was on halting the nuclear explosions in space. We were able to dispel the arguments then as we will now. The debate then was on the 1963 Limited Nuclear Test Ban, which was approved and which we have been living with ever since. In fact, this test ban has added to, not reduced, our national security.

What are the real issues here? President Eisenhower said it best, 25 years ago in his farewell address to the Nation. Yes, he warned against the Soviets, but his greater warning was of overreaction. He predicated that there would be many proposals to find "miraculous solutions" to our security problems by spending everincreasing sums of money on the development of new weapon systems.

No convert to arms control, the basic theme of the Eisenhower Presidency was keeping military spending under control, and keeping the budget balanced, thereby reducing the dangers of an arms race. Many times he explained, "The Communist objective is to make us spend ourselves into bankruptcy."

He warned that unbalanced peacetime budgets, in an attempt "to amass military power without regard to our economic capacity, would be to defend ourselves against one kind of disaster by inviting another."

I disagree strongly with the assertion that "a CTB would have zero to marginal effect on the Soviet threat." I also disagree that "a CTB would inhibit the maintenance of a reliable U.S. nuclear deterrent." While a test ban would in fact degrade the reliability of the United States nuclear deterrent, a mutual, verifiable agreement would also reduce the Soviets' confidence in the reliability of their nuclear weapons. Such uncertainty would weigh heavier on a nation considering a first strike. An initial strike aimed at disarming the enemy would fail in its objective if a few weapons did not work as expected. However, a massive retaliation strike would achieve its purpose even if some of the weapons fired proved much less reliable than anticipated. Moreover, a CTB could include provisions for special reliability testing.

I urge my colleagues not to be lulled into voting for a "wolf in sheep's clothing" by supporting the "substitute" to this bill. While I know we all realize that arms control is not an end in itself, we also know that it contributes greatly to our security and the security of our allies. Therefore, I urge my colleagues to support this important arms control initiative—unamended.

I would like to include for the record several passages from hearings held by the Special Panel on Arms Control and Disarmament during the fall of last year. The first statement is by Dr. Albert Carnesale, from the John F. Kennedy School of Government of Harvard University. It relates to a general test ban treaty. The second statement is by Dr. Lynn R. Sykes, of Columbia University, relating to a comprehensive test ban treaty. I think both of these passages are worthy of the attention of my colleagues.

TEST BAN TREATY

Dr. CARNESALE. Well, let me try and address that first. The way you pose your question is just right. The arguments made by previous witnesses have validity. They pointed out the costs of a test ban. A test ban constrains your ability to test. Therefore, you lose some reliability, and you lose confidence in any new kinds of weapons that you develop but are unable to test. That is right. Anybody who denies this hasn't got his head on straight. Otherwise, why have we been testing all these years?

But if I look at the costs of an arms control agreement, without bothering to look at the benefits, I don't need a computer or thousands of dollars or lots of analyses to tell me that it is not in my interest. So the

question is, what are the benefits? Do the benefits outweigh the costs?

One benefit is that a test ban keeps the Soviets from having high confidence in their weapons, and inhibits their development of new weapons. Does it do so perfectly? No. But it would have a significant impact.

Who is it that needs the higher confidence in their weapons, the country that is going to strike first, or the country that is going to retaliate?

Think of what kind of an operation a first strike is. You have to come close to disarming the adversary, because what is at risk if you fail is the survival of your nation. This is a very difficult thing to do, even with weapons you have high confidence. If you must rely on weapons in which you have only moderate or low confidence, forget it. You wouldn't even think about it.

What about retaliator? I already suffered the enormous damage from the first strike. What am I worried about? Will I be able to destroy the other society to get even?

Suppose I can't. What is at risk? The other guy's country, not mine.

It is a very difficult situation for the first striker than for the second striker. The first striker needs much higher confidence. Even taking into account the possibility that the Soviets might be able to test some very low yield devices without our knowledge, they would be a long way from having the kind of confidence they want to have in planning a first strike. I do not pretend that there aren't costs to a comprehensive test ban; there are. But I believe they are outweighed by the benefits.

VERIFICATION OF A COMPREHENSIVE TEST BAN TREATY

Dr. SYKES. Yes, I think I have spoken extensively to the idea that we can verify a comprehensive test ban treaty. It will take a determined monitoring effort. We should not underestimate that. It is not something that I can gaze into a large ball and tell whether the Soviets are testing.

We will have to spend considerable sums of money if we want to have a capability against the Soviet Union.

Mr. MAVROULES. But it can be done?

Dr. SYKES. If we want a capability world wide, we merely have to buy that capability. I feel there is no question that that can be done. There will always be some lower limit, and Congress must then ask the question, is that a lower limit that is acceptable or not? Or to take another alternative that of lowering the threshold, with appropriate verification measures, in a treaty down to a much lower level than the present Threshold Treaty.

Mr. MAVROULES. Would you care to address the other question, would the security of the United States be threatened today if we had a comprehensive test ban treaty?

Mr. SYKES. No, I certainly don't think that it would. I think it would be enhanced. If we look back to 1963, we can see the many weapons that have been developed since that time. Certainly a comprehensive treaty in the 19060's would have put a major lid on the Soviet development of multiple warhead missiles, of cruise missiles by both countries, the neutron bomb and many other important weapons, particlarly ones that involved a serious reconfiguration of the weapons that were involved.

Today we have the example of the x-ray laser, of a quite new type of weapon that if we were to have that weapons it must be tested extensively. The comprehensive test ban would put a limit on that.

Mr. GINGRICH. Mr. Chairman, there is something that I hope the gentlemen on this side of the aisle find very sobering about the gentleman two speakers ago making the comment that he had been told, quote: "This is a good democratic vote."

I am not sure that is true, I am not sure it is a proper thing to say. Is this a good partisan vote? Maybe; I am not so sure the polls indicate that. Is this a good knee-jerk left-wing ideological vote? Absolutely. Look at the Washington Post ad:

Let us reach out and touch peace by good old-fashioned left-wingers like Bella Abzug and Cora Weiss and the usual gang.

This is not a political game. This is not a question of pork barrel politics or the debating society, and we are not the Democratic Party platform committee. This is the House of Representatives of the United States. We are sending signals of governmental importance to the world at large and to the Soviet Union.

Imagine the timing of this debate and this vote. Yesterday, Soviet dictator Gorbachev turns down the President of the United States, and the Wall Street Journal headline reads, quote: "Soviet Leader Rebuffs Reagan on Arms Proposal."

Today, in the least elegant timing possible, rivaled only by last year's offer of Ortega to rush to Moscow as soon as the Democrats in this House had defeated aid to the freedom fighters, this House raises an arms control proposal which in effect rewards Gorbachev for turning down Reagan. It is absolutely mindless, it is exactly why your party is in so much trouble with the country at large.

The key question is, how do we get to a stable and secure world in which we have both peace and freedom? When in doubt, our side takes risks with America's survival. When in doubt, the other side takes steps to ensure America's safety.

The fact is, if you are honest in your heart, we do not know about verification; we have experts on both sides. The fact is, we do not know about weapons development; we have experts on both sides. The fact is, we do not know about future Soviet behavior; we have experts on both sides.

When in doubt, one group in this House is quite willing to tie the hands of the President; one group is quite willing in effect to say, "I think I know what the Soviets will do."

Let me close by reading John F. Kennedy, March 2, 1962:

On September 1st of last year, while the United States and the United Kingdom were negotiating in good faith at Geneva, the Soviet Union callously broke its moratorium with a two-month series of more than 40 nuclear tests. Preparations for these tests had been secretly underway for many months. Accompanied by new threats and new tactics of terror, these tests—conducted mostly in the atmosphere—represented a major Soviet effort to put nuclear weapons back into the arms race.

I would say that this is not a good Democratic vote, this is not a secure vote, this is not a safe vote.

Mr. MARKEY. Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman.

Mr. MARKEY. I thank the gentleman. I would also like the gentleman to note that John F. Kennedy in August 1963, on signing a Limited Test Ban Treaty, when he said that it should be built upon.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. GINGRICH].

Mr. HYDE. Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman.

Mr. HYDE. At the same time he wrote a letter to the Senate and said, "We're going to continue our testing."

Mr. GINGRICH. Let me just say, in the minute I have left, or the 40 seconds I have left, the issue here is whether the Congress of the United States is capable, by passing pious resolutions, of forcing the President of the United States to agree to a treaty which his own negotiators and his weapons experts and his Soviet analysts tell him is inadequate.

When in doubt, I frankly am one who trusts Ronald Reagan's judgment. When in doubt, you are willing to impose your judgment.

Mr. MARKEY. Will the gentleman yield?

Mr. GINGRICH. I will yield very briefly.

Mr. MARKEY. I thank the gentleman for yielding. I just do not want John F. Kennedy to be misrepresented on this issue.

He said as he signed the Limited Test Ban Treaty:

This small step toward safety can be followed by others longer and less limited, if also harder in the taking. With our courage and understanding enlarged by this achievement, let us press onward in quest of man's essential desire for peace.

Frankly, I am tired of seeing Members on the other side of the aisle misrepresent President Kennedy's views on a CTB. President Kennedy was perhaps our Nation's strongest supporter of a test ban, and in the speech the gentleman quotes, Kennedy proposes a resumption of CTB talks, explaining that—

Our objective is not to test for the sake of testing. Our real objective is to make our own tests unnecessary, to prevent others from testing, to prevent the nuclear arms race from mushrooming out of control, to take the first steps toward general and complete disarmament.

Despite President Kennedy's deep disappointment that the Soviets

choose to resume testing, in June of 1963 he was willing to propose another test moratorium, telling the Nation that—

I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other states do not do so. We will not be the first to resume. Such a declaration is no substitute for a formal binding treaty, but I hope it will help us achieve one. Nor would such a treaty be a substitute for disarmament, but I hope it will help us achieve it.

Mr. GINGRICH. Let me reclaim my time and say, Ronald Reagan is trying to meet with Gorbachev this summer, you are trying to tie his hands——

Mr. MARKEY. No; we are not.

Mr. GINGRICH [continuing]. And I am trying to——

Mr. MARKEY. We are telling him to——

Mr. GINGRICH. It is my time. I would just say that I think the question is, Do you vote to tie the President's hands or not?

Mr. BERMAN. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, let me start off by indicating my strong support of House Joint Resolution 3 and associating myself with the very profound statement that was made by the distinguished chairman of the Committee on Foreign Affairs, Mr. FASCELL, as he opened this debate. Let me at the same time express my very strong opposition to the substitute which will be offered by the gentleman from Illinois [Mr. HYDE].

For those of us who have been listening carefully, there is something very distressing and disturbing about the debate as it emanates from the other side of the aisle. Listen to the argument that is embodied in the question raised by my friend from Pennsylvania as to how does this resolution differs from the Soviet negotiating position? Listen to the statement of the gentleman from Georgia as to how there are two sides, and one side is always willing to take the Soviets on trust and the other is concerned about the security of the United States. Listen to the distinguished ranking member of the Foreign Affairs Committee, the gentleman from Michigan, who tells you that this resolution is being offered to embarrass the President of the United States. As you listen to all these arguments you are forced to think back to those not-so-glorious days when a Senator named McCarthy was riding high in this country.

Look at the true history of proposals for a comprehensive test bank treaty. In 1984, a resolution exactly the same, word for word, as the one that is before us was adopted by the U.S. Senate by a vote of 77 to 22.

Let us take another look at the record. The comprehensive test ban treaty concept has been supported by every President of the United States from Eisenhower through Carter. The first President who has expressed opposition is the current President.

One final look at the record; the two negotiated treaties, the Threshold Test Ban and Peaceful Nuclear Explosion Treaties, which this resolution asks the President to forward to the Senate for ratification were negotiated and signed by two Republican Presidents, Nixon and Ford.

There is no Republican or Democratic monopoly on the issue of trying to bring an end to the nuclear arms race. There is something dreadfully wrong in attempting to rewrite history and to cast this issue in a partisan framework. It is wrong to suggest that a vote on this issue demonstrates who is for or against a strong and a safe America. We all want a strong and safe and secure America.

□ 1545

An unbridled nuclear arms race can only mean the destruction of all of humanity. What this resolution says is that it is the sense of Congress that we move forward in the process of negotiating an end to the nuclear arms race. There should be no occasion in this debate for anybody to take cheap shots at either other Members of this body or our fellow citizens. I take exception to the characterization of the gentleman from Georgia of two of my constituents whom he mentioned by name as being part of that "usual gang." American citizens have the right to express their views. We in this body have the right and the obligation to express our positions and to move the discussion and the negotiating posture forward.

That is what this debate is all about. Anybody who suggests it is inappropriate or improper for the Members of the U.S. House of Representatives to express their positions on the most fateful issue of the day, is relegating the Congress of the United States and this House to a position of inconsequence and irrelevance.

Mr. Chairman, House Joint Resolution 3 is a simple resolution that urges the President to resume negotiations with the Soviet Union toward a comprehensive test ban treaty. It also urges the President to seek Senate ratification of two past treaties limiting nuclear testing, the Peaceful Nuclear Explosives Treaty and the Threshold Test Ban Treaty.

There are many reasons why a comprehensive test ban is in the best interests of the United States. First, a ban on nuclear tests would impede the current testing programs of both nations aimed at the development of a new generation of nuclear weapons that are both more accurate and more destructive than those we now possess. In the United States, much of the impetus for current testing programs comes from the President's star wars scheme, which is nothing more than a trillion-dollar boondoggle that will increase the risk of nuclear war. Another part of the impetus comes from efforts to adapt nuclear weapons to specific warfighting applications, a strategy that ignores the irrefutable fact that no nuclear war can ever be controlled or won.

Experience tells us that the best way to stop an arms race is before it begins. This is exactly what a comprehensive test ban treaty would accomplish by preventing the development of a new generation of increasingly destructive weapons.

In addition, a comprehensive test ban treaty would contribute to current efforts to prevent the spread of nuclear weapons. Most nations would likely join in signing a comprehensive test ban treaty, and even nonsigners would feel increased pressure to forgo nuclear tests. Without testing, it is highly unlikely that additional nations would be able to develop nuclear weapons. Further, a comprehensive test ban treaty would lend legitimacy to the pledge made by most major nuclear powers in the Nuclear Non-Proliferation Treaty of 1968 to commit themselves to arms control in return for a pledge by nonnuclear states not to acquire nuclear weapons.

Perhaps the most immediate result of a comprehensive test ban treaty would be to demonstrate a heightened commitment on the part of the United States and the Soviet Union to the arms control process. This process, which was set in motion in Geneva last November, would benefit greatly from the conclusion of a comprehensive test ban treaty. In fact, a comprehensive test ban treaty is an obvious first step toward a negotiated freeze on nuclear weapons, to be followed by actual reductions in the current stockpiles of the superpowers.

A comprehensive test ban treaty has been an objective of every President from Dwight Eisenhower through Jimmy Carter. In 1963, President Kennedy was able to negotiate the Partial Test Ban Treaty, which banned nuclear tests in the atmosphere, in space, and underwater. However, underground testing accelerated following this agreement.

In 1974, President Nixon succeeded in negotiating the Threshold Test Ban Treaty, which limits underground explosions to 150 kilotons. Importantly, this agreement calls for the exchange of data necessary for verification purposes. However, it was never ratified by the Senate.

In 1976, President Ford signed the Peaceful Nuclear Explosion Treaty, which imposes a 150-kiloton limit on individual peaceful nuclear explosions and permits a series of explosions to total 1.5 megatons. This treaty, like the Threshold Test Ban Treaty, was never ratified by the Senate. However, both sides continue to abide by the provisions of both the Threshold Test Ban Treaty and the Peaceful Nuclear Explosion Treaty.

President Reagan is the first President to publicly reject the notion of a comprehensive test ban treaty. The administration argues that weapons tests are necessary to ensure the reliability of our current nuclear forces and that a comprehensive test ban treaty cannot be adequately verified. It also argues that House Joint Resolution 3 will in some way hamper the task of our negotiators in Geneva.

None of these claims is based at all on fact. There is considerable evidence that the reli-

ability of our nuclear weapons can be readily established by inspecting the nonnuclear components and by frequently replacing these components. Thus, continued nuclear explosions are simply not needed to maintain the reliability of existing weapons.

Further, recent advances in seismological research have established beyond any shadow of a doubt that even nuclear tests of extremely low magnitude can be detected by existing techniques. Seismic monitoring could be supplemented by other methods, including periodic onsite inspections, to which the Soviets have agreed in principle. And ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosion Treaty, as called for in House Joint Resolution 3, will greatly aid verification procedures by providing for the exchange of important data on tests conducted by both sides.

The administration-backed substitute for House Joint Resolution 3 seeks to postpone any negotiations for a comprehensive test ban treaty until after a comprehensive arms accord has been achieved. However, this would mean that the United States and the Soviet Union could continue developing weapons of greater and greater destruction while negotiations on existing weapons continue. The great value of a comprehensive test ban treaty is that it would prevent such an arms race from occurring at all. This would decrease the risk of nuclear conflict and save the taxpayers of this country billions of dollars.

Moreover, the early conclusion of a comprehensive test ban treaty would greatly improve the prospects for agreements in other areas. As I pointed out earlier, a comprehensive test ban treaty is a logical first step toward a mutual freeze on nuclear weapons and negotiated reductions in our current arsenals.

In fact, there are important indications that a comprehensive test ban treaty could be concluded in the near future. Since August 1985, the Soviet Union has engaged in a unilateral moratorium on nuclear tests. This moratorium was originally scheduled to end in December 1985 if the United States chose not to join, but Soviet leader Gorbachev has now extended the ban until March of this year. Gorbachev has also expressed a willingness to accept the strictest controls of a comprehensive test ban, including onsite inspections. However, the United States has not responded substantively to the Gorbachev call for a bilateral moratorium on nuclear testing, even though such a moratorium could swiftly lead to a negotiated comprehensive test ban treaty.

Nuclear testing helps drive the arms race forward, and Congress should undertake every action possible to bring about the elimination of nuclear explosions. House Joint Resolution 3 is one important step forward in this process. The House should swiftly move to pass House Joint Resolution 3 intact and to reject the administration-backed substitute that would gut this measure.

But passage of House Joint Resolution 3 is only the first step. The United States should join the Soviet moratorium on nuclear testing at the earliest date and rapidly begin discussions to conclude a comprehensive test ban treaty. If the President continues to ignore the Soviet moratorium, Congress should take action on legislation to cut off all funding for nuclear testing.

Now, as always, the control of nuclear arms must remain the highest priority of our Nation.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada [Mr. REID].

Mr. REID. Mr. Chairman, Nevada is a unique State. Not only does it have the bright lights of Las Vegas and the Strip, the beautiful alpine glacial lake of Lake Tahoe, but our State is unique in that it contains the only nuclear test territory in the free world. On my trips out to the test site I have seen the destruction and the contamination of what was once beautiful and potentially productive land. I think it is difficult to describe unless you have been there. Not only did we have the atmospheric tests in the early days of testing, but since then we have had the underground testing and the whole countryside is a pockmark of holes from 100 feet to hundreds of feet deep. Hundreds and hundreds of bombs have laid waste to Nevada's precious countryside making it worthless for future generations.

When we tested in Micronesia after World War II we allowed them to be compensated for the damage done. The testing in Micronesia represents only a fraction of the testing activity we have seen over the last few decades in Nevada. We in Nevada expect the same or better treatment. This land is not only desert, it has a multitude of uses from grazing to mining to recreational activities. These economic opportunities are no longer available to Nevada.

Before I can support a comprehensive test ban it must include compensation for Nevada's scorched lands. Today I am introducing a resolution to have Congress express its sense that the United States should compensate civilians working at the Nevada test site who lose their jobs due to ratification of a comprehensive test ban treaty and the State of Nevada for degradation of the land at the test site caused by nuclear weapons testing.

The Nevada test site presently employs about 7,000 men and women. If you include the support industries, the site generates nearly $1 billion for our economy. Many have come to depend on nuclear testing in Nevada for their livelihood.

Sure, we should stop testing eventually but we cannot do that without provisions for the many families in Nevada who have come to depend on it in one way or another. I cannot support a bill that will not compensate Nevadans for this loss as well as the loss of the countryside.

These people should not be abandoned. I will be introducing, as I talked about, a bill to provide for compensation for our land and retraining our people.

We in Nevada have accepted nuclear waste disposal on our doorstep and we have put up with decades of bombing in our backyard because we knew it was in the interests of our country. We are only asking for what we know we deserve.

When the bombing stops, and I look forward to the day when it will, Nevadans also must be compensated and go on living.

Mr. BERMAN. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Louisiana [Mrs. LONG].

Mrs. LONG. Mr. Chairman, I rise today in support of House Joint Resolution 3, preventing nuclear explosive testing, and urge my colleagues to vote in favor of the resolution as reported by the Foreign Affairs Committee, and against the weakening substitute that will be offered.

I am proud to be a cosponsor and strong supporter of House Joint Resolution 3. I take umbrage at the suggestions of the opposition that our motive is to embarrass the President. This resolution is simple and straightforward. It expresses the sense of the Congress that the President should request Senate ratification of two nuclear test ban treaties which have already been negotiated, and that he should propose to the Soviet Union, negotiating a verifiable comprehensive nuclear test ban treaty. The time has come for the two major superpowers to once and for all end the costly and ever escalating nuclear weapons race. Common sense tells us that by ending testing of these weapons, we can halt the cycle of continuously increasing the deadliness of our weapons technology.

I want to make a special note of the role that women have played in the effort to halt the development of nuclear weapons. From the 100,000 women who marched in the streets of America in 1961 to protest the atmospheric testing of nuclear weapons, to the women of Greeham Common in England who have dedicated over 5 years of their lives to the cause of nuclear disarmament, women have been in the vanguard of the battle to reverse the nuclear madness.

This should come as no surprise. For it is women worldwide who have the most to lose by the squandering of precious global resources on nuclear weapons. This wasteful spending is especially shameful while the condition of women continues to decline in lesser developed nations where they already suffer the most. Wouldn't it make more sense to use those nuclear dollars and nuclear rubles to feed the hungry in the world, heal the sick, educate the illiterate, and build the infrastructure necessary for economic growth without pollution?

The other day, I heard Alice Shalvi, chairwoman of the Israeli Women's

Caucus speak about women and what they must do to promote peace. She said, "If women don't address themselves to women's issues, no one will." Peace is a women's issue. Nightly our television screens are filled with pictures of young men fighting and dying in tragic conflicts all over the world. This is the highly visible side when there is a terrible loss of life. What we do not always see, however, are the suffering mothers, grandmothers, sisters, and aunts who have sent their loved ones into those battles. Through our words, and more importantly, through our actions women must do whatever we can to help reduce the risk of the most horrible of all possible wars.

Mr. Chairman, I applaud the efforts of women over the last 25 years to bring about an end to the nuclear arms race. Passage of House Joint Resolution 3 today will be both a tribute to them and the most precious gift we can all give to our children.

Mr. BROOMFIELD. Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I think it is appropriate at this time to review what Ambassador York, Herbert York, Jimmy Carter's negotiator on the comprehensive test ban, had to say a couple of years ago about the prospects, in his mind, of renewing, ratifying the CTB. Let me quote:

> I need to add some qualifiers to my own position on the CTB. One is I don't think that a comprehensive test ban is a good thing as an isolated act. A comprehensive test ban in a world in which all the other aspects of a nuclear race are going forward in full gear seems to me obviously unstable. It couldn't last and therefore should not be put in place. The appropriate time for a comprehensive test ban is when things in general are moving away from a dependence on nuclear weapons, when the process is the reverse of what it is today and what it has been in recent years.

I think clearly in his message is the idea that this administration is negotiating a very large number of arms issues. They should be in control of this issue, not the U.S. Congress and we should not be mandating that we come out with the CTB at a time when we have not made agreements as yet to have reductions.

Let me just make one other point which I think is important to people who are interested in the Midgetman missile: A number of Members on the Democratic side who do not like the MX particularly are very interested in developing Midgetman. It is our mobile missile. That is a missile that hopefully will not be vulnerable to a first strike from 308 SS-18 missiles that the Soviet Union presently has available for a first-strike attack.

A lot of our people like Midgetman.

According to our staff on the Committee on Armed Services and their calculations, a comprehensive test ban will kill Midgetman. That is, you cannot develop a Midgetman warhead if you have a comprehensive test ban.

The reason you cannot is because that warhead is going to have to be trucked over a lot of miles of rough terrain, it is going to have to take a lot of G's in not a vertical but a horizontal position and you cannot just take something off the shelf and put it in that particular missile.

So for all those Members who really want to have a Midgetman missile and think that is the way to renew our deterrent capability and to keep this country secure, I want you to remember that this is a meaningful vote because if we should go through with the comprehensive test ban it kills our development of our mobile missiles and, strangely enough, the Soviet Union has already completed development of its warheads for its mobile missiles. The SS-24 and SS-25 can be operable and are operable without future tests.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I would be happy to yield to my colleague.

Mr. DOWNEY of New York. I thank the gentleman for yielding.

The gentleman from Wisconsin, the chairman of the Committee on Armed Services, Mr. ASPIN, and the gentleman in the other body, Mr. GORE, are both supporters of the Midgetman missile and believe that the Midgetman missile can be developed with the Mark 21A warhead. What evidence does the gentleman have to suggest that those advocates of the Midgetman, who are also advocates of this, are wrong?

Mr. HUNTER. Let me simply answer that and let me answer that as somebody who has listened to the same people who advised the gentlemen, at least one of the gentlemen, that the gentleman is talking to, that if you have a Midgetman warhead, that Midgetman warhead does not sit in a stable environment in a silo as the MX missile would with the 21 warhead on it. It is going to be bouncing around in a horizontal position with a great many G forces on it and you are going to have to have a different warhead. You cannot go with the warhead that was stabilized when we finally made the decision to go with the 21 and to put it in existing silos and keep it in a vertical position.

Also I would suggest to the gentleman that you have other problems. You have an exposed system, it is not going to be secure in a silo, you are going to have problems with terroristic acts, with making sure that you have an HE that will not detonate terrorist attacks, you have to put off the prospects of plutonium vaporization and a lot of other things. So I think to answer the gentleman I think there are good reasons and I think our best staff people agree with that position.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I rise to support House Joint Resolution 3 and to make a point that this is not a partisan issue. The fact of the matter is that the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty were negotiated and signed during the Nixon and Ford years respectively, so that the contents of this resolution bear a very Republican mark.

I should also point out that the resolution in the exact wording that it is being presented to us today passed the other body by a vote of 77 to 22.

I feel it is important to correct a misapprehension that some seem to have that entering into a test ban treaty or arms limitation treaty with the Soviet Union represents some sort of favor to the Soviet Union.

□ 1600

We do not enter into agreements with the Soviet Union to do favors for the Soviet Union. We enter into such agreements because we believe that both sides can benefit from the agreement.

In the case of a comprehensive test ban treaty, our biggest benefit from the treaty will be the possibility that the Nonproliferation Treaty can hold together. It is very clear that as the United States and the Soviet Union go into ever-increasing rounds of testing of new weapons, the nonnuclear countries that are parties to the Nonproliferation Treaty are getting very restless. I think it is very clear that if we do not start to take steps that are going to live up to the commitment we made to them at the time of the signing of the nonproliferation agreement to end the big power nuclear arms race, we are going to see the "N-Nation" problem—the problem that the world gets more and more unstable as more and more countries develop nuclear weapons—becoming ever more severe.

Mr. Chairman, I would say to my colleagues in this House that if there is anything that risks nuclear war, in my opinion, it is the possibility of more and more nations developing nuclear weapons. Reaching a comprehensive test ban treaty is absolutely critical the retention and existence of the Nonproliferation Treaty. I think that if we do not do that, we shall be in serious trouble.

Mr. Chairman, I should like to make one other point. I hope that the administration will listen to us, because the Congress by a rider on the energy and water appropriation bill can force a moratorium if the administration will not negotiate this treaty. A treaty

would be far better; but, if the administration will not act, we can.

Mr. BROOMFIELD. Mr. Chairman, may I inquire of the Chair what the remaining time is on both sides?

The CHAIRMAN. The gentleman from Michigan [Mr. BROOMFIELD] has 16 minutes remaining and the gentleman from California [Mr. BERMAN] has 12½ minutes remaining.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. LEACH], a member of the Committee on Foreign Affairs.

Mr. LEACH of Iowa. Mr. Chairman, I would just like to make several points about the basics, what is sought in House Joint Resolution 3 and what is sought in the Hyde alternative.

Contained in House Joint Resolution 3 is a modest request that the President follow the law and follow a consistent foreign policy. We are, after all, obligated under two treaties to conduct negotiations to achieve a comprehensive test ban.

Six administrations, from Eisenhower to Carter, have pursued these negotiations.

All House Joint Resolution 3 suggests is that this administration cease spurning our international commitments and cease turning our back on precedent.

What then is required by the Hyde alternative? Whereas House Joint Resolution 3 simply calls for a resumption of negotiations, without reference to whether a potential treaty can be signed before, during or after other treaties, the Hyde alternative stipulates that such negotiations can occur only after deep cuts are achieved. It is the Hyde alternative, not House Joint Resolution 3, which is the height of presumption. It is also the height of folly.

Why folly? The real politics being played is not that of partnership, but that of delay. Make no mistake, the linchpin of the Hyde alternative is to put off dealing with one of the most important arms control issues of our day.

But the only way to stop the arms race is to stop it. Importantly, stopping testing now would be in our vested interest. A test ban would find us frozen at a period where the United States is ahead of the Soviet Union in number of tests and, more importantly, far ahead of the Soviet Union in sophisticated testing.

As importantly, a comprehensive test ban would help put a powerful restraint on other countries testing. We now have six and perhaps seven tested nuclear powers. We will not be able to count on our hands and feet the number of nuclear powers by the turn of the century unless we close this last moral loophole in the nonproliferation efforts. A CTB is not only important in the United States-Soviet context, it is the most important antiterrorist step the United States of America can make at this time.

Accordingly, I urge all of us to adopt what I consider to be an extraordinarily carefully crafted agreement, something that my colleague from Iowa, Mr. BERKLEY BEDELL, can claim is a true measure of an immeasurable career.

Mr. BERMAN. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. Mr. Chairman, first of all, I want to congratulate the committee for bringing this resolution to the floor. It is a fine piece of legislative work.

We are once again confronted with the choices of how to improve U.S. security, that is really what arms control is all about.

On the one side we hear the voices that believe if we only build one more bomb, test a little bit longer, build one more missile, we will achieve security. These are the same folks who have felt that the ABM Treaty, the SALT agreements and all the other arms control agreements that we negotiated are wastes of time and inimical to U.S. security interests. They have been wrong in the past and are wrong today.

On the other hand, we have a belief by others that one can achieve greater security through arms control as well as having an improved arsenal, and that is what this resolution addresses. It recognizes that there can be a world, that there must be a world, without nuclear weapons explosions.

This is not a new process. Six Presidents, three of whom have been Republican, have shared that vision and worked toward that end. Indeed, when you take a look at the missed opportunities in arms control these last 40 years of nuclear weapons development, you become profoundly sorry. For it was President Kennedy who argued with the Soviets over whether or not there should be 10 on-site inspections or 6 or 3, was able to achieve a partial test ban, an atmosphere test ban agreement, instead of a comprehensive test ban agreement in 1963.

Let us not miss any more opportunities. Let us recognize that freezing or stopping or negotiating, however we do it, nuclear weapons testing on this planet is in the U.S. security interest, period. That is all we can determine. I will let the gentlemen in the Politburo determine their security interests. But it is American security interest that seeks to keep the yield-to-weight ratio advantage in nuclear warheads we have.

There is a miniaturization advantage that the United States has in warheads. We have done more testing. Our arsenal is more reliable.

Why, I ask my colleagues on the other side this question, would you want to see the Soviet Union begin another test development cycle for nuclear weapons? Why would you want them to miniaturize warheads so their cruise missiles would be smaller? Why would you want the Soviet Union to reduce the size of their warheads, so that instead of having 10 warheads on an SS-18, they can put 20 or 40?

No, my colleagues, that is not in our security interests.

On top of that point, it sends a powerful message to the rest of the world, to those countries about to test nuclear weapons, that we do not believe that it is a good idea to have them.

You cannot make that argument when you test as often as we do and as often as the Soviets have tested.

Last, if there is any other driving consideration, here you have the Soviets doing something very un-Soviet. They have decided to stop testing by themselves. Is it a trick? Is it a ploy? What might it be? Let us hold them to the test. Let us call their bluff. Let us say to the Soviets, we are prepared to sit down, put seismic monitoring stations at Soviet testing sites, we want to have intrusive measures of inspection, and we want to have challenges if we think that chemical explosions are really nuclear explosions; and if you agree to those things, we can have an agreement. What is wrong with that?

Let us not, my colleagues, miss this golden opportunity. We can stop exploding nuclear weapons on this planet if only we have the political will and the courage to do so. We are not tying the President's hands. We are hoping to hold them up so that he might be able to see this marvelous opportunity, one that the American people and the rest of the world clearly see.

□ 1610

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, if this is in our interest, I cannot figure out why Gorbachev wants it. Maybe he is not as smart as we think, despite the fashionable accouterments of his wife.

I will tell why he wants it. I do not know why you want it, but he wants it because it stops SDI, and he is going to stop SDI one way or the other. And this stops SDI. Maybe you are willing to pay that price.

In response to the gentlewoman from Louisiana, who talked about peace as a woman's issue, I view it a little broader than that. It is a human issue, it is an issue for my kids and my grandchildren, as well as the women of this world.

I will tell you, if I could snap my fingers like this and get rid of every nuclear weapon on Earth, I would think twice about doing it without doing something about the overwhelming conventional military advantage that

the Soviet Union has today in Europe, because to do away with nuclear weapons is to do away with the deterrent that has kept Europe free for 40 years and has kept the Soviet Union and the United States from a shooting war.

But we are the ones who want defense on the cheap, hence we have nuclear weapons. Get rid of them, that is all right with me, but at the same time you had better do something to mitigate the overwhelming conventional strength and power that the Soviet Union has; and then, having done that, we are still faced with an aggressive state that believes it is the locomotive of history and that it is going to overwhelm all of the free nations in the world, just as it is doing in Afghanistan, just as its surrogates are doing in Central America, just as its surrogates are doing in Southeast Asia.

Now, the gentleman from New York said, "Let's call their bluff."

There is a Russian poem that says: "He who forgets yesterday's prisoners may become one tomorrow."

And I am suggesting to you that we did call their bluff once. From 1958 to 1961 we engaged in an unnegotiated informal moratorium. We did not test and they did not test. And on August 31, 1961, the Soviet Union broke the moratorium by testing a 100-kilotron bomb.

When my time comes on the substitute, I intend to provide you with some interesting quotations on that breach of trust that President Kennedy viewed and some of our late great Senators, gentlemen from the other body, Mr. Humphrey, the late Senator Dodd, and the late Senator Gore and the New York Times.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I would like to simply say that a lot has happened since 1961 in the Soviet Union, in terms of their leadership. I do not think one can assume that Mr. Gorbachev——

Mr. HYDE. Well, I will take my time back, because I agree with the gentleman, a lot has happened. They shot down a civilian airliner, they have murdered Major Nicholson, let him bleed to death. A lot of good things have happened since then, I agree, not to say they have invaded Afghanistan.

Mr. SEIBERLING. If the gentleman will yield, there is a different leadership in the Soviet Union today.

Mr. HYDE. Let us give peace a chance with Mr. Gorbachev.

Mr. SEIBERLING. I think it is not right to assume that they do not have just as much of an interest in their grandchildren and their children living as we do. That is the real thing that is driving them.

Mr. HYDE. The gentleman belongs to the "trust me" school of arms control. I am sorry—I do not.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise as a cosponsor and strong supporter of this resolution urging the administration to resume talks toward a comprehensive test ban.

There is nothing new or controversial about this call for talks. The other body passed an identical resolution by a resounding vote of 77-22 on June 20, 1984. Five American administrations since Eisenhower have supported comprehensive test ban talks.

Nor is there anything that smacks of congressional micromanaging in this resolution. If we cannot speak out on arms control, the most important issue of our times, what can we speak out on? If we cannot speak after 6 years in which we have not seen a single arms control agreement signed or even seriously entertained, then when can we speak?

The administration's decision to halt CTB talks in 1982 was, at best, regrettable. The reason given at the time was that a comprehensive test ban was not verifiable. But the resolution we have before us today contains verification procedures: The resolution calls on the President to submit both the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty to the Senate for ratification. Both of these resolutions will be invaluable in verifying Soviet compliance by providing for the exchange of technical data on test sites.

The argument that passage of this resolution will undercut the arms talks simply does not hold water. This resolution does not tie the President's hands or the hands of our negotiators in Geneva. This resolution simply urges our side and their side to talk. And the subject of conversation will be the arms race where it begins—the testing of nuclear weapons.

The timing of this resolution is not damaging or inopportune as many would like us to believe. In fact, it comes at a time when those two words that are so very important to the future of this planet—arms control—have finally begun to creep into the administration's vocabulary. Far from undercutting the Geneva talks, passage of this resolution is a way to continue the willingness to talks that our President and Soviet leader Gorbachev displayed in Geneva.

President Kennedy quoted a Chinese proverb at the conclusion of CTB talks in 1963: "A journey of a thousand miles begins with a single step." This is a small step. But it is a step the world is waiting for us and this administration to take. I urge my colleagues to vote yes on this resolution.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Chairman, I am terribly disappointed that the House is considering the measure before us today. I believe it is inappropriate that we second-guess the President of the United States during a time of delicate negotiations. I further believe the President has earned our confidence and deserves to conduct the foreign policy of the United States without this kind of politically motivated embarrassment to him.

When I came here in 1983, one of the first issues I faced was the question of a nuclear freeze. Advocates expressed dissatisfaction with the President over his handling of nuclear arms talks. We had to send him a nonbinding message, we were told, to get him to move. The freeze resolution passed the House and failed in the Senate.

Then I was warned that support for the President's program of strategic defense modernization would jeopardize security and lead to destabilization. The Soviets would never come to the bargaining table unless the United States sent a signal of willingness.

At the time all this was going on, the so-called peace activists were decrying the fact there were no arms talks being conducted. They blamed the President for refusing to negotiate.

Well, Mr. Chairman, it is now 1986. For some months, the Soviets have been engaged in earnest negotiations with the United States on nuclear weapons. There has been one summit meeting between the President and General Secretary Gorbachev and another is planned for this year. The Soviets have made unprecedented offers on nuclear weapons, especially the intermediate nuclear forces in Europe. There is real hope that by this summer, when the two leaders meet again, that an INF Treaty withdrawing SS-20's and Pershing II's can be signed.

Regardless of a person's political persuasion, one must admit that the progress over the past 6 years is not too bad. Our President has brought about exactly what he was challenged to bring about—and just as he told us he would. But he did it his way, as he has every right to do. He was elected by the people of the United States to conduct foreign policy on behalf of our interests and that is exactly what he has been trying to do.

Most importantly, he has done all this without the House and the Senate passing resolutions telling him how to do it. Not only does he not need this type of "help," but his efforts could be greatly enhanced if we chose to support him now.

It seems to me that what we see in this resolution is little more than an

attempt to create a peace issue for the 1986 campaigns. That is unfortunate.

Am I for a comprehensive test ban? Of course. Do I want negotiations on this issue to take place in Geneva? Absolutely.

But I sincerely believe that divisive measures such as this simply make it more difficult for our administration to accomplish the objectives we all share. If we really want a more secure world, let's vote against this resolution.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I hope my colleagues will forgive me if I am redundant and remake a point that was made earlier in the debate. I missed just the opening remarks of a few of my colleagues.

There is one very important factor about testing that most of our fellow citizens are not aware of. They think testing always has to do with the future and developing new systems. And that fact is simply that testing enables us to keep viable the existing nuclear deterrent force that we have to keep peace in the world.

There are at least six publicly stated cases, many more that are top-secret, but six publicly stated, where nuclear stockpile problems were caught and the necessary information was provided to correct deficiencies by testing.

It was discovered through testing in the mid-1960's that deterioration had caused at least 50 percent of the U.S. Polaris missile warheads to become duds; in other words, they would not detonate. Without testing, the United States would not have been able to correct this problem.

Another series of tests involves the Poseidon missile warhead, and they uncovered the fact that the conventional explosives, those used to detonate the nuclear warhead device, deteriorated with time to the point where they could have prematurely exploded. This could have caused plutonium to be strewn over a wide area, killing a good number of American soldiers and military people working on these weapons systems.

Now, I think it bears repeating again what President Kennedy said, his exact words, about Soviet cheating at the very moment they were negotiating with us on this subject. It was November 8, 1961, when President Kennedy said—and I quote him directly—

> The Soviet Union tested while we were at the table negotiating with them. If they fooled us once, it is their fault. If they fool us twice, it is our own fault. Testing is a necessary part of keeping a viable, strong nuclear deterrent and keeping this fragile peace that we have.

Mr. BERMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. WRIGHT], the majority leader and the chairman of the House observers to the Geneva talks.

Mr. WRIGHT. Mr. Chairman, I think, surely, this is an action whose time has come. Every President since Dwight D. Eisenhower has wanted a Comprehensive Test Ban Treaty passed, ratified, and become law. I do not think those people, Presidents Eisenhower, Kennedy, Johnson, Nixon, Ford, and Carter were unpatriotic people, nor do I believe that they were dupes, deceived by cunning, guileful Soviet people.

Those who oppose this particular resolution seem to me to be proceeding simply upon such a profound distrust of the Soviet Union and anything that they ever would stand for that they really do not want to sit down and try to negotiate any kind of agreement with them.

There has been some conversation here on the House floor to the effect that this cannot be in our interest because, if it were, Mr. Gorbachev would not agree to it; and if Mr. Gorbachev is for it, then it has got to be disadvantageous to us.

Now, if you follow that logic to its conclusion, you have to conclude that there just never will be any agreement with the Soviet Union, there is not any sense in even trying to sit down to talk with them, we might as well just go ahead and hammer it out and see which one can kill the most of the other. I do not believe that is right. Nor do I think that it is right for us to tie the hands of our negotiators by an arbitrary rule to the effect that they are not permitted to negotiate an end to testing new weapons until first they have done away with a lot of the old weapons. That just does not seem to make sense. I think we need to negotiate doing away with old weapons, as well, but I think we need to stop the arms race. The way to stop the arms race is to stop the testing of new weapons.

For years we have been leapfrogging one another, we and the Soviet Union, each trying to develop a more devilish, a more fiendish, more comprehensive weapon than the other had. Each time it has been a more costly weapon and a more sophisticated weapon. If we have developed one that has overcome their defenses, they have spent that much more money and developed a weapon that overcomes our defenses. Then we, in turn, have to leapfrog that scientific act. We have got to call a stop to it sometime if there is ever to be real peace on Earth.

Just stop and think what a disproportionate share of our treasure and that of the Soviet Union is foolishly consumed in this continuing arms race. Just think what good things we could do if we could divert just a portion of this enormously oppressive burden that we are spending, some $300 billion this year, upon the implements of destruction. The Soviet Union could do the same thing. Think how many purposeful needs could be served that ennoble mankind.

We have enough weapons, and the Soviet Union has enough weapons, with 60,000 nuclear warheads in the world today, with a total destructive capacity more than a million times that of the bomb that destroyed Hiroshima and ushered in the nuclear age. How many more weapons do we need? How much more refinement? How much more devastation? How much more demoniac ability to wreak havoc? We have got enough weapons between us and the Soviet Union to kill each other off 8 or 10 times over. Surely, there has got to come a time somewhere in the progress of the human race when we have sense enough to sit down and say, "Enough of this. It is not to your advantage and it is not to our advantage. It would be to our mutual advantage if we could beat some of these swords into plowshares, some of these spears into pruning hooks, do things that help progress of the human race and help the social and economic advancement of each future generation."

Now is the time for that. There is not going to be a better time. If we sit here and say, "Oh, no, we are not going to agree to stop testing new nuclear weapons, even if the Soviets are willing to do so, until first they have agreed to something else," and then they say, "Oh, no, we are not going to agree to something else until first you are willing to agree to this," there will not be any progress made. And all of our tomorrows will be as all of our yesterdays. It fuels the way to dusty death.

It is time to stop. It is time to call a halt. It is time to do that which Dwight D. Eisenhower expressed the greatest regret that had not been done during his administration. He is supposed to have said, after his term of office, that his principal regret was over his own failure to get an agreement for a comprehensive test ban treaty.

Well, this treaty, two of them, in fact, were negotiated during the terms of Presidents Nixon and Ford. They have been ready for ratification for a long time. This does not command the Senate to ratify them. All it does is suggest that the President consult with the Senate on the ratification of those two treaties. It does not prescribe any manner of result that would be achieved in Geneva. It simply suggests that the President sit down and try to negotiate such a comprehensive test ban with the leaders of the Soviet Union.

□ 1625

I do not see how anybody can be against that. I do not see any harm

that it does unless you just believe that the end of man is to build evermore sophisticated weapons and that we will survive only upon ashes of the destruction of the Soviet Union.

If we think that way and they think that way about us, then there is not any hope for mankind. I am not ready to throw in the towel on mankind yet. I think there is hope for us. I think the time has come for us, mutually, to sit down and make sense together, and fulfill that day when men beat their swords into plowshares and their spears into pruning hooks, and nation shall not lift up sword against nation, and neither shall they learn war anymore.

Mr. BROOMFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. LOTT], who is a member of the observer team.

Mr. LOTT. I thank the gentleman for yielding me this time.

Mr. Chairman, as I have looked at this legislation and tried to find out, frankly, when it was even going to come to the floor of the House of Representatives, since there was some question about that; there had been some discussion that maybe it would come up the week before last, then last week.

Then, on the floor of the House, I specifically asked the distinguished majority leader, "Would this be up on this week," and was told that it would not be. He did say that we will have to look at the situation and we will announce the full schedule.

Now, it is here. I have been asking myself over these days: Why? Why this resolution now? I would like to talk about that just a minute.

Mr. Chairman, once again bending to the pressure of its more liberal Members, the Democratic leadership in the House of Representatives has decided to bring legislation (H.J. Res. 3) to the floor which directs the President to begin immediate negotiations with the Soviet Union on a Comprehensive Test Ban Treaty [CTBT]. Wisely withdrawn from the congressional schedule last fall on the eve of the Reagan-Gorbachev summit, this measure has been reborn in 1986 as the principal vehicle of the nuclear freeze movement's spring offensive. Unfortunately for its supporters, this idea is still as devoid of merit as it was last fall. And the same question remains. Why, at a time when we have meaningful talks going on in a number of important arms control areas, must Congress be forced to consider legislation like House Joint Resolution 3 which may very well undermine the Geneva talks?

House Joint Resolution 3 is a prime example of arms control policy driven by political opportunism. Beaten back on the nuclear freeze and largely stymied in their attempts to gut the strategic defense initiative [SDI], key leaders in the freeze movement have been forced to upgrade this previously low level issue to that of a priority issue in 1986.

Why is that? Quite simply because President Reagan has done exactly what he said he was going to do when he came into office. He has patiently, deliberately, and without illusions, pursued meaningful arms reductions with the Soviet Union.

I think it is particularly important now that we take note of the fact of the way he has worked at it and is working with the Soviet Union in these negotiations right now at a time when we have just been through what we have been through in the Philippines. A very difficult situation, but the administration and the President worked very carefully with that situation and we came through it as well as could possibly be expected.

Furthermore, he has done this without yielding to the freeze movement and without resorting to unilateral reductions or freezes. This perseverance and dedication to purpose has not only earned him the strong support of the majority of Americans for his arms reduction policies, but also his dealings with the Soviet Union. Active negotiations between the Soviet Union and the United States are now underway in strategic weapons, intermediate nuclear forces, chemical weapons, mutual balanced force reductions and a number of other arms control areas. So, for many Democratic strategist, their greatest fear is now coming to pass. They are now confronted with the grim reality that President Ronald Reagan may well be the true arms controller of the 1980's.

Thus deprived of many of their key arms control issues, and facing an active Reagan arms control agenda, we are forced to scrape the bottom of the barrel and pull this legislation up for consideration here at this particular time which could very well undermine what we have going on in Geneva and the Summit meeting.

Mr. Chairman, House Joint Resolution 3 is questionable, I think for many reasons, but I think the main reason is for nothing else, the sheer timing. At this time, when we just had a tragic explosion, for instance, of *Challenger*, while we are still investigating that, we learned that we need to test these instruments that we use in space. We need to test nuclear missiles. We need to know if they are safe.

I would point out to my colleagues these points I hope they will keep in mind. House Joint Resolution 3 would prevent necessary testing of systems essential to the development of Midgetman. It would undermine the President's position in arms reduction negotiations with the Russians; it would decrease the pressure on the Russians to negotiate effect verification methods, and it would jeopardize safety and reality of our nuclear deterrent.

I urge my colleagues to vote against House Joint Resolution 3 but to support the Hyde-Byron substitute.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I yield to the gentleman.

Mr. HUNTER. Mr. Chairman, I think the gentleman makes an excellent point on the fact that this would preclude the construction of a Midgetman, our mobile missile, that many of our Democrats and Republicans are interested in developing, and yet the Soviet mobile missiles, the 24's and 25's they have already tested for. So we would be locked out of that process in trying to make our deterrent vital.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I yield to the gentleman.

Mr. HYDE. Of course, this stops the SDI [Strategic Defense Initiative], because we have to test these weapons systems under nuclear conditions. You have to see how the command, the control and the intelligence computers will work under nuclear circumstances. So we put that under the table.

I wonder if that is not the secret agenda behind this resolution now. I just wonder; I do not know.

Mr. LOTT. It could very well be.

The CHAIRMAN. All time on general debate has expired.

Pursuant to the rule, the joint resolution and the preamble are considered as having been read for amendment under the 5-minute rule. No amendment to the joint resolution or to the preamble is in order except one amendment in the nature of a substitute to the preamble and to the joint resolution printed in the CONGRESSIONAL RECORD of October 1, 1985 by, and if offered by Representative BROOMFIELD, or his designee, which shall not be subject to amendment but shall be debatable for 2 hours, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto.

The text of House Joint Resolution 3 is as follows:

H.J. RES. 3

Whereas the United States is committed in the Limited Test Ban Treaty of 1963 and in the Non-Proliferation Treaty of 1968 to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time;

Whereas a comprehensive test ban treaty would promote the security of the United States by constraining the United States-Soviet nuclear arms competition and by strengthening efforts to prevent the proliferation of nuclear weapons;

Whereas the Threshold Test Ban Treaty was signed in 1974 and the Peaceful Nuclear Explosions Treaty was signed in 1976, and both have yet to be considered by the full Senate for its advice and consent to ratification;

Whereas the entry into force of the Peaceful Nuclear Explosions Treaty and the

Threshold Test Ban Treaty will ensure full implementation of significant new verification procedures and so make completion of a comprehensive test ban treaty more probable;

Whereas a comprehensive test ban treaty must be adequately verifiable, and significant progress has been made in methods for detection of underground nuclear explosions by seismological and other means;

Whereas, at present, negotiations are not being pursued by the United States and the Soviet Union toward completion of a comprehensive test ban treaty; and

Whereas the past five administrations have supported the achievement of a comprehensive test ban treaty: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That at the earliest possible date, the President of the United States should—

(1) request advice and consent of the Senate to ratification (with a report containing any plans the President may have to negotiate supplemental verification procedures, or if the President believes it necessary, any understanding or reservation on the subject of verification which should be attached to the treaty) of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties, signed in 1974 and 1976, respectively; and

(2) propose to the Soviet Union the immediate resumption of negotiations toward conclusion of a verifiable comprehensive test ban treaty.

In accordance with international law, the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating.

The CHAIRMAN. For what purpose does the gentleman from Michigan [Mr. BROOMFIELD] rise?

Mr. BROOMFIELD. Mr. Chairman, I yield to the gentleman from Illinois [Mr. HYDE] for the purpose of offering the amendment permitted by the rule.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] is recognized for the purpose of offering the designated amendment.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HYDE: Strike out the preamble and in lieu thereof insert the following:

Whereas the United States is committed to the prevention of nuclear war through substantial, verifiable, equitable, and militarily significant reductions in nuclear arms;

Whereas in Geneva the United States and the Soviet Union are engaged in negotiations to reduce nuclear arms;

Whereas a viable nuclear deterrent is at present necessary for the security of the United States and its allies;

Whereas the United States, in recognizing a dispute within the scientific community concerning the inadequacy of verification of test bans, is in the process of improving its present verification capabilities in the interest of peace and stability;

Whereas the United States Government has concluded, based upon a thorough evaluation of the evidence, that the Soviet Union may have violated the Threshold Test Ban Treaty;

Whereas the interest of the United States in verification improvements has been demonstrated by repeated proposals to the Soviet Union to enhance verification of the Threshold Test Ban Treaty;

Whereas the President appealed to the Soviet Union at the United Nations on September 24, 1984, to "cooperate in this undertaking and to reciprocate in a manner that will enable the two countries to establish the basis for verification for effective limits on underground nuclear testing"; and

Whereas the President on July 29, 1985, demonstrated his commitment to the process that could ultimately lead to effective verification of the Threshold Test Ban Treaty by inviting the Soviet Union to send experts, with any instrumentation devices they deem necessary, to measure the yield of a nuclear test at the U.S. test site: Now, therefore, be it

Strike out all after the resolving clause and in lieu thereof insert the following:

That it is the sense of the Congress that the United States should—

(1) continue efforts to gain agreement by the Government of the Soviet Union to measures which will improve verification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty, and ultimately a Comprehensive Test Ban Treaty;

(2) reaffirm mutual compliance of the Threshold Test Ban Treaty; and

(3) continue to work towards the attainment of a verifiable Comprehensive Test Ban Treaty following the achievement of mutual, substantial, verifiable, and militarily significant nuclear arms reductions.

□ 1635

The CHAIRMAN. Under the rule, the proponent of the amendment is entitled to 1 hour of debate and an opponent is entitled to 1 hour.

Mr. FASCELL. Mr. Chairman, I rise as an opponent to the substitute amendment.

The CHAIRMAN. The Chair will recognize subsequently the gentleman from Florida [Mr. FASCELL] for one hour of debate in opposition.

Does the gentleman from Michigan, [Mr. BROOMFIELD] wish to control the time?

Mr. BROOMFIELD. Temporarily, Mr. Chairman.

Mr. Chairman, I yield 10 minutes to the sponsor of the substitute, the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank the gentleman from Michigan [Mr. BROOMFIELD] for giving me 10 minutes.

Let me say to my colleagues that if you did listen to the reading of the amendment in the nature of a substitute, I really do not see how you can call it a weakening amendment. It is a strengthening amendment.

I do not know what is wrong with this Congress going on record saying that we think the United States ought to continue efforts to gain agreement by the Soviet Union to measures which will improve verification of the threshold ban treaty and the peaceful nuclear explosions treaty and ultimately a comprehensive test ban treaty.

Are we against improving verification? I do not know what is weakening about reaffirming a mutual compliance to the Threshold Ban Treaty. Are we against that.

I do not know what is weakening about saying that we want to continue to work toward the attainment of a verifiable comprehensive test ban treaty following, not preceding, the achievement of mutual substantial verifiable and militarily significant nuclear arms reductions. That is what arms control is all about.

You have provided an hors d'oeuvre of arms control and I am giving you a banquet of arms control.

I hope you study this and realize that it is strengthening, it is not weakening.

Now, I told you before that a little history may be a dangerous thing, but it is an interesting thing when it comes to nuclear test moratoria. Back in 1961 after 3 years of an informal nuclear test ban moratoria, the Soviet Union unilaterally announced they were going to break out and they unleashed a 100-kiloton nuclear superbomb. Following the breaking of this moratorium, the late Senator Hubert Humphrey made this remark on August 31, 1961, not so long ago:

Let the world know that the Soviet is the assassin of peace. Let the world know that the Soviet is the villain in the international drama. Let the world know that the United States of America is prepared first to defend itself and its allies, and secondly to work unceasingly for a just and enduring peace.

Let me quote to you from a New York Times editorial entitled, "Soviet Policy of Terror," September 1, 1961, and let me repeat, because you may be surprised at the New York Times editorial quote.

In an action that shocks the world and edges it closer to the brink of atomic holocaust, Premier Khrushchev announces that the Soviets are resuming nuclear testing to produce monstrous super-bombs capable of being dropped at any point on the globe from space.

To achieve this goal, for which he evidently deems the time to be ripe, the Soviet Caesar displays the utmost contempt for world opinion. His attempt to shift the blame for his own action on those who would resist his efforts to "bury" them is so ludicrous and hypocritical that it is repudiated everywhere outside of the Communist-dominated world.

Let me quote from the late Senator Thomas Dodd of Connecticut, who on September 1, 1961, said this, and this is fascinating:

What was obvious to some is now clear to all. The proof is now in that the protracted negotiations at Geneva were part of the conflict strategy of the Soviet Union. Through these negotiations they were able to inactivate our nuclear weapons technology; to greatly reduce the credibility of our nuclear deterrent; to foster the illusion of coexistence to carry on their own nuclear

weapons program in secret, in preparation for a political showdown at a point of their own choosing.

Now we can only hope that the incredible, wishful thinking that permitted our one-sided test ban to drag on for 3 years is so thoroughly discredited that we may resume, with realism and sanity our struggle for survival against an enemy that continues to fatten on our mistakes.

Now, what has changed since 1961? Not much, folks, not much. Just the invasion of Afghanistan, the shooting down of a civilian aircraft with 249 or 250 innocent civilians aboard, including one of our colleagues; the murder of Maj. Arthur Nicholson, and then the Soviets holding back at gunpoint a doctor from trying to keep him from bleeding to death, and we have to spend our time proving how serious we are about arms control.

I am so tired of going to the well to prove how serious we are about arms control.

Now, timing is everything. The bachelor who had his fiance show up at his bachelor party knows about that. We make a spectacle of ourselves intruding our priority, our idiosyncratic agenda on what the negotiators, who are professionals, who are experts, who have been spending most of their lives on the subjects, are trying to do over in Geneva; but we waltz in with our resolutions telling the President what he should do, and that includes only one item, negotiate a comprehensive test ban treaty, something that Mr. Gorbachev yesterday said he wants very badly. I do not blame him for wanting it. That stops SBI. That keeps us from getting the Midgetman. That keeps us from testing our own stockpile to make sure it is credible and that it is safe. I do not blame him for wanting one in the face of a vacillation on our MX, on our Midgetmen, now we assert our priority in this.

Now, there are two parts to House Joint Resolution 3, ratification of the threshold test ban and the ratification of the Peaceful Nuclear Explosion Treaty of 1976. These were never submitted for ratification by President Carter.

In addition to serious verfication problems, let me suggest to you that the reason they were not submitted was Afghanistan again.

The exchange of data under the Threshold Test Ban Treaty is just that. We cannot independently verify the data they give us.

I ask you, would you buy a used car from Mr. Gorbachev? If so, I have some costume jewelry I would like to show you in the trunk of my car later on.

Now, for 3½ years, folks, for 3½ years we have tried to meet with the Soviets to confer on verification improvements. A very curious omission on this well-crafted resolution, there is not a word in there about asking the Soviets to urge them to meet with us to confer on improving verification.

Now, Mr. Chairman, I love to quote as an authority on the Democratic Party the gentleman from New York, (Mr. STEPHEN SOLARZ). In the New York Times of June 20, 1985, here is what he said, and I agree with these words:

The Democrats must tell Soviet leaders if they do not abide by existing arms control agreements, the American people will correctly refuse to support new accords.

I believe that, but I wish more of his party did.

Now, there is a monumental incoherence among the sponsors of House Joint Resolution 3 as to what it means. For example, we had the gentleman from New Mexico [Mr. RICHARDSON] tell us in a 1-minute speech that this will create confidence in our stockpile. If you can tell me how a deteriorating, aging stockpile, one can maintain confidence in it as it ages and degrades and deteriorates, then I will have learned something about physics that I do not know now.

The senior Senator from Massachusetts, however, when he testified before our committee said this:

Some testing may be needed in the long run to assure the credibility of our existing deterrent.

Well, Chairman FASCELL said that the question of reliability testing would be "a matter of negotiation and determination by the President."

However, on the other hand, we have the gentleman from Iowa [Mr. LEACH] who has said that the reliability testing of nuclear weapons is not required and that comprehensive test ban means comprehensive.

So I do not know. I wish they would get together on just what they want to accomplish; however, what they really want, I think, is easily determined by other testimony.

The gentleman from Iowa [Mr. BEDELL], nudging the gentleman from Massachusetts [Mr. MARKEY] for the honor of being chief sponsor of this resolution, has said something that I think tells us what they really want. Here is what he testified to:

I personally don't know what could be better than for neither side to have confidence in the operational capability of their nuclear arsenals.

Now, the gentleman from Massachusetts [Mr. MARKEY], the other chief sponsor and a man for whom my admiration is boundless, says:

In the long run, I think a world of unreliable nuclear weapons would be a more secure world.

How would you like to work around an unreliable stockpile? Does that not bring back memories of Three Mile Island? This is a gentleman who has made a career out of nuclear safety, who takes pride and pleasure toward moving toward a nuclear stockpile in our military upon which our deterrent against the Soviet Union depends, that is incredible, that is not believable that it is unsafe. I find that mindboggling.

Mr. MARKEY. Mr. Chairman, will the gentleman yield since the gentleman mentioned my name?

Mr. HYDE. Yes. I did mention the gentleman's name.

Did the gentleman say that or did he not? Is that what the gentleman wants to tell us?

Mr. MARKEY. We were in that particular statement, I was not referring to the reliability and our ability to be able to insure that it would be a danger to people who lived in the near vicinity in the United States.

I was talking about our inability and the Soviet's inability reliably to be able to launch them and know they would have a first-strike capacity, as a result diminishing the capacity of either side to be able to consider it.

Mr. HYDE. Well, I thank the gentleman; but what the gentleman said is that he thinks we would have a better world, a more secure world, if our stockpile was unreliable, and I do not buy that.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield the gentleman 2 more minutes.

The CHAIRMAN. Without objection, the gentleman from Illinois [Mr. HYDE] is recognized for 2 additional minutes.

There was no objection.

Mr. HYDE. Mr. Chairman, I would think it would bother us a little bit in the wake of the *Challenger* explosion that we are going to keep a nuclear deterrent that is not tested, but must work, we must have confidence in, it must be safe and it must be terrorist proof. If we have an unreliable stockpile and an accidental explosion, how will you feel if you voted to contribute to that?

Proliferation—let me tell you, when Europe loses its confidence in our nuclear stockpile, they are going to build their own weapons, so is Japan. You are going to contribute to proliferation when our nuclear umbrella becomes less believable.

How do you keep Khadafy or Khomeini from testing?

I just want to say this about a good democratic vote. Senator Henry Jackson once said that in national security matters the best politics is no politics. We cannot degrade confidence in our nuclear stockpile unless and until we get sharp reductions in these weapons of deaths.

Doing away with nuclear weapons also means conventional reductions. We have to alleviate and mitigate those things that separate our two states and they are very difficult to do.

Simply to put our nuclear stockpile and the strategic defense initiative on hold while we trust the Soviet Union is a roll of the dice that I am unwilling to make.

I plead with you people who want to be serious about arms control to take a look at the substitute offered by the gentlewoman from Maryland and myself, which says work for better verification. We commit ourselves to the threshold of the Test Ban Treaty and we want a comprehensive test ban after we get decent, verifiable reductions in these weapons.

□ 1650

If that is weakening them, English has no more meaning.

Mr. MOODY. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. I thank the gentleman for yielding. The gentleman made a big point earlier about the Soviets broke out of the moratorium in 1958.

Mr. HYDE. I hope it was a big point. I thank the gentleman.

Mr. MOODY. The gentleman is aware, I assume, that it was the French that broke out first, and the Soviets that warned that if a Western power broke out, they would follow suit?

Mr. HYDE. Wait a minute. I am well aware of that, and they did not. It was a year or so later that the Soviets broke out, and the French were not a part to the moratorium. It was Great Britain and the United States. You are aware of that, I am sure.

Mr. MOODY. You are aware that Eisenhower himself ended the moratorium put on a day-to-day basis?

Mr. HYDE. Yes, but we never broke it; the Soviets did.

Mr. MOODY. The French broke it first.

Mr. HYDE. They were not a party to it.

Mr. BERMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. HUCKABY].

Mr. HUCKABY. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in opposition to the Hyde amendment and in strong support of House Joint Resolution 3.

Like a majority of the Members of this body for the last 6 years, I have supported the President's military buildup. I have supported that buildup because I think in the beginning there was a reasonable degree of doubt of whether or not the United States truly had parity, did equality exist? And more important, I think there was a reasonable degree of doubt of the United States of America's resolve to make the commitment, to make the expenditures to do what was necessary to convince the Russians that we would match them, that we would stay with them.

But in these past 6 years, we have now doubled our military expenditures, and I think the payoff for those military expenditures is possibly here.

Gorbachev's proposals are far-reaching. The Russians today are entering the 7th month of their unilateral test ban. For the last 7 months, they have not tested nuclear weapons. Why should we not join with them in these efforts?

I want a world, I think most Americans want a world where there are very few, possibly no nuclear weapons. How do we get there?

The first logical step is to ban nuclear testing. Then from there, hopefully we can eliminate intermediate missiles and then begin a build-down of intercontinental ballistic missiles.

Ladies and gentleman of the House, I think the time is now to seize the payoff from our military buildup. A rare historic moment could be here.

I would urge this House to speak with a loud and clear voice, the House of the people of America, and say, yes, yes, we want to enter that step. We are ready to begin now to negotiate a nuclear test ban treaty. America and the world will be better off for this.

Mr. BERMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, I rise in opposition today to the substitute offered by the gentleman from Illinois [Mr. HYDE].

The question before us today is quite simply: Is it in the best interests of our country and its people to try, and I underline the words to try to negotiate a treaty with the Soviets and other nations that would, first, ban the testing of nuclear weapons by all of us; that would, second, provide all sides with a means to verify compliance; and third, free us from compliance if the Soviets fail to comply?

That question has been asked before and answered before by every President since Dwight Eisenhower. His answer was yes. John Kennedy's answer to that question was yes. Lyndon Johnson's answer to that question was yes. Richard Nixon's answer to that question was yes. Jerry Ford's answer to that question was yes. And Jimmy Carter's answer to that question was also yes.

Not only did President Nixon and President Ford answer yes, it is in the best interests of our country to try to negotiate a comprehensive test ban treaty. They took one more step. They took the lead in negotiating other treaties that sought to take us in that same direction: The Threshold Test Ban Treaty signed in 1974 by President Nixon and the Peaceful Nuclear Explosions Treaty signed in 1976 by President Ford.

More recently, the question of beginning to negotiate a comprehensive test ban treaty was considered in 1984 by the other body. Their answer to that question was the same as every other President since Eisenhower: Yes.

I believe the answer in the House of Representatives today will also be, and indeed should be yes. What in the name of God does this country have to lose by trying to negotiate a comprehensive nuclear test ban treaty? Very little, I think.

Humanity, on the other hand, has a great deal to gain. As important as this issue is, let us not overstate the importance of the step we are taking today. We are not, and I emphasize we are not negotiating an actual treaty today. We are, however, voting to begin a process, a lengthy process that may ultimately lead to a treaty that our respective negotiators can agree upon.

That treaty still has to pass muster with the President and his advisors, and then it has to pass muster with the U.S. Senate. We all know too well how difficult it sometimes is to get their stamp of approval.

In conclusion, the road to ratifying a comprehensive test ban is a long and a tortuous one, but it is a road our country should endeavor to travel nonetheless. We may ultimately complete this journey, and then again, we may not. In any event, we should take the first step. Today we have an opportunity to do just that.

I urge us to defeat this substitute, however well-intentioned, and to approve House Joint Resolution 3.

Mr. BERMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman, as a designated observer of this House to the Geneva arms talks, I would like to comment on several points made in the debate so far. We have heard a number of what I think are pretty spurious arguments, and I would like to quickly review some of them.

First, will this resolution tie the hands of the President and reduce his flexibility? Obviously not. It is the President who determines the content and the timing of any agreement to be negotiated. The Hyde substitute, in fact, Mr. Chairman, would reduce the flexibility since it requires prior action before the President would be permitted to move ahead with the negotiations.

Second, is this an unwarranted intrusion by Congress?

No. Congress has a very explicit constitutional responsibility in foreign policy and arms, and I think it is only proper we carry it out.

Third, would it be harmful to our position in the Geneva talks? No, definitely not. There is a "Dear Colleague" letter which some of you have

seen which is signed by eight Members of us on the observing team, including the chairman of the Armed Services Committee, and other distinguished Members, that concludes quite the opposite. In fact, House Joint Resolution 3 is totally compatible with our position in Geneva and with those talks, and does not in any way undercut them.

Fourth, would it stop star wars? No. The President says that star wars is a nonnuclear program. In fact, he has said that star wars would make nuclear weapons "obsolete and impotent." House Joint Resolution 3 should not hinder star wars.

Fifth, would it give the Soviets an advantage? No. We are only suggesting that the President negotiate a treaty that is mutual, and only if it is in our interests.

Sixth, would it reduce verification? No. In fact, it would strengthen verification by leading toward Senate ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty which have a great deal of verification mechanism built in.

Seventh, would it hurt the Midgetman? No. The nuclear warhead for the Midgetman has been tested already. The Air Force has testified to Congress that they would use the MK 21 warhead in the Midgetman, and that is tested.

Eighth, would it lock in any Soviet advantage? No. We have the advantage on balance when you take the full range of forces, including sea-launched missiles and air power into account, and we have done so at great cost, as the previous speaker from Louisiana mentioned. We are now at a point of superiority, if anything, and House Joint Resolution 3, in fact, tends to lock in our superiority, not our disadvantage.

□ 1700

Now, let me say just a word about another issue: world opinion and the CTB's role there. The Soviet Union took a very bad beating in PR terms when pulled out of the INF and START talks in Geneva; and we have reaped a great PR bonus when we went to the talks. From my responsibility as an observer to those talks, I know the CTB is an issue of great PR value in the world, particularly in the multilateral negotiations underway in Geneva and New York. Testing suspension by the superpowers is the key issue for the nonnuclear powers.

The evidence of the PR value of this issue is as follows: When the President invited the Soviets to attend our nuclear test sites in Nevada, he put the bee on the Soviet backs and he also invited them to join the open labs proposal. What did the Soviets do under this PR pressure? They came forth with CTB.

Mr. Chairman, I suggest that CTB is a potent issue worldwide and we should be promoting it, not resisting it. House Joint Resolution would enhance, not diminsh our position. It is strong on the merits, and it is in our national interest.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. During the recess, Mr. Chairman, representatives of the Presbyterian Church in my district came in to see me, and brought with them a resolution adopted by the 197th General Assembly of the Presbyterian Church, USA, and another resolution adopted by the Eastminister Presbytery, which covers my part of Ohio. Both contain a very strong statement urging both powers to go ahead with the Geneva talks, including this provision:

> The Assembly requests the nuclear states to negotiate immediately a comprehensive test ban treaty as a step toward an end of the nuclear arms race.

Now, that is almost the identical wording of the provision of the committee before us which I strongly support. I include it in the hope that we can make sure that the religious groups that are trying to raise our consciousness about the moral issues here are not totally ignored in this debate. I will ask permission that the resolutions be included at this point.

I have a second point, Mr. Chairman, that I would like to comment on. The resolution states that the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating. Of course, that is an absolutely sound principle which applies in both directions. I would only note for the record that the mere fact that someone in the Congress or someone in the executive branch charges that there has been a violation is not sufficient, there has to be an actual violation, not merely a charge of violation. Of course, there are mechanisms setup under the various treaties, and perhaps they should be strengthened, for taking charges of violations and deciding whether, in fact, they have validity.

THE PRESBYTERIAN CHURCH (USA) ACTION OF THE 197TH GENERAL ASSEMBLY (1985) ON THE NUCLEAR ARMS RACE

Whereas, God, who is the ultimate source of our being and our security calls us to be peacemakers and agents of reconciliation;

Whereas, the Presbyterian Church (USA) has declared the 1980's as a Decade of Peacemaking and has declared peacemaking a priority of the church;

Whereas, the Confession of 1967 states that the search for peace "requires that the nations pursue fresh and responsible relations across every line of conflict, even at risk to national security, to reduce areas of strife and to broaden international understanding";

Whereas, the expectation that human-made technology can replace God as the ultimate source of security is idolatry;

Whereas, the danger of nuclear war is one of the greatest perils facing humanity;

Whereas, war between the United States of America and the Union of Soviet Socialist Republics can best be avoided if the two countries actively and consistently seek reconciliation of their differences;

Whereas, successful arms control negotiations will create better relations and will free resources for the fulfillment of other, human needs;

Whereas, the Soviet Union and the United States have resumed bilateral arms control and reduction negotiations in Geneva;

Whereas, a Comprehensive Test Ban Treaty would inaugurate a total prohibition on all nuclear explosions for military or peaceful purposes in all environments by its parties;

Whereas, a Limited Test Ban Treaty was completed in 1963, prohibiting testing in all environments except underground, and, whereas, that exception has allowed continuation of the nuclear arms race for more than two decades, to the increasing peril of the human race;

Whereas, negotiations for a Comprehensive Test Ban Treaty were initiated by President Eisenhower and continued by every president through President Carter;

Whereas, the General Assemblies of the church have repeatedly called on Presbyterians to work for an end to the arms race;

Whereas, the General Assemblies of the Presbyterian Church (USA) and its predecessors in particular have called for a Comprehensive Test Ban Treaty since 1963 (1963, 1964, 1967, 1971, 1978, 1982, 1983, and 1984); Therefore, the 197th General Assembly (1985)

Commends to all nations, as practical politics, the search for cooperation and peace;

Commends the leadership of the Soviet Union and the United States for reopening the nuclear arms reduction talks in Geneva;

Urges both governments to do everything within their power to bring these talks to a successful conclusion, including verifiable, unilateral steps toward increased arms control with challenges to the other to join in such actions. Such actions might include a halt in the production or deployment of weapons systems for a fixed period of time;

Requests the nuclear states to negotiate immediately a Comprehensive Test Ban Treaty as a step toward an end of the nuclear arms race, and, as evidence of good faith, to join in a moratorium of all nuclear testing by August 6, 1985—the 40th anniversary of the atomic bombing of Hiroshima;

Requests Synods and Presbyteries, in their continued efforts to end the arms race, to:

1. observe at their stated meetings specific times for prayer for the effectiveness of the arms reduction negotiation in Geneva;

2. engage in careful study, theological reflection and moral discourse on the matter of a Comprehensive Test Ban Treaty, join, and to consider joining, the General Assembly in a call for a Comprehensive Test Ban Treaty and communicate their views to the president and the members of congress from their respective districts;

Requests congregations to emphasize prayers to end the arms race at worship services on the Sundays closest to August 6th and 9th, the anniversaries of the atomic bombings of Hiroshima and Nagasaki;

Urges Presbyterians commited to ending the arms race to join "Presbyterian Advo-

cates to End the Arms Race" as one was of enhancing their work;

Requests the agencies of the Church to prepare resources for use by presbyteries and synods as they undertake the study and responses requested on the Comprehensive Test Ban Treaty;

Directs the Stated Clerk to send this resolution to the president, the Secretary of State, the members of the Senate Committee on Foreign Relations, and the House Committee on Foreign Affairs.

EASTMINSTER PRESBYTERY (OHIO) Proposal for Action of Eastminster Presbytery on the Nuclear Arms Race, November 1985

Whereas, God, who is the ultimate source of our being and our security calls us to be peacemakers and agents of reconciliation;

Whereas, the Presbyterian Church (USA) has declared the 1980's as a Decade of Peacemaking and has declared peacemaking a priority of the church;

Whereas, the Confession of 1967 states that the search for peace "requires that the nations pursue fresh and responsible relations across every line of conflict, even at risk to national security, to reduce areas of strife and to broaden international understanding":

Whereas, the expectation that human-made technology can replace God as the ultimate source of security is idolatry;

Whereas, the danger of nuclear war is one of the greatest perils facing humanity;

Whereas, war between the United States of America and the Union of Soviet Socialist Republics can best be avoided if the two countries actively and consistently seek reconciliation of their differences;

Whereas, successful arms control negotiations will create better relations and will free resources for the fulfillment of other, human needs;

Whereas, the Soviet Union and the United States have resumed bilateral arms control and reduction negotiations in Geneva;

Whereas, a Comprehensive Test Ban Treaty would inaugurate a total prohibition on all nuclear explosions for military or peaceful purposes in all environments by its parties;

Whereas, a Limited Test Ban Treaty was completed in 1963, prohibiting testing in all environments except underground, and, whereas, that exception has allowed continuation of the nuclear arms race for more than two decades, to the increasing peril of the human race;

Whereas, negotiations for a Comprehensive Test Ban Treaty were initiated by President Eisenhower and continued by every president through President Carter;

Whereas, the General Assemblies of the church have repeatedly called on Presbyterians to work for an end to the arms race;

Whereas, the General Assemblies of the Presbyterian Church (USA) and its predecessors in particular have called for a Comprehensive Test Ban Treaty since 1963 (1963, 1964, 1967, 1971, 1978, 1982, 1983, and 1984); Therefore, Eastminster Presbytery joins the 196th General Assembly (1985) and

Commends to all nations, as practical politics, the search for cooperation and peace;

Commends the leadership of the Soviet Union and the United States for reopening the nuclear arms reduction talks in Geneva;

Urges both governments to do everything within their power to bring these talks to a successful conclusion, including verifiable, unilateral steps toward increased arms control with challenges to the other to join in such actions. Such actions might include a halt in the production or deployment of weapons for a fixed period of time;

Requests the nuclear states negotiate immediately a Comprehensive Test Ban Treaty as a step toward an end of the nuclear arms race;

Requests sessions and congregations, in their continued efforts to end the arms race, to:

1. observe at their stated meetings and worship services specific times for prayer for the effectiveness of the arms reduction negotiations in Geneva;

2. engage in careful study, theological reflection and moral discourse on the matter of a Comprehensive Test Ban Treaty, join, and to consider joining, the General Assembly and Eastminster Presbytery in a call for a Comprehensive Test Ban Treaty and communicate their views to the president and the members of congress from their respective districts;

Urges Presbyterians committed to ending the arms race to join "Presbyterian Advocates to End the Arms Race" as one way of enhancing their work;

Directs the Stated Clerk to send this resolution to the President, the Secretary of State, Senators and Representatives within the bounds of Eastminster Presbytery, the members of the Senate Committee on Foreign Relations, and the House Committee on Foreign Affairs.

Mr. BERMAN. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I rise in support of House Joint Resolution 3, to prevent nuclear explosive testing.

House Joint Resolution 3 is in the country's national security interests. The Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty are both verifiable, and ratification would, for the first time, give the United States access to Soviet testing sites and allow seismic data exchanges. Reopening comprehensive test ban negotiations is merely an extension of an effort that began during the Eisenhower administration, one which has never been subject to completion of ongoing arms control agreements. House Joint Resolution 3 does not tie the hands of this or any administration to a specific negotiating posture; it only states that the administration should propose talks as soon as possible.

Opponents of House Joint Resolution 3 believe the resolution would not enhance national security, would undercut present negotiations, and that the two unratified treaties are not verifiable. If these arguments were true, or if national security were indeed at issue, then, or course, we would have to reject House Joint Resolution 3. However, upon close examination, these objections are matters on which patriots can disagree.

The Threshold Test Ban Treaty [TTB] was signed by President Nixon and the Peaceful Nuclear Explosions Treaty [PNE] was signed by President Ford. Under the TTB, underground explosions are limited to 150 kilotons, and the PNE maintains the 150 kiloton limit while permitting a series of explosions for peaceful purposes of up to 1.5 megatons. Both treaties provide for verification measures.

The major objection to the two unratified treaties relate to verification. The better argument it seems to me is that ratification will enhance verification.

Ratification would for the first time provide for seismic date exchanges, access to testing sites, geological information, and noninterference in monitoring. Without ratification, we will not receive any benefit from the verification measures called for by the two treaties. We will be no more certain than we are now regarding Soviet violations. The Peaceful Nuclear Explosions Treaty contains provision for onsite inspection, an unprecedented achievement in arms negotiations.

The plain language of House Joint Resolution 3 provides that the United States has no obligation to abide by treaties the Soviets are violating. In addition, the President can attach to the treaties when ratification is requested any reservation or understanding on the subject of verification. It is hard to imagine a resolution providing more leeway for the administration to formally express its reservations.

The Soviets have recently indicated a desire to accept onsite inspections and the placement of more sensitive seismic equipment on their soil. By submitting the treaty with reservations calling for enhanced verification measures, the administration would be able to test this new Soviet offer.

In calling for the resumption of negotiations for a comprehensive test ban treaty, House Joint Resolution 3 is silent on substance and strategy. The resolution only calls for resumption of negotiations, not how they should be conducted.

By late 1979, the three parties to the Comprehensive Test Ban Treaty negotiations, the United States, the Soviet Union, and Great Britain, had agreed on several significant points. The United States and the U.S.S.R. agreed to a network of monitoring stations in each country to gather seismic data from tests; onsite inspections for suspicious events; a Soviet moratorium on its peaceful nuclear explosions program; and an international exchange of seismic and other testing data.

It should not be necessary for a Member of Congress to say that under no circumstances should we agree to an unverifiable treaty. Likewise why should we doubt the ability of our arms control negotiators to reach a verifiable comprehensive test ban treaty? Resumption of negotiations does not preclude advances in test-detection technology nor use of new means of verification.

A comprehensive test ban treaty is in our national security interests. By preventing testing of nuclear devices, destabilizing improvements could not be made in nuclear weapons by either side, and the United States would preserve its current technological edge. We are ahead in developing compact, efficient, and reliable nuclear warheads. We could prevent the Soviets from further reducing the size of their warheads, which could give them an advantage in adding to the number of warheads they could launch without building any new missiles.

If a CTB had been negotiated at an earlier date, we would not be faced with mirved ICBM's, submarine-launched cruise missiles, and we would not be facing development of a third generation of nuclear warheads, including x-ray lasers, microwave weapons, and gamma-ray lasers.

Under the Nuclear Nonproliferation Treaty, signed in 1968 and ratified in 1970, the nonnuclear weapons states agreed not to build nuclear weapons provided the superpowers pursued arms control, including a CTB. Many of the signatories to that treaty believe a CTB is critical to preserving nuclear nonproliferation.

Most important of all, a CTB would slow, stop and reverse the arms race.

The argument is raised that testing is necessary to assure reliability and safety of our nuclear weapons. Further, the argument is raised that the CTB would prevent modernization, leaving the United States reliant on older, more destructive weapons.

Mr. Chairman, our nuclear deterrent demands reliable, accurate and safe weapons. Many experts in weapons testing, however, do not believe nuclear explosions are necessary to insure reliability. Reliability can be maintained by disassembling sample weapons and testing components with nonnuclear methods. Nonexplosive tests can determine deterioration during storage, and detonation without nuclear components can determine the operability of the rest of the weapon.

The prime concern that I have is that we may have a need for some further testing of weapons systems under development. Such a security interest can easily be accommodated in negotiations that would gradually reduce the allowable number and yields of tests over a period of years. The administration could then move forward on arms control without impairing their nuclear weapons testing policy. There could be some testing to insure reliability of older stockpiled weapons as well as tests of new weapons under development. Such an agreement would also allow alternatives to nuclear explosions to test warheads.

The Soviet Union will be our strongest and most dangerous adversary for years to come. We were right to cut off CTB talks after the invasion of Afghanistan. We made our point by this action.

But we are now sitting down in Geneva discussing arms reduction. The opportunity is there for renewal of CTB talks. The time is at hand. Let's try to get what we want. Let's try to get what's best for America.

Mr. HYDE. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in opposition to House Joint Resolution 3 and in support of the substitute Hyde-Byron amendment.

I do this, and as I do, I do not question the integrity or the sincerity or the motives of any Member who supports the resolution. I oppose it because I personally do not believe that it is helpful in accomplishing those general objectives that we all agree to.

In my opinion, the litmus test in all our negotiations with the Soviet Union should be whether they reduce tension and the chance of potential conflict between our two powerful nations. The question before us today is whether ratification of Threshold Test Ban Treaty [TTBT] and Peaceful Nuclear Explosions Treaty [PNET] and conclusion of negotiations for a comprehensive test ban treaty [CTB] meets that test.

Supporters of House Joint Resolution 3 contend that it is possible to have a verifiable test ban tready, that it will lead to further arms control, that it will not weaken our nuclear deterrent, that it will assist our negotiators in Geneva talks and increase our security. There is, in fact, no evidence that ratification of these treaties will in any way lead to further arms control measures. The 1958 U.S.-U.S.S.R. mutual testing moratorium never produced the comprehensive test ban it was supposed to facilitate. General Soviet compliance with the provisions of the Threshold Test Ban Treaty and Peaceful Nuclear Explosion Treaty has not prevented them from testing and deploying the S-17, S-18, S-19, S-24, S-25 ICBM's and S-20, S-21, S-22, and S-23 intermediate range nuclear missiles during a decade when our Nation only deployed three systems—the MX, D5, and Pershing. Ratification of the treaties may well cripple our ability to respond to these destabilizing Soviet actions by creating the impression of arms control achievements.

Passage of a comprehensive test ban could weaken the credibility of our deterrent force. The systems failures which were discovered following the 1958 moratorium provide clear-cut evidence of that fact. Arguments that congressional support of positions adopted by the Soviet negotiators are in the national interest are specious at best. Clearly the Soviets would be more reasonable if they knew that our negotiators had the full support of Congress.

Furthermore, it is unclear to me if we have the technical ability to adequately monitor Soviet tests to insure compliance given the contradictory testimony of experts. Some have testified that tests down to 1 kiloton can be detected, others feel that we could not detect detonations below 10 kilotons. There are further questions as to whether we could in fact detect tests of under 50 kilotons occurring in certain situations. Given this disparate testimony it would appear that our various experts would not be able to come to any unqualified agreement on Soviet violations.

In light of the above facts it is clear that House Joint Resolution 3 as currently drafted could have a negative impact on the security of all Americans. It will not reduce Soviet deployment of new weapon systems, it will weaken the credibility of our nuclear deterrent which is necessary to offset Soviet conventional superiority and it will hurt our arms control negotiators' efforts to secure concessions from the Soviets.

Simply put, House Joint Resolution 3 puts the cart before the horse. It does not address any of the issues which divide and cause conflict between the free world and the Soviet Union. Instead it places constraints on our ability to respond to the threat and reduce tensions by limiting our ability to develop stabilizing weapons such as Midgetman, weapons which could not be detonated accidently or by terrorists or replacement of high-yield weapons with lower yields.

The Hyde-Byron substitute puts the horseback in front of the cart. It calls for a comprehensive test ban only after stabilizing mutual arms reductions and improved verification of Soviet sites are achieved. Anything less would increase the Soviet advantage in the balance of forces.

On February 6, 1922, the U.S. Senate ratified the Washington Naval Treaty by a margin of 74 to 1. The treaty resulted in a massive reduction in the size of the U.S. Fleet while providing the means for the Japanese to achieve superiority in the Pacific. The false sense of security engendered by the treaty delayed the United States response to the Japanese buildup and contributed to the chain of events which resulted in Japanese expansion, Pearl Harbor and World War. Let us not repeat the mistake of our predecessors by supporting a resolution which promises security but doesn't deliver. Support the Hyde-Byron amendment which will reduce tensions and deliver on congressional promises of greater security.

□ 1710

Mr. BERMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Chairman, I think it is very important to restate exactly what the Comprehensive Test Ban Treaty resolution does not stop. It does not stop the Midgetman missile. It does not stop the MX missile. It does not stop the Trident II missile. It does not stop the cruise missile. It does not stop the Pershing 2 missile. It does not stop any of the nonnuclear aspects of the Reagan star wars program.

What does it stop and why does the administration oppose this resolution? This resolution calls upon the President to stop on a mutual basis, with the Soviet Union, on a verifiable basis, testing of the x-ray laser which is powered by the hydrogen bomb on the star wars program.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. Briefly.

Mr. HYDE. There are two aspects of the SDI besides weapons development that it would interfere with, survivability under nuclear attack and threat assessment, all of which are there because SDI is directed toward that.

Mr. MARKEY. Those aspects of the SDI Program can in fact be treated under simulated circumstances, but the portion of the test which is most dangerous and destabilizing to the arms race is the hydrogen bomb driven x-ray laser which is the heart of the Edward Teller vision of what the star wars program would in fact entail.

The real reason that the administration opposes CTB is that it wants silo-busting warheads for the Trident II missile and for the Midgetman. The real reason that the administration opposes the CTB is that it wants to test and deploy new generations of antisub nuclear warheads, new generations of antiair nuclear warheads, new generations of new backpack bombs, new generations of nuclear artillery warheads and new generations air to surface missile warheads.

That is what this debate is all about. Not that we tear down anything that is there, that we stop any of the ongoing missile programs, but we start any additional development of new more powerful, more accurate nuclear warheads.

Mr. Chairman, for over 20 years CTB opponents sought to ruthlessly suppress the test ban option. For 20 years they have succeeded.

Our debate here today may well determine whether they will succeed in suppressing the test ban option yet again. It is time for us to clear away the smokescreens thrown up by CTB opponents. To take a close look at the arguments they have constructed to suppress the test ban option. Under the harsh light of close scrutiny, the arguments against a test ban collapse like a house of cards.

CTB opponents have argued that a CTB would be unverifiable, allowing the Soviets to covertly test their nuclear warheads while we would be constrained from testing ours by our strict adherence to treaty obligations. To buttress this claim, all kinds of imaginative cheating scenarios have been concocted by CTB opponents, scenarios in which the Soviets covertly test their warheads in large underground cavities, behind the Sun, or amidst earthquakes.

But if verification may ever have been a serious obstacle to a CTB, it is no longer.

There have been important advances in seismology, the science of measuring ground tremors, that permit us to monitor extremely low-yield tests with high confidence. According to the seismologists, with on-site emplacement of seismic monitoring stations, we can verify with high confidence test explosions in hard rock as low as 0.1 to 0.2 kilotons.

If the Russians tried to muffle the ground waves produced by their tests by conducting them in large underground cavities, they still wouldn't be able to cheat. Scientists estimate that an amount of soil and rock roughly equivalent to the volume of the largest Egyptian pyramid would have to be excavated to hide a fully decoupled test explosion of 8 kilotons. Hiding all that rock from our spy satellites is not going to be an easy job.

We can now verify fully decoupled tests down to 1 kiloton—far below the level which the Pentagon and the weapons labs have determined to be necessary for the development of new nuclear warheads.

There has been an agreement in principle between the United States and the Soviet Union in the late 1970's to accept the emplacement of seismic black boxes on another's soil. Soviet General Secretary Gorbachev has reiterated the Soviet Union's willingness to accept emplacement of seismic monitoring devices.

Now that the Defense Department's own consultants and technical review boards are joining the mainstream of scientific opinion, which concluded years ago that the technical problem of verifying Soviet compliance with a CTB had essentially been resolved, the weapons labs are dredging up old cheating scenarios that were discredited years ago.

They suggest that the Russians might hide their explosions behind the Sun. How the Russians are going to conceal the launch of a massive deep space probe and hide the detonation of one or more nuclear warheads from U.S. space sensors is never explained. Nor is any consideration given to the enormous cost and high risk of such a covert test program.

Hiding tests in earthquakes is barely more credible. As my colleagues from the State of California are well aware, we cannot predict the precise timing of earthquakes with any degree of certainty. For this scenario to work, the Soviets would have to keep their test warheads and instruments waiting for months or years, and then be ready to fire at a moment's notice. Even if they got the test in during an earthquake, they would have no guarantee that such tests would not be detected by the United States.

When you take a close look at any of the cheating scenarios, it is clear that verification is no longer an obstacle to a CTB. But CTB opponents have made skillful use of the complexities of the verification issue to cloud this fact.

There will always be dissenting views that conflict with the mainstream scientific opinion that verification is adequate, just as there are creationists who deny evolution, and physicists who dispute Einstein's theory of relativity. But in our deliberations, we must look at the preponderance of the evidence. We must not let false arguments, hidden agendas, and concealed assumptions stand in the way of the truth.

We face the same sad state of affairs when we consider the issue of warhead reliability or "proof" testing.

The Pentagon and the weapons labs contend that we will always need to continue testing to insure the reliability of our existing stockpile.

Last fall, Lawrence Livermore director Roger Batzel said that "those of us who shoulder the responsibility of certifying the reliability and effectiveness of our nuclear stockpile would be remiss if we did not formulate the necessary plans to carry out our mission in the event that a CTBT were to become a reality in the future." I agree.

But Dr. Batzel declared in almost the same breath that the weapons labs had consciously designed existing nuclear warheads "under the assumption that nuclear testing would continue, so that if any problem ever arose in the stockpile, a nuclear test could be performed to help certify that the weapon would continue to work as it was designed to."

In a recent letter, Deputy Assistant Secretary of Defense Frank Gaffney agreed with Batzel that U.S. weapons design policy "did not emphasize aspects of warhead design which would enhance weapon endurance in a no-test environment.

But other scientists familiar with our weapons programs deny that there is any technical obstacle to a CTB inherent in the design of our nuclear warheads.

Nobel laureate Hans Bethe, former Los Alamos lab director Norris Bradburry, Defense Department consultant Richard Garwin, and other prominent scientists and officials claim that "continued nuclear testing is not necessary in order to insure the reliability of the nuclear weapons in our stockpile."

These scientists argue that the best way to confirm reliability is to disassemble sample weapons and to subject the components to nonnuclear tests. If problems are discovered during these tests then the components could be remanufactured with newly manufactured ones, using the original design specifications.

According to Bethe, Garwin, and Bradburry:

In the past these techniques have identified a number of reliability problems. In no case however, was the discovery of a reliability problem dependent on a nuclear test and in no case would it have been necessary to conduct a nuclear test to remedy the problem.

What evidence does the Pentagon and the weapons labs have to substantiate their contention that explosive tests are essential to assure the reliability of our stockpile?

Administration officials claim that not all reliability problems can be discovered using nonexplosive testing—but all of the specific examples they cite are ones in which either warheads had been introduced into the stockpile before they had been thoroughly tested, or instances in which modifications were made in the design of the warhead or the materials used.

Invoking these examples does not demonstrate that nonnuclear testing is insufficient, but that changes in the design or the materials used in a warhead introduce uncertainties that can affect reliability. But that's something we all agree on.

General Hoover, former head of the Energy Department's nuclear weapons programs, shed some light on the real problem when he testified that reliability tests were needed because:

There is an inevitable problem of human nature: when technology gives us the capability of doing the job in a better way there is an almost irresistible temptation to make the improvements. That's fine—so long as the improvements can be tested.

If that is the problem, the labs can just restrain their urge to make changes in the design of stockpiled warheads and learn to live with the status quo. If they have problems controlling their "irresistible temptations" to tinker with their bombs, we can get them some counseling. But let's not let a few bomb designers compulsive urges get in the way of a test ban.

When we pierce the concealed assumption that warheads will always be modified, we arrive at the simple truth that if a thoroughly tested warhead suffers from design problems, then by definition these problems do not interfere with the initial reliable performance of the weapon. Degradation in this reliability can be discovered using nonnuclear tests, and fixed by remanufacturing warheads to the original specifications.

But again the Pentagon and the labs throw up smokescreens. They deny that remanufacture is possible.

First, they say we have to adapt new warheads for every new delivery system that comes down the pike. According to Mr. Gaffney:

When an existing well-tested design can be adapted for a new application (e.g., the peacemaker warhead), modifications are necessary to make the design compatible with the new weapons system and to meet other requirements.

This is simply not true, as Richard Garwin notes:

If the requirement were imposed to use the MX warhead without modification, on the midgetman missile, that could certainly be done. These "necessary modifications" are not in fact necessary—they are convenient.

As a matter of fact, the MX warhead is already viewed as a candidate warhead for the Midgetman. Likewise, the Trident I warhead is already going to be used on a portion on the Trident II force.

According to Los Alamos lab director Donald Kerr, "The U.S. could probably use one of several warheads that have already been developed, tested, and deployed on other weapon system for a new weapon such as a "Midgetman," Dr. Kerr acknowledged that the administration is developing new warheads for these missiles because they want weapons with even higher yields—warheads that can more readily destroy hardened military targets.

Second, the administration says that existing warheads lack safety and security features that are now considered essential. Does this mean that these warheads might accidentally explode, that they would be vulnerable to unauthorized use or likely to leak radioactive fissile material? It does not. The warheads are adequately safe—or else they would be immediately removed from the inventory. What the Pentagon and the labs are talking about is incremental modifications that might be nice to have, but which require testing to verify.

It's like going out to buy new model cars. Sure, the $40,000 Mercedes has a lot of nice options—but are you willing to pay the price. Before you pull out your checkbook, you should ask yourself whether you couldn't get by with a Chrysler compact.

Third, the Pentagon and the weapons labs argue that production requires monitoring by the original designer. According to Frank Gaffney:

For an older design, the original designer might no longer be in the weapons program, forcing reliance on people without firsthand experience in the program.

This claim is so ridiculous as to border on the absurd. Do you really think that we never bother to write down on paper very detailed product and design specifications for something as important as a nuclear warhead?

Remember, the Pentagon takes 17 pages of very detailed specifications to tell soldiers how to buy Worcestershire sauce.

It takes 14 pages to lay out the recipe for a fruitcake.

Do you really think they are going to allow some bomb designer out in Livermore or Los Alamos to carry all of the information necessary to make a bomb around in his head? If the poor guy had a heart attack they'd have to close down the production line.

The fourth argument the labs and the Pentagon invoke is that "materials, fabrication techniques, and equipment used for older weapons may not be available for safety reasons or permissible for health and safety reasons."

But there is a national security exemption to OSHA statutes that frees the weapons labs to use the materials and equipment used to produce older weapons. The labs can stockpile the equipment and materials they need for remanufacture. They have experience working with hazardous materials like plutonium in a controlled atmosphere, and can make sure that the few workers needed to continue operations involving hazardous materials can be equipped with environmental suits.

What is the case for explosive testing based on—again, false argument, hidden agendas, and concealed assumptions.

I would be the first to admit that warhead reliability would diminish if you could not conduct nonnuclear tests of our warheads and remanufacture new warheads using the old designs.

In the long run, I believe a world of unreliable nuclear weapons would be a much more secure world. I'd like to see the reliability of Soviet nuclear weapons diminish, because I believe such a development would make them less likely to contemplate a first-strike.

But we are not debating the nuclear freeze today. The freeze bans nuclear weapons production. The CTB does not. It is a far more modest and limited proposal.

Under a CTB, you can inspect the nuclear stockpile, conduct nonnuclear tests, and produce new warheads using old designs. As a result—you can have adequate confidence in reliability.

There's another line that is trotted out whenever this body starts talking sense on arms control. It goes like this—we can't do anything now be-

cause that would undercut our negotiators at Geneva.

Why calling upon negotiators to negotiate is going to hurt the negotiations has always seemed counterintuitive to me.

But every time a reasonable pro-arms control measure is brought up in this body we are told that it would undercut negotiations. Whenever someone proposes we take a good hard look at a new weapons program we are told we can't cut any funding because it would hurt the negotiations.

When there weren't any negotiations to be undercut, we were told we couldn't cut funding for wasteful and destabilizing weapons systems or come up with alternate arms control proposals—because that would hurt prospects for a resumption of negotiations.

What this basically boils down to is a contention that—on the issue of war and peace—Congress should behave like good little children and be seen and not heard.

It's time all of us grew up and recognized what is going on here—a giant protection racket in which Congress is extorted to cough up payments for new weapons systems and stifle its criticism of Reagan nuclear policies in return for the promise of an arms agreement that somehow never comes.

It's time we realized that the term "bargaining chips" has become one of those euphemisms politicians substitute for words or phrases that they don't want to use in polite company.

Instead of "Tax Increase" we say "Revenue Enhancer." Instead of "deployed nuclear bomb" we say "bargaining chip." Under the guise of providing our negotiators with bargaining chips we've funded so many new nuclear weapons systems that the bargaining table has nearly collapsed from the strain.

The Pentagon has built plenty of bargaining chips, but our negotiators haven't brought home any arms control bargains.

It's time that this body extricated itself from the arms control protection racket.

House Joint Resolution 3 is a modest step in this direction.

We could, and should be doing much more.

Finally, we have been told that we will always have to be able to develop and test new weapons in order to "deter" nuclear war.

That, my friends, is the bottom line for those who oppose House Joint Resolution 3—they don't want to stop nuclear testing because they believe that the United States will always have to develop and deploy generation after generation of nuclear warheads.

That is an honest argument—it is the hidden agenda revealed.

It is also the bottom line—we can't have a test ban because this administration wants to be free to develop and test new nuclear warheads.

The Reagan administration wants the Pentagon and the weapons labs to continue nuclear explosive testing because they would rather follow the familiar path of the arms race than make serious moves toward restraint—despite all of their rhetoric about eliminating nuclear weapons from the face of the Earth.

House Joint Resolution 3 calls for some moves toward restraint. It calls for one small step—negotiations aimed at stopping testing.

A CTB Treaty won't stop the MX, it won't stop the Trident II, it won't stop Midgetman or Stealth, or SRAM II or cruise missiles, or Pershing II. But it will stop the United States from developing new warheads.

By the same token, a CTB won't stop the SS-20, the SS-24, or the SS-25. But it will stop the Russians from developing new warheads.

In contrast, the Hyde substitute says that while a CTB might be a pleasant long-term objective, for now let's continue the arms race.

The Hyde substitute reminds me of the reputed plea to St. Augustine, in which he asked the lord to "make me chaste, but not just yet."

It says let's talk about a test ban, but not just yet. Let's build new high-yield warheads for the Midgetman and the Trident II first, let's build the nuclear-bomb pumped x-ray laser for the star wars program first.

At the same time, the Hyde resolution frees the Russians to do anything they want in the field of nuclear warhead technology—including anything they might want to do to cause us harm. If there is no CTB, the Russians will be free to develop new smaller warheads that pack more punch in a smaller size. If they developed such warheads, they could take advantage of their advantage in missile throw-weight to dramatically increase the number of warheads aimed at the United States—a fact that CTB opponents forget to mention.

There are always going to be short-sighted people coming up with reasons why we cannot have a CTB. If it isn't verification, it's reliability. If it isn't reliability, it's the arms control talks. If it isn't the arms control talks, it's the balance of conventional forces. If it isn't the balance of conventional forces, it's that next new weapons technology waiting around the corner. In the words of Rosanne Rosanne dana dana, "It's always something."

There is an alternative, however. Deterrence need not require a perpetual arms race. But we have to change our way of thinking about national security.

We have to realize that new weapons technologies are not part of the solution to the balance of terror.

They are part of the problem.

Technology need not be in the saddle, driving its spurs into the flanks of a helpless humanity.

We can agree to forgo pernicious technological developments. We have the capacity to choose our future.

We must ask ourselves, why is there an effort to constrain our choices? Why has the road to a test ban obstructed by false argument, with concealed assumptions, with hidden agendas?

After contending with these issues for some time now, I have concluded that the source of the problem is not any conscious desire to do evil.

No. It is something much more insidious than that.

Most men, and perhaps most women—be they liberal Democrats, conservative Republicans, or Russian Communists—are simply afraid to take the risks of peace. When they face the burden of making decisions on complex security matter, they feel safer opting for the mailed fist over the olive branch.

No one can accuse you of weakness when you reach for more bombs. Stupidity perhaps, but not weakness.

That such conduct is really evidence of a much more profound weakness is beyond the capability of most people to comprehend.

It requires vision to take the risks of peace.

It takes a conviction that true path to security is not strewn with new weapons, but new treaties.

It takes a conviction that a willingness to negotiate does not imply a desire to appease.

It takes a realization that despite our vast differences in ideology, political and economic systems, and regional interests, the United States and the Soviet Union share at least one common, overarching desire—to prevent the outbreak of war.

More than 22 years ago, President Kennedy formally signed the documents for ratification of the Limited Test Ban Treaty, ending all atmospheric testing. In remarks delivered in the treaty room of the White House, he looked to the future, declaring that:

> This small step toward safety can be followed by others longer and less limited, if also harder in the taking. With our courage and understanding enlarged by this achievement, let us press onward in quest of man's essential desire for peace.

Today, let us take up President Kennedy's challenge, his vision, his courage. Let us transcend the false arguments and hidden agendas that have delayed our progress, and press onward, toward a comprehensive test ban.

I urge passage of the resolution.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. ZSCHAU].

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Chairman, I am a cosponsor of House Joint Resolution 3. I cosponsored the resolution because I think there is enormous merit to the treaties that are supported in it and the negotiations that are proposed by it. But that is not the issue today. The issue today is whether this debate and the passage of this resolution will be helpful or harmful to the arms control negotiations currently taking place in Geneva.

Like the gentleman from Texas [Mr. STENHOLM], I believe there is a risk that the passage of this resolution would be harmful. That is why I am opposing it today and why I am supporting the Hyde-Byron substitute.

I know the people who claim to be concerned about nuclear weapons and who want to see arms control negotiations go forward are supporting this resolution today. They are well-intentioned. I question not their intentions but I do question their judgment. I think recent history gives us reason to question their judgment.

In early 1983, we had a debate in this Chamber on the nuclear freeze resolution. Those of us who supported deep reductions as preferable to a freeze were accused of being obstructionists or at least unrealistic. The people who claimed to be concerned about nuclear weapons said reductions of nuclear weapons were not possible. Yet today Secretary Gorbachev has tabled a proposal for deep reductions, not just a freeze.

Later in 1983, the President's zero/zero option, the elimination of all Euromissiles, was ridiculed as being infeasible. He was attacked as not wanting arms control because he proposed it. Yet today Secretary Gorbachev has tabled a proposal to eliminate Euromissiles, just like the President had done in 1983.

In late 1983, the people who claimed to be concerned about nuclear weapons and arms control said we should not deploy the cruise and Pershing II missiles because the Soviets threatened to walk out of the arms talks if we did. We did and they did. But they are now back at the table and this time they are back at the table in earnest.

The message of the past 3 years and the message of the summit meeting in November is that our resolve to be strong and firm with the Soviet while pursuing constructive negotiations does work. Today, Congress, rather than suggesting an alternative element for the agenda of our arms control negotiations, should be passing a resolution commending the President and our arms control negotiators in Geneva for the work they're doing and pledging our support of their efforts.

I know that the rule does not permit changing the resolution to make it a resolution of commendation and support. Given that, my second choice then would be not to have any debate and vote at all on this or any arms control resolution. That is why I opposed the rule to bring up House Joint Resolution 3.

My third choice is let us have a resolution that supports what is going on, the arms control process that is working.

The Hyde-Byron substitute supports the current negotiations for deep, significant, verifiable bilateral reductions of nuclear weapons and it also provides that after we have been successful on those negotiations we should pursue comprehensive test ban treaty negotiations.

Mr. BERMAN. Mr Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I rise in opposition to the substitute which I think is a gutting amendment although well-intended. We are talking about sending signals here and these are the two signals that we would send. By adopting this amendment we perpetuate the status quo. No action on the Threshold Ban Treaty, no action on the Peaceful Nuclear Explosions Treaty or no action on the Comprehensive Test Ban Treaty. It is restrictive in that it calls for a CTB only after substantial reductions in nuclear arms.

In my judgment this substitute is not worth supporting for the following reasons: It restricts our negotiating flexibility, it reduces our chances for success at Geneva, it continues an arms race in space and on Earth, it complicates verification and reduces congressional influence on foreign policy. Several questions have been asked.

Is it verifiable? I think nobody in this body except maybe a few can attest to being eminent scientists. I think our most noted scientists and seismologists are saying yes, it is basically verifiable. We can verify down to 1 kiloton.

Second, the Soviets would never agree to onsite testing. Let us call their bluff; let us find out.

Third, the gentleman from Illinois questioned a statement that I had made: Would it reduce confidence in the reliability of our stockpile? We can maintain that confidence through nonnuclear testing by disassembling the components of the inert weapon and firing the weapon with material, inert material instead of nuclear material. This is what scientists in charge of the Los Alamos facility, the CIA, the ACDA, DARPA, and many other agencies and I have their names here to insert for the RECORD. I think once again it is critical to ensure that we send the right signal. This is something that every President has supported since Eisenhower. This is something that is not a leftwing issue. This is something that if you are concerned about that, there is plenty of political cover with the kind of people who have testified before the Committee on Foreign Affairs, the national security experts that are "not soft" on defense, that support this. It is a noble goal of our arms control policy. It is worth supporting, and I hope that we reject the amendment from the gentleman from Illinois.

RELIABILITY OF U.S. STOCKPILE MAINTAINED WITHOUT TESTING

Adequate confidence in the U.S. nuclear stockpile can be maintained through nonnuclear testing—by disassembling the components of the weapon and firing the weapon with nonnuclear material. This is what weapons designers and scientists like Hans Bethe (father of the atomic bomb) testified to the Foreign Affairs Committee. Other experts coming to the same conclusions include:

Norris Bradbury—former head of the Los Alamos National Laboratory;

Richard Garwin—IBM fellow at the Thomas J. Watson Research Center and also a consultant to the Departments of Defense and Energy and involved for over 30 years in the testing practices of nuclear weapons;

Spurgeon M. Keeny, Jr.—former Deputy Director of ACDA;

Wolfgang Panofsky—former Director, Stanford Linear Accelerator;

George Rathjens—former Deputy Director, Defense Advanced Research Projects Agency [DARPA];

Herbert Scoville, Jr.—former Deputy Director of the CIA and former Technical Director, Defense Department Armed Forces Special Weapons Projects; and

Paul Warnke—former Director of ACDA.

OPPONENTS OF HOUSE JOINT RESOLUTION 3 ARGUE THAT WE CAN'T NEGOTIATE A CTB BECAUSE THE SOVIETS WOULD NEVER AGREE TO ON-SITE INSPECTION

In testimony before the Foreign Affairs Committee last Wednesday, Defense Secretary Weinberger reiterated a common theme this administration uses when outlining reasons why we shouldn't agree to a comprehensive test ban. Mr. Weinberger again stated that complete confidence in an ability to verify a comprehensive test ban agreement requires intrusive measures of onsite inspection and that the Soviets would never agree to this.

First of all, let me comment that many noted scientists and seismologists are confident that onsite inspection is not necessary to verify a CTB as long as there are seismic monitoring stations on Soviet territory. Onsite inspection would only become necessary for some suspicious tests.

Second, the Soviets have already agreed to the principle of on-site inspection! In 1976 during the Ford administration, the United States and Soviet Union agreed to the Peaceful Nuclear Explosions Treaty, which prohibits peaceful nuclear explosions over 150 kilotons. This treaty laid out very specific details regarding onsite inspection, that is, the functions and rights of observers and the equipment to be used by the observers and the extent of their access.

Third, in 1977 during the CTB talks under Carter, the Soviets agreed to onsite inspection in suspicious cases and to the use of American seismic equipment, black boxes, on Soviet territory.

Fourth, more recently, in the Soviet Union's December extension of their unilateral moratorium on nuclear testing, they offered to open up their test sites to United States inspection.

It boggles my mind why we have so consistently refused to take the Soviets up on their offers for onsite inspection. Why not call their bluff?

That's what President Kennedy did in 1963 and we got the Limited Test Ban Treaty which has prohibited nuclear testing in the atmosphere, outer space, and under water. And it has worked!

OPPONENTS OF HOUSE JOINT RESOLUTION 3 ARGUE THAT A CTB WOULD REDUCE CONFIDENCE IN THE RELIABILITY OF OUR STOCKPILE

Rebuttal

A CTB would not reduce confidence in the reliability of our stockpile because we could maintain that confidence through nonnuclear testing—by disassembling the components of the weapon and firing the weapon with inert material instead of nuclear material. This is what weapons designers and scientists like Hans Bethe (father of the atomic bomb) testified to the Foreign Affairs Committee.

In fact the assurance of continued operability of stockpiled nuclear weapons has in the past been achieved almost exclusively by nonnuclear testing. That is what scientists who have been in charge of the Los Alamos National Laboratory, the CIA, ACDA, DARPA, etc. told the Foreign Affairs Committee. (Attached is a letter to the Foreign Affairs Committee from these noted scientists and arms control experts.)

These experts also confirm that nuclear explosions are not necessary to identify either degradation of stockpile weapons or to remanufacture the weapon to the same standard that it was initially built. The original parts can be manufactured to rebuild the nuclear weapon if necessary.

MAY 14, 1985.

Hon. DANTE FASCELL,
Chairman, Committee on Foreign Affairs, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Continued nuclear testing is not necessary in order to insure the reliability of the nuclear weapons in our stockpile. The best way to confirm reliability is to disassemble sample weapons and to subject the components to non-nuclear tests. Weapons can also be detonated without their nuclear components in order to insure that the complete assembly operates correctly. Nonexplosive tests are also available for determining whether the nuclear components have deteriorated during storage. If aging problems are found in some components, these components can be replaced with newly fabricated ones, using the original design specifications.

In the past these techniques have identified a number of reliability problems. In no case, however, was the discovery of a reliability problem dependent on a nuclear test and in no case would it have been necessary to conduct a nuclear test to remedy the problem.

In any event, it would be completely impractical to conduct the large number of nuclear tests that would be required to establish by this method a statistically meaningful measure of the reliability of stockpiled weapons.

We hope these observations will be useful to you in considering the Comprehensive Test Ban.

Sincerely,

Hans Bethe, Noble Laureate in Physics, former Director, Theoretical Division, Los Alamos National Laboratories; Norris Bradbury, former Director, Los Alamos National Laboratories; Richard Garwin, IBM Fellow, Thomas J. Watson Research Center, Consultant, Department of Defense, Department of Energy.

Spurgeon M. Keeny, Jr., former Deputy Director, ACDA; Wolfgang Panofsky, former Director, Stanford Linear Accelerator; George Rathjens, former Deputy Director, Defense Advanced Research Projects Agency (DARPA); Herbert Scoville, Jr., former Deputy Director, CIA, former Technical Director, Defense Department Armed Forces Special Weapons Project; Paul Warnke, former Director, ACDA.

WEAPONS RELIABILITY UNDER A CTBT

UNDER A COMPREHENSIVE TEST BAN REGIME, CONFIDENCE IN OUR NUCLEAR STOCKPILE CAN BE MAINTAINED

Richard Garwin, IBM Fellow, IBM Thomas J. Watson Research Center and consultant to Los Alamos; Norris Bradbury, former Los Alamos Director (1945–1970); and J. Carson Mark, former head of the Los Alamos Theoretical Division (1947–1973) and many other scientists agree that:

"The Department of Energy, through its contractors and laboratories, can . . . [without a nuclear test firing] provide continuing assurance for as long as may be desired of the operability of the nuclear weapons stockpile."

They conclude the following:

1. STOCKPILE OPERABILITY CAN BE MAINTAINED BY NON-NUCLEAR TESTING.

"The assurance of continued operability of stockpiled nuclear weapons has in the past been achieved almost exclusively by non-nuclear testing. . . ."

"By meticulous nuclear inspection and disassembly of the components of the nuclear weapons, including their firing and fuzing equipment," operability of the stockpile can be maintained.

Problems found through this inspection can usually be solved by the "remanufacture of the affected components" and by the "instrumented firing of the entire nuclear weapon with inert material replacing the fissile materials. . . ." Also, replacement of the nuclear explosive by one which has previously been tested and accepted for stockpile can be effective in many cases.

2. RARE THAT A NUCLEAR TEST IS REQUIRED FOR ASSURANCE.

"It has been exceedingly rare for a weapon to be taken from [the] stockpile and fired 'for assurance'.".

It has also been rare "to the point of nonexistence for a problem revealed by the sampling and inspection program to require a nuclear test for its resolution."

3. NUCLEAR WARHEADS IN OUR STOCKPILE CAN BE REPLACED.

The nuclear weapons for the MX, the Trident missile, and the cruise missile have already been tested.

We have a number of tested nuclear warheads in our stockpile such as the Mark 12A that could be placed on the Midgetman or other weapons systems. If we are worried that the nuclear warheads in the stockpile won't work after so many years, we can always build new warheads based on the blueprints or the original technological specifications without having to actually test fire them.

(A ban on nuclear testing would prohibit the Soviets from testing warheads for new systems such as modern cruise missiles which they are likely to build in this decade.)

A CTB WOULD STOP THE INTRODUCTION OF NEW NUCLEAR WEAPONS INTO UNITED STATES AND SOVIET ARSENALS

A CTB would not stop the development or deployment of the following weapons systems: MX, Midgetman, Cruise missile, Pershing II, neutron bomb, Trident II, SDI kinetic energy weapons, SDI chemical lasers, SDI free electron lasers, SDI particle beam weapons, SDI electromagnetic rail guns, etc., etc.

Isn't the list long enough?

The point is, a CTB would not stop any of the above weapons. It would, however, stop the development of new nuclear weapons and their introduction into United States and Soviet arsenals, and in this way would contribute to an end to the nuclear arms race.

OPPONENTS OF HOUSE JOINT RESOLUTION 3 ARGUE THAT A CTB WOULD PRECLUDE DEPLOYMENT OF THE MIDGETMAN AND OTHER WEAPONS SYSTEMS IMPORTANT TO THE PRESIDENT'S STRATEGIC MODERNIZATION PLANS

Rebuttal

The United States has already tested designs for the next generation of U.S. nuclear weapons including warheads for the MX, cruise missile, Pershing II, and the neutron bomb. Designs exist for the Midgetman and Trident II systems. Most of these weapons are either in production or about to enter production.

Moreover, experts state that the MX warhead called the Mk 21, could be used without change on the Midgetman missile.

This is in keeping with the goal of a CTB to prevent qualitative improvements in nuclear weapons. A new test program does not have to be instituted and a new program provided for each new delivery system.

OPPONENTS OF HOUSE JOINT RESOLUTION 3 ARGUE THAT A CTB WOULD STOP THE PRESIDENT'S SDI PROGRAM BECAUSE THE X-RAY LASER IS A NUCLEAR-PUMPED LASER THAT WOULD INVOLVE NUCLEAR TESTING TO OPERATE.

Rebuttal

A CTB would not stop the President's SDI because as the President repeatedly states the SDI is a research only program. Furthermore, the administration says it is also a nonnuclear program.

Moreover, House Joint Resolution 3 does not dictate the specifics of the negotiations on a CTB. The specifics are to be worked out by the negotiators. The negotiations may decide to structure an agreement to gradually phase out nuclear testing thereby following some testing for a specified period of time.

UNITED STATES HAS MODERN STRATEGIC NUCLEAR CAPABILITY

Administration defense spokesmen often argue that the alleged obsolescence of United States nuclear strategic systems vis-a-vis the Soviets necessitates a massive United States

nuclear modernization effort. DOD spokesmen—including Assistant Defense Secretary Richard Perle before the HFAC as recently as June 20, 1984—allege that a significant number of United States warheads are on systems 15 years old or more in contrast to a significant number of Soviet warheads that are on launchers less than 5 years old.

A comprehensive review of the actual status of the United States nuclear triad leaves one with the conclusion that United States systems are quite capable, modern, and reliable to assure a most formidable United States deterrent against the Soviet nuclear threat.

Less than 10 percent of U.S. strategic ballistic missiles—500 out of some 8,000—are on delivery systems older than 15 years.

Most U.S. strategic weapons—about 6,800 warheads—are mounted on missiles from 1 to 13 years of age—thousands on missiles 5 years or less.

The newest Minuteman III and Poisedon are about the same age as the oldest Soviet SS-17, SS-18, and SS-19 which carry the bulk of Soviet warheads.

The oldest United States submarine—the 1962 *Lafayette* class—is many times quieter than the newest Soviet sub—the *Typhoon* deployed in the late 1970's.

Among the newest submarine/launched missiles, the United States has deployed 10 times more missiles than the Soviets—240 United States Trident I missiles versus 20 Soviet Typhoon missiles.

In addition, the Soviet Typhoon missile is still having development difficulties while the United States Trident I has a high reliability.

While both the United States and Soviet bombers were deployed at the same timeframe—late 1950's—some 270 United States B-52's are jet propelled versus some 150 Soviet bombers which use World War II-style propellers.

Both the United States and the Soviets have deployed nearly 7,000 strategic warheads on delivery systems that are less than 15 years old.

NATIONAL SECURITY EXPERTS SUPPORT RESUMPTION OF NEGOTIATIONS ON A COMPREHENSIVE TEST BAN TREATY AND RATIFICATION OF TTB AND PNE

I have a list of 52 national security experts supporting the resumption of CTB negotiations.

Some are: Presidents Ford and Carter; former Secretaries of Defense Brown, Clifford, McNamara, Elliott Richardson; former Secretaries of State Rusk and Vance; former majority leader, Senator Baker; former National Security Advisors Bundy and Scowcroft.

EXPERTS SUPPORTING RATIFICATION OF TTB AND PNE

My colleagues should also know that General Rowney, Eugene Rostow, and Fred Ikle—all holding senior positions within the Reagan administration—support the ratification of the TTB and PNE.

General Rowney, in Senate testimony in July 1981 said: I personally find nothing to hinder their ratification or a recommendation that these treaties be approved."

Eugene Rostow—ACDA Director—in Senate testimony in June 1981 in response to Chairman Percy said:

I am happy to assure you, Mr. Chairman, that I completely share your views on the subject.

That is, ratification of the two treaties.

Fred Ikle, in Senate testimony on September 15, 1977, said:

I believe this committee and the Senate have an easy choice here. The two treaties deserve to be ratified.

Fred Ikle added:

These treaties represent a positive step forward, judged by each of the four criteria against which, in my view, arms control agreements must be tested:

One is what they contribute to this Nation's security and to arms control; two is how well they can be verified and enforced; three is what political impact they might have; and four is whether they will remain viable agreements for the long term.

It couldn't have been said better.

Let's follow the advice of General Rowney, Eugene Rostow, Fred Ikle, and 52 national security experts and pass House Joint Resolution 3.

FORMER GOVERNMENT OFFICIALS AND NATIONAL SECURITY EXPERTS WHO SUPPORT RESUMPTION OF NEGOTIATIONS ON A COMPREHENSIVE TEST BAN TREATY

Robert Bacher, former head of Experimental Division at Los Alamos and Sandia Laboratories.

George Ball, former Undersecretary of State and U.S. Representative to the United Nations.

Howard Baker, former Senate Majority Leader.

Hans Bethe, Nobel Laureate in Physics, former head of theoretical division, Los Alamos and Sandia Laboratories.

Norris Bradbury, former head of Los Alamos and Sandia Laboratories.

Harold Brown, former Secretary of Defense and former director of Lawrence Livermore National Laboratory.

McGeorge Bundy, National Security Advisor to President John F. Kennedy. Jimmy Carter.

Warren Christopher, former Undersecretary of State.

Clark Clifford, former Secretary of Defense.

William Colby, former director, Central Intelligence Agency.

Paul Doty, director of Center of Science and International Affairs, Harvard University.

Sidney Drell, deputy director, Stanford Linear Accelerator.

Lee DuBridge, Science Advisor to President Nixon.

Ralph Earle, former U.S. ambassador to SALT II negotiations and former director of ACDA.

Gerald Ford.

Richard Garwin, IBM Fellow, Watson Laboratories.

Admiral Noel Gayler, former director, National Security Agency and former Commander-in-Chief, Pacific.

Roswell Gilpatric, former Deputy Secretary of Defense.

Marvin Goldberger, President, California Institute of Technology.

Averell Harriman, former U.S. ambassador to the Soviet Union.

Donald Horney, Science Advisor to President Johnson.

Henry Kendall, Professor of Physics, MIT and chairman, Director Union of Concerned Scientists.

George F. Kennan, former U.S. ambassador to the Soviet Union.

Spurgeon M. Keeny, Jr., Former deputy director of ACDA.

James Killian, Science Advisor to the President Eisenhower.

Admiral John Marshall Lee, former assistant director of ACDA.

Franklin Long, Professor Emeritus of Chemistry, Cornell University.

Carson Marks, former head of theoretical division of Los Alamos and Sandia Laboratories.

Robert McNamara, former Secretary of Defense.

Roger Molander, former member of National Security Council.

Wolfgang Panofsky, former director, Stanford Linear Accelerator.

Frank Press, Science Advisor to President Carter and President, National Academy of Sciences.

George Rathjens, former deputy director of Defense Advanced Research Projects Agency.

Stanley Resor, former Secretary of the Army.

John Rhinelander, Legal Advisor to SALT I delegation.

Elliot Richardson, former Secretary of Defense.

Jack Ruina, former head of Defense Advanced Research Projects Agency.

Dean Rusk, former Secretary of State.

Herbert Scoville, Jr., former deputy director of CIA, assistant director of ACDA.

General Brent Scowcroft, Chairman, President Reagan's Commission on Strategic Forces.

Glenn Seaborg, Nobel Laureate in Chemistry and former chairman of the Atomic Energy Commission.

Marshall Shulman, Ambassador and Special Advisor for Soviet Affairs to the Secretary of State.

Gerard C. Smith, chief negotiator of SALT I and former director of ACDA.

Jeremy Stone, director, Federation of American Scientists.

Lynn Sykes, member of U.S. technical delegation of Threshold Test Ban Treaty talks.

Cyrus Vance, former Secretary of State.

Paul Warnke, former director of Arms Control and Disarmament Agency.

Thomas J. Watson, former U.S. ambassador to the Soviet Union.

Victor Weisskopf, Manhattan project, Professor of Physics, MIT.

Jerome Wiesner, Science Advisor to President Kennedy.

Herbert York, former director, Lawrence Livermore National Laboratory.

TALKING POINTS ON QUOTATIONS FROM PAST PRESIDENTS IN SUPPORT OF A COMPREHENSIVE TEST BAN TREATY

Every President since Eisenhower has supported as a matter of policy the achievement of a comprehensive test ban treaty. Following is a collection of statements made by past Presidents.

EISENHOWER

By early 1960, Eisenhower had made a test ban treaty the major goal of his Presidency. In a letter to Khrushchev, Eisenhower wrote:

It is precisely because of my deep desire for a complete discontinuance of nuclear weapons tests that I urge again that we enter into an agreement to ban nuclear testing.

President Eisenhower later revealed that his failure to achieve a test ban was his greatest regret about his Presidency.

KENNEDY

In a letter to Secretary of State Rusk in 1962, Kennedy wrote:

. . . you should seek as a matter of highest priority agreement on a safeguarded nuclear test ban. At this juncture in history no single measure in the field of disarmament would be more productive of concrete benefit in the alleviation of tensions and the enhancement of prospects for greater progress.

In an address to the Nation in 1962, Kennedy stated that—

If all testing . . . can be halted—then the nuclear arms race would be slowed down at last. . . . But this must be [accomplished by] a fully effective treaty.

Under Kennedy's administration, the United States and the Soviet Union signed the Limited Test Ban Treaty which prohibits nuclear weapons testing in the atmosphere, outer space and under water—a concrete step in the ultimate goal of banning all nuclear testing.

JOHNSON

In a message to the 18 nation disarmament committee in 1964, President Johnson called for agreement—

On the banning of all nuclear weapons tests under effective verfication and control.

In another message to the conference in 1965, President Johnson sent his—

Greetings to the members of the disarmament committee as they renew the most important task on earth.

The message continues:

The bible describes "death" as the fourth horseman of the Apocalypse, saying: "And hell followed after him." our genius has changed this from a parable to a possibility. For the wasting power of our weapons is beyond the reach of imagination and language alike. Hell alone can describe the consequences that await their full use. Therefore, if we love man, nothing is more important than the effort to diminish danger—halt the spread of nuclear power—and bring the weapons of war under increasing control. I have instructed the American delegation to pursue the following objectives with all the determination and wisdom they can command . . . . to work for a truly comprehensive and verifiable test-ban treaty.

NIXON

In a message to ACDA Director Smith in 1969, President Nixon states that—

The United States supports the conclusion of a comprehensive test ban adequately verified.

In his foreign policy report to Congress in 1973, Nixon stated that—

The United States has continued to support the objective of an adequately verified agreement to ban all nuclear weapons testing. The United States shares the view of many other nations that an adequately verified comprehensive test ban would be a positive contribution to moderating the arms race.

Under the Nixon administration, the United States and the Soviet Union signed the Threshold Test Ban Treaty in 1974, which prohibits nuclear testing above 150 kilotons.

FORD

Under the Ford administration, the Peaceful Nuclear Explosions Treaty was agreed to between the United States and the Soviet Union in 1976. This treaty prohibits peaceful nuclear explosions above 150 kilotons.

In transmitting the Threshold Test Ban Treaty [TTBT] and the Peaceful Nuclear Explosions Treaty [PNET] to the Senate in 1976 for their advice and consent, President Ford stated:

The TTBT and the PNET, taken together as integrated and complementary components of this important limitation on nuclear explosions, provide that very large yield nuclear explosions will no longer be carried out by the Parties. *This is one more useful step in our continuing efforts to develop comprehensive and balanced limitations on nuclear weapons. We will continue our efforts to reach an adequately verifiable agreement banning all nuclear weapon testing* . . . These Treaties are in the national interest, and I respectfully recommend that the Senate give its advice and consent to ratification.

CARTER

In a press interview in 1977, President Carter stated that—

As far as nuclear arms limitations are concerned, I would like to proceed quickly and aggressively with a comprehensive test ban treaty. I am in favor of eliminating the testing of all nuclear devices, instantly and completely.

Under Carter, the United States and the Soviet Union came very close to reaching agreement on a comprehensive nuclear test ban, such that the Soviet Union agreed to onsite inspection of suspicious events and they agreed to the use of American seismic equipment, black boxes or monitoring stations, on Soviet territory.

Following an Emory University conference last April which dealt with a number of arms control issues, President Carter sent a letter to Chairman Fascell reaffirming his support for ratification of the TTBT and PNET and for the achievement of a comprehensive test ban treaty.

REAGAN

President Reagan has paid lipservice to the notion of a comprehensive test ban treaty by stating that it is a long-term objective of his administration. However, Reagan has not pursued negotiations to implement that objective.

OPPONENTS OF HOUSE JOINT RESOLUTION 3 ARGUE THAT THE THRESHOLD TEST BAN TREATY [TTBT] AND THE PEACEFUL NUCLEAR EXPLOSIONS TREATY [PNET] ARE NOT VERIFIABLE

REBUTTAL

Both Presidents Ford and Nixon who negotiated these treaties concluded that they were both verifiable. Why is it that what was good enough for two previous Republican administrations is not good enough for this administration?

In voting 77 to 22 for the exact same language in 1984, more than two-thirds of the Senate thought they were verifiable.

House Joint Resolution 3 encourages the President to add whatever verification reservations he deems necessary upon submission of the two treaties for ratification to the Senate.

This past spring Senator NUNN, former majority leader Senator Baker, and General Scowcroft all called for ratification of the these two treaties.

Ratification of these treaties results in enhanced verification since ratification triggers unprecedented cooperative measures, data exchanges, and onsite inspection for the first time. Therefore, ratification makes verification of these treaties easier and more reliable.

According to Dr. Lynn Sykes, Higgins professor of geological sciences at the Lamont-Doherty Geological Observatory of Colombia University and a former member of the U.S. delegation to the Threshold Test Ban Treaty negotiations:

The TTBT and the PNET call for extensive exchanges of data when the treaties are ratified. Those provision would considerably enhance the verification capabilities of the United States.

According to Dr. Willard Hannon, program manager for the Seismic Monitoring Research Program at the Lawrence Livermore National Laboratory:

A treaty is verifiable if I believe that we can identify militarily significant violations of the treaty in time to mount an appropriate response. Given this criterion, present monitoring methods allow verification of the TTBT.

□ 1725

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. BATEMAN].

Mr. WORTLEY. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from New York.

Mr. WORTLEY. Mr. Chairman, I rise in support of the bipartisan Hyde-Byron amendment.

Mr. Chairman, there is no doubt that every Member of the House of Representatives wants to reduce the threat of nuclear war. The question is: How best to achieve that goal? More specifically today, we must ask if House Joint Resolution 3, as reported from committee, would do anything to promote that goal.

Let's consider what House Joint Resolution 3 is all about. It recommends two major steps. First, that the President submit the Threshold Test Ban Treaty [TTBT] and the Peaceful Nuclear Explosions Treaty [PNET] to the Senate for ratification. Second, that the President propose to the Soviet Union the immediate resumption of negotiations toward the conclusion of a verifiable Comprehensive Test Ban Treaty.

Mr. Chairman, I have problems with recommending to the President that he seek ratification of treaties that cannot be conclusively verified as they now stand. Both the Soviet Union and the United States have stated that they would observe the 150-kiloton threshold of the TTBT, yet evidence indicates that the Soviet Union has violated this limit in a number of tests. Ironically, we cannot be absolutely sure whether or not there have been violations because of inadequate means of verification. The United States has sought to correct this problem by urging the Soviets to negotiate improved verification measures. The Soviets would like for us to ratify the treaty before negotiating improvements. That would

be putting the cart before the horse, with a vengeance.

Particularly persuasive on this point are the views of the chief U.S. negotiator of the TTBT and the PNET, Ambassador Walter J. Stoessel. In testimony last year, he concluded that "given the persisting controversy over verification technologies and the evidence of Soviet noncompliance with a number of arms control agreements, including the TTBT—it would be desirable to provide for enhanced verification procedures in the TTBT and PNET agreements before they are ratified by the U.S. Senate."

The second recommendation, urging the President to resume negotiations for a comprehensive test ban, needs to be put in context. These negotiations were broken off by President Carter in response to the Soviet invasion of Afghanistan. While relations between the United States and the Soviet Union have improved since that time, Soviet atrocities against the Afghan people have increased dramatically. This point should be kept in mind.

Negotiations toward a comprehensive test ban have been described as a "window of opportunity." Opportunity for what? To reduce the threat of nuclear war? But it would do nothing to improve the stability of deterrence nor to reduce current levels of nuclear arsenals.

The theory seems to be that without nuclear testing, current arsenals would become old and somehow wither away. The fact is that aging nuclear weapons present increased safety risks for the people who handle them in peacetime and would be less dependable in the dreaded event that they are needed. In addition, because the Soviet arsenal is generally composed of newer weapons than the United States arsenal, our deterrent forces logically would deteriorate before the Soviets'. Such a dangerous imbalance would seriously undercut our ability to rely on deterrence to keep the peace.

Let's face facts. Deterrence is the only currently dependable means of preventing war between the Soviet bloc and NATO. Essential to deterrence is a balance of forces. The way to reduce the threat of nuclear war is to maintain the balance but at deeply reduced levels of armament. Negotiating a test ban would do nothing to maintain a balance and might even lead to an imbalance. It certainly would do nothing to reduce current arsenals.

I applaud Secretary General Gorbachev's offer to discuss onsite inspections in verifying a nuclear test ban. If he can be persuaded to agree to such a dependable means of verification as part of an agreement that would really address the problem of nuclear weapons, this world would be in good shape.

For all of the foregoing reasons, I support the bipartisan substitute, which gets the priorities straight. The substitute calls for continued efforts to negotiate improved verification measures of TTBT and PNET before ratifying them; it reaffirms the need for both the United States and the Soviet Union to live up to their promises to abide by the TTBT; and it supports pursuit of a verifiable comprehensive test ban treaty following achievement of mutual, substantial, verifiable and militarily significant reduction in nuclear arms. This is the responsible way to approach nuclear testing and arms control.

Mr. BATEMAN. Mr. Chairman and Members of the House, I am taking by a phenomenon that has been recurring in this debate on this issue, and that is the time element at which various people and interests have proposed or opposed a nuclear test ban.

We have heard that various Presidents of the United States have favored it. We know certainly that General Secretary Gorbachev is now said to propose and to support it.

I would suggest to you that the Soviet Union position has not always been that. Its position today would not have changed except they perceive it to be in their interest to have changed their attitude on a test ban treaty.

That suggests to me certain things. One thing that it clearly suggests is that the President, as our chief strategist and the architect of our foreign policy, our arms control policy, is correct that a nuclear test ban treaty must remain a part of the total package of negotiation in which we all strive in the way that he is going about it to achieve the more fundamental objective of deep, verifiable reductions in nuclear arms. That ought to be, if it is not, our primary objective.

To remove from the President whatever bargaining chip that gives to him to achieve those results, I think, would be a tragic mistake.

Let me conclude simply by reminding my colleagues that there are certain things the Constitution requires us to do. To be the intimate adviser on the details of arms control negotiations to the President is not one of the things we are required to do. I submit that it is not even one of the things that we are prepared to do and do well.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield.

Mr. HYDE. Mr. Chairman, in response to my friend from New Mexico, I would think it best if the gentleman would say there is at least a dispute about the need to test these nuclear devices again and again, which there is. The Lawrence-Livermore National Laboratories Director, Robert Badsel, and the Deputy Director, Robert Thorne, both say we better test the nuclear. So there is a dispute.

Which side, in view of *Challenger*, does the gentleman come down on?

Mr. FASCELL. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Chairman, today we will choose between two opposing views of arms control.

On the one hand, there are those who, like me, say we should negotiate a halt to the testing of nuclear weapons now.

On the other hand, there are those who say we should put our faith in the administration's team in Geneva. They say we should not do a thing and wait for deep reductions to be completed, and then do a CTB after that.

To help us make this choice, I've prepared a chart, which now stands here beside me.

Some of you may look at this chart and say, "It's blank."

To you, I would say: Don't be so narrow minded. On this chart you see listed—in full and exhaustive detail—every arms control achievement of the Reagan negotiating team. Here you see listed the record we're being asked to trust.

Read on. Here you see pictures of all the weapons actually controlled by the Reagan administration.

But there's more. You see before you the arms control résumé of the Reagan negotiating team. Here is every arms control treaty these people successfully negotiated in their entire lives before Mr. Reagan took office.

Now you may say, "That's all in the past. Things are different now. Max Kampelman's in Geneva, and arms control's on the way."

But again, the answer is on the chart.

Real treaty negotiations always use what's called a joint draft text. At the first meeting, each side tables its proposal and the staff puts them together into a single document—the joint draft text. Each element in disagreement is set off in brackets, and the talks begin. You negotiate about the stuff in the brackets, gradually coming to agreement. When all the brackets are gone, the treaty's ready to sign.

What does the joint draft text on our famous arms reduction talks look like today? Here it is on the chart.

There is no text. By the standards of every previous administration of either party, these talks haven't reached first base. After 5 years, this administration hasn't negotiated its first comma. Its achievement record is zero.

Face it: The only arms control the American people have been given in the last 5 years hasn't come from Geneva. It's come from right here in Congress. We did it by limiting flight tests on anti-satellite weapons. That's the only new arms control of this decade.

If you're against arms control, you have every right to that belief and you should vote for the Hyde amendment. But if you're for arms control, the fact is, we do it here or it won't get done.

As President Reagan says, "If not us, who? And if not now, when?"

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Tennessee [Mrs. Lloyd].

Mrs. LLOYD. Mr. Chairman, as I have stated in several "dear col-

leagues" on this issue, my major substantive concern with House Joint Resolution 3 is that of timing.

The timing of this proposal is unfortunate in two ways. First, it puts the Congress on record as supporting two treaties prior to any agreement on what constitutes adequate verification. As a member of the House Armed Services Subcommittee on Procurement and Military Systems, I have become familiar with the technical aspects of verification and I am convinced that we must arrive at an agreement on improved verification procedures before we embrace any test bans.

Second, we run the risk at this time of interposing Congress in the Geneva talks which appear to be on a meaningful track. It is interesting to note that the Russians have now dropped the two major preconditions for negotiations which they previously set forth. It appears to me that with our Pershing and cruise missile deployment no longer directly at issue and our R&D on SDI no longer linked to theatre nuclear force reductions, there is real promise in Geneva. Thus, our negotiations are doing very well without congressional intervention, "Let's not muddy the water."

The two signed treaties mentioned in the resolution and a Comprehensive Test Ban Treaty all appear attractive and innocent and I am sure that is the way many Members perceive them. However, I have a great deal of difficulty with supporting the Threshold Test Ban and Peaceful Nuclear Explosion Treaties now, chiefly because signing of such test bans should be done in a climate of certainty, not uncertainty which prevails as a result of the absence of agreements on what constitutes verifiable testing and mutual and verifiable arms reductions. The thread of weak verification provisions runs through all of the debates on these issues since the sixties. Our bitter experience with the Soviets in 1961 when they broke out of a 3-year moratorium with a rash of nuclear tests, including the largest weapons yield ever measured, should have taught us a lesson.

I would remind my colleagues of John Kennedy's 1962 statement on our unfortunate moratorium experience. President Kennedy said, "We know now enough about broken negotiations, secret preparations, and the advantages gained from a long test series never to offer again an uninspected moratorium." President Kennedy also pointed out at that time the great difficulty in our open society of keeping top-flight scientific and technical teams together on a "fully alert . . . standby basis" poised to restart testing if and when the Soviets break out. I would urge my colleagues to read President Kennedy's 1962 statement carefully as it conveys a strong message of how badly the United States "was affected" by the moratorium.

I don't believe that signing nonverifiable treaties or a comprehensive test ban makes for good national security sense because:

First, our deterrent depends on nuclear testing and the Soviets are well aware of this.

Second, erosion of our nuclear capability because of testing limitations would be assymetric since the Soviet stockpile could very well be more durable in a no-test environment.

Third, testing has not accelerated the U.S. role in the arms race since we have reduced our nuclear stockpile by 25 percent and decreased our total force yields by 75 percent in the past 15 years by advancements in weapons design only made possible through nuclear testing.

As chairman of the Energy Research and Production Subcommittee on Science and Technology, I have at first hand, experience with counterproductive U.S. nonproliferation policy. Thus, I see no guarantee that nonnuclear weapons states would forgo acquiring nuclear weapons just because the United States and the U.S.S.R. sign a test ban treaty. We naively expected nonweapon states to forgo civilian nuclear power technologies in the late 1970's just because President Carter tried to terminate the U.S. Breeder Reactor and Reprocessing Program. I have sat across the table and listened to several of our allies outline their views of this counterproductive policy literally in a quiet rage.

If I can summarize Mr. Chairman, I am against House Joint Resolution 3 because it is ill-timed, ill-founded, and ignores history. I am not prepared to accept the fact that the United States repeat our bitter experience of the sixties because the naivete of the seventies still blurs the nuclear realities of this decade.

□ 1735

Mr. FASCELL. Mr. Chairman, I yield 4 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, today we finally have the opportunity to vote on a simple resolution that calls for the President to resume negotiations for a comprehensive test ban treaty.

House Joint Resolution 3 is a slow crawl toward arms control. We as a nation must show wisdom in knowing when to sit down with the Russians and the strength to stand up to them. Soviet Leader Mikhail Gorbachev has enacted a moratorium on testing nuclear warheads that is entering into its seventh month. This is the time to use our wisdom to break through the barriers toward arms control. Progress requires a show of good faith as well as strength, resuming negotiations for a CTB shows good faith without jeopardizing our national security.

The belief that peace can only be obtained by procuring and deploying more and more weapons is a fallacy. It plays on our fears and distorts rational thinking. House Joint Resolution 3 faces us toward the direction in reaching an agreement to reduce the nuclear threat and head off an economically crushing arms race.

When we pass House Joint Resolution 3, Congress will have taken its first step toward arms control. We must next meet the challenge by joining the Soviet moratorium on testing nuclear warheads. A testing moratorium worked miracles for President Kennedy. We in Congress must go the full mile for peace and meet the Soviet challenge. I invite my colleagues to join me and 73 cosponsors in supporting H.R. 3442, The Simultaneous Nuclear Test Ban Act, which provides for a 6-month moratorium by cutting off funds for testing nuclear warheads. This could be the opportunity of a lifetime for a lifetime of peace.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman for yielding.

Won't you come home, Max Kampelman? Won't you come home? We don't need you in Geneva. We have Members of Congress who want to negotiate from the floor of the House. Won't you come home, Ed Rowny? Won't you come home? We don't need you. We don't have any confidence in your ability to know verification from a scrap of paper. The Members of Congress who propose this proposition want to do your job from the floor of the House. Won't you come home, John Tower? We don't need you. The confidence that the President of the United States has placed in you is misplaced. He should have sent Members of Congress who propose this resolution from the floor of the House.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Illinois.

Mr. HYDE. I just wanted to say that the gentleman seems to be denigrating the only arms control accomplishments in this year which the gentleman from Oregon [Mr. AUCOIN] was so proud to point out, the unilateral barring of our testing of an ASAT in the sky.

Do you know what we got for that from the Russians? Zilch.

Mr. GEKAS. I agree. I thank the gentleman.

The point of that matter is, we have distinguished fellow American citizens who have reposed in them the confidence of the people and the confidence of the President of the United States to negotiate the very things

that these propositions advanced from the floor seem to want to undercut.

Won't you come home, John Tower? I don't want you to come home. You stay there and do the job.

Reject the resolution, adopt the substitute.

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BERMAN.]

Mr. BERMAN. Mr. Chairman, opponents of the resolution feel that it is imperative that we continue to modernize our nuclear force. They are not yet ready to give up the dream.

What is that dream? A stable deterrence? No. We clearly already have that. As Thomas Schelling commented in the winter 1986 issue of Foreign Affairs, "Nobody seriously believes that either side's capacity to retaliate after receiving a nuclear attack is, or is going to be, in sufficient doubt to make preemption a preferred choice in any imaginable crisis."

Why then is the opposition to House Joint Resolution 3 so bent on continuing the arms race? They have a fundamental belief that somehow, contrary to what history tells us, with a few more dollars, a few more technical breakthroughs we are going to achieve some permanent strategic advantage that will allow us to rest easy—free from the fear of nuclear retaliation and Soviet hegemony. I've news for you; it isn't going to happen.

There is example after example of technologies we refused to bargain away at the arms control talks because we felt if we could just develop this or that technology we would then have that clear and overwhelming strategic advantage. We didn't want to ban MIRV's because that was going to give us an edge. If you've looked at Soviet nuclear forces lately, their MIRV'd SS-18's and 19's are our biggest strategic headaches. Those very same MIRV's that were going to give us that extra edge are now the biggest threat to our land-based ICBM force. And don't think there weren't people standing in the well telling Members of this body that banning MIRV's would threaten the future security of this Nation. The opposite has turned out to be true.

Cruise missiles were another technology that we couldn't ban and that we needed to pursue. Cruise technology has turned into a verification nightmare for both sides. Where are the overwhelming advantages that these technologies were supposed to give us?

Now we are chasing the elusive dream once more. The Pentagon tells us that we must not pursue a CTB until necessary modernization of our nuclear force is complete. It is the same old argument coming back to haunt us. What will it get us? Another expensive round of arms racing with no real qualitative shift in the strategic balance. The Soviets will work their tails off to match our technologies, be it the x-ray laser or new warhead designs—and they will succeed—like they've done every other time.

Today we have an opportunity to show that we've learned something from history. Today we have an opportunity to show that we aren't kneejerk arms racers. That we don't have to automatically reject any arms control advance because it may put a halt to some aspect of the qualitative arms race. We can show that we are mature enough to admit our mistakes and accept the fact that there aren't going to be technological quick fixes to our strategic relationship with the Soviets. A vote for the resolution says that we understand that we are only going to move away from the threat of nuclear war with cooperative efforts to halt the qualitative arms race and reductions in both sides' nuclear arsenals.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, a comprehensive test ban, frankly, favors the Soviet Union, enhances their security, at the expense of the security of the United States. You do not have to be a weapons expert or a nuclear physicist to recognize that particularly old nuclear weapons have to be tested. They have to be tested so you are sure they work. In order to have reliability, you have to test. If we do not test, that reliability goes down and, therefore, our nuclear deterrent has no credibility. Without credibility, we simply do not have a deterrent.

Also, if we have a comprehensive test ban, there is going to be an incentive to do just the opposite of what you think. There will be an incentive to increase the inventory on both sides and to increase the yields of nuclear weapons on both sides. Simply put, if you need five helicopters for a mission and you know they are going to work, you bring five. If you do not think necessarily they are going to work, you bring 10. So if you want to create a climate that increases the amount of nuclear weapons and their yield, vote for a comprehensive test ban resolution.

Someone said a few minutes ago that Midgetman can be perfected even under a comprehensive test ban. That is simply not the case. A nuclear warhead inside a vibrating, moving machine for 4 or 5 years needs different characteristics than a nuclear warhead in a stationary silo, hermetically sealed, temperature controlled.

So you never can have a mobile missile, which most people think is necessary for deterrence, enhanced deterrence, if you are going to have a comprehensive test ban.

Verification. It has been mentioned by everybody. What is important to recognize is that there has never been one witness testifying before any committee of Congress that says with assurance that you know 100 percent that the Soviet Union is not testing low-yield nuclear weapons. Every scientist will say that if the Soviet Union tests, even if very low yields of one kiloton, two or three, and we do not for 10 or 15 or 20 years, they have a massive advantage and we do not. They win and we lose.

Also, we have to keep in mind that there is an asymmetry between the Soviet Union and the United States. They are a closed, totalitarian country, spanning 11 time zones. The United States is as open as it can possibly be. Their arsenals are modern. Ours are not. Ours need more testing than theirs. A moratorium followed by long, protracted negotiations would, if it fell through, perfectly play in their hands. Their scientists would be on the job, their scientists would not leave their laboratories. Ours would. That is precisely what John F. Kennedy was concerned about in 1960. That is exactly what happened over 20 years ago in the United States.

□ 1750

Two last things: One, the United States has different targeting requirements than the Soviet Union. The Soviet Union uses hardening more than we. We have to test because they are hardening more than in the United States. Also, if the United States' nuclear deterrent is not reliable, it will increase the chance of proliferation. Other countries, not being able to rely on us will therefore go down the road of nuclear armament.

I beg you, support the Hyde substitute. Vote against the comprehensive test ban resolution.

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of House Joint Resolution 3, a bill to prevent nuclear explosive testing.

Mr. Chairman, I am deeply concerned about the possibility of nuclear war and believe its prevention should be our highest national priority. I firmly believe that House Joint Resolution 3, which would urge the President to request Senate ratification of the peaceful nuclear explosions and threshold ban treaties and resume comprehensive test ban negotiations—are honorable, laudable and very modest objectives.

Mr. Chairman, this legislation simply expresses the opinion of the House that treaties already signed by the President should be submitted to the Senate for ratification and that comprehensive test ban negotiations should be resumed, contrary to the views espoused by opponents of House

Joint Resolution 3, this legislation does not tell the administration how to conduct negotiations nor are any opinions expressed concerning details of any proposed agreement.

Rather, Mr. Chairman, the adoption of this legislation will enhance the President's long-term objective of achieving a comprehensive test ban agreement. Second, it enhances the prospects for success in ongoing arms control negotiations. Third, U.S. credibility would be strengthened. Last and most important, House Joint Resolution 3, will reduce the risk of nuclear war and aid in the abatement of the ever-increasing nuclear arms race.

Mr. Chairman, I urge my colleagues to put aside all excuses that would prevent them from supporting House Joint Resolution 3 and I implore them not to be misled by the illusion of the Broomfield-Hyde substitute. I beseech the House to reject the Broomfield-Hyde substitute and cast their votes in support of a securer world and long-lasting peace.

Mr. McCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Indiana.

Mr. McCLOSKEY. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of House Joint Resolution 3 which urges the President to submit for ratification by the Senate two important nuclear testing limitation treaties signed by Presidents of his own party and to again commit our country to the conclusion of a comprehensive test ban treaty. As an original cosponsor of the resolution, I believe it will bolster our efforts with the Soviet Union to achieve bilateral and verifiable reductions in nuclear weapons. These treaties are especially significant with regard to the emphasis attached to the on-site verification specified in the Peaceful Nuclear Explosions Treaty. The Threshold Nuclear Test Ban Treaty would also require important exchanges of information with the Soviet Union enabling us to monitor compliance with the TNTBT.

Mr. Chairman, approval of House Joint Resolution 3 will enhance our security manifold if the President does decide to obtain a comprehensive nuclear test ban treaty. This is so because it will halt the testing by the Soviet Union of smaller, more efficient nuclear warheads which can be loaded on their land-based ICBM force. At the same time, it will not lead to any degradation of our own nuclear deterrence forces, or those which will be in place by the time a CTB is ratified. To hear opponents of the House Joint Resolution 3 talk, passing this resolution is the same as negotiating, ratifying, and impementing the CTBT. Now we know that that is not the case. The resolution simply urges the President to reopen negotiations toward a CTBT. In so doing, we will help him call Mr. Gorbachev's bluff with respect to testing moratoriums which have no structure or verification arrangements.

Since 1963 when the Limited Nuclear Test Ban Treaty went into effect, we have detonated well over 400 nuclear weapons. The Soviet Union has exploded well more than 330. France has tested over 100, many of which have been above ground as have been the more than two dozen Chinese tests. Great Britain has confined its tests below the surface while India's peaceful nuclear explosion was above ground. House passage of the House Joint Resolution 3 will send a clear signal that we wish to curb the rate of nuclear testing of all kinds.

Implementation of House Joint Resolution 3 is also fully consistent with and complementary to the negotiations going on in Geneva to put limits on weapons in space. A complete and thoroughly verifiable testing agreement will help end once and for all the spectre of placing nuclear weapons or nuclear driven weapons into space as part of the star wars program.

Interestingly, Secretary of Defense Weinberger has told the distinguished chairman of the Foreign Affairs Committee, Mr. FASCELL, that we can't enter into an agreement on nuclear testing "because as long as we have to rely on nuclear weapons which unfortunately we will have to do for some time until we get a thoroughly reliable strategic defense, then we have to do testing." Mr. Chairman, that probably means never. It is also at odds with the oft-stated purpose of the administration's strategic defense initiative to rely primarily on nonnuclear defenses. Arguments aside as to the technical capability of maintaining the integrity of our nuclear deterence without periodic testing, Secretary Weinberger's statement seems to suggest that deployment of such a strategic defense is prerequisite to any nuclear testing agreements. This truly puts the cart before the horse. More importantly, the Department of Defense seems to be saying wait until the year 2010 or 2020 until the technologies may be in hand to deploy a space based strategic defense. Mr. Chairman, the world can't wait that long. And make no mistake, the only near term partial ballistic missile defense must continue to rely on nuclear weapons themselves. On this point, I heartily recommend to my colleagues the most recent article on SDI feasibility by Dr. Harold Brown, himself a supporter of a CTB treaty.

As has been mentioned, a verifiable CTB would inhibit Soviet offensive nuclear modernization programs. It would also complicate further warhead upgrades of the Soviet ABM system in place around Moscow. This is another example of how House Joint Resolution 3 will also help inhibit the Soviet ABM Program and reduce their confidence in any breakout of the ABM Treaty into an effective nationwide upgrade. This is because like near-term United States BMD deployments, any Soviet breakout of the ABM Treaty must rely principally on nuclear tipped interceptors. It is another reason to vote for House Joint Resolution 3 and another example of how it serves our national interests.

Passage of House Joint Resolution 3 and a constructive response by the President may not put the nuclear genie back in the bottle or erase overnight the terrible spectre of nuclear war. But it will help in our overall nuclear nonproliferation efforts and put self-restraint on the terrible calculus of nuclear annihilation. I urge my colleagues to vote in support of the resolution and against the weakening substitute before us.

Mr. HAMILTON. Mr. Chairman, I rise in support of House Joint Resolution 3, which calls upon the President to submit the Threshold Test Ban Treaty signed by President Nixon in 1974 and the Peaceful Nuclear Explosion Treaty signed by President Ford in 1976 for Senate ratification and to propose to the Soviet Union the immediate resumption of negotiations on a Comprehensive Test Ban Treaty.

The Threshold Test Ban Treaty prohibits all underground nuclear weapons tests at yields greater than 150 kilotons. The Peaceful Nuclear Explosions Treaty prohibits all peaceful underground nuclear explosions at yields greater than 150 kilotons, allowing for group explosions not to exceed 1,500 kilotons with no single explosion in that group exceeding 150 kilotons.

Mr. Chairman, the purpose of the resolution is to bring a negotiated end to weapons testing as a means to slow the nuclear arms race. The United States committed itself to seeking this end when it signed and ratified the Limited Test Ban Treaty of 1963. The preamble of that treaty pledges the parties to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end. The ratification of the two partial test ban treaties and an agreement on a Comprehensive Test Ban Treaty would fulfill this commitment. The proliferation of nuclear weapons would be slowed and the risk of nuclear war reduced. Time is short for achieving control agreements to stop the buildup of nuclear weapons and the proliferation of those weapons in the third world. The limiting and eventual end of nuclear weapons testing would discourage additions to the nuclear arsentals of the United States and the Soviet Union and encourage the negotiation in Geneva of deep cuts in nuclear arms.

Mr. Chairman, I would like to make a few comments about the verification of previously signed test ban treaties. Senate ratification of these two test ban treaties, PNET and TTBT, will bring them fully into force and will actually reduce the likelihood of Soviet cheating because our ability to verify them will improve.

Once the treaties are ratified the Soviet Union must share with us geological and nuclear test data which will greatly enhance our confidence in the verifiability of any Soviet test cheating. This data exchange required after treaty ratification will increase the reliability and certainty of our measurements of the exact yield of Soviet tests.

I also want to mention to my colleagues that the House Select Committee on Intelligence is in the process of thoroughly reviewing and investigating the present and future potential of our intelligence-gathering and verification capabilities related to arms control. In the test ban area of arms control there are some real strengths in our verification arsenal. I believe we can enter into CTB negotiations with confidence about U.S. capabilities. In addition, the Soviet Union already agreed in previous negotiations to accept tamper-proof seismic stations on its territory and General Secretary Gorbachev reiterated this on-site inspection offer in his speech of January 16. We should probe this offer, because cooperative measures such as on-site stations would greatly enhance our confidence in measuring even low yields.

Mr. Chairman, this resolution does not dictate policy to the President. This resolution urges the ratification of two treaties that prevent nuclear explosions above 150 kilotons and allows the President to submit his verification concerns and reservations to the Congress. Such reservations could lay the groundwork for subsequent negotiations with the Soviet Union on verification matters. The resolution further urges that the President propose to the Soviet Union the resumption of negotiations on a verifiable comprehensive test ban treaty. The resolution does not dictate the nature or substance of future comprehensive test ban treaty negotiations. It imply states that these negotiations should begin now.

Work on a nuclear test ban reaffirms a longstanding arms control aim of five previous administrations from Kennedy to Carter. Passage of House Joint Resolution 3 would demonstrate the seriousness of the United States in providing a model for nuclear weapons restraint, and would be a crucial step in ongoing arms control efforts to achieve substantial arms reductions.

I urge my colleagues to support this resolution. With it, we will express our sense of urgency that negotiations proceed toward a mutual and verifiable ban on nuclear testing.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. I thank the gentleman for yielding me this time.

Mr. Chairman, first let me say that the chart the gentleman from Oregon presented, the blank chart, also shows a couple of other things. I think it shows the amount of deterrent force that some people would have us maintain, and I think it also shows the number of guarantees that some people would require before we sign an agreement.

House Joint Resolution 3 may be a well-intentioned resolution, but because it is so clearly the wrong time for such a resolution, it is not only contrary to the best interests of the United States, it is contrary to the best interests of global security.

Mr. Chairman, arms control talks are a complicated business. They require a careful, calculated, cohesive decisionmaking process. Comprehensive test ban negotiations are one integral part of that process. But never during a period of strategic nuclear parity, or inferiority, have we attempted to isolate and reach an agreement on this issue alone, nor should we, until we have reached a meaningful agreement on nuclear arms reductions which are mutual and verifiable.

Last year, when this resolution was first introduced, we had no ongoing arms control talks. But today, that picture has changed. President Reagan has met personally with General Secretary Gorbachev. We have a negotiating team sitting down regularly with its Soviet counterparts. And even within the short 4 months in which that process has been underway, there has been progress. We should not impede that progress.

Second, what's at stake in the nuclear arms debate is the viability of nuclear deterrence as the key to world peace.

Today, we face the same issues we have faced since 1949. We are faced with the responsibility of turning nuclear weapons into a powerful deterrent to war. And we are faced with the realities of an arms race in which no American can feel comfortable holding back on technology that would keep that delicate balance in place.

Mr. Chairman, the security of the world is based on the threat that, if attacked, America will use nuclear weapons in retaliation. Our duty is to make sure these weapons work—to make sure nuclear deterrence works.

This resolution—at best—will interfere with the strategy and tactics of our negotiations in Geneva. At worst, it will place the safety and reliability of our nuclear deterrent at serious risk. By opposing this resolution, and supporting the Hyde substitute, we are given the chance to not only to keep our deterrence effective, but also to show our strong support for our negotiators in Geneva. That way, the Soviets—and the world—will understand that America is dedicated to comprehensive and constructive agreements under which the entire world can be made more secure.

Mr. FASCELL. Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in opposition to the Hyde-Byron substitute. I have been following this debate, and I would like to comment on three points that have been raised, and I think misstated, in the course of this debate.

First, it was said earlier that the Midgetman single warhead mobile missile and the Comprehensive Test Ban Treaty are mutually exclusive choices. It was said that the Midgetman's warhead is still in development; still in testing and evaluation. In fact, the Midgetman warhead is a derivative of the warhead in the re-entry vehicle of the MX missile. The warhead for the Midgetman has been tested and tested thoroughly.

I am a member of the Special Panel on Arms Control to the Armed Services Committee—which Mrs. BYRON chaired—and I attended most of its hearings. When witnesses from Sandia and Los Alamos came before them, I took the occasion to ask them specifically, "Would a test ban adversely affect the development of the Midgetman missile?" And their response is a part of the record of that particular panel's hearings.

Basically, these witnesses from Sandia and Los Alamos all said that development of the Midgetman is well underway, if not completed, and there would be no ill effects on the test program for this particular warhead's development. So the Midgetman and the Comprehensive Test Ban are not mutually exclusive; we can have both. And we can go forward with the Midgetman's development which I fully support.

This treaty, if it were immediately implemented, would have an impact on completion of the testing program for the D-5 missile, but by the time this Comprehensive Test Ban Treaty could be negotiated and ratified by the Senate, in all probably, the D-5 test program would itself have been completed and so our whole strategic modernization program for missiles will have been completed by the time this would have been ratified.

Next, it was said that if we do not test, we lose reliability, and if we lose reliability, we lose confidence. That is true. It is clear we pay a price. We cannot have the same confidence in our nuclear stockpile without a testing program that we have today with the testing program. But the same effect bears upon the Soviet Union.

□ 1800

One of the witnesses who appeared before our particular panel was Prof. Albert Carnesale from the Kennedy School of Government. He is a nuclear physicist, a nuclear engineer. He was part of the SALT I negotiating team. He made a vey illuminating point about this. The reliability affects the Soviet Union and the United States alike; however, the reliability concerns affect the country or power bent upon a first strike far more than a country like the United States, which intends only to use this nuclear arsenal in re-

sponse and retaliation for a first strike.

If the U.S.S.R. attempted a preemptive disarming first strike against the United States, it would be critically important for them to be sure they could do it with impunity and take us out completely. To the extent that they cannot reply with great certainly upon their stockpile, that they cannot rely on a high percentage of those missiles when fired, then they do not have the confidence necessary to undertake a first strike, and so a comprehensive test ban treaty which impaired their reliability would have a greater effect upon them than it does upon the United States.

Finally, let me tell you what Prof. Lynn R. Sykes, a distinguished geologist at Columbia University, a member of the technical advisory team to the Threshold Test Ban Treaty, said about the status of technology today and the verification:

> A comprehensive test ban treaty [CTBT] is verifiable with high confidence down to explosions of very small size. The lower limit of reliability identification can be reduced to about 1 kiloton with a combination of seismic listening posts within the U.S.S.R. and other national technical means such as satellite photography. Recent advances in seismology ensure that attempts to detonate clandestine explosions under a CTBT will be even easier to detect than was thought only a few years ago.

That testimony was given by a distinguished geologist and adviser to the Defense Department to our particular panel.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I oppose House Joint Resolution 3 and rise in support of the Broomfield-Hyde-Byron substitute. In doing so, I take no pleasure in opposing the position of the distinguished chairman of the Foreign Affairs Committee, nor do I want to impugn the motives of the sponsors of House Joint Resolution 3. I do, however, seriously question the premises and conclusions that apparently prompted the Committee on Foreign Affairs to bring this measure to the floor, especially at this time.

As a member of the Committee on Armed Services Special Panel on Arms Control and Disarmament, I have studied the issues connected with nuclear testing for several years. I believe that I have attended all of the dozens of formal hearings and briefings that the panel has had. I have personally talked with our own arms control negotiators and with those of the Soviet Union.

The Subcommittee on Procurement and Military Nuclear Systems, so ably chaired by the gentleman from New York [Mr. STRATTON], has received testimony for a number of years—since 1978—on this country's nuclear weapons reliability, the test program, and the research and development program. We have heard from almost every expert available inside and outside of Government. Based on this experience, I must strongly disagree with the conclusions of the majority of the Foreign Affairs Committee with respect to House Joint Resolution 3.

The Foreign Affairs Committee concluded that the Threshold Test Ban and Peaceful Nuclear Explosions Treaties are verifiable treaties. There is no basis in fact for such a conclusion under the terms of those treaties. Great uncertainties have surrounded verification ever since these treaties were signed in 1976 and both the Carter administration and the Reagan administration have made protests to the Soviet Union on numerous occasions concerning ambiguous events.

The Foreign Affairs Committee concludes that verification would be enhanced by ratification because exchanges of data could take place. There is no basis for this conclusion since the data that we would receive from the Soviets would be their data only and no means is provided to verify the data.

It is true, as the Foreign Affairs Committee claims, that the Peaceful Nuclear Explosions Treaty contains some provisions for onsite inspection. What the report does not point out is that onsite inspection could take place only under very unusual circumstances easily avoided by the Soviet Union. The Soviets have talked about the principle of onsite inspection ever since President Eisenhower was in office back in 1958. They have never agreed to write such provisions into any treaty including troop reductions in Europe, chemical warfare bans, biological warfare bans, or proposed test ban treaties. They would have a splendid opportunity to translate this high principle of onsite inspection into practice if they would only accept the principle of the United States to write this into the Threshold Test Ban Treaty and Peaceful Nuclear Explosions Treaty that the Foreign Affairs Committee now supports in their present forms.

It is also concluded by the Foreign Affairs Committee that the President has flexibility to submit their verification concerns to the Congress. But if you read House Joint Resolution 3 carefully, you will notice that the resolution would have the President submit those two highly imperfect treaties to the Senate in their present form for ratification while he would merely notify the Senate of "any plans the President may have to negotiate—I repeat, negotiate—supplemental verification procedures." In other words, the resolution would have the Senate consent to ratification first and then the President could ask the Soviets to do what they have steadfastly refused to do, that is, negotiate better verification procedures.

The Foreign Affairs Committee also concludes that "adequate confidence in our nuclear stockpile can be maintained under a comprehensive test ban treaty." With respect to that conclusion, the Foreign Affairs Committee seems to be out of step with every nuclear weapons expert now in the business and those who have been in the business in the past. Dr. Herbert York, who negotiated on a comprehensive test ban for President Carter, himself a nuclear expert, has stated that there would be grave consequences to the nuclear deterrent stockpile. Senator Kennedy, who testified in favor of House Joint Resolution 3 before the Foreign Affairs Committee, stated that some reliability testing would be required to maintain our deterrent.

In summary, Mr. Chairman, the conclusions that brought House Joint Resolution 3 to the floor are highly misleading; they don't tell the whole truth, they disregard our national priorities, and are not based on technical facts.

The Broomfield-Hyde-Byron substitute, on the other hand, does not abandon a comprehensive test ban as a long-term goal but it places priorities in the proper order. First, through reductions, we must reduce the mutual reliance of the United States and the Soviet Union on nuclear weapons as a deterrent and once this is accomplished in a mutual and reliable way, we can sit down with the Soviets and negotiate a test ban where they once again can demonstrate their support of the principle of onsite inspection through writing such provisions into a treaty.

I urge opposition to House Joint Resolution 3 and support of the substitute.

Everyone admits that we will need to rebuild and even do slight modifications to the nuclear stockpile over the years for safety and reliability reasons. The proponents of this measure assure us that the labs can do this without nuclear testing using computer calculations and nonnuclear experiments. They put great stock in the letter to President Carter from former weapons scientists, including Dr. Norris Bradbury, the former Director of Los Alamos. This letter insists that we may retain confidence in the nuclear stockpile by such measures as "remanufacture with minor modifications after thorough review by experienced and knowledgeable individuals." In other words, they propose that our confidence in the nuclear stockpile can be maintained without nuclear testing.

Well, this is one thing we have had some experience with. Los Alamos tried it once. They failed.

The warhead was the W-52. During the moratorium in 1959, because of

some conventional explosive accidents, a very slight redesign was done using a safer explosive. No doubt "after thorough review by experienced and knowledgeable individuals," Los Alamos had such high confidence in this warhead redesign that the Director certified that the warhead would work and, even after testing resumed, following the Soviet breakout from the moratorium, Los Alamos felt no need to test the W-52 immediately which first entered the stockpile in April 1962. When Los Alamos finally tested the device in early 1963, the W-52 failed miserably.

This episode with the W-52 was a grave failure and a good example of how far astray we can go without nuclear testing relying only on "review by experienced and knowledgeable individuals." For this House ought not to forget that the Director of Los Alamos who assured President Carter that review by knowledgeable individuals was sufficient to certify any modest design changes was the Director who certified the W-52 that failed.

If we are going to do without nuclear testing we will be ill served if we have to rely on advice like that.

Mr. FASCELL. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, I believe that the ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty, both of which have been languishing in the Senate since 1976, would be positive steps for the United States to take at this time toward the goal of the eventual elimination of nuclear weapons from the face of the Earth.

Dispite their nonratification by the Senate, both the United States and the Soviets have pledged to respect the provisions of the two treaties, the key elements of which are to ban underground nuclear explosions greater than 150 kilotons. Those who oppose the ratification of the two treaties charge that they cannot be adequately verified. Yet, paradoxically most opponents of ratification are unwilling to recommend that the United States renounce the treaties. Thus we have put ourselves in the worst possible position to monitor Soviet compliance.

Because the detailed monitoring procedures negotiated into the treaties such as onsite inspections and detailed exchanges of information on a variety of subjects designed to enhance verification, cannot come into force until the treaties are ratified by the United States, we are unnecessarily handicapping ourselves in our monitoring of Soviet underground nuclear explosions. Significant advances have been made since the mid-1970's in our technical ability to monitor underground nuclear explosions. These advances, when combined with the verification provisions contained in the treaties, will permit us in my opinion, to detect any militarily significant cheating by the Soviets.

The United States has failed to ratify the last three nuclear arms control treaties which we negotiated with the Soviet Union, the Threshold Test Ban, the Peaceful Nuclear Explosions and SALT II. Such failures cast doubts in the eyes of the world, on the seriousness of the U.S. commitment to arms control. It is high time that the United States began to ratify the nuclear arms control treaties that it negotiates and we should begin with these two treaties.

Ratification of the Threshold Test Ban and the Peaceful Nuclear Explosion Treaties is an important step toward the goal of a complete ban on nuclear testing. It will implement the monitoring provisions by which we can accurately test the sincerity of the Soviets to respect the limits on nuclear testing.

I also support the second provision of the House Joint Resolution 3; the call for the President to resume negotiations leading to a verifiable Comprehensive Test Ban Treaty. The recent overtures by the Soviet Union to reach such an accord should be fully explored. They may not be serious but we can't tell until we sit down and talk. Our goal must be nothing less than a comprehensive test ban which is fully verifiable. If the Soviets are truly serious about such a ban, they will agree to the types of onsite inspections and exchanges of information necessary to verify with high confidence a complete test ban.

House Joint Resolution 3 calls on the President to resume the process begun in the 1950's to reach an agreement on a comprehensive nuclear test ban treaty. It is a modest yet important measure which complements the ongoing Geneva negotiations. I urge its passage.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from New York [Mr. KEMP].

Mr. KEMP. Mr. Chairman, I thank my colleague for yielding and rise to congratulate the gentleman from Illinois [Mr. HYDE] for his leadership and the gentlewoman from Maryland [Mrs. BYRON], my colleague from Michigan [Mr. BROOMFIELD] and others who have done yeoman work today reminding our colleagues of the importance of this issue to the security of the United States and our Western alliance.

I would like to share with you some words by a great American who said, "I can imagine no more hazardous course than for the United States to gamble on its defenses."

He went on to say that it would be foolhardy to take a chance the Russians will follow a peaceful role if we disarm here in the United States or if we fail to maintain our strengths.

He went on to say, "If we are strong, then peace will be our reward."

And he concluded by saying, "And that is the doctrine that we preach in the year 1960."

John F. Kennedy, President of the United States, speaking to the world in 1960.

My colleagues, President Kennedy knew very well that the lesson of history very clearly records that strength does not cause war. Weakness causes war. It is weakness that is provocative, not strength.

Mr. Chairman, House Joint Resolution 3 is a prescription for weakness. House Joint Resolution 3 calls for the President to submit the Threshold Test Ban [TTBT] and Peaceful Nuclear Explosion Treaties to the Senate for its advice and consent. It also instructs the President to propose to the Soviet Union the immediate resumption of negotiations on a comprehensive test ban treaty.

While the resolution may appear benign on its face, the potential harm to national security—and the potential for undermining our negotiating leverage at Geneva—are very real.

VERIFICATION

This resolution reflects a curious naivete concerning the realities of arms control. Neither the TTBT, nor any proposed comprehensive test ban formula, affords a basis for verification. Given the well-documented record of Soviet cheating on existing agreements, it should be manifest that the cause of peace and stability is not served by advancing new, unverifiable accords.

The President has submitted four reports to Congress detailing instances of Soviet violations of the Threshold Test Ban Treaty—where the 150-kiloton limit has been exceeded—in breach of their 1976 pledge to abide by the provisions of the accord. There may be additional instances of Soviet violations, but we just don't have the verification capabilities to know.

I do not see how it can serve the national security interests of the United States to ratify a treaty that cannot be verified and which the Soviets have already violated.

The liabilities of a comprehensive test ban agreement are even more stark. Proponents of House Joint Resolution 3 are careful to point out that the resolution stipulates that no comprehensive test ban treaty should be concluded without adequate provisions for verification. But this begs the question whether in fact adequate verification is possible.

Proponents of this legislation need to face up to the fact that a comprehensive test ban is inherently unverifiable. There are simply too many ways of hiding test procedures and results for such a ban to be a meaningful arms control agreement. If we are seri-

ous about wanting to advance positive prospects for arms control, then it seems to me we should not be instructing the President to make sweeping, unrealistic proposals a centerpiece of our negotiating agenda.

Beyond that, the Soviet Union has consistently rejected any United States overture to improve mutual verification capabilities. The most recent case in point is the President's invitation to the Soviet Union, extended just last summer, to observe testing at our Nevada test site. The Soviets immediately declined, to escape any appearance of a reciprocal obligation to invite an American team to observe testing in the Soviet Union.

NATIONAL SECURITY REQUIREMENTS

This resolution is seriously flawed in multiple respects:

—To an objective observor interested in promoting beneficial arms control measures, the impossibility of adequate verification alone should be sufficient reason to oppose CTB negotiations.

—As many of my colleagues have emphasized, the timing of this resolution is directly harmful to our negotiating efforts in Geneva. While Gorbachev has been making public pronouncements designed for P.R. value, President Reagan has recently tabled a serious new U.S. proposal. Yet instead of pulling together behind the President, to support him in his pursuit of serious and constructive negotiations, the House is debating a measure that would instruct the President to undertake new arms control priorities. In effect, instead of Congressional support, this resolution will be read as Congressional criticism. And should it pass, the Soviets will interpret our Disunity as a sign of faltering support for the President's position at Geneva. That's just about the worst signal we can send to the Soviets.

—Finally, there is an even more fundamental reason why we should not pursue a comprehensive test ban.

Continued nuclear testing is essential to the Maintenance of the U.S. nuclear deterrent. For one thing, testing or existing deterrent forces must be conducted to ensure safety and reliability. At any given time in our nation's history since 1958, a substantial precentage of the weapons in our stockpile have depended on nuclear testing for the resolution of serious problems. And in almost every case, problems that needed solving required testing to be found in the first place.

If the authors of House Joint Resolution 3 want to improve the prospects for mutual verification of nuclear testing, why doesn't the resolution call on the Soviets to join us in seeking verification improvements, such as onsite observation teams?

In this sense, testing is a part of the O&M component of our strategic forces. It makes no sense for Congress to approve the production and deployment of the key elements of our triad, and then prohibit our ability to ensure that those forces will work.

Ending testing wouldn't eliminate a single nuclear weapon; it would only undermine our confidence in our deterrent, rendering stability and peace less—not more—secure.

As this Congress has affirmed in vote after vote, we are in the midst of perhaps the most critical period of strategic modernization in our Nation's history, necessitated by the unprecedented growth in Soviet strategic capabilities. No one in this body who has reviewed the recent national intelligence estimate of the Soviet threat can doubt the grave urgency of our modernization efforts. While Soviet research, development, and testing programs soared ahead, we are just beginning to respond. But without testing, the advantages the Soviets have gained over the recent past will be locked into place.

If the supporters of this resolution oppose the MX Missile, then let them bring that issue before the Congress for a vote. If the supporters of this resolution don't want to see the range, capabilities, and security of our ballistic missile submarine force improved, let them vote against the D-5 missile. If they want to kill the Midgetman Missile, let them argue that case before the House. If they don't want to see our antiquated bomber force modernized, let them oppose the B-1 and Stealth bombers on the floor of this House.

If they want to tell our allies that we will not follow through on our commitment to modernize NATO's nuclear deterrent, let them challenge authorization and appropriations for our Pershings and GLCM's.

For what this resolution means, in practice, is a stop to all of those programs and more. Because without testing, you can't be sure new weapons will work. Without testing, you can't know that the money and effort you are expending are worthwhile. Without testing, you can't discover or correct design flaws. Without testing, you can't ascertain safety—exposing our personnel to wholly unnecessary and unacceptable risks.

And there is another dimension here we must keep in mind as we look to the future, our defense experts in the Defense Department, in the energy field, at the laboratories, are charged with a solemn responsibility. It is their job, working with our intelligence community, to anticipate new elements in the Soviet arsenal, and to devise ways to ensure our security in the face of new threats.

If United States engineers and weapons experts are prohibited from testing new technologies, how can they ever hope to uncover Soviet advances? If our people must operate in the dark, our ability to judge what technologies are around the corner, and to be secure against them, will disappear.

We have long relied on our technological edge to ensure our Nation's defense. Testing is an utterly essential part of our technological resiliancy and vitality. We must not mortgage our future to false arms control such as comprehensive test ban overtures.

Without testing, there can be no advances in America's deterrent forces, no NATO modernization, no improvements in the strategic balance.

And I need remind no one in this Chamber that it has been America's deterrent forces that have kept the peace for 40 years.

The U.S. builds and maintains deterrent forces to preserve the peace and the freedom for which our country stands. During the many years when first we had a monopoly in nuclear weapons and then superiority, our strength was always used in the service of peace.

If you believe as I do, and as John Kennedy reminded us a quarter century ago, that the key to peace and freedom lies in strength, then I urge you to vote against this ill-advised House Joint Resolution 3 and vote for Hyde-Byron substitute.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, I want to make it clear that the amendment that we are considering at this time is not just the Hyde amendment. This is also the amendment of the gentlewoman from Maryland [Mrs. BYRON] and she is the author of an outstanding committee print that has just appeared in the House of Representatives, a review of arms control and disarmament activities in the 99th Congress by the special panel on arms control and disarmament.

No one in this body, in my judgment, has done as much as Mrs. BYRON has done in examining these proposals and the impact of these proposals. I think if those who are talking about this legislation would take a look at the document of the gentlewoman from Maryland [Mrs. BYRON] from pages 48 to 59, they could read exactly what the latest information is on this particular point.

Why should we have these documents and have committee members like the gentlewoman from Maryland [Mrs. BYRON] researching things of this kind, visiting Geneva and so on, if nobody pays any serious attention to this kind of thing? If you pick this volume up and read it and see what is in it, I think you will understand that despite what the gentleman from New Mexico [Mr. RICHARDSON] said a little while ago, for example, that it was very easy to determine exactly what the Russians are doing when they are exploding underground devices. There

are no practical ways to determine the size of these explosions, unless there is on-site-verification.

□ 1815

There is no way that we can determine exactly what the Soviets are doing. Various explosions can be masked in certain rock formations, and much depends on the size, and size of the hole, it depends on a lot of other things. This is not by any means a scientific process. Yet we are pinning our own security on that kind of false assumption.

If we are going to try to maintain the integrity of the House, we ought to at least know what is in this report before we cast our votes on House Joint Resolution 3.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. WEAVER].

Mr. WEAVER. Mr. Chairman, the nuclear arms race is insane. But we have become so used to the idea of nuclear weapons that their insanity begins to escape us.

It escapes us so much that sane men and women can debate the details of the nuclear arms race as if it were a discussion of numbers when indeed it sounds more like Dante's description of the nine levels of hell, each level more terrifying than the other.

So I take the time to remind us, remind all of us of the insanity of building weapons that can and will destroy all civilization, perhaps all humanity, all animals, all life.

Our only hope, and I stress that, our only hope is to begin drawing back from the nuclear horror. A halt to testing weapons is surely a place to begin. Both sides, all sides must do so mutually if we are to survive. If both sides do so mutually, we will survive.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I rise to correct the historical record because this issue is so important. Our distinguished colleague from Wisconsin [Mr. MOODY] stated right here that France was the first to violate the test ban moratorium, thus in a sense, by inference, exonerating the Soviet Union. The argument that France provoked the U.S.S.R. to abandon the 1958 to 1961 test ban moratorium collapses completely when examined. It is purely a strawman.

By 1961, it was already evident that De Gaulle was moving away from a reliance on the U.S. nuclear deterrent. By the way, one of the major reasons he was doing that was because of our lack of resolve in the Caribbean area because of what we were tolerating from Castro. The French tests were of a very crude design and of absolutely no value to the United States or the United Kingdom.

In April 1961, 4 full months before the Soviet Union resumed testing, Mr. De Gaulle announced that France was suspending atmospheric testing. Further, and this is crucial, Mr. Khruschev himself stated on no less than two occasions after the final French test in 1961 that he would not authorize Soviet nuclear testing. His only caveat was that we, the United States, should not test, and even if he had included all of NATO, there had been no tests, no Western announcement of testing, nor any preparations for testing during that entire period.

The extraordinarily elaborate Soviet nuclear experiments performed after their resumption of testing, including tests involving interaction with previously launched satellites, proved beyond a doubt a very long and carefully planned test program. Soviet preparations probably began as early as December of 1960 when Mr. Eisenhower was still President, and most definitely would have begun by the time Kennedy was sworn in as our President.

Therefore, the Soviet Union's breaking of its prior commitment not to test nuclear weapons was clearly premeditated, and not an act provoked by any of our allies in the West. This is despite the fact that President Kennedy had assured the Soviet Union that the United States would not be the first to resume testing.

And about that infamous white chart, Mr. Chairman, that is the listing of nations that have been swollowed by communism during the presidency of Mr. Reagan. I will borrow the chart of the gentleman from Oregon [Mr. AUCOIN] during the Caribbean Basin discussion on the Contra funding.

Mr. HYDE. Mr. Chairman, I yield 6 minutes to the gentlewoman from Maryland [Mrs. BYRON] cosponsor of the perfecting amendment to the Fascell comprehensive test ban.

Mrs. BYRON. Mr. Chairman, let me take a few minutes to tell my colleagues why the House, I feel, should pass the Byron-Hyde substitute. I also want to thank those who have participated today in what I believe has been a thorough and a very imformative debate.

There is one issue that I think I must clarify. I have with me a copy of the hearings of the Armed Services Committee and the special panel. On page 240, Mr. Woodruff made a statement, and the gentleman from South Carolina [Mr. SPRATT] quoted some of the testimony. Let me read Mr. Woodruff's statement. That is, "Suppose we wanted to base the Midgetman missile on a road-mobile system, then perhaps you would rather have a different warhead than the MX warhead and the testing would prevent that from being an option."

I think that states very clearly that they feel that there should be further testing if we change the basing mode or change the warhead on the Midgetman.

I know that we are all anxious for our negotiators and their Soviet counterparts to come up with a comprehensive arms reduction proposal. We all desperately want them to succeed. As chairman of the House Armed Services Arms Control Panel, I can understand the frustration of my colleagues who want to see the United States and the Soviet Union move quickly on arms control. However, we must temper our sense of urgency with the need to be both persistent and patient in achieving mutual verifiable and lasting arms reductions.

I believe many of you initially cosponsored House Joint Resolution 3 because you and your constituents place a great emphasis on arms control. Let me once again remind the cosponsors of House Joint Resolution 3. That by supporting the bi-partisan Hyde-Byron substitute, you are still supporting a comprehensive test ban—but you are saying that they should succeed and not precede mutual and verifiable arms reductions. Supporting the Hyde-Byron substitute also sends a signal to the Soviets that compliance with existing treaties will have a direct impact on future arms control measures.

In the last few days, we have seen progess on talks surrounding the elimination of the intermediate nuclear forces in Europe. It is imperative that at this critical time we give our negotiators the opportunity to reduce both the size of the United States and Soviets nuclear arsenal. This is not the time to ask the President and our negotiators to put discussions on the comprehensive test ban at the forefront while placing arms reductions on the backburner. Whether you agree with the President or not on the issue of arms control, he is the only one in the position to engage the Soviets in serious arms reductions. Its critical for Mr. Gorbachev to know that we stand behind the President in Geneva and Hyde-Byron does that.

The comprehensive test ban in itself will not reduce the number of weapons and may, ironically, lead to increased production of nuclear weapons to make up for the uncertainties caused by a lack of testing. In addition, I think it would be far more beneficial to urge the President to negotiate a comprehensive test ban only after he has secured deep and verifiable reductions in the Soviet arsenal and has improved our ability to verify the test ban through onsite monitoring and improved verification methods. To those who propose that verification be an afterthought to the arms control process, I would remind my colleagues

of numerous Soviet violations of existing arms control treaties such as the ABM phased array radar in Siberia and the development of the new SS-25 and violations under the threshold test ban.

As chairman of the House Armed Services Panel on Arms Control and Disarmament for the past 3 years, I have had the chance to review all the existing arms control treaties, including the unratified treaties such as SALT II, the threshold test ban and the peaceful nuclear weapons agreements. In addition, we have held extensive hearings on the START and INF negotiations in Geneva and last fall completed 4 days of intensive hearings on the ongoing negotiations in Geneva on space and nuclear arms under the leadership of Ambassador Max Kampelman. A bipartisan delegation of the panel also spent several days in Geneva last fall in consultation with Ambassadors Kampelman, John Tower, and Maynard Glitman, along with their deputies and their staffs. Let me assure you Mr. Chairman that our negotiators are committed to reducing the threat of nuclear war. However, House Joint Resolution 3 as currently drafted will only make their job more difficult.

Witnesses before our arms control panel have all stated that House Joint Resolution 3 as drafted would weaken the U.S. bargaining positon in Geneva. More importantly, as drafted House Joint Resolution 3 would support the Soviet position that the Threshold Test Ban Treaty and the Peaceful Nuclear Explosives Treaty should be fully ratified notwithstanding the fact that this administration and previous administrations have found these agreements wanting in verification procedures and that this judgment has been uniformly supported by technical experts almost since the treaties have been signed. This judgment has been amplified by the failure of Democratic controlled Senates to give their advice and consent to these treaties during both Republican and Democratic administrations. Mr. Chairman, support for the weak verification in those treaties would strengthen the hands of the Soviet Union in attempting to negotiate a comprehensive test ban treaty with verification procedures to be hashed out at some later date.

Let me finally and reiterate to those on this side of the aisle—Democratic—the Hyde-Byron substitute is not a vote against a nuclear weapons test ban, it is a vote for mutual and verifiable arms reductions followed by a ban on testing. I believe we have a real chance to achieve real arms control in Geneva. The Hyde-Byron substitute gives us that chance.

Thank you, Mr. Chairman.

□ 1825

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I rise to oppose the amendment and to support House Joint Resolution 3. I would like to begin by simply mentioning that, as a member of the Committee on Foreign Affairs, I am extremely pleased by the work that our committee has done on this resolution, and I believe that all of us in this body owe our chairman a great debt of thanks, a great debt of gratitude, for the extremely effective and thoughtful work that he has done with regard to this resolution.

In addition to commending the chairman, I would also like to take a moment and commend my friend from California [Mr. BERMAN] for the hours that he has spent on this resolution and for the work that he has put in as a member of the subcommittee with regard to this critically important issue.

Mr. Chairman, while there are many important goals to accomplish in this body and in our country, none is more important than putting an end to the arms race. We owe ourselves and future generations every opportunity we can to help bring that about and we have such an opportunity before us now to move in the right direction by the passage of House Joint Resolution 3.

What House Joint Resolution 3 is quite simple, quite clear, quite direct and sometimes may be forgotten when we are listening to some of the issues that have been raised on the floor of this House in the course of this debate.

House Joint Resolution 3 only urges a mutual, verifiable, comprehensive test ban treaty. I think we should remember that we do have a letter in front of us from eight official observers to the arms control talks which specifically states, and I quote:

[that] We believe that H.J. Res. 3 would strengthen the U.S. position at Geneva. It would add to the agenda an arms control objective that every President since Eisenhower has pursued; a comprehensive test ban treaty.

Mr. Chairman, I urge that we join together, take this long overdue, extraordinarily important step, both by rejecting the amendments that are offered and by supporting House Joint Resolution 3.

House Joint Resolution 3 urges the President to request the advice and consent of the Senate on ratification of the Threshold Test Ban Treaty [TTBT] and the Peaceful Nuclear Explosions Treaty [PNET], and urges him to propose to the Soviet Union the resumption of negotiations on a comprehensive test ban treaty.

The Senate adopted language identical to that of House Joint Resolution 3 when it passed its version of the fiscal year 1985 Defense Authorization bill. The provision was included as sense-of-Congress language in the conference report, which passed the House by voice vote.

The TTBT, signed by President Nixon in 1974, prohibits all underground nuclear weapons tests at yields greater than 150 kilotons. It calls for an exchange of the geographic coordinates of each test site at the time of testing, exchange of geologic information about the test site, and exchange of data about new test sites.

The PNET, signed by President Ford in 1976, prohibits all peaceful underground nuclear explosions at yields greater than 150 kilotons, and bars group explosions over 1500 kilotons. It calls for exchange of information prior to each test for peaceful purposes, including purpose, location, date, and yield, exchange of information on geological characteristics of the test site, and establishment of a Joint Consultative Commission at which parties can discuss their differences.

Although neither the TTBT nor the PNET has been ratified by the Senate, both the United States and the Soviet Union have pledged to observe the provisions of these treaties with regard to the 150-kiloton testing limit. We should use this opportunity to encourage the Senate to ratify these treaties.

Mr. Chairman, this is an important resolution. With serious negotiations underway to limit the nuclear arms race, now is the time to address one of the most verifiable and straightforward methods of imposing mutual restraint. A CTB would significantly strengthen the chances for nonproliferation, would help reduce superpower tensions, and would prevent the Soviet Union from further miniaturizing their warheads.

House Joint Resolution 3 has a broad base of support. Not only does a large bipartisan group of Members of this body support it, but so does a broad range of distinguished experts in the area of arms control, such as former Secretaries of Defense Harold Brown, Clark Clifford, and Dean Rusk, and Paul Warnke, former Director of the Arms Control and Disarmament Agency.

This is an important resolution, passage of which will put this body squarely on the side of arms control. I urge my colleagues to support it.

Mr. HYDE, Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I would like everybody to just think back a couple months ago to last November, when our President entered through these center doors and made his way down to this podium. When he entered those doors, he was met by cheers from both sides of the aisle, from having conducted a successful summit in Geneva.

He was not just hailed by Republicans; this President of ours on his return from Geneva, he was hailed by Democrats as well, and hailed by people of all philosophies for the work he was able to do in Geneva.

What did the President tells us that night in November? The President

first of all thanked the Members of Congress, the Repubicans and the Democrats, who had supported him in a bipartisan fashion and gave him the support that he needed to go to Geneva to do the kind of job that he needed to do to move negotiations forward with the Soviets.

What the President said is, "Thank you for the flexibility and support you have given me, but let me say to you I need your continued support so that we can have the kind of flexibility we need in Geneva to be successful."

I remember when our chief negotiator, Max Kampelman, down in the White House told all of us during the debate on MX: "Don't pull the rug from withunder me. Give me the kind of flexibility I need in Geneva to do the kind of job that needs to be done to reduce the number of nuclear weapons. Don't pull the rug and limit my flexibility."

Well, I say we ought to support what the President said. We ought to support what Mr. Kampelman said, and give the President and our negotiators the kind of flexibility they need to be effective in Geneva. The way we can best do that is to support the Hyde-Bryon substitute, which underscores our support for these negotiations; that support we gave the President when we hailed him from one side of the aisle to the other when he came back in November.

Support the Hyde-Byron substitute; do not micromanage the negotiations in Geneva. That is how we are going to achieve what everybody in this Chamber and across this country wants to have; reductions in nuclear weapons without obstacles to our negotiators.

Mr. FASCELL. Mr. Chairman, I yield such time as he may consume to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, I rise in support of the resolution to prevent nuclear explosive testing. The resolution makes two simple, but important steps:

First, it calls on the President to seek Senate ratification for two treaties already negotiated by prior Republican Presidents: the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty. These were signed respectively by Presidents Nixon and Ford in 1974 and 1976.

Second, it calls on the President to resume talks with the Soviets on a verifiable Comprehensive Test Ban Treaty supported by five former Presidents.

This is a resolution which expresses the views of the House of Representatives on a key arms control issue. It does not demand that the President do anything. I fail to understand why there is such a hullabaloo about a measure which simply urges the White House to take certain actions. This does not force the administration's hand at arms control talks or dictate anything.

A proposed substitute would call for improved verification and progress on arms reductions before we move ahead on test ban talks and ratification. But the substitute would stand this resolution on its head. We have before us two treaties already negotiated by Republican Presidents and another supported by every President since Eisenhower. Instead of moving ahead on these fronts, proponents of a weakening substitute want to wait until we reach the Nirvana of perfect verification and total disarmament.

In the real world, these are desirable but distant goals. I fully support tough verification, but not verification at the expense of a nuclear holocaust. I heartily endorse deep arms cuts, but realize that such negotiations will take years to conclude. But that is what these treaties are about: tough negotiations by both sides.

Meanwhile, we have two birds in hand. We ought to ratify these two treaties. Then let's get the disarmament bird in the bush as soon as we can.

I should add that achievable arms control is no substitute for a strong national defense. Nor should it be undertaken with false hopes about how much it can achieve.

But worthwhile arms control is not intended to be either the replacement for, or the poor stepsister of, defense. It is defense by other means, the necessary security complement of weapons which work.

The achievements of arms control, as the appended article shows, are not overwhelming—but neither are they negligible. For example, without the restraints of the SALT II treaty, the Soviets could build up their arsenal of nuclear warheads to some 16,500 by 1990. With SALT II, they face a ceiling of 12,500. No small difference.

This resolution, and the test bans embodied in it, can provide an important first step to a halt in the arms race. It could help set the stage for a ban on all flight testing, which is clearly verifiable and a certain way to reverse the arms race. It should be noted that this resolution itself does not curtail any of the administration's strategic arms buildup as such.

By contrast, the alternative amendment would do nothing to stop the arms spiral. It would simply delay achievable arms control in favor of a long-shot hope.

Let me say that verification is no small concern of mine. But let me caution that there is no such thing as 100 percent airtight verification. But neither is there 100 percent certainty that we would not evaporate in a nuclear war, merely because such horror is unthinkable.

The question is a judgment call: Do we take some reasonable and known risks for arms control in order to help prevent the greater risk of a nuclear winter?

The terms of the treaties in question have tough, even groundbreaking verification standards. One would have the Soviets exchange geological information on their test sites. In another the Soviets would agree to onsite testing. Why not call their bluff?

Moreover, a negotiator of the 1974 Threshold Test Ban Treaty, seismic scientist Lynn Sykes, says there "can be no substance to such doubts * * * about the efficacy of seismic methods of verification."

In any case, we cannot expect to call the Soviets on alleged violations of a treaty which we have not even ratified ourselves. Let's ratify these two threshold treaties and get cracking on a comprehensive test ban.

Only by doing so can we get the Soviets to first agree to a 150-kiloton cap on warhead testing. Without a cap, we cannot force the Soviets below it. It is in our interest to get that cap in place to preclude testing of the kinds of warheads the administration most adhors: the silo-busting warheads on the big Soviet ICBM's like the SS-18's.

Strangely, the President wants to have it both ways. He says on the one hand that he wants, above all, safe and secure weapons systems. Yet he dreams of the day when nuclear weapons will be banished from the Earth. Which is it, Mr. President, you cannot have it both ways.

If you want absolutely safe and secure weapons, then forget arms control. But if you are sincere in wanting to abolish nuclear weapons, then grab the surest bet to ensure arms cuts progress at the next summit.

In conclusion, let me remind my colleagues of the statement of the late Senator Everett Dirksen, who said when casting his vote for the Limited Test Ban Treaty:

I should not like to have written on my tombstone: "He knew what happened at Hiroshima, but he did not take the first step."

Let's take the next step. Support the moderate and realistic resolution as reported and reject the weakening substitute.

ARMS CONTROL: NECESSARY PROCESS

(By Wolfgang K.H. Panofsky)

(Wolfgang K.H. Panofsky, director emeritus of the Stanford Linear Accelerator Center, chairs the National Academy of Sciences Committee on International Security and Arms Control. This article is based on a talk the author gave at the Bulletin's fortieth-anniversary symposium in December 1985.)

It has become fashionable to attack the arms control process not only for those protagonists who envision that the United States with its technological superiority could prevail in an arms race with the Soviet Union, but also for those critics who would like to see more drastic measures in place to terminate the arms race. The "doves" in the latter category measure the past achievements of arms control against self-set standards of achievement which have not been met. Yet, as figure 1 shows, the achievements of negotiated arms control since the end of World War II have not at all been negligible and have certainly demonstrated that agreements in this field are possible among nations whose interests are greatly at variance in other areas. Still, there must be more if the arms race is to be stopped and reversed.

Before dealing with this crossfire between the right and the left, let me make some remarks on the nature of arms control itself. The goal of arms control is to manage the competition among nations in order to lessen the dangers and burdens of armament. Arms control results in contracts between or among sovereign nation-states that have many diverse, and frequently conflicting, interests on this globe. Such contracts are arrived at by negotiation. As in any other negotiating process, an agreed contract will only result if all sides concur that it is more to their advantage to sign than not to sign. Arguing about who has gained and who has lost in an arms control agree-

ment is futile; all sides must agree that their national security is enhanced. It is more than futile and in fact highly destructive to abuse the arms control process in the interest of achieving a substantial advantage for one side or the other. Needless to say, this does not preclude hard bargaining with the goal kept firmly in mind of achieving greater national security at lesser risks and burdens of weaponry for all parties.

Naturally, any product of such negotiations can, and in fact is expected to, be subject to criticism. As a homely example, if agreement has been reached between seller and buyer on the cost of transferring title to a house, then the buyer's friends can reasonably argue that he should have gotten the house for less, while the seller's friends can argue that he should have sold it for more. Yet both parties have agreed that the transfer of title served their interests at the particular price. It is thus much too easy for a presidential candidate to criticize the SALT II agreement as "fatally flawed" on grounds that, for instance, it permitted the Soviets to retain over 300 large ballistic missiles while the United States was not permitted (nor had ever desired) to build matching devices. Such criticism, however, ignores the basic bargain that was reached early in the SALT negotiations: the Soviets were willing to forego inclusion of the U.S. "forward based systems" located in Europe under U.S. control which threatened the Soviet homeland—and were therefore strategic by the Soviet definition—in exchange for U.S. agreement to continue the imbalance in very large missiles.

One should be reminded that arms control, like any other piece of binding legislation or agreement, only draws a line between what is allowed and what is forbidden. One should not fault an agreement for not having constrained what is allowed. Yet many critics ignore this elementary fact.

FIGURE 1.—PRINCIPAL ACHIEVEMENTS IN ARMS CONTROL

	Signed	U.S. ratified
Antarctic Treaty	1959	1960
"Hot Line" (modernized 1971 and 1984)	1963	(1)
Limited Nuclear Test Ban Treaty (LTBT)	1963	1963
Outer Space Treaty	1967	1967
Latin America Nuclear Free Zone (amended)	1967	2 1971
Nuclear Non-Proliferation Treaty (NPT)	1968	1969
Seabed	1971	1972
Biological Convention	1972	1975
ABM Treaty	1972	1972
Salt I Interim Agreement 3	1972	(1)
Threshold Test Ban Treaty/Peaceful Nuclear Explosion Treaty (TTBT/PNET) 3	1976/5	
Salt II 3	1979	
Environmental Modification	1977	1979

1 Not needed.
2 Applicable to first protocol only.
3 Treaties not in force.

The criticism of the arms control experience to date from those who would like to see more dramatic limitations is varied:

Past arms control measures have not stopped the arms race. Nor has anything else. Yet, one should recognize that in the absence of the arms control agreements tabulated in figure 1 the arms race might well have accelerated much faster. One can argue persuasively that in the absence of the 1972 ABM Treaty both defensive and offensive buildups would have been larger and that in the absence of the Non-Proliferation Treaty more than the current six states would have joined the nuclear club. Figure 2 shows the expected growth of Soviet stategic weapons by 1990, depending on whether or not both sides continue not to undercut SALT II.

Arms control has not solved the problem of the vulnerability of fixed land-based missiles. True, but again, nor has anything else, including the many technological fixes that have been proposed. Increasing accuracy and the multiplicity of MIRVs have left fixed land-based missiles vulnerable. The only remedy can be either elimination of such fixed systems in favor of mobility or rebasing such systems away from land altogether. Alternatively, one can increase the number of inexpensive aim points relative to the number of attacking warheads to a sufficient extent to make preemptive attack against land-based missiles unproductive. These approaches remain objectives of arms control.

Arms control has overemphasized raw numbers. Since in the arms control process the parties have negotiated about, and to a certain extent have agreed to, numerical limits on many categories of deployments, such numbers have acquired a political importance which their military and technical significance does not deserve. Thus, public discourse tends to give prominence to discussing who is ahead and who is behind. Yet, with the vast numbers of nuclear weapons now deployed and the many political, geographic, and economic asymmetries between the Soviet Union and the United States, such numerical comparisons have hardly any relation to the outcome of a potential nuclear conflict.

This criticism has some merit. Clearly, a few hundred more or less out of 2,300 strategic delivery systems cannot be a predictably significant military factor. Yet one should recognize that in contracts in civilian life—for example, the price of a house referred to above—a specific figure has to be arrived at in order to reach agreement at all. Much civilian legislation involves somewhat arbitrary numbers such as speed limits, maximum permissible concentrations of pollutants, and so forth. Such limits do slow down the average traffic and lower the toxic exposure of the public, even if individual violations occur.

Arms control has legitimized the arms race by explicitly permitting certain activities. Yes, this interpretation can be given, but the alternative is to prohibit all or permit all—clearly a prescription preventing any progress.

The purpose of arms control agreements can be bypassed by new technological developments. Arms control agreements apply constraints to known or reasonably projected military systems and their deployments. It is difficult to constrain what has not been invented or does not yet exist, but one can try. The ABM Treaty of 1972, as restricted further in 1974, includes both specific and generic restraints. Such generic restraints are incorporated in the new controversial Article V banning development and testing of ABM systems and components not located at fixed permitted sites. The Treaty defines ABM by the ABM mission, not by then existing ABM technology. The Reagan Administration's recent attempt to deny this interpretation, which had been accepted by all parties since 1972, has rightfully drawn the ire of those familiar with the negotiating history that led to the formulation of such generic constraints.

There is no infallible way to prevent new technology from eventually making old arms control agreements obsolete, as there is no fundamental way to prevent new technology from making old laws and regulations obsolete in the civilian sector. Yet much can be done to forestall such technological obsolesence. For instance, arms control agreements could be negotiated to apply overall constraints on the resources which fuel the arms race or which can increase confidence that bypass of an agreement is not likely to be attempted or will not be successful. Cases in point are such agreements as cutoff of the production of fissionable material for military purposes which has been proposed by several U.S. administrations since President Eisenhower's and which recently has been endorsed at least in part by the Soviet Union. Such a resource constraint would at least impede the mushrooming of new nuclear weapons systems unconstrained by previous arms control treaties. The bypass processes, even where possible and legal, require a long time and could be dealt with by future measures facing the changing technological situation.

Defense protogonists—that is, "hawks"—criticize arms control agreements in terms of their specific provisions, as well as in respect to the following general concerns:

Verification. Arms control negotiations between the United States and the Soviet Union are affected by the asymetries between the two societies. Thus, as a practical matter verification is of less concern to the Soviet Union that it is to the United States. Moreover, the Soviets stemming from centuries-old tradition, are more sensitive to intrusive inspection measures than is the United States, although the United States is by no means immune to such concerns. As a result, negotiation of verification provisions beyond national technical means presents problems vis-á-vis the Soviets, and this in turn is interpreted by critics as a signal of Soviet intent to cheat.

The issue essentially is one of the standards required for verification to be adequate. Verification need not be an absolute yes-or-no proposition, although any confirmed violation undermines confidence in a treaty. The eminently reasonable standard that verification is to prevent evasions that would vitiate the basic purpose of the agreement and entail dangers to the national security is considered inadequate to some critics, who tend to flag any possibility of evasion as a fatal flaw in a potential agreement. Yet, in respect to civilian legislation or regulation, complete enforceability is rarely if ever made a condition for enactment of new law.

Recently, critics, including those within the Administration, have tended to handle treaty compliance issues by looking at alleged evasions rather than at the overall record of compliance. For instance, comparison of the military impact of the much heralded evasion (figure 3) alleged to have been incurred vis-á-vis the provisions of SALT I and II with the impressive list of actual restraints on Soviet actions (figure 4) and of accomplished dismantlement of systems in response to these treaties, reveals an impressive net positive effect on U.S. security.

FIGURE 3.—A LOOK AT ALLEGED TREATY VIOLATIONS

	Action	Treaty	Basis of violation	Possible military impact
Soviet Union	SS–25	SALT II (unratified)	May violate "one new type" rule, or be a legal "modernization"	Minor; may be stabilizing.
	Encryption	SALT II	Ambiguous language	Possibly significant.
	Krasnoyarsk radar	ABM Treaty	Location illegal, early warning function legal	Minor.
	Explosions over 150 kilotons	Threshold Test Ban Treaty	Technical interpretation of seismic data is highly debatable	Very minor.
	"Sverdlovsk incident"	Biological convention	At least procedural noncompliance	Minor.
United States	Minuteman cover	SALT II	Definite	None.
	Thule/Flyingdales radars	ABM Treaty	Arguable	Minor.
	Homing overlay experiment	ABM Treaty	Arguable	Do.
	Unwillingness to negotiate CTBT	Non-Proliferation Treaty; Limited Test Ban Treaty.	Failure to pursue preambles' call for a comprehensive test ban	Indefinite.
Both countries	Nuclear test venting	Limited Test Ban Treaty	Technical violation	None.

Inadequate verification—long the recurrent basis for opposition from the right to the enactment of a comprehensive nuclear test ban treaty—has recently been replaced by more candid U.S. statements maintaining that such a treaty would simply not be "in the national interest." In general, verification issues should not be a stumbling block to enactment of far-reaching arms control agreements, with the possible exception of agreements intended to lead to reductions to such small residual forces that relatively small violations would have profound military consequences.

Interference with national plans. Any effective arms control agreement will naturally interfere with all parties' military programs, either those in being or those in preparation. Defense partisans tend to demand that somehow arms control measures should control only the other side's weapons but have minimum impact on their own programs. The result of such concerns has been that arms control agreements frequently prove non-negotiable within the U.S. government unless they constrain only the generation after next of military systems, but leave current programs intact. For example, it proved unacceptable for the United States to introduce a "zero ABM" option during the SALT I process since construction of a Safeguard site was already in progress.

We must learn that arms control will have little future unless we are willing to accept the impact of agreements on national programs. Arms control provisions must be evaluated under a net assessment which weighs the impact on national and international security of limits on both sides' programs. A problem is that under such an assessment the impact of a potential agreement on U.S. military systems is relatively easy to evaluate while the potential impact on Soviet systems can be subject to considerable uncertainties. Nevertheless, a negative impact on one's own systems viewed in isolation should not be, but in practice often is, a reason for opposition to arms control.

False confidence. Right-wing critics of arms control agreements often express the view that the agreement under consideration would inspire "false confidence" and thus detract from the national will to provide adequately for the national defense. Such a fear basically leads to opposition to any arms control agreements and expresses lack of confidence that the democratic processes of this country can lead to wise security policy decisions. The false confidence argument lead to the conclusion that the arms competition among nations can never be managed in any manner other than by unbridled competition. One could with greater merit argue that false expectations generated by the premise that specific new weapons systems will buy real security are much more dangerous than false expectations generated by arms control. In particular the expectation generated by the premise that star wars may provide a technological fix to the threat of nuclear weapons is dangerous at best and detracts from the pressure to attack the nuclear arms race at its roots: through reductions and other negotiated arms control limitations.

Arms control is an important aspect of national security. The premise that national security necessarily increases with an increasing level of armament is patently false: since the end of World War II, the risk to the lives of our citizens from war has increased as the levels of armaments have increased. Thus, the decision-making mechanisms in Washington must confront the different components of national security—military preparedness, foreign relations, economic and political strength, and arms control. Although all these factors target a single goal—national security—they at times necessarily will lead to conflicting requirements. Progress in arms control thus demands that the interests of national security through military strength, national security through well-managed foreign relations, and national security through arms control each be independently championed and reconciled only at the highest level. Making the formulation of arms control policy subservient to any one of the other components of national security is destructive. This realization was the origin of the establishment of the Arms Control and Disarmament Agency and the General Advisory Committee in 1961. It is essential that the erosion during recent administrations of these institutions, which provide such independent policy inputs, be reversed.

In the near term, arms control is the only intermediate means at hand between the extremes of unilateral steps toward arms reductions and unfettered arms competition. In many respects the arms controllers are the realists while both the unilateral disarmers and the military hardware enthusiasts are visionaries. It is no less visionary to propose that a new generation of technology will make nuclear weapons impotent and obsolete than it is to propose that a new international order that would obviate the need for such weapons be established. We must have arms control before either vision can conceivably lead to reality.

FIGURE 4.—HAVE THE SALT AGREEMENTS AFFECTED SOVIET PLANS FOR DEPLOYING OFFENSIVE WEAPONS?

Since SALT II (1979), the Soviet Union:

Has never exceeded the SALT I limit on ballistic missile launchers or violated its commitment not to undercut the SALT II limits on total strategic nuclear warheads and MIRVed ballistic missiles;

Has not constructed a single new fixed ICBM silo;

Has not tested a new "heavy" ICBM;

Has not tested or deployed a mobile "heavy" ICBM;

Has not increased the number of warheads on existing ICBMs;

Has not developed or tested ballistic missiles for installation on surface ships or emplacement on the ocean floor;

Has provided advance notification of tests involving multiple missile launches and extraterritorial test flights;

Has produced 30 or fewer Backfire bombers per year, and has removed refueling probes from Backfire bombers to reduce their potential utility as "strategic" intercontinental bombers;

Has not deployed the Backfire with long-range cruise missiles which would give it intercontinental capability and thus require that it be counted under SALT II limits;

Has not tested an ICBM that released more than 10 "reentry vehicles" (representing warheads), or tested an SLBM that released more than 14, in compliance with SALT II's "fractionation" restrictions. No more than nine mock warheads have ever been released during a Soviet SLBM test. In addition, under the SALT I and SALT II accords the Soviets have removed 1,007 ICBMs, 233 SLBMs, and 13 "Yankee"-class nuclear-missile-carrying submarines.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. BOXER].

Mr. FEIGHAN. Mr. Chairman, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Chairman, 1986 has already provided the world some of the most gripping drama of peoples' struggle for peace that we have witnessed in decades. This week in the Philippines a remarkable demonstration of the strength of popular will brought an end to the military regime of Ferdinand Marcos—a transition we all pray can maintain its nonviolent character. In Guatemala, a new leader has emerged who stands for democracy and nonviolence. In Venezuela, a new peace plan has been proposed by the Contadora nations for a peaceful settlement of Central American difficulties. In Haiti, "Baby Doc" Duvalier has been forced out of his repressive rule. In Israel, Anatoly Shcharansky lives finally as a free man; an event that marks a dramatic step in the easing of United States-Soviet tensions. Finally, we have received from the Soviet Union a proposal to eliminate nuclear weapons by the turn of the century. This proposal has breathed new life into the Geneva arms talks and has been positively received by our administration. The possibility of real reductions in the nuclear arsenals of the two superpowers highlights the mood in this country and around the world for a new emphasis: Away from a reliance on the military to

maintain tenuous peace and toward a more constructive negotiating stance that will secure a stable future for our children.

Simple common sense says that to turn around, one first has to stop. Yet for all the rhetoric about reducing arsenals and working toward a ban on testing, the administration has promoted testing as central to our defensive strategy, and even pushed for tests of Asat's despite Congress' continued ban. Moreover, since the start of the Geneva arms talks last year, we have spent about $7 billion on our nuclear arsenal alone. This kind of trend undermines our credibility at Geneva, and belies the rhetoric at home.

Today, we have a chance to reaffirm Congress' support for constructive dialog by passing House Joint Resolution 3. Less than 2 years ago, the other body voted decisively for this identical resolution, and today we have talks in progress in Geneva. Far from undermining our representatives at those talks, passage of this resolution is our strongest vote of support and encouragement for a positive outcome.

House Joint Resolution 3 would enhance our credibility and underscore our commitment to arms control. The language is straightforward: We urge the President to request Senate action on two important nuclear testing limitation treaties, and we urge him to take action on negotiations toward a comprehensive nuclear test ban. This resolution does not presume to instruct the President on the posture he must take, but as with the 1984 vote in the other body, this resolution contains our best advice.

Ratification of the two testing limitations treaties signed under Presidents Nixon and Ford would improve our ability to monitor and verify Soviet compliance, laying the groundwork for a verifiable comprehensive test ban treaty. Because verification relies on ratification of those treaties, it is premature to argue that a CTB could not be reliably verified and therefore cannot be negotiated.

Finally, rather than tying the hands of the President and our Geneva negotiators, House Joint Resolution 3 complements our efforts by offsetting any rhetorical advantage the Soviets may have in calling for negotiations. By placing ourselves on the same footing, we clear the way for constructive negotiation, rather than a war of words.

I urge my colleagues to vote "no" on the Hyde amendment to House Joint Resolution 3, and to join in unanimous support of the other body's previous wisdom by voting "yes" on the final passage.

Mrs. BOXER. Mr. Chairman, President Kennedy's name has been mentioned several times in this debate. President Kennedy felt that his most shining hour in the White House was when he brought us the agreement with the Russians to ban atmospheric nuclear testing. There has not been a test in the atmosphere since those days, 1963.

Had there been then the kind of technology we have now on verification, that limited test ban treaty would have been a comprehensive test ban treaty. We have that verification now; it is time to move ahead with the process that President Kennedy started.

The opponents say it is bad timing for us to consider House Joint Resolution 3: It was bad timing before the summit; it was bad timing during the summit; it is now bad timing after the summit.

Has the Congress lost its backbone? Are we afraid to express ourselves on an issue so important that a vast percentage of our youth think they are going to die in a nuclear war?

I say it is our obligation to express ourselves in this advisory way, and I want to thank the gentleman from Florida [Mr. FASCELL], the gentleman from California [Mr. BERMAN], and my good, dear friend who I am going to miss so much, the gentleman from Iowa [Mr. BEDELL] for his work on this.

I hope we have not lost our backbone. Let us prove it by voting down the Hyde substitute and voting up House Joint Resolution 3.

The CHAIRMAN. The time of the gentlewoman has expired.

The Chair will advise that the gentleman from Illinois [Mr. HYDE] has 9½ minutes remaining; the gentleman from Florida [Mr. FASCELL] has 9 minutes remaining.

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Mr. HYDE. Mr. Chairman, I am pleased to yield 5 minutes to the distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield to me briefly?

Mr. MICHEL. I am happy to yield to my distinguished friend from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I support the Hyde-Byron perfecting substitute. We must attain equitable and verifiable nuclear arms reductions to end the arms race. Meaningful arms reductions must precede, however, any restrictions of nuclear testing.

Why should this Congress send a message of disunity to the Soviet Union? Why should we pull the rug out from under our negotiators in Geneva?

I commend the President for his strong arms control initiatives and urge my colleagues to back our Geneva arms reductions effort.

The Hyde-Byron substitute expresses the sense of Congress in supporting the attainment of a verifiable and comprehensive test ban treaty. The treaty would come after we have achieved significant nuclear arms reductions.

This substitute provides for the attainment of a comprehensive test ban [CTB], but keeps the test ban negotiations in the proper place in the overall arms control process. It offers an incentive to the Soviet Union to make verification improvements in these testing agreements.

I can assure you that the President is serious about arms reductions. As a House observer to the Geneva talks, I have had the opportunity to talk with our negotiators in there. Our team in Geneva is now discussing meaningful nuclear arms reductions with the Soviets.

In responding to the latest Soviet arms control proposals, President Reagan said:

We support a process by which the United States and the Soviet Union would take the first steps by implementing the principle of 50 percent reductions in the nuclear offensive forces of both sides.

The President's approach to arms reductions is sound. It is workable and I praise him for his deep commitment to making headway in this important area.

During this sensitive negotiating period, let's support our President's proposal and our Geveva negotiators in their effort to achieve mutual and verifiable reductions. A vote for the substitute before us sends a message of support.

What could we do to show disunity at home at a time when the Soviet Union's Party Congress is meeting? How could we pull the rug from under our negotiators now working on these critical issues in Geneva? How could this Congress undermine the President's latest response to the Soviet arms control proposals? The answer is simple. We could pass House Joint Resolution 3.

What have some well-known organizations, whose members have served America in times of need, said about House Joint Resolution 3?

The American Legion said:

In an environment where potentially volatile nations have access to nuclear technology House Joint Resolution 3, in our view, poses a serious threat to the security of this nation.

In reference to House Joint Resolution 3, the Coalition for Peace Through Strength, in expressing the views of the Veterans of Foreign Wars and the Reserve Officers Association, said that:

The resolution ignores the simple fact that our security is dependent upon the safety and reliability of our strategic and theater nuclear forces.

The Hyde-Byron substitute protects America's security interests and supports our ongoing arms reduction talks in Geneva. It shows Congress' support for the President's approach to arms reductions.

I urge my colleagues to reject House Joint Resolution 3, and support the perfecting substitute.

Mr. MICHEL. Mr. Chairman, we have listened to experts on both sides of this debate discuss the various technical and policy considerations of House Joint Resolution 3.

I support the view that a comprehensive test ban must come after, not before, a major arms reduction agreement, agreements on verification, and an increase in our conventional force. Beyond that I have nothing to add to the debate of the experts on those matters.

But I do want to offer my personal views on this issue, views that were strengthened by visiting our negotiators in Geneva on March 11, 1985, and

by meeting Secretary Gorbachev in Moscow on April 9, 1985.

What struck me during my visit to Geneva, over and above the complexity of arms reduction talks themselves, was the unanimous opinion of our negotiators that the United States must be perceived by the Soviet Union as speaking with one voice in the negotiations.

House Joint Resolution 3 would add to the burden our negotiators already carry in dealing with the daily barrage of propaganda and intransigence from the Soviet negotiators.

This resolution adds yet another voice to their deliberations, the voice of the House of Representatives caught up in one of its periodic frenzies of do-goodism.

My definition of do-goodism is the persistent fantasy that if we only say the right words—like "test ban"—or do the fashionable thing—pass a "test ban" resolution—all will be well with the world.

We must consider the confusing message we send to Mr. Gorbachev if we pass such a resolution.

On our visit to the Soviet Union, along with the Speaker and a few of our colleagues, I sat across the table from Mr. Gorbachev in Moscow. We had 3½ hours to observe him at close range.

I came away from those discussions with the conclusion that whatever else Mr. Gorbachev may be there was no mystery about him.

He may be of a younger generation than we were accustomed to seeing, but like his predecessors, he is dedicated and totally committed to the Marxist-Leninist philosophy.

He is a man whose entire life has been spent within a totalitarian system.

And so he is almost totally incapable of entering into the minds of those in the West. How could he? He knows nothing else but what his rigid dogmatic system has taught him.

And when I listened to Mr. Gorbachev, it became clear to me that the very worst way to deal with him is to give him the idea he can find an opening in our Nation's position on arms reduction.

Some of us might see House Joint Resolution 3 as a sign of flexibility. But given his education, his background, and his world view Gorbachev can only see it as a sign of weakness and confusion.

So, forget for a moment what you may believe or hope House Joint Resolution 3 will achieve.

Put yourself in Mr. Gorbachev's place.

There you are at the Party Congress, preparing to see a public stamp of approval put on your rule.

And there, before you, is the news that the House of Representatives, in blatant disregard of what the President, the Secretary of State, the Secretary of Defense, and our arms negotiators in Geneva want, has passed a resolution demanding that the President do something he feels is against our rest interests.

Wouldn't you lean over to your aides and share the good news—before getting on the phone with your boys in Geneva and telling them: "Comrades, the Americans are divided. Press for the advantage. Don't budge. Drive them from the table. Get the propaganda machine in motion."

Often in the House we find our best intentions lead to unintended consequences. Surely House Joint Resolution 3 is the latest example of this failing.

Tonight, the President of the United States will address the Nation—and the world—on national security matters.

Will the context in which he makes this address be one of national unity and congressional support?

Or will the President be speaking to the world in one voice, while the House of Representatives speaks with another?

The President deserves something better than that. Our negotiators deserve something better.

Instead of the shrill voice of House Joint Resolution 3, let's support the calm voice of the substitute offered by Mr. HYDE and Mrs. BYRON, one in true harmony with the voice with which our negotiators now speak in Geneva.

Mr. FASCELL. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I have thought a great deal about this legislation and I am a cosponsor of the one for the Bedell amendment. I have also read Mr. HYDE's paper. It seems to me the basic differences are not ones that should lead us to go away from the Bedell resolution because the Bedell resolution does not do anything that is dangerous to America. It merely sets the course for us to try to do something in the field of getting together to try to reduce nuclear war and the dangers of nuclear war.

The difference of saying that you have to go to reduced weapons before you debate about the comprehensive test ban does not seem to me a logical thing to do at all. It seems to me our country ought to be doing the leadership, to bring all countries together in a safe manner. It seems to me the Bedell resolution does that.

I do not think we ought to evade that. We ought to do what we honestly believe ought to be done which I think the American people feel we ought to try to do, to try to get a comprehensive test ban, verifiable, secure. That is the purpose of this legislation.

It is a great pleasure for me to follow Mr. BEDELL because he has been a real leader in this Congress, and he has the courage to bring these things before us.

Mr. Chairman, I urge my friends in the Congress to vote for Mr. BEDELL's resolution and against the HYDE resolution.

The CHAIRMAN. The gentleman from Flordia [Mr. FASCELL] has 8 minutes remaining; the gentleman from Illinois [Mr. HYDE] has 4½ minutes remaining.

PARLIAMENTARY INQUIRY

Mr. HYDE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HYDE. I do not get to close the debate, Mr. Chairman?

The CHAIRMAN. The gentleman from Florida [Mr. FASCELL] has the right to close debate.

Mr. HYDE. Is it not my substitute?

Mr. FASCELL. The gentleman gets to close debate, I think.

Mr. Chairman, I have no objection to letting them close the debate.

The CHAIRMAN. If the gentleman wants to defer, that is acceptable to the Chair.

Mr. FASCELL. Certainly.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. I thank the chairman.

First, let me commend the chairman of the Committee on Foreign Affairs for the work that he has done in this over the years; his dedication to something that is not only in principal but in reality so important for this country. Let me thank my good friend from Iowa, Mr. BEDELL, who has put a lot of time and effort into something and has left his mark on this body, for sure, for many years to come; also, Mr. LEACH and all the others who worked so hard, and certainly Mr. BERMAN, who helped to put this on the floor in the proper fashion.

Mr. Chairman, I want to urge all of our colleagues to vote against the Hyde amendment and vote for House Joint Resolution 3. I understand the gentleman from Illinois is well motivated, but the arguments that a House joint resolution will tie the President's hands and his amendment will not are in reverse. The reality is that House Joint Resolution 3 does not mandate anything. It just says the President should. While the gentleman's amendment, in fact, does mandate.

There has been discussion that there will be an ability, if we pass this, of the Russians to do what they cannot do now. That is wrong. You have heard speaker after speaker tell you, quoting the experts, that if we were to go into a comprehensive test ban now it disadvantages the Russians, not the United States of America. It means they get locked into a disadvantaged

position. That is something that we would want.

You heard a speaker just before me talk about the President of the United States being applauded by both sides, doing the right thing at Geneva, speaking with one voice. I remember when the President of the United States did not want to speak to the Russians and it was this House that pleaded with him to sit down at Geneva and when he sat down, after being pushed, he came up with something that we all think is important and it works and it is the right thing to do. Finally, let me tell my colleagues, you have heard the argument that this is not the right time. If you review the discussions of the ABM, if you review the discussions of SALT, you will hear the same arguments, this is not the right time. Well they worked and this will work.

Ladies and gentleman, the future of our children depends on it and if not us, who? And if not now, when?

I thank the Chairman.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. I thank the gentleman for yielding.

Let me just say that I have listened to the whole debate here this afternoon and for several hours on this issue. It seems to me what we are dealing with is a perfectly reasonable, perfectly logical, perfectly, almost noncontroversial piece of legislation. I do not know why the administration is making such a fuss of this thing. It is a mystery to me why they should stand up and take a stand on an issue such as this. It is asking that we send forward treaties that have already been agreed to, that will help our verification and it invites the administration to send forward any reservations—and reservations are an amendment to a treaty—send forward any reservations that they have to it. What could be better from that standpoint? The CTB? It only is asking that we enter into negotiations, something that all other administrations have done. I must say we have gone over and over the arguments pro and con on this thing and I have heard them but it really is a mystery to me what we are dealing with. Somebody, something over in that administration that says: If there is something here that Congress likes, there must be something wrong with it. I think what we are dealing with is a feeling in that administration that somehow "If we cooperate with the Congress and work with Congress we must be doing something wrong," because if there is anything that Congress can do that would be at least certainly less harmful than a lot of other things I could think of, they ought to cooperate with us. They are not cooperating.

It seems to me this is clearly something that we ought to be voting for.

I thank the gentleman for yielding me such time.

Mr. FASCELL. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank the chairman for yielding.

Mr. Chairman, we stand at another crossroad in history. The two superpowers are about to meet again in Geneva and to address the most crucial issue of our time: What to do about the arms race.

We must realize how very stark the choices are.

We can choose to continue the policy of a massive nuclear weapons buildup by both sides, each country "enhancing" their deterrent capability only to be looking down the barrel of the same incredibly expensive "enhancements" within a decade of their deployment.

We can buy into the convoluted logic and contradictory notion that in order to obtain a treaty for the reduction of nuclear weapons, we must first achieve nuclear weapons reductions. And, further, that we can only achieve nuclear weapons reductions through the production and deployment of more nuclear weapons.

We can say that we need to reject a treaty because it does not provide perfect verification provisions, and continue on with fewer verification capabilities.

We can argue that verifiability is a key to negotiation and continue to design, build and deploy weapons which take us beyond any possibility of verification.

We can say that testing is needed because without it the use of nuclear weapons would be made more difficult. But by what reasoning do we want it to be made easy?

We can continue to appear to the world community as the belligerent party; refusing to accept a mutual moratorium on underground testing of nuclear weapons and allowing a propaganda victory.

As we debate this particular measure, House Joint Resolution 3, we reach this crossroad. We can choose a different road than the one which has brought us to the era of nuclear overkill.

We can decide that our national security no longer is enhanced by the further exercise of brinksmanship. That we are not made stronger by the diversion of our precious and dwindling resources to the production of more megatonnage.

While this resolution will not stop the production of any weapons system on either side, House Joint Resolution 3 is the first step on that road.

It is not a demand. It does not change the structure of the Geneva talks. Instead, it urges the President to request the Senate to ratify two very important treaties, the Peaceful Nuclear Explosions Treaty and the Threshold Test Ban Treaty. Two treaties that have been signed, both by Republican administrations, and which embody principles which have been sought by every President since Eisenhower.

These treaties will greatly improve verifiability. This resolution supports the President in his quest for additional or different verification provisions.

Further, an important element of House Joint Resolution 3 is that it urges the President to pursue the resumption of negotiations toward the signing of a comprehensive test ban treaty.

In the short term, a moratorium on nuclear testing has been of interest to both the Soviet Union and the United States. The Soviets in July 1985, December 1985, and again last month have imposed and extended a unilateral test ban. I submit that we meet the Soviet challenge, and initiate a test ban of our own as a preliminary move toward the successful completion of a comprehensive test ban treaty.

Mr. Chairman, it is time for this body to understand what the other body, past Presidents, 52 national security experts, the vast majority of people in this country and around the world already know. It is time to take the courageous step toward a truly enhanced national and world security. It is time to break the upward spiral of the arms race. It is time to vote for House Joint Resolution 3.

Mr. FORD of Michigan. Mr. Chairman, I rise in support of House Joint Resolution 3, to prevent nuclear explosive testing. I am a cosponsor of this important legislation along with 210 of my colleagues. If adopted, this resolution would require the President to submit both the Threshold Test Ban [TTB] and Peaceful Nuclear Explosion [PNE] Treaties to the Senate for ratification. In addition, this measure provides for the resumption of presently suspended trilateral negotiations between the United States, Great Britain, and the Soviet Union toward concluding a verifiable comprehensive test ban [CTB] treaty.

In 1984, the Department of Defense Authorization Act included language expressing that these actions be taken. House Joint Resolution 3 contains the exact language in that bill which was approved ultimately by the other body.

As my colleagues are aware, the United States and the Soviet Union have already initiated a step-by-step approach to the completion of a comprehensive nuclear test ban. In 1963, the Limited Test Ban Treaty, which prohibits nuclear tests in the atmosphere, outer space, and underwater, was signed by President Kennedy and Premier Khrushchev and approved by the other body. In 1968, this process was further strengthened when the Nuclear Non-proliferation Treaty was signed and later approved by the other body.

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The United States and the Soviet Union completed negotiation of the Threshold Test Ban Treaty in 1974 and the Peaceful Nuclear Explosions Treaty in 1976. Taken together, these two treaties prohibited all nuclear tests with a yield exceeding 150 kilotons.

Claims by the Reagan administration that the Soviets have violated the 150-kiloton limit have not been verified by scientific evidence. Furthermore, since ratification would improve U.S. information, such as an onsite inspection and geological data, it is absurd to condition ratification on improvements in U.S. verification.

Unlike the Broomfield-Hyde substitute being offered today, House Joint Resolution 3 would not hinder progress toward substantive arms control. It simply calls on the President to add negotiations on a comprehensive test ban treaty to the existing negotiations that are underway in Geneva.

The Broomfield-Hyde proposal urges no negotiations unless unspecified arms reductions are achieved in the indefinite future. In effect, the substitute would block negotiations that might contribute significantly both to the ongoing arms control talks and to the long-term security of the United States. It is preposterous to oppose resuming negotiations toward a comprehensive test ban treaty since no terms have been set other than a general goal of eliminating nuclear warhead tests. The United States should be prepared to negotiate with the Soviets on matters of such mutual interest—a position the Reagan administration itself has repeatedly taken.

Mr. Chairman, I urge my colleagues to support House Joint Resolution 3, to hold back further growth and proliferation of nuclear weapons, provide more positive momentum in other ongoing United States-Soviet arms control negotiations, and lead to further and more comprehensive measures to halt the nuclear arms race. The issue of nuclear arms control is of paramount importance to long-term U.S. national security interests. I wholeheartedly feel that this important resolution represents a sound, reasonable and prudent approach toward the achievement of this goal.

Mr. PORTER. Mr. Chairman, I rise in support of House Joint Resolution 3, to prevent nuclear explosive testing.

During the 1950's, the Soviet Union, Britain, France, and the United States all tested nuclear weapons in the open atmosphere. With these tests, the superpowers were able to develop the hydrogen bomb, 100 times more powerful than the one dropped on Hiroshima. These tests also slowly poisoned the land and water of the Earth with increasing amounts of radioactive fallout.

Following the Cuban missile crisis, President Kennedy and Nikita Khruschev agreed to end above-ground testing with the negotiation of the Limited Test Ban Treaty in August 1963. In that treaty, the United States, Britain, and the Soviet Union agreed to ban all nuclear tests above ground, in the atmosphere and in space.

They also agreed on the principle of banning all nuclear tests. This principle is as valid today as it was when President Kennedy signed the Limited Test Ban Treaty 23 years ago. Had President Kennedy been successful then, it would have been nearly impossible to develop the multiwarhead missiles that confound our negotiators in Geneva and threaten our land-based nuclear missiles today. Had he been successful, the arsenals of the United States and the Soviet Union, though still deterring nuclear war, might have been smaller and less complicated than they are today.

Since that time, the United States and Soviet Union have both conducted several hundred nuclear tests. The United States maintains a substantial lead in developing small lightweight nuclear weapons that are being deployed aboard our new strategic systems. Other countries such as China and India have also joined the nuclear arms race with nuclear tests of their own.

Presidents Nixon and Ford successfully negotiated two treaties dealing with the testing of nuclear weapons, the Threshold Test Ban and Peaceful Nuclear Explosions Treaties. Both treaties limited any underground nuclear explosion to 150 kilotons. They also contain provisions for exchanging geologic information on test sites, yield estimates for two explosions to calibrate instruments, and the establishment of regular consultations. Since their negotiation in 1976, these two treaties have languished in the Senate.

Negotiations toward the goal of a comprehensive test ban have stalled following President Carter's decision to suspend all bilateral talks in the wake of the invasion of Afghanistan. The Reagan administration decided not to resume these talks.

House Joint Resolution 3 simply calls on the President to submit the Threshold Test Ban and Peaceful Nuclear Explosion Treaties to the Senate for their consideration of ratification and calls for the resumption of negotiations toward a comprehensive test ban treaty.

The resolution allows the President to submit any reservations or understandings he may have with regard to our ability to verify Soviet compliance with these treaties. Given the long list of concerns I have received from the White House, I feel certain that the President would urge him to make full use of this procedure.

House Joint Resolution 3 specifically calls on the President to propose an immediate resumption of CTBT negotiations. It does not specify the time or place of such negotiations; that is left up to him. It also calls on this treaty to be verifiable, which would include onsite inspection to monitor very small nuclear explosions below the 1-kiloton range where we may have difficulty in detection.

In sum, Mr. Chairman, this is the same resolution that passed the Senate 2 years ago by a vote of 77–22. It is a clear statement, expressing the hope of the American people that we can slow the arms race down by mutual agreement that will leave both sides less vulnerable to a devastating first strike. The resolution is a direct call to work to end the nuclear arms race and to begin the President's and my goal of substantial reductions in nuclear forces.

Mr. FAZIO. Mr. Chairman, today we have heard a great deal of debate regarding the merits of House Joint Resolution 3. This resolution urges the President at the earliest possible date to request the advice and the consent of the Senate on ratification of two testing limitation treaties the United States has already signed, the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty, and to submit a report containing any plans the President may have to negotiate supplemental verification procedures, or if the President believes it necessary, any understanding or reservation on the subject of verification which should be attached to the treaties. The resolution also urges the President to propose to the Soviet Union the resumption of negotiations toward conclusion of a verifiable Comprehensive Test Ban Treaty.

There are those who have expressed strong reservations about the purpose of this resolution. They contend that we cannot sufficiently verify test ban treaties, and that we should not agree to a comprehensive test ban treaty until we have achieved verifiable and militarily significant nuclear arms reductions.

I, too, favor major reductions in nuclear weapons, and I believe that verification is an essential element in any treaty we sign with the Soviet Union. Those of us who advocate arms control are not naive. We have been the very people who are committed to the most stringent of verification procedures. It is interesting to note that many of those voices who speak the loudest on our alleged inability to technologically verify testing, are the same voices who contend we have the technological know how to make star wars work.

But to oppose House Joint Resolution 3 on the grounds that we cannot verify testing or that we must first reduce our nuclear arsenals begs the question.

If we are ever to make progress on arms control we must begin at an appropriate point. Every time Members of Congress have urged this administration to move forward we have met a stone wall. Only of late have we been able to chip away at the ideological resistance to arms control.

Today, as we debate House Joint Resolution 3, which simply urges the President to move forward on negotiations for a comprehensive test ban treaty—not demand, not dictate, not direct—the halls are filled with the administration's operatives waging a battle against this measure. What can one think of an administration which on the one hand speaks for arms control while the other hand works against it.

The track record is clear the only time this administration has made any tangible efforts toward arms control has been when it is under the most intense public pressure. We must keep that pressure on. CBT has been the goal of every President since Dwight Eisenhower. Why not resume negotiations now. I urge my colleagues to support House Joint Resolution 3 and to reject the Broomfield-Hyde substitute.

Mr. UDALL. Mr. Chairman, I rise in support of House Joint Resolution 3, the most significant piece of arms control legislation we will consider this Congress. It is a very simple bill, asking the President to seek ratification of two treaties signed more than 10 years ago, and to seek negotiations for a new treaty to end nuclear testing altogether.

The supporters of the substitute amendment offered by the gentleman from Illinois and the gentlewoman from Maryland argue that this bill will somehow weaken the position

of our negotiators in Geneva who are working in other arms control areas, such as strategic and theater forces. But surely our negotiating posture is not so tenuous that it would be undermined by talks on a related arms control subject.

This substitute amendment also calls for agreements on strategic arms limitation to be completed before a comprehensive test ban treaty. This bill does not in any way prevent that sequence—it asks only that we begin negotiating a test ban treaty now. There is no reason why test ban negotiations can't go forward simultaneously with the other negotiations. If our negotiators complete the work on a test ban treaty and wish to make a strategic arms accord a condition of signing it, this bill would not prevent them from taking that approach.

There have been many signals from the Soviets recently that they are very interested in discussing a comprehensive test ban, the most important of which has been their testing moratorium. They have also indicated an apparent willingness to allow a treaty to be verified by onsite inspections. This is a very important development, with significant implications for verification in other arms control areas as well.

Had a comprehensive test ban been implemented 10 years ago, our strategic posture relative to that of the Soviets would be considerably stronger than it is today, and we would have saved billions in unnecessary spending on offensive systems.

The timing is right for the United States to take this simple and safe step toward progress in arms control. It leaves our negotiators the freedom to negotiate a treaty that fully safeguards our national security interests, and in no way compels them to settle for less. Let's take that step.

Mr. GEPHARDT. Mr. Chairman, the last fully effective agreement to reduce nuclear testing was John Kennedy's Limited Test Ban Treaty—ratified in 1963. Now, 23 years later we have an opportunity to make up for a generation of wasted opportunities.

It is time to ratify the Threshold Test Ban, signed in 1974 and the Peaceful Nuclear Explosions Treaty signed in 1976. And it is time to achieve a really vital arms control goal by negotiating a comprehensive test ban treaty.

While we have been observing the conditions of the Threshold Test Ban and the Peaceful Nuclear Explosions Treaty, important aspects of these agreements enter into force only upon ratification. Instead of arguing about the likelihood of the Soviets' cheating, let's take advantage of the provisions which make onsite inspections possible. Let's exchange the information on seismic conditions and yield estimates which will facilitate verification. And then, building on those treaties, let President Reagan resume negotiations with the Soviet Union on a comprehensive test ban.

Critics of such a treaty argue that the Russians have exceeded the current 150-kiloton testing limit and that no piece of paper will stop them from secret testing. In fact, evidence pointing to higher yield Soviet explosions is extremely ambiguous and there is no compelling proof of violations. Experts, such as the head of the earthquake studies group at Columbia University, believe that secret blasts under a comprehensive test ban would be all but impossible. Networks of seismic monitoring stations and new research techniques will make it possible to differentiate accurately between earthquakes and atomic explosions. In addition, the treaty would provide for onsite inspections to resolve any suspicious events.

Opponents also claim that testing must continue in order to insure the reliability of our nuclear arsenal and to design new warheads. Again, overwhelming evidence indicates that our deterrent would not be impaired. The safety and reliability of current weapons can be accurately assessed without exploding them. Other testing technologies and computer simulations will permit the production of new weapons, although it is true that without actual explosions we may be slightly less confident of their ability to perform exactly as intended. This would actually be stabilizing, for a dash of uncertainty would reduce any incentive to launch a first strike.

House Joint Resoution 3 is a flexible document which will in no way impair our national security. It will be a powerful boost to international nonproliferation and a first step to meaningful reductions in the world stockpile of nuclear weapons. We should send it to the President now.

Mr. DASCHLE. Mr. Chairman, I rise in strong support of House Joint Resolution 3, legislation which calls for the resumption of negotiations toward a verifiable comprehensive test ban [CTB] treaty. This resolution would also urge the President to request that the Senate ratify two nuclear testing limitation treaties: the Threshold Test Ban Treaty, signed by President Nixon, and the Peaceful Nuclear Explosions Treaty, signed by President Ford.

Every President from Eisenhower to Carter has supported a verifiable CTB, and the administration has often stated its long-term objective of achieving a CTB. The Geneva summit talks have set an encouraging tone for renewed negotiations. There is tremendous public support for a CTB, and it is now our turn to demonstrate a commitment to the elimination of nuclear explosion testing and the end of the nuclear arms race.

Opponents of this resolution want to convince us that compliance with a CTB cannot be verified or that this legislation will undermine our national interest in negotiations with the Soviet Union. It is clear that we have an unquestionable, far-reaching technological capability to monitor compliance with a CTB down to the most marginally significant explosive potential. As for the charges that the United States is somehow compromised in negotiations through passage of this legislation, the resolution clearly states that the United States is not bound by any treaty the Soviet Union violates.

Mr. Chairman, I also want to express my opposition to the amendment offered as a substitute to House Joint Resolution 3. This substitute simply supports the status quo and even restricts Presidential action toward a CTB. Essentially, the substitute urges us to wait and see if conditions magically improve. We have waited long enough, and we cannot afford to wait any longer. It's time we accept responsibility and initiate positive change.

Today we have the opportunity to take a meaningful step toward real progress in negotiations with the Soviets. It is an opportunity to revitalize the spirit of Geneva and to rededicate ourselves to finding the solution to the ultimate issue of our time—halting the senseless build-up of nuclear weapons. I urge my colleagues to support this resolution and to oppose the substitute.

Mr. LIPINSKI. Mr. Chairman, I am certain that the Members here assembled are in earnest in seeking a way to achieve effective arms control in order to preclude any possibility of mankind's destruction by these terrible weapons. That is not under contention here. The legislation we have before us, however, providing for a seemingly verifiable comprehensive test ban treaty, does not help the progress toward genuine arms reduction. Even though the document does not direct but urges the President to ratify the two treaties in question and to resume negotiations toward a test ban treaty—why urge a policy that is essentially flawed.

With negotiations in Geneva moving rapidly, the timing of this resolution is certainly inauspicious. Constructive arms reduction proposals have been recently exchanged by both the United States and the Soviet Union and the atmosphere looks ripe for a militariiy significant agreement. General Secretary Gorbachev has stated that there will be no second summit without an arms proposal to work with. Our negotiators in Geneva, therefore, should be the focal point of our efforts to reduce arms, not an ill-timed resolution that hinders these efforts. Moreover, the technical complexity of the discussions involved are best left in the hands of our negotiators in Geneva.

By urging that negotiations for a test ban treaty be resumed before a substantial nuclear arms reduction, House Joint Resolution 3 is something of a nuclear non-sequitur. In other words, it does not follow that a ban on the testing of nuclear weapons should occur before the number of these weapons is reduced. It makes far more sense to first work toward the achievement of mutual arms control—something that is being done right now in Geneva—and then enter into negotiations for a verifiable test ban treaty. An effective prior agreement on arms control would clearly provide a firmer basis for these negotiations.

The problem of verification is another important factor that must be taken into account. Given the current state of technology, there is no sure way of making the Soviet Union comply with a test ban treaty. Recognized scientists have spoken out that the uncertainties in verification technology coupled with past Soviet record of violations make it inadvisable to proceed immediately to open a dialog on this issue. On a number of occasions, the most recent being September 24, 1984, the United States has proposed to the Soviet Union that both countries improve verification of the Threshold Test Ban Treaty by exchanging experts who could measure the yields of nuclear weapons test. The Soviets, however, have chosen to reject these repeated efforts. Without thorough verification, something that is central to the idea of a test ban, there can be no truly effective understanding on this issue between the two superpowers.

The United States still relies on a policy of nuclear deterrence for its own security and that of its allies. If we stop the testing of these weapons, it will prove dangerous to even possess these weapons let alone rely on them. As long as this deterrent policy remains the cornerstone of our Nation's security, the need to test is mandatory. Of course, everyone looks to the day when the Nation is no longer dependent on these terrible weapons. The fruitful negotiations going on in Geneva and the upcoming summit meeting between President Reagan and Secretary Gorbachev are positive steps toward this all-important goal. A comprehensive test ban treaty can only make sense when major arms reduction agreement has occurred between the United States and the Soviet Union and when verification of such a test ban cannot be questioned.

Mr. LUNDINE. Mr. Chairman, I rise in support of House Joint Resolution 3, legislation to limit nuclear weapons testing.

I believe we must pass this measure, as the Senate did in 1984, in order to prove to the Soviet Union that we are serious about arms control. The Soviets proved to us that they were serious when they unilaterally stopped all nuclear explosive testing on August 6 of last year. Moreover, in a statement on January 15, Soviet leader Mikhail Gorbachev agreed to extend this self-imposed Soviet moratorium as long as we refrain from testing.

The onus is now on the Congress to pass this resolution urging President Reagan to seek ratification of the Threshold Test Ban Treaty signed by President Nixon in 1974 and the Peaceful Nuclear Explosions Treaty signed by President Ford in 1976, and to resume negotiations with the Soviets for a comprehensive test ban treaty.

The passage of this legislation can and will contribute to ending the arms race. If both superpowers stopped exploding nuclear bombs, several benefits would result. First, less radiation would leak into the ground and air which would lower the health risks attributed to exposure. Second, both sides would have a chance to work for a permanent ban on all nuclear tests by all nations. Third, if countries do not test their nuclear weapons they cannot be sure that they will work, and hopefully will be less likely to launch a first strike.

We should follow in the footsteps of the late John F. Kennedy who, in 1963, took the lead in limiting nuclear weapons testing by establishing a moratorium on atmospheric testing. This action led to the signing of the 1963 Limited Test Ban Treaty which the United States and the Soviet Union have followed for over 20 years.

Finally, I urge my colleagues to support this resolution without any weakening amendments because a permanent ban on nuclear testing would be a first step toward lasting peace—the kind of peace that President Kennedy spoke of in his American University speech 23 years ago—"a genuine peace, the kind of peace that makes life on Earth worth living, the kind that enables men and nations to grow and to hope and to build a better life for their children."

Mr. BRUCE. Mr. Chairman, today I rise in support of House Joint Resolution 3, to prevent nuclear explosive testing.

There are two distinct components of this resolution. Both are important. The first calls upon the President to submit the unratified Peaceful Nuclear Explosions Treaty [PNET] and Threshold Test Ban Treaty [TTBT] to the Senate for ratification. The second part calls upon the President to resume negotiations immediately with the Soviet Union on a comprehensive test ban treaty.

A comprehensive test ban would stop the modernization of first-strike weaponry. Without a test ban, development of destabilizing missiles will continue. Missiles will become much faster and more accurate. As a result, we will have less reaction time if an attack ever occurs. By preventing these technological advances, we can diminish the chances that either side will contemplate winning a nuclear war through a first-strike. Besides, the current makeup of our U.S. nuclear forces gives us a great advantage to accepting a test ban. United States warheads are smaller with a high yield, while the Soviet nuclear force structure consists of much larger missiles. If the Soviets continue to test and then develop smaller warheads, they will be capable of placing more warheads on each of their missiles than the United States could on our missiles. If the Soviets ever decided to "breakout" of the current arms control treaties, they could increase the size of their nuclear arsenal by a factor of four.

Many experts agree that we now have means to verify nuclear testing with high confidence through satellites, seismic stations, and onsite inspections. While the administration contends that verification is still a problem, they have neglected to adequately fund verification programs to try and solve the problem. Since 1980, the verification budget has been decreasing. In fact, last year it was cut by nearly a quarter. We should question why this is occurring. If verification is a problem, we should accelerate research, not cut it.

Mr. Chairman, there is no question in my mind that now is the time for the House to approve House Joint Resolution 3. Late last July, the President received an offer from the Soviets to join in a bilateral nuclear test ban moratorium. Soviet General Secretary Gorbachev said that if the United States agreed to the moratorium, testing could be halted indefinitely. A number of my colleagues and I wrote to President Reagan urging that he seriously consider accepting this offer and to move forward on specific test ban negotiations. We pointed out that if we discover that the Soviets violate the moratorium, we should immediately resume our testing program at full speed.

Today, the President has not accepted any of the terms of this moratorium. However, it is my hope that the passage of House Joint Resolution 3 will send a strong signal that we want to strengthen our arms control position by halting the testing of nuclear weapons.

For over 20 years. Republican and Democratic administrations alike have sought to limit testing of nuclear weapons through various test ban treaties. In 1984, the Senate passed, by a 77-to-22 vote, a resolution identical to one the House is considering today. Let's not miss this opportunity to show where we stand on this important matter.

Let's adopt House Joint Resolution 3, with no weakening amendments, and demonstrate our commitment to the arms control process.

Mr. PANETTA. Mr. Chairman, I am pleased to rise today and lend my voice in support of House Joint Resolution 3, which calls for a resumption of negotiations for a Comprehensive Test Ban Treaty.

As we all know, this resolution calls on President Reagan to propose to the Soviet Union at the earliest possible date the resumption of negotiations on a verifiable Comprehensive Test Ban Treaty. The resolution also calls on the President to submit for ratification to the Senate two other treaties which have already been signed by two former Presidents but which were never ratified. These are, of course, the Threshold Test Ban [TTB] Treaty and the Peaceful Nuclear Explosions [PNE] Treaty.

I support House Joint Resolution 3 because I believe it addresses three major concerns. First of all, it says to the world that the United States is serious about reaching an arms control agreement with the Soviet Union. Second, by providing a mechanism for the ratification of the TTB and the PNE treaties, it would enable us to more accurately verify any future arms control agreements between our nations. And third, it would allow us to begin negotiations on banning nuclear weapons tests.

I believe this resolution approaches the arms control challenge from the right angle; by going to the root of the problem. House Joint Resolution 3 confronts this issue by dealing with the testing of nuclear weapons; by calling for a halt to that testing long before the weapons are developed and deployed, and before they become a threat to the survival of our planet.

There is a great deal of talk these days about the strategic defense initiative and how it might possibly enhance the chances for the survival of the United States in a nuclear exchange. My purpose in rising today is not to address that issue, but I would like to suggest its relationship to the goals of the resolution we are currently considering.

Supporters of the star wars system say that, if technology proves accurate, the United States could survive with only minimal damage after a limited nuclear exchange. If as many as 10 percent of the aggressor's missiles break through the star wars barrier and strike the United States, scientists say the system will have succeeded. I would suggest to my colleagues that if our goal is to save the world from nuclear holocaust, the moment a single nuclear weapon is launched we will have failed, regardless of the number of casualties or how much damage is done.

It seems to me that too much discussion these days focuses on how we can survive a nuclear exchange. Such discussion assumes that a nuclear confrontation is inevitable. I do not subscribe to this view. Instead, I believe we should be talking not about ways to ensure our survival in a nuclear war, but about ways we can ensure that a nuclear war never takes place.

In order to achieve this all-important goal, I believe we must reduce the numbers of nuclear weapons in arsenals of both the United States and the Soviet Union. Before we can

do this, however, we must bring a halt to nuclear warhead testing. This is a necessary and crucial first step.

There are those of my colleagues who will argue that we cannot give up our option to test nuclear weapons; that to relinquish this option is to fall victim to outmoded and obsolete technology that would put the U.S. retaliatory forces in jeopardy. I disagree.

I do not believe that further nuclear tests are necessary to make sure that our retaliatory forces maintain their effectiveness. We do not need to fire weapons to make sure they work. We can accomplish the same goal by disassembling sample weapons and subjecting their components to nonnuclear tests. We can also replace components that are getting too old with new ones using original design specifications. After all, when your car needs a new battery you do not go out and buy a new car; you fix the original car.

There will be those who say that we should not negotiate a Comprehensive Test Ban Treaty with the Soviets because we can not trust them to uphold an arms control agreement. I agree that it would be naive to assume that the Soviets will abide by such an agreement if it does not contain enforceable means of verification, but I believe that this verification can be ensured. After all, Soviet actions can be more than adequately monitored with seismological techniques and by periodic onsite inspections. The Soviets, as we know, have agreed in principle to accept onsite inspection for verification purposes.

Moreover, ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty will help with United States verification of a Comprehensive Test Ban Treaty by providing for the exchange of information regarding the geological characteristics of both United States and Soviet test sites. Knowledge of these geological characteristics will enable the United States to more accurately and confidently calibrate nuclear detonations.

In addition to the impact the passage of this resolution would have on our efforts to pursue arms control, passage of House Joint Resolution 3 would allow this country to pursue a course other than an arms race that continues to consume enormous portions of our Federal budget.

At a time when we are spending billions of dollars on MX and Trident missiles, star wars space shields, and ASAT weapons, we can not afford to deny passage of House Joint Resolution 3. I believe that as long as nuclear weapons exist on the Earth, the United States needs to maintain an effective and reliable nuclear deterrent. I do not believe, however, that this deterrent must bankrupt the United States. And I do not believe that we should be spending billions of dollars on these weapons while at the same time we are turning our backs on less costly and more peaceful methods of achieving stability.

If the passage of Gramm-Rudman has taught us nothing else, it has taught us the importance of responsible management of our Federal budget and the importance of setting budgetary priorities. These criterion must be applied to all areas of our Federal budget, including that portion of our budget that provides funds for research into, and acquisition of nuclear weapons.

I believe that House Joint Resolution 3 gives us an opportunity to do just that. This resolution would allow us to set a new priority: the banning of all new nuclear testing. At the same time, the resolution allows us to be fiscally responsible: the banning of nuclear testing and the shift in emphasis toward achieving an eventual reduction in nuclear weapons would save billions of dollars each year. And I am sure we can all point to many places where this money could be put to better use.

We stand today with the Soviet Union on the edge of a high cliff, both of us weighted down with weapons, unable to move, where the slightest ill wind could push us off the precipice and into nuclear oblivion. Each day more nations are walking to the edge of that cliff with us; their arms laden down with weapons. Like us, they are concerned that each new nation that steps to the edge will be the one to force the ground beneath us to collapse. We must make every effort to step back from the edge, and to bring the Soviets and, indeed, the rest of the world back with us.

Science has made it possible for us to destroy the world. Commonsense must make it possible to save the world. There are, and always will be, ideological differences between the United States and the Soviet Union. We cannot pretend that participating in negotiations alone will ensure the survival of the planet. But it is a first step.

House Joint Resolution 3 would allow us to take that step. I urge its passage.

Ms. MIKULSKI. Mr. Chairman, I rise in support of House Joint Resolution 3, calling for resumption of negotiations on a Comprehensive Test Ban Treaty [CTBT], and for submission of the Threshold Ban Treaty and Peaceful Nuclear Explosions Treaty to the Senate for ratification.

The policy of holding progress on nuclear arms control hostage to the outcome of various global events is shortsighted and counterproductive. This policy of linkage should never have been employed to halt negotiations for a CTBT. The nuclear weapons negotiations are not a favor to the Soviet Union—they are a necessity for us all. Stopping negotiations to reduce or control nuclear weapons punishes not only Moscow: we all suffer.

Agreement on a CTBT is a necessity first step down the long road to actual reductions in the nuclear arsenals of the United States and the Soviet Union. The major failure of previous nuclear arms agreements is that they sought only to regulate the growth of nuclear weapons, and not to reduce the existing quantities of these weapons. A CTBT would restrict growth of nuclear weapons by stopping the testing of new weapons. No nation would dare place its national security on new, untested nuclear weapons.

A CTBT would thus prevent the development and deployment of new and more destabilizing nuclear weapons by both the United States and the Soviet Union.

Monitoring Soviet adherence to a CTBT would be less difficult than verifying their compliance with existing agreements. There are measurable differences in the seismic signals produced by an earthquake and those produced by a nuclear explosion; so with existing technology we are able to discern between the two. According to Prof. Lynn Sykes of Columbia University and Dr. Jack Everden of the U.S. Geological Survey, "networks of seismic instruments could monitor a total test ban with high reliability. Even small clandestine explosions could be identified if extreme measures were taken to evade detection." Any and all tactics that could be utilized to disguise or muffle a nuclear explosion could be detected by a relatively small number of nonintrusive, tamper-proof seismic monitors. In 1980, before CTBT negotiations were cancelled, the Soviet Union agreed in principle to voluntary, onsite inspections and the acceptance of seismic monitors within their borders.

Progress on other nuclear weapons negotiations would be greatly aided by agreement on a CTBT. With a CTBT, the huge, new Soviet multiwarhead ICBM's such as the SS–26 and SS–27 could never be fully tested. Moscow would be forced to restrain from placing total confidence in these missiles, and thus from further destabilization of international security. A CTBT might also lead other nations to respond by moderating their own plans for nuclear weapons expansion.

Agreement on a CTBT has been a goal of every President since Eisenhower. In 1984, the Senate, with the support of leading defense proponents as Senator SAM NUNN of Georgia and Senator ERNEST HOLLINGS of South Carolina, passed an identical resolution by better than 3 to 1, with a vote of 77 to 22. Many Senators who voted for the resumption of CTBT talks were vehement opponents of the SALT II Treaty.

Resumption of negotiations for a CTBT should be a priority for both Congress and the executive branch. The Senate already has strongly endorsed the resumption of such negotiations. It is now the responsibility of the House, and later the President, to demonstrate to the world that the United States is serious about pursuing meaningful, mutual, and verifiable reductions in nuclear weapons.

Mr. BONKER. Mr. Chairman, I strongly support the resolution being considered today which urges the President to request ratification of two already negotiated nuclear testing limitation treaties and to resume negotiations toward a verifiable comprehensive nuclear test ban treaty.

Ratification of the Threshold Test Ban Treaty signed by President Nixon in 1974 and the Peaceful Nuclear Explosions Treaty by President Ford in 1976 would be a consistent step in a process dedicated to reducing the threat of nuclear war and bringing to a halt the arms race which continues to dominate United States-Soviet relations. By limiting the size of nuclear explosions and ultimately seeking a comprehensive nuclear test ban treaty to eliminate them completely, we are moving closer to stopping the development of new, more devastating weapons from being designed. This goal, of seeking comprehensive nuclear test ban negotiations, is one that has been shared by every President since Eisenhower.

I realize that many have expressed concerns that this resolution will tie the President's hands in his negotiations with the Sovi-

ets and that it will commit us to an unverifiable treaty. This is not the case, however. The resolution only urges the President to request ratification of the treaty and is not binding in any way. It allows him the flexibility to negotiate in a way that would be supportive of the ongoing negotiations in Geneva. Most importantly, the structure and nature of any comprehensive test ban agreement is entirely at the discretion of the President.

Regarding the concerns about verification, the combination of new highly sophisticated seismological technology, which can detect nuclear explosions with extreme sensitivity, previously negotiated monitoring provisions of the treaty, and the inclusion of a provision in the resolution which requests the President to include any reservations that he might have on verification that should be attached to either of the treaties should fully satisfy these concerns. Furthermore, the 150 kiloton explosion limit required by these two treaties has been observed by both countries in spite of the absence of the onsite inspection and data exchanges permitted by the treaties. Ratification would bring about the implementation of these verification procedures which would only improve our present monitoring capabilities.

Mr. Chairman, the negotiation of a test ban treaty should be regarded as one more facet in the complex array of arms control negotiations and one that has the potential to yield very positive results. I believe that the adoption of House Joint Resolution 3 will be a major step toward achieving arms control with the Soviets and hope that my colleagues will join me in its support.

Mr. KASTENMEIER. Mr. Chairman, as a cosponsor of House Joint Resolution 3, I rise in strong support for this resolution which urges the President to request the advice and consent of the Senate to the ratification of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties and calls upon the President to propose to the Soviet Union the immediate resumption of negotiations toward the conclusion of a verifiable comprehensive test ban treaty.

The 1974 Threshold Test Ban Treaty, signed by President Nixon, prohibits all underground nuclear weapons tests at yields greater than 150 kilotons. The Peaceful Nuclear Explosions Treaty, signed by President Ford in 1976, prohibits all peaceful underground nuclear explosions at yields greater than 150 kilotons.

In addition, the Threshold Test Ban Treaty would require an exchange of information and data that would facilitate verification. The Peaceful Nuclear Explosions Treaty provides for onsite monitoring and inspection. We have been observing the basic elements of these treaties on an informal basis, but that is no substitute for having binding treaties which tie into the future both the United States and the Soviet Union. These two nuclear testing treaties would establish valuable precedents for future arms control agreements. Yet, these treaties have been languishing. Ratification of the two treaties would, I believe, help facilitate talks between the United States and the Soviet Union on arms control.

Another specific initiative the United States can take to promote progress in the arms control process is to propose the resumption of negotiations on a comprehensive test ban treaty.

Mr. Chairman, the signatories of the 1963 Limited Test Ban Treaty and the 1968 Non-Proliferation Treaty are committed to continue negotiations in order "to achieve the discontinuance of all test explosions of nuclear weapons for all time." It is regrettable that the Reagan administration, by not seeking to pursue a verifiable comprehensive test ban treaty, has retreated from this commitment. This lack of activity, however, should not mean that the Congress should remain silent on this issue. It is, after all, our obligation to act on behalf of the American people and their strong desire for continued progress on the most paramount issue facing mankind today. A comprehensive test ban treaty can be the key to controlling the nuclear arms race. It would put meaningful controls on the development of nuclear weapons and would enhance the security of the United States, the Soviet Union and that of the entire world.

Mr. Chairman, the ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty and the resumption, which is long overdue, of negotiations on a verifiable comprehensive test ban treaty would be positive steps we can take to arrest the risk of nuclear war. The Senate, on June 20, 1984, approved by a vote of 77 to 22 an amendment to the fiscal year 1985 Department of Defense authorization bill which contained the same provisions as in House Joint Resolution 3. There is no good reason why the House should not approve this resolution by an equally overwhelming margin. I urge adoption of House Joint Resolution 3.

Mr. KLECZKA. Mr. Chairman, I rise today in strong support of House Joint Resolution 3, and urge all my colleagues to vote for final passage.

The nuclear arms race can have no winners, only losers. Despite all the talk of deterrence, history has shown that virtually every technical improvement in our weapons has led to an even greater threat by our adversaries.

Diffusing this nuclear showdown will not be accomplished overnight. But a bilateral, comprehensive, verifiable nuclear test ban would be a major step toward stemming its momentum. Clearly, if the United States and Soviet Union can refrain from testing new nuclear systems, we will be less likely to install them. When we combine this approach with our current goals in Geneva of deep offensive reductions on both sides, we will have the makings of a progressive and sensible arms control strategy.

Some have argued today that passage of House Joint Resolution 3 would undercut our Geneva negotiations. Nothing could be further from the truth. The resolution does not mandate agreement to any specific treaty language, and does not even address the structure of negotiations. It does state the sense of this House that talks on a comprehensive nuclear test ban should begin.

Concerning the Peaceful Nuclear Explosions and Threshold Test Ban Treaties, the resolution urges the President to submit these signed agreements to the Senate for ratification. Both measures have provided an important measure of stability in limiting nuclear testing, and it is high time they were ratified. The resolution addresses the verification issue for both treaties by encouraging the President to add whatever verification reservations he deems necessary in submitting the treaties to the Senate.

Mr. Chairman, a comprehensive test ban has been an American goal since the Eisenhower administration. Let's not abandon efforts to build a safer world; let's support House Joint Resolution 3.

Mr. GILMAN. Mr. Chairman, I rise in support of House Joint Resolution 3, which I cosponsored months ago, and against the substitute offered by the gentleman from Illinois [Mr. HYDE].

It is important, Mr. Chairman, to keep in mind what the House is doing today, as it adopts House Joint Resolution 3. In essence, it is casting its vote in support of more aggressive action to bring about the abolition of nuclear weapons. This House and the American people clearly support the Geneva negotiating process. Perhaps action has been slow in coming, but the President has been moving effectively, presenting reasoned positions and responding constructively to Soviet initiatives. But the fact is that the Geneva process has not focused on what many see as the most important part of the process—a comprehensive nuclear test ban.

By passing this resolution today, we do not force the President to bring any particular proposition to the negotiating table, or to accept any particular proposition which may be presented there by the Soviet side. All we do is indicate our strong support for the Peaceful Nuclear Explosions Treaty and the Threshold Test Ban Treaty, already negotiated and awaiting perfection by modest amendment and presentation to the Senate, and for the President to resume negotiations with the U.S.S.R. to conclude a comprehensive test ban treaty. We already have lived with a limited test ban treaty since 1963 with good results, and have committed ourselves in that treaty to seek discontinuance of all nuclear weapon test explosions and to continue negotiations to that end. Concluding a comprehensive test ban should move forward nonproliferation, eliminate the health and environmental hazards of testing, and restrain the Soviet Union's modernization efforts.

Accordingly, Mr. Chairman, as a symbol of our determination to move forward to the day when nuclear weapons can be finally banned from the Earth, I urge my colleagues to support House Joint Resolution 3 as reported.

Mr. BEDELL. Mr. Chairman, the opponents of House Joint Resolution 3 seem to center their arguments against its passage and in support of the substitute around three recurrent themes. First, they inform us that they too believe a verifiable comprehensive test ban treaty to be in the best long-term national security interests of the United States but that negotiations on such a treaty should not occur until such time that we have achieved mutual, verifiable, and militarily significant arms reductions. Second, they contend that at this time a comprehensive test ban treaty is not verifiable. Third, they argue that we must test nuclear weapons in order to ensure the reliability of the present nuclear weapons stockpile.

Wrapped around these arguments are the contentions of the Secretary of Defense, Caspar Weinberger, that as long as we have to rely on nuclear weapons we will have to do testing until we can get a thoroughly reliable strategic defense. The Secretary also believes that as long as we have nuclear weapons, they will have to be tested. Meanwhile, the nuclear arms race goes merrily along and newer and more lethal nuclear weapons systems continue to be developed.

I would like to address each of these contentions. The first contention rests upon the premise that the supporters of House Joint Resolution 3 are not supportive of the ongoing arms control talks in Geneva. This is a preposterous argument. It is an argument tantamount to saying that we believe all other negotiations should cease while comprehensive test ban negotiations go on. This simply is not true. What is true, however, is that the opponents of House Joint Resolution 3 believe that comprehensive test ban negotiations should not occur until these long way down the road reductions occur but when will they occur? And even if they do occur, given Secretary Weinberger's comments, we still won't be able to negotiate a comprehensive test ban treaty until all nuclear weapons are eliminated. As I said before, without a comprehensive test ban, the arms race goes on. Its business as usual. What the supporter of House Joint Resolution 3 are saying is that at the earliest possible date why not add another tier to the Geneva negotiations, a tier that includes discussions on methods by which we can put an end to nuclear explosive testing—the first step toward ending the nuclear arms race once and for all.

The second contention that a comprehensive test ban treaty would not be verifiable rests upon the contention that House Joint Resolution 3 is a unilateral arms control proposal. The Foreign Affairs Committee held extensive hearings into the merits of House Joint Resolution 3 and supports passage of this measure because they recognize that it relies upon the process of mutual, bilateral negotiation, and they believe a comprehensive test ban to be verifiable. The current worldwide seismic detection system is now capable of verifying explosions of very small size—a size of about one kiloton. It seems to me that given the Soviet Union's past willingness and recent acceptance to accept on-site inspections and additional verification measures only in the context of a total ban on nuclear testing, the verification issue can be solved. I would also point out that in its present form House Joint Resolution 3 includes a provision specifying that the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating.

The third contention rests upon arguments about the reliability of the stockpile. This argument says that we cannot accept a comprehensive test ban treaty because we need nuclear tests to find troubles with the weapons which have been fully designed, proof-tested, manufactured and placed into the stockpile, and that we need nuclear tests to fix any potential problems that may exist or occur in the stockpile. Most experts would agree that this argument is based upon a false premise and that the best way to test nuclear weapons to see if they work is to take them apart and reassemble them without their nuclear components. The things that should be tested are the high explosive electronics that serve to detonate the nuclear components within a given nuclear warhead. It seems to me that the opponents of House Joint Resolution 3 are missing a key point, they want to keep building more nuclear weapons because they want to build more nuclear weapons but the point they miss is that as long as we keep building nuclear weapons, the Soviets will keep building more nuclear weapons. Keep in mind, a comprehensive test ban would not stop the development or deployment of any of the nuclear weapons systems the President has requested as part of his strategic modernization program.

Mr. Chairman, it seems to me that our choice here today is fairly simple. If we want to keep on doing business as usual, if we want to keep fueling the arms race, and if we want the arms race to go into space, we shall endorse passage of the Hyde substitute, a substitute that says although we are talking to the Soviets on other arms control issues, we should not be talking to the Soviets on the most basic of arms control issues—a comprehensive test ban treaty. If on the other hand we want to give the President greater flexibility in conducting his negotiations with the Soviets, begin to apply the brakes to the nuclear arms race and to prevent an arms race in space, we shall endorse passage of House Joint Resolution 3 in its present form, the form that has been recommended by our Committee on Foreign Affairs.

I can think of no better way in which we can reassert our commitment to ending the nuclear arms race than through passage of House Joint Resolution 3. Today, we live in an America in which our farmers are going broke. Today, we live in an America in which our factories are running silent. Today, we live in an America in which our middle income families are unable to afford to educate their children. Today we live in an America in which our trade deficit is threatening to make us a debtor nation. And today, we live in an America in which a skyrocketing national deficit is making it rapidly impossible for our Government to function. In my opinion, each of these problems is directly related to our inability to end the nuclear arms race. Today, let us show the courage of our convictions and take the first step in the direction ending the nuclear arms race by opposing passage of the business as usual substitute and passing House Joint Resolution 3.

Mr. LEHMAN of California. Mr. Chairman, I rise in strong support of House Joint Resolution 3 and welcome its consideration by this body. As many of you recall, the Members of this House did not have the opportunity to address the issue of nuclear testing in the 98th Congress. Our colleagues in the Senate, however, passed legislation identical to House Joint Resolution 3 urging the President to begin negotiations on a comprehensive test ban treaty.

The purpose of this resolution is to urge the President to bring a negotiated end to the arms race. Every U.S. President from Dwight D. Eisenhower to Jimmy Carter has realized the importance of advancing this Nation's security by seeking negotiations on a comprehensive test ban treaty. Unfortunately, the Reagan administration decided in 1982 that it would not pursue this wise course taken by its predecessors.

Contrary to what the opponents of this resolution say, passage of House Joint Resolution 3 could enhance the security of this Nation. By prohibiting underground nuclear weapons testing, the Soviet Union would be severely restricted from testing advanced strategic nuclear warheads and thereby modernizing their forces. Shouldn't it be the goal of our policymakers to limit the quality of Soviet strategic nuclear weapons pointed at our constituents as well as the quantity?

We must seize this opportune moment to urge the President and his negotiators in Geneva to reopen the channels for negotiation on a comprehensive test ban treaty.

Today we will hear opponents of this resolution express their concerns and offer substitute language. With the same determination and reasoning, those who requested pulling House Joint Resolution 3 from the calendar last October are claiming that passage of the resolution would "embarrass the administration jeopardize the negotiating leverage of our people in Geneva." House Joint Resolution 3 is designed to urge the President to make the subject of prevention of nuclear testing a topic for discussion at Geneva. The resolution does not mandate a treaty or dictate the structure of the talks. So why would the administration and its supporters be embarrassed? If the Reagan administration is interested in arms control and significant weapons reductions, it should not be embarrassed by tossing the topic of prevention of underground testing on the table at Geneva.

Mr. Chairman, I look forward to passage of this resolution and the chance to tell my constituents that this Government is working towards securing the best interest of our Nation.

Mr. BERMAN. Mr. Chairman, I rise today in support of House Joint Resolution 3. House Joint Resolution 3 is a simple bill with bipartisan support. The bill currently has 209 cosponsors. The bill asks the President to propose the resumption of negotiations for an adquately verifiable comprehensive test ban. It also asks him to request advice and consent of the Senate to ratification of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties.

What is at stake in the issue before us? Why are we going to spend the next 4 hours debating this issue? What is so important about a comprehensive test ban? Why should it concern us that this is the first administration since Eisenhower not involved in comprehensive test ban negotiations?

President Reagan has said, "We must thoroughly examine every opportunity for reducing tensions and for introducing greater stability into the strategic calculus on both sides." Resuming negotiations for a comprehensive test ban is an opportunity to do just that. It says that the United States is committed to ending the threat of nuclear war and is ready to pursue all avenues to achieve this worthy goal.

A resumption of talks for a comprehensive test ban is the most important step we can take to show the rest of the world that we are sincere when we ask them to refrain from development of nuclear weapons. Our credibility is destroyed when we ask these countries to abstain from developing and testing nuclear weapons if we are unwilling to cease nuclear tests ourselves.

And make no mistake, in a time when terrorist acts are becoming commonplace the danger is real that nuclear proliferation will lead to nuclear terrorism. If we don't show our commitment to nuclear nonproliferation through vehicles such as a comprehensive test ban it won't be long before we are faced with nuclear threats from all over the globe.

Are the United States and the Soviet Union—together capable of destroying the planet—committed to finding ways to save the world from global destruction? Taking small steps such as resuming negotiations on a comprehensive test ban are one of the simplest and yet most meaningful steps toward showing our commitment to the survival of this planet.

This is an issue every American, every citizen of this planet is uniquely concerned with—the future of life itself. Are we at the very least willing to say, as in this resolution, that we are willing to negotiate this issue with the other nation capable of global destruction? Are we willing to take any step to slow the qualitative arms race?

A vote for this bill is a vote to show that this Nation is committed to ending the threat of nuclear war and that we are committed to the future survival of the human race.

House Joint Resolution 3 is not merely the codification of a noble idea—turning the corner on the nuclear arms race. It is a strategically sound idea. A verifiable comprehensive test ban treaty is in the strategic interests of the United States. It enhances our national security.

The Joint Chiefs of Staff did not recommend adherence to SALT II because of bleeding heart liberalism. They recommended staying with that treaty because they found doing so to be in our best strategic security interests. The same is true of a comprehensive test ban. A comprehensive test ban will strengthen our national security.

A comprehensive test ban would freeze nuclear warhead development at a point of tremendous U.S. advantage.

There is no one who works on weapons design for the United States who would trade our warheads for theirs. Our warhead technology is without a doubt superior to theirs. That superiority lies in our much lower yield to weight ratios. We can put a 500 kiloton warhead in a smaller and lighter package. Why do the Soviets need a missile twice the size of ours to fit the same number of warheads? Have you ever looked at an SS-18 (10 warheads) and an MX (10 warheads) side by side? An SS-18 is about twice the size and yet it carries the same number of warheads. Why is it that our *Poseidon,* our earliest model nuclear submarine, can hold missiles with up to 14 warheads while the Soviets struggle to fit 9 warheads on their latest model SLBM's? Bigger and heavier missiles mean that they can't carry as many warheads on their submarines. Their current cruise missile is gargantuan compared to ours—the Soviets can't carry as many of these weapons on their ships and submarines as we can. A comprehensive test ban freezes our advantages in warhead design in place. A test ban is to our strategic advantage.

The Soviet's large SS-18's and SS-19's with their improved accuracy represent the greatest threat currently to our land-based leg of our nuclear triad. There is one who disputes the fact that these are one of the most threatening weapons in the Soviet nuclear arsenal. This is why every arms control proposal from this administration has emphasized major reductions in these weapons. If technological advances in warhead design continue—as opponents of this bill would have it—we could soon be faced with a more frightening prospect than the current Soviet SS-18's.

As Armed Services Chairman ASPIN pointed out recently in the February 12 edition of the Washington Times, the SS-18's "could carry 24 (warheads) if they were packaged as efficiently as we package warheads on our MX." With a comprehensive test ban we could stop the technological progress of the Soviets in warhead design before they attain the capability to fit 20 warheads on one SS-18. A verifiable comprehensive test ban can save us from this kind of strategic nightmare.

A comprehensive test ban has been a goal of every administration in the nuclear age. It is unfortunate to note that this administration is the first to not be involved in negotiations for a comprehensive test ban treaty. President Eisenhower remarked after his Presidency that failure to achieve a test ban treaty was his greatest regret about his Presidency. If this administration's resistance to participation in negotiations on a comprehensive test ban continues, I am afraid we may hear President Reagan remark some day that his greatest regret was not, as in President Eisenhower's case, that he didn't achieve a comprehensive test ban—but that he never even tried.

Mr. DURBIN. Mr. Chairman, I would like to express my strong support for House Joint Resolution 3, which calls upon the President to resume negotiations on a comprehensive nuclear test ban treaty.

Since the cutoff of comprehensive nuclear test ban talks 5 years ago, many events have taken place that highlight the importance of resuming negotiations. The most notable event is the first meeting between President Reagan and Soviet leader Mikhail Gorbachev. From that meeting came promises between the two leaders to come together again for continued negotiations on ending the arms race, and it appeared that some limited progress was made. In this generally improved climate between our two countries, I believe there is room for genuine progress to be made in negotiating a comprehensive test ban treaty.

A second turn of events, one as important as the first, is the announcement by Secretary Gorbachev agreeing to strict verification of nuclear weapons testing, including onsite inspections and the use of existing seismological testing methods. Mr. Gorbachev, by conceding to onsite inspection, opened the door to resumption of United States-Soviet talks on the Comprehensive Test Ban Treaty. This is significant because this addresses the most compelling argument used against the comprehensive test ban—the lack of verifiability.

I also feel the ongoing Geneva talks represent an important indication of the commitment of the two superpowers to work toward productive arms control policies. The resumption of test ban talks would not undermine these negotiations. Rather, it would add impetus to attaining mutually acceptable agreements.

The successful enactment of House Joint Resolution 3, while not legally binding, would represent an important step in accordance with earlier actions to end the nuclear arms race. I believe it is time we fulfill our commitment to the 1963 Non-Proliferation Treaty to halt the spread of nuclear weapons. Enactment of House Joint Resolution 3 would help us do just that.

Mr. BORSKI. Mr. Chairman, I rise in strong support of House Joint Resolution 3, which calls for a resumption of negotiations for a comprehensive test ban treaty and the ratification of two past treaties limiting nuclear testing, the Peaceful Nuclear Explosives Treaty [PNE] and the Threshold Test Ban Treaty [TTB].

House Joint Resolution 3 is an expression of the widespread support in this country for a halt to the spiraling arms race which threatens to destroy mankind. This very important resolution builds upon past arms control achievements embodied in the TTB and PNE treaties, and it recognizes the vital importance of ending nuclear weapons testing.

House Joint Resolution 3 calls upon President Reagan to continue the commitment of the last five administrations to work toward a negotiated verifiable ban on nuclear weapons testing. Every President since Eisenhower has pursued an end to the arms race through a comprehensive test ban treaty. This resolution simply asks President Reagan to follow past Presidential leadership and resume comprehensive test ban negotiations with the Soviet Union.

A comprehensive test ban will not by itself end the arms race, but it is an essential step in moving the arms control process toward that objective. Without a comprehensive test ban, reductions in nuclear weapons are likely to be offset by improvements in the quality and destructiveness of remaining weapons.

I want to emphasize that House Joint Resolution 3 maintains full flexibility for the President in pursuing arms control negotiations with the Soviets, including whatever verification reservations he deems are necessary to safeguard U.S. security. This resolution does not intrude on nor does it violate the strategy and tactics of the ongoing Geneva arms control talks. It merely asks the President to begin talking with the Soviets about a comprehensive test ban and resume the quest for a test ban agreement which has been a central part of our arms control policy for the last 20 years.

Mr. Chairman, the arms control talks now underway in Geneva provide a critical opportunity for peace with profound implications for our children and their children. House Joint Resolution 3 is a simple and direct expression of our commitment to negotiate an end to the

stockpiling of more and more nuclear weapons and to initiate major reductions in the nuclear arsenals of the United States and the Soviet Union. Let's not waste this opportunity for peace. I strongly urge adoption of this resolution.

Mr. DREIER of California. Mr. Chairman, I rise in favor of the Hyde substitute to the resolution under consideration. As I have followed the debate today, and since the introduction of the resolution last session, a couple of thoughts continually return to me.

As a bit of background to these thoughts, let me say that we could and are, to some extent, using today's debate to rehash a variety of philosophical arguments surrounding the means for reaching an arms control agreement. We can discuss verifiability and noncompliance, and submit the facts from our various "experts" which we have failed to agree on in the past, and most likely, will fail to agree on again. And quite honestly, the debate can continue to be a contest of politics. Or, we can discuss this resolution based on the principles both sides have generally agreed on as fundamental to arriving at an arms control agreement.

Namely, we, as a body have deferred to the administration's perogative in this field of foreign policy and the expertise of the Arms Control Agency. And we have agreed that we must present a united negotiating position in the face of the Soviet's own singular position on the issue. This point being best demonstrated by the House leadership's decision to defer consideration on the resolution before the Geneva summit. Finally, we have all agreed on the long-term goal of serious and verifiable arms reductions.

In this context, and I refer to the claims of the resolution's sponsors that the resolution respects the President's lead in negotiations, why do they insist on a resolution which the President opposes? Why not respect the administration's request for flexibility? In spite of its sponsors claims to the contrary, the resolution will undercut the administration's negotiating by its very passage. In reference to remarks made in debate earlier today, that deferrence to the administration's request would amount to an abandonment of this body's participatory governing role, I submit that Congress' responsibility for oversight is multifaceted. Deferrence at this stage of negotiation in no way abdicates our role as a check on the executive branch.

Mr. Chairman, in closing I repeat my support for the substitute in opposition to the resolution. It's time that we move our arms control negotiations ahead by recongizing our body's areas of agreement rather than throwing another wrench in the works as a result of our political disagreements.

Mr. WYDEN. Mr. Chairman, I rise today in support of House Joint Resolution 3, calling for the resumption of negotiations for a comprehensive test ban treaty and the ratification of two past treaties limiting nuclear testing—the Peaceful Nuclear Explosives Treaty [PNE] and the Threshold Test Ban Treaty [TTB].

As a cosponsor of the resolution I recognize the great importance of this effective first step to get the nuclear genie back in the bottle. The Comprehensive Test Ban Treaty will not reduce the existing nuclear weapons stockpiles but it will help prevent the development of new and more destabilizing weapons by both the United States and the Soviet Union.

The resolution does not mandate a treaty or in any way tie the negotiators' hands with requirements about weapons reductions. It simply calls for the resumption of the Comprehensive Test Ban Treaty talks.

In light of the ongoing arms control talks in Geneva and the cordial summit meeting between President Reagan and General Secretary Gorbachev, now is the time to push ahead with negotiations toward a ban on nuclear testing. Members of this body who are observers at the Geneva talks have stated that this resolution is the best way to conclude successfully the work at Geneva.

Support for the resolution will sustain this momentum and send a strong signal that peace is truly our goal. I ask my colleagues to join me in supporting House Joint Resolution 3.

Mr. MANTON. Mr. Chairman, I rise in strong support of House Joint Resolution 3 to prevent nuclear explosive testing. As a longstanding cosponsor of House Joint Resolution 3, I want to commend its sponsor, the distinguished gentleman from Iowa [Mr. BEDELL] for his leadership on this vitally imporant issue. I also want to commend the chairman of the Foreign Affairs Committee, Mr. FASCELL, for bringing this important resolution to the floor of the House.

Mr. Chairman, House Joint Resolution 3, urges the ratification of two existing test ban treaties, the Threshold Test Ban Treaty [TTBT] signed by President Nixon in 1974, and the Peaceful Nuclear Explosions Treaty [PNET] signed by President Ford in 1976. Ratification of these two treaties by the Senate is long overdue. Both the United States and the Soviet Union are abiding by the terms and conditions of both treaties. Senate ratification would strengthen these landmark test ban agreements and advance the cause of arms control because of the unprecedented onsite inspection provision of the PNET and the exchange of valuable information required by both treaties upon ratification. It is clear that the introduction of onsite verification will open the door for historic new arms reduction agreements.

Mr. Chairman, House Joint Resolution 3 also urges the President to seek a resumption of negotiations for a comprehensive Nuclear Test Ban Treaty. House Joint Resolution 3 does not establish the terms of any subsequent test ban treaty. That should be left to our negotiators. The resolution simply urges the President to begin talks with the Soviet Union on a comprehensive test ban. With the exception of President Reagan, every President since Dwight D. Eisenhower has sought a comprehensive test ban agreement.

There has always been a compelling need for the United States to negotiate a comprehensive test ban agreement with the Soviets. However, now, more than ever, we need to sit down with the Soviet Union to hammer out a comprehensive and verifiable test ban treaty. The nuclear arms race is spiraling out of control. It is estimated that there are enough nuclear weapons on the Earth to kill every living person 12 times over. Enough is enough. We must bring an end to this madness that threatens the existence of the human race. A comprehensive nuclear test ban must be a fundamental component of any arms control strategy.

First, a comprehensive test ban treaty will restrict the development of new highly advanced, destabilizing nuclear weapons that could disrupt the existing balance of power. Furthermore, a test ban treaty would help to preserve the qualitative advantage we now enjoy over the Soviets.

Second, a comprehensive test ban treaty will be a highly verifiable agreement. Without a doubt, the technical capabilities exist to adequately verify a test ban treaty.

Third, a comprehensive test ban treaty will advance the goal of nonproliferation. A test ban treaty between the United States and the Soviet Union will facilitate similar agreements with other nuclear powers. Such agreements are absolutely necessary if we are to be successful in preventing the further spread of nuclear weapons.

Most important, a comprehensive test ban treaty will apply the brakes to a runaway arms race that has cost us billions of dollars. Let us make certain it does not cost billions of lives as well.

Mr. Chairman, I urge my colleagues to vote for House Joint Resolution 3.

The House in Committee of the Whole House on the State of the Union had under consideration the joint resolution (H.J. Res. 3) to prevent nuclear explosive testing.

Mr. FASCELL. Mr. Chairman, from much of what has been said today, one might conclude that, somehow, a comprehensive test ban would work to the benefit of the Soviet Union, and to the detriment of the United States. Nothing could be further from the truth. The United States has the most to gain through a verifiable CTB, not the U.S.S.R.

Let's look at the record. In the absence of a CTB, the Soviet Union has been: First to test first-strike intercontinental missiles, the most serious threat facing the United States today. First to test antiballistic missile defense systems. First to deploy antisatellite weapons. And first to test ballistic-missile-carrying submarines.

We have had to play catchup, and we have done so. Now it is time to break this vicious escalation, and prevent further Soviet advances in nuclear weaponry, accuracy, and destructive firepower.

Unless we do so, we will see the Soviet testing and deploying thousands of new, more accurate weapons, such as: New cruise missiles; an SS–18 MIRV'd up to 20 warheads; an even more accurate first-strike weapon, the SS–18; new space weapons; first strike SLBM's which the Soviets do not now possess; and high-orbit ASAT's—they currently have only a very limited low-orbit ASAT capability.

On the other hand, a CTB would not prevent the United States from developing or deploying: MX, Midgetman, cruise missile, Pershing II, neutron bomb, Trident II, SDI kinetic energy weapons, SDI chemical lasers, SDI free electron lasers, SDI particle beam weapons, SDI electromagnetic rail guns.

In the absence of a CTB, both sides have spent billions upon billions of dollars on nucle-

ar weapons—and both nations are less secure as a result; the risks of mutual destruction greater than ever.

You have two real choices today:

First, to allow the Soviets to continue their nuclear weapons program without any restraints—that is, the Hyde substitute—or;

Second, to start the process now toward a negotiated, mutual and verifiable CTBT that can preclude the Soviets from adding to their nuclear arsenals against our security—that is, House Joint Resolution 3.

The choice is clear and distinctive. Act now and increase United States security at lower costs, or wait and increase the Soviet threat at United States expense.

Following are several points and related materials in support of House Joint Resolution 3.

OPPONENTS OF HOUSE JOINT RESOLUTION 3 ARGUE THAT A COMPREHENSIVE TEST BAN [CTB] IS NOT VERIFIABLE

Rebuttal

According to Dr. Lynn Sykes, Higgins professor of geological sciences at the Lamont-Doherty Geological Observatory of Columbia University, and a former member of the U.S. delegation to the Threshold Test Ban Treaty negotiations in the 1970's, as well as other eminent scientists and seismologists:

A CTB can be verified with high confidence down to explosions of 1 kiloton. This would be true even with the Soviet Union's best attempt to cheat.

Steady progress has been made in the area of verification over the years.

Opportunities for Soviet cheating in this area have been diminished as clandestine explosions are easier to detect today.

Much work has been conducted on ways to detect the potentially most serious way to cheat—testing in large cavities. Using a method that detects high frequencies, Soviet attempts to muffle an explosion in a large cavity can be detected.

Using this method, a new array—detection device—in Norway, has been able to detect such waves from the Soviet Union. On July 11, 1985, one such explosion under 1 kiloton emanating from the Soviet Union was detected. It therefore seems fairly evident that the technology exists to verify a CTB.

If we have monitoring stations on Soviet territory—so-called black boxes—we can verify Soviet testing down to 1 kiloton. With between 10 and 20 stations on Soviet territory, we would be 90% confident that we could detect Soviet cheating.

According to Paul Warnke, former Director of ACDA and our negotiator at the CTB talks under President Carter in the 1970's:

We came very close to an agreement with the Soviet Union to ban nuclear testing.

By the end of 1977, the Soviet Union had agreed to on-site inspections on their territory of suspicious seismic events and they had agreed to allow U.S. seismic equipment on Soviet territory (for the monitoring stations or black boxes).

COMPREHENSIVE TEST BAN [CTB] REDUCES THREAT

One of the major purposes of a CTB is to prevent Soviet advances in nuclear weaponry, accuracy, and destructive power.

A mutual and verifiable CTB agreement in 1970 would have precluded the Soviets from deploying the 308 heavy SS-18 missiles. Since each SS-18 is MIRV'd with 10 missiles, 3,080 first strike Soviet weapons are now aimed at the United States. It is these very same Soviet missiles which has prompted this administration to modernize our nuclear weapons.

Rather than a CTB arms control environment over the past 15 years that would not have included over 3,000 Soviet SS-18 warheads, we have both sides spending billions of dollars on more accurate, destabilizing first strike weapons. We are less secure at a higher cost. That's what we have without a CTB.

And what do we have in the future without a CTB?

More of the same: more spending, greater threat, and less security.

We will see the Soviets test and deploy thousands of new more accurate weapons like: new cruise missiles; a SS-18 missile MIRV'd up to 2 warheads—double the current level of 10; an even more accurate first strike weapon than SS-18; new space weapons; first strike SLBM's—currently the Soviet have no first-strike capable SLBM's; and high-orbit ASATs—currently the Soviets have only a very limited low-orbit ASAT capability.

You have two real choices today:

First, to allow the Soviets to continue their nuclear weapons program without any restraints—that is, the Hyde substitute; or

Second, to start the process now toward a negotiated, mutual and verifiable CTBT that can preclude the Soviets from adding to their nuclear arsenals against our security—that is House Joint Resolution 3.

The choice is clear and distinctive Act now and increase United States security at lower costs or wait and increase the Soviet threat at United States expense.

SOVIETS NEED NUCLEAR TESTING MORE THAN THE UNITED STATES

In listening to the opponents of House Joint Resolution 3, you would think that the United States needs nuclear testing while the Soviets don't. History, however, tells us the reverse. The Soviets need nuclear testing more than the United States.

Who first tested the most serious threat facing the United States today, first strike intercontinental missiles? The Soviets, not us.

Who first tested antiballistic missile defensive system? The Soviets, not us.

Who first deployed antisatellite weapons? The Soviets, not us.

Who first tested ballistic-missile-carrying submarines? The Soviets, not us.

The resolution before you is an attempt to bring an end to Soviet firsts.

The Hyde substitute puts off restrictions on Soviet nuclear testing until after a reductions agreement. We say let's reverse the past cycle of Soviet firsts in nuclear testing and in creating a more destabilizing nuclear threat.

OPPONENTS OF HOUSE JOINT RESOLUTION 3 ARGUE THAT IT IS NOT IN OUR INTEREST TO RATIFY THE THRESHOLD TEST BAN TREATY [TTBT] AND THE PEACEFUL NUCLEAR EXPLOSIONS TREATY [PNET] BECAUSE THE SOVIETS HAVE VIOLATED THE TTBT BY TESTING IN EXCESS OF THE 150 KILOTON LIMIT

Rebuttal

The consensus of members at a meeting of one of the most authoritative organizations of American seismologists and geophysicists, the American Geophysical Union, concluded that the Soviets have not violated the TTBT.

Experts have further stated that two reports on Soviet nuclear testing practices, conducted by different agencies in this administration, confirm that the Soviets are in compliance with the TTBT.

According to Dr. Willard Hannon, program manager for the Seismic Monitoring Research Program at Lawrence Livermore National Laboratory:

The current assessments of the relationships among yield, seismic magnitude, and the pattern of Soviet testing at their Shagan River test site indicate that the Soviets are observing a yield limit in their testing program. Our best estimates of this limit are consistent with TTBT compliance.

According to Dr. Charles Archambeau, professor of geophysics, University of Colorado:

It is quite clear . . . that the scientific evidence strongly favors the conclusion that no systematic program of testing over the 150 kiloton limit has been carried on by the Soviets, and further that it is highly probable that the largest yield tests observed were all at, or quite close, to the 150 kiloton limit.

Dr. Archambeau continues:

There is now wide agreement among most, it not all research scientists who are knowledgeable in this area, that past estimates of the larger Soviet yield tests were over-estimates due to differences between our own test sites in Nevada, which were used as control models for estimating yields in general, and the Soviet test sites.

Based on the results of many tests conducted over the past several years, in which we have considerable confidence, we have been able to recompute the Soviet yields from the observed seismic data and we obtain results that provide no basis for any charge of violations of the 150 kiloton limit.

ADMINISTRATION STUDIES REVEAL THAT THE SOVIETS HAVE NOT VIOLATED THE THRESHOLD TEST BAN TREATY [TTBT]

Studies conducted by various administration agencies reveal that the Soviets have not violated the Threshold Test Ban Treaty and that in fact, past United States methods of measuring Soviet yield have been inaccurate thereby resulting in overestimating Soviet yield.

In October, a group of scientists chosen by the Pentagon recommended that the Government revise its procedures for estimating the yield of Soviet tests. If the group's recommendation were to be followed, the Government's estimates of the yield of Soviet tests would be about 20 percent lower. Evidently the administration has not chosen to revise its procedures for estimating Soviet yield because it continues to charge the Soviets with likely violating the TTBT in its Soviet noncompliance reports to the Congress. Informatioin about these studies is also based on discussions with experts who were involved in or knew the conclusions of the studies.

Last August, I and our colleague LEE HAMILTON, chairman of the House Intelligence Committee, sent a letter to William Casey, Director of the CIA, requesting these studies on nuclear testing and United States methods of estimating Soviet yield. In the reply we received from Director Casey, he sent certain CIA documents relating to nuclear testing, but not the studies in question. He further relinquished responsibility for the release of the studies in question to the Department of Defense.

It is 6 months later and we have not received a written response from DOD. My staff has diligently pursued this request with frequent calls to DOD—but to no avail. Representatives from DOD have told my staff that Mr. Perle recommended to Dr. Ikle that the Congress not receive these studies. The request is now pending before Dr. Ikle.

At any rate, one thing is clear: the administration does not want the Congress to see these studies. I wonder why.

HEARING RECORD ON HOUSE JOINT RESOLUTION 3

On February 26, 1985, the Subcommittee on Arms Control, International Security and Science held a hearing on "Proposals To Ban Nuclear Testing."

We heard from Senator Kennedy and Senator Mathias, Representative Bedell (chief sponsor of H.J. Res. 3), Representative Boxer, and Ambassador Stoessel who presented some of the administration's views.

On May 8, 1985, the Subcommittee on Arms Control heard testimony from: Dr. Robert Barker, Deputy Assistant Director for Verification and Intelligence at the Arms Control and Disarmament Agency, who presented the administration's views; Dr. Donald Kerr, Director of the Los Alamos National Laboratory; and Dr. Lynn R. Sykes, Higgins Professor of Geological Sciences at the Lamont-Doherty Geological Observatory of Colombia University and also a member of the U.S. Delegation that negotiated the Threshold Test Ban Treaty with the Soviet Union in 1974.

On May 15, 1985, the full Foreign Affairs Committee marked up and approved H.J. Res. 3.

In addition to the above testimony, we have for the hearing record, statements from several experts in the scientific community including:

Dr. Jack Evernden, a geophysicist with the U.S. Geological Survey, Menlo Park, California;

Dr. Willard J. Hannon, Program Manager of the Seismic Monitoring Research Program at Lawrence Livermore National Laboratory;

Dr. Charles Archambeau, Professor of Geophysics at the University of Colorado and also a visiting research scientist at the Center for Seismic Studies at the Defense Advanced Research Projects Agency; and

Dr. Richard Garwin, IBM Fellow at the Thomas J. Watson Research Center and also a consultant to the Los Alamos National Laboratory.

These experts conclude that:

1. The Threshold Test Ban Treaty (TTBT) and the Peaceful Nuclear Explosions Treaty (PNET) are verifiable treaties;

2. Verification of these treaties is enhanced by their ratification. In fact, the benefits of verification can only be obtained by ratification.

3. Politics and not technology have prevented us from concluding a Comprehensive Test Ban Treaty (CTBT). The technical problems are virtually solved. What remains is to negotiate the specifics of such a test ban.

Mr. BEDELL. Mr. Chairman, the results of today's debate represent an arms control victory for the American people. Clearly, an end to nuclear weapons testing is the first step toward ending the nuclear arms race once and for all. Because House Joint Resolution 3 relies upon a negotiated end to nuclear weapons testing, it strengthens U.S. arms control policies. A comprehensive test ban enhances U.S. national security.

The following briefing on the comprehensive test ban is directly related and in support of our positive action on House Joint Resolution 3:

BRIEFING ON THE COMPREHENSIVE TEST BAN

Hon. Paul Warnke, Chief Negotiator of the Trilateral CTB negotiations 1977-78 and former Director of the Arms Control and Disarmament Agency, is Chairman of the Committee for National Security.

Hon. Spurgeon Keeny, Jr., Deputy Director of the Arms Control and Disarmament Agency from 1977 to 1981, is the President and Executive Director of the Arms Control Association.

Dr. Richard Garwin, a member of the President's Science Advisory Committee 1962-1965 and 1969-1972 and an expert on nuclear weapons design, is an IBM Fellow at the Thomas J. Watson Research Center.

Professor Lynn Sykes is the Higgins Professor of Geological Sciences at Columbia University's Lamont-Doherty Geological Observatory.

Dr. Anne Cahn is Executive Director of the Committee for National Security.

CAHN. Good Morning. I would like to welcome you to this press briefing on the Comprehensive Test Ban, presented by the Media Information Project—a joint service of the Arms Control Association and the Committee for National Security. We think this issue is particularly timely because the Soviet testing moratorium extension will expire in less than two months. Moreover, next week Congress will be considering House Joint Resolution No. 3 which calls for the immediate resumption of negotiations toward conclusion of a Comprehensive Test Ban Treaty (CTBT). We will start off with Spurgeon Keeny. Spurgeon . . .

KEENY. The status of the CTB is clear cut compared to other arms control proposals. The Soviet Union has called for a CTB and proposed the initiation of negotiations. The United States has dismissed the CTB as anything but a distant goal and refused to begin negotiations. I think that it is important to recognize that President Reagan is the first president since Truman who has not endorsed the concept of a CTB. There were serious negotiations on this subject during the Eisenhower and the Kennedy Administrations; and during the Carter Administration, as Paul Warnke will discuss, the U.S. came very close to negotiating a Comprehensive Test Ban. The Reagan Administration has opposed the CTB for the very frank and straightforward reason that they want to continue nuclear testing.

There are however a lot of associated issues that have been drawn into the discussion and hopefully we can clarify these today. One question is verification. The administration has argued that a test ban would not be verifiable. Professor Sykes will discuss the view that I believe is held by most independent scientists, that with existing technology, a test ban be adequately verified to protect our security interests. A second question which has received considerable attention is the realiability of the stockpile. The Administration's spokesmen assert that without testing, nuclear weapons would not remain reliable. Again I think that independent scientists who are familiar with this subject, which Dr. Garwin will discuss in more detail, are convinced that adequate reliability of our existing weapons can be maintained without further nuclear testing. A third assertion is that critical ongoing programs for strategic defensive weapons such as MX and Trident II missiles, could not be completed without further testing. Again, as we will discuss, I think that there is no question that warhead designs are available, for better or worse, for those systems from the existing inventory. In short, the key is that the administration wants to continue testing to develop new nuclear weapons as part of a continuation of the qualitative nuclear arms race.

The CTB is not the solution to the whole arms control problem. However, a CTB can contribute significantly to our security by slowing the qualitative nuclear arms race and by precluding further advances in strategic and tactical nuclear weapons. It will preclude major new developments for a third generation of nuclear weapons, radically different types of weapons, which do not presently exist. The most well known example of this being the so-called nuclear-pumped x-ray laser weapon. Weapons in this third generation, I believe, could introduce unpredictable and destabilizing factors into the nuclear arms race. In assessing the net impact of these developments on U.S. security, one must take full account of what is banned for the Soviet Union as well as the limits on future U.S. weapons.

Another contribution of the CTB would be to advance our non-proliferation objectives. The CTB would add another strong component to the various aspects of our existing non-proliferation policy, which I think is almost universally supported in this country. However, some important potential nuclear weapons states believe that U.S. non-proliferation policy is discriminatory since the U.S. and U.S.S.R .continue testing even though the U.S. has conducted over 750 nuclear explosions and the Soviet Union over 550 nuclear explosions. The CTB would create an environment which would make it much easier for us to pursue a strong campaign to dissuade additional countries from developing nuclear weapons capabilities. It is not that these countries will go nuclear because they are angry at the U.S. and the Soviet Union conducting tests. However, an environment where testing has stopped will make it easier for them to accept the position of not developing their own nuclear capabilities. In the short-term, some of the countries that are of concern, such as Brazil and Argentina and perhaps India and Pakistan, might be willing to join a CTB despite their past opposition to the non-proliferation treaty on the grounds of discrimination. In any event, the existence of a CTB would put strong pressure on all countries that might unilaterally seek a nuclear capability.

In closing, I would say that although the CTB is certainly not the complete solution to the nuclear arms race question, it is an important element in protecting our security. And I personally find it a tragic situation that the U.S. finds itself almost totally isolated internationally in its opposition to even attempting to negotiate the CTB.

CAHN. Thank you, Spurgeon, Dick, you might want to address the question of the reliability of the stockpile.

GARWIN. Yes. I was intimately involved in designing the first hydrogen bomb and had a lot to do with devising test practices for nuclear weapons. During my years of advisory service with the government to the present day people often ask me about these problems as they arise and how to fix them.

It is never the wrong time to talk about a CTB treaty. Although we may not be able to get one tomorrow, we ought to under-

stand these problems. The purpose of a CTB is not to limit U.S. nuclear weapons programs. We accept the limitations of our nuclear weapons programs in order to get the benefits of limiting Soviet weapons programs and limiting proliferation. So you can not expect to see the greatest benefits simply by looking at the impact on U.S. weapon programs. However, when folks are saying that the Soviets are ahead of us in x-ray laser weapon development and we have to catch up, one thing which is absolutely sure, as Mr. Keeny says, that x-ray laser development will be stopped dead on both sides by a CTB treaty.

How about stockpile reliability? Among the arguments given why one cannot accept the CTB treaty is that we need nuclear tests to find troubles with the weapons which have been fully designed, proof-tested, manufactured, and placed in the stockpiles, and that we need nuclear tests to fix these problems. That is just not true. The way you test nuclear weapons to see if they work is to take them apart, reassemble them without nuclear components, fire the high explosive electronics and see that everything works. The one thing which can be relied upon is that the properties of uranium and plutonium remain the same from year to year. If corrosion problems are found, and they have been found, these problems can be solved by remanufacture. What is really involved is that the people faced with fixing up this old truck, which can be repaired to function like new with brand new parts, come up with better ideas. They would like to put in four-wheeled drives, they would like to put in insensitive high explosives, they would like to put in the latest in the permissive action link that Spurgeon Keeny and I helped to introduce in 1962. All of these are good goals. All of these we would do if we manufactured a newly designed nuclear weapon. But in my opinion it is not worth pursuing these goals if it also allows the Soviet Union to pursue goals of improved, more effective nuclear weapons and increase the likelihood that other nations in the world to acquire them. So the way to make sure of stockpile reliability of tested nuclear weapons like the Mark 21 warhead, and the warheads on the Poseidon and the Trident missiles is simply to continue this nonnuclear explosive program, to observe any problems as they come up and if necessary to remanufacture new parts to the precise specification.

I have a letter from Frank Gaffney of DOD on January 21, 1986 to Congressman Ed Markey on the same subject as to whether weapons could be designed so that they could be remanufactured in the future without nuclear reliability testing. Essentially this is already being done.

The real question is whether weapons can be manufactured in the future to last many decades without inspection or remanufacture. And here some of the arguments that are used are in my opinion rather disingenuous. The fact that nuclear testing has been used in the past to find a solution to a reliability problem does not mean that it was essential. There is the well-known reliability problem of the Polaris warhead. Indeed, after the problem was discovered, the warhead was replaced by another one which in its final design phase needed a nuclear test. But we could have solved this problem, which had to do with the system which safes a nuclear warhead, without replacing it with a new style and without nuclear testing.

With regard to new delivery systems, as Mr. Keeny has pointed out, an existing well-tested design can be adapted for a new application. Modifications are sometimes made to make the design compatible with the new weapon system and to meet other requirements. But these are not necessary modifications. If it was an absolute requirement that the warhead and reentry vehicle be used unchanged, it could be used unchanged. These new requirements are similar to those that architects try to persuade you should be introduced because architects and builders for the most part can make up money on changes in requirements that they may not be making in the performance of the contract.

So you have to look behind these arguments at the facts. This Administration no longer argues that a CTB is unachievable because of lack of verification. The fact is the Administration just doesn't want a CTB. It reminds me of the sage, I've forgotten which, who prayed "Dear God make me chaste, but not now." And that is this Administration's attitude toward the long-term goal of the CTB treaty.

MODERATOR. Thank you Dick. Lynn will you address the verification aspects of the CTB please.

SYKES. Thank you. I have been involved in the subject for 25 years, and during that time we have seen the U.S. start a major program in the area of verification of Soviet nuclear testing, and more than a billion dollars was spent worldwide on this problem. Over this period there have been a number of scientific advances that have allowed us to have much better verification capabilities. Consequently, the potential opportunities for Soviet cheating have continued to diminish throughout this entire period.

It is my contention that a CTB is verifiable with confidence down to explosions of very small size, and that this size is about one kiloton. This would be true even if the Soviets attempt, and make their very best attempts, to try and cheat on the CTB. If they were to set off explosions without attempts at muffling or other evasion, I believe we will be able to identify testing down to a much smaller level than that. Other people that have made statements about what the lower limit is but I believe that the most pessimistic assessments are about five kilotons. I think that range of opinion, one to five kilotons, is in fact not very great. It is smaller, in any case, than the explosions that opened the atomic age in 1945.

Recent advances in seismology insure that attempts to detonate clandestine explosions under a CTB will in fact be easier to detect than was thought even a few years ago. And here I will mention that a new array has been constructed in Norway, for detection of the high frequency seismic waves from small Soviet explosions. That array has the technological advantage of being able to deal more effectively with what I believe is the most serious attempt to cheat on the CTB—setting off explosions in large cavities in order to muffle or decouple the signal from the explosion. At high frequencies the muffling is not as great as it is at the low frequencies that had been typically employed in seismic monitoring. For example, there was one very small Soviet test at their eastern Kazakhstan test site on July 11, 1985. It was quite a bit smaller than 1 kiloton, but the high frequency array gave a very clear and unambiguous recording of that explosion. Normal methods that had been used and are for the most part used elsewhere did not record that test very well. We have also seen in the last 40 years the introduction of many techniques that allow us to understand the distribution of the properties of the earth in the Soviet Union. So one can now rely on seismic monitoring of that country much more effectively. We see the wholesale introduction of recording and processing techniques in seismic data that allow verification to be done more effectively.

Let me return for a moment to the question of possible Soviet cheating on the threshold test ban treaty. Remember that treaty sets a limit of 150 kilotons on tests that are allowed underground by either the U.S. or the Soviet Union. There have accusations over the last five years either that the Soviet Union has cheated repeatedly or that it is highly probable that is has cheated. Several major scientific studies on this question have recently been completed and reported to the government. I believe that there is near scientific unanimity on the methodology for correctly estimating the sizes or yields of Soviet explosions. When this methodology is employed, it is evident that the Soviet Union has not violated the threshold test ban limit of 150 kilotons. Both the Soviet Union and the United States have in fact tested repeatedly near that limit since the treaty entered into force in 1976. We now realize that at least three different types of seismic waves can be used to accurately estimate the yields of Soviet explosions, whereas in the past only one method was used. On this basis, it is very clear that the uncertainty in yield estimation can be reduced considerably.

I believe it is in our national interest and that of the Soviet Union not to test very large weapons—for example, those of 500 or 1000 kilotons. The threshold test ban has constrained the Soviet Union in this area by preventing them from testing lighter-weight weapons of that large yield. We can go back and look precisely at the very large tests that they conducted at their Arctic test site. From that it is possible to estimate the yield of the weapons that are employed in several of the major Soviet systems. When this is done, we see that the estimates from seismology area among some of the lower estimates that have been published or released by various agencies. In the past there was often a systematic overestimation of the yields of Soviet strategic weapons.

So I conclude that the main impediments to a CTB treaty are neither scientific nor technical. They really rest on other considerations such as the notion that the security of the United States is better enhanced by continued development and testing of new atomic weapons rather than through meaningful arms control negotiations.

MODERATOR. Thank you very much, Lynn. Mr. Warnke.

WARNKE. I think that it is entirely clear the purported reasons for not going for a CTB are not adequate to explain our reluctance to kick the habit. I think basically it is an addiction. We have come to the brink of giving up testing a couple of times and always backed off. We actually came fairly close in 1963-64. We came very close in the early part of the Carter administration. And the reasons for not going ahead with it had nothing to do with verification and nothing to do with confidence in the reliability of the stockpile. It is really a question of security theory. As Dr. Sykes has pointed out, there is a school of thought that says we are better off going it alone. That is the prevailing doctrine in the Reagan administration. It is expressed most articulately by Secretary of Defense Weinberger, who said in a recent speech that we ought to abandon the

previous reliance on arms control and deterrence and secure our freedom from mutual vulnerability regardless of Soviet activities. Now if you feel that you can in fact go it alone, then obviously you are not going to forego nuclear weapons tests.

It is quite clear that we can get a CTB if we want to. When we renewed the negotiations in June of 1977, I had four basic points that I was directed to include in any treaty. One was there would be no exceptions for peaceful nuclear explosions. The second was onsite inspection of suspicious seismic events. The third was that we wanted to have American seismic equipment on Soviet territory. And of course, in return, we and the British would accept Soviet seismic equipment on our territory. The fourth one was that the treaty would be one of indefinite duration. We did not want to have a guillotine clause. The Soviets wanted to have a treaty of a fixed and fairly narrow duration because they wanted to bring in the Chinese and the French, as well as the British and the U.S.

By the end of 1977, the Soviet Union had agreed to all four of these points. They had agreed that the treaty would be of an indefinite duration. There would not be an exception to peaceful nuclear explosions unless both sides agreed on some sort of protocol which would permit it. They would accept American seismic equipment in "black boxes" on their territory. And they would give us on-site inspection. We figured we were on the brink of getting a CTB, and we backed off. We backed off first of all with regard to indefinite duration. I had to go back to the Soviets and say although you have now agreed with our position of indefinite duration, I now want it limited to five years. They accepted five years. I came back a couple of weeks later and said would you believe three? And they began to wonder whether we were serious. And I must say I began to wonder whether we were serious too.

Now what were the reasons? They were basically political and certainly not scientific. Politically, the Carter Administration did not want to overload the circuits. If we pushed ahead and completed a CTB treaty in 1978, it might make it more difficult to get the Salt II treaty through the Congress. Therefore, we wanted a slowdown of the negotiations. And slow them down we did. They slowed to a crawl and then of course disappeared entirely at the beginning of the Reagan administration.

The Reagan administration, as Spurgeon pointed out, has been entirely consistent in their position. In almost a paraphrase of St. Augustine's statement, which Dr. Garwin quoted earlier. Gene Rostow very early in the administration went to the multinational disarmament conference and said that conditions were not now propitious for this worthy project and that, therefore, we had decided not to pursue a CTB at that point. It was pointed out by some of the other countries that this was inconsistent with our commitment in the LTB treaty, under which we undertook to pursue a total end to all nuclear explosions for all time, and a similar commitment in Article Six of the non-proliferation treaty. But nonetheless, we have abandoned this commitment. The Reagan administration now says that we need to test as long as we need nuclear weapons for deterrence. Well, since we will need nuclear weapons for deterrence, during my lifetime and the lifetime of everybody in this room, what that means is no CTB. I think it is a mistake. But I think it is quite clear that this is the position of the administration.

The question is whether there is enough popular sentiment in favor of a CTB to change that position. I think it will be extraordinarily difficult to do. There is the feeling on the part of the civilians in the defense department that arms control is a very, very weak policy indeed. And that we are much better off going ahead with our various offensive and defensive weapon systems. We can't have it both ways. We need to have arms control or we have an unrestricted nuclear arms race. The theory of some is that we would win an unrestricted nuclear arms race because of our superior resources and our superior technology. That somehow we could spend the Soviet Union into submission. It is a nice theory. I don't know of anybody who knows anything about the Soviet Union believes this theory has any plausibility at all. If we go ahead, they will go ahead. And the question is will we be better off or worse off? I know where I come out. It is not where the Reagan administration does. Thank you.

Mr. UDALL. Mr. Chairman, the Subcommittee on Arms Control, International Security and Science has statements for the hearing record on the issue of nuclear testing from several experts in the scientific community.

We have statements from four eminent scientists, seismologists and geophysicists. They include:

Dr. Lynn Sykes, Higgins Professor of Geological Sciences at the Lamont-Doherty Geological Observatory of Colombia University, also a member of the U.S. Delegation that negotiated the Threshold Test Ban Treaty of 1974;

Dr. Jack Evernden, a geophysicist with the U.S. Geological Survey, Menlo Park, California;

Dr. Willard J. Hannon, Program Manager of the Seismic Monitoring Research Program at Lawrence Livermore National Laboratory; and

Dr. Charles Archembeau, from the University of Colorado, the Sires Institute and also affiliated with the Center for Seismic Studies.

These experts conclude that:

(1) The Threshold Test Ban Treaty [TTBT] and the Peaceful Nuclear Explosions Treaty [PNET] are verifiable treaties;

(2) The benefits of verification can only be obtained through ratification of the treaties. In other words, verification is enhanced by ratification; and

(3) A Comprehensive Test Ban Treaty [CTBT] is verifiable down to around the 1 kiloton level. Politics and not technology have prevented us from concluding a CTBT.

We have a statement from Lynn R. Sykes, Higgins Professor of Geological Sciences at the Lamont-Doherty Geological Observatory of Colombia University, in which he concludes that:

1. TTBT AND PNET ARE VERIFIABLE

Both the Threshold Treaty and the Peaceful Explosions Treaty can be verified with high confidence.

2. THE SOVIETS HAVE NOT VIOLATED THE TTBT

There is strong scientific evidence that the Soviet Union has not violated the 150 kiloton limit of the TTBT.

3. VERIFICATION IS ENHANCED UPON RATIFICATION OF THE TTBT AND THE PNET

The TTBT and the PNET call for extensive exchanges of data when the treaties are ratified. Those provisions would considerably enhance the verification capabilities of the United States.

4. RATIFICATION OF THE TTBT WOULD CONSTRAIN SOVIET'S FROM CONDUCTING LARGE TESTS

Ratifying the TTBT would constrain the USSR by treaty from conducting large tests. In the absence of such a restraint, the U.S.S.R. would probably have an asymmetrical advantage in that it could conduct very large tests much easier than the United States.

5. A CTBT IS VERIFIABLE DOWN TO 1 KILOTON YIELDS

A Comprehensive Test Ban Treaty is verifiable with high reliability down to explosions of very small size. Recent advances in seismology insure that clandestine cheating will be even easier to detect than was thought only two years ago.

Jack Evernden, a geophysicist with the U.S. Geological Survey, concludes that:

1. THE SOVIETS HAVE NOT CHEATED ON THE TTBT

Assertions that the Soviets have cheated on the TTBT, "are based upon such an incredibly thin thread of seismological argument as to be unobservable under high magnification."

Seismological literature quantitatively denies this presidential assertion and "prove[s] without a doubt that available seismological evidence does not support the case for Soviet cheating. . . ."

2. LACK OF PROGRESS ON A CTBT REFLECTS A LACK OF POLITICAL WILL

No longer is it possible to assert that seismological monitoring of a low yield threshold treaty is unattainable by a negotiable treaty. The problem today is lack of political will, not technical incompetence.

3. VERIFICATION OF A CTBT TO THE 1 KILOTON LEVEL IS POSSIBLE

It is possible to put in place a network acceptable to the Soviets which would monitor Soviet behavior to 1 kiloton.

From Lawrence Livermore National Laboratory, we have the statement of Dr. Willard J. Hannon, the Program Manager for the Seismic Monitoring Research Program. He concludes that:

1. CRITERION FOR TREATY VERIFICATION

A treaty is verifiable if I believe that we can identify militarily significant violations of the treaty in time to mount an appropriate response.

2. THE TTBT IS VERIFIABLE

Given this criterion, "present monitoring methods allow verification of the TTBT."

3. SOVIETS ARE OBSERVING THE 150 KILOTON LIMIT OF THE TTBT

The current assessments of the relationships among yield, seismic magnitude, and the pattern of Soviet testing at their Shagan River test site indicate that the Soviets are observing a yield limit in their testing program. Our best estimates of this limit are consistent with TTBT compliance.

4. VERIFICATION OF THE TWO TREATIES WOULD BE ENHANCED BY THEIR RATIFICATION

The exchange would establish a measure of consistency for past and future observations and would affect our confidence in re-

lating experience at our test site to the explosions at their test site.

Mr. MOODY. Mr. Chairman, opponents of the House Joint Resolution 3 use a statement made by President Kennedy as a reason not to support a CTB and to defeat House Joint Resolution 3. After the Soviets broke the 1961 moratorium, President Kennedy stated that:

We know enough now about broken negotiations, secret preparations . . . never to offer again an uninspected moratorium.

REBUTTAL

First of all, House Joint Resolution 3 does not call for any kind of moratorium. It calls for straightforward negotiations on a comprehensive test ban treaty. The parameters of these negotiations are not dictated by the resolution, but would be worked out by the executive branch and its negotiators.

In fact, President Kennedy, in the sentences immediately preceding this famous quotation, stated that:

If all testing can . . . be halted—then the nuclear arms race would be slowed down at last. . . . But this must be [accomplished by] a fully effective treaty.

In effect, President Kennedy supported an end to nuclear testing, but a negotiated end, as House Joint Resolution 3 proposes.

In the fall of 1958, President Eisenhower initiated a 1-year test moratorium to promote a favorable climate for the initiation of comprehensive test ban negotiations with the Soviets. The Soviet Union quickly followed suit and agreed to stop testing as long as the Western nuclear powers adhered to the agreement. President Eisenhower ended the moratorium officially at the end of 1959 and continued it on a day-to-day basis. In 1960 and 1961, the French engaged in four nuclear weapons tests. After warning that the French tests jeopardized the moratorium, the Soviet Union responded in August 1961 with a test series that was followed by an equivalent United States testing program.

President Eisenhower later stated that his failure to achieve a nuclear test ban was his greatest regret about his Presidency.

In June 1963, President Kennedy announced that the United States, the Soviet Union and the United Kingdom had agreed to hold meetings on the test ban issue in Moscow. President Kennedy further announced at that time a unilateral moratorium on atmospheric testing. This moratorium culminated in the Limited Test Ban Treaty of 1963 which prohibits nuclear testing in the atmosphere, in outer space and under water.

CHRONOLOGY OF UNITED STATES AND SOVIET PROPOSALS REGARDING NUCLEAR TESTING

SEPTEMBER 1984

In his speech before the United Nations, President Reagan proposed to the Soviet Union that they each open up their nuclear test sites to the inspection of the other.

JULY 1985

President Reagan invited Soviet experts to visit the Nevada nuclear test site to observe U.S. nuclear testing and verification procedures.

The Soviet Union announced a moratorium on nuclear testing until Dec. 31. The moratorium would be extended if the U.S. agreed to a similar moratorium on its nuclear testing.

DECEMBER 1985

The Soviet Union proposed to extend their moratorium on nuclear testing and offered to open up their sites to U.S. inspections.

JANUARY 1986

The Soviet Union extended their moratorium on nuclear testing for another three months and proposed that a superpower nuclear test ban be implemented in the next five to eight years.

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Snowe, Olympia J. (R-ME).
Solarz, Stephen J. (D-NY).
Staggers, Harley O., Jr. (D-WV).
Stark, Fortney H. (D-CA).
Stokes, Louis (D-OH).
Strang, Michael L. (R-CO).
Studds, Gerry E. (D-MA).
Sunia, Fofo I.F. (D-Am. Samoa).
Swift, Al (D-WA).
Synar, Mike (D-OK).
Tauke, Thomas J. (R-IA).
Torres, Esteban Edward (D-CA).
Torricelli, Robert G. (D-NJ).
Towns, Edolphus (D-NY).
Traficant, James A., Jr. (D-OH).
Traxler, Bob (D-MI).
Udall, Morris K. (D-AZ).
Vento, Bruce F. (D-MN).
Volkmer, Harold L. (D-MO).
Walgren, Doug (D-PA).
Waxman, Henry A. (D-CA).
Weaver, James (D-OR).
Weiss, Ted (D-NY).
Wheat, Alan (D-MO).
Whitley, Charles (D-NC).
Williams, Pat (D-MT).
Wirth, Timothy E. (D-CO).
Wise, Robert E., Jr. (D-WV).
Wolpe, Howard (D-MI).
Wyden, Ron (D-OR).
Yates, Sidney R. (D-IL).
Yatron, Gus (D-PA).
Zschau, Ed (R-CA).

LET'S GET THE FACTS STRAIGHT

HOUSE OF REPRESENTATIVES,
Washington, DC, February 26, 1986.

DEAR COLLEAGUE: A recent Dear Colleague circulated by Republican members of the Official Observers to the Geneva Arms Talks might be read to imply that all members of the Congressional Observer delegation oppose H.J. Res. 3. This is not the case.

In fact, we believe that H.J. Res. 3 would strengthen the U.S. position. It would add to the agenda and arms control objective that every President since Eisenhower has pursued—a comprehensive test ban treaty. It does not tie the President's hands, it does not complicate the position of our team in Geneva, and it is absolutely necessary that Congress play an active role in foreign policy decisions.

H.J. Res. 3 only urges a mutual, verifiable CTB treaty.

The Constitution requires this body to be active in foreign policy. We are required to spend billions for our country's defense and to approve and implement international agreements. But when some of us take the position that to fulfill our constitutional responsibility we must be actively involved in the formulation of policy, we encounter the specious refrain: "Don't tie the President's hands." H.J. Res. 3 merely "ties" us to seek the arms control policy pursued by every President over the past four decades.

The point of this Dear Colleague is to state that some of us as Official Observers to the Arms Talks in Geneva strongly do support H.J. Res. 3.

Sincerely,

Jim Wright, Les Aspin, Joseph P. Addabbo, Norman D. Dicks, Dante Fascell, Jim Moody, Thomas J. Downey, Esteban Edward Torres, Official Observers.

Mr. OWENS. Mr. Chairman, House Joint Resolution 3 calls for the immediate resumption of negotiations with the Soviet Union to reach an agreement on a verifiable and comprehensive test ban treaty. It also asks the Senate to consider two previously signed treaties which would limit testing but which have not been ratified.

It is clear that it will be impossible to reach any agreements with the Soviet Union on a nuclear test ban if both parties do not sit down and start negotiating in a forthright manner. It is critical that this process begin so that the faint possibility of a test ban can become the reality of a comprehensive test ban.

There has been a great deal of concern expressed about the mutuality of a test ban and the verifiability of a test ban. These are serious concerns and I believe that they can be addressed by the negotiating teams from each country who have access to information on the most recent technological advances which will ensure that performance on both sides is verified.

Nuclear weapons are destructive. Even as the quality of mercy is twice blessed, nuclear weapons are twice cursed. They destroy their targets as well as those who would introduce them into the Earth's environment. Radiation lingers and causes harm long after the sound of the explosion has died away. Although one can debate the extent of the damage and the period during which harm will continue for different size explosions, the single reality is that more radiation introduced into the atmosphere will cause harm. That harm includes diseases such as cancer in those now living and genetic harm to those not yet born. This is a legacy I do not wish to leave to my children or to anyone else's children.

Peace is not a single event. It requires a process that can sustain disagreements between those involved. We will continue to have disagreements with the Soviet Union and it is unrealistic to assume otherwise. However, that should not deter us from engaging in a process which will limit the risks and provide a mechanism to resolve our disputes.

There are those who do not see the issue of beginning negotiations as that significant. I urge my colleagues to support that beginning with an eye to the future benefits for our Nation and people as well as all others with whom we share this Earth. We cannot fail to do this little bit in the interests of all.

I urge my colleagues to support House Joint Resolution 3.

Mr. STRANG. Mr. Chairman, I rise in opposition to House Joint Resolution 3. Let me explain why, although I cosponsored this measure, I must now oppose it.

For over 20 years the official policy of the United States has been to seek a comprehensive nuclear test ban treaty. In cosponsoring House Joint Resolution 3, I was giving my support to the notion that implementation of a CTB might ultimately reverse the perilous nuclear arms spiral that has preoccupied the two superpowers for nearly 40 years. Moreover, I also felt, and still feel, that it would be appropriate for the Senate to consider ratifying the existing limited test ban treaties, which we have observed since they were signed in 1974 and 1976. In other words, by cosponsoring House Joint Resolution 3, I indicated my support for two separate, and very different, ideas. In retrospect, we can say that the two ideas may have been more fairly served by presenting them in two resolutions.

When House Joint Resolution 3 was introduced, there was no clear prospect of a resumption of the Geneva arms control talks that had been interrupted by a Soviet walkout some time earlier. The intention of the resolution was to signal the sense of Congress that arms control was too important to be allowed to languish indefinitely. As it turned out, the talks were resumed, and we have engaged the Soviets in a meaningful dialog. To some extent, therefore, House Joint Resolution 3 had had its intended effect even before consideration. We must now explore what effect its passage may have on that result: indeed, we must see whether it might not reverse it.

Last autumn, Secretary of State Shultz asked the Speaker to defer consideration of House Joint Resolution 3, in light of the forthcoming summit meeting in Geneva. The Speaker agreed that this would be a wise move. More recently, Secretary Shultz asked again, in order to be sure that Congress did nothing to jeopardize progress in the current negotiations in Geneva. This time, the Speaker declined. I feel strongly that he should have heeded the request, in the interest of all of us who want to get on with the business of nuclear sanity.

The administration feels that consideration of a comprehensive test ban in the talks already underway would be harmful. Our present policy, and I believe it to be a wise one, is that the CTB treaty ought to be subsequent to the achievement of meaningful, mutual, and verifiable arms reduction. Rather than putting every issue on the table simultaneously, we are engaging in a clear and logical progression from limiting first the deployment of arms, and then the means of producing them.

It seems to me, then, that House Joint Resolution 3 weds two issues that ought to remain separate. If it only asked the Senate to move on the existing treaties, without the additional language on the comprehensive test ban, I would surely vote for it.

No sane person can deny that our most pressing need is to rid the world of the bombs which even now are poised for destruction. Once we have achieved this goal, we can try

to control the process by which the weapons are designed and produced. Let us then direct our prayers for the speedy success of all the negotiators in Geneva.

□ 1850

Mr. FASCELL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would urge my colleagues to vote against the Hyde amendment. Primarily, I want to make this point. Both of these efforts support a comprehensive test ban treaty. So, from that standpoint, there is not any difference at all.

Now you can make the argument that there should not be one or that you do not support one, but the choices as far as what is before you, as far as the substitute and the principal resolution is concerned, they both support a comprehensive test ban treaty.

The difference, however, is that in the substitute they do not call for sending up the two treaties that have already been ratified to the Senate. The committee resolution says send the treaties up and, if there are any reservations whatever, note the reservations and let the Senate exercise its good judgment with respect to those treaties. That would be a big help in promoting the arms control process.

The second thing is that the main committee resolution sets no scenario with respect to urging the President for starting discussions on a comprehensive test ban treaty. It does not say before, during or after. We are saying put it on the table along with everything else at Geneva. We do not instruct the negotiators. That is up to the President of the United States.

I do not suppose anybody really believes in this body that the President of the United States is going to negotiate a comprehensive test ban treaty that will be to the disadvantage of the United States. I just cannot believe anyone here really believes that.

The substitute sets up a scenario that stipulates that the only time the President can pursue negotiations toward a comprehensive test ban treaty is after there have been substantial reductions in nuclear arms. In addition, as we all know, both sides have said they want zero nuclear arms.

Well, I do not know if we will ever get to that day, but I say give the President the flexibility. Do not strap him as the substitute does. It is not in our interest.

Therefore, I urge my colleagues to vote against the substitute for the following seven reasons:

First, the Hyde substitute makes United States verification of Soviet activities more difficult and less reliable.

Why? Because it does not call for ratification of the TTBT and the PNET which would give us unprecedented cooperative measures, data exchanges, and onsite inspection.

This administration actually made this very point when it told Congress in 1983:

Since 1976 questions have arisen whether the Soviets have exceeded the 150-kiloton threshold. Determining the yields of Soviets tests is difficult, particularly since the United States does not have the benefit of the data exchange and technical consultations provided under the terms of the treaties.

Second, the Hyde substitute is an abandonment of an arms control priority—a negotiated CTB—that has been pursued by every President since Eisenhower.

After his Presidency, Eisenhower revealed that his failure to achieve a test ban was his greatest regret about his Presidency.

The Hyde substitute abandons what has been a truly bipartisan arms control policy for over 25 years.

Third, the Hyde substitute restricts Presidential flexibility and limits our negotiators in Geneva.

The substitute says that our President and our negotiators in Geneva cannot even begin discussions toward a CTB until after an arms control reduction agreement. That may mean never.

House Joint Resolution 3 contrast grants the President and our negotiators total flexibility and manueverability. It leaves it up to them to obtain a negotiated CTB before, during, or after an arms reduction agreement.

Hyde restricts and limits the President by saying only after.

Fourth, the Hyde substitute is in stark contrast to the advice and position of many national security experts.

These include: Presidents Ford and Nixon; former Secretaries of Defense Brown, Clifford, McNamara, and Elliott Richardson; former Secretaries of State Rusk and Vance; former majority leader, Senator Baker; former national security advisers Bundy and Scowcroft; and two-thirds of the present Senate including a majority of the Republicans.

Fifth, the Hyde substitute undermines American credibility.

How? By putting off the ratification of the two partial test ban treaties negotiated by Nixon and Ford and by saying no to CTB negotiations.

Senator SAM NUNN's comments on voting for identical language to House Joint Resolution 3 that was approved 77 to 22 in the Senate are especially pertinent. This is what the distinguished Senator from Georgia said: "It is very difficult to convince the world that we are serious about arms control when we have treaties that have been signed * * * but we do not ratify them." The end result, said Senator NUNN, is that "the world looks on us as being rather spasmodic."

Let us not undermine American credibility and interests. Vote against the Hyde substitute.

Sixth, the Hyde substitute preserves Soviet propaganda advantage in Geneva.

The Soviets are proposing test ban proposals almost every day.

The Reagan administration continues to test and has the Secretary of Defense testify to the Foreign Affairs Committee just last week that we must continue to test until we get rid of all nuclear weapons.

Under the Hyde substitute the propaganda winner is the Soviets.

The loser is the United States.

Seventh, the Hyde substitute means greater Soviet threat and less United States security.

The substitute allows the Soviets to continue their nuclear weapons program without any restraints or controls.

It means more of the same: greater Soviet threat and less United States security.

It means the Soviets will test and deploy thousands of new and more accurate weapons against us like: New cruise missiles, an SS-18 MIRV'd up to 20 warheads, an even more accurate first-strike weapon than the SS-18, new space weapons, first-strike SLBM's which the Soviets don't now possess, and high-orbit ASAT's—they currently have only a very limited low-orbit Asat capability.

The choice is clear and distinctive.

Act now and increase U.S. security at lower costs.

Vote against the Hyde substitute.

Mr. HYDE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I am going to try to respond to some of the points that were made by the distinguished chairman of the Armed Services Committee.

If the gentleman is mystified, I am mystified, why the gentleman is not down here raising holy hell that this interesting resolution did not get sent to his committee. There are some questions that his committee ought to be interested in as to the effect on SDI, as to the effect on the Midgetman, as to the effect on the change of Soviet targets, and whether our arsenal then will be adquate to the test. I would think the gentleman would be fighting for jurisidiction for his committee. Instead, this resolution went to the Foreign Affairs Committee.

Let me tell you, I filed a bill once that got sent to eight subcommittees. So when they want to fast-track something, it gets fast tracked around here.

This resolution is not just a throwaway or a giveaway, it is an expression of Congress' priorities on arms control, something at this point in time we have no business expressing other than to get behind the President and his negotiating team. We should be behind the team instead of standing

over here emphasizing one aspect of arms control, comprehensive test ban.

So it is wrong. It is not supportive. It does not back the President.

There is not a scientist who wears a white coat that will certify something is safe unless he can test it. And it is the heaviest responsibility a scientist has to certify nuclear weapons are safe and they are operable. To ask them to do that as they sit there and deteriorate and age, and then to say that that is OK, the Russians are, too, is nonsense, because the symmetry of our loss of confidence is not fair. We will lose confidence a lot quicker than they will, and they will know it.

The first duty of this Congress and a citizen of this country is to keep our deterrent credible and strong, and we are weakening it, we are destabilizing it by this innocuous resolution.

We have a negotiating team as we talk in Geneva. It is made of Max Kampelman, Senator Tower, Ambassador Glickman, Paul Nitze. And by this resolution, we are substituting Congressman MARKEY, Congressman BEDELL, Congressman LEACH of Iowa, and yes, Congressman AUCOIN for that team.

I do not choose to make that substitution.

They call my substitute and Mrs. BYRON's a weakening amendment. look, if you are for Comprehensive Test Ban Treaties, why are you against improved verification? That is what we ask for. Why are you against significant verifiable reductions? That is what we ask for.

If we are going to be the bull in the china shop, if we are going to do eye surgery with our boxing gloves on, let us ask for the whole 9 yards. Why do we just select one aspect, Comprehensive Test Ban Treaty, that will cause us to lose confidence in our stockpile, that will impede on the SDI and sound a dissident cord to what we are trying to do in Geneva?

Now if the gentleman from Wisconson will request that as we are going to take away our equalizer with the Soviet Union on conventional, that his committee can take a look at this, I would be a very happy man.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend from Wisconsin.

Mr. ASPIN. Mr. Chairman, I agree with the gentleman in the well.

Mr. HYDE. Thank you.

Mr. ASPIN. I agree with the gentleman on certain things. But I think there are some implications of this that we ought to look at. I would like to look at it and I would like to see the implications on SDI and Midgetman.

I have less concern than the gentleman in the well. I think the debates have covered the SDI and the Midgetman.

Mr. HYDE. Mr. Chairman, I would ask the gentleman, in the wake of *Challenger,* does not the gentleman think we ought to test these things as they get older and degrade.

Mr. ASPIN. But the point of a comprehensive test ban is that we do lose confidence and the Soviets lose confidence. That is the point of a comprehensive test ban.

Mr. HYDE. That is only a part of our negotiations, is it not?

What do we do about conventional? Do we give them the overwhelming advantage while we throw away our equalizer.

Mr. ASPIN. Mr. Chairman, if the gentleman will yield further, we are saying here in this resolution that a comprehensive test ban is an important component of arms control.

Mr. HYDE. No; we are not. We are saying it is our priority.

Mr. ASPIN. Mr. Chairman, if the gentleman will let me respond to his points, I would have a chance.

Mr. HYDE. I do not have that much time.

Mr. ASPIN. We are saying here that in the context of what else has gone on—we are not commenting on what else has gone on—but we are saying there ought to be a comprehensive test ban that ought to be part of what is going on.

I cannot believe that we could not have worked out a deal that would have included all of the gentleman's concerns with some language. I think we have missed a great opportunity for a joint opportunity for a joint effort on this.

Mr. HYDE. The gentleman and I could have, but we could not in the Foreign Affairs Committee.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois [Mr. HYDE].

The question was taken; and the Chairman announced that the noes appear to have it.

RECORDED VOTE

Mr. BROOMFIELD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 258, not voting 18, as follows:

[Roll No. 31]

AYES—158

Archer	Campbell	Daub
Armey	Carney	Davis
Badham	Chappie	DeLay
Barnard	Cheney	DeWine
Bartlett	Clinger	Dickinson
Barton	Coats	Dornan (CA)
Bateman	Cobey	Dreier
Bereuter	Coble	Duncan
Bilirakis	Coleman (MO)	Dyson
Bliley	Combest	Eckert (NY)
Boulter	Courter	Edwards (OK)
Breaux	Craig	Emerson
Broomfield	Crane	Fiedler
Burton (IN)	Daniel	Fields
Byron	Dannemeyer	Franklin
Callahan	Darden	Gekas
Gingrich	Martin (IL)	Shelby
Goodling	Martin (NY)	Shumway
Gradison	McCain	Shuster
Gregg	McCandless	Siljander
Hall, Ralph	McCollum	Sisisky
Hammerschmidt	McEwen	Skeen
Hansen	McMillan	Skelton
Hartnett	Michel	Slaughter
Hendon	Miller (OH)	Smith (NE)
Hiler	Miller (WA)	Smith, Denny (OR)
Hillis	Molinari	
Holt	Monson	Smith, Robert (NH)
Hopkins	Montgomery	
Hubbard	Moorhead	Snyder
Hunter	Morrison (WA)	Spence
Hutto	Myers	Stangeland
Hyde	Nichols	Stenholm
Ireland	Nielson	Strang
Kasich	Ortiz	Stratton
Kemp	Oxley	Stump
Kindness	Packard	Sundquist
Kolbe	Parris	Sweeney
Kramer	Pashayan	Swindall
Lagomarsino	Petri	Taylor
Leath (TX)	Quillen	Thomas (CA)
Lent	Ray	Vander Jagt
Lewis (CA)	Regula	Vucanovich
Lewis (FL)	Ritter	Walker
Lipinski	Rogers	Weber
Livingston	Roth	Whitehurst
Lloyd	Roukema	Wolf
Lott	Rowland (CT)	Wortley
Lowery (CA)	Rudd	Wylie
Lujan	Schaefer	Young (AK)
Lungren	Schuette	Young (FL)
Mack	Schulze	Zschau
Madigan	Sensenbrenner	
Marlenee	Shaw	

NOES—258

Ackerman	Dorgan (ND)	Huckaby
Addabbo	Dowdy	Hughes
Akaka	Downey	Jacobs
Alexander	Durbin	Jeffords
Anderson	Dwyer	Jenkins
Andrews	Dymally	Johnson
Annunzio	Early	Jones (NC)
Anthony	Eckart (OH)	Jones (OK)
Applegate	Edgar	Jones (TN)
Aspin	Edwards (CA)	Kanjorski
Atkins	Erdreich	Kaptur
AuCoin	Evans (IA)	Kastenmeier
Barnes	Evans (IL)	Kennelly
Bates	Fascell	Kildee
Bedell	Fawell	Kleczka
Beilenson	Fazio	Kolter
Bennett	Feighan	Kostmayer
Berman	Fish	LaFalce
Bevill	Flippo	Lantos
Biaggi	Florio	Leach (IA)
Boehlert	Foglietta	Lehman (CA)
Boggs	Foley	Lehman (FL)
Boland	Ford (MI)	Leland
Boner (TN)	Ford (TN)	Levin (MI)
Bonior (MI)	Frank	Levine (CA)
Borski	Frenzel	Lightfoot
Bosco	Frost	Long
Boucher	Fuqua	Lowry (WA)
Boxer	Gallo	Luken
Brooks	Garcia	Lundine
Brown (CO)	Gaydos	MacKay
Bruce	Gejdenson	Manton
Bryant	Gephardt	Markey
Burton (CA)	Gibbons	Martinez
Bustamante	Gilman	Matsui
Carper	Glickman	Mavroules
Carr	Gonzalez	Mazzoli
Chandler	Gordon	McCloskey
Chapman	Gray (IL)	McCurdy
Clay	Gray (PA)	McDade
Coelho	Green	McGrath
Coleman (TX)	Guarini	McHugh
Conte	Gunderson	McKernan
Conyers	Hall (OH)	McKinney
Cooper	Hamilton	Meyers
Coughlin	Hatcher	Mica
Coyne	Hawkins	Mikulski
Crockett	Hayes	Miller (CA)
Daschle	Hefner	Mineta
Dellums	Heftel	Mitchell
Dicks	Henry	Mollohan
Dingell	Hertel	Moody
DioGuardi	Horton	Morrison (CT)
Dixon	Howard	Mrazek
Donnelly	Hoyer	Murphy

Murtha	Rostenkowski	Tauzin
Natcher	Rowland (GA)	Thomas (GA)
Neal	Roybal	Torres
Nelson	Russo	Torricelli
Nowak	Sabo	Towns
O'Brien	Savage	Traficant
Oberstar	Saxton	Traxler
Obey	Scheuer	Udall
Olin	Schneider	Valentine
Owens	Schroeder	Vento
Panetta	Schumer	Visclosky
Pease	Seiberling	Volkmer
Penny	Sharp	Walgren
Pepper	Sikorski	Watkins
Perkins	Slattery	Waxman
Pickle	Smith (FL)	Weaver
Porter	Smith (IA)	Weiss
Price	Smith (NJ)	Wheat
Pursell	Snowe	Whitley
Rahall	Solarz	Whittaker
Rangel	Spratt	Whitten
Reid	St Germain	Williams
Richardson	Staggers	Wilson
Ridge	Stallings	Wirth
Rinaldo	Stark	Wise
Roberts	Stokes	Wolpe
Robinson	Studds	Wright
Rodino	Swift	Wyden
Roe	Synar	Yates
Roemer	Tallon	Yatron
Rose	Tauke	Young (MO)

NOT VOTING—18

Bentley	Derrick	Moore
Bonker	English	Oakar
Brown (CA)	Fowler	Smith, Robert (OR)
Broyhill	Grotberg	Solomon
Chappell	Latta	
Collins	Loeffler	
de la Garza	Moakley	

□ 1915

The Clerk announced the following pairs:

On this vote:

Mr. Solomon for, with Mr. Moakley against.

Mr. Loeffler for, with Mr. Brown of California against.

Mrs. Bentley for, with Mrs. Collins against.

Mr. PEPPER and Mr. WHITTAKER changed their votes from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McHUGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 3) to prevent nuclear explosive testing, pursuant to House Resolution 281, he reported the joint resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. BROOMFIELD. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BROOMFIELD of Michigan moves to recommit H.J. Res. 3 to the Committee on Armed Services with instructions to consider what impact the enactment of H.J. Res. 3 would have on the development of new strategic weapons such as the "Midgetman" and report their findings promptly back to the House with any recommendations the Committee on Armed Services may consider appropriate.

The SPEAKER. The gentleman from Michigan [Mr. BROOMFIELD] is recognized for 5 minutes.

Mr. BROOMFIELD. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. COURTER], a member of the Armed Services Committee.

Mr. COURTER. I thank the gentleman for yielding.

Mr. Speaker, I would like to have the attention of the Members because the issue before us right now is a very important one. Very simply, the issue is what impact will the comprehensive test ban have on new nuclear systems, particularly a system such as Midgetman.

The question is: Why is that important? It is important because Midgetman is a system that has the support of most Members in this body. The reason it has the support of most of the Members of this body is that it does two things.

No. 1, it increases stability. How does it increase stability? It increases stability because it is mobile, and if it is mobile, it is survivable, and if it is survivable, it increases stability.

Second, it is important because it very frankly increases deterrence. How does it increase deterrence? The theory is and the logic behind Midgetman is the fact that if you have one warhead in the United States, and it is moving around and it is a difficult target, it will take anywhere between 3, 5, or some studies show, up to 10 warheads to threaten it. It is a favorable cost exchange ratio.

So the Midgetman, according to the perfect logic, of, for example, the chairman of the Armed Services Committee, enhances stability on the one hand because it is survivable and also increases deterrence on the other hand because it costs too much to attack. That is the reason that so many people are interested in moving toward a mobile, single warhead or small number of warheads missile system.

The question then is an important one. If you want increased deterrence, if you want increased stability, by deploying a Midgetman missile, how does the comprehensive test ban effect those two laudible goals?

First of all, logic would dictate that if you have a warhead in a moving, vibrating system, you might need a different design than one warhead in a silo in a hermetically sealed environment, so testing is important.

Second, let us look at the record. The question is will a comprehensive test ban stop Midgetman in its tracks? The evidence and the record is that it in fact will. I read from the report, this is the testimony given by members of Los Alamos Laboratory and Livermore Laboratory. Dr. Woodruff and Dr. Robinson.

Dr. Woodruff said:

If you have a basing option that includes having that system be road mobile, you might want to have a different warhead developed for it than the baseline warhead at this time that had further enhanced safety options, and if you could not test, it would simply stop that.

Dr. Robinson continued as follows:

Let me add to it a different perspective. For both the MX and Trident D-5, there are a series of very critical tests ahead of us where we evaluate how those systems might perform in a nuclear environment. That is when going against a terminal nuclear defense as the Soviet Union has installed.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. COURTER. I yield to the gentleman.

Mr. DICKINSON. I think what we are all interested in is if we do not recommit, what will be the effect on the weapons system that you are talking about?

Mr. COURTER. According to the testimony of our laboratories, it will stop Midgetman dead in its tracks. The validating design requires additional tests. Those tests have not been completed. The record which I am holding before you indicates that those tests are yet in the future. The comprehensive test ban would stop those tests.

Mr. BROOMFIELD. Mr. Speaker, reclaiming my time, I appreciate what you have had to say about this whole impact question.

I think the Members ought to realize what we are doing here is not killing the resolution, we are merely referring it to the Armed Services Committee where originally it was intended to go for their evaluation and reporting back to the House for further consideration.

I see nothing wrong with it, and I urge that we go along with the motion to recommit.

□ 1925

The SPEAKER. The time of the gentleman from New Jersey [Mr. COURTER] has expired.

Mr. FASCELL. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, if the motion to recommit is carried, and I hope it is not, I hope my colleagues will all vote

against it; it may not kill the resolution, but it will surely go a long way toward doing it, so it is just another effort to do more of the same.

But aside from the technical argument, which I will let the chairman of the Armed Services Committee address, let me say first of all that I do not agree with that argument.

Second, we have not entered into an agreement yet. That is a matter of decision for the President of the United States and the negotiators.

The way the gentleman is discussing this in the motion to recommit is as if we have already entered into an agreement.

So aside from that if there is an agreement, Mr. Speaker, the agreement would go to the Foreign Affairs Committee and the Armed Services Committee. They could exercise their judgment at that time as well.

Mr. Speaker, I yield to the chairman of the Armed Services Committee, the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Speaker, the point is that under the current system for the Midgetman missile, the warhead that they planned to use is the one that we already have tested. It will not stop the Midgetman with the single Mark 21 warhead. If we want to make the Midgetman into a multiple warhead missile, something I think a lot of us do not want to do, yes, you may have to find another warhead and have to package it into a smaller container; but the resolution which is before us will not stop the single warhead missile which is the missile that we want for defending our country, for removing the vulnerability of land based missiles and for arms control.

Mr. MAVROULES. Mr. Speaker, will the gentleman yield to me?

Mr. FASCELL. I yield to the gentleman.

Mr. MAVROULES. Mr. Speaker, we have had many briefings on this issue, and as the chairman well knows, and I think it is important that everybody here knows, that 85 to 95 percent of the technology on the MX missile can be transferred.

The point I want to make and I think is vital to this argument is that 85 to 95 percent of the technology on the MX missile can be transferred and used on the Midgetman missile and the warhead, so let us not buy this smoke screen here, because what has been stated is not factual. I just wanted to set the record straight.

Mr. BEDELL. Mr. Speaker, will the gentleman yield to me?

Mr. FASCELL. I yield to the gentleman.

Mr. BEDELL. Mr. Speaker, I hope the Chamber will understand what this resolution says. This resolution calls upon the President to resume negotiations. This does not in any way tie his hands.

We are saying we should resume negotiations and talk with the Soviet Union.

Stay with your vote.

Mr. FASCELL. Mr. Speaker, I hope that the Members will vote down the motion to recommit.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to the provisions of clause 5 of rule XV, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 158, nays 258, not voting 18, as follows:

[Roll No. 32]

YEAS—158

Archer	Hammerschmidt	Petri
Armey	Hansen	Quillen
Badham	Hartnett	Ray
Barnard	Hendon	Regula
Bartlett	Hiler	Reid
Barton	Hillis	Ritter
Bateman	Holt	Rogers
Bereuter	Hopkins	Roth
Bilirakis	Hubbard	Roukema
Bliley	Hunter	Rowland (CT)
Boulter	Hutto	Rudd
Breaux	Hyde	Schaefer
Broomfield	Ireland	Schuette
Burton (IN)	Kasich	Schulze
Byron	Kemp	Sensenbrenner
Callahan	Kindness	Shaw
Campbell	Kolbe	Shelby
Carney	Kramer	Shumway
Chandler	Lagomarsino	Shuster
Chappie	Leath (TX)	Siljander
Cheney	Lent	Sisisky
Clinger	Lewis (CA)	Skeen
Coats	Lewis (FL)	Skelton
Cobey	Lipinski	Slaughter
Coble	Livingston	Smith (NE)
Coleman (MO)	Lloyd	Smith, Denny (OR)
Combest	Lott	
Courter	Lowery (CA)	Smith, Robert (NH)
Craig	Lujan	
Crane	Lungren	Snyder
Daniel	Mack	Spence
Dannemeyer	Madigan	Stangeland
Darden	Marlenee	Stenholm
Daub	Martin (IL)	Strang
DeLay	Martin (NY)	Stratton
DeWine	McCain	Stump
Dickinson	McCandless	Sundquist
Dornan (CA)	McCollum	Sweeney
Dreier	McEwen	Swindall
Duncan	McMillan	Taylor
Dyson	Michel	Thomas (CA)
Eckert (NY)	Miller (OH)	Vander Jagt
Edwards (OK)	Miller (WA)	Vucanovich
Emerson	Molinari	Walker
Fiedler	Montgomery	Weber
Fields	Moorhead	Whitehurst
Franklin	Morrison (WA)	Wolf
Frenzel	Myers	Wortley
Gekas	Nichols	Wylie
Gingrich	Nielson	Young (AK)
Goodling	Oxley	Young (FL)
Gradison	Packard	Zschau
Gregg	Parris	
Hall, Ralph	Pashayan	

NAYS—258

Ackerman	Gejdenson	Oberstar
Addabbo	Gephardt	Obey
Akaka	Gibbons	Olin
Alexander	Gilman	Ortiz
Anderson	Glickman	Owens
Andrews	Gonzalez	Panetta
Annunzio	Gordon	Pease
Anthony	Gray (IL)	Penny
Applegate	Gray (PA)	Pepper
Aspin	Green	Perkins
Atkins	Guarini	Pickle
AuCoin	Gunderson	Porter
Barnes	Hall (OH)	Price
Bates	Hamilton	Pursell
Bedell	Hatcher	Rahall
Beilenson	Hawkins	Rangel
Bennett	Hayes	Richardson
Berman	Hefner	Ridge
Bevill	Heftel	Rinaldo
Biaggi	Henry	Roberts
Boehlert	Hertel	Rodino
Boggs	Horton	Roe
Boland	Howard	Roemer
Boner (TN)	Hoyer	Rose
Bonior (MI)	Huckaby	Rostenkowski
Bonker	Hughes	Rowland (GA)
Borski	Jacobs	Roybal
Bosco	Jeffords	Russo
Boucher	Jenkins	Sabo
Boxer	Johnson	Savage
Brooks	Jones (NC)	Saxton
Brown (CO)	Jones (OK)	Scheuer
Bruce	Jones (TN)	Schneider
Bryant	Kanjorski	Schroeder
Burton (CA)	Kaptur	Schumer
Bustamante	Kastenmeier	Seiberling
Carper	Kennelly	Sharp
Carr	Kildee	Sikorski
Chapman	Kleczka	Slattery
Clay	Kolter	Smith (FL)
Coelho	Kostmayer	Smith (IA)
Coleman (TX)	LaFalce	Smith (NJ)
Conte	Lantos	Snowe
Conyers	Leach (IA)	Solarz
Cooper	Lehman (CA)	Spratt
Coughlin	Lehman (FL)	St Germain
Coyne	Leland	Staggers
Crockett	Levin (MI)	Stallings
Daschle	Levine (CA)	Stark
Davis	Lightfoot	Stokes
Dellums	Long	Studds
Dicks	Lowry (WA)	Swift
Dingell	Luken	Synar
DioGuardi	Lundine	Tallon
Dixon	MacKay	Tauke
Donnelly	Manton	Tauzin
Dorgan (ND)	Markey	Thomas (GA)
Dowdy	Martinez	Torres
Downey	Matsui	Torricelli
Durbin	Mavroules	Towns
Dwyer	Mazzoli	Traficant
Dymally	McCloskey	Traxler
Early	McCurdy	Udall
Eckart (OH)	McDade	Valentine
Edgar	McGrath	Vento
Edwards (CA)	McHugh	Visclosky
Erdreich	McKernan	Volkmer
Evans (IA)	McKinney	Walgren
Evans (IL)	Meyers	Watkins
Fascell	Mica	Waxman
Fawell	Mikulski	Weaver
Fazio	Miller (CA)	Weiss
Feighan	Mineta	Wheat
Fish	Mitchell	Whitley
Flippo	Mollohan	Whittaker
Florio	Monson	Whitten
Foglietta	Moody	Williams
Foley	Morrison (CT)	Wilson
Ford (MI)	Mrazek	Wirth
Ford (TN)	Murphy	Wise
Frank	Murtha	Wolpe
Frost	Natcher	Wright
Fuqua	Neal	Wyden
Gallo	Nelson	Yates
Garcia	Nowak	Yatron
Gaydos	O'Brien	Young (MO)

NOT VOTING—18

Bentley	English	Oakar
Brown (CA)	Fowler	Robinson
Broyhill	Grotberg	Smith, Robert (OR)
Chappell	Latta	
Collins	Loeffler	Solomon
de la Garza	Moakley	
Derrick	Moore	

□ 1940

The Clerk announced the following pairs:

On this vote:

Mr. Solomon for, with Mr. Moakley against.

Mr. Loeffler for, with Mr. Brown of California against.

Mrs. Bentley for, with Mrs. Collins against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. RANGEL). The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FASCELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 268, nays 148, not voting 18, as follows:

[Roll No. 33]

YEAS—268

Ackerman	Dorgan (ND)	Huckaby
Addabbo	Dowdy	Hughes
Akaka	Downey	Jacobs
Alexander	Durbin	Jeffords
Anderson	Dwyer	Jenkins
Andrews	Dymally	Johnson
Annunzio	Early	Jones (NC)
Anthony	Eckart (OH)	Jones (OK)
Applegate	Edgar	Jones (TN)
Aspin	Edwards (CA)	Kanjorski
Atkins	Erdreich	Kaptur
AuCoin	Evans (IA)	Kastenmeier
Barnes	Evans (IL)	Kennelly
Bates	Fascell	Kildee
Bedell	Fawell	Kleczka
Bellenson	Fazio	Kolbe
Bennett	Feighan	Kolter
Berman	Fish	Kostmayer
Biaggi	Florio	LaFalce
Boehlert	Foglietta	Lantos
Boggs	Foley	Leach (IA)
Boland	Ford (MI)	Lehman (CA)
Boner (TN)	Frank	Lehman (FL)
Bonior (MI)	Frenzel	Leland
Bonker	Frost	Lent
Borski	Fuqua	Levin (MI)
Bosco	Gallo	Levine (CA)
Boucher	Garcia	Lightfoot
Boxer	Gaydos	Long
Breaux	Gejdenson	Lowry (WA)
Brooks	Gephardt	Luken
Brown (CO)	Gibbons	Lundine
Bruce	Gilman	MacKay
Bryant	Glickman	Manton
Burton (CA)	Gonzalez	Markey
Bustamante	Goodling	Martinez
Carper	Gordon	Matsui
Carr	Gray (IL)	Mavroules
Chapman	Gray (PA)	Mazzoli
Clay	Green	McCain
Coelho	Gregg	McCloskey
Coleman (TX)	Guarini	McCurdy
Conte	Gunderson	McDade
Conyers	Hall (OH)	McGrath
Cooper	Hamilton	McHugh
Coughlin	Hatcher	McKernan
Coyne	Hawkins	McKinney
Crockett	Hayes	Meyers
Daschle	Hefner	Mica
Davis	Heftel	Mikulski
Dellums	Henry	Miller (CA)
Dicks	Hertel	Mineta
Dingell	Hopkins	Mitchell
DioGuardi	Horton	Mollohan
Dixon	Howard	Monson
Donnelly	Hoyer	Moody
Morrison (CT)	Rose	Tauzin
Mrazek	Rostenkowski	Thomas (GA)
Murphy	Rowland (CT)	Torres
Murtha	Rowland (GA)	Torricelli
Natcher	Roybal	Towns
Neal	Russo	Traficant
Nelson	Sabo	Traxler
Nowak	Savage	Udall
O'Brien	Saxton	Valentine
Oberstar	Schaefer	Vento
Obey	Scheuer	Visclosky
Olin	Schneider	Volkmer
Ortiz	Schroeder	Walgren
Owens	Schumer	Watkins
Panetta	Seiberling	Waxman
Pease	Sharp	Weaver
Penny	Sikorski	Weiss
Pepper	Slattery	Wheat
Perkins	Smith (FL)	Whitley
Petri	Smith (IA)	Whittaker
Pickle	Smith (NJ)	Whitten
Porter	Snowe	Williams
Price	Solarz	Wilson
Pursell	Spratt	Wirth
Rahall	St Germain	Wise
Rangel	Staggers	Wolpe
Regula	Stallings	Wright
Richardson	Stark	Wyden
Ridge	Stokes	Wylie
Rinaldo	Studds	Yates
Roberts	Swift	Yatron
Rodino	Synar	Young (MO)
Roe	Tallon	
Roemer	Tauke	

NAYS—148

Archer	Gingrich	Packard
Armey	Gradison	Parris
Badham	Hall, Ralph	Pashayan
Barnard	Hammerschmidt	Quillen
Bartlett	Hansen	Ray
Barton	Hartnett	Reid
Bateman	Hendon	Ritter
Bereuter	Hiler	Rogers
Bevill	Hillis	Roth
Bilirakis	Holt	Roukema
Bliley	Hubbard	Rudd
Boulter	Hunter	Schuette
Broomfield	Hutto	Schulze
Broyhill	Hyde	Sensenbrenner
Burton (IN)	Ireland	Shaw
Byron	Kasich	Shelby
Callahan	Kemp	Shumway
Campbell	Kindness	Shuster
Carney	Kramer	Siljander
Chandler	Lagomarsino	Sisisky
Chappie	Leath (TX)	Skeen
Cheney	Lewis (CA)	Skelton
Clinger	Lewis (FL)	Slaughter
Coats	Lipinski	Smith (NE)
Cobey	Livingston	Smith, Denny (OR)
Coble	Lloyd	
Coleman (MO)	Lott	Smith, Robert (NH)
Combest	Lowery (CA)	
Courter	Lujan	Snyder
Craig	Lungren	Spence
Crane	Mack	Stangeland
Daniel	Madigan	Stenholm
Dannemeyer	Marlenee	Strang
Darden	Martin (IL)	Stratton
Daub	Martin (NY)	Stump
DeLay	McCandless	Sundquist
DeWine	McCollum	Sweeney
Dickinson	McEwen	Swindall
Dornan (CA)	McMillan	Taylor
Dreier	Michel	Thomas (CA)
Duncan	Miller (OH)	Vander Jagt
Dyson	Miller (WA)	Vucanovich
Eckert (NY)	Molinari	Walker
Edwards (OK)	Montgomery	Weber
Emerson	Moorhead	Whitehurst
Fiedler	Morrison (WA)	Wolf
Fields	Myers	Wortley
Flippo	Nichols	Young (AK)
Franklin	Nielson	Young (FL)
Gekas	Oxley	Zschau

NOT VOTING—18

Bentley	Ford (TN)	Oakar
Brown (CA)	Fowler	Robinson
Chappell	Grotberg	Smith, Robert (OR)
Collins	Latta	
de la Garza	Loeffler	Solomon
Derrick	Moakley	
English	Moore	

□ 1950

The Clerk announced the following pairs:

On this vote:

Mr. Moakley for, with Mr. Solomon against.

Mr. Brown of California for, with Mr. Loeffler against.

Mrs. Collins for, with Mrs. Bentley against.

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 3, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4188, REDUCTIONS IN NET EXPENDITURES FOR MILK PRICE SUPPORT ACTIVITIES

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 99-477) on the resolution (H. Res. 381) providing for the consideration of the bill (H.R. 4188) to effect the reductions in net expenditures for milk price support activities as required by the Balanced Budget and Emergency Deficit Control Act of 1985, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 25, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 3:20 p.m. on Tuesday, February 25, 1986 whereby the President transmits a request for additional authority and assistance for the Nicaraguan Democratic Resistance.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

REQUEST FOR TRANSFER OF FUNDS FOR ADDITIONAL ASSISTANCE TO THE NICARAGUAN DEMOCRATIC RESISTANCE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-169)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection referred to the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence and ordered to be printed:

To the Congress of the United States:

When the Congress approved humanitarian assistance for the Nicaraguan democratic resistance last year, it assured the survival of those fighting for democracy in Nicaragua. However, this assistance has not been sufficient to bring about changes in the policies of the communist Government of Nicaragua that would make possible a peaceful resolution of the conflict in Central America and end Nicaragua's aggression against our allies there.

DETERMINATIONS

Negotiations based on the Contadora Document of Objectives of September 9, 1983, have failed to produce an agreement, and other trade and economic measures have failed to resolve the conflict. At the same time, the legislation for humanitarian assistance is about to expire. If no further action is taken, it is clear that the Nicaraguan communists will steadily intensify their efforts to crush all opposition to their tyranny, consolidating their ability to use Nicaragua, in concert with their Soviet-bloc patrons, as a base for further intimidating the democratic nations of Central America and spreading subversion and terrorism in our hemisphere.

In these circumstances, the laws providing for humanitarian assistance to the Nicaraguan democratic resistance permit me to request authority to provide additional assistance, and specify expedited procedures for action by the Congress on my request. I am transmitting herewith a formal request for such additional assistance. As required by law, I have consulted with the Congress in formulating this request.

WHY NEGOTIATIONS AND OTHER MEASURES HAVE FAILED

In reports that I transmitted to the Congress in November 1985 and February 1986, I described the continued efforts by the United States to promote a negotiated settlement in Central America and in Nicaragua based on the Contadora Document of Objectives. Our persistent efforts to achieve a peaceful solution have failed to resolve the conflict because Nicaragua has continued to reject meaningful negotiations. Communist attempts to circumvent and subvert Contadora, apparent from the beginning of the negotiating process, have left a clear trail of lost opportunities for peaceful reconciliation. In most recent months, Nicaragua has repeatedly frustrated negotiations aimed at producing a final, comprehensive Contadora treaty.

Recent Contadora meetings to discuss a comprehensive, verifiable regional agreement have been inconclusive largely due to Nicaraguan intransigence on key issues. Following two rounds of talks in October, on November 11, 1985, Nicaragua made public a letter from President Ortega to the Contadora Group and Support Group governments setting forth objections to the September 12, 1985, draft agreement tabled by the Contadora Group governments. Nicaragua argued that it could not assume the obligations of a Contadora agreement unless it reached a prior accommodation with the United States.

On December 3, President Ortega formally requested a suspension in Contadora negotiations until May 1986, that is until after the governments to be elected in Costa Rica, Honduras, and Guatemala will have been installed. Costa Rica, Honduras, and Guatemala, however, joined 25 other OAS member states in voting for a resolution at the OAS General Assembly in Cartagena that urged continuation of the Contadora negotiations. Of all OAS members, only one member—Nicaragua—voted against that resolution. Subsequently, only Nicaragua refused to resume Contadora talks—a major reason why the United Nations General Assembly failed to achieve consensus on a resolution of support for the Contadora process.

On January 12, the Foreign Ministers of the Contadora Group and Support Group, meeting at Caraballeda, Venezuela, issued a joint statement intended to revitalize the process. The Foreign Ministers of the five Central American states, including Nicaragua, signed the "Declaration of Guatemala" on January 15, endorsing the Caraballeda message. Afterwards, the Government of Nicaragua issued a press communique which, although claiming "total adherence" to the Caraballeda message, characterized the various actions suggested in the Caraballeda message as prerequisites to resumption of Contadora negotiations. This communique also reaffirmed the Nicaraguan position of November 11 objecting to the Contadora draft agreement.

On February 5, President Ortega repeated this position in his speech to the Third Cuban Communist Party Congress in Havana noting that "the peace document that the Contadora Group submitted in September 1985 is unacceptable to Nicaragua."

On February 10, Secretary of State Shultz met with the Foreign Ministers of the Contadora Group and Support Group. The Secretary welcomed the good offices of the two Contadora groups to promote national reconciliation as expressed in the Caraballeda message, and offered to resume bilateral talks with Nicaragua simultaneously with the beginning of Sandinista dialog with the democratic resistance. Secretary Shultz also informed the Foreign Ministers that the United States was prepared to take further steps in response to changes in Nicaraguan behavior on the four key issues of concern—support of subversion, the Cuban/Soviet presence, the military buildup, and internal repression. He pointed out that a dialog and ceasefire would mean that cessation of the application of force and the process of national reconciliation would go forward at the same time. My Special Envoy, Ambassador Harry Shlaudeman, began consultation with the Contadora and Support Group governments the week of February 16 on this initiative.

Meanwhile, the Sandinistas have rejected a February 6 proposal from opposition political parties in Nicaragua for suspension of hostilities, an effective general amnesty law for reconciliation of all Nicaraguans, a repeal of the state of emergency, an agreement for the establishment and observance of a new electoral process, effective fulfillment of Nicaragua's commitments for democratization and international assistance in the implementation of these demands. Also, another Contadora negotiating session held February 14-15 was inconclusive because of continued Nicaraguan refusal to address the remaining issues to be resolved in the current Contadora draft agreement.

DESCRIPTION OF REQUEST

The request transmitted herewith asks your approval for the transfer of $100,000,000 from funds already appropriated for the Department of Defense so that those funds would also be available for assistance to the Nicaraguan democratic resistance. I am requesting this transfer authority, in lieu of a supplemental appropriation, because I regard this request as a matter of high priority for the national security of the United States. Including a proposal for additional funds in this request would have diverted attention from the basic national security issues here involved. However, the resulting reduction in the funds available for the Department of Defense, if not remedied, will inevitably impair ongoing efforts to restore and maintain the readiness of the armed forces. This impairment in defense readiness will be addressed separately.

The $100,000,000 to be made available for assistance to the Nicaraguan democratic resistance would include funds that have been appropriated to remain available for obligation beyond September 30, 1986. Obligations will be made on an incremental basis, with 25 percent available when the request is approved and an additional 15 percent to become available at 90-day intervals as reports are provided to the Congress on actions to achieve a resolution of the conflict in Central America. However, no obligations may be incurred after September 30, 1987.

Of the $100,000,000, $30,000,000 will be for a program of humanitarian assistance administered by the present Nicaraguan Humanitarian Assistance Office, including $3,000,000 exclusively for strengthening the observance and advancement of human rights. This emphasis on human rights reflects a determination that human rights must be respected. As in our support for democracy elsewhere, human rights training and assistance can be expected to achieve significant positive results.

Should a peaceful settlement of the conflict in Central America be achieved during the period these funds remain available, the remaining funds could then be used for assistance to Central American countries, including Nicaragua, for relief, rehabilitation, and reconstruction.

Approval of this request will permit me to use any department or agency in the executive branch, including agencies involved in intelligence activities, in carrying out programs and activities to assist the Nicaraguan democratic resistance. The statutory requirements for congressional approval of the use of such agencies, as well as statutes requiring prior authorization for the use of appropriated funds will be satisfied by the approval of my request.

Finally, the request contains a series of undertakings by me, which I am asking the Congress to accept. These undertakings, which were developed in consultations with the Congress, are intended to assure that a clear and explicit understanding exists between the executive and legislative branches as to the purposes of the requested assistance to the Nicaraguan democratic resistance and United States objectives in Central America.

In particular, I am undertaking in this request:

—That United States policy toward Nicaragua will be based on Nicaragua's responsiveness to our well-known concerns about the Government of Nicaragua's close military and security ties to Cuba and the Soviet Union, its military buildup, its unlawful support for subversion and terrorism, its internal repression, and its refusal to negotiate in good faith with its neighbors or its own people;

—That, in addition to support for the democratic resistance, the United States will rely on economic, political and diplomatic measures to address these concerns. In this regard, I am publicly affirming two offers that I have previously made through diplomatic channels in an effort to obtain a peaceful resolution of the conflict. First, we will engage in formal bilateral discussions with the Nicaraguan Government, to commence simultaneously with a church-mediated national dialog in Nicaragua, as has been proposed by the United Nicaraguan Opposition. Second, we will take other positive actions in response to Nicaraguan steps toward meeting our concerns.

In determining how to implement these offers, I will consult with the Congress and will be guided by the observable behavior of the Government of Nicaragua. We will not be satisfied with expressions of intent. But we will respond to changes of behavior in areas such as freedom of the press and religion, reductions of foreign arms and military personnel, respect for a ceasefire, and cessation of support for insurgents and terrorists.

My request affirms that our actions are consistent with our right to defend ourselves and assist our allies, and are directed toward achieving peace based on the Contadora Document of Objectives and a democratic reconciliation in Nicaragua, all without the use of force by the United States. I do not intend to introduce the Armed Forces of the United States into combat against the Government of Nicaragua, and I affirm that I will not regard approval of my request for assistance as authorizing any such action.

The final undertaking in this request responds to the desire of the Congress to be kept informed about efforts to achieve resolution of the conflict in Central America. I am undertaking to report every 90 days on progress toward a negotiated settlement, as well as on the disbursement of assistance funds and on human rights issues. The continued availability of assistance funds will be contingent upon the receipt by the Congress of these periodic reports.

THE NEED FOR THIS ASSISTANCE

Since the beginning of my first administration, there has been no foreign policy issue more directly affecting United States national interests than the conflict in Central America, for this conflict challenges not only our strategic position but the very principles upon which this Nation is founded. We can be justifiably proud of progress in the region to alleviate and ultimately eliminate the causes of that conflict. With strong support from the United States, freedom and democracy, the fundamental pillars of peace, have made dramatic gains. Guatemala, Honduras, and El Salvador have held free and open elections. Costa Rica continues its tradition as a vigorous democratic example. United States economic, political, and military support have strengthened the moderate center in Central America and reversed the tragic polarization on the left and right that threatened to engulf the region in endless violence. As a result, the only president in Central America who wears a military uniform today is Daniel Ortega of Nicaragua. He presides over a repressive regime, armed to the teeth by the Soviets and Cubans, which is the most immediate threat to the progress of its neighbors.

Few now question that the rulers of Nicaragua are deeply committed communists, determined to consolidate their totalitarian communist state. Their long, documented record of brutal repression leaves no room for doubt. Nor can there be any dispute that they seek to export their ideology through terrorism and subversion to neighboring countries. Their neighbors' success in offering democracy as a viable alternative for the people of Central America is a major threat to the system they advocate. The Sandinistas have been constrained principally because they have not yet crushed opposition to their regime at home. The struggle of the Nicaraguan democratic resistance for democracy in their own homeland has provided a shield for democratic progress in other Central American countries. But the Sandinistas, with massive Soviet and Cuban military assistance, have clearly made the elimination of these freedom fighters their number one priority. If they achieve that goal, there will be no remaining obstacle to their efforts to destabilize neighboring states.

Despite this threat to peace, we do not accept that conflagration is inevitable in Central America. The path to peace is clear. The origin of the conflict in Nicaragua is the revolt of the Nicaraguan people themselves against tyranny. A church-mediated dialogue, serious negotiations between the Sandinistas and the external and internal opposition, including the democratic resistance, is the place to begin. The United States strongly supports such negotiations, and we welcome the efforts of the Latin American nations of the Contadora Group and Support Group to promote national reconciliation talks to resolve the Nicaraguan conflict. We will steadfastly support the Contadora process in its efforts to find a solution in Central America that will be the basis for lasting peace. We will also continue to look for flexibility in the Nicaraguan position and are prepared to respond with appropriate measures to encourage them to come to terms with their own people in a democratic framework.

At the same time, we can entertain no illusions that the Sandinistas will enter negotiations on steps to allow legitimate democratic dissent unless democratic forces in Nicaragua can credibly and forcefully assert their right to a voice in Nicaragua's future. The Sandinistas' record of repression of democratic opposition groups leaves little hope that they will willingly follow such a course. They will never embrace open, democratic norms unless confronted with undeniable demands from steadily growing numbers of Nicaraguans prepared to fight for liberty and for their right to participate in their country's political life.

Our experience with the Sandinistas over six and a half years points unmistakably to the need to accompany diplomatic policy with substantial pressure focused on the same objectives. Without power, diplomacy lacks leverage. The Sandinistas will not take meaningful steps toward national reconciliation until they realize that opposition to the consolidation of a Marxist-Leninist regime is too strong to be repressed. Approval of this request will enable the United States to be in a position to provide assistance that permits the resistance to conduct sustained operations in Nicaragua and expand their area of operations. The resistance will be able to incorporate more of the thousands of volunteers waiting to join their forces but who cannot be accepted for lack of supplies. They will be able to establish a stronger presence among a larger segment of the Nicaraguan population, thus increasing the pressure on the Sandinistas to enter into dialogue with all opposition elements, and to negotiate seriously in the Contadora process.

The cause of the United States in Nicaragua, as in the rest of Central America, is the cause of freedom and ultimately, our own national security.

The Soviet Union and its satellites understand the great stakes in Nicaragua. The Soviets have already made their decision to support the Sandinistas. Cuba's Castro has already made his decision to support the Sandinistas. Libya's Qadhafi has already made his decision to support the Sandinistas saying, we support them, ". . . because they are fighting America at its doorstep. Nicaragua means a great thing; it means fighting America near its borders."

Congress must act decisively to prevent an outcome deeply injurious to the security of our Nation.

If the enemies of democracy thousands of miles away understand the strategic importance of Nicaragua, understand that Nicaragua offers the possibility of destabilizing all Central America, of sending a tidal wave of refugees streaming toward our southern border, and of tying down the United States and weakening our ability to meet our commitments overseas, then we Americans must understand that Nicaragua is a foreign policy question of supreme importance which goes to the heart of our country's freedom and future. With its vote, Congress will make its decision.

Those fighting for freedom in Nicaragua deserve and desperately need our help. The humanitarian assistance approved by the Congress in 1985 has proven insufficient. Cuban and Soviet military aid in the form of training and sophisticated hardware have taken their toll. If the Nicaraguan democratic resistance is to continue its struggle, and if peace, democracy, and security in this hemisphere are to be preserved, the United States must provide what is necessary to carry on the fight. If we fail to help friends in need now, then the price we will pay later will be much higher.

Your approval of the request I am transmitting to you will provide the necessary help. I urge the prompt enactment of a joint resolution expressing that approval.

RONALD REAGAN.

THE WHITE HOUSE, *February 25, 1986.*

PERSONAL EXPLANATION

Ms. OAKAR. Mr. Speaker, I missed the vote on final passage of the joint resolution, House Joint Resolution 3, just passed, due to congestion in the hallway and the blockage of the doorway. Therefore, I wanted the House and my constituents to know that I definitely would have voted "yea" on final passage.

COMMITTEE ON APPROPRIATIONS SUBMITS REPORT TO COMMITTEE ON THE BUDGET IN COMPLIANCE WITH CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, there is an abundance of comment and commentary on the budget from all sectors of our Nation.

Mr. Speaker, yesterday the Committee on Appropriations submitted its report to the Committee on the Budget in compliance with the Congressional Budget and Impoundment Control Act.

I believe this report is of special interest to all citizens concerned about the budget. Two sentences I would bring to particular notice are:

The Committee points out that even though it has held the line overall for the past five years and has recommended appropriations below the (President's) budget request, the debt has increased tremendously.

And—

The Committee on Appropriations faces one of the most difficult tasks in its history in regard to this year's budget request.

I include the first three pages of this report as part of today's RECORD and commend the whole to the serious consideration of my colleagues:

The Committee on Appropriations submits the following report in compliance with Section 301(d) of the Congressional Budget and Impoundment Control Act of 1974. This section requires that each standing Committee of the House submit to the Committee on the Budget its views and estimates each year regarding matters within their respective jurisdictions to be included in the concurrent resolution on the budget.

THE FISCAL YEAR 1987 APPROPRIATIONS SITUATION

The Committee on Appropriations faces one of the most difficult tasks in its history in regard to this year's budget requests.

The budget proposes major reductions in domestic programs while at the same time proposing large increases in military spending. Cuts in domestic spending total $30 billion in budget authority while proposed increases in military spending total $34.2 billion.

In addition, the Administration calls for rescissions of $9.9 billion and deferrals of $22.9 billion. The budget also proposes the sale of the regional power marketing administrations (Bonneville, Alaska, Southeastern, Southwestern, and Western), the naval petroleum reserves, government owned real estate, and proposes restrictions on the rural electrification administration, housing, and other Federal activities.

Major programs proposed for termination or elimination include the following:

Programs eliminated

[Budget authority]

Agriculture conservation programs	$497,900,000
Rural development programs	2,801,500,000
Farm loan programs	1,220,000,000
Agricultural research and extension	118,805,000
Economic Development Administration	201,000,000
NOAA sea grants and coastal zone management grants	75,000,000
Juvenile justice and delinquency prevention	64,693,000
Legal Services Corporation	305,500,000
Small Business Administration	213,000,000
Appalachian Regional Commission	117,000,000
Export-Import Bank	1,062,300,000
Sub-Saharan African Facility	71,800,000
Urban development action grants	330,000,000
General revenue sharing	4,185,000,000
Indian Health Service facilities	78,585,000
DOE—low income weatherization assistance	182,084,000
Strategic petroleum reserve	446,484,000
Health professions assistance	224,000,000
Impact aid "b" payments	130,000,000
Library assistance	128,000,000
Amtrak	590,000,000
Mass transit discretionary grants	1,000,000,000

Washington Metro construction	217,000,000
Postal Service—revenue foregone	708,000,000
Programs with significant reductions	
Rural electrification loans	1,100,000,000
Cooperative extension service	118,000,000
Food stamps	350,300,000
Child nutrition	755,500,000
Department of Energy—Energy Research	721,025,000
HUD-Assisted housing programs	10,566,000,000
HUD-Community development grants	1,000,000,000
VA—Medical care	400,000,000
VA—Construction	200,000,000
EPA—Construction grants	600,000,000
Interior—Land acquisition and construction programs	219,992,000
Jobs Corps	288,000,000
Summer Youth	236,000,000
National Institutes of Health	417,000,000
Rehabilitation and handicapped services	244,000,000
Vocational education	440,000,000
Student financial assistance	1,073,000,000
Public broadcasting support	84,000,000
Mass transit—formula grants	1,000,000,000
Interstate transfer grants	400,000,000
Coast Guard—Construction	130,856,000
Tennessee Valley Authority	99,528,000

If these and other proposed reductions were to be adopted by the Congress, it would weaken the nation's ability to maintain the strong economy essential for public support and a strong defense. In past years, the Congress has not cut military spending; it has only reduced the rapid rate of increase proposed by the Administration. Indeed, appropriations for military spending have gone from $144 billion in FY 1980 to $286 billion in FY 1986. In the Committee's view, a realignment of domestic and military priorities similar to those the Congress has made in prior years will probably be necessary in connection with the fiscal year 1987 budget.

The Committee on Appropriations recognizes that the soundness of our defense, including Department of Defense procurement, our military forces, and related programs, depends upon a healthy domestic economy and public support. To retain these essentials, it is absolutely necessary to protect and develop our physical resources and protect essential domestic programs in order to maintain public support for defense. It is our country and our people on which all else depends. We need a strong defense—but we can never have a strong defense unless it is backed by a strong country—strength that can only come by developing our nation's resources—our real wealth—with an educated, healthy populace, and with adequate food and nutrition flowing from a strong agriculture base.

The Committee points out that even though it has held the line overall for the past five years and has recommended appropriations below the budget request, the debt has increased tremendously. The Committee on Appropriations has acted, and will continue to act, responsibly in regard to the deficit situation. It is mainly other areas, including revenue, that must be addressed by the Congress and the Administration, if the deficit situation is to be controlled.

Several factors depicted in the President's budget, some of which are outside the jurisdiction of the Committee on Appropriations, will greatly affect our efforts. For example:

The revenue loss in 1987 due to the 1981 Tax Act will be $244,800,000,000, or more than the entire estimated unified budget deficit. The net revenue loss in 1987 reflecting all changes in recent years will still be more than $150,600,000,000.

Great attention has focused on the need to reduce the deficit in connection with the fiscal year 1987 budget. The Administration is proposing a deficit figure of $153,600,000,000. However, this figure is based on unrealistically low outlay figures in defense and on drastic domestic spending reductions and policy changes. Many of the proposed policy changes have been transmitted previously to the Congress and have been rejected. These include several different user fee concepts and other legislative proposals not previously acceptable to the people's branch of government.

While the projected deficits show large declines in future years, the decline in the increase in the national debt is far less—because the deficit numbers ignore trust fund borrowings. Thus, while the deficit figures are $143.6 billion in FY 1987, $93.6 billion in FY 1988, and $67.5 billion in FY 1989; the increase in the gross national debt is $208.6 billion in FY 1987, $188.3 billion in FY 1988, and $175.4 billion in FY 1989—far less impressive decreases.

Another way of looking at the magnitude of the deficit problem is to examine the increase in the total public debt. When the current Administration took office, the debt subject to limit was $932,288,000,000. By the end of fiscal year 1985 it had virtually doubled to $1,827,500,000,000. By 1987, it will grow to $2,320,630,000,000 and will further increase to $2,508,954,000,000 in 1988.

□ 2000

MASSACHUSETTS' INNOVATIVE PROGRAM FOR TAX COMPLIANCE

The SPEAKER pro tempore (Mr. PICKLE). Under a previous order of the House, the gentleman from Massachusetts [Mr. BOLAND] is recognized for 5 minutes.

Mr. BOLAND. Mr. Speaker, the budget realities which confront us will force this Congress to make a number of difficult choices in the year ahead. We are going to have to cut spending, but we are going to have to consider the revenue side of the budget as well. In considering revenues, I believe we should look first toward maximizing the returns from the existing Tax Code, rather than casting about for ways to increase taxes.

Compliance with the Tax Code has fallen markedly in recent years. Today, nearly 20 percent of taxes owed on legitimate earnings are not collected. We need to encourage a higher rate of voluntary compliance, and my own State of Massachusetts has had considerable success with a program which does just that. The Massachusetts Program, which combines an amnesty period of limited duration for those delinquent on their taxes with a tough enforcement effort, has been replicated in 18 other States, including New York, with impressive results. In an article in today's New York Times, Gov. Michael Dukakis describes the Massachusetts Program and its potential for implementation by the Federal Government. I urge my colleagues to carefully consider Governor Dukakis' comments as we move toward the preparation of a budget for fiscal year 1987.

[From the New York Times, Feb. 26, 1986]

FOR A TAX AMNESTY TO CUT THE DEFICIT

(By Michael S. Dukakis)

BOSTON.—At a time when the Federal Government is hacking away at important programs in order to balance its budget and reduce its deficit, the Reagan Administration and Congress should be looking first at the revenue side—and to raise taxes but to get serious about collecting what is already owed the Treasury. They should adopt what has worked for many states; tax amnesty combined with tougher enforcement.

Tax evasion and cheating have become serious problems. To fool around with the Internal Revenue Service was once to court serious fines, prison sentences and, at least, public humiliation. But as the I.R.S. now admits, those days are long gone.

According to I.R.S. figures, voluntary tax compliance has fallen to 81 percent, down from 94 percent 20 years ago. More starkly put, 19 percent of all taxes owed on legitimate earnings are not collected. Nor does that include other major sources of lost tax revenue, such as illegal drugs and organized crime. What it all adds up to is $100 billion in Federal taxes that go uncollected every year. That's half the Federal deficit.

What to do? Once again the states have come up with a good idea. It is an idea that has taken hold in Massachusetts and has been picked up by 18 other states, including New York, which recovered $334 million.

In January 1983, Massachusetts faced a multimillion dollar deficit. I was urged to do what President Reagan and Congress have been asked to do: raise taxes, cut programs or both. But we discovered that dodging the tax man had become almost as popular a sport as watching the Celtics play basketball. We inaugurated a program called Revenue Enforcement and Protection, which aimed to collect taxes owed to the state treasury.

First, we raised the stakes by getting tough on enforcement—adding tax auditors, introducing computers and lauching an aggressive campaign to seek out and prosecute tax evaders. After we had demonstrated just how tough we could be, we offered the delinquents an amnesty, a 90-day grace period to make good on what they owed the state with interest but no civil or criminal penalties.

When the amnesty period ended, we got tough again. Restaurants were padlocked and seizure notices slapped on doors, luxury yachts registered out of state to evade taxes were seized and other tax-delinquent businesses were forced to pay up. The word quickly got out—Massachusetts was serious about tax collection.

We also decided it was time to treat honest taxpayers as valued customers—men and women whose business and tax payments we appreciated. We introduced a sim-

plified tax form, expanded taxpayer assistance programs and guaranteed that those who file early could get their refund checks within three weeks.

Amnesty was only a part of the reason for Massachusetts' success. In two years, tougher enforcement under the Revenue Enforcement and Protection Program has accounted for tens of millions in new revenues from evaders and delinquents. There has been an even more dramatic increase in voluntary compliance—a total of $564 million in new revenue in the last two years. Only $85 million of it came from amnesty.

As a result, Massachusetts enjoyed its biggest tax cut in history last year. We have a healthy surplus in the state treasury and we have the resources we need to invest in economic growth, good schools, important social services and environmental protection.

Could this work at the I.R.S.? I believe it could. In the 18 states offering amnesty programs, almost 500,000 people have paid more than $650 million in back taxes and interest.

A tough, fair, competently administrated Federal revenue recovery program would yield $20 billion to $25 billion annually from amnesty, better enforcement and the increased voluntary compliance that comes with it. Getting our national tax compliance rate back to where it was 20 years ago would mean $65 billion a year in new revenue without raising taxes.

That's a serious beginning toward erasing the deficit. State programs across the nation have demonstrated the potential for a fair tax system. The Federal Government could restore public confidence in the revenue system without carving the heart out of programs that provide health, housing, and job opportunities, or blowing holes in the President's defense budget.

GUESTWORKER PROGRAMS ARE NOT WORKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BUSTAMANTE] is recognized for 5 minutes.

Mr. BUSTAMANTE. Mr. Speaker, I rise today to call to my colleagues' attention several important issues regarding the current debate over the guestworker provisions of pending immigration reform legislation.

Mr. Speaker, my opposition to guestworker programs stems from my personal experience as a migrant worker in the late forties and the early fifties. At that time, my family and I worked side by side with the braceros and the illegals in the fields and before we knew it the work was over. There just was not enough work available for us. Things haven't changed much since then. In my district the unemployment rate for migrant workers is very high at about 34 percent and in many areas in the district the general unemployment rate is nearly 20 percent. While I feel for these foreign laborers, it is clear that we have a sufficient source of agricultural workers right in the United States which we should employ.

Mr. Speaker, guestworker programs do not work. Many experts, including the Select Commission on Immigration and Refugee Policy, have concluded that these programs increase illegal migration and agricultural employers' dependence on foreign labor. Provisions for massive guestworker programs, therefore, violate the principal goals of immigration reform legislation. If the purpose of immigration legislation is to limit unfair competition for domestic jobs, then importing hundreds of thousands of temporary foreign workers is entirely inconsistent with that goal.

These programs exact another, much more human toll. They inevitably lead to massive abuse and exploitation. This has been well documented in our experience with the bracero program and today we continue to see abuse of guestworkers and domestic farm laborers in Florida and other areas. Our country has reaped too many harvests of shame to forget the bracero tragedies.

As many of my colleagues know, the immigration bill passed last year in the other body contains a massive new guestworker program. The Wilson amendment to S. 1200 would allow growers to import as many as 350,000 guestworkers at any given time. In addition, the bill includes two other temporary worker programs for agriculture: the "transition" program, and a "streamlined" H-2 Program which would significantly increase the number of H-2 workers allowed into the United States each year. Together, these provisions could bring as many as 500,000 foreign temporary workers into the country each year to compete for domestic jobs.

Mr. Speaker, that is special interest legislation. It is not in the national interest, and I call upon my colleagues in the House to avoid the major mistakes of the other body. Despite the other body's action, it is not clear at all that the Nation needs a massive guestworker program. Proponents for expanded guestworker programs argue that an immigration bill would drastically reduce the agricultural labor supply. Yet recent research on agricultural labor practices in California shows that in some perishable crops industries only 20 percent of the work force is undocumented—hardly an overwhelming dependence. For those who argue that there is not enough domestic farm labor in the United States to make up for the losses and immigration bill would bring about, why then are there currently thousands upon thousands of domestic farmworkers across the Nation out of work? National unemployment figures for farmworkers stand at approximately 14 percent. In my State, Texas, and in California farm labor unemployment runs as high as 20 percent.

Mr. Speaker, it is clear that guestworker programs would not benefit the Nation. They surely would not benefit the Nation's farmworkers. And they would not benefit the vast majority of farming interests in the country, who make no claim to the need for a massive influx of cheap labor. Guestworker programs would benefit a very few agribusiness interests by institutionalizing a system of exploitation of farm labor.

Mr. Speaker, the House may soon be considering immigration reform legislation. I urge all Members of this body to recognize the cruel irony involved in attaching massive guestworker programs to a bill that is supposedly designed to protect American jobs.

Mr. Speaker, I commend to my colleagues' attention an editorial published in the most recent edition of Migration Today. The editorial, entitled "Growers' Bitter Harvests," raises many important issues concerning the debate over the guestworker provisions of pending immigration reform legislation.

GROWERS' BITTER HARVESTS

Enacting immigration legislation is proving to be not only the longest-running game in Washington, D.C., but also the one in which most of the players reach the end scathed. As Congress works on its third major immigration reform effort since 1982, it still faces many controversies. A major one is raised by the nation's estimated 58,000 growers of fresh fruits and vegetables, who previously played little part in the debate on immigration reform, but could now become the major roadblock for the House immigration reform bill. Consequently, the $23 billion perishable produce industry has been slowing down what was expected to be the easy passage of the Senate's immigration reform bill.

The Senate's immigration reform bill has been labeled "an agricultural worker bill" for the inclusion of the Wilson amendment, which would admit up to 350,000 aliens to the U.S. to harvest perishable fruit and vegetables.

According to critics of the guestworker program, on the other hand, the growers' demand for cheap farm labor is rooted more in greed than need. Some very special needs of the producers of perishable agricultural commodities must be addressed in any immigration bill, stated Senator Alan K. Simpson recently, "but this does not entitle them to a simple legalization of the *status quo*". Such an "institutionalization of the illegal alien" would provide the growers an opportunity to exploit foreign workers, while denying jobs to qualified U.S. farm workers and to many migrant worker who are in the country legally, who would require higher pay and better working conditions.

Conclusive statistical evidence for either position is not available. A 1983 study done by the State Employment Development Department and the University of California at Davis "indicates that four seasonal farm workers in five could prove legal immigration status and remain in the work force". The study added: "Seasonality and oversupply of workers . . . leave most farm workers below the poverty level". Growers are not unanimous in the view that "a farmer would have one of two choices: break the law (and hire illegal aliens) or lose his crop". Some growers admitted that "high wages paid in

California guarantee an adequate labor supply".

Bringing in more foreigners, then, would seem to undercut one of the goals of immigration reform which was to stop displacement of American workers from their jobs. As it is, according to agricultural workers, wages are already depressed, labor contractors are exploiting them, and laws governing housing, santitation and other working conditions are rarely enforced. For example, according to a report by the Virginia Advisory Committee to the U.S. Commission on Civil Rights, migrant farm workers are among the most vulnerable workers in our nation. Low and unstable family income, hazardous working conditions, unsanitary living conditions, the transient nature of their lives, and limited health and social services have led to high infant mortality rates and lower life expectancy among migrant farm workers.

Special interest legislation is rarely in the national interest. An immigration reform bill will be in the national interest if it will give foreign workers in this country a chance to emerge from the underworld of the undocumented and guarantee better working conditions to American workers.

Finally, even though many Americans might not be as concerned as Senator Paul Simon is with possible effects the immigration reform bill could have on the economy of Mexico, the U.S. cannot consider it simply unilaterally. If the "first duty of a sovereign nation is to control its border" (as Senator Simpson insists), it is also the duty of any democratic country to respect the human rights of its guest workers. This would logically require fair bilateral or multilateral labor contracts between receiving and sending countries. But these aspects are, ironically, not included in the present versions of the immigration bill.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1986

The SPEAKER pro tempore. Under a previous order of the House the gentleman from South Carolina [Mr. DERRICK] is recognized for 5 minutes.

Mr. DERRICK. Mr. Speaker, on behalf of Chairman WILLIAM H. GRAY III, pursuant to the procedures of the Committee on the Budget and section 311(b) of the Congressional Budget Act of 1974, I am submitting the official letter to the Speaker advising him of the current level of spending and revenues for fiscal year 1986. Since my last report, Congress has cleared, and the President has signed, the Commodity Credit Corporation urgent supplemental appropriations (Public Law 99-243) and the Federal Employees Benefits Improvement Act (H.R. 4061). These actions result in changes to the estimate of outlays.

The current level is used to compare enacted spending after the start of a fiscal year with the aggregate ceiling on budget authority, outlays, and revenues established in a second budget resolution and enforced by point of order pursuant to section 311(a) of the act. The term current level refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

The procedural situation with regard to the spending ceiling is affected by section 311(b) of the Congressional Budget Act of 1974, as amended by Public Law 99-179. Enforcement against possible breaches of the spending ceiling under section 311(a) of the Budget Act will not apply where a measure would not cause a committee to exceed its "appropriate allocation" made pursuant to section 302(a) of the Budget Act. In the House, the appropriate 302(a) allocation includes "new discretionary budget authority" and "new entitlement authority" only. It should be noted that under this procedure neither the total level of outlays nor a committee's outlay allocation is considered.

The intent of the section 302(a) "discretionary budget authority" and "new entitlement authority" subceiling provided by section 311(b) of the Budget Act, as amended, is to protect a committee that has stayed within its own spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on Senate Concurrent Resolution 32 were printed in the CONGRESSIONAL RECORD, September 5, 1985, 22975.

As chairman of the Budget Process Task Force, and on behalf of Chairman GRAY, I intend to keep the House informed regularly on the status of current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, February 24, 1986.

Hon. THOMAS P. O'NEILL, JR.,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending.

Pursuant to Committee Rule 10, I am herewith transmitting the status report under S. Con. Res. 32, the First Concurrent Resolution on the Budget for Fiscal Year 1986. This report reflects the adopted budget resolution of August 1, 1985, and the current CBO estimates of budget authority, outlays, and revenues.

The procedural situation with regard to the spending ceiling is affected by Section 311(b) of the Congressional Budget Act of 1974, as amended by P.L. 99-177. Enforcement against possible breachs of the spending ceiling under Section 311(a) of the Budget Act will not apply where a measure would not cause a committee to exceed its "appropriate allocation" made pursuant to Section 302(a) of the Budget Act. In the House, the appropriate 302(a) allocation includes "new discretionary budget authority" and "new entitlement authority" only. It should be noted that under this procedure neither the total level of outlays nor a committee's outlay allocation is considered.

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The enclosed tables compare enacted legislation to each committee's 302(a) allocation of discretionary budget authority and of new entitlement authority.

Sincerely,

WILLIAM H. GRAY, III,
Chairman.

Enclosures.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1986 CONGRESSIONAL BUDGET ADOPTED IN SENATE CONCURRENT RESOLUTION 32

REFLECTING COMPLETED ACTION AS OF FEB. 20, 1986

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,069,700	967,600	795,700
Current level	1,073,035	986,853	793,451
Amount over ceilings	3,335	19,253	
Amount under floor			2,249

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level for fiscal year 1986, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in S. Con. Res. 32 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate in outlays for fiscal year 1986, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in S. Con. Res. 32 to be exceeded.

REVENUES

Any measure that would result in a revenue loss for fiscal year 1986, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in S. Con. Res. 32.

Fiscal year 1986 budget authority: comparison of current level and budget resolution allocation by committee

[In millions of dollars]	*Current level Budget authority*
House committee:	
Total current level	+3,335
Appropriations Committee: Discretionary	−6,351
Authorizing committee—Discretionary action:	
Agriculture	(+1,613)
Armed Services	(+280)
Banking, Finance, and Urban Affairs	(+2,067)
District of Columbia	(.....)
Education and Labor	(.....)
Energy and Commerce	(+14)
Foreign Affairs	(+75)
Government Operations	(.....)
House Administration	(.....)
Interior and Insular Affairs	(+3,914)
Judiciary	(.....)
Merchant Marine and Fisheries	(+100)

	Current level Budget authority
Post Office and Civil Service	(.....)
Public Works and Transportation	(.....)
Science and Technology	(.....)
Small Business	(+216)
Veterans' Affairs	(.....)
Ways and Means	(+1,139)

NOTE.—Committees are over (+) or under (−) their 302(a) allocation.

ALLOCATION OF NEW ENTITLEMENT AUTHORITY (NEA) PURSUANT TO SECTION 302(a)

[In millions of dollars]

Committee	NEA target	House reported	House passed	Enacted
Agriculture:				
H.R. 2100	−1,250	−954	−819	+3,250
H.R. 3128				
S. 1851			−20	−20
Subtotal				+3,230
Armed Services: H.R. 1872	−100	+1,336	+1,336	+1,780
Education and Labor:				
H.R. 3500	−339	−375	−375	
H.R. 2811		−174		
H.R. 2812		−174		
H.R. 7		+61	+61	
H.R. 3128		−174	−174	
Energy and Commerce: H.R. 3128	−80	+23	+23	
Interior and Insular Affairs: H.J. Res. 187	+307	+285	+352	+175
House Judiciary: H.R. 484		+2	+2	
Post Office and Civil Service:				
H.R. 285	−145	+2		
H.R. 3128		−145	−145	
H.R. 4061			+4	+4
Veterans' Affairs:				
H.R. 1538	+45	+311	+311	+286
H.R. 752		+2	+2	
H.R. 3500		+311	+311	
H.R. 2343		+1	+1	
Ways and Means:				
H.R. 3452	−2,454	−229	−229	−229
H.R. 3721		−155	−155	−155
H.R. 3918		−20	−20	−20
H.R. 3981		−6	−6	−6
H.R. 4006		−465	−465	−465
H.R. 3128		−2,366	−2,366	
H.R. 3838		40	40	
H.R. 2817		2	2	
Subtotal				−875

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 24, 1986.

Hon. WILLIAM H. GRAY III,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1986 budget (S. Con. Res. 32). This report for fiscal year 1986 is tabulated as of close of business February 20, 1986 and is based on assumptions and estimates consistent with S. Con. Res. 32. A summary of this tabulation is as follows:

[In millions of dollars]

	Budget authority	Outlays	Revenues
Current level	1,073,035	986,853	793,451
1985 Budget Resolution S. Con. Res. 32	1,069,700	967,600	795,700
Current level is:			
Over resolution by	3,335	19,253	
Under resolution by			2,249

Since my last report the Commodity Credit Corporation Urgent Supplemental Appropriations, P.L. 99-243, has been enacted, with no net effect on the budget totals, and the Federal Employees Benefits Improvement Act of 1986, H.R. 4061, has cleared for the President's signature, changing outlay estimates.

With best wishes,

Sincerely,

RUDOLPH G. PENNER.

PARLIAMENTARIAN STATUS REPORT—HOUSE SUPPORTING DETAIL, FISCAL YEAR 1986 AS OF CLOSE OF BUSINESS FEB. 20, 1986

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			793,451
Permanent appropriations and trust funds	708,634	632,166	
Other appropriations	554,277	543,994	
Offsetting receipts	−190,586	−190,586	
Total enacted in previous sessions	1,072,325	985,573	793,451
II. Enacted this session: Commodity Credit Corporation Urgent Supplemental Appropriations, 1986 (P.L. 99-243)			
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses:			
Federal Employees Benefits Improvement Act of 1986 (H.R. 4061)		4	
Total		4	
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Payment to air carriers, DOT	26	24	
Maritime, operating-differential subsidies		3	
Retirement pay for PHS officers	3		
Medical facilities loan guarantee	2		
Payment to health care trust funds [1]	(907)	(907)	
Advances to unemployment trust funds [1]	(51)	(51)	
Federal unemployment benefits and allowances	65	64	
Black lung disability trust fund	46	46	
Veterans compensation	286	235	
Veterans readjustment benefits	180	137	
Veterans pensions	10		
Defense pay raise—military		675	
Compact of free association	92	92	
Total entitlements	710	1,276	
Total current level as of Feb. 20, 1986	1,073,035	986,853	793,451
1986 budget resolution (S. Con. Res. 32)	1,069,700	967,600	795,700
Amount remaining:			
Over budget resolution	3,335	19,253	
Under budget resolution			2,249

[1] Interfund transactions do not add to budget totals.

Note.—Numbers may not add due to rounding.

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 5 minutes.

Mr. STRATTON. Mr. Speaker, I am pleased to rise in the House and to join in commemorating the 68th anniversary of Lithuanian independence that was celebrated officially on February 16, 1986. Once again, I take this opportunity to honor Lithuanians throughout the world who strive to retain their culture and regain their independence from Soviet domination. I feel it is important to recall the brief history of Lithuanian independence and subsequent Soviet annexation to understand better the threat of Soviet subjugation that is as prevalent today as it was 68 years ago.

After Lithuania proclaimed her independence at the close of World War I she was invaded by Soviet Bolshevik forces challenging Lithuania's sovereignty. The Lithuanians fought bravely for 2 years, finally defeating the Soviets and ensuring their freedom in 1920. For the next 20 years Lithuanians lived in the peace and freedom that independence fostered.

However, the Nazi-Soviet nonaggression pact of 1939 signaled the end of Lithuanian independence. First, Soviet coercion and threats, and later, forced occupation led to the annexation of Lithuania to the U.S.S.R. in 1940. Since that time the Lithuanian people have suffered under the force of Soviet oppression and aggression. The Soviets have made determined efforts to impose their language and culture on the Lithuanians while denying them personal and religious freedoms.

Yet the strength and pride of the Lithuanian people have not faded after years of Soviet tyranny. It is indeed heartening to see the Lithuanian people retaining their culture and heritage and passing it on to their children in the hope that Lithuania may again be free.

Therefore, I urge that we in Congress and throughout the free world continue to support Lithuanians, and citizens of captive nations everywhere, in their struggle to regain their freedom.

INTRODUCTION OF BILL TO CREATE AN INTERCIRCUIT TRIBUNAL OF U.S. COURT OF APPEALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, today, I am introducing—with 10 cosponsors—legislation to create an intercircuit tribunal of the U.S. courts of appeals. The proposed legislation will provide help where it is needed most in the Federal judicial system: At the appellate level. It will play an important role in resolving conflicts between the circuit courts of appeals. It also will augment the decisional capacity of the Supreme Court of the United States.

The Intercircuit Tribunal of the U.S. Courts of Appeals Act is a modest—but important—proposal which uses, for the most part, existing judicial resources and facilities. The new panel will rely on existing manpower in the Federal judicial branch and also in the U.S. Marshals Service. It, therefore, will be extremely low in cost. The tribunal will be composed of nine judges and four alternate judges designated by the nine Supreme Court justices. All judges selected to serve on the tribunal shall be circuit judges, and 1 judge shall be so selected from each of the 13 existing judicial circuits. All the tribunal judges shall be judges who are in regular active service or who are senior—semiretired—judges, but no more than four of the nine judges, and not more than two of the alternate judges, may be senior judges.

Much of the credit for the development of the proposal rests with others. In 1971, Chief Justice Warren Burger, acting in his capacity as Chairman of the Federal Judicial Center, appointed a seven-member study group on the caseload of the Supreme Court. The committee—chaired by Prof. Paul A. Freund of the Harvard Law School—studied the myriad of problems affecting the Supreme Court, and submitted recommendations for change in 1972. The so-called Freund committee had no trouble agreeing that the Supreme Court confronted a workload crisis. Among its more controversial recommendations for reform was its proposal that a national court of appeals be created. The new court would screen all petitions to the Supreme Court, referring to the Court, cases deemed review-worthy and matters of genuine conflict between the circuits.

Before the Freund committee issued its final report to the Chief Justice, Congress—in October 1972—created the Commission on Revision of the Federal Court Appellate System. The Commission—called the Hruska Commission after its chairman—was asked to study the structure and internal procedures of the Federal circuit courts of appeal and to make proposals for reform.

The Hruska Commission recommended the creation of a permanent national court of appeals, but one much different than that proposed by the Freund committee. The Hruska court would only have heard cases referred to it by the Supreme Court or transferred to it by the courts of appeals.

A number of nationally recognized experts on the Federal justice system joined the debate. In 1975, former Solicitor General Erwin Griswold endorsed the idea of a national court of appeals to decide cases referred to it by the Supreme Court. In that same year, Judge Harold Leventhal expressed a similar idea but postulated that the new court should be staffed by circuit judges selected by the judicial branch rather than appointed by the executive.

In the interim, a number of other prominent commentators including Prof. Daniel Meador, University of Virginia Law School; Prof. Maurice Rosenberg, Columbia University Law School; Lloyd Cutler, former Counsel to President Jimmy Carter; former Congressman and now Judge Charles Wiggins, Judge Carl McGowan, and John Frank, Esq., have endorsed congressional action.

At present, support has coalesced around a proposal to take an interim step to provide temporary relief to the Supreme Court. As described by Chief Justice Burger in a 1983 speech to the American Bar Association, a panel composed of sitting judges from the circuits would be named to "hear and decide all inter-circuit conflicts and possibly, in addition, a defined category of statutory interpretation cases." In the Chief Justice's estimate, the tribunal would remove 35 to 50 cases a year from the argument calendar of the Supreme Court.

The tribunal is a patch that fits neatly in the larger tapestry of the Federal judiciary. The new name symbolizes this fit. Rather than creating a national court of appeals with transfer jurisdiction from the other courts of appeals—which actually suggests to some a lowered status for the existing circuit courts—the tribunal will have reference jurisdiction from the Supreme Court of the United States. Thus, all petitions for review continue to be routed to the Supreme Court. Furthermore, after the rendering of a judgment by the intercircuit tribunal, a petition for certiorari may once again be filed in the Supreme Court. In the final analysis, therefore, any argument that this new court would act as a gatekeeper and reduce access to the Supreme Court must fail analysis. To the contrary, the tribunal will serve as a special master for the Court and will expand access to justice. The Supreme Court will remain, the words of Chief Justice Earl Warren, "the ultimate tribunal to which all citizens, poor or rich, may submit their claims."

The tribunal will be a temporary entity since it is sunsetted after 5 years. Due to the court's experimental nature, there are provisions requiring an evaluation report to the Congress so that it might determine whether the court has been a success.

It occasionally is argued that nothing is temporary in Washington, DC, and that the proposal to create a 5-year entity is nothing more than a foundation for a long-term modification of the Federal judicial system. Such arguments are without foundation. After 5 years and also after the filing with the Congress of a comprehensive report of its activities, the tribunal will have to be recreated by a legislative enactment passed by both the House and Senate and signed by the President. Under this "sunset" structure, either House will therefore have a veto over continuation of the tribunal. Moreover, the Supreme Court will have a voice in whether the tribunal is extended or not. If the tribunal is not successful, it is inconceivable to me that its existence would be prolonged.

From the perspective of my subcommittee—the Subcommittee on Courts, Civil Liberties and the Administration of Justice—I cannot think of a more important court reform proposal to put before the Congress. Starting in 1977, my subcommittee held 7 days of oversight hearings on the state of the judiciary and access to justice. We received testimony from individuals who had participated in the foundation work of the Freund group and the Hruska Commission. Testimony also was heard from the policymaking arm of the Federal judiciary: the Judicial Conference of the United States. Because of the serious nature of the questions considered by the subcommittee, the Chief Justice of the United States, Warren E. Burger, participated by submitting a written statement into the record.

The testimony and statements presented by the respected witnesses confirmed that the Federal judiciary was suffering from endemic overload.

During the 98th Congress, the subcommittee held extensive hearings on the Supreme Court's workload crisis. Testimony was received from a diverse group of witnesses, including four chief judges of the circuit courts of appeals, law professors, the administration, and several bar associations.

Four Justices of the Supreme Court—Justices White, Rehnquist, Stevens, and O'Connor—wrote letters to the subcommittee indicating their views on pending legislation. A number of other justices—including Chief Justice Burger—made their views known through speeches and other public statements.

Eight Justices expressed the view that the Supreme Court calendar crisis: These Justices, however, have differed on solutions.

Five Justices—Justices Burger, White, Powell, Rehnquist, and O'Connor—have endorsed the intercircuit tribunal proposal.

For further information about the subcommittee's 98th Congress hearings and views of Supreme Court Justices, see serial No. 79.

As regards the appellate capacity fo the Federal court system, the crisis of case overload has been described as having especially deleterious effects. One of the main functions of appellate courts is to insure uniformity and consistency in the law by resolving conflicts in decisions between or among trial courts or lower appellate courts. The Supreme Court—which of course sits at the apex of the Federal judicial system—can devote plenary consideration only to about 150 cases a year. Hundreds of other petitions from the circuit courts have to be left unsettled. Some of these appeals are of high national priority or identify serious conflicts between circuits. Some of the neglected cases concern individual rights guaranteed by the Constitution and some relate to the delicate balance of powers in our Federal union.

During the past decade, appellate court problems have actually worsened. Congress has had a hand in this. In moving to resolve court congestion, we have substantially broadened the base of the judicial pyramid. Perhaps because problems are easier to identify at the trial level, perhaps because they are more amenable to legislative solution, Congress acted several times during the 95th through 98th Congresses to confront problems at the trial level of the Federal judiciary. The U.S. magistrates system was reformed, a comprehensive bankruptcy act was passed, and an omnibus judgeship bill was enacted. In addition, Congress opened the door to Supreme Court review of final decisions of the military justice system. These legislative initiatives—considered collectively—dramatically broadened the base of the judicial pyramid. The net result has been dramatic statistical increases in the number of appeals being taken from lower courts ultimately to the Supreme Court. With the exception of the creation of a handful of circuit judges, circuit council reform, the establishment of the court of appeals for the Federal circuit, and the split of the fifth circuit into two autonomous circuits, nothing has been legislatively enacted that would augment the decisional capacity of the Federal appellate system. It is noteworthy, in this regard, that the modest appellate improvements mentioned above have assisted the courts of appeals, while actually placing more burdens on the Supreme Court.

In short, the workload of the Supreme Court—which in 1972 was at the saturation point—is now assuming even more serious proportions. As a consequence, immediate remedial meaures are called for. These measures should not dramatically alter the nature of the High Court. Rather, they must fortify and preserve its essential role in the American judicial system.

In my opinion, several things can be done. First, diversity of citizenship jurisdiction ought to be abolished. There are a high number of appeals in these cases; and therefore the elimination of diversity would actually improve the functioning of all elements—trial and appellate—in the Federal court system. Unfortunately bills to abolish diversity jurisdiction have not passed the other body. I will, however, continue to press for substantial revisions in the area of diversity of citizenship jurisdiction.

Similarly, the mandatory jurisdiction of the Supreme Court should be eliminated. We rely on the Supreme Court to resolve cases on the merits; we certainly can rely on the Court to determine which cases it can hear. My legislation to accomplish this end has passed the House unanimously by voice vote during the past two Congresses, only to die in the Senate. A similar bill has also been introduced by this Congress .[1]

Last, as I explained above, Congress should create an experimental Intercircuit Tribunal—composed of sitting circuit judges—to assist the Supreme Court in satisfying its enormous responsibilities. By deciding matters assigned to it by the Supreme Court, the tribunal would be of enormous assistance to the High Court especially in the area of resolving circuit conflicts and insuring national uniformity of the laws. I do not fear experimentation and learning. I believe that the ultimate beneficiaries would be all the people in this country. If the tribunal is not a success, it will not be continued beyond its 5-year window.

Mr. Speaker, I encourage my colleagues to take a hard look at this legislation. Many of the members of the House and Senate Judiciary Committees have informally considered this idea at Williamsburg meetings hosted by the Brookings Foundation. In addition, the bill I am introducing today has received the stamp of approval of my subcommittee which reported it favorably during the 98th Congress.

THE CONFERENCE ON LABOR RIGHTS AND TRADE DEBATE COMING UP NEXT WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, I rise to call the attention of my colleagues to a conference which I and 15 of our colleagues in the House are sponsoring on Thursday, March 6. That is a week from tomorrow. That will take place in the Rayburn House Office Building.

This will be a half-day conference. The subject of the conference will be labor rights and the trade debate.

Mr. Speaker, it is becoming increasingly clear that we are competing with low-wage countries and those countries are shipping goods by the hundreds of millions of dollars worth to our country and that is causing unemployment on a massive scale in the United States.

Here we are 3 or 4 years past the recovery from the recession of 1982 and yet our national unemployment rate is still about 7 percent. In my area and in lots of areas where manufacturing once ruled supreme, the unemployment rate is still 10 or 11 percent or even higher. That it seems to me is related in a really important way to the fact that labor rights are being violated in many, many of the Third World countries which ship products to the United States.

For that reason I am sponsoring this conference to highlight the problems. For this conference we have a very distinguished group of speakers.

The opening speaker will be Lane Kirkland, president of the AFL-CIO of the United States, who will speak on international labor rights, a historical perspective and a view to the future.

Our luncheon speaker will be Ray Marshall, former Secretary of Labor. His speech will be on the subject of the internationalization of the U.S. economy and its impact on the U.S. work force.

Finally later in the afternoon the keynote address will be given by Owen Bieber, president of the United Automobile Workers of America, who will speak on the subject of the stake of American workers in international labor rights.

Mr. Speaker, twice in the last couple of years we have enacted legislation which speaks to this subject. In extending the generalized system of preferences in 1948, Congress in its wisdom inserted language which requires that the President, in deciding whether to grant GSP privileges to Third World countries, take into account whether each country is observing internationally recognized labor rights or worker rights. What that GSP language, the new law, essentially says is this: If a country seeks duty-free or tariff-free entry into the United States for its products, it has to satisfy us that it is not exploiting its labor and getting and unfair advantage from that exploitation.

By internationally recognized labor rights we mean simply the right of association, the right to organize, some sort of minimum-wage laws, some sort of laws on hours of work, minimum hours or maximum hours for the week, some kind of child-labor laws, and some kind of laws protecting the health and welfare of workers.

I do not think that is too much to ask of these nations which seek access to the vast U.S. market as a way of improving their economic picture.

We need to assure ourselves that if we allow those products to come into the United States we are in fact improving the lives of the workers in those countries as well as providing our consumers with lower prices. It is my opinion that if we allow exploited labor in Third World countries to provide the low prices which compete with American-made products and put American workers out of jobs, that that constitutes an unfair labor practice and we in the United States do not have to tolerate unfair trading practices on the part of our trading partners.

I view this as a very, very important conference. I hope that my colleagues and staff of the Congress will choose to come and participate in the conference.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, yesterday, I was detained unavoidably in my district on legislative business and was unable to cast my vote during rollcall No. 27 on the passage of H.R. 4130. Had I been present, I would have voted in the affirmative.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. WRIGHT), for today until 3 p.m., on account of medical reasons.

Mrs. BENTLEY (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PACKARD) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 5 minutes, today.

Mr. GINGRICH, for 5 minutes, today.

(The following Members (at the request of Mr. BUSTAMANTE) to revise and extend their remarks and include extraneous material:)

Mr. BOLAND, for 5 minutes, today.

Mr. BUSTAMANTE, for 5 minutes, today.

Mr. WEISS, for 5 minutes, today.

Mr. DERRICK, for 5 minutes, today.

Mr. STRATTON, for 5 minutes, today.

Mr. KASTENMEIER, for 5 minutes, today.

Mr. PEASE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. CONYERS, for 30 minutes, today.

Mr. WEISS, for 5 minutes, February 27.

Mr. COOPER, for 5 minutes, February 27.

[1] H.R. 4149 (CONGRESSIONAL RECORD, Feb. 6, 1966, E299).

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PACKARD) and to include extraneous matter:)

Mr. GINGRICH.
Mr. SCHAEFER.
Mr. CONTE.
Mr. GILMAN.
Ms. SNOWE.
Mr. BROOMFIELD.
Mr. YOUNG of Florida in three instances.
Mr. STUMP.
Mr. CHENEY.
Mr. COURTER in four instances.
Mr. LENT.
Mr. KINDNESS.
Mr. KEMP in two instances.
Mr. FRENZEL.
Mr. DIOGUARDI.
Mr. GOODLING.
Mr. BLAZ.
Mr. SWINDALL.
Mr. COUGHLIN.
Mr. GRADISON.
Mr. PORTER.
Mr. MCGRATH.
Mr. DREIER of California.
Mr. MCKERNAN.
Mr. DUNCAN.
Mr. CLINGER.
Mr. MARLENEE.

(The following Members (at the request of Mr. BUSTAMANTE) and to include extraneous matter:)

Mr. KILDEE in three instances.
Mr. MINETA in two instances.
Mr. EDWARDS of California.
Mr. WIRTH in two instances.
Mr. BENNETT.
Mr. STOKES.
Mr. GARCIA.
Mr. HAMILTON.
Mr. FLORIO in two instances.
Mr. EDGAR in two instances.
Mr. RANGEL.
Mr. AUCOIN.
Mr. FORD of Michigan.
Ms. MIKULSKI in two instances.
Mr. MONTGOMERY.
Mr. WILLIAMS.
Mrs. KENNELLY.
Mr. LEVINE of California in two instances.
Mr. JONES of Tennessee.
Mr. DARDEN.
Mr. WAXMAN.
Mr. DOWNEY of New York.
Mr. DELLUMS in two instances.
Mr. FAZIO in two instances.
Mr. BERMAN.
Mr. UDALL.
Mr. SCHUMER.
Mr. ROE.
Mr. TAUZIN.
Mr. MILLER of California.
Mr. DYMALLY in two instances.
Mr. LIPINSKI.
Mr. KOLTER in three instances.
Mr. GARCIA in five instances.
Mr. MARKEY in two instances.
Mr. ERDREICH.
Mr. APPLEGATE.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4130. An act to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986.

ADJOURNMENT

Mr. PEASE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 14 minutes p.m.) the House adjourned until tomorrow, Thursday, February 27, 1986, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2837. A letter from the Deputy Assistant Secretary for Logistics and Communications, Department of the Air Force, transmitting notice that a study has been conducted with respect to converting the grounds maintenance function at Chanute Air Force Base, IL, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

2838. A letter from the Deputy Assistant Secretary for Logistics and Communications, Department of the Air Force, transmitting notice that a study has been made to convert the protective coating function at Eglin Air Force Base, FL, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

2839. A letter from the Secretary of Education, transmitting a draft of proposed legislation to amend the Bilingual Education Act to make Federal financial assistance available for children of limited English proficiency without mandating a specific method of instruction, to encourage innovation at the State and local level through greater administrative flexibility, to improve program operations at the Federal level, and for other purposes; to the Committee on Education and Labor.

2840. A letter from the Acting Assistant Secretary for Legislative and Governmental Affairs, Department of State, transmitting the 1986 international narcotics strategy report, pursuant to 22 U.S.C. 2291(e)(6), Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

2841. A letter from the Director, Defense Security Assistance Agency, transmitting initial reports, consisting of transmittal numbers A-86, B-86, and D-86 which relate to enhancements or upgrades of sensitivity of technology or capability concerning proposed sales to Pakistan, Saudi Arabia, and the Coordination Council for North American Affairs, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2842. A letter from the Comptroller General of the United States, transmitting a list of GAO reports that were issued or released in January 1986, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2843. A letter from the First Vice President and Vice Chairman, Export-Import Bank of the United States, transmitting an evaluation of activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2844. A letter from the Chairman, National Credit Union Administration, transmitting an evaluation of activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2845. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting proposed refunds of excess royalty payments in Outer Continental Shelf areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2846. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting proposed refunds of excess royalty payments in Outer Continental Shelf areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2847. A letter from the Acting Administrator, Veterans' Administration, transmitting a report on the extent of contractor performance of activities at VA health-care facilities during preceding fiscal year, pursuant to 38 U.S.C. 5010(c)(7) (96 Stat. 1449); to the Committee on Veterans' Affairs.

2848. A letter from the Secretary of Transportation, transmitting recommendations received from the National Transportation Safety Board, pursuant to 49 U.S.C. app. 1906(b); jointly, to the Committees on Energy and Commerce, Merchant Marine and Fisheries, and Public Works and Transportation.

2849. A letter from the Administrator, National Oceanic and Atmospheric Administration, transmitting the deep seabed mining report of the National Oceanic and Atmospheric Administration, pursuant to 30 U.S.C. 1469; jointly, to the Committees on Foreign Affairs, Interior and Insular Affairs, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARNES: Committee on Foreign Affairs. House Concurrent Resolution 283. Concurrent resolution, to reaffirm support for the agreement on a framework for negotiating a peaceful settlement to the conflict and turmoil in Central America, which resulted from the initiative of the Contadora group. (Rept. 99-474).

Mr. DE LA GARZA: Committee on Agriculture. H.R. 4188. A bill to effect the reductions in net expenditures of milk price support activities as required by the Balanced Budget and Emergency Deficit Control Act of 1985; with an amendment (Rept. 99-475).

Referred to the Committee of the Whole House on the State of the Union.

Mr. YATRON: Committee on Foreign Affairs. H.R. 2957. A bill to amend the Foreign Assistance Act of 1961 to protect tropical forests in developing countries; with an amendment (Rept. 99-476). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: Committee on Rules. House Resolution 381, Resolution providing for the consideration of H.R. 4188, a bill to effect the reductions in net expenditures for milk price support activities as required by the Balanced Budget and Emergency Deficit Control Act of 1985. (Rept. 99-477). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself, Mr. NICHOLS, Mr. SKELTON, Mr. MAVROULES, Mr. MCCURDY, Mr. KASICH, and Mr. BLAZ):

H.R. 4234. A bill to amend title 10, United States Code, to improve the capability of the Armed Forces to carry out assigned missions by providing greater authority to the commanders of the unified and specified combatant commands to carry out their assigned responsibilities, and for other purposes; to the Committee on Armed Services.

H.R. 4235. A bill to amend title 10, United States Code, to establish military officer personnel policies that promote and encourage improved performance of joint functions; to the Committee on Armed Services.

By Mr. ASPIN (for himself, Mr. NICHOLS, Mr. SKELTON, Mr. MAVROULES, Mr. COURTER, Mr. MCCURDY, and Mr. BLAZ):

H.R. 4236. A bill to revise, reform, and standardize the organization of the executive part of the military departments, and for other purposes; to the Committee on Armed Services.

By Mr. SKELTON (for himself, Mr. ASPIN, Mr. NICHOLS, Mr. MAVROULES, Mr. MCCURDY, and Mr. BLAZ):

H.R. 4237. A bill to amend title 10, United States Code, to improve oversight of the defense agencies, particularly those agencies that support operating forces, and to require a report to Congress analyzing the functions and organizational structure of the defense agencies; to the Committee on Armed Services.

By Mr. KASTENMEIER (for himself, Mr. MOORHEAD, Mr. MAZZOLI, Mr. FRANK, Mr. BOUCHER, Mr. HUGHES, Mr. SMITH of Florida, Mr. KINDNESS, Mr. WHITEHURST, Mr. TOWNS, and Mr. MARTINEZ):

H.R. 4238. A bill to establish an intercircuit tribunal of the U.S. Courts of Appeals, and for other purposes; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 4239. A bill to limit the commercial development of Ellis Island; to the Committee on Interior and Insular Affairs.

By Mr. BOSCO (for himself, Mr. ANDERSON, Mr. FAZIO, Mrs. BOXER, Mr. PANETTA, Mr. COELHO, Mr. LEHMAN of California, Mr. MINETA, Mr. MATSUI, Mr. CHAPPIE, Mr. LANTOS, Mr. MILLER of California, Mrs. BURTON of California, Mr. SHUMWAY, and Mr. EDWARDS of California):

H.R. 4240. A bill to amend title 23 of the United States Code to increase the limitation on the amount of obligations from $30,000,000 to $100,000,000 for emergency relief projects in any State resulting from any single natural disaster or catastrophic failure occurring in calendar year 1986; to the Committee on Public Works and Transportation.

By Mr. BRUCE (for himself, Mr. DASCHLE, Mr. LEVIN of Michigan, Mr. ANNUNZIO, Mr. HUBBARD, Mr. MADIGAN, Mr. GLICKMAN, Mr. PENNY, Mr. STALLINGS, Mr. DORGAN of North Dakota, Mr. LEHMAN of California, and Mr. DURBIN):

H.R. 4241. A bill to amend the Federal Deposit Insurance Act to establish an emergency temporary procedure to facilitate the restructuring or canceling of certain agricultural loans by agricultural banks; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BRYANT:

H.R. 4242. A bill to require foreign persons to register their investments in the United States, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, and Energy and Commerce.

By Mr. CLINGER:

H.R. 4243. A bill to exempt certain higher education assistance programs from the sequestration provisions of the Balanced Budget and Emergency Deficit Control Act of 1985; jointly, to the Committees on Education and Labor and Government Operations.

By Mr. CONTE (for himself, and Mr. MOAKLEY):

H.R. 4244. A bill to authorize funds to preserve the official papers of Joseph W. Martin, Jr.; to the Committee on Education and Labor.

By Mr. DYMALLY (for himself, and Mr. SOLOMON):

H.R. 4245. A bill to provide fair procedures for evaluating witnesses' claims of privilege before committees and subcommittees of the Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. FIELDS (for himself, Mr. LENT, Mr. YOUNG of Alaska, Mr. SHUMWAY, Mr. FRANKLIN, Mr. CHAPPIE, Mr. CALLAHAN, and Mrs. BENTLEY):

H.R. 4246. A bill to amend the Panama Canal Act of 1979 with respect to the calculation of a payment to Panama under article XIII, paragraph 4(C) of the Panama Canal Treaty; to the Committee on Merchant Marine and Fisheries.

By Mr. FISH (for himself, Mr. KINDNESS, Mr. LUNGREN, and Mr. SENSENBRENNER):

H.R. 4247. A bill to clarify and improve the analysis of mergers under the antitrust laws; to the Committee on the Judiciary.

By Mr. FISH (for himself, Mr. MOORHEAD, Mr. HYDE, Mr. LUNGREN, Mr. SENSENBRENNER, and Mr. SHAW):

H.R. 4248. A bill to make necessary and appropriate amendments to the antitrust laws governing service as a director of competing corporations; to the Committee on the Judiciary.

By Mr. FISH (for himself, Mr. LUNGREN, and Mr. SENSENBRENNER):

H.R. 4249. A bill to amend the Sherman and Clayton Acts to improve and clarify the application of such Acts to international commerce; to the Committee on the Judiciary.

By Mr. FISH (for himself, Mr. MOORHEAD, Mr. HYDE, Mr. LUNGREN, Mr. SENSENBRENNER, and Mr. SHAW):

H.R. 4250. A bill to promote and improve efficient and effective enforcement of the antitrust laws; to the Committee on the Judiciary.

By Mr. FISH (for himself, Mr. MOORHEAD, Mr. HYDE, Mr. KINDNESS, Mr. LUNGREN, Mr. SENSENBRENNER, Mr. DEWINE, and Mr. COBLE):

H.R. 4251. A bill to provide alternative relief for industries adjusting to increased imports; jointly, to the Committees on the Judiciary, and Ways and Means.

By Mr. FUQUA (by request):

H.R. 4252. A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974; to the Committee on Science and Technology.

By Mr. GEPHARDT (for himself and Mr. DONNELLY):

H.R. 4253. A bill to establish an Internal Revenue Service publicity campaign and public relations program to encourage voluntary tax compliance, to increase such compliance through improved enforcement activities and strengthened penalties and information reporting requirements, to provide a one-time amnesty from criminal and civil tax penalties owed for certain taxpayers who pay previous underpayments of Federal tax during the amnesty period, and for other purposes; to the Committee on Ways and Means.

By Mr. HEFTEL of Hawaii (for himself, Mr. STARK, Mr. MATSUI, and Mr. THOMAS of California):

H.R. 4254. A bill to provide for the duty-free entry of certain structures and parts for use in the W.M. Keck Observatory Project, Mauna Kea, Hawaii; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 4255. A bill to make permanent the existing suspension of duty on crude feathers and down; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself and Mr. OBEY):

H.R. 4256. A bill to amend the Agricultural Act of 1949 to define the term "marketing history" for purposes of the milk production termination program to be carried out under such act, to require the Secretary to issue rules to carry out such program, and to provide for a new period during which producers may submit bids to participate in such program; to the Committee on Agriculture.

By Mr. KINDNESS:

H.R. 4257. A bill to extend, at reduced level, the authorization of appropriations for the general revenue sharing program; to the Committee on Government Operations.

By Mr. KOLTER:

H.R. 4258. A bill to provide for a study relating to the development of high speed rail systems within the United States; to the Committee on Energy and Commerce.

By Mr. KOSTMAYER:

H.R. 4259. A bill to amend the Act of February 11, 1895 (28 Stat. 651), to authorize the donation of certain non-Federal lands within the boundaries of the Gettysburg National Military Park; to the Committee on Interior and Insular Affairs.

By Mr. MAVROULES (for himself, Mr. BEDELL, Mr. LAFALCE, and Mr. ADDABBO):

H.R. 4260. A bill to provide the Small Business Administration continuing authority to administer a program for small inno-

vative firms; to the Committee on Small Business.

By Mr. OBEY (for himself and Mr. KASTENMEIER):

H.R. 4261. A bill to amend the Agricultural Act of 1949 to define the term "marketing history" for purposes of the milk production termination program to be carried out under such act and extend the period during which producers may submit bids to participate in such program; to the Committee on Agriculture.

By Mr. VANDER JAGT:

H.R. 4262. A bill to amend title 14, United States Code, to provide for an increase in retired pay for officers of the regular Coast Guard who are cited for extraordinary heroism; to the Committee on Merchant Marine and Fisheries.

By Mr. WALGREN:

H.R. 4263. A bill to promote the resolution of problems affecting the domestic steel industry by establishing an advisory council to advise the President on modernization in the steel industry, propose technological solutions to problems in such industry, and perform other functions; jointly, to the Committees on Energy and Commerce, and Science and Technology.

By Mr. WHITTEN:

H.J. Res. 534. Joint resolution making an urgent supplemental appropriation for the Department of Agriculture for the fiscal year ending September 30, 1986, and for other purposes; considered and passed.

By Mr. BILIRAKIS:

H.J. Res. 535. Joint resolution to designate October 1986 as "Phobia Awareness Month;" to the Committee on Post Office and Civil Service.

By Mr. CHAPPELL:

H.J. Res. 536. Joint resolution to designate the week beginning April 6, 1986, as "National Telecommunicators' Week;" to the Committee on Post Office and Civil Service.

By Mr. LAGOMARSINO (for himself, Mr. COURTER, and Mr. DEWINE):

H.J. Res. 537. Joint resolution to designate March 21, 1986, as Afghanistan Day in commemoration of the struggle of the people of Afghanistan against the occupation of their country by Soviet forces; to the Committee on Post Office and Civil Service.

By Mr. ROWLAND of Georgia:

H.J. Res. 538. Joint resolution to designate week of May 11, 1986 through May 17, 1986 as "Senior Center Week;" to the Committee on Post Office and Civil Service.

By Mr. MINETA (for himself, Mr. KEMP, Mr. MICHEL, Mr. MONTGOMERY, Mr. VANDER JAGT, and Mr. WIRTH):

H. Con. Res. 292. Concurrent resolution to congratulate the new president and secretary general of the United States Olympic Committee, to recognize the importance of the Olympic movement and a successful Olympic team, and to encourage the citizens and businesses of the United States to support the United States Olympic Team; to the Committee on Post Office and Civil Service.

By Mr. REID:

H. Con. Res. 293. Concurrent resolution expressing the sense of the Congress that the United States should pay compensation to civilians working at the Nevada test site who lose their jobs due to ratification of a comprehensive nuclear test ban treaty and to the State of Nevada for degradation of the land at the test site caused by nuclear weapons tests; to the Committee on the Judiciary.

By Mr. GARCIA (for himself, Mr. BUSTAMANTE, Mr. FAUNTROY, Mr. BEREUTER, Mr. LEVINE of California, Mr. LELAND, Mr. TOWNS, Mr. STUDDS, Mr. BARNES, Mr. DE LUGO, Mr. RICHARDSON, Mr. FUSTER, Mr. COELHO, Mr. TORRES, and Mr. ROYBAL):

H. Res. 382. Resolution expressing the sense of the House of Representatives for the Haitian people as they try to rebuild their nation and make a peaceful transition to democracy; to the Committee on Foreign Affairs.

By Mr. HUNTER:

H. Res. 383. Resolution expressing the sense of the House of Representatives with respect to the continued seating of the Ukrainian and Byelorussian Soviet Socialist Republics in the United Nations, to U.S. Government funds used for maintaining United Nations civil servants from the Ukraine or Byelorussia, and to challenging the credentials of the delegations of the Ukrainian and the Byelorussian Soviet Socialist Republics; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

294. The SPEAKER presented a memorial of the Senate of the State of West Virginia, relative to Greek prosecution in Turkey; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MOORHEAD introduced a bill (H.R. 4264) for the relief of Pablo Cruz Patag; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 479: Mr. ADDABBO, Mr. ARMEY, Mr. CARPER, Mr. COOPER, Mr. DORNAN of California, Mr. MCHUGH, Mr. MITCHELL, Mrs. ROUKEMA, Mr. SCHULZE, Mr. WATKINS, and Mr. ZSCHAU.

H.R. 526: Mr. REID, Mr. FORD of Tennessee, Mr. MURTHA, and Mr. HUNTER.

H.R. 831: Mr. PASHAYAN and Mr. LEWIS of Florida.

H.R. 839: Mr. WALKER.

H.R. 864: Mr. LIGHTFOOT.

H.R. 979: Mr. WOLPE.

H.R. 1140: Mr. BOUCHER.

H.R. 1207: Mr. HUTTO.

H.R. 1219: Mr. HAYES and Mr. COLEMAN of Texas.

H.R. 1284: Mrs. SCHNEIDER.

H.R. 1400: Mr. KASTENMEIER, Mr. ROBINSON, Mr. MITCHELL, and Mr. ANNUNZIO.

H.R. 1674: Mr. MOLLOHAN.

H.R. 1769: Mr. ROGERS.

H.R. 1780: Mr. LAGOMARSINO.

H.R. 1875: Mr. FRANK, Mr. WEISS, Mr. SCHAEFER, Mr. SIKORSKI, Mrs. SCHNEIDER, and Mr. DEWINE.

H.R. 1918: Mr. COATS.

H.R. 2238: Mr. GALLO.

H.R. 2591: Mr. SUNDQUIST, Mr. ST GERMAIN, Mr. WHITTEN, and Mr. JONES of Oklahoma.

H.R. 2620: Mr. TRAXLER, Mr. FROST, and Mr. RAHALL.

H.R. 2952: Mr. ANDERSON and Mr. LELAND.

H.R. 3000: Mr. EVANS of Illinois, Mr. STRANG, Mr. RICHARDSON, Mr. TOWNS, and Mr. KOLBE.

H.R. 3120: Mr. CLINGER and Mr. CONYERS.

H.R. 3199: Mrs. SCHROEDER.

H.R. 3280: Mr. CLINGER.

H.R. 3371: Mr. PACKARD.

H.R. 3404: Mr. MURTHA, Mr. DE LUGO, and Mr. BLILEY.

H.R. 3505: Mr. MCCOLLUM, Mr. HUNTER, Mr. APPLEGATE, Mr. KOLBE, and Mr. DORNAN of California.

H.R. 3564: Mr. GREGG.

H.R. 3690: Mr. OBERSTAR and Mr. OWENS.

H.R. 3712: Mr. ACKERMAN, Mr. BORSKI, Mr. FRANK, Mr. LEVINE of California, Mr. MARTINEZ, and Mr. SHAW.

H.R. 3736: Mr. SMITH of New Hampshire.

H.R. 3738: Mr. BRUCE, Mr. MITCHELL, and Mr. EVANS of Illinois.

H.R. 3743: Mr. SISISKY, Mr. DYSON, Mr. SPENCE, Mr. BUSTAMANTE, Mr. ORTIZ, Mr. HUNTER, Mr. PRICE, Mr. FOGLIETTA, Mr. HARTNETT, Mr. CARNEY, Mrs. LLOYD, and Mr. BLAZ.

H.R. 3762: Mr. APPLEGATE.

H.R. 3799: Mr. LOWRY of Washington, Mr. WALGREN, Mr. CARPER, Mr. MILLER of Washington, Mr. RUSSO, Mr. MRAZEK, and Mr. JEFFORDS.

H.R. 3807: Mr. WILSON.

H.R. 3866: Mr. PETRI, Mr. SYNAR, Mr. EVANS of Illinois, Mr. WYDEN, Mr. RICHARDSON, and Mr. EVANS of Iowa.

H.R. 3906: Mr. LEHMAN of California.

H.R. 3916: Mr. HAMMERSCHMIDT, Mr. WHITTAKER, Mr. HARTNETT, Mrs. LLOYD, and Mr. BATEMAN.

H.R. 3984: Mr. CONYERS, Mr. ROGERS, Mr. SHAW, Mr. MILLER of California, Mr. PANETTA, Mr. SYNAR, Mrs. SCHROEDER, and Mr. FUSTER.

H.R. 3995: Mr. MCEWEN, Mr. SMITH of Florida, Mr. BEREUTER, Mr. BOEHLERT, Mr. RANGEL, Mr. KINDNESS, Mr. REGULA, Mr. PRICE, Mr. WHITEHURST, Mr. ROBINSON, Mr. WORTLEY, Mr. COATS, Mr. FAZIO, Mr. LAGOMARSINO, Mr. TOWNS, Mr. JEFFORDS, Mr. DORNAN of California, Mr. LIGHTFOOT, Mr. STRANG, Mr. SMITH of Iowa, Mrs. MARTIN of Illinois, Mr. MCDADE, Mr. CHANDLER, Mr. BONIOR of Michigan, Mr. BEILENSON, Mr. BARTLETT, and Mr. COBEY.

H.R. 4003: Mr. TOWNS and Mr. DOWNEY of New York.

H.R. 4014: Mr. JACOBS and Mrs. SCHNEIDER.

H.R. 4025: Mrs. BOXER, Mr. MARTINEZ, Mr. SAVAGE, Mr. WRIGHT, Mr. MCEWEN, Mr. BARNARD, Mr. COELHO, Mr. RAHALL, Mrs. LLOYD, Mr. RICHARDSON, Mr. DICKS, Mr. ERDREICH, Ms. MIKULSKI, Mr. RANGEL, and Mr. MANTON.

H.R. 4030: Mrs. BENTLEY and Mr. RICHARDSON.

H.R. 4033: Mr. EDWARDS of California.

H.R. 4037: Mr. COELHO, Mr. GEJDENSON, and Mr. SEIBERLING.

H.R. 4056: Mr. LAGOMARSINO, Mr. WHITEHURST, Mr. LEVIN of Michigan, Mr. DAUB, Mr. WORTLEY, Mr. ARMEY, Mr. LIVINGSTON, Mr. COMBEST, Mr. DELAY, Mr. WILSON, Mr. LOEFFLER, Mr. BATEMAN, Mr. KOLBE, Mr. BLILEY, Mr. GOODLING, Mr. ANDERSON, Mr. DANNEMEYER, Mr. DOWNEY of New York, Mr. DEWINE, Mr. MCCAIN, Mr. HEFTEL of Hawaii, Mr. LUNGREN, Mr. MCMILLAN, Mr. DARDEN, Mr. GREGG, Mr. SCHULZE, Mr. DORNAN of California, Mr. COATS, Mr. ANDREWS, Mr. LEATH of Texas, Mr. FIELDS, Mr. BADHAM, Mr. MURPHY, AND Mr. VANDER JAGT.

H.R. 4060: Mr. SAXTON, Mr. WAXMAN, Mrs. BOGGS, Mr. EDWARDS of California, Mr. LAGOMARSINO, Mr. CONYERS, Mr. WALGREN, Mr.

MRAZEK, Mr. ROYBAL, Mr. GONZALEZ, Mr. HAWKINS, Mr. WEAVER, Mr. GORDON, Mrs. HOLT, Mr. MARTINEZ, Mr. VOLKMER, Mr. FOGLIETTA, Mr. WILLIAMS, Mr. GAYDOS, Mr. HOWARD, Mr. DONNELLY, Mr. LENT, Mr. SISISKY, Mr. LOWRY of Washington, Mrs. SCHROEDER, Mr. MCGRATH, Mr. SAVAGE, Mr. MARKEY, Mr. LEHMAN of California, Mr. SEIBERLING, Mr. DOWDY of Mississippi, Mr. ERDREICH, Mr. LOTT, Mr. CROCKETT, Mr. BIAGGI, Mr. HORTON, Mr. ADDABBO, and Mr. GILMAN.

H.R. 4075: Mr. TALLON and Mr. RICHARDSON.

H.R. 4078: Mr. GUNDERSON.

H.R. 4079: Mr. GUNDERSON, Mr. OBEY, Mr. ROTH, and Mr. SILJANDER.

H.R. 4085: Mr. DAVIS and Mr. REID.

H.R. 4088: Mr. BARNARD, Mr. COBLE, Mr. OLIN, and Mr. NEAL.

H.R. 4096: Mr. PEPPER, Mr. ECKART of Ohio, Mr. HUTTO, Mr. MCEWEN, Mrs. HOLT, Mr. LOTT, Mr. GIBBONS, and Mr. APPLEGATE.

H.R. 4097: Mr. BUSTAMANTE, Mr. COYNE, Mr. DE LUGO, Mr. EVANS of Illinois, Mr. FUSTER, Mr. HAYES, Mr. KASTENMEIER, Mr. LELAND, Mr. MORRISON of Connecticut, Mr. ORTIZ, Mr. RANGEL, Mr. SAVAGE, Mr. WILSON, Mr. MRAZEK, Mr. CONYERS, Mr. MATSUI, Mr. RICHARDSON, Mr. MARTINEZ, and Mrs. BOXER.

H.R. 4105: Mr. ALEXANDER, Mr. ANTHONY, Mr. BOULTER, and Mr. WEBER.

H.R. 4107: Mr. HILER and Mrs. SCHNEIDER.

H.R. 4109: Mr. MARTINEZ, Mr. VENTO, Mr. TRAXLER, Mr. LIPINSKI, and Mr. MCHUGH.

H.R. 4140: Mr. FIELDS.

H.R. 4145: Mr. BATEMAN, Mr. SMITH of New Jersey, Mr. RUDD, Mr. ROTH, Mr. LIVINGSTON, Mr. KINDNESS, Mr. GOODLING, Mr. WEBER, Mr. WORTLEY, Mr. COBEY, Mr. REID, Mr. HILER, Mr. WILSON, Mr. BURTON of Indiana, Mr. DORNAN of California, Mr. SILJANDER, Mr. GINGRICH, and Mr. CRANE.

H.R. 4188: Mr. LIGHTFOOT, Mr. TAUKE, Mr. PETRI, and Mr. PURSELL.

H.J. Res. 38: Mr. MCDADE.

H.J. Res. 127: Mr. HAMILTON, Mr. HEFNER, and Mr. MINETA.

H.J. Res. 234: Mr. CARR, Mr. STARK, Mr. ANTHONY, Mr. HOWARD, Mr. FOGLIETTA, Mr. WAXMAN, Mr. SAVAGE, Mr. SCHUMER, Mr. LAFALCE, Mr. JEFFORDS, Ms. OAKAR, and Mr. SIKORSKI.

H.J. Res. 297: Mr. VALENTINE, Mr. FAWELL, Mr. WHEAT, Mr. DOWDY of Mississippi, and Mr. MINETA.

H.J. Res. 381: Mr. LELAND, Mr. BOLAND, Mr. BARNARD, and Mr. LIPINSKI.

H.J. Res. 385: Mr. CARPER, Mr. MILLER of Ohio, Mr. LOEFFLER, Mr. HAMILTON, Mr. EDWARDS of Oklahoma, Mr. TRAFICANT, Mr. LEWIS of Florida, Mr. COLEMAN of Texas, Mr. ROWLAND of Georgia, Mr. SYNAR, Mr. MORRISON of Washington, Mr. WIRTH, Mr. TRAXLER, Mr. SPENCE, Mr. SWINDALL, Mr. CAMPBELL, and Mr. FLIPPO.

H.J. Res. 398: Mrs. BENTLEY, Mr. BIAGGI, Mr. BLILEY, Mr. BRUCE, Mr. CHENEY, Mr. COURTER, Mr. DICKINSON, Mr. FISH, Mr. GEKAS, Mr. GOODLING, Mr. GREEN, Mr. HARTNETT, Mr. HENDON, Mr. KASICH, Mr. MCCOLLUM, Mr. MCGRATH, Mr. PURSELL, Mr. ROGERS, Mr. SAXTON, Mr. SHUSTER, Mr. THOMAS of California, Mrs. VUCANOVICH, and Mr. SYNAR.

H.J. Res. 458: Mr. VANDER JAGT and Mr. YATRON.

H.J. Res. 460: Mr. TOWNS.

H.J. Res. 475: Mr. MRAZEK, Ms. MIKULSKI, Mr. DE LA GARZA, Mr. BRYANT, Mr. HUGHES, Ms. KAPTUR, Mr. WORTLEY, Mr. DE LUGO, Mr. HEFTEL of Hawaii, Mr. BEDELL, Mr. BERMAN, Mr. LAGOMARSINO, Mr. BARNES, Mr. COLEMAN of Texas, Mr. APPLEGATE, Mr. FROST, Mr. BATES, Mr. DYMALLY, Mr. SUNIA, Mr. FUSTER, Mr. FRENZEL, Mr. FLIPPO, and Mr. ADDABBO.

H.J. Res. 483: Mr. BARTLETT, Mr. MAZZOLI, Mr. PICKLE, Mr. STRANG, Mr. BERMAN, Mr. DEWINE, Mr. DE LUGO, Mr. FROST, Mr. CLINGER, and Mrs. LLOYD.

H.J. Res. 500: Mrs. BENTLEY, Mr. GILMAN, Mr. DWYER of New Jersey, Mr. RINALDO, Mr. HORTON, Mr. SCHUETTE, Mr. BONIOR of Michigan, Mr. WOLPE, Ms. FIEDLER, Mr. CONTE, Mr. FORD of Michigan, Mr. DASCHLE, Mr. LAGOMARSINO, Mr. DINGELL, Mr. RANGEL, Mr. COLEMAN of Missouri, Mr. FLORIO, Mr. KILDEE, Mr. RUSSO, Mr. EDGAR, Mr. BRYANT, Mrs. BOXER, Mr. LEVIN of Michigan, Mrs. HOLT, Mr. SMITH of Florida, Mr. NIELSON of Utah, Mr. BROOMFIELD, Mr. LIPINSKI, Mr. LOWERY of California, Mr. DYSON, Mr. GEJDENSON, Mr. REID, Mr. MARTINEZ, Mr. WOLF, and Mr. CLINGER.

H.J. Res. 502: Mr. BEILENSON, Mr. BUSTAMANTE, Mr. COBLE, Mr. DE LA GARZA, Mr. DORNAN of California, Mr. DYMALLY, Mr. GUNDERSON, Mr. HAYES, Mr. HENDON, Mr. HENRY, Mr. JACOBS, Mr. JENKINS, Mr. LIPINSKI, Mr. MANTON, Mr. MARKEY, Mr. MARTINEZ, Mr. MINETA, Mr. MURPHY, Mr. PICKLE, Mr. SAVAGE, Mr. SMITH of Florida, Mr. SUNIA, and Mr. VENTO.

H.J. Res. 506: Mr. THOMAS of Georgia and Mr. KASICH.

H.J. Res. 508: Mr. GOODLING, Mr. FIELDS, Mr. TORRICELLI, Mr. SMITH of New Hampshire, Mr. DICKINSON, Mr. BOULTER, Mrs. ROUKEMA, and Mr. SCHUETTE.

H.J. Res. 513: Mr. ROWLAND of Georgia, Mr. ROE, Mr. COYNE, Mr. WOLPE, Mrs. SCHNEIDER, Mr. HUTTO, Mr. MOAKLEY, and Mr. YOUNG of Missouri.

H.J. Res. 516: Mr. MRAZEK and Mr. COLEMAN of Texas.

H.J. Res. 521: Mr. FEIGHAN, Mr. GARCIA, Mr. DE LUGO, Mr. FUSTER, Mr. CROCKETT, Mr. WOLPE, Mr. MAVROULES, Mr. RAHALL, Mrs. BYRON, Mr. LUNDINE, Mr. FRANK, Mr. SEIBERLING, Mr. TOWNS, and Mr. STAGGERS.

H.J. Res. 529: Mr. ROYBAL, Mr. MURPHY, Mr. COELHO, Mr. LUKEN, Mr. KOSTMAYER, Mr. PEPPER, Mr. SABO, Mr. FISH, Mr. HENRY, and Mr. HALL of Ohio.

H.J. Res. 531: Mr. YATES, Mr. SMITH of Florida, Mr. DANIEL, Mr. SAVAGE, Mr. OLIN, Mr. O'BRIEN, Mr. ANDERSON, Mr. GUNDERSON, Mr. DYMALLY, Mrs. HOLT, Mr. AKAKA, Mr. BONER of Tennessee, Mr. DWYER of New Jersey, Mr. LAGOMARSINO, Mr. LEVINE of California, Mr. CROCKETT, Mr. TOWNS, Mr. HAYES, Mrs. BOXER, Mr. ROE, Mr. DAUB, Mr. RUDD, Mr. WORTLEY, Mr. THOMAS of Georgia, Mr. YOUNG of Alaska, and Mr. LUNGREN.

H. Con. Res. 129: Mr. CARPER, Mr. SPENCE, Mr. TALLON, Mr. DENNY SMITH, Mr. RUSSO, Mr. THOMAS of California, and Mr. TAYLOR.

H. Con. Res. 241: Mr. DORNAN of California, Mr. UDALL, Mr. MARTINEZ, and Mr. SCHUETTE.

H. Con. Res. 278: Mr. ANDERSON, Mr. CHAPPIE, Mr. ATKINS, Mr. JENKINS, Mr. BOUCHER, Mr. ASPIN, Mr. BIAGGI, Mr. CARR, Mr. PERKINS, Mr. STALLINGS, Mr. MORRISON of Washington, Mr. HENRY, Mr. WATKINS, Mr. FUQUA, Mr. SMITH of New Hampshire, Mr. GEJDENSON, Mr. GONZALEZ, Mr. WISE, Mr. SABO, Mr. TOWNS, Mr. DIXON, Mr. BERMAN, Mr. DE LUGO, Ms. OAKAR, Mr. HAMILTON, Mr. SOLARZ, Mr. TAUKE, Mr. GARCIA, Mr. CONYERS, Mr. DARDEN, Mr. DELLUMS, Mr. DIOGUARDI, Mr. DE LA GARZA, Mr. GUNDERSON, Mr. EDGAR, Mr. DURBIN, Mr. FISH, Mr. FLIPPO, Mr. MCCLOSKEY, Mr. FLORIO, Mr. COURTER, Mr. GEPHARDT, Mr. KILDEE, Mr. HALL of Ohio, Mr. DAVIS, Mr. FRANK, Mr. TRAXLER, Mr. GUARINI, Mr. HOWARD, Mr. HANSEN, Mr. BATEMAN, Mr. EARLY, Mr. BATES, Mr. BRUCE, Mr. UDALL, Mrs. BOGGS, Mr. RALPH M. HALL, Mr. ROEMER, Mr. BARNARD, Mr. BEVILL, Mr. WHITTEN, Mr. SPRATT, Mr. GRAY of Illinois, CHAPPELL, Mr. LOWRY of Washington, Mr. MURPHY, Mr. CLINGER, Mr. ROTH, Mrs. LLOYD, and Mr. HAWKINS.

H. Con. Res. 279: Mr. FROST, Mr. LOEFFLER, Mr. BUSTAMANTE, Mr. WILSON, Mr. ORTIZ, Mr. ARMEY, and Mr. EDWARDS of Oklahoma.

H. Res. 295: Mr. RICHARDSON.

H. Res. 379: Mr. ACKERMAN, Mr. DE LUGO, Mr. BONIOR of Michigan, Mr. HAYES, Mr. SAVAGE, Mr. ROBINSON, Mr. BRYANT, Mr. FRANK, Mr. LELAND, Mrs. BOXER, Mr. PENNY, and Mr. EDWARDS of California.

EXTENSIONS OF REMARKS

A TRIBUTE TO MR. BILL KING

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. JONES of Tennessee. Mr. Speaker, I rise today to recognize a gentleman in my congressional district, Mr. Bill King. Mr. King was recently named Citizen of the Year for 1985 by the Union City, Tennessee Civitan Club. It is an honor well deserved.

Bill has held the position of city editor for the Union City Daily Messenger in Union City for over 20 years. In that time, he has, of course, chronicled the many comings and goings of his city over that period of time. As one might imagine, Bill's time of tenure at the Messenger and his excellence at his work has made him an institution, but the recent honor bestowed upon him by the Civitan Club goes far beyond his service to the community through the newspaper.

He has also given of himself freely, as a long time governor of Moose Lodge 1178, as a board member of the local United Way, and as a cofounder and member of the local Crime Stoppers Program. When not busy at work or in a local cause, Bill was raising his three children and now relishes time with his two grandchildren. So, Bill has not limited himself to being just an observer of his community as his career requires. He has been an integral part of it making contributions to its improvements as he saw the opportunities to do so.

That is why I say that the Civitan Club's recent recognition of his work is well deserved. Bill King has been and continues to be an asset to his community. It was only 2 weeks ago when he was presented the Citizen of the Year Award for 1985 that many of his neighbors recognized him for the many years of work he has put in on behalf of Union City, apart from his position of leadership at the newspaper.

The many of us who have known Bill well are proud of our friendship with him. We have known of his great contributions to his profession as well as his city long before now. We commend the local Civitan Club for its recognition of Bill's work and applaud him for his unselfish devotion to his town, his family, and his career.

A TRIBUTE TO BEN LOWE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr YOUNG. of Florida. Mr. Speaker, we each know of those few special persons who unselfishly contribute to our Nation and our communities in a wide variety of ways. Ben Lowe, a close friend of mine from Belleair Bluffs, FL, was such an individual and his death earlier this month will be a great loss to the many people whose lives he touched.

Ben was a special help to me as an adviser on senior citizen issues. He was my representative to the White House Conference on Aging, and served as my congressional senior citizen intern.

Before moving to Florida, Ben had a long and distinguished career with the Central Intelligence Agency. He was the Chairman of the CIA Contract Review Board, an adviser to the Director of the CIA for 20 years, and received the CIA Intelligence Medal of Merit.

Although he retired to Florida following his CIA career, Ben's list of responsibilities did not diminish. He served his community as deputy mayor and city commissioner of Belleair Beach, was a feature writer for the Bee Publications newspapers, and worked as a member of the American Association of Retired Persons Legislative Committee. He also gave his time to the State as president of the Florida Senate's Silver-Haired Legislature.

His list of deeds and accomplishments are impressive, but I will especially remember Ben as being a warm and caring American who I was proud to have known and called my friend. His first concern was not for himself, but how he could help our Nation, our State, and our community. I share with Ben's wife Marydell the loss of this special man, but am comforted in knowing that Ben's legacy will live on through the many people he helped during his lifetime of service to others.

SUPPORT THE PRESIDENT'S REQUEST FOR AID TO THE NICARAGUAN RESISTANCE

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. STUMP. Mr. Speaker, the cause of freedom and the security interests of the United States and its allies require our support for the President's request for aid to the Nicaraguan democratic resistance. Unless the Congress approves the President's request, the only chance for a democratic Nicaragua free of Soviet-Cuban supported Sandinista Communist domination will disappear. The President's request will restore the effectiveness of the Nicaraguan democratic resistance, thereby providing an incentive to the Sandinistas to participate with the Nicaraguan opposition in a church-mediated process of national reconciliation aimed at producing a legitimate democratic government for Nicaragua which will honor the fundamental rights and freedoms of the Nicaraguan people.

By requesting authority to transfer funds for the Nicaraguan resistance from existing DOD appropriations, the President achieves the important national security objective of a viable Nicaraguan resistance as a counterweight to further Communist inroads in this hemisphere without taking new tax dollars in this time of tight budget constraints. Thus, the President's request does not raise any Gramm-Rudman fiscal restraint issue.

The Congress will face only the simple and straightforward issue of supporting the President of the United States on a vital matter of national security. The President's message of February 25 makes clear that, if the Congress rejects aid for the Nicaraguan democratic resistance:

The Nicaraguan Communists will steadily intensify their efforts to crush all opposition to their tyranny, consolidating their ability to use Nicaragua, in concert with their Soviet-bloc patrons, as a base for further intimidating the democratic nations of Central America and spreading subversion and terrorism in our hemisphere.

The discussions and debates in the coming week which will precede the votes on aid for the Nicaraguan democratic resistance should make clear to the American people the Sandinistas' extensive repression of the Nicaraguan people and the threat the Sandinista regime's activities pose to the security interests of the United States and its allies. I urge my colleagues to give special attention to the President's request and the debates which surround it. This vote will determine the fate of the Nicaraguan people and may well establish the course of the struggle between our way of life and communism in the Americas.

A DIPLOMATIC SOLUTION REQUIRES SUPPORT FOR THE NICARAGUAN RESISTANCE

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. CHENEY. Mr. Speaker, the President has asked the Congress to approve a transfer of $100 million in previously appropriated DOD funds to provide aid to the Nicaraguan democratic resistance. Without such aid, no realistic possibility will remain for diplomatic resolution of the conflict in Central America.

Diplomacy and support for the resistance go together. Some opponents of the President's Nicaraguan policy have attempted to convince the American people that we face a choice between two mutually exclusive alternatives: either diplomacy or support for resistance. They imply that those who truly believe in diplomacy shun support for the resistance and rely exclusively on speeches exchanged by diplomats, and that anyone who supports the resistance cannot believe in diplomatic resolu-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tion of the conflict. Nothing could be further from the truth.

Anyone who has ever handled a negotiation of any kind—be it as big as a diplomatic negotiation between countries or as small as a car sale negotiation between a buyer and a dealer—knows that you don't get something for nothing. If the United States cuts the Nicaraguan democratic resistance off at the knees, the Sandinistas will have achieved precisely what they want from the United States. They will have no incentive to negotiate a solution to the problems in Central America because they will have achieved exactly the solution they want—liquidation of their only effective opposition in Nicaragua.

Support for the Nicaraguan democratic resistance is not an alternative to a diplomatic solution, it is an essential precondition for a diplomatic solution. United States support for the Nicaraguan democratic resistance provides the incentive to the Sandinistas to engage in external diplomacy through the Contradora process and internal diplomacy through a church-mediated dialog between the Sandinistas and the opposition. Renewed full support for the Nicaraguan resistance will provide leverage essential for persuading the Sandinistas to negotiate in good faith toward achieving the objectives which the United States, its allies in the region, and the Contadora nations have identified as essential elements for resolution of the conflict in Central America.

If you truly believe in a diplomatic solution to the situation in Nicaragua, vote to approve the President's request for support to the Nicaraguan democratic resistance.

PROTECTING ENVIRONMENTAL WHISTLEBLOWERS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. FLORIO. Mr. Speaker, the efforts to protect employees who assist in the enforcement of our Nation's environmental laws has been significantly enhanced by the publication of Protecting Environmental and Nuclear Whistleblowers: A Litigation Manual, by Stephen M. Kohn (Nuclear Information Resource Service/Government Accountability Project: Washington, DC, 1985). Congress has passed eight laws to protect workers who "blow the whistle" on alleged violations of environmental and atomic safety law and subsequently suffer employment discrimination.

To avail whistleblowers of these remedies, Stephen Kohn has prepared this detailed and comprehensive manual which shows both attorneys and workers how to use successfully the Federal worker protection statutes. It is an invaluable tool for environmental groups, unions, and labor lawyers.

The following article from the National Catholic Reporter, by the author of the book, provides a brief description of the information in the book. I urge my colleagues to read this article.

[From the National Catholic Reporter, Oct. 11, 1985]

WHISTLE-BLOWERS PROTECTED, BUT LAWS REMAIN OBSCURE

(By Stephen M. Kohn)

Last week, a California engineer called and said he had been fired by Hughes Aircraft for exposing faulty computer software that could result in the release of poisonous nerve gas. He filed a wrongful discharge complaint with the Department of Labor and called my office, the Washington-based Government Accountability Project (GAP), trying to find an attorney.

Hundreds of thousands of American workers may find, or already have found, themselves in a position similar to the Hughes Aircraft engineer. In factories, on construction sites, at nuclear power plants and other workplaces, employees are daily confronted with, or are required to perform, jobs that potentially present real hazards to environmental safety.

The ability of employees to report potential violations of environmental or nuclear safety laws is crucial for the future of environmental protection. Employees are in the best position to spot violations of such laws, and their cooperation in enforcing public health and safety laws would have a revolutionary and profound effect on the enforcement of environmental and safety regulations.

For example, at three nuclear power construction sites—Zimmer in Ohio, Midland in Michigan, and Comanche Peak in Texas—GAP has successfully worked with hundreds of employees. The health and safety allegations raised by these whistle-blowers were so severe that both the Midland and Zimmer plants have been canceled. At Comanche Peak, the Nuclear Regulatory Commission confirmed the accuracy of a substantial number of the workers' charges, and construction has been delayed indefinitely.

But what of the workers, like the Hughes engineer, who are fired and often blacklisted throughout the industry?

Laws exist to protect almost all American workers who "blow the whistle" on environmental law violations. These employee-protection measures, which Congress passed as amendments to the main environmental protection laws—the Federal Clean Air, Atomic Energy, Superfund, Water Pollution, Solid Waste Disposal, Safe Drinking Water and Toxic Substance Acts—provide employees quick and effective administrative remedies through the Department of Labor.

Any employee who is fired or discriminated against because he or she reported potential violations of environmental protection laws can file a complaint with the Department of Labor. The whistle-blowers' allegations do not need to be verified, only made "in good faith."

The Labor Department's Wage and Hour Division must investigate the charges and issue a ruling within 30 days. Either side can appeal and obtain a new hearing before a departmental administrative jaw judge. The judge then issues a decision, which is forwarded to the labor secretary for a final ruling.

The range of employees covered under the law is vast. For example, a Pennsylvania painter who furnished evidence of illegal toxic dumping, a union mechanic at New York's Indian Point reactor who was fired after complaining about radioactive contamination of tools and a city water pollution control operator who was fired after he told a reporter about the discharge of raw sewage into the Cedar Rapids River all successfully used the Labor Department remedy. They were all reinstated, received back pay and were awarded legal fees.

Employees and attorneys active in labor or environmental issues need to be familar with these laws. A long as they remain obscure and underused, the potentially explosive effect of whistle-blowing on environmental protection will remain minimal—and whistle-blowers will remain unprotected, harassed and blacklisted.

SPEECH BY VERNON WALTERS ON DRUG ABUSE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. RANGEL. Mr. Speaker, on December 9, 1985, Ambassador Vernon A. Walters, U.S. permanent representative to the United Nations, delivered a statement on the evils of drug abuse, and the need for international cooperation to make the 1987 World Conference on Drug Abuse a success.

In the course of his speech, at a luncheon for the Secretary General and permanent representatives to the United Nations, Ambassador Walters stated:

Our common struggle no longer pits "source" countries against "consumer" countries. Narcotics abuse and trafficking have invaded all nations. In addition to the incalculable health and social costs, the security of nations is being undermined by the corrupting influence of the narcotic trade. My government strongly supports the holding of a world conference on drug abuse and drug trafficking. The major objective of the conference should be to strengthen, and, where necessary, call for the political commitment of all nations to fight the myriad and pernicious effects of drug abuse and drug trafficking.

Ambassador Walters ended his speech on a positive note saying:

I am convinced that, with diligence and cooperation, we can lead the way to that dream we all share—a world community free of the scourge of drug abuse and drug trafficking.

Mr. Speaker, Ambassador Walters' statement is one of the best I have ever read on the evils of international drug trafficking and abuse and the need for international cooperation to combat it. I ask that Ambassador Walters speech be inserted in its entirety in the CONGRESSIONAL RECORD at this point.

The speech follows:

I am pleased you were all able to come today to talk about one of the most serious moral challenges facing modern society: How we can work together as people and as nations to erase the scourge of drug abuse and drug trafficking from our world. Drug abuse has become a common threat of criminal behavior for many of our nations; and for many of the world's children, the future is blighted by the threat of drug abuse and addiction. All nations, industrialized or developing, large or small, are feeling the effects of a narcotics epidemic. No society is immune from the suffering, the crime, and the human loss associated with narcotics trafficking and abuse.

The First Lady of Sri Lanka, Mrs. Premadasa, during the First Ladies Conference on Drug Abuse here at the United Nations this October said, "For us and those like us, the drug menace is a calamity." This historic Conference, called by Mrs. Nancy Reagan, brought together 30 First Ladies to share their views on the narcotics problem in their countries. We were very pleased that Mrs. Perez de Cuellar actively participated in this important event.

The First Lady of Sri Lanka is not alone in her belief that drugs bring national calamity. Few nations can afford a generation of addicts, and I believe none can afford the social and national security costs that accompany illicit narcotics production and use. Recognizing that all nations share the responsibility for future generations, Secretary-General Javier Perez de Cuellar has urged us to work cooperatively and to renew our commitment to help liberate the world from the growing burden of narcotics abuse. As we prepare for a 1987 World Conference on Drug Abuse, let us commit our energies to this common goal.

It is heartening to see concrete actions under way to unite the community of nations in this crucial struggle. During the past year, we have all taken part in the growing effort to internationalize our collective response to the drug threat. All of us know that no nation is immune from the threat and that no government is able to fight narcotics alone. That is why so many nations have become involved in a common struggle to resist the traffic in drugs. Now is truly the time for us to forge ahead with international cooperation.

Our common struggle no longer pits "source" countries against "consumer" countries. Narcotics abuse and trafficking have invaded all nations. Traditional producing regions have been transformed into consumer nations as excess drugs spill over into their societies, poisoning a burgeoning cadre of their young people. So-called transit countries which once served as a bridge between grower and consumer countries are now infected by the spreading blight as traffickers pay off expediters in raw drugs, addicting a widening group at each stage.

In addition to the incalculable health and social costs, the security of nations is being undermined by the corrupting influences of the narcotics trade. In Miami and Bangkok, in Bogota and Karachi, and in Lagos and London, narcotics traffickers bribe and intimidate customs officers, police, and judges. Terrorist and insurgent groups are turning to drug deals to fund their operations in many parts of the world. Terrorism and narcotics together are destabilizing whole regions of the world and posing a significant threat to duly constituted governments.

The heavy toll of victims of addiction was bad enough. Now narcotics have become a source of hard currency for ideological gangsters who assassinate officials and funnel more and more national wealth into the hands of unscrupulous drug profiteers. Narcotics trafficking has become a vast criminal enterprise dominated by murderous gangs and corrupt entrepreneurs.

The very stability of nations is threatened by the lawlessness that attends narcotics trafficking. Secretary of State George Shultz has called narcotics trafficking the "modern day version of piracy," warning against the serious security threat posed by the armed, heavily financed traffickers.

When drug kingpins in Colombia assassinated the Minister of Justice of Colombia, Lara Bonilla, in 1984, they singled him out for his strong stand against the narcotics trade. In Peru, coca eradication workers have been literally slaughtered by traffickers who respect no laws. In Mexico last month, 21 policemen were ambushed by armed traffickers protecting their marijuana cache. These are not isolated incidents; they are essential elements in a pattern of lawlessness which has infiltrated all societies affected by narcotics trafficking and production.

Datuk Musa Hitam, Deputy Prime Minister of Malaysia, has been an outspoken advocate of harsh punishment for drug traffickers and for tough new government action to halt trafficking and abuse. He has said, "Governments will only act against the traffickers if they realize that money derived from the sale of drugs is used to topple them." We here today recognize that drug traffickers are working to undermine every aspect of life that we hold dear. They are corrupting the young, creating a population of drug slaves; distorting fragile national legal structures and eroding political guarantees. They then seek only to open new markets for their poison. Profits that do not find their way into the hands of terrorists are corrupting the world's financial institutions and real estate markets. They corrupt the judiciary and media in many parts of the world. When the traffickers buy a high-rise condominium, a radio station, or a sports team, he is disturbing the financial structure of a country and making a mockery of the work ethic that millions of people have based their lives upon.

Malaysia's Deputy Prime Minister Musa Hitam is not alone in denouncing narcotics abuse and profiteering. Prime Minister Margaret Thatcher, President Alan Garcia, President Betancur, President Febres Cordero, and dozens of other leaders in Venezuela, Thailand, and Pakistan have pledged themselves to root out narcotics corruption and addiction. The seven Chiefs of State of the Economic Summit nations have agreed that narcotics will be on their next Summit agenda in Tokyo. These public statements have been backed up with concrete actions, illustrating the seriousness of the international commitment against narcotics.

The United Nations has been a very positive influence in the struggle against narcotics. But its work is just beginning. The leadership of the Secretary-General has been a tremendous factor in advancing our anti-narcotics goals. We also appreciate the contributions of Under-Secretary-General William Buffum, whose able leadership has improved coordination among the United Nations narcotics agencies. Good coordination is paramount if the new initiatives now under way are to be successful. It will also be essential for all of us to work within the United Nations system to ensure the successful outcome of these worthy initiatives.

I spoke of the Secretary-General's call for a world conference on drug abuse. Let me say a few words about the world conference, which was unanimously endorsed by member states last week in the Third Committee.

My government strongly supports the holding of a world conference on drug abuse and trafficking. The major objective of the conference should be to strengthen and, where necessary, call for the political commitment of all nations to fight the myriad and pernicious effects of drug abuse and trafficking. These are problems of major proportions and an international response is required, but such a response demands firm commitment at the national level. I believe the conference can bring together both national and multilateral strategies to combat this devastating problem in a more coherent and effective way.

As you know, the resolution calling for the world conference requests that an outline of future activities be developed to guide the discussions during the conference itself and to facilitate subsequent national and international initiatives. The outline must, we believe, include concepts and proposals to deal with all aspects of the threat: drug trafficking, demand reduction, education, and prevention, as well as tight curbs on the production and supply of narcotic and psychotropic substances. As the planning for the conference gets under way, all countries should take part and lead their full cooperation to the United Nations Secretariat. Let us build upon the invaluable work already undertaken by the UN itself—especially by the Commission on Narcotic Drugs—and by other regional and international entities.

This will be the foundation for a comprehensive, realistic agenda for the conference. We have a vast fund of experience from which to draw regional efforts in Latin America and Asia, the Economic Summit Seven experts report on narcotics, and, in particular, the spadework already done by the Commission on Narcotic Drugs for a new convention on drug trafficking. We also can draw on results of a series of UN-sponsored seminars on law enforcement and drug abuse. In our view, several key issues must be addressed. We need to strengthen national legal tools to combat drug trafficking, we must improve prevention and education. All these programs need further refinement, as do crop control initiatives that will eliminate illicit narcotics production at its source. We also need new measures to strengthen national and international law enforcement efforts. These are some of the areas that should be addressed at the world conference.

Let me add a final note. This conference confronts a spreading world scourge. All nations are threatened. All must cooperate for the common good. We should, therefore, all work to ensure that the world conference remains free of politically contentious issues. No one argues against the seriousness of the problem; no one disagrees over the ultimate goal—a narcotics-free world for our children. The UN's work against drug abuse has been an inspiring example of international cooperation and a model for consensus-based international cooperation. We must continue to strengthen the UN's role in planning the conference and at the conference itself.

Another key question before us concerns the drafting of a new convention on drug trafficking. I will not speak at length here on this subject except to say that here, too, member countries must work together to ensure a final convention strong enough to sustain a vigorous multilateral effort to combat drug trafficking. We owe this to future generations.

Clearly, and for many reasons, as we launch into a new phase of international commitment to fight drug abuse, the work of the United Nations and our own close cooperation are critical to the success of the international effort. I am convinced that, with diligence and cooperation, we can lead the way to that dream we all share—a world community free of the scourge of drug abuse and drug trafficking. Thank you very much.

PINELLAS CLASSROOM TEACHERS ASSOCIATION ESTABLISHES CHRISTA McAULIFFE SCHOLARSHIP FUND

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. YOUNG of Florida. Mr. Speaker, the Pinellas County, FL, Classroom Teachers Association has established a scholarship fund in honor of Christa McAuliffe, who tragically died aboard the space shuttle *Challenger*.

This is an ideal way to pay tribute to Christa McAuliffe, whose legacy embodies the quality of our Nation's teachers. She was dedicated to her profession and cherished the opportunity to teach our country's youth. Her enthusiasm for teaching was shared by her students who were just as eager to learn. In time, students and teachers from throughout our Nation came to know Christa McAuliffe and awaited the opportunity to be a part of her lessons from space.

At a time when some are questioning the quality of American education, Christa McAuliffe showed that there are dedicated teachers all across the United States with the desire to encourage our youth, the future leaders of our country. The Pinellas Classroom Teachers Association, like Christa McAuliffe, shares that commitment to providing the best education possible to Pinellas County students.

Through their scholarship fund, which they have started with a $5,000 grant and hope to build upon through contributions from the community, the teachers will be able to help defray the cost of a college education for Pinellas County students wishing to follow the lead of Christa McAuliffe and make teaching their career.

The Pinellas County teachers are to be commended for their efforts to help educate the next generation of America's teachers. Quality education opens the door to America's future, and our Nation's teachers hold the key to unlock that door.

THE PRESIDENT'S VISIT TO GRENADA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. BROOMFIELD. Mr. Speaker, I want to commend our President for paying tribute to the brave American soliders who gave their lives in the struggle for Grenada. As we all know, they made the ultimate sacrifice so that the citizens of Grenada and future generations there would be able to enjoy the fruits of freedom. Their contribution will not be forgotten.

As my colleagues know, President Reagan recently laid a wreath on a plaque at St. George's Medical School bearing the names of the Americans who died. In answering a call for help from the Governor General of Grenada, Paul Scoon, President Reagan committed U.S. forces. Our Government was deeply concerned about the instability on that island after the brutal murder of Prime Minister Maurice Bishop and the growing danger there for the hundreds of American students studying at the medical school. The island was rapidly being transformed into another Cuba with hundreds of Cubans, Soviets, and others from countries in the Eastern bloc.

The citizens of Grenada turned out en masse to thank President Reagan for taking a difficult, but necessary, decision regarding the freedom of a nearby island nation which had fallen into the grasp of Cuba and other "internationalist" nations who are dedicated to exporting their failed revolutions to nearby states by force. They want to establish sad and dismal police states in this hemisphere with failed economies and little to offer to the common man other than empty promises. There is a democratic tradition in this hemisphere which is at this very moment being reinvigorated. More and more countries are turning to democracy and freedom.

With these thoughts in mind, I commend the following Washington Times article concerning the President's visit to Grenada to my colleagues in the Congress.

[From the Washington Times]

25,000 CHEERING GRENADIANS THANK THEIR "UNCLE REAGAN"

(By Jeremiah O'Leary)

ST. GEORGE'S, Grenada.—President Reagan yesterday told a crowd of about 25,000 cheering Grenadians that he would not be satisfied "until all the people of the Americas have joined us in the warm sunshine of liberty and justice."

Speaking in Queen's Park, which was a U.S. military command post during the Oct. 25, 1983, invasion, President Reagan said that in Nicaragua today "we see a chain of events similar to what happened here. We hear the same excuses made for the communists, while the people of Nicaragua see their freedom slowly but surely eaten away."

The president, who is called "Uncle Reagan" by many of Grenada's 90,000 residents, explained his policy in terms of Edmund Burke's maxim: "When bad men combine, the good must associate; else they will fall one by one. . . ."

"That is why we came to your aid," President Reagan declared. "That is why the United States must help those struggling for freedom in Nicaragua. In the cause of liberty, all free people are part of the same family. We should stand together as brothers and sisters.

"If we do, the Nicaraguan people will be able to free themselves from communist tyranny and win liberty as you now enjoy in Grenada."

Nineteen American servicemen were killed and 116 were wounded in the battle for the island with a mixed force of Cubans and Grenadian Marxist soldiers. Mr. Reagan laid a wreath on a plaque at St. George's University Medical School bearing the names of the 19 Americans who died.

He also conferred with the leaders of nine of the English-speaking Caribbean democracies, including Governor General Paul Scoon and Prime Minister Herbert Blaize of Grenada. A senior administration official said the session was dominated by discussion of trade issues.

Mr. Reagan received a tumultuous welcome from thousands of Grenadians during his visit to the picturesque island which features a nutmeg—the island's principal resource—on its national flag.

He said Fidel Castro's tyranny "still weighs heavy on the shoulders of his people and threatens the peace and freedom of the hemisphere."

"Doing the bidding of his faraway masters," Mr. Reagan said, "he has shipped Cuba's young men by the thousands to fight and die in faraway lands. When one recalls the tons of military equipment captured here, we can thank God things were changed before young Grenadians, too, were sent off to fight and die for an alien ideology.

"I will never be sorry I made the decision to help you," the president said.

Mr. Reagan announced a series of actions to help Grenada, including a tripling of the approximately 500 U.S. scholarships and training grants now available to Grenadian students. He also announced a special program to guarantee access to American markets of Caribbean-produced clothing made from cloth produced in the United States.

President Reagan also said Congress is considering a change in the tax code to permit funds in Puerto Rico's Development Bank to be used for investment loans elsewhere in the Caribbean.

He also announced that the United States will launch a five-year, $5.5 million program to help modernize legal systems in English-speaking Caribbean countries.

Grenadians by the thousands waved American flags and umbrellas as President Reagan motored to St. George's University Medical School, where U.S. troops had rescued American students in the invasion.

Islanders carried signs reading, "Thanks to a Great Hero," and "Citizens of Grenada Thank President Reagan." One of the medical students raised a sign reading, "There's No Place Like Home. USA."

People on yachts waved at the president as his motorcade passed the harbor en route to the governor general's residence. A Grenadian housewife was spotted dancing on her porch with a picture of President Reagan in one hand and a U.S. flag in the other.

COBB COUNTY AFTER SCHOOL PROGRAM

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. DARDEN. Mr. Speaker, on Thursday, February 6, 1986, I had the pleasure of hosting a group of educators, school board members and civic leaders from Cobb County, in the Seventh District of Georgia. They came to Washington to meet with Secretary of Education William Bennett and discuss Cobb County's outstanding After School Program

The 14-year-old Cobb County program receives no Federal dollars and is totally self-supporting. Student tuition pays salaries of the 250 part-time employees, most of whom are teachers. There are approximately 3,000 kindergarten through fifth-year students served in the 20 After School Programs, representing 12 percent of the 25,000 elementary school students.

The Cobb County After School Program began in 1972 under the leadership of Graham Green who was then principal of Brumby Elementary School. One of the main reasons for the program's beginning at

Brumby and its constant growth throughout the county is the enormous increase in "latchkey" children who otherwise would be without supervision from the time school regularly closes until their parents come home from work.

I am extremely proud of the Cobb County After School Program and want to commend those involved in it for their efforts. I am also pleased that this group, consisting of Mr. Murray Barber, Ms. Bonnie Bell, Mr. Rob Bright, Dr. Robert Burke, Mr. John Davidson, Mr. Graham Green, Mr. Kenneth Moore, Ms. Beverly Murray, Mr. Nick Pedro, Mr. Don Porch, Mr. Bill Raybon, Mr. Pete Robertson, Mr. Bob Shaw and Dr. Thomas Tocco, was able to come to Washington for this event.

FILM INDUSTRY VICTIMIZED BY TRADE BARRIERS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. FLORIO. Mr. Speaker, our Nation's spiraling trade deficit has had an adverse impact on a large number of our domestic industries. One of the primary roots of this disconcerting situation is the large number of trade barriers faced by our industries when they attempt to export their products to our trading partners. While nearly every U.S. industry has been affected in some way by the trade deficit, the U.S. film industry has experienced many difficulties in exporting their products overseas. Recently, an insightful op-ed written by Jack Valenti, the president of the Motion Picture Association of America [MPAA], appeared in the Los Angeles Times. I wanted to share Mr. Valenti's thoughts on this important issue with my colleagues.

This past August, I visited MCA/Universal in California and was able to gain an understanding of the problems the film industry faces. Our Nation's film industry contributes more than $1 billion in surplus balance of trade annually. It is thus an industry which is not only economically viable but also one which affords our Nation the opportunity to allow other nations to experience American art and culture. However, the lack of effective protection for this industry and the large number of trade barriers have adversely impacted the industry.

The key complaints of the industry center around South Korea, Taiwan, and Panama. South Korea is a major market for the film industry with 41.4 million Koreans owning 553,000 VCR's and 6.9 million televisions. Despite this, trade barriers have made it impossible for our industry to compete. Korea has not only placed a ceiling on the amount of royalties that can be earned but there is also a limit on the number of pictures that can be imported into Korea. High registration fees, payments for every title that is imported, screen quotas limiting the number of days a movie can play in a theater, and rampant piracy of films have impeded free trade with Korea and have contributed to our Nation's inability to find a balance of trade between the United States and Korea.

In Taiwan, the lack of effective copyright laws give film piracy free rein. Import quotas, discriminatory entrance fees, a box-office tax on foreign films, and restrictions on U.S. distribution offices are some of the many complaints. A movie-goer in Taiwan would be taxed 35 percent of the price of the ticket to see an American film while paying a 6-percent tax to see a Chinese film. In Panama, film piracy has caused all but two of the eight MPAA members that dealt with Panama to pull out their operations.

The general frustration of the film industry is understandable. As chairman of the House Subcommittee on Commerce, Transportation and Tourism, I have held a number of hearings exploring unfair trade practices on the part of our trading partners. It is an area that calls for strong and decisive action.

Mr. Valenti's op-ed follows:

[From the Los Angeles Times, Jan. 19, 1986]

FAIR TRADE FOR THE FILM TRADE

(By Jack Valenti)

Congressional issues blow in and out of the capital, and few of them leave an impression on the life of the nation more durable than the tracings of dry leaves in the wind. But there is one issue that has a legitimate claim to both longevity and urgency: "fair trade"—or, rather, the lack of it.

During the last session of Congress, there were more than 300 trade bills pending. Many of them were wrapped in generalities, and many of them will likely re-emerge next session to ricochet noisily in the congressional corridors. But some go to the anxious heart of the problem, which is the maintenance of a fair trading level for those American products that want to compete in the world market but are faced with unscalable walls of non-tariff trade barriers.

One need not go into the details of the bleak state of our trading position, which can best be described as miserable. Our trade deficit is like a rampant tumor that may be incurable unless we tend to first priorities: shrinking the value of the dollar, increasing American productivity and demolishing trade barriers in other lands.

The first two of the priorities are difficult and long-term goals. The third is attainable now. This means throwing down a spiked gauntlet to all nations that roam our marketplace with freedom and profit but construct the most ingenious hedgerows barring their marketplace to Americans who want to trade there. Unless these obstacles are dismantled, Americans will be feebly and imperfectly represented in foreign markets, no matter how emaciated the dollar becomes.

By no means does this define "protectionism." Protectionism throws up sandbags of tariffs and quotas to protect native industries.

"Fair trade" is different. Fair trade affirms that the hospitality and lack of restrictions that foreign business interests find so seductive in our country should be visible and active in theirs.

The American film and television industry is a prime example of a home-grown enterprise that asks for no special privileges—no tariffs, no quotas, no barriers in this country—and wants no more than the right to compete fairly and energetically in those countries that are afforded a notably attractive welcome here.

The American film and television industry has a global reach. We return to this country more than $1 billion in surplus balance of trade each year. By whatever gauge you use, this is an asset of considerable worth. It ought to be preserved. That is, it ought not to be barred or constricted or diminished in foreign countries for reasons other than lack of customers.

If movies and television programs are the U.S.A.'s most-wanted exports, it is not because of government subsidy, or because we have a secret that we yearn to shield, or because our product is cheaper to make (in fact, our movie and television production costs are the highest in the world). We have succeeded because we create a special magic that citizens in other lands find bewitching. The stories that we tell on film or tape are sought-after because we tell stories better than most.

Because of our success, a number of friendly nations are affronted. They believe that if they can restrict American films, their film industries will spring up full-blown, flourish and spread. That the theory is spurious makes it no less alluring to government officials.

In Taiwan, for instance, there are no effective copyright laws. Pirates who steal our creative material have full and free rein. Bulky restrictions are inflicted on our films in the form of import quotas, stern limits on the number of films that we can re-release in the country, a large and discriminatory fee imposed on each film, a squeeze on our distribution offices to force us to move our films through Taiwanese distributors, and a hefty box-office tax that is levied only on foreign films. All this from a country with an anticipated trade surplus in 1985 of $13 billion.

In Colombia, we are saddled with onerous taxes and burdened with quotas of all kinds. In Canada, U.S. television programs are snatched from the air by Canadian cable systems with zero payment to those who own the programs. In Quebec, regulations are pending that would effectively seal off the theatrical marketplace to U.S. film distributors in that province. In Spain, in Inodonesia, in India, barriers stand guard against us. And the list goes on and on.

In short, one of America's most precious trade assets is endangered. However, if we demonstrate, without hesitation, that our country will insist on fair trading principles, "competitive marketplace" will become more than a phrase; it will be reality.

A HERO NAMED SHCHARANSKY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. COURTER. Mr. Speaker, the Soviet prisons have broken many human beings. Some do not resist, and are released. Some become famous for their resistance but die in prison or labor camp. Others die unknown. But some survive, and Anatoly Shcharansky has not only survived, he has emerged after 8 years of imprisonment with his head unbowed.

On October 1 of last year I had entered into the CONGRESSIONAL RECORD the words of Avital Shcharansky from the fine essay she published in the New York Times about the plight of her husband. Today her efforts have been rewarded, her hopes realized, her husband freed. I would like to take this opportunity to add two brief afterwords to the episode.

The one is an excerpt from notes Shcharansky's brother took at his trial in Moscow, and records the defendant's closing words to the court following his "trial." The passage, and especially its conclusion, rings with a courage few human beings could muster on the eve of long and perhaps unending confinement within the jails of the Soviet Union.

The other item I wish to place before my colleagues is a word of caution by the New York Post: Our joy at Shcharansky's freedom must be tempered by the knowledge of how many others have applied to exercise the same right only to be flatly turned down, or left waiting for years.

The two articles follow:

[From the New York Times, Feb. 12, 1986]

CLOSING WORDS AT 1978 TRIAL

On July 14, 1978, Anatoly B. Shcharansky was sentenced by a Moscow court to 13 years in prison and labor camp for treason, espionage and anti-Soviet agitation. Here are his closing words to the court before sentencing, as drawn from notes taken by his brother, Leonid.

In March and April, during interrogation, the chief investigators warned me that in the position I have taken during investigation, and held to here in court, I would be threatened with execution by a firing squad, or at least with 15 years. If I agreed to cooperate with the investigation for the purpose of destroying the Jewish emigration movement, they promised me freedom and a quick reunion with my wife.

Five years ago, I submitted my application for exit to Israel. Now I am further than ever from my dream. It would seem to be cause for regret. But it is the absolutely the other way around. I am happy. I am happy that I lived honorably, at peace with my conscience. I never compromised my soul, even under the threat of death.

I am happy that I helped people. I am proud that I knew and worked with such honorable, brave and courageous people as Sakharov, Orlov, Ginzburg, who are carrying on the traditions of the Russian intelligentsia. I am fortunate to have been witness to the process of the liberation of Jews of the U.S.S.R.

I hope that the absurd accusation against me and the entire Jewish emigration movement will not hinder the liberation of my people. My dear ones and friends know how I wanted to exchange activity in the emigration movement for a life with my wife, Avital, in Israel.

For more than 2,000 years the Jewish people, my people, have been dispersed. But wherever they are, wherever Jews are found, every year they have repeated, "Next year in Jerusalem." Now, when I am further than ever from my people, from Avital, facing many arduous years of imprisonment, I say, turning to my people, my Avital: "Next year in Jerusalem."

Now I turn to you, the court, who were required to confirm a predetermined sentence: To you I have nothing to say.

[From the New York Post, Feb. 11, 1986]

FREEDOM FOR SHCHARANSKY ONLY ANOTHER TEASPOON OF MERCY

Soviet dissident Anatoly Shcharansky has waited a long time to walk across the Glienicke bridge from East Berlin to freedom.

He refused an earlier Soviet offer to free him in return for his admission that he was a Western spy.

So, his release in exchange for three Soviet spies is a transparent Soviet ploy to persuade the world that he was a spy nonetheless.

He was, of course, nothing of the sort. He sat inside a Soviet cell for 11 years, accused of espionage but guilty only of seeking to live in Israel.

Shcharansky will soon realize his dream—the beneficiary of Moscow's latest effort to convince the West it cares about human rights.

Such gestures are welcome as far as they go. But they don't go very far.

There are many thousands of anonymous Soviet Jews who suffer discrimination because they have applied to leave for Israel. Countless Russian Christians endure oppression.

Soviet political dissidents, in groups like Helsinki Watch, are imprisoned and tortured simply for asking their government to live up to its promises.

The most distinguished dissident of all, Andrei Sakharov, still languishes in Gorky, tormented by the KGB when it pleases. The Soviets excuse their refusal to release him on the grounds that he possesses knowledge of their nuclear physics research.

But Sakharov has been out of favor since the late 1960s. His knowledge is now 20 years old. If it constitutes a real threat to the Soviet nuclear program, scientific progress there must be even slower than anyone had ever realized.

While Sakharov and the other dissidents remain behind bars, to release Shcharansky alone is measuring out mercy in teaspoons.

HONEYWELL OF PINELLAS COUNTY RECOGNIZED FOR EXCELLENCE IN DEFENSE INDUSTRIAL SECURITY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. YOUNG of Florida. Mr. Speaker, as a member of the House Appropriations Subcommittee on Defense who is involved with decisions relating to the expenditure of hundreds of billions of dollars for our national defense, I am tired of seeing the usefulness and value of many programs compromised when the Soviets acquire our military secrets through espionage or technology transfer.

Honeywell's Space and Strategic Avionics Division of Pinellas County, FL, which is involved in the engineering and production of some of our Nation's most advanced and sensitive defense programs, has made a strong commitment to prevent the loss of U.S. technology to our adversaries, such as the Soviet Union. Honeywell's efforts have been recognized by the Department of Defense which recently awarded the firm's management and employees the prestigious James S. Cogswell Industrial Security Award. More than 14,500 industrial security departments competed for this award, named after the first Chief of the Office of Industrial Security.

The award is presented in recognition of excellence in industrial security, "thereby contributing significantly to the security interests of our Nation." The program requires "superior performance in carrying out security obligations on classified defense contracts" through enhanced security consciousness, effective employee security education, motivation programs, proven security practices and procedures, and the ability to sustain progressive security systems.

Helen Bateman, manager of Honeywell's security program, her department, and all 4,500 of Honeywell's employees can be proud of this achievement. As Pinellas County's largest private employer, Honeywell contributes greatly to our local economy. Honeywell also plays a major role in our national security efforts, and is to be applauded for this latest recognition. The determination by these employees to protect our Nation's most sensitive secrets should be a model for our country's entire defense industrial effort.

VETERANS' ADMINISTRATION EMPLOYEES HONORED FOR OUTSTANDING WORK

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. MONTGOMERY. Mr. Speaker, once again it is my privilege to bring to the attention of my colleagues the efforts of certain Veterans' Administration employees who are providing exemplary assistance to veterans.

John J. Schimpf, a service officer with the VA Regional Office and Insurance Center in Philadelphia, and Edward J. Chatlos, a vocational rehabilitation specialist with the Cleveland Regional Office, have been honored by the VA as the most recent recipients of the Sam Rose Awards. They were chosen from nominations submitted by the VA's 58 regional offices located throughout the United States and in Puerto Rico and the Philippines.

The awards are presented annually to VA employees who have distinguished themselves by going the extra mile, by giving that extra effort to help veterans and their families.

John Schimpf, who was selected in the general accomplishment category, was cited for his outstanding supervision of the Veterans' Service Division, which serves 40 eastern Pennsylvania counties. He has also been particularly successful in implementing the Emergency Veterans Job Training Act of 1983 which, you may remember, was developed to address the chronic unemployment problem among Vietnam-era and Korean conflict veterans.

Edward Chatlos was honored for his special efforts over the last few years in helping two disabled veterans overcome severe handicaps. As a result of Mr. Chatlos' concern and through his application of vocational training and use of specially-adapted equipment, these house-bound veterans now have greater prospects for employment.

The Sam Rose Awards, established in 1974, bear the name of a man who was widely recognized for his own exemplary service, carried out with compassion and concern.

The late Sam Rose served as the chief of the VA's Department of Veterans' Benefits Contact Division for 27 years. The office today is known as the Veterans' Assistance Service and has responsibility for the hundreds of vet-

erans' benefits counselors across the country. These counselors conduct personal interviews with veterans and their beneficiaries to assist them in obtaining veterans' benefits.

Mr. Speaker, the work of these two gentlemen is more than just noteworthy. It has done more than help veterans. It has earned a place among the high quality standards by which we should measure the work of all who administer and provide services to our veterans.

John Schimpf and Edward Chatlos have earned our respect and our admiration. I know my colleagues will want to join me in offering our deep appreciation for the manner in which they are serving veterans, the VA, the Nation, and mankind.

MAGGIE WILLIS TO RETIRE FROM MARIETTA, GA, DAILY JOURNAL

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. DARDEN. Mr. Speaker, Maggie Willis has been a fixture among the news media in my hometown of Marietta, GA, for more than 15 years. She is a good friend to her journalist colleagues there, and is respected by political and civic leaders throughout the State of Georgia.

Maggie Willis will retire from the Marietta Daily Journal on March 5. I will miss her regular advice and criticism, and I am sure others in public life in Cobb County, GA, will join me in wishing her well.

Over the past decade and a half, Maggie has covered politics and government at the city, county, and State levels—and made it sound interesting.

She has sat patiently through seemingly interminable zoning board sessions and county commission meetings. She has endured the verbal excesses of forgettable politicians on countless campaign trails. She has survived numerous legislators, commissioners, Congressmen, and Senators—as well as several editors.

That is not to say that Maggie simply sits and watches the political world go by. When the speechmaker asks, "How did I do?" or the elected official wonders aloud, "What should we do?", she always has an opinion. Sometimes, they do not even have to ask. Often, they wish they had not.

Her opinions are valued. Maggie Willis knows Cobb County—from Austell to Acworth, from Kennesaw Mountain to the Chattahoochee River. She knows the history, the places, and the people. When Maggie suggests a course of action, the listener ignores her at his own peril.

At the Marietta Daily Journal, Maggie is ready with open arms and a warm smile for anyone new to the staff. She is the dependable resource for reporters seeking background information on any story. And, on a reporter's final day with the paper, she traditionally buys the drinks for the farewell toast.

On March 5, I am sure there will be a long line of her friends ready to propose that farewell toast for Maggie Willis.

DR. FLEMING BARBOUR OF MICHIGAN IS HONORED AS HEALTH ADVOCATE OF THE YEAR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. KILDEE. Mr. Speaker, it is my great pleasure to call to the attention of my distinguished colleagues the outstanding contributions Dr. Fleming Barbour has made to health care services in Genesee County, MI. On March 1, 1986, Dr. Barbour will be awarded the Health Advocate of the Year Award by the American Lung Association of Genesee County.

Dr. Barbour, who received his medical degree from the University of Michigan Medical School, has had a distinguished career that has earned him the gratitude and esteem of the people of Genesee County. Since he began his medical practice in 1940, he has been recognized many times for his selfless and devoted service in bringing about a better way of life for his community.

He is currently the chairman of the board of the Mott Children's Health Center, where he formerly served as the ophthalmologist for underprivileged children. Dr. Barbour is also the past president of the Genesee County Medical Society and cochairman of the fund raising campaign for the new University Hospital in Ann Arbor.

Outside of his local community, Dr. Barbour's service is just as impressive. He and his lovely wife, Marion, have traveled to the Dominican Republic, India, Liberia, and Taiwan to provide medical care for those in need. For the past 10 years, the Barbours have also organized and implemented annual trips to Honduras in which they tirelessly worked to provide eye care for the people of that nation.

Dr. Barbour's talent and energy are not confined to the area of health care. He has long been a strong supporter of many fine organizations that serve Flint area residents. He has served as president of both the Flint Institute of Music and the Genesee Council of Churches, and as chairman of the board of the Flint YMCA.

Dr. Fleming Barbour is an extremely deserving recipient of this special award. He is truly one of Genesee County's most valuable assets.

GENOCIDE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. COURTER. Mr. Speaker, I would like to direct the attention of my colleagues to a very challenging editorial by the Wall Street Journal. It concerns the reluctance of State Department officials to carry through with plans to call for United Nations actions in response to the near-murderous resettlement program that the Ethiopian Government is now conducting.

For some time it has been well known that the Government of Ethiopia, the Marxist-Leninist Dergue, accepts immense amounts of food aid from non-Marxist countries around the world but does not necessarily use it to feed the millions of Ethiopian hungry, as we might expect. Instead the food is being used as a political weapon and as bait for government resettlement campaigns, the same sort of resettlement campaigns which have characterized the worst of the Marxist-Leninist governments, including Stalinist Russia, Maoist China and Pol Pot's Cambodia.

What has become clear is that Government of Ethiopia is interested in feeding its hungry only secondarily; its more immediate attention is the desire to consolidate its 11-year rule. As forcible collectivization of agriculture proceeds, so too do systematic violations of property and political rights.

The West has tried to feed the Ethiopians. Their government resists our best efforts. It is long past time for our State Department to make the United Nations confront that ugly fact, and issue a U.N. declaration condemning the governmental policies that are costing Ethiopia a far higher price than is the drought.

[From the Wall Street Journal, Feb. 13, 1986]

SILENCE ON ETHIOPIA?

The United Nations Human Rights Commission is holding its annual meeting in Geneva. The U.S. delegation arrived at the session with plans to introduce a resolution calling for U.N. action on the murderous resettlement program that the Ethiopian government is now conducting. But some U.S. diplomats fear that pushing the measure might not be worth the opposition it would provoke. Forgive us for thinking that we have heard this reasoning a couple of times before.

Since the fall of 1984, the U.S. and other Western countries have been making big efforts to stem hunger in Ethiopia. Last year, some of the relief workers there began to discover a horrifying fact: The Ethiopian government that was accepting this massive food aid was also herding many of its people from their homes in the north of the country to relocation camps in the south.

This was not voluntary resettlement, but kidnapping. The government was forcing people south without providing food, shelter or rest on the way, and many were dying. Sometimes people were transported under conditions so crowded as to be literally killing. In the relocation camps came starvation, disease and slave labor.

Worse, the government used Western food as bait to lure hungry people to feeding sites from which they could be captured and deported.

American officials have spoken out on the issue to the U.N., allies and the public. They have tried to make sure that food aid does not become cheese for the Ethiopian government's trap but have not always succeeded.

The U.S. government also drew up a resolution for the Human Rights Commission calling attention to the disturbing reports about the resettlement program and asking for a special rapporteur to investigate. Such a report is a prelude to action by the U.N. General Assembly. In recent years this process has become more than a charade, as

shown by the U.N.'s good report on human-rights abuses in Afghanistan.

But some State Department decision makers do not want to go ahead with a resolution. They have met opposition. They think it might alienate the Europeans. They fear the Africans would bristle and refuse to cooperate with the U.S. on projects it favors, such as getting the present rapporteur removed from El Salvador. They say that to get what they want on El Salvador they should be prepared to use Ethiopia as a bargaining chip.

This is an old, old argument. The U.S. raises an issue that much of the world does not want raised. It meets opposition. In reaction, State's best and brightest invent a million reasons why the prudent thing to do—indeed, ultimately the most human thing to do—is to beat a clever retreat.

As you listen to the pros and cons of each issue, you can never know how each proposed course of action will look in retrospect. But it is clear that the U.S. does not advance its ideas in international circles by obfuscating quiet. And when U.S. ideas do not advance, the nation's ability to get what it wants in areas from high politics to fishing rights declines surely and steadily.

The department must decide in the next few days whether to go ahead with some version of the resolution. In the week when Anatoly Shcharansky walked over the Glienicke Bridge, the people charged with making that decision should be embarrassed to even hesitate.

ESTONIAN INDEPENDENCE DAY

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. HUGHES. Mr. Speaker, February 24, 1986 was the 68th anniversary of Estonia's Declaration of Independence. While we and all people throughout the free world commemorate this day, the people of Estonia cannot.

Estonia, a Baltic country like Lithuania and Latvia, does not enjoy the independence it once declared long ago. Beginning in 1940, and during World War II, the Russians occupied these countries, and since then have never left. Estonia was empiricly annexed by the Soviet Union and declared by force a Soviet Republic. However, Estonians do not recognize themselves freely as a Soviet Republic but, rather as an independent nation being oppressed.

Prior to being annexed, Estonia was noted as a land of freedom, justice, and prosperity. While Soviet domination has been present, Estonia has suffered great costs—politically, culturally, and socially. The country is controlled and run by Russians with Communist party goals and ideas. Estonians have now become a minority in their own land which makes the preservation of their cultural identity terribly difficult. Furthermore, they have lost their personal freedoms to a regime that does not advocate the rights of individuals.

All these restraints created by Soviet encroachment have sharply separated Estonia from the freedoms we enjoy in the Free world. Still, their hopes are not diminished or lost in despair to their oppressors. It is for this reason that we proudly honor Estonia and the other Baltic countries.

WE CAN'T BUY PEACE FOR NICARAGUA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. LEVINE of California. Mr. Speaker, I want to call to the attention of my colleagues a concise and timely article by Peter Bell, explaining the fallacy of the administration's proposal to provide military assistance to the Contras.

Peter Bell is uniquely equipped to provide insight on the subject. He is steeped in Latin American knowledge and was the extraordinarily effective president of the Inter-American Foundation before becoming a senior associate of the Carnegie Endowment for International Peace.

His arguments definitely merit careful consideration by all of us:

WE CAN'T BUY PEACE FOR NICARAGUA

NO ARGUMENT FOR GIVING CONTRAS $100 MILLION IS SUPPORTABLE

Ineluctably, and tragically, the Reagan Administration is pushing Congress down the slippery slope leading to more direct U.S. military intervention in Nicaragua. Only a year ago, Congress was reluctant to lift its ban on financial support for the anti-Sandinista rebels. Eventually, it approved $27 million in "humanitarian" aid, which the Reagan Administration broadened to include any "nonlethal" aid. Now, the Administration is brazenly seeking $100 million, including outright military aid, for the contras.

The Administration has four arguments on behalf of additional aid, none of which really makes the case:

"By keeping the Sandinistas occupied, the contras help to distract them from adventurism in El Salvador." President Jose Napoleon Duarte of El Salvador made this point when I met with him on a recent trip to Central America but he did so without much conviction. When I pressed Duarte as to whether he favored U.S. support for the contras, he demurred, saying that this was an issue between the United States and Nicaragua. The argument today that the contras keep the Sandinistas from mischief-making in neighboring countries carries no more weight than the old argument that the contras interdicted Sandinista arms destined for the Salvadoran rebels. Everyone knows that the contras have other reasons for being.

The contras keep pressure on the Sandinistas for internal political changes. This argument presumes that the Reagan Administration would be satisfied with something less than the Sandinistas' ouster. As long as the Sandinistas believe otherwise—and the Administration keeps giving them every reason to do so—they have no incentive to consider internal political accommodations. In fact, the contras' association with the Somocista National Guard and U.S. interventionism has helped to consolidate and stiffen the Sandinista regime.

The contras will overthrow the Sandinistas. Outside of Washington, hardly anyone believes that the contras, as currently constituted, can win. The Sandinistas have used the contra threat to justify both the massive build-up of their armed forces and the resumption of emergency powers. Despite unhappiness with the way the revolution has gone, most Nicaraguans have closed ranks against outside intervention. If most of the contras had not repaired to Honduran sanctuary, they would have been defeated by now.

The Reagan Administration apparently believes that the contras' credibility as a fighting force depends not only on additional U.S. financial and material aid, but also on U.S. involvement in training the insurgents and in planning and directing the war. What the Administration will not say is how much U.S. involvement would be enough, or what the United States would do if the contras still were unable to do the job.

Support for the contras signifies U.S. resolve to stop Soviet expansionism in Central America. Much of Central America is embittered at the Leninist turn of the Nicaraguan revolution, anxious about Sandinista ties to the Soviet Union and Cuba, and concerned over alleged Sandinista support for other revolutionary movements. Yet even the most virulent opponents of the Sandinistas are not much impressed by U.S. support for the contras as such. Still, it does nurture their belief that the United States is so determined to rout the Marxist that it ultimately will move directly against Nicaragua. This belief and pledges of more aid to the contras have reinforced passivity within the internal Nicaraguan opposition, who are content to wait for "Uncle Sam."

Sustaining the contras is widely viewed in Central America as a no-win proposition for the region. It only prolongs a low-intensity war, contributes to a regional arms race, draws Central America deeper into the East-West struggle, and hampers regional trade, private investment and tourism. Such a war could always flare into a regional conflagration, with deepening superpower involvement.

Upon starting his new job as national security adviser, Adm. John M. Poindexter traveled to Central America to assure the region that President Reagan will fight for more assistance to the contras. The countries of the region, and of Latin America in general, hardly seek such assurance. Overwhelmingly, what would reassure them is evidence of progress toward a regional peace, starting with cessation of aid to the contras—if such a move were part of a larger set of accommodations on security issues between the Reagan Administration and the Sandinistas.

The way might then be cleared for a full-scale, Contadora-sponsored regional settlement, and the United States could concentrate its political energies on more productive tasks, such as economic development and democratization in the countries neighboring Nicaragua. Progress in these areas, not stepped-up involvement with the contras, is the key to an effective policy of containing Soviet ambitions. The success of Costa Rica's recovery and the search for social justice and self-determination in El Salvador, Honduras and Guatemala offer the best hope for keeping the Sandinista revolution within Nicaraguan bounds.

The alternative to support for the contras is not invasion or surrender, but negotiation. The basis for a deal would be U.S. acceptance of the regime in Nicaragua in return for the Sandinistas' satisfying our most immediate security concerns. These include attenuation of their ties to the Soviets and Cubans, renunciation of support for in-

surgencies in neighboring countries, and reduction of the size and sophistication of their army.

Ultimately, our choice is between a will-o'-the-wisp commitment to roll back the Sandinista revolution and a willingness to reach a realistic accommodation with it. "Roll back" may seem resolute and cheap in Washington, but it is viewed as ineffective and costly in Central America.

ACCOUNTANTS NEED RICO RELIEF

HON. FRED J. ECKERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. ECKERT of New York. Mr. Speaker, I have been contacted by a number of accountants in my district about the pressing need to address the abuses and misuses of RICO—the Racketeer Influenced and Corrupt Organizations Act.

After a careful review of the issue I joined as a cosponsor of H.R. 2943, a bill to amend the RICO statute with respect to certain civil remedies for persons injured by racketeering activity. H.R. 2943 will ensure that RICO remains a potent weapon in the fight against organized crime and that it affords those injured by racketeering activity a civil remedy. The bill will also end the growing use of civil RICO as a weapon to harass and threaten legitimate businesses and accountants.

I urge my colleagues to review the attached article from the New Republic which shows how this law has been perverted to harass legitimate businesses and accountants and why we need to make the changes contained in H.R. 2943.

[From the New Republic, Nov. 18, 1985]

THE LATEST LEGAL RACKET FOR LAWYERS—RICO AND THE MAN

(By Jeffrey Toobin)

On October 10, 1985, several hundred lawyers—and not a consigliere among them—gathered in 38 cities and paid $120 apiece for the privilege of participating in a video conference about gangster law. With clients who lean to Burberry rather than cement overcoats, these barristers toil in the legal profession's newest cottage industry—exploiting a loophole in the Racketeer Influenced and Corrupt Organizations Act, RICO for short.

RICO was born in 1970, part of a major congressional initiative against organized crime; some cynics have noted that RICO's authors chose its acronym with care, avoiding a name for the law like, say, MORRIS. Unlike previous laws, RICO allowed prosecutors to convict mobsters simply for running a criminal enterprise, rather than a more specific—and difficult to prove—offense. The law gave prosecutors a valuable new tool to catch criminals who infiltrated and operated legitimate businesses.

Seemingly as an afterthought—or, more likely, with little thought at all—Congress added a provision that allowed private citizens to sue the crooks who had damaged their respectable businesses. The theory was that if, for example, La Cosa Nostra took over the dry cleaning business in Detroit, the victimized shopkeepers could recoup their losses in court. To add to the law's sting, the mobsters would have to pay triple damages and the plaintiff's attorney fees. The private remedies would not only make crooks shoulder the costs of their criminality, but would turn ordinary citizens into "private attorneys general" who would aid in enforcing the law—good causes all.

But Congress goofed. In RICO's first decade few people noticed, but the law contained a provision that had the potential to transform almost all civil litigation. To win a civil suit under RICO, the statute required only that the plaintiff prove that the defendant committed almost any civil fraud—a common accusation previously dealt with only in civil state courts. In other words, merely by charging that someone had committed fraud—a garden variety civil offense—you could go into federal court, call your opponent a racketeer, and open up the possibility of getting triple damages and attorney fees. Oridinary, respectable business people—everyone from American Express to a Meineke Discount Muffler shop in Staten Island—wound up in court defending themselves against the same law used to prosecute the likes of Anthony "Tony Ducks" Corallo.

It was the word "racketeer" that threw civil RICO defendants into a panic. "These ordinary businessmen get called racketeers in court and all they want to do is settle the case," says one RICO practitioner. Indeed, lawyers for plaintiffs shrewdly manipulated the shock value of a RICO claim into enhanced settlement possibilities. They knew that executives would blanch at being called "racketeers"—and tremble at the prospects of the accusation being disclosed (as is often legally required) in the company's annual reports. What's more, most business insurance policies don't cover RICO judgments. "When you look at the facts of cases, RICO was more of a threat in theory than in reality," according to Sol Schreiber, a New York RICO expert. But as long as courts allowed ordinary fraud to be treated as RICO, the threat was real.

Some judges balked at this use of RICO. They attempted all sorts of contorted readings of the statute to limit its scope, but appellate courts kept striking these rulings down. We know it doesn't make much sense, the appellate courts said, and it may not be what Congress *meant*—but it's what Congress *said*. Some lawyers thought the Supreme Court would take it upon itself to stop the civil RICO bandwagon. But in a five-to-four ruling in July, the Court emphatically endorsed a broad conception of civil RICO. Conceding that RICO "is evolving into something quite different from the original conception of its enactors," Justice Byron White nonetheless said it was not the Court's job to rewrite Congress's laws.

So RICO rolls on, with no less than the U.S. Supreme Court sanctioning its broad use. Indeed some lawyers have welcomed RICO's transforming growth. RICO, they say, is a populist statute, dedicated to treating fat cat businessmen the same as anyone else. G. Robert Blakey, the Notre Dame law professor who helped draft the law as a Senate staffer, leads the RICO-as-avenging-angel school. Thundering against those who would apply RICO only "to those whose names end in vowels," Blakey decries the pervasiveness of white-collar crime in the economy. Crime victims, he says, "care little that their life savings are stolen by mobsters wearing black shirts and white ties or by accountants while dressed in Brooks Brothers suits and white collars."

All true—and totally irrelevant. No one disputes that crime victims should be able to use RICO to sue crooks who have exploited them. Of course the banks ripped off by E.F. Hutton and the customers bilked by San Diego's J. David Dominelli should be compensated. But that is not the problem with civil RICO. Plaintiffs may now use RICO in almost any fraud claim, whether the defendant has been criminally convicted or not. According to the Supreme Court, lawyers may now press RICO claims regardless of the defendant's previous behavior—and that doesn't serve the public at all. It merely generates legal fees, subjects legitimate businesses to embarrassment and expense, and clogs the federal courts with trumped-up claims. And it's hard to believe Blakey is doing the public's bidding when his view of the law would surprise the elected representatives who passed it.

Congress itself began to lumber toward a narrowing of civil RICO—either by eliminating civil RICO claims based on fraud or by allowing such suits only when the defendants have been criminally convicted. But such action, if it happens at all, will take months at best. In the meantime, lawyers say RICO filings have soared since the Supreme Court's green light in July. Some lawyers—like the video conferees—obviously think civil RICO will continue to flourish. So does the publisher of the "RICO Law Reporter," a monthly nationwide compilation of all court decisions about RICO; sales of the $725-per-year publication have doubled since the Supreme Court's decision in July. "RICO will mushroom. You're going to see it charged in virtually every commercial fraud case as a general federal treble damage fraud statute," says Arthur F. Mathews, who chaired a Bar Association committee on RICO. "Lawyers are going to have an *obligation* to look at RICO."

RICO practitioners—the RICO bar, as they've become known—deny they've distorted the law, but only read it closely to serve the needs of their clients. And now the Supreme Court agrees. Clearly the original sin belonged to Congress, which gave lawyers the opportunity to lump American Express chairman James "The Card" Robinson with Colombo family chairman Carmine "The Snake" Persico. In its own way, Congress made the lawyers an offer they couldn't refuse.

KILDEE PAYS TRIBUTE TO MR. HOWARD J. AUER

HON. DALE E. KILDEE

OF MICHICAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues and the Nation a memorial ceremony that was held on Sunday, February 16, 1986, in Flint, MI, honoring Mr. Howard J. Auer. Mr. Auer passed away November 12, 1985, and is being honored and remembered for his many great contributions to the community.

Howard Auer excelled at whatever he attempted. Whether it was as a student at the University of Michigan, or as a football player for the Chicago Bears, he always endeavored to do his best. Howard Auer was assistant principal at Flint Central High School while my wife and I taught there. He later was principal of Whittier Junior High School, also in Flint MI. As a teacher, as a coach, and as a friend,

Howard practiced this principle of doing one's best to the utmost. He was deeply honest, disciplined yet sensitive, caring yet insistent, respected yet easy to talk to and always available for advice. More than anything else, Howard was a friend. His kindness to me and my wife will always be remembered. I was a better teacher because of Howard. I am a better Congressman because of him. I shall always be grateful.

Mr. Speaker, I am very honored to have known and worked under the tutelage of this extraordinary man who so greatly influenced the people of his community.

Howard's example in life was simple; try your best at everything you do. His example lives on and the world is a better place as a result.

Thank you, Howard.

THE JEWISH HORIZON HONORS TWO

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. COURTER. Mr. Speaker, a leading central New Jersey publication, the Jewish Horizon, has profiled two women whose courage has left a deep impression on America and the world, Avital Shcharansky and Marilyn Klinghoffer. Today I would like the RECORD to include their stories:

WE HONOR TWO WOMEN OF VALOR

Two courageous Jewish women, each of whom has more than earned the title "woman of valor," were in the news this week. Each had consistently and steadfastly stood by her principles and had repeatedly spoken out. Marilyn Klinghoffer, widow of Leon Klinghoffer who was brutally murdered by the terrorists who hijacked the Achille Lauro cruise ship in October, died on Sunday of cancer. Another brave woman, Avital Shcharansky, who has worked for so many years for the freedom of her husband, Anatoly, celebrated his return after 11 years of separation. In our years as editor, we were privileged to meet each of them.

We covered the funeral of Leon Klinghoffer which was held on October 21 at Beth David Memorial Park Cemetery in Kenilworth. Marilyn Klinghoffer, an exceptionally beautiful woman even more so in grief, flanked by her two daughters Lisa Arbittier and Ilsa, carried herself with a dignity and grace that impressed the world. Though she had gone through a horrendous ordeal during the past week (first being held hostage, then hearing that her partially paralyzed husband had been heartlessly killed and finally learning that his body had been washed ashore in Syria) you would never have known from her regal stature that she had been through such a trial—just as you would never have guessed that she was terminally ill and would be dead barely four months later.

Some inner strength must have carried her through this period. Undaunted and fearless, she had even summoned the courage a few days before to face and identify the terrorists and "I spit in their faces," she told President Reagan.

Marilyn Klinghoffer continued her crusade by establishing the Leon Klinghoffer Foundation to fight against worldwide terrorism. She testified at House Foreign Relations Subcommittee on Oct. 30 and spoke out that what happened on the Achille Lauro "could happen to anyone at any time and at any place. I believe that my husband's death has made a difference in the way that people now perceive their vulnerability," she said and endorsed an international conference on terrorism.

Now she is dead and reunited with her beloved husband of 36 years. Her family can take solace in the fact that Marilyn Klinghoffer lived out her days as a true heroine, a woman of valor.

Avital Shcharansky, whose husband, Anatoly was released on Tuesday after years of suffering and imprisonment at the hands of the Soviet government, is another brave woman who has never been afraid to speak out for what she believes in. We remember interviewing her many years ago at the National Conference for Soviet Jewry in New York City. Avital had just begun what would be a nine year quest for her husband's release. She also summoned the strength from deep inside to almost continuously travel around the world appealing for her husband's freedom. In this pursuit, she met with many of the world's leaders and gave speeches to countless organizations and individuals, quietly appealing for help for her husband. Certainly, her appeals aided in the fight to free Shcharansky.

We rejoice with Avital that her long nightmare and vigil finally are over. She too is a true woman of valor and can take pride that her unswerving support and faith in her husband's cause helped to secure his freedom.

TRIBUTE TO BURGETT H. MOONEY, JR.

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. DARDEN. Mr. Speaker, a distinguished 40-year career in Georgia journalism came to a close earlier this month with the retirement of Burgett H. Mooney, Jr., publisher of the Rome News-Tribune since 1959. But the equally distinguished public service career of the man known affectionately as "Big Burg" will, I hope, continue for many more years.

Mr. Mooney, whose father, B.H. Mooney, Sr., preceded him as publisher and who will be succeeded by his son, B.H. Mooney III, consistently has maintained simple but high standards for the News-Tribune. As Editor John Perry wrote recently, "All he asked was that the newspaper get it right."

B.H. Mooney always has been deeply involved in efforts to improve life for the people of Rome and surrounding Floyd County. At the same time, he has avoided the spotlight personally; he knows the contribution is more important than the contributor.

Some of his lasting tributes are the improvements along the Coosa-Alabama Waterway. As a long-time member and, now, vice-president of the Georgia division of the Coosa-Alabama River Improvement Association, Mr. Mooney has promoted extensive flood-control projects and navigation improvements. Today, he remains committed to his dream of barge traffic someday flowing from Rome to the Gulf of Mexico.

Mr. Speaker, I join the people of Rome, GA, in saluting B.H. Mooney, Jr., an outstanding and respected voice of integrity and constructive change in the Seventh District of Georgia.

PHYLLIS VAN HILL ON AMERICANISM

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. FORD of Michigan. Mr. Speaker, last Friday I had the pleasure of speaking at the 44th annual Americanism Banquet of the 16th District American Legion and Auxiliary in Allen Park, MI. I wanted to share with my colleagues the Americanism speech of Phyllis Van Hill, the State president of the American Legion Auxiliary. Mr. Speaker, her remarks follow:

Are you a gambler? Instinctively your reply will be certainly not, but you are! Each day we gamble with the freedoms of this great country.

When we take the family on a trip or family outing we gamble on the weather being just as nice as it was when we left home; when we try a new recipe we gamble that it will be just as good as that of the experts; when we select our schools for our children we gamble on the best and hope that the teachings will give information on how to enjoy the freedoms of America.

We are the freest people on Earth. We have a great abundance of nature's gifts to man more than any other nation.

Sometime, somehow, someone made possible the freedoms we enjoy. Too few practice everyday living Americanism and too many accept apathetic attitudes. Too much of our heritage is taken for granted and too few of our obligations are met.

Americanism is an individual entity, not the title of a program or the theme of a meeting. It should be practiced daily.

There isn't as much Americanism in the home today as there is alcohol. There aren't many TV shows about our country and its brave Americans, but crime and comedy fill the airwaves.

Sure, we honor the flag at post and auxiliary meetings and conventions but do other organizations to which you belong? Many of our school children do not have flags in the classrooms. The future of America depends upon the character and quality of our youth. It is important and necessary that we take a vital part in youth guidance and foster the teachings of true Americanism.

The history of America is a study of progress for the individual. It was to defend the principle of individual rights that the Pilgrims, the country's first refugees from tyranny, fled to these shores long before we became a nation. It was to defend this principle that the English colonies, a century and half after the Pilgrims landed, waged a war and won it. The principle of individual rights was successfully defended in two world wars, the Korean war and the Vietnam war. Because of this we can proudly say:

"I am an American—a free American—free to worship God in my own way, free to stand for what I think is right, free to oppose what I believe wrong, free to choose those who govern my country, these privi-

leges are mine, they are my precious heritage."

Our obligation as Americans is well expressed in the words of William Tyler Page: "It is my duty to my country to love it: To support its constitution: To obey its laws: To respect its flag, and to defend it against enemies." Thank you.

THE FEDERAL BUDGET DEFICIT, "WHAT WILL IT COST ME?"

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. PORTER. Mr. Speaker, "I'm for that," you responded, when President Reagan proposed combining efforts to fight the growing Federal budget deficit. Well, I'm for that, too. And as we plan our joint strategy to balance the budget, Joe Cappo, of Crane's Chicago Business, has some worthwhile advice. Mr. Cappo suggests breaking down the big dollar deficit figures to per-capita figures. This is a useful exercise in gaining a mental grasp of the inconceivable dollar amounts we, in Congress, grapple with on a daily basis. I submit Mr. Cappo's column to my colleagues as we begin answering the cry from our constituents, ". . . what will it cost me?"

BUT UNCLE SAM, WHAT WILL IT COST ME?

(By Joe Cappo)

There is a big difference between national politicians and people like us who elect them into office. That difference can be reduced to the way we look at money.

Politicians are Big Picture kind of guys. They think and talk in terms of macroeconomics. Trillions of dollars in gross national product. Billions of dollars in trade deficits. Millions of dollars for tiny little programs that fall between the cracks. In their world, there is no denomination smaller than a million dollars.

We are different. We think and talk microeconomics. We talk about $1.30 for a gallon of gasoline. Five dollars to have a suit dry-cleaned. Forty dollars for a business lunch for two.

These are real figures. Few of us can relate to billion-dollar box-car figures. I realized this after reading through a report issued recently by the U.S. Census Bureau. The report was an analysis of government revenues and expenditures in 1983-84.

In that year, our government spent more than $248 billion on national defense and international relations. Is that a lot . . . or a little? Who knows? It certainly would buy a lot of gallons of gasoline, but how many battleships does it represent? How big a container would you need to hold 248 billion one-dollar bills? It would have to be bigger than a breadbox, for sure.

But let's look at this incomprehensible figure in our own terms. Based on the Census Bureau data, it comes out to $1,050 for every man, woman and child in the country.

Now, that is a figure I can relate to. I think all of us can.

As part of this little exercise, let's look at our government finances in per-capita rather than in total-dollar figures.

Based on the 1983-84 year, for example, we paid an average of $3,112 per capita on all federal, state and local taxes. This includes 56% or $1,757, for federal taxes; 27% or $833, for state taxes, and 17% or $523, for local taxes.

You can see right off that the national defense and international relations figure (the bulk of which is defense spending) accounts for more than one-third of the total taxes paid by the average American and 60% of the federal taxes.

The other big bite comes from Social Security, which costs us $904 per person, above and beyond the tax figure. To show you the basic problem in the retirement program's structure, please consider that while the government received $904 in Social Security levies from each of us, it spent an average of $993. (For those of you who can't resist thinking in megabuck terms, that means Social Security spent $21 billion more than it received in that year. Does that make you feel socially secure?)

Maybe what taxpayers should do is evaluate whether these specific services are worth the per-capita cost to us. Is $1,050 per person a fair price to pay for defense? (Please remember that this is up 36% from the $770 per-capita cost in 1980-81).

Here is a selection of some other per-capita costs from 1983-84, and the percentage change in this figure since 1980-81. You decide whether we are getting our money's worth:

	Per capita	Percent
Postal service	$112	+25
Space research and technology	31	+25
Education (largely state and local)	799	+15
Public welfare	374	+14
Hospitals	175	+23
Health	77	+14
Air transportation	28	−9
Water transport and terminals	13	−36
Highways	171	+11
Police protection	90	+22
Correctional system	50	+45
Natural resources	277	+44
Housing and urban renewal	75	+22
Financial administration	60	+25
General control	67	+32
Interest on general debt	584	+35
Unemployment compensation	60	−25

These are most of the major items that are financed by the $3,112 in taxes that each of us paid in 1983-84. There is only one other substantial item, which is listed as "other and unallocable" and comes out to $465 per person. (Once again, for you megathinkers, that works out to $110 billion. That's a considerable "other.")

The interest on general debt was also an eye-opener for me. Especially when I noticed that we spend more on interest payments than we do on public welfare and hospitals combined.

I have a suggestion that might help us in the future We should prohibit congressmen, presidents and all other forms of political life from speaking in Big Dollar terms. Instead, they should be obligated to discuss revenues and expenditures in per capita figures.

Dealing in abstract millions and billions is a lot like gambling with chips in Las Vegas. It all seems unreal, like so much play money.

Maybe the Washington crew should be reminded occasionally that the chips they are playing with are real . . . and they belong to us.

FIRST BROTHER-SISTER COMBINATION TO WIN COVETED SCHOLARSHIP

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. LEVINE of California. Mr. Speaker, the Los Angeles Times recently printed a marvelous story about a highly gifted brother and sister who recently became the first brother/sister combination to be awarded Rhodes scholarships.

Benjamin Sherwood recently joined his older sister, Elizabeth, as a Rhodes Scholar. The Times story provides a glimpse of both the talent and humanity of the Sherwood family, including Elizabeth and Ben and their parents, Richard and Dee, whom I have had the privilege of knowing for many years.

I thought my colleagues would be interested in learning about this remarkable family and I therefore ask unanimous consent to include the Times story about them and their achievements in the RECORD at this point.

[From the Los Angeles Times, Feb. 16, 1986]

FIRST BROTHER-SISTER COMBINATION TO WIN COVETED SCHOLARSHIP

(By Betty Couniberti)

WASHINGTON.—When they were children, Elizabeth Sherwood and her little brother, Ben, were sent to Switzerland in the summers to learn to speak French.

It was not at all a typical upbringing, even for Beverly Hills kids. And the Sherwoods did not turn out to be typical young adults, or even ordinary high achievers. They recently became the first American sister-brother duo to win Rhodes scholarships to Oxford.

Elizabeth, now 26, won her Rhodes scholarship in 1981 after she graduated magna cum laude from Harvard University, and Ben, a 22-year-old Harvard senior, just learned that he won his Rhodes. He will head for Oxford in October.

HIGHEST ACHIEVEMENT

Each year about 1,200 Americans apply for Rhodes scholarships and only 32 receive them. It is widely considered the highest student achievement in the academic world.

The Sherwoods' remarkable story is not one of overcoming adversity—at least not the usual adversity.

Theirs is the story of children of privilege who made the most of their gifts and would like to give something back to a world that has been astonishingly good to them.

It is also the story of being different, and understanding all that that can mean.

"I have my own neuroses. Everybody has them," said Elizabeth, who graduated from Beverly Hills High School a year early, spent a year at the Sorbonne, four years at Harvard, two years at Oxford and is now the top foreign affairs specialist on the staff of Sen. Joseph Biden (D-Del.), a name increasingly mentioned in connection with a presidential candidacy.

Besides her obvious intelligence, Elizabeth is also slim, attractive, blond, fashionable and outgoing. Occasionally she will dash off for a weekend of skiing at the Adirondacks.

"I know that people look at me," Elizabeth continued, "and think that things look awfully good. And I'm conscious of it.

"My life has been blessed and I have not suffered hardship, and I know that. I try very hard to pay attention to and listen to people who may not have been so lucky, to somehow come out of myself and not be somebody who's difficult for them to cope with. I mean, that's hard work. I really don't want to be somebody who puts people off."

IMPORTANT DISCOVERY

Elizabeth's father, Richard E. Sherwood, an attorney with the Los Angeles firm of O'Melveny & Myers, said that when his daughter was 15 she made an important discovery about herself while attending a summer session at a leading New England secondary school, Phillips Academy Andover.

"It was the first place she ever realized it was OK to be a smart girl, that she didn't have to cloak it under all sorts of guises," her father said.

"There is a tension," he continued, "between wanting to be part of the social scene and at the same time having an intellectual capacity that may have been a little bit stronger than some of your peers."

Ben Sherwood also has had to work hard to fit in with others his own age while darting in and out of a more adult world that tended to find his enthusiasm quite charming. Ben has, for his age, a long and unusual list of activities. Besides maintaining an A-minus average at Harvard, he has interned at CBS in New York, at the Los Angeles Times in Washington and Paris, and at the Raleigh, N.C., News and Observer. He has worked for a U.N. border relief agency on the Thailand-Cambodian border, plays chess with a computer, has tried sumo wrestling in Japan, speaks French, Chinese and Russian, won a disco dancing contest with his eccentric grandmother and does mime and magic tricks—he even listed magic as one of his interests on his Rhodes application.

But one of his most outstanding skills is forensics. At Harvard School (a private high school for boys) in North Hollywood, he did not handle his debating success with "appropriate modesty," he said, and, even in college, he did not always turn off his debater persona in social situations.

"I like to think that I'm controversial because I have opinions about things and I care passionately about certain things. And I think that sometimes it is not particularly popular to care passionately about gun control or current events," Ben said.

"I'm not reluctant to make waves when sitting at a dinner table with a group of classmates when one person says something I disagree with. And Machiavelli, who is widely misunderstood, said that in the long run it's not that important to be popular because popularity is fleeting but respect is permanent."

So, does he feel he was more respected than popular at Harvard?

"I don't know whether I was respected," he said, laughing.

"I'm uncomfortable suppressing my feelings."

Getting along better with his own age group is something he's "been working on the last few years," and things have improved, he said.

A GREAT YEAR

"My first year (at Harvard) I had a great year personally. I did better than I expected in my classes, got on the Crimson (newspaper) and played rugby. I think I was a little full of myself," said Ben, who was in Washington working on his thesis on racism and the 1984 North Carolina Senate race. "If I made mistakes early on," he said, "I think they were erased."

Three months spent on the Cambodia-Thailand border working with refugees provided a stark contrast to the life he had known growing up in Beverly Hills, attending the best private schools, belonging to a country club and traveling around the world.

"When you go to a refugee camp it's very difficult to figure out why I happen to have been born on Elm Drive and they were born at Site 7 Evacuation Camp in Thailand," Ben said.

"When I came back a lot of my friends looked at me and they said, 'Ben, what was it like being in Beverly Hills after having lived at Site 7 for the better part of three months?'—this sprawling, steaming camp with 55,000 people in it who have nothing, just huts and people.

"I had the distinct impression they expected me to come back from this experience and reject the country club and the house and the family and the servants and the Hollywood Bowl.

"I would have done that. And it would have been outrageous and it would not have accomplished very much. You don't have to reject Beverly Hills and Hillcrest Country Club to want to care about people elsewhere.

"I am very aware of how privileged I am and how lucky I am and when I look at poor people, I don't feel guilty that I have what I have. Nor does any sense of guilt necessarily motivate me to give immunizations to Khmer Rouge babies on the border in Thailand. What does motivate me to do things is a sense of duty. With privilege there are certain responsibilities and duties."

How does it happen that one family produces two Rhodes scholars—in two opportunities?

Many families have as much or more money and opportunity yet still find themselves struggling with the same problems so many other American parents face: drug abuse, laziness, rebellion, or just the ordinary failure to make the most of one's ability.

What did the Sherwoods do differently?

"We really don't have a recipe," said Dee Sherwood, an energetic, non-working mother who made the children and community activities the center of an active life.

"We've just been very lucky," she said.

But there was more than luck.

Both Elizabeth and Ben are known as extremely hard workers. And while they had much to work with, their accomplishments have not come easily.

Asked what the hard parts of her life had been, Elizabeth replied, "a lot of hard work. Writing a doctoral dissertation, for example, is extremely painful.

"And some of the hard parts come in needing to listen to your insides and knowing that you're doing what you're doing because it means something to you and not because other people have expectations of you."

Ben was—and still is—legendary in the Times Washington Bureau for working long hours with boundless enthusiasm and bold, slightly off-the-wall ideas during his internship in the summer of 1982.

"I found Washington such an exhilarating place," he said, "and since I was only going to be here three months I couldn't justify not working seven days a week."

Ben's most remembered Washington story may have been one he submitted against the editors' wishes, chronicling the continuing saga of the National Zoo pandas' failed efforts to produce offspring. After reading the story, the editors changed their minds and ran it.

The panda story was perhaps surpassed only by his story from the Paris bureau three years later on dogs who dine in French restaurants, leaving behind something less desirable than a tip.

Hard work is something that has been second nature to Elizabeth and Ben, ever since they were children. Summers, for instance, were always filled with learning projects, beginning with several trips to a farm in Switzerland to learn French—a move which, they like to point out, was no more expensive than an American summer camp.

CLOSENESS LIMITED COMPETITION

It was those summers, Elizabeth said, that drew her and Ben much closer than a sister and brother might otherwise be, "because we were the only ones who spoke English." Their closeness limited competition and arguments between them.

If the family took a trip to India or Japan or the Soviet Union, that, too, would take place within an educational framework.

"My role," Dee said, "was involved with our total passion about doing things with the children. That was really the point of our travel.

"When we traveled, the children were responsible for understanding the political structure of the country, and they had to endure museums and new food. The purpose was to learn, not just go lie down on the beach. No one went to the Riviera."

Another striking difference between the Sherwoods and other families seems to be their high level of communication and the parents' willingness to let the children make important decisions for themselves once a topic had been thoroughly discussed.

After attending the UCLA University Elementary School, which experiments with innovative teaching and grading methods, it was up to the children to choose where they would go to high school and college. Elizabeth attended a public high school, while Ben chose a private boys' school, "to stay off Liz's track," Dee said. "We made an effort to keep him off Liz's track so he would not be measured by Liz."

"Occasionally," Dick Sherwood said, "Elizabeth would essentially test us, making an outrageous proposition to see if it would be accepted. But we would just discuss it, and she would make a choice herself."

Both parents stressed the importance of parents being good listeners, and there was always lots of conversation.

"Dee's rule was that I had to be present at breakfast and as many dinners as possible, even if the kids had to wait to eat until I got home from the office," Dick Sherwood said. "We spent a lot of time talking about their problems and doings, as well as what was happening in the world."

ACCESS TO CREDIT CARDS

Remarkably, there were no rules about curfew or homework, and the children had "free access to credit cards," Dee said, "which they used very judiciously.

"Money has not been a carrot or a stick. It's just their responsibility to use good judgment."

Good judgment with money also meant that the children were not showered with frivolous gifts or rewards.

"Unlike her friends, Elizabeth did not receive the key to a new car on her 16th birthday," Dick Sherwood said.

There were rules limiting television-watching, which Ben would circumvent by sneaking with a bowl of Cheerios into a room where he would quietly watch movies after school.

And like all kids, they had their moments that parents would rather forget.

"They went through quite normal high spirits," Dick said, remembering that once on a trip to Lake Tahoe he pulled the car off the road and spanked both children for making too much noise. But there was not a great deal of punishment in the household.

"Educators would frown on us," Dee said. "We are very ineffectual punishers. It always was back to talking."

Both Ben and Elizabeth expressed great admiration for their parents and said they thought of them as role models. Now the family runs up tremendous phone bills talking to each other, and Dick sends them a steady stream of newspaper and magazine clippings in the familiar 8x10 Manila envelopes of his law firm.

"Growing up in my family," Ben said, "watching my mother and father the way they fit into the community, I've always felt it's not good enough to be a self-absorbed person, that it's ultimately more important to put something back into the community."

The Sherwoods are especially known in the Los Angeles area for their involvement and support of the Los Angeles County Museum of Art (Dick was president and chairman of the museum board, while Dee has served on various arts groups). At Oxford, Ben hopes to take an in-depth look at the growing problem of the world's refugees, and is currently focusing on journalism or politics as future occupations.

Ben's and Liz's preference for public-service fields sets them apart from many of their classmates at Harvard who have gone on to six-figure salaries on Wall Street, or into big law firms.

Elizabeth began her political activities at age 13, waging a one-girl letter-writing campaign to the Hillcrest Country Club, protesting the limitations placed on the hours that girls could use the tennis courts. She succeeded in getting the limitations removed.

There is enough feminist still left in her that when the first American brother and sister won Rhodes scholarships, "I like it that the sister won it first," she said.

During her college years Elizabeth spent summers interning for California Sen. John Tunney, the Department of State and Foreign Affairs magazine. The summer between her two years at Oxford was spent as an intern on the Los Angeles Times foreign desk. Prior to taking her current job with Sen. Biden, she worked at the Department of State and the Brookings Institution, a respected Washington think tank. She speaks French and Spanish and this week had her doctoral dissertation formally accepted by Oxford. It is titled "The Alliance Beyond Europe: NATO and the Non-Atlantic World."

Ben came to Washington for a couple of weekends to edit her dissertation, scratching his way through it with a red pen.

"This was a great gift," she said, "from what I had always looked at as my useless baby brother.

"It was a wonderful moment for the two of us because he had really come into my life as a colleague and partner and equal, and I just adored it."

Both are enthusiastic about the future, and "they joke," their father said, "about what jobs they will have in the other's presidential administration."

The parents clearly enjoyed talking about their children and their many adventures growing up. But their mother suddenly departed from character, saying: "It makes me sad to think about these things. I'd like to do it all over."

"Me, too," her husband said.

DR. HARRY V. JAFFA ON LINCOLN'S CONSTITUTIONALISM

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. COURTER. Mr. Speaker, of the many articles on Abraham Lincoln which appeared on his birthday, February 12, there is one in particular which I wish to see placed in the permanent record of the Congress. It is by a professor of political philosophy at Claremont McKenna College and Claremont Graduate School, Dr. Harry V. Jaffa, author of a distinguished history entitled: "Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglas Debates." Dr. Jaffa's essay has appeared as one of the New Federalist Papers which Public Research, Syndicated of Claremont, CA, is publishing with assistance from the National Endowment for the Humanities in anticipation of the 200th anniversary of the U.S. Constitution.

ABRAHAM LINCOLN, EQUALITY, AND THE CONSTITUTION

(By Harry V. Jaffa)

In this temple
As in the hearts of the people
For whom he saved the Union
The Memory of Abraham Lincoln
Is enshrined forever.

These words are inscribed in the Lincoln Memorial, directly behind the statute of the Great Emancipator. What do they mean now to the American people who pay homage at this shrine? What ought they to mean to the citizens of the republic—and of the world—in the third century of the Constitution?

Lincoln did indeed save the Union. But the Union Lincoln saved was older than the Constitution. The Constitution was intended to form a "more perfect Union." When Lincoln began the Gettysburg Address with the magisterial "Fourscore and seven years ago . . ." he intended his listeners to understand that the birth date of the nation was 1776, not 1787, and that the principles of "government of the people, by the people, for the people" were those of the Declaration of Independence.

The Constitution was intended more perfectly to implement those principles than had been done by the Articles of Confederation. Lincoln at Gettysburg also intended his listeners—and the world—to know that there would be "a new birth of freedom" that would be accomplished by the Emancipation Proclamation, followed, as he intended that it would be, by the Thirteenth Amendment. (We may be confident that, had he lived, Lincoln would also have given his support to the Fourteenth and Fifteenth Amendments, as part of that same "new birth.")

To celebrate the bicentennial of the Constitution in connection with the name of Abraham Lincoln must mean, primarily and essentially, to celebrate the Constitution as an expression of the principles of the Declaration. To do this is to separate the interpretation of the Constitution from all forms of legal positivism, historicism, and moral relativism. That is to say, it is to separate the Constitution from all those forms of interpretation that are dominant today in the law schools, universities, and courts of the nation. For contrary to Lincoln's expectations, his words at Gettysburg have been greatly noted and long remembered: it is their meaning that has been forgotten.

The ground of Lincoln's constitutionalism is the argument that follows from that "abstract truth applicable to all men at all times," to which, at Gettysburg, Lincoln said the nation had been dedicated at its conception. This argument is indeed the ground of all his moral and political thought, and he had been developing it throughout his mature life. According to Lincoln, the Civil War was a "people's contest" because the rights of the states, and of the United States, were the rights of the people, either severally or generally.

But what are the rights of the people? They are the rights with which the Creator has equally endowed all men—all human beings. These are the unalienable rights, among which are the rights to life, to liberty, and to the pursuit of happiness. Since all men have these rights equally, no man can rule another rightfully, except with that other man's consent.

Nothing better illuminates that division within the American mind that brought about the Civil War than this passage from Lincoln's Peoria speech, of October 16, 1854. "Judge Douglas," said Lincoln, "frequently, with bitter irony and sarcasm, paraphrases our argument by saying: 'The white people of Nebraska are good enough to govern themselves, but they are not good enough to govern a few miserable negroes!!' " "Well," Lincoln continued, "I doubt not that the people of Nebraska are, and will continue to be as good as the average of people elsewhere. I do not say the contrary. What I do say is, that no man is good enough to govern another man, without that other's consent. I say this is the leading principle—the sheet anchor of American republicanism."

Slavery, Lincoln observed, is a violation of this principle, not only because the master governs the slave without his consent, but because "he governs him by a set of rules altogether different from those which he prescribes for himself." Republicanism, for Lincoln, meant that those who live under the law share equally in the making of the law they live under, and that those who make the law live under the law that they make. Here in essence is the necessary relationship between equality, consent, democracy, and the rule of law in Lincoln's thought. Here in essence is the integrity of the Declaration and the Constitution. Here is the essence of the Lincolnian understanding of why the argument against slavery and the argument for free government are one and the same argument.

The people are collectively sovereign because the people individually, by their consent, have transferred the exercise of certain of their unalienable rights—but not the rights themselves—to civil society. They have done so, the better "to secure these rights." And civil society will act by the majority, under a constitution devised to assure that the action of the majority will

fulfill its purpose, which is the equal protection of the indefeasible and equal rights of all. The majority is the surrogate of the community, which is to say, of each individual. Majority rule is not merely obliged to respect minority rights; in the final analysis it has no higher purpose than to secure the rights of that indefeasible minority, the individual. The sovereignty of the people—or of the states—cannot be exerted morally or lawfully for any purpose inconsistent with the security of those original and unalienable rights.

GOALS AREN'T QUOTAS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. EDWARDS of California. Mr. Speaker, in the continuing debate on the future of affirmative action, the distinguished president of Harvard University, Derek Bok, has added his knowledgeable opinion to the dialog. Mr. Bok, as the president of a large affirmative action employer, has seen first hand how affirmative action works, using goals, and not quotas, to increase the participation of minorities and women in American society. Until alternative programs are funded and working well, Bok concludes, goals must continue to be used, for they make some contribution to solving an enormous problem for our Nation.

Mr. Speaker, I am pleased to share Mr. Bok's essay with our colleagues. The word is getting out—goals aren't quotas.

[From the Washington Post, Feb. 25, 1986]

GOALS AREN'T QUOTAS

(By Derek Bok)

In recent weeks, we have heard much talk of the debate within the Reagan administration over the efforts of Attorney General Edwin Meese to jettison the use of goals and timetables under affirmative action programs. Meese asserts that goals often turn into quotas and hence discriminate unfairly against better qualified whites. His opponents counter that goals are not quotas, only voluntary targets that help employers focus their efforts on improving their record in hiring women and minorities.

Thus far, Meese's opponents have the better of the argument. While the Justice Department has offered little evidence that goals are actually quotas in disguise, civil rights advocates have pointed to studies showing that employers who fail to meet their goals have not been penalized by the government. At the same time, supporters cite Labor Department reports heralding the success of affirmative action by showing that companies subject to its mandates have increased their employment of minorities and women more rapidly than firms not covered by the program.

Although the debate has produced some useful statistics, there is more to the problem than the arguments offered by either side.

As president of a large affirmative action employer, I feel sure that without goals and timetables we would never have been as aware of our deficiencies or had as much motivation to overcome them. As a veteran of repeated reviews under four administrations, I have never seen federal officials treat our goals as quotas even when my university failed to meet its targets. The most substantial pressure to hire more minorities and women has come not from the government but from private sources both inside and outside the university. If federal officials have erred, it has been through bureaucratic overkill that has forced my colleagues to spend too much time preparing reports and statistics and too little time trying to identify promising candidates whom we might hire.

But goals have a subtle effect on employment decisions that civil rights advocate do not acknowledge. Many judgments about whom to hire or promote are hard to make objectively. We are simpy not that skilled in evaluating people and predicting their performance. Of course, some candidates are obviously better than others, but it is often unclear which of several candidates is the very best. Under a quota, an employer may be forced to hire even from among the applicants who are plainly less qualified. With a goal, one need not go that far. Yet, if minority or female applicants exist with qualifications reasonably comparable to the best alternative candidates, conscientious employers are likely to choose them in an effort to meet their targets.

Is this practice unfair? On balance, no. Minorities and women as a group benefit at the expense of white males as a group if they consistently get the nod in close cases. Nevertheless, this is not the reverse discrimination that the attorney general deplores. Any unfairness that exists is much less clear-cut and more diffuse than it is when a firm hires minorities or women whom it knows to be less qualified than white male candidates it passes over. Moreover, any unfairness against white males as a group is likely to be more than offset by the unfair advantages they receive through habits of discrimination and oversight that persist to the detriment of women and minorities in many firms and sectors of the economy.

Even if we can justify the mild advantages conferred by goals, some critics still argue that affirmative action stigmatizes those it purports to aid and undermines their self-respect by suggesting that they cannot succeed without government help. This is a view advanced with particular force by my colleague Glenn Loury, who speaks with daunting credibility as a black who grew up on the South Side of Chicago.

One cannot deny the risk of stigma any more than one can ignore the subtle preferences implicit in the use of goals. Yet despite Loury's concern, a recent Harris poll reports that 86 percent of blacks oppose administration efforts to weaken affirmative action. And well they might. Black unemployment is still more than twice that of whites. Jobless rates exceed 40 percent for black teen-agers. Over one quarter of all black men between the ages of 20 and 24 have dropped out of the economy entirely. This situation is above all a tragedy for blacks and other minorities who must endure the deprivations of living without work. But it is also a problem for all of us that takes its daily toll through added crime, welfare payments, unemployment compensation and urban decay.

Faced with existing unemployment rates and the persistence of discrimination in parts of the economy, one cannot brush aside the Labor Department's findings that firms subject to affirmative action have increased their minority employees more rapidly than firms outside the government's program. Granted, it would be better to find a way of attacking the problem of economic inequality that did not involve even the faintest sort of preference or the slightest threat of stigma.

In time, we may reach that happy state through better programs of housing, early education and training as well as greater self-help efforts within minority communities. Yet, we do not see enough progress of this kind today. Community-based programs are often underfunded, and federal programs have been cut and seem destined to be cut again.

Meanwhile, poverty rates for minorities have risen in the 1980s, and full-time female employees still earn only 63 percent as much as males. In these circumstances, until alternative programs are funded and working well, I, for one, will continue to set goals gladly, buoyed by the realization that they may at least make some contribution to diminishing an enormous problem for us all.

ATTRACTING INDUSTRY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 26, 1986 into the CONGRESSIONAL RECORD:

ATTRACTING INDUSTRY

Hoosiers have taken a new and appropriate interest in how companies decide where to build new manufacturing plants. After several large, well-publicized, automotive plants were located in surrounding states, Hoosiers began to ask why Indiana is, in the words of one editorial, "too often a bridesmaid." Toyota, Mitsubishi, and General Motors' Saturn all considered Indiana seriously before situating elsewhere in the midwest. What were the deciding advantages of the other sites? What, if any, are Indiana's drawbacks? What can be done to make our communities more attractive to manufacturers?

Jobs, the prosperity of our communities, and the growth of our state's economy depend on whether we can answer these questions and improve Indiana's ability to draw in new industry. Let's take a look at some of the factors known to influence plant location:

LAND

A new factory requires space not only for the plant, but for parking, storage, and room to grow. Large and specialized manufacturers look for specific characteristics in a site. The Toyota automobile assembly plant, to be built near Lexington, Kentucky, is an appropriate example. Toyota's criteria called for 800-1600 acres of flat land varying in elevation by no more than 10 meters. Bedrock and underground water were to be no closer than 5 meters to the surface. The site was to be raised slightly above the surrounding terrain and have no history of flooding. A company will find sites meeting its basic requirements, and then consider the relative quality and cost of land at the different sites.

POWER AND INFRASTRUCTURE

A site must also have the facilities and power a manufacturer needs to operate. This means a reliable supply of water and electricity, sewage treatment, and other facilities. Toyota's daily requirements includ-

ed 35,000 kw of electricity, 50 tons of natural gas, 5,000 cubic meters of water, and water treatment capacity for 4,000 cubic meters of sewage. Not all areas have this capacity. GM Saturn's huge 80,000 kw electricity requirement was one reason the company chose a site near abundant TVA power.

In addition to basic materials needed for industrial production, plants locate near supplies necessary to make a particular product. At the turn of the century, steel producers who needed water transport links to sources of coal and ore naturally saw Gary and Pittsburgh as ideal sites.

LABOR AND MANAGEMENT

Industry's requirement for labor will also affect its choice of site. If a firm needs a large labor force with a wide variety of skills, for example, it may wish to build in a large metropolitan area. A region's prevailing wage rate may also become a factor but, as with land, the quality of a local labor force may outweigh a price disadvantage. Productivity, reliability, loyalty, and the status of unions may be more important than prevailing wages. The substitution of technology for flesh-and-blood workers has altered the role of labor, while the need to attract capable managers has made "quality of life" considerations such as schools, parks, and cultural institutions increasingly important.

MARKETS

Access to markets is an increasingly important factor, since transportation adds to the cost of the finished product. Where customers are concentrated in one area, plants will want to locate nearby, just as they will choose a central location when customers are dispersed. Company officials noted the Toyota plant's access to the growing cities in the southeast as an advantage of the Lexington site.

TRANSPORTATION

Although growth in the national transit network has reduced its importance, transportation—both for bringing in raw materials and for taking out finished goods—remains a key consideration. For most goods, trucking is cheapest over short distances. Railroads are cheaper over medium distances, while manufacturers prefer waterways for long hauls.

AGGLOMERATION

Concentrated industrial activity often gives a site advantages over more isolated locales. Areas with existing industries may contain a pool of labor with necessary skills, or utilities capable of handling industrial consumption. These benefits can give a site cost advantages over other locations. On the other hand, higher land prices in some developed areas may drive manufacturers into rural areas.

PUBLIC POLICY

Public policy can affect plant location in many ways. Land use zoning, for instance, may set aside areas for industry. Government subsidies and tax inducements can swing the balance in favor of a site. High business taxes may deter development, but most studies show their real influence is overrated. One analysis found that, on average, interstate variations in tax costs were roughly 1/10 of those in the cost of labor, marketing and transportation.

CHANCE

Not all decisions are based on economics. Industries can spring up in the home towns of entrepreneurs. Henry Ford, for example, was born in Detroit. An executive may like a particular town. Even in the highly-planned Toyota decision, officials said afterward that once the eligible sites narrowed to a final few, a "good feeling" about the Kentucky site gave it the edge.

Obviously, a community wishing to make itself more attractive to commercial development can usually control only a few of the factors contributing to these decisions, and those with difficulty. A community can enhance its ability to handle industrial expansion by improving its utilities and transportation infrastructure. It can improve its schools and cultural institutions, adopt policies to attract business, train its workforce, and advertise itself to prospective new industries. These improvements require investments: in people, in institutions and in facilities. To my thinking, such far-sighted investments are the best way to assure that our communities will be attractive and prosperous in the future. Investments do not guarantee results, but the absence of investments guarantees failure.

LT. COL. ELLISON ONIZUKA

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. MINETA. Mr. Speaker, the New York Times, on February 23, 1986, carried in its magazine section a thoughtful and moving article on Lt. Col. Ellison Onizuka. As my colleagues know, Lieutenant Colonel Onizuka was one of the seven astronauts killed in the tragic *Challenger* accident.

Being a personal friend, I admired Ellison Onizuka a great deal, and am pleased to have the opportunity to share this remembrance of him with this House.

The article follows:

[FROM THE NEW YORK TIMES, FEB. 23, 1986]

A LESSON IN TRAGEDY

SEVEN YEARS AGO, ASTRONAUT ELLISON ONIZUKA WROTE TO A BOY ABOUT SPACE, TECHNOLOGY AND FUN. LAST MONTH, DEREK WENT TO WATCH CHALLENGER FLY.

(By C.D.B. Bryan)

I first met Ellison Onizuka in San Francisco in November 1979. He was then a young United States Air Force captain on a public relations tour for the National Aeronautics and Space Administration, and we had been booked on the same radio show. I watched him struggle to answer what he must have been asked umpteen times: "Captain Onizuka, how does it feel to be the first Japanese-American astronaut?"

After the program, Ellison and I shared a cab back to the hotel. He was worried that he hadn't done well at the interview, that he never knew how to answer questions about how he felt as a Japanese-American. Was a Japanese-American supposed to feel differently from any other kind?

We had a drink together before he had to catch a flight back to Houston, and he told me how he had wanted to become an astronaut ever since, as a teen-ager in Hawaii in the early 1960's, he had watched the fledgling Mercury space program flights. We talked about our families, and I remember feeling I had embarrassed him a little by telling him how excited my stepson, Derek, then 7, would be that I had met a real astronaut.

Onizuka asked me if my book tour would bring me to Houston. I said I would be there in six days. "Call me, will you?" he said. "I'd really like you to come out to our house and meet my family and have dinner with us."

I arrived in Houston too late for dinner, but Onizuka and I met around 10 that night at my hotel. I told him how Derek, at that stage of his development and under the guise of scientific experimentation, was dealing with our black cat, Jonah. Derek locked Jonah inside closets (How does a cat respond to dark, enclosed spaces?), dropped him upside down from gradually diminishing altitudes (How quickly can a cat right itself?), placed his cat food dish at increasingly greater heights (How does a cat respond to gravity?), and spun him around at arm's length (How much G-force can a cat take?). Derek's mother and I would kid Derek that he was not really of this planet, that late at night when we went into his room to check on him, we would find only a slight indentation in his sheets and a curious phosphorescent blue sparkle. We would tell him that we knew he was actually Captain Kered of the Xeron Space Patrol and that Jonah was really a Xeron undercover agent named Hanoj who had assumed feline form in order not to arouse Earthling suspicions.

"Do you think Derek would be interested in receiving some of the NASA press releases about the shuttle?" Onizuka asked.

"Of course he would," I said, "but I think he'd like even more an autograph from you."

Onizuka found several sheets of hotel stationery. I knew he was enjoying himself, because as he filled page after page with his neat handwriting, I would occasionally hear him giggle. Ten minutes later, he passed me a letter addressed to Captain Derek Royal Simonds of the Xeron Space Patrol. "Let me introduce myself," he had written. "I'm Capt. Ellison Onizuka, NASA Astronaut. My last mission took me to Xeron, and I was surprised to learn that other Earthlings had been there. Xeron is presently anticipating trouble and the Commanding General of the Xeron Space Patrol has asked me to deliver the following message to you (Code XIB)."

There then following long, marvelous bits of military jargon ordering Derek to "prepare for immediate deployment to Xeron for Red Alert," that he was to "update all medical requirements and destroy all documents stating his inhuman capabilities," that Derek's name was "on file with the Xeron Space Patrol" and that he was to report to NASA "for transmitter implants and preparation for intergalactic space flight." Derek, Onizuka wrote, "was to contact Agent Jonah for his coded assignment" and that he, Onizuka, "would be sending further correspondence to authenticate his own astronaut status and Xeron Mission."

"Stand tall," Onizuka's letter concluded. "Trust no one—especially your stepfather—and be kind to all black cats. I'll see you prior to beaming from the astronaut departure station." He signed it "El Onizuka, Capt. U.S.A.F., NASA Astronaut."

I hand-delivered the letter to Derek, explaining it was from a real astronaut.

"Oh, *sure*," Derek said.

Derek did not believe me until a huge manila envelope from NASA arrived two weeks later stuffed with shuttle materials and photographs. One of the photographs was an 8-by-10 of Ellison Onizuka autographed, "To Derek with best wishes—'Good luck with the Xeron Space Patrol!'"

As the years passed and shuttle after shuttle was launched, Derek and I would read through the crew lists to see if Ellison Onizuka was on board. Finally, in January 1984, we saw that he was listed as a mission specialist on the first fully classified Department of Defense shuttle flight.

Derek will be 14 in May. I will not pretend that my relationship with him, like his with our cat Jonah, has not been marked by periods of uneasy truce. We have had our share of jealousies and angers. Such is to be expected; we both, after all, love the same woman. And though I may not always have behaved in the most mature manner, I have been, all along, and continue to be, enormously proud of him. How could I not be? For the last two years, Derek has won his school's Valedictorian Award for the highest grade point average in his sixth and seventh grades. Thanks to his mother's Geneva birth and his own determination, he is now near-fluent in French. Without any nagging, he has studied piano for the last six years. He skis, sails, plays tennis with grace and grit. And despite being on puberty's cusp, he does not seem to behave like a jerk around girls, as so many of his contemporaries do—as I did when I was his age.

It is through his father, a radiologist, that Derek has inherited his interest in science. Derek, too, would like to be a doctor. He has grown up visiting his father's office, with its space-age technology, witnessed radiology's progression from X-ray to ultrasound to CAT scan, to magnetic resonance imaging. Although this may be a bit of an oversimplification, I think Derek shares his father's vision of technology as a means of providing progressively better and more beneficial tools. If I have had any influence on Derek, it is in trying to get him to see technology not just as furnishing tools, but ideas: ideas that are good or bad, right or wrong, and no less fallible than their developers.

Derek and I have seen together probably every science-fiction movie released within the last five years. And if, at the beginning, I guided his reading toward Isaac Asimov and Ray Bradbury, Frank Herbert and Arthur C. Clarke, he has on his own now far surpassed my familiarity with that genre. On his Apple IIc computer, he writes school papers on the Nemesis Star Theory Behind Mass Extinctions and boys set upon by monsters while taking a shortcut home. Science fiction is science real. Derek envisioned computer-generated images long before he looked upon the products of his father's futuristic machines. But even though the new technology is old hat to him, I knew late last October, when, out of the blue, I received an invitation from Onizuka to attend the January Challenger launch, the only one who might be more excited than I would be Derek.

I telephoned Onizuka at the Johnson Space Center to confirm we would be coming and learned that his previous shuttle mission, in which he had flown in the orbiter Discovery, had initially been scheduled to have been flown in Challenger. That earlier flight had been shifted to Discovery when Challenger returned from a mission and "they found some of the tiles were weakened." "As a result," Onizuka told me, "Challenger went into a tile-modification program."

"A tile-modification program?" I asked.

Onizuka giggled. "They had to glue the tiles back on."

During the ascent stage in Discovery, he told me, the severity of the vibration, the shaking, the pounding and the noise had been higher than he had anticipated, but he had been too busy to be frightened. He talked about how beautiful Earth was from space and how, upon seeing the curvature of the Earth, he had remarked "something to the effect that the Earth really is round." he laughed, adding, "Probably one of the dumbest remarks I've made."

We'd been visiting for about 20 minutes when I said, "I guess I mean this as an indication of my pleasure and surprise at having heard again from you after all these years, but how did our invitation to attend the launch come about?"

"Because you're a friend," he said. "I've thought about you often, and when I flew over Connecticut once, I wondered how you were doing. So when it came time to make up an invitation list, I said, 'By God, I'm going to send him one.'"

Derek and I flew down to Florida with a friend of mine and his son early Friday afternoon, Jan. 24. The launch was then scheduled for the following afternoon. We rented a convertible, put the boys in the back, put the top down and the radio volume up and set off with someone on a local country-and-western station singing, "You say you love me and turn and face the wall." Derek was so happy he reached around the back of my seat to give me a shoulder rub.

The launch was delayed. We took the Kennedy Space Center tour, visited Epcot Center and Disney World, watched the Super Bowl and were bused out to Monday's canceled launch. Early Tuesday morning, we climbed back into the bus set aside for members of Onizuk's family and friends and were driven along U.S. 1, past the 7-Elevens and Jiffy Food Stores, the liquor stores and Assembly of God churches, past the small, family-owned orange groves and across the Indian River to the Kennedy Space Center with it giant Vehicle Assembly Building looming on our left. The bus stopped not far from a squat white building housing Shuttle Launch Control. Yellow tents had been set up, in which people were selling space shuttle T-shirts, mission patches and toys. Behind us were the press buildings, with their huge picture windows and network logos. And directly in front of the aluminum stands was a white picket fence, and beyond that were the loudspeakers and the digital countdown clock.

A chill wind blew across our backs; pelicans and seagulls hung motionless over the lagoon. Derek and I sipped hot chocolate. We had a good view of the Challenger in its gantry. We could see the white orbiter on top of its booster rockets and huge, burnt-orange external fuel tank. One side of the stands was filled with schoolchildren. In front of the fence, tripods held long-lensed motion-picture and still cameras. As many cameras faced the rocket as faced the astronauts' families, seated to our right.

Derek and I shivered as much from anticipation as the cold. Schoolchildren chanted the countdown in time with the loudspeakers. "Oh God," Derek said, "it really is going to go up this time, isn't it!" The sound of the rockets was like huge banners flapping and tearing in a high wind.

Ribbons of white smoke like party streamers fell slowly—quite beautifully, really, toward the ocean. Despite the calm voice of launch control we sensed something unsettling had happened, but we didn't know what. A woman in front of Derek suddenly began sayin, "Oh, no! Oh, no!"

"What's happening?" Derek asked me.

"I don't know," I said. "Something's gone wrong." He looked at me, wanting to look back at the sky, but wanting also to see my expression when I answered. My thought was that the shuttle had had to abort, that Ellison and the others would have to make a landing at the Space Center runway behind us. There was silence in the stands. We were looking at the hole in the sky where Challenger should have been.

Moments later, a reporter down by the picket fence was asking a distraught woman to describe her feelings. A small tow-headed boy clung to his mother and sobbed, "I *never* wanted to come here in the first place! I'm *never* going to be an astronaut!" I left Derek for a moment to retrieve my tape recorder, which I had placed on the ground near one of the speakers. As I hurried back to him I knew that, just as I would never forget the horned, demonic twin reaches of smoke in the sky, I would not forget the image of this boy for whom I care so deeply gallantly standing there waiting for me with his shoulders hunched up to ward off the terrible, deepening chill.

In the weeks since Challenger's loss, Derek and I have spoken at length about what we felt and saw. We spoke about his return to school and the ambivalence he experienced over the attention he received there. Yes, he was excited to have witnessed a piece of history, but wasn't it wrong to feel that way? "It was just so unexpected," Derek told me one night as we were sitting alone. "It never crossed my mind, not even for the slightest second, that anything might go wrong. That's what got me. It just went up, and all of a sudden. . . ." He patted Jonah. "It's so hard to face the fact that Colonel Onizuka and the others were actually in there, that the shuttle actually exploded. The reality of it is so hard."

The 24 previous shuttle missions had lulled us into forgetting the risk.

"One thing I don't think is right," Derek said, "is that America as a whole has such a short-lived memory of things. It's a couple of days of intense mourning and then it's forgotten, you know? People just don't care any more. That attitude of 'It's not happening to me, so forget it.' It's so selfish. I'll never forget it," he said. "Never! I'd never seen a disaster, a failure of technology like that in my lifetime. I guess I realize now those machines aren't foolproof." He paused for a moment, then added, "But Colonel Onizuka must have known that, too."

"Do you agree with those who argue the manned space program is too dangerous and should be stopped?" I asked.

I think Onizuka would have been gratified that Derek looked at me as though I had taken leave of my senses.

THE PRESIDENT'S HOUSING PROPOSALS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. GARCIA. Mr. Speaker, the President has spoken eloquently and movingly on many occasions regarding the need to reduce the deficit, and of his support of the American family and its needs. But the President's idea of the so-called "American family" and the reality, are two very different things.

If we take a long, hard look at the President's various proposals to reduce the deficit

one thing becomes very clear—the present administration seems to believe that only the wealthy have the right to decent housing, and to any Government subsidies. Although he proposes to end subsidized housing for the poor, he cheers on as the wealthy and middle class receive such beneifts as tax deductions on their second homes, believing that the rich have a right to two homes, but the poor have no rights at all.

In his budget proposals, the President has very generously increased the number of housing vouchers that the Department of Housing and Urban Development [HUD] will administer. However, in cities like New York that have been experiencing a very low vacancy rate, a voucher program is not a housing program, because there is no available housing to which vouchers may be applied.

If the President truly believed in the "American family" and was honestly concerned with its well-being, he would have to admit that the administration's budget proposal is only pro certain families, not all families.

I enclose an editorial from today's Washington Post which is to the point:

THE PRESIDENT'S HOUSING PROPOSALS

Two Federal departments have housing programs for the poor—Agriculture and Housing and Urban Development. The president proposes in his budget to halt all further commitments through the Agriculture programs and to shift future responsibility for subsidized rural housing to HUD. Then he also proposes to halt all further commitments under the existing HUD programs. They would be replaced by a voucher system. The government would add 50,000 units a year to its subsidized urban and rural housing portfolios combined. That is only a third as many as even in most of the Reagan years so far. For a time in the 1970s the government was adding more than 400,000 units a year.

The president has been trying to cut these housing programs since he took office. His reason is their cost. Thanks largely to the expansion in the 1970s under administrations of both parties, the various HUD expenditures are threatening to become the government's second most expensive welfare program; only Medicaid would be larger. Their cost will be $12 billion next fiscal year if no changes are made in the law; the Agriculture programs will cost an additional $3 billion. By 1991, combined expenditures will be $18 billion. The president would reduce that by a third, and longer-term spending authority by two-thirds.

The president said in his State of the Union address, in urging spending cuts instead of a tax increase, "it's time we reduce the federal budget and left the family budget alone." The problem is that these spending cuts affect family budgets, too. For poor people, housing has become the killer cost. More than half of the "very low-income" families that are the special targets of the government's housing programs now spend more than 40 percent of their incomes for housing; over a third spend more than 50 percent. The subsidized units now in place—over 4 million—help only about a third of these people. At best, congressional experts say the administration's proposed expansion rate for the programs in the next five years would keep up with population growth; the level of unmet need would stay the same.

Meanwhile, the president insists as part of tax reform that not a hand be lifted against the mortgage interest deduction (although its value would be reduced by the cuts in tax rates he proposes). The mortgage deduction will save homeowners, who mostly are not poor, an estimated $29.6 billion next fiscal year. The higher a person's income and the larger his house, the larger his subsidy under this provision. Who wants to make the case in these terms—that it is fair to cut the poor but not the rich?

The voucher proposal is in several ways a better idea than its suspicious critics in Congress have so far allowed (nor is it that different except in name from the rent supplement program, which has now become the accepted form of aid). But 50,000 new units a year are too few. The problem is that there is no housing policy here, only a budget policy. That is a foolish way to deal with a serious problem.

SPACESHIPS VERSUS WORKERS

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. EDGAR. Mr. Speaker, the administration's budget would pull the rug from underneath Pennsylvania's industries, small businesses, workers and families at a time when help is needed more than ever. The bulk of the cuts are targeted on programs the Northeast-Midwest region has relied upon to stimulate economic growth, create jobs, and meet the needs of millions of its residents, particularly the poor, the elderly, and the young.

The budget calls for increased spending for the military while continuing to cut domestic programs. Once again the President has failed to make the tough choices necessary to alleviate our deficit crisis, choosing instead to pump up an already bloated military budget. Nearly 30 percent of the Federal budget would go to military spending, including a 28-percent increase in spending for military construction.

Rather than help rebuild Pennsylvania's infrastructure—the hub of our region's transportation network—the President is proposing further cuts in the programs most vital to our economic health. The President recently said, "Where we are going, we don't need roads." Well I say, if we pass this budget, we won't have any roads.

The administration budget also proposes that we abandon our investments in our most vital resource—our people. Drastic funding cuts in educational spending, veteran's medical care, my new GI bill, and juvenile justice are not the way to cure the deficit crisis.

Year after year, Congress has rejected these cuts because the people of Pennsylvania and the Nation have said they want and need Government to be a partner in their lives. Repeated attempts to use vital Federal programs for the poor, the elderly, the young, and the sick as sacrificial lambs to lower the deficit is totally unacceptable.

The following editorial from the February 9 edition of the Philadelphia Inquirer effectively lays out the flaws in the administration's budget. I recommend that my colleagues take the time to read this excellent analysis.

SPACESHIPS VS. WORKER: A TALE OF TWO VISIONS

Picture a sleek new aerospace starship, so fast it can whisk a traveler from Washington to Tokyo in two hours. Fantastic, isn't it? Well, soon you and all Americans will be paying to develop that vision into high-tech reality, because President Reagan believes it is an urgent national priority. It will cost billions of tax dollars to develop.

Now picture a 55-year-old blue-collar factory worker in Milwaukee, or Detroit, or Pittsburgh—or Philadelphia—whose plant has closed. Picture him unable to find work because the jobs he was trained to do no longer exist or are dwindling in America. Picture him selling fast food at half the wage his family grew accustomed to over the last 30 years. Picture the door of the new computer industry outside his home town slamming in his face because he doesn't have skills that are useful to the new information technologies.

These two images—the spaceship and the unemployed worker—symbolize the opposite poles of debate over what role the federal government should play in America today. Yet each is more than a symbol, each is very definite reality. President Reagan speaks for many when he denounces government as an inefficient burden retarding national progress. He voices faith in the "magic of the marketplace" as the key to a golden American future. He doesn't apply that logic to his spaceship, however—or to the military-industrial complex that it symbolizes. His trusty markets offer no magic either, nor even much hope, to the millions of Americans—like the displaced blue-collar workers—who have no marketable skills. Markets cast such people aside.

In his State of the Union address last week, Mr. Reagan said that not long ago America was a "land of broken dreams" owing to burdensome government, but that now America is back, on the move, an economic miracle. He vowed to "redefine government's role . . . to help in times of need; above all, to create a ladder of opportunity to full employment—so all Americans can climb toward economic power and justice on their own."

Admirable words, but there were others. He pledged to develop the Washington-Tokyo two-hour superspaceship, which he dubbed "a new Orient Express." The next day in sending his fiscal 1987 budget to Congress, he asked for more than $200 million for research on this spaceship next year, and $300 million the year after that. If research looks promising, a prototype will cost perhaps $3 billion, researchers estimate—and you know how those estimates rise as projects evolve.

Of course, the airlines can't afford the development costs; that's market economics for you. But taxpayers can; apparently Mr. Reagan believes this is something government can do. Strangely, even though Mr. Reagan spoke of it as a passenger airplane, 80 percent of its funding would come under the Defense Department's appropriation.

The Pentagon plans to use the new Orient Express much as it does NASA's space shuttle—to ferry tons of "Star Wars" weaponry into low orbit and back. Plus it would give Air Force pilots and generals a role to play in the space age, not to mention hefty contracts for the aerospace industry. So bingo—the quintessential Reaganesque government project is born.

On Thursday, the day after Mr. Reagan's budget appeared on Capitol Hill, one of the

most comprehensive studies ever made of displaced American workers was published by Congress' Office of Technology Assessment (OTA). That's a strictly nonpartisan analysis agency. It said that, between 1979 and 1984, 11.5 million American workers lost their jobs in the fast-moving economic revolution that is replacing assembly-line factories with computer-service industries. About 40 percent of those luckless workers have not found another job, OTA said. Many are middle-aged males, good workers with long records of reliable service. Of those lucky enough to find new jobs—bank teller, fast-food clerk—45 percent ended up making less, usually less than 80 percent of their former earnings.

Better-paying jobs in the new service industries require skills that most displaced workers lack, the study said. Millions need help, but government programs reach "no more than 5 percent" of them, and those programs emphasize the wrong things—job placement, when what the jobless workers need is job skills, the report said.

Rhetoric aside, what does the President propose to do about this? Less than ever. Federal job programs were given $3.8 billion in 1985, $3.5 billion in fiscal 1986 and Mr. Reagan asks for $2.91 billion in fiscal 1987. Of that amount, he seeks only $100 million for the program specifically designed to help workers displaced by factory closings, the same amount as last year. That's half what he seeks next year for the new Orient Express. That amount would serve an estimated 53,100 workers; the OTA study says millions need help.

The displaced workers of Midwest and Northeast are hardly alone. Millions of other Americans—the ever-growing urban and rural underclass—also lack skills that market forces in the new post-industrial era reward with jobs. Mr. Reagan's answer? Take the Job Corps program that provides room, board and training to at-risk youths and cut it in half. True, last year Job Corps funded only 38,000 training positions, but Mr. Reagan would fund only 22,000. He also would kill the work-incentive program designed to help 19-year-old welfare recipients find jobs.

Many Americans believe that educating their fellow citizens—training castoffs from the marketplace so they'll have hope and a stake in society—is government's obligation. If you agree, tell your representatives and senators in Congress. Budgets force choices. The choice is yours before it's theirs: new Orient Expresses and all the excessive spending on the military that represents, or helping millions of castoff Americans.

TRIBUTE TO MAXINE SULLIVAN

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. DELLUMS. Mr. Speaker, I rise to pay tribute to Maxine Sullivan, an outstanding black American performer and senior citizen who is being honored today in Berkeley, CA. Berkeley Mayor Eugene (Gus) Newport has declared February 26, 1986, "Maxine Sullivan Day," in recognition of her contributions to jazz throughout the United States and the world and for the role model she presents as an active, vital professional with a busy, successful career at age 74. Such an award and honor is particularly appropriate in February, which is celebrated as Black History Month in this country.

Maxine Sullivan resided in Berkeley in the early 1940's. The swing era vocalist received her second Grammy nomination this year in the "best jazz vocalist" category for her album, Maxine Sullivan: "The Great Songs From the Cotton Club by Harold Arlen and Ted Koehler," which appeared on Stash records. Last night she appeared on the televised portion of the Grammy Awards ceremony from Los Angeles to present the trophy for "best jazz instrumental" with singer Al Jarreau.

The declaration of Maxine Sullivan Day in Berkeley coincides with her appearance this Friday, February 28, in the show, "Night of Nostalgic Jazz—Blues, Swing, Boogie-Woogie," at the Palace of Fine Arts Theatre in San Francisco, where she will be performing with Kansas City bluesman Jay McShann, 75, and Art Hodes, at 82 one of the world's leading boogie-woogie and blues pianists. The show is being produced by Sharlene Hirsch Enterprises.

Maxine Sullivan started out as Marietta Williams in Pittsburgh, singing in an after-hours club called the Benjamin Harrison Literary Club which was frequented by visiting musicians who regularly encouraged her to move to New York. She finally took that advice from Gladys Mosier, a member of Ina Ray Hutton's band, who introduced her to Claude Thornhill. Her early career included club and recording dates with bands led by Teddy Wilson, Jack Teagarden, Benny Carter, Bobby Hackett, and Dick Hyman.

She introduced several songs that later became standards, such as "Gone With the Wind," "Jeepers Creepers," from the 1938 film, "Going Places," in which she was featured with Louis Armstrong, and "Darn That Dream," from the 1939 Broadway musical, "Swinging the Dream," again with Armstrong. She also appeared in the film, "St. Louis Blues." She sang at the Cotton Club in 1940 after it had moved "downtown," once again with Satchmo, and she had a weekly radio show on CBS in the 1940's."

Since her return to jazz almost 16 years ago, Maxine has recorded 12 solo albums, and in 1981 she received a Grammy nomination for her Audiophile release, "Maxine Sullivan With the Ike Isaacs Trio." These days Maxine Sullivan is continously on the road. In October she performed on the SS *Norway* cruises with Dizzy Gillespie and other jazz greats. She regularly tours Europe with groups like the World's Greatest Jazz Band and performs in jazz clubs such as the Village Vanguard and Fat Tuesday's in New York, Vine Street Bar and Grill in Los Angeles, and Joe Segal's Jazz Showcase in Chicago.

I am pleased to commend this celebration of the life and works of this extraordinarily great American entertainer to my colleagues in the Congress. I am certain you join with me in expressing our heartfelt thanks for her contributions to our popular culture, and in wishing her many years of success, happiness and artistic productivity.

SOVIET JEWRY—THE FIGHT CONTINUES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 20, 1986

Mr. CONTE. Mr. Speaker, earlier this month the Free World celebrated the release of prominent Soviet dissident Anatoly Shcharansky. After nearly a decade of imprisonment in the Soviet Union he was allowed to emigrate to Israel. Lengthy negotiations between East and West authorities brought this man's years of torment to an end, and demonstrated that this country's commitment to human rights throughout the world can have substantial rewards.

For many years I have fought in Congress to win the freedom of those not so fortunate as us to live in a free and unoppressed society. During a trip last year to the Soviet Union, as part of the first congressional delegation to meet Soviet General Secretary Gorbachev, I talked with a number of refuseniks about their struggle, and met with Shcharansky's mother and brother to discuss Anatoly's plight.

It is gratifying to know that these efforts helped in some small way to win the release of this courageous man. Yet, Shcharansky's release is bittersweet—we rejoice in his hard-fought victory, but we are reminded of the thousands who are left behind. Jewish emigration from the U.S.S.R. has declined from a high of 51,320 in 1979 to a paltry 890 in 1984.

One of those thousands left behind is Aleksandr Paritsky who was arrested and sentenced to 3 years hard labor for allegedly failing to file his work order and "defaming the Soviet state." Though released from prison in 1984, he and his family have yet to be granted the visa they requested in 1976 to emigrate to Israel. This week I learned that Mr. Paritsky suffered a heart attack, raising questions and heightening anxiety about his physical condition. Accordingly, I once again have written to Soviet authorities on behalf of this courageous man, urging he be granted permission to emigrate as he desires. Internal harassment and persecution of Soviet Jews is on the rise. We should not be deluded into thinking that the release of a highly profiled dissident like Shcharansky is an indication that the treatment of all Soviet Jews has improved.

In the 99th Congress alone I have written on behalf of some 50 refuseniks who are being denied their rights under the Helsinki Final Act, the Universal Declaration of Human Rights, and ostensibly the Soviet Constitution. Ida Nudel, Vladimir Lifshitz, Mark Terlitsky, Aleksandr Paritsky—their names echo from within prison walls and cities of exile. As Leonard Terlitsky said in a letter to me thanking me for my efforts on behalf of his brother:

It is simply impossible to imagine that any progress in the area of human rights in the USSR, and Jewish emigration in particular, will happen without continuing pressure on the Soviets. It is absolutely vital at this time to demonstrate to the Soviet authorities just how wide and unwavering is the support of the American people and government for those in the USSR who strive for a life in a free and religiously tolerant society.

As Shcharansky's case proves, as long as there are those of us in the West whose commitment remains unwavering, there will be hope for those temporarily left behind.

BARBARA MIKULSKI: A VALUED COLLEAGUE

HON. WALTER B. JONES
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. JONES of North Carolina. Mr. Speaker, one of the most valued and active members of my Committee on Merchant Marine and Fisheries is my colleague, BARBARA MIKULSKI, from Maryland. She has long been a champion of the U.S.-flag merchant marine and has consistently emphasized that America must think dynamically to enhance its competition in international trade.

During this Congress, I have been fortunate to have her as chairwoman of our Subcommittee on Oceanography. She has used that post to be a tireless advocate for quality in our environment, particularly in our Nation's coastal areas and in her own State's magnificent Chesapeake Bay.

On February 12, she addressed the Port of Baltimore Propeller Club, an organization devoted to the encouragement of shipping, maritime industries, and international trade in the State of Maryland and the Nation. I am impressed by the scope and forward-looking themes of her remarks. I would like for other colleagues to have the opportunity of reading BARBARA MIKULSKI'S speech and, therefore, am appending it to my comments today:

REMARKS OF HON. BARBARA A. MIKULSKI

We are on the threshold of the 21st century, 15 years from now will be the beginning of a whole new milennium. Where will America be in the year 2000? How will we get there? Who will lead us?

These are tough questions which must be asked about every aspect of our life from how we care for our sick to the type of jobs our people have; from how we educate our young, to our role in the world economy.

My focus today will be on specific ideas about steps we must take if we are to have economic growth and become internationally competitive, now and as we move into the 21st century.

We're meeting this afternoon in one of the greatest cities of the world. Down the road from this restaurant is the G.M. plant I fought to save and the port I've fought to develop.

Baltimore is city of contrasts. We're a city of re-birth and revitalization. yet we're also becoming a city of empty shipyards and abandoned steel mills.

Some have said our city's future lies only in our downtown business district. They say the big industries that made our city great—the railroads and steel companies—are gone forever.

But Barbara Mikulski says that Baltimore's best years are ahead of us, not behind us. We are the hub between the maturing economy of the past and the emerging economy of the future.

We are not an isolated piece of land between Washington and New York. Baltimore does not stand alone. We are the keystone of one of the most dynamic growth markets in America.

We are an area that some are now calling the Baltimore-Washington common market.

Along with the Maryland-Washington suburbs, we're the fifth most populous area in the country. We have 5 million people living and working in this market, including the highest concentration of scientists and engineers anywhere.

In this common market area we've got one of the largest containerized ports in the country. We've got world-class universities, great airports, super beltways and major railroads.

Traveling out of Montgomery County to Frederick County along route 270—what I call "High-Tech Highway," we've got the new industries of the future. We've got telecommunications industries and bio-tech companies.

We've got heavy industry. We've got high-tech. All can thrive. All can prosper if only we can provide the right framework for prosperity and competition.

One of the most important ways to do that right now is to remove self-imposed barriers and provide incentives for development and growth.

That's what I've been doing during the past decade in Congress.

I want the Baltimore-Washington common market to be one of the most competitive areas in the United States, which is why I've taken the lead in improving the competitive position of the Maryland port.

The port is the dominant feature in our State and our city's economy. It supports 79,000 jobs statewide. It accounts for $73 million in State and local taxes. It generates $1 billion in personal income for Maryland residents and $1.2 billion for port-related businesses.

For the past 10 years as a member of the Merchant Marine and Fisheries Committee and the Energy and Commerce Committee, I've been working for economic growth and prosperity for the port.

From my first day on the Merchant Marine Committee, I led the fight for dredging money for the harbor and the C&D Canal. I kept the momentum going for a 50-foot channel at a time when many others had given up hope of getting another nickel in Federal dredging funds.

Through the Oceanography Subcommittee, which I chair, I was able to secure $100,000 for tidal gauge stations which will provide shippers with valuable information that will save them time and money when they ship through Baltimore.

And I've been working with Transportation Secretary Elizabeth Dole to sell Conrail to help reduce the Federal deficit, and, yet, protect adequate, competitive rail service to our port.

All told in 1985, I obtained over $75 million for Baltimore's port through legislation in Congress. In addition to these areas of development, I've also come up with new ideas to help the port grow.

Several weeks ago, I introduced legislation that offers a completely new approach to the old issue of cargo diversion. In the past, we sought to correct rate imbalances between the U.S. and Canadian ports through Government regulation.

The approach I'm taking in the "Cross-Border Cooperation Act of 1986," does away with all that. It allows the private sector to reach agreements, thereby protecting the sovereignty of neighboring countries. It brings cargo back to the east coast ports, and it allows our ocean transportation system to become more efficient and cost-effective.

I've also introduced what I call the "Customs Automation Act," which returns to a port an amount equal to 1 percent of total customs revenues it collects in a given year.

These funds would be used to help ports construct automated cargo processing facilities. And a port already on the road to computerization, like Baltimore, would be able to be reimbursed for efforts they've already begun.

This is what I've been doing. But there's more that must be done if Baltimore is going to continue to be a center for world trade as it has since the days when clipper ships first sailed into our harbor.

As a world trade center, we have to be concerned about imports—the ability of the Maryland port to compete with other American ports.

And, we have to be concerned about exports—the ability of American manufacturers to compete in the world economy.

If we work on the assumption that imports will continue to flow into our country, then we must ask ourselves, "how do we make sure that Maryland and our port get their fair share?"

Right now, Maryland's competition is Norfolk and Savannah, not Singapore and Shanghai.

If America's longshoremen, freight forwarders, truckers, insurance companies and railroads are going to get business from imports, let's make sure that business comes to people who live and work right here in Maryland.

To do that, labor, Government, and the business community must continue to work together to make our port a world-class port. We must make sure the large container ships can get into the port and get unloaded. We must make sure they leave with their holds filled with cargo that says, "Made in the U.S.A."

Next, we've got to do a better job of aggressively marketing our State and our port. In my trips abroad, from Tokyo to Leningrad, I've met with port officials and company leaders to tell them of our port and to encourage them to use it when shipping goods to the U.S.

But we must do more. At the State level, we have to use the same type of competitive strategies our sister States like Virginia, North Carolina and Louisiana are using.

For example, we should consider opening full-time economic development offices in key port areas like the Mediterranean and West Africa. We should also consider making lines of credit and other economic incentives available to foreign shippers who use our port.

The other side of the trade problem we face is more complex and goes right to the heart of the issue of international competitiveness: that is, why are we as a nation losing the export war and what can we do to re-build America's competitiveness in the world market?

Each of us know the staggering numbers. We know that the last 3 years have been the worst trade years in our Nation's history. We know the 1985 trade deficit was a record $148 billion.

A major cause of the problem is the record-breaking budget deficit that leads to the high interest rates which are so attractive to foreign investors.

This has increased the value of the American dollar as a commodity above its real worth. As a result, American exports are assessed a 20–30 percent tariff from the overvalued dollar. That makes our exports more expensive and foreign goods much cheaper.

When there are 5 francs to a dollar, a $100,000 Mack truck built in Hagerstown is a good buy in France for 500,000 francs. But, when there are 8 francs to a dollar, a Mack truck is not such a good buy at 800,000 francs—a 60 percent increase.

We could spend time analyzing our deficit and overvalued dollar but where would that take us?

We could talk about how Japan subsidizes its industries to make them more competitive. We could attack the OPEC nations. We could wring our hands about the high cost of production in the United States.

But that wouldn't get us anywhere. That's not an effective plan for action.

What I want to do today is explore what I see as a fundamental issue we should be facing and doing something about.

That issue is: Excessive regulations and export controls imposed by our own Government.

In taking a look at these regulations and controls, let's first take the cost of labor and production and put them aside.

Then, let's assume that America's ports and transportation systems are equal to those anywhere. Would our manufacturers be dealing on an equal footing with foreign competitors? Unfortunately, not.

We would still find that the rules and regulations shackling American manufacturers make it impossible for them to compete.

Here's an example of what I mean. It takes a French computer manufacturer 2 days to get his product out of the country.

Yet, it will take his American counterpart 1-to-2 months just to get a Commerce Department license to export goods to Western Europe.

There are other problems, too. Companies have obtained their proper licenses and taken their product to the shipper, only to have a well-meaning, but poorly-trained Customs agent put the product in a Government warehouse because he didn't know what it was.

The work of Customs agents is crucial to moving goods quickly through our ports. They have to be well-trained in today's high-tech world, so they can tell the difference between a box of gadgets that make up an insulin pump, and a box of gadgets that might be used to manufacture a bomb.

We don't want the insulin pump to remain on the docks or get needlessly returned to the shipper; and we don't want the bomb parts to be shipped out.

Unfortunately, President Reagan's 1987 budget calls for cutting the number of Customs agents and reducing training programs for the ones left.

Other export controls also severely restrict the exports of thousands of American products—products which countries can readily obtain from other sources. The result is a system of export restrictions that hurt our own economy much more than our rivals.

Working in partnership with business, Government should provide a framework of export controls and regulations that are balanced, workable, and intrinsically promotional.

These might include:

Tighter deadlines for the processing of export license applications to ensure swift action by the responsible Federal agencies;

Products which are readily available worldwide should be decontrolled unless the foreign availability can be effectively eliminated; and

Items which are routinely approved for export to non-Communist countries should be decontrolled to these destinations.

Along our road to the future, we must do a better job of creating a regulatory environment which is supportive of industry. We must also encourage productivity levels that equal those of other countries.

Further, we must make American products more competitive in the international marketplace. This means we must review and reconsider our approach to a number of things including:

Research and development: Are we doing enough to stimulate private sector, long-term R&D?

Antitrust policy: Are we still using 19th century laws to regulate 20th century products?

Investment capital: Should Government stimulate rapid industrial growth through lower interest rates, guaranteed lines of credit, special tax treatment, or through project start-up grants?

Finally, we have to continually examine our education training and infrastructures.

We have to invest in our ports, highways, railroads and bridges just like we have to properly educate our young people and retrain workers to allow them to upgrade their skills to compete for new jobs.

Barbara Mikulski is not advocating today that we strengthen American industry by giving it a blank check. To qualify for receiving special treatment in trade policy, competition policy, R&D financing, training or other areas—industry and labor should be required to specify how they will use these benefits to improve productivity and competitiveness.

What I have tried to do this afternoon is lay out some ideas for what we need to do to improve our competitive position. I've tried to ask questions whose answers can provide the basis for needed action.

At stake here are not past issues or the issues of the last election—but the new issues of the next generation.

Economically, Maryland can be left behind—or, Maryland can become a leadership State.

America can slip into a slow decline or it can enter a new era of growth with a new sense of confidence.

I am convinced that our country and our State have their finest hours ahead. After all, we're the Americans—we can out-wit, out-work, and out-win anyone in the world if only we try.

But we have to be willing to set our sights high. We have to ask tough questions. We have to be willing to try different answers.

We began the 20th century by seeking new answers and we found them. As the voyagers into the 21st century we must continue to seek new answers and we will find them.

As we chart our courage, we must navigate by our values, we must promise to pursue individual excellence. We must commit ourselves to helping each other.

Together, we will keep our economy strong. We will assure the job security of the steelworker at Sparrows Point; we will offer new opportunities for the computer operator in Bethesda; we will see that our port can compete with other ports, and our products can compete with other products.

That is what I see for our future, and I look forward to working with you to help make that future happen.

IN CELEBRATION OF RAY MADDEN'S 94TH BIRTHDAY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. HORTON. Mr. Speaker, I would like to join my colleagues Congressmen HAMILTON and VISCLOSKY in congratulating my good friend and former colleague, Ray Madden. Today, Ray celebrates his 94th birthday.

Ray Madden began his political career in 1916 as a municipal judge in Omaha, NE. Later, he moved to Gary, IN, where he served as city comptroller and Lake County treasurer. Finally, in 1943, Ray was elected to represent the people of Indiana in Congress—a duty he fulfilled with diligence and enthusiasm for 34 years.

Ray was an active and well respected Member of this body. There may be others who have served here longer, but none have left a greater mark or more friends. It is indeed a pleasure to welcome Ray back to these Chambers to celebrate his birthday.

Ray—my wife Nancy and I wish you a very happy birthday and continued health and happiness. And one more thing, Ray—"Give, 'em hell."

FLORIO HOLDS A KEY TO CONRAIL'S FUTURE

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Ms. MIKULSKI. Mr. Speaker, now that the Senate has passed legislation authorizing the sale of Conrail, the action moves to the House. The Subcommittee on Commerce, Transportation and Tourism, on which I serve, will carefully review all the options for the sale, with the goal of selecting the best approach for returning Conrail to the private sector. In particular, the subcommittee will work to ensure that the taxpayers receive a fair return on their large investment in Conrail.

What follows is an article from the New York Times, describing the important role the Commerce Subcommittee will play:

FLORIO HOLDS A KEY TO CONRAIL'S FUTURE

(By William Jobes)

The Norfolk Southern Corporation may have won approval of the United States Senate in its effort to acquire Conrail, the Government-controlled, all-freight rail carrier, but skepticism remains in the House.

Much of the power to control the destiny of the railroad now lies with Representative James J. Florio, Democrat of the First District (Gloucester and parts of Camden County) and chairman of the House Subcommittee on Commerce, Transportation and Tourism.

Mr. Florio began an inquiry last year into the Reagan Administration's acceptance of Norfolk Southern's $1.2 billion bid for Conrail.

Secretary of Transportation Elizabeth H. Dole ruled in favor of the Virginia railroad's offer last February.

If the sale goes through, the combined railroad will become the nation's largest, with its freight shipping arm reaching from the Northeast to the deep South and across to the Middle West. Norfolk Southern already operates trains over 17,800 miles of roadbed in 20 states.

New Jersey opponents of the sale cite its anticompetitive appearances and the questions it raises over potential harm to the region's shippers. Nevertheless, in a letter to Mrs. Dole before the Senate vote, Roger Bodman, Commissioner of the state's Department of Transportation, said:

"It's our conviction that Norfolk Southern provides the best hope for an exceptionally viable freight line in the Northeast in the years and decades to come."

(Mr. Bodman is leaving Governor Kean's cabinet for the private sector. His designated successor is Hazel F. Gluck, now Commissioner of Insurance.)

The Senate approved the Conrail sale 54 to 39, with New Jersey's two Democratic Senators, Bill Bradley of Denville and Frank R. Lautenberg of Montclair, voting against it. With some exceptions, Republicans have generally endorsed it and Democrats have leaned toward opposing it.

Two other bids for the Government's 85 percent controlling interest in Conrail remain alive in the House.

The Conrail Acquisition Corporation, a consortium put together by the First Boston Corporation and Allen & Co., last week raised its offer from $1.65 billion to $1.8 billion for all of Conrail's stock. It also agreed to give up the lucrative tax benefits linked to Conrail's operating losses in recent years.

Morgan Stanley & Co., the New York investment-banking concern, recently raised its bid from $1.2 billion to $1.4 billion.

For Mr. Florio, who believes that the Norfolk Southern deal contains both anticompetitive potential and hard-to-detect tax loopholes, the First Boston-Allen offer holds special interest. In discussing plans for resuming subcommittee hearings, he said:

"The first thing we're going to do is find out if the First Boston-Allen offer is real."

He has asked First Boston and Allen to present their proposal in the form of legislation. In trying to get the best price for the now profitable Conrail, he said, he will examine all three offers carefully without giving preference to the Senate-passed bill.

"The Senate process was not really based on the merits," he said. "The process leaves something to be desired, and it can't be used in any argument for or against the proposals."

"We'll evaluate all three proposals and try to modify them across the board" to put together the best deal, Mr. Florio said, adding: "The sales price has got to be increased dramatically."

In addition, Mr. Florio pledged to tighten the tax-benefit provisions so taxpayers do not pay "to give the railroad away."

In assessing Norfolk Southern's prospects in the House, Robert C. Fort, assistant vice president of the line, said:

"It's a little too soon to be sure."

Mr. Fort said that Norfolk Southern would have to convince both Democrats and Republicans that its offer was the best one. Referring to Senators from the Northeast and Midwest, he suggested that some Democratic votes would have changed if political geography were not a factor.

In New Jersey, for example, Conrail lines could be considered the arteries that carry the state's economic lifeblood. There is concern in some quarters about control of this vital link's being transferred to a region such as Tidwater, Va., which has its own aggressive air, rail and seaport marketing interests to satisfy.

Mr. Florio declined to predict a timetable for action on a House version of the Conrail bill, but he said:

"I'm hopeful that we can move this session on this and have it acted on, sent to conference and sent to the President for signing."

POLAND'S SOLIDARITY TODAY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. KEMP. Mr. Speaker, last night, it was my honor and privilege to cohost with my colleagues and friends, Senator BILL BRADLEY and Congressman JIM SAXTON of New Jersey, a forum about the status of the Solidarity movement in Poland today. Firsthand information about the situation in Poland was shared by Andrew Czuma, a leading Polish dissident, and Peter Mroczyk, executive director of the Solidarity Endowment. It is a privilege for me to work with these individuals in my role as cochairman of the advisory board of the Solidarity Endowment, and it is a pleasure for me to share the text of the speech delivered last night by Andrew Czuma with my colleagues and the public.

STATEMENT BY ANDRZEJ CZUMA, FEBRUARY 25, 1986

Ladies and gentlemen, I wish to present my views about the situation in Poland in two parts. First, I will try to explain certain political concepts which have common names but are differently understood. Second, I will attempt to describe the situation of the freedom movement in its most general terms.

It is not surprising that the situation in Poland and in the Soviet camp is often misunderstood in the United States. The truth is that communists in Poland, as is the case with all authority that is imposed and not controlled by society, do everything they can to suppress the flow of information between Poland and the free countries of the world. However, I feel that a more important factor in the lack of understanding of our situation by the West is ambiguity of concepts.

The same words used by a representative of communist authority and by a representative of a free society have an entirely different meaning for both. Worse still, the scope of understanding of certain concepts for both of these persons do sometimes overlap partially. I will try to explain this.

CRISIS

The communists have tried to universalize the conviction that the economic situation in Poland, as a result of Solidarity, has worsened significantly, even in relation to other countries in the Soviet bloc. As such they refer to the situation in Poland as a crisis.

Since August, 1980 the Moscow dependent media has created propaganda about the "crisis" in Poland. The truth is that all countries inflicted with communist governments quickly become poor since economic inability is an imminent feature of a system that imprisons man. But it is also true that since Poles have defended certain spheres of economic and social life (e.g. the Church, private farming, craftsmanship, social defense and freedom movements) the economic and social situation of the average Pole is much better than that of the average Russian, Ukranian, Bulgarian, Rumanian, Czech, or even Hungarian.

In Poland the authorities introduced a meat ration system that is a hoax since Polish peasants produce enough meat despite the difficulties imposed by the authorities. For the urban inhabitant to obtain meat in the countryside it is only a matter of cleverness, good organization and the ability to evade the police.

Our farmers also produce sufficient amounts of other foodstuffs. The difficulties are caused by the government which has monopolized the trade in food and claims that the distribution of food is a political matter since "the one who has food, has power", as Vice-premier Rakowski has stated.

The ration system in the sale of coal and coke that exists in Poland for the last 36 years is not indicative of the lack of coal in Poland—the per capita extraction of coal in Poland is usually the highest in the world. It is caused by the disposition of this coal by the government on terms and conditions that are not divulged to Polish society.

The purchasing power of the average Pole is greater than that of a Russian, Ukranian, Lithuanian, or Rumanian. Poles can travel from town to town without permission of the authorities (except during martial law). On the other hand the Soviet citizen cannot, under penalty of law, travel to a different town or village to visit a mother or brother without the permission of the authorities. In the Soviet Union, one cannot teach religion to one's own children or any youth under age 18 under threat of jail or the gulag.

Ration cards for food have existed in the Soviet Union for about 50 years, except in the largest cities where foreigners can reside. The citizen of the Ukraine must stand in line for a few days for the chance to buy a small amount of butter. In Rumania, for turning on more than two 40 watt lightbulbs in one's own apartment or for being in possession of more than two kilograms of meat one can go to jail.

Despite these comparisons, no Soviet or Romanian leader or journalist has ever said that there is a crisis in their country.

Why? Because in the view of the Soviet authorities, a crisis exists only when, despite the totalitarian tendencies of the authority, society has been able to attain some semblance of freedom and the ability to decide about oneself and one's family.

For the citizen of a democratic and free country a crisis exists when his purchasing power decreases, jobs are difficult to obtain, and inflation is high. Even in a democratic country, it is certain that a crisis increases the potential for social unrest but is difficult to comprehend that in order to overcome a crisis the authorities would ban the teaching of religion to youth under age 18, introduce a curfew, or take under governmental control the production of shoelaces and radishes.

And so, the different understanding of the term crisis can confuse the concept of cause and effect in the Western man when he attempts in a normal manner to understand the terms used by the communist authorities.

THE GOVERNMENT BUDGET, PRICES, AND CREDITS

The Western man understands that the budget represents the revenue and expense of the government, verifiable in both instances, and controllable thanks to a universal and uniform price system based on supply and demand. The existence of opposition parties, independent mass media, interest groups, and trade unions, also provide for control. The manipulation of individual portions of the budget by the authorities is difficult in a democratic society and can only be accommodated on minor budgetary issues.

The communist authorities also utilize the term "budget" and claim that they publish all of their revenues and expenses. The authorities in Poland own just about all factories, service sector institutions, and other places of employment. They own all newspapers, print shops, schools, universities, radio and television stations, and theatres. They own and control all coal mines, raw materials, fuel supplies, and energy sources. No one who is outside the mafia of the authorities is allowed to know or control the disposition of these resources. To this day, Poles do not know and can only guess at what price Polish sulfur, copper, and coal is sold and to whom. They can only guess on what terms Polish industries are involved in construction projects in the Soviet Union, Libya, or anywhere else in the world. To this day, the Polish communist authorities have not told society how they spent twenty some billion dollars borrowed from the West.

However, we do know that in every communist country there are many different prices for the same article depending on who is purchasing it. The price is different for the communist official or his family, the militia and their families, the ordinary citizen, the priest or the farmer. This system is completely divorced from any concept of supply and demand, and cost of production. Thanks to this, in the national budget, the cost of a tank purchased by the Polish Army is usually equated with the market price of a bicycle. This is possible because the owner of the factory producing the tank and the leadership of the armed forces are the same small group of people operating outside the control of society. This same authority borrows money from the West. How they spend the money—we don't know.

We do know, however, that these loans serve a purpose not contemplated by the lenders. They serve as another instrument with which to blackmail society. Society is told that the existence of these loans requires a strong and long term tightening of the belt. Of course, the belt is on the waist of society.

A third purpose of these loans is to create the favorable impression in the West that the communists are dramatically searching for the material means to save Polish society from poverty. When this theory gains favor here and there in the West it returns with a vengeance to Poland and serves as just another instrument of muddling the minds of our society which is after all deprived of any normal flow of information.

The communists have a very simple method of countering my reasoning. They can publish a detailed accounting of what the loans from the West were used for.

The budget of an authority which has taken ownership of the entire country and does not account for its management has nothing to do with simple arithmetic. Since in the communist price system two times two sometimes equal three, sometimes eight, and sometimes even four.

The difference in the comprehension of terms—budget, prices, credit, results in a situation where that which in the Western mind is a method of control, accountability and responsible decisions, is in the communist mind a smokescreen for unaccountable practices.

ABOUT THE FREEDOM MOVEMENT IN POLAND

The process of demanding and securing freedom by a nation under totalitarian oppression requires long term effort. In Poland, groups that take upon themselves the burden of organized long term activities for freedom with specific goals and methods have formed and expanded since the 1940's. They were and are groups that publish journals and books; organize the education of youth outside the official dogmatic school system; create cells of independent trade unions in the work place; organize financial, legal and medical assistance for persons who are attacked by the authorities; organize strikes and protest actions; broadcast independent radio programs; encroach on the state television screens; organize pamphlet campaigns; provide for the distribution of publications; and perform other similar actions.

Irrespective of these efforts, every few years the situation erupts and leads to mass uprising and riots. These often occur spontaneously and are usually not organized. Both currents were only sometimes coordinated. One can only speak of mutual correlation and cooperation with regard to the strikes of 1980 and Solidarity.

Powerful and popular national uprisings cannot last for a long time in our conditions. Following mass street demonstrations in 1956, Gomulka gradually returned to the totalitarian system of government. Even though he was unable to revert to Stalinist methods, society was disappointed and generally lost hope for freedom. The same occurred following the strikes and clashes in the coastal regions in 1970. This despite the change in the makeup of the government following both instances.

Similarly today even in the Western press, it is popular to underline the loss of hope in Poland following the imposition of martial law and the delegalization of Solidarity. I believe however, that the nature of mass national uprisings for freedom is such that the psychological pressure on the participants and observers cannot last long.

When an unarmed society, even when peacefully organized and aware of its aims, is faced with armored units, the situation must lead to a catastrophe. In order to judge if our society lost hope and stopped agitating for freedom, we must look at what is left following the battle. Is the opposition movement in Poland stronger today than at the end of the 1970's, prior to the battle? In order to judge, we must compare periods of similar levels of repression by the authorities.

Prior to Solidarity, the number of persons involved in direct activities related to the freedom movement can be optimistically estimated at around 3000. In 1985, the number of persons directly involved in these activities is 55 to 60 thousand. The scope of their activities today is incomparably broader than before 1980. The number of copies published by certain underground periodicals approaches 70 to 120 thousand per issue. Before 1980, the maximum number of copies published by a underground periodical was only 5 to 6 thousand, and that occurred only a few times. Before 1980, we were never able to issue a weekly publication. In those times we published around twenty some underground publications. Today there are over six hundred.

Prior to 1980, the underground press had only published about 50 different books. Today we issue over 120 titles a year, with better quality and in greater quantity.

Thanks to the more efficient organization of the underground, today we know more about Police and political murders even though the number of such murders has not increased—just that we are now better able to reveal them.

I don't want to tire you with a listing of the numerous forms of putting pressure on the government. I only want to risk the presumption that the list of methods for nonviolent struggle provided by Prof. Gene Sharp in his book of the same title can be supplemented to everyones advantage.

Constant work for freedom seems to be the best method of pressuring the communist authorities so that they would want to respect human and civil rights. As a result of these efforts, the communist authorities, preoccupied with battling the opposition movement, have had to delay for some time their assault on the Church, an institution that for ideological reasons they can never accept.

For the same reason, the efforts at liquidating private farms, which are a challenge to communist collectivism, have had to be put aside. The last few years have also brought about a link between university professors and their students, hitherto unknown in communist Poland, in the efforts to free Polish institutions of higher education from the ideological and administrative dictates of the communist party. The communists are attempting to break this link by depriving university professors of administrative functions. They do not understand that by doing so this link becomes even stronger. Prominent writers, formerly allied with the government, now clearly side with the people demanding freedom. A significant number of actors and film directors have also made this break.

So in response to my question raised earlier, it is proper to respond that following the crushing of Solidarity in 1981, the freedom movement not only continues to exist but is even stronger, more diversified, and more mature after surviving continued repressions.

Certainly someone will ask that if I present the situation in Poland in these terms, how can anyone say that the situation in Poland is bad? I do not say that it is good. I only want to say that the opposition movement in Poland is growing and not dying; that the person active in it are much more professional, are better organized and prepared for long term struggle; and that we place the greatest hope for securing freedom in our own efforts.

CONGRESSMAN DORGAN'S REMARKS ON PRESIDENT'S 1987 BUDGET REQUEST

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. WILLIAMS. Mr. Speaker, as a member of the House Budget Committee, I would like to commend our colleague, Mr. DORGAN of

North Dakota, for his timely testimony on the President's fiscal year 1987 budget request.

Congressman DORGAN outlines seven steps which can cut the budget deficit without the snake oil of Gramm-Rudman and the President's budget. Noteworthy is that he points to sources of revenue which can make a big dent in the deficit without making a big dent in the average taxpayer's pocketbook.

His testimony shows how the Reagan budget priorities will harm our economy and society. While the President readily shovels in a 42-percent increase for defense, with such dubious programs as star wars defense and antisatellite weapons, he wants to shortchange the bedrock of our security: American agriculture. Congressman DORGAN questions the President's plan to cut farm lending programs by 35 percent, while increasing foreign military aid by 33 percent. He also points out the damaging impact on Indian programs, education, and health care.

I am pleased that our colleague offers an alternative to the misplaced priorities and missed opportunities of the Reagan budget plan. His testimony follows:

TESTIMONY OF HON. BYRON L. DORGAN

Mr. Chairman, there's been a lot of loose talk in the op-ed pages lately that budget deficits don't matter. I know that you, Mr. Chairman, and members of this Committee don't share that view. And neither do I. Nor do we think that the President's budget priorities are set in concrete. So I appreciate the opportunity to testify on steps to balance the federal budget and how to realign budget priorities.

A DISMAL RECORD

The President sent his budget to Congress with a great deal of fanfare and flourish.

But it's a budget of missed opportunities and misplaced priorities. This reportedly conservative President misses the opportunity to take a big bite out of the federal deficit for fiscal year 1987. He calls for a $144 billion deficit, a figure many budget experts regard as a drastic understatement, and more spending than any president in history. He does this even as he pleads for a Constitutional amendment to prevent other chief executives from doing the same thing. Missed opportunities.

The White House says let's throw our money away on things we don't need like $4 billion for Star Wars and dry up the funds for services we do need like a strong farm program. President Reagan has simply not heard the message of the American people that they don't support throwing money at defense while we shortchange higher education. Misplaced priorities.

If the American people are confused by the contradiction between the President's budget rhetoric and his FY 1987 budget reality, they have a right to be. But they shouldn't be surprised.

I have attached a table prepared by the Congressional Research Service which shows that Ronald Reagan has consistently sent up to Congress budgets bleeding with red ink. The total deficits in the combined FY 1982-87 budget requests total $827.8 billion. What is even more astounding, given the President's longstanding promise to put the federal fiscal house in order is that actual deficits between FY 1982-1987 are estimated at $1.04 trillion (assuming the Gramm-Rudman target of $144 billion for next year.)

Not that Congress should pat itself on the back. But the record does show that Congress has approved budget resolutions with $20 billion less in red ink than the budget requests during the Reagan Administration. We also know that for the last forty years, Congress has only rarely appropriated more money than President's have requested.

DAMPING UP THE RED INK

So if the President's plan is to double the national debt every five years, what should Congress do.

One shorthand suggestion is to *freeze spending* and let Federal revenues grow as estimated in the FY 87 budget request. With total outlays for FY 1986 of $979 billion and total revenues estimated for FY 89 of $996 billion, we would actually achieve a budget surplus by then.

Naturally, this doesn't allow for the growth in population or of eligible recipients. But I make the point to show what spending restraint plus increased revenues can do. I suggest that this makes much more sense than the snake oil of Gramm-Rudman.

More realistically, I would like to suggest seven steps for balancing the budget.

1. *Beef up enforcement of our tax laws* to collect from those who refuse to pay. Every dollar the Internal Revenue Service spends on collection and enforcement yields $5 to $10 in revenue. The President makes a start in his budget request by strengthening tax audit and tax shelter programs. But we need to do more if we would recover the massive $90 billion in uncollected tax revenues each year.

2. *Require increases in revenue to pay for any spending increases* by the President or Congress from one year to the next. Let's put the government on a "pay as you go" basis, as members of this committee have long urged. For five years, this President has used budget authority as a charge card for the most massive defense buildup in our peacetime history. If we need this kind of defense, then let's pay for it. If we don't, then let's quit trying to stop the red menace with red ink. It's remarkable that the 1987 budget request uses only 17 pages to show how to raise revenue, but takes 426 pages to show how to spend it.

3. *Close tax loopholes and use the revenues to pay for deficit reduction only.* It may be old news, but it is still relevant news that 50 of the nation's largest corporations paid no net federal taxes from 1981 to 1984. Of these, 48 had refunds totaling $2.4 billion. Similarly, 30,000 taxpayers with incomes over $250,000 paid little or no taxes in 1983. We must raze these billionaire and millionaire tax shelters.

4. *Trim the federal budget in every area, including foreign aid and defense.* How the President can justify a 6% cut in all domestic programs when he proposes a 12% growth in foreign aid absolutely escapes me. No less is true of a five year defense plan with a final price tag 42% higher than last year.

5. *Remove the Social Security System from the unified budget.* We should advance the date for establishing separate trust funds to FY 1987 and guarantee that these dedicated revenues from working people won't be tampered with for deficit reduction. To keep Social Security itself on a solvent basis, we should then ensure that trust fund expenditures don't exceed income.

6. *Adopt and implement many of the management reforms proposed by the Grace Commission.* While this is a keystone of the Reagan Revolution, not much war has been waged yet. The *military procurement* system needs a wholesale retooling. Get rid of the $640 toilet seats and the system which spawns such outrages in the 44% of the defense budget consumed by procurement and spare parts. We need to put some teeth into contract sanctions so the General Dynamics of the nation don't keep ripping off the taxpayer and undercutting our security. We have a platter of unfinished business like shutting the revolving door between military service and defense contracting before us already.

Nor should we overlook *domestic waste and fraud,* where our knives have also been very dull. A recent report by the Inspector General of GAO revealed that weaknesses in government accounting "have made outright fraud more feasible." A General Services Administration study also warned that the agency suffers from such mismanagement that top officials "could earn a million dollars a year or more through fraudulent means." Let's make sure that agency Inspectors General growl like junk yard dogs instead of prowling like pussy cats.

7. *Require the Federal Reserve Board to adopt a policy of moderating benchmark interest rates by 1 or 2% in concert with reductions in federal deficits.* We can't put the entire burden of economic growth on fiscal policy. The Fed must also play a role.

REALIGNING FEDERAL PRIORITIES

As I mentioned, I think the President's budget request turns investment priorities on their collective head. For one thing, the budget reveals a fundamental misunderstanding of national strength. Every army moves forward on its belly, but *this budget makes a mockery of American agriculture.* It would cut price supports 20% when family farmers face the worst farm crisis since the Great Depression. It would champion a 35% cut in Farmers Home Administration and Rural Electrification Administration loan programs. It would dismantle the federal grain and meat inspection services and gut the farm extension service. These programs have helped to make America's farmers its economic all stars. We need to remember that high-tech soldiers without food are tin soldiers.

I don't advocate throwing money at farm programs any more than I do at defense. I am working with other farm state members on a package of reforms to the Farm Bill which will layer in a strong price support program for the farmers who need it, for no more money than the present wasteful and indiscriminating system. But neither do I believe we can justify a 12% rise in a defense budget loaded down with a 75% increase in Star Wars and a 33-fold boost for ASAT programs frozen by Congress.

I am equally disturbed by President Reagan's foreign aid budget. To repeat, he wants to sell a package with a 12% increase in foreign aid appropriations and a 6% cut in domestic programs. I'm not here to say that all foreign aid is bad or that all social programs are sacrosanct. But the priorities are all mixed up. One of the fastest growing programs in the federal budget is the Military Assistance Program (MAP), which the President eyes for another 33% increase in FY 1987. This occurs in the face of evidence in Haiti and the Philippines that all the military aid in the world can't prop up dictators who don't meet their people's needs. While Africa continues to face critical shortages in food, medicine, and transport aid, the Administration plans to cut Food for

Peace and UNICEF—two of the most useful and cost-effective programs we support.

Nor can I understand the Administration's on-again, off-again support for the International Fund for Agricultural Development (IFAD). More than any other multilateral agency, it can boast a proven track record of building private enterprise, on a shoe-string budget, in even socialist nations. Here's a winner that deserves our strongest support.

But then the Administration wants to keep making low cost loans to every foreign government that will sign up, while it creams loan programs for family farmers. The Administration wants a $700 million—or 14%—increase for Foreign Military Sales. All of these carry either no interest or very low interest. But the budget calls for a 35% cut in farm-related credit and wants credit-strapped farmers to go into marketplace at commercial rates. Remarkably, farmers are bad risks to the government, but foreign governments are not.

It just so happens that foreign governments are now officially late 90 days or more on $3.3 billion in principal and interest payments. Brazil is late on $57 million, Cambodia on $49 million, Egypt on $313 million, Iran on $123 million, Jordan on $48 million, Poland on $1.6 billion. We can't make 5% REA loans, but we can hold the paper for 4.5% notes for a communist government. These are strange priorities.

Likewise, the Administration has strained to send generous foreign aid and our own armed forces to aid allied nations. While we spend 40% of our military budget to defend NATO and six times the comparable amount for defense as Japan, we are losing the shirts off our back in international trade. With trade deficits soaring over $100 billion each year can we any longer afford to finance effectively the R&D of our major trading partners and competitors?

When it comes to treaty commitments closer to home, it's another story with the White House. I recently received a call from a tribal council member in North Dakota. He asked me what in God's name we were doing in Washington. "How can you send another $100 million to the contras, millions more to Pakistan, and increase foreign aid 12% when Indian programs are going to be cut 20%. The same day I got a call from the same reservation from an elderly woman who was melting snow for water and burning clothes to stay warm.

In conclusion, Mr. Chairman, I could talk about other priorities. Making needed investments in student aid. Ensuring adequate health care for the elderly. Strengthening our technology for alternative fuels. Let me simply say that we must remember what made this country the strongest nation in the world and keep making balanced investments in a defense that works, in foreign aid that builds genuine partnerships, in farm programs which form the bedrock of our security, and in social programs which "provide for the domestic welfare."

Let me reiterate, too, that we won't get rid of budget deficits unless we put all on-budget spending on the table and tap the $90 billion in uncollected revenues and billions more in senseless tax shelters. Unless we do, each American taxpayer will be in deep trouble. Right now, the taxpayer earning the median income pays $700 a year, or 1½ weeks of salary just to pay off interest on the national debt. Clearly, deficits do matter.

Thank you for hearing my suggestions on the FY 1987 budget. I would be glad to answer any questions you may have.

TABLE 1.—COMPARISON OF PRESIDENTIAL, CONGRESSIONAL, AND ACTUAL LEVELS OF BUDGET AGGREGATES: FISCAL YEARS 1982–87

[In billions of dollars] [1]

Budget aggregate and fiscal year	President's original request	1st budget resolution	Actual level
Budget authority:			
1982	772.4	770.9	779.9
1983	801.9	822.4	866.7
1984	900.1	919.5	927.4
1985	1,006.5	1,021.4	1,074.1
1986	1,052.4	1,069.7	[2] 1,058.7
1987	1,102.0	NA	NA
Outlays:			
1982	695.3	695.5	728.4
1983	757.6	769.8	796.0
1984	848.5	849.5	841.8
1985	925.5	932.1	946.3
1986	972.2	967.6	[2] 979.9
1987	994.0	NA	NA
Revenues:			
1982	650.3	657.7	617.8
1983	666.1	665.9	600.6
1984	659.7	679.6	666.5
1985	745.1	750.9	734.1
1986	793.7	795.7	[2] 777.1
1987	850.4	NA	NA
Deficit:			
1982	45.0	37.7	110.6
1983	91.5	103.9	195.4
1984	188.8	169.9	175.4
1985	180.4	181.2	212.3
1986	178.5	171.9	[2] 202.8
1987	143.6	NA	NA
Total 1982–86	684.2	664.6	896.5
Total 1982–87	827.8	NA	[3] 1,040.5

[1] Fiscal year 1982–86 figures exclude off-budget transactions. For fiscal year 1987, agencies formerly off-budget were returned to the budget and are reflected in the figures; also, Social Security (OASDI), formerly on-budget, was placed off-budget but is reflected in the figures in order to provide for a consistent comparison.

"President's original request" refers to President Reagan's recommendations submitted in January or February before the start of the fiscal year. For fiscal year 1982, the figures reflect the Reagan revision of the final Carter budget.

"First budget resolution" refers to the concurrent resolution on the budget scheduled to be adopted by Congress by the May 15 preceding the start of the fiscal year. Fiscal year 1984 figures exclude reserve amounts. Congress has not yet acted on a budget resolution for fiscal year 1987.

In the case of the "actual" levels for fiscal year 1986, the revised estimates in the President's fiscal year 1987 budget are used.

Revenue and outlay figures may not reconcile precisely with deficit figures due to rounding.

[2] Estimate.

[3] Estimate with Gramm-Rudman.

Sources: "Budget of the United States Government, Fiscal Year 1982," "Budget Revisions" (March 1981); "Budget of the United States Government, Fiscal Year 1983–1987"; and conference reports on 1st budget resolutions, fiscal years 1982–86.

TENN-TOMFOOLERY

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. EDGAR. Mr. Speaker, as a longtime opponent of the Tennessee-Tombigbee Waterway, I do not like to say I told you so. Instead, I will let the following editorial from the Advertiser of Montgomery, AL, and the February 16, 1986, New York Times article speak for themselves.

[From the Advertiser, Jan. 21, 1986]

TENN-TOMFOOLERY

Critics labeled the Tennessee-Tombigbee Waterway a boondoggle long before its price tag escalated past the $2 billion mark. Based on the Tenn-Tom's first year of operation, it looks as though the naysayers had a point.

After a year of operation, the waterway has carried less than 2 million tons of commodities. That compares with estimates of up to 27 million tons a year made a decade ago when proponents were trying to shake loose federal funds for the waterway.

Backers of the Tenn-Tom point out that those estimates were made at a time when coal prices were being pushed up by the gasoline crunch. They also claim that because the waterway opened ahead of schedule, some potential users were not prepared. Give it time, they say, and the waterway will pay.

But not everyone was unprepared for the waterway's opening. If anything, the state of Alabama was overprepared.

The state has invested some $230 million in the State Docks over the past 12 years, justifying much of that investment as necessary to prepare for the Tenn-Tom.

Now the docks are all dressed up and there's no party. How much of the 1.7 million tons of commerce which moved on the waterway during its first year benefitted Mobile, or the state docks, or the state?

No one knows.

That's right. An investment of $2 billion in the waterway, some $230 million in the State Docks, and no one is keeping records of how much benefit the state is receiving.

When State Docks' officials were asked for statistics on how much the waterway benefitted business there, a docks spokesman referred the inquiry to the Corps of Engineers: "What information we have, we've gotten from the Corps. If they haven't got it, no one has it."

But the Corps doesn't have it, and understandably so. The Corps monitors what passes through the waterway, but not its destination or point of origin. And that tonnage that originates outside of Alabama and passes through without reloading at the State Docks generate no revenue for the docks.

There are a lot of reasons why the Tenn-Tom is not performing as expected. The dollar's increased value compared with other currencies, oil prices that are $20 a barrel less than predicted a few years ago, the price of coal—all are factors beyond the control of those who promote use of the Tenn-Tom.

"Nobody knows what kind of impact the Tenn-Tom is going to have on this area, because no studies have been done," said a Mobile researcher. "It's anybody's guess."

The taxpayers of Alabama shouldn't have to guess about the return on an investment of hundreds of millions of state dollars.

Any decent approach to turning the Tenn-Tom's potential into a reality must be built on hard, matter-of-fact information. And if the State Docks isn't gathering that information and making it public, then it just isn't doing its job.

It's a safe bet that if the Tenn-Tom were making the State Docks boom, there would be plenty of statistics available to help tell that story.

[From The New York Times, Feb. 16, 1986]

TOMBIGBEE WATERWAY USE FALLS SHORT OF FORECASTS

(By William E. Schmidt)

ATLANTA, February 15.—For decades Congress hotly debated the Tennessee Tombigbee Waterway, a 234-mile-long system of rivers, dams, locks and canals that snakes through the cotton fields and poor rural landscape of eastern Mississippi and western Alabama.

Proponents in Alabama and Mississippi, who ultimately prevailed, said it was a much-needed link in the nation's system of inland waterways, a shortcut from the Tennessee and Ohio Valleys to the Gulf of Mexico. Congressmen from other regions called it a $2 billion boon-doggle, the worst kind of pork barrel politics.

The waterway, known locally as the Tenn-Tom, was opened to barge traffic in January 1985 and has come up embarrassingly short of expectations. In its first 12 months, according to figures made public early this month, 1.7 million tons of cargo, barely 6 percent of the tonnage originally predicted, moved through the lock and dam at Columbus, Miss., the midpoint on the waterway.

A 1976 study by the Army Corps of Engineers forecast that 27 million tons of cargo would move along the waterway in its first year of operation. Even last summer officials of the Tennessee-Tombigbee Waterway Development Authority were hoping it would carry 15 million tons.

BIG COAL TRAFFIC PREDICTED

The 10-year-old corps study was frequently cited by proponents to justify building the waterway, one of the costliest public works projects ever constructed in the United States. The study predicted that 75 percent of the shipments would be coal bound for foreign markets.

The study predicted that 17 million tons of coal would be moved in the first year of operation, but only about 500,000 tons of coal was shipped.

Pat Ross, assistant director of the authority, said the Tenn-Tom had been the victim of slumping foreign demand for coal, lumber, grain and other bulk products that inland waterways are designed to move most efficiently.

Barge operators on the Mississippi River have experienced similar economic difficulties, Mrs. Ross said.

TONNAGE INCREASES PREDICTED

"In 1976 it looked like rising energy prices would force everyone to go to coal," she said. "As we all know, that didn't happen." Mrs. Ross predicted that tonnage would rise at least to four million tons through 1986 as new loading facilities along the waterway come into use.

A Corps of Engineers study forecasts an increase to 13 million tons, but Mrs. Ross believes that estimate may be too optimistic.

Although many others do not agree, Mrs. Ross says the system is no boondoggle. "Up to now, people in this part of Alabama and Mississippi have lived in depressed circumstances, emotionally and economically," she said. "The waterway at least holds out the hope of industrial and economic development. You can't just look at the tonnage."

Although some local economists dispute the figures, the waterway's proponents say that more than $100 million in public and private development has occurred along the waterway, including new grain terminals, a steel fabricating plant and scrap iron terminals.

RECREATIONAL USE POPULAR

The waterway has had at least one effect on the communities along it. There has been a boom in recreational boating as residents take advantage of the wide canals and the reservoirs created by the locks and dams. Several marinas have opened, and boat dealers report good sales, Mrs. Ross said.

Mrs. Ross said shipments on the waterway increased steadily over the year. In its first seven months about 626,000 tons moved through the Columbus lock. In the last five months more than one million tons was shipped.

"Part of the problem is that we finished two years ahead of schedule, so that some industries and companies have been slow to invest in loading and unloading facilities," she said.

But in Mobile, Ala., at the mouth of the waterway, the opposite is true. There, city and state officials invested $230 million in new docks and loading facilities that are going virtually unused because so little traffic is using the canal.

ALZHEIMER'S DISEASE—THE NEED TO KNOW MORE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Ms. SNOWE. Mr. Speaker, at the request of myself and my colleagues, Representatives STARK, ROYBAL, RINALDO, BIAGGI, CONTE, and MADIGAN, 23 distinguished scholars, physicians, service providers, and policymakers met to discuss the state of health services research as it related to Alzheimer's disease. For the first time, those on the cutting edge of research, policy and service delivery came together to address the problems that exist in obtaining information that is meaningful and consistent in the area of Alzheimer's disease.

Over the past several Congresses, I have watched the number of bills related to Alzheimer's disease proliferate. Early on, I led the way in identifying Alzheimer's disease as a serious health problem of growing importance for this country. I have introduced numerous pieces of legislation that have addressed this disease by focusing on the family and the family caregiver, the Tax Code and the service delivery system. Yet, despite all the efforts of myself and my colleagues, legislative remedies for problems associated with Alzheimer's disease remain an elusive goal. In my judgment, the key to successful legislation lies in knowing what can be of greatest assistance to the family, the caregiver, and the victim.

At present, there is a lack of adequate information about the incidence of dementia, the family caregiver, the type of services needed, the access of patients to available services, and the cost of care both now and in the future. There has been no universal agreement on data, nor on strategies for gathering that data. Further, there has been no means for coordinating activities that have been developing around the country in the area of Alzheimer's research. In short, we have been trying to develop legislation without having the information to predict the impact of that legislation on the lives of those it is supposed to assist, nor can we determine the cost of various strategies that we have proposed.

In the full-day workshop on health services research, we heard discussions on such themes as needs, availability and access to services, quality and cost of care, and coordination of funding for research. Over the next few months, we will be producing a committee print that will summarize the outcome of this important workshop. In May, my colleagues and I will be sponsoring a second workshop which will address alternatives for long-term care financing for those suffering from Alzheimer's disease.

Yesterday, a dialog was begun. It is my belief that that workshop will serve as a first step toward better quantifying and understanding the needs of Alzheimer's victims and their families so that in the future we can offer better solutions for dealing with this devastating disease.

NATIONAL SCHOOL GUIDANCE AND COUNSELING WEEK

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. GOODLING. Mr. Speaker, I rise today to congratulate the school counselors of this Nation for a job well done. While they received special commendation during the week of February 3–7, 1986, it is important to recognize the work they do with students each and every school day.

As a former counselor, teacher and administrator, I know first hand the job faced by the professional school counselor and I believe that it is fitting that we acknowledge the work of these individuals.

School counselors deal with a wide variety of students and help them to achieve their full potential as individuals and as contributing members of society. Also, the school counselor is often very involved with the local community in which they work. School counselors must be relied upon to serve a variety of persons at all life development phases, including preschoolers, dropouts, graduates and delinquents.

While the standard of living in this country has increased, unfortunately so has the rate of teen pregnancy, youth suicide, child abuse, and substance abuse. The school counselor is often called upon to deal with such situations. Given these responsibilities, I am glad to report that the caliber of the professional school counselor continues to rise.

The school counselor can play a unique role as catalyst in activities which help students achieve and grow in positive ways. In working to raise the standards of professional school counseling, we should also note the work of the American School Counselors Association, a division of the American Association for Counseling and Development. ASCA is the largest professional body of its type in the world, and its membership is dedicated to the continuing personal development of each student.

While it is appropriate that we acknowledge the work of the more than 60,000 professional school guidance counselors in this country, let me point out that the ratio of student to counselor remains high. This statistic indicates to me that while many young people benefit from the expertise of professional school guidance counselors, there are still many who do not.

Mr. Speaker, I urge my colleagues to join with me in congratulating the professional school counselors for a job whose challenges are outweighed only by the rewards of knowing that they have impacted a student's life in a positive and meaingful manner.

RAY MADDEN'S 94TH BIRTHDAY

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1986

Mr. HILLIS. Mr. Speaker, I am happy to participate in this tribute to one of the most distinguished former Members of this body, the Honorable Ray Madden, Jr., who yesterday celebrated his 94th birthday.

Ray Madden's 34 years of distinguished service as a Member of the House of Representatives served as an inspiration to all of us, Democrat and Republican alike. He took his job very seriously and rose in the ranks to become chairman of the powerful Rules Committee.

As chairman, he did me a favor that I will never forget. A lobby group representing the Nation's FM radio stations had succeeding in persuading the Senate to approve a bill requiring that all automobiles and trucks manufactured in the United States be equipped with AM-FM radios.

The bill would have been a disaster to the General Motors-Delco electronics plant which is the No. 1 employer in my hometown of Kokomo, IN. At that time, General Motors, which to this day makes all its Delco radios at the Kokomo plant, was not equipped to manufacture FM radios. The Japanese, however, were and would have swept the American market if the bill had passed the House.

I went to Ray Madden and asked for his help. I will always be indebted to Ray who went to bat for the people of Kokomo by using his power as chairman of the Rules Committee to kill the legislation. I have no doubt that Ray Madden saved at least a thousand jobs.

Happy birthday, Ray, and may you have many more.

COMMEMORATING THE 25TH ANNIVERSARY OF THE MARYLAND STATE ASSOCIATION OF B'NAI B'RITH

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Ms. MIKULSKI. Mr. Speaker, Saturday, March 1, 1986, marks the 25th or silver anniversary of the Maryland State Association of B'nai B'rith.

B'nai B'rith is the world's oldest and largest men's service organization, setting an example of community service for 143 years. Three Maryland lodges of B'nai B'rith will be honored for their terms of service to the community: the Menorah Lodge, for 70 years of duty; the Allen J. Reiter Lodge, founded in 1936, with 50 years of service and accomplishment; and the Arron J. Hutner Lodge, with 35 years of faithful service to others.

As we all know, organizations such as B'nai B'rith are able to do so much good because of dedicated and exceptional members. One such individual, Manuel L. Goldberg, will be inducted as the new president of the Maryland State Association of B'nai B'rith on Saturday. Mr. Goldberg, the founder of his local lodge of B'nai B'rith, compliments his community service through B'nai B'rith with public service in his position as a visual information specialist with the Department of Agriculture.

Mr. Goldberg will succeed Stanley Levine, who is completing a distinguished 1-year term as president.

Also to be honored at the ceremonies will be Phyliss B. Brotman, founder and president of Image Dynamics, Inc., a Baltimore-based public relations and advertising firm. Ms. Brotman will receive the National Guardian of the Menorah Award, in recognition of her outstanding contributions to the betterment of humanity. Ms. Brotman has excelled in this area. She is a consultant to the Maryland Assembly and was the force behind the legislation to create the Maryland Educational Network.

Mr. Speaker, it is a pleasure to call the silver anniversary of the Maryland State Association of B'nai B'rith to the attention of the House. With service organizations such as B'nai B'rith and individuals like those being honored, our work as public servants in Congress is made that much easier and that much more pleasurable.

AMERICAN HEART MONTH

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. WAXMAN. Mr. Speaker, February 1986 is American Heart Month. During American Heart Month, we recognize the need to continue the battle against heart disease, this Nation's leading killer, and the struggle against associated diseases. Among them, hypertension, also known as high blood pressure, is our most widespread major disease. It is a silent killer that afflicts one-fifth of our population. By increasing the heart's workload, it contributes to cardiovascular diseases such as stroke, coronary heart disease, and congestive heart failure.

Last month at the American Heart Association's Science Writers Forum in Sarasota, FL, heart specialists announced that they have reevaluated the blood pressure levels that pose a danger to health. In the January 27, 1986, issue of U.S. News & World Report, Dr. Thomas Ryan, president of the American Heart Association, explained the need for revising the blood pressure classification in this way: "Twenty years ago a level of 160/95 was the cutoff point for clearly established risk. Recent studies have shown people with 140/90 levels were having problems."

According to these new estimates, hypertension is approaching epidemic proportions. Some 20 million Americans previously considered healthy are now thought to be at risk. The American Heart Association estimates that 55 million adults and 2.7 million children age 6 through 17 suffer from hypertension. Sadly, in a recent study 10 percent of participants between the ages of 5 to 24 were found to have the disease.

The American Heart Association, long concerned about hypertension, has screened millions of Americans since the 1970's and referred them, when appropriate, to physicians for medical care. By designating February as National Heart Month, we join the AHA, National Heart, Lung, and Blood Institute, and other organizations in their continuing efforts to fight this disease. Our commitment to ongoing research of hypertension and coronary artery disease is essential if we are to find answers that will lead to their prevention and control.

DISTINGUISHED CAREER OF CHARLES E. EMERY

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. DASCHLE. Mr. Speaker, I wish to call attention of the Congress to the impending retirement from Federal service of a native of South Dakota. Mr. Charles E. Emery, a well known and respected American Indian educator, is retiring on February 28 after more than 33 years of Federal service.

Mr. Emery was born in South Dakota in the Cheyenne Agency Hospital on the Cheyenne River Sioux Indian Reservation in 1930.

He has a long and distinguished Sioux family history. For example, his great-grandmother, Alice Walks Alone, was at the Battle of Little Big Horn, and was fired upon by Major Reno's sharpshooters as she carried water from a spring to clean and dress the wounds of the Indian warriors. Mr. Emery's father, James Emery, served in the Pacific campaigns with the U.S. Navy during World War II. Mr. Emery served in the South Dakota National Guard, and served 2 periods of active duty in the U.S. Marines, including service as a commissioned officer in the Marines.

He attended Southern State Teachers College and received both bachelor and master degrees from Black Hills State College in South Dakota.

Mr. Emery was first employed by the Bureau of Indian Affairs in South Dakota as a teacher in the Pine Ridge School system at Little Wound, American Horse, Loneman, and the Pine Ridge Boarding School. He then was appointed principal/teacher at the Cheyenne River School at Cherry Creek followed by appointment as principal at the Little Eagle School on the Standing Rock Sioux Reservation.

Mr. Emery became director of the Community Action Program at Crow Creek and Lower Brule, SD. While in that capacity, he obtained and coordinated funding from four Federal agencies for badly needed housing and directed the construction of 20 units at Crow Creek and 20 units at Lower Brule.

He next served as a program officer for VISTA in Kansas City before moving to Billings, MT, as State director of VISTA programs in Montana, Wyoming, and Idaho. Later, he served in the same capacity for the State of Utah.

Starting in 1970, Mr. Emery served for 4 years as a desegregation officer in the Civil Rights Program of the U.S. Office of Education Denver Regional Office. In 1974, he

moved to the U.S. Office of Education in Washington, DC, and for 9 years, served as branch chief and deputy director of the Indian Education Division of Program Operations. Since 1983, Mr. Emery has served as branch chief in the chapter 1 program for disadvantaged children.

Mr. Emery has received Distinguished Alumnus and Distinguished Administrator Awards from Black Hills State College and was honored by being adopted into the Crow Indian Tribe of Montana and was awarded an eagle feather war bonnet by that tribe for outstanding service to its members.

Mr. Emery is married to Marie Janis, who, as the great-grandniece of the famous Sioux Chief Red Cloud, is also from an illustrious Sioux Indian family. Mrs. Emery is currently employed in the education branch of the Bureau of Indian Affairs.

The Emerys have six children and plan to continue to reside in northern Virginia in retirement.

Mr. Speaker, I have a great appreciation for Mr. Emery's notable service to his country and his people. I extend my best wishes on the occasion of his retirement and am certain more people will do likewise.

WELCOME TO THE STUDENT COALITION FOR SOVIET JEWRY

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. LOWRY of Washington. Mr. Speaker, I would like to welcome the Student Coalition for Soviet Jewry to Washington, DC. Their commitment to human rights and their willingness to work on this important issue is very commendable. I also want to express my appreciation to so many of my colleagues in the House who have gladly helped when I have asked you to join in appeals on behalf of Soviet Jews and other Soviet citizens. Even as we rejoice at the release of Anatoly Shcharansky, we realize that the work must go on, for there are many thousands of refuseniks who are still waiting.

Last year, one of my legislative assistants participated in a trip to the Soviet Union that was made possible by Seattle Action for Soviet Jewry. Along with Judy Balint, the head of that organization, Washington State senator, Jim McDermott, and a staffer for Representative JOHN MILLER, he met refuseniks in Leningrad and Moscow and tried unsuccessfully to do so in Riga, where the group was followed overtly by security officials.

As he shared his account of this experience, it brought home the human reality of the situation facing Soviet Jews. I would like to share some of his remarks about two of the refuseniks he met in Leningrad. One, Yakov Gorodetsky, is now in Israel. The second, Vladimir Lifschitz, has been arrested for anti-Soviet activities. Here are some excerpts from my assistant's report on his trip:

Yakov Gorodetsky talked to us with great energy and enthusiasm. He gestured continually with his hands and with the "papirosi"—a Russian cigaret in a paper holder—that he was holding. I am sure that the papirosi would be very bad for his health if he did not spend so much more time waving them around than smoking them.

Yakov stressed that the case for emigration rests on the principle of repatriation, the idea that Soviet Jews who emigrate to Israel are going to their homeland. It is not merely a matter of how the refuseniks relate to the government but how the government justifies to other nationalities the granting of visas. The Soviet obsession with national and ethnic identity has enabled the authorities to accept the rationale that Israel is a homeland for an ethnic group that does not have its own territorial base in the U.S.S.R. So the same government that has a foreign policy unfavorable to Israel also let thousands of Jews go there before the number of exit visas dropped almost to nothing.

Yakov's advice to us was simply: keep up the pressure. We took leave of him with a determination to do just that. Some months after our trip, we were delighted to learn that he had received permission to emigrate with his wife and child. Our gladness for the Gorodetskys was tempered by the news that they were leaving at a time of crisis. The Leningrad refusenik community had just been shaken by the arrest of Vladimir Lifschitz.

We had met Vladimir at the apartment of Alik Zelichonik and his wife. Alik was in a labor camp—he was convicted of teaching Hebrew—and his wife was out for the evening. But Vladimir, his wife Anna, and their son Boris were there, along with several others. We had interrupted their Hebrew lesson.

Vladimir Lifschitz is a gentle middle-aged man, a thoughtful conversationalist who enjoyed our wide-ranging discussion. He proposed several new strategies for Western activists, and passed on the latest news of people who had been detained or threatened as part of the effort to discourage people from studying Hebrew. The study of this language is viewed as a threat because it is simultaneously a political, cultural, and religious statement. It is not only a form of opposition to authority but a means of celebrating Judaism and affirming hope for the time when permission to go to Israel will be granted.

Like other refuseniks, Vladimir Lifschitz is no threat to the Soviet system. They only want things that we take for granted—the freedom to practice their religion and pass on their cultural heritage to their children. It hurts to think that Vladimir is now in prison and will almost surely be sent to a labor camp. Despite the hardships that he has faced, he remains a kind and decent man. I treasure the chance to experience that triumph of the human spirit even as I hope for the day when he and his family will be free.

LITHUANIA'S INDEPENDENCE DAY

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. HUGHES. Mr. Speaker, today I join my colleagues to honor the 68th anniversary of Lithuanian Independence Day. It is an occasion filled simultaneously with sorrow and pride.

Lithuania, in 1918, reestablished its independence after many years of Russian domination. However, independence would only endure for a short time until 1940, when the Red army would again occupy Lithuania during World War II.

The Soviets to this day dominate Lithuania. However, despite the physical restrictions imposed, the people do not recognize their country as a Soviet republic. Their self determination cannot be suppressed. They wait faithfully for that glorious day when freedom will be theirs again.

The road to an independent Lithuania has been paved with many hardships. Leaders of the Lithuanian struggle have suffered severely as they are exiled, jailed, and put in hard labor camps for their beliefs in such a noble cause. Even the people must strive to keep their culture and religion from being lost to the forces of Soviet oppression and change. Astonishingly, even though the shadows of oppression are always present, the people have not lost faith.

Today's commemoration reaffirms our support for the Lithuanian struggle to regain freedom. Let us remain forever dedicated to the cause of these and all people who are deprived of the liberties we know and cherish.

"THEY DARE TO SPEAK OUT"

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. AuCOIN. Mr. Speaker, I cannot recall that I have ever taken the floor of the House to review a book before. But, during the past several months, both in Oregon and Washington, I have been hearing a lot about a new book, "They Dare to Speak Out." Written by a former colleague, Paul Findley, the book purports to be an exposé of the American Jewish lobby. Not surprisingly, it has evoked some strong emotions.

Having taken the time to read Mr. Findley's book, I am convinced he is seeing a different America than I am. In Mr. Findley's view, American Jews who express an opinion critical of Israel are immediately silenced through retribution or estrangement from Jewish organizations. A quick glance through major American news magazines or newspapers should be enough to convince anyone that the debate over U.S. policy in the Middle East is vigorous, tolerating a wide variety of viewpoints.

By painting with a broad brush, Mr. Findley forms some striking impressions. Unfortunately at the expense of detail. If Mr. Findley really believes that the American Israel Public Affairs Committee "has effectively gained control of virtually all of Capitol Hill's action on Middle East policy," how does he explain the large increase in economic aid to Jordan approved last year or the arms sale to Saudi Arabia approved by Congress in 1983?

If Mr. Findley really believes that Members of Congress will not support U.S. policies that may not exactly coincide with those of Israel, how does he account for congressional actions in the aftermath of Lebanon?

I am particularly disturbed that this book, even if it is not Mr. Findley's intent, brings back the old Jewish conspiracy theory that has been used to malign the American Jewish community in the past.

My Jewish constituents are deeply committed to the economic and military well-being of Israel. They are also deeply committed and active on a number of other issues. Their support for civil rights, freedom of opportunity and expression have made a lasting contribution to the well-being of citizens in Oregon, and across the United States.

I find it ironic that former Congressman Findley, who complains that there is a lack of balance in U.S. Middle East policy, has chosen to write such a biased, onesided book. Rather than contributing to an open exchange of ideas, "They Dare to Speak Out" may instead polarize opinion regarding U.S. aid to the Middle East.

CONGRESSIONAL RESEARCH SERVICE STUDY ON U.S. NATURAL RESOURCE SUBSIDIES

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. FRENZEL. Mr. Speaker, the Congresional Research Service [CRS] has recently completed a study entitled "The Subsidization of Natural Resources in the United States." This study was done at the request of members of the House Ways and Means Committee, who were concerned that the United States subsidizes the use of its natural resources by providing the resources to domestic producers at below-market prices. These natural resource subsidies are similar to those provided by foreign governments, which would be subject to attack under the countervailing duty law if it were amended as proposed by Congressman GIBBONS' bill, H.R. 2451, presently pending before the committee. The U.S. natural resource subsidies would leave it vulnerable to retaliation by our foreign trading partners and to charges that the United States provides precisely the forms of subsidies that it attacks when provided by foreign governments.

While not exhaustive, the CRS study provides an excellent sampling of U.S. programs that may be considered natural resource subsidies. The study demonstrates that the substantial and pervasive subsidization of natural resources by the U.S. Government has cost it billions of dollars in outlays and foregone revenue. The most important subsidies are discussed below.

1. LIVESTOCK

The U.S. Government charges a significantly lower fee for the right to graze livestock on Federal lands than would be charged by private landowners. Indeed, the Federal grazing fee has declined dramatically over the past few years, so that users of Federal land pay only $1.35 per "animal-unit-month," while the private fee averages approximately $6 per animal-unit-month. The difference, $4.65 per animal-unit-month, equals a subsidy of about 77.5 percent.

2. TIMBER

The U.S. Forest Service sells large quantities of timber at prices that do not recover the costs to administer the sales. Losses on these sales have totaled about $1.5 billion in the past decade. In addition, tax breaks for the timber industry are estimated to cost the Federal Government $300 to $560 million for corporations and $90 to $200 million for individuals in fiscal year 1986 alone.

3. FOOD AND FIBER

The CRS notes that the Federal Government subsidizes the agricultural sector in numerous ways. The most costly programs are the major commodity price and income supports. These include nonrecourse loans, deficiency payments, farmer-owned grain reserves, land diversion payments, direct commodity purchases, and marketing loans. Various commodities, including wheat, corn, grain sorghum, barley, oats, rye, dairy products, soybeans, tobacco, peanuts, wool, sugar, rice, and cotton are eligible for one or more of these programs. Total outlays by the Federal Government in support of U.S. agriculture equal billions of dollars annually. For example, the Commodity Credit Corporation's outlays totaled $7.3 billion in fiscal 1984 and are estimated at over $15 billion for 1985, for the purchase, transport and storage of commodities.

In addition, Federal agencies provide funds to assist agricultural workers through, for example, housing grants, flood prevention and soil conservation programs. The Farmers Home Administration provided almost $3 billion in low-interest loans in fiscal year 1985, and in fiscal 1984 the FHA was reimbursed by Congress almost $2 billion for housing and community assistance programs. Various tax benefits to agriculture will cost the Government $1.25 billion in fiscal year 1986, according to OMB estimates. In addition, the Rural Electrification Administration provides loans at subsidized rates to provide electricity and telephone service in rural areas of the United States.

4. WATER AND FISHING INDUSTRY

The CRS concludes that the Federal Government provides irrigation water at prices that do not recover full capital, and sometimes operating, costs. A 1980 Department of the Interior report cited by the CRS concluded that irrigators using Federal water paid only 3 to 43 percent of the full capital cost of the water provided in 18 representative irrigation districts. The CRS estimates that in 1982 alone the value of the below-cost sales to U.S. agriculture ranged from $1 to 1.6 billion. This subsidy equals between 14 to 22 percent of the value of the crops irrigated by Federal water in that year.

The Federal Government also provides tax breaks for the construction of fishing vessels and guarantees loans used to recondition vessels.

5. HYDROELECTRICITY

Because of the long-term contracts offered to users of federally generated hydroelectric power, a large discrepancy has grown between the Government's borrowing costs in financing the projects and the average repayment rates. In addition, repayment schedules have lagged, adding to the Federal costs. As a result, for example, current rates to customers of one of the Federal hydropower projects—the Bonneville Power Administration—may be as much as 33 percent below rates that a private utility would have to charge for hydroelectric power.

6. HARD ROCK MINERALS

Numerous mineral commodities qualify for percentage depletion allowances, ranging from 5 percent to 22 percent, for tax purposes. It was estimated by the U.S. Bureau of Mines in 1981 that repeal of the allowance for the copper industry alone would equal a potential transfer of $304 million to $1.5 billion from producers to the Federal Government. Another source of lost tax revenue to the Government is the allowance for the mineral industry to expense exploration and development costs. In addition, for over 100 years the U.S. Government has sold federally owned or administered public lands to mining firms at prices substantially lower than those at which the lands could have been purchased from private owners.

7. URANIUM AND COAL

Uranium depletion qualifies for the 22-percent tax deduction. In addition, the Federal Government has built enrichment plants used for commerical reactors, pays their operating costs, funds R&D expenses, and allows property tax relief. Estimated costs to the Government total $5 to $7 billion.

The coal industry is presently allowed a tax deduction of 10 percent of gross income to compensate for the loss of depletable preserves. It is estimated that a 5-year phase out of this program would cost the coal industry $1 billion in lost subsidies. Additional subsidies to the coal industry are provided through various other tax breaks.

8. PETROLEUM SUBSTITUTES

Tax exemptions are provided by the Federal and various State governments for fuels, such as gasohol, produced from a blend of alcohol and gasoline. It has been estimated that in 1985 the revenue loss from these exemptions totaled over $0.5 billion.

9. CRUDE OIL AND NATURAL GAS

Historically the U.S. Government provided a substantial tax break, through the depletion allowance, to the domestic oil industry. Other tax benefits, such as rules allowing the expensing or capitalizing of certain exploration and development costs, remain in effect. In addition, until recently the Federal Government regulated the price of crude oil, which effectively kept domestic oil prices $2.50 to $3 per barrel below world prices. Refined products were subject to similar controls.

The CRS notes that as of January 1985, the prices of approximately 40 percent of domestic natural gas reserves remain controlled at below market levels by the Federal Energy Regulatory Commission. No estimated price effect of the partial control of natural gas is provided.

JOY AT THE INAUGURATION OF CORRY AQUINO

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Ms. MIKULSKI. Mr. Speaker, on behalf of myself and the people of Maryland, we join with the Filipino people in expressing our utmost joy at the inauguration of Corry Aquino as the legitimate head of the Philippine Government. All of the free world has been pulling and praying for her and her people. Using the tools of democracy and nonviolence, the Filipino people won their freedom.

Who can forget the fight of Marcos versus Aquino? The Marcos people were in the streets armed with guns and tanks. The Aquino people came into the street, armed with rosaries, candles, and determination. Mrs. Aquino won the hearts of her people despite the attempts of Marcos to rob her of her election.

Today in the Philippines, good triumphed over evil, democracy over brutality, and Benigno Aquino did not die in vain.

H.R. 4130—VA LOAN GUARANTEE PROGRAM

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. MINETA. Mr. Speaker, on February 25, 1986, this House passed by a vote of 386 yeas, no nays, H.R. 4130, a bill to correct the sequestration order as it applies to the Veterans' Administration Home Loan Guarantee Program.

I am a strong supporter of the VA program, and support enactment of H.R. 4130. Although I was unable to cast my vote on this bill, had I been present I would certainly have joined my colleagues and voted "yea" on this important matter.

THE PLIGHT OF ESFIR A. LIRTSMAN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. SCHUMER. Mr. Speaker, as a member of the Congressional Coalition on Soviet Jewry, I would like to take this opportunity to call my colleagues attention to the plight of Esfir A. Lirtsman.

Mrs. Lirtsman, along with her sons, have repeatedly sought permission for her to emigrate from the Soviet Union in order to join her children and grandchildren abroad. Twenty-one members of Mrs. Lirtsman's family live in the United States and Israel. Only Mrs. Lirtsman, two sons, and three grandchildren, remain in the Soviet Union.

Since Mrs. Lirtsman is 77 the years old and in bad health, her situation is even more urgent. Her family, along with Congress and all freedom-loving people, must join together to demand that she be immediately granted an exit visa.

We in Congress cannot ignore the treatment of thousands of Soviet Jews, like Mrs. Lirtsman, whose basic rights have been denied simply because of their beliefs and their desire to emigrate. The Helsinki accords guarantee, and simple human decency demands, that all Soviets wishing to emigrate be allowed to do so freely. Anatoly Shcharansky was just the tip of the iceberg.

We in Congress must not rest until Esfir Lirtsman and all others like her enjoy the freedoms that should be the birthright of every person.

TRIBUTE TO RABBI SHELDON DORPH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a truly outstanding individual, Rabbi Sheldon Dorph. A nationally recognized rabbi and expert in the field of education, Rabbi Dorph will be honored for his continued dedication to the improvement of education at a February 27 dinner sponsored by the Jewish Academy of Los Angeles. As the Representative of California's 26th District, I am proud to share some of Mr. Dorph's accomplishments with my colleagues.

Rabbi Dorph came to Los Angeles in 1971 to serve as principal of the Los Angeles Hebrew High School. He had been a Melton Fellow in New York and Jerusalem, as well as the director of Camp Ramah in the Berkshires. He later served as the acting director of the California based Ramah Camp in Ojai.

Rabbi Dorph's contributions to the Los Angeles area include his service on the Education Committee of Akiba Academy and the Education Review Subcommittee of the Los Angeles Federation Council's Committee of Budget and Planning. His position on the Parent Education Committee of the United Synagogue of America brought his expertise to the national level.

For more than a decade Rabbi Dorph has been developing new ways to improve Jewish education at all levels and ages. His numerous accomplishments include the establishment of the Golda Meir School in 1979 and Mercaz Tarbut—The Center for Performing Arts in 1981. He developed the Shalav Hebrew language series, Kri Yatenu: Biblical studies for junior and senior high school students, and edited Issues at Irvine: a sampler of Jewish educational thought and teaching.

It is with great pleasure and honor that I join with my colleagues and the Jewish Academy of Los Angeles to pay tribute to Rabbi Sheldon Dorph, an expert in Jewish education, for his many years of dedication, wisdom, guidance and commitment to the community at large.

HONOR THEM AS HEROS

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. MURPHY. Mr. Speaker, I am proud to rise today to honor two men from my district who unselfishly sacrificed their lives in an attempt to save others from the ravaging flood waters on November 5, 1985. Tom Hyatt and Ron Gatto had planned a leisurely hunting trip to West Virginia during a rainy week in November. By Tuesday, these experienced outdoorsmen noticed that the once localized, small stream flooding was increasing at a dangerous rate. Their premonitions of impending disaster were soon realized as some of the worst flooding on record to occur in West Virginia, Pennsylvania, and Maryland.

Although these men had ample time to leave the area for safer ground, Tom and Ron chose to stay behind assisting in the evacuation of the West Virginia residents whose homes and businesses were being threatened by the rapidly rising flood waters.

Unfortunately, this story does not have a happy ending. Whole communities were lost, thousands of homes and businesses destroyed and over 70 people missing or dead, including Tom Hyatt and Ron Gatto. They were washed away by the strong undercurrent of the Potomac River.

Nothing can be done or said here today to bring these two courageous men back to life. What can be done, however, is to tell their story and to let it serve as an inspiration to others. It is a short bittersweet and tragic story of two hunters out for a good time who died when they bravely and unselfishly decided to put the safety and welfare of others before their own. It is right that we should honor them as heros. Our thoughts, prayers and sympathy go out to their families.

A TRIBUTE TO ARTHUR "OTTO" REVELLESE

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. DioGUARDI. Mr. Speaker, I rise today to pay tribute to Arthur "Otto" Revellese, who is being honored at a dinner in New York on February 28, by the Teamsters Local 456.

Otto has been affiliated with the Teamsters Local 456 since 1945. Taking an active role in the Teamsters, Otto was elected vice president of local 456 in 1968 and he also held the offices of secretary-treasurer and business-manager from 1976 to 1985. Otto has contributed a great deal to the Teamsters. His many affiliations included: Secretary-treasurer of the Union Lawyers Educational Conference; member of the Policy and Credential Committee of the Eastern Conference of Teamsters; board member of the Teamsters Industrial Conference Trade Division; and chairman of the Committee Against Union Busting. These are only a few of the many accomplishments

Otto has made as a parent, a dedicated worker, and a loyal member of the Teamsters Local 456.

Throughout our Nation's history, the American labor movement has been a leader in the fight for social justice. I stand alongside labor unions in seeing that American workers receive the full benefits of their labor. I too, believe that a worker should receive a full days pay for a full days work. Otto should be commended for his commitment to this effort.

Mr. Speaker, I would like to extend my congratulations to Otto Revellese upon his retirement and wish him the best of luck in all his future endeavors.

KILDEE PAYS TRIBUTE TO MR. HUGH SEMPLE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues and the Nation a recognition ceremony that was held Wednesday, January 29, in Flint, MI, honoring Mr. Hugh Semple. Mr. Semple is retiring from television news reporting after 17 outstanding years with WNEM-TV.

After serving in the U.S. Army under Gen. George S. Patton, Jr., in World War II and earning numerous awards, including the Silver Star, Hugh Semple began his career in broadcasting. Hugh enjoyed 6 successful years with radio station WGMZ-FM which culminated in his promotion to the position of program director. On January 30, 1963, Hugh Semple was hired by WNEM-TV as the first black news reporter in Michigan, outside of Detroit. Over the last 17 years, barriers notwithstanding, Hugh has covered floods, fires, riots, and the full spectrum of newsworthy events. He was even held hostage at gunpoint in one particularly harrowing experience.

During his tenure as a news reporter, Mr. Semple has also found time to serve his community in other capacities, including positions with the Genesee County Veteran's Affairs Board and the Zoning Board of Appeals in Genesee Township.

Mr. Speaker, Hugh Semple's unparalleled and profoundly successful career as a newscaster is in keeping with the highest traditions of community service and reflects great credit upon himself, WNEM-TV, and television news reporting. I am personally honored and publicly proud to have had the opportunity to work with this extraordinary man who has so greatly distinguished himself as a national trailblazer in minority newscasting.

CRICKET AND MICHAEL RUBINO

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. MINETA. Mr. Speaker, I would like to ask you and my distinguished colleagues to join me in saluting Cricket and Michael Rubino for their dedication to the students of the Live Oak High School Emerald Regime Band and Color Guard in Morgan Hill, CA.

From 1971, when the Emerald Regime Band and Color Guard was first created, until now, Cricket and Mike have been its directors. They command and shape approximately 120 students yearly into one of the finest high school marching bands in the Nation.

The Live Oak High School Emerald Regime Band and Color Guard each year has won numerous competitions. They placed first in the California Bowl and Tropicana Music Bowl last year. Along with the competitions, they also receive numerous invitations to perform. Just in the past year, they performed in the nationally televised Toys in Parade special, at Disneyland, and they participated in the making of a television commercial for Toyota. This year, they have been invited to perform in the People's Republic of China.

Of course, to be selected to perform at these various functions and to place first in competition takes a tremendous amount of time and hard work. Designing the formations, selecting the music, practicing the music to perfection, and then putting it all together on the field is no easy task. And it should be noted that the band is not part of the formal music program at Live Oak High School. They have accomplished this outstanding record during, before, and after school hours.

Cricket and Mike's devotion of time to students in our area is a reflection of their personalities. I've known them for many years, and I've always been impressed with their spirit, energy, musicianship, and high regard for their students. I've been lucky to know Cricket and Mike as friends, friends willing at any time to lend a hand to the betterment of our community and our Nation.

Therefore, I ask you, Mr. Speaker, and my colleagues to join me in expressing my thanks, congratulations, and best wishes to Cricket and Michael Rubino for another highly successful year.

FATHER GILBERT HARTKE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. DOWNEY of New York. Mr. Speaker, I would like to take this opportunity to pay tribute to a man who was known as the father of theater in our Nation's Capital, Father Gilbert Hartke, who died this past week at the age of 79. Everyone associated with the theater in Washington for even a short period of time knew Reverend Gilbert Vincent Hartke as the Dominican priest who founded and ran the speech and drama department for almost 50 years at Catholic University.

Father Hartke's theater department produced more than 600 plays, and his students and staff have taken their talents to all corners of the country. They were all inspired by Father Hartke's skill and enthusiasm as well as his persistence in getting noted professionals to work with his students. His efforts helped to make Washington, DC, a center of living theater. Even after his retirement from his active role in the theater department at Catholic University, he remained as special assistant to the university's president and continued to associate with and inspire Washington's theatrical community.

The theater was magic, as well as a place of entertainment for Father Hartke. He has always stressed that it carried a special message for him. A priest first, Father Hartke was a deeply caring man whose ministry centered in the theater.

He once summarized his philosophy:

God's work includes striving for personal excellence. The wonderful thing about the performing arts is that it is yourself against perfection. You have to be as perfect as you can whether you act, write, produce, direct or design. You aren't in competition with another show or medium. You are in competition with yourself.

Washington has lost a true friend of the theater, but Father Hartke's legacy will live for generations in the continued creativity of the many students he inspired.

CONTRA AID

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mrs. KENNELLY. Mr. Speaker, the President has now requested $100 million in aid to the Nicaraguan Contras. I intend to oppose this aid, as I have in the past.

According to a senior administration official, rejection of this would leave us with just two options: introducing U.S. troops or walking away. But there is a third option, and it exists today: a diplomatic solution.

The foreign ministers of eight Latin American countries have asked the United States to hold off on aid to the Contras and concentrate on a regional peacemaking effort. These eight nations are no more interested in helping to establish a Communist foothold in Nicaragua than we are. We ought to heed advice.

Four years of aid has only stiffened the resistance of the Sandinistas. Four years of aid has only worsened the position of the average Nicaraguan. Four years of aid has brought us no closer to the goals we seek in Nicaragua. More aid will only drive those goals further from our grasp.

The issue is not sweet talk. The issue is tough talk. That is what diplomacy is all about. I urge my colleagues to reject this latest request for aid.

PHILIPPINE ISLANDS

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mrs. LLOYD. Mr. Speaker, there is indeed hope for the future of Democracy in the Philippine Islands.

I am grateful Mr. Marcos' departure was quick and quiet. It speaks very highly of the Philippine people that this dramatic change in government could be accomplished through a

democratic process, with fairly peaceful actions, and with a minimum of bloodshed.

It will serve us all to remember that the problems of the Philippines—both governmental and economic—are still the same, with the exception of a physical change of leadership. President Aquino will need all of her supporters to assist her in evaluating the situation there and planning her courses of action. We wish her every success.

The U.S. stake in the Philippines is enormous. It is essential that our Government maintain a position that will continue to provide a good working relationship with the Philippine Government. We have two major bases on these islands, and their importance cannot be overstated.

This Congress must provide all the encouragement we can to promote the peace and stability in this small nation, while working to continue our good relations with the Filipino people. I am very pleased and impressed that this change was achieved by a peaceful people—but more importantly, by a people dedicated to democracy and freedom.

VICTORY OF DEMOCRACY AND HUMAN RIGHTS IN THE PHILIPPINES

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. BLAZ. Mr. Speaker, in the unfolding of the Philippine drama, we have witnessed a magnificent and stirring example of democracy in action and the triumph of human rights. We have watched our legacy to the Philippines play a mighty role in the victory of Mrs. Corazon Aquino. We have seen history in the making.

There were many players in this tremendous achievement: The people of the Philippines, President Ronald Reagan, and the State Department, this august Congress, the American media. All should be proud. All should be praised. It was diplomacy at its best.

My district, the territory of Guam, was able to play a small but important role, providing a safe U.S. haven for former Philippine President Ferdinand Marcos and his entourage, to prepare them for their final destination. We are honored to help, to continue our tradition of loyal service to the Nation. Whether in war or in peace, Guam stands ready to serve the Nation in this strategic and dynamic region.

During this crisis our Nation anguished over our legacy to the Philippines. Had we done our best by our former wards and gallant allies? Had democracy been crushed under 20 years of authoritarian rule?

We know now that our legacy of people power, democracy, and human rights was alive and very well in the Philippines. It survived dictatorship, it elected Mrs. Aquino, it stopped tanks in their tracks.

There is a common bond between us and the people of the Philippines: Our two nations nurture an undying desire for justice, democracy, and human rights. Our key Southeast Asian ally remains our staunchest supporter in this key part of the world. Our bases and our strategic position remain secure.

Mr. Marcos also deserves a measure of credit for his remarkable restraint. He had the power to destroy the opposition, to turn the situation into a bloodbath. But he chose instead to acquiesce to the will of the people and give up the awesome power of his Presidency.

We should be very proud. Our recent diplomatic efforts have restored democracy to the Philippines and unleashed the forces of democracy in Haiti. President Reagan and this Congress have done more for human rights in these recent triumphs, than anyone has done in the last decade.

In these times when we often have serious doubts about our ability to handle international crises, it is most reassuring that in less than a month's time we were successful in our efforts. Good show, America. We needed those victories.

PROMISE OF A FUTURE IN GUATEMALA

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1986

Mr. GARCIA. Mr. Speaker, this past Sunday's Washington Post ran an article by Jack Anderson and Dale Van Atta on Guatemala. I was fortunate enough to have visited Guatemala during Vinicio Cerezo's inauguration last January. I was impressed by the show of support the people of Guatemala gave their new President.

It is my hope that President Cerezo will be able to build a democracy. He is a tenacious and capable man; if anyone can turn things around in Guatemala, I'm sure he can. I am submitting the Washington Post article for my colleauges' perusal. It is an optimistic piece, and it's nice to read something positive about Guatemala for a change.

[From the Washington Post, Feb. 23, 1986]

GUATEMALA AFTER THE GENERALS

(By Jack Anderson and Dale Van Atta)

After 16 years of military rule that varied only in the intensity of its brutality and the identity of the general in charge, an elected civilian president was inaugurated in Guatemala last month.

How long Marco Vinicio Cerezo Arevalo will remian president is anyone's guess. Like Argentine President Raul Alfonsin, he must walk a tight-rope between a military establishment that has been the decisive factor in his country's politics since 1954 and the demands for justice by the families of the tens of thousands of civilians killed since 1978 as suspected leftists. He must also contend with a small but dedicated leftist guerrilla movement and pressure for higher wages from teachers and other groups.

The new president himself takes a humorously realistic view of his precarious position. He told reporters recently that if he pushes too hard for prosecution of the military men responsible for the years of slaughter, the army will stage a coup. "If that happens," he said cheerily, "you'll be interviewing me in Miami."

No one questions Cerezo's good intentions. A 43-year-old liberal Christian Democrat, he sincerely hopes he can change life for the 8 million inhabitants of his Tennessee-size country. Most of them are impoverished Indian peasants, descendants of the Mayas who reigned for 1,000 years before the Spaniards came.

If anything, the Guatemalan military men are even more intransigent than their Argentine counterparts—and have not suffered the humiliation of defeat in a foreign war to weaken their hand. The United States bears heavy responsibility for the dominance of the Guatemalan military: their power dates to the CIA-engineered coup that overthrew President Jacobo Arbenz Guzman in 1954.

Flagrant human rights abuses have become the trademark of the series of military juntas, as they sought to put down a festering leftist guerrilla movement with a merciless campaign of scorched earth and political murder.

Estimates of those killed by the army or its underground "death squads" range as high as 100,000 during the past decade. The vast number of victims become even more appalling when the pitiful strength of the guerrillas is considered. Diplomatic sources estimate the actual number of armed rebels at somewhere between 1,400 and 1,700.

The explanation for the enormous disparity between the threat and the response is the brutal military policy: starve the guerrillas of support by exterminating anyone and everyone suspected of being sympathetic.

Even when the death squads were curbed, the bloodshed didn't diminish. The death squads operate mainly in the urban areas. When the born-again Christian general, Efrain Rios Montt, took power in March 1982, he suppressed the death squads' depredations. But the massacre of rural Indians suspected of allegiance to the guerrillas increased dramatically. Then, when Rios Montt was booted out by Gen. Oscar Humberto Mejia Victores in 1982, the rural killings slacked off and the urban death squad murders resumed.

Cerezo has promised to dismantle one police agency widely regarded as knee-deep in the political bloodletting: the notorious DIT, or Technical Investigations Division. This force of several hundred killers reportedly works closely with army intelligence. Together they spy on, kidnap, torture and then kill suspected leftist sympathizers. Many of the victims are human rights activists, students and university professors.

But hanging over the speculation of Cerezo's hopes and intentions is the stolid, immutable threat of the military. Whether spoken or unspoken, the big question is whether the army will tolerate any real change in the system that has given it the ultimate power—let alone allow civilians to bring military men to book for past atrocities.

In one of his last acts before relinquishing office to the new president, Gen. Mejia Victores decreed a general amnesty "for all persons responsible for . . . or connected with political or common crimes committed between March 23, 1982 and Jan. 14, 1986." The 1982 date was when Rios Montt seized power and began the harsh counterinsurgency campaign in the countryside.

The White House would like to see Cerezo prevail, and has offered to step up the modest flow of military and economic aid to Guatemala. The amount of economic aid being discussed is at least $25 million and possibly twice that amount.

Cerezo has told the administration to forget about military aid for the moment; to pacify the army for this withholding of Goodies, he has promised there will be no Argentine-style inquisition into the military's past excesses. This will make the victims' families unhappy—but it may be enough to keep Cerezo in office.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 27, 1986, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 28

9:00 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To continue hearings on S. 1997, to impose a tax on the importation of crude oil and refined petroleum products, and S. 1507, to increase the tariff on imported crude oil and refined petroleum products.
SD-215

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the human resources impact of over the counter product packaging safety.
SD-430

MARCH 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary of Health and Human Services.
SD-116

Banking, Housing, and Urban Affairs
To resume oversight hearings to review Federal deposit insurance programs.
SD-538

Commerce, Science, and Transportation
To resume hearings on liability insurance, focusing on the availability and affordability of insurance in various property and casualty lines.
SR-253

Labor and Human Resources
To hold hearings on the nomination of Jeffrey I. Zuckerman, of Maryland, to be General Counsel of the Equal Employment Opportunity Commission.
SD-430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.
SD-106

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nomination of Richard E. Lyng, of Virginia, to be Secretary of Agriculture.
SR-328A

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain Defense programs, focusing on research, development, technology, and engineering.
SD-192

Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on certain proposals under the jurisdiction of the subcommittee, including S. 1021, H.R. 1795, S. 1568, S. 1617, S. 1638, H.R. 1593, S. 1690, S. 1888, S. 1963, S. 2031, S. 1911, H.R. 850, H.R. 1740, and S. 2091.
SD-366

Judiciary
To resume hearings on S. 447, to insure a greater measure of competition in the railroad freight industry's hauling of certain products.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Pennsylvania Avenue Development Corporation, Commission on Fine Arts, and the National Gallery of Art.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on departmental administation of the Department of Energy.
SD-192

Judiciary
Courts Subcommittee
Business meeting, to mark up H.R. 3570, to revise annuity programs for survivors of Federal justices and judges
SD-226

MARCH 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on the activities of the Office of Juvenile Justice and Delinquency Prevention, Department of Justice.
SD-226

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Strategic Defense Initiative.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Science Foundation, and the Federal Emergency Management Agency.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Highway Administration and the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold oversight hearings on the District of Columbia courts.
SD-342

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on the Tennessee Valley Authority.
SD-192

*Judiciary
To resume oversight hearings on white collar crime in the United States.
SD-226

3:00 p.m.
Conferees
On S. 1078, authorizing funds for fiscal years 1986, 1987, and 1988 for the Federal Trade Commission.
S-205, Capitol

MARCH 6

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies
Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Small Business Administration, Board for International Broadcasting, and the Japan-U.S. Friendship Commission.
S-146, Capitol

Banking, Housing, and Urban Affairs
To hold hearings to review the farm credit situation.
SD-538

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Permanent Subcommittee on Investigations
To hold oversight hearings on airline safety in the United States.
SD-342

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for child care programs.
SD-430

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To hold oversight hearings to review the funding levels and programmatic changes in the Federal-aid Highway program.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Minerals Management Service, Department of the Interior.
SD-138

*Judiciary
To hold hearings on pending nominations.
SD-226

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

MARCH 7

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Paul Lamboley, of Nevada, and J.J. Simmons, of Oklahoma, each to be a Commissioner of the Interstate Commerce Commission.
SR-253

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Jed Dean Christensen, of Virginia, to be Director of the Office of Surface Mining Reclamation and Enforcement.
SD-366

MARCH 10

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1987 for the National Institutes of Health, Department of Health and Human Services.
SD-116

MARCH 11

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on S. 2069, to improve the Job Training Partnership Program stability and lessen burdensome administrative requirements, improve services to youth and the hard-to-serve, and strengthen enforcement.
SD-430

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1987 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Banking, Housing, and Urban Affairs
To resume hearings to review the farm credit situation.
SD-538

Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 1999, to provide for a uniform product liability law.
SR-253

Small Business
Innovation and Technology Subcommittee
To hold oversight hearings on the implementation of the Small Business Innovation and Research Program (P.L. 97-219).
SR-428A

10:00 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
Business meeting, to mark up S. 1543, to prohibit the importation, use or sale in the country of products made abroad by a U.S. patented process, and S. 1093, to allow an extension of patent life for agricultural chemicals and veterinary medicines for time lost in regulatory review procedures at the Environmental Protection Agency and the Food and Drug Administration.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Park Service, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on solar and renewable energy, energy research, and environment programs.
SD-192

Select on Intelligence
Closed briefing on arms control issues.
SH-219

MARCH 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Health Resources and Services Administration and the Office of the Assistant Secretary for Health, both of the Department of Health and Human Services.
SD-116

Labor and Human Resources
To hold hearings on the nomination of Robert E. Rader, Jr., of Texas to be a Member of the Occupational Safety and Health Review Commission.
SD-430

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1987 for certain intelligence programs.
S-407, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Environmental Protection Agency.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the St. Lawrence Seaway Development Corporation, Department of Transportation, and the Panama Canal Commission.
SD-138

11:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Commerce, and the International Trade Commission.
S-146, Capitol

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of the Treasury, focusing on multilateral development banks.
SD-124

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Administrative Conference of the U.S., U.S. Tax Court, Committee for the Purchase from the Blind and Handicapped, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority.
S-126, Capitol

Energy and Natural Resources
To hold closed oversight hearings on the domestic and international petroleum situation.
SH-219

*Judiciary
To resume oversight hearings on white collar crime in the United States.
SD-226

MARCH 13

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on S. 2069, to improve the Job Training Partnership program stability and lessen burdensome administrative requirements, improve services to youth and the hard-to-serve, and strengthen enforcement.
SD-430

Office of Technology Assessment
The Board to hold a general business meeting.
S-205, Capitol

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies
To hold hearings on proposed budget estimates for fiscal year 1987 for the Centers for Disease Control, Alcohol, Drug Abuse and Mental Health Administration, Office of Inspector General, and Office of Civil Rights, all of the Department of Health and Human Services.
SD-116

Banking, Housing, and Urban Affairs
To resume oversight hearings to review Federal deposit insurance programs.
SD-538

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for certain Defense programs, focusing on Guard and Reserve affairs.
SD-192

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for low-income energy assistance programs.
SR-385

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for foreign assistance programs of the Department of State.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Indian Education, Department of Education, and the Institute of Museum Services.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on nuclear fission, uranium enrichment, and nuclear waste management.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Financial Management Service, Bureau of Public Debt, U.S. Mint, the U.S. Savings Bond Division, and the Internal Revenue Service, all of the Department of the Treasury.
SD-124

Judiciary
To hold hearings on the nomination of Jefferson B. Sessions, III, to be United States District Judge for the Southern District of Alabama.
SD-226

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

MARCH 14

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Navy shipbuilding programs.
SD-192

1:00 p.m.
Energy and Natural Resources
To resume oversight hearings on the domestic and international petroleum situation.
SD-366

MARCH 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Health Care Financing Administration, Social Security Administration, Office of Child Support Enforcement, and refugee programs, all of the Department of Health and Human Services.
SD-116

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the retirement policy for public safety officials under the Age Discrimination in Employment Act.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Army modernization programs.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Postal Service.
SD-124

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for international security assistance programs of the Department of State.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on the Nuclear Regulatory Commission and the Federal Energy Regulatory Commission.
SD-192

MARCH 19

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Human Development Services, Office of Community Services, Departmental Management (salaries and expenses), and Policy Research, all of the Department of Health and Human Services.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, and the Arms Control and Disarmament Agency.
S-146, Capitol

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Defense programs, focusing on force management and personnel.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Veterans' Administration.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Transportation Safety Board, Department of Transportation, and the Architectural and Transportation Barriers Compliance Board.
SD-138

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Export-Import Bank.
S-126, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the General Services Administration, National Archives and Records Service, Executive Office of the President, and National Park Service, Department of the Interior (regarding White House and Vice President residence).
SD-124

Judiciary
To hold hearings on pending nominations.
SD-226

MARCH 20

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1987 for NASA.
SR-253

Energy and Natural Resources
To hold oversight hearings on the implications of fees on imported oil.
SD-366

Labor and Human Resources
Handicapped Subcommittee
To hold hearings on proposed legislation authorizing funds for rehabilitation programs.
SD-430

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center, all of the Department of the Treasury.
SD-124

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on proposed legislation authorizing funds for the Community Services Block Grant programs.
SD-562

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the United States Geological Survey, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on the Power Marketing Administrations.
SD-192

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold oversight hearings on government nonproliferation activities for 1985.
SD-342

4:00 p.m.
Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1987 for the intelligence community.
SH-219

MARCH 21

9:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1992 and S. 1993, bills to preserve the rights of certain parties with an interest in certain vessels or fishing facilities, or with an interest in aircrafts, aircrafts parts, or vessels.
SR-253

MARCH 25

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To resume hearings on proposed legislation authorizing funds for rehabilitation programs.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Forest Service, Department of Agriculture.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs, focusing on atomic energy defense activities.
SD-116

MARCH 26

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Trade Commission, and the U.S. Commission on Civil Rights.
S-146, Capitol

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for the National Science Foundation.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for Interstate Commerce Commission and the Office of the Secretary of Transportation.
SD-138

MARCH 27

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Customs Service, Department of the Treasury.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Holocaust Memorial, and the Bureau of Mines, Department of the Interior.
SD-138

APRIL 8

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy conservation programs.
SD-138

APRIL 9

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary of Education, Departmental Management (salaries and expenses), Office for Civil Rights, and Office of Inspector General, all of the Department of Education.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Attorney General, Department of Justice.
S-146, Capitol

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).
SD-138

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Personnel Management, and the Federal Elections Commission.
SD-124

APRIL 10

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including elementary and secondary education, education block grants, and impact aid.
SD-116
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing, funds for National Oceanic and Atmospheric administration, focusing on funds for satellite and atmospheric programs.
SR-253

10:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Management and Budget
S-126, Capitol

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of Inspector General, Agency for International Development, Peace Corps, Inter-American Foundation, and the African Development Foundation.
S-126, Capitol

APRIL 14

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192

APRIL 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including education for the handicapped, rehabilitation services and handicapped research, and special institutions (including Howard University).
SD-116

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Agency for International Development.
S-126, Capitol
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Endowment for the Arts and National Endowment for the Humanities.
SD-138
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192

APRIL 16

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, World War I Veterans, Jewish War Veterans of the U.S.A., and Atomic Veterans.
SD-106

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including student financial assistance, guaranteed student loans, higher and continuing education, higher education facilities loans and insurance, college housing loans, and educational research and training.
SD-116
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Oceanic and Atmospheric Administration, Department of Commerce, and the Marine Mammal Commission.
S-146, Capitol
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366
Labor and Human Resources
To hold hearings on Acquired Immune Deficiency Syndrome.
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the National Aeronautics and Space Administration.
SD-124
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Coast Guard, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for energy and water development programs.
SD-192
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of the Treasury, Postal Service, and general government programs.
SD-124

APRIL 17

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Education, including bilingual education, vocational and adult education, education statistics, libraries, and the National Institute of Education.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for foreign assistance programs.
S-126, Capitol
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-192

APRIL 22

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Soldiers' and Airmen's Home, Prospective Payment Commission, Railroad Retirement Board, National Labor Relations Board, National Mediation Board, Occupational Safety and Health Review Commission, Federal Mediation and Conciliation Service, and the United States Institute of Peace.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on international narcotics control, migration and refugee assistance, and anti-terrorism programs.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Navajo-Hopi Indian Relocation Commission, and the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior.
SD-192

APRIL 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for ACTION (domestic programs), Corporation for Public Broadcasting, National Council on the Handicapped, Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, and National Center for the Study of Afro-American History and Culture.
SD-116

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Bureau of Investigation and Drug Enforcement Administration, Department of Justice, and the Equal Employment Opportunity Commission.
S-146, Capitol

Labor and Human Resources
To hold hearings on S. 1815, to prohibit any employer from using any lie detector test or examination in the work place, either for pre-employment testing or testing in the course of employment.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the United States Railway Association and Conrail.
SD-138

APRIL 24

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1018, to clarify the meaning of the term "guard" for the purpose of permitting certain labor organizations to be certified by the National Labor Relations Board as representatives of employees other than plant guards.
SD-430

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of State, focusing on voluntary contributions to international organizations programs, and for the Office of the U.S. Representative to the United Nations.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Energy Information Administration and the Economic Regulatory Administration, Department of Energy.
SD-192

APRIL 29

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Bureau of Indian Affairs, Department of the Interior.
SD-192

APRIL 30

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of U.S. Trade Representative, and the Federal Communications Commission.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings on the human resources impact of reentry of women into the labor force.
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Federal Aviation Administration, Department of Transportation.
SD-138

MAY 1

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for territorial affairs, Department of the Interior.
SD-192

MAY 6

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

MAY 7

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Supreme Court of the United States, U.S. district courts/courts of appeals, and the Commission on the bicentennial of the U.S. Constitution.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings on medical malpractice.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Urban Mass Transportation Administration, Department of Transportation, and the Washington Metropolitan Area Transit Authority.
SD-138

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Smithsonian Institution.
SD-192

MAY 13

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health and Human Services, and Education, and certain related agencies.
SD-116

MAY 14

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Legal Services Corporation, and the Securities and Exchange Commission.
S-146, Capitol

Labor and Human Resources
To hold hearings to review barriers to health care.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Department of Transportation and certain related agencies.
SD-138

MAY 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Labor, Health, and Human Services, and Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for fossil energy and clean coal technology.
SD-192

MAY 20

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Indian Health Service, Department of Health and Human Services.
SD-192

MAY 21

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the U.S. Information Agency, and the National Endowment for Democracy.
S-146, Capitol

Labor and Human Resources
To resume oversight hearings on medical malpractice.
SD-430

MAY 29

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Office of the Secretary and Office of the Solicitor, Department of the Interior.
SD-192

JUNE 4

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1987 for the Departments of Commerce, Justice, and State, the Judiciary, and certain related agencies.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings to review the imposition of user fees in FDA approval procedures for new drugs.
SD-430

JUNE 11

9:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations to the National Advisory Council on Women's Educational Programs.
SD-430

JUNE 17

9:30 a.m.
Labor and Human Resources
To hold hearings on food safety issues.
SD-430

JUNE 18

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JUNE 25

9:30 a.m.
Labor and Human Resources
To hold hearings on the administration of the Mine Safety and Health Review Commission.
SD-430

JULY 16

9:30 a.m.
Labor and Human Resources
To hold hearings on the establishment of generic drug procedures and patent term restoration for animal drugs.
SD-430

JULY 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

AUGUST 5

9:30 a.m.
Labor and Human Resources
To hold hearings to review the private sector initiatives in human services.
SD-430

SEPTEMBER 10

9:30 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact on drug research and space technology.
SD-430

SEPTEMBER 16

9:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

SEPTEMBER 24

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

CANCELLATIONS

FEBRUARY 27

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1885, to establish a Military Auxiliary Revolving Fund within the Treasury of the United States.
SD-562